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HOUSE OF REPRESENTATIVES—*Thursday, November 17, 2005*

The House met at 10 a.m.

The Reverend Paul C. Granillo, Priest Secretary, Diocese of San Bernardino, California, offered the following prayer:

Good and gracious God, this morning we ask You, our Creator, to bless the United States of America and this, her House of Representatives. Help us to be a people and leaders committed to the self-evident truths proclaimed in our Declaration of Independence, the rights of humanity to life, liberty, and happiness.

Never let us take for granted the honor it is to live in this country, and never let us fail to recognize the responsibility that that honor places upon us.

Help us to use the many blessings bestowed upon our Nation to make the world a better, more peace-filled place. Help us to be generous towards our sisters and brothers who hunger for food, medicine, education, and justice.

Loving God, we give You thanks for the gifts and responsibilities You have bestowed upon each of us this day, most especially for our life, our liberty, and our happiness. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from California (Mr. BACA) come forward and lead the House in the Pledge of Allegiance.

Mr. BACA led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 206. An act to designate the Ice Age Floods National Geologic Trail, and for other purposes.

S. 213. An act to direct the Secretary of the Interior to convey certain Federal land to the Rio Arriba County, New Mexico.

S. 251. An act to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct a water resource feasibility study for the Little Butte/Bear Creek Subbasins in Oregon.

S. 485. An act to reauthorize and amend the National Geologic Mapping Act of 1992.

S. 584. An act to require the Secretary of the Interior to allow the continued occupancy and use of certain land and improvements within Rocky Mountain National Park.

S. 652. An act to provide financial assistance for the rehabilitation of the Benjamin Franklin National Memorial in Philadelphia, Pennsylvania, and the development of an exhibit to commemorate the 300th anniversary of the birth of Benjamin Franklin.

S. 695. An act to suspend temporarily new shipper bonding privileges.

S. 761. An act to rename the Snake River Birds of Prey National Conservation Area in the State of Idaho as the Morley Nelson Snake River Birds of Prey National Conservation Area in honor of the late Morley Nelson, an international authority on birds of prey, who was instrumental in the establishment of this National Conservation Area, and for other purposes.

S. 777. An act to designate Catoctin Mountain Park in the State of Maryland as the "Catoctin Mountain National Recreation Area", and for other purposes.

S. 819. An act to authorize the Secretary of the Interior to reallocate costs of the Pactola Dam and Reservoir, South Dakota, to reflect increased demands for municipal, industrial, and fish and wildlife purposes.

S. 891. An act to extend the water service contract for the Ainsworth Unit, Sandhills Division, Pick-Sloan Missouri Basin Program, Nebraska.

S. 895. An act to direct the Secretary of the Interior to establish a rural water supply program in the Reclamation States to provide a clean, safe, affordable, and reliable water supply to rural residents.

S. 958. An act to amend the National Trails System Act to designate the Star-Spangled Banner Trail in the State of Maryland and Virginia and the District of Columbia as a National Historic Trail.

S. 1154. An act to extend the Acadia National Park Advisory Commission, to provide improved visitor services at the park, and for other purposes.

S. 1238. An act to amend the Public Lands Corps of 1993 to provide for the conduct of projects that protect forests, and for other purposes.

S. 1338. An act to require the Secretary of the Interior, acting through the Bureau of Reclamation and the United States Geological Survey, to conduct a study on groundwater resources in the State of Alaska, and for other purposes.

S. 1627. An act to authorize the Secretary of the Interior to conduct a special resources study to evaluate resources along the coastal region of the State of Delaware and to determine the suitability and feasibility of establishing a unit of the National Park System in Delaware.

WELCOMING FATHER PAUL GRANILLO

(Mr. BACA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BACA. Mr. Speaker, it is my privilege to welcome our guest chaplain, Paul Christopher Granillo of the Diocese of San Bernardino, and thank him for giving the opening prayer this morning. I believe he is the first Catholic priest from the San Bernardino Diocese to offer the prayer in the U.S. Capitol.

Father Granillo, or Father Paul, as he is known, was born in Redlands, California and educated at the local schools there where I met him as a student where he was involved with the Junior Achievement program.

He is part of a very proud Mexican-American family that has lived in that city for three generations. He is the eldest of two sons born to Richard and Connie Granillo. His younger brother, Carlo Granillo, is a police detective in the City of Fontana. This is a wonderful family, and I am sure they are proud to serve the Inland Empire communities in their respective ways.

Father Paul attended Cal State University of San Bernardino and graduated with a BA degree in history where my wife, Barbara Baca, Joe

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Baca, Jr., and his wife. Jennifer Sanchez Baca, also graduated from. He received a Master of Divinity from St. John's Seminary in Camarillo, California and a License in Canon Law from Catholic University here in Washington, DC.

Following his ordination in May of 1997, he served as a parish priest in Cathedral City, Rancho Mirage and Riverside, California.

He is now assigned to Our Lady of the Rosary Cathedral, and he currently serves as Priest Secretary to Bishop Gerald Barnes and as the Communications Director for the Diocese of San Bernardino and Riverside Counties in California.

Father Paul is very active in the greater San Bernardino communities, providing services and counsel to growing Hispanic communities.

We were recently together at a Catholic charity event. In addition to his church activity, he is an avid golfer where he and Father Howard Paul and Joe Baca, Jr. and I have had the privilege of enjoying a friendly competitive round of golf against one another. And I tell him, Father Paul, the Lord cannot always guide your golf ball in a straight direction because he wants you to know the feeling of the lost sheep that was lost, but found the right path.

I thank Chaplain Coughlin for his kind invitation to Reverend Granillo to offer this morning's prayer. I thank Father Paul for traveling to our Nation's capital today to be with us. God bless him, and God bless his family.

A BAD CASE OF AMNESIA

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, I rise today because I am concerned about some Democrats here in Washington. It seems that when it comes to the vote on the Iraq war, they have developed a serious case of amnesia. That is why I am going to give them a little reminder of what they said 3 years ago as they cast the votes they seem to have forgotten.

A leading liberal Senator from New York argued that "If left unchecked, Saddam Hussein will continue to increase his capability to wage biological and chemical warfare and will keep trying to develop nuclear weapons."

The Minority Leader in this House emphatically stated, "Saddam Hussein certainly has chemical and biological weapons. There is no question about that."

The Minority Leader in the Senate warned that, "Saddam Hussein's near success with developing a nuclear weapon should be an eye-opener for us all."

Now, some Democrats want to act as if these statements of support for the war never happened. We all remember the line, "I voted for the war before I voted against it." It seems like many more Democrats are jumping on that bandwagon.

DEPARTMENT OF INJUSTICE

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Mr. Speaker, as we celebrate Robert Kennedy's 80th birthday, the Robert F. Kennedy Justice Department maybe, given what has happened, should be renamed the Department of No Justice, because political operatives in charge have betrayed his legacy and the cause of justice in this country.

As The Washington Post reports this morning, despite objections of the Justice Department's career professionals, President Bush's political appointees "preapproved" a controversial Georgia voter-identification program that has been compared to a modern-day poll tax.

This is just one of a series of incidents that have subverted the purposes for which the Justice Department exists.

Last June, Justice Department political appointees announced that the government would seek $10 billion instead of the $130 billion recommended by career lawyers in a case they tried for 6 years against the tobacco industry, and won.

In the voting rights section, political appointees have also overruled career lawyers in approving GOP-backed redistricting maps for Georgia and Texas in recent years.

Now, that is a way to build morale.

In fact, the Civil Rights Division has lost nearly 20 percent of its career lawyers this year alone because they are fed up with political interference. At this point, they might as well drop the word "justice" from the masthead of the Department.

It is time to end the political interference and let the Justice Department professionals do their jobs. Incompetence is not a virtue.

ALTERNATIVE MINIMUM TAX

(Mrs. KELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KELLY. Mr. Speaker, I rise today to strongly urge this House to act before the end of the year to protect middle class families from the alternative minimum tax.

When a 1993 tax increase failed to adjust the AMT exemption amounts for inflation, what was intended to be a tax on high-income taxpayers became a tax that punishes the middle class. If the middle class exemptions are not extended for 2006, the numbers of New Yorkers forced to pay the alternative minimum tax will more than quadruple to 1.6 million families next year.

Make no mistake about it, these are middle class taxpayers that would be apprehended by the AMT because we have not changed the law. Many of them live in the Hudson Valley that I represent.

This is an unfair tax on middle class Hudson Valley residents who would be forced to pay an average of $4,000 in new taxes next year. This is money middle class families need to pay their own bills and put their own family needs in order. The last thing we should be doing is forcing middle class families in New York to send more of their money to Washington, D.C.

Let us do the right thing for the middle class. Let us extend the AMT exemptions before the end of this year.

RECLAIMING AMERICA

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, the budget bill attacks students and low-income and middle class families. It targets low and moderate income Americans with $70 billion in new tax cuts that will be included in the budget, and those tax cuts favor the super rich.

The tax cuts for the rich are placed on the backs of students and their families. Under this bill, student borrowers, already saddled with $17,500 in debt, could be forced to pay up to an additional $1,500 for his or her college loans. The bill raises student loan interest rate caps, raises borrower interest rates and fees for consolidation loans, and raises student loan taxes, and puts billions of dollars in student aid at risk by cutting all the critical funds used to carry out and administer student aid programs.

So we have more and more young Americans who will not be getting a college education, but they will be getting a political education. If you do not vote, the politicians in Washington will ignore you, shove you aside, cut your education funds. It is a call to young Americans to get involved, register, vote, and reclaim this country.

RECOGNIZING LAURIN GROOVER'S LATEST SUCCESS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, President Teddy Roosevelt once said that "The best prize that life has to offer is the chance to work hard at work worth doing."

Throughout the past 11 years, Laurin Groover, a native of Florence, South

Carolina, has done just that by working to improve the lives of countless citizens of the second district of South Carolina.

After graduating from the University of the South in Sewanee, Tennessee, Laurin began work in Washington as a staff assistant with my predecessor, the late Chairman Floyd Spence. Due to her extensive knowledge of military issues and strong work ethic, Laurin has quickly risen through the ranks on Capitol Hill. As Legislative Director in the office, she has been instrumental in protecting America's and South Carolina's military installations and helping American men and women in uniform win the war on Terrorism.

Although I am sad to announce that Laurin is leaving the Hill, I am happy to recognize her opportunity as a consultant with the American Business Development Group.

In conclusion, God bless our troops, and we will never forget September 11.

VICTIMIZING THE VICTIMS (AGAIN)

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, the Bush Administration's inability to deal with natural disasters was demonstrated once again yesterday when the President's buddies at FEMA sent Thanksgiving greetings to the Katrina victims: "Hit the streets in two weeks." The same "compassionate conservatism" demonstrated during the botched rescue is now being repeated in the aftermath.

In addition to victimizing the victims again, this will leave cities across Texas with a sudden increase in the homeless population; cities like Austin that are still owed over $2 million in what the Federal Government promised to pay for the Katrina disaster. While giving evacuees only two weeks to leave, FEMA took three weeks to issue the October 24 press announcement.

Mr. President, I understand your desperation for the distraction offered by foreign travel, but is it not time for you to get home and address one of the many failures of this Administration for Americans?

HOME OWNERSHIP AND GROWING ECONOMY—GOOD NEWS

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, our economy is continuing its move up, with the housing market in the driver's seat. Since the 1990s, the housing market has been on the rise, and last quarter this increase was even bigger, reaching record-breaking growth. This is good news and something that we all should applaud.

Mr. Speaker, this housing boom should be creating a lot of news, and there are a few facts that you may not have seen in your morning paper. New homeowners have been able to build hundreds of billions of dollars in equity in ownership. Consumer spending has increased, putting more and more dollars back into our economy. New jobs, that is an increase in jobs, has occurred in each of the last 25 months. And, of course, the increased rate of homeownership to record levels have helped millions of Americans realize the American dream.

With a stronger economy and an increase in jobs, the trend of continuous economic growth should only grow stronger in the months ahead. As we approach Thanksgiving, we should all give thanks for the incredible opportunities we have in our Nation, opportunities that give every American greater hope and optimism about their future.

□ 1015

SOCIAL SECURITY

(Mr. CARTER asked and was given permission to address the House for 1 minute.)

Mr. CARTER. Mr. Speaker, this year the President of the United States, George W. Bush, raised the issue and started the great debate on Social Security. The American public learned that our Social Security system is in trouble, and they know that if we do not do something, we are going to be facing a crisis.

You can debate when that crisis is going to happen, but no one now will doubt that there is a crisis. I believe we can dream a dream for an America in which everyone can have a living amount of money that they can retire on. Right now, if Social Security is all you have got, you are in trouble. It is time for us to continue this debate.

It is time for us on both sides of the aisle to come to the table and address Social Security and come up with solutions which will increase the amount of available income to our retirees and to our elderly, so that all people in America can live the American Dream, both now and when they reach their golden years. Let us not stop the debate on Social Security. Let us continue to look at this important issue.

TORTURE AMENDMENT

(Mr. UDALL of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UDALL of Colorado. Mr. Speaker, it is said that actions speak louder than words, but our reputation depends on both. Fair or not, for people around the world, the actions of a few Americans at Abu Ghraib have left a stain on America's reputation and have made it harder for us to win the war against global jihadists. Erasing that stain and protecting our soldiers will take both respectable actions and credible words.

I applaud the Senate for twice voting, once by a 90-9 tally and again by voice vote, to set clear guidelines for interrogating prisoners and to prohibit techniques that do not meet Army regulations in the Geneva Conventions. Making that the law will give credibility to our words about our conduct.

If anyone knows about torture, it is the senior Senator from Arizona. What does he say? Senator MCCAIN says the idea America could use torture is killing us. He says torture does not work. It yields answers, but not necessarily the truth. That is wrong, because as Senator MCCAIN says, our men and women in uniform are always, always Americans and different, better, and stronger than those who would destroy us.

Mr. Speaker, our troops need clear guidelines, and the Senate amendment provides just that. The House should take a stand and pass this important amendment.

JEFFREY WADSWORTH

(Mr. WAMP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WAMP. Mr. Speaker, I rise today to congratulate Dr. Jeffrey Wadsworth on his induction into the National Academy of Engineering. Election to the academy is among the highest distinctions that the engineering profession can bestow. I can think of no one more deserving of this honor.

Dr. Wadsworth is a world-renowned metallurgist. He became a United States citizen and has had a distinguished career at Lockheed, Lawrence Livermore National Lab, and Battelle Memorial Institute. He has devoted himself to finding ways of using science and technology to improve our Nation, compiling a stellar record of contributions and earning numerous awards.

Since 2003, Dr. Wadsworth has been the director of the Oak Ridge National Laboratory in Oak Ridge, Tennessee. Under his leadership, the lab has continued as one of the world's premier research institutions for material sciences and energy research. Dr. Wadsworth was elected to the academy in recognition of his research and leadership in national defense and science programs.

Congratulations to Dr. Jeffrey Wadsworth on his induction into the National Academy of Engineering and his service to Oak Ridge, Tennessee.

Jeff, thank you for your many contributions.

GOP BUDGET RECONCILIATION

(Mr. MEEKS of New York asked and was given permission to address the House for 1 minute.)

Mr. MEEKS of New York. Mr. Speaker, I rise this morning to tell my constituents and the American people that the raid is still in progress. The House Republican leadership continues its attempt to further raid the Nation's coffers and rob our citizens of important services.

Last week, Republicans had to pull their budget reconciliation from the House floor, temporarily preventing a disastrous fiscal blow that will dig an even deeper deficit hole. This week they continue efforts to force through Congress over $50 billion in cuts to important programs, including student loans, Medicaid, child support and child support enforcement. Despite shameful attempts to disguise these cuts and services as necessary tough choices, the budget reconciliation funds an additional $70 billion in misguided tax cuts for the wealthy and neglects the billions needed for Hurricane Katrina reconstruction efforts.

Democrats are holding Republicans accountable for enormously irresponsible spending that has managed to turn the surplus that the President inherited into an $8 trillion deficit. Fortunately, there are a few honest Republicans who know that the budget plan will make the national debt worse by adding an additional $20 billion to the already record-high deficit. They know they have lost their way with years of increased spending and indefensible tax cuts.

I hope that they stand strong and may not do what is responsible or what is popular in their conference, but do what is right for the American people.

MARY DEXTER SCANLON

(Mr. SHAW asked and was given permission to address the House for 1 minute.)

Mr. SHAW. Mr. Speaker, today I rise to honor Mrs. Mary Dexter Scanlon on the occasion of her 100th birthday. On November 21, 2005, she is celebrating this milestone in this life with over 50 relatives and friends of the family who will come across the country to her home in Boca Raton, Florida.

Mary Louise Dexter, daughter of Ralph and Carrie Dexter of English and Swedish descent, grew up in Galva, Illinois. She assisted her father in bringing the first telephone service to their small rural town. She continued to educate herself and left home to go to New York City to attend Columbia University and later went on to become a teacher.

In her lifetime, Mary has been part of much of this Nation's history, living through the Industrial Revolution, the Roaring Twenties, World War I, the Great Depression, World War II, and her brother was born on the Fourth of July. Mary is the proud mother of six sons, six grandchildren and five great-grandchildren. Mary's spirit is high, and her will to live every moment in life is great as she makes new friends each and every day.

Mr. Speaker, on behalf of three generations, I ask my colleagues in the House to join me in wishing Mary Dexter Scanlon a very happy 100th birthday.

SUPPORTING CONSERVATION EASEMENTS

(Mr. FITZPATRICK of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, today I will introduce legislation to reaffirm Congress' support for conservation easements, one of the most powerful and effective tools available for the permanent conservation of private lands in the United States of America.

I am proud to represent southeastern Pennsylvania, a region that takes pride in its heritage and the preservation of its open spaces. However, in my district, Mr. Speaker, land available for preservation exceeds local resources. That is why we need conservation easements. That is where partnerships between private landowners and conservation charities come into play. By allowing landowners to receive a tax incentive by using these easements to donate the land for preservation charities, the private sector can supplement government attempts at land preservation.

On January 27 of this year, Mr. Speaker, the Joint Committee on Taxation released recommendations to limit the use of conservation easements by eliminating the charitable contribution deduction with respect to personal residence properties. In addition, the amount of charitable deductions for qualified properties would be lowered from the current rate of 100 percent to 33 percent of the fair market value of the easement. I, as well as many of my colleagues here in the House, feel that this would be a terrible mistake.

Mr. Speaker, Congress should reaffirm its commitment to environmental protection and historic preservation by passing this resolution. I call on my colleagues to review my legislation and to support its passage.

DEFICIT REDUCTION ACT

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, it is hard to walk the Halls of Capitol Hill these days without running into signs just like this one, reminding us of the size of our national debt, put outside their doors by members of the Democrat Blue Dog Coalition. Their message: "It's Time to Put Our Fiscal House in Order, Reduce Our Deficit."

I agree with them. And I am glad to see this bipartisan support for deficit reduction. By bringing the Deficit Reduction Act to the floor this week, the Republican leadership has provided the Blue Dogs with an opportunity to vote for the very policy they promote with their signs. The Deficit Reduction Act would result in some $50 billion in budget savings over 5 years. It is a significant step in the right direction, and it is welcome policy for those of us committed to fiscal responsibility.

If the owners of these signs are serious about debt reduction, then they should vote for the Deficit Reduction Act this week. Otherwise, their signs are little more than false advertising and ought to be taken down.

INTRODUCING LEGISLATION GIVING FEMA AUTHORITY TO RELEASE INFORMATION ABOUT REGISTERED SEX OFFENDERS

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. When the First Lady of the Gulf, Katrina, unloaded her wrath on Louisiana and Mississippi, thousands of people fled to my home State of Texas. This evacuation brought in not only good folks but it brought in registered sex offenders to the communities and neighborhoods of southeast Texas. Now, 2½ months later, many child molesters remain unaccounted for, lurking in the shadows, some waiting to attack again innocent children.

The Houston Chronicle reported yesterday that almost 300 known sex offenders from Louisiana have moved to the Houston area alone since Hurricane Katrina. None of them have been accounted for.

Some of these sex offenders registered with FEMA and received Federal disaster assistance. So FEMA has an address and a location of these registered sex offenders, but they will not release the names to local law enforcement. They are citing privacy reasons. This defies common sense.

Sex offenders gave up their privacy rights when they decided to rape and molest children. It is for this reason today I am filing legislation giving FEMA the authority and the duty to release this information about registered sex offenders to local law enforcement officials. The public has a right to know who these people are. Our children are in danger, and there should be no red tape when it comes to their safety.

That's just the way it is.

PROVIDING FOR CONSIDERATION OF H.J. RES. 72, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2006

Mr. PUTNAM. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 558 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 558

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 72) making further continuing appropriations for the fiscal year 2006, and for other purposes. The joint resolution shall be considered as read. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

SEC. 2. House Resolution 542 is laid on the table.

The SPEAKER pro tempore (Mr. PETRI). The gentleman from Florida (Mr. PUTNAM) is recognized for 1 hour.

Mr. PUTNAM. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my neighbor and friend, the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 558 is a rule that provides for consideration of House Joint Resolution 72, making further continuing appropriations for fiscal year 2006. As we approach the end of the week and the time that we will be taking in our districts to celebrate the Thanksgiving holiday, this particular rule and the CR probably are among the least controversial things that the gentleman from Florida and I will discuss today. I look forward to an abbreviated debate on this.

The rule provides for 1 hour of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the joint resolution and provides one motion to recommit.

I want to commend Chairman LEWIS, Ranking Member OBEY, and the entire Appropriations Committee in the House for the determined effort this year to avoid an omnibus spending bill. This is something that unfortunately has become a routine part of our end-of-the-year appropriations process and Chairman LEWIS under tremendous leadership with a great committee behind him has managed to avoid that this year, in fact, setting almost a record by completing all of the House's work on the appropriations process before July 4.

□ 1030

The committee has practiced due diligence and is working to pass each of these bills individually rather than having them attached as a train at the end of the year. This continuing resolution is necessary because our friends on the other side of the Rotunda are a little bit further behind in their appropriations process and we are working through the conference report stage.

This CR will allow the appropriators to continue that conferencing work to ensure that we have a clean appropriations process where bills are moving individually in the regular order.

Today we are considering the Labor, Health and Human Services and Education Appropriations Bill which leaves just three outstanding appropriations conference reports. The underlying resolution permits Congress to finish its work and provide the President adequate time to review the measures before signing them into law. H.J. Res. 72 simply extends the previous continuing resolution through December 17.

In fact, Mr. Speaker, it is a one sentence change, only shifting the date to December 17 for the continuing operations for the government.

The CR is a clean continuation of H.J. Res. 68, which passed the House in September by a vote of 348-65, and which funded programs and activities at the lowest of the House-passed level, the Senate-passed level or the fiscal year 2005 current rate and included language prohibiting agencies from resuming or initiating programs for procurement not funded in FY 2005 and prohibited agencies from awarding new grants and other forms of assistance during the period of continuing resolution.

Throughout the appropriations process, the appropriators have demonstrated their commitment to fiscal responsibility by working within the framework we established in the budget resolution earlier this year. Again, I want to express my gratitude to the gentleman from California (Chairman LEWIS), the ranking member, the gentleman from Wisconsin (Mr. OBEY) and the entire committee and staff of the Appropriations Committee for their hard work this year.

I urge Members to support the rules and the underlying continuing resolution so we can finish the appropriations process in regular order and continue on our way toward responsibly funding the needs of America.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my friend from Florida (Mr. PUTNAM) for yielding me time. I also thank him for bringing the real Florida orange juice to the 7 a.m. rules meeting this morning.

I oppose this closed rule, Mr. Speaker, and the underlying legislation. Mr. Speaker, I wondered to myself earlier this morning as the Rules Committee majority members passed yet another closed rule which stifles debate and shuts off meaningful contributions from Members of this Chamber.

What is the problem? Congress has only had since January 3 of this year to complete work on the 12 annual appropriations bills, the so-called "must pass bills" that Congress works on every year.

In case anyone is unclear, so far the President has signed only five of the 12 appropriations bills that must pass and become law before September 30. Defense appropriations? Not done. Military quality of life and Veterans Affairs? Not done. Transportation, Treasury, HUD? Not done. Of course, the bill which funds this very institution, the legislative branch appropriations legislation, well, we did that to protect our branch.

And the sad part? No one is to blame but the party in control. It is an irrefutable fact, the last time that there was sole Democratic control of Congress and the White House, all 13 appropriations bills were passed by September 30. We had a balanced budget. And oh, yes, budget surpluses as far as the eye at that time could see.

My, how times have changed. Now we have debt as far as the eye can see and disdain from much of the rest of the world. The people here are the modern day incarnations of Nero. The majority fiddles while the Nation burns.

More than 45 days have passed since Congress passed its last continuing resolution, 48 to be exact; and in that time, Republicans have managed to pass a measly three of the ten outstanding appropriations bills at the time of the last continuing resolution. In baseball, their batting average would be pretty good. But in the real world where salaries and promotion are based on accomplishments and contributions, getting done 30 percent of what you are supposed to get done is absolutely abysmal. In any other job in America, 30 percent would get you fired. It should here too, Mr. Speaker, and I hope America is paying attention.

So I ask, what in the world have the majority Members been doing over the last month and a half that they cannot get these constitutionally-mandated appropriations bills done on time?

We know that they have not dealt with FEMA. I have been trying to get them to deal with FEMA since the agency messed up Florida recovery efforts in the year 2004. And now look at where their neglect got us. Republicans have not dealt with the national security leaks in the Bush White House. They have not dealt with increasing access to health care or investing in affordable housing for low and moderate incomes. They have not dealt with unemployment in this Nation.

In fact, this morning the chairman of the Rules Committee said to us that we have "full employment" in this Nation. He identifies that as 6 percent. I guess there is no one looking for a job in San Dimas where he is from or the greater Los Angeles area.

So forgive me, Mr. Speaker, if I feel it unnecessary to grant Republicans another 30 days to fix a problem that they, one, created on their own, and two, have shown zero ability that they are capable of leading our country in a responsibly fiscal manner.

The problem is not Hurricanes Katrina or Wilma or other disasters. It is not even the failing war in Iraq. The problem Republicans have is their beloved tax cuts that 95 percent of the people in this country barely benefit from. Their problem is themselves and their failed fiscal policies.

Mr. Speaker, I reserve the balance of my time.

Mr. PUTNAM. Mr. Speaker, I yield myself such time as I may consume.

Perhaps I misspoke earlier saying that this would be the least controversial item we would deal with this morning. I recognize that we all had to get up early to be at Rules this morning, and apparently it is affecting some of our temperaments.

I would just point out that we finished all of the House's work, and I gave equal credit to both our chairman, the gentleman from California (Mr. LEWIS) and the rest of his committee and the ranking member, the gentleman from Wisconsin (Mr. OBEY), who finished all of our work by July 4, all of our appropriations processes in regular order, in an individual manner instead of having to bundle them up into a train at the end of the legislative season.

To date, we have finished seven of those 11 appropriations bills. We will do the eighth in a couple of hours here on this floor today, which leaves three remaining waiting to be returned from their conference work with the Senate.

So it is often said at times in the House that your opposition is the other party, but your enemy is the other Chamber. And when it comes to the enemy of time and being at the end of the legislative calendar, that, unfortunately, is the case with the appropriations process that we are waiting on regular order, the conference committees with the House and the Senate to finish their work on those three remaining bills.

With respect to the gentleman's concerns about a closed rule, this is a continuing resolution that is one sentence long. It funds the operations of government from now until December 17. The stifling of debate is nonexistent. There are no speakers on either side for this. The fact that it is a closed rule indicates that there is really no other option about how to approach a continuing resolution other than should it be December 16 instead of December 17? Would the gentleman have the CR expire on Thanksgiving Day when no one will be in this Chamber to act to fund the operations of the government so that national parks remain open and Social Security checks continue to go out?

What would the amendments be that the gentleman would offer if December 17 is an inadequate solution to funding the operations of government until we finish the three remaining conference reports on appropriations?

To say that that is stifling democracy is nothing more than hyperbole.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would inform my good friend from Florida that getting up for a 7 a.m. Rules Committee does not alter my temperament. The suggestion that my colleagues on the other side of the aisle should have completed their work by September 30 is mandated by our responsibilities here in the House of Representatives. And I find it disingenuous to speak of the other body, which I heartily endorse what my colleague said with reference to the gentleman from California (Mr. LEWIS) in this House of Representatives but the other body is controlled by the majority. The White House is controlled by the majority. And it is y'all that have it all. And so under the circumstances, it is your responsibility to have done it by September 30.

To answer the gentleman, what we would have done perhaps if we did not go home for Thanksgiving and take Thanksgiving dinner up here. The gentleman asks for another date or debate about this continuing resolution, doubtless what we would have been able to do is stay here and that may have lit a fire under some of the people in the other body who need to get their work done.

We have all sorts of problems in this Nation and there is no reason for us not to complete our work.

Mr. PUTNAM. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from Florida.

Mr. PUTNAM. Just briefly, I respect the gentleman's observation that the majority party in the Senate is the party that I share, the Republican party, but I learned a long time ago to stop trying to answer for that Chamber over there. That is a tough body to figure out. The gentleman knows as well as I do that they tend to bog down in the oratory and slow down on the action.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. DEFAZIO.)

Mr. PUTNAM. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank the gentlemen for yielding me time.

Despite what the Member from Florida said, there are some who would like to speak to this issue. He said what does 30 days matter? Should it be 29?

Guess what? The Congress assembled on behalf of the American people, and this administration will borrow $1.3 billion a day every day for those 30 days. We will be $39 billion deeper in debt a month from today.

What would we do if we had an open rule? Well, perhaps we could make some real cuts in wasteful programs in the budget, instead of attacking the vulnerable, the students, kids getting lunches at school. They are just eating too much. Kids in foster care, long term care for seniors.

Maybe we could go where the real money is. They asked Willie Sutton, Why did you rob banks? Because that is where the money is.

The Republicans do not want to go where the money is because that is where the special interests are, the people who fund their campaign machine to keep them in the majority, to keep them borrowing $1.3 billion a day, indebting the American people as far as the eye can see.

What cuts might we have to make? Well, let us see. The President has this bizarre idea that we should borrow a trillion dollars, one thousand billion dollars to go to Mars while we cannot meet the needs of people here on Earth, here in the United States of America. We do not have money for levees, jetties. We do not have money for the school lunch program. We do not have money for student loans, but we should borrow a trillion dollars to go to Mars. But before that, let us borrow $100 billion to go back to the moon to get some more dust. Great idea.

No, personally, I would like to have an up or down vote on borrowing $100 billion to go back to the moon.

A few other things, let us revisit Star Wars. The general in charge of Star Wars gave us some very, very encouraging news. He said the system to protect us against missiles that will never be fired against the United States because we could track them back and retaliate, they will smuggle a bomb in if they want to attack us. But he said it has a better than zero chance of working, better than zero after $100 billion and abrogating the anti-missile treaty.

□ 1045

Whoa, that is good. Well, maybe we could visit that issue in an open rule.

How about corporate farm subsidies? The American people are going to borrow around $25 billion this year to give subsidies for surplus crops being grown by corporate farmers and others. Well, maybe we could visit that issue on the floor. No, they would not want to touch that. There is a lot of money coming in there.

How about the $19 billion in the energy bill in subsidies to the oil industry in the hope that they will take money, borrowed by the taxpayers, given to them to go out and explore? Of course, those same oil company execs, of course they were not under oath, I have got to admit that, said that that money, the head of Exxon said it is nothing, it is chump change, and it has no effect on our operations. So maybe we could take back that $19 billion and spend it on lunch for hungry kids or maybe we could put the money back into the student loan program that you want to cut out in the reconciliation bill.

Then we have a few tax giveaways out there, offshore companies like Accenture, largest homeland security contractor in the history of the United States, $10 billion, who has moved their headquarters to the Bahamas so they will not pay any taxes in the United States of America, but they are going to defend us against foreign enemies, but they just do not want to pay any taxes here. I would like to be defended against them and those giveaways.

Mr. PUTNAM. Mr. Speaker, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Florida.

Mr. PUTNAM. Mr. Speaker, the gentleman clearly has come to the floor a little bit early, because all of these things are going to be eligible for debate here in another several hours when we move forward on our deficit reduction package, and the gentleman will have an opportunity to exercise through his vote that savings process, that deficit reduction process.

But I am just curious, in all the gentleman's rhetoric, what would you do differently about the continuing resolution that funds government through December 17 until we finish our regular appropriations process?

Mr. DEFAZIO. Mr. Speaker, reclaiming my time, I would schedule some up-or-down votes on these sorts of major cuts in a much expanded reconciliation under an open rule.

Mr. PUTNAM. Mr. Speaker, if the gentleman would further yield, does the gentleman object to us funding the government through December 17?

Mr. DEFAZIO. I object to borrowing $1.3 billion a day between now and then without any attempt at fiscal restraint.

Mr. PUTNAM. Would the gentleman shut down the government to prevent that from occurring?

Mr. DEFAZIO. Mr. Speaker, that was the ploy of your party. That is not mine, but I would take the time to keep Congress here.

What we are talking about is Congress going on vacation, Congress going away for 2 weeks, have Thanksgiving at home, while we are taking food out of the mouths of kids and depriving students of loans through the reconciliation bill, borrowing $1.3 billion a day on behalf of the American taxpayers and getting them by another $39 billion. That is what we are talking about.

On the reconciliation vote, if you would bring the reconciliation bill up as an open rule, you know that is a closed rule, too. You are negotiating cuts only with your side of the aisle. You do not intend to get a single Democratic vote; and the biggest cut in the bill is student loans, the party of opportunity. The second biggest cut in the bill is Medicaid; dump those problems on the States and deprive people of needed health care. Then, of course, we have the cuts in food security and other things in that bill.

But we are not going to be allowed to offer amendments to cut Star Wars, the return to the Moon for $100 billion, corporate farm subsidies, tax giveaways. We will not be allowed to offer any amendments during the consideration of that bill. I would stay here through next week and have debate day after day and go through a series of amendments up or down on bringing some fiscal responsibility to this Congress.

Mr. PUTNAM. Mr. Speaker, I yield myself such time as I may consume.

The gentleman is passionate about his concern for the fiscal well-being, but he is clearly misdirected in the sense that he will have an opportunity to vote on a number of these deficit reduction measures, a number of these savings, a number of these government reform mechanisms; and he will have the opportunity to present all of the things that he talked about in his own recommittal motion, which is a right that has been granted to the minority party.

So all of the things that he talked about, all of the things that he objects to, the sound agricultural policy that guarantees that we continue to have the safest, cheapest food supply in the world, if you want to cut those things, you can put it in your program. If you do not like the fact that we are taking Pell grants up, you could object to that through your recommittal motion.

The point is that we are here today debating the rule on the continuing resolution of the government because we have three regular order appropriations bills yet to move, because I believe, to our credit and to this Chamber's credit, to the credit of the entire House, we are not moving a last minute omnibus choo-choo train that all of us have to go home and then discover something in that that we are not real terribly proud of. I think it is a credit to the appropriators on both sides of the aisle and a credit, frankly, to both Chambers, and as the gentleman from Florida has pointed out, under Republican leadership, that are bringing us 11 individual appropriations bills that can be voted on up or down.

You have an opportunity to make your position publicly known on each of those bills, rather than having things stuffed into a last-minute train, which all of us object to and which diminishes the status of the House.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

I join the gentleman from Oregon (Mr. DEFAZIO), my colleague, in asserting that we should stay here and complete the task that is before us.

I say to my very good friend from Florida that your and my chairman of the Rules Committee speaking about closed rules in another time made the following statement, that closed rules are anathema to democracy.

When you argue that we are going to have time to do this, when we take the budget deficit matter up, what you are talking about is 1 hour on the rule, 1 hour on general debate, you say 2 hours, I will accept that, on general debate, 10 minutes in the motion to recommit, and that then is what 435 Members and five delegates have that they can deal with in terms of time.

The problems pointed out by my friend from Oregon are significant, and the things that you have heard me say in the Rules Committee, the things that disturb me and distress me most are these things having to do with education.

No one can tell me that they are not prepared to make the sacrifices for our children to have afterschool programs; and yet, what we are going to find in that program are substantial cuts. There are no afterschool programs in the counties that I represent.

In Medicaid, it is no secret what is about to happen. When we cut Medicaid, any way you cut it, you can slice it, dice it any way you want, States, get ready, because you are getting ready to have a significant problem with tax increases at that level.

What part of national sacrifice do we not understand? What part of closed rule that I heard so often in 1992 does the majority not understand that that does not give the Members of this body the opportunity to come forward with amendments that might make sense with reference to fiscal responsibility here in the House of Representatives?

Those are some of the issues.

Mr. Speaker, I have no additional speakers and I yield back the balance of my time.

Mr. PUTNAM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am prepared to close, and we have kicked off quite a debate here this morning. We know that it is going to be a long day as we approach the debate over the Labor, Health and Human Services appropriations bill, the ongoing debate over the continuing resolution to fund our government, and later today the deficit reduction package, which I dare say will not take food from any child in America's mouth, despite the overheated rhetoric of the gentleman from Oregon, respectfully the gentleman from Florida and a number of others on that side of the aisle who it would appear from their media statements discuss in the salons and parlors of the Beltway whether Republicans hate children or old people more.

I dare say that as we bring up this Deficit Reduction Act, which finally for the first time since 1997 puts us back on a serious track to finding savings not just in the discretionary side of our spending but in the mandatory side which makes up over half of Federal spending today and which slows the rate of growth in government, again, one of those Washington, D.C.-style cuts, where budgets grow 7 percent instead of 7.3 percent or they grow 6 percent instead of 6.3 percent, and we find $50 billion worth of savings in a $2.5 trillion per year budget.

So $50 billion in savings over 5 years in what would then be a $14 trillion pot. I think that almost any American would say I think that my budget growing 7 percent instead of 7.3 percent is acceptable, and I dare say to my friend from Florida, who represents, among other counties, Palm Beach County, Florida, the home of Lake Worth Avenue among other places. I think there are a number of counties that would gladly trade their tax base for his, and I would also say that I believe that somewhere in Palm Beach County there is an afterschool program of some shape or form. There must be an afterschool program somewhere in all of Palm Beach County, Florida.

I believe that as we move through this debate it is important for us to be responsible in our rhetoric and keep our eyes on the ball, which is the looming fiscal crisis that is out there if Congress does not have the courage to get its arms around mandatory spending, which is consuming Federal spending, making up over 50 percent of it today and two-thirds of Federal spending.

Mr. HASTINGS of Florida. Mr. Speaker, will the gentleman yield just for a quick correction?

Mr. PUTNAM. I yield to the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Speaker, that is Worth Avenue in Palm Beach, not West Palm Beach. Our colleague MARK FOLEY represents that area, a Republican.

I represent Pahokee and Belle Glade, which are also in Palm Beach, and you are talking about no tax base. I just want to have that correction made.

Mr. PUTNAM. Mr. Speaker, reclaiming my time, the gentleman referred to the entire county, not his piece of the county, and I certainly am well aware of Pahokee and Belle Glade and the challenges that they have gone through.

But I believe somewhere in your county you have an afterschool program.

Mr. HASTINGS of Florida. In private schools.

Mr. PUTNAM. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. PETRI). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PUTNAM. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 3010, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

Mrs. CAPITO. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 559 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 559

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

☐ 1100

The SPEAKER pro tempore (Mr. PETRI). The gentlewoman from West Virginia (Mrs. CAPITO) is recognized for 1 hour.

Mrs. CAPITO. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from California (Ms. MATSUI), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 559 is a rule which waives all points of order against the conference report accompanying H.R. 3010 and against its consideration. The rule provides that the conference report shall be considered as read.

Mr. Speaker, the underlying legislation is one of the most important measures we consider each year. I would like to congratulate the members of the Appropriations Committee for putting together a comprehensive package that will improve the education of our children, care for our seniors and our underprivileged.

Mr. Speaker, I am happy to see that since Republicans took control of Congress, funding for the Department of Education has doubled. More recently, over the last 5 years, total education spending has increased by nearly 50 percent. Our children will benefit from an improved educational system that will enhance their ability to succeed and better prepare the next generation of workers.

The fundamental root of all education is reading. As a parent and a former educator, the time I spent reading with my children will be forever cherished. Unfortunately, some of our youth do not have that opportunity at home. So included in this legislation is $1 billion for reading programs that will enable States to eliminate the reading deficit through scientific research-based reading programs.

I am also very pleased that the TRIO and GEAR UP programs are included in this all important funding package. These programs assist low-income, first generation college students in their transition from high school to college. This is a difficult transition for any student, but especially for those who are the first in their families to attend college. We must continue to support programs like TRIO and GEAR UP so that these students can continue to flourish.

Mr. Speaker, another important responsibility we have is to ensure that citizens have access to health care facilities and treatments. Included in this legislation is a $66 million increase in the Community Health Centers that are so vitally important across the Nation, but especially in rural States like my home State of West Virginia.

The National Institutes of Health continues to serve our Nation well by developing new treatments and cures for the many diseases that plague our society. With a total funding level of $28.6 billion, the researchers at NIH will be able to continue this mission so that we become a healthier Nation and global society.

A key aspect of a healthier society is where all citizens have access to prescription drugs, and I am proud to say that as of November 15, just 2 days ago, Medicare eligible beneficiaries have been able to sign up for a prescription drug plan under Medicare. The resources provided in the underlying legislation will allow the Centers for Medicare and Medicaid services to properly conduct an outreach effort that will hopefully enroll every senior that stands to benefit from this program.

Mr. Speaker, we are all aware of the challenges that could potentially face all Americans in the coming winter, especially the high cost of natural gas. I am pleased to say that the State formula grants for the Low Income Home

Energy Assistance Program, known as LIHEAP, are funded at $2 billion in this legislation and an additional $1 billion will be included in the House version of the budget reconciliation bill.

As with any appropriations legislation, tough choices were made. These choices are particularly difficult when dealing with the sensitive areas of health and education. The Appropriations Committee allotted the available resources in this bill in a manner that emphasizes these programs most important to our Nation.

Mr. Speaker, this is solid legislation that I believe all Members should be able to support.

Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I thank the gentlewoman from West Virginia for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, today we consider House Resolution 559, the rule allowing consideration of the conference report accompanying the fiscal year 2006 Labor HHS Education Appropriations bill. This legislation is the clearest demonstration of the contempt for the proper functioning of this body and ultimately disrespect for democracy.

The Labor HHS Education Appropriations bill is an incredibly important piece of legislation. It determines funding levels for job training programs, community college programs, child labor protections, and community health centers.

This legislation is the primary funding vehicle for the National Institutes of Health. It determines how our government approaches timely and important issues like stem cell research, global AIDS research, pediatric medicine, cancer research, and so many other critical issues. It is also the principal funder of some of the most innovative and practical research going on today at the universities and colleges across the Nation.

In my home State of California, two thirds of all basic research at the University of California system is from Federal dollars. As examples using these dollars, the university researchers found a way to differentiate Alzheimer's from other dementia. They are making strides on identifying genes that cause specific cancers. They are looking into factors that influence brain development.

The reason I am pointing to all of this is to underscore just how important this legislation is to the daily lives of our fellow Americans. And having established that this bill is a crucial bill for the health, welfare, education, and prosperity of the American people, I would ask my counterparts on the Republican side of the aisle why on earth is it that no one has seen this conference report? Why is it that as of this morning, this very morning, we are scheduled to consider and vote upon this legislation that no one in the House of Representatives, with exception of a very few in the Republican leadership, has even laid eyes on, much less read or analyzed? We did not even go into the Rules Committee to consider this legislation until 7 o'clock this morning under emergency rules.

The original version of this bill passed the House months ago, and I might remind my fellow Americans that it was in this bill that the Republican leadership of this body tried to quietly eliminate funding for the Public Broadcasting System and Sesame Street. Thankfully, under incredible pressure they were forced to reverse themselves.

And since then, this bill and its Senate companion have been locked away in conference. A handful of appointees of this Republican leadership have had months to meet in smokey back rooms. This select group decided for all of us here today and for every American family what should and should not be in the final version of the bill. So with that understanding, let me say that this is, at best, a short-sided piece of legislation.

No Child Left Behind funding is cut by $784 million. The maximum Pell Grant award is frozen for the 4th straight year, and no new funding for all other student financial aid and support programs is provided. The bill provides $4 billion less than Republicans promised for special education through IDEA. Training grants for health care professionals are cut $206 million.

I want everyone in America to understand exactly why these programs are being cut. Because in the face of gross fiscal mismanagement on the part of this majority, they want to pass a $56 billion tax cut for wealthy Americans this coming week. Over half of that money, $23 billion, will go to the very wealthiest of Americans, those earning over $1 million per year.

Now, I am certainly not suggesting that there are not government programs that cannot be cut. But what we are talking about are educational programs, health and safety programs, and treatment programs that not only work, but they work well for middle class American families, and they are being sacrificed for tax cuts for the most wealthy and the super rich. The rest of America is being left behind.

Mr. Speaker, in closing, we are facing an increasingly costly war in Iraq, significant and necessary hurricane relief needs, and a looming crisis over avian flu. The debate I urge my colleagues to have, a debate not yet addressed by my friends on the other side of the aisle, is really about shared sacrifice and about what the true priorities of the American people are.

Mr. Speaker, I reserve the balance of my time.

Mrs. CAPITO. Mr. Speaker, I yield myself such time as I may consume.

I would like to point out that this bill probably touches every single American's life. It is extremely important because it is the broad reach of education and health care, and these are very complicated and large programs. And I want to congratulate the gentleman from Ohio (Mr. REGULA), chairman of the subcommittee, for the intense work that he has done not only on our side, but through the conference.

(Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Speaker, I thank the gentlewoman for yielding me this time.

I want to compliment both speakers from the Rules Committee. I think they have described in many ways the strength of this bill.

This bill illustrates the compassion of America. And as has been pointed out by both speakers, it touches the lives of 280 million Americans in so many different ways, their education, health research to improve the quality of their lives, perhaps illustrated by the fact, as Dr. Zerhouni testified in front of our committee, that every 5 years, life expectancy goes up 1 year in the United States. That is a tremendous gain and a tremendous promise for the future.

And, likewise, we recognize the importance of education. The future of a nation is so much tied to that. Tom Friedman, the writer for The New York Times, in his book "The World is Flat," points out that we will be enormously challenged as a Nation in the years ahead by other countries that are spending a lot of money, a lot of energy, and a lot of human resources on education, because they too recognize that the winner of the future will be determined by the way in which they can educate their people.

This bill I call the "good neighbor policy" bill, because it means that we are all good neighbors to each other. And I think it does illustrate very clearly that America is a compassionate Nation, a compassionate people, and they are willing to commit resources to helping others. In the general debate, we will mention some of those things.

I would hope all of my colleagues who are going to be voting on this bill in the next couple or 3 hours would take a look at what is in there and how important many of these programs are to the Americans. There are 500 programs covered in this bill, and each one of them, in some way or another, touches the quality of life of the people of this Nation so that every American, in one way or another, as pointed out by the gentlewoman from California, has a stake on this bill and what it does in their lives. So, hopefully, we will all reach the understanding and support this bill.

Obviously, it may not have enough to suit everybody in terms of commitment of resources. Tough decisions have to be made. Priorities have to be decided. And what we tried to do on a bipartisan basis in the subcommittee, and we have a great group of members that serve on this subcommittee from both sides, is to make those very difficult priority judgments on behalf of the American people. And as was pointed out by both of the previous speakers, we have, hopefully, accomplished that goal as best as possible given the resources that were allocated.

Ms. MATSUI. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I thank the gentlewoman for yielding me this time.

I rise in opposition to this bill and to the rule.

Let it be known that November 17, 2005, is the day this Congress officially forgot the heroes of 9/11. When we vote on this conference report, we will be taking away $125 million promised to sick 9/11 workers. This is money these men and women were promised by this Congress and by the President in 2001. But now, in an era of misdirected priorities, the President and this Congress are snatching the money back.

In fact, this bill is full of misdirected priorities when we consider that the Republican leadership will spend more on tax cuts this week, $70 billion, than they will on education and labor programs for the entire coming year, $68 billion.

□ 1115

You only start to realize how out of touch this Congress is with the priorities of the average American people. I hear daily from Members of Congress that we will never forget 9/11; but when we turn a cold shoulder to the men and women who were there for us in our greatest hour of need, I cannot in good conscience vote for this bill.

The 9/11 responders are not asking for much. All they are asking for is to be treated with respect and dignity. They rushed to Ground Zero with no concern for their own safety. We were under attack, and America needed help. They responded; and as a result, many of them are very sick now. The government's response has been to fight these heroes every step of the way. Many have had their claims denied or wrapped up in red tape for months or years.

Then when not all of the money was spent in New York State, we are told this is justification for taking it back, even though the need is still great. This shell game would be comical if it were not so sad and so hard on the lives of these people.

I know this decision today is not the fault of the gentleman from Ohio (Chairman REGULA). I understand that his hands are tied on this issue. I would also like to thank a fellow New Yorker, Mr. WALSH. He has been an absolute champion for this issue in the committee.

Despite their hard work and the work of a united New York delegation, united Democrats and Republicans, the outcome today is not what it should be. The one thing I know and I can promise is that this fight is not over. I speak for all of my colleagues on both sides of the aisle, certainly in the New York delegation, that we are not going to stop until we meet the needs of the heroes of 9/11 and this promised money of $125 million is restored to the budget. Anything short is just plain wrong, and it hurts the health care of our heroes.

Mrs. CAPITO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to talk a little bit about some of the priorities, particularly in the education section of this bill. I have already mentioned the TRIO and GEAR UP programs for first-time college goers. Certainly those are important programs in my State and throughout the United States.

But let us look at something that we are lacking across the Nation, and that is in our math and sciences. There has been special emphasis in this bill on math and science partnerships so we can train our future engineers to compete globally.

The chairman spoke about how the world is flat. Well, if we do not have math and science education at the elementary and high school level, we are not going to be able to compete in the global market. So I am proud of the $184 million that is going to help with training teachers.

Special education is something that I think touches many, many families throughout the United States. We hear a lot about that in our office, and I am certain every Member's office. In special ed, this bill is funding over last year's budget $100 million. Will that meet every need for every special ed student? No, unfortunately it will not, and it cannot. But it will go towards helping those families and that student become a productive person in their adult life.

Reading programs and improving teacher quality programs. Certainly the key to success in school is reading, but the key to success in school is a good teacher. We need to improve the teacher quality and help our teachers become not only as good as they can be but even better. And that goes also to the principals. There is a principal shortage here in our country. We have to work with our teachers so they want to become principals and guide our teachers to educate our children. Those are some of the education priorities I wanted to highlight in this bill.

Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this country is at a critical crossroads in terms of deciding what it stands for, what its priorities are. Our priorities should be to make decisions based on shared sacrifice and a long-term view that seeks to fight for the least powerful among us.

Unfortunately, this rule would allow legislation with a shortsighted approach to come to the floor. All of us, Democrats and Republicans, hope that medical science will provide the breakthrough to provide relief from a disease which will ease a family member's suffering.

We all worry about whether rising energy costs will force seniors to make life-and-death decisions about where to spend their limited resources.

And yet this conference report ignores those very needs. It narrowly restricts the future of all Americans so that a very few might have a bit more of a tax break. That is an approach that I hope all Members will reject.

Mr. Speaker, I yield back the balance of my time.

Mrs. CAPITO. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I urge all of my colleagues to support this fair rule and the bipartisan underlying legislation which funds critical dollars to our Nation's educational system, health care delivery system, and as the gentlewoman from California spoke so eloquently about, our health research areas.

With this funding, low-income Americans will be better prepared for a potentially long winter. It got a little colder here today, and we know it is going to continue to be cold as we move through the winter; and this bill provides $2 billion in LIHEAP funding. Our seniors will greatly benefit from the money appropriated, allowing CMS to conduct outreach to all Medicare beneficiaries who are now able to sign up for the new Medicare prescription drug plan.

These are all important programs, and there are others too numerous to mention. I urge my colleagues to support the rule, support the legislation.

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise in strong opposition to H.R. 3010, the FY 2006 Labor-HHS-Education Appropriations bill. I voted against the bill when it passed the House and the conference report before us today is even more objectionable.

The Republican leadership has proposed severe cuts to services that keep our families and communities strong. At a time when consumers are expecting to pay nearly 30 percent more for home heating, the majority has refused to include an increase for the Low Income Home Energy Assistance Program, which helps to keep our seniors and children safe during the winter.

This bill also shortchanges important health care programs. Although slightly better than the House-passed bill, this proposal cuts health professions programs by 69 percent at a time when we are struggling to provide health care access in many areas of this country. It also cuts funding for the Maternal and Child Health Block Grant and forces a 24 percent cut to block grants for State health departments. Most striking, while we ask our local public health departments to do more to prepare for a possible pandemic, this bill instead imposes an 11 percent cut on local health departments.

The conference report also cuts overall funding for the Department of Education for the first time in over 10 years. It cuts and guts programs from early childhood education through college. Our Nation's public schools will see budget cuts totaling more than $784 million, despite the promise to fully fund No Child Let Behind at the time of its enactment in 2002. Since then, NCLB has been underfunded by more than $39 billion. Our public schools and our students deserve better. This bill underfunds critical programs for the most vulnerable students, providing $217 million less for Title I Education for Disadvantaged Children program than in fiscal year 2005. In addition, Safe and Drug Free Schools will receive a cut of $87 million—a decrease of 20 percent. Several other education programs and services will see their budgets frozen, despite increased program costs, greater needs, and inflation.

Pell grants for low-income college students are frozen for the fourth straight year in a row, despite promises by the administration to increase the maximum Pell grant award. While Congress underfunds student financial aid, students and families continue to struggle to pay for a college education that is increasing faster than the rate of inflation.

Investments in health and education are important to our families, our communities, and our country. This conference report does not reflect the values of Minnesotans or Americans. I will vote to reject this conference report and urge my colleagues to do the same.

Mrs. CAPITO. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. PETRI). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. CAPITO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Adoption of H. Res. 558, by the yeas and nays;

Adoption of H. Res. 559, by the yeas and nays;

Motion to suspend the rules on H. Res. 500, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.J. RES. 72, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2006

The SPEAKER pro tempore. The pending business is the vote on adoption of House Resolution 558 on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The vote was taken by electronic device, and there were—yeas 407, nays 21, not voting 5, as follows:

[Roll No. 595]

YEAS—407

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Costa
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—21

Andrews
Becerra
Conyers
Cooper
Crowley
DeFazio
Ford
Frank (MA)
Grijalva
Hastings (FL)
Honda
Jackson (IL)
Jackson-Lee (TX)
Kucinich
Lee
Markey
Miller, George
Stupak
Udall (CO)
Udall (NM)
Wu

NOT VOTING—5

Boswell
Moran (VA)
Pombo
Stark
Wexler

☐ 1153

Mr. FORD changed his vote from "yea" to "nay."

Mr. REYNOLDS, Ms. SOLIS, and Mr. SKELTON changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mrs. CAPITO). Pursuant to the rule, House Resolution 542 is laid on the table.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 3010, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore. The pending business is the vote on adoption of House Resolution 559 on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 244, nays 185, not voting 4, as follows:

[Roll No. 596]

YEAS—244

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McKinney
McMorris
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (FL)

NAYS—185

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boren
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller, George
Moore (KS)
Moore (WI)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rogers (AL)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wynn
Young (AK)

NOT VOTING—4

Barton (TX)
Boswell
Moran (VA)
Stark

☐ 1203

Mr. HIGGINS changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CAPITOL POLICE-CONGRESS GRIDIRON CLASSIC RAISES $40,000 FOR CHARITY

(Mr. RENZI asked and was given permission to address the House for 1 minute.)

Mr. RENZI. Could I ask our Sergeant at Arms, Mr. Livingood, to join us here in the well, please.

Mr. Speaker, last night at Gallaudet University on their gridiron, a group of Republicans and Democrats in bipartisan fashion came together and a little magic took place. A group of ragtag old football players among the cold and the rain and the blood and the guts went against the Capitol Police, some 20 years younger, some 7 inches taller, some 50 pounds heavier, and we won, 14–14.

But what also took place was that a bunch of United States Congressmen and other friends on this Hill who both played and did not play raised over $40,000 for the families of those police officers who gave their lives to protect each and every one of us. We were coached in probably what might be his last game by the legendary Coach TOM OSBORNE of Nebraska. It really, truly shows that when Republicans and Democrats come together, no matter what, we can fight for a great cause and nobody can beat us.

On behalf of all our colleagues, Mr. Livingood, this is for you guys, you can keep it for 6 months, and then we want it in the Speaker's lobby.

Thank you so much.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PETRI). Without objection, 5-minute voting will continue.

There was no objection.

RECOGNIZING THE 60TH ANNIVERSARY OF THE DISAPPEARANCE OF THE 5 NAVAL AVENGER TORPEDO BOMBERS OF FLIGHT 19

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 500, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 500, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 420, nays 2, not voting 11, as follows:

[Roll No. 597]

YEAS—420

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
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Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
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Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
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Van Hollen
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Weller
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Whitfield
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Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Gohmert
Kirk

NOT VOTING—11

Boswell
Chabot
DeGette
Ford
Foxx
Johnson (IL)
Kolbe
McCrery
Moran (VA)
Nadler
Smith (TX)

☐ 1217

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. KOLBE. Mr. Speaker, on November 17, I missed the vote on H.R. 500, Recognizing the 60th anniversary of the disappearance of the 5 naval Avenger torpedo bombers of Flight 19 and the naval Mariner rescue sent to search for Flight 19 (#597). I intended to vote "aye."

PERSONAL EXPLANATION

Mr. KIRK. Mr. Speaker, I rise to correct the RECORD. On rollcall no. 597, I was listed as voting against H. Res. 500. This was an error and I intended to vote in favor of the resolution. I would ask that this clarification appear in the appropriate part of the RECORD.

GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.J. Res. 72.

The SPEAKER pro tempore (Mr. BASS). Is there objection to the request of the gentleman from California?

There was no objection.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2006

Mr. LEWIS of California. Mr. Speaker, pursuant to House Resolution 558, I call up the joint resolution (H.J. Res. 72) making further continuing appropriations for the fiscal year 2006, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

H.J. RES. 72

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 109-77 is amended by striking the date specified in section 106(3) and inserting the following: "December 17, 2005".

The SPEAKER pro tempore. Pursuant to House Resolution 558, the gentleman from California (Mr. LEWIS) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not intend to consume much time at all. This is a continuing resolution that simply includes a change of date extending our work through December 17 in order to give the President and others enough time to review these conference reports and other pieces of legislation being sent to the administration in rapid fire.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, I will not take very long on this bill either, but I do think it is important to take note of a few facts.

At the beginning of this year, it was made quite clear by the majority that they desired to finish all appropriations bills on time and that there be no omnibus appropriations bill lumping all kinds of disassociated items into the same package.

We on the minority side of the aisle have provided procedural cooperation at virtually every step of the way. We have provided time limits on debate on virtually every bill that we were asked to provide them. Those time limits were sometimes stringent and they met with objection from a number of Members. We provided unanimous consent so that the scheduling of legislation could be accelerated on numerous occasions. And despite that fact, today some 6 weeks into the fiscal year, we have four bills which are still not finished. Those bills are the Treasury, Transportation, HUD bill, the military quality of life bill, the Labor, Health, Education and Social Services bill, and the defense appropriations bill. Together, those four bills, which we have yet to complete, represent 78 percent of appropriated financing for the coming year.

Why are we still not finished? It is certainly not because of any failure on the part of the Appropriations Committee. The Appropriations Committee kept to its schedule and every bill was passed earlier than almost any year that I can recall. And yet we are here with so much unfinished business on the appropriations side of the ledger.

The reason I think is very clear. Despite the fact that the White House, the Senate and the House are all under control of the majority party, despite that fact we have reached this delay and are forced once again to seek another continuing resolution.

The reason that has occurred, in my view, is because the budget resolution was so skewed in favor of the ideological right within the majority party caucus that in the end, even a number of Republican moderates have not wanted to vote for some of these bills, most especially in the Senate. And we find that even Republican committee chairmen, like Senator SPECTER, have described one of the bills as being totally inadequate to its responsibilities.

This country is in the middle of fighting a war. That war has a huge cost, and yet the Republican majority is in pursuit of its goal of providing huge tax cuts, a huge percentage of which will be put into the pockets of the most wealthy people in this country. Their desire to do that has led them to a willingness to borrow whatever it takes in order to put the money in those pockets and then use the resulting deficit as a reason to cut back on a number of other bills.

They use it as a reason to make significant cuts in education, in health, in science, environmental protection and the rest, and then pretend that the cost of Katrina is what made them do it, when, in fact, the cost of tax cuts for persons in the top 1 percent of income in this country over the next decade will cost about 10 times as much as the cost of Katrina.

So then we are forced because of the squeeze, we are forced to endure delays, and we have to bring forward a continuing resolution such as we are doing today. And I would point out that after we have gone through all of this effort, we, in the end, are probably still going to be stuck with an omnibus appropriations bill at the end, despite the fact that the majority party indicated they were going to move heaven and Earth in order to avoid such an eventuality.

The game plan apparently is to try to pass three appropriations bills yet this week, and then that will leave us in December with the defense appropriations bill, and evidently the intention at this point is to attach everything but the kitchen sink to that bill so that we will, in effect, have a recreated omnibus.

It is my understanding that the people expect to attach the bird flu appropriations, the appropriations for Katrina supplemental, and every other special deal that somebody can conjure up and attach it to the defense bill, and then hide it behind the skirts of military spending.

The betting is that Members will want to support funding for the troops and so they will vote for whatever other garbage is attached to that bill by way of nongermane items. That, I think, would be a dysfunctional result, but that appears to be where we are headed. It could be avoided if the majority had chosen to be a little less ideological, if they had chosen to pull the rubber band just a little less tightly, and if they had chosen to cross the aisle and work in a bipartisan fashion on taxes, on spending, and on other items that affect the shape and nature of the budget. We have not seen that, and so that is why we are here today with the necessity to pass a continuing resolution.

I will vote for the continuing resolution at this point because we need to keep the government open, but I am certainly not very pleased with how we have gotten here.

Mr. Speaker, I yield back the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

The joint resolution is considered read for amendment and pursuant to House Resolution 558, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LEWIS of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. REGULA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include tabular and extraneous material on the conference report to accompany H.R. 3010.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

Mr. REGULA. Mr. Speaker, pursuant to House Resolution 559, I call up the conference report on the bill (H.R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 559, the conference report is considered read.

(For conference report and statement, see proceedings of the House of November 17, 2005, at page H10383.)

The SPEAKER pro tempore. The gentleman from Ohio (Mr. REGULA) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I think we are going to do a bill that will make us proud to be Americans. Why do I say proud to be Americans? Because I think this bill, more than any other, illustrates the compassion of the American people. Why do we say that? Let me give you some examples that are in this bill and are funded.

□ 1230

Special education, programs to help young people that are disabled for many different reasons. It is a matter of caring for them.

Centers for Disease Control, an agency that is in 43 countries around the world watching out for us. We hear a lot about avian flu. We worry about avian flu, but the people that are really doing this are Americans in the Centers for Disease Control team that is out there in these 43 Nations, ready to stand by and alert us if it becomes a greater problem.

Education. The number one challenge of government today is to educate people to compete in the world of tomorrow. If you read the literature, you find more and more emphasis on the importance of education if a nation is to remain strong, if a nation is to provide a standard of living that the people expect, that we are used to enjoying in this country. The competition is going to get tougher in the years ahead. You only need to read Tom Friedman's book "The World is Flat" in which it is pointed out how much is happening or talk to people that have traveled, as is the case of my State superintendent, to countries in the Far East, and realize how much emphasis is being put on education. We in the United States need to do the same, and this bill recognizes that.

Education, going back to Thomas Jefferson, was designed to give all Americans through a system of public education, an equal opportunity to their future.

Head Start. It is another program under education where we say to children from areas and schools and homes where they may not get somebody reading to them, may not have a chance to get that head start they need going into the school program. Our authorizing committee, I think, took a giant step forward on Head Start in authorizing it to become more than just a welfare program, as was originally envisioned, but actually providing that people that man the Head Start program have some experience in education, that they do more than teach. The literature makes it very clear that education does not start at the first grade or even for that matter in the period ahead of that. It starts early, early on, and Head Start is another example of the compassion of America.

National Institutes of Health. We fund that in this bill. This is an agency that is researching, finding cures. Every Member I am sure has had parents in his office with a child with juvenile diabetes or with a parent with Alzheimer's, pleading with us to do more in medical research, to find cures; and this, again, illustrates the compassion of America. We have more than doubled the amount of money going to NIH in the last several years because we recognize that this is key to the health of America, to find cures, to find new ways to address the concerns of the people that all of us have seen in our office who are pleading with us to do something.

This bill has 500 programs in it, 500 programs that help Americans, and in many different ways.

Math and science. I have here a report just put out by a group commissioned by two Senators and two House Members, and it is entitled "Rising Above the Gathering Storm." Think about that title: "Rising Above the Gathering Storm." What is the gathering storm? The gathering storm is the inability to compete as a Nation, and the thrust of this report is to rise above that. Their number one recommendation is an increase in America's talent pool by vastly improving K-12 science and mathematics education.

We make that kind of a commitment in this bill. We do give extra funding for math and science and recognize that in the world of tomorrow for our young people to compete they need to have that background.

Meals on Wheels, another example of compassion. If you have talked with people that work in this program, mostly volunteers who take out these meals, that allows seniors to stay in their homes for a longer period of time, that allows them to see somebody if they are living alone maybe once a day or more often in the week, a wonderful program in terms of caring about people.

Afterschool programs, we fund those, and those of you who live particularly in the big cities realize how important that is. I talked this morning with a young man that is running an afterschool program in the gentleman from Pennsylvania's (Mr. SHERWOOD) district, a member of our committee, where he said how much they can help people with their afterschool programs.

There are moneys in here to roll out the prescription drug program because we have a responsibility in this committee to provide for the administration of these programs.

Global AIDS. Global AIDS is in this bill, $100 million to address, along with the money in the foreign operations bill that again is very, very important; and I think we can be proud to be Americans.

That is what I said at the outset. I say it again, that when you look at what we have funded in this bill, we have funding in this bill for 280 million Americans and over many billions of dollars to address the needs of people, that addresses things that are very important in their lives. I urge all the Members, before you rush to judgment on this bill, realize that we are in this bill doing a lot of good things for American citizens. Maybe it is not as much as you like, not many bills ever are as much as people would like that have a high degree of interest, but there is a lot of good in here.

There is a lot in here for special education. We increase it. We increase NIH. More medical research to address those problems of juvenile diabetes is an example that you hear about in your office; more money for education, Title I.

More money for community health centers. Any of us who have those in, and I hope most Members do, realize how important the community health centers are to people who have no access, who do not have a family doctor. It helps the hospitals because it means that people can go to the community health center instead of to the emergency room. We add money for that.

Community services block grants. Think of that title. Community services, and we give block grants to communities to administer to local problems. This is an example of a program that helps local people.

LIHEAP, again, Americans recognizing that people in areas of severe weather conditions need an additional helping hand, and that is especially true in this time that we are living in where people need to address the problems of excessive fuel costs.

So I cannot say enough. I hope all of my colleagues and the Members that are listening to this, reading the bill, will take note of the fact that whereas this may not be everything you like, this bill does a lot of good. I do not think you want to go home and tell people you are against more money for special education, for those that are least fortunate, that you are against more money for education, for medical research, for LIHEAP, for global AIDS, for people around the world that are less fortunate than we are.

So, again, I say think on what the importance is of what you are doing. Take pride in America. Take pride in the compassion of the people of this Nation as embodied in this bill.

Mr. Speaker, the complete table of all the funding levels included in the conference report has been printed in the CONGRESSIONAL RECORD as of November 16; and for those of my colleagues who are wondering what each of the programs might be of the 500, you can go to the RECORD of November 16 and pick out a program that you might have a special interest in.

Mr. Speaker, I am pleased to present before the House today the conference report on the fiscal year 2006 appropriations for the Departments of Labor, Health and Human Services, Education and Related Agencies.

Many of my colleagues are aware of the difficult choices we had to make in this bill. In February, Congress received the President's FY 2006 budget request. In light of our budget deficit, the President's request assumed a one percent cut in domestic spending, exempting both defense and homeland security from this reduction. Our budget resolution approved this recommendation. This cut, taken together with required increases for implementing the prescription drug benefit program, brings our bill to $1.4 billion below last year's level.

Let me emphasize, we made a commitment to reduce deficits. Recognizing the will of this House, we have put together a bill that best reflects the priorities of this body and does a good job of meeting the needs of the American people.

The conference report has no budget gimmicks, no emergency spending designations, and no earmarks.

So many of the programs in this bill play an important part in the lives of American people. Peter Drucker, who passed away on Friday, was considered by many to be the most influential management thinker of the past century. He said, "Successful enterprises create the conditions to allow their employees to do their best work." A successful employee needs adequate knowledge to thrive. I believe an investment in education is an investment in people. We support teachers and students by increasing funding for Title I by $100 million. Title I provides additional resources to low-income schools to help principals, teachers and students close education achievement gaps.

Many of my colleagues speak with me about the financial demands of special education on their local school districts. In this bill, funding for special education is increased by $100 million.

I believe the quality of classroom teachers and principals is one of the most important factors that affect student achievement.

This bill provides $100 million to reward effective teachers and to offer incentives for highly qualified teachers to teach in high-need schools.

We provide $184 million for math and science initiative. TRIO, GEAR UP, Vocational Education State Grants, and Adult Education, programs have strong support from members of this body. These programs were proposed for termination in the President's budget; however, we have allocated over $3 billion for the continuation of these important efforts.

The sharp rise in college costs continues to be a barrier to many students. This bill provides the full amount needed to hold the maximum Pell Grant at the current level of $4,050, over $800 million over FY 2005.

Healthcare is a critical part of a nation's economic development. Mr. Speaker, as you know, many of the Community Health Centers have served as America's health care safety net for the Nation's underserved populations. Funding for the Community Health Centers is at $1.8 billion, an increase of $66 million over last year.

As a result of our commitment to the National Institutes of Health, our citizens are living longer and better lives. We have provided over $28 billion to NIH to support medical research, $150 million over FY 2005.

The Low Income Home Energy Assistance Program ensures that low-income households are not without heating or cooling, and provides protection to our most vulnerable populations, the elderly, households with small children, and persons with disabilities. Given the anticipated high costs of energy due to Hurricanes Katrina and Rita, we have provided over $2.2 billion for FY 2006.

In the Department of Labor, we have provided nearly $3 billion for workforce training programs. These programs will ensure that our dislocated workers and most disadvantaged youth will return to gainful employment.

Mr. Speaker, in order to implement more than 400 provisions of the Medicare Modernization Act and ensure senior citizens receive the prescription drug benefits we provided in MMA, we have allocated nearly $1 billion over the FY 2005 level to the Centers for Medicare & Medicaid Services and Social Security Administration. While benefits that both of these agencies provide come through mandatory spending via the Ways and Means Committee, this bill provides the funding for the agencies' administrative costs.

Much more could be said about this bill, but given the allocation, we have produced a fair, balanced and responsible bill that best meets the needs of the American people.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 11 minutes.

Mr. Speaker, the gentleman from Ohio is my friend. I have a great deal of respect for him, and I know he tries to do the best job with the tools he is given. The problem is that he has been given a totally inadequate set of tools.

"This is the budget that you get when you elect a Republican White House, a Republican House of Representatives, and a Republican Senate." I did not say that. The former majority leader of the Republican caucus said that, the gentleman from Texas (Mr. DELAY).

This is the day when the price of Republican tax cuts for the wealthy becomes quite clear, on this bill and on the bill that will follow, the reconciliation bill.

This is the day when this Congress chooses to walk away from its investments: obligations in education, health care, job training and the like. This is the bill which shortchanges the Social Gospel. This is the day that we pass legislation that chooses to make the lives of the most privileged among us quite a bit more pleasant because of their tax cuts while at the same time we are making the lives of the poor just a little bit more desperate.

This is a growing country. It has growing problems. It has growing opportunities. If this bill does not grow with it, then we lose ground: and we are certainly losing ground under this bill today.

This is the bill for education, health, social services, worker protection programs. This is the guts of the Federal effort to try to see to it that, regardless of one's station in life, people have the greatest possible opportunity to get ahead.

Yet, this bill is $1.5 billion on a program-for-program basis, once you cut out the funny accounting, this is a bill which is $1.5 billion below last year.

The Department of Labor, funding in that Department: $37 million below the House bill, $193 million below the Senate bill.

There are 7.5 million Americans out of work. Yet the bill cuts $437 million out of training and employment services. That is the lowest level of adult training grants in a decade.

This bill also cuts the Community College Initiative, the President's initiative for community colleges, an effort to train workers for high-skill, high-paying jobs. It cuts that effort by $125 million and rescinds $125 million from funds provided last year, denying the help that the President was talking about giving to 100.000 Americans.

State unemployment insurance and employment service offices are cut by $245 million, eliminating help for 1.9 million people.

The International Labor Affairs Bureau will certainly have a hard time protecting American workers from being undercut by child and slave labor abroad after this program has been cut by 20 percent.

In the health and human services area, this bill cuts health care to the poor and underserved rural areas of the country. It eliminates the community access program that helps coordinate services and programs to provide health care to people who do not have it.

This bill cuts by 69 percent health professions training. This bill cuts by 73 percent funding for rural health outreach.

We have only about 10 percent of physicians in America who practice in rural areas, and yet one-fourth of the U.S. population lives in those areas. We have huge shortages of health care providers in urban, underserved areas as well, but training grants for health care professionals are cut by $206 million.

□ 1245

We have the Maternal/Child Health Care Block Grant. That program is cut by 20 percent below fiscal 2002 levels, and we have a 24 percent cut in block grants for State health departments. And then, all of us are going to run home and brag about how much we have done to prepare the country for public health disasters.

My friend talked about the National Institutes of Health. We have the smallest increase for NIH in 36 years, and under that budget, because funding for NIH does not keep pace with inflation, we will actually see 500 fewer research grants coming out of NIH than we would have seen 2 years ago. We have effectively ended the President's initiative to expand the number and the capacity of community health centers around the country, $238 million less than the President requested. For the low-income heating assistance program, our oil companies, one company, $10 billion profit the last quarter. We expect to see natural gas prices rise 46 percent, home heating oil prices rise 28 percent, and yet we freeze the program that is supposed to provide help to people to pay their bills so they do not have to choose between heating and eating, and we only serve 15 percent of the persons who are eligible to be served under that program.

Education: This is the first cut in education funding in a decade. Education programs under the No Child Left Behind rubric are cut by $784 million below last year. That is $13 billion below the authorization, and on a cumulative basis, it is some $40 billion short of what we promised we would have provided these past years since we passed No Child Left Behind.

Title I is up $100 million. That is in comparison to a $600 million increase that came from that well-known "liberal" George W. Bush. Special education, it is up $100 million in comparison to the $508 million request from the President of the United States.

Because we mandated that local school districts provide service to special education children, we are supposed to be providing 40 percent of the cost. This bill actually reduces the Federal share of that cost from 18.6 to 18 percent. That is going in the wrong direction.

The Comprehensive School Reform Program, totally wiped out. The Goodling Even Start Program, named after Bill Goodling, the former Republican chairman of the Education Committee, cut by 56 percent. Education technology cut by 45 percent, and that comes on top of a 28 percent cut that was made last year. We cut Safe and Drug-Free Schools by 20 percent in this bill. We freeze afterschool programs for the 4th year in a row. That means that there are 14 million kids in this country who want those services who will not get them. And I could go on and on.

On higher education, the college board tells us that the 4-year cost of attending a public university has increased by $3,100 over the past 5 years. The President's answer was to raise the Pell Grant maximum by 100 bucks. A $100 solution to a $3,100 problem. The Congress said "No, that is too much." The House cut it to $50. This conference report totally eliminates it, totally eliminates it. No increase in the maximum grant. And then in the reconciliation bill that follows today, they are going to add $8 billion more in costs to students who borrow money to go to college. And then this bill freezes all other student aid programs, SEOG, Work-Study, Perkins, TRIO, GEAR UP. It freezes title VI foreign language program.

The backlog at Social Security, those caseload backlogs are going to increase. This bill provides $189 million less than the President asked, $80 million less than was in the House bill, $130 million less than the Senate bill. And we do all of this in order to free up necessary room so the Republican Party can deliver on its $100,000-plus tax cuts for people who make 1 million bucks.

This is going in the wrong direction. These priorities are wrong. This bill is a disgrace. The gentleman would have provided a much better bill if he had been given a decent allocation, but he was not. So he did not have the tools to do it. There is no reason to vote for this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. REGULA. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. WALSH), a very productive and important member of our subcommittee.

Mr. WALSH. Mr. Speaker, I thank Chairman REGULA for yielding me this time. And I thank him for not only his work product today, but for his many, many years of service to this country and to this Congress. He has been a remarkable leader throughout his career, and there is no one in this House who can question his sincerity or his knowledge of the issues that he is responsible for.

I rise today in strong support of this bill. We will hear much from the other side of the aisle about what is missing from this bill, why we are not spending enough in this bill. We are spending $142 billion on the needs of our American citizens. That is more money than the entire budgets, the entire budgets, of Russia, China, Germany, and we could throw in 15 or 20 other countries. This is more money than they spend on their entire budget including their military. It is a pretty remarkable commitment to our Nation and to our fellow citizens. This is money that does not come easy. This does not come from God. This comes out of people's pockets.

We are going to hear an awful lot about these tax cuts. Well, we have tried to reduce the tax burden on Americans who are paying for these benefits. They pay for these benefits out of the goodness of their heart. First of all, they have to pay taxes to help support our government. We take that money, we turn it around, and most of the money we spend goes toward helping our fellow Americans, and that is what this bill is all about.

Congressman Bill Natcher, God rest his soul, used to refer to this as "the people's bill." This is the bill that helps educate our kids, that helps keep us healthy, that pays for Social Security and Medicare and Medicaid and all of our Federal health programs. And I do not know how anyone, except for nibbling around the edges, could criticize an effort where we are spending these tremendous amounts of money to help those among us who are less fortunate.

But there is also the argument that we will hear on the other side of the aisle about our deficits, that our deficits are too high, our deficits are growing, our deficits, our deficits, our deficits; but every time we bring a bill to the floor, there is not enough money in it. They cannot have both ways. They cannot rail against deficits and then tell us that we need to spend more money on every program in the Federal budget.

There is no question these are difficult choices, but I think if I were going to entrust my decisions on these things to anyone, it would be to Congressman REGULA, who has been doing this for so many years.

There are a lot of problems in our country, lots of them, and we have them in our home towns, our big cities, our rural areas, and this is an effort to deal with those problems.

For example, our party, we have, since we have become the majority, provided billions and billions more in dollars for education, remembering that the education dollar, public education, was 95 percent State and local funds. Now it is about 92 because we have so dramatically increased our contribution to that. And yet 50 percent of the kids who start high school in the United States today do not finish high school. That is a tragedy and it is atrocious, and it shows it is not just about the money. It is about parents, it is about school boards, it is about teachers, it is about kids, getting it right, taking a serious look at our public educational system in this country and realizing, as so many have said, that we are headed in the wrong direction. We are increasing resources to try to help with that, and we are trying to improve our math and science education because we are not competing with the rest of the world. But this bill makes a valiant effort to fund those needs.

We are also providing billions and billions of dollars for health care. In this bill we are not even talking about the brand new Medicare prescription drug benefit, the $400 billion prescription drug benefit that Congress just enacted that is just taking place today. Again, what a remarkable response by the Government of the United States to the needs of our senior citizens, because everybody knows that health care in this country has changed. People do not just go to the hospital anymore to get an operation. They go to the doctor, they get prescription drugs. The prescription drugs help them to live long, healthy, quality lives. And because of these programs like Medicare, Medicare prescription drugs, Social Security, we now have the healthiest and wealthiest group of senior citizens that the world has ever seen. This is a continuing commitment to that.

I urge my colleagues to forget about the nibbling around the edges and support a good solid bill that will help our fellow Americans.

Mr. OBEY. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, the gentleman brags about the additional money that the Republican Congress has put into education. President Clinton and the Democrats had to drag them kicking and screaming into providing that money. We provided $19 billion more in education since they took over the Congress than would have been provided if we had simply passed the Republican House bill.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. JACKSON).

Mr. JACKSON of Illinois. Mr. Speaker, I know the subcommittee chairman, the ranking member, and the majority and minority staff, did the best they could under the circumstances. But I think cutting title VII health professions by 69 percent, eliminating some title VII programs entirely, is draconian and unconscionable.

Since I started serving on this subcommittee almost 7 years ago, I have fought to end disparities, disparities in employment, disparities in education, disparities in health. And health disparities are real. If one is black in this country, their life expectancy is 66 years. If one is white in this country, it is 74 years. Infant mortality is twice as high for African American babies as it is for white babies.

Fortunately, institutions like the Institute of Medicine of the National Academy of Sciences have laid out a framework on how to end these disparities. One of the recommendations of the IOM was to increase the number of minority health professions. This mark does exactly the opposite, cutting health professions by almost $200 million.

Mr. Speaker, in the Centers of Excellence Program, this cut will eliminate 30 programs at Minority Serving Institutions, negatively impacting approximately 1,000 under-represented minority students and almost 180 under-represented faculty at these schools.

In the Faculty Loan Repayment Program, approximately 40 under-represented staff persons will lose their jobs. In the Health Careers Opportunity Program, 7,000 minority disadvantaged students will be negatively impacted and 3,000 K through 12 students will be negatively impacted.

Mr. Speaker, this assault on minority serving programs is unjustified and overtly irresponsible. I think that a society says a lot about the way it treats its most vulnerable of its citizens. I believe that we live in a United States and, like a chain, we are only as strong as our weakest link. By leaving some of our citizens behind, we prove that we are not strong and compassionate but weak and uncaring.

I keep hearing Members of this body say, Jessie, this is a tight budget year. Mr. Speaker, this is a tight year. It was not created by immaculate conception. Some of us voted to make it a tight budget year. Some of us voted to approve the budget resolution. Saying it is going to be a tough budget year is like a farmer saying he is going to have a bad harvest because he did not plant any seeds. Mr. Speaker, when Congress approved this budget resolution, we did not plant any seeds and nothing will grow this year, not because of a natural disaster like a drought, but because of our own making in this Congress. Shame on us. The chairman and the subcommittee did the best they could, but this is a terrible mark, and I urge a "no" on this bill.

☐ 1300

Mr. REGULA. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. GRANGER), a distinguished member of our subcommittee.

Ms. GRANGER. Mr. Speaker, I rise in support of the Labor, Health, Human Services and Education bill and say I am very proud to serve on this committee. It is an important committee that serves the needs of so many Americans in their daily lives. I want to say congratulations to and state my great admiration for Chairman REGULA in these difficult times when he as the leader of this committee has had to make some very tough choices.

The previous speaker said shame on us. I am not ashamed of this bill at all. I am very proud of the work we are doing. I am proud, for instance, of the $253 million increase to the National Institutes of Health funding medical research that can make such a difference to the health of Americans and to the health of this Nation, making us a healthy Nation. I am proud that we have doubled the funding for the National Institutes of Health while I have been on this committee.

I am proud of the funding for the community health centers which have been raised to $1.8 billion, serving the uninsured and the underinsured. I have a community health center in my district. It is a wonderful community partnership serving literally thousands of people that were not being served otherwise. I am very proud of that funding, and I am very proud of community health centers and what they do.

I am also proud about the funding for LIHEAP. It is $115 million over the last year, serving the poorest citizens in our country, helping with heating their homes, and those are citizens that are going to have to get up every day and decide what bills they are going to pay. I am proud of the work we have given them towards purchasing their prescription drugs. This funding for LIHEAP really makes a difference in their lives every single day.

I was a teacher before I left teaching and went into business, and then came to Congress. I have watched our math and science scores, how we worked so hard to bring those scores up so we can be competitive in the world. Now we have $184 million for a math and science partnership to strengthen our math and science education in K–12. This is something we have to do, and we have talked about it year after year after year to put that money where it is served best so we are not importing our scientists, we are growing and building our scientists. This is a bill I am very proud of. It is a difficult time, and the chairman has done a great job.

Mr. OBEY. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, the gentlewoman claimed there is a $115 million increase in here for low income heating assistance. There is not. The formula grant has been increased by $115 million, but the contingency portion of the program has been reduced by $115 million. The net result: no help in the teeth of huge energy increases.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. OBEY) for all of his work on the legislation, and I thank the chairman of the subcommittee for all of his work. Like so many others who have already spoken, it is clear they were not dealt a very fair hand, or the hand that they needed, to take care of needs of this country.

I am most disappointed in the funding of No Child Left Behind. At a time when school districts are entering into the most expensive part of No Child Left Behind, when they are being required to restructure entire school districts, entire schools, when they are trying to meet the demand and the requirement of a law that we have a highly qualified teacher in every classroom, which requires substantial retraining of teachers, the attracting of new teachers, the paying of incentives for teachers to go to the most difficult schools, at that very time the Federal Government walks away from the commitment under No Child Left Behind. The Federal Government starts to decrease its participation when the States and the school districts and our schools need it more than ever.

It really shows such little confidence in the future of our young children. It shows such little confidence in the ability of our school districts to restructure themselves to meet the demands being placed upon them. We see cuts here in technology grants that are absolutely essential for the future education of our children. We see teacher quality grants cut. Those are absolutely essential to improve the quality of our teachers in our classroom so they can engage in that kind of professionalism.

What is most startling is that these cuts in education come at a time when, I am not saying put more money in education, Mr. OBEY is not telling you that, but the American business community is telling you this is the most crucial thing you can do. The American Electronics Association, made up of some of the most successful companies in the history of this country, their number one priority was to fully fund No Child Left Behind. The Semiconductor Association: fully fund No Child Left Behind, put money into graduate school education, put money into highly qualified teachers. And this budget goes in exactly the other direction.

We do not have the confidence that is necessary and demanded of this country in the future and the confidence in these young people and the necessary investments to be made in them. It is so discouraging to see the lack of confidence in our young people that this budget demonstrates.

Mr. REGULA. Mr. Speaker, I yield 4 minutes to the gentleman from Georgia (Mr. KINGSTON), a member of the Committee on Appropriations.

Mr. KINGSTON. Mr. Speaker, I want to say back during the spring we went through our annual budget process. The Budget Committee has testimony from all sectors of society and the government who are affected by the budget. It is a good debate.

In the final analysis, that budget came to the floor and after weeks and months of discussion and arm twisting, it passed by a vote of 214-212. I may be wrong on this, I do not think any of the Democrats voted for it. Most of the Democrats, I would say, are very consistent saying we should be spending more money and, therefore, they voted against it. But there are other Democrats who are saying look at the deficit, look at this, look at that. Boy, these Republicans are spending too much. There is clearly a mixed signal here, and clearly some dissension in the Democratic ranks.

But when you pass a budget in the spring and it is passed by this body and the other body, then the subcommittees of Appropriations have to follow that budget. That is what this does. Sometimes making these decisions is very, very tough.

This bill actually eliminates 29 lower-priority programs. One of the programs I am a supporter of, the National Youth Sports Program, I like that program. They operated in Savannah. But when you look at the context of some of the other programs and you realize this is run by the NCAA, the National Collegiate Athletic Association, and they are the same people who put on the Rose Bowl, the Rose Bowl alone generates $30 million in revenue. Perhaps they can replace the $18 million that Congress is putting into it right now. There are ways to keep these programs alive even though the Federal Government is not picking up the tab for them.

It is my hope on these 29 programs that are terminated, that the local, the State level will step in, the private sector will step in; and a lot of what they are doing are duplicated in other programs. I have to say that these are very important.

I have to say also, Mr. Speaker, that I had a lot of local programs that were eliminated. These are programs which I have worked very hard on over the years to try to get into this budget. Those were the earmarks: Memorial Hospital in Savannah, Georgia; St. Joseph's Hospital in Savannah, Georgia; a project for the city of Moultrie; the Warner Robbins Aviation Museum; the Civil Rights Museum in Savannah, Georgia; and Brunswick Hospital. These were a lot of good programs that I personally hoped to get in, things that were within the budget that were doable. And yet in the end because of the legislative process, all earmarks had to be eliminated.

I was not happy about that, but I understand. In the bigger picture of things, you have to do what the body can pass, what there are votes for.

In this case, where did the money go? It went to community health clinics. It goes to Medicare modernization and medical research.

Incidentally, we talk about the NIH. The funding for the NIH has doubled under Republican leadership under a commitment made by the former Speaker, Mr. Gingrich. I have to say, I am a little disappointed in what we have gotten for our money. I have not seen a plethora of medical solutions and new devices and vaccines and all kinds of other research that I had hoped doubling the NIH budget would give us. Nonetheless, NIH still gets an increase under this bill.

The bill also restores community service block grants. Lots of things like the Job Corps program are funded in this bill. Despite its tightness in some areas, Mr. REGULA has worked with the committee to put on what I think is a solidly balanced bill and face the economic realities of today with today's budget.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, reluctantly I stand here and oppose this legislation, primarily because we did earmark some money last year for programs, and now we are just cutting them off period, no prewarning, no salaries, no billing rent, no heat, nothing, just kicking them out. I do not think that is the right thing to do.

If you had grandfathered those programs in, I believe it would be a lot better. I would like to ask the gentleman from Ohio, do you save any money or does the money just go back into the other programs that your committee decided ought to get funding?

Mr. REGULA. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Ohio.

Mr. REGULA. In terms of earmarks, a proposal was made that we take an additional $2 billion as emergency spending, and half of that would have been for earmarks. But we did not do that.

Mr. YOUNG of Alaska. Does the actual number save any money? Does it save any money?

Mr. REGULA. The fact that there are no earmarks?

Mr. YOUNG of Alaska. Yes.

Mr. REGULA. Absolutely, a billion dollars.

Mr. YOUNG of Alaska. Just remember, you should have grandfathered those existing programs in place. You just killed them.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I reluctantly rise in opposition to the fiscal year 2006 Labor-HHS Conference Report. However, I wanted to express my sincere appreciation to the gentleman from Ohio (Mr. REGULA), the ranking member, the gentleman from Wisconsin (Mr. OBEY), and their staffs for their hard work on this legislation.

The bill should address many of our most important priorities, from education funding, worker training, to biomedical research and public health activities. Unfortunately, it falls short.

For the first time in 10 years, the bill actually cuts funding for the Department of Education. The bill provides the smallest increase for the National Institutes of Health in 36 years. Despite the fact that college costs have increased by 34 percent since 2001, the bill freezes the maximum Pell grant for the fourth year in a row.

At a time when States are being asked to bear an increasingly larger burden for preparing for and responding to public health emergencies, this bill cuts funds for State and local health departments by $127 million.

And the bill includes a rescission of $125 million from New York State Worker's Compensation Programs intended for sick and injured workers from September 11. The President made a $20 billion commitment to the people of New York following September 11. The rescission breaks that promise.

While these and other programs are on the chopping block today, the bill provides a $10 million increase for abstinence-until-marriage programs, despite mounting evidence of the scientific and medical inaccuracy of their curricula and ineffective results.

Mr. Speaker, I also want to express my continued concerned with the Weldon refusal clause included in this bill. For over 30 years, there have been Federal laws that allow doctors, nurses, and hospitals to refuse to provide abortion services because of their religious beliefs. However, this provision extends that protection to HMOs, insurance companies, and makes no exception for medical emergencies.

States that attempt to protect access to health services can be denied all of their Federal health, education, and labor funding. My colleagues, we had an alternative to this misguided and dangerous language. The Senate bill contained a provision that would protect doctors' consciences while ensuring that women still have access to the services and referrals they need.

Unfortunately, the House majority rejected the Senate's reasonable compromise in favor of maintaining a policy designed to limit women's access to reproductive health services.

Mr. Speaker, it is because of these flaws that I simply cannot support this final conference report.

Mr. REGULA. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. WELDON).

□ 1315

Mr. WELDON of Florida. Mr. Speaker, I thank the chairman for yielding, and I want to commend the gentleman for his outstanding work on this piece of legislation. The chairman is, I believe, well noted on both sides of the aisle for being a very compassionate and caring person, but as well a responsible adult.

When I travel around my congressional district, yes, it is true there are certain groups that would like to see areas of this bill increased. The things I hear overwhelmingly and most loudly is that these are difficult times. We have had tremendous outlays and expenditures with Hurricane Katrina, the war in Iraq and that we really need to hold the line on spending. And what this bill does, I believe, is unprecedented in my 11 years of being here in the House of Representatives. It actually reduces spending from last year. So this is not Washingtonspeak gimmicks where you take a 7 percent increase and reduce it to a 6.9 percent increase and scream and yell about that being a cut. This is a real reduction in spending, and I think it is quite impressive. It eliminates 21 existing programs and cancels eight new programs.

What Chairman REGULA has done is adopted a philosophy which I think everybody in the Congress should adopt, look at programs very seriously and are they getting the job done. And if they are not, they should be eliminated. And contrary to Reagan's statement that the only thing that has eternal life in Washington, D.C. is a Federal program, Chairman REGULA has been able to reduce and eliminate 21 existing programs because they were not effective.

Within that context, the bill includes, I think, a number of important increases along the lines of what I believe the American people want to see. They are small in the budget realities we are dealing with now, nonetheless, they are real. The Pell Grant amount was increased so that we could keep the size of the grant the same. Additionally, there are some small increases for special education and title 1. I want to particularly commend the chairman for holding the line on the Weldon language. We have had in this bill for, as I understand it, decades, conscience protections for health care providers that do not want to perform abortions.

But in recent years, very aggressive abortion rights advocates have been putting pressure, using regulatory agencies and State governments and courts on hospitals and other institutions to begin performing abortions when the officials and the workers in those institutions did not want to do that. And what we have done is held the existing language from last year, which, I think, is the right policy for the Congress. It is the right policy for the American people. So I commend all my colleagues to vote for this bill. It is a good piece of legislation. It is the right thing for this country at this time and our history with the challenges that we face today.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, the work of this subcommittee has always reflected our priorities as a Nation, helping provide services that help us meet our most basic needs, health, our children's education, our scientific research, challenges only the Federal Government has the ability, the capacity and the resources to help us meet. The problem with the funding in this conference report is that it fails to meet that threshold.

Worker training, funded at levels below last year. The National Institutes of Health, where this subcommittee made historic progress, doubling our investment in medical research. Name the disease, childhood leukemia, Alzheimer's, Parkinson's, HIV, the work of the NIH has prolonged or improved the life of every single American.

The funding level for the National Institutes of Health does not even meet inflation. Health professions are cut in half. Head Start is funding below last year's level. And with the cost of a college education skyrocketing, this conference report flat funds Pell Grants, meaning the maximum award is exactly the same as it was last year.

Funding for the Low Income Home Energy Assistance Program, at last year's level, will prove disastrous for low income families.

This bill fails to invest in any of the priorities important to the American people. And the American people are tired of the Congress spending trillions in tax cuts for the wealthiest Americans at the same time they are told we simply do not have the resources to invest in things that impact their daily lives. We can make those investments, but only, only if we make them a priority.

That is what the American people want and expect from their government. You ask any middle class family what is more important to them, tax cuts for wealthy Americans, or lowering the cost of health care, home heating costs or college. They will tell you they want something that makes a difference in their lives and their family's lives. Vote against this conference report.

Mr. REGULA. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I rise simply to express profound gratitude for the leadership that Chairman RALPH REGULA has provided in bringing this extraordinary measure to the floor. I also commend the Chairman of the Appropriations Committee, the gentleman from California, for his leadership.

The challenge of being in the spending branch of government is to fund the Nation's priorities and to live within our means. And this legislation for fiscal year 2006, with Labor, Health and Human Services and Education, does just that.

The story goes that Chairman RALPH REGULA was at the White House, saw Ronald Reagan and they talked about the fence at the Reagan ranch. And a day later, RALPH REGULA received a handwritten set of instructions about how to build a fence that is on the wall of his office today.

What is clear today to House conservatives is that RALPH REGULA learned more than just how to build a fence from Ronald Reagan. He learned how to fund the Nation's priorities with the fiscal discipline that characterizes this governing party. And for that, I am grateful.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I too want to commend those who worked to get the earmarks out of the bill. But I just wanted to point out that not all the earmarks are out of the bill. In the bill, we have $1.25 million for the Center For Excellence in Native Hawaiian Law at the University of Hawaii, $1.2 million for the Hawaiian Department of Education for school construction, $2 million to the Mississippi Band of Choctaw Indians for cultural and education funding, $5 million for America's Promise.

Now these may well be good programs, but they should not be funded in this bill that says that all the earmarks are gone.

We also violated a House rule where we were naming two Federal facilities after sitting Members of Congress. The Center for Disease Control headquarters is being renamed the Arlen Specter Headquarters and Emergency Operations Center. We are renaming the communication center at the CFDC the Thomas R. Harkin Global Communications Center. We should not be doing this. If we are getting rid of the earmarks, we ought to get rid of all of them.

Mr. REGULA. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 4½ minutes to the gentleman from Maryland (Mr. HOYER), the distinguished minority whip.

Mr. HOYER. Mr. Speaker, I am sorry that the gentleman from Indiana (Mr. PENCE) left the floor. The majority party neither funds the appropriate priorities in this bill nor meets its responsibilities for fiscal sound management of the Federal Government. It has taken this Nation $3 trillion into additional debt in the last 56, 58 months. During the last 4 years of the Clinton administration, we did not have to increase the debt once, not once.

Mr. Speaker, this appropriations conference report betrays our Nation's values and its future. It is neither compassionate, conservative nor wise, and I will vote against it.

Our colleagues on the other side of the aisle, including my Republican friends on the Labor Health Committee, claim that there is little they can do to improve the funding levels in this key domestic program. They say that they have no options, no alternative, that they are only complying with the funding levels dictated by the Republican budget resolution, a resolution which results in an additional almost trillion dollars in additional debt.

But let me remind them, you voted for that budget resolution and you cannot have it both ways. You cannot vote for draconian cuts in April and disclaim responsibility when those cuts are enacted in November.

At a time when we should be striving to make American schools and American students the best and the most competitive in the world, this bill insures that our Nation falls further and further behind. Unconscionably, this conference report cuts the Federal investment in education below current levels by $59 million, for the first time in a decade. And it cuts funding for No Child Left Behind by $784 million, 3.2 percent cut, below the current level. This means that we have now reached a $40 billion cumulative shortfall below the amount we promised our children when President Bush signed this bill into law. We do nothing in this bill to make higher education more accessible.

In my State, and I am sure in the chairman's State, and the chairman I do not criticize. He is given what he is given and he does the best he can. But in my state, costs have gone up for college kids and their families. Despite the President's 2000 campaign promise to increase the maximum Pell Grant to $5,100, despite that promise, this bill freezes the maximum Pell Grant at over 25 percent below that, at $4,050. For the fourth year in a row, that promise has been broken, while tuition and fees have increased 46 percent since 2001.

However, the inappropriate funding levels in this conference report should not surprise anyone. They are the inevitable consequence, and I am glad my friend from Indiana has returned, because the budget deficits confronting this Nation and the underfunding of priorities in this Nation are the inevitable consequence of the fiscal policies of the Republican majority and this administration, policies that starve the government resources.

So let everyone here and everyone watching at home understand, the funding levels contained in this conference report are the direct consequence of the Republican Party's failed economic policies that have spawned record budget deficits. Why? Because the next bill that is coming down the line will cut taxes by some $70 billion. As the gentleman from Alaska (Mr. YOUNG) asked, is it saving money? It is not. And those failed policies are the proximate cause of this woefully underfunded and unacceptable conference report.

When we started on this budget disaster, Jim Nussle, Republican leader of the Budget Committee said this: "We do not touch Social Security. It does not touch Medicare. In fact, this budget accomplishes the largest reduction of the debt held by the public in our history. The bill does not change in one way, shape or form. And by the end of 10 years, this budget will have eliminated the debt held by the public."

In fact, it has taken, contrary to Mr. NUSSLE's representations, $3 trillion, with a T, additional debt has been accumulated under these budgets. All they do is underfund priorities and adopt fiscally irresponsible policies. What a shame for America. Together America can do better.

Mr. REGULA. Mr. Speaker, I continue to reserve my time.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, the budget and appropriation bills that we pass here in the House are reflective of our values as leaders in this country. H.R. 3010 reflects very poorly on this Congress. Four years ago, when we passed the No Child Left Behind Act, we told schools that we wanted them to be accountable for results and that we would provide them with the resources necessary to achieve these results.

Today, we know that the President and the Republican Congress have utterly failed to keep the bipartisan promise to students, to parents, to teachers, to provide schools with the resources called for by No Child Left Behind.

If we pass this bill, we will have shortchanged our Nation's children by more than $40 billion over the past 4 years. This is only one of the many, many, many ways that this bill fails to invest in the American people and their children. And I urge my colleagues to oppose it.

□ 1330

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Speaker, I thank you for the opportunity to say a few words about why I think this bill is a bill that says that the best days of this country are behind us, not before us. I call attention to some statistics, statistics that say the high school dropout over the course of their life will earn $260,000 less than a graduate. This legislation, I think, does very little to support more students graduating from high school when it cuts after-school programs by 25 percent. If you spread that across 23 million high school dropouts in this country, that adds up to $50 billion a year less in taxes.

So if we are really concerned about generating more taxes, we ought to be investing in our people, not taking away the kinds of resources that contribute to their ability to become greater taxpayers in this country.

Mr. Speaker, $1 invested in preschool leaves $7 saved in welfare, health care and criminal justice. Let's invest in our people.

Mr. OBEY. Mr. Speaker, I yield myself the balance of my time.

A previous majority Member said today that this bill represented fiscal responsibility. The fact is the Republican Party will provide, over the next decade, $1.2 trillion in tax cuts to people who make over $1 million a year. Yet in this bill, they will freeze student loans, they will allow people without health care to increase in number by 2 million, they will provide the first cut in education in a decade, they will cut safe and drug-free schools by 20 percent, and they will slash the President's initiative for math and science education.

In the teeth of the fact that they have given $14 billion in subsidies to the big energy companies, they then say to low-income people who have to pay those higher prices, "Sorry. Despite the fact you're going to have a huge increase in home heating costs, we're not going to give you a dime in additional money in this bill."

That is what they do. What we are going to see today in the reconciliation bill and in this bill is a double whammy on the most vulnerable people in this society. That is wrong morally and it is wrong economically. We hear a lot of talk on this floor about preserving life. Yet this program is going to cut maternal and child health care by 20 percent below the 2001 level. How is that going to encourage women to carry their babies to term?

This bill falls far short of our responsibilities in meeting the growing economic and social needs of this country. It ought to be defeated. We should not put tax cuts for millionaires ahead of providing basic education, basic health care and basic job protection to America's working people.

I urge a "no" vote on the conference report.

Mr. REGULA. Mr. Speaker and my colleagues, I hope you will all weigh carefully what your opportunity here is in terms of voting for this bill. An opportunity to improve health research, an opportunity to improve education in Title I, an opportunity to provide more money for special education, an opportunity to ensure that LIHEAP is funded for those in need, an opportunity to develop community health centers where poor people can go to get help, where they can avoid having to run to the emergency room. So many positive things.

As I said at the outset, this is a bill that makes you proud to be an American. It illustrates the compassion of the American people. We have heard from the other side how we are not doing enough. Let me point out that in 1996 shortly after the Republican Party became a majority in 1994 and took responsibility, in 1996, the total of this bill was $65 billion. Here 10 years later, this bill is $142.5 billion, more than double the amount of money that has been committed to the compassionate programs of America, education, job training, medical research. We could go on and on.

We heard the gentleman from California talk about qualified teachers. I want to mention a special program in here. It is new. $100 million to help get better qualified teachers in every classroom. Over and over again we hear how important the teacher is to the education system. Not only teachers but principals, good principals, good schools. We have recognized the importance of this by committing $100 million. This bill has $2 billion for homeland security. Again, this is important to the American people. Homeland security in the form of CDC, checking around the world in 43 locations to ensure that avian flu does not reach our shores.

I could go on and on about the compassion of this bill in terms of helping people. TRIO and GEAR-UP, programs to help people get into college, to get that higher education that we all recognize is vital to their future and to the future of this Nation.

And let me say to those of you who think that, well, the key to this is to defeat the bill. If you defeat the bill, what is going to happen, in all likelihood, it will give these responsibilities that are embodied in this bill, the important programs for America will get rolled into some form of an omnibus bill and will be a continuing resolution. If that were to happen, priorities that are embodied in the bill would be lost, the things that are so important to all the Members of this body, but, moreover, far more important to the people of America, 280 million people.

I urge a strong, positive vote for the bill so we can continue to take pride in America and the compassion of the American people.

Mr. HASTERT. Mr. Speaker, I rise in support of this conference report funding the Departments of Labor, Health, Education, and other agencies.

While not a perfect bill, it is a good bill. It represents another step in this year's appropriation cycle for fiscal responsibility.

Earlier this year, Congress passed a budget. It was a tough budget that reflected the difficult financial times we face.

It reined in spending on non-security activities for the first time in a generation. This is not an easy task. It is tough to cut the budget.

The conference report before us today $142.5 billion. This is precisely the House-passed level, and nearly a half a billion dollars less than last year.

To arrive at this number, the conferees had to work hard to reduce the levels proposed by the other body that were $2.6 billion higher than the accounts in the House-passed bill.

The conference report before us today does not include emergency spending designations or funding gimmicks as proposed by the other body.

The bill before us is lean. It prioritizes spending, contains some real cuts, and provides some resources for high priority programs.

The bill proposes to terminate 29 programs, including 20 of the 50 programs proposed for termination in the bill that originally passed in our chamber. Other programs proposed for termination by the House are cut substantially from last year's level.

While reducing the overall size of the bill from last year, the House conferees were able to increase funding in critical area, such as Pell Grants, Special Education, and low income heating assistance and bioterrorism preparedness.

For Community Health Centers, the final conference agreement provides $1.8 billion, $66 million more than last year.

The conference report includes $100 million for a Teacher Incentive Fund that will be a pilot program helping reward teachers with the incentives to boost the quality of our education.

Generally, the increases in the conference report aren't big enough for our Democratic friends but they reflect our effort to do the best we could with the limited resources we had available.

I urge my colleagues to support the conference report.

Mr. MARKEY. Mr. Speaker, I rise in opposition to the Conference Report.

This bill inadequately funds virtually every area of need. It slashes $1.5 billion from our country's critical health, human services, education and labor programs.

While the Bush administration has never fully funded the No Child Left Behind Act, this bill goes a step further by actually cutting total Federal education funding for the first time in a decade—cutting No Child Left Behind by $14 billion below the authorized level, slashing special education, safe and drug free schools, education technology grants and freezing the maximum Pell grant award for the fourth year in a row despite rising tuition costs.

While people are trying to get re-trained because their jobs have been outsourced overseas, this bill cuts adult job training by $31 million and youth job training by $36 million.

At a time when we are trying to prepare our country for the aging of the baby boomers and threat of pandemic flu, this bill cuts funding for healthcare. It cuts the CDC's budget by $249 million and provides the smallest percentage increase to NIH—less than 1 percent—since 1970. It doesn't provide any money for pandemic flu preparedness and eliminates 10 critical health care programs, including trauma care and the health community access program and cuts the health professions training grants by 69 percent making it even harder to recruit qualified health professionals.

The bill before us today would also freeze funding for the Low-Income Home Energy Assistance, LIHEAP, at $2.18 billion, counting both basic formula grants and emergency grants—the FY 2005 level.

LIHEAP serves about 5 million households, the majority of which have at least one member who is elderly, disabled, or a child under age five.

LIHEAP appropriations have failed to keep up with rapid increases in energy costs over the past several years.

The conference report is freezing LIHEAP even though consumers are expected to pay 52 percent more for natural gas, 30 percent more for home heating oil, and 11 percent more for electricity this winter.

Back in August, the Republican majority heralded the passage of their massive energy bill, a bill that contained $14 billion in tax breaks—most of them for wealthy oil, gas, coal and nuclear industries. At the time, they argued that their bill was "balanced" because, among other things, it provided $5.1 billion in annual authorizations for the LIHEAP program.

But now, in this bill, we see that Republicans are not willing to fully fund LIHEAP. Under this bill, the Republicans would freeze LIHEAP funding at last year's level, despite the skyrocketing prices consumers will be paying for natural gas and home heating oil this winter.

Later today, the Republicans will be bringing up their Reconciliation bill, a bill that provides an additional $1 billion for LIHEAP. But in the Energy and Commerce Committee, the Republicans voted against an amendment offered by the gentleman from Illinois, Mr. RUSH, the gentleman from Texas, Mr. GREEN, and myself to increase LIHEAP funding up to the full $5.1 billion level. The Republican leadership isn't even going to allow Democrats to offer an amendment to increase LIHEAP funding up to that level.

The Republicans won't fully fund LIHEAP because they have other priorities. Their budget makes that quite clear. Tax cuts for millionaires, tax cuts for the giant oil companies, weakening environmental regulations for their business cronies. Those are the priorities for the Republican-controlled Congress. Funding for education, health care and low-income home energy assistance so that seniors on fixed incomes, and poor families can heat their homes this winter, are not their priorities.

I urge a "no" vote on this bill.

Mr. VAN HOLLEN. Mr. Speaker, I rise today to express my strong opposition to the ill-conceived Conference Report for H.R. 3010, the Labor-HHS-Education appropriations bill for fiscal year 2006.

This bill is flawed in so many ways and is a disservice to the American people. It is the latest move in the steady drumbeat of a Republican legislative agenda that makes working and middle class Americans pay for the tax cuts that benefit the ultra-wealthiest Americans. And it comes at a time when we are confronting the aftermath of Hurricane Katrina and the huge costs of waging the ongoing war in Iraq.

Overall, this conference report cuts education, health care, and human services by $1.5 billion below what was spent on these efforts last year. Meanwhile, Republicans plan to spend $11 billion this week on a capital gains and dividend income tax cut that will provide 53 percent of its benefit to people making more than $1 million. Overall, Republicans will spend more on tax cuts this week alone, $70 billion, than on both the Department of Education and the Department of Labor, $68 billion, for an entire year.

These are just a few victims of the Republican bill.

No Child Left Behind funding is cut by $784 million, the first time NCLB will have been cut since the law was enacted. Title I, which is the core of NCLB's efforts to improve reading and math skills, receives the smallest increase in 8 years—only $100 million—which means 3.1 million low-income children will be left behind.

The maximum Pell grant is frozen for the fourth straight year, and no new funding is provided for all other student financial aid and support programs, even though college costs have increased by $3,095, 34 percent, since 2001.

Consumers are expected to pay 46 percent more for natural gas and 28 percent more for home heating oil this winter, yet Republicans refused to increase funding for LIHEAP home heating assistance, which helps keep the heat on for low-income seniors and children.

Nearly 46 million Americans are without health insurance yet Republicans provide virtually no funding for new Community Health Centers beyond those approved last year. Republicans also eliminate the Healthy Communities Access Program, $83 million, and state planning grants to improve health care coverage, $11 million.

The conference agreement does not include the $8.1 billion in emergency funding provided in the Senate bill for pandemic flu preparedness, or any part of the $7.1 billion requested by the administration for that purpose.

The conference agreement freezes or cuts most programs below their FY 2005 levels, including the following:

International assistance grants to eradicate child labor and protect worker rights through the Bureau of International Labor Affairs are cut by 21.4 percent.

Community college training grants are cut by 50 percent in each of FY 2005 and FY 2006.

Unemployment insurance and employment service offices to help the unemployed are cut by 6.7 percent.

Health professions training grants are cut by 69 percent.

The Healthy Communities Access Program is eliminated.

The Centers for Disease Control is cut by 3.9 percent.

Comprehensive school reform state grants are eliminated.

Even Start family literacy services are cut by 55.6 percent.

Education technology grants are cut by 44.6 percent.

The education block grant for local initiatives is cut by 49.6 percent.

Safe and drug free schools grants are cut by 20 percent.

Under the conference agreement, only a few programs receive modest increases over FY 2005 and—in most cases—even these increases are below the amounts sought by the administration. While the conference agreement restores many of the 50 programs proposed for termination in the House bill, these restorations were made at the expense of funding for priority programs, such as community health services, Title 1 grants for low-income children, and special education grants, and Pell grants.

NIH receives a mere 0.7 percent increase—this does not even keep pace with inflation and does not meet our health research needs.

Title 1 grants for low-income children receive a 0.8 percent increase—the smallest increase in 8 years.

Special education grants receive a 0.9 percent increase—the smallest increase in a decade.

The maximum Pell grant is frozen at $4,050 for the fourth consecutive year compared to the $4,100 provided in the House bill.

Mr. Speaker, the simple truth is that the bill cuts essential health and education programs to pay for ill-conceived tax cuts. I do not believe this bill reflects the priorities and values of the American people. I urge my colleagues to vote against it.

Mr. OLVER. Mr. Speaker, I rise today with a heavy heart to talk about the misguided conference report that the majority party has produced.

While the number of people living in poverty in this country continues to rise, this conference report fails to adequately fund programs that work to alleviate poverty. Despite the evidence, this conference report cuts Head Start funding and freezes funding for programs such as the Community Service Block Grant and LIHEAP.

As the number of Americans without health insurance sets new records every day, this conference report is cutting funding to programs that provide healthcare assistance to the uninsured. It eliminates the Healthy Communities Access Program and imposes drastic cuts to Maternal and Child Health funding and Rural Health Outreach. These cuts are in addition to $11 billion in cuts to Medicaid that are included in the majority party's reconciliation bill that may be voted on later today.

As the number of Americans unable to find a job continues to rise this conference report issues devastating cuts to initiatives that help put dislocated workers back in the labor force. Currently, 7.4 million Americans are unemployed, yet this conference report cuts Unemployment Insurance and Employment Services by $141 million.

At a time when this country should be investing in education and human capital, this conference agreement cuts $784 million from No Child Left Behind. It cuts funding for Even Start and Safe and Drug Free Schools, and freezes funding for adult education. These cuts are in addition to a reconciliation bill that cuts $14.3 billion from student aid for college students.

Mr. Speaker, I came to Congress to find solutions to problems not make them worse. We have a responsibility to ensure that all Americans have an opportunity to share in America's prosperity. It is irresponsible that we approve this conference report that cuts and eliminates essential programs when there is such an obvious need for the services they provide. I cannot in good conscience vote for this conference report and I urge my colleagues to vote "no."

Mr. BLUMENAUER. Mr. Speaker, the fiscal year 2006 Labor, Health and Human Services, Education and Related Agencies appropriations is not just an underfunded bill but is harmful. A bill which should be a stepping stone towards providing good education, employment opportunities and access to affordable health care, instead takes away important safeguards upon which Oregonians and Americans depend. It is another example of how out of touch the Republican leadership is with the rest of the Nation.

This bill shortchanges education programs and imposes a burden on our college students. At a time when the global economy demands a highly trained, educated workforce, we are making it more difficult for our students to succeed by cutting financial aid programs, impacting over 90,000 Oregonians who are borrowing money to attend college. Oregonians have already been saddled with at least a $1,000 increase in college tuition over the last year. And while there are over 55 million children in public schools nationwide and State budgets are already stretched thin, No Child Left Behind funding is cut by $784 million.

Students are not the only ones feeling the squeeze. Several health care programs are threatened or eliminated in the legislation. While over 600,000 Oregonians are without health insurance, this bill essentially eliminates many of the safety net clinics and community health centers on which uninsured people depend. We may end up seeing more people in emergency rooms with severe conditions that could have been prevented with regular access to health care.

With over 7 million Americans out of work and over 100,000 Oregonians unemployed, the bill cuts the Department of Labor by $430 million. Without assistance the gap between the wealthy and the less fortunate will continue to widen. Americans deserve better and it is irresponsible to say that these eliminated programs and funding cuts are the only way to solve our budgetary mess.

Mr. LARSON of Connecticut. Mr. Speaker, I rise in strong opposition to the conference report of H.R. 3010, the Labor-Health and

Human Services-Education Appropriations bill for Fiscal Year 2006. This bill and the Republican majority are out of touch with the needs of the American public.

This legislation is a question of priorities. It is unconscionable that the Republican majority prepares to fund $70 billion in tax cuts with cuts to key education, job training and health care programs. With States across the country struggling to find the dollars to fully implement No Child Left Behind, this bill would cut No Child Left Behind funding by $784 million. With college tuition costs rising, this bill would freeze Pell grant funding at last year's level. With energy costs rising, this bill would also freeze Low-Income Home Energy Assistance funding at last year's level. With 7.4 million Americans out of work, this bill would cut $245 million for unemployment insurance and employment services programs.

Additionally, this bill would provide the National Institute of Health, NIH, which works to research and combat diseases like cancer and chronic illnesses such as Alzheimer's, Parkinson's and ALS, with the smallest funding level increase in 36 years. This bill would also slash $31 million in funding for Preventive Health Block Grants and provides virtually no funding for new Community Health Centers. This bill fails to recognize the continued HIV/AIDS crisis by freezing funding on virtually all components of the Ryan White AIDS Care program, except AIDS Drug Assistance. In total, this bill ignores the health needs of Americans.

This bill does not reflect the priorities of the American people. As Members of Congress, we cannot abandon our obligations to our children, to our parents and future generations by cutting vital programs to finance tax cuts bigger than we can afford. I urge my colleagues to reject the underlying bill and do better for the American people.

Mr. KUCINICH. Mr. Speaker, the vast education cuts brought before us today in this conference agreement and additionally in the budget reconciliation package that we may see today, are telling signs of the priorities of this Congress. These cuts demonstrate, far better than words ever could, that education is not a priority for this House.

This conference agreement provides a mere $11 million increase for Head Start, a pivotal program for preschool-aged children in low-income families across the Nation. At current funding levels, Head Start serves approximately half of the children eligible for its services, a wholly inadequate proportion. This program, which has repeatedly been found to dramatically improve the academic performance of students deserves much more than an $11 million increase.

The conference agreement cuts school improvement funding by 6 percent and flat funds teacher quality grants. These grants, which are used to recruit qualified teachers and support teacher development, are critically important to efforts to improve student achievement.

Rather than strengthening the Pell Grant Program and increasing access to higher education for low-income students, the conference agreement maintains the current maximum Pell Grant of $4,050. At this level, the maximum Pell Grant only covers 39 percent of tuition at the average four-year public college, making a mockery of its status as the foundation of student aid for the poorest students.

What are our priorities? The votes members cast today on this conference agreement and the budget reconciliation later today, will show their priorities. Do we place more value on tax cuts for the wealthy or the education of our students? I urge my colleagues to join me in prioritizing students' well-being and vote no on this conference report and on the budget reconciliation package.

Mr. HOLT. Mr. Speaker, today I rise to oppose the Labor-HHS-Education conference report, which is the most recent evidence that working and middle class Americans are paying the price for the Republican economic agenda of tax cuts for the wealthiest Americans. Not only does this immoral budget fail to provide for what the American people need now, it also fails to address what it will take to be economically competitive in the future.

Overall, the conference report cuts education, health care, and human services by $1.5 billion from what was spent on these efforts last year. Meanwhile, Republicans will spend $11 billion this week on a capital gains and dividend income tax cut that will provide 53 percent of its benefit to people making more than $1 million per year. Their plan spends more on tax cuts this week alone ($70 billion) than on both the Department of Education and the Department of Labor ($68 billion) for an entire year.

Funding for education is also cut by $784 million, the first time the No Child Left Behind (NCLB) Act will have been cut since the law was enacted. Title I, which is the core of NCLB's efforts to improve reading and math skills, receives the smallest increase in eight years. Because it fails to keep pace with our growing population, 3.1 million low-income children will be left behind.

A program for which I have consistently advocated is Mathematics & Science Partnerships. Under this program, grants are first made to states, which, in turn, make grants to partnerships that must include a state agency; an engineering, math or science department of a college or university; and a high-need school district. Grantees use these funds to establish rigorous math and science programs; recruit math, science and engineering majors into teaching; and improve the teaching skills of math and science teachers. Without significant investment in math and science education, we will not be competitive with countries like China who are graduating nine times the number of engineering students that we are producing in America. Unfortunately, this conference report appropriates $6 million less than the House passed earlier this year and $85 million (32 percent) less than the President's request.

Also important for long term economic competitiveness is the Educational Technology State Grants Program. Like math and science partnerships this program received $25 million less than the House bill, $150 million (35 percent) less than the Senate bill, and $221 million (45 percent) less than the current appropriation. This is exactly the wrong direction to be taking the country. We can not stay globally competitive if we are not teaching our children the skills and knowledge they will need to be the innovators of tomorrow.

Education for the disabled is also slashed. This bill cuts the Federal share of special education costs from 18.6 percent in FY 2005 to 18.0 percent by providing the smallest increase for the Individuals with Disabilities Education Act in a decade. The bill provides $4 billion less than Republicans promised for IDEA.

Similarly, the bill cuts $17 million for vocational education. This cut will force local school boards to raise funds or cut other services to make up the shortfall. This will not prepare our children with the high tech vocational education they will need to obtain a job that pays well but for which a college degree is not necessary.

With 7.4 million Americans out of work it is unclear to me why Republicans are cutting the Community College Initiative. This initiative would train workers for high skill, high paying jobs, yet it is being reduced by $125 million, denying this assistance to 100,000 Americans of a continued education to help them get a new job. This bill also cuts job search assistance through the Employment Service by $89 million (11 percent) and unemployment insurance by $245 million (7 percent), eliminating help for 1.9 million people.

This bill is no better for those attending college full-time. Despite the fact that higher education is increasingly expensive, the majority has decided not to increase the maximum Pell grant. Rather it is being frozen for the fourth straight year, and no new funding is provided for any other student financial aid and support programs, even though college costs have increased by $3,095 (34 percent) since 2001.

College students are not the only ones left out in the cold by this bill. Families and seniors who cannot afford to pay the expected 46 percent increase for natural gas and 28 percent for home heating oil this winter will have to get by without energy assistance from the federal government. For some reason Republicans have refused to increase funding for the Low-Income Home Energy Assistance Program (LIHEAP), which helps keep the heat on for people who cannot otherwise heat their homes in winter.

As this bill hurts families' ability to pay for college and heat their homes, it also deals a blow to their ability to receive healthcare. Nearly 46 million Americans are without health insurance, yet Republicans provide virtually no funding for new Community Health Centers beyond the amount approved last year. They also eliminate the Healthy Communities Access Program altogether along with the state planning grants to improve health care coverage. Where do the Republicans find the moral justification to cut these programs while planning to pass another $70 billion tax cut for the top 1%?

The bill does little to prepare for long-term healthcare concerns or invest in medical research. The Centers for Disease Control (CDC) is cut $249 million (3.9 percent). The National Institutes of Health (NIH) receives a (0.7 percent) increase—its smallest increase in 36 years, and not enough to keep the number of research grants from declining for the second year in a row. How are we supposed to remain the world leader in health research with funding numbers like this?

I believe American leadership is fueled by national investments in an educated and skilled workforce, groundbreaking federal research, and a steadfast commitment to being the most competitive and innovative Nation in the world. We must make the decision now to ensure that America remains the world leader in innovation and competitiveness. This bill takes us in the opposite direction.

America's global leadership in technological advancement and innovation is being seriously challenged by other countries. The warning signs could not be clearer. The rest of the world is increasing its capacity, its investments, and its will to catch up with us. We cannot ignore this challenge. Americans again must innovate in order to create new thriving industries that will produce millions of good jobs here at home and a better future for our children. Today this bill moves us further away from achieving this goal.

Mr. MENENDEZ. Mr. Speaker, today we have some very clear choices. It is not every day that we face such black and white options—often the issues we debate on this floor have many shades of gray.

But today, there is no confusion, there is no muddying of the issues, and there is no way to mask the harm this bill would do: cut education spending for the first time in a decade, slash funding for worker and youth training, and provide no increase for home heating assistance for low-income families.

Today, we have a choice. We can pass a bill that will be detrimental to our children's future; that will hurt students in need of financial assistance to go to college; that will not help families struggling to pay their heating bills; and that will severely hinder research and preventive health efforts. Or we can reject this bill and demand something better for American families.

We have heard that this bill is the result of priorities. Well, this is one point where I agree with my Republican colleagues. This bill is the result of priorities. The wrong priorities, Mr. Speaker.

When the Republican leadership of this Congress is content to spend more on tax cuts than on the entire Department of Education or Labor;

When we can spend $70 billion in tax cuts but cannot provide children the access to technology or advanced science and math instruction they need to compete in today's world;

When we can give millionaires a break but cannot provide students even a meager increase in Pell Grants to help them pay for the rising cost of college;

When we can shell out billions in tax breaks to oil companies but cannot help those in need prepare for what is expected to be one of the costliest winters yet; it is clear that Republicans have the wrong priorities in mind.

Mr. Speaker, our Nation's children should not have their education shortchanged because the administration had to scrounge around for a few million here and there to pay for tax cuts that benefit a small minority in this country.

At a time when people are losing faith in their government and their leaders, when they are asking for honesty and looking for answers to their everyday needs, this bill provides no answers. This bill tells them to go it alone. Mr. Speaker, America deserves better than this.

Vote no on this conference report that shortchanges and unfairly punishes everyday Americans.

Mr. LANGEVIN. Mr. Speaker, I rise today in opposition to the Labor, Health & Human Services and Education Appropriations bill before us. This bill quite simply fails to address the priorities of the American people.

My concerns about specific cuts in this bill are many. It cuts funding for No Child Left Behind, an already vastly underfunded mandate; it fails to offer even the small increase in the maximum Pell Grant that was established in the House bill; and it sets a funding level for the National Institutes of Health that would decrease the number of federal research grants for the second year in a row. The consequences of this bill are far-reaching. Major cutbacks in the areas of education and health care will have a tremendous economic impact on our Nation.

I would like to speak briefly about what my constituents have told me is important to them. Rhode Islanders, like all Americans, are concerned about health care. I have heard from many of them in recent weeks, in opposition to the devastating cuts to the Title VII health professions programs. While the Administration has made it clear that Community Health Centers are a priority to them, this bill nearly eliminates the very programs that health centers rely on to recruit nurses to work in areas that are facing acute professional shortages and train medical students to work with underserved populations. With 45 million uninsured Americans, we cannot afford to eliminate programs targeted at meeting the needs of the uninsured or remove the support systems that exist for those doctors and nurses who are serving in areas where there is a shortage of professional health services.

Rhode Islanders are also concerned about unemployment. With 7.4 million unemployed Americans, this conference agreement cuts critical services for the unemployed, including job training grants and unemployment insurance offices. Adult Training Grants, which provide training and related education and employment services to economically disadvantaged adults, are cut by $31 million—providing the lowest level of funding for these training grants in a decade. Youth training grants, which offer states the opportunity to develop on-the-job training and provide exposure to a wide variety of promising career paths for disadvantaged youth are cut by $36 million, offering 12,000 less at-risk youth the opportunity to earn a high school diploma and find meaningful employment.

When Congress passed H. Con. Res. 95, the Budget Conference Report, the Republican leadership set the stage for these devastating cuts. This legislation makes it clear that tax cuts for the wealthy will continue to be paid for by slashing programs that Rhode Islanders depend on.

I urge my colleagues to reject H.R. 3010.

Mr. ETHERIDGE. Mr. Speaker, I rise in opposition to H.R. 3010, the Fiscal Year 2006 Appropriations Act for the Departments of Labor, Health and Human Services and Education. H.R. 3010 severely cuts education, health care, and human services that are crucial to North Carolina and to the country.

As the only former state schools chief serving in Congress, I know firsthand the devastating effects that these education cuts will have. At a time when we are asking our schools to do more than ever, H.R. 3010 cuts No Child Left Behind funding by $784 million below last year's level and makes it impossible for our schools to meet high standards of accountability. These cuts will destroy the morale of our teachers, parents and students.

America's working families are struggling to pay record costs for college costs for college tuition and expenses. Last November, President Bush made a campaign promise to increase funding for Pell Grants and invest in higher education. Unfortunately, this bill freezes Pell Grants and other student financial aid programs for the fourth year in a row, even though college costs have increased by 34 percent since 2001. America needs a highly trained and educated workforce to compete in the global marketplace of the 21st Century, but H.R. 3010 slashes funding for education at all levels and strains school budgets.

The failure of H.R. 3010 to represent the values of the American people extends beyond the walls of the classroom. H.R. 3010 slashes funding for community health centers that assist the almost 46 million uninsured Americans, and underfunds the Centers for Disease Control as we face the possibility of a flu pandemic. And as winter approaches with expected record prices to heat their homes, H.R. 3010 fails to increase funding for LIHEAP home heating assistance, which helps keep the heat on for low-income seniors and children.

Mr. Speaker, H.R. 3010 fails to represent the priorities of the American people. I urge my colleagues to vote against this bad bill and restore funding for essential services for our families.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in opposition to the Conference Report on H.R. 3010. The fiscal year 2006 Labor-HHS-Education Appropriations report before the House today shortchanges America's children, its families, its workers and its most vulnerable citizens.

The Labor-HHS-Education bill embodies our priorities and values as Americans. In it, Congress provides the yearly resources needed to keep our families healthy, our children educated, our workers employed, and our most vulnerable citizens a productive part of our society. This bill is arguably one of the most important pieces of legislation Congress addresses each year.

Chairman REGULA understands this responsibility. He understands that this is "the people's bill", and he has worked hard to distribute the limited resources he was given in a fair and conscientious way. So my "no" vote today should in no way be seen as a lack of respect or appreciation for the efforts of RALPH REGULA, the chairman of the Labor HHS Appropriations Subcommittee.

Chairman REGULA and the staff of the subcommittee have worked within this tight budget allocation to address the needs and priorities of our states and communities as best they could under the circumstances. For example, the conference report includes increases in two critical areas to help infants and their families. The first is the Centers for Disease Control and Prevention's folic acid national education program. This program has been instrumental in the prevention of birth defects by encouraging women of child-bearing age to take the recommended amount of folic acid daily, thereby decreasing the rate of neural tube defects. The second increase is for the Health Resources and Services Administration's newborn screening program for early identification of infants affected by certain genetic, metabolic, hormonal and or functional conditions for which there are effective treatment or intervention. In addition, for the first time, this bill also includes programmatic funding for the national media campaign to fight underage drinking, which is being conducted by the Ad Council. I thank the committee for helping our country make progress in these critical public health areas. The presence of these and a small number of other positive programmatic funding levels, however, is simply not enough to warrant approving this conference report.

Mr. Speaker, the constraints placed on this bill by the budget priorities and decisions of the Republican leadership are not worthy of this House and the values of the American people. I voted against the House bill when it came to the floor in June precisely because it fell so short of meeting the needs of America's children, families and the most vulnerable among us. I had hoped that the bill would be improved in the conference. It is unfortunate, however, that in this conference agreement, the way they chose to improve overall programmatic funding from the original House Bill levels was to take resources away from other priorities and community needs.

This report and its funding decisions do not stand in isolation. They reflect the misguided priorities of a Republican leadership that has continually put the interests of the wealthy and the privileged before the needs and priorities of working and middle-class Americans. This Labor-HHS-Education conference report is a direct result of an economic agenda of tax cuts for the wealthiest Americans, and it weakens America's future by under-funding key education, health and human services programs. If approved, this bill will impose cuts to essential programs important to Americans in at least three major areas.

First, this conference agreement significantly shortchanges our nation's workers. The bill cuts labor programs $430 million below the FY 2005 levels. Training and employment services for the 7.4 million Americans who are unemployed are funded well below the FY05 levels. This includes a $31 million cut to Adult Training Grants, a $36 million cut to Youth Training Grants; and a $141 million cut to Unemployment Insurance Offices. The U.S. Employment Service Office, which matches job seekers with job openings, is slashed by 10.5 percent, and the report freezes funding for dislocated and older workers. In addition, the bill slices International Labor Affairs, the program that helps eradicate abusive child labor practices and protect worker rights. by 21 percent.

Secondly, this report is simply a reaffirmation of the Administration's hollow commitment to education, slashing the No Child Left Behind funds by $784 million below the FY 2005 level. It cuts the Education Technology Block Grant program that provides access to technology in schools by a shocking 45 percent from last year's level. It reduces the Even Start program supporting services for low literate and low-income families by 56 percent. And as a final point, it shortchanges our children with disabilities by funding IDEA at $4 billion below the Republican promise to put special education on a fast track to full funding.

Finally, the report is particularly devastating to the health of Americans. Some of its most significant cuts are directed towards the critical programs that provide a health care safety net for the uninsured. The conference agreement provides $34 million less than the House passed bill and $89 million less than the Senate bill for grants to Health Centers for services to the uninsured. The Maternal and Child Health Block Grant is cut by 3 percent, reducing its true per capita purchasing power by almost 20 percent below the FY 2002 level. The conference agreement terminates the Healthy Communities Access Program that makes grants to local hospitals, health centers and providers so that they can provide better integrated systems of care for the underinsured and uninsured. Lastly, as if cutting services wasn't enough, the conference agreement virtually decimates the Title VII Health Professions Training programs, cutting overall funding from $300 million in FY 2005 to $94 million in FY 2006.

Mr. Speaker, these drastic reductions to critical programs are not necessary. Ranking Member DAVID OBEY has consistently laid out a common-sense approach to this problem. By simply reducing the tax break for those with incomes greater than $1 million, we could add funding for No Child Left Behind programs, maintain college affordability by increasing the money for Pell grants, shore up our health safety net programs, and rebuild our public health system to respond to pandemics and possible terrorist attacks. But these fiscally responsible efforts by Mr. OBEY and the Democrats have been defeated by the Republican majority at every turn. The result is this grossly underfunded bill which we are considering today.

In the end, this Congress will be judged by how well we have served the needs of all our citizens and communities. As a result, this Labor-HHS-Education Bill will not reflect kindly on us. We can and must do better for the future of our families, our children, our workers and our most vulnerable citizens.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I speak today in opposition to H.R. 3010, the Labor-HHS-Education Conference Report. First and foremost, I am highly disturbed that the report has no earmarks for Member programs. Unfortunately, this conference report invests nearly $1.5 billion less in critical education, health care and job assistance than last year. In fact, Republicans will spend more on tax cuts this week, $70 billion, than they will on all education and labor programs over the entire coming year, $68 billion. The conference report is only the most recent evidence that Republicans are out of touch with the priorities of the American people. Together, American can do better.

With a record 55 million children in public schools and state budgets stretched thin, No Child Left Behind funding is cut by $784 million. Title I, which is the core of NCLB's efforts to improve reading and math skills, receives the smallest increase for Title I in 8 years—only $100 million—which means 3.1 million low-income children will be left behind. Further, even as the cost of a 4-year public college education has increased $3,095, 34 percent, since 2001, the maximum Pell Grant is frozen for the fourth straight year, and no new funding for all other student financial aid and support programs is provided. These cuts are unthinkable, and the American people do not deserve this treatment.

In addition to other horrible cuts, in an age where being tech-savvy is a necessity not a privilege, the digital divide just got bigger as the bill cuts the Education Technology Program by $221 million or 45 percent. Republicans will actually cut the Federal share of special education costs from 18.6 percent in FY 2005 to 18.0 percent by providing the smallest increase for the Individuals with Disabilities Act in a decade. The bill provides $4 billion less than Republicans promised for IDEA. It is hard to imagine, but with 7.4 million Americans out of work, Republicans cut the Community College Initiative's efforts to train workers for high skill, high paying jobs by $125 million and rescind $125 million form funds provided last year, denying this assistance to 100,000 Americans. Republicans also cut job search assistance through the Employment Service by $89 million, 11 percent. To further add injury to insult, state Unemployment Insurance and Employment Service offices are cut by $245 million, 7 percent, eliminating help for 1.9 million people. With consumers expected to pay 52 percent more for natural gas and 11 percent more for electricity this winter, Republicans still failed to increase funding for LIHEAP home heating assistance, which helps keeps the heat on for low-income seniors and children.

Only about 10 percent of physicians in America practice in rural areas despite the fact that one-fourth of the U.S. population lives in these areas. There are significant shortages of health care providers in urban, underserved areas, but training grants for healthcare professionals are cut $206 million, 69 percent. Further, nearly 46 million Americans are with out health insurance yet Republicans provide virtually no funding for new Community Heath Centers beyond those approved last year. Republicans also eliminate the Healthy Communities Access Program, $83 million, and state planning grants to improve health care coverage, $11 million. Preventive Health Block Grants to state health departments help address critical public health problems. The bill provides less for responding to disease outbreaks, immunizing children, and improving care for people with chronic diseases, when it cuts these grants by $31 million or 24 percent.

In addition, The International Labor Affairs Bureau will have a hard time protecting American workers from being undercut by child and slave labor abroad after being cut by $20 million or 21.4 percent.

In closing let me note that I was disappointed that the bill did provide earmarks for Member projects. However, I was pleased to see that this actions by the Republicans was the straw that broke the camel's back, and as a result, the Conference Report was voted down. I hope once conferees return to the drawing board; they get it right once and for all.

Mr. UDALL of Colorado. Mr. Speaker, I rise today in opposition to the Conference Report on H.R. 3010, which provides Federal funding for health, education and worker programs.

On healthcare, the bill takes a huge step backward in efforts to maintain basic health care services for the people in this country who are uninsured or underinsured. It eliminates the Healthy Communities Access Program, which helps health centers and public hospitals provide care for the uninsured. The bill cuts rural health care program funding almost in half, and it wipes out almost all of the Title VII health profession training programs that institutions like the CU Health Sciences Center need in order to provide critical training and education for medical students and residents who aim to practice in rural, low-income, and under-served areas.

And while the bill eliminates or cuts funding for several programs, it also fails to adequately fund others. The bill virtually provides no new funding for community health centers to cover rising health care costs at existing centers or to expand care for the uninsured even though the president called for a doubling of these centers. The National Institutes of Health, which works to find cures for many diseases, gets a paltry .5 percent increase in funding, the smallest percentage increase in 36 years which is not even enough to keep up with inflation in research costs. State and local health departments will be hobbled in protecting the public against infectious and other diseases because the bill cuts the Preventive Health Block Grant by 24 percent. Further, grants that help health departments improve their preparedness against bioterrorism and other public health emergencies are cut, and the Ryan White AIDS programs funding is frozen, even though the number of people living with HIV/AIDS has been rising by more than 6 percent each year.

Many of the education provisions are equally as troubling. The Republican majority has imposed a decline in funding for the Department of Education while requiring local school districts to implement federal mandates under the No Child Left Behind Act. Though I am pleased to see some of the programs such as vocational programs that were cut in the President's budget were restored in this bill, I am concerned by the low levels of funding for several education programs.

Our Nation has see a decreased number of students in the science, technology, engineering and mathematics, STEM, disciplines, and in turn fewer Americans are seeking careers in STEM fields. The Math and Science Partnership provides grants to recruit STEM majors into teaching, and links current teachers with state agencies or universities to improve teaching skills. This program, coupled with its counterpart at the National Science Foundation, works to improve the quality of teaching in math and sciences that will excite students to study these disciplines. I am disappointed to see only $184 million for this program. Unless we make a serious investment in these programs we will continue to see the decline in the number of STEM majors and those seeking careers.

I am also concerned by the funding levels provided for Part B state grants under IDEA. Last Congress we passed as authorization for IDEA that sought to reach full funding of the program by 2011. This Conference Report provides the smallest increase in funding for IDEA in a decade and actually decreases the federal contribution from 18.6%, already far below the 40 percent full funding would provide, to $18 percent. It is clear through these numbers that we are not doing enough to help states provide adequate education for disabled students.

The bill is another example of the Republican majority's misplaced priorities. In fact, Republicans will spend more on tax cuts this week, $70 billion, than they will on all education and labor programs over the entire coming year, $68 billion. The conference report is only the most recent evidence that Republicans are out of touch with the priorities of the American people. It cannot support it.

The SPEAKER pro tempore (Mr. TERRY). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, this 15-minute vote on adopting the conference report on H.R. 3010 will be followed by a 5-minute vote on passage of House Joint Resolution 72.

The vote was taken by electronic device, and there were—yeas 209, nays 224, not voting 1, as follows:

[Roll No. 598]

YEAS—209

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
English (PA)
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nussle
Osborne
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—224

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Gerlach
Gibbons
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kirk
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pickering
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Renzi
Reyes
Rogers (AL)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Wasserman Schultz
Waters

Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOT VOTING—1

Boswell

PARLIAMENTARY INQUIRY

Ms. PELOSI (during the vote). Mr. Speaker, I have a parliamentary inquiry. Has it now been 30 minutes for a 15-minute vote?

The SPEAKER pro tempore (Mr. TERRY). Clause 2(a) of rule XX establishes 15 minutes as a minimum time. The rule does not state a maximum amount of time.

Ms. PELOSI. Mr. Speaker, how much longer will it take for the Republican leadership to pass this terrible attack on America's children?

The SPEAKER pro tempore. The gentlewoman does not state a parliamentary inquiry.

Ms. PELOSI. Mr. Speaker, how much longer will you hold this vote open?

The SPEAKER pro tempore. The Chair intends to bring the vote to a close at such time as he believes that Members have finished voting.

Ms. PELOSI. Mr. Speaker, how many Members have not yet voted?

The SPEAKER pro tempore. The Chair has affirmed that the rules establish a minimum duration of the vote. The rules do not set a maximum duration. The Chair intends to bring the vote to a close at such time as he believes that Members have finished voting.

Ms. PELOSI. Mr. Speaker, is the vote being held open to change votes or are there Members who have not voted?

The SPEAKER pro tempore. The Chair will leave the vote open until he believes Members have finished voting.

Ms. PELOSI. I hope we will not be waiting too much longer, Mr. Speaker.

PARLIAMENTARY INQUIRY

Ms. PELOSI (during the vote). Parliamentary inquiry, Mr. Speaker.

Mr. Speaker, is it not a part of the rules of the House for Members who wish to change their votes for them to come to the well to change their votes and not keep the machines open to do that?

Mr. Speaker, is it not further part of the usual procedure of the House for the Chair to announce the changes as they come in?

The SPEAKER pro tempore. The Clerk has announced changes. The voting stations cannot accept further changes at this point. Any further changes must be made in the well.

□ 1413

Messrs. RUSH, HONDA and GUTIERREZ changed their vote from "yea" to "nay."

Messrs. TOM DAVIS of Virginia, HEFLEY, GINGREY, TANCREDO, FRANKS of Arizona, FLAKE, YOUNG of Alaska, JONES of North Carolina and Ms. HART, Ms. GINNY BROWN-WAITE of Florida, and Mrs. CUBIN changed their vote from "nay" to "yea."

So the conference report was not agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1415

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2006

The SPEAKER pro tempore (Mr. TERRY). The pending business is the vote on passage of House Joint Resolution 72 on which the yeas and nays are ordered.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 16, not voting 4, as follows:

[Roll No. 599]

YEAS—413

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—16

Becerra
Capuano
Conyers
Cooper
DeFazio
Dingell
Ford
Frank (MA)
Grijalva
Hastings (FL)
Jackson (IL)
Kucinich
Lofgren, Zoe
Stupak
Tierney
Wu

NOT VOTING—4

Boswell
Carnahan
Edwards
Towns

□ 1428

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO INSIST ON DISAGREEMENT TO SENATE AMENDMENT TO H.R. 3010, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

Mr. REGULA. Mr. Speaker, I move to take from the Speaker's table the bill, H.R. 3010, with the Senate amendment and to insist on disagreement to the Senate amendment.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. REGULA) is recognized for 1 hour.

Mr. REGULA. Mr. Speaker, this is a simple motion to insist on the House position, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. REGULA).

The motion was agreed to.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore (Mr. TERRY). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 31 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2018

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LAHOOD) at 8 o'clock and 18 minutes p.m.

PROVIDING FOR CONSIDERATION OF H.R. 4241, DEFICIT REDUCTION ACT OF 2005

Mr. PUTNAM. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 560 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 560

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 4241) to provide for reconciliation pursuant to section 201(a) of the concurrent resolution on the budget for fiscal year 2006. The bill shall be considered as read. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) two hours of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 4241 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

SEC. 3. After passage of H.R. 4241, it shall be in order to take from the Speaker's table S. 1932 and to consider the Senate bill in the House. All points of order against the Senate bill and against its consideration are waived. It shall be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 4241 as passed by the House. All points of order against that motion are waived.

UNFUNDED MANDATE POINT OF ORDER

Mr. MCDERMOTT. Mr. Speaker, pursuant to section 426 of the Congressional Budget Act of 1974, I make a point of order against the consideration of this rule, H. Res. 560.

Section 425 of that same act states that the point of order lies against legislation which imposes an unfunded mandate in excess of specified amounts against State or local governments.

Section 426 of the Budget Act specifically states that the Rules Committee may not waive this point of order.

The first section of H. Res. 560 proposes to waive all points of order against consideration of the bill and against provisions in the bill, as amended.

The legislation, H.R. 4241, brought up by the rule, includes provisions on child support enforcement, which the Congressional Budget Office informs us impose an intergovernmental mandate as defined by the Unfunded Mandates Reform Act.

Therefore, I make a point of order that this rule may not be considered pursuant to section 426.

The SPEAKER pro tempore. The gentleman from Washington makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

In accordance with section 426(b)(2) of that Act, the gentleman has met the threshold burden to identify the specific language in the resolution on which the point of order is predicated.

Under section 426(b)(4) of the Act, the gentleman from Washington (Mr. MCDERMOTT) and the gentleman from Florida (Mr. PUTNAM) each will control 10 minutes of debate on the question of consideration.

Pursuant to section 426(b)(3) of the Act, after the debate, the Chair will put the question of consideration, to wit: Will the House now consider the resolution?

The Chair recognizes the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, Americans on the front line in protecting and defending our most vulnerable children have been sending out an SOS. They do not merely solve problems every day. They save lives.

Their message is loud and clear. The child support provisions included in reconciliation undermine the Federal commitment to child support enforcement. Republican reconciliation is reckless disregard for safeguarding children.

It is a license for people to break their promise of child support because enforcement will be lax. Eighty percent of the children receiving support live in low- and moderate-income families. The bill would reduce the share of child support enforcement costs that are paid by the Federal Government from 66 percent to 50 percent by 2010. Federal funding to the program would be cut by $5 billion over the next 5 years, a nearly 40 percent cut in funding for the program by 2010. We make the money go away, but not the problems or the needs.

The CBO estimated that child support provisions in the reconciliation bill would reduce collections sent to families by $21 billion over the next 10 years.

As a result, more deadbeat dads will be left off the hook, while more low-income families will look to State and Federal programs to make up the difference in lost income. But we will not be there, just like the deadbeat dads.

In 2004, more than $4 was collected for every dollar spent in the program. Even President Bush's 2006 budget cites the program as "effective" and "one of the highest rated block formula grants of all reviewed programs governmentwide."

A hard-working program will fall on hard times if we leave the reconciliation bill as it is. People will be hurt. Children will be hurt. Republicans will be responsible. And for what?

Mr. Speaker, this is the season of giving, and Republicans are going to be very generous with those very few Americans rolling in dough.

Republican leaders have scheduled their midnight express to roll through town again tonight. Republicans will climb aboard to run over the American people in the dead of the night.

Child Support Enforcement, that is not even in the baggage car. Republicans like doing things in the dark, behind closed doors, in the dead of night, hoping the American people will not notice.

Well, not today. Today's light shines on their darkness. If one candle can curse the darkness, we are going to use a search light. It is the Republican season of giving, and here is what it means: we take from the sack of the poor children in this country 330,000 child-care dollars and put it in the rich sock. It is Christmas time. Take $700 million from Social Security and put it in the rich stocking. Take child support, $21 billion from Child Support Enforcement and put it in the rich stocking.

Take Medicaid from the poor, $10 billion, and put it in the rich stocking. Student loans, $14 million. I take $14 billion from student loans and give that to the rich stocking. And food stamps from 300,000 tables we take and put it in the rich stocking. Finally, foster children, $600 million from foster children in this country goes into the sock, later tomorrow, of the rich because we have taken it from the poor and we have given it to the rich.

That is what this bill before us is all about. Tonight in the dead of night you are going to give to the rich who do not need it and take from the needy who cannot afford to lose it. You will disguise this as a Christmas stocking with presents, just in time for the holidays. But it is a heavy-handed club used on the American people. The heartland is not heartless. Not even the dead of the night will hide what you intend to do to the American people tonight. Even the rich will be ashamed. I wonder if the Republicans will. They should be.

Mr. Speaker, I reserve the balance of my time.

Mr. PUTNAM. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, the gentleman's clever props, notwithstanding the holiday stockings, I would point out to the gentleman who repeatedly referred to this being done in the dead of night that in his home district it is 5:30 in the afternoon and people are driving home from work. So for the dead of night on the west coast, the people on the east coast will know that we are not working a nine to five job and that we are pushing ahead with the agenda of reforming the inefficiencies that lay in government.

I would also point out to the gentleman that between 1999 and 2003, total child support enforcement administrative expenditures went up almost 30 percent; 29 percent between 1999 and 2003, as the case load declined 8 percent. Again, their rhetoric does not match well with the facts.

Mr. Speaker, the gentleman is utilizing the rules that are at his disposal, and I think that it is appropriate that he do that. It is a positive reflection on this House that these types of tools are available to the minority to stymie the progress, and we appreciate the gentleman's ability to use those. But it would be important to have the facts be accurate, and the facts are that these administrative costs that are being discussed in this bill are a shift in what has been a double-dipping practice that has been used by States to draw down Federal dollars and then collect administrative costs as if the original Federal dollar had been generated in that State in the first place. This is not, as the gentleman has characterized, the Grinch or any other mean-spirited person taking treats from children or from their holiday stockings that have arrived a month and a half early.

Mr. Speaker, I reserve the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. PUTNAM, I will read you the facts from the Congressional Budget Office estimate, that this action will result in a reduction over the next 10 years of $24 billion in child support. That is the Congressional Budget estimate, and that takes into account adjustments the States might make in providing more money for administration. This is the most callous, callous reflection of your fiscal irresponsibility. You have driven yourselves and this country into so much debt, now you are reaching into the homes of this country. This is antifamily. This is antikids. There is no defense of it.

☐ 2030

This money is for administrative purposes. We have been paying two-thirds. The result of it, and it was part of welfare reform, is that child support has gone up and up. The kids have benefited. And now what you are going to do is to reduce those benefits. And we will hear from your side, oh, child support is going to go up, anyway. This is a fact and I close with this. CBO says if anyone votes for this, they are going to reduce child support payments over 10 years by $24 billion. I say to you, you go home, you face the kids in your district, you face the parents in your district, and you tell them you voted for this. If you won't tell them, we will.

Mr. PUTNAM. Mr. Speaker, I appreciate the gentleman's reference to the CBO numbers. We also have the CBO numbers. They are available on a bipartisan basis. The CBO numbers clearly show that total collections will continue to go up. $24.8 billion in 2006, $26 billion in 2010, $31.7 billion by 2015. The gentleman has referred to this provision as the most callous part of the deficit reduction package. I hope that everyone else on his team remembers that because you can only have one number one. You can only have one most egregious part.

So as we get into the discussions about Medicaid and food stamps and student loans and all the things that we heard about this morning when we were talking about the continuing resolution, let us remember that this one is the most egregious, that this one is the most callous because you can only have one number one. I know that this is nothing but the first salvo in a historic debate about the direction that this country is heading.

I agree with the gentleman that it is important that we go back to our districts and we talk about these plans, because the fact of the matter is we have a plan. And the fact of the matter is that you don't. The fact of the matter is that you can criticize all you want about where we have chosen to reform government, to find efficiencies, to better deliver services to the people who need them the most while you can go home and criticize the changes that we offer without having to defend your own plan.

Mr. Speaker, I reserve the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. This chart says it all. CBO estimates lower spending on child support program leads to lower collections to the tune of $21 billion. It is truly stunning to me that Republicans in this House would line up together to cut the funds used to collect child support. I just never expected to see them give deadbeat dads a pass, those deadbeat dads who refuse to pay what they owe for the upbringing of their own children.

The majority Members of this body are quick to boast of their support for family values. Well, I ask you this, what kind of family value is it that cuts back on the efforts to make deadbeat dads pay what they owe, when deadbeat dads walk away from their obligations? It won't be you smug in your own comfortable life who will feel the pain. It will be young mothers who can't pay rent. It will be little children whose lives are upended by financial abandonment. For every dollar we spend collecting on child support, we collect more than $4. In North Dakota, that means for every dollar collected, the Federal Government gets $2.78 back in recoveries and costs forgone.

State governments also gain, which is precisely why the Congressional Budget Office has found this to be an unfunded mandate. When Republicans cut child support collections, deadbeat dads win. State governments lose. That is why tonight's proposal is an unfunded mandate and must be stopped.

CBO has estimated by cutting collections $4.9 billion as you do, we lose more than $24 billion in support not collected. That hits children. That hits families. And that hits States which is what makes this an unfunded mandate. Support the effort to stop this unfunded mandate. Support the effort to block this cut in child support enforcement.

Mr. PUTNAM. Mr. Speaker, I reserve the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Speaker, I rise in support of the point of order from the gentleman from Washington. I am here to speak to my colleagues, but especially the 235 of you who, like me, served in legislatures throughout the country prior to coming to Congress. The fiscal sleight of hand that we are undertaking here today is simply that of a financial shell game, and the loser is already clear, it is our States. You don't have to take my word for it.

The Congressional Budget Office has spoken and they have identified that the reduction in child support without a change in the requirements is a violation of the Unfunded Mandates Reform Act of 1995 that many of you were here that supported on a bipartisan basis. It is a violation of the law.

We can play this ridiculous game of pretend and safely ensconce ourselves in these walls but do you truly believe that the actions today will go unnoticed and that State legislatures are not watching what we do? I know that the National Conference of State Legislatures is watching. I hope that ALEC is watching, too, and I suspect that the National Governors Association is taking notes. I can assure you that they are tuning in to C-SPAN and taking careful notice of today's proceedings because besides illegal, today's vote will have a direct impact on their ability to serve the people of their States, the same people who live in our districts.

In fact, President Ronald Reagan's promise of federalism today is nowhere in this Chamber. President Reagan's famous debate line with Mr. Mondale is frighteningly apropos in this exercise: "There you go again." And yes, here we go again attempting to balance our Federal budget on the backs of 50 States.

Mr. PUTNAM. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. I thank the gentleman from Florida for yielding.

We have heard a lot about what devastation from this small little act we are going tonight to try to reform welfare and improve the system of delivering the services and goods to those who are truly in trouble in our culture.

One of the things that is surprising to me, though, is that there is really no plan on the other side. I have seen in the hallways of the office buildings that house Members of Congress offices hold billboards that are put up about the Federal deficit and how we must do something about the Federal deficit, but I have yet to see a plan to try to deal with the deficit that the Democrats themselves are complaining about.

Blue Dog Democrats, each in front of their office, have billboards that says the Federal deficit so much for each family to pay back, we have got to do something about it, but there is no plan. There are more plans on the television show West Wing than the Democrats have here in the United States House of Representatives. There are more plans on the other political shows about how to deal with the problems of today but we get no plans or help from the other side.

So what I think we ought to see here is some Blue Dog Democrats that are the type of dogs that will actually hunt. Dogs that we have some bite instead of the bark, because right now all we hear is a lot of noise and we don't have any action or plan. We are hearing complaining about how we are trying to improve the system.

I will give you one example quickly. In Kansas, delivering Medicaid is only correct three out of four times. One out of four times the payment is inaccurate. We need to reform that system. You would not get on an airplane today if you had a three out of four chance of getting to your destination. You would not start a trip today if you had only a three out of four chance of getting to your destination. When we make a Medicaid payment in the State of Kansas, our State government is wrong 24 percent of the time. This legislation has reforms in it to help improve our Medicaid system, so those who are truly in need get the services they require.

But we cannot do that according to the other side. We need to pass this legislation, reform the welfare system, and do the right thing about the Federal budget.

Mr. McDERMOTT. Mr. Speaker, I have the responsibility of closure, right?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Florida has the right to close.

Mr. McDERMOTT. Does he have any other speakers?

Mr. PUTNAM. We do not have any additional speakers, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Washington has 30 seconds.

Mr. McDERMOTT. He says a whole lot, but he has no one else to speak, Mr. Speaker, because they want the people to believe that this is a fight between Democrats and Republicans. But it is not true. In reality, Republican Governors oppose these child support cuts, including Governor Schwarzenegger of California. Republicans in the Senate oppose these cuts including Senator CORNYN of Texas. Religious organizations oppose these cuts, including the Conference of Catholic Bishops. All program administrators and poverty experts oppose these cuts. Cutting child support payments to needy families is a policy supported only by the extreme right wing which currently is running the House of Representatives. I urge the Members to vote "no" on this motion.

Mr. PUTNAM. Mr. Speaker, this is an important opening to the grand debate that we are unveiling here this evening about the direction of entitlement spending and the direction of Federal spending in this Congress and for our Nation. We have heard an awful lot about the term "cuts" and we have seen the cute props and we have heard the first of what will be many metaphors of snatching food from the mouths of children and all kinds of heated rhetoric. But at the end of the day, the numbers don't lie. The numbers are that child support collections under this proposal continue to go up.

Do they go up as fast as the Democrats would like? Apparently not, judging by the rhetoric. But only in Washington and only in their rhetoric is that a cut. The bottom line is that this next fiscal year, 2006, it is $23.8 billion. By 2010, it is $26 billion. And by 2015, it is almost $32 billion. Under every arithmetic, old math, new math, poor school districts, wealthy school districts, all across America, those numbers are going up. Those numbers mean more money to those States for the important task of enforcing child support responsibilities by all noncustodial parents.

So despite the references to the smugness, despite the fact that we have been accused of being in the pockets of deadbeat dads, the numbers continue to climb for administrative costs. None of these even affect the actual program. They are defending the administration of the program instead of the outcome of that program, which is more money getting to those families, more fathers, more mothers who are noncustodial living up to their obligations. That is really what it ought to be about, is it not, the outcome? Not the administrative fees, that are going up anyway?

Mr. Speaker, I appreciate the fact that the rule has given the gentleman this opportunity for us to open the debate in this way. Unfortunately his rhetoric outpaces the facts. I would urge the Members to reject this proposal and allow us to move forward with reforming government.

With that, I would ask the Members to vote "yes."

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is: Will the House now consider the resolution?

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McDERMOTT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 224, nays 198, not voting 12, as follows:

[Roll No. 600]

YEAS—224

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NAYS—198

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—12

Boswell
Cardin
Engel
Fortenberry
Hoekstra
Hyde
Mollohan
Radanovich
Ryan (OH)
Towns
Walden (OR)
Young (FL)

☐ 2108

Messrs. CARNAHAN, AL GREEN of Texas, WYNN, RUSH, PETERSON of Minnesota, ISRAEL and Ms. McKINNEY changed their vote from "yea" to "nay."

Messrs. BEAUPREZ, HEFLEY, WELDON of Florida, SOUDER, POMBO, SHUSTER, MACK, Mrs. KELLY and Mrs. BONO changed their vote from "nay" to "yea."

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Florida (Mr. PUTNAM) is recognized for 1 hour.

Mr. PUTNAM. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from Rochester, New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this is an historic evening, an evening when we have come together to truly chart the course for the Federal Government's spending over the next number of years.

House Resolution 560 provides for consideration of H.R. 4241, the Deficit Reduction Act of 2005. The Deficit Reduction Act of 2005 is the first time since 1997 that such a measure has come this far. The rule provides 2 hours of debate and a motion to recommit with or without instructions.

As a member of both the Rules and the Budget Committee, I am pleased to bring this historic resolution to the floor for our consideration.

Mr. Speaker, most all Americans rely on the government to provide security for themselves and their families, for their Nation. After defense, though, expectations vary widely about what Americans expect out of their government. But those expectations, whatever they may be, they all are rooted in the common need, the common expectation that whatever government does, that it be done wisely, prudently, efficiently, without waste or abuse of their hard-earned tax dollars.

The congressional budget process is a chance to ensure that our government behaves in a fiscally responsible and responsive manner to provide opportunity and security for today and for future generations.

In my first term in Congress I was appointed to the Budget Committee. I was pleased that this assignment would afford me the opportunity to receive the full scope of all the programs that exist, all the agencies, all the departments that fall under the umbrella of the Federal Government. But I was shocked when I got on that committee to learn how little control Congress actually exerts over spending in many of these agencies and programs.

Discretionary spending, that portion of the budget that consumes all the sound and fury that a Congress can manufacture, makes up less than half of total spending, half of the total budget.

☐ 2115

Mandatory spending, entitlement spending, that spending that is on autopilot, accounts for 54 percent of the total budget and, if left unchecked, in a decade will consume nearly two-thirds, or 62 percent, of total Federal spending.

I have been dismayed at how Congress has allowed its voice to become fainter and fainter when it comes to spending taxpayer dollars on entitlement programs. It is time that this Congress take responsibility for the entire spending picture. We cannot avoid the tough decisions. It is our job to set the priorities of government and then fund them appropriately. It is our job to practice thorough oversight of the programs and agencies that consume our tax dollars. We must find the waste, the fraud, the abuse in the programs and blaze a trail to smarter, more responsive government.

Anyone watching the aftermath of Hurricane Katrina would agree that government was neither smart nor responsive. The time has come for this House to reassert its role and take back control of both discretionary and mandatory spending.

This legislation is another step towards smarter and more confident government. The congressional budget resolution called for a reduction in discretionary spending; and for the first time since 1997, it included deficit reduction instructions to authorizing committees to find and achieve mandatory savings for a more accountable government. It does this by finding smarter ways to spend and by slowing the rate of growth in the Federal Government.

Eight different authorizing committees have worked hard to find these savings within their individual jurisdictions through regular order, through individual members practicing their individual expertise, through their individual interests on their authorizing committees. Regular order was used to develop this plan for a smarter government, and I want to commend those chairmen and all those committee members, not just the Budget Committee members, not just the Appropriations Committee members, but the entire House who participated in this process and, through their aggressive oversight, identified nearly $50 billion in inefficiencies.

I want to congratulate the gentleman from Iowa (Mr. NUSSLE), our budget chairman, and his ranking member and all the members of the Committee on the Budget of the House for their hard work, for preparing the deficit reduction package.

I look forward to passing this reform bill and reaffirming sound oversight and fiscal accountability here in Washington.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I once said that budgets are moral documents. They reflect our choices, our priorities and they most clearly define our values, as a government and as a Nation.

Today's 5-year budget reconciliation is no different, and that is exactly why the Republicans in the House are worried. They are worried that the American people will see that they have sold out our American values.

So it should come as no surprise that it has taken a week of intraparty fighting in the Republican Conference and one false start to get the bill to the floor. Why? Because they cannot muster the votes in their own party to get this budget passed.

One of my Republican colleagues captured it best in yesterday's CQ Daily when he said, "If the Republican Party cannot stand for responsible spending, then we stand for nothing at all."

I agree with him on that point; and as this Republican leadership continues to flail and flounder, there can be only one conclusion drawn from this budget reconciliation, that this majority has come to stand for nothing at all, except for making the rich richer while the rest of America pays the bill.

Because at its core, that is what this budget does, and it is what the budget was intentionally designed to do, cut vital programs and increase the national debt in order to create tax cuts for the rich and the superrich.

I and many of my colleagues in this body, both Republican and Democrat, see nothing at all responsible about this agenda, and neither will the majority of the American people.

This budget reconciliation is not worthy of the ideals of this Nation. If it gets out of the House tonight, this Congress should be ashamed.

Republicans call this the Deficit Reduction Act, when very shortly they will actually increase our already-obscene deficit by another $5 billion by passing the tax cut bill. Republicans will claim on the floor tonight that they are reducing the deficit, but it is a deception.

Do not be fooled by their Enron-style accounting. The majority deliberately chose to separate this bill from its planned package of $56 billion in tax cuts for the rich, more than half of which goes to the superrich, those with incomes over $1 million a year.

Without missing a beat, they are trying to finance the tax cut, as well as the skyrocketing debt, on the backs of the poor, the disabled, the elderly, and the middle class. As a result, working Americans will pay more and get less.

For instance, the budget will cut student aid programs by $14.3 billion, which will make college more expensive, or totally unaffordable, for you and your children and will ensure that literally millions of students will not have the means to achieve a higher education.

Until earlier this evening, they were even planning to cut the school lunch programs for poor children and food stamps for needy families. I would ask, whose values are these? They certainly are not mine, and they are not the values of the hard-working families that I represent, which leads me to a very important point that I need to make here today.

Three months ago, a stunned Nation watched as the national horror that was Hurricane Katrina unfolded on our television screens. No one could believe that this kind of widespread suffering could happen here in America. It was a sobering moment for this Nation. It was the moment that we understood that America had forgotten our moral responsibility to provide for the security and welfare of all our fellow Americans.

I would ask my friends in the majority, in the wake of that realization, how can we cut the very programs that the victims of Hurricane Katrina will depend on to rebuild their lives? So that the richest among us can be even richer?

Unfortunately, this majority sees fit to pull what little these victims have left right out from under their feet.

The result of this budget will be the denial of affordable medical service to those who have nowhere else to turn and the creation of unprecedented health care premiums for those who can least afford them.

Child support services are cut as well, making it harder for working parents to raise their children.

I would ask my fellow citizens, have we learned nothing? Is this the America that you believe in?

Last year alone, the salary of the major corporate CEOs increased by just an average of 30 percent. This year, the oil companies are making the highest profits in history. In fact, over the last 4 months alone, Exxon Mobil has earned just shy of $10 billion in profits, and middle-class Americans at this time can no longer afford to fill their cars with gas.

As the winter approaches, middle-class families in the Northeast are having to choose between paying their skyrocketing heating bills and buying food for their families, and it is only November. All the while, the majority is making it harder for your children to go to college and more expensive to get decent health care for your family. I cannot think of anything less American than this. I cannot think of anything more out of touch with the values of our families.

After all, no responsible parent in America would fail to provide their children food and clothes or an education just so they could afford to buy a boat or take a trip, but that is the moral equivalent of what this majority seeks to do here today; and it is a subversion of every value we hold dear, because as Americans we meet our responsibilities. We take care of our families. We pay our bills, and we should demand the same thing from this Republican government.

That is why I am asking my colleagues to oppose this rule and strongly oppose this bill, because the budget sells out America. I would ask, if we accept this, what will be next? If we say that it is acceptable to slash education, health care, trade protection, senior medical coverage, affordable housing, student loans, foster care and family planning, if we agree to abandon all fiscal responsibility and further increase the already record national debt, just so that we can orchestrate one of the biggest giveaways to the rich, then what will be next?

I know if we band together America can do better than this. We can do better than turning the American Dream into a privilege for the few, instead of a right for all. We must do better, and we need to start today by rejecting this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. PUTNAM. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Speaker, I want to thank the gentleman from Florida, not only for his leadership but also working so diligently with the Budget Committee, including the gentleman from Iowa (Mr. NUSSLE), our great chairman.

Mr. Speaker, tonight is an opportunity for the Republican majority to meet the demands of this great Nation when we talk about the ability to have a plan that will help control spending, where we can move forward to make sure that we better the circumstance that this country is in.

Earlier this year, this Congress began engaging Governors from all across this great Nation about ways in which we could make Medicaid spending and Medicaid programs work more efficiently across this government. I participated with the gentleman from Iowa (Mr. NUSSLE) in meetings with Mark Warner, who is a Democrat Governor from Virginia, and Tom Vilsack, who is a Governor from Iowa. We talked about ways that this Congress could go about giving the Governors more flexibility and the ability to manage those processes and programs that they have in place.

The Budget Committee, as a result of work that has been done by other committees, one-eighth of the bills which we bring tonight simply talk about ways that we can make sure that the spending that is done tonight is done more efficiently and more effectively, but done in a way that will create better services to the American public. What we find now, as we come to the floor to do the things that literally Governors all across this country have asked for, the flexibility to run their programs without just giving them waivers, but to let them run their own programs, we are told we are cutting services to poor people and how mean we are.

The truth could not be further from that which is said, Mr. Speaker. The fact of the matter is that we are going to put more money than ever in Medicaid that will allow States the opportunity to take care of their problems.

I am proud of this bill tonight. I support it, and I hope that the American people see it for what it is, a great opportunity to save money.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I thank the gentlewoman for the time.

Mr. Speaker, this budget reconciliation is a Republican raid on student aid: over $14 billion in cuts to Federal student aid programs, cuts that add $5,800 to the costs of the average student's education, $5,800. That is a lot of money for any family, especially the poor and the working poor.

Actually, cutting student aid is a very clever new military recruiting tool because by discouraging students from attending college for financial reasons, their only choice is often to join the military.

Nearly 50 percent of military recruits come from lower-middle-class to poor households. Mr. Speaker, in the year 2004, nearly two-thirds of Army recruits came from areas where the median household income is below the U.S. average, where joining the military is the only way to learn a trade or pay for school.

The raid on student aid becomes a military draft through the lack of opportunity.

Mr. PUTNAM. Mr. Speaker, I yield myself such time as I may consume.

Before we get too deep into this debate, let us go ahead and straighten out three myths.

Myth number one is the myth of the cuts, because only in Washington and only in the other side's rhetoric is a reduction in the rate of increase considered a cut. When growth rates are going from 7.5 percent to 7.3 percent or from 6.3 to 6 percent and programs are getting more dollars the next year than they got the year before, that is not a cut.

Myth number two, that it is mean. What could be mean about demanding that services to people who need them the most are administered effectively, wisely, and efficiently? Is it waste in programs that administer to our most needy and our most vulnerable, the worst kind of waste?

☐ 2130

Do we not have a special obligation to root out those dollars that have been directed to the people who need them the most but are not finding their way there because of inefficiencies in our government?

And, thirdly, that this is somehow part of an overall scheme that is tied in with preventing tax increases. There are two separate packages moving. You have an opportunity, you have an opportunity to vote against keeping the tax rates where they are and allowing them to rise. You have an opportunity to do that. But you have a separate opportunity, through regular order, through the ordinary process, through all the individual committees, to also take a stand to correct and rein in mandatory spending that is out of control and is gobbling up the Federal budget. You have that opportunity.

Two separate votes. You can be for savings and still vote to let taxes go up on another day, but do not try to have it both ways.

Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. GARRETT) to elaborate on these points.

Mr. GARRETT of New Jersey. Mr. Speaker, Federal spending is just too high and basically it is in danger of spiraling out of complete control. But American families are really better off if they are able to keep more of their money to decide to spend it as they see their needs fit. But only when excesses and unnecessary spending are identified and eliminated will that happen. And that is really the responsibility of both sides of the aisle.

The bill before us began with $34 billion in savings. We have another $15 billion roughly in savings on top of it. This will not fix our mandatory spending problems right away, but it is a first step in the right direction.

Unfortunately, opponents on the other side of the aisle have been spreading lies about it when they say there are cuts in the Medicaid funding program. In fact, the reform program includes a 7 percent increase in spending for Medicaid. Programs like Medicaid simply cannot sustain themselves without any reform. No one can argue that Medicaid is a completely 100 percent efficient program. Reforms are necessary to protect the program and protect the services that are provided to the people who receive them. Right now, around 53 million Americans receive the benefits of this program. It is a State-Federal partnership. And unless reform is done now, we will see that program become disabled and cripple the States and eventually lead to bankruptcy.

One area we see this is in prescription drugs. Time and time again, the Federal Government overpays for prescription drug benefits. And unless reform is made in this program, we will see that program crash as well.

The other side has lied with regard to student loans as well. There are no cuts in the student loan program under this budget reform plan. That is another lie of the other side of the aisle. As the number of college students increases, the student loan program will grow as well. Under this bill, student financial aid will continue to increase as the number of kids in colleges increase. Financial aid actually goes up through increases in loan limits and reductions in origination fees.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. BOYD).

Mr. BOYD. Mr. Speaker, my young friend from Florida (Mr. PUTNAM) knows very well that his constituents and most Americans understand that when you reconcile a budget that you have two sides of that budget, the spending side and the tax side. I would agree with many things that he says, that spending has run out of control. It certainly has run out of control in the last 5 years since this administration has been in and the Republicans have controlled the Congress and the White House.

Americans also understand that we need to balance our books. They do it in their homes. They do it in their businesses. They do it in their local governments. That is the problem that most of us have with this process that is going on here.

Today we are looking at a spending cut bill that is somewhere in the neighborhood of $50 billion, give or take a few hundred million. Tomorrow we are going to look at a revenue reduction bill that is somewhere in the range of $60 to $70 billion, depending upon what the Rules Committee reports out. In any event, what we will have will be an increase in the deficit, money that will have to be borrowed by the American people to cover those differences.

The American people also understand that this United States Government has an $8 trillion Federal debt, that we have about a $500 billion annual deficit, the highest in the Nation's history. We have the largest trade deficits in the history of the Nation. We have got a very expensive and controversial war in Iraq. We have got the highest gas prices in the history of this Nation. We have got interest rates that are going up on a monthly basis.

Mr. Speaker, the economic model has suffered, and it is time to put it right with a bipartisan summit called by the President of the United States.

Mr. PUTNAM. Mr. Speaker, I yield myself such time as I may consume.

I would just point out that the gentleman has two votes coming up, one where he can do something about the spending and one where he can make clear the position on either raising taxes or not raising taxes. There are two separate and distinct votes. He cannot have it both ways.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, I thank the gentleman for yielding me this time.

I believe that I will agree with our Democrat colleagues on very little this evening, but one thing I do agree on, Mr. Speaker, is that this is a debate about values. We value the family budget. They value the Federal budget. We value accountability. We value efficiency and rooting out waste and fraud and abuse. They value more government, more bureaucracy, more dependency. And that is the difference, Mr. Speaker.

We all know that there is a fiscal hurricane coming towards America. The General Accountability Office said if we do not start this process of reforms and start it today that within one generation, we will have to double taxes on the American people. Mr. Speaker, that is simply unconscionable.

Our friends on the other side will say we simply cannot cut government spending. Well, I wish, in fact, that we were cutting government spending, but instead, the Federal budget is going to be greater next year than last year. Mandatory spending is going to be greater next year than last year. Food stamps will be up. Medicare will be up. Medicaid will be up. That is falsehood.

They tell us there is no waste, fraud, abuse, duplication in the Federal budget. Yet this is a Federal budget that in the past has paid five times as much for a wheelchair in one bureaucracy than another because one would competitively bid and the other would not. This is a bureaucracy that has paid VA benefits to dead people. And the list goes on.

We will hear from the other side that tax relief is somehow the problem for all of our fiscal woes. Yet we have cut taxes and tax receipts are up and 4 million jobs have been created.

And, finally, we will hear about compassion, Mr. Speaker. But where is the compassion in doubling taxes on our children in one generation, taking away jobs, taking away hope, taking away opportunity from those who are most vulnerable, those who do not vote, and those who are not yet born? There is no compassion in that, Mr. Speaker.

We must pass this reform package.

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. CARDOZA).

Mr. CARDOZA. Mr. Speaker, before I begin my presentation, I want to just say I cannot believe the comments from the gentleman who just spoke.

Today, the national debt stands at over $8 trillion. That is more than $27,000 for every man, woman, and child in America. This fiscal mess is a direct result of the policies put in place by the leadership of this Congress and the Bush White House.

Our friends on the other side of the aisle want the members of the Blue Dog Coalition to join with them in their latest efforts to run the deficit even higher. Mr. Speaker, that will never happen. It is time for real reform, not more of the same. The Blue Dog Coalition has put forward a comprehensive 12-step program that would dig America out of its fiscal mess.

Remarkably, our Republican colleagues have criticized the Blue Dogs for not supporting their sham reconciliation program, even though several of their original programs are put in the Blue Dog 12-step program. After refusing to reach across party lines to negotiate a real deficit package, the Republicans now accuse the Blue Dogs of partisanship.

Are you all serious? My friends, you have abandoned fiscal responsibility and your way is not working. America has had enough. I have had enough. Each Member of Congress has a certain piece of these cuts that they hate the most, whether it be child support or Medicaid or food stamps. But ladies and gentlemen, for me it is personal. This bill includes several provisions that will reduce foster care assistance and services. This bill cuts foster care-related funding by $600 million a year. Our Federal budget is nearly $1 trillion a year.

Ladies and gentlemen on that side of the aisle, are you serious in telling me that you cannot find any budget cuts that do not affect abandoned children? Are you telling me that you cannot find anyplace to pay for your tax cuts that does not affect abandoned and abused and neglected children?

Ladies and gentlemen, I have two children that I adopted out of foster care. When I told them about these cuts, they told me, "Daddy, don't let them do it." Ladies and gentlemen, they told me, "Daddy, don't let them do it."

This is not the right place to cut, ladies and gentlemen. You have not consulted with us. This is not the right package. You need to change the way and the direction that you are going.

Mr. PUTNAM. Mr. Speaker, I yield myself such time as I may consume.

The Blue Dogs are stuck in the dog box of their leadership. They need to get off of the porch and bring a plan to the table. The chairman of the Budget Committee testified before the Rules Committee, asking that a substitute be made in order. The 12-step plan was still stuck someplace else. The Blue Dogs were still on the porch. The Blue Dogs were still locked in the box. They did not come forward with an opportunity to present their own plan.

They are free to criticize ours. We are big boys and girls. We are going to stand by this plan, and we are going to move it forward because it is important that we back up what their rhetoric is, which is that mandatory and entitlement spending is eating up this budget and somebody has got to do something about it besides just bark.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Speaker, I appreciate the gentleman for yielding me this time tonight.

I have spent 30-plus years as a CPA, professional background. I know a little bit about budgets, and we work them from two sides. One is the revenue side; the other is the spending side. Tonight we are talking about spending. To put the spending in perspective, it is a 5-year plan that reduces that spending by some $50 billion, which is a lot of money under any circumstance. But spending over that 5-year period in mandatory spending will be $8.5 trillion. If we do the math, that is not quite a rounding error. It is just a little bit more than a rounding error in the overall spending. So what we are hearing in the rhetoric on the other side is that America is on a razor-thin edge of disaster, a ½ percent razor-thin edge in mandatory spending.

Yesterday's USA Today showed what spending will be like in 2050, a time when my children and grandchildren will be trying to bear this burden that we are currently after. Albert Einstein said the most powerful thing in the universe is compound interest, and that is great if you have got a savings account that you are adding to periodically and you are rolling that interest in there. But compound interest on the spending side is a disaster of biblical proportions. We will see in 2050 what compound spending growth will do.

What we are doing tonight with this original first step, modest first step, is to try to rein in the growth of Federal spending. It is not cuts, as my good colleague from Florida has said. It is simply a reduction in the growth of spending. Everybody can spend it any way that they want to.

I would ask that we keep our comments tonight in a manner that behooves this body that we stick with the facts and that we be responsible for things we say here tonight. It is important. This is an important debate.

Families cannot operate at a deficit. Small businesses certainly cannot. My clients certainly could not. About the only entity that can is the Federal Government. And because the Federal Government can operate at a deficit does not mean that it should operate at a deficit.

So I urge my colleagues to vote in favor of this rule and this bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Speaker, I thank the gentlewoman from New York for her leadership.

I am absolutely amazed at you boys over there. I wonder what you are going to be when you grow up. For you to come to this floor and attack the Blue Dogs on fiscal responsibility demonstrates an unparalleled display of ignorance, stupidity, or just down-hard foolishness. I do not know which.

□ 2145

You stand there and say we are increasing spending, but we are cutting spending. I do not know whether you cannot add or subtract. I do not know what your problem is. But I can tell you this, and you can be cute, you can be smart, and you may even pull this off, son, but I tell you one thing, you are young enough, you are going to have to live with it. You are putting a tax on the next generation that they cannot pay and they cannot repeal it, and you are going to have to live with it.

Do not ask for my time because I will not yield.

I can tell you this: you are going to suffer the consequences just like everybody else in the next generation and those to come thereafter. And I cannot believe that you have the audacity to come to this floor with this assault on women and children and try to portray it, as this other Howdy Doody-looking nimrod said, that he wanted to talk about family values and values. That is unprecedented in this House.

I have the time, Mr. Speaker.

Mr. DREIER. Mr. Speaker, will the gentleman yield for a parliamentary inquiry?

Mr. BERRY. I yield to the gentleman from California.

PARLIAMENTARY INQUIRY

Mr. DREIER. Mr. Speaker, I would like to inquire of the Chair, is it appropriate for Members of this House to address the Chair or address their remarks to other Members?

Mr. BERRY. Mr. Speaker, I do believe that the Blue Dogs were referred to.

The SPEAKER pro tempore (Mr. LAHOOD). The Chair advises all Members that they should address their remarks to the Chair.

Mr. BERRY. Mr. Speaker, as I do proceed, let me continue to tell you, if you cannot take it, go home. Do not do this to our children and grandchildren. You cannot take it, you are not man enough to pass these rules and pass these laws and build this dam on our children and grandchildren until they cannot carry it any longer.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members that remarks should be addressed to the Chair.

Mr. PUTNAM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my apologies for besmirching the reputation of the Blue Dogs. It is clear that their bark is still in place, though their bite is lacking.

Mr. Speaker, that was quite a performance, and I respect the gentleman's passion; but I do not respect the fact that he chose to personalize the debate, an important debate about the future of our Nation. I do not like the way that he characterized me; I do not like the way that he characterized the gentleman from Texas. It seems to me that the sensitivities about the reputation of the Blue Dogs is where the thin skin really lies.

Mr. Speaker, this budget is about the future and this organization has created the impression over a number of years of fiscal responsibility; and yet time after time after time when given the opportunity to truly do something about it, they just fade away. They just go back to the porch. Instead of taking the tough votes, instead of bringing real reform and making government work better so future generations of men and women and businesses and children and all aspects, instead of guaranteeing a bright future for all Americans, they just choose to talk about it.

The gentleman is right when he said that our younger generation is going to be most impacted by these fiscal decisions. They are. That is why we are here today to try to do something about it. They are here today to just talk about it. Where is their plan to rein in the overarching growth of Federal spending? What are they going to do about the fact that entitlement spending takes up over half of the budget and will soon take up two-thirds? Where was their plan about what they were going to do for these same women and children, as if the country was only made up of women and children, that benefit from these programs, what about all Americans? What were you going to do about this generation and future generations' retirement security? The same thing you were going to do about this, just talk about it, but not actually take the tough votes to do anything about securing their future.

Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Indiana (Mr. CHOCOLA).

Mr. CHOCOLA. Mr. Speaker, I think there is one thing we can all agree on tonight, and that is the deficit is too big. But the question is what are we going to do about it. There are only two ways we have a deficit, Mr. Speaker. Either we spend too much, or we tax too little.

I know that the people of the Second District of Indiana do not feel like they are taxed too little, and I do not think that they are a whole lot different from the rest of Americans. The fact is we spend enough money around here. What we do not do is prioritize.

We have heard and will continue to hear a whole lot of rhetoric that we are slashing spending.

Mr. Speaker, the truth is we are not cutting spending at all. Today we are simply slowing the future growth of government. The truth is that Medicare spending will grow next year. Food stamp spending will grow next year. Student financial aid will grow next year. Now, I understand that only in Washington smaller increases are considered cuts; but even by Washington standards, our efforts today are modest.

When you cut through all of the rhetoric, what we are doing tonight is slowing the growth of government over the next 5 years from 6.4 percent to 6.3 percent. That is one-tenth of one percent. That is equivalent to a family making $50,000 a year finding savings of $50 a year. Anyone who says we cannot find savings of one-tenth of 1 percent has no serious interest in making government more efficient, has no ideas other than to raise taxes on the economy and American families, and they only want to use how much we spend rather than how well we spend as a measurement of success.

Mr. Speaker, the American people understand that spending money is easy and managing money is hard. Anyone serious about reducing the deficit by returning to fiscal sanity and starting to make government more self-sufficient will support this rule and support this bill. I encourage all of my colleagues to do so.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, I cannot begin to tell my Republican friends how disappointed I am, and I want to speak to why you are seeing so much passion on this floor tonight from Democrats, and especially from Blue Dog Democrats, of which I am a proud member. I am going into my fourth year here, and every year it has been the Blue Dog Democrats, not the Republicans, who have been at the forefront of trying to rein in deficit spending. It has been Blue Dogs who have been at the forefront to put forward pay-as-you-go.

You say we do not have a plan. We have a 12-point plan. We have tried to institute pay-as-you-go principles from day one. We have begged, we have pleaded with the President of the United States to meet with us to make sure that we rein in the deficit. So when you see Blue Dogs coming down here mad as hell, you have to understand that the reason we are mad is because we are not going to stand idly by and see the hypocrisy of a party that squandered billions and billions of dollars in surplus in the last 4 years and then come down here and say you are leading the fight to cut deficits, when you have done more than any President, any party in modern times to add to the deficit. And then the worst thing you want to do is to squeeze in a tax cut of $70 billion and then to do it on the backs of those that can least afford it.

Mr. PUTNAM. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, back in Indiana when a tree falls on your house, first you tend to the wounded; then you start to clean up; then you sit down and figure out how you are going to pay for it.

Well, tonight, thanks to the leadership of Speaker HASTERT, in the aftermath of having spent over $60 billion in 6 days to meet the real needs of the families and communities affected by Hurricane Katrina, tonight Congress is going to figure out how to pay for it.

In the Deficit Reduction Act, Congress will achieve more than $50 billion in savings over the next 5 years to offset the extraordinary cost of Hurricane Katrina. While this is an important first step in restoring fiscal discipline, there is still work to be done. As has been said by my colleagues in the Democratic Party tonight, with an $8 trillion national debt, with more spending on hurricane relief just around the corner, it is imperative that we not only pass the Deficit Reduction Act but that we move immediately on to the other serious work, to look for an across-the-board cut in this year's budget, ensuring that the cost of Hurricane Katrina will be borne by the entirety of our Federal priorities.

We must do more, but we dare not do less. Tonight we will do that which is of first importance: we will begin the process of putting our fiscal house in order. President John F. Kennedy said it best when he said: "To lead is to choose." And this is such a moment.

Tonight, whatever the outcome of this vote, this is a moment of truth, where we will set aside the rhetoric on this blue and gold carpet, and the American people will see for themselves who in this Congress is willing to make the tough choices in tough times to put our fiscal house in order. Bring the vote, and I urge my colleagues of goodwill on both sides of the aisle to adopt the Deficit Reduction Act.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Ms. BEAN).

Ms. BEAN. Mr. Speaker, I rise today in opposition to the rule. One of the reasons I came to Congress was to bring a real-world business perspective to government. In the business world, accountability is survival. In this Congress, it is a catch phrase usually directed elsewhere.

Demands for personal responsibility or corporate accountability abound, but rarely congressional accountability or fiscal restraint. Instead of sticking to the motto, If it is worth doing, it is worth paying for, this administration and this Congress have turned the largest budget surplus in history into the largest deficit in history with a reckless borrow-and-spend profligacy. It should be no surprise then that today's so-called Deficit Reduction Act of 2005 actually increases the budget deficit, fails to fix the broken budget process, and does nothing to reduce America's dependence on foreign capital.

□ 2200

I will oppose this irresponsible budget package which does not include pay go spending controls. We must pay as we go. It is a simple concept with a proven track record. The budget enforcement rules of the 1990s were an important part of getting the budget back into balance. The pay-as-you-go rules were tested and they worked. Accountability in government should be more than a catch phrase. It is time for us to say the buck stops here.

Mr. PUTNAM. Mr. Speaker, I yield 1½ minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I want to show you a picture of a place I think all of us know. It is Disneyland, the Magic Kingdom, the Magic Castle where fantasy is real. And we go down and we all pretend to be boys and girls for the day.

Well, here is another place where fantasy becomes reality. It is our office building, the United States Capitol. Only here can you call a 7 percent increase a cut. And what are the lap dogs, I mean, the blue dogs barking about? What I am saying is, when you increase the budget 7 percent——

POINT OF ORDER

Mr. ROSS. Mr. Speaker, I make a point of order.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman will state his point of order.

Mr. ROSS. Mr. Speaker, does the speaker not have to address you and not a group or an individual?

The SPEAKER pro tempore. The Chair would remind all Members they should address their remarks to the Chair. The gentleman may proceed.

Mr. KINGSTON. My point is that we can all live in the fantasyland of Disneyworld or the United States Capitol, and when a bill that is increasing Medicaid goes up $66 billion and people can call it a cut because they did not get their way, that it did not go up 7.3 percent, it only goes up 7 percent. You can find any excuse to vote no, and I guess in the fantasyland of Washington, D.C., you can call that a cut. But the reality is, all these posters and easels that are out in the halls of the Rayburn, the Longworth and the Cannon building are just fantasy. Here is a chance to actually reduce spending and you are barking at it and saying no.

Ms. SLAUGHTER. Mr. Speaker, I yield 3½ minutes to the gentleman from Arkansas (Mr. ROSS) to address the fantasyland of this Mickey Mouse budget.

Mr. ROSS. Mr. Speaker, this evening we are here to consider a bill known as the Deficit Reduction Act. And only here in a Republican-led Congress could something be called a deficit reduction act that adds $20 billion in new debt to this Nation's budget. Not only does it add $20 billion in new debt, but it also has nothing to do with paying for disaster relief. It is about cutting programs that matter to our children, our working families and our seniors to the tune of $50 billion. It is about approving $70 billion in new tax cuts. I was not real good in math back in high school, but I think anybody can figure that one out. $50 billion in cuts, $70 billion in new tax cuts equals $20 billion in new debt. And what is being cut? Student aid, $14.3 billion. As the father of a 17-year-old that is approaching college, like so many parents across this country, I am concerned about being able to pay for my child's college education. Parents all over this country tonight are concerned that the Republican leadership are proposing $14 billion in cuts for their children's college education. Medicaid, the health insurance program for the poor, the disabled, the elderly being cut by $11.4 billion.

Mr. Speaker, let me tell you about my America. In Arkansas, half the children are on Medicaid. In Arkansas, 8 out of every 10 seniors in nursing homes are on Medicaid. In Arkansas, one out of every five people are on Medicaid, and this Republican-led Congress, tonight, plans to cut Medicaid $11.4 billion. And if that is not enough, they are going to cut agriculture programs $3 billion. My farm families back home in East Arkansas cannot afford these kind of cuts as they simply try to do what they do best, and that is provide a safe and reliable source of food and fiber for America's families.

You know, as this debate unfolded tonight, as I was sitting here, I could not help but think about Matthew, chapter 25, verse 40. "I tell you the truth. Whatever you did for one of the least of these brothers of mine, you did for me." That is what I learned growing up in a little country church just outside of Hope, Arkansas, Midway United Methodist Church.

Eight trillion dollars is the Nation's debt under this Republican-led Congress, the largest deficit ever in our Nation's history for a fifth year in a row. In fact, this Republican President and this Republican Congress has borrowed more money from foreign investors and foreign banks in less than 5 years than the previous 42 presidents combined. It is hard now to believe that we had a balanced budget from 1998 to 2001. Contrast that to today, when we are borrowing $907 million a day, sending $188 million a day to Iraq, $33 million a day to Afghanistan. This plan does not reflect America's values. This plan does not reflect my values. Vote no on this and vote yes to the Blue Dog 12-point plan which none of these Members are cosponsoring.

Mr. PUTNAM. Mr. Speaker, I have not memorized all of Matthew, but I am pretty sure he did not like calling kids Nimrods. I yield 1 minute to the gentleman from Colorado (Mr. BEAUPREZ).

Mr. BEAUPREZ. Mr. Speaker, actually I am going to come to the well of this House tonight to celebrate, not besmirch the gentleman's youth nor certainly his wisdom. The gentleman from Florida and the gentleman from Texas, it is you, of anybody in this Chamber tonight, it is you and the millions of your generation that you represent in this Chamber, in this people's House that we ought to be concerned about. You are the ones that should be passionate because you are going to get stuck with the bill.

I thank both the gentlemen. And there has been a lot of heated rhetoric in here tonight. Let us talk at least a shred of truth. What this bill does is suggest that for a person to be Medicaid eligible has to have less than 3 quarters of $1 million of net worth. Now, is that harsh folks? Let us get real. Who out there in the real world believes that that is overly harsh, that to be on a welfare program, to be nursing home eligible, you have to have less than 3 quarters of $1 million worth of net worth? Not the world that I came from.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Tennessee (Mr. TANNER), the head of the Blue Dogs.

Mr. TANNER. Mr. Speaker, I guess that there is enough hot air that comes from this place to float any balloon, and I wish I was making up what I am about to say. But if you go to the www.publicdebt.treas.gov, you will find the things that I am about to say are there on the government Web site from the United States Treasury. The record is simply this. In 2002, this Congress raised the debt ceiling by $450 billion. In 2003, by $984 billion. In 2004, by $800 billion, and in this budget reconciliation process, there is another $781 billion of debt increase, amounting to $3.01 trillion, all of which is done in the last 4 years.

Now, I speak tonight as an American. We only have one dollar. We only have one Treasury. And for either party to claim some sort of mantle of financial responsibility here is absolutely ridiculous. No American political leadership in the history of this country has borrowed as much money as quickly as this Congress and this administration in the last 4 years. This is not an argument. This is fact. Go to www.publicdebt.treas.gov if you do not believe me. And what this means to us as Americans is in 2000, we had $50 billion a year out of the tax base that was available for education, for health care, for veterans. It is not available now because it is going to interest. I say what has happened is we, the Congress, and the administration, or you, the Congress and the administration, have levied a $500 billion plus tax increase on the American citizens over the next 10 years in the form of interest payments that you, in the majority, have built up over the last 4 years. That is not an argument. Go to www.treas.gov. That is a fact. Now, you might not want to admit it, but that is what has happened.

Now, if that is not bad enough, 85 percent of this money that has been loaned to us and we have borrowed in the name of every man, woman and child that is a United States citizen, 85 percent of it has come from people that are not U.S. citizens. It is so bad right now that if China attacked Taiwan we would have to borrow the money from China to defend Taiwan. What kind of sense does this make?

I am telling you, the Treasury reports that they are going to borrow $171 billion this quarter, the first quarter of 2006. And you come here with a reconciliation process that you say is cutting and then you turn around and stand up and say how much is being increased. I do not know which one it is, but I know that at the end of the day, this reconciliation process increases the deficit, not decreases it. And the American people want one thing, and I do not care whether it is Democrat or Republican, they want a government that works for them, not against them, and they want a government that does not enslave them in debt. What has happened here over the last 4 years is unprecedented. The amount of money that has been borrowed in our name by basically you, the majority, and the White House. It is not an argument. This is a fact. It is absolutely sickening. We are now, February 9, I want the American people to understand. February 9 are bringing back the 30-year bond. We have to because we owe so much money to primarily now foreigners.

Mr. PUTNAM. Mr. Speaker, I yield 1 minute to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, we were down here on the floor talking about this bill one night. I got an e-mail from a gentleman out in California, identified himself as a liberal Democrat. And he said, your House speech got it right. Programs started with the best of intentions will eventually outlive their usefulness, but their built-in bureaucracies have political champions that will not let these programs die ever.

Mr. Speaker, that is exactly what we are seeing. We have before us a deficit reduction plan that would put us on a track to reforming government and yielding a savings. It is a good solid plan. It is a good solid start. Unfortunately, our friends across the aisle do not get it. Ronald Reagan had it right. There is nothing so close to eternal life on earth as a Federal Government program. And the reason that is true is because these folks built a bureaucracy to themselves out of 40 years of Democrat control and they have had a choice and they have chosen to support the bureaucracy. They have chosen not to reduce those programs even when Democrat governors of our own State in Tennessee say the Medicaid programs have to be reformed. They choose not to support those.

Ms. SLAUGHTER. Mr. Speaker, I reserve the balance of my time.

Mr. PUTNAM. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Pennsylvania (Mr. MURPHY).

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Mr. MURPHY. I thank my distinguished colleague for yielding.

Mr. Speaker, some people want to scare others that this budget cuts services for needy Americans. Medicaid is one of those areas where facts are distorted. This bill increases Medicaid spending by $9.7 billion the first year alone. It continues to increase Medicaid benefits for people who need them. Savings come from reducing Medicaid fraud like New York where there is $18 billion in fraud. It prevents wealthy families with more than $750,000 in home equity from earning Medicaid benefits they don't need. We incorporated many of the changes that the National Governors Association has asked for with unprecedented flexibility.

We have to keep the Medicaid system from driving itself into fiscal oblivion. There is nothing compassionate about playing politics with people's hearts. We want to be sure that the Medicaid system is here for people today and tomorrow. That is why we need to give the Governors the flexibility they ask for in this bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 30 seconds to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, earlier the gentleman from Indiana said that budgets are about choices. Unfortunately, here is what they mean when they say choices. They are asking the wealthiest Americans to choose between realizing their investment profits through dividends or capital gains while they are asking the poorest Americans to choose between health care or heating their home. That is the kind of choice that is being imposed by this budget. That is not a profile in courage. It is a profile in cowardice.

Mr. PUTNAM. Mr. Speaker, I yield 1 minute to the distinguished chairman of the Rules Committee the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, we have listened to Democrats and Republicans decry deficit spending. We have listened to Democrats and Republicans talk about the need to bring about reform so that we can ensure that those who are truly in need are able to have those needs addressed. No one in this institution wants to pull the rug out from anyone who is desperately in need. We know that the most effective way to ensure that those needs are met is to do what everyone knows has to be done. We have to bring about meaningful reform. Anyone who will stand in this Chamber and claim that the Medicaid program is free of any kind of abuse, that the food stamp program is free of any kind of abuse, that everything that we are looking at in this budget reconciliation bill is free of any kind of abuse does not understand the operations of the Federal Government.

We know that these programs are filled with that kind of abuse and it is absolutely essential that we bring about this reform. Democrats and Republicans alike, Mr. Speaker, have the opportunity to bring about reforms to ensure that those who are truly in need have those needs met.

Ms. SLAUGHTER. Mr. Speaker, I yield the balance of my time to the gentleman from Mississippi (Mr. TAYLOR) who lost everything in Katrina.

Mr. TAYLOR of Mississippi. Mr. Speaker, in south Mississippi tonight, the people who have electricity, who might be at a VFW hall or a parish church hall, who are living in two- and three-man igloo tents waiting for Congress to do something, have absolutely got to think this place has lost their minds. The same Congress that voted to give the wealthiest 1 percent of Americans tax breaks every time. Every time. Without a tax break. Out of the goodness of their hearts, no? To help their big contributors.

Who is kidding who? The same America that are spending 4 to $6 billion a month in Iraq where, by the way, 4,000 Mississippians are fighting tonight, 15 have already come home dead, a dozen more have been to Walter Reed, who never asked the Iraqis for an offset are suddenly saying in the name of the poor folks in Mississippi who lost their houses, poor folks in New Orleans whose houses were flooded, we can't do this unless we have to hurt some other Americans to help some Americans. Suddenly after taking care of those who had the most, we have got to hurt the least. To help the folks in Mississippi?

Folks, this is insane. I have sat here. I remember the vote. May 9, 2001. I remember a President who said he could cut taxes, increase spending and pay down the debt. We are $2.4 trillion deeper in debt than that night. I did not vote for that. Almost all of you did. I did not vote to tell the folks who make hundreds of millions of dollars a year, you deserve a tax break. You did. I voted for offsets for the war in Iraq because, yes, we went to war. My goodness, kids from Mississippi are dying there. I have got a kid who lost both legs volunteering in my office to answer the phone to help folks who were hurt in Katrina. Mississippi has paid their dues. Why should they have to pay their dues twice?

This is an emergency. The one time you borrow money is when you go to war and for an emergency. And so, now you have to have an offset? Don't tell me you are being fiscally responsible. I sat here for 5 years and watched you take a budget surplus and run it into $2.5 trillion of new debt. So let's put these things in perspective. Yes, I was told the Iraqis have weapons of mass destruction and they are getting ready to use them.

Yes, I was told that you could cut taxes, increase spending and balance the budget. But this is the cruelest lie of all, that the only way you can help the people who have lost everything is by hurting somebody else.

Mr. PUTNAM. Mr. Speaker, America's heart and America's wallets have been opened for those who have been so devastated on the gulf coast just as they were a year ago for those Floridians who suffered four storms. It is a tragic thing and we are very sorry for the loss and the continued suffering that goes on. There have been a number of things discussed this evening as part of the kickoff of this debate about being truly serious about reducing the size of our deficit.

I began by talking about the myths. All around America, the people who would be discussing what is going on here would have to find that something is odd about a budget that goes up 7 percent every year but is labeled a cut. They would find it an interesting juxtaposition that the only thing mean and ugly about what is going on in here has been the rhetoric. The action is to eliminate the waste from all of these areas, including FEMA. Including those areas.

Mr. Speaker, I strongly urge this House to support the rule and the underlying bill.

AMENDMENT OFFERED BY MR. PUTNAM

Mr. PUTNAM. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PUTNAM of Florida:

Add at the end the following:

SEC. 4. Notwithstanding any other provision of this resolution, the amendment considered as adopted under the first section of this resolution shall be modified as specified in section 5.

SEC. 5. The modification referred to in section 4 is as follows:

Page 13, strike lines 5 through 11, and insert the following:

"(a) ELIGIBLE HOUSEHOLDS.—The Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) is amended—

"(1) in section 5—

"(A) in the 2d sentence of subsection (a); and

"(B) in subsection (j);

by striking 'receives benefits' each place it appears and inserting 'in fiscal years 2006 through 2010 receives cash assistance, and in any other fiscal year receives benefits,';

"(2) in section 5(a) by adding at the end the following:

'Notwithstanding any other provisions of this Act except sections 6(b), 6(d)(2), and 6(g) and section 3(i)(4), households in which each member receives substantial and ongoing noncash benefits under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) provided for purposes of shelter, utilities, child care, health care, transportation, or job training, and that have a monthly income that does not exceed (before the exclusions and deductions provided for in subsections (d) and (e)) 150 percent of the poverty line, as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), for the forty-eight contiguous States and the District of Columbia, Alaska, Hawaii, the Virgin Islands of the United States, and Guam, respectively, shall be eligible to participate in the food stamp program.'; and

"(3) in section 5(j) by adding at the end the following:

'Notwithstanding subsections (a) through (i), a State agency shall consider a member of a household in which each household member receives substantial and ongoing noncash benefits under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) provided for purposes of shelter, utilities, child care, health care, transportation, or job training, and which has a monthly income that does not exceed (before the exclusions and deductions provided for in subsections (d) and (e)) 150 percent of the poverty line, as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), for the forty-eight contiguous States and the District of Columbia, Alaska, Hawaii, the Virgin Islands of the United States, and Guam, respectively, to have satisfied the resource limitations prescribed under subsection (g).'."

Page 331, at the end of line 13, add the following: "Such method shall provide that not less than 25 percent of such funds shall be allocated among States the population of which (as determined according to data collected by the United States Census Bureau) as of July 1, 2004, was more than 105 percent of the population of the respective State (as so determined) as of April 1, 2000.".

Mr. PUTNAM. Mr. Speaker, the amendment addresses two issues, food stamps and Medicaid transformation grants. On the issue of food stamps, it ensures that recipients of noncash TANF benefits will continue to be categorically eligible for food stamps and it addresses high growth States with regard to Medicaid transformation.

Ms. PRYCE of Ohio. Mr. Speaker, I rise in support of the rule and in support of the Deficit Reduction Act. The legislation we have before us is built on the simple notions of reforming government and achieving savings.

If ever there was a vote in recent history that defines the difference in the two parties—this is it.

We are the party of reform, the party of a more efficient government—the other party is one of more government, more spending, and more taxes.

The Democrats have tried to use catchy rhetoric to describe what we are voting on today. They don't want to talk about the facts.

The front page of last Tuesday's Roll Call said it all . . . "This fall is not the time for Democrats to roll out a positive agenda," said a House Democratic aide.

Instead of a positive agenda, they have resorted to using words like "cuts" and "slashing programs," and called this important plan "rotten to the core."

But once you peal back the rhetoric and look at what is in this legislation, you realize why they only have cute slogans.

They don't want to talk about reforms that will save and strengthen Medicaid.

Reforms largely taken from proposals offered by the bipartisan National Governor's Association that was led by Democratic Governor Mark Warner.

They don't want to talk about supporting first responders by giving them bandwidth they so desperately need.

They don't want to talk about a 50 percent increase in LIHEAP.

They don't want to talk about ensuring that benefits paid for by taxpayers don't go to illegal immigrants.

And of course they don't want to talk about lowering the cost of student loans.

I could go on and on—but in the end, this legislation delivers common sense reforms that will achieve real savings and reduce the deficit.

What about that, Mr. Speaker, is rotten to the core?

Mr. TIAHRT. Mr. Speaker, we have heard a lot about the devastation we will cause by passing this small little act tonight. In fact, we are trying to further reform welfare and improve the system of delivery of the services and goods for those in our society who need them most.

Something that really surprises me, though, is there is really no plan from the other side. I have noticed in our hallways the Democrats' signs crying for action on the Federal deficit, but I have yet to see their plan to deal with the deficit.

Blue Dog Democrats have billboards in front of their offices declaring how much each family owes on the federal debt, but they have no plan to reduce it. There are more plans on the television show West Wing than the Democrats have here in the United States House of Representatives. There are more plans on the other political shows about how to deal with the problems of today, but we get no plans or help from the other side.

We need some Blue Dog Democrats that that will actually hunt. We need dogs with bite rather than a large bark. Right now all we hear is a lot of noise from the Blue Dogs, but there is no action and there is no plan. All we hear are complaints about trying to improve the system.

I will give you one quick example. In Kansas, Medicaid claims are only correct 3 out of 4 times. One out of 4 times the payment is inaccurate. We need to reform that system. You would not get on an airplane today if you had a 3 out of 4 chance of getting to your destination. You would not start a trip today if you had only a 3 out of 4 chance of getting to your destination. When we make a Medicaid payment in the State of Kansas, it is wrong 24 percent of the time. This legislation includes reform to help improve our Medicaid system, so those who are truly in need get the services they require.

But the other side doesn't want to do that. We need to pass this legislation, reform the welfare system, and do the right thing about the Federal budget.

Ms. DELAURO. Mr. Speaker, earlier I spoke about how this legislation is out of step with mainstream American values. I would like to submit for the RECORD the text of a letter sent to every Member of the House from the United States Conference of Catholic Bishops reflecting the misguided values that this bill embodies.

DEPARTMENT OF SOCIAL
DEVELOPMENT AND WORLD PEACE,
Washington, DC, November 8, 2005.

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: When Congress began the process of developing the 2006 budget for the United States government last February, United States Conference of Catholic Bishops president Bishop William Skylstad urged Members of Congress to remember that budget "decisions will reflect not only economic policies but moral choices as well," and urged Congress "to give priority attention in the budget to the needs of poor and vulnerable people both here and abroad."

As the House now takes up its budget reconciliation bill, we write to reiterate the Conference's priorities and to share our views on how that bill may impact several key programs and the people they serve. We are guided by Catholic moral principles: respect for human life and dignity; the importance of family and the value of work; an option for the poor and the call to participation; and the principles of subsidiarity and solidarity. We also draw upon the Church's experience living with, and serving the poor among us. As perhaps the largest non-governmental provider of health care and human services to vulnerable people, the Catholic community meets the poor in our soup kitchens, Catholic Charities agencies and health care facilities.

We are deeply disappointed by the budget reconciliation proposal before the House of Representatives, in particular, its lack of concern for children. Below are specific examples of programs that serve vulnerable people—often children—that will lose funds if this legislation passes in its current form.

Food Stamp Program: The House reconciliation bill includes harmful cuts to the Food Stamp program that will result in taking food away from people, including children, who are being helped now. This would be objectionable anytime, but it is particularly unfair at this time. Recently, USDA reported an increase to 38 million in the number of Americans suffering from hunger or living in homes that are on the edge of hunger. This includes nearly 14 million children. Nearly 300,000 people in low-income working families will lose Food Stamp assistance if this bill becomes law and some 40,000 children in those families will no longer be eligible for free school meals. Many of those denied Food Stamps will be legal immigrants. We were strong supporters of President Bush's successful effort to expand access to Food Stamps for legal immigrants in the last farm bill. We strongly oppose the effort to roll back this expansion, by making legal immigrants wait an additional 2 years for eligibility.

Health Care for the Poor: We recognize and affirm the sanctity of human life from conception to natural death and consider access to adequate health care to be a basic human right. No person should be denied access to needed health care because of inability to pay. We oppose the provisions in the bill that would allow states to increase the burden of co-payments, deductibles and premiums on Medicaid beneficiaries—including some children and pregnant women. Health care providers would be allowed to deny services to those who cannot pay these amounts. Another proposal would allow states wide latitude to choose which medical services it will offer to different groups of low- income people. It is important to maintain a federal standard of core benefits, necessary for the maintenance of good health, to which all Medicaid beneficiaries are entitled.

The Congressional Budget Office (CBO) estimates that these provisions will save $6.2 billion over five years (and $28.2 billion over ten years), precisely because they will cause people eligible for Medicaid to get less of the health care they need. This attempt to save money by making it harder for low- income and vulnerable people to get the health care they need is simply unacceptable.

Temporary Assistance for Needy Families: The House reconciliation bill includes the

House bill to reauthorize the Temporary Assistance for Needy Families (TANF) welfare program. We reiterate our concern that the House approach to TANF reauthorization increases the work requirements on all TANF recipients, generally single mothers, and repeals the rule allowing a lower work requirement for mothers of children under 6 years old. While the House reconciliation bill does include small increases in child care funding, the amount is insufficient to pay for current child care services given inflation, let alone cover the need for additional child care created by increasing the TANF work requirements. We are also disappointed that the bill does not restore TANF benefit eligibility to recently-arrived legal immigrants. However, we note our support for funding programs—separate from the basic block grant—to promote marriage and healthy families (although we believe it would be better to target this spending on marriage and family services for low-income families).

Child Support Funds: The House reconciliation bill cuts Federal funding for state child support services which will make it harder for states to collect child support for low and moderate-income families. According to CBO extimates, over the course of ten years families could receive $21 billion less in child support payments. Child support payments can be crucial to the economic viability of some families, keeping them out of poverty and off public programs. They also encourage parental responsibility and can help to maintain the connection between children and their non-custodial parent. Undermining the collection of child support is not good for children or families.

Agricultural Programs: We are disappointed that the reconciliation bill reduces spending on key conservation programs. The bishops have stated that protecting God's creation must be a central goal of agricultural policies, and our conference supports policies that promote soil conservation, improve water quality, protect wildlife, and maintain biodiversity.

The bishops' conference also endorses targeting limited government resources for direct federal payments and other forms of domestic agricultural support to small and moderate-sized farms, to help them through difficult times caused by periodic price shocks or unpredictable natural disasters, such as the recent hurricanes. Limiting U.S. farm supports and targeting them to those who need them the most would also increase the possibility that poor farmers around the world would be able to sell their products and support their families. We would welcome efforts to begin the process of redirecting agricultural subsidies to those most in need.

We urge you to remember that the federal budget is more than a fiscal plan; it reflects our values as a people. Budget choices have clear moral and human dimensions. A just society is one that protects and promotes the fundamental rights of its members—with special attention to meeting the basic needs, including the need for safe and affordable health care, of the poor and underserved. In these difficult times, the United States Conference of Catholic Bishops urges you to work for a budget that does not neglect the needs of the "least of these" in our nation and the world.

Sincerely in Christ,
Most Rev. NICHOLAS DIMARZIO,
Bishop of Brooklyn, Chairman, Domestic Policy Committee.
Most Rev. JOHN RICARD, SSJ,
Bishop of Pensacola-Tallahassee, Chairman, International Policy Committee.

Mr. BARTON of Texas. Mr. Speaker, I recognize the value of finding additional spectrum below 1 GHz for unlicensed devices to meet the growing consumer demand for robust wireless broadband connections. As outlined in the committee report, the Federal Communications Commission should evaluate whether the presence of unlicensed devices operating in the broadcast television bands will produce harmful interference to television stations broadcasting in that band.

Unlicensed devices that utilize spectrum below 1 GHz could be used by neighbors who want to communicate with each other, by wireless Internet providers who want to improve their coverage, or by other service providers who want to expand their capabilities. Unlicensed use of these bands has the potential to foster additional broadband competition, technological innovation, and economic development. In addition, wireless broadband devices can be deployed rapidly in areas where wireline communications infrastructure has been wiped away, such as has occurred during recent disasters. I agree that the FCC should act expeditiously on this proceeding, and we were therefore pleased to provide the FCC with a deadline to complete its work.

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise in strong opposition to the Republican plan to cut billions of dollars in services for the most vulnerable people in our country while giving away billions of dollars in tax breaks to the wealthiest Americans—the so-called "budget reconciliation package."

This plan will harm low-income children and seniors, students, working parents and local government. It is an appalling plan that I oppose on both policy grounds as well as moral grounds. Denying access to food stamps to our poorest families is cruel and immoral when we live in a generous country of abundance.

The Republican budget reconciliation bill also makes significant cuts to Medicaid, a critical program serving children, the elderly and persons with disabilities. The Republicans propose to cut $11.4 billion from Medicaid, primarily through imposing increased costs on families which will result in decreased access to care. At a time when health care costs and the number of uninsured families in our country are increasing, this proposal is both unwise and unfair.

The Republican plan also cuts $14.3 billion from student loan programs, which will make higher education more expensive and less accessible at a time when our nation should be focused on educating and training a highly skilled workforce to compete globally. An investment in higher education is an investment in our future. The Republicans have chosen instead to ignore this reality and balance their mismanaged budget on the backs of students and families. .

It is also extremely disappointing that the Republicans chose to include their punitive reauthorization of Temporary Assistance to Needy Families in this bill. This plan increases work requirements and sanctions while severely underfunding child care. In order to work, families need access to safe, affordable child care. We know that Congress needs to fund child care at $7 billion in order match the new rigid work requirements, yet this bill provides an inadequate $1.3 billion. Families want to work but that is not possible if there is not safe, affordable child care available. In addition, the leadership has included a cut to child support enforcement funding in this package, which will make it more difficult for families to access the resources they need to care for their children.

My opposition also extends to the Republican desire to cut $70 billion in taxes, primarily for investors and the wealthy, while adding over $20 billion to the federal budget deficit. Rewarding the rich, punishing the poor and passing the cost on to the next generation is a disgraceful way to lead this nation. I will vote against this Republican reconciliation package and I urge my colleagues to join me.

Mr. PUTNAM. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the amendment and on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the amendment offered by the gentleman from Florida (Mr. PUTNAM).

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PUTNAM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Res. 560.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

DEFICIT REDUCTION ACT OF 2005

Mr. NUSSLE. Mr. Speaker, pursuant to House Resolution 560, I call up the bill (H.R. 4241) to provide for reconciliation pursuant to section 201(a) of the concurrent resolution on the budget for fiscal year 2006, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 560, the bill is considered read and the amendment printed in House Report 109-303, as modified, is adopted.

The text of the bill, as amended, is as follows:

H.R. 4241

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Deficit Reduction Act of 2005".

SEC. 2. TABLE OF TITLES.

The table of titles is as follows:

TITLE I—COMMITTEE ON AGRICULTURE
TITLE II—COMMITTEE ON EDUCATION AND THE WORKFORCE
TITLE III—COMMITTEE ON ENERGY AND COMMERCE
TITLE IV—COMMITTEE ON FINANCIAL SERVICES
TITLE V—COMMITTEE ON THE JUDICIARY
TITLE VI—COMMITTEE ON RESOURCES
TITLE VII—COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
TITLE VIII—COMMITTEE ON WAYS AND MEANS

TITLE I—COMMITTEE ON AGRICULTURE

SECTION 1001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Agricultural Reconciliation Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents of this title is as follows:

Sec. 1001. Short title; table of contents.

Subtitle A—Commodity Programs

Sec. 1101. Percentage reduction in amount of direct payments for covered commodities and peanuts.
Sec. 1102. Reduction in percentage of direct payment amount authorized to be paid in advance.
Sec. 1103. Cotton competitiveness provisions.

Subtitle B—Conservation

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Subtitle A—Commodity Programs

SEC. 1101. PERCENTAGE REDUCTION IN AMOUNT OF DIRECT PAYMENTS FOR COVERED COMMODITIES AND PEANUTS.

(a) COVERED COMMODITIES.—Section 1103 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7913) is amended—

(1) in subsection (c), by striking "The amount" and inserting "Except as provided in subsection (e), the amount"; and

(2) by adding at the end the following new subsection:

"(e) DIRECT PAYMENT AMOUNT REDUCTION.—Notwithstanding subsection (c), for the 2006 and 2007 crop years (and the 2008 and 2009 crop years if direct payments are provided under this section for those crop years), the Secretary shall reduce the total amount of the direct payment to be paid to the producers on a farm for a covered commodity for the crop year concerned by an amount equal to 1 percent of the direct payment amount otherwise determined for that farm for that covered commodity for that crop year. No reduction shall be made under the authority of this subsection if direct payments are made for the 2010 or any subsequent crop year of a covered commodity.".

(b) PEANUTS.—Section 1303 of such Act (7 U.S.C. 7953) is amended—

(1) in subsection (d), by striking "The amount" and inserting "Except as provided in subsection (f), the amount"; and

(2) by adding at the end the following new subsection:

"(f) DIRECT PAYMENT AMOUNT REDUCTION.—Notwithstanding subsection (d), for the 2006 and 2007 crops of peanuts (and the 2008 and 2009 crops of peanuts if direct payments are provided under this section for those crops), the Secretary shall reduce the total amount of the direct payment to be paid to the producers on a farm for that crop of peanuts by an amount equal to 1 percent of the direct payment amount otherwise determined for that farm for that crop of peanuts. No reduction shall be made under the authority of this subsection if direct payments are made for the 2010 or any subsequent crop of peanuts.".

SEC. 1102. REDUCTION IN PERCENTAGE OF DIRECT PAYMENT AMOUNT AUTHORIZED TO BE PAID IN ADVANCE.

(a) COVERED COMMODITIES.—Section 1103(d)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7913(d)(2)) is amended in the first sentence by striking "2007 crop years" and inserting "2005 crop years and up to 40 percent of the direct payment for a covered commodity for each of the 2006 and 2007 crop years".

(b) PEANUTS.—Section 1303(e)(2) of such Act (7 U.S.C. 7953(e)(2)) is amended in the first sentence by striking "2007 crop years" and inserting "2005 crop years and up to 40 percent of the direct payment for each of the 2006 and 2007 crop years".

SEC. 1103. COTTON COMPETITIVENESS PROVISIONS.

(a) REPEAL OF AUTHORITY TO ISSUE COTTON USER MARKETING CERTIFICATES.—Section 1207 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7937) is amended—

(1) by striking the section heading and inserting the following: "**UPLAND COTTON IMPORT QUOTAS.**";

(2) by striking subsection (a);

(3) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively;

(4) in subsection (a), as so redesignated—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking ", adjusted for the value of any certificate issued under subsection (a),"; and

(ii) in subparagraph (C), by striking ", for the value of any certificates issued under subsection (a)"; and

(B) in paragraph (4), by striking "subsection (c)" and inserting "subsection (b)"; and

(5) in subsection (b)(2), as so redesignated, by striking "subsection (b)" and inserting "subsection (a)".

(b) CONFORMING AMENDMENT.—Section 136 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7236) is repealed.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on August 1, 2006.

Subtitle B—Conservation

SEC. 1201. LIMITATIONS ON USE OF COMMODITY CREDIT CORPORATION FUNDS TO CARRY OUT WATERSHED REHABILITATION PROGRAM.

(a) FISCAL YEAR 2007 FUNDING.—Subparagraph (E) of section 14(h)(1) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(1)) is amended by striking "$65,000,000" and inserting "$50,000,000".

(b) TERMINATION OF MULTI-YEAR AVAILABILITY OF FUNDS.—Such section is further amended by striking ", to remain available until expended" in the matter preceding subparagraph (A).

(c) RESCISSION OF UNOBLIGATED PRIOR-YEAR FUNDS.—Funds previously made available under such section for a fiscal year and unobligated as of September 30, 2006, are hereby rescinded effective on that date.

SEC. 1202. CONSERVATION SECURITY PROGRAM.

(a) FUNDING.—Section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended—

(1) in the matter before paragraph (1), by striking "For" and inserting "Except as otherwise provided in this subsection, for"; and

(2) in paragraph (3), by striking "not more than $6,037,000,000" and all that follows through "2014," and inserting the following: "not more than—

"(A) $2,213,000,000 for the period of fiscal years 2006 through 2010; and

"(B) $5,729,000,000 for the period of fiscal years 2006 through 2015.".

(b) DURATION.—Section 1238A(a) of such Act (16 U.S.C. 3838a(a)) is amended by striking "2007" and inserting "2011".

SEC. 1203. LIMITATIONS ON USE OF COMMODITY CREDIT CORPORATION FUNDS TO CARRY OUT AGRICULTURAL MANAGEMENT ASSISTANCE PROGRAM.

Section 524(b)(4)(B) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)(4)(B)) is amended—

(1) in clause (i), by inserting before the period at the end the following: ", except fiscal years 2007 through 2010"; and

(2) in clauses (ii) and (iii), by striking "2007" both places it appears and inserting "2006".

Subtitle C—Energy

SEC. 1301. TERMINATION OF USE OF COMMODITY CREDIT CORPORATION FUNDS TO CARRY OUT RENEWABLE ENERGY SYSTEMS AND ENERGY EFFICIENCY IMPROVEMENTS PROGRAM.

Section 9006(f) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106(f)) is amended by striking "2007" and inserting "2006".

Subtitle D—Rural Development

SEC. 1401. ENHANCED ACCESS TO BROADBAND TELECOMMUNICATIONS SERVICES IN RURAL AREAS.

(a) TERMINATION OF FISCAL YEAR 2007 FUNDING.—Subparagraph (B) of section 601(j)(1) of the Rural Electrification Act of 1936 (7 U.S.C. 950bb(j)(1)) is amended by striking "for each of fiscal years 2006 and 2007" and inserting "for fiscal year 2006".

(b) TERMINATION OF MULTI-YEAR AVAILABILITY OF FUNDS.—Such section is further amended by striking ", to remain available until expended" both places it appears.

(c) RESCISSION OF UNOBLIGATED PRIOR-YEAR FUNDS.—Funds previously made available under such section for a fiscal year and unobligated as of September 30, 2006, are hereby rescinded effective on that date.

SEC. 1402. VALUE-ADDED AGRICULTURAL PRODUCT MARKET DEVELOPMENT GRANTS.

(a) Termination of Fiscal Year 2007 Funding.—Section 231(b)(4) of the Agricultural Risk Protection Act of 2000 (Public Law 106-224; 7 U.S.C. 1621 note) is amended by striking "October 1, 2006" and inserting "October 1, 2005".

(b) Termination of Multi-Year Availability of Funds.—Such section is further amended by striking ", to remain available until expended".

(c) Rescission of Unobligated Prior-Year Funds.—Funds previously made available under such section for a fiscal year and unobligated as of September 30, 2006, are hereby rescinded effective on that date.

SEC. 1403. RURAL BUSINESS INVESTMENT PROGRAM.

(a) Termination of Fiscal Year 2007 and Subsequent Funding.—Subsection (a)(1) of section 384S of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009cc–18) is amended by inserting after "necessary" the following: "through fiscal year 2006".

(b) Termination of Multi-Year Availability of Funds.—Such section is further amended—

(1) by striking "(a) In General.—"; and

(2) by striking subsection (b).

(c) Rescission of Unobligated Prior-Year Funds.—Funds previously made available under such section and unobligated as of September 30, 2006, are hereby rescinded effective on that date.

SEC. 1404. RURAL BUSINESS STRATEGIC INVESTMENT GRANTS.

(a) Termination of Multi-Year Availability of Funds.—Subsection (a) of section 385E of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009dd-4) is amended by striking ", to remain available until expended,".

(b) Rescission of Unobligated Prior-Year Funds.—Funds previously made available under such section and unobligated as of September 30, 2006, are hereby rescinded effective on that date.

SEC. 1405. RURAL FIREFIGHTERS AND EMERGENCY PERSONNEL GRANTS.

(a) Termination of Fiscal Year 2007 Funding.—Section 6405(c) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 2655(c)) is amended by striking "2007" and inserting "2006".

(b) Termination of Multi-Year Availability of Funds.—Such section is further amended by striking ", to remain available until expended".

(c) Rescission of Unobligated Prior-Year Funds.—Funds previously made available under such section for a fiscal year and unobligated as of September 30, 2006, are hereby rescinded effective on that date.

Subtitle E—Research

SEC. 1501. INITIATIVE FOR FUTURE FOOD AND AGRICULTURE SYSTEMS.

(a) Termination of Fiscal Year 2007, 2008, and 2009 Transfers.—Subsection (b)(3)(D) of section 401 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621) is amended by striking "2006" and inserting "2009".

(b) Termination of Multi-Year Availability of Fiscal Year 2006 Funds.—Paragraph (6) of subsection (f) of such section is amended to read as follows:

"(6) Availability of funds.—

"(A) Two-year availability.—Except as provided in subparagraph (B), funds for grants under this section shall be available to the Secretary for obligation for a 2-year period beginning on the date of the transfer of the funds under subsection (b).

"(B) Exception for fiscal year 2006 transfer.—In the case of the funds required to be transferred by subsection (b)(3)(C), the funds shall be available to the Secretary for obligation for the 1-year period beginning on October 1, 2005.".

Subtitle F—Nutrition

SEC. 1601. ELIGIBLE HOUSEHOLDS.

"(a) Eligible Households.—The Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) is amended—

"(1) in section 5——

"(A) in the 2d sentence of subsection (a); and

"(B) in subsection (j);

by striking 'receives benefits' each place it appears and inserting 'in fiscal years 2006 through 2010 receives cash assistance, and in any other fiscal year receives benefits,';

"(2) in section 5(a) by adding at the end the following:

'Notwithstanding any other provisions of this Act except sections 6(b), 6(d)(2), and 6(g) and section 3(i)(4), households in which each member receives substantial and ongoing noncash benefits under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) provided for purposes of shelter, utilities, child care, health care, transportation, or job training, and that have a monthly income that does not exceed (before the exclusions and deductions provided for in subsections (d) and (e)) 150 percent of the poverty line, as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), for the forty-eight contiguous States and the District of Columbia, Alaska, Hawaii, the Virgin Islands of the United States, and Guam, respectively, shall be eligible to participate in the food stamp program.'; and

"(3) in section 5(j) by adding at the end the following:

'Notwithstanding subsections (a) through (i), a State agency shall consider a member of a household in which each household member receives substantial and ongoing noncash benefits under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) provided for purposes of shelter, utilities, child care, health care, transportation, or job training, and which has a monthly income that does not exceed (before the exclusions and deductions provided for in subsections (d) and (e)) 150 percent of the poverty line, as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), for the forty-eight contiguous States and the District of Columbia, Alaska, Hawaii, the Virgin Islands of the United States, and Guam, respectively, to have satisfied the resource limitations prescribed under subsection (g).'."

(b) Extensions.—The Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) is amended in—

(1) section 11(t)(1);

(2) section 16—

(A) in subparagraphs (A)(vii) and (E)(i) of subsection (h)(1); and

(B) in subparagraphs (A) and(B)(ii) of subsection (k)(3);

(3) section 17(b)(1)(B)(vi);

(4) section 18(a); and

(5) section 19(a)(2)(A)(ii);

by striking "2007" each place it appears and inserting "2011".

SEC. 1602. AVAILABILITY OF COMMODITIES FOR THE EMERGENCY FOOD ASSISTANCE PROGRAM.

Section 27(a) of the Food Stamp Act of 1977 (7 U.S.C. 2036(a)) is amended—

(1) by striking "2007," and inserting "2005 and for each of the fiscal years 2007 through 2011";

(2) by inserting ", and for fiscal year 2006 the Secretary shall purchase $152,000,000," before "of a variety"; and

(3) by adding at the end the following:

"Of the funds used to purchase commodities in accordance with this subsection for fiscal year 2006, $12,000,000 shall be used to purchase commodities for distribution to States that received a Presidential designation of a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121-5206) as a result of Hurricane Katrina or Hurricane Rita and States contiguous to those States.".

SEC. 1603. RESIDENCY REQUIREMENT.

Section 402(a)(2)(L) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)(L)) is amended by striking "5 years or more" and inserting "7 years or more effective until September 30, 2010, and for a period of 5 years or more beginning" and inserting the following:

"for a period—

"(1) effective until September 30, 2010—

"(A) for an alien—

"(i)(I) who is 60 years of age or older; or

"(II) with respect to whom—

"(aa) an application for naturalization under Immigration and Nationality Act is approved; or

"(bb) such application is pending under such Act and no previous application for naturalization has been rejected under such Act; and

"(ii) who is a member of a household that receives food stamp benefits; as of the date of the enactment of the Agricultural Reconciliation Act of 2005, of 5 years or more; and

"(B) for an alien with respect to whom subparagraph (A) does not apply, of 7 years or more; and

"(2) effective beginning on October 1, 2010, of 5 years or more;

beginning".

(c) Certification for School Lunch Program.—Section 9 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758) is amended—

(1) in subsection (b)(12)—

(A) in subparagraph (A)—

(i) in clause (v), by striking "; or" and inserting a semicolon;

(ii) in clause (vi), by striking the period and inserting "; or"; and

(iii) by adding at the end the following new clause:

"(vii) a member of a household in which each member receives or is eligible to receive non-cash or in-kind benefits under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), and requires participants to have a gross monthly income at or below 200 percent of the Federal poverty level."; and

(B) in subparagraph (B), by striking "or assistance" and inserting ", benefits, or assistance"; and

(2) in subsection (d)(2)—

(A) in subparagraph (D), by striking "; or" and inserting a semicolon;

(B) in subparagraph (E), by striking the period and inserting "; or"; and

(C) by adding at the end the following:

"(F) documentation has been provided to the local educational agency showing that the household is one in which each member receives or is eligible to receive non-cash or in-kind benefits under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), and requires participants to have a gross monthly income at or below 200 percent of the Federal poverty level.".

SEC. 1604. DISASTER FOOD STAMP PROGRAM.

Notwithstanding section 16(a) of the Food Stamp Act of 1977 (7 U.S.C. 2025(a)), the Secretary of Agriculture is authorized, at the discretion of the Secretary, to pay to State agencies 100 percent of the administrative costs incurred in the certification of, and issuance of benefits to, applicant households that become eligible to receive food stamp benefits under the disaster food stamp program eligibility standards in effect during the Presidentially declared emergency in response to Hurricane Katrina or Hurricane Rita.

TITLE II—COMMITTEE ON EDUCATION AND THE WORKFORCE

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PART 1—SHORT TITLE; REFERENCES

SEC. 2001. SHORT TITLE.

This subtitle may be cited as the "Personal Responsibility, Work, and Family Promotion Act of 2005".

SEC. 2002. REFERENCES.

Except as otherwise expressly provided, wherever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the amendment or repeal shall be considered to be made to a section or other provision of the Social Security Act.

PART 2—TANF

SEC. 2011. UNIVERSAL ENGAGEMENT AND FAMILY SELF-SUFFICIENCY PLAN REQUIREMENTS.

(a) MODIFICATION OF STATE PLAN REQUIREMENTS.—Section 402(a)(1)(A) (42 U.S.C. 602(a)(1)(A)) is amended by striking clauses (ii) and (iii) and inserting the following:

"(ii) Require a parent or caretaker receiving assistance under the program to engage in work or alternative self-sufficiency activities (as defined by the State), consistent with section 407(e)(2).

"(iii) Require families receiving assistance under the program to engage in activities in accordance with family self-sufficiency plans developed pursuant to section 408(b).".

(b) ESTABLISHMENT OF FAMILY SELF-SUFFICIENCY PLANS.—

(1) IN GENERAL.—Section 408(b) (42 U.S.C. 608(b)) is amended to read as follows:

"(b) FAMILY SELF-SUFFICIENCY PLANS.—

"(1) IN GENERAL.—A State to which a grant is made under section 403 shall—

"(A) assess, in the manner deemed appropriate by the State, the skills, prior work experience, and employability of each work-eligible individual (as defined in section 407(b)(2)(C)) receiving assistance under the State program funded under this part;

"(B) establish for each family that includes such an individual, in consultation as the State deems appropriate with the individual, a self-sufficiency plan that specifies appropriate activities described in the State plan submitted pursuant to section 402, including direct work activities as appropriate designed to assist the family in achieving their maximum degree of self-sufficiency, and that provides for the ongoing participation of the individual in the activities;

"(C) require, at a minimum, each such individual to participate in activities in accordance with the self-sufficiency plan;

"(D) monitor the participation of each such individual in the activities specified in the self-sufficiency plan, and regularly review the progress of the family toward self-sufficiency;

"(E) upon such a review, revise the self-sufficiency plan and activities as the State deems appropriate.

"(2) TIMING.—The State shall comply with paragraph (1) with respect to a family—

"(A) in the case of a family that, as of October 1, 2005, is not receiving assistance from the State program funded under this part, not later than 60 days after the family first receives assistance on the basis of the most recent application for the assistance; or

"(B) in the case of a family that, as of such date, is receiving the assistance, not later than 12 months after the date of enactment of this subsection.

"(3) STATE DISCRETION.—A State shall have sole discretion, consistent with section 407, to define and design activities for families for purposes of this subsection, to develop methods for monitoring and reviewing progress pursuant to this subsection, and to make modifications to the plan as the State deems appropriate to assist the individual in increasing their degree of self-sufficiency.

"(4) RULE OF INTERPRETATION.—Nothing in this part shall preclude a State from—

"(A) requiring participation in work and any other activities the State deems appropriate for helping families achieve self-sufficiency and improving child well-being; or

"(B) using job search or other appropriate job readiness or work activities to assess the employability of individuals and to determine appropriate future engagement activities.".

(2) PENALTY FOR FAILURE TO ESTABLISH FAMILY SELF-SUFFICIENCY PLAN.—Section 409(a)(3) (42 U.S.C. 609(a)(3)) is amended—

(A) in the paragraph heading, by inserting "OR ESTABLISH FAMILY SELF-SUFFICIENCY PLAN" after "RATES"; and

(B) in subparagraph (A), by inserting "or 408(b)" after "407(a)".

SEC. 2012. WORK PARTICIPATION REQUIREMENTS.

(a) ELIMINATION OF SEPARATE PARTICIPATION RATE REQUIREMENTS FOR 2-PARENT FAMILIES.—

(1) Section 407 (42 U.S.C. 607) is amended in each of subsections (a) and (b) by striking paragraph (2).

(2) Section 407(b)(4) (42 U.S.C. 607(b)(4)) is amended by striking "paragraphs (1)(B) and (2)(B)" and inserting "paragraph (1)(B)".

(3) Section 407(c)(1) (42 U.S.C. 607(c)(1)) is amended by striking subparagraph (B).

(4) Section 407(c)(2)(D) (42 U.S.C. 607(c)(2)(D)) is amended by striking "paragraphs (1)(B)(i) and (2)(B) of subsection (b)" and inserting "subsection (b)(1)(B)(i)".

(b) WORK PARTICIPATION REQUIREMENTS.—Section 407 (42 U.S.C. 607) is amended by striking all that precedes subsection (b)(3) and inserting the following:

"SEC. 407. WORK PARTICIPATION REQUIREMENTS.

"(a) PARTICIPATION RATE REQUIREMENTS.—A State to which a grant is made under section 403 for a fiscal year shall achieve a minimum participation rate equal to not less than—

"(1) 50 percent for fiscal year 2006;

"(2) 55 percent for fiscal year 2007;

"(3) 60 percent for fiscal year 2008;

"(4) 65 percent for fiscal year 2009; and

"(5) 70 percent for fiscal year 2010 and each succeeding fiscal year.

"(b) CALCULATION OF PARTICIPATION RATES.—

"(1) AVERAGE MONTHLY RATE.—For purposes of subsection (a), the participation rate of a State for a fiscal year is the average of the participation rates of the State for each month in the fiscal year.

"(2) MONTHLY PARTICIPATION RATES; INCORPORATION OF 40-HOUR WORK WEEK STANDARD.—

"(A) IN GENERAL.—For purposes of paragraph (1), the participation rate of a State for a month is—

"(i) the total number of countable hours (as defined in subsection (c)) with respect to the counted families for the State for the month; divided by

"(ii) 160 multiplied by the number of counted families for the State for the month.

"(B) COUNTED FAMILIES DEFINED.—

"(i) IN GENERAL.—In subparagraph (A), the term 'counted family' means, with respect to a State and a month, a family that includes a work-eligible individual and that receives assistance in the month under the State program funded under this part, subject to clause (ii).

"(ii) STATE OPTION TO EXCLUDE CERTAIN FAMILIES.—At the option of a State, the term 'counted family' shall not include—

"(I) a family in the first month for which the family receives assistance from a State program funded under this part on the basis of the most recent application for such assistance;

"(II) on a case-by-case basis, a family in which the youngest child has not attained 12 months of age; or

"(III) a family that is subject to a sanction under this part or part D, but that has not been subject to such a sanction for more than 3 months (whether or not consecutive) in the preceding 12-month period.

"(iii) STATE OPTION TO INCLUDE INDIVIDUALS RECEIVING ASSISTANCE UNDER A TRIBAL FAMILY ASSISTANCE PLAN OR TRIBAL WORK PROGRAM.—At the option of a State, the term 'counted family' may include families in the State that are receiving assistance under a tribal family assistance plan approved under section 412 or under a tribal work program to which funds are provided under this part.

"(C) WORK-ELIGIBLE INDIVIDUAL DEFINED.—In this section, the term 'work-eligible individual' means an individual—

"(i) who is married or a single head of household; and

"(ii) whose needs are (or, but for sanctions under this part or part D, would be) included in determining the amount of cash assistance to be provided to the family under the State program funded under this part.".

(c) RECALIBRATION OF CASELOAD REDUCTION CREDIT.—

(1) IN GENERAL.—Section 407(b)(3)(A)(ii) (42 U.S.C. 607(b)(3)(A)(ii)) is amended to read as follows:

"(ii) the average monthly number of families that received assistance under the State program funded under this part during the base year.".

(2) CONFORMING AMENDMENT.—Section 407(b)(3)(B) (42 U.S.C. 607(b)(3)(B)) is amended by striking "and eligibility criteria" and all that follows through the close parenthesis and inserting "and the eligibility criteria in effect during the then applicable base year".

(3) BASE YEAR DEFINED.—Section 407(b)(3) (42 U.S.C. 607(b)(3)) is amended by adding at the end the following:

"(C) BASE YEAR DEFINED.—In this paragraph, the term 'base year' means, with respect to a fiscal year—

"(i) if the fiscal year is fiscal year 2006, fiscal year 1996;

"(ii) if the fiscal year is fiscal year 2007, fiscal year 1998;

"(iii) if the fiscal year is fiscal year 2008, fiscal year 2001; or

"(iv) if the fiscal year is fiscal year 2009 or any succeeding fiscal year, the then 4th preceding fiscal year.".

(d) SUPERACHIEVER CREDIT.—Section 407(b) (42 U.S.C. 607(b)) is amended by striking paragraphs (4) and (5) and inserting the following:

"(4) SUPERACHIEVER CREDIT.—

"(A) IN GENERAL.—The participation rate, determined under paragraphs (1) and (2) of this subsection, of a superachiever State for a fiscal year shall be increased by the lesser of—

"(i) the amount (if any) of the superachiever credit applicable to the State; or

"(ii) the number of percentage points (if any) by which the minimum participation rate required by subsection (a) for the fiscal year exceeds 50 percent.

"(B) SUPERACHIEVER STATE.—For purposes of subparagraph (A), a State is a superachiever State if the State caseload for fiscal year 2001 has declined by at least 60 percent from the State caseload for fiscal year 1995.

"(C) AMOUNT OF CREDIT.—The superachiever credit applicable to a State is the number of percentage points (if any) by which the decline referred to in subparagraph (B) exceeds 60 percent.

"(D) DEFINITIONS.—In this paragraph:

"(i) STATE CASELOAD FOR FISCAL YEAR 2001.—The term 'State caseload for fiscal year 2001' means the average monthly number of families that received assistance during fiscal year 2001 under the State program funded under this part.

"(ii) STATE CASELOAD FOR FISCAL YEAR 1995.—The term 'State caseload for fiscal year 1995' means the average monthly number of families that received aid under the State plan approved under part A (as in effect on September 30, 1995) during fiscal year 1995.".

(e) COUNTABLE HOURS.—Section 407 (42 U.S.C. 607) is amended by striking subsections (c) and (d) and inserting the following:

"(c) COUNTABLE HOURS.—

"(1) DEFINITION.—In subsection (b)(2), the term 'countable hours' means, with respect to a family for a month, the total number of hours in the month in which any member of the family who is a work-eligible individual is engaged in a direct work activity or other activities specified by the State (excluding an activity that does not address a purpose specified in section 401(a)), subject to the other provisions of this subsection.

"(2) LIMITATIONS.—Subject to such regulations as the Secretary may prescribe:

"(A) MINIMUM WEEKLY AVERAGE OF 24 HOURS OF DIRECT WORK ACTIVITIES REQUIRED.—If the work-eligible individuals in a family are engaged in a direct work activity for an average total of fewer than 24 hours per week in a month, then the number of countable hours with respect to the family for the month shall be zero.

"(B) MAXIMUM WEEKLY AVERAGE OF 16 HOURS OF OTHER ACTIVITIES.—An average of not more than 16 hours per week of activities specified by the State (subject to the exclusion described in paragraph (1)) may be considered countable hours in a month with respect to a family.

"(3) SPECIAL RULES.—For purposes of paragraph (1):

"(A) PARTICIPATION IN QUALIFIED ACTIVITIES.—

"(i) IN GENERAL.—If, with the approval of the State, the work-eligible individuals in a family are engaged in 1 or more qualified activities for an average total of at least 24 hours per week in a month, then all such engagement in the month shall be considered engagement in a direct work activity, subject to clause (iii).

"(ii) QUALIFIED ACTIVITY DEFINED.—The term 'qualified activity' means an activity specified by the State (subject to the exclusion described in paragraph (1)) that meets such standards and criteria as the State may specify, including—

"(I) substance abuse counseling or treatment;

"(II) rehabilitation treatment and services;

"(III) work-related education or training directed at enabling the family member to work;

"(IV) job search or job readiness assistance; and

"(V) any other activity that addresses a purpose specified in section 401(a).

"(iii) LIMITATION.—

"(I) IN GENERAL.—Except as provided in subclause (II), clause (i) shall not apply to a family for more than 3 months in any period of 24 consecutive months.

"(II) SPECIAL RULE APPLICABLE TO EDUCATION AND TRAINING.—A State may, on a case-by-case basis, apply clause (i) to a work-eligible individual so that participation by the individual in education or training, if needed to permit the individual to complete a certificate program or other work-related education or training directed at enabling the individual to fill a known job need in a local area, may be considered countable hours with respect to the family of the individual for not more than 4 months in any period of 24 consecutive months.

"(B) SCHOOL ATTENDANCE BY TEEN HEAD OF HOUSEHOLD.—The work-eligible members of a family shall be considered to be engaged in a direct work activity for an average of 40 hours per week in a month if the family includes an individual who is married, or is a single head of household, who has not attained 20 years of age, and the individual—

"(i) maintains satisfactory attendance at secondary school or the equivalent in the month; or

"(ii) participates in education directly related to employment for an average of at least 20 hours per week in the month.

"(C) PARENTAL PARTICIPATION IN SCHOOLS.—Each work-eligible individual in a family shall make verified visits at least twice per school year to the school of each of the individual's minor dependent children required to attend school under the law of the State in which the minor children reside, during the period in which the family receives assistance under the program funded under this part. Hours spent in such activity may be specified by the State as countable hours for purposes of paragraph (2)(B).

"(d) Direct Work Activity.—In this section, the term 'direct work activity' means—

"(1) unsubsidized employment;

"(2) subsidized private sector employment;

"(3) subsidized public sector employment;

"(4) on-the-job training;

"(5) supervised work experience; or

"(6) supervised community service.".

(f) Penalties Against Individuals.—Section 407(e)(1) (42 U.S.C. 607(e)(1)) is amended to read as follows:

"(1) Reduction or termination of assistance.—

"(A) In general.—Except as provided in paragraph (2), if an individual in a family receiving assistance under a State program funded under this part fails to engage in activities required in accordance with this section, or other activities required by the State under the program, and the family does not otherwise engage in activities in accordance with the self-sufficiency plan established for the family pursuant to section 408(b), the State shall—

"(i) if the failure is partial or persists for not more than 1 month—

"(I) reduce the amount of assistance otherwise payable to the family pro rata (or more, at the option of the State) with respect to any period during a month in which the failure occurs; or

"(II) terminate all assistance to the family, subject to such good cause exceptions as the State may establish; or

"(ii) if the failure is total and persists for at least 2 consecutive months, terminate all cash payments to the family including qualified State expenditures (as defined in section 409(a)(7)(B)(i)) for at least 1 month and thereafter until the State determines that the individual has resumed full participation in the activities, subject to such good cause exceptions as the State may establish.

"(B) Special rule.—

"(i) In general.—In the event of a conflict between a requirement of clause (i)(II) or (ii) of subparagraph (A) and a requirement of a State constitution, or of a State statute that, before 1966, obligated local government to provide assistance to needy parents and children, the State constitutional or statutory requirement shall control.

"(ii) Limitation.—Clause (i) of this subparagraph shall not apply after the 1-year period that begins with the date of the enactment of this subparagraph.".

(g) Conforming Amendments.—

(1) Section 407(f) (42 U.S.C. 607(f)) is amended in each of paragraphs (1) and (2) by striking "work activity described in subsection (d)" and inserting "direct work activity".

(2) The heading of section 409(a)(14) (42 U.S.C. 609(a)(14)) is amended by inserting "OR REFUSING TO ENGAGE IN ACTIVITIES UNDER A FAMILY SELF-SUFFICIENCY PLAN" after "WORK".

SEC. 2013. WORK-RELATED PERFORMANCE IMPROVEMENT.

(a) State Plans.—Section 402(a)(1) (42 U.S.C. 602(a)) is amended—

(1) in subparagraph (A), by adding at the end the following:

"(vii) The document shall—

"(I) describe how the State will pursue ending dependence of needy families on government benefits and reducing poverty by promoting job preparation and work;

"(II) include specific, numerical, and measurable performance objectives for accomplishing subclause (I); and

"(III) describe the methodology that the State will use to measure State performance in relation to each such objective.

"(viii) Describe any strategies and programs the State may be undertaking to address—

"(I) employment retention and advancement for recipients of assistance under the program, including placement into high-demand jobs, and whether the jobs are identified using labor market information;

"(II) services for struggling and noncompliant families, and for clients with special problems; and

"(III) program integration, including the extent to which employment and training services under the program are provided through the One-Stop delivery system created under the Workforce Investment Act of 1998, and the extent to which former recipients of such assistance have access to additional core, intensive, or training services funded through such Act."; and

(2) in subparagraph (B), by striking clause (iv).

(b) Report on Annual Performance Improvement.—Section 411 (42 U.S.C. 611) is amended by adding at the end the following:

"(c) Annual Report on Performance Improvement.—Beginning with fiscal year 2007, not later than January 1 of each fiscal year, each eligible State shall submit to the Secretary a report on achievement and improvement during the preceding fiscal year under the numerical performance goals and measures under the State program funded under this part with respect to the matter described in section 402(a)(1)(A)(vii).".

(c) Annual Ranking of States.—Section 413(d)(1) (42 U.S.C. 613(d)(1)) is amended by striking "long-term private sector jobs," and inserting "private sector jobs, the success of the recipients in retaining employment, the ability of the recipients to increase their wages,".

(d) Performance Improvement.—Section 413 (42 U.S.C. 613) is amended by adding at the end the following:

"(k) Performance Improvement.—The Secretary, in consultation with States, shall develop uniform performance measures designed to assess the degree of effectiveness, and the degree of improvement, of State programs funded under this part in accomplishing the work-related purposes of this part.".

SEC. 2014. REPORT ON COORDINATION.

Not later than 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services and the Secretary of Labor shall jointly submit a report to the Congress describing common or conflicting data elements, definitions, performance measures, and reporting requirements in the Workforce Investment Act of 1998 and part A of title IV of the Social Security Act, and, to the degree each Secretary deems appropriate, at the discretion of either Secretary, any other program administered by the respective Secretary, to allow greater coordination between the welfare and workforce development systems.

SEC. 2015. FATHERHOOD PROGRAM.

(a) Short Title.—This section may be cited as the "Promotion and Support of Responsible Fatherhood and Healthy Marriage Act of 2005".

(b) Fatherhood Program.—

(1) In general.—Title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193) is amended by adding at the end the following:

"SEC. 117. FATHERHOOD PROGRAM.

"(a) In General.—Title IV (42 U.S.C. 601–679b) is amended by inserting after part B the following:

'PART C—FATHERHOOD PROGRAM

'SEC. 441. FINDINGS AND PURPOSES.

'(a) Findings.—The Congress finds that there is substantial evidence strongly indicating the urgent need to promote and support involved, committed, and responsible fatherhood, and to encourage and support healthy marriages between parents raising children, including data demonstrating the following:

'(1) In approximately 84 percent of cases where a parent is absent, that parent is the father.

'(2) If current trends continue, half of all children born today will live apart from one of their parents, usually their father, at some point before they turn 18.

'(3) Where families (whether intact or with a parent absent) are living in poverty, a significant factor is the father's lack of job skills.

'(4) Committed and responsible fathering during infancy and early childhood contributes to the development of emotional security, curiosity, and math and verbal skills.

'(5) An estimated 19,400,000 children (27 percent) live apart from their biological father.

'(6) Forty percent of children under age 18 not living with their biological father had not seen their father even once in the last 12 months, according to national survey data.

'(b) Purposes.—The purposes of this part are:

'(1) To provide for projects and activities by public entities and by nonprofit community entities, including religious organizations, designed to test promising approaches to accomplishing the following objectives:

'(A) Promoting responsible, caring, and effective parenting through counseling, mentoring, and parenting education, dissemination of educational materials and information on parenting skills, encouragement of positive father involvement, including the positive involvement of nonresident fathers, and other methods.

'(B) Enhancing the abilities and commitment of unemployed or low-income fathers to provide material support for their families and to avoid or leave welfare programs by assisting them to take full advantage of education, job training, and job search programs, to improve work habits and work skills, to secure career advancement by activities such as outreach and information dissemination, coordination, as appropriate, with employment services and job training programs, including the One-Stop delivery system established under title I of the Workforce Investment Act of 1998, encouragement and support of timely payment of current child support and regular payment toward past due child support obligations in appropriate cases, and other methods.

'(C) Improving fathers' ability to effectively manage family business affairs by means such as education, counseling, and mentoring in matters including household management, budgeting, banking, and handling of financial transactions, time management, and home maintenance.

'(D) Encouraging and supporting healthy marriages and married fatherhood through such activities as premarital education, including the use of premarital inventories, marriage preparation programs, skills-based marriage education programs, marital therapy, couples counseling, divorce education and reduction programs, divorce mediation and counseling, relationship skills enhancement programs, including those designed to reduce child abuse and domestic violence, and dissemination of information about the benefits of marriage for both parents and children.

‘(2) Through the projects and activities described in paragraph (1), to improve outcomes for children with respect to measures such as increased family income and economic security, improved school performance, better health, improved emotional and behavioral stability and social adjustment, and reduced risk of delinquency, crime, substance abuse, child abuse and neglect, teen sexual activity, and teen suicide.

‘(3) To evaluate the effectiveness of various approaches and to disseminate findings concerning outcomes and other information in order to encourage and facilitate the replication of effective approaches to accomplishing these objectives.

‘SEC. 442. DEFINITIONS.

‘In this part, the terms “Indian tribe” and “tribal organization” have the meanings given them in subsections (e) and (l), respectively, of section 4 of the Indian Self-Determination and Education Assistance Act.

‘SEC. 443. COMPETITIVE GRANTS FOR SERVICE PROJECTS.

‘(a) In General.—The Secretary may make grants for fiscal years 2006 through 2010 to public and nonprofit community entities, including religious organizations, and to Indian tribes and tribal organizations, for demonstration service projects and activities designed to test the effectiveness of various approaches to accomplish the objectives specified in section 441(b)(1).

‘(b) Eligibility Criteria for Full Service Grants.—In order to be eligible for a grant under this section, except as specified in subsection (c), an entity shall submit an application to the Secretary containing the following:

‘(1) Project description.—A statement including—

‘(A) a description of the project and how it will be carried out, including the geographical area to be covered and the number and characteristics of clients to be served, and how it will address each of the 4 objectives specified in section 441(b)(1); and

‘(B) a description of the methods to be used by the entity or its contractor to assess the extent to which the project was successful in accomplishing its specific objectives and the general objectives specified in section 441(b)(1).

‘(2) Experience and qualifications.—A demonstration of ability to carry out the project, by means such as demonstration of experience in successfully carrying out projects of similar design and scope, and such other information as the Secretary may find necessary to demonstrate the entity's capacity to carry out the project, including the entity's ability to provide the non-Federal share of project resources.

‘(3) Addressing child abuse and neglect and domestic violence.—A description of how the entity will assess for the presence of, and intervene to resolve, domestic violence and child abuse and neglect, including how the entity will coordinate with State and local child protective service and domestic violence programs.

‘(4) Addressing concerns relating to substance abuse and sexual activity.—A commitment to make available to each individual participating in the project education about alcohol, tobacco, and other drugs, and about the health risks associated with abusing such substances, and information about diseases and conditions transmitted through substance abuse and sexual contact, including HIV/AIDS, and to coordinate with providers of services addressing such problems, as appropriate.

‘(5) Coordination with specified programs.—An undertaking to coordinate, as appropriate, with State and local entities responsible for the programs under parts A, B, and D of this title, including programs under title I of the Workforce Investment Act of 1998 (including the One-Stop delivery system), and such other programs as the Secretary may require.

‘(6) Records, reports, and audits.—An agreement to maintain such records, make such reports, and cooperate with such reviews or audits as the Secretary may find necessary for purposes of oversight of project activities and expenditures.

‘(7) Self-initiated evaluation.—If the entity elects to contract for independent evaluation of the project (part or all of the cost of which may be paid for using grant funds), a commitment to submit to the Secretary a copy of the evaluation report within 30 days after completion of the report and not more than 1 year after completion of the project.

‘(8) Cooperation with Secretary's oversight and evaluation.—An agreement to cooperate with the Secretary's evaluation of projects assisted under this section, by means including random assignment of clients to service recipient and control groups, if determined by the Secretary to be appropriate, and affording the Secretary access to the project and to project-related records and documents, staff, and clients.

‘(c) Eligibility Criteria for Limited Purpose Grants.—In order to be eligible for a grant under this section in an amount under $25,000 per fiscal year, an entity shall submit an application to the Secretary containing the following:

‘(1) Project description.—A description of the project and how it will be carried out, including the number and characteristics of clients to be served, the proposed duration of the project, and how it will address at least 1 of the 4 objectives specified in section 441(b)(1).

‘(2) Qualifications.—Such information as the Secretary may require as to the capacity of the entity to carry out the project, including any previous experience with similar activities.

‘(3) Coordination with related programs.—As required by the Secretary in appropriate cases, an undertaking to coordinate and cooperate with State and local entities responsible for specific programs relating to the objectives of the project including, as appropriate, jobs programs and programs serving children and families.

‘(4) Records, reports, and audits.—An agreement to maintain such records, make such reports, and cooperate with such reviews or audits as the Secretary may find necessary for purposes of oversight of project activities and expenditures.

‘(5) Cooperation with Secretary's oversight and evaluation.—An agreement to cooperate with the Secretary's evaluation of projects assisted under this section, by means including affording the Secretary access to the project and to project-related records and documents, staff, and clients.

‘(d) Considerations in Awarding Grants.—

‘(1) Diversity of projects.—In awarding grants under this section, the Secretary shall seek to achieve a balance among entities of differing sizes, entities in differing geographic areas, entities in urban and in rural areas, and entities employing differing methods of achieving the purposes of this section, including working with the State agency responsible for the administration of part D to help fathers satisfy child support arrearage obligations.

‘(2) Preference for projects serving low-income fathers.—In awarding grants under this section, the Secretary may give preference to applications for projects in which a majority of the clients to be served are low-income fathers.

‘(e) Federal Share.—

‘(1) In general.—Grants for a project under this section for a fiscal year shall be available for a share of the cost of such project in such fiscal year equal to—

‘(A) up to 80 percent (or up to 90 percent, if the entity demonstrates to the Secretary's satisfaction circumstances limiting the entity's ability to secure non-Federal resources) in the case of a project under subsection (b); and

‘(B) up to 100 percent, in the case of a project under subsection (c).

‘(2) Non-federal share.—The non-Federal share may be in cash or in kind. In determining the amount of the non-Federal share, the Secretary may attribute fair market value to goods, services, and facilities contributed from non-Federal sources.

‘SEC. 444. MULTICITY, MULTISTATE DEMONSTRATION PROJECTS.

‘(a) In General.—The Secretary may make grants under this section for fiscal years 2006 through 2010 to eligible entities (as specified in subsection (b)) for 2 multicity, multistate projects demonstrating approaches to achieving the objectives specified in section 441(b)(1). One of the projects shall test the use of married couples to deliver program services.

‘(b) Eligible Entities.—An entity eligible for a grant under this section must be a national nonprofit fatherhood promotion organization that meets the following requirements:

‘(1) Experience with fatherhood programs.—The organization must have substantial experience in designing and successfully conducting programs that meet the purposes described in section 441.

‘(2) Experience with multicity, multistate programs and government coordination.—The organization must have experience in simultaneously conducting such programs in more than 1 major metropolitan area in more than 1 State and in coordinating such programs, where appropriate, with State and local government agencies and private, nonprofit agencies (including community-based and religious organizations), including State or local agencies responsible for child support enforcement and workforce development.

‘(c) Application Requirements.—In order to be eligible for a grant under this section, an entity must submit to the Secretary an application that includes the following:

‘(1) Qualifications.—

‘(A) Eligible entity.—A demonstration that the entity meets the requirements of subsection (b).

‘(B) Other.—Such other information as the Secretary may find necessary to demonstrate the entity's capacity to carry out the project, including the entity's ability to provide the non-Federal share of project resources.

‘(2) Project description.—A description of and commitments concerning the project design, including the following:

‘(A) In general.—A detailed description of the proposed project design and how it will be carried out, which shall—

‘(i) provide for the project to be conducted in at least 3 major metropolitan areas;

‘(ii) state how it will address each of the 4 objectives specified in section 441(b)(1);

‘(iii) demonstrate that there is a sufficient number of potential clients to allow for the random selection of individuals to participate in the project and for comparisons with appropriate control groups composed of individuals who have not participated in such projects; and

‘(iv) demonstrate that the project is designed to direct a majority of project resources to activities serving low-income fathers (but the project need not make services available on a means-tested basis).

‘(B) OVERSIGHT, EVALUATION, AND ADJUSTMENT COMPONENT.—An agreement that the entity—

‘(i) in consultation with the evaluator selected pursuant to section 446, and as required by the Secretary, will modify the project design, initially and (if necessary) subsequently throughout the duration of the project, in order to facilitate ongoing and final oversight and evaluation of project operation and outcomes (by means including, to the maximum extent feasible, random assignment of clients to service recipient and control groups), and to provide for mid-course adjustments in project design indicated by interim evaluations;

‘(ii) will submit to the Secretary revised descriptions of the project design as modified in accordance with clause (i); and

‘(iii) will cooperate fully with the Secretary's ongoing oversight and ongoing and final evaluation of the project, by means including affording the Secretary access to the project and to project-related records and documents, staff, and clients.

‘(3) ADDRESSING CHILD ABUSE AND NEGLECT AND DOMESTIC VIOLENCE.—A description of how the entity will assess for the presence of, and intervene to resolve, domestic violence and child abuse and neglect, including how the entity will coordinate with State and local child protective service and domestic violence programs.

‘(4) ADDRESSING CONCERNS RELATING TO SUBSTANCE ABUSE AND SEXUAL ACTIVITY.—A commitment to make available to each individual participating in the project education about alcohol, tobacco, and other drugs, and about the health risks associated with abusing such substances, and information about diseases and conditions transmitted through substance abuse and sexual contact, including HIV/AIDS, and to coordinate with providers of services addressing such problems, as appropriate.

‘(5) COORDINATION WITH SPECIFIED PROGRAMS.—An undertaking to coordinate, as appropriate, with State and local entities responsible for the programs funded under parts A, B, and D of this title, programs under title I of the Workforce Investment Act of 1998 (including the One-Stop delivery system), and such other programs as the Secretary may require.

‘(6) RECORDS, REPORTS, AND AUDITS.—An agreement to maintain such records, make such reports, and cooperate with such reviews or audits (in addition to those required under the preceding provisions of paragraph (2)) as the Secretary may find necessary for purposes of oversight of project activities and expenditures.

‘(d) FEDERAL SHARE.—

‘(1) IN GENERAL.—Grants for a project under this section for a fiscal year shall be available for up to 80 percent of the cost of such project in such fiscal year.

‘(2) NON-FEDERAL SHARE.—The non-Federal share may be in cash or in kind. In determining the amount of the non-Federal share, the Secretary may attribute fair market value to goods, services, and facilities contributed from non-Federal sources.

‘SEC. 445. ECONOMIC INCENTIVE DEMONSTRATION PROJECTS.

‘(a) IN GENERAL.—The Secretary may make grants under this section for fiscal years 2006 through 2010 to eligible entities (as specified in subsection (b)) for two to five projects demonstrating approaches to achieving the objectives specified in section 441(b)(1). Drawing on the success of economic-incentive programs in demonstrating strong employment effects for low-income mothers, projects shall test the use of economic incentives combined with a comprehensive approach to addressing employment barriers to encourage non-custodial parents to enter the workforce and to contribute financially and emotionally to their children. The Secretary may make grants based on the level of innovation, comprehensiveness, and likelihood to achieve the goal of increased employment by the applicant.

‘(b) ELIGIBLE ENTITIES.—An entity eligible for a grant under this section must be a national nonprofit fatherhood promotion organization that meets the following requirements:

‘(1) EXPERIENCE WITH FATHERHOOD PROGRAMS.—The organization must have substantial experience in designing and successfully conducting programs that meet the purposes described in section 441.

‘(2) EXPERIENCE ADDRESSING MULTIPLE BARRIERS TO EMPLOYMENT.—The organization must have experience in conducting such programs and in coordinating such programs, where appropriate, with State and local government agencies and private, nonprofit agencies (including community-based and religious organizations), including State or local agencies responsible for child support enforcement and workforce development.

‘(3) NEGOTIATED AGREEMENTS WITH STATE AND LOCAL AGENCIES FOR APPROPRIATE POLICY CHANGES TO ADDRESS BARRIERS TO EMPLOYMENT.—The organization must have agreements in place with State and local government agencies, including State or local agencies responsible for child support enforcement and workforce development, to incorporate appropriate policy changes proposed to address barriers to employment.

‘(c) APPLICATION REQUIREMENTS.—In order to be eligible for a grant under this section, an entity must submit to the Secretary an application that includes the following:

‘(1) QUALIFICATIONS.—

‘(A) ELIGIBLE ENTITY.—A demonstration that the entity meets the requirements of subsection (b).

‘(B) OTHER.—Such other information as the Secretary may find necessary to demonstrate the entity's capacity to carry out the project, including the entity's ability to provide the non-Federal share of project resources.

‘(2) PROJECT DESCRIPTION.—A description of and commitments concerning the project design, including the following:

‘(A) IN GENERAL.—A detailed description of the proposed project design and how the project will be carried out, which shall—

‘(i) state how the project will address each of the 4 objectives specified in section 441(b)(1);

‘(ii) state how the project will address employment barriers across programs (such as child support, criminal justice, and workforce development programs) using both sanctions and compliance along with monetary incentives for obtaining employment, with earning subsidies contingent upon work and child support payment;

‘(iii) demonstrate that there is a sufficient number of potential clients to allow for the random selection of individuals to participate in the project and for comparisons with appropriate control groups composed of individuals who have not participated in such projects; and

‘(iv) demonstrate that the project is designed to direct a majority of project resources to activities serving low-income fathers (but the project need not make services available on a means-tested basis).

‘(B) OVERSIGHT, EVALUATION, AND ADJUSTMENT COMPONENT.—An agreement that the entity—

‘(i) in consultation with the evaluator selected pursuant to section 446, and as required by the Secretary, will modify the project design, initially and (if necessary) subsequently throughout the duration of the project, in order to facilitate ongoing and final oversight and evaluation of project operation and outcomes (by means including, to the maximum extent feasible, random assignment of clients to service recipient and control groups), and to provide for mid-course adjustments in project design indicated by interim evaluations;

‘(ii) will submit to the Secretary revised descriptions of the project design as modified in accordance with clause (i); and

‘(iii) will cooperate fully with the Secretary's ongoing oversight and ongoing and final evaluation of the project, by means including affording the Secretary access to the project and to project-related records and documents, staff, and clients.

‘(3) ADDRESSING CHILD ABUSE AND NEGLECT AND DOMESTIC VIOLENCE.—A description of how the entity will assess for the presence of, and intervene to resolve, domestic violence and child abuse and neglect, including how the entity will coordinate with State and local child protective service and domestic violence programs.

‘(4) ADDRESSING CONCERNS RELATING TO SUBSTANCE ABUSE AND SEXUAL ACTIVITY.—A commitment to make available to each individual participating in the project education about alcohol, tobacco, and other drugs, and about the health risks associated with abusing such substances, and information about diseases and conditions transmitted through substance abuse and sexual contact, including HIV/AIDS, and to coordinate with providers of services addressing such problems, as appropriate.

‘(5) COORDINATION WITH SPECIFIED PROGRAMS.—An undertaking to coordinate, as appropriate, with State and local entities responsible for the programs funded under parts A, B, and D of this title, programs under title I of the Workforce Investment Act of 1998 (including the One-Stop delivery system), and such other programs as the Secretary may require.

‘(6) RECORDS, REPORTS, AND AUDITS.—An agreement to maintain such records, make such reports, and cooperate with such reviews or audits (in addition to those required under the preceding provisions of paragraph (2)) as the Secretary may find necessary for purposes of oversight of project activities and expenditures.

‘(d) FEDERAL SHARE.—

‘(1) IN GENERAL.—Grants for a project under this section for a fiscal year shall be available for up to 80 percent of the cost of such project in such fiscal year.

‘(2) NON-FEDERAL SHARE.—The non-Federal share may be in cash or in kind. In determining the amount of the non-Federal share, the Secretary may attribute fair market value to goods, services, and facilities contributed from non-Federal sources.

'SEC. 446. EVALUATION.

'(a) IN GENERAL.—The Secretary, directly or by contract or cooperative agreement, shall evaluate the effectiveness of service projects funded under sections 443 and 444 from the standpoint of the purposes specified in section 441(b)(1).

'(b) EVALUATION METHODOLOGY.—Evaluations under this section shall—

'(1) include, to the maximum extent feasible, random assignment of clients to service delivery and control groups and other appropriate comparisons of groups of individuals receiving and not receiving services;

'(2) describe and measure the effectiveness of the projects in achieving their specific project goals; and

'(3) describe and assess, as appropriate, the impact of such projects on marriage, parenting, domestic violence, child abuse and neglect, money management, employment and earnings, payment of child support, and child well-being, health, and education.

'(c) EVALUATION REPORTS.—The Secretary shall publish the following reports on the results of the evaluation:

'(1) An implementation evaluation report covering the first 24 months of the activities under this part to be completed by 36 months after initiation of such activities.

'(2) A final report on the evaluation to be completed by September 30, 2013.

'SEC. 447. PROJECTS OF NATIONAL SIGNIFICANCE.

'The Secretary is authorized, by grant, contract, or cooperative agreement, to carry out projects and activities of national significance relating to fatherhood promotion, including—

'(1) COLLECTION AND DISSEMINATION OF INFORMATION.—Assisting States, communities, and private entities, including religious organizations, in efforts to promote and support marriage and responsible fatherhood by collecting, evaluating, developing, and making available (through the Internet and by other means) to all interested parties information regarding approaches to accomplishing the objectives specified in section 441(b)(1).

'(2) MEDIA CAMPAIGN.—Developing, promoting, and distributing to interested States, local governments, public agencies, and private nonprofit organizations, including charitable and religious organizations, a media campaign that promotes and encourages involved, committed, and responsible fatherhood and married fatherhood.

'(3) TECHNICAL ASSISTANCE.—Providing technical assistance, including consultation and training, to public and private entities, including community organizations and faith-based organizations, in the implementation of local fatherhood promotion programs.

'(4) RESEARCH.—Conducting research related to the purposes of this part.

'SEC. 448. NONDISCRIMINATION.

'The projects and activities assisted under this part shall be available on the same basis to all fathers and expectant fathers able to benefit from such projects and activities, including married and unmarried fathers and custodial and noncustodial fathers, with particular attention to low-income fathers, and to mothers and expectant mothers on the same basis as to fathers.

'SEC. 449. AUTHORIZATION OF APPROPRIATIONS; RESERVATION FOR CERTAIN PURPOSE.

'(a) AUTHORIZATION.—There are authorized to be appropriated $20,000,000 for each of fiscal years 2006 through 2010 to carry out the provisions of this part.

'(b) RESERVATION.—Of the amount appropriated under this section for each fiscal year, not more than 35 percent shall be available for the costs of the multicity, multicounty, multistate demonstration projects under section 444, the economic incentives demonstration projects under section 445, evaluations under section 446, and projects of national significance under section 447, with not less than $5,000,000 allocated to the economic incentives demonstration project under section 445.'.

"(b) INAPPLICABILITY OF EFFECTIVE DATE PROVISIONS.—Section 116 shall not apply to the amendment made by subsection (a) of this section.".

(2) CLERICAL AMENDMENT.—Section 2 of such Act is amended in the table of contents by inserting after the item relating to section 116 the following new item:

"Sec. 117. Fatherhood program.".

SEC. 2016. STATE OPTION TO MAKE TANF PROGRAMS MANDATORY PARTNERS WITH ONE-STOP EMPLOYMENT TRAINING CENTERS.

Section 408 (42 U.S.C. 608) is amended by adding at the end the following:

"(h) STATE OPTION TO MAKE TANF PROGRAMS MANDATORY PARTNERS WITH ONE-STOP EMPLOYMENT TRAINING CENTERS.—For purposes of section 121(b) of the Workforce Investment Act of 1998, a State program funded under part A of title IV of the Social Security Act shall be considered a program referred to in paragraph (1)(B) of such section, unless, after the date of the enactment of this subsection, the Governor of the State notifies the Secretaries of Health and Human Services and Labor in writing of the decision of the Governor not to make the State program a mandatory partner.".

SEC. 2017. SENSE OF THE CONGRESS.

It is the sense of the Congress that a State welfare-to-work program should include a mentoring program.

SEC. 2018. PROHIBITION ON OFFSHORING.

Section 408(a) (42 U.S.C. 608(a)) is amended by adding at the end the following:

"(12) PROHIBITION ON OFFSHORING.—A State to which a grant is made under section 403 shall not use any part of the grant—

"(A) to enter into a contract with an entity that, directly or through a subcontractor, provides any service, activity or function described under this part at a location outside the United States; or

"(B) to reduce employment in the United States through use of 1 or more employees outside the United States.".

PART 3—CHILD CARE

SEC. 2021. SHORT TITLE.

This part may be cited as the "Caring for Children Act of 2005".

SEC. 2022. GOALS.

(a) GOALS.—Section 658A(b) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9801 note) is amended—

(1) in paragraph (3) by striking "encourage" and inserting "assist",

(2) by amending paragraph (4) to read as follows:

"(4) to assist States to provide child care to low-income parents;",

(3) by redesignating paragraph (5) as paragraph (7), and

(4) by inserting after paragraph (4) the following:

"(5) to encourage States to improve the quality of child care available to families;

"(6) to promote school readiness by encouraging the exposure of young children in child care to nurturing environments and developmentally-appropriate activities, including activities to foster early cognitive and literacy development; and".

(b) CONFORMING AMENDMENT.—Section 658E(c)(3)(B) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(3)(B)) is amended by striking "through (5)" and inserting "through (7)".

SEC. 2023. AUTHORIZATION OF APPROPRIATIONS.

Section 658B of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858) is amended—

(1) by striking "is" and inserting "are", and

(2) by striking "$1,000,000,000 for each of the fiscal years 1996 through 2002" and inserting "$2,300,000,000 for fiscal year 2006, $2,500,000,000 for fiscal year 2007, $2,700,000,000 for fiscal year 2008, $2,900,000,000 for fiscal year 2009, and $3,100,000,000 for fiscal year 2010".

SEC. 2024. APPLICATION AND PLAN.

Section 658E(c)(2) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858C(c)(2)) is amended—

(1) by amending subparagraph (D) to read as follows:

"(D) CONSUMER AND CHILD CARE PROVIDER EDUCATION INFORMATION.—

"(i) CERTIFICATION.—Certify that the State will collect and disseminate, through resource and referral services and other means as determined by the State, to parents of eligible children, child care providers, and the general public, information regarding—

"(I) the promotion of informed child care choices, including information about the quality and availability of child care services;

"(II) research and best practices on children's development, including early cognitive development;

"(III) the availability of assistance to obtain child care services; and

"(IV) other programs for which families that receive child care services for which financial assistance is provided under this subchapter may be eligible, including the food stamp program, the WIC program under section 17 of the Child Nutrition Act of 1966, the child and adult care food program under section 17 of the Richard B. Russell National School Lunch Act, Head Start programs, Early Head Start programs, services and activities under section 619 and part C of the Individuals with Disabilities Education Act, and the medicaid and SCHIP programs under titles XIX and XXI of the Social Security Act.

"(ii) INFORMATION.—Information provided to parents shall be in plain language and, to the extent practicable, be in a language that such parents can understand.", and

(2) by inserting after subparagraph (H) the following:

"(I) COORDINATION WITH OTHER EARLY CHILD CARE SERVICES AND EARLY CHILDHOOD EDUCATION PROGRAMS.—Demonstrate how the State is coordinating child care services provided under this subchapter with Head Start programs, Early Head Start programs, Early Reading First, Even Start, Ready-To-Learn Television, services and activities under section 619 and part C of the Individuals with Disabilities Education Act, State pre-kindergarten programs, and other early childhood education programs to expand accessibility to and continuity of care and early education consistent with the goals of this Act, without displacing services provided by the current early care and education delivery system.

"(J) PUBLIC-PRIVATE PARTNERSHIPS.—Demonstrate how the State encourages partnerships with private and other public entities to leverage existing service delivery systems of early childhood education and increase the supply and quality of child care services.

"(K) CHILD CARE SERVICE QUALITY.—

"(i) CERTIFICATION.—For each fiscal year after fiscal year 2006, certify that during the then preceding fiscal year the State was in compliance with section 658G and describe how funds were used to comply with such section during such preceding fiscal year.

"(ii) STRATEGY.—For each fiscal year after fiscal year 2006, contain an outline of the strategy the State will implement during such fiscal year for which the State plan is submitted, to address the quality of child care services in the State available from eligible child care providers, and include in such strategy—

"(I) a statement specifying how the State will address the activities described in paragraphs (1), (2), and (3) of section 658G;

"(II) a description of measures for evaluating the quality improvements generated by the activities listed in each of such paragraphs that the State will use to evaluate its progress in improving the quality of such child care services;

"(III) a list of State-developed child care service quality targets for such fiscal year quantified on the basis of such measures; and

"(IV) for each fiscal year after fiscal year 2006, a report on the progress made to achieve such targets during the then preceding fiscal year.

"(iii) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed to require that the State apply measures for evaluating quality to specific types of child care providers.

"(L) ACCESS TO CARE FOR CERTAIN POPULATIONS.—Demonstrate how the State is addressing the child care needs of parents eligible for child care services for which financial assistance is provided under this subchapter who have children with special needs, are limited English proficient, work nontraditional hours, or require child care services for infants or toddlers.".

SEC. 2025. ACTIVITIES TO IMPROVE THE QUALITY OF CHILD CARE.

Section 658G of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858e) is amended to read as follows:

"SEC. 658G. ACTIVITIES TO IMPROVE THE QUALITY OF CHILD CARE SERVICES.

"A State that receives funds to carry out this subchapter for a fiscal year, shall use not less than 6 percent of the amount of such funds for activities provided through resource and referral services and other means, that are designed to improve the quality of child care services in the State available from eligible child care providers. Such activities include—

"(1) programs that provide training, education, and other professional development activities to enhance the skills of the child care workforce, including training opportunities for caregivers in informal care settings;

"(2) activities within child care settings to enhance early learning for young children, to promote early literacy, and to foster school readiness;

"(3) initiatives to increase the retention and compensation of child care providers, including tiered reimbursement rates for providers that meet quality standards as defined by the State; or

"(4) other activities deemed by the State to improve the quality of child care services provided in such State.".

SEC. 2026. REPORTS AND AUDITS.

Section 658K(a)(1)(B)(iii) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858i(a)(1)(B)(iii)) is amended by inserting "ethnicity, primary language," after "race,".

SEC. 2027. REPORT BY SECRETARY.

Section 658L of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858j) is amended to read as follows:

"SEC. 658L. REPORT BY SECRETARY.

"(a) REPORT REQUIRED.—Not later than October 1, 2007, and biennially thereafter, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate a report that contains the following:

"(1) A summary and analysis of the data and information provided to the Secretary in the State reports submitted under section 658K.

"(2) Aggregated statistics on the supply of, demand for, and quality of child care, early education, and non-school-hours programs.

"(3) An assessment, and where appropriate, recommendations for the Congress concerning efforts that should be undertaken to improve the access of the public to quality and affordable child care in the United States.

"(b) COLLECTION OF INFORMATION.—The Secretary may utilize the national child care data system available through resource and referral organizations at the local, State, and national level to collect the information required by subsection (a)(2).".

SEC. 2028. DEFINITIONS.

(a) ELIGIBLE CHILDREN.—Section 658P(4)(B) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858N(4)(B)) is amended by striking "85 percent of the State median income" and inserting "income levels as established by the State, prioritized by need,".

(b) LIMITED ENGLISH PROFICIENT.—Section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n) is amended—

(1) by redesignating paragraph (9) as paragraph (10); and

(2) by inserting after paragraph (8) the following:

"(9) LIMITED ENGLISH PROFICIENT.—The term 'limited English proficient' means with respect to an individual, that such individual—

"(A)(i) was not born in the United States or has a native language that is not English;

"(ii)(I) is a Native American, an Alaska Native, or a native resident of a territory or possession of the United States; and

"(II) comes from an environment in which a language that is not English has had a significant impact on such individual's level of English language proficiency; or

"(iii) is migratory, has a native language that is not English, and comes from an environment in which a language that is not English is dominant; and

"(B) has difficultly in speaking or understanding the English language to an extent that may be sufficient to deny such individual—

"(i) the ability to successfully achieve in classrooms in which the language of instruction is English; or

"(ii) the opportunity to fully participate in society.".

SEC. 2029. WAIVER AUTHORITY TO EXPAND THE AVAILABILITY OF SERVICES UNDER CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 1990.

(a) WAIVER AUTHORITY.—For such period up to June 30, 2006, and to such extent as the Secretary considers to be appropriate, the Secretary of Health and Human Service may waive or modify, for any affected State, and any State serving significant numbers of individuals adversely affected by a Gulf hurricane disaster, provisions of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.)—

(1) relating to Federal income limitations on eligibility to receive child care services for which assistance is provided under such Act,

(2) relating to work requirements applicable to eligibility to receive child care services for which assistance is provided under such Act,

(3) relating to limitations on the use of funds under section 658G of the Child Care and Development Block Grant Act of 1990, and

(4) preventing children designated as evacuees from receiving priority for child care services provided under such Act, except that children residing in a State and currently receiving services should not lose such services in order to accommodate evacuee children,

for purposes of easing State fiscal burdens and providing child care services to children orphaned, or of families displaced, as a result of a Gulf hurricane disaster.

(b) DEFINITIONS.—For purposes of this section:

(1) AFFECTED STATE.—The term "affected State" means the State of Alabama, Florida, Louisiana, Mississippi, or Texas.

(2) GULF HURRICANE DISASTER.—The term "Gulf hurricane disaster" means a major disaster that the President declared to exist, in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and that was caused by Hurricane Katrina or Hurricane Rita.

(3) INDIVIDUAL ADVERSELY AFFECTED BY A GULF HURRICANE DISASTER.—The term "individual adversely affected by a Gulf hurricane disaster" means an individual who, on August 29, 2005, was living, working, or attending school in an area in which the President has declared to exist a Gulf hurricane disaster.

PART 4—STATE AND LOCAL FLEXIBILITY

SEC. 2041. PROGRAM COORDINATION DEMONSTRATION PROJECTS.

(a) PURPOSE.—The purpose of this section is to establish a program of demonstration projects in a State or portion of a State to coordinate multiple public assistance, workforce development, and other programs, for the purpose of supporting working individuals and families, helping families escape welfare dependency, promoting child well-being, or helping build stronger families, using innovative approaches to strengthen service systems and provide more coordinated and effective service delivery.

(b) DEFINITIONS.—In this section:

(1) ADMINISTERING SECRETARY.—The term "administering Secretary" means, with respect to a qualified program, the head of the Federal agency responsible for administering the program.

(2) QUALIFIED PROGRAM.—The term "qualified program" means—

(A) activities funded under title I of the Workforce Investment Act of 1998, except subtitle C of such title;

(B) a demonstration project authorized under section 505 of the Family Support Act of 1988;

(C) activities funded under the Wagner-Peyser Act;

(D) activities funded under the Adult Education and Family Literacy Act; or

(E) activities funded under the Child Care and Development Block Grant Act of 1990;

(c) Application Requirements.—The head of a State entity or of a sub-State entity administering 2 or more qualified programs proposed to be included in a demonstration project under this section shall (or, if the project is proposed to include qualified programs administered by 2 or more such entities, the heads of the administering entities (each of whom shall be considered an applicant for purposes of this section) shall jointly) submit to the administering Secretary of each such program an application that contains the following:

(1) Programs included.—A statement identifying each qualified program to be included in the project, and describing how the purposes of each such program will be achieved by the project.

(2) Population served.—A statement identifying the population to be served by the project and specifying the eligibility criteria to be used.

(3) Description and justification.—A detailed description of the project, including—

(A) a description of how the project is expected to improve or enhance achievement of the purposes of the programs to be included in the project, from the standpoint of quality, of cost-effectiveness, or of both; and

(B) a description of the performance objectives for the project, including any proposed modifications to the performance measures and reporting requirements used in the programs.

(4) Waivers requested.—A description of the statutory and regulatory requirements with respect to which a waiver is requested in order to carry out the project, and a justification of the need for each such waiver.

(5) Cost neutrality.—Such information and assurances as necessary to establish to the satisfaction of the administering Secretary, in consultation with the Director of the Office of Management and Budget, that the proposed project is reasonably expected to meet the applicable cost neutrality requirements of subsection (d)(4).

(6) Evaluation and reports.—An assurance that the applicant will conduct ongoing and final evaluations of the project, and make interim and final reports to the administering Secretary, at such times and in such manner as the administering Secretary may require.

(7) Other information and assurances.—Such other information and assurances as the administering Secretary may require.

(d) Approval of Applications.—

(1) In general.—The administering Secretary with respect to a qualified program that is identified in an application submitted pursuant to subsection (c) may approve the application and, except as provided in paragraph (2), waive any requirement applicable to the program, to the extent consistent with this section and necessary and appropriate for the conduct of the demonstration project proposed in the application, if the administering Secretary determines that the project—

(A) has a reasonable likelihood of achieving the objectives of the programs to be included in the project;

(B) may reasonably be expected to meet the applicable cost neutrality requirements of paragraph (4), as determined by the Director of the Office of Management and Budget; and

(C) includes the coordination of 2 or more qualified programs.

(2) Provisions excluded from waiver authority.—A waiver shall not be granted under paragraph (1)—

(A) with respect to any provision of law relating to—

(i) civil rights or prohibition of discrimination;

(ii) purposes or goals of any program;

(iii) maintenance of effort requirements;

(iv) health or safety;

(v) labor standards under the Fair Labor Standards Act of 1938; or

(vi) environmental protection;

(B) with respect to section 241(a) of the Adult Education and Family Literacy Act;

(C) in the case of a program under the Workforce Investment Act, with respect to any requirement the waiver of which would violate section 189(i)(4)(A)(i) of such Act;

(D) with respect to any requirement that a State pass through to a sub-State entity part or all of an amount paid to the State;

(E) if the waiver would waive any funding restriction or limitation provided in an appropriations Act, or would have the effect of transferring appropriated funds from 1 appropriations account to another; or

(F) except as otherwise provided by statute, if the waiver would waive any funding restriction applicable to a program authorized under an Act which is not an appropriations Act (but not including program requirements such as application procedures, performance standards, reporting requirements, or eligibility standards), or would have the effect of transferring funds from a program for which there is direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) to another program.

(3) Agreement of each administering secretary required.—

(A) In general.—An applicant may not conduct a demonstration project under this section unless each administering Secretary with respect to any program proposed to be included in the project has approved the application to conduct the project.

(B) Agreement with respect to funding and implementation.—Before approving an application to conduct a demonstration project under this section, an administering Secretary shall have in place an agreement with the applicant with respect to the payment of funds and responsibilities required of the administering Secretary with respect to the project.

(4) Cost-neutrality requirement.—

(A) General rule.—Notwithstanding any other provision of law (except subparagraph (B)), the total of the amounts that may be paid by the Federal Government for a fiscal year with respect to the programs in the State in which an entity conducting a demonstration project under this section is located that are affected by the project shall not exceed the estimated total amount that the Federal Government would have paid for the fiscal year with respect to the programs if the project had not been conducted, as determined by the Director of the Office of Management and Budget.

(B) Special rule.—If an applicant submits to the Director of the Office of Management and Budget a request to apply the rules of this subparagraph to the programs in the State in which the applicant is located that are affected by a demonstration project proposed in an application submitted by the applicant pursuant to this section, during such period of not more than 5 consecutive fiscal years in which the project is in effect, and the Director determines, on the basis of supporting information provided by the applicant, to grant the request, then, notwithstanding any other provision of law, the total of the amounts that may be paid by the Federal Government for the period with respect to the programs shall not exceed the estimated total amount that the Federal Government would have paid for the period with respect to the programs if the project had not been conducted.

(5) 90-day approval deadline.—

(A) In general.—If an administering Secretary receives an application to conduct a demonstration project under this section and does not disapprove the application within 90 days after the receipt, then—

(i) the administering Secretary is deemed to have approved the application for such period as is requested in the application, except to the extent inconsistent with subsection (e); and

(ii) any waiver requested in the application which applies to a qualified program that is identified in the application and is administered by the administering Secretary is deemed to be granted, except to the extent inconsistent with paragraph (2) or (4) of this subsection.

(B) Deadline extended if additional information is sought.—The 90-day period referred to in subparagraph (A) shall not include any period that begins with the date the Secretary requests the applicant to provide additional information with respect to the application and ends with the date the additional information is provided.

(e) Duration of Projects.—A demonstration project under this section may be approved for a term of not more than 5 years.

(f) Reports to Congress.—

(1) Report on disposition of applications.—Within 90 days after an administering Secretary receives an application submitted pursuant to this section, the administering Secretary shall submit to each Committee of the Congress which has jurisdiction over a qualified program identified in the application notice of the receipt, a description of the decision of the administering Secretary with respect to the application, and the reasons for approving or disapproving the application.

(2) Reports on projects.—Each administering Secretary shall provide annually to the Congress a report concerning demonstration projects approved under this section, including—

(A) the projects approved for each applicant;

(B) the number of waivers granted under this section, and the specific statutory provisions waived;

(C) how well each project for which a waiver is granted is improving or enhancing program achievement from the standpoint of quality, cost-effectiveness, or both;

(D) how well each project for which a waiver is granted is meeting the performance objectives specified in subsection (c)(3)(B);

(E) how each project for which a waiver is granted is conforming with the cost-neutrality requirements of subsection (d)(4); and

(F) to the extent the administering Secretary deems appropriate, recommendations for modification of programs based on outcomes of the projects.

PART 5—EFFECTIVE DATE

SEC. 2051. EFFECTIVE DATE.

(a) In General.—Except as otherwise provided in this subtitle, this subtitle and the amendments made by this subtitle shall take effect on the date of the enactment of this Act.

(b) EXCEPTION.—In the case of a State plan under part A of title IV of the Social Security Act which the Secretary determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by this subtitle, the effective date of the amendments imposing the additional requirements shall be 3 months after the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the preceding sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

Subtitle B—Higher Education

SEC. 2101. SHORT TITLE.

This subtitle may be cited as the "Higher Education Budget Reconciliation Act of 2005".

PART 1—AMENDMENTS TO THE HIGHER EDUCATION ACT OF 1965

SEC. 2111. REFERENCES; EFFECTIVE DATE.

(a) REFERENCES.—Except as otherwise expressly provided, whenever in this part an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

(b) EFFECTIVE DATE.—Except as otherwise provided in this part, the amendments made by this part shall be effective on the date of enactment of this Act.

SEC. 2112. MODIFICATION OF 50/50 RULE.

Section 102(a)(3) (20 U.S.C. 1002(a)(3)) is amended—

(1) in subparagraph (A), by inserting "(excluding courses offered by telecommunications as defined in section 484(*l*)(4))" after "courses by correspondence"; and

(2) in subparagraph (B), by inserting "(excluding courses offered by telecommunications as defined in section 484(*l*)(4))" after "correspondence courses".

SEC. 2113. REAUTHORIZATION OF FEDERAL FAMILY EDUCATION LOAN PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 421(b)(5) (20 U.S.C. 1071(b)(5)) is amended by striking "an administrative cost allowance" and inserting "a loan processing and issuance fee".

(b) EXTENSION OF AUTHORITY.—

(1) FEDERAL INSURANCE LIMITATIONS.—Section 424(a) (20 U.S.C. 1074(a)) is amended—

(A) by striking "2004" and inserting "2012"; and

(B) by striking "2008" and inserting "2016".

(2) GUARANTEED LOANS.—Section 428(a)(5) (20 U.S.C. 1078(a)(5)) is amended—

(A) by striking "2004" and inserting "2012"; and

(B) by striking "2008" and inserting "2016".

(3) CONSOLIDATION LOANS.—Section 428C(e) (20 U.S.C. 1078-3(e)) is amended by striking "2004" and inserting "2012".

SEC. 2114. LOAN LIMITS.

(a) FEDERAL INSURANCE LIMITS.—Section 425(a)(1)(A) (20 U.S.C. 1075(a)(1)(A)) is amended—

(1) in clause (i)(I), by striking "$2,625" and inserting "$3,500"; and

(2) in clause (ii)(I), by striking "$3,500" and inserting "$4,500".

(b) GUARANTEE LIMITS.—Section 428(b)(1)(A) (20 U.S.C. 1078(b)(1)(A)) is amended—

(1) in clause (i)(I), by striking "$2,625" and inserting "$3,500"; and

(2) in clause (ii)(I), by striking "$3,500" and inserting "$4,500".

(c) COUNTING OF CONSOLIDATION LOANS AGAINST LIMITS.—Section 428C(a)(3)(B) (20 U.S.C. 1078–3(a)(3)(B)) is amended by adding at the end the following new clause:

"(ii) Loans made under this section shall, to the extent used to pay off the outstanding principal balance on loans made under this title, excluding capitalized interest, be counted against the applicable limitations on aggregate indebtedness contained in sections 425(a)(2), 428(b)(1)(B), 428H(d), 455, and 464(a)(2)(B).".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any loan made, insured, or guaranteed under part B or part D of title IV of the Higher Education Act of 1965 for which the first disbursement of principal is made on or after July 1, 2007.

SEC. 2115. INTEREST RATES AND SPECIAL ALLOWANCES.

(a) FFEL INTEREST RATES.—Section 427A (20 U.S.C. 1077a(k)) is amended—

(1) in subsection (k)—

(A) by striking ", AND BEFORE JULY 1, 2006" in the heading of such subsection; and

(B) by striking ", and before July 1, 2006," each place it appears in paragraphs (1), (2), and (3);

(2) by striking subsection (*l*); and

(3) by redesignating subsections (m) and (n) as subsections (*l*) and (m), respectively.

(b) DIRECT LOAN INTEREST RATES.—Section 455(b) (20 U.S.C. 1087e(b)) is amended—

(1) in paragraph (6)—

(A) by striking ", AND BEFORE JULY 1, 2006" in the heading of such paragraph; and

(B) by striking ", and before July 1, 2006," each place it appears in subparagraphs (A), (B), and (C);

(2) by striking paragraph (7); and

(3) by redesignating paragraphs (8) and (9) as paragraphs (7) and (8), respectively.

(c) CONSOLIDATION LOAN INTEREST RATES.—

(1) FFEL LOANS.—Section 427A(k) (20 U.S.C. 1077a(k)) is further amended—

(A) in the heading of paragraph (4), by inserting "BEFORE JULY 1, 2006" after "LOANS";

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following:

"(5) CONSOLIDATION LOANS ON OR AFTER JULY 1, 2006.—

"(A) BORROWER ELECTION.—With respect to any consolidation loan under section 428C for which the application is received by an eligible lender on or after July 1, 2006, the applicable rate of interest shall, at the election of the borrower at the time of application for the loan, be either at the rate determined under subparagraph (B) or the rate determined under subparagraph (C).

"(B) VARIABLE RATE.—Except as provided in subparagraph (D), the rate determined under this subparagraph shall, during any 12-month period beginning on July 1 and ending on June 30, be determined on the preceding June 1 and, for such 12-month period, not be more than—

"(i) the bond equivalent rate of 91-day Treasury bills auctioned at the final auction held prior to such June 1; plus

"(ii) 2.3 percent,

except that such rate shall not exceed 8.25 percent.

"(C) FIXED RATE.—Except as provided in subparagraph (D), the rate determined under this subparagraph shall be determined for the duration of the term of the loan on the July 1 that is or precedes the date on which the application is received by an eligible lender, and shall be, for such duration, not more than—

"(i) the bond equivalent rate of 91-day Treasury bills auctioned at the final auction held prior to the June 1 immediately preceding such July 1; plus

"(ii) 3.3 percent,

except that such rate shall not exceed 8.25 percent.

"(D) CONSOLIDATION OF PLUS LOANS.—In the case of any such consolidation loan that is used to repay loans each of which was made under section 428B or was a Federal Direct PLUS Loan (or both), the rates determined under clauses (B) and (C) shall be determined—

"(i) by substituting '3.1 percent' for '2.3 percent';

"(ii) by substituting '4.1 percent' for '3.3 percent'; and

"(iii) by substituting '9.0 percent' for '8.25 percent'.".

(2) DIRECT LOANS.—Section 455(b)(6) (20 U.S.C. 1087e(b)(6)) is further amended—

(A) in the heading of subparagraph (D), by inserting "BEFORE JULY 1, 2006" after "LOANS"

(B) by redesignating subparagraph (E) as subparagraph (F); and

(C) by inserting after subparagraph (D) the following:

"(E) CONSOLIDATION LOANS ON OR AFTER JULY 1, 2006.—

"(i) BORROWER ELECTION.—Notwithstanding the preceding paragraphs of this subsection, with respect to any Federal Direct Consolidation Loan for which the application is received by the Secretary on or after July 1, 2006, the applicable rate of interest shall, at the election of the borrower at the time of application for the loan, be either at the rate determined under clause (ii) or the rate determined under clause (iii).

"(ii) VARIABLE RATE.—Except as provided in clause (iv), the rate determined under this clause shall, during any 12-month period beginning on July 1 and ending on June 30, be determined on the preceding June 1 and, for such 12-month period, be equal to—

"(I) the bond equivalent rate of 91-day Treasury bills auctioned at the final auction held prior to such June 1; plus

"(II) 2.3 percent,

except that such rate shall not exceed 8.25 percent.

"(iii) FIXED RATE.—Except as provided in clause (iv), the rate determined under this clause shall be determined for the duration of the term of the loan on the July 1 that is or precedes the date on which the application is received by the Secretary, and shall be, for such duration, equal to—

"(I) the bond equivalent rate of 91-day Treasury bills auctioned at the final auction held prior to the June 1 immediately preceding such July 1; plus

"(II) 3.3 percent,

except that such rate shall not exceed 8.25 percent.

"(iv) CONSOLIDATION OF PLUS LOANS.—In the case of any such Federal Direct Consolidation Loan that is used to repay loans each of which was made under section 428B or was a Federal Direct PLUS Loan (or both), the rates determined under clauses (ii) and (iii) shall be determined—

"(I) by substituting '3.1 percent' for '2.3 percent';

"(II) by substituting '4.1 percent' for '3.3 percent'; and

"(III) by substituting '9.0 percent' for '8.25 percent'.".

(d) CONSOLIDATION LOAN CONFORMING AMENDMENT.—Section 428C(c)(1)(A)(ii) (20

U.S.C. 1078-3(c)(1)(A)(ii)) is amended by striking "section 427A(*l*)(3)" and inserting "section 427A(k)(5)".

(e) CONFORMING AMENDMENTS FOR SPECIAL ALLOWANCES.—

(1) AMENDMENT.—Subparagraph (I) of section 438(b)(2) (20 U.S.C. 1087-1(b)(2)) is amended—

(A) by striking clause (ii) and inserting the following:

"(ii) IN SCHOOL AND GRACE PERIOD.—In the case of any loan for which the first disbursement is made on or after January 1, 2000, and for which the applicable interest rate is described in section 427A(k)(2), clause (i)(III) of this subparagraph shall be applied by substituting '1.74 percent' for '2.34 percent'.";

(B) in clause (iii),

(i) by striking "or (*l*)(2)"; and

(ii) by striking ", subject to clause (v) of this subparagraph";

(C) in clause (iv)—

(i) by striking "or (*l*)(3)" and inserting "or (k)(5)"; and

(ii) by striking ", subject to clause (vi) of this subparagraph"; and

(D) by striking clauses (v), (vi), and (vii) and inserting the following:

"(v) RECAPTURE OF EXCESS INTEREST.—

"(I) EXCESS CREDITED.—With respect to a loan on which the applicable interest rate is determined under section 427A(k) and for which the first disbursement of principal is made on or after July 1, 2006, if the applicable interest rate for any 3-month period exceeds the special allowance support level applicable to such loan under this subparagraph for such period, then an adjustment shall be made by calculating the excess interest in the amount computed under subclause (II) of this clause, and by crediting the excess interest to the Government not less often than annually.

"(II) CALCULATION OF EXCESS.—The amount of any adjustment of interest on a loan to be made under this subsection for any quarter shall be equal to—

"(aa) the applicable interest rate minus the special allowance support level determined under this subparagraph; multiplied by

"(bb) the average daily principal balance of the loan (not including unearned interest added to principal) during such calendar quarter; divided by

"(cc) four.

"(III) SPECIAL ALLOWANCE SUPPORT LEVEL.—For purposes of this clause, the term 'special allowance support level' means, for any loan, a number expressed as a percentage equal to the sum of the rates determined under subclauses (I) and (III) of clause (i), and applying any substitution rules applicable to such loan under clauses (ii), (iii), and (iv) in determining such sum.".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall not apply with respect to any special allowance payment made under section 438 of the Higher Education Act of 1965 (20 U.S.C 1087-1) before July 1, 2006.

SEC. 2116. ADDITIONAL LOAN TERMS AND CONDITIONS.

(a) FEDERAL DEFAULT FEES.—

(1) IN GENERAL.—Subparagraph (H) of section 428(b)(1) (20 U.S.C. 1078(b)(1)(H)) is amended to read as follows:

"(H) provides—

"(i) for loans for which the first disbursement of principal is made before July. 1, 2006, for the collection of a single insurance premium equal to not more than 1.0 percent of the principal amount of the loan, by deduction proportionately from each installment payment of the proceeds of the loan to the borrower, and ensures that the proceeds of the premium will not be used for incentive payments to lenders; or

"(ii) for loans for which the first disbursement of principal is made on or after July 1, 2006, for the collection and deposit into the Federal Student Loan Reserve Fund under section 422A of a Federal default fee of 1.0 percent of the principal amount of such loan, which shall be deducted proportionately from each installment payment of the proceeds of the loan to the borrower prior to payment to the borrower, and ensures that the proceeds of the Federal default fee will not be used for incentive payments to lenders;".

(2) UNSUBSIDIZED LOANS.—Section 428H(h) (20 U.S.C. 1078-8(h)) is amended by adding at the end the following new sentence: "Effective for loans for which the first disbursement of principal is made on or after July 1, 2006, in lieu of the insurance premium authorized under the preceding sentence, each State or nonprofit private institution or organization having an agreement with the Secretary under section 428(b)(1) shall collect and deposit into the Federal Student Loan Reserve Fund under section 422A a Federal default fee of 1.0 percent of the principal amount of the loan, obtained by deduction proportionately from each installment payment of the proceeds of the loan to the borrower. The Federal default fee shall not be used for incentive payments to lenders.".

(3) VOLUNTARY FLEXIBLE AGREEMENTS.—Section 428A(a)(1) (20 U.S.C. 1078-1(a)(1)) is amended—

(A) by striking "or" at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting "; or"; and

(C) by adding at the end the following new subparagraph:

"(C) the Federal default fee required by section 428(b)(1)(H) and the second sentence of section 428H(h).".

(b) DISBURSEMENT.—Section 428(b)(1)(N) (20 U.S.C. 1078(b)(1)(N)) is amended—

(1) in clause (i), by inserting "(including an eligible foreign institution, except as provided in clause (ii))" after "institution"; and

(2) in clause (ii), by striking "or at an eligible foreign institution".

(c) REPAYMENT PLANS.—

(1) FFEL LOANS.—Section 428(b)(9)(A) (20 U.S.C. 1078(b)(9)(A)) is amended—

(A) by inserting before the semicolon at the end of clause (ii) the following: ", and the Secretary may not restrict the proportions or ratios by which such payments may be graduated with the informed agreement of the borrower";

(B) by striking "and" at the end of clause (iii);

(C) by redesignating clause (iv) as clause (v); and

(D) by inserting after clause (iii) the following new clause:

"(iv) a delayed repayment plan under which the borrower makes scheduled payments for not more than 2 years that are annually not less than the amount of interest due or $600, whichever is greater, and then makes payments in accordance with clause (i), (ii), or (iii); and".

(2) DIRECT LOANS.—Section 455(d)(1) (20 U.S.C. 1087e(d)(1)) is amended—

(A) by redesignating subparagraph (D) as subparagraph (E); and

(B) by striking subparagraphs (A), (B), and (C) and inserting the following:

"(A) a standard repayment plan, consistent with subsection (a)(1) of this section and with section 428(b)(9)(A)(i);

"(B) a graduated repayment plan, consistent with section 428(b)(9)(A)(ii);

"(C) an extended repayment plan, consistent with section 428(b)(9)(A)(v), except that the borrower shall annually repay a minimum amount determined by the Secretary in accordance with section 428(b)(1)(L);

"(D) a delayed repayment plan under which the borrower makes scheduled payments for not more than 2 years that are annually not less than the amount of interest due or $600, whichever is greater, and then makes payments in accordance with subparagraph (A), (B), or (C); and".

(d) ORIGINATION FEES.—

(1) FFEL PROGRAM.—Paragraph (2) of section 438(c) (20 U.S.C. 1087-1(c)) is amended—

(A) by striking the designation and heading of such paragraph and inserting the following:

"(2) AMOUNT OF ORIGINATION FEES.—

"(A) IN GENERAL.—"; and

(B) by adding at the end the following new subparagraph:

"(B) SUBSEQUENT REDUCTIONS.—Subparagraph (A) shall be applied to loans made under this part (other than loans made under sections 428C and 439(o))—

"(i) by substituting '2.0 percent' for '3.0 percent' with respect to loans for which the first disbursement of principal is made on or after July 1, 2006, and before July 1, 2007;

"(ii) by substituting '1.5 percent' for '3.0 percent' with respect to loans for which the first disbursement of principal is made on or after July 1, 2007, and before July 1, 2008;

"(iii) by substituting '1.0 percent' for '3.0 percent' with respect to loans for which the first disbursement of principal is made on or after July 1, 2008, and before July 1, 2009;

"(iv) by substituting '0.5 percent' for '3.0 percent' with respect to loans for which the first disbursement of principal is made on or after July 1, 2009, and before July 1, 2010; and

"(v) by substituting '0.0 percent' for '3.0 percent' with respect to loans for which the first disbursement of principal is made on or after July 1, 2010.".

(2) DIRECT LOAN PROGRAM.—Subsection (c) of section 455 (20 U.S.C. 1087e(c)) is amended to read as follows:

"(c) LOAN FEE.—

"(1) IN GENERAL.—The Secretary shall charge the borrower of a loan made under this part an origination fee of 4.0 percent of the principal amount of loan.

"(2) SUBSEQUENT REDUCTION.—Paragraph (1) shall be applied to loans made under this part, other than Federal Direct Consolidation loans and Federal Direct PLUS loans—

"(A) by substituting 'not more or less than 3.0 percent' for '4.0 percent' with respect to loans for which the first disbursement of principal is made on or after July 1, 2006, and before July 1, 2007;

"(B) by substituting 'not more or less than 2.5 percent' for '4.0 percent' with respect to loans for which the first disbursement of principal is made on or after July 1, 2007, and before July 1, 2008;

"(C) by substituting 'not more or less than 2.0 percent' for '4.0 percent' with respect to loans for which the first disbursement of principal is made on or after July 1, 2008, and before July 1, 2009;

"(D) by substituting 'not more or less than 1.5 percent' for '4.0 percent' with respect to loans for which the first disbursement of principal is made on or after July 1, 2009, and before July 1, 2010; and

"(E) by substituting 'not more or less than 1.0 percent' for '4.0 percent' with respect to loans for which the first disbursement of principal is made on or after July 1, 2010.

"(3) WAIVERS AND REPAYMENT INCENTIVES PROHIBITED.—Beginning with loans made on or after July 1, 2006, the Secretary is prohibited—

"(A) from waiving any amount of the loan fee prescribed under this section as part of a repayment incentive in section 455(b)(7); and

"(B) from providing any repayment incentive before the borrower enters repayment.".

(e) CONSOLIDATION LOAN OFFSET CHARGE.—

(1) FFEL CONSOLIDATION LOANS.—Section 438(c) (20 U.S.C. 1087-1(c)) is further amended—

(A) in paragraph (1)(A), by inserting after "paragraph (2) of this subsection" the following: "and the amount the lender is authorized to collect as a consolidation loan offset charge in accordance with paragraph (9) of this subsection";

(B) in paragraph (1)(B)—

(i) by inserting "and the consolidation loan offset charge" after "origination fee"; and

(ii) by inserting "and consolidation loan offset charges" after "origination fees";

(C) in paragraphs (3) and (4), by inserting "and consolidation loan offset charge" after "origination fee" each place it appears;

(D) in paragraph (5)—

(i) by inserting "or consolidation loan offset charge" after "origination fee"; and

(ii) by inserting "or consolidation loan offset charges" after "origination fees";

(E) in paragraph (7)—

(i) by inserting "and consolidation loan offset charges" after "origination fees"; and

(ii) by striking "428A or"; and

(F) by adding at the end the following new paragraph:

"(9) CONSOLIDATION LOAN OFFSET CHARGE.—For any loan under section 428C, the lender is authorized to collect a consolidation loan offset charge in an amount not to exceed 1.0 percent of the principal amount of the loan. Such amount may be added to the principal amount of the loan for repayment by the borrower.".

(2) DIRECT LOANS.—Section 455(c) (20 U.S.C. 1087e(c)), as amended by subsection (d)(2) of this section, is further amended by adding at the end the following new paragraph:

"(4) CONSOLIDATION LOAN OFFSET CHARGES.—For any Federal Direct Consolidation Loan, the Secretary shall collect a consolidation loan offset charge in an amount not more or less than 1.0 percent of the principal amount of the loan. Such amount may be added to the principal amount of the loan for repayment by the borrower. Such amount is not subject to the requirements of paragraph (3) of this subsection.".

SEC. 2117. CONSOLIDATION LOAN CHANGES.

(a) CROSS-CONSOLIDATION BETWEEN PROGRAMS.—Section 428C (20 U.S.C. 1078-3) is amended—

(1) in subsection (a)(3)(B)(i)—

(A) by inserting "or under section 455(g)" after "under this section" both places it appears;

(B) by inserting "under both sections" after "terminates"

(C) by striking "and" at the end of subclause (III);

(D) by striking the period at the end of subclause (IV) and inserting "; and"; and

(E) by adding at the end the following new subclause:

"(V) an individual may obtain a subsequent consolidation loan under section 455(g) only for the purposes of obtaining an income contingent repayment plan, and only if the loan has been submitted to the guaranty agency for default aversion."; and

(2) in subsection (b)(5), by striking the first sentence and inserting the following: "In the event that a lender with an agreement under subsection (a)(1) of this section denies a consolidation loan application submitted to it by an eligible borrower under this section, or denies an application submitted to it by such a borrower for a consolidation loan with income-sensitive repayment terms, the Secretary shall offer any such borrower who applies for it, a Federal Direct Consolidation loan. The Secretary shall offer such a loan to a borrower who has defaulted, for the purpose of resolving the default.".

(b) REPEAL OF IN-SCHOOL CONSOLIDATION.—

(1) DEFINITION OF REPAYMENT PERIOD.—Section 428(b)(7)(A) (20 U.S.C. 1078(b)(7)(A)) is amended by striking "shall begin—" and all that follows through "earlier date." and inserting the following: "shall begin the day after 6 months after the date the student ceases to carry at least one-half the normal full-time academic workload (as determined by the institution).".

(2) CONFORMING CHANGE TO ELIGIBLE BORROWER DEFINITION.—Section 428C(a)(3)(A)(ii)(I) (20 U.S.C. 1078-3(a)(3)(A)(ii)(I)) is amended by inserting "as determined under section 428(b)(7)(A)" after "repayment status".

(c) INTEREST PAYMENT REBATE FEE.—Section 428C(f)(2) (20 U.S.C. 1078-2(f)(2)) is amended—

(1) by striking "SPECIAL RULE.—" and inserting "SPECIAL RULES.—(A)"; and

(2) by adding at the end the following new subparagraph:

"(B) For consolidation loans based on applications received on or after July 1, 2006, if 90 percent or more of the total principal and accrued unpaid interest outstanding on the loans held, directly or indirectly, by any holder is comprised of principal and accrued unpaid interest owed on consolidation loans, the rebate described in paragraph (1) for such holder shall be equal to 1.30 percent of the principal plus accrued unpaid interest on such loans.".

(d) ADDITIONAL AMENDMENTS.—Section 428C (20 U.S.C. 1078-3) is amended—

(1) in subsection (a)(3), by striking subparagraph (C); and

(2) in subsection (b)(1)—

(A) by striking everything after "under this section" the first place it appears in subparagraph (A) and inserting the following: "and that, if all the borrower's loans under this part are held by a single holder, the borrower has notified such holder that the borrower is seeking to obtain a consolidation loan under this section;";

(B) by striking "(i) which" and all that follows through "and (ii)" in subparagraph (C);

(C) by striking "and" at the end of subparagraph (E);

(D) by redesignating subparagraph (F) as subparagraph (G); and

(E) by inserting after subparagraph (E) the following new subparagraph:

"(F) that the lender of the consolidation loan shall, upon application for such loan, provide the borrower with a clear and conspicuous notice of at least the following information:

"(i) the effects of consolidation on total interest to be paid, fees to be paid, and length of repayment;

"(ii) the effects of consolidation on a borrower's underlying loan benefits, including loan forgiveness, cancellation, deferment, and reduced interest rates on those underlying loans;

"(iii) the ability of the borrower to prepay the loan, pay on a shorter schedule, and to change repayment plans;

"(iv) that borrower benefit programs may vary among different loan holders, and a description of how the borrower benefits may vary among different loan holders;

"(v) the tax benefits for which borrowers may be eligible;

"(vi) the consequences of default; and

"(vii) that by making the application the applicant is not obligated to agree to take the consolidation loan; and".

(e) EFFECTIVE DATE FOR SINGLE HOLDER AMENDMENT.—The amendment made by subsection (d)(2)(A) shall apply with respect to any loan made under section 428C of the Higher Education Act of 1965 (20 U.S.C. 1078-3) for which the application is received by an eligible lender on or after July 1, 2006.

(f) CONFORMING AMENDMENTS TO DIRECT LOAN PROGRAM.—Section 455 (20 U.S.C. 1087e) is amended

(1) in subsection (a)(1) by inserting "428C," after "428B,";

(2) in subsection (a)(2)—

(A) by striking "and" at the end of subparagraph (B);

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following:

"(C) section 428C shall be known as 'Federal Direct Consolidation Loans'; and "; and

(3) in subsection (g)—

(A) by striking the second sentence; and

(B) by adding at the end the following new sentences: "To be eligible for a consolidation loan under this part, a borrower must meet the eligibility criteria set forth in section 428C(a)(3). The Secretary, upon application for such a loan, shall comply with the requirements applicable to a lender under section 428C(b)(1)(F).".

SEC. 2118. DEFERMENT OF STUDENT LOANS FOR MILITARY SERVICE.

(a) FEDERAL FAMILY EDUCATION LOANS.—Section 428(b)(1)(M) (20 U.S.C. 1078(b)(1)(M)) is amended—

(1) by striking "or" at the end of clause (ii);

(2) by redesignating clause (iii) as clause (iv); and

(3) by inserting after clause (ii) the following new clause:

"(iii) not in excess of 3 years during which the borrower—

"(I) is serving on active duty during a war or other military operation or national emergency; or

"(II) is performing qualifying National Guard duty during a war or other military operation or national emergency; or".

(b) DIRECT LOANS.—Section 455(f)(2) (20 U.S.C. 1087e(f)(2)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following new subparagraph:

"(C) not in excess of 3 years during which the borrower—

"(i) is serving on active duty during a war or other military operation or national emergency; or

"(ii) is performing qualifying National Guard duty during a war or other military operation or national emergency; or".

(c) PERKINS LOANS.—Section 464(c)(2)(A) (20 U.S.C. 1087dd(c)(2)(A)) is amended—

(1) by redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively; and

(2) by inserting after clause (ii) the following new clause:

"(iii) not in excess of 3 years during which the borrower—

"(I) is serving on active duty during a war or other military operation or national emergency; or

"(II) is performing qualifying National Guard duty during a war or other military operation or national emergency;".

(d) DEFINITIONS.—Section 481 (20 U.S.C. 1088) is amended by adding at the end the following new subsection:

"(d) DEFINITIONS FOR MILITARY DEFERMENTS.—For purposes of parts B, D, and E of this title:

"(1) ACTIVE DUTY.—The term 'active duty' has the meaning given such term in section 101(d)(1) of title 10, United States Code, except that such term does not include active duty for training or attendance at a service school.

"(2) MILITARY OPERATION.—The term 'military operation' means a contingency operation as such term is defined in section 101(a)(13) of title 10, United States Code.

"(3) NATIONAL EMERGENCY.—The term 'national emergency' means the national emergency by reason of certain terrorist attacks declared by the President on September 14, 2001, or subsequent national emergencies declared by the President by reason of terrorist attacks.

"(4) SERVING ON ACTIVE DUTY.—The term 'serving on active duty during a war or other military operation or national emergency' means service by an individual who is—

"(A) a Reserve of an Armed Force ordered to active duty under section 12301(a), 12301(g), 12302, 12304, or 12306 of title 10, United States Code, or any retired member of an Armed Force ordered to active duty under section 688 of such title, for service in connection with a war or other military operation or national emergency, regardless of the location at which such active duty service is performed; and

"(B) any other member of an Armed Force on active duty in connection with such emergency or subsequent actions or conditions who has been assigned to a duty station at a location other than the location at which such member is normally assigned.

"(5) QUALIFYING NATIONAL GUARD DUTY.—The term 'qualifying National Guard duty during a war or other military operation or national emergency' means service as a member of the National Guard on full-time National Guard duty (as defined in section 101(d)(5) of title 10, United States Code) under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under section 502(f) of title 32, United States Code, in connection with a war, other military operation, or a national emergency declared by the President and supported by Federal funds.".

(e) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed to authorize any refunding of any repayment of a loan.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to loans for which the first disbursement is made on or after July 1, 1993, to an individual who is a new borrower (within the meaning of section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)) on or after such date.

SEC. 2119. LOAN FORGIVENESS FOR SERVICE IN AREAS OF NATIONAL NEED.

Section 428K (20 U.S.C. 1078–11) is amended to read as follows:

"SEC. 428K. LOAN FORGIVENESS FOR SERVICE IN AREAS OF NATIONAL NEED.

"(a) PURPOSES.—The purposes of this section are—

"(1) to encourage highly trained individuals to enter and continue in service in areas of national need; and

"(2) to reduce the burden of student debt for Americans who dedicate their careers to service in areas of national need.

"(b) PROGRAM AUTHORIZED.—

"(1) IN GENERAL.—The Secretary is authorized to carry out a program of assuming the obligation to repay, pursuant to subsections (c)(2) and (d), a qualified loan amount for a loan made, insured, or guaranteed under this part or part D (other than loans made under section 428B and 428C and comparable loans made under part D), for any new borrower after the date of enactment of the Higher Education Budget Reconciliation Act of 2005, who—

"(A) has been employed full-time for at least 5 consecutive complete school, academic, or calendar years, as appropriate, in an area of national need described in subsection (c); and

"(B) is not in default on a loan for which the borrower seeks forgiveness.

"(2) AWARD BASIS.—Loan repayment under this section shall be on a first-come, first-served basis pursuant to the designation under subsection (c) and subject to the availability of appropriations.

"(3) REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

"(c) AREAS OF NATIONAL NEED.—

"(1) STATUTORY CATEGORIES.—For purposes of this section, an individual shall be treated as employed in an area of national need if the individual is employed full-time and is any of the following:

"(A) EARLY CHILDHOOD EDUCATORS.—An individual who is employed as an early childhood educator in an eligible preschool program or child care facility in a low-income community, and who is involved directly in the care, development and education of infants, toddlers, or young children through age five.

"(B) NURSES.—An individual who is employed—

"(i) as a nurse in a clinical setting; or

"(ii) as a member of the nursing faculty at an accredited school of nursing (as those terms are defined in section 801 of the Public Health Service Act (42 U.S.C. 296)).

"(C) FOREIGN LANGUAGE SPECIALISTS.—An individual who has obtained a baccalaureate degree in a critical foreign language and is employed—

"(i) in an elementary or secondary school as a teacher of a critical foreign language; or

"(ii) in an agency of the United States Government in a position that regularly requires the use of such critical foreign language.

"(D) LIBRARIANS.—An individual who is employed as a librarian in—

"(i) a public library that serves a geographic area within which the public schools have a combined average of 30 percent or more of their total student enrollments composed of children counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965; or

"(ii) an elementary or secondary school which is in the school district of a local educational agency which is eligible in such year for assistance pursuant to title I of the Elementary and Secondary Education Act of 1965, and which for the purpose of this paragraph and for that year has been determined by the Secretary (pursuant to regulations and after consultation with the State educational agency of the State in which the school is located) to be a school in which the enrollment of children counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 exceeds 30 percent of the total enrollment of that school.

"(E) HIGHLY QUALIFIED TEACHERS: BILINGUAL EDUCATION AND LOW-INCOME COMMUNITIES.—An individual who—

"(i) is highly qualified as such term is defined in section 9101 of the Elementary and Secondary Education Act of 1965; and

"(ii)(I) is employed as a teacher of bilingual education; or

"(II) is employed as a teacher for service in a public or nonprofit private elementary or secondary school which is in the school district of a local educational agency which is eligible in such year for assistance pursuant to title I of the Elementary and Secondary Education Act of 1965, and which for the purpose of this paragraph and for that year has been determined by the Secretary (pursuant to regulations and after consultation with the State educational agency of the State in which the school is located) to be a school in which the enrollment of children counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 exceeds 40 percent of the total enrollment of that school.

"(F) FIRST RESPONDERS IN LOW-INCOME COMMUNITIES.—An individual who—

"(i) is employed as a firefighter, police officer, or emergency medical technician; and

"(ii) serves as such in a low-income community.

"(G) CHILD WELFARE WORKERS.—An individual who—

"(i) has obtained a degree in social work or a related field with a focus on serving children and families; and

"(ii) is employed in public or private child welfare services.

"(H) SPEECH-LANGUAGE PATHOLOGISTS.—An individual who is a speech-language pathologist, who is employed in an eligible preschool program or an elementary or secondary school, and who has, at a minimum, a graduate degree in speech-language pathology, or communication sciences and disorders.

"(I) ADDITIONAL AREAS OF NATIONAL NEED.—An individual who is employed in an area designated by the Secretary under paragraph (2) and has completed a baccalaureate or advanced degree related to such area.

"(2) DESIGNATION OF ADDITIONAL AREAS OF NATIONAL NEED.—After consultation with appropriate Federal, State, and community-based agencies and organizations, the Secretary shall designate additional areas of national need in which an individual may be employed full-time to be eligible for loan repayment under this section. In making such designations, the Secretary shall take into account the extent to which—

"(A) the national interest in the area is compelling;

"(B) the area suffers from a critical lack of qualified personnel; and

"(C) other Federal programs support the area concerned.

"(d) QUALIFIED LOAN AMOUNT.—Subject to the availability of appropriations, the Secretary shall repay not more than $5,000 in the aggregate of the loan obligation on a loan made under section 428 or 428H that is outstanding after the completion of the fifth consecutive school, academic, or calendar year, as appropriate, described in subsection (b)(1).

"(e) CONSTRUCTION.—Nothing in this section shall be construed to authorize the refunding of any repayment of a loan made under section 428 or 428H.

"(f) INELIGIBILITY OF NATIONAL SERVICE AWARD RECIPIENTS.—No student borrower may, for the same service, receive a benefit under both this section and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.).

"(g) INELIGIBILITY FOR DOUBLE BENEFITS.—No borrower may receive a reduction of loan obligations under both this section and section 428J or 460.

"(h) DEFINITIONS.—In this section

"(1) CHILD CARE FACILITY.—The term 'child care facility' means a facility, including a home, that—

"(A) provides for the education and care of children from birth through age 5; and

"(B) meets any applicable State or local government licensing, certification, approval, or registration requirements.

"(2) CRITICAL FOREIGN LANGUAGE.—The term 'critical foreign language' includes the languages of Arabic, Korean, Japanese, Chinese, Pashto, Persian-Farsi, Serbian-Croatian, Russian, Portuguese, and any other language identified by the Secretary of Education, in consultation with the Defense Language Institute, the Foreign Service Institute, and the National Security Education Program, as a critical foreign language need.

"(3) EARLY CHILDHOOD EDUCATOR.—The term 'early childhood educator' means an early childhood educator employed in an eligible preschool program who has completed a baccalaureate or advanced degree in early childhood development, early childhood education, or in a field related to early childhood education.

"(4) ELIGIBLE PRESCHOOL PROGRAM.—The term 'eligible preschool program' means a program that provides for the care, development, and education of infants, toddlers, or young children through age 5, meets any applicable State or local government licensing, certification, approval, and registration requirements, and is operated by—

"(A) a public or private school that may be supported, sponsored, supervised, or administered by a local educational agency;

"(B) a Head Start agency serving as a grantee designated under the Head Start Act (42 U.S.C. 9831 et seq.);

"(C) a nonprofit or community based organization; or

"(D) a child care program, including a home.

"(5) LOW-INCOME COMMUNITY.—In this subsection, the term 'low-income community' means a community in which 70 percent of households earn less than 85 percent of the State median household income.

"(6) NURSE.—The term 'nurse' means a nurse who meets all of the following:

"(A) The nurse graduated from—

"(i) an accredited school of nursing (as those terms are defined in section 801 of the Public Health Service Act (42 U.S.C. 296));

"(ii) a nursing center; or

"(iii) an academic health center that provides nurse training.

"(B) The nurse holds a valid and unrestricted license to practice nursing in the State in which the nurse practices in a clinical setting.

"(C) The nurse holds one or more of the following:

"(i) A graduate degree in nursing, or an equivalent degree.

"(ii) A nursing degree from a collegiate school of nursing (as defined in section 801 of the Public Health Service Act (42 U.S.C. 296)).

"(iii) A nursing degree from an associate degree school of nursing (as defined in section 801 of the Public Health Service Act (42 U.S.C. 296)).

"(iv) A nursing degree from a diploma school of nursing (as defined in section 801 of the Public Health Service Act (42 U.S.C. 296)).

"(7) SPEECH-LANGUAGE PATHOLOGIST.—The term 'speech-language pathologist' means a speech-language pathologist who meets all of the following:

"(A) the speech-language pathologist has received, at a minimum, a graduate degree in speech-language pathology or communication sciences and disorders from an institution of higher education accredited by an agency or association recognized by the Secretary pursuant to section 496(a) of this Act; and

"(B) the speech-language pathologist meets or exceeds the qualifications described in section 1861(ll)(3) of the Social Security Act (42 U.S.C. 1395x(3)).

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years.".

SEC. 2120. UNSUBSIDIZED STAFFORD LOANS.

(a) AMENDMENT.—Section 428H(d)(2)(C) (20 U.S.C. 1078-8(d)(2)(C)) is amended by striking "$10,000" and inserting "$12,000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to loans for which the first disbursement of principal is made on or after July 1, 2007.

SEC. 2121. ELIMINATION OF TERMINATION DATES FROM TAXPAYER-TEACHER PROTECTION ACT OF 2004.

(a) EXTENSION OF LIMITATIONS ON SPECIAL ALLOWANCE FOR LOANS FROM THE PROCEEDS OF TAX EXEMPT ISSUES.—Section 438(b)(2)(B) (20 U.S.C. 1087-1(b)(2)(B)) is amended—

(1) in clause (iv), by striking "and before January 1, 2006,"; and

(2) in clause (v)(II)—

(A) by striking "and before January 1, 2006," each place it appears in divisions (aa) and (bb); and

(B) by striking ", and before January 1, 2006" in division (cc).

(b) ADDITIONAL LIMITATION ON SPECIAL ALLOWANCE FOR LOANS FROM THE PROCEEDS OF TAX EXEMPT ISSUES.—Section 438(b)(2)(B) (20 U.S.C 1087-1(b)(2)(B)) is further amended by adding at the end thereof the following new clause:

"(vi) Notwithstanding clauses (i), (ii), and (v), the quarterly rate of the special allowance shall be the rate determined under subparagraph (A), (E), (F), (G), (H), or (I) of this paragraph, as the case may be, for a holder of loans—

"(I) that were made or purchased on or after October 1, 2005; or

"(II) that were not earning a quarterly rate of special allowance determined under clauses (i) or (ii) of subparagraph (B) of this paragraph (20 U.S.C. 1087-1(b)(2)(b)) as of October 1, 2005.".

(c) ELIMINATION OF EFFECTIVE DATE LIMITATION ON HIGHER TEACHER LOAN FORGIVENESS BENEFITS.—Paragraph (3) of section 3(b) of the Taxpayer-Teacher Protection Act of 2004 (20 U.S.C. 1078–10 note) is amended by striking ", and before October 1, 2005".

(d) ADDITIONAL CHANGES TO TEACHER LOAN FORGIVENESS PROVISIONS.—

(1) FFEL PROVISIONS.—Section 428J (20 U.S.C. 1078–10) is amended—

(A) in subsection (b)(1)(B), by inserting after "1965" the following: ", or meets the requirements of subsection (g)(3)";

(B) in subsection (c)(3)—

(i) by striking "and" at the end of subparagraph (A);

(ii) by striking the period at the end of subparagraph (B) and inserting "; and"; and

(iii) by inserting after subparagraph (B) the following new subparagraph:

"(C) an elementary or secondary school teacher who primarily teaches reading—

"(i) who meets the requirements of subsection (b);

"(ii) who has obtained a separate reading instruction credential from the State in which the teacher is employed; and

"(iii) who is certified by the chief administrative officer of the public or nonprofit private elementary or secondary school in which the borrower is employed to teach reading—

"(I) as being proficient in teaching the essential components of reading instruction as defined in section 1208 of the Elementary and Secondary Education Act of 1965; and

"(II) as having such credential."; and

(C) in subsection (g), by adding at the end the following new paragraph:

"(3) PRIVATE SCHOOL TEACHERS.—An individual who is employed as a teacher in a private school and is exempt from State certification requirements (unless otherwise applicable under State law), may, in lieu of the requirement of subsection (a)(1)(B), have such employment treated as qualifying employment under this section if such individual is permitted to and does satisfy rigorous subject knowledge and skills tests by taking competency tests in the applicable grade levels and subject areas. For such purposes, the competency tests taken by such a private school teacher must be recognized by 5 or more States for the purpose of fulfilling the highly qualified teacher requirements under section 9101 of the Elementary and Secondary Education Act of 1965, and the score achieved by such teacher on each test must equal or exceed the average passing score of those 5 States.".

(2) DIRECT LOAN PROVISIONS.—Section 460 (20 U.S.C. 1087j) is amended—

(A) in subsection (b)(1)(A)(ii), by inserting after "1965" the following: ", or meets the requirements of subsection (g)(3)";

(B) in subsection (c)(3)—

(i) by striking "and" at the end of subparagraph (A);

(ii) by striking the period at the end of subparagraph (B) and inserting "; and"; and

(iii) by inserting after subparagraph (B) the following new subparagraph:

"(C) an elementary or secondary school teacher who primarily teaches reading—

"(i) who meets the requirements of subsection (b);

"(ii) who has obtained a separate reading instruction credential from the State in which the teacher is employed; and

"(iii) who is certified by the chief administrative officer of the public or nonprofit private elementary or secondary school in which the borrower is employed to teach reading—

"(I) as being proficient in teaching the essential components of reading instruction as defined in section 1208 of the Elementary and Secondary Education Act of 1965; and

"(II) as having such credential."; and

(C) in subsection (g), by adding at the end the following new paragraph:

"(3) PRIVATE SCHOOL TEACHERS.—An individual who is employed as a teacher in a private school and is exempt from State certification requirements (unless otherwise applicable under State law), may, in lieu of the requirement of subsection (a)(1)(A)(ii), have such employment treated as qualifying employment under this section if such individual is permitted to and does satisfy rigorous subject knowledge and skills tests by taking competency tests in the applicable grade levels and subject areas. For such purposes, the competency tests taken by such a private school teacher must be recognized by 5 or more States for the purpose of fulfilling the highly qualified teacher requirements under section 9101 of the Elementary and Secondary Education Act of 1965, and the score achieved by such teacher on each test must equal or exceed the average passing score of those 5 States.".

SEC. 2122. LOAN FEES FROM LENDERS.

Section 438(d)(2) (20 U.S.C. 1087–1(d)(2)) is amended to read as follows:

"(2) Amount of loan fees.—The amount of the loan fee which shall be deducted under paragraph (1) shall be equal to—

"(A) 0.50 percent of the principal amount of the loan with respect to any loan under this part for which the first disbursement was made on or after October 1, 1993, and before July 1, 2006; and

"(B) 1.0 percent of the principal amount of the loan with respect to any loan under this part for which the first disbursement was made on or after July 1, 2006.".

SEC. 2123. ADDITIONAL ADMINISTRATIVE PROVISIONS.

(a) Treatment of Exempt Claims.—

(1) Insurance coverage.—Section 428(b)(1)(G) (20 U.S.C. 1078(b)(1)(G)) is amended by inserting before the semicolon at the end the following: "and 100 percent of the unpaid principal amount of exempt claims as defined in subsection (c)(1)(G)".

(2) Treatment.—Section 428(c)(1) (20 U.S.C. 1078(c)(1)) is amended—

(A) by redesignating subparagraph (G) as subparagraph (H), and moving such subparagraph 2 em spaces to the left; and

(B) by inserting after subparagraph (F) the following new subparagraph:

"(G)(i) Notwithstanding any other provisions of this section, in the case of exempt claims, the Secretary shall apply the provisions of—

"(I) the fourth sentence of subparagraph (A) by substituting '100 percent' for '95 percent';

"(II) subparagraph (B)(i) by substituting '100 percent' for '85 percent'; and

"(III) subparagraph (B)(ii) by substituting '100 percent' for '75 percent'.

"(ii) For purposes of clause (i) of this subparagraph, the term 'exempt claims' means claims with respect to loans for which it is determined that the borrower (or the student on whose behalf a parent has borrowed), without the lender's or the institution's knowledge at the time the loan was made, provided false or erroneous information or took actions that caused the borrower or the student to be ineligible for all or a portion of the loan or for interest benefits thereon.".

(b) Reduction of Insurance Percentage.—

(1) Insurance percentage reduction.—Section 428(b)(1)(G) as amended by subsection (a)(1) is further amended by inserting after the matter inserted by such subsection the following: ", except, for any loan for which the first disbursement of principal is made on or after July 1, 2006, the preceding provisions of this subparagraph shall be applied by substituting '96 percent' for '98 percent'".

(2) Increase insurance for exceptional performance.—Section 428I (20 U.S.C. 1078–9) is amended to read as follows:

"SEC. 428I. SPECIAL INSURANCE AND REINSURANCE RULES FOR EXCEPTIONAL PERFORMANCE.

"(a) Designation of Lenders and Servicers.—

"(1) In general.—Whenever the Secretary determines that an eligible lender or servicer meets the performance measures required by paragraph (2), the Secretary shall designate that eligible lender or servicer, as the case may be, for exceptional performance. The Secretary shall notify each appropriate guaranty agency of the eligible lenders and servicers designated under this section.

"(2) Performance measures.—

"(A) In determining whether to award a lender or servicer the exceptional performance designation, the Secretary shall require that the lender or servicer be performing at or above the 95 percentile of the industry, and demonstrate improved performance against the lender's or servicer's average of the last 3 years on the factors described in subparagraph (B).

"(B) The factors on which the Secretary shall require improvement shall include—

"(i) delinquency rates;

"(ii) the rate at which delinquent accounts are restored to good standing;

"(iii) default rates;

"(iv) the rate of rejected claims; and

"(v) any other such measures as determined by the Secretary.

"(C) In addition, the Secretary shall not make any award of such a designation unless the consequence of the designation is cost-neutral to the Federal Government.

"(3) Additional information on lenders and servicers.—Each appropriate guaranty agency shall provide the Secretary with such other information in its possession regarding an eligible lender or servicer desiring designation as may relate to the Secretary's determination under paragraph (1), including but not limited to any information suggesting that the application of a lender or servicer for designation should not be approved.

"(4) Determinations by the Secretary.—

"(A) The Secretary shall designate an eligible lender or servicer for exceptional performance if the eligible lender or servicer meets the performance measures required by paragraph (2).

"(B) The Secretary shall make the determination under paragraph (1) based upon the documentation submitted by the eligible lender or servicer as specified in regulation, such other information as provided by any guaranty agency under paragraph (3), and any information in the possession of the Secretary or submitted by any other agency or office of the Federal Government.

"(C) The Secretary shall inform the eligible lender or servicer and the appropriate guaranty agency that its application for designation as an exceptional performance lender or servicer has been approved or disapproved.

"(5) Transition.—

"(A) Any eligible lender or servicer designated for exceptional performance as of the day before the date of enactment of the Higher Education Budget Reconciliation Act of 2005 shall continue to be so designated, and subject to the requirements of this section as in effect on that day (including revocation), until the performance standards described in paragraph (2) are established.

"(B) The Secretary shall not designate any additional eligible lenders or servicers for exceptional performance until those performance standards are established.

"(b) Payment to Lenders and Servicers.—A guaranty agency shall pay, to each eligible lender or servicer (as agent for an eligible lender) designated under subsection (a), 98 percent of the unpaid principal and interest of all loans for which claims are submitted for payment by that eligible lender or servicer for the one-year period following the receipt by the guaranty agency of the notification of designation under this section, or until the guaranty agency receives notice from the Secretary that the designation of the lender or servicer under subsection (a)(2) has been revoked.

"(c) Revocation Authority.—

"(1) The Secretary shall revoke the designation of a lender or a servicer under subsection (a) if the Secretary determines that the lender or servicer has failed to meet the performance standards required by subsection (a)(2).

"(2) Notwithstanding any other provision of this section, a designation under subsection (a) may be revoked at any time by the Secretary, in the Secretary's discretion, if the Secretary determines that the eligible lender or servicer has failed to meet the criteria and performance standards established by the Secretary in regulation, or if the Secretary believes the lender or servicer may have engaged in fraud in securing designation under subsection (a), or is failing to service loans in accordance with program regulations.

"(d) Documentation.—Nothing in this section shall restrict or limit the authority of guaranty agencies to require the submission of claims documentation evidencing servicing performed on loans, except that the guaranty agency may not require greater documentation than that required for lenders and servicers not designated under subsection (a).

"(e) Special Rule.—Reimbursements made by the Secretary on loans submitted for claim by an eligible lender or loan servicer designated for exceptional performance under this section shall not be subject to additional review by the Secretary or repurchase by the guaranty agency for any reason other than a determination by the Secretary that the eligible lender or loan servicer engaged in fraud or other purposeful misconduct in obtaining designation for exceptional performance.

"(f) Limitation.—Nothing in this section shall be construed to affect the processing of claims on student loans of eligible lenders not subject to this section.

"(g) Claims.—A lender or servicer designated under subsection (a) failing to service loans or otherwise comply with applicable program regulations shall be considered in violation of section 3729 of title 31, United States Code.

"(h) Termination.—The Secretary may terminate the designation of lenders and servicers under this section if he determines that termination would be in the fiscal interest of the United States.

"(i) Definitions.—As used in this section—

"(1) the term 'eligible loan' means a loan made, insured, or guaranteed under this part; and

"(2) the term 'servicer' means an entity servicing and collecting student loans that—

"(A) has substantial experience in servicing and collecting consumer loans or student loans;

"(B) has an independent financial audit annually which is furnished to the Secretary and any other parties designated by the Secretary;

"(C) has business systems which are capable of meeting the requirements of this part;

"(D) has adequate personnel who are knowledgeable about the student loan programs authorized by this part; and

"(E) does not have any owner, majority shareholder, director, or officer of the entity who has been convicted of a felony.".

(3) Effective date of amendments.—The amendments made by this subsection shall

apply with respect to loans for which the first disbursement of principal is made on or after July 1, 2006.

(c) Documentation of Forbearance Agreements.—Section 428(c) (20 U.S.C. 1078(c)) is further amended—

(1) in paragraph (3)(A)(i)—

(A) by striking "in writing"; and

(B) by inserting "and documented in accordance with paragraph (10)" after "approval of the insurer"; and

(2) by adding at the end the following new paragraph:

"(10) Documentation of Forbearance Agreements.—For the purposes of paragraph (3), the terms of forbearance agreed to by the parties shall be documented by confirming the agreement of the borrower by notice to the borrower from the lender, and by recording the terms in the borrower's file.".

(d) Consolidation of Defaulted Loans.—Section 428(c) (20 U.S.C. 1078(c)) is further amended—

(1) in paragraph (2)(A)—

(A) by inserting "(i)" after "including"; and

(B) by inserting before the semicolon at the end the following: "and (ii) requirements establishing procedures to preclude consolidation lending from being an excessive proportion of guaranty agency recoveries on defaulted loans under this part";

(2) in paragraph (2)(D), by striking "paragraph (6)" and inserting "paragraph (6)(A)"; and

(3) in paragraph (6)—

(A) by inserting "(A)" before "For the purpose of paragraph (2)(D),";

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively; and

(C) by adding at the end the following new subparagraphs:

"(B) A guaranty agency shall—

"(i) on or after October 1, 2006—

"(I) not charge the borrower collection costs in an amount in excess of 18.5 percent of the outstanding principal and interest of a defaulted loan that is paid off through consolidation by the borrower under this title; and

"(II) remit to the Secretary a portion of the collection charge under subclause (I) equal to 8.5 percent of the outstanding principal and interest of such defaulted loan; and

"(ii) on and after October 1, 2009, remit to the Secretary the entire amount charged under clause (i)(I) with respect to each defaulted loan that is paid off with excess consolidation proceeds.

"(C) For purposes of subparagraph (B), the term 'excess consolidation proceeds' means, with respect to any guaranty agency for any Federal fiscal year beginning on or after October 1, 2009, the proceeds of consolidation of defaulted loans under this title that exceed 45 percent of the agency's total collections on defaulted loans in such Federal fiscal year.".

(e) Collection Retention Percentages.—Clause (ii) of section 428(c)(6)(B) (20 U.S.C. 1078(c)(6)(B)), as redesignated by subsection (d)(3) of this section, is amended to read as follows:

"(ii) an amount equal to 24 percent of such payments for use in accordance with section 422B, except that—

"(I) beginning on October 1, 2003, and ending on October 1, 2006, this clause shall be applied by substituting '23 percent' for '24 percent'; and

"(II) beginning on October 1, 2006, this clause shall be applied by substituting '20 percent' for '24 percent'.".

(f) Voluntary Flexible Agreements.—Section 428A (20 U.S.C. 1078–1) is amended—

(1) in subsection (a)(1)(B), by striking "unless the Secretary" and all that follows through "designated guarantor";

(2) by striking paragraph (2) of subsection (a);

(3) in paragraph (4)(B) of subsection (a), by striking "and any waivers provided to other guaranty agencies under paragraph (2)";

(4) by redesignating paragraphs (3) and (4) of subsection (a) as paragraphs (2) and (3), respectively; and

(5) by striking paragraph (3) of subsection (c) and inserting the following:

"(3) Notice to interested parties.—Once the Secretary reaches a tentative agreement in principle under this section, the Secretary shall publish in the Federal Register a notice that invites interested parties to comment on the proposed agreement. The notice shall state how to obtain a copy of the tentative agreement in principle and shall give interested parties no less than 30 days to provide comments. The Secretary may consider such comments prior to providing the notices pursuant to paragraph (2).".

(g) Fraud; Repayment Required.—Section 428B(a)(1) (20 U.S.C. 1078–2(a)(1)) is amended—

(1) by striking "and" at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph:

"(B) in the case of a parent who has been convicted of, or has pled nolo contendere or guilty to, a crime involving fraud in obtaining funds under this title, such parent has completed the repayment of such funds to the Secretary, or to the holder in the case of a loan under this title obtained by fraud; and".

(h) Default Reduction Program.—Section 428F(a)(1) (20 U.S.C. 1078–6(a)(1)) is amended—

(1) in subparagraph (A), by striking "consecutive payments for 12 months" and inserting "9 payments made within 20 days of the due date during 10 consecutive months";

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following new subparagraph:

"(C) A guaranty agency may charge the borrower and retain collection costs in an amount not to exceed 18.5 percent of the outstanding principal and interest at the time of sale of a loan rehabilitated under subparagraph (A).".

(i) Financial and Economic Literacy.—

(1) Default reduction program.—Section 428F is further amended by adding at the end the following:

"(c) Financial and Economic Literacy.—Where appropriate, each program described under subsection (b) shall include making financial and economic education materials available to the borrower.".

(2) Program assistance for borrowers.—Section 432(k)(1) (20 U.S.C. 1082(k)(1)) is amended by striking "and offering" and all that follows through the period and inserting ", offering loan repayment matching provisions as part of employee benefit packages, and providing employees with financial and economic education and counseling.".

(j) Credit Bureau Organization Agreements.—Section 430A(a) (20 U.S.C. 1080a(a)) is amended by striking "agreements with credit bureau organizations" and inserting "an agreement with each national credit bureau organization (as described in section 603(p) of the Fair Credit Reporting Act)".

(k) Uniform Administrative and Claims Procedure.—Section 432(l)(1)(H) (20 U.S.C. 1082(l)(1)(H)) is amended by inserting "and anticipated graduation date" after "status change".

(l) Default Reduction Management.—Section 432 is further amended—

(1) by striking subsection (n); and

(2) by redesignating subsections (o) and (p) as subsections (n) and (o), respectively.

(m) Schools as Lenders.—Paragraph (2) of section 435(d) (20 U.S.C. 1085(d)(2)) is amended to read as follows:

"(2) Requirements for eligible institutions.—

"(A) In general.—To be an eligible lender under this part, an eligible institution—

"(i) shall employ at least one person whose full-time responsibilities are limited to the administration of programs of financial aid for students attending such institution;

"(ii) shall not be a home study school;

"(iii) shall not—

"(I) make a loan to any undergraduate student;

"(II) make a loan other than a loan under section 428 or 428H to a graduate or professional student; or

"(III) make a loan to a borrower who is not enrolled at that institution;

"(iv) shall award any contract for financing, servicing, or administration of loans under this title on a competitive basis;

"(v) shall offer loans that carry an origination fee or an interest rate, or both, that are less than such fee or rate authorized under the provisions of this title;

"(vi) shall not have a cohort default rate (as defined in section 435(m)) greater than 10 percent;

"(vii) shall, for any year for which the institution engages in activities as an eligible lender, provide for a compliance audit conducted in accordance with section 428(b)(1)(U)(iii)(I), and the regulations thereunder, and submit the results of such audit to the Secretary; and

"(viii) shall use any proceeds from special allowance payments and interest payments from borrowers, interest subsidies received from the Department of Education, and any proceeds from the sale or other disposition of loans, for need-based grant programs.

"(B) Administrative expenses.—An eligible lender under subparagraph (A) shall be permitted to use a portion of the proceeds described in subparagraph (A)(viii) for reasonable and direct administrative expenses.

"(C) Supplement, not supplant.—An eligible lender under subparagraph (A) shall ensure that the proceeds described in subparagraph (A)(viii) are used to supplement, and not to supplant, non-Federal funds that would otherwise be used for need-based grant programs.".

(n) Disability Determinations.—Section 437(a) (20 U.S.C. 1087(a)) is amended by adding at the end the following new sentence: "In making such determination of permanent and total disability, the Secretary shall not require a borrower who has been certified as permanently and totally disabled by the Department of Veterans Affairs or the Social Security Administration to present further documentation of disability for purposes of this title.".

(o) Treatment of Falsely Certified Borrowers.—Section 437(c)(1) (20 U.S.C. 1087(c)(1)) is amended by inserting "or parent's eligibility" after "such student's eligibility".

(p) Perfection of Security Interests.—Section 439(d) (20 U.S.C. 1087–2(d)) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(q) ADDITIONAL TECHNICAL AMENDMENTS.—

(1) Section 428(a)(2)(A) (20 U.S.C. 1078(a)(2)(A)) is amended—

(A) by striking "and" at the end of subclause (II) of clause (i); and

(B) by moving the margin of clause (iii) two ems to the left.

(2) Section 428(a)(3)(A)(v) (20 U.S.C. 1078(a)(3)(A)(v)) is amended—

(A) by striking "or" at the end of subclause (I);

(B) by striking the period at the end of subclause (II) and inserting "; or"; and

(C) by adding after subclause (II) the following new subclause:

"(III) in the case of a loan disbursed through an escrow agent, 3 days before the first disbursement of the loan.".

(3) Section 428(c)(1)(A) (20 U.S.C. 1078(c)(1)(A)) is amended by striking "45 days" in the last sentence and inserting "30 days".

(4) Section 428(i)(1) (20 U.S.C. 1078(i)(1)) is amended by striking "21 days" in the third sentence and inserting "10 days".

(5) Section 428G(e) (20 U.S.C. 1078-7(e)) is amended by striking ", made to a student to cover the cost of attendance at an eligible institution outside the United States,".

(6) Section 428H(e) (20 U.S.C. 1078–8(e)) is amended by striking paragraph (6) and inserting the following:

"(6) TIME LIMITS ON BILLING INTEREST.—A lender may not receive interest on a loan under this section from a borrower for any period that precedes the dates described in section 428(a)(3)(A)(v).".

(7) Section 432(m)(1)(B) (20 U.S.C. 1082(m)(1)(B)) is amended—

(A) in clause (i), by inserting "and" after the semicolon at the end; and

(B) in clause (ii), by striking "; and" and inserting a period.

(8) Section 438(b)(4)(B) (20 U.S.C. 1087–1(b)(4)(B)) is amended by striking "shall be computed" and all that follows through "to the loan" and inserting "described in subparagraph (A) shall be computed using the interest rate described in section 3902(a) of title 31, United States Code,".

SEC. 2124. FUNDS FOR ADMINISTRATIVE EXPENSES.

Section 458 is amended to read as follows:

"SEC. 458. FUNDS FOR ADMINISTRATIVE EXPENSES.

"(a) ADMINISTRATIVE EXPENSES.—

"(1) MANDATORY FUNDS FOR FISCAL YEAR 2006.—For fiscal year 2006, there shall be available to the Secretary, from funds not otherwise appropriated, funds to be obligated for—

"(A) administrative costs under this part and part B, including the costs of the direct student loan programs under this part; and

"(B) account maintenance fees payable to guaranty agencies under part B and calculated in accordance with subsections (b) and (c),

not to exceed (from such funds not otherwise appropriated) $820,000,000 in fiscal year 2006.

"(2) AUTHORIZATION FOR ADMINISTRATIVE COSTS BEGINNING IN FISCAL YEAR 2007.—For each of the fiscal years 2007 through 2011, there are authorized to be appropriated such sums as may be necessary for administrative costs under this part and part B, including the costs of the direct student loan programs under this part.

"(3) CONTINUING MANDATORY FUNDS FOR ACCOUNT MAINTENANCE FEES.—For each of the fiscal years 2007 through 2011, there shall be available to the Secretary, from funds not otherwise appropriated, funds to be obligated for account maintenance fees payable to guaranty agencies under part B and calculated in accordance with subsection (b).

"(4) ACCOUNT MAINENANCE FEES.—Account maintenance fees under paragraph (3) shall be paid quarterly and deposited in the Agency Operating Fund established under section 422B.

"(5) CARRYOVER.—The Secretary may carry over funds made available under this section to a subsequent fiscal year.

"(b) CALCULATION BASIS.—Account maintenance fees payable to guaranty agencies under subsection (a)(3) shall not exceed the basis of 0.10 percent of the original principal amount of outstanding loans on which insurance was issued under part B.

"(c) BUDGET JUSTIFICATION.—No funds may be expended under this section unless the Secretary includes in the Department of Education's annual budget justification to Congress a detailed description of the specific activities for which the funds made available by this section have been used in the prior and current years (if applicable), the activities and costs planned for the budget year, and the projection of activities and costs for each remaining year for which administrative expenses under this section are made available.".

SEC. 2125. SIGNIFICANTLY SIMPLIFYING THE STUDENT AID APPLICATION PROCESS.

(a) EXPANDING THE AUTO-ZERO AND FURTHER SIMPLIFYING THE SIMPLIFIED NEEDS TEST.—

(1) SIMPLIFIED NEEDS TEST.—Section 479 (20 U.S.C. 1087ss) is amended—

(A) in subsection (b)—

(i) in paragraph (1)—

(I) by striking clause (i) of subparagraph (A) and inserting the following:

"(i) the student's parents file, or are eligible to file, a form described in paragraph (3) or certify that they are not required to file an income tax return, and the student files, or is eligible to file, such a form or certifies that the student is not required to file an income tax return, or the student's parents, or the student, received benefits at some time during the previous 12-month period under a means-tested Federal benefit program as defined under subsection (d); and"; and

(II) by striking clause (i) of subparagraph (B) and inserting the following:

"(i) the student (and the student's spouse, if any) files, or is eligible to file, a form described in paragraph (3) or certifies that the student (and the student's spouse, if any) is not required to file an income tax return, or the student (and the student's spouse, if any) received benefits at some time during the previous 12-month period under a means-tested Federal benefit program as defined under subsection (d); and"; and

(ii) in paragraph (3), by striking "A student or family files a form described in this subsection, or subsection (c), as the case may be, if the student or family, respectively, files" and inserting "In the case of an independent student, the student, or in the case of a dependent student, the parent, files a form described in this subsection, or subsection (c), as the case may be, if the student or parent, as appropriate, files";

(B) in subsection (c)—

(i) in paragraph (1), by striking subparagraph (A) and inserting the following:

"(A) the student's parents file, or are eligible to file, a form described in subsection (b)(3) or certify that they are not required to file an income tax return, and the student files, or is eligible to file, such a form or certifies that the student is not required to file an income tax return, or the student's parents, or the student, received benefits at some time during the previous 12-month period under a means-tested Federal benefit program as defined in subsection (d); and"; and

(ii) in paragraph (2), by striking subparagraph (A) and inserting the following:

"(A) the student (and the student's spouse, if any) files, or is eligible to file, a form described in subsection (b)(3) or certifies that the student (and the student's spouse, if any) is not required to file an income tax return, or the student (and the student's spouse, if any) received benefits at some time during the previous 12-month period under a means-tested Federal benefit program as defined in subsection (d); and"; and

(C) by adding at the end the following new subsections:

"(d) DEFINITION OF MEANS-TESTED FEDERAL BENEFIT PROGRAM.—For the purposes of this section, the term 'means-tested Federal benefit program' means a mandatory spending program of the Federal Government, other than a program under this title, in which eligibility for the program's benefits, or the amount of such benefits, or both, are determined on the basis of income or resources of the individual or family seeking the benefit, and may include such programs as the supplemental security income program under title XVI of the Social Security Act, the food stamp program under the Food Stamp Act of 1977, the free and reduced price school lunch program established under the Richard B. Russell National School Lunch Act, the temporary assistance to needy families program established under part A of title IV of the Social Security Act, and the women, infants and children program established under Section 17 of the Child Nutrition Act of 1966, and other programs identified by the Secretary.

"(e) REPORTING REQUIREMENTS.—The Secretary shall regularly evaluate the impact of the eligibility guidelines in subsections (b)(1)(A)(i), (b)(1)(B)(i), (c)(1)(A) and (c)(2)(A) of this section. In particular, the Secretary shall evaluate whether using receipt of benefits under a means-tested Federal benefit program (as defined in subsection (d)) for eligibility continues to target the Simplified Needs Test, to the greatest extent possible, for use by low- and moderate-income students and their families.".

(b) IMPROVEMENTS TO PAPER AND ELECTRONIC FORMS.—

(1) COMMON FINANCIAL AID FORM DEVELOPMENT AND PROCESSING.—Section 483(a) (20 U.S.C. 1090(a)) is amended—

(A) by striking paragraphs (1), (2), and (5);

(B) by redesignating paragraphs (3), (4), (6), and (7), as paragraphs (9), (10), (11), and (12), respectively;

(C) by inserting before paragraph (9), as redesignated by subparagraph (B), the following:

"(1) IN GENERAL.—The Secretary, in cooperation with representatives of agencies and organizations involved in student financial assistance, shall produce, distribute, and process free of charge common financial reporting forms as described in this subsection to be used for application and reapplication to determine the need and eligibility of a student for financial assistance under parts A through E (other than subpart 4 of part A). These forms shall be made available to applicants in both paper and electronic formats and shall be referred to as the 'Free Application for Federal Student Aid' or the 'FAFSA'.

"(2) EARLY ESTIMATES.—

"(A) IN GENERAL.—The Secretary shall permit applicants to complete such forms as described in this subsection in the 4 years prior to enrollment in order to obtain a non-binding estimate of the family contribution, as defined in section 473. The estimate shall clearly and conspicuously indicate that it is only an estimate of family contribution, and may not reflect the actual family contribution of the applicant that shall be used to determine the grant, loan, or work assistance that the applicant may receive under this title when enrolled in a program of postsecondary education. Such applicants shall be permitted to update information submitted on forms described in this subsection using the process required under paragraph (5)(A).

"(B) Evaluation.—Two years after the early estimates are implemented under this paragraph and from data gathered from the early estimates, the Secretary shall evaluate the differences between initial, non-binding early estimates and the final financial aid award made available under this title.

"(C) Report.—The Secretary shall provide a report to the authorizing committees on the results of the evaluation.

"(3) Paper format.—

"(A) In general.—The Secretary shall produce, distribute, and process common forms in paper format to meet the requirements of paragraph (1). The Secretary shall develop a common paper form for applicants who do not meet the requirements of subparagraph (B).

"(B) EZ FAFSA.—

"(i) In general.—The Secretary shall develop and use a simplified paper application form, to be known as the 'EZ FAFSA', to be used for applicants meeting the requirements of section 479(c).

"(ii) Reduced data requirements.—The form under this subparagraph shall permit an applicant to submit, for financial assistance purposes, only the data elements required to make a determination of whether the applicant meets the requirements under section 479(c).

"(iii) State data.—The Secretary shall include on the form under this subparagraph such data items as may be necessary to award State financial assistance, as provided under paragraph (6), except that the Secretary shall not include a State's data if that State does not permit its applicants for State assistance to use the form under this subparagraph.

"(iv) Free availability and processing.—The provisions of paragraph (7) shall apply to the form under this subparagraph, and the data collected by means of the form under this subparagraph shall be available to institutions of higher education, guaranty agencies, and States in accordance with paragraph (9).

"(v) Testing.—The Secretary shall conduct appropriate field testing on the form under this subparagraph.

"(C) Promoting the use of electronic FAFSA.—

"(i) In general.—The Secretary shall—

"(I) develop a form that uses skip logic to simplify the application process for applicants; and

"(II) make all efforts to encourage applicants to utilize the electronic forms described in paragraph (4).

"(ii) Maintenance of the FAFSA in a printable electronic file.—The Secretary shall maintain a version of the paper forms described in subparagraphs (A) and (B) in a printable electronic file that is easily portable. The printable electronic file will be made easily accessible and downloadable to students on the same website used to provide students with the electronic application forms described in paragraph (4) of this subsection. The Secretary shall enable students to submit a form created under this subparagraph that is downloaded and printed from an electronic file format in order to meet the filing requirements of this section and in order to receive aid from programs under this title.

"(iii) Reporting requirement.—The Secretary shall report annually to Congress on the impact of the digital divide on students completing applications for title IV aid described under this paragraph and paragraph (4). The Secretary will also report on the steps taken to eliminate the digital divide and phase out the paper form described in subparagraph (A) of this paragraph. The Secretary's report will specifically address the impact of the digital divide on the following student populations: dependent students, independent students without dependents, and independent students with dependents other than a spouse.

"(4) Electronic format.—

"(A) In general.—The Secretary shall produce, distribute, and process common forms in electronic format to meet the requirements of paragraph (1). The Secretary shall develop common electronic forms for applicants who do not meet the requirements of subparagraph (C) of this paragraph.

"(B) State data.—The Secretary shall include on the common electronic forms space for information that needs to be submitted from the applicant to be eligible for State financial assistance, as provided under paragraph (6), except the Secretary shall not require applicants to complete data required by any State other than the applicant's State of residence.

"(C) Simplified applications: FAFSA on the web.—

"(i) In general.—The Secretary shall develop and use a simplified electronic application form to be used by applicants meeting the requirements under subsection (c) of section 479 and an additional, separate simplified electronic application form to be used by applicants meeting the requirements under subsection (b) of section 479.

"(ii) Reduced data requirements.—The simplified electronic application forms shall permit an applicant to submit for financial assistance purposes only the data elements required to make a determination of whether the applicant meets the requirements under subsection (b) or (c) of section 479.

"(iii) State data.—The Secretary shall include on the simplified electronic application forms such data items as may be necessary to award state financial assistance, as provided under paragraph (6), except that the Secretary shall not require applicants to complete data required by any State other than the applicant's State of residence.

"(iv) Availability and processing.—The data collected by means of the simplified electronic application forms shall be available to institutions of higher education, guaranty agencies, and States in accordance with paragraph (9).

"(v) Testing.—The Secretary shall conduct appropriate field testing on the forms developed under this subparagraph.

"(D) Use of forms.—Nothing in this subsection shall be construed to prohibit the use of the forms developed by the Secretary pursuant to this paragraph by an eligible institution, eligible lender, guaranty agency, State grant agency, private computer software provider, a consortium thereof, or such other entities as the Secretary may designate.

"(E) Privacy.—The Secretary shall ensure that data collection under this paragraph complies with section 552a of title 5, United States Code, and that any entity using the electronic version of the forms developed by the Secretary pursuant to this paragraph shall maintain reasonable and appropriate administrative, technical, and physical safeguards to ensure the integrity and confidentiality of the information, and to protect against security threats, or unauthorized uses or disclosures of the information provided on the electronic version of the forms. Data collected by such electronic version of the forms shall be used only for the application, award, and administration of aid awarded under this title, State aid, or aid awarded by eligible institutions or such entities as the Secretary may designate. No data collected by such electronic version of the forms shall be used for making final aid awards under this title until such data have been processed by the Secretary or a contractor or designee of the Secretary, and an expected family contribution has been calculated by the Secretary, except as may be permitted under this title.

"(F) Signature.—Notwithstanding any other provision of this Act, the Secretary may permit an electronic form under this paragraph to be submitted with an electronic signature.

"(5) Streamlining.—

"(A) Streamlined reapplication process.—

"(i) In general.—The Secretary shall develop streamlined reapplication forms and processes, including both paper and electronic reapplication processes, consistent with the requirements of this subsection, for an applicant who applies for financial assistance under this title—

"(I) in the academic year succeeding the year in which such applicant first applied for financial assistance under this title; or

"(II) in any succeeding academic years.

"(ii) Mechanisms for reapplication.—The Secretary shall develop appropriate mechanisms to support reapplication.

"(iii) Identification of updated data.—The Secretary shall determine, in cooperation with States, institutions of higher education, agencies, and organizations involved in student financial assistance, the data elements that can be updated from the previous academic year's application.

"(iv) Reduced data authorized.—Nothing in this title shall be construed as limiting the authority of the Secretary to reduce the number of data elements required of reapplicants.

"(v) Zero family contribution.—Applicants determined to have a zero family contribution pursuant to section 479(c) shall not be required to provide any financial data in a reapplication form, except that which is necessary to determine eligibility under such section.

"(B) Reduction of data elements.—

"(i) Reduction encouraged.—Of the number of data elements on the FAFSA on the date of enactment of the Higher Education Budget Reconciliation Act of 2005 (including questions on the FAFSA for the purposes described in paragraph (6)), the Secretary, in cooperation with representatives of agencies and organizations involved in student financial assistance, shall continue to reduce the number of such data elements following the date of enactment. Reductions of data elements under paragraph (3)(B), (4)(C), or (5)(A)(iv) shall not be counted towards the reduction referred to in this paragraph unless those data elements are reduced for all applicants.

"(ii) Report.—The Secretary shall annually report to the House of Representatives and the Senate on the progress made of reducing data elements.

"(6) STATE REQUIREMENTS.—

"(A) IN GENERAL.—The Secretary shall include on the forms developed under this subsection, such State-specific data items as the Secretary determines are necessary to meet State requirements for State need-based financial aid under section 415C, except as provided in paragraphs (3)(B)(iii) and (4)(C)(iii) of this subsection. Such items shall be selected in consultation with State agencies in order to assist in the awarding of State financial assistance in accordance with the terms of this subsection, except as provided in paragraphs (3)(B)(iii) and (4)(C)(iii) of this subsection. The number of such data items shall not be less than the number included on the form on October 7, 1998, unless a State notifies the Secretary that the State no longer requires those data items for the distribution of State need-based financial aid.

"(B) ANNUAL REVIEW.—The Secretary shall conduct an annual review process to determine which forms and data items the States require to award State need-based financial aid and other application requirements that the States may impose.

"(C) STATE USE OF SIMPLIFIED FORMS.—The Secretary shall encourage States to take such steps as necessary to encourage the use of simplified application forms, including those described in paragraphs (3)(B) and (4)(C), to meet the requirements under subsection (b) or (c) of section 479.

"(D) FEDERAL REGISTER NOTICE.—The Secretary shall publish on an annual basis a notice in the Federal Register requiring State agencies to inform the Secretary—

"(i) if the State agency is unable to permit applicants to utilize the simplified application forms described in paragraphs (3)(B) and (4)(C); and

"(ii) of the State-specific data that the State agency requires for delivery of State need-based financial aid.

"(E) STATE NOTIFICATION TO THE SECRETARY.—

"(i) IN GENERAL.—Each State agency shall notify the Secretary—

"(I) whether the State permits an applicant to file a form described in paragraph (3)(B) or paragraph (4)(C) of this subsection for purposes of determining eligibility for State need-based financial aid; and

"(II) the State-specific data that the State agency requires for delivery of State need-based financial aid.

"(ii) ACCEPTANCE OF FORMS.—In the event that a State does not permit an applicant to file a form described in paragraph (3)(B) or paragraph (4)(C) of this subsection for purposes of determining eligibility for State need-based financial aid—

"(I) the State shall notify the Secretary if the State is not permitted to do so because of either State law or because of agency policy; and

"(II) the notification under subclause (I) shall include an estimate of the program cost to permit applicants to complete simplified application forms under paragraphs (3)(B) and paragraph (4)(C) of this subsection.

"(iii) LACK OF NOTIFICATION BY THE STATE.—If a State does not notify the Secretary pursuant to clause (i), the Secretary shall—

"(I) permit residents of that State to complete simplified application forms under paragraphs (3)(B) and paragraph (4)(C) of this subsection; and

"(II) not require any resident of that State to complete any data previously required by that State under this section.

"(7) CHARGES TO STUDENTS AND PARENTS FOR USE OF FORMS PROHIBITED.—

"(A) FEES PROHIBITED.—The FAFSA, in whatever form (including the EZ-FAFSA, paper, electronic, simplified, or reapplication), shall be produced, distributed, and processed by the Secretary and no parent or student shall be charged a fee by any entity for the collection, processing, or delivery of financial aid through the use of the FAFSA. The need and eligibility of a student for financial assistance under parts A through E of this title (other than under subpart 4 of part A) may only be determined by using the FAFSA developed by the Secretary pursuant to this subsection. No student may receive assistance under parts A through E of this title (other than under subpart 4 of part A), except by use of the FAFSA developed by the Secretary pursuant to this subsection. No data collected on a form, worksheet, or other document for which a fee is charged shall be used to complete the FAFSA.

"(B) NOTICE.—Any entity that provides to students or parents, or charges students or parents for, any value-added services with respect to or in connection with the FAFSA, such as completion of the FAFSA, submission of the FAFSA, or tracking of the FAFSA for a student, shall provide to students and parents clear and conspicuous notice that—

"(i) the FAFSA is a free Federal student aid application;

"(ii) the FAFSA can be completed without professional assistance; and

"(iii) includes the current Internet address for the FAFSA on the Department's web site.

"(8) APPLICATION PROCESSING CYCLE.—The Secretary shall enable students to submit a form created under this subsection in order to meet the filing requirements of this section and in order to receive aid from programs under this title and shall initiate the processing of applications under this subsection as early as practicable prior to January 1 of the student's planned year of enrollment.".

(2) MASTER CALENDAR.—Section 482(a)(1)(B) (20 U.S.C. 1089) is amended to read as follows:

"(B) by March 1: proposed modifications, updates, and notices pursuant to sections 478, 479(c)(2)(C), and 483(a)(6) published in the Federal Register;".

(c) INCREASING ACCESS TO TECHNOLOGY.—Section 483 (20 U.S.C. 1090) is further amended by adding at the end the following:

"(f) ADDRESSING THE DIGITAL DIVIDE.—The Secretary shall utilize savings accrued by moving more applicants to the electronic forms described in subsection (a)(4) to improve access to the electronic forms described in subsection (a)(4) for applicants meeting the requirements of section 479(c).".

(d) EXPANDING THE DEFINITION OF AN INDEPENDENT STUDENT.—Section 480(d) (20 U.S.C.1087vv(d)) is amended by striking paragraph (2) and inserting the following:

"(2) is an orphan, in foster care, or a ward of the court, or was in foster care or a ward of the court until the individual reached the age of 18;".

SEC. 2126. ADDITIONAL NEED ANALYSIS AMENDMENTS.

(a) INCOME PROTECTION ALLOWANCE FOR DEPENDENT STUDENTS.——

(1) AMENDMENT.—Section 475(g)(2)(D) (20 U.S.C. 1087oo(g)(2)(D)) is amended by striking "$2,200" and inserting "$3,000".

(2) CONFORMING AMENDMENT.—Section 478(b) (20 U.S.C. 1087rr(b)) is amended by adding at the end the following new paragraph:

"(3) REVISED AMOUNTS AFTER INCREASE.—Notwithstanding paragraph (2), for each academic year after academic year 2006–2007, the Secretary shall publish in the Federal Register a revised income protection allowance for the purpose of section 475(g)(2)(D). Such revised allowance shall be developed by increasing the dollar amount contained in such section by a percentage equal to the estimated percentage increase in the Consumer Price Index (as determined by the Secretary) between December 2005 and the December next preceding the beginning of such academic year, and rounding the result to the nearest $10.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to determinations of need for periods of enrollment beginning on or after July 1, 2006.

(b) EMPLOYMENT EXPENSE ALLOWANCE.—Section 478(h) (20 U.S.C. 1087rr(h)) is amended—

(1) by striking "476(b)(4)(B),"; and

(2) by striking "meals away from home, apparel and upkeep, transportation, and housekeeping services" and inserting "food away from home, apparel, transportation, and household furnishings and operations".

(c) DISCRETION OF STUDENT FINANCIAL AID ADMINISTRATORS.—Section 479A(a) (20 U.S.C. 1087tt(a)) is amended—

(1) by striking "(a) IN GENERAL.—" and inserting the following:

"(a) AUTHORITY TO MAKE ADJUSTMENTS.—

"(1) ADJUSTMENTS FOR SPECIAL CIRCUMSTANCES.—";

(2) by inserting before "Special circumstances may" the following:

"(2) SPECIAL CIRCUMSTANCES DEFINED.—";

(3) by inserting "a student's status as a ward of the court at any time prior to attaining 18 years of age, a student's status as an individual who was adopted at or after age 13, a student's status as a homeless or unaccompanied youth (as defined in section 725 of the McKinney-Vento Homeless Assistance Act)," after "487,";

(4) by inserting before "Adequate documentation" the following:

"(3) DOCUMENTATION AND USE OF SUPPLEMENTARY INFORMATION.—"; and

(5) by inserting before "No student" the following:

"(4) FEES FOR SUPPLEMENTARY INFORMATION PROHIBITED.—".

(d) TREATING ACTIVE DUTY MEMBERS OF THE ARMED FORCES AS INDEPENDENT STUDENTS.—Section 480(d)(3) (20 U.S.C. 1087vv(d)(3)) is amended by inserting before the semicolon at the end the following: "or is currently serving on active duty in the Armed Forces for other than training purposes".

(e) EXCLUDABLE INCOME.—Section 480(e) (20 U.S.C. 1087vv(e)) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(5) any part of any distribution from a qualified tuition program established under section 529 of the Internal Revenue Code of 1986 that is not includable in gross income under such section 529.".

(f) TREATMENT OF SAVINGS PLANS.—

(1) AMENDMENT.—Section 480(f) (20 U.S.C. 1087vv(f)) is amended—

(A) in paragraph (1), by inserting "qualified tuition programs established under section 529 of the Internal Revenue Code of 1986 (26 U.S.C. 529), except as provided in paragraph (2)," after "tax shelters,";

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph:

"(2) A qualified tuition program shall not be considered an asset of a dependent student under section 475 of this part. The value of a qualified tuition program for purposes of determining the assets of parents or independent students shall be—

"(A) the refund value of any tuition credits or certificates purchased under section 529 of the Internal Revenue Code of 1986 (26 U.S.C. 529) on behalf of a beneficiary; or

"(B) the current balance of any account which is established under such section for the purpose of meeting the qualified higher education expenses of the designated beneficiary of the account.".

(2) Conforming amendment.—Section 480(j) (20 U.S.C. 1087vv(j)) is amended—

(A) by striking "; Tuition Prepayment Plans" in the heading of such subsection;

(B) by striking paragraph (2);

(C) in paragraph (3), by inserting ", or a distribution that is not includable in gross income under section 529 of such Code," after "1986"; and

(D) by redesignating paragraph (3) as paragraph (2).

(g) Treatment of Family Ownership of Small Businesses.—Section 480(f)(3) of the Higher Education Act of 1965 (20 U.S.C. 1087vv(f)(3)), as redesignated by subsection (f) of this section, is amended—

(1) in subparagraph (A), by striking "or";

(2) in subparagraph (B), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following new subparagraph:

"(C) a small business with not more than 100 full-time or full-time equivalent employees (or any part of such a small business) that is owned and controlled by the family.".

(h) Designated Assistance.—Section 480(j) (20 U.S.C. 1087vv(j)) is amended by adding after paragraph (2) (as redesignated by subsection (f)(2)(D) of this section) the following new paragraph:

"(3) Notwithstanding paragraph (1) and section 472, assistance not received under this title may be excluded from both estimated financial assistance and cost of attendance, if that assistance is provided by a State and is designated by such State to offset a specific component of the cost of attendance. If that assistance is excluded from either estimated financial assistance or cost of attendance, it shall be excluded from both.".

SEC. 2127. DEFINITION OF ELIGIBLE PROGRAM.

Section 481(b) (20 U.S.C. 1088(b)) is amended by adding at the end the following new paragraph:

"(3) For purposes of this title, an eligible program includes an instructional program that utilizes direct assessment of student learning, or recognizes the direct assessment of student learning, in lieu of credit hours or clock hours as the measure of student learning. In the case of a program being determined eligible for the first time under this paragraph, such determination shall be made by the Secretary before such program is considered to be eligible. The Secretary shall provide an annual report to Congress identifying the programs made eligible under this paragraph.".

SEC. 2128. DISTANCE EDUCATION.

(a) Distance Education: Eligible Program.—Section 481(b) (20 U.S.C. 1088(b)) is amended by adding after paragraph (3) (as added by section 2127 of this Act) the following new paragraph:

"(4) An otherwise eligible program that is offered in whole or in part through telecommunications is eligible for the purposes of this title if the program is offered by an institution, other than a foreign institution, that has been evaluated and determined (before or after the date of enactment of this paragraph) to have the capability to effectively deliver distance education programs by an accrediting agency or association that—

"(A) is recognized by the Secretary under subpart 2 of Part H; and

"(B) has evaluation of distance education programs within the scope of its recognition, as described in section 496(n)(3).".

(b) Correspondence Courses.—Section 484(*l*)(1) (20 U.S.C. 1091(*l*)(1)) is amended—

(1) in subparagraph (A)—

(A) by striking "for a program of study of 1 year or longer"; and

(B) by striking "unless the total" and all that follows through "courses at the institution"; and

(2) by amending subparagraph (B) to read as follows:

"(B) Exception.—Subparagraph (A) does not apply to an institution or school described in section 3(3)(C) of the Carl D. Perkins Vocational and Technical Education Act of 1998.".

SEC. 2129. STUDENT ELIGIBILITY.

(a) Fraud: Repayment Required.—Section 484(a) (20 U.S.C. 1091(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; and"; and

(2) by adding at the end the following new paragraph:

"(6) if the student has been convicted of, or has pled nolo contendere or guilty to, a crime involving fraud in obtaining funds under this title, have completed the repayment of such funds to the Secretary, or to the holder in the case of a loan under this title obtained by fraud.".

(b) Technical Amendment.—Section 484(b)(5) (20 U.S.C. 1091(b)(5)) is amended by inserting "or parent (on behalf of a student)" after "student".

(c) Loan Ineligibility Based on Involuntary Civil Commitment for Sexual Offenses.—Section 484(b)(5) (20 U.S.C. 1091(b)(5)) is further amended by inserting before the period the following: ", and no student who is subject to an involuntary civil commitment upon completion of a period of incarceration for a sexual offense (as determined under regulations of the Secretary) is eligible to receive a loan under this title".

(d) Freely Associated States.—Section 484(j) (20 U.S.C. 1091(j)) is amended by inserting "and shall be eligible only for assistance under subpart 1 of part A thereafter," after "part C,".

(e) Verification of Income Date.—Paragraph (1) of section 484(q) (20 U.S.C. 1091(q)) is amended to read as follows:

"(1) Confirmation with IRS.—The Secretary of Education, in cooperation with the Secretary of the Treasury, is authorized to confirm with the Internal Revenue Service the information specified in section 6103(l)(13) of the Internal Revenue Code of 1986 reported by applicants (including parents) under this title on their Federal income tax returns for the purpose of verifying the information reported by applicants on student financial aid applications.".

(f) Suspension of Eligibility for Drug Offenses.—Section 484(r)(1) (20 U.S.C. 1091(r)(1)) is amended by striking everything preceding the table and inserting the following:

"(1) In general.—A student who is convicted of any offense under any Federal or State law involving the possession or sale of a controlled substance for conduct that occurred during a period of enrollment for which the student was receiving any grant, loan, or work assistance under this title shall not be eligible to receive any grant, loan, or work assistance under this title from the date of that conviction for the period of time specified in the following table:".

SEC. 2130. INSTITUTIONAL REFUNDS.

Section 484B (20 U.S.C. 1091b) is amended—

(1) in subsection (a)(1), by inserting "subpart 4 of part A or" after "received under";

(2) in subsection (a)(2), by striking "takes a leave" and by inserting "takes one or more leaves";

(3) in subsection (a)(3)(B)(ii), by inserting "(as determined in accordance with subsection (d))" after "student has completed";

(4) in subsection (a)(4), by amending subparagraph (A) to read as follows:

"(A) In general.—After determining the eligibility of the student for a late disbursement or post-withdrawal disbursement (as required in regulations prescribed by the Secretary), the institution of higher education shall contact the borrower and obtain confirmation that the loan funds are still required by the borrower. In making such contact, the institution shall explain to the borrower the borrower's obligation to repay the funds following any such disbursement. The institution shall document in the borrower's file the result of such contact and the final determination made concerning such disbursement.";

(5) in subsection (b)(1), by inserting "no later than 45 days from the determination of withdrawal" after "return";

(6) in subsection (b)(2), by amending subparagraph (C) to read as follows:

"(C) Grant overpayment requirements.—

"(i) In general.—Notwithstanding subparagraphs (A) and (B), a student shall only be required to return grant assistance in the amount (if any) by which—

"(I) the amount to be returned by the student (as determined under subparagraphs (A) and (B)), exceeds

"(II) 50 percent of the total grant assistance received by the student under this title for the payment period or period of enrollment.

"(ii) Minimum.—A student shall not be required to return amounts of $50 or less."; and

(7) in subsection (d), by striking "(a)(3)(B)(i)" and inserting "(a)(3)(B)".

SEC. 2131. COLLEGE ACCESS INITIATIVE.

Part G is further amended by inserting after section 485C (20 U.S.C. 1092c) the following new section:

"SEC. 485D. COLLEGE ACCESS INITIATIVE.

"(a) State-by-State Information.—The Secretary shall direct each guaranty agency with which the Secretary has an agreement under section 428(c) to provide to the Secretary the information necessary for the development of web links and access for students and families to a comprehensive listing of the postsecondary education opportunities, programs, publications, Internet Web sites, and other services available in the States for which such agency serves as the designated guarantor.

"(b) Guaranty Agency Activities.—

"(1) Plan and activity required.—Each guaranty agency with which the Secretary has an agreement under section 428(c) shall develop a plan and undertake the activity necessary to gather the information required under subsection (a) and to make such information available to the public and to the Secretary in a form and manner as prescribed by the Secretary.

"(2) Activities.—Each guaranty agency shall undertake such activities as are necessary to promote access to postsecondary education for students through providing information on college planning, career preparation, and paying for college. The guaranty agency shall publicize such information and coordinate such activities with other entities that either provide or distribute such information in the States for which such guaranty agency serves as the designated guarantor.

"(3) Funding.—The activities required by this section may be funded from the guaranty agency's operating account established pursuant to section 422B and, to the extent funds remain, from earnings on the restricted account established pursuant to section 422(h)(4).

"(c) Access to Information.—

"(1) Secretary's responsibility.—The Secretary shall ensure the availability of the information provided by the guaranty agencies in accordance with this section to students, parents, and other interested individuals, through web links or other methods prescribed by the Secretary.

"(2) Guaranty agency responsibility.—The guaranty agencies shall ensure that the information required by this section is available without charge in printed format for students and parents requesting such information.

"(3) Publicity.—Within 270 days after the date of enactment of the Higher Education Budget Reconciliation Act of 2005, the Secretary and guaranty agencies shall publicize the availability of the information required by this section, with special emphasis on ensuring that populations that are traditionally underrepresented in postsecondary education are made aware of the availability of such information.".

SEC. 2132. CANCELLATION OF STUDENT LOAN INDEBTEDNESS FOR SURVIVORS OF VICTIMS OF THE SEPTEMBER 11, 2001, ATTACKS.

(a) Definitions.—For purposes of this section:

(1) Eligible public servant.—The term "eligible public servant" means an individual who, as determined in accordance with regulations of the Secretary—

(A) served as a police officer, firefighter, other safety or rescue personnel, or as a member of the Armed Forces; and

(B) died (or dies) or became (or becomes) permanently and totally disabled due to injuries suffered in the terrorist attacks on September 11, 2001.

(2) Eligible victim.—The term "eligible victim" means an individual who, as determined in accordance with regulations of the Secretary, died (or dies) or became (or becomes) permanently and totally disabled due to injuries suffered in the terrorist attacks on September 11, 2001.

(3) Eligible parent.—The term "eligible parent" means the parent of an eligible victim if—

(A) the parent owes a Federal student loan that is a consolidation loan that was used to repay a PLUS loan incurred on behalf of such eligible victim; or

(B) the parent owes a Federal student loan that is a PLUS loan incurred on behalf of an eligible victim.

(4) Secretary.—The term "Secretary" means the Secretary of Education.

(5) Federal student loan.—The term "Federal student loan" means any loan made, insured, or guaranteed under part B, D, or E of title IV of the Higher Education Act of 1965.

(b) Relief From Indebtedness.—

(1) In general.—The Secretary shall provide for the discharge or cancellation of—

(A) the Federal student loan indebtedness of the spouse of an eligible public servant, as determined in accordance with regulations of the Secretary, including any consolidation loan that was used jointly by the eligible public servant and his or her spouse to repay the Federal student loans of the spouse and the eligible public servant;

(B) the portion incurred on behalf of the eligible victim (other than an eligible public servant), of a Federal student loan that is a consolidation loan that was used jointly by the eligible victim and his or her spouse, as determined in accordance with regulations of the Secretary, to repay the Federal student loans of the eligible victim and his or her spouse;

(C) the portion of the consolidation loan indebtedness of an eligible parent that was incurred on behalf of an eligible victim; and

(D) the PLUS loan indebtedness of an eligible parent that was incurred on behalf of an eligible victim.

(2) Method of discharge or cancellation.—A loan required to be discharged or canceled under paragraph (1) shall be discharged or canceled by the method used under section 437(a), 455(a)(1), or 464(c)(1)(F) of the Higher Education Act of 1965 (20 U.S.C. 1087(a), 1087e(a)(1), 1087dd(c)(1)(F)), whichever is applicable to such loan.

(c) Facilitation of Claims.—The Secretary shall—

(1) establish procedures for the filing of applications for discharge or cancellation under this section by regulations that shall be prescribed and published within 90 days after the date of enactment of this Act and without regard to the requirements of section 553 of title 5, United States Code; and

(2) take such actions as may be necessary to publicize the availability of discharge or cancellation of Federal student loan indebtedness under this section.

(d) Availability of Funds for Payments.—Funds available for the purposes of making payments to lenders in accordance with section 437(a) for the discharge of indebtedness of deceased or disabled individuals shall be available for making payments under section 437(a) to lenders of loans as required by this section.

(e) Applicable to Outstanding Debt.—The provisions of this section shall be applied to discharge or cancel only Federal student loans (including consolidation loans) on which amounts were owed on September 11, 2001. Nothing in this section shall be construed to authorize any refunding of any repayment of a loan.

SEC. 2133. INDEPENDENT EVALUATION OF DISTANCE EDUCATION PROGRAMS.

(a) Independent Evaluation.—The Secretary of Education shall enter into an agreement with the National Academy of Sciences to conduct a scientifically correct and statistically valid evaluation of the quality of distance education programs, as compared to campus-based education programs, at institutions of higher education. Such evaluation shall include—

(1) identification of the elements by which the quality of distance education, as compared to campus-based education, can be assessed, including elements such as subject matter, interactivity, and student outcomes;

(2) identification of distance and campus-based education program success, with respect to student achievement, in relation to the mission of the institution of higher education; and

(3) identification of the types of students (including classification of types of students based on student age) who most benefit from distance education programs, the types of students who most benefit from campus-based education programs, and the types of students who do not benefit from distance education programs, by assessing elements including access to higher education, job placement rates, undergraduate graduation rates, and graduate and professional degree attainment rates.

(b) Scope.—The National Academy of Sciences shall select for participation in the evaluation under subsection (a) a diverse group of institutions of higher education with respect to size, mission, and geographic distribution.

(c) Interim and Final Reports.—The agreement under subsection (a) shall require that the National Academy of Sciences submit to the Secretary of Education, the Committee on Health, Education, Labor and Pensions of the Senate, and the Committee on Education and the Workforce of the House of Representatives—

(1) an interim report regarding the evaluation under subsection (a) not later than December 31, 2007; and

(2) a final report regarding such evaluation not later than December 31, 2009.

SEC. 2134. DISBURSEMENT OF STUDENT LOANS.

Section 422(d) of the Higher Education Amendments of 1998 (Public Law 105–244; 112 Stat. 1696) is amended by adding at the end the following new sentence: "Such amendments shall also be effective on and after July 1, 2006.".

PART 2—HIGHER EDUCATION RELIEF

SEC. 2141. REFERENCES.

References in this part to "the Act" are references to the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

SEC. 2142. WAIVERS AND MODIFICATIONS.

Notwithstanding any other provision of law, unless enacted with specific reference to this section, the Secretary of Education is authorized to waive or modify any statutory or regulatory provision applicable to the student financial assistance programs under title IV of the Act, or any student or institutional eligibility provisions in the Act, as the Secretary of Education deems necessary in connection with a Gulf hurricane disaster to ensure that—

(1) the calculation of expected family contribution under section 474 of the Act used in the determination of need for student financial assistance under title IV of the Act for any affected student (and the determination of such need for his or her family, if applicable), is modified to reflect any changes in the financial condition of such affected student and his or her family resulting from a Gulf hurricane disaster; and

(2) institutions of higher education, systems of institutions, or consortia of institutions that are located in an area affected by a Gulf hurricane disaster, or that are serving affected students, are eligible, notwithstanding section 486(d) of the Act, to apply for participation in the distance education demonstration program under section 486 of the Act, except that the Secretary of Education shall include in reports under section 486(f) of the Act an identification of those institutions, systems, and consortia that were granted participation in the demonstration program due to a Gulf hurricane disaster.

SEC. 2143. CANCELLATION OF INSTITUTIONAL REPAYMENT BY COLLEGES AND UNIVERSITIES AFFECTED BY A GULF HURRICANE DISASTER.

Notwithstanding any provision of title IV of the Act or any regulation issued thereunder, the Secretary of Education shall cancel any obligation of an affected institution to return or repay any funds the institution received before the date of enactment of this Act for, or on behalf of, its students under subpart 1 or 3 of part A or parts B, C, D, or E of title IV of the Act for any cancelled enrollment period.

SEC. 2144. CANCELLATION OF STUDENT LOANS FOR CANCELLED ENROLLMENT PERIODS.

(a) Loan Forgiveness Authorized.—Notwithstanding any provision of title IV of the Act, the Secretary shall discharge all loan amounts under parts B and D of title IV of the Act, and cancel any loan made under part E of such title, disbursed to, or on behalf of, an affected student for a cancelled enrollment period.

(b) Reimbursement.—The Secretary of Education shall—

(1) reimburse each affected institution for any amounts discharged under subsection (a) with respect to a loan under part E of title IV of the Act in the same manner as is required by section 465(b) of the Act with respect to a loan cancelled under section 465(a) of the Act; and

(2) reimburse lenders for the purpose of discharging any loan amounts disbursed to, or on behalf of, an affected student under part B of title IV of the Act for a cancelled enrollment period.

(c) Limitation on Consolidation Loans.—A loan amount for a loan made under section 428C of the Act or a Federal Direct Consolidation Loan may be eligible for discharge under this section only to the extent that such loan amount was used to repay a loan to an affected student for a cancelled enrollment period.

(d) Construction.—Nothing in this section shall be construed to authorize any refunding of any repayment of a loan.

SEC. 2145. TEMPORARY DEFERMENT OF STUDENT LOAN REPAYMENT.

An affected individual who is a borrower of a qualified student loan or a qualified parent loan shall be granted a deferment, not in excess of 6 months, during which periodic installments of principal need not be paid, and interest—

(1) shall accrue and be paid by the Secretary, in the case of a loan made under section 428, 428B, 428C, or 428H of the Act;

(2) shall accrue and be paid by the Secretary to the Perkins loan fund held by the institution of higher education that made the loan, in the case of a loan made under part E of title IV of the Act; and

(3) shall not accrue, in the case of a Federal Direct Loan made under part D of such title.

SEC. 2146. NO AFFECT ON GRANT AND LOAN LIMITS.

Notwithstanding any provision of title IV of the Act or any regulation issued thereunder, no grant or loan funds received by an affected student under title IV of the Act for a cancelled enrollment period shall be counted against such affected student's annual or aggregate grant or loan limits for the receipt of grants or loans under that title.

SEC. 2147. TEACHER LOAN RELIEF.

The Secretary of Education may waive the requirement of sections 428J(b)(1) and 460(b)(1)(A) of the Higher Education Act of 1965 that the 5 years of qualifying service be consecutive academic years for any teacher whose employment was interrupted if—

(1) the teacher was employed in qualifying service, at the time of a Gulf hurricane disaster, in a school located in an area affected by a Gulf hurricane disaster; and

(2) the teacher resumes qualifying service not later than the beginning of academic year 2006-2007 in that school or any other school in which employment is qualifying service under such section.

SEC. 2148. EXPANDING INFORMATION DISSEMINATION REGARDING ELIGIBILITY FOR PELL GRANTS.

(a) In General.—The Secretary of Education shall make special efforts, in conjunction with State efforts, to notify affected students and if applicable, their parents, who qualify for means-tested Federal benefit programs, of their potential eligibility for a maximum Pell Grant, and shall disseminate such informational materials as the Secretary of Education deems appropriate.

(b) Means-Tested Federal Benefit Program.—For the purpose of this section, the term "means-tested Federal benefit program" means a mandatory spending program of the Federal Government, other than a program under the Act, in which eligibility for the program's benefits, or the amount of such benefits, or both, are determined on the basis of income or resources of the individual or family seeking the benefit, and may include such programs as the supplemental security income program under title XVI of the Social Security Act, the food stamp program under the Food Stamp Act of 1977, the free and reduced price school lunch program established under the Richard B. Russell National School Lunch Act, the temporary assistance to needy families program established under part A of title IV of the Social Security Act, and the women, infants, and children program established under section 17 of the Child Nutrition Act of 1966, and other programs identified by the Secretary of Education.

SEC. 2149. PROCEDURES.

(a) Deadlines and Procedures.—Sections 482(c) and 492 of the Act (20 U.S.C. 1089(c), 1098a) shall not apply to any waivers, modifications, or actions initiated by the Secretary of Education under this part.

(b) Case-by-Case Basis.—The Secretary of Education is not required to exercise any waiver or modification authority under this part on a case-by-case basis.

SEC. 2150. TERMINATION OF AUTHORITY.

The authority of the Secretary of Education to issue waivers or modifications under this part shall expire at the conclusion of the 2005–2006 academic year, but the expiration of such authority shall not affect the continuing validity of any such waivers or modifications after such academic year.

SEC. 2151. DEFINITIONS.

For the purposes of this part, the following terms have the following meanings:

(1) Affected individual.—The term "affected individual" means an individual who has applied for or received student financial assistance under title IV of the Higher Education Act of 1965, and—

(A) who is an affected student; or

(B) whose primary place of employment or residency was, as of August 29, 2005, in an area affected by a Gulf hurricane disaster.

(2) Affected institution.—The term "affected institution" means an institution of higher education that—

(A) is located in an area affected by a Gulf hurricane disaster; and

(B) has temporarily ceased operations as a consequence of a Gulf hurricane disaster, as determined by the Secretary of Education.

(3) Affected state.—The term "affected State" means the State of Alabama, Florida, Louisiana, Mississippi, or Texas.

(4) Affected student.—The term "affected student" means an individual who has applied for or received student financial assistance under title IV of the Higher Education Act of 1965, and who—

(A) was enrolled or accepted for enrollment, as of August 29, 2005, at an institution of higher education in an area affected by a Gulf hurricane disaster;

(B) was a dependent student enrolled or accepted for enrollment at an institution of higher education that is not in an area affected by a Gulf hurricane disaster, but whose parents resided or were employed, as of August 29, 2005, in an area affected by a Gulf hurricane disaster; or

(C) was enrolled or accepted for enrollment at an institution of higher education, as of August 29, 2005, and whose attendance was interrupted because of a Gulf hurricane disaster.

(5) Area affected by a gulf hurricane disaster.—The term "area affected by a Gulf hurricane disaster" means a county or parish, in an affected State, that has been designated by the Federal Emergency Management Agency for disaster assistance for individuals and households as a result of Hurricane Katrina or Hurricane Rita.

(6) Cancelled enrollment period.—The term "cancelled enrollment period" means any period of enrollment at an affected institution during the academic year 2005.

(7) Gulf hurricane disaster.—The term "Gulf hurricane disaster" means a major disaster that the President declared to exist, in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and that was caused by Hurricane Katrina or Hurricane Rita.

(8) Institution of higher education.—The term "institution of higher education" has the meaning given such term in section 102 of the Higher Education Act of 1965, except that the term does not include institutions under subsection (a)(1)(C) of that section.

(9) Qualified student loan.—The term "qualified student loan" means any loan made, insured, or guaranteed under part B, D, or E of title IV of the Higher Education Act of 1965, other than a loan under section 428B of such title or a Federal Direct Plus loan.

(10) Qualified parent loan.—The term "qualified parent loan" means a loan made under section 428B of title IV of the Higher Education Act of 1965 or a Federal Direct Plus loan.

Subtitle C—Pensions

SEC. 2201. INCREASES IN PBGC PREMIUMS.

(a) Flat-Rate Premiums.—Clause (i) of section 4006(a)(3)(A) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)(A)) is amended by striking "$19" and inserting "$30".

(b) Adjustment for Inflation.—Paragraph (3) of section 4006(a) of such Act (29 U.S.C. 1306(a)) is amended by adding at the end the following new subparagraph:

"(F) For each plan year beginning after 2006, there shall be substituted for the $30 dollar amount in subparagraph (A)(i) the amount equal to the product derived by multiplying the premium rate, as in effect under this paragraph immediately prior to such plan year for basic benefits guaranteed by the corporation under section 4022 for single-employer plans, by the ratio of—

"(i) the national average wage index (as defined in section 209(k)(1) of the Social Security Act) for the first of the 2 calendar years preceding the calendar year in which such plan year begins, to

"(ii) the national average wage index (as so defined) for the first of the 3 calendar years preceding the calendar year in which the plan year begins,

with such product, if not a multiple of $1, being rounded to the next higher multiple of

$1 where such product is a multiple of $0.50 but not of $1, and to the nearest multiple of $1 in any other case.".

(c) Additional Discretionary Increase.—Paragraph (3) of section 4006(a) of such Act (as amended by subsection (b) of this section) is further amended by adding at the end the following new subparagraph:

"(G)(i) The corporation may increase under this subparagraph, effective for plan years commencing with or during any calendar year after 2006, the premium rate otherwise in effect under this section for basic benefits guaranteed by it under section 4022 for single-employer plans if the corporation determines that such increase is necessary to achieve actuarial soundness in the plan termination insurance program under this title.

"(ii) The amount of any premium rate described in clause (i), as increased under this subparagraph for plan years commencing with or during any calendar year, may not exceed by more than 20 percent the amount of the premium rate, in effect under this paragraph for plan years commencing with or during such calendar year for basic benefits guaranteed by the corporation under section 4022 for single-employer plans, as determined for plan years commencing with or during such calendar year without regard to this subparagraph.

"(iii) The preceding provisions of this subparagraph shall apply in connection with plan years commencing with or during any calendar year only if—

"(I) the corporation transmits to each House of the Congress and to the Comptroller General its proposal for the increase in the premium rate for plan years commencing with or during such calendar year, subject to Congressional review under chapter 8 of title 5 of the United States Code (relating to Congressional review of agency rulemaking) not later than 120 calendar days after the beginning of the preceding calendar year, and

"(II) a joint resolution disapproving such increase has not been enacted as provided in section 802 of such title, within the 60-day period described in section 802(a) of such title.

The proposal transmitted by the corporation shall include a description of the methodologies and assumptions used in formulating its proposal. At the time of the transmittal of any such proposal to each House of the Congress pursuant to subclause (I), the corporation shall transmit a copy of such proposal to the Committee on Education and the Workforce and the Committee on Ways and Means of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate. Any such proposal shall, for purposes of chapter 8 of such title 5, be treated as a rule which is a major rule.".

(d) Premium Rate for Certain Terminated Single-Employer Plans.—Subsection (a) of section 4006 of such Act (29 U.S.C. 1306) is amended by adding at the end the following:

"(7) Premium Rate for Certain Terminated Single-Employer Plans.—

"(A) In general.—If there is a termination of a single-employer plan under clause (ii) or (iii) of section 4041(c)(2)(B) or section 4042, there shall be payable to the corporation, with respect to each applicable 12-month period, a premium at a rate equal to $1,250 multiplied by the number of individuals who were participants in the plan immediately before the termination date. Such premium shall be in addition to any other premium under this section.

"(B) Special rule for plans terminated in bankruptcy reorganization.—If the plan is terminated under 4041(c)(2)(B)(ii) or under section 4042 and, as of the termination date, a person who is (as of such date) a contributing sponsor of the plan or a member of such sponsor's controlled group has filed or has had filed against such person a petition seeking reorganization in a case under title 11 of the United States Code, or under any similar law of a State or a political subdivision of a State (or a case described in section 4041(c)(2)(B)(i) filed by or against such person has been converted, as of such date, to such a case in which reorganization is sought), subparagraph (A) shall not apply to such plan until the date of the discharge of such person in such case.

"(C) Applicable 12-month period.—For purposes of subparagraph (A)—

"(i) In general.—The term 'applicable 12-month period' means—

"(I) the 12-month period beginning with the first month following the month in which the termination date occurs, and

"(II) each of the first two 12-month periods immediately following the period described in subclause (I).

"(ii) Plans terminated in bankruptcy reorganization.—In any case in which the requirements of subparagraph (B) are met in connection with the termination of the plan with respect to 1 or more persons described in such subparagraph, the 12-month period described in clause (i)(I) shall be the 12-month period beginning with the first month following the month which includes the earliest date as of which each such person is discharged in the case described in such clause in connection with such person.

"(D) Coordination with section 4007.—

"(i) Notwithstanding section 4007—

"(I) premiums under this paragraph shall be due within 30 days after the beginning of any applicable 12-month period, and

"(II) the designated payor shall be the person who is the contributing sponsor as of immediately before the termination date.

"(ii) The fifth sentence of section 4007(a) shall not apply in connection with premiums determined under this paragraph.".

(e) Conforming Amendments.—

(1) Section 4006(a)(2) of such Act (29 U.S.C. 1306(a)(2)) is amended, in the matter following subparagraph (E), by inserting "paragraph (3)(G) of this subsection or" after "Except as provided in".

(2) Section 4006(b)(1) of such Act (29 U.S.C. 1306(b)(1)) is amended by inserting "or a proposal for a premium rate increase under subsection (a)(3)(G)" after "or (E)".

(f) Effective Dates.—

(1) In general.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to plan years beginning after December 31, 2005.

(2) Premium rate for certain terminated single-employer plans.—

(A) In general.—Except as provided in subparagraph (B), the amendment made by subsection (d) shall apply with respect to terminations for which the termination date occurs on or after the date of the enactment of this Act.

(B) Treatment of cases in bankruptcy.—In any case in which the requirements of subparagraph (B) of section 4007(a)(7) of the Employee Retirement Income Security Act of 1974 (as added by subsection (d)) are met in connection with the termination of the plan with respect to 1 or more persons described in such subparagraph, the amendment made by subsection (d) shall apply with respect to any such termination described in such subparagraph (B), notwithstanding subparagraph (A) of this paragraph, if the case under title 11, United States Code, or under any similar law of a State or political subdivision of a State (referred to in such subparagraph (B)) commenced after October 26, 2005.

(3) Special rule if subsequent savings enacted.—The amendments made by this section shall not take effect if, after the date of enactment of this Act and before January 1, 2006, a Federal law is enacted which—

(A) provides for decreases in Federal outlays which in the aggregate are less than the decreases in Federal outlays by reason of the amendments made by this section; and

(B) specifically provides that such decreases are to be in lieu of the decreases in Federal outlays by reason of the amendments made by this section.

TITLE III—COMMITTEE ON ENERGY AND COMMERCE

Subtitle A—Medicaid

Sec. 3100. Short title of subtitle; rule of construction with regard to Katrina evacuees.

Chapter 1—Payment for Prescription Drugs

Sec. 3101. Federal upper limit (FUL).
Sec. 3102. Collection and submission of utilization data for certain physician administered drugs.
Sec. 3103. Improved regulation of drugs sold under a new drug application approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act.
Sec. 3104. Children's hospital participation in section 340B drug discount program.
Sec. 3105. Improving patient outcomes through greater reliance on science and best practices.

Chapter 2—Reform of Asset Transfer Rules

Sec. 3111. Lengthening look-back period; change in beginning date for period of ineligibility.
Sec. 3112. Disclosure and treatment of annuities and of large transactions.
Sec. 3113. Application of "income-first" rule in applying community spouse's income before assets in providing support of community spouse.
Sec. 3114. Disqualification for long-term care assistance for individuals with substantial home equity.
Sec. 3115. Enforceability of continuing care retirement communities (CCRC) and life care community admission contracts.

Chapter 3—Flexibility in Cost Sharing and Benefits

Sec. 3121. State option for alternative medicaid premiums and cost sharing.
Sec. 3122. Special rules for cost sharing for prescription drugs.
Sec. 3123. Emergency room copayments for non-emergency care.
Sec. 3124. Use of benchmark benefit packages.
Sec. 3125. State option to establish non-emergency medical transportation program.
Sec. 3126. Exempting women covered under breast or cervical cancer program.

Chapter 4—Expanded Access to Certain Benefits

Sec. 3131. Expanded access to home and community-based services for the elderly and disabled.

Sec. 3132. Optional choice of self-directed personal assistance services (cash and counseling).
Sec. 3133. Expansion of State long-term care partnership program.
Sec. 3134. Health opportunity accounts.

Chapter 5—Other Provisions

Sec. 3141. Increase in medicaid payments to insular areas.
Sec. 3142. Managed care organization provider tax reform.
Sec. 3143. Medicaid transformation grants.
Sec. 3144. Enhancing third party identification and payment.
Sec. 3145. Improved enforcement of documentation requirements.
Sec. 3146. Reforms of targeted case management.
Sec. 3147. Emergency services furnished by non-contract providers for medicaid managed care enrollees.
Sec. 3148. Adjustment in computation of medicaid FMAP to disregard an extraordinary employer pension contribution.

Subtitle B—Katrina Health Care Relief

Sec. 3201. Targeted medicaid relief for States affected by Hurricane Katrina.
Sec. 3202. State high risk health insurance pool funding.
Sec. 3203. Recomputation of HPSA, MUA, and MUP designations within Hurricane Katrina affected areas.
Sec. 3204. Waiver of certain requirements applicable to the provision of health care in areas impacted by Hurricane Katrina.
Sec. 3205. FMAP hold harmless for Katrina impact.

Subtitle C—Katrina and Rita Energy Relief

Sec. 3301. Hurricanes Katrina and Rita energy relief.

Subtitle D—Digital Television Transition

Sec. 3401. Short title.
Sec. 3402. Findings.
Sec. 3403. Analog spectrum recovery: hard deadline.
Sec. 3404. Auction of recovered spectrum.
Sec. 3405. Digital Television Conversion Fund.
Sec. 3406. Public Safety Interoperable Communications Fund.
Sec. 3407. NYC 9/11 Digital Transition Fund.
Sec. 3408. Low-power television transition provisions.
Sec. 3409. Consumer education regarding analog televisions.
Sec. 3410. Additional provisions.
Sec. 3411. Deployment of broadband wireless technologies.
Sec. 3412. Sense of Congress.
Sec. 3413. Band plan revision required.

Subtitle A—Medicaid

SEC. 3100. SHORT TITLE OF SUBTITLE; RULE OF CONSTRUCTION WITH REGARD TO KATRINA EVACUEES.

(a) Short Title.—This subtitle may be cited as the “Medicaid Reconciliation Act of 2005”.

(b) Rule of Construction With Regard to Katrina Evacuees.—None of the provisions of the following chapters of this subtitle shall apply during the 11-month period beginning September 1, 2005, to individuals entitled to medical assistance under title XIX of the Social Security Act by reason of their residence in a parish in the State of Louisiana, or a county in the State of Mississippi or Alabama, for which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) as a result of Hurricane Katrina and which the President has determined, before September 14, 2005, warrants individual and public assistance from the Federal Government under such Act.

CHAPTER 1—PAYMENT FOR PRESCRIPTION DRUGS

SEC. 3101. FEDERAL UPPER LIMIT (FUL).

(a) In General.—Subsection (e) of section 1927 of the Social Security Act (42 U.S.C. 1396r–8) is amended to read as follows:

“(e) Pharmacy Reimbursement Limits.—

“(1) Federal upper limit for ingredient cost of covered outpatient drugs.—

“(A) In general.—Subject to subparagraph (B), no Federal financial participation shall be available for payment for the ingredient cost of a covered outpatient drug in excess of the Federal upper limit for that drug established under paragraph (2).

“(B) Optional carve out.—A State may elect not to apply subparagraph (A) to payment for either or both of the following:

“(i) Drugs dispensed by specialty pharmacies (such as those dispensing only immunosuppressive drugs), as defined by the Secretary.

“(ii) Drugs administered by a physician in a physician's office.

“(2) Federal upper limit.—

“(A) In general.—Except as provided in subparagraph (D) and subject to paragraph (5), the Federal upper limit established under this paragraph for the ingredient cost of a—

“(i) single source drug, is 106 percent of the RAMP (as defined in subparagraph (B)(i)) for that drug; and

“(ii) multiple source drug, is 120 percent of the volume weighted average RAMP (as determined under subparagraph (C)) for that drug.

A drug product that is a single source drug and that becomes a multiple source drug shall continue to be treated under this subsection as a single source drug until the Secretary determines that there are sufficient data to compile the volume weighted average RAMP for that drug.

“(B) RAMP and related provisions.—For purposes of this subsection:

“(i) RAMP defined.—The term ‘RAMP’ means, with respect to a covered outpatient drug by a manufacturer for a calendar quarter and subject to clauses (ii) and (iii), the average price paid to a manufacturer for the drug in the United States in the quarter by wholesalers for drugs distributed to retail pharmacies, excluding service fees that are paid by the manufacturer to an entity and that represent fair market value for a bona-fide service provided by the entity.

“(ii) Sales exempted from computation.—The RAMP under clause (i) shall exclude any of the following:

“(I) Sales exempt from inclusion in the determination of best price under subsection (c)(1)(C)(i).

“(II) Such other sales as the Secretary identifies as sales to an entity that are merely nominal in amount under subsection (c)(1)(C)(ii)(III).

“(iii) Sale price net of discounts.—In calculating the RAMP under clause (i), such RAMP shall include any of the following:

“(I) Cash discounts and volume discounts.

“(II) Free goods that are contingent upon any purchase requirement.

“(III) Sales at a nominal price that are contingent upon any purchase requirement or agreement.

“(IV) Chargebacks, rebates (not including rebates provided under an agreement under this section), or any other direct or indirect discounts.

“(V) Any other price concessions, which may be based on recommendations of the Inspector General of the Department of Health and Human Services, that would result in a reduction of the cost to the purchaser.

“(iv) Retail pharmacy.—For purposes of this subsection, the term ‘retail pharmacy’ does not include mail-order only pharmacies or any pharmacy at a nursing facility or home.

“(C) Volume weighted average RAMP defined.—For purposes of this subsection, for all drug products included within the same multiple source drug billing and payment code (or such other methodology as may be specified by the Secretary), the volume weighted average RAMP is the volume weighted average of the RAMPs reported under subsection (b)(3)(A)(iv) determined by—

“(i) computing the sum of the products (for each National Drug Code assigned to such drug products) of—

“(I) the manufacturer's RAMP (as defined in subparagraph (B)); and

“(II) the total number of units specified under section 1847A(b)(2) sold; and

“(ii) dividing the sum determined under clause (i) by the sum of the total number of units under clause (i)(II) for all National Drug Codes assigned to such drug products.

“(D) Exception for initial sales periods.—

“(i) In general.—In the case of a single source drug during an initial sales period (not to exceed 2 calendar quarters) in which data on sales for the drug are not sufficiently available from the manufacturer to compute the RAMP or the volume weighted average RAMP under subparagraph (C), the Federal upper limit for the ingredient cost of such drug during such period shall be the wholesale acquisition cost (as defined in clause (ii)) for the drug.

“(ii) Wholesale acquisition cost.—For purposes of clause (i), the term ‘wholesale acquisition cost’ means, with respect to a single source drug, the manufacturer's list price for the drug to wholesalers or direct purchasers in the United States, not including prompt pay or other discounts, rebates or reductions in price, for the most recent month for which the information is available, as reported in wholesale price guides or other publications of drug or biological pricing data.

“(E) Updates; data collection.—

“(i) Frequency of determination.—The Secretary shall update the Federal upper limits applicable under this paragraph on at least a quarterly basis, taking into account the most recent data collected for purposes of determining such limits and the Food and Drug Administration's most recent publication of ‘Approved Drug Products with Therapeutic Equivalence Evaluations’.

“(ii) Collection of data.—Data on RAMP is collected under subsection (b)(3)(A)(iv).

“(F) Authority to enter contracts.—The Secretary may enter into contracts with appropriate entities to determine RAMPs and other data necessary to calculate the Federal upper limit for a covered outpatient drug established under this subsection and to calculate that payment limit.

“(3) Dispensing fees.—

“(A) In general.—A State which provides medical assistance for covered outpatient drugs shall pay a dispensing fee for each covered outpatient drug in accordance with this paragraph. A State may vary the amount of such dispensing fees, including taking into account the special circumstances of pharmacies that are serving rural or underserved areas or that are sole community pharmacies, so long as such variation is consistent with subparagraph (B).

"(B) DISPENSING FEE PAYMENT FOR MULTIPLE SOURCE DRUGS.—A State shall establish a dispensing fee under this title for a covered outpatient drug that is treated as a multiple source drug under paragraph (2)(A) (whether or not it may be an innovator multiple source drug) in an amount that is not less than $8 per prescription unit. The Secretary shall define what constitutes a prescription unit for purposes of the previous sentence.

"(4) EFFECT ON STATE MAXIMUM ALLOWABLE COST LIMITATIONS.—This section shall not supersede or affect provisions in effect prior to January 1, 1991, or after December 31, 1994, relating to any maximum allowable cost limitation established by a State for payment by the State for covered outpatient drugs, and rebates shall be made under this section without regard to whether or not payment by the State for such drugs is subject to such a limitation or the amount of such a limitation.

"(5) EVALUATION OF USE OF RETAIL SURVEY PRICE METHODOLOGY.—

"(A) IN GENERAL.—The Secretary may develop a methodology to set the Federal upper limit based on the reported retail survey price, as most recently reported under subparagraph (C), instead of a percentage of RAMP or volume weighted average RAMP as described in paragraph (2).

"(B) INITIAL APPLICATION.—For 2007, the Secretary may use this methodology for a limited number of covered outpatient drugs, including both single source and multiple source drugs, selected by the Secretary in a manner so as to be representative of the classes of drugs dispensed under this title.

"(C) DETERMINATION OF RETAIL SURVEY PRICE FOR COVERED OUTPATIENT DRUGS.—

"(i) USE OF VENDOR.—The Secretary may contract services for the determination of retail survey prices for covered outpatient drugs that represent a nationwide average of pharmacy sales costs for such drugs, net of all discounts and rebates. Such a contract shall be awarded for a term of 2 years.

"(ii) USE OF COMPETITIVE BIDDING.—In contracting for such services, the Secretary shall competitively bid for an outside vendor that has a demonstrated history in—

"(I) surveying and determining, on a representative nationwide basis, retail prices for ingredient costs of prescription drugs;

"(II) working with retail pharmacies, commercial payers, and States in obtaining and disseminating such price information; and

"(III) collecting and reporting such price information on at least a monthly basis.

"(iii) ADDITIONAL PROVISIONS.—A contract with a vendor under this subparagraph shall include such terms and conditions as the Secretary shall specify, including the following:

"(I) The vendor must monitor the marketplace and report to the Secretary each time there is a new covered outpatient drug available nationwide.

"(II) The vendor must update the Secretary no less often than monthly on the retail survey prices for multiple source drugs.

"(III) The vendor must apply methods for independently confirming retail survey prices.

"(iv) AVAILABILITY OF INFORMATION TO STATES.—Information on retail survey prices obtained under this subparagraph, including applicable information on single source drugs, shall be provided to States on an ongoing, timely basis.

"(D) STATE USE OF RETAIL SURVEY PRICE DATA.—

"(i) DISTRIBUTION OF PRICE DATA.—The Secretary shall devise and implement a means for electronic distribution to each State agency designated under section 1902(a)(5) with responsibility for the administration or supervision of the administration of the State plan under this title of the retail survey price determined under this paragraph.

"(ii) AUTHORITY TO ESTABLISH PAYMENT RATES BASED ON DATA.—A State may use the price data received in accordance with clause (i) in establishing payment rates for the ingredient costs and dispensing fees for covered outpatient drugs dispensed to individuals eligible for medical assistance under this title.

"(6) LIMITATION ON JUDICIAL REVIEW.—There shall be no administrative or judicial review of—

"(A) the Secretary's determinations of Federal upper limits, RAMPs, and volume weighted average RAMPs under this subsection, including the assignment of National Drug Codes to billing and payment classes;

"(B) the Secretary's disclosure to States of the average manufacturer prices, RAMPs, volume weighted average RAMPs, and retail survey prices;

"(C) determinations under this subsection by the Secretary of covered outpatient drugs which are dispensed by a specialty pharmacy or administered by a physician in a physician's office;

"(D) the contracting and calculations process under this subsection; and

"(E) the method to allocate rebates, chargebacks, and other price concessions to a quarter if specified by the Secretary.".

(b) CONFORMING AMENDMENTS.—

(1) REPORTING RAMP-RELATED INFORMATION.—Subsection (b)(3)(A) of such section is amended—

(A) by striking "and" at the end of clause (ii);

(B) by striking the period at the end of clause (iii) and inserting "; and"; and

(C) by inserting after clause (iii) the following new clause:

"(iv) for calendar quarters beginning on or after July 1, 2006, in conjunction with reporting required under clause (i) and by National Drug Code (including package size)—

"(I) the manufacturer's RAMP (as defined in subsection (e)(2)(B)(i)) and the total number of units required to compute the volume weighted average RAMP under subsection (e)(2)(C);

"(II) if required to make payment under subsection (e)(2)(D), the manufacturer's wholesale acquisition cost, as defined in clause (ii) of such subsection; and

"(III) information on those sales that were made at a nominal price or otherwise described in subsection (e)(2)(B)(ii)(II);

for all covered outpatient drugs.".

(2) DISCLOSURE TO STATES.—Subsection (b)(3)(D) of such section is amended—

(A) by striking "and" at the end of clause (ii);

(B) by striking the period at the end of clause (iii) and inserting ", and"; and

(C) by inserting after clause (iii) the following new clause:

"(iv) to States to carry out this title.".

(3) LIMITATIONS ON FEDERAL FINANCIAL PARTICIPATION.—Section 1903(i) of such Act (42 U.S.C. 1396b(i)) is amended—

(A) in paragraph (10)(A), by striking "and" at the end;

(B) in paragraph (10)(B), by striking "or" at the end and inserting "and";

(C) by adding at the end of paragraph (10) the following:

"(C) with respect to any amount expended for the ingredient cost of a covered outpatient drug that exceeds the Federal upper limit for that drug established and applied under section 1927(e); or"; and

(D) in paragraph (21), as inserted by section 104(b) of Public Law 109-91, by inserting before the period at the end the following: "or described in subparagraph (B) or (C) of section 1927(d)(2)".

(c) EFFECTIVE DATE.—Except as otherwise provided, the amendments made by this section take effect with respect to a State on the later of—

(1) January 1, 2007; or

(2) the date that is 6 months after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act.

(d) GAO STUDY ON DISPENSING FEES ", ESTIMATED PAYMENT AMOUNTS, AND PHARMACY ACQUISITION COSTS".—The Comptroller General of the United States shall conduct a study on the appropriateness in payment levels to pharmacies for dispensing fees under the medicaid program, including payment to specialty pharmacies ", and on whether the estimated average payment amounts to pharmacies for covered outpatient drugs under the medicaid program after implementation of the amendments made by this section are below the average prices paid by pharmacies for acquiring such drugs." Not later than 9 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on such study.

(e) SECRETARIAL AUTHORITY TO DELAY IMPLEMENTATION.—The Secretary of Health and Human Services may delay the implementation of the amendments made by subsections (a) and (b)(3)(C) for a period of not more than 1 year, if the Comptroller General finds, in the study conducted under subsection (d), that the estimated average payment amounts to pharmacies for covered outpatient drugs under the medicaid program after implementation of such amendments are below the average prices paid by pharmacies for acquiring such drugs. If the Secretary delays the implementation of such amendments under this subsection, the Secretary shall transmit to Congress, prior to the termination of the period of delay, a report containing specific recommendations for legislation to establish a more equitable payment system.

(f) IG REPORT ON USE OF RAMP AND RETAIL SURVEY PRICES.—Not later than 2 years after the date of the enactment of this Act, the Inspector General of the Department of Health and Human Services shall submit to Congress a report on the appropriateness of using RAMPs and retail survey prices, rather than the average manufacturer prices or other price measures, as the basis for establishing a Federal upper limit for reimbursement for covered outpatient drugs under the medicaid program.

SEC. 3102. COLLECTION AND SUBMISSION OF UTILIZATION DATA FOR CERTAIN PHYSICIAN ADMINISTERED DRUGS.

(a) IN GENERAL.—Section 1927(a) of the Social Security Act (42 U.S.C. 1396r–8(a)) is amended by adding at the end the following new paragraph:

"(7) REQUIREMENT FOR SUBMISSION OF UTILIZATION DATA FOR CERTAIN PHYSICIAN ADMINISTERED DRUGS.—

"(A) SINGLE SOURCE DRUGS.—In order for payment to be available under section 1903(a) for a covered outpatient drug that is a single source drug that is physician administered (as determined by the Secretary), and that is administered on or after January 1, 2006, the State shall provide for the submission of such utilization data and coding (such as J-codes and National Drug Code numbers) for each such drug as the Secretary may specify as necessary to identify the manufacturer of the drug in order to secure rebates under this section for drugs administered for which payment is made under this title.

"(B) MULTIPLE SOURCE DRUGS.—

"(i) IN GENERAL.—Not later than January 1, 2007, the information shall be submitted under subparagraph (A) using National Drug Code codes unless the Secretary specifies that an alternative coding system should be used.

"(ii) IDENTIFICATION OF MOST FREQUENTLY PHYSICIAN ADMINISTERED MULTIPLE SOURCE DRUGS.—Not later than January 1, 2007, the Secretary shall publish a list of the 20 physician administered multiple source drugs that the Secretary determines have the highest dollar volume of physician administered drugs dispensed under this title. The Secretary may modify such list from year to year to reflect changes in such volume.

"(iii) REQUIREMENT.—In order for payment to be available under section 1903(a) for a covered outpatient drug that is a multiple source drug that is physician administered (as determined by the Secretary), that is on the list published under clause (ii), and that is administered on or after January 1, 2008, the State shall provide for the submission of such utilization data and coding (such as J-codes and National Drug Code numbers) for each such drug as the Secretary may specify as necessary to identify the manufacturer of the drug in order to secure rebates under this section.

"(C) HARDSHIP WAIVER.—The Secretary may delay the application of subparagraph (A) or (B), or both, in the case of a State to prevent hardship to States which require additional time to implement the reporting system required under the respective subparagraph.".

(b) LIMITATION ON PAYMENT.—Section 1903(i)(10) of such Act (42 U.S.C. 1396b(i)(10)), as amended by section 3101(b)(3), is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by striking "or" at the end of subparagraph (C) and inserting "and"; and

(3) by adding at the end the following new subparagraph:

"(D) with respect to covered outpatient drugs described in section 1927(a)(7), unless information respecting utilization data and coding on such drugs that is required to be submitted under such section is submitted in accordance with such section; or".

SEC. 3103. IMPROVED REGULATION OF DRUGS SOLD UNDER A NEW DRUG APPLICATION APPROVED UNDER SECTION 505(c) OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT.

(a) INCLUSION WITH OTHER REPORTED AVERAGE MANUFACTURER AND BEST PRICES.—Section 1927(b)(3)(A) of the Social Security Act (42 U.S.C. 1396r–8(b)(3)(A)) is amended—

(1) by striking clause (i) and inserting the following:

"(i) not later than 30 days after the last day of each rebate period under the agreement—

"(I) on the average manufacturer price (as defined in subsection (k)(1)) for covered outpatient drugs for the rebate period under the agreement (including for all such drugs that are sold under a new drug application approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act); and

"(II) for single source drugs and innovator multiple source drugs (including all such drugs that are sold under a new drug application approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act), on the manufacturer's best price (as defined in subsection (c)(1)(C)) for such drugs for the rebate period under the agreement;"; and

(2) in clause (ii), by inserting "(including for such drugs that are sold under a new drug application approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act)" after "drugs".

(b) CONFORMING AMENDMENTS.—Section 1927 of such Act (42 U.S.C. 1396r–8) is amended—

(1) in subsection (c)(1)(C)—

(A) in clause (i), in the matter preceding subclause (I), by inserting after "or innovator multiple source drug of a manufacturer" the following: "(including any other such drug of a manufacturer that is sold under a new drug application approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act)"; and

(B) in clause (ii)—

(i) in subclause (II), by striking "and" at the end;

(ii) in subclause (III), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(IV) in the case of a manufacturer that approves, allows, or otherwise permits any other drug of the manufacturer to be sold under a new drug application approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act, shall be inclusive of the lowest price for such authorized drug available from the manufacturer during the rebate period to any wholesaler, retailer, provider, health maintenance organization, nonprofit entity, or governmental entity within the United States, excluding those prices described in subclauses (I) through (IV) of clause (i)."; and

(2) in subsection (k)—

(A) in paragraph (1)—

(i) by striking "The term" and inserting the following:

"(A) IN GENERAL.—The term"; and

(ii) by adding at the end the following:

"(B) INCLUSION OF SECTION 505(c) DRUGS.—In the case of a manufacturer that approves, allows, or otherwise permits any drug of the manufacturer to be sold under a new drug application approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act, such term shall be inclusive of the average price paid for such authorized drug by wholesalers for drugs distributed to the retail pharmacy class of trade, after deducting customary prompt pay discounts.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 3104. CHILDREN'S HOSPITAL PARTICIPATION IN SECTION 340B DRUG DISCOUNT PROGRAM.

(a) IN GENERAL.—Section 1927(a)(5)(B) of the Social Security Act (42 U.S.C. 1396r–8(a)(5)(B)) is amended by inserting before the period at the end the following: "and a children's hospital described in section 1886(d)(1)(B)(iii) which meets the requirements of clauses (i) and (iii) of section 340B(b)(4)(L) of the Public Health Service Act and which would meet the requirements of clause (ii) of such section if that clause were applied by taking into account the percentage of care provided by the hospital to patients eligible for medical assistance under a State plan under this title".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to drugs purchased on or after the date of the enactment of this Act.

SEC. 3105. IMPROVING PATIENT OUTCOMES THROUGH GREATER RELIANCE ON SCIENCE AND BEST PRACTICES.

(a) IN GENERAL.—Section 1927 of Social Security Act (42 U.S.C. 1396r–8) is amended—

(1) in subsection (d)(5)—

(A) in the matter before subparagraph (A), by striking "providing for such approval—" and inserting "providing for such approval meets the following requirements:";

(B) in subparagraph (A)—

(i) by inserting "The system" before "provides"; and

(ii) by striking "; and" and inserting a period;

(C) in subparagraph (B)—

(i) by striking "except" and inserting "Except"; and

(ii) by inserting "the system" before "provides"; and

(D) by adding at the end the following new subparagraphs:

"(C) The system provides that an atypical antipsychotic or antidepressant single source drug may be placed on a list of drugs subject to prior authorization only where a drug use review board has determined, based on the strength of the scientific evidence and standards of practice, including assessing peer-reviewed medical literature, pharmacoeconomic studies, outcomes research data and such other information as the board determines to be appropriate, that placing the drug on prior approval or otherwise imposing restrictions on its use is not likely to harm patients or increase overall medical costs.

"(D) The system provides that where a response is not received to a request for authorization of an atypical antipsychotic or antidepressant drug prescribed within 24 hours after the prescription is transmitted, payment is made for a 30 day supply of a medication that the prescriber certifies is medically necessary."; and

(2) in subsection (g)(3)(C), by inserting after clause (iii) the following new clause:

"(iv) The development and oversight of prior authorization programs described in subsection (d)(5).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2007.

CHAPTER 2—REFORM OF ASSET TRANSFER RULES

SEC. 3111. LENGTHENING LOOK-BACK PERIOD; CHANGE IN BEGINNING DATE FOR PERIOD OF INELIGIBILITY.

(a) LENGTHENING LOOK-BACK PERIOD FOR ALL DISPOSALS TO 5 YEARS.—Section 1917(c)(1)(B)(i) of the Social Security Act (42 U.S.C. 1396p(c)(1)(B)(i)) is amended by inserting "or in the case of any other disposal of assets made on or after the date of the enactment of the Medicaid Reconciliation Act of 2005" before ", 60 months".

(b) CHANGE IN BEGINNING DATE FOR PERIOD OF INELIGIBILITY.—Section 1917(c)(1)(D) of such Act (42 U.S.C. 1396p(c)(1)(D)) is amended—

(1) by striking "(D) The date" and inserting "(D)(i) In the case of a transfer of asset made before the date of the enactment of the Medicaid Reconciliation Act of 2005, the date"; and

(2) by adding at the end the following new clause:

"(ii) In the case of a transfer of asset made on or after the date of the enactment of the Medicaid Reconciliation Act of 2005, the date specified in this subparagraph is the first day of a month during or after which assets have been transferred for less than fair market value, or the date on which the individual is eligible for medical assistance under the State plan and is receiving services described in subparagraph (C) but for the application of the penalty period, whichever is later, and which does not occur during any other period of ineligibility under this subsection.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers made on or after the date of the enactment of this Act.

(d) AVAILABILITY OF HARDSHIP WAIVERS.—Each State shall provide for a hardship waiver process in accordance with section 1917(c)(2)(D) of the Social Security Act (42 U.S.C. 1396p(c)(2)(D))—

(1) under which an undue hardship exists when application of the transfer of assets provision would deprive the individual—

(A) of medical care such that the individual's health or life would be endangered; or

(B) of food, clothing, shelter, or other necessities of life; and

(2) which provides for—

(A) notice to recipients that an undue hardship exception exists;

(B) a timely process for determining whether an undue hardship waiver will be granted; and

(C) a process under which an adverse determination can be appealed.

(e) ADDITIONAL PROVISIONS ON HARDSHIP WAIVERS.—

(1) APPLICATION BY FACILITY.—Section 1917(c)(2) of the Social Security Act (42 U.S.C. 1396p(c)(2)) is amended—

(A) by striking the semicolon at the end of subparagraph (D) and inserting a period; and

(B) by adding after and below such subparagraph the following:

“The procedures established under subparagraph (D) shall permit the facility in which the institutionalized individual is residing to file an undue hardship waiver application on behalf of the individual with the consent of the individual or the legal guardian of the individual.”.

(2) AUTHORITY TO MAKE BED HOLD PAYMENTS FOR HARDSHIP APPLICANTS.—Such section is further amended by adding at the end the following: “While an application for an undue hardship waiver is pending under subparagraph (D) in the case of an individual who is a resident of a nursing facility, if the application meets such criteria as the Secretary specifies, the State may provide for payments for nursing facility services in order to hold the bed for the individual at the facility, but not in excess of payments for 30 days.”.

SEC. 3112. DISCLOSURE AND TREATMENT OF ANNUITIES AND OF LARGE TRANSACTIONS.

(a) IN GENERAL.—Section 1917 of the Social Security Act (42 U.S.C. 1396p) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

“(e)(1) In order to meet the requirements of this section for purposes of section 1902(a)(18), a State shall require, as a condition for the provision of medical assistance for services described in subsection (c)(1)(C)(i) (relating to long-term care services) for an individual, the application of the individual for such assistance (including any recertification of eligibility for such assistance) shall disclose the following:

“(A) A description of any interest the individual or community spouse has in an annuity (or similar financial instrument which provides for the conversion of a countable asset to a noncountable asset, as may be specified by the Secretary), regardless of whether the annuity is irrevocable or is treated as an asset.

“(B) Full information (as specified by the Secretary) concerning any transaction involving the transfer or disposal of assets during the previous period of 60 months, if the transaction exceeded $100,000, without regard to whether the transfer or disposal was for fair market value. For purposes of applying the previous sentence under this subsection, all transactions of $5,000 or more occurring within a 12-month period shall be treated as a single transaction. The dollar amounts specified in the first and second sentences of this subparagraph shall be increased, beginning with 2007, from year to year based on the percentage increase in the consumer price index for all urban consumers (all items; United States city average), rounded to the nearest $1,000 in the case of the first sentence and $100 in the case of the second sentence.

Such application or recertification form shall include a statement that under paragraph (2) the State becomes a remainder beneficiary under such an annuity or similar financial instrument by virtue of the provision of such medical assistance.

“(2)(A) In the case of any annuity in which an institutionalized individual or community spouse has an interest, if medical assistance is furnished to the individual for services described in subsection (c)(1)(C)(i), by virtue of the provision of such assistance the State becomes the remainder beneficiary in the first position for the total amount of such medical assistance paid on behalf of the individual under this title (or, where there is a community spouse or minor or disabled child in such first position, in the position immediately succeeding the position of such spouse or child or both).

“(B) In the case of disclosure concerning an annuity under paragraph (1)(A), the State shall notify the issuer of the annuity of the right of the State under subparagraph (A) as a preferred remainder beneficiary in the annuity for medical assistance furnished to the individual. Nothing in this paragraph shall be construed as preventing such an issuer from notifying persons with any other remainder interest of the State's remainder interest under subparagraph (A).

“(C) In the case of such an issuer receiving notice under subparagraph (B), the State may require the issuer to notify the State when there is a change in the amount of income or principal being withdrawn from the amount that was being withdrawn at the time of the most recent disclosure described in paragraph (1)(A). A State shall take such information into account in determining the amount of the State's obligations for medical assistance or in the individual's eligibility for such assistance.

“(3)(A) For purposes of subsection (c)(1), a transaction described in paragraph (1)(B) shall be deemed as the transfer of an asset for less than fair market value unless the individual demonstrates to the satisfaction of the State that the transfer of the asset was for fair market value.

“(B) The Secretary may provide guidance to States on categories of arms length transactions (such as the purchase of a commercial annuity) that could be generally treated as a transfer of asset for fair market value.

“(4) Nothing in this subsection shall be construed as preventing a State from denying eligibility for medical assistance for an individual based on the income or resources derived from an annuity described in paragraph (1)(A).”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions (including the purchase of an annuity) occurring on or after the date of the enactment of this Act.

SEC. 3113. APPLICATION OF “INCOME-FIRST” RULE IN APPLYING COMMUNITY SPOUSE'S INCOME BEFORE ASSETS IN PROVIDING SUPPORT OF COMMUNITY SPOUSE.

(a) IN GENERAL.—Section 1924(d) of the Social Security Act (42 U.S.C. 1396r–5(d)) is amended by adding at the end the following new paragraph:

“(6) APPLICATION OF ‘INCOME FIRST’ RULE FOR FUNDING COMMUNITY SPOUSE MONTHLY INCOME ALLOWANCE.—For purposes of this subsection and subsection (e), any transfer or allocation made from an institutionalized spouse to meet the need of a community spouse for a community spouse monthly income allowance under paragraph (1)(B) shall be first made from income of the institutionalized spouse and then only when the income is not available from the resources of such institutionalized spouse.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to transfers and allocations made on or after the date of the enactment of this Act by individuals who become institutionalized spouses on or after such date.

SEC. 3114. DISQUALIFICATION FOR LONG-TERM CARE ASSISTANCE FOR INDIVIDUALS WITH SUBSTANTIAL HOME EQUITY.

(a) IN GENERAL.—Section 1917 of the Social Security Act, as amended by section 3112, is further amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

“(f)(1) Notwithstanding any other provision of this title, subject to paragraph (2), in determining eligibility of an individual for medical assistance with respect to nursing facility services or other long-term care services, the individual shall not be eligible for such assistance if the individual's equity interest in the individual's home exceeds $750,000. The dollar amount specified in the preceding sentence shall be increased, beginning with 2011, from year to year based on the percentage increase in the consumer price index for all urban consumers (all items; United States city average), rounded to the nearest $1,000.

“(2) Paragraph (1) shall not apply with respect to an individual if—

“(A) the spouse of such individual, or

“(B) such individual's child who is under age 21, or (with respect to States eligible to participate in the State program established under title XVI) is blind or permanently and totally disabled, or (with respect to States which are not eligible to participate in such program) is blind or disabled as defined in section 1614.

is lawfully residing in the individual's home.

“(3) Nothing in this subsection shall be construed as preventing an individual from using a reverse mortgage or home equity loan to reduce the individual's total equity interest in the home.

“(4) The Secretary shall establish a process whereby paragraph (1) is waived in the case of a demonstrated hardship.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals who are determined eligible for medical assistance with respect to nursing facility services or other long-term care services based on an application filed on or after January 1, 2006.

SEC. 3115. ENFORCEABILITY OF CONTINUING CARE RETIREMENT COMMUNITIES (CCRC) AND LIFE CARE COMMUNITY ADMISSION CONTRACTS.

(a) ADMISSION POLICIES OF NURSING FACILITIES.—Section 1919(c)(5) of the Social Security Act (42 U.S.C. 1396r(c)(5)) is amended—

(1) in subparagraph (A)(i)(II), by inserting “subject to clause (v),” after “(II)”; and

(2) by adding at the end of subparagraph (B) the following new clause:

“(v) TREATMENT OF CONTINUING CARE RETIREMENT COMMUNITIES ADMISSION CONTRACTS.—Notwithstanding subclause (II) of subparagraph (A)(i), subject to subsections (c) and (d) of section 1924, contracts for admission to a State licensed, registered, certified, or equivalent continuing care retirement community or life care community, including services in a nursing facility that is part of such community, may require residents to spend on their care resources declared for the purposes of admission before applying for medical assistance.”.

(b) TREATMENT OF ENTRANCE FEES.—Section 1917 of such Act (42 U.S.C. 1396p), as amended by sections 3112(a) and 3114(a), is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

“(g) TREATMENT OF ENTRANCE FEES OF INDIVIDUALS RESIDING IN CONTINUING CARE RETIREMENT COMMUNITIES.—

“(1) IN GENERAL.—For purposes of determining an individual's eligibility for, or amount of, benefits under a State plan under this title, the rules specified in paragraph (2) shall apply to individuals residing in continuing care retirement communities or life care communities that collect an entrance fee on admission from such individuals.

“(2) TREATMENT OF ENTRANCE FEE.—For purposes of this subsection, an individual's entrance fee in a continuing care retirement community or life care community shall be considered a resource available to the individual to the extent that—

“(A) the individual has the ability to use the entrance fee, or the contract provides that the entrance fee may be used, to pay for care should other resources or income of the individual be insufficient to pay for such care;

“(B) the individual is eligible for a refund of any remaining entrance fee when the individual dies or terminates the continuing care retirement community or life care community contract and leaves the community; and

“(C) the entrance fee does not confer an ownership interest in the continuing care retirement community or life care community.

“(3) TREATMENT IN RELATION TO SPOUSAL SHARE.—To the extent that an entrance fee is determined to be an available resource to an individual applying for medical assistance and the individual has a community spouse as defined in section 1924(h), the entrance fee shall be considered in the computation of spousal share pursuant to section 1924(c).”.

CHAPTER 3—FLEXIBILITY IN COST SHARING AND BENEFITS

SEC. 3121. STATE OPTION FOR ALTERNATIVE MEDICAID PREMIUMS AND COST SHARING.

(a) IN GENERAL.—Title XIX of the Social Security Act is amended by inserting after section 1916 the following new section:

“STATE OPTION FOR ALTERNATIVE PREMIUMS AND COST SHARING

“SEC. 1916A. (a) STATE FLEXIBILITY.—

“(1) IN GENERAL.—Notwithstanding sections 1916 and 1902(a)(10)(B), a State, at its option and through a State plan amendment, may impose premiums and cost sharing for any group of individuals (as specified by the State) and for any type of services (and may vary such premiums and cost sharing among such groups or types, including through the use of tiered cost sharing for prescription drugs) consistent with the limitations established under this section. Nothing in this section shall be construed as superseding (or preventing the application of) section 1916(g).

“(2) DEFINITIONS.—In this section:

“(A) PREMIUM.—The term ‘premium’ includes any enrollment fee or similar charge.

“(B) COST SHARING.—The term ‘cost sharing’ includes any deduction, deductible, copayment, or similar charge.

“(b) LIMITATIONS ON EXERCISE OF AUTHORITY.—

“(1) INDIVIDUALS WITH FAMILY INCOME BELOW 100 PERCENT OF POVERTY LEVEL.—In the case of an individual whose family income does not exceed 100 percent of the Federal poverty level applicable to a family of the size involved, subject to subsections (c)(2) and (e)(2)(A), the limitations otherwise provided under subsections (a) and (b) of section 1916 shall continue to apply and no premium will be imposed under the plan, except that the total annual aggregate amount of cost sharing imposed (including any increased cost sharing imposed under subsection (c) or (e)) for all individuals in the family may not exceed 5 percent of the family income of the family involved for the year involved.

“(2) INDIVIDUALS WITH FAMILY INCOME ABOVE 100 PERCENT OF POVERTY LEVEL.—In the case of an individual whose family income exceeds 100 percent of the Federal poverty level applicable to a family of the size involved, the total annual aggregate amount of premiums and cost sharing imposed (including any increase and cost sharing imposed under subsection (c) or (e)) for all individuals in the family may not exceed 5 percent of the family income of the family involved for the year involved.

“(3) ADDITIONAL LIMITATIONS.—

“(A) PREMIUMS.—No premiums shall be imposed under this section with respect to the following:

“(i) Individuals under 18 years of age that are required to be provided medical assistance under section 1902(a)(10)(A)(i), and including individuals with respect to whom adoption or foster care assistance is made available under part E of title IV without regard to age.

“(ii) Pregnant women.

“(iii) Any terminally ill individual who is receiving hospice care (as defined in section 1905(o)).

“(iv) Any individual who is an inpatient in a hospital, nursing facility, intermediate care facility for the mentally retarded, or other medical institution, if such individual is required, as a condition of receiving services in such institution under the State plan, to spend for costs of medical care all but a minimal amount of the individual's income required for personal needs.

“(B) COST SHARING.—Subject to the succeeding provisions of this section, no cost sharing shall be imposed under this section with respect to the following:

“(i) Services furnished to individuals under 18 years of age that are required to be provided medical assistance under section 1902(a)(10)(A)(i), and including services furnished to individuals with respect to whom adoption or foster care assistance is made available under part E of title IV without regard to age.

“(ii) Preventive services (such as well baby and well child care and immunizations) provided to children under 18 years of age regardless of family income.

“(iii) Services furnished to pregnant women, if such services relate to the pregnancy or to any other medical condition which may complicate the pregnancy.

“(iv) Services furnished to a terminally ill individual who is receiving hospice care (as defined in section 1905(o)).

“(v) Services furnished to any individual who is an inpatient in a hospital, nursing facility, intermediate care facility for the mentally retarded, or other medical institution, if such individual is required, as a condition of receiving services in such institution under the State plan, to spend for costs of medical care all but a minimal amount of the individual's income required for personal needs.

“(vi) Emergency services (as defined by the Secretary for purposes of section 1916(a)(2)(D)).

“(vii) Family planning services and supplies described in section 1905(a)(4)(C).

“(C) CONSTRUCTION.—Nothing in this paragraph shall be construed as preventing a State from exempting additional classes of individuals from premiums under this section or from exempting additional individuals or services from cost sharing under this section.

“(4) INDEXING NOMINAL AMOUNTS.—In applying section 1916 under paragraph (1) with respect to cost sharing that is ‘nominal’ in amount, the Secretary shall increase such ‘nominal’ amounts for each year (beginning with 2006) by the annual percentage increase in the medical care component of the consumer price index for all urban consumers (U.S. city average) as rounded up in an appropriate manner.”.

“(5) DETERMINATIONS OF FAMILY INCOME.—In applying this subsection, family income shall be determined in a manner specified by the State for purposes of this subsection, including the use of such disregards as the State may provide. Family income shall be determined for such period and at such periodicity as the State may provide under this title.

“(6) POVERTY LINE DEFINED.—For purposes of this section, the term ‘poverty line’ has the meaning given such term in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by such section.

“(7) CONSTRUCTION.—Nothing in this section shall be construed—

“(A) as preventing a State from further limiting the premiums and cost sharing imposed under this section beyond the limitations provided under this subsection;

“(B) as affecting the authority of the Secretary through waiver to modify limitations on premiums and cost sharing under this subsection; or

“(C) as affecting any such waiver of requirements in effect under this title before the date of the enactment of this section with regard to the imposition of premiums and cost sharing.

“(d) ENFORCEABILITY OF PREMIUMS AND OTHER COST SHARING.—

“(1) PREMIUMS.—Notwithstanding section 1916(c)(3) and section 1902(a)(10)(B), a State may, at its option, condition the provision of medical assistance for an individual upon prepayment of a premium authorized to be imposed under this section, or may terminate eligibility for such medical assistance on the basis of failure to pay such a premium but shall not terminate eligibility of an individual for medical assistance under this title on the basis of failure to pay any such premium until such failure continues for a period of not less than 60 days. A State may apply the previous sentence for some or all groups of beneficiaries as specified by the State and may waive payment of any such premium in any case where the State determines that requiring such payment would create an undue hardship.

"(2) COST SHARING.—Notwithstanding section 1916(e) or any other provision of law, a State may permit a provider participating under the State plan to require, as a condition for the provision of care, items, or services to an individual entitled to medical assistance under this title for such care, items, or services, the payment of any cost sharing authorized to be imposed under this section with respect to such care, items, or services. Nothing in this paragraph shall be construed as preventing a provider from reducing or waiving the application of such cost sharing.".

(b) CONFORMING AMENDMENT.—Section 1916(f) of such Act (42 U.S.C. 1396o(f)) is amended by inserting "and section 1916A" after "(b)(3)".

(c) GAO STUDY OF IMPACT OF PREMIUMS AND COST SHARING.—The Comptroller General of the United States shall conduct a study on the impact of premiums and cost sharing under the medicaid program on access to, and utilization of, services. Not later than January 1, 2008, the Comptroller General shall submit to Congress a report on such study.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to cost sharing imposed for items and services furnished on or after January 1, 2006.

SEC. 3122. SPECIAL RULES FOR COST SHARING FOR PRESCRIPTION DRUGS.

(a) IN GENERAL.—Section 1916A of the Social Security Act, as inserted by section 3121, is amended by inserting after subsection (b) the following new subsection:

"(c) SPECIAL RULES FOR COST SHARING FOR PRESCRIPTION DRUGS.—

"(1) IN GENERAL.—In order to encourage beneficiaries to use drugs (in this subsection referred to as 'preferred drugs') identified by the State as the least (or less) costly effective prescription drugs within a class of drugs (as defined by the State), with respect to one or more groups of beneficiaries specified by the State, subject to paragraphs (2) and (5), the State may—

"(A) provide an increase in cost sharing (above the nominal level otherwise permitted under section 1916 or subsection (b), but subject to paragraphs (2) and (3)) with respect to drugs that are not preferred drugs within a class; and

"(B) waive or reduce the cost sharing otherwise applicable for preferred drugs within such class and shall not apply any such cost sharing for such preferred drugs for individuals for whom cost sharing may not otherwise be imposed under subsection (b)(3)(B).

"(2) LIMITATIONS.—

"(A) BY INCOME GROUP AS A MULTIPLE OF NOMINAL AMOUNTS.—In no case may the increase in cost sharing under paragraph (1)(A) with respect to a non-preferred drug exceed, in the case of an individual whose family income is—

"(i) below 100 percent of the poverty line applicable to a family of the size involved, the amount of nominal cost sharing (as otherwise determined under subsection (b));

"(ii) at least 100 percent, but below 150 percent, of the poverty line applicable to a family of the size involved, two times the amount of nominal cost sharing (as otherwise determined under subsection (b)); or

"(iii) at least 150 percent of the poverty line applicable to a family of the size involved, three times the amount of nominal cost sharing (as otherwise determined under subsection (b)).

"(B) LIMITATION TO NOMINAL FOR EXEMPT POPULATIONS.—In the case of an individual who is otherwise not subject to cost sharing due to the application of subsection (b)(3), any increase in cost sharing under paragraph (1)(A) with respect to a non-preferred drug may not exceed a nominal amount (as otherwise determined under subsection (b)).

"(C) CONTINUED APPLICATION OF AGGREGATE CAP.—In addition to the limitations imposed under subparagraphs (A) and (B), any increase in cost sharing under paragraph (1)(A) continues to be subject to the aggregate cap on cost sharing applied under paragraph (1) or (2) of subsection (b), as the case may be.

"(D) TRICARE PHARMACY BENEFIT PROGRAM LIMITATIONS.—In no case may a State—

"(i) treat as a non-preferred drug under this subsection a drug that is treated as a preferred drug under the TRICARE pharmacy benefit program established under section 1074g of title 10, United States Code, as such program is in effect on the date of the enactment of this section; or

"(ii) impose cost sharing under this subsection that exceeds the cost sharing imposed under the standards under such pharmacy benefit program, as such program is in effect as of the date of the enactment of this section.

"(3) WAIVER.—In carrying out paragraph (1), a State shall provide for the application of cost sharing levels applicable to a preferred drug in the case of a drug that is not a preferred drug if the prescribing physician determines that the preferred drug for treatment of the same condition either would not be as effective for the individual or would have adverse effects for the individual or both.

"(4) EXCLUSION AUTHORITY.—Nothing in this subsection shall be construed as preventing a State from excluding from paragraph (1) specified drugs or classes of drugs.

"(5) PRIOR AUTHORIZATION AND APPEALS PROCESS.—A State may not provide for increased cost sharing under this subsection unless the State has implemented for outpatient prescription drugs a system for prior authorization and an appeals process for determinations relating to prior authorization.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to cost sharing imposed for items and services furnished on or after October 1, 2006.

SEC. 3123. EMERGENCY ROOM COPAYMENTS FOR NON-EMERGENCY CARE.

(a) IN GENERAL.—Section 1916A of the Social Security Act, as inserted by section 3121 and as amended by section 3122, is further amended by adding at the end the following new subsection:

"(e) STATE OPTION FOR IMPOSING COST SHARING FOR NON-EMERGENCY CARE FURNISHED IN AN HOSPITAL EMERGENCY ROOM.—

"(1) IN GENERAL.—Notwithstanding section 1916 or the previous provisions of this section, but subject to the limitations of paragraph (2), a State may, by amendment to its State plan under this title, impose cost sharing for non-emergency services furnished to an individual (within one or more groups of individuals specified by the State) in a hospital emergency department under this subsection if the following conditions are met:

"(A) ACCESS TO NON-EMERGENCY ROOM PROVIDER.—The individual has actually available and accessible (as such terms are applied by the Secretary under section 1916(b)(3)) an alternate non-emergency services provider with respect to such services.

"(B) NOTICE.—The physician or hospital must inform the beneficiary after the appropriate screening assessment, but before providing the non-emergency services, of the following:

"(i) The hospital may require the payment of the State specified cost sharing before the service can be provided.

"(ii) The name and location of an alternate non-emergency services provider (described in subparagraph (A)) that is actually available and accessible (as described in such subparagraph).

"(iii) The fact that such alternate provider can provide the services without the imposition of the increase in cost sharing described in clause (i).

"(iv) The hospital provides a referral to coordinate scheduling of this treatment.

Nothing in this subsection shall be construed as preventing a State from applying (or waiving) cost sharing otherwise permissible under this section to services described in clause (iii).

"(2) LIMITATIONS.—

"(A) FOR POOREST BENEFICIARIES.—In the case of an individual described in subsection (b)(1), the cost sharing imposed under this subsection may not exceed twice the amount determined to be nominal under this section, subject to the percent of income limitation otherwise applicable under subsection (b)(1).

"(B) APPLICATION TO EXEMPT POPULATIONS.—In the case of an individual who is otherwise not subject to cost sharing under subsection (b)(3), a State may impose cost sharing under paragraph (1) for care in an amount that does not exceed a nominal amount (as otherwise determined under subsection (b)) so long as no cost sharing is imposed to receive such care through an outpatient department or other alternative health care provider in the geographic area of the hospital emergency department involved.

"(C) CONTINUED APPLICATION OF AGGREGATE CAP.—In addition to the limitations imposed under subparagraphs (A) and (B), any increase in cost sharing under paragraph (1) continues to be subject to the aggregate cap on cost sharing applied under paragraph (1) or (2) of subsection (b), as the case may be.

"(3) CONSTRUCTION.—Nothing in this section shall be construed—

"(A) to limit a hospital's obligations with respect to screening and stabilizing treatment of an emergency medical condition under section 1867; or

"(B) to modify any obligations under either State or Federal standards relating to the application of a prudent-layperson standard with respect to payment or coverage of emergency services by any managed care organization.

"(4) DETERMINATION STANDARD.—No hospital or physician that makes a determination with respect to the imposition of cost sharing under this subsection shall be liable in any civil action or proceeding for such determination absent a finding by clear and convincing evidence of gross negligence by the hospital or physician. The previous sentence shall not affect any liability under section 1867 or otherwise applicable under State law based upon the provision (or failure to provide) care.

"(5) DEFINITIONS.—For purposes of this subsection:

"(A) NON-EMERGENCY SERVICES.—The term 'non-emergency services' means any care or services furnished in a emergency department of a hospital that the physician determines do not constitute an appropriate medical screening examination or stabilizing examination and treatment screening required to be provided by the hospital under section 1867.

"(B) ALTERNATE NON-EMERGENCY SERVICES PROVIDER.—The term 'alternative non-emergency services provider' means, with respect to non-emergency services for the diagnosis or treatment of a condition, a health care provider, such as a physician's office, health care clinic, community health center, hospital outpatient department, or similar health care provider, that provides clinically appropriate services for such diagnosis or treatment of the condition within a clinically appropriate time of the provision of such non-emergency services and that is participating in the program under this title.".

(b) GRANT FUNDS FOR ESTABLISHMENT OF ALTERNATE NON-EMERGENCY SERVICES PROVIDERS.—Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended by adding at the end the following new subsection:

"(x) PAYMENTS FOR ESTABLISHMENT OF ALTERNATE NON-EMERGENCY SERVICES PROVIDERS.—

"(1) PAYMENTS.—In addition to the payments otherwise provided under subsection (a), subject to paragraph (2), the Secretary shall provide for payments to States under such subsection for the establishment of alternate non-emergency service providers (as defined in section 1916A(f)(5)(B)), or networks of such providers.

"(2) LIMITATION.—The total amount of payments under this subsection shall be equal to, and shall not exceed, $100,000,000 during the four-year period beginning with 2006. This subsection constitutes budget authority in advance of appropriations Acts and represents the obligation of the Secretary to provide for the payment of amounts provided under this subsection.

"(3) PREFERENCE.—In providing for payments to States under this subsection, the Secretary shall provide preference to States that establish, or provide for, alternate non-emergency services providers or networks of such providers that—

"(A) serve rural or underserved areas where beneficiaries under this title may not have regular access to providers of primary care services; or

"(B) are in partnership with local community hospitals.

"(4) FORM AND MANNER OF PAYMENT.—Payment to a State under this subsection shall be made only upon the filing of such application in such form and in such manner as the Secretary shall specify. Payment to a State under this subsection shall be made in the same manner as other payments under section 1903(a).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to non-emergency services furnished on or after the date of the enactment of this Act.

SEC. 3124. USE OF BENCHMARK BENEFIT PACKAGES.

Title XIX of the Social Security Act is amended by redesignating section 1936 as section 1937 and by inserting after section 1935 the following new section:

"STATE FLEXIBILITY IN BENEFIT PACKAGES

"SEC. 1936. (a) STATE OPTION OF PROVIDING BENCHMARK BENEFITS.—

"(1) AUTHORITY.—

"(A) IN GENERAL.—Notwithstanding any other provision of this title, a State, at its option as a State plan amendment, may provide for medical assistance under this title to individuals within one or more groups of individuals specified by the State through enrollment in coverage that provides—

"(i) benchmark coverage described in subsection (b)(1) and, for a qualifying child, benchmark dental coverage as defined in subparagraph (F); or

"(ii) benchmark equivalent coverage described in subsection (b)(2)and, for a qualifying child, benchmark dental coverage as defined in subparagraph (F).

"(B) LIMITATION.—The State may only exercise the option under subparagraph (A) for eligibility categories that had been established before the date of the enactment of this section.

"(C) OPTION OF WRAP-AROUND BENEFITS.—In the case of coverage described in subparagraph (A), a State, at its option, may provide such wrap-around or additional benefits as the State may specify.

"(D) TREATMENT AS MEDICAL ASSISTANCE.—Payment of premiums for such coverage under this subsection shall be treated as payment of other insurance premiums described in the third sentence of section 1905(a).

"(E) QUALIFYING CHILD DEFINED.—For purposes of subparagraph (A), the term 'qualifying child' means a child under 18 years of age with a family income below 133 percent of the poverty line applicable to a family of the size involved.

"(F) BENCHMARK DENTAL COVERAGE.—For purposes of subparagraph (A), the term 'benchmark dental coverage' means, with respect to a State, dental benefits coverage that is equivalent to or better than the dental coverage offered under the dental benefit plan that covers the greatest number of individuals in the State who are not entitled to medical assistance under this title.

"(2) APPLICATION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), a State may require that a full-benefit eligible individual (as defined in subparagraph (C)) within a group obtain benefits under this title through enrollment in coverage described in paragraph (1)(A). A State may apply the previous sentence to individuals within one or more groups of such individuals.

"(B) LIMITATION ON APPLICATION.—A State may not require under subparagraph (A) an individual to obtain benefits through enrollment described in paragraph (1)(A) if the individual is within one of the following categories of individuals:

"(i) MANDATORY PREGNANT WOMEN AND CHILDREN.—The individual is a pregnant woman or child under 18 years of age who is required to be covered under the State plan under section 1902(a)(10)(A)(i).

"(ii) DUAL ELIGIBLES.—The individual is entitled to benefits under any part of title XVIII.

"(iii) TERMINALLY ILL HOSPICE PATIENTS.—The individual is terminally ill and is receiving benefits for hospice care under this title.

"(iv) ELIGIBLE ON BASIS OF INSTITUTIONALIZATION.—The individual is an inpatient in a hospital, nursing facility, intermediate care facility for the mentally retarded, or other medical institution, and is required, as a condition of receiving services in such institution under the State plan, to spend for costs of medical care all but a minimal amount of the individual's income required for personal needs.

"(v) MEDICALLY FRAIL AND SPECIAL MEDICAL NEEDS INDIVIDUALS.—The individual is medically frail or otherwise an individual with special medical needs (as identified in accordance with regulations of the Secretary).

"(vi) BENEFICIARIES QUALIFYING FOR LONG-TERM CARE SERVICES.—The individual qualifies based on medical condition for medical assistance for long-term care services described in section 1917(c)(1)(C).

"(C) FULL-BENEFIT ELIGIBLE INDIVIDUALS.—

"(i) IN GENERAL.—For purposes of this paragraph, subject to clause (ii), the term 'full-benefit eligible individual' means for a State for a month an individual who is determined eligible by the State for medical assistance for all services defined in section 1905(a) which are covered under the State plan under this title for such month under section 1902(a)(10)(A) or under any other category of eligibility for medical assistance for all such services under this title, as determined by the Secretary.

"(ii) EXCLUSION OF MEDICALLY NEEDY AND SPEND-DOWN POPULATIONS.—Such term shall not include an individual determined to be eligible by the State for medical assistance under section 1902(a)(10)(C) or by reason of section 1902(f) or otherwise eligible based on a reduction of income based on costs incurred for medical or other remedial care.

"(b) BENCHMARK BENEFIT PACKAGES.—

"(1) IN GENERAL.—For purposes of subsection (a)(1), each of the following coverage shall be considered to be benchmark coverage:

"(A) FEHBP-EQUIVALENT HEALTH INSURANCE COVERAGE.—The standard Blue Cross Blue Shield preferred provider option service benefit plan, described in and offered under section 8903(1) of title 5, United States Code.

"(B) STATE EMPLOYEE COVERAGE.—A health benefits coverage plan that is offered and generally available to State employees in the State involved.

"(C) COVERAGE OFFERED THROUGH HMO.—The health insurance coverage plan that—

"(i) is offered by a health maintenance organization (as defined in section 2791(b)(3) of the Public Health Service Act), and

"(ii) has the largest insured commercial, non-medicaid enrollment of covered lives of such coverage plans offered by such a health maintenance organization in the State involved.

"(2) BENCHMARK-EQUIVALENT COVERAGE.—For purposes of subsection (a)(1), coverage that meets the following requirement shall be considered to be benchmark-equivalent coverage:

"(A) INCLUSION OF BASIC SERVICES.—The coverage includes benefits for items and services within each of the following categories of basic services:

"(i) Inpatient and outpatient hospital services.

"(ii) Physicians' surgical and medical services.

"(iii) Laboratory and x-ray services.

"(iv) Well-baby and well-child care, including age-appropriate immunizations.

"(v) Other appropriate preventive services, as designated by the Secretary.

"(B) AGGREGATE ACTUARIAL VALUE EQUIVALENT TO BENCHMARK PACKAGE.—The coverage has an aggregate actuarial value that is at least actuarially equivalent to one of the benchmark benefit packages described in paragraph (1).

"(C) SUBSTANTIAL ACTUARIAL VALUE FOR ADDITIONAL SERVICES INCLUDED IN BENCHMARK PACKAGE.—With respect to each of the following categories of additional services for which coverage is provided under the benchmark benefit package used under subparagraph (B), the coverage has an actuarial value that is equal to at least 75 percent of the actuarial value of the coverage of that category of services in such package:

"(i) Coverage of prescription drugs.

"(ii) Mental health services.

"(iii) Vision services.

"(iv) Hearing services.

"(3) DETERMINATION OF ACTUARIAL VALUE.—The actuarial value of coverage of benchmark benefit packages shall be set forth in an actuarial opinion in an actuarial report that has been prepared—

"(A) by an individual who is a member of the American Academy of Actuaries;

"(B) using generally accepted actuarial principles and methodologies;

"(C) using a standardized set of utilization and price factors;

"(D) using a standardized population that is representative of the population involved;

"(E) applying the same principles and factors in comparing the value of different coverage (or categories of services);

"(F) without taking into account any differences in coverage based on the method of delivery or means of cost control or utilization used; and

"(G) taking into account the ability of a State to reduce benefits by taking into account the increase in actuarial value of benefits coverage offered under this title that results from the limitations on cost sharing under such coverage.

The actuary preparing the opinion shall select and specify in the memorandum the standardized set and population to be used under subparagraphs (C) and (D).

"(4) COVERAGE OF RURAL HEALTH CLINIC AND FQHC SERVICES.—Notwithstanding the previous provisions of this section, a State may not provide for medical assistance through enrollment of an individual with benchmark coverage or benchmark equivalent coverage under this section unless—

"(A) the individual has access, through such coverage or otherwise, to services described in subparagraphs (B) and (C) of section 1905(a)(2); and

"(B) payment for such services is made in accordance with the requirements of section 1902(bb).".

SEC. 3125. STATE OPTION TO ESTABLISH NON-EMERGENCY MEDICAL TRANSPORTATION PROGRAM.

(a) IN GENERAL.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) in paragraph (66), by striking "and" at the end;

(2) in paragraph (67) by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (67) the following:

"(68) at the option of the State and notwithstanding paragraph (10)(B) or (23), provide for the establishment of a non-emergency medical transportation brokerage program in order to more cost-effectively provide transportation for individuals eligible for medical assistance under the State plan who need access to medical care or services and have no other means of transportation which—

"(A) may include a wheelchair van, taxi, stretcher car, bus passes and tickets, secured transportation, and such other transportation as the Secretary determines appropriate; and

"(B) may be conducted under contract with a broker who—

"(i) is selected through a competitive bidding process based on the State's evaluation of the broker's experience, performance, references, resources, qualifications, and costs;

"(ii) has oversight procedures to monitor beneficiary access and complaints and ensure that transport personnel are licensed, qualified, competent, and courteous;

"(iii) is subject to regular auditing and oversight by the State in order to ensure the quality of the transportation services provided and the adequacy of beneficiary access to medical care and services; and

"(iv) complies with such requirements related to prohibitions on referrals and conflict of interest as the Secretary shall establish (based on the prohibitions on physician referrals under section 1877 and such other prohibitions and requirements as the Secretary determines to be appropriate).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on the date of the enactment of this Act.

(c) IG REPORT ON UTILIZATION.—Not later than January 1, 2007, the Inspector General of the Department of Health and Human Services shall submit to Congress a report that examines the non-emergency medical transportation brokerage programs implemented under section 1902(a)(68) of the Social Security Act, as inserted by subsection (a). The report shall include findings regarding conflicts of interest and improper utilization of transportation services under such programs, as well as recommendations for improvements in such programs.

SEC. 3126. EXEMPTING WOMEN COVERED UNDER BREAST OR CERVICAL CANCER PROGRAM.

Notwithstanding any other provision of law, none of provisions of the previous sections of this chapter, or amendments made by such sections, shall apply to women who are receiving medical assistance by virtue of the application of sections 1902(a)(10)(A)(ii)(XVIII) and 1902(aa) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XVIII), 1396a(aa)).

CHAPTER 4—EXPANDED ACCESS TO CERTAIN BENEFITS

SEC. 3131. EXPANDED ACCESS TO HOME AND COMMUNITY-BASED SERVICES FOR THE ELDERLY AND DISABLED.

(a) IN GENERAL.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended—

(1) in paragraph (27), by striking "and" at the end;

(2) by redesignating paragraph (28) as paragraph (29); and

(3) by inserting after paragraph (27) the following new paragraph:

"(28) subject to section 1902(cc), home and community-based services (within the scope of services described in paragraph (4)(B) of section 1915(c) for which the Secretary has the authority to approve a waiver and not including room and board) provided pursuant to a written plan of care for individuals—

"(A) who are 65 years of age or older, who are disabled (as defined under the State plan), who are persons with developmental disabilities or mental retardation or persons with related conditions, or who are within a subgroup thereof under the State plan;

"(B) with respect to whom there has been a determination, in the manner described in paragraph (1) of such section, that but for the provision of such services the individuals would require the level of care provided in a hospital, a nursing facility, or an intermediate care facility for the mentally retarded the cost of which could be reimbursed under the State plan; and

"(C) who qualify for medical assistance under the eligibility standards in effect in the State (which may include standards in effect under an approved waiver) as of the date of the enactment of this paragraph; and".

(b) CONDITIONS.—Section 1902 of such Act (42 U.S.C. 1396a) is amended by adding at the end the following new subsection:

"(cc) PROVISION OF HOME AND COMMUNITY-BASED SERVICES UNDER STATE PLAN.—

"(1) CONDITIONS.—A State may provide home and community-based services under section 1905(a)(28), other than through a waiver or demonstration project under section 1915 or 1115, only if the following conditions are met:

"(A) EXPIRATION OF PREVIOUS WAIVER.—Any State waiver or demonstration project under either such section with respect to services for individuals described in such section has expired.

"(B) INFORMATION.—The State must monitor and report to the Secretary, in a form and manner specified by the Secretary and on a quarterly basis, enrollment and expenditures for provision of such services under such section.

"(2) OPTIONS.—Notwithstanding any other provision of this title, in a State's provision of services under section 1905(a)(28)—

"(A) a State is not required to comply with the requirements of section 1902(a)(1) (relating to statewideness), section 1902(a)(10)(B) (relating to comparability), and section 1902(a)(10)(C)(i)(III) (relating to income and resource rules applicable in the community);

"(B) a State may limit the number of individuals who are eligible for such services and may establish waiting lists for the receipt of such services; and

"(C) a State may limit the amount, duration, and scope of such services.

Nothing in this section shall be construed as applying the previous sentence to any items or services other than home and community-based services provided under section 1905(a)(28).

"(3) USE OF ELECTRONIC DATA.—The State shall permit health care providers to comply with documentation and data requirements imposed with respect to home and community-based services through the maintenance of data in electronic form rather than in paper form.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to home and community-based services furnished on or after October 1, 2006.

SEC. 3132. OPTIONAL CHOICE OF SELF-DIRECTED PERSONAL ASSISTANCE SERVICES (CASH AND COUNSELING).

(a) EXEMPTION FROM CERTAIN REQUIREMENTS.—Section 1915 of the Social Security Act (42 U.S.C. 1396n) is amended by adding at the end the following new subsection:

"(i)(1) A State may provide, as 'medical assistance', payment for part or all of the cost of self-directed personal assistance services (other than room and board) under the plan which are provided pursuant to a written plan of care to individuals with respect to whom there has been a determination that, but for the provision of such services, the individuals would require and receive personal care services under the plan, or home and community-based services provided pursuant to a waiver under subsection (c). Self-directed personal assistance services may not be provided under this subsection to individuals who reside in a home or property that is owned, operated, or controlled by a provider of services, not related by blood or marriage.

"(2) The Secretary shall not grant approval for a State self-directed personal assistance services program under this section unless the State provides assurances satisfactory to the Secretary of the following:

"(A) Necessary safeguards have been taken to protect the health and welfare of individuals provided services under the program, and to assure financial accountability for funds expended with respect to such services.

"(B) The State will provide, with respect to individuals who—

"(i) are entitled to medical assistance for personal care services under the plan, or receive home and community-based services under a waiver granted under subsection (c);

"(ii) may require self-directed personal assistance services; and

"(iii) may be eligible for self-directed personal assistance services,

an evaluation of the need for personal care under the plan, or personal services under a waiver granted under subsection (c).

"(C) Such individuals who are determined to be likely to require personal care under the plan, or home and community-based services under a waiver granted under subsection (c) are informed of the feasible alternatives, if available under the State's self-directed personal assistance services program, at the choice of such individuals, to the provision of personal care services under the plan, or personal assistance services under a waiver granted under subsection (c).

"(D) The State will provide for a support system that ensures participants in the self-directed personal assistance services program are appropriately assessed and counseled prior to enrollment and are able to manage their budgets. Additional counseling and management support may be provided at the request of the participant.

"(E) The State will provide to the Secretary an annual report on the number of individuals served and total expenditures on their behalf in the aggregate. The State shall also provide an evaluation of overall impact on the health and welfare of participating individuals compared to non-participants every three years.

"(3) A State may provide self-directed personal assistance services under the State plan without regard to the requirements of section 1902(a)(1) and may limit the population eligible to receive these services and limit the number of persons served without regard to section 1902(a)(10)(B).

"(4)(A) For purposes of this subsection, the term 'self-directed personal assistance services' means personal care and related services, or home and community-based services otherwise available under the plan under this title or subsection (c), that are provided to an eligible participant under a self-directed personal assistance services program under this section, under which individuals, within an approved self-directed services plan and budget, purchase personal assistance and related services, and permits participants to hire, fire, supervise, and manage the individuals providing such services.

"(B) At the election of the State—

"(i) a participant may choose to use any individual capable of providing the assigned tasks including legally liable relatives as paid providers of the services; and

"(ii) the individual may use the individual's budget to acquire items that increase independence or substitute (such as a microwave oven or an accessibility ramp) for human assistance, to the extent that expenditures would otherwise be made for the human assistance.

"(5) For purpose of this section, the term 'approved self-directed services plan and budget' means, with respect to a participant, the establishment of a plan and budget for the provision of self-directed personal assistance services, consistent with the following requirements:

"(A) SELF-DIRECTION.—The participant (or in the case of a participant who is a minor child, the participant's parent or guardian, or in the case of an incapacitated adult, another individual recognized by State law to act on behalf of the participant) exercises choice and control over the budget, planning, and purchase of self-directed personal assistance services, including the amount, duration, scope, provider, and location of service provision.

"(B) ASSESSMENT OF NEEDS.—There is an assessment of the needs, strengths, and preferences of the participants for such services.

"(C) SERVICE PLAN.—A plan for such services (and supports for such services) for the participant has been developed and approved by the State based on such assessment through a person-centered process that—

"(i) builds upon the participant's capacity to engage in activities that promote community life and that respects the participant's preferences, choices, and abilities; and

"(ii) involves families, friends, and professionals in the planning or delivery of services or supports as desired or required by the participant.

"(D) SERVICE BUDGET.—A budget for such services and supports for the participant has been developed and approved by the State based on such assessment and plan and on a methodology that uses valid, reliable cost data, is open to public inspection, and includes a calculation of the expected cost of such services if those services were not self-directed. The budget may not restrict access to other medically necessary care and services furnished under the plan and approved by the State but not included in the budget.

"(E) APPLICATION OF QUALITY ASSURANCE AND RISK MANAGEMENT.—There are appropriate quality assurance and risk management techniques used in establishing and implementing such plan and budget that recognize the roles and responsibilities in obtaining services in a self-directed manner and assure the appropriateness of such plan and budget based upon the participant's resources and capabilities.

"(6) A State may employ a financial management entity to make payments to providers, track costs, and make reports under the program. Payment for the activities of the financial management entity shall be at the administrative rate established in section 1903(a).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services furnished on or after January 1, 2006.

SEC. 3133. EXPANSION OF STATE LONG-TERM CARE PARTNERSHIP PROGRAM.

(a) IN GENERAL.—Section 1917(b)(1)(C) of the Social Security Act (42 U.S.C. 1396p(b)(1)(C)) is amended—

(1) in clause (ii), by inserting "or which has a State plan amendment that provides for a qualified State long-term care insurance partnership (as defined in clause (iii))" after "1993,"; and

(2) by adding at the end the following new clauses:

"(iii) For purposes of this paragraph, the term 'qualified State long-term care insurance partnership' means an approved State plan amendment under this title that provides for the disregard of any assets or resources in an amount equal to the insurance benefit payments that are made to or on behalf of an individual who is a beneficiary under a long-term care insurance policy (including a certificate issued under a group insurance contract), if the following requirements are met:

"(I) The policy covers an insured who was a resident of such State when coverage first became effective under the policy.

"(II) The policy is a qualified long-term care insurance policy (as defined in section 7702B(b) of the Internal Revenue Code of 1986) issued on or after the first day of the first calendar quarter in which the plan amendment was submitted to the Secretary.

"(III) If the policy does not provide some level of inflation protection, the insured was offered, before the policy was sold, a long-term care insurance policy that provides some level of inflation protection.

"(IV) The State Medicaid agency under section 1902(a)(5) provides information and technical assistance to the State insurance department on the insurance department's role of assuring that any individual who sells a long-term care insurance policy under the partnership receives training or demonstrates evidence of an understanding of such policies and how they relate to other public and private coverage of long-term care.

"(V) The issuer of the policy provides regular reports to the Secretary that include, in accordance with regulations of the Secretary (promulgated after consultation with the States), notification regarding when all benefits provided under the policy have been paid and the amount of such benefits paid, when the policy otherwise terminates, and such other information as the Secretary determines may be appropriate to the administration of such partnerships.

"(VI) The State does not impose any requirement affecting the terms or benefits of such a policy unless the State imposes such requirement on long-term care insurance policies without regard to whether the policy is covered under the partnership or is offered in connection with such a partnership.

In the case of a long-term care insurance policy which is exchanged for another such policy, subclause (I) shall be applied based on the coverage of the first such policy that was exchanged.

"(iv) The Secretary—

"(I) as appropriate, shall provide copies of the reports described in clause (iii)(V) to the State involved; and

"(II) shall promote the education of consumers regarding qualified State long-term care insurance partnerships.

"(v) The Secretary, in consultation with other appropriate Federal agencies, issuers of long-term care insurance, the National Association of Insurance Commissioners, and State insurance commissioners, shall develop recommendations for Congress to authorize and fund a uniform minimum data set to be reported electronically by all issuers of long-term care insurance policies under qualified State long-term care insurance partnerships to a secure, centralized electronic query and report-generating mechanism that the State, the Secretary, and other Federal agencies can access.".

(b) CONSTRUCTION.—Nothing in the amendments made by subsection (a) shall be construed as affecting the treatment of long-term care insurance policies that will be, are, or were provided under a State plan amendment described in section 1917(b)(1)(C)(ii) of the Social Security Act that was approved as of May 14, 1993.

(c) EFFECTIVE DATE.—A State plan amendment that provides for a qualified State long-term care insurance partnership under the amendments made by subsection (a) may provide that such amendment is effective for long-term care insurance policies issued on or after a date, specified in the amendment, that is not earlier than the first day of the first calendar quarter in which the plan amendment was submitted to the Secretary of Health and Human Services.

(d) STANDARDS FOR RECIPROCAL RECOGNITION AMONG PARTNERSHIP STATES.—In order to permit portability in long-term care insurance policies purchased under State long-term care insurance partnerships, the Secretary of Health and Human Services may develop, in consultation with the States and the National Association of Insurance Commissioners, uniform standards for reciprocal recognition of such policies among States with qualified State long-term care insurance partnerships.

SEC. 3134. HEALTH OPPORTUNITY ACCOUNTS.

Title XIX of the Social Security Act, as amended by section 3124, is amended—

(1) by redesignating section 1937 as section 1938; and

(2) by inserting after section 1936 the following new section:

“HEALTH OPPORTUNITY ACCOUNTS

“SEC. 1937. (a) AUTHORITY.—

“(1) IN GENERAL.—Notwithstanding any other provision of this title, the Secretary shall establish a demonstration program under which States may provide under their State plans under this title (including such a plan operating under a statewide waiver under section 1115) in accordance with this section for the provision of alternative benefits consistent with subsection (c) for eligible population groups in one or more geographic areas of the State specified by the State. An amendment under the previous sentence is referred to in this section as a ‘State demonstration program’.

“(2) INITIAL DEMONSTRATION.—The demonstration program under this section shall begin on January 1, 2006. During the first 5 years of such program, the Secretary shall not approve more than 10 State demonstration programs, with each State demonstration program covering one or more geographic areas specified by the State. After such 5-year period—

“(A) unless the Secretary finds, taking into account cost-effectiveness, quality of care, and other criteria that the Secretary specifies, that a State demonstration program previously implemented has been unsuccessful, such a demonstration program may be extended or made permanent in the State; and

“(B) unless the Secretary finds, taking into account cost-effectiveness, quality of care, and other criteria that the Secretary specifies, that all State demonstration programs previously implemented were unsuccessful, other States may implement State demonstration programs.

“(3) APPROVAL.—The Secretary shall not approve a State demonstration program under paragraph (1) unless the program includes the following:

“(A) Creating patient awareness of the high cost of medical care.

“(B) Providing incentives to patients to seek preventive care services.

“(C) Reducing inappropriate use of health care services.

“(D) Enabling patients to take responsibility for health outcomes.

“(E) Providing enrollment counselors and ongoing education activities.

“(F) Providing transactions involving health opportunity accounts to be conducted electronically and without cash.

“(G) Providing access to negotiated provider payment rates consistent with this section.

Nothing in this section shall be construed as preventing a State demonstration program from providing incentives for patients obtaining appropriate preventive care (as defined for purposes of section 223(c)(2)(C) of the Internal Revenue Code of 1986), such as additional account contributions for an individual demonstrating healthy prevention practices.

“(4) NO REQUIREMENT FOR STATEWIDENESS.—Nothing in this section or any other provision of law shall be construed to require that a State must provide for the implementation of a State demonstration program on a Statewide basis.

“(5) REPORTS.—The Secretary shall periodically submit to Congress reports regarding the success of State demonstration programs.

“(b) ELIGIBLE POPULATION GROUPS.—

“(1) IN GENERAL.—A State demonstration program under this section shall specify the eligible population groups consistent with paragraphs (2) and (3).

“(2) ELIGIBILITY LIMITATIONS DURING INITIAL DEMONSTRATION PERIOD.—During the initial 5 years of the demonstration program under this section, a State demonstration program shall not apply to any of the following individuals:

“(A) Individuals who are 65 years of age or older.

“(B) Individuals who are disabled, regardless of whether or not their eligibility for medical assistance under this title is based on such disability.

“(C) Individuals who are eligible for medical assistance under this title only because they are (or were within the previous 60 days) pregnant.

“(D) Individuals who have been eligible for medical assistance for a continuous period of less than 3 months.

“(3) ADDITIONAL LIMITATIONS.—A State demonstration program shall not apply to any individual within a category of individuals described in section 1936(a)(2)(B).

“(4) LIMITATIONS.—

“(A) STATE OPTION.—This subsection shall not be construed as preventing a State from further limiting eligibility.

“(B) ON ENROLLEES IN MEDICAID MANAGED CARE ORGANIZATIONS.—Insofar as the State provides for eligibility of individuals who are enrolled in medicaid managed care organizations, such individuals may participate in the State demonstration program only if the State provides assurances satisfactory to the Secretary that the following conditions are met with respect to any such organization:

“(i) In no case may the number of such individuals enrolled in the organization who participate in the program exceed 5 percent of the total number of individuals enrolled in such organization.

“(ii) The proportion of enrollees in the organization who so participate is not significantly disproportionate to the proportion of such enrollees in other such organizations who participate.

“(iii) The State has provided for an appropriate adjustment in the per capita payments to the organization to account for such participation, taking into account differences in the likely use of health services between enrollees who so participate and enrollees who do not so participate.

“(5) VOLUNTARY PARTICIPATION.—An eligible individual shall be enrolled in a State demonstration program only if the individual voluntarily enrolls. Except in such hardship cases as the Secretary shall specify, such an enrollment shall be effective for a period of 12 months, but may be extended for additional periods of 12 months each with the consent of the individual.

“(c) ALTERNATIVE BENEFITS.—

“(1) IN GENERAL.—The alternative benefits provided under this section shall consist, consistent with this subsection, of at least—

“(A) coverage for medical expenses in a year for items and services for which benefits are otherwise provided under this title after an annual deductible described in paragraph (2) has been met; and

“(B) contribution into a health opportunity account.

Nothing in subparagraph (A) shall be construed as preventing a State from providing for coverage of preventive care (referred to in subsection (a)(3)) within the alternative benefits without regard to the annual deductible.

“(2) ANNUAL DEDUCTIBLE.—The amount of the annual deductible described in paragraph (1)(A) shall be at least 100 percent, but no more than 110 percent, of the annualized amount of contributions to the health opportunity account under subsection (d)(2)(A)(i), determined without regard to any limitation described in subsection (d)(2)(C)(i)(II).

“(3) ACCESS TO NEGOTIATED PROVIDER PAYMENT RATES.—

“(A) FEE-FOR-SERVICE ENROLLEES.—In the case of an individual who is participating in a State demonstration program and who is not enrolled with a medicaid managed care organization, the State shall provide that the individual may obtain demonstration program medicaid services from—

“(i) any participating provider under this title at the same payment rates that would be applicable to such services if the deductible described in paragraph (1)(A) was not applicable; or

“(ii) any provider at payment rates that do not exceed 125 percent of the payment rate that would be applicable to such services furnished by a participating provider under this title if the deductible described in paragraph (1)(A) was not applicable.

“(B) TREATMENT UNDER MEDICAID MANAGED CARE PLANS.—In the case of an individual who is participating in a State demonstration program and is enrolled with a medicaid managed care organization, the State shall enter into an arrangement with the organization under which the individual may obtain demonstration program medicaid services from any provider under such organization at payment rates that do not exceed the payment rate that would be applicable to such services if the deductible described in paragraph (1)(A) was not applicable.

“(C) COMPUTATION.—The payment rates described in subparagraphs (A) and (B) shall be computed without regard to any cost sharing that would be otherwise applicable under sections 1916 and 1916A.

“(D) DEFINITIONS.—For purposes of this paragraph:

“(i) The term ‘demonstration program medicaid services’ means, with respect to an individual participating in a State demonstration program, services for which the individual would be provided medical assistance under this title but for the application of the deductible described in paragraph (1)(A).

“(ii) The term ‘participating provider’ means—

“(I) with respect to an individual described in subparagraph (A), a health care provider that has entered into a participation agreement with the State for the provision of services to individuals entitled to benefits under the State plan; or

“(II) with respect to an individual described in subparagraph (B) who is enrolled in a medicaid managed care organization, a health care provider that has entered into an arrangement for the provision of services to enrollees of the organization under this title.

“(4) NO EFFECT ON SUBSEQUENT BENEFITS.—Except as provided under paragraphs (1) and (2), alternative benefits for an eligible individual shall consist of the benefits otherwise provided to the individual, including cost sharing relating to such benefits.

"(5) OVERRIDING COST SHARING AND COMPARABILITY REQUIREMENTS FOR ALTERNATIVE BENEFITS.—The provisions of this title relating to cost sharing for benefits (including sections 1916 and 1916A) shall not apply with respect to benefits to which the annual deductible under paragraph (1)(A) applies. The provisions of section 1902(a)(10)(B) (relating to comparability) shall not apply with respect to the provision of alternative benefits (as described in this subsection).

"(6) TREATMENT AS MEDICAL ASSISTANCE.—Subject to subparagraphs (D) and (E) of subsection (d)(2), payments for alternative benefits under this section (including contributions into a health opportunity account) shall be treated as medical assistance for purposes of section 1903(a).

"(7) USE OF TIERED DEDUCTIBLE AND COST SHARING.—

"(A) IN GENERAL.—A State—

"(i) may vary the amount of the annual deductible applied under paragraph (1)(A) based on the income of the family involved so long as it does not favor families with higher income over those with lower income; and

"(ii) may vary the amount of the maximum out-of-pocket cost sharing (as defined in subparagraph (B)) based on the income of the family involved so long as it does not favor families with higher income over those with lower income.

"(B) MAXIMUM OUT-OF-POCKET COST SHARING.—For purposes of subparagraph (A)(ii), the term 'maximum out-of-pocket cost sharing' means, for an individual or family, the amount by which the annual deductible level applied under paragraph (1)(A) to the individual or family exceeds the balance in the health opportunity account for the individual or family.

"(8) CONTRIBUTIONS BY EMPLOYERS.—Nothing in this section shall be construed as preventing an employer from providing health benefits coverage consisting of the coverage described in paragraph (1)(A) to individuals who are provided alternative benefits under this section.

"(d) HEALTH OPPORTUNITY ACCOUNT.—

"(1) IN GENERAL.—For purposes of this section, the term 'health opportunity account' means an account that meets the requirements of this subsection.

"(2) CONTRIBUTIONS.—

"(A) IN GENERAL.—No contribution may be made into a health opportunity account except—

"(i) contributions by the State under this title; and

"(ii) contributions by other persons and entities, such as charitable organizations.

"(B) STATE CONTRIBUTION.—A State shall specify the contribution amount that shall be deposited under subparagraph (A)(i) into a health opportunity account.

"(C) LIMITATION ON ANNUAL STATE CONTRIBUTION PROVIDED AND PERMITTING IMPOSITION OF MAXIMUM ACCOUNT BALANCE.—

"(i) IN GENERAL.—A State—

"(I) may impose limitations on the maximum contributions that may be deposited under subparagraph (A)(i) into a health opportunity account in a year;

"(II) may limit contributions into such an account once the balance in the account reaches a level specified by the State; and

"(III) subject to clauses (ii) and (iii) and subparagraph (D)(i), may not provide contributions described in subparagraph (A)(i) to a health opportunity account on behalf of an individual or family to the extent the amount of such contributions (including both State and Federal shares) exceeds, on an annual basis, $2,500 for each individual (or family member) who is an adult and $1,000 for each individual (or family member) who is a child.

"(ii) INDEXING OF DOLLAR LIMITATIONS.—For each year after 2006, the dollar amounts specified in clause (i)(III) shall be annually increased by the Secretary by a percentage that reflects the annual percentage increase in the medical care component of the consumer price index for all urban consumers.

"(iii) BUDGET NEUTRAL ADJUSTMENT.—A State may provide for dollar limitations in excess of those specified in clause (i)(III) (as increased under clause (ii)) for specified individuals if the State provides assurances satisfactory to the Secretary that contributions otherwise made to other individuals will be reduced in a manner so as to provide for aggregate contributions that do not exceed the aggregate contributions that would otherwise be permitted under this subparagraph.

"(D) LIMITATIONS ON FEDERAL MATCHING.—

"(i) STATE CONTRIBUTION.—A State may contribute under subparagraph (A)(i) amounts to a health opportunity account in excess of the limitations provided under subparagraph (C)(i)(III), but no Federal financial participation shall be provided under section 1903(a) with respect to contributions in excess of such limitations.

"(ii) NO FFP FOR PRIVATE CONTRIBUTIONS.—No Federal financial participation shall be provided under section 1903(a) with respect to any contributions described in subparagraph (A)(ii) to a health opportunity account.

"(E) APPLICATION OF DIFFERENT MATCHING RATES.—The Secretary shall provide a method under which, for expenditures made from a health opportunity account for medical care for which the Federal matching rate under section 1903(a) exceeds the Federal medical assistance percentage, a State may obtain payment under such section at such higher matching rate for such expenditures.

"(3) USE.—

"(A) GENERAL USES.—

"(i) IN GENERAL.—Subject to the succeeding provisions of this paragraph, amounts in a health opportunity account may be used for payment of such health care expenditures as the State specifies.

"(ii) GENERAL LIMITATION.—In no case shall such account be used for payment for health care expenditures that are not payment of medical care (as defined by section 213(d) of the Internal Revenue Code of 1986).

"(iii) STATE RESTRICTIONS.—In applying clause (i), a State may restrict payment for—

"(I) providers of items and services to providers that are licensed or otherwise authorized under State law to provide the item or service and may deny payment for such a provider on the basis that the provider has been found, whether with respect to this title or any other health benefit program, to have failed to meet quality standards or to have committed one or more acts of fraud or abuse; and

"(II) items and services insofar as the State finds they are not medically appropriate or necessary.

"(iv) ELECTRONIC WITHDRAWALS.—The State demonstration program shall provide for a method whereby withdrawals may be made from the account for such purposes using an electronic system and shall not permit withdrawals from the account in cash.

"(B) MAINTENANCE OF HEALTH OPPORTUNITY ACCOUNT AFTER BECOMING INELIGIBLE FOR PUBLIC BENEFIT.—

"(i) IN GENERAL.—Notwithstanding any other provision of law, if an account holder of a health opportunity account becomes ineligible for benefits under this title because of an increase in income or assets—

"(I) no additional contribution shall be made into the account under paragraph (2)(A)(i);

"(II) subject to clause (iii), the balance in the account shall be reduced by 25 percent; and

"(III) subject to the succeeding provisions of this subparagraph, the account shall remain available to the account holder for withdrawals under the same terms and conditions as if the account holder remained eligible for such benefits.

"(ii) SPECIAL RULES.—Withdrawals under this subparagraph from an account—

"(I) shall be available for the purchase of health insurance coverage; and

"(II) may, subject to clause (iv), be made available (at the option of the State) for such additional expenditures (such as job training and tuition expenses) specified by the State (and approved by the Secretary) as the State may specify.

"(iii) EXCEPTION FROM 25 PERCENT SAVINGS TO GOVERNMENT FOR PRIVATE CONTRIBUTIONS.—Clause (i)(II) shall not apply to the portion of the account that is attributable to contributions described in paragraph (2)(A)(ii). For purposes of accounting for such contributions, withdrawals from a health opportunity account shall first be attributed to contributions described in paragraph (2)(A)(i).

"(iv) CONDITION FOR NON-HEALTH WITHDRAWALS.—No withdrawal may be made from an account under clause (ii)(II) unless the accountholder has participated in the program under this section for at least 1 year.

"(v) NO REQUIREMENT FOR CONTINUATION OF COVERAGE.—An account holder of a health opportunity account, after becoming ineligible for medical assistance under this title, is not required to purchase high-deductible or other insurance as a condition of maintaining or using the account.

"(4) ADMINISTRATION.—A State may coordinate administration of health opportunity accounts through the use of a third party administrator and reasonable expenditures for the use of such administrator shall be reimbursable to the State in the same manner as other administrative expenditures under section 1903(a)(7).

"(5) TREATMENT.—Amounts in, or contributed to, a health opportunity account shall not be counted as income or assets for purposes of determining eligibility for benefits under this title.

"(6) UNAUTHORIZED WITHDRAWALS.—A State may establish procedures—

"(A) to penalize or remove an individual from the health opportunity account based on nonqualified withdrawals by the individual from such an account; and

"(B) to recoup costs that derive from such nonqualified withdrawals.".

CHAPTER 5—OTHER PROVISIONS

SEC. 3141. INCREASE IN MEDICAID PAYMENTS TO INSULAR AREAS.

Section 1108(g) of the Social Security Act (42 U.S.C. 1308(g)) is amended—

(1) in paragraph (2), by inserting "and subject to paragraph (3)" after "subsection (f)"; and

(2) by adding at the end the following new paragraph:

"(3) FISCAL YEARS 2006 AND 2007 FOR CERTAIN INSULAR AREAS.—The amounts otherwise determined under this subsection for Puerto Rico, the Virgin Islands, Guam, the Northern

Mariana Islands, and American Samoa for fiscal year 2006 and fiscal year 2007 shall be increased by the following amounts:

"(A) For Puerto Rico, $12,000,000 for fiscal year 2006 and $12,000,000 for fiscal year 2007.

"(B) For the Virgin Islands, $2,500,000 for fiscal year 2006 and $5,000,000 for fiscal year 2007.

"(C) For Guam, $2,500,000 for fiscal year 2006 and $5,000,000 for fiscal year 2007.

"(D) For the Northern Mariana Islands, $1,000,000 for fiscal year 2006 and $2,000,000 for fiscal year 2007.

"(E) For American Samoa, $2,000,000 for fiscal year 2006 and $4,000,000 for fiscal year 2007.

Such amounts shall not be taken into account in applying paragraph (2) for fiscal year 2007 but shall be taken into account in applying such paragraph for fiscal year 2008 and subsequent fiscal years.".

SEC. 3142. MANAGED CARE ORGANIZATION PROVIDER TAX REFORM.

(a) IN GENERAL.—Section 1903(w)(7)(A)(viii) of the Social Security Act (42 U.S.C. 1396b(w)(7)(A)(viii)) is amended to read as follows:

"(viii) Services of managed care organizations (including health maintenance organizations, preferred provider organizations, and such other similar organizations as the Secretary may specify by regulation).".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendment made by subsection (a) shall be effective as of the date of the enactment of this Act.

(2) GRANDFATHER.—

(A) IN GENERAL.—Subject to subparagraph (B), in the case of a State that has had approved as of the date of the enactment of this Act a provider tax on services described in section 1903(w)(7)(A)(viii) of the Social Security Act, as amended by subsection (a), such amendment shall be effective as of October 1, 2008.

(B) TRANSITION RULE FOR FISCAL YEAR 2009.—In the case of a State described in subparagraph (A), the amount of any reduction in payment under subsection (a)(1) of section 1903 of the Social Security Act (42 U.S.C. 1396b) that would otherwise be required under subsection (w) of such section for calendar quarters in fiscal year 2009 because of the amendment made by section (a) shall be reduced by one-half.

SEC. 3143. MEDICAID TRANSFORMATION GRANTS.

(a) IN GENERAL.—Section 1903 of the Social Security Act (42 U.S.C. 1396b), as amended by section 3123, is amended by adding at the end the following new subsection:

"(y) MEDICAID TRANSFORMATION PAYMENTS.—

"(1) IN GENERAL.—In addition to the payments provided under subsection (a), subject to paragraph (4), the Secretary shall provide for payments to States for the adoption of innovative methods to improve the effectiveness and efficiency in providing medical assistance under this title.

"(2) PERMISSIBLE USES OF FUNDS.—The following are examples of innovative methods for which funds provided under this subsection may be used:

"(A) Methods for reducing patient error rates through the implementation and use of electronic health records, electronic clinical decision support tools, or e-prescribing programs.

"(B) Methods for improving rates of collection from estates of amounts owed under this title.

"(C) Methods for reducing waste, fraud, and abuse under the program under this title, such as reducing improper payment rates as measured by annual payment error rate measurement (PERM) project rates.

"(D) Implementation of a medication risk management program as part of a drug use review program under section 1927(g).

"(E) Methods in reducing, in clinically appropriate ways, expenditures under this title for covered outpatient drugs, particularly in the categories of greatest drug utilization, by increasing the utilization of generic drugs through the use of education programs and other incentives to promote greater use of generic drugs.".

"(3) APPLICATION; TERMS AND CONDITIONS.—

"(A) IN GENERAL.—No payments shall be made to a State under this subsection unless the State applies to the Secretary for such payments in a form, manner, and time specified by the Secretary.

"(B) TERMS AND CONDITIONS.—Such payments are made under such terms and conditions consistent with this subsection as the Secretary prescribes.

"(C) ANNUAL REPORT.—Payment to a State under this subsection is conditioned on the State submitting to the Secretary an annual report on the programs supported by such payment. Such report shall include information on—

"(A) the specific uses of such payment;

"(B) an assessment of quality improvements and clinical outcomes under such programs; and

"(C) estimates of cost savings resulting from such programs.

"(4) FUNDING.—

"(A) LIMITATION ON FUNDS.—The total amount of payments under this subsection shall be equal to, and shall not exceed—

"(i) $50,000,000 for fiscal year 2007; and

"(ii) $50,000,000 for fiscal year 2008.

This subsection constitutes budget authority in advance of appropriations Acts and represents the obligation of the Secretary to provide for the payment of amounts provided under this subsection.

"(B) ALLOCATION OF FUNDS.—The Secretary shall specify a method for allocating the funds made available under this subsection among States. Such method shall provide preference for States that design programs that target health providers that treat significant numbers of medicaid beneficiaries. Such method shall provide that not less than 25 percent of such funds shall be allocated among States the population of which (as determined according to data collected by the United States Census Bureau) as of July 1, 2004, was more than 105 percent of the population of the respective State (as so determined) as of April 1, 2000.

"(C) FORM AND MANNER OF PAYMENT.—Payment to a State under this subsection shall be made in the same manner as other payments under section 1903(a). There is no requirement for State matching funds to receive payments under this subsection.

"(5) MEDICATION RISK MANAGEMENT PROGRAM.—

"(A) IN GENERAL.—For purposes of this subsection, the term 'medication risk management program' means a program for targeted beneficiaries that ensures that covered outpatient drugs are appropriately used to optimize therapeutic outcomes through improved medication use and to reduce the risk of adverse events.

"(B) ELEMENTS.—Such program may include the following elements:

"(i) The use of established principles and standards for drug utilization review and best practices to analyze prescription drug claims of targeted beneficiaries and identify outlier physicians.

"(ii) On an ongoing basis provide outlier physicians—

"(I) a comprehensive pharmacy claims history for each targeted beneficiary under their care;

"(II) information regarding the frequency and cost of relapses and hospitalizations of targeted beneficiaries under the physician's care; and

"(III) applicable best practice guidelines and empirical references.

"(iii) Monitor outlier physician's prescribing, such as failure to refill, dosage strengths, and provide incentives and information to encourage the adoption of best clinical practices.

"(C) TARGETED BENEFICIARIES.—For purposes of this paragraph, the term 'targeted beneficiaries' means medicaid eligible beneficiaries who are identified as having high prescription drug costs and medical costs, such as individuals with behavioral disorders or multiple chronic diseases who are taking multiple medications.".

SEC. 3144. ENHANCING THIRD PARTY IDENTIFICATION AND PAYMENT.

(a) CLARIFICATION OF THIRD PARTIES LEGALLY RESPONSIBLE FOR PAYMENT OF A CLAIM FOR A HEALTH CARE ITEM OR SERVICE.—Section 1902(a)(25) of the Social Security Act (42 U.S.C. 1396a(a)(25)) is amended—

(1) in subparagraph (A), in the matter preceding clause (i)—

(A) by inserting ", including self-insured plans" after "health insurers"; and

(B) by striking "and health maintenance organizations" and inserting "health maintenance organizations, pharmacy benefit managers, or other parties that are, by statute, contract, or agreement, legally responsible for payment of a claim for a health care item or service"; and

(2) in subparagraph (G)—

(A) by inserting "a self-insured plan," after "1974,"; and

(B) by striking "and a health maintenance organization" and inserting "a health maintenance organization, a pharmacy benefit manager, or other party that is, by statute, contract, or agreement, legally responsible for payment of a claim for a health care item or service".

(b) REQUIREMENT FOR THIRD PARTIES TO PROVIDE THE STATE WITH COVERAGE ELIGIBILITY AND CLAIMS DATA.—Section 1902(a)(25) of such Act (42 U.S.C. 1396a(a)(25)) is amended—

(1) in subparagraph (G), by striking "and" at the end;

(2) in subparagraph (H), by adding "and" after the semicolon at the end; and

(3) by inserting after subparagraph (H), the following:

"(I) that the State shall provide assurances satisfactory to the Secretary that the State has in effect laws requiring health insurers, including self-insured plans, group health plans (as defined in section 607(1) of the Employee Retirement Income Security Act of 1974), service benefit plans, health maintenance organizations, pharmacy benefit managers, or other parties that are, by statute, contract, or agreement, legally responsible for payment of a claim for a health care item or service, as a condition of doing business in the State, to—

"(i) provide eligibility and claims payment data with respect to an individual who is eligible for, or is provided, medical assistance under the State plan, upon the request of the State;

"(ii) accept the subrogation of the State to any right of an individual or other entity to payment from the party for an item or service for which payment has been made under the State plan;

“(iii) respond to any inquiry by the State regarding a claim for payment for any health care item or service submitted not later than 3 years after the date of the provision of such health care item or service; and

“(iv) agree not to deny a claim submitted by the State solely on the basis of the date of submission of the claim;”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section take effect on January 1, 2006.

(2) DELAYED EFFECTIVE DATE.—In the case of a State plan under title XIX of the Social Security Act which the Secretary determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by this section, the State plan shall not be regarded as failing to comply with the requirements of such Act solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

SEC. 3145. IMPROVED ENFORCEMENT OF DOCUMENTATION REQUIREMENTS.

(a) IN GENERAL.—Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended—

(1) in subsection (i), as amended by section 104 of Public Law 109-91—

(A) by striking the period at the end of paragraph (21) and inserting “; or”; and

(B) by inserting after paragraph (21) the following new paragraph:

“(22) with respect to amounts expended for medical assistance for an individual who declares under section 1137(d)(1)(A) to be a citizen or national of the United States for purposes of establishing eligibility for benefits under this title, unless the requirement of subsection (z) is met.”; and

(2) by adding at the end, as amended by sections 3123 and 3143, the following new subsection:

“(z)(1) For purposes of subsection (i)(22), the requirement of this subsection is, with respect to an individual declaring to be a citizen or national of the United States, that, subject to paragraph (2), there is presented satisfactory documentary evidence of citizenship or nationality (as defined in paragraph (3)) of the individual.

“(2) The requirement of paragraph (1) shall not apply to an alien who is eligible for medical assistance under this title—

“(A) and is entitled to or enrolled for benefits under any part of title XVIII;

“(B) on the basis of receiving supplemental security income benefits under title XVI; or

“(C) on such other basis as the Secretary may specify under which satisfactory documentary evidence of citizenship or nationality had been previously presented.

“(3)(A) For purposes of this subsection, the term ‘satisfactory documentary evidence of citizenship or nationality’ means—

“(i) any document described in subparagraph (B); or

“(ii) a document described in subparagraph (C) and a document described in subparagraph (D).

“(B) The following are documents described in this subparagraph:

“(i) A United State passport.

“(ii) Form N-550 or N-570 (Certificate of Naturalization).

“(iii) Form N–560 or N–561 (Certificate of United States Citizenship).

“(iv) Such other document as the Secretary may specify, by regulation, that provides proof of United States citizenship or nationality and that provides a reliable means of documentation of personal identity.

“(C) The following are documents described in this subparagraph:

“(i) A certificate of birth in the United States.

“(ii) Form FS–545 or Form DS–1350 (Certification of Birth Abroad).

“(iii) Form I–97 (United States Citizen Identification Card).

“(iv) Form FS–240 (Report of Birth Abroad of a Citizen of the United States).

“(v) Such other document (not described in subparagraph (B)(iv)) as the Secretary may specify that provides proof of United States citizenship or nationality.

“(D) The following are documents described in this subparagraph:

“(i) Any identity document described in section 274A(b)(1)(D) of the Immigration and Nationality Act.

“(ii) Any other documentation of personal identity of such other type as the Secretary finds, by regulation, provides a reliable means of identification.

“(E) A reference in this paragraph to a form includes a reference to any successor form.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to determinations of initial eligibility for medical assistance made on or after July 1, 2006, and to redeterminations of eligibility made on or after such date in the case of individuals for whom the requirement of section 1903(z) of the Social Security Act, as added by such amendments, was not previously met.

SEC. 3146. REFORMS OF TARGETED CASE MANAGEMENT.

(a) IN GENERAL.—Section 1915(g) of the Social Security Act (42 U.S.C. 1396n(g)) is amended by striking paragraph (2) and inserting the following:

“(2) For purposes of this subsection:

“(A)(i) The term ‘case management services’ means services which will assist individuals eligible under the plan in gaining access to needed medical, social, educational, and other services.

“(ii) Such term includes the following:

“(I) Assessment of an eligible individual to determine service needs, including activities that focus on needs identification, to determine the need for any medical, educational, social, or other services. Such assessment activities include the following:

“(aa) Taking client history.

“(bb) Identifying the needs of the individual, and completing related documentation.

“(cc) Gathering information from other sources such as family members, medical providers, social workers, and educators, if necessary, to form a complete assessment of the eligible individual.

“(II) Development of a specific care plan based on the information collected through an assessment, that specifies the goals and actions to address the medical, social, educational, and other services needed by the eligible individual, including activities such as ensuring the active participation of the eligible individual and working with the individual (or the individual's authorized health care decision maker) and others to develop such goals and identify a course of action to respond to the assessed needs of the eligible individual.

“(III) Referral and related activities to help an individual obtain needed services, including activities that help link eligible individuals with medical, social, educational providers or other programs and services that are capable of providing needed services, such as making referrals to providers for needed services and scheduling appointments for the individual.

“(IV) Monitoring and follow-up activities, including activities and contacts that are necessary to ensure the care plan is effectively implemented and adequately addressing the needs of the eligible individual, and which may be with the individual, family members, providers, or other entities and conducted as frequently as necessary to help determine such matters as—

“(aa) whether services are being furnished in accordance with an individual's care plan;

“(bb) whether the services in the care plan are adequate; and

“(cc) whether there are changes in the needs or status of the eligible individual, and if so, making necessary adjustments in the care plan and service arrangements with providers.

“(iii) Such term does not include the direct delivery of an underlying medical, educational, social, or other service to which an eligible individual has been referred, including, with respect to the direct delivery of foster care services, services such as (but not limited to) the following:

“(I) Research gathering and completion of documentation required by the foster care program.

“(II) Assessing adoption placements.

“(III) Recruiting or interviewing potential foster care parents.

“(IV) Serving legal papers.

“(V) Home investigations.

“(VI) Providing transportation.

“(VII) Administering foster care subsidies.

“(VIII) Making placement arrangements.

“(B) The term ‘targeted case management services’ means case management services that are furnished without regard to the requirements of section 1902(a)(1) and section 1902(a)(10)(B) to specific classes of individuals or to individuals who reside in specified areas.

“(3) With respect to contacts with individuals who are not eligible for medical assistance under the State plan or, in the case of targeted case management services, individuals who are eligible for such assistance but are not part of the target population specified in the State plan, such contacts—

“(A) are considered an allowable case management activity, when the purpose of the contact is directly related to the management of the eligible individual's care; and

“(B) are not considered an allowable case management activity if such contacts relate directly to the identification and management of the noneligible or nontargeted individual's needs and care.

“(4)(A) In accordance with section 1902(a)(25), Federal financial participation only is available under this title for case management services or targeted case management services if there are no other third parties liable to pay for such services, including as reimbursement under a medical, social, educational, or other program.

“(B) A State shall allocate the costs of any part of such services which are reimbursable under another federally funded program in accordance with OMB Circular A–87 (or any related or successor guidance or regulations regarding allocation of costs among federally funded programs) under an approved cost allocation program.''.

(b) Effective Date.—The amendment made by subsection (a) shall take effect on January 1, 2006.

SEC. 3147. EMERGENCY SERVICES FURNISHED BY NON-CONTRACT PROVIDERS FOR MEDICAID MANAGED CARE ENROLLEES.

(a) In General.—Section 1932(b)(2) of the Social Security Act (42 U.S.C. 1396u-2(b)(2)) is amended by adding at the end the following new subparagraph:

"(D) Emergency services furnished by non-contract providers.—Any provider of emergency services that does not have in effect a contract with a medicaid managed care entity that establishes payment amounts for services furnished to a beneficiary enrolled in the entity's medicaid managed care plan must accept as payment in full the amounts (less any payments for indirect costs of medical education and direct costs of graduate medical education) that it could collect if the beneficiary received medical assistance under this title other than through enrollment in such an entity.''.

(b) Effective Date.—The amendment made by subsection (a) shall take effect on January 1, 2007.

SEC. 3148. ADJUSTMENT IN COMPUTATION OF MEDICAID FMAP TO DISREGARD AN EXTRAORDINARY EMPLOYER PENSION CONTRIBUTION.

(a) In General.—Only for purposes of computing the Federal medical assistance percentage under section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) for a State for a fiscal year (beginning with fiscal year 2006), any significantly disproportionate employer pension contribution described in subsection (b) shall be disregarded in computing the per capita income of such State, but shall not be disregarded in computing the per capita income for the continental United States (and Alaska) and Hawaii.

(b) Significantly Disproportionate Employer Pension Contribution.—For purposes of subsection (a), a significantly disproportionate employer pension contribution described in this subsection with respect to a State for a fiscal year is an employer contribution towards pensions that is allocated to such State for a period if the aggregate amount so allocated exceeds 50 percent of the total increase in personal income in that State for the period involved.

Subtitle B—Katrina Health Care Relief

SEC. 3201. TARGETED MEDICAID RELIEF FOR STATES AFFECTED BY HURRICANE KATRINA.

(a) 100 Percent Federal Matching Payments for Medical Assistance Provided in Katrina Impacted Areas.—

(1) In general.—Notwithstanding section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)), for items and services furnished during the period that begins on August 28, 2005, and ends on May 15, 2006, the Federal matching rate for providing medical assistance for such items and services under a State Medicaid plan to any individual residing in a Katrina impacted parish or county (as defined in subsection (c)(1)) or to a Katrina Survivor (as defined in subsection (b)), and for costs directly attributable to all administrative activities that relate to the provision of such medical assistance, shall be 100 percent.

(2) Application to child health assistance.—Notwithstanding section 2105(b) of the Social Security Act (42 U.S.C. 1397ee(b)), for items and services furnished during the period described in paragraph (1), the Federal matching rate for providing child health assistance for such items and services under a State child health plan under title XXI of such Act in a Katrina impacted parish or county or to a Katrina Survivor, and for costs directly attributable to all administrative activities that relate to the provision of such child health assistance, shall be 100 percent.

(b) Katrina Survivor.—For purposes of subsection (a), the term "Katrina Survivor" means an individual who, on any day during the week preceding August 28, 2005, had a primary residence in a major disaster parish or county (as defined in subsection (c)).

(c) Definitions.—For purposes of this section:

(1) Katrina impacted parish or county.—The term "Katrina impacted parish or county" means any parish in the State of Louisiana, any county in the State of Mississippi, and any major disaster parish or county in the State of Alabama.

(2) Major disaster parish or county.—A major disaster parish or county is a parish of the State of Louisiana or a county of the State of Mississippi or Alabama for which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) as a result of Hurricane Katrina and which the President has determined, as of September 14, 2005, warrants individual assistance from the Federal Government under such Act.

SEC. 3202. STATE HIGH RISK HEALTH INSURANCE POOL FUNDING.

There are hereby authorized and appropriated $90,000,000 for fiscal year 2006 for grants under subsection (b)(1) of section 2745 of the Public Health Service Act (42 U.S.C. 300gg-45). The amount so appropriated shall be treated as if it had been appropriated under subsection (c)(2) of such section.

SEC. 3203. RECOMPUTATION OF HPSA, MUA, AND MUP DESIGNATIONS WITHIN HURRICANE KATRINA AFFECTED AREAS.

(a) In General.—For purposes of the Public Health Service Act (42 U.S.C. 201 et seq.), the Secretary of Health and Human Services shall conduct a review of all Hurricane Katrina disaster areas and, as appropriate taking into account the lack of availability of health care providers and services due to Hurricane Katrina—

(1) shall designate such areas as health professional shortage areas or medically underserved areas; and

(2) shall designate one of more populations of each such area as a medically underserved population.

(b) Hurricane Katrina Disaster Area Defined.—For purposes of this section, the term "Hurricane Katrina disaster area" means an area for which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) as a result of Hurricane Katrina and which the President has determined, before September 14, 2005, warrants individual and public assistance from the Federal Government under such Act.

SEC. 3204. WAIVER OF CERTAIN REQUIREMENTS APPLICABLE TO THE PROVISION OF HEALTH CARE IN AREAS IMPACTED BY HURRICANE KATRINA.

(a) Eligible Area.—

(1) Definition.—In this section, the term "eligible area" means an area identified by the Secretary of Health and Human Services pursuant to paragraph (2).

(2) Identification.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall identify areas that—

(A) have been directly impacted by Hurricane Katrina; or

(B) are located in a State which has absorbed a significant number of Hurricane Katrina evacuees.

(b) Health Centers.—For the purpose of determining whether an entity located in an eligible area qualifies as a health center under section 330 of the Public Health Service Act (42 U.S.C. 254b):

(1) Board composition.—

(A) Waiver.—The Secretary of Health and Human Services shall waive any requirement that a majority of the governing board of the entity be consumers of the entity's health care services.

(B) Rule of construction.—This paragraph shall not be construed as requiring the Secretary of Health and Human Services to waive a requirement that the governing board of the entity include representation of the consumers of the entity's health care services.

(2) Medically underserved population.—

(A) Determination.—At the request of the entity, the Secretary of Health and Human Services shall determine whether, taking into consideration any change in population associated with Hurricane Katrina, the entity serves a medically underserved population (as that term is defined in section 330(b)(3) of the Public Health Service Act (42 U.S.C. 254b(b)(3))).

(B) Deadline.—The Secretary of Health and Human Services shall make a determination under subparagraph (A) not later than 60 days after the date on which the Secretary receives the request for the determination.

(C) Restriction.—The Secretary of Health and Human Services shall not make any determination under this paragraph on whether a population has ceased to qualify as a medically underserved population under section 330 of the Public Health Service Act (42 U.S.C. 254b).

(3) Required primary health services.—The Secretary of Health and Human Services shall waive any requirement for the entity to provide primary health services described in clause (iii), (iv), or (v) of section 330(b)(1) of the Public Health Service Act (42 U.S.C. 254b(b)(1)).

(c) National Health Service Corps.—Notwithstanding the provisions of subpart II of part D of title III of the Public Health Service Act (42 U.S.C. 254d et seq.) requiring that members of the National Health Service Corps be assigned to health professional shortage areas, the Secretary of Health and Human Services may assign members of the National Health Service Corps to any eligible area.

(d) Termination of Authority.—The authority vested by this section in the Secretary of Health and Human Services and the Secretary of Homeland Security shall terminate on the date that is 2 years after enactment of this Act. The Secretary of Health and Human Services may not grant any waiver under subsection (b)(1) or (b)(3) and may not make any assignment of personnel under subsection (c), and the Secretary of Homeland Security may not allow any agreement under subsection (d), for a period extending beyond such date.

SEC. 3205. FMAP HOLD HARMLESS FOR KATRINA IMPACT.

Notwithstanding any other provision of law, for purposes of titles XIX and XXI of the

Social Security Act, the Secretary of Health and Human Services in computing the Federal medical assistance percentage under section 1905(b) of such (42 U.S.C. 1396d(b)) for any year after 2006 for a State that the Secretary determines has a significant number of evacuees who were evacuated to, and live in, the State as a result of Hurricane Katrina as of October 1, 2005, the Secretary shall disregard such evacuees (and income attributable to such evacuees).

Subtitle C—Katrina and Rita Energy Relief

SEC. 3301. HURRICANES KATRINA AND RITA ENERGY RELIEF.

(a) FINDINGS.—The Congress finds the following:

(1) Hurricanes Katrina and Rita severely disrupted crude oil and natural gas production in the Gulf of Mexico. The Energy Information Administration estimates that as a result of these two hurricanes, the amount of shut in crude oil production nearly doubled to almost 1,600,000 barrels per day, and the amount of natural gas production shut in also doubled to about 8,000,000,000 cubic feet per day. The hurricanes also initially shut down most of the crude oil refinery capacity in the Gulf of Mexico region. These disruptions led to significantly higher prices for crude oil, refined oil products, and natural gas.

(2) These production and supply disruptions are expected to lead to significantly higher heating costs for consumers this winter. The Energy Information Administration projects an increase in residential natural gas heating expenditures of 32 percent to 61 percent over last winter, with the Midwest seeing the largest increase. Winter heating oil expenditures are projected to increase by 30 percent to 41 percent over last winter, again with the Midwest seeing the largest increase. Propane expenditures for home heating are projected to increase 20 percent to 36 percent over last winter, with the Midwest seeing the largest projected increase. Expenditures for home heating using electricity are expected to increase by 2 percent to 9 percent over last winter, with the South seeing the largest increase. Overall, average home heating expenditures this winter are projected to increase about 33 percent, assuming a normal winter. These significant increases in home heating costs this winter will particularly harm low-income consumers. The Low-Income Home Energy Assistance Program is designed to assist these low income consumers in this situation. Accordingly, Congress seeks a one-time only supplement to the Low-Income Home Energy Assistance Program fund to assist low income consumers with the additional home heating expenditures that they will face this winter as a result of Hurricanes Katrina and Rita.

(b) RELIEF.—In addition to amounts otherwise made available, there shall be directly available to the Secretary of Health and Human Services for a 1-time only obligation and expenditure $1,000,000,000 for fiscal year 2006 for allocation under section 2604(a) through (d) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(a) through (d)), for the sole purpose of providing assistance to offset the anticipated higher energy costs caused by Hurricane Katrina and Hurricane Rita.

(c) SUNSET.—The provisions of this section shall terminate, be null and void, and have no force and effect whatsoever after September 30, 2006. No monies provided for under this section shall be available after such date.

Subtitle D—Digital Television Transition

SEC. 3401. SHORT TITLE.

This subtitle may be cited as the "Digital Television Transition Act of 2005".

SEC. 3402. FINDINGS.

The Congress finds the following:

(1) A loophole in current law is stalling the digital television (DTV) transition and preventing the return of spectrum for critical public safety and wireless broadband uses.

(A) In 1996, to facilitate the DTV transition, Congress gave each full-power television broadcaster an extra channel of spectrum to broadcast in digital format while continuing to broadcast in analog format on its original channel. Each broadcaster was supposed to eventually return either the original or additional channel and broadcast exclusively in digital format on the remaining channel.

(B) In 1997, Congress earmarked for public safety use some of the spectrum the broadcasters are supposed to return. Congress designated the rest of the spectrum to be auctioned for advanced commercial applications, such as wireless broadband services. Congress set December 31, 2006, as the deadline for broadcasters to return the spectrum for public safety and wireless use.

(C) A loophole, however, allows broadcasters in a market to delay the return of the spectrum until more than 85 percent of television households in that market have at least one television with access to digital broadcast channels using a digital television receiver, a digital-to-analog converter box, or cable or satellite service. Experts forecast it will take many more years to meet the 85-percent test nationwide.

(2) Eliminating the 85-percent test and setting a "hard deadline" will close the loophole, making possible the nationwide clearing necessary to complete the DTV transition and free the spectrum for public safety use.

(A) Some police officers, firefighters, and rescue personnel already have equipment to communicate over the spectrum the broadcasters are supposed to return, and are just awaiting the turnover. Many more public safety officials cannot purchase equipment or begin planning without a date certain for the availability of the spectrum.

(B) Five years to the day before September 11, 2001, an advisory committee report to the Federal Communications Commission (FCC) noted that public safety officials desperately needed more spectrum to better communicate with each other in times of emergency. The 9/11 Commission has specifically recognized the importance of clearing for public safety use the spectrum at issue here, especially following the terrorist attacks on the Pentagon and the World Trade Center. The spectrum is also important for communications during natural disasters.

(3) The certainty of a nationwide hard deadline will enable consumers, industry, and government to take the necessary steps to make the transition as smooth as possible.

(A) Under existing law, once a market meets the 85-percent penetration test, the remaining 15 percent of households in the market would lose access to broadcast programming unless they obtain a digital television receiver, a digital-to-analog converter box, or cable or satellite service.

(B) Determining when the 85-percent test in current law has been met in a particular market would be extremely difficult for the FCC to accomplish. Moreover, because no one can predict precisely when any market will meet the 85-percent test, and because different markets will meet the test at different times, consumers, industry, and government cannot adequately plan on a either a local or nationwide basis.

(C) With a hard deadline, government, industry, and consumer groups can develop concrete plans for consumer education. Manufacturers can build large quantities of low-cost digital-to-analog converter boxes for consumers who wish to continue using their analog televisions. Clearing the spectrum on a unified, nationwide basis will also enable the government to maximize the revenue from the auction. Some of that revenue can be used to help make the converter boxes available.

(D) The deadline will have little impact on most television households. The vast majority of households already subscribe to cable or satellite services. Allowing cable and satellite operators to convert digital broadcasts into an analog-viewable format will enable their subscribers that wish to continue using analog televisions to do so.

(4) Setting a hard deadline will bring consumers and the economy the benefits of the DTV transition faster.

(A) DTV offers sharper and wider pictures, and CD-quality sound. Even consumers with analog televisions connected to a converter box or cable or satellite service will receive better service than they did before the transition.

(B) Once the transition is complete, broadcasters can redirect the resources they currently expend running both analog and digital stations and focus on programming that capitalizes on the advanced features of digital transmissions. Manufacturers can also increase the production of televisions and other consumer electronics equipment that takes advantage of these features, which will also drive down prices.

(C) The cleared spectrum can be used to bring cutting-edge wireless services to public safety officials and consumers. This spectrum travels greater distances at lower costs, and more easily penetrates buildings and foliage. Consequently, it is ideal to bring mobile broadband services not only to urban areas, but to rural areas as well, which currently have very few cost-effective broadband options.

(D) The increase in DTV programming, services, and equipment, and the provision of products and services that use the cleared spectrum, will improve America's global competitiveness and result in significant investment and innovation, boosting our economy and fostering new jobs.

SEC. 3403. ANALOG SPECTRUM RECOVERY: HARD DEADLINE.

(a) AMENDMENTS.—Section 309(j)(14) of the Communications Act of 1934 (47 U.S.C. 309(j)(14)) is amended—

(1) in subparagraph (A), by striking "December 31, 2006" and inserting "December 31, 2008";

(2) by striking subparagraph (B);

(3) in subparagraph (C)(i)(I), by striking "or (B)";

(4) in subparagraph (D), by striking "subparagraph (C)(i)" and inserting "subparagraph (B)(i)"; and

(5) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

(b) IMPLEMENTATION.—

(1) DTV ALLOTMENT TABLE OF IN-CORE CHANNELS FOR FULL-POWER STATIONS.—The Federal Communications Commission shall—

(A) release by December 31, 2006, a report and order in MB Docket No. 03-15 assigning all full-power broadcast television stations authorized in the digital television service a channel between channels 2 and 36, inclusive, or 38 and 51, inclusive (between frequencies 54 and 698 megahertz, inclusive);

(B) release by July 31, 2007, any reconsideration of such report and order; and

(C) not adopt any further changes between July 31, 2007, and January 1, 2009, to the channels assigned to full-power broadcast television stations for the provision of digital television service unless doing so is necessary for reasons of public safety or necessary to prevent a delay in the end of broadcasting by full-power stations in the analog television service.

(2) STATUS REPORTS.—Beginning with a report on January 31, 2006, and ending with a report on July 31, 2007, the Commission shall submit reports to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate every six months on the status of international coordination with Canada and Mexico of the digital television service table of allotments.

(3) TERMINATIONS OF ANALOG LICENSES AND BROADCASTING.—The Federal Communications Commission shall take such actions as are necessary to terminate all licenses for full-power television stations in the analog television service and to require the cessation of broadcasting by full-power stations in the analog television service by January 1, 2009.

(4) ADDITIONAL UNLICENSED SPECTRUM FOR WIRELESS BROADBAND.—The Commission shall, within one year after the date of enactment of this Act, issue a final order in the matter of Unlicensed Operation in the TV Broadcast Bands (ET Docket No. 04-186).

(c) TECHNICAL AMENDMENT.—Paragraph (15) of section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), as added by section 203(b) of the Commercial Spectrum Enhancement Act (P.L. 108-494; 118 Stat. 3993), is redesignated as paragraph (16) of such section.

SEC. 3404. AUCTION OF RECOVERED SPECTRUM.

(a) DEADLINE FOR AUCTION.—Section 309(j)(15)(C) of the Communications Act of 1934 (47 U.S.C. 309(j)(15)(C)) is amended by adding at the end the following new clauses:

“(v) ADDITIONAL DEADLINES FOR RECOVERED ANALOG SPECTRUM.—Notwithstanding subparagraph (B), the Commission shall conduct the auction of the licenses for recovered analog spectrum by commencing the bidding not later than January 7, 2008, and shall deposit the proceeds of such auction in accordance with paragraph (8)(E)(i) not later than June 30, 2008.

“(vi) RECOVERED ANALOG SPECTRUM.—For purposes of clause (v), the term ‘recovered analog spectrum’ means the spectrum between channels 52 and 69, inclusive (between frequencies 698 and 806 megahertz, inclusive) reclaimed from analog television service broadcasting under paragraph (14), other than—

“(I) the spectrum required by section 337 to be made available for public safety services; and

“(II) the spectrum auctioned prior to the date of enactment of the Digital Television Transition Act of 2005.”.

(b) EXTENSION OF AUCTION AUTHORITY.—Paragraph (11) of section 309(j) of such Act is repealed.

(c) STUDY OF AUCTION AUTHORITY.—

(1) INQUIRY AND STUDY REQUIRED.—Within 120 days after the date of enactment of this Act, the Federal Communications Commission shall initiate an ongoing inquiry and study—

(A) to evaluate the participation of women, minorities, and small businesses in the auction process, including the percentage of winning bidders that are women, minorities, and small businesses; and

(B) to assess the efforts made by the Commission to ensure that women, minorities, and small businesses are able to successfully participate in the auction process.

(2) REPORT.—The Commission shall submit a report to the Congress on the results of the inquiry and study required by paragraph (1) at least biennially beginning not later than one year after the date of enactment of this Act.

SEC. 3405. DIGITAL TELEVISION CONVERSION FUND.

(a) RESERVATION OF AUCTION PROCEEDS TO ASSIST CONVERSION.—Section 309(j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)) is amended—

(1) in subparagraph (A), by striking “subparagraph (B) or subparagraph (D)” and inserting “subparagraphs (B), (D), and (E)”;

(2) in subparagraph (C)(i), by inserting before the semicolon at the end the following: “, except as otherwise provided in subparagraph (E)(i)”; and

(3) by adding at the end the following new subparagraph:

“(E) TRANSFER OF REVENUES FOR DIGITAL TELEVISION CONVERSION.—

“(i) PROCEEDS FOR DTV CONVERSION FUND.—Notwithstanding subparagraph (A), of the proceeds (including deposits and upfront payments from successful bidders) from the use of a competitive bidding system under this subsection with respect to recovered analog spectrum—

“(I) $990,000,000 shall be deposited in a separate fund in the Treasury to be known as the ‘Digital Television Conversion Fund’, and be available exclusively to carry out section 159 of the National Telecommunications and Information Administration Organization Act;

“(II) $500,000,000 shall be deposited in a separate fund in the Treasury to be known as the ‘Public Safety Interoperable Communications Fund’, and be available exclusively to carry out section 160 of such Act;

“(III) $30,000,000 shall be deposited in a separate fund in the Treasury to be known as the ‘NYC 9/11 Digital Transition Fund’, and be available exclusively to carry out section 161 of such Act;

“(IV) $3,000,000 shall be deposited in a separate fund in the Treasury to be known as the ‘Low-Power Digital-to-Analog Conversion Fund’, and be available exclusively to carry out section 162 of such Act; and

“(V) the remainder of such proceeds shall be deposited in the Treasury in accordance with chapter 33 of title 31, United States Code.

“(ii) RECOVERED ANALOG SPECTRUM.—For purposes of clause (i), the term ‘recovered analog spectrum’ has the meaning provided in paragraph (15)(C)(vi).”.

(b) CONVERTER BOX PROGRAM.—Part C of the National Telecommunications and Information Administration Organization Act is amended by adding at the end the following new section:

“SEC. 159. DIGITAL-TO-ANALOG CONVERTER BOX PROGRAM.

“(a) CREATION OF PROGRAM.—The Assistant Secretary—

“(1) shall use the funds available under subsection (d) of this section to implement and administer a program through which households in the United States may obtain, upon request, up to two coupons that can be applied toward the purchase of digital-to-analog converter boxes, subject to the restrictions in this section and the regulations created thereunder; and

“(2) may award one or more contracts (including a contract with another Federal agency) for the administration of some or all of the program.

“(b) PROGRAM SPECIFICATIONS.—

“(1) FORM OF COUPON REQUEST.—The regulations under this section shall prescribe the contents of the coupon request form and the information any household seeking a coupon shall provide on the form. The coupon request form shall be required to include instructions for its use and also describe, at a minimum, the requirements and limitations of the program, the ways in which the form and the information the household provides will be used, and to whom the form and the information will be disclosed.

“(2) DISTRIBUTION OF COUPON REQUEST FORMS.—

“(A) PAPER AND ELECTRONIC FORMS.—The Assistant Secretary shall provide for the distribution of paper coupon request forms at Government buildings, including post offices. The Assistant Secretary shall provide for the availability to households of electronic coupon request forms, and may permit such forms to be submitted electronically.

“(B) ADDITIONAL DISTRIBUTION.—If the Assistant Secretary determines that doing so would make the program more successful and easier for consumers to participate in, paper and electronic coupon request forms shall also be distributed by such private entities as the Assistant Secretary shall specify (such as retailers, manufacturers, broadcasters, religious organizations, and consumer groups) and shall be distributed in the manner specified by the Assistant Secretary.

“(3) LIMITATIONS.—

“(A) TWO-PER-HOUSEHOLD MAXIMUM.—A household may obtain coupons only by making a request as required by the regulations under this section. Any request must be made between January 1, 2008, and January 31, 2009, inclusive. The Assistant Secretary shall ensure that each requesting household receives no more than two coupons.

“(B) NO COMBINATIONS OF COUPONS.—Two coupons may not be used in combination toward the purchase of a single digital-to-analog converter box.

“(C) DURATION.—All coupons shall expire 3 months after issuance.

“(4) DISTRIBUTION OF COUPONS.—

“(A) Coupons shall be distributed to requesting households by mail and each coupon shall be issued in the name of a member of the requesting household, and shall include a unique identification number as well as any other measures the Assistant Secretary deems necessary to minimize fraud, counterfeiting, duplication, and other unauthorized use.

“(B) Included on or provided with each coupon shall be, at a minimum, instructions for the coupon's use and a description of the coupon's limitations.

“(C) The Assistant Secretary shall expend not more than $160,000,000 on administrative expenses and shall ensure that the sum of all administrative expenses for the program and the total maximum value of all the coupons redeemed, and issued but not expired, does not exceed $990,000,000.

“(D) The Assistant Secretary may expend up to $5,000,000 of the administrative expenses on the public outreach program required by section 330(d)(4) of the Communications Act of 1934 (47 U.S.C. 330(d)(4)). Such funds may be used for grants to the Association of Public Television Stations, in partnership with noncommercial educational television broadcast stations (as defined section 397(6) of the Communications Act of 1934 (47 U.S.C. 397(6))) to carry out such public outreach.

"(5) QUALIFYING PURCHASES.—

"(A) QUALIFYING BOX.—The regulations shall specify methods for determining and identifying the converter boxes that meet the definition in subsection (g).

"(B) COUPON VALUE.—The value of each coupon shall be $40.

"(6) REDEMPTION OF COUPONS.—No coupon shall be redeemed except upon submission of reasonable proof that the individual redeeming the coupon is the individual named on the coupon, and such additional information as is required by the regulations under this section. In the case of retail distribution of digital-to-analog converter boxes over the Internet or by telephone, submission of a valid credit card number issued in the name of the household member, the unique identification number on the coupon, the address of the household, and such other information as is required by the regulations under this section shall be reasonable proof of identity, except that the redemption of coupons over the Internet or by telephone shall be prohibited if the Assistant Secretary determines that such redemption would be unreasonably susceptible to fraud or other abuse.

"(7) RETAILER CERTIFICATION.—

"(A) Any retailer desiring to qualify for coupon reimbursement under this section shall, in accordance with the regulations under this section, be required to undergo a certification process to qualify for participation in the program.

"(B) As part of the certification process, retailers shall be informed of the program's details and their rights and obligations, including their obligations to honor all valid coupons that are tendered in the authorized manner, and to keep a reasonable number of eligible converter boxes in stock.

"(8) COUPON REIMBURSEMENT AND RETAILER AUDITING.—

"(A) REIMBURSEMENT.—The regulations under this section shall establish the process by which retailers may seek and obtain reimbursement for the coupons, and shall include the option for retailers to seek and obtain reimbursement electronically.

"(B) AUDITS.—Such regulations shall establish procedures for the auditing of retailer reimbursements.

"(9) APPEALS.—The regulations under this section shall establish an appeals process for the review and resolution of complaints—

"(A) by a household alleging that—

"(i) the household was improperly denied a coupon;

"(ii) a valid coupon properly tendered was not honored; or

"(iii) the household was otherwise harmed by another violation of this section or such regulations; or

"(B) by a retailer of digital-to-analog converter boxes alleging that the retailer was improperly denied reimbursement for a valid coupon properly tendered and accepted under this section or such regulations.

All such complaints shall be resolved within 30 days after receipt of the complaint.

"(10) ENFORCEMENT.—The regulations under this section shall provide for the termination of eligibility to participate in the program for retailers or households that engage in fraud, misrepresentation, or other misconduct in connection with the program, or that otherwise violate this section or such regulations.

"(11) PROGRESS REPORT.—Beginning with a report on March 31, 2008, and ending with a report on June 30, 2009, the Assistant Secretary shall submit reports to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, every three months summarizing the progress of coupon distribution and redemption, including how many coupons are being distributed and redeemed, and how quickly.

"(c) PRIVACY.—The program under this section shall ensure that personally identifiable information collected in connection with the program under this section is not used or shared for any other purpose than as described in this section, except as otherwise required or authorized by law. For purposes of this subsection, the term 'personally identifiable information' shall have the same meaning as provided in section 338(i)(2).

"(d) AVAILABILITY OF FUNDS.—

"(1) IN GENERAL.—From the Digital Television Conversion Fund established by section 309(j)(8)(E)(i)(I) of the Communications Act of 1934, there shall be available to carry out this section such sums as may be necessary for fiscal years 2008 and 2009. Any sums that remain unexpended in the Fund at the end of fiscal year 2009 shall revert to and be deposited in the general fund of the Treasury.

"(2) CREDIT.—The Assistant Secretary may borrow from the Treasury such sums as may be necessary not to exceed $990,000,000 to implement and administer the program in accordance with this section. The Assistant Secretary shall reimburse the Treasury, without interest, as funds are deposited into the Digital Television Conversion Fund under section 309(j)(8)(E) of such Act.

"(e) ENERGY STANDARDS REQUIRED.—

"(1) STANDARD.—The maximum energy consumption for the passive standby mode of a digital-to-analog converter box shall be no more than 9 watts.

"(2) ENFORCEMENT.—The Secretary of Energy shall enforce the requirements of paragraph (1). Any converter box that the Secretary of Energy determines is not in compliance with the requirements of paragraph (1) shall not be eligible for purchase with assistance made available under this section.

"(3) PREEMPTION.—No State or any political subdivision thereof may establish or enforce any law, rule, regulation, or other provision having the force of law that regulates the energy output, usage, or consumption standards for a digital-to-analog converter box.

"(f) IMPLEMENTATION.—The Secretary of Commerce shall promulgate, within 9 months after the date of enactment of the Digital Television Transition Act of 2005, such regulations as are necessary to carry out this section.

"(g) DEFINITION.—For purposes of this section:

"(1) DIGITAL-TO-ANALOG CONVERTER BOX.—The term 'digital-to-analog converter box' means a stand-alone device that does not contain features or functions except those necessary to enable a consumer to convert any channel broadcast in the digital television service into a format that the consumer can display on television receivers designed to receive and display signals only in the analog television service.

"(2) HOUSEHOLD.—The term 'household' means the residents at a residential street or rural route address, and shall not include a post office box.

"(3) STANDBY PASSIVE MODE.—The term 'standby passive mode' means a low power state the digital-to-analog converter device enters while connected to a power source which fulfills not the main function but can be switched into another mode by means of an internal or external signal.".

SEC. 3406. PUBLIC SAFETY INTEROPERABLE COMMUNICATIONS FUND.

Part C of the National Telecommunications and Information Administration Organization Act is amended by adding after section 159 (as added by section 3405(b) of this Act) the following new section:

"SEC. 160. PUBLIC SAFETY INTEROPERABLE COMMUNICATIONS FUND.

"(a) PROGRAM AUTHORIZED.—From the funds available under subsection (f), the Assistant Secretary shall carry out a grant program to assist public safety agencies in the acquisition of, deployment of, or training for the use of interoperable communications systems that utilize, or enable interoperability with communications systems that can utilize, reallocated public safety spectrum for radio communications.

"(b) TERMS AND CONDITIONS OF GRANTS.—In order to obtain a grant under this section, a public safety agency shall—

"(1) submit an application to the Assistant Secretary at such time, in such form, and containing or accompanied by such information and assurances as the Assistant Secretary shall require;

"(2) agree that, if awarded a grant, the public safety agency will submit annual reports to the Assistant Secretary for the duration of the grant award period with respect to—

"(A) the expenditure of grant funds; and

"(B) progress toward acquiring and deploying interoperable communications systems funded by the grant;

"(3) agree to provide, from non-Federal sources, not less than 20 percent of the costs of acquiring and deploying the interoperable communications systems acquired and deployed with funds provided under this section; and

"(4) agree to remit to the Assistant Secretary any grant funds that remain unexpended at the end of the 3-year period of the grant.

"(c) DURATION OF GRANT; RECOVERY OF UNUSED FUNDS.—Grants under this section shall be awarded in the form of a single grant for a period of not more that 3 years. At the end of 3 years, any grant funds that remain unexpended shall be remitted by the grantee to the Assistant Secretary, and, subject to subsection (f)(2), may be awarded to other eligible grant recipients. At the end of fiscal year 2010, any such reawarded grant funds that remain unexpended shall be remitted by the grantee to the Assistant Secretary and may not be reawarded to other grantees.

"(d) OVERSIGHT OF EXPENDITURES.—The Assistant Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce, not later than 6 months after the first award of a grant under this section and every 6 months thereafter until October 1, 2010, a report—

"(1) identifying, on a State-by-State basis, using the information submitted under subsection (b)(2), the results of the program, including an identification, on a State-by-State basis, of—

"(A) the public safety agencies awarded a grant;

"(B) the amount of the grant;

"(C) the specified use for the grant; and

"(D) how each such grant was spent; and

"(2) stating the cumulative total of the amount of grants awarded, and the balance, if any, remaining in the Public Safety Interoperable Communications Fund; and

“(3) in the final such report, stating the amount in the Fund that reverted to the general fund of the Treasury.

“(e) Regulations.—The Secretary is authorized to prescribe such regulations as are necessary to carry out this section.

“(f) Availability of Funds.—

“(1) Availability.—From the Public Safety Interoperable Communications Fund established by section 309(j)(8)(E)(i)(II) of the Communications Act of 1934, there shall be available to carry out this section such sums as may be necessary for fiscal years 2008, 2009, and 2010.

“(2) Reversion.—Any sums that remain unexpended in the Fund at the end of fiscal year 2010 shall revert to and be deposited in the general fund of the Treasury.

“(g) Definitions.—For purposes of this section:

“(1) Public safety agency.—The term ‘public safety agency’ means any State or local government entity, or nongovernmental organization authorized by such entity, whose sole or principal purpose is to protect the safety of life, health, or property.

“(2) Interoperable communications systems.—The term ‘interoperable communications systems’ means communications systems which enable public safety agencies to share information amongst local, State, and Federal public safety agencies in the same area via voice or data signals.

“(3) Reallocated public safety spectrum.—The term ‘reallocated public safety spectrum’ means the bands of spectrum located at 764–776 megahertz and 794–806 megahertz, inclusive.”.

SEC. 3407. NYC 9/11 DIGITAL TRANSITION FUND.

Part C of the National Telecommunications and Information Administration Organization Act is amended by adding after section 160 (as added by section 3406 of this Act) the following new section:

“SEC. 161. NYC 9/11 DIGITAL TRANSITION FUND.

“(a) Funds Available.—From the NYC 9/11 Digital Transition Fund established by section 309(j)(8)(E)(i)(III) of the Communications Act of 1934, there shall be available to carry out this section such sums as may be necessary for fiscal years 2006 through 2008. Any sums that remain unexpended in the Fund at the end of fiscal year 2008 shall revert to and be deposited in the general fund of the Treasury. The Assistant Secretary may borrow from the Treasury such sums as may be necessary not to exceed $30,000,000 to implement and administer the program in accordance with this section. The Assistant Secretary shall reimburse the Treasury, without interest, as funds are deposited into the NYC 9/11 Digital Transition Fund under section 309(j)(8)(E) of such Act.

“(b) Use of Funds.—The sums available under subsection (a) shall be made available by the Assistant Secretary by grant to be used to reimburse the Metropolitan Television Alliance for costs incurred in the design and deployment of a temporary digital television broadcast system to ensure that, until a permanent facility atop the Freedom Tower is constructed, the members of the Metropolitan Television Alliance can provide the New York City area with an adequate digital television signal as determined by the Federal Communications Commission.

“(c) Rule of Construction.—Nothing in this section shall be construed to alter or otherwise affect the Federal Communications Commission's authority with respect to licensing and interference regulation.

“(d) Definitions.—For purposes of this section:

“(1) The term ‘Metropolitan Television Alliance’ means the organization formed by New York City television broadcast station licensees to locate new shared facilities as a result of the attacks on September 11, 2001 and the loss of use of shared facilities that housed broadcast equipment.

“(2) The term ‘New York City area’ means the five counties comprising New York City and counties of northern New Jersey in immediate proximity to New York City (Bergen, Essex, Union and Hudson Counties) .”.

SEC. 3408. LOW-POWER TELEVISION TRANSITION PROVISIONS.

(a) Removal and Relocation.—Section 337(e) of the Communications Act of 1934 (47 U.S.C. 337(e)) is amended—

(1) in paragraph (1), by striking “person who” and inserting “full-power television station licensee that”;

(2) in paragraph (2), by striking “746 megahertz” and inserting “698 megahertz”; and

(3) by adding at the end the following new paragraph:

“(3) Continuation of low-power broadcasting.—Subject to section 336(f) of the Communications Act (47 U.S.C. 336(f)), a low-power television station, television translator station, or television booster station (as defined by Commission regulations) may operate above 698 megahertz on a secondary basis in accordance with Commission rules, including rules governing completion of the digital television service transition for low-power broadcasters.”.

(b) Exemption From Deadline.—Section 309(j)(14)(A) of such Act (47 U.S.C. 309(j)(14)(A)) is amended by by inserting “full-power” before “television broadcast license”.

(c) Advanced Television Services.—Section 336(f)(4) of such Act (47 U.S.C. 336(f)(4)) is amended by inserting “or other low-power station” after “television translator station” in the first sentence.

(d) Low-Power Television Digital-to-Analog Conversion.—Part C of the National Telecommunications and Information Administration Organization Act is amended by adding after section 161 (as added by section 3407 of this Act) the following new section:

“SEC. 162. LOW-POWER TELEVISION DIGITAL-TO-ANALOG CONVERSION.

“(a) Creation of Program.—The Assistant Secretary shall use the funds available under subsection (d) from the Low-Power Digital-to-Analog Conversion Fund to implement and administer a program through which each eligible low-power television station may receive compensation toward the cost of the purchase of a digital-to-analog conversion device that enables it to convert the incoming digital signal of its corresponding full-power television station to analog format for transmission on the low-power television station's analog channel. An eligible low-power television station may receive such compensation only if it submits a request for such compensation on or before December 31, 2008.

“(b) Eligible Stations.—For purposes of this section, an eligible low-power television station shall be a low-power television broadcast station, Class A television station, television translator station, or television booster station—

“(1) that is itself broadcasting exclusively in analog format; and

“(2) that has not purchased a digital-to-analog conversion device prior to enactment of this section.

“(c) Qualifying Devices and Amounts.—The Assistant Secretary—

“(1) may determine the types of digital-to-analog conversion devices for which an eligible low-power broadcast television station may receive compensation under this section; and

“(2) shall determine the maximum amount of compensation such a low-power television broadcast station may receive based on the average cost of such digital-to-analog conversion devices during the time period such low-power broadcast television station purchased the digital-to-analog conversion device, but in no case shall such compensation exceed $400.

“(d) Funds Available.—From the Low-Power Digital-to-Analog Conversion Fund established by section 309(j)(8)(E)(i)(IV) of the Communications Act of 1934, there shall be available to carry out this section such sums as may be necessary for fiscal years 2008 and 2009. Any sums that remain unexpended in such Fund at the end of fiscal year 2009 shall revert to and be deposited in the general fund of the Treasury.”.

(e) Report and Order Required.—The Federal Communications Commission shall, not later than December 31, 2008, issue a report and order specifying the methods and schedule by which the Commission will complete the digital television service transition for low-power broadcasters.

SEC. 3409. CONSUMER EDUCATION REGARDING ANALOG TELEVISIONS.

(a) Commission Authority.—Section 303 of the Communications Act of 1934 (47 U.S.C. 303) is amended by adding at the end the following new subsection:

“(z) Require the consumer education measures specified in section 330(d) in the case of apparatus designed to receive television signals that—

“(1) are shipped in interstate commerce or manufactured in the United States;

“(2) have an integrated display screen or are sold in a bundle with a display screen; and

“(3) are not capable of receiving broadcast signals in the digital television service.”.

(b) Consumer Education Requirements.—Section 330 of the Communications Act of 1934 (47 U.S.C. 330) is amended—

(1) in subsection (d), by striking “sections 303(s), 303(u), and 303(x)” and inserting “subsections (s), (u), (x), and (z) of section 303”;

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following new subsection:

“(d) Consumer Education Regarding Analog Television Receivers.—

“(1) Requirements for manufacturers.—Any manufacturer of any apparatus described in section 303(z) shall—

“(A) place in a conspicuous place on any such apparatus that such manufacturer ships in interstate commerce or manufactures in the United States after 180 days after the date of enactment of the Digital Television Transition Act of 2005, a label containing, in clear and conspicuous print, the warning language required by paragraph (3); and

“(B) also include after 180 days after the date of enactment of the Digital Television Transition Act of 2005, such warning language on the outside of the retail packaging of such apparatus, in a conspicuous place and in clear and conspicuous print, in a manner that cannot be removed.

“(2) Requirements for retail distributors.—Any retail distributor shall place conspicuously in the vicinity of each apparatus described in section 303(z) that such distributor displays for sale or rent after 45 days after the date of enactment of the Digital Television Transition Act of 2005, a sign containing, in clear and conspicuous print, the warning language required by paragraph

(3). In the case of a retail distributor vending such apparatus via direct mail, catalog, or electronic means, such as displays on the Internet, the warning language required by such paragraph shall be prominently displayed, in clear and conspicuous print, in the vicinity of any language describing the product.

"(3) WARNING LANGUAGE.—The warning language required by this paragraph shall read as follows: 'This television has only an analog broadcast tuner. After December 31, 2008, television broadcasters will broadcast only in digital format. You will then need to connect this television to a digital-to-analog converter box or cable or satellite service if you wish to receive broadcast programming. The device, if any, that a cable or satellite subscriber will need to connect to an analog television will depend on the cable or satellite service provider. The television should continue to work as before, however, with devices such as VCRs, digital video recorders, DVD players, and video game systems. For more information, call the Federal Communications Commission at 1-888-225-5322 (TTY: 1-888-835-5322) or visit the Commission's website at: www.fcc.gov.'.

"(4) COMMISSION AND NTIA OUTREACH.—Beginning within one month after the date of enactment of the Digital Television Transition Act of 2005, the Commission and the National Telecommunications and Information Administration shall engage, either jointly or separately, in a public outreach program, including the distribution of materials on their web sites and in Government buildings, such as post offices, to educate consumers regarding the digital television transition. The Commission and the National Telecommunications and Information Administration may seek public comment in crafting their public outreach program, and may seek the assistance of private entities, such as broadcasters, manufacturers, retailers, cable and satellite operators, and consumer groups in administering the public outreach program. The program shall educate consumers about—

"(A) the deadline for termination of analog television broadcasting;

"(B) the options consumers have after such termination to continue to receive broadcast programming; and

"(C) the converter box program under section 159 of the National Telecommunications and Information Administration Organization Act.

"(5) ADDITIONAL DISCLOSURES.—

"(A) ANNOUNCEMENTS AND NOTICES REQUIRED.—From January 1, 2008, through December 31, 2008—

"(i) each television broadcaster shall air, at a minimum, two 60-second public service announcements per day, one during the 8 to 9 a.m. hour and one during the 8 to 9 p.m. hour; and

"(ii) each multichannel video program distributor (as such term is defined in section 602 of this Act) shall include a notice in any periodic bill.

"(B) CONTENTS OF ANNOUNCEMENTS AND NOTICES.—The announcements and notices required by subparagraphs (A)(i) and (A)(ii), respectively, shall state, at a minimum, that: 'After December 31, 2008, television broadcasters will broadcast only in digital format. You will then no longer be able to receive broadcast programming on analog-only televisions unless those televisions are connected to a digital-to-analog converter box or a cable or satellite service. The device, if any, that a cable or satellite subscriber will need to connect to an analog television will depend on the cable or satellite service provider. Analog-only televisions should continue to work as before, however, with devices such as VCRs, digital video recorders, DVD players, and video game systems. You may be eligible for up to two coupons toward the purchase of up to two converter-boxes. For more information, call the Federal Communications Commission at 1-888-225-5322 (TTY: 1-888-835-5322) or visit the Commission's website at: www.fcc.gov.'.

"(6) REPORT REQUIRED.—Beginning January 31, 2006, and ending July 31, 2008, the Commission and the National Telecommunications and Information Administration, either jointly or separately, shall submit reports every six months to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, on the Commission's and such Administration's consumer education efforts, as well as the consumer education efforts of broadcasters, cable and satellite operators, consumer electronics manufacturers, retailers, and consumer groups. The Commission and such Administration may solicit public comment in preparing their reports.".

(c) PRESERVING AND EXPEDITING TUNER MANDATES.—The Federal Communications Commission—

(1) shall, within 30 days after the date of enactment of this Act revise the digital television reception capability implementation schedule under section 15.117(i) of its regulations (47 CFR 15.117(i)) to require, in the case of television reception devices that have, or are sold in a bundle with, display screens sized 13 to 24 inches, inclusive, that 100 percent of all such units must include digital television tuners effective March 1, 2007; and

(2) shall not make any other changes that extend or otherwise delay the digital television reception capability implementation schedule for television reception devices that have, or are sold in a bundle with, display screens.

SEC. 3410. ADDITIONAL PROVISIONS.

(a) DIGITAL-TO-ANALOG CONVERSION.—Section 614(b) of the Communications Act of 1934 (47 U.S.C. 534(b)) is amended by adding at the end the following new paragraphs:

"(11) CARRIAGE OF DIGITAL FORMATS.—

"(A) PRIMARY VIDEO STREAM.—With respect to any television station that is transmitting broadcast programming exclusively in the digital television service in a local market, a cable operator of a cable system in that market shall carry the station's primary video stream and program-related material in the digital format transmitted by that station, without material degradation, if the licensee for that station—

"(i) relies on this section or section 615 to obtain carriage of the primary video stream and program-related material on that cable system in that market; and

"(ii) permits the cable system to carry without compensation any other programming broadcast by that station that is carried on that system.

"(B) MULTIPLE FORMATS PERMITTED.—A cable operator of a cable system may offer the primary video stream and program-related material of a local television station described in subparagraph (A) in any analog or digital format or formats, whether or not doing so requires conversion from the format transmitted by the local television station, so long as—

"(i) the cable operator offers the primary video stream and program-related material in the converted analog or digital format or formats without material degradation; and

"(ii) also offers the primary video stream and program-related material in the manner or manners required by this paragraph.

"(C) TRANSITIONAL CONVERSIONS.—Notwithstanding the requirement in subparagraph (A) to carry the primary video stream and program-related material in the digital format transmitted by the local television station, but subject to the prohibition on material degradation, until January 1, 2014—

"(i) a cable operator—

"(I) shall offer the primary video stream and program-related material in the format or formats necessary for such stream and material to be viewable on analog and digital televisions; and

"(II) may convert the primary video stream and program-related material to standard-definition digital format in lieu of offering it in the digital format transmitted by the local television station;

"(ii) notwithstanding clause (i), a cable operator of a cable system with an activated capacity of 550 megahertz or less—

"(I) shall offer the primary video stream and program-related material of the local television station described in subparagraph (A), converted to an analog format; and

"(II) may, but shall not be required to, offer the primary video stream and program-related material in any digital format or formats.

"(D) LOCATION AND METHOD OF CONVERSION.—

"(i) A cable operator of a cable system may perform any conversion permitted or required by this paragraph at any location, from the cable head-end to the customer premises, inclusive.

"(ii) Notwithstanding any other provision of this Act other than the prohibition on material degradation, a cable operator may use switched digital video technology to accomplish any conversion or transmission permitted or required by this paragraph.

"(E) CONVERSIONS NOT TREATED AS DEGRADATION.—Any conversion permitted or required by this paragraph shall not, by itself, be treated as a material degradation.

"(F) CARRIAGE OF PROGRAM-RELATED MATERIAL.—The obligation to carry program-related material under this paragraph is effective only to the extent technically feasible.

"(G) DEFINITION OF STANDARD-DEFINITION FORMAT.—For purposes of this paragraph, a stream shall be in standard definition digital format if such stream meets the criteria for such format as specified in the standard recognized by the Commission in section 73.682 of its rules (47 CFR 73.682) or a successor regulation.".

(b) TIERING.—Clause (iii) of section 623(b)(7)(A) of such Act (47 U.S.C. 543(b)(7)(A)(iii)) is amended to read as follows:

"(iii) Both of the following signals:

"(I) the primary video stream and program-related material of any television broadcast station that is provided by the cable operator to any subscriber in an analog format, and

"(II) the primary video stream and program-related material—

"(aa) of any television broadcast station that is transmitting exclusively in digital format, and

"(bb) that is provided by the cable operator to any subscriber in a digital format,

but excluding a signal that is secondarily transmitted by a satellite carrier beyond the local service area of such station.".

(c) COMPARABLE TREATMENT OF SATELLITE CARRIERS.—Section 338 of the Communications Act of 1934 (47 U.S.C. 338) is amended—

(1) by adding at the end the following new subsection:

“(*l*) Specific Carriage Obligations After Digital Transition.—

“(1) Carriage of digital formats.—With respect to any television station that requests carriage under this section and that is transmitting broadcast programming exclusively in the digital television service in a local market in the contiguous United States (hereafter in this paragraph referred to as an eligible requesting station), a satellite carrier carrying the digital signal of any other local television station in that local market shall carry the eligible requesting station's primary video stream and program-related material, without material degradation, if the licensee for that eligible requesting station—

“(A) relies on this section to obtain carriage of the primary video stream and program-related material by that satellite carrier in that market; and

“(B) permits the satellite carrier to carry without compensation any other programming broadcast by that local station that is carried on that system.

“(2) Formatting of primary video stream.—A satellite carrier must offer the primary video stream and program-related material of an eligible requesting station in the digital format transmitted by the station if the satellite carrier carries the primary video stream of any other local television station in that local market in the same digital format.

“(3) Multiple formats permitted.—A satellite carrier may offer the primary video stream and program-related material of an eligible requesting station in any analog or digital format or formats, whether or not doing so requires conversion from the format transmitted by that eligible requesting station, so long as—

“(A) the satellite carrier offers the primary video stream and program-related material in the converted analog or digital format or formats without material degradation; and

“(B) also offers the primary video stream and program-related material in the manner or manners required by this subsection.

“(4) Transitional conversions.—Notwithstanding any requirement in paragraphs (1) and (2) to carry the primary video stream and program-related material in the digital format transmitted by the local television station, but subject to the prohibition on material degradation, until January 1, 2014, a satellite carrier—

“(A) shall offer the primary video stream and program-related material of any local television broadcast station required to be carried under paragraph (1) in the format necessary for such stream to be viewable on analog and digital televisions; and

“(B) may convert the primary video stream and program-related material to standard-definition format in lieu of offering it in the digital format transmitted by the local television station.

“(5) Location and method of conversion.—A satellite carrier may perform any conversion permitted or required by this subsection at any location, from the local receive facility to the customer premises, inclusive.

“(6) Conversions not treated as degradation.—Any conversion permitted or required by this subsection shall not, by itself, be treated as a material degradation.

“(7) Carriage of program-related material.—The obligation to carry program-related material under this subsection is effective only to the extent technically feasible.

“(8) Definition of standard-definition format.—For purposes of this subsection, a stream shall be in standard definition digital format if such stream meets the criteria for such format as specified in the standard recognized by the Commission in section 73.682 of its rules (47 CFR 73.682) or a successor regulation.”;

(2) in subsection (b)(1), by striking “subsection (a)” and inserting “subsection (a) or (*l*)”;

(3) in subsection (c)(1), by striking “subsection (a)(1)” and inserting “subsections (a)(1) and (*l*)”; and

(4) in subsection (c)(2), by striking “subsection (a)” and inserting “subsections (a) and (*l*)”.

(d) Deadline.—The Federal Communications Commission shall revise its regulations to implement the amendments made by this section within one year after the date of enactment of this Act.

SEC. 3411. DEPLOYMENT OF BROADBAND WIRELESS TECHNOLOGIES.

Not later than 45 days after the effective date of this Act, the Commission shall initiate a rulemaking to assess the necessity of rechannelizing the spectrum located between 767–773 megahertz and 797–803 megahertz to accommodate broadband applications. Such rulemaking shall be completed within 180 days.

SEC. 3412. SENSE OF CONGRESS.

(a) Findings.—The Congress finds the following:

(1) The wireless communications industry in the United States is becoming increasingly concentrated: there are currently no ownership limitations on wireless companies, and the five largest wireless carriers in the United States control nearly 90 percent of United States wireless subscribership.

(2) Over 90 percent of households receive their broadband services through either cable or digital subscriber line (DSL) service, and most cable and DSL providers are heavily concentrated within their geographic markets.

(3) Under the Omnibus Budget and Reconciliation Act of 1993, Congress tasked the Federal Communications Commission to promote economic opportunity by disseminating wireless communications licenses among a wide variety of applicants, including small businesses and rural telephone companies.

(4) Upcoming auctions for the returned analog broadcast spectrum in the 700 megahertz band that will be cleared following the transition from analog to digital broadcast television and Advanced Wireless Services (AWS) in the 1710–1755 megahertz and 2110–2155 megahertz bands will likely be the last reallocation opportunities for commercial wireless communications services and wireless broadband services in the foreseeable future.

(5) In the near term, wireless broadband presents the most promising opportunity to provide a third option (other than cable modem or DSL service) for broadband Internet access for most consumers, and the spectrum in the 700 megahertz band is considered “beachfront” property by telecommunications carriers because wireless signals at this frequency range pass easily through buildings, trees, and other interference.

(6) The 700 megahertz band offers a historic opportunity to provide the equivalent of a “third wire” into the home – an alternative to telephone or cable broadband access that will create new competition and incentives for new entrants, innovation, and broader service offerings.

(b) Sense of the Congress.—It is the sense of the Congress that the Federal Communications Commission should disseminate wireless communications licenses consistent with the findings in subsection (a) and do so utilizing its existing authority under section 309(j) of the Communications Act of 1934, which requires the Commission to promote the following objectives:

(1) the development and rapid deployment of new technologies, products, and services for the benefit of the public, including those residing in rural areas, without administrative or judicial delays;

(2) promoting economic opportunity and competition and ensuring that new and innovative technologies are readily accessible to the American people by avoiding excessive concentration of licenses and by disseminating licenses among a wide variety of applicants, including small businesses and rural telephone companies;

(3) recovery for the public of a portion of the value of the public spectrum resource made available for commercial use and avoidance of unjust enrichment through the methods employed to award uses of that resource; and

(4) efficient and intensive use of the electromagnetic spectrum.

SEC. 3413. BAND PLAN REVISION REQUIRED.

(a) Proceeding Required.—The Federal Communications Commission shall commence a proceeding no later than June 1, 2006, to reevaluate the band plan for the auction of the unauctioned portions of the lower 700 megahertz band (currently designated as Blocks A, B, and E).

(b) Reconfiguration Required.—The Federal Communications Commission shall reconfigure the band plan to license spectrum for Block B of such portion according to Cellular Market Areas (i.e., Metropolitan Statistical Areas (“MSAs”) and Rural Service Areas (“RSAs”)) to facilitate the offering of competitive wireless services by regional and smaller wireless carriers.

TITLE IV—COMMITTEE ON FINANCIAL SERVICES

SECTION 4000. TABLE OF CONTENTS.

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Sec. 4000. Table of contents.

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Sec. 4012. Technical and conforming amendments to the Federal Deposit Insurance Act relating to the merger of the BIF and SAIF.

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Subtitle A—Deposit Insurance Reform

SEC. 4001. SHORT TITLE.

This subtitle may be cited as the "Federal Deposit Insurance Reform Act of 2005".

SEC. 4002. MERGING THE BIF AND SAIF.

(a) In General.—

(1) Merger.—The Bank Insurance Fund and the Savings Association Insurance Fund shall be merged into the Deposit Insurance Fund.

(2) Disposition of assets and liabilities.—All assets and liabilities of the Bank Insurance Fund and the Savings Association Insurance Fund shall be transferred to the Deposit Insurance Fund.

(3) No separate existence.—The separate existence of the Bank Insurance Fund and the Savings Association Insurance Fund shall cease on the effective date of the merger thereof under this section.

(b) Repeal of Outdated Merger Provision.—Section 2704 of the Deposit Insurance Funds Act of 1996 (12 U.S.C. 1821 note) is repealed.

(c) Effective Date.—This section shall take effect on the first day of the first calendar quarter that begins after the end of the 90-day period beginning on the date of the enactment of this Act.

SEC. 4003. INCREASE IN DEPOSIT INSURANCE COVERAGE.

(a) In General.—Section 11(a)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(1)) is amended—

(1) by striking subparagraph (B) and inserting the following new subparagraph:

"(B) Net amount of insured deposit.—The net amount due to any depositor at an insured depository institution shall not exceed the standard maximum deposit insurance amount as determined in accordance with subparagraphs (C), (D), (E) and (F) and paragraph (3)."; and

(2) by adding at the end the following new subparagraphs:

"(E) Standard maximum deposit insurance amount defined.—For purposes of this Act, the term 'standard maximum deposit insurance amount' means—

"(i) until the effective date of final regulations prescribed pursuant to section 4009(a)(2) of the Federal Deposit Insurance Reform Act of 2005, $100,000; and

"(ii) on and after such effective date, $130,000, adjusted as provided under subparagraph (F).

"(F) Inflation adjustment.—

"(i) In general.—By April 1 of 2007, and the 1st day of each subsequent 5-year period, the Board of Directors and the National Credit Union Administration Board shall jointly prescribe the amount by which the standard maximum deposit insurance amount and the standard maximum share insurance amount (as defined in section 207(k) of the Federal Credit Union Act) applicable to any depositor at an insured depository institution shall be increased by calculating the product of—

"(I) $130,000; and

"(II) the ratio of the value of the Personal Consumption Expenditures Chain-Type Index (or any successor index thereto), published by the Department of Commerce, as of December 31 of the year preceding the year in which the adjustment is calculated under this clause, to the value of such index as of the date this subparagraph takes effect.

"(ii) Rounding.—If the amount determined under clause (ii) for any period is not a multiple of $10,000, the amount so determined shall be rounded to the nearest $10,000.

"(iii) Publication and report to the Congress.—Not later than April 5 of any calendar year in which an adjustment is required to be calculated under clause (i) to the standard maximum deposit insurance amount and the standard maximum share insurance amount under such clause, the Board of Directors and the National Credit Union Administration Board shall—

"(I) publish in the Federal Register the standard maximum deposit insurance amount, the standard maximum share insurance amount, and the amount of coverage under paragraph (3)(A) and section 207(k)(3) of the Federal Credit Union Act, as so calculated; and

"(II) jointly submit a report to the Congress containing the amounts described in subclause (I).

"(iv) 6-month implementation period.—Unless an Act of Congress enacted before July 1 of the calendar year in which an adjustment is required to be calculated under clause (i) provides otherwise, the increase in the standard maximum deposit insurance amount and the standard maximum share insurance amount shall take effect on January 1 of the year immediately succeeding such calendar year.".

(b) Coverage for Certain Employee Benefit Plan Deposits.—Section 11(a)(1)(D) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(1)(D)) is amended to read as follows:

"(D) Coverage for certain employee benefit plan deposits.—

"(i) Pass-through insurance.—The Corporation shall provide pass-through deposit insurance for the deposits of any employee benefit plan.

"(ii) Prohibition on acceptance of benefit plan deposits.—An insured depository institution that is not well capitalized or adequately capitalized may not accept employee benefit plan deposits.

"(iii) Definitions.—For purposes of this subparagraph, the following definitions shall apply:

"(I) Capital standards.—The terms 'well capitalized' and 'adequately capitalized' have the same meanings as in section 38.

"(II) Employee benefit plan.—The term 'employee benefit plan' has the same meaning as in paragraph (8)(B)(ii), and includes any eligible deferred compensation plan described in section 457 of the Internal Revenue Code of 1986.

"(III) Pass-through deposit insurance.—The term 'pass-through deposit insurance' means, with respect to an employee benefit plan, deposit insurance coverage provided on a pro rata basis to the participants in the plan, in accordance with the interest of each participant.".

(c) Doubling of Deposit Insurance for Certain Retirement Accounts.—Section 11(a)(3)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(3)(A)) is amended by striking "$100,000" and inserting "2 times the standard maximum deposit insurance amount (as determined under paragraph (1))".

(d) Increased Insurance Coverage for Municipal Deposits.—Section 11(a)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(2)) is amended—

(1) in subparagraph (A)—

(A) by moving the margins of clauses (i) through (v) 4 ems to the right;

(B) by striking, in the matter following clause (v), "such depositor shall" and all that follows through the period; and

(C) by striking the semicolon at the end of clause (v) and inserting a period;

(2) by striking "(2)(A) Notwithstanding" and all that follows through "a depositor who is—" and inserting the following:

"(2) Municipal depositors.—

"(A) In general.—Notwithstanding any limitation in this Act or in any other provision of law relating to the amount of deposit insurance available to any 1 depositor—

"(i) a municipal depositor shall, for the purpose of determining the amount of insured deposits under this subsection, be deemed to be a depositor separate and distinct from any other officer, employee, or agent of the United States or any public unit referred to in subparagraph (E); and

"(ii) except as provided in subparagraph (B), the deposits of a municipal depositor shall be insured in an amount equal to the standard maximum deposit insurance amount (as determined under paragraph (1)).

"(B) In-state municipal depositors.—In the case of the deposits of an in-State municipal depositor described in clause (ii), (iii), (iv), or (v) of subparagraph (E) at an insured depository institution, such deposits shall be insured in an amount not to exceed the lesser of—

"(i) $2,000,000; or

"(ii) the sum of the standard maximum deposit insurance amount and 80 percent of the amount of any deposits in excess of the standard maximum deposit insurance amount.

"(C) Municipal deposit parity.—No State may deny to insured depository institutions within its jurisdiction the authority to accept deposits insured under this paragraph, or prohibit the making of such deposits in such institutions by any in-State municipal depositor.

"(D) In-state municipal depositor defined.—For purposes of this paragraph, the term 'in-State municipal depositor' means a municipal depositor that is located in the same State as the office or branch of the insured depository institution at which the deposits of that depositor are held.

"(E) Municipal depositor.—In this paragraph, the term 'municipal depositor' means a depositor that is—";

(3) by striking "(B) The" and inserting the following:

"(F) Authority to limit deposits.—The"; and

(4) by striking "depositor referred to in subparagraph (A) of this paragraph" each place such term appears and inserting "municipal depositor".

(e) Technical and Conforming Amendment Relating to Insurance of Trust Funds.—Paragraphs (1) and (3) of section 7(i) of the Federal Deposit Insurance Act (12 U.S.C. 1817(i)) are each amended by striking "$100,000" and inserting "the standard maximum deposit insurance amount (as determined under section 11(a)(1))".

(f) Other Technical and Conforming Amendments.—

(1) Section 11(m)(6) of the Federal Deposit Insurance Act (12 U.S.C. 1821(m)(6)) is amended by striking "$100,000" and inserting "an amount equal to the standard maximum deposit insurance amount".

(2) Subsection (a) of section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828(a)) is amended to read as follows:

"(a) Insurance Logo.—

"(1) INSURED DEPOSITORY INSTITUTIONS.—

"(A) IN GENERAL.—Each insured depository institution shall display at each place of business maintained by that institution a sign or signs relating to the insurance of the deposits of the institution, in accordance with regulations to be prescribed by the Corporation.

"(B) STATEMENT TO BE INCLUDED.—Each sign required under subparagraph (A) shall include a statement that insured deposits are backed by the full faith and credit of the United States Government.

"(2) REGULATIONS.—The Corporation shall prescribe regulations to carry out this subsection, including regulations governing the substance of signs required by paragraph (1) and the manner of display or use of such signs.

"(3) PENALTIES.—For each day that an insured depository institution continues to violate this subsection or any regulation issued under this subsection, it shall be subject to a penalty of not more than $100, which the Corporation may recover for its use.".

(3) Section 43(d) of the Federal Deposit Insurance Act (12 U.S.C. 1831t(d)) is amended by striking "$100,000" and inserting "an amount equal to the standard maximum deposit insurance amount".

(4) Section 6 of the International Banking Act of 1978 (12 U.S.C. 3104) is amended—

(A) by striking "$100,000" each place such term appears and inserting "an amount equal to the standard maximum deposit insurance amount"; and

(B) by adding at the end the following new subsection:

"(e) STANDARD MAXIMUM DEPOSIT INSURANCE AMOUNT DEFINED.—For purposes of this section, the term 'standard maximum deposit insurance amount' means the amount of the maximum amount of deposit insurance as determined under section 11(a)(1) of the Federal Deposit Insurance Act.".

(g) CONFORMING CHANGE TO CREDIT UNION SHARE INSURANCE FUND.—

(1) IN GENERAL.—Section 207(k) of the Federal Credit Union Act (12 U.S.C. 1787(k)) is amended—

(A) by striking "(k)(1)" and all that follows through the end of paragraph (1) and inserting the following:

"(k) INSURED AMOUNTS PAYABLE.—

"(1) NET INSURED AMOUNT.—

"(A) IN GENERAL.—Subject to the provisions of paragraph (2), the net amount of share insurance payable to any member at an insured credit union shall not exceed the total amount of the shares or deposits in the name of the member (after deducting offsets), less any part thereof which is in excess of the standard maximum share insurance amount, as determined in accordance with this paragraph and paragraphs (5) and (6), and consistently with actions taken by the Federal Deposit Insurance Corporation under section 11(a) of the Federal Deposit Insurance Act.

"(B) AGGREGATION.—Determination of the net amount of share insurance under subparagraph (A), shall be in accordance with such regulations as the Board may prescribe, and, in determining the amount payable to any member, there shall be added together all accounts in the credit union maintained by that member for that member's own benefit, either in the member's own name or in the names of others.

"(C) AUTHORITY TO DEFINE THE EXTENT OF COVERAGE.—The Board may define, with such classifications and exceptions as it may prescribe, the extent of the share insurance coverage provided for member accounts, including member accounts in the name of a minor, in trust, or in joint tenancy.";

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in clauses (i) through (v), by moving the margins 4 ems to the right;

(II) in the matter following clause (v), by striking "his account" and all that follows through the period; and

(III) by striking the semicolon at the end of clause (v) and inserting a period;

(ii) by striking "(2)(A) Notwithstanding" and all that follows through "a depositor or member who is—" and inserting the following:

"(2) MUNICIPAL DEPOSITORS OR MEMBERS.—

"(A) IN GENERAL.—Notwithstanding any limitation in this Act or in any other provision of law relating to the amount of insurance available to any 1 depositor or member, deposits or shares of a municipal depositor or member shall be insured in an amount equal to the standard maximum share insurance amount (as determined under paragraph (5)), except as provided in subparagraph (B).

"(B) IN-STATE MUNICIPAL DEPOSITORS.—In the case of the deposits of an in-State municipal depositor described in clause (ii), (iii), (iv), or (v) of subparagraph (E) at an insured credit union, such deposits shall be insured in an amount equal to the lesser of—

"(i) $2,000,000; or

"(ii) the sum of the standard maximum deposit insurance amount and 80 percent of the amount of any deposits in excess of the standard maximum deposit insurance amount.

"(C) RULE OF CONSTRUCTION.—No provision of this paragraph shall be construed as authorizing an insured credit union to accept the deposits of a municipal depositor in an amount greater than such credit union is authorized to accept under any other provision of Federal or State law.

"(D) IN-STATE MUNICIPAL DEPOSITOR DEFINED.—For purposes of this paragraph, the term 'in-State municipal depositor' means a municipal depositor that is located in the same State as the office or branch of the insured credit union at which the deposits of that depositor are held.

"(E) MUNICIPAL DEPOSITOR.—In this paragraph, the term 'municipal depositor' means a depositor that is—";

(iii) by striking "(B) The" and inserting the following:

"(F) AUTHORITY TO LIMIT DEPOSITS.—The"; and

(iv) by striking "depositor or member referred to in subparagraph (A)" and inserting "municipal depositor or member"; and

(C) by adding at the end the following new paragraphs:

"(4) COVERAGE FOR CERTAIN EMPLOYEE BENEFIT PLAN DEPOSITS.—

"(A) PASS-THROUGH INSURANCE.—The Administration shall provide pass-through share insurance for the deposits or shares of any employee benefit plan.

"(B) PROHIBITION ON ACCEPTANCE OF DEPOSITS.—An insured credit union that is not well capitalized or adequately capitalized may not accept employee benefit plan deposits.

"(C) DEFINITIONS.—For purposes of this paragraph, the following definitions shall apply:

"(i) CAPITAL STANDARDS.—The terms 'well capitalized' and 'adequately capitalized' have the same meanings as in section 216(c).

"(ii) EMPLOYEE BENEFIT PLAN.—The term 'employee benefit plan'—

"(I) has the meaning given to such term in section 3(3) of the Employee Retirement Income Security Act of 1974;

"(II) includes any plan described in section 401(d) of the Internal Revenue Code of 1986; and

"(III) includes any eligible deferred compensation plan described in section 457 of the Internal Revenue Code of 1986.

"(iii) PASS-THROUGH SHARE INSURANCE.—The term 'pass-through share insurance' means, with respect to an employee benefit plan, insurance coverage provided on a pro rata basis to the participants in the plan, in accordance with the interest of each participant.

"(D) RULE OF CONSTRUCTION.—No provision of this paragraph shall be construed as authorizing an insured credit union to accept the deposits of an employee benefit plan in an amount greater than such credit union is authorized to accept under any other provision of Federal or State law.

"(5) STANDARD MAXIMUM SHARE INSURANCE AMOUNT DEFINED.—For purposes of this Act, the term 'standard maximum share insurance amount' means—

"(A) until the effective date of final regulations prescribed pursuant to section 4009(a)(2) of the Federal Deposit Insurance Reform Act of 2005, $100,000; and

"(B) on and after such effective date, $130,000, adjusted as provided under section 11(a)(1)(F) of the Federal Deposit Insurance Act.".

(2) DOUBLING OF SHARE INSURANCE FOR CERTAIN RETIREMENT ACCOUNTS.—Section 207(k)(3) of the Federal Credit Union Act (12 U.S.C. 1787(k)(3)) is amended by striking "$100,000" and inserting "2 times the standard maximum share insurance amount (as determined under paragraph (1))".

(h) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date the final regulations required under section 4009(a)(2) take effect.

SEC. 4004. SETTING ASSESSMENTS AND REPEAL OF SPECIAL RULES RELATING TO MINIMUM ASSESSMENTS AND FREE DEPOSIT INSURANCE.

(a) SETTING ASSESSMENTS.—Section 7(b)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(2)) is amended—

(1) by striking subparagraphs (A) and (B) and inserting the following new subparagraphs:

"(A) IN GENERAL.—The Board of Directors shall set assessments for insured depository institutions in such amounts as the Board of Directors may determine to be necessary or appropriate, subject to subparagraph (D).

"(B) FACTORS TO BE CONSIDERED.—In setting assessments under subparagraph (A), the Board of Directors shall consider the following factors:

"(i) The estimated operating expenses of the Deposit Insurance Fund.

"(ii) The estimated case resolution expenses and income of the Deposit Insurance Fund.

"(iii) The projected effects of the payment of assessments on the capital and earnings of insured depository institutions.

"(iv) the risk factors and other factors taken into account pursuant to paragraph (1) under the risk-based assessment system, including the requirement under such paragraph to maintain a risk-based system.

"(v) Any other factors the Board of Directors may determine to be appropriate."; and

(2) by inserting after subparagraph (C) the following new subparagraph:

"(D) BASE RATE FOR ASSESSMENTS.—

"(i) IN GENERAL.—In setting assessment rates pursuant to subparagraph (A), the Board of Directors shall establish a base rate of not more than 1 basis point (exclusive of any credit or dividend) for those insured depository institutions in the lowest-risk category under the risk-based assessment system established pursuant to paragraph (1). No insured depository institution shall be barred from the lowest-risk category solely because of size.

"(ii) SUSPENSION.—Clause (i) shall not apply during any period in which the reserve ratio of the Deposit Insurance Fund is less than the amount which is equal to 1.15 percent of the aggregate estimated insured deposits.".

(b) ASSESSMENT RECORDKEEPING PERIOD SHORTENED.—Paragraph (5) of section 7(b) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)) is amended to read as follows:

"(5) DEPOSITORY INSTITUTION REQUIRED TO MAINTAIN ASSESSMENT-RELATED RECORDS.—Each insured depository institution shall maintain all records that the Corporation may require for verifying the correctness of any assessment on the insured depository institution under this subsection until the later of—

"(A) the end of the 3-year period beginning on the due date of the assessment; or

"(B) in the case of a dispute between the insured depository institution and the Corporation with respect to such assessment, the date of a final determination of any such dispute.".

(c) INCREASE IN FEES FOR LATE ASSESSMENT PAYMENTS.—Subsection (h) of section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828(h)) is amended to read as follows:

"(h) PENALTY FOR FAILURE TO TIMELY PAY ASSESSMENTS.—

"(1) IN GENERAL.—Subject to paragraph (3), any insured depository institution which fails or refuses to pay any assessment shall be subject to a penalty in an amount not more than 1 percent of the amount of the assessment due for each day that such violation continues.

"(2) EXCEPTION IN CASE OF DISPUTE.—Paragraph (1) shall not apply if—

"(A) the failure to pay an assessment is due to a dispute between the insured depository institution and the Corporation over the amount of such assessment; and

"(B) the insured depository institution deposits security satisfactory to the Corporation for payment upon final determination of the issue.

"(3) SPECIAL RULE FOR SMALL ASSESSMENT AMOUNTS.—If the amount of the assessment which an insured depository institution fails or refuses to pay is less than $10,000 at the time of such failure or refusal, the amount of any penalty to which such institution is subject under paragraph (1) shall not exceed $100 for each day that such violation continues.

"(4) AUTHORITY TO MODIFY OR REMIT PENALTY.—The Corporation, in the sole discretion of the Corporation, may compromise, modify or remit any penalty which the Corporation may assess or has already assessed under paragraph (1) upon a finding that good cause prevented the timely payment of an assessment.".

(d) ASSESSMENTS FOR LIFELINE ACCOUNTS.—

(1) IN GENERAL.—Section 232 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 1834) is amended by striking subsection (c).

(2) CLARIFICATION OF RATE APPLICABLE TO DEPOSITS ATTRIBUTABLE TO LIFELINE ACCOUNTS.—Section 7(b)(2)(H) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(2)(H)) is amended by striking "at a rate determined in accordance with such Act" and inserting "at ½ the assessment rate otherwise applicable for such insured depository institution".

(3) REGULATIONS.—Section 232(a)(1) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 1834(a)(1)) is amended by striking "Board of Governors of the Federal Reserve System, and the".

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Paragraph (3) of section 7(a) of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)(3)) is amended by striking the 3d sentence and inserting the following: "Such reports of condition shall be the basis for the certified statements to be filed pursuant to subsection (c).".

(2) Subparagraphs (B)(ii) and (C) of section 7(b)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(1)) are each amended by striking "semiannual" where such term appears in each such subparagraph.

(3) Section 7(b)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(2)) is amended—

(A) by striking subparagraphs (E), (F), and (G);

(B) in subparagraph (C), by striking "semiannual"; and

(C) by redesignating subparagraph (H) (as amended by subsection (e)(2) of this section) as subparagraph (E).

(4) Section 7(b) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)) is amended by striking paragraph (4) and redesignating paragraphs (5) (as amended by subsection (b) of this section), (6), and (7) as paragraphs (4), (5), and (6) respectively.

(5) Section 7(c) of the Federal Deposit Insurance Act (12 U.S.C. 1817(c)) is amended—

(A) in paragraph (1)(A), by striking "semiannual";

(B) in paragraph (2)(A), by striking "semiannual"; and

(C) in paragraph (3), by striking "semiannual period" and inserting "initial assessment period".

(6) Section 8(p) of the Federal Deposit Insurance Act (12 U.S.C. 1818(p)) is amended by striking "semiannual".

(7) Section 8(q) of the Federal Deposit Insurance Act (12 U.S.C. 1818(q)) is amended by striking "semiannual period" and inserting "assessment period".

(8) Section 13(c)(4)(G)(ii)(II) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(4)(G)(ii)(II)) is amended by striking "semiannual period" and inserting "assessment period".

(9) Section 232(a) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 1834(a)) is amended—

(A) in the matter preceding subparagraph (A) of paragraph (2), by striking "the Board and";

(B) in subparagraph (J) of paragraph (2), by striking "the Board" and inserting "the Corporation";

(C) by striking subparagraph (A) of paragraph (3) and inserting the following new subparagraph:

"(A) CORPORATION.—The term 'Corporation' means the Federal Deposit Insurance Corporation."; and

(D) in subparagraph (C) of paragraph (3), by striking "Board" and inserting "Corporation".

(f) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date that the final regulations required under section 4009(a)(5) take effect.

SEC. 4005. REPLACEMENT OF FIXED DESIGNATED RESERVE RATIO WITH RESERVE RANGE.

(a) IN GENERAL.—Section 7(b)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(3)) is amended to read as follows:

"(3) DESIGNATED RESERVE RATIO.—

"(A) ESTABLISHMENT.—

"(i) IN GENERAL.—The Board of Directors shall designate, by regulation after notice and opportunity for comment, the reserve ratio applicable with respect to the Deposit Insurance Fund.

"(ii) NOT LESS THAN ANNUAL REDETERMINATION.—A determination under clause (i) shall be made by the Board of Directors at least before the beginning of each calendar year, for such calendar year, and at such other times as the Board of Directors may determine to be appropriate.

"(B) RANGE.—The reserve ratio designated by the Board of Directors for any year—

"(i) may not exceed 1.4 percent of estimated insured deposits; and

"(ii) may not be less than 1.15 percent of estimated insured deposits.

"(C) FACTORS.—In designating a reserve ratio for any year, the Board of Directors shall—

"(i) take into account the risk of losses to the Deposit Insurance Fund in such year and future years, including historic experience and potential and estimated losses from insured depository institutions;

"(ii) take into account economic conditions generally affecting insured depository institutions so as to allow the designated reserve ratio to increase during more favorable economic conditions and to decrease during less favorable economic conditions, notwithstanding the increased risks of loss that may exist during such less favorable conditions, as determined to be appropriate by the Board of Directors;

"(iii) seek to prevent sharp swings in the assessment rates for insured depository institutions; and

"(iv) take into account such other factors as the Board of Directors may determine to be appropriate, consistent with the requirements of this subparagraph.

"(D) PUBLICATION OF PROPOSED CHANGE IN RATIO.—In soliciting comment on any proposed change in the designated reserve ratio in accordance with subparagraph (A), the Board of Directors shall include in the published proposal a thorough analysis of the data and projections on which the proposal is based.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 3(y) of the Federal Deposit Insurance Act (12 U.S.C. 1813(y)) is amended—

(1) by striking "(y) The term" and inserting(y) Definitions Relating to Deposit Insurance Fund.—

"(1) DEPOSIT INSURANCE FUND.—The term"; and

(2) by inserting after paragraph (1) (as so designated by paragraph (1) of this subsection) the following new paragraph:

"(2) DESIGNATED RESERVE RATIO.—The term 'designated reserve ratio' means the reserve ratio designated by the Board of Directors in accordance with section 7(b)(3).".

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date that the final regulations required under section 4009(a)(1) take effect.

SEC. 4006. REQUIREMENTS APPLICABLE TO THE RISK-BASED ASSESSMENT SYSTEM.

Section 7(b)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(1)) is amended by adding at the end the following new subparagraphs:

"(E) INFORMATION CONCERNING RISK OF LOSS AND ECONOMIC CONDITIONS.—

"(i) SOURCES OF INFORMATION.—For purposes of determining risk of losses at insured depository institutions and economic conditions generally affecting depository institutions, the Corporation shall collect information, as appropriate, from all sources the Board of Directors considers appropriate, such as reports of condition, inspection reports, and other information from all Federal banking agencies, any information available from State bank supervisors, State insurance and securities regulators, the Securities and Exchange Commission (including information described in section 35), the Secretary of the Treasury, the Commodity Futures Trading Commission, the Farm Credit Administration, the Federal Trade Commission, any Federal reserve bank or Federal home loan bank, and other regulators of financial institutions, and any information available from credit rating entities, and other private economic or business analysts.

"(ii) CONSULTATION WITH FEDERAL BANKING AGENCIES.—

"(I) IN GENERAL.—Except as provided in subclause (II), in assessing the risk of loss to the Deposit Insurance Fund with respect to any insured depository institution, the Corporation shall consult with the appropriate Federal banking agency of such institution.

"(II) TREATMENT ON AGGREGATE BASIS.—In the case of insured depository institutions that are well capitalized (as defined in section 38) and, in the most recent examination, were found to be well managed, the consultation under subclause (I) concerning the assessment of the risk of loss posed by such institutions may be made on an aggregate basis.

"(iii) RULE OF CONSTRUCTION.—No provision of this paragraph shall be construed as providing any new authority for the Corporation to require submission of information by insured depository institutions to the Corporation.

"(F) MODIFICATIONS TO THE RISK-BASED ASSESSMENT SYSTEM ALLOWED ONLY AFTER NOTICE AND COMMENT.—In revising or modifying the risk-based assessment system at any time after the date of the enactment of the Federal Deposit Insurance Reform Act of 2005, the Board of Directors may implement such revisions or modification in final form only after notice and opportunity for comment.".

SEC. 4007. REFUNDS, DIVIDENDS, AND CREDITS FROM DEPOSIT INSURANCE FUND.

(a) IN GENERAL.—Subsection (e) of section 7 of the Federal Deposit Insurance Act (12 U.S.C. 1817(e)) is amended to read as follows:

"(e) REFUNDS, DIVIDENDS, AND CREDITS.—

"(1) REFUNDS OF OVERPAYMENTS.—In the case of any payment of an assessment by an insured depository institution in excess of the amount due to the Corporation, the Corporation may—

"(A) refund the amount of the excess payment to the insured depository institution; or

"(B) credit such excess amount toward the payment of subsequent assessments until such credit is exhausted.

"(2) DIVIDENDS FROM EXCESS AMOUNTS IN DEPOSIT INSURANCE FUND.—

"(A) RESERVE RATIO IN EXCESS OF 1.4 PERCENT OF ESTIMATED INSURED DEPOSITS.—Whenever the reserve ratio of the Deposit Insurance Fund exceeds 1.4 percent of estimated insured deposits, the Corporation shall declare the amount in the Fund in excess of the amount required to maintain the reserve ratio at 1.4 percent of estimated insured deposits, as dividends to be paid to insured depository institutions.

"(B) RESERVE RATIO EQUAL TO OR IN EXCESS OF 1.35 PERCENT OF ESTIMATED INSURED DEPOSITS AND NOT MORE THAN 1.4 PERCENT.—Whenever the reserve ratio of the Deposit Insurance Fund equals or exceeds 1.35 percent of estimated insured deposits and is not more than 1.4 percent of such deposits, the Corporation shall declare the amount in the Fund that is equal to 50 percent of the amount in excess of the amount required to maintain the reserve ratio at 1.35 percent of the estimated insured deposits as dividends to be paid to insured depository institutions.

"(C) BASIS FOR DISTRIBUTION OF DIVIDENDS.—

"(i) IN GENERAL.—Solely for the purposes of dividend distribution under this paragraph and credit distribution under paragraph (3)(B), the Corporation shall determine each insured depository institution's relative contribution to the Deposit Insurance Fund (or any predecessor deposit insurance fund) for calculating such institution's share of any dividend or credit declared under this paragraph or paragraph (3)(B), taking into account the factors described in clause (ii).

"(ii) FACTORS FOR DISTRIBUTION.—In implementing this paragraph and paragraph (3)(B) in accordance with regulations, the Corporation shall take into account the following factors:

"(I) The ratio of the assessment base of an insured depository institution (including any predecessor) on December 31, 1996, to the assessment base of all eligible insured depository institutions on that date.

"(II) The total amount of assessments paid on or after January 1, 1997, by an insured depository institution (including any predecessor) to the Deposit Insurance Fund (and any predecessor deposit insurance fund).

"(III) That portion of assessments paid by an insured depository institution (including any predecessor) that reflects higher levels of risk assumed by such institution.

"(IV) Such other factors as the Corporation may determine to be appropriate.

"(D) NOTICE AND OPPORTUNITY FOR COMMENT.—The Corporation shall prescribe by regulation, after notice and opportunity for comment, the method for the calculation, declaration, and payment of dividends under this paragraph.

"(3) CREDIT POOL.—

"(A) ONE-TIME CREDIT BASED ON TOTAL ASSESSMENT BASE AT YEAR-END 1996.—

"(i) IN GENERAL.—Before the end of the 270-day period beginning on the date of the enactment of the Federal Deposit Insurance Reform Act of 2005, the Board of Directors shall, by regulation, provide for a credit to each eligible insured depository institution, based on the assessment base of the institution (including any predecessor institution) on December 31, 1996, as compared to the combined aggregate assessment base of all eligible insured depository institutions, taking into account such factors as the Board of Directors may determine to be appropriate.

"(ii) CREDIT LIMIT.—The aggregate amount of credits available under clause (i) to all eligible insured depository institutions shall equal the amount that the Corporation could collect if the Corporation imposed an assessment of 12 basis points on the combined assessment base of the Bank Insurance Fund and the Savings Association Insurance Fund as of December 31, 2001.

"(iii) ELIGIBLE INSURED DEPOSITORY INSTITUTION DEFINED.—For purposes of this paragraph, the term 'eligible insured depository institution' means any insured depository institution that—

"(I) was in existence on December 31, 1996, and paid a deposit insurance assessment prior to that date; or

"(II) is a successor to any insured depository institution described in subclause (I).

"(iv) APPLICATION OF CREDITS.—

"(I) IN GENERAL.—The amount of a credit to any eligible insured depository institution under this paragraph shall be applied by the Corporation, subject to subsection (b)(3)(E), to the assessments imposed on such institution under subsection (b) that become due for assessment periods beginning after the effective date of regulations prescribed under clause (i).

"(II) REGULATIONS.—The regulations prescribed under clause (i) shall establish the qualifications and procedures governing the application of assessment credits pursuant to subclause (I).

"(v) LIMITATION ON AMOUNT OF CREDIT FOR CERTAIN DEPOSITORY INSTITUTIONS.—In the case of an insured depository institution that exhibits financial, operational, or compliance weaknesses ranging from moderately severe to unsatisfactory, or is not adequately capitalized (as defined in section 38) at the beginning of an assessment period, the amount of any credit allowed under this paragraph against the assessment on that depository institution for such period may not exceed the amount calculated by applying to that depository institution the average assessment rate on all insured depository institutions for such assessment period.

"(vi) PREDECESSOR DEFINED.—For purposes of this paragraph, the term 'predecessor', when used with respect to any insured depository institution, includes any other insured depository institution acquired by or merged with such insured depository institution.

"(B) ON-GOING CREDIT POOL.—

"(i) IN GENERAL.—In addition to the credit provided pursuant to subparagraph (A) and subject to the limitation contained in clause (v) of such subparagraph, the Corporation shall, by regulation, establish an on-going system of credits to be applied against future assessments under subsection (b)(1) on the same basis as the dividends provided under paragraph (2)(C).

"(ii) LIMITATION ON CREDITS UNDER CERTAIN CIRCUMSTANCES.—No credits may be awarded by the Corporation under this subparagraph during any period in which—

"(I) the reserve ratio of the Deposit Insurance Fund is less than the designated reserve ratio of such Fund; or

"(II) the reserve ratio of the Fund is less than 1.25 percent of the amount of estimated insured deposits.

"(iii) CRITERIA FOR DETERMINATION.—In determining the amounts of any assessment credits under this subparagraph, the Board of Directors shall take into account the factors for designating the reserve ratio under subsection (b)(3) and the factors for setting assessments under subsection (b)(2)(B).

"(4) ADMINISTRATIVE REVIEW.—

"(A) IN GENERAL.—The regulations prescribed under paragraph (2)(D) and subparagraphs (A) and (B) of paragraph (3) shall include provisions allowing an insured depository institution a reasonable opportunity to challenge administratively the amount of the credit or dividend determined under paragraph (2) or (3) for such institution.

"(B) ADMINISTRATIVE REVIEW.—Any review under subparagraph (A) of any determination of the Corporation under paragraph (2) or (3) shall be final and not subject to judicial review.".

(b) DEFINITION OF RESERVE RATIO.—Section 3(y) of the Federal Deposit Insurance Act (12 U.S.C. 1813(y)) (as amended by section 4005(b) of this subtitle) is amended by adding at the end the following new paragraph:

"(3) RESERVE RATIO.—The term 'reserve ratio', when used with regard to the Deposit Insurance Fund other than in connection with a reference to the designated reserve ratio, means the ratio of the net worth of the Deposit Insurance Fund to the value of the aggregate estimated insured deposits.".

SEC. 4008. DEPOSIT INSURANCE FUND RESTORATION PLANS.

Section 7(b)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(3)) (as amended by section 4005(a) of this subtitle) is amended by adding at the end the following new subparagraph:

"(E) DIF RESTORATION PLANS.—

"(i) IN GENERAL.—Whenever—

"(I) the Corporation projects that the reserve ratio of the Deposit Insurance Fund will, within 6 months of such determination, fall below the minimum amount specified in subparagraph (B)(ii) for the designated reserve ratio; or

"(II) the reserve ratio of the Deposit Insurance Fund actually falls below the minimum amount specified in subparagraph (B)(ii) for the designated reserve ratio without any determination under subclause (I) having been made,

the Corporation shall establish and implement a Deposit Insurance Fund restoration plan within 90 days that meets the requirements of clause (ii) and such other conditions as the Corporation determines to be appropriate.

"(ii) REQUIREMENTS OF RESTORATION PLAN.—A Deposit Insurance Fund restoration plan meets the requirements of this clause if the plan provides that the reserve ratio of the Fund will meet or exceed the minimum amount specified in subparagraph (B)(ii) for the designated reserve ratio before the end of the 10-year period beginning upon the implementation of the plan.

"(iii) RESTRICTION ON ASSESSMENT CREDITS.—As part of any restoration plan under this subparagraph, the Corporation may elect to restrict the application of assessment credits provided under subsection (e)(3) for any period that the plan is in effect.

"(iv) LIMITATION ON RESTRICTION.—Notwithstanding clause (iii), while any restoration plan under this subparagraph is in effect, the Corporation shall apply credits provided to an insured depository institution under subsection (e)(3) against any assessment imposed on the institution for any assessment period in an amount equal to the lesser of—

"(I) the amount of the assessment; or

"(II) the amount equal to 3 basis points of the institution's assessment base.

"(v) TRANSPARENCY.—Not more than 30 days after the Corporation establishes and implements a restoration plan under clause (i), the Corporation shall publish in the Federal Register a detailed analysis of the factors considered and the basis for the actions taken with regard to the plan.".

SEC. 4009. REGULATIONS REQUIRED.

(a) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Board of Directors of the Federal Deposit Insurance Corporation shall prescribe final regulations, after notice and opportunity for comment—

(1) designating the reserve ratio for the Deposit Insurance Fund in accordance with section 7(b)(3) of the Federal Deposit Insurance Act (as amended by section 4005 of this subtitle);

(2) implementing increases in deposit insurance coverage in accordance with the amendments made by section 4003 of this subtitle;

(3) implementing the dividend requirement under section 7(e)(2) of the Federal Deposit Insurance Act (as amended by section 4007 of this subtitle);

(4) implementing the 1-time assessment credit to certain insured depository institutions in accordance with section 7(e)(3) of the Federal Deposit Insurance Act, as amended by section 4007 of this subtitle, including the qualifications and procedures under which the Corporation would apply assessment credits; and

(5) providing for assessments under section 7(b) of the Federal Deposit Insurance Act, as amended by this subtitle.

(b) RULE OF CONSTRUCTION.—No provision of this subtitle or any amendment made by this subtitle shall be construed as affecting the authority of the Corporation to set or collect deposit insurance assessments before the effective date of the final regulations prescribed under subsection (a).

SEC. 4010. STUDIES OF FDIC STRUCTURE AND EXPENSES AND CERTAIN ACTIVITIES AND FURTHER POSSIBLE CHANGES TO DEPOSIT INSURANCE SYSTEM.

(a) STUDY BY COMPTROLLER GENERAL.—

(1) STUDY REQUIRED.—The Comptroller General shall conduct a study of the following issues:

(A) The efficiency and effectiveness of the administration of the prompt corrective action program under section 38 of the Federal Deposit Insurance Act by the Federal banking agencies (as defined in section 3 of such Act), including the degree of effectiveness of such agencies in identifying troubled depository institutions and taking effective action with respect to such institutions, and the degree of accuracy of the risk assessments made by the Corporation.

(B) The appropriateness of the organizational structure of the Federal Deposit Insurance Corporation for the mission of the Corporation taking into account—

(i) the current size and complexity of the business of insured depository institutions (as such term is defined in section 3 of the Federal Deposit Insurance Act);

(ii) the extent to which the organizational structure contributes to or reduces operational inefficiencies that increase operational costs; and

(iii) the effectiveness of internal controls.

(2) REPORT TO THE CONGRESS.—The Comptroller General shall submit a report to the Congress before the end of the 1-year period beginning on the date of the enactment of this Act containing the findings and conclusions of the Comptroller General with respect to the study required under paragraph (1) together with such recommendations for legislative or administrative action as the Comptroller General may determine to be appropriate.

(b) STUDY OF FURTHER POSSIBLE CHANGES TO DEPOSIT INSURANCE SYSTEM.

(1) STUDY REQUIRED.—The Board of Directors of the Federal Deposit Insurance Corporation and the National Credit Union Administration Board shall each conduct a study of the following:

(A) The feasibility of establishing a voluntary deposit insurance system for deposits in excess of the maximum amount of deposit insurance for any depositor and the potential benefits and the potential adverse consequences that may result from the establishment of any such system.

(B) The feasibility of privatizing all deposit insurance at insured depository institutions and insured credit unions.

(2) REPORT.—Before the end of the 1-year period beginning on the date of the enactment of this Act, the Board of Directors of the Federal Deposit Insurance Corporation and the National Credit Union Administration Board shall each submit a report to the Congress on the study required under paragraph (1) containing the findings and conclusions of the reporting agency together with such recommendations for legislative or administrative changes as the agency may determine to be appropriate.

(c) STUDY REGARDING APPROPRIATE DEPOSIT BASE IN DESIGNATING RESERVE RATIO.—

(1) STUDY REQUIRED.—The Federal Deposit Insurance Corporation shall conduct a study of the feasibility of using actual domestic deposits rather than estimated insured deposits in calculating the reserve ratio of the Deposit Insurance Fund and designating a reserve ratio for such Fund.

(2) REPORT.—The Federal Deposit Insurance Corporation shall submit a report to the Congress before the end of the 1-year period beginning on the date of the enactment of this Act containing the findings and conclusions of the Corporation with respect to the study required under paragraph (1) together with such recommendations for legislative or administrative action as the Board of Directors of the Corporation may determine to be appropriate.

(d) STUDY OF RESERVE METHODOLOGY AND ACCOUNTING FOR LOSS.—

(1) STUDY REQUIRED.—The Federal Deposit Insurance Corporation shall conduct a study of the reserve methodology and loss accounting used by the Corporation during the period beginning on January 1, 1992, and ending December 31, 2004, with respect to insured depository institutions in a troubled condition (as defined in the regulations prescribed pursuant to section 32(f) of the Federal Deposit Insurance Act). The Corporation shall obtain comments on the design of the study from the Comptroller General.

(2) FACTORS TO BE INCLUDED.—In conducting the study pursuant to paragraph (1), the Federal Deposit Insurance Corporation shall—

(A) consider the overall effectiveness and accuracy of the methodology used by the Corporation for establishing and maintaining reserves and estimating and accounting for losses at insured depository institutions, during the period described in such paragraph;

(B) consider the appropriateness and reliability of information and criteria used by the Corporation in determining—

(i) whether an insured depository institution was in a troubled condition; and

(ii) the amount of any loss anticipated at such institution;

(C) analyze the actual historical loss experience over the period described in paragraph (1) and the causes of the exceptionally high rate of losses experienced by the Corporation in the final 3 years of that period; and

(D) rate the efforts of the Corporation to reduce losses in such 3-year period to minimally acceptable levels and to historical levels.

(3) REPORT REQUIRED.—The Board of Directors of the Federal Deposit Insurance Corporation shall submit a report to the Congress before the end of the 6-month period beginning on the date of the enactment of this Act, containing the findings and conclusions of the Corporation with respect to the study required under paragraph (1), together with such recommendations for legislative or administrative action as the Board of Directors may determine to be appropriate. Before submitting the report to Congress, the Board of Directors shall provide a draft of the report to the Comptroller General for comment.

SEC. 4011. BI-ANNUAL FDIC SURVEY AND REPORT ON INCREASING THE DEPOSIT BASE BY ENCOURAGING USE OF DEPOSITORY INSTITUTIONS BY THE UNBANKED.

The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by adding at the end the following new section:

"SEC. 49. BI-ANNUAL FDIC SURVEY AND REPORT ON ENCOURAGING USE OF DEPOSITORY INSTITUTIONS BY THE UNBANKED.

"(a) SURVEY REQUIRED.—

"(1) IN GENERAL.—The Corporation shall conduct a bi-annual survey on efforts by insured depository institutions to bring those individuals and families who have rarely, if ever, held a checking account, a savings account or other type of transaction or check cashing account at an insured depository institution (hereafter in this section referred to as the 'unbanked') into the conventional finance system.

"(2) FACTORS AND QUESTIONS TO CONSIDER.—In conducting the survey, the Corporation shall take the following factors and questions into account:

"(A) To what extent do insured depository institutions promote financial education and financial literacy outreach?

"(B) Which financial education efforts appear to be the most effective in bringing 'unbanked' individuals and families into the conventional finance system?

"(C) What efforts are insured institutions making at converting 'unbanked' money order, wire transfer, and international remittance customers into conventional account holders?

"(D) What cultural, language and identification issues as well as transaction costs appear to most prevent 'unbanked' individuals from establishing conventional accounts?

"(E) What is a fair estimate of the size and worth of the 'unbanked' market in the United States?

"(b) REPORTS.—The Chairperson of the Board of Directors shall submit a bi-annual report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate containing the Corporation's findings and conclusions with respect to the survey conducted pursuant to subsection (a), together with such recommendations for legislative or administrative action as the Chairperson may determine to be appropriate.".

SEC. 4012. TECHNICAL AND CONFORMING AMENDMENTS TO THE FEDERAL DEPOSIT INSURANCE ACT RELATING TO THE MERGER OF THE BIF AND SAIF.

(a) IN GENERAL.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended—

(1) in section 3 (12 U.S.C. 1813)—

(A) by striking subparagraph (B) of subsection (a)(1) and inserting the following new subparagraph:

"(B) includes any former savings association.''; and

(B) by striking paragraph (1) of subsection (y) (as so designated by section 4005(b) of this subtitle) and inserting the following new paragraph:

"(1) DEPOSIT INSURANCE FUND.—The term 'Deposit Insurance Fund' means the Deposit Insurance Fund established under section 11(a)(4).'';

(2) in section 5(b)(5) (12 U.S.C. 1815(b)(5)), by striking "the Bank Insurance Fund or the Savings Association Insurance Fund," and inserting "the Deposit Insurance Fund,'';

(3) in section 5(c)(4), by striking "deposit insurance fund" and inserting "Deposit Insurance Fund'';

(4) in section 5(d) (12 U.S.C. 1815(d)), by striking paragraphs (2) and (3) (and any funds resulting from the application of such paragraph (2) prior to its repeal shall be deposited into the general fund of the Deposit Insurance Fund);

(5) in section 5(d)(1) (12 U.S.C. 1815(d)(1))—

(A) in subparagraph (A), by striking "reserve ratios in the Bank Insurance Fund and the Savings Association Insurance Fund as required by section 7" and inserting "the reserve ratio of the Deposit Insurance Fund'';

(B) by striking subparagraph (B) and inserting the following:

"(2) FEE CREDITED TO THE DEPOSIT INSURANCE FUND.—The fee paid by the depository institution under paragraph (1) shall be credited to the Deposit Insurance Fund.'';

(C) by striking "(1) **UNINSURED INSTITUTIONS**.—''; and

(D) by redesignating subparagraphs (A) and (C) as paragraphs (1) and (3), respectively, and moving the left margins 2 ems to the left;

(6) in section 5(e) (12 U.S.C. 1815(e))—

(A) in paragraph (5)(A), by striking "Bank Insurance Fund or the Savings Association Insurance Fund" and inserting "Deposit Insurance Fund'';

(B) by striking paragraph (6); and

(C) by redesignating paragraphs (7), (8), and (9) as paragraphs (6), (7), and (8), respectively;

(7) in section 6(5) (12 U.S.C. 1816(5)), by striking "Bank Insurance Fund or the Savings Association Insurance Fund" and inserting "Deposit Insurance Fund'';

(8) in section 7(b) (12 U.S.C. 1817(b))—

(A) in paragraph (1)(C), by striking "deposit insurance fund" each place that term appears and inserting "Deposit Insurance Fund'';

(B) in paragraph (1)(D), by striking "each deposit insurance fund" and inserting "the Deposit Insurance Fund''; and

(C) in paragraph (5) (as so redesignated by section 4004(e)(4) of this subtitle)—

(i) by striking "any such assessment" and inserting "any such assessment is necessary'';

(ii) by striking subparagraph (B);

(iii) in subparagraph (A)—

(I) by striking "(A) is necessary—'';

(II) by striking "Bank Insurance Fund members" and inserting "insured depository institutions''; and

(III) by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively, and moving the margins 2 ems to the left; and

(iv) in subparagraph (C) (as so redesignated)—

(I) by inserting "that" before "the Corporation''; and

(II) by striking "; and" and inserting a period;

(9) in section 7(j)(7)(F) (12 U.S.C. 1817(j)(7)(F)), by striking "Bank Insurance Fund or the Savings Association Insurance Fund" and inserting "Deposit Insurance Fund'';

(10) in section 8(t)(2)(C) (12 U.S.C. 1818(t)(2)(C)), by striking "deposit insurance fund" and inserting "Deposit Insurance Fund'';

(11) in section 11 (12 U.S.C. 1821)—

(A) by striking "deposit insurance fund" each place that term appears and inserting "Deposit Insurance Fund'';

(B) by striking paragraph (4) of subsection (a) and inserting the following new paragraph:

"(4) DEPOSIT INSURANCE FUND.—

"(A) ESTABLISHMENT.—There is established the Deposit Insurance Fund, which the Corporation shall—

"(i) maintain and administer;

"(ii) use to carry out its insurance purposes, in the manner provided by this subsection; and

"(iii) invest in accordance with section 13(a).

"(B) USES.—The Deposit Insurance Fund shall be available to the Corporation for use with respect to insured depository institutions the deposits of which are insured by the Deposit Insurance Fund.

"(C) LIMITATION ON USE.—Notwithstanding any provision of law other than section 13(c)(4)(G), the Deposit Insurance Fund shall not be used in any manner to benefit any shareholder or affiliate (other than an insured depository institution that receives assistance in accordance with the provisions of this Act) of—

"(i) any insured depository institution for which the Corporation has been appointed conservator or receiver, in connection with any type of resolution by the Corporation;

"(ii) any other insured depository institution in default or in danger of default, in connection with any type of resolution by the Corporation; or

"(iii) any insured depository institution, in connection with the provision of assistance under this section or section 13 with respect to such institution, except that this clause shall not prohibit any assistance to any insured depository institution that is not in default, or that is not in danger of default, that is acquiring (as defined in section 13(f)(8)(B)) another insured depository institution.

"(D) DEPOSITS.—All amounts assessed against insured depository institutions by the Corporation shall be deposited into the Deposit Insurance Fund.'';

(C) by striking paragraphs (5), (6), and (7) of subsection (a); and

(D) by redesignating paragraph (8) of subsection (a) as paragraph (5);

(12) in section 11(f)(1) (12 U.S.C. 1821(f)(1)), by striking ", except that—" and all that follows through the end of the paragraph and inserting a period;

(13) in section 11(i)(3) (12 U.S.C. 1821(i)(3))—

(A) by striking subparagraph (B);

(B) by redesignating subparagraph (C) as subparagraph (B); and

(C) in subparagraph (B) (as so redesignated), by striking "subparagraphs (A) and (B)" and inserting "subparagraph (A)'';

(14) in section 11(p)(2)(B) (12 U.S.C. 1821(p)(2)(B)), by striking "institution, any" and inserting "institution, the'';

(15) in section 11A(a) (12 U.S.C. 1821a(a))—

(A) in paragraph (2), by striking "**liabilities**.—" and all that follows through "Except" and inserting "**liabilities**.—Except'';

(B) by striking paragraph (2)(B); and

(C) in paragraph (3), by striking "the Bank Insurance Fund, the Savings Association Insurance Fund," and inserting "the Deposit Insurance Fund'';

(16) in section 11A(b) (12 U.S.C. 1821a(b)), by striking paragraph (4);

(17) in section 11A(f) (12 U.S.C. 1821a(f)), by striking "Savings Association Insurance Fund" and inserting "Deposit Insurance Fund'';

(18) in section 12(f)(4)(E)(iv) (12 U.S.C. 1822(f)(4)(E)(iv)), by striking "Federal deposit insurance funds" and inserting "the Deposit Insurance Fund (or any predecessor deposit insurance fund)'';

(19) in section 13 (12 U.S.C. 1823)—

(A) by striking "deposit insurance fund" each place that term appears and inserting "Deposit Insurance Fund";

(B) in subsection (a)(1), by striking "Bank Insurance Fund, the Savings Association Insurance Fund," and inserting "Deposit Insurance Fund";

(C) in subsection (c)(4)(E)—

(i) in the subparagraph heading, by striking "funds" and inserting "fund"; and

(ii) in clause (i), by striking "any insurance fund" and inserting "the Deposit Insurance Fund";

(D) in subsection (c)(4)(G)(ii)—

(i) by striking "appropriate insurance fund" and inserting "Deposit Insurance Fund";

(ii) by striking "the members of the insurance fund (of which such institution is a member)" and inserting "insured depository institutions";

(iii) by striking "each member's" and inserting "each insured depository institution's"; and

(iv) by striking "the member's" each place that term appears and inserting "the institution's";

(E) in subsection (c), by striking paragraph (11);

(F) in subsection (h), by striking "Bank Insurance Fund" and inserting "Deposit Insurance Fund";

(G) in subsection (k)(4)(B)(i), by striking "Savings Association Insurance Fund member" and inserting "savings association"; and

(H) in subsection (k)(5)(A), by striking "Savings Association Insurance Fund members" and inserting "savings associations";

(20) in section 14(a) (12 U.S.C. 1824(a)), in the 5th sentence—

(A) by striking "Bank Insurance Fund or the Savings Association Insurance Fund" and inserting "Deposit Insurance Fund"; and

(B) by striking "each such fund" and inserting "the Deposit Insurance Fund";

(21) in section 14(b) (12 U.S.C. 1824(b)), by striking "Bank Insurance Fund or Savings Association Insurance Fund" and inserting "Deposit Insurance Fund";

(22) in section 14(c) (12 U.S.C. 1824(c)), by striking paragraph (3);

(23) in section 14(d) (12 U.S.C. 1824(d))—

(A) by striking "Bank Insurance Fund member" each place that term appears and inserting "insured depository institution";

(B) by striking "Bank Insurance Fund members" each place that term appears and inserting "insured depository institutions";

(C) by striking "Bank Insurance Fund" each place that term appears (other than in connection with a reference to a term amended by subparagraph (A) or (B) of this paragraph) and inserting "Deposit Insurance Fund";

(D) by striking the subsection heading and inserting the following:

"(d) Borrowing for the Deposit Insurance Fund From Insured Depository Institutions.—";

(E) in paragraph (3), in the paragraph heading, by striking "BIF" and inserting "THE DEPOSIT INSURANCE FUND"; and

(F) in paragraph (5), in the paragraph heading, by striking "BIF MEMBERS" and inserting "INSURED DEPOSITORY INSTITUTIONS";

(24) in section 14 (12 U.S.C. 1824), by adding at the end the following new subsection:

"(e) Borrowing for the Deposit Insurance Fund From Federal Home Loan Banks.—

"(1) In general.—The Corporation may borrow from the Federal home loan banks, with the concurrence of the Federal Housing Finance Board, such funds as the Corporation considers necessary for the use of the Deposit Insurance Fund.

"(2) Terms and conditions.—Any loan from any Federal home loan bank under paragraph (1) to the Deposit Insurance Fund shall—

"(A) bear a rate of interest of not less than the current marginal cost of funds to that bank, taking into account the maturities involved;

"(B) be adequately secured, as determined by the Federal Housing Finance Board;

"(C) be a direct liability of the Deposit Insurance Fund; and

"(D) be subject to the limitations of section 15(c).";

(25) in section 15(c)(5) (12 U.S.C. 1825(c)(5))—

(A) by striking "the Bank Insurance Fund or Savings Association Insurance Fund, respectively" each place that term appears and inserting "the Deposit Insurance Fund"; and

(B) in subparagraph (B), by striking "the Bank Insurance Fund or the Savings Association Insurance Fund, respectively" and inserting "the Deposit Insurance Fund";

(26) in section 17(a) (12 U.S.C. 1827(a))—

(A) in the subsection heading, by striking "BIF, SAIF," and inserting "THE DEPOSIT INSURANCE FUND"; and

(B) in paragraph (1)—

(i) by striking "the Bank Insurance Fund, the Savings Association Insurance Fund," each place that term appears and inserting "the Deposit Insurance Fund"; and

(ii) in subparagraph (D), by striking "each insurance fund" and inserting "the Deposit Insurance Fund";

(27) in section 17(d) (12 U.S.C. 1827(d)), by striking ", the Bank Insurance Fund, the Savings Association Insurance Fund," each place that term appears and inserting "the Deposit Insurance Fund";

(28) in section 18(m)(3) (12 U.S.C. 1828(m)(3))—

(A) by striking "Savings Association Insurance Fund" in the 1st sentence of subparagraph (A) and inserting "Deposit Insurance Fund";

(B) by striking "Savings Association Insurance Fund member" in the last sentence of subparagraph (A) and inserting "savings association"; and

(C) by striking "Savings Association Insurance Fund or the Bank Insurance Fund" in subparagraph (C) and inserting "Deposit Insurance Fund";

(29) in section 18(o) (12 U.S.C. 1828(o)), by striking "deposit insurance funds" and "deposit insurance fund" each place those terms appear and inserting "Deposit Insurance Fund";

(30) in section 18(p) (12 U.S.C. 1828(p)), by striking "deposit insurance funds" and inserting "Deposit Insurance Fund";

(31) in section 24 (12 U.S.C. 1831a)—

(A) in subsections (a)(1) and (d)(1)(A), by striking "appropriate deposit insurance fund" each place that term appears and inserting "Deposit Insurance Fund";

(B) in subsection (e)(2)(A), by striking "risk to" and all that follows through the period and inserting "risk to the Deposit Insurance Fund."; and

(C) in subsections (e)(2)(B)(ii) and (f)(6)(B), by striking "the insurance fund of which such bank is a member" each place that term appears and inserting "the Deposit Insurance Fund";

(32) in section 28 (12 U.S.C. 1831e), by striking "affected deposit insurance fund" each place that term appears and inserting "Deposit Insurance Fund";

(33) by striking section 31 (12 U.S.C. 1831h);

(34) in section 36(i)(3) (12 U.S.C. 1831m(i)(3)), by striking "affected deposit insurance fund" and inserting "Deposit Insurance Fund";

(35) in section 37(a)(1)(C) (12 U.S.C. 1831n(a)(1)(C)), by striking "insurance funds" and inserting "Deposit Insurance Fund";

(36) in section 38 (12 U.S.C. 1831o), by striking "the deposit insurance fund" each place that term appears and inserting "the Deposit Insurance Fund";

(37) in section 38(a) (12 U.S.C. 1831o(a)), in the subsection heading, by striking "FUNDS" and inserting "FUND";

(38) in section 38(k) (12 U.S.C. 1831o(k))—

(A) in paragraph (1), by striking "a deposit insurance fund" and inserting "the Deposit Insurance Fund";

(B) in paragraph (2), by striking "A deposit insurance fund" and inserting "The Deposit Insurance Fund"; and

(C) in paragraphs (2)(A) and (3)(B), by striking "the deposit insurance fund's outlays" each place that term appears and inserting "the outlays of the Deposit Insurance Fund"; and

(39) in section 38(o) (12 U.S.C. 1831o(o))—

(A) by striking "**associations**.—" and all that follows through "Subsections (e)(2)" and inserting "**associations**.—Subsections (e)(2)";

(B) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively, and moving the margins 2 ems to the left; and

(C) in paragraph (1) (as so redesignated), by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and moving the margins 2 ems to the left.

(b) Effective Date.—This section and the amendments made by this section shall take effect on the first day of the first calendar quarter that begins after the end of the 90-day period beginning on the date of the enactment of this Act.

SEC. 4013. OTHER TECHNICAL AND CONFORMING AMENDMENTS RELATING TO THE MERGER OF THE BIF AND SAIF.

(a) Section 5136 of the Revised Statutes.—The paragraph designated the "Eleventh" of section 5136 of the Revised Statutes of the United States (12 U.S.C. 24) is amended in the 5th sentence, by striking "affected deposit insurance fund" and inserting "Deposit Insurance Fund".

(b) Investments Promoting Public Welfare; Limitations on Aggregate Investments.—The 23d undesignated paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 338a) is amended in the 4th sentence, by striking "affected deposit insurance fund" and inserting "Deposit Insurance Fund".

(c) Advances to Critically Undercapitalized Depository Institutions.—Section 10B(b)(3)(A)(ii) of the Federal Reserve Act (12 U.S.C. 347b(b)(3)(A)(ii)) is amended by striking "any deposit insurance fund in" and inserting "the Deposit Insurance Fund of".

(d) Amendments to the Balanced Budget and Emergency Deficit Control Act of 1985.—Section 255(g)(1)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 905(g)(1)(A)) is amended—

(1) by striking "Bank Insurance Fund" and inserting "Deposit Insurance Fund"; and

(2) by striking "Federal Deposit Insurance Corporation, Savings Association Insurance Fund (51–4066–0–3–373);".

(e) Amendments to the Federal Home Loan Bank Act.—The Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.) is amended—

(1) in section 11(k) (12 U.S.C. 1431(k))—

(A) in the subsection heading, by striking "SAIF" and inserting "THE DEPOSIT INSURANCE FUND"; and

(B) by striking "Savings Association Insurance Fund" each place such term appears and inserting "Deposit Insurance Fund";

(2) in section 21 (12 U.S.C. 1441)—

(A) in subsection (f)(2), by striking ", except that" and all that follows through the end of the paragraph and inserting a period; and

(B) in subsection (k), by striking paragraph (4);

(3) in section 21A(b)(4)(B) (12 U.S.C. 1441a(b)(4)(B)), by striking "affected deposit insurance fund" and inserting "Deposit Insurance Fund";

(4) in section 21A(b)(6)(B) (12 U.S.C. 1441a(b)(6)(B))—

(A) in the subparagraph heading, by striking "SAIF-INSURED BANKS" and inserting "CHARTER CONVERSIONS"; and

(B) by striking "Savings Association Insurance Fund member" and inserting "savings association";

(5) in section 21A(b)(10)(A)(iv)(II) (12 U.S.C. 1441a(b)(10)(A)(iv)(II)), by striking "Savings Association Insurance Fund" and inserting "Deposit Insurance Fund";

(6) in section 21A(n)(6)(E)(iv) (12 U.S.C. 1441(n)(6)(E)(iv)), by striking "Federal deposit insurance funds" and inserting "the Deposit Insurance Fund";

(7) in section 21B(e) (12 U.S.C. 1441b(e))—

(A) in paragraph (5), by inserting "as of the date of funding" after "Savings Association Insurance Fund members" each place that term appears; and

(B) by striking paragraphs (7) and (8); and

(8) in section 21B(k) (12 U.S.C. 1441b(k))—

(A) by inserting before the colon ", the following definitions shall apply";

(B) by striking paragraph (8); and

(C) by redesignating paragraphs (9) and (10) as paragraphs (8) and (9), respectively.

(f) AMENDMENTS TO THE HOME OWNERS' LOAN ACT.—The Home Owners' Loan Act (12 U.S.C. 1461 et seq.) is amended—

(1) in section 5 (12 U.S.C. 1464)—

(A) in subsection (c)(5)(A), by striking "that is a member of the Bank Insurance Fund";

(B) in subsection (c)(6), by striking "As used in this subsection—" and inserting "For purposes of this subsection, the following definitions shall apply:";

(C) in subsection (o)(1), by striking "that is a Bank Insurance Fund member";

(D) in subsection (o)(2)(A), by striking "a Bank Insurance Fund member until such time as it changes its status to a Savings Association Insurance Fund member" and inserting "insured by the Deposit Insurance Fund";

(E) in subsection (t)(5)(D)(iii)(II), by striking "affected deposit insurance fund" and inserting "Deposit Insurance Fund";

(F) in subsection (t)(7)(C)(i)(I), by striking "affected deposit insurance fund" and inserting "Deposit Insurance Fund"; and

(G) in subsection (v)(2)(A)(i), by striking "the Savings Association Insurance Fund" and inserting "or the Deposit Insurance Fund"; and

(2) in section 10 (12 U.S.C. 1467a)—

(A) in subsection (c)(6)(D), by striking "this title" and inserting "this Act";

(B) in subsection (e)(1)(B), by striking "Savings Association Insurance Fund or Bank Insurance Fund" and inserting "Deposit Insurance Fund";

(C) in subsection (e)(2), by striking "Savings Association Insurance Fund or the Bank Insurance Fund" and inserting "Deposit Insurance Fund";

(D) in subsection (e)(4)(B), by striking "subsection (1)" and inserting "subsection (l)";

(E) in subsection (g)(3)(A), by striking "(5) of this section" and inserting "(5) of this subsection";

(F) in subsection (i), by redesignating paragraph (5) as paragraph (4);

(G) in subsection (m)(3), by striking subparagraph (E) and by redesignating subparagraphs (F), (G), and (H) as subparagraphs (E), (F), and (G), respectively;

(H) in subsection (m)(7)(A), by striking "during period" and inserting "during the period"; and

(I) in subsection (o)(3)(D), by striking "sections 5(s) and (t) of this Act" and inserting "subsections (s) and (t) of section 5".

(g) AMENDMENTS TO THE NATIONAL HOUSING ACT.—The National Housing Act (12 U.S.C. 1701 et seq.) is amended—

(1) in section 317(b)(1)(B) (12 U.S.C. 1723i(b)(1)(B)), by striking "Bank Insurance Fund for banks or through the Savings Association Insurance Fund for savings associations" and inserting "Deposit Insurance Fund"; and

(2) in section 536(b)(1)(B)(ii) (12 U.S.C. 1735f-14(b)(1)(B)(ii)), by striking "Bank Insurance Fund for banks and through the Savings Association Insurance Fund for savings associations" and inserting "Deposit Insurance Fund".

(h) AMENDMENTS TO THE FINANCIAL INSTITUTIONS REFORM, RECOVERY, AND ENFORCEMENT ACT OF 1989.—The Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1811 note) is amended—

(1) in section 951(b)(3)(B) (12 U.S.C. 1833a(b)(3)(B)), by inserting "and after the merger of such funds, the Deposit Insurance Fund," after "the Savings Association Insurance Fund,"; and

(2) in section 1112(c)(1)(B) (12 U.S.C. 3341(c)(1)(B)), by striking "Bank Insurance Fund, the Savings Association Insurance Fund," and inserting "Deposit Insurance Fund".

(i) AMENDMENT TO THE BANK HOLDING COMPANY ACT OF 1956.—The Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.) is amended—

(1) in section 2(j)(2) (12 U.S.C. 1841(j)(2)), by striking "Savings Association Insurance Fund" and inserting "Deposit Insurance Fund"; and

(2) in section 3(d)(1)(D)(iii) (12 U.S.C. 1842(d)(1)(D)(iii)), by striking "appropriate deposit insurance fund" and inserting "Deposit Insurance Fund".

(j) AMENDMENTS TO THE GRAMM-LEACH-BLILEY ACT.—Section 114 of the Gramm-Leach-Bliley Act (12 U.S.C. 1828a) is amended by striking "any Federal deposit insurance fund" in subsection (a)(1)(B), paragraphs (2)(B) and (4)(B) of subsection (b), and subsection (c)(1)(B), each place that term appears and inserting "the Deposit Insurance Fund".

(k) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first calendar quarter that begins after the end of the 90-day period beginning on the date of the enactment of this Act.

Subtitle B—FHA Asset Disposition

SEC. 4101. SHORT TITLE.

This subtitle may be cited as the "FHA Asset Disposition Act of 2005".

SEC. 4102. DEFINITIONS.

For purposes of this subtitle, the following definitions shall apply:

(1) The term "affordability requirements" means any requirements or restrictions imposed by the Secretary, at the time of sale, on a multifamily real property or a multifamily loan, such as use restrictions, rent restrictions, and rehabilitation requirements.

(2) The term "discount sale" means the sale of a multifamily real property in a transaction, such as a negotiated sale, in which the sale price is lower than the property market value and is set outside of a competitive bidding process that has no affordability requirements.

(3) The term "discount loan sale" means the sale of a multifamily loan in a transaction, such as a negotiated sale, in which the sale price is lower than the loan market value and is set outside of a competitive bidding process that has no affordability requirements.

(4) The term "loan market value" means the value of a multifamily loan, without taking into account any affordability requirements.

(5) The term "multifamily real property" means any rental or cooperative housing project of 5 or more units owned by the Secretary that prior to acquisition by the Secretary was security for a loan or loans insured under title II of the National Housing Act.

(6) The term "multifamily loan" means a loan held by the Secretary and secured by a multifamily rental or cooperative housing project of 5 or more units that was formerly insured under title II of the National Housing Act.

(7) The term "property market value" means the value of a multifamily real property for its current use, without taking into account any affordability requirements.

(8) The term "Secretary" means the Secretary of Housing and Urban Development.

SEC. 4103. APPROPRIATED FUNDS REQUIREMENT FOR BELOW MARKET SALES.

(a) DISCOUNT SALES.—Notwithstanding any other provision of law, except for affordability requirements for the elderly and disabled required by statute, disposition by the Secretary of a multifamily real property during fiscal years 2006 through 2010 through a discount sale under sections 207(l) or 246 of the National Housing Act (12 U.S.C. 1713(l), 1715z-11), section 203 of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z-11), or section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (12 U.S.C. 1715z-11a), shall be subject to the availability of appropriations to the extent that the property value exceeds the sale proceeds. If the multifamily real property is sold, during such fiscal years, for an amount equal to or greater than the property market value then the transaction is not subject to the availability of appropriations.

(b) DISCOUNT LOAN SALES.—Notwithstanding any other provision of law and in accordance with the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.), a discount loan sale during fiscal years 2006 through 2010 under section 207(k) of the National Housing Act (12 U.S.C. 1713(k)), section 203(k) of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z-11(k)), or section 204(a) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (12 U.S.C. 1715z-11a(a)), shall be subject to the availability of appropriations to the extent that the loan value exceeds the sale proceeds. If the multifamily loan is sold, during such fiscal years, for an amount equal to or greater than the loan market value then the transaction is not subject to the availability of appropriations.

(c) APPLICABILITY.—This section shall not apply to any transaction that formally commences within one year prior to the enactment of this section.

SEC. 4104. UP-FRONT GRANTS.

(a) 1997 ACT.—Section 204(a) of the Departments of Veterans Affairs and Housing And Urban Development, and Independent Agencies Appropriations Act, 1997 (12 U.S.C. 1715z-11a(a)) is amended by adding at the end the following new sentence: "A grant provided under this subsection during fiscal years 2006 through 2010 shall be available only to the extent that appropriations are made in advance for such purposes and shall not be derived from the General Insurance Fund.".

(b) 1978 ACT.—Section 203(f)(4) of the Housing and Community Development Amendments of 1978 (12 USC 1701z-11(f)(4)) is amended by adding at the end the following new sentence: "This paragraph shall be effective during fiscal years 2006 through 2010 only to the extent that such budget authority is made available for use under this paragraph in advance in appropriation Acts.".

(c) APPLICABILITY.—The amendments made by this section shall not apply to any transaction that formally commences within one year prior to the enactment of this section.

TITLE V—COMMITTEE ON JUDICIARY

SEC. 5001. TABLE OF CONTENTS.

TITLE V—COMMITTEE ON JUDICIARY

Sec. 5001. Table of contents.

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Subtitle A—Visa Fees

SEC. 5101. FEES WITH RESPECT TO IMMIGRATION SERVICES FOR INTRACOMPANY TRANSFEREES.

Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) is amended by adding at the end the following:

"(15)(A) The Secretary of State shall impose a fee on an employer when an alien files an application abroad for a visa authorizing initial admission to the United States as a nonimmigrant described in section 101(a)(15)(L) in order to be employed by the employer, if the alien is covered under a blanket petition described in paragraph (2)(A).

"(B) The Secretary of Homeland Security shall impose a fee on an employer filing a petition under paragraph (1) initially to grant an alien nonimmigrant status described in section 101(a)(15)(L) or to extend for the first time the stay of an alien having such status.

"(C) The amount of the fee imposed under subparagraph (A) or (B) shall be $1,500.

"(D) The fees imposed under subparagraphs (A) and (B) shall only apply to principal aliens and not to spouses or children who are accompanying or following to join such principal aliens.

"(E) Fees collected under this paragraph shall be deposited as offsetting receipts in the Treasury, and shall not be available for expenditure until appropriated.

"(F)(i) An employer may not require an alien who is the beneficiary of the visa or petition for which a fee is imposed under this paragraph to reimburse, or otherwise compensate, the employer for part or all of the cost of such fee.

"(ii) Section 274A(g)(2) shall apply to a violation of clause (i) in the same manner as it applies to a violation of section 274A(g)(1).".

Subtitle B—Circuit and District Judgeships

SEC. 5201. SHORT TITLE.

This subtitle may be cited as the "Federal Judgeship Act of 2005".

SEC. 5202. CIRCUIT JUDGES FOR THE CIRCUIT COURTS OF APPEALS.

(a) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(1) 1 additional circuit judge for the first circuit court of appeals;

(2) 2 additional circuit judges for the second circuit court of appeals;

(3) 1 additional circuit judge for the sixth circuit court of appeals; and

(4) 5 additional circuit judges for the ninth circuit court of appeals, whose official duty station shall be in California.

(b) TEMPORARY JUDGESHIPS.—

(1) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(A) 1 additional circuit judge for the eighth circuit court of appeals; and

(B) 2 additional circuit judges for the ninth circuit court of appeals, whose official duty station shall be in California.

(2) VACANCIES.—

(A) EIGHTH CIRCUIT.—The first vacancy in the office of circuit judge in the eighth circuit court of appeals, occurring 10 years or more after the confirmation date of the judge named to fill the circuit judgeship created in that circuit by paragraph (1)(A) shall not be filled.

(B) NINTH CIRCUIT.—The first 2 vacancies in the office of circuit judge in the ninth circuit court of appeals, occurring 10 years or more after judges are first confirmed to fill both temporary circuit judgeships created by paragraph (1)(B) shall not be filled.

(c) TABLE OF JUDGESHIPS.—In order that the table contained in section 44 of title 28, United States Code, will, with respect to each judicial circuit, reflect the changes in the total number of permanent circuit judgeships authorized under subsection (a) of this section, such table is amended to read as follows:

"Circuits	Number of Judges
District of Columbia	12
First	7
Second	15
Third	14
Fourth	15
Fifth	17
Sixth	17
Seventh	11
Eighth	11
Ninth	33
Tenth	12
Eleventh	12
Federal	12.".

SEC. 5203. DISTRICT JUDGES FOR THE DISTRICT COURTS.

(a) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(1) 1 additional district judge for the northern district of Alabama;

(2) 4 additional district judges for the district of Arizona;

(3) 3 additional district judges for the northern district of California;

(4) 4 additional district judges for the eastern district of California;

(5) 4 additional district judges for the central district of California;

(6) 1 additional district judge for the southern district of California;

(7) 1 additional district judge for the district of Colorado;

(8) 4 additional district judges for the middle district of Florida;

(9) 3 additional district judges for the southern district of Florida;

(10) 1 additional district judge for the district of Idaho;

(11) 1 additional district judge for the northern district of Illinois;

(12) 1 additional district judge for the southern district of Indiana;

(13) 1 additional district judge for the western district of Missouri;

(14) 1 additional district judge for the district of Nebraska;

(15) 1 additional district judge for the district of Nevada;

(16) 1 additional district judge for the district of New Mexico;

(17) 3 additional district judges for the eastern district of New York;

(18) 1 additional district judge for the western district of New York;

(19) 1 additional district judge for the district of Oregon;

(20) 1 additional district judge for the district of South Carolina;

(21) 3 additional district judges for the southern district of Texas;

(22) 2 additional district judges for the eastern district of Virginia; and

(23) 1 additional district judge for the western district of Washington.

(b) TEMPORARY JUDGESHIPS.—

(1) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(A) 1 additional district judge for the middle district of Alabama;

(B) 1 additional district judge for the district of Arizona;

(C) 1 additional district judge for the northern district of California;

(D) 1 additional district judge for the district of Colorado;

(E) 1 additional district judge for the middle district of Florida;

(F) 1 additional district judge for the northern district of Iowa;

(G) 1 additional district judge for the district of Minnesota;

(H) 1 additional district judge for the district of New Jersey;

(I) 1 additional district judge for the district of New Mexico;

(J) 1 additional district judge for the southern district of Ohio;

(K) 1 additional district judge for the district of Oregon; and

(L) 1 additional district judge for the district of Utah.

(2) VACANCIES NOT FILLED.—The first vacancy in the office of district judge in each of the judicial districts named in paragraph (1) occurring 10 years or more after the confirmation date of the judge named to fill the district judgeship created in that district by paragraph (1) shall not be filled.

(c) EXISTING JUDGESHIPS.—

(1) PERMANENT JUDGESHIPS.—The existing judgeships for the district of Hawaii, the district of Kansas, and the eastern district of Missouri authorized by section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101-650; 28 U.S.C. 133 note) shall, as of the effective date of this Act, be authorized under section 133 of title 28, United States Code, and the incumbents in those offices shall hold the office under section 133 of title 28, United States Code, as amended by this Act.

(2) EXTENSION OF TEMPORARY JUDGESHIP.—Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101-650; 28 U.S.C. 133 note) is amended in the fifth sentence (relating to the northern district of Ohio) by striking "15 years" and inserting "20 years".

(d) TABLE OF JUDGESHIPS.—In order that the table contained in section 133(a) of title 28, United States Code, will, with respect to each judicial district, reflect the changes in the total number of permanent district judgeships authorized under subsections (a) and (c) of this section, such table is amended to read as follows:

"Districts	**Judges**
"Alabama:	
"Northern	8
"Middle	3
"Southern	3
"Alaska	3
"Arizona	16
"Arkansas:	
"Eastern	5
"Western	3
"California:	
"Northern	17
"Eastern	10
"Central	31
"Southern	14
"Colorado	8
"Connecticut	8
"Delaware	4
"District of Columbia	15
"Florida:	
"Northern	4
"Middle	19
"Southern	20
"Georgia:	
"Northern	11
"Middle	4
"Southern	3
"Hawaii	4
"Idaho	3
"Illinois:	
"Northern	23
"Central	4
"Southern	4
"Indiana:	
"Northern	5
"Southern	6
"Iowa:	
"Northern	2
"Southern	3
"Kansas	6
"Kentucky:	
"Eastern	5
"Western	4
"Eastern and Western	1
"Louisiana:	
"Eastern	12
"Middle	3
"Western	7
"Maine	3
"Maryland	10
"Massachusetts	13
"Michigan:	
"Eastern	15
"Western	4
"Minnesota	7
"Mississippi:	
"Northern	3
"Southern	6
"Missouri:	
"Eastern	7
"Western	6
"Eastern and Western	2
"Montana	3
"Nebraska	4
"Nevada	8
"New Hampshire	3
"New Jersey	17
"New Mexico	7
"New York:	
"Northern	5
"Southern	28
"Eastern	18
"Western	5
"North Carolina:	
"Eastern	4
"Middle	4
"Western	4
"North Dakota	2
"Ohio:	
"Northern	11
"Southern	8
"Oklahoma:	
"Northern	3
"Eastern	1
"Western	6
"Northern, Eastern, and Western.	1
"Oregon	7
"Pennsylvania:	
"Eastern	22
"Middle	6
"Western	10
"Puerto Rico	7
"Rhode Island	3
"South Carolina	11
"South Dakota	3
"Tennessee:	
"Eastern	5
"Middle	4
"Western	5
"Texas:	
"Northern	12
"Southern	22
"Eastern	7
"Western	13
"Utah	5
"Vermont	2
"Virginia:	
"Eastern	13
"Western	4
"Washington:	
"Eastern	4
"Western	8
"West Virginia:	
"Northern	3
"Southern	5
"Wisconsin:	
"Eastern	5
"Western	2
"Wyoming	3.".

SEC. 5204. ESTABLISHMENT OF ARTICLE III COURT IN THE VIRGIN ISLANDS.

(a) ESTABLISHMENT OF JUDICIAL DISTRICT.—

(1) VIRGIN ISLANDS.—Chapter 5 of title 28, United States Code, is amended by inserting after section 126 the following new section:

"§ 126A. Virgin Islands

"The Virgin Islands constitutes 1 judicial district comprising 2 divisions.

"(1) The Saint Croix Division comprises the Island of Saint Croix and adjacent islands and cays.

"Court for the Saint Croix Division shall be held at Christiansted.

"(2) The Saint Thomas and Saint John Division comprises the Islands of Saint Thomas and Saint John and adjacent islands and cays.

"Court for the Saint Thomas and Saint John Division shall be held at Charlotte-Amalie.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents for chapter 5 of title 28, United States Code, is amended by inserting after the item relating to section 126 the following:

"126A. Virgin Islands.".

(b) NUMBER OF JUDGES.—The table contained in section 133(a) of title 28, United States Code, is amended by inserting after the item relating to Vermont the following:

"Virgin Islands .... 2".

(c) BANKRUPTCY JUDGES.—The table contained in section 152(a)(2) of title 28, United States Code, is amended by inserting after the item relating to Vermont the following:

"Virgin Islands .... 0".

(d) JUDICIAL CONFERENCES OF CIRCUITS.—Section 333 of title 28, United States Code, is amended in the third sentence of the first undesignated paragraph—

(1) by striking ", the District Court of the Virgin Islands,"; and

(2) by striking "to the conferences of their respective circuits" and inserting "to the conference of the ninth circuit".

(e) JUDGES IN TERRITORIES AND POSSESSIONS.—Section 373 of title 28, United States Code, is amended—

(1) in subsection (a), by striking ", the District Court of the Northern Mariana Islands, or the District Court of the Virgin Islands" and inserting "or the District Court of the Northern Mariana Islands"; and

(2) in subsection (e), by striking ", the District Court of the Northern Mariana Islands, or the District Court of the Virgin Islands" and inserting "or the District Court of the Northern Mariana Islands".

(f) ANNUITIES FOR SURVIVORS OF CERTAIN JUDICIAL OFFICIALS OF THE UNITED STATES.—Section 376(a) of title 28, United States Code, is amended—

(1) in paragraph (1)(B), by striking ", the District Court of the Northern Mariana Islands, or the District Court of the Virgin Islands" and inserting "or the District Court of the Northern Mariana Islands"; and

(2) in paragraph (2)(B), by striking ", the District Court of the Northern Mariana Islands, or the District Court of the Virgin Islands" and inserting "or the District Court of the Northern Mariana Islands".

(g) AUTHORITY OF ATTORNEY GENERAL.—Section 526(a)(2) of title 28, United States Code, is amended by striking "and of the district court of the Virgin Islands".

(h) COURTS DEFINED.—Section 610 of title 28, United States Code, is amended—

(1) by striking "the United States District Court for the District of the Canal Zone,"; and

(2) by striking "the District Court of the Virgin Islands,".

(i) UNITED STATES MAGISTRATE JUDGES.—Section 631(a) of title 28, United States Code, is amended—

(1) in the first sentence, by striking "the Virgin Islands, Guam," and inserting "Guam"; and

(2) in the second sentence, by striking "the Virgin Islands, Guam," and inserting "Guam".

(j) Court Reporters.—Section 753(a) of title 28, United States Code, is amended by striking ", the United States District Court for the District of the Canal Zone, the District Court of Guam, and the District Court of the Virgin Islands" and inserting "and the District Court of Guam".

(k) Final Decisions of District Courts.—Section 1291 of title 28, United States Code, is amended by striking ", the United States District Court for the District of the Canal Zone, the District Court of Guam, and the District Court of the Virgin Islands," and inserting "and the District Court of Guam,".

(l) Interlocutory Decisions.—Section 1292 of title 28, United States Code, is amended—

(1) in subsection (a), by striking ", the United States District Court for the District of the Canal Zone, the District Court of Guam, and the District Court of the Virgin Islands," and inserting "and the District Court of Guam,"; and

(2) in subsection (d)(4)(A), by striking "the District Court of the Virgin Islands,".

(m) Jurisdiction of the United States Court of Appeals for the Federal Circuit.—Section 1295(a) of title 28, United States Code, is amended in paragraphs (1) and (2)—

(1) by striking "the United States District Court for the District of the Canal Zone,"; and

(2) by striking "the District Court of the Virgin Islands,".

(n) United States as Defendant.—Section 1346(b)(1) of title 28, United States Code, is amended by striking ", together with the United States District Court for the District of the Canal Zone and the District Court of the Virgin Islands,".

(o) Adequate Representation of Defendants.—Section 3006A(j) of title 18, United States Code, is amended by striking "the District Court of the Virgin Islands,".

(p) Savings Provisions.—

(1) Tenure of incumbent judges.—A judge of the District Court of the Virgin Islands in office on the effective date of this section shall continue in office until the expiration of the term for which the judge was appointed, or until the judge dies, resigns, or is removed from office, whichever occurs first. When a vacancy occurs on the court on or after the effective date of this section, the President, in accordance with section 133(a) of title 28, United States Code, shall appoint, by and with the advice and consent of the Senate, a district judge for the District of the Virgin Islands.

(2) Retirement rights and benefits.—The amendments made by this section shall not affect the rights under sections 373 and 376 of title 28, United States Code, of any judge of the District Court of the Virgin Islands who retires on or before the effective date of this section or who continues in office after that date under paragraph (1) of this subsection. Service as a judge of the District Court of the Virgin Islands appointed under section 24 of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1614) shall be included in calculating service under sections 371 and 372 of title 28, United States Code, and shall not be counted for purposes of section 373 of that title, if the judge is reappointed, after the effective date of this section, under section 133(a) of title 28, United States Code, as district judge for the District of the Virgin Islands.

(q) Amendments to Revised Organic Act of the Virgin Islands.—

(1) Repeals.—Sections 24, 25, 26, and 27 of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1614, 1615, 1616 and 1617) are repealed.

(2) Rights and prohibitions.—Section 3 of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1561) is amended in the 23d undesignated paragraph—

(A) by inserting "article III;" after "section 9, clauses 2 and 3;" and

(B) by striking "That all offenses against the laws of the United States" and all that follows through "section 22(b) of this Act or" and inserting "That all offenses against the laws of the Virgin Islands which are prosecuted".

(3) Jurisdiction.—Section 21 of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1611) is amended to read as follows:

"SEC. 21. JURISDICTION OF THE COURTS OF THE VIRGIN ISLANDS.

"(a) Jurisdiction of the Courts of the Virgin Islands.—The judicial power of the Virgin Islands shall be vested in such trial and appellate courts as may have been or may hereafter be established by local law. The local courts of the Virgin Islands shall have jurisdiction over all causes of action in the Virgin Islands over which any court established by the Constitution and laws of the United States does not have exclusive jurisdiction.

"(b) Practice and Procedure.—The rules governing the practice and procedure of the courts established by local law and those prescribing the qualifications and duties of the judges and officers thereof, oaths and bonds, and the times and places of holding court shall be governed by local law or the rules promulgated by those courts.".

(4) Income tax matters.—Section 22 of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1612) is amended to read as follows:

"SEC. 22. JURISDICTION OVER INCOME TAX MATTERS.

"The United States District Court for the District of the Virgin Islands shall have exclusive jurisdiction over all criminal and civil proceedings in the Virgin Islands with respect to the income tax laws applicable to the Virgin Islands, except the ancillary laws relating to the income tax enacted by the legislature of the Virgin Islands. Any act or failure to act with respect to the income tax laws applicable to the Virgin Islands which would constitute a criminal offense described in chapter 75 of subtitle F of the Internal Revenue Code of 1986 shall constitute an offense against the Government of the Virgin Islands and may be prosecuted in the name of the Government of the Virgin Islands by the appropriate officers thereof in the United States District Court for the District of the Virgin Islands without the request or consent of the United States attorney for the Virgin Islands.".

(5) Appellate jurisdiction.—Section 23A of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1613a) is amended—

(A) by striking "District Court of the Virgin Islands" each place it appears and inserting "United States District Court for the District of the Virgin Islands"; and

(B) in subsection (b), by striking "pursuant to section 24(a) of this Act: *Provided*, That no more than one of them may be a judge of a court established by local law." and inserting "pursuant to chapter 13 of title 28, United States Code, or a recalled senior judge of the former District Court of the Virgin Islands. The chief judge of the United States Court of Appeals for the Third Circuit may assign to the appellate division a judge of a court of record of the Virgin Islands, except that no more than 1 of the judges sitting in the appellate division at any session may be a judge of a court established by local law.".

(r) Additional References.—Any reference in any provision of law to the "District Court of the Virgin Islands" shall, on and after the effective date of this section, be deemed to be a reference to the United States District Court for the District of the Virgin Islands.

(s) Effective Date.—This section and the amendments made by this section shall take effect at the end of the 90-day period beginning on the date of the enactment of this Act. Any complaint or proceeding pending in the District Court of the Virgin Islands on the effective date of this section may be pursued to final determination in the United States District Court for the District of the Virgin Islands, the United States Court of Appeals for the Third Circuit, the United States Court of Appeals for the Federal Circuit, and the Supreme Court of the United States.

SEC. 5205. EFFECTIVE DATE.

Except as provided in section 5204(s), this subtitle and the amendments made by this subtitle shall take effect on the date of the enactment of this Act.

Subtitle C—Bankruptcy Judgeships

SEC. 5301. SHORT TITLE.

This subtitle may be cited as the "Enhanced Bankruptcy Judgeship Act of 2005".

SEC. 5302. AUTHORIZATION FOR ADDITIONAL BANKRUPTCY JUDGESHIPS.

The following judgeships shall be filled in the manner prescribed in section 152(a)(1) of title 28, United States Code, for the appointment of bankruptcy judges provided for in section 152(a)(2) of such title:

(1) 1 additional bankruptcy judgeship for the eastern and western districts of Arkansas.

(2) 1 additional bankruptcy judgeship for the eastern district of California.

(3) 2 additional bankruptcy judgeships for the middle district of Florida.

(4) 2 additional bankruptcy judgeships for the northern district of Georgia.

(5) 1 additional bankruptcy judgeship for the southern district of Georgia.

(6) 1 additional bankruptcy judgeship for the eastern district of Kentucky.

(7) 1 additional bankruptcy judgeship for the district of Maryland.

(8) 3 additional bankruptcy judgeships for the eastern district of Michigan.

(9) 1 additional bankruptcy judgeship for the southern district of New York.

(10) 1 additional bankruptcy judgeship for the western district of Pennsylvania.

(11) 1 additional bankruptcy judgeship for the western district of Tennessee.

(12) 1 additional bankruptcy judgeship for the eastern district of Texas.

(13) 1 additional bankruptcy judgeship for the district of Utah.

SEC. 5303. TEMPORARY BANKRUPTCY JUDGESHIPS.

(a) Authorization for Additional Temporary Bankruptcy Judgeships.—The following judgeships shall be filled in the manner prescribed in section 152(a)(1) of title 28, United States Code, for the appointment of bankruptcy judges provided for in section 152(a)(2) of such title:

(1) 1 additional bankruptcy judgeship for the northern district of Florida.

(2) 2 additional bankruptcy judgeships for the middle district of Florida.

(3) 1 additional bankruptcy judgeship for the northern district of Indiana.

(4) 1 additional bankruptcy judgeship for the northern district of Mississippi.

(5) 1 additional bankruptcy judgeship for the district of Nevada.

(6) 1 additional bankruptcy judgeship for the western district of North Carolina.

(7) 1 additional bankruptcy judgeship for the southern district of Ohio.

(b) VACANCIES.—

(1) DISTRICTS WITH SINGLE APPOINTMENTS.—Except as provided in paragraph (2), the first vacancy occurring in the office of bankruptcy judge in each of the judicial districts set forth in subsection (a)—

(A) occurring 5 years or more after the appointment date of the bankruptcy judge appointed under subsection (a) to such office, and

(B) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(2) MIDDLE DISTRICT OF FLORIDA.—The 1st and 2d vacancies in the office of bankruptcy judge in the middle district of Florida—

(A) occurring 5 years or more after the respective 1st and 2d appointment dates of the bankruptcy judges appointed under subsection (a)(2), and

(B) resulting from the death, retirement, resignation, or removal of a bankruptcy judge,

shall not be filled.

(c) ELIGIBILITY FOR SUBSEQUENT APPOINTMENTS.—A judge holding office in any of the districts enumerated in subsection (a) shall, at the expiration of the term of the judge (other than by reason of paragraph (1)(B) or (2)(B) of subsection (b)), be eligible for reappointment as a bankruptcy judge in that district.

SEC. 5304. CONVERSION OF EXISTING TEMPORARY BANKRUPTCY JUDGESHIPS.

(a) JUDGESHIPS AUTHORIZED BY PUBLIC LAW 102-361.—The following temporary bankruptcy judgeships authorized by the following paragraphs of section 3(a) of Public Law 102-361, as amended by section 307 of Public Law 104-317 (28 U.S.C. 152 note), are converted to permanent bankruptcy judgeships under section 152(a)(2) of title 28, United States Code:

(1) The temporary bankruptcy judgeship for the district of Delaware authorized by paragraph (3).

(2) The temporary bankruptcy judgeship for the southern district of Illinois authorized by paragraph (4).

(3) The temporary bankruptcy judgeship for the district of Puerto Rico authorized by paragraph (7).

(b) JUDGESHIPS AUTHORIZED BY PUBLIC LAW 109-8.—The following temporary bankruptcy judgeships authorized by the following subparagraphs of section 1223(b)(1) of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (Public Law 109-8), are converted to permanent bankruptcy judgeships under section 152(a)(2) of title 28, United States Code:

(1) The 4 temporary bankruptcy judgeships for the district of Delaware authorized by subparagraph (C).

(2) The temporary bankruptcy judgeship for the southern district of Georgia authorized by subparagraph (E).

(3) One of the 3 temporary bankruptcy judgeships for the district of Maryland authorized by subparagraph (F).

(4) The temporary bankruptcy judgeship for the eastern district of Michigan authorized by subparagraph (G).

(5) The temporary bankruptcy judgeship for the district of New Jersey authorized by subparagraph (I).

(6) The temporary bankruptcy judgeship for the northern district of New York authorized by subparagraph (K).

(7) The temporary bankruptcy judgeship for the southern district of New York authorized by subparagraph (L).

(8) The temporary bankruptcy judgeship for the eastern district of North Carolina authorized by subparagraph (M).

(9) The temporary bankruptcy judgeship for the eastern district of Pennsylvania authorized by subparagraph (N).

(10) The temporary bankruptcy judgeship for the district of South Carolina authorized by subparagraph (S).

(11) The temporary bankruptcy judgeship for the western district of Tennessee authorized by subparagraph (Q).

SEC. 5305. GENERAL PROVISIONS.

(a) TABLE OF JUDGESHIPS.—In order that the table contained in section 152(a)(2) of title 28, United States Code, will, with respect to each judicial district, reflect the changes in the total number of bankruptcy judgeships authorized under sections 5302 and 5304, such table is amended to read as follows:

“Districts	Judges
“Alabama:	
“Northern	5
“Middle	2
“Southern	2
“Alaska	2
“Arizona	7
“Arkansas:	
“Eastern and Western	4
“California:	
“Northern	9
“Eastern	7
“Central	21
“Southern	4
“Colorado	5
“Connecticut	3
“Delaware	6
“District of Columbia	1
“Florida:	
“Northern	1
“Middle	10
“Southern	5
“Georgia:	
“Northern	10
“Middle	3
“Southern	4
“Hawaii	1
“Idaho	2
“Illinois:	
“Northern	10
“Central	3
“Southern	2
“Indiana:	
“Northern	3
“Southern	4
“Iowa:	
“Northern	2
“Southern	2
“Kansas	4
“Kentucky:	
“Eastern	3
“Western	3
“Louisiana:	
“Eastern	2
“Middle	1
“Western	3
“Maine	2
“Maryland	6
“Massachusetts	5
“Michigan:	
“Eastern	8
“Western	3
“Minnesota	4
“Mississippi:	
“Northern	1
“Southern	2
“Missouri:	
“Eastern	3
“Western	3
“Montana	1
“Nebraska	2
“Nevada	3
“New Hampshire	1
“New Jersey	9
“New Mexico	2
“New York:	
“Northern	3
“Southern	11
“Eastern	6
“Western	3
“North Carolina:	
“Eastern	3
“Middle	2
“Western	2
“North Dakota	1
“Ohio:	
“Northern	8
“Southern	7
“Oklahoma:	
“Northern	2
“Eastern	1
“Western	3
“Oregon	5
“Pennsylvania:	
“Eastern	6
“Middle	2
“Western	5
“Puerto Rico	3
“Rhode Island	1
“South Carolina	3
“South Dakota	2
“Tennessee:	
“Eastern	3
“Middle	3
“Western	6
“Texas:	
“Northern	6
“Eastern	3
“Southern	6
“Western	4
“Utah	4
“Vermont	1
“Virgin Islands	0
“Virginia:	
“Eastern	5
“Western	3
“Washington:	
“Eastern	2
“Western	5
“West Virginia:	
“Northern	1
“Southern	1
“Wisconsin:	
“Eastern	4
“Western	2
“Wyoming	1.”.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that bankruptcy judges in the eastern district of California should conduct bankruptcy proceedings on a daily basis in Bakersfield, California.

SEC. 5306. EFFECTIVE DATE.

This subtitle and the amendments made by this subtitle shall take effect on the date of the enactment of this Act.

Subtitle D—Ninth Circuit Reorganization

SEC. 5401. SHORT TITLE.

This subtitle may be cited as the “Judicial Administration and Improvements Act of 2005”.

SEC. 5402. DEFINITIONS.

In this subtitle:

(1) FORMER NINTH CIRCUIT.—The term “former ninth circuit” means the ninth judicial circuit of the United States as in existence on the day before the effective date of this subtitle.

(2) NEW NINTH CIRCUIT.—The term “new ninth circuit” means the ninth judicial circuit of the United States established by the amendment made by section 5403(2)(A).

(3) TWELFTH CIRCUIT.—The term "twelfth circuit" means the twelfth judicial circuit of the United States established by the amendment made by section 5403(2)(B).

SEC. 5403. NUMBER AND COMPOSITION OF CIRCUITS.

Section 41 of title 28, United States Code, is amended—

(1) in the matter preceding the table, by striking "thirteen" and inserting "fourteen"; and

(2) in the table—

(A) by striking the item relating to the ninth circuit and inserting the following:

"Ninth .... California, Guam, Hawaii, Northern Mariana Islands.";

and

(B) by inserting after the item relating to the eleventh circuit the following:

"Twelfth .... Alaska, Arizona, Idaho, Montana, Nevada, Oregon, Washington.".

SEC. 5404. NUMBER OF CIRCUIT JUDGES.

The table contained in section 44(a) of title 28, United States Code, as amended by section 5202(c) of this Act, is further amended—

(1) by striking the item relating to the ninth circuit and inserting the following:

"Ninth .... 19";

and

(2) by inserting after the item relating to the eleventh circuit the following:

"Twelfth .... 14".

SEC. 5405. PLACES OF CIRCUIT COURT.

The table contained in section 48(a) of title 28, United States Code, is amended—

(1) by striking the item relating to the ninth circuit and inserting the following:

"Ninth .... Honolulu, Pasadena, San Francisco.";

and

(2) by inserting after the item relating to the eleventh circuit the following:

"Twelfth .... Las Vegas, Missoula, Phoenix, Portland, Seattle.".

SEC. 5406. ASSIGNMENT OF CIRCUIT JUDGES.

Each circuit judge of the former ninth circuit who is in regular active service and whose official duty station on the day before the effective date of this subtitle—

(1) is in California, Guam, Hawaii, or the Northern Mariana Islands shall be a circuit judge of the new ninth circuit as of such effective date; and

(2) is in Alaska, Arizona, Idaho, Montana, Nevada, Oregon, or Washington shall be a circuit judge of the twelfth circuit as of such effective date.

SEC. 5407. ELECTION OF ASSIGNMENT BY SENIOR JUDGES.

Each judge who is a senior circuit judge of the former ninth circuit on the day before the effective date of this subtitle may elect to be assigned to the new ninth circuit or the twelfth circuit as of such effective date and shall notify the Director of the Administrative Office of the United States Courts of such election.

SEC. 5408. SENIORITY OF JUDGES.

The seniority of each judge—

(1) who is assigned under section 5406, or

(2) who elects to be assigned under section 5407,

shall run from the date of commission of such judge as a judge of the former ninth circuit.

SEC. 5409. APPLICATION TO CASES.

The following apply to any case in which, on the day before the effective date of this subtitle, an appeal or other proceeding has been filed with the former ninth circuit:

(1) Except as provided in paragraph (3), if the matter has been submitted for decision, further proceedings with respect to the matter shall be had in the same manner and with the same effect as if this subtitle had not been enacted.

(2) If the matter has not been submitted for decision, the appeal or proceeding, together with the original papers, printed records, and record entries duly certified, shall, by appropriate orders, be transferred to the court to which the matter would have been submitted had this subtitle been in full force and effect at the time such appeal was taken or other proceeding commenced, and further proceedings with respect to the case shall be had in the same manner and with the same effect as if the appeal or other proceeding had been filed in such court.

(3) If a petition for rehearing en banc is pending on or after the effective date of this subtitle, the petition shall be considered by the court of appeals to which it would have been submitted had this subtitle been in full force and effect at the time that the appeal or other proceeding was filed with the court of appeals.

SEC. 5410. TEMPORARY ASSIGNMENT OF CIRCUIT JUDGES AMONG CIRCUITS.

Section 291 of title 28, United States Code, is amended by adding at the end the following:

"(c) The chief judge of the Ninth Circuit may, in the public interest and upon request by the chief judge of the Twelfth Circuit, designate and assign temporarily any circuit judge of the Ninth Circuit to act as circuit judge in the Twelfth Circuit.

"(d) The chief judge of the Twelfth Circuit may, in the public interest and upon request by the chief judge of the Ninth Circuit, designate and assign temporarily any circuit judge of the Twelfth Circuit to act as circuit judge in the Ninth Circuit.".

SEC. 5411. TEMPORARY ASSIGNMENT OF DISTRICT JUDGES AMONG CIRCUITS.

Section 292 of title 28, United States Code, is amended by adding at the end the following:

"(f) The chief judge of the United States Court of Appeals for the Ninth Circuit may, in the public interest—

"(1) upon request by the chief judge of the Twelfth Circuit, designate and assign 1 or more district judges within the Ninth Circuit to sit upon the Court of Appeals of the Twelfth Circuit, or a division thereof, whenever the business of that court so requires; and

"(2) designate and assign temporarily any district judge within the Ninth Circuit to hold a district court in any district within the Twelfth Circuit.

"(g) The chief judge of the United States Court of Appeals for the Twelfth Circuit may in the public interest—

"(1) upon request by the chief judge of the Ninth Circuit, designate and assign 1 or more district judges within the Twelfth Circuit to sit upon the Court of Appeals of the Ninth Circuit, or a division thereof, whenever the business of that court so requires; and

"(2) designate and assign temporarily any district judge within the Twelfth Circuit to hold a district court in any district within the Ninth Circuit.

"(h) Any designations or assignments under subsection (f) or (g) shall be in conformity with the rules or orders of the court of appeals of, or the district within, as applicable, the circuit to which the judge is designated or assigned.".

SEC. 5412. ADMINISTRATION.

The court of appeals for the ninth circuit as constituted on the day before the effective date of this subtitle may take such administrative action as may be required to carry out this subtitle and the amendments made by this subtitle. Such court shall cease to exist for administrative purposes 2 years after the date of the enactment of this Act.

SEC. 5413. EFFECTIVE DATE.

This subtitle and the amendments made by this subtitle shall take effect no later than December 31, 2006.

Subtitle E—Authorization of Appropriations

SEC. 5501. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each of fiscal years 2006 through 2009 such sums as are necessary to carry out subtitles B, C, and D of this title, including such sums as may be necessary to provide appropriate space and facilities for the judicial positions created by this title. Funds appropriated pursuant to this section in any fiscal year shall remain available until expended.

TITLE VI—COMMITTEE ON RESOURCES

Subtitle A—Miscellaneous Amendments Relating to Mining

Sec. 6101. Fees for recordation and location of mining claims.
Sec. 6102. Patents for mining or mill site claims.
Sec. 6103. Mineral examinations for mining on certain lands.
Sec. 6104. Mineral development lands available for purchase.
Sec. 6105. National mining and minerals policy to encourage and promote the productive second use of lands.
Sec. 6106. Regulations.
Sec. 6107. Protection of national parks and wilderness areas.

Subtitle B—Disposal of Public Lands

CHAPTER 1—DISPOSAL OF CERTAIN PUBLIC LANDS IN NEVADA

Sec. 6201. Short title.
Sec. 6202. Definitions.
Sec. 6203. Land conveyance.
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CHAPTER 2—DISPOSAL OF CERTAIN PUBLIC LANDS IN IDAHO

Sec. 6211. Short title.
Sec. 6212. Definitions.
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Sec. 6214. Disposition of proceeds.

Subtitle C—Oil shale

Sec. 6301. Oil shale and tar sands amendments.

Subtitle D—Sale and Conveyance of Federal Land

Sec. 6401. Collection of receipts from the sale of Federal lands.

Subtitle A—Miscellaneous Amendments Relating to Mining

SEC. 6101. FEES FOR RECORDATION AND LOCATION OF MINING CLAIMS.

(a) DIMENSIONS OF MINING CLAIMS.—Section 2320 of the Revised Statutes (30 U.S.C. 23) is amended by striking the second and third sentences and inserting the following: "A mining claim located after May 10, 1872, whether located by one or more persons, and including a claim located before exposure of the vein or lode, may equal, but shall not exceed, 1,500 feet in length along the vein or lode, and shall extend no more than 300 feet on each side of the middle of the vein at the surface, nor shall any claim be limited by any mining regulation to less than 25 feet on each side of the middle of the vein at the surface, except where adverse rights existing on May 10, 1872, render such limitation necessary.".

(b) Rights Secured by Claim Maintenance Fees.—Section 2322 of the Revised Statutes (30 U.S.C. 26) is amended by inserting "(a) Rights of Locators, Generally.—" before the first sentence, and by adding at the end the following:

"(b) Rights Secured by Maintenance Fees.—Prior to issuance of a patent, timely payment of the claim maintenance fee secures the rights of the holder of a mining claim, mill site, or tunnel site, both prior to and after discovery of valuable mineral deposits, to use and occupy public lands under the provisions of the general mining law of the United States (as that term is defined in section 2324 of the Revised Statutes) for mineral prospecting, exploration, development, mining, milling, and processing of minerals, reclamation of the claimed lands, and uses reasonably incident thereto. Except for the location fee and the maintenance fees in section 2324 of the Revised Statutes (30 U.S.C. 28), and the patent prices in sections 2325, 2326, 2333, and 2337 of the Revised Statutes (30 U.S.C. 29, 30, 37, and 42), no other fees or fair market value assessments shall be applied to prospecting, exploration, development, mining, processing, or reclamation, and uses reasonably incident thereto.".

(c) Patent Requirements.—Section 2325 of the Revised Statutes (30 U.S.C. 29) is amended—

(1) in the second sentence by striking ", or at any time" and inserting "shall include a processing fee of $2,500 for the first claim or site, and $50 for each additional claim contained therein, and at any time"; and

(2) in the fourth sentence by inserting "and if the applicant has complied with the law of discovery" after "publication".

(d) Mining District Regulations by Miners.—Section 2324 of the Revised Statutes (30 U.S.C. 28) is amended to read as follows:

"Sec. 2324. (a) Authority to Make Regulations.—The miners of each mining district may make regulations not in conflict with the laws of the United States, or with the laws of the State or Territory in which the district is situated, governing the location, manner of recording, amount of work necessary to hold possession of a mining claim, subject to the following requirements:

"(1) The location must be distinctly marked on the ground so that its boundaries can be readily traced.

"(2) All records of mining claims made after May 10, 1872, shall contain the name or names of the locators, the date of the location, and such a description of the claim or claims located by reference to some natural object or permanent monument as will identify the claim.

"(b) Recordation of Mining Claims and Abandonment.—The locator of an unpatented lode or placer mining claim, mill site, or tunnel site located after October 21, 1976, pursuant to the general mining law of the United States shall, within 90 days after the date of location of such claim, file in the office designated by the Secretary of the Interior a copy of the official record of the notice of location or certificate of location, including a description of the location of the mining claim or mill or tunnel site sufficient to locate the claimed lands on the ground. The failure to file such instruments as required by this subsection is deemed conclusively to constitute an abandonment of the mining claim, mill site, or tunnel site by the owner. Such recordation by itself shall not render valid any claim that would not be otherwise valid under applicable law.

"(c) Location Fee.—Notwithstanding any other provision of law, for every mining claim, mill site, or tunnel site located after the date of the enactment of this subsection pursuant to the general mining law of the United States, the locator shall, at the time the location notice is recorded pursuant to subsection (b), pay a location fee of $100 per claim. This fee shall be in addition to the first year's claim maintenance fee required by subsection (d). Payment of the location fee required by this subsection and the maintenance fee required by subsection (d) secures to the locator the right to use and occupy the public lands for purposes of the general mining law of the United States.

"(d) Schedule of Claim Maintenance Fees.—(1) The holder of each unpatented mining claim, mill site, or tunnel site located pursuant to the general mining law of the United States on or after the date of the enactment of this subsection shall pay to the Secretary of the Interior, on or before September 1 of each year, a claim maintenance fee per claim. Except as provided in paragraph (2), such claim maintenance fee shall be paid in the following amounts:

"(A) $35 per claim for each of the first through fifth maintenance years, beginning with the year the claim was recorded.

"(B) $70 per claim for each of the sixth through tenth maintenance years.

"(C) $125 per claim for each of the eleventh through fifteenth maintenance years.

"(D) $150 per claim for the sixteenth maintenance year and each year thereafter.

"(2) Notwithstanding any other provision of law, for each unpatented mining claim located after the date of enactment of this subsection pursuant to the general mining law of the United States from which minerals are produced, and in lieu of the fee otherwise required by paragraph (1), the holder shall pay to the Secretary of the Interior an annual maintenance fee of $200 per claim.

"(3) The holder of each unpatented mining claim, mill site, or tunnel site located pursuant to the general mining law of the United States before the date of enactment of this subsection shall pay to the Secretary of the Interior for such claim—

"(A) except as provided in subparagraph (B), the claim maintenance fee that applied before such date of enactment; or

"(B) the claim maintenance fee that applies under paragraph (1) or (2), based on the number of years since the original location of the claim, if before the date the payment is due the claim holder—

"(i) notifies the Secretary; and

"(ii) pays to the Secretary a transfer fee of $100.

"(e) Adjustment of Claim Maintenance Fees.—Claim maintenance fees under subsection (d) shall not be subject to adjustment.

"(f) Work Requirement.—(1) The holder of each unpatented mining claim, mill site, or tunnel site located pursuant to the general mining law of the United States after the date of enactment of this subsection, and any holder of a claim that has transferred such claim to the claim maintenance fee schedule under subsection (d), shall conduct physical evaluation and development of the claim or of any contiguous block of claims of which the claim is a part. Exploration and mining activities conducted pursuant to a notice, approved plan of operations, or, in the case of split estate lands, a comparable State or county notice or approval, demonstrates compliance with this section.

"(2) If physical evaluation of the claim is not carried out in accordance with paragraph (1) before the end of the fifth, tenth, or fifteenth maintenance year (beginning with the maintenance year in which the claim is filed), respectively, the claim holder shall be required to pay in the next maintenance year the location fee described in subsection (c), in addition to the annual claim maintenance fee required to be paid for the next maintenance year.

"(g) Waiver of Claim Maintenance Fee Adjustments and Work Requirement.—If a delay in meeting the work requirements under subsection (f) is the result of pending administrative proceedings, rights-of-way disputes, or litigation concerning issuance or validity of any permit or authorization required under Federal, State, or local law for physical evaluation and development of the claim—

"(1) any increase in the claim maintenance fee that would otherwise apply under subsection (d) and the work requirements under subsection (f) shall be suspended for the claim; and

"(2) claim maintenance fees required to be paid each year for the claim shall be the same as the fee that applied for the year in which the delay first occurred, and no additional location fee will be owed.

"(h) Time of Payment.—The claim maintenance fee required under subsection (d) for any maintenance year shall be paid before the commencement of the maintenance year, except that, for the maintenance year in which the location is made the locator shall pay the claim maintenance fee and the location fee imposed under subsection (c) at the time the location notice is recorded with the Bureau of Land Management. The Director of the Bureau of Land Management, after consultation with the Governor of Alaska and by not later than 1 year after the date of enactment of this subsection, may establish a claim maintenance fee filing date for Alaska claim holders that is not later than 60 days after September 1.

"(i) Small Miner Claim Maintenance Fee.—(1) In the case of a claim for which the holder certifies in writing to the Secretary that, on the date the payment of any claim maintenance fee under this section was due, the claim holder and all related parties held not more than 10 mining claims, mill sites, or tunnel sites, or any combination thereof, on public lands—

"(A) the claim maintenance fee shall be $25 per claim per year for the life of the claim or site held by the claim holder; and

"(B) subsection (f) shall not apply.

"(2) In this subsection:

"(A) With respect to any claim holder, the term 'related party' means—

"(i) the spouse and dependent children (as defined in section 152 of the Internal Revenue Code of 1986 (26 U.S.C. 152), as in effect on the date of the enactment of this paragraph of the claim holder; and

"(ii) a person who controls, is controlled by, or is under common control with the claim holder.

"(B) The terms 'control', 'controls', and 'controlled' include actual control, legal control, and the power to exercise control, through or by common directors, officers, stockholders, a voting trust, or a holding company or investment company, or any other means.

"(j) Failure to Pay.—(1) Failure to pay a claim maintenance fee or a location fee for an unpatented mining claim as required by this section shall subject an unpatented mining claim, mill site, or tunnel site to forfeiture by the claim holder as provided in this subsection.

"(2) The Secretary of the Interior shall provide the claim holder with notice of the failure and the opportunity to cure within 45 calendar days after the claim holder's receipt of the notice.

"(3) The claim holder must, within such 45-day period, pay twice the amount of maintenance fee that would otherwise have been required to be timely paid. The Secretary of the Interior shall specify the amount that must be paid in the notice under paragraph (2).

"(4) Failure by the claim holder to make a timely and proper payment in the amount specified in the notice by the Secretary of the Interior, within 45 days after the claim holder's receipt of the notice, shall constitute a forfeiture of the mining claim, mill site, or tunnel site by the claim holder by operation of law.

"(k) Failure of Co-Owner to Contribute.—Upon the failure of any one of several co-owners of a claim to contribute the co-owner's proportion of any claim maintenance fee required by this section, the co-owners who have paid the claim maintenance fee, at the expiration of the year in which any unpaid amount was due, may give such delinquent co-owner personal notice in writing or notice by publication in the newspaper of record for the county in which the land that is subject to the claim or mill site is located, at least once a week for 90 days. If at the expiration of such 90-day period such delinquent co-owner fails or refuses to contribute the co-owner's proportion of the claim maintenance fee required by this section, the co-owner's interest in the claim shall become the property of the other co-owners who have paid the claim maintenance fee. The co-owners who have assumed the interest in the claims shall notify the Secretary of the Interior within 30 days of the assumption.

"(l) Oil Shale Claims Subject to Claim Maintenance Fees Under Energy Policy Act of 1992.— This section shall not apply to any oil shale claim for which a fee is required to be paid under section 2511(e)(2) of the Energy Policy Act of 1992 (30 U.S.C. 242).

"(m) General Mining Law of the United States Defined; Rule of Construction.—(1) In this section the term 'general mining law of the United States' means the provisions of law codified in chapters 2, 12, 12A, 15, and 16 of title 30, United States Code, and in sections 161 and 162 of such title.

"(2) Subsections (b) and (c) shall be construed in accordance with judicial decisions under section 314 of the Federal Land Policy and Management Act of 1976, as in effect before the enactment of those subsections.".

(e) Conforming Amendments.—

(1) The Federal Land Policy and Management Act of 1976 is amended—

(A) by striking section 314 (43 U.S.C. 1744);

(B) in the table of contents preceding title I by striking the item relating to section 314; and

(C) in section 302(a) by striking "section 314, section 603," and inserting "section 603".

(2) Section 22 of the Alaska Native Claims Settlement Act is amended by striking "and section 314 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744)".

(3) Section 31(f) of the Mineral Leasing Act (30 U.S.C. 188(f)) is amended by striking "section 314 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744)" and inserting "subsections (b) and (c) of section 2320 of the Revised Statutes (30 U.S.C. 23)".

(4) Section 2511(e) of the Energy Policy Act of 1992 (30 U.S.C. 242(e)) is amended by striking the last sentence.

SEC. 6102. PATENTS FOR MINING OR MILL SITE CLAIMS.

(a) Repeal of Limitation on Use of Funds for Applications for Patent.—Section 408(a) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109–54) is repealed.

(b) Payment Amounts.—The Revised Statutes are amended—

(1) in section 2325 (30 U.S.C. 29) by striking "five dollars per acre" and inserting "$1,000 per acre or fair market value, whichever is greater";

(2) in section 2326 (30 U.S.C. 30) by striking "five dollars per acre" and inserting "$1,000 per acre or fair market value, whichever is greater;";

(3) in section 2333 (30 U.S.C. 37)—

(A) by striking "five dollars per acre" and inserting "$1,000 per acre or fair market value, whichever is greater;"; and

(B) by striking "two dollars and fifty cents per acre" and inserting "$1,000 per acre or fair market value, whichever is greater";

(4) in section 2337 (30 U.S.C. 42)—

(A) in subsection (a) by striking "made at the same rate" and all that follows through the end of that sentence and inserting "at the rate of $1,000 per acre or fair market value, whichever is greater."; and

(B) in subsection (b) by striking "made at the rate" and all that follows through the end of that sentence and inserting "at the rate of $1,000 per acre or fair market value, whichever is greater."; and

(5) in section 2325 (30 U.S.C. 29) by adding at the end the following: "For purposes of this section and sections 2326, 2333, and 2337 of the Revised Statutes, fair market value for the patenting of mining claims or mill sites shall be determined by appraisals prepared by an appraiser certified or qualified under applicable professional criteria or State law, in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice, submitted by the applicant for a patent to the Secretary of the Interior upon application for patent, that is completed within 120 days prior to submission of the application for patent.".

(c) Mineral Development Work Requirements.—Section 2325 of the Revised Statutes (30 U.S.C. 29) is amended—

(1) by striking "five hundred dollars' " and inserting "$7,500"; and

(2) by striking "labor has been expended" and inserting "mineral development work has been performed".

(d) Patent Applicants in Limbo.—If the holder of an unpatented mining claim or mill site submitted an application for a mineral patent and paid the patent service charges required by regulation at the time the application was submitted, and the Secretary of the Interior did not complete all actions to process the application before April 26, 1996, the holder of such claim may, at the holder's election, have such application processed under rules that applied before the date of the enactment of this Act.

(e) Alternative Valuable Mineral Deposit Criteria.—Section 2325 of the Revised Statutes is further amended by inserting "(a) Manner for Obtaining Patent, Generally.—" before the first sentence, and by adding at the end the following:

"(b) Alternative Valuable Mineral Deposit Criteria.—

"(1) Claims subject to ongoing activities.—The holder of an unpatented mining claim or mill site who is conducting mining activities that meet the definition of a mine under section 3(h) of the Federal Mine Safety and Health Act of 1972 (30 U.S.C. 802(h)) and whose activities with respect to that claim or site are described in section 4 of such Act (30 U.S.C. 803) may receive a patent for any unpatented mining claims on which mining activities are occurring or any mill sites, within the boundaries of an approved plan of operations or a comparable State or county approval. Upon confirmation by the Secretary that minerals being mined are locatable in accordance with Federal law and that actual sales of minerals have taken place, all Federal lands within those boundaries are eligible for patent upon compliance with this section and sections 2327 and 2329 of the Revised Statutes (30 U.S.C. 34, 35).

"(2) Disclosed claims and mill sites.—The holder of an unpatented mining claim or mill site whose proven and probable reserves are publicly disclosed in compliance with the Securities Act of 1933 (15 U.S.C. 77a) or the Securities Exchange Act of 1934 (15 U.S.C. 78a) may receive a patent for any such unpatented mining claim containing such reserves or for any mill site within the boundaries of a plan of operations or a comparable State or county approval for such reserves. All Federal lands within those boundaries are eligible for patent upon compliance with this section and sections 2327 and 2329 of the Revised Statutes (30 U.S.C. 34, 35).

"(c) Mineral Examinations.—

"(1) In general.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party examiner from a list maintained by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in this section and sections 2333 and 2337 of the Revised Statutes (30 U.S.C. 37, 42). The Bureau of Land Management shall have the sole responsibility to maintain the list of qualified third-party examiners.

"(2) Training.—The Director of the Bureau of Land Management shall provide training in the conduct of mineral examinations to qualified individuals. The Director may charge fees to cover the costs of the training.

"(3) Qualified third-party examiner defined.—In this subsection the term 'qualified third-party examiner' means a person who is a registered geologist or registered professional mining engineer licensed to practice within the State in which the claims are located.

"(d) Disposition of Proceeds.—The gross proceeds of conveyances of land under this section and sections 2319, 2330, 2332, 2333, and 2337 of the Revised Statutes (30 U.S.C. 22, 36, 37, 38, 42) shall be used as follows:

"(1) 10 percent shall be deposited into the Federal Energy and Mineral Resource Professional Development Fund.

"(2) 20 percent shall be available to the Secretary of the Army for use, through the Corps of Engineers, for the Restoration of Abandoned Mine Sites Program and section 560 of the Water Resources Development Act of 1999.

"(3) 70 percent shall be deposited into the General Fund of the Treasury.

"(e) Issuing Patents.—If no adverse claim has been filed with the register and the receiver of the proper land office at the expiration of the 60-day period beginning on the date of publication of the notice that an application for mineral patent has been filed under section 2325, 2333 and 2337 of the Revised Statutes (30 U.S.C. 29, 37, 42), the Secretary shall issue the patent not later than 24 months after the date on which the application for patent was filed.

"(f) SMALL MINER PATENT ADJUDICATION AND MINERAL DEVELOPMENT WORK REQUIREMENTS.—The holder of 10 claims or less who applies for a mineral patent under this section or a direct purchase under section 2319 of the Revised Statutes (30 U.S.C. 22) shall pay one-fifth of the processing fees and perform one-fifth of the mineral development work required under this section and section 2319 (30 U.S.C. 22).".

SEC. 6103. MINERAL EXAMINATIONS FOR MINING ON CERTAIN LANDS.

Section 302 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732) is amended by adding at the end the following:

"(e) The Secretary shall not require a mineral examination report, otherwise required to be prepared under regulations promulgated pursuant to this Act, to approve a plan of operations under such regulations for mining claims and mill sites located on withdrawn lands if such mining claims, mill sites, and blocks of such mining claims and mill sites are contiguous to patented or unpatented mining claims or mill sites where mineral development activities, including mining, have been conducted as authorized by law or regulation.".

SEC. 6104. MINERAL DEVELOPMENT LANDS AVAILABLE FOR PURCHASE.

Section 2319 of the Revised Statutes (30 U.S.C. 22) is amended—

(1) by inserting "(a) LANDS OPEN TO PURCHASE BY CITIZENS.—" before the first sentence; and

(2) by adding at the end the following:

"(b) AVAILABILITY FOR PURCHASE.—Notwithstanding any other provision of law and in compliance with subsection (c), the Secretary of the Interior shall make mineral deposits and the lands that contain them, including lands in which the valuable mineral deposit has been depleted, available for purchase to facilitate sustainable economic development. This subsection shall not apply with respect to any unit of the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, or National Trails System, or to any National Conservation Area, any National Recreation Area, any National Monument, or any unit of the National Wilderness Preservation System.

"(c) APPLICATION.—The holder of mining claims, mill sites, and blocks of such mining claims and mill sites contiguous to patented or unpatented mining claims or mill sites where mineral development activities, including mining, have been conducted as authorized by law or regulation and on which mineral development work has been performed may apply to purchase Federal lands that are subject to the claims. The filing of the proper application shall include such processing fees as are required by section 2325 of the Revised Statutes (30 U.S.C. 29). The applicant or applicants, or their predecessors must present evidence of mineral development work performed on the Federal lands identified and submitted for purchase. Mineral development work upon aggregation must average not less than $7,500 per mining claim or mill site within the Federal lands identified and applied for.

"(d) LAND SURVEYS.—For the purpose of this section, and notwithstanding section 2334 of the Revised Statutes (30 U.S.C. 39), land surveys of the Federal lands applied for shall be paid for by the applicant and shall be completed either by a land surveyor registered in the State where the land is situated, or by such a surveyor also designated by the Bureau of Land Management as a mineral surveyor, if such mineral surveyors are available, willing, and able to complete such surveys without delay at a cost comparable to the charges of ordinary registered land surveyors.

"(e) DEADLINE FOR CONVEYANCE; PRICE.—Notwithstanding any other provision of law, and not later than one year after the date of the approval of any survey required under subsection (d), the Secretary of the Interior shall convey to the applicant, in return for a payment of $1,000 per acre or fair market value, whichever is greater, all right, title, and interest in and to the Federal land, subject to valid existing rights and the terms and conditions of the Act of August 30, 1890 (26 Stat. 391). For purposes of this subsection, fair market value for mineral development lands available for purchase shall be determined by appraisals prepared by an appraiser certified or qualified under applicable professional criteria or State law, in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice, submitted by the applicant to the Secretary of the Interior upon application for purchase, that is completed within 120 days prior to submission of the application. Fair market value for the interest in the land owned by the United States shall be exclusive of, and without regard to, the mineral deposits in the land or the use of such land for mineral activities.

"(f) ENVIRONMENTAL LIABILITY.—Notwithstanding any other Federal, State or local law, the United States shall not be responsible for—

"(1) investigating or disclosing the condition of any property to be conveyed under this section; and

"(2) environmental remediation, waste management, or environmental compliance activities arising from its ownership, occupancy, or management of land and interests therein conveyed under this section with respect to conditions existing at or on the land at the time of the conveyance.

"(g) MINERAL DEVELOPMENT WORK DEFINED.—In this section the term 'mineral development work' means geologic, geochemical or geophysical surveys; road building; exploration drilling, trenching, and exploratory sampling by any other means; construction of underground workings for the purpose of conducting exploration; mine development work; mineral production from underground or surface mines; environmental baseline studies; construction of environmental protection and monitoring systems; environmental reclamation; construction of power and water distribution facilities; engineering, metallurgical, geotechnical, and economic feasibility studies; land surveys; and any other work reasonably incident to mineral development.".

SEC. 6105. NATIONAL MINING AND MINERALS POLICY TO ENCOURAGE AND PROMOTE THE PRODUCTIVE SECOND USE OF LANDS.

Section 101 of the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a) is amended—

(1) in the first sentence—

(A) in clause (2) by inserting "including through remining where appropriate" after "needs,";

(B) in clause (3) by striking "and" after the comma at the end; and

(C) by striking the period at the end and inserting the following: ", and (5) facilitate the productive second use of lands used for mining and energy production.";

(2) in the second sentence by striking "oil shale and uranium" and inserting "oil shale, and uranium, whether located onshore or offshore"; and

(3) in the third sentence—

(A) by striking "the Secretary of the Interior" and inserting "the head of each Federal department and of each independent agency"; and

(B) by striking "his".

SEC. 6106. REGULATIONS.

The Secretary of the Interior shall issue final regulations implementing this subtitle by not later than 180 days after the date of the enactment of this Act.

SEC. 6107. PROTECTION OF NATIONAL PARKS AND WILDERNESS AREAS.

Subject to valid existing rights, nothing in sections 6202, 6203, 6204, 6205, and 6206 of this subtitle shall be construed as affecting any lands within the boundary of any unit of the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, or National Trails System, or any National Conservation Area, any National Recreation Area, any National Monument, or any unit of the National Wilderness Preservation System as of the date of the enactment of this Act.

Subtitle B—Disposal of Public Lands

CHAPTER 1—DISPOSAL OF CERTAIN PUBLIC LANDS IN NEVADA

SEC. 6201. SHORT TITLE.

This chapter may be cited as the "Northern Nevada Sustainable Development in Mining Act".

SEC. 6202. DEFINITIONS.

In this chapter:

(1) CLAIMANT.—The term "Claimant" means Coeur Rochester, Inc.

(2) COUNTY.—The term "County" means Pershing County, Nevada.

(3) GENERAL MINING LAW.—The term "general mining law" means the provisions of law codified in chapters 2, 12, 12A, 15, and 16 of title 30, United States Code, and in sections 161 and 162 of such title.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 6203. LAND CONVEYANCE.

(a) CONVEYANCE OF LAND.—Notwithstanding any other provision of law, and not later than 90 days after the date of the enactment of this Act, the Secretary shall convey to the Claimant, in return for a payment of $500 per acre, all right, title, and interest, subject to the terms and conditions of subsection (c), in the approximately 7,000 acres of Federal lands subject to Claimant's mining claims maintained under the general mining law and depicted on the Rochester Sustainable Development Project map on file with the Committee on Resources of the House of Representatives.

(b) EXEMPTION FROM REVIEW, ETC.—Any conveyance of land under this chapter is not subject to review, consultation, or approval under any other Federal law.

(c) TERMS AND CONDITIONS OF CONVEYANCE.—

(1) NO IMPACT ON LEGAL OBLIGATIONS.—Conveyance of the lands pursuant to subsection (a) shall not affect Claimant's legal obligations to comply with applicable Federal mine closure or mine land reclamation laws, or with any other applicable Federal or State requirement relating to closure of the Rochester Mine and use of the land comprising such mine, including any requirement to prepare any environmental impact statement under the National Environmental Policy Act of 1969. Federal reclamation and closure obligations shall not be construed to require removal of infrastructure identified by Claimant as being usable by a post-mining land use.

(2) TITLE TO MATERIALS AND MINERALS.—Notwithstanding any other provision of law,

Claimant shall own and have title to all spent ore, waste rock and tailings, and other materials located on lands conveyed pursuant to subsection (a).

(3) VALID EXISTING RIGHTS.—All lands conveyed pursuant to subsection (a) shall be subject to valid existing rights existing as of the date of transfer of title, and Claimant shall succeed to the rights and obligations of the United States with respect to any mining claim, mill site claim, lease, right-of-way, permit, or other valid existing right to which the property is subject.

(4) ENVIRONMENTAL LIABILITY.—Notwithstanding any other Federal, State or local law, the United States shall not be responsible for—

(A) investigating or disclosing the condition of any property to be conveyed under this chapter; and

(B) environmental remediation, waste management, or environmental compliance activities arising from its ownership, occupancy, or management of land and interests therein conveyed under this chapter with respect to conditions existing at or on the land at the time of the conveyance.

SEC. 6204. DISPOSITION OF PROCEEDS.

The gross proceeds of conveyances of land under this chapter shall be used as follows:

(1) Such sums as are necessary shall be used to cover 100 percent of the administrative costs, not to exceed $20,000, incurred by the Nevada State Office and the Winnemucca Field Office of the Bureau of Land Management in conducting the conveyance under this chapter.

(2) $500,000 shall be paid directly to the State of Nevada for use in the State's abandoned mined land program.

(3) $100,000 shall be paid directly to Pershing County, Nevada.

(4) Proceeds remaining after the payments pursuant to paragraphs (1) through (3) shall be deposited in the general fund of the Treasury.

CHAPTER 2—DISPOSAL OF CERTAIN PUBLIC LANDS IN IDAHO

SEC. 6211. SHORT TITLE.

This chapter may be cited as the "Central Idaho Sustainable Development in Mining Act".

SEC. 6212. DEFINITIONS.

In this chapter:

(1) CLAIMANT.—The term "Claimant" means TDS LLC, an affiliated company of L&W Stone Corporation.

(2) COUNTY.—The term "County" means Custer County, Idaho.

(3) GENERAL MINING LAW.—The term "general mining law" means the provisions of law codified in chapters 2, 12A, 15, and 16 of title 30, United States Code, and in sections 161 and 162 of such title.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 6213. LAND CONVEYANCE.

(a) CONVEYANCE OF LAND.—Notwithstanding any other provision of law, and not later than 90 days after the date of the enactment of this Act, the Secretary shall convey to the Claimant, in return for a payment of $1,000 per acre, all right, title, and interest, subject to the terms and conditions of subsection (c), in the approximately 519.7 acres of Federal lands subject to Claimant's mining claims maintained under the general mining law and depicted as "proposed land exchange alignment" on the Central Idaho Sustainable Development Project map on file with the Committee on Resources of the House of Representatives.

(b) EXEMPTION FROM REVIEW, ETC.—Any conveyance of land under this chapter is not subject to review, consultation, or approval under any other Federal law.

(c) TERMS AND CONDITIONS OF CONVEYANCE.—

(1) TRANSFER OF FEE TITLE IN FEDERAL LANDS.—Notwithstanding any other provision of law, full fee title in approximately 519.7 acres of Federal lands described in subsection (a) shall be transferred to Claimant as depicted as "proposed land exchange alignment" on the Central Idaho Sustainable Development Project map.

(2) VALID EXISTING RIGHTS.—All lands conveyed pursuant to subsection (a) shall be subject to valid existing rights existing as of the date of transfer of title, and Claimant shall succeed to the rights and obligations of the United States with respect to any mining claim, mill site claim, lease, right-of-way, permit, or other valid existing right to which the property is subject.

(3) ENVIRONMENTAL LIABILITY.—Notwithstanding any other Federal, State, or local law, the United States shall not be responsible for—

(A) investigating or disclosing the condition of any property to be conveyed under this chapter; and

(B) environmental remediation, waste management, or environmental compliance activities arising from its ownership, occupancy, or management of land and interests therein conveyed under this chapter with respect to conditions existing at or on the land at the time of the conveyance.

SEC. 6214. DISPOSITION OF PROCEEDS.

Within one year of the completion of the conveyance under this chapter, the gross proceeds of the conveyance shall be used as follows:

(1) Such sums as are necessary shall be used to cover 100 percent of the administrative costs, not to exceed $15,000, incurred by the Idaho State Office and the Challis Field Office of the Bureau of Land Management in conducting conveyances under this chapter.

(2) $200,000 shall be paid directly to the State of Idaho for use in the State Parks program.

(3) $200,000 shall be paid directly to Custer County, Idaho.

(4) Proceeds remaining after the payments pursuant to paragraphs (1) through (3) shall be deposited in the general fund of the Treasury.

Subtitle C—Oil Shale

SEC. 6301. OIL SHALE AND TAR SANDS AMENDMENTS.

(a) COMMERCIAL LEASING OF OIL SHALE AND TAR SANDS.—Section 369(e) of the Energy Policy Act of 2005 (Public Law 109–58) is amended to read as follows:

"(e) COMMENCEMENT OF COMMERCIAL LEASING OF OIL SHALE AND TAR SAND.—Not later than 365 days after publication of the final regulation required by subsection (d), the Secretary shall hold the first oil shale and tar sands lease sales under the regulation, offering for lease a minimum of 35 percent of the Federal lands that are geologically prospective for oil shale and tar sands within Colorado, Utah, and Wyoming. The environmental impact statement developed in support of the commercial leasing program for oil shale and tar sands as required by subsection (c) is deemed to provide adequate environmental analysis for all oil shale and tar sands lease sales conducted within the first 10 years after promulgation of the regulation, and such sales shall not be subject to further environmental analysis.".

(b) REPEAL OF REQUIREMENT TO ESTABLISH PAYMENTS.—Section 369(o) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 728; 42 U.S.C. 15927) is repealed.

(c) TREATMENT OF REVENUES.—Section 21 of the Mineral Leasing Act (30 U.S.C. 241) is amended by adding at the end the following:

"(e) REVENUES.—

"(1) IN GENERAL.—Notwithstanding the provisions of section 35, all revenues received from and under an oil shale or tar sands lease shall be disposed of as provided in this subsection.

"(2) ROYALTY RATES FOR COMMERCIAL LEASES.—

"(A) INITIAL PRODUCTION.—For the first 10 years after initial production under each oil shale or tar sands lease issued under the commercial leasing program established under subsection (d), the Secretary shall set the royalty rate at not less than 1 percent nor more than 3 percent of the gross value of production. However, the initial production period royalty rate set by the Secretary shall not apply to production occurring more than 15 years after the date of issuance of the lease.

"(B) SUBSEQUENT PERIODS.—After the periods of time specified in subparagraph (A), the Secretary shall set the royalty rate on each oil shale or tar sands lease issued under the commercial leasing program established under subsection (d) at not less than 6 percent nor more than 9 percent of the gross value of production.

"(C) REDUCTION.—The Secretary shall reduce any royalty otherwise required to be paid under subparagraphs (A) and (B) under any oil shale or tar sands lease on a sliding scale based upon market price, with a 10 percent reduction if the monthly average price of NYMEX West Texas Intermediate crude oil at Cushing, Oklahoma, (WTI) drops below $50 (in 2005 dollars) for the month in which the production is sold, and an 80 percent reduction if the monthly average price of WTI drops below $30 (in 2005 dollars) for the month in which the production is sold.

"(3) DISPOSITION OF REVENUES.—

"(A) DEPOSIT.—The Secretary shall deposit into a separate account in the Treasury all revenues derived from any oil shale or tar sands lease.

"(B) ALLOCATIONS TO STATES AND LOCAL POLITICAL SUBDIVISIONS.—The Secretary shall allocate 50 percent of the revenues deposited into the account established under subparagraph (A) to the State within the boundaries of which the leased lands are located, with a portion of that to be paid directly by the Secretary to the State's local political subdivisions as provided in this paragraph.

"(C) TRANSMISSION OF ALLOCATIONS.—

"(i) IN GENERAL.—Not later than the last business day of the month after the month in which the revenues were received, the Secretary shall transmit—

"(I) to each State two-thirds of such State's allocations under subparagraph (B), and in accordance with clauses (ii) and (iii) to certain county-equivalent and municipal political subdivisions of such State a total of one-third of such State's allocations under subparagraph (B), together with all accrued interest thereon; and

"(II) the remaining balance of such revenues deposited into the account that are not allocated under subparagraph (B), together with interest thereon, shall be transmitted to the miscellaneous receipts account of the Treasury, except that until a lease has been in production for 10 years 80 percent of such remaining balance derived from a lease shall be paid in accordance with subclause (I).

"(ii) ALLOCATIONS TO CERTAIN COUNTY-EQUIVALENT POLITICAL SUBDIVISIONS.—The Secretary shall under clause (i)(I) make equitable allocations of the revenues to county-equivalent political subdivisions that the

Secretary determines are closely associated with the leasing and production of oil shale and tar sands, under a formula that the Secretary shall determine by regulation.

"(iii) ALLOCATIONS TO MUNICIPAL POLITICAL SUBDIVISIONS.—The initial allocation to each county-equivalent political subdivision under clause (ii) shall be further allocated to the county-equivalent political subdivision and any municipal political subdivisions located partially or wholly within the boundaries of the county-equivalent political subdivision on an equitable basis under a formula that the Secretary shall determine by regulation.

"(D) INVESTMENT OF DEPOSITS.—The deposits in the Treasury account established under this section shall be invested by the Secretary of the Treasury in securities backed by the full faith and credit of the United States having maturities suitable to the needs of the account and yielding the highest reasonably available interest rates as determined by the Secretary of the Treasury.

"(E) USE OF FUNDS.—A recipient of funds under this subsection may use the funds for any lawful purpose as determined by State law. Funds allocated under this subsection to States and local political subdivisions may be used as matching funds for other Federal programs without limitation. Funds allocated to local political subdivisions under this subsection may not be used in calculation of payments to such local political subdivisions under programs for payments in lieu of taxes or other similar programs.

"(F) NO ACCOUNTING REQUIRED.—No recipient of funds under this subsection shall be required to account to the Federal Government for the expenditure of such funds, except as otherwise may be required by law.

"(4) DEFINITIONS.—In this subsection:

"(A) COUNTY-EQUIVALENT POLITICAL SUBDIVISION.—The term 'county-equivalent political subdivision' means a political jurisdiction immediately below the level of State government, including a county, parish, borough in Alaska, independent municipality not part of a county, parish, or borough in Alaska, or other equivalent subdivision of a State.

"(B) MUNICIPAL POLITICAL SUBDIVISION.—The term 'municipal political subdivision' means a municipality located within and part of a county, parish, borough in Alaska, or other equivalent subdivision of a State.".

Subtitle D—Sale and Conveyance of Federal Land

SEC. 6401. COLLECTION OF RECEIPTS FROM THE SALE OF FEDERAL LANDS.

(a) IN GENERAL.—Notwithstanding any other law, the Secretary shall make the lands described in subsection (b) available for immediate sale through a competitive sale process at fair market value. Requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall not apply to the sale of lands under this section.

(b) LANDS DESCRIBED.—The lands referred to in subsection (a) are the following:

(1) Poplar Point (Transfer and Conveyance of Properties in the District of Columbia, Map Number 869/80460, Dated July 2005, p. 28 of 28).

(2) U.S. Reservations 44, 45, 46, 47, 48 and 49 (Map Number 869/80460, Dated July 2005, p. 13 of 28).

(3) U.S. Reservation 251 (Map Number 869/80460, Dated July 2005, p. 14 of 28).

(4) U.S. Reservation 8 (Map Number 869/80460, Dated July 2005, p. 15 of 28).

(5) U.S. Reservation 17A (Map Number 869/80460, Dated July 2005, p. 20 of 28).

(6) U.S. Reservation 484 (Map Number 869/80460, Dated July 2005, p. 21 of 28).

(7) U.S. Reservation 721, 722 and 723 (Map Number 869/80460, Dated July 2005, p. 25 of 28).

(8) Certain land adjacent to Robert F. Kennedy Stadium Parking Lot (Transfer and Conveyance of Properties in the District of Columbia, Map Number 869/80460, Dated July 2005, p. 26 of 28).

(9) United States Reservation 243, 244, 245, and 247 (Transfer and Conveyance of Properties in the District of Columbia, Map Number 869/80460, Dated July 2005, p. 22 of 28).

The Secretary may retain from sale proceeds and spend without further appropriation up to $1,000,000 each year to implement land sales under this subsection, including hiring contractors and appraisers

(c) POPLAR POINT.—

(1) RETENTION OF FUNDS.—The Secretary may retain $10,000,000 from funds received from the sale of land under subsection (b)(1) and spend such funds without further appropriations for the purposes of complying with subparagraph (2).

(2) CONTINUITY OF OPERATION.—Before the sale and development of land referred to in subparagraph (b)(1), the Secretary shall ensure that the existing facilities and related properties (including necessary easements and utilities related thereto) occupied or otherwise used by the National Park Service are either withheld from any sale and remain in operation at its current location or will be relocated to suitable replacement facilities along the Anacostia River in the District of Columbia using funds made available by subparagraph (c)(1).

(d) CONVEYANCE OF LANDS TO THE DISTRICT OF COLUMBIA.—

(1) IN GENERAL.—Notwithstanding any other law, the Secretary shall immediately convey all right, title, and interest of the United States in the lands described in this subsection to the District of Columbia upon enactment of this section. Requirements under the National Environmental Policy Act (42 U.S.C. 4321 et seq.) shall not apply to the conveyance of lands under this subsection.

(2) LANDS DESCRIBED.—The lands referred to in this subsection are as follows:

(A) United States Reservation 128, 129, 130, 298 and 299 (Transfer and Conveyance of Properties in the District of Columbia, Map Number 869/80460, Dated July 2005, p. 23 of 28).

(B) United States Reservation 174 (Map Number 869/80460, Dated July 2005, p. 27 of 28).

(C) United States Reservation 277A and 277C (Map Number 869/80460, Dated July 2005, p. 16 of 28).

(D) United States Reservation 343D and 343E (Map Number 869/80460, Dated July 2005, p. 24 or 28).

(E) United States Reservation 404 (Map Number 869/80460, Dated July 2005, p. 12 of 28).

(F) United States Reservation 451 (Map Number 869/80460, Dated July 2005, p. 11 of 28).

(G) United States Reservation 470 (Transfer and Conveyance of Properties in the District of Columbia, Map Number 869/80460, Dated July 2005, p. 17 of 28).

(e) TRANSFER OF ADMINISTRATIVE JURISDICTION OVER CERTAIN PROPERTIES.—

(1) IN GENERAL.—Upon the date of the enactment of this subsection, administrative jurisdiction over each of the following properties (owned by the United States and as depicted on listed maps) is hereby transferred from the District of Columbia to the United States for administration by the Secretary of the Interior through the Director of the National Park Service:

(A) An unimproved portion of Audubon Terrace Northwest, located east of Linnean Avenue Northwest, that is within U.S. Reservation 402 (Audubon Terrace, NW. Transfer and Conveyance of Properties in the District of Columbia, Map Number 869/80460, Dated July 2005, p. 2 of 28).

(B) An unimproved portion of Barnaby Street Northwest, north of Aberfoyle Place Northwest, that abuts U.S. Reservation 545 (Barnaby Avenue, NW, Map Number 869/80460, Dated July 2005, p. 3 of 28).

(C) A portion of Canal Street Southwest, and a portion of V Street Southwest, each which abuts U.S. Reservation (Canal and V Streets, SW, Map Number 869/80460, Dated July 2005, p. 3 of 28).

(D) Unimproved streets and alleys at Fort Circle Park located within the boundaries of U.S. Reservation 497 (Fort Circle Park, Map Number 869/80460, Dated July 2005, p. 5 of 28)".

(E) An unimproved portion of Western Avenue Northwest, north of Oregon Avenue Northwest, that abuts U.S. Reservation 339 (Western Avenue, NW, Map Number 869/80460, Dated July 2005, p. 6 of 28).

(F) An unimproved portion of 17th Street Northwest, south of Shepard Street Northwest, that abuts U.S. Reservation 339 (17th Street, NW, Map Number 869/80460, Dated July 2005, p. 7 of 28).

(G) An unimproved portion of 30th Street Northwest, north of Broad Branch Road, Northwest, that is within the boundaries of U.S. Reservation 515 (30th Street, NW, Map Number 869/80460, Dated July 2005, p. 8 of 28).

(H) Land over I-395 at Washington Avenue, Southwest (Lands over I-395 at Washington Avenue, SW, Map Number 869/80460, Dated July 2005, p. 9 of 28).

(I) A portion of U.S. Reservation 357 at Whitehaven Parkway Northwest, previously transferred to the District of Columbia in conjunction with the former proposal for a residence for the Mayor of the District of Columbia (Portion of U.S. Reservation 357, Transfer and Conveyance of Properties in the District of Columbia, Map Number 869/80460, Dated July 2005, p. 10 of 28).

(2) USE OF CERTAIN PROPERTY FOR MEMORIAL.—In the case of the property for which administrative jurisdiction is transferred under paragraph (1)(H), the property shall be used as the site for the establishment of a memorial to honor disabled veterans of the United States Armed Forces authorized to be established by the Disabled Veterans' LIFE Memorial Foundation by Public Law 106-348 (114 Stat. 1358; 40 U.S.C. 8903 note), except that the District of Columbia shall retain administrative jurisdiction over the subsurface area beneath the site for tunnels, walls, footings, and related facilities.

TITLE VII—COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

SEC. 7001. EXTENSION OF VESSEL TONNAGE DUTIES.

(a) EXTENSION OF DUTIES.—Section 36 of the Act entitled "An Act to provide revenue, equalize duties and encourage the industries of the United States, and for other purposes", approved August 5, 1909 (36 Stat. 111; 46 U.S.C. App. 121), is amended—

(1) by striking "9 cents per ton" and all that follows through "2002," the first place it appears and inserting "4.5 cents per ton, not to exceed in the aggregate 22.5 cents per ton in any one year, for fiscal years 2006 through 2010,"; and

(2) by striking "27 cents per ton" and all that follows through "2002," and inserting "13.5 cents per ton, not to exceed 67.5 cents per ton per annum, for fiscal years 2006 through 2010,".

(b) CONFORMING AMENDMENT.—The Act entitled "An Act concerning tonnage duties on vessels entering otherwise than by sea", approved March 8, 1910 (36 Stat. 234; 46 U.S.C. App. 132), is amended by striking "9 cents per ton" and all that follows through "and 2 cents" and inserting "4.5 cents per ton, not to exceed in the aggregate 22.5 cents per ton in any one year, for fiscal years 2006 through 2010, and 2 cents".

(c) OFFSETTING RECEIPTS.—Increased tonnage charges collected as a result of the amendments made by subsection (a) shall be deposited in the general fund of the Treasury as offsetting receipts of the department in which the Coast Guard is operating and ascribed to Coast Guard activities related to marine safety, search and rescue, and aids to navigation.

TITLE VIII—COMMITTEE ON WAYS AND MEANS

SEC. 8001. SHORT TITLE.

This title may be cited as the "Work, Marriage, and Family Promotion Reconciliation Act of 2005".

SEC. 8002. TABLE OF CONTENTS.

The table of contents of this title is as follows:

Sec. 8001. Short title.
Sec. 8002. Table of contents.
Sec. 8003. References.
Sec. 8004. Findings.

Subtitle A—TANF

Sec. 8101. Purposes.
Sec. 8102. Family assistance grants.
Sec. 8103. Promotion of family formation and healthy marriage.
Sec. 8104. Supplemental grant for population increases in certain States.
Sec. 8105. Elimination of high performance bonus.
Sec. 8106. Contingency fund.
Sec. 8107. Use of funds.
Sec. 8108. Repeal of Federal loan for State welfare programs.
Sec. 8109. Universal engagement and family self-sufficiency plan requirements.
Sec. 8110. Work participation requirements.
Sec. 8111. Maintenance of effort.
Sec. 8112. Performance improvement.
Sec. 8113. Data collection and reporting.
Sec. 8114. Direct funding and administration by Indian tribes.
Sec. 8115. Research, evaluations, and national studies.
Sec. 8116. Study by the Census Bureau.
Sec. 8117. Definition of assistance.
Sec. 8118. Technical corrections.
Sec. 8119. Fatherhood program.
Sec. 8120. State option to make TANF programs mandatory partners with one-stop employment training centers.
Sec. 8121. Sense of the Congress.
Sec. 8122. Drug testing of applicants for and recipients of assistance.

Subtitle B—Child care

Sec. 8201. Entitlement funding.

Subtitle C—Child support

Sec. 8301. Federal matching funds for limited pass through of child support payments to families receiving TANF.
Sec. 8302. State option to pass through all child support payments to families that formerly received TANF.
Sec. 8303. Mandatory review and adjustment of child support orders for families receiving TANF.
Sec. 8304. Mandatory fee for successful child support collection for family that has never received TANF.
Sec. 8305. Report on undistributed child support payments.
Sec. 8306. Decrease in amount of child support arrearage triggering passport denial.
Sec. 8307. Use of tax refund intercept program to collect past-due child support on behalf of children who are not minors.
Sec. 8308. Garnishment of compensation paid to veterans for service-connected disabilities in order to enforce child support obligations.
Sec. 8309. Maintenance of technical assistance funding.
Sec. 8310. Maintenance of Federal Parent Locator Service funding.
Sec. 8311. Information comparisons with insurance data.
Sec. 8312. Tribal access to the Federal Parent Locator Service.
Sec. 8313. Reimbursement of Secretary's costs of information comparisons and disclosure for enforcement of obligations on Higher Education Act loans and grants.
Sec. 8314. Technical amendment relating to cooperative agreements between States and Indian tribes.
Sec. 8315. State option to use statewide automated data processing and information retrieval system for interstate cases.
Sec. 8316. Modification of rule requiring assignment of support rights as a condition of receiving TANF.
Sec. 8317. State option to discontinue certain support assignments.
Sec. 8318. Technical correction.
Sec. 8319. Reduction in rate of reimbursement of child support administrative expenses.
Sec. 8320. Incentive payments.

Subtitle D—Child welfare

Sec. 8401. Extension of authority to approve demonstration projects.
Sec. 8402. Elimination of limitation on number of waivers.
Sec. 8403. Elimination of limitation on number of States that may be granted waivers to conduct demonstration projects on same topic.
Sec. 8404. Elimination of limitation on number of waivers that may be granted to a single State for demonstration projects.
Sec. 8405. Streamlined process for consideration of amendments to and extensions of demonstration projects requiring waivers.
Sec. 8406. Availability of reports.
Sec. 8407. Clarification of eligibility for foster care maintenance payments and adoption assistance.
Sec. 8408. Clarification regarding Federal matching of certain administrative costs under the foster care maintenance payments program.
Sec. 8409. Technical correction.
Sec. 8410. Technical correction.

Subtitle E—Supplemental security income

Sec. 8501. Review of State agency blindness and disability determinations.
Sec. 8502. Payment of certain lump sum benefits in installments under the Supplemental Security Income program.

Subtitle F—State and local flexibility

Sec. 8601. Program coordination demonstration projects.

Subtitle G—Repeal of continued dumping and subsidy offset

Sec. 8701. Repeal of continued dumping and subsidy offset.

Subtitle H—Effective date

Sec. 8801. Effective date.

SEC. 8003. REFERENCES.

Except as otherwise expressly provided, wherever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the amendment or repeal shall be considered to be made to a section or other provision of the Social Security Act.

SEC. 8004. FINDINGS.

The Congress makes the following findings:

(1) The Temporary Assistance for Needy Families (TANF) Program established by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193) has succeeded in moving families from welfare to work and reducing child poverty.

(A) There has been a dramatic increase in the employment of current and former welfare recipients. The percentage of working recipients reached an all-time high in fiscal year 1999 and continued steady in fiscal years 2000 and 2001. In fiscal year 2003, 31.3 percent of adult recipients were counted as meeting the work participation requirements. All States but one met the overall participation rate standard in fiscal year 2003, as did the District of Columbia and Puerto Rico.

(B) Earnings for welfare recipients remaining on the rolls have also increased significantly, as have earnings for female-headed households. The increases have been particularly large for the bottom 2 income quintiles, that is, those women who are most likely to be former or present welfare recipients.

(C) Welfare dependency has plummeted. As of June 2004, 1,969,909 families and 4,727,291 individuals were receiving assistance. Accordingly, the number of families in the welfare caseload and the number of individuals receiving cash assistance declined 55 percent and 61 percent, respectively, since the enactment of TANF.

(D) The child poverty rate continued to decline between 1996 and 2003, falling 14 percent from 20.5 to 17.6 percent. Child poverty rates for African-American and Hispanic children have also fallen dramatically during the past 7 years.

(2) As a Nation, we have made substantial progress in reducing teen pregnancies and births, slowing increases in nonmarital childbearing, and improving child support collections and paternity establishment.

(A) The birth rate to teenagers declined 30 percent from its high in 1991 to 2002. The 2002 teenage birth rate of 43.0 per 1,000 women aged 15-19 is the lowest recorded birth rate for teenagers.

(B) During the period from 1991 through 2001, teenage birth rates fell in all States and the District of Columbia, Puerto Rico, Guam, and the Virgin Islands. Declines also have spanned age, racial, and ethnic groups. There has been success in lowering the birth rate for both younger and older teens. The birth rate for those 15-17 years of age has declined 40 percent since 1991, and the rate for those 18 and 19 has declined 23 percent. The rate for African American teens—until recently the highest—has declined the most—42 percent from 1991 through 2002.

(C) Since the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, child support collections within the child support enforcement system have grown every year, increasing from $12,000,000,000 in fiscal year 1996 to over $21,000,000,000 in fiscal year 2003. The number of paternities established or acknowledged in fiscal year 2003 (over 1,500,000) includes a more than 100 percent increase through in-hospital acknowledgement programs—862,043 in 2003 compared to 324,652 in 1996. Child support collections were made in nearly 8,000,000 cases in fiscal year 2003, significantly more than the almost 4,000,000 cases having a collection in 1996.

(3) The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 gave States great flexibility in the use of Federal funds to develop innovative programs to help families leave welfare and begin employment and to encourage the formation of 2-parent families.

(A) Total Federal and State TANF expenditures in fiscal year 2003 were $26,300,000,000, up from $25,400,000,000 in fiscal year 2002 and $22,600,000,000 in fiscal year 1999. This increased spending is attributable to significant new investments in supportive services in the TANF program, such as child care and activities to support work.

(B) Since the welfare reform effort began there has been a dramatic increase in work participation (including employment, community service, and work experience) among welfare recipients, as well as an unprecedented reduction in the caseload because recipients have left welfare for work.

(C) States are making policy choices and investment decisions best suited to the needs of their citizens.

(i) To expand aid to working families, almost all States disregard a portion of a family's earned income when determining benefit levels.

(ii) Most States increased the limits on countable assets above the former Aid to Families with Dependent Children (AFDC) program. Every State has increased the vehicle asset level above the prior AFDC limit for a family's primary automobile.

(iii) States are experimenting with programs to promote marriage and paternal involvement. Over half of the States have eliminated restrictions on 2-parent families. Many States use TANF, child support, or State funds to support community-based activities to help fathers become more involved in their children's lives or strengthen relationships between mothers and fathers.

(4) However, despite this success, there is still progress to be made. Policies that support and promote more work, strengthen families, and enhance State flexibility are necessary to continue to build on the success of welfare reform.

(A) Significant numbers of welfare recipients still are not engaged in employment-related activities. While all States have met the overall work participation rates required by law, in an average month, only 41 percent of all families with an adult participated in work activities that were countable toward the State's participation rate. In fiscal year 2003, four jurisdictions failed to meet the more rigorous 2-parent work requirements, and 25 jurisdictions (States and territories) are not subject to the 2-parent requirements, most because they moved their 2-parent cases to separate State programs where they are not subject to a penalty for failing the 2-parent rates.

(B) In 2002, 34 percent of all births in the U.S. were to unmarried women. And, with fewer teens entering marriage, the proportion of births to unmarried teens has increased dramatically (80 percent in 2002 versus 30 percent in 1970). The negative consequences of out-of-wedlock birth on the mother, the child, the family, and society are well documented. These include increased likelihood of welfare dependency, increased risks of low birth weight, poor cognitive development, child abuse and neglect, and teen parenthood, and decreased likelihood of having an intact marriage during adulthood.

(C) There has been a dramatic rise in cohabitation as marriages have declined. It is estimated that 40 percent of children are expected to live in a cohabiting-parent family at some point during their childhood. Children in single-parent households and cohabiting-parent households are at much higher risk of child abuse than children in intact married families.

(D) Children who live apart from their biological fathers, on average, are more likely to be poor, experience educational, health, emotional, and psychological problems, be victims of child abuse, engage in criminal behavior, and become involved with the juvenile justice system than their peers who live with their married, biological mother and father. A child living with a single mother is nearly 5 times as likely to be poor as a child living in a married-couple family. In 2003, in married-couple families, the child poverty rate was 8.6 percent, and in households headed by a single mother the poverty rate was 41.7 percent.

(5) Therefore, it is the sense of the Congress that increasing success in moving families from welfare to work, as well as in promoting healthy marriage and other means of improving child well-being, are very important Government interests and the policy contained in part A of title IV of the Social Security Act (as amended by this title) is intended to serve those ends.

Subtitle A—TANF

SEC. 8101. PURPOSES.

Section 401(a) (42 U.S.C. 601(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "increase" and inserting "improve child well-being by increasing";

(2) in paragraph (1), by inserting "and services" after "assistance";

(3) in paragraph (2), by striking "parents on government benefits" and inserting "families on government benefits and reduce poverty"; and

(4) in paragraph (4), by striking "two-parent families" and inserting "healthy, 2-parent married families, and encourage responsible fatherhood".

SEC. 8102. FAMILY ASSISTANCE GRANTS.

(a) Extension of Authority.—Section 403(a)(1)(A) (42 U.S.C. 603(a)(1)(A)) is amended—

(1) by striking "1996, 1997, 1998, 1999, 2000, 2001, 2002, and 2003" and inserting "2006 through 2010"; and

(2) by inserting "payable to the State for the fiscal year" before the period.

(b) State Family Assistance Grant.—Section 403(a)(1)(C) (42 U.S.C. 603(a)(1)(C)) is amended by striking "fiscal year 2003" and inserting "each of fiscal years 2006 through 2010".

(c) Matching Grants for the Territories.—Section 1108(b)(2) (42 U.S.C. 1308(b)(2)) is amended by striking "1997 through 2003" and inserting "2006 through 2010".

SEC. 8103. PROMOTION OF FAMILY FORMATION AND HEALTHY MARRIAGE.

(a) State Plans.—Section 402(a)(1)(A) (42 U.S.C. 602(a)(1)(A)) is amended by adding at the end the following:

"(vii) Encourage equitable treatment of married, 2-parent families under the program referred to in clause (i).".

(b) Healthy Marriage Promotion Grants; Repeal of Bonus for Reduction of Illegitimacy Ratio.—Section 403(a)(2) (42 U.S.C. 603(a)(2)) is amended to read as follows:

"(2) Healthy marriage promotion grants.—

"(A) Authority.—The Secretary shall award competitive grants to States, territories, and tribal organizations for not more than 50 percent of the cost of developing and implementing innovative programs to promote and support healthy, married, 2-parent families.

"(B) Healthy marriage promotion activities.—Funds provided under subparagraph (A) shall be used to support any of the following programs or activities:

"(i) Public advertising campaigns on the value of marriage and the skills needed to increase marital stability and health.

"(ii) Education in high schools on the value of marriage, relationship skills, and budgeting.

"(iii) Marriage education, marriage skills, and relationship skills programs, that may include parenting skills, financial management, conflict resolution, and job and career advancement, for non-married pregnant women and non-married expectant fathers.

"(iv) Pre-marital education and marriage skills training for engaged couples and for couples or individuals interested in marriage.

"(v) Marriage enhancement and marriage skills training programs for married couples.

"(vi) Divorce reduction programs that teach relationship skills.

"(vii) Marriage mentoring programs which use married couples as role models and mentors in at-risk communities.

"(viii) Programs to reduce the disincentives to marriage in means-tested aid programs, if offered in conjunction with any activity described in this subparagraph.

"(C) Voluntary participation.—

"(i) In general.—Participation in a program or activity described in any of clauses (iii) through (viii) of subparagraph (B) shall be voluntary.

"(ii) Requirements for receipt of funds.—The Secretary may not award a grant under this paragraph to an applicant for the grant, unless—

"(I) the application for the grant describes—

"(aa) how the programs or activities proposed in the application will address, as appropriate, issues of domestic violence; and

"(bb) what the applicant will do, to the extent relevant, to ensure that participation in the programs or activities is voluntary, and to inform potential participants that their participation is voluntary; and

"(II) the applicant agrees that, as a condition of receipt of the grant, the applicant will consult with experts in domestic violence or relevant community domestic violence coalitions in developing the programs and activities funded with the grant.

"(D) Appropriation.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for each of fiscal years 2006 through 2010 $100,000,000 for grants under this paragraph.".

(c) Counting of Spending on Non-Eligible Families to Prevent and Reduce Incidence of Out-of-Wedlock Births, Encourage Formation and Maintenance of Healthy, 2-Parent Married Families, or Encourage Responsible Fatherhood.—Section 409(a)(7)(B)(i) (42 U.S.C. 609(a)(7)(B)(i)) is amended by adding at the end the following:

"(V) COUNTING OF SPENDING ON NON-ELIGIBLE FAMILIES TO PREVENT AND REDUCE INCIDENCE OF OUT-OF-WEDLOCK BIRTHS, ENCOURAGE FORMATION AND MAINTENANCE OF HEALTHY, 2-PARENT MARRIED FAMILIES, OR ENCOURAGE RESPONSIBLE FATHERHOOD.—The term 'qualified State expenditures' includes the total expenditures by the State during the fiscal year under all State programs for a purpose described in paragraph (3) or (4) of section 401(a).".

SEC. 8104. SUPPLEMENTAL GRANT FOR POPULATION INCREASES IN CERTAIN STATES.

Section 403(a)(3) (42 U.S.C. 603(a)(3)) is amended—

(1) in subparagraph (E)—

(A) by striking "1998, 1999, 2000, and 2001" and inserting "2006 through 2009"; and

(B) by striking ", in a total amount not to exceed $800,000,000";

(2) in subparagraph (G), by striking "2001" and inserting "2009"; and

(3) by striking subparagraph (H) and inserting the following:

"(H) FURTHER PRESERVATION OF GRANT AMOUNTS.—A State that was a qualifying State under this paragraph for fiscal year 2004 or any prior fiscal year shall be entitled to receive from the Secretary for each of fiscal years 2006 through 2009 a grant in an amount equal to the amount required to be paid to the State under this paragraph for the most recent fiscal year for which the State was a qualifying State.".

SEC. 8105. ELIMINATION OF HIGH PERFORMANCE BONUS.

Section 403(a) (42 U.S.C. 603(a)) is amended by striking paragraph (4).

SEC. 8106. CONTINGENCY FUND.

(a) DEPOSITS INTO FUND.—Section 403(b)(2) (42 U.S.C. 603(b)(2)) is amended—

(1) by striking "1997, 1998, 1999, 2000, 2001, 2002, and 2003" and inserting "2006 through 2010"; and

(2) by striking all that follows "$2,000,000,000" and inserting a period.

(b) GRANTS.—Section 403(b)(3)(C)(ii) (42 U.S.C. 603(b)(3)(C)(ii)) is amended by striking "fiscal years 1997 through 2006" and inserting "fiscal years 2006 through 2010".

(c) DEFINITION OF NEEDY STATE.—Clauses (i) and (ii) of section 403(b)(5)(B) (42 U.S.C. 603(b)(5)(B)) are amended by inserting after "1996" the following: "and the Food Stamp Act of 1977 as in effect during the corresponding 3-month period in the fiscal year preceding such most recently concluded 3-month period".

(d) ANNUAL RECONCILIATION: FEDERAL MATCHING OF STATE EXPENDITURES ABOVE "MAINTENANCE OF EFFORT" LEVEL.—Section 403(b)(6) (42 U.S.C. 603(b)(6)) is amended—

(1) in subparagraph (A)(ii)—

(A) by adding "and" at the end of subclause (I);

(B) by striking "; and" at the end of subclause (II) and inserting a period; and

(C) by striking subclause (III);

(2) in subparagraph (B)(i)(II), by striking all that follows "section 409(a)(7)(B)(iii))" and inserting a period;

(3) by amending subparagraph (B)(ii)(I) to read as follows:

"(I) the qualified State expenditures (as defined in section 409(a)(7)(B)(i)) for the fiscal year; plus"; and

(4) by striking subparagraph (C).

(e) CONSIDERATION OF CERTAIN CHILD CARE EXPENDITURES IN DETERMINING STATE COMPLIANCE WITH CONTINGENCY FUND MAINTENANCE OF EFFORT REQUIREMENT.—Section 409(a)(10) (42 U.S.C. 609(a)(10)) is amended—

(1) by striking "(other than the expenditures described in subclause (I)(bb) of that paragraph)) under the State program funded under this part" and inserting a close parenthesis; and

(2) by striking "excluding any amount expended by the State for child care under subsection (g) or (i) of section 402 (as in effect during fiscal year 1994) for fiscal year 1994,".

(f) EFFECTIVE DATE.—The amendments made by subsections (c), (d), and (e) shall take effect on October 1, 2007.

SEC. 8107. USE OF FUNDS.

(a) GENERAL RULES.—Section 404(a)(2) (42 U.S.C. 604(a)(2)) is amended by striking "in any manner that" and inserting "for any purposes or activities for which".

(b) TREATMENT OF INTERSTATE IMMIGRANTS.—

(1) STATE PLAN PROVISION.—Section 402(a)(1)(B) (42 U.S.C. 602(a)(1)(B)) is amended by striking clause (i) and redesignating clauses (ii) through (iv) as clauses (i) through (iii), respectively.

(2) USE OF FUNDS.—Section 404 (42 U.S.C. 604) is amended by striking subsection (c).

(c) INCREASE IN AMOUNT TRANSFERABLE TO CHILD CARE.—Section 404(d)(1) (42 U.S.C. 604(d)(1)) is amended by striking "30" and inserting "50".

(d) INCREASE IN AMOUNT TRANSFERABLE TO TITLE XX PROGRAMS.—Section 404(d)(2)(B) (42 U.S.C. 604(d)(2)(B)) is amended to read as follows:

"(B) APPLICABLE PERCENT.—For purposes of subparagraph (A), the applicable percent is 10 percent for fiscal year 2006 and each succeeding fiscal year.".

(e) CLARIFICATION OF AUTHORITY OF STATES TO USE TANF FUNDS CARRIED OVER FROM PRIOR YEARS TO PROVIDE TANF BENEFITS AND SERVICES.—Section 404(e) (42 U.S.C. 604(e)) is amended to read as follows:

"(e) AUTHORITY TO CARRYOVER OR RESERVE CERTAIN AMOUNTS FOR BENEFITS OR SERVICES OR FOR FUTURE CONTINGENCIES.—

"(1) CARRYOVER.—A State or tribe may use a grant made to the State or tribe under this part for any fiscal year to provide, without fiscal year limitation, any benefit or service that may be provided under the State or tribal program funded under this part.

"(2) CONTINGENCY RESERVE.—A State or tribe may designate any portion of a grant made to the State or tribe under this part as a contingency reserve for future needs, and may use any amount so designated to provide, without fiscal year limitation, any benefit or service that may be provided under the State or tribal program funded under this part. If a State or tribe so designates a portion of such a grant, the State shall, on an annual basis, include in its report under section 411(a) the amount so designated.".

SEC. 8108. REPEAL OF FEDERAL LOAN FOR STATE WELFARE PROGRAMS.

(a) REPEAL.—Effective as of October 1, 2006, section 406 (42 U.S.C. 606) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 409(a) (42 U.S.C. 609(a)) is amended by striking paragraph (6).

(2) Section 412 (42 U.S.C. 612) is amended by striking subsection (f) and redesignating subsections (g) through (i) as subsections (f) through (h), respectively.

(3) Section 1108(a)(2) (42 U.S.C. 1308(a)(2)) is amended by striking "406,".

SEC. 8109. UNIVERSAL ENGAGEMENT AND FAMILY SELF-SUFFICIENCY PLAN REQUIREMENTS.

(a) MODIFICATION OF STATE PLAN REQUIREMENTS.—Section 402(a)(1)(A) (42 U.S.C. 602(a)(1)(A)) is amended by striking clauses (ii) and (iii) and inserting the following:

"(ii) Require a parent or caretaker receiving assistance under the program to engage in work or alternative self-sufficiency activities (as defined by the State), consistent with section 407(e)(2).

"(iii) Require families receiving assistance under the program to engage in activities in accordance with family self-sufficiency plans developed pursuant to section 408(b).".

(b) ESTABLISHMENT OF FAMILY SELF-SUFFICIENCY PLANS.—

(1) IN GENERAL.—Section 408(b) (42 U.S.C. 608(b)) is amended to read as follows:

"(b) FAMILY SELF-SUFFICIENCY PLANS.—

"(1) IN GENERAL.—A State to which a grant is made under section 403 shall—

"(A) assess, in the manner deemed appropriate by the State, the skills, prior work experience, and employability of each work-eligible individual (as defined in section 407(b)(2)(C)) receiving assistance under the State program funded under this part;

"(B) establish for each family that includes such an individual, in consultation as the State deems appropriate with the individual, a self-sufficiency plan that specifies appropriate activities described in the State plan submitted pursuant to section 402, including direct work activities as appropriate designed to assist the family in achieving their maximum degree of self-sufficiency, and that provides for the ongoing participation of the individual in the activities;

"(C) require, at a minimum, each such individual to participate in activities in accordance with the self-sufficiency plan;

"(D) monitor the participation of each such individual in the activities specified in the self-sufficiency plan, and regularly review the progress of the family toward self-sufficiency;

"(E) upon such a review, revise the self-sufficiency plan and activities as the State deems appropriate.

"(2) TIMING.—The State shall comply with paragraph (1) with respect to a family—

"(A) in the case of a family that, as of October 1, 2005, is not receiving assistance from the State program funded under this part, not later than 60 days after the family first receives assistance on the basis of the most recent application for the assistance; or

"(B) in the case of a family that, as of such date, is receiving the assistance, not later than 12 months after the date of enactment of this subsection.

"(3) STATE DISCRETION.—A State shall have sole discretion, consistent with section 407, to define and design activities for families for purposes of this subsection, to develop methods for monitoring and reviewing progress pursuant to this subsection, and to make modifications to the plan as the State deems appropriate to assist the individual in increasing their degree of self-sufficiency.

"(4) RULE OF INTERPRETATION.—Nothing in this part shall preclude a State from—

"(A) requiring participation in work and any other activities the State deems appropriate for helping families achieve self-sufficiency and improving child well-being; or

"(B) using job search or other appropriate job readiness or work activities to assess the employability of individuals and to determine appropriate future engagement activities.".

(2) PENALTY FOR FAILURE TO ESTABLISH FAMILY SELF-SUFFICIENCY PLAN.—Section 409(a)(3) (42 U.S.C. 609(a)(3)) is amended—

(A) in the paragraph heading, by inserting "OR ESTABLISH FAMILY SELF-SUFFICIENCY PLAN" after "RATES"; and

(B) in subparagraph (A), by inserting "or 408(b)" after "407(a)".

SEC. 8110. WORK PARTICIPATION REQUIREMENTS.

(a) In General.—Section 407 (42 U.S.C. 607) is amended by striking all that precedes subsection (b)(3) and inserting the following:

"SEC. 407. WORK PARTICIPATION REQUIREMENTS.

"(a) Participation Rate Requirements.—A State to which a grant is made under section 403 for a fiscal year shall achieve a minimum participation rate equal to not less than—

"(1) 50 percent for fiscal year 2006;

"(2) 55 percent for fiscal year 2007;

"(3) 60 percent for fiscal year 2008;

"(4) 65 percent for fiscal year 2009; and

"(5) 70 percent for fiscal year 2010 and each succeeding fiscal year.

"(b) Calculation of Participation Rates.—

"(1) Average monthly rate.—For purposes of subsection (a), the participation rate of a State for a fiscal year is the average of the participation rates of the State for each month in the fiscal year.

"(2) Monthly participation rates; incorporation of 40-hour work week standard.—

"(A) In general.—For purposes of paragraph (1), the participation rate of a State for a month is—

"(i) the total number of countable hours (as defined in subsection (c)) with respect to the counted families for the State for the month; divided by

"(ii) 160 multiplied by the number of counted families for the State for the month.

"(B) Counted families defined.—

"(i) In general.—In subparagraph (A), the term 'counted family' means, with respect to a State and a month, a family that includes a work-eligible individual and that receives assistance in the month under the State program funded under this part, subject to clause (ii).

"(ii) State option to exclude certain families.—At the option of a State, the term 'counted family' shall not include—

"(I) a family in the first month for which the family receives assistance from a State program funded under this part on the basis of the most recent application for such assistance;

"(II) on a case-by-case basis, a family in which the youngest child has not attained 12 months of age; or

"(III) a family that is subject to a sanction under this part or part D, but that has not been subject to such a sanction for more than 3 months (whether or not consecutive) in the preceding 12-month period.

"(iii) State option to include individuals receiving assistance under a tribal family assistance plan or tribal work program.—At the option of a State, the term 'counted family' may include families in the State that are receiving assistance under a tribal family assistance plan approved under section 412 or under a tribal work program to which funds are provided under this part.

"(C) Work-eligible individual defined.—In this section, the term 'work-eligible individual' means an individual—

"(i) who is married or a single head of household; and

"(ii) whose needs are (or, but for sanctions under this part or part D, would be) included in determining the amount of cash assistance to be provided to the family under the State program funded under this part.".

(b) Recalibration of Caseload Reduction Credit.—

(1) In general.—Section 407(b)(3)(A)(ii) (42 U.S.C. 607(b)(3)(A)(ii)) is amended to read as follows:

"(ii) the average monthly number of families that received assistance under the State program funded under this part during the base year.".

(2) Conforming amendment.—Section 407(b)(3)(B) (42 U.S.C. 607(b)(3)(B)) is amended by striking "and eligibility criteria" and all that follows through the close parenthesis and inserting "and the eligibility criteria in effect during the then applicable base year".

(3) Base year defined.—Section 407(b)(3) (42 U.S.C. 607(b)(3)) is amended by adding at the end the following:

"(C) Base year defined.—In this paragraph, the term 'base year' means, with respect to a fiscal year—

"(i) if the fiscal year is fiscal year 2006, fiscal year 1996;

"(ii) if the fiscal year is fiscal year 2007, fiscal year 1998;

"(iii) if the fiscal year is fiscal year 2008, fiscal year 2001; or

"(iv) if the fiscal year is fiscal year 2009 or any succeeding fiscal year, the then 4th preceding fiscal year.".

(c) Superachiever Credit.—Section 407(b) (42 U.S.C. 607(b)) is amended by striking paragraphs (4) and (5) and inserting the following:

"(4) Superachiever credit.—

"(A) In general.—The participation rate, determined under paragraphs (1) and (2) of this subsection, of a superachiever State for a fiscal year shall be increased by the lesser of—

"(i) the amount (if any) of the superachiever credit applicable to the State; or

"(ii) the number of percentage points (if any) by which the minimum participation rate required by subsection (a) for the fiscal year exceeds 50 percent.

"(B) Superachiever state.—For purposes of subparagraph (A), a State is a superachiever State if the State caseload for fiscal year 2001 has declined by at least 60 percent from the State caseload for fiscal year 1995.

"(C) Amount of credit.—The superachiever credit applicable to a State is the number of percentage points (if any) by which the decline referred to in subparagraph (B) exceeds 60 percent.

"(D) Definitions.—In this paragraph:

"(i) State caseload for fiscal year 2001.—The term 'State caseload for fiscal year 2001' means the average monthly number of families that received assistance during fiscal year 2001 under the State program funded under this part.

"(ii) State caseload for fiscal year 1995.—The term 'State caseload for fiscal year 1995' means the average monthly number of families that received aid under the State plan approved under part A (as in effect on September 30, 1995) during fiscal year 1995.".

(d) Countable Hours.—Section 407 (42 U.S.C. 607) is amended by striking subsections (c) and (d) and inserting the following:

"(c) Countable Hours.—

"(1) Definition.—In subsection (b)(2), the term 'countable hours' means, with respect to a family for a month, the total number of hours in the month in which any member of the family who is a work-eligible individual is engaged in a direct work activity or other activities specified by the State (excluding an activity that does not address a purpose specified in section 401(a)), subject to the other provisions of this subsection.

"(2) Limitations.—Subject to such regulations as the Secretary may prescribe:

"(A) Minimum weekly average of 24 hours of direct work activities required.—If the work-eligible individuals in a family are engaged in a direct work activity for an average total of fewer than 24 hours per week in a month, then the number of countable hours with respect to the family for the month shall be zero.

"(B) Maximum weekly average of 16 hours of other activities.—An average of not more than 16 hours per week of activities specified by the State (subject to the exclusion described in paragraph (1)) may be considered countable hours in a month with respect to a family.

"(3) Special rules.—For purposes of paragraph (1):

"(A) Participation in qualified activities.—

"(i) In general.—If, with the approval of the State, the work-eligible individuals in a family are engaged in 1 or more qualified activities for an average total of at least 24 hours per week in a month, then all such engagement in the month shall be considered engagement in a direct work activity, subject to clause (iii).

"(ii) Qualified activity defined.—The term 'qualified activity' means an activity specified by the State (subject to the exclusion described in paragraph (1)) that meets such standards and criteria as the State may specify, including—

"(I) substance abuse counseling or treatment;

"(II) rehabilitation treatment and services;

"(III) work-related education or training directed at enabling the family member to work;

"(IV) job search or job readiness assistance; and

"(V) any other activity that addresses a purpose specified in section 401(a).

"(iii) Limitation.—

"(I) In general.—Except as provided in subclause (II), clause (i) shall not apply to a family for more than 3 months in any period of 24 consecutive months.

"(II) Special rule applicable to education and training.—A State may, on a case-by-case basis, apply clause (i) to a work-eligible individual so that participation by the individual in education or training, if needed to permit the individual to complete a certificate program or other work-related education or training directed at enabling the individual to fill a known job need in a local area, may be considered countable hours with respect to the family of the individual for not more than 4 months in any period of 24 consecutive months.

"(B) School attendance by teen head of household.—The work-eligible members of a family shall be considered to be engaged in a direct work activity for an average of 40 hours per week in a month if the family includes an individual who is married, or is a single head of household, who has not attained 20 years of age, and the individual—

"(i) maintains satisfactory attendance at secondary school or the equivalent in the month; or

"(ii) participates in education directly related to employment for an average of at least 20 hours per week in the month.

"(d) Direct Work Activity.—In this section, the term 'direct work activity' means—

"(1) unsubsidized employment;

"(2) subsidized private sector employment;

"(3) subsidized public sector employment;

"(4) on-the-job training;

"(5) supervised work experience; or

"(6) supervised community service.".

(e) Penalties Against Individuals.—Section 407(e)(1) (42 U.S.C. 607(e)(1)) is amended to read as follows:

"(1) Reduction or termination of assistance.—

"(A) IN GENERAL.—Except as provided in paragraph (2), if an individual in a family receiving assistance under a State program funded under this part fails to engage in activities required in accordance with this section, or other activities required by the State under the program, and the family does not otherwise engage in activities in accordance with the self-sufficiency plan established for the family pursuant to section 408(b), the State shall—

"(i) if the failure is partial or persists for not more than 1 month—

"(I) reduce the amount of assistance otherwise payable to the family pro rata (or more, at the option of the State) with respect to any period during a month in which the failure occurs; or

"(II) terminate all assistance to the family, subject to such good cause exceptions as the State may establish; or

"(ii) if the failure is total and persists for at least 2 consecutive months, terminate all cash payments to the family including qualified State expenditures (as defined in section 409(a)(7)(B)(i)) for at least 1 month and thereafter until the State determines that the individual has resumed full participation in the activities, subject to such good cause exceptions as the State may establish.

"(B) SPECIAL RULE.—

"(i) IN GENERAL.—In the event of a conflict between a requirement of clause (i)(II) or (ii) of subparagraph (A) and a requirement of a State constitution, or of a State statute that, before 1966, obligated local government to provide assistance to needy parents and children, the State constitutional or statutory requirement shall control.

"(ii) LIMITATION.—Clause (i) of this subparagraph shall not apply after the 1-year period that begins with the date of the enactment of this subparagraph.".

(f) CONFORMING AMENDMENTS.—

(1) Section 407(f) (42 U.S.C. 607(f)) is amended in each of paragraphs (1) and (2) by striking "work activity described in subsection (d)" and inserting "direct work activity".

(2) The heading of section 409(a)(14) (42 U.S.C. 609(a)(14)) is amended by inserting "OR REFUSING TO ENGAGE IN ACTIVITIES UNDER A FAMILY SELF-SUFFICIENCY PLAN" after "WORK".

SEC. 8111. MAINTENANCE OF EFFORT.

(a) IN GENERAL.—Section 409(a)(7) (42 U.S.C. 609(a)(7)) is amended—

(1) in subparagraph (A), by striking "fiscal year 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, or 2007" and inserting "fiscal year 2006, 2007, 2008, 2009, 2010, or 2011"; and

(2) in subparagraph (B)(ii)—

(A) by inserting "preceding" before "fiscal year"; and

(B) by striking "for fiscal years 1997 through 2006,".

(b) STATE SPENDING ON PROMOTING HEALTHY MARRIAGE.—

(1) IN GENERAL.—Section 404 (42 U.S.C. 604) is amended by adding at the end the following:

"(l) MARRIAGE PROMOTION.—A State, territory, or tribal organization to which a grant is made under section 403(a)(2) may use a grant made to the State, territory, or tribe under any other provision of section 403 for marriage promotion activities, and the amount of any such grant so used shall be considered State funds for purposes of section 403(a)(2).".

(2) FEDERAL TANF FUNDS USED FOR MARRIAGE PROMOTION DISREGARDED FOR PURPOSES OF MAINTENANCE OF EFFORT REQUIREMENT.—Section 409(a)(7)(B)(i) (42 U.S.C. 609(a)(7)(B)(i)), as amended by section 8103(c) of this Act, is amended by adding at the end the following:

"(VI) EXCLUSION OF FEDERAL TANF FUNDS USED FOR MARRIAGE PROMOTION ACTIVITIES.—Such term does not include the amount of any grant made to the State under section 403 that is expended for a marriage promotion activity.".

SEC. 8112. PERFORMANCE IMPROVEMENT.

(a) STATE PLANS.—Section 402(a) (42 U.S.C. 602(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by redesignating clause (vi) and clause (vii) (as added by section 8103(a) of this Act) as clauses (vii) and (viii), respectively; and

(ii) by striking clause (v) and inserting the following:

"(v) The document shall—

"(I) describe how the State will pursue ending dependence of needy families on government benefits and reducing poverty by promoting job preparation and work;

"(II) describe how the State will encourage the formation and maintenance of healthy 2-parent married families, encourage responsible fatherhood, and prevent and reduce the incidence of out-of-wedlock pregnancies;

"(III) include specific, numerical, and measurable performance objectives for accomplishing subclauses (I) and (II); and

"(IV) describe the methodology that the State will use to measure State performance in relation to each such objective.

"(vi) Describe any strategies and programs the State may be undertaking to address—

"(I) employment retention and advancement for recipients of assistance under the program, including placement into high-demand jobs, and whether the jobs are identified using labor market information;

"(II) efforts to reduce teen pregnancy;

"(III) services for struggling and noncompliant families, and for clients with special problems; and

"(IV) program integration, including the extent to which employment and training services under the program are provided through the One-Stop delivery system created under the Workforce Investment Act of 1998, and the extent to which former recipients of such assistance have access to additional core, intensive, or training services funded through such Act."; and

(B) in subparagraph (B), by striking clause (iii) (as so redesignated by section 8107(b)(1) of this Act) and inserting the following:

"(iii) The document shall describe strategies and programs the State is undertaking to engage religious organizations in the provision of services funded under this part and efforts related to section 104 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

"(iv) The document shall describe strategies to improve program management and performance."; and

(2) in paragraph (4), by inserting "and tribal" after "that local".

(b) CONSULTATION WITH STATE REGARDING PLAN AND DESIGN OF TRIBAL PROGRAMS.—Section 412(b)(1) (42 U.S.C. 612(b)(1)) is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting "; and"; and

(3) by adding at the end the following:

"(G) provides an assurance that the State in which the tribe is located has been consulted regarding the plan and its design.".

(c) PERFORMANCE MEASURES.—Section 413 (42 U.S.C. 613) is amended by adding at the end the following:

"(k) PERFORMANCE IMPROVEMENT.—The Secretary, in consultation with the States, shall develop uniform performance measures designed to assess the degree of effectiveness, and the degree of improvement, of State programs funded under this part in accomplishing the purposes of this part.".

(d) ANNUAL RANKING OF STATES.—Section 413(d)(1) (42 U.S.C. 613(d)(1)) is amended by striking "long-term private sector jobs" and inserting "private sector jobs, the success of the recipients in retaining employment, the ability of the recipients to increase their wages".

SEC. 8113. DATA COLLECTION AND REPORTING.

(a) CONTENTS OF REPORT.—Section 411(a)(1)(A) (42 U.S.C. 611(a)(1)(A)) is amended—

(1) in the matter preceding clause (i), by inserting "and on families receiving assistance under State programs funded with other qualified State expenditures (as defined in section 409(a)(7)(B))" before the colon;

(2) in clause (vii), by inserting "and minor parent" after "of each adult";

(3) in clause (viii), by striking "and educational level";

(4) in clause (ix), by striking ", and if the latter 2, the amount received";

(5) in clause (x)—

(A) by striking "each type of"; and

(B) by inserting before the period "and, if applicable, the reason for receipt of the assistance for a total of more than 60 months";

(6) in clause (xi), by striking the subclauses and inserting the following:

"(I) Subsidized private sector employment.

"(II) Unsubsidized employment.

"(III) Public sector employment, supervised work experience, or supervised community service.

"(IV) On-the-job training.

"(V) Job search and placement.

"(VI) Training.

"(VII) Education.

"(VIII) Other activities directed at the purposes of this part, as specified in the State plan submitted pursuant to section 402.";

(7) in clause (xii), by inserting "and progress toward universal engagement" after "participation rates";

(8) in clause (xiii), by striking "type and";

(9) in clause (xvi), by striking subclause (II) and redesignating subclauses (III) through (V) as subclauses (II) through (IV), respectively; and

(10) by adding at the end the following:

"(xviii) The date the family first received assistance from the State program on the basis of the most recent application for such assistance.

"(xix) Whether a self-sufficiency plan is established for the family in accordance with section 408(b).

"(xx) With respect to any child in the family, the marital status of the parents at the birth of the child, and if the parents were not then married, whether the paternity of the child has been established.".

(b) USE OF SAMPLES.—Section 411(a)(1)(B) (42 U.S.C. 611(a)(1)(B)) is amended—

(1) in clause (i)—

(A) by striking "a sample" and inserting "samples"; and

(B) by inserting before the period ", except that the Secretary may designate core data elements that must be reported on all families"; and

(2) in clause (ii), by striking "funded under this part" and inserting "described in subparagraph (A)".

(c) REPORT ON FAMILIES THAT BECOME INELIGIBLE TO RECEIVE ASSISTANCE.—Section 411(a) (42 U.S.C. 611(a)) is amended—

(1) by striking paragraph (5);

(2) by redesignating paragraph (6) as paragraph (5); and

(3) by inserting after paragraph (5) (as so redesignated) the following:

"(6) Report on families that become ineligible to receive assistance.—The report required by paragraph (1) for a fiscal quarter shall include for each month in the quarter the number of families and total number of individuals that, during the month, became ineligible to receive assistance under the State program funded under this part (broken down by the number of families that become so ineligible due to earnings, changes in family composition that result in increased earnings, sanctions, time limits, or other specified reasons).".

(d) Regulations.—Section 411(a)(7) (42 U.S.C. 611(a)(7)) is amended—

(1) by inserting "and to collect the necessary data" before "with respect to which reports";

(2) by striking "subsection" and inserting "section"; and

(3) by striking "in defining the data elements" and all that follows and inserting ", the National Governors' Association, the American Public Human Services Association, the National Conference of State Legislatures, and others in defining the data elements.".

(e) Additional Reports by States.—Section 411 (42 U.S.C. 611) is amended—

(1) by redesignating subsection (b) as subsection (e); and

(2) by inserting after subsection (a) the following:

"(b) Annual Reports on Program Characteristics.—Not later than 90 days after the end of fiscal year 2006 and each succeeding fiscal year, each eligible State shall submit to the Secretary a report on the characteristics of the State program funded under this part and other State programs funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)). The report shall include, with respect to each such program, the program name, a description of program activities, the program purpose, the program eligibility criteria, the sources of program funding, the number of program beneficiaries, sanction policies, and any program work requirements.

"(c) Monthly Reports on Caseload.—Not later than 3 months after the end of a calendar month that begins 1 year or more after the enactment of this subsection, each eligible State shall submit to the Secretary a report on the number of families and total number of individuals receiving assistance in the calendar month under the State program funded under this part.

"(d) Annual Report on Performance Improvement.—Beginning with fiscal year 2007, not later than January 1 of each fiscal year, each eligible State shall submit to the Secretary a report on achievement and improvement during the preceding fiscal year under the numerical performance goals and measures under the State program funded under this part with respect to each of the matters described in section 402(a)(1)(A)(v).".

(f) Annual Reports to Congress by the Secretary.—Section 411(e), as so redesignated by subsection (e) of this section, is amended—

(1) in the matter preceding paragraph (1), by striking "and each fiscal year thereafter" and inserting "and by July 1 of each fiscal year thereafter";

(2) in paragraph (2), by striking "families applying for assistance," and by striking the last comma; and

(3) in paragraph (3), by inserting "and other programs funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i))" before the semicolon.

(g) Increased Analysis of State Single Audit Reports.—Section 411 (42 U.S.C. 611) is amended by adding at the end the following:

"(f) Increased Analysis of State Single Audit Reports.—

"(1) In general.—Within 3 months after a State submits to the Secretary a report pursuant to section 7502(a)(1)(A) of title 31, United States Code, the Secretary shall analyze the report for the purpose of identifying the extent and nature of problems related to the oversight by the State of nongovernmental entities with respect to contracts entered into by such entities with the State program funded under this part, and determining what additional actions may be appropriate to help prevent and correct the problems.

"(2) Inclusion of program oversight section in annual report to the congress.—The Secretary shall include in each report under subsection (e) a section on oversight of State programs funded under this part, including findings on the extent and nature of the problems referred to in paragraph (1), actions taken to resolve the problems, and to the extent the Secretary deems appropriate make recommendations on changes needed to resolve the problems.".

SEC. 8114. DIRECT FUNDING AND ADMINISTRATION BY INDIAN TRIBES.

(a) Tribal Family Assistance Grant.—Section 412(a)(1)(A) (42 U.S.C. 612(a)(1)(A)) is amended by striking "1997, 1998, 1999, 2000, 2001, 2002, and 2003" and inserting "2006 through 2010".

(b) Grants for Indian Tribes That Received JOBS Funds.—Section 412(a)(2)(A) (42 U.S.C. 612(a)(2)(A)) is amended by striking "1997, 1998, 1999, 2000, 2001, 2002, and 2003" and inserting "2006 through 2010".

SEC. 8115. RESEARCH, EVALUATIONS, AND NATIONAL STUDIES.

(a) Secretary's Fund for Research, Demonstrations, and Technical Assistance.—Section 413 (42 U.S.C. 613), as amended by section 8112(c) of this Act, is further amended by adding at the end the following:

"(l) Funding for Research, Demonstrations, and Technical Assistance.—

"(1) Appropriation.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated $102,000,000 for each of fiscal years 2006 through 2010, which shall be available to the Secretary for the purpose of conducting and supporting research and demonstration projects by public or private entities, and providing technical assistance to States, Indian tribal organizations, and such other entities as the Secretary may specify that are receiving a grant under this part, which shall be expended primarily on activities described in section 403(a)(2)(B), and which shall be in addition to any other funds made available under this part. The Secretary may not provide an entity with funds made available under this paragraph unless the entity agrees that, as a condition of receipt of the funds for a program or activity described in any of clauses (iii) through (viii) of section 403(a)(2)(B), the entity will comply with subclauses (I) and (II) of section 403(a)(2)(C)(ii).

"(2) Set aside for demonstration projects for coordination of provision of child welfare and TANF services to tribal families at risk of child abuse or neglect.—

"(A) In general.—Of the amounts made available under paragraph (1) for a fiscal year, $2,000,000 shall be awarded on a competitive basis to fund demonstration projects designed to test the effectiveness of tribal governments or tribal consortia in coordinating the provision to tribal families at risk of child abuse or neglect of child welfare services and services under tribal programs funded under this part.

"(B) Use of funds.—A grant made to such a project shall be used—

"(i) to improve case management for families eligible for assistance from such a tribal program;

"(ii) for supportive services and assistance to tribal children in out-of-home placements and the tribal families caring for such children, including families who adopt such children; and

"(iii) for prevention services and assistance to tribal families at risk of child abuse and neglect.

"(C) Reports.—The Secretary may require a recipient of funds awarded under this paragraph to provide the Secretary with such information as the Secretary deems relevant to enable the Secretary to facilitate and oversee the administration of any project for which funds are provided under this paragraph.".

(b) Funding of Studies and Demonstrations.—Section 413(h)(1) (42 U.S.C. 613(h)(1)) is amended in the matter preceding subparagraph (A) by striking "1997 through 2002" and inserting "2006 through 2010".

(c) Report on Enforcement of Certain Affidavits of Support and Sponsor Deeming.—Not later than March 31, 2006, the Secretary of Health and Human Services, in consultation with the Attorney General, shall submit to the Congress a report on the enforcement of affidavits of support and sponsor deeming as required by section 421, 422, and 432 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

(d) Report on Coordination.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services and the Secretary of Labor shall jointly submit a report to the Congress describing common or conflicting data elements, definitions, performance measures, and reporting requirements in the Workforce Investment Act of 1998 and part A of title IV of the Social Security Act, and, to the degree each Secretary deems appropriate, at the discretion of either Secretary, any other program administered by the respective Secretary, to allow greater coordination between the welfare and workforce development systems.

SEC. 8116. STUDY BY THE CENSUS BUREAU.

(a) In General.—Section 414(a) (42 U.S.C. 614(a)) is amended to read as follows:

"(a) In General.—The Bureau of the Census shall implement or enhance a longitudinal survey of program participation, developed in consultation with the Secretary and made available to interested parties, to allow for the assessment of the outcomes of continued welfare reform on the economic and child well-being of low-income families with children, including those who received assistance or services from a State program funded under this part, and, to the extent possible, shall provide State representative samples. The content of the survey should include such information as may be necessary to examine the issues of out-of-wedlock childbearing, marriage, welfare dependency and compliance with work requirements, the beginning and ending of spells of assistance, work, earnings and employment stability, and the well-being of children.".

(b) APPROPRIATION.—Section 414(b) (42 U.S.C. 614(b)) is amended—

(1) by striking “1996,” and all that follows through “2003” and inserting “2006 through 2010”; and

(2) by adding at the end the following: “Funds appropriated under this subsection shall remain available through fiscal year 2010 to carry out subsection (a).”.

SEC. 8117. DEFINITION OF ASSISTANCE.

(a) IN GENERAL.—Section 419 (42 U.S.C. 619) is amended by adding at the end the following:

“(6) ASSISTANCE.—

“(A) IN GENERAL.—The term ‘assistance’ means payment, by cash, voucher, or other means, to or for an individual or family for the purpose of meeting a subsistence need of the individual or family (including food, clothing, shelter, and related items, but not including costs of transportation or child care).

“(B) EXCEPTION.—The term ‘assistance’ does not include a payment described in subparagraph (A) to or for an individual or family on a short-term, nonrecurring basis (as defined by the State in accordance with regulations prescribed by the Secretary).”.

(b) CONFORMING AMENDMENTS.—

(1) Section 404(a)(1) (42 U.S.C. 604(a)(1)) is amended by striking “assistance” and inserting “aid”.

(2) Section 404(f) (42 U.S.C. 604(f)) is amended by striking “assistance” and inserting “benefits or services”.

(3) Section 408(a)(5)(B)(i) (42 U.S.C. 608(a)(5)(B)(i)) is amended in the heading by striking “ASSISTANCE” and inserting “AID”.

(4) Section 413(d)(2) (42 U.S.C. 613(d)(2)) is amended by striking “assistance” and inserting “aid”.

SEC. 8118. TECHNICAL CORRECTIONS.

(a) Section 409(c)(2) (42 U.S.C. 609(c)(2)) is amended by inserting a comma after “appropriate”.

(b) Section 411(a)(1)(A)(ii)(III) (42 U.S.C. 611(a)(1)(A)(ii)(III)) is amended by striking the last close parenthesis.

(c) Section 413(j)(2)(A) (42 U.S.C. 613(j)(2)(A)) is amended by striking “section” and inserting “sections”.

(d)(1) Section 413 (42 U.S.C. 613) is amended by striking subsection (g) and redesignating subsections (h) through (j) and subsections (k) and (l) (as added by sections 8112(c) and 8115(a) of this Act, respectively) as subsections (g) through (k), respectively.

(2) Each of the following provisions is amended by striking “413(j)” and inserting “413(i)”:

(A) Section 403(a)(5)(A)(ii)(III) (42 U.S.C. 603(a)(5)(A)(ii)(III)).

(B) Section 403(a)(5)(F) (42 U.S.C. 603(a)(5)(F)).

(C) Section 403(a)(5)(G)(ii) (42 U.S.C. 603(a)(5)(G)(ii)).

(D) Section 412(a)(3)(B)(iv) (42 U.S.C. 612(a)(3)(B)(iv)).

SEC. 8119. FATHERHOOD PROGRAM.

(a) SHORT TITLE.—This section may be cited as the “Promotion and Support of Responsible Fatherhood and Healthy Marriage Act of 2005”.

(b) FATHERHOOD PROGRAM.—

(1) IN GENERAL.—Title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193) is amended by adding at the end the following:

“SEC. 117. FATHERHOOD PROGRAM.

“(a) IN GENERAL.—Title IV (42 U.S.C. 601–679b) is amended by inserting after part B the following:

‘PART C—FATHERHOOD PROGRAM

‘SEC. 441. FINDINGS AND PURPOSES.

‘(a) FINDINGS.—The Congress finds that there is substantial evidence strongly indicating the urgent need to promote and support involved, committed, and responsible fatherhood, and to encourage and support healthy marriages between parents raising children, including data demonstrating the following:

‘(1) In approximately 84 percent of cases where a parent is absent, that parent is the father.

‘(2) If current trends continue, half of all children born today will live apart from one of their parents, usually their father, at some point before they turn 18.

‘(3) Where families (whether intact or with a parent absent) are living in poverty, a significant factor is the father's lack of job skills.

‘(4) Committed and responsible fathering during infancy and early childhood contributes to the development of emotional security, curiosity, and math and verbal skills.

‘(5) An estimated 19,400,000 children (27 percent) live apart from their biological father.

‘(6) Forty percent of children under age 18 not living with their biological father had not seen their father even once in the last 12 months, according to national survey data.

‘(b) PURPOSES.—The purposes of this part are:

‘(1) To provide for projects and activities by public entities and by nonprofit community entities, including religious organizations, designed to test promising approaches to accomplishing the following objectives:

‘(A) Promoting responsible, caring, and effective parenting through counseling, mentoring, and parenting education, dissemination of educational materials and information on parenting skills, encouragement of positive father involvement, including the positive involvement of nonresident fathers, and other methods.

‘(B) Enhancing the abilities and commitment of unemployed or low-income fathers to provide material support for their families and to avoid or leave welfare programs by assisting them to take full advantage of education, job training, and job search programs, to improve work habits and work skills, to secure career advancement by activities such as outreach and information dissemination, coordination, as appropriate, with employment services and job training programs, including the One-Stop delivery system established under title I of the Workforce Investment Act of 1998, encouragement and support of timely payment of current child support and regular payment toward past due child support obligations in appropriate cases, and other methods.

‘(C) Improving fathers' ability to effectively manage family business affairs by means such as education, counseling, and mentoring in matters including household management, budgeting, banking, and handling of financial transactions, time management, and home maintenance.

‘(D) Encouraging and supporting healthy marriages and married fatherhood through such activities as premarital education, including the use of premarital inventories, marriage preparation programs, skills-based marriage education programs, marital therapy, couples counseling, divorce education and reduction programs, divorce mediation and counseling, relationship skills enhancement programs, including those designed to reduce child abuse and domestic violence, and dissemination of information about the benefits of marriage for both parents and children.

‘(2) Through the projects and activities described in paragraph (1), to improve outcomes for children with respect to measures such as increased family income and economic security, improved school performance, better health, improved emotional and behavioral stability and social adjustment, and reduced risk of delinquency, crime, substance abuse, child abuse and neglect, teen sexual activity, and teen suicide.

‘(3) To evaluate the effectiveness of various approaches and to disseminate findings concerning outcomes and other information in order to encourage and facilitate the replication of effective approaches to accomplishing these objectives.

‘SEC. 442. DEFINITIONS.

‘In this part, the terms “Indian tribe” and “tribal organization” have the meanings given them in subsections (e) and (l), respectively, of section 4 of the Indian Self-Determination and Education Assistance Act.

‘SEC. 443. COMPETITIVE GRANTS FOR SERVICE PROJECTS.

‘(a) IN GENERAL.—The Secretary may make grants for fiscal years 2006 through 2010 to public and nonprofit community entities, including religious organizations, and to Indian tribes and tribal organizations, for demonstration service projects and activities designed to test the effectiveness of various approaches to accomplish the objectives specified in section 441(b)(1).

‘(b) ELIGIBILITY CRITERIA FOR FULL SERVICE GRANTS.—In order to be eligible for a grant under this section, except as specified in subsection (c), an entity shall submit an application to the Secretary containing the following:

‘(1) PROJECT DESCRIPTION.—A statement including—

‘(A) a description of the project and how it will be carried out, including the geographical area to be covered and the number and characteristics of clients to be served, and how it will address each of the 4 objectives specified in section 441(b)(1); and

‘(B) a description of the methods to be used by the entity or its contractor to assess the extent to which the project was successful in accomplishing its specific objectives and the general objectives specified in section 441(b)(1).

‘(2) EXPERIENCE AND QUALIFICATIONS.—A demonstration of ability to carry out the project, by means such as demonstration of experience in successfully carrying out projects of similar design and scope, and such other information as the Secretary may find necessary to demonstrate the entity's capacity to carry out the project, including the entity's ability to provide the non-Federal share of project resources.

‘(3) ADDRESSING CHILD ABUSE AND NEGLECT AND DOMESTIC VIOLENCE.—A description of how the entity will assess for the presence of, and intervene to resolve, domestic violence and child abuse and neglect, including how the entity will coordinate with State and local child protective service and domestic violence programs.

‘(4) ADDRESSING CONCERNS RELATING TO SUBSTANCE ABUSE AND SEXUAL ACTIVITY.—A commitment to make available to each individual participating in the project education about alcohol, tobacco, and other drugs, and about the health risks associated with abusing such substances, and information about diseases and conditions transmitted through substance abuse and sexual contact, including HIV/AIDS, and to coordinate with providers of services addressing such problems, as appropriate.

‘(5) COORDINATION WITH SPECIFIED PROGRAMS.—An undertaking to coordinate, as appropriate, with State and local entities responsible for the programs under parts A, B, and D of this title, including programs under title I of the Workforce Investment Act of 1998 (including the One-Stop delivery system), and such other programs as the Secretary may require.

‘(6) RECORDS, REPORTS, AND AUDITS.—An agreement to maintain such records, make such reports, and cooperate with such reviews or audits as the Secretary may find necessary for purposes of oversight of project activities and expenditures.

‘(7) SELF-INITIATED EVALUATION.—If the entity elects to contract for independent evaluation of the project (part or all of the cost of which may be paid for using grant funds), a commitment to submit to the Secretary a copy of the evaluation report within 30 days after completion of the report and not more than 1 year after completion of the project.

‘(8) COOPERATION WITH SECRETARY'S OVERSIGHT AND EVALUATION.—An agreement to cooperate with the Secretary's evaluation of projects assisted under this section, by means including random assignment of clients to service recipient and control groups, if determined by the Secretary to be appropriate, and affording the Secretary access to the project and to project-related records and documents, staff, and clients.

‘(c) ELIGIBILITY CRITERIA FOR LIMITED PURPOSE GRANTS.—In order to be eligible for a grant under this section in an amount under $25,000 per fiscal year, an entity shall submit an application to the Secretary containing the following:

‘(1) PROJECT DESCRIPTION.—A description of the project and how it will be carried out, including the number and characteristics of clients to be served, the proposed duration of the project, and how it will address at least 1 of the 4 objectives specified in section 441(b)(1).

‘(2) QUALIFICATIONS.—Such information as the Secretary may require as to the capacity of the entity to carry out the project, including any previous experience with similar activities.

‘(3) COORDINATION WITH RELATED PROGRAMS.—As required by the Secretary in appropriate cases, an undertaking to coordinate and cooperate with State and local entities responsible for specific programs relating to the objectives of the project including, as appropriate, jobs programs and programs serving children and families.

‘(4) RECORDS, REPORTS, AND AUDITS.—An agreement to maintain such records, make such reports, and cooperate with such reviews or audits as the Secretary may find necessary for purposes of oversight of project activities and expenditures.

‘(5) COOPERATION WITH SECRETARY'S OVERSIGHT AND EVALUATION.—An agreement to cooperate with the Secretary's evaluation of projects assisted under this section, by means including affording the Secretary access to the project and to project-related records and documents, staff, and clients.

‘(d) CONSIDERATIONS IN AWARDING GRANTS.—

‘(1) DIVERSITY OF PROJECTS.—In awarding grants under this section, the Secretary shall seek to achieve a balance among entities of differing sizes, entities in differing geographic areas, entities in urban and in rural areas, and entities employing differing methods of achieving the purposes of this section, including working with the State agency responsible for the administration of part D to help fathers satisfy child support arrearage obligations.

‘(2) PREFERENCE FOR PROJECTS SERVING LOW-INCOME FATHERS.—In awarding grants under this section, the Secretary may give preference to applications for projects in which a majority of the clients to be served are low-income fathers.

‘(e) FEDERAL SHARE.—

‘(1) IN GENERAL.—Grants for a project under this section for a fiscal year shall be available for a share of the cost of such project in such fiscal year equal to—

‘(A) up to 80 percent (or up to 90 percent, if the entity demonstrates to the Secretary's satisfaction circumstances limiting the entity's ability to secure non-Federal resources) in the case of a project under subsection (b); and

‘(B) up to 100 percent, in the case of a project under subsection (c).

‘(2) NON-FEDERAL SHARE.—The non-Federal share may be in cash or in kind. In determining the amount of the non-Federal share, the Secretary may attribute fair market value to goods, services, and facilities contributed from non-Federal sources.

‘SEC. 444. MULTICITY, MULTISTATE DEMONSTRATION PROJECTS.

‘(a) IN GENERAL.—The Secretary may make grants under this section for fiscal years 2006 through 2010 to eligible entities (as specified in subsection (b)) for 2 multicity, multistate projects demonstrating approaches to achieving the objectives specified in section 441(b)(1). One of the projects shall test the use of married couples to deliver program services.

‘(b) ELIGIBLE ENTITIES.—An entity eligible for a grant under this section must be a national nonprofit fatherhood promotion organization that meets the following requirements:

‘(1) EXPERIENCE WITH FATHERHOOD PROGRAMS.—The organization must have substantial experience in designing and successfully conducting programs that meet the purposes described in section 441.

‘(2) EXPERIENCE WITH MULTICITY, MULTISTATE PROGRAMS AND GOVERNMENT COORDINATION.—The organization must have experience in simultaneously conducting such programs in more than 1 major metropolitan area in more than 1 State and in coordinating such programs, where appropriate, with State and local government agencies and private, nonprofit agencies (including community-based and religious organizations), including State or local agencies responsible for child support enforcement and workforce development.

‘(c) APPLICATION REQUIREMENTS.—In order to be eligible for a grant under this section, an entity must submit to the Secretary an application that includes the following:

‘(1) QUALIFICATIONS.—

‘(A) ELIGIBLE ENTITY.—A demonstration that the entity meets the requirements of subsection (b).

‘(B) OTHER.—Such other information as the Secretary may find necessary to demonstrate the entity's capacity to carry out the project, including the entity's ability to provide the non-Federal share of project resources.

‘(2) PROJECT DESCRIPTION.—A description of and commitments concerning the project design, including the following:

‘(A) IN GENERAL.—A detailed description of the proposed project design and how it will be carried out, which shall—

‘(i) provide for the project to be conducted in at least 3 major metropolitan areas;

‘(ii) state how it will address each of the 4 objectives specified in section 441(b)(1);

‘(iii) demonstrate that there is a sufficient number of potential clients to allow for the random selection of individuals to participate in the project and for comparisons with appropriate control groups composed of individuals who have not participated in such projects; and

‘(iv) demonstrate that the project is designed to direct a majority of project resources to activities serving low-income fathers (but the project need not make services available on a means-tested basis).

‘(B) OVERSIGHT, EVALUATION, AND ADJUSTMENT COMPONENT.—An agreement that the entity—

‘(i) in consultation with the evaluator selected pursuant to section 445, and as required by the Secretary, will modify the project design, initially and (if necessary) subsequently throughout the duration of the project, in order to facilitate ongoing and final oversight and evaluation of project operation and outcomes (by means including, to the maximum extent feasible, random assignment of clients to service recipient and control groups), and to provide for midcourse adjustments in project design indicated by interim evaluations;

‘(ii) will submit to the Secretary revised descriptions of the project design as modified in accordance with clause (i); and

‘(iii) will cooperate fully with the Secretary's ongoing oversight and ongoing and final evaluation of the project, by means including affording the Secretary access to the project and to project-related records and documents, staff, and clients.

‘(3) ADDRESSING CHILD ABUSE AND NEGLECT AND DOMESTIC VIOLENCE.—A description of how the entity will assess for the presence of, and intervene to resolve, domestic violence and child abuse and neglect, including how the entity will coordinate with State and local child protective service and domestic violence programs.

‘(4) ADDRESSING CONCERNS RELATING TO SUBSTANCE ABUSE AND SEXUAL ACTIVITY.—A commitment to make available to each individual participating in the project education about alcohol, tobacco, and other drugs, and about the health risks associated with abusing such substances, and information about diseases and conditions transmitted through substance abuse and sexual contact, including HIV/AIDS, and to coordinate with providers of services addressing such problems, as appropriate.

‘(5) COORDINATION WITH SPECIFIED PROGRAMS.—An undertaking to coordinate, as appropriate, with State and local entities responsible for the programs funded under parts A, B, and D of this title, programs under title I of the Workforce Investment Act of 1998 (including the One-Stop delivery system), and such other programs as the Secretary may require.

‘(6) RECORDS, REPORTS, AND AUDITS.—An agreement to maintain such records, make such reports, and cooperate with such reviews or audits (in addition to those required under the preceding provisions of paragraph (2)) as the Secretary may find necessary for purposes of oversight of project activities and expenditures.

‘(d) FEDERAL SHARE.—

‘(1) IN GENERAL.—Grants for a project under this section for a fiscal year shall be available for up to 80 percent of the cost of such project in such fiscal year.

‘(2) NON-FEDERAL SHARE.—The non-Federal share may be in cash or in kind. In determining the amount of the non-Federal share, the Secretary may attribute fair market value to goods, services, and facilities contributed from non-Federal sources.

‘SEC. 445. EVALUATION.

‘(a) IN GENERAL.—The Secretary, directly or by contract or cooperative agreement, shall evaluate the effectiveness of service projects funded under sections 443 and 444 from the standpoint of the purposes specified in section 441(b)(1).

‘(b) EVALUATION METHODOLOGY.—Evaluations under this section shall—

‘(1) include, to the maximum extent feasible, random assignment of clients to service delivery and control groups and other appropriate comparisons of groups of individuals receiving and not receiving services;

‘(2) describe and measure the effectiveness of the projects in achieving their specific project goals; and

‘(3) describe and assess, as appropriate, the impact of such projects on marriage, parenting, domestic violence, child abuse and neglect, money management, employment and earnings, payment of child support, and child well-being, health, and education.

‘(c) EVALUATION REPORTS.—The Secretary shall publish the following reports on the results of the evaluation:

‘(1) An implementation evaluation report covering the first 24 months of the activities under this part to be completed by 36 months after initiation of such activities.

‘(2) A final report on the evaluation to be completed by September 30, 2013.

‘SEC. 446. PROJECTS OF NATIONAL SIGNIFICANCE.

‘The Secretary is authorized, by grant, contract, or cooperative agreement, to carry out projects and activities of national significance relating to fatherhood promotion, including—

‘(1) COLLECTION AND DISSEMINATION OF INFORMATION.—Assisting States, communities, and private entities, including religious organizations, in efforts to promote and support marriage and responsible fatherhood by collecting, evaluating, developing, and making available (through the Internet and by other means) to all interested parties information regarding approaches to accomplishing the objectives specified in section 441(b)(1).

‘(2) MEDIA CAMPAIGN.—Developing, promoting, and distributing to interested States, local governments, public agencies, and private nonprofit organizations, including charitable and religious organizations, a media campaign that promotes and encourages involved, committed, and responsible fatherhood and married fatherhood.

‘(3) TECHNICAL ASSISTANCE.—Providing technical assistance, including consultation and training, to public and private entities, including community organizations and faith-based organizations, in the implementation of local fatherhood promotion programs.

‘(4) RESEARCH.—Conducting research related to the purposes of this part.

‘SEC. 447. NONDISCRIMINATION.

‘The projects and activities assisted under this part shall be available on the same basis to all fathers and expectant fathers able to benefit from such projects and activities, including married and unmarried fathers and custodial and noncustodial fathers, with particular attention to low-income fathers, and to mothers and expectant mothers on the same basis as to fathers.

‘SEC. 448. AUTHORIZATION OF APPROPRIATIONS; RESERVATION FOR CERTAIN PURPOSE.

‘(a) AUTHORIZATION.—There are authorized to be appropriated $20,000,000 for each of fiscal years 2006 through 2010 to carry out the provisions of this part.

‘(b) RESERVATION.—Of the amount appropriated under this section for each fiscal year, not more than 15 percent shall be available for the costs of the multicity, multicounty, multistate demonstration projects under section 444, evaluations under section 445, and projects of national significance under section 446.’.

“(b) INAPPLICABILITY OF EFFECTIVE DATE PROVISIONS.—Section 116 shall not apply to the amendment made by subsection (a) of this section.”.

(2) CLERICAL AMENDMENT.—Section 2 of such Act is amended in the table of contents by inserting after the item relating to section 116 the following new item:

“Sec. 117. Fatherhood program.”.

SEC. 8120. STATE OPTION TO MAKE TANF PROGRAMS MANDATORY PARTNERS WITH ONE-STOP EMPLOYMENT TRAINING CENTERS.

Section 408 of the Social Security Act (42 U.S.C. 608) is amended by adding at the end the following:

“(h) STATE OPTION TO MAKE TANF PROGRAMS MANDATORY PARTNERS WITH ONE-STOP EMPLOYMENT TRAINING CENTERS.—For purposes of section 121(b) of the Workforce Investment Act of 1998, a State program funded under part A of title IV of the Social Security Act shall be considered a program referred to in paragraph (1)(B) of such section, unless, after the date of the enactment of this subsection, the Governor of the State notifies the Secretaries of Health and Human Services and Labor in writing of the decision of the Governor not to make the State program a mandatory partner.”.

SEC. 8121. SENSE OF THE CONGRESS.

It is the sense of the Congress that a State welfare-to-work program should include a mentoring program.

SEC. 8122. DRUG TESTING OF APPLICANTS FOR AND RECIPIENTS OF ASSISTANCE.

(a) REQUIREMENT.—Section 408(a) (42 U.S.C. 608(a)) is amended by adding at the end the following:

“(12) DRUG TESTING REQUIREMENTS.—A State to which a grant is made under section 403(a) for a fiscal year shall—

“(A) require an individual who has applied for, or is a recipient of, assistance from the State program funded under this part to undergo a physical test designed to detect the use by the individual of any controlled substance (as defined in section 102(6) of the Controlled Substances Act) if the State has reason to believe that the person has unlawfully used such a substance recently;

“(B) if a test administered pursuant to this paragraph indicates that an individual has so used such a substance recently, or if the State otherwise determines (on the basis of such indicators as the State may establish) that an individual is likely to have so used such a substance recently—

“(i) ensure that the self-sufficiency plan developed under section 408(b) with respect to the individual addresses the use of the substance;

“(ii) suspend the provision of cash assistance under the program to the family of the individual until a subsequent such test indicates that the individual has not been using the substance; and

“(iii) require, as a condition of providing any benefit under the program to the family of the individual, that the individual comply with the self-sufficiency plan, including the provisions of the plan that address the use of the substance, and undergo additional such tests every 30 or 60 days, as the State deems appropriate; and

“(C) terminate for 3 years the participation in the program of the family of any individual who tests positive for such use of such a substance in such number of consecutive tests administered pursuant to this paragraph (which shall be not less than 3 and not more than 6) as the State deems appropriate.”.

(b) PENALTY FOR NONCOMPLIANCE.—Section 409(a) (42 U.S.C. 609(a)) is amended by adding at the end the following:

“(15) PENALTY FOR FAILURE TO COMPLY WITH DRUG TESTING REQUIREMENTS.—If the Secretary determines that a State has not complied with section 408(a)(12) during a fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to not less than 5 percent and not more than 10 percent of the State family assistance grant, as the Secretary deems appropriate based on the frequency and severity of the noncompliance.”.

Subtitle B—Child Care

SEC. 8201. ENTITLEMENT FUNDING.

Section 418(a)(3) (42 U.S.C. 618(a)(3)) is amended—

(1) by striking “and” at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting a semicolon; and

(3) by adding at the end the following:

“(G) $2,717,000,000 for fiscal year 2006;

“(H) $2,767,000,000 for fiscal year 2007;

“(I) $2,817,000,000 for fiscal year 2008;

“(J) $2,867,000,000 for fiscal year 2009; and

“(K) $2,917,000,000 for fiscal year 2010.”.

Subtitle C—Child Support

SEC. 8301. FEDERAL MATCHING FUNDS FOR LIMITED PASS THROUGH OF CHILD SUPPORT PAYMENTS TO FAMILIES RECEIVING TANF.

(a) IN GENERAL.—Section 457(a) (42 U.S.C. 657(a)) is amended—

(1) in paragraph (1)(A), by inserting “subject to paragraph (7)” before the semicolon; and

(2) by adding at the end the following:

“(7) FEDERAL MATCHING FUNDS FOR LIMITED PASS THROUGH OF CHILD SUPPORT PAYMENTS TO FAMILIES RECEIVING TANF.—Notwithstanding paragraph (1), a State shall not be required to pay to the Federal Government the Federal share of an amount collected during a month on behalf of a family that is a recipient of assistance under the State program funded under part A, to the extent that—

“(A) the State distributes the amount to the family;

“(B) the total of the amounts so distributed to the family during the month—

“(i) exceeds the amount (if any) that, as of December 31, 2001, was required under State law to be distributed to a family under paragraph (1)(B); and

“(ii) does not exceed the greater of—

“(I) $100; or

“(II) $50 plus the amount described in clause (i); and

“(C) the amount is disregarded in determining the amount and type of assistance provided to the family under the State program funded under part A.”.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply to amounts distributed on or after October 1, 2008.

SEC. 8302. STATE OPTION TO PASS THROUGH ALL CHILD SUPPORT PAYMENTS TO FAMILIES THAT FORMERLY RECEIVED TANF.

(a) IN GENERAL.—Section 457(a) (42 U.S.C. 657(a)), as amended by section 8301(a) of this Act, is amended—

(1) in paragraph (2)(B), in the matter preceding clause (i), by inserting “, except as provided in paragraph (8),” after “shall”; and

(2) by adding at the end the following:

"(8) STATE OPTION TO PASS THROUGH ALL CHILD SUPPORT PAYMENTS TO FAMILIES THAT FORMERLY RECEIVED TANF.—In lieu of applying paragraph (2) to any family described in paragraph (2), a State may distribute to the family any amount collected during a month on behalf of the family.".

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply to amounts distributed on or after October 1, 2008.

SEC. 8303. MANDATORY REVIEW AND ADJUSTMENT OF CHILD SUPPORT ORDERS FOR FAMILIES RECEIVING TANF.

(a) IN GENERAL.—Section 466(a)(10)(A)(i) (42 U.S.C. 666(a)(10)(A)(i)) is amended—

(1) by striking "parent, or," and inserting "parent or"; and

(2) by striking "upon the request of the State agency under the State plan or of either parent,".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2007.

SEC. 8304. MANDATORY FEE FOR SUCCESSFUL CHILD SUPPORT COLLECTION FOR FAMILY THAT HAS NEVER RECEIVED TANF.

(a) IN GENERAL.—Section 454(6)(B) (42 U.S.C. 654(6)(B)) is amended—

(1) by inserting "(i)" after "(B)";

(2) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively;

(3) by adding "and" after the semicolon; and

(4) by adding after and below the end the following new clause:

"(ii) in the case of an individual who has never received assistance under a State program funded under part A and for whom the State has collected at least $500 of support, the State shall impose an annual fee of $25 for each case in which services are furnished, which shall be retained by the State from support collected on behalf of the individual (but not from the 1st $500 so collected), paid by the individual applying for the services, recovered from the absent parent, or paid by the State out of its own funds (the payment of which from State funds shall not be considered as an administrative cost of the State for the operation of the plan, and such fees shall be considered income to the program);".

(b) CONFORMING AMENDMENT.—Section 457(a)(3) (42 U.S.C. 657(a)(3)) is amended to read as follows:

"(3) FAMILIES THAT NEVER RECEIVED ASSISTANCE.—In the case of any other family, the State shall distribute to the family the portion of the amount so collected that remains after withholding any fee pursuant to section 454(6)(B)(ii).".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2006.

SEC. 8305. REPORT ON UNDISTRIBUTED CHILD SUPPORT PAYMENTS.

Not later than 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the procedures that the States use generally to locate custodial parents for whom child support has been collected but not yet distributed. The report shall include an estimate of the total amount of undistributed child support and the average length of time it takes undistributed child support to be distributed. To the extent the Secretary deems appropriate, the Secretary shall include in the report recommendations as to whether additional procedures should be established at the State or Federal level to expedite the payment of undistributed child support.

SEC. 8306. DECREASE IN AMOUNT OF CHILD SUPPORT ARREARAGE TRIGGERING PASSPORT DENIAL.

(a) IN GENERAL.—Section 452(k)(1) (42 U.S.C. 652(k)(1)) is amended by striking "$5,000" and inserting "$2,500".

(b) CONFORMING AMENDMENT.—Section 454(31) (42 U.S.C. 654(31)) is amended by striking "$5,000" and inserting "$2,500".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2006.

SEC. 8307. USE OF TAX REFUND INTERCEPT PROGRAM TO COLLECT PAST-DUE CHILD SUPPORT ON BEHALF OF CHILDREN WHO ARE NOT MINORS.

(a) IN GENERAL.—Section 464 (42 U.S.C. 664) is amended—

(1) in subsection (a)(2)(A), by striking "(as that term is defined for purposes of this paragraph under subsection (c))"; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking "(1) Except as provided in paragraph (2), as used in" and inserting "In"; and

(ii) by inserting "(whether or not a minor)" after "a child" each place it appears; and

(B) by striking paragraphs (2) and (3).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2007.

SEC. 8308. GARNISHMENT OF COMPENSATION PAID TO VETERANS FOR SERVICE-CONNECTED DISABILITIES IN ORDER TO ENFORCE CHILD SUPPORT OBLIGATIONS.

(a) IN GENERAL.—Section 459(h) (42 U.S.C. 659(h)) is amended—

(1) in paragraph (1)(A)(ii)(V), by striking all that follows "Armed Forces" and inserting a semicolon; and

(2) by adding at the end the following:

"(3) LIMITATIONS WITH RESPECT TO COMPENSATION PAID TO VETERANS FOR SERVICE-CONNECTED DISABILITIES.—Notwithstanding any other provision of this section:

"(A) Compensation described in paragraph (1)(A)(ii)(V) shall not be subject to withholding pursuant to this section—

"(i) for payment of alimony; or

"(ii) for payment of child support if the individual is fewer than 60 days in arrears in payment of the support.

"(B) Not more than 50 percent of any payment of compensation described in paragraph (1)(A)(ii)(V) may be withheld pursuant to this section.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2007.

SEC. 8309. MAINTENANCE OF TECHNICAL ASSISTANCE FUNDING.

Section 452(j) (42 U.S.C. 652(j)) is amended by inserting "or the amount appropriated under this paragraph for fiscal year 2002, whichever is greater," before "which shall be available".

SEC. 8310. MAINTENANCE OF FEDERAL PARENT LOCATOR SERVICE FUNDING.

Section 453(o) (42 U.S.C. 653(o)) is amended—

(1) in the 1st sentence, by inserting "or the amount appropriated under this paragraph for fiscal year 2002, whichever is greater," before "which shall be available"; and

(2) in the 2nd sentence, by striking "for each of fiscal years 1997 through 2001".

SEC. 8311. INFORMATION COMPARISONS WITH INSURANCE DATA.

(a) DUTIES OF THE SECRETARY.—Section 452 (42 U.S.C. 652) is amended by adding at the end the following:

"(m) COMPARISONS WITH INSURANCE INFORMATION.—

"(1) IN GENERAL.—The Secretary, through the Federal Parent Locator Service, may—

"(A) compare information concerning individuals owing past-due support with information maintained by insurers (or their agents) concerning insurance claims, settlements, awards, and payments, and

"(B) furnish information resulting from such a comparison to the State agencies responsible for collecting child support from such individuals.

"(2) LIABILITY.—An insurer (including any agent of an insurer) shall not be liable under any Federal or State law to any person for any disclosure provided for under this subsection, or for any other action taken in good faith in accordance with this subsection.".

(b) STATE REIMBURSEMENT OF FEDERAL COSTS.—Section 453(k)(3) (42 U.S.C. 653(k)(3)) is amended by inserting "or section 452(m)" after "this section".

SEC. 8312. TRIBAL ACCESS TO THE FEDERAL PARENT LOCATOR SERVICE.

Section 453(c)(1) (42 U.S.C. 653(c)(1)) is amended by inserting "or of any Indian tribe or tribal organization" after "any agent or attorney of any State".

SEC. 8313. REIMBURSEMENT OF SECRETARY'S COSTS OF INFORMATION COMPARISONS AND DISCLOSURE FOR ENFORCEMENT OF OBLIGATIONS ON HIGHER EDUCATION ACT LOANS AND GRANTS.

Section 453(j)(6)(F) (42 U.S.C. 653(j)(6)(F)) is amended by striking "additional".

SEC. 8314. TECHNICAL AMENDMENT RELATING TO COOPERATIVE AGREEMENTS BETWEEN STATES AND INDIAN TRIBES.

Section 454(33) (42 U.S.C. 654(33)) is amended by striking "that receives funding pursuant to section 428 and".

SEC. 8315. STATE OPTION TO USE STATEWIDE AUTOMATED DATA PROCESSING AND INFORMATION RETRIEVAL SYSTEM FOR INTERSTATE CASES.

Section 466(a)(14)(A)(iii) (42 U.S.C. 666(a)(14)(A)(iii)) is amended by inserting "(but the assisting State may establish a corresponding case based on such other State's request for assistance)" before the semicolon.

SEC. 8316. MODIFICATION OF RULE REQUIRING ASSIGNMENT OF SUPPORT RIGHTS AS A CONDITION OF RECEIVING TANF.

(a) IN GENERAL.—Section 408(a)(3) (42 U.S.C. 608(a)(3)) is amended to read as follows:

"(3) NO ASSISTANCE FOR FAMILIES NOT ASSIGNING CERTAIN SUPPORT RIGHTS TO THE STATE.—

"(A) IN GENERAL.—Subject to subparagraph (B), a State to which a grant is made under section 403 shall require, as a condition of providing assistance to a family under the State program funded under this part, that a member of the family assign to the State any rights the family member may have (on behalf of the family member or of any other person for whom the family member has applied for or is receiving such assistance) to—

"(i) support from any other person which accrues during the period that the family receives assistance under the program; and

"(ii) at the option of the State, support from any other person which has accrued before such period.

"(B) LIMITATION.—The total amount of support that may be required to be provided with respect to rights assigned to a State by a family member pursuant to subparagraph

(A) shall not exceed the total amount of assistance provided by the State to the family.".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on October 1, 2008.

SEC. 8317. STATE OPTION TO DISCONTINUE CERTAIN SUPPORT ASSIGNMENTS.

Section 457(b) (42 U.S.C. 657(b)) is amended by striking "shall" and inserting "may".

SEC. 8318. TECHNICAL CORRECTION.

The second paragraph (7) of section 453(j) (42 U.S.C. 653(j)) is amended by striking "(7)" and inserting "(9)".

SEC. 8319. REDUCTION IN RATE OF REIMBURSEMENT OF CHILD SUPPORT ADMINISTRATIVE EXPENSES.

Section 455(a)(2) (42 U.S.C. 655(a)(2)) is amended—

(1) in subparagraph (B), by striking ", and" and inserting a semicolon;

(2) in subparagraph (C), by striking "fiscal year 1990 and each fiscal year thereafter." and inserting "fiscal years 1990 through 2006;"; and

(3) by adding at the end the following:

"(D) 62 percent for fiscal year 2007;

"(E) 58 percent for fiscal year 2008;

"(F) 54 percent for fiscal year 2009; and

"(G) 50 percent for fiscal year 2010 and each fiscal year thereafter.".

SEC. 8320. INCENTIVE PAYMENTS.

(a) In General.—Section 455(a)(1) (42 U.S.C. 655(a)(1)) is amended by inserting "from amounts paid to the State under section 458 or" before "to carry out an agreement".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on October 1, 2007.

Subtitle D—Child Welfare

SEC. 8401. EXTENSION OF AUTHORITY TO APPROVE DEMONSTRATION PROJECTS.

Section 1130(a)(2) (42 U.S.C. 1320a–9(a)(2)) is amended by striking "2003" and inserting "2010".

SEC. 8402. ELIMINATION OF LIMITATION ON NUMBER OF WAIVERS.

Section 1130(a)(2) (42 U.S.C. 1320a-9(a)(2)) is amended by striking "not more than 10".

SEC. 8403. ELIMINATION OF LIMITATION ON NUMBER OF STATES THAT MAY BE GRANTED WAIVERS TO CONDUCT DEMONSTRATION PROJECTS ON SAME TOPIC.

Section 1130 (42 U.S.C. 1320a-9) is amended by adding at the end the following:

"(h) No Limit on Number of States That May Be Granted Waivers to Conduct Same or Similar Demonstration Projects.—The Secretary shall not refuse to grant a waiver to a State under this section on the grounds that a purpose of the waiver or of the demonstration project for which the waiver is necessary would be the same as or similar to a purpose of another waiver or project that is or may be conducted under this section.".

SEC. 8404. ELIMINATION OF LIMITATION ON NUMBER OF WAIVERS THAT MAY BE GRANTED TO A SINGLE STATE FOR DEMONSTRATION PROJECTS.

Section 1130 (42 U.S.C. 1320a-9) is further amended by adding at the end the following:

"(i) No Limit on Number of Waivers Granted to, or Demonstration Projects That May Be Conducted by, a Single State.—The Secretary shall not impose any limit on the number of waivers that may be granted to a State, or the number of demonstration projects that a State may be authorized to conduct, under this section.".

SEC. 8405. STREAMLINED PROCESS FOR CONSIDERATION OF AMENDMENTS TO AND EXTENSIONS OF DEMONSTRATION PROJECTS REQUIRING WAIVERS.

Section 1130 (42 U.S.C. 1320a-9) is further amended by adding at the end the following:

"(j) Streamlined Process for Consideration of Amendments and Extensions.—The Secretary shall develop a streamlined process for consideration of amendments and extensions proposed by States to demonstration projects conducted under this section.".

SEC. 8406. AVAILABILITY OF REPORTS.

Section 1130 (42 U.S.C. 1320a-9) is further amended by adding at the end the following:

"(k) Availability of Reports.—The Secretary shall make available to any State or other interested party any report provided to the Secretary under subsection (f)(2), and any evaluation or report made by the Secretary with respect to a demonstration project conducted under this section, with a focus on information that may promote best practices and program improvements.".

SEC. 8407. CLARIFICATION OF ELIGIBILITY FOR FOSTER CARE MAINTENANCE PAYMENTS AND ADOPTION ASSISTANCE.

(a) Foster Care Maintenance Payments.—Section 472(a) (42 U.S.C. 672(a)) is amended to read as follows:

"(a) In General.—

"(1) Eligibility.—Each State with a plan approved under this part shall make foster care maintenance payments on behalf of each child who has been removed from the home of a relative specified in section 406(a) (as in effect on July 16, 1996) into foster care if—

"(A) the removal and foster care placement met, and the placement continues to meet, the requirements of paragraph (2); and

"(B) the child, while in the home, would have met the AFDC eligibility requirement of paragraph (3).

"(2) Removal and Foster Care Placement Requirements.—The removal and foster care placement of a child meet the requirements of this paragraph if—

"(A) the removal and foster care placement are in accordance with—

"(i) a voluntary placement agreement entered into by a parent or legal guardian of the child who is the relative referred to in paragraph (1); or

"(ii) a judicial determination to the effect that continuation in the home from which removed would be contrary to the welfare of the child and that reasonable efforts of the type described in section 471(a)(15) for a child have been made;

"(B) the child's placement and care are the responsibility of—

"(i) the State agency administering the State plan approved under section 471; or

"(ii) any other public agency with which the State agency administering or supervising the administration of the State plan has made an agreement which is in effect; and

"(C) the child has been placed in a foster family home or child-care institution.

"(3) AFDC Eligibility Requirement.—

"(A) In General.—A child in the home referred to in paragraph (1) would have met the AFDC eligibility requirement of this paragraph if the child—

"(i) would have received aid under the State plan approved under section 402 (as in effect on July 16, 1996) in the home, in or for the month in which the agreement was entered into or court proceedings leading to the determination referred to in paragraph (2)(A)(ii) of this subsection were initiated; or

"(ii)(I) would have received the aid in the home, in or for the month referred to in clause (i), if application had been made therefor; or

"(II) had been living in the home within 6 months before the month in which the agreement was entered into or the proceedings were initiated, and would have received the aid in or for such month, if, in such month, the child had been living in the home with the relative referred to in paragraph (1) and application for the aid had been made.

"(B) Resources Determination.—For purposes of subparagraph (A), in determining whether a child would have received aid under a State plan approved under section 402 (as in effect on July 16, 1996), a child whose resources (determined pursuant to section 402(a)(7)(B), as so in effect) have a combined value of not more than $10,000 shall be considered a child whose resources have a combined value of not more than $1,000 (or such lower amount as the State may determine for purposes of section 402(a)(7)(B)).

"(4) Eligibility of Certain Alien Children.—Subject to title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, if the child is an alien disqualified under section 245A(h) or 210(f) of the Immigration and Nationality Act from receiving aid under the State plan approved under section 402 in or for the month in which the agreement described in paragraph (2)(A)(i) was entered into or court proceedings leading to the determination described in paragraph (2)(A)(ii) were initiated, the child shall be considered to satisfy the requirements of paragraph (3), with respect to the month, if the child would have satisfied the requirements but for the disqualification.".

(b) Adoption Assistance.—Section 473(a)(2) (42 U.S.C. 673(a)(2)) is amended to read as follows:

"(2)(A) For purposes of paragraph (1)(B)(ii), a child meets the requirements of this paragraph if the child—

"(i)(I)(aa) was removed from the home of a relative specified in section 406(a) (as in effect on July 16, 1996) and placed in foster care in accordance with a voluntary placement agreement with respect to which Federal payments are provided under section 474 (or section 403, as such section was in effect on July 16, 1996), or in accordance with a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child; and

"(bb) met the requirements of section 472(a)(3) with respect to the home referred to in item (aa) of this subclause;

"(II) meets all of the requirements of title XVI with respect to eligibility for supplemental security income benefits; or

"(III) is a child whose costs in a foster family home or child-care institution are covered by the foster care maintenance payments being made with respect to the minor parent of the child as provided in section 475(4)(B); and

"(ii) has been determined by the State, pursuant to subsection (c) of this section, to be a child with special needs.

"(B) Section 472(a)(4) shall apply for purposes of subparagraph (A) of this paragraph, in any case in which the child is an alien described in such section.

"(C) A child shall be treated as meeting the requirements of this paragraph for the purpose of paragraph (1)(B)(ii) if the child—

"(i) meets the requirements of subparagraph (A)(ii);

"(ii) was determined eligible for adoption assistance payments under this part with respect to a prior adoption;

"(iii) is available for adoption because—

"(I) the prior adoption has been dissolved, and the parental rights of the adoptive parents have been terminated; or

"(II) the child's adoptive parents have died; and

"(iv) fails to meet the requirements of subparagraph (A) but would meet such requirements if—

"(I) the child were treated as if the child were in the same financial and other circumstances the child was in the last time the child was determined eligible for adoption assistance payments under this part; and

"(II) the prior adoption were treated as never having occurred.".

SEC. 8408. CLARIFICATION REGARDING FEDERAL MATCHING OF CERTAIN ADMINISTRATIVE COSTS UNDER THE FOSTER CARE MAINTENANCE PAYMENTS PROGRAM.

(a) ADMINISTRATIVE COSTS RELATING TO UNLICENSED CARE.—Section 472 (42 U.S.C. 672) is amended by inserting after subsection (h) the following:

"(i) ADMINISTRATIVE COSTS ASSOCIATED WITH OTHERWISE ELIGIBLE CHILDREN NOT IN LICENSED FOSTER CARE SETTINGS.—Expenditures by a State that would be considered administrative expenditures for purposes of section 474(a)(3) if made with respect to a child who was residing in a foster family home or child-care institution shall be so considered with respect to a child not residing in such a home or institution—

"(1) in the case of a child who has been removed in accordance with subsection (a) of this section from the home of a relative specified in section 406(a) (as in effect on July 16, 1996), only for expenditures—

"(A) with respect to a period of not more than the lesser of 12 months or the average length of time it takes for the State to license or approve a home as a foster home, in which the child is in the home of a relative and an application is pending for licensing or approval of the home as a foster family home; or

"(B) with respect to a period of not more than 1 calendar month when a child moves from a facility not eligible for payments under this part into a foster family home or child care institution licensed or approved by the State; and

"(2) in the case of any other child who is potentially eligible for benefits under a State plan approved under this part and at imminent risk of removal from the home, only if—

"(A) reasonable efforts are being made in accordance with section 471(a)(15) to prevent the need for, or if necessary to pursue, removal of the child from the home; and

"(B) the State agency has made, not less often than every 6 months, a determination (or redetermination) as to whether the child remains at imminent risk of removal from the home.".

(b) CONFORMING AMENDMENT.—Section 474(a)(3) of such Act (42 U.S.C. 674(a)(3)) is amended by inserting "subject to section 472(i)" before "an amount equal to".

SEC. 8409. TECHNICAL CORRECTION.

Section 1130(b)(1) (42 U.S.C. 1320a-9(b)(1)) is amended by striking "422(b)(9)" and inserting "422(b)(10)".

SEC. 8410. TECHNICAL CORRECTION.

Section 470 (42 U.S.C. 670) is amended by striking "June 1, 1995" and inserting "July 16, 1996".

Subtitle E—Supplemental Security Income

SEC. 8501. REVIEW OF STATE AGENCY BLINDNESS AND DISABILITY DETERMINATIONS.

Section 1633 (42 U.S.C. 1383b) is amended by adding at the end the following:

"(e)(1) The Commissioner of Social Security shall review determinations, made by State agencies pursuant to subsection (a) in connection with applications for benefits under this title on the basis of blindness or disability, that individuals who have attained 18 years of age are blind or disabled as of a specified onset date. The Commissioner of Social Security shall review such a determination before any action is taken to implement the determination.

"(2)(A) In carrying out paragraph (1), the Commissioner of Social Security shall review—

"(i) at least 20 percent of all determinations referred to in paragraph (1) that are made in fiscal year 2006;

"(ii) at least 40 percent of all such determinations that are made in fiscal year 2007; and

"(iii) at least 50 percent of all such determinations that are made in fiscal year 2008 or thereafter.

"(B) In carrying out subparagraph (A), the Commissioner of Social Security shall, to the extent feasible, select for review the determinations which the Commissioner of Social Security identifies as being the most likely to be incorrect.".

SEC. 8502. PAYMENT OF CERTAIN LUMP SUM BENEFITS IN INSTALLMENTS UNDER THE SUPPLEMENTAL SECURITY INCOME PROGRAM.

(a) IN GENERAL.—Section 1631(a)(10)(A)(i) (42 U.S.C. 1383(a)(10)(A)(i)) is amended by striking "12" and inserting "3".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 3 months after the date of the enactment of this Act.

Subtitle F—State and Local Flexibility

SEC. 8601. PROGRAM COORDINATION DEMONSTRATION PROJECTS.

(a) PURPOSE.—The purpose of this section is to establish a program of demonstration projects in a State or portion of a State to coordinate multiple public assistance, workforce development, and other programs, for the purpose of supporting working individuals and families, helping families escape welfare dependency, promoting child well-being, or helping build stronger families, using innovative approaches to strengthen service systems and provide more coordinated and effective service delivery.

(b) DEFINITIONS.—In this section:

(1) ADMINISTERING SECRETARY.—The term "administering Secretary" means, with respect to a qualified program, the head of the Federal agency responsible for administering the program.

(2) QUALIFIED PROGRAM.—The term "qualified program" means—

(A) a program under part A of title IV of the Social Security Act; or

(B) the program under title XX of such Act.

(c) APPLICATION REQUIREMENTS.—The head of a State entity or of a sub-State entity administering 2 or more qualified programs proposed to be included in a demonstration project under this section shall (or, if the project is proposed to include qualified programs administered by 2 or more such entities, the heads of the administering entities (each of whom shall be considered an applicant for purposes of this section) shall jointly) submit to the administering Secretary of each such program an application that contains the following:

(1) PROGRAMS INCLUDED.—A statement identifying each qualified program to be included in the project, and describing how the purposes of each such program will be achieved by the project.

(2) POPULATION SERVED.—A statement identifying the population to be served by the project and specifying the eligibility criteria to be used.

(3) DESCRIPTION AND JUSTIFICATION.—A detailed description of the project, including—

(A) a description of how the project is expected to improve or enhance achievement of the purposes of the programs to be included in the project, from the standpoint of quality, of cost-effectiveness, or of both; and

(B) a description of the performance objectives for the project, including any proposed modifications to the performance measures and reporting requirements used in the programs.

(4) WAIVERS REQUESTED.—A description of the statutory and regulatory requirements with respect to which a waiver is requested in order to carry out the project, and a justification of the need for each such waiver.

(5) COST NEUTRALITY.—Such information and assurances as necessary to establish to the satisfaction of the administering Secretary, in consultation with the Director of the Office of Management and Budget, that the proposed project is reasonably expected to meet the applicable cost neutrality requirements of subsection (d)(4).

(6) EVALUATION AND REPORTS.—An assurance that the applicant will conduct ongoing and final evaluations of the project, and make interim and final reports to the administering Secretary, at such times and in such manner as the administering Secretary may require.

(7) OTHER INFORMATION AND ASSURANCES.—Such other information and assurances as the administering Secretary may require.

(d) APPROVAL OF APPLICATIONS.—

(1) IN GENERAL.—The administering Secretary with respect to a qualified program that is identified in an application submitted pursuant to subsection (c) may approve the application and, except as provided in paragraph (2), waive any requirement applicable to the program, to the extent consistent with this section and necessary and appropriate for the conduct of the demonstration project proposed in the application, if the administering Secretary determines that the project—

(A) has a reasonable likelihood of achieving the objectives of the programs to be included in the project;

(B) may reasonably be expected to meet the applicable cost neutrality requirements of paragraph (4), as determined by the Director of the Office of Management and Budget; and

(C) includes the coordination of 2 or more qualified programs.

(2) PROVISIONS EXCLUDED FROM WAIVER AUTHORITY.—A waiver shall not be granted under paragraph (1) with respect to any provision of law relating to—

(A) civil rights or prohibition of discrimination;

(B) purposes or goals of any program;

(C) maintenance of effort requirements;

(D) health or safety;

(E) labor standards under the Fair Labor Standards Act of 1938; or

(F) environmental protection.

(3) AGREEMENT OF EACH ADMINISTERING SECRETARY REQUIRED.—

(A) IN GENERAL.—An applicant may not conduct a demonstration project under this section unless each administering Secretary with respect to any program proposed to be included in the project has approved the application to conduct the project.

(B) AGREEMENT WITH RESPECT TO FUNDING AND IMPLEMENTATION.—Before approving an application to conduct a demonstration project under this section, an administering Secretary shall have in place an agreement with the applicant with respect to the payment of funds and responsibilities required of the administering Secretary with respect to the project.

(4) COST-NEUTRALITY REQUIREMENT.—

(A) GENERAL RULE.—Notwithstanding any other provision of law (except subparagraph (B)), the total of the amounts that may be paid by the Federal Government for a fiscal year with respect to the programs in the State in which an entity conducting a demonstration project under this section is located that are affected by the project shall not exceed the estimated total amount that the Federal Government would have paid for the fiscal year with respect to the programs if the project had not been conducted, as determined by the Director of the Office of Management and Budget.

(B) SPECIAL RULE.—If an applicant submits to the Director of the Office of Management and Budget a request to apply the rules of this subparagraph to the programs in the State in which the applicant is located that are affected by a demonstration project proposed in an application submitted by the applicant pursuant to this section, during such period of not more than 5 consecutive fiscal years in which the project is in effect, and the Director determines, on the basis of supporting information provided by the applicant, to grant the request, then, notwithstanding any other provision of law, the total of the amounts that may be paid by the Federal Government for the period with respect to the programs shall not exceed the estimated total amount that the Federal Government would have paid for the period with respect to the programs if the project had not been conducted.

(5) 90-DAY APPROVAL DEADLINE.—

(A) IN GENERAL.—If an administering Secretary receives an application to conduct a demonstration project under this section and does not disapprove the application within 90 days after the receipt, then—

(i) the administering Secretary is deemed to have approved the application for such period as is requested in the application, except to the extent inconsistent with subsection (e); and

(ii) any waiver requested in the application which applies to a qualified program that is identified in the application and is administered by the administering Secretary is deemed to be granted, except to the extent inconsistent with paragraph (2) or (4) of this subsection.

(B) DEADLINE EXTENDED IF ADDITIONAL INFORMATION IS SOUGHT.—The 90-day period referred to in subparagraph (A) shall not include any period that begins with the date the Secretary requests the applicant to provide additional information with respect to the application and ends with the date the additional information is provided.

(e) DURATION OF PROJECTS.—A demonstration project under this section may be approved for a term of not more than 5 years.

(f) REPORTS TO CONGRESS.—

(1) REPORT ON DISPOSITION OF APPLICATIONS.—Within 90 days after an administering Secretary receives an application submitted pursuant to this section, the administering Secretary shall submit to each Committee of the Congress which has jurisdiction over a qualified program identified in the application notice of the receipt, a description of the decision of the administering Secretary with respect to the application, and the reasons for approving or disapproving the application.

(2) REPORTS ON PROJECTS.—Each administering Secretary shall provide annually to the Congress a report concerning demonstration projects approved under this section, including—

(A) the projects approved for each applicant;

(B) the number of waivers granted under this section, and the specific statutory provisions waived;

(C) how well each project for which a waiver is granted is improving or enhancing program achievement from the standpoint of quality, cost-effectiveness, or both;

(D) how well each project for which a waiver is granted is meeting the performance objectives specified in subsection (c)(3)(B);

(E) how each project for which a waiver is granted is conforming with the cost-neutrality requirements of subsection (d)(4); and

(F) to the extent the administering Secretary deems appropriate, recommendations for modification of programs based on outcomes of the projects.

Subtitle G—Repeal of Continued Dumping and Subsidy Offset

SEC. 8701. REPEAL OF CONTINUED DUMPING AND SUBSIDY OFFSET.

(a) REPEAL.—Section 754 of the Tariff Act of 1930 (19 U.S.C. 1675c), and the item relating to section 754 in the table of contents for title VII of that Act, are repealed.

(b) EXISTING ACCOUNTS.—All amounts remaining, upon the enactment of this title, in any special account established under section 754(e)(1) of the Tariff Act of 1930 (as in effect on the day before the date of the enactment of this title) shall be deposited in the general fund of the Treasury.

Subtitle H—Effective Date

SEC. 8801. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this title, this title and the amendments made by this title shall be effective as of October 1, 2005.

(b) EXCEPTION.—In the case of a State plan under title IV of the Social Security Act which the Secretary determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by this title, the effective date of the amendments imposing the additional requirements shall be 3 months after the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the preceding sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

The SPEAKER pro tempore. The gentleman from Iowa (Mr. NUSSLE) and the gentleman from South Carolina (Mr. SPRATT) each will control 1 hour.

The Chair recognizes the gentleman from Iowa (Mr. NUSSLE).

□ 2230

Mr. NUSSLE. Mr. Speaker, several months ago, we approved the fiscal year 2006 budget resolution. In that budget, the Republicans and Congress laid out our plan, which is based on our fundamental principles to promote economic growth, create jobs, and control government spending. It is part of an overall plan.

Today we stand at what is a critical juncture in implementing that plan and making it a reality. The Deficit Reduction Act starts the process of adopting the real policies and the real reforms that make these massive entitlement programs more effective, more efficient, and less costly.

I expect, as we have already seen, that this is going to be a very vigorous and even sometimes contentious debate. I welcome that. I think we should all welcome that. I think that is what this Chamber is really for. It is what our constituents sent us here to do, to set the priorities, to come up with a solid plan, to do the real work, even if it is difficult, even if it is a challenge, even if you have to fight for it, even if you have to make a debate and a speech and everything else in order to get it done. The point is, we have got to work on this plan and see it through.

This is far from the first day that we have been on the floor or worked in committees in order to get this done, Mr. Speaker, for the past three budget years, we have been working on this plan to get the economy going, to create jobs, to control spending, and to actually reduce the deficit. I would like to review our plan.

First, Republicans committed to reduce the total discretionary spending, making the first actual reduction in the annual spending that happens because we vote on it here in Congress. That is the discretionary spending. It is the first time we have made an actual reduction in this nondiscretionary spending, this discretionary spending part of the budget. The first time we have done that since the 1980s.

Second, the Republicans committed to no tax increases. More importantly, we did not want an automatic tax increase happening. In fact, if Congress does not act this year, if we fail to pass the tax reconciliation, taxes automatically go up, no vote. They just go up.

Third, we decided that we wanted to tackle these important mandatory programs. For the past 3 years, we have stuck to our plan, and we have produced results. Let me just show you this chart. Mr. Speaker, when we started this process, we had a $521 billion deficit that was staring us in the face, caused by what happened on September 11, 2001, the war in Afghanistan, the war in Iraq, the stock market dot-com bubble bursting, the emergency spending we had to deal with in order to deal with so many broken lives, so many challenges across the country in the wake of the terrorist attack.

Homeland Security spending skyrocketed; and interestingly enough, the same opposition party who comes to the floor tonight decrying spending, decrying deficits voted for most of that spending that got us to the $521 billion worth of deficit. As part of implementing this plan, we reduced that deficit from $521 billion to $427 billion in the first year; $90-some billion in 1 year alone the deficit came down implementing that plan.

Second year, that we just closed the books on, actual reduction from $521 billion to $427 billion to $319 billion. I will suggest to you that $319 billion is not where we want to be. We are heading in the right direction. We are heading in the right direction because we have a plan to grow the economy, to control spending, to create jobs, and create taxpayers. As a result of that, revenues have come in. The strong sustained growth in our economy has driven Federal tax receipts up over 15 percent over last year, even with tax reduction.

Let me repeat that. I understand all the rhetoric on the floor here tonight, but we reduced taxes. The economy expanded. More money came into Washington. That is a fact, incontrovertible fact. No one can come to the floor tonight and tell you any differently. Revenues have increased as a result of strong economic growth.

The Democrats act like this is the government's money that we are talking about here tonight, that all of these, whether it is tax reductions or spending or whatever it is, that this is the government's money. This is not the government's money.

Mr. Speaker, this is the hard-working taxpayers' money. They do the working, they do the sweating, they do the toiling, they are the ones that open small businesses and farms. They are the ones that employ Americans. They are the ones that do not wait for the government to come to bail them out. If they have a tough year, they are the folks who do all the hard work and pay the taxes. It is their money that we are talking about here tonight. That surge of revenue, that surge of money coming from those taxpayers was the largest factor in this dramatic reduction of the deficit, nearly $100 billion this year, $200 billion over the last 2 years.

Even combined, growing the economy and limiting just that 30 percent of our spending is not going to be enough. It is not going to be enough to get where we need to be. The set of challenges still faces us.

We added a third prong to this important deficit reduction. We committed for the first time in nearly a decade to reform and find savings in the largest portion of our Federal spending. That is what we are here to do tonight. It is part of that overall plan.

This spending is what we call mandatory, our automatic pilot-kind of spending. It is over now 50 percent of the entire amount of money that is spent by the Federal Government; and it is without boundaries, it is without reform, and it is pretty much without any kind of review whatsoever. In fact, Congress does not even have to vote on these increases. Let me say that again so you understand. If we do nothing tonight, spending automatically increases, and we have got to go to the taxpayers to get more money. We have got to go to those hard-working Americans to get more money from them in order to run the government.

Automatically, if we do nothing tonight, just like if we do nothing on taxes, they will automatically increase. That is the fantasy that we are dealing with tonight. That is the fantasy of our congressional budget process unfortunately, is things automatically occur if you do not do the hard work of reforming and reducing our spending and our taxes. Compounding the problem is that unchecked spending is growing faster than our economy, faster than inflation, and far beyond our means to sustain it whatsoever. The money is usually just feeding a gigantic bureaucracy. Really, this is a bureaucracy that is failing most of the people it is intended to help.

I asked eight of our very able chairmen and their committees to go to work. I asked them to make some reforms. Over the last 6 months, hundreds of ideas were discussed. Hearings were held. We listened to our constituents, to scholars, to experts, to people who understand the intricacies of these programs. We partnered with the States. We talked to our Governors. All of the committees have met or exceeded the original savings targets with reforms, bringing the total of savings that we will consider here tonight to $50 billion over 5 years.

Really, this is not about saving money. This is an effort to start reforming our largest Federal programs and ensure that they can continue to serve their missions, to serve the people and help the ones who are most in need. Most of these programs desperately need reform. In many cases, they are operating on decades-old models.

Take Medicaid as an example. We are talking about Medicaid tonight as just one of the myriad programs, invented in 1965 before the personal computer, before we walked on the Moon. Yes, it is a program we all support; but, yes, it is a program in need of dramatic reform in order to meet the needs of our changing society and Nation.

Most of these programs desperately need this reform. They are operating on these models, and we need to make this change. This process that we call reconciliation is just one of the few tools that we have at our disposal in order to make sure that we can go through this process.

I want to give you a sampling of the reforms that are in this package. We expand and build upon the welfare reform that was so successful from 1996. We reformed Medicaid, just as the Governors have asked us to give the States the flexibility in those 50 laboratories to deliver a better-quality service to the people who need them.

We reformed food stamps, a program that helped so many in need, but is in so much need of reform. We enhanced pension security, just at a time when the Pension Benefit Guaranty Corporation has come out telling us we need these reforms, otherwise people's pensions are a desperate concern.

Boosting the low-income heating assistance, at a time we know the winter is going to be challenging and eliminating the excessive student loan overhead costs.

People are going to come here tonight to protect the bureaucracy of these programs. We want to make sure that these programs are helping those in need. These are just a good start. But these reforms and savings are not going to solve the long-term spending problem in a single stroke. But if you listen to the debate, it will sound tonight like we are eliminating half the Federal Government. You will hear debate tonight that will make it sound like we have eliminated these programs.

In fact, what we are talking about here is the total amount of this bill. If you take all of it together, the total savings amounts to less than one-half of 1 percent over the next 5 years. These programs will grow. What we are saying is we just need to slow them down a little bit and instill some reforms so that they can work better. Even though our opponents will claim that these are cuts, spending will continue to grow under each of these programs faster, even, than inflation.

Under our plan, Medicaid is an example. We will continue to grow at 7.5 percent instead of what it is currently growing at, which all of our Governors came to Washington to say was an unsustainable rate at 7.7 percent. That is not a cut. Only in Washington would that be called a cut.

I know my friends on the other side will disagree with our plan to reform our government programs and achieve these savings for American taxpayers. That is fair. We can have that debate tonight. But I ask you, through the Speaker, where is your plan?

You were given an opportunity to present a plan tonight. You will come to the floor tonight and tell us how important these programs are and how they are already failing Americans, but you have not one scintilla of an idea of how to make sure that these programs can continue.

What is your plan to reform these important programs? What are your innovative ideas, or is it simply increase taxes on hard-working Americans? Is it simply more politics as usual? Is it more press releases and attack ads? I have no doubt that is what it is going to be.

I hope Democrats do not plan to come and waste our time tonight, telling us yet again that you do not agree with us. I mean, gee, that is really news. Mr. Speaker, in fact, boy, look at the balcony where all the reporters usually sit. It is really news that you do not support our plan. It is really news that you disagree with the Republicans. It is really news that Republicans and Democrats are fighting. That is not news at all.

What would be news is if you came forward with an alternative. That would be news. If you came with a plan, that would actually be a surprise. It is not going to happen tonight.

You were allowed to present a plan. I am proud to present our plan to reform these very important government programs that achieve savings for hard-working American people who pay the taxes around here. It is part of our successful ongoing effort during one of the most challenging times in our history to promote personal responsibility, to reform government bureaucracy, the same bureaucracy that they will defend tonight is the same bureaucracy that did not get the job done down in the gulf. They decry the bureaucracy on the one hand, and yet they try and protect it on the other.

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This eliminates some of the waste, fraud and abuse within our system. And it grows our economy to create jobs and opportunities for the American people. We have a plan to reduce the deficit and to govern America.

Mr. Speaker, I ask you, where is their plan? Where is your agenda for America, to govern and to reduce your deficit and get us back on path?

I ask that we support the only plan and the best plan and that is the plan we propose tonight.

Mr. Speaker, I reserve the balance of my time.

Mr. SPRATT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, with all due respect, this bill is a sham. This bill does not reduce the deficit. It increases the deficit by at least $7 billion, and it results from a budget resolution passed a few months ago that does not lower the deficit. It raises the deficit by over $100 million over the next 5 years.

Now, I know the supporters of this bill claim it is going to help for Hurricanes Katrina and Rita, well, that is a phony claim, too. This bill has nothing to do with paying for Katrina. It has everything to do with facilitating further tax cuts. This bill comes out of a larger budget resolution for 2006 that calls for a total of $106 billion in new and additional tax cuts, $70 billion in reconciled tax cuts, $36 billion in unreconciled tax cuts. So the spending cuts in this bill are really just the first step in a three-step process.

Step number two will come tomorrow or soon thereafter when tax cuts are introduced in the form of another reconciliation bill. And when these two are put together, the result will be a bigger deficit. So this is not a deficit reduction bill. It does not lead to deficit reduction. And after the tax cuts are passed, there will not be a dime left to pay for Katrina and Rita, but there will be a bigger deficit. And that brings on the third step in this process and that is a $781 billion increase in the national debt of the United States of America. That is, this bill is part of the process that will require an increase in the national debt ceiling of $781 billion. As you can see, over the last 4 fiscal years, to accommodate the budgets of this administration and the leadership of this Congress, the Congress has raised the legal debt ceiling of the United States by $3 trillion 15 billion, of which $781 billion is included in this budget resolution, deemed approved when we pass the budget resolution.

Once upon a time, the purpose for reconciliation was to reduce the deficit, rein in the deficit. But the reconciliation bills for this year, this one and the tax bill to come, stand that purpose on its head. They actually raise the deficit for the reasons I have just mentioned. And this is our first reason for opposing the bill. In the end, it will not reduce or rein in the deficit. It will only make it worse.

Let me answer the gentleman's charge of where is our plan? We do not need a plan. We produced a plan as an alternate budget which they chose not to vote for just a few months ago. The budget resolution for 2006 which we brought to this House floor would have balanced the budget in the year 2012, and accumulated far less debt than their budget resolution in the process.

Where is the plan tonight? We do not need a plan because this plan tonight on the House floor is a plan to permit further tax cuts. It was our feeling that when you have a $412 billion deficit, and that is what it was in 2004, the first rule of holes is to quit digging. Do not make the deficit worse. So we did not propose further tax cuts that would have made the deficit worse, which we would have done and we are trying to mitigate with this particular bill. That is why we did not have a plan here. Our budget did not call for it. But our budget resolution would put the budget in the surplus again by the year 2012.

This bill calls itself "The Deficit Reduction Act of 2005," but it does not live up to its name. This bill results from a budget resolution that does not lower the deficit. The bill raises the deficit by $100 billion over the next 5 years.

Supporters claim that this bill will help pay for Hurricanes Katrina and Rita. This too is a phoney claim. This bill has nothing to do with paying for Katrina; it has everything to do with facilitating further tax cuts. This bill comes out of a larger budget resolution that calls for a total of $106 billion in new and additional tax cuts: $70 billion in reconciled tax cuts, along with $36 billion in unreconciled tax cuts.

The spending cuts in this bill are the first step in a three-step process. The second step will come tomorrow or soon thereafter in the form of tax cuts, and when these two steps are completed, the net result will be an increase in the deficit of around $7 billion. After the tax cuts are passed, there will not be a dime left to pay for Katrina and Rita. But there will be a bigger deficit, and so that brings in the third step in this process, a $781 billion increase in the government's debt ceiling. The budget resolution of 2006 already deems its approval by the House.

Once upon a time, the purpose of reconciliation was to rein in the deficit. The reconciliation bills for this year stand that purpose on its head. They will actually raise the deficit, for reasons I have just mentioned. This year's budget resolution called for $106 billion in new tax cuts over five years. $70 billion of that is assured a fast track through the Senate because these tax cuts are "reconciled." The mandatory spending cuts, contained in this bill, will go to offset in part the revenues lost to tax cuts. Nothing goes toward deficit reduction or toward paying for Katrina, due to new and additional tax cuts.

This is our first reason for opposing this bill. In the end, it will not reduce or rein in the deficit; it will only make it worse.

Now, that outcome may not be immediately clear. That's because this reconciliation bill with spending cuts is being considered separately from a second reconciliation bill with tax cuts.

There is another reason for the hiatus between spending cuts and tax cuts. The spending cuts made by this bill will hit the young, the old, the sick, and the poor, and hit them hard. The savings realized from these spending cuts will go to offset, partially at least, tax cuts for taxpayers whose incomes are in the upper brackets. Our colleagues from across the aisle want to avoid that connection, so they have separated the two bills.

He may not buy the claim that this bill is of pay for or partially offset the cost of Katrina. But we do believe that disaster relief is a form of shared sacrifice. So in paying for Katrina, we believe that the cost should be spread equitably over the entire country, and not just loaded on those least able to bear it. Yet that's exactly what this bill does. Who bears the brunt of the cuts made by this bill? Single mothers seeking child support from delinquent missing dads. Students struggling to pay loans for their college education. Foster children. The sick and poor whose only access to health care coverage is Medicaid, and families who depend on food stamps. Is this any way to pay for Hurricane Katrina? Or to pave the way for tax cuts?

There are $11.4 bilion in cuts to Medicaid, including cuts over $8 billion that fall upon beneficiaries through co-pays, premiums, and benefit reduction; –$14.3 billion in spending cuts to college student loan programs over 5-years, of which $7.8 billion is realized through increases in the interest rates and fees that students pay; – $4.9 billion in cuts to child support enforcement, which will cut back the state's capacity to enforce child support orders, – $577 million in foster care cuts; $732 million in SSI cuts.

Other provisions in this bill cut conservation by $504 million; cut deeply into rural development; and eliminate altogether the Byrd Amendment. The Byrd Amendment requires that duties paid by foreign firms, as a penalty for dumping their goods here at prices below cost, should be shared with U.S. firms damaged by import dumping.

This reconciliation package claims to offset the cost of Hurricane Katrina. That, like the title, is a false claim for two reasons. Rather than helping pay for Katrina, many of the services cut, such as Food Stamps and Medicaid, benefit the victims of these disasters, the people who have been uprooted and displaced.

I must say, we are mystified over this newfound interest in offsets. Since 2003, we have passed three huge supplementals to cover the cost of war and reconstruction in Iraq and Afghanistan. We supported all of them, because when we put troops in the field, we stand behind them. But any notion of offsetting those costs was dismissed out of hand.

As we have asked before, why is it that you insist on offsetting the cost of rebuilding Biloxi, but not the cost of rebuilding Baghdad or Basra? Will the next supplemental for Iraq be offset? There is $50 billion in "bridge funding" in the defense bill not offset.

If this bill reduced the deficit or helped pay for Katrina, as you claim, we would still have trouble with the cuts you have chosen. Many hurt those who need help most. Moreover, the savings are overstated, and some won't stand scrutiny. For example:

This bill includes $6.2 billion in increased PBGC premiums, but these premiums are entrusted to pay pension benefit guaranties, and in the near future, these additional premiums will be spent for that very purpose. You can claim these additional receipts as offsets to your tax cuts only because the federal government runs a cash-basis budget. If we accrue the liability for benefit guaranties, there would be no balance in this trust fund to use as an offset to tax cuts.

This bill makes crippling cuts to child support enforcement: $4.9 billion over five years. This will only shift the cost to the states, and if the states don't make up the difference, this reduction will result in a loss of more than $24 billion in child support over the next ten years. This is a flagrant case of false economy.

And as if the reduction in child support were not tough enough, this bill allows Medicaid to charge children co-pays, and to deny care if the cost-sharing is not paid. At $3 and up, the co-pays may not seem much to us, but they can be a birch well for someone living at or below the poverty line. The co-pays as such do not save much in total Medicaid spending. The way they save money is by discouraging low-income children and others from seeking medical care.

This bill also claims one-time receipts from spectrum auctions to offset the recurring loss of revenues to permanent tax cuts, and it overestimates the net receipts by assuming the cost of converter boxes at $1 billion, though the cost is likely to be about three times that amount.

This bill cuts $2.2 billion in mandatory spending to administer the student loan program. But these costs have to be paid. Guess where? Out of discretinary funds for education.

In short, there are many reasons that this bill does not live up to its title. It makes deep and painful cuts all right, but it paves the way for new and additional tax cuts, despite an enormous deficit, and the end result is a larger deficit. In this respect, today's legislation is like the budget resolution that set it in motion. This is one in a series of fiscal actions that will cause the debt ceiling of the United States to be raised by $3 trillion between 2002 and 2006.

So, not only is this bill a shame, it is also a sham.

When the Bush Administration took office in 2001, it inherited a surplus and blithely predicted that the surplus would endure, even if its trillion dollar tax cuts were adopted. The Bush budget was adopted, and in fiscal 2005, the bottom line was not a surplus of $269 billion as it once projected, but a deficit of $319 billion. Realistic estimates show that these deficits are structural and will get worse, not better, over the next ten years, and that when the Bush Administration's full agenda is factored in, deficits will climb to $640 billion by 2015; the national debt will double; and debt service will more than double. This legislation will make deep and painful cuts, but it will not avoid that budget outcome or lead to balance in any time frame.

So, we oppose this bill because it's not only a shame, but also a sham.

Mr. Speaker, I ask unanimous consent to yield 12 minutes of my time to the gentleman from New York (Mr. RANGEL) for the purposes of control.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. NUSSLE. Mr. Speaker, I yield 2½ minutes to the gentleman from Texas (Mr. HENSARLING), a member of the committee.

Mr. HENSARLING. Mr. Speaker, I thank the gentleman for yielding me time. I certainly thank him for his leadership on this vital issue.

Mr. Speaker, everybody is aware of the classic "A Christmas Carol" by Charles Dickens. In it we are all familiar with the Ghost of Christmas Yet to Come.

Mr. Speaker, let me tell you a little bit about the Ghost of Christmas Yet to Come for America if we follow the Democrats' plan and ignore the opportunity to reform government spending and achieve savings for the American family.

Chairman Alan Greenspan has said, As a Nation we may have already made promises to coming generations of retirees that we will be unable to fulfill.

The Brookings Institution, not exactly a bastion of conservative thought, has said, Expected growth and mandatory programs, along with projected increases in interest on the debt and defense, will absorb all of the government's currently projected revenue within eight years, leaving nothing for any other program.

The Government Accountability Office has said that in order to balance the Federal budget in just one generation, total Federal spending would have to be cut in half or Federal taxes doubled. Federal taxes doubled.

Now, we have heard our friends from the other side of the aisle say, well, your tax relief plan was all wrong. It is the source of all of our fiscal woes.

Mr. Speaker, what does that mean? That means they want to bring back the death tax so that somebody has to visit the undertaker and the IRS on the same day. It means they want to cut the child tax credit as families are struggling to put food on the table, to put gas in the car. They want to bring back the marriage penalty and punish people who fall in love. They want to raise taxes 50 percent for low income families, take away the 10 percent bracket. And according to the Heritage Foundation, their program of tax increases will cost over 400,000 jobs, turning paychecks into welfare checks.

Ultimately, Mr. Speaker, this is what the future looks like. Doubling taxes on the American people as time goes by.

What does that mean for a family of four? It means their transportation program is cut $1,300. A year's supply of gas they are taking away from the American family. Family housing will be cut $2,700; a choice between owning a home or renting a home. Food, $1,300 will be cut from American families with their double the tax plan, 3 months of groceries. Recreation budget cut, $900. There went the family vacation. They talk about compassion. There is no compassion there, Mr. Speaker.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want everyone to remember this date. November 17, because in the final analysis the debate that is taking place obviously between Democrats and Republicans will be decided not due to the eloquence of the gentleman from Iowa (Mr. NUSSLE) who obviously is leaving the House, but will be decided by the American people.

There is an old western song, "You Picked a Fine Time to Leave Me Lucille." To be the chairman of the Budget Committee and to try to find just what tax breaks can we give to the richest people that we have, and then to try to find out how you can really help the deficit by taking the two or $300 billion that we are paying for the war in Iraq and not even include that, and then to really try to look for the programs that deal with the most vulnerable people that we have, the gentleman from Iowa (Mr. NUSSLE) is leaving the floor.

I can understand that. But he does not have to leave the Congress. When the people start looking and seeing what happens, they will be looking for the chairman that drafted this, and you will not be in Washington.

And the reason I want people to remember November 17 is because November 17 is going to be an historic day. Oh, true, the gentleman from Iowa (Mr. NUSSLE) did not see reporters up there, but it is going to be reported tomorrow who voted on which side. So we ought to say it with a great bit of pride that old civil rights song, Which Side Are You on? And I tell you, we are so proud on this side that when the final vote is counted, those kids that are in foster homes that just have a little hope that maybe their lives could be better, the people on SSI that are disabled and everyone has left them, the kids who are trying to get a decent education and we are hitting them too, have we no shame on the other side as to what do we have to do in order to maintain the tax cuts?

I would like to believe that this was something that could have been worked out. I would like to believe that Democrats and Republicans should not have to vote party line. But it is shameful when you look at the deficit, you look at the war, you look at the tax cuts and then you decide that you are going to reform this system.

You try to reform Social Security and we looked at your cards and we found out that you are really trying to privatize it. Now every program that deals with the poor, every program that deals with those people that the Congress should be helping you want to reform.

Well, let me say to the other side, I think when the votes are taken tonight people would know who have the compassion, who has the plan, and who has hopes for the future. And you are making it abundantly clear as you leave this body to do whatever you want to do, that you have given us a chance. I say to the gentleman from Iowa (Mr. NUSSLE), to present to the American people which side are they on? I personally would like to thank you for it, because it could not be made more clear as to the difference between our parties.

No matter what religion you are, each one of them has some kind of verse that says as human beings, we have an obligation to help those people who are the lesser of our brothers and sisters. There is not a church and not a synagogue that has not looked on your reforms and they believe that you have forgotten the lesser of our brothers and sisters.

I am not a very religious man, but I do believe that we will have a religious moments when it comes to the next election, and wherever you go, my prayers will be with you, I say to the gentleman from Iowa (Mr. NUSSLE).

Mr. Speaker, I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members to direct their remarks to the Chair.

Mr. NUSSLE. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Iowa (Mr. NUSSLE) has 42½ minutes remaining. The gentleman from South Carolina (Mr. SPRATT) has 44 minutes remaining. The gentleman from New York (Mr. RANGEL) has 8 minutes remaining.

Mr. NUSSLE. Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, we are not dealing tonight with 30 pieces of silver, but we are dealing with tax cuts. And the gentleman from Massachusetts (Mr. NEAL) would like to explain in non-biblical terms where the 30 pieces of silver have gone. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. NEAL), an outstanding member of the Ways and Means Committee, to share with us his views.

Mr. NEAL of Massachusetts. Mr. Speaker, I want to thank the gentleman from New York (Mr. RANGEL) for the gallant fight that he has put up all year on these issues as well.

Let us, me, say something tonight that we ought to start this debate with. For everybody who is watching, for the Members that are here in this Chamber, as you listen to this debate, these are the people who began the year with what we all thought to be the worst idea of this Congress, and that was the argument to privatize Social Security.

Now that is the context in which we have moved to the next round of their proposals. Nobody who is watching should kid themselves tonight. This is about a tax cut for the wealthy, dividend and capital gains. I defy anybody on the other side to challenge the following statement: Half of this proposal tonight with tax reconciliation included, half of the dividend and capital gains cuts will go to people who make more than $1 million a year.

□ 2300

Now, we brought that up the other night at the Ways and Means Committee. That was not a fact that was challenged. That was accepted as part of the debate. So we are going to talk about dividends and capital gains cuts at this moment, and then I want to draw attention to those 148,000 men and women in Iraq who serve us with honor and distinction every single day.

You know what their reward was? Two months ago, the Humvees arrived. The body armor is starting to arrive. But you know what? Only in this Congress, with this Republican leadership, could they declare there is a crisis in Social Security after they have ripped $1.3 trillion out of the budget. The answer to not having Humvees, not having body armor: let us have another capital gains cut; let us have a dividend cut.

The title of this Congress is, we are rich and we are not going to take it anymore. Everything we do here is for the strongest, most powerful.

I asked the other night at the committee, does anybody ever read the gospel of Matthew? To clothe the naked, to feed the poor and to provide dividends and capital gains relief to the rich? Because that is where we are going with this debate.

This is about what is happening to the middle class tonight. They are going to cut student loan opportunities. The Senate is going to cut Medicare. Medicaid comes up before you know it. All of this is being done so they can shoe-horn a rigid, intransigent ideology.

There is no flexibility with the modern Republican Party. Everything they do is to satisfy a constituent group in America called the wealthy. Every step they take is to reinforce the separation of class along budgetary lines.

Vote down this proposal tonight and stand up for those men and women in Iraq and get them the equipment that they need.

Mr. RANGEL. Mr. Speaker, I yield 2½ minutes to the gentleman from Washington (Mr. MCDERMOTT) to share with us some of the reforms that the poor will have to suffer under.

Mr. McDERMOTT. Mr. Speaker, here we are with the rubber-stamp Congress again.

Over the past 4 years, Mr. Speaker, the number of Americans living in poverty has grown by 5.4 million people. The number of Americans without health insurance has increased by 6 million people, and the number of Americans who are living in hunger has grown by 5 million people in the last 4 years.

Now, this is the time that the Republicans chose to cut funding for programs that help families escape poverty, access health care, and put food on the table. Did we not learn anything from Katrina?

The bill before us cuts Medicaid, food stamps, child support enforcement, foster care, student loans and every other plan that helps people on the bottom. It is lucky we are going to get to vote about this right after midnight. So in one day we can cut the living daylights out of the poor, and then we will bring out the gifts for the rich.

We are going to have a bill tomorrow with tax breaks for capital gains and dividends. Over half of those benefits, as we just heard, uncontested by the other side, they stand there with a straight face and say we have to cut food stamps so we can give a tax break to people making more than $1 million. I mean, why do they have to give them a $100,000 tax break next year? What is that about, when you are saying to people we are going to take away your food stamps, we are going to take away your child care? Listen, lady, you leave your kids at home and you get out and get a job. But what about some child care? Well, that is not our problem. You figure it out, dear.

330,000 mothers are going to be sent out to work with not one thin dime of child care support. For a bunch who says leave no child behind, you are so shameless.

I remember, what was it that Welch said to McCarthy. Don't you have any decency left over there at all, that you would come in on the same day and vote these cuts, and right behind it, or, well, you let us go home and sleep for 6 or 7 hours. I understand you think that will separate and the public will never know because it will all be wrapped up in one day.

The American people are not stupid. They know we ought to vote this down.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

How is this working? I mean, we have made some serious accusations about what these people are doing to the poor, and we have not heard from them; and three of us have spoken. I mean, is the public not entitled to hear something in response to what we say they are doing to the country? I am asking, if they do not want to speak, then I would like to yield the remainder of the time to the gentleman from California who might share our concerns about the poor and believe that those who God has blessed should be sharing some of those blessings with the rest of our citizens.

Mr. Speaker, I yield the rest of the time remaining to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding time.

We were told during this debate on Social Security that we could save Social Security by privatizing it, and the American people got it and said no. We were told by the Republican Congress and the President that we could cut taxes and still be fiscally responsible; and today we have the largest deficits we have ever seen, and the American people are beginning to get it. We were told that if we went to Iraq we were saving America from mass destruction; and today we know it was a misrepresentation and deception, and the American people today are getting it.

Today, we are being told that we have to cut $12 billion in health care for seniors, disabled, and children. We are being told we have to cut $14 billion from students who are trying to go to college. That amounts to about a $5,800 cut in student loan programs for each and every middle-class American child who wants to get a college education. We are being told we have to get $5 billion out of the enforcement programs that would compel deadbeat dads to pay their child support, and we are being told we have to cut $600 million out of foster care programs that rescue abused and neglected children from dangerous households.

We are being told we have to do that for what, to reduce the deficit? To pay for the cost of Katrina? And guess what? The American people get it. It is not going to be for that. It is going to be for this, the tax cut that will do what we see here.

Every one of those cuts I just talked about, those children, those seniors, those disabled, they fall here. They have incomes up to about $40,000. They represent over half of America's taxpaying families. They will get out of this tax cut that we will see come up tomorrow or soon thereafter 1 percent of this tax cut. Who gets the lion's share? That over-50 percent lion's share will go to this percentage up here, one-fifth of 1 percent of all American taxpaying families. That is the folks who make $1 million or more.

The American people are getting it. Unfortunately, too many people here in this House of Representatives are not.

We cannot pass this type of fiscally irresponsible budget and tell the American people we are doing good for them. We have got too many good men and women in Iraq fighting for the freedoms that we say we are trying to uphold, and here we are giving money to the wealthiest Americans.

Vote against this reconciliation bill and get it for the American people.

Mr. NUSSLE. Mr. Speaker, I yield myself as much time as I may consume to respond to just say I have had a chance to check out Matthew in the Bible, and I want to let you know that Matthew was referring to Jesus's speech to people.

Jesus did not say raise a bunch of taxes, create 1,000-page tax code, hire millions of government workers, build hundreds of big white fancy buildings, stick them in there, create a system, pass a bunch of mandates, a bunch of regulations, all sorts of paperwork, measure your compassion by increases only in order to feed the hungry and clothe the naked. He said you do it as an individual.

So do not measure compassion by government. Measure it by what you are willing to do for the least of your brothers.

Mr. Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. CRENSHAW), a member of the committee.

Mr. CRENSHAW. Mr. Speaker, I thank the gentleman for the time, and I hope tonight we can all join together and take this historic step toward getting our financial house in order.

We took step one when we lowered taxes and let people keep more of what they earn, and millions of Americans benefited from that. When they felt that bump in their paycheck, they could be free to save that money for retirement or they could invest it in the stock market or their small business or they could buy something for the family or make a down payment on a brand new home, and it worked. People went back to work. The economy is moving again. Four million new jobs were created.

Tonight, we are taking step two. We are going to get a handle on the way we spend money around here. We are going to reform the way we spend money because that is what we need to do.

We have got to tighten our belt just like every family has to do from time to time. We have got to set priorities. We have got to make hard choices because we all know that government needs money to provide services; but it seems to me right now, at this very moment, government needs something more.

Government needs discipline to rein in spending. Government needs courage to make the right decisions even when they are hard; and government needs a commitment to reform itself, to reform the way it spends money, to make sure that every task of government is accomplished more efficiently and more effectively than it ever has been before, because if life is going to change in this country, life has to change in Washington.

This bill takes a giant step in that direction. I urge your support.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Speaker, what have America's children ever done to the Republican Party? Because if one looks at this budget bill, one can only conclude that children have somehow wronged House Republicans. Why else would there be an all-out assault against our Nation's most vulnerable and their families.

This Republican budget guts vital services for New Jersey's working families and those across the country. For a party that talks about family values, in this bill Republicans walk away from nearly every responsibility we have as parents and legislators.

What type of value cuts more than $14 billion in student loan funding, increasing the costs of college for American families by $6,000?

What type of value could deny 6 million children the health care they need, adding to the 9 million children who are uninsured?

What type of value decimates Federal funding for child support enforcement by $5 billion, allowing deadbeat parents to avoid their responsibility?

What type of value leaves an estimated 270,000 children without child care while cutting foster care by over $500 million?

What type of value forces 300,000 low-income families to lose their food stamps?

What type of value increases the deficit by over $100 billion, leaving our children and our grandchildren to repay tomorrow the tax cuts we are giving to the wealthy today?

The chairman talked about the bureaucracy that failed the people of the gulf coast. It is your Republican administration that failed them and fails them tonight.

This is compassionate conservatism. Vote down this immoral budget, and let us work together to enact a budget such as the Democrats offered previously that truly reflects the values and the priorities of all the American people. Together, America can do better.

Mr. NUSSLE. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Mississippi (Mr. WICKER), a member of the committee.

Mr. WICKER. Mr. Speaker, I thank my chairman for yielding me time.

Mr. Speaker, in the brief time I have allotted, I want to talk about one of the important reasons why this bill needs to be enacted, and that is with regard to the reforms we have in Medicaid.

Currently, Medicaid provides medical care for 53 million Americans at a cost exceeding $300 billion each year. It is a great program; but Medicaid is already the biggest item in many State budgets, exceeding elementary and secondary education combined. If unreformed, Medicaid will bankrupt every State in as little as 20 years, absorbing 80 to 100 percent of all State dollars.

□ 2315

Because of these stark realities, the bipartisan National Governors Association has stated that serious Medicaid reforms are needed. The Deficit Reduction Act, which we vote on tonight, takes an important step in that direction by slowing the rate of growth in this valuable program.

Currently, Medicaid grows at a rate of 7.7 percent per year, as indicated by this chart, making it one of the fastest growing programs in the government. The plan included in this legislation tonight reduces the Medicaid rate of growth over the next 10 years from 7.7 percent a year to 7.5 percent annual growth rate. While this is a very small change, the bill includes necessary reforms to address the problem before it is too late.

The plan provides greater flexibility for our States and its governors. Under the current program, governors cannot tailor Medicaid benefits to meet the needs of the people. Under the new plan, they can.

The most irresponsible thing we can do at this time, Mr. Speaker, is to do nothing. I urge the Members to vote for this bill.

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman for yielding me this time.

It is interesting that the good friend on the other side wants to quote the Bible. Let me simply remind him that the Good Samaritan says that we are, in fact, our brothers' and sisters' keepers.

This budget, which causes an offset not on taxes and the rich but the offset on the backs of those in Hurricane Wilma, Hurricane Katrina, Hurricane Rita, what would you give to the answer of those who are going to be evicted in 2 weeks from hotels because this government says it has no money? And then we add insult to injury by cutting Medicaid $11 billion, student loans $14 billion, food stamps another $796 million, and we throw the crying mothers and the hungry babies to the streets.

This is a budget that cries for shameless disgraceful attention to the other side of the aisle.

Why are we mad, Mr. Speaker? We are mad because the American people are suffering the brunt of the inconsistencies of the other side of the aisle who want to give taxes to the rich and do not want to give equipment to the soldiers, but they want to break the backs of Americans.

Vote "no" on this budget reconciliation and send us to victory in 2006 so we can take back America from these people who do not understand.

Mr. Speaker, we have before us perhaps the most important piece of legislation that we will vote on all year, H.R. 4241, the Budget Reconciliation Spending Cuts Act. This $50 billion of spending cuts have turned everything we believe in as a country on its head. The Republicans are actually asking the poor, the downtrodden, the disabled and the young to sacrifice on behalf of the rich. I want to emphasize that these cuts are not meant to free up money to rebuild the gulf coast. In fact, many of these proposed cuts will actually hurt those affected by Katrina. Overall, the plan before the House will increase the deficit and the national debt.

From a Homeland Security standpoint, H.R. 4241 proposes to cut funding for the COPS program by $480 million and to remove important funding for local firefighters by $215 million—cuts of 80 percent and 30 percent, respectively. As ranking member of the Judiciary Subcommittee on Immigration, Border Security, and Claims, I am outraged at the fact that its provisions seek to break the promise of putting an additional 2,000 border patrol agents on the job in 2006, as promised in landmark intelligence reforms passed late last year and endorsed by the 9/11 Commission. The budget provides funding for only 210 agents. Overall, the plan before the House will increase the deficit and the national debt.

In the Homeland Security Committee, we completed a markup of a border security measure, H.R. 4312, that proposes to enhance the way our Department of Homeland Security protects our international borders and ports of entry. The cuts contained in the legislation on the Floor will render this measure a nullity if there are no resources available to execute its provisions.

From a healthcare perspective, there are 45 million Americans living today without any health insurance at all, but this budget cuts $11.4 billion over 5 years from Medicaid, and $46 billion over 10 years. The budget includes a proposal to expand enrollment in high-deductible health savings accounts would actually increase the number of Americans without insurance by 350,000. It also includes language which allows States to increase premiums and decrease coverage to children. This bill decimates health care funding for children, the elderly, and people with disabilities and making it even harder for families to afford nursing home care.

As founder and co-chair of the Congressional Children's Caucus, as a person who understands the value of our Nation's youth, and as a mother of two children, I really want to bring focus on the effect this bill will have on our nation's children. If you have children who are in, or who are considering going to college, I want you to listen to this: this republican spending cut will place an added burden of $7.8 billion dollars directly on our students over the next five years. This is accomplished. through added fees of $4.8 billion, and increases of interest rates. A typical student borrowing money for college could pay up to $5,800 more. This is in the face of college costs up over 7 percent this past year alone.

Allow me to cite some of the specific cuts I, and our constituents across the country, find so objectionable:

Medicaid—The bill cuts Medicaid spending by$11.4 billion nationwide.

Student Loans—The bill cuts spending on student loan programs by $14.3 billion over 5 years.

Food Stamps—The bill imposes cuts to food stamps of $796 million over 5 years, affecting nearly 300,000 people.

Child Support—The bill cuts $4.9 billion from child support programs over 5 years. Custodial parents will receive $7.1 billion less child support over 5 years and $21.3 billion less over 10 years.

Foster Care—The bill cuts $397 million from foster care over 5 years.

These are some big numbers, and we politicians love to throw around big numbers, but often times it is difficult to understand the true impact of what these numbers mean. Let me break some of these numbers down to what they will mean to my State of Texas, because the devil really is in the details for this legislation.

One program the Republicans are trying to cut is Child support enforcement. It is said that for everyone $1 the government puts in to collecting money from de ad- beat dads, the family receives $4 back In Texas, this bill will cut $411 million from child support enforcement in the next 5 years.

In Texas, this bill will cut $110.2 million from Elementary and Secondary Education. This breaks down to $52.8 million for education for the disadvantaged, $18.9 million for special education, and $34.7 million for school improvements.

In Texas, this bill will cut $6.8 million in vocational and adult education—in other words, job training.

In Texas, this bill will cut $5.9 million from Low Income Home Energy Assistance. This program helps poor families heat their homes, not forcing a family to choose between paying heat and groceries. This bill is projected to cut 3,600 recipients from this program next year. Nearly 600,000 people will lose the program nationwide.

In Texas, this bill will cut nearly $1 billion from WIC, the Nutrition Program for Women, Infants and Children. Eighteen thousand recipients will be cut from this program in Texas.

In Texas, this bill will cut $45.5 million in Children and Families Services, including Head Start and Services for Abused and Neglected Children; 2,000 children will be cut from this program next year.

In Texas, 4,700 people will lose their housing vouchers as a result of cuts offered in this bill.

In Texas, this program will cut $2.8 million from the Maternal and Child Health block grants, which provide money to support the efforts of our public health departments to reduce infant mortality, improve prenatal care for pregnant women, provide child health prevention services, and more.

In Texas, we have 400,000 students borrowing money for school. For the typical student borrower, new fees and higher interest charges in this bill could cost each student as much as $5,800.

This is not how we take care of our own in Texas, and this is not how we do things in the United States. The Republicans are launching an unabashed attack on the American way by slashing funding towards those that are most vulnerable. And don't you be fooled. These spending cuts aren't meant to offset the costs of rebuilding the gulf coast, these spending cuts are meant to offset tax cuts that will benefit the rich.

Mr. Speaker, we can not allow the burden of the $70 billion in tax cuts to be placed on the backs of our Nation's neediest families. The decision to vote up or down on this legislation isn't a blurry line involving political ideology; it isn't a debate of republican vs. democratic philosophy. This is black and white. This cut hurts the children, it hurts the poor, it hurts the old and it hurts the young. I am strongly opposed to this legislation, and I implore my colleagues on both sides of the aisle to vote against these unreasonable cuts.

Mr. NUSSLE. Mr. Speaker, it is all politics.

Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Kansas (Mr. RYUN), member of the committee.

Mr. RYUN of Kansas. Mr. Speaker, as we take up the Deficit Reduction Act, I think there are a few things that Americans should know. This bill has been demonized, demonized by those who want to ignore the growing Federal deficit, the waste, the fraud, and the abuse that exist in several Federal Government programs. But we all know that entitlement spending is growing at nearly three times the rate of inflation and that we simply cannot sustain that growth.

Entitlement spending on programs such as Medicare and Medicaid and Social Security make up 54 percent of the government spending now, and it is projected to double in the next decade. Medicare is growing at over 7 percent annually and Medicaid is at 8 percent annually.

There are no easy answers to this problem, Mr. Speaker, but if we do not act on these programs now, they will only grow worse.

The Deficit Reduction Act simply starts with the most obvious, commonsense reforms to save taxpayer dollars by finding waste and abuse in entitlement programs and eliminating them so that the funds that we put into these programs go to people who really need them.

In my State of Kansas, a pharmacy recently received a Medicaid payment of $1 million for eardrops that only cost $1.95. Mistakes happen, Mr. Speaker. But in a program that is growing at an unsustainable rate, we need to do all that we can to eliminate waste, fraud, and abuse.

The Deficit Reduction Act takes a very important first step to pay for entitlement spending by making common-sense reforms to outdated programs so that we can help those most in need instead of enriching those who abuse the program.

I urge my colleagues to vote for the Deficit Reduction Act.

Mr. SPRATT. Mr. Speaker, I yield 12 minutes to the gentleman from Michigan (Mr. DINGELL), the dean of the House, and I ask unanimous consent that he be allowed to control that time.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, 75 percent of the so-called savings from Medicaid come from higher cost sharing, reduced services, or barriers to sick people getting care and old people and people just scraping by having their needs met. But mostly they come from kids.

Fully half of the people affected by the reduced benefits will be children, and many of them will be children with special needs and disabilities. These are the kids with spina bifida, cerebral palsy. These are the kids with developmental disabilities and autism. These are the kids with mental illness. These are the children that need a full array of medical support and rehabilitative services. These are the kids where the care demands are endless, where families need help to support them and care for them. Parents of special needs children know that. They know that the idea of cost sharing for these kids so that they do not overutilize services is ridiculous.

One of Medicaid strength for all children, but particularly special needs children, has been the benefit known as EPSDT, or early and periodic screening, diagnosis and treatment. That is a lot of words for one simple concept. Screen kids early. Find and diagnose their health problems. Give them the care they need. Give them eyeglasses. Give them mental health services, give them physical therapy. Make them into the healthiest individuals possible. Let them realize their full potential.

But this bill changes that. It takes away these services for millions of kids with family incomes just above the poverty line. It takes away benefits. It imposes premiums and cost sharing that we know will be barriers to care. In fact, CBO estimates the savings because people will not get the care they need. What kind of sense does this make?

I urge my colleagues to vote against it.

Mr. Speaker, this bill, the so-called Deficit Reduction Act, is not about reducing the deficit. If that were the concern of the majority, they wouldn't be cutting taxes for the wealthy and adding to the deficit for all Americans.

This bill is not about taking on the special interests who can afford to give up some of their corporate welfare. You don't see provisions in this bill that take away overpayments for HMOs. You don't see any provisions asking the big drug companies to give a fairer price to Medicaid.

This bill isn't about helping Children's Hospitals or providers that serve the uninsured get better support. Instead, this bill requires them to take inadequate payments when managed care enrollees end up in their emergency rooms. This bill asks them to absorb lost dollars because they either have to eat the cost of copayments that poor kids and persons with disabilities can't afford to pay—or else turn them away without giving them the medical care they need.

What this bill is about is putting the burden of reducing Medicaid expenditures on those least able to bear it. Fully three of every four dollars this bill "saves" in Medicaid come from higher cost-sharing or reduced services ir barriers to care for the people who need help the most.

Who are we talking about here? This is going to have the greatest effect on low-income children. Fully half of the people affected by the reduced benefits will be kids. And many of those children are children with special needs and disabilities.

These are kids with spina bifida and cerebral palsy. These are kids with developmental disabilities and autism. These are kids with mental illness.

These are children that need a full array of medical, support and rehabilitative services. These are kids where the care demands are endless, where families need help to support them and care for them. Parents of children with special needs know that.

They know that private health insurance, even if they could get it, doesn't have the services these kids need. They know that the idea of cost-sharing so that services aren't overutilized for these kids makes no sense.

One of Medicaid's strengths has been the benefit known as EPSDT, or early and periodic screening, diagnosis and treatment. That's a lot of words for one simple concept. Screen kids early and find and diagnose their health problems, and then give them the care they need to treat them. Give them eye glasses. Give them mental health services. Give them physical therapy. Make them into the healthiest individuals possible. Let them realize their full potential.

This bill changes that. It takes away these services for millions of kids, with family incomes just above the poverty line. It takes away benefits. It imposes cost sharing so that there will be barriers to getting service.

So what if their family is struggling to exist on a little over $1000 month. Let's ask them to pay 5 percent of that in cost-sharing. If they can't afford it, and it keeps their kids from getting services, well it's just too bad.

What kind of sense does this make. Noone benefits if kids don't get the health services they need to grow up as healthy and productive individuals.

The Republican majority tries to justify this by saying copayments haven't been increased for years. That is a bogus argument. The fact is low-income people spend an increasing portion of their income on out-of-pocket medical expenses. A recent study showed that between 1997 and 2002, their out-ofpocket obligations increased twice as fast as their incomes. That's the relevant point.

This bill also puts some heartless barriers in the way of moderate income seniors who need nursing home care. People who innocently help their children or their grandchildren by giving them some small amount of their savings, or people who unselfishly give money to their church or to charities, find themselves unable to get Medicaid help when they need it.

They are accused of transferring their assets to get Medicaid to pay their nursing home bills. At the very point when they are desperately in need of Medicaid help, they get penalized for a transfer that might have occurred 5 years ago. They haven't got the money to pay for their own care. They can't get Medicaid. What will happen to them? And if they do get into a nursing home, what will happen to the quality of care that nursing home can provide if they aren't being paid? Is this the way we want to treat our seniors?

This bill deliberately tries to evoke the fear of illegal immigrants to take benefits away from needy people. With food stamps, the rhetoric is about illegal immigrants, but the reality is that immigrants who are here legally, and have been in the country legally for 5 years, get food stamps taken away. Why? Because the Republican majority evidently feels they can take help away from them with impunity because they are powerless.

It is similar in Medicaid. This bill imposes a requirement of documentation of citizenship that is going to block many needy citizens from getting necessary care. In order to be covered, people will have to document their citizenship with passports or birth certificates. Many poor and elderly people don't have those papers available. So they simply won't be helped.

There is a pattern here. Whether we are talking about arbitrarily taking food stamps from legal immigrants or putting barriers to care in front of sick children, this bill takes its savings from people who are the most vulnerable and in need of help.

They haven't got high priced lobbyists to argue for them. They're not getting special treatment and big tax breaks. They are just at the end of the line, relying on our health care programs.

If you've got a conscience, if you've got compassion, you cannot support this budget reconciliation bill. Stand up and insist on finding a fairer way. I urge my colleagues to vote "no."

Mr. NUSSLE. Mr. Speaker, I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, what we have going on here tonight is a huge con game. That is what the Republicans are playing on the American public. A re-con-ciliation game. What they do, these Republicans, is they cut the money from Medicaid. Sixty percent of all seniors are on Medicaid in nursing homes. One third of all babies born in the United States are born on Medicaid. They are cutting student loans. They are cutting money from food stamps for poor people.

They tell us they want to reduce the deficit. But, no, their money goes over to the "ways and means" Republicans who are giving a $50 billion tax break to the wealthiest Americans. Fifty-three percent of the dividends of the capital gains breaks go to the fat cat Republicans. And then because they are not happy with that, they borrow another $7 billion for more tax breaks, increasing the deficit, which will bring them back here next year with crocodile tears about how much they care about the deficit, which will bring them back to the poor people, seniors in nursing homes, one third of all babies, student loans, for more tax breaks to give away to the wealthiest in America.

It is a re-con-ciliation game they are playing. They do not care about the deficit. They only care about these Republican fat-cat millionaires who are getting this money after all of the programs for the poorest seniors and children and students in America are cut as they increase the deficit, a con game where they increase the deficit while taking the money from the poorest in our country.

Vote "no" on this re-con-ciliation con game where the crocodile tears will be shed for the rest of the night about how much they care about the deficits when all it is, is a way to transfer money to every millionaire in America. Vote "no" on this con game.

Mr. NUSSLE. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. Mr. Speaker, the only con game we have here in the House this evening is from the other side of the aisle. We have cons and cons.

Have I made my point? Have I made my point? Do we hear enough hypocrisy from the left on this budget? Do we hear enough shouts and screams about how we are hurting people?

What we are trying to do is save future generations from mountains and mountains upon mountains of debt. And what we are trying to do is reform the budget. The only con has been perpetrated through rhetoric here on the House floor, Mr. Speaker.

The deception is saying that we should do nothing, that we should allow our government to continue on this massive growth rate that 40 years of Democrat control provided this country.

I think it is wrong to leave future generations in debt. I think it is right to step forward and reform much-needed programs in this country to ensure that Medicaid is available to future generations, that student loans are available to young people. We must reform these programs to make sure they are available in the future. Not to look the other way, not to provide more tax increases, not to provide for a larger, more intrusive government.

Let us stop the con, Mr. Speaker. Let us provide for budget reform and reconciliation. I thank the gentleman for this moment to ensure that no future cons are provided here tonight.

Mr. SPRATT. Mr. Speaker, I yield myself 20 seconds.

To respond to the gentleman, he may be too young to remember, but 5 years ago, we bequeathed the Bush administration a surplus of $236 billion. This is what has happened in the last 4 fiscal years. The statutory debt ceiling of the United States has been raised to accommodate the budgets of the Bush administration to the tune of $3 trillion.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman from Michigan for yielding me this time.

Hurricane Katrina exposed poverty for what it is. It reminded us that poverty ensnares Americans who work hard, who pay their taxes, who play by the rules. Yet on the wages they earn, millions of Americans are falling further behind. They often cannot afford health care. They cannot afford child care. They cannot afford transportation, and they cannot afford our indifference.

I cannot understand how less than 3 months after Katrina, Republicans can take Medicaid away from people who need it. Medicaid is not a luxury. It is a lifeline. It does not pay for luxuries. It pays for health care and nursing homes. Medicaid does not protect some of us; it protects all of us. Disability, job loss, disappearing pensions, natural disasters, aging parents. If one is an elderly American living in Ohio, they must be living at or below 64 percent of poverty to qualify for Medicaid. What is an elderly American who earns $5,800 a year going to do while she waits for Medicaid to help her?

Time and again, Republicans feed on programs for the poor to finance tax cuts for the rich. It does not matter if the Nation is paying for a war, rebuilding after a hurricane, running up record deficits, or bleeding jobs right and left. Their policy is always the same: cut programs for the poor, give tax breaks to the rich.

When this bill was considered in the Commerce Committee, I offered an amendment to leave Medicaid funding alone and, instead, eliminate $20 billion in overpayments to insurance company HMOs. Republican leadership said no. They want to take care away from people who desperately need our help, but they do not want to eliminate bonus payments to insurance company HMOs. And the President agrees. He said he would veto the bill if we touch those HMO payments. But he is fine with our cutting Medicaid. I guess the elderly in nursing homes do not make political contributions to the President.

Mr. Speaker, it was the American people, not the insurance company/HMO industry, who hired us. Vote "no."

Mr. NUSSLE. Mr. Speaker, I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Maine (Mr. ALLEN).

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Mr. ALLEN. Mr. Speaker, on the issues we are debating tonight, Republicans can only see numbers on a page; they are blind to the people whose interests they are sacrificing to protect tax cuts for the wealthy.

This bill provides fewer services to fewer people. That is a cut. This Republican bill allows States to impose higher copayments and premiums on Medicaid beneficiaries who are on Medicaid precisely because they are poor. Take, for example, people who are chronically ill. Most people with diabetes, schizophrenia, Alzheimer's or other chronic conditions are dependent on multiple medications. Once you charge higher copayments for their medications, they will start to skip their drugs. Studies have shown that doubling copayments by the chronically ill will reduce their use of prescription drugs by 8 to 23 percent.

When people on Medicaid can no longer afford their medicines, when they cannot afford to call a doctor, they do not disappear, they do not get well, they just get sicker or they go to the emergency room.

The CBO has concluded that 80 percent of this bill's so-called savings from raising costs to beneficiaries comes from decreased use. In short, you are just taking health care away from people who need it. Moreover, you are cutting health care services to Medicaid beneficiaries and calling it reform. Immoral and inhumane would be better and more accurate words.

This bill strips health care from all types of Medicaid beneficiaries, from children and their parents, the disabled, the elderly and the chronically ill. No amount of Republican rhetoric can hide that truth. America can do better. Vote down this bill.

Mr. NUSSLE. Mr. Speaker, these are the same arguments we heard before we reformed welfare and unlocked 30 million Americans from the dependency of government.

Mr. Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I have heard a lot of screaming from the Democrats from the extreme left saying that they are mad, and even some personal insults tonight which is, frankly, unfortunate. I think it is because Democrats, I guess they think if they say it loud enough and scream loud enough, they can hide and drown out the facts.

Mr. Speaker, we have heard tonight, they loudly scream against the high deficit, and then they do not want to do anything to reduce the deficit. Right here we heard leaders of the Democratic Party loudly criticizing tax cuts. Those are horrible. But let me quietly quote what they said just 2 days ago about some tax cuts.

Let me quote, for example, the gentleman from New York (Mr. RANGEL) about a $10 billion tax cut over 5 years offered just 2 days ago. He said: I ask that the amendment be passed by unanimous consent. So 2 days ago he liked that tax cut. But wait, there is more.

The gentleman from Washington (Mr. MCDERMOTT), who we heard a little while ago screaming to try to drown out the facts, said 2 nights ago about tax cuts: Mr. Chairman, I do not think anyone is going to oppose this cut, like the other ones.

Mr. Speaker, they cannot speak from both sides of their mouths.

Mr. DINGELL. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, I thank the distinguished ranking member for yielding me this time.

Mr. Speaker, I think this evening is really a very sad moment for our country. I think that we have hit, unfortunately, sadly, a new low. This Republican bill can be summed up as follows: tax cuts for the most privileged in our country come first. That is their priority, and what is on the other side of this? What is on the other side of this? Child support enforcement and Medicaid, which is the safety net of health care.

Mr. Speaker, who bears the burden of this? Where do these cuts fall? On the most vulnerable people in our society. America can do better than this. This is not just a cut in program. This is a cut in our moral fiber. This is a cut. It cuts to who and what we are as a society. This is wrong. This is wrong, and I think many of my colleagues on this side of the aisle understand that as well.

We are asking Americans at the bottom of the scale of our Nation to bear the heaviest burden, and the tax cuts deliver almost 80 percent of their benefits to the top 3 percent of our people. That is not who and what we are. We can do so much better. I urge all of my colleagues to stand up for what the best of the American people is all about, and that is not in this bill.

Mr. NUSSLE. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. GOODLATTE), one of the eight very distinguished committee Chairs who worked on the bill.

Mr. GOODLATTE. Mr. Speaker, I thank the chairman for his good work on this important legislation.

Mr. Speaker, we have heard a lot of rhetoric from this side of the aisle about what this is about today. Let me tell Members what this is about. This is about reforming programs that are important to the American people, but they do not always work properly. They do not always reach the people that the programs are intended to reach; and these positive reforms which are a modest, a tiny percentage of the $2.5 trillion that this government will spend next year, more than $12.5 trillion over the next 5 years, to save $50 billion is not a very big percentage.

I would say to my colleagues, Where is your plan to reform programs? Where is your plan to achieve savings? What are you doing for the American people, the American taxpayers? And, yes, even the people who depend upon the programs that you claim to so strongly support. And yet you will do nothing to protect the programs by putting in the reforms that are necessary.

I will tell you where their plan is, it is locked up. And I will tell you why it is locked up, because what that plan primarily consists of is raising taxes on the American people. The reason they want to raise taxes is because they are opposed to the effort to do what has done wonders for our economy in the last few years, and that is to extend the tax relief that we have provided to stimulate the economy, create jobs, bring the unemployment rate below 5 percent; and they have done nothing except wait in the wings to raise taxes on the people of this country. That is what this is all about.

That is the party of spending. They will not come forward with any savings. That is the party of taxes, the tax and spend Democrats, the same way they have always been. That is why we are here today with a responsible plan in response to this abuse that they would sit here and attack modest reforms of important programs and suggest that, as a result of that, they can sit back with nothing and wait for the opportunity to raise taxes yet again on the American people.

The last time they were in power, the last thing they did was to impose the largest tax increase in history on the American people, and we should not ever allow them that opportunity again. That is what they are trying to achieve here by bringing down this plan, and they should not be allowed to succeed.

Let me talk briefly in the time remaining about the reforms we have made in important programs under the jurisdiction of my committee.

First of all, we have approached this across the board. We have achieved fair savings in farm programs which keep the programs intact. We have achieved savings in conservation programs that make those programs work better. We have achieved savings in research for agriculture. We have achieved savings in other areas that are important. And, yes, we have also achieved savings from the food stamp program: one-half of 1 percent of the $180 billion that will be spent on food stamps in the next 5 years is what we are hoping to achieve. It is less than one-half of 1 percent. It will affect less than 1 percent of the 24 million Americans that receive food stamps. And it is targeted at whom? People who are not citizens of the United States who signed a document that said they would not become wards of the State and who by virtue of having been in this country for more than 5 years are eligible to apply for United States citizenship and avoiding the savings we are attempting to achieve by not giving food stamps to people who are not citizens of this country.

Secondly, we say that under the food stamp program if you are attempting to achieve food stamp benefits through a particular State's programs, you ought to qualify for real welfare programs like the TANF program. The bridge from welfare to work ought to be sustained, but it ought not be abused by those who would do so. Those are the savings we want. They are good reforms, and we ought to pass them.

We are here today in a good faith effort to continue putting the Nation's fiscal house in order. Some have questioned the need or the degree to which mandatory spending should be reduced. I would remind my colleagues that mandatory spending today takes up almost 55 percent of the total federal budget and, if left on its current path it will, within a decade, consume 60 percent of the federal budget. Clearly, it is unrealistic to think we can meet the pressing challenges facing our Nation without reducing Federal spending and redirecting priorities.

The House and Senate agreed to reduce mandatory spending by $34.7 billion earlier this year to start reining in mandatory spending. Paying for hurricanes and other disaster assistance—in addition to addressing the threat of international terrorism here and abroad—has necessitated targeted reductions in spending by all authorizing committees, including agriculture.

Eight House Committees were instructed to put together a reform savings plan to reduce the growth in mandatory spending over the next five years to reduce spending and address some of the Nation's most pressing financial needs. The committees were asked to do more and I am pleased to report that the committee on agriculture headed this call and reported out savings above the $3 billion we were originally asked to find.

From the beginning of this process it was the goal of the House Agriculture Committee that no single program should bear a disproportionate share of the spending reductions. The committee's final recommendations are balanced terms of the impact they will have on the many diverse interests that will be affected by this reform savings plan.

The Agriculture Committee's savings plan includes an overall reduction in mandatory spending of $3.48 billion over five years (FY06–10). The savings package includes reductions in a variety of programs under the committee's jurisdiction including commodity, conservation, energy, rural development, research, and food stamp programs.

There are some who have suggested that food stamps take a disproportionate share of the spending reductions. This is simply not the case. While food stamps comprise nearly 60 percent of the agriculture committee's mandatory spending, they account for only 19 percent of the total savings under the package. The proposed reductions account for less than a half a penny for every dollar spent on the food stamp program.

Under the agriculture's reform savings plan, eligibility requirements are harmonized between Federal assistance programs so that food stamp benefits go to those truly in need.

By tightening the categorical eligibility for some temporary assistance to needy families (TANF) recipients as well as the eligibility requirements for non-citizens, this legislation ensures that the Nations most needy will continue to receive this Federal assistance.

When an individual enters the country to become a legal permanent non-citizen, an affidavit is signed indicating that they will not participate in programs such as food stamps; however, this is not the reality. Under current law, non-citizens are eligible for food stamps after five years of resident status. The house agriculture committees savings reform plan extends this time requirement to seven years.

This provision will not affect children non-citizens. Non-citizens who are 60 years old and above and are currently receiving food stamp benefits on the date of enactment will not be affected. Additionally, non-citizens who have submitted their citizenship application by date of enactment and currently receive food stamps would still be eligible to receive food stamps.

After five years, non-citizen residents can apply for U.S. citizenship. If approved, they can apply for food stamps immediately. If someone chooses to remain a non-citizen, that choice will result in a longer waiting period to qualify for food stamps.

It is essential that the House approves a reform savings plan. While all government safety net programs—including agriculture—need to be sustainable, the burden of addressing the nation's budget pressures needs to be broadly shared in order to be effective. Let me also say that in an ideal situation we would have had the support of the minority in moving this reform savings plan forward, However, in the absence of bipartisan cooperation, it is incumbent on those of us who are privileged to serve in the people's house that we address the budgetary problems facing the Nation. I urge my colleagues to support the deficit reduction act.

Mr. SPRATT. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, I would say to the gentleman who said our budget is locked up, well, here it is. It is right here on the table. We introduced it several months ago. It will go to balance in the year 2012 and accumulate about $200 billion less debt than theirs.

As for tax and spend, his is tax and borrow, Mr. Speaker. For the last 4 years, the debt ceiling has been raised four times by $3.15 trillion under your administration and your watch.

Mr. DINGELL. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I can understand why my Republican colleagues do not want to get close to the facts. What are the facts? First of all, when this administration came into office, there was a $2 trillion surplus. Now we have increased the national debt by $3 trillion, and they have spent the $2 trillion besides. No wonder they do not want to talk about the facts.

They are cutting $11.4 billion out of Medicaid. Why are they doing so? To fund additional tax cuts. The richest 0.2 percent of the country has already gained an average of $103,000 from the Republican tax cuts, but the Republicans have a fine program: they are going to cut funds for women, poor children, individuals with cystic fibrosis and other chronic diseases, elderly widows in nursing homes, and others who rely on Medicaid.

If this bill passes, the following will happen: in 1 year alone, 110,000 Medicaid beneficiaries will lose coverage due to the new burdensome health care premiums imposed by this bill; destitute elderly will be denied needed nursing home care right when they need it the most. These provisions will force many seniors out of homes that they may have lived in for decades, and those elderly persons who try to help their families to pay medical bills or go to school are going to be penalized.

Children will be hurt. According to CBO, half of those affected by higher cost-sharing and half of those affected by reduced benefits will be children. Those with disabilities will be particularly hurt by the newly allowed State benefit cuts and increased cost-sharing. They already pay a greater portion of their income for out-of-pocket medical expenses than privately insured individuals with higher income.

The simple fact of the matter is this bill is going to take from those who have the least and give to those who have the most and the smallest needs. This is an outrageous piece of legislation.

The simple fact of the matter is my Republican colleagues are entitled to their own opinion, but they cannot have their own facts; and the facts say this is a bad proposal. It is going to hurt the poor. It is going to benefit those who have no need.

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This is an outrageous piece of legislation, and it should be rejected by this body. And I would point out that one of the reasons for these cuts in benefits is so that there can be a tax cut. I would remind my good friends on the Republican side that one of the interesting things about this piece of legislation is that when all is said and done, it is actually going to increase the deficit.

There is no question that the cuts proposed by the Republicans will harm beneficiaries. First, according to the Congressional Budget Office (CBO)'s November 9th study on the bill as it left the Budget Committee, of the $11.9 billion in cuts to Medicaid, 75 percent—nearly $9 billion—is due to provisions that hurt beneficiaries. These cuts will have harsh effects, reducing needed care and causing millions to lose coverage and benefits. For example:

The vast majority (80 percent) of the savings from cost-sharing increases come from forcing beneficiaries to cut back on their use of healthcare services. Some six million children from families with incomes just above the poverty line would lose all current Federal cost-sharing protections if this bill is adopted. This bill would offer children who live just above the poverty line significantly less protection than in the State Children's Health Insurance Program. The remaining savings from cost-sharing come from $300 million in payment cuts to providers over five years.

Half of those affected by the reductions in benefits—so called "benefit flexibility"—will be children. By 2015, five million individuals, including 2.5 million kids, will face benefit cuts. Most of the services that beneficiaries will lose in the reduced benefit packages would be for mental health, certain therapies, dental, and vision. There will also be new restrictions on the amount, duration, and scope of services covered.

Benefit reductions result in $18 billion in Federal savings over 10 years. The actual magnitude of lost coverage, however, will be much higher over those 10 years, closer to $32 billion, when you count the State share, because CBO only considers Federal savings. Therefore, the total benefit-related reductions would be nearly twice as high.

New premium charges will force hundreds of thousands more who are covered today to drop their coverage. A full quarter of the savings associated with new higher premium charges come from individuals no longer being able to afford Medicaid. In 2015, for example, 110,000 enrollees will lose coverage because of premium increases. And, for those elderly citizens lucky enough to own the home they live in, the Republicans want to force them to sell it in order to get care.

Second, the numbers tell only part of the story. Examine, for example, the hurtful effect these changes will have on individuals with disabilities. Over the past number of years, individuals with disabilities have made significant gains in improving options for community living. Would we really want to enact legislation that would force people, who were previously able to live in their community, to live in institutions? Because that is exactly what this Reconciliation package will do.

The healthy among us do not need extensive health services, but those with disabilities and chronic illnesses such as diabetes, multiple sclerosis, spina bifida, schizophrenia, and AIDs, do. The Reconciliation package allows States to cut critical benefits that these individuals need, with the burden placed on those who need the most care.

Together, these changes will only result in more individuals with disabilities being forced back into institutions, rather than enabling them to live in the community. Increased costs and decreased benefits for individuals with disabilities will leave them with no other option but to return to an institution where they can get needed medical care.

Those with disabilities who are under Medicaid already have higher out-of-pocket medical expenses than higher-income, privately insured people, even with the current protections the program offers. Out-of-pocket costs consumed an average of 5.6 percent of the incomes of these beneficiaries in 2002. On the other hand, privately-insured adults with incomes over $19,140 spent 0.7 percent of their incomes on out-of-pocket medical costs. Individuals with disabilities already have their incomes stretched to the limit. In 2004, a national average rent for a modest one-bedroom unit consumed more than the entire monthly payment (109.6 percent) for a person receiving SSI.

In addition to these increased out-of-pocket expenses, the working disabled may find they must sell their homes if they wish to continue receiving the needed long-term care services provided under Medicaid that enables them to work. And it is difficult to keep people in the community if they are forced to sell or mortgage the home they reside in.

According to CBO, Congress could achieve $20 billion in savings by simply not overpaying Medicare HMOs. Yet these provisions are nowhere to be found in the Republican legislation. Clearly the profits of health insurers are protected while the poor and working families are squeezed to fund Republican tax priorities.

The Republican solution to the hard economic times facing many families is to charge them more for their health care, take away needed benefits, and make it easier for States not to cover those in need. Rather than provide States with the tools to slash coverage and impoverish more families through higher medical expenses in order that their tax cuts for the wealthy may stay intact, Congress should seek ways to join with the States to shore up healthcare coverage for our most vulnerable citizens.

Mr. NUSSLE. Mr. Speaker, the Education and the Workforce Committee has contributed to this effort, and I yield to the gentleman from Georgia (Mr. PRICE) for 2 minutes.

Mr. PRICE of Georgia. Mr. Speaker, I am proud to be a Republican. I am proud to be a Member of the party of Lincoln, who knew and understood that you cannot build up the poor by tearing down the rich. The class warfare being waged by the other side belittles a once-proud party.

What we are trying to do here is to renew our commitment to hard-working American taxpayers, reforming the process, cutting red tape, and setting priorities. This is smart spending, and it is what we should be doing in every area of government. And contrary to what our colleagues say, there is more money for education.

We know and understand how difficult it is for some to get funding for college. I, myself, was the recipient of student loans during my education, and this bill gets more money to students. It simplifies the process, gives greater flexibility, and protects taxpayers. There are no cuts. Student aid money increases. All you have to do is look at the numbers. Increase in Federal loans, increase in Federal grants, increase in Federal work study money, and increase in education tax benefits. That is more money, that is not less.

We are providing common-sense proposals to reform and strengthen student aid for education. That is more money for students. To characterize this as anything else is demagoguery and deception and does a disservice to all Americans. I urge all of my colleagues who are truly concerned, truly concerned about education, to support this positive move in the right direction with more money for education.

Mr. SPRATT. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I would challenge any Member who votes for this budget to answer just one question: name one, just one religion in the world that preaches the values of asking the most from those who have the least and asking nothing from those who have the most. Sadly, that is what this budget does.

This budget is an assault on the faith-based values of American families. It is about mean-spirited cuts in college student loans and harmful cuts in health care for low- and middle-income working families. Why? To pay for Katrina? No. To reduce the deficit? No. This budget increases the deficit.

These cuts are being made tonight to pay for tomorrow's $220,000 tax cut and dividend tax cuts for those making $1 million a year. That is right. But it is wrong.

If the House Republican leadership thinks this budget truly reflects American values, it proves just how sadly out of touch they are with the values of average working families.

All the fig-leaf sound bites in the world will not hide the sad truth that this budget is an assault on the dreams of middle- and low-income working families, dreams of decent health care, a college education, and a better life for their children: the American Dream.

The congressional architects of the three largest deficits in American history once again tonight fail the test of fairness and fiscal responsibility.

Mr. NUSSLE. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Speaker, someone on the other side has said we have hit a new low tonight. I certainly agree with that. I have never heard so much hypocrisy and hyperbole, and I doubt that the American public has either.

I rise, Mr. Speaker, with my colleagues today because Federal spending has been out of control. Just because former Congresses and Presidents have foolishly increased spending does not mean we must continue along this destructive path in the future.

This Congress must become a better steward of taxpayers' dollars, and we must do it now. Contrary to what our colleagues on the other side of the aisle are saying, we are not finding these savings on the backs of college students. These reforms will actually strengthen student aid programs and expand student benefits.

Republicans are proposing rational solutions that will increase student benefits and expand college access without expanding the deficit.

The Deficit Reduction Act provides key benefits to students including lower loan fees, higher loan limits for borrowers, low market-based interest rates, new loan flexibility, and a simplified financial aid process. Our constituents deserve to send less of their hard-earned dollars to Washington and spend more on their families, businesses, and dreams. It is the taxpayers' money we spend and we must be accountable, meticulous, frugal, and effective in the ways the Federal Government spends money. This budget reconciliation bill does just that. And on behalf of all of my hard-working constituents, I hope that all of my colleagues join me in supporting this great bill.

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentlewoman from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, the budget reconciliation process is supposed to be about reducing deficits, enacting fiscal discipline, and setting priorities.

Yet the Republican majority's reconciliation package, you have heard it all tonight, fails to meet any of these goals. It fails to reduce deficits. Instead, it adds $20 billion to the Federal deficit. It fails to enact fiscal discipline or move us toward a balanced budget. Instead, it will continue to borrow from foreign countries to meet our basic obligations, further increasing our debt and leaving it to be repaid by our children and our grandchildren. And it fails to set priorities that benefit millions of average Americans.

My constituents in Philadelphia and in Montgomery County are all hard-working Americans. In fact, all hard-working Americans deserve for us to do better than we will tonight. So I say vote "no" against this budget because voting "no" is a vote for fiscal responsibility. Vote "no" on this budget, and by doing so, insist that we make the right investments to build a safer, stronger Nation. Vote "no."

Mr. NUSSLE. Mr. Speaker, I yield 2 minutes to the gentleman from Nevada (Mr. GIBBONS) from the Resources Committee.

Mr. GIBBONS. Mr. Speaker, I would like to take on just a little bit of a different tone about this bill that provides a plan to reform our government to really add some savings here. And I want to talk about the subtitle B, section 6, which allows for mining claims, et cetera, to be utilized for our rural communities.

Mr. Speaker, I rise in support of the Resources Committee provisions contained in this title. If you oppose the budget bill because of this title, then let me just say patently straight out you are against rural America.

My home State is Nevada, and it has 85 percent of the land owned by the Federal Government, and there are few places that are more rural than Nevada. My western colleagues know what I am talking about because they are largely in the same boat that I am in.

In the western United States, where a majority of the land is owned by the Federal Government, our rural communities depend on industries like the mining industries for their basic survival.

My colleagues from the East tell me that western communities should not be so dependent on one industry for their survival. Well, in this case I would agree with them. Today, we have an opportunity to show our support for diversifying rural economies by giving rural western communities a second chance at survival after one of these mines closes. We are giving them a chance to keep their economic base and to give their families hope for the future.

Contrary to the misrepresentation that you have heard from opponents of mining, this is not about putting national parks up for sale or a massive land grab or building K-Marts on every mountain top. This is about sustainable economic development for rural communities that otherwise would have no options when mining companies leave. These provisions will provide jobs and money for schools, law enforcement, hospitals, and other vital services and communities after a mine closure.

I urge my colleagues to disregard the half truths and misinformation they have heard about these provisions, stand up for rural America, stand up for this bill, and pass this very important piece of legislation.

Mr. SPRATT. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, it has been a difficult year for our country: a brutal hurricane season, this government's inadequate response, leaving thousands homeless without power or a roof over their heads, energy costs skyrocketing, poverty on the rise, the recently passed mark of 2,000 troops killed in Iraq, an ongoing insurgency, little good news coming out of the country.

Americans want leaders who put the public interest first, who put the American people first when we face difficult national choices.

I look at this legislation with its cuts to student loans, food stamps, health care, child support enforcement, and I wonder, could this Congress possibly be more out of step with what the American people expect from their leaders right now. Most Americans saw Katrina and the extraordinary poverty and problems exposed and asked where did we go wrong. What can we do to get this right?

I look at this legislation, to $70 billion in tax cuts planned for the wealthiest Americans, and I wonder, why is this Congress not asking the same questions.

I have deep reservations about this legislation, about the values that would motivate such a terrible response to our times. It runs counter to our better nature. It does not reflect the moral responsibility of our government and our obligation to the people of this great Nation, and I urge my colleagues to oppose it.

Mr. NUSSLE. Mr. Speaker, I yield 6 minutes to the gentleman from Texas (Mr. BARTON), the very distinguished chairman of the Energy and Commerce Committee, and ask unanimous consent to allow him to control the time for the purposes of yielding.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I want to make a couple of very quick comments on the process. I had the privilege to attend a National Governors Association Conference early last spring on the issue of Medicaid reform, and Subcommittee Chairman Nathan Deal was with me at that conference, and Ranking Member DINGELL and, I believe, even subcommittee Ranking Member BROWN was at that conference. And the Governors, on a bipartisan basis, said they wanted to work with the House Energy and Commerce Committee to help reform Medicaid this year.

They supported legislative action. Mr. DEAL and I said we would be happy to work with the Governors to try to come up with a bipartisan package. Ranking Member DINGELL, at that conference, I cannot remember his exact quote, but it was something to the effect that it would be over his and the other Democrats on the committee's dead political bodies that they tried to do anything to reform Medicaid.

And they have been true to their word. I do not believe any Democrat on my committee, the Energy and Commerce Committee, voted at any level to help reform and improve and maintain the integrity of our Medicaid program, which is one of the most important health care programs in this country for low-income and senior citizens, low-income Americans and senior citizens.

Today, the House will make important reforms in telecommunications and Medicaid in the title provided by the committee I chair, the Energy and Commerce Committee. By going to conference with the Senate, we also keep hope alive for a critical energy policy—safe and limited crude oil production from the Alaskan north slope.

The legislation before us effectively sets Thursday, January 1, 2009, as the day America goes all digital. The analog television signals that have come into our homes over the air since the birth of TV will end the night before, and a great technical revolution that has been in the making for years will finally be complete.

In June 2004, at my first DTV hearing since becoming chairman of the Energy and Commerce Committee, I announced that expediting the DTV transition would be a top priority. I also noted that the 85-percent loophole in current law is delaying the consumer benefits of digital television and preventing the clearing of broadcast spectrum for critical public safety and wireless broadband uses.

The DTV legislation brings needed certainty to allow consumers, broadcasters, cable and satellite operators, manufacturers, retailers, and government to prepare for the end of the transition. It includes a strong consumer education measure. And it helps ensure that all consumers have continued access to broadcast programming, regardless of whether they use analog or digital televisions, or whether they watch television signals broadcast by a local station or subscribe to pay-TV.

We're also here today to consider Medicaid reforms. Medicaid is a victim of its own success. The program has grown so expansive that it is unsustainable in its current form. The Nation's governors understand the grim future of Medicaid without reform. They tell us that Medicaid will begin to bankrupt the States unless some reasonable reforms are enacted. They were Democrats and they were Republicans. They came to us and told us what they needed done, and we did it.

Our proposal contains common-sense reforms and will help fix some of the flaws in the current Medicaid program to ensure that it can continue to be the safety net that protects our Nation's most vulnerable citizens.

The reforms in this legislation include allowing States to charge basic co-pays to higher income beneficiaries, reducing Medicaid overpayment for drugs, and providing States with the flexibility to tailor their benefit package to meet the specific health care needs of beneficiaries. We'll also make it difficult for lawyers to hide assets so wealthy clients can pretend to be poor enough to qualify for Medicaid coverage of nursing home services.

We were tasked in the budget resolution to reduce the growth of Federal spending. However, these changes are the right thing to do, regardless of the budget implications.

I recognize that some critics will argue that even the most modest reforms will hurt the poor. I would submit to you that Medicaid in its current form is already hurting the poor.

Between 2002 and 2005, 38 States reduced eligibility; and 34 States reduced benefits. This year, hundreds of thousands of beneficiaries are losing Medicaid eligibility or facing reduced benefits because of State action. This committee will not stand by and do nothing while Medicaid slowly collapses.

The reforms we are offering today will help to save the program while at the same time protecting the poorest of our society. In fact, most provisions in the legislation include additional protections for the most vulnerable recipients, such as children, pregnant women, the disabled, the mentally ill and those in hospice care.

It is perplexing to me that so many who say they care the most, want to do the least. If you want Medicaid patients to lose health care, the best thing to do is nothing.

I want fairness and efficiency from Medicaid, and a vote for reform is a vote to save it. A vote to keep what we have is a vote for waste and for bankruptcy. It is a vote to cut health care for those who can't afford it, and certainly can't afford to lose it.

We also can't afford to keep locking up our critical energy resources. A small, small part of ANWR was set aside by Congress twenty-five years ago for consideration as an energy resource. We have learned since then just how great those resources are. Today's gasoline prices would go down if we produced in ANWR. Dropping ANWR is ignoring what Katrina taught us—we need diversity of energy supply.

I will vote for this bill today because it includes the right set of reforms and saves the taxpayers money. Let's get to conference with the Senate and come back with ANWR.

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Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Michigan.

Mr. DINGELL. Let me observe that, first of all, the gentleman is dead wrong. I said that that particular package of reforms was not something which was acceptable. I encouraged the Governors to reject it and I urge you to reject it. I have never supported it. But I have never said that reform of Medicaid would pass over my dead body.

Mr. BARTON of Texas. Reclaiming my time. I have the utmost respect for the gentleman from Michigan. But at that first conference with the Governors there was not any package on the table. We were talking concepts. There was no package on the table. It was just the concept.

Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. DEAL).

Mr. DEAL of Georgia. I thank the gentleman for yielding.

A lot has been said tonight about people losing coverage under Medicaid if these reforms go in place. I would like to call the reality of today to attention. If you want to lose people from Medicaid rolls, just do nothing. The status quo is doing that very adequately. Tennessee is having to remove over 200,000 from their Medicaid rolls. Missouri is removing over 100,000. In the last 3 years alone, 37 States have had to reduce eligibility, and 34 States have actually had to reduce benefits. The Governors are crying out to us to do something. If we don't do something, they can no longer sustain their portion of the requirement of paying their part of Medicaid. That is the message that they have sent to us on a unanimous basis. All Governors, both Democrat and Republican across this country have said, please reform the program. It is in dire need of reforms in order to be sustainable.

Mr. BARTON of Texas. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Michigan (Mr. UPTON), Telecommunications Subcommittee chairman.

Mr. UPTON. Mr. Speaker, as chairman of the Telco Subcommittee, I want to focus for a second on the DTV provisions. Last year the Congress passed the 9/11 Commission Report Implementation Act, which contained a sense of Congress saying that the Congress must pass comprehensive DTV hard date legislation this session and that any delay would delay the ability of public safety to get much-needed spectrum for interoperability. Mr. Speaker, today we are taking a significant stride towards fulfilling that commitment that we made to public safety. The legislation before us sets a hard date of December 31, 2008, for the end of the DTV transition, at which point the broadcasters will return their analog spectrum. Setting such a hard date will enable public safety to get access to that spectrum for interoperability, spectrum that it was promised way back in 1997. It will also enable the auction of the remainder of that spectrum for advanced wireless services.

Moreover, it will give consumers adequate notice and time to get ready for the transition and this legislation sets aside a portion of the spectrum proceeds to fully fund a robust digital-to-analog converter box program.

The legislation also included a provision that I helped author with the gentleman from New York (Mr. ENGEL), the gentleman from New York (Mr.

FOSSELLA) and the gentleman from New York (Mr. TOWNS) to set aside $500 million of the spectrum auction proceeds to assist State and local public safety agencies in acquiring interoperable communication systems. That amendment enjoyed widespread support within the public safety community. I would urge my colleagues to support this bill so that we can, in fact, see this provision enacted.

Mr. BARTON of Texas. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the Energy and Commerce reconciliation package consists of two components. There is a Medicaid reform package and there is a digital television transition package. Both of those packages have widespread support outside of the halls of this body. Cumulatively, together, they are going to change the baseline for Medicaid from a rate of growth of a little over 7.3 percent to 7 percent per year for the next 5 years, and in terms of the digital television transition package, expected to raise in the neighborhood of $10 billion and put America on a digital broadcasting and receiving footing beginning January 1, 2009. Both components of the package are worthy of support. I would hope we could support those components in this package.

Mr. SPRATT. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. I thank the gentleman for yielding.

Mr. Speaker, I would like to address comments made by distinguished Chairman regarding a provision of the bill that addresses the FCC's proceeding on unlicensed operation of wireless broadband devices in the vacant broadcast bands, commonly known as "white spaces." I thank the Chairman BARTON for recognizing the importance of additional unlicensed spectrum.

Unlicensed, wireless broadband devices have spurred entrepreneurship, technological innovation and phenomenal new capabilities for the country. Hot spots in coffee shops and airports, and wireless access in homes and offices, have made it easier and easier for people to access the Internet. These unlicensed uses have generated billions in new business for U.S.-based manufacturers, retailers and providers. However, these devices could do more to bridge the digital divide and bring more broadband choices to consumers if they could operate in spectrum below 1 GHz, (spectrum below 1 GHz propagates over greater distances and through tougher obstacles than does the spectrum being used by today's unlicensed wireless broadband devices).

Mr. Chairman, I know you are aware that in some smaller markets, only a handful television stations are actually operating. In some rural or suburban markets, there may be dozens of TV channels available for other uses. Nationwide, the white spaces offer hundreds of megahertz of spectrum for unlicensed wireless broadband devices to operate in. In its white spaces proceeding, the Commission proposes to allow unlicensed devices to operate in those spaces where the spectrum allocated to broadcast television stations is not being used, subject to the additional condition that the devices do not cause harm to licensed television broadcasters and certain other users of the spectrum. The Commission's proposal outlines possible noninterference requirements.

In response to the Chairman's point on preventing harm to broadcast signals, I would note that interference should be easily avoided, because "smart" unlicensed devices identify frequencies in use with "listen-before-talk" technology and similar capabilities. Developers and producers of equipment for wireless broadband operation in the white spaces have every incentive to demonstrate that their equipment is designed so as to prevent interference to television signals, where such signals are actually being transmitted. The reward of preventing interference is tremendous; the risk of being forced to exit a market because of an engineering mistake is equally weighty. The Commission has had this proceeding open for over a year, and meanwhile, innovation that could occur to deploy broadband to a greater number of Americans has been delayed.

In ordering the Commission to complete the white spaces proceeding within one year, my colleagues and I expect the Commission to promote robust and efficient use of vacant spectrum by unlicensed wireless broadband devices and networks. I thank the Chairman for his efforts on this issue, and I look forward to continuing to work with the Chairman to promote the use of additional unlicensed spectrum in the vacant broadcast bands.

Mr. SPRATT. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Speaker, I rise in opposition to the bill.

The American people know better than the politicians here in Washington about what's best for American families. If you've learned anything from Tuesday's election is that you ought to listen to the American people. The American people know that this Congress, under the Republican Leadership, is cutting over $50 billion in important domestic programs, while still adding billions to the Federal deficit.

The Republican leadership's fantasy of deficit reduction comes at the expense of significant cuts to domestic programs that middle class American families—making $27,000 to $65,000 rely on. I've gotten hundreds of letters from concerned and distraught constituents urging me to oppose this bill and they're screaming that America does NOT want: $14.3 billion in cuts to student aid programs, raising the cost of college for students and families. Nearly half a million Californians borrow money for education, we should be assisting the next generation of Californians, not raising fees and interest rates on students; $800 million cuts to food stamp programs, eliminating nutrition and lunch/breakfast programs for hundreds of thousands of families and children; billions in cuts to child support programs run by the States—over 5 years, Californian families will lose almost one billion in funds that should be going towards our children; $11 billion in cuts to Medicaid, with over $1 billion of those cuts coming out of California; and $425 million in cuts in Social Security Insurance benefits for the disabled.

With all of these cuts, the Republicans and this Administration will still be adding at least $20 billion to the Federal deficit when the Republicans push through $70 billion in tax cuts to the wealthiest of Americans. America deserves and wants a Federal budget that is fair and compassionate. I urge my colleagues to listen to their conscience and the voices of the American people and strongly oppose this bill and throw out these misplaced budget priorities.

Mr. SPRATT. Mr. Speaker, I yield 12 minutes to the gentleman from California (Mr. GEORGE MILLER) and ask unanimous consent that he be permitted to control that time.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, last week the Republicans were unable to pass this bill because of the severity of the cuts. They have since then done a lot of horse trading about those cuts and apparently, now tonight, they have the votes. But the one thing that remained consistent throughout all of that horse trading was they never lost their appetite to raise the cost of student loans. According to the CBO, this budget will add almost $8 billion in new cost onto the backs of students and onto their parents as they borrow money to pay for higher education, a higher education that is absolutely essential today to fully participate in the American economy.

They will add almost $5 billion in new consolidation loan fees and higher interest rates that go directly to those students borrowing money. They mandated a 1 percent insurance fee, $1.47 billion, on the backs of these students. Repealing the lower interest rate caps, $505 million to these students. A 1.5 percent origination fee, $350 million to these students. So that the average student today who borrows $17,500, you will increase their cost of that loan, and that education $5,800. Not according to me, but according to the Congressional Budget Office.

You can say all you want, but none of you apparently raised your hand and said, How about helping the students? How about reducing the taxes on the students? How about reducing the $8 billion in new taxes on these students? Students who are going to Kansas, they are going to UT, 30 students here are going to Georgetown. Nobody raised their hand on behalf of these students or their families who are going deeper and deeper in debt.

Just 2 weeks ago, we got a report that the cost of a college education is outstripping the ability of middle-class families to pay for it, and certainly lower income families to pay for it.

Earlier this day, you took away the promise of this President to increase the Pell grant by $50. He originally promised to raise it to $5,100. But, no, you couldn't keep that promise, the President couldn't keep his, you didn't keep his promise, nobody kept the promise to the students. Somehow you are just not able to keep your promises. What happens is that these students here are punished because of your inability to keep your promises.

No, the House is not out of order, you are out of order because you are hurting the students of this Nation, you are hurting their families, you are piling on the debt, you are piling on the interest rates, you are increasing the cost to the students and to their families. You ought to be ashamed of it. Because the taxes that these kids are going to have to pay and their families pay are way beyond what is fair to do to them. It is a tragedy, an absolute tragedy that you would do this to young people.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings or other audible conversation is in violation of the rules of the House. The Chair would further remind Members that they are not to refer to persons in the gallery. Finally, the Chair would request that all Members respect the gavel.

Mr. NUSSLE. Mr. Speaker, I yield 1 minute to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. I would like to engage the gentleman from Georgia (Mr. DEAL), chairman of the Subcommittee on Health, in a colloquy.

Mr. Chairman, in the bill before us, we do make significant changes in the way we pay pharmacies for Medicaid prescription drugs. I am very concerned that these payment rates will significantly reduce access to prescription drugs for Medicaid beneficiaries in districts like mine particularly, which is quite rural. I think that we need to make sure that our Nation's community pharmacies are adequately compensated for Medicaid prescription drugs. I would like to ask you if you could to explain the new provision that calls for a GAO study on pharmacy reimbursement.

Mr. DEAL of Georgia. Mr. Speaker, will the gentlewoman yield?

Mrs. EMERSON. I yield to the gentleman from Georgia.

Mr. DEAL of Georgia. In the manager's amendment, we provide for a GAO study that would authorize the Secretary to delay the implementation of the new reimbursement structure if the study finds that the average payment rates to pharmacists for drugs under the new Medicaid program are below the pharmacy acquisition cost. We think that this study will determine whether pharmacies are paid adequately and that we continue to provide access to Medicaid recipients for prescription medications.

Mrs. EMERSON. Mr. Chairman, I am hopeful that we might have the opportunity in conference to clarify in the GAO study that prior to implementation, States would be required to submit to the Secretary of HHS the amounts they would propose to pay pharmacies under this new payment formula. Would you be willing to work with me on this.

Mr. DEAL of Georgia. Yes.

Mr. NUSSLE. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. KING).

Mr. KING of New York. I thank the gentleman for yielding.

Mr. Speaker, I would like to enter into a colloquy with the gentleman from Texas, the chairman of the Energy and Commerce Committee, regarding the Digital Television Transition Act of 2005 which is included in title III of H.R. 4241. Section 3406 of this bill directs the NTIA to establish a new $500 million interoperability grant program for first responders.

Chairman BARTON, I strongly believe the Department of Homeland Security should be given, at the very least, a strong consultative role in the administration of these grant funds. Given the Department's expertise in administering first responder grant programs and its responsibility for establishing and implementing the national policy on interoperable communications, I would ask the chairman to ensure that this new grant program uses standards, grant guidance and technical assistance established by the Offices for Domestic Preparedness and Interoperability and Compatibility. I would ask the chairman to seek such a resolution in conference.

Mr. BARTON of Texas. Mr. Chairman, will the gentleman yield?

Mr. KING of New York. I yield to the gentleman from Texas.

Mr. BARTON of Texas. I appreciate the comments of the gentleman from New York, who is also the chairman of the Committee on Homeland Security.

Chairman KING, I agree the Department of Homeland Security should have a strong consultative role in administering this new program. The Department of Homeland Security standards and grant guidance for interoperable communications must be used to ensure consistency in the administration of this new $500 million program.

It is too late at this point to amend the language establishing the program, but I pledge to work with you and your committee to resolve this issue during conference.

Mr. KING of New York. Reclaiming my time, I thank the gentleman for his comments. I appreciate your willingness to address our policy concerns.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1½ minutes to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Speaker, the bill we consider today cuts over $50 billion from essential programs that help Americans struggling just to get by. Over a quarter of these cuts, a staggering $14.3 billion, will be slashed from student aid programs, the largest cut in the history of these programs. According to a new CBO estimate, much of these so-called savings are generated by forcing students and parents to pay nearly $8 billion in new fees and increased interest rates. These cuts will force individual students and their families to pay as much as $5,800 more for college.

Why would Congress want to force students to pay more for college? The harsh truth, Mr. Speaker, is that the underlying intent of this bill is to balance the massive deficit and pay for additional tax cuts on the backs of students already struggling to pay for college. Instead of reinvesting the so-called savings into making college more accessible and affordable, we will vote later to hand out an additional $70 billion in tax cuts. These additional tax cuts, Mr. Speaker, will benefit the wealthiest in our country while increasing the burden on ordinary Americans.

Mr. Speaker, our budget decisions reflect our values. This bill does not reflect the values that I cherish. I oppose this Robin-Hood-in-reverse bill. I ask my colleagues to vote their conscience and oppose this merciless reconciliation package.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. I thank the gentleman from California for yielding.

Parents and students, please take note. College will soon become a lot more expensive if these budget cuts pass. Yes, at a time when college costs are rising and students are struggling to afford college, this bill cuts over $14.3 billion from Federal student aid programs. This represents the largest cut in the history of the student aid programs at a time when the College Board tells us that this is the most expensive semester ever.

This bill includes nearly $8 billion in new charges that will raise the cost of college loans through new fees and higher interest for millions of American students and families who borrow for college. While millionaires will soon gain another $19,000 tax break, the typical student already saddled with $17,500 in debt faces $5,800 more in new fees and higher interest rates. To whom does this make sense? We all know that championing tax cuts for the wealthiest Americans by punching holes in middle-class priorities is the hallmark of this administration's failed economic policies. But the burden should not be placed on the backs of students. All of us should rise in strong opposition to this legislation, for it will hurt the very generation that will eventually lead this country.

Mr. Speaker, I strongly urge my colleagues to vote against this unprecedented raid on student aid.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise today to support America's college students. Our competitiveness in the global economy is built on a foundation of a highly educated workforce. My Republican colleagues feel higher education is a privilege and not a necessity for American students. The Republican strategy to cut and gut Federal financial aid by over $14 billion for its students hurts families and threatens America's competitiveness. The Republican raid on student aid makes the largest cut in the history of financial aid while also increasing the deficit by $20 billion, adding more debt on the backs of hardworking Americans and students.

Tim McDonald who attends Hamline University in St. Paul, Minnesota, told me and other students last week: "The generation that benefited from highly subsidized affordable higher education is now pulling the ladder up with them and forcing us to finance debt not only of our own education but of their tax cuts."

Congress should promote hope and opportunity and provide America's scientists, engineers, entrepreneurs, police, nurses and teachers, our future leaders, with the skills and knowledge and opportunity to keep America strong and prosperous. These budget cuts cut and gut the resources that students depend upon to achieve their career goals and to contribute to America. Instead of investing in students, instead of investing in America's future, this reconciliation forces students to pay the price for the mismanaged Republican budget.

I rise today to support America's college students and our nation's higher education institutions.

Our competitiveness in the global economy is built on the foundation of a highly educated workforce.

My Republican colleagues feel financial aid for higher education is a privilege, not a necessity for American students.

The Republican strategy to cut and gut federal financial aid by over $14 billion hurts students, hurts families and threatens America's competitiveness. Harming higher education harms America.

The Republican raid on student aid makes the largest cut in the history of financial aid, while also increasing the deficit by $20 billion—adding more debt on the backs of hard working Americans . . . and students.

Tim McDonald attends Hamline University in St. Paul, Minnesota. Last week speaking against these cuts Tim said:

"The generation that benefited from highly-subsidized, affordable higher education is now pulling the ladder up with them and forcing us to debt finance not only our own education, but their tax cuts . . ."

Congress should promote hope and opportunity. Vocational and technical schools and our colleges and universities provide America's scientists, engineers, entrepreneurs, police, nurses, and teachers—our future leaders with the skills, knowledge and opportunity to keep America strong and prosperous.

This budget cuts and guts the resources students depend upon to achieve their career goals and contribute to America.

Instead of investing in students, instead of investing in America's future, this reconciliation forces students to pay the price for a mismanaged Republican budget.

I ask my Republican colleagues to protect America's economic future, to not abandon the next generation and to DEFEAT the cutting and gutting of hope and opportunity for American students.

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Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1½ minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, this plan has $70 billion in tax cuts, $50 billion in spending cuts, and therefore adds $24 billion to the national debt. Let us look at one of those cuts, cuts in student aid. We know that your future opportunities depend on your education, and college will enhance your education.

Unfortunately, 400,000 children cannot go to college because they cannot afford to. It will get worse before it gets better. In the last 4 years, the cost of a public college education went up $3,000. The maximum Pell grant in this package as adopted will not go up at all. This bill cuts over $14 billion over 5 years from student aid, adding up to $5,800 per student of what they have got to pay on those loans. That is not the right vision for the future.

It is particularly egregious when you look at the tax cuts that go into effect next year. One tax cut goes into effect involving personal exemptions and standard deductions. Mr. Speaker, this is a chart of who gets it. Under $200,000, you cannot even see what you get. Millionaires get $19,000; $500,000 to $1 million, over $4,000. Ninety-seven percent of this tax cut goes to those making over $200,000. Fully phased in, it is $100 billion over 5 years.

While this tax cut is going into effect, we are cutting student aid by $14 billion, denying many students an opportunity to go to college, and, saddling many others with up to $5,800 in new debt. We can do better than that. We ought defeat this resolution and not saddle those children with additional debt.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank the gentleman from California (Mr. GEORGE MILLER) for his leadership in education.

Mr. Speaker, tonight's debate really is not about fiscal responsibility. That ship sailed almost 2 years ago to the day when the Republican majority passed the largest expansion of entitlement in the last 40 years with the new prescription drug bill that they refused to pay for. They sold it as $400 billion. It is closer to $1.2 trillion today with no cost control and refusing to pay for it.

Tonight's debate is about what the values and priority of our Nation will be. Is it going to be another round of large tax cuts for the most well off, or will it be an investment in the education future of our students? They are choosing the tax cut.

This raid on student aid that we have been talking about is the largest cut in the student financial aid program in our Nation's history. The nonpartisan Congressional Budget Office has stated that it is going to add, to the average student, over $5,800 in up-front fees and higher interest payments through their collegiate career.

This is happening when one-half of low-income students in this country today who are qualified and want to go on to school cannot because they cannot afford it. This is happening when countries like China and India and South Korea and Japan are ramping up their education investment in their students' future. This is happening when China last year graduated nine times the number of engineers that we did. China last year graduated more English-speaking engineers than we did in this country. This is a recipe for economic disaster in their budget.

Instead, what we need to be doing is investing in economic growth. We are leaving too many of our students behind today when we need them advancing their skills and knowledge base more than ever. At a time when our long-term economic and national security hangs in the balance, it is as if the Republicans want to unilaterally disarm in the race for global creativity and innovation. Instead of being so eager to dismantle the New Deal, we should be offering the American people a new, new deal with the hope and promise of helping all Americans develop the skills and tools they need to compete in the global marketplace. This budget does not do it. We can do better.

I encourage my colleagues to defeat this proposal.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield the remaining time to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, it is true that dogs collect fleas, and so do large fiscal year bills. This bill is no exception. I want to talk about one of those fleas infesting this bill. One of the worst infestations in this bill is a provision slipped in in the dead of night, like many of these things happen, that will essentially give away America's most pristine areas in our national forests to the special interest friends of the majority party.

There is a provision in this bill that will allow places that have been "patented for mining," to be essentially given away to these special interest companies that can take our most pristine national forests, somewhere between 300,000 and 20 million acres, and give it away to special interests, give it away to special interests and increase the deficit at the same time.

What will happen with that property? Anything the special interests of the majority party wants. It is not about mining. There is a provision in this bill that will allow your special interest friends to come into the Mount Baker National Forest in Washington, the national forest in Colorado, the national forests of California, take that property, pay the taxpayers nickels, literally nickels, and take that property away from the people that want to enjoy those national forests right now.

It is bad enough that that bill will leave future generations $1 billion of debt. You would think you would give them the Cerces to take their kids out to be able to have a picnic in the national forest, portions of which will be gone because you want to feed the rapacious appetites of your special interest friends.

This is a rip-off of American taxpayers. It is unfair to the kids that want to go up to the national forests and enjoy this property. There is no excuse for it. You are doing it in the dead of the night. You ought to be ashamed.

There is nothing sacred to the Republican Party except tax cuts. You would sell anything in America to finance your tax cuts. The Washington monument could be next. This is a shame.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY). The Chair again reminds Members to direct their remarks to the Chair.

Mr. NUSSLE. Mr. Speaker, I am trying to find where we are taking away picnics now. I am looking for picnics in here. I may not vote for this now. I did not realize we were taking away picnics, of all things. My goodness. How could we do that, my friend.

I would now like to yield to the very distinguished gentlewoman from Florida (Ms. GINNY BROWN-WAITE) for 2½ minutes.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, Federal spending has been on the rise. Over the period of time from 2001 to 2005, inflation has only gone up 12 percent during that period of time. However, when you look at the various other government spending programs, they have gone up anywhere from 21 percent all the way up to 99 percent for education.

Believe me, government has grown. It has grown to the point where our constituents are saying, stop already, make some changes. The significance of this chart is how much government has grown. A lot of it was due to 9/11; a lot of it was due to the slowdown in the economy.

The time has come where we need to start cutting back on the future growth. That is all that this does is cut back on the future growth. That is all that this does by one-tenth of 1 percent.

I heard somebody say, where is the Democrat plan? Well, their plan would increase spending by $21.5 billion, provide $54 billion in new taxes and virtually no cuts. It would grow the government. That is not what our constituents and that is not what our taxpayers want us to do.

Democrats have opposed virtually every spending bill recently. Why? Because the bills do not spend enough. It is not that they are spending too much. They do not spend enough, because no sum is too great ever to spend on their pet issue of the day.

The Republicans standing with me today have made it clear to constituents that the time has come for Congress to finally control the growth of Federal spending. That is what we are talking about, reducing government waste, inefficiencies, and putting common-sense measures in place to help reduce the Federal debt.

It is time we put some commonplace measures into place to help reduce the Federal debt to help stop this out-of-control growth of government. Ladies and gentlemen, that is what the bill we have before us tonight does.

Mr. SPRATT. Mr. Speaker, I yield 30 seconds to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I hope everybody in America knows, I say to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), your party has been in charge for all 5 of the years that spending has gone out of control, and your conservatives are telling you just that, including Mr. Dick Armey, your former majority leader. It is you who have allowed spending to go out of control.

☐ 0030

Mr. SPRATT. Mr. Speaker, I yield 1½ minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I thank the gentleman, the distinguished ranking member for yielding me time.

Mr. Speaker, we know that the reconciliation package the Republicans have put together before us tonight is unfair and will increase the deficit. We have an analysis documenting that unfairness by the Democratic staff of the Joint Economic Committee which I will be placing in the RECORD.

The spending cuts hit programs that benefit middle and lower income families while the tax cuts go overwhelmingly to very high income people. For example, families in the bottom fifth of the income distribution receive only 3 percent of family income, but they are being asked to absorb 22 percent of the cuts in spending for individuals. When you put together the tax cuts and the spending cuts, you see that the richest 20 percent of the income distribution receives benefits from tax cuts that far outweigh their losses from the spending cuts.

In contrast, middle and lower income families, the remaining 80 percent of all families in our country, lose more from program cuts than they gain from tax cuts. This is terribly unfair. This plan does not reflect American values. We can do better.

THE IMPACT ON FAMILIES OF THE HOUSE BUDGET RECONCILIATION PACKAGE

JOINT ECONOMIC COMMITTEE DEMOCRATS

Senator Jack Reed (D-RI)—Ranking Democrat

Representative Carolyn Maloney (D-NY)—Senior House Democrat

November 17, 2005

Summary

The FY 2006 House budget reconciliation plan will increase the federal budget deficit and is unfair in its impact on families.

The deficit will increase because reconciled spending cuts of $50 billion are not sufficient to offset reconciled tax cuts of nearly $60 billion, which could rise to $70 billion in a future conference agreement.

The plan is unfair because the spending cuts affect programs that benefit middle and lower-income families, while the tax cuts go mainly to very high-income people.

Spending Cuts

Of the $50 billion in reconciled spending cuts, about $22 billion are in payments for individuals that can be allocated by family income group (Table 1).

That $22 billion is spread relatively evenly across families in all income groups. But because income is so unevenly distributed, the share of spending cuts borne by low-income families is substantially larger than their share of total income (Table 2). For example, families in the bottom fifth of the income distribution receive only about 3 percent of total income, but they bear 22 percent of the total cuts in spending on payments for individuals.

The remaining reconciled cuts and offsetting receipts do not directly reduce payments for individuals, such as the proceeds from auctioning electromagnetic spectrum licenses. Nevertheless, some of the additional cuts will hurt vulnerable families. For example, the roughly $5 billion in cuts to child support enforcement efforts will reduce payments to single parents and their children by over $7 billion.

Tax Cuts

Of the $57 billion in tax cuts, $28 billion are in taxes on individuals that are allocable by income group (Table 3).

By far the largest amount ($23 billion) of the tax cuts for individuals that can be allocated by family income group accrue to the richest 20 percent of families (Chart 1).

Most of the taxes that are not directly allocated in this analysis are business tax cuts that would also end up benefiting high-income taxpayers.

Net Impact

The top 20 percent of the income distribution receives benefits from the tax cuts that far offset losses from the spending cuts (Chart 1).

Middle and lower income families (the bottom 80 percent of all families) lose more from program cuts than they gain from tax cuts.

TABLE 1.—HOUSE SPENDING RECONCILIATION BILL MAJOR PROVISIONS

[In billions]

Provision	Change in outlays 2006–2010
Payments for individuals, allocable by income group	
Program cuts:	
Student loan programs [a]	−13.8
Medicaid	−8.4
Farm programs	−2.9
Food stamps	−0.8
Supplemental Security Income	−0.7
Child welfare services	−0.6
Program cuts, subtotal	−27.1
Program expansions:	
Katrina health care relief	2.6
Other provisions [b]	2.4
Program expansions, subtotal	4.9
Net impact, payments for individuals	−22.2
Other provisions	
Spectrum auction proceeds [c]	−8.7
PBGC premium increases	−6.2
Child support enforcement cuts	−4.9
Medicaid [d]	−3.0
Dumping and subsidy offset repeal	−3.2
Other [e]	−1.7
Total, other provisions	−27.8
Total	−50.0

Source: CBO, Estimated Budgetary Impact of House Reconciliation Recommendations (HR 4241), and JEC Democratic Staff calculations.

[a] Excludes student loan provision reducing guaranty agencies' share of collections.

[b] Includes funding for LIHEAP, TANF, and child care.

[c] Includes offsetting spending for digital transition and public safety.

[d] Includes limits on pharmacy reimbursement and other unallocable provisions.

[e] Includes proceeds from selling federal land, increasing visa fees, and other provisions.

TABLE 2.—DISTRIBUTIONAL IMPACT OF HOUSE SPENDING CUTS IN PAYMENTS FOR INDIVIDUALS

[Share of spending cuts and share of family income by family income group]

Income group (quintile)	Share of spending cuts * (percent)	Share of family income (percent)
Bottom 20 percent	22	3
Second 20 percent	17	8
Middle 20 percent	15	14
Fourth 20 percent	17	23
Top 20 percent	29	52

Source: JEC Democratic Staff calculations using data from CBO and Census Bureau public use files.

* $22.2 billion of cuts in payments for individuals allocable by income group from Table 1.

TABLE 3.—HOUSE TAX RECONCILIATION BILL MAJOR PROVISIONS

[in billions]

Provision	Change in revenues 2006–2010
Extension of Certain Expiring Tax Provisions	
Taxes on Individuals allocable by income group:	
Lower tax rates on dividends through 2010	−13.3
Lower tax rates on capital gains through 2010	−7.3
Extend above-the-line tuition deduction through 2006	−1.7
Extend retirement savers credit through 2008	−2.9
Continue to allow personal credits against AMT through 2006	−2.8
Subtotal	−28.0
Other Taxes on Individuals:	
Extend deduction for state and local sales taxes through 2006*	−2.6
Total Taxes on Individuals	−30.6
Taxes on Businesses:	
Extend small business expensing through 2009	−7.3
Extend research and experimentation credit through 2006	−10.0
Other Extensions and Modifications	−8.8
Total	−56.7

Source: JCT, Estimated Revenue Effects of the Chairman's Amendment in the Nature of a Substitute to H.R. 4297, the "Tax Relief Extension Reconciliation Act of 2005," JCX-79-05, November 15, 2005, and JEC Democratic Staff estimates.

* There are no direct estimates of the distributional impact of extending this deduction.

Mr. NUSSLE. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HERGER), a member of the Ways and Means Committee, and the Ways and Means Committee has contributed reform to this package.

Mr. HERGER. Mr. Speaker, I rise in support of the Deficit Reduction Act of 2005. Congress must make the hard decisions to rein in Federal spending. The legislation before us today does just that by reducing or eliminating waste or unnecessary Federal spending across a range of programs.

I would like to thank the gentleman from California (Mr. THOMAS) and my fellow Ways and Means Committee members for their support in bringing this legislation to the floor this evening. Overall, the provisions in this legislation produced by the Ways and Means Committee saves over $8 billion over the next 5 years through common sense reforms that fix or clarify current law.

These changes target spending on administration, not benefits meant to be paid under current law. For example, this legislation ends double dipping on certain child support bonus funds. The bonus funds will continue. The double dipping will end. This change will save $1.6 billion over the next 5 years.

This legislation also extends and improves the 1996 welfare reform so even more parents will be able to leave welfare for work. It provides full funding for the Temporary Assistance to Needy Families Programs despite a 60 percent welfare caseload decline. It increases child care funding to support more work, and it encourages and supports healthy marriages and stronger families to further reduce poverty.

Mr. Speaker, I urge all Members to support these common-sense reforms.

Mr. SPRATT. Mr. Speaker, I yield 1½ minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, this Congress is set to vote on a budget that will cut education and health care investments in order to make room for $70 billion in tax cuts for the wealthiest Americans.

If you are asking yourself what kind of Congress passes a budget that cuts $9.5 billion from Medicaid adversely affecting 6 million children while overpaying HMOs by $10 billion, look no further. A Republican Congress.

What kind of Congress hands out $14.5 billion in tax subsidies to oil and gas companies, and yet cuts $14.5 billion in college tuition assistance? Look no further than a Republican Congress.

What kind of Congress cuts child care assistance to 330,000 children while giving special tax breaks to bow and arrow manufacturers and logging companies. Look no further than a Republican Congress.

Child care, child support, children's health care, college tuition assistance. You guys give a whole new meaning to women and children first.

When George Bush in 2000 declared he was opposed to nation building, who knew it was America he was talking about.

This budget continues your policies of cutting taxes for the wealthiest 1 percent in America, while cutting child support, children's health care, child support collection and child care assistance as well as college tuition assistance. Have you no shame? Have you no decency when it comes to America's future? Then you stand up here having added $3 trillion to the Nation's debt in 5 short years and declare yourself that you believe we have to put our fiscal house in order, and all the while you add to the Nation's deficit.

Thank you very much. No one has quite said thank you for all your hard work.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY). The Chair would once again remind all Members to direct their remarks to the Chair.

Mr. NUSSLE. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. BEAUPREZ).

Mr. BEAUPREZ. Mr. Speaker, as we get close to the end this has been an interesting debate to listen to tonight.

If I listen to all the eloquence from the other side of the aisle, I must think this is surely the only place in the United States of America that believes we do not spend enough, nor tax enough.

I tell you what, I could go into any sale barn, any peach orchard, any machine shop, any office building, sit around any kitchen table in my State of Colorado, and I could ask that question and they would tell me straight up, no, we do not believe that the United States Congress handles our money quite as efficiently as maybe they could.

Do you know what we are talking about here tonight? Over the next 5 years, reducing the rate of increase by a mere one-third plus or minus of 1 percent. One-third of a cent on a dollar rate of increase.

Now, go back home and ask the folks in your district, the folks that live across the street, the folks you go to church with if they really believe we are so good in the United States Congress with their tax dollars that somehow, someway we could not find one-third of a penny of savings out of their dollar. You know how we are finding it. We are finding it by saying, you know, folks, if you want to get in the nursing home and you happen to have three-quarters of a million dollars of equity in your house, maybe you ought to take care of yourself for a little while.

We are saying that if you sign an oath that when you immigrated to the United States America that you will not become a ward of the State, you will be self-sufficient, we think you ought to abide by that oath for 7 years. We are saying that student loans actually ought to go to students, not just brokers who trade them around in the market and try to make a buck off the deal. That is the kind of savings and efficiency that I think we all said we are going to come here to try to find for the American taxpayer. Tonight we have got a choice.

Mr. SPRATT. Mr. Speaker, I yield 6 minutes to the gentleman from Maryland (Mr. HOYER), the distinguished Whip of the Democratic Party.

Mr. HOYER. Mr. Speaker, I tell my friend, the chairman of the Budget Committee, this bill is no picnic.

Mr. Speaker, for 5 years, the Republican Party in Washington has pursued the most irresponsible and dangerous fiscal policies in the history of this country. Today, they claim they are getting tough on spending, that they are restoring fiscal discipline. I suppose that is the fiscal discipline that they threw away over the last 5 years.

I say to my friends on the other side of the aisle, I have been a Member of this House for 25 years. For 17 of those years, there has been a Republican President in the United States of America. The one person that can stop spending in its tracks, none of the rest of us can, we can vote but only one of us in the government can stop spending in its tracks and that is the President of the United States. And during those 17 years that we have had Republican Presidents, every year without exception we have had large deficits. For 8 years, we had a Democratic President, and for 4 years we had surpluses, 4 straight years.

In every single one of those years that the Republican Presidents presided we had large and growing deficits. This bill today will perpetuate that Republican performance.

Five years ago, the Bush administration and this Republican Congress inherited a projected 10-year surplus of $5.6 trillion according to President Bush. President Bush promised the American people when he offered his economic program, "We can proceed with tax relief without fear of budget deficits even if the economy softens." But almost immediately, the Washington Republicans enacted policies that instigated deficit and debt that will immorally force our children to pay our bills and then threaten our Nation's future.

Under President Clinton, we had $559 billion of surplus in his last 4 years. Under your 5 years, I tell the amused chairman of the Budget Committee, you have planned and achieved $1.57 trillion of debt. At the very same time, Republicans have raised the debt limit four times. $4.15 trillion of additional debt during your last 5 years.

Do you know how much during the last 4 years of the Clinton years we raised it? Zero. Zero. You talk about fiscal responsibility and the gentleman from California (Mr. THOMAS) says you had a Republican majority. Is that not wonderful? My, my, my, you could do it when you had President Clinton as President but you cannot do it when you have President Bush. Is that not a strange thing to happen? In 5 short years they have driven us $3 trillion deeper in debt.

Today Republicans say they want to restore fiscal discipline. All of America must ask, Why do you insult our intelligence?

President Bush has not vetoed one spending bill that you have offered. If spending is out of control, it is out of control because you let it get out of control, you planned to get it out of control, and you passed bills that put it out of control.

Republicans rammed a prescription drug bill through. They told us, which was not true and they knew it not to be true, it was going to cost $395 billion. Why? Because your budget said you were going to spend $400 billion. That was a lie. You knew it was not true. In fact, 2 months later, you came by and said, no, it is 524. Now, it is over a trillion dollars.

You claim that you are cutting spending by $50 billion, but you are coming with a tax bill that is going to cut $57 billion in revenue, a net increase of the deficit. That is why you have had 17 straight years under your Presidents of deficits.

Look at the facts. I implore my colleagues on the other side of the aisle, face fiscal reality. Stop posturing, vote no on this irresponsible bill. Join Democrats in adopting a budget plan as we offered that balanced the budget in ten years. You did not even plan to balance it.

Let me read now a quote. "We do not touch Social Security. It does not touch Medicare. This budget accomplishes the largest reduction of the debt held by the public in our history. By the end of 10 years of this budget, we will have eliminated the debt held by the public." Chairman JIM NUSSLE, May 25, 2001.

☐ 0045

$1.57 trillion in budget deficits and $3 trillion later additional debt on the national debt. The gentleman from Iowa's (Mr. NUSSLE) representation was totally, absolutely, unconscionably wrong in 2001, and your predictions today are equally in error.

Vote against this bad bill.

Mr. NUSSLE. Mr. Speaker, except the gentleman forgot Osama bin Laden, and I thank the gentleman for that.

Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from Wisconsin (Mr. RYAN), a member of the committee, so maybe he can answer some of the diatribe that we heard.

Mr. RYAN of Wisconsin. Mr. Speaker, in 2 minutes I will try to answer all of that diatribe. It is going to be very challenging.

Number one, the last speaker talked about all the new spending. Every time we brought a spending bill to the floor of the House, an appropriations bill, a budget bill, a Medicare bill, what did they do? They proposed more spending. Our budget on Medicare, $400 billion. Their bill on Medicare, $1 trillion. What did our budget on Medicare come in at? $319 billion because competition is working.

Mr. Speaker, let us put this in perspective. Look at the rhetoric we have been hearing tonight: deep cuts; draconian cuts to government; we are hurting women; we are hurting children; we are hurting children with cystic fibrosis; we are taking picnics away from tourists; we are burning the house down. What is this budget doing?

Mr. Speaker, this budget, if it does not pass, the government will spend over the next 5 years $13.855 trillion. With this budget, the government will spend over the next 5 years $13.795 trillion. We are talking about growing entitlement spending at 6.3 percent instead of 6.4 percent, a one-tenth of 1 percent reduction in the increase of spending. Yet you would think the world would be coming to an end.

There is a difference here. There is a difference in philosophy, Mr. Speaker, it is this: they are talking about tax cuts. They are talking about big tax cuts. Their definition of tax cuts is not raising taxes because this budget does not cut taxes. This budget keeps taxes where they are. We are simply proposing that we do not raise taxes; and, instead, we want to control spending. What is it they are offering? No spending control and more tax increases.

We are going into a very expensive winter. Where I come from in Wisconsin, we are going to have a cold winter. We are going to have high heating bills. We are going to have to pay a lot for our heating bills. We have high health care costs. Why on Earth would we want to stick our constituents, the American people, with more taxes?

Mr. Speaker, we should vote for this bill to control spending and keep taxes low and disallow their world view of higher spending and higher taxes.

Mr. NUSSLE. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. SHAW), a very distinguished gentleman from the Ways and Means Committee.

Mr. SHAW. Mr. Speaker, I thank the chairman for yielding me this time.

Anyone watching this debate tonight must be very, very confused. Are we talking about cuts? What are we talking about? Are we talking about taxes? Taxes are not a part of this bill. Are we talking about cuts? Let me tell you what is happening under just the Ways and Means portion of this bill.

The programs affected in this legislation within my committee's jurisdiction grow. Let me repeat that. Federal spending for the open-ended entitlement programs that are affected in any way by changes in this legislation will grow. These programs include cash welfare, yes, child care, child support enforcement, also foster care and disability benefits.

This year, the Federal Government will spend about $68 billion on this set of programs. That is almost $650 in spending per household in America, and that is before we start counting any spending on health care, retirement, defense, education and other programs; and guess what, spending on these programs, they will grow under this legislation.

Five years from now, we will spend $74 billion on them or $6 billion more than today; but because the spending 5 years from now will not be a projected $76 billion, or about $8 billion more than today, compared with a $6 billion increase provided in this bill, we are supposedly engaging in draconian cuts.

Mr. Speaker, figures do not lie, and neither should we.

Mr. NUSSLE. Mr. Speaker, I yield myself 4½ minutes.

Mr. Speaker, it is interesting. The Democrats come to the floor and they want us to only remember two parts of a very large story. They want us to remember back in May now of 2001. It is kind of an interesting date they picked out of the air, May of 2001. What a wonderful time. Can we all remember back to that time of innocence? Can we all remember back to that time? They want us to remember a time of surpluses. Everything was perfect. They make it sound like such a blissful time.

What they do not want to remind you is that we were suffering at that very moment from a Clinton recession, a Clinton recession where the stock market bubble burst, the dot-coms were failing. We had corporate scandal, and the stock market was plummeting.

We saw some real challenges. We stepped into that breach. We made a very important economic decision that people spending their own money, investing their own money, making decisions in the towns and cities and suburbs and counties of our great land is the best way to grow our economy. It worked and we did create jobs, and we did provide prosperity, and we do know how to do it again.

But then they jump ahead. They do not want you to remember any more of 2001, not 2002, not 2003, 2004. All the way to 2005 is where their story goes next, and it is deficits as far as the eye can see. They do not want you to remember about what happened on September 11. They do not want you to remember the fact that we are now in the middle of prosecuting a global war on terror with our men and women in the field that now they want to recklessly call home and not even want to fund.

What they do not want to recall is the fact that we had reforms that we needed to put into our homeland security to protect our country. They do not want us to recall any of the emergency spending for New York or for the Pentagon. They do not want you to remember the needs that we had when natural disaster struck our country and where, in minutes, the Congress was willing to come back and spend whatever it took to make sure our people were taken care of.

They do not want you to remember any of that. They voted for it. They voted for a lot of that spending, but they do not want you to remember that. They just want you to think that Clinton caused surpluses and now we are in deficits; do not think of anything else in between.

Well, you know, there is a lot in between. It may be a good political plan what they are putting on the floor today. It may be great in a press release. It may be good in a 12-step press release by a Blue Dog budget. It may be great if you are going to go home and run attack ads. It may be great if you are just getting ready for the next election.

But if you want to govern, you need a plan. If you want to govern, you have got to put it on the table. If you want to govern, you have to be serious about the activities and not just come to the floor and be negative. If you want to govern, you need to put it out so that we can decide whether it is the right way to go or not.

Well, we have a plan. It reforms government. It grows the economy, it protects America, and it gets us moving again in a positive way that trusts Americans to make the correct decisions about their future and not trust government to do it for them.

People, individuals and families, make much better decisions about their daily lives than the government can for you. When Democrats come to the floor, their plan will be tax increases and trusting bigger government, bigger bureaucracy, more big, fancy, white buildings filled with bureaucrats to provide the compassion that they do not believe the American people will have for themselves. They have got to manufacture it through government and government bureaucracy; and that is the reason that we are here tonight, because that has not worked. Our government bureaucracy has let down the American people.

We have got to reform those programs so they deliver a quality product, and we have to do it tonight, and we are the only ones to do it. There is no point in talking to the Democrats. They are all in lock-step going to vote "no." They have decided tonight they are going to wait for the election for the American people. They are not going to do anything in the meantime except be negative.

So we have got to do it. We have got to put the plan out. We have got to support it. We have got to provide the reforms, and we have to provide the savings so that we can reduce the deficit and get back to fiscal responsibility.

Mr. SPRATT. Mr. Speaker, I yield 15 seconds to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman for the time.

1984, it was Good Morning in America, the economy was growing, President Reagan was President, Bob Dole the Republican the majority leader of the United States Senate, and big deficits, big deficits, big deficits, big deficits, big deficits.

Mr. SPRATT. Mr. Speaker, I yield the balance of our time to the gentlewoman from California (Ms. PELOSI), the minority leader.

Ms. PELOSI. Mr. Speaker, up until now I think we have had a very civil debate here this evening on a very important matter to the American people, a matter that consumes a great deal of the time of the Congress, the blueprint for what we do in the year, the budget.

Tonight, the Republicans are launching an attack on America's children and America's families; and they are also launching an attack on America's middle class, all of this to give a tax cut to the wealthiest people in our country.

This budget is a sham, and it is a shame. Democrats believe that together America can do better.

I am so proud of my Democratic colleagues tonight because they have stood proudly for fiscal responsibility.

I am so proud of the Blue Dogs and how they led this debate tonight for pay-as-you-go, for no deficit spending, for fiscal soundness so that future generations will not have to bear the brunt of the fiscal irresponsibility that the Republicans are continuing to present to the Congress.

I am proud of the gentleman from South Carolina (Mr. SPRATT) for his tremendous leadership as our ranking Democrat on the Budget Committee. He, indeed, has put forth an alternative budget, a Democratic budget, that would eliminate the deficit in 2012, was balanced in terms of its values, its priorities and in addition to its funding.

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Mr. RANGEL led the way from the Ways and Means Committee in terms of tax fairness in our country. Mr. DINGELL spoke in and his members spoke so eloquently about what would happen to Medicaid in this Republican proposal, and Mr. MILLER, of course, was relentless in his advocacy for America's students.

I have heard my Republican colleagues talk about those who disagree with their budget priorities as hypocrites and demagogues. Well, let me introduce some others to this debate who might fall into that category by our Republican colleagues' characterization.

Let me start with the National Council of Churches USA. They have written to every Member of Congress and very carefully dissected this budget, and this is what they say: "The role of government is to protect the people and work for the common good. This is not the time for the budget reconciliation process to create greater hardships for those who are already experiencing great suffering. To do so is not only unjust; it is a sin. It violates all the fundamental Christian principles of loving thy neighbor, caring for the poor, and showing mercy. As religious leaders, this is a violation that is unacceptable to us.

"How is it that we show mercy for oil millionaires and not hurricane survivors? We urge you to change this destructive course of action for the sake of our Nation and for generations to come."

I submit this for the RECORD. But first I want to read a list of those who signed the letter so that they perhaps will be labeled by our colleagues on the Republican side as hypocrites and demagogues.

The National Council of Churches USA, the Alliance of Baptists; the Diocese of the Armenian Church of America; the Evangelical Lutheran Church in America; Friends United; Philadelphia Religious Society of Friends; Greek Orthodox Archdiocese of America; International Council of Community Churches; Moravian Church in America; National Baptist Convention USA; National Missionary Baptist Convention of America; Polish National Catholic Church of America; Presbyterian Church USA; Progressive National Baptist Convention; Swedenborgian Church; United Church of Christ; General Board of Church and Society, United Methodist Church.

I am very proud, also, that we have a letter from Catholic Charities. And Catholic Charities says that it is our "tradition that teaches us that society, acting through government, has a special obligation to consider first the needs of the poor. Yet the proposed budget cuts put a disproportionate burden on the poor, those that can least afford it."

"We urge you to oppose these proposed cuts."

And that letter I wish to submit for the RECORD because it carefully goes into every detail of this budget and urges opposition. And, in fact, leaders of the faith community, indeed, came to the Capitol Rotunda to pray that Congress would make the right decision. On November 3, they said that the House Republicans seem to be saying that they literally want to take food out of the mouths of children to make rich people richer. They said budgets are moral documents and they reflect our national priorities and values. In the name of social conscience, fiscal responsibility, equality of opportunity, protecting our communities, and the very idea of the common good, they said that the faith community is drawing a moral line in the sand against these provisions in this budget.

Democrats will join the faith community in drawing a moral line in the sand, because we know that together America can do better.

My Democratic colleagues have eloquently made an indictment against this budget, which is immoral because, with more than $70 billion tax cuts which mainly benefit the wealthiest people in America, this Republican budget decimates the very programs that millions of middle class Americans rely upon to get ahead. As the number of people without health insurance has increased for 4 years in a row under the Bush administration, Republicans are charging ahead with billions of dollars in cuts in Medicaid, the health insurance program that provides medical care to America's poorest children, many of them Katrina survivors. Republicans give new meaning to the words "suffer little children."

The number of people in America go to sleep hungry because they cannot afford to buy food has risen by 7 million people in the 5 years of the Bush administration. Seven million more people go to sleep hungry because they cannot afford to buy food. That is a 12 percent increase. Republicans are slashing food assistance for America's poor children; slashing funds for preventative services and foster care for abused and neglected children when more help, not less, is needed; drastically reducing funding for child support enforcement programs, which could result in billions in reduced child support from delinquent dads for their children.

And how about this one: For our troops serving in combat zones in Iraq, they are prevented from fully accessing the low-income tax credit. How is that for honoring our men and women in uniform?

The Republicans, as the people of faith said in their document, are literally taking food out of the mouths of children to give tax cuts to America's wealthy. This is not a statement of American values. In their years in the majority, Republicans have turned budget surpluses into seas of red ink. These budget deficits are the result of misplaced Republican priorities, a refusal to join Democrats in putting forth fiscally responsible budgets, Pay-As-You-Go, no deficit spending, and shared sacrifice in spending cuts. Democrats believe that together America can do better.

And we did. I want to join my distinguished colleague from Maryland (Mr. HOYER), our distinguished whip, in singing the praises of the Democrats. In August of 1993, Democrats passed an economic package that led to historic growth in our economy, and we did so without one Republican vote. As Mr. HOYER said, in the Clinton administration, we had zero deficits. In fact, we had surplus for the last several years of the Clinton administration. We were on a trajectory of $5.6 trillion in surplus. And then the Bush administration began and that all reversed. They have taken us on a trajectory of over $4 trillion, a swing of about $10 trillion, the largest swing from surplus to deficit in our history by far, and a disgraceful one at that. The surpluses were based on Pay-As-You-Go, no deficit spending, and they were implemented with not one Republican vote for fiscal soundness.

The Republican Congress wants to give tax cuts to the rich, to subsidize oil companies which are enjoying obscene profits while American consumers are paying an increased price at the pump and an increased price for their home heating gas and oil. As the religious community said, why are we giving relief to the oil companies and not the people? They are increasing taxes on the middle class. Nineteen million middle-income Americans will have their taxes increased under this bill.

This is not a values-based budget. It is not worthy of our support. I urge my colleagues to reject this resolution that will increase our swollen budget deficits by another $20 billion, hurt our most vulnerable citizens and the middle class. Again, together, America can do better with a budget that would help Katrina and Rita survivors, veterans, students, working families struggling to fill their gas tanks, heat their homes, and afford medical care.

Democrats are proud to join the faith community in rejecting this immoral budget. I urge my colleagues to vote "no."

The material previously referred to is as follows:

NATIONAL COUNCIL OF CHURCHES USA,
New York, NY, October 19, 2005.

DEAR MEMBER OF CONGRESS: (As leaders of America's major faith communities, we write to you at a moment of great moral urgency for our Nation when hundreds of thousands of our most vulnerable citizens are at risk.) We urge you to put aside partisan politics and pass a Federal budget that reflects the moral priorities of the wide majority of Americans. (We urge you to work for, not against, the common good of all of America's citizens and not just a privileged few.)

This is a grave time in our Nation. We are in the midst of a tremendous social and economic crisis, thrust vividly into public view by the recent natural disasters along the Gulf Coast. The times demand profound changes if the quality of life is to improve for millions of families. The United States budget is a reflection of who we are and what our priorities are as a Nation. It is inconceivable—in the wake of the devastating impact of the recent natural disasters—that Congress would propose $50 billion in cuts for child care benefits, Medicaid, Temporary Assistance to Needy Families, Head Start, student loans, and other vital services for people in need. In the aftermath of these disasters, such catastrophic cuts can only deepen the pain and suffering and dramatically increase the number of people living in poverty in this Nation.

We watched as members of Congress vowed to help rebuild the Gulf Coast. We heard our representatives promise to make helping those affected by hurricanes Katrina and Rita a national priority. Yet despite those pledges, members of Congress now stand ready to cut $50 billion in essential programs that help those in need, while maintaining excessive tax cuts that help only the wealthy. The hurricanes were a natural disaster. But this proposed budget reconciliation would be a moral disaster of monumental proportions—and it is one that can be avoided.

(The role of government is to protect its people and work for the common good.) This is not the time for the budget reconciliation process to create greater hardships for those who are already experiencing great suffering.

To do so is not only unjust; it is a sin. It violates all the fundamental Christian principles of loving thy neighbor, caring for the poor, and showing mercy. As religious leaders, this violation is unacceptable to us.

(How is it that we show mercy for oil millionaires and not hurricane survivors? We urge you to change this destructive course of action for the sake of our nation and for generations to come.)

The outrage expressed by Americans across the country to the images of injustice following Hurricane Katrina—and the subsequent outpouring of generosity from these same citizens—is a message from the grassroots that our government's priorities and budget must reflect American values by helping those most in need at their time of need. Please call a halt to budget reconciliation negotiations that are detrimental and direct your attention to healing rather than harming our society.

Respectfully submitted,

Signed (as of October 19, 2005)

Bishop Thomas Hoyt, Jr., National Council of Churches USA.

Rev. Dr. Robert W. Edgar, National Council of Churches USA.

The Rev. Dr. Stan Hastey, Alliance of Baptists.

His Grace Bishop Vicken Aykazian, Diocese of the Armenian Church of America.

The Rev. Mark S. Hanson, Evangelical Lutheran Church in America.

Friend Retha McCutchen, Friends United Meeting.

Friend Thomas H. Jeavons, Philadelphia Yearly Meeting of the Religious Society of Friends.

His Grace Bishop Dimitrios, Greek Orthodox Archdiocese of America.

Rev. Michael E. Livingston, International Council of Community Churches.

His Grace Metropolitan Zachariah Nicholovos Malankara Orthodox Syrian Church.

The Rev. David L. Wickmann, Moravian Church in America.

Rev. William Shaw, National Baptist Convention USA.

Dr. Melvin Wade, National Missionary Baptist Convention of America.

The Most Reverend Robert M. Nemkovich, Polish National Catholic Church of America.

The Rev. Dr. Clifton Kirkpatrick, Presbyterian Church (U.S.A.).

The Rev. Dr. Major L. Jemison, Progressive National Baptist Convention.

Rev. Tyrone Pitts, Progressive National Baptist Convention.

Ms. Christine Laintner, Swedenborgian Church.

The Rev. John H. Thomas, United Church of Christ.

Mr. James Winkler, General Board of Church and Society, United Methodist Church.

CATHOLIC CHARITIES USA,
Alexandria, VA, November 2, 2005.

Hon. JIM NUSSLE,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR CHAIRMAN NUSSLE: On behalf of Catholic Charities USA, one of the Nation's largest private networks of social service providers with 1,400 local agencies and institutions providing essential services to over 7 million people annually, including many families who have to depend on Federal means-tested programs to survive, we would like to express our deep concern about proposals to cut Federal spending by reducing health, nutrition, and income support for some of the poorest families in the United States.

We urge you to oppose these proposed cuts in the House to programs that assist families who are working, children, the elderly and the abused which will have very serious long lasting consequences for individuals, communities and in fact our Nation as a whole.

Increasing numbers of working families are seeking assistance from our agencies to meet basic needs even with the current levels of assistance they receive. Trapped at the bottom of the labor market, they are unable to meet the rising costs in housing, heating and transportation. The expenses these families face are not optional expenses; they must provide these basic needs for their families and are falling further and further behind. Among these families has emerged a new group, who because of a natural disaster, an event totally out their control, find themselves without jobs or their homes. Those who were living on the margins before the disaster are now in fact destitute.

House committees have proposed a series of budget cuts and program changes that will in fact make it impossible for these American families trying to meet the basic necessities of life for their members. These cuts are certain to have long-term effects on the children, elderly, and physically challenged.

At the same time, the Energy and Commerce Committee proposes limiting access to Medicaid financed health care, thereby opening the door to allow states the ability to eliminate coverage for many services to children who desperately need it. Many of whom already skip eating to keep their homes and heat them will find it necessary to pay increased costs from their already stretched resources in order to receive life-saving medication and treatments or go without.

The Ways and Means Committee has chosen to meet its deficit reduction targets by targeting poor families with children. The Committee's proposals would reduce help for the very services for children for which government has a moral as well as legal responsibility: protecting and collecting child support from absent parents.

The Committee proposes that low-income grandparents who make great sacrifices to raise abused and neglected children must forego aid from the government. The proposal jeopardizes the stability of children who have been abused and neglected and who live with relatives. The child welfare system struggles to obtain stable placements for an ever-increasing number of children. Placing children in the home of extended family members whenever possible is an option that needs to be supported, not penalized by federal reimbursement policies.

The Committee's child support proposals will almost certainly increase and deepen child poverty among those families who depend on government aid to collect support from absent parents. These cuts, if implemented, would reduce federal child support program funding by 40 percent, severely reducing states' ability to collect child support for low- and moderate-income families. The Congressional Budget Office projects that child support collections would drop by $24.1 billion over the next ten years. Many states believe that these estimates understate the impact of the cuts on their ability to collect child support for families.

We are also deeply disappointed that the Committee's TANF reauthorization proposal, which is included in its reconciliation package, would sharply increase work requirements for mothers of infants and toddlers. Many middle income families make the choice for mothers to work only part time while children are small and in need of constant attention. Even parents who can afford excellent child care often choose part-time care for pre-schoolers, yet here Congress would be telling very poor single mothers that they have no choice but to put their children in full time day care while they struggle to survive on incomes which are, on average, less than half the poverty level. With all the available research pointing to the importance of the relationships and care giving of children 0-2 on their brain development, this policy seems to suggest just the opposite.

Moreover, the increased work requirement would be imposed without sufficient child care funding for even the current work requirement. Without adequate resources, parents are forced to leave children in less than desirable circumstances with little or no stimulation. In the last Congress, the House agreed to an increase of at least $1 billion for child care, yet the Committee's recommendation is only half that, despite rapidly growing need.

The House Agriculture Committee's proposal to "save" $844 million by cutting about 300,000 poor people off the Food Stamp Program is inexplicable to us when U.S. Department of Agriculture reported last week that 38.2 million people lived in households that were "food insecure" in 2004—a government measure of the number of people who have difficulty meeting their food budgets. The

USDA report shows that the number of individuals facing food insecurity increased by almost two million people between 2003 and 2004. The Agriculture Committee proposal would make it far more difficult for the working poor to qualify for food stamps, despite clear need.

In addition, legal immigrants who are already barred from receiving food stamps (and Medicaid and TANF) for the first 5 years they live and work in the U.S. would be denied food stamps for an additional 2 years. Even the poorest immigrants who work full time at very low wages and elderly and disabled immigrants who are unable to work would be denied assistance. This proposal would reverse President Bush's successful effort in 2002 to restore food stamp benefits to legal immigrants who have been in U.S. for five years.

On the other hand, the Energy and Commerce Committee package includes a provision for an additional $1 billion in mandatory spending for the Low Income Home Energy Assistance Program which is urgently needed to help offset part of the ruinous increase in home heating costs to be borne this winter by very poor elderly and disabled people and families. We urge the House to include that provision in its reconciliation bill.

Taken as a whole, the proposals for cuts in programs that support low-income working families, families who take in vulnerable children and our elderly will have long term effects on the families, communities, and our nation. They would leave the most vulnerable among us poorer, sicker, hungrier, and more isolated.

On behalf of Catholic Charities USA, I strongly urge you to oppose cuts in programs that serve the poorest people in America. Our Catholic tradition teaches that society, acting through government, has a special obligation to consider first the needs of the poor, yet the proposed budget cuts put a disproportionate burden on the poor—those that can least afford it.

Sincerely,

FR. LARRY SNYDER,
President, Catholic Charities USA.

[From the Sojourners, Nov. 3, 2005]

JIM WALLIS AND FAITH LEADERS CALL FOR A MORAL BUDGET AND URGE CONGRESS TO SAY 'NO' TO SOCIAL CUTS THAT PAY FOR TAX CUTS

Jim Wallis, the progressive evangelical founder of *Sojourners* and convener of Call to Renewal, joined several national religious leaders in a press conference today at the U.S. Capitol. Wallis and the religious leaders urged members of Congress to derail plans to make deep budget cuts that hurt poor children and families.

As the campaign to challenge the budget and tax cuts by the faith community continues to build momentum, Jim Wallis said in today's press conference: "Sometimes it takes a natural disaster to prevent a social disaster. The waters of Katrina have washed away our national denial of just how many Americans are living in poverty. But some in Congress are not paying attention. Cutting social services from this year's budget that help the poor—to pay for tax cuts for the rich—is a moral travesty that violates biblical priorities."

"Plans for deep cuts to social supports are contrary to national priorities we need to protect our most vulnerable citizens," continued Wallis. "We need strong moral leadership in Congress, especially during this time of war, record deficits, rising poverty and hunger, and natural disasters. Cutting food stamps and health care that meets the basic needs of poor families would be a moral failure."

"As this moral battle for the budget unfolds, I am calling on Members of Congress, some of whom make much out of their faith, to start some bible studies before they cast votes to cut food stamps, Medicaid, child care and more that hurt the weakest in our Nation. The faith community is drawing a moral line in the sand against these priorities. I call on political leaders to show political will in standing up for 'the least of these,' as Jesus reminds us to do."

For the past 4 weeks, Jim Wallis and religious leaders from diverse traditions have met with Members of Congress to discuss how social cuts for poor families and tax cuts for wealthy Americans are unconscionable and immoral. Budgets are moral documents and they reflect our national priorities and values. In the name of social conscience, fiscal responsibility, equality of opportunity, protecting our communities and the very idea of a 'common good,' the upcoming budget votes will be closely watched by people of faith," said Wallis.

Mr. NUSSLE. Mr. Speaker, but still no plan.

But to close on our plan, Mr. Speaker, I yield the balance of my time to the distinguished gentleman from Illinois (Mr. HASTERT), the Speaker of the House.

Mr. HASTERT. Mr. Speaker, I thank the chairman for yielding me this time.

I guess we have heard it all. We have heard an argument wrapped in religious morality. We have heard revisionist history. We have actually heard a lot of words tonight. We have had epithets thrown back and forth across this hall, which does not make me proud and probably does not make the American people. But what we have to do is do the people's work. We were elected by the American people to make a difference.

Now, I remember 1993. I remember the largest tax increase in American history. That is what they call "fiscal integrity." The American people rejected that. I also remember 1997. Maybe I have been around too long, but in 1997, we did deficit reduction. We also did welfare reform. If I remember right, we passed it once; it got vetoed. We passed it twice; it got vetoed. We passed it three times, and the President decided if he was going to get reelected, he had better sign it, and then he took credit for it.

In this body it has been the people on this side of the aisle that have done the tough work, that have done their homework, and have made a difference.

I also remember in 1999, 2000, and 2001, we paid down $500 billion of public debt. We wiped that debt off. I will tell my colleagues in 2001 we had 9/11. Three thousand people got killed in 45 minutes in this country. And we probably had to respond to that. And we have. Then we had a deficit. The great bubble of that economy burst. It did not burst on their watch, but it burst because people were overleveraged and it was overheated. But we have responded. And we have had 10 consecutive quarters of 3 percent-plus economic growth because this party has worked hard to do what the American people sent us here to do.

You can talk about meanness and mean spiritedness, but I will tell you the most mean spirited thing we can do is to leave our children with a debt that they cannot pay. We can leave our children with a deficit. And you are right. You are right. Stand up and clap because we will leave our children with a deficit that they cannot spend down or save.

I will tell my colleagues when we look at this bill, we talk about the growth in Medicaid. Governors are calling us from both parties and saying, Help us do something, help us to have a plan to reform Medicaid so that we can save some money, so that we can offer more services to more people in a better way.

And you know what? We worked at it. We did have reform. And Medicaid is growing at a 7.3 percent growth rate per year. A 7.3 percent growth rate. It has been growing for years.

Is there a better way to do it? Is there a more efficient way to do it? Should we find some reforms to make it better? Yes, we should. And we are bending that growth rate from 7.3 to 7 percent. Think about it.

The American people expect us to do what is right. The American people do not want all of these platitudes of moral indignity. They want us to go to work. They want us to do our job. They want us to provide a better life for themselves and their children, and this majority will do it. It is our responsibility. We can start right now by voting for this bill.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I would like to take this opportunity to share my concerns on the language in the Budget Reconciliation Act on Medicaid pharmacy dispensing fees. As I understand these provisions, states are required to pay dispensing fees to pharmacies for Medicaid prescriptions. While this might seem like a step forward, all states pay such fees now. Thus, we are really not assuring adequate access to pharmacies by just specifying that states have to pay a dispensing fee. I represent a state with almost 200,000 Medicaid beneficiaries and by the end of this decade, one in five Rhode Islanders will have no choice but to turn to Medicaid for basic health care. As more and more working families are forced to enroll in Medicaid, it is our duty to ensure that they are able to access providers and pharmacies to receive the care they so desperately need.

This legislation sets a minimum $8 dispensing fee for generic drugs, however there is no specific minimum fee set forth for brand drug dispensing fees in the bill. Currently, more than half of all prescription drugs dispensed in the Medicaid program are brand name drugs with no generic competition. I am concerned that we are not requiring states to provide a minimum dispensing fee for these drugs.

If states do not set appropriate dispensing fees, I am concerned that pharmacies will be paid below their cost to dispense prescription drugs in the Medicaid program. As a result, Medicaid recipients could have difficulty obtaining the prescription drugs that they need from their neighborhood pharmacy, and many pharmacies may have to close or reduce hours.

The total payment to pharmacies for the drug product and dispensing fee must be adequate to pay pharmacies to buy the drug, dispense the medication, and have a reasonable return. It is my understanding that if the current proposed reductions to pharmacy reimbursement in Medicaid are enacted, states would have to pay double or triple the dispensing fees currently being paid just so pharmacies can break even. However, states are already faced with limited funds and I am concerned that they will not choose such high dispensing fees without being required to.

Community pharmacies play a crucial role in providing Medicaid beneficiaries with lifesaving medications. I hope that my colleagues will take my comments under consideration when moving forward with these reforms in the Medicaid pharmacy payment system in order to provide adequate reimbursements to pharmacies dispensing Medicaid prescriptions.

Mr. EVANS. Mr. Speaker, I rise today in strong opposition to the so called "Deficit Reduction Act of 2005." The purpose of this bill was to rein in the deficit in order to offset the costs of rebuilding areas devastated by Hurricanes Katrina and Rita, and to aid displaced hurricane victims. Unfortunately, the Deficit Reduction Act does exactly the opposite. It raises the deficit, while cutting crucial funding for critical federal programs such as Medicaid ($11.4 billion in proposed cuts), food stamps ($796 million), student loans ($14.3 billion), and child support enforcement ($4.9 billion); programs hurricane victims need now more than ever.

The Deficit Reduction Act also hurts residents in my district by significantly cutting funding for rural development.

This legislation disguises the fact that the $50 billion it proposes in mandatory cuts will go to offset revenue lost due to the President's tax cuts passed in the budget resolution earlier this year. Additionally, this bill facilitates further tax cuts for the wealthy, leaving nothing for deficit reduction or for hurricane victims.

The Deficit Reduction Act is part of a larger budget resolution that calls for $57 billion in additional tax cuts, increasing the deficit by at least $35 billion. After the tax cuts are in place, there will not be a dime left to pay for Katrina or Rita. Why must those who suffered at the hands of the hurricanes be asked to sacrifice more?

Since 2003, Congress has passed three huge supplemental appropriations bills for the cost of the war and reconstruction in Iraq. I supported these bills because when we put troops in the field, we stand behind them. As a former Marine, I am committed to that. I ask my colleagues who support this bill this: We don't offset the costs of rebuilding Baghdad and Basra; Why do you request we offset the costs for New Orleans and Biloxi? The bottom line of this bill is that average Americans are being asked to sacrifice so wealthy Americans can receive tax cuts.

When the Bush Administration took office in 2001, it inherited a surplus and predicted that surplus would continue even if tax cuts were adopted. The Bush budget was passed by Congress and became law. In fiscal 2005 there was no surplus, but instead a deficit of $319 billion. Estimates indicate that these deficits will only get worse over the next ten years, and it will be hurricane victims and the poor who will pay for it.

Because I serve in Congress for those who need the helping hand of the government during national emergencies, or who struggle to pay for college, or who are sick and poor and rely on Medicaid, or who live in the rural communities of my district, I cannot support the Deficit Reduction Act and I will vote against its enactment in its present form.

Ms. FOXX. Mr. Speaker, as a lawmaker, we constantly must make important decisions while various forces pressure us one way or the other. Frequently "doing the right thing" is not the most popular choice. Often, "doing the right thing" for the majority of Americans could negatively impact small factions in the process. Rarely is "doing the right thing" an easy thing to do.

But "doing the right thing" is what my constituents elected me to do. "Doing the right thing" is why I first sought public office, and why I will continue to do so as long as my body allows. "Doing the right thing" is why I have consistently called for budget reconciliation and restrained spending. My constituents work hard for their money, and that money is not meant for the federal government to take and waste.

I cast a difficult vote against the massive Hurricane spending bill because it was the right thing to do. It was not easy and it was not initially popular, but it was the right thing to do. Unfortunately I lost that vote, and as a result our government slipped even deeper into a budget deficit. Just as my constituents spend less on other things when they encounter emergency costs, the federal government must do the same.

Although it wasn't the easy thing to do, we are now doing the right thing by slowing the growth of government spending to accommodate for the hurricane funding. Our Committee chairmen have been meticulous in cutting wasteful and duplicative spending so that the slowed growth that federal programs face will be minor. I am proud to have played a role in that process in the Education and Workforce and Agriculture Committees.

Over the past few weeks I have met with community pharmacists from North Carolina and my staff has spoken with dozens on the phone. The pharmacists believe that slowing the growth of the Medicaid bureaucracy will negatively impact them to the point that their pharmacies can no longer operate. As their Representative and as a customer of community pharmacies, those concerns are extremely important to me.

I approached Chairman BARTON and his staff on the issue, and if the changes made in this bill indeed adversely affect community pharmacists in the long term to the point that they can no longer operate, we must promptly revisit the topic with stand alone legislation or some other technical fix. However, I can not in good conscience vote against a bill so important to our nation's prosperity because of its effect on one important interest. That is not to say that their concerns did not weigh heavily on my mind; the good simply could not be thrown away for the perfect.

Voting for this bill is the right thing to do, and I hope we will continue to slow the growth of our federal government. My constituents know how best to spend their money—not politicians.

Mr. DINGELL. Mr. Speaker, today we are considering what my colleagues on the other side of the aisle call budget reconciliation. Ironically, the hurricanes are being used to rationalize cutting the very programs the hurricane survivors rely on. In fact, this budget will do more harm to the poor and unfortunate than the storms.

Let us be clear about the purpose of the legislation before us today: all of these spending cuts are going towards financing tax cuts. In recent years, deficits have been the largest in history—indicating that we are spending far beyond our means. I find it ironic that Republicans are calling this bill the "Deficit Reduction Act," because it will actually increase the deficit.

Republicans are asking working families to foot the bill for a massive tax giveback for the wealthy. Due to the President's previous tax policies, millionaires get an average tax cut of $103,000 a year and the new bill will continue this trend. Americans, the young, aged, sick, poor and the unfortunate will get a reduction in benefits.

I have been before this body on numerous occasions to discuss priorities, so it is not necessary to go into detail about how misguided this legislation is. I hear time and time again how the Republican fiscal policy has been working to stimulate the economy and create jobs. No one has yet seen the evidence of this so-called success. My people back in Michigan certainly are not celebrating any successes of the GOP Congress. And not just in Michigan—poll after poll shows two-thirds of the American people disapprove of the way the President is handling the economy.

I frequently hear from constituents who are struggling just to make ends meet. From veterans who are not getting medical treatment, students trying to pay for college, farmers and laborers alike—all of these people are working hard to scrape by and make a decent living in this country. At minimum wage, they would earn $10,700 per year, barely one-tenth of the average tax giveback for millionaires.

Meanwhile, my colleagues will ask these hard-working Americans to foot the bill for another massive tax giveback. Those with particularly low incomes will be hurt the most. The reconciliation package will cut food stamps, student aid and Medicaid—all are programs which largely benefit the most vulnerable members of our society.

The current conflict in Iraq has been entirely funded by the deficit. During times of war, past presidents have found ways to curb the deficit through increased revenue, closing tax loopholes and budgetary enforcement rules such as PAYGO. President Reagan realized that his tax act was causing large deficits and so in 1982 he supported a repeal of the parts of his tax bill that had not been enacted. President George H.W. Bush also realized that the deficit was getting too large and increased taxes in 1990. It may not have been politically popular, but it was the right thing to do. Shocking as it may seem to Republicans, President Bush's tax increase, along with President Clinton's balanced budget, led us into an unprecedented period of surplus and economic well-being.

This Administration and this Congress have chosen to ignore the obvious, opting instead to keep the blinders on and march forward with their reckless tax policies. Republicans complain incessantly about "tax and spend" liberals, but all I see in Congress and the White House are "spend and spend" Republicans who cut programs which benefit ordinary Americans.

I know that many of my colleagues on both sides of the aisle have doubts about this legislation and I urge them to oppose it. This is not sound policy. We can do far better.

Mr. MORAN of Virginia. Mr. Speaker, this Republican-controlled Congress has run higher annual deficits and accrued more debt than ever before in the history of our Nation. This budgetary irresponsibility is leading us down a dangerous path and must be stopped.

After the devastation of Hurricanes Katrina and Rita, and with the continuing costs of our ill-advised war in Iraq, restoring fiscal discipline has taken on added urgency.

Our responsibility today is to decide how to begin to allocate the burden of restoring financial order. Our choice is straightforward: we can place the burden on those least able to bear it by cutting financial assistance to the poor and social services programs to the needy, or we can place it on those far more able to bear it by deferring the billions in tax cuts which were enacted just two years ago, some provisions of which have yet to take effect.

How we exercise this responsibility will reflect our philosophy on government, our faithfulness to the concept of a caring community, and the values of compassion and fairness we hold most important.

The Federal Government should not retreat from its role of caring for those Americans who are most in need and of enabling every individual to participate in the remarkable opportunities that America has to offer. I believe that all Americans have a responsibility, and most have a desire, to share in our national burdens and to participate in our national response to crisis. And I believe that every action this Congress takes must reflect the values and principles that make this country so unique in its greatness.

This bill is contrary to each of these beliefs, for it imposes practically the entire burden of putting our fiscal house in order on the members of our national community who are least able to bear it.

This bill cuts more than $50 billion in mandatory spending on vital programs, such as food stamps, Medicaid, child support, student loans, SSI, and child care—$15 billion more than the $35 billion in mandatory cuts in the original budget resolution.

The bill will lead to 250,000 people losing food stamps, will result in children missing mental health treatment or simple aids like eye glasses because of the $12 billion in cuts from Medicaid, and will make it more difficult for students to pay back student loans.

The bill will cut child support programs and SSI benefits, and will force a decline in the number of children who receive child care while their single mothers work.

Soon after considering this bill, we will consider another bill that proposes to reduce federal taxes by $70 billion. These tax cuts, and the corresponding benefits, will affect a much different segment of Americans than the bill now under consideration. Indeed, the majority of these tax benefits will go to the 0.2 percent of Americans with annual incomes over $1 million. They don't need this largesse, and we cannot afford to give it to them.

Taking from the poor to give to the rich is wrong, and I believe that our constituents recognize that it's also un-American.

Mr. ETHERIDGE. Mr. Speaker, I rise in strong opposition to this Republican Budget cut package.

First, let me state that I strongly support balancing the federal budget and paying off the national debt. I am tremendously proud that during my first term in the U.S. House, Congress and the White House worked together in a bipartisan manner to balance the federal budget for the first time in a generation and produced record budget surpluses.

Unfortunately, the current Republican Congressional Leadership has produced a budget plan with harmful cuts to essential services that does nothing to reduce the budget deficits or offset the costs of recovery from Hurricane Katrina or the ongoing war in Iraq. At a time when American families are getting squeezed, the budget reconciliation package cuts funding for priorities including Medicaid, student loans, child support and food stamps that assist the working poor and the middle class.

Specifically, this legislation will cut Medicaid by $11.4 million, student loans by $14.3 billion, food stamps by $796 million and child support by $24.1 billion. The bill also breaks the promise of the Farm Bill by cutting $1 billion from agriculture support and $760 million from conservation. Although I am pleased this version of the bill abandons earlier attempts to open the Arctic Wildlife Refuge and coastal areas like the Outer Banks to oil and gas drilling and a few other modest improvements, these changes in no way compensate for the bill's fundamental flaws.

Congress should reject this legislation and go back to the drawing board to produce a responsible federal budget for the American people. I support pay-as-you-go (PAYGO) budget rules to enact budget discipline and restore fairness and equity to the budget process. I want Congress and the President to work together across the partisan divide to balance the budget once again, pay down the national debt and invest in our people and our country's economic competitiveness in the 21st century global marketplace.

I urge my colleagues to join me in voting against these senseless budget cuts.

Mr. ORTIZ. Mr. Speaker, when we passed the federal budget earlier this year, Democrats offered an alternative that would have achieved a balanced budget in 10 years . . . 10 years to spread out the pain of finally paying our bills again and freeing up the future for our children.

When we passed this budget last Spring, we were told there was no fat in it—it was all bone. Well, when you cut bone, you fall down.

Today the House is striking out . . . even if this bill passes today, let it forever be known as the "3 strikes and you're out" budget.

Strike 1: It hits hard our senior citizens, who built this great country . . .

Strike 2: It squeezes our middle class that pays the taxes and struggles to pay the household bills . . . and

Strike 3: It dumps on our children and students that represent the future of this nation. Three strikes . . . congratulations, today Congress hits all 3 components of American society with these budget cuts.

But let's get to why this bill is before us today. We're not here because the hurricanes busted the budget. . . . It's not the war . . . it's that many people in this House demand that we spend the Treasury's money on tax cuts for wealthier Americans. Period. It's about nothing more than spending this money on tax cuts—or, more appropriately: tax increases on our children.

Budgets are a reflection of who we are and what we value. The budget cuts offered in the House of Representatives today—which I oppose—simply do not represent the values that we say are important to us in this nation.

South Texans have been astounded at the depth of cuts in the federal budget, which means Texas students will be less likely to stay in school or go to college . . . Low income Texas children will be sicker with the cut in health benefits . . . Seniors will lose essential services. . . .

Today's bill will increase the deficit by $20 billion, give more tax cuts to the wealthy, and hurt those who use student loans, who need health care and who benefit from rural programs.

We have got to come up with a budget that represents the right priorities for students, seniors, Katrina families and rural Americans. We had an opportunity to vote for such a budget last Spring, with the right priorities, that paid down the deficit—authored by JOHN SPRATT—but the House rejected it.

It is incumbent upon all of us in Congress to help all Americans, not just the wealthy few. We can do better than this—and we must.

Mr. SKELTON. Mr. Speaker, budgets illustrate the values of our nation. This year's budget reconciliation bill fails to live up to the values of the people I am privileged to represent in West Central Missouri.

The Republican budget opens the 2002 Farm Bill by reducing farm, rural development, and conservation programs; slashes Medicaid; diminishes financial aid programs for Missouri's college bound students; and denies low-income working families access to food and nutrition initiatives. These reductions in critical rural programs are recommended at the same time as Republicans push for more expansive tax cuts for the wealthiest in society.

Most of us in rural Missouri pride ourselves on being prudent with our money. We balance our checkbooks each month and do not dig too deep into debt. While running a family is much different than running a country, these common sense Show-Me State values ought to be replicated in Congress.

But instead, the Republicans are plunging our country deeper into debt by passing a budget that includes more tax cuts than spending cuts. The budget bill ignores our commitments to rebuild the Gulf Coast after Hurricanes Katrina, Rita, and Wilma. It also fails to properly account for expected future supplemental spending requests for ongoing military operations.

Our nation's fiscal house is not in order and this bill does nothing to fix that. Congressional leaders and the President need to go back to the drawing board and meet in a bipartisan fashion to create a budget plan that more adequately balances the interests—and values—of the American people. When George H.W. Bush faced a similar budget crisis, he had the courage to create a bipartisan budget summit and to implement needed budget constraints. America is better for it, and I hope that our leaders today will follow that example.

Mr. Speaker, the Republican budget reconciliation bill should be defeated. Congress must do better at representing the interests of every American, not just the wealthy few. I stand ready to work with all my colleagues in a bipartisan fashion, ensuring that the budget we prepare truly represents the values of a caring nation.

Mr. HOLT. Mr. Speaker, I rise today to oppose strongly the budget reconciliation bill under consideration. Those who support this bill claim it imposes spending discipline to pay for the costs of hurricane relief; in truth, it only continues the majority's pattern of taking from the middle class and the needy to give it to the wealthiest percent.

The American people came together to respond to the devastation caused by Hurricane Katrina. Families donated record amounts to charities and opened their doors to those displaced by the storm. But now the Republicans are using Katrina to divide our Nation again. They claim that deep cuts of $54 billion are needed in programs like Medicaid, food stamps and child support enforcement to pay for hurricane relief. These cuts will neither pay for Katrina relief nor reduce the deficit. These are being used to pay for a portion of the $70 billion in tax cuts for the wealthiest Americans that we will be considering shortly.

Mr. Speaker, these cuts are being made on the backs of the working class, seniors and middle class families. In many cases, those who have the least are being made to sacrifice the most. For example, there are about one million Medicaid recipients in New Jersey. Almost half of them are children. This budget reconciliation bill would slash funding for Medicaid by $11.4 billion, putting our nation's most vulnerable citizens, including those affected by Hurricanes Katrina, Rita, and Wilma, at risk of losing the only health insurance they have.

Another provision in the bill cuts $796 million from food stamps. Again, how can the majority even consider these cuts when the hurricanes cost hundreds of thousands of Americans their homes and livelihoods? Cutting food stamps for the impoverished while giving tax breaks to wealthiest America is not just bad policy, it is immoral.

New Jersey is hit particularly hard by many of the cuts in this bill. We all know that the price of heating a home, either with natural gas or heating oil will be extremely high this year because of rising energy prices. Families are bracing for higher bills. And yet, the Low Income Home Energy Assistance Program, which helps people pay their energy bills when it is needed most is being cut by more than $10 million in New Jersey alone. As a result, about 20,000 New Jerseyans are expected to lose much needed assistance. I assume those well-to-do families receiving tax breaks instead will sleep in warm homes this winter. Why the majority is choosing this path baffles and sorely disappoints me.

The list of cuts goes on. In New Jersey alone 3,000 mothers will be dropped from the Women Infant Children (WIC) program which helps mothers care for their babies before and after birth by ensuring they get proper healthcare, food and training for being a parent. Five hundred children in New Jersey currently attending Head Start will be cut out of this important childhood education and development program. Two thousand, nine hundred low-income and disabled people will be cut from Section 8 housing vouchers, all in New Jersey alone. New Jersey will lose $11 million for cleaning water for drinking and recreation. Child support enforcement is also slashed. Mr. Speaker, I thought the majority believed in accountability and in fathers paying a fair share for the upbringing of their children. If they do, why are they cutting funding for enforcing child support collections by nearly $5 billion?

A college education will soon get even more expensive if this bill passes. 125,000 college students in New Jersey will be affected. That's because the plan makes $14.3 billion in cuts to federal student financial aid, the largest cut in history. The result will be nearly $8 billion in new charges that will raise the cost of college loans—through new fees and higher interest—for millions of American students and families who borrow to pay for college. For the typical student borrower, already saddled with $17,500 in debt, these new fees and higher interest charges could cost up to $5,800.

It is wrong to cut financial aid for students and families struggling to pay for college in order to pay for more tax breaks for the richest Americans. Financial barriers should never prevent a qualified student from going to college, and that is why America has long since made the commitment to help all Americans pay for it. Federal support for student loans is good for our economy and world leadership. Using these funds to pay for tax breaks for people who need them least robs us of an important investment in our future.

Mr. Speaker, this budget reconciliation bill is terribly misguided. Why should we have yet another tax cut for the top one percent, paid for with cuts to investments in critical areas like health, environment and education? And why, further, should we go even deeper into debt—borrowing even more money from China—for plans that we should be ashamed to force upon our children and grandchildren? Together we can do better, Mr. Speaker. I urge my colleagues to oppose this bill.

Mr. VAN HOLLEN. Mr. Speaker, I rise today in strong opposition to this reckless and misguided budget reconciliation package.

At their heart, budgets are about our priorities. And the priorities we choose reflect the values we hold dear.

Mr. Speaker, I do not believe this budget represents the priorities of the American people—and it flies directly in the face of the values that have always made this nation shine.

First of all, let's dispense with the fiction that this measure is some kind of down payment on the majority's newfound commitment to fiscal responsibility. In point of fact, the net effect of these spending cuts—when paired with their accompanying tax cuts—will be to actually increase the deficit by $20 billion. So much for fiscal responsibility.

And where are these cuts coming from? Are we scaling back the billions in excess payments to HMOs and drug companies in the Medicare bill? Or the billions in tax breaks for corporate interests in the FSC/ETI bill? Or the billions in subsidies to the fossil fuel industry in the energy bill? Of course not.

Instead, in the aftermath of a lethal hurricane, with stagnant wages and rising poverty, 45 million Americans uninsured, and unprecedented global competition, we are slashing Medicaid for the poor, food stamps for the hungry and financial assistance to families trying to afford college.

This budget is a disgrace. Parts of our Nation were recently devastated by a natural disaster. Tonight, the damage being done is entirely man-made, and entirely avoidable. The wounds are self-inflicted.

Because I sit on the Education and Workforce Committee, I want to say a word about the Republicans' unprecedented Raid on Student Aid.

When the Higher Education Act was signed into law in 1965, it began a 40-year federal commitment to throw open the doors of higher education to every college-ready student, regardless of their family's income. It was the right thing to do for our students—and the smart thing to do for our country.

You see, in addition to the importance of giving every child the opportunity to reach his or her full potential, the reality is that college graduates earn $1 million more over their lifetimes than their counterparts who don't attend college. That's an enormous return the taxpayers' original investment—an investment that is only going to get more important as we compete to win in the global marketplace of the 21st century.

Which is why it is simply astonishing that this package includes the single largest cut to federal student aid in the 40-year history of the Higher Education program. By draining $15 billion out of student financial assistance, we are effectively tacking $5800 onto the cost of college for today's average student. We are making college less affordable at a time when we should be doing precisely the opposite. Predictably, the result will be less people going to college.

The Congressional Advisory Committee on Student Financial Assistance has already projected that financial barriers will prevent 4.4 million high school graduates from attending a four-year public college over the next decade, and another two million high school graduates from attending any college at all. This reconciliation package is going to make that statistic much, much worse.

And for what? To pay—or I should really say partially pay—for tax cuts, over 50 percent of which go to the top .2 percent of households already earning over $1 million a year.

Mr. Speaker, the choices in our budgets should reflect the values and priorities of the American people. This budget fails that test. I am confident that if this budget was supposed to be a mirror of American values, the American people would not recognize themselves. We can do so much better than this.

Ms. SCHAKOWSKY. Let's have a little reality check, Mr. Speaker. There are Republicans cowering in fear right now about their vote on this immoral budget bill. That's right. There are Republicans right now, huddled in their offices, who are scared to death that their hard working constituents will be furious if they vote for cutting student loans for their kids, or cutting health care for pregnant woman and little children, or literally taking food out of the mouths of hungry kids so that rich people can get tax cuts.

Mr. Speaker, those Republicans ought to be scared and I want to offer them some friendly advice. Remember, I warned them that seniors would be very unhappy with the Medicare prescription drug bill they insisted on passing, and I was right. So now I'm warning you that, no matter how sarcastic or self-righteous your leaders get tonight, your constituents get it: cuts in health care and education for them, tax cuts for millionaires, and unprecedented increases in deficits. Don't kid yourself. The American people see it.

It is very dangerous to underestimate the American people, and there are many Republicans that know that. All the fancy arguments that say "reduced spending is not really a cut" are going nowhere, and they know it. They can walk the plank for their leaders tonight, but if they think they are going to get away with it, they should think again.

Mr. HONDA. Mr. Speaker, rise in strong opposition to H.R. 4241, legislation that will require approximately $57 billion in federal spending reductions. Deceptively titled the Deficit Reduction Act, the bill resorts to trickery—a sleight of hand in which fiscal responsibility is promised, but never delivered. H.R. 4241 could actually increase the budget deficit by $35 billion, while instituting draconian cuts to essential federal programs, such as Medicaid and student loan.

Proponents of the bill suggest that such cuts are necessary to offset the recovery and reconstruction costs of Hurricanes Katrina and Rita. This assertion is curious at best. Since 2003, Congress has approved three colossal supplemental spending bills for the war and reconstruction effort in Iraq without providing any offsets as proposed by Democrats. Why are Republicans suddenly so interested in offsetting the reconstruction of Biloxi, but not the reconstruction of Baghdad?

The American people should not be misled. These long-planned spending cuts have little to do with Biloxi or Baghdad. They, instead, are a necessary prelude to another Republican effort to shepherd through Congress tax cuts that disproportionately benefit the wealthiest Americans. In fact, the so-called Deficit Reduction Act is a part of a much broader budget resolution that calls for a total of $106 billion in additional tax cuts.

With tax cuts for the rich in the offing, Republicans propose to restore fiscal restraint by imposing cuts to federal programs that benefit the most vulnerable Americans. The bill, for example, cuts Medicaid spending by $11.4 billion. Medicaid currently provides critical health care to 50 million low-income children, families, seniors, and people with disabilities. Cutting the program will force thousands into the ranks of the uninsured.

The bill would allow states to increase cost-sharing and impose new premiums on many categories of Medicaid beneficiaries. Research shows that when cost-sharing is increased significantly for low-income people, their use of health care services declines and their health status worsens. To make matters worse, H.R. 4241 allows states, for the first time, to let health care providers refuse care if a beneficiary cannot afford the co-payment. In doing so, a state can bypass an entitlement in current law that provides children with coverage of medical care and health services. This change could negatively affect more than 1/5 of children covered by Medicaid—more than 5 million children overall.

This Republican budget reconciliation bill also calls for $14.3 billion in cuts to student loan programs. The State of California has the highest number of student borrowers at 496,822. Tuition at public universities has skyrocketed by 57 percent over the last five years, and yet the GOP proposes the largest cut in the history of student aid—resulting in the typical student borrower having to pay as much as $5,800 more for his or her college loans. Ultimately, cutting the student loan program compromises America's global competitiveness and the economic vitality of Silicon Valley.

H.R. 4241 also requires $4.9 billion in cuts to child support enforcement, dramatically impairing states' ability to enforce child support orders. In fact, the Congressional Budget Office has estimated that the bill will lead to $24.1 billion in reduced child support collections over the next ten years, including a $4.9 billion loss to California's single parents that rely on child support to survive.

The Republican leadership's reprehensible cuts sadly extend to other equally important federal priorities, including $577 million in cuts to foster care programs, $796 million to food stamps, and $732 million from the Supplemental Security Income (SSI). Millions of Americans rely on these critical federal programs as a safety net and a platform for upward mobility.

As an advocate for fiscal responsibility, I cannot support a proposal that will worsen the federal budget's bottom line, while giving short shrift to the needs of working Americans. I am proud to belong to the party of fiscal responsibility. In the 1990s, President Clinton and Congressional Democrats erased record deficits and ushered in an era of record surpluses. Our Nation now needs to return to the very practices that offered prosperity in the 1990s, which is what my Democratic colleagues and I sought to do earlier this year during debate on the FY2006 Budget Resolution. The Democratic plan would have instituted pay-as-you-go rules and balanced the budget by 2012.

The federal budget should embody our nation's values, not undermine them as this budget amendment does. President Bush and his allies in Congress have been poor stewards of our national finances by placing special interests above the people's interests, and now they expect working Americans to shoulder the costs of their reckless policies.

I oppose the appalling cuts required by H.R. 4241, and I encourage my colleagues on both sides of the aisle to vote against this harmful measure.

Mr. RAHALL. Mr. Speaker, while the Rule governing the pending budget reconciliation bill through a self-executing clause eliminated provisions that would have opened ANWR to energy development and enabled long-standing moratoria on OCS oil and gas drilling to be lifted, largely flying under the radar screen are provisions still contained in the pending legislation which would amount to the largest fire sale of federal lands in our Nation's history.

These provisions would turn the clock back on federal public land policy to the days of the Homestead Act of 1862, signed into law by President Lincoln, with a cruel twist.

The Homestead Act was appropriate in its era to help settle the West, transferring roughly 270 million acres of federal lands into the hands of private citizens for homes and farms. Largely as a result of that law, the West was transformed, it was populated, States were created, cities were built, and these areas became an integral and valuable part of the United States.

However, when the usefulness of this Act expired, it was repealed, and since the Federal Land and Management Policy Act of 1976 it has been the official policy of the United States not to divest public domain land holdings, allowing exceptions when in the public interest.

The provisions pending in the budget reconciliation bill before us today, however, would under the guise of reforming the Mining Law of 1872, signed into law by President Grant, and still on the books today, transform this law into a general federal lands sale program with no nexus to mining.

As the Denver Post editorialized today, "the amendments really aren't about mining; they're about real estate speculation." The editorial noted: "It's an invitation to condo developers, mini-mansion homebuilders and other speculators to snatch up federal lands that otherwise would never leave federal ownership."

With a wink and a nod, this budget proposal sells not just the minerals under these federal lands, but the pristine lands that just happen to be located near high-priced zip codes.

Because these provisions eliminate the existing moratorium on the patenting—the sale—of mining claims and dissociate the act of staking and maintaining a mining claim on western federal lands from having to make a showing that a valuable mineral deposit actually exists—under the subterfuge of a 'mining law' vast areas of federal lands would be put on the sales block for either $1,000 an acre or the fair market value of the surface estate, regardless, and I stress, regardless, of whether there are billions of dollars worth of underlying valuable hardrock minerals such as gold and silver.

Ironically, these provisions have the potential to put on the sales block more than 270 million acres of federal lands, equivalent to what was disposed of under the Homestead Act of 1862.

And to be clear, these land sales could take place in National Forests, Wilderness Study Areas and Areas of Critical Environmental Concern. Further, while the legislation purports to exempt National Parks, it does nothing to stop the sale of the 900 mining claims already existing in park units to developers.

We are literally looking at the prospect of McDonalds, Wal-Marts, condos, or any other type of commercial or private developments springing up smack dab within some of America's most cherished units of the National Park System.

Incredible, simply incredible, and all being done without a single Congressional hearing on these provisions.

I am on record as having requested the Rules Committee to omit these provisions from the budget reconciliation bill or in the alternative, allow me to offer an amendment which I am certain would have garnered sufficient votes to strip these egregious provisions from the legislation.

I was not afforded an opportunity to offer that amendment. But I can guarantee one thing, as this proposed massive give-away of the public's lands become more known to the American public there will be a great hue and cry.

These provisions not only turn over many of our most cherished natural resource heritage sites to development, but will rob the public of recreational activities and tourism. They will be met with "no trespassing signs" on lands they have traditionally used for hunting, fishing and other recreational pursuits.

There are alternatives. Rather than enact these horrific provisions which CBO estimates would raise a paltry $158 million over the next five years, we could, as I have long advocated, engage in real reform of the Mining Law of 1872.

We should maintain the bipartisan moratorium on the patenting of mining claims that I advocated and which has been in place since fiscal year 1994, and impose an 8% royalty on the production of valuable minerals from mining claims which would raise $350 million over the next five years.

For these reasons, and many others, I urge a no vote on this ill-conceived budget bill.

Mr. NEUGEBAUER. Mr. Speaker, the federal government is facing a serious deficit due to recession, attacks on our Nation and the ongoing war on terrorism. The good news is that the deficit is going down and, although it doesn't go as far as I would like, this legislation reduces the deficit further.

Much-needed tax relief helped boost the economy and create more than 4 million jobs since May of 2003. Following three straight years of tax relief, tax revenues are up and the deficit is down by nearly $200 billion.

The growing economy makes a difference, but Congress must also take action on the spending side of the equation. For the first time in more than 20 years, we are on track to reduce discretionary spending by almost one percent. However, more than half of federal spending takes place through programs with budgets that essentially run on auto-pilot. Until we address the runaway spending growth in these programs, which is outpacing growth of the economy, Congress will never be able to balance the budget.

Republicans in Congress have developed a plan that will reform these auto-pilot programs and save taxpayer dollars in order to reduce the deficit. The Deficit Reduction Act includes program reforms totaling nearly $50 billion in net savings over the next five years. To put this in perspective, this slows the rate of growth in the automatic portion of the budget by one-tenth of a percent. No, this is not nearly enough to close the deficit gap, but it is an important start that will have positive effects.

Although I support the savings in this bill, I am extremely disappointed that the portion of our plan that would reduce dependency on foreign oil by allowing exploration in a small portion of the Arctic Refuge was struck from the bill. Raising $3.678 billion over five years through oil and gas leases would not only help reduce the deficit but would also increase our energy security. The House has overwhelmingly voted to open ANWR in the past, and there is no good reason why this bill should not include it.

All areas of government must contribute to the savings in this bill, and agriculture is no exception. However, with high fuel costs, the last thing our producers need is to bear a disproportionate burden of the deficit-reducing effort. I worked to ensure that agriculture's contribution treats farmers fairly, protects the core policies of the 2002 Farm Bill, and looks at all areas of spending within USDA. Our plan reduces farm program direct payments by just one percent for the next four years and delays elimination of the Step 2 cotton competitiveness program until August, 2006.

I support the reforms we are making in the food stamp program to help ensure that benefits are going to those who are truly eligible and in need. Despite the claims to the contrary, we are not reducing nutrition assistance for a single U.S. citizen who meets the eligibility requirements. Rather, our reforms will direct benefits to U.S. citizens and discontinue the practice of automatically granting enrollment to certain groups of recipients without first determining their eligibility. This irresponsible practice has resulted in millions of dollars of benefits going to those who are not eligible.

Our plan strengthens Medicaid, which has helped many low-income Americans gain access to healthcare. Federal Medicaid spending has increased 97 percent since 1995 and will continue to grow by an unsustainable seven percent each year if no reforms are made.

Because Medicaid also represents a large share of state budgets, provisions offered by a bipartisan coalition of governors are included in our plan. These provisions include requiring more accurate prescription drug pricing and closing loopholes that have allowed wealthy Americans to deplete their assets and collect benefits intended for those who truly need them. We also require states to better enforce current laws and prevent illegal immigrants from getting Medicaid. These reforms will save $12 billion through the end of this decade.

Some in Congress, and their allies outside these halls, attack this plan and willfully misrepresent the effects it will have on Americans. Let's be clear: Congress is not cutting programs. What we are doing is taking a step to slow the unsustainable growth rate of these programs and reform them to prevent waste and abuse.

Those who criticize this effort have offered no alternative of their own. Because they are bereft of new ideas, they are content to carp from the sidelines. But left to their own devices, they would increase taxes on hard-working American families to grow the size of an already massive and wasteful government. The bottom line is that real solutions and responsible leadership are needed to balance the federal government's checkbook. By reforming government and renewing our commitment to hardworking American taxpayers, our plan will continue to reduce the deficit and expand the economy.

Mr. FRELINGHUYSEN. Mr. Speaker, I rise In strong support of the Deficit Reduction Act.

In recent weeks, much public and media focus has been placed on one potential provision in this legislation that called for drilling in the Arctic National Wildlife Refuge. I respect all those who have called my office and otherwise expressed their opinion about this important issue.

While I am well aware of the "pros" and "cons" of domestic drilling, I regret that this "hot button" issue has allowed some to lose focus on the basic legislation before Congress: how to reduce the federal budget deficit. This debate should be about the tough choices we are making to reduce the deficit.

Over the past several years, our fiscal priorities have reflected a historic convergence of events: a recession that began in the year 2000; the 9/11 terrorist attacks; the need to seriously upgrade security for our homeland; a multi-front war against terrorism, including Iraq and Afghanistan; AND natural disasters in South Asia and along our Gulf Coast.

At the same time, we have maintained a commitment to strengthening our economy. As a result, millions of new jobs have been created, unemployment is down, and Americans have more money in their pockets. Still, we can—and must—do better. And I am pleased that this Congress is serious about making our government more efficient.

The Fiscal Year 2006 budget resolution calls for significant reductions in federal spending. This year, the House Appropriations Committee on which I serve, passed all of its FY 2006 spending bills by July 4th—on time and under budget—holding domestic discretionary spending below last year's levels for the first time in a generation. Further, the committee eliminated 98 programs for a savings of $4.3 billion.

The Deficit Reduction Act mandates more restraint and less spending. By slowing the growth of spending and reforming and eliminating wasteful programs, the House is reducing the deficit.

The Deficit Reduction Act provides $50 billion in budget savings over the next five years. And for those who claim this goes too far, let's be clear that this represents just one half of one percent of the $7.8 trillion in "entitlement spending" anticipated over the next five years. If American families are making sacrifices and "tightening belts," the federal government can too.

Clearly, some are also concerned with the form and size of some of the budget reforms in Medicaid, Medicare, student loans, food stamps, and other programs. In reality, the Deficit Reduction Act takes great care to protect our most vulnerable citizens while continuing to ensure taxpayer dollars are spent as wisely and efficiently as possible.

Mr. Speaker, the budget decisions we make today are tough but they are also long overdue. The hardworking American taxpayers are watching. They want us to put this federal government on a "crash diet."

The Deficit Reduction Act is a necessary step toward renewed fiscal responsibility, and it deserves the House's full support.

Mr. PAUL. Mr. Speaker, as one who has long urged my colleagues to cut spending, and who has consistently voted against excessive and unconstitutional expenditures, I am sure many in this body expect me to be an enthusiastic supporter of H.R. 4241, the Deficit Reduction Act. After all, supporters of this bill are claiming it dramatically reforms federal programs and puts Congress back on the road to fiscal responsibility.

For all the passionate debate this bill has generated, its effects on the federal government and taxpayers are relatively minor. H.R. 4241 does not even reduce federal expenditures. That's right—if H.R. 4241 passes, the federal budget, including entitlement programs, will continue to grow. H.R. 4241 simply slows down the rate of growth of federal spending. The federal government may spend less in the future if this bill passes then it otherwise would, but it will still spend more than it does today. To put H.R. 4241 in perspective, consider that this bill reduces spending by less than $50 billion over 10 years, while the most recent "emergency" supplemental passed by this Congress appropriated $82 billion to be spent this year.

H.R. 4241 reduces total federal entitlement expenditures by one half of one percent over the next five years. For all the trumpeting about how this bill gets "runaway entitlement spending" under control, H.R. 4241 fails to deal with the biggest entitlement problem facing our nation—the multi-billion dollar Medicare prescription drug plan, which will actually harm many seniors by causing them to lose their private coverage, forcing them into an inferior government run program. In fact, the Medicare prescription drug plan will cost $55 billion in fiscal year 2006 alone, while H.R. 4241 will reduce spending by only $5 billion next year. Yet, some House members who have voted for every expansion of the federal government considered by this Congress will vote for these small reductions in spending and then brag about their fiscal conservatism to their constituents.

As is common with bills claiming to reduce spending, the majority of spending reductions occur in the later years of the plan. Since it is impossible to bind future Congresses, this represents little more than a suggestion that spending in fiscal years 2009 and 2010 reflect the levels stated in this bill. My fiscally responsible colleagues should keep in mind that rarely, if ever, does a Congress actually follow through on spending reductions set by a previous Congress. Thus, relying on future Congresses to cut spending in the "out years" is a recipe for failure.

One provision of the bill that would have undeniably benefited the American people, the language opening up the ANWR region of Alaska and expanding offshore drilling, has been removed from the bill. As my colleagues know, increased gas prices are a, if not the, top concern of the American people. Expanding the supply of domestically produced oil is an obvious way to address these concerns; yet, Congress refuses to take this reasonable step.

Mr. Speaker, some of the entitlement reforms in H.R. 4241 are worthwhile. For example, I am hopeful the provision allowing states to require a copayment for Medicaid will help relieve physicians of the burden of providing uncompensated care, which is an issue of great concern to physicians in my district. Still, I am concerned that the changes in pharmaceutical reimbursement proposed by the bill may unfairly impact independent pharmacies, and I am disappointed we will not get to vote on an alternative that would have the same budgetary impact without harming independent pharmacies.

I also question the priorities of singling out programs, such as Medicaid and food stamps, that benefit the neediest Americans, while continuing to increase spending on corporate welfare and foreign aid. Just two weeks ago, Congress passed a bill sending $21 billion overseas. That is $21 billion that will be spent this fiscal year, not spread out over five years. Then, last week, Congress passed, on suspension of the rules, a bill proposing to spend $130 million on water projects—not in Texas, but in foreign nations. Meanwhile, the Financial Services Committee, on which I sit, has begun the process of reauthorizing the Export-Import Bank, which uses taxpayers' money to support business projects that cannot attract capital in the market. Mr. Speaker, the Export-Import Bank's biggest beneficiaries are Boeing and communist China. I find it hard to believe that federal funding that benefits Fortune 500 companies and China is a higher priority for most Americans than Medicaid and food stamps.

H.R. 4241 fails to address the root of the spending problem—the belief that Congress can solve any problem simply by creating a new federal program or agency. However, with the federal government's unfounded liabilities projected to reach as much as $50 trillion by the end of this year, Congress can no longer avoid serious efforts to rein in spending. Instead of the smoke-and-mirrors approach of H.R. 4241, Congress should begin the journey toward fiscal responsibility by declaring a 10 percent reduction in real spending, followed by a renewed commitment to reduce spending in a manner consistent with our obligation to uphold the Constitution and the priorities of the American people. This is the only way to make real progress on reducing spending without cutting programs for the poor while increasing funding for programs that benefit foreign governments and corporate interests.

Mr. LANGEVIN. Mr. Speaker, today I rise in strong opposition to H.R. 4241, the Reconciliation Spending Cuts. This bill attempts to reduce the Republican-created budget deficit on the backs of those who can least afford it. H.R. 4241 does not reflect the values of Rhode Islanders and it takes from the poor to give tax cuts to the rich. As early as tomorrow, the same people who are voting to cut Medicaid, student loans, and food stamps will offer $57 billion in additional tax cuts for the richest Americans.

While Republicans claim this bill is necessary to offset the costs incurred by Hurricane Katrina, their actions do not match their words. Months before Hurricane Katrina struck, Republicans in the House voted for a budget that cut $15 billion more than the bill we are voting on today. The programs the Republicans are attempting to cut, like Medicaid and food stamps, are the very programs that benefit those who have been affected by the hurricanes. Not a single dollar cut in H.R. 4241 will actually go towards offsetting hurricane costs and reducing the deficit. Instead, today's cuts will fund the upcoming tax cut, but in typical Republican fashion, the spending cuts won't even cover the entire cost of the tax cuts they have planned.

While I am disappointed that we are voting on this bill at all, I am especially upset by a few specific provisions. First, this budget reconciliation will have a devastating impact on millions of low-income seniors, children, and people with disabilities across the country. This bill proposes billions in cuts to Medicaid, and Rhode Island alone will lose more than $66 million. Ultimately, these cuts are paid for by raising prices for those on Medicaid. Imposing cost sharing requirements on people who simply can't afford them will not save money. Instead, these cuts will result in patients waiting longer to seek care, longer lines in our emergency rooms, and greater burdens on doctors and hospitals, who will struggle to provide for this population. In the end, we will all pay for this mistake in some form. The Medicaid program provides access to health services for more than 51 million Americans—most of whom are among the most vulnerable members of our society. Now is the time to strengthen America's safety net, not weaken it with arbitrary and harmful cuts.

I am also appalled by the message this bill sends to the millions of American students who rely on financial aid and federal student loan programs to gain access to higher education. By cutting spending on student loan programs by more than $10 billion, we are reneging on a commitment to these young Americans. At a time when college costs are rising faster than inflation, the bill proposes the largest cut in the history of the student loan programs.

Food stamps are an important layer of protection to ensure the very poor are able to feed themselves and their families, the most basic necessity. However, today's bill will reduce food stamp assistance by approximately $800 million over five years, and more than 200,000 people will lose their eligibility.

I am pleased to see that Republicans have removed the provision permitting drilling for oil in the Arctic National Wildlife Refuge. However, this was not a response to the public's overwhelming opposition to ruining this pristine wilderness area. Rather, it is a cynical ploy to gain a few votes from Members who would not otherwise vote for this bill.

I have outlined only a few of the many reasons every Member should oppose this legislation. So many of its other cuts would have negative impacts on our communities, such as reduced child support enforcement, which means more than $50 million in lower payments for Rhode Island's single parents.

If Republicans want a balanced budget, which this bill does not even begin to provide, they should learn from the past and reinstate what works: PAYGO budget rules and responsible tax and spending policies. Together, America can do better. We should be working together to address true priorities, like access to health care and soaring energy prices. I urge my colleagues to reject this travesty and instead focus on meaningful deficit reduction based on fairness and shared sacrifice.

Mr. UDALL of Colorado. Mr. Speaker, this bill does not deserve to pass and I certainly will not vote for it.

That's not because I think all is well with the budget—far from it. Even before the hurricane winds and waves arrived and the levees broke, the Federal budget was already on a dangerous course marked by tidal waves of red ink and towering piles of debt. Since 2001, the budget surplus that President Clinton and a Republican Congress bequeathed President Bush had been erased and our country was now in debt to the tune of $8 trillion, or $25,000 for every American man, woman and child.

And then, as they brought death and destruction, Katrina and Rita delivered another blow to the Federal budget—and sounded a wake-up call about the fiscal and economic risks we have been running. I had hoped that the result might be recognition by both the Bush Administration and Congress that now we need to face hard reality and not continue with budget policies based on defying the laws of fiscal gravity. It's about time. But this bill—which would implement part of an overall Republican budget—goes in exactly the wrong direction.

As it comes to the floor, the bill would cut more than $50 billion over 5 years from a wide variety of programs—not because they are no longer needed and not because they are wasteful, but because the Republican leadership has decided the Americans served by these programs must sacrifice in order to help offset the cost of over $106 billion in tax cuts. And, after imposing these penalties on millions of America, the overall plan—service cuts for many Americans, tax cuts for relatively few—will not result in a balanced budget, but even bigger deficits and more delay in correcting our fiscal course.

In short, the Republican prescription for our budget problems is a toxic compound of misguided priorities and fiscal irresponsibility—in other words, more of the same mistakes as before, except worse.

And it's not like there aren't better ways to approach our budgetary problems.

For example, there is H.R. 3966, the Stimulating Leadership In Cutting Expenditures (or "SLICE") Act, a bill I introduced last month that is cosponsored by Members on both sides of the aisle and endorsed by the American Conservative Union, Americans for Tax Reform, Citizens Against Government Waste, Freedom Works, the Small Business Enterprise Council, and the National Taxpayers Union.

Its purpose is to promote Presidential leadership and Congressional accountability on proposals to reduce other spending in order to offset the costs of responding to the recent natural disasters.

Toward that end, it would authorize the President to identify specific items of Federal spending that he thinks should be cut and would require Congress to vote on each of those items. It would apply not only to regular appropriations, but also to the transportation bill that was passed and signed into law earlier this year. In each case, if the president proposes a cut, Congress would have to vote on it—we could not ignore the proposal, as can be done under current law—and if a majority approved the cut, it would take effect.

As our budget situation has grown worse, there has been a lot of talk about "earmarks," meaning funding allocations initially proposed by Members of Congress rather than by the Administration. Some people are opposed to all earmarks—but I am not one of them. I think Members of Congress know the needs of their communities, and that Congress as a whole can and should exercise its judgment on how tax dollars are to be spent. So, I have sought earmarks for various items that have benefited Colorado and I will continue to do so. But I know—everyone knows—that some earmarks might not be approved if they were considered separately, because they would be seen as unnecessary, inappropriate, or excessive.

Dealing with that problem requires leadership and accountability. The SLICE bill would promote both, and by requiring us to focus on individual spending items it would make it possible to weigh the relative costs and benefits of each. But the Republican leadership has rejected that approach. Instead, they are insisting on bringing up this omnibus bill without allowing the House to even consider any amendments—except ones they decide they must make in order to pass it with only votes by Republican Members.

That is the wrong approach, and the bill is the wrong result—for the whole country, and particularly for Colorado and the West.

The bill is especially bad for Colorado because of some parts of it—developed by the Resources Committee—will directly affect our State. For example, there is the part that deals with oil shale.

Oil shale has great potential as an energy source, so it's an important part of our energy policy. And it's important to the taxpayers, who own most of it. They have an interest in what return they will get for this resource. But it's particularly important for Colorado, because our State has some of the most important deposits of oil shale, and Coloradans—particularly those on the Western Slope—will be directly affected by its development.

A new report from the Rand Corporation spells out the great benefits that can come from developing oil shale. But it also makes clear it's important for the development to happen in the right way. The report says oil shale development will have significant effects, not just on the land but also on air quality and on both the quality and quantity of our very limited water supplies. And it says what Coloradans know already—large-scale oil shale development will bring significant population growth and is likely to put stress on the ability of local communities to provide needed services.

In short, the report reminds us how much Colorado and our neighbors had at stake when Congress debated the oil shale provisions of the new Energy Policy Act that's been on the books for just over 2 months now. And while there are lots of things in that law I don't like, I think the parts dealing with oil shale are appropriate and deserve a chance to work before we rush to change them. But this legislation would tear up that part of the new law and replace it with provisions that not only would be bad public policy but would be a direct threat to Colorado.

That's why in the Resources Committee I offered an amendment that would have revised the oil shale sections in several important ways. Unfortunately, the Republican leadership of the committee opposed any changes to those sections, and my amendment was defeated.

What is the significance of that? Well, to begin with, current law says the Interior department has to consult with the Governor of Colorado and other relevant States, as well as with local governments and other interested parties, before going ahead with large-scale oil shale leasing The bill repeals that requirement for consultation. My amendment would have retained it.

Similarly, current law permits an orderly, measured program for oil shale development. But this bill would mandate a massive development program on a crash basis. It says Interior must lease a minimum of 35% of the oil shale lands in Colorado, Utah, and Wyoming within just a one-year period. It's not clear if this means 35% of the three-state total or 35% of the oil-shale lands in each state. Either way, it's a requirement for a fast and massive commercial leasing program:

The Interior Department says there are about 16,000 square miles of oil shale lands in Colorado, Utah, and Wyoming combined. That's more than 10 million acres, and about 72% of that is federal land. So, even if the intent is to require leasing 35% of the three-state total, not 35% in each state, that's more than 2.5 million acres—all in one year!

Mandating leases for that much land, that fast, risks putting a big part of Northwestern Colorado on the fast track to becoming a national sacrifice zone. It's like a trip in a time machine—back to the mistaken crash-development policy of the Carter Administration. That was a mistake then and it would be a mistake now. That's why my amendment would have deleted that requirement, allowing current law to stand.

Also, current law requires the Interior Department to prepare a programmatic environmental impact statement (EIS) on oil shale, with a tight deadline for completion. That's the right thing to do. Work has started on that EIS, and Coloradans look forward to reading it. But reading something before evaluating it must be too old-fashioned for the Republican leadership, because the bill says that the EIS is "deemed" to be good enough—meaning that it cannot be questioned or challenged—and no further environmental analysis will be done for a full 10 years—no matter what problems the State of Colorado or anyone else may have with the EIS.

That's like giving an "A" grade before a student even turns in the homework—it may be good for the student's "self-esteem," but it doesn't ensure careful work. And careful work on oil shale is essential because the stakes are so high for Colorado's land, water, and communities. That's why my amendment would have deleted that and allowed current law to stand.

Finally, current law tells the Interior Department to set oil-shale royalty rates that will do two things—encourage development of oil shale and also ensure a fair return to the taxpayers. But the bill would repeal this, replacing it with specific rates to be charged for the first 10 years of commercial oil shale production, and requiring that after that the rates must be adjusted according to a formula tied to certain oil prices. This is a blatant example of micromanagement, with nothing to show it is fair to the taxpayers. My amendment would have deleted that that attempt at long-term political price-fixing, and replaced it with the language of the current law.

The Congressional Budget Office's report on these oil shale provisions estimates that they will not do much to raise revenue or otherwise help balance the budget. So, there is no budgetary reason to include them in this bill, while from the standpoint of what is best for Colorado and its communities there is every reason to change them in the way that my amendment would have done—and I cannot support them unless such changes are made.

And that is also the case with the parts of the bill dealing with the Mining Law of 1872.

As Westerners know all too well, that law—dating from the administration of President Ulysses S. Grant—still governs the mining of gold, silver, and other "hardrock" minerals on federal lands. It still allows private companies to get a patent—an ownership deed—to public lands containing valuable minerals for a mere $2.50 to $5.00 per acre, the same prices that were set in 1872, without paying the taxpayers a fee like that paid for the Federal oil, gas, or other minerals developed under more modern law. Since 1872, more than $245 billion worth of minerals have been extracted from public lands at these bargain-basement prices, and nearly as much land as in the entire state of Connecticut has been sold to the mining industry for less than $5 an acre.

Because the mining industry doesn't need patents—they can and do mine on unpatented claims and because there are so many problems associated with patenting, annually since 1994 Congress has renewed a moratorium on the patenting of mining claims. But this bill would repeal that moratorium. And while the bill would raise the price of patents, it would not require payments that reflect the value of the minerals involved. So, according to the Congressional Budget Office, this provision would raise only about $158 million over the next five years. This is not real reform—it is a continued subsidy for the "hardrock" mining industry. But other provisions in this part of the bill are worse.

For example, the bill would allow claim holders to patent land without proving there is a valuable mineral deposit as long if they already have a permit to mine or have reported to the SEC that there is a "probable" mineral reserve there. This means that claim holders can purchase public land without having to prove that they can or will construct a viable mine. And it allows the sale of "mineral development lands"—meaning any land with a valuable mineral deposit as well as lands that were once mineralized and were previously mined—for the purpose of "sustainable economic development." According to John Leshy, who served as Solicitor of the Interior and who is an expert on the mining law, the result will be to "put in the hands of corporations the keys to privatize millions of acres of federal land"—setting the stage for a massive fire sale of Federal lands for bargain-basement prices.

And in Colorado, a state with a long and rich mining history, the results could be dramatic. As the Denver Post has noted, "Coloradans could unexpectedly see suburban sprawl on mountainsides they thought were protected open spaces . . . It's an invitation to condo developers, mini-mansion home builders and other speculators to snatch up federal lands that otherwise would never leave public ownership. . . . Just in Colorado, old mining patents encompass 123,000 acres. Most existing claims are next to or surrounded by national forests, parks or other public lands. Many also are near former mining towns that have become pricey resorts such as Aspen, Telluride, Breckenridge and Crested Butte. Twenty-three of Colorado's 24 ski areas are on national forests and so are vulnerable under the proposal."

In short, as the Denver Post's editors rightly observe, these provisions "really aren't about mining; they're about real estate speculation," which is why they have called on us to "erase them from the budget reconciliation bill."

But of course, since no amendments are permitted, we can't erase that part, or any other part of the legislation. The only choice before us is to vote yes or no on the entire bill.

And, as I said, the bill is just one part of a larger budget plan—one that insists on pushing ahead on the same course that has led to the serious fiscal problems that now confront us—setting the stage for more top-heavy tax cuts while we are putting the costs of war and everything else the government does on the national credit card. This cannot go on forever. Sooner or later, something has to give.

So, Mr. Speaker, there is an urgent need to rethink and revise our budget policies, including both taxes and spending. But this bill reflects a refusal to do that rethinking. And for me the only viable choice is to vote no—no on the oil shale provisions, no on the mining provisions, and no on all the rest of this very unnecessary, very unbalanced, very short-sighted, and very unwise legislation.

Mr. TERRY. Mr. Speaker, as the House of Representatives considers passage of the Deficit Reduction Act, I rise in overall support of H.R. 4241. As the process moves forward, I urge my colleagues in this chamber and in the conference to consider some additions and changes.

The actual estimated average cost to a community retail pharmacy to dispense prescription drugs ($9.25) is greater than the minimum multi-source dispensing fee established by H.R. 4241 ($8.00). Because H.R. 4241 does not establish a dispensing fee for single source medications, commonly known as brand-name drugs, I urge my colleagues to consider an increase in dispensing fees for both single source and multisource medications that adequately compensates community retail pharmacies for their cost to dispense prescription drugs within the Medicaid program. In addition, I urge my colleagues to encourage the states to conduct mandatory comprehensive studies to determine actual distribution expenses incurred by community retail pharmacies participating in the Medicaid program so that fair and equitable distribution reimbursement rates can be established.

We should also do all we can to provide incentives to increase the distribution of generic therapeutic equivalent drugs when they are available. While our bill provides higher dispensing fees for generics based on Retail Average Manufacturers Price (RAMP) plus cost, I still do not feel that there is enough incentive in our model to encourage effective use of generics. I encourage continued work in conference to increase the utilization of generics, which in itself has significant savings potential.

H.R. 4241 establishes a new benchmark formula for establishing reimbursement rates for community retail pharmacies participating in the Medicaid program. The benchmark formula, known as RAMP, can often be significantly out of date because it is updated on a quarterly basis and it often is not determined and posted for another quarter. Because pharmaceuticals prices are updated on a daily basis, the RAMP has the potential to be as much as six months out of date. Accordingly, I urge my colleagues to consider modifying requirements related to RAMP from a quarterly recalculation basis to a monthly basis so that community retail pharmacies do not have to absorb significant financial losses due to fluctuations in real cost.

Mr. RUPPERSBERGER. Mr. Speaker, I rise today in opposition to this legislation.

Mr. Speaker, there is so much wrong with this legislation that I do not know where to begin.

This "deficit reduction act" is a tool for the majority party to justify their tax cuts that are poorly timed and do not benefit the American citizens who need help the most. It is irresponsible to cut funding for vital programs in order to make up for lost revenues due to tax cuts that benefit the wealthy. If we do not fix this deficit, we are forcing future generations to pay for Congress's fiscal irresponsibility. There are no useful deficit reduction measures in this bill.

This budget reconciliation bill cuts essential government programs that serve the most vulnerable members of our society. Society and government are judged by how we take care of those in need and we must do better. All totaled, the bill cuts spending by $53.9 billion dollars which includes cuts to Medicaid, Food Stamps, student loans, and child support.

The cuts to the Medicaid program total $11.9 billion or 22 percent of all of the cuts in this legislation. These cuts will result in premium increases for all participants and a reduction in benefits that will cause millions of children to lose some preventative and treatment services. At a time when health concerns are at the forefront of many people's minds, we should not be making cuts to Medicaid that will make it harder for people to afford the care they need.

The cuts to the Food Stamp Program total $844 million dollars. These cuts would be the result of new limitations on who is qualified to receive food stamps. Under this legislation, some families receiving other types of federal assistance would be ineligible to receive food stamps. It is outrageous that we are cutting this and other programs that have been proven to help those who are the most in need.

The reductions in funding to child support programs total $4.9 billion or 9 percent of all of the cuts in this legislation. This is just plain wrong. States rely on this funding to aid their efforts in establishing and enforcing child support orders; orders that are necessary if families and children are ever going to receive the support owed to them.

According to the Census Bureau for the most recent year that data is available (2001), only 45 percent of custodial parents have received the full amount of child support owed to them. There are an estimated 13.4 million parents with custody of 21.5 million children under age 21 whose other parent lives elsewhere. About 5-in-6 of those 13.4 million parents are mothers.

Twenty-five percent of single mothers with children in the United States are below the poverty level. We must do all that we can to help mothers and their children receive the child support that is owed to them. Cutting funding to States for child support enforcement is obviously moving in the wrong direction.

As Members of Congress we cannot continue to allow ill-timed and badly targeted tax cuts for the wealthy while at the same time cutting government programs that help people improve the quality of their lives and their wellbeing.

If we continue along this path we will be shortchanging our children, our grandchildren and their children to come. They will inherit a government and a country that turned its back on the people who needed them most and they will be forced to pick up the pieces.

We cannot let this happen. I am committed to serving the people of the Second District of Maryland and I will not support legislation such as this that will negatively impact my constituents or the United States as a whole.

This legislation is just plain wrong and I urge my colleagues to oppose the bill.

Mr. ENGEL. Mr. Speaker, the majority should be absolutely ashamed of the bill before us today. It is simply unconscionable that the majority is not only moving forward with reconciliation but that they are increasing cuts all under the guise of paying for Hurricane Katrina relief. Under their rules, they won't even allow amendments to this monstrosity—shutting down any meaningful opportunity of offering even slight improvements to this bill. The fact of the matter is that the irresponsible tax cuts for the wealthy have run our country's fiscal order into the red with over $8 trillion in debt. Even before Hurricane Katrina, the budget resolution called for $35 billion in cuts to programs for the poor to partially offset the $106 billion in tax cuts in the same budget resolution. The math simply doesn't add up.

It is interesting that the majority continues to use terms like personal responsibility when justifying the draconian cuts to services, cruel penalties and cost sharing for the poor that will essentially block access to care while failing to exercise the same responsibility in their own fiscal disorder. The general fund of the Government of the United States is paid for with borrowed money, over $1 billion a day. To make ends meet while continuing to pass tax cuts, we borrow heavily from China, Japan and other foreign nations, knowing full well our children and grandchildren will one day be saddled with our debt. In the meantime, they pretend we can shore up our economy with a few simple reforms that will have devastating consequences for the most vulnerable children, seniors and other impoverished people, which won't really affect the trillions of dollars of debt created by the majority's fiscal irresponsibility.

What is irresponsible are the billions of dollars in cuts the majority is making to the Medicaid program. We already have 45 million uninsured Americans. Without Medicaid and SCHIP, the percentage of uninsured Americans, including children, would be a lot higher. As we all know, health care coverage isn't meaningful unless it is accessible and comprehensive. The proposals included in this bill will undoubtedly prove to be a barrier to care as it permits States to significantly increase the amounts Medicaid beneficiaries payout of pocket for premiums and copayments for healthcare services, again, all in the name of personal responsibility.

Mr. Speaker, but what about the low-income mother trying to care for her family by stretching her budget to cover housing, electricity, clothing and now increased cost-sharing and copayments for medical care? Why are we setting her up for failure when she has to make choices between her medical care and her children and her utility bills, all important to the wellbeing of her and her family? How have we fulfilled our professional responsibility if we put her in the position of making these impossible choices? I can assure you, these mothers are as familiar with personal responsibility and strapped budgets as any Member of Congress in this room.

Part of the problem that I have with these proposals are that the "reforms" are budget driven in that the solutions offered are far less important than the anticipated savings associated with them. I urge this committee to scrap these massive changes to Medicaid. While there are certainly ways to modernize, improve, and reform this program, it must be done with the compassion and thoughtful consideration it deserves.

A sensible improvement to this bill would be to permit early treatment under Medicaid to those with HIV. Under current Medicaid rules, most HIV positive people must meet both an income standard and be disabled—by AIDS—before they can receive access to Medicaid provided care and treatment that could have prevented them from becoming ill so quickly. This policy runs counter to current Federal HIV treatment guidelines which call for early access to medical care and treatment including the use of combination antiretroviral therapy. Medical costs for those with advanced AIDS are significantly higher than costs for caring for HIV positive people, and this is a burden on the States' Medicaid budgets.

I offered an amendment in the Energy and Commerce Committee markup for Medicaid reform to give States the OPTION of amending their Medicaid eligibility requirements to included uninsured, pre-disabled low-income people living with HIV. ETHA, which has been introduced by Leader PELOSI in prior Congresses and Senator SMITH and Senator CLINTON in the Senate, is modeled after the successful Breast and Cervical Cancer Prevention and Treatment Act, BCCA, that allows States to provide early access to Medicaid to women with cancer. Forty nine States have implemented the BCCA, designed to preserve health and prevent unnecessary and high-cost medical interventions. As with the BCCA, ETHA includes an enhanced Federal match rate of 65 percent to 83 percent to encourage States to participate in offering the services.

Although my amendment failed in committee, Senators CLINTON and SMITH successfully offered a demonstration version of the Early Treatment for HIV Act on the Senate floor. I tried to offer that amendment on the House floor but the Republican leadership would not permit any amendments. It is my fervent hope that this provision survives conference.

Outside of the jurisdiction of the Energy and Commerce Committee, on which I serve, are even more cruel cuts to working families and vulnerable populations. Billions in cuts to student aid programs, child support enforcement, foster care and SSI disability payments. They cut food stamps, eliminated nutritional school lunch and breakfast programs for hundreds of thousands of families and children—the list goes on.

Mr. Speaker, you should be ashamed to allow our Congress to even consider such proposals, let alone vote on them, while continuing to promote tax cuts for the wealthy. I vote "no" on this monstrosity and urge my colleagues to do the same.

Mr. CUMMINGS. Mr. Speaker, I rise in opposition to the Budget Reconciliation Bill, H.R. 4241, reported on a partisan basis by the House Committee on the Budget.

My colleagues have already highlighted many of the harsh cuts that would be made in this bill. These include, but are not limited to, cuts in Medicaid spending of nearly $12 billion, cuts in the student loan program of more than $14 billion, $840 million in cuts in the food stamp programs, $4.9 billion in cuts to the State child support enforcement programs, $577 million in cuts to the foster care program and $470 million in cuts to the Federal housing rehab program.

Let's be very clear on this point. These cuts will do nothing to reduce our growing deficit and, despite what many Republicans have tried to claim, they will not offset the costs we will rightly incur to recover from the catastrophic devastation of Hurricanes Katrina and Rita.

In fact, while cutting almost $50 billion in much needed social programs for the most needy, the bill "reconciles" another $70 billion in tax cuts for the absolute least needy—adding another $16–20 billion to the Federal deficit. So I ask, what sense does this heartless bill make?

While I am glad the manager's amendment tries to soften the blow to the vulnerable by making sure that children who currently receive school lunches will not be cut off, as well as by making other small vote garnering changes to the Medicaid and food stamp programs, these are small pluses that do very little to outweigh the many minuses of this bill.

Mr. Speaker, to achieve this deficit increase, the budget reconciliation bill before us today would cut precisely those programs that help the poor, the sick, the weak, and the young so that the wealthiest among us can receive additional tax cuts.

Let me review for a moment what the tax cuts already enacted have done to our Nation.

According to the Urban Institute-Brookings Institution Tax Policy Center, as a result of the tax cuts implemented by the administration and by the Republican leadership in Congress to date, households with incomes exceeding $1 million can expect to receive tax cuts this year that will average $103,000.

According to the Center on Budget and Policy Priorities, after adjusting for inflation, the after-tax income of the 1 percent of tax filers with the highest incomes rose by nearly $49,000 in 2003 while the lowest 75 percent of tax filers saw their incomes decrease in 2002.

Not surprisingly, as income disparity has grown, the poverty rate in this Nation has increased from 11.7 percent in 2001 to 12.7 percent in 2004, and there are now more than 37 million Americans living in poverty in this Nation, including 13 million children.

Further, according to the U.S. Department of Agriculture, last year there were more than 38 million individuals living in households that at some point during the year were food "insecure," meaning that they were unable to afford to buy enough food to feed themselves.

On September 16, President Bush traveled to New Orleans to announce a bold and ambitious plan to rebuild the gulf coast region following the hurricanes. During his speech, the President acknowledged that poverty and indifference had left so many of our fellow Americans vulnerable to the hurricanes in the gulf region.

Unfortunately, the budget reconciliation bill before us illustrates in the starkest possible terms that as the storm and its revelations about our society begin to fade from the front pages to the back pages, the Republican leadership of this House has chosen to repudiate the President's commitment to address poverty.

Rather than embrace the President's call for action, the Republican leaders of this House have put forward a bill that will continue policies of neglect and indifference in service to what they see as the greater good: continued tax cuts for the wealthiest in this Nation.

The budget reconciliation act before us presents a stark choice for all Members of the House of Representatives—between supporting tax cuts for the wealthiest among us or opposing reductions in our already thin social safety net.

I urge my colleagues to make the moral choice today. Budgets reflect the moral compass of a nation. This budget reconciliation package is devoid of humanity and compassion and would take our Nation far off course of helping its neediest citizens. I urge my colleagues to stand with the children, the elderly, and the vulnerable of our Nation by voting against this reconciliation act.

If its passage occurs, I implore the conferees to be compassionate and fair and to restore and maintain the social safety net for our neediest citizens.

Mr. HIGGINS. Mr. Speaker, I rise to express my opposition to and concern about the devastating cuts to essential services passed in this House today as part of the budget reconciliation package.

The cuts this body adopted today will have disastrous impacts on the western New York communities I represent. The unnecessary cuts to health, education and children's programs will be particularly hard felt in and among the working families of Erie and Chautauqua Counties.

The ranks of the uninsured continue to swell in this country, and more and more Americans are concerned that someday they may find themselves without health insurance and unable to afford needed care. In fact, over 45 million Americans are currently without health insurance. Medicaid represents this government's promise to provide health care to Americans who can least afford it. Over 4 million New Yorkers are enrolled in this quite literally life-saving program, including 1.8 million children. I voted against the bill today because it will cut Medicaid spending by more than $11 billion. That's an $11 billion cut from caring for children suffering from leukemia, from pregnant mothers struggling to survive and from mentally disabled men and women trying to make a place for themselves in our communities; we should not make our budget cuts on their backs. Instead, we should be increasing health care access to more Americans, not fewer. If Medicaid is expanding, it's because fewer Americans can afford health insurance, let's not deny them the only access to care available to them.

I am also concerned that this legislation cuts over $14 billion from successful Federal student loan programs—the largest cuts ever to student aid. This is the wrong cut at the wrong time, because college costs continue to skyrocket with no end in sight. In fact tuition at 4-year public colleges has increased 46 percent since 2001. Children from working families in Erie and Chautauqua Counties, and over 470,000 students across the State, depend on these loans to afford college and they depend on college as the key to economic opportunity. These cuts will needlessly deny that opportunity to young people in western New York who want to go to Medaille, Canisius, the University of Buffalo, my alma mater, Buffalo State, and others.

The reconciliation package is also an abdication of our responsibility to children. The bill cuts child support enforcement by almost $5 billion, abandoning single parents and rolling back the progress our society has made in this field. Children are not responsible for divorce or for parents abandoning their families. Let's not turn back the clock and make them carry that responsibility. The bill cuts $577 million from foster care programs. And perhaps most troubling, it cuts $796 million from food stamps, which represent our promise that amid this country's great wealth, no American child, whether in the cold winters of Erie County or the sun baked mountains of Arizona, should starve.

What is perhaps most objectionable about this process is the doubletalk used to sell these cuts. While we have been told that these spending cuts are necessary to reduce the deficit, they do nothing of the sort. Instead, the $50 billion in spending cuts are coupled with $106 billion in tax cuts for the wealthiest Americans. That means that all of these cuts, all of them, will be used to pay for irresponsible tax cuts that we can't afford and that do not put money back in the pockets of my hard-working constituents in Buffalo; not one dime will actually go to reduce the deficit.

In fact, this reconciliation process will increase, not decrease, the deficit. I agree that it is well past time for Congress to put our fiscal house in order, but to call this package a deficit reduction measure at best makes no sense, and at worst is patently dishonest. We need to do better by the American people and I pledge to do better for the people of Western New York. Frankly, they do not deserve this bad budget.

Mr. Speaker, I object to the cuts this House adopted today, and I object to the slight of hand used to sell them.

Mr. STARK. Mr. Speaker, most Americans watching their televisions looked on in horror at the extent of the poverty and desperation among the victims of Hurricane Katrina. President Bush and congressional Republicans apparently looked at these pictures with indifference and disdain.

I am forced to believe this because their budget bill—the so-called Deficit Reduction Act—aims to cut more than $50 billion from nearly every poverty program this country offers for the sake of later passing approximately $60 billion in tax breaks for the wealthiest Americans.

Sadly, their recent actions fit neatly with their track record. Since the Republicans gained control of both the White House and Congress in 2001, 1.7 million more Americans live in poverty, average median income has declined $1,700, and the minimum wage—which has not been increased since 1997—has its lowest purchasing power since 1990.

This budget continues the Republican trend of failing the American people in every possible way.

The Republican budget requires poor mothers with children under age 6 to double their weekly work hours from 20 to 40 in order to remain eligible for job training and vocational education. Yet, it fails to provide $10.5 billion for childcare funding which the non-partisan Congressional Budget Office estimated would be needed for mothers to afford to work the longer hours and maintain their benefits.

Disgracefully, their proposals don't stop there. The Republican budget leads to $24 billion less in child support payments. It also cuts $14.3 billion from Federal student aid programs so the average student borrowing for college will now pay an additional $5,800. It cuts health care for disabled and impoverished people, aid for abused and neglected foster children, financial assistance to the aged and disabled poor and food subsidies.

However, they don't cut everything. In true Republican, let-them-eat-cake fashion, the Republican budget does have one program to help those in need. The bill provides two $40 coupons to people so that they can buy converter boxes for their television sets, so they can watch digital television.

Together, America can do better than trading crisp, clean digital television for food, health care and education. I urge my colleagues to vote against this disgrace and not pay for tax cuts for millionaires on the backs of the poor.

Ms. KILPATRICK of Michigan. Mr. Speaker, some of the cuts proposed in this "Deficit Reduction Act" include Medicaid, student loans, child support enforcement, child foster care, supplemental security income, farm conservation, and many more.

Republicans have offered over $50 billion in cuts to much needed programs for America's families. The pretext of the these program cuts is to bring down the deficit, but all they do is offset the cost of a $56.6 billion tax cut package that will come to the floor of the House soon. Do not be misled into believing that the budget cuts being contemplated are to cover the cost of rebuilding the Gulf Coast states. They are being used to offset the raid that is taking place on the Treasury.

The Republicans are employing a two-pronged strategy for this fiscal charade. Today they want us to vote on $50 billion in spending cuts and later they will ask us to vote on a $50 billion tax cut for the wealthiest top one-tenth of one percent of Americans. It is their hope that the American people will not see the connection between the two actions. Show the people that you are cutting spending on one hand; then cut taxes for your supporters with the other. That is their game. I am appalled the Republicans will cut programs for children, the hungry, the sick and the vulnerable for tax cuts to the healthiest and wealthiest Americans.

Since 2001, the Republicans have done an excellent job of spinning their tax cut packages. They said we could have it all: Medicare prescription drug coverage, the War on Terrorism, huge tax cuts, and still produce budget surpluses as far as the eye can see. It is a great pitch, but there is only one hitch to their argument: it did not happen that way. Now Republicans are doing all they can to dodge the responsibility for the fiscal situation in which the country now finds itself. In fact, the President and my Republican colleagues take pride that last year's budget deficit was $320 billion, the third largest deficit in history. They take it as a record of accomplishment that the deficit was not higher. Now that is spin. Last year's deficit may be lower than the $412 billion deficit reached in fiscal year 2004, but that hardly entitles the Republicans to bragging rights over their fiscal stewardship. Under their leadership, a Republican president and Republican Congress have produced a string of record setting budget deficits.

By bringing this bill to the floor, the folk on the other side of the aisle have the temerity to say that the program cuts being recommended will offset the cost of added spending for Hurricanes Katrina and Rita. That argument is not even close to the truth. That is budgeteering by Merlin the Magician. I hope the American people will be able to look behind the curtain of their arguments and see them for what they are: simply a means to hide from their record of fiscal irresponsibility.

The President and the Republican majority are adept. Record deficits? Not the fault of the party in power. Blame 9/11, or blame the economy, or blame Katrina, or blame Saddam Hussein and Iraq, or blame the terrorists, or blame whatever. Just do not blame the Republicans or the Republican tax cuts for the horrible financial situation our country is in. That is the gist of the Republican message we hear today.

For a President and a party that is artful in avoiding blame for the country's fiscal state, for the failure to execute a successful war strategy in Iraq, the failure to respond rapidly during Hurricane Katrina, the failure to catch Osama bin Laden, the failure to find weapons of mass destruction, the failure to provide affordable energy, the failure to hire competent people to handle crises, the failure to prepare for a possible bird flu pandemic, for all the failures that have occurred on the watch of this President and this Republican Congress, can there be little reason why they want to avoid the "blame game?"

We can do better. There is no reason why we freely spend to rebuild Baghdad but struggle to rebuild Biloxi. When it comes to taking care of our own, where is the parity? Why are we applying a tougher standard on our own than we are in Afghanistan and Iraq? The budget cuts that will be triggered under this bill violates the principle of parity, it puts the welfare of others ahead of our own American people. This budget is symbolic of the spending priorities of this administration: It puts America and Americans last. That is a shame and that is why this bill does not deserve our support. I strongly urge my colleagues to join me in voting down this unfortunate bill.

Mr. MEEHAN. Mr. Speaker, I rise today to oppose the Republican budget bill.

Unfortunately, this bill is just another example of the disdain that this administration and this Congress has shown for the most vulnerable in our society. While the wealthy are lavished with tax cuts, critical social services are being reduced.

Under the guise of offsetting the costs of Katrina and deficit reduction, House Republicans are severely cutting important programs that millions of Americans rely on for education, health care, and poverty alleviation. The $50 billion in Republican cuts will have a devastating impact on families across America and in my home State of Massachusetts.

At the same time, Republicans are pushing a $70 billion tax package that will overwhelmingly benefit the most wealthy Americans and actually increases the deficit by $16 billion.

Now, I support the idea of shared sacrifice but the only sacrifice in this bill is by those that need our government's support the most: $14.3 billion, cut from student loans; $11.4 billion, cut from Medicaid; $4.9 billion, cut from child support; $844 million, cut from food stamps.

Republicans will cut student loan funding by $14.3 billion. This represents the largest single cut in the history of the student aid program at a time when the cost of tuition has risen 28 percent at public colleges and 17 percent at private colleges in the last five years.

In my home State of Massachusetts there are 172,640 student loan borrowers. Under the Republican plan, the average student borrower in Massachusetts, with $17,500 in loans will be forced to pay an additional $5,800.

The Republican budget bill cuts of $11.4 billion from Medicaid. This $11.4 billion cut includes $6.5 billion in cuts that are borne directly by Medicaid enrollees—who include low-income children and seniors, as well as individuals with disabilities.

Massachusetts ranks 12th in the country for Medicaid enrollment with over 1.2 million enrollees. The cuts would harm millions of low-income people across the U.S. and thousands in Massachusetts who rely on Medicaid for health coverage.

Child support enforcement will be cut by $4.9 billion. The Congressional Budget Office, CBO, estimates that this will result in reducing child support collections by $24.1 billion over the next 10 years.

Experts agree that child support is a cost effective way of reducing poverty. In 2002, 1 million Americans were lifted out of poverty through child support payments. For every $1 spent on child support enforcement programs, $4.38 in child support is collected.

Massachusetts would lose $88 million in Federal support over 5 years, rising to $282 million over 10 years. The estimated loss in child support collections would be $140 million over 5 years, rising to $428 million over 10 years.

Nearly 250,000 Massachusetts children currently receive child support enforcement services. This will have a devastating effect on the Commonwealth's children who live in single-parent families.

Finally, this bill as originally drafted would cut food stamps by $844 million and will result in over 200,000 people losing assistance.

Where are our priorities when we put tax cuts for the wealthy above the elderly, low income families, students, and children?

Vote "no" on the Republican budget bill.

Mr. BACA. Mr. Speaker, the budget reconciliation process is wrong, and it must be stopped.

We must reject any cuts to critical federal safety net programs when so many Americans are experiencing hard times. They have been forced to turn to the government, as well as charities, for assistance with basic necessities.

Nine hundred thousand American families affected by Hurricanes Katrina and Rita are relying on the Food Stamps Program to avoid hunger. Voting for this budget resolution is voting to cut food stamps for these families—and for millions of others who would otherwise go hungry.

This budget resolution boosts mandatory cuts in crucial programs, including health care and student aid, by 44 percent.

Over ten million Latinos on Medicaid will be affected by these cuts. Medicaid provides health insurance to about 50 million people in America, including 41 percent of people in poverty. We need choices that can help the 34 percent of Latinos that are uninsured.

The budget reconciliation shows how misguided Republican priorities are. Instead of helping make health care affordable, they will force families to choose between staying healthy or keeping the lights on.

The budget will slash such programs as student loans and therefore hurt hundreds of thousands of American families. And yet the GOP budget also requires $70 billion in new tax cuts, helping mainly the wealthiest Americans.

Under the proposed cut in student loans, the typical student borrower could be forced to pay an additional $5,800 for his or her student loans compared to under current law.

These budget cuts do nothing to ease the national budget deficit.

While Republicans claim that they are serious about deficit reduction, their reconciliation plan actually increases the deficit by $20 billion.

Let me repeat: the two GOP reconciliation bills together will result in a $20 billion increase in the deficit! One cuts mandatory spending by $50 billion and the other cuts taxes by $70 billion.

Mr. Speaker, this proposal makes no sense and is immoral. We cannot balance the budget on the back of the poor.

People across the country responded with compassion and generosity to the suffering and devastation caused by Hurricanes Katrina and Rita, and the federal government must continue to play a role to reduce the suffering of our fellow Americans in the gulf region.

It is not compassionate to cut funding for critical programs that in many cases would hurt those very communities.

I urge my colleagues to oppose this budget resolution.

Mr. CARDIN. Mr. Speaker, tonight the House leadership is making a second attempt at passing its 2005 budget reconciliation bill. This is still the wrong bill at the wrong time for America, and I will oppose it.

We have heard a host of arguments from the majority in support of this bill, which will cut vital Federal programs by approximately $50 billion over 5 years. Some have made the case that higher deficits hurt our Nation's economy. I agree, but although this bill is titled the Deficit Reduction Act of 2005, it will do nothing to ease our deficit situation.

H.R. 4241 is part of a larger strategy by the House leadership resolution that calls for a total of $106 billion in additional tax cuts. This strategy includes $70 billion in reconciled tax cuts and $36 billion in unreconciled tax cuts. The spending cuts in this bill are the initial step. The majority intends to follow tonight's vote with a tax cut bill. After the tax cuts are passed and in place, there will no funds available to pay for hurricane relief. In the end, the House leadership's charade will not reduce the deficit; it will make the deficit even larger than it is today.

In the weeks after Hurricane Katrina devastated the land and the lives of so many on the gulf coast, many lawmakers said they had a newfound understanding of the extent and depth of poverty in America. They also said that the photographs from New Orleans, particularly those taken at the Superdome and the Convention Center, had demonstrated that government does have an important role in lifting Americans out of poverty. There seemed to be bipartisan support for authentic, meaningful approaches to addressing the plight of poor Americans. I would hope that this sentiment still remains. But if it does, it is not evident in the majority's reconciliation bill that is on the House floor tonight.

This bill reduces access to health care for the poor. It contains $11.9 billion in cuts to Medicaid, including cuts of $8.8 billion that are borne by low-income beneficiaries through higher cost-sharing and new premiums. It also gives the States the green light to eliminate periodic health care examinations and the treatment of conditions picked up by those examinations for many of America's neediest children. Maryland's Medicaid rolls cover 430,000 children and health services for 90,000 of them will be jeopardized by this provision. Approximately $2.5 billion of the Medicaid cuts will affect elderly Americans, who will lose access to nursing home care through tougher restrictions on eligibility.

This bill reduces access to higher education. It contains $14.3 billion in reductions to Federal student loan programs over 5 years, by increasing the interest rates and imposing a new 1 percent origination fee on all loans.

This bill will hurt many families who rely on child support payments. It reduces the Federal match for child support administrative costs from 66 percent to 50 percent, eliminating $4.9 billion in help for the States to enforce child support orders. The majority, which claims to want to help our States, is shifting the cost of enforcement to them. It will not save money in the long run, and it will hurt struggling single parent families across America.

As a result of this bill, fewer children in foster care will be eligible for payments, and $577 million will be cut from these funds. This bill will also limit food stamp eligibility to only those households who are receiving cash assistance through TANF, and requires that legal permanent residents live here for 7 years, rather than the current 5 years, before they can receive food stamps. The result will be $844 million less in food stamp assistance to low-income families.

The legislation before us is also making it harder for some of the most disadvantaged Americans, those who receive Supplemental Security Income, SSI, to receive assistance. It imposes an extra level of review for certain disability determinations and for those who are found eligible after lengthy delays, this bill requires that retroactive payments are spread out over a longer period of time, for a total savings of $732 million.

So in the name of paying for hurricane relief, we cut funding for the programs that would help the neediest Americans, including many of the gulf coast citizens who were affected by that disaster.

At this time of economic uncertainty for our country, the so-called Deficit Reduction Act places the burden on the shoulders of the American families least able to carry it. It is clear that this legislation will make painful cuts, and when combined with the tax legislation will increase deficit problems that we face, and so I must vote against it.

Mr. BLUMENAUER. Mr. Speaker, the Republican fiscal mismanagement is so bad and their budget proposal so dreadful that even the Republican caucus is having difficulty swallowing it. Main Street Republicans don't agree with K Street Republicans who don't agree with Wall Street Republicans, and they are all hopelessly out of touch with the streets where most Americans live.

It is irresponsible to claim that this is the only way to pay for our Hurricane Katrina assistance, while the Republican leadership works on extending $70 billion in tax cuts for those least in need. In reality, we can save the budget without breaking the bank and making harmful cuts to the most vulnerable Americans. The first step is to halt plans to provide an additional $70 million in tax cuts for those least in need while cutting $11.9 billion from Medicare and $14.3 billion from student loan programs. Even with these spending cuts, the proposal will still increase the national debt by more than $100 billion over the next 5 years.

We can do better for America's future than cutting off assistance to society's most vulnerable. The budget is a reflection of our priorities and future path. We must provide the investment in education that will prepare our students for the high-tech and global world we live in. We need to create a health care system that is fair and affordable, and doesn't burden businesses in the global marketplace. We must stop shortchanging our infrastructure needs and put in place a world-class transportation system that moves people and freight seamlessly. In the long-run we are losing money by waiting in traffic-filled commutes, delayed movement of freight, and expensive patchwork repairs to inadequate systems.

There is much talk of scandal here in Washington, D.C., but the true scandal is how tragically out-of-touch my Republican colleagues are from the needs and desires of the average American.

☐ 0115

The SPEAKER pro tempore (Mr. THORNBERRY). Pursuant to House Resolution 560, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SPRATT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage of H.R. 4241 will be followed by a 5-minute vote on suspending the rules and agreeing to House Resolution 546.

The vote was taken by electronic device, and there were—ayes 217, noes 215, not voting 2, as follows:

[Roll No. 601]

AYES—217

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.

Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—215

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gerlach
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOT VOTING—2

Boswell
Towns

□ 0141

Mr. GUTIERREZ changed his vote from "aye" to "no."

Mr. GILCHREST and Mr. LaTOURETTE changed their vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONDEMNING TERRORIST ATTACKS IN JORDAN

The SPEAKER pro tempore (Mr. THORNBERRY). The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 546, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 546, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 0, not voting 24, as follows:

[Roll No. 602]

YEAS—409

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)

Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—24

Baker
Bean
Boehner
Boswell
Clay
Davis, Jo Ann
Dicks
Doggett
Hall
Hefley
Johnson, E. B.
Jones (NC)
Latham
Marshall
McHugh
Murtha
Oxley
Paul
Radanovich
Ramstad
Rangel
Stark
Tancredo
Towns

□ 0151

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NUSSLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4241.

The SPEAKER pro tempore (Mr. KUHL of New York). Is there objection to the request of the gentleman from Iowa?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the House of the following title:

H.R. 4326. An act to authorize the Secretary of the Navy to enter into a contract for the nuclear refueling and complex overhaul of the U.S.S. Carl Vinson (CVN–70).

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 705. An act to establish the Interagency Council on Meeting the Housing and Service Needs of Seniors, and for other purposes.

AUTHORIZING THE CLERK TO MAKE CHANGES IN ENGROSSMENT OF H.R. 4241, DEFICIT REDUCTION ACT OF 2005

Mr. NUSSLE. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical and conforming corrections to the text of H.R. 4241, as passed by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

THANKING STAFF FOR THEIR WORK ON THE DEFICIT REDUCTION ACT

(Mr. NUSSLE asked and was given permission to address the House for 1 minute.)

Mr. NUSSLE. Mr. Speaker, I would like to speak out of order for a moment just to thank the staff of the Budget Committee, Jim Bates, a very able staff that put together the bill. I also would like to thank so many of the leadership staff that do such good work around here and the committee staff that put all of this together. They did an excellent job and they deserve a lot of credit for that work.

DEFICIT REDUCTION OMNIBUS RECONCILIATION ACT OF 2005

Mr. NUSSLE. Mr. Speaker, pursuant to section 3 of House Resolution 560, I call up the Senate bill (S. 1932) to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95), and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 1932

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Deficit Reduction Omnibus Reconciliation Act of 2005".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of Contents.

TITLE I—COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Sec. 1001. Short title.

Subtitle A—Commodity Programs

Sec. 1101. Reduction of commodity program payments.
Sec. 1102. Forfeiture penalty for nonrecourse sugar loans.
Sec. 1103. Cotton competitiveness provisions.
Sec. 1104. National dairy market loss payments.
Sec. 1105. Advance direct payments.

Subtitle B—Conservation

Sec. 1201. Conservation reserve program.
Sec. 1202. Conservation security program.
Sec. 1203. Environmental quality incentives program.

Subtitle C—Miscellaneous

Sec. 1301. Initiative for future agriculture and food systems.

TITLE II—COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Subtitle A—Merger of the Deposit Insurance Funds

Sec. 2001. Short title.
Sec. 2002. Definitions.
Sec. 2003. Merger of BIF and SAIF.
Sec. 2004. Establishment of the Deposit Insurance Fund.
Sec. 2005. Technical and conforming amendments to the Federal Deposit Insurance Act.
Sec. 2006. Other technical and conforming amendments.
Sec. 2007. Effective date.

Subtitle B—Deposit Insurance Modernization and Improvement

Sec. 2011. Short title.
Sec. 2012. Changes to Federal deposit insurance coverage.
Sec. 2013. Designated reserve ratio.
Sec. 2014. Assessment credits and dividends.
Sec. 2015. Assessments-related records retention and statute of limitations.
Sec. 2016. Increase in fees for late assessment payments.
Sec. 2017. Regulations required.
Sec. 2018. Studies of potential changes to the Federal deposit insurance system.
Sec. 2019. Effective date.

Subtitle C—FHA Asset Disposition

Sec. 2021. Short title.
Sec. 2022. Definitions.
Sec. 2023. Appropriated funds requirement for below market sales.
Sec. 2024. Up-front grants.
Sec. 2025. Authorization of appropriations.

Subtitle D—Adaptive Housing Assistance

Sec. 2031. Short title.
Sec. 2032. Adoptive housing assistance for disabled veterans residing temporarily in housing owned by a family member.
Sec. 2033. GAO reports.

TITLE III—COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Sec. 3001. Short title.
Sec. 3002. Analog spectrum recovery; hard deadline.
Sec. 3003. Auction of recovered spectrum.
Sec. 3004. Supplemental license fees.
Sec. 3005. Digital Transition and Public Safety Fund.
Sec. 3005A. Communication system grants.
Sec. 3006. Essential air service program.

TITLE IV—ENERGY AND NATURAL RESOURCES

Sec. 4001. Oil and gas leasing program.

TITLE V—COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Sec. 5001. Technical corrections to SAFETEA–LU.

TITLE VI—COMMITTEE ON FINANCE

Sec. 6000. Amendments to Social Security Act.

Subtitle A—Medicaid

CHAPTER 1—PAYMENT FOR PRESCRIPTION DRUGS UNDER MEDICAID

Sec. 6001. Pharmacy reimbursement.
Sec. 6002. Increase in rebates for covered outpatient drugs.
Sec. 6003. Improved regulation of authorized generic drugs.

Sec. 6004. Collection of rebates for certain physician administered drugs.

Chapter 2—Long-Term Care Under Medicaid

Sec. 6011. Reform of Medicaid asset transfer rules.
Sec. 6012. State long-term care partnerships.

Chapter 3—Eliminating Fraud, Waste, and Abuse in Medicaid

Sec. 6021. Enhancing third party recovery.
Sec. 6022. Limitation on use of contingency fee arrangements.
Sec. 6023. Encouraging the enactment of State False Claims Acts.
Sec. 6024. Employee education about False Claims Recovery.
Sec. 6025. Prohibition on restocking and double billing of prescription drugs.
Sec. 6026. Medicaid Integrity Program.

Chapter 4—State Financing Under Medicaid

Sec. 6031. Reforms of targeted case management.
Sec. 6032. Temporary Federal matching payments for Federal assistance.
Sec. 6033. Managed care organization provider tax reform.
Sec. 6034. Inclusion of podiatrists as physicians.
Sec. 6035. DSH allotment for the District of Columbia.
Sec. 6036. Demonstration project regarding Medicaid reimbursement for stabilization of emergency medical conditions by non-publicly owned or operated institutions for mental diseases.
Sec. 6037. Limitation on severe reduction in the Medicaid FMAP for fiscal year 2006.
Sec. 6038. Extension of prescription drug rebates to enrollees in Medicaid managed care organizations.
Sec. 6039. Extension of the Medicare Part A and B payment holiday.
Sec. 6039A. Sense of the Senate.
Sec. 6039B. Authority to continue providing certain adult day health care services or medical adult day care services.
Sec. 6039C. Demonstration project regarding Medicaid coverage of low-income HIV-infected individuals.
Sec. 6039D. Additional increase in rebate for single source and innovator multiple source drugs.

Chapter 5—Improving the Medicaid and State Children's Health Insurance Programs

SUBCHAPTER A—FAMILY OPPORTUNITY ACT

Sec. 6041. Short title of subchapter.
Sec. 6042. Opportunity for families of disabled children to purchase Medicaid coverage for such children.
Sec. 6043. Demonstration projects regarding home and community-based alternatives to psychiatric residential treatment facilities for children.
Sec. 6044. Development and support of family-to-family health information centers.
Sec. 6045. Restoration of Medicaid eligibility for certain SSI beneficiaries.

SUBCHAPTER B—STATE CHILDREN'S HEALTH INSURANCE PROGRAM

Sec. 6051. Rules for availability, redistribution, and extended availability of allotments for fiscal years 2003, 2004, and 2005.
Sec. 6052. Authority to use up to 10 percent of fiscal year 2006 and 2007 allotments for outreach.
Sec. 6053. Prohibition against covering nonpregnant childless adults with SCHIP funds.
Sec. 6054. Continued authority for qualifying States to use certain funds for Medicaid expenditures.
Sec. 6055. Grants to promote innovative outreach and enrollment under Medicaid and SCHIP.

SUBCHAPTER C—MONEY FOLLOWS THE PERSON REBALANCING DEMONSTRATION

Sec. 6061. Money Follows the Person Rebalancing Demonstration.

Chapter 6—Option for Hurricane Katrina Disaster States To Delay Application

Sec. 6071. Option for Hurricane Katrina disaster States to delay application.

Subtitle B—Medicare

Sec. 6101. Improvements to the Medicare-dependent hospital (MDH) program.
Sec. 6102. Reduction in payments to skilled nursing facilities for bad debt.
Sec. 6103. Two-year extension of the 50 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.
Sec. 6104. Prohibition on physician self referrals to physician owned, limited service hospitals.
Sec. 6105. Minimum update for physicians' services for 2006.
Sec. 6106. One-year extension of hold harmless provisions for small rural hospitals and sole community hospitals under the prospective payment system for hospital outpatient department services.
Sec. 6107. Update to the composite rate component of the basic case-mix adjusted prospective payment system for dialysis services.
Sec. 6108. One-year extension of moratorium on therapy caps.
Sec. 6109. Transfer of title of certain DME to patient after 13-month rental.
Sec. 6110. Establishment of Medicare value-based purchasing programs.
Sec. 6111. Phase-out of risk adjustment budget neutrality in determining the amount of payments to Medicare Advantage organizations.
Sec. 6112. Elimination of Medicare Advantage regional plan stabilization fund.
Sec. 6113. Rural PACE provider grant program.
Sec. 6114. Waiver of part B late enrollment penalty for certain international volunteers.
Sec. 6115. Delivery of services at federally qualified health centers.
Sec. 6116. Technical correction regarding purchase agreements for power-driven wheelchairs.
Sec. 6117. Medicare coverage of ultrasound screening for abdominal aortic aneurysms: national educational and information campaign.
Sec. 6118. Improving patient access to, and utilization of, colorectal cancer screening under medicare.
Sec. 6119. Coverage of marriage and family therapist services and mental health counselor services under part b of the medicare program.
Sec. 6120. Quality measurement systems amendments.

TITLE VII—COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Subtitle A—Education Provisions

Chapter 1—Education

Sec. 7101. Provisional grant assistance program.
Sec. 7102. National smart grants.
Sec. 7103. Loan limits.
Sec. 7104. Plus loan interest rates and zero special allowance payment.
Sec. 7105. Reduction of lender insurance reimbursement rates.
Sec. 7106. Guaranty agency origination fee.
Sec. 7107. Deferment of student loans for military service.
Sec. 7108. Recovery through consolidation.
Sec. 7109. Single holder rule.
Sec. 7110. Default reduction program.
Sec. 7111. Requirements for disbursements of student loans.
Sec. 7112. Special insurance and reinsurance rules.
Sec. 7113. School as lender moratorium.
Sec. 7114. Permanent reduction of special allowance payments for loans from the proceeds of tax exempt issues.
Sec. 7115. Special allowances.
Sec. 7116. Origination fee.
Sec. 7117. Income contingent repayment for public sector employees.
Sec. 7118. Family contribution for dependent students.
Sec. 7119. Family contribution for independent students without dependents other than a spouse.
Sec. 7120. Family contribution for independent students with dependents other than a spouse.
Sec. 7121. Regulations; updated tables.
Sec. 7122. Simplified need test and automatic zero improvements.
Sec. 7123. Loan forgiveness for teachers.
Sec. 7124. Effective date.

Chapter 2—Hurricane Katrina Higher Education Recovery

Sec. 7151. Short title.
Sec. 7152. Definitions.
Sec. 7153. Waiver authority and modifications to certain provisions of the Higher Education Act of 1965.
Sec. 7154. General waiver authority and required consultation.
Sec. 7155. Notice of waivers, modifications, or extensions.
Sec. 7156. Regulatory requirements inapplicable.
Sec. 7157. Department of Education Inspector General audit and report.
Sec. 7158. Sunset provision.

Subtitle B—Pension Benefit Guaranty Corporation Premiums

Sec. 7201. Amendments to the Employee Retirement Income Security Act of 1974.

Subtitle C—Higher Education Reauthorization

Chapter 1—Short Title; References; General Effective Date

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Sec. 7302. References.
Sec. 7303. General effective date.

Chapter 2—General Provisions

Sec. 7311. Additional definitions.
Sec. 7312. General definition of institution of higher education.
Sec. 7313. Definition of institution of higher education for purposes of title IV programs.

Sec. 7314. Protection of student speech and association rights.
Sec. 7315. National advisory committee on institutional quality and integrity.
Sec. 7316. Drug and alcohol abuse prevention.
Sec. 7317. Prior rights and obligations.
Sec. 7318. Cost of higher education.
Sec. 7319. Performance-based organization for the delivery of Federal student financial assistance.
Sec. 7320. Procurement flexibility.

CHAPTER 3—TEACHER QUALITY ENHANCEMENT

Sec. 7331. Teacher quality enhancement grants for States and partnerships.

CHAPTER 4—INSTITUTIONAL AID

Sec. 7341. Program purpose.
Sec. 7342. Definitions; eligibility.
Sec. 7343. American Indian tribally controlled colleges and universities.
Sec. 7344. Alaska Native and Native Hawaiian-serving institutions.
Sec. 7345. Native American-serving, nontribal institutions.
Sec. 7346. Part B definitions.
Sec. 7347. Grants to institutions.
Sec. 7348. Allotments to institutions.
Sec. 7349. Professional or graduate institutions.
Sec. 7350. Authorization of appropriations.
Sec. 7351. Technical corrections.

CHAPTER 5—STUDENT ASSISTANCE

SUBCHAPTER A—GRANTS TO STUDENTS IN ATTENDANCE AT INSTITUTIONS OF HIGHER EDUCATION

Sec. 7361. Federal Pell Grants.
Sec. 7362. Federal TRIO Programs.
Sec. 7363. Gaining Early Awareness and Readiness for Undergraduate Programs.
Sec. 7364. Academic Achievement Incentive Scholarships.
Sec. 7365. Federal Supplemental Educational Opportunity Grants.
Sec. 7366. Leveraging Educational Assistance Partnership Program.
Sec. 7367. Special programs for students whose families are engaged in migrant and seasonal farmwork.
Sec. 7368. Robert C. Byrd Honors Scholarship Program.
Sec. 7369. Child care access means parents in school.
Sec. 7370. Learning anytime anywhere partnerships.

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Sec. 7382. Federal payments to reduce student interest costs.
Sec. 7383. Federal consolidation loans.
Sec. 7384. Default reduction program.
Sec. 7385. Requirements for disbursement of student loans.
Sec. 7386. Reports to credit bureaus and institutions of higher education.
Sec. 7387. Common forms and formats.
Sec. 7388. Student loan information by eligible borrowers.
Sec. 7389. Consumer education information.
Sec. 7390. Definition of eligible lender.
Sec. 7390A. Repayment by the Secretary of loans of bankrupt, deceased, or disabled borrowers; treatment of borrowers attending schools that fail to provide a refund, attending closed schools, or falsely certified as eligible to borrow.

SUBCHAPTER C—FEDERAL WORK-STUDY PROGRAMS

Sec. 7391. Authorization of appropriations.
Sec. 7392. Allowance for books and supplies.
Sec. 7393. Grants for Federal work-study programs.
Sec. 7394. Job location and development programs.
Sec. 7395. Work colleges.

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SUBCHAPTER E—FEDERAL PERKINS LOANS

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Sec. 7412. Terms of loans.
Sec. 7413. Cancellation of loans for certain public service.
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Sec. 7422. Discretion of student financial aid administrators.
Sec. 7423. Definitions.

SUBCHAPTER G—GENERAL PROVISIONS RELATING TO STUDENT ASSISTANCE

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Sec. 7433. Forms and regulations.
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CHAPTER 8—GRADUATE AND POSTSECONDARY IMPROVEMENT PROGRAMS

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Sec. 7702. Allocation of Jacob K. Javits fellowships.
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Sec. 7709. Authorization of appropriations for the Thurgood Marshall Legal Educational Opportunity Program.
Sec. 7710. Fund for the improvement of postsecondary education.
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Sec. 7921. United States Institute of Peace Act.
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Sec. 7945. Short title.
Sec. 7946. Reauthorization of Navajo Community College Act.
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Sec. 7947. Findings.
Sec. 7948. Immediate aid to restart school operations.
Sec. 7949. Hold harmless for local educational agencies serving major disaster areas.
Sec. 7950. Teacher and paraprofessional reciprocity; delay.
Sec. 7951. Assistance for homeless youth.
Sec. 7952. Temporary emergency impact aid for displaced students.
Sec. 7953. Origination fees for student loans.
Sec. 7954. Authorization and appropriation of funds.
Sec. 7955. Sunset provision.
TITLE VIII—COMMITTEE ON THE JUDICIARY
Sec. 8001. Recapture of unused visa numbers.
Sec. 8002. Fees with respect to immigration services for intracompany transferees.
Sec. 8003. Justice programs.
Sec. 8004. Copyright program.
DIVISION A—AMTRAK REAUTHORIZATION
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Sec. 205. Establishment of grant process.
Sec. 206. State-supported routes.
Sec. 207. Independent auditor to establish methodologies for Amtrak route and service planning decisions.
Sec. 208. Metrics and standards.
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Sec. 211. Alternate passenger rail service program.
Sec. 212. Employee transition assistance.
Sec. 213. Northeast corridor state-of-good-repair plan.
Sec. 214. Northeast corridor infrastructure and operations improvements.
Sec. 215. Restructuring long-term debt and capital leases.
Sec. 216. Study of compliance requirements at existing intercity rail stations.
Sec. 217. Incentive pay.
Sec. 218. Access to Amtrak equipment and services.
Sec. 219. General Amtrak provisions.
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Sec. 401. Systemwide Amtrak security upgrades.
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Sec. 403. Amtrak plan to assist families of passengers involved in rail passenger accidents.
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TITLE I—COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

SEC. 1001. SHORT TITLE.

This title may be cited as the "Agricultural Reconciliation Act of 2005".

Subtitle A—Commodity Programs

SEC. 1101. REDUCTION OF COMMODITY PROGRAM PAYMENTS.

(a) IN GENERAL.—Subtitle F of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7991 et seq.) is amended by adding at the end the following:

"SEC. 1619. REDUCTION OF COMMODITY PROGRAM PAYMENTS.

"(a) DEFINITION OF COMMODITY PROGRAM PAYMENTS.—In this section, the term 'commodity program payments' means—

"(1) direct payments;

"(2) counter-cyclical payments; and

"(3) payments and benefits associated with the loan program, including gains from the forfeiture of any commodity pledged as collateral for loans and gains from in-kind payments described in section 166 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7286), as determined by the Secretary.

"(b) REDUCTION.—

"(1) IN GENERAL.—Notwithstanding any other provision of this title, for each of the 2006 through 2010 crop years for wheat, corn, grain sorghum, barley, oats, upland cotton, extra long staple cotton, rice, soybeans, other oilseeds, wool, mohair, honey, dry peas, lentils, small chickpeas, unshorn pelts, silage, hay, and peanuts, the Secretary shall reduce the total amount of commodity program payments received by the producers on a farm for those commodities for that crop year by an amount equal to 2.5 percent of that amount.

"(2) MILK.—During the period beginning on October 1, 2005, and ending on September 30, 2007, the Secretary shall reduce the total amount of payments received by producers pursuant to section 1502 by an amount equal to 2.5 percent of that amount.".

(b) COMMODITIES.—

(1) IN GENERAL.—Title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 et seq.), including each amendment made by that title, is amended by striking "2007" each place it appears (other than in sections 1104(f), 1304(g), and 1307(a)(6) and amendments made by this title) and inserting "2011".

(2) COTTON.—Sections 1204(e)(1) and 1208(a) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7934(e)(1), 7938(a)) are amended by striking "2008" each place it appears and inserting "2012".

SEC. 1102. FORFEITURE PENALTY FOR NONRECOURSE SUGAR LOANS.

Section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) is amended—

(1) by redesignating subsections (h), (i), and (j) as subsections (i), (j), and (k), respectively; and

(2) by inserting after subsection (g) the following:

"(h) FORFEITURE PENALTY.—

"(1) IN GENERAL.—In the case of each of the 2006 through 2010 crops of sugar beets and sugarcane, a penalty shall be assessed on the forfeiture of any sugar pledged as collateral for a nonrecourse loan under this section.

"(2) AMOUNT.—The penalty for sugarcane and sugar beets under this subsection shall be 1.2 percent of the loan rate established for sugarcane and sugar beets under subsections (a) and (b), respectively.

"(3) EFFECT OF FORFEITURE.—Any payments owed producers by a processor that forfeits any sugar pledged as collateral for a nonrecourse loan shall be reduced in proportion to the loan forfeiture penalty incurred by the processor.

"(4) CROPS.—This subsection shall apply only to the 2006 through 2010 crops of sugar beets and sugarcane.".

SEC. 1103. COTTON COMPETITIVENESS PROVISIONS.

(a) IN GENERAL.—Section 1207 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7937) is amended—

(1) by striking the section heading and inserting the following: "**UPLAND COTTON IMPORT QUOTAS.**";

(2) by striking subsection (a);

(3) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively;

(4) in subsection (a) (as so redesignated)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking ", adjusted for the value of any certificate issued under subsection (a),"; and

(ii) in subparagraph (C), by striking ", for the value of any certificates issued under subsection (a)"; and

(B) in paragraph (4), by striking "subsection (c)" and inserting "subsection (b)"; and

(5) in subsection (b)(2) (as so redesignated), by striking "subsection (b)" and inserting "subsection (a)".

(b) FAIR.—Section 136 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7236) is repealed.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on August 1, 2006.

SEC. 1104. NATIONAL DAIRY MARKET LOSS PAYMENTS.

(a) AMOUNT.—Section 1502(c) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982(c)) is amended by striking paragraph (3) and inserting the following:

"(3)(A) during the period beginning on the first day of the month the producers on a dairy farm enter into a contract under this section and ending on September 30, 2005, 45 percent; and

"(B) during the period beginning on October 1, 2005, and ending on September 30, 2007, 34 percent.".

(b) DURATION.—Section 1502 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982) is amended by striking "2005" each place it appears in subsections (f) and (g)(1) and inserting "2007".

(c) CONFORMING AMENDMENTS.—Section 1502 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982) is amended—

(1) in subsection (g)(1), by striking "and subsection (h)"; and

(2) by striking subsection (h).

SEC. 1105. ADVANCE DIRECT PAYMENTS.

(a) IN GENERAL.—Section 1103(d)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7913(d)(2)) is amended in the first sentence by striking "2007 crops years" and inserting "2005 crop years, up to 40 percent of the direct payment for a covered commodity for the 2006 crop year, and up to 29 percent of the direct payment for a covered commodity for any of the 2007 through 2011 crop years.".

(b) PEANUTS.—Section 1303(e)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7953(e)(2)) is amended in the first sentence by striking "2007 crops years" and inserting "2005 crop years, up to 40 percent of the direct payment for the 2006 crop year, and up to 29 percent of the direct payment for any of the 2007 through 2011 crop years.".

Subtitle B—Conservation

SEC. 1201. CONSERVATION RESERVE PROGRAM.

(a) IN GENERAL.—Section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) is amended—

(1) in subsection (a), by striking "2007" and inserting "2011";

(2) in subsection (d), by striking "up" and all that follows through "years" and inserting "in the conservation reserve at any 1 time 36,400,000 acres during the 2002 through 2010 calendar years and 38,300,000 acres in the 2011 calendar year"; and

(3) in subsection (h)(1)(A), by striking "2007" and inserting "2011".

(b) FUNDING.—Section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended—

(1) in the matter before paragraph (1), by striking "For" and inserting "Except as otherwise provided in this subsection, for"; and

(2) in paragraph (1), by striking "The conservation" and inserting "For fiscal years 2002 through 2011, the conservation".

(c) IMPLEMENTATION.—In implementing the amendments made by this section, the Secretary of Agriculture shall achieve the new maximum acreage enrollment limit not later than 2 years after the date of enactment of this Act without affecting conservation reserve existing contracts.

SEC. 1202. CONSERVATION SECURITY PROGRAM.

(a) IN GENERAL.—Section 1238A(a) of the Food Security Act of 1985 (16 U.S.C. 3838a(a)) is amended by striking "2007" and inserting "2011".

(b) FUNDING.—Section 1241(a)(3) of the Food Security Act of 1985 (16 U.S.C. 3841(a)(3)) is amended by striking "not more than $6,037,000,000" and all that follows through "2014." and inserting the following: "not more than—

"(A) $1,954,000,000 for the period of fiscal years 2006 through 2010; and

"(B) $5,200,000,000 for the period of fiscal years 2006 through 2015.".

SEC. 1203. ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

(a) IN GENERAL.—Section 1240B(a)(1) of the Food Security Act of 1985 (16 U.S.C. 3839aa-2(a)(1)) is amended by striking "2007" and inserting "2011".

(b) LIMITATION ON PAYMENTS.—Section 1240G of the Food Security Act of 1985 (16 U.S.C. 3839aa-7) is amended by striking "2007" and inserting "2011".

(c) FUNDING.—Section 1241(a)(6) of the Food Security Act of 1985 (16 U.S.C. 3841(a)(6)) is amended by striking subparagraphs (D) and (E) and inserting the following:

"(D) $1,017,000,000 in fiscal year 2005;

"(E) $1,185,000,000 in fiscal year 2006;

"(F) $1,270,000,000 in each of fiscal years 2007 through 2010; and

"(G) $1,300,000,000 in fiscal year 2011.".

Subtitle C—Miscellaneous

SEC. 1301. INITIATIVE FOR FUTURE AGRICULTURE AND FOOD SYSTEMS.

(a) IN GENERAL.—Section 401(b)(3) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621(b)(3)) is amended—

(1) in subparagraph (C), by striking "$160,000,000; and" and inserting "$104,000,000;";

(2) by redesignating subparagraph (D) as subparagraph (E);

(3) by inserting after subparagraph (C) the following:

"(D) on October 1, 2006, and each October 1 thereafter through October 1, 2009, $130,000,000; and"; and

(4) in subparagraph (E) (as so redesignated), by striking "2006" and inserting "2010".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on October 1, 2005.

TITLE II—COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Subtitle A—Merger of the Deposit Insurance Funds

SEC. 2001. SHORT TITLE.

This subtitle may be cited as the "Safe and Fair Deposit Insurance Act of 2005".

SEC. 2002. DEFINITIONS.

In this subtitle—

(1) the term "Administration" means the National Credit Union Administration;

(2) the term "Board" means the Board of Directors of the Federal Deposit Insurance Corporation (other than in connection with the National Credit Union Administration Board);

(3) the term "Corporation" means the Federal Deposit Insurance Corporation;

(4) the term "designated reserve ratio" means the reserve ratio designated by the Board under section 7(b)(3) of the Federal Deposit Insurance Act, as amended by this subtitle;

(5) the terms "Fund" and "Deposit Insurance Fund" mean the Deposit Insurance Fund established under section 11(a)(4) of the Federal Deposit Insurance Act, as amended by this subtitle;

(6) the terms "depository institution" and "insured depository institution" have the same meanings as in section 3 of the Federal Deposit Insurance Act; and

(7) the term "reserve ratio" means the ratio of the fund balance of the Deposit Insurance Fund to aggregate estimated insured deposits held in all insured depository institutions.

SEC. 2003. MERGER OF BIF AND SAIF.

(a) IN GENERAL.—

(1) MERGER.—The Bank Insurance Fund and the Savings Association Insurance Fund shall be merged into the Deposit Insurance Fund.

(2) DISPOSITION OF ASSETS AND LIABILITIES.—All assets and liabilities of the Bank Insurance Fund and the Savings Association Insurance Fund shall be transferred to the Deposit Insurance Fund.

(3) NO SEPARATE EXISTENCE.—The separate existence of the Bank Insurance Fund and the Savings Association Insurance Fund shall cease on the effective date of the merger thereof under this section.

(b) REPEAL OF OUTDATED MERGER PROVISION.—Section 2704 of the Deposit Insurance Funds Act of 1996 (12 U.S.C. 1821 note) is repealed.

SEC. 2004. ESTABLISHMENT OF THE DEPOSIT INSURANCE FUND.

(a) IN GENERAL.—Section 11(a)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(4)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (C);

(2) by striking subparagraph (A) and inserting the following:

"(A) ESTABLISHMENT.—There is established the Deposit Insurance Fund, which the Corporation shall—

"(i) maintain and administer;

"(ii) use to carry out its insurance purposes, in the manner provided by this subsection; and

"(iii) invest in accordance with section 13(a).

"(B) USES.—The Deposit Insurance Fund shall be available to the Corporation for use with respect to Deposit Insurance Fund members.";

(3) by striking "(4) GENERAL PROVISIONS RELATING TO FUNDS.—" and inserting the following:

"(4) ESTABLISHMENT OF THE DEPOSIT INSURANCE FUND.—";

(4) in subparagraph (C), as redesignated by paragraph (1) of this subsection, by striking "Bank Insurance Fund and the Savings Association Insurance Fund" and inserting "Deposit Insurance Fund"; and

(5) by adding at the end the following:

"(D) DEPOSITS.—All amounts assessed against insured depository institutions by the Corporation shall be deposited in the Deposit Insurance Fund.".

(b) MERGER-RELATED AMENDMENTS TO THE FEDERAL DEPOSIT INSURANCE ACT.—

(1) DEFINITIONS.—Section 3(y) of the Federal Deposit Insurance Act (12 U.S.C. 1813(y)) is amended to read as follows:

"(y) DEFINITIONS RELATING TO THE DEPOSIT INSURANCE FUND.—

"(1) DEPOSIT INSURANCE FUND.—The terms 'Deposit Insurance Fund' and 'Fund' mean the fund established under section 11(a)(4).".

(2) ASSESSMENTS.—Section 7 of the Federal Deposit Insurance Act (12 U.S.C. 1817) is amended—

(A) by striking subsection (l);

(B) by redesignating subsections (m) and (n) as subsections (l) and (m), respectively; and

(C) in subsection (b), by striking paragraph (2) and inserting the following:

"(2) ASSESSMENTS.—

"(A) IN GENERAL.—Each insured depository institution shall pay assessments to the Corporation in such amounts and at such time or times as the Board of Directors may require.

"(B) FACTORS TO BE CONSIDERED.—In setting assessments for insured depository institutions, the Board of Directors shall consider—

"(i) the estimated operating expenses of the Deposit Insurance Fund;

"(ii) the estimated case resolution expenditures and income of the Deposit Insurance Fund;

"(iii) the projected effects of assessments on the earnings and capital of insured depository institutions;

"(iv) the need to maintain a risk-based assessment system under paragraph (1); and

"(v) any other factors that the Board of Directors may determine to be appropriate.

"(C) NOTICE OF ASSESSMENTS.—The Corporation shall notify each insured depository institution of assessments charged to that institution.

"(D) NEWLY INSURED INSTITUTIONS.—To facilitate the administration of this section, the Board of Directors may waive the requirements of subsection (c)(1) and subparagraph (A) of this paragraph for any assessment period in which a depository institution becomes insured.".

(3) REPEAL OF SEPARATE FUNDS PROVISIONS.—Section 11(a) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)) is amended—

(A) by striking paragraphs (5), (6), and (7); and

(B) by redesignating paragraph (8) as paragraph (5).

SEC. 2005. TECHNICAL AND CONFORMING AMENDMENTS TO THE FEDERAL DEPOSIT INSURANCE ACT.

(a) IN GENERAL.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended—

(1) in section 3(a)(1) (12 U.S.C. 1813(a)(1)), by striking subparagraph (B) and inserting the following:

"(B) includes any former savings association.";

(2) in section 5(b)(5) (12 U.S.C. 1815(b)(5)), by striking "the Bank Insurance Fund or the Savings Association Insurance Fund:" and inserting "the Deposit Insurance Fund,";

(3) in section 5(c)(4), by striking "deposit insurance fund" and inserting "Deposit Insurance Fund";

(4) in section 5(d) (12 U.S.C. 1815(d)), by striking paragraphs (2) and (3);

(5) in section 5(d)(1) (12 U.S.C. 1815(d)(1))—

(A) in subparagraph (A), by striking "reserve ratios in the Bank Insurance Fund and the Savings Association Insurance Fund as required by section 7" and inserting "the reserve ratio of the Deposit Insurance Fund";

(B) by striking subparagraph (B) and inserting the following:

"(2) FEE CREDITED TO THE DEPOSIT INSURANCE FUND.—The fee paid by the depository institution under paragraph (1) shall be credited to the Deposit Insurance Fund.";

(C) by striking "UNINSURED INSTITUTIONS.—" and all that follows through "GENERAL.—" and inserting "UNINSURED INSTITUTIONS.—"; and

(D) by redesignating subparagraph (C) as paragraph (3) and moving the margin 2 ems to the left;

(6) in section 5(e) (12 U.S.C. 1815(e))—

(A) in paragraph (5)(A), by striking "Bank Insurance Fund or the Savings Association Insurance Fund" and inserting "Deposit Insurance Fund";

(B) by striking paragraph (6); and

(C) by redesignating paragraphs (7), (8), and (9) as paragraphs (6), (7), and (8), respectively;

(7) in section 6(5) (12 U.S.C. 1816(5)), by striking "Bank Insurance Fund or the Savings Association Insurance Fund" and inserting "Deposit Insurance Fund";

(8) in section 7(a)(3) (12 U.S.C. 1817(a)(3))—

(A) by striking "in July"; and

(B) by striking "in January";

(9) in section 7(b) (12 U.S.C. 1817(b))—

(A) in paragraph (1)—

(i) in subparagraph (B)(ii), by striking "institution's semiannual assessment" and inserting "assessments for that institution under subsection (b)"; and

(ii) in subparagraph (C)—

(I) by striking "a depository institution's semiannual assessment" and inserting "assessments for a depository institution under subsection (b)"; and

(II) by striking "deposit insurance fund" each place that term appears and inserting "Deposit Insurance Fund";

(B) in paragraph (1)(D), by striking "each deposit insurance fund" and inserting "the Deposit Insurance Fund";

(C) by striking paragraph (4) and redesignating paragraphs (5) through (7) as paragraphs (4) through (6), respectively;

(D) in paragraph (5), as so redesignated—

(i) by striking "any such assessment" and inserting "any such assessment is necessary";

(ii) by striking subparagraph (B);

(iii) in subparagraph (A)—

(I) by striking "(A) is necessary—";

(II) by striking "Bank Insurance Fund members" and inserting "insured depository institutions"; and

(III) by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively, and moving the margins 2 ems to the left; and

(iv) in subparagraph (C) (as redesignated)—

(I) by inserting "that" before "the Corporation"; and

(II) by striking "; and" and inserting a period; and

(E) in paragraph (6), as so redesignated, by striking "semiannual assessment" and inserting "assessment under subsection (b)";

(10) in section 7(c) (12 U.S.C. 1817(c))—

(A) in paragraph (1), by striking "institution's semiannual assessment" and inserting "assessments for that institution under subsection (b)";

(B) by striking paragraphs (2) and (3); and

(C) by redesignating paragraph (4) as paragraph (2);

(11) in section 7(j)(7)(F) (12 U.S.C. 1817(j)(7)(F)), by striking "Bank Insurance Fund or the Savings Association Insurance Fund" and inserting "Deposit Insurance Fund";

(12) in section 8 (12 U.S.C. 1818)—

(A) in subsection (p), by striking "semiannual";

(B) in subsection (q), by striking "semiannual" and inserting "assessment"; and

(C) in subsection (t)(2)(C), by striking "deposit insurance fund" and inserting "Deposit Insurance Fund";

(13) in section 11 (12 U.S.C. 1821), by striking "deposit insurance fund" each place that term appears and inserting "Deposit Insurance Fund";

(14) in section 11(f)(1) (12 U.S.C. 1821(f)(1)), by striking ", except that—" and all that follows through the end of the paragraph and inserting a period;

(15) in section 11(i)(3) (12 U.S.C. 1821(i)(3))—

(A) by striking subparagraph (B);

(B) by redesignating subparagraph (C) as subparagraph (B); and

(C) in subparagraph (B) (as redesignated), by striking "subparagraphs (A) and (B)" and inserting "subparagraph (A)";

(16) in section 11(p)(2)(B) (12 U.S.C. 1821(p)(2)(B)), by striking "institution, any" and inserting "institution, the";

(17) in section 12(f)(4)(E)(iv) (12 U.S.C. 1822(f)(4)(E)(iv)), by striking "Federal deposit insurance funds" and inserting "the Deposit Insurance Fund, or any predecessor deposit insurance fund";

(18) in section 13 (12 U.S.C. 1823)—

(A) by striking "deposit insurance fund" each place that term appears and inserting "Deposit Insurance Fund";

(B) in subsection (a)(1), by striking "Bank Insurance Fund, the Savings Association Insurance Fund," and inserting "Deposit Insurance Fund";

(C) in subsection (c)(4)(E)—

(i) in the subparagraph heading, by striking "FUNDS" and inserting "FUND"; and

(ii) in clause (i), by striking "any insurance fund" and inserting "the Deposit Insurance Fund";

(D) in subsection (c)(4)(G)(ii)—

(i) by striking "appropriate insurance fund" and inserting "Deposit Insurance Fund";

(ii) by striking "the members of the insurance fund (of which such institution is a member)" and inserting "insured depository institutions";

(iii) by striking "each member's" and inserting "each insured depository institution's";

(iv) by striking "the member's" each place that term appears and inserting "the institution's"; and

(v) in subclause (II), by striking "semiannual" and inserting "applicable assessment";

(E) in subsection (c), by striking paragraph (11);

(F) in subsection (h), by striking "Bank Insurance Fund" and inserting "Deposit Insurance Fund";

(G) in subsection (k)(4)(B)(i), by striking "Savings Association Insurance Fund member" and inserting "savings association"; and

(H) in subsection (k)(5)—

(i) in subparagraph (A), by striking "Savings Association Insurance Fund members" and inserting "savings associations";

(ii) by striking "member's" each place that term appears and inserting "savings association's"; and

(iii) by striking "member" each place that term appears and inserting "savings association";

(19) in section 14(a) (12 U.S.C. 1824(a)), in the 5th sentence—

(A) by striking "Bank Insurance Fund or the Savings Association Insurance Fund" and inserting "Deposit Insurance Fund"; and

(B) by striking "each such fund" and inserting "the Deposit Insurance Fund";

(20) in section 14(b) (12 U.S.C. 1824(b)), by striking "Bank Insurance Fund or Savings Association Insurance Fund" and inserting "Deposit Insurance Fund";

(21) in section 14(c) (12 U.S.C. 1824(c))—

(A) in paragraph (2)(A), by striking "(7)" and inserting "(6)"; and

(B) by striking paragraph (3);

(22) in section 14(d) (12 U.S.C. 1824(d))—

(A) by striking "Bank Insurance Fund member" each place that term appears and inserting "insured depository institution";

(B) by striking "Bank Insurance Fund members" each place that term appears and inserting "insured depository institutions";

(C) by striking "Bank Insurance Fund" each place that term appears (other than in connection with a reference to a Bank Insurance Fund member or members) and inserting "Deposit Insurance Fund";

(D) by striking the subsection heading and inserting the following:

"(d) BORROWING FOR THE DEPOSIT INSURANCE FUND FROM INSURED DEPOSITORY INSTITUTIONS.—";

(E) in paragraph (3), in the paragraph heading, by striking "BIF" and inserting "THE DEPOSIT INSURANCE FUND"; and

(F) in paragraph (5), in the paragraph heading, by striking "BIF MEMBERS" and inserting "INSURED DEPOSITORY INSTITUTIONS";

(23) in section 14 (12 U.S.C. 1824), by adding at the end the following:

"(e) BORROWING FOR THE DEPOSIT INSURANCE FUND FROM FEDERAL HOME LOAN BANKS.—

"(1) IN GENERAL.—The Corporation may borrow from the Federal home loan banks, with the concurrence of the Federal Housing Finance Board, such funds as the Corporation considers necessary for the use of the Deposit Insurance Fund.

"(2) TERMS AND CONDITIONS.—Any loan from any Federal home loan bank under paragraph (1) to the Deposit Insurance Fund shall—

"(A) bear a rate of interest of not less than the current marginal cost of funds to that bank, taking into account the maturities involved;

"(B) be adequately secured, as determined by the Federal Housing Finance Board; and

"(C) be a direct liability of the Deposit Insurance Fund.";

(24) in section 15(c)(5) (12 U.S.C. 1825(c)(5))—

(A) by striking "the Bank Insurance Fund or Savings Association Insurance Fund, respectively" each place that term appears and inserting "the Deposit Insurance Fund"; and

(B) in subparagraph (B), by striking "the Bank Insurance Fund or the Savings Association Insurance Fund, respectively" and inserting "the Deposit Insurance Fund";

(25) in section 17(a) (12 U.S.C. 1827(a))—

(A) in the subsection heading, by striking "BIF, SAIF," and inserting "THE DEPOSIT INSURANCE FUND"; and

(B) in paragraph (1)—

(i) by striking "the Bank Insurance Fund, the Savings Association Insurance Fund," each place that term appears and inserting "the Deposit Insurance Fund"; and

(ii) in subparagraph (D), by striking "each insurance fund" and inserting "the Fund";

(26) in section 17(d) (12 U.S.C. 1827(d)), by striking ", the Bank Insurance Fund, the Savings Association Insurance Fund," each place that term appears and inserting "the Deposit Insurance Fund";

(27) in section 18(m) (12 U.S.C. 1828(m))—

(A) in paragraph (2), in the matter preceding subparagraph (A), by striking the colon and inserting a dash;

(B) in paragraph (3)(A)—

(i) by striking "poses a serious threat to the Savings Association Insurance Fund" and inserting "of an insured savings association poses a serious threat to the Deposit Insurance Fund"; and

(ii) by striking "Savings Association Insurance Fund member" and inserting "insured savings association"; and

(C) in paragraph (3)(C), by striking "Savings Association Insurance Fund or the Bank Insurance Fund" and inserting "Deposit Insurance Fund";

(28) in section 18(o) (12 U.S.C. 1828(o)), by striking "deposit insurance funds" and "deposit insurance fund" each place those terms appear and inserting "Deposit Insurance Fund";

(29) in section 18(p) (12 U.S.C. 1828(p)), by striking "deposit insurance funds" and inserting "Deposit Insurance Fund";

(30) in section 24 (12 U.S.C. 1831a)—

(A) in subsections (a)(1) and (d)(1)(A), by striking "appropriate deposit insurance fund" each place that term appears and inserting "Deposit Insurance Fund";

(B) in subsection (e)(2)(A), by striking "risk to" and all that follows through the period and inserting "risk to the Deposit Insurance Fund."; and

(C) in subsections (e)(2)(B)(ii) and (f)(6)(B), by striking "the insurance fund of which such bank is a member" each place that term appears and inserting "the Deposit Insurance Fund";

(31) in section 28 (12 U.S.C. 1831e), by striking "affected deposit insurance fund" each place that term appears and inserting "Deposit Insurance Fund";

(32) by striking section 31 (12 U.S.C. 1831h);

(33) in section 36(i)(3) (12 U.S.C. 1831m(i)(3)), by striking "affected deposit insurance fund" and inserting "Deposit Insurance Fund";

(34) in section 37(a)(1)(C) (12 U.S.C. 1831n(a)(1)(C)), by striking "insurance funds" and inserting "Deposit Insurance Fund";

(35) in section 38 (12 U.S.C. 1831o), by striking "the deposit insurance fund" each place that term appears and inserting "the Deposit Insurance Fund";

(36) in section 38(a) (12 U.S.C. 1831o(a)), in the subsection heading, by striking "FUNDS" and inserting "FUND";

(37) in section 38(k) (12 U.S.C. 1831o(k))—

(A) in paragraph (1), by striking "a deposit insurance fund" and inserting "the Deposit Insurance Fund";

(B) in paragraph (2), by striking "A deposit insurance fund" and inserting "The Deposit Insurance Fund"; and

(C) in paragraphs (2)(A) and (3)(B), by striking "the deposit insurance fund's outlays" each place that term appears and inserting "the outlays of the Deposit Insurance Fund"; and

(38) in section 38(o) (12 U.S.C. 1831o(o))—

(A) by striking "ASSOCIATIONS.—" and all that follows through "Subsections (e)(2)" in paragraph (2) and inserting "ASSOCIATIONS.—Subsections (e)(2)";

(B) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively, and moving the margins 2 ems to the left; and

(C) in paragraph (1) (as so redesignated), by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and moving the margins 2 ems to the left.

(b) CONFORMING TRANSFER OF FUNDS.—Any funds resulting from the application of section 7(d)(2) of the Federal Deposit Insurance Act prior to its repeal under subsection (a)(4) of this section shall be deposited into the general fund of the Deposit Insurance Fund established pursuant to this subtitle.

SEC. 2006. OTHER TECHNICAL AND CONFORMING AMENDMENTS.

(a) SECTION 5136 OF THE REVISED STATUTES.—The paragraph designated the "Eleventh" of section 5136 of the Revised Statutes of the United States (12 U.S.C. 24) is amended in the 5th sentence, by striking "affected deposit insurance fund" and inserting "Deposit Insurance Fund".

(b) INVESTMENTS PROMOTING PUBLIC WELFARE; LIMITATIONS ON AGGREGATE INVESTMENTS.—The 23d undesignated paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 338a) is amended in the 4th sentence, by striking "affected deposit insurance fund" and inserting "Deposit Insurance Fund".

(c) ADVANCES TO CRITICALLY UNDERCAPITALIZED DEPOSITORY INSTITUTIONS.—Section 10B(b)(3)(A)(ii) of the Federal Reserve Act (12 U.S.C. 347b(b)(3)(A)(ii)) is amended by striking "any deposit insurance fund in" and inserting "the Deposit Insurance Fund of".

(d) AMENDMENTS TO THE FEDERAL HOME LOAN BANK ACT.—The Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.) is amended—

(1) in section 11(k) (12 U.S.C. 1431(k))—

(A) in the subsection heading, by striking "SAIF" and inserting "THE DEPOSIT INSURANCE FUND"; and

(B) by striking "Savings Association Insurance Fund" each place that term appears and inserting "Deposit Insurance Fund";

(2) in section 21 (12 U.S.C. 1441)—

(A) in subsection (f)(2), by striking ", except that" and all that follows through the end of the paragraph and inserting a period; and

(B) in subsection (k), by striking paragraph (4);

(3) in section 21A(b)(4)(B) (12 U.S.C. 1441a(b)(4)(B)), by striking "affected deposit insurance fund" and inserting "Deposit Insurance Fund"; and

(4) in section 21B(k) (12 U.S.C. 1441b(k)) by inserting before the colon ", the following definitions shall apply".

(e) AMENDMENTS TO THE HOME OWNERS' LOAN ACT.—The Home Owners' Loan Act (12 U.S.C. 1461 et seq.) is amended—

(1) in section 5 (12 U.S.C. 1464)—

(A) in subsection (c)(6), by striking "As used in this subsection—" and inserting "For purposes of this subsection, the following definitions shall apply:";

(B) in subsection (o)(1), by striking "that is a Bank Insurance Fund member";

(C) in subsection (o)(2)(A), by striking "a Bank Insurance Fund member until such time as it changes its status to a Savings Association Insurance Fund member" and inserting "insured by the Deposit Insurance Fund";

(D) in subsection (t)(5)(D)(iii)(II), by striking "affected deposit insurance fund" and inserting "Deposit Insurance Fund";

(E) in subsection (t)(7)(C)(i)(I), by striking "affected deposit insurance fund" and inserting "Deposit Insurance Fund"; and

(F) in subsection (v)(2)(A)(i), by striking "the Savings Association Insurance Fund" and inserting "or the Deposit Insurance Fund"; and

(2) in section 10 (12 U.S.C. 1467a)—

(A) in subsection (c)(6)(D), by striking "this title" and inserting "this Act";

(B) in subsection (e)(1)(B), by striking "Savings Association Insurance Fund or Bank Insurance Fund" and inserting "Deposit Insurance Fund";

(C) in subsection (e)(2), by striking "Savings Association Insurance Fund or the Bank Insurance Fund" and inserting "Deposit Insurance Fund";

(D) in subsection (e)(4)(B), by striking "subsection (1)" and inserting "subsection (l)";

(E) in subsection (g)(3)(A), by striking "(5) of this section" and inserting "(5) of this subsection";

(F) in subsection (i), by redesignating paragraph (5) as paragraph (4);

(G) in subsection (m)(3), by striking subparagraph (E), and by redesignating subparagraphs (F), (G), and (H) as subparagraphs (E), (F), and (G), respectively;

(H) in subsection (m)(7)(A), by striking "during period" and inserting "during the period"; and

(I) in subsection (o)(3)(D), by striking "sections 5(s) and (t) of this Act" and inserting "subsections (s) and (t) of section 5".

(f) AMENDMENTS TO THE NATIONAL HOUSING ACT.—The National Housing Act (12 U.S.C. 1701 et seq.) is amended—

(1) in section 317(b)(1)(B) (12 U.S.C. 1723i(b)(1)(B)), by striking "Bank Insurance Fund for banks or through the Savings Association Insurance Fund for savings associations" and inserting "Deposit Insurance Fund"; and

(2) in section 536(b)(1)(B)(ii) (12 U.S.C. 1735f-14(b)(1)(B)(ii)), by striking "Bank Insurance Fund for banks and through the Savings Association Insurance Fund for savings associations" and inserting "Deposit Insurance Fund".

(g) AMENDMENTS TO THE FINANCIAL INSTITUTIONS REFORM, RECOVERY, AND ENFORCEMENT ACT OF 1989.—The Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1811 note) is amended—

(1) in section 951(b)(3)(B) (12 U.S.C. 1833a(b)(3)(B)), by striking "Bank Insurance Fund, the Savings Association Insurance Fund," and inserting "Deposit Insurance Fund (or any predecessor deposit insurance fund)"; and

(2) in section 1112(c)(1)(B) (12 U.S.C. 3341(c)(1)(B)), by striking "Bank Insurance Fund, the Savings Association Insurance Fund," and inserting "Deposit Insurance Fund".

(h) AMENDMENT TO THE BANK HOLDING COMPANY ACT OF 1956.—The Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.) is amended—

(1) in section 2(j)(2) (12 U.S.C. 1841(j)(2)), by striking "Savings Association Insurance Fund" and inserting "Deposit Insurance Fund"; and

(2) in section 3(d)(1)(D)(iii) (12 U.S.C. 1842(d)(1)(D)(iii)), by striking "appropriate deposit insurance fund" and inserting "Deposit Insurance Fund".

(i) AMENDMENTS TO THE GRAMM-LEACH-BLILEY ACT.—Section 114 of the Gramm-Leach-Bliley Act (12 U.S.C. 1828a) is amended in each of subsection (a)(1)(B), paragraphs (2)(B) and (4)(B) of subsection (b), and subsection (c)(1)(B), by striking "any Federal deposit insurance fund" and inserting "the Deposit Insurance Fund".

SEC. 2007. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this subtitle, this subtitle and the amendments made by this subtitle shall become effective not later than the first day of the first calendar quarter that begins more than 90 days after the date of enactment of this Act.

(b) EARLIER IMPLEMENTATION.—

(1) CORPORATION DETERMINATION.—If the Corporation determines that merger of the deposit insurance funds should occur before the first day of the first calendar quarter as described in subsection (a), the Corporation shall—

(A) announce such determination publicly; and

(B) establish the effective date of the merger.

(2) EARLIER EFFECTIVE DATE.—On the date established under paragraph (1)(B), this subtitle and the amendments made by this subtitle shall become effective.

Subtitle B—Deposit Insurance Modernization and Improvement

SEC. 2011. SHORT TITLE.

This subtitle may be cited as the "Deposit Insurance Reform Act of 2005".

SEC. 2012. CHANGES TO FEDERAL DEPOSIT INSURANCE COVERAGE.

(a) INSURED DEPOSITORY INSTITUTIONS.—

(1) IN GENERAL.—Section 11(a)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(1)) is amended—

(A) by striking subparagraph (B) and inserting the following:

"(B) NET AMOUNT OF INSURED DEPOSITS.—The net amount of deposit insurance payable to any depositor at an insured depository institution shall not exceed the standard maximum deposit insurance amount, as determined in accordance with subparagraphs (C) through (M)."; and

(B) by striking subparagraph (D) and inserting the following:

"(D) COVERAGE FOR CERTAIN EMPLOYEE BENEFIT PLAN DEPOSITS.—

"(i) PASS-THROUGH INSURANCE.—The Corporation shall provide pass-through deposit insurance for the deposits of any employee benefit plan.

"(ii) PROHIBITION ON ACCEPTANCE OF BENEFIT PLAN DEPOSITS.—An insured depository institution that is not well capitalized or adequately capitalized may not accept employee benefit plan deposits.

"(iii) DEFINITIONS.—For purposes of this subparagraph, the following definitions shall apply:

"(I) CAPITAL STANDARDS.—The terms 'well capitalized' and 'adequately capitalized' have the same meanings as in section 38.

"(II) EMPLOYEE BENEFIT PLAN.—The term 'employee benefit plan' has the same meaning as in paragraph (5)(B)(ii), and includes any eligible deferred compensation plan described in section 457 of the Internal Revenue Code of 1986.

"(III) PASS-THROUGH DEPOSIT INSURANCE.—The term 'pass-through deposit insurance' means, with respect to an employee benefit plan, deposit insurance coverage based on the interest of each participant, in accordance with regulations issued by the Corporation.

"(E) STANDARD MAXIMUM DEPOSIT INSURANCE AMOUNT DEFINED.—For purposes of this paragraph, the term 'standard maximum deposit insurance amount' means, until April 1, 2010, $100,000.

"(F) DETERMINATION REGARDING INFLATION ADJUSTMENTS.—

"(i) ADJUSTMENTS TO STANDARD MAXIMUM DEPOSIT INSURANCE AMOUNT.—Not later than April 1, 2010, and the first day of each 5-year period thereafter, the Board of Directors shall determine whether to increase the standard maximum deposit insurance amount based on the factors set forth under subparagraph (G).

"(ii) ADJUSTMENTS FOR CERTAIN RETIREMENT ACCOUNTS.—Not later than April 1, 2010, and the first day of each 5-year period thereafter, the Board of Directors shall determine whether to increase the amount of insurance available for retirement accounts under paragraph (3), based on the factors set forth under subparagraph (G).

"(G) INFLATION ADJUSTMENT CONSIDERATIONS.—In making any determination under subparagraph (F), the Board of Directors shall consider—

"(i) the economic conditions affecting insured depository institutions;

"(ii) the overall risk or risks to the Deposit Insurance Fund;

"(iii) a demonstrated need by depositors for the inflation adjustment increase;

"(iv) the ability of insured depository institutions to identify and obtain alternative funding sources;

"(v) the ability of insured depository institutions to meet the credit needs of their communities;

"(vi) potential problems affecting insured depository institutions generally or a specific group or type of insured depository institutions; and

"(vii) any other factors that the Board of Directors deems appropriate.

"(H) INFLATION ADJUSTMENT CALCULATIONS FOR 2010.—

"(i) CALCULATION FOR STANDARD MAXIMUM DEPOSIT INSURANCE AMOUNT.—The amount provided for any increase in the standard maximum deposit insurance amount shall be, as of April 1, 2010, the product of—

"(I) $100,000; and

"(II) the ratio of the value of the Personal Consumption Expenditures Chain-Type Index (or any successor index thereto), published by the Department of Commerce, for December 31 of the year preceding the year in which the adjustment is calculated under this subparagraph, to the value of such index for December 31 of the year preceding the effective date of the Safe and Fair Deposit Insurance Act of 2005.

"(ii) CALCULATION FOR CERTAIN RETIREMENT ACCOUNTS FOR 2010.—The amount provided for any increase in the insurance for retirement accounts under paragraph (3) shall be, as of April 1, 2010, the product of—

"(I) $250,000; and

"(II) the ratio of the value of the Personal Consumption Expenditures Chain-Type Index (or any successor index thereto), published by the Department of Commerce, for December 31 of the year preceding the year in which the adjustment is calculated under this subparagraph, to the value of such index for December 31 of the year preceding the effective date of the Safe and Fair Deposit Insurance Act of 2005.

"(I) INFLATION ADJUSTMENT CALCULATIONS AFTER 2010.—

"(i) CALCULATION FOR THE STANDARD MAXIMUM DEPOSIT INSURANCE AMOUNT.—The amount provided for any increase in the standard maximum deposit insurance amount shall be, as of the 1st day of each 5-year period beginning on April 1, 2015, the product of—

"(I) the standard maximum deposit insurance amount; and

"(II) the ratio of the value of the Personal Consumption Expenditures Chain-Type Index (or any successor index thereto), published by the Department of Commerce, for December 31 of the year preceding the year in which the adjustment is calculated under this subparagraph, to the value of such index for December 31 of the 6 years prior to the year in which the adjustment is calculated under this subparagraph.

"(ii) CALCULATION FOR CERTAIN RETIREMENT ACCOUNTS.—The amount provided for any increase in the insurance for retirement accounts under paragraph (3) shall be, as of the 1st day of each 5-year period beginning on April 1, 2015, the product of—

"(I) the amount available for retirement accounts under paragraph (3), as adjusted pursuant to subparagraph (H) or this subparagraph, as appropriate; and

"(II) the ratio of the value of the Personal Consumption Expenditures Chain-Type Index (or any successor index thereto), published by the Department of Commerce, for December 31 of the year preceding the year in which the adjustment is calculated under this subparagraph, to the value of such index for December 31 of the 6 years prior to the year in which the adjustment is calculated under this subparagraph.

"(J) DETERMINATION OF NO INFLATION INCREASES.—If the Board cannot support an increase under subparagraph (F) after consideration of the factors in subparagraph (G), no inflation adjustment shall be made until reconsideration at the beginning of the next 5-year period.

"(K) ROUNDING.—If the amount of increase determined for any period is not a multiple of $10,000, the amount so determined shall be rounded to the nearest $10,000.

"(L) PUBLICATION.—Not later than April 1, 2010, and not later than the first day of each 5-year period thereafter, the Board of Directors shall publish in the Federal Register the standard maximum deposit insurance amount and the amount of deposit insurance coverage that may be due to any depositor at any insured depository institution during the applicable 5-year period.

"(M) NO INFLATION ADJUSTMENTS FOR PUBLIC FUNDS.—Subparagraphs (E) through (L) shall not apply to any deposits of depositors described in paragraph (2), and the net amount due to any such depositor at an insured depository institution shall not exceed $100,000.".

(2) DEPOSIT INSURANCE FOR RETIREMENT ACCOUNTS.—Section 11(a)(3)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(3)(A)) is amended—

(A) by striking "$100,000" and inserting "$250,000"; and

(B) by inserting before the period at the end the following: "which amount shall be subject to inflation adjustments as provided in paragraph (1).".

(3) TECHNICAL AND CONFORMING AMENDMENT RELATING TO INSURANCE OF TRUST FUNDS.—Section 7(i) of the Federal Deposit Insurance Act (12 U.S.C. 1817(i)) is amended in each of paragraphs (1) and (3), by striking "$100,000" each place it appears and inserting "the standard maximum deposit insurance amount (as determined under section 11(a)(1))".

(4) OTHER TECHNICAL AND CONFORMING AMENDMENTS.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended—

(A) in section 11(m)(6) (12 U.S.C. 1821(m)(6)), by striking "$100,000" and inserting "the standard maximum deposit insurance amount (as determined under subsection (a)(1))";

(B) in section 18 (12 U.S.C. 1828), by striking subsection (a) and inserting the following:

"(a) INSURANCE LOGO.—

"(1) INSURED DEPOSITORY INSTITUTIONS.—

"(A) IN GENERAL.—Each insured depository institution shall display at each place of business maintained by that institution a sign or signs relating to the insurance of the deposits of the institution, in accordance with regulations to be prescribed by the Corporation.

"(B) STATEMENT TO BE INCLUDED.—Each sign required under subparagraph (A) shall include a statement that insured deposits are backed by the full faith and credit of the United States Government.

"(2) REGULATIONS.—The Corporation shall prescribe regulations to carry out this subsection, including regulations governing the substance of signs required by paragraph (1) and the manner of display or use of such signs.

"(3) PENALTIES.—For each day that an insured depository institution continues to violate this subsection or any regulation issued under this subsection, it shall be subject to a penalty of not more than $100, which the Corporation may recover for its use."; and

(C) in section 43(d) (12 U.S.C. 1831t(d)), by striking "$100,000" and inserting "the standard maximum deposit insurance amount (as determined under section 11(a)(1))".

(b) INSURED CREDIT UNIONS.—

(1) IN GENERAL.—Section 207(k) of the Federal Credit Union Act (12 U.S.C. 1787(k)) is amended—

(A) by striking "(k)(1)" and all that follows through the end of paragraph (1) and inserting the following:

"(k) INSURED AMOUNTS PAYABLE.—

"(1) NET INSURED AMOUNT.—

"(A) IN GENERAL.—Subject to the provisions of paragraph (2), the net amount of share insurance payable to any member at an insured credit union shall not exceed the total amount of the shares or deposits in the name of the member (after deducting offsets), less any part thereof which is in excess of the standard maximum share insurance amount, as determined in accordance with this paragraph and paragraphs (5) and (6), and consistent with actions taken by the Federal Deposit Insurance Corporation under section 11(a) of the Federal Deposit Insurance Act.

"(B) AGGREGATION.—Determination of the net amount of share insurance under subparagraph (A), shall be in accordance with such regulations as the Board may prescribe, and, in determining the amount payable to any member, there shall be added together all accounts in the credit union maintained by that member for that member's own benefit, either in the member's own name or in the names of others.

"(C) AUTHORITY TO DEFINE THE EXTENT OF COVERAGE.—The Board may define, with such classifications and exceptions as it may prescribe, the extent of the share insurance coverage provided for member accounts, including member accounts in the name of a minor, in trust, or in joint tenancy.";

(B) by adding at the end the following:

"(4) COVERAGE FOR CERTAIN EMPLOYEE BENEFIT PLAN DEPOSITS.—

"(A) PASS-THROUGH INSURANCE.—The Administration shall provide pass-through share insurance for the deposits or shares of any employee benefit plan, subject to subparagraph (B).

"(B) PROHIBITION ON ACCEPTANCE OF DEPOSITS.—An insured credit union that is not well capitalized or adequately capitalized may not accept employee benefit plan deposits.

"(C) DEFINITIONS.—For purposes of this paragraph, the following definitions shall apply:

"(i) CAPITAL STANDARDS.—The terms 'well capitalized' and 'adequately capitalized' have the same meanings as in section 216(c), as added by section 301 of the Credit Union Membership Access Act (Public Law 105-219, 112 Stat. 931).

"(ii) EMPLOYEE BENEFIT PLAN.—The term 'employee benefit plan'—

"(I) has the same meaning as in section 3(3) of the Employee Retirement Income Security Act of 1974;

"(II) includes any plan described in section 401(d) of the Internal Revenue Code of 1986; and

"(III) includes any eligible deferred compensation plan described in section 457 of the Internal Revenue Code of 1986.

"(iii) PASS-THROUGH SHARE INSURANCE.—The term 'pass-through share insurance' means, with respect to an employee benefit plan, insurance coverage based on the interest of each participant, in accordance with regulations issued by the Corporation.

"(5) STANDARD MAXIMUM SHARE INSURANCE AMOUNT DEFINED.—For purposes of this subsection, the term 'standard maximum share insurance amount' means, until April 1, 2010, $100,000.

"(6) DETERMINATIONS REGARDING INFLATION ADJUSTMENTS.—

"(A) ADJUSTMENTS TO STANDARD MAXIMUM SHARE INSURANCE AMOUNT.—Not later than April 1, 2010, and the first day of each 5-year period thereafter, the Board shall determine whether to increase the standard maximum share insurance amount based on the factors set forth under paragraph (7).

"(B) ADJUSTMENT FOR CERTAIN RETIREMENT ACCOUNTS.—Not later than April 1, 2010, and the first day of each 5-year period thereafter, the Board shall determine whether to increase the amount of insurance available for retirement accounts under paragraph (3), based on the factors set forth under paragraph (7).

"(7) INFLATION ADJUSTMENT CONSIDERATIONS.—In making any determination under paragraph (6), the Board shall consider—

"(A) the economic conditions affecting insured credit unions;

"(B) the overall risk or risks to the National Credit Union Share Insurance Fund;

"(C) a demonstrated need by members for the inflation adjustment increase;

"(D) the ability of insured credit unions to identify and obtain alternative funding sources;

"(E) the ability of insured credit unions to meet the credit needs of their communities;

"(F) potential problems affecting insured credit unions generally or a specific group or type of insured credit unions; and

"(G) any other factors that the Board deems appropriate.

"(8) INFLATION ADJUSTMENT CALCULATIONS FOR 2010.—

"(A) CALCULATION FOR STANDARD MAXIMUM SHARE INSURANCE AMOUNT.—The amount provided for any increase in the standard maximum share insurance amount shall be, as of April 1, 2010, the product of—

"(i) $100,000; and

"(ii) the ratio of the value of the Personal Consumption Expenditures Chain-Type Index (or any successor index thereto), published by the Department of Commerce, for December 31 of the year preceding the year in which the adjustment is calculated under this paragraph, to the value of such index for December 31 of the year preceding the effective date of the Safe and Fair Deposit Insurance Act of 2005.

"(B) CALCULATION FOR CERTAIN RETIREMENT ACCOUNTS FOR 2010.—The amount provided for any increase in the insurance for retirement accounts under paragraph (3) shall be, as of April 1, 2010, the product of—

"(i) $250,000; and

"(ii) the ratio of the value of the Personal Consumption Expenditures Chain-Type Index (or any successor index thereto), published by the Department of Commerce, for December 31 of the year preceding the year in which the adjustment is calculated under this paragraph, to the value of such index for December 31 of the year preceding the effective date of the Safe and Fair Deposit Insurance Act of 2005.

"(9) INFLATION ADJUSTMENT CALCULATIONS AFTER 2010.—

"(A) CALCULATION FOR THE STANDARD MAXIMUM SHARE INSURANCE AMOUNT.—The amount provided for any increase in the standard maximum share insurance amount shall be, as of the 1st day of each 5-year period beginning on April 1, 2015, the product of—

"(i) the standard maximum share insurance amount; and "(ii) the ratio of the value of the Personal Consumption Expenditures Chain-Type Index (or any successor index thereto), published by the Department of Commerce, for December 31 of the year preceding the year in which the adjustment is calculated under this paragraph, to the value of such index for December 31 of the 6 years prior to the year in which the adjustment is calculated under this paragraph.

"(B) CALCULATION FOR CERTAIN RETIREMENT ACCOUNTS.—The amount provided for any increase in the insurance for retirement accounts under paragraph (3) shall be, as of the 1st day of each 5-year period beginning on April 1, 2015, the product of—

"(i) the amount available for retirement accounts under paragraph (3), as adjusted pursuant to paragraph (8) or this paragraph, as appropriate; and

"(ii) the ratio of the value of the Personal Consumption Expenditures Chain-Type Index (or any successor index thereto), published by the Department of Commerce, for December 31 of the year preceding the year in which the adjustment is calculated under this paragraph, to the value of such index for December 31 of the 6 years prior to the year in which the adjustment is calculated under this paragraph.

"(10) DETERMINATION OF NO INFLATION INCREASE.—If the Board cannot support an increase under paragraph (6) after consideration of the factors in paragraph (7), no inflation adjustment shall be made until reconsideration at the beginning of the next 5-year period.

"(11) ROUNDING.—If the amount of increase determined for any period is not a multiple of $10,000, the amount so determined shall be rounded to the nearest $10,000.

"(12) PUBLICATION.—Not later than April 1, 2010, and not later than the first day of each 5-year period thereafter, the Board shall publish in the Federal Register the standard maximum share insurance amount and the amount of share insurance coverage that may be due to any depositor at any insured credit union during the applicable 5-year period.

"(13) NO INFLATION ADJUSTMENTS FOR PUBLIC FUNDS.—Paragraphs (5) through (12) shall not apply to any deposits of depositors described in paragraph (2), and the net amount due to any such depositor at an insured credit union shall not exceed $100,000."; and

(C) in paragraph (3), by striking "$100,000 per account" and inserting the following: "$250,000 per account, which amount shall be subject to inflation adjustments as provided in paragraphs (6) through (12).".

(2) TECHNICAL AMENDMENT.—Section 202(h) of the Federal Credit Union Act (12 U.S.C. 1782(h)) is amended by striking "207(c)(1)" and inserting "207(k)".

(c) EFFECTIVE DATE.—Except as otherwise specifically provided in this section or the amendments made by this section, this section and such amendments shall become effective on the effective date of the regulations required under section 2017(a)(2), relating to the implementation of deposit insurance changes under this section.

SEC. 2013. DESIGNATED RESERVE RATIO.

(a) REPEAL OF RECAPITALIZATION SCHEDULE.—

(1) IN GENERAL.—Section 7(b)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(3)) is amended to read as follows:

"(3) DESIGNATED RESERVE RATIO.—

"(A) ACTION BY THE BOARD.—

"(i) IN GENERAL.—Before the beginning of each calendar year, the Board of Directors shall, subject to clause (ii)—

"(I) designate the reserve ratio applicable to the Deposit Insurance Fund for that year; and

"(II) publish the reserve ratio so designated.

"(ii) RULEMAKING.—Any change to the designated reserve ratio for any calendar year shall be made pursuant to section 553 of title 5, United States Code.

"(B) RANGE.—The reserve ratio designated by the Board of Directors for any year—

"(i) may not exceed 1.50 percent; and

"(ii) may not be less than 1.15 percent.

"(C) FACTORS.—In designating a reserve ratio for any year, the Board of Directors shall—

"(i) take into account the risk of losses to the Deposit Insurance Fund in that year and in future years;

"(ii) take into account economic conditions generally affecting insured depository institutions, to provide for an increase in the designated reserve ratio during more favorable economic conditions and to provide for a decrease in the designated reserve ratio during less favorable economic conditions, notwithstanding the increased risks of loss that may exist during such less favorable conditions, as determined to be appropriate by the Board;

"(iii) seek to prevent sharp swings in the assessment rates for insured depository institutions; and

"(iv) take into account such other factors as the Board of Directors may determine to be appropriate, consistent with the requirements of this subparagraph.".

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 3(y) of the Federal Deposit Insurance Act (12 U.S.C. 1813), as amended by this title, is amended by adding at the end the following:

"(2) RESERVE RATIO.—The term 'reserve ratio' means the ratio of the fund balance of the Deposit Insurance Fund to aggregate estimated insured deposits held in all insured depository institutions.

"(3) DESIGNATED RESERVE RATIO.—The term 'designated reserve ratio' means the reserve ratio designated by the Board of Directors under section 7(b)(3).".

(3) EFFECTIVE DATE.—Subject to paragraph (4), and except as otherwise provided, this subsection and the amendments made by this subsection shall become effective on the effective date of the regulations required under section 2017(a)(1), relating to designation of the reserve ratio by the Board.

(4) DESIGNATION OF INITIAL RESERVE RATIO FOR DEPOSIT INSURANCE FUND.—During the period beginning on the effective date of the merger of the deposit insurance funds under section 2003, and ending on the effective date of final regulations designating the reserve ratio, as required by section 2017(a)(1), the designated reserve ratio of the Deposit Insurance Fund shall continue to be determined pursuant to section 7(b)(2)(A)(iv), as in effect on the day before the effective date of the merger under section 2003.

(b) REQUIREMENTS APPLICABLE TO ANY MODIFICATION OF THE RISK-BASED ASSESSMENT SYSTEM.—Section 7(b)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(1)) is amended by adding at the end the following:

"(E) REQUIREMENTS APPLICABLE TO ANY MODIFICATION OF THE RISK-BASED ASSESSMENT SYSTEM.—

"(i) IN GENERAL.—In revising or modifying the risk-based assessment system at any time after the date of enactment of the Deposit Insurance Reform Act of 2005, the Board of Directors—

"(I) may not make any change to the information collected from or required to be retained by insured depository institutions solely for purposes of the assessment risk classification, as defined by regulations of the Board, if the change would result in the imposition of an overall greater regulatory or reporting burden on insured depository institutions than was the case before that date of enactment; and

"(II) may implement any such revision or modification in final form only after notice and opportunity for comment.

"(ii) RULE OF CONSTRUCTION.—An increase in an assessment rate or a revision of the assessment base shall not be considered to be a revision or modification resulting in greater regulatory or reporting burden for purposes of this subparagraph.".

SEC. 2014. ASSESSMENT CREDITS AND DIVIDENDS.

(a) IN GENERAL.—Section 7(e)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1817(e)(2)) is amended to read as follows:

"(2) ONE-TIME CREDIT BASED ON TOTAL ASSESSMENT BASE AT YEAR-END 1996.—

"(A) IN GENERAL.—The Board of Directors shall, by regulation, provide for a credit to each insured depository institution that was in existence on December 31, 1996, and that had paid a deposit insurance assessment prior to that date (or a successor insured depository institution), based on the assessment base of the institution on that date, as compared to the combined aggregate assessment base of all such institutions, taking into account such factors as the Board may determine to be appropriate.

"(B) CREDIT LIMIT.—The aggregate amount of credits available under subparagraph (A) to all insured depository institutions that are eligible for the credit shall not exceed the amount that the Corporation could collect if it imposed an assessment of 9 basis points on the combined assessment base of the Bank Insurance Fund and the Savings Association Insurance Fund as of December 31, 2001.

"(C) DEFINITION OF SUCCESSOR.—The Corporation shall define the term 'successor' for purposes of this paragraph, by regulation, and may consider, among other factors and as the Board may deem appropriate, whether and to what extent, if any, an insured depository institution that acquires deposits from another insured depository institution may deemed to be a successor.

"(D) APPLICATION OF CREDITS.—The amount of a credit to any insured depository institution under this paragraph may be applied by the Corporation to those portions of the assessments under subsection (b) applicable to that institution which become due for assessment periods beginning after the effective date of regulations required by subparagraph (A).".

(b) AMENDMENTS TO SECTION 7.—Section 7(e) of the Federal Deposit Insurance Act (12 U.S.C. 1817(e)) is amended by adding at the end the following new paragraphs:

"(3) DIVIDENDS.—

"(A) RESERVE RATIO IN EXCESS OF 1.50 PERCENT OF ESTIMATED INSURED DEPOSITS.—The Corporation shall provide cash dividends to insured depository institutions in accordance with this paragraph if the reserve ratio of the Deposit Insurance Fund exceeds the maximum amount established under subsection (b)(3)(B)(i), to the extent of that excess amount.

"(B) AMOUNT EQUAL TO OR IN EXCESS OF 1.40 PERCENT OF ESTIMATED INSURED DEPOSITS AND NOT MORE THAN 1.50 PERCENT.—The Corporation shall provide cash dividends to insured depository institutions in accordance with this paragraph if the reserve ratio of the Deposit Insurance Fund equals or exceeds 1.40

and is not more than 1.50 percent, and that amount shall equal 50 percent of the amount in excess of the amount required to maintain the reserve ratio at 1.40 percent of the estimated insured deposits.

"(C) FACTORS FOR CONSIDERATION FOR ALLOCATION OF DIVIDENDS.—In implementing the provisions of this paragraph, and in accordance with its regulations, the Corporation shall consider—

"(i) the ratio of the assessment base of an insured depository institution (including any predecessor institution) on December 31, 1996, to the assessment base of all eligible insured depository institutions on such date;

"(ii) the total amount of assessments paid on or after January 1, 1997, by an insured depository institution (including any predecessor institution) to the Deposit Insurance Fund (and any predecessor deposit insurance fund);

"(iii) that portion of assessments paid by an insured depository institution (including any predecessor institution) that reflects higher levels of risk assumed by such institution; and

"(iv) such other factors as the Corporation determines appropriate.

"(D) LIMITATION.—The Board of Directors may suspend or limit dividends paid under subparagraph (B) if the Board determines in writing that—

"(i) a significant risk of losses to the Deposit Insurance Fund exists over the next one-year period; and

"(ii) it is likely that such losses will be sufficiently high as to justify a finding by the Board that the reserve ratio should temporarily be allowed—

"(I) to grow without requiring dividends under subparagraph (B); or

"(II) to exceed the maximum amount established under subsection (b)(3)(B)(i).

"(E) CONSIDERATIONS.—In making a determination under subparagraph (D), the Board shall consider—

"(i) national and regional conditions and their impact on insured depository institutions;

"(ii) potential problems affecting insured depository institutions or a specific group or type of depository institution;

"(iii) the degree to which the contingent liability of the Corporation for anticipated failures of insured institutions adequately addresses concerns over funding levels in the Deposit Insurance Fund; and

"(iv) any other factors that the Board determines are appropriate.

"(F) REPORT TO CONGRESS.—

"(i) SUBMISSION.—Any determination under subparagraph (D) shall be submitted to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, not later than 270 days after making such determination.

"(ii) CONTENT.—The report submitted under clause (i) shall include—

"(I) a detailed explanation for the determination; and

"(II) a discussion of the factors required to be considered under subparagraph (E).

"(G) REVIEW OF DETERMINATION.—

"(i) ANNUAL REVIEW.—A determination to suspend or limit dividends under subparagraph (D) shall be reviewed by the Board of Directors annually.

"(ii) ACTION BY BOARD.—Based on each annual review under clause (i), the Board of Directors shall either renew or remove a determination to suspend or limit dividends under subparagraph (D), or shall make a new determination in accordance with this paragraph. Unless justified under the terms of the renewal or new determination, the Corporation shall be required to provide cash dividends under subparagraph (A) or (B), as appropriate.

"(4) CHALLENGES TO CREDIT OR DIVIDEND AMOUNTS.—The regulations required under this subsection shall include provisions allowing an insured depository institution a reasonable opportunity to challenge administratively the amount of its credit or dividend under this subsection. The determination of the Corporation of the amount of the credit or dividend following such challenge shall be final, and not subject to judicial review.".

(c) EFFECTIVE DATE.—The amendments made by this section shall become effective on the effective date of the regulations required to be issued under section 2017(a)(3), relating to implementation of the one-time assessment credit.

SEC. 2015. ASSESSMENTS-RELATED RECORDS RETENTION AND STATUTE OF LIMITATIONS.

(a) RECORDS RETENTION.—Paragraph (5) of section 7(b) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)) is amended to read as follows:

"(5) RECORDS TO BE MAINTAINED BY INSURED DEPOSITORY INSTITUTION.—Each insured depository institution shall maintain all records that the Corporation may require for verifying the correctness of the institution's assessments until the later of—

"(A) 3 years from the due date of each assessment payment; or

"(B) the date of the final determination of any dispute between the insured depository institution and the Corporation over the amount of any assessment.".

(b) STATUTE OF LIMITATIONS FOR ASSESSMENT ACTIONS.—Subsection (g) of section 7 of the Federal Deposit Insurance Act (12 U.S.C. 1817(g)) is amended to read as follows:

"(g) STATUTE OF LIMITATIONS FOR ASSESSMENT ACTIONS.—The Corporation, in any court of competent jurisdiction, shall be entitled to recover from any insured depository institution the amount of any unpaid assessment lawfully payable by such insured depository institution. Notwithstanding any other provision in Federal law, or the law of any State—

"(1) any action by an insured depository institution to recover from the Corporation the overpaid amount of any assessment shall be brought within 3 years after the date the assessment payment was due, subject to the exception in paragraph (5);

"(2) any action by the Corporation to recover from an insured depository institution the underpaid amount of any assessment shall be brought within 3 years after the date the assessment payment was due, subject to the exceptions in paragraphs (3) and (5);

"(3) if an insured depository institution has made a false or fraudulent statement with intent to evade any or all of its assessment, the Corporation shall have until 3 years after the date of discovery of the false or fraudulent statement in which to bring an action to recover the underpaid amount;

"(4) assessment deposit information contained in records no longer required to be maintained pursuant to subsection (b)(5) shall be considered conclusive and not subject to change; and

"(5) any action for the underpaid or overpaid amount of any assessment that became due prior to the effective date of this subsection shall be subject to the statute of limitations for assessments in effect at the time the assessment became due.".

SEC. 2016. INCREASE IN FEES FOR LATE ASSESSMENT PAYMENTS.

Subsection (h) of section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828(h)) is amended—

(1) by striking "Any insured depository institution" and inserting "(1) IN GENERAL.—Any insured depository institution";

(2) in paragraph (1), as redesignated, by striking "penalty of not more than $100" and inserting "penalty in an amount of not more than 1 percent of the amount of the assessment due"; and

(3) by inserting new paragraphs (2) and (3) as follows:

"(2) EXCEPTION FOR SMALL ASSESSMENT AMOUNTS.—Notwithstanding paragraph (1), if the amount of the assessment for an insured depository institution is less than $10,000 at the time such institution fails or refuses to pay the assessment, such institution shall be subject to a penalty of not more than $100 for each day that such violation continues.

"(3) AUTHORITY TO MODIFY OR REMIT PENALTY.—The Corporation, in the sole discretion of the Corporation, may compromise, modify, or remit any penalty which the Corporation may assess or has already assessed under paragraph (1) or (2) upon a finding that good cause prevented the timely payment of an assessment.".

SEC. 2017. REGULATIONS REQUIRED.

(a) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Board shall issue final regulations, in accordance with section 553 of chapter 5 of title 5, United States Code—

(1) designating the reserve ratio for the Deposit Insurance Fund, in accordance with section 7(b)(3) of the Federal Deposit Insurance Act, as amended by section 2013 of this subtitle, which regulations shall become effective not later than 90 days after the date of their publication in final form;

(2) implementing changes in deposit insurance coverage in accordance with the amendments made by section 2012, which regulations shall become effective not later than 90 days after the date of their publication in final form;

(3) implementing the one-time assessment credit to certain insured depository institutions in accordance with section 7(e)(2) of the Federal Deposit Insurance Act, as amended by section 2014 of this subtitle;

(4) establishing the qualifications and procedures under which the Corporation may provide dividends under section 7(e)(3) of the Federal Deposit Insurance Act, as amended by section 2014 of this subtitle; and

(5) providing for assessments under section 7 of the Federal Deposit Insurance Act, as amended by this subtitle, which regulations shall become effective on the effective date of the regulations required by paragraph (3).

(b) SAVINGS CLAUSE.—

(1) IN GENERAL.—

(A) CONTINUATION OF EXISTING ASSESSMENT REGULATIONS.—Nothing in this title or the amendments made by this title shall be construed to affect the authority of the Corporation with regard to the setting or collection of deposit insurance assessments pursuant to any regulations in effect prior to the effective date of any regulations required under subsection (a).

(B) TREATMENT OF DIF MEMBERS UNDER EXISTING REGULATIONS.—Assessment regulations in effect prior to the date of enactment of this title shall be read as applying to members of the Deposit Insurance Fund rather than members of the Bank Insurance Fund or Savings Association Insurance Fund, effective on or after the date on which merger of the deposit insurance funds becomes effective under title I.

(2) SETTING ASSESSMENTS.—Clause (i) of section 7(b)(2)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(2)(A)) is amended by striking "necessary—" and all that follows through the period at the end and inserting "necessary.".

SEC. 2018. STUDIES OF POTENTIAL CHANGES TO THE FEDERAL DEPOSIT INSURANCE SYSTEM.

(a) STUDY AND REPORT BY FDIC AND NCUA.—

(1) STUDY.—The Board of Directors of the Federal Deposit Insurance Corporation and the National Credit Union Administration Board shall each conduct a study of—

(A) the feasibility of increasing the limit on deposit insurance for deposits of municipalities and other units of general local government, and the potential benefits and the potential adverse consequences that may result from any such increase; and

(B) the feasibility of establishing a voluntary deposit insurance system for deposits in excess of the maximum amount of deposit insurance for any depositor, and the potential benefits and the potential adverse consequences that may result from the establishment of any such system.

(2) REPORT.—Not later than 1 year after the date of enactment of this title, the Board of Directors of the Federal Deposit Insurance Corporation and the National Credit Union Administration Board shall each submit a report to the Congress on the study required under paragraph (1), containing the findings and conclusions of the reporting agency, together with such recommendations for legislative or administrative changes as the agency may determine to be appropriate.

(b) STUDY AND REPORT REGARDING APPROPRIATE RESERVE RATIO.—

(1) STUDY.—The Corporation shall conduct a study on the feasibility of using alternatives to estimated insured deposits in calculating the reserve ratio of the Deposit Insurance Fund.

(2) REPORT.—Not later than 1 year after the date of enactment of this title, the Board shall submit a report to Congress on the results of the study required under paragraph (1), together with such recommendations for legislative or administrative actions as may be determined to be appropriate.

SEC. 2019. EFFECTIVE DATE.

Except as otherwise specifically provided in this subtitle, this subtitle and the amendments made by this subtitle shall become effective on the date of enactment of this Act.

Subtitle C—FHA Asset Disposition

SEC. 2021. SHORT TITLE.

This subtitle may be cited as the "FHA Asset Disposition Act of 2005".

SEC. 2022. DEFINITIONS.

For purposes of this subtitle—

(1) the term "affordability requirement" means any requirement or restriction imposed by the Secretary, at the time of sale, on any multifamily real property or multifamily loan, including a use restriction, rent restriction, or rehabilitation requirement;

(2) the term "discount sale" means the sale of multifamily real property in a transaction, including a negotiated sale, in which the sale price is—

(A) lower than the property market value; and

(B) set outside of a competitive bidding process that has no affordability requirements;

(3) the term "discount loan sale" means the sale of a multifamily loan in a transaction, including a negotiated sale, in which the sale price is lower than the loan market value and is set outside of a competitive bidding process that has no affordability requirements;

(4) the term "loan market value" means the value of a multifamily loan, without taking into account any affordability requirements;

(5) the term "multifamily real property" means any rental or cooperative housing project of 5 or more units owned by the Secretary that prior to acquisition by the Secretary was security for a loan or loans insured under title II of the National Housing Act;

(6) the term "multifamily loan" means a loan held by the Secretary and secured by a multifamily rental or cooperative housing project of 5 or more units that was formerly insured under title II of the National Housing Act;

(7) the term "property market value" means the value of any multifamily real property for its current use, without taking into account any affordability requirements; and

(8) the term "Secretary" means the Secretary of Housing and Urban Development.

SEC. 2023. APPROPRIATED FUNDS REQUIREMENT FOR BELOW MARKET SALES.

(a) DISPOSITIONS BY SECRETARY.—Notwithstanding any other provision of law, other than any statutory affordability requirement for the elderly and disabled, disposition by the Secretary of any multifamily real property through a discount sale under section 207(l) or 246 of the National Housing Act, section 203 of the Housing and Community Development Amendments of 1978, or section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997, shall be subject to the availability of appropriations to the extent that the property value exceeds the sale proceeds. If the multifamily real property is sold for an amount equal to or greater than the property market value, the transaction is not subject to the availability of appropriations.

(b) DISCOUNT LOAN SALES.—Notwithstanding any other provision of law, and in accordance with the Credit Reform Act of 1990, a discount loan sale under 207(k) of the National Housing Act, section 203(k) of the Housing and Community Development Amendments of 1978, or section 204(a) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997, shall be subject to the availability of appropriations, to the extent that the loan value exceeds the sale proceeds. If the multifamily loan is sold for an amount equal to or greater than the loan market value, then the transaction is not subject to the availability of appropriations.

(c) LIMITATION.—This section shall not apply to any transaction that formally commences during the 1-year period preceding the date of enactment of this Act.

SEC. 2024. UP-FRONT GRANTS.

(a) VA-HUD.—Section 204(a) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (12 U.S.C. 1715z-11a(a)) is amended by adding at the end the following: "A grant provided under this subsection shall be available only to the extent that appropriations are made in advance for such purpose, and shall not be derived from the General Insurance Fund.".

(b) OTHER GRANT AUTHORITY.—Section 203(f) of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z-11(f)) is amended—

(1) by striking paragraph (4); and

(2) by redesignating paragraphs (5) through (9) as paragraphs (4) through (8), respectively.

(c) LIMITATION.—The amendments made by this section shall not apply to any grant in connection with any transaction that formally commences during the 1-year period preceding the date of enactment of this Act.

SEC. 2025. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal year 2006, $100,000,000 to carry out this subtitle.

Subtitle D—Adaptive Housing Assistance

SEC. 2031. SHORT TITLE.

This subtitle may be cited as the "Specially Adapted Housing Grants Improvements Act of 2005".

SEC. 2032. ADAPTIVE HOUSING ASSISTANCE FOR DISABLED VETERANS RESIDING TEMPORARILY IN HOUSING OWNED BY A FAMILY MEMBER.

(a) ASSISTANCE AUTHORIZED.—Chapter 21 of title 38, United States Code, is amended by inserting after section 2102 the following new section:

"§ 2102A. Assistance for veterans residing temporarily in housing owned by a family member

"(a) ASSISTANCE AUTHORIZED.—If a disabled veteran described in subsection (a)(2) or (b)(2) of section 2101 of this title resides, but does not intend to permanently reside, in a residence owned by a member of such veteran's family, the Secretary may assist the veteran in acquiring such adaptations to such residence as are determined by the Secretary to be reasonably necessary because of the veteran's disability.

"(b) LIMITATION ON AMOUNT OF ASSISTANCE.—Subject to section 2102(d) of this title, the assistance authorized under subsection (a) may not exceed—

"(1) $10,000, in the case of a veteran described in section 2101(a)(2) of this title; or

"(2) $2,000, in the case of a veteran described in section 2101(b)(2) of this title.

"(c) LIMITATION ON NUMBER OF RESIDENCES SUBJECT TO ASSISTANCE.—A veteran eligible for assistance authorized under subsection (a) may only be provided such assistance with respect to 1 residence.

"(d) REGULATIONS.—Assistance under this section shall be provided in accordance with such regulations as the Secretary may prescribe.

"(e) TERMINATION OF AUTHORITY.—The authority to provide assistance under subsection (a) shall expire at the end of the 5-year period beginning on the date of enactment of the Specially Adapted Housing Grants Improvements Act of 2005.".

(b) LIMITATIONS ON ADAPTIVE HOUSING ASSISTANCE.—Section 2102 of such title is amended—

(1) in subsection (a), by striking "The assistance authorized by section 2101(a)" and all that follows through "any one case—" and inserting "Subject to subsection (d), the assistance authorized under section 2101(a) of this title shall be afforded under 1 of the following plans, at the election of the veteran—";

(2) by amending subsection (b) to read as follows:

"(b) Subject to subsection (d), and except as provided in section 2104(b) of this title, the assistance authorized by section 2101(b) of this title may not exceed the actual cost, or in the case of a veteran acquiring a residence already adapted with special features, the fair market value, of the adaptations determined by the Secretary under such section 2101(b) to be reasonably necessary."; and

(3) by adding at the end the following new subsection:

"(d)(1) The aggregate amount of assistance available to a veteran under sections 2101(a) and 2102A of this title shall be limited to $50,000.

"(2) The aggregate amount of assistance available to a veteran under sections 2101(b) and 2102A of this title shall be limited to the lesser of—

"(A) the sum of the cost or fair market value described in section 2102(b) of this title and the actual cost of acquiring the adaptations described in subsection (a); and

"(B) $10,000.

"(3) No veteran may receive more than 3 grants of assistance under this chapter.".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter of such title is amended by inserting after the item relating to section 2102 the following:

"2102A. Assistance for veterans residing temporarily in housing owned by family member.".

SEC. 2033. GAO REPORTS.

(a) INTERIM REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress an interim report on the implementation of section 2102A of title 38, United States Code (as added by section 2(a)), by the Department of Veterans Affairs.

(b) FINAL REPORT.—Not later than 5 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a final report on the implementation of such section 2102A by the Department of Veterans Affairs.

TITLE III—COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

SEC. 3001. SHORT TITLE.

This title may be cited as the "Digital Transition and Public Safety Act of 2005.".

SEC. 3002. ANALOG SPECTRUM RECOVERY; HARD DEADLINE.

Section 309(j)(14) of the Communications Act of 1934 (47 U.S.C. 309(j)(14)) is amended—

(1) by striking "December 31, 2006." in subparagraph (A) and inserting "April 7, 2009.";

(2) by striking subparagraph (B);

(3) by striking "or (B)" in subparagraph (C)(i)(I);

(4) by striking "(C)(i)," in subparagraph (D) and inserting "(B)(i),"; and

(5) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

SEC. 3003. AUCTION OF RECOVERED SPECTRUM.

(a) AUCTION: DATE, APPLICABLE REQUIREMENTS.—Section 309(j)(15)(C) of the Communications Act of 1934 (47 U.S.C. 309(j)(15)(C)) is amended by adding at the end the following:

"(v) ADDITIONAL DEADLINES FOR RECOVERED ANALOG SPECTRUM.—Notwithstanding subparagraph (B), the Commission shall—

"(I) conduct the auction of the licenses for recovered analog spectrum commencing January 28, 2008;

"(II) not later than 60 days after the end of the pleading cycle for long-form applications for such auction established pursuant to part 1 of title 47, Code of Federal Regulations, grant or deny such long-form applications and issue the licenses for such recovered analog spectrum to each successful bidder whose long-form application is granted; and

"(III) collect and deposit the proceeds of such auction in the Digital Transition and Public Safety Fund established by section 3005 of the Digital Transition and Public Safety Act of 2005.

"(vi) RECOVERED ANALOG SPECTRUM.—For purposes of this subparagraph, the term 'recovered analog spectrum' means spectrum reclaimed from the analog television service under paragraph (14), except—

"(I) spectrum required by section 337 to be made available for public safety services; and

"(II) spectrum auctioned prior to the date of enactment of the Digital Transition and Public Safety Act of 2005.".

(b) EXTENSION OF AUCTION AUTHORITY.—Paragraph (11) of section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)) is amended by striking "September 30, 2007." and inserting "September 30, 2009.".

SEC. 3004. SUPPLEMENTAL LICENSE FEES.

In addition to any fees assessed under the Communications Act of 1934 (47 U.S.C. 151 et seq.), the Commission shall assess extraordinary fees for licenses in the aggregate amount of $10,000,000, which shall be deposited in the Treasury during fiscal year 2006 as offsetting receipts.

SEC. 3005. DIGITAL TRANSITION AND PUBLIC SAFETY FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund called the Digital Transition and Public Safety Fund.

(b) DEPOSIT OF AUCTION PROCEEDS.—The Commission shall deposit the proceeds of the auction authorized by section 309(j)(15)(C)(v) of the Communications Act of 1934 (47 U.S.C. 309(j)(15)(C)(v)) in the Fund as required by item (III) of that section.

(c) PAYMENTS AUTHORIZED.—The Secretary of Commerce or the Secretary's designee shall make payments from the Fund in the following amounts, for the following programs, and in the following order:

(1) Not to exceed $3,000,000,000 for a program to assist consumers in the purchase of converter boxes that convert a digital television signal to an analog television signal, and any amounts unexpended or unobligated at the conclusion of the program shall be used for the program described in paragraph (3).

(2) Not to exceed $200,000,000 for a program to convert low-power television stations and television translator stations from analog to digital, and any amounts unexpended or unobligated at the conclusion of the program shall be used for the program described in paragraph (3).

(3) Not to exceed $1,250,000,000 for a program to facilitate emergency communications, of which $1,000,000,000 shall be used for an interoperability fund and $250,000,000 shall be used to implement a national alert system, of which $50,000,000 shall be used for tsunami warning and coastal vulnerability programs.

(4) Not to exceed $250,000,000 for a program to implement the ENHANCE 911 Act of 2004 (47 U.S.C. 942 note).

(5) Not to exceed $200,000,000 for a program to provide assistance to coastal States and Indian tribes affected by hurricanes and other coastal disasters.

(d) TRANSFER OF AMOUNT TO TREASURY.—On October 2, 2009, Secretary shall transfer $5,000,000,000 from the Fund to the general fund of the Treasury.

(e) OBLIGATION TIME PERIOD.—Any amounts that are to be paid from the Fund under subsection (c) shall be obligated no later than September 14, 2010. The Secretary may not obligate any amounts from the Fund until the proceeds of the auction authorized by section 309(j)(15)(C)(v) are actually deposited by the Commission pursuant to subsection (b). Any amount in the Fund that is not obligated under subsection (c) by that date shall be transferred to the general fund of the Treasury.

(f) USE OF EXCESS PROCEEDS.—Any proceeds of the auction authorized by section 309(j)(15)(C)(v) of the Communications Act of 1934, as added by section 3003 of this Act, that exceed the sum of the payments made from the Fund under subsection (c), the transfer from the Fund under subsection (d), and any amount made available under section 3006 (referred to in this subsection as "excess proceeds"), shall be distributed as follows:

(1) The first $1,000,000,000 of excess proceeds shall be transferred to and deposited in the general fund of the Treasury as miscellaneous receipts.

(2) After the transfer under paragraph (1), the next $500,000,000 of excess proceeds shall be transferred to the interoperability fund described in subsection (c)(3).

(3) After the transfers under paragraphs (1) and (2), the next $1,200,000,000 of excess proceeds shall be transferred to the assistance program described in subsection (c)(5).

(4) After the transfers under paragraphs (1) through (3), any remaining excess proceeds shall be transferred to and deposited in the general fund of the Treasury as miscellaneous receipts.

SEC. 3005A. COMMUNICATION SYSTEM GRANTS.

(a) DEFINITIONS.—In this section—

(1) the term "demonstration project" means the demonstration project established under subsection (b)(1);

(2) the term "Department" means the Department of Homeland Security;

(3) the term "emergency response provider" has the meaning given that term in section 2(6) the Homeland Security Act of 2002 (6 U.S.C. 101(6)); and

(4) the term "Secretary" means the Secretary of Homeland Security.

(b) IN GENERAL.—

(1) ESTABLISHMENT.—There is established in the Department an "International Border Community Interoperable Communications Demonstration Project".

(2) MINIMUM NUMBER OF COMMUNITIES.—The Secretary shall select not fewer than 2 communities to participate in a demonstration project.

(3) LOCATION OF COMMUNITIES.—Not fewer than 1 of the communities selected under paragraph (2) shall be located on the northern border of the United States and not fewer than 1 of the communities selected under paragraph (2) shall be located on the southern border of the United States.

(c) PROJECT REQUIREMENTS.—The demonstration projects shall—

(1) address the interoperable communications needs of police officers, firefighters, emergency medical technicians, National Guard, and other emergency response providers;

(2) foster interoperable communications—

(A) among Federal, State, local, and tribal government agencies in the United States involved in preventing or responding to terrorist attacks or other catastrophic events; and

(B) with similar agencies in Canada and Mexico;

(3) identify common international cross-border frequencies for communications equipment, including radio or computer messaging equipment;

(4) foster the standardization of interoperable communications equipment;

(5) identify solutions that will facilitate communications interoperability across national borders expeditiously;

(6) ensure that emergency response providers can communicate with each another and the public at disaster sites or in the event of a terrorist attack or other catastrophic event;

(7) provide training and equipment to enable emergency response providers to deal with threats and contingencies in a variety of environments; and

(8) identify and secure appropriate joint-use equipment to ensure communications access.

(d) DISTRIBUTION OF FUNDS.—

(1) IN GENERAL.—The Secretary shall distribute funds under this section to each community participating in a demonstration project through the State, or States, in which each community is located.

(2) OTHER PARTICIPANTS.—Not later than 60 days after receiving funds under paragraph (1), a State receiving funds under this section shall make the funds available to the local governments and emergency response providers participating in a demonstration project selected by the Secretary.

(e) FUNDING.—Amounts made available from the interoperability fund under section 3005(c)(3) shall be available to carry out this section without appropriation.

(f) REPORTING.—Not later than December 31, 2005, and each year thereafter in which funds are appropriated for a demonstration project, the Secretary shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the demonstration projects under this section.

SEC. 3006. ESSENTIAL AIR SERVICE PROGRAM.

(a) IN GENERAL.—If the amount appropriated to carry out the essential air service program under subchapter II of chapter 417 of title 49, United States Code, equals or exceeds $110,000,000 for fiscal year 2006, 2007, 2008, 2009, or 2010, then the Secretary of Commerce shall make $15,000,000 available from the Digital Transition and Public Safety Fund available to the Secretary of Transportation for use in carrying out the essential air service program for that fiscal year.

(b) APPLICATION WITH OTHER FUNDS.—Amounts made available under subsection (a) for any fiscal year shall be in addition to any amounts—

(1) appropriated for that fiscal year; or

(2) derived from fees collected pursuant to section 45301(a)(1) of title 49, United States Code, that are made available for obligation and expenditure to carry out the essential air service program for that fiscal year.

TITLE IV—ENERGY AND NATURAL RESOURCES

SEC. 4001. OIL AND GAS LEASING PROGRAM.

(a) DEFINITIONS.—In this section:

(1) COASTAL PLAIN.—The term "Coastal Plain" means the area identified as the Coastal Plain on the map prepared by the United States Geological Survey, entitled "Arctic National Wildlife Refuge 1002 Coastal Plain Area", dated September 2005, and on file with the United States Geological Survey.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Bureau of Land Management.

(b) PROGRAM.—

(1) IN GENERAL.—Congress—

(A) authorizes the leasing, development, production, and transportation of oil and gas in and from the Coastal Plain; and

(B) directs the Secretary to take such actions as are necessary to—

(i) establish and implement an environmentally sound competitive oil and gas leasing program to carry out the activities authorized under subparagraph (A); and

(ii) conduct 2 lease sales before October 1, 2010.

(2) ADMINISTRATION.—The Secretary shall administer this section through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that ensure the oil and gas exploration, development, production, and transportation activities on the Coastal Plain are carried out in a manner that will ensure the receipt of fair market value by the public for the mineral resources to be leased.

(c) LEASE SALES BEFORE FISCAL YEAR 2011.—

(1) IN GENERAL.—In order to enable the Secretary to hold 2 lease sales before October 1, 2010, this subsection shall apply with respect to the oil and gas leasing program established by the Secretary pursuant to this section.

(2) PURPOSES.—For purposes of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and amendments made by that Act, the oil and gas leasing program and activities authorized by this section in the Coastal Plain are deemed to be compatible with the purposes for which the Arctic National Wildlife Refuge was established, and no further findings or decisions are required to implement this determination of compatibility.

(3) PRELEASE ACTIVITIES.—The Final Legislative Environmental Impact Statement on the Coastal Plain dated April 1987 and prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3142) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is deemed to satisfy the requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) that apply with respect to prelease activities, including actions authorized to be taken by the Secretary to develop and promulgate regulations for the establishment of the leasing program authorized by this section before the conduct of the first lease sale.

(4) PREFERRED ACTION.—

(A) NONLEASING ALTERNATIVES.—With respect to any environmental impact statement prepared by the Secretary under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any lease sale conducted under the leasing program authorized by this section, the Secretary is not required to identify nonleasing alternative courses of action or to analyze the environmental effects of those courses of action.

(B) LEASING ALTERNATIVES.—The Secretary shall only identify a preferred action for leasing and a single leasing alternative, and analyze the environmental effects and potential mitigation measures for the preferred action and leasing alternative.

(C) DEADLINE.—The identification and related analyses required by subparagraph (B) shall be completed within 18 months after the date of enactment of this Act.

(D) PUBLIC COMMENTS.—The Secretary shall only consider public comments that are filed within 30 days after publication of an environmental analysis.

(E) COMPLIANCE.—Compliance with this paragraph satisfies all requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) for the analysis and consideration of the environmental effects of proposed leasing under this section.

(5) EXPEDITED JUDICIAL REVIEW.—

(A) VENUE; DEADLINE.—Any complaint seeking judicial review of this section or any action of the Secretary under this section shall be filed in the United States Court of Appeals for the District of Columbia—

(i) within the 90-day period beginning on the date of the action being challenged; or

(ii) in the case of a complaint based solely on grounds arising after that period, within 90 days after the complainant knew or reasonably should have known of the grounds for the complaint.

(B) SCOPE.—Judicial review of a decision of the Secretary to conduct a lease sale under this section (including the environmental analysis of the decision) shall be—

(i) limited to whether the Secretary has complied with this section; and

(ii) based on the administrative record of that decision.

(d) RECEIPTS.—Notwithstanding any other provision of law, of the amount of adjusted bonus, rental, and royalty receipts derived from oil and gas leasing and operations authorized under this section—

(1) 50 percent shall be paid to the State of Alaska; and

(2) the balance shall be deposited into the Treasury as miscellaneous receipts.

(e) RIGHTS-OF-WAY.—For purposes of section 1102(4)(A) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3162(4)(A)), any rights-of-way or easements across the Coastal Plain for the exploration, development, production, or transportation of oil and gas shall be considered to be established incident to the management of the Coastal Plain under this section.

(f) MAXIMUM SURFACE ACREAGE.—In administering this section, the Secretary shall ensure that the maximum quantity of surface acreage covered by production and support facilities (including airstrips and any area covered by gravel berms or piers for support of pipelines) does not exceed 2,000 acres on the Coastal Plain.

(g) PROHIBITION ON EXPORTS.—An oil or gas lease issued under this title shall prohibit the exportation of oil or gas produced under the lease.

TITLE V—COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

SEC. 5001. TECHNICAL CORRECTIONS TO SAFETEA-LU.

(a)(1) Notwithstanding any other provision of law, the amount of $639,000,000 described in section 1102(b)(10) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1144), shall be considered to be—

(A) for fiscal year 2006 only, $631,000,000; and

(B) for fiscal year 2007 only, $647,000,000.

(2) Notwithstanding any other provision of law, the amount of $2,639,000,000 described in section 1102(c)(6) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1144), shall be considered to be—

(A) for fiscal year 2006 only, $2,631,000,000; and

(B) for fiscal year 2007 only, $2,647,000,000.

(b) Section 4409 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1144) is amended—

(1) by striking "Section" and inserting the following:

"(a) IN GENERAL.—Section"; and

(2) by adding at the end the following:

"(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on December 31, 2008.".

TITLE VI—COMMITTEE ON FINANCE

SEC. 6000. AMENDMENTS TO SOCIAL SECURITY ACT.

(a) AMENDMENTS TO SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this title an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

(b) REFERENCES TO THE SECRETARY.—In this title, the term "Secretary" means the Secretary of Health and Human Services.

Subtitle A—Medicaid

CHAPTER 1—PAYMENT FOR PRESCRIPTION DRUGS UNDER MEDICAID

SEC. 6001. PHARMACY REIMBURSEMENT.

(a) DEFINITION OF AVERAGE MANUFACTURER PRICE.—

(1) IN GENERAL.—Section 1927(k)(1) (42 U.S.C. 1396r–8(k)(1)) is amended—

(A) in the paragraph heading, by striking "PRICE" and inserting "PRICE; WEIGHTED AVERAGE MANUFACTURER PRICE";

(B) by striking "The term" and inserting the following:

"(A) IN GENERAL.—The term"; and

(C) by adding at the end the following:

"(B) CALCULATION REQUIREMENTS.—For purposes of subparagraph (A), the average manufacturer price shall be calculated according to the following:

"(i) SALES EXEMPTED FROM COMPUTATION.—Without regard to—

"(I) sales exempt from inclusion in the determination of best price under subsection (c)(1)(C)(i);

"(II) such other sales as the Secretary identifies as sales to an entity that are merely nominal in amount under subsection (c)(1)(C)(ii)(III); and

"(III) bona fide service fees (as defined in subparagraph (E)) that are paid by a manufacturer to an entity, that represent fair market value for a bona fide service, and that are not passed on in whole or in part to a client or customer of an entity.

"(ii) SALE PRICE NET OF DISCOUNTS.—By including the following:

"(I) Cash discounts and volume discounts.

"(II) Free goods that are contingent upon any purchase requirement or agreement.

"(III) Sales at a nominal price that are contingent upon any purchase requirement or agreement.

"(IV) Chargebacks, rebates provided to a pharmacy (including a mail order pharmacy but excluding a pharmacy benefit manager), or any other direct or indirect discounts.

"(V) Any other price concessions, which may be based on recommendations of the Inspector General of the Department of Health and Human Services, that would result in a reduction of the cost to the purchaser, but only if the Secretary provides notice of the Secretary's intent to include such price concessions in accordance with section 553 of title 5, United States Code.

"(C) WEIGHTED AVERAGE MANUFACTURER PRICE.—The term 'weighted average manufacturer price' means, with respect to a rebate period and multiple source drug, the volume-weighted average of the average manufacturer prices reported under subsection (b)(3)(A)(i)(I) for all drug products described in paragraph (7)(A)(i) that are therapeutically equivalent and bioequivalent forms of the drug, determined by—

"(i) computing the sum of the products (for each National Drug Code assigned to such drug products) of—

"(I) the average manufacturer price; and

"(II) the total number of units reported sold under subsection (b)(3)(A)(i)(I); and

"(ii) dividing the sum determined under clause (i) by the sum of the total number of units under clause (i)(II) for all National Drug Codes assigned to such drug products.

"(D) LIMITATION ON SALES AT A NOMINAL PRICE.—

"(i) IN GENERAL.—For purposes of clauses (i)(II) and (ii)(III) of subparagraph (B), only sales by a manufacturer of covered outpatient drugs that are single source drugs, innovator multiple source drugs, or authorized generic drugs at nominal prices to the following shall be considered to be sales at a nominal price or merely nominal in amount:

"(I) A covered entity described in section 340B(a)(4) of the Public Health Service Act.

"(II) An intermediate care facility for the mentally retarded.

"(III) A State-owned or operated nursing facility.

"(IV) Any other facility or entity that the Secretary determines is a safety net provider to which sales of such drugs at a nominal price would be appropriate based on the following factors:

"(aa) The type of facility.

"(bb) The services provided by the facility.

"(cc) The patient population served by the facility.

"(dd) The number of other facilities eligible to purchase at nominal prices in the same service area.

"(ii) NONAPPLICATION.—Clause (i) shall not apply with respect to sales by a manufacturer at a nominal price of covered outpatient drugs that are single source drugs, innovator multiple source drugs, or authorized generic drugs pursuant to a master agreement under section 8126 of title 38, United States Code.

"(E) BONA FIDE SERVICE FEES.—For purposes of subparagraph (B)(i)(III), the term 'bona fide service fees' means expenses that are for an itemized service actually performed by an entity on behalf of a manufacturer that would have generally been paid for by the manufacturer at the same rate had these services been performed by another entity.".

(2) CONFORMING AMENDMENTS.—Section 1927(b)(3)(A)(i) (42 U.S.C. 1396r–8(b)(3)(A)(i)), as amended by section 6003(a), is amended—

(A) in subclause (I)—

(i) by inserting "and the total number of units sold" after "(as defined in subsection (k)(1))"; and

(ii) by striking "and" at the end;

(B) in subclause (II), by adding "and" at the end; and

(C) by adding at the end the following:

"(III) information and data on any sales that were made during such period at a nominal price, including, with respect to each such sale, the purchaser, the name of the product, the amount or number of units of the product sold at a nominal price, and the nominal price paid;".

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this subsection shall take effect on January 1, 2006.

(B) EXCEPTION.—Subparagraph (D) of section 1927(k)(1) of the Social Security Act (42 U.S.C. 1396r–8(k)(1)) (as added by paragraph (1)) shall not apply with respect to a contract in effect on the date of enactment of this Act pursuant to which pharmaceutical products are or may be available at nominal prices until the expiration date of such contract, or October 1, 2006, whichever is earlier, and shall apply to sales made, and rebate periods beginning, on or after that date.

(4) EXCLUSION OF DISCOUNTS PROVIDED TO MAIL ORDER AND NURSING FACILITY PHARMACIES FROM THE DETERMINATION OF AVERAGE MANUFACTURER PRICE.—

(A) IN GENERAL.—Section 1927(k)(1)(B)(ii)(IV) (42 U.S.C. 1396r–8(k)(1)(B)(ii)(IV)), as added by paragraph (1)(C), is amended to read as follows:

"(IV) Chargebacks, rebates provided to a pharmacy (excluding a mail order pharmacy, a pharmacy at a nursing facility or home, and a pharmacy benefit manager), or any other direct or indirect discounts.".

(B) EFFECTIVE DATE.—Paragraph (3) shall apply to the amendment made by subparagraph (A).

(5) EXTENSION OF PRESCRIPTION DRUG DISCOUNTS TO ENROLLEES OF MEDICAID MANAGED CARE ORGANIZATIONS.—

(A) IN GENERAL.—Section 1903(m)(2)(A) (42 U.S.C. 1396b(m)(2)(A)) is amended—

(i) in clause (xi), by striking "and" at the end;

(ii) in clause (xii), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(xiii) such contract provides that payment for covered outpatient drugs dispensed to individuals eligible for medical assistance who are enrolled with the entity shall be subject to the same rebate agreement entered into under section 1927 as the State is subject to and that the State shall have the option of collecting rebates for the dispensing of such drugs by the entity directly from manufacturers or allowing the entity to collect such rebates from manufacturers in exchange for a reduction in the prepaid payments made to the entity for the enrollment of such individuals.".

(B) CONFORMING AMENDMENT.—Section 1927(j)(1) (42 U.S.C. 1396r–8(j)91)) is amended by inserting "other than for purposes of collection of rebates for the dispensing of such drugs in accordance with the provisions of a contract under section 1903(m) that meets the requirements of paragraph (2)(A)(xiii) of that section" before the period.

(C) EFFECTIVE DATE.—The amendments made by this paragraph take effect on the date of enactment of this Act and apply to rebate agreements entered into or renewed under section 1927 of the Social Security Act (42 U.S.C. 1396r–8) on or after such date.

(b) UPPER PAYMENT LIMIT FOR INGREDIENT COST OF COVERED OUTPATIENT DRUGS.—

(1) IN GENERAL.—Section 1927(e) (42 U.S.C. 1396r–8(e)) is amended to read as follows:

"(e) PHARMACY REIMBURSEMENT LIMITS.—

"(1) UPPER PAYMENT LIMIT FOR INGREDIENT COST OF COVERED OUTPATIENT DRUGS.—No Federal financial participation shall be available for payment for the ingredient cost of a covered outpatient drug that exceeds the upper payment limit for that drug established under paragraph (2).

"(2) UPPER PAYMENT LIMIT.—

"(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), the upper payment limit established under this paragraph for the ingredient cost of a—

"(i) single source drug, is 105 percent of the average manufacturer price for that drug; and

"(ii) multiple source drug, is 115 percent of the weighted average manufacturer price for that drug.

"(B) EXCEPTION FOR INITIAL SALES PERIODS.—

"(i) IN GENERAL.—In the case of a covered outpatient drug during an initial sales period (not to exceed 2 calendar quarters) in which data on sales for the drug is not sufficiently available from the manufacturer to compute the average manufacturer price or the weighted average manufacturer price, the Secretary shall establish the upper payment limit for the ingredient cost of such drug to apply only during such period based on the following:

“(I) In the case of a single source drug, such upper payment limit shall be the wholesale acquisition cost for the drug.

“(II) In the case of a first noninnovator multiple source drug, such upper payment limit shall be the average manufacturer price for the single source drug that is rated as therapeutically equivalent and bioequivalent to such drug, minus 10 percent.

“(III) In the case of a subsequent noninnovator multiple source drug—

“(aa) if the Secretary has sufficient data to determine the weighted average manufacturer price for the drug, such upper payment limit shall be the weighted average manufacturer price determined for the therapeutically equivalent and bioequivalent form of the drug; and

“(bb) if the Secretary does not have sufficient data to determine the weighted average manufacturer price for the drug, such upper payment limit shall be the average manufacturer price for the single source drug that is rated as therapeutically equivalent and bioequivalent to the drug, minus 10 percent.

“(ii) DEFINITION OF WHOLESALE ACQUISITION COST.—For purposes of clause (i), the term ‘wholesale acquisition cost’ means, with respect to a drug or biological, the manufacturer's list price for the drug or biological to wholesalers or direct purchasers in the United States, not including prompt pay or other discounts, rebates, or reductions in price, for the most recent month for which the information is available, as reported in wholesale price guides or other publications of drug or biological pricing data.

“(C) EXCEPTION FOR CERTAIN INNOVATOR MULTIPLE SOURCE DRUGS.—In the case of an innovator multiple source drug that a prescribing health care provider determines is necessary for treatment of a condition and that a noninnovator multiple source drug would not be as effective for the individual or would have adverse effects for the individual or both, and for which the provider obtains prior authorization in accordance with a program described in subsection (d)(5), the upper payment limit for the innovator multiple source drug shall be 105 percent of the average manufacturer price for such drug.

“(D) UPDATES; AVAILABILITY OF DATA.—

“(i) FREQUENCY OF DETERMINATION.—The Secretary shall update the upper payment limits applicable under this paragraph on a quarterly basis, taking into account the most recent data collected for purposes of determining such limits and the Food and Drug Administration's most recent publication of ‘Approved Drug Products with Therapeutic Equivalence Evaluations’.

“(ii) COLLECTION OF DATA.—

“(I) IN GENERAL.—Beginning on January 1, 2006, the Secretary shall collect data with respect to the average manufacturer prices and volume of sales of covered outpatient drugs (or, in the case of covered outpatient drugs that are first marketed after such date, beginning with the first quarter during which the drugs are first marketed).

“(II) DATA REPORTED FOR PURPOSES OF DETERMINING WEIGHTED AVERAGE MANUFACTURER PRICE.—Insofar as there is a lag in the reporting of the information on rebates and chargebacks so that adequate data are not available on a timely basis to update the weighted average manufacturer price for a multiple source drug, the manufacturer of such drug shall apply a methodology based on a 12-month rolling average for the manufacturer to estimate costs attributable to rebates and charge backs for such drug. For years after 2006, the Secretary shall establish a uniform methodology to estimate and apply such costs.

“(iii) AVAILABILITY OF DATA TO STATES.—Notwithstanding subsection (b)(3)(D), beginning with the first quarter of fiscal year 2006 for which data is available, and for each fiscal year quarter thereafter, the Secretary shall make available to States the most recently reported average manufacturer prices for single source drugs and weighted average manufacturer prices for multiple source drugs.

“(E) AUTHORITY TO ENTER CONTRACTS.—The Secretary may enter into contracts with appropriate entities to determine average manufacturer prices, volume, and other data necessary to calculate the upper payment limit for a covered outpatient drug established under this subsection and to calculate that payment limit.

“(3) STATE USE OF PRICE DATA.—

“(A) DISTRIBUTION OF DATA.—The Secretary shall devise and implement a means for electronic distribution of the most recently calculated weighted average manufacturer price and the average manufacturer price for all covered outpatient drugs to each State agency designated under section 1902(a)(5) with responsibility for the administration or supervision of the administration of the State plan under this title.

“(B) AUTHORITY TO ESTABLISH PAYMENT RATES BASED ON DATA.—A State may use the price data received in accordance with subparagraph (A) in establishing payment rates for the ingredient costs and dispensing fees for covered outpatient drugs dispensed to individuals eligible for medical assistance under this title.

“(4) REASONABLE DISPENSING FEES REQUIRED.—

“(A) IN GENERAL.—A State which provides medical assistance for covered outpatient drugs shall pay a dispensing fee for each covered outpatient drug for which Federal financial participation is available in accordance with this section in accordance with the following:

“(i) The dispensing fee for a noninnovator multiple source drug shall be greater than the dispensing fee for an innovator multiple source drug that is rated as therapeutically equivalent and bioequivalent to such drug.

“(ii) In establishing such dispensing fees, the State takes into consideration such requirements as the Secretary shall, by regulation, establish, and which shall include consideration of the following:

“(I) Any reasonable costs associated with a pharmacist's time in checking for information about an individual's coverage or performing quality assurance activities.

“(II) Costs associated with—

“(aa) the measurement or mixing of a covered outpatient drug;

“(bb) filling the container for the drug;

“(cc) physically providing the completed prescription to an individual enrolled in the program under this title;

“(dd) delivery;

“(ee) special packaging;

“(ff) overhead related to maintaining the facility and equipment necessary to operate the pharmacy, including the salaries of pharmacists and other pharmacy workers;

“(gg) geographic factors that impact operational costs;

“(hh) patient counseling; and

“(ii) the dispensing of drugs requiring specialty pharmacy care management services (as determined by the Secretary in accordance with subparagraph (B)).

“(B) DETERMINATION OF DRUGS REQUIRING SPECIALTY PHARMACY CARE MANAGEMENT SERVICES.—

“(i) IN GENERAL.—Not later than 15 months after the date of enactment of the Deficit Reduction Omnibus Reconciliation Act of 2005, the Secretary shall establish a list of covered outpatient drugs which require specialty pharmacy care management services that includes only those drugs for which the Secretary determines that access by individuals eligible for medical assistance under this title would be seriously impaired without the provision of specialty pharmacy care management services.

“(ii) SPECIALTY PHARMACY CARE MANAGEMENT SERVICES DEFINED.—For purposes of this paragraph, the term ‘specialty pharmacy care management services’ means services provided in connection with the dispensing or administration of a covered outpatient drug which the Secretary determines requires—

“(I) significant caregiver and provider contact and education regarding the relevant disease state, prevention, treatment, drug indications, benefits, risks, complications, use, pharmacy counseling, and explanation of existing provider guidelines;

“(II) patient compliance services, including coordination of provider visits with drug delivery, compliance with a drug dosing regimen, mailing or telephone call reminders, compiling compliance data, and assisting providers in developing compliance programs; or

“(III) tracking services, including developing referral processes with providers, screening referrals, and tracking patient weight for dosing requirements.

“(iii) QUARTERLY UPDATES.—The Secretary shall update the list of covered outpatient drugs requiring specialty pharmacy management services on a quarterly basis.

“(5) RULES APPLICABLE TO CRITICAL ACCESS RETAIL PHARMACIES.—

“(A) REIMBURSEMENT LIMITS.—Notwithstanding paragraph (2)(A), in the case of a critical access retail pharmacy (as defined in subparagraph (C)), the upper payment limit—

“(i) for the ingredient cost of a single source drug, is the lesser of—

“(I) 108 percent of the average manufacturer price for the drug; or

“(II) the wholesale acquisition cost for the drug; and

“(ii) for the ingredient cost of a multiple source drug, is the lesser of—

“(II) 140 percent of the weighted average manufacturer price for the drug; or

“(II) the wholesale acquisition cost for the drug.

“(B) APPLICATION OF OTHER PROVISIONS.—The preceding provisions of this subsection shall apply with respect to reimbursement to a critical access retail pharmacy in the same manner as such provisions apply to reimbursement to other retail pharmacies except that, in establishing the dispensing fee for a critical access pharmacy the Secretary, in addition to the factors required under paragraph (4), shall include consideration of the costs associated with operating a critical access retail pharmacy.

“(C) CRITICAL ACCESS RETAIL PHARMACY DEFINED.—For purposes of subparagraph (A), the term ‘critical access retail pharmacy’ means an retail pharmacy that is not within a 20-mile radius of another retail pharmacy.".

(2) INCREASE IN BASIC REBATE FOR SINGLE SOURCE DRUGS AND INNOVATOR MULTIPLE SOURCE DRUGS.—Section 1927(c)(1)(B)(i)(VI) (42 U.S.C. 1396r-8(c)(1)(B)(i)(VI), as added by section 6002(a)(3), is amended by striking "17" and inserting "18.1".

(3) CONFORMING AMENDMENTS.—

(A) Section 1927(b)(3)(D)(i) (42 U.S.C. 1396r-8(b)(3)(D)(i)) is amended by inserting "(including with respect to the determination of weighted average manufacturer prices under subsection (e)(2) and the distribution of weighted average manufacturer prices and average manufacturer prices for covered outpatient drugs to States under subsection (e)(3))" after "this section".

(B) Section 1903(i)(10) (42 U.S.C. 1396b(i)(10)) is amended—

(i) in subparagraph (A), by striking "and" at the end;

(ii) in subparagraph (B), by striking "or" at the end and inserting "and"; and

(iii) by adding at the end the following:

"(C) with respect to any amount expended for the ingredient cost of a covered outpatient drug that exceeds the upper payment limit for that drug established under section 1927(e); or".

(4) EFFECTIVE DATE.—The amendments made by this subsection take effect with respect to a State on the later of—

(A) January 1, 2007; or

(B) the date that is 6 months after the close of the first regular session of the State legislature that begins after the date of enactment of this Act.

(c) INTERIM UPPER PAYMENT LIMIT.—

(1) IN GENERAL.—With respect to a State program under title XIX of the Social Security Act, during the period that begins on January 1, 2006, and ends on the effective date applicable to such State under subsection (b)(3), the Secretary shall—

(A) apply the Federal upper payment limit established under section 447.332(b) of title 42, Code of Federal Regulations to the State by substituting "125 percent" for "150 percent"; and

(B) in the case of covered outpatient drugs under title XIX of such Act that are marketed as of July 1, 2005, and are subject to Federal upper payment limits that apply under section 447.332 of title 42, Code of Federal Regulations, use average wholesale prices, direct prices, and wholesale acquisition costs for such drugs that do not exceed such prices and costs as of such date to determine the Federal upper payment limits that apply under section 447.332 of title 42, Code of Federal Regulations to such drugs during such period.

(2) APPLICATION TO NEW DRUGS.—Paragraph (1)(A) shall apply to a covered outpatient drug under title XIX of the Social Security Act that is first marketed after July 1, 2005, but before January 1, 2007, and is subject to the Federal upper payment limit established under section 447.332(b) of title 42, Code of Federal Regulations.

SEC. 6002. INCREASE IN REBATES FOR COVERED OUTPATIENT DRUGS.

(a) INCREASE IN BASIC REBATE FOR SINGLE SOURCE DRUGS AND INNOVATOR MULTIPLE SOURCE DRUGS.—Section 1927(c)(1)(B)(i) (42 U.S.C. 1396r-8(c)(1)(B)(i)) is amended—

(1) in subclause (IV), by striking "and" after the semicolon;

(2) in subclause (V)—

(A) by inserting "and before January 1, 2006," after "1995,"; and

(B) by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(VI) after December 31, 2005, is 17 percent.".

(b) INCREASE IN REBATE FOR OTHER DRUGS.—Section 1927(c)(3)(B) (42 U.S.C. 1396r-8(c)(3)(B)) is amended—

(1) in clause (i), by striking "and" at the end;

(2) in clause (ii)—

(A) by inserting "and before January 1, 2006," after "December 31, 1993,"; and

(B) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(iii) after December 31, 2005, is 17 percent.".

SEC. 6003. IMPROVED REGULATION OF AUTHORIZED GENERIC DRUGS.

(a) INCLUSION WITH OTHER REPORTED AVERAGE MANUFACTURER AND BEST PRICES.—Section 1927(b)(3)(A) (42 U.S.C. 1396r-8(b)(3)(A)) is amended—

(1) by striking clause (i) and inserting the following:

"(i) not later than 30 days after the last day of each rebate period under the agreement—

"(I) on the average manufacturer price (as defined in subsection (k)(1)) for each covered outpatient drug for the rebate period under the agreement (including for each such drug that is an authorized generic drug or is any other drug sold under a new drug application approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act); and

"(II) for each single source drug, innovator multiple source drug, authorized generic drug, and any other drug sold under a new drug application approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act, on the manufacturer's best price (as defined in subsection (c)(1)(C)) for such drug for the rebate period under the agreement;"; and

(2) in clause (ii), by inserting "(including for such drugs that are authorized generic drugs or are any other drugs sold under a new drug application approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act)" after "drugs".

(b) CONFORMING AMENDMENTS.—Section 1927 of such Act (42 U.S.C. 1396r-8) is amended—

(1) in subsection (c)(1)(C)—

(A) in clause (i), in the matter preceding subclause (I), by striking "or innovator multiple source drug of a manufacturer" and inserting ", innovator multiple source drug, or authorized generic drug of a manufacturer, or any other drug of a manufacturer that is sold under a new drug application approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act"; and

(B) in clause (ii)—

(i) in subclause (II), by striking "and" at the end;

(ii) in subclause (III), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(IV) in the case of a manufacturer that approves, allows, or otherwise permits an authorized generic drug or any other drug of the manufacturer to be sold under a new drug application approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act, shall be inclusive of the lowest price for such authorized generic or other drug available from the manufacturer during the rebate period to any wholesaler, retailer, provider, health maintenance organization, nonprofit entity, or governmental entity within the United States, excluding those prices described in subclauses (I) through (IV) of clause (i)."; and

(2) in subsection (k)—

(A) in paragraph (1), as amended by section 6001(a)(1)(B), by adding at the end the following:

"(F) INCLUSION OF AUTHORIZED GENERIC DRUGS.—In the case of a manufacturer that approves, allows, or otherwise permits an authorized generic drug or any other drug of the manufacturer to be sold under a new drug application approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act, such term shall be inclusive of the average price paid for such authorized generic or other drug."; and

(B) by adding at the end the following:

"(10) AUTHORIZED GENERIC DRUG.—The term 'authorized generic drug' means a listed drug (as that term is used in section 505(j) of the Federal Food, Drug, and Cosmetic Act) that—

"(A) has been approved under section 505(c) of such Act; and

"(B) is marketed, sold, or distributed directly or indirectly to the retail class of trade under a different labeling, packaging (other than repackaging as the listed drug in blister packs, unit doses, or similar packaging for use in institutions), product code, labeler code, trade name, or trade mark than the listed drug.".

(c) EFFECTIVE DATE.—The amendments made by this section take effect on January 1, 2006.

SEC. 6004. COLLECTION OF REBATES FOR CERTAIN PHYSICIAN ADMINISTERED DRUGS.

(a) IN GENERAL.—Section 1927(a) (42 U.S.C. 1396r-8(a)) is amended by adding at the end the following:

"(7) REQUIREMENT FOR SUBMISSION OF UTILIZATION DATA FOR CERTAIN PHYSICIAN-ADMINISTERED DRUGS.—In order for payment to be available under section 1903(a) for a covered outpatient drug that is physician administered (as determined by the Secretary), and that is administered on or after January 1, 2006, the State shall provide for the submission of such utilization data and coding (including both J-codes and National Drug Code numbers) for each such drug as the Secretary may specify as necessary in order to secure rebates for payments made under this title.".

(b) LIMITATION ON PAYMENT.—Section 1903(i)(10) (42 U.S.C. 1396b(i)(10)), as amended by section 6001(b)(2)(B), is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking "; or" at the end and inserting ", and"; and

(3) by adding at the end the following:

"(D) with respect to covered outpatient drugs described in section 1927(a)(7), unless information with respect to utilization data and coding on such drugs is submitted in accordance with that section; or".

CHAPTER 2—LONG-TERM CARE UNDER MEDICAID

SEC. 6011. REFORM OF MEDICAID ASSET TRANSFER RULES.

(a) REQUIREMENT TO IMPOSE PARTIAL MONTHS OF INELIGIBILITY.—Section 1917(c)(1)(E) (42 U.S.C. 1396p(c)(1)(E)) is amended by adding at the end the following:

"(iv) A State shall not round down, or otherwise disregard any fractional period of ineligibility determined under clause (i) or (ii) with respect to the disposal of assets.".

(b) AUTHORITY FOR STATES TO ACCUMULATE MULTIPLE TRANSFERS INTO 1 PENALTY PERIOD.—Section 1917(c)(1) (42 U.S.C. 1396p(c)(1)) is amended by adding at the end the following:

"(F) Notwithstanding the preceding provisions of this paragraph, in the case of an individual (or individual's spouse) who disposes of multiple assets in more than 1 month for less than fair market value on or after the applicable look-back date specified in subparagraph (B), a State may determine the period of ineligibility applicable to such individual under this paragraph by—

"(i) treating the total, cumulative uncompensated value of all assets transferred by the individual (or individual's spouse) during all months on or after the look-back date specified in subparagraph (B) as 1 transfer for purposes of clause (i) or (ii) (as the case may be) of subparagraph (E); and

"(ii) beginning such period on the earliest date which would apply under subparagraph (D) to any of such transfers.".

(c) INCLUSION OF TRANSFER OF CERTAIN NOTES AND LOANS ASSETS.—Section 1917(c)(1) (42 U.S.C. 1396p(c)(1)), as amended by subsection (b), is amended by adding at the end the following:

"(G) For purposes of this paragraph with respect to a transfer of assets, the term 'assets' includes funds used to purchase a promissory note, loan, or mortgage unless such note, loan, or mortgage—

"(i) has a repayment term that is actuarially sound (as determined in accordance with actuarial publications of the Office of the Chief Actuary of the Social Security Administration);

"(ii) provides for payments to be made in equal amounts during the term of the loan, with no deferral and no balloon payments made; and

"(iii) prohibits the cancellation of the balance upon the death of the lender.

In the case of a promissory note, loan, or mortgage that does not satisfy the requirements of clauses (i) through (iii), the value of such note, loan, or mortgage shall be the outstanding balance due as of the date of the individual's application for medical assistance for services described in subparagraph (C).".

(d) TREATMENT OF ANNUITIES.—

(1) INCLUSION OF TRANSFERS TO PURCHASE BALLOON ANNUITIES.—Section 1917(c)(1) (42 U.S.C. 1396p(c)(1)), as amended by subsection (c), is amended by adding at the end the following:

"(H) For purposes of this paragraph with respect to a transfer of assets, the term 'assets' includes an annuity purchased by or on behalf of an annuitant who has applied for medical assistance with respect to nursing facility services or other long-term care services under this title unless—

"(i) the annuity is—

"(I) an annuity described in subsection (b) or (q) of section 408 of the Internal Revenue Code of 1986; or

"(II) purchased with proceeds from—

"(aa) an account or trust described in subsection (a), (c), (p) of section 408 of such Code;

"(bb) a simplified employee pension (within the meaning of section 408(k) of such Code); or

"(cc) a Roth IRA described in section 408A of such Code; or

"(ii) the annuity—

"(I) is irrevocable and nonassignable;

"(II) is actuarially sound (as determined in accordance with actuarial publications of the Office of the Chief Actuary of the Social Security Administration); and

"(III) provides for payments in equal amounts during the term of the annuity, with no deferral and no balloon payments made.".

(2) REQUIREMENT FOR STATE TO BE NAMED AS A REMAINDER BENEFICIARY.—Section 1917(c)(1) (42 U.S.C. 1396p(c)(1)), as amended by paragraph (1), is amended by adding at the end the following:

"(I) For purposes of this paragraph, the purchase of an annuity shall be treated as the disposal of an asset for less than fair market value unless the State is named as the remainder beneficiary in the first position for at least the total amount of medical assistance paid on behalf of the annuitant under this title or is named as such a beneficiary in the second position after the community spouse and such spouse does not dispose of any such remainder for less than fair market value.".

(3) INCLUSION OF CERTAIN ANNUITIES IN AN ESTATE.—Section 1917(b)(4) (42 U.S.C. 1396p(b)(4)) is amended—

(A) in subparagraph (A), by striking "and" at the end;

(B) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(C) shall include an annuity unless the annuity was purchased from a financial institution or other business that sells annuities in the State as part of its regular business.".

(e) INCLUSION OF TRANSFERS TO PURCHASE LIFE ESTATES.—Section 1917(c)(1) (42 U.S.C. 1396p(c)(1)), as amended by subsection (d)(2), is amended by adding at the end the following:

"(J) For purposes of this paragraph with respect to a transfer of assets, the term 'assets' includes the purchase of a life estate interest in another individual's home unless the purchaser resides in the home for a period of at least 1 year after the date of the purchase.

(f) PROTECTION AGAINST UNDUE HARDSHIP.—Section 1917(c) (42 U.S.C. 1396p(c)) is amended by adding at the end the following:

"(6) For purposes of paragraph (2)(D) and subsection (d)(5), the procedures established by the State in accordance with standards specified by the Secretary shall provide for—

"(A) notice, before application of the provisions of paragraph (1) or subsection (d), to an individual who is an applicant for medical assistance under this title who would be subject to such a penalty under such provisions that an undue hardship exception exists;

"(B) a timely process before the imposition of a penalty for determining whether an undue hardship waiver will be granted for the individual;

"(C) a process under which an adverse determination can be appealed; and

"(D) application of criteria that specifies that an undue hardship exists when application of the provisions of paragraph (1) or subsection (d) would deprive the individual of medical care such that the individual's health or life would be endangered or when the application of such provisions would deprive the individual of food, clothing, shelter, or other necessities of life.".

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amendments made by this section shall apply to payments under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) for calendar quarters beginning on or after the date of enactment of this Act, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

(2) EXCEPTIONS.—The amendments made by this section shall not apply—

(A) to medical assistance provided for services furnished before the date of enactment;

(B) with respect to assets disposed of on or before the date of enactment of this Act; or

(C) with respect to trusts established on or before the date of enactment of this Act.

(3) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by a provision of this section, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session is considered to be a separate regular session of the State legislature.

SEC. 6012. STATE LONG-TERM CARE PARTNERSHIPS.

(a) EXPANSION OF STATE LONG-TERM CARE PARTNERSHIPS.—

(1) IN GENERAL.—Section 1917(b)(1)(C)(ii) (42 U.S.C. 1396p(b)(1)(C)(ii)) is amended to read as follows:

"(ii) Clause (i) shall not apply in the case of an individual who received medical assistance under—

"(I) a Qualified State Long-Term Care Insurance Partnership (as defined in paragraph (5)); or

"(II) under a State plan of a State which—

"(aa) had a State plan amendment approved as of May 14, 1993, which provided for the disregard of any assets or resources to the extent that payments are made under a long-term care insurance policy or because an individual has received (or is entitled to receive) benefits under a long-term care insurance policy; and

"(bb) has a State plan amendment which satisfies the requirements of subparagraphs (B) through (G) of paragraph (5) in the case of any long-term care insurance policy sold under such plan amendment on or after the date that is 2 years after the date of enactment of such paragraph.

For purposes of this clause and paragraphs (5) and (6), the term 'long-term care insurance policy' includes a certificate issued under a group insurance contract.".

(2) SATISFACTION OF MINIMUM FEDERAL STANDARDS, TAX QUALIFICATIONS, INFLATION PROTECTION, AND OTHER REQUIREMENTS FOR LONG-TERM CARE INSURANCE PARTNERSHIPS.—Section 1917(b) (42 U.S.C. 1396p(b)) is amended by inserting at the end the following:

"(5) The term 'Qualified State Long-Term Care Insurance Partnership' means a program offered in a State with an approved State plan amendment that provides for the following:

"(A) Subject to the limit specified in subparagraph (D), the disregard of any assets or resources in an amount equal to the amount of payments made to, or on behalf of, an individual who is a beneficiary under any long-term care insurance policy sold under such plan amendment.

"(B) A requirement that the State will treat benefits paid under any long-term care insurance policy sold under a plan amendment of another State that maintains a Qualified Long-Term Care Insurance Partnership or is described in subsection (b)(1)(C)(ii)(II) the same as the State treats benefits paid under such a policy sold under the State's plan amendment.

“(C) A requirement that any long-term care insurance policy sold under such plan amendment—

“(i) be a qualified long-term care insurance contract within the meaning of section 7702B(b) of the Internal Revenue Code of 1986; and

“(ii) meet the requirements described in paragraph (6).

“(D) A requirement that any such policy sold under the State plan amendment shall provide for—

“(i) compound annual inflation protection of at least 5 percent; and

“(ii) asset protection that does not exceed $250,000.

The dollar amount specified in the preceding sentence shall be increased, beginning with 2007, from year to year based on the percentage increase in the medical care expenditure category of the Consumer Price Index for All Urban Consumers (United States city average), published by the Bureau of Labor Statistics, rounded to the nearest $100.

“(E) A requirement that an insurer may rescind a long-term care insurance policy sold under such State plan amendment that has been in effect for at least 2 years or deny an otherwise valid long-term care insurance claim under such a policy only upon a showing of misrepresentation that is material to the acceptance of coverage, pertains to the claim made, and could not have been known by the insurer at the time the policy was sold.

“(F) A requirement that any individual who sells such a policy receive training, and demonstrate evidence of an understanding of, the policy and how the policy relates to other public and private coverage of long-term care.

“(G) A requirement that the issuer of any such policy report—

“(i) to the Secretary, such information or data as the Secretary may require; and

“(ii) to the State, the information or data reported to the Secretary (if any), the information or data required under the minimum reporting requirements developed under section 6012(b)(2)(B) of the Deficit Reduction Omnibus Reconciliation Act of 2005, and such additional information or data as the State may require.

For purposes of applying this paragraph, if a long-term care insurance policy is exchanged for another such policy, the date coverage became effective under the first policy shall determine when coverage first becomes effective.

“(6)(A) For purposes of subparagraph (C)(ii) of paragraph (5), the requirements of this paragraph are met if a long-term care insurance policy sold under a plan amendment described in that paragraph meets—

“(i) MODEL REGULATION.—The following requirements of the model regulation:

“(I) Section 6A (relating to guaranteed renewal or noncancellability), other than paragraph (5) thereof, and the requirements of section 6B of the model Act relating to such section 6A.

“(II) Section 6B (relating to prohibitions on limitations and exclusions) other than paragraph (7) thereof.

“(III) Section 6C (relating to extension of benefits).

“(IV) Section 6D (relating to continuation or conversion of coverage).

“(V) Section 6E (relating to discontinuance and replacement of policies).

“(VI) Section 7 (relating to unintentional lapse).

“(VII) Section 8 (relating to disclosure), other than sections 8F, 8G, 8H, and 8I thereof.

“(VIII) Section 9 (relating to required disclosure of rating practices to consumer).

“(IX) Section 11 (relating to prohibitions against post-claims underwriting).

“(X) Section 12 (relating to minimum standards).

“(XI) Section 14 (relating to application forms and replacement coverage).

“(XII) Section 15 (relating to reporting requirements).

“(XIII) Section 22 (relating to filing requirements for marketing).

“(XIV) Section 23 (relating to standards for marketing), including inaccurate completion of medical histories, other than paragraphs (1), (6), and (9) of section 23C.

“(XV) Section 25 (relating to prohibition against preexisting conditions and probationary periods in replacement policies or certificates).

“(XVI) The provisions of section 26 relating to contingent nonforfeiture benefits, if the policyholder declines the offer of a nonforfeiture provision described in paragraph (4).

“(XVII) Section 29 (relating to standard format outline of coverage).

“(XVIII) Section 30 (relating to requirement to deliver shopper's guide).

“(ii) MODEL ACT.—The following requirements of the model Act:

“(I) Section 6C (relating to preexisting conditions).

“(II) Section 6D (relating to prior hospitalization).

“(III) The provisions of section 8 relating to contingent nonforfeiture benefits.

“(IV) Section 6F (relating to right to return).

“(V) Section 6G (relating to outline of coverage).

“(VI) Section 6H (relating to requirements for certificates under group plans).

“(VII) Section 6J (relating to policy summary).

“(VIII) Section 6K (relating to monthly reports on accelerated death benefits).

“(B) DEFINITIONS.—For purposes of this paragraph—

“(i) MODEL PROVISIONS.—The terms ‘model regulation’ and ‘model Act’ mean the long-term care insurance model regulation, and the long-term care insurance model Act, respectively, promulgated by the National Association of Insurance Commissioners (as adopted as of October 2000).

“(ii) COORDINATION.—Any provision of the model regulation or model Act listed under clause (i) or (ii) of subparagraph (A) shall be treated as including any other provision of such regulation or Act necessary to implement the provision.

“(iii) DETERMINATION.—For purposes of this paragraph, the determination of whether any requirement of a model regulation or the model Act has been met shall be made by the Secretary.”.

(3) EFFECTIVE DATE.—The amendments made by this subsection take effect on October 1, 2007, and apply to long-term care insurance policies sold on or after that date.

(b) DEVELOPMENT OF UNIFORM STANDARDS AND RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the National Association of Insurance Commissioners, issuers of long-term care insurance policies, States with experience with long-term care insurance partnership plans, other States, and representatives of consumers of long-term care insurance policies shall develop the uniform standards described in paragraph (2) and submit recommendations to Congress with respect to the issues identified in paragraph (3).

(2) UNIFORM STANDARDS.—The uniform standards described in this paragraph are the following:

(A) RECIPROCITY.—Standards for ensuring that long-term care insurance policies issued under a State long-term care insurance partnership under section 1917(b)(1)(C)(ii) of the Social Security Act (42 U.S.C. 1396p(b)(1)(C)(ii)) (as amended by subsection (a)) are portable to other States with such a partnership.

(B) MINIMUM REPORTING REQUIREMENTS.—Standards for minimum reporting requirements for issuers of long-term care insurance policies under such State long-term care insurance partnerships that shall specify the data and information that each such issuer shall report to the State with which it has such a partnership. The requirements developed in accordance with this subparagraph shall specify the type and format of the data and information to be reported and the frequency with which such reports are to be made.

(C) SUITABILITY.—Suitability standards for determining whether a long-term care insurance policy is appropriate for the needs of an applicant, based on guidance of the National Association of Insurance Commissioners regarding suitability.

(3) RECOMMENDATIONS.—The recommendations described in this paragraph are the following:

(A) INCONTESTABILITY.—Recommendations regarding whether the requirements relating to incontestability for long-term care insurance policies sold under a State long-term care insurance partnership program under section 1917(b)(1)(C)(ii) of the Social Security Act should be modified based on guidance of the National Association of Insurance Commissioners regarding incontestability.

(B) NONFORFEITURE.—Recommendations regarding whether requirements relating to nonforfeiture for issuers of long-term care insurance policies under a State long-term care insurance partnership program under section 1917(b)(1)(C)(ii) of such Act should be modified to reflect changes in an insured's financial circumstances.

(C) INDEPENDENT CERTIFICATION FOR BENEFITS ASSESSMENT.—Recommendations regarding whether uniform standards for requiring benefits assessment evaluations to be conducted by independent entities should be established for issuers of long-term care insurance policies under such a State partnership program and, if so, what such standards should be.

(D) RATING REQUIREMENTS.—Recommendations regarding whether uniform standards for the establishment of, and annual increases in, premiums for long-term care insurance policies sold under such a State partnership program should be established and, if so, what such standards should be.

(E) DISPUTE RESOLUTION.—Recommendations regarding whether uniform standards are needed to ensure fair adjudication of coverage disputes under long-term care insurance policies sold under such a State partnership program and the delivery of the benefits promised under such policies.

(4) STATE REPORTING REQUIREMENTS.—Nothing in paragraph (2)(B) shall be construed as prohibiting a State from requiring an issuer of a long-term care insurance policy sold in the State (regardless of whether the policy is issued under a State long-term care insurance partnership under section 1917(b)(1)(C)(ii) of the Social Security Act) to require the issuer to report information or

data to the State that is in addition to the information or data required under the minimum reporting requirements developed under that paragraph.

(c) Annual Reports to Congress.—The Secretary of Health and Human Services shall annually report to Congress on the long-term care insurance partnerships established in accordance with section 1917(b)(1)(C)(ii) of the Social Security Act (42 U.S.C. 1396p(b)(1)(C)(ii)) (as amended by subsection (a)(1)). Such reports shall include analyses of the extent to which such partnerships expand or limit access of individuals to long-term care and the impact of such partnerships on Federal and State expenditures under the Medicare and Medicaid programs.

CHAPTER 3—ELIMINATING FRAUD, WASTE, AND ABUSE IN MEDICAID

SEC. 6021. ENHANCING THIRD PARTY RECOVERY.

(a) Clarification of Right of Recovery Against Any Third Party Legally Responsible for Payment of a Claim for a Health Care Item or Service.—Section 1902(a)(25) (42 U.S.C. 1396a(a)(25)) is amended—

(1) in subparagraph (A), in the matter preceding clause (i)—

(A) by inserting ", including self-insured plans" after "health insurers"; and

(B) by striking "and health maintenance organizations" and inserting "health maintenance organizations, pharmacy benefit managers, or other parties that are, by statute, contract, or agreement, legally responsible for payment of a claim for a health care item or service"; and

(2) in subparagraph (G)—

(A) by inserting "a self-insured plan," after "1974,"; and

(B) by striking "and a health maintenance organization" and inserting "a health maintenance organization, a pharmacy benefit manager, or other party that is, by statute, contract, or agreement, legally responsible for payment of a claim for a health care item or service".

(b) Requirement for Third Parties To Provide the State With Coverage Eligibility and Claims Data.—Section 1902(a)(25) (42 U.S.C. 1396a(a)(25)) is amended—

(1) in subparagraph (G), by striking "and" at the end;

(2) in subparagraph (H), by adding "and" after the semicolon at the end; and

(3) by inserting after subparagraph (H), the following:

"(I) that the State shall provide assurances satisfactory to the Secretary that the State has in effect laws requiring health insurers, including self-insured plans, group health plans (as defined in section 607(1) of the Employee Retirement Income Security Act of 1974), service benefit plans, health maintenance organizations, pharmacy benefit managers, or other parties that are, by statute, contract, or agreement, legally responsible for payment of a claim for a health care item or service, as a condition of doing business in the State, to—

"(i) provide eligibility and claims payment data with respect to an individual who is eligible for, or is provided, medical assistance under the State plan, upon the request of the State;

"(ii) accept the subrogation of the State to any right of an individual or other entity to payment from the party for an item or service for which payment has been made under the State plan;

"(iii) respond to any inquiry by the State regarding a claim for payment for any health care item or service submitted not later than 3 years after the date of the provision of such health care item or service; and

"(iv) agree not to deny a claim submitted by the State solely on the basis of the date of submission of the claim;".

(c) Effective Date.—Except as provided in section 6026(e), the amendments made by this section take effect on January 1, 2006.

SEC. 6022. LIMITATION ON USE OF CONTINGENCY FEE ARRANGEMENTS.

(a) In General.—Section 1903(i) (42 U.S.C. 1396b(i)), as amended by section 104(b) of the QI, TMA, and Abstinence Programs Extension and Hurricane Katrina Unemployment Relief Act of 2005 (Public Law 109-91), is amended—

(1) in paragraph (19), by adding "or" at the end;

(2) by striking the period at the end of paragraph (21) and inserting "; or"; and

(3) by inserting after paragraph (21), the following:

"(22) with respect to any amount expended in connection with a contract or agreement (other than a risk contract under section 1903(m)) between the State agency under section 1902(a)(5) (or any State or local agency designated by such agency to administer any portion of the State plan under this title) and a consultant or other contractor if the terms of compensation for the consultant or other contractor do not meet the standards established by the Inspector General of the Department of Health and Human Services under section 6022(b) of the Deficit Reduction Omnibus Reconciliation Act of 2005.".

(b) Contingency Fee Arrangement Standards.—Not later than 6 months after the date of enactment of this Act, the Inspector General of the Department of Health and Human Services shall issue standards for the terms of compensation of consultants and other individuals or entities contracting with State agencies (or their designees) administering State Medicaid plans under title XIX of the Social Security Act that ensure prudent purchasing and program integrity with respect to Federal funds. The Inspector General shall annually review and, as necessary, revise such standards to promptly address new compensation arrangements that may present a risk to program integrity under such title.

(c) Effective Date.—Except as provided in section 6026(e), the amendments made by subsection (a) take effect on January 1, 2007.

SEC. 6023. ENCOURAGING THE ENACTMENT OF STATE FALSE CLAIMS ACTS.

(a) In General.—Title XIX (42 U.S.C. 1396 et seq.) is amended by inserting after section 1908A the following:

"STATE FALSE CLAIMS ACT REQUIREMENTS FOR INCREASED STATE SHARE OF RECOVERIES

"Sec. 1909. (a) In General.—Notwithstanding section 1905(b), if a State has in effect a law relating to false or fraudulent claims that meets the requirements of subsection (b), the Federal medical assistance percentage with respect to any amounts recovered under a State action brought under such law, shall be decreased by 10 percentage points.

"(b) Requirements.—For purposes of subsection (a), the requirements of this subsection are that the Inspector General of the Department of Health and Human Services, in consultation with the Attorney General, determines that the State has in effect a law that meets the following requirements:

"(1) The law establishes liability to the State for false or fraudulent claims described in section 3729 of title 31, United States Code, with respect to any expenditure described in section 1903(a).

"(2) The law contains provisions that are at least as effective in rewarding and facilitating qui tam actions for false or fraudulent claims as those described in sections 3730 through 3732 of title 31, United States Code.

"(3) The law contains a requirement for filing an action under seal for 60 days with review by the State Attorney General.

"(4) The law contains a civil penalty that is not less than the amount of the civil penalty authorized under section 3729 of title 31, United States Code.

"(5) The law contains provisions that are designed to prevent a windfall recovery for a qui tam relator in the event that the relator files a Federal and State action for the same false or fraudulent claim.

"(c) Deemed Compliance.—A State that, as of January 1, 2007, has a law in effect that meets the requirements of subsection (b) shall be deemed to be in compliance with such requirements for so long as the law continues to meet such requirements.

"(d) No Preclusion of Broader Laws.—Nothing in this section shall be construed as prohibiting a State that has in effect a law that establishes liability tc the State for false or fraudulent claims described in section 3729 of title 31, United States Code, with respect to programs in addition to the State program under this title, or with respect to expenditures in addition to expenditures described in section 1903(a), from being considered to be in compliance with the requirements of subsection (a) so long as the law meets such requirements.".

(b) Effective Date.—Except as provided in section 6026(e), the amendments made by this section take effect on January 1, 2007.

SEC. 6024. EMPLOYEE EDUCATION ABOUT FALSE CLAIMS RECOVERY.

(a) In General.—Section 1902(a) (42 U.S.C. 1396a(a)) is amended—

(1) in paragraph (66), by striking "and" at the end;

(2) in paragraph (67) by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (67) the following:

"(68) provide that any entity that receives or makes annual payments under the State plan of at least $1,000,000, as a condition of receiving such payments, shall—

"(A) establish written policies, procedures, and protocols for training of all employees of the entity (including management), and of any contractor or agent of the entity, that includes a detailed discussion of the False Claims Act established under sections 3729 through 3733 of title 31, United States Code, administrative remedies for false claims and statements established under chapter 38 of title 31, United States Code, any State laws pertaining to civil or criminal penalties for false claims and statements, and whistleblower protections under such laws, with respect to the role of such laws in preventing and detecting fraud, waste, and abuse in Federal health care programs (as defined in section 1128B(f));

"(B) include as part of such written policies, procedures, and protocols, detailed provisions and training regarding the entity's policies and procedures for detecting and preventing fraud, waste, and abuse;

"(C) include in any employee handbook for the entity, a specific discussion of the laws described in subparagraph (A), the rights of employees to be protected as whistleblowers, and the entity's policies and procedures for detecting and preventing fraud, waste, and abuse; and

"(D) require mandatory training for all employees of the entity and of any contractor or agent of the entity, at the time of hiring, with respect to the laws described in subparagraph (A) (including the whistleblower protections under such laws) and the entity's policies and procedures for detecting fraud, waste, and abuse.”.

(b) EFFECTIVE DATE.—Except as provided in section 6026(e), the amendments made by subsection (a) take effect on January 1, 2007.

SEC. 6025. PROHIBITION ON RESTOCKING AND DOUBLE BILLING OF PRESCRIPTION DRUGS.

(a) IN GENERAL.—Section 1903(i)(10) (42 U.S.C. 1396b(i)), as amended by section 6004(b), is amended—

(1) in subparagraph (C), by striking “and” at the end;

(2) in subparagraph (D), by striking “; or” at the end and inserting “, and”; and

(3) by adding at the end the following:

“(E) with respect to any amount expended for reimbursement to a pharmacy under this title for the ingredient cost of a covered outpatient drug for which the pharmacy has already received payment under this title (other than with respect to a reasonable restocking fee for such drug); or”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on the first day of the first fiscal year quarter that begins after the date of enactment of this Act.

SEC. 6026. MEDICAID INTEGRITY PROGRAM.

(a) ESTABLISHMENT OF MEDICAID INTEGRITY PROGRAM; MEDICAID CFO; MEDICAID PROGRAM INTEGRITY OVERSIGHT BOARD.—Title XIX (42 U.S.C. 1396 et seq.) is amended—

(1) by redesignating section 1936 as section 1938; and

(2) by inserting after section 1935 the following:

“MEDICAID INTEGRITY PROGRAM

“SEC. 1936. (a) IN GENERAL.—There is hereby established the Medicaid Integrity Program (in this section referred to as the ‘Program’) under which the Secretary shall promote the integrity of the program under this title by entering into contracts in accordance with this section with eligible entities to carry out the activities described in subsection (b).

“(b) ACTIVITIES DESCRIBED—Activities described in this subsection are as follows:

“(1) Review of the actions of individuals or entities furnishing items or services (whether on a fee-for-service, risk, or other basis) for which payment may be made under a State plan approved under this title (or under any waiver of such plan approved under section 1115) to determine whether fraud, waste, or abuse has occurred, is likely to occur, or whether such actions have any potential for resulting in an expenditure of funds under this title in a manner which is not intended under the provisions of this title.

“(2) Audit of claims for payment for items or services furnished, or administrative services rendered, under a State plan under this title, including—

“(A) cost reports;

“(B) consulting contracts; and

“(C) risk contracts under section 1903(m).

“(3) Identification and recovery of overpayments to individuals or entities receiving Federal funds under this title.

“(4) Education of providers of services, managed care entities, beneficiaries, and other individuals with respect to payment integrity and benefit quality assurance issues.

“(c) ELIGIBLE ENTITY AND CONTRACTING REQUIREMENTS.—

“(1) IN GENERAL.—An entity is eligible to enter into a contract under the Program to carry out any of the activities described in subsection (b) if the entity satisfies the requirements of paragraphs (2) and (3).

“(2) ELIGIBILITY REQUIREMENTS.—The requirements of this paragraph are the following:

“(A) The entity has demonstrated capability to carry out the activities described in subsection (b).

“(B) In carrying out such activities, the entity agrees to cooperate with the Inspector General of the Department of Health and Human Services, the Attorney General, and other law enforcement agencies, as appropriate, in the investigation and deterrence of fraud and abuse in relation to this title and in other cases arising out of such activities.

“(C) The entity complies with such conflict of interest standards as are generally applicable to Federal acquisition and procurement.

“(D) The entity meets such other requirements as the Secretary may impose.

“(3) CONTRACTING REQUIREMENTS.—The entity has contracted with the Secretary in accordance with such procedures as the Secretary shall by regulation establish, except that such procedures shall include the following:

“(A) Procedures for identifying, evaluating, and resolving organizational conflicts of interest that are generally applicable to Federal acquisition and procurement.

“(B) Competitive procedures to be used—

“(i) when entering into new contracts under this section;

“(ii) when entering into contracts that may result in the elimination of responsibilities under section 202(b) of the Health Insurance Portability and Accountability Act of 1996; and

“(iii) at any other time considered appropriate by the Secretary.

“(C) Procedures under which a contract under this section may be renewed without regard to any provision of law requiring competition if the contractor has met or exceeded the performance requirements established in the current contract.

The Secretary may enter into such contracts without regard to final rules having been promulgated.

“(4) LIMITATION ON CONTRACTOR LIABILITY.—The Secretary shall by regulation provide for the limitation of a contractor's liability for actions taken to carry out a contract under the Program, and such regulation shall, to the extent the Secretary finds appropriate, employ the same or comparable standards and other substantive and procedural provisions as are contained in section 1157.

“(d) COMPREHENSIVE PLAN FOR PROGRAM INTEGRITY.—

“(1) 5-YEAR PLAN.—With respect to the 5 fiscal year period beginning with fiscal year 2006, and each such 5-fiscal year period that begins thereafter, the Secretary shall establish a comprehensive plan for ensuring the integrity of the program established under this title by combatting fraud, waste, and abuse.

“(2) CONSULTATION.—Each 5-fiscal year plan established under paragraph (1) shall be developed by the Secretary in consultation with the Attorney General, the Director of the Federal Bureau of Investigation, the Comptroller General of the United States, the Inspector General of the Department of Health and Human Services, and State officials with responsibility for controlling provider fraud and abuse under State plans under this title.

“(e) APPROPRIATION.—

“(1) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to carry out the Medicaid Integrity Program under this section, without further appropriation—

“(A) for fiscal year 2006, $50,000,000;

“(B) for each of fiscal years 2007 and 2008, $49,000,000;

“(C) for each of fiscal years 2009 and 2010, $74,000,000; and

“(D) for fiscal year 2011 and each fiscal year thereafter, $75,000,000.

“(2) AVAILABILITY.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.

“(3) ANNUAL REPORT.—Not later than 180 days after the end of each fiscal year (beginning with fiscal year 2006), the Secretary shall submit a report to Congress which identifies—

“(A) the use of funds appropriated pursuant to paragraph (1); and

“(B) the effectiveness of the use of such funds.”.

“MEDICAID CHIEF FINANCIAL OFFICER; MEDICAID PROGRAM INTEGRITY OVERSIGHT BOARD

“SEC. 1937. (a) ESTABLISHMENT OF MEDICAID CFO.—

“(1) IN GENERAL.—There is established in the Centers for Medicare & Medicaid Services within the Office of Financial Management the position of Medicaid Chief Financial Officer. The Medicaid Chief Financial Officer shall be appointed by, and report directly to, the Administrator of such Centers. The Medicaid Chief Financial Officer may be removed only for cause.

“(2) DUTIES AND AUTHORITY.—The duties and authority of the Medicaid Chief Financial Officer with respect to the management and expenditure of Federal funds under this title shall be comparable to the duties and authority of other Chief Financial Officers with respect to the management and expenditure of Federal funds under Federal health care programs (as defined in section 1128B(f)).

“(b) PROGRAM INTEGRITY OVERSIGHT BOARD.—The Secretary shall establish a Medicaid Program Integrity Oversight Board. The duties and authority of the Medicaid Program Integrity Oversight Board shall be comparable to the duties and authority of other oversight boards established for purposes of Federal health care programs (as so defined) and shall include responsibility for identifying vulnerabilities in the State programs established under this title and developing strategies for minimizing integrity risks to such programs.”.

(b) STATE REQUIREMENT TO COOPERATE WITH INTEGRITY PROGRAM EFFORTS.—Section 1902(a) (42 U.S.C. 1396a(a)), as amended by section 6024(a), is amended—

(1) in paragraph (67), by striking “and” at the end;

(2) in paragraph (68), by striking the period at the end and inserting “; and”; and

(3) by inserting after paragraph (68), the following:

“(69) provide that the State must comply with any requirements determined by the Secretary to be necessary for carrying out the Medicaid Integrity Program established under section 1936, or the duties of the Medicaid Chief Financial Officer and the Medicaid Program Integrity Oversight Board established under section 1937.”.

(c) INCREASED FUNDING FOR MEDICAID FRAUD AND ABUSE CONTROL ACTIVITIES.—

(1) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Office of the Inspector General of the Department of Health and Human Services, without further appropriation, $25,000,000 for each of

fiscal years 2006 through 2010, for activities of such Office with respect to the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(2) Availability; amounts in addition to other amounts appropriated for such activities.—Amounts appropriated pursuant to paragraph (1) shall—

(A) remain available until expended; and

(B) be in addition to any other amounts appropriated or made available to the Office of the Inspector General of the Department of Health and Human Services for activities of such Office with respect to the Medicaid program.

(3) Annual report.—Not later than 180 days after the end of each fiscal year (beginning with fiscal year 2006), the Inspector General of the Department of Health and Human Services shall submit a report to Congress which identifies—

(A) the use of funds appropriated pursuant to paragraph (1); and

(B) the effectiveness of the use of such funds.

(d) Increase in CMS Staffing Devoted To Ensuring Medicaid Program Integrity.—The Secretary shall significantly increase the number of full-time equivalent employees whose duties consist solely of ensuring the integrity of the Medicaid program established under title XIX of the Social Security Act by providing effective support and assistance to States to combat provider fraud and abuse.

(e) Delayed Effective Date for Chapter.—in the case of a State plan under title XIX of the Social Security Act which the Secretary determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by a provision of this chapter, the State plan shall not be regarded as failing to comply with the requirements of such Act solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

CHAPTER 4—STATE FINANCING UNDER MEDICAID

SEC. 6031. REFORMS OF TARGETED CASE MANAGEMENT.

(a) In General.—Section 1915(g) (42 U.S.C. 1396n(g)(2)) is amended by striking paragraph (2) and inserting the following:

"(2) For purposes of this subsection:

"(A)(i) The term 'case management services' means services which will assist individuals eligible under the plan in gaining access to needed medical, social, educational, and other services.

"(ii) Such term includes the following:

"(I) Assessment of an eligible individual to determine service needs, including activities that focus on needs identification, to determine the need for any medical, educational, social, or other services. Such assessment activities include the following:

"(aa) Taking client history.

"(bb) Identifying the needs of the individual, and completing related documentation.

"(cc) Gathering information from other sources such as family members, medical providers, social workers, and educators, if necessary, to form a complete assessment of the eligible individual.

"(II) Development of a specific care plan based on the information collected through an assessment, that specifies the goals and actions to address the medical, social, educational, and other services needed by the eligible individual, including activities such as ensuring the active participation of the eligible individual and working with the individual (or the individual's authorized health care decision maker) and others to develop such goals and identify a course of action to respond to the assessed needs of the eligible individual.

"(III) Referral and related activities to help an individual obtain needed services, including activities that help link eligible individuals with medical, social, educational providers or other programs and services that are capable of providing needed services, such as making referrals to providers for needed services and scheduling appointments for the individual.

"(IV) Monitoring and followup activities, including activities and contacts that are necessary to ensure the care plan is effectively implemented and adequately addressing the needs of the eligible individual, and which may be with the individual, family members, providers, or other entities and conducted as frequently as necessary to help determine such matters as—

"(aa) whether services are being furnished in accordance with an individual's care plan;

"(bb) whether the services in the care plan are adequate; and

"(cc) whether there are changes in the needs or status of the eligible individual, and if so, making necessary adjustments in the care plan and service arrangements with providers.

"(iii) Such term does not include the direct delivery of an underlying medical, educational, social, or other service to which an eligible individual has been referred, including, with respect to the direct delivery of foster care services, services such as (but not limited to) the following:

"(I) Research gathering and completion of documentation required by the foster care program.

"(II) Assessing adoption placements.

"(III) Recruiting or interviewing potential foster care parents.

"(IV) Serving legal papers.

"(V) Home investigations.

"(VI) Providing transportation.

"(VII) Administering foster care subsidies.

"(VIII) Making placement arrangements.

"(B) The term 'targeted case management services' are case management services that are furnished without regard to the requirements of section 1902(a)(1) and section 1902(a)(10)(B) to specific classes of individuals or to individuals who reside in specified areas.

"(3) With respect to contacts with individuals who are not eligible for medical assistance under the State plan or, in the case of targeted case management services, individuals who are eligible for such assistance but are not part of the target population specified in the State plan, such contacts—

"(A) are considered an allowable case management activity, when the purpose of the contact is directly related to the management of the eligible individual's care; and

"(B) are not considered an allowable case management activity if such contacts relate directly to the identification and management of the noneligible or nontargeted individual's needs and care.

"(4)(A) In accordance with section 1902(a)(25), Federal financial participation only is available under this title for case management services or targeted case management services if there are no other third parties liable to pay for such services, including as reimbursement under a medical, social, educational, or other program.

"(B) A State shall allocate the costs of any part of such services which are reimbursable under another federally funded program in accordance with OMB Circular A-87 (or any related or successor guidance or regulations regarding allocation of costs among federally funded programs) under an approved cost allocation program.".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on January 1, 2006.

SEC. 6032. TEMPORARY FEDERAL MATCHING PAYMENTS FOR FEDERAL ASSISTANCE.

(a) 100 Percent Federal Matching Payments for Medical Assistance Provided to Specified Individuals.—

(1) In general.—Notwithstanding section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)), for items and services furnished during the period that begins on August 28, 2005, and ends on May 15, 2006, the Federal medical assistance percentage for providing medical assistance for such items and services under a State Medicaid plan to a specified individual (as defined in subsection (b)), and for costs directly attributable to all administrative activities that relate to the provision of such medical assistance, shall be 100 percent.

(2) Application to child health assistance.—Notwithstanding section 2105(b) of the Social Security Act (42 U.S.C. 1397ee(b)), for items and services furnished during the period described in paragraph (1), the Federal matching rate for providing child health assistance for such items and services under a State child health plan to a specified individual (as so defined), and for costs directly attributable to all administrative activities that relate to the provision of such child health assistance, shall be 100 percent.

(b) Specified Individual.—

(1) In general.—For purposes of subsection (a), the term "specified individual" means an individual who, on any day during the week preceding August 28, 2005, had a primary residence in a Louisiana parish described in paragraph (2), a Mississippi county described in paragraph (3), or an Alabama county described in paragraph (4).

(2) Louisiana parishes described.—For purposes of paragraph (1), the Louisiana parishes described in this paragraph are the following:

(A) Acadia.
(B) Ascension.
(C) Assumption.
(D) Calcasieu.
(E) Cameron.
(F) East Baton Rouge.
(G) East Feliciana.
(H) Iberia.
(I) Iberville.
(J) Jefferson.
(K) Jefferson Davis.
(L) Lafayette.
(M) Lafourche.
(N) Livingston.
(O) Orleans.
(P) Pointe Coupee.
(Q) Plaquemines.
(R) St. Bernard.
(S) St. Charles.
(T) St. Helena.
(U) St. James.
(V) St. John.
(W) St. Mary.
(X) St. Martin.

(Y) St. Tammany.
(Z) Tangipahoa.
(AA) Terrebonne.
(BB) Vermilion.
(CC) Washington.
(DD) West Baton Rouge.
(EE) West Feliciana.

(3) MISSISSIPPI COUNTIES DESCRIBED.—For purposes of paragraph (1), the Mississippi counties described in this paragraph are the following:

(A) Adams.
(B) Amite.
(C) Attala.
(D) Clairborne.
(E) Choctaw.
(F) Clarke.
(G) Copiah.
(H) Covington.
(I) Forrest.
(J) Franklin.
(K) George.
(L) Greene.
(M) Hancock.
(N) Harrison.
(O) Hinds.
(P) Jackson.
(Q) Jasper.
(R) Jefferson.
(S) Jefferson Davis.
(T) Jones.
(U) Kemper.
(V) Lamar.
(W) Lauderdale.
(X) Lawrence.
(Y) Leake.
(Z) Lincoln.
(AA) Lowndes.
(BB) Madison.
(CC) Marion.
(DD) Neshoba.
(EE) Newton.
(FF) Noxubee.
(GG) Oktibbeha.
(HH) Pearl River.
(II) Perry.
(JJ) Pike.
(KK) Rankin.
(LL) Scott.
(MM) Simpson.
(NN) Smith.
(OO) Stone.
(PP) Walthall.
(QQ) Warren.
(RR) Wayne.
(SS) Wilkinson.
(TT) Winston.
(UU) Yazoo.

(4) ALABAMA COUNTIES DESCRIBED.—For purposes of paragraph (1) the Alabama counties described in this paragraph are the following:

(A) Baldwin.
(B) Choctaw.
(C) Clarke.
(D) Greene.
(E) Hale.
(F) Marengo.
(G) Mobile.
(H) Pickens.
(I) Sumter.
(J) Tuscaloosa.
(K) Washington.

(c) FMAP ADJUSTMENT.—Notwithstanding the first sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)), if, for purposes of titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 et seq., 1397aa et seq.), the Federal medical assistance percentage determined for Alaska for fiscal year 2006 or fiscal year 2007 is less than the Federal medical assistance percentage determined for Alaska for fiscal year 2005, the Federal medical assistance percentage determined for Alaska for fiscal year 2005 shall be substituted for the Federal medical assistance percentage otherwise determined for Alaska for fiscal year 2006 or fiscal year 2007, as the case may be.

SEC. 6033. MANAGED CARE ORGANIZATION PROVIDER TAX REFORM.

(a) IN GENERAL.—Section 1903(w)(7)(A)(viii) (42 U.S.C. 1396b(w)(7)(A)(viii)) is amended to read as follows:

"(viii) Services of managed care organizations (including health maintenance organizations, preferred provider organizations, and such other similar organizations as the Secretary may specify by regulation).".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by subsection (a) shall take effect on January 1, 2006.

(2) NONAPPLICATION.—The amendment made by subsection (a) shall not apply in the case of a State that, as of December 31, 2005, has in effect a tax imposed on the class of health care items and services described in section 1903(w)(7)(A)(viii) of the Social Security Act (42 U.S.C. 1396b(w)(7)(A)(viii)) (as in effect before the date of enactment of this Act).

SEC. 6034. INCLUSION OF PODIATRISTS AS PHYSICIANS.

(a) IN GENERAL.—Section 1905(a)(5)(A) (42 U.S.C. 1396d(a)(5)(A)) is amended by striking "section 1861(r)(1)" and inserting "paragraphs (1) and (3) of section 1861(r)".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services furnished on or after January 1, 2006.

SEC. 6035. DSH ALLOTMENT FOR THE DISTRICT OF COLUMBIA.

(a) IN GENERAL.—The table in section 1923(f)(2) (42 U.S.C. 1396r–4(f)(2)) is amended under each of the columns for FY 00, FY 01, and FY 02, in the entry for the District of Columbia, by striking "32" and inserting "49".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if enacted on October 1, 2005 and shall apply to expenditures made on or after that date.

SEC. 6036. DEMONSTRATION PROJECT REGARDING MEDICAID REIMBURSEMENT FOR STABILIZATION OF EMERGENCY MEDICAL CONDITIONS BY NON-PUBLICLY OWNED OR OPERATED INSTITUTIONS FOR MENTAL DISEASES.

(a) AUTHORITY TO CONDUCT DEMONSTRATION PROJECT.—The Secretary shall establish a demonstration project under which an eligible State (as defined in subsection (b)) shall provide reimbursement under the State medicaid plan to an institution for mental diseases that is not publicly owned or operated and that is subject to the requirements of section 1867 of the Social Security Act (42 U.S.C, 1395dd) for the provision of medical assistance available under such plan to an individual who—

(1) has attained age 21, but has not attained age 65;

(2) is eligible for medical assistance under such plan; and

(3) requires such medical assistance to stabilize an emergency medical condition.

(b) ELIGIBLE STATE DEFINED.—

(1) APPLICATION.—Upon approval of an application submitted by a State described in paragraph (2), the State shall be an eligible State for purposes of conducting a demonstration project under this section.

(2) STATE DESCRIBED.—A State described in this paragraph is each of the following:

(A) Arizona.
(B) Arkansas.
(C) Louisiana.
(D) Maine.
(E) North Dakota.
(F) Wyoming.
(G) Four other States selected by the Secretary to provide geographic diversity on the basis of the application to conduct a demonstration project under this section submitted by such States.

(c) LENGTH OF DEMONSTRATION PROJECT.—The demonstration project established under this section shall be conducted for a period of 3 consecutive years.

(d) LIMITATIONS ON FEDERAL FUNDING.—

(1) APPROPRIATION.—

(A) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to carry out this section, $30,000,000 for fiscal year 2006.

(B) BUDGET AUTHORITY.—Subparagraph (A) constitutes budget authority in advance of appropriations Act and represents the obligation of the Federal Government to provide for the payment of the amounts appropriated under that subparagraph.

(2) 3-YEAR AVAILABILITY.—Funds appropriated under paragraph (1) shall remain available for obligation through December 31, 2008.

(3) LIMITATION ON PAYMENTS.—In no case may—

(A) the aggregate amount of payments made by the Secretary to eligible States under this section exceed $30,000,000; or

(B) payments be provided by the Secretary under this section after December 31, 2008.

(4) FUNDS ALLOCATED TO STATES.—The Secretary shall allocate funds to eligible States based on their applications and the availability of funds.

(5) PAYMENTS TO STATES.—The Secretary shall pay to each eligible State, from its allocation under paragraph (4), an amount each quarter equal to the Federal medical assistance percentage of expenditures in the quarter for medical assistance described in subsection (a).

(e) REPORTS.—

(1) ANNUAL PROGRESS REPORTS.—The Secretary shall submit annual reports to Congress on the progress of the demonstration project conducted under this section.

(2) FINAL REPORT AND RECOMMENDATION.—Not later than March 31, 2009, the Secretary shall submit to Congress a final report on the demonstration project conducted under this section that shall include the following:

(A) A determination as to whether the demonstration project resulted in increased access to inpatient mental health services under the medicaid program.

(B) An analysis regarding whether the demonstration project produced a significant reduction in the use of higher cost emergency room visits for individuals eligible for medical assistance under the medicaid program.

(C) An assessment of the impact of the demonstration project on the costs related to the provision of inpatient psychiatric care and services under the medicaid program.

(D) A recommendation regarding whether the demonstration project should be continued after December 31, 2008, and expanded on a national basis.

(f) WAIVER AUTHORITY.—

(1) IN GENERAL.—The Secretary shall waive the limitation of subdivision (B) following paragraph (28) of section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) (relating to limitations on payments for care or services for individuals under 65 years of age who are patients in an institution for mental diseases) for purposes of carrying out the demonstration project under this section.

(2) LIMITED OTHER WAIVER AUTHORITY.—The Secretary may waive other requirements of titles XI and XIX of the Social Security Act (including the requirements of sections 1902(a)(1) (relating to statewideness) and 1902(a)(10)(B) (relating to comparability)) only to extent necessary to carry out the demonstration project under this section.

(g) DEFINITIONS.—In this section:

(1) EMERGENCY MEDICAL CONDITION.—The term "emergency medical condition" has the meaning given that term in section 1867(e)(1) of the Social Security Act (42 U.S.C. 1395dd(e)(1)).

(2) FEDERAL MEDICAL ASSISTANCE PERCENTAGE.—The term "Federal medical assistance percentage" has the meaning given that term with respect to a State in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)).

(3) INSTITUTION FOR MENTAL DISEASES.—The term "institution for mental diseases" has the meaning given that term in section 1905(i) of the Social Security Act (42 U.S.C. 1396d(i)).

(4) MEDICAL ASSISTANCE.—The term "medical assistance" has the meaning given that term in section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)).

(5) STABILIZE.—The term "stabilize" has the meaning given that term in section 1867(e)(3)(A) of the Social Security Act (42 U.S..C 1395dd(e)(3)(A)).

(6) STATE.—The term "State" has the meaning given that term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

SEC. 6037. LIMITATION ON SEVERE REDUCTION IN THE MEDICAID FMAP FOR FISCAL YEAR 2006.

(a) LIMITATION ON REDUCTION.—In no case shall the FMAP for a State for fiscal year 2006 be less than the greater of the following:

(1) 2005 FMAP DECREASED BY THE APPLICABLE PERCENTAGE POINTS.—The FMAP determined for the State for fiscal year 2005, decreased by—

(A) 0.1 percentage points in the case of Delaware and Michigan;

(B) 0.3 percentage points in the case of Kentucky; and

(C) 0.5 percentage points in the case of any other State.

(2) COMPUTATION WITHOUT RETROACTIVE APPLICATION OF REBENCHMARKED PER CAPITA INCOME.—The FMAP that would have been determined for the State for fiscal year 2006 if the per capita incomes for 2001 and 2002 that was used to determine the FMAP for the State for fiscal year 2005 were used.

(b) SCOPE OF APPLICATION.—The FMAP applicable to a State for fiscal year 2006 after the application of subsection (a) shall apply only for purposes of titles XIX and XXI of the Social Security Act (including for purposes of making disproportionate share hospital payments described in section 1923 of such Act (42 U.S.C. 1396r-4) and payments under such titles that are based on the enhanced FMAP described in section 2105(b) of such Act (42 U.S.C. 1397ee(b))) and shall not apply with respect to payments under title IV of such Act (42 U.S.C. 601 et seq.).

(c) DEFINITIONS.—In this section:

(1) FMAP.—The term "FMAP" means the Federal medical assistance percentage, as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)).

(2) STATE.—The term "State" has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(d) REPEAL.—Effective as of October 1, 2006, this section is repealed and shall not apply to any fiscal year after fiscal year 2006.

SEC. 6038. EXTENSION OF PRESCRIPTION DRUG REBATES TO ENROLLEES IN MEDICAID MANAGED CARE ORGANIZATIONS.

(a) IN GENERAL.—Section 1927(j)(1) (42 U.S.C. 1396r–8(j)(1)) is amended by striking "dispensed" and all that follows through the period and inserting "are not subject to the requirements of this section if such drugs are—

"(A) dispensed by health maintenance organizations that contract under section 1903(m); and

"(B) subject to discounts under section 340B of the Public Health Service Act (42 U.S.C. 256b).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act and apply to rebate agreements entered into or renewed under section 1927 of the Social Security Act (42 U.S.C. 1396r–8) on or after such date.

SEC. 6039. EXTENSION OF THE MEDICARE PART A AND B PAYMENT HOLIDAY.

Section 6112(b)(1) of this Act is amended by striking "September 22, 2006" and inserting "September 21, 2006".

SEC. 6039A. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate makes the following findings:

(1) On October 26, 2005, the Committee on Ways and Means of the United States House of Representatives approved a budget reconciliation package that would significantly reduce the Federal Government's funding used to pay for the child support program established under part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.) and would restrict the ability of States to use Federal child support incentive payments for child support program expenditures that are eligible for Federal matching payments.

(2) The child support program enforces the responsibility of non-custodial parents to support their children. The program is jointly funded by Federal, State and local governments.

(3) The Office of Management and Budget gave the child support program a 90 percent rating under the Program Assessment Rating Tool (PART), making it the highest performing social services program.

(4) The President's 2006 budget cites the child support program as "one of the highest rated block/formula grants of all reviewed programs government-wide. This high rating is due to its strong mission, effective management, and demonstration of measurable progress toward meeting annual and long term performance measures."

(5) In 2004, the child support program spent $5,300,000,000 to collect $21,900,000,000 in support payments. Public investment in the child support program provides more than a four-fold return, collecting $4.38 in child support for every Federal and State dollar that the program spends.

(6) In 2004, 17,300,000 children, or 60 percent of all children living apart from a parent, received child support services through the program. The percentage is higher for poor children—84 percent of poor children living apart from their parent receive child support services through the program. Families assisted by the child support program generally have low or moderate incomes.

(7) Children who receive child support from their parents do better in school than those that do not receive support payments. Older children with child support payments are more likely to finish high school and attend college.

(8) The child support program directly decreases the costs of other public assistance programs by increasing family self-sufficiency. The more effective the child support program in a State, the higher the savings in public assistance costs.

(9) Child support helps lift more than 1,000,000 Americans out of poverty each year.

(10) Families that are former recipients of assistance under the temporary assistance for needy families program (TANF) have seen the greatest increase in child support payments. Collections for these families increased 94 percent between 1999 and 2004, even though the number of former TANF families did not increase during this period.

(11) Families that receive child support are more likely to find and hold jobs, and less likely to be poor than comparable families without child support.

(12) The child support program saved costs in the TANF, Medicaid, Food Stamps, Supplemental Security Income, and subsidized housing programs.

(13) The Congressional Budget Office estimates that the funding cuts proposed by the Committee on Ways and Means of the House of Representatives would reduce child support collections by nearly $7,900,000,000 in the next 5 years and $24,100,000,000 in the next 10 years.

(14) That National Governor's Association has stated that such cuts are unduly burdensome and will force States to reevaluate several services that make the child support program so effective.

(15) The Federal Government has a moral responsibility to ensure that parents who do not live with their children meet their financial support obligations for those children.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate will not accept any reduction in funding for the child support program established under part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.), or any restrictions on the ability of States to use Federal child support incentive payments for child support program expenditures that are eligible for Federal matching payments, during this Congress.

SEC. 6039B. AUTHORITY TO CONTINUE PROVIDING CERTAIN ADULT DAY HEALTH CARE SERVICES OR MEDICAL ADULT DAY CARE SERVICES.

The Secretary shall not—

(1) withhold, suspend, disallow, or otherwise deny Federal financial participation under section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a)) for adult day health care services or medical adult day care services, as defined under a State medicaid plan approved on or before 1982, if such services are provided consistent with such definition and the requirements of such plan; or

(2) withdraw Federal approval of any such State plan or part thereof regarding the provision of such services.

SEC. 6039C. DEMONSTRATION PROJECT REGARDING MEDICAID COVERAGE OF LOW-INCOME HIV-INFECTED INDIVIDUALS.

(a) REQUIREMENT TO CONDUCT DEMONSTRATION PROJECT.—

(1) IN GENERAL.—The Secretary shall establish a demonstration project under which a State may apply under section 1115 of the Social Security Act (42 U.S.C. 1315) to provide medical assistance under a State medicaid program to HIV-infected individuals described in subsection (b) in accordance with the provisions of this section.

(2) LIMITATION ON NUMBER OF APPROVED APPLICATIONS.—The Secretary shall only approve as many State applications to provide medical assistance in accordance with this section as will not exceed the limitation on

aggregate payments under subsection (d)(2)(A).

(3) Authority to waive restrictions on payments to territories.—The Secretary shall waive the limitations on payment under subsections (f) and (g) of section 1108 of the Social Security Act (42 U.S.C. 1308) in the case of a State that is subject to such limitations and submits an approved application to provide medical assistance in accordance with this section.

(b) HIV-Infected Individuals Described.—For purposes of subsection (a), HIV-infected individuals described in this subsection are individuals who are not described in section 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i))—

(1) who have HIV infection;

(2) whose income (as determined under the State Medicaid plan with respect to disabled individuals) does not exceed 200 percent of the poverty line (as defined in section 2110(c)(5) of the Social Security Act (42 U.S.C. 1397jj(c)(5)); and

(3) whose resources (as determined under the State Medicaid plan with respect to disabled individuals) do not exceed the maximum amount of resources a disabled individual described in section 1902(a)(10)(A)(i) of such Act may have and obtain medical assistance under such plan.

(c) Length of Period for Provision of Medical Assistance.—A State shall not be approved to provide medical assistance to an HIV-infected individual in accordance with the demonstration project established under this section for a period of more than 5 consecutive years.

(d) Limitations on Federal Funding.—

(1) Appropriation.—

(A) In general.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to carry out this section, $450,000,000 for the period of fiscal years 2006 through 2010.

(B) Budget authority.—Subparagraph (A) constitutes budget authority in advance of appropriations Act and represents the obligation of the Federal Government to provide for the payment of the amounts appropriated under that subparagraph.

(2) Limitation on payments.—In no case may—

(A) the aggregate amount of payments made by the Secretary to eligible States under this section exceed $450,000,000; or

(B) payments be provided by the Secretary under this section after September 30, 2010.

(3) Funds allocated to states.—The Secretary shall allocate funds to States with approved applications under this section based on their applications and the availability of funds.

(4) Payments to states.—The Secretary shall pay to each State, from its allocation under paragraph (3), an amount each quarter equal to the enhanced Federal medical assistance percentage described in section 2105(b) of the Social Security Act (42 U.S.C. 1397ee(b)) of expenditures in the quarter for medical assistance provided to HIV-infected individuals who are eligible for such assistance under a State Medicaid program in accordance with the demonstration project established under this section.

(e) Evaluation and Report.—

(1) Evaluation.—The Secretary shall conduct an evaluation of the demonstration project established under this section. Such evaluation shall include an analysis of the cost-effectiveness of the project and the impact of the project on the Medicare, Medicaid, and Supplemental Security Income programs established under titles XVIII, XIX, and XVI, respectively, of the Social Security Act (42 U.S.C. 1395 et seq., 1396 et seq., 1381 et seq.).

(2) Report to congress.—Not later than December 31, 2010, the Secretary shall submit a report to Congress on the results of the evaluation of the demonstration project established under this section.

(f) Effective Date.—This section shall take effect on January 1, 2006.

SEC. 6039D. ADDITIONAL INCREASE IN REBATE FOR SINGLE SOURCE AND INNOVATOR MULTIPLE SOURCE DRUGS.

Section 1927(c)(1)(B)(i)(VI) (42 U.S.C. 1396r–8(c)(1)(B)(i)(VI)), as added by section 6002(a)(3), is amended by striking "17" and inserting "17.8".

CHAPTER 5—IMPROVING THE MEDICAID AND STATE CHILDREN'S HEALTH INSURANCE PROGRAMS

Subchapter A—Family Opportunity Act

SEC. 6041. SHORT TITLE OF SUBCHAPTER.

This subchapter may be cited as the "Family Opportunity Act of 2005" or the "Dylan Lee James Act".

SEC. 6042. OPPORTUNITY FOR FAMILIES OF DISABLED CHILDREN TO PURCHASE MEDICAID COVERAGE FOR SUCH CHILDREN.

(a) State Option To Allow Families of Disabled Children To Purchase Medicaid Coverage for Such Children.—

(1) In general.—Section 1902 (42 U.S.C. 1396a) is amended—

(A) in subsection (a)(10)(A)(ii)—

(i) by striking "or" at the end of subclause (XVII);

(ii) by adding "or" at the end of subclause (XVIII); and

(iii) by adding at the end the following new subclause:

"(XIX) who are disabled children described in subsection (cc)(1);"; and

(B) by adding at the end the following new subsection:

"(cc)(1) Individuals described in this paragraph are individuals—

"(A) who are children who have not attained 19 years of age and are born—

"(i) on or after January 1, 2002 (or, at the option of a State, on or after an earlier date), in the case of the second, third, and fourth quarters of fiscal year 2008;

"(ii) on or after October 1, 1996 (or, at the option of a State, on or after an earlier date), in the case of each quarter of fiscal year 2009; and

"(iii) after October 1, 1990, in the case of each quarter of fiscal year 2010 and each quarter of any fiscal year thereafter;

"(B) who would be considered disabled under section 1614(a)(3)(C) but for having earnings or deemed income or resources (as determined under title XVI for children) that exceed the requirements for receipt of supplemental security income benefits; and

"(C) whose family income does not exceed such income level as the State establishes and does not exceed—

"(i) 300 percent of the poverty line (as defined in section 2110(c)(5)) applicable to a family of the size involved; or

"(ii) such higher percent of such poverty line as a State may establish, except that—

"(I) any medical assistance provided to an individual whose family income exceeds 300 percent of such poverty line may only be provided with State funds; and

"(II) no Federal financial participation shall be provided under section 1903(a) for any medical assistance provided to such an individual.".

(2) Interaction with employer-sponsored family coverage.—Section 1902(cc) (42 U.S.C. 1396a(cc)), as added by paragraph (1)(B), is amended by adding at the end the following new paragraph:

"(2)(A) If an employer of a parent of an individual described in paragraph (1) offers family coverage under a group health plan (as defined in section 2791(a) of the Public Health Service Act), the State shall—

"(i) require such parent to apply for, enroll in, and pay premiums for such coverage as a condition of such parent's child being or remaining eligible for medical assistance under subsection (a)(10)(A)(ii)(XIX) if the parent is determined eligible for such coverage and the employer contributes at least 50 percent of the total cost of annual premiums for such coverage; and

"(ii) if such coverage is obtained—

"(I) subject to paragraph (2) of section 1916(h), reduce the premium imposed by the State under that section in an amount that reasonably reflects the premium contribution made by the parent for private coverage on behalf of a child with a disability; and

"(II) treat such coverage as a third party liability under subsection (a)(25).

"(B) In the case of a parent to which subparagraph (A) applies, a State, subject to paragraph (1)(C)(ii), may provide for payment of any portion of the annual premium for such family coverage that the parent is required to pay. Any payments made by the State under this subparagraph shall be considered, for purposes of section 1903(a), to be payments for medical assistance.".

(b) State Option To Impose Income-Related Premiums.—Section 1916 (42 U.S.C. 1396o) is amended—

(1) in subsection (a), by striking "subsection (g)" and inserting "subsections (g) and (h)"; and

(2) by adding at the end the following new subsection:

"(h)(1) With respect to disabled children provided medical assistance under section 1902(a)(10)(A)(ii)(XIX), subject to paragraph (2), a State may (in a uniform manner for such children) require the families of such children to pay monthly premiums set on a sliding scale based on family income.

"(2) A premium requirement imposed under paragraph (1) may only apply to the extent that—

"(A) in the case of a disabled child described in that paragraph whose family income—

"(i) does not exceed 200 percent of the poverty line, the aggregate amount of such premium and any premium that the parent is required to pay for family coverage under section 1902(cc)(2)(A)(i) and other cost-sharing charges do not exceed 5 percent of the family's income; and

"(ii) exceeds 200, but does not exceed 300, percent of the poverty line, the aggregate amount of such premium and any premium that the parent is required to pay for family coverage under section 1902(cc)(2)(A)(i) and other cost-sharing charges do not exceed 7.5 percent of the family's income; and

"(B) the requirement is imposed consistent with section 1902(cc)(2)(A)(ii)(I).

"(3) A State shall not require prepayment of a premium imposed pursuant to paragraph (1) and shall not terminate eligibility of a child under section 1902(a)(10)(A)(ii)(XIX) for medical assistance under this title on the basis of failure to pay any such premium until such failure continues for a period of at least 60 days from the date on which the premium became past due. The State may waive payment of any such premium in any case where the State determines that requiring such payment would create an undue hardship.".

(c) CONFORMING AMENDMENTS.—(1) Section 1903(f)(4) (42 U.S.C. 1396b(f)(4)) is amended in the matter preceding subparagraph (A), by inserting "1902(a)(10)(A)(ii)(XIX)," after "1902(a)(10)(A)(ii)(XVIII),".

(2) Section 1905(u)(2)(B) (42 U.S.C. 1396d(u)(2)(B)) is amended by adding at the end the following sentence: "Such term excludes any child eligible for medical assistance only by reason of section 1902(a)(10)(A)(ii)(XIX).".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to medical assistance for items and services furnished on or after January 1, 2008.

SEC. 6043. DEMONSTRATION PROJECTS REGARDING HOME AND COMMUNITY-BASED ALTERNATIVES TO PSYCHIATRIC RESIDENTIAL TREATMENT FACILITIES FOR CHILDREN.

(a) IN GENERAL.—The Secretary is authorized to conduct, during each of fiscal years 2007 through 2011, demonstration projects (each in the section referred to as a "demonstration project") in accordance with this section under which up to 10 States (as defined for purposes of title XIX of the Social Security Act) are awarded grants, on a competitive basis, to test the effectiveness in improving or maintaining a child's functional level and cost-effectiveness of providing coverage of home and community-based alternatives to psychiatric residential treatment for children enrolled in the Medicaid program under title XIX of such Act.

(b) APPLICATION OF TERMS AND CONDITIONS.—

(1) IN GENERAL.—Subject to the provisions of this section, for the purposes of the demonstration projects, and only with respect to children enrolled under such demonstration projects, a psychiatric residential treatment facility (as defined in section 483.352 of title 42 of the Code of Federal Regulations) shall be deemed to be a facility specified in section 1915(c) of the Social Security Act (42 U.S.C. 1396n(c)), and to be included in each reference in such section 1915(c) to hospitals, nursing facilities, and intermediate care facilities for the mentally retarded.

(2) STATE OPTION TO ASSURE CONTINUITY OF MEDICAID COVERAGE.—Upon the termination of a demonstration project under this section, the State that conducted the project may elect, only with respect to a child who is enrolled in such project on the termination date, to continue to provide medical assistance for coverage of home and community-based alternatives to psychiatric residential treatment for the child in accordance with section 1915(c) of the Social Security Act (42 U.S.C. 1396n(c)), as modified through the application of paragraph (1). Expenditures incurred for providing such medical assistance shall be treated as a home and community-based waiver program under section 1915(c) of the Social Security Act (42 U.S.C. 1396n(c)) for purposes of payment under section 1903 of such Act (42 U.S.C. 1396b).

(c) TERMS OF DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—Except as otherwise provided in this section, a demonstration project shall be subject to the same terms and conditions as apply to a waiver under section 1915(c) of the Social Security Act (42 U.S.C. 1396n(c)), including the waiver of certain requirements under the first sentence of paragraph (3) of such section but not applying the second sentence of such paragraph.

(2) BUDGET NEUTRALITY.—In conducting the demonstration projects under this section, the Secretary shall ensure that the aggregate payments made by the Secretary under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) do not exceed the amount which the Secretary estimates would have been paid under that title if the demonstration projects under this section had not been implemented.

(3) EVALUATION.—The application for a demonstration project shall include an assurance to provide for such interim and final evaluations of the demonstration project by independent third parties, and for such interim and final reports to the Secretary, as the Secretary may require.

(d) PAYMENTS TO STATES; LIMITATIONS TO SCOPE AND FUNDING.—

(1) IN GENERAL.—Subject to paragraph (2), a demonstration project approved by the Secretary under this section shall be treated as a home and community-based waiver program under section 1915(c) of the Social Security Act (42 U.S.C. 1396n(c)) for purposes of payment under section 1903 of such Act (42 U.S.C. 1396b).

(2) LIMITATION.—In no case may the amount of payments made by the Secretary under this section for State demonstration projects for a fiscal year exceed the amount available under subsection (f)(2)(A) for such fiscal year.

(e) SECRETARY'S EVALUATION AND REPORT.—The Secretary shall conduct an interim and final evaluation of State demonstration projects under this section and shall report to the President and Congress the conclusions of such evaluations within 12 months of completing such evaluations.

(f) FUNDING.—

(1) IN GENERAL.—For the purpose of carrying out this section, there are appropriated, from amounts in the Treasury not otherwise appropriated, for fiscal years 2007 through 2011, a total of $218,000,000, of which—

(A) the amount specified in paragraph (2) shall be available for each of fiscal years 2007 through 2011; and

(B) a total of $1,000,000 shall be available to the Secretary for the evaluations and report under subsection (e).

(2) FISCAL YEAR LIMIT.—

(A) IN GENERAL.—For purposes of paragraph (1), the amount specified in this paragraph for a fiscal year is the amount specified in subparagraph (B) for the fiscal year plus the difference, if any, between the total amount available under this paragraph for prior fiscal years and the total amount previously expended under paragraph (1)(A) for such prior fiscal years.

(B) FISCAL YEAR AMOUNTS.—The amount specified in this subparagraph for—

(i) fiscal year 2007 is $21,000,000;

(ii) fiscal year 2008 is $37,000,000;

(iii) fiscal year 2009 is $49,000,000;

(iv) fiscal year 2010 is $53,000,000; and

(v) fiscal year 2011 is $57,000,000.

SEC. 6044. DEVELOPMENT AND SUPPORT OF FAMILY-TO-FAMILY HEALTH INFORMATION CENTERS.

Section 501 (42 U.S.C. 701) is amended by adding at the end the following new subsection:

"(c)(1)(A) For the purpose of enabling the Secretary (through grants, contracts, or otherwise) to provide for special projects of regional and national significance for the development and support of family-to-family health information centers described in paragraph (2)—

"(i) there is appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated—

"(I) $3,000,000 for fiscal year 2007;

"(II) $4,000,000 for fiscal year 2008; and

"(III) $5,000,000 for fiscal year 2009; and

"(ii) there is authorized to be appropriated to the Secretary, $5,000,000 for each of fiscal years 2010 and 2011.

"(B) Funds appropriated or authorized to be appropriated under subparagraph (A) shall—

"(i) be in addition to amounts appropriated under subsection (a) and retained under section 502(a)(1) for the purpose of carrying out activities described in subsection (a)(2); and

"(ii) remain available until expended.

"(2) The family-to-family health information centers described in this paragraph are centers that—

"(A) assist families of children with disabilities or special health care needs to make informed choices about health care in order to promote good treatment decisions, cost-effectiveness, and improved health outcomes for such children;

"(B) provide information regarding the health care needs of, and resources available for, such children;

"(C) identify successful health delivery models for such children;

"(D) develop with representatives of health care providers, managed care organizations, health care purchasers, and appropriate State agencies, a model for collaboration between families of such children and health professionals;

"(E) provide training and guidance regarding caring for such children;

"(F) conduct outreach activities to the families of such children, health professionals, schools, and other appropriate entities and individuals; and

"(G) are staffed—

"(i) by such families who have expertise in Federal and State public and private health care systems; and

"(ii) by health professionals.

"(3) The Secretary shall develop family-to-family health information centers described in paragraph (2) in accordance with the following:

"(A) With respect to fiscal year 2007, such centers shall be developed in not less than 25 States.

"(B) With respect to fiscal year 2008, such centers shall be developed in not less than 40 States.

"(C) With respect to fiscal year 2009 and each fiscal year thereafter, such centers shall be developed in all States.

"(4) The provisions of this title that are applicable to the funds made available to the Secretary under section 502(a)(1) apply in the same manner to funds made available to the Secretary under paragraph (1)(A).

"(5) For purposes of this subsection, the term 'State' means each of the 50 States and the District of Columbia.".

SEC. 6045. RESTORATION OF MEDICAID ELIGIBILITY FOR CERTAIN SSI BENEFICIARIES.

(a) 5In neral.—Section 1902(a)(10)(A)(i)(II)(42 U.S.C. 1396a(a)(10)(A)(i)(II)) is amended—

(1) by inserting "(aa)" after "(II)";

(2) by striking ") and" and inserting "and";

(3) by striking "section or who are" and inserting "section), (bb) who are"; and

(4) by inserting before the comma at the end the following: ", or (cc) who are under 21 years of age and with respect to whom supplemental security income benefits would be paid under title XVI if subparagraphs (A) and (B) of section 1611(c)(7) were applied without regard to the phrase 'the first day of the month following'".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to medical assistance for items and services furnished on or after the date that is 1 year after the date of enactment of this Act.

Subchapter B—State Children's Health Insurance Program

SEC. 6051. RULES FOR AVAILABILITY, REDISTRIBUTION, AND EXTENDED AVAILABILITY OF ALLOTMENTS FOR FISCAL YEARS 2003, 2004, AND 2005.

(a) IN GENERAL.—Section 2104 (42 U.S.C. 1397dd) is amended—

(1) by amending subsection (e) to read as follows:

"(e) AVAILABILITY OF AMOUNTS ALLOTTED.—

"(1) IN GENERAL.—Except as provided in paragraph (2), amounts allotted to a State pursuant to this section—

"(A) for each of fiscal years 1998 through 2003, and for fiscal year 2006 and each fiscal year thereafter, shall remain available for expenditure by the State through the end of the second succeeding fiscal year; and

"(B) for each of fiscal years 2004 and 2005, shall remain available for expenditure by the State during the initial availability period (as defined in paragraph (3)(A)).

"(2) AVAILABILITY OF REALLOTMENTS, REDISTRIBUTED AMOUNTS, AND EXTENDED AVAILABILITY.—

"(A) IN GENERAL.—Amounts reallotted to a State under subsection (f) shall be available for expenditure by the State through the end of the fiscal year in which they are reallotted.

"(B) AVAILABILITY OF REDISTRIBUTED FUNDS AND EXTENDED AVAILABILITY.—Amounts redistributed to a State under subsection (i)(3) or (j)(3) and unused allotments of a State extended under subsection (i)(4) or (j)(4) are available for expenditure by the State during the redistribution/extension period (as defined in paragraph (3)(B)).

"(3) PERIODS DEFINED.—For purposes of this section:

"(A) INITIAL AVAILABILITY PERIOD.—The term 'initial availability period' means, with respect to allotments for a fiscal year, the 2-fiscal year period beginning with that fiscal year.

"(B) REDISTRIBUTION/EXTENSION PERIOD.—The term 'redistribution/extension period' means, with respect to allotments for a fiscal year, the second year following that fiscal year."; and

(2) by adding at the end the following new subsections:

"(h) RULE FOR REDISTRIBUTION OF FISCAL YEAR 2003 ALLOTMENTS.—

"(1) COMPUTATION OF UNEXPENDED ALLOTMENTS FOR FISCAL YEAR 2003.—The Secretary shall determine—

"(A) the amount of each State's allotment under this section for fiscal year 2003 that was not expended by the end of fiscal year 2005; and

"(B) the total of the unexpended allotments determined under subparagraph (A).

"(2) DETERMINATION OF INITIAL PROJECTED SHORTFALLS FOR FISCAL YEAR 2006.—For each State that receives an allotment for fiscal year 2006 under subsection (b), the Secretary shall determine the following:

"(A) FISCAL YEAR 2005 CARRYOVER.—The amount of the State's allotment for 2005 that was not expended in fiscal year 2005.

"(B) PROJECTED EXPENDITURES FOR FISCAL YEAR 2006.—The estimated expenditures for the State as would be reported as quarterly expenditures under section 2105(a) for quarters in fiscal year 2006.

"(C) INITIAL PROJECTED SHORTFALL FOR FISCAL YEAR 2006.—The amount, if any, by which the projected expenditures determined under subparagraph (B) for the State for quarters in fiscal year 2006 exceeds the sum of the following:

"(i) FISCAL YEAR 2005 CARRYOVER.—The amount determined under subparagraph (A) for the State.

"(ii) FISCAL YEAR 2006 ALLOTMENT.—The amount of the State's allotment for fiscal year 2006.

"(D) STATE'S PROPORTION OF AGGREGATE SHORTFALL.—For each State for which there is an excess determined under subparagraph (C), the ratio of—

"(i) the amount of such excess; to

"(ii) the total of such excesses determined for all States with such an excess.

"(3) REDISTRIBUTION OF UNEXPENDED ALLOTMENTS FOR FISCAL YEAR 2003.—From the total of the unexpended allotments for fiscal year 2003 determined under paragraph (1)(B) the Secretary shall redistribute under subsection (f) the following:

"(A) STATES OTHER THAN TERRITORIES.—There shall be redistributed to each State for which there is an excess determined under paragraph (2)(C) an amount equal to the product of the following:

"(i) STATE REDISTRIBUTION POOL.—The amount determined under paragraph (1)(B), reduced by the total amount redistributed under subparagraph (B).

"(ii) STATE'S SHORTFALL PROPORTION.—The ratio described in paragraph (2)(D) for that State.

"(B) TERRITORIES.—There shall be redistributed to each commonwealth or territory described in subsection (c)(3) an amount equal to the product of the following:

"(i) TERRITORIAL REDISTRIBUTION POOL.—1.05 percent of the amount determined under paragraph (1)(B).

"(ii) TERRITORIAL PROPORTION.—The ratio of—

"(I) the allotment for fiscal year 2003 for such commonwealth or territory under subsection (c), to

"(II) the total of all such allotments for such fiscal year for such commonwealths or territories under such subsection.

"(4) DETERMINATION OF AMOUNTS.—For purposes of calculating the amounts described in—

"(A) paragraphs (1) and (2)(A), the Secretary shall use the amounts reported by the States not later than November 30, 2005, on Form CMS-64 or Form CMS-21, as the case may be, as approved by the Secretary; and

"(B) paragraph (2)(B), the Secretary shall use the amounts reported by the States not later than September 30, 2005, on Form CMS-37 or Form CMS-21B, as the case may be, as approved by the Secretary.

"(i) REDISTRIBUTION AND EXTENSION OF AVAILABILITY OF UNUSED ALLOTMENTS FOR FISCAL YEAR 2004.—Notwithstanding subsection (f):

"(1) COMPUTATION OF UNEXPENDED ALLOTMENTS FOR FISCAL YEAR 2004.—

"(A) IN GENERAL.—The Secretary shall determine with respect to each State that receives an allotment for fiscal year 2004 under subsection (b)—

"(i) the amount of the State's allotment for such fiscal year that was not expended by the end of fiscal year 2005; and

"(ii) the total of the unexpended allotments determined under clause (i).

"(B) REDUCTION OF UNEXPENDED ALLOTMENT BY NET FISCAL YEAR 2006 SHORTFALL.—

"(i) IN GENERAL.—In the case of a State described in clause (ii), the Secretary shall reduce, but not below 0, the amount determined for the State under subparagraph (A)(i) (relating to the State's unexpended allotment for fiscal year 2004) by the amount of the allotment of the State for which availability is extended under paragraph (4)(A).

"(ii) STATE DESCRIBED.—A State described in this clause is a State that meets the following requirements:

"(I) FULLY SPENT FISCAL YEAR 2003 ALLOTMENT.—The State's allotment under this section for fiscal year 2003 was fully expended by the end of fiscal year 2005.

"(II) DID NOT FULLY EXPEND FISCAL YEAR 2004 ALLOTMENT BY END OF FISCAL YEAR 2005.—The State's allotment under this section for fiscal year 2004 was not fully expended by the end of fiscal year 2005.

"(III) PROJECTED FISCAL YEAR 2006 SHORTFALL.—The State has an excess determined under subsection (h)(2)(C) (relating to initial projected fiscal year 2006 shortfall).

"(C) TOTALS AND RATIOS.—The Secretary shall determine the following:

"(i) REDISTRIBUTION POOL.—A redistribution pool equal to the total of the amounts determined under subparagraph (A)(i), as reduced (if applicable) under subparagraph (B)(i).

"(ii) STATE PROPORTION TOWARD REDISTRIBUTION POOL.—For each State in which the amount determined under subparagraph (A)(i) (as reduced, if applicable, under subparagraph (B)(i)) exceeds 0, the ratio of—

"(I) such amount (as so reduced) for the State; to

"(II) the total determined under clause (i).

"(D) AMOUNT OF UNEXPENDED FISCAL YEAR 2004 ALLOTMENT APPLIED TO REDISTRIBUTIONS.—For each State described in subparagraph (C)(ii), the Secretary shall determine a redistribution/reduction amount equal to the product of the following:

"(i) TOTAL AMOUNT REDISTRIBUTED.—The total amount redistributed under paragraph (3).

"(ii) STATE'S PROPORTION OF UNEXPENDED ALLOTMENTS.—The ratio for the State determined under subparagraph (C)(ii).

"(2) DETERMINATION OF NET PROJECTED SHORTFALLS FOR FISCAL YEAR 2006.—For each State that has an excess determined under subsection (h)(2)(C) (relating to initial projected fiscal year 2006 shortfall), the Secretary shall determine an amount equal to the amount determined under such subsection, reduced by the sum of—

"(A) the amount redistributed to the State under subsection (h)(3)(A), and

"(B) the amount of funds of the State for which availability is extended under paragraph (4)(A).

"(3) REDISTRIBUTION FROM REDISTRIBUTION POOL.—From the redistribution pool determined under paragraph (1)(C)(i)—

"(A) STATES OTHER THAN TERRITORIES.—There shall be redistributed to each State which has a net projected shortfall under paragraph (2) an amount determined under such paragraph for the State.

"(B) TERRITORIES.—There shall be redistributed to each commonwealth or territory described in subsection (c)(3) an amount equal to the product of the following:

"(i) TERRITORIAL REDISTRIBUTION POOL.—1.05 percent of the amount of such unexpended allotments determined under paragraph (1)(A)(ii).

"(ii) TERRITORIAL PROPORTION.—The ratio of—

"(I) the allotment under subsection (c) for such commonwealth or territory for fiscal year 2004, to

"(II) the total of all such allotments for such commonwealths and territories.

"(4) EXTENDED AVAILABILITY OF REMAINING UNEXPENDED ALLOTMENTS.—

"(A) TO MEET NET SHORTFALL FOR FISCAL YEAR 2006.—In the case of a State described in paragraph (1)(B)(ii), the Secretary shall extend the availability of funds from the State's allotment for fiscal year 2004 to the extent that—

"(i) the amount determined under subsection (h)(2)(C) (relating to initial shortfall for fiscal year 2006), exceeds

"(ii) the amount redistributed to the State under subsection (h)(3)(A).

"(B) OTHER EXTENSIONS.—The Secretary shall extend the availability of funds from allotments for fiscal year 2004 for each State which has an unexpended allotment for fiscal year 2004 determined under paragraph (1)(A) (as reduced, if applicable, under paragraph (1)(B)) by an amount equal to the amount (if any) by which—

"(i) the amount of such unexpended allotment (as so reduced) for the State, exceeds

"(ii) the redistribution/reduction amount determined under paragraph (1)(D) for the State (relating to the portion of the unexpended allotment applied to redistributions).

"(5) DETERMINATION OF AMOUNTS.—For purposes of calculating the amounts described in—

"(A) paragraph (1)(A)(i), the Secretary shall use the amounts reported by the States not later than November 30, 2005, on Form CMS-64 or Form CMS-21, as the case may be, as approved by the Secretary; and

"(B) paragraph (1)(B)(i), the Secretary shall use the amounts reported by the States not later than September 30, 2005, on Form CMS-37 or Form CMS-21B, as the case may be, as approved by the Secretary.

"(j) REDISTRIBUTION AND EXTENSION OF AVAILABILITY OF UNUSED ALLOTMENTS FOR FISCAL YEAR 2005.—Notwithstanding subsection (f):

"(1) COMPUTATION OF UNEXPENDED ALLOTMENTS FOR FISCAL YEAR 2005.—

"(A) IN GENERAL.—The Secretary shall determine with respect to each State that receives an allotment for fiscal year 2005 under subsection (b)—

"(i) the amount of the State's allotment for fiscal year 2005 that was not expended by the end of fiscal year 2006; and

"(ii) the total of the unexpended allotments determined under clause (i).

"(B) REDUCTION OF UNEXPENDED ALLOTMENT BY NET FISCAL YEAR 2007 SHORTFALL.—

"(i) IN GENERAL.—In the case of a State described in clause (ii), the Secretary shall reduce, but not below 0, the amount determined for the State under subparagraph (A)(i) (relating to the State's unexpended allotment for fiscal year 2005) by the amount of the allotment of the State for which availability is extended under paragraph (4)(A).

"(ii) STATE DESCRIBED.—A State described in this clause is a State that meets the following requirements:

"(I) DID NOT FULLY EXPEND FISCAL YEAR 2005 ALLOTMENT BY END OF FISCAL YEAR 2006.—The State's allotment under this section for fiscal year 2005 was not fully expended by the end of fiscal year 2006.

"(II) PROJECTED SHORTFALL FOR FISCAL YEAR 2007.—The State has an excess determined under paragraph (2)(C) for fiscal year 2007 (relating to initial projected fiscal year 2007 shortfall).

"(C) TOTALS AND RATIOS.—The Secretary shall determine the following:

"(i) REDISTRIBUTION POOL.—A redistribution pool equal to the total of the amounts determined under subparagraph (A)(i), as reduced (if applicable) under subparagraph (B)(i).

"(ii) STATE PROPORTION TOWARD REDISTRIBUTION POOL.—For each State in which the amount determined under subparagraph (A)(i) (as reduced, if applicable, under subparagraph (B)(i)) exceeds 0, the ratio of—

"(I) such amount (as so reduced) for the State; to

"(II) the total determined under clause (i).

"(D) AMOUNT OF UNEXPENDED FISCAL YEAR 2005 ALLOTMENT APPLIED TO REDISTRIBUTIONS.—For each State described in subparagraph (C)(ii), the Secretary shall determine a redistribution/reduction amount equal to the product of the following:

"(i) TOTAL AMOUNT REDISTRIBUTED.—The total amount redistributed under paragraph (3).

"(ii) STATE'S PROPORTION OF UNEXPENDED ALLOTMENTS.—The ratio for the State determined under subparagraph (C)(ii).

"(2) DETERMINATION OF INITIAL PROJECTED SHORTFALLS FOR FISCAL YEAR 2007.—For each State that receives an allotment for fiscal year 2007 under subsection (b), the Secretary shall determine the following:

"(A) FISCAL YEAR 2006 CARRYOVER.—The amount of the State's allotment for fiscal year 2006 that was not expended in fiscal year 2006.

"(B) PROJECTED EXPENDITURES FOR FISCAL YEAR 2007.—The estimated expenditures for the State as would be reported as quarterly expenditures under section 2105(a) for quarters in fiscal year 2007.

"(C) INITIAL PROJECTED SHORTFALL FOR FISCAL YEAR 2007.—The amount, if any, by which the projected expenditures determined under subparagraph (B) for the State for quarters in fiscal year 2007 exceeds the sum of the following:

"(i) FISCAL YEAR 2006 CARRYOVER.—The amount determined under subparagraph (A) for the State.

"(ii) FISCAL YEAR 2007 ALLOTMENT.—The amount of the State's allotment for fiscal year 2007.

"(D) DETERMINATION OF NET PROJECTED SHORTFALLS FOR FISCAL YEAR 2007.—For each State that has an excess determined under subparagraph (C), the Secretary shall determine an amount equal to the amount determined under such subparagraph, reduced by the amount of funds (if any) of the State for which availability is extended under paragraph (4)(A).

"(E) STATE'S PROPORTION OF NET AGGREGATE SHORTFALL.—For each State for which there is a net excess determined under subparagraph (D), the ratio of—

"(i) the amount of such net excess; to

"(ii) the total of such net excesses.

"(3) REDISTRIBUTION FROM REDISTRIBUTION POOL.—From the redistribution pool determined under paragraph (1)(C)(i)—

"(A) STATES OTHER THAN TERRITORIES.—There shall be redistributed to each State for which there is a net projected shortfall under paragraph (2)(D) an amount equal the lesser of the following:

"(i) NET FISCAL YEAR 2007 SHORTFALL.—The amount of the net excess described in paragraph (2)(D) for the State.

"(ii) PORTION OF UNEXPENDED FUNDS AVAILABLE.—The product of the following:

"(I) STATE REDISTRIBUTION POOL.—The amount determined under paragraph (1)(C)(i), reduced by the total amount redistributed under subparagraph (B).

"(II) STATE'S SHORTFALL PROPORTION.—The ratio described in paragraph (2)(E) for that State.

"(B) TERRITORIES.—There shall be redistributed to each commonwealth or territory described in subsection (c)(3) an amount equal to the product of the following:

"(i) TERRITORIAL REDISTRIBUTION POOL.—1.05 percent of the total amount of unexpended allotments determined under paragraph (1)(A)(ii).

"(ii) TERRITORIAL PROPORTION.—The ratio of—

"(I) the allotment under subsection (c) for such commonwealth or territory for fiscal year 2005, to

"(II) the total of all such allotments for such commonwealths and territories.

"(4) EXTENDED AVAILABILITY OF REMAINING UNEXPENDED ALLOTMENTS.—

"(A) TO MEET INITIAL PROJECTED SHORTFALL FOR FISCAL YEAR 2007.—In the case of a State that is described in paragraph (1)(B)(ii), the Secretary shall extend the availability of funds from the State's allotment for fiscal year 2005 to the extent of the amount described in paragraph (2)(C).

"(B) OTHER EXTENSIONS.—If the redistribution pool amount determined under paragraph (1)(C)(i) exceeds the total amount redistributed under paragraph (3), the Secretary shall extend the availability of funds from allotments for fiscal year 2005 for each State which has an unexpended allotment for that fiscal year determined under paragraph (1)(A) (as reduced, if applicable, under paragraph (1)(B)) by an amount equal to the amount (if any) by which—

"(i) the amount of the unexpended allotment (as so reduced) for the State, exceeds

"(ii) the redistribution/reduction amount determined under paragraph (1)(D) for the State (relating to the portion of the unexpended allotment applied to redistributions).

"(5) DETERMINATION OF AMOUNTS.—For purposes of calculating the amounts described in—

"(A) paragraph (1)(A), the Secretary shall use the amounts reported by the States not later than November 30, 2006, on Form CMS-64 or Form CMS–21, as the case may be, as approved by the Secretary; or

"(B) paragraph (2), the Secretary shall use the amounts reported by the States not later than September 30, 2006, on Form CMS–37 or Form CMS–21B, as the case may be, as approved by the Secretary.".

(b) USE OF REDISTRIBUTED FUNDS FOR CHILD HEALTH ASSISTANCE FOR TARGETED LOW-INCOME CHILDREN.—Section 2105(a) (42 U.S.C. 1397ee(a)) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by inserting "or paragraph (3)" after "subparagraph (B)"; and

(2) by adding at the end the following:

"(3) USE OF REDISTRIBUTED FUNDS FOR CHILD HEALTH ASSISTANCE FOR TARGETED LOW-INCOME CHILDREN.—For purposes of paragraph (1), the expenditures described in this paragraph are expenditures that are not expenditures for child health assistance for targeted low-income children, but only if such expenditures are from any amounts redistributed under subparagraphs (A) or (B) of subsection (h)(3), (i)(3), or (j)(3) of section 2104.".

SEC. 6052. AUTHORITY TO USE UP TO 10 PERCENT OF FISCAL YEAR 2006 AND 2007 ALLOTMENTS FOR OUTREACH.

Section 2105(c)(2) (42 U.S.C. 1397ee(c)(2)) is amended by adding at the end the following:

"(C) USE OF UP TO 10 PERCENT OF 2006 AND 2007 ALLOTMENTS FOR OUTREACH ACTIVITIES.—Notwithstanding subparagraph (A), a State may use up to 10 percent of the allotment for the State for fiscal year 2006 and for fiscal year 2007 for expenditures incurred during the respective fiscal year for outreach activities as provided in section 2102(c)(1) under the plan.".

SEC. 6053. PROHIBITION AGAINST COVERING NONPREGNANT CHILDLESS ADULTS WITH SCHIP FUNDS.

(a) PROHIBITION ON USE OF SCHIP FUNDS.—Section 2107 (42 U.S.C. 1397gg) is amended by adding at the end the following:

"(f) LIMITATION OF WAIVER AUTHORITY.—Notwithstanding subsection (e)(2)(A) and section 1115(a), on and after the date of enactment of this subsection, the Secretary may not approve a waiver, experimental, pilot, or demonstration project that would allow funds made available under this title to be used to provide child health assistance or other health benefits coverage to a nonpregnant childless adult. For purposes of the preceding sentence, a caretaker relative (as such term is defined for purposes of carrying out section 1931) shall not be considered a childless adult.".

(b) CONFORMING AMENDMENTS.—Section 2105(c)(1) (42 U.S.C. 1397ee(c)(1)) is amended—

(1) by inserting "and may not include coverage of a nonpregnant childless adult" after "section 2101)"; and

(2) by adding at the end the following: "For purposes of the preceding sentence, a caretaker relative (as such term is defined for purposes of carrying out section 1931) shall not be considered a childless adult.".

(c) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section shall be construed to—

(1) authorize the waiver of any provision of title XIX or XXI of the Social Security Act (42 U.S.C. 1396 et seq., 1397aa et seq.) that is not otherwise authorized to be waived under such titles or under title XI of such Act (42 U.S.C. 1301 et seq.) as of the date of enactment of this Act;

(2) imply congressional approval of any waiver, experimental, pilot, or demonstration project affecting funds made available under the State children's health insurance program under title XXI of the Social Security Act (42 U.S.C. 1397aa et. seq.) or any amendment to such a waiver or project that has been approved as of such date of enactment; or

(3) apply to any waiver, experimental, pilot, or demonstration project that would allow funds made available under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) to be used to provide child health assistance or other health benefits coverage to a nonpregnant childless adult that is approved before the date of enactment of this Act or to any extension, renewal, or amendment of such a waiver or project that is approved on or after such date of enactment.

SEC. 6054. CONTINUED AUTHORITY FOR QUALIFYING STATES TO USE CERTAIN FUNDS FOR MEDICAID EXPENDITURES.

(a) IN GENERAL.—Section 2105(g)(1)(A) (42 U.S.C. 1397ee(g)(1)(A)) is amended by striking "or 2001" and inserting "2001, 2004, or 2005".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to expenditures made under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) on or after October 1, 2005.

SEC. 6055. GRANTS TO PROMOTE INNOVATIVE OUTREACH AND ENROLLMENT UNDER MEDICAID AND SCHIP.

Title XXI (42 U.S.C. 1397aa et seq.) is amended by adding at the end the following:

"SEC. 2111. EXPANDED OUTREACH ACTIVITIES.

"(a) GRANTS TO CONDUCT INNOVATIVE OUTREACH AND ENROLLMENT EFFORTS.—

"(1) IN GENERAL.—The Secretary shall award grants to eligible entities to—

"(A) conduct innovative outreach and enrollment efforts that are designed to increase the enrollment and participation of eligible children under this title and title XIX; and

"(B) promote understanding of the importance of health insurance coverage for prenatal care and children.

"(2) PERFORMANCE BONUSES.—The Secretary may reserve a portion of the funds appropriated under subsection (g) for a fiscal year for the purpose of awarding performance bonuses during the succeeding fiscal year to eligible entities that meet enrollment goals or other criteria established by the Secretary.

"(b) PRIORITY FOR AWARD OF GRANTS.—

"(1) IN GENERAL.—In making grants under subsection (a)(1), the Secretary shall give priority to—

"(A) eligible entities that propose to target geographic areas with high rates of—

"(i) eligible but unenrolled children, including such children who reside in rural areas; or

"(ii) racial and ethnic minorities and health disparity populations, including those proposals that address cultural and linguistic barriers to enrollment; and

"(B) eligible entities that plan to engage in outreach efforts with respect to individuals described in subparagraph (A) and that are—

"(i) Federal health safety net organizations; or

"(ii) faith-based organizations or consortia.

"(2) 10 PERCENT SET ASIDE FOR OUTREACH TO INDIAN CHILDREN.—An amount equal to 10 percent of the funds appropriated under subsection (g) for a fiscal year shall be used by the Secretary to award grants to Indian Health Service providers and urban Indian organizations receiving funds under title V of the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.) for outreach to, and enrollment of, children who are Indians.

"(c) APPLICATION.—An eligible entity that desires to receive a grant under subsection (a)(1) shall submit an application to the Secretary in such form and manner, and containing such information, as the Secretary may decide. Such application shall include—

"(1) quality and outcomes performance measures to evaluate the effectiveness of activities funded by a grant awarded under this section to ensure that the activities are meeting their goals; and

"(2) an assurance that the entity shall—

"(A) conduct an assessment of the effectiveness of such activities against such performance measures; and

"(B) cooperate with the collection and reporting of enrollment data and other information determined as a result of conducting such assessments to the Secretary, in such form and manner as the Secretary shall require.

"(d) DISSEMINATION OF ENROLLMENT DATA AND INFORMATION DETERMINED FROM EFFECTIVENESS ASSESSMENTS; ANNUAL REPORT.—The Secretary shall—

"(1) disseminate to eligible entities and make publicly available the enrollment data and information collected and reported in accordance with subsection (c)(2)(B); and

"(2) submit an annual report to Congress on the outreach activities funded by grants awarded under this section.

"(e) SUPPLEMENT, NOT SUPPLANT.—Federal funds awarded under this section shall be used to supplement, not supplant, non-Federal funds that are otherwise available for activities funded under this section.

"(f) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means any of the following:

"(A) A State or local government.

"(B) A Federal health safety net organization.

"(C) A national, local, or community-based public or nonprofit private organization.

"(D) A faith-based organization or consortia, to the extent that a grant awarded to such an entity is consistent with the requirements of section 1955 of the Public Health Service Act (42 U.S.C. 300x–65) relating to a grant award to non-governmental entities.

"(E) An elementary or secondary school.

"(2) FEDERAL HEALTH SAFETY NET ORGANIZATION.—The term 'Federal health safety net organization' means—

"(A) an Indian tribe, tribal organization, or an urban Indian organization receiving funds under title V of the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.), or an Indian Health Service provider;

"(B) a Federally-qualified health center (as defined in section 1905(l)(2)(B));

"(C) a hospital defined as a disproportionate share hospital for purposes of section 1923;

"(D) a covered entity described in section 340B(a)(4) of the Public Health Service Act (42 U.S.C. 256b(a)(4)); and

"(E) any other entity or a consortium that serves children under a federally-funded program, including the special supplemental nutrition program for women, infants, and children (WIC) established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), the head start and early head start programs under the Head Start Act (42 U.S.C. 9801 et seq.), the school lunch program established under the Richard B. Russell National School Lunch Act, and an elementary or secondary school.

"(3) INDIANS; INDIAN TRIBE; TRIBAL ORGANIZATION; URBAN INDIAN ORGANIZATION.—The terms 'Indian', 'Indian tribe', 'tribal organization', and 'urban Indian organization' have the meanings given such terms in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

"(g) APPROPRIATION.—There is appropriated, out of any money in the Treasury not otherwise appropriated, $25,000,000 for fiscal year 2007 for the purpose of awarding grants under this section. Amounts appropriated and paid under the authority of this section shall—

"(1) be in addition to amounts appropriated under section 2104 and paid to States in accordance with section 2105; and

"(2) not be subject to the limitation on expenditures described in section 2105(c)(2)(A).".

Subchapter C—Money Follows the Person Rebalancing Demonstration

SEC. 6061. MONEY FOLLOWS THE PERSON REBALANCING DEMONSTRATION.

(a) PROGRAM PURPOSE AND AUTHORITY.—The Secretary is authorized to award, on a competitive basis, grants to States in accordance with this section for demonstration projects (each in this section referred to as an "MFP demonstration project") designed to achieve the following objectives with respect to institutional and home and community-based long-term care services under State Medicaid programs:

(1) REBALANCING.—Increase the use of home and community-based, rather than institutional, long-term care services.

(2) MONEY FOLLOWS THE PERSON.—Eliminate barriers or mechanisms, whether in the State law, the State Medicaid plan, the State budget, or otherwise, that prevent or restrict the flexible use of Medicaid funds to enable Medicaid-eligible individuals to receive support for appropriate and necessary long-term services in the settings of their choice.

(3) CONTINUITY OF SERVICE.—Increase the ability of the State Medicaid program to assure continued provision of home and community-based long-term care services to eligible individuals who choose to transition from an institutional to a community setting.

(4) QUALITY ASSURANCE AND QUALITY IMPROVEMENT.—Ensure that procedures are in place (at least comparable to those required under the qualified HCB program) to provide quality assurance for eligible individuals receiving Medicaid home and community-based long-term care services and to provide for continuous quality improvement in such services.

(b) DEFINITIONS.—For purposes of this section:

(1) HOME AND COMMUNITY-BASED LONG-TERM CARE SERVICES.—The term "home and community-based long-term care services" means, with respect to a State Medicaid program, home and community-based services (including home health and personal care services) that are provided under the State's qualified HCB program or that could be provided under such a program but are otherwise provided under the Medicaid program.

(2) ELIGIBLE INDIVIDUAL.—The term "eligible individual" means, with respect to an MFP demonstration project of a State, an individual in the State—

(A) who, immediately before beginning participation in the MFP demonstration project—

(i) resides (and has resided, for a period of not less than 6 months or for such longer minimum period, not to exceed 2 years, as may be specified by the State) in an inpatient facility;

(ii) is receiving Medicaid benefits for inpatient services furnished by such inpatient facility; and

(iii) with respect to whom a determination has been made that, but for the provision of home and community-based long-term care services, the individual would continue to require the level of care provided in an inpatient facility; and

(B) who resides in a qualified residence beginning on the initial date of participation in the demonstration project.

(3) INPATIENT FACILITY.—The term "inpatient facility" means a hospital, nursing facility, or intermediate care facility for the mentally retarded. Such term includes an institution for mental diseases, but only, with respect to a State, to the extent medical assistance is available under the State Medicaid plan for services provided by such institution.

(4) MEDICAID.—The term "Medicaid" means, with respect to a State, the State program under title XIX of the Social Security Act (including any waiver or demonstration under such title or under section 1115 of such Act relating to such title).

(5) QUALIFIED HCB PROGRAM.—The term "qualified HCB program" means a program providing home and community-based long-term care services operating under Medicaid, whether or not operating under waiver authority.

(6) QUALIFIED RESIDENCE.—The term "qualified residence" means, with respect to an eligible individual—

(A) a home owned or leased by the individual or the individual's family member;

(B) an apartment with an individual lease, with lockable access and egress, and which includes living, sleeping, bathing, and cooking areas over which the individual or the individual's family has domain and control; and

(C) a residence, in a community-based residential setting, in which no more than 4 unrelated individuals reside.

(7) QUALIFIED EXPENDITURES.—The term "qualified expenditures" means expenditures by the State under its MFP demonstration project for home and community-based long-term care services for an eligible individual participating in the MFP demonstration project, but only with respect to services furnished during the 12-month period beginning on the date the individual is discharged from an inpatient facility referred to in paragraph (2)(A)(i).

(8) SELF-DIRECTED SERVICES.—The term "self-directed" means, with respect to home and community-based long-term care services for an eligible individual, such services for the individual which are planned and purchased under the direction and control of such individual or the individual's authorized representative (as defined by the Secretary), including the amount, duration, scope, provider, and location of such services, under the State Medicaid program consistent with the following requirements:

(A) ASSESSMENT.—There is an assessment of the needs, capabilities, and preferences of the individual with respect to such services.

(B) SERVICE PLAN.—Based on such assessment, there is developed jointly with such individual or the individual's authorized representative a plan for such services for such individual that is approved by the State and that—

(i) specifies those services, if any, which the individual or the individual's authorized representative would be responsible for directing;

(ii) identifies the methods by which the individual or the individual's authorized representative or an agency designated by an individual or representative will select, manage, and dismiss providers of such services;

(iii) specifies the role of family members and others whose participation is sought by the individual or the individual's authorized representative with respect to such services;

(iv) is developed through a person-centered process that—

(I) is directed by the individual or the individual's authorized representative;

(II) builds upon the individual's capacity to engage in activities that promote community life and that respects the individual's preferences, choices, and abilities; and

(III) involves families, friends, and professionals as desired or required by the individual or the individual's authorized representative;

(v) includes appropriate risk management techniques that recognize the roles and sharing of responsibilities in obtaining services in a self-directed manner and assure the appropriateness of such plan based upon the resources and capabilities of the individual or the individual's authorized representative; and

(vi) may include an individualized budget which identifies the dollar value of the services and supports under the control and direction of the individual or the individual's authorized representative.

(C) BUDGET PROCESS.—With respect to individualized budgets described in subparagraph (B)(vi), the State application under subsection (c)—

(i) describes the method for calculating the dollar values in such budgets based on reliable costs and service utilization;

(ii) defines a process for making adjustments in such dollar values to reflect changes in individual assessments and service plans; and

(iii) provides a procedure to evaluate expenditures under such budgets.

(9) STATE.—The term "State" has the meaning given such term for purposes of title XIX of the Social Security Act.

(c) STATE APPLICATION.—A State seeking approval of an MFP demonstration project shall submit to the Secretary, at such time and in such format as the Secretary requires, an application meeting the following requirements and containing such additional information, provisions, and assurances, as the Secretary may require:

(1) ASSURANCE OF A PUBLIC DEVELOPMENT PROCESS.—The application contains an assurance that the State has engaged, and will continue to engage, in a public process for the design, development, and evaluation of the MFP demonstration project that allows for input from eligible individuals, the families of such individuals, authorized representatives of such individuals, providers, and other interested parties.

(2) OPERATION IN CONNECTION WITH QUALIFIED HCB PROGRAM TO ASSURE CONTINUITY OF SERVICES.—The State will conduct the MFP demonstration project for eligible individuals in conjunction with the operation of a qualified HCB program that is in operation (or approved) in the State for such individuals in a manner that assures continuity of Medicaid coverage for such individuals so long as such individuals continue to be eligible for medical assistance.

(3) DEMONSTRATION PROJECT PERIOD.—The application shall specify the period of the MFP demonstration project, which shall include at least 2 consecutive fiscal years in the 5-fiscal-year period beginning with fiscal year 2009.

(4) SERVICE AREA.—The application shall specify the service area or areas of the MFP demonstration project, which may be a statewide area or one or more geographic areas of the State.

(5) TARGETED GROUPS AND NUMBERS OF INDIVIDUALS SERVED.—The application shall specify—

(A) the target groups of eligible individuals to be assisted to transition from an inpatient facility to a qualified residence during each fiscal year of the MFP demonstration project;

(B) the projected numbers of eligible individuals in each targeted group of eligible individuals to be so assisted during each such year; and

(C) the estimated total annual qualified expenditures for each fiscal year of the MFP demonstration project.

(6) INDIVIDUAL CHOICE, CONTINUITY OF CARE.—The application shall contain assurances that—

(A) each eligible individual or the individual's authorized representative will be provided the opportunity to make an informed choice regarding whether to participate in the MFP demonstration project;

(B) each eligible individual or the individual's authorized representative will choose the qualified residence in which the individual will reside and the setting in which the individual will receive home and community-based long-term care services;

(C) the State will continue to make available, so long as the State operates its qualified HCB program consistent with applicable requirements, home and community-based long-term care services to each individual who completes participation in the MFP demonstration project for as long as the individual remains eligible for medical assistance for such services under such qualified HCB program (including meeting a requirement relating to requiring a level of care provided in an inpatient facility and continuing to require such services).

(7) Rebalancing.—The application shall—

(A) provide such information as the Secretary may require concerning the dollar amounts of State Medicaid expenditures for the fiscal year, immediately preceding the first fiscal year of the State's MFP demonstration project, for long-term care services and the percentage of such expenditures that were for institutional long-term care services or were for home and community-based long-term care services;

(B)(i) specify the methods to be used by the State to increase, for each fiscal year during the MFP demonstration project, the dollar amount of such total expenditures for home and community-based long-term care services and the percentage of such total expenditures for long-term care services that are for home and community-based long-term care services; and

(ii) describe the extent to which the MFP demonstration project will contribute to accomplishment of objectives described in subsection (a).

(8) Money follows the person.—The application shall describe the methods to be used by the State to eliminate any legal, budgetary, or other barriers to flexibility in the availability of Medicaid funds to pay for long-term care services for eligible individuals participating in the project in the appropriate settings of their choice, including costs to transition from an institutional setting to a qualified residence.

(9) Maintenance of effort and cost-effectiveness.—The application shall contain or be accompanied by such information and assurances as may be required to satisfy the Secretary that—

(A) total expenditures under the State Medicaid program for home and community-based long-term care services will not be less for any fiscal year during the MFP demonstration project than for the greater of such expenditures for—

(i) fiscal year 2005; or

(ii) any succeeding fiscal year before the first year of the MFP demonstration project; and

(B) in the case of a qualified HCB program operating under a waiver under subsection (c) or (d) of section 1915 of the Social Security Act (42 U.S.C. 1396n), but for the amount awarded under a grant under this section, the State program would continue to meet the cost-effectiveness requirements of subsection (c)(2)(D) of such section or comparable requirements under subsection (d)(5) of such section, respectively.

(10) Waiver requests.—The application shall contain or be accompanied by requests for any modification or adjustment of waivers of Medicaid requirements described in subsection (d)(3), including adjustments to the maximum numbers of individuals included and package of benefits, including one-time transitional services, provided.

(11) Quality assurance and quality improvement.—The application shall include—

(A) a plan satisfactory to the Secretary for quality assurance and quality improvement for home and community-based long-term care services under the State Medicaid program, including a plan to assure the health and welfare of individuals participating in the MFP demonstration project; and

(B) an assurance that the State will cooperate in carrying out activities under subsection (f) to develop and implement continuous quality assurance and quality improvement systems for home and community-based long-term care services.

(12) Optional program for self-directed services.—If the State elects to provide for any home and community-based long-term care services as self-directed services (as defined in subsection (b)(8)) under the MFP demonstration project, the application shall provide the following:

(A) Meeting requirements.—A description of how the project will meet the applicable requirements of such subsection for the provision of self-directed services.

(B) Voluntary election.—A description of how eligible individuals will be provided with the opportunity to make an informed election to receive self-directed services under the project and after the end of the project.

(C) State support in service plan development.—Satisfactory assurances that the State will provide support to eligible individuals who self-direct in developing and implementing their service plans.

(D) Oversight of receipt of services.—Satisfactory assurances that the State will provide oversight of eligible individual's receipt of such self-directed services, including steps to assure the quality of services provided and that the provision of such services are consistent with the service plan under such subsection.

Nothing in this section shall be construed as requiring a State to make an election under the project to provide for home and community-based long-term care services as self-directed services, or as requiring an individual to elect to receive self-directed services under the project.

(13) Reports and evaluation.—The application shall provide that—

(A) the State will furnish to the Secretary such reports concerning the MFP demonstration project, on such timetable, in such uniform format, and containing such information as the Secretary may require, as will allow for reliable comparisons of MFP demonstration projects across States; and

(B) the State will participate in and cooperate with the evaluation of the MFP demonstration project.

(d) Secretary's Award of Competitive Grants.—

(1) In general.—The Secretary shall award grants under this section on a competitive basis to States selected from among those with applications meeting the requirements of subsection (c), in accordance with the provisions of this subsection.

(2) Selection and modification of State applications.—In selecting State applications for the awarding of such a grant, the Secretary—

(A) shall take into consideration the manner in which, and extent to which, the State proposes to achieve the objectives specified in subsection (a);

(B) shall seek to achieve an appropriate national balance in the numbers of eligible individuals, within different target groups of eligible individuals, who are assisted to transition to qualified residences under MFP demonstration projects, and in the geographic distribution of States operating MFP demonstration projects;

(C) shall give preference to State applications proposing—

(i) to provide transition assistance to eligible individuals within multiple target groups; and

(ii) to provide eligible individuals with the opportunity to receive home and community-based long-term care services as self-directed services, as defined in subsection (b)(8); and

(D) shall take such objectives into consideration in setting the annual amounts of State grant awards under this section.

(3) Waiver authority.—The Secretary is authorized to waive the following provisions of title XIX of the Social Security Act, to the extent necessary to enable a State initiative to meet the requirements and accomplish the purposes of this section:

(A) Statewideness.—Section 1902(a)(1), in order to permit implementation of a State initiative in a selected area or areas of the State.

(B) Comparability.—Section 1902(a)(10)(B), in order to permit a State initiative to assist a selected category or categories of individuals described in subsection (b)(2)(A).

(C) Income and resources eligibility.—Section 1902(a)(10)(C)(i)(III), in order to permit a State to apply institutional eligibility rules to individuals transitioning to community-based care.

(D) Provider agreements.—Section 1902(a)(27), in order to permit a State to implement self-directed services in a cost-effective manner.

(4) Conditional approval of outyear grant.—In awarding grants under this section, the Secretary shall condition the grant for the second and any subsequent fiscal years of the grant period on the following:

(A) Numerical benchmarks.—The State must demonstrate to the satisfaction of the Secretary that it is meeting numerical benchmarks specified in the grant agreement for—

(i) increasing State Medicaid support for home and community-based long-term care services under subsection (c)(5); and

(ii) numbers of eligible individuals assisted to transition to qualified residences.

(B) Quality of care.—The State must demonstrate to the satisfaction of the Secretary that it is meeting the requirements under subsection (c)(11) to assure the health and welfare of MFP demonstration project participants.

(e) Payments to States; Carryover of Unused Grant Amounts.—

(1) Payments.—For each calendar quarter in a fiscal year during the period a State is awarded a grant under subsection (d), the Secretary shall pay to the State from its grant award for such fiscal year an amount equal to the lesser of—

(A) 90 percent of the amount of qualified expenditures made during such quarter; or

(B) the total amount remaining in such grant award for such fiscal year (taking into account the application of paragraph (2)).

(2) Carryover of unused amounts.—Any portion of a State grant award for a fiscal year under this section remaining at the end of such fiscal year shall remain available to the State for the next 4 fiscal years, subject to paragraph (3).

(3) Reawarding of certain unused amounts.—In the case of a State that the Secretary determines pursuant to subsection (d)(4) has failed to meet the conditions for continuation of a MFP demonstration project under this section in a succeeding year or years, the Secretary shall rescind the grant awards for such succeeding year or years, together with any unspent portion of an award for prior years, and shall add such amounts to the appropriation for the immediately succeeding fiscal year for grants under this section.

(4) Preventing duplication of payment.—The payment under a MFP demonstration project with respect to qualified expenditures shall be in lieu of any payment with respect to such expenditures that could otherwise be paid under Medicaid, including under

section 1903(a) of the Social Security Act. Nothing in the previous sentence shall be construed as preventing the payment under Medicaid for such expenditures in a grant year after amounts available to pay for such expenditures under the MFP demonstration project have been exhausted.

(f) QUALITY ASSURANCE AND IMPROVEMENT; TECHNICAL ASSISTANCE; OVERSIGHT.—

(1) IN GENERAL.—The Secretary, either directly or by grant or contract, shall provide for technical assistance to, and oversight of, States for purposes of upgrading quality assurance and quality improvement systems under Medicaid home and community-based waivers, including—

(A) dissemination of information on promising practices;

(B) guidance on system design elements addressing the unique needs of participating beneficiaries;

(C) ongoing consultation on quality, including assistance in developing necessary tools, resources, and monitoring systems; and

(D) guidance on remedying programmatic and systemic problems.

(2) FUNDING.—From the amounts appropriated under subsection (h)(1) for the portion of fiscal year 2009 that begins on January 1, 2009, and ends on September 30, 2009, and for fiscal year 2010, not more than $2,400,000 shall be available to the Secretary to carry out this subsection during the period that begins on January 1, 2009, and ends on September 30, 2013.

(g) RESEARCH AND EVALUATION.—

(1) IN GENERAL.—The Secretary, directly or through grant or contract, shall provide for research on, and a national evaluation of, the program under this section, including assistance to the Secretary in preparing the final report required under paragraph (2). The evaluation shall include an analysis of projected and actual savings related to the transition of individuals to qualified residences in each State conducting an MFP demonstration project.

(2) FINAL REPORT.—The Secretary shall make a final report to the President and Congress, not later than September 30, 2013, reflecting the evaluation described in paragraph (1) and providing findings and conclusions on the conduct and effectiveness of MFP demonstration projects.

(3) FUNDING.—From the amounts appropriated under subsection (h)(1) for each of fiscal years 2010 through 2013, not more than $1,100,000 per year shall be available to the Secretary to carry out this subsection.

(h) APPROPRIATIONS.—

(1) IN GENERAL.—There are appropriated, from any funds in the Treasury not otherwise appropriated, for grants to carry out this section—

(A) $250,000,000 for the portion of fiscal year 2009 beginning on January 1, 2009, and ending on September 30, 2009;

(B) $300,000,000 for fiscal year 2010;

(C) $350,000,000 for fiscal year 2011;

(D) $400,000,000 for fiscal year 2012; and

(E) $450,000,000 for fiscal year 2013.

(2) AVAILABILITY.—Amounts made available under paragraph (1) for a fiscal year shall remain available for the awarding of grants to States by not later than September 30, 2013.

CHAPTER 6—OPTION FOR HURRICANE KATRINA DISASTER STATES TO DELAY APPLICATION

SEC. 6071. OPTION FOR HURRICANE KATRINA DISASTER STATES TO DELAY APPLICATION.

Notwithstanding any provision of this subtitle, or any amendment made by this subtitle, the State of Louisiana, Mississippi, or Alabama may elect to not have the provisions of this subtitle, or of any amendment made by this subtitle, apply with respect to the State during any period for which a major disaster declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) with respect to a parish, in the case of Louisiana, or a county, in the case of Mississippi or Alabama, as a result of Hurricane Katrina is in effect.

Subtitle B—Medicare

SEC. 6101. IMPROVEMENTS TO THE MEDICARE-DEPENDENT HOSPITAL (MDH) PROGRAM.

(a) 5-YEAR EXTENSION.—

(1) EXTENSION OF PAYMENT METHODOLOGY.—Section 1886(d)(5)(G) (42 U.S.C. 1395ww(d)(5)(G)) is amended—

(A) in clause (i), by striking "October 1, 2006" and inserting "October 1, 2011"; and

(B) in clause (ii)(II)—

(i) by striking "October 1, 2006" and inserting "October 1, 2011"; and

(ii) by inserting "or for discharges in the fiscal year" after "for the cost reporting period".

(2) CONFORMING AMENDMENTS.—

(A) EXTENSION OF TARGET AMOUNT.—Section 1886(b)(3)(D) (42 U.S.C. 1395ww(b)(3)(D)) is amended—

(i) in the matter preceding clause (i)—

(I) by striking "beginning" and inserting "occurring"; and

(II) by striking "October 1, 2006" and inserting "October 1, 2011"; and

(ii) in clause (iv), by striking "through fiscal year 2005" and inserting "through fiscal year 2011".

(B) PERMITTING HOSPITALS TO DECLINE RECLASSIFICATION.—Section 13501(e)(2) of the Omnibus Budget Reconciliation Act of 1993 (42 U.S.C. 1395ww note) is amended by striking "through fiscal year 2005" and inserting "through fiscal year 2011".

(b) OPTION TO USE OF 2002 AS BASE YEAR.—Section 1886(b)(3) (42 U.S.C. 1395ww(b)(3)) is amended—

(1) in subparagraph (D), by inserting "subject to subparagraph (K)," after "(d)(5)(G)),"; and

(2) by adding at the end the following new subparagraph:

"(K)(i) With respect to discharges occurring on or after October 1, 2006, in the case of a medicare-dependent, small rural hospital, for purposes of applying subparagraph (D)—

"(I) there shall be substituted for the base cost reporting period described in subparagraph (D)(i) the 12-month cost reporting period beginning during fiscal year 2002; and

"(II) any reference in such subparagraph to the 'first cost reporting period' described in such subparagraph is deemed a reference to the first cost reporting period beginning on or after October 1, 2006.

"(ii) This subparagraph shall only apply to a hospital if the substitution described in clause (i)(I) results in an increase in the target amount under subparagraph (D) for the hospital.".

(c) ENHANCED PAYMENT FOR AMOUNT BY WHICH THE TARGET EXCEEDS THE PPS RATE.—Section 1886(d)(5)(G)(ii)(II) (42 U.S.C. 1395ww(d)(5)(G)(iv)(II)) is amended by inserting "(or 75 percent in the case of discharges occurring on or after October 1, 2006)" after "50 percent".

(d) ENHANCED DISPROPORTIONATE SHARE HOSPITAL (DSH) TREATMENT FOR MEDICARE DEPENDENT HOSPITALS.—Section 1886(d)(5)(F)(xiv)(II) (42 U.S.C. 1395ww(d)(5)(F)(xiv)(II)) is amended by inserting "or, in the case of discharges occurring on or after October 1, 2006, as a medicare-dependent, small rural hospital under subparagraph (G)(iv)" before the period at the end.

SEC. 6102. REDUCTION IN PAYMENTS TO SKILLED NURSING FACILITIES FOR BAD DEBT.

(a) IN GENERAL.—Section 1861(v)(1) (42 U.S.C. 1395x(v)(1)) is amended by adding at the end the following new subparagraph:

"(V) In determining such reasonable costs for skilled nursing facilities with respect to services furnished on or after October 1, 2005, the amount of bad debts otherwise treated as allowed costs which are attributable to the deductibles and coinsurance amounts under this title shall be reduced by 30 percent of such amount otherwise allowable.".

(b) TECHNICAL AMENDMENT.—Section 1861(v)(1)(T) (42 U.S.C. 1395x(v)(1)(T)) is amended by striking "section 1833(t)(5)(B)" and inserting "section 1833(t)(8)(B)".

SEC. 6103. TWO-YEAR EXTENSION OF THE 50 PERCENT COMPLIANCE THRESHOLD USED TO DETERMINE WHETHER A HOSPITAL OR UNIT OF A HOSPITAL IS AN INPATIENT REHABILITATION FACILITY UNDER THE MEDICARE PROGRAM.

(a) EXTENSION.—

(1) IN GENERAL.—Effective as if enacted on June 30, 2005, notwithstanding section 412.23(b)(2) of title 42, Code of Federal Regulations, during the period beginning on July 1, 2005, and ending on June 30, 2007, the Secretary of Health and Human Services shall not—

(A) require a compliance rate, pursuant to the criterion (commonly known as the "75 percent rule") that is used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility (as defined in the rule published in the Federal Register on May 7, 2004, entitled "Medicare Program; Final Rule; Changes to the Criteria for Being Classified as an Inpatient Rehabilitation Facility" (69 Fed. Reg. 25752)), that is greater than the 50 percent compliance threshold that became effective on July 1, 2004; or

(B) change the designation of an inpatient rehabilitation facility that is in compliance with such 50 percent threshold.

(2) RETROACTIVE STATUS AS AN INPATIENT REHABILITATION FACILITY; PAYMENTS; EXPEDITED REVIEW.—The Secretary of Health and Human Services shall establish procedures for—

(A) making any necessary retroactive adjustment to restore the status of a facility as an inpatient rehabilitation facility as a result of subsection (a); and

(B) making any necessary payments to inpatient rehabilitation facilities based on such adjustment for discharges occurring on or after July 1, 2005, and before the date of enactment of this Act.

(b) SPECIAL RULE.—In the case of a hospital or unit of a hospital that failed to meet the 50 percent compliance threshold described in subsection (a)(1)(A) with respect to the first cost reporting period of the hospital or unit that began on or after July 1, 2004, the following rules shall apply:

(1) Such hospital or unit shall be deemed to meet such 50 percent threshold for purposes of subsection (a).

(2) The Secretary shall examine all the claims of the hospital or unit under title XVIII of the Social Security Act submitted during the 6-month period beginning after the end of such first cost reporting period.

(3) If the Secretary determines after such review that the hospital or unit is still not in compliance with such 50 percent compliance threshold—

(A) the deemed status of the hospital or unit under paragraph (1) shall be revoked retroactive to the beginning of such 6-month period; and

(B) the Secretary shall provide for the collection of any necessary overpayments by reason of the revocation under subparagraph (A).

(c) STUDY AND REPORT BY THE HHS INSPECTOR GENERAL.—

(1) STUDY.—

(A) IN GENERAL.—The Inspector General of the Department of Health and Human Services shall conduct a study of hospitals and units of hospitals that—

(i) are designated as inpatient rehabilitation facilities under title XVIII of the Social Security Act; and

(ii) would not be so designated if this section had not been enacted because the hospital or unit has a compliance rate that is greater than the 50 percent compliance threshold described in subsection (a)(1)(A) but is less than the 60 percent compliance threshold that would have become effective on July 1, 2005, but for this section.

(B) REQUIREMENT.—In conducting the study under subparagraph (A), the Inspector General shall analyze the types of patients the hospitals and units are treating and issues relating to the medical conditions of such patients that do not meet the medical requirements for determining compliance with such threshold.

(2) REPORT.—Not later than January 1, 2007, the Inspector General shall submit to Congress and the Secretary a report on the study conducted under paragraph (1), together with such recommendations as the Inspector General determines appropriate.

(d) REHABILITATION ADVISORY COUNCIL.—

(1) ESTABLISHMENT.—The Secretary shall establish an advisory council to be known as the "Rehabilitation Advisory Council".

(2) MEMBERSHIP.—The membership of the Rehabilitation Advisory Council shall include—

(A) physicians;

(B) Medicare beneficiaries;

(C) representatives of inpatient rehabilitation facilities; and

(D) representatives of other entities and practitioners that provide rehabilitative care in settings other than in such facilities, such as skilled nursing facilities.

(3) DUTIES.—

(A) ADVICE AND RECOMMENDATIONS.—The Rehabilitation Advisory Council shall provide advice and recommendations to Congress and the Secretary concerning the coverage of rehabilitation services under the Medicare program, including the appropriate medical criteria for determining the appropriateness of inpatient rehabilitation facility admissions.

(B) PERIODIC REPORTS.—The Rehabilitation Advisory Council shall provide Congress and the Secretary with periodic reports that summarize—

(i) the Council's activities; and

(ii) any recommendations for legislation or administrative action the Council considers to be appropriate.

(4) TERMINATION.—The Rehabilitation Advisory Council shall terminate on September 30, 2010.

SEC. 6104. PROHIBITION ON PHYSICIAN SELF REFERRALS TO PHYSICIAN OWNED, LIMITED SERVICE HOSPITALS.

(a) PROHIBITION.—Section 1877(d) (42 U.S.C. 1395nn(d)) is amended in each of paragraphs (2)(B) and (3)(B) by striking "effective for the 18-month period beginning on the date of enactment of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003" and inserting "on and after December 8, 2003".

(b) REVISIONS TO THE REQUIREMENTS TO QUALIFY FOR THE EXCEPTION TO THE DEFINITION OF SPECIALTY HOSPITAL.—Section 1877(h)(7)(B) (42 U.S.C. 1395nn(h)(7)(B)) is amended—

(1) by redesignating clauses (iii), (iv), and (v) as clauses (vi), (vii), and (viii), respectively;

(2) by inserting after clause (ii) the following new clauses:

"(iii) for which the percent of investment in the hospital by physician investors at any time on or after June 8, 2005, is no greater than the percent of such investment by physician investors as of such date;

"(iv) for which the percent of investment in the hospital by any physician investor at any time on or after June 8, 2005, is no greater than the percent of such investment by such physician as of such date;

"(v) for which the number of operating rooms at the hospital at any time on or after June 8, 2005, is no greater than the number of such rooms as of such date;"; and

(3) by striking clause (vii), as so redesignated, and inserting the following:

"(vii) for which—

"(I) during the period beginning on December 8, 2003, and ending on June 7, 2005, any increase in the number of beds occurs only in the facilities on the main campus of the hospital and does not exceed 50 percent of the number of beds in the hospital as of November 18, 2003, or 5 beds, whichever is greater; and

"(II) the number of beds at the hospital at any time on or after June 8, 2005, is no greater than the number of such beds as of such date; and".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on June 8, 2005.

SEC. 6105. MINIMUM UPDATE FOR PHYSICIANS' SERVICES FOR 2006.

(a) MINIMUM UPDATE FOR 2006.—Section 1848(d) (42 U.S.C. 1395w–4(d)), as amended by section 6110(c), is amended by adding at the end the following new paragraph:

"(7) UPDATE FOR 2006.—The update to the single conversion factor established in paragraph (1)(C) for 2006 shall be not less than 1 percent.".

(b) CONFORMING AMENDMENT.—Section 1848(d)(4)(B) (42 U.S.C. 1395w–4(d)(4)(B)) is amended, in the matter preceding clause (i), by striking "paragraph (5)" and inserting "paragraphs (5) and (7)".

(c) NOT TREATED AS CHANGE IN LAW AND REGULATION IN SUSTAINABLE GROWTH RATE DETERMINATION.—The amendments made by this section shall not be treated as a change in law for purposes of applying section 1848(f)(2)(D) of the Social Security Act (42 U.S.C. 1395w–4(f)(2)(D)).

SEC. 6106. ONE-YEAR EXTENSION OF HOLD HARMLESS PROVISIONS FOR SMALL RURAL HOSPITALS AND SOLE COMMUNITY HOSPITALS UNDER THE PROSPECTIVE PAYMENT SYSTEM FOR HOSPITAL OUTPATIENT DEPARTMENT SERVICES.

Section 1833(t)(7)(D)(i) (42 U.S.C. 1395l(t)(7)(D)(i)) is amended by striking "January 1, 2006" and inserting "January 1, 2007".

SEC. 6107. UPDATE TO THE COMPOSITE RATE COMPONENT OF THE BASIC CASE-MIX ADJUSTED PROSPECTIVE PAYMENT SYSTEM FOR DIALYSIS SERVICES.

Section 1881(b)(12) (42 U.S.C. 1395rr(b)(12)) is amended—

(1) in subparagraph (F), in the flush matter at the end, by striking "Nothing" and inserting "Except as provided in subparagraph (G), nothing";

(2) by redesignating subparagraph (G) as subparagraph (H); and

(3) by inserting after subparagraph (F) the following new subparagraph:

"(G) The Secretary shall increase the amount of the composite rate component of the basic case-mix adjusted system under subparagraph (B) for dialysis services furnished on or after January 1, 2006, by 1.6 percent above the amount of such composite rate component for such services furnished on December 31, 2005.".

SEC. 6108. ONE-YEAR EXTENSION OF MORATORIUM ON THERAPY CAPS.

Section 1833(g)(4) (42 U.S.C. 1395l(g)(4)) is amended by striking "and 2005" and inserting "2005, and 2006".

SEC. 6109. TRANSFER OF TITLE OF CERTAIN DME TO PATIENT AFTER 13-MONTH RENTAL.

(a) IN GENERAL.—Section 1834(a)(7)(A) (42 U.S.C. 1395m(a)(7)(A)) is amended to read as follows:

"(A) PAYMENT.—In the case of an item of durable medical equipment not described in paragraphs (2) through (6), the following rules shall apply:

"(i) RENTAL.—

"(I) IN GENERAL.—Payment for the item shall be made on a monthly basis for the rental of the item during the period of medical need (but payments under this clause may not extend over a period of continuous use (as determined by the Secretary) of longer than 13 months).

"(II) PAYMENT AMOUNT.—Subject to subparagraph (B), the amount recognized for the item—

"(aa) for each of the first 3 months of such period is 10 percent of the purchase price recognized under paragraph (8) with respect to the item; and

"(bb) for each of the remaining months of such period is 7.5 percent of such purchase price.

"(ii) OWNERSHIP AFTER RENTAL.—

"(I) TRANSFER OF TITLE.—On the first day that begins after the 13th continuous month during which payment is made for the rental of an item under clause (i), the supplier of the item shall transfer title to the item to the individual.

"(II) MAINTENANCE AND SERVICING.—After the supplier transfers title to the item under subclause (I), maintenance and servicing payments shall, if the Secretary determines such payments are reasonable and necessary, be made (for parts and labor not covered by the supplier's or manufacturer's warranty, as determined by the Secretary to be appropriate for the particular type of durable medical equipment), and such payments shall be in an amount determined to be appropriate by the Secretary.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to items furnished for which the first rental month occurs on or after January 1, 2006.

SEC. 6110. ESTABLISHMENT OF MEDICARE VALUE-BASED PURCHASING PROGRAMS.

(a) IN GENERAL.—Title XVIII (42 U.S.C. 1395 et seq.) is amended—

(1) by redesignating part E as part F; and

(2) by inserting after part D the following new part:

"PART E—VALUE-BASED PURCHASING

"QUALITY MEASUREMENT SYSTEMS FOR VALUE-BASED PURCHASING PROGRAMS

"SEC. 1860E–1. (a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Secretary shall develop quality measurement systems in accordance with subsections (b), (c), (d), and (e), for purposes of providing value-based payments to—

"(A) hospitals pursuant to section 1860E–2;

"(B) physicians and practitioners pursuant to section 1860E–3;

"(C) plans pursuant to section 1860E–4;

"(D) end stage renal disease providers and facilities pursuant to section 1860E–5; and

"(E) home health agencies pursuant to section 1860E–6.

"(2) QUALITY.—The systems developed under paragraph (1) shall measure the quality of the care furnished by the provider involved.

"(3) HIGH QUALITY HEALTH CARE DEFINED.—In this part, the term 'high quality health care' means health care that is safe, effective, patient-centered, timely, equitable, efficient, necessary, and appropriate.

"(b) REQUIREMENTS FOR SYSTEMS.—Under each quality measurement system described in subsection (a)(1), the Secretary shall do the following:

"(1) MEASURES.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall select measures of quality to be used by the Secretary under each system.

"(B) REQUIREMENTS.—In selecting the measures to be used under each system pursuant to subparagraph (A), the Secretary shall, to the extent feasible and practicable, ensure that—

"(i) such measures are evidence-based, reliable and valid, actionable, and reasonable to collect and report;

"(ii) measures of process, structure, outcomes, and beneficiary experience of care are included;

"(iii) except for the system that is used to provide value-based payments to physicians and practitioners under section 1860E–3, measures of efficiency (where efficiency is improved quality care through the effective use of resources) are included;

"(iv) measures of overuse and underuse of health care items and services are included;

"(v)(I) at least 1 measure of health information technology infrastructure that enables the provision of high quality health care and facilitates the exchange of health information, such as the use of 1 or more elements of a qualified health information system (as defined in subparagraph (E)), is included during the first year each system is implemented; and

"(II) additional measures of health information technology infrastructure are included in subsequent years;

"(vi) in the case of the system that is used to provide value-based payments to hospitals under section 1860E–2, by not later than January 1, 2008, at least 5 measures that take into account the unique characteristics of small hospitals located in rural areas and frontier areas are included; and

"(vii) measures that assess the quality of care furnished to frail individuals over the age of 75 and to individuals with multiple complex chronic conditions are included.

"(C) REQUIREMENT FOR COLLECTION OF DATA ON A MEASURE FOR 1 YEAR PRIOR TO USE UNDER THE SYSTEMS.—Data on any measure selected by the Secretary under subparagraph (A) must be collected by the Secretary for at least a 12-month period before such measure may be used to determine whether a provider receives a value-based payment under a program described in subsection (a)(1).

"(D) AUTHORITY TO VARY MEASURES.—The Secretary may vary the measures selected under subparagraph (A) by the entity or individual involved based on factors such as the type of, the size of, and the scope and volume of services provided by, the entity or individual. If the Secretary varies the measures for providers under the preceding sentence, the Secretary shall ensure that such measures are aligned to promote coordinated quality of care across provider settings.

"(E) QUALIFIED HEALTH INFORMATION SYSTEM DEFINED.—For purposes of subparagraph (B)(iv)(I), the term 'qualified health information system' means a computerized system (including hardware, software, and training) that—

"(i) protects the privacy and security of health information and properly encrypts such health information;

"(ii) maintains and provides access to patients' health records in an electronic format;

"(iii) incorporates decision support software to reduce medical errors and enhance health care quality;

"(iv) is consistent with data standards and certification processes recommended by the Secretary;

"(v) allows for the reporting of quality measures; and

"(vi) includes other features determined appropriate by the Secretary.

"(2) WEIGHTS OF MEASURES.—The Secretary shall assign weights to the measures used by the Secretary under each system. If the Secretary determines appropriate, in assigning the weights under the preceding sentence, some measures may be weighted more heavily than other measures.

"(3) RISK ADJUSTMENT.—The Secretary shall establish procedures, as appropriate, to control for differences in beneficiary health status and beneficiary characteristics. To the extent feasible, such procedures may be based on existing models for controlling for such differences.

"(4) MAINTENANCE.—

"(A) IN GENERAL.—The Secretary shall, as determined appropriate, but not more often than once each 12-month period, review and revise each system, including through—

"(i) the refinement of measures under the systems and the retirement of existing outdated measures under the system;

"(ii) the refinement of the weights assigned to measures under the system; and

"(iii) the refinement of the risk adjustment procedures established pursuant to paragraph (3) under the system.

"(B) REVISION SHALL ALLOW FOR COMPARISON OF DATA.—Each revision under subparagraph (A) of a quality measurement system shall allow for the comparison of data from one year to the next for purposes of providing value-based payments under the programs described in subsection (a)(1).

"(5) USE OF MOST RECENT QUALITY DATA.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall use the most recent quality data with respect to the provider involved that is available to the Secretary.

"(B) INSUFFICIENT DATA DUE TO LOW VOLUME.—If the Secretary determines that there is insufficient data with respect to a measure or measures because of a low number of services provided, the Secretary may aggregate data across more than 1 fiscal or calendar year, as the case may be.

"(c) REQUIREMENTS FOR DEVELOPING AND REVIEWING AND REVISING THE SYSTEMS.—In developing and reviewing and revising each quality measurement system under this section, the Secretary shall—

"(1) consult with, and take into account the recommendations of, the entity that the Secretary has an arrangement with under subsection (e);

"(2) consult with provider-based groups, clinical specialty societies, and certification boards;

"(3) take into account existing quality measurement systems that have been developed through a rigorous process of validation and with the involvement of entities and persons described in subsection (e)(2)(B); and

"(4) take into account—

"(A) each of the reports by the Medicare Payment Advisory Commission that are required under section 1860E–3(a)(1);

"(B) the results of appropriate studies, reports, and demonstration programs; and

"(C) the report by the Institute of Medicine of the National Academy of Sciences under section 238(b) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173).

"(d) REQUIREMENTS FOR IMPLEMENTING THE SYSTEMS.—In implementing each quality measurement system under this section, the Secretary shall consult with entities—

"(1) that have joined together to develop strategies for quality measurement and reporting, including the feasibility of collecting and reporting meaningful data on quality measures; and

"(2) that involve representatives of health care providers, health plans, consumers, employers, purchasers, quality experts, government agencies, and other individuals and groups that are interested in quality of care.

"(e) ARRANGEMENT WITH AN ENTITY TO PROVIDE ADVICE AND RECOMMENDATIONS.—

"(1) ARRANGEMENT.—On and after July 1, 2006, the Secretary shall have in place an arrangement with an entity that meets the requirements described in paragraph (2) under which such entity provides the Secretary with advice on, and recommendations with respect to, the development and review and revision of the quality measurement systems under this section, including the assigning of weights to the measures under subsection (b)(2).

"(2) REQUIREMENTS DESCRIBED.—The requirements described in this paragraph are the following:

"(A) The entity is a private nonprofit entity governed by an executive director and a board.

"(B) The members of the entity include representatives of—

"(i)(I) health plans and providers receiving reimbursement under this title for the provision of items and services, including health plans and providers with experience in the care of the frail elderly and individuals with multiple complex chronic conditions; or

"(II) groups representing such health plans and providers;

"(ii) groups representing individuals receiving benefits under this title;

"(iii) purchasers and employers or groups representing purchasers or employers;

"(iv) organizations that focus on quality improvement as well as the measurement and reporting of quality measures;

"(v) organizations that certify and license such providers;

"(vi) State government health programs;

"(vii) persons skilled in the conduct and interpretation of biomedical, health services, and health economics research and with expertise in outcomes and effectiveness research and technology assessment; and

"(viii) persons or entities involved in the development and establishment of standards and certification for health information technology systems and clinical data.

"(C) The membership of the entity is representative of individuals with experience with—

"(i) urban health care issues;

"(ii) safety net health care issues; and

"(iii) rural and frontier health care issues.

"(D) The entity does not charge a fee for membership for participation in the work of the entity related to the arrangement with the Secretary under paragraph (1). If the entity does require a fee for membership for participation in other functions of the entity, there shall be no linkage between such fee and participation in the work of the entity related to such arrangement with the Secretary.

"(E) The entity—

"(i) permits members described in subparagraph (B) to vote on matters of the entity related to the arrangement with the Secretary under paragraph (1); and

"(ii) ensures that such members have an equal vote on such matters.

"(F) With respect to matters related to the arrangement with the Secretary under paragraph (1), the entity conducts its business in an open and transparent manner and provides the opportunity for public comment.

"(G) The entity operates as a voluntary consensus standards setting organization as defined for purposes of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (Public Law 104–113) and Office of Management and Budget Revised Circular A-119 (published in the Federal Register on February 10, 1998).

"(3) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out the provisions of this subsection, there are authorized to be appropriated—

"(A) for each of the fiscal years 2006 and 2007, $3,000,000; and

"(B) for fiscal year 2008 and each subsequent fiscal year, an amount equal to the sum of—

"(i) $3,000,000; and

"(ii) such amount multiplied by the percentage (if any) by which the average of the Consumer Price Index for all urban consumers (United States city average) for the 12-month period ending with June of the calendar year in which such fiscal year begins exceeds such average for the 12-month period ending with June 2006.

"PPS HOSPITAL VALUE-BASED PURCHASING PROGRAM

"SEC. 1860E–2. (a) PROGRAM.—

"(1) IN GENERAL.—The Secretary shall establish a program under which value-based payments are provided each fiscal year to hospitals that demonstrate the provision of high quality health care to individuals who are entitled to benefits under part A and are inpatients of the hospital.

"(2) PROGRAM TO BEGIN IN FISCAL YEAR 2007.—The Secretary shall establish the program under this section so that value-based payments described in subsection (b) are made with respect to fiscal year 2007 and each subsequent fiscal year.

"(3) APPLICABILITY OF PROGRAM TO HOSPITALS.—For purposes of this section, the term 'hospital' means a subsection (d) hospital (as defined in section 1886(d)(1)(B)).

"(b) VALUE-BASED PAYMENTS.—

"(1) IN GENERAL.—Subject to paragraph (4), the Secretary shall make a value-based payment to a hospital with respect to a fiscal year if the Secretary determines that the quality of the care provided in that year to individuals who are entitled to benefits under part A and are inpatients of the hospital—

"(A) has substantially improved (as determined by the Secretary) over the prior year; or

"(B) exceeds a threshold established by the Secretary.

"(2) USE OF SYSTEM.—In determining which hospitals qualify for a value-based payment under paragraph (1), the Secretary shall use the quality measurement system developed for this section pursuant to section 1860E–1(a).

"(3) DETERMINATION OF AMOUNT OF AWARD AND ALLOCATION OF AWARDS.—

"(A) IN GENERAL.—The Secretary shall determine—

"(i) the amount of a value-based payment under paragraph (1) provided to a hospital; and

"(ii) subject to subparagraph (B), the allocation of the total amount available under subsection (d) for value-based payments for any fiscal year between payments with respect to hospitals that meet the requirement under subparagraph (A) of paragraph (1) and hospitals that meet the requirement under subparagraph (B) of such paragraph.

"(B) REQUIREMENTS REGARDING THE AMOUNT OF FUNDING AVAILABLE FOR VALUE-BASED PAYMENTS FOR HOSPITALS EXCEEDING A THRESHOLD.—The Secretary shall ensure that—

"(i) a majority of the total amount available under subsection (d) for value-based payments for any fiscal year is provided to hospitals that are receiving such payments because they meet the requirement under paragraph (1)(B); and

"(ii) with respect to fiscal year 2008 and each subsequent fiscal year, the percentage of the total amount available under subsection (d) for value-based payments for any fiscal year that is used to make payments to hospitals that meet such requirement is greater than such percentage in the previous fiscal year.

"(4) REQUIREMENTS.—

"(A) REQUIRED SUBMISSION OF DATA.—In order for a hospital to be eligible for a value-based payment for a fiscal year, the hospital must have complied with the requirements under section 1886(b)(3)(B)(viii)(II) with respect to that fiscal year.

"(B) ATTESTATION REGARDING DATA.—In order for a hospital to be eligible for a value-based payment for a fiscal year, the hospital must have provided the Secretary (under procedures established by the Secretary) with an attestation that the data submitted under section 1886(b)(3)(B)(viii)(II) for the fiscal year is complete and accurate.

"(5) TOTAL AMOUNT OF VALUE-BASED PAYMENTS EQUAL TO TOTAL AMOUNT OF AVAILABLE FUNDING.—The Secretary shall establish payment amounts under paragraph (3)(A) so that, as estimated by the Secretary, the total amount of value-based payments made in a fiscal year under paragraph (1) is equal to the total amount available under subsection (d) for such payments for the year.

"(6) PAYMENT METHODS AND TIMING OF PAYMENTS.—

"(A) IN GENERAL.—Subject to subparagraph (B), the payment of value-based payments under paragraph (1) shall be based on such a method as the Secretary determines appropriate.

"(B) TIMING.—The Secretary shall ensure that value-based payments under paragraph (1) with respect to a fiscal year are made by not later than the close of the following fiscal year.

"(c) DESCRIPTION OF HOW HOSPITALS WOULD HAVE FARED UNDER PROGRAM.—Not later than January 1, 2007, the Secretary shall provide each hospital with a description of the Secretary's estimate of how payments to the hospital under this title would have been affected with respect to items and services furnished during a period, as determined by the Secretary, if the program under this section (and the amendments made by paragraphs (1) and (2) of section 6110(b) of the Deficit Reduction Omnibus Reconciliation Act of 2005) had been in effect with respect to that period.

"(d) FUNDING.—

"(1) AMOUNT.—The amount available for value-based payments under this section with respect to a fiscal year shall be equal to the amount of the reduction in expenditures under the Federal Hospital Insurance Trust Fund under section 1817 in the year as a result of the amendments made by section 6110(b)(2) of the Deficit Reduction Omnibus Reconciliation Act of 2005, as estimated by the Secretary.

"(2) PAYMENTS FROM TRUST FUND.—Payments to hospitals under this section shall be made from the Federal Hospital Insurance Trust Fund.

"PHYSICIAN AND PRACTITIONER VALUE-BASED PURCHASING PROGRAM

"SEC. 1860E–3. (a) PROGRAM.—

"(1) IN GENERAL.—The Secretary shall establish a program under which value-based payments are provided each year to physicians and practitioners that demonstrate the provision of high quality health care to individuals enrolled under part B and the Medicare Payment Advisory Commission shall (A) conduct a study, and submit to Congress and the Secretary an initial report by not later than March 1, 2008, and a final report by not later than June 1, 2012, on how the Medicare value-based purchasing programs under this part will impact Medicare beneficiaries, Medicare providers, and Medicare financing, including how such programs will impact the access of such beneficiaries to items and services under this title, the volume and utilization of such items and services, and low-volume providers; and (B) conduct a study, and submit to Congress and the Secretary a report by not later than March 1, 2007, on the advisability and feasibility of establishing a value-based purchasing program under the this title for critical access hospitals (as defined in section 1861(mm)(1)); and (C) conduct a study, and submit to Congress and the Secretary a report by not later than June 1, 2007, on the advisability and feasibility of including renal dialysis facilities described in subsection (a)(3)(A) of section 1860E–5 in the value-based purchasing program under such section 1860E–5 or establishing a value-based purchasing program under this title for such facilities; (D) taking into account the results to date of the demonstration of bundled case-mix adjusted payment system for ESRD services under section 623(e) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, conduct a study, and submit to Congress and the Secretary a report by not later than June 1, 2008, on the implementation of the ESRD provider and facility value-based purchasing program under section 1860E–5, including issues for the Secretary to consider in operating the ESRD provider and facility value-based purchasing program and recommendations on such issues; and (E) conduct a study, and submit to Congress and the Secretary a report by not later than June 1, 2007, on the advisability and feasibility of establishing a value-based purchasing program under this title for skilled nursing facilities (as defined in section 1819(a)).

"(2) PROGRAM TO BEGIN IN 2009.—The Secretary shall establish the program under this section so that value-based payments described in subsection (b) are made with respect to 2009 and each subsequent year.

"(3) DEFINITION OF PHYSICIAN AND PRACTITIONER.—In this section:

"(A) PHYSICIAN.—The term 'physician' has the meaning given that term in section 1861(r).

"(B) PRACTITIONER.—The term 'practitioner' means—

"(i) a practitioner described in section 1842(b)(18)(C);

"(ii) a physical therapist (as described in section 1861(p));

"(iii) an occupational therapist (as so described); and

"(iv) a qualified speech-language pathologist (as defined in section 1861(ll)(3)(A)).

"(4) IDENTIFICATION OF PHYSICIANS AND PRACTITIONERS.—For purposes of applying this section and paragraphs (4)(G) and (6) of section 1848(d), the Secretary shall establish procedures for the identification of physicians and practitioners, such as through physician or practitioner billing units or other units, provider identification numbers, taxpayer identification numbers, the National Provider Identifier, and unique physician identifier numbers.

"(b) VALUE-BASED PAYMENTS.—

"(1) IN GENERAL.—Subject to paragraph (4), the Secretary shall make a value-based payment to a physician or a practitioner with respect to a year if the Secretary determines that both the quality of the care and the efficiency of the care provided in that year by the physician or practitioner to individuals enrolled under part B—

"(A) has substantially improved (as determined by the Secretary) over the prior year; or

"(B) exceeds a threshold established by the Secretary.

"(2) USE OF SYSTEMS AND DATA.—

"(A) IN GENERAL.—In determining which physicians and practitioners qualify for a value-based payment under paragraph (1), the Secretary shall use—

"(i) the quality measurement system developed for this section pursuant to section 1860E–1(a) with respect to the quality of the care provided by the physician or practitioner; and

"(ii) the comparative utilization system developed under subsection (c) with respect to the efficiency and appropriateness of such care.

"(3) DETERMINATION OF AMOUNT OF AWARD AND ALLOCATION OF AWARDS.—

"(A) IN GENERAL.—The Secretary shall determine—

"(i) the amount of a value-based payment under paragraph (1) provided to a physician or a practitioner; and

"(ii) subject to subparagraph (B), the allocation of the total amount available under subsection (e) for value-based payments for any year between payments with respect to physicians and practitioners that meet the requirement under subparagraph (A) of paragraph (1) and physicians and practitioners that meet the requirement under subparagraph (B) of such paragraph.

"(B) REQUIREMENTS REGARDING THE AMOUNT OF FUNDING AVAILABLE FOR VALUE-BASED PAYMENTS FOR PHYSICIANS AND PRACTITIONERS EXCEEDING A THRESHOLD.—The Secretary shall ensure that—

"(i) a majority of the total amount available under subsection (e) for value-based payments for any year is provided to physicians and practitioners that are receiving such payments because they meet the requirement under paragraph (1)(B); and

"(ii) with respect to 2010 and each subsequent year, the percentage of the total amount available under subsection (e) for value-based payments for any year that is used to make payments to physicians and practitioners that meet such requirement is greater than such percentage in the previous year.

"(4) REQUIREMENTS.—

"(A) REQUIRED SUBMISSION OF DATA.—In order for a physician or a practitioner to be eligible for a value-based payment for a year, the physician or practitioner must have complied with the requirements under section 1848(d)(6)(B)(ii) with respect to that year.

"(B) ATTESTATION REGARDING DATA.—In order for a physician or a practitioner to be eligible for a value-based payment for a year, the physician or practitioner must have provided the Secretary (under procedures established by the Secretary) with an attestation that the data submitted under section 1848(d)(6)(B)(ii) with respect to that year is complete and accurate.

"(5) TOTAL AMOUNT OF VALUE-BASED PAYMENTS EQUAL TO TOTAL AMOUNT OF AVAILABLE FUNDING.—The Secretary shall establish payment amounts under paragraph (3)(A) so that, as estimated by the Secretary, the total amount of value-based payments made in a year under paragraph (1) is equal to the total amount available under subsection (e) for such payments for the year.

"(6) PAYMENT METHODS AND TIMING OF PAYMENTS.—

"(A) IN GENERAL.—Subject to subparagraph (B), the payment of value-based payments under paragraph (1) shall be based on such a method as the Secretary determines appropriate.

"(B) TIMING.—The Secretary shall ensure that value-based payments under paragraph (1) with respect to a year are made by not later than December 31 of the subsequent year.

"(c) COMPARATIVE UTILIZATION SYSTEM.—

"(1) DEVELOPMENT.—The Secretary, in consultation with relevant stakeholders, shall develop a comparative utilization system for purposes of providing value-based payments under subsection (b).

"(2) MEASURES OF EFFICIENCY AND APPROPRIATENESS OF CARE.—The comparative utilization system developed under paragraph (1) shall measure the efficiency and appropriateness of the care provided by a physician or practitioner.

"(3) REQUIREMENTS FOR SYSTEM.—Under the comparative utilization system described in paragraph (1), the Secretary shall do the following:

"(A) MEASURES.—The Secretary shall select measures of efficiency appropriateness to be used by the Secretary under the system. The Secretary may vary the measures selected under the preceding sentence by the type or specialty of the physician or practitioner. If the Secretary varies the measures for providers under the preceding sentence, the Secretary shall ensure that such measures are aligned to promote coordinated quality of care across provider settings.

"(B) USE OF CLAIMS DATA FOR UTILIZATION PATTERNS.—

"(i) REVIEW OF CLAIMS DATA.—The Secretary shall review claims data with respect to services furnished or ordered by physicians and practitioners.

"(ii) USE OF MOST RECENT CLAIMS DATA.—The Secretary shall use the most recent claims data with respect to the physician or practitioner that is available to the Secretary.

"(C) RISK ADJUSTMENT.—The Secretary shall establish procedures, as appropriate, to control for differences in beneficiary health status and beneficiary characteristics.

"(4) ANNUAL REPORTS.—Beginning in 2007, the Secretary shall provide physicians and practitioners with annual reports on the utilization of items and services under this title based upon the review of claims data under paragraph (3)(B). With respect to reports provided in 2007 and 2008, such reports are confidential and the Secretary shall not make such reports available to the public.

"(d) DESCRIPTION OF HOW PHYSICIANS AND PRACTITIONERS WOULD HAVE FARED UNDER PROGRAM.—Not later than March 1, 2009, the Secretary shall provide each physician and practitioner with a description of the Secretary's estimate of how payments to the physician or practitioner under this title would have been affected with respect to items and services furnished during a period, as determined by the Secretary, if the program under this section (and the amendments made by paragraphs (1) and (2) of section 6110(c) of the Deficit Reduction Omnibus Reconciliation Act of 2005) had been in effect with respect to that period.

"(e) FUNDING.—

"(1) AMOUNT.—The amount available for value-based payments under this section with respect to a year shall be equal to the amount of the reduction in expenditures under the Federal Supplementary Medical Insurance Trust Fund under section 1841 in the year as a result of the amendments made by section 6110(c)(2) of the Deficit Reduction Omnibus Reconciliation Act of 2005, as estimated by the Secretary.

"(2) PAYMENTS FROM TRUST FUND.—Payments to physicians and practitioners under this section shall be made from the Federal Supplementary Medical Insurance Trust Fund.

"PLAN VALUE-BASED PURCHASING PROGRAM

"SEC. 1860E–4. (a) PROGRAM.—

"(1) IN GENERAL.—The Secretary shall establish a program under which value-based payments are provided each year to Medicare Advantage organizations offering Medicare Advantage plans under part C that demonstrate the provision of high quality health care to enrollees under the plan.

"(2) PROGRAM TO BEGIN IN 2009.—The Secretary shall establish the program under this section so that value-based payments under subsection (b) are made with respect to 2009 and each subsequent year.

"(3) DEFINITIONS OF MEDICARE ADVANTAGE ORGANIZATION AND PLAN.—

"(A) IN GENERAL.—In this section:

"(i) MEDICARE ADVANTAGE ORGANIZATION.—The term 'Medicare Advantage organization' has the meaning given such term in section 1859(a)(1).

"(ii) MEDICARE ADVANTAGE PLAN.—The term 'Medicare Advantage plan' has the meaning given such term in section 1859(b)(1).

"(B) APPLICABILITY OF PROGRAM TO MEDICARE ADVANTAGE REGIONAL AND LOCAL PLANS.—For purposes of this section, the term 'Medicare Advantage plan' shall include both Medicare Advantage regional plans (as defined in section 1859(b)(4)) and Medicare Advantage local plans (as defined in section 1859(b)(5)).

"(C) APPLICABILITY OF PROGRAM TO REASONABLE COST CONTRACTS.—Except for paragraphs (5) and (6) of subsection (b), for purposes of this section, the terms—

"(i) 'Medicare Advantage organization' and 'organization' include an organization that is providing benefits under a reasonable cost reimbursement contract under section 1876(h); and

"(ii) 'Medicare Advantage plan' and 'plan' include such a contract.

"(b) VALUE-BASED PAYMENTS.—

"(1) IN GENERAL.—Subject to paragraph (4), the Secretary shall make value-based payments to Medicare Advantage organizations with respect to each Medicare Advantage plan offered by the organization during a year if the Secretary determines that the quality of the care provided under the plan—

"(A) has substantially improved (as determined by the Secretary) over the prior year; or

"(B) exceeds a threshold established by the Secretary.

"(2) USE OF SYSTEM.—In determining which organizations offering Medicare Advantage plans qualify for a value-based payment under paragraph (1), the Secretary shall—

"(A) use the quality measurement system developed for this section pursuant to section 1860E–1(a); and

"(B) ensure that awards are based on data from a full 12-month period (or 24-month period in the case of an award described in paragraph (1)(A)), such periods determined without regard to calendar year periods.

"(3) DETERMINATION OF AMOUNT OF AWARD AND ALLOCATION OF AWARDS.—

"(A) IN GENERAL.—The Secretary shall determine—

"(i) the amount of a value-based payment under paragraph (1) provided to an organization with respect to a plan; and

"(ii) subject to subparagraph (B), the allocation of the total amount available under subsection (d) for value-based payments for any year between payments with respect to plans that meet the requirement under subparagraph (A) of paragraph (1) and plans that meet the requirement under subparagraph (B) of such paragraph.

"(B) REQUIREMENT REGARDING THE AMOUNT OF FUNDING AVAILABLE FOR VALUE-BASED PAYMENTS FOR PLANS EXCEEDING A THRESHOLD.—The Secretary shall ensure that—

"(i) a majority of the total amount available under subsection (d) for value-based payments for any year is provided to organizations, with respect to plans offered by such organizations, that are receiving such payments because they meet the requirement under paragraph (1)(B); and

"(ii) with respect to 2010 and each subsequent year, the percentage of the total amount available under subsection (d) for value-based payments for any year that is used to make payments to organizations, with respect to plans offered by such organizations, that meet such requirement is greater than such percentage in the previous year.

"(4) USE OF PAYMENTS.—Value-based payments received under this section may only be used for the following purposes:

"(A) To invest in quality improvement programs operated by the organization with respect to the plan.

"(B) To enhance beneficiary benefits under the plan.

"(5) REQUIRED SUBMISSION OF DATA.—In order for an organization to be eligible for a value-based payment for a year with respect to a Medicare Advantage plan or a reasonable cost contract, the organization must have provided for the collection, analysis, and reporting of data pursuant to sections 1852(e)(3) (or submitted the data under section 1876(h)(6) in the case of a reasonable cost contract) with respect to the plan or contract for the 2 years preceding that year.

"(6) NO EFFECT ON MEDICARE ADVANTAGE PLAN BIDS.—In order for a Medicare Advantage organization to be eligible for a value-based payment for a year with respect to a Medicare Advantage plan, the organization must have provided the Secretary with an attestation that the program under this section, including the payment adjustments made by reason of the amendments made by section 6110(d)(2)(A) of the Deficit Reduction Omnibus Reconciliation Act of 2005, had no effect on the integrity and actuarial soundness of the bid submitted under section 1854 for the plan for the year.

"(7) TOTAL AMOUNT OF VALUE-BASED PAYMENTS EQUAL TO TOTAL AMOUNT OF REDUCTION IN PAYMENTS.—The Secretary shall establish payment amounts under paragraph (3)(A) so that, as estimated by the Secretary, the total amount of value-based payments made in a year under paragraph (1) is equal to the total amount available under subsection (d) for such payments for the year.

"(8) PAYMENT METHODS AND TIMING OF PAYMENTS.—

"(A) IN GENERAL.—Subject to subparagraph (B), the payment of value-based payments under paragraph (1) shall be based on such a method as the Secretary determines appropriate.

"(B) TIMING.—The Secretary shall ensure that value-based payments under paragraph (1) with respect to a year are made by not later than March 1 of the subsequent year.

"(c) DESCRIPTION OF HOW PLANS WOULD HAVE FARED UNDER PROGRAM—Not later than March 1, 2009, the Secretary shall provide each Medicare Advantage organization offering a Medicare Advantage plan with a description of the Secretary's estimate of how payments under this title to such organization with respect to the plan for a period, as determined by the Secretary, would have been affected if the program under this section (and the amendments made by section 6110(d) of the Deficit Reduction Omnibus Reconciliation Act of 2005) had been in effect with respect to that period.

"(d) FUNDING.—

"(1) AMOUNT.—The amount available for value-based payments under this section with respect to a year shall be equal to the amount of the reduction in expenditures under the Federal Hospital Insurance Trust Fund under section 1817 and the Federal Supplementary Medical Insurance Trust Fund under section 1841 in the year as a result of the amendments made by section 6110(d)(2) of the Deficit Reduction Omnibus Reconciliation Act of 2005, as estimated by the Secretary.

"(2) PAYMENTS FROM TRUST FUNDS.—Payments to organizations under this section shall be made from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund in the same proportion as payments to Medicare Advantage organizations are made from such Trust Funds under the first sentence of section 1853(f).

"ESRD PROVIDER AND FACILITY VALUE-BASED PURCHASING PROGRAM

"SEC. 1860E–5. (a) PROGRAM.—

"(1) IN GENERAL.—The Secretary shall establish a program under which value-based payments are provided each year to providers of services and renal dialysis facilities that—

"(A) provide items and services to individuals with end stage renal disease who are enrolled under part B; and

"(B) demonstrate the provision of high quality health care to such individuals.

"(2) PROGRAM TO BEGIN IN 2007.—The Secretary shall establish the program under this section so that value-based payments described in subsection (b) are made with respect to 2007 and each subsequent year.

"(3) EXCLUSIONS FROM PROGRAM.—

"(A) PEDIATRIC FACILITIES.—Any renal dialysis facility at least 50 percent of whose patients are individuals under 18 years of age shall not be included in the program under this section.

"(B) PROVIDERS AND FACILITIES CURRENTLY PARTICIPATING IN BUNDLED CASE-MIX DEMONSTRATION NOT INCLUDED IN PROGRAM.—Any provider of services or renal dialysis facility that is currently participating in the bundled case-mix adjusted payment system for ESRD services demonstration project under section 623(e) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173) shall not be included in the program under this section, but only for so long as the provider or facility is so participating.

"(b) VALUE-BASED PAYMENTS.—

"(1) IN GENERAL.—Subject to paragraph (4), the Secretary shall make a value-based payment to a provider of services or a renal dialysis facility with respect to a year if the Secretary determines that the quality of the care provided in that year by the provider or facility to individuals with end stage renal disease who are enrolled under part B—

"(A) has substantially improved (as determined by the Secretary) over the prior year; or

"(B) exceeds a threshold established by the Secretary.

"(2) USE OF SYSTEM.—In determining which providers of services and renal dialysis facilities qualify for a value-based payment under paragraph (1), the Secretary shall use the quality measurement system developed for this section pursuant to section 1860E–1(a).

"(3) DETERMINATION OF AMOUNT OF AWARD AND ALLOCATION OF AWARDS.—

"(A) IN GENERAL.—The Secretary shall determine—

"(i) the amount of a value-based payment under paragraph (1) provided to a provider of services or a renal dialysis facility; and

"(ii) subject to subparagraphs (B) and (C), the allocation of the total amount available under subsection (c) for value-based payments for any year between payments with respect to providers and facilities that meet the requirement under subparagraph (A) of paragraph (1) and providers and facilities that meet the requirement under subparagraph (B) of such paragraph.

"(B) REQUIREMENT REGARDING AMOUNT OF FUNDING AVAILABLE FOR VALUE-BASED PAYMENTS FOR PROVIDERS AND FACILITIES EXCEEDING A THRESHOLD.—The Secretary shall ensure that—

"(i) a majority of the total amount available under subsection (c) for value-based payments for any year is provided to providers of services and renal dialysis facilities that are receiving such payments because they meet the requirement under paragraph (1)(B); and

"(ii) with respect to 2009 and each subsequent year, the percentage of the total amount available under subsection (c) for value-based payments for any year that is used to make payments to providers and facilities that meet such requirement is greater than such percentage in the previous year.

"(C) ONLY VALUE-BASED PAYMENTS FOR PROVIDERS AND FACILITIES EXCEEDING A THRESHOLD IN 2007.—With respect to 2007, the entire amount available under subsection (c) for value-based payments for that year shall be used to make payments to providers of services and renal dialysis facilities that meet the requirement under paragraph (1)(B).

"(4) REQUIREMENTS.—

"(A) REQUIRED SUBMISSION OF DATA.—

"(i) IN GENERAL.—In order for a provider of services or a renal dialysis facility to be eligible for a value-based payment for a year, the provider or facility must have provided for the submission of data in accordance with clause (ii) with respect to that year.

"(ii) SUBMISSION OF DATA.—For 2007 and each subsequent year, each provider of services and renal dialysis facility that receives payments under paragraph (12) shall submit to the Secretary such data that the Secretary determines is appropriate for the measurement of health outcomes and other indices of quality, including data necessary for the operation of the program under this section. Such data shall be submitted in a form and manner, and at a time, specified by the Secretary for purposes of this clause.

"(iii) AVAILABILITY TO THE PUBLIC.—The Secretary shall establish procedures for making data submitted under clause (ii) available to the public in a clear and understandable form. Such procedures shall ensure that a provider or facility has the opportunity to review the data that is to be made public with respect to the provider or facility prior to such data being made public.

"(B) ATTESTATION REGARDING DATA.—In order for a provider of services or a renal dialysis facility to be eligible for a value-based payment for a year, the provider or facility must have provided the Secretary (under procedures established by the Secretary) with an attestation that the data submitted under subparagraph (A)(ii) for the year is complete and accurate.

"(5) TOTAL AMOUNT OF VALUE-BASED PAYMENTS EQUAL TO TOTAL AMOUNT OF AVAILABLE FUNDING.—The Secretary shall establish payment amounts under paragraph (3)(A) so that, as estimated by the Secretary, the total amount of value-based payments made in a year under paragraph (1) is equal to the total amount available under subsection (c) for such payments for the year.

"(6) PAYMENT METHODS AND TIMING OF PAYMENTS.—

"(A) IN GENERAL.—Subject to subparagraph (B), the payment of value-based payments under paragraph (1) shall be based on such a method as the Secretary determines appropriate.

"(B) TIMING.—The Secretary shall ensure that value-based payments under paragraph (1) with respect to a year are made by not later than December 31 of the subsequent year.

"(c) FUNDING.—

"(1) AMOUNT.—The amount available for value-based payments under this section with respect to a year shall be equal to the amount of the reduction in expenditures under the Federal Supplementary Medical Insurance Trust Fund under section 1841 in the year by reason of the application of section 1881(b)(12)(G), as estimated by the Secretary.

"(2) PAYMENTS FROM TRUST FUND.—Payments to providers of services and renal dialysis facilities under this section shall be made from the Federal Supplementary Medical Insurance Trust Fund.

"HOME HEALTH AGENCY VALUE-BASED PURCHASING PROGRAM

"SEC. 1860E–6. (a) PROGRAM.—

"(1) IN GENERAL.—The Secretary shall establish a program under which value-based payments are provided each year to home health agencies that demonstrate the provision of high quality health care to individuals entitled to benefits under part A or enrolled under part B.

"(2) PROGRAM TO BEGIN IN 2008.—The Secretary shall establish the program under this section so that value-based payments described in subsection (b) are made with respect to 2008 and each subsequent year.

"(3) HOME HEALTH AGENCY DEFINED.—In this section, the term "home health agency" has the meaning given that term in section 1861(o).

"(b) VALUE-BASED PAYMENTS.—

"(1) IN GENERAL.—Subject to paragraph (4), the Secretary shall make a value-based payment to a home health agency with respect to a year if the Secretary determines that the quality of the care provided in that year by the agency to individuals entitled to benefits under part A or enrolled under part B—

"(A) has substantially improved (as determined by the Secretary) over the prior year; or

"(B) exceeds a threshold established by the Secretary.

"(2) USE OF SYSTEM.—In determining which home health agencies qualify for a value-based payment under paragraph (1), the Secretary shall use the quality measurement system developed for this section pursuant to section 1860E–1(a).

"(3) DETERMINATION OF AMOUNT OF AWARD AND ALLOCATION OF AWARDS.—

"(A) IN GENERAL.—The Secretary shall determine—

"(i) the amount of a value-based payment under paragraph (1) provided to a home health agency; and

"(ii) subject to subparagraph (B), the allocation of the total amount available under subsection (d) for value-based payments for any year between payments with respect to agencies that meet the requirement under subparagraph (A) of paragraph (1) and agencies that meet the requirement under subparagraph (B) of such paragraph.

"(B) REQUIREMENTS REGARDING THE AMOUNT OF FUNDING AVAILABLE FOR VALUE-BASED PAYMENTS FOR AGENCIES EXCEEDING A THRESHOLD.—The Secretary shall ensure that—

"(i) a majority of the total amount available under subsection (d) for value-based payments for any year is provided to home health agencies that are receiving such payments because they meet the requirement under paragraph (1)(B); and

"(ii) with respect to 2009 and each subsequent year, the percentage of the total amount available under subsection (d) for value-based payments for any year that is used to make payments to agencies that meet such requirement is greater than such percentage in the previous year.

"(4) REQUIREMENTS.—

"(A) REQUIRED SUBMISSION OF DATA.—In order for a home health agency to be eligible for a value-based payment for a year, the agency must have complied with the requirements under section 1895(b)(3)(B)(v)(II) with respect to that year.

"(B) ATTESTATION REGARDING DATA.—In order for a home health agency to be eligible for a value-based payment for a year, the agency must have provided the Secretary (under procedures established by the Secretary) with an attestation that the data submitted under section 1895(b)(3)(B)(v)(II) with respect to that year is complete and accurate.

"(5) TOTAL AMOUNT OF VALUE-BASED PAYMENTS EQUAL TO TOTAL AMOUNT OF AVAILABLE FUNDING.—The Secretary shall establish payment amounts under paragraph (3)(A) so that, as estimated by the Secretary, the total amount of value-based payments made in a year under paragraph (1) is equal to the total amount available under subsection (d) for such payments for the year.

"(6) PAYMENT METHODS AND TIMING OF PAYMENTS.—

"(A) IN GENERAL.—Subject to subparagraph (B), the payment of value-based payments under paragraph (1) shall be based on such a method as the Secretary determines appropriate.

"(B) TIMING.—The Secretary shall ensure that value-based payments under paragraph (1) with respect to a year are made by not later than December 31 of the subsequent year.

"(c) DESCRIPTION OF HOW AGENCIES WOULD HAVE FARED UNDER PROGRAM.—Not later than January 1, 2008, the Secretary shall provide each home health agency with a description of the Secretary's estimate of how payments to the agency under this title would have been affected with respect to items and services furnished during a period, as determined by the Secretary, if the program under this section (and the amendments made by section 6110(f) of the Deficit Reduction Omnibus Reconciliation Act of 2005) had been in effect with respect to that period.

"(d) FUNDING.—

"(1) AMOUNT.—The amount available for value-based payments under this section with respect to a year shall be equal to the amount of the reduction in expenditures under the Federal Hospital Insurance Trust Fund under section 1817 and Federal Supplementary Medical Insurance Trust Fund under section 1841 in the year as a result of the application of section 1895(b)(3)(D), as estimated by the Secretary.

"(2) PAYMENTS FROM TRUST FUND.—Payments to home health agencies under this section shall be made from the Federal Hospital Insurance Trust Fund and Federal Supplementary Medical Insurance Trust Fund, in the same proportion as payments for home health services are made from such trust funds.".

(b) HOSPITALS.—

(1) VOLUNTARY SUBMISSION OF HOSPITAL QUALITY DATA.—

(A) UPDATE FOR HOSPITALS THAT SUBMIT QUALITY DATA.—Section 1886(b)(3)(B) (42 U.S.C. 1395ww(b)(3)(B)) is amended—

(i) in clause (vii)—

(I) in subclause (I), by striking "for each of fiscal years 2005 through 2007" and inserting "for fiscal years 2005 and 2006"; and

(II) in subclause (II), by striking "Each" and inserting "For fiscal years 2005 and 2006, each"; and

(ii) by adding at the end the following new clause:

"(viii)(I) For purposes of clause (i)(XX), for fiscal year 2007 and each subsequent fiscal year, in the case of a subsection (d) hospital that does not submit data in accordance with subclause (II) with respect to such a fiscal year, the applicable percentage increase under such clause for such fiscal year shall be reduced by 2 percentage points. Such reduction shall apply only with respect to the fiscal year involved, and the Secretary shall not take into account such reduction in computing the applicable percentage increase under clause (i)(XX) for a subsequent fiscal year.

"(II) For fiscal year 2007 and each subsequent fiscal year, each subsection (d) hospital shall submit to the Secretary such data that the Secretary determines is appropriate for the measurement of health care quality, including data necessary for the operation of the PPS hospital value-based purchasing program under section 1860E–2. Such data shall be submitted in a form and manner, and at a time, specified by the Secretary for purposes of this clause.

"(III) The Secretary shall establish procedures for making data submitted under subclause (II) available to the public in a clear and understandable form. Such procedures shall ensure that a subsection (d) hospital has the opportunity to review the data that is to be made public with respect to the hospital prior to such data being made public.".

(B) CONFORMING AMENDMENTS.—Section 1886(b)(3)(B)(i) (42 U.S.C. 1395ww(b)(3)(B)(i)) is amended—

(i) in subclause (XIX), by striking "2007" and inserting "2006"; and

(ii) in subclause (XX)—

(I) by striking "2008" and inserting "2007"; and

(II) by inserting "subject to clause (viii)," after "fiscal year.".

(2) REDUCTION IN PAYMENTS IN ORDER TO FUND PROGRAM.—

(A) REDUCTION IN PAYMENTS.—Section 1886(d)(5)(A) (42 U.S.C. 1395ww(d)(5)(A)) is amended—

(i) in clause (iv), by striking "5 percent nor more than 6 percent" and inserting "the applicable lower percent nor more than the applicable upper percent"; and

(ii) by adding at the end the following new clause:

"(vii) For purposes of clause (iv)—

"(I) for fiscal years prior to 2007, the 'lower percent' is 5.0 percent and the 'upper percent' is 6.0 percent;

"(II) for fiscal year 2007, the 'lower percent' is 4.0 percent and the 'upper percent' is 5.0 percent;

"(III) for fiscal year 2008, the 'lower percent' is 3.75 percent and the 'upper percent' is 4.75 percent;

"(IV) for fiscal year 2009, the 'lower percent' is 3.5 percent and the 'upper percent' is 4.5 percent;

"(V) for fiscal year 2010, the 'lower percent' is 3.25 percent and the 'upper percent' is 4.25 percent; and

"(VI) for fiscal year 2011 and each subsequent fiscal year, the 'lower percent' is 3.0 percent and the 'upper percent' is 4.0 percent.".

(B) CONTINUATION OF CURRENT LEVEL OF REDUCTIONS TO THE AVERAGE STANDARDIZED AMOUNT.—Section 1886(d)(3)(B) (42 U.S.C. 1395ww(d)(3)(B)) is amended to read as follows:

"(B) REDUCING FOR VALUE OF OUTLIER PAYMENTS AND FOR FUNDING OF HOSPITAL VALUE-BASED PURCHASING PROGRAM.—

"(i) IN GENERAL.—The Secretary shall reduce each of the average standardized amounts determined under subparagraph (A) by a factor equal to a fraction—

"(I) the numerator of which is the sum of—

"(aa) the additional payments described in paragraph (5)(A) (relating to outlier payments); and

"(bb) the applicable percent of the total payments projected or estimated to be made based on DRG prospective payment rates for discharges in that year; and

"(II) the denominator of which is the total payments projected or estimated to be made based on DRG prospective payment rates for discharges in that year.

"(ii) APPLICABLE PERCENT.—For purposes of clause (i)(I)(bb), the term 'applicable percent' means—

"(I) for fiscal years prior to fiscal year 2007, 0 percent;

"(II) for fiscal year 2007, 1.0 percent;

"(III) for fiscal year 2008, 1.25 percent;

"(IV) for fiscal year 2009, 1.5 percent;

"(V) for fiscal year 2010, 1.75 percent; and

"(VI) for fiscal year 2011 and each subsequent year, 2.0 percent.".

(3) VALUE-BASED PURCHASING DEMONSTRATION PROGRAM FOR CRITICAL ACCESS HOSPITALS.—

(A) ESTABLISHMENT.—Not later than 6 months after the date of enactment of this Act, the Secretary shall establish a 2-year demonstration program under which the Secretary establishes a value-based purchasing program under the Medicare program under title XVIII of the Social Security Act for critical access hospitals (as defined in section 1861(mm)(1) of such Act (42 U.S.C. 1395x(mm)(1)) in order to test innovative methods of measuring and rewarding quality health care furnished by such hospitals.

(B) SITES.—The Secretary shall conduct the demonstration program at 6 critical access hospitals. The Secretary shall ensure that such hospitals are representative of the spectrum of such hospitals that participate in the Medicare program.

(C) WAIVER AUTHORITY.—The Secretary may waive such requirements of titles XI and XVIII of the Social Security Act as may be necessary to carry out the demonstration program.

(D) FUNDING.—The Secretary shall provide for the transfer from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) of such funds as are necessary for the costs of carrying out the demonstration program.

(E) REPORT.—Not later than 6 months after the demonstration program is completed, the Secretary shall submit to Congress a report on the demonstration program together with recommendations on the establishment of a permanent value-based purchasing program under the Medicare program for critical access hospitals and recommendations for such other legislation or administrative action as the Secretary determines appropriate.

(c) PHYSICIANS AND PRACTITIONERS.—

(1) VOLUNTARY SUBMISSION OF PHYSICIAN AND PRACTITIONER QUALITY DATA.—

(A) UPDATE FOR PHYSICIANS AND PRACTITIONERS THAT SUBMIT QUALITY DATA.—Section 1848(d)(4) (42 U.S.C. 1395w-4(d)(4)) is amended by adding at the end the following new subparagraph:

"(G) ADJUSTMENT IF QUALITY DATA NOT SUBMITTED.—

"(i) ADJUSTMENT.—For 2007 and each subsequent year, in the case of services furnished by a physician or a practitioner (as defined in section 1860E-3(a)(3)) that does not submit data in accordance with clause (ii) with respect to such a year, the update otherwise determined under subparagraph (A) shall be reduced by 2 percentage points. Such reduction shall apply only with respect to the year involved, and the Secretary shall not take into account such reduction in computing the conversion factor for a subsequent year.

"(ii) SUBMISSION OF QUALITY DATA.—For 2007 and each subsequent year, each physician and practitioner (as defined in section 1860E-3(a)(3)) shall submit to the Secretary such data that the Secretary determines is appropriate for the measurement of health outcomes and other indices of quality, including data necessary for the operation of the physician and practitioner value-based purchasing program under section 1860E–3. Such data shall be submitted in a form and manner, and at a time, specified by the Secretary for purposes of this subparagraph.

"(iii) AVAILABLE TO THE PUBLIC.—

"(I) IN GENERAL.—Subject to subclauses (II) and (III), the Secretary shall establish procedures for making data submitted under clause (ii), with respect to items and services furnished on or after January 1, 2008, available to the public in 3 phases as follows:

"(aa) PHASE I.—During phase I, the Secretary shall make available to the public the identity of physicians and practitioners that are submitting such data.

"(bb) PHASE II.—During phase II, the Secretary shall make available to the public the identity of physicians and practitioners that are receiving a value-based payment under section 1860E-3.

"(cc) PHASE III.—During phase III, the Secretary shall make data submitted under clause (ii) available to the public in a clear and understandable form.

"(II) REVIEW.—The procedures established under subclause (I) shall ensure that a physician or practitioner has the opportunity to review the data that is to be made public with respect to the physician or practitioner under subclause (I)(cc) prior to such data being made public.

"(III) EXCEPTIONS.—The Secretary shall establish exceptions to the requirement for making data available to the public under subclause (I). In providing for such exceptions, the Secretary shall take into account the size and specialty representation of the practice involved.".

(B) CONFORMING AMENDMENT.—Section 1848(d)(4)(A) (42 U.S.C. 1395w-4(d)(4)(A)) is amended, in the matter preceding clause (i), by striking "subparagraph (F)" and inserting "subparagraphs (F) and (G)".

(2) REDUCTION IN CONVERSION FACTOR FOR PHYSICIANS AND PRACTITIONERS THAT SUBMIT QUALITY DATA IN ORDER TO FUND PROGRAM.—

(A) IN GENERAL.—Section 1848(d) (42 U.S.C. 1395w–4(d)) is amended by adding at the end the following new paragraph:

"(6) REDUCTION IN CONVERSION FACTOR FOR PHYSICIANS AND PRACTITIONERS IN ORDER TO FUND VALUE-BASED PURCHASING PROGRAM.—

"(A) IN GENERAL.—For 2009 and each subsequent year, the single conversion factor otherwise applicable under this subsection to services furnished in the year by a physician or a practitioner (as defined in section 1860E–3(a)(3)) that complies with the requirements under paragraph (4)(G)(ii) for the year (determined after application of the update under paragraph (4)) shall be reduced by the applicable percent.

"(B) APPLICABLE PERCENT.—For purposes of subparagraph (A), the term 'applicable percent' means—

"(i) for 2009, 1.0 percent;

"(ii) for 2010, 1.25 percent;

"(iii) for 2011, 1.5 percent;

"(iv) for 2012, 1.75 percent; and

"(v) for 2013 and each subsequent year, 2.0 percent.".

(B) CONFORMING AMENDMENT.—Section 1848(d)(1)(A) (42 U.S.C. 1395w–4(d)(1)(A)) is amended by striking "The conversion factor" and inserting "Subject to paragraph (6), the conversion factor".

(d) PLANS.—

(1) SUBMISSION OF QUALITY DATA.—

(A) MEDICARE ADVANTAGE ORGANIZATIONS.—Section 1852(e) (42 U.S.C. 1395w–22(e)), as amended by section 722 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2347), is amended—

(i) in paragraph (1), by striking "an MA private fee-for-service plan or"; and

(ii) in paragraph (3)—

(I) in subparagraph (A)—

(aa) in clause (i), by adding at the end the following new sentence: "Such data shall include data necessary for the operation of the plan value-based purchasing program under section 1860E-4.";

(bb) by redesignating clause (iv) as clause (vi); and (cc) by inserting after clause (iii) the following new clauses:

"(iv) APPLICATION TO MA PRIVATE FEE-FOR-SERVICE PLANS.—The Secretary shall establish as appropriate by regulation requirements for the collection, analysis, and reporting of data that permits the measurement of health outcomes and other indices of quality for MA organizations with respect to MA private fee-for-service plans.".

"(v) AVAILABILITY TO THE PUBLIC.—The Secretary shall establish procedures for making data reported under this subparagraph available to the public in a clear and understandable form. Such procedures shall ensure that an MA organization has the opportunity to review the data that is to be made public with respect to the plan offered by the organization prior to such data being made public."; and

(II) in subparagraph (B)—

(aa) in clause (i), by striking "The" and inserting "Subject to clause (ii), the"; and

(bb) by striking clause (ii) and inserting the following new clause:

"(ii) CHANGES IN TYPES OF DATA.—Subject to clause (iii), the Secretary may only change the types of data that are required to be submitted under subparagraph (A) after submitting to Congress a report on the reasons for such changes that was prepared—

"(I) in the case of data necessary for the operation of the plan value-based purchasing program under section 1860E-4, after the requirements under subsections (c) and (d) of section 1860E-1 have been complied with; and

"(II) in the case of any other data, in consultation with MA organizations and private accrediting bodies.".

(B) ELIGIBLE ENTITIES WITH REASONABLE COST CONTRACTS.—Section 1876(h) (42 U.S.C. 1395mm(h)) is amended by adding at the end the following new paragraph:

"(6)(A) With respect to plan years beginning on or after January 1, 2006, an eligible entity with a reasonable cost reimbursement contract under this subsection shall submit to the Secretary such data that the Secretary determines is appropriate for the measurement of health outcomes and other indices of quality, including data necessary for the operation of the plan value-based purchasing program under section 1860E–4. Such data shall be submitted in a form and manner, and at a time, specified by the Secretary for purposes of this subparagraph.

"(B) The Secretary shall establish procedures for making data reported under subparagraph (A) available to the public in a clear and understandable form. Such procedures shall ensure that an eligible entity has the opportunity to review the data that is to be made public with respect to the contract prior to such data being made public.".

(C) EFFECTIVE DATE.—The amendments made by this subsection shall apply to plan years beginning on or after January 1, 2006.

(D) SENSE OF THE SENATE.—It is the sense of the Senate that, in establishing the timeframes for Medicare Advantage organizations and entities with a reasonable cost reimbursement contract under section 1876(h) of the Social Security Act (42 U.S.C. 1395mm(h)) to report quality data under sections 1852(e)(3) and 1876(h)(6), respectively, of such Act, as added by this section, the Secretary should take into account other timeframes for reporting quality data that such organizations and entities are subject to under other Federal and State programs and in the commercial market.

(2) REDUCTION IN PAYMENTS TO ORGANIZATIONS IN ORDER TO FUND PROGRAM.—

(A) MEDICARE ADVANTAGE PAYMENTS.—

(i) IN GENERAL.—Section 1853(a)(1) (42 U.S.C. 1395w-23(a)(1)), as amended by section 222(e) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2200), is amended—

(I) in clauses (i) and (ii) of subparagraph (B), by inserting "and, for 2009 and each subsequent year, except in the case of an MSA plan or an MA plan for which there was no contract under section 1857 during either of the preceding 2 years, reduced by the applicable percent (as defined in subparagraph (I))" after "(G)"; and

(II) by adding at the end the following new subparagraph:

"(I) APPLICABLE PERCENT.—For purposes of clauses (i) and (ii) of subparagraph (B), the term 'applicable percent' means—

"(i) for 2009, 1.0 percent;

"(ii) for 2010, 1.25 percent;

"(iii) for 2011, 1.5 percent;

"(iv) for 2012, 1.75 percent; and

"(v) for 2013 and each subsequent year, 2.0 percent.".

(iii) REDUCTIONS IN PAYMENTS DO NOT AFFECT THE REBATE FOR BIDS BELOW THE BENCHMARK.—The amendments made by subparagraph (A) shall not be construed to have any effect on—

(I) the determination of whether a Medicare Advantage plan has average per capita monthly savings described in paragraph (3)(C) or (4)(C) of section 1854(b) of the Social Security Act (42 U.S.C. 1395w–24(b)); or

(II) the amount of such savings.

(A) REASONABLE COST CONTRACT PAYMENTS.—Section 1876(h) (42 U.S.C. 1395mm(h)), as amended by subsection (a)(2), is amended by adding at the end the following new paragraph:

"(7) Notwithstanding the preceding provisions of this subsection, the Secretary shall reduce each payment to an eligible organization under this subsection with respect to benefits provided on or after January 1, 2009, by an amount equal to the applicable percent (as defined in section 1853(a)(1)(I)) of the payment amount.".

(3) REQUIREMENT FOR REPORTING ON USE OF VALUE-BASED PAYMENTS.—

(A) MA PLANS.—Section 1854(a) (42 U.S.C. 1395w–24(a)), as amended by section 222(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2193), is amended—

(i) in paragraph (1)(A)(i), by striking "or (6)(A)" and inserting "(6)(A), or (7)"; and

(ii) by adding at the end the following:

"(7) SUBMISSION OF INFORMATION OF HOW VALUE-BASED PAYMENTS WILL BE USED.—For an MA plan for a plan year beginning on or after January 1, 2011, the information described in this paragraph is a description of how the organization offering the plan will use any value-based payments that the organization received under section 1860E–4 with respect to the plan for the year preceding the year in which such information is submitted.".

(B) REASONABLE COST CONTRACTS.—Section 1876(h) (42 U.S.C. 1395mm(h)), as amended by subsection (c)(2), is amended by adding at the end the following new paragraph:

"(8) Not later than July 1 of each year (beginning in 2010), any eligible entity with a reasonable cost reimbursement contract under this subsection that received a value-based payment under section 1860E–4 with respect to the contract for the preceding year shall submit to the Secretary a report containing a description of how the organization will use such payments under the contract.".

(e) ESRD PROVIDERS AND FACILITIES.—

(1) VOLUNTARY SUBMISSION OF QUALITY DATA.—Section 1881(b) (42 U.S.C. 1395rr(b)) is amended by adding at the end the following new paragraph:

"(14) By not later than July 31, 2006, the Secretary shall establish procedures under which providers of services and renal dialysis facilities that receive payments under paragraph (12) or (13) may submit to the Secretary data that permits the measurement of health outcomes and other indices of quality.".

(2) REDUCTION IN CASE-MIX ADJUSTED PROSPECTIVE PAYMENT AMOUNT IN ORDER TO FUND PROGRAM.—Section 1881(b)(12) (42 U.S.C. 1395rr(b)(12)) is amended—

(A) by redesignating subparagraph (G) as subparagraph (H); and

(B) by inserting after subparagraph (F) the following new subparagraph:

"(G)(i) In the case of any payment made under this paragraph for an item or service furnished on or after January 1, 2007, such payment shall be reduced by the applicable percent. The preceding sentence shall not apply to a payment for an item or service furnished by a provider of services or a renal dialysis facility that is excluded from the program under section 1860E-5 by reason of subsection (a)(3) of such section at the time the item or service is furnished.

"(ii) For purposes of clause (i), the term 'applicable percent' means—

"(I) for 2007, 1.0 percent;

"(II) for 2008, 1.25 percent;

"(III) for 2009, 1.5 percent;

"(IV) for 2010, 1.75 percent; and

"(V) for 2011 and each subsequent year, 2.0 percent.".

(3) VALUE-BASED PURCHASING UNDER THE DEMONSTRATION OF BUNDLED CASE-MIX ADJUSTED PAYMENT SYSTEM FOR ESRD SERVICES.—Section 623(e) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395rr note) is amended by adding at the end the following new paragraph:

"(7) VALUE-BASED PURCHASING PROGRAM.—As part of the demonstration project under this subsection, the Secretary shall, beginning January 1, 2007, implement a value-based purchasing program for providers and facilities participating in the demonstration project. The Secretary shall implement such value-based purchasing program in a similar manner as the ESRD provider and facility value-based purchasing program is implemented under section 1860E–5 of the Social Security Act, including the funding of such program.".

(f) HOME HEALTH AGENCIES.—

(1) UPDATE FOR HOME HEALTH AGENCIES THAT SUBMIT QUALITY DATA.—Section 1895(b)(3)(B) (42 U.S.C.fff(b)(3)(B)) is amended—

(A) in clause (ii)(IV), by inserting "subject to clause (v)," after "subsequent year,"; and

(B) by adding at the end the following new clause:

"(v) ADJUSTMENT IF QUALITY DATA NOT SUBMITTED.—

"(I) ADJUSTMENT.—For purposes of clause (ii)(IV), for 2007 and each subsequent year, in the case of a home health agency that does not submit data in accordance with subclause (II) with respect to such a year, the home health market basket percentage increase applicable under such clause for such year shall be reduced by 2 percentage points. Such reduction shall apply only with respect to the year involved, and the Secretary shall not take into account such reduction in computing the prospective payment amount under this section for a subsequent year.

"(II) SUBMISSION OF QUALITY DATA.—For 2007 and each subsequent year, each home health agency shall submit to the Secretary such data that the Secretary determines is appropriate for the measurement of health care quality, including data necessary for the operation of the home health agency value-based purchasing program under section 1860E–6. Such data shall be submitted in a form and manner, and at a time, specified by the Secretary for purposes of this clause.

"(III) PUBLIC AVAILABILITY OF DATA SUBMITTED.—The Secretary shall establish procedures for making data submitted under subclause (II) available to the public in a clear and understandable form. Such procedures shall ensure that a home health agency has the opportunity to review the data that is to be made public with respect to the agency prior to such data being made public.".

(2) REDUCTION IN STANDARD PROSPECTIVE PAYMENT AMOUNT FOR AGENCIES THAT SUBMIT QUALITY DATA IN ORDER TO FUND PROGRAM.—Section 1895(b)(3) (42 U.S.C. 1395fff(b)(3)) is amended by adding at the end the following new subparagraph:

"(D) REDUCTION IN ORDER TO FUND VALUE-BASED PURCHASING PROGRAM.—

"(i) IN GENERAL.—For 2008 and each subsequent year, in the case of a home health agency that complies with the submission requirements under section 1895(b)(3)(B)(v)(II) for the year, the standard prospective payment amount (or amounts) otherwise applicable under this paragraph for the year shall be reduced by the applicable percent.

"(ii) APPLICABLE PERCENT.—For purposes of clause (i), the term 'applicable percent' means—

"(I) for 2008, 1.0 percent;

"(II) for 2009, 1.25 percent;

"(III) for 2010, 1.5 percent;

"(IV) for 2011, 1.75 percent; and

"(V) for 2012 and each subsequent year, 2.0 percent.".

(g) SKILLED NURSING FACILITIES.—

(1) REQUIREMENT FOR SKILLED NURSING FACILITIES TO REPORT FUNCTIONAL CAPACITY OF MEDICARE RESIDENTS UPON ADMISSION AND DISCHARGE.—Section 1819(b) (42 U.S.C. 1395i–3(b)) is amended by adding at the end the following new paragraph:

"(9) REPORTING FUNCTIONAL CAPACITY AT ADMISSION AND DISCHARGE.—

"(A) IN GENERAL.—On and after October 1, 2006, a skilled nursing facility must submit a report to the Secretary on the functional capacity of each resident who is entitled to benefits under this part at the time of—

"(i) the admission of such resident; and

"(ii) the discharge of such resident.

"(B) TIMEFRAME.—A report required under subparagraph (A) shall be submitted within 10 days of the admission or discharge, as the case may be.".

(2) VOLUNTARY SUBMISSION OF SKILLED NURSING FACILITY QUALITY DATA.—Section 1888(e)(4)(E) (42 U.S.C. 1395yy(e)(4)(E)) is amended—

(A) in clause (ii)(IV), by inserting "subject to clause (iii)," after "subsequent fiscal year,"; and

(B) by adding at the end the following new clause:

"(iii) ADJUSTMENT IF QUALITY DATA NOT SUBMITTED.—

"(I) ADJUSTMENT.—For purposes of clause (ii)(IV), for fiscal year 2009 and each subsequent fiscal year, in the case of a skilled nursing facility that does not submit data in accordance with subclause (II) with respect to such a fiscal year, the skilled nursing facility market basket percentage change applicable under such clause for such fiscal year shall be reduced by 2 percentage points. Such reduction shall apply only with respect to the fiscal year involved, and the Secretary shall not take into account such reduction in computing the Federal per diem rate under this section for a subsequent fiscal year.

"(II) SUBMISSION OF QUALITY DATA.—For fiscal year 2008 and each subsequent fiscal year, each skilled nursing facility shall submit to the Secretary such data that the Secretary determines, after conducting a study in consultation with the entities described in subsections (c)(1), (c)(2), and (d) of section 1860E–1, is appropriate for the measurement of health outcomes and other indices of quality. Such data shall be submitted in a form and manner, and at a time, specified by the Secretary for purposes of this clause.

"(III) PUBLIC AVAILABILITY OF DATA SUBMITTED.—The Secretary shall establish procedures for making data submitted under subclause (II) available to the public in a clear and understandable form. Such procedures shall ensure that a facility has the opportunity to review the data that is to be made public with respect to the facility prior to such data being made public.".

(h) CONFORMING REFERENCES TO PREVIOUS PART E.—Any reference in law (in effect before the date of the enactment of this Act) to part E of title XVIII of the Social Security Act is deemed a reference to part F of such title (as in effect after such date).

SEC. 6111. PHASE-OUT OF RISK ADJUSTMENT BUDGET NEUTRALITY IN DETERMINING THE AMOUNT OF PAYMENTS TO MEDICARE ADVANTAGE ORGANIZATIONS.

(a) IN GENERAL.—Section 1853 (42 U.S.C. 1395w–23) is amended—

(1) in subsection (j)(1)—

(A) in subparagraph (A)—

(i) by inserting "(or, beginning with 2007, 1/12 of the applicable amount determined under subsection (k)(1))" after "1853(c)(1)"; and

(ii) by inserting "(for years before 2007)" after "adjusted as appropriate";

(B) in subparagraph (B), by inserting "(for years before 2007)" after "adjusted as appropriate"; and

(2) by adding at the end the following new subsection:

"(k) DETERMINATION OF APPLICABLE AMOUNT FOR PURPOSES OF CALCULATING THE BENCHMARK AMOUNTS.—

"(1) APPLICABLE AMOUNT DEFINED.—For purposes of subsection (j), subject to paragraph (2), the term 'applicable amount' means for an area—

"(A) for 2007—

"(i) if such year is not specified under subsection (c)(1)(D)(ii), an amount equal to the amount specified in subsection (c)(1)(C) for the area for 2006—

"(I) first adjusted by the rescaling factor for 2006 for the area (as made available by the Secretary in the announcement of the rates on April 4, 2005, under subsection (b)(1), but excluding any national adjustment factors for coding intensity and risk adjustment budget neutrality that were included in such factor); and

"(II) then increased by the national per capita MA growth percentage, described in subsection (c)(6) for that succeeding year, but not taking into account any adjustment under subparagraph (C) of such subsection for a year before 2004;

"(ii) if such year is specified under subsection (c)(1)(D)(ii), an amount equal to the greater of—

"(I) the amount determined under clause (i) for the area for the year; or

"(II) the amount specified in subsection (c)(1)(D) for the area for the year; and

"(B) for a subsequent year—

"(i) if such year is not specified under subsection (c)(1)(D)(ii), an amount equal to the amount determined under this paragraph for the area for the previous year, increased by the national per capita MA growth percentage, described in subsection (c)(6) for that succeeding year, but not taking into account any adjustment under subparagraph (C) of such subsection for a year before 2004; and

"(ii) if such year is specified under subsection (c)(1)(D)(ii), an amount equal to the greater of—

"(I) the amount determined under clause (i) for the area for the year; or

"(II) the amount specified in subsection (c)(1)(D) for the area for the year.

"(2) ADJUSTMENT.—

"(A) IN GENERAL.—Except as provided in subparagraph (D), in the case of 2007 through 2010, the applicable amount determined under paragraph (1) shall be increased by a factor equal to 1 plus the product of—

"(i) the percent determined under subparagraph (B) for the year; and

"(ii) the applicable percent for the year under subparagraph (C).

"(B) PERCENT DETERMINED.—

"(i) IN GENERAL.—For purposes of subparagraph (A)(i), subject to clause (ii), the percent determined under this subparagraph for a year is a percent equal to a fraction—

"(I) the numerator of which is an amount equal to—

"(aa) the Secretary's estimate of the total payments that would have been made under this part in the year if all the monthly payment amounts for all MA plans were equal to 1/12 of the annual MA capitation rate under subsection (c)(1) for the area and year; minus

"(bb) the Secretary's estimate of the total payments that would have been made under this part in the year if all the monthly payment amounts for all MA plans were equal to 1/12 of the MA area-specific non-drug monthly benchmark amount under subsection (j) for the area and year; and

"(II) the denominator of which is equal to the total amount estimated for the year under subclause (I)(bb).

"(ii) REQUIREMENTS.—In estimating the amounts under clause (i), the Secretary—

"(I) shall—

"(aa) use a complete set of the most recent and representative Medicare Advantage risk scores under subsection (a)(3) that are available from the risk adjustment model announced for the year;

"(bb) adjust the risk scores to reflect changes in treatment and coding practices in the fee-for-service sector;

"(cc) adjust the risk scores for differences in coding patterns between Medicare Advantage plans and providers under part A and B to the extent that the Secretary has identified such differences;

"(dd) as necessary, adjust the risk scores for late data submitted by Medicare Advantage organizations;

"(ee) as necessary, adjust the risk scores for lagged cohorts; and

"(ff) as necessary, adjust the risk scores for changes in enrollment in Medicare Advantage plans during the year; and

"(II) may take into account the estimated health risk of enrollees in preferred provider organization plans (including MA regional plans) for the year.

In order to make the adjustment required under item (cc) and to ensure payment accuracy, the Secretary shall conduct an analysis of the differences described in such item. The Secretary shall complete such analysis by a date necessary to ensure that the results of such analysis are incorporated into the payment rates for a year not later than 2008. In conducting such analysis, the Secretary shall use data submitted with respect to 2004 and subsequent years, as available.

"(C) APPLICABLE PERCENT.—For purposes of subparagraph (A)(ii), the term 'applicable percent' means—

"(i) for 2007, 55 percent;

"(ii) for 2008, 40 percent;

"(iii) for 2009, 25 percent; and

"(iv) for 2010, 5 percent.

"(D) TERMINATION OF ADJUSTMENT.—The Secretary shall not make any adjustment under subparagraph (A) in a year if the amount estimated under subparagraph (B)(i)(I)(bb) for the year is equal to or greater than the amount estimated under subparagraph (B)(i)(I)(aa) for the year.

"(3) NO ADDITIONAL ADJUSTMENTS.—

"(A) IN GENERAL.—Except for the adjustment provided for in paragraph (2), the Secretary may not make any adjustment to the applicable amount determined in paragraph (1) for any year.

"(B) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the authority of the Secretary to risk adjust the amount under subsection (c)(1)(D) pursuant to clause (i) of such subsection.".

(b) REFINEMENTS TO HEALTH STATUS ADJUSTMENT.—Section 1853(a)(1)(C) (42 U.S.C. 1395w–23) is amended by inserting after the first sentence the following new sentence: "In applying such adjustment for health status to such payment amounts, the Secretary shall ensure that such adjustment reflects changes in treatment and coding practices in the fee-for-service sector and reflects differences in coding patterns between Medicare Advantage plans and providers under part A and B to the extent that the Secretary has identified such differences.".

SEC. 6112. ELIMINATION OF MEDICARE ADVANTAGE REGIONAL PLAN STABILIZATION FUND.

(a) ELIMINATION.—

(1) IN GENERAL.—Subsection (e) of section 1858 (42 U.S.C. 1395w–27a) is repealed.

(2) CONFORMING AMENDMENT.—Section 1858(f)(1) (42 U.S.C. 1395w–27a(f)(1)) is amended by striking "subject to subsection (e),".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of section 221(c) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2181).

(b) TIMEFRAME FOR PART A AND B PAYMENTS.—Notwithstanding sections 1816(c) and 1842(c)(2) of the Social Security Act or any other provision of law—

(1) any payment from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) or from the Federal Supplementary Medical Insurance Trust Fund under section 1841 of such Act (42 U.S.C. 1395t) for claims submitted under part A or B of title XVIII of such Act for items and services furnished under such part A or B, respectively, that would otherwise be payable during the period beginning on September 22, 2006, and ending on September 30, 2006, shall be paid on the first business day of October 2006; and

(2) no interest or late penalty shall be paid to an entity or individual for any delay in a payment by reason of the application of paragraph (1).

SEC. 6113. RURAL PACE PROVIDER GRANT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) CMS.—The term "CMS" means the Centers for Medicare & Medicaid Services.

(2) ELIGIBLE PARTICIPANT.—The term "eligible participant" means a PACE program eligible individual (as defined in sections 1894(a)(5) and 1934(a)(5) of the Social Security Act (42 U.S.C. 1395eee(a)(5); 1396u–4(a)(5))).

(3) PACE PROGRAM.—The term "PACE program" has the meaning given that term in sections 1894(a)(2) and 1934(a)(2) of the Social Security Act (42 U.S.C. 1395eee(a)(2); 1396u–4(a)(2)).

(4) PACE PROVIDER.—The term "PACE provider" has the meaning given that term in section 1894(a)(3) or 1934(a)(3) of the Social Security Act (42 U.S.C. 1395eee(a)(3); 1396u–4(a)(3)).

(5) RURAL AREA.—The term "rural area" has the meaning given that term in section 1886(d)(2)(D) of the Social Security Act (42 U.S.C. 1395ww(d)(2)(D)).

(6) RURAL PACE PILOT SITE.—The term "rural PACE pilot site" means a PACE provider that has been approved to provide services in a geographic service area that is, in whole or in part, a rural area, and that has received a site development grant under this section.

(7) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(b) SITE DEVELOPMENT GRANTS AND TECHNICAL ASSISTANCE PROGRAM.—

(1) SITE DEVELOPMENT GRANTS.—

(A) IN GENERAL.—The Secretary shall establish a process and criteria to award site development grants to qualified PACE providers that have been approved to serve a geographic service area that is, in whole or in part, a rural area.

(B) AMOUNT PER AWARD.—A site development grant awarded under subparagraph (A) to any individual rural PACE pilot site shall not exceed $750,000.

(C) NUMBER OF AWARDS.—Not more than 15 rural PACE pilot sites shall be awarded a site development grant under subparagraph (A).

(D) USE OF FUNDS.—Funds made available under a site development grant awarded under subparagraph (A) may be used for the following expenses only to the extent such expenses are incurred in relation to establishing or delivering PACE program services in a rural area:

(i) Feasibility analysis and planning.

(ii) Interdisciplinary team development.

(iii) Development of a provider network, including contract development.

(iv) Development or adaptation of claims processing systems.

(v) Preparation of special education and outreach efforts required for the PACE program.

(vi) Development of expense reporting required for calculation of outlier payments or reconciliation processes.

(vii) Development of any special quality of care or patient satisfaction data collection efforts.

(viii) Establishment of a working capital fund to sustain fixed administrative, facility, or other fixed costs until the provider reaches sufficient enrollment size.

(ix) Startup and development costs incurred prior to the approval of the rural PACE pilot site's PACE provider application by CMS.

(x) Any other efforts determined by the rural PACE pilot site to be critical to its successful startup, as approved by the Secretary.

(E) APPROPRIATION.—

(i) IN GENERAL.—Out of funds in the Treasury not otherwise appropriated, there are appropriated to the Secretary to carry out this subsection for the period of fiscal years 2006 through 2007, $7,500,000.

(ii) AVAILABILITY.—Funds appropriated under clause (i) shall remain available for expenditure through fiscal year 2010.

(2) TECHNICAL ASSISTANCE PROGRAM.—The Secretary shall establish a technical assistance program to provide—

(A) outreach and education to State agencies and provider organizations interested in establishing PACE programs in rural areas; and

(B) technical assistance necessary to support rural PACE pilot sites.

(c) COST OUTLIER PROTECTION FOR RURAL PACE PILOT SITES.—

(1) ESTABLISHMENT OF FUND FOR REIMBURSEMENT OF OUTLIER COSTS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall establish an outlier fund to reimburse rural PACE pilot sites for outlier costs (as defined in subparagraph (B)) incurred for eligible participants who reside in a rural area in accordance with the expense payment specified in subparagraph (C).

(B) OUTLIER COSTS DEFINED.—

(i) IN GENERAL.—In subparagraph (A), the term "outlier costs" means the inpatient and related physician and ancillary costs in excess of $50,000 incurred within a given 12-month period for an eligible participant who resides in a rural area.

(ii) INCLUSION IN ONLY 1 PERIOD.—Outlier costs may not be included in more than one 12-month period for purposes of calculating an outlier expense payment under subparagraph (C).

(C) OUTLIER EXPENSE PAYMENT.—

(i) PAYMENT FOR OUTLIER COSTS.—Subject to clause (ii), in the case of a rural PACE pilot site that has incurred outlier costs for an eligible participant, the rural PACE pilot site shall receive an outlier expense payment equal to 80 percent of such costs.

(ii) LIMITATIONS.—

(I) COSTS INCURRED PER ELIGIBLE PARTICIPANT.—The total amount of outlier expense payments made under clause (i) to a rural PACE pilot site for outlier costs incurred with respect to an eligible participant shall not exceed $100,000 for the 12-month period used to calculate the payment.

(II) COSTS INCURRED PER PROVIDER.—No rural PACE pilot site may receive more than $500,000 in total outlier expense payments in a 12-month period.

(III) LIMITATION OF OUTLIER COST REIMBURSEMENT PERIOD.—A rural PACE pilot site shall only receive outlier expense payments under this subparagraph with respect to outlier costs incurred during the first 3 years of the site's operation.

(D) REQUIREMENT TO ACCESS RISK RESERVES PRIOR TO PAYMENT.—A rural PACE pilot site shall access and exhaust any risk reserves held or arranged for the provider (other than revenue or reserves maintained to satisfy the requirements of section 460.80(c) of title 42, Code of Federal Regulations) and any working capital established through a site development grant awarded under subsection (b)(1), prior to receiving any payment from the outlier fund.

(E) APPROPRIATION.—

(i) IN GENERAL.—Out of funds in the Treasury not otherwise appropriated, there are appropriated to the Secretary to carry out this subsection for the period of fiscal years 2006 through 2007, $10,000,000.

(ii) AVAILABILITY.—Funds appropriated under clause (i) shall remain available for expenditure through fiscal year 2010.

(d) EVALUATION OF PACE PROVIDERS SERVING RURAL SERVICE AREAS.—Not later than 60 months after the date of enactment of this Act, the Secretary shall submit a report to Congress containing an evaluation of the experience of rural PACE pilot sites.

(e) AMOUNTS IN ADDITION TO PAYMENTS UNDER SOCIAL SECURITY ACT.—Any amounts paid under the authority of this section to a PACE provider shall be in addition to payments made to the provider under section 1894 or 1934 of the Social Security Act (42 U.S.C. 1395eee; 1396u–4).

SEC. 6114. WAIVER OF PART B LATE ENROLLMENT PENALTY FOR CERTAIN INTERNATIONAL VOLUNTEERS.

(a) IN GENERAL.—

(1) WAIVER OF PENALTY.—Section 1839(b)(42 U.S.C. 1395r(b)) is amended in the second sentence by inserting the following before the period at the end: "or months for which the individual can demonstrate that the individual was an individual described in section 1837(k)(3)".

(2) SPECIAL ENROLLMENT PERIOD.—

(A) IN GENERAL.—Section 1837 (42 U.S.C. 1395p) is amended by adding at the end the following new subsection:

"(k)(1) In the case of an individual who—

"(A) at the time the individual first satisfies paragraph (1) or (2) of section 1836, is described in paragraph (3), and has elected not to enroll (or to be deemed enrolled) under this section during the individual's initial enrollment period; or

"(B) has terminated enrollment under this section during a month in which the individual is described in paragraph (3),

there shall be a special enrollment period described in paragraph (2).

"(2) The special enrollment period referred to in paragraph (1) is the 6-month period beginning on the first day of the month which includes the date that the individual is no longer described in paragraph (3).

"(3) For purposes of paragraph (1), an individual described in this paragraph is an individual that is serving as a volunteer outside of the United States through a program—

"(A) that covers at least a 12-month period; and

"(B) that is sponsored by an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code.".

(B) COVERAGE PERIOD.—Section 1838 (42 U.S.C. 1395q) is amended by adding at the end the following new subsection:

"(f) Notwithstanding subsection (a), in the case of an individual who enrolls during a special enrollment period pursuant to section 1837(k), the coverage period shall begin on the first day of the month following the month in which the individual so enrolls.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(1) shall apply to months beginning with January 2007 and the amendments made by subsection (a)(2) shall take effect on January 1, 2007.

SEC. 6115. DELIVERY OF SERVICES AT FEDERALLY QUALIFIED HEALTH CENTERS.

(a) COVERAGE.—

(1) IN GENERAL.—Section 1861(aa)(3) (42 U.S.C. 1395x(aa)(3)) is amended—

(A) in subparagraph (A), by striking ", and" and inserting "and services described in subsections (qq) and (vv); and";

(B) in subparagraph (B), by striking "sections 329, 330, and 340" and inserting "section 330"; and

(C) in the flush matter at the end, by inserting "by the center or by a health care professional under contract with the center" after "outpatient of a Federally qualified health center".

(2) CONSOLIDATED BILLING.—The first sentence of section 1842(b)(6)(F) (42 U.S.C. 1395u(b)(6)(F)) is amended—

(A) by striking "and (G)" and inserting "(G)"; and

(B) by inserting before the period at the end the following: ", and (H) in the case of services described in section 1861(aa)(3) that are furnished by a health care professional under contract with a Federally qualified health center, payment shall be made to the center".

(b) TECHNICAL CORRECTIONS.—Clauses (i) and (ii)(II) of section 1861(aa)(4)(A) (42 U.S.C. 1395x(aa)(4)(A)) are each amended by striking "(other than subsection (h))".

(c) EFFECTIVE DATES.—The amendments made by this section shall apply to services furnished on or after January 1, 2006.

SEC. 6116. TECHNICAL CORRECTION REGARDING PURCHASE AGREEMENTS FOR POWER-DRIVEN WHEELCHAIRS.

(a) IN GENERAL.—Section 1834(a)(7)(A) (42 U.S.C. 1395m(a)(7)(A)), as amended by section 6109 of this Act, is amended—

(1) in clause (i)(I), by striking "Payment" and inserting "Except as provided in clause (iii), payment"; and

(2) by adding at the end the following new clause:

"(iii) PURCHASE AGREEMENT OPTION FOR POWER-DRIVEN WHEELCHAIRS.—

"(I) IN GENERAL.—In the case of a power-driven wheelchair, at the time the supplier furnishes the item, the supplier shall offer the individual the option to purchase the item, and payment for such item shall be made on a lump-sum basis if the individual exercises such option.

"(II) MAINTENANCE AND SERVICING.—In the case of a power-driven wheelchair for which a purchase agreement has been entered into under subclause (I), maintenance and servicing payments shall, if the Secretary determines such payments are reasonable and necessary, be made (for parts and labor not covered by the supplier's or manufacturer's warranty, as determined by the Secretary to be appropriate), and such payments shall be in an amount determined to be appropriate by the Secretary.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to items furnished on or after October 1, 2006.

SEC. 6117. MEDICARE COVERAGE OF ULTRASOUND SCREENING FOR ABDOMINAL AORTIC ANEURYSMS; NATIONAL EDUCATIONAL AND INFORMATION CAMPAIGN.

(a) IN GENERAL.—Section 1861 (42 U.S.C. 1395x) is amended—

(1) in subsection (s)(2)—

(A) by striking "and" at the end of subparagraph (Y);

(B) by adding "and" at the end of subparagraph (Z); and

(C) by adding at the end the following new subparagraph:

"(AA) ultrasound screening for abdominal aortic aneurysm (as defined in subsection (bbb)) for an individual—

"(i) who receives a referral for such an ultrasound screening as a result of an initial preventive physical examination (as defined in section 1861(ww)(1));

"(ii) who has not been previously furnished such an ultrasound screening under this title; and

"(iii) who—

"(I) has a family history of abdominal aortic aneurysm; or

"(II) manifests risk factors included in a beneficiary category (not including categories related to age) recommended for screening by the United States Preventive Services Task Force regarding abdominal aortic aneurysms;"; and

(2) by adding at the end the following new subsection:

"Ultrasound Screening for Abdominal Aortic Aneurysm

"(bbb) The term 'ultrasound screening for abdominal aortic aneurysm' means—

"(1) a procedure using sound waves (or such other procedures using alternative technologies, of commensurate accuracy and cost, that the Secretary may specify) provided for the early detection of abdominal aortic aneurysm; and

"(2) includes a physician's interpretation of the results of the procedure.".

(b) INCLUSION OF ULTRASOUND SCREENING FOR ABDOMINAL AORTIC ANEURYSM IN SCREENING SERVICES FOR WHICH EDUCATION, COUNSELING, AND REFERRAL IS PROVIDED FOR UNDER BENEFITS FOR INITIAL PREVENTIVE PHYSICAL EXAMINATION.—Section 1861(ww)(2) (42 U.S.C. 1395x(ww)(2)) is amended by adding at the end the following new subparagraph:

"(L) Ultrasound screening for abdominal aortic aneurysm as defined in section 1861(bbb).".

(c) PAYMENT FOR ULTRASOUND SCREENING FOR ABDOMINAL AORTIC ANEURYSM.—Section 1848(j)(3) (42 U.S.C. 1395w–4(j)(3)) is amended by inserting "(2)(AA)," after "(2)(W),".

(d) FREQUENCY AND QUALITY STANDARDS.—Section 1862(a)(1) (42 U.S.C. 1395y(a)(1)) is amended—

(1) by striking "and" at the end of subparagraph (L);

(2) by striking the semicolon at the end of subparagraph (M) and inserting ", and"; and

(3) by adding at the end the following new subparagraph:

"(N) in the case of ultrasound screening for abdominal aortic aneurysm—

"(i) which is performed more frequently than is provided for under section 1861(s)(2)(AA); or

"(ii) which is performed by an individual or diagnostic laboratory that does not meet quality assurance standards that the Secretary, in consultation with national medical, vascular technologist and sonographer societies, shall establish, including with respect to individuals performing ultrasound screening for abdominal aortic aneurysm (other than physicians) and diagnostic laboratories, that the individual or laboratory is certified by the appropriate State licensing or certification agency or, in the case of a service performed in a State that does not license or certify such individuals or laboratories, by a national certification or accreditation organization recognized by the Secretary;".

(e) NON-APPLICATION OF PART B DEDUCTIBLE.—Section 1833(b) (42 U.S.C. 1395l(b)) is amended in the first sentence—

(1) by striking "and (6)" and inserting "(6)"; and

(2) by inserting ", and (7) such deductible shall not apply with respect to ultrasound screening for abdominal aortic aneurysm (as defined in section 1861(bbb))" before the period at the end.

(f) NATIONAL EDUCATIONAL AND INFORMATION CAMPAIGN.—

(1) IN GENERAL.—After consultation with national medical, vascular technologist, and sonographer societies, the Secretary of Health and Human Services shall carry out a national education and information campaign to promote awareness among health care practitioners and the general public with respect to the importance of early detection and treatment of abdominal aortic aneurysms.

(2) USE OF FUNDS.—The Secretary may use amounts appropriated pursuant to this subsection to make grants to national medical, vascular technologist, and sonographer societies (in accordance with procedures and criteria specified by the Secretary) to enable them to educate practitioners and providers about matters relating to such aneurysms.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 2006 and each fiscal year thereafter such sums as may be necessary to carry out this subsection.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to ultrasound screenings for abdominal aortic aneurysm performed on or after January 1, 2007.

SEC. 6118. IMPROVING PATIENT ACCESS TO, AND UTILIZATION OF, COLORECTAL CANCER SCREENING UNDER MEDICARE.

(a) INCREASE IN PART B REIMBURSEMENT FOR COLORECTAL CANCER SCREENING AND DIAGNOSTIC TESTS.—

(1) IN GENERAL.—Section 1834(d) (42 U.S.C. 1395m(d)) is amended by adding at the end the following new paragraph:

"(4) ENHANCED PART B PAYMENT FOR COLORECTAL CANCER SCREENING AND DIAGNOSTIC TESTS.—

"(A) NONFACILITY RATES.—Notwithstanding paragraphs (2)(A) and (3)(A), the Secretary shall establish national minimum payment amounts for CPT codes 45378, 45380, and 45385, and HCPCS codes G0105 and GO121 for items and services furnished on or after January 1, 2007, which reflect a 5-percent increase above the relative value units in effect as the nonfacility rates for such codes on December 31, 2006, with such revised payment level to apply to items and services performed in a nonfacility setting.

"(B) FACILITY RATES.—Notwithstanding paragraphs (2)(A) and (3)(A), the Secretary shall establish national minimum payment amounts for CPT codes 45378, 45380, and 45385, and HCPCS codes G0105 and GO121 for items and services furnished on or after January 1, 2007, which reflect a 5-percent increase above the relative value units in effect as the facility rates for such codes on December 31, 2006, with such revised payment level to apply to items and services performed in a facility setting.

"(C) ANNUAL ADJUSTMENTS.—In the case of items and services furnished on or after January 1, 2007, the payment rates described in subparagraphs (A) and (B) shall, subject to the minimum payment amounts established in such subparagraphs, be adjusted annually as provided in section 1848.".

(2) NO EFFECT ON HOPD PAYMENTS.—The Secretary shall not take into account the provisions of section 1834(d)(4) of the Social Security Act, as added by subsection (a), in determining the amount of payment for any covered OPD service under the prospective payment system for hospitals outpatient department services under section 1833(t) of such Act (42 U.S.C. 1395l(t)).

(b) MEDICARE COVERAGE OF OFFICE VISIT OR CONSULTATION PRIOR TO A SCREENING COLONOSCOPY OR IN CONJUNCTION WITH A BENEFICIARY'S DECISION TO OBTAIN SUCH A SCREENING.—

(1) COVERAGE.—Section 1861(s)(2) (42 U.S.C. 1395x(s)(2)), as amended by section 6117, is amended—

(A) in subparagraph (Z), by striking "and" at the end;

(B) in subparagraph (AA), by inserting "and" at the end; and

(C) by adding at the end the following new subparagraph:

"(BB) an outpatient office visit or consultation for the purpose of beneficiary education, assuring selection of the proper screening test, and securing information relating to the procedure and sedation of the beneficiary, prior to a colorectal cancer screening test consisting of a screening colonoscopy or in conjunction with the beneficiary's decision to obtain such a screening, regardless of whether such screening is medically indicated with respect to the beneficiary;".

(2) PAYMENT.—

(A) IN GENERAL.—Section 1833(a)(1) (42 U.S.C. 1395l(a)(1)) is amended—

(i) by striking "and" before "(V)"; and

(ii) by inserting before the semicolon at the end the following: ", and (W) with respect to an outpatient office visit or consultation under section 1861(s)(2)(BB), the amounts paid shall be 80 percent of the lesser of the actual charge or the amount established under section 1848".

(B) PAYMENT UNDER PHYSICIAN FEE SCHEDULE.—Section 1848(j)(3) (42 U.S.C. 1395w-4(j)(3)), as amended by section 6117, is amended by inserting "(2)(BB)," after "(2)(AA),".

(C) REQUIREMENT FOR ESTABLISHMENT OF PAYMENT AMOUNT UNDER PHYSICIAN FEE SCHEDULE.—Section 1834(d) (42 U.S.C. 1395m(d)), as amended by subsection (a), is amended by adding at the end the following new paragraph:

"(5) PAYMENT FOR OUTPATIENT OFFICE VISIT OR CONSULTATION PRIOR TO SCREENING COLONOSCOPY.—With respect to an outpatient office visit or consultation under section 1861(s)(2)(BB), payment under section 1848 shall be consistent with the payment amounts for CPT codes 99203 and 99243.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to items and services provided on or after January 1, 2007.

(c) WAIVER OF DEDUCTIBLE FOR COLORECTAL CANCER SCREENING TESTS.—

(1) IN GENERAL.—Section 1833(b) (42 U.S.C. 1395l(b)), as amended by section 6117, is amended in the first sentence—

(A) by striking "and" before "(7)"; and

(B) by inserting before the period at the end the following: ", and (8) such deductible shall not apply with respect to colorectal cancer screening tests (as described in section 1861(pp)(1))".

(2) CONFORMING AMENDMENTS.—Paragraphs (2)(C)(ii) and (3)(C)(ii) of section 1834(d) (42 U.S.C. 1395m(d)) are each amended—

(A) by striking "DEDUCTIBLE AND" in the heading; and

(B) in subclause (I), by striking "deductible or" each place it appears.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to items and services furnished on or after January 1, 2007.

SEC. 6119. COVERAGE OF MARRIAGE AND FAMILY THERAPIST SERVICES AND MENTAL HEALTH COUNSELOR SERVICES UNDER PART B OF THE MEDICARE PROGRAM.

(a) COVERAGE OF SERVICES.—

(1) IN GENERAL.—Section 1861(s)(2) (42 U.S.C. 1395x(s)(2)), as amended by section 6118(b), is amended—

(A) in subparagraph (AA), by striking "and" after the semicolon at the end;

(B) in subparagraph (BB), by inserting "and" after the semicolon at the end; and

(C) by adding at the end the following new subparagraph:

"(CC) marriage and family therapist services (as defined in subsection (ccc)(1)) and mental health counselor services (as defined in subsection (ccc)(3));".

(2) DEFINITIONS.—Section 1861 (42 U.S.C. 1395x), as amended by section 6117, is amended by adding at the end the following new subsection:

"Marriage and Family Therapist Services; Marriage and Family Therapist; Mental Health Counselor Services; Mental Health Counselor

"(ccc)(1) The term 'marriage and family therapist services' means services performed by a marriage and family therapist (as defined in paragraph (2)) for the diagnosis and treatment of mental illnesses, which the marriage and family therapist is legally authorized to perform under State law (or the State regulatory mechanism provided by State law) of the State in which such services are performed, as would otherwise be covered if furnished by a physician or as an incident to a physician's professional service, but only if no facility or other provider charges or is paid any amounts with respect to the furnishing of such services.

"(2) The term 'marriage and family therapist' means an individual who—

"(A) possesses a master's or doctoral degree which qualifies for licensure or certification as a marriage and family therapist pursuant to State law;

"(B) after obtaining such degree has performed at least 2 years of clinical supervised experience in marriage and family therapy; and

"(C) in the case of an individual performing services in a State that provides for licensure or certification of marriage and family therapists, is licensed or certified as a marriage and family therapist in such State.

"(3) The term 'mental health counselor services' means services performed by a mental health counselor (as defined in paragraph (4)) for the diagnosis and treatment of mental illnesses which the mental health counselor is legally authorized to perform under State law (or the State regulatory mechanism provided by the State law) of the State in which such services are performed, as would otherwise be covered if furnished by a physician or as incident to a physician's professional service, but only if no facility or other provider charges or is paid any amounts with respect to the furnishing of such services.

"(4) The term 'mental health counselor' means an individual who—

"(A) possesses a master's or doctor's degree in mental health counseling or a related field;

"(B) after obtaining such a degree has performed at least 2 years of supervised mental health counselor practice; and

"(C) in the case of an individual performing services in a State that provides for licensure or certification of mental health counselors or professional counselors, is licensed or certified as a mental health counselor or professional counselor in such State.".

(3) PROVISION FOR PAYMENT UNDER PART B.—Section 1832(a)(2)(B) (42 U.S.C. 1395k(a)(2)(B)) is amended by adding at the end the following new clause:

"(v) marriage and family therapist services and mental health counselor services;".

(4) AMOUNT OF PAYMENT.—Section 1833(a)(1) (42 U.S.C. 1395l(a)(1)), as amended by section 6118, is amended—

(A) by striking "and (W)" and inserting "(W)"; and

(B) by inserting before the semicolon at the end the following: ", and (X) with respect to marriage and family therapist services and mental health counselor services under section 1861(s)(2)(CC), the amounts paid shall be 80 percent of the lesser of the actual charge for the services or 75 percent of the amount determined for payment of a psychologist under subparagraph (L)".

(5) EXCLUSION OF MARRIAGE AND FAMILY THERAPIST SERVICES AND MENTAL HEALTH COUNSELOR SERVICES FROM SKILLED NURSING FACILITY PROSPECTIVE PAYMENT SYSTEM.—Section 1888(e)(2)(A)(ii) (42 U.S.C. 1395yy(e)(2)(A)(ii)) is amended by inserting "marriage and family therapist services (as defined in section 1861(ccc)(1)), mental health counselor services (as defined in section 1861(ccc)(3))," after "qualified psychologist services,".

(6) INCLUSION OF MARRIAGE AND FAMILY THERAPISTS AND MENTAL HEALTH COUNSELORS AS PRACTITIONERS FOR ASSIGNMENT OF CLAIMS.—Section 1842(b)(18)(C) (42 U.S.C. 1395u(b)(18)(C)) is amended by adding at the end the following new clauses:

"(vii) A marriage and family therapist (as defined in section 1861(ccc)(2)).

"(viii) A mental health counselor (as defined in section 1861(ccc)(4)).".

(b) COVERAGE OF CERTAIN MENTAL HEALTH SERVICES PROVIDED IN CERTAIN SETTINGS.—

(1) RURAL HEALTH CLINICS AND FEDERALLY QUALIFIED HEALTH CENTERS.—Section 1861(aa)(1)(B) (42 U.S.C. 1395x(aa)(1)(B)) is amended by striking "or by a clinical social worker (as defined in subsection (hh)(1))," and inserting ", by a clinical social worker (as defined in subsection (hh)(1)), by a marriage and family therapist (as defined in subsection (ccc)(2)), or by a mental health counselor (as defined in subsection (ccc)(4)),".

(2) HOSPICE PROGRAMS.—Section 1861(dd)(2)(B)(i)(III) (42 U.S.C. 1395x(dd)(2)(B)(i)(III)) is amended by inserting "or one marriage and family therapist (as defined in subsection (bbb)(2))" after "social worker".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to services furnished on or after January 1, 2007.

SEC. 6120. QUALITY MEASUREMENT SYSTEMS AMENDMENTS.

Section 1860E–1, as added by section 6110(a)(2), is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (B)—

(i) in clause (vi), by striking "and" at the end;

(ii) in clause (vii), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following new clause:

"(viii) measures that address conditions where there is the greatest disparity of health care provided and health outcomes between majority and minority groups."; and

(B) in subparagraph (E)—

(i) in clause (v), by striking "and" at the end;

(ii) by redesignating clause (vi) as clause (vii); and

(iii) by inserting after clause (v) the following new clause:

"(vi) allows quality measures that are reported to be stratified according to patient group characteristics, and";

(2) in subsection (c)(4)—

(A) in subparagraph (B), by striking "and" at the end;

(B) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(D) The report commissioned by Congress from the Institute of Medicine of the National Academy of Sciences, titled 'Unequal Treatment: Confronting Racial and Ethnic Disparities in Health Care'."; and

(3) in subsection (d)(2), by inserting "experts in minority health," after "government agencies,".

TITLE VII—COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Subtitle A—Education Provisions

CHAPTER 1—EDUCATION

SEC. 7101. PROVISIONAL GRANT ASSISTANCE PROGRAM.

(a) AMENDMENT.—Subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a) is amended by adding at the end the following:

"SEC. 401A. PROVISIONAL GRANT ASSISTANCE PROGRAM.

"(a) GRANTS.—

"(1) IN GENERAL.—From amounts appropriated under subsection (e) for a fiscal year and subject to subsection (b), the Secretary shall award grants to students (which shall be known as 'ProGAP awards') in the same manner as the Secretary awards grants to students under section 401, except that—

"(A) at the beginning of each award year, the Secretary shall establish a maximum and minimum award level based on amounts made available under subsection (e);

"(B) the Secretary shall only award grants under this section to students eligible for a grant under section 401 for the award year; and

"(C) when determining eligibility for the awards, the Secretary shall consider only those students who are eligible for a grant under section 401, as of June 30 of the award year for which the determination is made.

"(D) the Secretary—

"(i) shall determine if an increase in the amount of a grant under this section is needed to help encourage students to pursue courses of study that are important to the current and future national, homeland, and economic security needs of the United States; and

"(ii) after making the determination described in clause (i), may increase the maximum and minimum award level established under subparagraph (A) by not more than 25 percent, for students eligible for a grant under this section who are pursuing a degree with a major in mathematics, science, technology, engineering, or a foreign language that is critical to the national security of the United States; and

"(E) not later than September 30 of each fiscal year, the Secretary shall notify Congress, in writing, of the Secretary's determination with respect to subparagraph (D)(i) and of any increase in award levels under subparagraph (D)(ii).

"(2) STUDENTS WITH THE GREATEST NEED.—The Secretary shall ensure grants are awarded under this section to students with the greatest need as determined in accordance with section 471.

"(b) COST OF ATTENDANCE LIMITATION.—A grant awarded under this section for an award year shall be awarded in an amount that does not exceed—

"(1) the student's cost of attendance for the award year; less

"(2) an amount equal to the expected family contribution for that student for the award year.

"(c) SUPPLEMENT NOT SUPPLANT.—Grants awarded from funds made available under subsection (e) shall be used to supplement, and not supplant, other Federal, State, or institutional grant funds.

"(d) USE OF EXCESS FUNDS.—

"(1) 15 PERCENT OR LESS.—If, at the end of a fiscal year, the funds available for making grant payments under this section exceed the amount necessary to make the grant payments required under this section to eligible students by 15 percent or less, then all of the excess funds shall remain available for making grant payments under this section during the next succeeding fiscal year.

"(2) MORE THAN 15 PERCENT.—If, at the end of a fiscal year, the funds available for making grant payments under this section exceed the amount necessary to make the grant payments required under this section to eligible students by more than 15 percent, then all of such funds shall remain available for making such grant payments but grant payments may be made under this paragraph only with respect to awards for that fiscal year.".

"(e) AUTHORIZATION AND APPROPRIATION OF FUNDS.—There are authorized to be appropriated, and there are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Education to carry out this section and section 401B—

"(1) $1,897,000,000 for fiscal year 2006;

"(2) $1,901,000,000 for fiscal year 2007;

"(3) $1,899,000,000 for fiscal year 2008;

"(4) $1,898,000,000 for fiscal year 2009; and

"(5) $1,897,000,000 for fiscal year 2010.

"(f) SUNSET PROVISION.—This section shall be effective with respect to amounts appropriated for fiscal year 2006 and each of the 4 succeeding fiscal years.".

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the amounts appropriated to carry out sections 401A and 401B of the Higher Education Act of 1965 are the result of the savings generated by the amendments made by this chapter.

SEC. 7102. NATIONAL SMART GRANTS.

Subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a) is further amended by adding after section 401A (as added by section 7101):

"SEC. 401B. NATIONAL SMART GRANTS.

"(a) FINDINGS.—Congress makes the following findings:

"(1) If the United States is to remain a world leader in the global economy, its college students must have the training they need to compete for the best jobs of the 21st century.

(2) The United States intelligence community faces major shortages in foreign languages critical to national security, and will also require major incentives to fill projected workforce needs.

"(3) Increasingly, the best jobs of the 21st century will require baccalaureate degrees in the sciences, mathematics, technology, engineering, and foreign languages critical to national security, or be generated by people who have such degrees.

"(4) Congress should establish a National Science and Mathematics Access to Retain Talent (SMART) grant program to meet the goals described in paragraphs (1) through (3).

"(b) PURPOSE.—The purpose of this section is to increase the number of postsecondary students from low-income backgrounds who are enrolled in studies leading to baccalaureate degrees in physical, life, or computer sciences, mathematics, technology, engineering, and foreign languages critical to national security.

"(c) GRANTS AUTHORIZED.—From amounts appropriated under section 401A(c) for a fiscal year, the Secretary shall award grants to eligible students to assist the eligible students in paying their college education expenses.

"(d) DESIGNATION.—A grant under this section shall be known as a 'National Science and Mathematics Access to Retain Talent Grant’ or a ‘National SMART Grant’.

“(e) Definition of Eligible Student.—In this section the term ‘eligible student’ means a student who, for the academic year for which the determination is made—

“(1) is eligible for a Federal Pell Grant; and

“(2) is in the student’s 3rd or 4th year at an institution of higher education majoring in—

“(A) mathematics, science, technology, or engineering (as determined by the Secretary pursuant to regulations); or

“(B) a foreign language that the Secretary, in consultation with the Director of National Intelligence, determines is critical to the national security of the United States.

“(f) Grant Amount.—The Secretary shall award a grant under this section in an amount that does not exceed $1,500 for an academic year.

“(g) Funding Rule.—The Secretary shall use not more than $450,000,000 of the funds appropriated under section 401A(c) for each of the fiscal years 2006 through 2010 to carry out this section.

“(h) Unobligated Funds Available for Federal Grant Assistance.—The Secretary shall make any funds made available under subsection (g) for a fiscal year that remain unobligated at the end of the fiscal year available to carry out section 401A.

“(i) Matching Assistance.—An institution of higher education may, from funds provided from private sources, provide additional assistance to a student receiving a grant under this section, except that the total assistance provided under this title to a student shall not exceed the student’s cost of attendance.”.

SEC. 7103. LOAN LIMITS.

(a) Federal Insurance Limits.—Section 425(a)(1)(A) of the Higher Education Act of 1965 (20 U.S.C. 1075(a)(1)(A)) is amended—

(1) in clause (i)(I), by striking “$2,625” and inserting “$3,500”; and

(2) in clause (ii)(I), by striking “$3,500” and inserting “$4,500”.

(b) Guarantee Limits.—Section 428(b)(1)(A) of the Higher Education Act of 1965 (20 U.S.C. 1078(b)(1)(A)) is amended—

(1) in clause (i)(I), by striking “$2,625” and inserting “$3,500”; and

(2) in clause (ii)(I), by striking “$3,500” and inserting “$4,500”.

(c) Federal PLUS Loans.—Section 428B of the Higher Education Act of 1965 (20 U.S.C. 1078–2) is amended—

(1) in subsection (a)(1)—

(A) in the matter preceding subparagraph (A), by striking “Parents” and inserting “A graduate or professional student or the parents”;

(B) in subparagraph (A), by striking “the parents” and inserting “the graduate or professional student or the parents”; and

(C) in subparagraph (B), by striking “the parents” and inserting “the graduate or professional student or the parents”;

(2) in subsection (b), by striking “any parent” and inserting “any graduate or professional student or any parent”;

(3) in subsection (c)(2), by striking “parent” and inserting “graduate or professional student or parent”; and

(4) in subsection (d)(1), by striking “the parent” and inserting “the graduate or professional student or the parent”.

(d) Unsubsidized Stafford Loans for Graduate or Professional Students.—Section 428H(d)(2) of the Higher Education Act of 1965 (20 U.S.C. 1078–8(d)(2)) is amended—

(1) in subparagraph (C), by striking “$10,000” and inserting “$12,000”; and

(2) in subparagraph (D)—

(A) in clause (i), by striking “$5,000” and inserting “$7,000”; and

(B) in clause (ii), by striking “$5,000” and inserting “$7,000”.

SEC. 7104. PLUS LOAN INTEREST RATES AND ZERO SPECIAL ALLOWANCE PAYMENT.

(a) PLUS Loans.—Section 427A(l)(2) of the Higher Education Act of 1965 (20 U.S.C. 1077a(l)(2)) is amended by striking “7.9 percent” and inserting “8.5 percent”.

(b) Conforming Amendments for Special Allowances.—

(1) Amendments.—Subparagraph (I) of section 438(b)(2) of the Higher Education Act of 1965 (20 U.S.C. 1087–1(b)(2)) is amended—

(A) in clause (iv), by striking “, subject to clause (vi) of this subparagraph”;

(B) in clause (v), by striking “July 1, 2006” each place it appears and inserting “April 1, 2006”; and

(C) by striking clauses (vi) and (vii) and inserting the following:

“(vi) Recapture of excess interest.—

“(I) Excess credited.—With respect to a loan on which the applicable interest rate is determined under subsection (k) or (l) of section 427A and for which the first disbursement of principal is made on or after April 1, 2006, if the applicable interest rate for any 3-month period exceeds the special allowance support level applicable to such loan under this subparagraph for such period, then an adjustment shall be made by calculating the excess interest in the amount computed under subclause (II) of this clause, and by crediting the excess interest to the Government not less often than annually.

“(II) Calculation of excess.—The amount of any adjustment of interest on a loan to be made under this subsection for any quarter shall be equal to—

“(aa) the applicable interest rate minus the special allowance support level determined under this subparagraph; multiplied by

“(bb) the average daily principal balance of the loan (not including unearned interest added to principal) during such calendar quarter; divided by

“(cc) four.

“(III) Special allowance support level.—For purposes of this clause, the term ‘special allowance support level’ means, for any loan, a number expressed as a percentage equal to the sum of the rates determined under subclauses (I) and (III) of clause (i), and applying any substitution rules applicable to such loan under clauses (ii), (iii), and (iv) in determining such sum.”.

(2) Effective date.—The amendments made by this subsection shall not apply with respect to any special allowance payment made under section 438 of the Higher Education Act of 1965 (20 U.S.C 1087–1) before April 1, 2006.

SEC. 7105. REDUCTION OF LENDER INSURANCE REIMBURSEMENT RATES.

(a) Amendment.—Subparagraph (G) of section 428(b)(1) of the Higher Education Act of 1965 (20 U.S.C. 1078(b)(1)) is amended to read as follows:

“(G) insures 97 percent of the unpaid principal of loans insured under the program;”.

(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to any loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.) for which the first disbursement is made on or after January 1, 2006.

SEC. 7106. GUARANTY AGENCY ORIGINATION FEE.

(a) Amendment.—Section 428(b)(1)(H) of the Higher Education Act of 1965 (20 U.S.C. 1078(b)(1)(H)) is amended to read as follows:

“(H) provides for the collection, and the deposit in the Federal Fund established under section 422A(a), of a guaranty agency origination fee of 1.0 percent of each disbursement of the proceeds of the loan, which fee may be provided from funds in the guaranty agency’s operating fund under section 422B or from other non-Federal funds;”.

(b) Effective Date.—The amendment made by subsection (a) shall be effective with respect to any loan disbursed under part B of title IV of the Higher Education Act of 1965 on or after April 1, 2006.

SEC. 7107. DEFERMENT OF STUDENT LOANS FOR MILITARY SERVICE.

(a) Federal Family Education Loans.—Section 428(b)(1)(M) of the Higher Education Act of 1965 (20 U.S.C. 1078(b)(1)(M)) is amended—

(1) by striking “or” at the end of clause (ii);

(2) by redesignating clause (iii) as clause (iv); and

(3) by inserting after clause (ii) the following new clause:

“(iii) not in excess of 3 years during which the borrower—

“(I) is serving on active duty during a war or other military operation or national emergency; or

“(II) is performing qualifying National Guard duty during a war or other military operation or national emergency; or”.

(b) Direct Loans.—Section 455(f)(2) of the Higher Education Act of 1965 (20 U.S.C. 1087e(f)(2)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following new subparagraph:

“(C) not in excess of 3 years during which the borrower—

“(i) is serving on active duty during a war or other military operation or national emergency; or

“(ii) is performing qualifying National Guard duty during a war or other military operation or national emergency; or”.

(c) Perkins Loans.—Section 464(c)(2)(A) of the Higher Education Act of 1965 (20 U.S.C. 1087dd(c)(2)(A)) is amended—

(1) by redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively; and

(2) by inserting after clause (ii) the following new clause:

“(iii) not in excess of 3 years during which the borrower—

“(I) is serving on active duty during a war or other military operation or national emergency; or

“(II) is performing qualifying National Guard duty during a war or other military operation or national emergency;”.

(d) Definitions.—Section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088) is amended by adding at the end the following new subsection:

“(d) Definitions for Military Deferments.—For purposes of parts B, D, and E of this title:

“(1) Active duty.—The term ‘active duty’ has the meaning given such term in section 101(d)(1) of title 10, United States Code, except that such term does not include active duty for training or attendance at a service school.

“(2) Military operation.—The term ‘military operation’ means a contingency operation as such term is defined in section 101(a)(13) of title 10, United States Code.

"(3) National Emergency.—The term 'national emergency' means the national emergency by reason of certain terrorist attacks declared by the President on September 14, 2001, or subsequent national emergencies declared by the President by reason of terrorist attacks.

"(4) Serving on Active Duty.—The term 'serving on active duty during a war or other military operation or national emergency' means service by an individual who is—

"(A) a Reserve of an Armed Force ordered to active duty under section 12301(a), 12301(g), 12302, 12304, or 12306 of title 10, United States Code, or any retired member of an Armed Force ordered to active duty under section 688 of such title, for service in connection with a war or other military operation or national emergency, regardless of the location at which such active duty service is performed; and

"(B) any other member of an Armed Force on active duty in connection with such emergency or subsequent actions or conditions who has been assigned to a duty station at a location other than the location at which such member is normally assigned.

"(5) Qualifying National Guard Duty.—The term 'qualifying National Guard duty during a war or other military operation or national emergency' means service as a member of the National Guard on full-time National Guard duty (as defined in section 101(d)(5) of title 10, United States Code) under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under section 502(f) of title 32, United States Code, in connection with a war, other military operation, or a national emergency declared by the President and supported by Federal funds.".

(e) Rule of Construction.—Nothing in the amendments made by this section shall be construed to authorize any refunding of any repayment of a loan.

(f) Effective Date.—The amendments made by this section shall apply with respect to loans for which the first disbursement is made on or after July 1, 2001.

SEC. 7108. RECOVERY THROUGH CONSOLIDATION.

Section 428(c) of the Higher Education Act of 1965 (20 U.S.C 1078(c)) is amended—

(1) in paragraph (2)(A)—

(A) by inserting "(i)" after "including"; and

(B) by inserting before the semicolon at the end the following: "and (ii) requirements establishing procedures to preclude consolidation lending from being an excessive proportion of guaranty agency recoveries on defaulted loans under this part";

(2) in paragraph (2)(D), by striking "paragraph (6)" and inserting "paragraph (6)(A)"; and

(3) in paragraph (6)—

(A) by inserting "(A)" before "For the purposes of paragraph (2)(D),";

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively; and

(C) by adding at the end the following new subparagraphs:

"(B) Guaranty Agency Obligations.—A guaranty agency shall—

"(i) on or after October 1, 2006—

"(I) not charge the borrower collection costs in an amount in excess of 18.5 percent of the outstanding principal and interest of a defaulted loan that is paid off through consolidation by the borrower under this title; and

"(II) remit to the Secretary a portion of the collection charge under subclause (I) equal to 8.5 percent of the outstanding principal and interest of such defaulted loan; and

"(ii) on and after October 1, 2009, remit to the Secretary the entire amount charged under clause (i)(I) with respect to each defaulted loan that is paid off with excess consolidation proceeds.

"(C) Excess Consolidation Proceeds.—For purposes of subparagraph (B), the term 'excess consolidation proceeds' means, with respect to any guaranty agency for any Federal fiscal year beginning on or after October 1, 2009, the proceeds of consolidation of defaulted loans under this title that exceed 45 percent of the agency's total collections on defaulted loans in such Federal fiscal year.".

SEC. 7109. SINGLE HOLDER RULE.

Subparagraph (A) of section 428C(b)(1) of the Higher Education Act of 1965 (20 U.S.C. 1078–3(b)(1)) is amended by striking "and (i)" and all that follows through "so selected for consolidation)".

SEC. 7110. DEFAULT REDUCTION PROGRAM.

Section 428F(a)(1) of the Higher Education Act of 1965 (20 U.S.C. 1078–6(a)(1)) is amended—

(1) in subparagraph (A), by striking "consecutive payments for 12 months" and inserting "9 payments made within 20 days of the due date during 10 consecutive months";

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following new subparagraph:

"(C) A guaranty agency may charge the borrower and retain collection costs in an amount not to exceed 18.5 percent of the outstanding principal and interest at the time of sale of a loan rehabilitated under subparagraph (A).".

SEC. 7111. REQUIREMENTS FOR DISBURSEMENTS OF STUDENT LOANS.

Section 428G of the Higher Education Act of 1965 (20 U.S.C. 1078–7) is amended—

(1) in subsection (a)(3), by adding at the end the following: "Notwithstanding section 422(d) of the Higher Education Amendments of 1998, this paragraph shall be effective beginning on the date of enactment of the Higher Education Amendments of 2005."; and

(2) in subsection (b)(1), by adding at the end the following: "Notwithstanding section 422(d) of the Higher Education Amendments of 1998, the second sentence of this paragraph shall be effective beginning on the date of enactment of the Higher Education Amendments of 2005.".

SEC. 7112. SPECIAL INSURANCE AND REINSURANCE RULES.

(a) Repeal.—Section 428I of the Higher Education Act of 1965 (20 U.S.C. 1078–9) is repealed.

(b) Conforming Amendments.—Part A of title IV of the Higher Education Act of 1965 (20 U.S.C.1070 et seq.) is amended—

(1) in section 428(c)(1)—

(A) by striking subparagraph (D); and

(B) by redesignating subparagraphs (E) and (F) as subparagraphs (D) and (E), respectively; and

(2) in section 438(b)(5), by striking the matter following subparagraph (B).

SEC. 7113. SCHOOL AS LENDER MORATORIUM.

Section 435(d)(2) of the Higher Education Act of 1965 (20 U.S.C. 1085(d)(2)) is amended—

(1) in subparagraph (E), by striking "and" after the semicolon; and

(2) by inserting before the matter following subparagraph (F) (as amended by section 7390) the following:

"(G) shall have met the requirements of subparagraphs (A) through (F), and made loans under this part, on or before August 31, 2005;

"(H) shall hold each loan the eligible institution makes under this part to a student enrolled at the eligible institution until the student enters into a grace period described in section 427(a)(2)(B) or 428(b)(7);

"(I) shall use the proceeds from the sale of a loan made under this part, for need based grant aid programs, except that such proceeds—

"(i) shall not be used to provide a grant to a student for an academic year in an amount that is more than the student's cost of attendance for the academic year; and

"(ii) shall supplement and not supplant other Federal, State, and institutional grant aid; and

"(J) shall not be a foundation or alumni organization;".

SEC. 7114. PERMANENT REDUCTION OF SPECIAL ALLOWANCE PAYMENTS FOR LOANS FROM THE PROCEEDS OF TAX EXEMPT ISSUES.

(a) Technical Clarification.—The matter preceding paragraph (1) of section 2 of the Taxpayer-Teacher Protection Act of 2004 (Public Law 108–409; 118 Stat. 2299) is amended by inserting "of the Higher Education Act of 1965" after "Section 438(b)(2)(B)". The amendment made by the preceding sentence shall be effective as if enacted on October 30, 2004.

(b) Amendment.—Section 438(b)(2)(B) of the Higher Education Act of 1965 (20 U.S.C. 1087–1(b)(2)(B)) is amended—

(1) in clause (iv), by striking "and before January 1, 2006,"; and

(2) in clause (v)(II)—

(A) in item (aa), by striking "and before January 1, 2006,";

(B) in item (bb), by striking "and before January 1, 2006,"; and

(C) in item (cc), by striking "and before January 1, 2006,".

SEC. 7115. SPECIAL ALLOWANCES.

(a) Origination Fees.—Paragraph (2) of section 438(c) of the Higher Education Act of 1965 (20 U.S.C. 1087–1(c)) is amended—

(1) by striking the designation and heading of such paragraph and inserting the following:

"(2) Amount of Origination Fees.—

"(A) In General.—"; and

(2) by adding at the end the following new subparagraph:

"(B) Subsequent Reductions.—Subparagraph (A) shall be applied to loans made under this part (other than loans made under sections 428C and 439(o)) by substituting '2.50 percent' for '3.0 percent' with respect to loans for which the first disbursement of principal is made on or after July 1, 2007.".

(b) Loan Fees From Lenders.—

(1) Amendment.—Paragraph (2) of section 438(d)(2) of the Higher Education Act of 1965 (20 U.S.C. 1087–1(d)) is amended to read as follows:

"(2) Amount of Loan Fees.—

"(A) In General.—Except as provided in subparagraph (B), with respect to any loan made under this part for which the first disbursement was made on or after October 1, 1993, the amount of the loan fee that shall be deducted under paragraph (1) shall be equal to 0.50 percent of the principal amount of the loan.

"(B) Consolidation Loans.—With respect to any loan made under section 428C on or after April 1, 2006, the amount of the loan fee that shall be deducted under paragraph (1) shall be equal to 1.0 percent of the principal amount of the loan.".

(2) Effective Date.—The amendment made by paragraph (1) shall apply with respect to any loan made, insured, or guaranteed under part B of title IV of the Higher

Education Act of 1965 (20 U.S.C. 1071 et seq.) for which the first disbursement is made on or after April 1, 2006.

SEC. 7116. ORIGINATION FEE.

Section 455(c) of the Higher Education Act of 1965 (20 U.S.C. 1087e(c)) is amended—

(1) by striking "shall" and inserting "is authorized to"; and

(2) by striking "4.0 percent of the principal amount of loan" and inserting "not less than 1 percent and not more than 3 percent of the principal amount of the loan, except that the Secretary shall charge the borrower of a Federal Direct PLUS Loan an origination fee of 4.0 percent of the principal amount of the loan. Beginning on July 1, 2007, the preceding sentence shall be applied by substituting '2.5 percent' for '3 percent' ".

SEC. 7117. INCOME CONTINGENT REPAYMENT FOR PUBLIC SECTOR EMPLOYEES.

Section 455(e) of the Higher Education Act of 1965 (20 U.S.C. 1087e(e)) is amended by adding at the end the following:

"(7) REPAYMENT PLAN FOR PUBLIC SECTOR EMPLOYEES.—

"(A) IN GENERAL.—The Secretary shall forgive the balance due on any loan made under this part or section 428C(b)(5) for a borrower—

"(i) who has made 120 payments on such loan pursuant to income contingent repayment; and

"(ii) who is employed, and was employed for the 10-year period in which the borrower made the 120 payments described in clause (i), in a public sector job.

"(B) PUBLIC SECTOR JOB.—In this paragraph, the term 'public sector job' means a full-time job in emergency management, government, public safety, law enforcement, public health, education (including early childhood education), or public interest legal services (including prosecution or public defense).

"(8) RETURN TO STANDARD REPAYMENT.—A borrower who is repaying a loan made under this part pursuant to income contingent repayment may choose, at any time, to terminate repayment pursuant to income contingent repayment and repay such loan under the standard repayment plan.".

SEC. 7118. FAMILY CONTRIBUTION FOR DEPENDENT STUDENTS.

(a) AMENDMENTS.—Section 475 of the Higher Education Act of 1965 (20 U.S.C. 1087oo) is amended—

(1) in subsection (g)(2)(D), by striking "$2,200" and inserting "$3,000"; and

(2) in subsection (h), by striking "35" and inserting "20".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to determinations of need for periods of enrollment beginning on or after July 1, 2007.

SEC. 7119. FAMILY CONTRIBUTION FOR INDEPENDENT STUDENTS WITHOUT DEPENDENTS OTHER THAN A SPOUSE.

(a) AMENDMENTS.—Section 476 of the Higher Education Act of 1965 (20 U.S.C.1087pp) is amended—

(1) in subsection (b)(1)(A)(iv)—

(A) in subclause (I), by striking "$5,000" and inserting "$6,050";

(B) in subclause (II), by striking "$5,000" and inserting "$6,050"; and

(C) in subclause (III), by striking "$8,000" and inserting "$9,700"; and

(2) in subsection (c)(4), by striking "35" and inserting "20".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to determinations of need for periods of enrollment beginning on or after July 1, 2007.

SEC. 7120. FAMILY CONTRIBUTION FOR INDEPENDENT STUDENTS WITH DEPENDENTS OTHER THAN A SPOUSE.

(a) AMENDMENT.—Section 477(c)(4) of the Higher Education Act of 1965 (20 U.S.C. 1087qq(c)(4)) is amended by striking "12" and inserting "7".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to determinations of need for periods of enrollment beginning on or after July 1, 2007.

SEC. 7121. REGULATIONS; UPDATED TABLES.

Section 478(b) of the Higher Education Act of 1965 (20 U.S.C. 1087rr(b)) is amended—

(1) in paragraph (1), by adding at the end the following: "For the 2007–2008 academic year, the Secretary shall revise the tables in accordance with this paragraph, except that the Secretary shall increase the amounts contained in the table in section 477(b)(4) by a percentage equal to the greater of the estimated percentage increase in the Consumer Price Index (as determined under the preceding sentence) or 5 percent."; and

(2) in paragraph (2), by striking "2000-2001" and inserting "2007-2008".

SEC. 7122. SIMPLIFIED NEED TEST AND AUTOMATIC ZERO IMPROVEMENTS.

(a) AMENDMENTS.—Section 479 of the Higher Education Act of 1965 (20 U.S.C. 1087ss) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking clause (i) and inserting the following:

"(i) the student's parents—

"(I) file, or are eligible to file, a form described in paragraph (3);

"(II) certify that the parents are not required to file a Federal income tax return; or

"(III) received, or the student received, benefits at some time during the previous 12-month period under a means-tested Federal benefit program as defined under subsection (d); and"; and

(ii) in subparagraph (B), by striking clause (i) and inserting the following:

"(i) the student (and the student's spouse, if any)—

"(I) files, or is eligible to 1 file, a form described in paragraph (3);

"(II) certifies that the student (and the student's spouse, if any) is not required to file a Federal income tax return; or

"(III) received benefits at some time during the previous 12-month period under a means-tested Federal benefit program as defined under subsection (d); and"; and

(B) in the matter preceding subparagraph (A) of paragraph (3), by striking "A student or family files a form described in this subsection, or subsection (c), as the case maybe, if the student or family, respectively, files" and inserting "In the case of an independent student, the student, or in the case of a dependent student, the family, files a form described in this subsection, or subsection (c), as the case may be, if the student or family, as appropriate, files";

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking subparagraph (A) and inserting the following:

"(A) the student's parents—

"(i) file, or are eligible to file, a form described in subsection (b)(3);

"(ii) certify that the parents are not required to file a Federal income tax return; or

"(iii) received, or the student received, benefits at some time during the previous 12-month period under a means-tested Federal benefit program as defined under subsection (d); and"; and

(ii) by striking subparagraph (B) and inserting the following:

"(B) the sum of the adjusted gross income of the parents is less than or equal to $20,000; or"; and

(B) in paragraph (2)—

(i) by striking subparagraph (A) and inserting the following:

"(A) the student (and the student's spouse, if any)—

"(i) files, or is eligible to file, a form described in subsection (b)(3);

"(ii) certifies that the student (and the student's spouse, if any) is not required to file a Federal income tax return; or

"(iii) received benefits at some time during the previous 12-month period under a means-tested Federal benefit program as defined under subsection (d); and"; and

(ii) by striking subparagraph (B) and inserting the following:

"(B) the sum of the adjusted gross income of the student and spouse (if appropriate) is less than or equal to $20,000."; and

(3) by adding at the end the following:

"(d) DEFINITIONS.—In this section:

"(1) MEANS-TESTED FEDERAL BENEFIT PROGRAM.—In this section, the term "means-tested Federal benefit program" means a mandatory spending program of the Federal Government, other than a program under this title, in which eligibility for the program's benefits, or the amount of such benefits, are determined on the basis of income or resources of the individual or family seeking the benefit, and may include such programs as—

"(A) the supplemental security income program under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.);

"(B) the food stamp program under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

"(C) the free and reduced price school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

"(D) the program of block grants for States for temporary assistance for needy families established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

"(E) the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786); and

"(F) other programs identified by the Secretary.".

(b) EVALUATION OF SIMPLIFIED NEEDS TEST.—

(1) ELIGIBILITY GUIDELINES.—The Secretary of Education shall regularly evaluate the impact of the eligibility guidelines in subsections (b)(1)(A)(i), (b)(1)(B)(i), (c)(1)(A), and (c)(2)(A) of section 479 of the Higher Education Act of 1965 (20 U.S.C. 1087ss(b)(1)(A)(i), (b)(1)(B)(i), (c)(1)(A), and (c)(2)(A)).

(2) MEANS-TESTED FEDERAL BENEFIT PROGRAM.—For each 3-year period, the Secretary of Education shall evaluate the impact of including the receipt of benefits by a student or parent under a means-tested Federal benefit program (as defined in section 479(d) of the Higher Education Act of 1965 (20 U.S.C. 1087ss(d)) as a factor in determining eligibility under subsections (b) and (c) of section 479 of the Higher Education Act of 1965 (20 U.S.C. 1087ss(b) and (c)).

SEC. 7123. LOAN FORGIVENESS FOR TEACHERS.

Section 3(b)(3) of the Taxpayer-Teacher Protection Act of 2004 (20 U.S.C. 1078–10 note) is amended by striking ", and before October 1, 2005".

SEC. 7124. EFFECTIVE DATE.

Except as otherwise provided in this chapter or the amendments made by this chapter, the amendments made by this chapter shall take effect on July 1, 2006.

CHAPTER 2—HURRICANE KATRINA HIGHER EDUCATION RECOVERY

SEC. 7151. SHORT TITLE.

This chapter may be cited as the "Hurricane Katrina Higher Education Recovery Act".

SEC. 7152. DEFINITIONS.

In this chapter:

(1) AFFECTED BORROWER.—The term "affected borrower" means an individual who—

(A) was in repayment, but not in deferment, on a loan made, insured, or guaranteed under part B, D, or E of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.) on August 22, 2005, or enters or entered repayment after August 22, 2005 and before June 30, 2006; and

(B)(i) lives or lived, as of August 22, 2005, in a county or parish of Alabama, Louisiana, or Mississippi—

(I) in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) as a result of Hurricane Katrina; and

(II) which the President has determined warrants individual assistance from the Federal Government; or

(ii) worked, as of August 22, 2005, in a county or parish described in clause (i).

(2) AFFECTED INSTITUTION.—

(A) IN GENERAL.—The term "affected institution" means an institution of higher education, as defined in section 101 or 102 of the Higher Education Act of 1965 (20 U.S.C. 1001, 1002), that—

(i) is located in an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act due to the effects of Hurricane Katrina; and

(ii) is impacted by Hurricane Katrina.

(B) LENGTH OF TIME.—In determining eligibility for assistance under this chapter, the Secretary, using consistent, objective criteria, shall determine the time period for which an institution of higher education is an affected institution.

(C) SPECIAL RULE.—An organizational unit of an affected institution that is not impacted by Hurricane Katrina shall not be considered as part of such affected institution for purposes of receiving assistance under this chapter.

(3) AFFECTED STUDENT.—The term "affected student" means a student who was enrolled on August 29, 2005 in an affected institution.

(4) DISTANCE EDUCATION.—

(A) IN GENERAL.—The term "distance education" means a course or program that uses 1 or more of the technologies described in subparagraph (B) to—

(i) deliver instruction to students who are separated from the instructor; and

(ii) support regular and substantive interaction between the students and the instructor, either synchronously or asynchronously.

(B) INCLUSIONS.—For the purposes of subparagraph (A), the technologies used may include—

(i) the Internet;

(ii) one-way and two-way transmissions through open broadcast, closed circuit, cable, microwave, broadband lines, fiber optics, satellite, or wireless communications devices;

(iii) audio conferencing; or

(iv) video cassette, DVDs, and CD-ROMs, provided that they are used in a course in conjunction with the technologies listed in clauses (i) through (iii).

(5) SECRETARY.—The term "Secretary" means the Secretary of Education.

SEC. 7153. WAIVER AUTHORITY AND MODIFICATIONS TO CERTAIN PROVISIONS OF THE HIGHER EDUCATION ACT OF 1965.

(a) WAIVER OF INSTITUTIONAL REPAYMENT.—Notwithstanding any other provision of law, including requirements related to cash management, an affected institution shall not be required to return any funds received by the affected institution for, or on behalf of, its students under subparts 1 and 3 of part A and parts B, C, D, and E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070, 1070b et seq., 1071 et seq., 1087a et seq., 1087aa et seq., 42 U.S.C. 2751 et seq.) during the 2005–2006 academic year.

(b) WAIVER OF STUDENT RETURN OF ASSISTANCE.—Notwithstanding any other provision of law, an affected student who, as of the date of enactment of this Act, received assistance under subpart 1 or 3 of part A or parts B, C, D, or E of title IV of the Higher Education Act of 1965 for attendance at an affected institution of higher education during the 2005–2006 academic year, shall not be required to return such assistance.

(c) AFFECTED STUDENTS WHO DO NOT ENROLL IN ANOTHER INSTITUTION AND BORROWERS IN GRACE PERIODS OR DEFERMENT.—With respect to a loan made, insured, or guaranteed under part B, D, or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.)—

(1) an affected student who does not enroll in another institution of higher education shall be retained in in-school status during the period beginning on August 22, 2005, and ending on June 30, 2006; and

(2) a borrower in a grace period or in deferment as of August 22, 2005 who satisfies the requirement described in clause (i) or clause (ii) of section 201(1)(B) shall be retained in such status, without documentation or action by the borrower, until June 30, 2006.

(d) DISCHARGE OR CANCELLATION OF LOANS.—The Secretary shall—

(1) discharge all loan amounts under parts B and D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq., 1087a et seq.) disbursed to, or on behalf of, an affected student for attendance at an affected institution of higher education during the 2005–2006 academic year;

(2) reimburse lenders for the purpose of discharging any loan amounts disbursed to, or on behalf of, a student under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.), for attendance at an affected institution of higher education during the 2005–2006 academic year; and

(3) cancel any loan under part E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087aa et seq.) disbursed to a student for attendance at an affected institution of higher education during the 2005–2006 academic year.

(e) AGGREGATE AND ANNUAL LIMITS.—In the case of an affected student, any grant or loan assistance under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) that such student received, or was to have received, for a program of study at an affected institution of higher education during the 2005–2006 academic year shall not count against such student's annual or aggregate grant or loan limits for receipt of aid under such title.

(f) FORBEARANCE.—Notwithstanding the provisions of part B, D, or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.), a lender, the Secretary, or an institution of higher education is authorized to provide not more than 1 year of forbearance to an affected borrower without documentation.

(g) PROFESSIONAL JUDGMENT.—A financial aid administrator shall be considered to be making an adjustment in accordance with section 479A(a) of the Higher Education Act of 1965 (20 U.S.C. 1087tt(a)) if the financial aid administrator makes the adjustment with respect to the calculation of the expected student or parent contribution (or both) for an affected student, or for a student or a parent who resides or resided on August 22, 2005, or was employed on August 22, 2005, in an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act due to the effects of Hurricane Katrina. The financial aid administrator shall adequately document the need for the adjustment.

(h) MODIFICATION OF PART A OF TITLE II GRANTS AUTHORIZED.—The Secretary is authorized to approve modifications to the requirements for Teacher Quality Enhancement Grants for States and Partnerships under part A of title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.), at the request of the grantee—

(1) to assist States and local educational agencies to recruit and retain highly qualified teachers in a school district located in an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act due to the effects of Hurricane Katrina; and

(2) to assist institutions of higher education, as defined in section 101 of such Act (20 U.S.C. 1001), located in such area to recruit and retain faculty necessary to prepare teachers and provide professional development.

(i) WAIVER AUTHORITY TO MODIFY AUTHORIZED USES OF TRIO, GEAR-UP, PART A OR B OF TITLE III, AND OTHER GRANTS.—The Secretary is authorized to modify the required and allowable uses of funds under chapters 1 and 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq., 1070a–21 et seq.), under part A or B of title III (20 U.S.C. 1057 et seq., 1060 et seq.), and under any other competitive grant program, at the request of an affected institution or other grantee, with respect to affected institutions and other grantees located in an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act due to the effects of Hurricane Katrina.

(j) AUTHORITY TO EXTEND OR WAIVE REPORTING REQUIREMENTS UNDER SECTION 131(a).—The Secretary is authorized to extend reporting deadlines or waive reporting requirements under section 131(a) of the Higher Education Act of 1965 (20 U.S.C. 1015(a)) for an affected institution.

(k) DISTANCE EDUCATION.—The Secretary may waive the restrictions of subparagraphs (A) and (B) of section 102(a)(3) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)(3)(A) and (B)) with respect to an institution of higher education, other than a foreign institution, that offers education or training programs through distance education and is otherwise eligible to participate in programs authorized under title IV of such Act (20 U.S.C. 1070 et seq.), if such institution exceeds such restrictions described in such subparagraphs due to the enrollment of affected students.

SEC. 7154. GENERAL WAIVER AUTHORITY AND REQUIRED CONSULTATION.

(a) WAIVER AUTHORITY.—

(1) In General.—Notwithstanding any other provision of law, the Secretary may waive or modify any statutory provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) or any regulation implementing such Act as the Secretary determines necessary in connection with a major disaster that has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act due to the effects of Hurricane Katrina.

(2) Actions Authorized.—In carrying out paragraph (1), the Secretary is authorized to waive or modify any provision described in paragraph (1) as the Secretary determines necessary to ensure that—

(A) administrative requirements placed on affected students, affected borrowers, institutions of higher education, lenders, guaranty agencies and grantees are minimized to the extent possible without impairing the integrity of the higher education programs under the Higher Education Act of 1965, to ease the burden on such participants; or

(B) institutions of higher education, lenders, guaranty agencies, and other entities participating in the student financial assistance programs under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), that serve an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act due to the effects of Hurricane Katrina, may be granted temporary relief from requirements that are rendered infeasible or unreasonable due to the effects of Hurricane Katrina, including due diligence requirements and reporting deadlines.

(b) Construction.—Nothing in this section shall be construed to allow the Secretary to waive or modify any applicable statutory or regulatory requirements prohibiting discrimination in a program or activity, or in employment or contracting, under existing law (in existence on the date of the Secretary's action).

(c) Consultation.—Prior to granting any waiver or modification under this section, the Secretary shall consult with the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Education and the Workforce and the Committee on Appropriations of the House of Representatives with respect to waivers or modifications under this section.

SEC. 7155. NOTICE OF WAIVERS, MODIFICATIONS, OR EXTENSIONS.

Notwithstanding section 437 of the General Education Provisions Act (20 U.S.C. 1232) and section 553 of title 5, United States Code, the Secretary shall make publicly available the waivers, modifications, or extensions granted under section 7153 or 7154.

SEC. 7156. REGULATORY REQUIREMENTS INAPPLICABLE.

Sections 482(c) and 492 of the Higher Education Act of 1965 (20 U.S.C. 1089(c), 1098a), section 437 of the General Education Provisions Act (20 U.S.C. 1232), and section 553 of title 5, United States Code, shall not apply to this chapter.

SEC. 7157. DEPARTMENT OF EDUCATION INSPECTOR GENERAL AUDIT AND REPORT.

(a) In General.—The Inspector General of the Department of Education (referred to in this section as the "Inspector General") shall conduct an audit and investigation of each program carried out by the Department of Education that includes response and recovery activities related to Hurricane Katrina.

(b) Weekly Report.—Not less frequently than once a week, the Inspector General shall provide a report to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Education and the Workforce and the Committee on Appropriations of the House of Representatives listing the audits and investigations initiated pursuant to subsection (a).

(c) Status Report.—Not later than 6 months after the date of enactment of this Act, and biannually thereafter until the audits and investigations described in subsection (a) are complete, the Inspector General shall report to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Education and the Workforce and the Committee on Appropriations of the House of Representatives on the full status of the activities of the Inspector General under this section.

(d) Cooperative Ventures.—In carrying out this section, the Inspector General is encouraged to enter into cooperative ventures with Inspectors General of other Federal agencies.

SEC. 7158. SUNSET PROVISION.

Except as otherwise provided in this chapter, the provisions of this chapter shall be effective for the period beginning on the date of enactment of this Act and ending on September 30, 2006.

Subtitle B—Pension Benefit Guaranty Corporation Premiums

SEC. 7201. AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) Flat-Rate Premiums.—

(1) Single-Employer Plans.—Section 4006(a)(3)(A)(i) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)(A)(i)) is amended to read as follows:

"(i) in the case of a single-employer plan, an amount equal to—

"(I) for plan years beginning after December 31, 1990, and before January 1, 2006, $19, or

"(II) except as provided in subparagraph (F), for plan years beginning after December 31, 2005, $46.75,

plus the additional premium (if any) determined under subparagraph (E) for each individual who is a participant in such plan during the plan year:".

(2) Multiemployer Plans.—Section 4006(a)(3)(A) of such Act (29 U.S.C. 1306(a)(3)(A)) is amended—

(A) in clause (iii), by—

(i) inserting "and before January 1, 2006," after "Act of 1980,"; and

(ii) striking the period at the end and inserting ", or"; and

(B) by adding at the end the following:

"(iv) in the case of a multiemployer plan an amount equal to the following for each individual who is a participant in such plan during the applicable plan year:

"(I) $8.00 for plan years beginning in 2006.

"(II) For plan years after December 31, 2006, the amount determined under subparagraph (G).

(3) Indexing of Flat-Rate Premiums.—

(A) Single-Employer Premiums.—Section 4006(a)(3) of such Act (29 U.S.C. 1306(a)(3)), as amended by this Act, is amended by adding at the end the following:

"(F) Indexing of Single-Employer Flat-Rate Premiums.—

"(i) In General.—In the case of any plan year beginning after 2006, the adjusted amount under clause (ii) shall be substituted for the dollar amount under clause (i)(II) of subparagraph (A), if such adjusted amount is greater than such dollar amount.

"(ii) Adjusted Amount.—The adjusted amount for the dollar amount in clause (i)(II) of subparagraph (A) for any plan year is the product derived by multiplying such dollar amount by the ratio of—

"(I) the national average wage index (as defined in section 209(k)(1) of the Social Security Act) for the first of the 2 calendar years preceding the calendar year in which the plan year begins, to

"(II) the national average wage index (as so defined) for 2004.

If the amount determined under this clause is not a multiple of $1, such product shall be rounded to the nearest multiple of $1.".

(B) Multiemployer Premiums—Section 4006(a)(3) of such Act (29 U.S.C. 1306(a)(3)), as amended by this Act, is amended by adding at the end the following:

"(G) Indexing of Multiemployer Flat-Rate Premiums.—The amount determined under this subparagraph is the product derived by multiplying $8.00 by the ratio of—

"(i) the national average wage index (as defined in section 209(k)(1) of the Social Security Act) for the first of the 2 calendar years preceding the calendar year in which the plan year begins, to

"(ii) the national average wage index (as defined in subparagraph (F)) for 2004.

If the amount determined under this clause is not a multiple of $1, such product shall be rounded to the nearest multiple of $1.".

(b) Premium Rate for Certain Terminated Single-Employer Plans.—Section 4006(a) of such Act (29 U.S.C. 1306(a)) is amended by adding at the end the following:

"(7) Premium Rate for Certain Terminated Single-Employer Plans.—

"(A) In General.—If there is a termination of a single-employer plan under clause (ii) or (iii) of section 4041(c)(2)(B) or section 4042, there shall be payable to the corporation, with respect to each applicable 12-month period, a premium at a rate equal to $1,250 multiplied by the number of individuals who were participants in the plan immediately before the termination date. Such premium shall be in addition to any other premium under this section.

"(B) Special Rule for Plans Terminated in Bankruptcy Reorganization.—Subparagraph (A) shall not apply to a single-employer plan terminated under section 4041(c)(2)(B)(ii) or under section 4042 during pendency of any bankruptcy reorganization proceeding under chapter 11 of title 11, United States Code, (or under any similar law of a State or political subdivision of a State) until the plan sponsor emerges from bankruptcy.

"(C) Applicable 12-Month Period.—For purposes of subparagraph (A)—

"(i) In General.—The term 'applicable 12-month period' means—

"(I) the 12-month period beginning with the first month following the month in which the termination date occurs, and

"(II) each of the first two 12-month periods immediately following the period described in subclause (I).

"(ii) Plans Terminated in Bankruptcy Reorganization.—In the case of a plan described under subparagraph (B), the 12-month period described in clause (i)(I) shall be the 12-month period beginning with the first month following the month which includes the date the plan sponsor emerges from bankruptcy.

"(D) Coordination with Section 4007.—For purposes of section 4007—

"(i) premiums under this paragraph shall be due within 30 days after the beginning of any applicable 12-month period, "(ii) the fifth sentence of section 4007(a) shall not apply, and

"(iii) the designated payor under section 4007(e)(1)(A) shall be the contributing sponsor immediately before the termination date.".

(c) CONFORMING AMENDMENT.—Section 4006(a)(3)(B) of such Act (29 U.S.C. 1306(a)(3)(B)) is amended by striking "subparagraph (A)(iii)" and inserting "clause (iii) or (iv) of subparagraph (A)".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to plan years beginning after December 31, 2005.

(2) SPECIAL RULE FOR PLANS TERMINATED IN BANKRUPTCY.—The amendment made by subsection (b) shall not apply to a termination of a single-employer plan that is terminated during the pendency of any bankruptcy reorganization proceeding under chapter 11 of title 11, United States Code (or under any similar law of a State or political subdivision of a State), if the proceeding is pursuant to a bankruptcy filing occurring before October 18, 2005.

(3) SPECIAL RULE IF SUBSEQUENT SAVINGS ENACTED.—The amendments made by this section shall not take effect if, after the date of enactment of this Act and before January 1, 2006, a Federal law is enacted which—

(A) provides for decreases in Federal outlays which in the aggregate are not less than the decreases in Federal outlays by reason of the amendments made by this section; and

(B) specifically provides that such decreases are to be in lieu of the decreases in Federal outlays by reason of the amendments made by this section.

Subtitle C—Higher Education Reauthorization

CHAPTER 1—SHORT TITLE; REFERENCES; GENERAL EFFECTIVE DATE

SEC. 7301. SHORT TITLE.

(a) SHORT TITLE.—This subtitle may be cited as the "Higher Education Amendments of 2005".

SEC. 7302. REFERENCES.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

SEC. 7303. GENERAL EFFECTIVE DATE.

Except as otherwise provided in this subtitle or the amendments made by this subtitle, the amendments made by this subtitle shall take effect on July 1, 2006.

CHAPTER 2—GENERAL PROVISIONS

SEC. 7311. ADDITIONAL DEFINITIONS.

(a) AMENDMENT.—Section 103 (20 U.S.C. 1003) is amended—

(1) by redesignating paragraphs (1) through (16) as paragraphs (2) through (17), respectively; and

(2) by inserting before paragraph (2) (as redesignated by paragraph (1)) the following:

"(1) AUTHORIZING COMMITTEES.—The term 'authorizing committees' means the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives.".

(b) CONFORMING AMENDMENTS.—The Act (20 U.S.C. 1001 et seq.) is amended—

(1) in section 131(a)(3)(B) (20 U.S.C. 1015(a)(3)(B)), by striking "Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives" and inserting "authorizing committees";

(2) in section 141(d)(4)(B) (20 U.S.C. 1018(d)(4)(B)), by striking "Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate" and inserting "authorizing committees";

(3) in section 207(c)(1) (20 U.S.C. 1027(c)(1)), by striking "Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives" and inserting "authorizing committees";

(4) in section 401(f)(3) (20 U.S.C. 1070a(f)(3)), by striking "to the Committee on Appropriations" and all that follows through "House of Representatives" and inserting "to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and the authorizing committees";

(5) in section 428 (20 U.S.C. 1078)—

(A) in subsection (c)(9)(K), by striking "House Committee on Education and the Workforce and the Senate Committee on Labor and Human Resources" and inserting "authorizing committees";

(B) in the matter following paragraph (2) of subsection (g), by striking "Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives" and inserting "authorizing committees"; and

(C) in subsection (n)(4), "Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate" and inserting "authorizing committees";

(6) in section 428A (20 U.S.C. 1078–1)—

(A) in the matter preceding subparagraph (A) of subsection (a)(4), by striking "Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives" and inserting "authorizing committees"; and

(B) in subsection (c)—

(i) in the matter preceding subparagraph (A) of paragraph (2), by striking "Chairperson" and all that follows through "House of Representatives" and inserting "Chairpersons and Ranking Members of the authorizing committees";

(ii) in paragraph (3), by striking "Chairperson" and all that follows through "House of Representatives" and inserting "Chairpersons and Ranking Members of the authorizing committees"; and

(iii) in paragraph (5), by striking "Chairperson" and all that follows through "House of Representatives" and inserting "Chairpersons and Ranking Members of the authorizing committees";

(7) in section 432 (20 U.S.C. 1082)—

(A) in subsection (f)(1)(C), by striking "the Committee on Education and the Workforce of the House of Representatives or the Committee on Labor and Human Resources of the Senate" and inserting "either of the authorizing committees"; and

(B) in the matter following subparagraph (D) of subsection (n)(3), by striking "Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate" and inserting "authorizing committees";

(8) in section 437(c)(1) (20 U.S.C. 1087(c)(1)), by striking "Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate" and inserting "authorizing committees";

(9) in section 439 (20 U.S.C. 1087–2)—

(A) in subsection (d)(1)(E)(iii), by striking "advise the Chairman" and all that follows through "House of Representatives" and inserting "advise the Chairpersons and Ranking Members of the authorizing committees";

(B) in subsection (r)—

(i) in paragraph (3), by striking "inform the Chairman" and all that follows through "House of Representatives," and inserting "inform the Chairpersons and Ranking Members of the authorizing committees";

(ii) in paragraph (5)(B), by striking "plan, to the Chairman" and all that follows through "Education and Labor" and inserting "plan, to the Chairpersons and Ranking Members of the authorizing committees";

(iii) in paragraph (6)(B)—

(I) by striking "plan, to the Chairman" and all that follows through "House of Representatives" and inserting "plan, to the Chairpersons and Ranking Members of the authorizing committees"; and

(II) by striking "Chairmen and ranking minority members of such Committees" and inserting "Chairpersons and Ranking Members of the authorizing committees";

(iv) in paragraph (8)(C), by striking "implemented to the Chairman" and all that follows through "House of Representatives, and" and inserting "implemented to the Chairpersons and Ranking Members of the authorizing committees, and to"; and

(v) in the matter preceding subparagraph (A) of paragraph (10), by striking "days to the Chairman" and all that follows through "Education and Labor" and inserting "days to the Chairpersons and Ranking Members of the authorizing committees"; and

(C) in subsection (s)(2)—

(i) in the matter preceding clause (i) of subparagraph (A), by striking "Treasury and to the Chairman" and all that follows through "House of Representatives" and inserting "Treasury and to the Chairpersons and Ranking Members of the authorizing committees"; and

(ii) in subparagraph (B), by striking "Treasury and to the Chairman" and all that follows through "House of Representatives" and inserting "Treasury and to the Chairpersons and Ranking Members of the authorizing committees";

(10) in section 455(b)(8)(B) (20 U.S.C. 1087e(b)(8)(B)), by striking "Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives" and inserting "authorizing committees";

(11) in section 482(d) (20 U.S.C. 1089(d)), by striking "Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives" and inserting "authorizing committees";

(12) in section 483(c) (20 U.S.C. 1090(c)), by striking "Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives" and inserting "authorizing committees";

(13) in section 485 (20 U.S.C. 1092)—

(A) in subsection (f)(5)(A), by striking "Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate" and inserting "authorizing committees"; and

(B) in subsection (g)(4)(B), by striking "Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate" and inserting "authorizing committees";

(14) in section 486 (20 U.S.C. 1093)—

(A) in subsection (e), by striking "Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives" and inserting "authorizing committees"; and

(B) in subsection (f)(3)—

(i) in the matter preceding clause (i) of subparagraph (A), by striking "Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives" and inserting "authorizing committees"; and

(ii) in the matter preceding clause (i) of subparagraph (B), by striking "Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives" and inserting "authorizing committees";

(15) in section 487A(a)(5) (20 U.S.C. 1094a(a)(5)), by striking "Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives" and inserting "authorizing committees"; and

(16) in section 498B(d) (20 U.S.C. 1099c-2(d))—

(A) in paragraph (1), by striking "Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives" and inserting "authorizing committees"; and

(B) in paragraph (2), by striking "Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives" and inserting "authorizing committees".

SEC. 7312. GENERAL DEFINITION OF INSTITUTION OF HIGHER EDUCATION.

Section 101 (20 U.S.C. 1001) is amended—

(1) in subsection (a)(3), by inserting ", or awards a degree that is acceptable for admission to a graduate or professional degree program, subject to the review and approval by the Secretary" after "such a degree"; and

(2) by striking subsection (b)(2) and inserting the following:

"(2) a public or nonprofit private educational institution in any State that, in lieu of the requirement in subsection (a)(1), admits as regular students persons—

"(A) who meet the requirements of section 484(d)(3);

"(B) who are beyond the age of compulsory school attendance in the State in which the institution is located; or

"(C) who are dually or concurrently enrolled in such institution and a secondary school.".

SEC. 7313. DEFINITION OF INSTITUTION OF HIGHER EDUCATION FOR PURPOSES OF TITLE IV PROGRAMS.

Section 102 (20 U.S.C. 1002) is amended—

(1) in subsection (a)—

(A) by striking paragraph (2)(A)(i) and inserting the following:

"(i) in the case of a graduate medical school located outside the United States—

"(I) at least 60 percent of those enrolled in, and at least 60 percent of the graduates of, the graduate medical school outside the United States were not persons described in section 484(a)(5) in the year preceding the year for which a student is seeking a loan under part B of title IV; and

"(II) at least 60 percent of the individuals who were students or graduates of the graduate medical school outside the United States or Canada (both nationals of the United States and others) taking the examinations administered by the Educational Commission for Foreign Medical Graduates received a passing score in the year preceding the year for which a student is seeking a loan under part B of title IV; or";

(B) by striking paragraph (3) and inserting the following:

"(3) LIMITATIONS BASED ON ENROLLMENT.—An institution shall not be considered to meet the definition of an institution of higher education in paragraph (1) if such institution—

"(A) has a student enrollment in which more than 25 percent of the students are incarcerated, except that the Secretary may waive the limitation contained in this subparagraph for a nonprofit institution that provides a 2- or 4-year program of instruction (or both) for which the institution awards a bachelor's degree, or an associate's degree or a postsecondary diploma, respectively; or

"(B) has a student enrollment in which more than 50 percent of the students do not have a secondary school diploma or its recognized equivalent, and does not provide a 2- or 4-year program of instruction (or both) for which the institution awards a bachelor's degree or an associate's degree, respectively, except that the Secretary may waive the limitation contained in this subparagraph if a nonprofit institution demonstrates to the satisfaction of the Secretary that the institution exceeds such limitation because the institution serves, through contracts with Federal, State, or local government agencies, significant numbers of students who do not have a secondary school diploma or its recognized equivalent.";

(C) by redesignating paragraphs (4), (5), and (6), as paragraphs (5), (6), and (7), respectively; and

(D) by inserting after paragraph (3) the following:

"(4) LIMITATIONS BASED ON MODE OF DELIVERY.—

"(A) IN GENERAL.—An institution shall not be considered to meet the definition of an institution of higher education in paragraph (1) if such institution—

"(i) offers more than 50 percent of such institution's courses by correspondence, unless the institution is an institution that meets the definition in section 3(3)(C) of the Carl D. Perkins Vocational and Technical Education Act of 1998; or

"(ii) enrolls 50 percent or more of the institution's students in correspondence courses, unless the institution is an institution that meets the definition in such section 3(3)(C), except that the Secretary, at the request of such institution, may waive the applicability of this subparagraph to such institution for good cause, as determined by the Secretary in the case of an institution of higher education that provides a 2- or 4-year program of instruction (or both) for which the institution awards an associate or baccalaureate degree, respectively.

"(B) DISTANCE EDUCATION PROGRAM ELIGIBILITY.—Notwithstanding subparagraph (A), an institution of higher education, other than a foreign institution, that offers education or training programs principally through distance education shall be considered to meet the definition of an institution of higher education in paragraph (1) if such institution—

"(i) has been evaluated and determined (before or after the date of enactment of the Higher Education Amendments of 2005) to have the capability to effectively deliver distance education programs by an accrediting agency or association that—

"(I) is recognized by the Secretary under title IV; and

"(II) has evaluation of distance education programs within the scope of its recognition, as described in section 496(n)(3);

"(ii) is otherwise eligible to participate in programs authorized under title IV;

"(iii) has not had its participation in programs under title IV suspended or terminated within the previous 5 years;

"(iv) has not had, or failed to resolve, an audit finding or program review finding under this Act during the 2 years preceding the year for which the determination is made that, following any appeal to the Secretary, resulted in the institution being required to repay an amount that is equal to or greater than 25 percent of the total funds the institution received under the programs authorized under title IV for the most recent award year; and

"(v) has met the requirements of section 487(d), if applicable.

"(C) DEFINITION.—

"(i) IN GENERAL.—In this Act, except as otherwise provided, the term 'distance education' means a course or program that uses 1 or more of the technologies described in clause (ii) to—

"(I) deliver instruction to students who are separated from the instructor; and

"(II) support regular and substantive interaction between the students and the instructor, either synchronously or asynchronously.

"(ii) INCLUSIONS.—For the purposes of clause (i), the technologies used may include—

"(I) the Internet;

"(II) one-way and two-way transmissions through open broadcast, closed circuit, cable, microwave, broadband lines, fiber optics, satellite, or wireless communications devices;

"(III) audio conferencing; or

"(IV) video cassette, DVDs, and CD-ROMs, provided that they are used in a course in conjunction with the technologies listed in subclauses (I) through (III)."; and

(2) in subsection (b)(1)—

(A) in subparagraph (D), by inserting "and" after the semicolon;

(B) in subparagraph (E), by striking "; and" and inserting a period; and

(C) by striking subparagraph (F).

SEC. 7314. PROTECTION OF STUDENT SPEECH AND ASSOCIATION RIGHTS.

Section 112 (20 U.S.C. 1011a) is amended—

(1) in subsection (a)—

(A) by inserting "(1)" before "It is the sense"; and

(B) by adding at the end the following:

"(2) It is the sense of Congress that—

"(A) the diversity of institutions and educational missions is one of the key strengths of American higher education;

"(B) individual colleges and universities have different missions and each institution should design its academic program in accordance with its educational goals;

"(C) within the context of institutional mission, a college should facilitate the free and open exchange of ideas;

"(D) students should not be intimated, harassed, discouraged from speaking out, or discriminated against;

"(E) students should be treated equally and fairly; and

"(F) nothing in this paragraph shall be construed to modify, change, or infringe upon any constitutionally protected religious liberty, freedom, expression, or association."; and

(2) in subsection (b)(1), by inserting ", provided that the imposition of such sanction is done objectively and fairly" after "higher education".

SEC. 7315. NATIONAL ADVISORY COMMITTEE ON INSTITUTIONAL QUALITY AND INTEGRITY.

Section 114(g) (20 U.S.C. 1011c(g)) is amended by striking "September 30, 2004" and inserting "September 30, 2011".

SEC. 7316. DRUG AND ALCOHOL ABUSE PREVENTION.

Section 120 (20 U.S.C. 1011i) is amended by striking subsections (e) and (f) and inserting the following:

"(e) Grants Directed at Reducing Higher Education Drug and Alcohol Abuse.—

"(1) Authorization of program.—The Secretary may award grants to eligible entities to enable the entities to reduce the rate of drug use, underage alcohol use, and binge drinking among students at institutions of higher education.

"(2) Applications.—An eligible entity that desires to receive a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each application shall include—

"(A) a description of how the eligible entity will work to enhance an existing, or where none exists to build a, statewide coalition;

"(B) a description of how the eligible entity will target underage students in the State;

"(C) a description of how the eligible entity intends to ensure that the statewide coalition is actually implementing the purpose described in paragraph (1) and moving toward the achievement indicators described in paragraph (4);

"(D) a list of the members of the statewide coalition or interested parties involved in the work of the eligible entity;

"(E) a description of how the eligible entity intends to work with State agencies on substance abuse prevention and education;

"(F) the anticipated impact of funds provided under this subsection in reducing the rates of drug abuse and underage alcohol use;

"(G) outreach strategies including ways in which the eligible entity proposes to—

"(i) reach out to students;

"(ii) promote the purpose described in paragraph (1);

"(iii) address the range of needs of the students and the surrounding communities; and

"(iv) address community norms for underage students regarding drug and alcohol use; and

"(H) such additional information as required by the Secretary.

"(3) Uses of funds.—Each eligible entity that receives a grant under this subsection shall use the grant funds to carry out the activities described in such entity's application submitted pursuant to paragraph (2).

"(4) Accountability.—On the date on which the Secretary first publishes a notice in the Federal Register soliciting applications for grants under this subsection, the Secretary shall include in the notice achievement indicators for the program authorized under this subsection. The achievement indicators shall be designed—

"(A) to measure the impact that the statewide coalitions assisted under this subsection are having on the institutions of higher education and the surrounding communities, including changes in the number of alcohol and drug-related abuse incidents of any kind (including violations, physical assaults, sexual assaults, reports of intimidation, disruptions of school functions, disruptions of student studies, mental health referrals, illnesses, or deaths);

"(B) to measure the quality and accessibility of the programs or information offered by the statewide coalitions; and

"(C) to provide such other measures of program impact as the Secretary determines appropriate.

"(5) Supplement not supplant.—Grant funds provided under this subsection shall be used to supplement, and not supplant, Federal and non-Federal funds available for carrying out the activities described in this subsection.

"(6) Definitions.—In this subsection:

"(A) Eligible entity.—The term 'eligible entity' means a State, an institution of higher education as defined in section 102, or a nonprofit entity.

"(B) Institution of higher education.—The term 'institution of higher education' has the meaning given the term in section 101(a).

"(C) State.—The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(D) Statewide coalition.—The term 'statewide coalition' means a coalition that—

"(i) includes—

"(I) institutions of higher education within a State; and

"(II) a nonprofit group, a community anti-drug or underage drinking prevention coalition, or another substance abuse prevention group within a State; and

"(ii) works toward lowering alcohol abuse rates by targeting underage students at institutions of higher education throughout the State and in the surrounding communities.

"(E) Surrounding community.—The term 'surrounding community' means the community—

"(i) that surrounds an institution of higher education participating in a statewide coalition;

"(ii) where the students from the institution of higher education take part in the community; and

"(iii) where students from the institution of higher education live in off-campus housing.

"(7) Administrative expenses.—Not more than 5 percent of a grant awarded under this subsection may be expended for administrative expenses.

"(8) Authorization of appropriations.—There are authorized to be appropriated to carry out this subsection such sums as may be necessary for fiscal year 2006 and each of the 5 succeeding fiscal years.".

SEC. 7317. PRIOR RIGHTS AND OBLIGATIONS.

Section 121(a) (20 U.S.C. 1011j(a)) is amended—

(1) in paragraph (1), by striking "1999" and inserting "2006"; and

(2) in paragraph (2), by striking "1999" and inserting "2006".

SEC. 7318. COST OF HIGHER EDUCATION.

Section 131 (20 U.S.C. 1015) is amended—

(1) by striking subsection (b) and inserting the following:

"(b) College Consumer Information.—

"(1) In general.—The Secretary shall make available to the public the information described in paragraph (2), in a form that enables the public to compare the information among institutions of higher education. Such information shall be made available for each of the categories described in paragraph (3) and updated annually.

"(2) Information.—The information described in this paragraph is the following:

"(A) Tuition and fees for a first-time, full-time undergraduate student.

"(B) Cost of attendance for a first-time, full-time undergraduate student.

"(C) The average annual cost of attendance for a first-time, full-time undergraduate student for the preceding periods of 5 and 10 academic years preceding the year for which the information is made available under this subsection, or if data are not available for such academic years, data for as many of such academic years as are available.

"(D) The percentage of full-time undergraduate students receiving financial assistance, including—

"(i) Federal grants;

"(ii) State and local grants;

"(iii) institutional grants; and

"(iv) loans to students.

"(E) The average amount of financial aid received by students from sources described in clauses (i) through (iv) of subparagraph (D).

"(F) Graduation rates, as described in section 485(a)(1)(L).

"(G) A ranking of the dollar and percentage increases in tuition and fees for all institutions of higher education for which data are available in each of the categories described in paragraph (3).

"(3) Categories.—The categories described in this paragraph are as follows:

"(A) All institutions of higher education.

"(B) 4-year public, degree-granting, institutions of higher education.

"(C) 2-year public, degree-granting, institutions of higher education.

"(D) 4-year, nonprofit, private, degree-granting institutions of higher education.

"(E) 2-year, nonprofit, private, degree-granting institutions of higher education.

"(F) 4-year, for-profit, private, degree-granting institutions of higher education.

"(G) 2-year, for-profit, private, degree-granting institutions of higher education.

"(H) Less than 2-year, for-profit, private institutions of higher education.

"(4) Standard definitions.—In carrying out this section, the Secretary shall use the standard definitions developed under subsection (a)(3)."; and

(2) in subsection (c)—

(A) in paragraph (1), by inserting "be conducted on an annual basis and" after "Such study shall";

(B) in paragraph (2)—

(i) in subparagraph (B), by striking "and" after the semicolon;

(ii) in subparagraph (C), by striking the period and inserting a semicolon; and

(iii) by adding at the end the following:

"(D) the average cost of attending an institution of higher education, disaggregated by category, as described in subsection (b)(3);

"(E) the average annual cost of attending an institution of higher education for the periods of 5 and 10 academic years preceding the year for which the study is conducted (or if data are not available for such academic years, data for as many of such academic years as are available), disaggregated by category, as described in subsection (b)(3); and

"(F) the assistance provided to institutions of higher education by each State.";

(C) in paragraph (3)—

(i) in the paragraph heading, by striking "Final" and inserting "Annual";

(ii) by striking "a report" and inserting "an annual report"; and

(iii) by striking "not later than September 30, 2002" and inserting "and the public"; and

(D) by striking paragraph (4) and inserting the following:

"(4) Higher education cost index.—The Bureau of Labor Statistics, in consultation with the Commissioner of Education Statistics, shall develop a higher education cost index that tracks inflation changes in the relevant costs associated with higher education.".

SEC. 7319. PERFORMANCE-BASED ORGANIZATION FOR THE DELIVERY OF FEDERAL STUDENT FINANCIAL ASSISTANCE.

Section 141 (20 U.S.C. 1018) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "operational" and inserting "administrative and oversight"; and

(B) in paragraph (2)(D), by striking "of the operational functions" and inserting "and administration";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "the information systems administered by the PBO, and other functions performed by the PBO" and inserting "the Federal student financial assistance programs authorized under title IV"; and

(ii) by striking subparagraph (C) and inserting the following:

"(C) assist the Chief Operating Officer in identifying goals for—

"(i) the administration of the systems used to administer the Federal student financial assistance programs authorized under title IV; and

"(ii) the updating of such systems to current technology."; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking "administration of the information and financial systems that support" and inserting "the administration of Federal";

(ii) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking "of the delivery system for Federal student assistance" and inserting "for the Federal student assistance programs authorized under title IV";

(II) by striking clauses (i) and (ii) and inserting the following:

"(i) the collection, processing, and transmission of data to students, institutions, lenders, State agencies, and other authorized parties;

"(ii) the design and technical specifications for software development and procurement for systems supporting the student financial assistance programs authorized under title IV;";

(III) in clause (iii), by striking "delivery" and inserting "administration";

(IV) in clause (iv)—

(aa) by inserting "the" after "supporting"; and

(bb) by striking "and" after the semicolon;

(V) in clause (v), by striking "systems that support those programs." and inserting "the administration of the Federal student assistance programs authorized under title IV; and"; and

(VI) by adding at the end the following:

"(vi) ensuring the integrity of the student assistance programs authorized under title IV."; and

(iii) in subparagraph (B), by striking "operations and services" and inserting "activities and functions"; and

(3) in subsection (c)—

(A) in paragraph (1)(C)—

(i) in clause (iii), by striking "information and delivery"; and

(ii) in clause (iv)—

(I) by striking "Developing an" and inserting "Developing"; and

(II) by striking "delivery and information system" and inserting "systems";

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting "the" after "PBO and"; and

(ii) in subparagraph (B), by striking "Officer" and inserting "Officers"; and

(C) in paragraph (3), by inserting "students," after "consult with";

(4) in subsection (d)—

(A) in paragraph (1), by striking the second sentence; and

(B) in paragraph (5)—

(i) in subparagraph (B), by striking "paragraph (2)" and inserting "paragraph (4)"; and

(ii) in subparagraph (C), by striking "this";

(5) in subsection (f)—

(A) in paragraph (2), by striking "to borrowers" and inserting "to students, borrowers,"; and

(B) in paragraph (3)(A), by striking "(1)(A)" and inserting "(1)";

(6) in subsection (g)(3), by striking "not more than 25";

(7) in subsection (h), by striking "organizational effectiveness" and inserting "effectiveness";

(8) by striking subsection (i);

(9) by redesignating subsection (j) as subsection (i); and

(10) in subsection (i) (as redesignated by paragraph (9)), by striking ", including transition costs".

SEC. 7320. PROCUREMENT FLEXIBILITY.

Section 142 (20 U.S.C. 1018a) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking "for information systems supporting the programs authorized under title IV"; and

(ii) by striking "and" after the semicolon;

(B) in paragraph (2), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(3) through the Chief Operating Officer—

"(A) to the maximum extent practicable, utilize procurement systems that streamline operations, improve internal controls, and enhance management; and

"(B) assess the efficiency of such systems and assess such systems' ability to meet PBO requirements.";

(2) by striking subsection (c)(2) and inserting the following:

"(2) Fee for service arrangements.—The Chief Operating Officer shall, when appropriate and consistent with the purposes of the PBO, acquire services related to the functions set forth in section 141(b)(2) from any entity that has the capability and capacity to meet the requirements set by the PBO. The Chief Operating Officer is authorized to pay fees that are equivalent to those paid by other entities to an organization that provides services that meet the requirements of the PBO, as determined by the Chief Operating Officer.";

(3) in subsection (d)(2)(B), by striking "on Federal Government contracts";

(4) in subsection (g)—

(A) in paragraph (4)(A)—

(i) in the subparagraph heading, by striking "Sole source.—" and inserting "Single-source basis.—"; and

(ii) by striking "sole-source" and inserting "single-source"; and

(B) in paragraph (7), by striking "sole-source" and inserting "single-source";

(5) in subsection (h)(2)(A), by striking "sole-source" and inserting "single-source"; and

(6) in subsection (l), by striking paragraph (3) and inserting the following:

"(3) Single-source basis.—The term 'single-source basis', with respect to an award of a contract, means that the contract is awarded to a source after soliciting an offer or offers from, and negotiating with, only such source (although such source is not the only source in the marketplace capable of meeting the need) because such source is the most advantageous source for purposes of the award.".

CHAPTER 3—TEACHER QUALITY ENHANCEMENT

SEC. 7331. TEACHER QUALITY ENHANCEMENT GRANTS FOR STATES AND PARTNERSHIPS.

Part A of title II (20 U.S.C. 1021 et seq.) is amended to read as follows:

"PART A—TEACHER QUALITY ENHANCEMENT GRANTS FOR STATES AND PARTNERSHIPS

"SEC. 201. PURPOSES; DEFINITIONS.

"(a) Purposes.—The purposes of this part are to—

"(1) improve student achievement;

"(2) improve the quality of the current and future teaching force by improving the preparation of prospective teachers and enhancing professional development activities;

"(3) hold institutions of higher education accountable for preparing highly qualified teachers; and

"(4) recruit qualified individuals, including minorities and individuals from other occupations, into the teaching force.

"(b) Definitions.—In this part:

"(1) Arts and sciences.—The term 'arts and sciences' means—

"(A) when referring to an organizational unit of an institution of higher education, any academic unit that offers 1 or more academic majors in disciplines or content areas corresponding to the academic subject areas in which teachers provide instruction; and

"(B) when referring to a specific academic subject area, the disciplines or content areas in which academic majors are offered by the arts and sciences organizational unit.

"(2) Children from low-income families.—The term 'children from low-income families' means children as described in section 1124(c)(1)(A) of the Elementary and Secondary Education Act of 1965.

"(3) Early childhood education program.—The term 'early childhood education program' means a Head Start program or an Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.), a State licensed or regulated child care program or school, or a State prekindergarten program that serves children from birth through kindergarten and that addresses the children's cognitive (including language, early literacy, and pre-numeracy), social, emotional, and physical development.

"(4) Early childhood educator.—The term 'early childhood educator' means an individual with primary responsibility for the education of children in an early childhood education program.

"(5) Educational service agency.—The term 'educational service agency' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965.

"(6) Exemplary teacher.—The term 'exemplary teacher' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965.

"(7) High-need local educational agency.—The term 'high-need local educational agency' means a local educational agency or educational service agency—

"(A)(i) that serves not fewer than 10,000 children from low-income families;

"(ii) for which not less than 20 percent of the children served by the agency are children from low-income families; or

"(iii) with a total of less than 600 students in average daily attendance at the schools that are served by the agency and all of whose schools are designated with a school locale code of 7 or 8, as determined by the Secretary; and

“(B)(i) for which there is a high percentage of teachers not teaching in the academic subject areas or grade levels in which the teachers were trained to teach; or

“(ii) for which there is a high teacher turnover rate or a high percentage of teachers with emergency, provisional, or temporary certification or licensure.

“(8) HIGHLY QUALIFIED.—The term ‘highly qualified’ has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 and, with respect to special education teachers, in section 602 of the Individuals with Disabilities Education Act.

“(9) PROFESSIONAL DEVELOPMENT.—The term ‘professional development’ has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965.

“(10) SCIENTIFICALLY BASED READING RESEARCH.—The term ‘scientifically based reading research’ has the meaning given such term in section 1208 of the Elementary and Secondary Education Act of 1965.

“(11) SCIENTIFICALLY BASED RESEARCH.—The term ‘scientifically based research’ has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965.

“(12) TEACHER MENTORING.—The term ‘teacher mentoring’ means mentoring of teachers through an established or implemented program—

“(A) that includes qualifications for mentors;

“(B) that provides training for mentors;

“(C) that provides regular and ongoing opportunities for mentors and mentees to observe each other’s teaching methods in classroom settings during the school day;

“(D) in which the mentoring is provided by a colleague who teaches in the same field, grade, or subject as the mentee; and

“(E) that includes—

“(i) common planning time or regularly scheduled collaboration with teachers in the teachers’ same field, grade, or subject area; and

“(ii) additional professional development opportunities.

“(13) TEACHING SKILLS.—The term ‘teaching skills’ means the ability to—

“(A) increase student achievement;

“(B) effectively convey and explain academic subject matter;

“(C) employ strategies that—

“(i) are based on scientifically based research;

“(ii) are specific to academic subject matter; and

“(iii) focus on identification and tailoring of academic instruction to students’ specific learning needs, particularly students with disabilities, students who are limited English proficient, and students who are gifted and talented;

“(D) conduct ongoing assessment of student learning;

“(E) effectively manage a classroom;

“(F) communicate and work with parents and guardians, and involve parents and guardians in their children’s education; and

“(G) in the case of an early childhood educator, use age appropriate strategies and practices for children in early childhood education programs.

“SEC. 202. STATE GRANTS.

“(a) IN GENERAL.—From amounts made available under section 209(a)(1) for a fiscal year, the Secretary is authorized to award grants under this section, on a competitive basis, to eligible States to enable the eligible States to carry out the activities described in subsections (d) and (e).

“(b) ELIGIBLE STATE.—

“(1) DEFINITION.—In this part, the term ‘eligible State’ means—

“(A) the Governor of a State; or

“(B) in the case of a State for which the constitution or law of such State designates another individual, entity, or agency in the State to be responsible for teacher certification or licensure and preparation activity, such individual, entity, or agency.

“(2) CONSULTATION.—The Governor or the individual, entity, or agency designated under paragraph (1)(B) shall consult with the Governor, State board of education, State educational agency, State agency for higher education, or other applicable State entities (including the State agency responsible for early childhood education), as appropriate, with respect to the activities assisted under this section, including the development of the grant application and implementation of the activities.

“(3) CONSTRUCTION.—Nothing in this subsection shall be construed to negate or supersede the legal authority under State law of any State agency, State entity, or State public official over programs that are under the jurisdiction of the agency, entity, or official.

“(c) APPLICATION.—To be eligible to receive a grant under this section, an eligible State shall submit an application to the Secretary that—

“(1) meets the requirement of this section;

“(2) demonstrates that the eligible State is in full compliance with—

“(A) sections 206(b) and 207; and

“(B) if applicable, sections 207(b) and 208, as such sections were in effect on the day before the date of enactment of the Higher Education Amendments of 2005;

“(3) includes a description of how the eligible State intends to use funds provided under this section;

“(4) includes measurable objectives for the use of the funds provided under this section;

“(5) describes how funded activities will—

“(A) reduce shortages, if any, of—

“(i) highly qualified general and special education teachers, including in low-income urban and rural areas and in high-need academic subject areas; and

“(ii) fully competent early childhood educators; and

“(B) be consistent with State, local, and other education reform activities that promote effective teaching skills and student academic achievement and consistent with State early learning standards for early childhood education programs, including how funded activities will support carrying out the applicable requirements of the eligible State under sections 1111 and 1119 of the Elementary and Secondary Education Act of 1965, and section 612(a)(14) of the Individuals with Disabilities Education Act;

“(6) contains an assurance that the eligible State will carry out each of the intended uses of grant funds described in paragraph (3);

“(7) describes the eligible State’s—

“(A) current capacity to measure the effectiveness of teacher preparation programs and professional development activities within the State using available statewide data;

“(B) activities to enhance or expand the integration of existing data systems to better measure the effectiveness of teacher preparation programs and professional development activities within the State; or

“(C) if such data systems do not exist, plans for the development of an integrated statewide data system to measure the effectiveness of teacher preparation programs and professional development activities within the State using available statewide data; and

“(8) contains such other information and assurances as the Secretary may require.

“(d) REQUIRED USES OF FUNDS.—An eligible State that receives a grant under this section shall use the grant funds to reform teacher preparation requirements, to coordinate with State activities under section 2113(c) of the Elementary and Secondary Education Act of 1965 and subsections (a) and (b) of section 654 of the Individuals with Disabilities Education Act, and to ensure that current and prospective teachers are highly qualified, by carrying out each of the following activities:

“(1) REFORMS.—Ensuring that all teacher preparation programs in the State are preparing current or prospective teachers to become highly qualified, to understand scientifically based research and its applicability, and to use technology effectively, including use of instructional techniques to improve student academic achievement, by assisting such programs—

“(A) in retraining faculty;

“(B) in designing (or redesigning) teacher preparation programs so that such programs—

“(i) are based on rigorous academic content and scientifically based research (including scientifically based reading research), and aligned with challenging State academic content standards;

“(ii) promote effective teaching skills; and

“(iii) promote understanding of effective instructional strategies for students with special needs, including students with disabilities, students who are limited English proficient, and students who are gifted and talented;

“(C) in ensuring collaboration with departments, programs, or units outside of the teacher preparation program in relevant academic content areas to ensure a successful combination of training in both teaching and such content;

“(D) in developing high-quality, rigorous clinical experiences (that include student teaching experience) in which students participate while enrolled in a teacher preparation program, lasting not less than 1 term, through dissemination of best practices, technical assistance, or other relevant activities; and

“(E) in collecting and using data, in collaboration with institutions of higher education, schools, and local educational agencies, on teacher retention rates, by school, to evaluate and strengthen the effectiveness of the State’s teacher support system.

“(2) CERTIFICATION OR LICENSURE REQUIREMENTS.—Reforming teacher certification or licensure requirements to ensure that—

“(A) teachers have the academic content knowledge and teaching skills in the academic subject areas that the teachers teach that are necessary to help students meet challenging State student academic achievement standards, as required under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965;

“(B) such requirements are aligned with challenging State academic content standards, as required under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965;

“(C) teacher certification and licensure assessments are—

“(i) used for purposes for which such assessments are valid and reliable;

"(ii) consistent with relevant, professional, and technical standards; and

"(iii) aligned with the reporting requirements of sections 205 and 206; and

"(D) such requirements for high-need academic subject areas (such as reading, mathematics, science, and foreign language, including less commonly taught languages) and high-need areas (such as special education, language instruction educational programs, and early childhood education) exist and reflect qualifications to help students meet high standards, which may include the development of a State test for such areas.

"(3) EVALUATION.—

"(A) ANNUAL EVALUATION.—An eligible State that receives a grant under this section shall evaluate annually the effectiveness of teacher preparation programs and professional development activities within the State. To the extent practicable, such evaluation shall examine—

"(i) teachers' contributions to improving student academic achievement, as measured by State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965; and

"(ii) teacher mastery of the academic subject matter the teachers teach.

"(B) PUBLIC REPORTING.—The eligible State shall make the information described in subparagraph (A) widely available through public means, such as posting on the Internet, distribution to the media, and distribution through public agencies, except such reporting shall not be made in a case in which the reporting of the data would reveal personally identifiable information about a teacher or student.

"(C) BETTER MEASUREMENT OF EFFECTIVENESS.—

"(i) IN GENERAL.—An eligible State that receives a grant under this section and does not have the capacity to measure the effectiveness of teacher preparation programs and professional development activities within the State using available statewide data, shall use a portion of funds received under this section to enhance or expand the integration of existing data systems, as described in subsection (c)(7)(B), or develop an integrated statewide data system, as described in subsection (c)(7)(C), to better measure and provide information that will improve the effectiveness of teacher preparation programs on student learning and achievement, and the impact of pre-service and ongoing professional development on teacher placement and retention.

"(ii) TECHNICAL QUALITY; STUDENT PRIVACY; FUNDS FROM OTHER SOURCES.—In carrying out clause (i), the eligible State shall ensure—

"(I) the technical quality of the data system to maximize the validity, reliability, and accessibility of the data;

"(II) that student privacy is protected and that individually identifiable information about students, their achievements, and their families remains confidential, in accordance with the Family Educational Rights and Privacy Act of 1974; and

"(III) that funds provided under this section are used to supplement State efforts to enhance or expand the integration of existing data systems or to develop an integrated statewide data system.

"(e) ALLOWABLE USES OF FUNDS.—An eligible State that receives a grant under this section may use the grant funds to reform teacher preparation requirements, to coordinate with State activities under section 2113(c) of the Elementary and Secondary Education Act of 1965 and subsections (a) and (b) of section 654 of the Individuals with Disabilities Education Act, and to ensure that current and future teachers are highly qualified, by carrying out any of the following activities:

"(1) ALTERNATIVES TO TRADITIONAL PREPARATION FOR TEACHING AND STATE CERTIFICATION OR LICENSURE.—Providing prospective teachers with alternative routes to State certification or licensure and alternative route programs to become highly qualified teachers through—

"(A) innovative approaches that reduce unnecessary barriers to State certification or licensure while producing highly qualified teachers;

"(B) a selective means for admitting individuals into such programs that includes passage of State approved teacher examinations in appropriate subject areas;

"(C) programs that help prospective teachers develop effective teaching skills and strategies through knowledge of research-based information on the learning process and learning practices;

"(D) programs that provide support to teachers during the teachers' initial years in the profession; and

"(E) alternative routes to State certification or licensure of teachers for qualified individuals, including mid-career professionals from other occupations, paraprofessionals, former military personnel, and recent college graduates with records of academic distinction.

"(2) INNOVATIVE PROGRAMS.—Planning and implementing innovative programs to enhance the ability of institutions of higher education, including charter colleges of education, or university and local educational agency partnership schools, to prepare highly qualified teachers, which programs shall—

"(A) permit flexibility in the manner in which the institution of higher education meets State requirements as long as graduates, during the graduates' initial years in the profession, increase student academic achievement;

"(B) provide a description in the application of long-term data gathered from teachers' performance over multiple years in the classroom regarding the teachers' ability to increase student academic achievement;

"(C) ensure high-quality preparation of teachers from underrepresented groups;

"(D) create performance measures that can be used to document the effectiveness of innovative methods for preparing highly qualified teachers; and

"(E) develop frameworks for exemplary induction programs informed by research and best practices.

"(3) TEACHER RECRUITMENT AND RETENTION.—Undertaking activities that develop and implement effective mechanisms to ensure that local educational agencies and schools are able to recruit and retain highly qualified teachers, which may include the following activities:

"(A) PERFORMANCE BASED COMPENSATION.—Assisting local educational agencies in developing—

"(i) performance systems that reward teachers who increase student academic achievement and take on additional responsibilities, such as teacher mentoring and serving as master teachers; and

"(ii) strategies that provide differential and bonus pay in high-need local educational agencies to recruit and retain—

"(I) principals;

"(II) highly qualified teachers who teach in high-need academic subject areas (such as reading, mathematics, science, and foreign language, including less commonly taught languages);

"(III) highly qualified teachers who teach in schools identified for school improvement under section 1116(b) of the Elementary and Secondary Education Act of 1965;

"(IV) highly qualified special education teachers;

"(V) highly qualified teachers specializing in teaching children who are limited English proficient; and

"(VI) highly qualified teachers in low-income urban and rural schools or districts.

"(B) ADDITIONAL MECHANISMS.—Developing and implementing effective mechanisms to ensure that local educational agencies and schools are able to—

"(i) address needs identified with respect to—

"(I) underrepresented groups;

"(II) high-need academic subject areas (such as reading, mathematics, science, and foreign language, including less commonly taught languages);

"(III) high-need areas (such as special education, language instruction educational programs for limited English proficient students, and early childhood education);

"(IV) high-need communities, such as rural and urban areas; and

"(V) high-need schools, including schools with high rates of teacher turnover;

"(ii) offer teacher mentoring for new teachers during such teachers' initial years of teaching; and

"(iii) provide access to ongoing professional development and innovative training opportunities for teachers and administrators.

"(C) TEACHER ADVANCEMENT.—Assisting local educational agencies in developing teacher advancement and retention initiatives that promote professional growth and emphasize multiple career paths (such as paths to becoming a highly qualified mentor teacher or exemplary teacher) and pay differentiation.

"(D) RECRUIT QUALIFIED PROFESSIONALS.—Developing recruitment programs or assisting local educational agencies in—

"(i) recruiting qualified professionals from other fields, including highly qualified paraprofessionals (as defined in section 2102 of the Elementary and Secondary Education Act of 1965); and

"(ii) providing such professionals with alternative routes to teacher certification or licensure.

"(E) UNDERREPRESENTED POPULATIONS.—Providing increased opportunities for minorities, individuals with disabilities, and other individuals underrepresented in the teaching profession to become highly qualified teachers.

"(F) RURAL EDUCATION RECRUITMENT AND RETENTION PROGRAMS.—Making grants to rural school districts, or a consortia of rural school districts, to implement—

"(i) teacher recruitment strategies, which may include tuition assistance, student loan forgiveness, housing assistance, bonus pay, and other effective approaches;

"(ii) teacher retention strategies, such as mentoring programs and ongoing opportunities for professional growth and advancement; and

"(iii) partnerships with institutions of higher education designed to—

"(I) prepare beginning teachers to teach; and

"(II) assist teachers (including teachers who teach multiple subjects) to become highly qualified.

"(4) TEACHER SCHOLARSHIPS AND SUPPORT.—Providing—

"(A) scholarships to help students, such as individuals who have been accepted by, or who are enrolled in, a program of undergraduate education or initial teacher preparation at an institution of higher education, pay the costs of tuition, room, board, and other expenses of completing a teacher preparation program, if—

"(i) the Secretary establishes such requirements as the Secretary determines necessary to ensure that recipients of scholarships under this section who complete teacher preparation programs—

"(I) subsequently teach in an early childhood education program or a high-need local educational agency for a period of time equivalent to the period of time for which the recipient received scholarship assistance, plus an additional 1 year; or

"(II) repay the amount of the scholarship if the recipient does not teach as described in subclause (I); and

"(ii) the eligible State provides an assurance that the eligible State will recruit minority students to become highly qualified teachers;

"(B) support services, if needed, to enable scholarship recipients to complete postsecondary education programs, or to move from a career outside of the field of education into a teaching career; and

"(C) follow-up services to former scholarship recipients during the recipients' initial years of teaching.

"(5) TEACHER REMOVAL.—Developing and implementing effective mechanisms to ensure that local educational agencies and schools are able to expeditiously remove incompetent or unqualified teachers consistent with procedures to ensure due process for the teachers.

"(6) TEACHER EFFECTIVENESS.—Developing—

"(A) systems to measure the effectiveness of teacher preparation programs and professional development programs; and

"(B) strategies to document gains in student academic achievement or increases in teacher mastery of the academic subject matter the teachers teach, as a result of such programs.

"(7) EARLY CHILDHOOD EDUCATORS.—Developing strategies to improve and expand teacher preparation programs for early childhood educators to teach in early childhood education programs.

"(8) PROFESSIONAL DEVELOPMENT.—Developing and enhancing high-quality professional development, instructional materials, and relevant educational materials.

"(9) TECHNOLOGY.—Assisting teachers to use technology effectively, including use for instructional techniques and the collection, management, and analysis of data to improve teaching, learning, and decision making for the purpose of increasing student academic achievement.

"(10) AREAS OF INSTRUCTIONAL SHORTAGE.—Increasing the number of—

"(A) teachers in the classroom providing instruction in high-need academic subject areas (such as reading, mathematics, science, and foreign language, including less commonly taught languages) and high-need areas (such as special education, language instruction educational programs for limited English proficient students, and early childhood education); and

"(B) special education faculty dedicated to preparing highly qualified special education teachers at institutions of higher education.

"(11) TECHNICAL ASSISTANCE.—Providing technical assistance to low-performing programs of teacher preparation within institutions of higher education identified under section 207(a).

"(12) EVALUATION SUPPORT.—Performing data collection, evaluation, and reporting to meet the requirements of subsection (d)(3).

"(13) PROFESSIONAL ADVANCEMENT.—Developing a professional advancement system to—

"(A) initiate or enhance a system in which highly qualified teachers who pursue advanced licensure levels are required to demonstrate increased competencies and undertake increased responsibilities for increased compensation as the teachers progress through levels established by the State; or

"(B) provide opportunities for professional growth, including through—

"(i) a nationally recognized advance credentialing system; or

"(ii) special certification in advanced placement or international baccalaureate content, teaching gifted and talented students, and pedagogy.

"(f) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to carry out activities under this section.

"SEC. 203. PARTNERSHIP GRANTS.

"(a) GRANTS.—From amounts made available under section 209(a)(2) for a fiscal year, the Secretary is authorized to award grants under this section, on a competitive basis, to eligible partnerships to enable the eligible partnerships to carry out the activities described in subsections (e) and (f).

"(b) DEFINITIONS.—

"(1) ELIGIBLE PARTNERSHIP.—

"(A) IN GENERAL.—In this part, the term 'eligible partnership' means an entity that shall include—

"(i) a partner institution;

"(ii) a school of arts and sciences;

"(iii) a high-need local educational agency and a school or a consortium of schools served by the agency; and

"(iv) at least 1 individual or entity described in subparagraph (B).

"(B) ADDITIONAL INDIVIDUALS AND ENTITIES.—In this part, the term 'eligible partnership' means an entity that shall include at least 1 of the following:

"(i) A Governor.

"(ii) A State educational agency.

"(iii) A State board of education.

"(iv) A State agency for higher education.

"(v) A school or department within the partner institution focusing on education, psychology, human development, or a department with comparable expertise in the disciplines of teaching, learning, and child and adolescent development.

"(vi) An institution of higher education or a department within such institution, not described in subparagraph (A).

"(vii) A public charter school.

"(viii) A public or private elementary school or secondary school.

"(ix) A public or private nonprofit educational organization.

"(x) A business.

"(xi) A science-, mathematics-, or technology-oriented entity.

"(xii) An early childhood education program.

"(xiii) A teacher organization.

"(xiv) An educational service agency.

"(xv) A consortium of local educational agencies.

"(xvi) A nonprofit telecommunications entity.

"(2) PARTNER INSTITUTION.—In this section, the term 'partner institution' means an institution of higher education, which may include a 2-year institution of higher education offering a dual program with a 4-year institution of higher education, that has a teacher preparation program—

"(A) whose graduates exhibit strong performance on State-determined qualifying assessments for new teachers through—

"(i) demonstrating that 80 percent or more of the graduates of the program who intend to enter the field of teaching have passed all of the applicable State qualification assessments for new teachers, which shall include an assessment of each prospective teacher's subject matter knowledge in the content area in which the teacher intends to teach; or

"(ii) being ranked among the highest-performing teacher preparation programs in the State as determined by the State—

"(I) using criteria consistent with the requirements for the State report card under section 206(b); and

"(II) using the State report card on teacher preparation required under section 206(b), after the first publication of such report card and for every year thereafter; or

"(B) that requires all the students of the program to meet high academic standards and participate in intensive clinical experience, and—

"(i) in the case of secondary school candidates, to successfully complete—

"(I) a major or its equivalent in coursework in the academic subject area in which the candidate intends to teach; or

"(II) a related major in the academic subject area in which the candidate intends to teach;

"(ii) in the case of elementary school candidates, to successfully complete—

"(I) an academic major or its equivalent in coursework in the arts and sciences; or

"(II) a major in elementary education with a significant amount of coursework in the arts and sciences; and

"(iii) in the case of early childhood educators, to become fully competent and meet degree requirements, as established by the State.

"(c) APPLICATION.—Each eligible partnership desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall contain—

"(1) a needs assessment of all the partners with respect to the preparation, induction, and professional development of early childhood educators, general and special education teachers, and principals;

"(2) a description of the extent to which the teacher preparation program of the eligible partnership prepares new teachers with effective teaching skills;

"(3) a description of how the eligible partnership will coordinate with other teacher preparation or professional development programs, including those funded under the Elementary and Secondary Education Act of 1965 and the Individuals with Disabilities Education Act, and how the activities of the eligible partnership will be consistent with State, local, and other education reform activities that promote student achievement;

"(4) a resource assessment that describes the resources available to the eligible partnership, the intended use of the grant funds (including a description of how the grant funds will be fairly distributed), and the commitment of the resources of the eligible partnership to the activities assisted under this part, including financial support, faculty participation, time commitments, and continuation of the activities when the grant period ends;

"(5) a description of—

"(A) how the eligible partnership will meet the purposes of this part;

"(B) how the eligible partnership will carry out the activities required under subsection (e) and any permissible activities under subsection (f);

"(C) the eligible partnership's evaluation plan pursuant to section 205(b);

"(D) how the eligible partnership will align the teacher preparation program with the challenging student academic achievement standards, State early learning standards for early childhood education programs (where applicable), and challenging academic content standards, established by the State in which the partnership is located;

"(E) how faculty of the teacher preparation program at the partner institution will serve, over the period of the grant, with highly qualified teachers in the classrooms of the high-need local educational agency included in the eligible partnership;

"(F) how the eligible partnership will ensure that teachers, principals, and superintendents in all schools (including private schools, as appropriate) located in the geographic areas served by an eligible partnership under this section are provided information about the activities carried out with funds under this section, including through electronic means;

"(G) how the eligible partnership will design, implement, or enhance the clinical program component, including promoting close supervision of student teachers by faculty of the teacher preparation program and mentor teachers while in the program and during the student teachers' initial years of teaching if hired by schools included in the eligible partnership;

"(H) how the eligible partnership will develop or enhance an induction program that includes high-quality professional development to support new teachers during the teachers' initial years of teaching that includes teacher mentoring and collaborating with teachers in the same grade, department, or field; and

"(I) how the eligible partnership will collect, analyze, use, and disseminate data on the retention of all teachers in schools located in the geographic areas served by the eligible partnership to evaluate the effectiveness of its teacher support system; and

"(6) an assurance that the eligible partnership will carry out each of the activities described in paragraph (5).

"(d) CONSULTATION.—

"(1) IN GENERAL.—Members of an eligible partnership that receives a grant under this section shall engage in regular consultation throughout the development and implementation of programs and activities under this section.

"(2) REGULAR COMMUNICATION.—To ensure timely and meaningful consultation, regular communication shall occur among all members of the eligible partnership, including the high-need local educational agency. Such communication shall continue throughout the implementation of the grant and the assessment of programs and activities under this section.

"(3) WRITTEN CONSENT.—The Secretary may approve changes in grant activities only if a written consent signed by all members of the eligible partnership is submitted to the Secretary.

"(e) REQUIRED USES OF FUNDS.—An eligible partnership that receives a grant under this section shall use the grant funds to carry out each of the following activities:

"(1) REFORMS.—Ensuring that each teacher preparation program and each early childhood educator preparation program, where applicable, of the eligible partnership that is assisted under this section addresses the needs identified in the needs assessment of the partnership and is preparing current or prospective teachers to be highly qualified, and, where applicable, early childhood educators to be fully competent, to understand scientifically based research and its applicability, and to use technology effectively, including use of instructional techniques to improve student academic achievement, and in the case of early childhood educators, techniques to improve children's cognitive, social, emotional, and physical development, by assisting such programs—

"(A) in retraining faculty;

"(B) in designing (or redesigning) teacher preparation programs so that such programs—

"(i) are based on rigorous academic content and scientifically based research (including scientifically based reading research), and aligned with challenging State academic content standards, as required under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965, and for early childhood educators, aligned with State early learning standards;

"(ii) promote effective teaching skills;

"(iii) promote understanding of effective instructional strategies for students with special needs, including students with disabilities, students who are limited English proficient, students who are gifted and talented, and children in early childhood education programs; and

"(iv) promote high-quality mathematics, science, and foreign language instruction, where applicable;

"(C) in ensuring collaboration with departments, programs, or units outside of the teacher preparation program in all academic content areas to ensure a successful combination of training in both teaching and such content; and

"(D) in developing high-quality, rigorous clinical experiences, lasting not less than 1 term, through dissemination of best practices, technical assistance, or other relevant activities.

"(2) CLINICAL EXPERIENCE AND INTERACTION.—Improving sustained and high-quality preservice clinical experiences, including—

"(A) providing teacher mentoring; and

"(B) substantially increasing interaction between faculty at institutions of higher education and new and experienced teachers, principals, and other administrators at elementary schools or secondary schools, and providing support, including preparation time and release time, for such interaction.

"(3) SUPPORT PROGRAMS FOR NEW TEACHERS.—Creating a program to support new teachers during the initial years of teaching (for not less than 1 year and not more than 3 years). Such program shall promote effective teaching skills and may include the following components:

"(A) Development of skills in educational interventions based on scientifically based research.

"(B) Development of knowledge of scientifically based research on teaching and learning.

"(C) Inclusion of faculty who model the integration of research and practice in the classroom.

"(D) Opportunities for—

"(i) high-quality teacher mentoring; and

"(ii) additional professional development, dissemination of evidence-based research on educational practices, and professional development activities.

"(E) Interdisciplinary collaboration among exemplary teachers, faculty, researchers, and other staff who prepare new teachers in the learning process and the assessment of learning.

"(f) ALLOWABLE USES OF FUNDS.—An eligible partnership that receives a grant under this section may use the grant funds to carry out any of the following activities that address the needs identified in the needs assessment:

"(1) ALTERNATIVES TO TRADITIONAL PREPARATION FOR TEACHING AND STATE CERTIFICATION OR LICENSURE.—The activity described in section 202(e)(1).

"(2) DISSEMINATION AND COORDINATION.—Broadly disseminating information on effective practices used by the eligible partnership, and coordinating with the recruitment and training activities of the Governor, State board of education, State agency for higher education, State agency responsible for early childhood education, and State educational agency, as appropriate.

"(3) INNOVATIVE PROGRAMS.—Developing innovative programs designed to provide graduates of programs funded under this title with opportunities to continue their education through supports and opportunities to improve instructional practices in the initial years of teaching, including the following:

"(A) INTERNSHIPS.

"(i) TEACHER PREPARATION ENHANCEMENT INTERNSHIP.—Developing a 1-year paid internship program for students who have completed an initial teacher preparation program, or alternative routes to State certification or licensure program, to enable such students to develop the skills and experience necessary for success in teaching, including providing intensive clinical training and combining in-service instruction in teacher methods and assessments with classroom observations, experiences, and practices. Such interns shall have a reduced teaching load and a mentor for assistance in the classroom.

"(ii) MID-CAREER PROFESSIONAL INTERNSHIPS.—Developing a 1-year paid internship program for mid-career professionals from other occupations, former military personnel, and recent college graduates from fields other than teacher preparation with records of academic distinction to enable such individuals to develop the skills and experience necessary for success in teaching, including providing intensive clinical training and combining in-service instruction in teacher methods and assessments with classroom observations, experiences, and practices. Such interns shall have a reduced teaching load and a mentor for assistance in the classroom.

"(B) RESIDENCY PROGRAMS FOR NEW TEACHERS.—Supporting teachers in a residency program that provides an induction period for all new general education and special education teachers that includes—

"(i) a forum for information sharing among prospective teachers, teachers, principals, administrators, and participating faculty in the partner institution; and

"(ii) the application of scientifically based research on teaching and learning generated by entities such as the Institute of Education Sciences, and the National Research Council of the National Academies.

"(C) PATHWAYS FOR PARAPROFESSIONALS TO ENTER TEACHING.—Creating intensive programs to provide the coursework and clinical experiences needed by highly qualified paraprofessionals, as defined in section 2102 of the Elementary and Secondary Education Act of 1965, to qualify for State teacher certification or licensure to become highly qualified teachers.

“(4) MANAGERIAL AND LEADERSHIP SKILLS.—Developing and implementing proven mechanisms to provide principals and superintendents with effective managerial, leadership, curricula, and instructional skills that result in increased student academic achievement.

“(5) TEACHER SCHOLARSHIPS AND SUPPORT.—Providing—

“(A) scholarships to help students, such as individuals who have been accepted by, or who are enrolled in, a program of undergraduate education at an institution of higher education, pay the costs of tuition, room, board, and other expenses of completing a teacher preparation program, if—

“(i) the Secretary establishes such requirements as the Secretary determines necessary to ensure that recipients of scholarships under this paragraph who complete teacher preparation programs—

“(I) subsequently teach in a high-need local educational agency for a period of time equivalent to the period of time for which the recipient received the scholarship assistance, plus an additional 1 year; or

“(II) repay the amount of the scholarship if the recipient does not teach as described in subclause (I); and

“(ii) the eligible partnership provides an assurance that the eligible partnership will recruit minority students to become highly qualified teachers;

“(B) support services, if needed, to enable scholarship recipients to complete postsecondary education programs, or to transition from a career outside of the field of education into a teaching career; and

“(C) follow-up services for former scholarship recipients during the recipients' initial years of teaching.

“(6) COORDINATION WITH COMMUNITY COLLEGES.—

“(A) TEACHER PREPARATION PROGRAMS.—Coordinating with 2-year institutions of higher education to implement teacher preparation programs, including through distance learning, for the purposes of allowing prospective teachers—

“(i) to obtain a bachelor's degree and State certification or licensure; and

“(ii) to become highly qualified teachers.

“(B) PROFESSIONAL DEVELOPMENT.—Coordinating with 2-year institutions of higher education to provide professional development that—

“(i) improves the academic content knowledge of teachers in the academic subject areas in which the teachers are certified or licensed to teach, or in which the teachers are working toward certification or licensure to teach; and

“(ii) promotes effective teaching skills.

“(7) CLINICAL EXPERIENCE IN SCIENCE, MATHEMATICS, AND TECHNOLOGY.—Creating opportunities for clinical experience and training for teachers and prospective teachers through participation with professionals in business, research, and work environments in areas relating to science, mathematics, and technology, including opportunities for using laboratory equipment.

“(8) PROFESSIONAL DEVELOPMENTCreating opportunities for enhanced and ongoing professional development for experienced general education and special education teachers, early childhood educators, principals, administrators, and faculty.

“(9) TECHNOLOGY.—The activity described in section 202(e)(9).

“(10) AREAS OF INSTRUCTIONAL SHORTAGE.—Increasing the number of—

“(A) teachers in the classroom providing instruction in high-need academic subject areas (such as reading, mathematics, science, and foreign language, including less commonly taught languages), and high-need areas (such as special education, language instruction educational programs for limited English proficient students, and early childhood education);

“(B) special education faculty dedicated to preparing highly qualified special education teachers at institutions of higher education; and

“(C) faculty at institutions of higher education with expertise in instruction of students who are limited English proficient.

“(11) IMPROVING INSTRUCTION.—Improving instruction by—

“(A) improving understanding and instruction in core academic subjects and other, specialized courses, such as geography, American history and government, and world history; and

“(B) creating externships for teachers and prospective teachers for field experience and training through participation in business, research, and work environments in high-need academic subject areas (such as reading, mathematics, science, and foreign language, including less commonly taught languages) and high-need areas (such as special education, language instruction educational programs for limited English proficient students, and early childhood education).

“(12) GRADUATE PROGRAMS.—Developing, in collaboration with departments, programs, or units of both academic content and teacher education within a partner institution, master's degree programs that meet the demonstrated needs of teachers in the high-need local educational agency participating in the eligible partnership for content expertise and teaching skills.

“(13) LITERACY TEACHER TRAINING.—Establishing and implementing a program that strengthens content knowledge and teaching skills of secondary school teachers in literacy that—

“(A) provides teacher training and stipends for literacy coaches who train classroom teachers to implement literacy programs;

“(B) develops or redesigns rigorous research-based curricula that are aligned with challenging State academic content standards, as required under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965, and with postsecondary standards for reading and writing;

“(C) provides training and stipends for teachers to tutor students with intense individualized reading, writing, and subject matter instruction during or beyond the school day;

“(D) provides opportunities for teachers to plan and assess instruction with other teachers, school leaders, and faculty at institutions of higher education; and

“(E) establishes an evaluation and accountability plan for activities conducted under this paragraph to measure the impact of such activities.

“(g) CONSTRUCTION.—Nothing in this section shall be construed to prohibit an eligible partnership from using grant funds to coordinate with the activities of eligible partnerships in other States or on a regional basis through Governors, State boards of education, State educational agencies, State agencies responsible for early childhood education, local educational agencies, or State agencies for higher education.

“(h) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to carry out activities under this section.

“SEC. 204. ADMINISTRATIVE PROVISIONS.

“(a) DURATION; NUMBER OF AWARDS; PAYMENTS.—

“(1) DURATION.—

“(A) ELIGIBLE STATES.—Grants awarded to eligible States under this part shall be awarded for a period not to exceed 3 years.

“(B) ELIGIBLE PARTNERSHIPS.—Grants awarded to eligible partnerships under this part shall be awarded for a period of 5 years.

“(2) NUMBER OF AWARDS.—An eligible partnership may not receive more than 1 grant during a 5-year period. Nothing in this title shall be construed to prohibit an individual member, that can demonstrate need, of an eligible partnership that receives a grant under this title from entering into another eligible partnership consisting of new members and receiving a grant with such other eligible partnership before the 5-year period described in the preceding sentence applicable to the eligible partnership with which the individual member has first partnered has expired.

“(3) PAYMENTS.—The Secretary shall make annual payments of grant funds awarded under this part.

“(b) PEER REVIEW.—

“(1) PANEL.—The Secretary shall provide the applications submitted under this part to a peer review panel for evaluation. With respect to each application, the peer review panel shall initially recommend the application for funding or for disapproval.

“(2) PRIORITY.—In recommending applications to the Secretary for funding under this part, the panel shall—

“(A) with respect to grants under section 202, give priority to eligible States—

“(i) that have innovative reforms to hold institutions of higher education with teacher preparation programs accountable for preparing teachers to become highly qualified and have effective teaching skills;

“(ii) that have innovative efforts aimed at reducing the shortage of highly qualified general and special education teachers, including in low-income urban and rural areas and in high-need academic subject areas (such as reading, mathematics, science, and foreign language, including less commonly taught languages); and

“(iii) whose awards promote an equitable geographic distribution of grants among rural and urban areas; and

“(B) with respect to grants under section 203, give priority—

“(i) to applications from broad-based eligible partnerships that involve businesses and community organizations; and

“(ii) to eligible partnerships so that the awards promote an equitable geographic distribution of grants among rural and urban areas.

“(3) SECRETARIAL SELECTION.—The Secretary shall determine, based on the peer review process, which applications shall receive funding and the amounts of the grants. In determining grant amounts, the Secretary shall take into account the total amount of funds available for all grants under this part and the types of activities proposed to be carried out.

“(c) MATCHING REQUIREMENTS.—

“(1) STATE GRANTS.—Each eligible State receiving a grant under section 202 shall provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant (in cash or in kind) to carry out the activities supported by the grant.

‘‘(2) PARTNERSHIP GRANTS.—Each eligible partnership receiving a grant under section 203 shall provide, from non-Federal sources (in cash or in kind), an amount equal to 25 percent of the amount of the grant for the first year of the grant, 35 percent of the amount of the grant for the second year of the grant, and 50 percent of the amount of the grant for each succeeding year of the grant.

‘‘(d) LIMITATION ON ADMINISTRATIVE EXPENSES.—An eligible State or eligible partnership that receives a grant under this part may use not more than 2 percent of the grant funds for purposes of administering the grant.

‘‘(e) ADDITIONAL ACTIVITIES.—The Secretary shall use funds repaid pursuant to section 202(e)(4)(A)(i)(II) or section 203(f)(5)(A)(i)(II) to carry out additional activities under section 202 or 203, respectively.

“SEC. 205. ACCOUNTABILITY AND EVALUATION.

‘‘(a) STATE GRANT ACCOUNTABILITY REPORT.—An eligible State that receives a grant under section 202 shall submit an annual accountability report to the Secretary and the authorizing committees. Such report shall include a description of the degree to which the eligible State, in using funds provided under such section, has made progress in meeting the purposes of this part and substantial progress in meeting the following goals, as applicable:

‘‘(1) STUDENT ACADEMIC ACHIEVEMENT.—Increasing student academic achievement for all students as defined by the eligible State.

‘‘(2) RAISING STANDARDS.—Raising the State academic standards required to enter the teaching profession as a highly qualified teacher, and where applicable, as a fully competent early childhood educator.

‘‘(3) INITIAL CERTIFICATION OR LICENSURE.—Improving the pass rates and scaled scores for initial State teacher certification or licensure, or increasing the numbers of qualified individuals being certified or licensed as teachers through alternative routes to State certification or licensure programs.

‘‘(4) PERCENTAGE OF HIGHLY QUALIFIED TEACHERS.—Providing data on the progress of the State towards meeting the highly qualified teacher requirements under section 1119(a)(2) of the Elementary and Secondary Education Act of 1965.

‘‘(5) DECREASING TEACHER SHORTAGES.—Decreasing shortages of—

‘‘(A) highly qualified teachers in—

‘‘(i) low-income urban and rural areas;

‘‘(ii) high-need academic subject areas (such as reading, mathematics, science, and foreign language, including less commonly taught languages);

‘‘(iii) special education; and

‘‘(iv) high-need areas (such as special education, language instruction educational programs for limited English proficient students, and early childhood education); and

‘‘(B) fully competent early childhood educators.

‘‘(6) INCREASING OPPORTUNITIES FOR PROFESSIONAL DEVELOPMENT.—Increasing opportunities for enhanced and ongoing professional development that—

‘‘(A) improves the academic content knowledge of teachers in the academic subject areas in which the teachers are certified or licensed to teach or in which the teachers are working toward certification or licensure to teach; and

‘‘(B) promotes effective teaching skills.

‘‘(b) ELIGIBLE PARTNERSHIP EVALUATION.—Each eligible partnership submitting an application for a grant under section 203 shall establish and include in such application, an evaluation plan that includes strong performance objectives. The plan shall include objectives and measures for increasing—

‘‘(1) student achievement for all students as measured by the eligible partnership;

‘‘(2) teacher retention in the first 3 years of a teacher's career;

‘‘(3) improvement in the pass rates and scaled scores for initial State certification or licensure of teachers;

‘‘(4) the percentage of highly qualified teachers hired by the high-need local educational agency participating in the eligible partnership; and

‘‘(5) the percentage of—

‘‘(A) highly qualified teachers among underrepresented groups, in high-need academic subject areas (such as reading, mathematics, science, and foreign language, including less commonly taught languages), in high-need areas (such as special education, language instruction educational programs for limited English proficient students, and early childhood education), and in high-need schools;

‘‘(B) elementary school, middle school, and secondary school classes taught by teachers who are highly qualified;

‘‘(C) early childhood education program classes taught by providers who are fully competent; and

‘‘(D) highly qualified special education teachers.

‘‘(c) REVOCATION OF GRANT.—

‘‘(1) ELIGIBLE STATES.—If the Secretary determines that an eligible State is not making substantial progress in meeting the purposes, goals, objectives, and measures, as appropriate, by the end of the second year of a grant under this part, then the grant payment shall not be made for the third year of the grant.

‘‘(2) ELIGIBLE PARTNERSHIPS.—If the Secretary determines that an eligible partnership is not making substantial progress in meeting the purposes, goals, objectives, and measures, as appropriate, by the end of the third year of a grant under this part, then the grant payments shall not be made for any succeeding year of the grant.

‘‘(d) EVALUATION AND DISSEMINATION.—The Secretary shall evaluate the activities funded under this part and report the Secretary's findings regarding the activities to the authorizing committees. The Secretary shall broadly disseminate—

‘‘(1) successful practices developed by eligible States and eligible partnerships under this part; and

‘‘(2) information regarding such practices that were found to be ineffective.

“SEC. 206. ACCOUNTABILITY FOR PROGRAMS THAT PREPARE TEACHERS.

‘‘(a) INSTITUTIONAL AND PROGRAM REPORT CARDS ON THE QUALITY OF TEACHER PREPARATION.—

‘‘(1) REPORT CARD.—Each institution of higher education that conducts a traditional teacher preparation program or alternative routes to State certification or licensure program and that enrolls students receiving Federal assistance under this Act shall report annually to the State and the general public, in a uniform and comprehensible manner that conforms with the definitions and methods established by the Secretary, both for traditional teacher preparation programs and alternative routes to State certification or licensure programs, the following information:

‘‘(A) PASS RATES AND SCALED SCORES.—For the most recent year for which the information is available for those students who took the assessments and are enrolled in the traditional teacher preparation program or alternative routes to State certification or licensure program, and for those who have taken the assessments and have completed the traditional teacher preparation program or alternative routes to State certification or licensure program during the 2-year period preceding such year, for each of the assessments used for teacher certification or licensure by the State in which the program is located—

‘‘(i) the percentage of students who have completed 100 percent of the nonclinical coursework and taken the assessment who pass such assessment;

‘‘(ii) the percentage of all such students who passed each such assessment;

‘‘(iii) the percentage of students taking an assessment who completed the teacher preparation program after enrolling in the program, which shall be made available widely and publicly by the State;

‘‘(iv) the average scaled score for all students who took each such assessment;

‘‘(v) a comparison of the program's pass rates with the average pass rates for programs in the State; and

‘‘(vi) a comparison of the program's average scaled scores with the average scaled scores for programs in the State.

‘‘(B) PROGRAM INFORMATION.—The criteria for admission into the program, the number of students in the program (disaggregated by race and gender), the average number of hours of supervised clinical experience required for those in the program, the number of full-time equivalent faculty and students in the supervised clinical experience, and the total number of students who have been certified or licensed as teachers, disaggregated by subject and area of certification or licensure.

‘‘(C) STATEMENT.—In States that require approval or accreditation of teacher preparation programs, a statement of whether the institution's program is so approved or accredited, and by whom.

‘‘(D) DESIGNATION AS LOW-PERFORMING.—Whether the program has been designated as low-performing by the State under section 207(a).

‘‘(E) USE OF TECHNOLOGY.—A description of the activities that prepare teachers to effectively integrate technology into curricula and instruction and effectively use technology to collect, manage, and analyze data in order to improve teaching, learning, and decision making for the purpose of increasing student academic achievement.

‘‘(2) REPORT.—Each eligible partnership receiving a grant under section 203 shall report annually on the progress of the eligible partnership toward meeting the purposes of this part and the objectives and measures described in section 205(b).

‘‘(3) FINES.—The Secretary may impose a fine not to exceed $25,000 on an institution of higher education for failure to provide the information described in this subsection in a timely or accurate manner.

‘‘(4) SPECIAL RULE.—In the case of an institution of higher education that conducts a traditional teacher preparation program or alternative routes to State certification or licensure program and has fewer than 10 scores reported on any single initial teacher certification or licensure assessment during an academic year, the institution shall collect and publish information, as required under paragraph (1)(A), with respect to an average pass rate and scaled score on each State certification or licensure assessment taken over a 3-year period.

‘‘(b) STATE REPORT CARD ON THE QUALITY OF TEACHER PREPARATION.—

"(1) IN GENERAL.—Each State that receives funds under this Act shall provide to the Secretary, annually, in a uniform and comprehensible manner that conforms with the definitions and methods established by the Secretary, a State report card on the quality of teacher preparation in the State, both for traditional teacher preparation programs and for alternative routes to State certification or licensure programs, which shall include not less than the following:

"(A) A description of reliability and validity of the teacher certification and licensure assessments, and any other certification and licensure requirements, used by the State.

"(B) The standards and criteria that prospective teachers must meet in order to attain initial teacher certification or licensure and to be certified or licensed to teach particular academic subject areas or in particular grades within the State.

"(C) A description of how the assessments and requirements described in subparagraph (A) are aligned with the State's challenging academic content standards required under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 and State early learning standards for early childhood education programs.

"(D) For each of the assessments used by the State for teacher certification or licensure—

"(i) for each institution of higher education located in the State and each entity located in the State that offers an alternative route for teacher certification or licensure, the percentage of students at such institution or entity who have completed 100 percent of the nonclinical coursework and taken the assessment who pass such assessment;

"(ii) the percentage of all such students at all such institutions taking the assessment who pass such assessment; and

"(iii) the percentage of students taking an assessment who completed the teacher preparation program after enrolling in the program, which shall be made available widely and publicly by the State.

"(E) A description of alternative routes to State certification or licensure in the State (including any such routes operated by entities that are not institutions of higher education), if any, including, for each of the assessments used by the State for teacher certification or licensure—

"(i) the percentage of individuals participating in such routes, or who have completed such routes during the 2-year period preceding the date of the determination, who passed each such assessment; and

"(ii) the average scaled score of individuals participating in such routes, or who have completed such routes during the period preceding the date of the determination, who took each such assessment.

"(F) A description of the State's criteria for assessing the performance of teacher preparation programs within institutions of higher education in the State. Such criteria shall include indicators of the academic content knowledge and teaching skills of students enrolled in such programs.

"(G) For each teacher preparation program in the State, the criteria for admission into the program, the number of students in the program, disaggregated by race and gender (except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student), the average number of hours of supervised clinical experience required for those in the program, and the number of full-time equivalent faculty, adjunct faculty, and students in supervised clinical experience.

"(H) For the State as a whole, and for each teacher preparation program in the State, the number of teachers prepared, in the aggregate and reported separately by—

"(i) area of certification or licensure;

"(ii) academic major; and

"(iii) subject area for which the teacher has been prepared to teach.

"(I) Using the data generated under subparagraphs (G) and (H), a description of the extent to which teacher preparation programs are helping to address shortages of highly qualified teachers, by area of certification or licensure, subject, and specialty, in the State's public schools, including those areas described in section 205(a)(5).

"(J) A description of the activities that prepare teachers to effectively integrate technology into curricula and instruction and effectively use technology to collect, manage, and analyze data in order to improve teaching, learning, and decision making for the purpose of increasing student academic achievement.

"(2) PROHIBITION AGAINST CREATING A NATIONAL LIST.—The Secretary shall not create a national list or ranking of States, institutions, or schools using the scaled scores provided under this subsection.

"(c) REPORT OF THE SECRETARY ON THE QUALITY OF TEACHER PREPARATION.—

"(1) REPORT CARD.—The Secretary shall provide to Congress, and publish and make widely available, a report card on teacher qualifications and preparation in the United States, including all the information reported in subparagraphs (A) through (J) of subsection (b)(1). Such report shall identify States for which eligible States and eligible partnerships received a grant under this part. Such report shall be so provided, published, and made available annually.

"(2) REPORT TO CONGRESS.—The Secretary shall prepare and submit a report to Congress that contains the following:

"(A) A comparison of States' efforts to improve the quality of the current and future teaching force.

"(B) A comparison of eligible partnerships' efforts to improve the quality of the current and future teaching force.

"(C) The national mean and median scaled scores and pass rate on any standardized test that is used in more than 1 State for teacher certification or licensure.

"(3) SPECIAL RULE.—In the case of a teacher preparation program with fewer than 10 scores reported on any single initial teacher certification or licensure assessment during an academic year, the Secretary shall collect and publish information, and make publicly available, with respect to an average pass rate and scaled score on each State certification or licensure assessment taken over a 3-year period.

"(d) COORDINATION.—The Secretary, to the extent practicable, shall coordinate the information collected and published under this part among States for individuals who took State teacher certification or licensure assessments in a State other than the State in which the individual received the individual's most recent degree.

"SEC. 207. STATE FUNCTIONS.

"(a) STATE ASSESSMENT.—In order to receive funds under this Act, a State shall have in place a procedure to identify and assist, through the provision of technical assistance, low-performing programs of teacher preparation. Such State shall provide the Secretary an annual list of such low-performing teacher preparation programs that includes an identification of those programs at risk of being placed on such list. Such levels of performance shall be determined solely by the State and may include criteria based on information collected pursuant to this part. Such assessment shall be described in the report under section 206(b).

"(b) TERMINATION OF ELIGIBILITY.—Any program of teacher preparation from which the State has withdrawn the State's approval, or terminated the State's financial support, due to the low performance of the program based upon the State assessment described in subsection (a)—

"(1) shall be ineligible for any funding for professional development activities awarded by the Department;

"(2) shall not be permitted to accept or enroll any student that receives aid under title IV in the institution's teacher preparation program; and

"(3) shall provide transitional support, including remedial services if necessary, for students enrolled at the institution at the time of termination of financial support or withdrawal of approval.

"(c) NEGOTIATED RULEMAKING.—If the Secretary develops any regulations implementing subsection (b)(2), the Secretary shall submit such proposed regulations to a negotiated rulemaking process, which shall include representatives of States, institutions of higher education, and educational and student organizations.

"(d) APPLICATION OF THE REQUIREMENTS.—The requirements of this section shall apply to both traditional teacher preparation programs and alternative routes to State certification and licensure programs.

"SEC. 208. GENERAL PROVISIONS.

"(a) METHODS.—In complying with sections 206 and 207, the Secretary shall ensure that States and institutions of higher education use fair and equitable methods in reporting and that the reporting methods do not allow identification of individuals.

"(b) SPECIAL RULE.—For each State that does not use content assessments as a means of ensuring that all teachers teaching in core academic subjects within the State are highly qualified not later than the end of the 2005–2006 school year, as required under section 1119 of the Elementary and Secondary Education Act of 1965, and that each person employed as a special education teacher in the State who teaches elementary school, middle school, or secondary school is highly qualified by such deadline, as required under section 612(a)(14)(C) of the Individuals with Disabilities Education Act,—

"(1) the Secretary shall, to the extent practicable, collect data comparable to the data required under this part from States, local educational agencies, institutions of higher education, or other entities that administer such assessments to teachers or prospective teachers; and

"(2) notwithstanding any other provision of this part, the Secretary shall use such data to carry out requirements of this part related to assessments, pass rates, and scaled scores.

"(c) LIMITATIONS.—

"(1) FEDERAL CONTROL PROHIBITED.—Nothing in this title shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law. This section shall not be construed to prohibit private, religious, or home schools from participation in programs or services under this title.

"(2) NO CHANGE IN STATE CONTROL ENCOURAGED OR REQUIRED.—Nothing in this title shall be construed to encourage or require any change in a State's treatment of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law.

"(3) NATIONAL SYSTEM OF TEACHER CERTIFICATION OR LICENSURE PROHIBITED.—Nothing in this title shall be construed to permit, allow, encourage, or authorize the Secretary to establish or support any national system of teacher certification or licensure.

"(d) RELEASE OF INFORMATION TO TEACHER PREPARATION PROGRAMS.—

"(1) IN GENERAL.—For the purpose of improving teacher preparation programs, a State educational agency shall provide to a teacher preparation program, upon the request of the teacher preparation program, any and all pertinent education-related information that—

"(A) may enable the teacher preparation program to evaluate the effectiveness of the program's graduates or the program itself; and

"(B) is possessed, controlled, or accessible by the State educational agency.

"(2) CONTENT OF INFORMATION.—The information described in paragraph (1)—

"(A) shall include an identification of specific individuals who graduated from the teacher preparation program to enable the teacher preparation program to evaluate the information provided to the program from the State educational agency with the program's own data about the specific courses taken by, and field experiences of, the individual graduates; and

"(B) may include—

"(i) kindergarten through grade 12 academic achievement and demographic data, without revealing personally identifiable information about an individual student, for students who have been taught by graduates of the teacher preparation program; and

"(ii) teacher effectiveness evaluations for teachers who graduated from the teacher preparation program.

"SEC. 209. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2006 and each of the 5 succeeding fiscal years, of which—

"(1) 50 percent shall be available for each fiscal year to award grants under section 202; and

"(2) 50 percent shall be available for each fiscal year to award grants under section 203.

"(b) SPECIAL RULE.—If the Secretary determines that there is an insufficient number of meritorious applications for grants under section 202 or 203 to justify awarding the full amount described in paragraph (1) or (2) of subsection (a), respectively, the Secretary may, after funding the meritorious applications, use the remaining funds for grants under the other such section.".

CHAPTER 4—INSTITUTIONAL AID

SEC. 7341. PROGRAM PURPOSE.

Section 311 (20 U.S.C. 1057) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "351" and inserting "391"; and

(B) in paragraph (3)(F), by inserting ", including services that will assist in the education of special populations" before the period; and

(2) in subsection (c)—

(A) in paragraph (6), by inserting ", including innovative, customized, remedial education and English language instruction courses designed to help retain students and move the students rapidly into core courses and through program completion" before the period;

(B) by redesignating paragraphs (7) through (12) as paragraphs (8) through (13), respectively;

(C) by inserting after paragraph (6) the following:

"(7) Education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents."; and

(D) in the matter preceding subparagraph (A) of paragraph (13) (as redesignated by subparagraph (B)), by striking "subsection (c)" and inserting "subsection (b) and section 391".

SEC. 7342. DEFINITIONS; ELIGIBILITY.

Section 312 (20 U.S.C. 1058) is amended—

(1) in subsection (b)(1)(A), by striking "subsection (c) of this section" and inserting "subsection (d)"; and

(2) in subsection (d)(2), by striking "subdivision" and inserting "paragraph".

SEC. 7343. AMERICAN INDIAN TRIBALLY CONTROLLED COLLEGES AND UNIVERSITIES.

Section 316 (20 U.S.C. 1059c) is amended—

(1) by striking subsection (b)(3) and inserting the following:

"(3) TRIBAL COLLEGE OR UNIVERSITY.—The term 'Tribal College or University' means an institution that—

"(A) qualifies for funding under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) or the Navajo Community College Assistance Act of 1978 (25 U.S.C. 640a note); or

"(B) is cited in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note).";

(2) in subsection (c)(2)—

(A) in subparagraph (B), by inserting before the semicolon at the end the following: "and the acquisition of real property adjacent to the campus of the institution";

(B) by redesignating subparagraphs (G), (H), (I), (J), (K), and (L) as subparagraphs (H), (I), (J), (K), (L), and (N), respectively;

(C) by inserting after subparagraph (F) the following:

"(G) education or counseling services designed to improve the financial literacy and economic literacy of students or parents of students;";

(D) in subparagraph (L) (as redesignated by subparagraph (B)), by striking "and" after the semicolon;

(E) by inserting after subparagraph (L) (as redesignated by subparagraph (B)) the following:

"(M) developing or improving facilities for Internet use or other distance learning academic instruction capabilities; and"; and

(F) in subparagraph (N) (as redesignated by subparagraph (B)), by striking "subparagraphs (A) through (K)" and inserting "subparagraphs (A) through (M)"; and

(3) by striking subsection (d) and inserting the following:

"(d) APPLICATION, PLAN, AND ALLOCATION.—

"(1) INSTITUTIONAL ELIGIBILITY.—To be eligible to receive assistance under this section, a Tribal College or University shall be an eligible institution under section 312(b).

"(2) APPLICATION.—

"(A) IN GENERAL.—A Tribal College or University desiring to receive assistance under this section shall submit an application to the Secretary at such time, and in such manner, as the Secretary may reasonably require.

"(B) STREAMLINED PROCESS.—The Secretary shall establish application requirements in such a manner as to simplify and streamline the process for applying for grants.

"(3) ALLOCATIONS TO INSTITUTIONS.—

"(A) CONSTRUCTION GRANTS.—

"(i) IN GENERAL.—Of the amount appropriated to carry out this section for any fiscal year, the Secretary may reserve 30 percent for the purpose of awarding 1-year grants of not less than $1,000,000 to address construction, maintenance, and renovation needs at eligible institutions.

"(ii) PREFERENCE.—In providing grants under clause (i), the Secretary shall give preference to eligible institutions that have not yet received an award under this section.

"(B) ALLOTMENT OF REMAINING FUNDS.—

"(i) IN GENERAL.—Except as provided in clause (ii), the Secretary shall distribute the remaining funds appropriated for any fiscal year to each eligible institution as follows:

"(I) 60 percent of the remaining appropriated funds shall be distributed among the eligible Tribal Colleges and Universities on a pro rata basis, based on the respective Indian student counts (as defined in section 2(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)) of the Tribal Colleges and Universities; and

"(II) the remaining 40 percent shall be distributed in equal shares to the eligible Tribal Colleges and Universities.

"(ii) MINIMUM GRANT.—The amount distributed to a Tribal College or University under clause (i) shall not be less than $500,000.

"(4) SPECIAL RULES.—

"(A) CONCURRENT FUNDING.—For the purposes of this part, no Tribal College or University that is eligible for and receives funds under this section shall concurrently receive funds under other provisions of this part or part B.

"(B) EXEMPTION.—Section 313(d) shall not apply to institutions that are eligible to receive funds under this section.".

SEC. 7344. ALASKA NATIVE AND NATIVE HAWAIIAN-SERVING INSTITUTIONS.

Section 317(c)(2) (20 U.S.C. 1059d(c)(2)) is amended—

(1) in subparagraph (G), by striking "and" after the semicolon;

(2) in subparagraph (H), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(I) education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents.".

SEC. 7345. NATIVE AMERICAN-SERVING, NONTRIBAL INSTITUTIONS.

(a) GRANT PROGRAM AUTHORIZED.—Part A of title III (20 U.S.C. 1057 et seq.) is amended by adding at the end the following:

"SEC. 318. NATIVE AMERICAN-SERVING, NONTRIBAL INSTITUTIONS.

"(a) PROGRAM AUTHORIZED.—The Secretary shall provide grants and related assistance to Native American-serving, nontribal institutions to enable such institutions to improve and expand their capacity to serve Native Americans.

"(b) DEFINITIONS.—In this section:

"(1) NATIVE AMERICAN.—The term 'Native American' means an individual who is of a tribe, people, or culture that is indigenous to the United States.

"(2) NATIVE AMERICAN-SERVING, NONTRIBAL INSTITUTION.—The term 'Native American-serving, nontribal institution' means an institution of higher education that, at the time of application—

"(A) has an enrollment of undergraduate students that is not less than 10 percent Native American students; and

"(B) is not a Tribal College or University (as defined in section 316).

"(c) AUTHORIZED ACTIVITIES.—

"(1) TYPES OF ACTIVITIES AUTHORIZED.—Grants awarded under this section shall be used by Native American-serving, nontribal institutions to assist such institutions to plan, develop, undertake, and carry out activities to improve and expand such institutions' capacity to serve Native Americans.

"(2) EXAMPLES OF AUTHORIZED ACTIVITIES.—Such programs may include—

"(A) the purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes;

"(B) renovation and improvement in classroom, library, laboratory, and other instructional facilities;

"(C) support of faculty exchanges, and faculty development and faculty fellowships to assist faculty in attaining advanced degrees in the faculty's field of instruction;

"(D) curriculum development and academic instruction;

"(E) the purchase of library books, periodicals, microfilm, and other educational materials;

"(F) funds and administrative management, and acquisition of equipment for use in strengthening funds management;

"(G) the joint use of facilities such as laboratories and libraries; and

"(H) academic tutoring and counseling programs and student support services.

"(d) APPLICATION PROCESS.—

"(1) INSTITUTIONAL ELIGIBILITY.—A Native American-serving, nontribal institution desiring to receive assistance under this section shall submit to the Secretary such enrollment data as may be necessary to demonstrate that the institution is a Native American-serving, nontribal institution, along with such other information and data as the Secretary may by regulation require.

"(2) APPLICATIONS.—

"(A) PERMISSION TO SUBMIT APPLICATIONS.—Any institution that is determined by the Secretary to be a Native American-serving, nontribal institution may submit an application for assistance under this section to the Secretary.

"(B) SIMPLIFIED AND STREAMLINED FORMAT.—The Secretary shall, to the extent possible, prescribe a simplified and streamlined format for applications under this section that takes into account the limited number of institutions that are eligible for assistance under this section.

"(C) CONTENT.—An application submitted under subparagraph (A) shall include—

"(i) a 5-year plan for improving the assistance provided by the Native American-serving, nontribal institution to Native Americans; and

"(ii) such other information and assurances as the Secretary may require.

"(3) SPECIAL RULES.—

"(A) ELIGIBILITY.—No Native American-serving, nontribal institution that receives funds under this section shall concurrently receive funds under other provisions of this part or part B.

"(B) EXEMPTION.—Section 313(d) shall not apply to institutions that are eligible to receive funds under this section.

"(C) DISTRIBUTION.—In awarding grants under this section, the Secretary shall, to the extent possible and consistent with the competitive process under which such grants are awarded, ensure maximum and equitable distribution among all eligible institutions.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 399 (20 U.S.C. 1068h) is amended by adding at the end the following:

"(c) MINIMUM GRANT AMOUNT.—The minimum amount of a grant under this title shall be $200,000.".

SEC. 7346. PART B DEFINITIONS.

Section 322(4) (20 U.S.C. 1061(4)) is amended by inserting ", in consultation with the Commissioner for Education Statistics" before "and the Commissioner".

SEC. 7347. GRANTS TO INSTITUTIONS.

Section 323(a) (20 U.S.C. 1062(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "360(a)(2)" and inserting "399(a)(2)";

(2) by redesignating paragraphs (7) through (12) as paragraphs (8) through (13), respectively; and

(3) by inserting after paragraph (6) the following:

"(7) Education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents.".

SEC. 7348. ALLOTMENTS TO INSTITUTIONS.

Section 324 (20 U.S.C. 1063) is amended by adding at the end the following:

"(h) SPECIAL RULE ON ELIGIBILITY.—Notwithstanding any other provision of this section, a part B institution shall not receive an allotment under this section unless the part B institution provides, on an annual basis, data indicating that the part B institution—

"(1) enrolled Federal Pell Grant recipients in the preceding academic year;

"(2) in the preceding academic year, has graduated students from a program of academic study that is licensed or accredited by a nationally recognized accrediting agency or association recognized by the Secretary pursuant to part H of title IV where appropriate; and

"(3) where appropriate, has graduated students who, within the past 5 years, enrolled in graduate or professional school.".

SEC. 7349. PROFESSIONAL OR GRADUATE INSTITUTIONS.

Section 326 (20 U.S.C. 1063b) is amended—

(1) in subsection (c)—

(A) in paragraph (2), by inserting ", and for the acquisition and development of real property that is adjacent to the campus for such construction, maintenance, renovation, or improvement" after "services";

(B) by redesignating paragraphs (5) through (7) as paragraphs (7) through (9), respectively;

(C) by inserting after paragraph (4) the following:

"(5) tutoring, counseling, and student service programs designed to improve academic success;

"(6) education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents;";

(D) in paragraph (7) (as redesignated by subparagraph (B)), by striking "establish or improve" and inserting "establishing or improving";

(E) in paragraph (8) (as redesignated by subparagraph (B))—

(i) by striking "assist" and inserting "assisting"; and

(ii) by striking "and" after the semicolon;

(F) in paragraph (9) (as redesignated by subparagraph (B)), by striking the period and inserting "; and"; and

(G) by adding at the end the following:

"(10) other activities proposed in the application submitted under subsection (d) that—

"(A) contribute to carrying out the purposes of this part; and

"(B) are approved by the Secretary as part of the review and acceptance of such application.";

(2) in subsection (e)—

(A) in paragraph (1)—

(i) by inserting a colon after "the following";

(ii) in subparagraph (Q), by striking "and" at the end;

(iii) in subparagraph (R), by striking the period and inserting a semicolon; and

(iv) by adding at the end the following:

"(S) Alabama State University qualified graduate program;

"(T) Coppin State University qualified graduate program; and

"(U) Prairie View A & M University qualified graduate program.";

(B) in paragraph (2), by inserting "in law or" after "instruction"; and

(C) in paragraph (3)—

(i) by striking "1998" and inserting "2006"; and

(ii) by striking "(Q) and (R)" and inserting "(S), (T), and (U)";

(3) in subsection (f)—

(A) in paragraph (1), by striking "(P)" and inserting "(R)"; and

(B) in paragraph (3)—

(i) by striking subparagraphs (A) and (B) and inserting the following:

"(A) The amount of non-Federal funds for the fiscal year for which the determination is made that the institution or program listed in subsection (e)—

"(i) allocates from institutional resources;

"(ii) secures from non-Federal sources, including amounts appropriated by the State and amounts from the private sector; and

"(iii) will utilize to match Federal funds awarded for the fiscal year for which the determination is made under this section to the institution or program.

"(B) The number of students enrolled in the qualified graduate programs of the eligible institution or program, for which the institution or program received and allocated funding under this section in the preceding year.";

(ii) in subparagraph (C), by striking "(or the equivalent) enrolled in the eligible professional or graduate school" and all that follows through the period and inserting "enrolled in the qualified programs or institutions listed in paragraph (1).";

(iii) in subparagraph (D)—

(I) by striking "students" and inserting "Black American students or minority students"; and

(II) by striking "institution" and inserting "institution or program"; and

(iv) by striking subparagraph (E) and inserting the following:

"(E) The percentage that the total number of Black American students and minority students who receive their first professional, master's, or doctoral degrees from the institution or program in the academic year preceding the academic year for which the determination is made, represents of the total number of Black American students and minority students in the United States who receive their first professional, master's, or doctoral degrees in the professions or disciplines related to the course of study at such institution or program, respectively, in the preceding academic year."; and

(4) in subsection (g), by striking "1998" and inserting "2006".

SEC. 7350. AUTHORIZATION OF APPROPRIATIONS.

Subsection (a) of section 399 (20 U.S.C. 1068h) is amended to read as follows:

"(a) AUTHORIZATIONS.—

"(1) PART A.—(A) There are authorized to be appropriated to carry out part A (other than section 316) such sums as may be necessary for fiscal year 2006 and each of the 5 succeeding fiscal years.

"(B) There are authorized to be appropriated to carry out section 316 such sums as may be necessary for fiscal year 2006 and each of the 5 succeeding fiscal years.

"(C) There are authorized to be appropriated to carry out section 317 such sums as may be necessary for fiscal year 2006 and each of the 5 succeeding fiscal years.

"(D) There are authorized to be appropriated to carry out section 318 such sums as may be necessary for fiscal year 2006 and each of the 5 succeeding fiscal years.

"(2) PART B.—(A) There are authorized to be appropriated to carry out part B (other than section 326) such sums as may be necessary for fiscal year 2006 and each of the 5 succeeding fiscal years.

"(B) There are authorized to be appropriated to carry out section 326 such sums as may be necessary for fiscal year 2006 and each of the 5 succeeding fiscal years.

"(3) PART C.—There are authorized to be appropriated to carry out part C such sums as may be necessary for fiscal year 2006 and each of the 5 succeeding fiscal years.

"(4) PART D.—(A) There are authorized to be appropriated to carry out part D (other than section 345(7), but including section 347) such sums as may be necessary for fiscal year 2006 and each of the 5 succeeding fiscal years.

"(B) There are authorized to be appropriated to carry out section 345(7) such sums as may be necessary for fiscal year 2006 and each of the 5 succeeding fiscal years.

"(5) PART E.—There are authorized to be appropriated to carry out part E such sums as may be necessary for fiscal year 2006 and each of the 5 succeeding fiscal years.".

SEC. 7351. TECHNICAL CORRECTIONS.

Title III (20 U.S.C. 1051 et seq.) is further amended—

(1) in section 342(5)(C) (20 U.S.C. 1066a(5)(C)), by striking ".," and inserting ".";

(2) in section 343(e) (20 U.S.C. 1066b(e)), by inserting "SALE OF QUALIFIED BONDS.—" before "Notwithstanding";

(3) in the matter preceding clause (i) of section 365(9)(A) (20 U.S.C. 1067k(9)(A)), by striking "support" and inserting "supports";

(4) in section 391(b)(7)(E) (20 U.S.C. 1068(b)(7)(E)), by striking "subparagraph (E)" and inserting "subparagraph (D)";

(5) in the matter preceding subparagraph (A) of section 392(b)(2) (20 U.S.C. 1068a(b)(2)), by striking "eligible institutions under part A institutions" and inserting "eligible institutions under part A"; and

(6) in the matter preceding paragraph (1) of section 396 (20 U.S.C. 1068e), by striking "360" and inserting "399".

CHAPTER 5—STUDENT ASSISTANCE

Subchapter A—Grants to Students in Attendance at Institutions of Higher Education

SEC. 7361. FEDERAL PELL GRANTS.

Section 401 (20 U.S.C. 1070a) is amended—

(1) in subsection (a)(1)—

(A) in the first sentence, by striking "2004" and inserting "2012"; and

(B) in the second sentence, by striking ".," and inserting ".";

(2) in subsection (b)—

(A) by striking paragraph (2)(A) and inserting the following:

"(2)(A) the amount of the Federal Pell Grant for a student eligible under this part shall be—

"(i) $5,100 for academic year 2006–2007;

"(ii) $5,400 for academic year 2007–2008;

"(iii) $5,700 for academic year 2008–2009;

"(iv) $6,000 for academic year 2009–2010; and

"(v) $6,300 for academic year 2010–2011,

less an amount equal to the amount determined to be the expected family contribution with respect to that student for that year.";

(B) by striking paragraph (3);

(C) by redesignating paragraphs (4) through (8) as paragraphs (3) through (7), respectively;

(D) in paragraph (4) (as redesignated by subparagraph (C)), by striking "$400, except" and all that follows through the period and inserting "10 percent of the maximum basic grant level specified in the appropriate Appropriation Act for such academic year, except that a student who is eligible for a Federal Pell Grant in an amount that is equal to or greater than 5 percent of such level but less than 10 percent of such level shall be awarded a Federal Pell grant in the amount of 10 percent of such level."; and

(E) by striking paragraph (5) (as redesignated by subparagraph (C)) and inserting the following:

"(5) In the case of a student who is enrolled, on at least a half-time basis and for a period of more than 1 academic year in a 2-year or 4-year program of instruction for which an institution of higher education awards an associate or baccalaureate degree, the Secretary shall allow such student to receive not more than 2 Federal Pell Grants during a single award year to permit such student to accelerate the student's progress toward a degree by attending additional sessions. In the case of a student receiving more than 1 Federal Pell Grant in a single award year, the total amount of Federal Pell Grants awarded to such student for the award year may exceed the maximum basic grant level specified in the appropriate Appropriation Act for such award year."; and

(3) in subsection (c), by adding at the end the following:

"(5) The period of time during which a student may receive Federal Pell Grants shall not exceed 18 semesters, or an equivalent period of time as determined by the Secretary pursuant to regulations, which period shall—

"(A) be determined without regard to whether the student is enrolled on a full-time basis during any portion of the period of time; and

"(B) include any period of time for which the student received a Federal Pell Grant prior to the date of enactment of the Higher Education Amendments of 2005.".

SEC. 7362. FEDERAL TRIO PROGRAMS.

(a) PROGRAM AUTHORITY; AUTHORIZATION OF APPROPRIATIONS.—Section 402A (20 U.S.C. 1070a–11) is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking "4" and inserting "5";

(ii) by striking subparagraph (A); and

(iii) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(B) by striking paragraph (3) and inserting the following:

"(3) MINIMUM GRANTS.—Unless the institution or agency requests a smaller amount, an individual grant authorized under this chapter shall be awarded in an amount that is not less than $200,000, except that an individual grant authorized under section 402G shall be awarded in an amount that is not less than $170,000.";

(2) in subsection (c)—

(A) in paragraph (2), by striking "service delivery" and inserting "high quality service delivery, as determined under subsection (f),";

(B) in paragraph (3)(B), by striking "is not required to" and inserting "shall not"; and

(C) in paragraph (5), by striking "campuses" and inserting "different campuses";

(3) in subsection (e), by striking "(g)(2)" each place the term occurs and inserting "(h)(4)";

(4) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(5) by inserting after subsection (e) the following:

"(f) OUTCOME CRITERIA.—

"(1) IN GENERAL.—The Secretary, by regulation, shall establish outcome criteria for measuring, annually and for longer periods, the quality and effectiveness of programs authorized under this chapter.

"(2) USE FOR PRIOR EXPERIENCE DETERMINATION.—The outcome criteria under paragraph (1) shall be used to evaluate the programs provided by a recipient of a grant under this chapter, and the Secretary shall determine an eligible entity's prior experience of high quality service delivery, as required in subsection (c)(2), based on the outcome criteria.

"(3) CONSIDERATION OF RELEVANT DATA.—The outcome criteria under this subsection shall take into account data pertaining to secondary school completion, postsecondary education enrollment, and postsecondary education completion for low-income students, first generation college students, and individuals with disabilities, in the schools and institutions of higher education served by the program to be evaluated.

"(4) CONTENTS OF OUTCOME CRITERIA.—The outcome criteria shall include the following:

"(A) For programs authorized under section 402B, whether the eligible entity met or exceeded the entity's objectives established in the entity's application for such program regarding—

"(i) the delivery of service to a total number of students served by the program;

"(ii) the continued secondary school enrollment of such students;

"(iii) the graduation of such students from secondary school; and

"(iv) the enrollment of such students in an institution of higher education.

"(B) For programs authorized under section 402C, whether the eligible entity met or exceeded its objectives for such program regarding—

"(i) the delivery of service to a total number of students served by the program, as agreed upon by the entity and the Secretary for the period;

"(ii) such students' school performance, as measured by the grade point average, or its equivalent;

"(iii) such students' academic performance, as measured by standardized tests, including tests required by the students' State;

"(iv) the retention in, and graduation from, secondary school of such students; and

"(v) the enrollment of such students in an institution of higher education.

"(C) For programs authorized under section 402D—

"(i) whether the eligible entity met or exceeded the entity's objectives regarding the retention in postsecondary education of the students served by the program;

"(ii)(I) in the case of an entity that is an institution of higher education offering a baccalaureate degree, the extent to which the entity met or exceeded the entity's objectives regarding such students' completion of the degree programs in which such students were enrolled; or

"(II) in the case of an entity that is an institution of higher education that does not offer a baccalaureate degree, the extent to which the entity met or exceeded the entity's objectives regarding—

"(aa) the completion of a degree or certificate by such students; and

"(bb) the transfer of such students to institutions of higher education that offer baccalaureate degrees;

"(iii) whether the entity met or exceeded the entity's objectives regarding the delivery of service to a total number of students, as agreed upon by the entity and the Secretary for the period; and

"(iv) whether the applicant met or exceeded the entity's objectives regarding such students remaining in good academic standing.

"(D) For programs authorized under section 402E, whether the entity met or exceeded the entity's objectives for such program regarding—

"(i) the delivery of service to a total number of students, as agreed upon by the entity and the Secretary for the period;

"(ii) the provision of appropriate scholarly and research activities for the students served by the program;

"(iii) the acceptance and enrollment of such students in graduate programs; and

"(iv) the attainment of doctoral degrees by former program participants.

"(E) For programs authorized under section 402F, whether the entity met or exceeded the entity's objectives for such program regarding—

"(i) the enrollment of students without a secondary school diploma or its recognized equivalent, who were served by the program, in programs leading to such diploma or equivalent;

"(ii) the enrollment of secondary school graduates who were served by the program in programs of postsecondary education;

"(iii) the delivery of service to a total number of students, as agreed upon by the entity and the Secretary for the period; and

"(iv) the provision of assistance to students served by the program in completing financial aid applications and college admission applications.";

(6) in subsection (g) (as redesignated by paragraph (4))—

(A) in the first sentence, by striking "$700,000,000 for fiscal year 1999" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 2006 and each of the 5 succeeding fiscal years."; and

(B) by striking the fourth sentence; and

(7) in subsection (h) (as redesignated by paragraph (4))—

(A) by redesignating paragraphs (1) through (4) as paragraphs (3) through (6), respectively;

(B) by inserting before paragraph (3) (as redesignated by subparagraph (A)) the following:

"(1) DIFFERENT CAMPUS.—The term 'different campus' means a site of an institution of higher education that—

"(A) is geographically apart from the main campus of the institution;

"(B) is permanent in nature; and

"(C) offers courses in educational programs leading to a degree, certificate, or other recognized educational credential.

"(2) DIFFERENT POPULATION.—The term 'different population' means a group of individuals, with respect to whom an eligible entity desires to serve through an application for a grant under this chapter, that—

"(A) is separate and distinct from any other population that the entity has applied for a grant under this chapter to serve; or

"(B) while sharing some of the same needs as another population that the eligible entity has applied for a grant under this chapter to serve, has distinct needs for specialized services.";

(C) in paragraph (5) (as redesignated by subparagraph (A))—

(i) in subparagraph (A), by striking "or" after the semicolon;

(ii) in subparagraph (B), by striking the period at the end and inserting "; or"; and

(iii) by adding at the end the following:

"(C) was a member of a reserve component of the Armed Forces called to active duty for a period of more than 180 days."; and

(D) in paragraph (6), by striking "subparagraph (A) or (B) of paragraph (3)" and inserting "subparagraph (A), (B), or (C) of paragraph (5)".

(b) TALENT SEARCH.—Section 402B (20 U.S.C. 1070a–12) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "to identify qualified youths with potential for education at the postsecondary level and to encourage such youths" and inserting "to encourage eligible youths";

(B) in paragraph (2), by inserting ", and facilitate the application for," after "the availability of"; and

(C) in paragraph (3), by striking ", but who have the ability to complete such programs, to reenter" and inserting "to enter or reenter, and complete";

(2) by redesignating subsection (c) as subsection (d);

(3) by striking subsection (b) and inserting the following:

"(b) REQUIRED SERVICES.—Any project assisted under this section shall provide—

"(1) academic tutoring, or connections to high quality academic tutoring services, to enable students to complete secondary or postsecondary courses, which may include instruction in reading, writing, study skills, mathematics, science, and other subjects;

"(2) advice and assistance in secondary course selection and, if applicable, initial postsecondary course selection;

"(3) assistance in preparing for college entrance examinations and completing college admission applications;

"(4)(A) information on both the full range of Federal student financial aid programs (including Federal Pell Grant awards and loan forgiveness) and resources for locating public and private scholarships; and

"(B) assistance in completing financial aid applications, including the Free Application for Federal Student Aid described in section 483(a);

"(5) guidance on and assistance in—

"(A) secondary school reentry;

"(B) alternative education programs for secondary school dropouts that lead to the receipt of a regular secondary school diploma;

"(C) entry into general educational development (GED) programs; or

"(D) postsecondary education; and

"(6) education or counseling services designed to improve the financial literacy and economic literacy of students or their parents, including financial planning for postsecondary education.

"(c) PERMISSIBLE SERVICES.—Any project assisted under this section may provide services such as—

"(1) personal and career counseling or activities;

"(2) information and activities designed to acquaint youths with the range of career options available to the youths;

"(3) exposure to the campuses of institutions of higher education, as well as cultural events, academic programs, and other sites or activities not usually available to disadvantaged youth;

"(4) workshops and counseling for families of students served;

"(5) mentoring programs involving elementary or secondary school teachers or counselors, faculty members at institutions of higher education, students, or any combination of such persons; and

"(6) programs and activities as described in subsection (b) or paragraphs (1) through (5) of this subsection that are specially designed for students who are limited English proficient, students with disabilities, students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)), or students who are in foster care or are aging out of the foster care system."; and

(4) in the matter preceding paragraph (1) of subsection (d) (as redesignated by paragraph (2)), by striking "talent search projects under this chapter" and inserting "projects under this section".

(c) UPWARD BOUND.—Section 402C (20 U.S.C. 1070a–13) is amended—

(1) by striking subsection (b) and inserting the following:

"(b) REQUIRED SERVICES.—Any project assisted under this section shall provide—

"(1) academic tutoring to enable students to complete secondary or postsecondary courses, which may include instruction in reading, writing, study skills, mathematics, science, and other subjects;

"(2) advice and assistance in secondary and postsecondary course selection;

"(3) assistance in preparing for college entrance examinations and completing college admission applications;

"(4)(A) information on both the full range of Federal student financial aid programs (including Federal Pell Grant awards and loan forgiveness) and resources for locating public and private scholarships; and

"(B) assistance in completing financial aid applications, including the Free Application for Federal Student Aid described in section 483(a);

"(5) guidance on and assistance in—

"(A) secondary school reentry;

"(B) alternative education programs for secondary school dropouts that lead to the receipt of a regular secondary school diploma;

"(C) entry into general educational development (GED) programs; or

"(D) postsecondary education; and

"(6) education or counseling services designed to improve the financial literacy and economic literacy of students, including financial planning for postsecondary education.";

(2) in subsection (c)—

(A) in the subsection heading, by striking "REQUIRED SERVICES" and inserting "ADDITIONAL REQUIRED SERVICES FOR MULTIPLE-YEAR GRANT RECIPIENTS"; and

(B) by striking "upward bound project assisted under this chapter" and inserting "project assisted under this section";

(3) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(4) by inserting after subsection (c) the following:

"(d) PERMISSIBLE SERVICES.—Any project assisted under this section may provide such services as—

"(1) exposure to cultural events, academic programs, and other activities not usually available to disadvantaged youth;

"(2) information, activities and instruction designed to acquaint youths participating in the project with the range of career options available to the youths;

“(3) on-campus residential programs;

“(4) mentoring programs involving elementary school or secondary school teachers or counselors, faculty members at institutions of higher education, students, or any combination of such persons;

“(5) work-study positions where youth participating in the project are exposed to careers requiring a postsecondary degree;

“(6) special services to enable veterans to make the transition to postsecondary education; and

“(7) programs and activities as described in subsection (b), subsection (c), or paragraphs (1) through (6) of this subsection that are specially designed for students who are limited English proficient, students with disabilities, students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)), or students who are in foster care or are aging out of the foster care system.”;

(5) in the matter preceding paragraph (1) of subsection (e) (as redesignated by paragraph (3)), by striking “upward bound projects under this chapter” and inserting “projects under this section”; and

(6) in subsection (f) (as redesignated by paragraph (3))—

(A) by striking “during June, July, and August” each place the term occurs and inserting “during the summer school recess, for a period not to exceed 3 months”; and

(B) by striking “(b)(10)” and inserting “(d)(5)”.

(d) Student Support Services.—Section 402D (20 U.S.C. 1070a–14) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking “and” after the semicolon;

(B) by striking paragraph (3) and inserting the following:

“(3) to foster an institutional climate supportive of the success of low-income and first generation college students, students with disabilities, students who are limited English proficient, students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)), and students who are in foster care or are aging out of the foster care system.”; and

(C) by adding at the end the following:

“(4) to improve the financial literacy and economic literacy of students, including—

“(A) basic personal income, household money management, and financial planning skills; and

“(B) basic economic decisionmaking skills.”;

(2) by redesignating subsections (c) and (d) as subsections (d) and (e);

(3) by striking subsection (b) and inserting the following:

“(b) Required Services.—A project assisted under this section shall provide—

“(1) academic tutoring to enable students to complete postsecondary courses, which may include instruction in reading, writing, study skills, mathematics, science, and other subjects;

“(2) advice and assistance in postsecondary course selection;

“(3)(A) information on both the full range of Federal student financial aid programs (including Federal Pell Grant awards and loan forgiveness) and resources for locating public and private scholarships; and

“(B) assistance in completing financial aid applications, including the Free Application for Federal Student Aid described in section 483(a);

“(4) education or counseling services designed to improve the financial literacy and economic literacy of students, including financial planning for postsecondary education;

“(5) activities designed to assist students participating in the project in securing college admission and financial assistance for enrollment in graduate and professional programs; and

“(6) activities designed to assist students enrolled in 2-year institutions of higher education in securing admission and financial assistance for enrollment in a 4-year program of postsecondary education.

“(c) Permissible Services.—A project assisted under this section may provide services such as—

“(1) consistent, individualized personal, career, and academic counseling, provided by assigned counselors;

“(2) information, activities, and instruction designed to acquaint youths participating in the project with the range of career options available to the students;

“(3) exposure to cultural events and academic programs not usually available to disadvantaged students;

“(4) activities designed to acquaint students participating in the project with the range of career options available to the students;

“(5) mentoring programs involving faculty or upper class students, or a combination thereof;

“(6) securing temporary housing during breaks in the academic year for students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)) or were formerly homeless children and youths and students who are in foster care or are aging out of the foster care system; and

“(7) programs and activities as described in subsection (b) or paragraphs (1) through (5) of this subsection that are specially designed for students who are limited English proficient, students with disabilities, students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)) or were formerly homeless children and youths, or students who are in foster care or are aging out of the foster care system.”;

(4) in subsection (d)(1) (as redesignated by paragraph (2)), by striking “subsection (b)” and inserting “subsection (c)”; and

(5) in the matter preceding paragraph (1) of subsection (e) (as redesignated by paragraph (2)), by striking “student support services projects under this chapter” and inserting “projects under this section”.

(e) Postbaccalaureate Achievement Program Authority.—Section 402E (20 U.S.C. 1070a–15) is amended—

(1) in subsection (b)—

(A) in the subsection heading, by inserting “Required” before “Services”;

(B) in the matter preceding paragraph (1), by striking “A postbaccalaureate achievement project assisted under this section may provide services such as—” and inserting “A project assisted under this section shall provide—”;

(C) in paragraph (5), by inserting “and” after the semicolon;

(D) in paragraph (6), by striking the semicolon and inserting a period; and

(E) by striking paragraphs (7) and (8);

(2) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively;

(3) by inserting after subsection (b) the following:

“(c) Permissible Services.—A project assisted under this section may provide services such as—

“(1) education or counseling services designed to improve the financial literacy and economic literacy of students or their parents, including financial planning for postsecondary education;

“(2) mentoring programs involving faculty members at institutions of higher education, students, or any combination of such persons; and

“(3) exposure to cultural events and academic programs not usually available to disadvantaged students.”;

(4) in the matter preceding paragraph (1) of subsection (d) (as redesignated by paragraph (2)), by striking “postbaccalaureate achievement”;

(5) in the matter preceding paragraph (1) of subsection (f) (as redesignated by paragraph (2)), by striking “postbaccalaureate achievement project” and inserting “project under this section”; and

(6) in subsection (g) (as redesignated by paragraph (2))—

(A) by striking “402A(f)” and inserting “402A(g)”; and

(B) by striking “1993 through 1997” and inserting “2006 through 2010”.

(f) Educational Opportunity Centers.—Section 402F (20 U.S.C. 1070a–16) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “and” after the semicolon;

(B) in paragraph (2), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(3) to improve the financial literacy and economic literacy of students, including—

“(A) basic personal income, household money management, and financial planning skills; and

“(B) basic economic decisionmaking skills.”; and

(2) in subsection (b)—

(A) by redesignating paragraphs (5) through (10) as paragraphs (6) through (11), respectively;

(B) by inserting after paragraph (4) the following:

“(5) education or counseling services designed to improve the financial literacy and economic literacy of students;”;

(C) by striking paragraph (7) (as redesignated by subparagraph (A)) and inserting the following:

“(7) individualized personal, career, and academic counseling;”; and

(D) by striking paragraph (11) (as redesignated by subparagraph (A)) and inserting the following:

“(11) programs and activities as described in paragraphs (1) through (10) that are specially designed for students who are limited English proficient, students with disabilities, or students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)), or programs and activities for students who are in foster care or are aging out of the foster care system.”.

(g) Staff Development Activities.—Section 402G(b)(3) (20 U.S.C. 1070a–17(b)(3)) is amended by inserting “, including strategies for recruiting and serving students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)) and students who are in foster care or are aging out of the foster care system" before the period at the end.

(h) Reports, Evaluations, and Grants for Project Improvement and Dissemination.—Section 402H (20 U.S.C. 1070a–18) is amended—

(1) by striking the section heading and inserting "**REPORTS, EVALUATIONS, AND GRANTS FOR PROJECT IMPROVEMENT AND DISSEMINATION.**";

(2) by redesignating subsections (a) through (c) as subsections (b) through (d), respectively; and

(3) by inserting before subsection (b) (as redesignated by paragraph (2)) the following:

"(a) Report to Congress.—At least once every 2-year period, the Secretary shall prepare and submit to Congress a report on the outcomes achieved by the programs authorized under this chapter. Such report shall include a statement for the preceding fiscal year specifying—

"(1) the number of grants awarded during each fiscal year, and the number of individuals served by the programs carried out under such grants;

"(2) the number of entities that received grants during the fiscal year, including the number of entities that—

"(A) received a grant to carry out a program under this chapter for the fiscal year; and

"(B) had not received funding for that particular program during the previous grant cycle;

"(3) a comparison of the number and percentage of grant awards made to entities described in paragraph (2), with the number of such entities funded through discretionary grant competitions conducted by the Secretary under this chapter in the 3 grant cycles preceding the fiscal year;

"(4) information on the number of individuals served in each program authorized under this chapter; and

"(5) information on the outcomes achieved by each program authorized under this chapter, including the outcome criteria described in section 402A(f) for each program.".

SEC. 7363. GAINING EARLY AWARENESS AND READINESS FOR UNDERGRADUATE PROGRAMS.

(a) Early Intervention and College Awareness Program Authorized.—Section 404A (20 U.S.C. 1070a–21) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) Program Authorized.—The Secretary is authorized, in accordance with the requirements of this chapter, to establish a program that encourages eligible entities to provide support to eligible low-income students to assist the students in obtaining a secondary school diploma (or its recognized equivalent) and to prepare for and succeed in postsecondary education, by providing—

"(1) financial assistance, academic support, additional counseling, mentoring, outreach, and supportive services to middle school and secondary school students to reduce—

"(A) the risk of such students dropping out of school; or

"(B) the need for remedial education for such students at the postsecondary level; and

"(2) information to students and their parents about the advantages of obtaining a postsecondary education and the college financing options for the students and their parents.";

(2) by striking subsection (b)(2)(A) and inserting the following:

"(A) give priority to eligible entities that have a prior, demonstrated commitment to early intervention leading to college access through collaboration and replication of successful strategies;"; and

(3) by striking subsection (c)(2) and inserting the following:

"(2) a partnership—

"(A) consisting of—

"(i) 1 or more local educational agencies; and

"(ii) 1 or more degree granting institutions of higher education; and

"(B) which may include not less than 2 other community organizations or entities, such as businesses, professional organizations, State agencies, institutions or agencies sponsoring programs authorized under subpart 4, or other public or private agencies or organizations.".

(b) Requirements.—Section 404B (20 U.S.C. 1070a–22) is amended—

(1) by striking subsection (a) and inserting the following:—

"(a) Funding Rules.—

"(1) Distribution.—In awarding grants from the amount appropriated under section 404G for a fiscal year, the Secretary shall take into consideration—

"(A) the geographic distribution of such awards; and

"(B) the distribution of such awards between urban and rural applicants.

"(2) Special rule.—The Secretary shall annually reevaluate the distribution of funds described in paragraph (1) based on number, quality, and promise of the applications.";

(2) by striking subsections (b), (e), and (f);

(3) by redesignating subsections (c), (d), and (g) as subsections (b), (c), and (d), respectively; and

(4) by adding at the end the following:

"(e) Supplement, Not Supplant.—Grant funds awarded under this chapter shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to carry out activities assisted under this chapter.".

(c) Application.—Section 404C (20 U.S.C. 1070a–23) is amended—

(1) in the section heading, by striking "**ELIGIBLE ENTITY PLANS**" and inserting "**APPLICATIONS**";

(2) in subsection (a)—

(A) in the subsection heading, by striking "Plan" and inserting "Application";

(B) in paragraph (1)—

(i) by striking "a plan" and inserting "an application"; and

(ii) by striking the second sentence; and

(C) by striking paragraph (2) and inserting the following:

"(2) Contents.—Each application submitted pursuant to paragraph (1) shall be in such form, contain or be accompanied by such information or assurances, and be submitted at such time as the Secretary may require. Each such application shall, at a minimum—

"(A) describe the activities for which assistance under this chapter is sought, including how the eligible entity will carry out the required activities described in section 404D(a);

"(B) describe how the eligible agency will meet the requirements of section 404E;

"(C) provide assurances that adequate administrative and support staff will be responsible for coordinating the activities described in section 404D;

"(D) ensure that activities assisted under this chapter will not displace an employee or eliminate a position at a school assisted under this chapter, including a partial displacement such as a reduction in hours, wages or employment benefits;

"(E) describe, in the case of an eligible entity described in section 404A(c)(2), how the eligible entity will define the cohorts of the students served by the eligible entity pursuant to section 404B(d), and how the eligible entity will serve the cohort through grade 12, including—

"(i) how vacancies in the program under this chapter will be filled; and

"(ii) how the eligible entity will serve students attending different secondary schools;

"(F) describe how the eligible entity will coordinate programs with other existing Federal, State, or local programs to avoid duplication and maximize the number of students served;

"(G) provide such additional assurances as the Secretary determines necessary to ensure compliance with the requirements of this chapter; and

"(H) provide information about the activities that will be carried out by the eligible entity to support systemic changes from which future cohorts of students will benefit.";

(3) in the matter preceding subparagraph (A) of subsection (b)(1)—

(A) by striking "a plan" and inserting "an application"; and

(B) by striking "such plan" and inserting "such application"; and

(4) in subsection (c)(1), by striking the semicolon at the end and inserting "including—

"(A) the amount contributed to a student scholarship fund established under section 404E; and

"(B) the amount of the costs of administering the scholarship program under section 404E;".

(d) Activities.—Section 404D (20 U.S.C. 1070a–24) is amended to read as follows:

"SEC. 404D. ACTIVITIES.

"(a) Required Activities.—Each eligible entity receiving a grant under this chapter shall carry out the following:

"(1) Provide information regarding financial aid for postsecondary education to participating students in the cohort described in subsection 404B(d)(1)(A).

"(2) Encourage student enrollment in rigorous and challenging curricula and coursework, in order to reduce the need for remedial coursework at the postsecondary level.

"(3) Support activities designed to improve the number of participating students who—

"(A) obtain a secondary school diploma; and

"(B) complete applications for and enroll in a program of postsecondary education.

"(4) In the case of an eligible entity described in section 404A(c)(1), provide for the scholarships described in section 404E.

"(b) Optional Activities for States and Partnerships.—An eligible entity that receives a grant under this chapter may use grant funds to carry out 1 or more of the following activities:

"(1) Providing tutoring and supporting mentors, including adults or former participants of a program under this chapter, for eligible students.

"(2) Conducting outreach activities to recruit priority students described in subsection (d) to participate in program activities.

"(3) Providing supportive services to eligible students.

"(4) Supporting the development or implementation of rigorous academic curricula, which may include college preparatory, Advanced Placement, or International Baccalaureate programs, and providing participating students access to rigorous core courses that reflect challenging State academic standards.

"(5) Supporting dual or concurrent enrollment programs between the secondary school and institution of higher education partners of an eligible entity described in section 404A(c)(2), and other activities that support participating students in—

"(A) meeting challenging academic standards;

"(B) successfully applying for postsecondary education;

"(C) successfully applying for student financial aid; and

"(D) developing graduation and career plans.

"(6) Providing support for scholarships described in section 404E.

"(7) Introducing eligible students to institutions of higher education, through trips and school-based sessions.

"(8) Providing an intensive extended school day, school year, or summer program that offers—

"(A) additional academic classes; or

"(B) assistance with college admission applications.

"(9) Providing other activities designed to ensure secondary school completion and postsecondary education enrollment of at-risk children, such as—

"(A) the identification of at-risk children;

"(B) after-school and summer tutoring;

"(C) assistance to at-risk children in obtaining summer jobs;

"(D) academic counseling;

"(E) volunteer and parent involvement;

"(F) encouraging former or current participants of a program under this chapter to serve as peer counselors;

"(G) skills assessments;

"(H) personal counseling;

"(I) family counseling and home visits;

"(J) staff development; and

"(K) programs and activities described in this subsection that are specially designed for students who are limited English proficient.

"(10) Enabling eligible students to enroll in Advanced Placement or International Baccalaureate courses, or college entrance examination preparation courses.

"(11) Providing services to eligible students in the participating cohort described in section 404B(d)(1)(A), through the first year of attendance at an institution of higher education.

"(c) ADDITIONAL OPTIONAL ACTIVITIES FOR STATES.—In addition to the required activities described in subsection (a) and the optional activities described in subsection (b), an eligible entity described in section 404A(c)(1) receiving funds under this chapter may use grant funds to carry out 1 or more of the following activities:

"(1) Providing technical assistance to—

"(A) middle schools or secondary schools that are located within the State; or

"(B) partnerships described in section 404A(c)(2) that are located within the State.

"(2) Providing professional development opportunities to individuals working with eligible cohorts of students described in section 404B(d)(1)(A).

"(3) Providing strategies and activities that align efforts in the State to prepare eligible students for attending and succeeding in postsecondary education, which may include the development of graduation and career plans.

"(4) Disseminating information on the use of scientifically based research and best practices to improve services for eligible students.

"(5)(A) Disseminating information on effective coursework and support services that assist students in obtaining the goals described in subparagraph (B)(ii).

"(B) Identifying and disseminating information on best practices with respect to—

"(i) increasing parental involvement; and

"(ii) preparing students, including students with disabilities and students who are limited English proficient, to succeed academically in, and prepare financially for, postsecondary education.

"(6) Working to align State academic standards and curricula with the expectations of postsecondary institutions and employers.

"(7) Developing alternatives to traditional secondary school that give students a head start on attaining a recognized postsecondary credential (including an industry certificate, an apprenticeship, or an associate's or a bachelor's degree), including school designs that give students early exposure to college-level courses and experiences and allow students to earn transferable college credits or an associate's degree at the same time as a secondary school diploma.

"(8) Creating community college programs for drop-outs that are personalized drop-out recovery programs that allow drop-outs to complete a regular secondary school diploma and begin college-level work.

"(d) PRIORITY STUDENTS.—For eligible entities not using a cohort approach, the eligible entity shall treat as priority students any student in middle or secondary school who is eligible—

"(1) to be counted under section 1124(c) of the Elementary and Secondary Education Act of 1965;

"(2) for free or reduced price meals under the Richard B. Russell National School Lunch Act;

"(3) for assistance under a State program funded under part A or E of title IV of the Social Security Act (42 U.S.C. 601 et seq., 670 et seq.); or

"(4) for assistance under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.).

"(e) ALLOWABLE PROVIDERS.—In the case of eligible entities described in section 404A(c)(1), the activities required by this section may be provided by service providers such as community-based organizations, schools, institutions of higher education, public and private agencies, nonprofit and philanthropic organizations, businesses, institutions and agencies sponsoring programs authorized under subpart 4, and other organizations the State determines appropriate.".

(e) SCHOLARSHIP COMPONENT.—Section 404E (20 U.S.C. 1070a–25) is amended—

(1) by striking subsections (e) and (f);

(2) by redesignating subsections (b), (c), and (d) as subsections (d), (f), and (g), respectively;

(3) by inserting after subsection (a) the following:

"(b) LIMITATION.—

"(1) IN GENERAL.—Subject to paragraph (2), each eligible entity described in section 404A(c)(1) that receives a grant under this chapter shall use not less than 25 percent and not more than 50 percent of the grant funds for activities described in section 404D(c), with the remainder of such funds to be used for a scholarship program under this section.

"(2) EXCEPTION.—Notwithstanding paragraph (1), the Secretary may allow an eligible entity to use more than 50 percent of grant funds received under this chapter for such activities, if the eligible entity demonstrates that the eligible entity has another means of providing the students with the financial assistance described in this section and describes such means in the application submitted under section 404C.

"(c) NOTIFICATION OF ELIGIBILITY.—Each eligible entity providing scholarships under this section shall provide information on the eligibility requirements for the scholarships to all participating students upon the students' entry into the programs assisted under this chapter.";

(4) in subsection (d) (as redesignated by paragraph (2)), by striking "the lesser of" and all that follows through the period at the end of paragraph (2) and inserting "the minimum Federal Pell Grant award under section 401 for such award year.";

(5) by inserting after subsection (d) (as redesignated by paragraph (2) and amended by paragraph (4)) the following:

"(e) PORTABILITY OF ASSISTANCE.—

"(1) IN GENERAL.—Each eligible entity described in section 404A(c)(1) that receives a grant under this chapter shall create or organize a trust for each cohort described in section 404B(d)(1)(A) for which the grant is sought in the application submitted by the entity, which trust shall be an amount that is not less than the minimum scholarship amount described in subsection (d), multiplied by the number of students participating in the cohort.

"(2) REQUIREMENT FOR PORTABILITY.—Funds contributed to the trust for a cohort shall be available to a student in the cohort when the student has—

"(A) completed a secondary school diploma, its recognized equivalent, or other recognized alternative standard for individuals with disabilities; and

"(B) enrolled in an institution of higher education.

"(3) QUALIFIED EDUCATIONAL EXPENSES.—Funds available to an eligible student from a trust may be used for—

"(A) tuition, fees, books, supplies, and equipment required for the enrollment or attendance of the eligible student at an institution of higher education; and

"(B) in the case of an eligible student with special needs, expenses for special needs services which are incurred in connection with such enrollment or attendance.

"(4) RETURN OF FUNDS.—

"(A) REDISTRIBUTION.—

"(i) IN GENERAL.—Trust funds that are not used by an eligible student within 6 years of the student's scheduled completion of secondary school may be redistributed by the eligible entity to other eligible students.

"(ii) RETURN OF EXCESS TO THE SECRETARY.—If, after meeting the requirements of paragraph (1) and, if applicable, redistributing excess funds in accordance with clause (i), an eligible entity has funds remaining, the eligible entity shall return excess funds to the Secretary for distribution to other grantees under this chapter.

"(B) NONPARTICIPATING ENTITY.—Notwithstanding subparagraph (A), in the case of an eligible entity described in section 404A(c)(1)(A) that does not receive assistance under this subpart for 6 fiscal years, the eligible entity shall return any trust funds not awarded or obligated to eligible students to the Secretary for distribution to other grantees under this chapter."; and

(6) in subsection (g) (as redesignated by paragraph (2))—

(A) in paragraph (2), by striking "1993" and inserting "2000"; and

(B) in paragraph (4), by striking "early intervention component required under section 404D" and inserting "activities required under section 404D(a)".

(f) REPEAL OF 21ST CENTURY SCHOLAR CERTIFICATES.—Chapter 2 of subpart 2 of part A of title IV (20 U.S.C. 1070a–21 et seq.) is further amended—

(1) by striking section 404F; and

(2) by redesignating sections 404G and 404H as sections 404F and 404G, respectively.

(g) AUTHORIZATION OF APPROPRIATIONS.—Section 404G (as redesignated by subsection (f)) (20 U.S.C. 1070a–28) is amended by striking "$200,000,000 for fiscal year 1999" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 2006 and each of the 5 succeeding fiscal years.".

(h) CONFORMING AMENDMENTS.—Chapter 2 of subpart 2 of part A of title IV (20 U.S.C. 1070a–21 et seq.) is further amended—

(1) in section 404A(b)(1), by striking "404H" and inserting "404G";

(2) in section 404B(a)(1), by striking "404H" and inserting "404G"; and

(3) in section 404F(c) (as redesignated by subsection (f)(2)), by striking "404H" and inserting "404G".

SEC. 7364. ACADEMIC ACHIEVEMENT INCENTIVE SCHOLARSHIPS.

Chapter 3 of subpart 2 of part A of title IV (20 U.S.C. 1070a–31 et seq.) is repealed.

SEC. 7365. FEDERAL SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS.

(a) APPROPRIATIONS AUTHORIZED.—Section 413A(b)(1) (20 U.S.C. 1070b(b)(1)) is amended by striking "$675,000,000 for fiscal year 1999" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 2006 and each of the 5 succeeding fiscal years.".

(b) ALLOCATION OF FUNDS.—

(1) ALLOCATION OF FUNDS.—Section 413D (20 U.S.C. 1070b–3) is amended—

(A) by striking subsection (a)(4); and

(B) in subsection (c)(3)(D), by striking "$450" and inserting "$600".

(2) TECHNICAL CORRECTION.—Section 413D(a)(1) (20 U.S.C. 1070b–3(a)(1)) is amended by striking "such institution" and all that follows through the period and inserting "such institution received under subsections (a) and (b) of this section for fiscal year 1999 (as such subsections were in effect with respect to allocations for such fiscal year).".

SEC. 7366. LEVERAGING EDUCATIONAL ASSISTANCE PARTNERSHIP PROGRAM.

(a) APPROPRIATIONS AUTHORIZED.—Section 415A(b)(1) (20 U.S.C. 1070c(b)(1)) is amended to read as follows:

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this subpart such sums as may be necessary for fiscal year 2006 and each of the 5 succeeding fiscal years.".

(b) APPLICATIONS.—Section 415C(b) (20 U.S.C. 1070c–2(b)) is amended—

(1) in the matter preceding subparagraph (A) of paragraph (2), by striking "not in excess of $5,000 per academic year" and inserting "not to exceed the lesser of $12,500 or the student's cost of attendance per academic year"; and

(2) by striking paragraph (10) and inserting the following:

"(10) provides notification to eligible students that such grants are—

"(A) Leveraging Educational Assistance Partnership grants; and

"(B) funded by the Federal Government, the State, and other contributing partners.".

(c) GRANTS FOR ACCESS AND PERSISTENCE.—Section 415E (20 U.S.C. 1070c–3a) is amended to read as follows:

"SEC. 415E. GRANTS FOR ACCESS AND PERSISTENCE.

"(a) PURPOSE.—It is the purpose of this section to expand college access and increase college persistence by making allotments to States to enable the States to—

"(1) expand and enhance partnerships with institutions of higher education, early information and intervention, mentoring, or outreach programs, private corporations, philanthropic organizations, and other interested parties in order to—

"(A) carry out activities under this section; and

"(B) provide coordination and cohesion among Federal, State, and local governmental and private efforts that provide financial assistance to help low-income students attend an institution of higher education;

"(2) provide need-based grants for access and persistence to eligible low-income students;

"(3) provide early notification to low-income students of the students' eligibility for financial aid; and

"(4) encourage increased participation in early information and intervention, mentoring, or outreach programs.

"(b) ALLOTMENTS TO STATES.—

"(1) IN GENERAL.—

"(A) AUTHORIZATION.—From sums reserved under section 415A(b)(2) for each fiscal year, the Secretary shall make an allotment to each State that submits an application for an allotment in accordance with subsection (c) to enable the State to pay the Federal share, as described in paragraph (2), of the cost of carrying out the activities under subsection (d).

"(B) DETERMINATION OF ALLOTMENT.—In making allotments under subparagraph (A), the Secretary shall consider the following:

"(i) CONTINUATION OF AWARD.—If a State continues to meet the specifications established in such State's application under subsection (c), the Secretary shall make an allotment to such State that is not less than the allotment made to such State for the previous fiscal year.

"(ii) PRIORITY.—The Secretary shall give priority in making allotments to States that meet the requirements described in paragraph (2)(A)(ii).

"(2) FEDERAL SHARE.—

"(A) IN GENERAL.—The Federal share under this section shall be determined in accordance with the following:

"(i) If a State applies for an allotment under this section in partnership with—

"(I) any number of degree granting institutions of higher education in the State whose combined full-time enrollment represents less than a majority of all students attending institutions of higher education in the State; and

"(II)(aa) philanthropic organizations that are located in, or that provide funding in, the State; or

"(bb) private corporations that are located in, or that do business in, the State,

then the Federal share of the cost of carrying out the activities under subsection (d) shall be equal to 50 percent.

"(ii) If a State applies for an allotment under this section in partnership with—

"(I) any number of degree granting institutions of higher education in the State whose combined full-time enrollment represents a majority of all students attending institutions of higher education in the State; and

"(II)(aa) philanthropic organizations that are located in, or that provide funding in, the State; or

"(bb) private corporations that are located in, or that do business in, the State,

then the Federal share of the cost of carrying out the activities under subsection (d) shall be equal to 57 percent.

"(B) NON-FEDERAL SHARE.—

"(i) IN GENERAL.—The non-Federal share under this section may be provided in cash or in kind, fully evaluated and in accordance with this subparagraph.

"(ii) IN KIND CONTRIBUTION.—For the purpose of calculating the non-Federal share under this section, an in kind contribution is a non-cash award that has monetary value, such as provision of room and board and transportation passes, and that helps a student meet the cost of attendance.

"(iii) EFFECT ON NEED ANALYSIS.—For the purpose of calculating a student's need in accordance with part F of this title, an in-kind contribution described in clause (ii) shall not be considered an asset or income.

"(c) APPLICATION FOR ALLOTMENT.—

"(1) IN GENERAL.—

"(A) SUBMISSION.—A State that desires to receive an allotment under this section on behalf of a partnership described in paragraph (3) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(B) CONTENT.—An application submitted under subparagraph (A) shall include the following:

"(i) A description of the State's plan for using the allotted funds.

"(ii) Assurances that the State will provide the non-Federal share from State, institutional, philanthropic, or private funds, of not less than the required share of the cost of carrying out the activities under subsection (d), as determined under subsection (b), in accordance with the following:

"(I) The State shall specify the methods by which non-Federal share funds will be paid and include provisions designed to ensure that funds provided under this section will be used to supplement, and not supplant, Federal and non-Federal funds available for carrying out the activities under this title.

"(II) A State that uses non-Federal funds to create or expand existing partnerships with nonprofit organizations or community-based organizations in which such organizations match State funds for student scholarships, may apply such matching funds from such organizations toward fulfilling the State's non-Federal share obligation under this clause.

"(iii) Assurances that early information and intervention, mentoring, or outreach programs exist within the State or that there is a plan to make such programs widely available.

"(iv) A description of the organizational structure that the State has in place to administer the activities under subsection (d), including a description of the system the State will use to track the participation of students who receive grants under this section to degree completion.

"(v) Assurances that the State has a method in place, such as acceptance of the automatic zero expected family contribution determination described in section 479, to identify eligible low-income students and award State grant aid to such students.

"(vi) Assurances that the State will provide notification to eligible low-income students that grants under this section are—

"(I) Leveraging Educational Assistance Partnership Grants; and

"(II) funded by the Federal Government, the State, and other contributing partners.

“(2) STATE AGENCY.—The State agency that submits an application for a State under section 415C(a) shall be the same State agency that submits an application under paragraph (1) for such State.

“(3) PARTNERSHIP.—In applying for an allotment under this section, the State agency shall apply for the allotment in partnership with—

“(A) not less than 1 public and 1 private degree granting institution of higher education that are located in the State, if applicable;

“(B) new or existing early information and intervention, mentoring, or outreach programs located in the State; and

“(C) not less than 1—

“(i) philanthropic organization located in, or that provides funding in, the State; or

“(ii) private corporation located in, or that does business in, the State.

“(4) ROLES OF PARTNERS.—

“(A) STATE AGENCY.—A State agency that is in a partnership receiving an allotment under this section—

“(i) shall—

“(I) serve as the primary administrative unit for the partnership;

“(II) provide or coordinate non-Federal share funds, and coordinate activities among partners;

“(III) encourage each institution of higher education in the State to participate in the partnership;

“(IV) make determinations and early notifications of assistance as described under subsection (d)(2); and

“(V) annually report to the Secretary on the partnership's progress in meeting the purpose of this section; and

“(ii) may provide early information and intervention, mentoring, or outreach programs.

“(B) DEGREE GRANTING INSTITUTIONS OF HIGHER EDUCATION.—A degree granting institution of higher education that is in a partnership receiving an allotment under this section—

“(i) shall—

“(I) recruit and admit participating qualified students and provide such additional institutional grant aid to participating students as agreed to with the State agency;

“(II) provide support services to students who receive grants for access and persistence under this section and are enrolled at such institution; and

“(III) assist the State in the identification of eligible students and the dissemination of early notifications of assistance as agreed to with the State agency; and

“(ii) may provide funding for early information and intervention, mentoring, or outreach programs or provide such services directly.

“(C) PROGRAMS.—An early information and intervention, mentoring, or outreach program that is in a partnership receiving an allotment under this section shall provide direct services, support, and information to participating students.

“(D) PHILANTHROPIC ORGANIZATION OR PRIVATE CORPORATION.—A philanthropic organization or private corporation that is in a partnership receiving an allotment under this section shall provide funds for grants for access and persistence for participating students, or provide funds or support for early information and intervention, mentoring, or outreach programs.

“(d) AUTHORIZED ACTIVITIES.—

“(1) IN GENERAL.—

“(A) ESTABLISHMENT OF PARTNERSHIP.—Each State receiving an allotment under this section shall use the funds to establish a partnership to award grants for access and persistence to eligible low-income students in order to increase the amount of financial assistance such students receive under this subpart for undergraduate education expenses.

“(B) AMOUNT OF GRANTS.—

“(i) PARTNERSHIPS WITH INSTITUTIONS SERVING LESS THAN A MAJORITY OF STUDENTS IN THE STATE.—

“(I) IN GENERAL.—In the case where a State receiving an allotment under this section is in a partnership described in subsection (b)(2)(A)(i), the amount of a grant for access and persistence awarded by such State shall be not less than the amount that is equal to the average undergraduate tuition and mandatory fees at 4-year public institutions of higher education in the State where the student resides (less any other Federal or State sponsored grant amount, work study amount, and scholarship amount received by the student), and such amount shall be used toward the cost of attendance at an institution of higher education located in the State.

“(II) COST OF ATTENDANCE.—A State that has a program, apart from the partnership under this section, of providing eligible low-income students with grants that are equal to the average undergraduate tuition and mandatory fees at 4-year public institutions of higher education in the State, may increase the amount of grants for access and persistence awarded by such State up to an amount that is equal to the average cost of attendance at 4-year public institutions of higher education in the State (less any other Federal or State sponsored grant amount, work study amount, and scholarship amount received by the student).

“(ii) PARTNERSHIPS WITH INSTITUTIONS SERVING THE MAJORITY OF STUDENTS IN THE STATE.—In the case where a State receiving an allotment under this section is in a partnership described in subsection (b)(2)(A)(ii), the amount of a grant for access and persistence awarded by such State shall be not more than an amount that is equal to the average cost of attendance at 4-year public institutions of higher education in the State where the student resides (less any other Federal or State sponsored grant amount, college work study amount, and scholarship amount received by the student), and such amount shall be used by the student to attend an institution of higher education located in the State.

“(C) SPECIAL RULES.—

“(i) PARTNERSHIP INSTITUTIONS.—A State receiving an allotment under this section may restrict the use of grants for access and persistence under this section by awarding the grants only to students attending institutions of higher education that are participating in the partnership.

“(ii) OUT-OF-STATE INSTITUTIONS.—If a State provides grants through another program under this subpart to students attending institutions of higher education located in another State, such agreement may also apply to grants awarded under this section.

“(2) EARLY NOTIFICATION.—

“(A) IN GENERAL.—Each State receiving an allotment under this section shall annually notify low-income students, such as students who are eligible to receive a free lunch under the school lunch program established under the Richard B. Russell National School Lunch Act, in grade 7 through grade 12 in the State, of the students' potential eligibility for student financial assistance, including a grant for access and persistence, to attend an institution of higher education.

“(B) CONTENT OF NOTICE.—The notification under subparagraph (A)—

“(i) shall include—

“(I) information about early information and intervention, mentoring, or outreach programs available to the student;

“(II) information that a student's candidacy for a grant for access and persistence is enhanced through participation in an early information and intervention, mentoring, or outreach program;

“(III) an explanation that student and family eligibility and participation in other Federal means-tested programs may indicate eligibility for a grant for access and persistence and other student aid programs;

“(IV) a nonbinding estimation of the total amount of financial aid a low-income student with a similar income level may expect to receive, including an estimation of the amount of a grant for access and persistence and an estimation of the amount of grants, loans, and all other available types of aid from the major Federal and State financial aid programs;

“(V) an explanation that in order to be eligible for a grant for access and persistence, at a minimum, a student shall—

“(aa) meet the requirement under paragraph (3);

“(bb) graduate from secondary school; and

“(cc) enroll at an institution of higher education that is a partner in the partnership or qualifies under subsection (d)(1)(C)(ii);

“(VI) information on any additional requirements (such as a student pledge detailing student responsibilities) that the State may impose for receipt of a grant for access and persistence under this section; and

“(VII) instructions on how to apply for a grant for access and persistence and an explanation that a student is required to file a Free Application for Federal Student Aid authorized under section 483(a) to be eligible for such grant and assistance from other Federal and State financial aid programs; and

“(ii) may include a disclaimer that grant awards for access and persistence are contingent upon—

“(I) a determination of the student's financial eligibility at the time of the student's enrollment at an institution of higher education that is a partner in the partnership or qualifies under subsection (d)(1)(C)(ii);

“(II) annual Federal and State appropriations; and

“(III) other aid received by the student at the time of the student's enrollment at such institution of higher education.

“(3) ELIGIBILITY.—In determining which students are eligible to receive grants for access and persistence, the State shall ensure that each such student meets not less than 1 of the following:

“(A) Meets not less than 2 of the following criteria, with priority given to students meeting all of the following criteria:

“(i) Has an expected family contribution equal to zero (as described in section 479) or a comparable alternative based upon the State's approved criteria in section 415C(b)(4).

“(ii) Has qualified for a free lunch, or at the State's discretion a reduced price lunch, under the school lunch program established under the Richard B. Russell National School Lunch Act.

“(iii) Qualifies for the State's maximum undergraduate award, as authorized under section 415C(b).

“(iv) Is participating in, or has participated in, a Federal, State, institutional, or community early information and intervention, mentoring, or outreach program, as recognized by the State agency administering activities under this section.

"(B) Is receiving, or has received, a grant for access and persistence under this section, in accordance with paragraph (5).

"(4) Grant Award.—Once a student, including those students who have received early notification under paragraph (2) from the State, applies for admission to an institution that is a partner in the partnership, files a Free Application for Federal Student Aid and any related existing State form, and is determined eligible by the State under paragraph (3), the State shall—

"(A) issue the student a preliminary award certificate for a grant for access and persistence with tentative award amounts; and

"(B) inform the student that payment of the grant for access and persistence award amounts is subject to certification of enrollment and award eligibility by the institution of higher education.

"(5) Duration of Award.—An eligible student that receives a grant for access and persistence under this section shall receive such grant award for each year of such student's undergraduate education in which the student remains eligible for assistance under this title, including pursuant to section 484(c), and remains financially eligible as determined by the State, except that the State may impose reasonable time limits to degree completion.

"(e) Use of Funds for Administrative Costs Prohibited.—A State that receives an allotment under this section shall not use any of the allotted funds to pay administrative costs associated with any of the authorized activities described in subsection (d).

"(f) Statutory and Regulatory Relief for Institutions of Higher Education.—The Secretary may grant, upon the request of an institution of higher education that is in a partnership described in subsection (b)(2)(A)(ii) and that receives an allotment under this section, a waiver for such institution from statutory or regulatory requirements that inhibit the ability of the institution to successfully and efficiently participate in the activities of the partnership.

"(g) Applicability Rule.—The provisions of this subpart which are not inconsistent with this section shall apply to the program authorized by this section.

"(h) Maintenance of Effort Requirement.—Each State receiving an allotment under this section for a fiscal year shall provide the Secretary with an assurance that the aggregate amount expended per student or the aggregate expenditures by the State, from funds derived from non-Federal sources, for the authorized activities described in subsection (d) for the preceding fiscal year were not less than the amount expended per student or the aggregate expenditure by the State for the activities for the second preceding fiscal year.

"(i) Special Rule.—Notwithstanding subsection (h), for purposes of determining a State's share of the cost of the authorized activities described in subsection (d), the State shall consider only those expenditures from non-Federal sources that exceed the State's total expenditures for need-based grants, scholarships, and work-study assistance for fiscal year 1999 (including any such assistance provided under this subpart).

"(j) Continuation and Transition.—For the 2-year period that begins on the date of enactment of the Higher Education Amendments of 2005, the Secretary shall continue to award grants under section 415E of the Higher Education Act of 1965 as such section existed on the day before the date of enactment of such Act to States that choose to apply for grants under such predecessor section.

"(k) Reports.—Not later than 3 years after the date of enactment of the Higher Education Amendments of 2005 and annually thereafter, the Secretary shall submit a report describing the activities and the impact of the partnerships under this section to the authorizing committees.".

SEC. 7367. SPECIAL PROGRAMS FOR STUDENTS WHOSE FAMILIES ARE ENGAGED IN MIGRANT AND SEASONAL FARMWORK.

Section 418A (20 U.S.C. 1070d-2) is amended—

(1) in subsection (a), by adding "(including providing outreach and technical assistance)" after "maintain and expand";

(2) in subsection (b)—

(A) in paragraph (1)(B)(i), by striking "parents" and inserting "immediate family";

(B) in paragraph (3)(B), by inserting "(including preparation for college entrance examinations)" after "college program";

(C) in paragraph (5), by striking "weekly";

(D) in paragraph (7), by striking "and" after the semicolon;

(E) in paragraph (8), by striking the period at the end and inserting "; and"; and

(F) by adding at the end the following:

"(9) other activities to improve persistence and retention in postsecondary education.";

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (B)—

(I) in the matter preceding clause (i), by inserting "to improve placement, persistence, and retention in postsecondary education" after "services"; and

(II) in clause (i), by striking "and career" and inserting "career, and economic education or personal finance";

(ii) in subparagraph (E), by striking "and" after the semicolon;

(iii) by redesignating subparagraph (F) as subparagraph (G); and

(iv) by inserting after subparagraph (E) the following:

"(F) internships; and"; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "and" after the semicolon;

(ii) in subparagraph (B), by striking the period at the end and inserting ", and coordinating such services, assistance, and aid with other non-program services, assistance, and aid, including services, assistance, and aid provided by community-based organizations, which may include mentoring and guidance; and"; and

(iii) by adding at the end the following:

"(C) for students attending 2-year institutions of higher education, encouraging the students to transfer to 4-year institutions of higher education, where appropriate, and monitoring the rate of transfer of such students.";

(4) in subsection (e), by striking "section 402A(c)(1)" and inserting "section 402A(c)(2)";

(5) in subsection (f)—

(A) in paragraph (1), by striking "$150,000" and inserting "$180,000"; and

(B) in paragraph (2), by striking "$150,000" and inserting "$180,000"; and

(6) in subsection (h)—

(A) in paragraph (1), by striking "$15,000,000 for fiscal year 1999" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 2006 and each of the 5 succeeding fiscal years."; and

(B) in paragraph (2), by striking "$5,000,000 for fiscal year 1999" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 2006 and each of the 5 succeeding fiscal years.".

SEC. 7368. ROBERT C. BYRD HONORS SCHOLARSHIP PROGRAM.

(a) Eligibility of Scholars.—Section 419F(a) (20 U.S.C. 1070d-36(a)) is amended by inserting "(or a home school, whether treated as a home school or a private school under State law)" after "private or public secondary school".

(b) Authorization of Appropriations.—Section 419K (20 U.S.C. 1070d-41) is amended by striking "$45,000,000 for fiscal year 1999" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 2006 and each of the 5 succeeding fiscal years.".

SEC. 7369. CHILD CARE ACCESS MEANS PARENTS IN SCHOOL.

(a) Minimum Grant.—Section 419N(b)(2)(B) (20 U.S.C. 1070e(b)(2)(B)) is amended—

(1) by striking "A grant" and inserting the following:

"(i) In general.—Except as provided in clause (ii), a grant"; and

(2) by adding at the end the following:

"(ii) Increase trigger.—For any fiscal year for which the amount appropriated under the authority of subsection (g) is equal to or greater than $20,000,000, a grant under this section shall be awarded in an amount that is not less than $30,000.".

(b) Definition of Low-Income Student.—Paragraph (7) of section 419N(b) (20 U.S.C. 1070e(b)) is amended to read as follows:

"(7) Definition of low-income student.—For the purpose of this section, the term 'low-income student' means a student who—

"(A) is eligible to receive a Federal Pell Grant for the fiscal year for which the determination is made; or

"(B) would otherwise be eligible to receive a Federal Pell Grant for the fiscal year for which the determination is made, except that the student fails to meet the requirements of—

"(i) section 401(c)(1) because the student is enrolled in a graduate or first professional course of study; or

"(ii) section 484(a)(5) because the student is in the United States for a temporary purpose.".

(c) Authorization of Appropriations.—Section 419N(g) (20 U.S.C. 1070e(g)) is amended by striking "$45,000,000 for fiscal year 1999" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 2006 and each of the 5 succeeding fiscal years.".

SEC. 7370. LEARNING ANYTIME ANYWHERE PARTNERSHIPS.

Subpart 8 of part A of title IV (20 U.S.C. 1070f et seq.) is repealed.

Subchapter B—Federal Family Education Loan Program

SEC. 7381. EXTENSION OF AUTHORITIES.

(a) Federal Insurance Limitations.—Section 424(a) (20 U.S.C. 1074(a)) is amended—

(1) by striking "2004" and inserting "2012"; and

(2) by striking "2008" and inserting "2016".

(b) Guaranteed Loans.—Section 428(a)(5) (20 U.S.C. 1078(a)(5)) is amended—

(1) by striking "2004" and inserting "2012"; and

(2) by striking "2008" and inserting "2016".

(3) Consolidation loans.—Section 428C(e) (20 U.S.C. 1078–3(e)) is amended by striking "2004" and inserting "2012".

SEC. 7382. FEDERAL PAYMENTS TO REDUCE STUDENT INTEREST COSTS.

Section 428 (20 U.S.C. 1078) is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (N)—

(i) in clause (i), by striking "or" after the semicolon; and

(ii) by striking clause (ii) and inserting the following:

"(ii) in the case of a student who is studying outside the United States in a program of study abroad that is approved for credit by the home institution at which such student is enrolled, and only after verification of the student's enrollment by the lender or guaranty agency, are, at the request of the student, disbursed directly to the student by the means described in clause (i), unless such student requests that the check be endorsed, or the funds transfer be authorized, pursuant to an authorized power-of-attorney; or

"(iii) in the case of a student who is studying outside the United States in a program of study at an eligible foreign institution, are, at the request of the foreign institution, disbursed directly to the student, only after verification of the student's enrollment by the lender or guaranty agency by the means described in clause (i);"; and

(B) in subparagraph (Y)(i)(III), by inserting ", except that, if requested by an institution of higher education, the lender shall confirm such status through use of the National Student Loan Data System" before the semicolon; and

(2) in subsection (c)(2)(H)(i), by striking "preclaims" and inserting "default aversion".

SEC. 7383. FEDERAL CONSOLIDATION LOANS.

Section 428C(b)(1) (20 U.S.C. 1078–3(b)(1)) is amended—

(1) in subparagraph (E), by striking "and" after the semicolon;

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following:

"(F) that the lender will disclose, in a clear and conspicuous manner, to borrowers who consolidate loans made under part E of this title—

"(i) that once the borrower adds the borrower's Federal Perkins Loan to a Federal Consolidation Loan, the borrower will lose all interest-free periods that would have been available, such as those periods when no interest accrues on the Federal Perkins Loan while the borrower is enrolled in school at least half-time, during the grace period, and during periods when the borrower's student loan repayments are deferred;

"(ii) that the borrower will no longer be eligible for loan forgiveness of Federal Perkins Loans under any provision of section 465; and

"(iii) the occupations described in section 465(a)(2), individually and in detail, for which the borrower will lose eligibility for Federal Perkins Loan forgiveness; and".

SEC. 7384. DEFAULT REDUCTION PROGRAM.

Section 428F (20 U.S.C. 1078-6) is amended by adding at the end the following:

"(c) FINANCIAL AND ECONOMIC LITERACY.—Where appropriate as determined by the institution of higher education in which a borrower is enrolled, each program described in subsection (b) shall include making available financial and economic education materials for the borrower, including making the materials available before, during, or after rehabilitation of a loan.".

SEC. 7385. REQUIREMENTS FOR DISBURSEMENT OF STUDENT LOANS.

Section 428G(e) (20 U.S.C. 1078-7(e)) is amended by striking ", made to a student to cover the cost of attendance at an eligible institution outside the United States".

SEC. 7386. REPORTS TO CREDIT BUREAUS AND INSTITUTIONS OF HIGHER EDUCATION.

Section 430A(a) (20 U.S.C. 1080a(a)) is amended—

(1) in the first sentence, by striking "with credit bureau organizations" and inserting "with each consumer reporting agency that compiles and maintains files on consumers on a nationwide basis (as defined in section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p))";

(2) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (4), and (5), respectively;

(3) by inserting before paragraph (2) (as redesignated by paragraph (2)), the following:

"(1) the type of loan made, insured, or guaranteed under this title;";

(4) by inserting after paragraph (2) (as redesignated by paragraph (2)), the following:

"(3) information concerning the repayment status of the loan, which information shall be included in the file of the borrower, except that nothing in this subsection shall be construed to affect any otherwise applicable provision of the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.)";

(5) in paragraph (4) (as redesignated by paragraph (2)), by striking "and" after the semicolon;

(6) in paragraph (5) (as redesignated by paragraph (2)), by striking the period and inserting "; and"; and

(7) by adding at the end the following:

"(6) any other information required to be reported by Federal law.".

SEC. 7387. COMMON FORMS AND FORMATS.

Section 432(m)(1)(D)(i) (20 U.S.C. 1082(m)(1)(D)(i)) is amended by adding at the end the following: "Unless otherwise notified by the Secretary, each institution of higher education that participates in the program under this part or part D may use a master promissory note for loans under this part and part D.".

SEC. 7388. STUDENT LOAN INFORMATION BY ELIGIBLE BORROWERS.

Section 433 (20 U.S.C. 1083) is amended by adding at the end the following:

"(f) BORROWER INFORMATION AND PRIVACY.—Each entity participating in a program under this part that is subject to subtitle A of title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.) shall only use, release, disclose, sell, transfer, or give student information, including the name, address, social security number, or amount borrowed by a borrower or a borrower's parent, in accordance with the provisions of such subtitle.

"(g) LOAN BENEFIT DISCLOSURES.—

"(1) IN GENERAL.—Each eligible lender, holder, or servicer of a loan made, insured, or guaranteed under this part shall provide the borrower with information on the loan benefit repayment options the lender, holder, or servicer offer, including information on reductions in interest rates—

"(A) by repaying the loan by automatic payroll or checking account deduction;

"(B) by completing a program of on-time repayment; and

"(C) under any other interest rate reduction program.

"(2) INFORMATION.—Such borrower information shall include—

"(A) any limitations on such options;

"(B) explicit information on the reasons a borrower may lose eligibility for such an option;

"(C) examples of the impact the interest rate reductions will have on a borrower's time for repayment and amount of repayment;

"(D) upon the request of the borrower, the effect the reductions in interest rates will have with respect to the borrower's payoff amount and time for repayment; and

"(E) information on borrower recertification requirements.".

SEC. 7389. CONSUMER EDUCATION INFORMATION.

Part B of title IV (20 U.S.C. 1071 et seq.) is amended by inserting after section 433 (20 U.S.C. 1083) the following:

"SEC. 433A. CONSUMER EDUCATION INFORMATION.

"Each guaranty agency participating in a program under this part working with the institutions of higher education served by such guaranty agency (or in the case of an institution of higher education that provides loans exclusively through part D, the institution working with a guaranty agency or with the Secretary) shall develop and make available a quality educational program and materials to provide training for students in budgeting and financial management, including debt management and other aspects of financial literacy, such as the cost of using very high interest loans to pay for postsecondary education, particularly as budgeting and financial management relates to student loan programs authorized by this title. Nothing in this section shall be construed to prohibit a guaranty agency from using an existing program or existing materials to meet the requirement of this section. The activities described in this section shall be considered default reduction activities for the purposes of section 422.".

SEC. 7390. DEFINITION OF ELIGIBLE LENDER.

Section 435(d)(2) (20 U.S.C. 1085(d)(2)) is amended by striking subparagraph (F) and inserting the following:

"(F) shall use the proceeds from special allowance payments, interest payments from borrowers, proceeds from the sale of a loan made, insured, or guaranteed under this part, and all other proceeds related to such a loan that are furnished to the eligible institution or any entity affiliated (directly or indirectly) with the eligible institution, for need based grant programs, except that such payments and proceeds may be used for reasonable reimbursement for direct administrative expenses;".

SEC. 7390A. REPAYMENT BY THE SECRETARY OF LOANS OF BANKRUPT, DECEASED, OR DISABLED BORROWERS; TREATMENT OF BORROWERS ATTENDING SCHOOLS THAT FAIL TO PROVIDE A REFUND, ATTENDING CLOSED SCHOOLS, OR FALSELY CERTIFIED AS ELIGIBLE TO BORROW.

Section 437 (20 U.S.C. 1087) is amended—

(1) in the section heading, by striking **"CLOSED SCHOOLS OR FALSELY CERTIFIED AS ELIGIBLE TO BORROW"** and inserting **"SCHOOLS THAT FAIL TO PROVIDE A REFUND, ATTENDING CLOSED SCHOOLS, OR FALSELY CERTIFIED AS ELIGIBLE TO BORROW"**; and

(2) in the first sentence of subsection (c)(1), by inserting "or was falsely certified as a result of a crime of identity theft" after "falsely certified by the eligible institution".

Subchapter C—Federal Work-Study Programs

SEC. 7391. AUTHORIZATION OF APPROPRIATIONS.

Section 441(b) (42 U.S.C. 2751(b)) is amended by striking "$1,000,000 for fiscal year 1999" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 2006 and each of the 5 succeeding fiscal years.".

SEC. 7392. ALLOWANCE FOR BOOKS AND SUPPLIES.

Section 442(c)(4)(D) (42 U.S.C. 2752(c)(4)(D)) is amended by striking "$450" and inserting "$600".

SEC. 7393. GRANTS FOR FEDERAL WORK-STUDY PROGRAMS.

Section 443(b)(2) (42 U.S.C. 2753(b)(2)) is amended—

(1) by striking subparagraph (A);

(2) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(3) in subparagraph (A) (as redesignated by paragraph (2)), by striking "this subparagraph if" and all that follows through "institution;" and inserting "this subparagraph if—

"(i) the Secretary determines that enforcing this subparagraph would cause hardship for students at the institution; or

"(ii) the institution certifies to the Secretary that 15 percent or more of its total full-time enrollment participates in community service activities described in section 441(c) or tutoring and literacy activities described in subsection (d) of this section;".

SEC. 7394. JOB LOCATION AND DEVELOPMENT PROGRAMS.

Section 446(a)(1) (42 U.S.C. 2756(a)(1)) is amended by striking "$50,000" and inserting "$75,000".

SEC. 7395. WORK COLLEGES.

Section 448 (42 U.S.C. 2756b) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "under subsection (f)" and inserting "for this section under section 441(b)"; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking "pursuant to subsection (f)" and inserting "for this section under section 441(b)";

(ii) by redesignating subparagraphs (C) through (F) as subparagraphs (D) through (G), respectively; and

(iii) by inserting after subparagraph (B) the following:

"(C) support existing and new model student volunteer community service projects associated with local institutions of higher education, such as operating drop-in resource centers that are staffed by students and that link people in need with the resources and opportunities necessary to become self-sufficient;";

(2) in subsection (c), by striking "by subsection (f) to use funds under subsection (b)(1)" and inserting "for this section under section 441(b) or to use funds under subsection (b)(1),"; and

(4) by striking subsection (f).

Subchapter D—William D. Ford Federal Direct Loan Program

SEC. 7401. FUNDS FOR ADMINISTRATIVE EXPENSES.

Section 458 (20 U.S.C. 1087h) is amended—

(1) in subsection (a)(1), in the matter following subparagraph (B), by striking "$617,000,000" and all that follows through the period and inserting "$904,000,000 in fiscal year 2006, $943,000,000 in fiscal year 2007, $983,000,000 in fiscal year 2008, $1,023,000,000 in fiscal year 2009, $1,064,000,000 in fiscal year 2010, and $1,106,000,000 in fiscal year 2011."; and

(2) in subsection (c)(1), by striking subparagraphs (A) through (E) and inserting the following:

"(A) for fiscal year 2006, shall not exceed $271,000,000;

"(B) for fiscal year 2007, shall not exceed $293,000,000;

"(C) for fiscal year 2008, shall not exceed $315,000,000;

"(D) for fiscal year 2009, shall not exceed $336,000,000;

"(E) for fiscal year 2010, shall not exceed $356,000,000; and

"(F) for fiscal year 2011, shall not exceed $378,000,000.".

Subchapter E—Federal Perkins Loans

SEC. 7411. PROGRAM AUTHORITY.

Section 461(b) (20 U.S.C. 1087aa(b)) is amended—

(1) in paragraph (1), by striking "$250,000,000 for fiscal year 1999" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 2006 and each of the 5 succeeding fiscal years."; and

(2) in paragraph (2),—

(A) by striking "fiscal year 2003" and inserting "fiscal year 2012"; and

(B) by striking "October 1, 2003" and inserting "October 1, 2012".

SEC. 7412. TERMS OF LOANS.

Section 464 (20 U.S.C. 1087dd) is amended—

(1) in subsection (b)(1), by striking "for an additional loan under this part" and inserting "for additional aid under this title"; and

(2) in subsection (e), by striking "written".

SEC. 7413. CANCELLATION OF LOANS FOR CERTAIN PUBLIC SERVICE.

Section 465(a) (20 U.S.C. 1087ee(a)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (B), by striking "Head Start Act which" and inserting "Head Start Act, or in a prekindergarten or child care program that is licensed or regulated by the State, that";

(B) in subparagraph (H), by striking "or" after the semicolon;

(C) in subparagraph (I), by striking the period and inserting a semicolon; and

(D) by inserting before the matter following subparagraph (I) (as amended by subparagraph (C)) the following:

"(J) as a full-time faculty member at a Tribal College or University, as that term is defined in section 316;

"(K) as a librarian, if the librarian has a master's degree in library science and is employed in—

"(i) an elementary school or secondary school that is eligible for assistance under title I of the Elementary and Secondary Education Act of 1965; or

"(ii) a public library that serves a geographic area that contains 1 or more schools eligible for assistance under title I of the Elementary and Secondary Education Act of 1965; or

"(L) as a full-time speech language therapist, if the therapist has a master's degree and is working exclusively with schools that are eligible for assistance under title I of the Elementary and Secondary Education Act of 1965."; and

(2) in paragraph (3)(A)(i), by striking "or (I)" and inserting "(I), (J), (K), or (L)".

SEC. 7414. FEDERAL CAPITAL CONTRIBUTION RECOVERY.

Section 466 (20 U.S.C. 1087ff) is amended—

(1) in subsection (a)—

(A) by striking "2003" each place it appears and inserting "2011"; and

(B) by striking "2004" and inserting "2012"; and

(2) in subsection (c), by striking "2004" and inserting "2012".

Subchapter F—Need Analysis

SEC. 7421. COST OF ATTENDANCE.

Section 472 (20 U.S.C. 1087ll) is amended—

(1) by striking paragraph (4) and inserting the following:

"(4) for less than half-time students (as determined by the institution), tuition and fees and an allowance for only—

"(A) books, supplies, and transportation (as determined by the institution);

"(B) dependent care expenses (determined in accordance with paragraph (8)); and

"(C) room and board costs (determined in accordance with paragraph (3)), except that a student may receive an allowance for such costs under this subparagraph for not more than 3 semesters or the equivalent, of which not more than 2 semesters or the equivalent may be consecutive;";

(2) in paragraph (11), by striking "and" after the semicolon;

(3) in paragraph (12), by striking the period and inserting "; and"; and

(4) by adding at the end the following:

"(13) at the option of the institution, for a student in a program requiring professional licensure or certification, the one time cost of obtaining the first professional credentials (as determined by the institution).".

SEC. 7422. DISCRETION OF STUDENT FINANCIAL AID ADMINISTRATORS.

The third sentence of section 479A(a) (20 U.S.C. 1087tt(a)) is amended—

(1) by inserting "or an independent student" after "family member"; and

(2) by inserting "a change in housing status that results in homelessness," after "under section 487,".

SEC. 7423. DEFINITIONS.

(a) DEFINITIONS.—Section 480 (20 U.S.C. 1087vv) is amended—

(1) in subsection (f)—

(A) in paragraph (1), by inserting "qualified education benefits (except as provided in paragraph (3))," after "tax shelters,"; and

(B) by adding at the end the following:

"(3) A qualified education benefit shall not be considered an asset of a student for purposes of section 475.

"(4) In determining the value of assets in a determination of need under this title (other than for subpart 4 of part A), the value of a qualified education benefit shall be—

"(A) the refund value of any tuition credits or certificates purchased under a qualified education benefit; and

"(B) in the case of a program in which contributions are made to an account that is established for the purpose of meeting the qualified higher education expenses of the designated beneficiary of the account, the current balance of such account.

"(5) In this subsection:

"(A) QUALIFIED EDUCATION BENEFIT.—The term 'qualified education benefit' means—

"(i) a qualified tuition program (as defined in section 529(b)(1)(A) of the Internal Revenue Code of 1986) or other prepaid tuition plan offered by a State; and

"(ii) a Coverdell education savings account (as defined in section 530(b)(1) of the Internal Revenue Code of 1986).

"(B) QUALIFIED HIGHER EDUCATION EXPENSES.—The term 'qualified higher education expenses' has the meaning given the term in section 529(e) of the Internal Revenue Code of 1986."; and

(2) in subsection (j)—

(A) in the subsection heading, by striking "; TUITION PREPAYMENT PLANS";

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2); and

(D) by inserting after paragraph (2) (as redesignated by subparagraph (C)) the following paragraph:

"(3) Notwithstanding paragraph (1) and section 472, assistance not received under this title may be excluded from both estimated financial assistance and cost of attendance, if that assistance is designated by the State providing that assistance to offset a specific component of the cost of attendance. If that assistance is excluded from estimated financial assistance or cost of attendance, that assistance shall be excluded from both calculations.".

(3) in subsection (d)—

(A) in paragraph (2), by striking "is an orphan or ward of the court" and inserting "is an orphan, in foster care, or ward of the court or was in foster care";

(B) in paragraph (6), by striking "or" after the semicolon;

(C) by redesignating paragraph (7) as paragraph (8); and

(D) by inserting after paragraph (6) the following:

"(7) has been verified as both a homeless child or youth and an unaccompanied youth, as such terms are defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a), during the school year in which the application for financial assistance is submitted, by—

"(A) a local educational agency liaison for homeless children and youths, as designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii));

"(B) a director of a homeless shelter, transitional shelter, or independent living program; or

"(C) a financial aid administrator; or".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to determinations of need under part F of title IV for academic years beginning on or after July 1, 2006.

Subchapter G—General Provisions Relating to Student Assistance

SEC. 7431. DEFINITIONS.

Section 481 (20 U.S.C. 1088) is amended—

(1) in the second sentence of subsection (a)(2), by inserting "and that measures program length in credit hours or clock hours" after "baccalaureate degree"; and

(2) in subsection (b), by adding at the end the following:

"(3) For purposes of this title, the term 'eligible program' includes an instructional program that utilizes direct assessment of student learning or recognizes the direct assessment of student learning by others, if such assessment is consistent with the accreditation of the institution or program utilizing the results of the assessment, in lieu of credit hours or clock hours as the measure of student learning. In the case of a program being determined eligible for the first time under this paragraph, such determination shall be made by the Secretary before such program is considered to be an eligible program.".

SEC. 7432. COMPLIANCE CALENDAR.

Section 482 (20 U.S.C. 1089) is amended by adding at the end the following:

"(a) COMPLIANCE CALENDAR.—Prior to the beginning of each award year, the Secretary shall provide to institutions of higher education a list of all the reports and disclosures required under this Act. The list shall include—

"(1) the date each report or disclosure is required to be completed and to be submitted, made available, or disseminated;

"(2) the required recipients of each report or disclosure;

"(3) any required method for transmittal or dissemination of each report or disclosure;

"(4) a description of the content of each report or disclosure sufficient to allow the institution to identify the appropriate individuals to be assigned the responsibility for such report or disclosure;

"(5) references to the statutory authority, applicable regulations, and current guidance issued by the Secretary regarding each report or disclosure; and

"(6) any other information which is pertinent to the content or distribution of the report or disclosure.".

SEC. 7433. FORMS AND REGULATIONS.

Section 483 (20 U.S.C. 1090) is amended—

(1) by striking subsections (a) and (b), and inserting the following:

"(a) COMMON FINANCIAL AID FORM DEVELOPMENT AND PROCESSING.—

"(1) IN GENERAL.—The Secretary, in cooperation with representatives of agencies and organizations involved in student financial assistance, shall produce, distribute, and process free of charge common financial reporting forms as described in this subsection to be used to determine the need and eligibility of a student for financial assistance under parts A through E of this title (other than under subpart 4 of part A). The forms shall be made available to applicants in both paper and electronic formats and shall be referred to (except as otherwise provided in this subsection) as the 'Free Application for Federal Student Aid', or 'FAFSA'.

"(2) PAPER FORMAT.—

"(A) IN GENERAL.—Subject to subparagraph (C), the Secretary shall produce, distribute, and process common forms in paper format to meet the requirements of paragraph (1). The Secretary shall develop a common paper form for applicants who do not meet the requirements of or do not wish to use the process described in subparagraph (B).

"(B) EZ FAFSA.—

"(i) IN GENERAL.—The Secretary shall develop and use a simplified paper application form, to be known as the 'EZ FAFSA', to be used for applicants meeting the requirements under section 479(c).

"(ii) REDUCED DATA REQUIREMENTS.—The EZ FAFSA shall permit an applicant to submit for purposes of determining financial need and eligibility, only the data elements required to make a determination of student eligibility and whether the applicant meets the requirements of section 479(c).

"(iii) STATE DATA.—The Secretary shall include on the EZ FAFSA such data items as may be necessary to award State financial assistance, as provided under paragraph (5), except the Secretary shall not include a State's data if that State does not permit its applicants for State assistance to use the EZ FAFSA.

"(iv) FREE AVAILABILITY AND PROCESSING.—The provisions of paragraph (6) shall apply to the EZ FAFSA, and the data collected by means of the EZ FAFSA shall be available to institutions of higher education, guaranty agencies, and States in accordance with paragraph (9).

"(v) TESTING.—The Secretary shall conduct appropriate field testing on the EZ FAFSA.

"(C) PHASING OUT THE FULL PAPER FORM FOR STUDENTS WHO DO NOT MEET THE REQUIREMENTS OF THE EZ FAFSA.—

"(i) IN GENERAL.—The Secretary shall make all efforts to encourage all applicants to utilize the electronic forms described in paragraph (3).

"(ii) PHASEOUT OF FULL PAPER FAFSA.—Not later than 5 years after the date of enactment of the Higher Education Amendments of 2005, to the extent practicable, the Secretary shall phase out the printing of the long paper form created under subparagraph (A) and used by applicants who do not meet the requirements of the EZ FAFSA described in subparagraph (B).

"(iii) AVAILABILITY OF FULL PAPER FAFSA.—

"(I) IN GENERAL.—Both prior to and after the phaseout described in clause (ii), the Secretary shall maintain on the Internet printable versions of the paper forms described in subparagraphs (A) and (B).

"(II) ACCESSIBILITY.—The printable versions described in subclause (I) shall be made easily accessible and downloadable to students on the same Web site used to provide students with the common electronic forms described in paragraph (3).

"(III) SUBMISSION OF FORMS.—The Secretary shall conduct a study to determine the feasibility of using downloaded forms to ensure sufficient quality to meet the processing requirements of this section. Following the completion of the study, the Secretary shall enable, to the extent practicable, students to submit a form described in this clause that is downloaded from the Internet and printed, in order to meet the filing requirements of this section and to receive financial assistance under this title.

"(iv) USE OF SAVINGS.—

"(I) IN GENERAL.—The Secretary shall utilize any realized savings accrued by phasing out the full paper FAFSA and moving more applicants to the common electronic forms, to improve access to the electronic forms for applicants meeting the requirements of section 479(c).

"(II) REPORT.—The Secretary shall report annually to the authorizing committees on—

"(aa) the steps taken to improve access to the common electronic forms for applicants meeting the requirements of section 479(c); and

"(bb) the phaseout of the long common paper form described in subparagraph (A).

"(3) ELECTRONIC FORMAT.—

"(A) IN GENERAL.—The Secretary shall produce, distribute, and process common forms in electronic format and make such forms available through a broadly accessible website to meet the requirements of paragraph (1). The Secretary shall develop common electronic forms for applicants who do not meet the requirements of subparagraph (B). The Secretary shall include on the common electronic forms space for information that needs to be submitted from the applicant to be eligible for State financial assistance, as provided under paragraph (5), except the Secretary shall not require applicants to complete data required by any State other than the applicant's State of residence. The Secretary shall use all available technology to ensure that a student using a common electronic form answers only the minimum number of questions necessary.

"(B) SIMPLIFIED ELECTRONIC APPLICATIONS.—

"(i) IN GENERAL.—The Secretary shall develop and use a simplified electronic application form to be used by applicants meeting the requirements of section 479(c) and an additional, separate simplified electronic application form to be used by applicants meeting the requirements under section 479(b).

"(ii) REDUCED DATA REQUIREMENTS.—The simplified electronic application forms shall permit an applicant to submit for purposes of determining financial need and eligibility, only the data elements required to make a determination of student eligibility and whether the applicant meets the requirements of subsection (b) or (c) of section 479.

"(iii) STATE DATA.—The Secretary shall include on the simplified electronic application forms such data items as may be necessary to award State financial assistance, as provided under paragraph (5), except the Secretary shall not require applicants to complete data required by any State other than the applicant's State of residence and shall not include a State's data if such State does not permit its applicants for State assistance to use the simplified electronic application form described in this subparagraph.

"(iv) FREE AVAILABILITY AND PROCESSING.—The provisions of paragraph (6) shall apply to the simplified electronic application forms, and the data collected by means of the simplified electronic application forms shall be available to institutions of higher education, guaranty agencies, and States in accordance with paragraph (9).

“(v) Testing.—The Secretary shall conduct appropriate field testing on the forms developed under this subparagraph.

“(C) Use of forms.—Nothing in this subsection shall be construed to prohibit the use of the forms developed by the Secretary pursuant to this paragraph by an eligible institution, eligible lender, a guaranty agency, a State grant agency, a private computer software provider, a consortium of such entities, or such other entity as the Secretary may designate. Data collected by the forms shall be used only for the application, award, and administration of aid awarded under this title, State aid, or aid awarded by eligible institutions or such entities as the Secretary may designate. No data collected by such electronic version of the forms shall be used for making final aid awards under this title until such data have been processed by the Secretary or a contractor or designee of the Secretary, except as may be permitted under this title.

“(D) Privacy.—The Secretary shall ensure that data collection under this paragraph complies with section 552a of title 5, United States Code, and that any entity using the electronic version of the forms developed by the Secretary pursuant to this paragraph shall maintain reasonable and appropriate administrative, technical, and physical safeguards to ensure the integrity and confidentiality of the information, and to protect against security threats, or unauthorized uses or disclosures of the information provided on the electronic version of the forms.

“(E) Signature.—Notwithstanding any other provision of this Act, the Secretary may permit an electronic form under this paragraph to be submitted without a signature, if a signature is subsequently submitted by the applicant or if the applicant uses a personal identification number provided by the Secretary under subparagraph (F).

“(F) Personal identification numbers authorized.—The Secretary is authorized to assign to applicants personal identification numbers—

“(i) to enable the applicants to use such numbers as a signature for purposes of completing a form under this paragraph; and

“(ii) for any purpose determined by the Secretary to enable the Secretary to carry out this title.

“(4) Streamlined reapplication process.—

“(A) In general.—The Secretary shall develop streamlined reapplication forms and processes, including both paper and electronic reapplication processes, consistent with the requirements of this subsection, for an applicant who applies for financial assistance under this title in the next succeeding academic year subsequent to an academic year in which such applicant applied for financial assistance under this title.

“(B) Mechanisms for reapplication.—The Secretary shall develop appropriate mechanisms to support reapplication.

“(C) Identification of updated data.—The Secretary shall determine, in cooperation with States, institutions of higher education, and agencies and organizations involved in student financial assistance, the data elements that can be updated from the previous academic year's application.

“(D) Reduced data authorized.—Nothing in this title shall be construed as limiting the authority of the Secretary to reduce the number of data elements required of reapplicants.

“(E) Zero family contribution.—Applicants determined to have a zero family contribution pursuant to section 479(c) shall not be required to provide any financial data in a replication form, except that which is necessary to determine eligibility under such section.

“(5) State requirements.—

“(A) In general.—Except as provided in paragraphs (2)(B)(iii), (3)(A), and (3)(B)(iii), the Secretary shall include on the forms developed under this subsection, such State-specific data items as the Secretary determines are necessary to meet State requirements for need-based State aid. Such items shall be selected in consultation with State agencies in order to assist in the awarding of State financial assistance in accordance with the terms of this subsection, except as provided in paragraphs (2)(B)(iii), (3)(A), and (3)(B)(iii). The number of such data items shall not be less than the number included on the form for the 2005–2006 award year unless a State notifies the Secretary that the State no longer requires those data items for the distribution of State need-based aid.

“(B) Annual review.—The Secretary shall conduct an annual review process to determine which data items the States require to award need-based State aid.

“(C) Encourage use of forms.—The Secretary shall encourage States to take such steps as are necessary to encourage the use of simplified application forms, including those described in paragraphs (2)(B) and (3)(B), for applicants who meet the requirements of subsection (b) or (c) of section 479.

“(D) Federal register notice.—The Secretary shall publish, on an annual basis, a notice in the Federal Register requiring States to inform the Secretary—

“(i) if the State plans to use the FAFSA to collect data to determine eligibility for State need-based financial aid;

“(ii) of the State-specific data that the State requires for delivery of State need-based financial aid; and

“(iii) if the State agency is unable to permit applicants to utilize the simplified application forms described in paragraph (2)(B) or (3)(B).

“(E) State notification to the Secretary.—

“(i) In general.—Each State agency shall notify the Secretary—

“(I) whether the State permits an applicant to file a form described in paragraph (2)(B) or (3)(B) for purposes of determining eligibility for State need-based financial aid; and

“(II) of the State-specific data that the State requires for delivery of State need-based financial aid.

“(ii) Acceptance of forms.—If a State does not permit an applicant to file a form described in paragraph (2)(B) or (3)(B) for purposes of determining eligibility for State need-based financial aid, then the State shall notify the Secretary if it is not permitted to do so because of State law or agency policy. The notification shall include an acknowledgment that State-specific questions will not be included on a form described in paragraph (2)(B) or (3)(B).

“(iii) Lack of notification by the State.—If a State does not notify the Secretary pursuant to clause (i), the Secretary shall—

“(I) permit residents of that State to complete simplified application forms under paragraphs (2)(B) and (3)(B); and

“(II) not require any resident of such State to complete any data previously required by that State under this section.

“(F) Restriction.—The Secretary shall not require applicants to complete any financial or non-financial data that are not required by the applicant's State, except as may be required for applicants who use the paper forms described in subparagraphs (A) and (B) of paragraph (2).

“(6) Charges to students and parents for use of forms prohibited.—The common financial reporting forms prescribed by the Secretary under this subsection shall be produced, distributed, and processed by the Secretary, and no parent or student shall be charged a fee by the Secretary, a contractor, a third-party servicer or private software provider, or any other public or private entity for the collection, processing, or delivery of financial aid through the use of such forms. The need and eligibility of a student for financial assistance under parts A through E (other than under subpart 4 of part A) may be determined only by using a form developed by the Secretary pursuant to this subsection. No student may receive financial assistance under parts A through E (other than under subpart 4 of part A), except by use of a form developed by the Secretary pursuant to this subsection. No data collected on a paper or electronic form or other document that the Secretary determines was created to replace a form prescribed under this subsection and therefore violates the integrity of a simplified and free financial aid application process and for which a fee is charged shall be used to complete the form prescribed under this subsection. No person, commercial entity, or other entity shall request, obtain, or utilize an applicant's personal identification number assigned under paragraph (3)(F) for purposes of submitting an application on an applicant's behalf.

“(7) Application processing cycle.—The Secretary shall—

“(A) enable students to submit forms created under this subsection in order to meet the filing requirements of this section and in order to receive financial assistance from programs under this title; and

“(B) enable students to submit forms created under this subsection and initiate the processing of such forms under this subsection, as early as practicable prior to January 1 of the student's planned year of enrollment.

“(8) Early estimates.—The Secretary shall permit an applicant to complete a form described in this subsection in the years prior to enrollment in order to obtain from the Secretary a nonbinding estimate of the applicant's expected family contribution, as defined in section 473. Such applicant shall be permitted to update information submitted on a form described in this subsection using the process required under paragraph (4).

“(9) Distribution of data.—Institutions of higher education, guaranty agencies, and States shall receive, without charge, the data collected by the Secretary using the form developed pursuant to this subsection for the purposes of processing loan applications and determining need and eligibility for institutional and State financial aid awards. Entities designated by institutions of higher education, guaranty agencies, or States to receive such data shall be subject to all the requirements of this section, unless such requirements are waived by the Secretary.

"(10) THIRD PARTY SERVICERS AND PRIVATE SOFTWARE PROVIDERS.—To the extent practicable and in a timely manner, the Secretary shall provide, to private organizations and consortia that develop software used by institutions of higher education for the administration of funds under this title, all the necessary specifications that the organizations and consortia must meet for the software the organizations and consortia develop, produce, and distribute (including any diskette, modem, or network communications) which are so used. The specifications shall contain record layouts for required data. The Secretary shall develop in advance of each processing cycle an annual schedule for providing such specifications. The Secretary, to the extent practicable, shall use means of providing such specifications, including conferences and other meetings, outreach, and technical support mechanisms (such as training and printed reference materials). The Secretary shall, from time to time, solicit from such organizations and consortia means of improving the support provided by the Secretary.

"(11) PARENT'S SOCIAL SECURITY NUMBER AND BIRTH DATE.—The Secretary is authorized to include on the form developed under this subsection space for the social security number and birth date of parents of dependent students seeking financial assistance under this title.";

(2) by redesignating subsections (c) through (e) as subsections (b) through (d), respectively;

(3) in subsection (c) (as redesignated by paragraph (2)), by striking "that is authorized" and all that follows through the period at the end and inserting "or other appropriate provider of technical assistance and information on postsecondary educational services that is authorized under section 663(a) of the Individuals with Disabilities Education Act. Not later than 2 years after the date of enactment of the Higher Education Amendments of 2005, the Secretary shall test and implement, to the extent practicable, a toll-free telephone based system to permit applicants who meet the requirements of 479(c) to submit an application over such system."; and

(4) by striking subsection (d) (as redesignated by paragraph (2)) and inserting the following:

"(d) ASSISTANCE IN PREPARATION OF FINANCIAL AID APPLICATION.—

"(1) PREPARATION AUTHORIZED.—Notwithstanding any provision of this Act, an applicant may use a preparer for consultative or preparation services for the completion of the common financial reporting forms described in subsection (a) if the preparer satisfies the requirements of this subsection.

"(2) PREPARER IDENTIFICATION.—Any common financial reporting form required to be made under this title shall include the name, signature, address or employer's address, social security number or employer identification number, and organizational affiliation of the preparer of such common financial reporting form.

"(3) ADDITIONAL REQUIREMENTS.—A preparer that provides consultative or preparation services pursuant to this subsection shall—

"(A) clearly inform individuals upon initial contact (including advertising in clear and conspicuous language on the website of the preparer, including by providing a link directly to the website described in subsection (a)(3), if the preparer provides such services through a website) that the common financial reporting forms that are required to determine eligibility for financial assistance under parts A through E (other than subpart 4 of part A) may be completed for free via paper or electronic forms provided by the Secretary;

"(B) refrain from producing or disseminating any form other than the forms produced by the Secretary under subsection (a); and

"(C) not charge any fee to any individual seeking such services who meets the requirements of subsection (b) or (c) of section 479.

"(4) SPECIAL RULE.—Nothing in this Act shall be construed to limit preparers of the common financial reporting forms required to be made under this title who meet the requirements of this subsection from collecting source information from a student or parent, including Internal Revenue Service tax forms, in providing consultative and preparation services in completing the forms.".

SEC. 7434. STUDENT ELIGIBILITY.

Section 484 (20 U.S.C. 1091) is amended—

(1) in subsection (d), by adding at the end the following:

"(4) The student shall be determined by the institution of higher education as having the ability to benefit from the education or training offered by the institution of higher education, upon satisfactory completion of 6 credit hours or the equivalent coursework that are applicable toward a degree or certificate offered by the institution of higher education.";

(2) by striking subsection (l) and inserting the following:

"(l) COURSES OFFERED THROUGH DISTANCE EDUCATION.—

"(1) RELATION TO CORRESPONDENCE COURSES.—

"(A) IN GENERAL.—A student enrolled in a course of instruction at an institution of higher education that is offered principally through distance education and leads to a recognized certificate, or associate, baccalaureate, or graduate degree, conferred by such institution, shall not be considered to be enrolled in correspondence courses.

"(B) EXCEPTION.—An institution of higher education referred to in subparagraph (A) shall not include an institution or school described in section 3(3)(C) of the Carl D. Perkins Vocational and Technical Education Act of 1998.

"(2) RESTRICTION OR REDUCTIONS OF FINANCIAL AID.—A student's eligibility to receive grants, loans, or work assistance under this title shall be reduced if a financial aid officer determines under the discretionary authority provided in section 479A that distance education results in a substantially reduced cost of attendance to such student.

"(3) SPECIAL RULE.—For award years prior to the date of enactment of this subsection, the Secretary shall not take any compliance, disallowance, penalty, or other action against a student or an eligible institution when such action arises out of such institution's prior award of student assistance under this title if the institution demonstrates to the satisfaction of the Secretary that its course of instruction would have been in conformance with the requirements of this subsection.

"(4) DEFINITION.—In this subsection, the term 'distance education' has the meaning given the term in section 102."; and

(3) in subsection (r)—

(A) in the matter preceding the table, by inserting "of a controlled substance, while such student is enrolled in an institution of higher education and receiving financial assistance under this title," after "the possession";

(B) in the column heading of the first table, by inserting "**while the student is enrolled in an institution of higher education and receiving financial assistance under this title**" after "**possession of a controlled substance**"; and

(C) by redesignating paragraph (3) as paragraph (4); and

(D) by inserting after paragraph (2) the following:

"(2) INTERACTION WITH FAFSA.—The Secretary shall not require a student to provide information regarding the student's possession of a controlled substance on the Free Application for Federal Student Aid described in section 483(a).".

SEC. 7435. STATUTE OF LIMITATIONS AND STATE COURT JUDGMENTS.

Section 484A (20 U.S.C. 1091a) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "and" after the semicolon;

(B) in paragraph (2), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(3) in collecting any obligation arising from a loan made under part E of this title, an institution of higher education that has an agreement with the Secretary pursuant to section 463(a) shall not be subject to a defense raised by any borrower based on a claim of infancy."; and

(2) by adding at the end the following:

"(d) SPECIAL RULE.—This section shall not apply in the case of a student who is deceased or to a deceased student's estate or the estate of such student's family. If a student is deceased, then the student's estate or the estate of the student's family shall not be required to repay any financial assistance under this title , including interest paid on the student's behalf, collection costs, or other charges specified in this title.".

SEC. 7436. INSTITUTIONAL REFUNDS.

Section 484B (20 U.S.C. 1091B) is amended—

(1) in subsection (a)—

(A) in the matter preceding clause (i) of paragraph (2)(A), by striking "a leave of" and inserting "1 or more leaves of"; and

(B) in paragraph (3)(C)(i), by striking "grant or loan assistance under this title" and inserting "grant assistance under subparts 1 and 3 of part A, or loan assistance under parts B, D, and E,";

(2) in subsection (b), by adding at the end the following:

"(4) TIME FRAME.—Not later than 45 days after the date of an institution's determination that a student withdrew from the institution, the institution shall—

"(A) return the amount required under paragraph (1);

"(B) notify the student of the applicable requirements regarding the overpayment of grant and loan assistance and

"(C) notify the student of the student's eligibility for post-withdrawal disbursements.";

(3) in subsection (c)(2), by striking "may determine the appropriate withdrawal date." and inserting "may determine—

(A) the appropriate withdrawal date; and

"(B) that the requirements of this section do not apply to the student."; and

(4) in subsection (d)(2), by striking "clock hours—" and all that follows through the period and inserting "clock hours scheduled to be completed by the student in that period as of the day the student withdrew.".

SEC. 7437. INSTITUTIONAL AND FINANCIAL ASSISTANCE FOR STUDENTS.

Section 485 (20 U.S.C. 1092) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (N), by striking "and" after the semicolon;

(ii) in subparagraph (O), by striking the period and inserting a semicolon; and

(iii) by adding at the end the following:

"(P) student body diversity at the institution, including information on the percentage of enrolled, full-time students who are—

"(i) male;

"(ii) female;

"(iii) from a low-income background; and

"(iv) a self-identified member of a major racial or ethnic group;

"(Q) the placement in employment of, and types of employment obtained by, graduates of the institution's degree or certificate programs, gathered from such sources as alumni surveys, student satisfaction surveys, the National Survey of Student Engagement, the Community College Survey of Student Engagement, State data systems, or other relevant sources; and

"(R) the types of graduate and professional education in which graduates of the institution's 4-year degree programs enrolled, gathered from such sources as alumni surveys, student satisfaction surveys, the National Survey of Student Engagement, State data systems, or other relevant sources.";

(B) by striking paragraph (4) and inserting the following:

"(4) For purposes of this section, institutions may—

"(A) exclude from the information disclosed in accordance with subparagraph (L) of paragraph (1) the completion or graduation rates of students who leave school to serve in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government; or

"(B) in cases where the students described in subparagraph (A) represent 20 percent or more of the certificate- or degree-seeking, full-time, undergraduate students at the institution, the institution may recalculate the completion or graduation rates of such students by excluding from the calculation described in paragraph (3) the time period such students were not enrolled due to their service in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government."; and

(C) by adding at the end the following:

"(7) The information disclosed under subparagraph (L) of paragraph (1), or reported under subsection (e), shall include information disaggregated by gender, by each major racial and ethnic subgroup, and by low-income background status as measured by Federal Pell Grant eligibility, if the number of students in such subgroup or with such status is sufficient to yield statistically reliable information and reporting would not reveal personally identifiable information about an individual student. If such number is not sufficient for such purposes, then the institution shall note that the institution enrolled too few of such students to so disclose or report with confidence and confidentiality.";

(2) in subsection (b), by adding at the end the following:

"(3) Each eligible institution shall, during the exit interview required by this subsection, provide to a borrower of a loan made under part B, D, or E a clear and conspicuous notice describing the general effects of using a consolidation loan to discharge the borrower's student loans, including—

"(A) the effects of consolidation on total interest to be paid, fees to be paid, and length of repayment;

"(B) the effects of consolidation on a borrower's underlying loan benefits, including loan forgiveness, cancellation, and deferment;

"(C) the ability for the borrower to prepay the loan, pay on a shorter schedule, and to change repayment plans, and that borrower benefit programs may vary among different loan holders;

"(D) the tax benefits for which the borrower may be eligible; and

"(E) the consequences of default.";

(3) in subsection (d)(2)—

(A) by inserting "grant assistance, as well as State" after "describing State"; and

(B) by inserting "and other means, including through the Internet" before the period at the end;

(4) in subsection (e), by striking paragraph (3) and inserting the following:

"(3) For purposes of this subsection, institutions may—

"(A) exclude from the reporting requirements under paragraphs (1) and (2) the completion or graduation rates of students and student athletes who leave school to serve in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government; or

"(B) in cases where the students described in subparagraph (A) represent 20 percent or more of the certificate- or degree-seeking, full-time, undergraduate students at the institution, the institution may calculate the completion or graduation rates of such students by excluding from the calculations described in paragraph (1) the time period such students were not enrolled due to their service in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government.";

(5) in the matter preceding subparagraph (A) of subsection (f)(1), by inserting ", other than a foreign institution of higher education," after "under this title"; and

(6) by adding at the end the following:

"(h) TRANSFER OF CREDIT POLICIES.—

"(1) DISCLOSURE.—Each institution of higher education participating in any program under this title shall publicly disclose in a readable and comprehensible manner the institution's transfer of credit policies which shall include a statement of the institution's current transfer of credit policies that includes, at a minimum—

"(A) a statement that transfer of credit shall not be denied solely on the basis of the agency or association that accredited such other institution of higher education, if that agency or association is recognized by the Secretary pursuant to section 496 to be a reliable authority as to the quality of the education or training offered;

"(B) a list of institutions of higher education with which the institution has established an articulation agreement; and

"(C) the percentage of students at the institution who successfully transfer academic credits, updated on an annual basis.

"(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to—

"(A) authorize an officer or employee of the Department to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any institution of higher education, or over any accrediting agency or association;

"(B) limit the application of the General Education Provisions Act; or

"(C) create any legally enforceable right on the part of a student to require an institution of higher education to accept a transfer of credit from another institution.".

SEC. 7438. NATIONAL STUDENT LOAN DATA SYSTEM.

Section 485B(a) (20 U.S.C. 1092b(a)) is amended—

(1) by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively;

(2) in paragraph (5) (as added by Public Law 101–610), by striking "effectiveness." and inserting "effectiveness;"; and

(3) by redesignating paragraph (5) (as added by Public Law 101–234) as paragraph (6).

SEC. 7439. EARLY AWARENESS OF FINANCIAL AID ELIGIBILITY.

Part G of title IV (20 U.S.C. 1088 et seq.) is amended by inserting after section 485C (20 U.S.C. 1092c) the following:

"SEC. 485D. EARLY AWARENESS OF FINANCIAL AID ELIGIBILITY.

"(a) IN GENERAL.—The Secretary shall implement, in cooperation with States, institutions of higher education, secondary schools, middle schools, early intervention and outreach programs under this title, other agencies and organizations involved in student financial assistance and college access, public libraries, community centers, employers, and businesses, a comprehensive system of early financial aid information in order to provide students and families with early information about financial aid and early estimates of such students' eligibility for financial aid from multiple sources. Such system shall include the activities described in subsections (b) and (c).

"(b) COMMUNICATION OF AVAILABILITY OF AID AND AID ELIGIBILITY.—

"(1) STUDENTS WHO RECEIVE BENEFITS.—The Secretary shall—

"(A) make special efforts to notify students who receive or are eligible to receive benefits under Federal means-tested benefit programs (including the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), the food stamp program under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), and other such programs as determined by the Secretary) of such students' potential eligibility for a maximum Federal Pell Grant under subpart 1 of part A; and

"(B) disseminate such informational materials as the Secretary determines necessary.

"(2) MIDDLE SCHOOL STUDENTS.—The Secretary, in cooperation with States, institutions of higher education, other organizations involved in college access and student financial aid, middle schools, and programs under this title that serve middle school students, shall make special efforts to notify students and their parents of the availability of financial aid under this title and, in accordance with subsection (c), shall provide nonbinding estimates of grant and loan aid that an individual may be eligible for under this title upon completion of an application form under section 483(a). The Secretary shall ensure that such information is as accurate as possible and that such information is provided in an age-appropriate format using dissemination mechanisms suitable for students in middle school.

"(3) SECONDARY SCHOOL STUDENTS.—The Secretary, in cooperation with States, institutions of higher education, other organizations involved in college access and student financial aid, secondary schools, and programs under this title that serve secondary school students, shall make special efforts to notify students in secondary school and their parents, as early as possible but not later than such students' junior year of secondary school, of the availability of financial aid under this title and, in accordance with subsection (c), shall provide nonbinding estimates of the amounts of grant and loan aid that an individual may be eligible for under this title upon completion of an application form under section 483(a). The Secretary shall ensure that such information is as accurate as possible and that such information is provided in an age-appropriate format using dissemination mechanisms suitable for students in secondary school.

"(4) ADULT LEARNERS.—The Secretary, in cooperation with States, institutions of higher education, other organizations involved in college access and student financial aid, employers, workforce investment boards and public libraries, shall make special efforts to provide individuals who would qualify as independent students, as defined in section 480(d), with information regarding the availability of financial aid under this title and, in accordance with subsection (c), with nonbinding estimates of the amounts of grant and loan aid that an individual may be eligible for under this title upon completion of an application form under section 483(a). The Secretary shall ensure that such information—

"(A) is as accurate as possible;

"(B) includes specific information regarding the availability of financial aid for students qualified as independent students, as defined in section 480(d); and

"(C) uses dissemination mechanisms suitable for adult learners.

"(5) PUBLIC AWARENESS CAMPAIGN.—Not later than 2 years after the date of enactment of the Higher Education Amendments of 2005, the Secretary, in coordination with States, institutions of higher education, early intervention and outreach programs under this title, other agencies and organizations involved in student financial aid, local educational agencies, public libraries, community centers, businesses, employers, employment services, workforce investment boards, and movie theaters, shall implement a public awareness campaign in order to increase national awareness regarding the availability of financial aid under this title. The public awareness campaign shall disseminate accurate information regarding the availability of financial aid under this title and shall be implemented, to the extent practicable, using a variety of media, including print, television, radio and the Internet. The Secretary shall design and implement the public awareness campaign based upon relevant independent research and the information and dissemination strategies found most effective in implementing paragraphs (1) through (4).

"(c) AVAILABILITY OF NONBINDING ESTIMATES OF FEDERAL FINANCIAL AID ELIGIBILITY.—

"(1) IN GENERAL.—The Secretary, in cooperation with States, institutions of higher education, and other agencies and organizations involved in student financial aid, shall provide, via a printed form and the Internet or other electronic means, the capability for individuals to determine easily, by entering relevant data, nonbinding estimates of amounts of grant and loan aid an individual may be eligible for under this title upon completion and processing of an application and enrollment in an institution of higher education.

"(2) DATA ELEMENTS.—The Secretary, in cooperation with States, institutions of higher education, and other agencies and organizations involved in student financial aid, shall determine the data elements that are necessary to create a simplified form that individuals can use to obtain easily nonbinding estimates of the amounts of grant and loan aid an individual may be eligible for under this title.

"(3) QUALIFICATION TO USE SIMPLIFIED APPLICATION.—The capability provided under this paragraph shall include the capability to determine whether the individual is eligible to submit a simplified application form under paragraph (2)(B) or (3)(B) of section 483(a).".

SEC. 7440. COLLEGE ACCESS INITIATIVE.

Part G of title IV (20 U.S.C. 1088 et seq.) is further amended by inserting after section 485D (as added by section 7439) the following:

"SEC. 485E. COLLEGE ACCESS INITIATIVE.

"(a) STATE-BY-STATE INFORMATION.—The Secretary shall direct each guaranty agency with which the Secretary has an agreement under section 428(c) to provide to the Secretary the information necessary for the development of Internet Web links and access for students and families to a comprehensive listing of the postsecondary education opportunities programs, publications, Internet Web sites, and other services available in the States for which such agency serves as the designated guarantor.

"(b) GUARANTY AGENCY ACTIVITIES.—

"(1) PLAN AND ACTIVITY REQUIRED.—Each guaranty agency with which the Secretary has an agreement under section 428(c) shall develop a plan, and undertake the activity, necessary to gather the information required under subsection (a) and to make such information available to the public and to the Secretary in a form and manner prescribed by the Secretary.

"(2) ACTIVITIES.—Each guaranty agency shall undertake such activities as are necessary to promote access to postsecondary education for students through providing information on college planning, career preparation, and paying for college. The guaranty agency shall publicize such information and coordinate such activities with other entities that provide or distribute such information in the States for which such guaranty agency serves as the designated guarantor.

"(3) FUNDING.—The activities required by this section may be funded from the guaranty agency's Operating Fund established pursuant to section 422B and to the extent funds remain, from earnings on the restricted account established pursuant to section 422(h)(4).

"(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall require a guaranty agency to duplicate any efforts currently underway that meet the requirements of this subsection.

"(c) ACCESS TO INFORMATION.—

"(1) SECRETARY'S RESPONSIBILITY.—The Secretary shall ensure the availability of the information provided, by the guaranty agencies in accordance with this section, to students, parents, and other interested individuals, through Web links or other methods prescribed by the Secretary.

"(2) GUARANTY AGENCY RESPONSIBILITY.—The guaranty agencies shall ensure that the information required by this section is available without charge in printed format for students and parents requesting such information.

"(3) PUBLICITY.—Not later than 270 days after the date of enactment of the Higher Education Amendments Act of 2005, the Secretary and guaranty agencies shall publicize the availability of the information required by this section, with special emphasis on ensuring that populations that are traditionally underrepresented in postsecondary education are made aware of the availability of such information.".

SEC. 7441. PROGRAM PARTICIPATION AGREEMENTS.

Section 487 (20 U.S.C. 1094) is amended—

(1) in subsection (a)—

(A) in paragraph (23), by adding at the end the following:

"(D) An institution shall be considered in compliance with the requirements of subparagraph (A) for any student to whom the institution electronically transmits a message containing a voter registration form acceptable for use in the State in which the institution is located, or an Internet address where such a form can be downloaded, if such information is in an electronic message devoted solely to voter registration."; and

(B) by adding at the end the following:

"(24) The institution will, as calculated in accordance with subsection (g)(1), have not less than 10 percent of its revenues from sources other than funds provided under this title, or will be subject to the sanctions described in subsection (g)(2).";

(2) in subsection (c)(1)(A)(i), by inserting ", except that the Secretary may modify the requirements of this clause with regard to an institution outside the United States" before the semicolon at the end;

(3) by redesignating subsections (d) and (e) as subsection (e) and (f), respectively;

(4) by inserting after subsection (c) the following:

"(d) INSTITUTIONAL REQUIREMENTS FOR TEACH-OUTS.—

"(1) IN GENERAL.—In the event the Secretary initiates the limitation, suspension, or termination of the participation of an institution of higher education in any program under this title under the authority of subsection (c)(1)(F) or initiates an emergency action for termination under the authority of subsection (c)(1)(G) and its prescribed regulations, the Secretary shall require that institution to prepare a teach-out plan for submission to the institution's accrediting agency or association in compliance with section 496(c)(4), the Secretary's regulations on teach-out plans, and the standards of the institution's accrediting agency or association.

"(2) TEACH-OUT PLAN DEFINED.—In this subsection, the term 'teach-out plan' means a written plan that provides for the equitable treatment of students if an institution of higher education ceases to operate before all students have completed their program of study, and may include, if required by the institution's accrediting agency or association, an agreement between institutions for such a teach-out plan."; and

(5) by adding at the end the following:

"(g) IMPLEMENTATION OF NONTITLE IV REVENUE REQUIREMENT.—

"(1) CALCULATION.—In carrying out subsection (a)(24), an institution shall use the cash basis of accounting and count the following funds as from sources of funds other than funds provided under this title:

"(A) Funds used by students from sources other than funds received under this title to pay tuition, fees, and other institutional charges to the institution, provided the institution can reasonably demonstrate that such funds were used for such purposes.

"(B) Funds used by the institution to satisfy matching-fund requirements for programs under this title.

"(C) Funds used by a student from savings plans for educational expenses established by or on behalf of the student and which qualify for special tax treatment under the Internal Revenue Code of 1986.

"(D) Funds paid by a student, or on behalf of a student by a party other than the institution, to the institution for an education or training program that is not eligible for funds under this title, provided that the program is approved or licensed by the appropriate State agency or an accrediting agency recognized by the Secretary.

"(E) Funds generated by the institution from institutional activities that are necessary for the education and training of the institution's students, if such activities are—

"(i) conducted on campus or at a facility under the control of the institution;

"(ii) performed under the supervision of a member of the institution's faculty; and

"(iii) required to be performed by all students in a specific educational program at the institution.

"(F) Institutional aid, as follows:

"(i) In the case of loans made by the institution, only the amount of loan repayments received by the institution during the fiscal year for which the determination is made.

"(ii) In the case of scholarships provided by the institution, only those scholarship funds provided by the institution that are—

"(I) in the form of monetary aid based upon the academic achievements or financial need of students; and

"(II) disbursed during the fiscal year for which the determination is made from an established restricted account and only to the extent that the funds in that account represent designated funds from an outside source or income earned on those funds.

"(iii) In the case of tuition discounts, only those tuition discounts based upon the academic achievement or financial need of students.

"(2) SANCTIONS.—

"(A) FAILURE TO MEET REQUIREMENT FOR 1 YEAR.—In addition to such other means of enforcing the requirements of this title as may be available to the Secretary, if an institution fails to meet the requirements of subsection (a)(24) in any year, the Secretary may impose 1 or both of the following sanctions on the institution:

"(i) Place the institution on provisional certification in accordance with section 498(h) until the institution demonstrates, to the satisfaction of the Secretary, that it is in compliance with subsection (a)(24).

"(ii) Require such other increased monitoring and reporting requirements as the Secretary determines necessary until the institution demonstrates, to the satisfaction of the Secretary, that it is in compliance with subsection (a)(24).

"(B) FAILURE TO MEET REQUIREMENT FOR 2 YEARS.—An institution that fails to meet the requirements of subsection (a)(24) for 2 consecutive years shall be ineligible to participate in the programs authorized under this title.

"(3) PUBLIC AVAILABILITY OF INFORMATION.—The Secretary shall make publicly available, through the means described in subsection (b) of section 131, any institution that fails to meet the requirements of subsection (a)(24) in any year as an institution that is failing to meet the minimum non-Federal source of revenue requirements of such subsection (a)(24).".

SEC. 7442. REGULATORY RELIEF AND IMPROVEMENT.

Section 487A(b) (20 U.S.C. 1094a(b)) is amended—

(1) in paragraph (1)—

(A) by striking "1998" and inserting "2005" ; and

(B) by striking "1999" and inserting "2006"; and

(2) by striking the matter preceding paragraph (2)(A) and inserting the following:

"(2) REPORT.—The Secretary shall review and evaluate the experience of institutions participating as experimental sites and shall, on a biennial basis, submit a report based on the review and evaluation to the authorizing committees. Such report shall include—"; and

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking "Upon the submission of the report required by paragraph (2), the" and inserting "The"; and

(ii) by inserting "periodically" after "authorized to";

(B) by striking subparagraph (B);

(C) by redesignating subparagraph (C) as subparagraph (B); and

(D) in subparagraph (B) (as redesignated by subparagraph (C))—

(i) by inserting ", including requirements related to the award process and disbursement of student financial aid (such as innovative delivery systems for modular or compressed courses, or other innovative systems), verification of student financial aid application data, entrance and exit interviews, or other management procedures or processes as determined in the negotiated rulemaking process under section 492," after "requirements in this title"; and

(ii) by inserting "(other than an award rule related to an experiment in modular or compressed schedules)" after "award rules"; and

(iii) by inserting "unless the waiver of such provisions is authorized by another provision under this title" before the period at the end.

SEC. 7443. TRANSFER OF ALLOTMENTS.

Section 488 (20 U.S.C. 1095) is amended in the first sentence—

(1) in paragraph (1), by striking "and" after the semicolon;

(2) in paragraph (2), by striking "413D." and inserting "413D; and"; and

(3) by adding at the end "(3) transfer 25 percent of the institution's allotment under section 413D to the institution's allotment under section 442.".

SEC. 7444. WAGE GARNISHMENT REQUIREMENT.

Section 488A(a)(1) (20 U.S.C. 1095a(a)(1)) is amended by striking "10 percent" and inserting "15 percent".

SEC. 7445. PURPOSE OF ADMINISTRATIVE PAYMENTS.

Section 489(b) (20 U.S.C. 1096(b)) is amended by striking "offsetting the administrative costs of" and inserting "administering".

SEC. 7446. ADVISORY COMMITTEE ON STUDENT FINANCIAL ASSISTANCE.

Section 491 (20 U.S.C. 1098) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (B), by striking "and" after the semicolon;

(B) in subparagraph (C), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

"(D) to provide knowledge and understanding of early intervention programs, and to make recommendations that will result in early awareness by low- and moderate-income students and families—

"(i) of their eligibility for assistance under this title; and

"(ii) to the extent practicable, of their eligibility for other forms of State and institutional need-based student assistance; and

"(E) to make recommendations that will expand and improve partnerships among the Federal Government, States, institutions of higher education, and private entities to increase the awareness and the total amount of need-based student assistance available to low- and moderate-income students.";

(2) in subsection (c), by adding at the end the following:

"(3) The appointment of a member under subparagraph (A) or (B) of paragraph (1) shall be effective upon confirmation of the member by the Senate and publication of such appointment in the Congressional Record.".

(3) in subsection (d)(6), by striking ", but nothing" and all that follows through "or analyses";

(4) in subsection (j)—

(A) in paragraph (1)—

(i) by inserting "and simplification" after "modernization" each place the term appears; and

(ii) by striking "including" and all that follows through "Department,"; and

(B) by striking paragraphs (4) and (5) and inserting the following:

"(4) conduct a review and analysis of regulations in accordance with subsection (l); and

"(5) conduct a study in accordance with subsection (m).";

(5) in subsection (k), by striking "2004" and inserting "2010"; and

(6) by adding at the end the following:

"(l) REVIEW AND ANALYSIS OF REGULATIONS.—

"(1) RECOMMENDATIONS.—The Advisory Committee shall make recommendations to the Secretary and Congress for consideration of future legislative action regarding redundant or outdated regulations under this title, consistent with the Secretary's requirements under section 498B.

"(2) REVIEW AND ANALYSIS OF REGULATIONS.—The Advisory Committee shall conduct a review and analysis of the regulations issued under this title that are in effect at the time of the review and that apply to the operations or activities of participants in the programs assisted under this title. The review and analysis may include a determination of whether the regulation is duplicative, is no longer necessary, is inconsistent with other Federal requirements, or is overly burdensome. In conducting the review, the Advisory Committee shall pay specific attention to evaluating ways in which regulations under this title affecting institutions of higher education (other than institutions described in section 102(a)(1)(C)), that have received in each of the 2 most recent award years prior to the date of enactment of the Higher Education Amendments of 2005 less than $200,000 in funds through this title, may be improved, streamlined, or eliminated.

"(3) CONSULTATION.—

"(A) IN GENERAL.—In carrying out the review and analysis under paragraph (2), the Advisory Committee shall consult with the Secretary, relevant representatives of institutions of higher education, and individuals who have expertise and experience with the regulations issued under this title, in accordance with subparagraph (B).

"(B) REVIEW PANELS.—The Advisory Committee shall convene not less than 2 review panels of representatives of the groups involved in student financial assistance programs under this title who have experience and expertise in the regulations issued under this title to review the regulations under this title, and to provide recommendations to the Advisory Committee with respect to the review and analysis under paragraph (2). The panels shall be made up of experts in areas such as the operations of the financial assistance programs, the institutional eligibility requirements for the financial assistance programs, regulations not directly related to the operations or the institutional eligibility requirements of the financial assistance programs, and regulations for dissemination of information to students about the financial assistance programs.

"(4) REPORTS TO CONGRESS.—The Advisory Committee shall submit, not later than 2 years after the completion of the negotiated rulemaking process required under section 492 resulting from the amendments to this Act made by the Higher Education Amendments of 2005, a report to the authorizing committees and the Secretary detailing the expert panels' findings and recommendations with respect to the review and analysis under paragraph (2).

"(5) ADDITIONAL SUPPORT.—The Secretary and the Inspector General of the Department shall provide such assistance and resources to the Advisory Committee as the Secretary and Inspector General determine are necessary to conduct the review required by this subsection.

"(m) STUDY OF INNOVATIVE PATHWAYS TO BACCALAUREATE DEGREE ATTAINMENT.—

"(1) STUDY REQUIRED.—The Advisory Committee shall conduct a study of the feasibility of increasing baccalaureate degree attainment rates by reducing the costs and financial barriers to attaining a baccalaureate degree through innovative programs.

"(2) SCOPE OF STUDY.—The Advisory Committee shall examine new and existing programs that promote baccalaureate degree attainment through innovative ways, such as dual or concurrent enrollment programs, changes made to the Federal Pell Grant program, simplification of the needs analysis process, compressed or modular scheduling, articulation agreements, and programs that allow 2-year institutions of higher education to offer baccalaureate degrees.

"(3) REQUIRED ASPECTS OF THE STUDY.—In performing the study described in this subsection, the Advisory Committee shall examine the following aspects of such innovative programs:

"(A) The impact of such programs on baccalaureate attainment rates.

"(B) The degree to which a student's total cost of attaining a baccalaureate degree can be reduced by such programs.

"(C) The ways in which low- and moderate-income students can be specifically targeted by such programs.

"(D) The ways in which nontraditional students can be specifically targeted by such programs.

"(E) The cost-effectiveness for the Federal Government, States, and institutions of higher education to implement such programs.

"(4) CONSULTATION.—

"(A) IN GENERAL.—In performing the study described in this subsection the Advisory Committee shall consult with a broad range of interested parties in higher education, including parents, students, appropriate representatives of secondary schools and institutions of higher education, appropriate State administrators, administrators of dual enrollment programs, and appropriate officials from the Department.

"(B) CONGRESSIONAL CONSULTATION.—The Advisory Committee shall consult on a regular basis with the authorizing committees in carrying out the study required by this section.

"(5) REPORTS TO CONGRESS.—

"(A) INTERIM REPORT.—The Advisory Committee shall prepare and submit to the authorizing committees and the Secretary 1 interim report, not later than 1 year after the date of enactment of the Higher Education Amendments of 2005, describing the progress that has been made in conducting the study required by this subsection and any preliminary findings on the topics identified under paragraph (2).

"(B) FINAL REPORT.—The Advisory Committee shall, not later than 3 years after the date of enactment of the Higher Education Amendments of 2005, prepare and submit to the authorizing committees and the Secretary a final report on the study, including recommendations for legislative, regulatory, and administrative changes based on findings related to the topics identified under paragraph (2).".

SEC. 7447. REGIONAL MEETINGS.

Section 492(a)(1) (20 U.S.C. 1098a(a)(1)) is amended by inserting "State student grant agencies," after "institutions of higher education,".

SEC. 7448. YEAR 2000 REQUIREMENTS AT THE DEPARTMENT.

(a) REPEAL.—Section 493A (20 U.S.C. 1098c) is repealed.

(b) REDESIGNATION.—Section 493B (20 U.S.C. 1098d) is redesignated as section 493A.

Subchapter H—Program Integrity

SEC. 7451. RECOGNITION OF ACCREDITING AGENCY OR ASSOCIATION.

Section 496 (200 U.S.C. 1099b) is amended—

(1) in subsection (a)—

(A) by striking paragraph (4) and inserting the following:

"(4)(A) such agency or association consistently applies and enforces standards that respect the stated mission of the institution of higher education, including religious missions, and that ensure that the courses or programs of instruction, training, or study offered by the institution of higher education, including distance education courses or programs, are of sufficient quality to achieve, for the duration of the accreditation period, the stated objective for which the courses or the programs are offered; and

"(B) if such agency or association has or seeks to include within its scope of recognition the evaluation of the quality of institutions or programs offering distance education, such agency or association shall, in addition to meeting the other requirements of this subpart, demonstrate to the Secretary that—

"(i) the agency or association's standards effectively address the quality of an institution's distance education in the areas identified in section 496(a)(5), except that the agency or association shall not be required to have separate standards, procedures or policies for the evaluation of distance education institutions or programs in order to meet the requirements of this subparagraph; and

"(ii) the agency or association requires an institution that offers distance education to have processes through which the institution establishes that the student who registers in a distance education course or program is the same student who participates, completes and receives the academic credit;";

(B) in paragraph (5), by striking subparagraph (A) and inserting the following:

"(A) success with respect to student achievement in relation to the institution's mission, including—

"(i) consideration of student academic achievement as determined by the institution;

"(ii) student retention;

"(iii) course and program completion;

"(iv) as appropriate, State licensing examinations;

"(v) as appropriate, job placement rates or enrollment in graduate or professional programs; and

"(vi) as appropriate, other student performance information selected by the institution, particularly that information used by the institution to evaluate or strengthen its programs;";

(C) by striking paragraph (6) and inserting the following:

"(6) such an agency or association shall establish and apply review procedures throughout the accrediting process, including evaluation and withdrawal proceedings which comply with due process procedures that provide for—

"(A) adequate specification of requirements and deficiencies at the institution of higher education or program examined;

"(B) an opportunity for a written response by any such institution to be included, prior to final action, in the evaluation and withdrawal proceedings;

"(C) upon the written request of an institution, an opportunity for the institution to appeal any adverse action, including denial, withdrawal, suspension, or termination of accreditation, or placement on probation of an institution, at a hearing prior to such action becoming final, before an appeals panel that—

"(i) shall not include current members of the agency or association's underlying decision-making body that made the adverse decision; and

"(ii) is subject to a conflict of interest policy; and

"(D) the right to representation by counsel for such an institution during an appeal of the adverse action;"; and

(D) by striking paragraph (8) and inserting the following:

"(8) such agency or association shall make available to the public and the State licensing or authorizing agency, and submit to the Secretary, a summary of agency or association actions, including—

"(A) the award of accreditation or reaccreditation of an institution;

"(B) final denial, withdrawal, suspension, or termination of accreditation, or placement on probation of an institution, and any findings made in connection with the action taken, together with the official comments of the affected institution; and

"(C) any other adverse action taken with respect to an institution."; and

(2) in subsection (c)—

(A) in paragraph (1), by inserting ", including those regarding distance education" after "their responsibilities";

(B) by redesignating paragraphs (2) through (6) as paragraphs (5) through (9);

(C) by inserting after paragraph (1) (as amended by subparagraph (A)) the following:

"(2) ensures that the agency or association's on-site evaluation for accreditation or reaccreditation includes review of the Federally required information the institution or program provides its current and prospective students;

"(3) monitors the growth of programs at institutions that are experiencing significant enrollment growth;

"(4) requires an institution to submit a teach-out plan for approval to the accrediting agency upon the occurrence of any of the following events:

"(A) The Department notifies the accrediting agency of an action against the institution pursuant to section 487(d).

"(B) The accrediting agency acts to withdraw, terminate, or suspend the accreditation of an institution.

"(C) The institution notifies the accrediting agency that the institution intends to cease operations.";

(D) in paragraph (8) (as redesignated by subparagraph (B)), by striking "and" after the semicolon;

(E) in subparagraph (9) (as redesignated by subparagraph (B)), by striking the period and inserting "; and"; and

(F) by adding at the end the following:

"(10) confirms, as a part of the agency or association's review for accreditation or reaccreditation, that the institution has transfer of credit policies—

"(A) that are publicly disclosed;

"(B) that do not deny transfer of credit based solely on the accreditation of the sending institution, if the agency or association accrediting the sending institution is recognized by the Secretary pursuant to this section; and

"(C) in which acceptance or denial of transfer of credit is decided according to criteria established in guidelines developed by the institution's admissions committee.".

SEC. 7452. ADMINISTRATIVE CAPACITY STANDARD.

Section 498 (20 U.S.C. 1099c) is amended—

(1) in subsection (d)(1)(B), by inserting "and" after the semicolon; and

(2) by adding at the end the following:

"(k) TREATMENT OF TEACH-OUTS AT ADDITIONAL LOCATIONS.—

"(1) IN GENERAL.—A location of a closed institution of higher education shall be eligible as an additional location of an eligible institution of higher education, as defined pursuant to regulations of the Secretary, for the purposes of a teach-out, if such teach-out has been approved by the institution's accrediting agency.

"(2) SPECIAL RULE.—An institution of higher education that conducts a teach-out through the establishment of an additional location described in paragraph (1) shall be permitted to establish a permanent additional location at a closed institution and shall not be required—

"(A) to meet the requirements of sections 102(b)(1)(E) and 102(c)(1)(C) for such additional location; or

"(B) to assume the liabilities of the closed institution.".

SEC. 7453. PROGRAM REVIEW AND DATA.

Section 498A(b) (20 U.S.C. 1099c–1(b)) is amended—

(1) in paragraph (4), by striking "and" after the semicolon;

(2) in paragraph (5) by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

"(6) provide to an institution of higher education an adequate opportunity to review and respond to any program review report and relevant materials related to the report before any final program review is reached;

"(7) review and take into consideration an institution of higher education's response in any final program review; and

"(8) maintain and preserve at all times the confidentiality of any program review report until the requirements of paragraphs (6) and (7) are met, and until a final program review is issued, other than to the extent required to comply with paragraph (5), except that the Secretary shall promptly disclose any and all program review reports to the institution of higher education under review.".

CHAPTER 6—DEVELOPING INSTITUTIONS

SEC. 7501. DEFINITIONS.

Section 502(a) (20 U.S.C. 1101a(a)) is amended—

(1) in paragraph (5)—

(A) in subparagraph (A), by inserting "and" after the semicolon;

(B) in subparagraph (B), by striking "; and" and inserting a period; and

(C) by striking subparagraph (C); and

(2) by striking paragraph (7).

SEC. 7502. AUTHORIZED ACTIVITIES.

Section 503(b) (20 U.S.C. 1101b(b)) is amended—

(1) by redesignating paragraphs (6) through (14) as paragraphs (8) through (16), respectively;

(2) in paragraph (5), by inserting ", including innovative, customized remedial education and English language instruction courses designed to help retain students and move the students rapidly into core courses and through program completion" before the period at the end; and

(3) by inserting after paragraph (5) the following:

"(6) Education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents.

"(7) Articulation agreements and student support programs designed to facilitate the transfer from 2-year to 4-year institutions.".

SEC. 7503. DURATION OF GRANT.

Section 504(a) (20 U.S.C. 1101c(a)) is amended to read as follows:

"(a) AWARD PERIOD.—The Secretary may award a grant to a Hispanic-serving institution under this title for 5 years.".

SEC. 7504. POSTBACCALAUREATE OPPORTUNITIES FOR HISPANIC AMERICANS.

(a) ESTABLISHMENT OF PROGRAM.—Title V (20 U.S.C. 1101 et seq.) is amended—

(1) by redesignating part B as part C;

(2) by redesignating sections 511 through 518 as sections 521 through 528, respectively; and

(3) by inserting after section 505 the following:

"PART B—PROMOTING POSTBACCALAUREATE OPPORTUNITIES FOR HISPANIC AMERICANS

"SEC. 511. PROGRAM AUTHORITY AND ELIGIBILITY.

"(a) PROGRAM AUTHORIZED.—Subject to the availability of funds appropriated to carry out this part, the Secretary shall award grants, on a competitive basis, to eligible institutions to enable the eligible institutions to carry out the authorized activities described in section 512.

"(b) ELIGIBILITY.—For the purposes of this part, an 'eligible institution' means an institution of higher education that—

"(1) is a Hispanic-serving institution (as defined in section 502); and

"(2) offers a postbaccalaureate certificate or degree granting program.

"SEC. 512. AUTHORIZED ACTIVITIES.

"Grants awarded under this part shall be used for 1 or more of the following activities:

"(1) Purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes.

"(2) Construction, maintenance, renovation, and improvement in classroom, library, laboratory, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services.

"(3) Purchase of library books, periodicals, technical and other scientific journals, microfilm, microfiche, and other educational materials, including telecommunications program materials.

"(4) Support for needy postbaccalaureate students, including outreach, academic support services, mentoring, scholarships, fellowships, and other financial assistance, to permit the enrollment of such students in postbaccalaureate certificate and degree granting programs.

"(5) Support of faculty exchanges, faculty development, faculty research, curriculum development, and academic instruction.

"(6) Creating or improving facilities for Internet or other distance learning academic instruction capabilities, including purchase or rental of telecommunications technology equipment or services.

"(7) Collaboration with other institutions of higher education to expand postbaccalaureate certificate and degree offerings.

"(8) Other activities proposed in the application submitted pursuant to section 513 that are approved by the Secretary as part of the review and acceptance of such application.

"SEC. 513. APPLICATION AND DURATION.

"(a) APPLICATION.—Any eligible institution may apply for a grant under this part by submitting an application to the Secretary at such time and in such manner as the Secretary may require. Such application shall demonstrate how the grant funds will be used to improve postbaccalaureate education opportunities for Hispanic and low-income students and will lead to such students' greater financial independence.

"(b) DURATION.—Grants under this part shall be awarded for a period not to exceed 5 years.

"(c) LIMITATION.—The Secretary may not award more than 1 grant under this part in any fiscal year to any Hispanic-serving institution.".

SEC. 7505. APPLICATIONS.

Section 521(b)(1)(A) (as redesignated by section 7504(a)(2)) (20 U.S.C. 1103(b)(1)(A)) is amended by striking "subsection (b)" and inserting "subsection (c)".

SEC. 7506. COOPERATIVE ARRANGEMENTS.

Section 524(a) (as redesignated by section 7504(a)(2)) (20 U.S.C. 1103c(a)) is amended by striking "section 503" and inserting "sections 503 and 512".

SEC. 7507. AUTHORIZATION OF APPROPRIATIONS.

Section 528(a) (as redesignated by section 7504(a)(2)) (20 U.S.C. 1103g(a)) is amended—

(1) by inserting "part A of" after "carry out";

(2) by striking "$62,500,000 for fiscal year 1999" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 2006 and each of the 5 succeeding fiscal years.";

(3) by striking "(a) AUTHORIZATIONS.—There are" and inserting the following:

"(a) AUTHORIZATIONS.—

"(1) PART A.—There are"; and

(4) by adding at the end the following:

"(2) PART B.—There are authorized to be appropriated to carry out part B of this title such sums as may be necessary for fiscal year 2006 and each of the 5 succeeding fiscal years.".

CHAPTER 7—INTERNATIONAL EDUCATION PROGRAMS

SEC. 7601. FINDINGS.

Section 601 (20 U.S.C. 1121) is amended—

(1) in the section heading, by striking "**AND PURPOSES**" and inserting "; **PURPOSES; CONSULTATION; SURVEY**"

(2) in subsection (a)(3), by striking "post-Cold War";

(3) in subsection (b)(1)(D), by inserting ", including through linkages with overseas institutions" before the semicolon; and

(4) by adding at the end the following:

"(c) CONSULTATION.—The Secretary shall, prior to requesting applications for funding under this title during each grant cycle, consult with and receive recommendations regarding national need for expertise in foreign languages and world regions from the head official, or a designee of such head official, of the National Security Council, the Department of Homeland Security, the Department of Defense, the Department of State, the Federal Bureau of Investigation, the Department of Labor, and the Department of Commerce, the Director of National Intelligence, and other relevant agencies. These entities shall provide information to the Secretary regarding how the entities utilize expertise and resources provided by grantees under this title. The Secretary shall take into account such recommendations and information when requesting applications for funding under this title, and shall make available to applicants a list of areas identified as areas of national need.

“(d) SURVEY.—The Secretary shall assist grantees in developing a survey to administer to students who have participated in programs under this title to determine postparticipation placement. All grantees, where applicable, shall administer such survey not less often than annually and report such data to the Secretary.”.

SEC. 7602. GRADUATE AND UNDERGRADUATE LANGUAGE AND AREA CENTERS AND PROGRAMS.

Section 602 (20 U.S.C. 1122) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (G), by striking “and” after the semicolon;

(ii) in subparagraph (H), by striking the period and inserting “; and”; and

(iii) by adding at the end the following:

“(I) support for instructors of the less commonly taught languages.”; and

(B) in paragraph (4)—

(i) by redesignating subparagraphs (C) through (E) as subparagraphs (D) through (F), respectively;

(ii) by inserting after subparagraph (B) the following:

“(C) Programs of linkage or outreach between or among—

“(i) foreign language, area studies, or other international fields; and

“(ii) State educational agencies or local educational agencies.”; and

(iii) in subparagraph (F) (as redesignated by clause (i)), by striking “and (D)” and inserting “(D), and (E)”;

(2) in subsection (b)—

(A) in the subsection heading, by striking “GRADUATE”; and

(B) by striking paragraph (2) and inserting the following:

“(2) ELIGIBLE STUDENTS.—A student receiving a stipend described in paragraph (1) shall be engaged—

“(A) in an instructional program with stated performance goals for functional foreign language use or in a program developing such performance goals, in combination with area studies, international studies, or the international aspects of a professional studies program; and

“(B)(i) in the case of an undergraduate student, in the intermediate or advanced study of a less commonly taught language; or

“(ii) in the case of a graduate student, in graduate study in connection with a program described in subparagraph (A), including—

“(I) predissertation level study;

“(II) preparation for dissertation research;

“(III) dissertation research abroad; or

“(IV) dissertation writing.”;

(3) by striking subsection (d) and inserting the following:

“(d) ALLOWANCES.—

“(1) GRADUATE LEVEL RECIPIENTS.—A stipend awarded to a graduate level recipient may include allowances for dependents and for travel for research and study in the United States and abroad.

“(2) UNDERGRADUATE LEVEL RECIPIENTS.—A stipend awarded to an undergraduate level recipient may include an allowance for educational programs in the United States or educational programs abroad that—

“(A) are closely linked to the overall goals of the recipient's course of study; and

“(B) have the purpose of promoting foreign language fluency and knowledge of foreign cultures.”; and

(4) by adding at the end the following:

“(e) APPLICATION.—Each institution or combination of institutions desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information and assurances as the Secretary may require. Each application shall include an explanation of how the activities funded by the grant will reflect diverse perspectives and a wide range of views and generate debate on world regions and international affairs. Each application shall also describe how the applicant will address disputes regarding whether activities funded under the application reflect diverse perspectives and a wide range of views. Each application shall also include a description of how the applicant will encourage government service in areas of national need as identified by the Secretary.”.

SEC. 7603. UNDERGRADUATE INTERNATIONAL STUDIES AND FOREIGN LANGUAGE PROGRAMS.

Section 604 (20 U.S.C. 1124) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) by redesignating subparagraphs (I) through (M) as subparagraphs (J) through (N), respectively; and

(ii) by inserting after subparagraph (H) the following:

“(I) providing subgrants to undergraduate students for educational programs abroad that—

“(i) are closely linked to the overall goals of the program for which the grant is awarded; and

“(ii) have the purpose of promoting foreign language fluency and knowledge of foreign cultures;”; and

(B) in paragraph (7)—

(i) in subparagraph (C), by striking “and” after the semicolon;

(ii) in subparagraph (D), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

“(E) an explanation of how the activities funded by the grant will reflect diverse perspectives and a wide range of views and generate debate on world regions and international affairs, where applicable;

“(F) a description of how the applicant will address disputes regarding whether the activities funded under the application reflect diverse perspectives and a wide range of views; and

“(G) a description of how the applicant will encourage government service in areas of national need as identified by the Secretary.”; and

(2) in subsection (c)—

(A) by striking “FUNDING SUPPORT.—The Secretary” and inserting “FUNDING RULES.—

“(1) THE SECRETARY.—The Secretary”;

(B) by striking “10” and inserting “20”; and

(C) by adding at the end the following:

“(2) GRANTEES.—Of the total amount of grant funds awarded to a grantee under this section, the grantee may use not more than 10 percent of such funds for the activity described in subsection (a)(2)(I).”.

SEC. 7604. RESEARCH; STUDIES.

Section 605(a) (20 U.S.C. 1125(a)) is amended—

(1) in paragraph (8), by striking “and” after the semicolon;

(2) in paragraph (9), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

“(10) evaluation of the extent to which programs assisted under this title reflect diverse perspectives and a wide range of views and generate debate on world regions and international affairs;

“(11) the systematic collection, analysis, and dissemination of data that contribute to achieving the purposes of this part; and

“(12) support for programs or activities to make data collected, analyzed, or disseminated under this section publicly available and easy to understand.”.

SEC. 7605. TECHNOLOGICAL INNOVATION AND COOPERATION FOR FOREIGN INFORMATION ACCESS.

Section 606 (20 U.S.C. 1126) is amended—

(1) in subsection (a)—

(A) by striking “new electronic technologies” and insert “electronic technologies”;

(B) by inserting “from foreign sources” after “disseminate information”;

(C) by striking “AUTHORITY.—The Secretary” and insert “AUTHORITY.—

“(1) IN GENERAL.—The Secretary”; and

(D) by adding at the end the following:

“(2) PARTNERSHIPS WITH NOT-FOR-PROFIT EDUCATIONAL ORGANIZATIONS.—The Secretary may award grants under this section to carry out the activities authorized under this section to the following:

“(A) An institution of higher education.

“(B) A public or nonprofit private library.

“(C) A consortium of an institution of higher education and 1 or more of the following:

“(i) Another institution of higher education.

“(ii) A library.

“(iii) A not-for-profit educational organization.”;

(2) in subsection (b)—

(A) in paragraph (1), by striking “to facilitate access to” and inserting “to acquire, facilitate access to,”;

(B) in paragraph (2), by inserting “or standards for” after “means of”;

(C) in paragraph (6), by striking “and” after the semicolon;

(D) in paragraph (7), by striking the period and inserting a semicolon; and

(E) by adding at the end the following:

“(8) to establish linkages to facilitate carrying out the activities described in this subsection between—

“(A) the institutions of higher education, libraries, and consortia receiving grants under this section; and

“(B) institutions of higher education, not-for-profit educational organizations, and libraries overseas; and

“(9) to carry out other activities that the Secretary determines are consistent with the purpose of the grants or contracts awarded under this section.”; and

(3) in subsection (c), by striking “institution or consortium” and inserting “institution of higher education, library, or consortium”.

SEC. 7606. SELECTION OF CERTAIN GRANT RECIPIENTS.

Section 607 (20 U.S.C. 1127) is amended—

(1) in subsection (a), by striking “evaluates the applications for comprehensive and undergraduate language and area centers and programs.” and inserting “evaluates—

“(1) the applications for comprehensive foreign language and area or international studies centers and programs; and

“(2) the applications for undergraduate foreign language and area or international studies centers and programs.”; and

(2) in subsection (b), by adding at the end the following: "The Secretary shall also consider an applicant's record of sending students into public service and an applicant's stated efforts to increase the number of students that go into public service.".

SEC. 7607. AMERICAN OVERSEAS RESEARCH CENTERS.

Section 609 (20 U.S.C. 1128a) is amended by adding at the end the following:

"(e) APPLICATION.—Each center desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information and assurances as the Secretary may require. Each application shall include how the activities funded by the grant will reflect diverse perspectives and a wide range of views and generate debate on world regions and international affairs, where applicable. Each application shall also describe how the applicant will address disputes regarding whether the activities funded under the application reflect diverse perspectives and a wide range of views.".

SEC. 7608. AUTHORIZATION OF APPROPRIATIONS FOR INTERNATIONAL AND FOREIGN LANGUAGE STUDIES.

Section 610 (20 U.S.C. 1128b) is amended by striking "$80,000,000 for fiscal year 1999" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 2006 and each of the 5 succeeding fiscal years.".

SEC. 7609. CENTERS FOR INTERNATIONAL BUSINESS EDUCATION.

Section 612(f) (20 U.S.C. 1130–1(f)) is amended—

(1) in paragraph (3), by striking "and" after the semicolon;

(2) in paragraph (4), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(5) assurances that activities funded by the grant will reflect diverse perspectives and a wide range of views and generate debate on world regions and international affairs, where applicable.".

SEC. 7610. EDUCATION AND TRAINING PROGRAMS.

Section 613(c) (20 U.S.C. 1130a(c)) is amended by adding at the end the following: "Each such application shall include an assurance that, where applicable, the activities funded by the grant will reflect diverse perspectives and a wide range of views on world regions and international affairs.".

SEC. 7611. AUTHORIZATION OF APPROPRIATIONS FOR BUSINESS AND INTERNATIONAL EDUCATION PROGRAMS.

Section 614 (20 U.S.C. 1130b) is amended—

(1) in subsection (a), by striking "$11,000,000 for fiscal year 1999" and all that follows through "fiscal years" and inserting "such sums as may be necessary for fiscal year 2006 and each of the 5 succeeding fiscal years"; and

(2) in subsection (b), by striking "$7,000,000 for fiscal year 1999" and all that follows through "fiscal years." and inserting "such sums as may be necessary for fiscal year 2006 and each of the 5 succeeding fiscal years".

SEC. 7612. MINORITY FOREIGN SERVICE PROFESSIONAL DEVELOPMENT PROGRAM.

Section 621 (20 U.S.C. 1131) is amended—

(1) in subsection (c), by adding at the end the following: "Each application shall include a description of how the activities funded by the grant will reflect diverse perspectives and a wide range of views on world regions and international affairs, where applicable."; and

(2) in subsection (e)—

(A) by striking "MATCH REQUIRED.—The eligible" and inserting "MATCHING FUNDS.—

"(1) IN GENERAL.—Subject to paragraph (2), the eligible"; and

(B) by adding at the end the following:

"(2) WAIVER.—The Secretary may waive the requirement of paragraph (1) for an eligible recipient if the Secretary determines such waiver is appropriate.".

SEC. 7613. INSTITUTIONAL DEVELOPMENT.

Section 622 (20 U.S.C. 1131–1) is amended—

(1) in subsection (a)—

(A) by striking "Tribally Controlled Colleges or Universities" and inserting "tribally controlled colleges or universities"; and

(B) by striking "international affairs programs." and inserting "international affairs, international business, and foreign language study programs, including the teaching of foreign languages, at such colleges, universities, and institutions, respectively, through increased collaboration with institutions of higher education that receive funding under this title."; and

(2) in subsection (c)—

(A) by striking paragraphs (1) and (3); and

(B) by redesignating paragraphs (2) and (4) as paragraphs (1) and (2), respectively.

SEC. 7614. STUDY ABROAD PROGRAM.

Section 623(a) (20 U.S.C. 1131a(a)) is amended—

(1) by striking "as defined in section 322 of this Act"; and

(2) by striking "tribally controlled Indian community colleges as defined in the Tribally Controlled Community College Assistance Act of 1978" and inserting "tribally controlled colleges or universities".

SEC. 7615. ADVANCED DEGREE IN INTERNATIONAL RELATIONS.

Section 624 (20 U.S.C. 1131b) is amended—

(1) in the section heading, by striking "**MASTERS**" and inserting "**ADVANCED**";

(2) in the first sentence, by inserting ", and in exceptional circumstances, a doctoral degree," after "masters degree";

(3) in the second sentence, by striking "masters degree" and inserting "advanced degree"; and

(4) in the fourth sentence, by striking "United States" and inserting "United States.".

SEC. 7616. INTERNSHIPS.

Section 625 (20 U.S.C. 1131c) is amended—

(1) in subsection (a)—

(A) by striking "as defined in section 322 of this Act";

(B) by striking "tribally controlled Indian community colleges as defined in the Tribally Controlled Community College Assistance Act of 1978" and inserting "tribally controlled colleges or universities";

(C) by striking "an international" and inserting "international,"; and

(D) by striking "the United States Information Agency" and inserting "the Department of State"; and

(2) in subsection (c)(1)—

(A) in subparagraph (E), by inserting "and" after the semicolon;

(B) in subparagraph (F), by striking "; and" and inserting a period; and

(C) by striking subparagraph (G).

SEC. 7617. FINANCIAL ASSISTANCE.

Part C of title VI (20 U.S.C. 1131 et seq.) is further amended—

(1) by redesignating sections 626, 627, and 628 as sections 627, 628, and 629, respectively; and

(2) by inserting after section 625 the following:

"SEC. 626. FINANCIAL ASSISTANCE.

"(a) AUTHORITY.—The Institute may provide financial assistance, in the form of summer stipends described in subsection (b) and Ralph Bunche scholarship assistance described in subsection (c), to needy students to facilitate the participation of the students in the Institute's programs under this part.

"(b) SUMMER STIPENDS.—

"(1) REQUIREMENTS.—A student receiving a summer stipend under this section shall use such stipend to defray the student's cost of participation in a summer institute program funded under this part, including the costs of travel, living, and educational expenses necessary for the student's participation in such program.

"(2) AMOUNT.—A summer stipend awarded to a student under this section shall not exceed $3,000 per summer.

"(c) RALPH BUNCHE SCHOLARSHIP.—

"(1) REQUIREMENTS.—A student receiving a Ralph Bunche scholarship under this section—

"(A) shall be a full-time student at an institution of higher education who is accepted into a program funded under this part; and

"(B) shall use such scholarship to pay costs related to the cost of attendance, as defined in section 472, at the institution of higher education in which the student is enrolled.

"(2) AMOUNT AND DURATION.—A Ralph Bunche scholarship awarded to a student under this section shall not exceed $5,000 per academic year.".

SEC. 7618. REPORT.

Section 627 (as redesignated by section 7617(1)) (20 U.S.C. 1131d) is amended by striking "annually" and inserting "biennially".

SEC. 7619. GIFTS AND DONATIONS.

Section 628 (as redesignated by section 7617(1)) (20 U.S.C. 1131e) is amended by striking "annual report described in section 626" and inserting "biennial report described in section 627".

SEC. 7620. AUTHORIZATION OF APPROPRIATIONS FOR THE INSTITUTE FOR INTERNATIONAL PUBLIC POLICY.

Section 629 (as redesignated by section 7617(1)) (20 U.S.C. 1131f) is amended by striking "$10,000,000 for fiscal year 1999" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 2006 and each of the 5 succeeding fiscal years.".

SEC. 7621. DEFINITIONS.

Section 631 (20 U.S.C. 1132) is amended—

(1) by redesignating paragraphs (2), (3), (4), (5), (6), (7), (8), and (9), as paragraphs (8), (5), (9), (2), (11), (3), (7), and (4), respectively;

(2) in paragraph (2), as redesignated by paragraph (1), by striking "comprehensive language and area center" and inserting "comprehensive foreign language and area or international studies center";

(3) in paragraph (11), as redesignated by paragraph (1), by striking "undergraduate language and area center" and inserting "undergraduate foreign language and area or international studies center";

(4) in paragraph (3), as redesignated by paragraph (1), by striking the first occurrence of the term "critical languages" and inserting "critical foreign languages";

(5) in paragraph (7), as redesignated by paragraph (1), by striking "and" after the semicolon;

(6) in paragraph (4), as redesignated by paragraph (1), by striking the period at the end and inserting a semicolon;

(7) by inserting after paragraph (5), as redesignated by paragraph (1), the following:

"(6) the term 'historically Black college and university' has the meaning given the term 'part B institution' in section 322;"; and

(8) by inserting after paragraph (9), as redesignated by paragraph (1), the following:

"(10) the term 'tribally controlled college or university' has the meaning given the term in section 2 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801); and".

SEC. 7622. ASSESSMENT AND ENFORCEMENT.

Part D of title VI (20 U.S.C. 1132) is amended by adding at the end the following:

"SEC. 632. ASSESSMENT; ENFORCEMENT; RULE OF CONSTRUCTION.

"(a) In General.—The Secretary is authorized to assess and ensure compliance with all the conditions and terms of grants provided under this title. If a complaint regarding activities funded under this title is not resolved under the process outlined in the relevant grantee's application, and such complaint is filed with the Department, the Secretary shall be notified, and is authorized, when circumstances warrant, to immediately suspend future funding for the grant pending resolution of such dispute. Such resolution shall not exceed 60 days. The Secretary shall take the outcomes of such complaints into account when determining the renewal of grants.

"(b) Rule of Construction.—Nothing in this title shall be construed to authorize the Secretary to mandate, direct, or control an institution of higher education's specific instructional content, curriculum, or program of instruction.

"SEC. 633. EVALUATION, OUTREACH, AND INFORMATION.

"The Secretary may use not more than 1 percent of the funds made available under this title to carry out program evaluation, national outreach, and information dissemination activities relating to the programs authorized under this title.".

CHAPTER 8—GRADUATE AND POSTSECONDARY IMPROVEMENT PROGRAMS

SEC. 7701. PURPOSE.

Section 700(1)(B)(i) (20 U.S.C. 1133(1)(B)(i)) is amended by inserting ", including those areas critical to United States national and homeland security needs such as mathematics, science, and engineering" before the semicolon at the end.

SEC. 7702. ALLOCATION OF JACOB K. JAVITS FELLOWSHIPS.

Section 702(a)(1) (20 U.S.C. 1134a(a)(1)) is amended to read as follows:

"(1) Appointment.—

"(A) In general.—The Secretary shall appoint a Jacob K. Javits Fellows Program Fellowship Board (referred to in this subpart as the 'Board') consisting of 9 individuals representative of both public and private institutions of higher education who are especially qualified to serve on the Board.

"(B) Qualifications.—In making appointments under subparagraph (A), the Secretary shall—

"(i) give due consideration to the appointment of individuals who are highly respected in the academic community;

"(ii) assure that individuals appointed to the Board are broadly representative of a range of disciplines in graduate education in arts, humanities, and social sciences;

"(iii) appoint members to represent the various geographic regions of the United States; and

"(iv) include representatives from minority institutions, as defined in section 365.".

SEC. 7703. STIPENDS.

Section 703(a) (20 U.S.C. 1134b(a)) is amended by striking "graduate fellowships" and inserting "Graduate Research Fellowship Program".

SEC. 7704. AUTHORIZATION OF APPROPRIATIONS FOR THE JACOB K. JAVITS FELLOWSHIP PROGRAM.

Section 705 (20 U.S.C. 1134d) is amended by striking "$30,000,000 for fiscal year 1999" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 2006 and each of the 5 succeeding fiscal years to carry out this subpart.".

SEC. 7705. INSTITUTIONAL ELIGIBILITY UNDER THE GRADUATE ASSISTANCE IN AREAS OF NATIONAL NEED PROGRAM.

Section 712(b) (20 U.S.C. 1135a(b)) is amended to read as follows:

"(b) Designation of Areas of National Need.—After consultation with appropriate Federal and nonprofit agencies and organizations, including the National Science Foundation, the Department of Defense, the Department of Homeland Security, the National Academy of Sciences, and the Bureau of Labor Statistics, the Secretary shall designate areas of national need. In making such designations, the Secretary shall take into consideration—

"(1) the extent to which the interest in the area is compelling;

"(2) the extent to which other Federal programs support postbaccalaureate study in the area concerned;

"(3) an assessment of how the program may achieve the most significant impact with available resources; and

"(4) an assessment of current and future professional workforce needs of the United States.".

SEC. 7706. AWARDS TO GRADUATE STUDENTS.

Section 714 (20 U.S.C. 1135c) is amended—

(1) in subsection (b)—

(A) by striking "1999-2000" and inserting "2006–2007"; and

(B) by striking "graduate fellowships" and inserting "Graduate Research Fellowship Program"; and

(2) in subsection (c)—

(A) by striking "716(a)" and inserting "715(a)"; and

(B) by striking "714(b)(2)" and inserting "713(b)(2)".

SEC. 7707. ADDITIONAL ASSISTANCE FOR COST OF EDUCATION.

Section 715(a)(1) (20 U.S.C. 1135d(a)(1)) is amended—

(1) by striking "1999–2000" and inserting "2006-2007"; and

(2) by striking "1998–1999" and inserting "2005-2006".

SEC. 7708. AUTHORIZATION OF APPROPRIATIONS FOR THE GRADUATE ASSISTANCE IN AREAS OF NATIONAL NEED PROGRAM.

Section 716 (20 U.S.C. 1135e) is amended by striking "$35,000,000 for fiscal year 1999" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 2006 and each of the 5 succeeding fiscal years to carry out this subpart.".

SEC. 7709. AUTHORIZATION OF APPROPRIATIONS FOR THE THURGOOD MARSHALL LEGAL EDUCATIONAL OPPORTUNITY PROGRAM.

Section 721(h) (20 U.S.C. 1136(h)) is amended by striking "$5,000,000 for fiscal year 1999" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 2006 and each of the 5 succeeding fiscal years.".

SEC. 7710. FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION.

Section 741(a) (20 U.S.C. 1138(a)) is amended—

(1) by striking paragraph (3) and inserting the following:

"(3) the establishment and continuation of institutions, programs, consortia, collaborations, and other joint efforts based on the technology of communications, including those efforts that utilize distance education and technological advancements to educate and train postsecondary students (including health professionals serving medically underserved populations);";

(2) in paragraph (7), by striking "and" after the semicolon;

(3) in paragraph (8), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

"(9) the introduction of reforms in remedial education, including English language instruction, to customize remedial courses to student goals and help students progress rapidly from remedial courses into core courses and through program completion;

"(10) the creation of consortia that join diverse institutions of higher education for the purpose of integrating curricular and co-curricular interdisciplinary study; and

"(11) providing support and assistance to programs implementing integrated education reform services in order to improve secondary school graduation and college attendance and completion rates for disadvantaged students.".

SEC. 7711. SPECIAL PROJECTS.

Section 744(c) (20 U.S.C. 1138c) is amended to read as follows:

"(c) Areas of National Need.—Areas of national need shall include, at a minimum, the following:

"(1) Institutional restructuring to improve learning and promote productivity, efficiency, quality improvement, and cost and price control.

"(2) Improvements in academic instruction and student learning, including efforts designed to assess the learning gains made by postsecondary students.

"(3) Articulation between 2- and 4-year institutions of higher education, including developing innovative methods for ensuring the successful transfer of students from 2- to 4-year institutions of higher education.

"(4) Development, evaluation and dissemination of model programs, including model core curricula that—

"(A) provide students with a broad and integrated knowledge base;

"(B) include, at a minimum, broad survey courses in English literature, American and world history, American political institutions, economics, philosophy, college-level mathematics, and the natural sciences; and

"(C) include sufficient study of a foreign language to lead to reading and writing competency in the foreign language.

"(5) International cooperation and student exchanges among postsecondary educational institutions.".

SEC. 7712. AUTHORIZATION OF APPROPRIATIONS FOR THE FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION.

Section 745 (20 U.S.C. 1138d) is amended by striking "$30,000,000 for fiscal year 1999" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 2006 and each of the 5 succeeding fiscal years.".

SEC. 7713. REPEAL OF THE URBAN COMMUNITY SERVICE PROGRAM.

Part C of title VII (20 U.S.C. 1139 et seq.) is repealed.

SEC. 7714. GRANTS AUTHORIZED FOR DEMONSTRATION PROJECTS TO ENSURE STUDENTS WITH DISABILITIES RECEIVE A QUALITY HIGHER EDUCATION.

Section 762 (20 U.S.C. 1140a) is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking "to teach students with disabilities" and inserting "to teach and meet the academic and programmatic needs of students with disabilities in order to improve retention and completion of postsecondary education";

(ii) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (F), respectively;

(iii) by inserting after subparagraph (A) the following:

"(B) EFFECTIVE TRANSITION PRACTICES.—The development of innovative and effective teaching methods and strategies to ensure the successful transition of students with disabilities from secondary school to postsecondary education.";

(iv) in subparagraph (C), as redesignated by clause (ii), by striking the period at the end and inserting ", including data on the postsecondary education of and impact on subsequent employment of students with disabilities. Such research, information, and data shall be made publicly available and accessible.";

(v) by inserting after subparagraph (C), as redesignated by clause (ii), the following:

"(D) DISTANCE LEARNING.—The development of innovative and effective teaching methods and strategies to provide faculty and administrators with the ability to provide accessible distance education programs or classes that would enhance access of students with disabilities to higher education, including the use of accessible curriculum and electronic communication for instruction and advisement.

"(E) DISABILITY CAREER PATHWAYS.—Training and providing support to secondary and postsecondary staff to encourage interest in, enhance awareness and understanding of, provide educational opportunities in, teach practical skills related to, and offer work-based opportunities in, disability related fields, among students, including students with disabilities. Such training and support may include developing means to offer students credit-bearing, college-level coursework, and career and educational counseling."; and

(vi) by adding at the end the following:

"(G) ACCESSIBILITY OF EDUCATION.—Making postsecondary education more accessible to students with disabilities through curriculum development."; and

(B) in paragraph (3), by striking "subparagraphs (A) through (C)" and inserting "subparagraphs (A) through (G)"; and

(2) by adding at the end the following:

"(d) REPORT.—The Secretary shall prepare and disseminate a report reviewing the activities of the demonstration projects authorized under this part and providing guidance and recommendations on how successful projects can be replicated.".

SEC. 7715. APPLICATIONS FOR DEMONSTRATION PROJECTS TO ENSURE STUDENTS WITH DISABILITIES RECEIVE A QUALITY HIGHER EDUCATION.

Section 763 (20 U.S.C. 1140b) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) a description of how such institution plans to address the activities allowed under this part;";

(2) in paragraph (2), by striking "and" after the semicolon;

(3) in paragraph (3), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(4) a description of the extent to which the institution will work to replicate the research based and best practices of institutions of higher education with demonstrated success in serving students with disabilities.".

SEC. 7716. AUTHORIZATION OF APPROPRIATIONS FOR THE DEMONSTRATION PROJECTS TO ENSURE STUDENTS WITH DISABILITIES RECEIVE A QUALITY HIGHER EDUCATION.

Section 765 (20 U.S.C. 1140d) is amended by striking "$10,000,000 for fiscal year 1999" and all that follows through the period and inserting "such sums as may be necessary for fiscal year 2006 and each of the 5 succeeding fiscal years.".

CHAPTER 9—MISCELLANEOUS

SEC. 7801. MISCELLANEOUS.

The Act (20 U.S.C. 1001 et seq.) is amended by adding at the end the following:

"TITLE VIII—MISCELLANEOUS

"PART A—MATHEMATICS AND SCIENCE SCHOLARS PROGRAM

"SEC. 811. MATHEMATICS AND SCIENCE SCHOLARS PROGRAM.

"(a) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants to States, on a competitive basis, to enable the States to award eligible students, who complete a rigorous secondary school curriculum in mathematics and science, scholarships for undergraduate study.

"(b) ELIGIBLE STUDENTS.—A student is eligible for a scholarship under this section if the student is a full-time undergraduate student in the student's first and second year of study who has completed a rigorous secondary school curriculum in mathematics and science.

"(c) RIGOROUS CURRICULUM.—Each participating State shall determine the requirements for a rigorous secondary school curriculum in mathematics and science described in subsection (b).

"(d) PRIORITY FOR SCHOLARSHIPS.—The Governor of a State may set a priority for awarding scholarships under this section for particular eligible students, such as students attending schools in high-need areas, students who are from groups underrepresented in the fields of mathematics, science, and engineering, students served by local educational agencies that do not meet or exceed State standards in mathematics and science, or students with regional or geographic needs as determined appropriate by the Governor.

"(e) AMOUNT AND DURATION OF SCHOLARSHIP.—The Secretary shall award a grant under this section—

"(1) in an amount that does not exceed $1,000; and

"(2) for not more than 2 years of undergraduate study.

"(f) MATCHING REQUIREMENT.—In order to receive a grant under this section, a State shall provide matching funds for the scholarships awarded under this section in an amount equal to 50 percent of the Federal funds received.

"(g) AUTHORIZATION.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2006 and each of the 5 succeeding fiscal years.

"PART B—POSTSECONDARY EDUCATION ASSESSMENT

"SEC. 821. POSTSECONDARY EDUCATION ASSESSMENT.

"(a) CONTRACT FOR ASSESSMENT.—The Secretary shall enter into a contract, with an independent, bipartisan organization with specific expertise in public administration and financial management, to carry out an independent assessment of the cost factors associated with the cost of tuition at institutions of higher education.

"(b) TIMEFRAME.—The Secretary shall enter into the contract described in subsection (a) not later than 90 days after the date of enactment of the Higher Education Amendments of 2005.

"(c) MATTERS ASSESSED.—The assessment described in subsection (a) shall—

"(1) examine the key elements driving the cost factors associated with the cost of tuition at institutions of higher education during academic year 2000 and succeeding academic years;

"(2) identify and evaluate measures being used to control postsecondary education costs;

"(3) identify and evaluate effective measures that may be utilized to control postsecondary education costs in the future; and

"(4) identify systemic approaches to monitor future postsecondary education cost trends and postsecondary education cost control mechanisms.

"PART C—JOB SKILL TRAINING IN HIGH-GROWTH OCCUPATIONS OR INDUSTRIES

"SEC. 831. JOB SKILL TRAINING IN HIGH-GROWTH OCCUPATIONS OR INDUSTRIES.

"(a) GRANTS AUTHORIZED.—The Secretary is authorized to award grants, on a competitive basis, to eligible partnerships to enable the eligible partnerships to provide relevant job skill training in high-growth industries or occupations.

"(b) DEFINITIONS.—In this section:

"(1) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means a partnership—

"(A) between an institution of higher education and a local board (as such term is defined in section 101 of the Workforce Investment Act of 1998); or

"(B) if an institution of higher education is located within a State that does not operate local boards, between the institution of higher education and a State board (as such term is defined in section 101 of the Workforce Investment Act of 1998).

"(2) NONTRADITIONAL STUDENT.—The term 'nontraditional student' means a student who—

"(A) is independent, as defined in section 480(d);

"(B) attends an institution of higher education—

"(i) on less than a full-time basis;

"(ii) via evening, weekend, modular, or compressed courses; or

"(iii) via distance learning methods; or

"(C) has delayed enrollment at an institution of higher education.

"(3) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' means an institution of higher education, as defined in section 101(b), that offers a 1- or 2-year program of study leading to a degree or certificate.

"(c) APPLICATION.—

"(1) IN GENERAL.—Each eligible partnership that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such additional information as the Secretary may require.

"(2) CONTENTS.—Each application submitted under paragraph (1) shall include a description of—

"(A) how the eligible partnership, through the institution of higher education, will provide relevant job skill training for students to enter high-growth occupations or industries;

"(B) local high-growth occupations or industries; and

"(C) the need for qualified workers to meet the local demand of high-growth occupations or industries.

"(d) AWARD BASIS.—In awarding grants under this section, the Secretary shall—

"(1) ensure an equitable distribution of grant funds under this section among urban and rural areas of the United States; and

"(2) take into consideration the capability of the institution of higher education—

"(A) to offer relevant, high quality instruction and job skill training for students entering a high-growth occupation or industry;

"(B) to involve the local business community and to place graduates in the community in employment in high-growth occupations or industries;

"(C) to provide secondary students with dual-enrollment or concurrent enrollment options;

"(D) to serve nontraditional or low-income students, or adult or displaced workers; and

"(E) to serve students from rural or remote communities.

"(e) Use of Funds.—Grant funds provided under this section may be used—

"(1) to expand or create academic programs or programs of training that provide relevant job skill training for high-growth occupations or industries;

"(2) to purchase equipment which will facilitate the development of academic programs or programs of training that provide training for high-growth occupations or industries;

"(3) to support outreach efforts that enable students to attend institutions of higher education with academic programs or programs of training focused on high-growth occupations or industries;

"(4) to expand or create programs for distance, evening, weekend, modular, or compressed learning opportunities that provide relevant job skill training in high-growth occupations or industries;

"(5) to build partnerships with local businesses in high-growth occupations or industries;

"(6) to support curriculum development related to entrepreneurial training; and

"(7) for other uses that the Secretary determines to be consistent with the intent of this section.

"(f) Requirements.—

"(1) Fiscal agent.—For the purpose of this section, the institution of higher education in an eligible partnership shall serve as the fiscal agent and grant recipient for the eligible partnership.

"(2) Duration.—The Secretary shall award grants under this section for periods that may not exceed 5 years.

"(3) Supplement, not supplant.—Funds made available under this section shall be used to supplement and not supplant other Federal, State, and local funds available to the eligible partnership for carrying out the activities described in subsection (e).

"(g) Authorization of Appropriations.—There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2006 and each of the 5 succeeding fiscal years.

"PART D—GRANT PROGRAM TO INCREASE STUDENT RETENTION AND PROMOTE ARTICULATION AGREEMENTS

"SEC. 841. GRANT PROGRAM TO INCREASE STUDENT RETENTION AND PROMOTE ARTICULATION AGREEMENTS.

"(a) Authorization of Program.—The Secretary shall award grants, on a competitive basis, to eligible institutions to enable the institutions to—

"(1) focus on increasing traditional and nontraditional student retention at such institutions; and

"(2) promote articulation agreements among different institutions that will increase the likelihood of progression of students at such institutions to baccalaureate degrees.

"(b) Definition of Eligible Institution.—In this section, the term 'eligible institution' means an institution of higher education (as defined in section 101(a)) where not less than 40 percent of such institution's student body receives financial aid under subpart 1 of part A of title IV.

"(c) Application.—An eligible institution that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including the number of students proposed to be served and a description of the services that will be provided.

"(d) Mandatory Activities.—An eligible institution that receives a grant under this section shall use the grant funds to carry out each of the following:

"(1) Offering counseling and advisement services to help students adapt to postsecondary education and select appropriate coursework.

"(2) Making mentors available to students who are at risk for not completing a degree.

"(3) Providing detailed assistance to students who request help in understanding—

"(A) the options for financing their education, including information on grants, loans, and loan repayment programs;

"(B) the process of applying for financial assistance;

"(C) the outcome of their financial assistance application; and

"(D) any unanticipated problems related to financing their education that arise.

"(4) Offering tutoring to students at risk of dropping out of school with any course or subject.

"(5) Designing and implementing innovative ways to improve retention in and completion of courses, such as enrolling students in cohorts, providing counseling, or creating bridge programs that customize courses to the needs of special population students.

"(6) Conducting outreach activities so that all students know that these services are available and are aware of how to access the services.

"(7) Creating articulation agreements to promote smooth transition from two year to four year programs.

"(8) Making services listed in paragraphs (1) through (5) available in students' native languages, if it is not English, if the percentage of students needing translation services in a specific language exceeds 5 percent.

"(e) Permissible Activities.—An eligible institution that receives a grant under this section may use grant funds to carry out any of the following activities:

"(1) Designing innovative course schedules to meet the needs of working adults, such as online, modular, compressed, or other alternative methods.

"(2) Offering childcare during the hours when students have class or are studying.

"(3) Providing transportation assistance to students that helps such students manage their schedules.

"(4) Partnering with local businesses to create flexible work-hour programs so that students can balance work and school.

"(5) Offering time management or financial literacy seminars to help students improve their management skills.

"(6) Improving professional development to align instruction with innovative program designs.

"(7) Any other activities the Secretary believes will promote retention of students attending eligible institutions.

"(f) Technical Assistance.—The Secretary may enter into a contract with a private entity to provide such technical assistance to grantees under this section as the Secretary determines appropriate.

"(g) Evaluation.—The Secretary shall conduct an evaluation of program impacts under the demonstration program, and shall disseminate to the public the findings from the evaluation and information on best practices.

"(h) Authorization of Appropriations.—There is authorized to be appropriated to carry out this and such sums as may be necessary for fiscal year 2006 and each of the 5 succeeding fiscal years.

"PART E—AMERICAN HISTORY FOR FREEDOM

"SEC. 851. AMERICAN HISTORY FOR FREEDOM.

"(a) Grants Authorized.—The Secretary is authorized to award 3-year grants, on a competitive basis, to eligible institutions to establish or strengthen postsecondary academic programs or centers that promote and impart knowledge of—

"(1) traditional American history;

"(2) the history and nature of, and threats to, free institutions; or

"(3) the history and achievements of Western civilization.

"(b) Definitions.—In this section:

"(1) Eligible institution.—The term 'eligible institution' means an institution of higher education as defined in section 101.

"(2) Free institution.—The term 'free institution' means an institution that emerged out of Western civilization, such as democracy, constitutional government, individual rights, market economics, religious freedom and religious tolerance, and freedom of thought and inquiry.

"(3) Traditional American history.—The term 'traditional American history' means—

"(A) the significant constitutional, political, intellectual, economic, and foreign policy trends and issues that have shaped the course of American history; and

"(B) the key episodes, turning points, and leading figures involved in the constitutional, political, intellectual, diplomatic, and economic history of the United States.

"(c) Application.—

"(1) In general.—Each eligible institution that desires a grant under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such additional information as the Secretary may require.

"(2) Contents.—Each application submitted under subsection (a) shall include a description of—

"(A) how funds made available under this part will be used for the activities set forth under subsection (e), including how such activities will increase knowledge with respect to traditional American history, free institutions, or Western civilization;

"(B) how the eligible institution will ensure that information about the activities funded under this part is widely disseminated pursuant to subsection (e)(1)(B);

"(C) any activities to be undertaken pursuant to subsection (e)(2)(A), including identification of entities intended to participate;

"(D) how funds made available under this part shall be used to supplement and not supplant non-Federal funds available for the activities described in subsection (e); and

"(E) such fiscal controls and accounting procedures as may be necessary to ensure proper disbursement of and accounting for funding made available to the eligible institution under this part.

"(d) Award Basis.—In awarding grants under this part, the Secretary shall take into consideration the capability of the eligible institution to—

“(1) increase access to quality programming that expands knowledge of traditional American history, free institutions, or Western civilization;

“(2) involve personnel with strong expertise in traditional American history, free institutions, or Western civilization; and

“(3) sustain the activities funded under this part after the grant has expired.

“(e) Use of Funds.—

“(1) Required use of funds.—Funds provided under this part shall be used to—

“(A) establish or strengthen academic programs or centers focused on traditional American history, free institutions, or Western civilization, which may include—

“(i) design and implementation of programs of study, courses, lecture series, seminars, and symposia;

“(ii) development, publication, and dissemination of instructional materials;

“(iii) research;

“(iv) support for faculty teaching in undergraduate and, if applicable, graduate programs;

“(v) support for graduate and postgraduate fellowships, if applicable; or

“(vi) teacher preparation initiatives that stress content mastery regarding traditional American history, free institutions, or Western civilization; and

“(B) conduct outreach activities to ensure that information about the activities funded under this part is widely disseminated—

“(i) to undergraduate students (including students enrolled in teacher education programs, if applicable);

“(ii) to graduate students (including students enrolled in teacher education programs), if applicable;

“(iii) to faculty;

“(iv) to local educational agencies; and

“(v) within the local community.

“(2) Allowable uses of funds.—Funds provided under this part may be used to support—

“(A) collaboration with entities such as—

“(i) local educational agencies, for the purpose of providing elementary, middle and secondary school teachers an opportunity to enhance their knowledge of traditional American history, free institutions, or Western civilization; and

“(ii) nonprofit organizations whose mission is consistent with the purpose of this part, such as academic organizations, museums, and libraries, for assistance in carrying out activities described under subsection (a); and

“(B) other activities that meet the purposes of this part.

“(f) Authorization of Appropriations.—For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for fiscal year 2006 and each of the 5 succeeding fiscal years.

“PART F—TEACH FOR AMERICA

“SEC. 861. TEACH FOR AMERICA.

“(a) Definitions.—

“(1) In general.—The terms ‘highly qualified’, ‘local educational agency’, and ‘Secretary’ have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

“(2) Grantee.—The term ‘grantee’ means Teach For America, Inc.

“(3) High need.—The term ‘high need’, when used with respect to a local educational agency, means a local educational agency experiencing a shortage of highly qualified teachers.

“(b) Grants Authorized.—The Secretary is authorized to award a grant to Teach For America, Inc., the national teacher corps of outstanding recent college graduates who commit to teach for 2 years in underserved communities in the United States, to implement and expand its program of recruiting, selecting, training, and supporting new teachers.

“(c) Requirements.—In carrying out the grant program under subsection (b), the Secretary shall enter into an agreement with the grantee under which the grantee agrees to use the grant funds provided under this section—

“(1) to provide highly qualified teachers to high need local educational agencies in urban and rural communities;

“(2) to pay the cost of recruiting, selecting, training, and supporting new teachers; and

“(3) to serve a substantial number and percentage of underserved students.

“(d) Authorized Activities.—

“(1) In general.—Grant funds provided under this section shall be used by the grantee to carry out each of the following activities:

“(A) Recruiting and selecting teachers through a highly selective national process.

“(B) Providing preservice training to the teachers through a rigorous summer institute that includes hands-on teaching experience and significant exposure to education coursework and theory.

“(C) Placing the teachers in schools and positions designated by partner local educational agencies as high need placements serving underserved students.

“(D) Providing ongoing professional development activities for the teachers' first 2 years in the classroom, including regular classroom observations and feedback, and ongoing training and support.

“(2) Limitation.—The grantee shall use all grant funds received under this section to support activities related directly to the recruitment, selection, training, and support of teachers as described in subsection (a).

“(e) Reports and Evaluations.—

“(1) Annual report.—The grantee shall provide to the Secretary an annual report that includes—

“(A) data on the number and quality of the teachers provided to local educational agencies through a grant under this section;

“(B) an externally conducted analysis of the satisfaction of local educational agencies and principals with the teachers so provided; and

“(C) comprehensive data on the background of the teachers chosen, the training the teachers received, the placement sites of the teachers, the professional development of the teachers, and the retention of the teachers.

“(2) Study.—

“(A) In general.—From funds appropriated under subsection (f), the Secretary shall provide for a study that examines the achievement levels of the students taught by the teachers assisted under this section.

“(B) Achievement gains compared.—The study shall compare, within the same schools, the achievement gains made by students taught by teachers who are assisted under this section with the achievement gains made by students taught by teachers who are not assisted under this section.

“(3) Requirements.—The Secretary shall provide for such a study not less than once every 3 years, and each such study shall include multiple placement sites and multiple schools within placement sites.

“(4) Peer review standards.—Each such study shall meet the peer review standards of the education research community.

“(f) Authorization of Appropriations.—

“(1) In general.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2006 and each of the 5 succeeding fiscal years.

“(2) Limitation.—The grantee shall not use more than 25 percent of Federal funds from any source for administrative costs.

“PART G—PATSY T. MINK FELLOWSHIP PROGRAM

“SEC. 871. PATSY T. MINK FELLOWSHIP PROGRAM.

“(a) Purpose.—

“(1) In general.—It is the purpose of this section to provide, through eligible institutions, a program of fellowship awards to assist highly qualified minorities and women to acquire the doctoral degree, or highest possible degree available, in academic areas in which such individuals are underrepresented for the purpose of enabling such individuals to enter the higher education professoriate.

“(2) Designation.—Each recipient of a fellowship award from an eligible institution receiving a grant under this section shall be known as a ‘Patsy T. Mink Graduate Fellow’.

“(b) Definitions.—In this section, the term ‘eligible institution’ means an institution of higher education, or a consortium of such institutions, that offers a program of postbaccalaureate study leading to a graduate degree.

“(c) Program Authorized.—

“(1) Grants by Secretary.—

“(A) In general.—The Secretary shall award grants to eligible institutions to enable such institutions to make fellowship awards to individuals in accordance with the provisions of this section.

“(B) Priority consideration.—In awarding grants under this section, the Secretary shall consider the eligible institution's prior experience in producing doctoral degree, or highest possible degree available, holders who are minorities and women, and shall give priority consideration in making grants under this section to those eligible institutions with a demonstrated record of producing minorities and women who have earned such degrees.

“(2) Applications.—

“(A) In general.—An eligible institution that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(B) Applications made on behalf.—

“(i) In general.—The following entities may submit an application on behalf of an eligible institution:

“(I) A graduate school or department of such institution.

“(II) A graduate school or department of such institution in collaboration with an undergraduate college or university of such institution.

“(III) An organizational unit within such institution that offers a program of postbaccalaureate study leading to a graduate degree, including an interdisciplinary or an interdepartmental program.

“(IV) A nonprofit organization with a demonstrated record of helping minorities and women earn postbaccalaureate degrees.

“(ii) Nonprofit organizations.—Nothing in this paragraph shall be construed to permit the Secretary to award a grant under this section to an entity other than an eligible institution.

“(3) Selection of applications.—In awarding grants under subsection (a), the Secretary shall—

"(A) take into account—

"(i) the number and distribution of minority and female faculty nationally;

"(ii) the current and projected need for highly trained individuals in all areas of the higher education professoriate; and

"(iii) the present and projected need for highly trained individuals in academic career fields in which minorities and women are underrepresented in the higher education professoriate; and

"(B) consider the need to prepare a large number of minorities and women generally in academic career fields of high national priority, especially in areas in which such individuals are traditionally underrepresented in college and university faculties, such as mathematics, science, technology, and engineering.

"(4) Distribution and Amounts of Grants.—

"(A) Equitable distribution.—In awarding grants under this section, the Secretary shall, to the maximum extent feasible, ensure an equitable geographic distribution of awards and an equitable distribution among public and independent eligible institutions that apply for grants under this section and that demonstrate an ability to achieve the purpose of this section.

"(B) Special rule.—To the maximum extent practicable, the Secretary shall use not less than 30 percent of the amount appropriated pursuant to subsection (f) to award grants to eligible institutions that—

"(i) are eligible for assistance under title III or title V; or

"(ii) have formed a consortium that includes both non-minority serving institutions and minority serving institutions.

"(C) Allocation.—In awarding grants under this section, the Secretary shall allocate appropriate funds to those eligible institutions whose applications indicate an ability to significantly increase the numbers of minorities and women entering the higher education professoriate and that commit institutional resources to the attainment of the purpose of this section.

"(D) Number of fellowship awards.—An eligible institution that receives a grant under this section shall make not less than 15 fellowship awards.

"(E) Reallotment.—If the Secretary determines that an eligible institution awarded a grant under this section is unable to use all of the grant funds awarded to the institution, the Secretary shall reallot, on such date during each fiscal year as the Secretary may fix, the unused funds to other eligible institutions that demonstrate that such institutions can use any reallocated grant funds to make fellowship awards to individuals under this section.

"(5) Institutional allowance.—

"(A) In general.—

"(i) Number of allowances.—In awarding grants under this section, the Secretary shall pay to each eligible institution awarded a grant, for each individual awarded a fellowship by such institution under this section, an institutional allowance.

"(ii) Amount.—Except as provided in paragraph (3), an institutional allowance shall be in an amount equal to, for academic year 2006–2007 and succeeding academic years, the amount of institutional allowance made to an institution of higher education under section 715 for such academic year.

"(B) Use of funds.—Institutional allowances may be expended in the discretion of the eligible institution and may be used to provide, except as prohibited under paragraph (4), academic support and career transition services for individuals awarded fellowships by such institution.

"(C) Reduction.—The institutional allowance paid under paragraph (1) shall be reduced by the amount the eligible institution charges and collects from a fellowship recipient for tuition and other expenses as part of the recipient's instructional program.

"(D) Use for overhead prohibited.—Funds made available under this section may not be used for general operational overhead of the academic department or institution receiving funds under this section.

"(d) Fellowship Recipients.—

"(1) Authorization.—An eligible institution that receives a grant under this section shall use the grant funds to make fellowship awards to minorities and women who are enrolled at such institution in a doctoral degree, or highest possible degree available, program and—

"(A) intend to pursue a career in instruction at—

"(i) an institution of higher education (as the term is defined in section 101);

"(ii) an institution of higher education (as the term is defined in section 102(a)(1));

"(iii) an institution of higher education outside the United States (as the term is described in section 102(a)(2)); or

"(iv) a proprietary institution of higher education (as the term is defined in section 102(b)); and

"(B) sign an agreement with the Secretary agreeing—

"(i) to begin employment at an institution described in paragraph (1) not later than 3 years after receiving the doctoral degree or highest possible degree available, which 3-year period may be extended by the Secretary for extraordinary circumstances; and

"(ii) to be employed by such institution for 1 year for each year of fellowship assistance received under this section.

"(2) Failure to comply.—If an individual who receives a fellowship award under this section fails to comply with the agreement signed pursuant to subsection (a)(2), then the Secretary shall do 1 or both of the following:

"(A) Require the individual to repay all or the applicable portion of the total fellowship amount awarded to the individual by converting the balance due to a loan at the interest rate applicable to loans made under part B of title IV.

"(B) Impose a fine or penalty in an amount to be determined by the Secretary.

"(3) Waiver and modification.—

"(A) Regulations.—The Secretary shall promulgate regulations setting forth criteria to be considered in granting a waiver for the service requirement under subsection (a)(2).

"(B) Content.—The criteria under paragraph (1) shall include whether compliance with the service requirement by the fellowship recipient would be—

"(i) inequitable and represent an extraordinary hardship; or

"(ii) deemed impossible because the individual is permanently and totally disabled at the time of the waiver request.

"(4) Amount of fellowship awards.—Fellowship awards under this section shall consist of a stipend in an amount equal to the level of support provided to the National Science Foundation graduate fellows, except that such stipend shall be adjusted as necessary so as not to exceed the fellow's tuition and fees or demonstrated need (as determined by the institution of higher education where the graduate student is enrolled), whichever is greater.

"(5) Academic progress required.—An individual student shall not be eligible to receive a fellowship award—

"(A) except during periods in which such student is enrolled, and such student is maintaining satisfactory academic progress in, and devoting essentially full time to, study or research in the pursuit of the degree for which the fellowship support was awarded; and

"(B) if the student is engaged in gainful employment, other than part-time employment in teaching, research, or similar activity determined by the eligible institution to be consistent with and supportive of the student's progress toward the appropriate degree.

"(e) Rule of Construction.—Nothing in this section shall be construed to require an eligible institution that receives a grant under this section—

"(1) to grant a preference or to differentially treat any applicant for a faculty position as a result of the institution's participation in the program under this section; or

"(2) to hire a Patsy T. Mink Fellow who completes this program and seeks employment at such institution.

"(f) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2006 for each of the 5 succeeding fiscal years.

"PART H—STUDY ON COLLEGE ENROLLMENT BY SECONDARY SCHOOLS

"SEC. 881. STUDY ON COLLEGE ENROLLMENT BY SECONDARY SCHOOLS.

"The Secretary shall contract with a not-for-profit organization, with demonstrated expertise in increasing college enrollment rates in low-income communities nationwide, to make publicly available year-to-year college enrollment rate trends by secondary schools, in full compliance with the Family Educational Rights and Privacy Act of 1974 (FERPA).".

CHAPTER 10—AMENDMENTS TO OTHER LAWS

Subchapter A—Education of the Deaf Act of 1986

SEC. 7901. LAURENT CLERC NATIONAL DEAF EDUCATION CENTER.

Section 104 of the Education of the Deaf Act of 1986 (20 U.S.C. 4304) is amended—

(1) by striking the heading and inserting "laurent clerc national deaf education center";

(2) in subsection (a)(1)(A), by inserting "the Laurent Clerc National Deaf Education Center (referred to in this section as the 'Clerc Center') to carry out" after "maintain and operate"; and

(3) in subsection (b)—

(A) in the matter preceding subparagraph (A) of paragraph (1), by striking "elementary and secondary education programs" and inserting "Clerc Center";

(B) in paragraph (2), by striking "elementary and secondary education programs" and inserting "Clerc Center"; and

(C) by adding at the end the following:

"(5) The University, for purposes of the elementary and secondary education programs carried out at the Clerc Center, shall—

"(A)(i) select challenging academic content standards, challenging student academic achievement standards, and academic assessments of a State, adopted and implemented, as appropriate, pursuant to paragraphs (1) and (3) of section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1) and (3)) and approved by the Secretary; and

"(ii) implement such standards and assessments for such programs by not later than the beginning of the 2008–2009 academic year;

"(B) annually determine whether such programs at the Clerc Center are making adequate yearly progress, as determined according to the definition of adequate yearly progress defined (pursuant to section 1111(b)(2)(C) of such Act (20 U.S.C. 6311(b)(2)(C))) by the State that has adopted and implemented the standards and assessments selected under subparagraph (A)(i); and

"(C) publicly report the results of the academic assessments implemented under subparagraph (A) and whether the programs at the Clerc Center are making adequate yearly progress, as determined under subparagraph (B).".

SEC. 7902. AGREEMENT WITH GALLAUDET UNIVERSITY.

Section 105(b)(4) of the Education of the Deaf Act of 1986 (20 U.S.C. 4305(b)(4)) is amended—

(1) by striking "the Act of March 3, 1931 (40 U.S.C. 276a–276a–5) commonly referred to as the Davis-Bacon Act" and inserting "subchapter IV of chapter 31 of title 40, United States Code, commonly referred to as the Davis-Bacon Act"; and

(2) by striking "section 2 of the Act of June 13, 1934 (40 U.S.C. 276c)" and inserting "section 3145 of title 40, United States Code".

SEC. 7903. AGREEMENT FOR THE NATIONAL TECHNICAL INSTITUTE FOR THE DEAF.

Section 112 of the Education of the Deaf Act of 1986 (20 U.S.C. 4332) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the first sentence—

(I) by striking "an institution of higher education" and inserting "the Rochester Institute of Technology, Rochester, New York"; and

(II) by striking "of a" and inserting "of the"; and

(ii) by striking the second sentence;

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following:

"(2) Notwithstanding the requirement under paragraph (1), if the Secretary or the Rochester Institute of Technology terminates the agreement under paragraph (1), the Secretary shall consider proposals from other institutions of higher education and enter into an agreement with 1 of such institutions for the establishment and operation of a National Technical Institution for the Deaf."; and

(2) in subsection (b)—

(A) in paragraph (3), by striking "Committee on Education and Labor of the House of Representatives and to the Committee on Labor and Human Resources of the Senate" and inserting "Committee on Education and the Workforce of the House of Representatives and to the Committee on Health, Education, Labor, and Pensions of the Senate"; and

(B) in paragraph (5)—

(i) by striking "the Act of March 3, 1931 (40 U.S.C. 276a–276a–5) commonly referred to as the Davis-Bacon Act" and inserting "subchapter IV of chapter 31 of title 40, United States Code, commonly referred to as the Davis-Bacon Act"; and

(ii) by striking "section 2 of the Act of June 13, 1934 (40 U.S.C. 276c)" and inserting "section 3145 of title 40, United States Code".

SEC. 7904. CULTURAL EXPERIENCES GRANTS.

(a) CULTURAL EXPERIENCES GRANTS.—Title I of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.) is amended by adding at the end the following:

"PART C—OTHER PROGRAMS

"SEC. 121. CULTURAL EXPERIENCES GRANTS.

"(a) IN GENERAL.—The Secretary shall, on a competitive basis, make grants to, and enter into contracts and cooperative agreements with, eligible entities to support the activities described in subsection (b).

"(b) ACTIVITIES.—In carrying out this section, the Secretary shall support activities providing cultural experiences, through appropriate nonprofit organizations with a demonstrated proficiency in providing such activities, that—

"(1) enrich the lives of deaf and hard-of-hearing children and adults;

"(2) increase public awareness and understanding of deafness and of the artistic and intellectual achievements of deaf and hard-of-hearing persons; or

"(3) promote the integration of hearing, deaf, and hard-of-hearing persons through shared cultural, educational, and social experiences.

"(c) APPLICATIONS.—An eligible entity that desires to receive a grant, or enter into a contract or cooperative agreement, under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2006 and each of the 5 succeeding fiscal years.".

(b) CONFORMING AMENDMENT.—The title heading of title I of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.) is amended by adding at the end "; OTHER PROGRAMS".

SEC. 7905. AUDIT.

Section 203 of the Education of the Deaf Act of 1986 (20 U.S.C. 4353) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking the second sentence and inserting the following: "The institution of higher education that the Secretary has an agreement with under section 112 shall have an annual independent financial and compliance audit made of NTID programs and activities. The audit shall follow the cycle of the Federal fiscal year.";

(B) in paragraph (2), by striking "sections" and all that follows through the period and inserting "sections 102(b), 105(b)(4), 112(b)(5), 203(c), 207(b)(2), subsections (c) through (f) of section 207, and subsections (b) and (c) of section 209."; and

(C) in paragraph (3), by inserting "and the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate" after "Secretary"; and

(2) in subsection (c)(2)(A), by striking "Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate" and inserting "Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate".

SEC. 7906. REPORTS.

Section 204 of the Education of the Deaf Act of 1986 (20 U.S.C. 4354) is amended—

(1) in the matter preceding paragraph (1), by striking "Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate" and inserting "Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate";

(2) in paragraph (1), by striking "preparatory,";

(3) in paragraph (2)(C), by striking "upon graduation/completion" and inserting "on the date that is 1 year after the date of graduation or completion"; and

(4) in paragraph (3)(B), by striking "of the institution of higher education" and all that follows through the period and inserting "of NTID programs and activities.".

SEC. 7907. MONITORING, EVALUATION, AND REPORTING.

Section 205 of the Education of the Deaf Act of 1986 (20 U.S.C. 4355) is amended—

(1) in subsection (b), by striking "The Secretary, as part of the annual report required under section 426 of the Department of Education Organization Act, shall include a description of" and inserting "The Secretary shall annually transmit information to Congress on"; and

(2) in subsection (c), by striking "fiscal years 1998 through 2003" and inserting "fiscal years 2006 through 2010".

SEC. 7908. LIAISON FOR EDUCATIONAL PROGRAMS.

Section 206(a) of the Education of the Deaf Act of 1986 (20 U.S.C. 4356(a)) is amended by striking "Not later than 30 days after the date of enactment of this Act, the" and inserting "The".

SEC. 7909. FEDERAL ENDOWMENT PROGRAMS FOR GALLAUDET UNIVERSITY AND THE NATIONAL TECHNICAL INSTITUTE FOR THE DEAF.

Section 207(h) of the Education of the Deaf Act of 1986 (20 U.S.C. 4357(h)) is amended by striking "fiscal years 1998 through 2003" each place it appears and inserting "fiscal years 2006 through 2010".

SEC. 7910. OVERSIGHT AND EFFECT OF AGREEMENTS.

Section 208(a) of the Education of the Deaf Act of 1986 (20 U.S.C. 4359(a)) is amended by striking "Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives" and inserting "Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate".

SEC. 7911. INTERNATIONAL STUDENTS.

Section 209 of the Education of the Deaf Act of 1986 (20 U.S.C. 4359a) is amended—

(1) in subsection (a)—

(A) by striking "preparatory, undergraduate," and inserting "undergraduate";

(B) by striking "Effective with" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraph (2), effective with"; and

(C) by adding at the end the following:

"(2) DISTANCE LEARNING.—International students who participate in distance learning courses that are at NTID or the University and who are residing outside of the United States shall—

"(A) not be counted as international students for purposes of the cap on international students under paragraph (1), except that in any school year no United States citizen who applies to participate in distance learning courses that are at the University or NTID shall be denied participation in such courses because of the participation of an international student in such courses; and

"(B) not be charged a tuition surcharge, as described in subsection (b)."; and

(2) by striking subsections (b), (c), and (d), and inserting the following:

"(b) TUITION SURCHARGE.—Except as provided in subsections (a)(2)(B) and (c), the tuition for postsecondary international students enrolled in the University (including undergraduate and graduate students) or NTID shall include, for academic year 2007–2008 and any succeeding academic year, a surcharge of—

"(1) 100 percent for a postsecondary international student from a non-developing country; and

"(2) 50 percent for a postsecondary international student from a developing country.

"(c) REDUCTION OF SURCHARGE.—

"(1) IN GENERAL.—Beginning with the academic year 2007–2008, the University or NTID may reduce the surcharge—

"(A) under subsection (b)(1) to 50 percent if—

"(i) a student described under subsection (b)(1) demonstrates need; and

"(ii) such student has made a good faith effort to secure aid through such student's government or other sources; and

"(B) under subsection (b)(2) to 25 percent if—

"(i) a student described under subsection (b)(2) demonstrates need; and

"(ii) such student has made a good faith effort to secure aid through such student's government or other sources.

"(2) DEVELOPMENT OF SLIDING SCALE.—The University and NTID shall develop a sliding scale model that—

"(A) will be used to determine the amount of a tuition surcharge reduction pursuant to paragraph (1); and

"(B) shall be approved by the Secretary.

"(d) DEFINITION.—In this section, the term 'developing country' means a country with a per-capita income of not more than $4,825, measured in 1999 United States dollars, as adjusted by the Secretary to reflect inflation since 1999.".

SEC. 7912. RESEARCH PRIORITIES.

Section 210(b) of the Education of the Deaf Act of 1986 (20 U.S.C. 4359b(b)) is amended by striking "Committee on Labor and Human Resources of the Senate" and inserting "Committee on Health, Education, Labor, and Pensions of the Senate".

SEC. 7913. AUTHORIZATION OF APPROPRIATIONS.

Section 212 of the Education of the Deaf Act of 1986 (20 U.S.C. 4360a) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking "fiscal years 1998 through 2003" and inserting "fiscal years 2006 through 2011"; and

(2) in subsection (b), by striking "fiscal years 1998 through 2003" and inserting "fiscal years 2006 through 2011".

Subchapter B—United States Institute of Peace Act

SEC. 7921. UNITED STATES INSTITUTE OF PEACE ACT.

(a) POWERS AND DUTIES.—Section 1705(b)(3) of the United States Institute of Peace Act (22 U.S.C. 4604(b)(3)) is amended by striking "the Arms Control and Disarmament Agency,".

(b) BOARD OF DIRECTORS.—Section 1706 of the United States Institute of Peace Act (22 U.S.C. 4605) is amended—

(1) by striking "(b)(5)" each place the term appears and inserting "(b)(4)"; and

(2) in subsection (e), by adding at the end the following:

"(5) The term of a member of the Board shall not commence until the member is confirmed by the Senate and sworn in as a member of the Board.".

(c) FUNDING.—Section 1710 of the United States Institute of Peace Act (22 U.S.C. 4609) is amended by adding at the end the following:

"(d) EXTENSION.—Any authorization of appropriations made for the purposes of carrying out this title shall be extended in the same manner as applicable programs are extended under section 422 of the General Education Provisions Act.".

Subchapter C—The Higher Education Amendments of 1998

SEC. 7931. REPEALS.

The following provisions of title VIII of the Higher Education Amendments of 1998 (Public Law 105–244) are repealed:

(1) Part A.

(2) Part C (20 U.S.C. 1070 note).

(3) Part F (20 U.S.C. 1862 note).

(4) Part J.

(5) Section 861.

(6) Section 863.

SEC. 7932. GRANTS TO STATES FOR WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED YOUTH OFFENDERS.

Section 821(b) of the Higher Education Amendment of 1988 is amended by striking "25" and inserting "35".

Subchapter D—Indian Education

PART I—TRIBAL COLLEGES AND UNIVERSITIES

SEC. 7941. REAUTHORIZATION OF THE TRIBALLY CONTROLLED COLLEGE OR UNIVERSITY ASSISTANCE ACT OF 1978.

(a) CLARIFICATION OF THE DEFINITION OF NATIONAL INDIAN ORGANIZATION.—Section 2(a)(6) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)(6)) is amended by striking "in the field of Indian education" and inserting "in the fields of tribally controlled colleges and universities and Indian higher education".

(b) INDIAN STUDENT COUNT.—Section 2(a) of the Tribally Controlled College or University Assistance Act (25 U.S.C. 1801(a)) is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (6) the following:

"(7) 'Indian student' means a student who is—

"(A) a member of an Indian tribe; or

"(B) a biological child of a member of an Indian tribe, living or deceased;".

(c) CONTINUING EDUCATION.—Section 2(b) of the Tribally Controlled College or University Assistance Act (25 U.S.C. 1801(b)) is amended by striking paragraph (5) and inserting the following:

"(5) DETERMINATION OF CREDITS.—Eligible credits earned in a continuing education program—

"(A) shall be determined as 1 credit for every 10 contact hours in the case of an institution on a quarter system, or 15 contact hours in the case of an institution on a semester system, of participation in an organized continuing education experience under responsible sponsorship, capable direction, and qualified instruction, as described in the criteria established by the International Association for Continuing Education and Training; and

"(B) shall be limited to 10 percent of the Indian student count of a tribally controlled college or university.".

(d) ACCREDITATION REQUIREMENT.—Section 103 of the Tribally Controlled College or University Assistance Act (25 U.S.C. 1804) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (3), the following:

"(4)(A) is accredited by a nationally recognized accrediting agency or association determined by the Secretary of Education to be a reliable authority with regard to the quality of training offered; or

"(B) is, according to such an agency or association, making reasonable progress toward accreditation.".

(e) TECHNICAL ASSISTANCE CONTRACT AWARDS.—Section 105 of the Tribally Controlled College or University Assistance Act (25 U.S.C. 1805) is amended in the second sentence by striking "In the awarding of contracts for technical assistance, preference shall be given" and inserting "The Secretary shall direct that contracts for technical assistance be awarded".

(f) TITLE I REAUTHORIZATION.—Section 110(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1810(a)) is amended—

(1) in paragraphs (1), (2), (3), and (4), by striking "1999" and inserting "2006";

(2) in paragraphs (1), (2), and (3), by striking "4 succeeding" and inserting "5 succeeding";

(3) in paragraph (2), by striking "$40,000,000" and inserting "such sums as may be necessary";

(4) in paragraph (3), by striking "$10,000,000" and inserting "such sums as may be necessary"; and

(5) in paragraph (4), by striking "succeeding 4" and inserting "5 succeeding".

(g) TITLE III REAUTHORIZATION.—Section 306(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1836(a)) is amended—

(1) by striking "1999" and inserting "2006"; and

(2) by striking "4 succeeding" and inserting "5 succeeding".

(h) TITLE IV REAUTHORIZATION.—Section 403 of the Tribal Economic Development and Technology Related Education Assistance Act of 1990 (25 U.S.C. 1852) is amended—

(1) by striking "$2,000,000 for fiscal year 1999" and inserting "such sums as may be necessary for fiscal year 2006"; and

(2) by striking "4 succeeding" and inserting "5 succeeding".

PART II—NAVAJO HIGHER EDUCATION

SEC. 7945. SHORT TITLE.

This part may be cited as the "Navajo Nation Higher Education Act of 2005".

SEC. 7946. REAUTHORIZATION OF NAVAJO COMMUNITY COLLEGE ACT.

(a) PURPOSE.—Section 2 of the Navajo Community College Act (25 U.S.C. 640a) is amended—

(1) by striking "Navajo Tribe of Indians" and inserting "Navajo Nation"; and

(2) by striking "the Navajo Community College" and inserting "Diné College".

(b) GRANTS.—Section 3 of the Navajo Community College Act (25 U.S.C. 640b) is amended—

(1) in the first sentence—

(A) by inserting "the" before "Interior";

(B) by striking "Navajo Tribe of Indians" and inserting "Navajo Nation"; and

(C) by striking "the Navajo Community College" and inserting "Diné College"; and

(2) in the second sentence—

(A) by striking "Navajo Tribe" and inserting "Navajo Nation"; and

(B) by striking "Navajo Indians" and inserting "Navajo people".

(c) STUDY OF FACILITIES NEEDS.—Section 4 of the Navajo Community College Act (25 U.S.C. 640c) is amended—

(1) in subsection (a)—

(A) in the first sentence—

(i) by striking "the Navajo Community College" and inserting "Dinė College"; and

(ii) by striking "August 1, 1979" and inserting "October 31, 2009"; and

(B) in the second sentence, by striking "Navajo Tribe" and inserting "Navajo Nation";

(2) in subsection (b), by striking "the date of enactment of the Tribally Controlled Community College Assistance Act of 1978" and inserting "October 1, 2006"; and

(3) in subsection (c), in the first sentence, by striking "the Navajo Community College" and inserting "Dinė College".

(d) Authorization of Appropriations.—Section 5 of the Navajo Community College Act (25 U.S.C. 640c-1) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "$2,000,000" and all that follows through the end of the paragraph and inserting "such sums as are necessary for fiscal years 2006 through 2011."; and

(B) by adding at the end the following:

"(3) Sums described in paragraph (2) shall be used to provide grants for construction activities, including the construction of buildings, water and sewer facilities, roads, information technology and telecommunications infrastructure, classrooms, and external structures (such as walkways).";

(2) in subsection (b)(1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking "the Navajo Community College" and inserting "Dinė College"; and

(ii) by striking ", for each fiscal year" and all that follows through "for—" and inserting "such sums as are necessary for fiscal years 2006 through 2011 to pay the cost of—";

(B) in subparagraph (A)—

(i) by striking "college" and inserting "College";

(ii) in clauses (i) and (iii), by striking the commas at the ends of the clauses and inserting semicolons; and

(iii) in clause (ii), by striking ", and" at the end and inserting "; and";

(C) in subparagraph (B), by striking the comma at the end and inserting a semicolon;

(D) in subparagraph (C), by striking ", and" at the end and inserting a semicolon;

(E) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(F) by adding at the end the following:

"(E) improving and expanding the College, including by providing, for the Navajo people and others in the community of the College—

"(i) higher education programs;

"(ii) vocational and technical education;

"(iii) activities relating to the preservation and protection of the Navajo language, philosophy, and culture;

"(iv) employment and training opportunities;

"(v) economic development and community outreach; and

"(vi) a safe learning, working, and living environment."; and

(3) in subsection (c), by striking "the Navajo Community College" and inserting "Dinė College".

(e) Effect on Other Laws.—Section 6 of the Navajo Community College Act (25 U.S.C. 640c-2) is amended—

(1) by striking "the Navajo Community College" each place it appears and inserting "Dinė College"; and

(2) in subsection (b), by striking "college" and inserting "College".

(f) Payments; Interest.—Section 7 of the Navajo Community College Act (25 U.S.C. 640c-3) is amended by striking "the Navajo Community College" each place it appears and inserting "Dinė College".

Subtitle D—Hurricane Relief

SEC. 7947. FINDINGS.

Congress finds the following:

(1) Hurricane Katrina has had a devastating and unprecedented impact on students who attended schools in the disaster areas.

(2) Due to the devastating effects of Hurricane Katrina, a significant number of students have enrolled in schools outside of the area in which they resided on August 22, 2005, including a significant number of students who enrolled in non-public schools because their parents chose to enroll them in such schools.

(3) 372,000 students were displaced by Hurricane Katrina. Approximately 700 schools have been damaged or destroyed. Nine States each have more than 1,000 of such displaced students enrolled in their schools. In Texas alone, over 45,000 displaced students have enrolled in schools.

(4) In response to these extraordinary conditions, this subtitle creates a one-time only emergency grant for the 2005–2006 school year tailored to the needs and particular circumstances of students displaced by Hurricane Katrina.

SEC. 7948. IMMEDIATE AID TO RESTART SCHOOL OPERATIONS.

(a) Purpose.—It is the purpose of this section—

(1) to provide immediate and direct assistance to local educational agencies in Louisiana, Mississippi, and Alabama that serve an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina;

(2) to assist school district administrators and personnel of such agencies who are working to restart operations in elementary schools and secondary schools served by such agencies; and

(3) to facilitate the re-opening of elementary schools and secondary schools served by such agencies and the re-enrollment of students in such schools as soon as possible.

(b) Payments and Grants Authorized.—From amounts appropriated to carry out this subtitle, the Secretary of Education is authorized to make payments, not later than November 30, 2005, to State educational agencies (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801 et seq.)) in Louisiana, Mississippi, and Alabama to enable such agencies to award grants to local educational agencies serving an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina.

(c) Eligibility and Consideration.—In determining whether to award a grant under this section, or the amount of the grant, the State educational agency shall consider the following:

(1) The number of school-aged children served by the local educational agency in the academic year preceding the academic year for which the grant is awarded.

(2) The severity of the impact of Hurricane Katrina on the local educational agency and the extent of the needs in each local educational agency in Louisiana, Mississippi, and Alabama that is in an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina.

(d) Applications.—Each local educational agency desiring a grant under this section shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may reasonably require to ensure expedited and timely payment to the local educational agency.

(e) Uses of Funds.—

(1) In general.—A local educational agency receiving a grant under this section shall use the grant funds for—

(A) recovery of student and personnel data, and other electronic information;

(B) replacement of school district information systems, including hardware and software;

(C) financial operations;

(D) reasonable transportation costs;

(E) rental of mobile educational units and leasing of neutral sites or spaces;

(F) initial replacement of instructional materials and equipment, including textbooks;

(G) redeveloping instructional plans, including curriculum development;

(H) initiating and maintaining education and support services; and

(I) such other activities related to the purpose of this section that are approved by the Secretary.

(2) Use with other available funds.—A local educational agency receiving a grant under this section may use the grant funds in coordination with other Federal, State, or local funds available for the activities described in paragraph (1).

(3) Prohibitions.—Grant funds received under this section shall not be used for any of the following:

(A) Construction or major renovation of schools.

(B) Payments to school administrators or teachers who are not actively engaged in restarting or re-opening schools.

(f) Supplement Not Supplant.—

(1) In general.—Except as provided in paragraph (2), funds made available under this section shall be used to supplement, not supplant, any funds made available through the Federal Emergency Management Agency or through a State.

(2) Exception.—Paragraph (1) shall not prohibit the provision of Federal assistance under this section to an eligible educational agency that is or may be entitled to receive, from another source, benefits for the same purposes as under this section if—

(A) such agency has not received such other benefits by the time of application for Federal assistance under this section; and

(B) such agency agrees to repay all duplicative Federal assistance received to carry out the purposes of this section.

SEC. 7949. HOLD HARMLESS FOR LOCAL EDUCATIONAL AGENCIES SERVING MAJOR DISASTER AREAS.

In the case of a local educational agency that serves an area in which the President has declared that a major disaster exists in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina, the amount made available for such local educational agency under each of sections 1124, 1124A, 1125, and 1125A of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333, 6334, 6335, and 6337) for fiscal year 2006 shall be not less than the amount made available for such local educational agency under each of such sections for fiscal year 2005.

SEC. 7950. TEACHER AND PARAPROFESSIONAL RECIPROCITY; DELAY.

(a) TEACHER AND PARAPROFESSIONAL RECIPROCITY.—

(1) TEACHERS.—

(A) AFFECTED TEACHER.—In this subsection, the term "affected teacher" means a teacher who is displaced due to Hurricane Katrina and relocates to a State that is different from the State in which such teacher resided on August 22, 2005.

(B) IN GENERAL.—A local educational agency may consider an affected teacher hired by such agency who is not highly qualified in the State in which such agency is located to be highly qualified, for purposes of section 1119 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319) and section 612(a)(14) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(14)), for a period not to exceed 1 year, if such teacher was highly qualified, consistent with section 9101(23) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(23)) and section 602(10) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(10)), on or before August 22, 2005, in the State in which such teacher resided on August 22, 2005.

(2) PARAPROFESSIONAL.—

(A) AFFECTED PARAPROFESSIONAL.—In this subsection, the term "affected paraprofessional" means a paraprofessional who is displaced due to Hurricane Katrina and relocates to a State that is different from the State in which such paraprofessional resided on August 22, 2005.

(B) IN GENERAL.—A local educational agency may consider an affected paraprofessional hired by such agency who does not satisfy the requirements of section 1119(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319(c)) in the State in which such agency is located to satisfy such requirements, for purposes of such section, for a period not to exceed 1 year, if such paraprofessional satisfied such requirements on or before August 22, 2005, in the State in which such paraprofessional resided on August 22, 2005.

(b) DELAY.—The Secretary of Education may delay, for a period not to exceed 1 year, applicability of the requirements of paragraphs (2) and (3) of section 1119(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319(a)(2) and (3)) and section 612(a)(14)(C) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(14)(C)) with respect to the States of Alabama, Louisiana, and Mississippi (and local educational agencies within the jurisdiction of such States), if any such State or local educational agency demonstrates that a failure to comply with such requirements is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of local educational agencies within the State.

SEC. 7951. ASSISTANCE FOR HOMELESS YOUTH.

(a) IN GENERAL.—The Secretary of Education shall provide assistance to local educational agencies serving homeless children and youths displaced by Hurricane Katrina, consistent with section 723 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11433), including identification, enrollment assistance, assessment and school placement assistance, transportation, coordination of school services, supplies, referrals for health, mental health, and other needs.

(b) EXCEPTION AND DISTRIBUTION OF FUNDS.—

(1) EXCEPTION.—For purposes of providing assistance under subsection (a), subsections (c) and (e)(1) of section 722 and subsections (b) and (c) of section 723 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(c) and (e)(1), 11433(b) and (c)) shall not apply.

(2) DISBURSEMENT.—The Secretary of Education shall disburse funding provided under subsection (a) to State educational agencies based on demonstrated need, as determined by the Secretary, and such State educational agencies shall distribute funds, that are appropriated under section 7958 and available to carry out this section, to local educational agencies based on demonstrated need, for the purposes of carrying out section 723 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11433).

SEC. 7952. TEMPORARY EMERGENCY IMPACT AID FOR DISPLACED STUDENTS.

(a) TEMPORARY EMERGENCY IMPACT AID AUTHORIZED.—

(1) AID TO STATE EDUCATIONAL AGENCIES.—From amounts appropriated under this subtitle, the Secretary of Education shall provide emergency impact aid to State educational agencies to enable the State educational agencies to make emergency impact aid payments to eligible local educational agencies and eligible BIA-funded schools to enable—

(A) such eligible local educational agencies and schools to provide for the instruction of displaced students served by such agencies and schools; and

(B) such eligible local educational agencies to make immediate impact aid payments to accounts established on behalf of displaced students (referred to in this section as "accounts") who are attending eligible non-public schools located in the areas served by the eligible local educational agencies.

(2) AID TO LOCAL EDUCATIONAL AGENCIES AND BIA-FUNDED SCHOOLS.—A State educational agency shall make emergency impact aid payments to eligible local educational agencies and eligible BIA-funded schools in accordance with subsection (d).

(3) STATE EDUCATIONAL AGENCIES IN CERTAIN STATES.—In the case of the States of Louisiana and Mississippi, the State educational agency shall carry out the activities of eligible local educational agencies that are unable to carry out this section, including eligible local educational agencies in such States for which the State exercises the authorities normally exercised by such local educational agencies.

(b) DEFINITIONS.—In this section:

(1) DISPLACED STUDENT.—The term "displaced student" means a student who enrolled in a school (other than the school that the student was enrolled in, or was eligible to be enrolled in, on August 22, 2005) because such student resides or resided on August 22, 2005, in an area for which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina.

(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—The term "eligible local educational agency" means a local educational agency that serves—

(A) an elementary school or secondary school (including a charter school) in which there is enrolled a displaced student; or

(B) an area in which there is located an eligible non-public school.

(3) ELIGIBLE NON-PUBLIC SCHOOL.—The term "eligible non-public school" means a non-public school that—

(A) is accredited or licensed or otherwise operates in accordance with State law;

(B) was in existence on August 22, 2005; and

(C) serves a displaced student on behalf of whom an application for an account has been made pursuant to subsection (c)(2)(A)(ii).

(4) ELIGIBLE BIA-FUNDED SCHOOL.—In this section, the term "eligible BIA-funded school" means a school funded by the Bureau of Indian Affairs in which there is enrolled a displaced student.

(c) APPLICATION.—

(1) STATE EDUCATIONAL AGENCY.—A State educational agency that desires to receive emergency impact aid under this section shall submit an application to the Secretary of Education at such time, in such manner, and accompanied by such information as the Secretary of Education may reasonably require, including—

(A) information on the total displaced student child count of the State provided by eligible local educational agencies in the State and eligible BIA-funded schools in the State under paragraph (2);

(B) a description of the process for the parent or guardian of a displaced student enrolled in a non-public school to indicate to the eligible local educational agency serving the area in which such school is located that the student is enrolled in such school;

(C) a description of the procedure to be used by an eligible local educational agency in such State to provide payments to accounts;

(D) a description of the process to be used by an eligible local educational agency in such State to obtain—

(i) attestations of attendance of eligible displaced students from eligible non-public schools, in order for the local educational agency to provide payments to accounts on behalf of eligible displaced students; and

(ii) attestations from eligible non-public schools that accounts are used only for the purposes described in subsection (e)(2)(A); and

(E) the criteria, including family income, used to determine the eligibility for and the amount of assistance under this section provided on behalf of a displaced student attending an eligible non-public school.

(2) LOCAL EDUCATIONAL AGENCIES AND BIA-FUNDED SCHOOLS.—An eligible local educational agency or eligible BIA-funded school that desires an emergency impact aid payment under this section shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may reasonably require, including documentation submitted quarterly for the 2005-2006 school year that indicates the following:

(A) In the case of an eligible local educational agency—

(i) the number of displaced students enrolled in the elementary schools and secondary schools (including charter schools and including the number of displaced students who are served under part B of the Individuals with Disabilities Education Act) served by such agency for such quarter; and

(ii) the number of displaced students for whom the eligible local educational agency expects to provide payments to accounts under subsection (e)(2) (including the number of displaced students who are served under part B of the Individuals with Disabilities Education Act) for such quarter who meet the following criteria:

(I) The displaced student enrolled in an eligible non-public school prior to the date of enactment of this Act.

(II) The parent or guardian of the displaced student chose to enroll the student in the eligible non-public school in which the student is enrolled.

(III) The parent or guardian of the displaced student submitted an application requesting that the agency make a payment to an account on behalf of the student.

(IV) The displaced student's tuition and fees (and transportation expenses, if any) for the 2005-2006 school year is waived or reimbursed (by the eligible non-public school) in an amount that is not less than the amount of emergency impact aid payment provided on behalf of such student under this section.

(B) In the case of an eligible BIA-funded school, the number of displaced students, including the number of displaced students who are served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), enrolled in such school for such quarter.

(3) DETERMINATION OF NUMBER OF DISPLACED STUDENTS.—In determining the number of displaced students for a quarter under paragraph (2), an eligible local educational agency or eligible BIA-funded school shall include in such number the number of displaced students served during such quarter prior to the date of enactment of this Act.

(d) AMOUNT OF EMERGENCY IMPACT AID.—

(1) AID TO STATE EDUCATIONAL AGENCIES.—

(A) IN GENERAL.—The amount of emergency impact aid received by a State educational agency for the 2005-2006 school year shall equal the sum of—

(i) the product of the number of displaced students (who are not served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.)), as determined by the eligible local educational agencies and eligible BIA-funded schools in the State under subsection (c)(2), times $6,000; and

(ii) the product of the number of displaced students who are served under part B of the Individuals with Disabilities Education Act, as determined by the eligible local educational agencies and eligible BIA-funded schools in the State under subsection (c)(2), times $7,500.

(B) INSUFFICIENT FUNDS.—If the amount available under this section to provide emergency impact aid under this subsection is insufficient to pay the full amount that a State educational agency is eligible to receive under this section, the Secretary of Education shall ratably reduce the amount of such emergency impact aid.

(2) AID TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES AND ELIGIBLE BIA-FUNDED SCHOOLS.—

(A) QUARTERLY INSTALLMENTS.—

(i) IN GENERAL.—A State educational agency shall provide emergency impact aid payments under this section on a quarterly basis for the 2005-2006 school year by such dates as determined by the Secretary of Education. Such quarterly installment payments shall be based on the number of displaced students reported under subsection (c)(2) and in the amount determined under clause (ii).

(ii) PAYMENT AMOUNT.—Each quarterly installment payment under clause (i) shall equal 25 percent of the sum of—

(I) the number of displaced students (who are not served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.)) reported by the eligible local educational agency or eligible BIA-funded school for such quarter (as determined under subsection (c)(2)) times $6,000; and

(II) the number of displaced students who are served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) reported by the eligible local educational agency or eligible BIA-funded school for such quarter (as determined under subsection (c)(2)) times $7,500.

(iii) TIMELINE.—The Secretary of Education shall establish a timeline for quarterly reporting on the number of displaced students in order to make the appropriate disbursements in a timely manner.

(iv) INSUFFICIENT FUNDS.—If, for any quarter, the amount available under this section to make payments under this subsection is insufficient to pay the full amount that an eligible local educational agency or eligible BIA-funded school is eligible to receive under this section, the State educational agency shall ratably reduce the amount of such payments.

(B) MAXIMUM PAYMENT TO ACCOUNT.—In providing quarterly payments to an account for the 2005–2006 school year on behalf of a displaced student for each quarter that such student is enrolled in a non-public school in the area served by the agency under subsection (e)(2), an eligible local educational agency may provide not more than 4 quarterly payments to such account, and the aggregate amount of such payments shall not exceed the lesser of—

(i)(I) in the case of a displaced student who is not served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), $6,000; or

(II) in the case of a displaced student who is served under part B of the Individuals with Disabilities Education Act, $7,500; or

(ii) the cost of tuition and fees (and transportation expenses, if any) at the non-public school for the 2005–2006 school year.

(e) USE OF FUNDS.—

(1) DISPLACED STUDENTS IN PUBLIC SCHOOLS.—An eligible local educational agency or eligible BIA-funded school receiving emergency impact aid payments under this section shall use the payments to provide instructional opportunities for displaced students who enroll in elementary schools and secondary schools (including charter schools) served by such agency or in such a school, and for other expenses incurred as a result of the agency or school serving displaced students, which uses may include—

(A) paying the compensation of personnel, including teacher aides, in schools enrolling displaced students;

(B) identifying and acquiring curricular material, including the costs of providing additional classroom supplies, and mobile educational units and leasing sites or spaces;

(C) basic instructional services for such students, including tutoring, mentoring, or academic counseling;

(D) reasonable transportation costs;

(E) health services (including counseling and mental health services); and

(F) education and support services.

(2) DISPLACED STUDENTS IN NON-PUBLIC SCHOOLS.—

(A) IN GENERAL.—An eligible local educational agency that receives emergency impact aid payments under this section and that serves an area in which there is located an eligible non-public school shall, at the request of the parent or guardian of a displaced student who meets the criteria described in subsection (c)(2)(A)(ii) and who enrolled in a non-public school in an area served by the agency, use such emergency impact aid payment to provide payment on a quarterly basis (but not to exceed the total amount specified in subsection (d)(2)(B) for the 2005-2006 school year) to an account on behalf of such displaced student, which payment shall be used to assist in paying for any of the following:

(i) Paying the compensation of personnel, including teacher aides, in the non-public school, which funds shall not be used for religious instruction, proselytization, or worship.

(ii) Identifying and acquiring curricular material, including the costs of providing additional classroom supplies (which shall be secular, neutral, and shall not have a religious component), and mobile educational units and leasing sites or spaces, which shall not be used for religious instruction, proselytization, or worship.

(iii) Basic instructional services, including tutoring, mentoring, or academic counseling, which services shall be secular and neutral and shall not be used for religious instruction, proselytization, or worship.

(iv) Reasonable transportation costs.

(v) Health services (including counseling and mental health services), which services shall be secular and neutral and shall not be used for religious instruction, proselytization, or worship.

(vi) Education and support services, which services shall be secular and neutral and shall not be used for religious instruction, proselytization, or worship.

(B) VERIFICATION OF ENROLLMENT.—Before providing a quarterly payment to an account under subparagraph (A), the eligible local educational agency shall verify with the parent or guardian of a displaced student that such displaced student is enrolled in the non-public school.

(3) PROVISION OF SPECIAL EDUCATION AND RELATED SERVICES.—

(A) IN GENERAL.—In the case of a displaced student who is served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), any payment made on behalf of such student to an eligible local educational agency or any payment available in an account for such student, shall be used to pay the cost of providing the student with special education and related services consistent with the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(B) SPECIAL RULE.—

(i) RETENTION.—Notwithstanding any other provision of this section, if an eligible local educational agency provides services to a displaced student attending an eligible non-public school under section 612(a)(10) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(10)), the eligible local educational agency may retain a portion of the assistance received under this section for such student to pay the cost of providing such services.

(ii) DETERMINATION OF PORTION.—

(I) GUIDELINES.—Each State shall issue guidelines that specify the portion of the assistance that an eligible local educational agency in the State may retain under this subparagraph. Each State shall apply such guidelines in a consistent manner throughout the State.

(II) DETERMINATION OF PORTION.—The portion specified in the guidelines shall be based on customary costs of providing services under such section 612(a)(10) for the local educational agency.

(C) DEFINITIONS.—In this paragraph:

(i) SPECIAL EDUCATION; RELATED SERVICES.—The terms "special education" and "related services" have the meaning given such terms in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

(ii) INDIVIDUALIZED EDUCATION PROGRAM.—The term "individualized education program" has the meaning given the term in section 614(d)(2) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)(2)).

(f) RETURN OF AID.—

(1) ELIGIBLE LOCAL EDUCATIONAL AGENCY OR ELIGIBLE BIA-FUNDED SCHOOL.—An eligible local educational agency or eligible BIA-funded school that receives an emergency impact aid payment under this section shall return to the State educational agency any payment provided to the eligible local educational agency or school under this section that the eligible local educational agency or school has not obligated by the end of the 2005–2006 school year in accordance with this section.

(2) STATE EDUCATIONAL AGENCY.—A State educational agency that receives emergency impact aid under this section, shall return to the Secretary of Education—

(A) any aid provided to the agency under this section that the agency has not obligated by the end of the 2005–2006 school year in accordance with this section; and

(B) any payment funds returned to the State educational agency under paragraph (1).

(g) LIMITATION ON USE OF AID AND PAYMENTS.—Aid and payments provided under this section shall only be used for expenses incurred during the 2005–2006 school year.

(h) ADMINISTRATIVE EXPENSES.—A State educational agency that receives emergency impact aid under this section may use not more than 1 percent of such aid for administrative expenses. An eligible local educational agency or eligible BIA-funded school that receives emergency impact aid payments under this section may use not more than 2 percent of such payments for administrative expenses.

(i) SPECIAL FUNDING RULE.—In calculating funding under section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703) for an eligible local educational agency that receives an emergency impact aid payment under this section, the Secretary of Education shall not count displaced students served by such agency for whom an emergency impact aid payment is received under this section, nor shall such students be counted for the purpose of calculating the total number of children in average daily attendance at the schools served by such agency as provided in section 8003(b)(3)(B)(i) of such Act (20 U.S.C. 7703(b)(3)(B)(i)).

(j) NOTICE OF OPTION OF PUBLIC SCHOOL OR NON-PUBLIC SCHOOL ENROLLMENT.—Each State receiving emergency impact aid under this section shall provide, to the parent or guardian of each displaced student for whom a payment is made under this section to an account who resides in such State, notification that such parent or guardian has the option of enrolling such student in a public school or a non-public school.

(k) BY-PASS.—If a State educational agency or eligible local educational agency is unable to carry out this section, the Secretary of Education may make such arrangements with the State as the Secretary determines appropriate to carry out this section on behalf of displaced students attending an eligible non-public school in the area served by such agency. For a State in which State law prohibits the State from using Federal funds to directly provide services on behalf of students attending non-public schools and provides that another entity shall provide such services, the Secretary of Education shall make such arrangements with that entity.

(l) NONDISCRIMINATION.—

(1) IN GENERAL.—A school that enrolls a displaced student under this section shall not discriminate against students on the basis of race, color, national origin, religion, disability, or sex.

(2) APPLICABILITY AND SINGLE SEX SCHOOLS, CLASSES, OR ACTIVITIES.—

(A) IN GENERAL.—To the extent consistent with title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), the prohibition of sex discrimination in paragraph (1) shall not apply to a non-public school that is controlled by a religious organization if the application of paragraph (1) would not be consistent with the religious tenets of such organization.

(B) SINGLE SEX SCHOOLS, CLASSES, OR ACTIVITIES.—Notwithstanding paragraph (1) and to the extent consistent with title IX of the Education Amendments of 1972, a parent or guardian may choose and a non-public school may offer a single sex school, class, or activity.

(C) ENROLLMENT.—The prohibition of religious discrimination in paragraph (1) shall not apply with regard to enrollment for a non-public school that is controlled by a religious organization, except in the case of the enrollment of displaced students assisted under this section.

(3) GENERAL PROVISION.—Nothing in this section may be construed to alter or modify the provisions of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), and the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

(4) OPT-IN.—A displaced student assisted under this section who is enrolled in a non-public school shall not participate in religious worship or religious classes at such school unless such student's parent or guardian chooses to opt-in such student for such religious worship or religious classes.

(5) RULE OF CONSTRUCTION.—The amount of any payment (or other form of support provided on behalf of a displaced student) under this section shall not be treated as income of a parent or guardian of the student for purposes of Federal tax laws or for determining eligibility for any other Federal program.

(m) TREATMENT OF STATE AID.—A State shall not take into consideration emergency impact aid payments received under this section by a local educational agency in the State in determining the eligibility of such local educational agency for State aid, or the amount of State aid, with respect to free public education of children.

SEC. 7953. ORIGINATION FEES FOR STUDENT LOANS.

(a) SPECIAL ALLOWANCES.—Notwithstanding section 438(c)(2) of the Higher Education Act of 1965 (as amended by this Act) (20 U.S.C. 1087–1(c)(2)), subparagraph (A) of section 438(c)(2) of such Act shall be applied by substituting "2.0 percent" for "3.0 percent" with respect to loans for which the first disbursement of principal is made on or after July 1, 2007.

(b) ORIGINATION FEES FOR FEDERAL DIRECT LOANS.—Notwithstanding subsection (c) of section 455 of

(3) $1,200,000,000 shall be available to carry out section 7956.

SEC. 7955. SUNSET PROVISION.

Except as otherwise provided in this subtitle, the provisions of this subtitle shall be effective for the period beginning on the date of enactment of this Act and ending on August 1, 2006.

TITLE VIII—COMMITTEE ON THE JUDICIARY

SEC. 8001. RECAPTURE OF UNUSED VISA NUMBERS.

(a) RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS.—Section 201(d) of the Immigration and Nationality Act (8 U.S.C. 1151(d)) is amended—

(1) in paragraph (2)(C)—

(A) by striking "is the difference" and inserting "is the sum of—

"(i) the difference"; and

(B) by striking the period at the end and inserting the following: "; and

"(ii) the lesser of—

"(I) the number of immigrant visas that were available in any previous fiscal year to employment-based immigrants (and their family members accompanying or following to join under section 203(d)) and that were not issued for that fiscal year or for any subsequent fiscal year, excluding those immigrant visas reserved for employment-based immigrants for an occupation listed in schedule A of section 656.5 of title 20, Code of Federal Regulations; and

"(II) 90,000."; and

(2) by adding at the end the following:

"(3) Immigrant visas issued on or after October 1, 2004, to spouses and children of employment-based immigrants shall not be counted against the numerical limitation set forth in paragraph (1).".

(b) SUPPLEMENTAL PETITION FEE.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended—

(1) in subparagraph (E), by adding at the end the following: "Such petition shall be accompanied by a supplemental petition fee in the amount of $500."; and

(2) in subparagraph (F), by adding at the end the following: "Such petition shall be accompanied by a supplemental petition fee in the amount of $500.".

(c) ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—Section 245(a) of the Immigration and Nationality Act (8 U.S.C. 1255(a)) is amended to read as follows:

"(a)(1) The status of an alien who was inspected and admitted or paroled into the United States or the status of any other alien having an approved petition for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1) may be adjusted by the Secretary of Homeland Security or the Attorney General, in the discretion of the Secretary or Attorney General, and under such regulations as the Secretary or Attorney General may prescribe, to that of an alien lawfully admitted for permanent residence if—

"(A) the alien makes an application for such adjustment;

"(B) the alien is eligible to receive an immigrant visa and is admissible to the United States for permanent residence; and

"(C) an immigrant visa is immediately available to the alien at the time the application is filed.

"(2) If a supplemental petition fee is paid for any petition under subparagraph (E) or (F) of section 204(a)(1), an application under paragraph (1) of this subsection on behalf of an alien beneficiary of such petition (including a spouse or child who is accompanying or following to join the principal beneficiary) may be filed without regard to the limitation set forth in paragraph (1)(C). An application for adjustment of status filed under this paragraph may not be approved until such time as an immigrant visa becomes available.".

(2) PENDING APPLICATIONS.—An alien on whose behalf a petition was pending under subparagraph (E) or (F) of section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)), on the date of enactment of this Act may, upon the payment of the supplemental petition fee set forth in such section, apply for adjustment of status under this subsection without regard to the limitation set forth in section 245(a)(1)(C) of the

Immigration and Nationality Act (8 U.S.C. 1255(a)(1)(C)), as amended by paragraph (1).

(d) Recapture of Unused H-1B Visa Numbers.—Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended—

(1) by redesignating paragraphs (9) through (11) as paragraphs (10) through (12), respectively; and

(2) by inserting after paragraph (8) the following:

"(9)(A) If the numerical limitation in paragraph (1)(A) for fiscal year 2006 or a subsequent fiscal year has been reached, such numerical limitation shall be supplemented in a number equal to the lesser of—

"(i) the cumulative total number of visas that were available in all prior fiscal years subsequent to fiscal year 1991, and not issued for each such fiscal year or any subsequent fiscal year; and

"(ii) 30,000.

"(B) Any petition filed after the numerical limitation set forth in paragraph (1)(A) has been reached for that fiscal year, and seeking an H-1B visa number recaptured under subparagraph (A) of this paragraph, shall be accompanied by an H-1B recapture fee in the amount of $500.".

(e) Conforming Amendment.—Section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)) is amended by inserting ", including those fees provided for in subparagraphs (E) and (F) of section 204(a)(1) and subsections (c)(15) and (g)(9)(B) of section 214," after "all adjudication fees".

(f) Expenditure Limitation.—Amounts collected under subparagraphs (E) and (F) of section 204(a)(1) and subsections (c)(15) and (g)(9)(B) of section 214 of the Immigration and Nationality Act, as amended by this Act, may not be expended unless specifically appropriated by an Act of Congress.

SEC. 8002. FEES WITH RESPECT TO IMMIGRATION SERVICES FOR INTRACOMPANY TRANSFEREES.

Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) is amended by adding at the end the following:

"(15)(A) The Secretary of State shall impose a fee on an employer when an alien files an application abroad for a visa authorizing initial admission to the United States as a nonimmigrant described in section 101(a)(15)(L) in order to be employed by the employer, if the alien is covered under a blanket petition described in paragraph (2)(A).

"(B) The Secretary of Homeland Security shall impose a fee on an employer filing a petition under paragraph (1) initially to grant an alien nonimmigrant status described in section 101(a)(15)(L) or to extend for the first time the stay of an alien having such status.

"(C) The amount of the fee imposed under subparagraph (A) or (B) shall be $750.

"(D) The fees imposed under subparagraphs (A) and (B) shall only apply to principal aliens and not to spouses or children who are accompanying or following to join such principal aliens.

"(E)(i) An employer may not require an alien who is the beneficiary of the visa or petition for which a fee is imposed under this paragraph to reimburse, or otherwise compensate, the employer for part or all of the cost of such fee.

"(ii) Section 274A(g)(2) shall apply to a violation of clause (i) in the same manner as it applies to a violation of section 274A(g)(1).".

SEC. 8003. JUSTICE PROGRAMS.

(a) In General.—The Secretary of the Treasury—

(1) for fiscal year 2006, out of the funds in the Treasury not otherwise appropriated, shall pay to the Attorney General, by December 31, 2005, the amounts listed in subsection (b) that are to be provided for fiscal year 2006; and

(2) for each subsequent fiscal year provided in subsection (b) out of funds in the Treasury not otherwise appropriated, shall pay to the Attorney General the amounts provided by November 1 of each such fiscal year.

(b) Amounts Provided.—The amounts referred to in subsection (a), which shall be in addition to funds appropriated for each fiscal year, are—

(1) $8,000,000 for fiscal year 2006, $17,000,000 for fiscal year 2007, $15,000,000 for fiscal year 2008, $10,000,000 for fiscal year 2009, and $10,000,000 for fiscal year 2010, to fund the Bulletproof Vest Partnership Program as authorized under section 4 of Public Law 108–372.

(2) $3,700,000 for fiscal year 2006, $6,300,000 for fiscal year 2007, $5,000,000 for fiscal year 2008, $5,000,000 for fiscal year 2009, and $5,000,000 for fiscal year 2010, to fund DNA Training and Education for Law Enforcement, Correctional Personnel, and Court Officers as authorized by section 303 of Public Law 108–405.

(3) $8,000,000 for fiscal year 2006, $12,000,000 for fiscal year 2007, $10,000,000 for fiscal year 2008, $10,000,000 for fiscal year 2009, and $10,000,000 for fiscal year 2010, to fund DNA Research and Development as authorized by section 305 of Public Law 108–405.

(4) $500,000 for fiscal year 2006, $500,000 for fiscal year 2007, $500,000 for fiscal year 2008, $500,000 for fiscal year 2009, and $500,000 for fiscal year 2010, to fund the National Forensic Science Commission as authorized by section 306 of Public Law 108–405.

(5) $1,000,000 for fiscal year 2006, $1,000,000 for fiscal year 2007, $1,000,000 for fiscal year 2008, $1,000,000 for fiscal year 2009, and $1,000,000 for fiscal year 2010, to fund DNA Identification of Missing Persons as authorized by section 308 of Public Law 108–405.

(6) $8,000,000 for fiscal year 2006, $27,000,000 for fiscal year 2007, $26,000,000 for fiscal year 2008, $25,000,000 for fiscal year 2009, and $25,000,000 for fiscal year 2010, to fund Capital Litigation Improvement Grants as authorized by sections 421, 422, and 426 of Public Law 108–405.

(7) $2,500,000 for fiscal year 2006, $3,000,000 for fiscal year 2007, $2,500,000 for fiscal year 2008, $2,500,000 for fiscal year 2009, and $2,500,000 for fiscal year 2010, to fund the Kirk Bloodsworth Post-Conviction DNA Testing Grant Program as authorized by sections 412 and 413 of Public Law 108–405.

(8) $1,000,000 for fiscal year 2006, $1,000,000 for fiscal year 2007, $1,000,000 for fiscal year 2008, $1,000,000 for fiscal year 2009, and $1,000,000 for fiscal year 2010, to fund Increased Resources for Enforcement of Crime Victims Rights, Crime Victims Notification Grants as authorized by section 1404D of the Victims of Crime Act of 1984 (42 U.S.C. 10603d).

(c) Obligation of Funds.—The Attorney General shall—

(1) receive funds under this section for fiscal years 2006 through 2010; and

(2) accept such funds in the amounts provided which shall be obligated for the purposes stated in this section by March 1 of each fiscal year.

SEC. 8004. COPYRIGHT PROGRAM.

(a) In General.—The Secretary of the Treasury—

(1) for fiscal year 2006, out of the funds in the Treasury not otherwise appropriated, shall pay to the Librarian of the Congress, by December 31, 2005, the amounts listed in subsection (b) that are to be provided for fiscal year 2006; and

(2) for each subsequent fiscal year provided in subsection (b) out of funds in the Treasury not otherwise appropriated shall pay to the Librarian of the Congress the amounts provided by November 1 of each such fiscal year.

(b) Amounts Provided.—The amounts referred to in subsection (a), which shall be in addition to funds appropriated for each fiscal year, are: $1,300,000 for fiscal year 2006, $1,300,000 for fiscal year 2007, $1,300,000 for fiscal year 2008, $1,300,000 for fiscal year 2009, and $1,300,000 for fiscal year 2010, to fund the Copyright Royalty Judges Program as authorized under section 803(e)(1)(B) of title 17, United States Code.

(c) Obligation of Funds.—The Librarian of the Congress shall—

(1) receive funds under this section for fiscal years 2006 through 2010; and

(2) accept such funds in the amounts provided which shall be obligated for the purposes stated in this section by March 1 of each fiscal year.

DIVISION A—AMTRAK REAUTHORIZATION

SECTION 1. SHORT TITLE.

This division may be cited as the "Passenger Rail Investment and Improvement Act of 2005".

SEC. 2. AMENDMENT OF TITLE 49, UNITED STATES CODE.

Except as otherwise specifically provided, whenever in this division an amendment is expressed in terms of an amendment to a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

TITLE I—AUTHORIZATIONS

SEC. 101. AUTHORIZATION FOR AMTRAK CAPITAL AND OPERATING EXPENSES AND STATE CAPITAL GRANTS.

(a) Operating Grants.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for operating costs the following amounts:

(1) For fiscal year 2006, $580,000,000.
(2) For fiscal year 2007, $590,000,000.
(3) For fiscal year 2008, $600,000,000.
(4) For fiscal year 2009, $575,000,000.
(5) For fiscal year 2010, $535,000,000.
(6) For fiscal year 2011, $455,000,000.

(b) Capital Grants.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for capital projects (as defined in subparagraphs (A) and (B) of section 24401(2) of title 49, United States Code) to bring the Northeast Corridor (as defined in section 24102(a)) to a state-of-good-repair, for capital expenses of the national railroad passenger transportation system, and for purposes of making capital grants under section 24402 of that title to States, the following amounts:

(1) For fiscal year 2006, $813,000,000.
(2) For fiscal year 2007, $910,000,000.
(3) For fiscal year 2008, $1,071,000,000.
(4) For fiscal year 2009, $1,096,000,000.
(5) For fiscal year 2010, $1,191,000,000.
(6) For fiscal year 2011, $1,231,000,000.

(c) Amounts for State Grants.—Out of the amounts authorized under subsection (b), the following percentage shall be available each fiscal year for capital grants to States under section 24402 of title 49, United States Code, to be administered by the Secretary of Transportation:

(1) 3 percent for fiscal year 2006.
(2) 11 percent for fiscal year 2007.
(3) 23 percent for fiscal year 2008.
(4) 25 percent for fiscal year 2009.
(5) 31 percent for fiscal year 2010.

(6) 33 percent for fiscal year 2011.

(d) PROJECT MANAGEMENT OVERSIGHT.—The Secretary may withhold up to ½ of 1 percent of amounts appropriated pursuant to subsection (b) for the costs of project management oversight of capital projects carried out by Amtrak.

SEC. 102. AUTHORIZATION FOR THE FEDERAL RAILROAD ADMINISTRATION.

There are authorized to be appropriated to the Secretary of Transportation for the use of the Federal Railroad Administration such sums as necessary to implement the provisions required under this division for fiscal years 2006 through 2011.

SEC. 103. REPAYMENT OF LONG-TERM DEBT AND CAPITAL LEASES.

(a) AMTRAK PRINCIPAL AND INTEREST PAYMENTS.—

(1) PRINCIPAL ON DEBT SERVICE.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for retirement of principal on loans for capital equipment, or capital leases, not more than the following amounts:

(A) For fiscal year 2006, $130,200,000.

(B) For fiscal year 2007, $140,700,000.

(C) For fiscal year 2008, $156,000,000.

(D) For fiscal year 2009, $183,800,000.

(E) For fiscal year 2010, $156,100,000.

(F) For fiscal year 2011, $193,500,000.

(2) INTEREST ON DEBT.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for the payment of interest on loans for capital equipment, or capital leases, the following amounts:

(A) For fiscal year 2006, $148,100,000.

(B) For fiscal year 2007, $141,500,000.

(C) For fiscal year 2008, $133,800,000.

(D) For fiscal year 2009, $124,000,000.

(E) For fiscal year 2010, $113,900,000.

(F) For fiscal year 2011, $103,800,000.

(3) EARLY BUYOUT OPTION.—There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary for the use of Amtrak for the payment of costs associated with early buyout options if the exercise of those options is determined to be advantageous to Amtrak.

(4) LEGAL EFFECT OF PAYMENTS UNDER THIS SECTION.—The payment of principal and interest on secured debt, with the proceeds of grants authorized by this section shall not—

(A) modify the extent or nature of any indebtedness of the National Railroad Passenger Corporation to the United States in existence of the date of enactment of this Act;

(B) change the private nature of Amtrak's or its successors' liabilities; or

(C) imply any Federal guarantee or commitment to amortize Amtrak's outstanding indebtedness.

SEC. 104. EXCESS RAILROAD RETIREMENT.

There are authorized to be appropriated to the Secretary of Transportation, beginning with fiscal year 2006, such sums as may be necessary to pay to the Railroad Retirement Account an amount equal to the amount Amtrak must pay under section 3221 of the Internal Revenue Code of 1986 in such fiscal years that is more than the amount needed for benefits for individuals who retire from Amtrak and for their beneficiaries. For each fiscal year in which the Secretary makes such a payment, the amounts authorized by section 101(a) shall be reduced by an amount equal to such payment.

SEC. 105. OTHER AUTHORIZATIONS.

There are authorized to be appropriated to the Secretary of Transportation—

(1) $5,000,000 for each of fiscal years 2006 through 2011 to carry out the rail cooperative research program under section 24910 of title 49, United States Code;

(2) $5,000,000 for fiscal year 2006, to remain available until expended, for grants to Amtrak and States participating in the Next Generation Corridor Train Equipment Pool Committee established under section 303 of this division for the purpose of designing, developing specifications for, and initiating the procurement of an initial order of 1 or more types of standardized next-generation corridor train equipment and establishing a jointly-owned corporation to manage that equipment; and

(3) $2,000,000 for fiscal year 2007, for the use of Amtrak in conducting the evaluation required by section 216 of this division.

TITLE II—AMTRAK REFORM AND OPERATIONAL IMPROVEMENTS

SEC. 201. NATIONAL RAILROAD PASSENGER TRANSPORTATION SYSTEM DEFINED.

(a) IN GENERAL.—Section 24102 is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively; and

(3) by inserting after paragraph (4) as so redesignated the following:

"(5) 'national rail passenger transportation system' means—

"(A) the segment of the Northeast Corridor between Boston, Massachusetts and Washington, D.C.;

"(B) rail corridors that have been designated by the Secretary of Transportation as high-speed corridors (other than corridors described in subparagraph (A)), but only after they have been improved to permit operation of high-speed service;

"(C) long distance routes of more than 750 miles between endpoints operated by Amtrak as of the date of enactment of the Passenger Rail Investment and Improvement Act of 2005; and

"(D) short-distance corridors, or routes of not more than 750 miles between endpoints, operated by—

"(i) Amtrak; or

"(ii) another rail carrier that receives funds under chapter 244.".

(b) AMTRAK ROUTES WITH STATE FUNDING.—

(1) IN GENERAL.—Chapter 247 is amended by inserting after section 24701 the following:

"§ 24702. Transportation requested by States, authorities, and other persons

"(a) CONTRACTS FOR TRANSPORTATION.—Amtrak may enter into a contract with a State, a regional or local authority, or another person for Amtrak to operate an intercity rail service or route not included in the national rail passenger transportation system upon such terms as the parties thereto may agree.

"(b) DISCONTINUANCE.—Upon termination of a contract entered into under this section, or the cessation of financial support under such a contract by either party, Amtrak may discontinue such service or route, notwithstanding any other provision of law.".

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 247 is amended by inserting after the item relating to section 24701 the following:

"24702. Transportation requested by States, authorities, and other persons".

(c) AMTRAK TO CONTINUE TO PROVIDE NON-HIGH-SPEED SERVICES.—Nothing in this division is intended to preclude Amtrak from restoring, improving, or developing non-high-speed intercity passenger rail service.

(d) APPLICABILITY OF SECTION 24706.—Section 24706 is amended by adding at the end the following:

"(c) APPLICABILITY.—This section applies to all service over routes provided by Amtrak, notwithstanding any provision of section 24701 of this title or any other provision of this title except section 24702(b).".

SEC. 202. AMTRAK BOARD OF DIRECTORS.

(a) IN GENERAL.—Section 24302 is amended to read as follows:

"§ 24302. Board of directors

"(a) COMPOSITION AND TERMS.—

"(1) The Board of Directors of Amtrak is composed of the following 10 directors, each of whom must be a citizen of the United States:

"(A) The Secretary of Transportation.

"(B) The President of Amtrak, who shall serve ex officio, as a non-voting member.

"(C) 8 individuals appointed by the President of the United States, by and with the advice and consent of the Senate, with general business and financial experience, experience or qualifications in transportation, freight and passenger rail transportation, travel, hospitality, cruise line, and passenger air transportation businesses, or representatives of employees or users of passenger rail transportation or a State government.

"(2) In selecting individuals described in paragraph (1) for nominations for appointments to the Board, the President shall consult with the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, and the Minority Leader of the Senate and try to provide adequate and balanced representation of the major geographic regions of the United States served by Amtrak.

"(3) An individual appointed under paragraph (1)(C) of this subsection serves for 5 years or until the individual's successor is appointed and qualified. Not more than 5 individuals appointed under paragraph (1)(C) may be members of the same political party.

"(4) The Board shall elect a chairman and a vice chairman from among its membership. The vice chairman shall serve as chairman in the absence of the chairman.

"(5) The Secretary may be represented at board meetings by the Secretary's designee.

"(6) The voting privileges of the President can be changed by a unanimous decision of the Board.

"(b) PAY AND EXPENSES.—Each director not employed by the United States Government is entitled to $300 a day when performing Board duties. Each Director is entitled to reimbursement for necessary travel, reasonable secretarial and professional staff support, and subsistence expenses incurred in attending Board meetings.

"(c) VACANCIES.—A vacancy on the Board is filled in the same way as the original selection, except that an individual appointed by the President of the United States under subsection (a)(1)(C) of this section to fill a vacancy occurring before the end of the term for which the predecessor of that individual was appointed is appointed for the remainder of that term. A vacancy required to be filled by appointment under subsection (a)(1)(C) must be filled not later than 120 days after the vacancy occurs.

"(d) QUORUM.—A majority of the members serving shall constitute a quorum for doing business.

"(e) BYLAWS.—The Board may adopt and amend bylaws governing the operation of Amtrak. The bylaws shall be consistent with this part and the articles of incorporation.".

(b) EFFECTIVE DATE FOR DIRECTORS' PROVISION.—The amendment made by subsection (a) shall take effect on January 1, 2006. The members of the Amtrak Board serving on the date of enactment of this Act may continue to serve for the remainder of the term to which they were appointed.

SEC. 203. ESTABLISHMENT OF IMPROVED FINANCIAL ACCOUNTING SYSTEM.

(a) In General.—The Amtrak Board of Directors—

(1) may employ an independent financial consultant with experience in railroad accounting to assist Amtrak in improving Amtrak's financial accounting and reporting system and practices; and

(2) shall implement a modern financial accounting and reporting system that will produce accurate and timely financial information in sufficient detail—

(A) to enable Amtrak to assign revenues and expenses appropriately to each of its lines of business and to each major activity within each line of business activity, including train operations, equipment maintenance, ticketing, and reservations;

(B) to aggregate expenses and revenues related to infrastructure and distinguish them from expenses and revenues related to rail operations;

(C) to allow the analysis of ticketing and reservation information on a real-time basis;

(D) to provide Amtrak cost accounting data; and

(E) to allow financial analysis by route and service.

(b) Verification of System; Report.—The Inspector General of the Department of Transportation shall review the accounting system designed and implemented under subsection (a) to ensure that it accomplishes the purposes for which it is intended. The Inspector General shall report his findings and conclusions, together with any recommendations, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

SEC. 204. DEVELOPMENT OF 5-YEAR FINANCIAL PLAN.

(a) Development of 5-Year Financial Plan.—The Amtrak Board of Directors shall submit an annual budget and business plan for Amtrak, and a 5-year financial plan for the fiscal year to which that budget and business plan relate and the subsequent 4 years, prepared in accordance with this section, to the Secretary of Transportation and the Inspector General of the Department of Transportation no later than—

(1) the first day of each fiscal year beginning after the date of enactment of this Act; or

(2) the date that is 60 days after the date of enactment of an appropriation Act for the fiscal year, if later.

(b) Contents of 5-Year Financial Plan.—The 5-year financial plan for Amtrak shall include, at a minimum—

(1) all projected revenues and expenditures for Amtrak, including governmental funding sources;

(2) projected ridership levels for all Amtrak passenger operations;

(3) revenue and expenditure forecasts for non-passenger operations;

(4) capital funding requirements and expenditures necessary to maintain passenger service which will accommodate predicted ridership levels and predicted sources of capital funding;

(5) operational funding needs, if any, to maintain current and projected levels of passenger service, including state-supported routes and predicted funding sources;

(6) projected capital and operating requirements, ridership, and revenue for any new passenger service operations or service expansions;

(7) an assessment of the continuing financial stability of Amtrak, as indicated by factors such as the ability of the Federal government to fund capital and operating requirements adequately, Amtrak's ability to efficiently manage its workforce, and Amtrak's ability to effectively provide passenger train service;

(8) estimates of long-term and short-term debt and associated principle and interest payments (both current and anticipated);

(9) annual cash flow forecasts;

(10) a statement describing methods of estimation and significant assumptions;

(11) specific measures that demonstrate measurable improvement year over year in Amtrak's ability to operate with reduced Federal operating assistance; and

(12) capital and operating expenditures for anticipated security needs.

(c) Standards To Promote Financial Stability.—In meeting the requirements of subsection (b), Amtrak shall—

(1) apply sound budgetary practices, including reducing costs and other expenditures, improving productivity, increasing revenues, or combinations of such practices;

(2) use the categories specified in the financial accounting and reporting system developed under section 203 when preparing its 5-year financial plan; and

(3) ensure that the plan is consistent with the authorizations of appropriations under title I of this division.

(d) Assessment by DOT Inspector General.—

(1) In general.—The Inspector General of the Department of Transportation shall assess the 5-year financial plans prepared by Amtrak under this section to determine whether they meet the requirements of subsection (b), and may suggest revisions to any components thereof that do not meet those requirements.

(2) Assessment to be furnished to the Congress.—The Inspector General shall furnish to the House of Representatives Committee on Appropriations, the Senate Committee on Appropriations, the House of Representatives Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Transportation—

(A) an assessment of the annual budget within 90 days after receiving it from Amtrak; and

(B) an assessment of the remaining 4 years of the 5-year financial plan within 180 days after receiving it from Amtrak.

SEC. 205. ESTABLISHMENT OF GRANT PROCESS.

(a) Grant Requests.—Amtrak shall submit grant requests (including a schedule for the disbursement of funds), consistent with the requirements of this division, to the Secretary of Transportation for funds authorized to be appropriated to the Secretary for the use of Amtrak under sections 101(a) and (b), 103, and 105.

(b) Procedures for Grant Requests.—The Secretary shall establish substantive and procedural requirements, including schedules, for grant requests under this section not later than 30 days after the date of enactment of this Act and shall transmit copies to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure. As part of those requirements, the Secretary shall require, at a minimum, that Amtrak deposit grant funds, consistent with the appropriated amounts for each area of expenditure in a given fiscal year, in the following 3 accounts:

(1) The Amtrak Operating account.

(2) The Amtrak General Capital account.

(3) The Northeast Corridor Improvement funds account.

Amtrak may not transfer such funds to another account or expend such funds for any purpose other than the purposes covered by the account in which the funds are deposited without approval by the Secretary.

(c) Review and Approval.—

(1) 30-day approval process.—The Secretary shall complete the review of a complete grant request (including the disbursement schedule) and approve or disapprove the request within 30 days after the date on which Amtrak submits the grant request. If the Secretary disapproves the request or determines that the request is incomplete or deficient, the Secretary shall include the reason for disapproval or the incomplete items or deficiencies in the notice to Amtrak.

(2) 15-day modification period.—Within 15 days after receiving notification from the Secretary under the preceding sentence, Amtrak shall submit a modified request for the Secretary's review.

(3) Revised requests.—Within 15 days after receiving a modified request from Amtrak, the Secretary shall either approve the modified request, or, if the Secretary finds that the request is still incomplete or deficient, the Secretary shall identify in writing to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure the remaining deficiencies and recommend a process for resolving the outstanding portions of the request.

SEC. 206. STATE-SUPPORTED ROUTES.

(a) In General.—Within 2 years after the date of enactment of this Act, the Board of Directors of Amtrak, in consultation with the Secretary of Transportation and the governors of each State and the Mayor of the District of Columbia or groups representing those officials, shall develop and implement a standardized methodology for establishing and allocating the operating and capital costs among the States and Amtrak associated with trains operated on routes described in section 24102(5)(B) or (D) or section 24702 that—

(1) ensures, within 5 years after the date of enactment of this Act, equal treatment in the provision of like services of all States and groups of States (including the District of Columbia); and

(2) allocates to each route the costs incurred only for the benefit of that route and a proportionate share, based upon factors that reasonably reflect relative use, of costs incurred for the common benefit of more than 1 route.

(b) Review.—If Amtrak and the States (including the District of Columbia) in which Amtrak operates such routes do not voluntarily adopt and implement the methodology developed under subsection (a) in allocating costs and determining compensation for the provision of service in accordance with the date established therein, the Surface Transportation Board shall determine the appropriate methodology required under subsection (a) for such services in accordance with the procedures and procedural schedule applicable to a proceeding under section 24904(c) of title 49, United States Code, and require the full implementation of this methodology with regards to the provision of such service within 1 year after the Board's determination of the appropriate methodology.

(c) Use of Chapter 244 Funds.—Funds provided to a State under chapter 244 of title 49, United States Code, may be used, as provided in that chapter, to pay capital costs determined in accordance with this section.

SEC. 207. INDEPENDENT AUDITOR TO ESTABLISH METHODOLOGIES FOR AMTRAK ROUTE AND SERVICE PLANNING DECISIONS.

(a) Methodology Development.—The Federal Railroad Administration shall obtain the services of an independent auditor or consultant to develop and recommend objective methodologies for determining intercity passenger routes and services, including the establishment of new routes, the elimination of existing routes, and the contraction or expansion of services or frequencies over such routes. In developing such methodologies, the auditor or consultant shall consider—

(1) the current or expected performance and service quality of intercity passenger train operations, including cost recovery, on-time performance and minutes of delay, ridership, on-board services, stations, facilities, equipment, and other services;

(2) connectivity of a route with other routes;

(3) the transportation needs of communities and populations that are not well served by other forms of public transportation;

(4) Amtrak's and other major intercity passenger rail service providers in other countries' methodologies for determining intercity passenger rail routes and services; and

(5) the views of the States and other interested parties.

(b) Submittal to Congress.—The auditor or consultant shall submit recommendations developed under subsection (a) to Amtrak, the House of Representatives Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Transportation.

(c) Consideration of Recommendations.—Within 90 days after receiving the recommendations developed under subsection (a) by the independent auditor or consultant, the Amtrak Board shall consider the adoption of those recommendations. The Board shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure explaining its action in adopting or failing to adopt any of the recommendations.

(d) Authorization of Appropriations.—There are authorized to be made available to the Secretary of Transportation, out of any amounts authorized by this division to be appropriated for the benefit of Amtrak and not otherwise obligated or expended, such sums as may be necessary to carry out this section.

(e) Pioneer Route.—Within 2 years after the date of enactment of this Act, Amtrak shall conduct a 1-time evaluation of the Pioneer Route formerly operated by Amtrak to determine, using methodologies adopted under subsection (c), whether a level of passenger demand exists that would warrant consideration of reinstating the entire Pioneer Route service or segments of that service.

SEC. 208. METRICS AND STANDARDS.

(a) In General.—Within 180 days after the date of enactment of this Act, the Administrator of the Federal Railroad Administration and Amtrak shall jointly, in consultation with the Surface Transportation Board, rail carriers over whose rail lines Amtrak trains operate, States, Amtrak employees, and groups representing Amtrak passengers, as appropriate, develop new or improve existing metrics and minimum standards for measuring the performance and service quality of intercity passenger train operations, including cost recovery, on-time performance and minutes of delay, ridership, on-board services, stations, facilities, equipment, and other services. Such metrics, at a minimum, shall include the percentage of avoidable and fully allocated operating costs covered by passenger revenues on each route, ridership per train mile operated, measures of on-time performance and delays incurred by intercity passenger trains on the rail lines of each rail carrier and, for long distance routes, measures of connectivity with other routes in all regions currently receiving Amtrak service and the transportation needs of communities and populations that are not well-served by other forms of public transportation. Amtrak shall provide reasonable access to the Federal Railroad Administration in order to enable the Administration to carry out its duty under this section.

(b) Quarterly Reports.—The Administrator of the Federal Railroad Administration shall collect the necessary data and publish a quarterly report on the performance and service quality of intercity passenger train operations, including cost recovery, ridership, on-time performance and minutes of delay, causes of delay, on-board services, stations, facilities, equipment, and other services.

(c) Contract with Host Rail Carriers.—To the extent practicable, Amtrak and its host rail carriers shall incorporate the metrics and standards developed under subsection (a) into their access and service agreements.

(d) Arbitration.—If the development of the metrics and standards is not completed within the 180-day period required by subsection (a), any party involved in the development of those standards may petition the Surface Transportation Board to appoint an arbitrator to assist the parties in resolving their disputes through binding arbitration.

SEC. 209. PASSENGER TRAIN PERFORMANCE.

(a) In General.—Section 24308 is amended by adding at the end the following:

"(f) Passenger Train Performance and Other Standards.—

"(1) Investigation of substandard performance.—If the on-time performance of any intercity passenger train averages less than 80 percent for any 2 consecutive calendar quarters, or the service quality of intercity passenger train operations for which minimum standards are established under section 208 of the Passenger Rail Investment and Improvement Act of 2005 fails to meet those standards for 2 consecutive calendar quarters, the Surface Transportation Board shall investigate whether, and to what extent, delays or failure to achieve minimum standards are due to causes that could reasonably be addressed by a rail carrier over the tracks of which the intercity passenger train operates or reasonably addressed by the intercity passenger rail operator. In carrying out such an investigation, the Board shall obtain information from all parties involved and make recommendations regarding reasonable measures to improve the service, quality, and on-time performance of the train.

"(2) Problems caused by host rail carrier.—If the Board determines that delays or failures to achieve minimum standards investigated under paragraph (1) are attributable to a rail carrier's failure to provide preference to Amtrak over freight transportation under subsection (c), then the Board shall enforce its recommendations for relief under this section.

"(3) Penalties.—

"(A) In general.—The Board shall publish a schedule of penalties which will—

"(A) fairly reflect the extent to which Amtrak suffers financial loss as a result of host rail carrier delays or failure to achieve minimum standards; and

"(B) will adequately deter future actions which may reasonably be expected to be likely to result in delays to Amtrak.

"(B) Assessment.—The Board may assess these penalties upon a host rail carrier.

"(C) Use.—The Board shall make any amounts received as penalties under this paragraph available to Amtrak or a State contracting with Amtrak, as applicable, for capital or operating expenditures on such routes.".

(b) Change of Reference.—Section 24308 is amended—

(1) by striking "Interstate Commerce Commission" in subsection (a)(2)(A) and inserting "Surface Transportation Board";

(2) by striking "Commission" each place it appears and inserting "Board";

(3) by striking "Secretary" the last 3 places it appears in subsection (c) and each place it appears in subsections (d) and (e) and inserting "Board".

SEC. 210. LONG DISTANCE ROUTES.

(a) In General.—Chapter 247 is amended by adding at the end thereof the following:

"§ 24710. Long distance routes

"(a) Annual Evaluation.—Using the financial and performance metrics developed under section 208 of the Passenger Rail Investment and Improvement Act of 2005, Amtrak shall—

"(1) evaluate annually the financial and operating performance of each long distance passenger rail route operated by Amtrak; and

"(2) rank the overall performance of such routes for 2006 and identify each long distance passenger rail route operated by Amtrak in 2006 according to its overall performance as belonging to the best performing third of such routes, the second best performing third of such routes, or the worst performing third of such routes.

"(b) Performance Improvement Plan.—Amtrak shall develop and publish a performance improvement plan for its long distance passenger rail routes to achieve financial and operating improvements based on the data collected through the application of the financial and performance metrics developed under section 208 of that Act. The plan shall address—

"(1) on-time performance;

"(2) scheduling, frequency, routes, and stops;

"(3) the feasibility of restructuring service into connected corridor service;

"(4) performance-related equipment changes and capital improvements;

"(5) on-board amenities and service, including food, first class, and sleeping car service;

"(6) State or other non-Federal financial contributions;

"(7) improving financial performance; and

"(8) other aspects of Amtrak's long distance passenger rail routes that affect the financial, competitive, and functional performance of service on Amtrak's long distance passenger rail routes.

"(c) Implementation.—Amtrak shall implement the performance improvement plan developed under subsection (b)—

"(1) beginning in fiscal year 2007 for those routes identified as being in the worst performing third under subsection (a)(2);

"(2) beginning in fiscal year 2008 for those routes identified as being in the second best performing third under subsection (a)(2); and

"(3) beginning in fiscal year 2009 for those routes identified as being in the best performing third under subsection (a)(2).

"(d) ENFORCEMENT.—The Federal Railroad Administration shall monitor the development, implementation, and outcome of improvement plans under this section. If, for any year, it determines that Amtrak is not making reasonable progress in implementing its performance improvement plan or in achieving the expected outcome of the plan for any calendar year, the Federal Railroad Administration—

"(1) shall notify Amtrak, the Inspector General of the Department of Transportation, and appropriate Congressional committees of its determination under this subsection;

"(2) shall provide an opportunity for a hearing with respect to that determination; and

"(3) may withhold any appropriated funds otherwise available to Amtrak for the operation of a route or routes on which it is not making progress, other than funds made available for passenger safety or security measures.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 247 is amended by inserting after the item relating to section 24709 the following:

"24710. Long distance routes".

SEC. 211. ALTERNATE PASSENGER RAIL SERVICE PROGRAM.

(a) IN GENERAL.—Chapter 247, as amended by section 209, is amended by adding at the end thereof the following:

"§24711. Alternate passenger rail service program

"(a) IN GENERAL.—Within 1 year after the date of enactment of the Passenger Rail Investment and Improvement Act of 2005, the Federal Railroad Administration shall initiate a rulemaking proceeding to develop a program under which—

"(1) a rail carrier or rail carriers that own infrastructure over which Amtrak operates a passenger rail service route described in subparagraph (B), (C), or (D) of section 24102(5) or in section 24702 of title 49, United States Code may petition the Federal Railroad Administration to be considered as a passenger rail service provider over that route in lieu of Amtrak;

"(2) the Administration would notify Amtrak within 30 days after receiving a petition under paragraph (1) and establish a deadline by which both the petitioner and Amtrak would be required to submit a bid to provide passenger rail service over the route to which the petition relates;

"(3) each bid would describe how the bidder would operate the route, what Amtrak passenger equipment would be needed, if any, what sources of non-Federal funding the bidder would use, including any State subsidy, among other things;

"(4) the Administration would make a decision and execute a contract within a specified, limited time after that deadline awarding to the winning bidder—

"(A) the right and obligation to provide passenger rail service over that route subject to such performance standards as the Administration may require, consistent with the standards developed under section 208 of this division; and

"(B) an operating subsidy—

"(i) for the first year at a level not in excess of the level in effect during the fiscal year preceding the fiscal year in which the petition was received, adjusted for inflation;

"(ii) for any subsequent years at such level, adjusted for inflation; and

"(5) each bid would contain a staffing plan describing the number of employees needed to operate the service, the job assignments and requirements, and the terms of work for prospective and current employees of the bidder for the service outlined in the bid, and such staffing plan would be made available by the winning bidder to the public after the bid award.

"(b) IMPLEMENTATION.—

"(1) INITIAL PETITIONS.—Pursuant to any rules or regulations promulgated under subsection (A), the Administration shall establish a deadline for the submission of a petition under subsection (a)—

"(A) during fiscal year 2007 for operations commencing in fiscal year 2008; and

"(B) during the immediately preceding fiscal year for operations commencing in subsequent fiscal years.

"(2) ROUTE LIMITATIONS.—The Administration may not make the program available with respect to more than 1 Amtrak passenger rail route for operations beginning in fiscal year 2008 nor to more than 2 such routes for operations beginning in fiscal year 2010 and subsequent fiscal years.

"(c) PERFORMANCE STANDARDS; ACCESS TO FACILITIES; EMPLOYEES.—If the Administration awards the right and obligation to provide passenger rail service over a route under the program to a rail carrier or rail carriers—

"(1) it shall execute a contract with the rail carrier or rail carriers for rail passenger operations on that route that conditions the operating and subsidy rights upon—

"(A) the service provider continuing to provide passenger rail service on the route that is no less frequent, nor over a shorter distance, than Amtrak provided on that route before the award; and

"(B) the service provider's compliance with the minimum standards established under section 208 of the Passenger Rail Investment and Improvement Act of 2005 and such additional performance standards as the Administration may establish;

"(2) it shall, if the award is made to a rail carrier other than Amtrak, require Amtrak to provide access to its reservation system, stations, and facilities to any rail carrier or rail carriers awarded a contract under this section, in accordance with section 218 of that Act, necessary to carry out the purposes of this section;

"(3) the employees of any person used by a rail carrier or rail carriers (as defined in section 10102(5) of this title) in the operation of a route under this section shall be considered an employee of that carrier or carriers and subject to the applicable Federal laws and regulations governing similar crafts or classes of employees of Amtrak, including provisions under section 121 of the Amtrak Reform and Accountability Act of 1997 relating to employees that provide food and beverage service; and

"(4) the winning bidder shall provide preference in hiring to qualified Amtrak employees displaced by the award of the bid, consistent with the staffing plan submitted by the bidder.

"(d) CESSATION OF SERVICE.—If a rail carrier or rail carriers awarded a route under this section cease to operate the service or fail to fulfill their obligations under the contract required under subsection (c), the Administrator, in collaboration with the Surface Transportation Board shall take any necessary action consistent with this title to enforce the contract and ensure the continued provision of service, including the installment of an interim service provider and re-bidding the contract to operate the service. The entity providing service shall either be Amtrak or a rail carrier defined in section 24711(a)(1).

"(e) ADEQUATE RESOURCES.—Before taking any action allowed under this section, the Secretary shall certify that the Administrator has sufficient resources that are adequate to undertake the program established under this section.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 247, as amended by section 209, is amended by inserting after the item relating to section 24710 the following:

"24711. Alternate passenger rail service program".

SEC. 212. EMPLOYEE TRANSITION ASSISTANCE.

(a) PROVISION OF FINANCIAL INCENTIVES.—For Amtrak employees who are adversely affected by the cessation of the operation of a long distance route or any other route under section 24711 of title 49, United States Code, previously operated by Amtrak, the Secretary shall develop a program under which the Secretary may, in the Secretary's discretion, provide grants for financial incentives to be provided to employees of the National Railroad Passenger Corporation who voluntarily terminate their employment with the Corporation and relinquish any legal rights to receive termination-related payments under any contractual agreement with the Corporation.

(b) CONDITIONS FOR FINANCIAL INCENTIVES.—As a condition for receiving financial assistance grants under this section, the Corporation must certify that—

(1) a reasonable attempt was made to reassign an employee adversely affected under section 24711 of title 49, United States Code, or by the elimination of any route, to other positions within the Corporation in accordance with any contractual agreements;

(2) the financial assistance results in a net reduction in the total number of employees equal to the number receiving financial incentives;

(3) the financial assistance results in a net reduction in total employment expense equivalent to the total employment expenses associated with the employees receiving financial incentives; and

(4) the total number of employees eligible for termination-related payments will not be increased without the express written consent of the Secretary.

(c) AMOUNT OF FINANCIAL INCENTIVES.—The financial incentives authorized under this section may be no greater than $50,000 per employee.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated to the Secretary such sums as may be necessary to make grants to the National Railroad Passenger Corporation to provide financial incentives under subsection (a).

(e) TERMINATION-RELATED PAYMENTS.—If Amtrak employees adversely affected by the cessation of Amtrak service resulting from the awarding of a grant to an operator other than Amtrak for the operation of a route under section 24711 of title 49, United States Code, or any other route, previously operated by Amtrak do not receive financial incentives under subsection (a), then the Secretary shall make grants to the National Railroad Passenger Corporation from funds authorized by section 102 of this division for termination-related payments to employees under existing contractual agreements.

SEC. 213. NORTHEAST CORRIDOR STATE-OF-GOOD-REPAIR PLAN.

(a) IN GENERAL.—Within 6 months after the date of enactment of this Act, the National

Railroad Passenger Corporation, in consultation with the Secretary and the States (including the District of Columbia) that make up the Northeast Corridor (as defined in section 24102 of title 49, United States Code), shall prepare a capital spending plan for capital projects required to return the Northeast Corridor to a state of good repair by the end of fiscal year 2011, consistent with the funding levels authorized in this division and shall submit the plan to the Secretary.

(b) APPROVAL BY THE SECRETARY.—

(1) The Corporation shall submit the capital spending plan prepared under this section to the Secretary of Transportation for review and approval pursuant to the procedures developed under section 205 of this division.

(2) The Secretary of Transportation shall require that the plan be updated at least annually and shall review and approve such updates. During review, the Secretary shall seek comments and review from the commission established under section 24905 of title 49, United States Code, and other Northeast Corridor users regarding the plan.

(3) The Secretary shall make grants to the Corporation with funds authorized by section 101(b) for Northeast Corridor capital investments contained within the capital spending plan prepared by the Corporation and approved by the Secretary.

(4) Using the funds authorized by section 101(d), the Secretary shall review Amtrak's capital expenditures funded by this section to ensure that such expenditures are consistent with the capital spending plan and that Amtrak is providing adequate project management oversight and fiscal controls.

(c) ELIGIBILITY OF EXPENDITURES.—The Federal share of expenditures for capital improvements under this section may not exceed 100 percent.

SEC. 214. NORTHEAST CORRIDOR INFRASTRUCTURE AND OPERATIONS IMPROVEMENTS.

(a) IN GENERAL.—Section 24905 is amended to read as follows:

‘‘§ 24905. Northeast Corridor Infrastructure and Operations Advisory Commission; Safety and Security Committee.

‘‘(a) NORTHEAST CORRIDOR INFRASTRUCTURE AND OPERATIONS ADVISORY COMMISSION.—

‘‘(1) Within 180 days after the date of enactment of the Passenger Rail Investment and Improvement Act of 2005, the Secretary of Transportation shall establish a Northeast Corridor Infrastructure and Operations Advisory Commission (hereinafter referred to in this section as the ‘Commission’) to promote mutual cooperation and planning pertaining to the rail operations and related activities of the Northeast Corridor. The Commission shall be made up of—

‘‘(A) members representing the National Railroad Passenger Corporation;

‘‘(B) members representing the Secretary of Transportation and the Federal Railroad Administration;

‘‘(C) 1 member from each of the States (including the District of Columbia) that constitute the Northeast Corridor as defined in section 24102, designated by, and serving at the pleasure of, the chief executive officer thereof; and

‘‘(D) non-voting representatives of freight railroad carriers using the Northeast Corridor selected by the Secretary.

‘‘(2) The Secretary shall ensure that the membership belonging to any of the groups enumerated under subparagraph (1) shall not constitute a majority of the commission's memberships.

‘‘(3) The commission shall establish a schedule and location for convening meetings, but shall meet no less than four times per fiscal year, and the commission shall develop rules and procedures to govern the commission's proceedings.

‘‘(4) A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

‘‘(5) Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

‘‘(6) The Chairman of the Commission shall be elected by the members.

‘‘(7) The Commission may appoint and fix the pay of such personnel as it considers appropriate.

‘‘(8) Upon request of the Commission, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

‘‘(9) Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section.

‘‘(10) The commission shall consult with other entities as appropriate.

‘‘(b) GENERAL RECOMMENDATIONS.—The Commission shall develop recommendations concerning Northeast Corridor rail infrastructure and operations including proposals addressing, as appropriate—

‘‘(1) short-term and long term capital investment needs beyond the state-of-good-repair under section 213;

‘‘(2) future funding requirements for capital improvements and maintenance;

‘‘(3) operational improvements of intercity passenger rail, commuter rail, and freight rail services;

‘‘(4) opportunities for additional non-rail uses of the Northeast Corridor;

‘‘(5) scheduling and dispatching;

‘‘(6) safety and security enhancements;

‘‘(7) equipment design;

‘‘(8) marketing of rail services; and

‘‘(9) future capacity requirements.

‘‘(c) ACCESS COSTS.—

‘‘(1) DEVELOPMENT OF FORMULA.—Within 1 year after verification of Amtrak's new financial accounting system pursuant to section 203(b) of the Passenger Rail Investment and Improvement Act of 2005, the Commission shall—

‘‘(A) develop a standardized formula for determining and allocating costs, revenues, and compensation for Northeast Corridor commuter rail passenger transportation, as defined in section 24102 of this title, that use National Railroad Passenger Corporation facilities or services or that provide such facilities or services to the National Railroad Passenger Corporation that ensure that—

‘‘(i) there is no cross-subsidization of commuter rail passenger, intercity rail passenger, or freight rail transportation; and

‘‘(ii) each service is assigned the costs incurred only for the benefit of that service, and a proportionate share, based upon factors that reasonably reflect relative use, of costs incurred for the common benefit of more than 1 service;

‘‘(B) develop a proposed timetable for implementing the formula before the end of the 6th year following the date of enactment of that Act;

‘‘(C) transmit the proposed timetable to the Surface Transportation Board; and

‘‘(D) at the request of a Commission member, petition the Surface Transportation Board to appoint a mediator to assist the Commission members through non-binding mediation to reach an agreement under this section.

‘‘(2) IMPLEMENTATION.—The National Railroad Passenger Corporation and the commuter authorities providing commuter rail passenger transportation on the Northeast Corridor shall implement new agreements for usage of facilities or services based on the formula proposed in paragraph (1) in accordance with the timetable established therein. If the entities fail to implement such new agreements in accordance with the timetable, the Commission shall petition the Surface Transportation Board to determine the appropriate compensation amounts for such services in accordance with section 24904(c) of this title. The Surface Transportation Board shall enforce its determination on the party or parties involved.

‘‘(d) TRANSMISSION OF RECOMMENDATIONS.—The commission shall annually transmit the recommendations developed under subsection (b) and the formula and timetable developed under subsection (c)(1) to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

‘‘(e) NORTHEAST CORRIDOR SAFETY AND SECURITY COMMITTEE.—

‘‘(1) IN GENERAL.—The Secretary shall establish a Northeast Corridor Safety and Security Committee composed of members appointed by the Secretary. The members shall be representatives of—

‘‘(A) the Secretary;

‘‘(B) Amtrak;

‘‘(C) freight carriers operating more than 150,000 train miles a year on the main line of the Northeast Corridor;

‘‘(D) commuter agencies;

‘‘(E) rail passengers;

‘‘(F) rail labor;

‘‘(G) the Transportation Security Administration; and

‘‘(H) other individuals and organizations the Secretary decides have a significant interest in rail safety or security.

‘‘(2) FUNCTION; MEETINGS.—The Secretary shall consult with the Committee about safety and security improvements on the Northeast Corridor main line. The Committee shall meet at least once every 2 years to consider safety matters on the main line.

‘‘(3) REPORT.—At the beginning of the first session of each Congress, the Secretary shall submit a report to the Commission and to Congress on the status of efforts to improve safety and security on the Northeast Corridor main line. The report shall include the safety recommendations of the Committee and the comments of the Secretary on those recommendations.’’.

(3) CONFORMING AMENDMENTS.—Section 24904(c)(2) is amended by—

(A) inserting ‘‘commuter rail passenger’’ after ‘‘between’’; and

(B) striking ‘‘freight’’ in the second sentence.

SEC. 215. RESTRUCTURING LONG-TERM DEBT AND CAPITAL LEASES.

(a) IN GENERAL.—The Secretary of the Treasury, in consultation with the Secretary of Transportation and Amtrak, may make agreements to restructure Amtrak's indebtedness as of the date of enactment of this Act. This authorization expires on January 1, 2007.

(b) DEBT RESTRUCTURING.—The Secretary of Treasury, in consultation with the Secretary of the Transportation and Amtrak, shall enter into negotiations with the holders of Amtrak debt, including leases, outstanding on the date of enactment of this Act for the purpose of restructuring (including repayment) and repaying that debt. The Secretary of the Treasury may secure agreements for restructuring or repayment on such terms as the Secretary of the Treasury deems favorable to the interests of the Government.

(c) Criteria.—In restructuring Amtrak's indebtedness, the Secretary and Amtrak—

(1) shall take into consideration repayment costs, the term of any loan or loans, and market conditions; and

(2) shall ensure that the restructuring results in significant savings to Amtrak and the United States Government.

(d) Payment of Renegotiated Debt.—If the criteria under subsection (c) are met, the Secretary of Treasury shall assume or repay the restructured debt, as appropriate.

(e) Amtrak Principal and Interest Payments.—

(1) Principal on debt service.—Unless the Secretary of Treasury makes sufficient payments to creditors under subsection (d) so that Amtrak is required to make no payments to creditors in a fiscal year, the Secretary of Transportation shall use funds authorized by section 103(a)(1) for the use of Amtrak for retirement of principal on loans for capital equipment, or capital leases.

(2) Interest on debt.—Unless the Secretary of Treasury makes sufficient payments to creditors under subsection (d) so that Amtrak is required to make no payments to creditors in a fiscal year, the Secretary of Transportation shall use funds authorized by section 103(a)(2) for the use of Amtrak for the payment of interest on loans for capital equipment, or capital leases.

(3) Reductions in authorization levels.—Whenever action taken by the Secretary of the Treasury under subsection (a) results in reductions in amounts of principal or interest that Amtrak must service on existing debt, the corresponding amounts authorized by section 103(a)(1) or (2) shall be reduced accordingly.

(f) Legal Effect of Payments Under This Section.—The payment of principal and interest on secured debt, other than debt assumed under subsection (d), with the proceeds of grants under subsection (e) shall not—

(1) modify the extent or nature of any indebtedness of the National Railroad Passenger Corporation to the United States in existence of the date of enactment of this Act;

(2) change the private nature of Amtrak's or its successors' liabilities; or

(3) imply any Federal guarantee or commitment to amortize Amtrak's outstanding indebtedness.

(g) Secretary Approval.—Amtrak may not incur more debt after the date of enactment of this Act without the express advance approval of the Secretary of Transportation.

(h) Report.—The Secretary of the Treasury shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Appropriations, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Appropriations by June 1, 2007—

(1) describing in detail any agreements to restructure the Amtrak debt; and

(2) providing an estimate of the savings to Amtrak and the United States Government.

SEC. 216. STUDY OF COMPLIANCE REQUIREMENTS AT EXISTING INTERCITY RAIL STATIONS.

Amtrak, in consultation with station owners, shall evaluate the improvements necessary to make all existing stations it serves readily accessible to and usable by individuals with disabilities, as required by section 242(e)(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12162(e)(2)). The evaluation shall include the estimated cost of the improvements necessary, the identification of the responsible person (as defined in section 241(5) of that Act (42 U.S.C. 12161(5))), and the earliest practicable date when such improvements can be made. Amtrak shall submit the evaluation to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the National Council on Disability by September 30, 2007, along with recommendations for funding the necessary improvements.

SEC. 217. INCENTIVE PAY.

The Amtrak Board of Directors is encouraged to develop an incentive pay program for Amtrak management employees.

SEC. 218. ACCESS TO AMTRAK EQUIPMENT AND SERVICES.

If a State desires to select or selects an entity other than Amtrak to provide services required for the operation of an intercity passenger train route described in section 24102(5)(D) or 24702 of title 49, United States Code, the State may make an agreement with Amtrak to use facilities and equipment of, or have services provided by, Amtrak under terms agreed to by the State and Amtrak to enable the State to utilize an entity other than Amtrak to provide services required for operation of the route. If the parties cannot agree upon terms, and the Surface Transportation Board finds that access to Amtrak's facilities or equipment, or the provision of services by Amtrak, is necessary to carry out this provision and that the operation of Amtrak's other services will not be impaired thereby, the Surface Transportation Board shall, within 120 days after submission of the dispute, issue an order that the facilities and equipment be made available, and that services be provided, by Amtrak, and shall determine reasonable compensation, liability and other terms for use of the facilities and equipment and provision of the services. Compensation shall be determined in accord with the methodology established pursuant to section 206 of this division.

SEC. 219. GENERAL AMTRAK PROVISIONS.

(a) Repeal of Self-Sufficiency Requirements.

(1) Title 49 amendments.—Chapter 241 is amended—

(A) by striking the last sentence of section 24101(d); and

(B) by striking the last sentence of section 24104(a).

(2) Amtrak reform and accountability act amendments.—Title II of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24101 nt) is amended by striking sections 204 and 205.

(3) Common stock redemption date.—Section 415 of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24304 nt) is amended by striking subsection (b).

(b) Lease Arrangements.—Amtrak may obtain services from the Administrator of General Services, and the Administrator may provide services to Amtrak, under section 201(b) and 211(b) of the Federal Property and Administrative Service Act of 1949 (40 U.S.C. 481(b) and 491(b)) for each of fiscal years 2006 through 2011.

SEC. 220. PRIVATE SECTOR FUNDING OF PASSENGER TRAINS.

Amtrak is encouraged to increase its operation of trains funded by the private sector in order to minimize its need for Federal subsidies. Amtrak shall utilize the provisions of section 24308 of title 49, United States Code, when necessary to obtain access to facilities, train and engine crews, or services of a rail carrier or regional transportation authority that are required to operate such trains.

SEC. 221. ON-BOARD SERVICE IMPROVEMENTS.

(a) In General.—Within 1 year after metrics and standards are established under section 208 of this division, Amtrak shall develop and implement a plan to improve onboard service pursuant to the metrics and standards for such service developed under that section.

(b) Report.—Amtrak shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the on-board service improvements proscribed in the plan and the timeline for implementing such improvements.

SEC. 222. AMTRAK MANAGEMENT ACCOUNTABILITY.

(a) In General.—Chapter 243 is amended by inserting after section 24309 the following:

“§ 24310. Management accountability

“(a) In General.—Three years after the date of enactment of the Passenger Rail Investment and Improvement Act of 2005, and two years thereafter, the Inspector General of the Department of Transportation shall complete an overall assessment of the progress made by Amtrak management and the Department of Transportation in implementing the provisions of that Act.

“(b) Assessment.—The management assessment undertaken by the Inspector General may include a review of—

“(1) effectiveness improving annual financial planning;

“(2) effectiveness in implementing improved financial accounting;

“(3) efforts to implement minimum train performance standards;

“(4) progress maximizing revenues and minimizing Federal subsidies; and

“(5) any other aspect of Amtrak operations the Inspector General finds appropriate to review.”.

(b) Conforming Amendment.—The chapter analysis for chapter 243 is amended by inserting after the item relating to section 24309 the following:

“24310. Management accountability”.

TITLE III—INTERCITY PASSENGER RAIL POLICY

SEC. 301. CAPITAL ASSISTANCE FOR INTERCITY PASSENGER RAIL SERVICE.

(a) In General.—Part C of subtitle V is amended by inserting the following after chapter 243:

“CHAPTER 244. INTERCITY PASSENGER RAIL SERVICE CORRIDOR CAPITAL ASSISTANCE

“Sec.
“24401. Definitions.
“24402. Capital investment grants to support intercity passenger rail service.
“24403. Project management oversight
“24404. Use of capital grants to finance first-dollar liability of grant project.
“24405. Grant conditions.

“§ 24401. Definitions

“In this subchapter:

"(1) APPLICANT.—The term 'applicant' means a State (including the District of Columbia), a group of States, an Interstate Compact, or a public agency established by one or more States and having responsibility for providing intercity passenger rail service.

"(2) CAPITAL PROJECT.—The term 'capital project' means a project or program in a State rail plan developed under chapter 225 of this title for—

"(A) acquiring, constructing, improving, or inspecting equipment, track and track structures, or a facility for use in or for the primary benefit of intercity passenger rail service, expenses incidental to the acquisition or construction (including designing, engineering, location surveying, mapping, environmental studies, and acquiring rights-of-way), payments for the capital portions of rail trackage rights agreements, highway-rail grade crossing improvements related to intercity passenger rail service, security, mitigating environmental impacts, communication and signalization improvements, relocation assistance, acquiring replacement housing sites, and acquiring, constructing, relocating, and rehabilitating replacement housing;

"(B) rehabilitating, remanufacturing or overhauling rail rolling stock and facilities used primarily in intercity passenger rail service;

"(C) costs associated with developing State rail plans; and

"(D) the first-dollar liability costs for insurance related to the provision of intercity passenger rail service under section 24404.

"(3) INTERCITY PASSENGER RAIL SERVICE.—The term 'intercity passenger rail service' means transportation services with the primary purpose of passenger transportation between towns, cities and metropolitan areas by rail, including high-speed rail, as defined in section 24102 of title 49, United States Code.

"§ 24402. Capital investment grants to support intercity passenger rail service.

"(a) GENERAL AUTHORITY.—

"(1) The Secretary of Transportation may make grants under this section to an applicant to assist in financing the capital costs of facilities and equipment necessary to provide or improve intercity passenger rail transportation.

"(2) The Secretary shall require that a grant under this section be subject to the terms, conditions, requirements, and provisions the Secretary decides are necessary or appropriate for the purposes of this section, including requirements for the disposition of net increases in value of real property resulting from the project assisted under this section and shall prescribe procedures and schedules for the awarding of grants under this title, including application and qualification procedures and a record of decision on applicant eligibility. The Secretary shall issue a final rule establishing such procedures not later than 90 days after the date of enactment of the Passenger Rail Investment and Improvement Act of 2005.

"(b) PROJECT AS PART OF STATE RAIL PLAN.—

"(1) The Secretary may not approve a grant for a project under this section unless the Secretary finds that the project is part of a State rail plan developed under chapter 225 of this title, or under the plan required by section 203 of the Passenger Rail Investment and Improvement Act of 2005, and that the applicant or recipient has or will have the legal, financial, and technical capacity to carry out the project, satisfactory continuing control over the use of the equipment or facilities, and the capability and willingness to maintain the equipment or facilities.

"(2) An applicant shall provide sufficient information upon which the Secretary can make the findings required by this subsection.

"(3) If an applicant has not selected the proposed operator of its service competitively, the applicant shall provide written justification to the Secretary showing why the proposed operator is the best, taking into account price and other factors, and that use of the proposed operator will not unnecessarily increase the cost of the project.

"(c) PROJECT SELECTION CRITERIA.—The Secretary, in selecting the recipients of financial assistance to be provided under subsection (a), shall—

"(1) require that each proposed project meet all safety and security requirements that are applicable to the project under law;

"(2) give preference to projects with high levels of estimated ridership, increased on-time performance, reduced trip time, additional service frequency to meet anticipated or existing demand, or other significant service enhancements as measured against minimum standards developed under section 208 of the Passenger Rail Investment and Improvement Act of 2005;

"(3) encourage intermodal connectivity through projects that provide direct connections between train stations, airports, bus terminals, subway stations, ferry ports, and other modes of transportation;

"(4) ensure that each project is compatible with, and is operated in conformance with—

"(A) plans developed pursuant to the requirements of section 135 of title 23, United States Code; and

"(B) the national rail plan (if it is available); and

"(5) favor the following kinds of projects:

"(A) Projects that are expected to have a significant favorable impact on air or highway traffic congestion, capacity, or safety.

"(B) Projects that also improve freight or commuter rail operations.

"(C) Projects that have significant environmental benefits.

"(D) Projects that are—

"(i) at a stage of preparation that all pre-commencement compliance with environmental protection requirements has already been completed; and

"(ii) ready to be commenced.

"(E) Projects with positive economic and employment impacts.

"(F) Projects that encourage the use of positive train control technologies.

"(G) Projects that have commitments of funding from non-Federal Government sources in a total amount that exceeds the minimum amount of the non-Federal contribution required for the project.

"(H) Projects that involve donated property interests or services.

"(I) Projects that are identified by the Surface Transportation Board as necessary to improve the on time performance and reliability of intercity passenger rail under section 24308(f).

"(d) AMTRAK ELIGIBILITY.—To receive a grant under this section, the National Railroad Passenger Corporation may enter into a cooperative agreement with 1 or more States to carry out 1 or more projects on a State rail plan's ranked list of rail capital projects developed under section 22504(a)(5) of this title.

"(e) LETTERS OF INTENT, FULL FUNDING GRANT AGREEMENTS, AND EARLY SYSTEMS WORK AGREEMENTS.—

"(1)(A) The Secretary may issue a letter of intent to an applicant announcing an intention to obligate, for a major capital project under this section, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the project.

"(B) At least 30 days before issuing a letter under subparagraph (A) of this paragraph or entering into a full funding grant agreement, the Secretary shall notify in writing the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate and the House and Senate Committees on Appropriations of the proposed letter or agreement. The Secretary shall include with the notification a copy of the proposed letter or agreement as well as the evaluations and ratings for the project.

"(C) An obligation or administrative commitment may be made only when amounts are appropriated.

"(2)(A) The Secretary may make a full funding grant agreement with an applicant. The agreement shall—

"(i) establish the terms of participation by the United States Government in a project under this section;

"(ii) establish the maximum amount of Government financial assistance for the project;

"(iii) cover the period of time for completing the project, including a period extending beyond the period of an authorization; and

"(iv) make timely and efficient management of the project easier according to the law of the United States.

"(B) An agreement under this paragraph obligates an amount of available budget authority specified in law and may include a commitment, contingent on amounts to be specified in law in advance for commitments under this paragraph, to obligate an additional amount from future available budget authority specified in law. The agreement shall state that the contingent commitment is not an obligation of the Government and is subject to the availability of appropriations made by Federal law and to Federal laws in force on or enacted after the date of the contingent commitment. Interest and other financing costs of efficiently carrying out a part of the project within a reasonable time are a cost of carrying out the project under a full funding grant agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

"(3)(A) The Secretary may make an early systems work agreement with an applicant if a record of decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been issued on the project and the Secretary finds there is reason to believe—

"(i) a full funding grant agreement for the project will be made; and

"(ii) the terms of the work agreement will promote ultimate completion of the project more rapidly and at less cost.

"(B) A work agreement under this paragraph obligates an amount of available budget authority specified in law and shall provide for reimbursement of preliminary costs of carrying out the project, including land acquisition, timely procurement of system elements for which specifications are decided, and other activities the Secretary decides are appropriate to make efficient, long-term project management easier. A work agreement shall cover the period of time the Secretary considers appropriate. The period may extend beyond the period of current authorization. Interest and other financing costs of efficiently carrying out the work agreement within a reasonable time are a cost of carrying out the agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms. If an applicant does not carry out the project for reasons within the control of the applicant, the applicant shall repay all Government payments made under the work agreement plus reasonable interest and penalty charges the Secretary establishes in the agreement.

"(4) The total estimated amount of future obligations of the Government and contingent commitments to incur obligations covered by all outstanding letters of intent, full funding grant agreements, and early systems work agreements may be not more than the amount authorized under section 101(c) of Passenger Rail Investment and Improvement Act of 2005, less an amount the Secretary reasonably estimates is necessary for grants under this section not covered by a letter. The total amount covered by new letters and contingent commitments included in full funding grant agreements and early systems work agreements may be not more than a limitation specified in law.

"(f) Federal Share of Net Project Cost.—

"(1)(A) Based on engineering studies, studies of economic feasibility, and information on the expected use of equipment or facilities, the Secretary shall estimate the net project cost.

"(B) A grant for the project shall not exceed 80 percent of the project net capital cost.

"(C) The Secretary shall give priority in allocating future obligations and contingent commitments to incur obligations to grant requests seeking a lower Federal share of the project net capital cost.

"(2) Up to an additional 20 percent of the required non-Federal funds may be funded from amounts appropriated to or made available to a department or agency of the Federal Government that are eligible to be expended for transportation.

"(3) 50 percent of the average amounts expended by a State or group of States (including the District of Columbia) for capital projects to benefit intercity passenger rail service in fiscal years 2003, 2004, and 2005 shall be credited towards the matching requirements for grants awarded under this section. The Secretary may require such information as necessary to verify such expenditures.

"(4) 50 percent of the average amounts expended by a State or group of States (including the District of Columbia) in a fiscal year beginning in 2006 for capital projects to benefit intercity passenger rail service or for the operating costs of such service above the average of expenditures made for such service in fiscal years 2003, 2004, and 2005 shall be credited towards the matching requirements for grants awarded under this section. The Secretary may require such information as necessary to verify such expenditures.

"(g) Undertaking Projects in Advance.—

"(1) The Secretary may pay the Federal share of the net capital project cost to an applicant that carries out any part of a project described in this section according to all applicable procedures and requirements if—

"(A) the applicant applies for the payment;

"(B) the Secretary approves the payment; and

"(C) before carrying out the part of the project, the Secretary approves the plans and specifications for the part in the same way as other projects under this section.

"(2) The cost of carrying out part of a project includes the amount of interest earned and payable on bonds issued by the applicant to the extent proceeds of the bonds are expended in carrying out the part. However, the amount of interest under this paragraph may not be more than the most favorable interest terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a manner satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financial terms.

"(3) The Secretary shall consider changes in capital project cost indices when determining the estimated cost under paragraph (2) of this subsection.

"(h) 2-Year Availability.—Funds appropriated under this section shall remain available until expended. If any amount provided as a grant under this section is not obligated or expended for the purposes described in subsection (a) within 2 years after the date on which the State received the grant, such sums shall be returned to the Secretary for other intercity passenger rail development projects under this section at the discretion of the Secretary.

"(i) Public-Private Partnerships.—

"(1) In general.—A metropolitan planning organization, State transportation department, or other project sponsor may enter into an agreement with any public, private, or nonprofit entity to cooperatively implement any project funded with a grant under this title.

"(2) Forms of participation.—Participation by an entity under paragraph (1) may consist of—

"(A) ownership or operation of any land, facility, locomotive, rail car, vehicle, or other physical asset associated with the project;

"(B) cost-sharing of any project expense;

"(C) carrying out administration, construction management, project management, project operation, or any other management or operational duty associated with the project; and

"(D) any other form of participation approved by the Secretary.

"(3) Sub-allocation.—A State may allocate funds under this section to any entity described in paragraph (1).

"(j) Special Transportation Circumstances.—In carrying out this section, the Secretary shall allocate an appropriate portion of the amounts available under this section to provide grants to States—

"(1) in which there is no intercity passenger rail service for the purpose of funding freight rail capital projects that are on a State rail plan developed under chapter 225 of this title that provide public benefits (as defined in chapter 225) as determined by the Secretary; or

"(2) in which the rail transportation system is not physically connected to rail systems in the continental United States or may not otherwise qualify for a grant under this section due to the unique characteristics of the geography of that State or other relevant considerations, for the purpose of funding transportation-related capital projects.

"(k) Small Capital Projects.—The Secretary shall make available $10,000,000 annually from the amounts authorized under section 101(c) of the Passenger Rail Investment and Improvement Act of 2005 beginning in fiscal year 2007 for grants for capital projects eligible under this section not exceeding $2,000,000, including costs eligible under section 206(c) of that Act. The Secretary may wave requirements of this section, including state rail plan requirements, as appropriate.

"§ 24403. Project management oversight

"(a) Project Management Plan Requirements.—To receive Federal financial assistance for a major capital project under this subchapter, an applicant must prepare and carry out a project management plan approved by the Secretary of Transportation. The plan shall provide for—

"(1) adequate recipient staff organization with well-defined reporting relationships, statements of functional responsibilities, job descriptions, and job qualifications;

"(2) a budget covering the project management organization, appropriate consultants, property acquisition, utility relocation, systems demonstration staff, audits, and miscellaneous payments the recipient may be prepared to justify;

"(3) a construction schedule for the project;

"(4) a document control procedure and recordkeeping system;

"(5) a change order procedure that includes a documented, systematic approach to handling the construction change orders;

"(6) organizational structures, management skills, and staffing levels required throughout the construction phase;

"(7) quality control and quality assurance functions, procedures, and responsibilities for construction, system installation, and integration of system components;

"(8) material testing policies and procedures;

"(9) internal plan implementation and reporting requirements;

"(10) criteria and procedures to be used for testing the operational system or its major components;

"(11) periodic updates of the plan, especially related to project budget and project schedule, financing, and ridership estimates; and

"(12) the recipient's commitment to submit a project budget and project schedule to the Secretary each month.

"(b) Secretarial Oversight.—

"(1) The Secretary may use no more than 0.5 percent of amounts made available in a fiscal year for capital projects under this subchapter to enter into contracts to oversee the construction of such projects.

"(2) The Secretary may use amounts available under paragraph (1) of this subsection to make contracts for safety, procurement, management, and financial compliance reviews and audits of a recipient of amounts under paragraph (1).

"(3) The Federal Government shall pay the entire cost of carrying out a contract under this subsection.

"(c) Access to Sites and Records.—Each recipient of assistance under this subchapter shall provide the Secretary and a contractor the Secretary chooses under subsection (c) of this section with access to the construction sites and records of the recipient when reasonably necessary.

"§ 24404. Use of capital grants to finance first-dollar liability of grant project

"Notwithstanding the requirements of section 24402 of this subchapter, the Secretary of Transportation may approve the use of capital assistance under this subchapter to fund self-insured retention of risk for the first tier of liability insurance coverage for rail passenger service associated with the capital assistance grant, but the coverage may not exceed $20,000,000 per occurrence or $20,000,000 in aggregate per year.

"§ 24405. Grant conditions

"(a) DOMESTIC BUYING PREFERENCE.—

"(1) REQUIREMENT.—

"(A) IN GENERAL.—In carrying out a project funded in whole or in part with a grant under this title, the grant recipient shall purchase only—

"(i) unmanufactured articles, material, and supplies mined or produced in the United States; or

"(ii) manufactured articles, material, and supplies manufactured in the United States substantially from articles, material, and supplies mined, produced, or manufactured in the United States.

"(B) DE MINIMIS AMOUNT.—Subparagraph (1) applies only to a purchase in an total amount that is not less than $1,000,000.

"(2) EXEMPTIONS.—On application of a recipient, the Secretary may exempt a recipient from the requirements of this subsection if the Secretary decides that, for particular articles, material, or supplies—

"(A) such requirements are inconsistent with the public interest;

"(B) the cost of imposing the requirements is unreasonable; or

"(C) the articles, material, or supplies, or the articles, material, or supplies from which they are manufactured, are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and are not of a satisfactory quality.

"(3) UNITED STATES DEFINED.—In this subsection, the term 'the United States' means the States, territories, and possessions of the United States and the District of Columbia.

"(b) OPERATORS DEEMED RAIL CARRIERS AND EMPLOYERS FOR CERTAIN PURPOSES.—A person that conducts rail operations over rail infrastructure constructed or improved with funding provided in whole or in part in a grant made under this title shall be considered a rail carrier as defined in section 10102(5) of this title for purposes of this title and any other statute that adopts the that definition or in which that definition applies, including—

"(1) the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.); and

"(2) the Railway Labor Act (43 U.S.C. 151 et seq.).

"(c) GRANT CONDITIONS.—The Secretary shall require as a condition of making any grant under this title for a project that uses rights-of-way owned by a railroad that—

"(1) a written agreement exist between the applicant and the railroad regarding such use and ownership, including—

"(A) any compensation for such use;

"(B) assurances regarding the adequacy of infrastructure capacity to accommodate both existing and future freight and passenger operations; and

"(C) an assurance by the railroad that collective bargaining agreements with the railroad's employees (including terms regulating the contracting of work) will remain in full force and effect according to their terms for work performed by the railroad on the railroad transportation corridor;

"(D) an assurance that an applicant complies with liability requirements consistent with section 28103 of this title; and

"(2) the applicant agrees to comply with—

"(A) the standards of section 24312 of this title, as such section was in effect on September 1, 2003, with respect to the project in the same manner that the National Railroad Passenger Corporation is required to comply with those standards for construction work financed under an agreement made under section 24308(a) of this title; and

"(B) the protective arrangements established under section 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 836) with respect to employees affected by actions taken in connection with the project to be financed in whole or in part by grants under this subchapter.

"(d) REPLACEMENT OF EXISTING INTERCITY PASSENGER RAIL SERVICE.—

"(1) COLLECTIVE BARGAINING AGREEMENT FOR INTERCITY PASSENGER RAIL PROJECTS.—Any entity providing intercity passenger railroad transportation that begins operations after the date of enactment of this Act on a project funded in whole or in part by grants made under this title and replaces intercity rail passenger service that was provided by Amtrak, unless such service was provided solely by Amtrak to another entity, as of such date shall enter into an agreement with the authorized bargaining agent or agents for adversely affected employees of the predecessor provider that—

"(A) gives each such qualified employee of the predecessor provider priority in hiring according to the employee's seniority on the predecessor provider for each position with the replacing entity that is in the employee's craft or class and is available within 3 years after the termination of the service being replaced;

"(B) establishes a procedure for notifying such an employee of such positions;

"(C) establishes a procedure for such an employee to apply for such positions; and

"(D) establishes rates of pay, rules, and working conditions.

"(2) IMMEDIATE REPLACEMENT SERVICE.—

"(A) NEGOTIATIONS.—If the replacement of preexisting intercity rail passenger service occurs concurrent with or within a reasonable time before the commencement of the replacing entity's rail passenger service, the replacing entity shall give written notice of its plan to replace existing rail passenger service to the authorized collective bargaining agent or agents for the potentially adversely affected employees of the predecessor provider at least 90 days before the date on which it plans to commence service. Within 5 days after the date of receipt of such written notice, negotiations between the replacing entity and the collective bargaining agent or agents for the employees of the predecessor provider shall commence for the purpose of reaching agreement with respect to all matters set forth in subparagraphs (A) through (D) of paragraph (1). The negotiations shall continue for 30 days or until an agreement is reached, whichever is sooner. If at the end of 30 days the parties have not entered into an agreement with respect to all such matters, the unresolved issues shall be submitted for arbitration in accordance with the procedure set forth in subparagraph (B).

"(B) ARBITRATION.—If an agreement has not been entered into with respect to all matters set forth in subparagraphs (A) through (D) of paragraph (1) as described in subparagraph (A) of this paragraph, the parties shall select an arbitrator. If the parties are unable to agree upon the selection of such arbitrator within 5 days, either or both parties shall notify the National Mediation Board, which shall provide a list of seven arbitrators with experience in arbitrating rail labor protection disputes. Within 5 days after such notification, the parties shall alternately strike names from the list until only 1 name remains, and that person shall serve as the neutral arbitrator. Within 45 days after selection of the arbitrator, the arbitrator shall conduct a hearing on the dispute and shall render a decision with respect to the unresolved issues among the matters set forth in subparagraphs (A) through (D) of paragraph (1). This decision shall be final, binding, and conclusive upon the parties. The salary and expenses of the arbitrator shall be borne equally by the parties; all other expenses shall be paid by the party incurring them.

"(3) SERVICE COMMENCEMENT.—A replacing entity under this subsection shall commence service only after an agreement is entered into with respect to the matters set forth in subparagraphs (A) through (D) of paragraph (1) or the decision of the arbitrator has been rendered.

"(4) SUBSEQUENT REPLACEMENT OF SERVICE.—If the replacement of existing rail passenger service takes place within 3 years after the replacing entity commences intercity passenger rail service, the replacing entity and the collective bargaining agent or agents for the adversely affected employees of the predecessor provider shall enter into an agreement with respect to the matters set forth in subparagraphs (A) through (D) of paragraph (1). If the parties have not entered into an agreement with respect to all such matters within 60 days after the date on which the replacing entity replaces the predecessor provider, the parties shall select an arbitrator using the procedures set forth in paragraph (2)(B), who shall, within 20 days after the commencement of the arbitration, conduct a hearing and decide all unresolved issues. This decision shall be final, binding, and conclusive upon the parties.

"(e) INAPPLICABILITY TO CERTAIN RAIL OPERATIONS.— Nothing in this section applies to—

"(1) commuter rail passenger transportation (as defined in section 24102(4) of this title) operations of a State or local government authority (as those terms are defined in section 5302(11) and (6), respectively, of this title) eligible to receive financial assistance under section 5307 of this title, or to its contractor performing services in connection with commuter rail passenger operations (as so defined);

"(2) the Alaska Railroad or its contractors; or

"(3) the National Railroad Passenger Corporation's access rights to railroad rights of way and facilities under current law.".

(b) CONFORMING AMENDMENTS.—

(1) The table of chapters for the title is amended by inserting the following after the item relating to chapter 243:

"244. Intercity passenger rail service capital assistance .... 24401".

"(2) The chapter analysis for subtitle V is amended by inserting the following after the item relating to chapter 243:

"244. Intercity passenger rail service capital assistance .... 24401".

SEC. 302. STATE RAIL PLANS.

(a) IN GENERAL.—Part B of subtitle V is amended by adding at the end the following:

"CHAPTER 225. STATE RAIL PLANS AND HIGH PRIORITY PROJECTS

"Sec.
"22501. Definitions
"22502. Authority
"22503. Purposes
"22504. Transparency; coordination; review
"22505. Content
"22506. Review

"§ 22501. Definitions

"In this subchapter:

"(1) PRIVATE BENEFIT.—

"(A) IN GENERAL.—The term 'private benefit'—

"(i) means a benefit accrued to a person or private entity, other than the National Railroad Passenger Corporation, that directly improves the economic and competitive condition of that person or entity through improved assets, cost reductions, service improvements, or any other means as defined by the Secretary; and

"(ii) shall be determined on a project-by-project basis, based upon an agreement between the parties.

"(B) CONSULTATION.—The Secretary may seek the advice of the States and rail carriers in further defining this term.

"(2) PUBLIC BENEFIT.—

"(A) IN GENERAL.—The term 'public benefit'—

"(i) means a benefit accrued to the public in the form of enhanced mobility of people or goods, environmental protection or enhancement, congestion mitigation, enhanced trade and economic development, improved air quality or land use, more efficient energy use, enhanced public safety or security, reduction of public expenditures due to improved transportation efficiency or infrastructure preservation, and any other positive community effects as defined by the Secretary; and

"(ii) shall be determined on a project-by-project basis, based upon an agreement between the parties.

"(B) CONSULTATION.—The Secretary may seek the advice of the States and rail carriers in further defining this term.

"(3) STATE.—The term 'State' means any of the 50 States and the District of Columbia.

"(4) STATE RAIL TRANSPORTATION AUTHORITY.—The term 'State rail transportation authority' means the State agency or official responsible under the direction of the Governor of the State or a State law for preparation, maintenance, coordination, and administration of the State rail plan.".

"§ 22502. Authority

"(a) IN GENERAL.—Each State may prepare and maintain a State rail plan in accordance with the provisions of this subchapter.

"(b) REQUIREMENTS.—For the preparation and periodic revision of a State rail plan, a State shall—

"(1) establish or designate a State rail transportation authority to prepare, maintain, coordinate, and administer the plan;

"(2) establish or designate a State rail plan approval authority to approve the plan;

"(3) submit the State's approved plan to the Secretary of Transportation for review; and

"(4) revise and resubmit a State-approved plan no less frequently than once every 5 years for reapproval by the Secretary.

"§ 22503. Purposes

"(a) PURPOSES.—The purposes of a State rail plan are as follows:

"(1) To set forth State policy involving freight and passenger rail transportation, including commuter rail operations, in the State.

"(2) To establish the period covered by the State rail plan.

"(3) To present priorities and strategies to enhance rail service in the State that benefits the public.

"(4) To serve as the basis for Federal and State rail investments within the State.

"(b) COORDINATION.—A State rail plan shall be coordinated with other State transportation planning goals and programs and set forth rail transportation's role within the State transportation system.

"§ 22504. Transparency; coordination; review

"(a) PREPARATION.—A State shall provide adequate and reasonable notice and opportunity for comment and other input to the public, rail carriers, commuter and transit authorities operating in, or affected by rail operations within the State, units of local government, and other interested parties in the preparation and review of its State rail plan.

"(b) INTERGOVERNMENTAL COORDINATION.—A State shall review the freight and passenger rail service activities and initiatives by regional planning agencies, regional transportation authorities, and municipalities within the State, or in the region in which the State is located, while preparing the plan, and shall include any recommendations made by such agencies, authorities, and municipalities as deemed appropriate by the State.

"§ 22505. Content

"(a) IN GENERAL.—Each State rail plan shall contain the following:

"(1) An inventory of the existing overall rail transportation system and rail services and facilities within the State and an analysis of the role of rail transportation within the State's surface transportation system.

"(2) A review of all rail lines within the State, including proposed high speed rail corridors and significant rail line segments not currently in service.

"(3) A statement of the State's passenger rail service objectives, including minimum service levels, for rail transportation routes in the State.

"(4) A general analysis of rail's transportation, economic, and environmental impacts in the State, including congestion mitigation, trade and economic development, air quality, land-use, energy-use, and community impacts.

"(5) A long-range rail investment program for current and future freight and passenger infrastructure in the State that meets the requirements of subsection (b).

"(6) A statement of public financing issues for rail projects and service in the State, including a list of current and prospective public capital and operating funding resources, public subsidies, State taxation, and other financial policies relating to rail infrastructure development.

"(7) An identification of rail infrastructure issues within the State that reflects consultation with all relevant stake holders.

"(8) A review of major passenger and freight intermodal rail connections and facilities within the State, including seaports, and prioritized options to maximize service integration and efficiency between rail and other modes of transportation within the State.

"(9) A review of publicly funded projects within the State to improve rail transportation safety and security, including all major projects funded under section 130 of title 23.

"(10) A performance evaluation of passenger rail services operating in the State, including possible improvements in those services, and a description of strategies to achieve those improvements.

"(11) A compilation of studies and reports on high-speed rail corridor development within the State not included in a previous plan under this subchapter, and a plan for funding any recommended development of such corridors in the State.

"(12) A statement that the State is in compliance with the requirements of section 22102.

"(b) LONG-RANGE SERVICE AND INVESTMENT PROGRAM.—

"(1) PROGRAM CONTENT.—A long-range rail investment program included in a State rail plan under subsection (a)(5) shall include the following matters:

"(A) A list of any rail capital projects expected to be undertaken or supported in whole or in part by the State.

"(B) A detailed funding plan for those projects.

"(2) PROJECT LIST CONTENT.—The list of rail capital projects shall contain—

"(A) a description of the anticipated public and private benefits of each such project; and

"(B) a statement of the correlation between—

"(i) public funding contributions for the projects; and

"(ii) the public benefits.

"(3) CONSIDERATIONS FOR PROJECT LIST.—In preparing the list of freight and intercity passenger rail capital projects, a State rail transportation authority should take into consideration the following matters:

"(A) Contributions made by non-Federal and non-State sources through user fees, matching funds, or other private capital involvement.

"(B) Rail capacity and congestion effects.

"(C) Effects on highway, aviation, and maritime capacity, congestion, or safety.

"(D) Regional balance.

"(E) Environmental impact.

"(F) Economic and employment impacts.

"(G) Projected ridership and other service measures for passenger rail projects.

"§ 22506. Review

The Secretary shall prescribe procedures for States to submit State rail plans for review under this title, including standardized format and data requirements. State rail plans completed before the date of enactment of the Passenger Rail Investment and Improvement Act of 2005 that substantially meet the requirements of this chapter, as determined by the Secretary, shall be deemed by the Secretary to have met the requirements of this chapter".

(b) CONFORMING AMENDMENTS.—

(1) The table of chapters for the title is amended by inserting the following after the item relating to chapter 223:

"225. State rail plans ....22501".

"(2) The chapter analysis for subtitle V is amended by inserting the following after the item relating to chapter 223:

"225. State rail plans ....24401".

SEC. 303. NEXT GENERATION CORRIDOR TRAIN EQUIPMENT POOL.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, Amtrak shall establish a Next Generation Corridor Equipment Pool Committee, comprised of representatives of Amtrak, the Federal Railroad Administration, and interested States. The purpose of the Committee shall be to design, develop specifications for, and procure standardized next-generation corridor equipment.

(b) FUNCTIONS.—The Committee may—

(1) determine the number of different types of equipment required, taking into account variations in operational needs and corridor infrastructure;

(2) establish a pool of equipment to be used on corridor routes funded by participating States; and

(3) subject to agreements between Amtrak and States, utilize services provided by Amtrak to design, maintain and remanufacture equipment.

(c) COOPERATIVE AGREEMENTS.—Amtrak and States participating in the Committee may enter into agreements for the funding, procurement, remanufacture, ownership and management of corridor equipment, including equipment currently owned or leased by Amtrak and next-generation corridor equipment acquired as a result of the Committee's actions, and may establish a corporation, which may be owned or jointly-owned by Amtrak, participating States or other entities, to perform these functions.

(d) FUNDING.—In addition to the authorization provided in section 105 of this division, capital projects to carry out the purposes of this section shall be eligible for grants made pursuant to chapter 244 of title 49, United States Code.

SEC. 304. FEDERAL RAIL POLICY.

Section 103 is amended—

(1) by inserting "IN GENERAL.—" before "The Federal" in subsection (a);

(2) by striking the second and third sentences of subsection (a);

(3) by inserting "ADMINISTRATOR.—" before "The head" in subsection (b);

(4) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively and by inserting after subsection (b) the following:

"(c) SAFETY.—To carry out all railroad safety laws of the United States, the Administration is divided on a geographical basis into at least 8 safety offices. The Secretary of Transportation is responsible for all acts taken under those laws and for ensuring that the laws are uniformly administered and enforced among the safety offices.";

(5) by inserting "POWERS AND DUTIES.—" before "The" in subsection (d), as redesignated;

(6) by striking "and" after the semicolon in paragraph (1) of subsection (d), as redesignated;

(7) by redesignating paragraph (2) of subsection (d), as redesignated, as paragraph (3) and inserting after paragraph (1) the following:

"(2) the duties and powers related to railroad policy and development under subsection (e); and";

(8) by inserting "TRANSFERS OF DUTY.—" before "A duty" in subsection (e), as redesignated;

(9) by inserting "CONTRACTS, GRANTS, LEASES, COOPERATIVE AGREEMENTS, AND SIMILAR TRANSACTIONS.—" before "Subject" in subsection (f), as redesignated;

(10) by striking the last sentence in subsection (f), as redesignated; and

(11) by adding at the end the following:

"(g) ADDITIONAL DUTIES OF THE ADMINISTRATOR.—The Administrator shall—

"(1) provide assistance to States in developing State rail plans prepared under chapter 225 and review all State rail plans submitted under that section;

"(2) develop a long range national rail plan that is consistent with approved State rail plans and the rail needs of the Nation, as determined by the Secretary in order to promote an integrated, cohesive, efficient, and optimized national rail system for the movement of goods and people;

"(3) develop a preliminary national rail plan within a year after the date of enactment of the Passenger Rail Investment and Improvement Act of 2005;

"(4) develop and enhance partnerships with the freight and passenger railroad industry, States, and the public concerning rail development;

"(5) support rail intermodal development and high-speed rail development, including high speed rail planning;

"(6) ensure that programs and initiatives developed under this section benefit the public and work toward achieving regional and national transportation goals; and

"(7) facilitate and coordinate efforts to assist freight and passenger rail carriers, transit agencies and authorities, municipalities, and States in passenger-freight service integration on shared rights of way by providing neutral assistance at the joint request of affected rail service providers and infrastructure owners relating to operations and capacity analysis, capital requirements, operating costs, and other research and planning related to corridors shared by passenger or commuter rail service and freight rail operations.

"(h) PERFORMANCE GOALS AND REPORTS.—

"(1) PERFORMANCE GOALS.—In conjunction with the objectives established and activities undertaken under section 103(e) of this title, the Administrator shall develop a schedule for achieving specific, measurable performance goals.

"(2) RESOURCE NEEDS.—The strategy and annual plans shall include estimates of the funds and staff resources needed to accomplish each goal and the additional duties required under section 103(e).

"(3) SUBMISSION WITH PRESIDENT'S BUDGET.—Beginning with fiscal year 2007 and each fiscal year thereafter, the Secretary shall submit to Congress, at the same time as the President's budget submission, the Administration's performance goals and schedule developed under paragraph (1), including an assessment of the progress of the Administration toward achieving its performance goals.".

SEC. 305. RAIL COOPERATIVE RESEARCH PROGRAM.

(a) ESTABLISHMENT AND CONTENT.—Chapter 249 is amended by adding at the end the following:

"§ 24910. Rail cooperative research program

"(a) IN GENERAL.—The Secretary shall establish and carry out a rail cooperative research program. The program shall—

"(1) address, among other matters, intercity rail passenger and freight rail services, including existing rail passenger and freight technologies and speeds, incrementally enhanced rail systems and infrastructure, and new high-speed wheel-on-rail systems and rail security;

"(2) address ways to expand the transportation of international trade traffic by rail, enhance the efficiency of intermodal interchange at ports and other intermodal terminals, and increase capacity and availability of rail service for seasonal freight needs;

"(3) consider research on the interconnectedness of commuter rail, passenger rail, freight rail, and other rail networks; and

"(4) give consideration to regional concerns regarding rail passenger and freight transportation, including meeting research needs common to designated high-speed corridors, long-distance rail services, and regional intercity rail corridors, projects, and entities.

"(b) CONTENT.—The program to be carried out under this section shall include research designed—

"(1) to identify the unique aspects and attributes of rail passenger and freight service;

"(2) to develop more accurate models for evaluating the impact of rail passenger and freight service, including the effects on highway and airport and airway congestion, environmental quality, and energy consumption;

"(3) to develop a better understanding of modal choice as it affects rail passenger and freight transportation, including development of better models to predict utilization;

"(4) to recommend priorities for technology demonstration and development;

"(5) to meet additional priorities as determined by the advisory board established under subsection (c), including any recommendations made by the National Research Council;

"(6) to explore improvements in management, financing, and institutional structures;

"(7) to address rail capacity constraints that affect passenger and freight rail service through a wide variety of options, ranging from operating improvements to dedicated new infrastructure, taking into account the impact of such options on operations;

"(8) to improve maintenance, operations, customer service, or other aspects of intercity rail passenger and freight service;

"(9) to recommend objective methodologies for determining intercity passenger rail routes and services, including the establishment of new routes, the elimination of existing routes, and the contraction or expansion of services or frequencies over such routes;

"(10) to review the impact of equipment and operational safety standards on the further development of high speed passenger rail operations connected to or integrated with non-high speed freight or passenger rail operations; and

"(11) to recommend any legislative or regulatory changes necessary to foster further development and implementation of high speed passenger rail operations while ensuring the safety of such operations that are connected to or integrated with non-high speed freight or passenger rail operations.

"(c) ADVISORY BOARD.—

"(1) ESTABLISHMENT.—In consultation with the heads of appropriate Federal departments and agencies, the Secretary shall establish an advisory board to recommend research, technology, and technology transfer activities related to rail passenger and freight transportation.

"(2) MEMBERSHIP.—The advisory board shall include—

"(A) representatives of State transportation agencies;

"(B) transportation and environmental economists, scientists, and engineers; and

"(C) representatives of Amtrak, the Alaska Railroad, freight railroads, transit operating agencies, intercity rail passenger agencies, railway labor organizations, and environmental organizations.

"(d) NATIONAL ACADEMY OF SCIENCES.—The Secretary may make grants to, and enter into cooperative agreements with, the National Academy of Sciences to carry out such activities relating to the research, technology, and technology transfer activities described in subsection (b) as the Secretary deems appropriate.".

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 249 is amended by adding at the end the following:

“24910. Rail cooperative research program”.

TITLE IV—PASSENGER RAIL SECURITY AND SAFETY

SEC. 401. SYSTEMWIDE AMTRAK SECURITY UPGRADES.

(a) IN GENERAL.—Subject to subsection (c) the Secretary of Homeland Security, in consultation with the Secretary of Transportation, is authorized to make grants to Amtrak—

(1) to secure major tunnel access points and ensure tunnel integrity in New York, Baltimore, and Washington, DC;

(2) to secure Amtrak trains;

(3) to secure Amtrak stations;

(4) to obtain a watch list identification system approved by the Secretary;

(5) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(6) to hire additional police and security officers, including canine units;

(7) to expand emergency preparedness efforts; and

(8) for employee security training.

(b) CONDITIONS.—The Secretary of Transportation shall disburse funds to Amtrak provided under subsection (a) for projects contained in a systemwide security plan approved by the Secretary of Homeland Security. The plan shall include appropriate measures to address security awareness, emergency response, and passenger evacuation training.

(c) EQUITABLE GEOGRAPHIC ALLOCATION.—The Secretary shall ensure that, subject to meeting the highest security needs on Amtrak's entire system, stations and facilities located outside of the Northeast Corridor receive an equitable share of the security funds authorized by this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out this section—

(1) $63,500,000 for fiscal year 2006;

(2) $30,000,000 for fiscal year 2007; and

(3) $30,000,000 for fiscal year 2008.

Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. 402. FIRE AND LIFE-SAFETY IMPROVEMENTS.

(a) LIFE-SAFETY NEEDS.—The Secretary of Transportation is authorized to make grants to Amtrak for the purpose of making fire and life-safety improvements to Amtrak tunnels on the Northeast Corridor in New York, NY, Baltimore, MD, and Washington, DC.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation for the purposes of carrying out subsection (a) the following amounts:

(1) For the 6 New York tunnels to provide ventilation, electrical, and fire safety technology upgrades, emergency communication and lighting systems, and emergency access and egress for passengers—

(A) $190,000,000 for fiscal year 2006;

(B) $190,000,000 for fiscal year 2007;

(C) $190,000,000 for fiscal year 2008;

(2) For the Baltimore & Potomac tunnel and the Union tunnel, together, to provide adequate drainage, ventilation, communication, lighting, and passenger egress upgrades—

(A) $19,000,000 for fiscal year 2006;

(B) $19,000,000 for fiscal year 2007;

(C) $19,000,000 for fiscal year 2008;

(3) For the Washington, DC, Union Station tunnels to improve ventilation, communication, lighting, and passenger egress upgrades—

(A) $13,333,000 for fiscal year 2006;

(B) $13,333,000 for fiscal year 2007;

(C) $13,333,000 for fiscal year 2008;

(c) INFRASTRUCTURE UPGRADES.—There are authorized to be appropriated to the Secretary of Transportation for fiscal year 2006 $3,000,000 for the preliminary design of options for a new tunnel on a different alignment to augment the capacity of the existing Baltimore tunnels.

(d) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts made available pursuant to this section shall remain available until expended.

(e) PLANS REQUIRED.—The Secretary may not make amounts available to Amtrak for obligation or expenditure under subsection (a)—

(1) until Amtrak has submitted to the Secretary, and the Secretary has approved, an engineering and financial plan for such projects; and

(2) unless, for each project funded pursuant to this section, the Secretary has approved a project management plan prepared by Amtrak addressing appropriate project budget, construction schedule, recipient staff organization, document control and record keeping, change order procedure, quality control and assurance, periodic plan updates, and periodic status reports.

(f) REVIEW OF PLANS.—The Secretary of Transportation shall complete the review of the plans required by paragraphs (1) and (2) of subsection (e) and approve or disapprove the plans within 45 days after the date on which each such plan is submitted by Amtrak. If the Secretary determines that a plan is incomplete or deficient, the Secretary shall notify Amtrak of the incomplete items or deficiencies and Amtrak shall, within 30 days after receiving the Secretary's notification, submit a modified plan for the Secretary's review. Within 15 days after receiving additional information on items previously included in the plan, and within 45 days after receiving items newly included in a modified plan, the Secretary shall either approve the modified plan, or, if the Secretary finds the plan is still incomplete or deficient, the Secretary shall identify in writing to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure the portions of the plan the Secretary finds incomplete or deficient, approve all other portions of the plan, obligate the funds associated with those other portions, and execute an agreement with Amtrak within 15 days thereafter on a process for resolving the remaining portions of the plan.

(g) FINANCIAL CONTRIBUTION FROM OTHER TUNNEL USERS.—The Secretary shall, taking into account the need for the timely completion of all portions of the tunnel projects described in subsection (a)—

(1) consider the extent to which rail carriers other than Amtrak use or plan to use the tunnels;

(2) consider the feasibility of seeking a financial contribution from those other rail carriers toward the costs of the projects; and

(3) obtain financial contributions or commitments from such other rail carriers at levels reflecting the extent of their use or planned use of the tunnels, if feasible.

SEC. 403. AMTRAK PLAN TO ASSIST FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) IN GENERAL.—Chapter 243 of title 49, United States Code, is amended by adding at the end the following:

“§ 24316. Plans to address needs of families of passengers involved in rail passenger accidents

“(a) SUBMISSION OF PLAN.—Not later than 6 months after the date of the enactment of the Passenger Rail Investment and Improvement Act of 2005, Amtrak shall submit to the Chairman of the National Transportation Safety Board and the Secretary of Transportation a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving an Amtrak intercity train and resulting in a loss of life.

“(b) CONTENTS OF PLANS.—The plan to be submitted by Amtrak under subsection (a) shall include, at a minimum, the following:

“(1) A process by which Amtrak will maintain and provide to the National Transportation Safety Board and the Secretary of Transportation, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The plan shall include a procedure, with respect to unreserved trains and passengers not holding reservations on other trains, for Amtrak to use reasonable efforts to ascertain the number and names of passengers aboard a train involved in an accident.

“(2) A plan for creating and publicizing a reliable, toll-free telephone number within 4 hours after such an accident occurs, and for providing staff, to handle calls from the families of the passengers.

“(3) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, by suitably trained individuals.

“(4) A process for providing the notice described in paragraph (2) to the family of a passenger as soon as Amtrak has verified that the passenger was aboard the train (whether or not the names of all of the passengers have been verified).

“(5) A process by which the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within Amtrak's control; that any possession of the passenger within Amtrak's control will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation; and that any unclaimed possession of a passenger within Amtrak's control will be retained by the rail passenger carrier for at least 18 months.

“(6) A process by which the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

“(7) An assurance that Amtrak will provide adequate training to its employees and agents to meet the needs of survivors and family members following an accident.

“(c) USE OF INFORMATION.—The National Transportation Safety Board, the Secretary of Transportation, and Amtrak may not release to any person information on a list obtained under subsection (b)(1) but may provide information on the list about a passenger to the family of the passenger to the extent that the Board or Amtrak considers appropriate.

“(d) LIMITATION ON LIABILITY.—Amtrak shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of Amtrak in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by Amtrak under subsection (b), unless such liability was caused by Amtrak's conduct.

"(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that Amtrak may take, or the obligations that Amtrak may have, in providing assistance to the families of passengers involved in a rail passenger accident.

"(f) FUNDING.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak $500,000 for fiscal year 2006 to carry out this section. Amounts made available pursuant to this subsection shall remain available until expended.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 243 of title 49, United States Code, is amended by adding at the end the following:

"24316. Plan to assist families of passengers involved in rail passenger accidents.".

SEC. 404. NORTHERN BORDER RAIL PASSENGER REPORT.

Within 180 days after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Homeland Security, the Assistant Secretary of Homeland Security (Transportation Security Administration), heads of other appropriate Federal departments, and agencies and the National Railroad Passenger Corporation, shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that contains—

(1) a description of the current system for screening passengers and baggage on passenger rail service between the United States and Canada;

(2) an assessment of the current program to provide preclearance of airline passengers between the United States and Canada as outlined in "The Agreement on Air Transport Preclearance between the Government of Canada and the Government of the United States of America", dated January 18, 2001;

(3) an assessment of the current program to provide preclearance of freight railroad traffic between the United States and Canada as outlined in the "Declaration of Principle for the Improved Security of Rail Shipments by Canadian National Railway and Canadian Pacific Railway from Canada to the United States", dated April 2, 2003;

(4) information on progress by the Department of Homeland Security and other Federal agencies towards finalizing a bilateral protocol with Canada that would provide for preclearance of passengers on trains operating between the United States and Canada;

(5) a description of legislative, regulatory, budgetary, or policy barriers within the United States Government to providing prescreened passenger lists for rail passengers traveling between the United States and Canada to the Department of Homeland Security;

(6) a description of the position of the Government of Canada and relevant Canadian agencies with respect to preclearance of such passengers;

(7) a draft of any changes in existing Federal law necessary to provide for pre-screening of such passengers and providing prescreened passenger lists to the Department of Homeland Security; and

(8) an analysis of the feasibility of reinstating United States Customs and Border Patrol rolling inspections onboard international Amtrak trains.

SEC. 405. PASSENGER, BAGGAGE, AND CARGO SCREENING.

(a) REQUIREMENT FOR STUDY AND REPORT.—The Secretary of Homeland Security, in cooperation with the Secretary of Transportation through the Assistant Secretary of Homeland Security (Transportation Security Administration) and other appropriate agencies, shall—

(1) study the cost and feasibility of requiring security screening for passengers, baggage, and cargo on passenger trains including an analysis of any passenger train screening pilot programs undertaken by the Department of Homeland Security; and

(2) report the results of the study, together with any recommendations that the Secretary of Homeland Security may have for implementing a rail security screening program to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 1 year after the date of enactment of this Act.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security $1,000,000 for fiscal year 2006 to carry out this section.

MOTION OFFERED BY MR. NUSSLE

Mr. NUSSLE. Mr. Speaker, pursuant to House Resolution 560, I offer a motion.

The Clerk read as follows:

Mr. Nussle moves to strike all after the enacting clause of S. 1932, and insert in lieu thereof the provisions of H.R. 4241 as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 2528, MILITARY QUALITY OF LIFE AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2006

Mr. WALSH submitted the following conference report and statement on the bill (H.R. 2528) making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, and for other purposes:

CONFERENCE REPORT (H. REPT. 109–305)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2528) "making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies, for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

(INCLUDING RESCISSIONS OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $1,775,260,000, to remain available until September 30, 2010: Provided, That of this amount, not to exceed $170,021,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That of the funds provided, $50,000,000, to remain available until September 30, 2007, shall be for overhead cover systems to support force protection activities in Iraq: Provided further, That of the funds appropriated for "Military Construction, Army" under Public Law 107–249, $3,046,000 are hereby rescinded: Provided further, That of the funds appropriated for "Military Construction, Army" under Public Law 108–324, $16,700,000 are hereby rescinded.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

(INCLUDING RESCISSIONS OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $1,157,141,000, to remain available until September 30, 2010: Provided, That of this amount, not to exceed $34,893,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That of the funds appropriated for "Military Construction, Navy and Marine Corps" under Public Law 108–132, $5,767,000 are hereby rescinded: Provided further, That of the funds appropriated for "Military Construction, Navy and Marine Corps" under Public Law 108–324, $44,270,000 are hereby rescinded.

MILITARY CONSTRUCTION, AIR FORCE

(INCLUDING RESCISSIONS OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $1,288,530,000, to remain available until September 30, 2010: Provided, That of this amount, not to exceed $95,537,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That of the funds appropriated for "Military Construction, Air Force" under Public Law 108–11, $13,000,000 are hereby rescinded: Provided further, That of the funds appropriated for "Military Construction, Air

Force" under Public Law 108–132, $6,600,000 are hereby rescinded: Provided further, That of the funds appropriated for "Military Construction, Air Force" under Public Law 108–324, $9,500,000 are hereby rescinded: Provided further, That of the funds appropriated for "Military Construction, Air Force" under Public Law 109–13, $46,500,000 are hereby rescinded.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $1,008,855,000, to remain available until September 30, 2010: Provided, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided further, That of the amount appropriated, not to exceed $136,406,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That of the funds appropriated for "Military Construction, Defense-Wide" under Public Law 108–324, $20,000,000 are hereby rescinded.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $523,151,000, to remain available until September 30, 2010.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

(INCLUDING RESCISSION OF FUNDS)

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $316,117,000, to remain available until September 30, 2010: Provided, That of the funds appropriated for "Military Construction, Air National Guard" under Public Law 108–324, $13,700,000 are hereby rescinded.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $152,569,000, to remain available until September 30, 2010.

MILITARY CONSTRUCTION, NAVAL RESERVE

(INCLUDING RESCISSIONS OF FUNDS)

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $46,864,000, to remain available until September 30, 2010: Provided, That of the funds appropriated for "Military Construction, Naval Reserve" under Public Law 108–132, $5,368,000 are hereby rescinded: Provided further, That of the funds appropriated for "Military Construction, Naval Reserve" under Public Law 108–324, $11,192,000 are hereby rescinded.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

(INCLUDING RESCISSION OF FUNDS)

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $105,883,000, to remain available until September 30, 2010: Provided, That of the funds appropriated for "Military Construction, Air Force Reserve" under Public Law 108–324, $13,815,000 are hereby rescinded.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

(INCLUDING RESCISSION OF FUNDS)

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts, $206,858,000, to remain available until expended: Provided, That of the funds appropriated for "North Atlantic Treaty Organization Security Investment Program" under Public Law 108–324, $30,000,000 are hereby rescinded.

FAMILY HOUSING CONSTRUCTION, ARMY

(INCLUDING RESCISSION OF FUNDS)

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $549,636,000, to remain available until September 30, 2010: Provided, That of the funds appropriated for "Family Housing Construction, Army" under Public Law 108–324, $16,000,000 are hereby rescinded.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $803,993,000.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $218,942,000, to remain available until September 30, 2010.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $588,660,000.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

(INCLUDING RESCISSIONS OF FUNDS)

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $1,101,887,000, to remain available until September 30, 2010: Provided, That of the funds appropriated for "Family Housing Construciton, Air Force" under Public Law 107–249, $7,700,000 are hereby rescinded: Provided further, That of the funds appropriated for "Family Housing Construction, Air Force" under Public Law 108–132, $4,500,000 are hereby rescinded: Provided further, That of the funds appropriated for "Family Housing Construction, Air Force" under Public Law 108–324, $31,700,000 are hereby rescinded.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $766,939,000.

FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, $46,391,000.

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, $2,500,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990

For deposit into the Department of Defense Base Closure Account 1990, established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $254,827,000, to remain available until expended.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $1,504,466,000, to remain available until expended: Provided, That these funds may not be obligated or expended until the Secretary of Defense submits to the congressional defense committees and receives approval of a report describing the specific programs, projects, and activities for which such funds are to be obligated.

ADMINISTRATIVE PROVISIONS

SEC. 101. None of the funds made available in this title shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds made available in this title for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds made available in this title for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds made available in this title may be used to begin construction of new bases in the United States for which specific appropriations have not been made.

SEC. 105. None of the funds made available in this title shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or the designee of the Attorney General; (3) where the estimated value is less than $25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds made available in this title shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Acts making appropriations for military construction.

SEC. 107. None of the funds made available in this title for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 108. None of the funds made available in this title may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds made available in this title may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 111. None of the funds made available in this title may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any North Atlantic Treaty Organization member country, or in countries bordering the Arabian Sea, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds made available in this title for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Sea, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: Provided, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: Provided further, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense is to inform the appropriate committees of both Houses of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

SEC. 114. Not more than 20 percent of the funds made available in this title which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.

(TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds made available to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were made available, if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

SEC. 118. The Secretary of Defense is to provide the Committees on Appropriations of both Houses of Congress with an annual report by February 15, containing details of the specific actions proposed to be taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization, Japan, Korea, and United States allies bordering the Arabian Sea to assume a greater share of the common defense burden of such nations and the United States.

(TRANSFER OF FUNDS)

SEC. 119. In addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to be merged with, and to be available for the same purposes and the same time period as that account.

(TRANSFER OF FUNDS)

SEC. 120. Subject to 30 days prior notification to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of Defense may be transferred to: (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in "Family Housing" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in "Military Construction" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: Provided, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

SEC. 121. None of the funds made available in this title may be obligated for Partnership for Peace Programs in the New Independent States of the former Soviet Union.

SEC. 122. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the Committees on Appropriations of both Houses of Congress the notice described in subsection (b).

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

(B) a reduction in force of units stationed at such installation; or

(C) the extended deployment overseas of units stationed at such installation.

(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

(TRANSFER OF FUNDS)

SEC. 123. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the account established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 124. Notwithstanding this or any other provision of law, funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: Provided, That not more than $35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: Provided further, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of both Houses of Congress all operation and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year.

SEC. 125. None of the funds made available in this title under the heading "North Atlantic Treaty Organization Security Investment Program", and no funds appropriated for any fiscal year before fiscal year 2006 for that program that remain available for obligation, may be obligated or expended for the conduct of studies of missile defense.

SEC. 126. Whenever the Secretary of Defense or any other official of the Department of Defense is requested by the subcommittee on Military Quality of Life and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives or the subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate to respond to a question or inquiry submitted by the chairman or another member of that subcommittee pursuant to a subcommittee hearing or other activity, the Secretary (or other official) shall respond to the request, in writing, within 21 days of the date on which the request is transmitted to the Secretary (or other official).

SEC. 127. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United States Code, are appropriated and shall be available until expended for the purposes specified in subsection (i)(1) of such section or until transferred pursuant to subsection (i)(3) of such section.

(TRANSFER OF FUNDS)

SEC. 128. None of the funds made available in this title, or in any Act making appropriations for military construction which remain available for obligation, may be obligated or expended to carry out a military construction, land acquisition, or family housing project at or for a military installation approved for closure, or at a military installation for the purposes of supporting a function that has been approved for realignment to another installation, in 2005 under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), unless such a project at a military installation approved for realignment will support a new mission or function that is planned for that installation, or unless the Secretary of Defense certifies that the cost to the United States of carrying out such project would be less than the cost to the United States of cancelling such project, or if the project is at an active component base that shall be established as an enclave or in the case of projects having multi-agency use, that another Government agency has indicated it will assume ownership of the completed project. The Secretary of Defense may not transfer funds made available as a result of this limitation from any military construction project, land acquisition, or family housing project to another account or use such funds for another purpose or project without the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 129. (a) Of the amount in the Department of Defense Base Closure Account 1990 under section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) that is derived from the disposal of Department of the Navy property under that Act, not less than $300,000,000 shall be available exclusively to the Department of the Navy for the costs of environmental restoration and property management and disposal of property at installations of the Department of the Navy closed or realigned under that Act.

(b) The amount available under subsection (a) shall remain available for the costs specified in that subsection until expended.

(c) Not later than 45 days after the date of enactment of this Act, the Secretary of the Navy shall submit to the Committees on Appropriations of both Houses of Congress, a report containing a plan for the use of the funds made available under subsection (a) for environmental restoration, and for property management and disposal, at covered Navy installations, including specific sites and work to be accomplished at those sites. None of the funds made available under subsection (a) shall be obligated until both of such committees approve such report or the expiration of the 30-day period beginning on the date such committees receive such report, whichever occurs earlier.

Sec. 130. Not later than 45 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the Committees on Appropriations of both Houses of Congress, a report containing a housing plan for Spangdahlem Air Base, Germany, as outlined in the Statement of Managers accompanying the Conference report for H.R. 2528 of the 109th Congress. None of the funds made available in this title shall be used for the construction of family housing at Spangdahlem Air Base, Germany, until both of such committees approve such report or the expiration of the 30-day period beginning on the date such committees receive such report, whichever occurs earlier.

TITLE II

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, the Reinstated Entitlement Program for Survivors, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of title IV of the Servicemembers Civil Relief Act (50 U.S.C. App. 540 et seq.) and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), $33,897,787,000, to remain available until expended: Provided, That not to exceed $23,491,000 of the amount appropriated under this heading shall be reimbursed to "General operating expenses" and "Medical administration" for necessary expenses in implementing the provisions of chapters 51, 53, and 55 of title 38, United States Code, the funding source for which is specifically provided as the "Compensation and pensions" appropriation: Provided further, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical care collections fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61), $3,309,234,000, to remain available until expended: Provided, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under section 3104(a) of title 38 United States Code, other than under subsection (a)(1), (2), (5), and (11) of that section, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by title 38, United States Code, chapter 19; 70 Stat. 887; 72 Stat. 487, $45,907,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by chapter 37 of title 38, United States Code: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That during fiscal year 2006, within the resources available, not to exceed $500,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $153,575,000, which may be transferred to and merged with the appropriation for "General operating expenses".

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $53,000, as authorized by chapter 31 of title 38, United States Code: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed $4,242,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $305,000, which may be transferred to and merged with the appropriation for "General operating expenses".

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by subchapter V of chapter 37 of title 38, United States Code, $580,000, which may be transferred to and merged with the appropriation for "General operating expenses": Provided, That no new loans in excess of $30,000,000 may be made in fiscal year 2006.

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

For the administrative expenses to carry out the guaranteed transitional housing loan program authorized by subchapter VI of chapter 37 of title 38, United States Code, not to exceed $750,000 of the amounts appropriated by this Act for "General operating expenses" and "Medical administration" may be expended.

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment and salaries and expenses of health-care employees hired under title 38, United States Code, and aid to State homes as authorized by section 1741 of title 38, United States Code; $22,547,141,000, plus reimbursements, of which not less than $2,200,000,000 shall be expended for specialty mental health care: Provided, That $1,225,000,000 of the amount provided under this heading is designated by the Congress as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006; Provided further, That such $1,225,000,000 shall be available only if an official budget request is transmitted by the President to the Congress that revises the President's budget amendment of July 14, 2005, to designate the entire $1,225,000,000 as an emergency requirement: Provided further, That of the funds made available under this heading, not to exceed $1,100,000,000 shall be available until September 30, 2007: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for treatment for veterans who are service-connected disabled, lower income, or have special needs: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: Provided further, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs: Provided further, That for the Department of Defense/Department of Veterans Affairs Health Care Sharing Incentive Fund, as authorized by section 721 of Public Law 107–314, a minimum of $15,000,000, to remain available until expended, for any purpose authorized by section 8111 of title 38, United States Code.

MEDICAL ADMINISTRATION

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; uniforms or allowances therefor, as authorized by sections 5901–5902 of title 5, United States Code; and administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.); $2,858,442,000, plus reimbursements, of which $250,000,000 shall be available until September 30, 2007.

MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities and other necessary facilities for the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering and architectural activities not charged to project costs; for repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry and food services, $3,297,669,000, plus reimbursements, of which $250,000,000 shall be available until September 30, 2007.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, to remain available until September 30, 2007, $412,000,000, plus reimbursements, of which not less than $15,000,000 shall be used for Gulf War Illness research.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-Wide capital planning, management and policy activities, uniforms or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, $1,410,520,000: Provided, That expenses for services and assistance authorized under paragraphs (1), (2), (5), and (11) of section 3104(a) of title 38, United States Code, that the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: Provided further, That the Veterans Benefits Administration shall be funded at not less than $1,053,938,000: Provided further, That of the funds made available under this heading, not to exceed $70,000,000 shall be available for obligation until September 30, 2007: Provided further, That from the funds made available under this heading, the Veterans Benefits Administration may purchase up to two passenger motor vehicles for use in operations of that Administration in Manila, Philippines.

INFORMATION TECHNOLOGY SYSTEMS

For necessary expenses for information technology systems and telecommunications support, including developmental information systems and operational information systems; for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by chapter 3109 of title 5, United States Code, $1,213,820,000, to remain available until September 30, 2007: Provided, That none of these funds may be obligated until the Department of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget; (2) complies with the Department of Veterans Affairs enterprise architecture; (3) conforms with an established enterprise life cycle methodology; and (4) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government: Provided further, That within 30 days of enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a reprogramming base letter which provides, by project, the costs included in this appropriation.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; and hire of passenger motor vehicles, $156,447,000: Provided, That of the funds made available under this heading, not to exceed $7,800,000 shall be available until September 30, 2007.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $70,174,000, to remain available until September 30, 2007.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities including parking projects under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, construction management services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds for a project were made available in a previous major project appropriation, $607,100,000, to remain available until expended, of which $532,010,000 shall be for Capital Asset Realignment for Enhanced Services (CARES) activities; and of which $2,500,000 shall be to make reimbursements as provided in section 13 of the Contract Disputes Act of 1978 (41 U.S.C. 612) for claims paid for contract disputes: Provided, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, such as portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund and CARES funds, including needs assessments which may or may not lead to capital investments, none of the funds appropriated under this heading shall be used for any project which has not been approved by the Congress in the budgetary process: Provided further, That funds provided in this appropriation for fiscal year 2006, for each approved project (except those for CARES activities referenced above) shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2006; and (2) by the awarding of a construction contract by September 30, 2007: Provided further, That the Secretary of Veterans Affairs shall promptly report in writing to the Committees on Appropriations of both Houses of Congress any approved major construction project in which obligations are not incurred within the time limitations established above: Provided further, That none of the funds in this or any other Act may be used to reduce the mission, services or infrastructure, including land, of the 18 facilities on the Capital Asset Realignment for Enhanced Services (CARES) list requiring further study as specified by the Secretary of Veterans Affairs without prior approval of the Committees on Appropriations of both Houses of Congress.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities including parking projects under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is equal to or less than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, $198,937,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in such section, of which $155,000,000 shall be for Capital Asset Realignment for Enhanced Services (CARES) activities: Provided, That funds in this account shall be available for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by sections 8131–8137 of title 38, United States Code, $85,000,000, to remain available until expended.

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veterans cemeteries as authorized by section 2408 of title 38, United States Code, $32,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. Any appropriation for fiscal year 2006 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred as necessary to any other of the mentioned appropriations: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of *both Houses of Congress the authority to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed.*

SEC. 202. Appropriations available in this title for salaries and expenses shall be available for services authorized by section 3109 of title 5, United States Code, hire of passenger motor vehicles; lease of a facility or land or both; and uniforms or allowances therefore, as authorized by sections 5901–5902 of title 5, United States Code.

SEC. 203. No appropriations in this title (except the appropriations for "Construction, major projects", and "Construction, minor projects") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 204. No appropriations in this title shall be available for hospitalization or examination of any persons (except beneficiaries entitled under the laws bestowing such benefits to veterans, and persons receiving such treatment under sections 7901–7904 of title 5, United States Code or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)), unless reimbursement of cost is made to the "Medical services" account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 205. Appropriations available in this title for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2005.

SEC. 206. Appropriations available in this title shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from sections 3328(a), 3334, and 3712(a) of title 31, United States Code, except that if such obligations are from trust fund accounts they shall be payable from "Compensation and pensions".

SEC. 207. Notwithstanding any other provision of law, during fiscal year 2006, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the "General operating expenses" account for the cost of administration of the insurance programs financed through those accounts: Provided, That reimbursement shall be made only from the surplus earnings accumulated in an insurance program in fiscal year 2006 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: Provided further, That if the cost of administration of an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: Provided further, That the Secretary shall determine the cost of administration for fiscal year 2006 which is properly allocable to the provision of each insurance program and to the provision of any total disability income insurance included in such insurance program.

SEC. 208. The paragraph under the heading "Franchise Fund" in title I of Public Law 104–204 (31 U.S.C. 501 note) is amended—

(1) by striking "franchise fund pilot, as authorized by section 403 of Public Law 103–356, to be available as provided in such section" and inserting "Department of Veterans Affairs franchise fund, to be available without fiscal year limitation"; and

(2) by striking the final proviso.

SEC. 209. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

SEC. 210. Funds available in this title or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management and the Office of Employment Discrimination Complaint Adjudication for all services provided at rates which will recover actual costs but not exceed $29,758,000 for the Office of Resolution Management and $3,059,000 for the Office of Employment and Discrimination Complaint Adjudication: Provided, That payments may be made in advance for services to be furnished based on estimated costs: Provided further, That amounts received shall be credited to "General operating expenses" for use by the office that provided the service.

SEC. 211. No appropriations in this title shall be available to enter into any new lease of real property if the estimated annual rental is more than $300,000 unless the Secretary submits a report which the Committees on Appropriations of both Houses of Congress approve within 30 days following the date on which the report is received.

SEC. 212. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: Provided, That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services from any person who does not make such disclosure as required: Provided further, That any amounts so recovered for care or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.

SEC. 213. Notwithstanding any other provision of law, at the discretion of the Secretary of Veterans Affairs, proceeds or revenues derived from enhanced-use leasing activities (including disposal) may be deposited into the "Construction, major projects" and "Construction, minor projects" accounts and be used for construction (including site acquisition and disposition), alterations and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in "Construction, major projects" and "Construction, minor projects".

SEC. 214. Amounts made available under "Medical services" are available—

(1) for furnishing recreational facilities, supplies, and equipment; and

(2) for funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the Department.

(INCLUDING TRANSFER OF FUNDS)

SEC. 215. That such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, may be transferred to "Medical services", to remain available until expended for the purposes of this account.

(INCLUDING TRANSFER OF FUNDS)

SEC. 216. Amounts made available for fiscal year 2006 under the "Medical services", "Medical administration", and "Medical facilities" accounts may be transferred among the accounts to the extent necessary to implement the restructuring of the Veterans Health Administration accounts: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

(INCLUDING TRANSFER OF FUNDS)

SEC. 217. Any appropriation for fiscal year 2006 for the Veterans Benefits Administration made available under the heading "General operating expenses" may be transferred to the "Veterans Housing Benefit Program Fund Program Account" for the purpose of providing funds for the nationwide property management contract if the administrative costs of such contract exceed $8,800,000 in the fiscal year.

SEC. 218. Notwithstanding any other provision of law, the Secretary of Veterans Affairs shall allow veterans eligible under existing Department of Veterans Affairs medical care requirements and who reside in Alaska to obtain medical care services from medical facilities supported by the Indian Health Service or tribal organizations. The Secretary shall: (1) limit the application of this provision to rural Alaskan veterans in areas where an existing Department of Veterans Affairs facility or Veterans Affairs-contracted service is unavailable; (2) require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Secretary; (3) require this provision to be consistent with Capital Asset Realignment for Enhanced Services activities; and (4) result in no additional cost to the Department of Veterans Affairs or the Indian Health Service.

(INCLUDING TRANSFER OF FUNDS)

SEC. 219. That such sums as may be deposited to the Department of Veterans Affairs Capital Asset Fund pursuant to section 8118 of title 38, United States Code, may be transferred to the "Construction, major projects" and "Construction, minor projects" accounts, to remain available until expended for the purposes of these accounts.

SEC. 220. None of the funds available to the Department of Veterans Affairs, in this Act or any other Act, may be used to replace the current system by which the Veterans Integrated Service Networks select and contract for diabetes monitoring supplies and equipment.

SEC. 221. None of the funds made available in this Act may be used to implement any policy prohibiting the Directors of the Veterans Integrated Service Networks from conducting outreach or marketing to enroll new veterans within their respective Networks.

SEC. 222. The Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a quarterly report on the financial status of the Veterans Health Administration.

SEC. 223. None of the funds made available in this Act or any other Act may be used—

(1) with respect to the 2,100 compensation cases identified in the Scope and Methodology description in VA Inspector General Report No. 05-00765-137 as having been reviewed by the Office of Inspector General—

(A) to retroactively revoke or reduce a veteran's disability compensation payments for post traumatic stress disorder based on a finding that the Department of Veterans Affairs failed to collect justifying documentation unless the award of compensation was the direct result of fraud by the applicant; or

(B) to prospectively revoke or reduce a veteran's disability compensation payments for post traumatic stress disorder, based on a finding that the Department of Veterans Affairs failed to collect justifying documentation, effective before the date on which the veteran's time to exhaust all available administrative and judicial appeals has expired or such administrative and judicial appeals are finally decided; or

(2) for the implementation of Recommendation 3 of VA Inspector General Report No. 05-00765-137 or any related review and investigation of post traumatic stress, individual unemployability, and schedular 100 percent ratings cases, until the Department of Veterans Affairs reports to the Committees on Appropriations of both Houses of Congress on its plans for implementing this recommendation, and outlines the staffing and funding requirements.

SEC. 224. CLINICAL TRAINING AND PROTOCOLS. (a) FINDINGS.—Congress finds that—

(1) the Iraq War Clinician Guide has tremendous value; and

(2) the Secretary of Defense and the National Center on Post Traumatic Stress Disorder should continue to work together to ensure that the mental health care needs of servicemembers and veterans are met.

(b) COLLABORATION.—The National Center on Post Traumatic Stress Disorder shall collaborate with the Secretary of Defense—

(1) to enhance the clinical skills of military clinicians through training, treatment protocols, web-based interventions, and the development of evidence-based interventions; and

(2) to promote pre-deployment resilience and post-deployment readjustment among servicemembers serving in Operation Iraqi Freedom and Operation Enduring Freedom.

(c) TRAINING.—The National Center on Post Traumatic Stress Disorder shall work with the Secretary of Defense to ensure that clinicians in the Department of Defense are provided with the training and protocols developed pursuant to subsection (b)(1).

(INCLUDING TRANSFER OF FUNDS)

SEC. 225. Amounts made available under the "Medical administration", "Medical services", "Medical facilities", "General operating expenses", "National Cemetery Administration" and "Office of Inspector General" accounts for fiscal year 2006, may be transferred to or from the "Information technology systems" account: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

(INCLUDING TRANSFER OF FUNDS)

SEC. 226. For purposes of perfecting the funding sources of the Department of Veterans Affairs' new "Information technology systems" account, funds made available for fiscal year 2006 may be transferred from the "General operating expenses", "National Cemetery Administration", and "Office of Inspector General" accounts to the "Medical administration" account: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

(INCLUDING TRANSFER OF FUNDS)

SEC. 227. Amounts made available for the "Information technology systems" account may be transferred between projects: Provided, That no project may be increased or decreased by more than $1,000,000 of cost prior to submitting a request to the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed.

SEC. 228. The Department of Veterans Affairs shall conduct an information campaign in States with an average annual disability compensation payment of less than $7,300 (according to the report issued by the Department of Veterans Affairs Office of Inspector General on May 19, 2005), to inform all veterans receiving disability compensation, by direct mail, of the history of below average disability compensation payments to veterans in such States, and to provide all veterans in each such State, through broadcast or print advertising, with the aforementioned historical information and instructions for submitting new claims and requesting review of past disability claims and ratings.

SEC. 229. Of the funds available to the Department of Veterans Affairs in this Act or any other Act, no more than $50,000,000 shall be available for the HealtheVetVista project, for fiscal year 2006: Provided, That none of the funds made available for the HealtheVetVista project may be obligated until the Committees on Appropriations of both Houses of Congress approve a financial expenditure plan for the entire project.

SEC. 230. The authority provided by section 2011 of title 38, United States Code, shall continue in effect through September 30, 2006.

TITLE III

RELATED AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; not to exceed $7,500 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $36,250,000, to remain available until expended.

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, $15,250,000, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by sections 7251-7298 of title 38, United States Code, $18,795,000, of which $1,260,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed $1,000 for official reception and representation expenses, $29,050,000, to remain available until expended. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the Lease of Department of Defense Real Property for Defense Agencies account.

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington, District of Columbia and the Armed Forces Retirement Home—Gulfport, Mississippi, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $58,281,000, of which $1,248,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington, District of Columbia and the Armed Forces Retirement Home—Gulfport, Mississippi.

TITLE IV

GENERAL PROVISIONS

SEC. 401. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 402. Such sums as may be necessary for fiscal year 2006 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 403. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 404. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before Congress, except in presentation to Congress itself.

SEC. 405. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of "E-Commerce" technologies and procedures in the conduct of their business practices and public service activities.

SEC. 406. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 407. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Quality of Life and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

SEC. 408. (a) Section 613 of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006, is amended by striking "the United States-China Economic and Security Review Commission", and inserting in lieu thereof "a grant for the Trade Lawyers Advisory Group".

(b) The amendment made by paragraph (1) shall take effect on the date of enactment of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006.

This Act may be cited as the "Military Construction, Military Quality of Life and Veterans Affairs Appropriations Act, 2006".

And the Senate agree to the same.

That the Senate recede from its amendment to the title of the bill.

JAMES T. WALSH,
ROBERT B. ADERHOLT,
ANNE M. NORTHUP,
MICHAEL K. SIMPSON,
ANDER CRENSHAW,
C.W. BILL YOUNG,
MARK STEVEN KIRK,
DENNIS R. REHBERG,
JOHN CARTER,
JERRY LEWIS,
CHET EDWARDS,
SAM FARR,
ALLEN BOYD,
SANFORD D. BISHOP, Jr.,
DAVID E. PRICE,

ROBERT E. CRAMER, JR.,
DAVID R. OBEY.
Managers on the Part of the House.

KAY BAILEY HUTCHISON,
CONRAD BURNS,
LARRY CRAIG,
MIKE DEWINE,
SAM BROWNBACK,
WAYNE ALLARD,
MITCH MCCONNELL,
THAD COCHRAN,
DIANNE FEINSTEIN,
DANIEL K. INOUYE,
TIM JOHNSON,
MARY L. LANDRIEU,
ROBERT C. BYRD,
PATTY MURRAY,
PATRICK LEAHY.
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2528) making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, submit the following joint statement to the House of Representatives and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The Senate amended the House bill with two amendments. The Senate amendment to the text deleted the entire House bill after the enacting clause and inserted the Senate bill. The conference agreement includes a revised bill.

The Senate amended the title of the House bill. The conference agreement adopts the title of the bill as proposed by the House.

ITEMS OF GENERAL INTEREST

Matters Addressed by Only One Committee.—The language and allocations set forth in House Report 109–95 and Senate Report 109–105 should be complied with unless specifically addressed to the contrary in the conference report and statement of the managers. Report language included by the House, which is not changed by the report of the Senate or the conference, and Senate report language, which is not changed by the conference is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein. In cases where the House or the Senate have directed the submission of a report, such report is to be submitted to both Houses of Congress.

Timely Submissions of Military Construction Reprogramming Requests.—The conferees regret that submissions of military construction reprogramming requests to Congress are often delayed. Such delays are of particular concern when projects carry bid expiration deadlines, which can lead to increased costs when those deadlines are not met. Therefore, the conferees direct the Comptroller of the Department of Defense to ensure reprogramming requests are processed expeditiously to allow Congress sufficient time to consider and act upon such requests.

Impact of Natural Disasters on Military Construction Costs.—The conferees are aware that military construction costs have increased in the United States due to reduced contractor availability and increased competition, as well as increased prices for certain materials, as a result of recent natural disasters. The conferees are additionally concerned that damage and reconstruction requirements caused by these natural disasters will seriously exacerbate this problem. Therefore, the conferees direct the Department of Defense to account for the potential increased cost to military construction projects in the fiscal year 2007 budget request. Further, the Assistant Secretary of each military department with responsibility for installations and the head of each Defense agency should certify that such costs have been taken into account upon the submission of the Administration's fiscal year 2007 military construction budget request.

Revisions to CENTCOM Master Plan.—The conferees have rescinded funds for the repair of an airfield at Karshi-Khanabad Air Base, Uzbekistan, because access to that base is no longer available to the United States. The conferees understand that revisions to the Central Command (CENTCOM) master plan, submitted to Congress in 2005, have already been made for Iraq, and the conferees believe that the loss of access rights in Uzbekistan will require further revisions to the plan. The conferees emphasize that it is the duty of CENTCOM to keep the congressional defense committees apprised of any changes to this plan and direct CENTCOM to report to the Committees on Appropriations of both Houses of Congress on changes made since its original submission no later than January 31, 2006.

Submission of Defense-Wide Military Construction Future Years Defense Plan.—The conferees clarify that Military Construction, Defense-Wide is not exempt from the Future Years Defense Program (FYDP) submission requirements of 10 U.S.C. 221. The conferees direct the Department of Defense to submit the FYDP for the Defense-Wide military construction budget with the fiscal year 2007 request.

Military Construction and Global Rebasing.—The conferees are aware that the Army spent approximately $71,400,000 of fiscal year 2005 operation and maintenance funds on the renovation of 14 "rolling-pin" barracks at Fort Carson, Colorado, to accommodate soldiers of the 2nd Brigade, 2nd Infantry Division, which was restationed from Korea as part of the Department of Defense's Integrated Global Presence and Basing Strategy (IGPBS). The Army indicated that the expected life cycle of these renovated barracks is 15–20 years and asserted that, at a cost of approximately $41,000 per soldier, renovated barracks are more cost-efficient than new construction, at a cost of approximately $71,000 per soldier. The conferees note that given the Department of Defense's recapitalization goal of 67 years, the comparable cost of the renovated barracks is likely to be much higher. The Army, however, further indicated that the overriding factor was not cost efficiency, but expediency, which raises another concern of the conferees. Costs associated with IGPBS and the modularity initiative should not be funded solely through supplemental appropriations and reprogrammings, but rather should be considered through the regular authorization and appropriations process. The conferees therefore direct the Department of Defense to integrate IGPBS, and the Army's modularity initiative, with the regular military construction program beginning with its fiscal year 2007 budget submission.

TITLE I

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

(INCLUDING RESCISSIONS)

The conference agreement appropriates $1,775,260,000 for Military Construction, Army, instead of $1,652,552,000 as proposed by the House and $1,640,641,000 as proposed by the Senate. Within this amount, the conference agreement provides $170,021,000 for study, planning, design, architect and engineer services, and host nation support instead of $168,804,000 as proposed by the House and $179,343,000 as proposed by the Senate. The agreement also includes $50,000,000 for force protection activities in Iraq as proposed by the House. The Senate bill contained no similar provision.

The conference agreement also rescinds $3,046,000 from Public Law 107–249 and $16,700,000 from Public Law 108–324. The conferees direct the Army to submit by March 31, 2006 a report describing how the rescissions of funds in this Act will be applied. This report shall list, by project, the amount of funds to be sourced to such rescissions.

The conference agreement does not include language proposed by the Senate to designate funding for two projects. The agreement addresses this language in the attached detail table by State. The House bill contained no similar provision.

Of the funds provided for planning and design in this account, the conferees direct that $90,000 be made available for the planning and design of the land purchase, Main Gate, Yakima Training Center, Washington.

Of the funds provided for minor construction in this account, the conferees direct that $1,100,000 be made available for the construction of a high explosive magazine at McAlester Army Ammunition Plant, Oklahoma.

Of the funds provided for minor construction in this account, the conferees direct that $1,500,000 be made available for the construction of the first phase of a tactical operations center on Kwajalein Atoll, instead of dome housing as proposed by the Senate. However, the conferees continue to expect the Secretary of Defense to submit a report to the Committees on Appropriations of both Houses of Congress no later than December 1, 2005, detailing the timeline for the replacement of substandard housing on Kwajalein Atoll.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

(INCLUDING RESCISSIONS)

The conference agreement appropriates $1,157,141,000 for Military Construction, Navy and Marine Corps, instead of $1,109,177,000 as proposed by the House and $1,045,882,000 as proposed by the Senate. Within this amount, the conference agreement provides $34,893,000 for study, planning, design, architect and engineer services instead of $36,029,000 as proposed by the House and $32,524,000 as proposed by the Senate.

The conference agreement rescinds $5,767,000 from Public Law 108–132. The agreement also rescinds $44,270,000 from Public Law 108–324, instead of $92,354,000 as proposed by the Senate. The House bill contained no similar provision. The conferees direct the Navy to submit by March 31, 2006 a report describing how the rescissions of funds in this Act will be applied. This report shall list, by project, the amount of funds to be sourced to such rescissions.

North Island, California—Bachelor Enlisted Quarters, Homeport Ashore.—The conferees are very supportive of the Homeport Ashore program to provide unaccompanied housing for enlisted sailors when in port, and encourage the Navy to pursue this initiative as part of the bachelor enlisted quarters (BEQ) privatization pilot program. Although the conferees commend the Navy for seeking innovative solutions, including privatization, to expedite the construction of new BEQ units, they also note that the authorization, as contained in the fiscal year 2003 Defense Authorization Act, limits the Navy to three pilot projects. The North Island proposal is not among the projects earlier identified by the Navy as part of the pilot program, and is therefore not authorized under current law. Although the conferees have denied funding for the North Island project for this reason, they urge the Navy to proceed as expeditiously as possible with the projects currently authorized under the BEQ privatization pilot program so that Congress has a basis on which to evaluate the potential for expansion of the program in future years.

Military Construction, Air Force

(INCLUDING RESCISSIONS)

The conference agreement appropriates $1,288,530,000 for Military Construction, Air Force, instead of $1,171,338,000 as proposed by the House and $1,209,128,000 as proposed by the Senate. Within this amount, the conference agreement provides $95,537,000 for study, planning, design, architect and engineer services instead of $91,733,000 as proposed by the House and $83,626,000 as proposed by the Senate.

The conference agreement rescinds $13,000,000 from Public Law 108–11, $6,600,000 from Public Law 108–132, and $9,500,000 from Public Law 108–324. The agreement also rescinds $46,500,000 from Public Law 109–13 for the runway repair project, including associated planning and design, at Karshi-Khanabad Air Base, Uzbekistan. The conferees direct the Air Force to submit by March 31, 2006 a report describing how the rescissions of funds in this Act will be applied. This report shall list, by project, the amount of funds to be sourced to such rescissions.

The conference agreement does not include language proposed by the Senate to designate funding for two projects. The agreement addresses this language in the attached detail table by State. The House bill contained no similar provision.

Military Construction, Defense-Wide

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

The conference agreement appropriates $1,008,855,000 for Military Construction, Defense-Wide, instead of $976,664,000 as proposed by the House and $1,072,165,000 as proposed by the Senate. Within this amount, the conference agreement provides $136,406,000 for study, planning, design, architect and engineer services instead of $107,285,000 as proposed by the House and $133,120,000 as proposed by the Senate.

The conference agreement also rescinds $20,000,000 from Public Law 108–324 due to unobligated balances in contingency construction.

The conference agreement provides $50,000,000 for the Energy Conservation Improvement Program as proposed by the House, instead of $60,000,000 as proposed by the Senate. The agreement does not provide funding for contingency construction due to the recurrence of carryover amounts.

The conferees direct the National Security Agency to follow standard acquisition and design-review procedures on its fiscal year 2006 projects.

Military Construction, Army National Guard

The conference agreement appropriates $523,151,000 for Military Construction, Army National Guard, instead of $410,624,000 as proposed by the House and $467,146,000 as proposed by the Senate.

Of the funds provided for planning and design in this account, the conferees direct that $186,000 be made available for the planning and design of the Combined Support Maintenance Shop, Searcy, Arkansas.

Of the funds provided for minor construction in this account, the conferees direct the specified amounts be made available for the construction of the following facilities: Marana, Arizona—Fire Station, $1,499,000; Camp Murray, Washington—Homeland Security Multi-Functional Education Center, $1,424,000.

Military Construction, Air National Guard

(INCLUDING RESCISSION)

The conference agreement appropriates $316,117,000 for Military Construction, Air National Guard, instead of $225,727,000 as proposed by the House and $279,156,000 as proposed by the Senate. The conference agreement also rescinds $13,700,000 from Public Law 108–324. The conferees direct the Air National Guard to submit by March 31, 2006 a report describing how the rescission of funds in this Act will be applied. This report shall list, by project, the amount of funds to be sourced to such rescission.

Of the funds provided for planning and design in this account, the conferees direct that the specified amounts be made available for the planning and design of the following facilities: New Castle County Airport, Delaware—Replacement C–130 Maintenance Hangar, $1,440,000; Duluth IAP, Minnesota—Addition to Joint FAA/ANG Fire Station Facility, Phase 2, $700,000; March ARB, California—Replace Aircraft Maintenance Hangar and Shops, $960,000; Fresno Yosemite IAP, California—Replace Vehicle Maintenance Complex, $340,000.

Of the funds provided for minor construction in this account, the conferees direct that $1,500,000 be made available for the construction of an arm and disarm apron at the end of runway 13 at Atlantic City IAP, New Jersey.

Military Construction, Army Reserve

The conference agreement appropriates $152,569,000 for Military Construction, Army Reserve, instead of $138,425,000 as proposed by the House and $136,077,000 as proposed by the Senate.

Military Construction, Naval Reserve

(INCLUDING RESCISSIONS)

The conference agreement appropriates $46,864,000 for Military Construction, Naval Reserve, instead of $45,226,000 as proposed by the House and $46,676,000 as proposed by the Senate. The conference agreement also rescinds $5,368,000 from Public Law 108–132 and $11,192,000 from Public Law 108–324. The conferees direct the Naval Reserve to submit by March 31, 2006 a report describing how the rescissions of funds in this Act will be applied. This report shall list, by project, the amount of funds to be sourced to such rescissions.

Military Construction, Air Force Reserve

(INCLUDING RESCISSION)

The conference agreement appropriates $105,883,000 for Military Construction, Air Force Reserve, instead of $110,847,000 as proposed by the House and $89,260,000 as proposed by the Senate. The conference agreement also rescinds $13,815,000 from Public Law 108–324. The conferees direct the Air Force Reserve to submit by March 31, 2006 a report describing how the rescission of funds in this Act will be applied. This report shall list, by project, the amount of funds to be sourced to such rescission.

Of the funds provided for planning and design in this account, the conferees direct that $207,000 be made available for the planning and design of the Addition Alteration Aerial Port Facility, Homestead ARB, Florida.

North Atlantic Treaty Organization Security Investment Program

(INCLUDING RESCISSION)

The conference agreement appropriates $206,858,000 for the North Atlantic Treaty Organization Security Investment Program as proposed by both the House and the Senate. The conference agreement also includes a rescission of $30,000,000 from Public Law 108–324 due to the slow spendout rate of the program and the recurrence of carryover amounts.

Family Housing Overview

Family Housing Reprogramming Requests.—The conferees note the language contained in House Report 109–95 regarding the applicability of reprogramming guidelines to family housing projects. The conferees feel strongly that these guidelines should continue to apply to family housing projects, including privatization projects, to enable adequate congressional oversight.

Family Housing Construction, Army

(INCLUDING RESCISSION)

The conference agreement appropriates $549,636,000 for Family Housing Construction, Army as proposed by both the House and the Senate. The conference agreement also rescinds $16,000,000 from Public Law 108–324. The conferees direct the Army to submit by March 31, 2006 a report describing how the rescission of funds in this Act will be applied. This report shall list, by project, the amount of funds to be sourced to such rescission.

Family Housing Operation and Maintenance, Army

The conference agreement appropriates $803,993,000 for Family Housing Operation and Maintenance, Army as proposed by the House, instead of $812,993,000 as proposed by the Senate.

Family Housing Construction, Navy and Marine Corps

The conference agreement appropriates $218,942,000 for Family Housing Construction, Navy and Marine Corps as proposed by both the House and the Senate.

Family Housing Operation and Maintenance, Navy and Marine Corps

The conference agreement appropriates $588,660,000 for Family Housing Operation and Maintenance, Navy and Marine Corps as proposed by the House, instead of $593,660,000 as proposed by the Senate.

Family Housing Construction, Air Force

(INCLUDING RESCISSIONS)

The conference agreement appropriates $1,101,887,000 for Family Housing Construction, Air Force, instead of $1,236,220,000 as proposed by the House and $1,142,622,000 as proposed by the Senate. The conference agreement also rescinds $7,700,000 from Public Law 107–249, $4,500,000 from Public Law 108–132, and $31,700,000 from Public Law 108–324. The conferees direct the Air Force to submit by March 31, 2006 a report describing how the rescissions of funds in this Act will be applied. This report shall list, by project, the amount of funds to be sourced to such rescissions.

Adjustments to Air Force Family Housing Program.—The conferees note the progress made in the Air Force family housing privatization program, allowing the 2006 construction program to be adjusted without adversely affecting Air Force families. The privatization program leverages private sector capital and expertise to build superior family housing at less direct cost to the Federal government. Progress in the privatization program has resulted in unanticipated savings most recently on projects at four installations: Peterson AFB, Colorado; the United States Air Force Academy, Colorado; Bolling AFB, District of Columbia; and F.E. Warren AFB, Wyoming. The conferees note that privatization at these four installations will now allow for the construction or renovation of 3,156 homes, a 33 percent increase over the 2,371 units originally proposed in the budget request.

Spangdahlem Air Base, Germany.—The conferees note the current need for housing at Spangdahlem Air Base, Germany, and have provided funding for such purpose. The conferees urge the Air Force to consider all options to address the housing need at Spangdahlem Air Base. Specifically, build-to-lease housing has the potential to provide quality housing quickly to the families at Spangdahlem, while also providing a more cost-effective and flexible option to the United States. The conferees direct the Secretary of the Air Force to report on the housing plan at Spangdahlem.

The report must include the following:

Footprint requirements for family housing relative to land on hand at Spangdahlem and land purchase, if any, required.

A complete cost-benefit analysis of all available housing options at Spangdahlem, including build-to-lease. The analysis should include, but not be limited to, the cost per housing unit of each option and evidence of efforts made to lower such cost.

A certification that all options have been pursued with the German government, including, but not limited to, cost-sharing, road repair between housing units, and loan guarantees.

As provided in the administrative provisions of this title, none of the funds appropriated for family housing at Spangdahlem may be obligated until the Secretary of the Air Force certifies to the Committees on Appropriations of both Houses of Congress that the above-mentioned report has been completed and received the Committees' response, or a period of 30 days has elapsed after receipt of the report.

Family Housing Operation and Maintenance, Air Force

The conference agreement appropriates $766,939,000 for Family Housing Operation and Maintenance, Air Force as proposed by the Senate, instead of $755,319,000 as proposed by the House.

Family Housing Construction, Defense-Wide

The conference agreement does not appropriate funding for Family Housing Construction, Defense-Wide. The Administration's budget request did not propose funding for this account in fiscal year 2006.

Family Housing Operation and Maintenance, Defense-Wide

The conference agreement appropriates $46,391,000 for Family Housing Operation and Maintenance, Defense-Wide as proposed by both the House and the Senate.

Department of Defense Family Housing Improvement Fund

The conference agreement appropriates $2,500,000 for the Department of Defense Family Housing Improvement Fund as proposed by both the House and the Senate.

Chemical Demilitarization Construction, Defense-Wide

The conference agreement does not appropriate funding for Chemical Demilitarization Construction, Defense-Wide. The purpose of this account is to provide funds for the design and construction of full-scale chemical disposal facilities and associated projects to upgrade installation support facilities and infrastructure required to support the chemical demilitarization program.

Because the Department of Defense requested no funding for this account for fiscal year 2006, the conferees have not provided funding. However, the conferees remain mindful that obligations exist to complete construction associated with the Department's chemical demilitarization program, including the Assembled Chemical Weapons Alternatives (ACWA) program. The chemical demilitarization construction account within the Military Construction title of the relevant House and Senate appropriations bills is the appropriate account for funding construction associated with this program. The conferees expect the Department of Defense to include any requests for chemical demilitarization construction funding in future years, including for ACWA, to be included in the Chemical Demilitarization Construction, Defense-Wide account.

Base Realignment and Closure Overview

Past Years Military Construction Impacted by BRAC.—The conferees note that some projects appropriated in this Act or in previous Acts making appropriations for military construction may be rendered unnecessary as a result of the 2005 base realignment and closure recommendations, which became effective on November 9, 2005. The conference agreement rescinds funds due to anticipated savings as a result. In the event that additional savings are realized, the conferees remind the Department that excess funds may not be reprogrammed except in accordance with the guidelines set forth by the Committees on Appropriations of both Houses of Congress. Further, the conferees have provided a single appropriation for the implementation of BRAC 2005, as requested by the Department, in order to ensure the Department has maximum flexibility to carry out this effort. All expenses resulting from the 2005 base realignment and closure recommendations should be paid from this account. The conferees have also included a statutory reporting requirement to maintain appropriate fiscal oversight.

BRAC Environmental Remediation.—The conferees note the language included in the Senate report regarding the use of Office of Economic Adjustment (OEA) funding, which is appropriated through the Department of Defense Appropriations Act, for the community share of certain environmental remediation activities at the former McClellan Air Force Base, California. The conferees support this language and further emphasize that OEA funds are to be used in all instances for the purpose for which they were appropriated and not used to supplant BRAC environmental remediation funding at any Department of Defense installation.

Department of Defense Base Closure Account 1990

The conference agreement appropriates $254,827,000 for the Department of Defense Base Closure Account 1990, instead of $377,827,000 as proposed by the House and $402,827,000 as proposed by the Senate. This amount fully funds the Administration's request for environmental cleanup and other activities associated with past BRAC rounds of all the Services with the exception of the Navy, which will self-finance its program. Included in the funding is an additional $14,000,000 for the Army and $6,000,000 for the Air Force above the Administration's request. The purpose of this additional funding is to expedite cleanup activities in fiscal year 2006 that the Services have identified as candidates for acceleration.

The conferees note that the Navy has collected approximately $650,000,000 from the recent sale of property at the former El Toro, California, Marine Corps Air Station. By law, proceeds from the sale of property closed under the Defense Base Closure and Realignment Act of 1990 must be deposited into the 1990 Department of Defense Base Closure (BRAC) account to be used for BRAC related activities, including environmental cleanup. By agreement between the military Services and the Office of the Secretary of Defense, BRAC land sale revenues are credited to the military Service owner of the property that was sold and are used to offset BRAC costs by that Service. Based on this agreement and the Navy's recent land sale revenues, the Navy no longer requires the $143,000,000 in fiscal year 2006 appropriated funds as requested in the President's budget submission for activities funded through the BRAC 1990 account.

Environmental remediation associated with the BRAC process remains a key concern of the conferees. The conferees commend the Navy for its efforts to maximize revenue from the disposal of property from installations closed under previous BRAC rounds and for its application of those revenues to the environmental cleanup of closed Navy facilities. The conferees further encourage the Department of Defense and the other Services to pursue similar land sale strategies to provide additional revenue for the cleanup of their installations. To ensure that Navy land sale revenues are used to expedite environmental remediation activities at Navy installations, the conferees have included a provision in the conference report directing that no less than $300,000,000 of the revenues deposited into the BRAC 1990 account from the sale of Navy property be used to execute the Navy's fiscal year 2006 environmental cleanup program. This level of funding is $24,000,000 above the original budget estimate, including both appropriated funds and earlier projected land sale revenues.

Department of Defense Base Closure Account 2005

The conference agreement appropriates $1,504,466,000 for the Department of Defense Base Closure Account 2005, instead of $1,570,466,000 as proposed by the House and $1,479,466,000 as proposed by the Senate. The agreement includes language proposed by the Senate to prohibit the use of these funds until the Secretary of Defense submits and receives approval of a report describing the specific use of these funds. The House bill contained no similar provision.

Administrative Provisions

(including transfers of funds)

The conference agreement includes section 101 to limit the use of funds under a cost-plus-a-fixed-fee contract as proposed by both Houses of Congress.

The conference agreement includes section 102 as proposed by the House to allow the use of construction funds in this title for hire of passenger motor vehicles. The Senate bill contained a similar provision, but allowed the use of all funds in the title for such purpose.

The conference agreement includes section 103 as proposed by the House to allow the use of construction funds in this title for advances to the Federal Highway Administration for the construction of access roads. The Senate bill contained a similar provision, but allowed the use of all funds in the title for such purpose.

The conference agreement includes section 104 to prohibit construction of new bases in the United States without a specific appropriation as proposed by both Houses of Congress.

The conference agreement includes section 105 to limit the use of funds for the purchase of land or land easements that exceed 100 percent of the value as proposed by both Houses of Congress.

The conference agreement includes section 106 to prohibit the use of funds, except funds appropriated in this title for that purpose, for family housing as proposed by both Houses of Congress.

The conference agreement includes section 107 to limit the use of minor construction funds to transfer or relocate activities as proposed by both Houses of Congress.

The conference agreement includes section 108 to prohibit the procurement of steel unless American producers, fabricators, and manufacturers have been allowed to compete as proposed by both Houses of Congress.

The conference agreement includes section 109 as proposed by the House to prohibit the use of construction and family housing funds available to pay real property taxes in any foreign nation. The Senate bill contained a similar provision, but prohibited the use of all funds in the title for such purpose.

The conference agreement includes section 110 to prohibit the use of funds to initiate a new installation overseas without prior notification as proposed by both Houses of Congress.

The conference agreement includes section 111 to establish a preference for American architectural and engineering services for overseas projects as proposed by both Houses of Congress.

The conference agreement includes section 112 to establish a preference for American contractors in certain locations as proposed by both Houses of Congress.

The conference agreement includes section 113 to require congressional notification of military exercises where construction costs exceed $100,000 as proposed by both Houses of Congress.

The conference agreement includes section 114 to limit obligations in the last two months of the fiscal year as proposed by both Houses of Congress.

The conference agreement includes section 115 to allow funds appropriated in prior years for new projects authorized during the current session of Congress as proposed by both Houses of Congress.

The conference agreement includes section 116 to allow the use of lapsed or expired funds to pay the cost of supervision for any project being completed with lapsed funds as proposed by both Houses of Congress.

The conference agreement includes section 117 to allow military construction funds to be available for five years as proposed by both Houses of Congress.

The conference agreement includes section 118 to require an annual report on actions taken to encourage other nations to assume a greater share of the common defense burden as proposed by both Houses of Congress.

The conference agreement includes section 119 to allow the transfer of proceeds between BRAC accounts as proposed by both Houses of Congress.

The conference agreement includes section 120 to allow the transfer of funds from Family Housing Construction accounts to the Family Housing Improvement Fund as proposed by both Houses of Congress.

The conference agreement includes section 121 to limit the obligation of funds for Partnership for Peace programs as proposed by both Houses of Congress.

The conference agreement includes section 122 to require congressional notification prior to issuing a solicitation for a contract with the private sector for family housing as proposed by both Houses of Congress.

The conference agreement includes section 123 to allow transfers to the Homeowners Assistance Fund as proposed by both Houses of Congress.

The conference agreement includes section 124 to limit the source of operation and maintenance funds for flag and general officer quarters as proposed by both Houses of Congress.

The conference agreement includes section 125 to prohibit the use of NATO Security Investment Program funds for missile defense studies as proposed by both Houses of Congress.

The conference agreement includes section 126 as proposed by the House to require the Department of Defense to respond to a question or inquiry, in writing, within 21 days of the request. The Senate bill contained no similar provision.

The conference agreement includes section 127 to extend the availability of funds in the Ford Island Improvement Fund as proposed by both Houses of Congress.

The conference agreement includes a modified section 128 to place limitations on the expenditure of funds for projects impacted by BRAC 2005.

The conference agreement includes a new section 129 to designate $300,000,000 of the funds available in the Department of Defense Base Closure Account 1990 for the Department of Navy and require a report on a plan for the use of the funds.

The conference agreement includes a new section 130 to require a report from the Secretary of the Air Force containing a housing plan for Spangdahlem Air Base, Germany.

The conference agreement does not include a provision proposed by the House to allow the transfer of expired funds to the Foreign Currency Fluctuation, Construction, Defense account. The Senate bill contained no similar provision.

The conference agreement does not include a provision proposed by the House to prohibit the use of funds in this title for maintenance and repair of general and flag officer quarters in the National Capital Region until the Department submits a report as required in Public Law 108–375. The Senate bill contained no similar provision.

The conference agreement does not include a provision proposed by the Senate to provide planning and design funds for a project. The agreement addresses this language under the Military Construction, Air National Guard account. The House bill contained no similar provision.

The conference agreement does not include a provision proposed by the Senate to provide funding for a project. The agreement addresses this language in the attached detail table by State. The House bill contained no similar provision.

The conference agreement does not include a provision proposed by the Senate regarding funding for the Department of Defense Base Closure Accounts. The House bill contained no similar provision.

TITLE II—DEPARTMENT OF VETERANS AFFAIRS

Centers of Excellence.—The conferees feel the Department of Veterans Affairs should consider designating specialized medical treatment facilities for mental health and post traumatic stress disorder as "Centers of Excellence". Establishing these centers would allow the VA to consolidate personnel, training and specialized resources. This will ensure the VA utilizes these resources in the most efficient manner, while providing better service to our Nation's veterans. The conferees are concerned that mental health care is one of the most critical needs of our Nation's veterans, particularly those veterans returning from Operations Iraqi Freedom and Enduring Freedom.

Therefore, the conferees direct the Department of Veterans Affairs to place more emphasis on psychiatric care of our veterans by designating three centers of excellence to focus on mental health/PTSD needs. These three centers will be established at Waco VAMC, Texas; San Diego VAMC, California; and the Canandaigua VAMC, New York.

The VA should submit a report within six months of enactment of this Act to the Committees on Appropriations in both Houses of Congress outlining the progress made in this area.

Housing for Low-Income Veterans.—The conferees agree that the Government Accountability Office shall conduct a study on housing assistance to low-income veterans and submit the report to the Congress within six months of enactment of this Act. As jurisdiction over assistance to veterans spans many departments, the conferees expect the Government Accountability Office to consult with the Committees on Appropriations of both Houses of Congress concerning the scope of such a study. This issue was addressed by the Senate as an administrative provision, section 222.

Veterans Benefits Handbooks.—The conferees recognize the valuable information contained in the Department's annual publication "Federal Benefits for Veterans and Dependents." Adequate distribution of this publication is essential to keep veterans informed of the benefits to which they are entitled. The conferees urge the Secretary to work in coordination with the various veterans services organizations, including the National Association of County Veterans Service Officers, as well as with State departments of veterans affairs, to ensure that a comprehensive plan exists to distribute an adequate supply of the 2006 and future editions of "Federal Benefits for Veterans and Dependents." This issue was addressed by the Senate as section 223 of the administrative provisions which the conferees have deleted from the bill.

Post Traumatic Stress Disorder.—The conferees agree with the House direction under the "Items of Interest" regarding Post Traumatic Stress Disorder Clinical Teams.

Changing Veterans Population.—The conferees agree with the direction of the Senate responding to the changing population of veterans.

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

The conference agreement appropriates $33,897,787,000 for Compensation and Pensions, instead of $33,412,879,000 as proposed by both the House and the Senate. The amount provided reflects the most current estimate of funding required for this mandatory account and reflects a 4.1 percent cost-of-living adjustment. Of the amount provided, not more than $23,491,000 is to be transferred to General Operating Expenses and Medical Services for reimbursement of necessary expenses in implementing the Omnibus Budget Reconciliation Act of 1990 and the Veterans' Benefits Act of 1992.

Annual Benefits Report.—The conferees agree with the Senate language directing the Department to continue production of the annual benefits report which shall include select veteran data for all benefit programs by State.

READJUSTMENT BENEFITS

The conference agreement appropriates $3,309,234,000 for Readjustment Benefits, instead of $3,214,246,000 as proposed by both the House and the Senate. The amount provided reflects the most current estimate of funding required for this mandatory account.

Task Force on VRE Benefits.—The conferees direct the Department to report to the Committees on Appropriations of both Houses of Congress by March 16, 2006 on its efforts to implement the recommendations of the Task Force on the Vocational Rehabilitation and Employment benefits program.

VETERANS INSURANCE AND INDEMNITIES

The conference agreement appropriates $45,907,000 for Veterans Insurance and Indemnities as proposed by both the House and the Senate.

VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The conference agreement appropriates such sums as may be necessary for costs associated with direct and guaranteed loans from the Veterans Housing Benefit Program Fund Program Account as proposed by both the House and the Senate. The agreement limits obligations for direct loans to not more than $500,000 and provides that $153,575,000 is to be transferred to and merged with General Operating Expenses.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The conference agreement appropriates $53,000 for the costs of direct loans from the Vocational Rehabilitation Loans Program Account as proposed by both the House and the Senate, plus $305,000 to be transferred to and merged with General Operating Expenses. The agreement provides for a direct loan limitation of $4,242,000.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The conference agreement appropriates $580,000 for administrative expenses of the Native American Veteran Housing Loan Program Account to be transferred to and merged with General Operating Expenses as proposed by both the House and the Senate. The agreement also provides for a loan limitation of $30,000,000 for the program as proposed by both the House and the Senate.

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

The conference agreement provides up to $750,000 of the funds available in Medical Administration and General Operating Expenses to carry out the Guaranteed Transitional Housing Loans for Homeless Veterans program as proposed by both the House and the Senate.

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement appropriates $22,547,141,000 to finance Medical Services for all veterans and beneficiaries in Department of Veterans Administration facilities, State nursing homes, and contract medical facilities, of which $1,225,000,000 is designated an emergency. The House had proposed $20,995,141,000 and the Senate had proposed $23,308,011,000, of which $1,977,000,000 was designated as emergency funding.

Of the amount provided, $1,100,000,000 is available for obligation until September 30, 2007 as proposed by the House, instead of $1,500,000,000 as proposed by the Senate. The conferees also agree that the Department shall spend not less than $2,200,000,000 for specialty mental health care as proposed by the House.

The conference agreement includes a net increase of $1,100,000,000 to the original budget request to reverse policy proposals contained in the budget. These proposals included a priority system of care relating to veterans needing long-term or nursing home care, a proposal to institute an enrollment fee for certain veterans, and a change in the co-pay amount for prescription drugs. The conferees reject all of these proposals and direct the Department to maintain policies in existence prior to submission of the budget. It is the agreement of the conferees that the budget savings anticipated from such policy proposals in the future should not be included in the budget unless the proposals are enacted and savings are realized. For the last four years, there has been a proposal for an enrollment fee and an increase in pharmacy co-payments included in the budget with unrealistic savings. Every year the Congress has had to find resources to make up for savings projections which do not materialize.

In addition, the conference agreement includes funding of $1,452,000,000 tied to various corrections of errors in the original budget submission and adjustments for workload due to corrections of the Department's actuarial model. The conferees have made some funding adjustments to accommodate this increased need for funding, and language is included which requires submission of a revised budget amendment by the President to enable the use of emergency funding for the remaining funds.

The conference agreement retains language proposed by both the House and the Senate providing the Secretary with the authority to establish a priority system for veterans seeking medical care, allowing the Secretary to give priority to medical services for priority 1-6 veterans, allowing the Secretary to fill privately written prescriptions by Department of Veterans Affairs facilities, and provides $15,000,000 for the Department of Defense/Veterans Affairs Health Care Sharing Incentive Fund.

Long-Term Care.—The conferees do not agree with the proposal contained in the budget to alter the long-term care policies, including a policy of priority care in nursing homes. The conferees have provided, within this total appropriation, sufficient resources to maintain a policy of providing long-term care to all veterans, utilizing VA-owned facilities, community nursing homes, State nursing homes, and other non-institutional venues. The conferees expect there to be no change from the policy in existence prior to fiscal year 2005.

Prosthetics Research and Integrative Health Care.—The conferees note that the fiscal year 2005 conference agreement included language directing the Department to prioritize prosthetics in its research agenda and establish a new prosthetics and integrative health care initiative. The conferees are pleased with the response of the Department, including designating four VA Medical Centers as polytrauma centers which will provide medical care and rehabilitation to service members sustaining multiple conditions such as amputation, visual and auditory impairment, post traumatic stress, traumatic brain injury, and spinal cord injury. The conferees continue to be interested in progress being made in this area of integrative treatment and direct the Department to provide semiannual updates on the status of this initiative.

MEDICAL ADMINISTRATION

The conference agreement appropriates $2,858,442,000 for Medical Administration as proposed by the Senate instead of $4,134,874,000 as proposed by the House. The conference funding level includes the movement of information technology development funding to a new Information Technology Systems account, as proposed by the Senate, under Departmental Administration. The agreement also includes language allowing $250,000,000 of the funds to be available until September 30, 2007.

Revenue Improvement Demonstration.—The conferees share the Senate concern that the Department of Veterans Affairs is only collecting 41 percent (unadjusted for Medicare impacts) of the billed amounts from third party insurance companies and expect the Department to report to both Houses of Congress on its efforts to improve this collection rate by January 1, 2006. Furthermore, the conference agreement does not support all the guidelines as specified in House Report 109-95; however, the conferees do support the following guidelines regarding a revenue improvement demonstration project: the recommendation that the VA initiate a new pilot program that will provide a comprehensive restructuring of the complete revenue cycle including cash-flow management and accounts receivable processes in certain VA hospitals; the recommendation that the VHA Chief Business Officer must have the concurrence of the VA Chief Information Officer on the business plan for this demonstration; and that the Department provide quarterly progress reports to the Committees on Appropriations in both Houses of Congress.

In selecting a site for this project, the conferees direct the Department to select one medical center in a Veterans Integrated Service Network (VISN) other than 10, which is the host site of a demonstration project authorized by Public Law 108-357. The Department must initiate this project within 60 days of the date of enactment of this Act. The conferees expect that no Department full-time equivalent employees associated with the demonstration project would be terminated during the term of the project, except for purposes of personnel action relating to employee misconduct or unsatisfactory performance, in accordance with existing labor management agreements and personnel authorities of titles 5 and 38, United States Code, as applicable.

Contract Care Coordination.—The conferees support expeditious action by the Department to implement care management strategies that have proven valuable in the broader public and private sectors. It is essential that care purchased for enrollees from private sector providers be secured in a cost effective manner, in a way that complements the larger Veterans Health Administration system of care, and preserves important agency interest, such as sustaining a partnership with university affiliates. In that interest, the VHA shall establish through competitive award by the end of calendar year 2006, at least three managed care demonstration programs designed to satisfy a set of health system objectives related to arranging and managing care. The conferees encourage the Department to formulate demonstration objectives in collaboration with industry and academia, and the Secretary will report objectives to the Committees on Appropriations of both Houses of Congress within 90 days of the enactment of this Act. Multiple competitive awards and designs may be employed that may incorporate a variety of forms of public-private participation. The demonstrations, in satisfying the objectives to be enumerated, must be established in at least three VISNs, be comprehensive in scope, and serve a substantial patient population.

Management Efficiencies.—The conferees share the concern of the Senate that estimated management efficiencies are not supported by adequate budget justification details. Therefore, in future budget submissions, the Department is directed to provide more detail on its justification for management efficiencies.

MEDICAL FACILITIES

The conference agreement appropriates $3,297,669,000 for operation, maintenance and security of Medical Facilities as proposed by both the House and the Senate. The agreement also includes language allowing $250,000,000 of the funds to be available until September 30, 2007.

Community Based Outpatient Clinics.—The conferees have received numerous requests for funding specific Community Based Outpatient Clinics (CBOCs) but have retained the practice of not earmarking funds for these facilities. However, the conferees are concerned that the commitments made as a result of the final recommendations of the Capital Asset Realignment for Enhanced Services Commission may not be kept due to a variety of reasons. The conferees direct the Department to report on the status of CBOC's in Bessemer, Alabama; Richmond County (Hamlet), North Carolina; Conroe, Texas; Athens, Tennessee; North Central Washington; Lynchburg, Virginia; and Charlottesville, Virginia, including the reasons for any delay associated with their establishment. In addition, the conferees urge the Department to re-evaluate the need for CBOC's in Capitola, California; Jackson County, Florida; Levittown (Bucks County), Pennsylvania; Sunbury (Northumberland County), Pennsylvania; Bellingham, Washington; and Gladstone, Michigan. The conferees direct the Department to complete this report no later than March 15, 2006 and submit it to the Committees on Appropriations of both Houses of Congress.

Community Based Outpatient Clinics in Rural Areas.—The conferees remain concerned about veterans' access to healthcare in rural areas. As such, the conferees direct the Secretary to reevaluate Veterans Health Administration Handbook 1006.1 and other guidance and procedures related to planning, activating, staffing, and maintaining Community Based Outpatient Clinics to ensure that rural areas are adequately served. In addition, the Secretary should also review the criteria utilized, including geographic access, number of Priority 1 through 6 veterans, market penetration, cost effectiveness and distance to parent facilities, to determine whether planning criteria disadvantage rural veterans. The Senate had addressed this issue as administrative provision 227.

Beckley, West Virginia.—The conferees agree with language included in the Senate report urging the Department to include sufficient funding in its fiscal year 2007 budget request for construction of a 120-bed nursing home care unit at the Beckley, West Virginia VAMC, consistent with the CARES priority list as described in the Department's February 2005 Five-Year Capital Plan 2005–2010 report.

MEDICAL AND PROSTHETIC RESEARCH

The conference agreement appropriates $412,000,000 for Medical and Prosthetic Research as proposed by the Senate instead of $393,000,000 as proposed by the House. The conferees agree with the Senate provision which designates $15,000,000 for Gulf War Illness research.

Mental Health Research.—The conferees agree that research on mental health diagnosis and treatment should be a priority of the Department of Veterans Affairs. The conferees believe that more research may lead to earlier identification of problems and more effective treatment, thereby reducing the long-term complications and costs associated with mental health issues. The conferees strongly suggest that the Department encourage research in this discipline by establishing a balanced and goal-based research program which takes into consideration the potential benefit of better treatment as well as reducing the cost of care provided by the Department.

Gulf War Illness.—The conferees recognize the unique nature of Gulf War Illness and direct the Department to implement the recommendations of the Research Advisory Committee (RAC) on Gulf War Veterans' Illness in the context of the overall Department research program. One aspect of this effort is the establishment of a research center of excellence devoted to Gulf War Illness research. The conferees are supportive of this effort and direct the Department to report to the Committees on Appropriations of both Houses of Congress regarding establishment of such a center by March 15, 2006. In complying with the RAC recommendations, the Department is directed to devote at least $15,000,000 to Gulf War Illness research in this fiscal year, and in each of the next four fiscal years. In addition, this initiative shall, at a minimum, begin with a pilot study involving collaborative research between a VA Medical Center and the University of Texas, Southwestern Medical Center, which is presently conducting extensive research on Gulf War Illness.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

The conference agreement appropriates $1,410,520,000 for General Operating Expenses instead of $1,411,827,000 as proposed by the House and $1,418,827,000 as proposed by the Senate. The conference agreement provides not less than $1,053,938,000 for the Veterans Benefits Administration, instead of $1,086,938,000 as proposed by the House and $1,093,937,500 as proposed by the Senate. Of the amount provided, $70,000,000 is available for obligation until September 30, 2007, as proposed by the House instead of $71,000,000 as proposed by the Senate.

The agreement also provides for a limitation on the purchase of passenger motor vehicles for use in operations by the Veterans Benefits Administration in Manila, Philippines, as proposed by the House. The Senate had proposed no limitation.

Senate language directing the Department to conduct an information campaign in States with lower disability compensation payments has been moved to administrative provisions, section 228.

The conferees do not agree to the Senate language calling for a report on the cost of replacing non-standardized home glucose monitoring equipment while maintaining existing equipment, depending upon patient choice. The report is not required since the conferees have adopted an administrative provision (section 220) prohibiting the Department from moving forward with a national standardization effort for home glucose monitoring equipment.

INFORMATION TECHNOLOGY SYSTEMS

The conference agreement appropriates $1,213,820,000 for Information Technology Systems as a new account instead of $1,456,821,000 as proposed by the Senate. The House had maintained information technology funding as part of existing accounts, including Medical Administration.

Senate language regarding the HealtheVet program has been moved to administrative provisions, section 229.

Based upon the funding provided, the Department is to provide a comprehensive listing of priority projects for fiscal year 2006 and submit it to the Committees on Appropriations of both Houses of Congress within 30 days of enactment of this Act.

The conferees note that on October 19, 2005, the Secretary of the Department of Veterans Affairs approved a federated information technology model for the Department. This model will require significant reorganization of the Department's information technology management and operations and will take a minimum of 12 months to accomplish. The conferees hope that the revised account structure approved in this appropriations Act and the management model approved by the Secretary will go far in improving the efficiency of the Department's information technology systems while giving the Congress better insight into these programs.

The conferees agree that in this first year of a major reorganization of information technology activities, funding will be available for a two-year period instead of one year. This will allow sufficient time for the Department to reorganize and execute its information technology projects in an effective manner.

The conferees agree that the Department is to provide the Committees on Appropriations of both Houses of Congress with quarterly reports on the status of each information technology project included in the budget. Each report shall include, but not be limited to, a milestone schedule for each project, each project's scheduled completion date, the amount appropriated for each project, planned and actual obligations of each project with explanations of the variance, and the unobligated balances of each project.

The conferees are in agreement that the amount provided for the CoreFLS project shall be limited to $30,000,000 in fiscal year 2006.

NATIONAL CEMETERY ADMINISTRATION

The conference agreement appropriates $156,447,000 for the National Cemetery Administration as proposed by both the House and the Senate. The conferees agree that the Department is to provide a report to the Committees on Appropriations of both Houses of Congress on the potential use of land at Fort Ord, California, for a national cemetery. The conferees direct the Secretary and the Undersecretary for Memorial Affairs to examine the unique situation at Fort Ord and report back to the Committees no later than January 16, 2006.

OFFICE OF INSPECTOR GENERAL

The conference agreement appropriates $70,174,000 for the Office of Inspector General as proposed by both the House and the Senate.

CONSTRUCTION, MAJOR PROJECTS

The conference agreement appropriates $607,100,000 for Construction, Major Projects as proposed by both the House and the Senate. Within the amount provided, $532,010,000 is for Capital Asset Realignment for Enhanced Services (CARES) projects as proposed by the House instead of $539,800,000 as proposed by the Senate. The agreement also provides $2,500,000 for reimbursement for contract disputes as proposed by the Senate, instead of $8,091,000 as proposed by the House. The conferees have included a modified provision, proposed by the Senate, which restricts the Department's ability to reduce the mission, services or infrastructure, including land, of 18 facilities on the CARES list requiring further study, without prior approval of the Committees on Appropriations of both Houses of Congress.

CARES Feasibility Studies.—The conferees are concerned with ongoing delays in the feasibility study for new veteran hospitals. The CARES decision recognized that these hospitals need to be replaced with new hospitals in order to provide veterans with the access and quality of care they need. The feasibility study delays are undermining the Secretary's decision and threaten to unnecessarily delay construction of these new hospitals. The Department is directed to work with the contractor conducting the feasibility studies to ensure that they are completed and the Secretary has made a final decision, by June 1, 2006, on building these new hospitals. The Department will report to the Committees on Appropriations of both Houses of Congress within 30 days of enactment of this bill on the action it has taken to meet these requirements.

CONSTRUCTION, MINOR PROJECTS

The conference agreement appropriates $198,937,000 for Construction, Minor Projects instead of $208,937,000 as proposed by both the House and the Senate. The conference agreement provides $155,000,000 for construction projects implementing CARES recommendations, instead of $160,000,000 as proposed by both the House and the Senate. The agreement does not include a provision proposed by the Senate which would make additional funding available for CARES activities upon notification and approval by the Committees on Appropriations of both Houses of Congress.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

The conference agreement appropriates $85,000,000 for Grants for Construction of State Extended Care Facilities instead of $25,000,000 as proposed by the House and $104,322,000 as proposed by the Senate.

The conferees agree with the direction of the House calling for the Department to undertake a rigorous and extensive analysis of long-term care needs of veterans and report to the Committees on Appropriations of both Houses of Congress by March 31, 2006, on the results of that study. This study is to be done with all interested stakeholders participating.

The conferees do not agree with the Senate position restricting grants to any one state to one-third of the amount appropriated in any one fiscal year.

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

The conference agreement appropriates $32,000,000 for Grants for the Construction of State Veterans Cemeteries, as proposed by both the House and the Senate.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement includes section 201 allowing for transfers among various mandatory accounts as proposed by both the House and the Senate and includes a proviso requiring Congressional notification and approval as proposed by the Senate.

The conference agreement includes section 202 allowing for the use of salaries and expenses funds to be used for other authorized purposes as proposed by both the House and the Senate.

The conference agreement includes section 203 restricting the use of funds for the acquisition of land as proposed by the House.

The conference agreement includes section 204, as proposed by both the House and the Senate, limiting the use of funds in the Medical Services account to only entitled beneficiaries or unless reimbursement is made to the Department.

The conference agreement includes section 205 allowing for the use of certain mandatory appropriations accounts for payment of prior year accrued obligations for those accounts as proposed by both the House and the Senate.

The conference agreement includes section 206 allowing for the use of appropriations available in this title to pay prior year obligations as proposed by both the House and the Senate.

The conference agreement includes section 207, as proposed by both the House and the Senate, regarding administration of the National Service Life Insurance Fund, the Veterans' Special Life Insurance Fund, and the United States Government Life Insurance Fund.

The conference agreement includes section 208 making the Department's Franchise Fund authority permanent. The House had proposed a one-year extension and the Senate had proposed permanent authority with different language.

The conference agreement includes section 209, as proposed by both the House and the Senate, allowing for the proceeds from enhanced-use leases to be obligated in the year in which the proceeds are received.

The conference agreement includes section 210, as proposed by both the House and the Senate, allowing for the use of funds in this title for salaries and other administrative expenses to be used to reimburse the Office of Resolution Management and the Office of Employment Discrimination Complaint Adjudication.

The conference agreement includes section 211 limiting the use of funds for any lease with an estimated annual rental of more than $300,000 unless approved by the Committees on Appropriations of both Houses of Congress, as proposed by both the House and the Senate.

The conference agreement includes section 212 requiring the Secretary of the Department of Veterans Affairs to collect third-party payer information for persons treated for non-service connected disability, as proposed by both the House and the Senate.

The conference agreement includes section 213, as proposed by both the House and the Senate, allowing for the use of enhanced-use leasing revenue for Construction, Major Projects and Construction, Minor Projects.

The conference agreement includes section 214 allowing for the use of Medical Services funds to be used for recreational facilities and funeral expenses as proposed by both the House and the Senate.

The conference agreement includes section 215 allowing for funds deposited into the Medical Care Collections Fund to be transferred to the Medical Services account, as proposed by both the House and the Senate.

The conference agreement includes section 216 allowing for the transfer of funds among three medical accounts for the purpose of perfecting the restructuring of the Veterans Health Administration accounts. Such transfers are subject to prior Congressional approval. Both the House and the Senate had proposed similar transfer provisions with slightly different language. The conferees would like to emphasize that the transfers permitted by this provision are to be highlighted to the Congress in a timely manner. The conferees note that this new account structure has been in place for three years and sufficient time has passed for the Department to budget properly in this account structure. The conferees do not expect to continue this provision in the future.

The conference agreement includes section 217 allowing for the transfer of funds from General Operating Expenses to the Veterans Housing Benefit Program Fund Program Account for the cost of a nationwide property management contract, as proposed by both the House and the Senate.

The conference agreement includes section 218, as proposed by both the House and the Senate, which allows Alaskan veterans to use medical facilities of the Indian Health Service or tribal organizations at no additional cost to the Department of Veterans Affairs or the Indian Health Service.

The conference agreement includes section 219 which provides for the transfer of funds from the Department of Veterans Affairs Capital Asset Fund to the Construction, Major Projects and Construction, Minor Projects accounts and makes those funds available until expended. This provision was included in both the House and the Senate bills.

The conference agreement includes section 220, which prohibits the expenditure of funds to replace the current system by which VISNs select and contract for diabetes monitoring supplies and equipment. The House had proposed a similar prohibition and the Senate had proposed report language on this issue.

The conference agreement includes section 221, prohibiting the use of funds on any policy prohibiting the outreach or marketing to enroll new veterans, as proposed by the Senate.

The conference agreement includes section 222, which requires the Secretary to submit quarterly reports on the financial status and service level status of the Veterans Health Administration. The report shall contain, at a minimum, both planned and actual expenditure rates, unobligated balances, potential financial shortfalls, any transfers between major accounts (medical services, medical administration, and medical facilities), and status of any equipment or non-recurring maintenance funds—including whether they have been used to pay for operating expenses. In addition, the service portion of the report will contain, at a minimum, the time required for new patients to get their first appointment, the time required for established patients to get their next appointment, and the number of unique veterans and patients being served. Each report should address data for the system total and for each VISN, and for comparison purposes the initial report shall also provide patient data for the preceding eight quarters. The conference agreement modifies Senate section 203.

The conference agreement includes section 223, requiring the Department of Veterans Affairs to submit to the Committees on Appropriations of both Houses of Congress, a plan for implementation of the third recommendation contained in Office of Inspector General Report No. 05–00765–137. The provision also prohibits the expenditure of funds retroactively to revoke or reduce disability compensation payments related to 2,100 cases used in preparing the Inspector General report. The language in the conference agreement is a modification of the language included in the Senate bill.

The conference agreement includes section 224, as proposed by the Senate, calling for collaboration between the National Center for Post Traumatic Stress Disorder and the Department of Defense. The provision was not in the House bill.

The conference agreement includes section 225, allowing for the transfer of funds from various accounts to the Information Technology Systems account to complete the restructuring in this appropriations Act, subject to congressional approval. This provision was not in either House or Senate bill.

The conference agreement includes section 226, allowing for the transfer of funds among various accounts to perfect the accounting structure of the Information Technology Systems account, subject to congressional approval. This provision was not in either House or Senate bill.

The conference agreement includes section 227, providing for transfer of funds among projects within the Information Technology Systems account, subject to congressional notification and approval for any change of $1,000,000 or more.

The conference agreement includes section 228, providing for the Department to conduct an information campaign in States where disability compensation payments are less than $7,300. The Senate had proposed this language as a proviso within the General Operating Expenses account.

The conference agreement includes section 229, which places a cap on the total funding available for HealtheVetVista in fiscal year 2006 and requires approval of an expenditure plan for the project by the Committees on Appropriations of both Houses of Congress. The Senate had proposed similar language as part of the Information Technology account.

The conference agreement includes section 230, which extends the authorization of the Department's homeless program until September 30, 2006. This provision was not in either House or Senate bill.

The conference agreement does not include a provision proposed by the Senate (section 204), which would have required the Department to seek approval of the Congress for a change of 10 percent or more in the scope of a major construction project. The proposed provision would have duplicated section 8104 of title 38, United States Code.

The conference agreement does not include a provision proposed by the House (section 213) restricting the use of funds for implementing sections 2 and 5 of Public Law 107–287 and section 303 of Public Law 108–422.

The conference agreement does not include a provision proposed by the Senate (section 222). The report requested in the provision has been addressed in the overview language at the beginning of this section on the Department of Veterans Affairs.

The conference agreement does not include a provision proposed by the Senate (section 223) regarding distribution of veterans' benefits handbooks. This issue is addressed in the overview language at the beginning of this section on the Department of Veterans Affairs.

The conference agreement does not include a provision proposed by the Senate (section 226) because it duplicates the intent of Senate section 203.

The conference agreement does not include a provision proposed by the Senate (section 227) regarding Community Based Outpatient Clinics in rural areas. This issue is addressed in the Medical Facilities section of the statement of the managers.

TITLE III

RELATED AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

The conference agreement appropriates $36,250,000 for Salaries and Expenses as proposed by the Senate, instead of $35,750,000 as proposed by the House.

Within the amount provided, the conferees are in agreement that the Commission is to use $500,000 to have a study conducted to determine what action is warranted to preserve the stability of the World War II Point du Hoc Ranger Monument located near the Normandy American Cemetery in France.

The conferees have also provided the full budget request of $3,100,000 for the completion of funding required to construct the Normandy Interpretive Center at the Normandy American Cemetery in France.

The conferees agree with direction in the House report that the Commission is to provide a report of the financial position of the World War II Memorial fund annually to the Committees on Appropriations of the House and Senate.

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

The conference agreement appropriates $15,250,000 for the Foreign Currency Fluctuations Account as proposed by both the House and the Senate.

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

The conference agreement appropriates $18,795,000 for the Salaries and Expenses Account as proposed by the Senate, instead of $18,295,000 as proposed by the House. The conferees are in agreement that the increase shall be used to begin implementation of an electronic case management system as directed in the Senate report.

DEPARTMENT OF DEFENSE—CIVIL CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

The conference agreement appropriates $29,050,000 for Salaries and Expenses, instead of $29,550,000 as proposed by the House and $28,550,000 as proposed by the Senate.

The conferees are in agreement that $1,000,000 is to be used to continue the Arlington Cemetery automation process with a priority placed on providing for the physical security of the "hard copy" records. Additionally, the conferees direct the Army to provide an updated report to the Committees on Appropriations of the House and Senate on its automation process. The report shall identify detailed cost estimates for the total project as well as costs for key components, which may be procured on a stand-alone basis.

ARMED FORCES RETIREMENT HOME

The conference agreement appropriates $58,281,000 for the Armed Forces Retirement Home as proposed by both the House and the Senate. These funds are to be paid from funds available in the Armed Forces Retirement Home Trust Fund. Of the amount provided, $1,248,000 shall remain available until expended for construction and renovation of physical plants at the Armed Forces Retirement Home. The conferees recognize that the Washington, D.C. facility is undergoing a transformation as a result of moving residents from the Gulfport, Mississippi facility after hurricane Katrina. The conferees wish to be fully informed of any changes at the Washington, D.C. facility and direct the Armed Forces Retirement Home to provide periodic updates and information to the Committees on Appropriations of the House and Senate.

TITLE IV

GENERAL PROVISIONS

The conference agreement includes section 401 as proposed by the House to prohibit the obligation of funds in the Act beyond the current fiscal year unless expressly so provided. The Senate bill contained no similar provision.

The conference agreement includes section 402 as proposed by the House to require pay raises to be absorbed within the levels appropriated in the Act. The Senate bill contained no similar provision.

The conference agreement includes section 403 as proposed by the House to prohibit the use of funds in the Act for programs, projects or activities not in compliance with Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates. The Senate bill contained no similar provision.

The conference agreement includes section 404 as proposed by the House to prohibit the use of funds in the Act to support or defeat legislation pending before Congress. The Senate bill contained no similar provision.

The conference agreement includes section 405 as proposed by the House to encourage the expansion of E-Commerce technologies and procedures. The Senate bill contained no similar provision.

The conference agreement includes section 406 as proposed by both Houses of Congress to prohibit the transfer of funds to any instrumentality of the United States Government without authority from an appropriations Act.

The conference agreement includes section 407 as proposed by both Houses of Congress to specify the congressional committees that are to receive all reports and notifications.

The conference agreement includes a new section 408 to amend section 613 of the Science, State, Justice, Commerce and Related Agencies Appropriations Act, 2006.

The conference agreement does not include a provision proposed by the House regarding reimbursements for consultants. The Senate bill contained no similar provision.

The conference agreement does not include a provision proposed by the House regarding a reporting requirement in the Defense Base Closure and Realignment Act of 1990. The Senate bill contained no similar provision.

The conference agreement does not include a provision proposed by the Senate regarding conference report requirements. The House bill contained no similar provision.

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
ALABAMA		
ARMY		
ANNISTON ARMY DEPOT		
UPGRADE FOR 33 THEATER HIGH ALTITUDE AIR DEFENSE STORAGE IGLOOS..........	---	3,150
FORT RUCKER		
ARMY AVIATION C4I FACILITY..........	---	9,700
REDSTONE ARSENAL		
SCHOOL AGE SERVICES FACILITY..........	---	5,100
SYSTEMS SOFTWARE ENGINEERING ANNEX..........	---	20,000
AIR FORCE		
MAXWELL AIR FORCE BASE		
SPECIAL OPERATIONS COMMAND LODGING FACILITY..........	14,900	14,900
ARMY NATIONAL GUARD		
FORT PAYNE		
ADDITION/ALTERATION READINESS CENTER..........	---	4,145
AIR NATIONAL GUARD		
MONTGOMERY REGIONAL AIRPORT BASE		
REPLACE COMPOSITE OPERATIONS AND TRAINING FACILITY	9,100	9,100
NAVY RESERVE		
MOBILE		
MARINE CORPS RESERVE CENTER..........	7,463	8,163
ALASKA		
ARMY		
FORT RICHARDSON		
RAILHEAD PORT FACILITY..........	---	4,700
FORT WAINWRIGHT		
BARRACKS COMPLEX..........	33,560	33,560
INFORMATION SYSTEMS FACILITY..........	---	5,600
ROTARY WING LANDING PAD..........	---	5,500
AIR FORCE		
CLEAR AIR FORCE STATION		
DORMITORY (100 ROOM)..........	20,000	20,000
ELMENDORF AIR FORCE BASE		
C-17 SURVIVAL EQUIPMENT SHOP..........	820	820
C-17 MAINTENANCE COMPLEX (PHASE I)..........	54,000	54,000
AIR NATIONAL GUARD		
EIELSON AFB		
MOBILITY WAREHOUSE..........	---	5,900
AIR FORCE RESERVE		
ELMENDORF AIR FORCE BASE		
C-17 CONVERT HANGAR FOR AIR FORCE RESERVE COMMAND GROUP HEADQUARTERS..........	3,100	3,100
ARIZONA		
ARMY		
FORT HUACHUCA		
EFFLUENT REUSE SYSTEM..........	---	5,100
YUMA PROVING GROUND		
SPECIAL OPERATIONS FREE FALL SIMULATOR..........	---	8,100
NAVY		
YUMA		
ROTARY WING FUELING APRON..........	3,637	3,637
AIR FORCE		
DAVIS-MONTHAN AIR FORCE BASE		
CSAR SQUADRON COMPLEX..........	8,600	8,600
LUKE AIR FORCE BASE		
DORMITORY (144 ROOM)..........	13,000	13,000
DEFENSE-WIDE		
YUMA		
ROTARY WING HYDRANT SYSTEM..........	7,300	7,300
AIR FORCE RESERVE		
DAVIS-MONTHAN AIR FORCE BASE		
ALTER RESCUE SQUADRON OPERATIONS FACILITY..........	1,500	1,500

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
LUKE AIR FORCE BASE		
944TH CIVIL ENGINEER SQUADRON FACILITY...........	---	5,900
ARKANSAS		
AIR FORCE		
LITTLE ROCK AIR FORCE BASE		
AIRMEN DINING FACILITY..........................	---	6,400
PARALLEL TAXIWAY ALL AMERICAN LANDING ZONE........	2,500	2,500
ARMY NATIONAL GUARD		
CAMP ROBINSON		
REGIONAL INSTITUTE TRAINING COMPLEX..............	---	5,608
CALIFORNIA		
ARMY		
CONCORD		
PIER SECURITY UPGRADE............................	8,600	8,600
UPGRADE OUTLOAD FACILITIES.......................	3,250	3,250
FORT IRWIN		
LAND ACQUISITION (PHASE III).....................	5,000	5,000
MILITARY OPERATIONS URBAN TERRAIN (PHASE I).......	12,000	12,000
REPLACE DINING FACILITY..........................	---	4,250
NAVY		
CAMP PENDLETON		
ASSAULT BREACHER VEHICLE FACILITY................	5,160	5,160
BACHELOR ENLISTED QUARTERS - HEADQUARTERS.........	19,620	19,620
FLIGHT LINE SECURITY FENCE.......................	1,400	1,400
RECLAMATION/CONVEYANCE (PHASE I).................	25,436	25,436
CHINA LAKE		
ADVANCED SENSOR LAB..............................	19,158	19,158
EL CENTRO		
APRON AND HANGAR RECAP (PHASE II)................	18,666	18,666
LEMOORE		
REPLACE AIR TRAFFIC CONTROL TOWER................	8,480	8,480
MIRAMAR MARINE CORPS AIR STATION		
PROVOST MARSHAL SCREENING FACILITY...............	---	5,070
NAVAL POSTGRADUATE SCHOOL		
GLASGOW HALL ADDITION............................	---	6,500
NORTH ISLAND		
BACHELOR ENLISTED QUARTERS - SHIPBOARD ASHORE.....	13,700	---
TWENTYNINE PALMS		
IMPROVE WASTEWATER TREATMENT FACILITY............	---	3,000
MILITARY OPERATIONS ON URBAN TERRAIN FACILITY (PHASE I).....................................	---	21,000
AIR FORCE		
BEALE AIR FORCE BASE		
GLOBAL HAWK TWO BAY MAINTENANCE HANGAR............	14,200	14,200
EDWARDS AIR FORCE BASE		
MAINBASE RUNWAY (PHASE I)........................	37,000	37,000
TRAVIS AIR FORCE BASE		
AEROSPACE GROUND EQUIPMENT FACILITY (AGE).........	---	10,900
AIR MOBILITY OPERATIONS GROUP GLOBAL REACH DEPLOYMENT CENTER..............................	19,000	19,000
C-17 ADDITION/ALTERATION LIFE SUPPORT............	1,300	1,300
C-17 ADDITION COMPOSITE SHOP.....................	3,200	3,200
C-17 MAINTENANCE TRAINING FACILITY...............	8,100	8,100
C-17 WHEEL AND TIRE SHOP.........................	---	3,900
VANDENBERG AIR FORCE BASE		
FITNESS CENTER...................................	16,845	16,845
DEFENSE-WIDE		
BEALE AIR FORCE BASE		
CLINIC ADDITION/ALTERATION.......................	18,000	18,000
CORONADO		
SPECIAL OPERATIONS FORCES APPLIED INSTRUCTION FACILITY.......................................	4,000	4,000
SPECIAL OPERATIONS FORCES APPLIED INSTRUCTION SUPPORT FACILITY...............................	11,000	11,000

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
SPECIAL OPERATIONS FORCES APPLIED INSTRUCTION FACILITIES	13,350	13,350
DEFENSE DISTRIBUTION DEPOT - TRACY		
REPLACE GENERAL PURPOSE WAREHOUSE	33,635	33,635
MIRAMAR		
REPLACE STORAGE AND DISTRIBUTION SYSTEM	23,000	23,000
SAN DIEGO		
PATIENT PARKING FACILITY	15,000	15,000
ARMY NATIONAL GUARD		
CAMP ROBERTS		
URBAN COMBAT COURSE	---	1,500
ROSEVILLE		
ADDITION/ALTERATION READINESS CENTER (ARMY DIVISION REDESIGN STUDY)	2,941	2,941
SAN LUIS OBISPO		
DINING FACILITY	---	8,599
AIR NATIONAL GUARD		
FRESNO YOSEMITE INTERNATIONAL AIRPORT		
AIR SOVEREIGNTY ALERT - ALERT CREW QUARTERS FACILITY	3,000	3,000
ARMY RESERVE		
FORT HUNTER LIGGETT		
SHOOT HOUSE/AFTER ACTION REVIEW	1,700	1,700
URBAN ASSAULT COURSE	1,500	1,500
COLORADO		
ARMY		
FORT CARSON		
ARRIVAL/DEPARTURE AIR CONTROL GROUP COMPLEX (PHASE I-8)	14,600	14,600
BARRACKS COMPLEX	25,522	25,522
COMBINED ARMS COLLECTIVE TRAINING FACILITY	28,000	28,000
HOT REFUEL PADS, BAAF	---	2,200
SHOOT HOUSE	1,250	1,250
SHOOT HOUSE (US ARMY SPECIAL OPERATIONS COMMAND)	1,250	1,250
AIR FORCE		
BUCKLEY AIR FORCE BASE		
ADD/ALTER COMMUNICATIONS COMPLEX	10,600	10,600
CONSOLIDATED SERVICES FACILITY	4,000	4,000
LEADERSHIP DEVELOPMENT FACILITY	5,500	5,500
PETERSON AIR FORCE BASE		
76TH SPACE CONTROL FACILITY	---	12,700
WEST GATE FORCE PROTECTION ACCESS	12,800	12,800
U.S. AIR FORCE ACADEMY		
UPGRADE ACADEMIC FACILITY (PHASE IV-A)	13,000	13,000
DEFENSE-WIDE		
PETERSON AIR FORCE BASE		
LIFE SKILLS SUPPORT CENTER	1,820	1,820
ARMY NATIONAL GUARD		
GRAND JUNCTION		
FIELD MAINTENANCE SHOP	---	5,100
AIR NATIONAL GUARD		
GREELEY AIR NATIONAL GUARD STATION		
SPACE WARNING SQUADRON SUPPORT FACILITY	---	6,400
CONNECTICUT		
NAVY		
SUBMARINE BASE NEW LONDON		
CRANE MAINTENANCE FACILITY	---	4,610
DELAWARE		
AIR FORCE		
DOVER AIR FORCE BASE		
C-17 ALTER FACILITIES FOR PARTS STORAGE	1,000	1,000
C-17 FLIGHT SIMULATOR FACILITY	5,000	5,000
DORMITORY (144 ROOM)	13,000	13,000

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
AIR NATIONAL GUARD		
NEW CASTLE COUNTY AIRPORT ANG BASE		
ADDITIONS TO RESERVE FORCES MEDICAL TRNG FACILITY.	---	1,500
NEW SECURITY FORCES FACILITY......................	---	1,400
DISTRICT OF COLUMBIA		
AIR FORCE		
BOLLING AIR FORCE BASE		
CONSTRUCT OPERATIONS FACILITY....................	10,400	10,400
FORCE PROTECTION MAIN GATE........................	4,500	4,500
DEFENSE-WIDE		
BOLLING AIR FORCE BASE		
PEPCO FEEDER LINE.................................	7,900	7,900
FLORIDA		
NAVY		
JACKSONVILLE		
HELICOPTER HANGAR REPLACEMENT (PHASE I)..........	45,179	45,179
MAYPORT		
BACHELOR ENLISTED QUARTERS - HOMEPORT ASHORE	7,820	7,820
CONSOLIDATED MAINTENANCE FACILITY.................	---	4,470
EXPAND FLIGHT TRAINER.............................	2,930	2,930
PANAMA CITY		
JOINT AQUATIC COMBAT DIVER TRAINING...............	9,678	9,678
PENSACOLA		
WATER TREATMENT FACILITY RECAPITALIZATION.........	8,710	8,710
WHITING FIELD NAVAL AIR STATION		
CONTROL TOWER RECAPITALIZATION, SOUTH FIELD.......	---	4,670
AIR FORCE		
CAPE CANAVERAL AIR STATION		
SATELLITE PROCESSING OPERATIONS SUPPORT FACILITY..	---	6,200
HURLBURT FIELD		
WEAPONS INSTRUCTOR COURSE FACILITY................	2,540	2,540
MACDILL AIR FORCE BASE		
CENTRAL COMMAND JOINT INTELLIGENCE CENTER.........	67,000	67,000
SECURITY FORCES FACILITY..........................	11,200	11,200
TYNDALL AIR FORCE BASE		
1ST AIR FORCE OPERATIONS CENTER (PHASE II)........	---	10,000
DORMITORY (120 ROOM)..............................	9,000	9,000
F/A-22 ADDITION FUELS MAINTENANCE.................	2,500	2,500
DEFENSE-WIDE		
EGLIN AIR FORCE BASE		
SPECIAL OPERATIONS FORCES MOBILITY/AERIAL DELIVERY SUPPORT FACILITY...............................	12,800	12,800
HURLBURT FIELD		
AT/FP MAIN GATE/SOUNDSIDE ACCESS..................	---	6,500
ARMY NATIONAL GUARD		
CAMP BLANDING		
REGIONAL TRAINING INSTITUTE COMPLEX (PHASE II)....	---	20,049
AIR FORCE RESERVE		
HOMESTEAD AIR RESERVE BASE		
VISITING QUARTERS.................................	---	6,900
PATRICK AIR FORCE BASE		
ALTER RESCUE SQUADRON OPERATIONS FACILITY.........	2,090	2,090
GEORGIA		
ARMY		
FORT BENNING		
COMBINED ARMS COLLECTIVE TRAINING FACILITY........	20,961	20,961
INFANTRY PLATOON BATTLE COURSE....................	4,300	4,300
SHOOT HOUSE.......................................	1,250	1,250
SHOOT HOUSE (US ARMY SPECIAL OPERATIONS COMMAND)..	1,700	1,700
SQUAD DEFENSE RANGE...............................	---	2,050
FORT GILLEM		
FORENSIC LAB ADDITION.............................	3,900	3,900

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
FORT GORDON		
MILITARY POLICE COMPLEX	---	4,550
FORT STEWART		
BARRACKS COMPLEX	37,566	37,566
SHOOT HOUSE (US ARMY SPECIAL OPERATIONS COMMAND)	1,250	1,250
URBAN ASSAULT COURSE	1,350	1,350
VEHICLE MAINTENANCE SHOP	17,814	17,814
NAVY		
ALBANY MARINE CORPS LOGISTICS BASE		
COMBAT VEHICLE MAINTENANCE AND PRESERVATION FACILITY	---	4,000
SATELLITE FIRE STATION	---	1,840
KINGS BAY		
ARMORED FIGHTING VEHICLE SUPPORT FACILITY	---	3,890
UTILITY AND SITE IMPROVEMENTS/WATERFRONT SECURITY EMERGENCY GENERATOR	3,000	3,000
AIR FORCE		
ROBINS AIR FORCE BASE		
51ST COMBAT COMMUNICATIONS SQUADRON OPERATIONS FACILITY	---	5,600
APPROACH LIGHTING SYSTEM	2,000	2,000
DEFENSE-WIDE		
AUGUSTA		
REGIONAL SECURITY OPERATIONS CENTER	61,466	48,966
FORT STEWART		
NEW ELEMENTARY SCHOOL	16,629	16,629
SPECIAL OPERATION FORCES EQUIPMENT MAINTENANCE COMPLEX	10,000	10,000
AIR NATIONAL GUARD		
SAVANNAH/HILTON HEAD INTERNATIONAL AIRPORT		
REPLACE COMBAT READINESS TRAINING CENTER/MEDICAL TRAINING COMPLEX	7,200	7,200
HAWAII		
ARMY		
HELEMANO		
DRUM ROAD UPGRADE (PHASE II)	41,000	41,000
POHAKULOA TRAINING AREA		
BATTLE AREA COMPLEX	34,000	34,000
TACTICAL VEHICLE WASH FACILITY	9,300	9,300
SADDLE ROAD	---	17,000
SCHOFIELD BARRACKS		
BARRACKS COMPLEX (PHASE I)	48,000	48,000
MODIFIED URBAN ASSAULT COURSE	5,900	5,900
VEHICLE MAINTENANCE FACILITY (PHASE II)	24,656	24,656
NAVY		
KANEOHE BAY		
CAMP SMITH FIRE STATION	5,700	5,700
PEARL HARBOR		
PACIFIC WARFIGHTING CENTER	29,700	29,700
AIR FORCE		
HICKAM AIR FORCE BASE		
DISTRIBUTED COMMON GROUND SYSTEM CONSTRUCT INTELLIGENCE SQUADRON OPERATIONS FACILITY	5,678	5,678
UPGRADE ELECTRICAL DISTRIBUTION SYSTEM (PHASE III)	---	7,700
DEFENSE-WIDE		
KUNIA		
REGIONAL SECURITY OPERATIONS CENTER REPLACEMENT	61,466	48,966
AIR NATIONAL GUARD		
HICKAM AIR FORCE BASE		
F-15 AIRCRAFT RINSE FACILITY	2,500	2,500
AIR FORCE RESERVE		
HICKAM AIR FORCE BASE		
CONSOLIDATED TRAINING	6,450	6,450

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
IDAHO		
AIR FORCE		
MOUNTAIN HOME AIR FORCE BASE		
BASE OPERATIONS/RADAR APPROACH CONTROL FACILITY	9,835	9,835
ARMY NATIONAL GUARD		
GOWEN FIELD		
RAILHEAD (PHASE I)	---	8,415
ILLINOIS		
ARMY		
ROCK ISLAND ARSENAL		
COMBINED FIRE/POLICE STATION	---	7,400
NAVY		
GREAT LAKES		
DRILL HALL REPLACEMENT	16,610	16,610
RECRUIT TRAINING COMMAND BARRACKS	38,720	38,720
RECRUIT TRAINING COMMAND BARRACKS	33,840	33,840
RECRUIT TRAINING COMMAND INFRASTRUCTURE UPGRADE (PHASE I)	32,730	32,730
AIR NATIONAL GUARD		
PEORIA REGIONAL AIRPORT		
REPLACEMENT COMPOSITE ASOC/ASOS TRAINING FACILITY	---	9,600
INDIANA		
ARMY		
CRANE ARMY AMMUNITION ACTIVITY		
HIGH PERFORMANCE MAGAZINES (PHASE I)	---	5,700
NAVY		
NAVAL SURFACE WARFARE CENTER CRANE		
SPECIAL WEAPONS ENGINEERING FACILITY	---	8,220
ARMY NATIONAL GUARD		
CAMP ATTERBURY		
FIRE STATION (ARMY DIVISION REDESIGN STUDY)	2,454	2,454
AIR FORCE RESERVE		
GRISSOM AIR RESERVE BASE		
RADAR APPROACH CONTROL FACILITY	7,000	7,000
IOWA		
ARMY NATIONAL GUARD		
FORT DODGE		
ADDITION/ALTERATION FIELD MAINTENANCE SHOP	---	1,500
KANSAS		
ARMY		
FORT LEAVENWORTH		
LEWIS AND CLARK INSTRUCTIONAL FACILITY (PHASE III)	42,642	42,642
FORT RILEY		
ALERT HOLDING AREA	---	6,300
DEPLOYMENT FACILITY RAMP EXPANSION	5,500	5,500
DEPLOYMENT SUPPORT FACILITY	---	4,600
DIGITAL MULTIPURPOSE TRAINING RANGE	17,500	17,500
DEFENSE-WIDE		
MCCONNELL AIR FORCE BASE		
HYDRANT FUEL SYSTEM	15,800	15,800
ARMY NATIONAL GUARD		
PITTSBURG		
READINESS CENTER	---	5,6[illegible]3
ARMY RESERVE		
NEW CENTURY		
ORGANIZATIONAL MAINTENANCE SHOP/AREA MAINTENANCE SUPPORT ACTIVITY/UNHEATED STORAGE (PHASE I)	6,376	6,376
KENTUCKY		
ARMY		
FORT CAMPBELL		
AIRFIELD SUPPORT FACILITY	---	3,600

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
BARRACKS COMPLEX - 52ND ST	49,575	49,575
BARRACKS COMPLEX - GLIDER RD	43,000	43,000
BARRACKS COMPLEX (PHASE II)	24,650	24,650
COMBINED ARMS COLLECTIVE TRAINING FACILITY (PHASE II)	10,300	10,300
MAIN GATE ACCESS CONTROL POINT (GATE 4)	---	8,300
URBAN ASSAULT COURSE	1,700	1,700
FORT KNOX		
IMPROVE BATTALION DINING FACILITIES	---	4,600
TRAINEE BARRACKS COMPLEX 1 (PHASE II)	21,000	21,000
DEFENSE-WIDE		
FORT CAMPBELL		
SPECIAL OPERATIONS FORCES COMPANY OPERATIONS AND SUPPLY FACILITY	7,800	7,800
SPECIAL OPERATIONS FORCES GROUP OPERATIONS COMPLEX	30,000	30,000
ARMY NATIONAL GUARD		
LONDON		
JOINT SUPPORT OPERATIONS CENTER (COUNTERDRUG)	---	1,785
W.H.FORD REGIONAL TRAINING CENTER		
TRAINING COMPLEX (PHASE VI)	9,720	9,720
LOUISIANA		
ARMY		
FORT POLK		
COMBINED ARMS COLLECTIVE TRAINING FACILITY	28,887	28,887
AIR FORCE		
BARKSDALE AFB		
INTEGRATED OPERATIONS CENTER	---	10,800
MAINE		
NAVY		
PORTSMOUTH NAVAL SHIPYARD		
ACOUSTIC TEST AND CALIBRATION FACILITY	---	8,100
MARYLAND		
NAVY		
ANNAPOLIS		
WESLEY BROWN FIELD HOUSE (PHASE I)	24,930	24,930
INDIAN HEAD		
JOINT EXPLOSIVE ORDNANCE DISPOSAL TECHNICAL SUPPORT CENTER	---	8,250
PATUXENT RIVER		
MULTI-MISSION MARITIME AIRCRAFT TEST FACILITY	5,800	5,800
PRESIDENTIAL HELICOPTER PROGRAMS SUPPORT FACILITY (PHASE I)	40,700	40,700
DEFENSE-WIDE		
BETHESDA NAVAL HOSPITAL		
ACADEMIC PROGRAM CENTER/GRADUATE SCHOOL NURSING ADDITION	10,350	10,350
FORT DETRICK		
JOINT MEDICAL LOGISTICS CENTER	34,000	34,000
US ARMY MEDICAL RESEARCH INSTITUTE OF INFECTIOUS DISEASES STERILIZATION PLANT	21,200	21,200
FORT MEADE		
CLASSIFIED MATERIAL CONVERSION	12,030	12,030
FRIENDSHIP ANNEX COMPLEX GENERATOR PLANT	12,009	12,009
SOUTH CAMPUS MAIL FACILITY	4,010	4,010
ARMY NATIONAL GUARD		
DUNDALK ARMORY		
ORGANIZATIONAL MAINTENANCE SHOP	---	4,912

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
MASSACHUSETTS		
AIR FORCE		
HANSCOM AIR FORCE BASE		
FOURTH CLIFF EROSION CONTROL STABILIZATION SYSTEM (PHASE I)	10,000	---
REPLACE BCE HEAVY REPAIR AND GROUNDS FACILITY	---	3,900
ARMY NATIONAL GUARD		
CAMP CURTIS GUILD (READING)		
ORGANIZATIONAL MAINTENANCE SHOP (ARMY DIVISION REDESIGN STUDY)	17,136	17,136
CAMP EDWARDS		
READINESS CENTER (ARMY DIVISION REDESIGN STUDY)	2,542	2,542
WESTFIELD		
FIRE STATION (ARMY DIVISION REDESIGN STUDY)	2,129	2,129
AIR NATIONAL GUARD		
BARNES MUNICIPAL AIRPORT		
WEAPONS MAINTENANCE/LOAD CREW TRAINING FACILITY	---	7,100
AIR FORCE RESERVE		
WESTOVER AIR RESERVE BASE		
MUNITIONS STORAGE AND MAINTENANCE	3,000	3,000
MICHIGAN		
ARMY NATIONAL GUARD		
CAMP GRAYLING RANGE		
MULTI-PURPOSE MACHINE GUN RANGE	1,901	1,901
LANSING		
USPFO/READINESS CENTER (PHASE I)	---	11,800
AIR NATIONAL GUARD		
ALPENA		
CRTC SQUADRON OPERATIONS FACILITY	---	9,500
W.K. KELLOGG AIRPORT		
REPLACE CIVIL ENGINEERING COMPLEX	---	7,400
MINNESOTA		
AIR NATIONAL GUARD		
DULUTH INTERNATIONAL AIRPORT		
FAA/AIR NATIONAL GUARD FIRE STATION FACILITY	---	6,500
MINNEAPOLIS-ST.PAUL INTERNATIONAL AIRPORT		
COMPOSITE MAINTENANCE COMPLEX	---	8,800
AIR FORCE RESERVE		
MINNEAPOLIS-ST.PAUL INTERNATIONAL AIRPORT		
JOINT USE SMALL ARMS RANGE	---	3,000
MISSISSIPPI		
NAVY		
NAS MERIDIAN		
JET ENGINE TEST CELL	---	10,450
AIR FORCE		
COLUMBUS AFB		
MISSION SUPPORT GROUP COMPLEX	---	10,000
KEESLER AIR FORCE BASE		
STUDENT DORMITORY (300 ROOM)	30,100	30,100
TECHNICAL TRAINING FACILITY	17,400	17,400
DEFENSE-WIDE		
KEESLER AIR FORCE BASE		
SURGERY SUITE ADDITION/ALTERATION	14,000	14,000
ARMY NATIONAL GUARD		
CAMP SHELBY		
COMBINED ARMS AREA WETLANDS CROSSINGS (PHASE I)	5,263	5,263
MODIFIED RECORD FIRE RANGE	3,000	3,000
AIR NATIONAL GUARD		
GULFPORT		
REPLACE MUNITIONS TRAINING AND STORAGE COMPLEX	---	4,500

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
MISSOURI		
ARMY		
FORT LEONARD WOOD		
COUNTERMINE TRAINING COMPLEX (PHASE II)	8,100	8,100
PERMANENT PARTY BARRACKS	---	15,400
AIR FORCE		
WHITEMAN AIR FORCE BASE		
B-2 CONVENTIONAL MUNITIONS STORAGE	---	5,721
ARMY NATIONAL GUARD		
FORT LEONARD WOOD		
MK 19 RANGE	1,878	1,878
SPRINGFIELD		
AVIATION CLASSIFICATION AND REPAIR ACTIVITY DEPOT (PHASE I)	---	8,234
MONTANA		
AIR FORCE		
MALMSTROM AFB		
PHYSICAL FITNESS CENTER	---	13,500
ARMY NATIONAL GUARD		
HELENA		
ARMY AVIATION SUPPORT FACILITY (PHASE II)	5,942	5,942
ADDITION/ALTERATION READINESS CENTER (ARMY DIVISION REDESIGN STUDY)	1,324	1,324
TOWNSEND		
QUALIFICATION TRAINING RANGE	---	2,558
NEBRASKA		
AIR FORCE		
OFFUTT AIR FORCE BASE		
CHILD DEVELOPMENT CENTER	---	12,800
CONSTRUCT HEADQUARTERS AIR FORCE WEATHER AGENCY	30,410	30,410
REPAIR RUNWAY	19,870	19,870
NEVADA		
AIR FORCE		
INDIAN SPRINGS		
PREDATOR MAINTENANCE AND LOGISTICS COMPLEX	19,260	19,260
PREDATOR MUNITIONS COMPLEX	9,330	9,330
PREDATOR OPERATIONS FACILITIES	23,314	23,314
PREDATOR TRAINING FACILITIES	8,820	8,820
NELLIS AIR FORCE BASE		
AIRFIELD RESCUE STATIONS	---	4,800
F/A-22 ADD/ALTER LOW OBSERVABLE COMPOSITE FACILITY	9,330	9,330
F/A-22 ADD/ALTER WEAPONS SCHOOL	10,240	10,240
DEFENSE-WIDE		
NELLIS AIR FORCE BASE		
BIO ENVIRONMENTAL ENGINEERING FACILITY REPLACEMENT	1,700	1,700
AIR NATIONAL GUARD		
RENO-TAHOE INTERNATIONAL AIRPORT		
INTELLIGENCE EXPLOITATION FACILITY	---	16,800
NEW HAMPSHIRE		
ARMY NATIONAL GUARD		
NH NATIONAL GUARD STATE MILITARY RESERVATION		
NH NATIONAL GUARD JOINT FORCE HEADQUARTERS	---	10,498
NEW JERSEY		
ARMY		
PICATINNY ARSENAL		
FIRE STATION	---	4,450
NAVY		
EARLE		
PIER COMPLEX REPLACEMENT (PHASE III)	54,432	54,432
AIR FORCE		
MCGUIRE AIR FORCE BASE		

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
ELECTRICAL DISTRIBUTION SYSTEM	13,185	13,185
ARMY NATIONAL GUARD		
LAKEHURST		
CONSOLIDATED LOGISTICS AND TRAINING FACILITIES	26,685	26,685
ARMY RESERVE		
FORT DIX		
COMBINED ARMS COLLECTIVE TRAINING FACILITY	---	12,271
SHOOT HOUSE/AFTER ACTION REVIEW/BREACH FACILITY	1,569	1,569
NEW MEXICO		
AIR FORCE		
HOLLOMAN AIR FORCE BASE		
FIRE STATION	---	15,000
KIRTLAND AIR FORCE BASE		
HC-130P SIMULATOR FACILITY	6,600	6,600
DEFENSE-WIDE		
CANNON AIR FORCE BASE		
REPLACE FUEL STORAGE AND LOADING FACILITY	13,200	13,200
NEW YORK		
ARMY		
FORT DRUM		
AIRFIELD VEHICLE SUPPORT FACILITY	---	9,700
AMMUNITION SUPPLY POINT PALLET PROCESSING FACILITY	1,850	1,850
BARRACKS COMPLEX 10300 BLOCK (PHASE I)	38,500	38,500
PHYSICAL FITNESS FACILITY	6,800	6,800
U.S. MILITARY ACADEMY		
IMPROVE CADET BARRACKS	---	3,500
LIBRARY AND LEARNING CENTER (PHASE II)	25,470	25,470
MODIFIED RECORD FIRE RANGE	4,000	4,000
ARMY NATIONAL GUARD		
KINGSTON		
ADDITION/ALTERATION READINESS CENTER (ARMY DIVISION REDESIGN STUDY)	6,039	6,039
LATHAM		
READINESS CENTER (ARMY DIVISION REDESIGN STUDY)	5,580	5,580
LEEDS		
ADDITION/ALTERATION READINESS CENTER (ARMY DIVISION REDESIGN STUDY)	3,065	3,065
ROCHESTER		
ARMY AVIATION SUPPORT FACILITY (AVIATION TRANSFORMATION)	19,944	19,944
AIR NATIONAL GUARD		
GRIFFISS		
NORTHEAST AIR DEFENSE SECTOR SUPPORT FACILITY, PHASE I	---	3,000
HANCOCK FIELD		
UPGRADE SQUADRON OPERATIONS FACILITY	---	5,600
STEWART INTERNATIONAL AIRPORT		
REPLACE FIRE CRASH/RESCUE STATION	10,200	10,200
NAVY RESERVE		
ALBANY		
JOINT RESERVE CENTER	19,970	19,970
AIR FORCE RESERVE		
NIAGARA FALLS INTERNATIONAL AIRPORT		
VISITING QUARTERS	9,200	9,200
NORTH CAROLINA		
ARMY		
FORT BRAGG		
BARRACKS COMPLEX - ADDITION TO 3RD BRIGADE COMPLEX	---	11,400
BARRACKS COMPLEX 2ND BRIGADE (PHASE I)	32,000	32,000
BARRACKS COMPLEX (PHASE II)	30,611	30,611
BARRACKS COMPLEX - 3RD BRIGADE (PHASE I)	50,000	50,000
BARRACKS COMPLEX - DIVISION ARTILLERY (PHASE I)	35,600	35,600
COMPANY OPERATIONS FACILITY	7,300	7,300

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
COURTHOUSE	4,450	4,450
URBAN ASSAULT COURSE	2,100	2,100
NAVY		
CAMP LEJEUNE		
ASSAULT BREACHER VEHICLE FACILITY	4,040	4,040
BACHELOR ENLISTED QUARTERS - CAMP JOHNSON	20,340	20,340
MESS HALL - COURTHOUSE BAY	11,840	11,840
MULTI-PURPOSE MACHINE GUN RANGE	5,370	5,370
CHERRY POINT MARINE CORPS AIR STATION		
AIR INSTALLATIONS COMPATIBLE USE ZONES LAND ACQUISITION	1,890	1,890
HIGH EXPLOSIVE MAGAZINES	5,107	5,107
ORDNANCE FIELD MAINTENANCE AND OPERATIONS BUILDING	---	2,000
V22 GEARBOX REPAIR/TEST FACILITY	15,390	15,390
V22 ROTOR BLADE REPAIR FACILITY	4,760	4,760
NEW RIVER MARINE CORPS AIR STATION		
AIRCRAFT FIRE AND RESCUE FACILITY	---	4,310
MAIN GATE SECURITY UPGRADES	2,530	2,530
DEFENSE-WIDE		
FORT BRAGG		
NEW ELEMENTARY SCHOOL/JUNIOR HIGH SCHOOL ADDITION	18,075	18,075
RESISTANCE TRAINING COMPLEX (JOINT SPECIAL OPERATIONS COMMAND)	2,569	2,569
SPECIAL OPERATIONS FORCES HEADQUARTERS BUILDING	3,700	3,700
SPECIAL OPERATIONS FORCES REPLACEMENT BAFFLED FIRING RANGE	---	3,300
SPECIAL OPERATIONS FORCES TRAINING FACILITY	8,500	8,500
SEYMOUR JOHNSON AIR FORCE BASE		
REPLACE HYDRANT FUEL SYSTEM	18,500	18,500
ARMY NATIONAL GUARD		
LENOIR		
FIELD MAINTENANCE SHOP	---	5,858
TARBORO		
ADDITION/ALTERATION READINESS CENTER (ARMY DIVISION REDESIGN STUDY)	1,154	1,154
AIR NATIONAL GUARD		
CHARLOTTE/DOUGLAS INTERNATIONAL AIRPORT		
VEHICLE MAINTENANCE COMPLEX	3,400	3,400
NORTH DAKOTA		
AIR FORCE		
MINOT		
SECURITY FORCES VEHICLE ALERT FACILITY	8,700	8,700
ARMY NATIONAL GUARD		
CAMP GRAFTON		
UPGRADE/HARDEN PERIMETER	---	870
FRAINE BARRACKS, BISMARCK		
WMD CIVIL SUPPORT TEAM FACILITY	---	3,737
MINOT		
FIELD MAINTENANCE SHOP	10,950	10,950
OHIO		
ARMY		
LIMA ARMY MODIFICATION CENTER		
JOINT SYSTEMS MANUFACTURING CENTER INTEGRATED OFFICE BUILDING	---	11,600
AIR FORCE		
WRIGHT-PATTERSON AIR FORCE BASE		
ADD/ALTER INTELLIGENCE PRODUCTION COMPLEX	19,670	19,670
NEW ACADEMIC BUILDING	---	12,950
ARMY NATIONAL GUARD		
MANSFIELD		
FIRE STATION (ARMY DIVISION REDESIGN STUDY)	1,293	1,293
NORTH CANTON		
ARMY AVIATION SUPPORT FACILITY (AVIATION TRANSFORMATION)	7,923	7,923

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
AIR NATIONAL GUARD		
CAMP PERRY ANG STATION		
REPLACE TROOP TRAINING QUARTERS	---	4,700
AIR FORCE RESERVE		
WRIGHT-PATTERSON AIR FORCE BASE		
C-5 AIRFIELD PAVEMENTS (PHASE II)	4,400	4,400
C-5 ALTER FLIGHT SIMULATOR FACILITY	800	800
C-5 ALTER FUEL HYDRANT SYSTEM	1,600	1,600
C-5 ALTER MAINTENANCE SHOPS	800	800
C-5 FUEL SYSTEMS MAINTENANCE HANGAR	10,500	10,500
C-5 SCHEDULED MAINTENANCE HANGAR	15,300	15,300
C-5 SQUADRON OPERATIONS FACILITY	5,750	5,750
YOUNGSTOWN AIR RESERVE STATION		
JOINT SERVICE LODGING FACILITY (PHASE I)	---	7,500
OKLAHOMA		
ARMY		
FORT SILL		
FIRE STATION	---	3,150
RAILROAD EQUIPMENT FACILITY	2,700	2,700
MCALESTER		
AMMUNITION CONTAINER FACILITY	5,400	5,400
AIR FORCE		
TINKER AIR FORCE BASE		
31ST COMBAT COMMUNICATION SQUADRON OPERATIONS COMPLEX	11,960	11,960
UPGRADE BUILDING 3001 INFRASTRUCTURE (PHASE II)	20,000	20,000
VANCE AIR FORCE BASE		
FORCE PROTECTION ENHANCEMENT (PHASE 1)	---	14,000
OREGON		
ARMY NATIONAL GUARD		
SALEM		
WEAPONS OF MASS DESTRUCTION - CIVIL SUPPORT TEAM READY BUILDING	---	2,735
NAVY RESERVE		
LANE COUNTY		
ARMED FORCES RESERVE CENTER	6,132	6,132
PENNSYLVANIA		
ARMY		
LETTERKENNY ARMY DEPOT		
LTL AMMUNITION SHIPPING FACILITY	---	6,300
NAVY		
PHILADELPHIA		
MACHINERY NETWORKS DEVELOPMENT AND INTEGRATION FACILITY	---	4,780
DEFENSE-WIDE		
DEFENSE DISTRIBUTION DEPOT NEW CUMBERLAND		
REPLACE PHYSICAL FITNESS FACILITY	6,500	6,500
ARMY NATIONAL GUARD		
ERIE		
FIELD MAINTENANCE SHOP (STRYKER BRIGADE COMBAT TEAM)	5,136	5,136
READINESS CENTER (STRYKER BRIGADE COMBAT TEAM)	11,008	11,008
FORT INDIANTOWN GAP		
BATTALION TRAINING FACILITY (PHASE I) (STRYKER BRIGADE COMBAT TEAM)	22,190	22,190
COMBINED ARMS COLLECTIVE TRAINING FACILITY	16,706	16,706
INFANTRY SQUAD BATTLE COURSE (STRYKER BRIGADE COMBAT TEAM)	2,859	2,859
LIVE FIRE SHOOT HOUSE (STRYKER BRIGADE COMBAT TEAM)	2,346	2,346
MISSION SUPPORT TRAINING FACILITY	4,363	4,363
MK-19 40MM (GREN) MACHINE GUN QUALIFICATION RANGE (STRYKER BRIGADE COMBAT TEAM)	4,344	4,344

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
MODIFIED RECORD FIRE RANGE UPGRADE (STRYKER BRIGADE COMBAT TEAM)............................	2,683	2,683
MULTI-PURPOSE MACHINE GUN RANGE (STRYKER BRIGADE COMBAT TEAM)....................................	4,202	4,202
SNIPER RANGE (STRYKER BRIGADE COMBAT TEAM)........	2,898	2,898
UNMANNED AERIAL VEHICLE TRAINING FACILITY.........	2,482	2,482
UNIT STORAGE SITE (STRYKER BRIGADE COMBAT TEAM)...	2,961	2,961
URBAN ASSAULT COURSE (STRYKER BRIGADE COMBAT TEAM)	2,459	2,459
PHILADELPHIA		
FIELD MAINTENANCE SHOP (STRYKER BRIGADE COMBAT TEAM)...	6,207	6,207
READINESS CENTER (STRYKER BRIGADE COMBAT TEAM)....	11,925	11,925
AIR NATIONAL GUARD		
HARRISBURG INTERNATIONAL AIRPORT		
EXPAND AIRCRAFT PARKING APRON AND TAXIWAY.........	---	5,000
ARMY RESERVE		
BELLEFONTE		
ARMY RESERVE CENTER/ORGANIZATIONAL MAINTENANCE SHOP/UNHEATED STORAGE...........................	8,355	8,355
ERIE		
ARMY RESERVE CENTER/ORGANIZATIONAL MAINTENANCE SHOP/UNHEATED STORAGE...........................	9,367	9,367
JOHNSTOWN		
AIRFIELD RUNWAY UPGRADE...........................	---	17,780
RHODE ISLAND		
NAVY		
NEWPORT		
COMBAT TRAINING POOL REPLACEMENT..................	---	4,870
REPLACEMENT VEHICLE BRIDGE........................	---	10,620
SOUTH CAROLINA		
ARMY		
FORT JACKSON		
URBAN ASSAULT COURSE..............................	---	1,600
NAVY		
MARINE CORPS AIR STATION BEAUFORT		
MAIN GATE SECURITY IMPROVEMENTS...................	---	1,480
AIR FORCE		
CHARLESTON AIR FORCE BASE		
ADD/ALTER FITNESS CENTER..........................	2,583	2,583
SHAW AIR FORCE BASE		
MUNITIONS FACILITIES..............................	---	6,300
US CENTRAL COMMAND AIR FORCES COMMUNICATIONS SQUADRON FACILITY..............................	9,730	9,730
DEFENSE-WIDE		
CHARLESTON		
CONSOLIDATED MEDICAL CLINIC.......................	35,000	35,000
ARMY NATIONAL GUARD		
THE CITADEL		
SC NATIONAL GUARD READINESS CENTER................	---	10,298
ARMY RESERVE		
GREENVILLE		
ARMY RESERVE CENTER/ORGANIZATIONAL MAINTENANCE SHOP/UNHEATED STORAGE...........................	15,524	15,524
NAVY RESERVE		
CHARLESTON		
MARINE CORPS RESERVE CENTER.......................	6,424	6,424
SOUTH DAKOTA		
AIR FORCE		
ELLSWORTH AIR FORCE BASE		
MAINTENANCE GROUP HEADQUARTERS FACILITY..........	---	8,400

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
AIR NATIONAL GUARD		
JOE FOSS FIELD		
SECURITY FORCES FACILITY AND COMMUNICATIONS UPGRADE	---	5,500
TENNESSEE		
ARMY NATIONAL GUARD		
TENNESSEE ARMY NATIONAL GUARD HEADQUARTERS READINESS CENTER (PHASE II)	---	23,193
AIR NATIONAL GUARD		
MEMPHIS INTERNATIONAL AIRPORT		
C-5 FUEL CELL MAINTENANCE HANGAR AND SHOP	23,000	23,000
C-5 MAINTENANCE HANGAR AND SHOPS	39,000	39,000
TEXAS		
ARMY		
FORT BLISS		
VEHICLE BRIDGE	---	5,000
FORT HOOD		
BATTALION COMMAND AND CONTROL FACILITIES	6,600	6,600
CENTRAL SHIPPING/RECEIVING POINT	---	6,600
FIRE STATION	4,100	4,100
FIRE STATION (NORTH FORT HOOD)	---	4,650
MULTIPURPOSE SQUAD QUALIFICATION COURSE - SCOUT COMPLEX	8,000	8,000
PHYSICAL FITNESS CENTER	---	6,800
QUALIFICATION TRAINING RANGE	6,093	6,093
VEHICLE MAINTENANCE SHOP	21,645	21,645
FORT SAM HOUSTON		
RENOVATE BARRACKS WINGS AND BATTALION COMMAND AREA	---	7,000
NAVY		
KINGSVILLE		
AIRFIELD LIGHTING (NAVY AUXILIARY LANDING FIELD ORANGE GROVE)	6,010	6,010
T-10 JET ENGINE TEST CELL	---	10,030
AIR FORCE		
GOODFELLOW AIR FORCE BASE		
CHAPEL CENTER	---	4,300
LAUGHLIN AIR FORCE BASE		
AIRCRAFT MAINTENANCE COMPLEX	---	7,900
SHEPPARD AIR FORCE BASE		
STUDENT DORMITORY (300 ROOM)	33,000	33,000
T-6 CONTRACTOR OPERATED MAINTENANCE AND BASE SUPPLY WAREHOUSE	3,000	3,000
DEFENSE-WIDE		
LACKLAND AIR FORCE BASE		
MILITARY WORKING DOG MEDICAL FACILITY REPLACEMENT	11,000	11,000
ARMY RESERVE		
ELLINGTON FIELD		
ARMED FORCES RESERVE AND BATTLE PROJECTION CENTER	---	15,000
GRAND PRAIRIE		
ARMY RESERVE CENTER (PHASE II)	5,685	5,685
AIR FORCE RESERVE		
FORT WORTH		
AIRCRAFT GENERATION FACILITY	---	1,750
UTAH		
ARMY		
DUGWAY PROVING GROUND		
MICHAEL ARMY AIRFIELD RUNWAY (PHASE II)	25,000	25,000
AIR FORCE		
HILL AIR FORCE BASE		
ADD TO SOFTWARE SUPPORT FACILITY	19,500	19,500
CONSOLIDATE MISSILE STORAGE FACILITIES	---	9,800
F/A-22 AIRCRAFT BATTLE DAMAGE REPAIR TRAINING	4,600	4,600
ARMY NATIONAL GUARD		

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
CAMP WILLIAMS		
ADDITION/ALTERATION READINESS CENTER (ARMY DIVISION REDESIGN STUDY)	3,279	3,279
VERMONT		
ARMY NATIONAL GUARD		
CAMP JOHNSON		
INFORMATION SYSTEMS FACILITY	---	5,617
ETHAN ALLEN		
MODIFIED RECORD FIRE RANGE	3,000	3,000
VIRGINIA		
ARMY		
FORT A.P. HILL		
MODIFIED RECORD FIRE RANGE	2,700	2,700
FORT BELVOIR		
DEFENSE ACCESS ROAD (PHASE I)	5,000	5,000
FORT EUSTIS		
DEPLOYMENT STAGING AREA	---	3,100
FORT LEE		
49TH QUARTERMASTER GROUP OPERATIONS STORAGE	---	3,900
FORT MYER		
CHILD DEVELOPMENT CENTER	15,200	15,200
NAVY		
LITTLE CREEK		
REPLACE PIERS AND QUAYWALL	36,034	36,034
NAVAL SURFACE WARFARE CENTER		
ELECTROMAGNETIC RESEARCH AND ENGINEERING FACILITY	---	9,960
NORFOLK		
AIRCRAFT MAINTENANCE HANGAR (MH-60S CV)	21,565	21,565
H60 TRAINER BUILDING	10,680	10,680
PIER 11 REPLACEMENT (PHASE III)	40,200	40,200
SHIP REPAIR PIER 3 REPLACEMENT (PHASE I)	47,729	47,729
OCEANA NAVAL AIR STATION		
F/A-18 FACILITY UPGRADES	11,680	11,680
QUANTICO		
AIRCRAFT PARKING APRON WHITE SIDE	8,031	8,031
AIRCRAFT PARKING APRON - GREEN SIDE	11,667	11,667
HOCKMUTH HALL ADDITION	2,600	4,000
RELIGIOUS AND FAMILY SERVICES CENTER	---	4,270
WHITE SIDE COMPLEX	34,730	34,730
AIR FORCE		
LANGLEY AIR FORCE BASE		
F/A-22 MUNITIONS STORAGE COMPLEX	20,925	20,925
REPAIR PRIMARY PARKING APRON/TAXIWAY	17,740	17,740
REPAIR WEST PARKING APRON/TAXIWAY	---	5,700
DEFENSE-WIDE		
FORT BELVOIR		
ALTER AIR INTAKES	4,500	4,500
HOSPITAL REPLACEMENT (PHASE II)	57,000	57,000
NORFOLK		
REPLACE LUBE OIL TANKS	6,700	6,700
ARMY NATIONAL GUARD		
FORT BELVOIR		
TOTAL ARMY SCHOOL SYSTEM COMPLEX (PHASE I)	13,596	13,596
FORT PICKETT		
MILITARY OPERATIONS ON URBAN TERRAIN (MOUT) SHOOT HOUSE	1,552	1,552
WINCHESTER		
READINESS CENTER	---	7,619
NAVY RESERVE		
OCEANA NAVAL AIR STATION		
C-40 HANGAR	2,259	2,259

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
WASHINGTON		
ARMY		
FORT LEWIS		
BARRACKS COMPLEX	50,000	50,000
BARRACKS COMPLEX - NORTH FORT	49,949	49,949
NAVY		
BANGOR		
ENCLOSE MOTOR TRANSFER FACILITY	2,860	2,860
LIMITED AREA PRODUCTION AND STORAGE COMPLEX (PHASE II)	47,095	47,095
MISSION SUPPORT FACILITY FOR SSBN/SSN	15,780	15,780
NAVAL SURFACE WARFARE CENTER - CARDEROCK DIVISION DETACHMENT CONSOLIDATION (PHASE II)	---	9,430
WATERFRONT SECURITY ENCLAVE	41,520	41,520
EVERETT		
BACHELOR ENLISTED QUARTERS HOMEPORT ASHORE (PHASE I)	49,950	49,950
WHIDBEY ISLAND		
HIGH PERFORMANCE MAGAZINES	---	4,010
AIR FORCE		
FAIRCHILD AIR FORCE BASE		
RESISTANCE TRAINING FACILITY	---	8,200
DEFENSE-WIDE		
FORT LEWIS		
SPECIAL OPERATIONS FORCES AVIATION BATTALION COMPLEX	30,000	30,000
SPECIAL OPERATIONS FORCES EXPAND COMPOUND	18,500	18,500
SPECIAL OPERATIONS FORCES TRAINING FACILITY (SPECIAL WARFARE CENTER AND SCHOOL)	4,800	4,800
WEST VIRGINIA		
ARMY NATIONAL GUARD		
CAMP DAWSON		
READINESS CENTER	---	4,500
AIR NATIONAL GUARD		
EASTERN WEST VIRGINIA REGIONAL AIRPORT - SHEPHERD FIELD		
C-5 CORROSION CONTROL HANGAR	23,000	23,000
C-5 JET FUEL STORAGE/HYDRATION SYSTEM/PARK APRON	20,000	20,000
C-5 SHOP UPGRADES	---	2,000
UPGRADE AND EXTEND RUNWAY	---	17,000
WISCONSIN		
ARMY NATIONAL GUARD		
CAMP WILLIAMS		
READINESS CENTER	5,357	5,357
AIR NATIONAL GUARD		
GENERAL MITCHELL INTERNATIONAL AIRPORT		
UPGRADE COMPOSITE MAINTENANCE SUPPORT COMPLEX	---	7,000
ARMY RESERVE		
FORT MCCOY		
MODIFIED RECORD FIRE RANGE	3,038	3,038
NON-COMMISSIONED OFFICER ACADEMY (PHASE I)	15,405	15,405
PUBLIC SAFETY CENTER	5,365	5,365
SHOOT HOUSE/AFTER ACTION REVIEW/BREACH FACILITY	1,700	1,700
WAUSAU		
ARMY RESERVE CENTER/ORGANIZATIONAL MAINTENANCE SHOP/UNHEATED STORAGE	11,098	11,098
WYOMING		
ARMY NATIONAL GUARD		
CASPER		
READINESS CENTER (ARMY DIVISION REDESIGN STUDY)	2,802	2,802
AIR NATIONAL GUARD		
CHEYENNE MUNICIPAL AIRPORT		
COMPOSITE AIRLIFT SUPPORT COMPLEX	7,000	7,000

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
BAHRAIN ISLAND		
DEFENSE-WIDE		
SOUTHWEST ASIA		
MEDICAL CLINIC ADDITION/ALTERATION	4,750	4,750
GERMANY		
ARMY		
GRAFENWOEHR		
BARRACKS COMPLEX	40,000	40,000
BRIGADE COMPLEX-FORWARD SUPPORT	40,681	40,681
SHOOT HOUSE	1,800	1,800
URBAN ASSAULT COURSE	1,600	1,600
VILSECK		
BARRACKS COMPLEX (PHASE II)	13,600	13,600
AIR FORCE		
RAMSTEIN AIR BASE		
AIRFIELD MAINTENANCE COMPOUND	8,600	8,600
MUNITIONS MAINTENANCE FACILITY	3,050	3,050
SPANGDAHLEM AIR BASE		
CONTROL TOWER	7,100	7,100
LARGE VEHICLE INSPECTION STATION	5,374	5,374
DEFENSE-WIDE		
LANDSTUHL		
LANDSTUHL ELEMENTARY SCHOOL/MIDDLE SCHOOL CLASSROOM ADDITION	5,572	5,572
VILSECK		
VILSECK ELEMENTARY SCHOOL ADDITION AND RENOVATION.	2,323	2,323
GREECE		
DEFENSE-WIDE		
SOUDA BAY		
REPLACE FUEL PIPELINE	7,089	7,089
GUAM		
NAVY		
NAVAL BASE GUAM		
ALPHA/BRAVO WHARVES IMPROVEMENTS (PHASE I)	25,584	25,584
AIR FORCE		
ANDERSEN AIR FORCE BASE		
AIR EXPEDITIONARY FORCE FORWARD OPERATING LOCATION MUNITIONS STORAGE IGLOOS	15,000	15,000
REPLACE MILITARY WORKING DOG FACILITY	3,500	3,500
DEFENSE-WIDE		
AGANA NAVAL AIR STATION		
ELEMENTARY SCHOOL/MIDDLE SCHOOL REPLACEMENT	40,578	40,578
ARMY NATIONAL GUARD		
BARRIGADA		
WEAPONS OF MASS DESTRUCTION - CIVIL SUPPORT TEAM READY BUILDING	---	4,852
ITALY		
ARMY		
PISA		
AMMUNITION STORAGE FACILITY	5,254	5,254
AIR FORCE		
AVIANO AIR BASE		
AIR CONTROL SQUAD WAREHOUSE	7,800	7,800
CONSOLIDATED SUPPORT CENTER FACILITY	10,850	10,850
FAMILY SUPPORT CENTER	4,010	4,010
KOREA		
ARMY		
CAMP HUMPHREYS		
BARRACKS COMPLEX	28,000	25,000
BARRACKS COMPLEX	45,637	42,637
BARRACKS COMPLEX	40,525	37,525

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
YONGPYONG		
URBAN ASSAULT COURSE	1,450	1,450
AIR FORCE		
KUNSAN AIR BASE		
CONSOLIDATED PERSONNEL PROCESS/THEATER FACILITY	6,800	6,800
DORMITORY (382 ROOM)	44,100	41,100
OSAN AIR BASE		
ADD/ALTER SQUADRON OPERATIONS/APPLIED METEOROLOGY UNIT FACILITY	18,969	18,969
DORMITORY (156 ROOM)	21,750	18,750
DEFENSE-WIDE		
TAEGU AIR BASE		
ELEMENTARY/HIGH SCHOOL REPLACEMENT/ADDITION	8,231	8,231
KWAJALEIN		
DEFENSE-WIDE		
KWAJALEIN ATOLL		
EMERGENCY SERVICES FACILITY, MECK ISLAND	4,901	4,901
PORTUGAL		
AIR FORCE		
LAJES FIELD		
FIRE/CRASH RESCUE STATION	12,000	12,000
PUERTO RICO		
ARMY RESERVE		
CAMP SANTIAGO		
MODIFIED RECORD FIRE RANGE	2,000	2,000
SPAIN		
DEFENSE-WIDE		
ROTA		
ROTA ELEMENTARY SCHOOL AND HIGH SCHOOL MULTIPURPOSE BUILDING	7,963	7,963
TURKEY		
AIR FORCE		
INCIRLIK AIR BASE		
CONSOLIDATED COMMUNICATIONS FACILITY	5,780	5,780
UNITED KINGDOM		
AIR FORCE		
ROYAL AIR FORCE MILDENHALL		
BASE ENGINEER COMPLEX	13,500	13,500
ROYAL AIR FORCE LAKENHEATH		
SMALL DIAMETER BOMB MAINTENANCE FACILITY	2,625	2,625
SMALL DIAMETER BOMB STORAGE IGLOO AND ADDITION	2,500	2,500
DEFENSE-WIDE		
MENWITH HILL STATION		
OPERATIONS/TECH BUILDING	41,697	41,697
NORTH ATLANTIC TREATY ORGANIZATION (NATO)		
NATO SECURITY INVESTMENT PROGRAM (NSIP)	206,858	206,858
RESCISSION (P.L. 108-324)	---	-30,000
WORLDWIDE UNSPECIFIED		
ARMY		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	161,393	170,021
UNSPECIFIED MINOR CONSTRUCTION	20,000	24,141
OVERHEAD COVER SYSTEMS	---	50,000
RESCISSION (P.L. 107-249)	---	-3,046
RESCISSION (P.L. 108-324)	---	-16,700

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
NAVY		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	29,512	34,893
WHARF UPGRADE	39,019	14,000
RESCISSION (P.L. 108-132)	---	-5,767
RESCISSION (P.L. 108-324)	---	-44,270
AIR FORCE		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	79,047	95,537
UNSPECIFIED MINOR CONSTRUCTION	15,000	15,929
RESCISSION (P.L. 108-11)	---	-13,000
RESCISSION (P.L. 108-132)	---	-6,600
RESCISSION (P.L. 108-324)	---	-9,500
DEFENSE-WIDE		
UNSPECIFIED WORLDWIDE LOCATIONS		
CONTINGENCY CONSTRUCTION (UNDD)	10,000	---
RESCISSION (P.L. 108-324)	---	-20,000
ENERGY CONSERVATION IMPROVEMENT PROGRAM (UNDD)	60,000	50,000
PLANNING AND DESIGN		
SPECIAL OPERATIONS COMMAND	15,575	16,573
UNDISTRIBUTED	26,110	26,437
NATIONAL GEOSPATIAL INTELLIGENCE AGENCY	24,000	24,000
TRICARE MANAGEMENT ACTIVITY	65,000	65,000
DEPARTMENT OF DEFENSE DEPENDENT EDUCATION	1,096	1,096
NATIONAL SECURITY AGENCY	3,300	3,300
SUBTOTAL, PLANNING AND DESIGN	135,081	136,406
UNSPECIFIED MINOR CONSTRUCTION		
SPECIAL OPERATIONS COMMAND	2,000	2,000
TRICARE MANAGEMENT ACTIVITY	3,193	3,193
THE JOINT STAFF	7,543	7,543
UNDISTRIBUTED	3,000	3,000
SUBTOTAL, UNSPECIFIED MINOR CONSTRUCTION	15,736	15,736
ARMY NATIONAL GUARD		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	46,148	64,955
UNSPECIFIED MINOR CONSTRUCTION	7,646	15,313
AIR NATIONAL GUARD		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	12,856	26,635
UNSPECIFIED MINOR CONSTRUCTION	5,000	6,882
RESCISSION (P.L. 108-324)	---	-13,700
ARMY RESERVE		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	14,416	15,857
UNSPECIFIED MINOR CONSTRUCTION	2,979	2,979
NAVY RESERVE		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	2,978	3,166
UNSPECIFIED MINOR CONSTRUCTION	---	750
RESCISSION (P.L. 108-132)	---	-5,368
RESCISSION (P.L. 108-324)	---	-11,192
AIR FORCE RESERVE		
VARIOUS WORLDWIDE LOCATIONS		
PLANNING AND DESIGN	3,770	5,343
UNSPECIFIED MINOR CONSTRUCTION	4,000	4,000
RESCISSION (P.L. 108-324)	---	-13,815
TOTAL, WORLDWIDE UNSPECIFIED	664,581	589,585

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
FAMILY HOUSING, ARMY		
ALASKA		
FORT RICHARDSON (117 UNITS)	49,000	49,000
FORT WAINWRIGHT (96 UNITS)	49,000	49,000
FORT WAINWRIGHT (84 UNITS)	42,000	42,000
ARIZONA		
FORT HUACHUCA (131 UNITS)	31,000	31,000
YUMA (35 UNITS)	11,200	11,200
OKLAHOMA		
FORT SILL (129 UNITS)	24,000	24,000
VIRGINIA		
FORT LEE (96 UNITS)	19,500	19,500
FORT MONROE (21 UNITS)	6,000	6,000
CONSTRUCTION IMPROVEMENTS	300,400	300,400
PLANNING AND DESIGN	17,536	17,536
RESCISSION (P.L. 108-324)	---	-16,000
SUBTOTAL, CONSTRUCTION	549,636	549,636
OPERATION AND MAINTENANCE		
UTILITIES ACCOUNT	131,860	131,860
SERVICES ACCOUNT	28,718	28,718
MANAGEMENT ACCOUNT	68,188	68,188
MISCELLANEOUS ACCOUNT	1,345	1,345
FURNISHINGS ACCOUNT	39,465	39,465
LEASING	213,990	213,990
MAINTENANCE OF REAL PROPERTY	309,123	300,123
PRIVATIZATION SUPPORT COSTS	20,304	20,304
SUBTOTAL, OPERATION AND MAINTENANCE	812,993	803,993
TOTAL, FAMILY HOUSING, ARMY	1,362,629	1,353,629
FAMILY HOUSING, NAVY AND MARINE CORPS		
GUAM		
NAVAL BASE GUAM		
GUAM (126 UNITS)	40,298	40,298
CONSTRUCTION IMPROVEMENTS	178,644	178,644
SUBTOTAL, CONSTRUCTION	218,942	218,942
OPERATION AND MAINTENANCE		
UTILITIES ACCOUNT	97,841	97,841
FURNISHINGS ACCOUNT	20,189	20,189
MANAGEMENT ACCOUNT	81,924	76,924
SERVICES ACCOUNT	45,421	45,421
LEASING	143,790	143,790
MAINTENANCE OF REAL PROPERTY	186,511	186,511
MORTGAGE INSURANCE PREMIUM	56	56
PRIVATIZATION SUPPORT COSTS	17,928	17,928
SUBTOTAL, OPERATION AND MAINTENANCE	593,660	588,660
TOTAL, FAMILY HOUSING, NAVY AND MARINE CORPS	812,602	807,602
FAMILY HOUSING, AIR FORCE		
ALASKA		
EIELSON AIR FORCE BASE (92 UNITS)	37,650	37,650
EIELSON AIR FORCE BASE (300 UNITS)	18,144	18,144
CALIFORNIA		
EDWARDS AIR FORCE BASE (226 UNITS)	59,699	59,699

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
DISTRICT OF COLUMBIA		
BOLLING AIR FORCE BASE (159 UNITS)	48,711	---
FLORIDA		
MACDILL AIR FORCE BASE (PHASE VII) (109 UNITS)	40,982	40,982
IDAHO		
MOUNTAIN HOME AIR FORCE BASE (PHASE VII) (194 UNITS)	56,467	56,467
MISSOURI		
WHITEMAN AIR FORCE BASE (111 UNITS)	26,917	26,917
MONTANA		
MALMSTROM AIR FORCE BASE (296 UNITS)	68,971	68,971
NORTH CAROLINA		
SEYMOUR JOHNSON AIR FORCE BASE (PHASE IX) (255 UNITS)	48,868	48,868
NORTH DAKOTA		
GRAND FORKS AIR FORCE BASE (PHASE J) (300 UNITS)	86,706	43,353
MINOT AIR FORCE BASE (PHASE XII) (223 UNITS)	44,548	44,548
SOUTH CAROLINA		
CHARLESTON AIR FORCE BASE (10 UNITS)	15,935	15,935
SOUTH DAKOTA		
ELLSWORTH AIR FORCE BASE (60 UNITS)	14,383	14,383
TEXAS		
DYESS AIR FORCE BASE (PHASE VI) (190 UNITS)	43,016	43,016
GERMANY		
RAMSTEIN AIR BASE (101 UNITS)	62,952	62,952
SPANGDAHLEM AIR BASE (79 UNITS)	45,385	45,385
TURKEY		
INCIRLIK AIR BASE (100 UNITS)	22,730	22,730
UNITED KINGDOM		
ROYAL AIR FORCE LAKENHEATH (107 UNITS)	48,437	48,437
CONSTRUCTION IMPROVEMENTS	420,203	366,346
PLANNING AND DESIGN	40,404	37,104
RESCISSION (P.L. 107-249)	---	-7,700
RESCISSION (P.L. 108-132)	---	-4,500
RESCISSION (P.L. 108-324)	---	-31,700
SUBTOTAL, CONSTRUCTION	1,251,108	1,101,887
OPERATION AND MAINTENANCE		
UTILITIES ACCOUNT	116,946	116,946
MANAGEMENT ACCOUNT	78,090	78,090
SERVICES ACCOUNT	25,740	25,740
FURNISHINGS ACCOUNT	41,932	41,932
MISCELLANEOUS ACCOUNT	2,407	2,407
LEASING	154,907	154,907
MAINTENANCE OF REAL PROPERTY	310,479	310,479
DEBT ACCOUNT	1	1
PRIVATIZATION SUPPORT COSTS	36,437	36,437
SUBTOTAL, OPERATION AND MAINTENANCE	766,939	766,939
TOTAL, FAMILY HOUSING, AIR FORCE	2,018,047	1,868,826
FAMILY HOUSING, DEFENSE-WIDE		
OPERATION AND MAINTENANCE		
UTILITIES ACCOUNT (NATIONAL SECURITY AGENCY)	7	7
FURNISHINGS ACCOUNT (NSA)	25	25
LEASING (NSA)	9,814	9,814
MAINTENANCE OF REAL PROPERTY (NSA)	1,134	1,134
FURNISHINGS ACCOUNT (DEFENSE INTELLIGENCE AGENCY)	4,031	4,031
LEASING (DIA)	30,130	30,130
UTILITIES ACCOUNT (DEFENSE LOGISTICS AGENCY)	427	427
FURNISHINGS ACCOUNT (DLA)	40	40

MILITARY CONSTRUCTION
(AMOUNTS IN THOUSANDS)

	BUDGET REQUEST	CONFERENCE AGREEMENT
SERVICES ACCOUNT (DLA)	80	80
MANAGEMENT ACCOUNT (DLA)	299	299
MAINTENANCE OF REAL PROPERTY (DLA)	404	404
TOTAL, FAMILY HOUSING, DEFENSE-WIDE	46,391	46,391
DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND		
DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND	2,500	2,500
BASE REALIGNMENT AND CLOSURE ACCOUNT		
BASE REALIGNMENT AND CLOSURE ACCOUNT, 1990	377,827	254,827
BASE REALIGNMENT AND CLOSURE ACCOUNT, 2005	1,880,466	1,504,466
TOTAL, BASE RELIGNMENT AND CLOSURE ACCOUNT	2,258,293	1,759,293
GENERAL PROVISION		
GENERAL PROVISION (SEC. 122)	65,000	---
GRAND TOTAL	12,116,611	12,166,611

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2006 recommended by the Committee of Conference, with comparisons to the fiscal year 2005 amount, the 2006 budget estimates, and the House and Senate bills for 2006 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 2005	$78,799,417
Budget estimates of new (obligational) authority, fiscal year 2006	81,726,037
House bill, fiscal year 2006	80,531,818
Senate bill, fiscal year 2006	82,984,618
Conference agreement, fiscal year 2006	82,573,514
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2005	+3,774,097
Budget estimates of new (obligational) authority, fiscal year 2006	+847,477
House bill, fiscal year 2006	+2,041,696
Senate bill, fiscal year 2006	−411,104

JAMES T. WALSH,
ROBERT B. ADERHOLT,
ANNE M. NORTHUP,
MICHAEL K. SIMPSON,
ANDER CRENSHAW,
C.W. BILL YOUNG,
MARK STEVEN KIRK,
DENNIS R. REHBERG,
JOHN CARTER,
JERRY LEWIS,
CHET EDWARDS,
SAM FARR,
ALLEN BOYD,
SANFORD D. BISHOP, Jr.,
DAVID E. PRICE,
ROBERT E. CRAMER, Jr.,
DAVID R. OBEY.
Managers on the Part of the House.

KAY BAILEY HUTCHISON,
CONRAD BURNS,
LARRY CRAIG,
MIKE DEWINE,
SAM BROWNBACK,
WAYNE ALLARD,
MITCH MCCONNELL,
THAD COCHRAN,
DIANNE FEINSTEIN,
DANIEL K. INOUYE,
TIM JOHNSON,
MARY L. LANDRIEU,
ROBERT C. BYRD,
PATTY MURRAY,
PATRICK LEAHY.
Managers on the Part of the Senate.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 3058, TRANSPORTATION, TREASURY, HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY, THE DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2006

Mr. WALSH. Mr. Speaker, I ask unanimous consent that the managers on the part of the House have until 6:30 a.m., November 18, 2005, to file the conference report to accompany H.R. 3058.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. GINGREY, from the Committee on Rules, submitted a privileged report (Rept. No. 109–306) on the resolution (H. Res. 563) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

PLACEMENT OF STATUE OF ROSA PARKS IN NATIONAL STATUARY HALL

Mr. NEY. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the bill (H.R. 4145) to direct the Architect of the Capitol to obtain a statue of Rosa Parks and to place the statue in the United States Capitol in National Statuary Hall, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Ms. MILLENDER-McDONALD. Mr. Speaker, reserving the right to object, I yield to the gentleman from Ohio to explain the purpose of this legislation.

Mr. NEY. Mr. Speaker, I rise today in support of House Resolution 4145, a bill to direct the Joint Committee on the Library to obtain a statue of Rosa Parks and to place the statue in the United States Capitol in National Statuary Hall.

Mr. Speaker, Mrs. Rosa Louise Parks is widely recognized as the mother of the civil rights movement. She did the unthinkable on December 1, 1955, when she refused to give up her seat on that bus in segregated Montgomery, Alabama. However, it was this simple act that inspired a young reverend, Martin Luther King, Jr., to lead a 381-day boycott of that city's bus system, thus providing the spark to ignite the civil rights movement.

Before she provided the inspiration for the civil rights movement, she was already working to break down the decades of Jim Crow laws by being an active member in the local Montgomery chapter of the NAACP. In 1992, she explained why she did not give up her seat that day. "The real reason of my not standing up was I felt that I had a right to be treated as any other passenger. We had endured that kind of treatment for too long."

In the aftermath of the boycott, Mrs. Parks and her husband found it difficult to find work and endured a hostile environment in Alabama. Therefore, she and her husband Raymond Parks moved north to Detroit in 1957. A year after my colleague from Michigan, Representative JOHN CONYERS, was first elected to the House, he made the brilliant decision to hire Mrs. Parks as a legislative aide. She worked for him until her retirement in 1988. By then she had founded the Rosa and Raymond Parks Institute for Self-Development. This nonprofit organization is committed to working with Detroit's youth to build leadership skills and inspire them to continue her work on civil and human rights. She spent the remainder of her life's work focusing on this organization.

In 1999, the United States Congress first honored Mrs. Parks in the Rotunda of the Capitol by awarding her with the Congressional Gold Medal, our Nation's highest expression of national appreciation for distinguished achievements and contributions. Just 2 weeks ago, the United States Congress honored Mrs. Parks in the Rotunda again by allowing the Nation to pay its final respects to this great and unique American by allowing her remains to lie in honor in the Rotunda. The United States Congress should eternally recognize the significant contribution she made in advancing civil and human rights in this country.

Mr. Speaker, I can think of no better way than by commissioning a statue of Mrs. Parks and placing it in National Statuary Hall. I want to commend JESSE JACKSON, Jr., of Illinois, MIKE ROGERS of Alabama, and all the Members that have signed on to this important house resolution. I want to thank our ranking member, JUANITA MILLENDER-MCDONALD of California, for her work on this to expedite it and the Speaker of the House and his staff and the staff of House Administration on both sides to make sure that this moved as fast as it could here. It is important, because I think that Rosa Lee Parks did something for every American in this country that day. I think it is something that we all recognize changed the entire nature of the country. I think that placing the statue in Statuary Hall is a great and deserving honor. Again I want to thank JESSE JACKSON, Jr., and MIKE ROGERS for this fine resolution.

Ms. MILLENDER-McDONALD. Mr. Speaker, further reserving the right to object, I rise to join the chairman in support of this resolution which would allow a statue of the late Rosa Louise Parks to be placed in the U.S. Capitol. I would first like to congratulate my colleague from Illinois, JESSE JACKSON, Jr., and his partner, MIKE ROGERS, for their hard work in building the ground swell of support which this bill has as well as thanks to the chairman of the Committee on House Administration, my colleague, Mr. NEY; the Speaker;

and the distinguished Democratic leader, NANCY PELOSI, for working so diligently with me to bring this bill to the floor.

Rosa Louise Parks was a great woman who simply sat down in order for us to stand up here today. I believe that it is only fitting that we honor this great American by placing a life-sized statue of her in the U.S. Capitol for all to see. I urge my colleagues to bestow upon Rosa Louise Parks this honor and include among the collection of statues here in the Capitol the very first statue of an African American woman. Support this resolution in honor of the mother of the civil rights movement, Rosa Louise Parks. Once this bill has been passed by Congress and has been signed into law, I look forward to my role as a member of the Joint Committee on the Library in overseeing the commissioning of the statue. It will be a high honor for me to be part of this effort to further pay tribute and honor to this heroine of mine and to all Americans who is also from my home State of Alabama.

Mr. Speaker, I would like to now yield to the distinguished Democratic leader, the Honorable NANCY PELOSI.

Ms. PELOSI. Mr. Speaker, I thank the gentlewoman for yielding and I thank her for her leadership on this very important matter. I want to join Congresswoman MILLENDER-MCDONALD in applauding the Speaker for making this accommodation so the legislation could move quickly and be enacted into law and that the statue hopefully soon will be standing in Statuary Hall and so that this law can be passed in time for the 50th anniversary of Rosa Parks' courageous action which occurs in December.

I want to join Congresswoman MILLENDER-MCDONALD in commending the gentleman from Ohio (Mr. NEY) as well and our distinguished colleague, Mr. JESSE JACKSON, Jr., who was the author of this legislation. By the time we all got to Rosa Parks funeral, we already had over 100 cosponsors of the bill and this action tonight will deliver on the promise that many of us made at that funeral. I considered it a great privilege to speak there. On behalf of the Democrats and the Republicans in the Congress, I said that we would soon have a promised statue in the Capitol. Congressman JOHN CONYERS of Detroit has been a godfather to all of this effort and he deserves a great deal of recognition and credit for this.

I said at the time that Rosa Parks loved young people. That was her focus. While we were all praising her for her past actions, she was always concerned about the impact on the future for America's children. She was the mother of the modern civil rights movement. She was the mother of modern society because she made such a change in America with her courage. She came to the Capitol to receive the Congressional Gold Medal. It was a proud day for all of us. She brought luster to that award by accepting it. She came here, as was mentioned, to lie in state, the first woman to lie in state in the Rotunda of the Capitol and she will return to the Capitol in a statue to be an ongoing inspiration.

We in Congress think we have a special relationship with Rosa Parks. She will live here with us as a constant inspiration of her courage and inspiration to future generations. When they visit the Capitol they will be sure to see, observe and be inspired by the life, the courage and the incredible contribution of Rosa Parks. I commend all of my colleagues, Congresswoman MILLENDER-MCDONALD, Congressman CONYERS, and Congressman JACKSON for their role in making this possible. It is an honor to be part of this effort. I look forward to the day when all of us can converge on this Capitol for the unveiling of this magnificent statue.

□ 0200

Ms. MILLENDER-MCDONALD. Thank you so much, Madam Leader.

Mr. Speaker, further reserving the right to object, I yield to the godfather, the Honorable JOHN CONYERS.

Mr. CONYERS. Mr. Speaker, I thank the gentlewoman from California for yielding to me. This is a proud, especially pleasing evening for me. There has been so much outpouring of affection and respect and understanding of the contribution of Rosa Louise Parks that I am absolutely amazed by it and flattered by it.

Here is a woman who was, true, honored during her lifetime in many unusual ways; but it seems to me, and I think the leaders here on the floor tonight are especially cognizant of them, I know that they were all at one or more of the memorial services. First of all, she had three in three different States, in which Presidents, past Presidents, members of the Federal Government and religious leaders of all faiths came together.

I must say, I have been astounded by the outpouring of affection and recognition for her contributions. I want to thank the gentleman from Ohio (Mr. NEY) for the incredible devotion and dedication he has put behind the resolution that we are taking up tonight. I appreciate it so much.

We, of course, appreciate the author, the gentleman from Illinois (Mr. JACKSON), because his father played such a critical role in the development of the civil rights movement and its continuation. He has a story that I never ask him to repeat too much, because I was the one that introduced Reverend Jesse Jackson to Dr. Martin Luther King in Chicago. I had no idea of the momentous consequences that were going to flow from that.

The fact of the matter is that Rosa Parks had no idea that the consequences of her determination to end this form of segregation, which she despised so much, was going to have the consequences that flowed from it, namely, that it would bring Martin Luther King, Jr., into the picture and recreate the modern civil rights movement.

I am very pleased to be here. I wanted to just close by thanking all of the Members of Congress and the other body who came to the memorial service. I see everyone on the floor here attended that service in Detroit at Greater Grace Church, where we had a tremendous turnout, just as there was in Washington D.C., not only at the church, but at the rotunda itself, and even before that in Montgomery, Alabama.

I have been so renewed in my faith in my civil rights struggle by the way the Members of the Congress, through many other legislative acts, and now this one, have responded to this great person who will now take her place in history in a way that I think will keep the memory of her contributions to the civil rights movement alive.

I again express my thanks to the author of this resolution, Mr. JACKSON, and the leaders, both the chairman and the ranking member of the subcommittee.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I would now like to yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman very much for yielding. What a special time and a moment. I know that our preference would be to be able to sing praises and to salute Rosa Parks for a very long time on this floor. I think it is important that we have the opportunity to hear from the author of this legislation.

I might share just a few moments of appreciation to you, Madam Ranking Member, for steadfastness and perseverance and the swift hand and the partnership you have with the chairman of this committee, who has, through his own love of history, managed to create more history in this Congress over the last sessions of his tenure as chairman with the hanging of a number of paintings. Now he joins in the celebratory announcement of the placing of the statue of Rosa Parks in the National Statuary Hall of the United States Congress.

Just as a reminder for those of us who grew up just a few short years ago, I can tell you that there was much lacking in the study of African American history in our school books. In fact, I might say to you that through my primary and secondary training, and primary and secondary schools, there was no study of African American history. I might say that there was Black History Month, yes, and there would be little cutout features and stories, maybe; but when I opened the book, I could not find the place that would tell me the story of a Rosa Parks or Martin Luther King or maybe even W.E.B. DuBois.

This legislation today has a special place for all of America. Rosa Parks's history is well known. We know that she first sat down in the back of a bus and then moved to the front of the bus so that others might stand and others might run and others might win. We know that she left Montgomery, Alabama; but I think we should be well aware that she left because there was no place for her there. The chiding, the chastising, the attacks on her life, the threats forced her to leave and go to Detroit, Michigan and what a refuge to find the Honorable JOHN CONYERS where she could find refuge in a job that lasted her until her retirement.

Then the founding of the Raymond and Rosa Parks Institute focused on one issue, and we heard it over and over again in the funeral services, and that was to help children. So it is appropriate that the Honorable JESSE JACKSON and MIKE ROGERS would come to the floor with this great legislation. The history of Jesse Jackson and his family but also his history of himself and being a student of history and recognizing the value of the Constitution and the presence of the 13th, 14th, and 15th amendments that freed us from slavery, also gave us equal rights that Rosa Parks had so much of that that she deserved this honor. I might say to you that one of the themes that came out of her funeral was that when there was trouble, there was wrongness, Rosa Parks stood in the way.

☐ 0215

I hope that this statue symbolizes the importance of America never forgetting her history. Rosa Parks was long-standing, determined, persistent, a demeanor that lit the world but also set the world on the right path.

We must remember Rosa Parks because, in fact, she brought about the ending of an America that was locked in the shackles of segregation. America was held hostage by discrimination, but it was through her determination and commitment and courageousness that she was able to break the shackles of segregation in a Nation that had found itself locked and forever committed to such a terrible way.

So I am excited about the fact that this legislation is on the floor, but more importantly, it will mean that no child that lives in America will ever have to worry about a history book that does not recount the story of Rosa Parks. For all they need do is come to the United States Congress as they have done over the years in school trips with their parents, with church groups and parishes and synagogues and mosques and simply walk up those steps and walk into Statuary Hall and look up and there at a statue of Rosa Parks and her story will be told.

This is a great day for America. It is a great day for the history of this Nation. It is a great day for our children.

I thank the gentleman from Illinois (Mr. JACKSON) for his leadership, and the gentleman from Alabama (Mr. ROGERS), the gentleman from Ohio (Mr. NEY), and the gentlewoman from California (Ms. MILLENDER-MCDONALD). It is a great day for America.

Ms. MILLENDER-McDONALD. It is an honor to see a new generation emerge, one who is walking in the footsteps of his own father. It is great to have the co-author of this legislation here. Mr. Speaker, I yield to the gentleman from Illinois (Mr. JACKSON).

Mr. JACKSON of Illinois. Mr. Speaker, let me thank the gentlewoman from California (Ms. MILLENDER-MCDONALD) for yielding.

At the outset, I would like to thank the gentleman from Illinois (Mr. HASTERT) and his staff, specifically Ted Van Der Meid, the majority leader, the gentleman from Missouri (Mr. BLUNT), the minority leader, the gentlewoman from California (Ms. PELOSI) and her staff, specifically Jerry Hartz, Lorraine Miller and William Little.

This legislation simply would not be possible without the leadership of the gentleman from Ohio (Mr. NEY), the chairman of the House Administration Committee, and his staff, their extraordinary steadfastness and leadership for which we are all grateful, along with the ranking member, the gentlewoman from California (Ms. MILLENDER-MCDONALD) and her staff, specifically George Shevlin and Matt Pinkus.

I especially want to thank my new friend and co-sponsor, the gentleman from Alabama (Mr. ROGERS) who, along with his staff, worked closely with me and my staff to garner support for this bill. I would like to thank the more than 200 bipartisan co-sponsors of this bill.

Mr. Speaker, it is my privilege to rise today to speak on this very important legislation that will honor the life and work of the late Mrs. Rosa Parks by placing a statue of her in National Statuary Hall. Everyone knows the story of how Mrs. Parks helped spark the modern civil rights movement when she refused to give up her seat on a legally segregated bus that fateful day, December 1, 1955, leading to the Montgomery bus boycott and the emergence of Martin Luther King, Jr.

From the beginning Mrs. Parks led a life dedicated to social change, becoming an active member of the Montgomery, Alabama chapter of the NAACP which in the 1940s and 1950s was considered a dangerous organization. It could cost you your job and even your life.

In 1943, along with State president of the NAACP, she mobilized a historic voter registration drive in Montgomery and was later elected NAACP chapter secretary. Mrs. Parks was a courageous woman who possessed the firm and quiet strength necessary to challenge injustice.

Following the 1954 Brown Supreme Court decision which provided equal protection under the law's legal framework, her refusal to give up her seat eventually led to the 1964 Civil Rights Act, the 1965 Voting Rights Act, the 1968 Open Housing Act, all of which helped make America a better Nation.

Rosa Parks remained a committed activist until the end of her life. In the 1980s, she worked in support of the South African anti-apartheid movement, and in Detroit in 1997 she founded the Rosa and Raymond Parks Institute for Self-Development, a career counseling center for African American youth.

With dignity, with grace and courage Rosa Parks inspired generations and helped to make the world a more just and compassionate place. In life she received the Presidential Medal of Freedom in 1996 and the Congressional Gold Medal in 1999, the highest honors our Nation bestows on civilians.

This placing of a Rosa Parks statue in National Statuary Hall is a testament to the fact that the long arc of history bends towards freedom, justice and equality.

When Statuary Hall was created by law in 1864, African Americans could not be citizens of the United States. Indeed, the term "African Americans" did not exist. Under that law it was impossible for us to be considered favorite sons and favorite daughters of States. When Rosa Parks takes her place in Statuary Hall, she takes with her Frederick Douglass. She takes with her the United States coloreds troops. She takes with her Harriet Tubman and Sojourner Truth. She takes them there.

She takes with her countless, nameless people of African descent, who from slavery to today, sacrificed for an America many would never live to see.

As Dr. Martin Luther King, Jr., who half statue is not Statuary Hall would implore us, Now is the time.

Let me once again, Mr. Speaker, close by thanking the many people who have worked so hard on a bipartisan basis to bring this bill to the floor. The gentleman from Ohio (Mr. NEY), the gentlewoman from California (Ms. MILLENDER-MCDONALD), House leadership, the minority leader, the gentlewoman from California (Ms. PELOSI) and the gentleman from Maryland (Mr. HOYER). Their staffs, Jerry Hartz, Lorraine Miller, William Little. The staff of the gentlewoman from California (Ms. MILLENDER-MCDONALD), specifically George Shevlin and Matt Pinkus. And also in his absence, the distinguished gentleman from Alabama (Mr. ROGERS), who, along with his staff, made it very possible for this bill to be on the floor today.

I would also like to thank Senator KERRY and his staff for introducing the companion bill in the other body and Senators McConnell and Dodd for their leadership on this important issue.

From my staff, Mr. Charles Dujon and Sandi Pessin who have labored late into the night to make the co-sponsors of this legislation comfortable with the language that places Mrs. Parks in National Statuary Hall. Again, I thank my colleagues for their support. I urge Members to join me in honoring this extraordinary woman and voting yes on this important legislation.

Ms. MILLENDER-McDONALD. Mr. Speaker, this shows that the future generations will have hope now in this young Member of Congress.

Mr. Speaker, further reserving the right to object, I rise in strong support of this bill to honor an individual who chose to assert her civil rights and her human rights at a critical moment in our history and by doing so she has changed America forever.

I would like to thank my chairman, the gentleman from Ohio (Mr. NEY) for his devotion, his steadfastness, his dedication, and his commitment to all people. I would like to thank all of those, the leadership of the House on both sides, for ushering this bill to the floor.

Rosa Louise Parks richly deserves this honor.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from Ohio.

Mr. NEY. Mr. Speaker, I just wanted to say again thank you to everyone, George Shevlin, Paul Vinovich of our staff, Ted Van Der Meid and also to the gentleman from Illinois (Mr. JACKSON) and the gentleman from Alabama (Mr. ROGERS) for doing this and, of course, to our ranking member.

We have had a lot of firsts recently in the short tenure of our ranking member. We have had the African American Museum. We have had the portrait of Mr. Ray, and we are about to embark on some other portraits, and also the first female Member and the first Hispanic Member. I think it is commendable to the House to look at the great diversity of our country.

Another thank you tonight. Thank you to Rosa Parks for what she did for this Nation.

I just want to close my comments with when I studied African American history. I can remember a quote that I had learned and I used it for years in many events and occasions because it fits in with just about anything you do, whether you are a soldier fighting or somebody struggling for civil rights. It is by Langston Hughes, a great African American poet and author, who said, "Dream your dreams but be willing to pay the sacrifice to make them come true."

Rosa Parks was a little woman with a big ball of thunder that day and courage, and she dreamed her dream of an America that cared about all its people in an equal way, and she paid a sacrifice to make that dream come true.

Mr. THOMPSON of Mississippi. Mr. Speaker, I would like to recognize the life and legacy of Rosa Lee Parks, whose refusal to give up her bus seat to a white man sparked the modern civil rights movement. She was 92 at the time of her death.

In tribute to Mrs. Parks, I would like to submit the following excerpt from the Washington Post Article, "Bus Ride Shook a Nation's Conscience," written by Patricia Sullivan on Tuesday, October 25, 2005.

"Rosa was a true giant of the civil rights movement," said U.S. Representative JOHN CONYERS Jr. (D–Mich.), in whose office Parks worked for more than 20 years. "There are very few people who can say their actions and conduct changed the face of the nation, and Rosa Parks is one of those individuals."

Parks said that she didn't fully realize what she was starting when she decided not to move on that December 1, 1955, evening in Montgomery, AL. It was a simple refusal, but her arrest and the resulting protests began the complex cultural struggle to legally guarantee equal rights to Americans of all races.

Within days, her arrest sparked a 380-day bus boycott, which led to a U.S. Supreme Court decision that desegregated her city's public transportation. Her arrest also triggered mass demonstrations, made the Rev. Martin Luther King Jr. famous, and transformed schools, workplaces and housing.

Hers was "an individual expression of a timeless longing for human dignity and freedom," King said in his book "Stride Toward Freedom."

"She was planted there by her personal sense of dignity and self-respect. She was anchored to that seat by the accumulated indignities of days gone and the boundless aspirations of generations yet unborn."

She was the perfect test-case plaintiff, a fact that activists realized only after she had been arrested. Hardworking, polite and morally upright, Parks had long seethed over the everyday indignities of segregation, from the menial rules of bus seating and store entrances to the mortal societal endorsement of lynching and imprisonment.

She was an activist already, secretary of the local chapter of the NAACP. A member of the African Methodist Episcopal Church all her life, Parks admired the self-help philosophy of Booker T. Washington—to a point. But even as a child, she thought accommodating segregation was the wrong philosophy. She knew that in the previous year, two other women had been arrested for the same offense, but neither was deemed right to handle the role that was sure to become one of the most controversial of the century.

But it was as if Parks was born to the role. Rosa McCauley was born February. 4, 1913, in Tuskegee, AL, the home of Booker T. Washington's renowned Tuskegee Institute, which drew many African American intelligentsia. She was the daughter of a carpenter and a teacher, was small for her age, had poor health and suffered chronic tonsillitis. Still a child when her parents separated, she moved with her mother to Pine Level, AL., and grew up in an extended family that included her maternal grandparents.

Her mother taught Parks at home until she was 11, when she was enrolled in the Industrial School for Girls in Montgomery, where her aunt lived. Segregation was enforced, often violently. As an adult, she recalled watching her grandfather guard the front door with a shotgun as the Ku Klux Klan paraded down their road. Her younger brother, Sylvester, a decorated war hero in World War II, returned to a South that regarded uniformed veterans of color as "uppity" and demonstrated its disdain with beatings.

She married barber Raymond Parks in 1932 at her mother's house. They shared a passion for civil rights; her husband was an early defender of the Scottsboro Boys, a group of young African Americans whom rights advocates asserted were falsely accused of raping two white women.

Mr. Speaker, I take great pride in commending Mrs. Rosa Lee Parks for her outstanding and historical contributions to the State of Alabama, the State of Michigan, the Civil Rights Movement, and national politics.

Ms. MILLENDER-McDONALD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. KUHL of New York). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4145

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PLACEMENT OF STATUE OF ROSA PARKS IN NATIONAL STATUARY HALL.

(a) OBTAINING STATUE.—The Architect of the Capitol shall enter into an agreement to obtain a statue of Rosa Parks, under such terms and conditions as the Architect considers appropriate consistent with applicable law.

(b) PLACEMENT.—Not later than 2 years after the date of the enactment of this Act, the Architect shall place the statue obtained under subsection (a) in the United States Capitol in a suitable permanent location in National Statuary Hall.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act, and any amounts so appropriated shall remain available until expended.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. NEY

Mr. NEY. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. NEY:

Strike all after the enacting clause and insert the following:

SECTION 1. PLACEMENT OF STATUE OF ROSA PARKS IN NATIONAL STATUARY HALL.

(a) OBTAINING STATUE.—Not later than 2 years after the date of the enactment of this Act, the Joint Committee on the Library shall enter into an agreement to obtain a statue of Rosa Parks, under such terms and conditions as the Joint Committee considers appropriate consistent with applicable law.

(b) PLACEMENT.—The Joint Committee shall place the statue obtained under subsection (a) in the United States Capitol in a suitable permanent location in National Statuary Hall.

SEC. 2. ELIGIBILITY FOR PLACEMENT OF STATUES IN NATIONAL STATUARY HALL.

(a) ELIGIBILITY.—No statue of any individual may be placed in National Statuary Hall until after the expiration of the 10-year period which begins on the date of the individual's death.

(b) EXCEPTIONS.—Subsection (a) does not apply with respect to—

(1) the statue obtained and placed in National Statuary Hall under this Act; or

(2) any statue provided and furnished by a State under section 1814 of the Revised Statutes of the United States (2 U.S.C. 2131) or any replacement statue provided by a State under section 311 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 2132).

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act, and any amounts so appropriated shall remain available until expended.

Mr. NEY (during the reading). Mr. Speaker. I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Ohio (Mr. NEY).

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time. was read the third time, and passed.

The title of the bill was amended so as to read: "A Bill to direct the Joint Committee on the Library to obtain a statue of Rosa Parks and to place the statue in the United States Capitol in National Statuary Hall, and for other purposes.".

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 25 minutes a.m.). the House stood in recess subject to the call of the Chair.

□ 0831

AFTER RECESS

The recess having expired. the House was called to order by the Speaker pro tempore (Mr. GINGREY) at 8 o'clock and 31 minutes a.m.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2528, MILITARY QUALITY OF LIFE AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2006

Mr. LINCOLN DIAZ-BALART of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 109–308) on the resolution (H. Res. 564) waiving points of order against the conference report to accompany the bill (H.R. 2528) making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 3058, DEPARTMENTS OF TRANSPORTATION, TREASURY, HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY, THE DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2006

Mr. LINCOLN DIAZ-BALART of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 109–309) on the resolution (H. Res. 565) waiving points of order against the conference report to accompany the bill (H.R. 3058) making appropriations for the Departments of Transportation. Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30. 2006, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PAKISTAN EARTHQUAKE RELIEF

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, I rise today to speak about the recent 7.6 magnitude earthquake that struck Pakistan, India, and Afghanistan on October 8, 2005, and the Bush administration's response to that crisis.

Mr. Speaker, the devastation wrought by the natural disaster has caused an unimaginable humanitarian crisis, especially in Pakistan where approximately 90,000 people have lost their lives so far, and that number is expected to rise. In addition, over 3 million people have been left homeless.

Given the magnitude, one would expect the Bush administration to have a response with a pledge of aid that matched the severity of the situation, especially given our current efforts to win the hearts and minds of that region of the world. What have we done so far? A little over $50 million. That is not an adequate response, especially since we spend almost $6 billion a month on the war on Iraq. We know that Pakistan has joined us in fighting al Qaeda.

I think that we should actually have more of a concern for those who have joined us in this war on terror. I would like to add a March 17, 2003, article for the RECORD, where the U.S. forced inspectors out of Iraq, which could have proved that there were no weapons of mass destruction.

[From USA Today, Mar. 17, 2003]

U.S. ADVISES WEAPONS INSPECTORS TO LEAVE IRAQ

VIENNA, AUSTRIA.—In the clearest sign yet that war with Iraq is imminent, the United States has advised U.N. weapons inspectors to begin pulling out of Baghdad, the U.N. nuclear agency chief said Monday.

Mohamed ElBaradei, head of the International Atomic Energy Agency, said the recommendation was given late Sunday night both to his Vienna-based agency hunting for atomic weaponry and to the New York-based teams looking for biological and chemical weapons.

"Late last night . . . I was advised by the U.S. government to pull out our inspectors from Baghdad," ElBaradei told the IAEA's board of governors. He said U.N. Secretary-General Kofi Annan and the Security Council were informed and that the council would take up the issue later Monday.

U.N. officials have said the inspectors and support staff still in Iraq could be evacuated in as little as 48 hours.

No one has yet given the order for the inspectors to begin pulling out, and they were working on Monday. Most of the teams' helicopters have left Iraq because their insurance was canceled, chief U.N. inspector Hans Blix said, and the personnel level was low because of a scheduled rotation home.

IAEA spokeswoman Melissa Fleming said the nuclear agency would wait for Security Council guidance later Monday before deciding whether to pull out its inspectors.

The teams, which returned to Iraq on Nov. 27 after a nearly four-year absence, drew up contingency plans to evacuate even before their redeployment.

"A lot depends on the Iraqis," a senior U.N. inspector told The Associated Press on condition of anonymity. "If they let us use aircraft to get out, we could be gone in 48 hours or even less. If they won't let us fly out, we would have to drive to a border, and that could mean an eight-hour journey across hot desert. It would take longer, but we would get out."

Inspectors have experience in getting out of Iraq in a hurry: In December 1998, they pulled out on the eve of U.S.-British airstrikes amid allegations that Baghdad was not cooperating with the teams.

There have been some concerns that the Iraqis might hold the inspectors as human shields in case of a conflict. But Iraq's foreign minister appeared to play down those fears in a live television interview on the al-Arabiya Arabic satellite channel Sunday night.

"The inspectors came by a decision of the Security Council, which decides on their departure," Naji Sabri said.

ElBaradei told the nuclear agency's 35-nation governing board Monday that he was worried about the safety of the teams, yet still held out hope that war could be averted.

"Naturally the safety of our staff remains our primary consideration at this difficult time," he said. "I earnestly hope—even at this late hour—that a peaceful resolution of the issue can be achieved, and that the world can be spared a war."

ElBaradei, who has been monitoring the situation day to day, also confirmed that he and Blix had received an invitation from Baghdad "to visit Iraq with a view toward accelerating the implementation of our respective mandates." He did not say whether he or Blix had accepted.

"I should note that in recent weeks, possibly as a result of increasing pressure by the international community, Iraq has been more forthcoming in its cooperation with the IAEA," he said, adding that inspectors still have found no evidence that Saddam Hussein has revived his nuclear program.

But with the United States, Britain and Spain making clear that Monday would be the final day for diplomatic efforts to avert a conflict, it appeared that the inspectors were running out of time and could begin withdrawing at any moment.

In other signs that war could be imminent, the U.S. State Department on Sunday night ordered nonessential personnel and all family members to leave Israel, Kuwait and Syria in a precautionary move.

Germany closed its embassy in Baghdad on Monday after calling on its citizens to leave Iraq "immediately," and Britain advised all its citizens except diplomatic staff to leave Kuwait as soon as possible, citing a potential threat from war in neighboring Iraq.

CONFERENCE REPORT ON H.R. 3058

Mr. KNOLLENBERG submitted the following conference report and statement on the bill (H.R. 3058) making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes:

CONFERENCE REPORT (H. REPT. 109–307)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3058) "making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

DIVISION A—TRANSPORTATION, TREASURY, HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2006

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Transportation, Treasury, Housing and Urban Development, the Judiciary, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, $84,900,000, of which not to exceed $2,198,000 shall be available for the immediate Office of the Secretary; not to exceed $698,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed $15,183,000 shall be available for the Office of the General Counsel; not to exceed $11,650,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed $8,485,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed $2,293,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed $22,031,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $1,910,000 shall be available for the Office of Public Affairs; not to exceed $1,442,000 shall be available for the Office of the Executive Secretariat; not to exceed $697,000 shall be available for the Board of Contract Appeals; not to exceed $1,265,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $2,033,000 for the Office of Intelligence and Security; not to exceed $11,895,000 shall be available for the Office of the Chief Information Officer; and not to exceed $3,120,000 shall be available for the Office of Emergency Transportation: Provided, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: Provided further, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: Provided further, That notice of any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: Provided further, That not to exceed $60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: Provided further, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107–71, there may be credited to this appropriation up to $2,500,000 in funds received in user fees: Provided further, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $8,550,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $15,000,000.

WORKING CAPITAL FUND

Necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed $118,014,000, shall be paid from appropriations made available to the Department of Transportation: Provided, That such services shall be provided on a competitive basis to entities within the Department of Transportation: Provided further, That the above limitation on operating expenses shall not apply to non-DOT entities: Provided further, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency modal administrator: Provided further, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans, $500,000, as authorized by 49 U.S.C. 332: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, $400,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $3,000,000, to remain available until September 30, 2007: Provided, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, $60,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended: Provided, That, in determining between or among carriers competing to provide service to a community, the Secretary may consider the relative subsidy requirements of the carriers: Provided further, That, if the funds under this heading are insufficient to meet the costs of the essential air service program in the current fiscal year, the Secretary shall transfer such sums as may be necessary to carry out the essential air service program from any available amounts appropriated to or directly administered by the Office of the Secretary for such fiscal year.

NEW HEADQUARTERS BUILDING

For necessary expenses of the Department of Transportation's new headquarters building and related services, $50,000,000, to remain available until expended.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 108–176, $8,036,000,000, of which $5,541,000,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed $6,629,000,000 shall be available for air traffic organization activities; not to exceed $958,542,000 shall be available for aviation regulation and certification activities; not to exceed $11,759,000 shall be available for commercial space transportation activities; not to exceed $50,983,000 shall be available for financial services activities; not to exceed $69,943,000 shall be available for human resources program activities; not to exceed $150,744,000 shall be available for region and center operations and regional coordination activities; not to exceed $142,000,000 shall be available for staff offices; and not to exceed $36,112,000 shall be available for information services: Provided, That not to exceed 2 percent of any budget activity, except for aviation regulation and certification budget activity, may be transferred to any budget activity under this heading: Provided further, That no transfer may increase or decrease any appropriation by more than 2 percent: Provided further, That any transfer in excess of 2 percent shall be treated as a reprogramming of funds under section 710 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: Provided further, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: Provided further, That of the funds appropriated under this heading, not less than $7,500,000 shall be for the contract tower cost-sharing program: Provided further, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: Provided further, That none of the funds in this Act shall be available for new applicants for the second career training program: Provided further, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: Provided further, That none of the funds in this Act may be obligated or expended to operate a manned auxiliary flight service station in the contiguous United States: Provided further, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund: Provided further, That none of the funds in this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a Government-issued credit card. In addition, $150,000,000 is for costs associated with the flight service station transition.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading; to be derived from the Airport and Airway Trust Fund, $2,540,000,000, of which $2,110,789,500 shall remain available until September 30, 2008, and of which $429,210,500 shall remain available until September 30, 2006: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: Provided further, That upon initial submission to the Congress of the fiscal year 2007 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2007 through 2011, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $138,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2008: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, $3,399,000,000 to be derived from the Airport and Airway Trust Fund and to remain available until expended: Provided, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $3,550,000,000 in fiscal year 2006, notwithstanding section 47117(g) of title 49, United States Code: Provided further, That none of the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: Provided further, That notwithstanding any other provision of law, of funds limited under this heading, not more than $71,096,000 shall be obligated for administration, not less than $10,000,000 shall be available for the airport cooperative research program, and not less than $10,000,000 shall be available to carry out the Small Community Air Service Development Program, to remain available until expended: Provided further, That not later than December 31, 2015, the owner or operator of an airport certificated under 49 U.S.C. 44706 shall improve the airport's runway safety areas to comply with the Federal Aviation Administration design standards required by 14 CFR part 139: Provided further, That the Federal Aviation Administration shall report annually to the Congress on the agency's progress toward improving the runway safety areas at 49 U.S.C. 44706 airports.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the amounts authorized for the fiscal year ending September 30, 2006 and prior years under sections 48103 and 48112 of title 49, United States Code, $1,032,000,000 are rescinded.

ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION

SEC. 101. Notwithstanding any other provision of law, airports may transfer without consideration to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport-aid program, airport development aid program or airport improvement program grant: Provided, That the Federal Aviation Administration shall accept such equipment, which shall thereafter be operated and maintained by FAA in accordance with agency criteria.

SEC. 102. None of the funds in this Act may be used to compensate in excess of 375 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2006.

SEC. 103. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: Provided, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on "below-market" rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.

SEC. 104. The Administrator of the Federal Aviation Administration may reimburse amounts made available to satisfy 49 U.S.C. 41742(a)(1) from fees credited under 49 U.S.C. 45303: Provided, That during fiscal year 2006, 49 U.S.C. 41742(b) shall not apply, and any amount remaining in such account at the close of that fiscal year may be made available to satisfy section 41742(a)(1) for the subsequent fiscal year.

SEC. 105. Amounts collected under section 40113(e) of title 49, United States Code, shall be credited to the appropriation current at the time of collection, to be merged with and available for the same purposes of such appropriation.

SEC. 106. None of the funds appropriated or limited by this Act may be used to change weight restrictions or prior permission rules at Teterboro Airport in Teterboro, New Jersey.

SEC. 107. None of the funds made available in this Act shall be used for engineering work related to an additional runway at Louis Armstrong New Orleans International Airport.

SEC. 108. (a) Section 44302(f)(1) of title 49, United States Code, is amended by striking "2005," each place it appears and inserting "2006,".

(b) Section 44303(b) of such title is amended by striking "2005," and inserting "2006,".

SEC. 109. Section 47114(c)(1) of title 49, United States Code, is amended by adding the following new paragraph at the end:

"(G) SPECIAL RULE FOR FISCAL YEAR 2006.—Notwithstanding subparagraph (A) and the absence of scheduled passenger aircraft service at an airport, the Secretary may apportion in fiscal year 2006 to the sponsor of the airport an amount equal to $500,000, if the Secretary finds that—

"(i) the passenger boardings at the airport were below 10,000 in calendar year 2004;

"(ii) the airport had at least 10,000 passenger boardings and scheduled passenger aircraft service in either calendar year 2000 or 2001; and

"(iii) the reason that passenger boardings described in clause (i) were below 10,000 was the decrease in passengers following the terrorist attacks of September 11, 2001.".

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Necessary expenses for administration and operation of the Federal Highway Administration, not to exceed $364,638,000, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $36,032,343,903 for Federal-aid highways and highway safety construction programs for fiscal year 2006: Provided, That within the $36,032,343,903 obligation limitation on Federal-aid highways and highway safety construction programs, not more than $429,800,000 shall be available for the implementation or execution of programs for transportation research (chapter 5 of title 23, United States Code; sections 111, 5505, and 5506 of title 49, United States Code; and title 5 of Public Law 109–59) for fiscal year 2006: Provided further, That this limitation on transportation research programs shall not apply to any authority previously made available for obligation: Provided further, That the Secretary may, as authorized by section 605(b) of title 23, United States Code, collect and spend fees to cover the costs of services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments and all or a portion of the costs to the Federal government of servicing such credit instruments: Provided further, That such fees are available until expended to pay for such costs: Provided further, That such amounts are in addition to administrative expenses that are also available for such purpose, and are not subject to any obligation limitation or the limitation on administrative expenses under section 608 of title 23, United States Code.

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $36,032,343,903 or so much thereof as may be available in and derived from the Highway Trust Fund (other than the Mass Transit Account), to remain available until expended.

(RESCISSION)

(HIGHWAY TRUST FUND)

Of the unobligated balances of funds apportioned to each State under chapter 1 of title 23, United States Code, $1,999,999,000 are rescinded: Provided, That such rescission shall not apply to the funds distributed in accordance with 23 U.S.C. 130(f), 23 U.S.C. 133(d)(1) as in effect prior to the date of enactment of Public Law 109–59, the first sentence of 23 U.S.C. 133(d)(3)(A), 23 U.S.C. 104(b)(5), or 23 U.S.C. 163 as in effect prior to the enactment of Public Law 109–59.

APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM

For necessary expenses for the Appalachian Development Highway System as authorized under section 1069(y) of Public Law 102–240, as amended, $20,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION

SEC. 110. (a) For fiscal year 2006, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid highways amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; programs funded from the administrative takedown authorized by section 104(a)(1) of title 23, United States Code (as in effect on the date before the date of enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users); the highway use tax evasion program; the Bureau of Transportation Statistics; the programs, projects, and activities funded from the takedown authorized by section 112 of this Act; and the unobligated balances of funds made available for programs, projects, and activities funded from the takedown authorized by section 117 of title I of division H of the Consolidated Appropriations Act, 2005 (Public Law 108–447) for which no obligation limitation has previously been made available;

(2) not distribute an amount from the obligation limitation for Federal-aid highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for previous fiscal years the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid highways, less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (9) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(10) for such fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

(4)(A) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2), for sections 1301, 1302, and 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users; sections 117 (but individually for each project numbered 1 through 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users) and 144(g) of title 23, United States Code; and section 14501 of title 40, United States Code, so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for that section for the fiscal year; and

(B) distribute $2,000,000,000 for section 105 of title 23, United States Code;

(5) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4), for each of the programs that are allocated by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code (other than to programs to which paragraphs (1) and (4) apply), by multiplying the ratio determined under paragraph (3) by the amounts authorized to be appropriated for each such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5), for Federal-aid highways and highway safety construction programs (other than the amounts apportioned for the equity bonus program, but only to the extent that the amounts apportioned for the equity bonus program for the fiscal year are greater than $2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code, in the ratio that—

(A) amounts authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the amounts authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982; (5) under subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; (8) under section 105 of title 23, United States Code, as in effect for fiscal years 1998 through 2004, but only in an amount equal to $639,000,000 for each of those fiscal years; (9) for Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century or subsequent public laws for multiple years or to remain available until used, but only to the extent that the obligation authority has not lapsed or been used; (10) under section 105 of title 23, United States Code, but only in an amount equal to $639,000,000 for each of fiscal years 2005 and 2006; and (11) under section 1603 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation.

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall, after August 1 of such fiscal year, revise a distribution of the obligation limitation made available under subsection (a) if the amount distributed cannot be obligated during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code.

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, and title V (research title) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years and shall be in addition to the amount of any limitation imposed on

obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

(1) IN GENERAL.—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds that—

(A) are authorized to be appropriated for such fiscal year for Federal-aid highways programs; and

(B) the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year.

(2) RATIO.—Funds shall be distributed under paragraph (1) in the same ratio as the distribution of obligation authority under subsection (a)(6).

(3) AVAILABILITY.—Funds distributed under paragraph (1) shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) SPECIAL LIMITATION CHARACTERISTICS.—Obligation limitation distributed for a fiscal year under subsection (a)(4) for the provision specified in subsection (a)(4) shall—

(a)(1) for programs, projects, and activities funded from the takedown authorized by section 117 of title I of division H of Public Law 108–447 and under subsection

(1) remain available until used for obligation of funds for that provision; and

(2) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(g)HIGH PRIORITY PROJECT FLEXIBILITY.—

(1) IN GENERAL.—Subject to paragraph (2), obligation authority distributed for such fiscal year under subsection (a)(4) for each project numbered 1 through 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users may be obligated for any other project in such section in the same State.

(2) RESTORATION.—Obligation authority used as described in paragraph (1) shall be restored to the original purpose on the date on which obligation authority is distributed under this section for the next fiscal year following obligation under paragraph (1).

(h) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to limit the distribution of obligation authority under subsection (a)(4)(A) for each of the individual projects numbered greater than 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

SEC. 111. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: Provided, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 112. Notwithstanding any other provision of law, whenever an allocation is made of the sums authorized to be appropriated for expenditure on the Federal lands highway program, and whenever an apportionment is made of the sums authorized to be appropriated for the surface transportation program, the congestion mitigation and air quality improvement program, the National Highway System, the Interstate maintenance program, the bridge program, the Appalachian development highway system, and the equity bonus program, the Secretary of Transportation shall deduct a sum in such amount not to exceed 2.75 percent of all sums so authorized: Provided, That of the amount so deducted in accordance with this section, $600,000,000 shall be made available for surface transportation projects and $25,000,000 shall be made available for highway priority projects as identified under this section in the statement of the managers accompanying this Act: Provided further, That notwithstanding any other provision of law and the preceding clauses of this provision, the Secretary of Transportation may use amounts made available by this section to make grants for any surface transportation project otherwise eligible for funding under title 23 or title 49, United States Code: Provided further, That funds made available under this section, at the request of a State, shall be transferred by the Secretary to another Federal agency: Provided further, That the Federal share payable on account of any program, project, or activity carried out with funds made available under this section shall be 100 percent: Provided further, That the sum deducted in accordance with this section shall remain available until expended: Provided further, That all funds made available under this section shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs set forth in this Act or any other Act: Provided further, That the obligation limitation made available for the programs, projects, and activities for which funds are made available under this section shall remain available until used and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

SEC. 113. Notwithstanding any other provision of law, projects and activities described in the statement of managers accompanying this Act under the headings "Federal-Aid Highways" and "Federal Transit Administration" shall be eligible for fiscal year 2006 funds made available for the project for which each project or activity is so designated: Provided, That the Federal share payable on account of any such projects and activities subject to this section shall be the same as the share required by the Federal program under which each project or activity is designated unless otherwise provided in this Act.

SEC. 114. BYPASS BRIDGE AT HOOVER DAM. (a) IN GENERAL.—Subject to subsection (b), the Secretary of Transportation may expend from any funds appropriated for expenditure in accordance with title 23, United States Code, for payment of debt service by the States of Arizona and Nevada on notes issued for the bypass bridge project at Hoover Dam, pending appropriation or replenishment for that project.

(b) REIMBURSEMENT.—Funds expended under subsection (a) shall be reimbursed from the funds made available to the States of Arizona and Nevada for payment of debt service on notes issued for the bypass bridge project at Hoover Dam.

SEC. 115. Section 1023(h) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 127 note; 105 Stat. 1951) is amended by striking paragraphs (2) and (3) and inserting the following:

"(2) STATE ACTION.—

"(A) WEIGHT LIMITATIONS.—For the period beginning on the date of enactment of this subparagraph and ending on September 30, 2009, a covered State, including any political subdivision of such State, may not enforce a single axle weight limitation of less than 24,000 pounds, including enforcement tolerances, on any vehicle referred to in paragraph (1) in any case in which the vehicle is using the Interstate System.

"(B) COVERED STATE DEFINED.—In this paragraph, the term 'covered State' means a State that has enforced, in the period beginning on October 6, 1992, and ending on the date of enactment of this subparagraph, a single axle weight limitation of 20,000 pounds or greater but less than 24,000 pounds, including enforcement tolerances, on any vehicle referred to in paragraph (1) in any case in which the vehicle is using the Interstate System.".

SEC. 116. Notwithstanding any other provision of law, access to the I–5 "Transit Only" ramps at NE 163rd in Shoreline, Washington, shall be expanded to include King County Solid Waste Division transfer vehicles upon the determination of the Federal Highway Administrator that necessary safety improvements have been completed.

SEC. 117. DESIGNATION OF MAX M. FISHER MEMORIAL HIGHWAY. (a) DESIGNATION.—The portion of highway US–24 in the State of Michigan, beginning at Interstate 96 and extending north to Interstate 75 at exit 93 west of Clarkston, shall be known and designated as the "Max M. Fisher Memorial Highway".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the highway portion referred to in subsection (a) shall be deemed to be a reference to the "Max M. Fisher Memorial Highway".

SEC. 118. Notwithstanding any other provision of law, funds provided in Public Law 108–7 under the heading "Federal-aid Highways" for intelligent transportation system projects and designated for Gettysburg Borough Signal Coordination and Upgrade-Signalization; Adams County, Pennsylvania shall be available for Gettysburg Borough and Surrounding Municipalities Signal Coordination and Upgrade-Signalization; Adams County, Pennsylvania.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred for administration of motor carrier safety operations and programs pursuant to section 31104(i) of title 49, United States Code, and sections 4127 and 4134 of Public Law 109–59, $213,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account), together with advances and reimbursements received by the Federal Motor Carrier Safety Administration, the sum of which shall remain available until expended: Provided, That none of the funds derived from the Highway Trust Fund in this Act shall be available for the implementation, execution or administration of programs, the obligations for which are in excess of $213,000,000, for "Motor Carrier Safety Operations and Programs", of which $10,084,000, to remain available for obligation until September 30, 2008, is for the research and technology program and $1,000,000 shall be available for commercial motor vehicle operator's grants to carry out section 4134 of Public Law 109–59: Provided further, That notwithstanding any other provision of law, none of the funds under this heading for outreach and education shall be available for transfer.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out sections 31102, 31104, 31106, 31107, 31109, 31309, 31313 of title 49, United States Code, and sections 4126 and 4128 of Public Law 109–59, $282,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit

Account) and to remain available until expended: Provided, That none of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $282,000,000, for "Motor Carrier Safety Grants"; of which $188,000,000 shall be available for the motor carrier safety assistance program to carry out sections 31102 and 31104 of title 49, United States Code; $25,000,000 shall be available for the commercial driver's license improvements program to carry out section 31313 of title 49, United States Code; $32,000,000 shall be available for the border enforcement grants program to carry out section 31107 of title 49, United States Code; $5,000,000 shall be available for the performance and registration information system management program to carry out sections 31106 and 31109 of title 49, United States Code; $25,000,000 shall be available for the commercial vehicle information systems and networks deployment program to carry out section 4126 of Public Law 109–59; $2,000,000 shall be available for the safety data improvement program to carry out section 4128 of Public Law 109–59; and $5,000,000 shall be available for the commercial driver's license information system modernization program to carry out section 31309 of title 49, United States Code: Provided further, That of the funds made available for the motor carrier safety assistance program, $29,000,000 shall be available for audits of new entrant motor carriers.

ADMINISTRATIVE PROVISION—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

SEC. 120. Funds appropriated or limited in this Act shall be subject to the terms and conditions stipulated in section 350 of Public Law 107–87, including that the Secretary submit a report to the House and Senate Appropriations Committees annually on the safety and security of transportation into the United States by Mexico-domiciled motor carriers.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

(HIGHWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under chapter 301 of title 49, United States Code, and part C of subtitle VI of title 49, United States Code, $122,457,000, to be derived from the sum authorized to be deducted under section 112 of this Act and transferred to the National Highway Traffic Safety Administration upon enactment of this Act, of which $96,301,000 shall remain available until September 30, 2006 and $26,156,000 shall remain available until September 30, 2008: Provided, That such funds shall be transferred to and administered by the National Highway Traffic Safety Administration: Provided further, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect: Provided further, That all funds made available under this heading shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs set forth in this Act or any other Act: Provided further, That the obligation limitation made available for the programs, projects, and activities for which funds are made available under this heading shall remain available as specified and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, to remain available until expended, $110,000,000, to be derived from the Highway Trust Fund: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2006, are in excess of $110,000,000 for programs authorized under 23 U.S.C. 403.

NATIONAL DRIVER REGISTER

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out chapter 303 of title 49, United States Code, $4,000,000, to be derived from the Highway Trust Fund and remain available until September 30, 2007: Provided, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $4,000,000 for the National Driver Register authorized under chapter 303 of title 49, United States Code.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109–59, to remain available until expended, $578,176,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account): Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2006, are in excess of $578,176,000 for programs authorized under 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109–59, of which $217,000,000 shall be for "Highway Safety Programs" under 23 U.S.C. 402, $25,000,000 shall be for "Occupant Protection Incentive Grants" under 23 U.S.C. 405, $124,500,000 shall be for "Safety Belt Performance Grants" under 23 U.S.C. 406, $34,500,000 shall be for "State Traffic Safety Information System Improvements" under 23 U.S.C. 408, $120,000,000 shall be for "Alcohol-Impaired Driving Countermeasures Incentive Grant Program" under 23 U.S.C. 410, $16,176,000 shall be for "Administrative Expenses" under section 2001(a)(11) of Public Law 109–59, $29,000,000 shall be for "High Visibility Enforcement Program" under section 2009 of Public Law 109–59, $6,000,000 shall be for "Motorcyclist Safety" under section 2010 of Public Law 109–59, and $6,000,000 shall be for "Child Safety and Child Booster Seat Safety Incentive Grants" under section 2011 of Public Law 109–59: Provided further, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local or private buildings or structures: Provided further, That not to exceed $500,000 of the funds made available for section 410 "Alcohol-Impaired Driving Countermeasures Grants" shall be available for technical assistance to the States: Provided further, That not to exceed $750,000 of the funds made available for the "High Visibility Enforcement Program" shall be available for the evaluation required under section 2009(f) of Public Law 109–59.

ADMINISTRATIVE PROVISION—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

SEC. 125. Notwithstanding any other provision of law or limitation on the use of funds made available under section 403 of title 23, United States Code, an additional $130,000 shall be made available to the National Highway Traffic Safety Administration, out of the amount limited for section 402 of title 23, United States Code, to pay for travel and related expenses for State management reviews and to pay for core competency development training and related expenses for highway safety staff.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $145,949,000, of which $13,856,000 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $55,075,000, to remain available until expended, of which $6,500,000 shall be available for positive train control projects and $7,190,000 shall be available for grants for rail corridor planning, development and improvement and Federal share payable under such grants shall be 50 percent.

RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: Provided, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2006.

ALASKA RAILROAD REHABILITATION

To enable the Secretary of Transportation to make grants to the Alaska Railroad, $10,000,000, for capital rehabilitation and improvements benefiting its passenger operations, to remain available until expended.

OPERATING SUBSIDY GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation for operation of intercity passenger rail, $495,000,000, to remain available until expended: Provided, That the Secretary of Transportation shall approve funding to cover operating losses for the National Railroad Passenger Corporation only after receiving and reviewing a grant request for each specific train route: Provided further, That each such grant request shall be accompanied by a detailed financial analysis, revenue projection, and capital expenditure projection justifying the Federal support to the Secretary's satisfaction: Provided further, That the Secretary of Transportation shall reserve $60,000,000 of the funds provided under this heading and is authorized to transfer such sums to the Surface Transportation Board, upon request from said Board, to carry out directed service orders issued pursuant to section 11123 of title 49, United States Code, to respond to the cessation of commuter rail operations by the National Railroad Passenger Corporation: Provided further, That the Secretary of Transportation shall make the reserved funds available to the National Railroad Passenger Corporation through an appropriate grant instrument not earlier than September 1, 2006 to the extent that no directed service orders have been issued by the Surface Transportation Board as of the date of transfer or there is a balance of reserved funds not needed by the Board to pay for any directed service order *issued through September 30, 2006: Provided further, That the Corporation is directed to achieve savings through operating efficiencies including, but not limited to, modifications to food and beverage service and first class service: Provided further, That the Inspector General of the Department of Transportation shall report to the House and Senate Committees on Appropriations beginning on January 3, 2006 and quarterly thereafter with estimates of the savings accrued as a result of all operational reforms instituted by the National Railroad Passenger Corporation: Provided further, That if the Inspector General cannot certify that the Corporation has achieved operational savings by July 1, 2006, none of the funds in this Act may be used after July 1, 2006, to subsidize the net losses of food and beverage service and sleeper car service on any Amtrak route: Provided further, That of the funds provided under this section, not less than $5,000,000 shall be expended for the development and implementation of a managerial cost accounting system, which includes average and marginal unit cost capability: Provided further, That within 30 days of development of the managerial cost accounting system, the Department of Transportation Inspector General shall review and comment to the Secretary of Transportation and the House and Senate Committees on Appropriations upon the strengths and weaknesses of the system and how it best can be implemented to improve decision making by the Board of Directors and management of the Corporation: Provided further, That not later than 60 days after enactment of this Act, Amtrak shall transmit, in electronic format, to the Secretary of Transportation, the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation a comprehensive business plan approved by the Board of Directors for fiscal year 2006 under section 24104(a) of title 49, United States Code: Provided further, That the business plan shall include, as applicable, targets for ridership, revenues, and capital and operating expenses: Provided further, That the plan shall also include a separate accounting of such targets for the Northeast Corridor; commuter service; long-distance Amtrak service; State-supported service; each intercity train route, including Autotrain; and commercial activities including contract operations: Provided further, That the business plan shall include a description of the work to be funded, along with cost estimates and an estimated timetable for completion of the projects covered by this business plan: Provided further, That the Corporation shall continue to provide monthly reports in electronic format regarding the pending business plan, which shall describe the work completed to date, any changes to the business plan, and the reasons for such changes, and shall identify all sole source contract awards which shall be accompanied by a justification as to why said contract was awarded on a sole source basis: Provided further, That none of the funds in this Act may be used for operating expenses, including advance purchase orders, not approved by the Secretary of Transportation or on the National Railroad Passenger Corporation's fiscal year 2006 business plan: Provided further, That Amtrak shall display the business plan and all subsequent supplemental plans on the Corporation's website within a reasonable timeframe following their submission to the appropriate entities: Provided further, That none of the funds under this heading may be obligated or expended until the National Railroad Passenger Corporation agrees to continue abiding by the provisions of paragraphs 1, 2, 3, 5, 9, and 11 of the summary of conditions for the direct loan agreement of June 28, 2002, in the same manner as in effect on the date of enactment of this Act: Provided further, That none of the funds provided in this Act may be used after March 1, 2006, to support any route on which Amtrak offers a discounted fare of more than 50 percent off the normal, peak fare.*

CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation for the maintenance and repair of capital infrastructure owned by the National Railroad Passenger Corporation, including railroad equipment, rolling stock, legal mandates and other services, $780,000,000, to remain available until expended, of which not to exceed $280,000,000 shall be for debt service obligations: Provided, That the Secretary of Transportation shall approve funding for capital expenditures, including advance purchase orders, for the National Railroad Passenger Corporation only after receiving and reviewing a grant request for each specific capital grant justifying the Federal support to the Secretary's satisfaction: Provided further, That none of the funds under this heading may be used to subsidize operating losses of the National Railroad Passenger Corporation: Provided further, That none of the funds under this heading may be used for capital projects not approved by the Secretary of Transportation or on the National Railroad Passenger Corporation's fiscal year 2006 business plan: Provided further, That the Secretary shall determine the cost to the Corporation for the annual Northeast Corridor capital and maintenance costs attributable to commuter rail operations over said Corridor: Provided further, That these costs shall be calculated by the Secretary based on the train mile usage of each commuter rail authority as a percentage of the total number of annual train miles used by all users of the Northeast Corridor or by whatever measure the Secretary believes to be most appropriate: Provided further, That, notwithstanding any other provision of law, the Secretary shall assess fees to each commuter rail authority for any direct capital or maintenance costs associated with that rail authority's usage of the corridor: Provided further, That such assessments shall account fully for whatever direct annual contributions are already being made by each commuter authority for such Northeast Corridor capital and maintenance expenses in that fiscal year: Provided further, That the revenues from such fees shall be merged with this appropriation and be available for obligation and expenditure consistent with the terms and conditions of this paragraph: Provided further, That the Secretary shall transmit to Congress a monthly accounting of charges levied in accordance with the preceding proviso.

EFFICIENCY INCENTIVE GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For an additional amount to be made available to the Secretary for efficiency incentive grants to the National Railroad Passenger Corporation, $40,000,000, to remain available until expended: Provided, That the Secretary may make grants to the National Railroad Passenger Corporation for an additional sum for operating subsidies at any time during the fiscal year for the purpose of maintaining the operation of existing Amtrak routes: Provided further, That nothing in the previous proviso should be interpreted either to encourage or discourage the Corporation with respect to adjusting existing routes or frequencies: Provided further, That the Secretary may make grants for operating subsidies at any time during the fiscal year in order to avert the Corporation's entry into bankruptcy proceedings: Provided further, That prior to awarding additional operating grants for the purpose of the preceding proviso, the Secretary and the Inspector General of the Department of Transportation shall certify to the Committees on Appropriations of the House of Representatives and the Senate that such grants are necessary to prevent the Corporation from entering bankruptcy: Provided further, That if the Secretary and the Inspector General deem that sufficient operating funds are available to continue operations through the end of fiscal year 2006, then, as of September 1, 2006, the Secretary may make grants to the National Railroad Passenger Corporation at such times and in such amounts for capital improvements that have a direct and measurable short-term impact on reducing operating losses of the National Railroad Passenger Corporation.

ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

SEC. 130. The Secretary may purchase promotional items of nominal value for use in public outreach activities to accomplish the purposes of 49 U.S.C. 20134: Provided, That the Secretary shall prescribe guidelines for the administration of such purchases and use.

SEC. 131. Notwithstanding any other provision of law, from funds made available to the Federal Railroad Administration under the heading "Next Generation High-Speed Rail" in the Consolidated Appropriations Act of 2005 (Public Law 108–447), the Secretary of Transportation shall award a grant in the amount of $500,000 to the Maine Department of Transportation for Safety and Mitigation Rail Relocation in Auburn, Maine.

SEC. 132. Notwithstanding any other provision of law, funds made available to the Federal Railroad Administration for the Illinois statewide highway-rail crossing safety program on page 1420 of the Joint Explanatory Statement of the Committee of Conference for Public Law 108–447 (House Report 108–792) shall be made available to the Illinois Commerce Commission for the Public Education and Enforcement Research (PEERS) program to improve rail-grade crossing safety through education and enforcement initiatives.

SEC. 133. Notwithstanding any existing Federal legislation, from funds available to the Federal Railroad Administration under the heading of "Next Generation High-Speed Rail" in the Consolidated Appropriations Act of 2004, Public Law 108–199; the Secretary of Transportation may award a grant of $1,000,000 to the New Orleans Regional Planning Commission, New Orleans, Louisiana for site planning and an update of the Master Plan for the Union Passenger Terminal, located at New Orleans, Louisiana.

SEC. 134. Notwithstanding any other provision of law, funds made available to the Federal Railroad Administration for the Spokane Region High Speed Rail Corridor Study on page 1420 of the Joint Explanatory Statement of the Committee of Conference for Public Law 108–447 (House Report 108–792) shall be made available to the Washington State Department of Transportation for grade crossing and related improvements under the Bridging the Valley project between Spokane County, Washington and Kootenai County, Idaho.

SEC. 135. Of the $40,000,000 provided under the heading "Efficiency Incentive Grants to the National Railroad Passenger Corporation", and notwithstanding limitation language contained therein, $8,300,000 shall be made available immediately upon enactment of this Act only for a revenue service demonstration of not less than 5,500 carload shipments of premium temperature-controlled express.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $80,000,000: Provided, That of the funds available under this heading, not to exceed $925,000 shall be available for the Office of the

Administrator; not to exceed $7,325,000 shall be available for the Office of Administration; not to exceed $4,058,200 shall be available for the Office of the Chief Counsel; not to exceed $1,359,300 shall be available for the Office of Communication and Congressional Affairs; not to exceed $7,985,900 shall be available for the Office of Program Management; not to exceed $8,732,500 shall be available for the Office of Budget and Policy; not to exceed $4,763,900 shall be available for the Office of Demonstration and Innovation; not to exceed $3,153,100 shall be available for the Office of Civil Rights; not to exceed $4,127,300 shall be available for the Office of Planning; not to exceed $20,754,000 shall be available for regional offices; and not to exceed $16,815,800 shall be available for the central account: Provided further, That the Administrator is authorized to transfer funds appropriated for an office of the Federal Transit Administration: Provided further, That no appropriation for an office shall be increased or decreased by more than a total of 5 percent during the fiscal year by all such transfers: Provided further, That any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: Provided further, That any funding transferred from the central account shall be submitted for approval to the House and Senate Committees on Appropriations: Provided further, That none of the funds provided or limited in this Act may be used to create a permanent office of transit security under this heading: Provided further, That of the funds in this Act available for the execution of contracts under section 5327(c) of title 49, United States Code, $2,000,000 shall be reimbursed to the Department of Transportation's Office of Inspector General for costs associated with audits and investigations of transit-related issues, including reviews of new fixed guideway systems: Provided further, That upon submission to the Congress of the fiscal year 2007 President's budget, the Secretary of Transportation shall transmit to Congress the annual report on new starts, including proposed allocations of funds for fiscal year 2007.

FORMULA AND BUS GRANTS

(LIQUIDATION OF CONTRACT AUTHORITY)

(LIMITATION ON OBLIGATIONS)

(INCLUDING TRANSFER OF FUNDS)

For payment of obligations incurred in carrying out the provisions of 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105–178, as amended, $1,500,000,000, to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended: Provided, That funds available for the implementation or execution of programs authorized under 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105–178, as amended, shall not exceed total obligations of $6,979,931,000 in fiscal year 2006: Provided further, That of the funds made available to carry out capital projects to modernize fixed guideway systems authorized under 49 U.S.C. 5309(b)(2), $47,766,000 shall be transferred to the Capital Investment Grants account and made available to carry out new fixed guideway capital projects identified in this Act and in accordance with the applicable provisions of 49 U.S.C. 5309: Provided further, That except as provided in section 3044(b)(1) of Public Law 109–59, funds made available to carry out 49 U.S.C. 5308 shall instead be available to carry out 49 U.S.C. 5309(b)(3).

RESEARCH AND UNIVERSITY RESEARCH CENTERS

For necessary expenses to carry out 49 U.S.C. 5306, 5312–5315, 5322, and 5506, $75,200,000, to remain available until expended: Provided, That $9,000,000 is available to carry out the transit cooperative research program under section 5313 of title 49, United States Code, $4,300,000 is available for the National Transit Institute under section 5315 of title 49, United States Code, $7,000,000 is available for university transportation centers program under section 5506 of title 49, United States Code: Provided further, That $54,200,000 is available to carry out national research programs under sections 5312, 5313, 5314, and 5322 of title 49, United States Code.

CAPITAL INVESTMENT GRANTS

For necessary expenses to carry out section 5309 of title 49, United States Code, $1,455,234,000, to remain available until expended as follows:

ACE Gap Closure San Joaquin County, California, $5,000,000;

Alaska and Hawaii ferry projects, $15,000,000;

Ann Arbor/Detroit Commuter Rail, Michigan, $5,000,000;

Atlanta Beltline/C-Loop, Georgia, $1,000,000;

Baltimore Central Light Rail Double Track Project, Maryland, $12,420,000;

Baltimore Red Line and Green Line, Maryland, $2,000,000;

Boston/Fitchburg, Massachusetts Rail Corridor, $2,000,000;

Central Corridor/St. Paul-Minneapolis, Minnesota, $2,000,000;

Central Florida Commuter Rail, $11,000,000;

Central Phoenix/East Valley LRT, Arizona, $90,000,000;

Charlotte South Corridor Light Rail Project, North Carolina, $55,000,000;

City of Miami Streetcar, Florida, $2,000,000;

City of Rock Hill Trolley Study, South Carolina, $400,000;

Commuter Rail, Albuquerque to Santa Fe, New Mexico, $500,000;

Commuter Rail, Utah, $9,000,000;

CORRIDORone Regional Rail Project, Pennsylvania, $1,500,000;

CTA Douglas Blue Line, Illinois, $45,150,000;

CTA Ravenswood Brown Line, Illinois, $40,000,000;

CTA Yellow Line, Illinois, $1,000,000;

Dallas Northwest/Southeast Light Rail MOS, Texas, $12,000,000;

Denali Commission, Alaska, $5,000,000;

Detroit Center City Loop, Michigan, $4,000,000;

Dulles Corridor Rapid Transit Project, Virginia, $26,000,000;

East Corridor Commuter Rail, Nashville, Tennessee, $6,000,000;

East Side Access Project, New York, $340,000,000;

Euclid Corridor Transportation Project, Ohio, $24,770,000;

Fort Lauderdale Downtown Rail Link, Florida, $1,000,000;

Gainesville-Haymarket VRE Service Extension, Virginia, $1,450,000;

Hartford-New Britain Busway, Connecticut, $6,000,000;

Houston METRO, Texas, $12,000,000;

Hudson-Bergen Light Rail MOS 2, New Jersey, $100,000,000;

Kansas City, Missouri, Southtown BRT, $12,300,000;

Metra, Illinois, $42,180,000;

Metro Gold Line Eastside Light Rail Extension, California, $80,000,000;

Miami Dade County Metrorail Extension, Florida, $10,000,000;

Mid-Coast Light Rail Transit Extension, California, $7,160,000;

Mid-Jordan Light Rail Transit Line, Utah, $500,000;

Mission Valley East, California, $7,700,000;

N. Indiana Commuter Transit District Recapitalization, $5,000,000;

New Jersey Trans-Hudson Midtown Corridor, New Jersey, $12,315,000;

North Corridor Interstate MAX Light Rail Project, Oregon, $18,110,000;

North Shore Connector, Pennsylvania, $55,000,000;

North Shore Corridor and Blue Line Extension, Massachusetts, $2,000,000;

Northeast Corridor Commuter Rail Project, Delaware, $1,425,000;

Northern Branch Bergen County, New Jersey, $2,500,000;

Northstar Corridor Commuter Rail Project, Minnesota, $2,000,000;

Northwest New Jersey—Northeast Pennsylvania Passenger Rail, $10,000,000;

Oceanside Escondido Rail Project, California, $12,210,000;

Odgen Avenue Transit Corridor/Circle Line, Illinois, $1,000,000;

Regional Fixed Guideway Project, Nevada, $3,000,000;

Rhode Island Integrated Commuter Rail Project, Rhode Island, $6,000,000;

San Francisco BART Extension to San Francisco International Airport, California, $81,860,000;

San Francisco Muni Third Street Light Rail Project, California, $25,000,000;

San Juan Tren Urbano, Puerto Rico, $8,045,487;

Santa Barbara Coast Rail Track Improvement Project, California, $1,000,000;

Schuylkill Valley Metro, Pennsylvania, $2,000,000;

Seattle Sound Transit, Washington, $80,000,000;

Second Avenue Subway, New York, $25,000,000;

Silicon Valley Rapid Transit Corridor Project, Santa Clara County, California, $6,500,000;

Silver Line Phase III, Massachusetts, $4,000,000;

Sounder Commuter Rail, Washington, $5,000,000;

Southeast Corridor Multi-Modal Project (T-REX), Colorado, $80,000,000;

Stamford Urban Transitway, Connecticut, $10,000,000;

Triangle Transit Authority Regional Rail System (Raleigh-Durham), North Carolina, $20,000,000;

Washington County Commuter Rail Project, Oregon, $15,000,000;

West Corridor Light Rail, Colorado, $5,000,000.

ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

SEC. 140. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 141. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under "Federal Transit Administration, Capital investment grants" for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2008, and other recoveries, shall be made available for other projects under 49 U.S.C. 5309.

SEC. 142. Notwithstanding any other provision of law, any funds appropriated before October 1, 2005, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 143. Notwithstanding any other provision of law, unobligated funds made available for a new fixed guideway systems project under the heading "Federal Transit Administration, Capital Investment Grants" in any appropriations Act prior to this Act may be used during this fiscal year to satisfy expenses incurred for such projects.

SEC. 144. Funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities pursuant to 49 U.S.C. 5309(m)(2)(B) may be used to construct new vessels and facilities, or to improve existing vessels and facilities, including both the passenger and vehicle-related elements of such vessels and facilities, and for repair facilities: Provided, That not more than $3,000,000 of the funds made available pursuant to 49 U.S.C. 5309(m)(2)(B) may be used by the State of Hawaii to initiate and operate a passenger ferryboat services demonstration project to test the viability of different intra-island and inter-island ferry boat routes and technology: Provided further, That notwithstanding 49 U.S.C. 5302(a)(7), funds made available for Alaska or Hawaii ferry boats may be used to acquire passenger ferry boats and to provide passenger ferry transportation services within areas of the State of Hawaii under the control or use of the National Park Service.

SEC. 145. Amounts made available from the bus category of the Capital Investment Grants Account or Discretionary Grants Account in this or any other previous Appropriations Act that remain unobligated or unexpended in a grant for a multimodal transportation facility in Burlington, Vermont, may be used for site-preparation and design purposes of a multimodal transportation facility in a different location within Burlington, Vermont, than originally intended notwithstanding previous expenditures incurred such purposes at the original location.

SEC. 146. Notwithstanding any other provision of law, funds designated in the conference report accompanying Public Law 108–447 and Public Law 108–199 for the King County Metro Park and Ride on First Hill, Seattle, Washington, shall be available to the Swedish Hospital parking garage, Seattle, Washington, subject to the same conditions and requirements of section 125 of division H of Public Law 108–447.

SEC. 147. Funds in this Act that are apportioned to the Charleston Area Regional Transportation Authority to carry out section 5307 of title 49, United States Code, may be used to acquire land, equipment, or facilities used in public transportation from another governmental authority in the same geographic area: Provided, That the non-Federal share under section 5307 may include revenues from the sale of advertising and concessions.

SEC. 148. Notwithstanding any other provision of law, any unobligated funds designated to the Jacksonville Transportation Authority, Community Transportation Coordinator Program under the heading "Job Access and Reverse Commute Grants" in the statement of the managers accompanying Public Law 108–199 may be made available to the Jacksonville Transportation Authority for any purpose authorized under the Job Access and Reverse Commute program.

SEC. 149. Notwithstanding any other provision of law, any funds made available to the South Shore Commuter Rail, Indiana, project under the Federal Transit Administration Capital Investment Grants Account in Division H of Public Law 108–447 that remain available may be used for remodernization of the South Shore Commuter Rail system.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $16,284,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $156,000,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $122,249,000 of which $23,750,000 shall remain available until September 30, 2006, for salaries and benefits of employees of the United States Merchant Marine Academy; of which $15,000,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy; and of which $8,211,000 shall remain available until expended for the State Maritime Schools Schoolship Maintenance and Repair.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, $21,000,000, to remain available until expended.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the guaranteed loan program, not to exceed $4,126,000, which shall be transferred to and merged with the appropriation for Operations and Training.

SHIP CONSTRUCTION

(RESCISSION)

Of the unobligated balances available under this heading, $2,071,280 are rescinded.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

SEC. 150. Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefore shall be credited to the appropriation charged with the cost thereof: Provided, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

SEC. 151. No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936 (46 App. U.S.C. 1101 et seq.), or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriations Act.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Pipeline and Hazardous Materials Safety Administration, $16,877,000, of which $645,000 shall be derived from the Pipeline Safety Fund.

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, $26,138,000, of which $1,847,000 shall remain available until September 30, 2008: Provided, That up to $1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: Provided further, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $73,010,000, of which $15,000,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2008; of which $58,010,000 shall be derived from the Pipeline Safety Fund, of which $24,000,000 shall remain available until September 30, 2008: Provided, That not less than $1,000,000 of the funds provided under this heading shall be for the one-call State grant program.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5127(c), $200,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2007: Provided, That not more than $14,300,000 shall be made available for obligation in fiscal year 2006 from amounts made available by 49 U.S.C. 5116(i) and 5127(d): Provided further, That none of the funds made available by 49 U.S.C. 5116(i), 5127(c), and 5127(d) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.

RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses of the Research and Innovative Technology Administration, $5,774,000, of which $1,121,000 shall remain available until September 30, 2008: Provided, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $62,499,000: Provided, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: Provided further, That the funds made available under this heading shall be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $26,450,000: Provided, That *notwithstanding any other provision of law, not to exceed $1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: Provided further, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2006, to result in a final appropriation from the general fund estimated at no more than $25,200,000.*

ADMINISTRATIVE PROVISIONS—DEPARTMENT OF TRANSPORTATION

(INCLUDING TRANSFERS OF FUNDS)

SEC. 160. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 161. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 162. None of the funds in this Act shall be available for salaries and expenses of more than 108 political and Presidential appointees in the Department of Transportation: Provided, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 163. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 164. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

SEC. 165. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's "Federal-Aid Highways" account, the Federal Transit Administration's "Transit Planning and Research" account, and to the Federal Railroad Administration's "Safety and Operations" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 166. Notwithstanding any other provisions of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 167. None of the funds in this Act to the Department of Transportation may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling $1,000,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration other than the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; or (3) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs: Provided, That no notification shall involve funds that are not available for obligation.

SEC. 168. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

SEC. 169. Amounts made available in this or any other Act that the Secretary determines represent improper payments by the Department of Transportation to a third party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—

(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments; and

(2) to pay contractors for services provided in recovering improper payments: Provided, That amounts in excess of that required for paragraphs (1) and (2)—

(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the purposes and period for which such appropriations are available; or

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: Provided, That prior to the transfer of any such recovery to an appropriations account, the Secretary shall notify the House and Senate Committees on Appropriations of the amount and reasons for such transfer: Provided further, That for purposes of this section, the term "improper payments", has the same meaning as that provided in section 2(d)(2) of Public Law 107–300.

SEC. 170. The Secretary of Transportation is authorized to transfer the unexpended balances available for the bonding assistance program from "Office of the Secretary, Salaries and expenses" to "Minority Business Outreach".

SEC. 171. None of the funds made available in this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 172. None of the funds made available under this Act may be obligated or expended to establish or implement a pilot program under which not more than 10 designated essential air service communities located in proximity to hub airports are required to assume 10 percent of their essential air subsidy costs for a 4-year period commonly referred to as the EAS local participation program.

SEC. 173. (a) Section 14710(a) of title 49, United States Code, is amended—

(1) by striking "a State authority may" and inserting "a State authority other than the attorney general of the state may, as parens patriae,"; and

(2) by inserting the following after the first sentence: "Any civil action for injunctive relief to enjoin such delivery or transportation or to compel a person to pay a fine or penalty assessed under chapter 149 shall be brought in an appropriate district court of the United States.".

(b) Section 14710(b) of title 49, United States Code, is amended to read as follows:

"(b) EXERCISE OF ENFORCEMENT AUTHORITY.—The authority of this section shall be exercised subject to the requirements of sections 14711(b)-(f) of this title.".

(c) Section 14711(b)(1) of title 49, United States Code, is amended by inserting the following at the end:

"The State may initiate a civil action under subsection (a) if it is reviewable under subsectin (b)(2).".

(d) Section 14711(b)(4) of title 49, United States Code, is amended by inserting "that is subject to review under subsection (b)(2)" before "if the Secretary".

(e) The amendments made by this section shall cease to be in effect after September 30, 2006.

SEC. 174. Section 112(b)(2) of title 23, United States Code, is amended—

(1) in subparagraph (A), by striking "title 40" and all that follows through the period and inserting "title 40.";

(2) by striking subparagraph (B);

(3) by redesignating subparagraphs (C) through (G) as subparagraphs (B) through (F), respectively;

(4) in subparagraph (E) (as redesignated by paragraph (3)), in the first sentence, by striking "subparagraph (E)" and inserting "subparagraph (D)"; and

(5) in subparagraph (F) (as redesignated by paragraph (3)), by striking "State Option" and all that follows through the period and inserting "(F) Subparagraphs (B), (C), (D) and (E) herein shall not apply to the States of West Virginia or Minnesota.".

SEC. 175. Notwithstanding any provision of law, the Secretary of Transportation is authorized and directed to make project grants under chapter 471 of title 49, United States Code, from funds available for fiscal year 2006 and thereafter under 49 U.S.C. 48103, for the cost of acquisition of land, or reimbursement of the cost of land if purchased prior to enactment of this provision and prior to a grant agreement, for nonexclusive use aeronautical purposes on an airport layout plan that has been approved by the Secretary on January 23, 2004, pursuant to section 49 U.S.C. 47107(a)(16), for any small hub airport as defined in 49 U.S.C. 47102, and had scheduled or chartered direct international flights totaling at least 200 million pounds gross aircraft landed weight for calendar year 2002.

SEC. 176. (a) Section 47108 of title 49, United States Code, is amended in subsection (e) by adding the following new paragraph at the end:

"(3) CHANGES TO NONHUB PRIMARY STATUS.—If the status of a nonhub primary airport changes to a small hub primary airport at a time when the airport has received discretionary funds under this chapter for a terminal development project in accordance with section 47110(d)(2), and the project is not yet completed, the project shall remain eligiole for funding from the discretionary fund and the small airport fund to pay costs allowable under section 47110(d). Such project shall remain eligible for such funds for three fiscal years after the start of construction of the project, or if the Secretary determines that a further extension of eligibility is justified, until the project is completed.".

(b) CONFORMING AMENDMENT.—Section 47110(d)(2)(A) is amended by striking "(A) the" and inserting "(A) except as provided in section 47108(e)(3), the".

SEC. 177. Section 40128(e) of title 49, United States Code, is amended by adding at the end the following: "For purposes of this subsection, an air tour operator flying over the Hoover Dam in the Lake Mead National Recreation Area en route to the Grand Canyon National Park shall be deemed to be flying solely as a transportation route.". Nothing in this provision shall allow *exemption from overflight rules for the Grand Canyon.*

SEC. 178. Section 145(c) of the Aviation and Transportation Security Act (49 U.S.C. 40101 note) is amended by striking "November 19, 2005." and inserting "November 30, 2006.".

SEC. 179. (a)(1) This section shall apply to a former employee of the Federal Aviation Administration, who—

(A) was involuntarily separated as a result of the reorganization of the Flight Services Unit following the outsourcing of flight service duties to a contractor;

(B) was not eligible by October 3, 2005 for an immediate annuity under a Federal retirement system; and

(C) assuming continued Federal employment, would attain eligibility for an immediate annuity under section 8336(d) or 8414(b) of title 5, United States Code, not later than October 4, 2007.

(2) Notwithstanding any other provision of law, during the period beginning on the date of enactment of this Act and ending October 4, 2007, an employee described under paragraph (1) may, with the approval of the Administrator of the Federal Aviation Administration or the designee of the Administrator, accept an assignment to such contractor within 14 days after the date of enactment of this section.

(3) Except as provided in subsection (c), an employee appointed under paragraph (1)—

(A) shall be a temporary Federal employee for the duration of the assignment;

(B) notwithstanding such temporary status, shall retain previous enrollment or participation in Federal employee benefits programs under chapters 83, 84, 87, and 89 of title 5, United States Code; and

(C) shall be considered to have not had a break in service for purposes of chapters 83, 84, and sections 8706(b) and 8905(b) of title 5, United States Code, except no service credit or benefits shall be extended retroactively.

(4) An assignment and temporary appointment under this section shall terminate on the earlier of—

(A) October 4, 2007; or

(B) the date on which the employee first becomes eligibility for an immediate annuity under section 8336(d) or 8414(b) of title 5, United States Code.

(5) Such funds as may be necessary are authorized for the Federal Aviation Administration to pay the salary and benefits of an employee assigned under this section, but no funds are authorized to reimburse the employing contractor for the salary and benefits of an employee so assigned.

(b) An employee who was involuntarily separated as a result of the reorganization of the Flight Services Unit following the outsourcing of flight service duties to a contractor, and was eligible to use annual leave under the conditions of section 6302(g) of title 5, United States Code, may use such leave to—

(1) qualify for an immediate annuity or to meet the age or service requirements for an enhanced annuity that the employee could qualify for under sections 8336, 8412, or 8414; or

(2) to meet the requirements under section 8905(b) of title 5, United States Code, to qualify to continue health benefits coverage after retirement from service.

(c)(1) Nothing in this section shall—

(A) affect the validity or legality of the reduction-in-force actions of the Federal Aviation Administration effective October 3, 2005; or

(B) create any individual rights of actions regarding such reduction-in-force or any other actions related to or arising under the competitive sourcing of flight services.

(2) An employee subject to this section shall not be—

(A) covered by chapter 71 of title 5, United States Code, while on the assignment authorized by this section; or

(B) subject to section 208 of title 18, United States Code.

(3) Temporary employees assigned under this section shall not be Federal employees for purposes of chapter 171 of title 28, United States Code (commonly referred to as the Federal Tort Claims Act). Chapter 171 of title 28, United States Code (commonly referred to as the Federal Tort Claims Act) and any other Federal tort liability statute shall not apply to an employee who is assigned to a contractor under subsection (a).

SEC. 180. (a) In this section:

(1) The term "Conservation Area" means the Sloan Canyon National Conservation Area established by section 604(a) of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (116 Stat. 2010).

(2) The term "County" means Clark County, Nevada.

(3)(A) The term "helicopter tour" means a commercial helicopter tour operated for profit.

(B) The term "helicopter tour" does not include a helicopter tour that is carried out to assist a Federal, State, or local agency.

(4) The term "Secretary" means the Secretary of the Interior.

(5) The term "Wilderness" means the North McCullough Mountains Wilderness established by section 202(a)(13) of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (116 Stat. 2000).

(b) As soon as practicable after the date of enactment of this Act, the Secretary shall convey to the County, subject to valid existing rights, for no consideration, all right, title, and interest of the United States in and to the parcel of land described in subsection (c).

(c) The parcel of land to be conveyed under subsection (b) is the parcel of approximately 229 acres of land depicted as tract A on the map entitled "Clark County Public Heliport Facility" and dated May 3, 2004.

(d)(1) The parcel of land conveyed under subsection (b)—

(A) shall be used by the County for the operation of a heliport facility under the conditions stated in paragraphs (2), (3), and (4); and

(B) shall not be disposed of by the County.

(2)(A) Any operator of a helicopter tour originating from or concluding at the parcel of land described in subsection (c) shall pay to the Clark County Department of Aviation a $3 conservation fee for each passenger on the helicopter tour if any portion of the helicopter tour occurs over the Conservation Area.

(B)(i) Not earlier than 10 years after the date of enactment of this Act and every 10 years thereafter, the Secretary shall conduct a review to determine whether to raise the amount of the conservation fee.

(ii) After conducting a review under clause (i) and providing an opportunity for public comment, the Secretary may raise the amount of the conservation fee in an amount determined to be appropriate by the Secretary, but by not more than 50 percent of the amount of the conservation fee in effect on the day before the date of the increase.

(3)(A) The amounts collected under paragraph (2) shall be deposited in a special account in the Treasury of the United States.

(B) Of the amounts deposited under subparagraph (A)—

(i) ⅔ of the amounts shall be available to the Secretary, without further appropriation, for the management of cultural, wildlife, and wilderness resources on public land in the State of Nevada; and

(ii) ⅓ of the amounts shall be available to the Director of the Bureau of Land Management, without further appropriation, for the conduct of Bureau of Land Management operations for the Conservation Area and the Red Rock Canyon National Conservation Area.

(4)(A) Except for safety reasons, any helicopter tour originating or concluding at the parcel of land described in subsection (c) that flies over the Conservation Area shall not fly—

(i) over any area in the Conservation Area except the area that is between 3 and 5 miles north of the latitude of the southernmost boundary of the Conservation Area;

(ii) lower than 1,000 feet over the eastern segments of the boundary of the Conservation Area; or

(iii) lower than 500 feet over the western segments of the boundary of the Conservation Area.

(B) The Administrator of the Federal Aviation Administration shall establish a special flight rules area and any operating procedures that the Administrator determines to be necessary to implement subparagraph (A).

(5) If the County ceases to use any of the land described in subsection (c) for the purpose described in paragraph (1)(A) and under the conditions stated in paragraph (2)—

(A) title to the parcel shall revert to the United States, at the option of the United States; and

(B) the County shall be responsible for any reclamation necessary to revert the parcel to the United States.

(e) The Secretary shall require, as a condition of the conveyance under subsection (b), that the County pay the administrative costs of the conveyance, including survey costs and any other costs associated with the transfer of title.

SEC. 181. The first sentence of section 29(c) of the International Air Transportation Competition Act of 1979 (Public Law 96–192; 94 Stat. 48) is amended by inserting "Missouri," before "and Texas".

SEC. 182. Notwithstanding any other provision of law, none of the funds provided in or limited by this Act may be obligated or expended to provide a budget justification for fiscal year 2007 concurrently with the President's annual budget submission to Congress under section 1105(a) of title 31, United States Code, to any congressional committee other than the House and Senate Committees on Appropriations prior to May 31, 2006.

SEC. 183. Notwithstanding any other provision of law, if any funds provided in or limited by this Act are subject to a reprogramming action that requires notice to be provided to the House and Senate Committees on Appropriations, said reprogramming action shall be approved or denied solely by the Committees on Appropriations: Provided, That the Secretary may provide notice to other congressional committees of the action of the Committees on Appropriations on such reprogramming but not sooner than 30 days following the date on which the reprogramming action has been approved or denied by the House and Senate Committees on Appropriations.

SEC. 184. Notwithstanding any other provision of law, the projects numbered 5094 and 5096 in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) shall be subject to section 120(c) of title 23, United States Code.

SEC. 185. For necessary expenses, including an independent verification regime, to reimburse fixed-based general aviation operators and the providers of general aviation ground support services at Ronald Reagan Washington National Airport; College Park Airport in College Park, Maryland; Potomac Airpark in Fort Washington, Maryland; Washington Executive/Hyde Field in Clinton, Maryland; and Washington

South Capitol Street Heliport in Washington, DC; for direct and incremental financial losses incurred while such airports were closed to general aviation operations, or as of the date of enactment of this provision in the case of airports that have not reopened to such operations, by these operators and service providers solely due to the actions of the Federal government following the terrorist attacks on the United States that occurred on September 11, 2001, not to exceed $17,000,000, to be available until expended: Provided, That of this amount not to exceed $5,000,000 shall be available on a pro-rata basis, if necessary, to fixed-based general aviation operators and the providers of general aviation ground support services located at College Park Airport in College Park, Maryland; Potomac Airpark in Fort Washington, Maryland; and Washington Executive/Hyde Field in Clinton, Maryland: Provided further, That no funds shall be obligated or distributed to fixed-based general aviation operators and providers of general aviation ground support services until an independent audit is completed:

Provided further, That losses incurred as a result of violations of law, or through fault or negligence, of such operators and service providers or of third parties (including airports) are not eligible for reimbursement: Provided further, That obligation and expenditure of funds are conditional upon full release of the United States Government for all claims for financial losses resulting from such actions.

SEC. 186. Notwithstanding any other provision of law, any amounts made available pursuant to Public Law 109–59 for the Gravina Island bridge and the Knik Arm bridge shall be made available to the Alaska Department of Transportation and Public Facilities for any purpose eligible under section 133(b) of title 23, United States Code: Provided, That in allocating funds for the equity bonus program under section 105 of such title, the Secretary shall make the calculations required under that section as if this section had not been enacted: Provided further, That the descriptions for High Priority Projects #406, the Gravina Island bridge, and #2465, the Knik Arm bridge, in section 1702 of Public Law 109–59 are hereby deleted and in their place is inserted "the Alaska Department of Transportation and Public Facilities".

SEC. 187. (a) In addition to amounts available to carry out section 10204 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59) as of the date of enactment of this Act, of the amounts made available by section 112 of this Act, $1,000,000 shall be used by the Secretary of Transportation and the Secretary of Homeland Security to jointly—

(1) complete the review and assessment of catastrophic hurricane evacuation plans under that section; and

(2) submit to Congress, not later than June 1, 2006, the report described in subsection (d) of that section.

(b) Section 10204 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59) is amended—

(1) in subsection (a)—

(A) by inserting after "evacuation plans" the following: "(including the costs of the plans)"; and

(B) by inserting "and other catastrophic events" before "impacting";

(2) in subsection (b), by striking "and local" and inserting "parish, county, and municipal"; and

(3) in subsection (c)—

(A) in paragraph (1), by inserting "safe and" before "practical";

(B) in paragraph (2), by inserting after "States" the following: "and adjoining jurisdictions";

(C) in paragraph (3), by striking "and" after the semicolon at the end;

(D) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following:

"(5) the availability of food, water, restrooms, fueling stations, and shelter opportunities along the evacuation routes;

"(6) the time required to evacuate under the plan; and

"(7) the physical and mental strains associated with the evacuation.".

This title may be cited as the "Department of Transportation Appropriations Act, 2006".

TITLE II

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business, not to exceed $3,000,000 for official travel expenses; $196,592,000, of which not to exceed $8,642,000 is for executive direction program activities; not to exceed $7,852,000 is for general counsel program activities; not to exceed $32,011,000 is for economic policies and programs activities; not to exceed $26,574,000 is for financial policies and programs activities; pursuant to section 3004(b) of the Exchange Rates and International Economic Policy Coordination Act of 1988 (22 U.S.C. 5304(b)), not to exceed $1,000,000, to remain available until expended, is for the Secretary of the Treasury, in conjunction with the President, to implement said subsection as it pertains to governments and trade violations involving currency manipulation and other trade violations: not to exceed $39,939,000 is for financial crimes policies and programs activities; not to exceed $16,843,000 is for Treasury-wide management policies and programs activities; and not to exceed $63,731,000 is for administration programs activities: Provided, That of the amount appropriated for financial crimes policies and programs activities, $22,032,016 is for the Office of Foreign Assets Control and shall support no less than 125 full time equivalent positions: Provided further, That the Secretary of the Treasury is authorized to transfer funds appropriated for any program activity of the Departmental Offices to any other program activity of the Departmental Offices upon notification to the House and Senate Committees on Appropriations: Provided further, That no appropriation for any program activity shall be increased or decreased by more than two percent by all such transfers: Provided further, That any change in funding greater than two percent shall be submitted for approval to the House and Senate Committees on Appropriations: Provided further, That of the amount appropriated under this heading, not to exceed $3,000,000, to remain available until September 30, 2007, for information technology modernization requirements; not to exceed $100,000 for official reception and representation expenses; and not to exceed $258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate: Provided further, That of the amount appropriated under this heading, $5,173,000, to remain available until September 30, 2007, is for the Treasury-wide Financial Statement Audit Program, of which such amounts as may be necessary may be transferred to accounts of the Department's offices and bureaus to conduct audits: Provided further, That this transfer authority shall be in addition to any other provided in this Act.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, $24,412,000, to remain available until September 30, 2008: Provided, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act: Provided further, That none of the funds appropriated shall be used to support or supplement "Internal Revenue Service, Information Systems" or "Internal Revenue Service, Business Systems Modernization".

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, not to exceed $2,000,000 for official travel expenses, including hire of passenger motor vehicles; and not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, $17,000,000, of which not to exceed $2,500 shall be available for official reception and representation expenses.

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; not to exceed $6,000,000 for official travel expenses; and not to exceed $500,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration, $133,286,000; and of which not to exceed $1,500 shall be available for official reception and representation expenses.

AIR TRANSPORTATION STABILIZATION PROGRAM ACCOUNT

For necessary expenses to administer the Air Transportation Stabilization Board established by section 102 of the Air Transportation Safety and System Stabilization Act (Public Law 107–42), $2,750,000, to remain available until expended.

TREASURY BUILDING AND ANNEX REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Treasury Building and Annex, $10,000,000, to remain available until September 30, 2008.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel expenses of non-Federal law enforcement personnel to attend meetings concerned with financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, $73,630,000 of which not to exceed $6,944,000 shall remain *available until September 30, 2008; and of which $8,521,000 shall remain available until September 30, 2007: Provided, That funds appropriated in this account may be used to procure personal services contracts.*

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $236,243,000, of which not to exceed $9,220,000 shall remain available until September 30, 2008, for information systems modernization initiatives; and of which not to exceed $2,500 shall be available for official reception and representation expenses.

ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

SALARIES AND EXPENSES

For necessary expenses of carrying out section 1111 of the Homeland Security Act of 2002, including hire of passenger motor vehicles, $91,126,000; of which not to exceed $6,000 for official reception and representation expenses; not to exceed $50,000 for cooperative research and development programs for laboratory services; and provision of laboratory assistance to State and local agencies with or without reimbursement.

UNITED STATES MINT

UNITED STATES MINT PUBLIC ENTERPRISE FUND

Pursuant to section 5136 of title 31, United States Code, the United States Mint is provided funding through the United States Mint Public Enterprise Fund for costs associated with the production of circulating coins, numismatic coins, and protective services, including both operating expenses and capital investments. The aggregate amount of new liabilities and obligations incurred during fiscal year 2006 under such section 5136 for circulating coinage and protective service capital investments of the United States Mint shall not exceed $26,768,000.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $179,923,000, of which not to exceed $2,500 shall be available for official reception and representation expenses, and of which not to exceed $2,000,000 shall remain available until expended for systems modernization: Provided, That the sum appropriated herein from the General Fund for fiscal year 2006 shall be reduced by not more than $3,000,000 as definitive security issue fees and Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 2006 appropriation from the General Fund estimated at $176,923,000. In addition, $70,000 to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT

To carry out the Community Development Banking and Financial Institutions Act of 1994 (Public Law 103-325), including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES–3, $55,000,000, to remain available until September 30, 2007, of which $4,000,000 shall be for financial assistance, technical assistance, training and outreach programs designed to benefit Native American, Native Hawaiian, and Alaskan Native communities and provided primarily through qualified community development lender organizations with experience and expertise in community development banking and lending in Indian country, Native American organizations, tribes and tribal organizations and other suitable providers, and up to $13,500,000 may be used for administrative expenses, including administration of the New Markets Tax Credit, up to $6,000,000 may be used for the cost of direct loans, and up to $250,000 may be used for administrative expenses to carry out the direct loan program: Provided, That the cost of direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $11,000,000.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses of the Internal Revenue Service for pre-filing taxpayer assistance and education, filing and account services, shared services support, general management and administration; and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $4,136,578,000, of which up to $4,100,000 shall be for the Tax Counseling for the Elderly Program, of which $8,000,000 shall be available for low-income taxpayer clinic grants, of which $1,500,000 shall be for the Internal Revenue Service Oversight Board; and of which not to exceed $25,000 shall be for official reception and representation expenses: Provided, That of unobligated amounts available under this heading from previous appropriations acts, $20,000,000 shall be rescinded.

TAX LAW ENFORCEMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; providing litigation support; conducting criminal investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; conducting a document matching program; resolving taxpayer problems through prompt identification, referral and settlement; expanded customer service and public outreach programs, strengthened enforcement activities, and enhanced research efforts to reduce erroneous filings associated with the earned income tax credit; compiling statistics of income and conducting compliance research; purchase (for police-type use, not to exceed 850) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $4,725,756,000, of which not to exceed $1,000,000 shall remain available until September 30, 2008, for research; and of which $55,584,000 shall be for the Interagency Crime and Drug Enforcement program: Provided, That up to $10,000,000 may be transferred as necessary from this account to the IRS Processing, Assistance, and Management appropriation or the IRS Information Systems appropriation solely for the purposes of management of the Interagency Crime and Drug Enforcement Program: Provided further, That up to $10,000,000 may be transferred as necessary from this account to the IRS Processing, Assistance, and Management appropriation or the IRS Information Systems appropriation solely for the purposes of management of the Earned Income Tax Credit compliance program and to reimburse the Social Security Administration for the cost of implementing section 1090 of the Taxpayer Relief Act of 1997 (Public Law 105–33): Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act.

INFORMATION SYSTEMS

For necessary expenses of the Internal Revenue Service for information systems and telecommunications support, including developmental information systems and operational information systems; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $1,598,967,000, of which $75,000,000 shall remain available until September 30, 2007.

BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the Internal Revenue Service, $199,000,000, to remain available until September 30, 2008, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by 5 U.S.C. 3109: Provided, That none of these funds may be obligated until the Internal Revenue Service submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11; (2) complies with the Internal Revenue Service's enterprise architecture, including the modernization blueprint; (3) conforms with the Internal Revenue Service's enterprise life cycle methodology; (4) is approved by the Internal Revenue Service, the Department of the Treasury, and the Office of Management and Budget; (5) has been reviewed by the Government Accountability Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

HEALTH INSURANCE TAX CREDIT ADMINISTRATION

(INCLUDING RESCISSION OF FUNDS)

For expenses necessary to implement the health insurance tax credit included in the Trade Act of 2002 (Public Law 107–210), $20,210,000: Provided, That of unobligated amounts available under this heading from previous appropriations acts, $9,000,000 shall be rescinded.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service or not to exceed 3 percent of appropriations under the heading "Tax Law Enforcement" may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 202. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with taxpayers, and in cross-cultural relations.

SEC. 203. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information.

SEC. 204. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased manpower to provide sufficient and effective 1–800 help line service for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1–800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1–800 help line service.

SEC. 205. None of the funds appropriated or otherwise made available in this or any other Act or source to the Internal Revenue Service may be used to reduce taxpayer services as proposed in fiscal year 2006 until the Treasury Inspector General for Tax Administration completes a study detailing the impact of such proposed reductions on taxpayer compliance and taxpayer services, and the Internal Revenue Service's plans for providing adequate alternative services, and submits such study and *plans to the Committees on Appropriations of the House of Representatives and the Senate for approval: Provided, That no funds shall be obligated by the Internal Revenue Service for such purposes for 60 days after receipt of such study: Provided further, That the Internal Revenue Service shall consult with stakeholder organizations, including but not limited to, the National Taxpayer Advocate, the Internal Revenue Service Oversight Board, the Treasury Inspector General for Tax Administration, and Internal Revenue Service employees with respect to any proposed or planned efforts by the Internal Revenue Service to terminate or reduce significantly any taxpayer service activity.*

SEC. 206. Of the funds made available by this Act to the Internal Revenue Service, not less than $6,447,000,000 shall be available only for tax enforcement. In addition, of the funds made available by this Act to the Internal Revenue Service, and subject to the same terms and conditions, $446,000,000 shall be available for enhanced tax enforcement.

SEC. 207. Of the funds made available by this Act to the Internal Revenue Service, not less than $166,249,000 shall be available for operating expenses of the Taxpayer Advocate Service, of which not less than $141,311,650 shall be made available from the "Tax Law Enforcement" account.

SEC. 208. The Internal Revenue Service shall submit its fiscal year 2007 congressional budget justifications to the Committees on Appropriations of the House of Representatives and the Senate using the identical structure provided under this Act and only in accordance with the direction specified in the report accompanying this Act.

SEC. 209. Section 3 under the heading "Administrative Provisions—Internal Revenue Service" of title I of Public Law 103–329 is amended by striking the last proviso.

ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE TREASURY

(INCLUDING TRANSFER OF FUNDS)

SEC. 210. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 211. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices—Salaries and Expenses, Office of Inspector General, Financial Management Service, Alcohol and Tobacco Tax and Trade Bureau, Financial Crimes Enforcement Network, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations: Provided, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 212. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations: Provided, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 213. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with Departmental vehicle management principles: Provided, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 214. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the $1 Federal Reserve note.

SEC. 215. The Secretary of the Treasury may transfer funds from Financial Management Services, Salaries and Expenses to Debt Collection Fund as necessary to cover the costs of debt collection: Provided, That such amounts shall be reimbursed to such salaries and expenses account from debt collections received in the Debt Collection Fund.

SEC. 216. Section 122(g)(1) of Public Law 105–119 (5 U.S.C. 3104 note), is further amended by striking "7 years" and inserting "8 years".

SEC. 217. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the explicit approval of the House Committee on Financial Services and the Senate Committee on Banking, Housing, and Urban Affairs.

SEC. 218. None of the funds appropriated or otherwise made available by this or any other Act or source to the Department of the Treasury, the Bureau of Engraving and Printing, and the United States Mint, individually or collectively, may be used to consolidate any or all functions of the Bureau of Engraving and Printing and the United States Mint without the explicit approval of the House Committee on Financial Services; the Senate Committee on Banking, Housing, and Urban Affairs; the House Committee on Appropriations; and the Senate Committee on Appropriations.

SEC. 219. None of the funds appropriated or otherwise made available by this or any other Act or source to the Secretary of the Treasury may be expended to develop, study, or implement any plan to reallocate the resources of, or merge the Financial Crimes Enforcement Network into the Departmental Offices—Salaries and Expenses, or any other office within the Department of the Treasury.

This title may be cited as the "Department of the Treasury Appropriations Act, 2006".

TITLE III

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

TENANT-BASED RENTAL ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For activities and assistance for the provision of tenant-based rental assistance authorized under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) ("the Act" herein), not otherwise provided for, $15,573,655,725, to remain available until expended, of which $11,373,656,000 shall be available on October 1, 2005, and $4,200,000,000 shall be available on October 1, 2006: Provided, That the amounts made available under this heading are provided as follows:

(1) $14,089,755,725 for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act): Provided, That notwithstanding any other provision of law, from amounts provided under this paragraph, the Secretary for the calendar year 2006 funding cycle shall provide renewal funding for each public housing agency based on each public housing agency's 2005 annual budget for renewal funding as calculated by HUD, prior to prorations, and by applying the 2006 Annual Adjustment Factor as established by the Secretary, and by making any necessary adjustments for the costs associated with the first-time renewal of tenant protection or HOPE VI vouchers or vouchers that were not in use during the 12-month period in order to be available to meet a commitment pursuant to section 8(o)(13) of the Act: Provided further, That the Secretary shall, to the extent necessary to stay within the amount provided under this paragraph, pro rate each public housing agency's allocation otherwise established pursuant to this paragraph: Provided further, That except as provided in the following proviso, the entire amount provided under this paragraph shall be obligated to the public housing agencies based on the allocation and pro rata method described above: Provided further, That public housing agencies participating in the Moving to Work demonstration shall be funded pursuant to their Moving to Work agreements and shall be subject to the same pro rata adjustments under the previous proviso: Provided further, That up to $45,000,000 shall be available only: (1) to adjust the allocations for public housing agencies, after application for an adjustment by a public housing agency and verification by HUD, whose allocations under this heading for contract renewals for the calendar year 2005 funding cycle were based on verified VMS leasing and cost data averaged for the months of May, June, and July of 2004 and solely because of temporarily low leasing levels during such 3-month period did not accurately reflect leasing levels and costs for the 2004 fiscal year of the agencies; and (2) for adjustments for public housing agencies that experienced a significant increase, as determined by the Secretary, in renewal costs resulting from unforeseen circumstances or from the portability under section 8(r) of the United States Housing Act of 1937 of tenant-based rental assistance: Provided further, That none of the funds provided in this paragraph may be used to support a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract;

(2) $180,000,000 for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134), conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, HOPE VI vouchers, mandatory and voluntary conversions, and tenant protection assistance including replacement and relocation assistance: Provided, That no more than $12,000,000 can be used for section 8 assistance to cover the cost of judgments and settlement agreements;

(3) $48,000,000 for family self-sufficiency coordinators under section 23 of the Act;

(4) $5,900,000 shall be transferred to the Working Capital Fund; and

(5) $1,250,000,000 for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program, of which up to $10,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs: Provided, That $1,240,000,000 of the amount provided in this paragraph shall be allocated for the calendar year 2006 funding cycle on a pro rata basis to public housing agencies based on the amount public housing agencies were eligible to receive in calendar year 2005: Provided further, That all amounts provided under this paragraph shall be only for activities related to the

provision of tenant-based rental assistance authorized under section 8, including related development activities.

HOUSING CERTIFICATE FUND

(RESCISSION)

Of the unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading "Annual contributions for assisted housing", the heading "Tenant-based rental assistance", and the heading "Project-based rental assistance", for fiscal year 2005 and prior years, $2,050,000,000 is rescinded, to be effected by the Secretary no later than September 30, 2006: Provided, That, if insufficient funds exist under these headings, the remaining balance may be derived from any other heading under this title: Provided further, That the Secretary shall notify the Committees on Appropriations 30 days in advance of the rescission of any funds derived from the headings specified above: Provided further, That any such balances governed by reallocation provisions under the statute authorizing the program for which the funds were originally appropriated shall be available for the rescission: Provided further, That any obligated balances of contract authority from fiscal year 1974 and prior that have been terminated shall be cancelled: Provided further, That no amounts recaptured from amounts appropriated in prior years under this heading or the heading "Annual contributions for assisted housing" and no carryover of such appropriated amounts for project-based assistance shall be available for the calendar year 2006 funding cycle for activities provided for under the heading "Tenant-based rental assistance".

PROJECT-BASED RENTAL ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For activities and assistance for the provision of project-based subsidy contracts under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) ("the Act" herein), not otherwise provided for, $5,088,300,000, to remain available until expended: Provided, That the amounts made available under this heading are provided as follows:

(1) $4,939,700,000 for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act, for renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for administrative and other expenses associated with project-based activities and assistance funded under this paragraph.

(2) $147,200,000 for performance-based contract administrators for section 8 project-based assistance: Provided, That the Secretary may also use such amounts for performance-based contract administrators for: interest reduction payments pursuant to section 236(a) of the National Housing Act (12 U.S.C. 1715z–1(a)); rent supplement payments pursuant to section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); Section 236(f)(2) rental assistance payments (12 U.S.C. 1715z-1(f)(2)); project rental assistance contracts for the elderly under section 202(c)(2) of the Housing Act of 1959, as amended (12 U.S.C. 1701q, 1701q–1); project rental assistance contracts for supportive housing for persons with disabilities under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act; project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667); and loans under section 202 of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667).

(3) $1,400,000 shall be transferred to the Working Capital Fund: Provided further, That amounts recaptured under this heading, the heading, 'Annual Contributions for Assisted Housing,' or the heading, 'Housing Certificate Fund,' for project-based section 8 activities may be used for renewals of or amendments to section 8 project-based subsidy contracts or for performance-based contract administrators, notwithstanding the purposes for which such amounts were appropriated.

(4) amounts recaptured under this heading, the heading "Annual Contributions for Assisted Housing", or the heading "Housing Certificate Fund" may be used for renewals of or amendments to section 8 project-based contracts, notwithstanding the purposes for which such amounts were appropriated.

PUBLIC HOUSING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g) (the "Act") $2,463,600,000, to remain available until September 30, 2009: Provided, That notwithstanding any other provision of law or regulation, during fiscal year 2006, the Secretary may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian Housing any authority under paragraph (2) of section 9(j) regarding the extension of the time periods under such section: Provided further, That for purposes of such section 9(j), the term "obligate" means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future: Provided further, That of the total amount provided under this heading, up to $11,000,000 shall be for carrying out activities under section 9(h) of such Act: Provided further, That $11,000,000 shall be transferred to the Working Capital Fund: Provided further, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended: Provided further, That of the total amount provided under this heading, up to $17,000,000 shall be available for the Secretary of Housing and Urban Development to make grants, notwithstanding section 305 of this Act, to public housing agencies for emergency capital needs resulting from unforeseen or unpreventable emergencies and natural disasters occurring in fiscal year 2006: Provided further, That of the total amount provided under this heading, $38,000,000 shall be for supportive services, service coordinators and congregate services as authorized by section 34 of the Act and the Native American Housing Assistance and Self-Determination Act of 1996: Provided further, That of the total amount provided under this heading up to $8,820,000 is to support the costs of administrative and judicial receiverships: Provided further, That of the total amount provided under this heading, $7,500,000 shall be for Neighborhood Networks grants for activities authorized in section 9(d)(1)(E) of the United States Housing Act of 1937, as amended: Provided further, That notwithstanding any other provision of law, amounts made available in the previous proviso shall be awarded to public housing agencies on a competitive basis: Provided further, That notwithstanding section 9(d)(1)(E) of the United States Housing Act of 1937, any Neighborhood Networks computer center established with funding made available under this heading in this or any other Act, shall be available for use by residents of public housing and residents of other housing assisted with funding made available under this title in this Act or any other Act.

PUBLIC HOUSING OPERATING FUND

For 2006 payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g(e)), $3,600,000,000: Provided, That, in fiscal year 2006 and all fiscal years hereafter, no amounts under this heading in any appropriations Act may be used for payments to public housing agencies for the costs of operation and management of public housing for any year prior to the current year of such Act: Provided further, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937, as amended, $100,000,000, to remain available until September 30, 2007, of which the Secretary may use up to $2,000,000 for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the department and of public housing agencies and to residents: Provided, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein.

NATIVE AMERICAN HOUSING BLOCK GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), $630,000,000, to remain available until expended: Provided, That, notwithstanding the Native American Housing Assistance and Self-Determination Act of 1996, to determine the amount of the allocation under title I of such Act for each Indian tribe, the Secretary shall apply the formula under section 302 of such Act with the need component based on single-race Census data and with the need component based on multi-race Census data, and the amount of the allocation for each Indian tribe shall be the greater of the two resulting allocation amounts: Provided further, That of the amounts made available under this heading, $1,000,000 shall be contracted through the Secretary as technical assistance and capacity building to be used by the National American Indian Housing Council in support of the implementation of NAHASDA; $4,500,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of Indian housing and tenant-based assistance, including up to $300,000 for related travel; up to $4,000,000 may be used for emergencies that constitute imminent threats to health and safety, notwithstanding any other provision of law (including section 305 of this Act): Provided further, That of the amount provided under this heading, $2,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: Provided further, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available *to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $17,926,000: Provided further, That for administrative expenses to carry out the guaranteed loan program, up to $150,000 from amounts in the third proviso, which shall be transferred to and merged with the appropriation for "Salaries and Expenses".*

NATIVE HAWAIIAN HOUSING BLOCK GRANT

For the Native Hawaiian Housing Block Grant program, as authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111 et seq.), $8,815,000, to remain available until expended, of which $352,606 shall be for training and technical assistance activities.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a), $4,000,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $116,276,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to $250,000 from amounts in the first paragraph which shall be transferred to and merged with the appropriation for "Salaries and Expenses".

NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b), $900,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $35,714,290.

In addition, for administrative expenses to carry out the guaranteed loan program, up to $35,000 from amounts in the first paragraph which shall be transferred to and merged with the appropriation for "Salaries and Expenses".

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), $289,000,000, to remain available until September 30, 2007, except that amounts allocated pursuant to section 854(c)(3) of such Act shall remain available until September 30, 2008: Provided, That the Secretary shall renew all expiring contracts for permanent supportive housing that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section: Provided further, That the Secretary may use up to $1,500,000 of the funds under this heading for training, oversight, and technical assistance activities.

RURAL HOUSING AND ECONOMIC DEVELOPMENT

For the Office of Rural Housing and Economic Development in the Department of Housing and Urban Development, $17,000,000, to remain available until expended, which amount shall be competitively awarded by September 1, 2006, to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to support innovative housing and economic development activities in rural areas.

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, $4,220,000,000, to remain available until September 30, 2008, unless otherwise specified: Provided, That of the amount provided, $3,748,400,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the "Act" herein) (42 U.S.C. 5301 et seq.): Provided further, That unless explicitly provided for under this heading (except for planning grants provided in the second paragraph and amounts made available under the third paragraph), not to exceed 20 percent of any grant made with funds appropriated under this heading shall be expended for planning and management development and administration: Provided further, That $1,600,000 shall be transferred to the Working Capital Fund: Provided further, That $60,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, of which, notwithstanding any other provision of law (including section 305 of this Act), up to $4,000,000 may be used for emergencies that constitute imminent threats to health and safety; $50,000,000 shall be available for YouthBuild program activities authorized by subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, as amended, and such activities shall be an eligible activity with respect to any funds made available under this heading: Provided, That local YouthBuild programs that demonstrate an ability to leverage private and nonprofit funding shall be given a priority for YouthBuild funding: Provided further, That no more than eight percent of any grant award under the YouthBuild program may be used for administrative costs: Provided further, That of the amount made available for YouthBuild not less than $4,000,000 is for grants to establish YouthBuild programs in underserved and rural areas and $1,000,000 is to be made available for a grant to YouthBuild USA for capacity building for community development and affordable housing activities as specified in section 4 of the HUD Demonstration Act of 1993, as amended.

Of the amount made available under this heading, $310,000,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investments in accordance with the terms and conditions specified in the statement of managers accompanying this Act: Provided, That none of the funds provided under this paragraph may be used for program operations: Provided further, That, for fiscal years 2004, 2005 and 2006, no unobligated funds for EDI grants may be used for any purpose except acquisition, planning, design, purchase of equipment, revitalization, redevelopment or construction.

Of the amount made available under this heading, $50,000,000 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives: Provided, That amounts made available under this paragraph shall be provided in accordance with the terms and conditions specified in the statement of managers accompanying this Act.

The referenced statement of the managers under the heading "Community Development Fund" in title II of division G of Public Law 108-199 is deemed to be amended with respect to item number 181 striking "Volusia County" and inserting "Lively Arts Center in Volusia County".

The referenced statement of the managers under the heading "Community Development Fund" in title II of division G of Public Law 108-199 is deemed to be amended with respect to item number 216 by striking "for construction" and inserting "for planning, design, and engineering".

The referenced statement of the managers under this heading in Public Law 108–447 is deemed to be amended with respect to item number 369 by striking "for the construction of HomeAid America temporary homeless shelters in Costa Mesa, California" and inserting "for the construction of shelters for the temporarily homeless in New York City, New York".

The referenced statement of the managers under this heading in Public Law 108–447 is deemed to be amended with respect to item number 502 by striking "for acquisition of" and inserting "for renovations of".

The referenced statement of the managers under this heading in Public Law 108–447 is deemed to be amended with respect to item number 405 by striking "Willington Senior Center" and inserting "buildings and facilities associated with the Willington Senior Housing Center".

The referenced statement of the managers under this heading in Public Law 108–447 is deemed to be amended with respect to item number 674 by striking "City of Big Island, Virginia for the Sedalia Center restoration" and inserting "to restore the Sedalia Center in Bedford County, Virginia".

The referenced statement of the managers under this heading in Public Law 108–447 is deemed to be amended with respect to item number 469 by striking "to the City of Havana, Illinois" and inserting "Havana, Illinois, Rural Fire District".

The referenced statement of the managers under this heading in Public Law 108–447 is deemed to be amended with respect to item number 554 by striking "$250,000 to the Town of Monroe, New York for construction of the Monroe Free Library" and inserting "$150,000 for the Town of Lewisboro, New York for infrastructure improvements for the Onatru Farm Community Center and $100,000 for the Town of Poughkeepsie, New York for streetscape and related improvements in the Arlington Business District".

The referenced statement of the managers under this heading in Public Law 108–447 is deemed to be amended with respect to item number 445 by striking "City of St. Petersburg, Florida" and inserting "Catholic Charities, Diocese of St. Petersburg, Florida".

The referenced statement of the managers under this heading in Public Law 108–199 is deemed to be amended with respect to item number 103 for the Mission Preservation Foundation in San Juan Capistrano, California by striking "for the Great Stone Church restoration project" and inserting "to construct and install environment controls and security measures".

The referenced statement of the managers under this heading in Division A of the Emergency Appropriations Act for Defense, Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13) is amended—

(1) in section 6070 (119 Stat. 299), by striking paragraph (1); and

(2) in section 6071 (119 Stat. 299), by striking paragraph (1).

The referenced statement of the managers under the heading "Community Development Fund" in title II of division I of Public Law 108–447 is deemed to be amended with respect to item number 83 by striking "construction" and inserting "planning, design, engineering, and construction".

The referenced statement of the managers under the heading "Community Development Fund" in title II of division G of Public Law 108-199 is deemed to be amended with respect to item number 216 by striking "for construction" and inserting "for planning, design, and engineering".

The referenced statement of the managers under the heading "Community Development Fund" in title II of division I of Public Law 108-447 is deemed to be amended with respect to item 9 by striking "for costs associated with the construction" and inserting "to be used for the planning and design".

The referenced statement of the managers under the heading "Community Development Fund" in title II of Division I of Public Law 108–447 is deemed to be amended with respect to item 260 by adding before the period "including $120,000 for property renovation at 754 Broad Street for the Family Center emergency shelter for families and children".

The referenced statement of the managers accompanying Public Law 106–74 is deemed to be amended by inserting on page 113 ", of which $47,500 may be used for physical improvements at the South Providence Development Corporation business incubator facility or CleanScape, including associated project management costs" after "$100,000 for the South Providence Development Corporation in Providence, Rhode Island for a child care facility".

The referenced statement of the managers under the heading "Community Development Fund" in title II of Division I of Public Law 108-447 is deemed to be amended with respect to item number 30 by striking "City of San Francisco" and inserting "San Francisco Museum and Historical Society".

The referenced statement of the managers under the heading "Community Development Fund" in title II of Division G of Public Law 108-199 is deemed to be amended with respect to item number 122 by striking "City of San Francisco" and inserting "San Francisco Museum and Historical Society".

The referenced statement of the managers under this heading in Public Law 108–199 is deemed to be amended with respect to item number 855 by striking "the Skagit County Children's Museum in Mount Vernon, Washington for facilities improvements and renovation" and inserting "the Children's Museum of Skagit County in Mount Vernon, Washington to purchase and renovate a building".

The referenced statement of the managers under this heading in Public Law 108–447 is deemed to be amended with respect to item number 1027 by striking "planning and design" and inserting "planning, design, construction and buildout".

The referenced statement of the managers under this heading in Public Law 108–447 is deemed to be amended with respect to item number 946 by striking "capital" and inserting "planning, design, engineering, and construction".

The referenced statement of the managers under this heading in Public Law 108-447 is deemed to be amended with respect to item number 731 by striking "rehabilitation and buildout" and inserting "planning, evaluation, design, engineering and construction".

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, $3,000,000, to remain available until September 30, 2007, as authorized by section 108 of the Housing and Community Development Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $137,500,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974, as amended.

In addition, for administrative expenses to carry out the guaranteed loan program, $750,000 shall be transferred to and merged with the appropriation for "Salaries and expenses".

BROWNFIELDS REDEVELOPMENT

(INCLUDING RESCISSION OF FUNDS)

For competitive economic development grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974, as amended, for Brownfields redevelopment projects, $10,000,000, to remain available until September 30, 2007: Provided, That $10,000,000 shall be rescinded from unobligated balances from prior years appropriations under this heading and, to the extent there are insufficient balances, any additional rescission amounts shall be rescinded from funds appropriated under this heading for fiscal year 2006.

HOME INVESTMENT PARTNERSHIPS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, $1,750,000,000, to remain available until September 30, 2008: Provided, That of the total amount provided in this paragraph, up to $42,000,000 shall be available for housing counseling under section 106 of the Housing and Urban Development Act of 1968, and $1,000,000 shall be transferred to the Working Capital Fund.

In addition to amounts otherwise made available under this heading, $25,000,000, to remain available until September 30, 2008, for assistance to homebuyers as authorized under title I of the American Dream Downpayment Act.

SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY PROGRAM

For the Self-Help and Assisted Homeownership Opportunity Program, $61,000,000, to remain available until September 30, 2008: Provided, That of the total amount provided in this heading $20,000,000 shall be made available to the Self Help Homeownership Opportunity Program as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996 as amended: Provided further, That $30,000,000 shall be made available for capacity building, of which $26,500,000 shall be for capacity building for Community Development and affordable Housing for LISC and the Enterprise Foundation for activities authorized by Section 4 of the HUD Demonstration Act of 1993 (42 USC 9816 note), as in effect immediately before June 12, 1997 and $3,500,000 shall be made available for capacity building activities administered by Habitat for Humanity International: Provided further, That $3,000,000 shall be made available to the Housing Assistance Council; $1,000,000 shall be made available to the National American Indian Housing Council; $4,000,000 shall be available as a grant to the Raza Development Fund of La Raza for the HOPE Fund, of which $500,000 is for technical assistance and fund management, and $3,500,000 is for investments in the HOPE Fund and financing to affiliated organizations; $2,000,000 shall be available as a grant to the National Housing Development Corporation for operating expenses and a program of affordable housing acquisition and rehabilitation; and $1,000,000 shall be made available to the Special Olympics National Organizing Committee for planning, equipment and operational expenses associated with the 2006 games in Ames, Iowa.

HOMELESS ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the emergency shelter grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the supportive housing program as authorized under subtitle C of title IV of such Act; the section 8 moderate rehabilitation single room occupancy program as authorized under the United States Housing Act of 1937, as amended, to assist homeless individuals pursuant to section 441 of the McKinney-Vento Homeless Assistance Act; and the shelter plus care program as authorized under subtitle F of title IV of such Act, $1,340,000,000, of which $1,320,000,000 shall remain available until September 30, 2008, and of which $20,000,000 shall remain available until expended: Provided, That not less than 30 percent of funds made available, excluding amounts provided for renewals under the shelter plus care program, shall be used for permanent housing: Provided further, That all funds awarded for services shall be matched by 25 percent in funding by each grantee: Provided further, That the Secretary shall renew on an annual basis expiring contracts or amendments to contracts funded under the shelter plus care program if the program is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary: Provided further, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: Provided further, That up to $11,674,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project and technical assistance: Provided further, That $1,000,000 of the funds appropriated under this heading shall be transferred to the Working Capital Fund: Provided further, That all balances for Shelter Plus Care renewals previously funded from the Shelter Plus Care Renewal account and transferred to this account shall be available, if recaptured, for Shelter Plus Care renewals in fiscal year 2006.

HOUSING PROGRAMS

HOUSING FOR THE ELDERLY

(INCLUDING TRANSFER OF FUNDS)

For capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing, $742,000,000, to remain available until September 30, 2009, of which amount $51,600,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, and of which amount up to $24,800,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) for conversion of eligible projects under such section to assisted living or related use and for emergency capital repairs as determined by the Secretary: Provided, That of the amount made available under this heading, $4,000,000 shall be *made available to carry out section 203 of Public Law 108–186: Provided further, That of the amount made available under this heading, $20,000,000 shall be available to the Secretary of Housing and Urban Development only for making competitive grants to private nonprofit organizations and consumer cooperatives for covering costs of architectural and engineering work, site control, and other planning relating to the development of supportive housing for the elderly that is eligible for assistance under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q): Provided further, That amounts under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 capital advance projects: Provided further, That $400,000 of the total amount made available under this heading shall be transferred to the Working Capital Fund: Provided further, That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration.*

HOUSING FOR PERSONS WITH DISABILITIES

(INCLUDING TRANSFER OF FUNDS)

For capital advance contracts, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act, for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, and for tenant-based rental assistance contracts entered into pursuant to section 811 of such Act, $239,000,000 to remain available until September 30, 2009: Provided, That $400,000 shall be transferred to the Working Capital Fund: Provided further, That, of the amount provided under this heading $78,300,000 shall be for amendments or renewal of tenant-based assistance contracts entered into prior to fiscal year 2005 (only one amendment authorized for any such contract): Provided further, That of the amount provided under this heading, the Secretary may make available up to $5,000,000 for incremental tenant-based rental assistance, as authorized by section 811 of such Act (which assistance is 5 years in duration): Provided further, That all tenant-based assistance made available under this heading shall continue to remain available only to persons with disabilities: Provided further, That the Secretary may waive the provisions of section 811 governing the terms and conditions of project rental assistance and tenant-based assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: Provided further, That amounts made available under this heading shall be available for Real Estate Assessment Center Inspections and inspection-related activities associated with Section 811 Capital Advance Projects.

OTHER ASSISTED HOUSING PROGRAMS

RENTAL HOUSING ASSISTANCE

For amendments to contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z–1) in State-aided, non-insured rental housing projects, $26,400,000, to remain available until expended: Provided, That amendments to such contracts hereafter may be for a period less than the term of the respective contracts.

FLEXIBLE SUBSIDY FUND

(TRANSFER OF FUNDS)

From the Rental Housing Assistance Fund, all uncommitted balances of excess rental charges as of September 30, 2005, and any collections made during fiscal year 2006 and all subsequent fiscal years, shall be transferred to the Flexible Subsidy Fund, as authorized by section 236(g) of the National Housing Act, as amended.

MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401 et seq.), up to $13,000,000, to remain available until expended, to be derived from the Manufactured Housing Fees Trust Fund: Provided, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: Provided further, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2006 so as to result in a final fiscal year 2006 appropriation from the general fund estimated at not more than $0 and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2006 appropriation.

FEDERAL HOUSING ADMINISTRATION

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 2006, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of $185,000,000,000.

During fiscal year 2006, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $50,000,000: Provided, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund.

For administrative expenses necessary to carry out the guaranteed and direct loan program, $355,000,000, of which not to exceed $351,000,000 shall be transferred to the appropriation for "Salaries and expenses"; and not to exceed $4,000,000 shall be transferred to the appropriation for "Office of Inspector General". In addition, for administrative contract expenses, $62,600,000, of which $18,281,000 shall be transferred to the Working Capital Fund: Provided, That to the extent guaranteed loan commitments exceed $65,500,000,000 on or before April 1, 2006, an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $30,000,000.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), including the cost of loan guarantee modifications, as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended, $8,800,000, to remain available until expended: Provided, That commitments to guarantee loans shall not exceed $35,000,000,000 in total loan principal, any part of which is to be guaranteed.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed $50,000,000, of which not to exceed $30,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed $20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

In addition, for administrative expenses necessary to carry out the guaranteed and direct loan programs, $231,400,000, of which $211,400,000 shall be transferred to the appropriation for "Salaries and Expenses"; and of which $20,000,000 shall be transferred to the appropriation for "Office of Inspector General".

In addition, for administrative contract expenses necessary to carry out the guaranteed and direct loan programs, $71,900,000, of which $10,800,000 shall be transferred to the Working Capital Fund: Provided, That to the extent guaranteed loan commitments exceed $8,426,000,000 on or before April 1, 2006, an additional $1,980 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments over $8,426,000,000 (including a pro rata amount for any increment below $1,000,000), but in no case shall funds made available by this proviso exceed $14,400,000.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $200,000,000,000, to remain available until September 30, 2007.

For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, $10,700,000, to be derived from the GNMA guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed $10,700,000, shall be transferred to the appropriation for "Salaries and Expenses".

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z-1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $56,350,000, to remain available until September 30, 2007: Provided, That of the total amount provided under this heading, $5,000,000 shall be for the Partnership for Advancing Technology in Housing (PATH) Initiative: Provided further, That of the amounts made available for PATH under this heading, $2,500,000 shall not be subject to the requirements of section 305 of this title: Provided further, That the Office of Housing shall administer PATH: Provided further, That of funds made available under this heading, $750,000 shall be transferred to the National Research Council for a study in accordance with the statement of the managers accompanying this Act: Provided further, That of the funds made available under this heading, $20,600,000 is for grants pursuant to section 107 of the Housing and Community Development Act of 1974, as amended, as follows: $3,000,000 to support Alaska Native serving institutions and Native Hawaiian serving institutions as defined under the Higher Education Act, as amended; $2,600,000 for tribal colleges and universities to build, expand, renovate, and equip their facilities and to *expand the role of the colleges into the community through the provision of needed services such as health programs, job training and economic development activities; $9,000,000 for the Historically Black Colleges and Universities program, of which up to $2,000,000 may be used for technical assistance; and $6,000,000 for the Hispanic Serving Institutions Program.*

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $46,000,000, to remain available until September 30, 2007, of which $20,000,000 shall be to carry out activities pursuant to such section 561: Provided, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan.

OFFICE OF LEAD HAZARD CONTROL

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, $152,000,000, to remain available until September 30, 2007, of which $9,500,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: Provided, That for purposes of environmental review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of law that further the purposes of such Act, a grant under the Healthy Homes Initiative, Operation Lead Elimination Action Plan (LEAP), or the Lead Technical Studies program under this heading or under prior appropriations Acts for such purposes under this heading, shall be considered to be funds for a special project for purposes of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994: Provided further, That of the total amount made available under this heading, $48,000,000 shall be made available on a competitive basis for areas with the highest lead paint abatement needs, as identified by the Secretary as having: (1) the highest number of occupied pre-1940 units of rental housing; and (2) a disproportionately high number of documented cases of lead-poisoned children: Provided further, That each grantee receiving funds under the previous proviso shall target those privately owned units and multifamily buildings that are occupied by low-income families as defined under section 3(b)(2) of the United States Housing Act of 1937: Provided further, That not less than 90 percent of the funds made available under this paragraph shall be used exclusively for abatement, inspections, risk assessments, temporary relocations and interim control of lead-based hazards as defined by 42 U.S.C. 4851: Provided further, That each recipient of funds provided under the first proviso shall make a matching contribution in an amount not less than 25 percent: Provided further, That each applicant shall submit a detailed plan and strategy that demonstrates adequate capacity that is acceptable to the Secretary to carry out the proposed use of funds pursuant to a Notice of Funding Availability.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including purchase of uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed $25,000 for official reception and representation expenses, $1,153,285,000, of which $562,400,000 shall be provided from the various funds of the Federal Housing Administration, $10,700,000 shall be provided from funds of the Government National Mortgage Association, $750,000 shall be from the "Community development loan guarantee program" account, $150,000 shall be provided by transfer from the "Native American housing block grants" account, $250,000 shall be provided by transfer from the "Indian housing loan guarantee fund program" account and $35,000 shall be transferred from the "Native Hawaiian housing loan guarantee fund" account: Provided, That funds made available under this heading shall only be allocated in the manner specified in the statement of the managers accompanying this Act unless the Committees on Appropriations of both the House of Representatives and the Senate are notified of any changes in an operating plan or reprogramming: Provided further, That no official or employee of the Department shall be designated as an allotment holder unless the Office of the Chief Financial Officer (OCFO) has determined that such allotment holder has implemented an adequate system of funds control and has received training in funds control procedures and directives: Provided further, That the Chief Financial Officer shall establish positive control of and maintain adequate systems of accounting for appropriations and other available funds as required by 31 U.S.C. 1514: Provided further, That for purposes of funds control and determining whether a violation exists under the Anti-Deficiency Act (31 U.S.C. 1341 et seq.), the point of obligation shall be the executed agreement or contract, except with respect to insurance and guarantee programs, certain types of salaries and expenses funding, and incremental funding that is authorized under an executed agreement or contract, and shall be designated in the approved funds control plan: Provided further, That the Chief Financial Officer shall: (1) appoint qualified personnel to conduct investigations of potential or actual violations; (2) establish minimum training requirements and other qualifications for personnel that may be appointed to conduct investigations; (3) establish guidelines and timeframes for the conduct and completion of investigations; (4) prescribe the content, format and other requirements for the submission of final reports on violations; and (5) prescribe such additional policies and procedures as may be required for conducting investigations of, and administering, processing, and reporting on, potential and actual violations of the Anti-Deficiency Act and all other statutes and regulations governing the obligation and expenditure of funds made available in this or any other Act: Provided further, That up to $15,000,000 may be transferred to the Working Capital Fund: Provided further, That the Secretary shall fill 7 out of 10 vacancies at the GS–14 and GS–15 levels until the total number of GS–14 and GS–15 positions in the Department has been reduced from the number of GS–14 and GS–15 positions on the date of enactment of Public Law 106–377 by 2½ percent.

WORKING CAPITAL FUND

For additional capital for the Working Capital Fund (42 U.S.C. 3535) for the development of, modifications to, and infrastructure for Department-wide information technology systems, for the continuing operation of both Department-wide and program-specific information systems, and for program-related development activities, $197,000,000, to remain available until September 30, 2007: Provided, That any amounts transferred to this Fund under this Act shall remain available until expended: Provided further, That any amounts transferred to this Fund from amounts appropriated by previously enacted appropriations Acts or from within this Act may be used only for the purposes specified under this Fund, in addition to the purposes for which such amounts were appropriated.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $106,000,000, of which $24,000,000 shall be provided from the various funds of the Federal Housing Administration: Provided, That the Inspector General shall have independent authority over all personnel issues within this office.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, including not to exceed $500 for official reception and representation expenses, $60,000,000, to remain available until expended, to be derived from the Federal Housing Enterprises Oversight Fund: Provided, That the Director shall submit a spending plan for the amounts provided under this heading no later than January 15, 2006: Provided further, That not less than 80 percent of the total amount made available under this heading shall be used only for examination, supervision, and capital oversight of the enterprises (as such term is defined in section 1303 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4502)) to ensure that the enterprises are operating in a financially safe and sound manner and complying with the capital requirements under Subtitle B of such Act: Provided further, That not to exceed the amount provided herein shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: Provided further, That the general fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the general fund estimated at not more than $0.

ADMINISTRATIVE PROVISIONS

SEC. 301. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437 note) shall be rescinded, or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 302. None of the amounts made available under this Act may be used during fiscal year 2006 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the *filing or maintaining of a non-frivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.*

SEC. 303. (a) Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2006 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2006 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2006 do not have the number of cases of acquired immunodeficiency syndrome (AIDS) required under such clause.

(b) The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of such section 854(c)(1)(A) in fiscal year 2006, in proportion to AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

(c) Notwithstanding any other provision of law, the amount allocated for fiscal year 2006 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of New York, New York, on behalf of the New York-Wayne-White Plains, New York-New Jersey Metropolitan Division (hereafter "metropolitan division") of the New York-Newark-Edison, NY-NJ-PA Metropolitan Statistical Area, shall be adjusted by the Secretary of Housing and Urban Development by: (1) allocating to the City of Jersey City, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Hudson County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS; and (2) allocating to the City of Paterson, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Bergen County and Passaic County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The recipient cities shall use amounts allocated under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in their respective portions of the metropolitan division that is located in New Jersey.

(d) Notwithstanding any other provision of law, the amount allocated for fiscal year 2006 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to areas with a higher than average per capita incidence of AIDS, shall be adjusted by the Secretary on the basis of area incidence reported over a three year period.

SEC. 304. (a) During fiscal year 2006, in the provision of rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) in connection with a program to demonstrate the economy and effectiveness of providing such assistance for use in assisted living facilities that is carried out in the counties of the State of Michigan notwithstanding paragraphs (3) and (18)(B)(iii) of such section 8(o), a family residing in an assisted living facility in any such county, on behalf of which a public housing agency provides assistance pursuant to section 8(o)(18) of such Act, may be required, at the time the family initially receives such assistance, to pay rent in an amount exceeding 40 percent of the monthly adjusted income of the family by such a percentage or amount as the Secretary of Housing and Urban Development determines to be appropriate.

SEC. 305. Except as explicitly provided in law, any grant, cooperative agreement or other assistance made pursuant to title III of this Act shall be made on a competitive basis and in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989.

SEC. 306. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

SEC. 307. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any program, project or activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 308. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2006 for such corporation or agency except as hereinafter provided: Provided, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 309. None of the funds provided in this title for technical assistance, training, or management improvements may be obligated or expended unless HUD provides to the Committees on Appropriations a description of each proposed activity and a detailed budget estimate of the costs associated with each program, project or activity as part of the Budget Justifications. For fiscal year 2006, HUD shall transmit this information to the Committees by March 15, 2006 for 30 days of review.

SEC. 310. The Secretary of Housing and Urban Development shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, recaptured and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated budget information to these Committees upon request.

SEC. 311. Notwithstanding any other provision of law, in fiscal year 2006, in managing and disposing of any multifamily property that is owned or held by the Secretary of Housing and Urban Development, the Secretary shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 that are attached to any dwelling units in the property. To the extent the Secretary determines that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8, based on consideration of the costs of maintaining such payments for that property or other factors, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance.

SEC. 312. (a) Notwithstanding any other provision of law, the amount allocated for fiscal year 2006 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of Wilmington, Delaware, on behalf of the Wilmington, Delaware-Maryland-New Jersey Metropolitan Division (hereafter "metropolitan division"), shall be adjusted by the Secretary of Housing and Urban Development by allocating to the State of New Jersey the proportion of the metropolitan division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan division that is located in New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The State of New Jersey shall use amounts allocated to the State under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in the portion of the metropolitan division that is located in New Jersey.

(b) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall allocate to Wake County, North Carolina, the amounts that otherwise would be allocated for fiscal year 2006 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to the City of Raleigh, North Carolina, on behalf of the Raleigh-Cary, North Carolina Metropolitan Statistical Area. Any amounts allocated to Wake County shall be used to carry out eligible activities under section 855 of such Act (42 U.S.C. 12904) within such metropolitan statistical area.

(c) Notwithstanding section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), the Secretary of Housing and Urban Development may adjust the allocation of the amounts that otherwise would be allocated for fiscal year 2006 under section 854(c) of such Act, upon the written request of an applicant, in conjunction with the State(s), for a formula allocation on behalf of a metropolitan statistical area, to designate the State or States in which the metropolitan statistical area is located as the eligible grantee(s) of the allocation. In the case that a metropolitan statistical area involves more than one State, such amounts allocated to each State shall be in proportion to the number of cases of AIDS reported in the portion of the metropolitan statistical area located in that State. Any amounts allocated to a State under this section shall be used to carry out eligible activities within the portion of the metropolitan statistical area located in that State.

SEC. 313. Notwithstanding any other provision of law, for this fiscal year and every fiscal year thereafter, funds appropriated for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for supportive housing for persons with disabilities, as *authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act, shall be available for the cost of maintaining and disposing of such properties that are acquired or otherwise become the responsibility of the Department.*

SEC. 314. The Secretary of Housing and Urban Development shall submit an annual report no later than August 30, 2006 and annually thereafter to the House and Senate Committees on Appropriations regarding the number of Federally assisted units under lease and the per unit cost of these units to the Department of Housing and Urban Development.

SEC. 315. The Department of Housing and Urban Development shall submit the Department's fiscal year 2007 congressional budget justifications to the Committees on Appropriations of the House of Representatives and the Senate using the identical structure provided under this Act and only in accordance with the direction specified in the report accompanying this Act.

SEC. 316. That incremental vouchers previously made available under the heading "Housing Certificate Fund" or renewed under the heading, "Tenant-Based Rental Assistance," for non-elderly disabled families shall, to the extent practicable, continue to be provided to non-elderly disabled families upon turnover.

SEC. 317. A public housing agency or such other entity that administers Federal housing assistance in the States of Alaska, Iowa, and Mississippi shall not be required to include a resident of public housing or a recipient of assistance provided under section 8 of the United States Housing Act of 1937 on the board of directors or a similar governing board of such agency or entity as required under section (2)(b) of such Act. Each public housing agency or other entity that administers Federal housing assistance under section 8 in the States of Alaska, Iowa and Mississippi shall establish an advisory board of not less than 6 residents of public housing or recipients of section 8 assistance to provide advice and comment to the public housing agency or other administering entity on issues related to public housing and section 8. Such advisory board shall meet not less than quarterly.

SEC. 318. (a) Notwithstanding any other provision of law, subject to the conditions listed in subsection (b), for fiscal years 2006 and 2007, the Secretary may authorize the transfer of project-based assistance, debt and statutorily required low-income and very low-income use restrictions, associated with one multifamily housing project to another multifamily housing project.

(b) The transfer authorized in subsection (a) is subject to the following conditions:

(1) the number of low-income and very low-income units and the net dollar amount of Federal assistance provided by the transferring project shall remain the same in the receiving project;

(2) the transferring project shall, as determined by the Secretary, be either physically obsolete or economically non-viable;

(3) the receiving project shall meet or exceed applicable physical standards established by the Secretary;

(4) the owner or mortgagor of the transferring project shall notify and consult with the tenants residing in the transferring project and provide a certification of approval by all appropriate local governmental officials;

(5) the tenants of the transferring project who remain eligible for assistance to be provided by the receiving project shall not be required to vacate their units in the transferring project until new units in the receiving project are available for occupancy;

(6) the Secretary determines that this transfer is in the best interest of the tenants;

(7) if either the transferring project or the receiving project meets the condition specified in subsection (c)(2)(A), any lien on the receiving project resulting from additional financing obtained by the owner shall be subordinate to any FHA-insured mortgage lien transferred to, or placed on, such project by the Secretary;

(8) if the transferring project meets the requirements of subsection (c)(2)(E), the owner or mortgagor of the receiving project shall execute and record either a continuation of the existing use agreement or a new use agreement for the project where, in either case, any use restrictions in such agreement are of no lesser duration than the existing use restrictions;

(9) any financial risk to the FHA General and Special Risk Insurance Fund, as determined by the Secretary, would be reduced as a result of a transfer completed under this section; and

(10) the Secretary determines that Federal liability with regard to this project will not be increased.

(c) For purposes of this section—

(1) the terms "low-income" and "very low-income" shall have the meanings provided by the statute and/or regulations governing the program under which the project is insured or assisted;

(2) the term "multifamily housing project" means housing that meets one of the following conditions—

(A) housing that is subject to a mortgage insured under the National Housing Act,

(B) housing that has project-based assistance attached to the structure,

(C) housing that is assisted under section 202 of the Housing Act of 1959 as amended by section 801 of the Cranston-Gonzales National Affordable Housing Act,

(D) housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the Cranston-Gonzales National Affordable Housing Act, or,

(E) housing or vacant land that is subject to a use agreement;

(3) the term "project-based assistance" means—

(A) assistance provided under section 8(b) of the United States Housing Act of 1937;

(B) assistance for housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of such Act (as such section existed immediately before October 1, 1983);

(C) rent supplement payments under section 101 of the Housing and Urban Development Act of 1965;

(D) additional assistance payments under section 236(f)(2) of the National Housing Act; and,

(E) assistance payments made under section 202(c)(2) of the Housing Act of 1959;

(4) the term "receiving project" means the multifamily housing project to which the project-based assistance, debt, and statutorily required use low-income and very low-income restrictions are to be transferred;

(5) the term "transferring project" means the multifamily housing project which is transferring the project-based assistance, debt and the statutorily required low-income and very low-income use restrictions to the receiving project; and,

(6) the term "Secretary" means the Secretary of Housing and Urban Development.

SEC. 319. The funds made available for Native Alaskans under the heading "Native American Housing Block Grants" in title III of this Act shall be allocated to the same Native Alaskan housing block grant recipients that received funds in fiscal year 2005.

SEC. 320. (a) EXTENSION.—The Secretary of Housing and Urban Development shall extend the term of the Moving to Work Demonstration Agreement entered into between a public housing agency and the Secretary under section 204, title V, of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104-134, April 26, 1996) if—

(1) the public housing agency requests such extension in writing;

(2) the public housing agency is not at the time of such request for extension in default under its Moving to Work Demonstration Agreement; and

(3) the Moving to Work Demonstration Agreement to be extended would otherwise expire on or before September 30, 2006.

(b) TERMS.—Unless the Secretary of Housing and Urban Development and the public housing agency otherwise agree, the extension under subsection (a) shall be upon the identical terms and conditions set forth in the extending agency's existing Moving to Work Demonstration Agreement, except that for each public housing agency that has been or will be granted an extension to its original Moving to Work Agreement, the Secretary shall require that data be collected so that the effect of Moving to Work policy changes on residents can be measured.

(c) EXTENSION PERIOD.—The extension under subsection (a) shall be for such period as is requested by the public housing agency, not to exceed 3 years from the date of expiration of the extending agency's existing Moving to Work Demonstration Agreement.

(d) BREACH OF AGREEMENT.—Nothing contained in this section shall limit the authority of the Secretary of Housing and Urban Development to terminate any Moving to Work Demonstration Agreement of a public housing agency if the public housing agency is in breach of the provisions of such agreement.

SEC. 321. No funds provided under this title may be used for an audit of the Government National Mortgage Association that makes applicable requirements under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

SEC. 322. Incremental vouchers previously made available under the heading, "Housing Certificate Fund" or renewed under the heading, "Tenant-Based Rental Assistance", for family unification shall, to the extent practicable, continue to be provided for family unification.

SEC. 323. Section 223(f)(1) of the National Housing Act is amended by inserting "purchase or" immediately before "refinancing of existing debt".

SEC. 324. Section 421 of the Housing and Community Development Act of 1987 (12 U.S.C. §1715z–4a) is amended—

(1) in subsection (a)(1)(A), by inserting after "is" the following: "or, at the time of the violations, was"; and

(2) in subsection (a)(1)(C), by inserting after "held" the following: "or, at the time of the violations, was insured or held".

SEC. 325. Notwithstanding any other provision of law, for fiscal year 2006 and thereafter, all mortgagees receiving interest reduction payments under section 236 of the National Housing Act (12 U.S.C. 1715z–1) shall submit only electronic invoices to the Department of Housing and Development in order to receive such payments. The mortgagees shall comply with this requirement no later than 90 days from the date of enactment of this provision.

SEC. 326. Notwithstanding any other provision of law, the recipient of a grant under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q-2) after December 26, 2000, in accordance with the unnumbered paragraph at the end of section 202b(b) of such Act, may, at its option, establish a single-asset nonprofit entity to own the project and may lend the grant funds to such entity, which may be a private nonprofit organization described in section 831 of the American Homeownership and Economic Opportunity Act of 2000.

SEC. 327. (a) No assistance shall be provided under section 8 of the United States Housing

Act of 1937 (42 U.S.C. 1437f) to any individual who—

(1) is enrolled as a student at an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002));

(2) is under 24 years of age;

(3) is not a veteran;

(4) is unmarried;

(5) does not have a dependent child; and

(6) is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible, to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(b) For purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of amounts received for tuition) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except for a person over the age of 23 with dependent children.

(c) Not later than 30 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall issue final regulations to carry out the provisions of this section.

SEC. 328. The Secretary of Housing and Urban Development shall give priority consideration to applications from the housing authorities of the Counties of San Bernardino and Santa Clara and the City of San Jose, California to participate in the Moving to Work Demonstration Agreement under Section 204, Title V, of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134, April 26, 1996): Provided, That upon turnover, existing requirements on the re-issuance of Section 8 vouchers shall be maintained to ensure that not less than 75 percent of all vouchers shall be made available to extremely low-income families.

This title may be cited as the "Department of Housing and Urban Development Appropriations Act, 2006".

TITLE IV

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, $60,730,000, of which $2,000,000 shall remain available until expended.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), $5,624,000, which shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $24,000,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services, and necessary expenses of the court, as authorized by law, $15,480,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $4,348,780,000 (including the purchase of firearms and ammunition); of which not to exceed $27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986 (Public Law 99–660), not to exceed $3,833,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended (18 U.S.C. 3006A); the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act of 1964 (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d); and for necessary training and general administrative expenses, $717,000,000, to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)), $61,318,000, to remain available until expended: Provided, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses, not otherwise provided for, incident to the provision of protective guard services for United States courthouses and other facilities housing Federal court operations, and the procurement, installation, and maintenance of security systems and equipment for United States courthouses and other facilities housing Federal court operations, including building ingress-egress control, inspection of mail and packages, directed security patrols, perimeter security, basic security services provided by the Federal Protective Service, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702), $372,000,000, of which not to exceed $15,000,000 shall remain available until expended, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General, and of which not to exceed $65,500,000 shall remain available until expended, to be expended directly or transferred to the United States Federal Protective Service for costs associated with building security.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $70,262,000, of which not to exceed $8,500 is authorized for official reception and representation expenses and of which up to $1,000,000 shall be made available to the National Academy of Public Administration for a review of the financial and management procedures of the Federal Judiciary.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $22,350,000; of which $1,800,000 shall remain available through September 30, 2007, to provide education and training to Federal court personnel; and of which not to exceed $1,500 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $36,800,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $600,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $3,200,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $14,400,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

ADMINISTRATIVE PROVISIONS—THE JUDICIARY

SEC. 401. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except "Courts of Appeals, District Courts, and Other Judicial Services, Defender Services" and "Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners", shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under sections 705 and 710 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. Notwithstanding any other provision of law, the salaries and expenses appropriation for Courts of Appeals, District Courts, and Other Judicial Services shall be available for official reception and representation expenses of the Judicial Conference of the United States: Provided, That such available funds shall not exceed $11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

SEC. 404. Within 90 days of enactment of this Act, the Administrative Office of the U.S. Courts shall submit to the Committees on Appropriations a comprehensive financial plan for the Judiciary allocating all sources of available funds including appropriations, fee collections, and carryover balances, to include a separate and detailed plan for the Judiciary Information Technology fund.

SEC. 405. Pursuant to section 140 of Public Law 97–92, and from funds appropriated in this Act, Justices and judges of the United States are authorized during fiscal year 2006, to receive a salary adjustment in accordance with 28 U.S.C. 461.

SEC. 406. The existing judgeship for the eastern district of Missouri authorized by section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101–650, 104 Stat. 5089) as amended by Public Law 105–53, as of the effective date of this Act, shall be extended. The first vacancy in the office of district judge in this district occurring 20 years or more after the confirmation date of the judge named to fill the temporary judgeship created by section 203(c) shall not be filled.

SEC. 407. (a) Section 604 of title 28, United States Code, is amended by adding section (4) at the end of section "(g)":

"(4) The Director is hereby authorized:

"(A) to enter into contracts for the acquisition of severable services for a period that begins in one fiscal year and ends in the next fiscal year to the same extent as the head of an executive agency under the authority of section 253l of 41 U.S.C.;

"(B) to enter into contracts for multiple years for the acquisition of property and services to the same extent as executive agencies under the authority of section 254c of 41 U.S.C.; and

"(C) to make advance, partial, progress or other payments under contracts for property or services to the same extent as executive agencies under the authority of section 255 of 41 U.S.C."

(b) Section 612 of title 28, United States Code, is amended by striking the current language in section (e)(2)(B) and inserting "such contract is in accordance with the Director's authority in section 604(g) of 28 U.S.C.; and,".

(c) The authorities granted in this section shall expire on September 30, 2010.

SEC. 408. (a) The division of the court shall release to the Congress and to the public not later than 60 days after the date of enactment of this Act all portions of the final report of the independent counsel of the investigation of Henry Cisneros made under section 594(h) of title 28, United States Code. The division of the court shall make such orders as are appropriate to protect the rights of any individual named in such report and to prevent undue interference with any pending prosecution. Upon the release of the final report, the final report shall be published pursuant to section 594(h)(3) of title 28, United States Code.

(b)(1) After the release and publication of the final report referred to in subsection (a), the independent counsel shall continue his office only to the extent necessary and appropriate to perform the noninvestigative and nonprosecutorial tasks remaining of his statutory duties as required to conclude the functions of his office.

(2) The duties referred to in paragraph (1) shall specifically include—

(A) the evaluation of claims for attorney fees, pursuant to section 593(l) of title 28, United States Code;

(B) the transfer of records to the Archivist of the United States pursuant to section 594(k) of title 28, United States Code;

(C) compliance with oversight obligations pursuant to section 595(a) of title 28, United States Code; and

(D) preparation of statements of expenditures pursuant to section 595(c) of title 28, United States Code.

(c)(1) The independent counsel shall have not more than 90 days after the release and publication of the final report referred to in subsection (a) to complete his remaining statutory duties unless the division of the court determines that it is necessary for the independent counsel to have additional time to complete his remaining statutory duties.

(2) If the division of the court finds that the independent counsel needs additional time under paragraph (1), the division of the court shall issue a public report stating the grounds for the extension and a proposed date for completion of all aspects of the investigation of Henry Cisneros and termination of the office of the independent counsel.

This title may be cited as the "Judiciary Appropriations Act, 2006".

TITLE V

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102, $450,000: Provided, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code.

WHITE HOUSE OFFICE

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President, $53,830,000: Provided, That of the funds appropriated under this heading, $1,500,000 shall be for the Privacy and Civil Liberties Oversight Board.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $12,436,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: Provided, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: Provided further, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: Provided further, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: Provided further, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: Provided further, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: Provided further, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under section 3717 of title 31, United States Code: Provided further, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: Provided further, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: Provided further, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: Provided further, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, $1,700,000, to remain available until expended, for required maintenance, safety and health issues, and continued preventative maintenance.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisers in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), $4,040,000.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, $3,500,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, $8,705,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, $89,322,000, of which

$11,768,000 shall remain available until expended for the Capital Investment Plan for continued modernization of the information technology infrastructure within the Executive Office of the President.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109 and to carry out the provisions of chapter 35 of title 44, United States Code, $76,930,000, of which not to exceed $3,000 shall be available for official representation expenses: Provided, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made and shall be allocated in accordance with the terms and conditions set forth in the accompanying statement of the managers except as otherwise provided by law: Provided further, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): Provided further, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or their subcommittees: Provided further, That the preceding shall not apply to printed hearings released by the Committees on Appropriations: Provided further, That none of the funds provided in this or prior Acts shall be used, directly or indirectly, by the Office of Management and Budget, for evaluating or determining if water resource project or study reports submitted by the Chief of Engineers acting through the Secretary of the Army are in compliance with all applicable laws, regulations, and requirements relevant to the Civil Works water resource planning process: Provided further, That the Office of Management and Budget shall have not more than 60 days in which to perform budgetary policy reviews of water resource matters on which the Chief of Engineers has reported. The Director of the Office of Management and Budget shall notify the appropriate authorizing and Appropriations Committees when the 60-day review is initiated. If water resource reports have not been transmitted to the appropriate authorizing and appropriating committees within 15 days of the end of the OMB review period based on the notification from the Director, Congress shall assume OMB concurrence with the report and act accordingly.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.); not to exceed $10,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, $26,908,000; of which $1,316,000 shall remain available until expended for policy research and evaluation: Provided, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Counterdrug Technology Assessment Center for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.), $30,000,000, which shall remain available until expended, consisting of $14,000,000 for counternarcotics research and development projects, of which up to $1,000,000 is to be directed to supply reduction activities, and $16,000,000 for the continued operation of the technology transfer program: Provided, That the $14,000,000 for counternarcotics research and development projects shall be available for transfer to other Federal departments or agencies.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas program, $227,000,000 for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which no less than 51 percent shall be transferred to State and local entities for drug control activities, which shall be obligated within 120 days of the date of the enactment of this Act: Provided, That up to 49 percent, to remain available until September 30, 2007, may be transferred to Federal agencies and departments at a rate to be determined by the Director, of which not less than $2,000,000 shall be used for auditing services and associated activities, and at least $500,000 of the $2,000,000 shall be used to develop and implement a data collection system to measure the performance of the High Intensity Drug Trafficking Areas program: Provided further, That High Intensity Drug Trafficking Areas programs designated as of September 30, 2005, shall be funded at no less than the fiscal year 2005 initial allocation levels unless the Director submits to the Committees on Appropriations, and the Committees approve, justification for changes in those levels based on clearly articulated priorities for the High Intensity Drug Trafficking Areas programs, as well as published Office of National Drug Control Policy performance measures of effectiveness: Provided further, That a request shall be submitted in compliance with the reprogramming guidelines to the Committees on Appropriations for approval prior to the obligation of funds of an amount in excess of the fiscal year 2005 budget request: Provided further, That none of the funds made available under this heading shall be available for the Consolidated Priority Organization Target program.

OTHER FEDERAL DRUG CONTROL PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For activities to support a national anti-drug campaign for youth, and for other purposes, authorized by the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.), $194,900,000, to remain available until expended, of which the amounts are available as follows: $100,000,000 to support a national media campaign, as authorized by the Drug-Free Media Campaign Act of 1998: Provided, That the Office of National Drug Control Policy shall maintain funding for non-advertising services for the media campaign at no less than the fiscal year 2003 ratio of service funding to total funds and shall continue the corporate outreach program as it operated prior to its cancellation; $80,000,000 to continue a program of matching grants to drug-free communities, of which $2,000,000 shall be a directed grant to the Community Anti-Drug Coalitions of America for the National Community Anti-Drug Coalition Institute, as authorized in chapter 2 of the National Narcotics Leadership Act of 1988, as amended; $1,000,000 for the National Drug Court Institute; $1,000,000 for the National Alliance for Model State Drug Laws; $8,500,000 for the United States Anti-Doping Agency for anti-doping activities; $2,900,000 for the United States membership dues to the World Anti-Doping Agency; and $1,500,000 for evaluations and research related to National Drug Control Program performance measures: Provided further, That such funds may be transferred to other Federal departments and agencies to carry out such activities: Provided further, That of the amounts appropriated for a national media campaign, not to exceed 10 percent shall be for administration, advertising production, research and testing, labor and related costs of the national media campaign.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, $1,000,000.

SPECIAL ASSISTANCE TO THE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, $4,455,000.

OFFICIAL RESIDENCE OF THE VICE PRESIDENT

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurnishing, improvement, and to the extent not otherwise provided for, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, $325,000: Provided, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

This title may be cited as the "Executive Office of the President Appropriations Act, 2006".

TITLE VI

INDEPENDENT AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $5,941,000: Provided, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $500 for official reception and representation expenses, $63,000,000 of which up to $500,000 shall be used to coordinate with the Administrator of the Environmental

Protection Agency in the Agency's study pursuant to H.R. 2361, as passed by the Senate in the first session of the 109th Congress, to assess safety risks to both persons and the environment with regard to small engines, as required in Public Law 108-199, including real-world scenarios involving, among other things, operator burn, fire due to contact with flammable items, and refueling.

Election Assistance Commission

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Help America Vote Act of 2002, $14,200,000, of which $2,800,000 shall be transferred to the National Institute of Standards and Technology for election reform activities authorized under the Help America Vote Act of 2002.

Federal Deposit Insurance Corporation

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended $31,000,000, to be derived from the Bank Insurance Fund, the Savings Association Insurance Fund, and the FSLIC Resolution Fund.

Federal Election Commission

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, $54,700,000, of which no less than $4,700,000 shall be available for internal automated data processing systems, and of which not to exceed $5,000 shall be available for reception and representation expenses.

Federal Labor Relations Authority

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, and including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, $25,468,000: Provided, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: Provided further, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

Federal Maritime Commission

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902, $20,499,000: Provided, That not to exceed $2,000 shall be available for official reception and representation expenses.

General Services Administration

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(INCLUDING TRANSFER OF FUNDS)

To carry out the purposes of the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 592), the revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of $7,752,745,000, of which: (1) $792,056,000 shall remain available until expended for construction (including funds for sites and expenses and associated design and construction services) of additional projects at the following locations:

New Construction:

Alabama:

Tuscaloosa, Federal Building, $34,500,000.

California:

San Diego, United States Courthouse, $230,803,000.

Colorado:

Lakewood, Denver Federal Center Infrastructure, $4,658,000.

District of Columbia:

Coast Guard Consolidation, $24,900,000.

St. Elizabeths West Campus Infrastructure, $13,095,000.

Southeast Federal Center Site Remediation, $15,000,000.

Illinois:

Rockford Federal Courthouse, $34,500,000.

Maine:

Calais, Border Station, $50,146,000.

Jackman, Border Station, $12,788,000.

Maryland:

Montgomery County, Food and Drug Administration Consolidation, $127,600,000.

Mississippi:

Jackson, United States Courthouse, $8,750,000.

Missouri:

Jefferson City, United States Courthouse, $5,200,000.

New York:

Champlain, Border Station, $52,510,000.

Massena, Border Station, $49,783,000.

Texas:

Austin, United States Courthouse, $3,000,000.

Washington:

Blaine, Peace Arch Border Station, $46,534,000.

Material Price Increases for the following existing projects: U.S. Mission to the United Nations, New York City, New York; FBI Office, Houston, Texas; Border Station, Del Rio, Texas; United States Courthouse, Cape Girardeau, Missouri; United States Courthouse, El Paso, Texas; Border Station, El Paso, Texas; and United States Courthouse, Las Cruces, New Mexico, $66,789,000.

Non-prospectus Construction, $9,500,000: Provided, That each of the foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent of the amounts included in an approved prospectus, if required, unless advance approval is obtained from the Committees on Appropriations of a greater amount: Provided further, That all funds for direct construction projects shall expire on September 30, 2007 and remain in the Federal Buildings Fund except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date; (2) $861,376,000 shall remain available until expended for repairs and alterations, which includes associated design and construction services:

Repairs and Alterations:

Arizona:

Tucson, James A. Walsh United States Courthouse, $16,136,000.

District of Columbia:

For transfer to the Navy for certain permanent relocation expenses pursuant to section 1(e) of Public Law 108–268, $2,000,000.

Eisenhower Executive Office Building, $33,417,000.

Federal Office Building 8, $47,769,000.

Heating, Operation, and Transmission District Repair, $18,783,000.

Herbert C. Hoover Building, $54,491,000.

Main Interior Federal Building, $41,399,000.

Georgia:

Atlanta, Martin Luther King, Jr., Federal Building, $30,129,000.

New York:

Brooklyn, Emanuel Celler Courthouse, $96,924,000.

New York City, James Watson Federal Building and United States Courthouse, $9,721,000.

Special Emphasis Programs:

Chlorofluorocarbons Program, $10,000,000.

Energy Program, $28,000,000.

Glass Fragmentation Program, $15,700,000.

Design Program, $21,915,000.

Basic Repairs and Alterations, $434,992,000: Provided further, That funds made available in this or any previous Act in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount identified for each project, except each project in this or any previous Act may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount: Provided further, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations: Provided further, That the amounts provided in this or any prior Act for "Repairs and Alterations" may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: Provided further, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading "Repairs and Alterations", may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: Provided further, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2007 and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: Provided further, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading "Repairs and Alterations" or used to fund authorized increases in prospectus projects; (3) $168,180,000 for installment acquisition payments including payments on purchase *contracts which shall remain available until expended; (4) $4,046,031,000 for rental of space which shall remain available until expended; and (5) $1,885,102,000 for building operations which shall remain available until expended: Provided further, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: Provided further, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: Provided further, That, notwithstanding any other provision of law, the Administrator of the General Services Administration is authorized and directed to proceed with site, design, acquisition, and construction for a new courthouse in Jefferson City, Missouri, of which planning and design funding is provided in this Act: Provided further, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 592(b)(2)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: Provided further, That revenues and collections and any other sums accruing to this Fund during fiscal year 2006, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 592(b)(2)) in excess of the aggregate new obligational authority authorized for Real Property Activities of the Federal Buildings Fund in this Act shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.*

GENERAL ACTIVITIES

GOVERNMENT-WIDE POLICY

For expenses authorized by law, not otherwise provided for, for Government-wide policy and evaluation activities associated with the management of real and personal property assets and certain administrative services; Government-wide policy support responsibilities relating to acquisition, telecommunications, information technology management, and related technology activities; and services as authorized by 5 U.S.C. 3109, $52,796,000.

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, for Government-wide activities associated with utilization and donation of surplus personal property; disposal of real property; providing Internet access to Federal information and services; agency-wide policy direction and management, and Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed $7,500 for official reception and representation expenses, $99,890,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and service authorized by 5 U.S.C. 3109, $43,410,000: Provided, That not to exceed $15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: Provided further, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ELECTRONIC GOVERNMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in support of interagency projects that enable the Federal Government to expand its ability to conduct activities electronically, through the development and implementation of innovative uses of the Internet and other electronic methods, $3,000,000, to remain available until expended: Provided, That these funds may be transferred to Federal agencies to carry out the purposes of the Fund: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act: Provided further, That such transfers may not be made until 10 days after a proposed spending plan and justification for each project to be undertaken has been submitted to the Committees on Appropriations.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

(INCLUDING TRANSFER OF FUNDS)

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95–138, $2,952,000: Provided, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

FEDERAL CITIZEN INFORMATION CENTER FUND

For necessary expenses of the Federal Citizen Information Center, including services authorized by 5 U.S.C. 3109, $15,000,000, to be deposited into the Federal Citizen Information Center Fund: Provided, That the appropriations, revenues, and collections deposited into the Fund shall be available for necessary expenses of Federal Citizen Information Center activities in the aggregate amount not to exceed $32,000,000. Appropriations, revenues, and collections accruing to this Fund during fiscal year 2006 in excess of such amount shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

ADMINISTRATIVE PROVISIONS—GENERAL SERVICES ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

SEC. 601. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 602. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 603. Funds in the Federal Buildings Fund made available for fiscal year 2006 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: Provided, That any proposed transfers shall be approved in advance by the Committees on Appropriations.

SEC. 604. Except as otherwise provided in this title, no funds made available by this Act shall be used to transmit a fiscal year 2007 request for United States Courthouse construction that: (1) does not meet the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; and (2) does not reflect the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan: Provided, That the fiscal year 2007 request must be accompanied by a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 605. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92–313).

SEC. 606. From funds made available under the heading "Federal Buildings Fund, Limitations on Availability of Revenue", claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations.

SEC. 607. The General Services Administration shall conduct a program to promote the use of stairs in all Federal buildings.

SEC. 608. No funds shall be used by the General Services Administration to reorganize its organizational structure without approval by the House and Senate Committees on Appropriations through an operating plan change.

SEC. 609. In the case of any General Services Administration (GSA) project subject to its published design criteria or specifications of any solicitations for offers issued for construction of a Federal building or courthouse and to the extent GSA utilizes, references or relies on any sustainable building rating systems that award credit for certified wood products, GSA shall ensure credit under its procedures and requirements to any project that uses wood or wood products certified by a credible third party sustainable forest certification program, including the Sustainable Forestry Initiative and the Forest Stewardship Council: Provided, That not later than 60 days after enactment of this Act, the Administrator shall report to the relevant congressional committees of jurisdiction on the progress and next steps toward recognition of other credible sustainable building rating systems within the GSA sustainable building procurement process.

SEC. 610. For purposes of the eTravel system, no less than 23 percent of all subcontracted dollars shall be allocated to small businesses.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978, and the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note), as amended, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, direct procurement of survey printing, and not to exceed $2,000 for official reception and representation expenses, $35,600,000 together with not to exceed $2,605,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payment to the Morris K. Udall Scholarship and Excellence in National Environmental

Policy Trust Fund, pursuant to the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 et seq.), $2,000,000, to remain available until expended, of which up to $50,000 shall be used to conduct financial audits pursuant to the Accountability of Tax Dollars Act of 2002 (Public Law 107–289) notwithstanding sections 8 and 9 of Public Law 102–259: Provided, That up to 60 percent of such funds may be transferred by the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for the necessary expenses of the Native Nations Institute.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, $1,900,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives and Records Administration (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, $283,045,000: Provided, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to provide adequate storage for holdings: Provided further, That of the funds provided in this paragraph, $2,000,000 shall be for initial move of records, staffing, and operations of the Nixon Library.

ELECTRONIC RECORDS ARCHIVES

For necessary expenses in connection with the development of the electronic records archives, to include all direct project costs associated with research, analysis, design, development, and program management, $37,914,000, of which $22,000,000 shall remain available until September 30, 2008: Provided, That none of the multi-year funds may be obligated until the National Archives and Records Administration submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11; (2) complies with the National Archives and Records Administration's enterprise architecture; (3) conforms with the National Archives and Records Administration's enterprise life cycle methodology; (4) is approved by the National Archives and Records Administration and the Office of Management and Budget; (5) has been reviewed by the Government Accountability Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, $9,682,000, to remain available until expended, of which $1,500,000 is to construct a new regional archives and records facility in Anchorage, Alaska, and of which $1,000,000 is for the repair and restoration of the plaza that surrounds the Lyndon Baines Johnson Presidential Library that is under the joint control and custody of the University of Texas: Provided, That such funds may be transferred directly to the University and used, together with University funds, for repair and restoration of the plaza and remain available until expended for this purpose: Provided further, That such funds shall be spent in accordance with the construction plan submitted to the Committees on Appropriations on March 14, 2005: Provided further, That the Archivist shall be prohibited from entering into any agreement with the University or any other party that requires additional funding commitments on behalf of the Federal Government.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, $7,500,000, to remain available until expended: Provided, That of the funds provided in this paragraph, $2,000,000 shall be transferred to the operating expenses account for operating expenses of the National Historical Publications and Records Administration.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

During fiscal year 2006, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by 12 U.S.C. 1795 et seq., shall not exceed $1,500,000,000: Provided, That administrative expenses of the Central Liquidity Facility in fiscal year 2006 shall not exceed $323,000.

COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

For the Community Development Revolving Loan Fund program as authorized by 42 U.S.C. 9812, 9822 and 9910, $950,000 shall be available until September 30, 2007 for technical assistance to low-income designated credit unions, and amounts of principal and interest on loans repaid shall be available until expended for low-income designated credit unions.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902) $76,700,000, of which not to exceed $2,000 may be used for official reception and representation expenses.

(RESCISSION)

Of the available unobligated balances made available under Public Law 106–246, $1,000,000 are rescinded.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $118,000,000, of which $5,000,000 shall be for a multi-family rental housing program.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $11,148,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, $122,521,000, of which $6,983,000 shall remain available until expended for the Enterprise Human Resources Integration project; $1,450,000 shall remain available until expended for the Human Resources Line of Business project; $500,000 shall remain available until expended for the E-Training project; and $1,412,000 shall remain available until expended until September 30, 2007 for the E-Payroll project; and in addition $100,017,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs: Provided, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B), and 9004(f)(2)(A) of title 5, United States Code: Provided further, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: Provided further, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2006, accept donations of money, property, and personal services: Provided further, That such donations, including those from prior years, may be used for the development of publicity materials to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $2,071,000, and in addition, not to exceed $16,329,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: Provided, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits

Act (74 Stat. 849), as amended, such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: Provided, That annuities authorized by the Act of May 29, 1944, as amended, and the Act of August 19, 1950, as amended (33 U.S.C. 771–775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), as amended, the Whistleblower Protection Act of 1989 (Public Law 101–12), as amended, Public Law 107–304, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $15,325,000.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed $750 for official reception and representation expenses; $25,000,000: Provided, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever the President deems such action to be necessary in the interest of national defense: Provided further, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS

OPERATING EXPENSES

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the United States Interagency Council on Homelessness in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, $1,800,000.

Title II of the McKinney-Vento Homeless Assistance Act, as amended, is amended in section 209 by striking "2005" and inserting "2006".

UNITED STATES POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $116,350,000, of which $73,000,000 shall not be available for obligation until October 1, 2006: Provided, That mail for overseas voting and mail for the blind shall continue to be free: Provided further, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: Provided further, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: Provided further, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2006.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $47,998,000: Provided, That travel expenses of the judges shall be paid upon the written certificate of the judge.

TITLE VII

GENERAL PROVISIONS THIS ACT

(INCLUDING TRANSFERS OF FUNDS)

SEC. 701. Such sums as may be necessary for fiscal year 2006 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 702. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 703. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 704. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 705. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 706. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 707. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 708. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

SEC. 709. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

SEC. 710. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose; (5) augments existing programs, projects, or activities in excess of $5,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by $5,000,000 or 10 percent, whichever is less; or (7) creates, reorganizes, or restructures a branch, division, office, bureau, board, commission, agency, administration, or department different from the budget justifications submitted to the Committees on Appropriations or the table accompanying the statement of the managers accompanying this Act, whichever is more detailed, unless prior approval is received from the House and Senate Committees on Appropriations: Provided, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the Senate and of the House of Representatives to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: Provided further, That the report shall include: (1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and (3) an identification of items of special congressional interest: Provided further, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by $100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 711. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2006 from appropriations made available for salaries and expenses for fiscal year 2006 in this Act, shall remain available through September 30, 2007, for each such account for the purposes authorized: Provided, That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: Provided further, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 712. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 713. The cost accounting standards promulgated under section 26 of the Office of Federal Procurement Policy Act (Public Law 93-400; 41 U.S.C. 422) shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

SEC. 714. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office pursuant to court approval.

SEC. 715. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefits program which provides any benefits or coverage for abortions.

SEC. 716. The provision of section 715 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SEC. 717. In order to promote Government access to commercial information technology, the restriction on purchasing nondomestic articles, materials, and supplies set forth in the Buy American Act (41 U.S.C. 10a et seq.), shall not apply to the acquisition by the Federal Government of information technology (as defined in section 11101 of title 40, United States Code), that is a commercial item (as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).

SEC. 718. None of the funds made available in the Act may be used to finalize, implement, administer, or enforce—

(1) the proposed rule relating to the determination that real estate brokerage is an activity that is financial in nature or incidental to a financial activity published in the Federal Register on January 3, 2001 (66 Fed. Reg. 307 et seq.); or

(2) the revision proposed in such rule to section 1501.2 of title 12 of the Code of Federal Regulations.

SEC. 719. All Federal agencies and departments that are funded under this Act shall issue a report to the House and Senate Committees on Appropriations on all sole source contracts by no later than July 31, 2006. Such report shall include the contractor, the amount of the contract and the rationale for using a sole source contract.

SEC. 720. The Secretary of the Treasury may transfer funds from amounts appropriated under title II of this Act for any costs necessary to pay for both career and non-career senior Treasury officials and support staff in locations of economic strategic interest throughout the world. Such positions would be used to advocate positions of interest to the United States Government, including open and fair financial markets, consistent with the Secretary's obligation under the Gold Reserve Act of 1934 (48 Stat. 337) to promote orderly exchange arrangements and an orderly system of exchange rates. Any transfer shall not be made available until approved in an operating plan request by the House and Senate Committees on Appropriations.

SEC. 721. Section 640(c) of the Treasury and General Government Appropriations Act, 2000 (Public Law 106-58; 2 U.S.C. 437g note), as amended by section 642 of the Treasury and General Government Appropriations Act, 2002 (Public Law 107-67) and by section 639 of the Transportation, Treasury, and Independent Agencies Appropriations Act, 2004 (Public Law 108–199), is amended by striking "December 31, 2005" and inserting "December 31, 2008".

SEC. 722. The Secretary of the Treasury may make payments from the Treasury Forfeiture Fund to reimburse the United States Secret Service for costs of protecting the Secretary of the Treasury: Provided, That the United States Secret Service shall provide the Department of the Treasury with a detailed, itemized list of expenses associated with such protection: Provided further, That the Comptroller General shall review all expenditures related to such protection and shall determine if each expense is a reasonable and unavoidable cost of this protection: Provided further, That all such reimbursable expenses shall be subject to a memorandum of understanding between the Department of the Treasury and the United States Secret Service.

SEC. 723. Section 101 of the Second Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005 (Public Law 109-62; 119 Stat. 1992) is repealed.

SEC. 724. (a) IN GENERAL.—None of the funds appropriated or otherwise made available by this Act may be used for any Federal Government contract with any foreign incorporated entity which is treated as an inverted domestic corporation under section 835(b) of the Homeland Security Act of 2002 (6 U.S.C. 395(b)) or any subsidiary of such an entity.

(b) WAIVERS.—

(1) IN GENERAL.—Any Secretary shall waive subsection (a) with respect to any Federal Government contract under the authority of such Secretary if the Secretary determines that the waiver is required in the interest of national security.

(2) REPORT TO CONGRESS.—Any Secretary issuing a waiver under paragraph (1) shall report such issuance to Congress.

(c) EXCEPTION.—This section shall not apply to any Federal Government contract entered into before the date of the enactment of this Act, or to any task order issued pursuant to such contract.

SEC. 725. From funds made available in this Act under the headings "White House Office", "Executive Residence at the White House", "White House Repair and Restoration", "Council of Economic Advisors", "National Security Council", "Office of Administration", "Office of Policy Development", "Special Assistance to the President", and "Official Residence of the Vice President", the Director of the Office of Management and Budget (or such other officer as the President may designate in writing), may, fifteen days after giving notice to the House and Senate Committees on Appropriations, transfer not to exceed 10 percent of any such appropriation to any other such appropriation, to be merged with and available for the same time and for the same purposes as the appropriation to which transferred: Provided, That the amount of an appropriation shall not be increased by more than 50 percent by such transfers: Provided further, That no amount shall be transferred from "Special Assistance to the President" or "Official Residence of the Vice President" without the approval of the Vice President.

SEC. 726. No funds in this Act may be used to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use: Provided, That for purposes of this section, public use shall not be construed to include economic development that primarily benefits private entities: Provided further, That any use of funds for mass transit, railroad, airport, seaport or highway projects as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownfields as defined in the Small Business Liability Relief and Brownfields Revitalization Act (Public Law 107–118) shall be considered a public use for purposes of eminent domain: Provided further, That the Government Accountability Office, in consultation with the National Academy of Public Administration, organizations representing State and local governments, and property rights organizations, shall conduct a study to be submitted to the Congress within 12 months of the enactment of this Act on the nationwide use of eminent domain, including the procedures used and the results accomplished on a state-by-state basis as well as the impact on individual property owners and on the affected communities.

TITLE VIII

GENERAL PROVISIONS GOVERNMENT-WIDE

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 801. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 802. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2006 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act (21 U.S.C. 802)) by the officers and employees of such department, agency, or instrumentality.

SEC. 803. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $8,100 except station wagons for which the maximum shall be $9,100: Provided, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: Provided further, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: Provided further, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101-549 over the cost of comparable conventionally fueled vehicles.

SEC. 804. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

SEC. 805. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of the enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992 (Public Law 102–404): Provided, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: Provided further, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: Provided further, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: Provided further, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

SEC. 806. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 807. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13101 (September 14, 1998), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 808. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: Provided, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 809. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 810. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 811. Funds made available by this or any other Act to the Postal Service Fund (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service or under the charge and control of the Postal Service. The Postal Service may give such guards, with respect to such property, any of the powers of special policemen provided under 40 U.S.C. 1315. The Postmaster General, or his designee, may take any action that the Secretary of Homeland Security may take under such section with respect to that property.

SEC. 812. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a joint resolution duly adopted in accordance with the applicable law of the United States.

SEC. 813. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2006, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by the comparable section for previous fiscal years until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2006, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section; and

(2) during the period consisting of the remainder of fiscal year 2006, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 2006 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2006 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in the previous fiscal year under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 2005, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 2005, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 2005.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 814. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations. For the purposes of this section, the term "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 815. Notwithstanding section 1346 of title 31, United States Code, or section 809 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 816. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Department of Homeland Security, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of National Intelligence or the Office of the Director of National Intelligence.

SEC. 817. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for the current fiscal year shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964 (Public Law 88–352, 78 Stat. 241), as amended, the Age Discrimination in Employment Act of 1967 (Public Law 90-202, 81 Stat. 602), and the Rehabilitation Act of 1973 (Public Law 93-112, 87 Stat. 355).

SEC. 818. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 819. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 820. No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: "These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.": Provided, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

SEC. 821. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 822. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 823. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations.

SEC. 824. No part of any appropriation contained in this or any other Act shall be used directly or indirectly, including by private contractor, for publicity or propaganda purposes within the United States not heretofor authorized by the Congress.

SEC. 825. (a) In this section the term "agency"—

(1) means an Executive agency as defined under section 105 of title 5, United States Code;

(2) includes a military department as defined under section 102 of such title, the Postal Service, and the Postal Rate Commission; and

(3) shall not include the Government Accountability Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under section 6301(2) of title 5, United States Code, has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 826. Notwithstanding 31 U.S.C. 1346 and section 810 of this Act, funds made available for the current fiscal year by this or any other Act to any department or agency, which is a member of the Federal Accounting Standards Advisory Board (FASAB), shall be available to finance an appropriate share of FASAB administrative costs.

SEC. 827. Notwithstanding 31 U.S.C. 1346 and section 910 of this Act, the head of each Executive department and agency is hereby authorized to transfer to or reimburse "General Services Administration, Government-wide Policy" with the approval of the Director of the Office of Management and Budget, funds made available for the current fiscal year by this or any other Act, including rebates from charge card and other contracts: Provided, That these funds shall be administered by the Administrator of General Services to support Government-wide financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency groups designated by the Director (including the Chief Financial Officers Council and the Joint Financial Management Improvement Program for financial management initiatives, the Chief Information Officers Council for information technology initiatives, the Chief Human Capital Officers Council for human capital initiatives, and the Federal Acquisition Council for procurement initiatives). The total funds transferred or reimbursed shall not exceed $10,000,000. Such transfers or reimbursements may only be made 15 days following notification of the Committees on Appropriations by the Director of the Office of Management and Budget.

SEC. 828. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 829. Nothwithstanding section 1346 of title 31, United States Code, or section 810 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities:

Provided, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science; and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 830. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds, the Catalog of Federal Domestic Assistance Number, as applicable, and the amount provided: Provided, That this provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

SEC. 831. Subsection (f) of section 403 of Public Law 103–356 (31 U.S.C. 501 note), as amended, is further amended by striking "October 1, 2005" and inserting "October 1, 2006": Provided, That this provision shall not apply to the Department of Homeland Security.

SEC. 832. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF INDIVIDUALS' INTERNET USE.—None of the funds made available in this or any other Act may be used by any Federal agency—

(1) to collect, review, or create any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any Federal Government Internet site of the agency; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any nongovernmental Internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to providing the Internet site services or to protecting the rights or property of the provider of the Internet site.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term "regulatory" means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term "supervisory" means examinations of the agency's supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

SEC. 833. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care's HMO; and

(B) OSF HealthPlans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 834. The Congress of the United States recognizes the United States Anti-Doping Agency (USADA) as the official anti-doping agency for Olympic, Pan American, and Paralympic sport in the United States.

SEC. 835. Notwithstanding any other provision of law, funds appropriated for official travel by Federal departments and agencies may be used by such departments and agencies, if consistent with Office of Management and Budget Circular A-126 regarding official travel for Government personnel, to participate in the fractional aircraft ownership pilot program.

SEC. 836. Notwithstanding any other provision of law, none of the funds appropriated or made available under this Act or any other appropriations Act may be used to implement or enforce restrictions or limitations on the Coast Guard Congressional Fellowship Program, or to implement the proposed regulations of the Office of Personnel Management to add sections 300.311 through 300.316 to part 300 of title 5 of the Code of Federal Regulations, published in the Federal Register, volume 68, number 174, on September 9, 2003 (relating to the detail of executive branch employees to the legislative branch).

SEC. 837. (a) Not later than 180 days after the end of the fiscal year, the head of each Federal agency shall submit a report to Congress on the amount of the acquisitions made by the agency from entities that manufacture the articles, materials, or supplies outside of the United States in that fiscal year.

(b) The report required by subsection (a) shall separately indicate—

(1) the dollar value of any articles, materials, or supplies purchased that were manufactured outside of the United States;

(2) an itemized list of all waivers granted with respect to such articles, materials, or supplies under the Buy American Act (41 U.S.C. 10a et seq.); and

(3) a summary of the total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States.

(c) The head of each Federal agency submitting a report under subsection (a) shall make the report publicly available to the maximum extent practicable.

(d) This section shall not apply to acquisitions made by an agency, or component thereof, that is an element of the intelligence community as set forth in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 838. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 839. Notwithstanding section 1346 of title 31, United States Code, and section 809 of this Act and any other provision of law, the head of each appropriate executive department and agency shall transfer to or reimburse the Federal Aviation Administration, upon the direction of the Director of the Office of Management and Budget, funds made available by this or any other Act for the purposes described below, and shall submit budget requests for such purposes. These funds shall be administered by the Federal Aviation Administration, in consultation with the appropriate interagency groups designated by the Director and shall be used to ensure the uninterrupted, continuous operation of the Midway Atoll Airfield by the Federal Aviation Administration pursuant to an operational agreement with the Department of the Interior for the entirety of fiscal year 2006 and any period thereafter that precedes the enactment of the Transportation, Treasury, the Judiciary, Housing and Urban Development, and Related Agencies Appropriations Act, 2007. The Director of the Office of Management and Budget shall mandate the necessary transfers after determining an equitable allocation between the appropriate executive departments and agencies of the responsibility for funding the continuous operation of the Midway Atoll Airfield based on, but not limited to, potential use, interest in maintaining aviation safety, and applicability to governmental operations and agency mission. The total funds transferred or reimbursed shall not exceed $6,000,000 for any twelve-month period. Such sums shall be sufficient to ensure continued operation of the airfield throughout the period cited above. Funds shall be available for operation of the airfield or airfield-related capital upgrades. The Director of the Office of Management and Budget shall notify the Committees on Appropriations of such transfers or reimbursements within 15 days of this Act. Such transfers or reimbursements shall begin within 30 days of enactment of this Act.

SEC. 840. Section 4(b) of the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270) is amended by adding at the end the following new paragraph:

"(5) Executive agencies with fewer than 100 full-time employees as of the first day of the fiscal year. However, such an agency shall be subject to section 2 to the extent it plans to conduct a public-private competition for the performance of an activity that is not inherently governmental.".

SEC. 841. (a) No funds shall be available for transfers or reimbursements to the E-Government Initiatives sponsored by the Office of Management and Budget (OMB) prior to 15 days following submission of a report to the Committees on Appropriations by the Director of the Office of Management and Budget and receipt of approval to transfer funds by the House and Senate Committees on Appropriations.

(b) The report in (a) shall detail—

(1) the amount proposed for transfer for any department and agency by program office, bureau, or activity, as appropriate;

(2) the specific use of funds;

(3) the relevance of that use to that department or agency and each bureau or office within, which is contributing funds; and

(4) a description on any such activities for which funds were appropriated that will not be implemented or partially implemented by the department or agency as a result of the transfer.

SEC. 842. (a) REQUIREMENT FOR PUBLIC-PRIVATE COMPETITION.—

(1) Notwithstanding any other provision of law, none of the funds appropriated by this or any other Act shall be available to convert to contractor performance an activity or function of an executive agency, that on or after the date of enactment of this Act, is performed by more than 10 Federal employees unless—

(A) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function; and

(B) the Competitive Sourcing Official determines that, over all performance periods stated

in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the executive agency by an amount that equals or exceeds the lesser of—

(i) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(ii) $10,000,000.

(2) This paragraph shall not apply to—

(A) the Department of Defense;

(B) section 4492D of title 49, United States Code;

(C) a commercial or industrial type function that—

(i) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C 47); or

(ii) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act;

(D) depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code; or

(E) activities that are the subject of an ongoing competition that was publicly announced prior to the date of enactment of this Act.

(b) USE OF PUBLIC-PRIVATE COMPETITION.—Nothing in Office of Management and Budget Circular A–76 shall prevent the head of an executive agency from conducting a public-private competition to evaluate the benefits of converting work from contract performance to performance by Federal employees in appropriate instances. The Circular shall provide procedures and policies for these competitions that are similar to those applied to competitions that may result in the conversion of work from performance by Federal employees to performance by a contractor.

SEC. 843. (a) The adjustment in rates of basic pay for employees under the statutory pay systems that takes effect in fiscal year 2006 under sections 5303 and 5304 of title 5, United States Code, shall be an increase of 3.1 percent, and this adjustment shall apply to civilian employees in the Department of Defense and the Department of Homeland Security and such adjustments shall be effective as of the first day of the first applicable pay period beginning on or after January 1, 2006.

(b) Notwithstanding section 813 of this Act, the adjustment in rates of basic pay for the statutory pay systems that take place in fiscal year 2006 under sections 5344 and 5348 of title 5, United States Code, shall be no less than the percentage in paragraph (a) as employees in the same location whose rates of basic pay are adjusted pursuant to the statutory pay systems under section 5303 and 5304 of title 5, United States Code. Prevailing rate employees at locations where there are no employees whose pay is increased pursuant to sections 5303 and 5304 of title 5 and prevailing rate employees described in section 5343(a)(5) of title 5 shall be considered to be located in the pay locality designated as "Rest of US" pursuant to section 5304 of title 5 for purposes of this paragraph.

(c) Funds used to carry out this section shall be paid from appropriations, which are made to each applicable department or agency for salaries and expenses for fiscal year 2006.

SEC. 844. Unless otherwise authorized by existing law, none of the funds provided in this Act or any other Act may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States, unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 845. None of the funds made available in this Act may be used in contravention of section 552a of title 5, United States Code (popularly known as the Privacy Act) or of section 552.224 of title 48 of the Code of Federal Regulations.

SEC. 846. Each Executive department and agency shall evaluate the creditworthiness of an individual before issuing the individual a government travel charge card. The department or agency may not issue a government travel charge card to an individual that either lacks a credit history or is found to have an unsatisfactory credit history as a result of this evaluation: Provided, That this restriction shall not preclude issuance of a restricted-use charge, debit, or stored value card made in accordance with agency procedures to: (1) an individual with an unsatisfactory credit history where such card is used to pay travel expenses and the agency determines there is no suitable alternative payment mechanism available before issuing the card; or (2) an individual who lacks a credit history. Each Executive department and agency shall establish guidelines and procedures for disciplinary actions to be taken against agency personnel for improper, fraudulent, or abusive use of government charge cards, which shall include appropriate disciplinary actions for use of charge cards for purposes, and at establishments, that are inconsistent with the official business of the Department or agency or with applicable standards of conduct.

SEC. 847. Except as expressly provided otherwise, any reference to "this Act" contained in this division shall be treated as referring only to the provisions of this division.

This division may be cited as the "Transportation, Treasury, Housing and Urban Development, the Judiciary, and Independent Agencies Appropriations Act, 2006".

DIVISION B—DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2006

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia and related agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, $33,200,000, to remain available until expended: Provided, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to $2,500 each year at eligible private institutions of higher education: Provided further, That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized: Provided further, That the District of Columbia government shall maintain a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: Provided further, That the account shall be under the control of the District of Columbia Chief Financial Officer, who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program: Provided further, That the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the House of Representatives and Senate for these funds showing, by object class, the expenditures made and the purpose therefor: Provided further, That not more than $1,200,000 of the total amount appropriated for this program may be used for administrative expenses.

FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS IN THE DISTRICT OF COLUMBIA

For necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, $13,500,000, to remain available until expended, to reimburse the District of Columbia for the costs of providing public safety at events related to the presence of the national capital in the District of Columbia and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions: Provided, That any amount provided under this heading shall be available only after such amount has been apportioned pursuant to chapter 15 of title 31, United States Code.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, $218,912,000, to be allocated as follows: for the District of Columbia Court of Appeals, $9,198,000, of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Superior Court, $87,342,000, of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Court System, $41,643,000, of which not to exceed $1,500 is for official reception and representation expenses; and $80,729,000, to remain available until September 30, 2007, for capital improvements for District of Columbia courthouse facilities: Provided, That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause "availability of Funds" found at 48 CFR 52.232–18: Provided further, That funds made available for capital improvements shall be expended consistent with the General Services Administration master plan study and building evaluation report: Provided further, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), and such services shall include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate: Provided further, That 30 days after providing written notice to the Committees on Appropriations of the House of Representatives and Senate, the District of Columbia Courts may reallocate not more than $1,000,000 of the funds provided under this heading among the items and entities funded under this heading for operations, and not more than 4 percent of the funds provided under this heading for facilities.

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11–2604 and section 11–2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code, or pursuant to contractual agreements to provide guardian ad litem representation, training, technical assistance and such other services as are necessary to improve the quality of guardian ad litem representation, payments for counsel appointed in adoption proceedings under chapter 3 of title 16, D.C. Code, and payments for counsel authorized under section 21–2060, D.C. Official Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), $44,000,000, to remain available until expended: Provided, That the funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the $80,729,000 provided under such heading for capital improvements for District of Columbia courthouse facilities) may also be used for payments under this heading: Provided further, That in addition to the funds provided under this heading, the Joint Committee on Judicial Administration in the District of Columbia may use funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the $80,729,000 provided under such heading for capital improvements for District of Columbia courthouse facilities), to make payments described under this heading for obligations incurred during any fiscal year: Provided further, That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: Provided further, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), and such services shall include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

(INCLUDING TRANSFER OF FUNDS)

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia and the Public Defender Service for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, $201,388,000, of which not to exceed $2,000 is for official receptions and representation expenses related to Community Supervision and Pretrial Services Agency programs; of which not to exceed $25,000 is for dues and assessments relating to the implementation of the Court Services and Offender Supervision Agency Interstate Supervision Act of 2002; of which $129,360,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to the supervision of adults subject to protection orders or the provision of services for or related to such persons; of which $42,195,000 shall be available to the Pretrial Services Agency; and of which $29,833,000 shall be transferred to the Public Defender Service for the District of Columbia: Provided, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: Provided further, That the Director is authorized to accept and use gifts in the form of in-kind contributions of space and hospitality to support offender and defendant programs, and equipment and vocational training services to educate and train offenders and defendants: Provided further, That the Director shall keep accurate and detailed records of the acceptance and use of any gift or donation under the previous proviso, and shall make such records available for audit and public inspection: Provided further, That the Court Services and Offender Supervision Agency Director is authorized to accept and use reimbursement from the D.C. Government for space and services provided on a cost reimbursable basis: Provided further, That for this fiscal year and subsequent fiscal years, the Public Defender Service is authorized to charge fees to cover costs of materials distributed and training provided to attendees of educational events, including conferences, sponsored by the Public Defender Service, and notwithstanding section 3302 of title 31, United States Code, said fees shall be credited to the Public Defender Service account to be available for use without further appropriation.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

For a Federal payment to the District of Columbia Water and Sewer Authority, $7,000,000, to remain available until expended, to continue implementation of the Combined Sewer Overflow Long-Term Plan: Provided, That the District of Columbia Water and Sewer Authority provides a 100 percent match for this payment.

FEDERAL PAYMENT FOR THE ANACOSTIA WATERFRONT INITIATIVE

For a Federal payment to the District of Columbia Department of Transportation, $3,000,000, to remain available until September 30, 2007, for design and construction of a continuous pedestrian and bicycle trail system from the Potomac River to the District's border with Maryland.

FEDERAL PAYMENT TO THE CRIMINAL JUSTICE COORDINATING COUNCIL

For a Federal payment to the Criminal Justice Coordinating Council, $1,300,000, to remain available until expended, to support initiatives related to the coordination of Federal and local criminal justice resources in the District of Columbia.

FEDERAL PAYMENT FOR TRANSPORTATION ASSISTANCE

For a Federal payment to the District of Columbia Department of Transportation, $1,000,000, to operate a downtown circulator transit system.

FEDERAL PAYMENT FOR FOSTER CARE IMPROVEMENTS IN THE DISTRICT OF COLUMBIA

For the Federal payment to the District of Columbia for foster care improvements, $2,000,000 to remain available until expended: Provided, That $1,750,000 shall be for the Child and Family Services Agency, of which $1,000,000 shall be for a loan repayment program for social workers; of which $750,000 shall be for post-adoption services: Provided further, That $250,000 shall be for the Washington Metropolitan Council of Governments, to continue a program in conjunction with the Foster and Adoptive Parents Advocacy Center, to provide respite care for and recruitment of foster parents: Provided further, That these Federal funds shall supplement and not supplant local funds for the purposes described under this heading.

FEDERAL PAYMENT TO THE OFFICE OF THE CHIEF FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

For a Federal payment to the Office of the Chief Financial Officer of the District of Columbia, $29,200,000: Provided, That these funds shall be available for the projects and in the amounts specified in the Statement of the Managers on the conference report accompanying this Act: Provided further, That each entity that receives funding under this heading shall submit to the Office of the Chief Financial Officer of the District of Columbia (CFO) a report on the activities to be carried out with such funds no later than March 15, 2006, and the CFO shall submit a comprehensive report to the Committees on Appropriations of the House of Representatives and the Senate no later than June 1, 2006.

FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

For a Federal payment for a school improvement program in the District of Columbia, $40,000,000, to be allocated as follows: for the District of Columbia Public Schools, $13,000,000 to improve public school education in the District of Columbia; for the State Education Office, $13,000,000 to expand quality public charter schools in the District of Columbia, to remain available until September 30, 2007; for the Secretary of the Department of Education, $14,000,000 to provide opportunity scholarships for students in the District of Columbia in accordance with division C, title III of the District of Columbia Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 126), of which up to $1,000,000 may be used to administer and fund assessments.

FEDERAL PAYMENT FOR BIOTERRORISM AND FORENSICS LABORATORY

For a Federal payment to the District of Columbia, $5,000,000, to remain available until September 30, 2007, for costs associated with the construction of a bioterrorism and forensics laboratory: Provided, That the District of Columbia shall provide an additional $1,500,000 with local funds as a condition of receiving this payment.

FEDERAL PAYMENT FOR THE NATIONAL GUARD YOUTH CHALLENGE PROGRAM

For a Federal payment for the District of Columbia National Guard Youth Challenge program, $500,000: Provided, That the amount appropriated by this heading shall be transferred to the Secretary of Defense and made available to the Commanding General of the District of Columbia National Guard for activities under the National Guard Youth Challenge Program under section 509 of title 32, United States Code, and shall be in addition to any matching funds otherwise required of the District of Columbia for that Program in fiscal year 2006 under subsection (d)(4) of such section.

FEDERAL PAYMENT FOR MARRIAGE DEVELOPMENT AND IMPROVEMENT

For a Federal payment for marriage development and improvement in the District of Columbia, $3,000,000, to remain available until expended: Provided, That $1,500,000 shall be for the Capital Area Asset Building Corporation for the establishment of marriage development accounts in accordance with the requirements in the accompanying report, of which $400,000 shall be for program planning, marketing, evaluation, and account administration: Provided further, That $1,500,000 shall be for mentoring, counseling, community outreach, and training and technical assistance, of which $850,000 shall be for the National Center for Fathering and $650,000 shall be for the East Capitol Center for Change to carry out these activities: Provided further, That within 30 days of enactment of this Act, the entities receiving funds under this title shall submit to the Committees on Appropriations of the House and Senate, a detailed expenditure plan and program requirements that comport with the guidance in the accompanying report.

DISTRICT OF COLUMBIA FUNDS

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided: Provided, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act (D.C. Official Code, section 1–204.50a) and provisions of this Act, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2006 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or $8,700,158,000 (of which $5,007,344,000 shall be from local funds, $1,921,287,000 shall be from Federal grant funds, $1,754,399,000 shall be from other funds, and $17,129,000 shall be from private funds), in addition, $163,116,000 from funds previously appropriated in this Act as Federal payments: Provided further, That of the local funds, $466,894,000 shall be derived from the District's general fund balance: Provided further, That of these funds the District's intradistrict authority shall be $468,486,000: in addition for capital construction projects there is appropriated an increase of $2,820,637,000, of which $1,072,671,000 shall be from local funds, $49,551,000 from Highway Trust funds, $172,183,000 from the Local Street Maintenance fund, $378,000,000 from securitization of future revenue streams, $400,000,000 from Certificates of Participation financing, $534,800,000 from financing for construction of a baseball stadium, $213,432,000 from Federal grant funds, and a rescission of $295,032,000 from local funds appropriated under this heading in prior fiscal years, for a net amount of $2,525,605,000, to remain available until expended: Provided further, That the amounts provided under this heading are to be allocated and expended as proposed under "Title II—District of Columbia Funds" of the Fiscal Year 2006 Proposed Budget and Financial Plan submitted to the Congress of the United States by the District of Columbia on June 6, 2005: Provided further, That this amount may be increased by proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs: Provided further, That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act as amended by this Act: Provided further, That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2006, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

GENERAL PROVISIONS

SEC. 101. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 102. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor, or, in the case of the Council of the District of Columbia, funds may be expended with the authorization of the Chairman of the Council.

SEC. 103. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government.

SEC. 104. (a) Except as provided in subsection (b), no part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

(b) The District of Columbia may use local funds provided in this title to carry out lobbying activities on any matter other than—

(1) the promotion or support of any boycott; or

(2) statehood for the District of Columbia or voting representation in Congress for the District of Columbia.

(c) Nothing in this section may be construed to prohibit any elected official from advocating with respect to any of the issues referred to in subsection (b).

SEC. 105. (a) None of the funds provided under this title to the agencies funded by this title, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this title, shall be available for obligation or expenditures for an agency through a reprogramming of funds which—

(1) creates new programs;

(2) eliminates a program, project, or responsibility center;

(3) establishes or changes allocations specifically denied, limited or increased under this Act;

(4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted;

(5) reestablishes any program or project previously deferred through reprogramming;

(6) augments any existing program, project, or responsibility center through a reprogramming of funds in excess of $3,000,000 or 10 percent, whichever is less; or

(7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center,

unless the Committees on Appropriations of the House of Representatives and Senate are notified in writing 15 days in advance of the reprogramming.

(b) None the local funds contained in this Act may be available for obligation or expenditure for an agency through a transfer of any local funds in excess of $3,000,000 from one appropriation heading to another unless the Committees on Appropriations of the House of Representatives and Senate are notified in writing 15 days in advance of the transfer, except that in no event may the amount of any funds transferred exceed 4 percent of the local funds in the appropriations.

SEC. 106. Consistent with the provisions of section 1301(a) of title 31, United States Code, appropriations under this Act shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

SEC. 107. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2–139; D.C. Official Code, section 1–601.01 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (D.C. Official Code, section 1–2041.22(3)), shall apply with respect to the compensation of District of Columbia employees. For pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. 108. No later than 30 days after the end of the first quarter of fiscal year 2006, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia and the Committees on Appropriations of the House of Representatives and Senate the new fiscal year 2006 revenue estimates as of the end of such quarter. These estimates shall be used in the budget request for fiscal year 2007. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 109. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985 (D.C. Law 6–85; D.C. Official Code, section 2–303.03), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition is not feasible or practical, but only if the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures and has been reviewed and certified by the Chief Financial Officer of the District of Columbia.

SEC. 110. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3–171; D.C. Official Code, section 1–123).

SEC. 111. None of the Federal funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9–114; D.C. Official Code, section 32–701 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples.

SEC. 112. (a) Notwithstanding any other provision of this Act, the Mayor, in consultation with the Chief Financial Officer of the District of Columbia may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(b)(1) No such Federal, private, or other grant may be obligated, or expended pursuant to subsection (a) until—

(A) the Chief Financial Officer of the District of Columbia submits to the Council a report setting forth detailed information regarding such grant; and

(B) the Council has reviewed and approved the obligation, and expenditure of such grant.

(2) For purposes of paragraph (1)(B), the Council shall be deemed to have reviewed and approved the obligation, and expenditure of a grant if—

(A) no written notice of disapproval is filed with the Secretary of the Council within 14 calendar days of the receipt of the report from the Chief Financial Officer under paragraph (1)(A); or

(B) if such a notice of disapproval is filed within such deadline, the Council does not by resolution disapprove the obligation, or expenditure of the grant within 30 calendar days of the initial receipt of the report from the Chief Financial Officer under paragraph (1)(A).

(c) No amount may be obligated or expended from the general fund or other funds of the District of Columbia government in anticipation of *the approval or receipt of a grant under subsection (b)(2) or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such subsection.*

(d) The Chief Financial Officer of the District of Columbia may adjust the budget for Federal, private, and other grants received by the District government reflected in the amounts appropriated in this title, or approved and received under subsection (b)(2) to reflect a change in the actual amount of the grant.

(e) The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to this section. Each such report shall be submitted to the Council of the District of Columbia and to the Committees on Appropriations of the House of Representatives and Senate not later than 15 days after the end of the quarter covered by the report.

SEC. 113. (a) Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term "official duties" does not include travel between the officer's or employee's residence and workplace, except in the case of—

(1) an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department;

(2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day or is otherwise designated by the Fire Chief;

(3) the Mayor of the District of Columbia; and

(4) the Chairman of the Council of the District of Columbia.

(b) The Chief Financial Officer of the District of Columbia shall submit by March 1, 2006, an inventory, as of September 30, 2005, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

SEC. 114. None of the funds contained in this Act may be used for purposes of the annual independent audit of the District of Columbia government for fiscal year 2006 unless—

(1) the audit is conducted by the Inspector General of the District of Columbia, in coordination with the Chief Financial Officer of the District of Columbia, pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of 1985 (D.C. Official Code, section 2-302.8); and

(2) the audit includes as a basic financial statement a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year using the format, terminology, and classifications contained in the law making the appropriations for the year and its legislative history.

SEC. 115. (a) None of the funds contained in this Act may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

(b) Nothing in this section bars the District of Columbia Corporation Counsel from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 116. (a) None of the funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

(b) Any individual or entity who receives any funds contained in this Act and who carries out any program described in subsection (a) shall account for all funds used for such program separately from any funds contained in this Act.

SEC. 117. None of the funds contained in this Act may be used after the expiration of the 60-day period that begins on the date of the enactment of this Act to pay the salary of any chief financial officer of any office of the District of Columbia government (including any independent agency of the District of Columbia) who has not filed a certification with the Mayor and the Chief Financial Officer of the District of Columbia that the officer understands the duties and restrictions applicable to the officer and the officer's agency as a result of this Act (and the amendments made by this Act), including any duty to prepare a report requested either in the Act or in any of the reports accompanying the Act and the deadline by which each report must be submitted: Provided, That the Chief Financial Officer of the District of Columbia shall provide to the Committees on Appropriations of the House of Representatives and Senate by April 1, 2006 and October 1, 2006, a summary list showing each report, the due date, and the date submitted to the Committees.

SEC. 118. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a "conscience clause" which provides exceptions for religious beliefs and moral convictions.

SEC. 119. The Mayor of the District of Columbia shall submit to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate quarterly reports addressing—

(1) crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets;

(2) access to substance and alcohol abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs;

(3) management of parolees and pre-trial violent offenders, including the number of halfway houses escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapes to be provided in consultation with the Court Services and Offender Supervision Agency for the District of Columbia;

(4) education, including access to special education services and student achievement to be provided in consultation with the District of Columbia Public Schools and the District of Columbia public charter schools;

(5) improvement in basic District services, including rat control and abatement;

(6) application for and management of Federal grants, including the number and type of grants for which the District was eligible but failed to apply and the number and type of grants awarded to the District but for which the District failed to spend the amounts received; and

(7) indicators of child well-being.

SEC. 120. (a) No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council of the District of Columbia a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, section 1–204.42), for all agencies of the District of Columbia government for fiscal year 2006 that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

(b) This section shall apply only to an agency where the Chief Financial Officer of the District of Columbia certifies that a reallocation is required to address unanticipated changes in program requirements.

SEC. 121. Notwithstanding any other law, in fiscal year 2006 and in each subsequent fiscal year, the District of Columbia Courts shall transfer to the general treasury of the District of Columbia all fines levied and collected by the Courts under section 10(b)(1) and (2) of the District of Columbia Traffic Act (D.C. Official Code, section 50–2201.05(b)(1) and (2)): Provided, that the transferred funds are hereby made available and shall remain available until expended and shall be used by the Office of the Attorney General of the District of Columbia for enforcement and prosecution of District traffic alcohol laws in accordance with section 10(b)(3) of the District of Columbia Traffic Act (D.C. Official Code, section 50-2201.05(b)(3)).

SEC. 122. (a) None of the funds contained in this Act may be made available to pay—

(1) the fees of an attorney who represents a party in an action or an attorney who defends an action brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) in excess of $4,000 for that action; or

(2) the fees of an attorney or firm whom the Chief Financial Officer of the District of Columbia determines to have a pecuniary interest, either through an attorney, officer, or employee of the firm, in any special education diagnostic services, schools, or other special education service providers.

(b) In this section, the term "action" includes an administrative proceeding and any ensuing or related proceedings before a court of competent jurisdiction.

SEC. 123. The Chief Financial Officer of the District of Columbia shall require attorneys in special education cases brought under the Individuals with Disabilities Education Act (IDEA) in the District of Columbia to certify in writing that the attorney or representative rendered any and all services for which they receive awards, including those received under a settlement agreement or as part of an administrative proceeding, under the IDEA from the District of Columbia. As part of the certification, the Chief Financial Officer of the District of Columbia shall require all attorneys in IDEA cases to disclose any financial, corporate, legal, memberships on boards of directors, or other relationships with any special education diagnostic services, schools, or other special education service providers to which the attorneys have referred any clients as part of this certification. The Chief Financial Officer shall prepare and submit quarterly reports to the Committees on Appropriations of the House of Representatives and Senate on the certification of and the amount paid by the government of the District *of Columbia, including the District of Columbia Public Schools, to attorneys in cases brought under IDEA. The Inspector General of the District of Columbia may conduct investigations to determine the accuracy of the certifications.*

SEC. 124. The amount appropriated by this Act may be increased by no more than $42,000,000 from funds identified in the comprehensive annual financial report as the District's fiscal year 2005 unexpended general fund surplus. The District may obligate and expend these amounts only in accordance with the following conditions:

(1) The Chief Financial Officer of the District of Columbia shall certify that the use of any such amounts is not anticipated to have a negative impact on the District's long-term financial, fiscal, and economic vitality.

(2) The District of Columbia may only use these funds for the following expenditures:

(A) One-time expenditures.

(B) Expenditures to avoid deficit spending.

(C) Debt Reduction.

(D) Program needs.

(E) Expenditures to avoid revenue shortfalls.

(3) The amounts shall be obligated and expended in accordance with laws enacted by the Council in support of each such obligation or expenditure.

(4) The amounts may not be used to fund the agencies of the District of Columbia government under court ordered receivership.

(5) The amounts may not be obligated or expended unless the Mayor notifies the Committees on Appropriations of the House of Representatives and Senate not fewer than 30 days in advance of the obligation or expenditure.

SEC. 125. (a) The fourth proviso in the item relating to "Federal Payment for School Improvement" in the District of Columbia Appropriations Act, 2005 (Public Law 108–335; 118 Stat. 1327) is amended—

(1) by striking "$4,000,000" and inserting "$4,000,000, to remain available until expended,"; and

(2) by striking "$2,000,000 shall be for a new incentive fund" and inserting "$2,000,000, to remain available until expended, shall be for a new incentive fund".

(b) The amendments made by subsection (a) shall take effect as if included in the enactment of the District of Columbia Appropriations Act, 2005.

SEC. 126. (a) To account for an unanticipated growth of revenue collections, the amount appropriated as District of Columbia Funds pursuant to this Act may be increased—

(1) by an aggregate amount of not more than 25 percent, in the case of amounts proposed to be allocated as "Other-Type Funds" in the Fiscal Year 2006 Proposed Budget and Financial Plan submitted to Congress by the District of Columbia on June 6, 2005; and

(2) by an aggregate amount of not more than 6 percent, in the case of any other amounts proposed to be allocated in such Proposed Budget and Financial Plan.

(b) The District of Columbia may obligate and expend any increase in the amount of funds authorized under this section only in accordance with the following conditions:

(1) The Chief Financial Officer of the District of Columbia shall certify—

(A) the increase in revenue; and

(B) that the use of the amounts is not anticipated to have a negative impact on the long-term financial, fiscal, or economic health of the District.

(2) The amounts shall be obligated and expended in accordance with laws enacted by the Council of the District of Columbia in support of each such obligation and expenditure, consistent with the requirements of this Act.

(3) The amounts may not be used to fund any agencies of the District government operating under court-ordered receivership.

(4) The amounts may not be obligated or expended unless the Mayor has notified the Committees on Appropriations of the House of Representatives and Senate not fewer than 30 days in advance of the obligation or expenditure.

SEC. 127. The Chief Financial Officer for the District of Columbia may, for the purpose of cash flow management, conduct short-term borrowing from the emergency reserve fund and from the contingency reserve fund established under section 450A of the District of Columbia Home Rule Act (Public Law 98–198): Provided, That the amount borrowed shall not exceed 50 percent of the total amount of funds contained in both the emergency and contingency reserve funds at the time of borrowing: Provided further, That the borrowing shall not deplete either fund by more than 50 percent: Provided further, That 100 percent of the funds borrowed shall be replenished within 9 months of the time of the borrowing or by the end of the fiscal year, whichever occurs earlier: Provided further, That in the event that short-term borrowing has been conducted and the emergency or the contingency funds are later depleted below 50 percent as a result of an emergency or contingency, an amount equal to the amount necessary to restore reserve levels to 50 percent of the total amount of funds contained in both the emergency and contingency reserve fund must be replenished from the amount borrowed within 60 days.

SEC. 128. (a) None of the funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative.

(b) The Legalization of Marijuana for Medical Treatment Initiative of 1998, also known as Initiative 59, approved by the electors of the District of Columbia on November 3, 1998, shall not take effect.

SEC. 129. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 130. Section 7 of the District of Columbia Stadium Act of 1957 (Public Law 85–300, 71 Stat. 619), as amended, is further amended by inserting after paragraph (d)(4) the following:

"(e)(1) Upon receipt of a written description from the District of Columbia of not more than 15 contiguous acres (hereinafter referred to as 'the 15 acres'), within the area designated 'D' on the revised map entitled 'Map to Designate Transfer of Stadium and Lease of Parking Lots to the District' and bound by 21st Street, NE, Oklahoma Avenue, NE, Benning Road, NE, the Metro line, and C Street, NE, and execution of a long-term lease by the Mayor of the District of Columbia that is contingent upon the Secretary's conveyance of the 15 acres and for the purpose consistent with this paragraph, the Secretary shall convey the 15 acres described land to the District of Columbia for the purpose of siting, developing, and operating an educational institution for the public welfare, with first preference given to a pre-collegiate public boarding school.

"(2) Upon conveyance, the portion of the stadium lease that affects the 15 acres on the property and all the conditions associated therewith shall terminate, and the 15 acres property shall be removed from the 'Map to Designate Transfer of Stadium and Lease of Parking Lots to the District', and the long-term lease described in paragraph (1) shall take effect immediately. The Mayor of the District of Columbia shall execute and deliver a quitclaim deed to effectuate the District's responsibilities under this section.".

SEC. 131. The authority that the Chief Financial Officer of the District of Columbia exercised with respect to personnel and the preparation of fiscal impact statements during a control period (as defined in Public Law 104–8) shall remain in effect until September 30, 2006.

SEC. 132. The entire process used by the Chief Financial Officer to acquire any and all kinds of goods, works and services by any contractual means, including but not limited to purchase, lease or rental, shall be exempt from all of the provisions of the District of Columbia's Procurement Practices Act: Provided, That provisions made by this subsection shall take effect as if enacted in D.C. Law 11–259 and shall remain in effect until September 30, 2006.

SEC. 133. Section 4013 of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Amendment Act of 2005, passed on first reading on May 10, 2005 (engrossed version of Bill 16–200), is hereby enacted into law.

SEC. 134. The Chief Financial Officer of the District is hereby authorized to transfer $5,000,000 from the local funds appropriated for the Deputy Mayor for Economic Development to the Anacostia Waterfront Corporation and to reallocate the appropriation authority for such funds to a heading to be entitled "Anacostia Waterfront Corporation" in addition, an amount of $3,200,000 is hereby appropriated from the local funds made available to the Anacostia Waterfront Corporation in fiscal year 2005. Provided, That all of the funds made available herein to the Anacostia Waterfront Corporation shall remain available until expended.

SEC. 135. Amounts appropriated in the Act for the Department of Health may be increased by $250,000 in local funds to remain available until expended to conduct a health study in Spring Valley.

SEC. 136. Notwithstanding section 602(c)(1) of the District of Columbia Home Rule Act, amendments to the Ballpark Technical Amendments Act of 2005 and the Ballpark Fee Rebate Act of 2005 shall take effect on the date of the enactment by the District of Columbia.

SEC. 137. Except as expressly provided otherwise, any reference to "this Act" contained in this division shall be treated as referring only to the provisions of this division.

This division may be cited as the "District of Columbia Appropriations Act, 2006".

This Act (including divisions A and B) may be cited as the "Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006".

And the Senate agree to the same.

JOE KNOLLENBERG,
FRANK R. WOLF,
HAROLD ROGERS,
TODD TIAHRT,
ANNE M. NORTHUP,
ROBERT B. ADERHOLT,
JOHN E. SWEENEY,
JOHN ABNEY CULBERSON,
RALPH REGULA,
JERRY LEWIS,
JOHN W. OLVER,
STENY H. HOYER,
ED PASTOR,
CAROLYN C. KILPATRICK,
JAMES E. CLYBURN,
STEVEN R. ROTHMAN,
Managers on the Part of the House.

CHRISTOPHER S. BOND,
RICHARD C. SHELBY,
ARLEN SPECTER,
R.F. BENNETT,
KAY BAILEY HUTCHISON,
MIKE DEWINE,
SAM BROWNBACK,
TED STEVENS,
PETE DOMENICI,

CONRAD BURNS,
WAYNE ALLARD,
THAD COCHRAN,
PATTY MURRAY,
ROBERT C. BYRD,
BARBARA MIKULSKI,
HARRY REID,
HERB KOHL,
RICHARD J. DURBIN,
(except for Cuba trade),
BYRON L. DORGAN,
(except for Cuba trade),
PATRICK J. LEAHY,
(except for Cuba trade),
TOM HARKIN,
(except for Cuba trade),
MARY L. LANDRIEU,
(except for Cuba trade),
DANIEL K. INOUYE,
(except for Section 173),
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3058), "making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes", submits the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report.

This legislation intent in the House and Senate versions in H.R. 3058 is set forth in the accompanying House report (H. Rept. 109–153) and the accompanying Senate report (S. Rept. 109–109).

The Senate amendment deleted the entire House bill after the enacting clause and inserted the Senate bill. The conference agreement includes a revised bill.

The language and allocations set forth in the House and Senate reports should be complied with unless specifically addressed to the contrary in the conference report and the statement of the managers. Report language included by the House which is not changed by the report of the Senate or this statement of managers and Senate report language which is not changed by this statement of managers is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein. In cases where the House or the Senate has directed the submission of a report, such report is to be submitted to both House and Senate Committees on Appropriations.

TITLE I—DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

The conference agreement provides $84,900,000 for the salaries and expenses of the office of the secretary instead of $67,824,000 as proposed by the House and $86,000,000 as proposed by the Senate. As proposed by both the House and the Senate, bill language is included that specifies funding by office. The conference agreement is as follows:

Immediate office of the Secretary	$2,198,000
Immediate office of the Deputy Secretary	698,000
Office of the General Counsel	15,183,000
Office of the Under Secretary for Transportation Policy	11,650,000
Office of the Assistant Secretary for Budget and Programs	8,485,000
Office of the Assistant Secretary for Governmental Affairs	2,293,000
Office of the Assistant Secretary for Administration	22,031,000
Office of Public Affairs	1,910,000
Office of the Executive Secretariat	1,442,000
Board of Contract Appeals	697,000
Office of Small and Disadvantaged Business Utilization	1,265,000
Office of Intelligence and Security	2,033,000
Office of the Chief Information Officer	11,895,000
Office of Emergency Transportation	3,120,000

The conference agreement retains provisions proposed by both the House and the Senate limiting transfers among each office to no more than 5 percent and requiring that any transfer greater than 5 percent must be submitted for approval to the House and Senate Committees on Appropriations. Bill language is also included which allows the Department to spend up to $60,000 within the funds provided for official reception and representation expenses.

The conference agreement retains bill language proposed by the House prohibiting funds from being used for the position of Assistant Secretary for Public Affairs. The conference agreement also retains bill language proposed by both the House and the Senate that allows up to $2,500,000 in user fees to be credited to salaries and expenses.

The conferees direct the Department to notify the House and Senate Committees on Appropriations no less than three full business days before any grant totaling $1,000,000 is announced and further clarify that such notifications shall be based on the grants full-year funding level, not just the incremental amount being released.

The conferees reiterate the need for better budget materials from the Department in general and direct the Department to provide additional details in the fiscal year 2007 budget justification materials as instructed in both the House and Senate reports.

The conferees direct the Secretary to submit an operating plan for fiscal year 2006 for the entire Department as described in the House report for approval by the House and Senate Committees on Appropriations within 60 days of enactment of this Act.

Further, the Assistant Secretary for Budget and Programs shall submit a report to both the House and Senate Committees on Appropriations at the beginning of each fiscal quarter on the status of all outstanding reports and reporting requirements, including the deadlines established by Congress for each report and an estimated date for delivery, as directed by the Senate. The Assistant Secretary for Budget and Programs is also directed to submit a quarterly report detailing all funding transfers made between offices within the office of the secretary (OST) pursuant to transfer authority in OST salaries and expenses.

The conferees direct the Secretary to immediately resume collecting, processing, and disseminating the motor carrier financial and operating statistics survey (Form M data), as was in effect in the Department prior to October 1, 2004, and to provide a report within 30 days of enactment of this Act to the House and Senate Committees on Appropriations that identifies the agency responsible for the survey and the funds to be allocated to the survey in fiscal year 2006.

The conferees direct that up to $500,000 of the funds provided to the Office of the Under Secretary of Transportation for Policy be used for an independent forensic audit of expenses and payments made under the essential air service (EAS) program, as directed by the Senate. The conference agreement does not provide funds for an EAS audit to be conducted by the National Academy of Public Administration, as proposed by the Senate.

The conferees deny the funding requested by the Department for contractor support for oversight of credit programs. Further, the conferees direct the Assistant Secretary for Budget and Programs to submit a report detailing initiatives to improve the management and reduce the risk of the Department's credit programs and to provide this report to the House and Senate Committees on Appropriations not later than March 1, 2006, as proposed by the Senate.

The conferees direct the Secretary, in consultation with the Secretary of Health and Human Services and the Administrator of the Federal Aviation Administration (FAA), to establish procedures not less than 60 days after the enactment of this Act to ensure that proper precautions are taken by airports and air carriers to recognize and prevent the spread of avian flu, as directed by the Senate.

The provision relating to Love Field, Texas, that was proposed by the Senate is addressed in the Title I administrative provisions.

The conferees once again urge the Department and the FAA to make it their highest priority to consider allocating permanent slots at LaGuardia Airport, as allowable under 49 U.S.C. 41716(b), to allow the communities of Akron-Canton, Ohio, and Newport News-Williamsburg, Virginia, to each have permanent third roundtrips to LaGuardia with stage III aircraft with no less than 110 and no more than 125 seats.

OFFICE OF CIVIL RIGHTS

The conference agreement provides $8,550,000 for the office of civil rights as proposed by both the House and the Senate.

TRANSPORTATION PLANNING, RESEARCH AND DEVELOPMENT

The conference agreement provides $15,000,000 for transportation planning, research and development as proposed by the Senate and instead of $9,030,000 as proposed by the House. Adjustments to the budget request are as follows:

Ballast Water Study—UWS	$500,000
Delaware State University Hydrogen Storage Research	250,000
DOT privacy assessment	400,000
Missouri Transportation Institute, University of Missouri—Rolla	1,000,000
Innovative Materials Research at Lawrence Tech University, Southfield, MI	1,175,000
Integrated Commercial Vehicle Safety Enforcement Technology Initiative, MI	900,000

Intermodal Transportation Research, Mississippi State University	900,000
Maritime Domain Awareness Pilot Project, WA	425,000
Maritime Fire and Safety Association, WA	425,000
National Center for Manufacturing Sciences, Ann Arbor, MI	1,175,000
PVTA Hydrogen Bus or PVTA Electric Bus	750,000
Traffic Improvement Association of Oakland County, MI	250,000
Transportation Laboratory at the Detroit Science Center, Detroit, MI	400,000
TTI Pipeline Safety Research	500,000
UW Superior—STARTS	250,000
Food and Agricultural Policy Research Institute commercial shipping alternatives for inland waterways	700,000

The conference agreement does not provide funds to support the orderly discontinuation of Amtrak's mail and express service. The conference agreement also does not hold any funds within this account in reserve to carry out directed service should Amtrak cease operations.

WORKING CAPITAL FUND

The conference agreement includes a limitation of $118,014,000 for working capital fund activities instead of $120,014,000 as proposed by both the House and the Senate.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

The conference agreement provides an appropriation of $900,000 for the administrative expenses of the minority business resource center program and limits loans made under the program to $18,367,000 as proposed by both the House and the Senate.

MINORITY BUSINESS OUTREACH

The conference agreement provides $3,000,000 for minority business outreach as proposed by both the House and the Senate.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $60,000,000 for payments to air carriers to be derived from the trust fund as proposed by the Senate, instead of $54,000,000 as proposed by the House. In addition to these funds, the program will receive $50,000,000 in mandatory spending pursuant to the Federal Aviation Authorization Act of 1996, resulting in a program budget of $110,000,000.

The conference agreement includes bill language, as proposed by the House, which allows the secretary to take into consideration the subsidy requirements of carriers when selecting between carriers competing to provide service to a community.

Should the total amount of overflight fees collected not be sufficient to meet all the funding needs of the program in the fiscal year, then the secretary is authorized to transfer funds from the available balances of any program appropriated to, or directly administered by the office of the secretary to the essential air service program. The conferees direct the office of the secretary to consult with the House and Senate Committees on Appropriations if such a transfer is necessary and identify the source of the funds of said transfer subject to normal reprogramming guidelines.

The provisions relating to the transfer of funds to and from the FAA for the EAS program, as proposed by the House, are addressed in the FAA administrative provisions, as proposed by the Senate.

NEW HEADQUARTERS BUILDING

The conference agreement provides $50,000,000 for continued construction and buildout of the new headquarters building as proposed by the Senate and instead of $55,000,000 as proposed by the House.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

The conference agreement includes $8,186,000,000 for operations of the Federal Aviation Administration instead of $8,396,920,000 as proposed by the House and $8,176,000,000 as proposed by the Senate. Of the total amount provided, $5,541,000,000 is to be derived from the airport and airway trust fund instead of $4,986,000,000 as proposed by the House and $5,686,500,000 proposed by the Senate. Funds are distributed in the bill by budget activity, as proposed by the Senate.

Contract tower cost-sharing.—The bill specifies $7,500,000 for continuation of the contract tower cost-sharing program as proposed by the House and Senate.

Transfers between budget activities.—The conference agreement retains Senate language that allows transfers of no greater than two percent from any budget activity, excluding aviation regulation and certification, to any budget activity. Transfers of more than two percent are subject to reprogramming procedures contained in this Act.

Flight service station transition costs.—The conference agreement provides an additional $150,000,000 for flight service station transition costs as proposed by the Senate, instead of $91,000,000 as proposed by the House.

The following table compares the conference agreement to the President's budget request and the levels proposed in the House and Senate bills by budget activity:

	House bill	Senate bill	Conference agreement
Air Traffic Organization	$6,647,305,000	$6,647,305,000	$6,647,305,000
Contract Tower base program	3,200,000	2,710,000	3,200,000
Contract tower cost-sharing program	395,000	395,000	395,000
Restoration of ARA	−222,171,000	0	0
Management of MOUs and MOAs	−500,000	0	−500,000
BTS Aviation Statistics	−4,000,000	−4,000,000	−4,000,000
Annualization Adjustment	0	−2,000,000	−2,000,000
NAS Handoff	0	−17,000,000	−17,000,000
Alien Species Action Plan	0	1,600,000	1,600,000
NY/NJ Airspace Redesign	0	(2,000,000)	(2,000,000)
Amount Recommended	6,424,229,000	6,627,010,000	6,629,000,000
Flight Service Stations Transition	91,000,000	150,000,000	150,000,000
Amount Recommended	91,000,000	150,000,000	150,000,000
Research and Acquisition	0	0	0
Restoration of office funding	222,171,000	0	0
Amount Recommended	222,171,000	0	0
Aviation Regulation and Certification/Aviation Safety	941,742,000	941,742,000	941,742,000
Flight Standards Safety inspectors	4,000,000	8,000,000	8,000,000
Aircraft Certification Service	4,000,000	4,000,000	4,000,000
Safety and Security Analytics	1,000,000	0	1,000,000
Professional Aerial Application support system	50,000		50,000
Certification of upset training program	250,000		250,000
Human Intervention and Motivation Study	0		
Medallion Program	0	2,000,000	2,000,000
Charter air service safety program			1,000,000
Amount Recommended	951,042,000	956,242,000	958,542,000
Commercial Space Transportation	11,759,000	11,759,000	11,759,000
Amount recommended	11,759,000	11,759,000	11,759,000
Financial Services	50,983,000	50,983,000	50,983,000
Personnel adjustments	−400,000	0	0
Amount recommended	50,583,000	50,983,000	50,983,000
Human Resource Management	69,943,000	69,943,000	69,943,000
Adjustments	0	0	0
Amount recommended	69,943,000	69,943,000	69,943,000
Region and Center Operations	150,744,000	150,744,000	150,744,000
Adjustments	0	0	0
Amount recommended	150,744,000	150,744,000	150,744,000
Staff Offices	141,909,000	141,909,000	141,909,000
Personnel adjustments	−1,572,000	0	91,000
Amount Recommended	140,337,000	141,909,000	142,000,000
Information Services	36,112,000	36,612,000	36,612,000
E-gov adjustment	0	500,000	−500,000
Amount recommended	36,612,000	36,112,000	36,112,000
Account-wide Adjustments:			
Personnel compensation and benefits	−8,000,000	0	0
Unfilled executive positions	−5,000,000	0	0
Working Capital Fund	−1,500,000	0	0

	House bill	Senate bill	Conference agreement
Undistributed reduction	0	−18,702,000	−13,083,000
Amount recommended	−14,500,000	−18,702,000	−13,083,000
Total	8,133,920,000	8,176,500,000	8,186,000,000

National airspace redesign.—The conference agreement includes $2,000,000 and language proposed by the Senate regarding the use of funds for the national airspace redesign project in the New York/New Jersey metropolitan area. The conferees agree to House language that no funds made available under this appropriation may be used to prepare the Environmental Impact Statement for the redesign of the New York/New Jersey/Philadelphia regional airspace, or to conduct any work as part of the review of the redesign project conducted under the National Environmental Policy Act and related laws, as long as the FAA fails to consider noise mitigation. Further, none of the funds made available for this purpose shall be reprogrammed by the FAA to other activities, including airspace redesign not directly related to New York, New Jersey, and Philadelphia airspace redesign.

Safety inspectors.—The conferees provide a total of $683,845,000 for flight standards safety inspectors and $162,271,000 for aircraft certification services to address staffing reductions. This funding level represents an increase over the budget request of $8,000,000 for flight standards safety inspectors and $4,000,000 for aircraft certification services.

The conference agreement modifies reporting requirements proposed by the House and Senate regarding safety inspector staffing in the offices of flight standards and aircraft certification, and directs FAA to submit semi-annual reports in fiscal year 2006 identifying baseline staffing levels, staffing goals, number of new hires on board, number of new hires in the pipeline, and the use of funds provided for these offices.

Information services.—The conference agreement provides $36,112,000 for information services, as proposed by the Senate, and modifies Senate language directing that no funds be transferred to another agency in support of the e-gov initiative without prior notification of the House and Senate Committees on Appropriations.

On-airport mobile refuelers.—The conferees recommend that the U.S. Department of Transportation (DOT) work with the Environmental Protection Agency (EPA) to establish reasonable methods of compliance for the EPA's Spill Prevention Control and Countermeasure (SPCC) requirements as they relate to on-airport mobile refuelers.

On-airport mobile refueling vehicles already incorporate significant spill prevention protections. The design of refuelers is regulated by DOT and incorporates numerous safety systems, including emergency cut-off switches, interlock systems, and over-fill prevention devices for minimizing the potential for spills. In addition, the FAA extensively regulates the operations of mobile refuelers and other ground vehicles at airports to ensure safe operations. Moreover, mobile refueler operations at airports are subject to EPA regulations governing stormwater discharges, and airports have response plans in place to address potential spills. The conferees urge DOT and EPA to work together to ensure that the regulations do not impose unreasonable cost burdens on the operators of the refueling vehicles.

Non-precision GPS approaches.—The conference agreement includes up to $5,000,000 for development of additional approaches and flight procedures at non-part 139 certified airports.

Air charter safety management system.—The conference agreement provides $1,000,000 for the government and industry cooperative program to improve safety for America's Part 135 on-demand air taxi industry. This program provides proactive tools for industry participants to prevent accidents and to improve and measure safety management by Part 135 on-demand air carriers.

Department of Defense schools.—FAA organizations have traditionally staffed their overseas facilities with employees who have return rights to the U.S. mainland, making their dependents qualified to attend DOD schools. In 2004, FAA reviewed the eligibility of FAA employees in Puerto Rico and determined that many were ineligible to attend these schools. The majority of employees in Puerto Rico are local hires or employees that have stayed so long that they have forfeited their return rights.

The FAA worked with DOD and its employees to allow the dependents of ineligible employees to enroll for one more year under a "good cause" continuation for the 2004-2005 school year. After FAA's determination in June 2004, another "good cause" extension was requested from DOD for the 2005-2006 school year. The conferees understand that the second extension was granted to provide adequate time to plan for the 2007 school year. FAA should continue to provide DOD school access for the dependents of eligible employees, consistent with its policies. Further, the conferees direct that the FAA provide a report to the House and Senate Committees on Appropriations by March 15, 2006 detailing the justification for its determination, assistance it provided to employees determined as ineligible, and the tuition expenses that are provided for all FAA dependents living outside of the U.S.

(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement includes $2,540,000,000 instead of $3,053,000,000 as proposed by the House and $2,448,000,000 as proposed by the Senate. Of the total amount available, $429,210,500 is available until September 30, 2006, and $2,110,789,500 is available until September 30, 2008. The conference agreement includes language proposed by both the House and Senate directing FAA to transmit a detailed five-year capital investment plan to Congress with its fiscal year 2007 budget submission.

The following table provides a breakdown of the House and Senate bills and the conference agreement by program:

BLI	Program Name	FY 2006 Estimate	House bill	Senate bill	Conference
	Activity 1- Engineering, Development Test & Evaluation				
1A01	Advanced Technology Development and Prototyping	$38,460,000	$41,460,000	$75,960,000	$68,210,000
1A02	Safe Flight 21	$32,950,000	$42,950,000	$42,950,000	$42,950,000
1A03	Aeronautical Data Link (ADL) Applications	$1,000,000	$1,000,000	$1,000,000	$1,000,000
1A04	Next Generation Very High Frequency Air/Ground Communications System (NEXCOM)	$33,500,000	$33,500,000	$33,500,000	$33,500,000
1A05	User Request Evaluation Tool (URET)	$73,300,000	$73,300,000	$68,300,000	$73,300,000
1A06	Traffic Management Advisor (TMA)	$24,000,000	$24,000,000	$22,000,000	$22,000,000
	Technology Demonstration/Louisville, KY	$0		$3,000,000	$3,000,000
1A07	NAS Improvement of System Support Laboratory	$1,000,000	$1,000,000	$1,000,000	$1,000,000
1A08	William J. Hughes Technical Center Facilities	$12,000,000	$12,000,000	$12,000,000	$12,000,000
1A09	William J. Hughes Technical Center Infrastructure Sustainment	$5,100,000	$5,100,000	$4,100,000	$4,100,000
	Global Communication, Navigation, Surveillance System (GCNSS)	$0	$0	$15,000,000	$14,000,000
	TOTAL Activity 1	**$221,310,000**	**$234,310,000**	**$278,810,000**	**$275,060,000**
					$275,060,000
	Activity 2 - Air Traffic Control Facilities & Equipment				
2A01	En Route Automation Modernization (ERAM)	$341,550,000	$341,550,000	$327,550,000	$333,550,000
2A02	En Route Communications Gateway (ECG)	$6,000,000	$6,000,000	$6,000,000	$6,000,000
2A03	En Route Systems Modifications	$34,600,000	$34,600,000	$34,600,000	$34,600,000
2A04	En Route Automation Programs	$6,900,000	$6,900,000	$6,900,000	$6,900,000
2A05	Next Generation Weather Radar (NEXRAD) - Provide	$5,100,000	$5,100,000	$5,100,000	$5,100,000
2A06	Weather and Radar Processor (WARP)	$10,500,000	$10,500,000	$10,500,000	$10,500,000
2A07	ARTCC Building Improvements/Plant Improvements	$42,400,000	$42,400,000	$34,100,000	$37,400,000
2A08	Voice Switching and Control System (VSCS)	$7,500,000	$7,500,000	$7,500,000	$7,500,000
2A09	Air Traffic Management (ATM)	$83,300,000	$83,300,000	$53,600,000	$73,300,000
2A10	Air/Ground Communications Infrastructure	$22,900,000	$22,900,000	$22,900,000	$22,900,000
2A11	ATC Beacon Interrogator (ATCBI)-Replacement	$15,400,000	$15,400,000	$18,600,000	$18,600,000
2A12	Air Traffic Control En Route Radar Facilities Inprovements	$3,000,000	$3,000,000	$3,000,000	$3,000,000
2A13	En Route Communications and Control Facilities Improvements	$1,864,500	$1,864,500	$1,864,500	$1,864,500
2A14	Integrated Terminal Weather System (ITWS)	$18,400,000	$18,400,000	$18,400,000	$18,400,000
2A15	FAA Telecommunications Infrastructure (FTI)	$57,800,000	$57,800,000	$57,800,000	$57,348,400
2A16	Guam Center Radar Approach Control (CERAP) - Relocate	$3,000,000	$3,000,000	$3,000,000	$3,000,000
2A17	Oceanic Automation System (OAS)	$35,700,000	$35,700,000	$35,700,000	$35,700,000
2A18	ATOMS Local Area/Wide Area Network	$2,200,000	$2,200,000	$2,200,000	$2,200,000
	Volcano Monitoring	$0	$0	$3,000,000	$3,000,000
	SUBTOTAL En Route Programs	**$698,114,500**	**$698,114,500**	**$652,314,500**	**$680,862,900**
2B01	Airport Surface Detection Equipment -Model X (ASDE-X)	$27,200,000	$27,200,000	$27,200,000	$30,200,000
2B02	Terminal Doppler Weather Radar (TDWR) - Provide	$8,000,000	$8,000,000	$8,000,000	$8,000,000
2B03	Terminal Automation - Phase 1	$83,200,000	$83,200,000	$83,200,000	$83,200,000
2B03X	Terminal Automation Modernization Replacement				$20,000,000
2B04	Terminal Automation Modernization Program	$39,300,000	$64,300,000	$39,300,000	$24,300,000
2B05	Terminal Air Traffic Control Facilities--Replace	$85,400,000	$130,000,000	$105,100,000	$124,800,000
2B06	Airport Traffic Control Tower (ATCT)/TRACON Facilities -Improve	$51,469,900	$51,469,900	$51,469,900	$44,233,000
2B07	Terminal Voice Switch Replacement (TVSR)/Enhancement Terminal Voice Switch (ETVS)	$8,000,000	$8,000,000	$8,000,000	$8,000,000
2B08	NAS Facilities OSHA and Environmental Standards Compliance	$20,700,000	$20,700,000	$18,700,000	$18,700,000
2B09	Houston Area Air Traffic System (HAATS)	$10,200,000	$10,200,000	$10,200,000	$10,200,000
2B10	NAS Infrastructure Management System (NIMS)	$17,000,000	$17,000,000	$17,000,000	$17,000,000
2B11	Airport Surveillance Radar (ASR-9)	$26,200,000	$26,200,000	$26,200,000	$26,200,000
2B12	Voice Recorder Replacement Program (VRRP)	$5,500,000	$7,000,000	$5,500,000	$6,000,000
2B13	Terminal Digital Radar (ASR-11)	$60,600,000	$60,600,000	$60,600,000	$60,600,000
2B14	DOD/FAA Facilities Transfer	$1,300,000	$1,300,000	$1,300,000	$3,300,000
2B15	Precision Runway Monitors (PRM)	$8,500,000	$8,500,000	$8,500,000	$8,500,000
	Multilateration technology	$0	$0	$0	$6,000,000

BLI	Program Name	FY 2006 Estimate	House bill	Senate bill	Conference
2B16	Terminal Radar (ASR)--Improve	$942,100	$942,100	$942,100	$942,100
2B17	Terminal Communications-Improve	$1,463,000	$1,463,000	$1,463,000	$1,463,000
	Integrated Control and Monitoring System	$0	$3,500,000	$0	$4,000,000
	Subtotal – Terminal Programs	**$454,975,000**	**$526,075,000**	**$472,675,000**	**$505,638,100**
2C01	Automated Surface Observing System (ASOS)	$4,500,000	$4,500,000	$4,500,000	$4,500,000
2C02	FSAS Operational and Supportability Implementation System (OASIS)	$14,300,000	$14,300,000	$10,200,000	$12,250,000
2C03	Flight Service Station (FSS) Modernization	$1,800,000	$1,800,000	$1,800,000	$1,800,000
	SUBTOTAL - Flight Service Programs	**$20,600,000**	**$20,600,000**	**$16,500,000**	**$18,550,000**
2D01	VHF Omnidirectional Radio Range (VOR) with Distance Measuring Equipment (DME)	$3,000,000	$3,000,000	$3,000,000	$3,000,000
2D02	Instrument Landing System (ILS) Establish	$8,200,000	$30,000,000	$14,025,000	$19,850,000
	Transponder Landing System	$0	$20,000,000	$0	$0
2D03	Wide Area Augmentation System (WAAS) for GPS	$100,000,000	$110,000,000	$98,500,000	$93,000,000
2D04	Runway Visual Range (RVR)	$6,000,000	$6,000,000	$6,000,000	$6,000,000
2D05	Navigation and Landing Aids Improve	$2,997,400	$2,997,400	$2,997,400	$2,997,400
2D06	Approach Lighting System Improvement Program (ALSIP)	$5,000,000	$25,000,000	$8,000,000	$9,000,000
2D07	Distance Measuring Equipment (DME)	$1,200,000	$4,000,000	$1,200,000	$1,200,000
2D08	Visual Navaids--Establish/Expand	$1,600,000	$1,600,000	$1,600,000	$1,600,000
	LORAN C	$0	$25,000,000	$10,000,000	$17,500,000
2D09	Instrument Approach Procedures Automation (IAPA)	$5,900,000	$5,900,000	$5,900,000	$5,900,000
2D10	Navigation and Landing Aids-Service Life Extension Program (SLEP)	$2,000,000	$2,000,000	$2,000,000	$2,000,000
2D11	VASI Replacement -Replace with Precision Approach Path Indicator	$3,000,000	$3,000,000	$3,000,000	$3,000,000
	SUBTOTAL - Landing & Navigational Aids	**$138,897,400**	**$193,497,400**	**$156,222,400**	**$165,047,400**
2E01	Fuel Storage Tank Replacement and Monitoring	$6,700,000	$6,700,000	$2,976,000	$3,000,000
2E02	FAA Buildings and Equipment	$11,400,000	$11,400,000	$11,400,000	$11,400,000
2E03	Electrical Power Systems-Sustain/Support	$45,000,000	$45,000,000	$40,000,000	$40,000,000
2E04	Air Navigational Aids and ATC Facilities (Local Projects)	$2,500,000	$2,500,000	$2,500,000	$2,500,000
2E05	Aircraft Related Equipment Program	$22,000,000	$22,000,000	$22,000,000	$22,000,000
2E06	Airport Cable Loop Systems-Sustained Support	$5,000,000	$5,000,000	$5,000,000	$5,000,000
2E07	Alaskan NAS Interfacility Communications System (ANICS)	$600,000	$600,000	$600,000	$600,000
	SUBTOTAL - OTHER ATC FACILITIES	**$93,200,000**	**$93,200,000**	**$84,476,000**	**$84,500,000**
	TOTAL ACTIVITY 2	**$1,405,786,900**	**$1,531,486,900**	**$1,382,187,900**	**$1,454,598,400**
	Activity 3 - Non-ATC Facilities & Equipment				
3A01	Hazardous Materials Management	$17,000,000	$17,000,000	$15,100,000	$15,100,000
3A02	Aviation Safety Analysis System (ASAS)	$13,200,000	$13,200,000	$13,200,000	$13,200,000
3A03	Logistics Support Systems and Facilities (LSSF)	$13,200,000	$13,200,000	$13,200,000	$13,200,000
3A04	Test Equipment-Maintenance Support for Replacement	$3,000,000	$3,000,000	$3,000,000	$3,000,000
3A05	National Aviation Safety Data Analysis Center (NASDAC)	$900,000	$900,000	$900,000	$900,000
3A06	National Air Space (NAS) Recovery Communications (RCOM)	$10,000,000	$10,000,000	$7,573,000	$7,573,000
3A07	Facility Security Risk Management	$30,000,000	$30,000,000	$30,000,000	$30,000,000
3A08	Information Security	$12,000,000	$12,000,000	$8,000,000	$12,000,000
3A09	Integrated Flight Quality Assurance (IFQA)	$2,000,000	$2,000,000	$2,000,000	$2,000,000
3A10	System Approach for Safety Oversight (SASO)	$9,200,000	$9,200,000	$6,350,000	$9,200,000
3A11	Aviation Safety Knowledge Management Environment (ASKME)	$2,200,000	$2,200,000	$2,200,000	$2,200,000
	SUBTOTAL - Support Equipment	**$112,700,000**	**$112,700,000**	**$101,523,000**	**$108,373,000**
3B01	Aeronautical Center Intrastructure Modernization	$16,000,000	$16,000,000	$9,500,000	$9,500,000
3B02	National Airspace System (NAS) Training Facilities	$7,500,000	$7,500,000	$7,500,000	$7,500,000
3B03	Distance Learning	$1,900,000	$1,900,000	$1,900,000	$1,900,000
	SUBTOTAL - Training Equipment & Facilities	**$25,400,000**	**$25,400,000**	**$18,900,000**	**$18,900,000**
	TOTAL - Activity 3	**$138,100,000**	**$138,100,000**	**$120,423,000**	**$127,273,000**
	Activity 4 - Mission Support				

BLI	Program Name	FY 2006 Estimate	House bill	Senate bill	Conference
4A01	System Engineering and Development Support	$32,240,000	$32,240,000	$27,595,000	$27,595,000
4A02	Safety Management System	$3,000,000	$3,000,000	$3,000,000	$3,000,000
4A03	Program Support Leases	$45,000,000	$45,000,000	$45,000,000	$45,000,000
4A04	Logistic Support Services (LSS)	$9,700,000	$9,700,000	$9,700,000	$9,700,000
4A05	Mike Monroney Aeronautical Center Leases	$13,500,000	$13,500,000	$13,500,000	$13,500,000
4A06	Transition Engineering Support	$24,000,000	$24,000,000	$24,000,000	$24,000,000
4A07	Frequency and Spectrum Engineering	$6,100,000	$8,600,000	$6,100,000	$8,600,000
4A08	Permanent Change of Station (PCS) Moves	$500,000	$500,000	$500,000	$500,000
4A09	Technical Support Services Contract (TSSC)	$33,000,000	$33,000,000	$33,000,000	$33,000,000
4A10	Center for Advanced Aviation System Development (CAASD)	$69,600,000	$86,000,000	$69,600,000	$77,800,000
4A11	NOTAMS and Aeronautical Information Programs	$10,000,000	$10,000,000	$10,000,000	$10,000,000
4A12	Flight Service Facilities - Improve	$1,163,100	$1,163,100	$1,163,100	$1,163,100
	Total - Activity 4	**$247,803,100**	**$266,703,100**	**$243,158,100**	**$253,858,100**
	Activity 5 - Personnel Compensation, Benefits and Travel				
5A01	Personnel and Related Expenses	$435,000,000	$435,000,000	$423,421,000	$429,210,500
	Accountwide Adjustment	**$0**	**$447,400,000**	**$0**	**$0**
	GRAND TOTAL	**$2,448,000,000**	**$3,053,000,000**	**$2,448,000,000**	**$2,540,000,000**

Advanced technology development and prototyping.—The conference agreement includes $68,210,000 for advanced technology development and prototyping instead of $41,460,000 as proposed by the House and $75,960,000 as proposed by the Senate. The following table compares the conference agreement to the House and Senate bills by budget activity:

Project	House	Senate	Conference
Runway Incursion	$7,100,000	$7,100,000	$7,100,000
Aviation System Capacity Improvement (ASCI)	6,500,000	6,500,000	6,500,000
Separation Standards	2,500,000	2,500,000	2,500,000
General Aviation and Vertical Flight Technology	1,500,000	1,500,000	1,500,000
Operational Concept Validation	3,000,000	3,000,000	3,000,000
NAS Requirements	800,000	800,000	800,000
Safer Skies	3,400,000	3,400,000	3,400,000
NAS Safety Assessment	1,500,000	1,500,000	1,500,000
Wake Turbulence	2,000,000	4,000,000	4,000,000
Airspace Management Laboratory	7,000,000	7,000,000	7,000,000
Wind Profiling in Juneau, AK	3,160,000	3,160,000	3,160,000
Airport Cooperative Research Program	—	10,000,000	—
GPS Anti-jam technologies	1,000,000	—	1,000,000
Fogeye	—	—	
Lithium Technologies to reduce ASR	1,000,000	—	1,000,000
Mobile Object Infrastructure Technology	—	3,000,000	2,750,000
Airport Technology Program	—	17,500,000	17,500,000
Airfield Pavements Research	$1,000,000	4,000,000	4,000,000
Runway Obstruction Warning System	—	1,000,000	1,000,000
Total	41,460,000	75,960,000	68,210,000

Airport pavement research.—Of the funds provided, $4,000,000 is for the airfield improvement program authorized under section 905 of Public Law 106–181.

Safe Flight 21.—The conference agreement includes $42,950,000 for Safe Flight 21, of which $10,000,000 is to augment ADS–B funding. The conferees direct the FAA to submit a spend plan to the House and Senate Committees on Appropriations within 30 days of enactment.

En route automation.—The conference agreement provides $333,550,000 for en route automation. FAA is given the discretion to allocate the reduction of $8,000,000 among projects within this program.

Airport surface detection equipment—Model X (ASDE–X).—The conference agreement provides $30,200,000 for ASDE—X, instead of $27,200,000 proposed by both the House and Senate. The conferees note that the ASDE–X deployment schedule has slipped by two years. Although the FAA recently announced deployment at 15 major airports, the conferees remain concerned about runway incursions and provide an additional $3,000,000 to expedite installation and deployment of ASDE–X equipment.

Airport traffic control tower TRACON facilities.—The conferees provide $44,233,830, instead of $51,469,000 as proposed by the House and Senate. The reduction is due to the prohibition of ARAC consolidation into the Oklahoma City TRACON.

Houston Area Air Traffic System (HAATS).—The conference agreement provides $10,200,000 for the HAATS.

DOD/FAA facilities transfer.—The conference agreement includes $2,000,000 to continue the FAA contribution for operation of the airport radar approach control at Lawton/Fort Sill Regional Airport in Oklahoma.

Integrated control and monitoring system (ICMS).—The conference agreement includes $4,000,000 for ICMS. Although the system has been operating successfully at six airports, the FAA is conducting an operational safety assessment of ICMS. The conferees concur with the FAA's decision to spend no more than $500,000 on this assessment, and the FAA used a portion of the fiscal year 2005 appropriation for this purpose. The conferees expect FAA to obligate the funding within three months of enactment of this Act.

Terminal automation modernization replacement (TAMR).—The conference agreement provides $20,000,000 for modernization of display systems replacement at two terminal radar approach control facilities and their associated air traffic control towers. The funding level is consistent with the budget request; however, the conference agreement provides funds under TAMR instead of the terminal automation program. The conferees note that on November 9, 2005, FAA requested interested companies with automation systems in the NAS for descriptions of their systems. The notice includes four critical sites: Chicago, Illinois; Denver, Colorado; St. Louis, Missouri; and Minneapolis—St. Paul, Minnesota, with an expected award date of January 2007. The sites were identified by the FAA as critical to upgrade. The conferees are concerned that the competition for the replacement of these four aging systems, which is only being offered to a limited number of vendors, is expected to take up to 15 months. The conferees encourage FAA to expedite consideration of proposals and make an award or awards, as the case may be, as soon as possible. In order to best address the emergency needs of each site in the most timely and efficient manner, the FAA is encouraged to independently evaluate bids based on the unique circumstances and situations at each location. Furthermore, the conferees note that if the FAA determines that air traffic control equipment at other facilities poses a critical safety risk, the conferees would consider and promptly respond to a request to reprogram funds to accommodate additional facilities if safety critical arise.

Terminal automation program.—The conference agreement provides $24,300,000 for the terminal automation program instead of $64,300,000 as proposed by the House and $39,300,000 as proposed by the Senate. The conference agreement transferred $20,000,000 provided by both the House and Senate to TAMR to reflect that FAA will complete the display modernization. The funding level includes a total of $22,000,000 to continue to sustain software at the busiest facilities in the NAS.

Terminal air traffic control facilities replacement.—The conference agreement provides $121,800,000 for this program. Funds shall be distributed as follows:

Project	*Conference agreement*
Addison Field, Dallas, Texas	$1,500,000
Battle Creek, Michigan	1,600,000
Billings, Montana	1,800,000
Boise, Idaho	7,700,000
Broomfield, Colorado	1,220,000
Champaign, Illinois	2,200,000
Cleveland, Ohio	18,225,000
Dayton, Ohio	1,300,000
Deer Valley, Arizona	2,300,000
Dulles International, Chantilly, Virginia	4,500,000
Fort Wayne, Indiana	1,300,000
Gulfport/Biloxi, Mississippi	5,000,000
Houston TRACON, Texas	4,000,000
Huntsville, Alabama	2,216,000
Jeffco Airport, Colorado	4,000,000
Kona, Hawaii	2,000,000
LaGuardia Int'l, New York	10,000,000
Lihue, Hawaii	2,000,000
Manchester, New Hampshire	1,300,000
McCarran International, Las Vegas, Nevada	3,000,000
Memphis, Tennessee	2,300,000
Memphis, Tennessee	16,100,000
Morristown, New Jersey	8,339,000
Morristown, New Jersey	1,150,000
Newport News, Virginia	2,300,000
Palm Beach International Airport, Florida	2,000,000
Palm Springs International Airport, California	2,300,000
Phoenix, Arizona	2,450,000
Reno, Nevada	3,300,000
Spokane, Washington	3,000,000
St. Louis Downtown Airport, Illinois	2,880,000
Traverse City Air Traffic Control Tower, Michigan	1,520,000

Spokane Tower.—The conferees include $3,000,000 for the demolition or relocation of seven buildings that are in the line-of-sight of the new air traffic control tower currently under construction. The conferees also understand that the need to build additional duct banks and other costs will require additional resources in fiscal year 2006 in order for the tower to be commissioned on August 27, 2007. The conferees direct the FAA to utilize unobligated balances within the tower program to fully cover these additional costs.

Wide area augmentation system (WAAS).—The conferees provide $93,000,000 for WAAS, instead of $110,000,000 as proposed in the House and $98,500,000 as proposed by the Senate. Of the funds provided, no less than $5,000,000 is for approaches at airports without an existing ILS. The conferees note that an additional $10,000,000 was provided for WAAS in a reprogramming letter dated September 20, 2005.

Chicago O'Hare.—The conferees remain concerned that congestion and delays at major hubs impact the national airways system. Improving overall efficiency through investment in technology and procedures will increase capacity while long-term solutions to airport congestion continue to be developed. The conferees support and encourage the FAA to make the following improvements to operations at O'Hare International Airport: (1) expeditiously install a multilateration system and accelerate deployment of the ASDE–X radar system to improve ground handling of aircraft and (2) redesign the descent corridor airspace and implement new RNAV arrivals and idle descents.

Detroit Metro Airport, Michigan.—Detroit Metro Airport was identified as a candidate airport where FAA should consider installation of the precision runway monitor (PRM) system to improve airport capacity in inclement weather conditions. Since then, FAA has begun to limit PRM deployment in favor of multilateration technology. Since the need for capacity improvements at Detroit Metro remains valid and FAA is moving away from PRM deployments, the conferees provide $6,000,000 to develop and implement multilateration technology at this airport.

Approach lighting system improvement program.—The conference agreement provides $9,000,000 for the approach lighting system improvement program. Of the amount provided, $3,000,000 is to continue the program of providing lighting systems at rural airfields throughout Alaska, and $1,000,000 is for a medium-intensity approach lighting system replacement (MALSR) for Lee Gilmer Airport in Gainesville, Georgia. The conferees do not include House language directing $5,000,000 to procure MALSR equipment, as a significant number of procured systems have not been installed. Further, the conference agreement includes language proposed by the Senate regarding issuing new MALSR specifications.

Instrument landing system establishment.—The conference agreement provides $19,850,000 for the instrument landing system establishment. Funds shall be distributed as follows:

Fort Lauderdale-Hollywood, Florida	Install previously procured approach lighting system (runway 31)	$1,800,000
Long Beach, California	Install previously procured approach lighting system (runway 25R)	2,000,000
Hartsfield-Jackson International, Georgia	Acquire and install replacement LPDME	400,000
Keokuk Municipal, Iowa	Install previously acquired glide scope	550,000
Klawock, Alaska	Install previously acquired ILS	1,800,000
McCook Municipal, Nebraska	Phase II installation of glide slope and PAPI system	675,000
Western Nebraska (Scottsbuff) Regional, Nebraska	Acquire and install glide slope and MALSR	1,900,000
McAllen-Miller Airport, Texas	Acquire and install ILS	1,623,000
Somerset Airport, Kentucky	Installation of previously acquired ILS	1,525,000
Leesburg Executive Airport, Virginia	Installation of previously acquired ILS	2,000,000
Ozark Regional Airport, Arkansas	Final phase of ILS installation	577,000

In addition, the conference agreement includes $4,400,000 for the cost sharing initiative and $600,000 for the FAA to conduct site surveys to determine costs and feasibility for installing instrument landing systems at the following airports: Reno/Tahoe International, Nevada; University Park, Pennsylvania; Aiken Municipal, South Carolina; Wendover, Utah; Menomonie Municipal—Score Field, Wisconsin; and Taylor County, Wisconsin.

Frequency and spectrum engineering.—The conference agreement includes $8,600,000 for frequency and spectrum engineering, of which $2,500,000 is for the national airspace interference detection location and mitigation project.

Center for advanced systems development (CAASD).—The conference agreement provides $77,800,000 for CAASD. The conferees encourage the use of funds to support of simulations and technical analysis to ensure implementation of constant descent arrivals using aircraft based spacing and merging.

Transponder landing system.—The conference agreement does not provide funds for this program.

RESEARCH, ENGINEERING AND DEVELOPMENT

The conference agreement provides $138,000,000 for research, engineering, and development instead of $130,000,000 as proposed by the House and $134,500,000 as proposed by the Senate. The following table compares the conference agreement to the House and Senate bills by budget activity:

Program	House bill	Senate bill	Conference agreement
Improve Aviation Safety:			
Fire research and safety	$6,244,000	$6,244,000	$6,244,000
Propulsion and fuel systems	4,049,000	5,049,000	5,799,000
Advanced material/structural safety	2,613,000	3,213,000	5,941,000
Atmospheric hazards/digital system safety	3,441,000	3,441,000	3,441,000
Aging aircraft	19,007,000	20,007,000	20,007,000
Aircraft catastrophic failure prevention research	3,340,000	3,340,000	3,340,000
Flightdeck maintenance/system integration human factors	8,181,000	8,181,000	8,181,000
Aviation safety risk analysis	4,932,000	4,932,000	4,932,000
Air traffic control airways facility human factors	9,654,000	9,654,000	9,654,000
Aeromedical research	6,889,000	8,889,000	8,889,000
Weather program—safety	20,582,000	20,582,000	20,582,000
Improve efficiency:			
Joint program and development office	18,100,000	17,000,000	18,100,000
Wake Turbulence	2,296,000	2,296,000	2,296,000
Reduce Environment Impacts—Environment and Energy			
Mission Support	16,008,000	17,008000	16,000,000
System Planning and Resource Management	1,271,000	1,201,000	1,201,000
William J. Hughes Technical Center Laboratory Facility	3,393,000	3,393,000	3,393,000
Total	130,000,000	134,500,000	138,000,000

Propulsion and fuel systems.—Of the funds provided, $500,000 is to continue the evaluation of molecular markers for detecting the adulteration or dilution of jet fuel; $300,000 is for research into modifying general aviation piston engines to enable their safe operation using unleaded aviation fuel; $500,000 is for research into aviation grade ethanol fuels at South Dakota State University; $400,000 for the Center of Excellence for General Aviation research; and $750,000 is for simulation of containment of airplane engine failure at the George Washington University in Virginia.

Advanced materials/structural safety.—Of the funds provided, $4,000,000 is for research and equipment at the National Institute for Aviation Research at Wichita State University and $400,000 is for advanced materials research at the University of Washington.

Aging Aircraft.—Of the funds provided, $1,000,000 is for the Center for Aviation Systems Reliability; $1,265,000 is for the Aging Aircraft Nondestructive Inspection Validation Center; $1,000,000 is for the National Institute for Aviation Research; $1,325,000 is for Center for Aviation Research and Aerospace Technology; and $100,000 is for the Center of Excellence for General Aviation Research.

Flightdeck safety/systems integration.—Of the funds provided, $235,000 is to continue developing in-flight simulator training for commercial pilots at the Flight Research Training Center.

Aeromedical research.—Of the funds provided, $2,000,000 is to continue studies related to cabin air quality to be conducted by the Center of Excellence for Cabin Environment Research.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement includes a liquidating cash appropriation of $3,399,000,000 instead of $3,600,000,000 as proposed by the House, and $3,390,000,000 as proposed by the Senate.

Obligation limitation.—The conferees agree to an obligation limitation of $3,550,000,000 for the "Grants-in-aid for airports" program, instead of $3,600,000,000 as proposed by the House and $3,500,000,000 as proposed by the Senate.

Administration.—The conference agreement includes a limitation on administrative expenses of $71,096,000 as proposed by the Senate.

Small community air service development program.—The bill includes $10,000,000 under the obligation limitation to continue the small community air service development program instead of $20,000,000 as proposed by the Senate. The House had no similar funding.

Airport cooperative research program.—The bill includes $10,000,000 under the obligation limitation for the airport cooperative research program, as proposed by the House. The Senate provided funds under the facilities and equipment appropriation.

High priority projects.— Of the funds covered by the obligation limitation in this bill, the conferees direct FAA to provide not less than the following funding levels, out of available resources, for the following projects. The conferees agree that state apportionment funds may be construed as discretionary funds for the purposes of implementing this provision. To the maximum extent possible, the administrator should work to ensure that airport sponsors for these projects first use available entitlement funds to finance the projects. However, the FAA should not require sponsors to apply carryover entitlements to discretionary projects funded in the coming year, but only those entitlements applicable to the fiscal year 2006 obligation limitation. The conferees further direct that the specific funding allocated below shall not diminish or prejudice the application of a specific airport or geographic region to receive other AIP discretionary grants or multiyear letters of intent.

Airport Name	*Project Description*	*Conference*
Sitka Rocky Gutierrez Airport, AK	Design airport improvements	$ 325,000
Abbeville Municipal Airport, AL	Rehabilitate runways	1,000,000
Huntsville International - Jones Field Airport, AL	Construct taxiway L	2,000,000
Richard Arthur Field Airport, AL	Hangar development	300,000
Boone County Regional Airport, AR	Ramp rehabilitation	300,000
Texarkana Regional Airport, AR	Construct ARFF building	1,000,000
Phoenix Deer Valley Airport, AZ	Land acquisition	3,000,000
Phoenix Sky Harbor Airport, AZ	Noise reduction	1,000,000
Phoenix Sky Harbor Int'l Airport, AZ	Taxiway reconstruction	3,250,000
Williams Gateway Airport, AZ	Perimeter road construction	1,500,000
Kern Valley Airport, CA	Runway extension	1,250,000
Meadows Field Airport, CA	Cargo apron	2,000,000
Nut Tree Airport, CA	Airport expansion	800,000
San Bernardino International Airport, CA	Various improvements	4,000,000
Stockton Airport, CA	Master plan update	500,000
Delaware Airpark	Construct runway and taxiway system phase III and land acquisition	2,500,000
Fort Lauderdale Hollywood International Airport, FL	Broward County automated people mover	750,000

Airport Name	*Project Description*	*Conference*
Gainesville Regional Airport, FL	Runway and taxiway renovations and various improvements	2,000,000
Jacksonville International Airport, FL	Reconstruct terminal apron and taxiway improvements	4,000,000
Miami International Airport Runway, FL	Runway rehabilitation	1,000,000
Space Coast Regional, FL	Rehabilitation of apron	1,000,000
Augusta Regional Airport, GA	Terminal developement program	2,500,000
Greene County Regional Airport, GA	Runway and taxiway extension	1,150,000
Southwest Georgia Regional Airport, GA	Runway extension	750,000
Ankeny Regional Airport, IA	Safety improvements, apron and runway expansion and various improvements	3,650,000
Council Bluffs Municipal Airport, IA	Extend and rehabilitate crosswind runway 14/32	3,000,000
Fairfield Municipal Airport, IA	Construct runway 18/36	3,200,000
DeKalb Taylor Municipal Airport, IL	Land acquisition and development	2,750,000
Lewis University Airport, IL	Land acquisition approach protection for runway 9/27	1,000,000
Quad City International, IL	Various improvements	2,000,000
Southern Illnois Airport, IL	Various improvements	500,000
Waukegan Regional Airport, IL	Environmental impact study (EIS) for runway extension project	1,450,000
Gary/Chicago Airport, IN	Runway safety area improvements, rail relocation project	1,000,000
Independence Municipal Airport, KS	Various improvements	1,400,000

Airport Name	*Project Description*	*Conference*
Ottawa Municipal Airport, KS	Apron reconstruction	400,000
Barkley Regional Airport, KY	Runway improvments.	1,100,000
Louisville International - Standiford Field, KY	Noise mitigation.	3,000,000
Somerset Airport, KY	Kit Cowan Road relocation	1,400,000
Baton Rouge Metropolitan Airport, LA	Rehabilitate taxiway lighting and various improvements	3,800,000
Houma-Terrebonne Airport, LA	Widen taxiway	1,750,000
Lafayette Airport, LA	Construct taxiway B, phase 2	2,200,000
Monroe Regional Airport, LA	New passager terminal	1,000,000
New Orleans International Airport, LA	Various improvements	5,000,000
Baltimore-Washington International, MD	Airport improvements	875,000
Auburn-Lewiston Municipal Airport, ME	Construct parallel taxiway	200,000
LifeFlight Airport, Bangor, ME	LifeFlight helipad improvements	200,000
Capitol City Airport, MI	Runway extension project	3,000,000
Detroit Metropolitan Airport, MI	Glycol force main	1,000,000
Detroit Metropolitan Airport, MI	Capacity enhancements - runway; environmental work	2,000,000
Detroit Metropolitan Airport, MI	Capacity preservation - runway	5,000,000
Huron County Memorial Airport, MI	Land Acquistion and various improvements	500,000

Airport Name	*Project Description*	*Conference*
Kalamazoo/Battle Creek Airport, MI	Airport terminal	1,500,000
Manistee County Blacker Airport, MI	Various improvements	500,000
Minneapolis-St. Paul International Airport, MN	Terminal and apron improvements	500,000
Jefferson City Airport, MO	Extend taxiways	1,250,000
Mexico Memorial Airport, MO	Jet fuel improvements and terminal renovations	190,000
Moberly Airport, MO	Airport improvements	1,940,000
Nevada Airport, MO	Runway Rehabilitation	1,750,000
Springfield Branson Airport, MO	Replacement Terminal Construction	2,870,000
Bruce Campbell Field, MS	Construct terminal and access road	1,000,000
Corinth-Alcorn County Airport, MS	Land acquisition	500,000
Golden Triangle Regional Airport, MS	Various improvements	1,000,000
Gulfport-Biloxi International Airport, MS	Perimter Road and taxiway rehabilitation	2,250,000
Iuka Airport, MS	Runway and facility improvements	500,000
Jackson Evers International Airport, MS	Airfield improvements	2,250,000
Tunica Airport, MS	Runway extension, lighting, and ILS	500,000
Billings Logan International Airport, MT	Runway	1,000,000
Concord Regional Airport, NC	Runway and various improvements	1,500,000

Airport Name	*Project Description*	*Conference*
Halifax-Northampton Regional Airport, NC	Construct new runway	650,000
Johnston County Airport, NC	Runway extension	650,000
Monroe Airport, NC	Runway expansion	1,000,000
Rockingham County Airport, NC	Land acquisition and various improvements	500,000
Rowan County Airport, NC	Land acquisition	1,000,000
Stanly County Airport, NC	Land acquisition	1,000,000
Statesville Airport, NC	Runway extension and environmental assessment	2,500,000
Wilmington International Airport, NC	Rehabilitate runway 6/24	650,000
Bismarck Municipal Airport, ND	Rehabilitate/expand apron and taxiway	800,000
Devils Lake Municipal Airport, ND	Perimeter Fence, ARFF Building, taxiway extension and various improvements	1,200,000
Jamestown Municipal Airport, ND	Perimeter Fence, ARFF Building, taxiway extension and various improvements	1,650,000
Western Nebraska Regional Airport, NE	Airport improvements	1,350,000
Alexander Municipal Airport, NM	Crosswind runway	650,000
Greater Buffalo International Airport, NY	Construct glycol treatment reed beds	500,000
Greater Rochester International Airport, NY	Construct taxiway	2,600,000
Niagara Falls International Airport, NY	Construct access road and apron	3,100,000
Westchester County Airport, NY	ILS System upgrade and various improvements	1,000,000

Airport Name	*Project Description*	*Conference*
Akron-Canton Regional Airport, OH	Centralized deicing pad and glycol runoff containment facility	2,400,000
Put-in-Bay Airport, OH	Various improvements	300,000
The Ohio University Airport, OH	Various improvements	800,000
Toledo Express Airport, OH	Terminal improvements	800,000
Ardmore Municipal Airport, OK	Rehabilitate Runway 17/35	1,000,000
R.L. Jones, Jr. Airport, OK	Airport improvements	1,225,000
West Woodward Airport, OK	Runway extension and airport improvements	1,300,000
Rogue Valley Airport, OR	Terminal improvements.	2,000,000
Doylestown Airport, PA	Extend runway cost benefit analysis	500,000
Fayette County Airport Authority, PA	Land acquisition	1,000,000
Philadelphia International, PA	Airport improvements	1,750,000
Pittsburgh International Airport, PA	Glycol collection	2,000,000
Venango Regional Airport, PA	Security upgrades	200,000
Dillon County Airport, SC	Airport improvements	500,000
Black Hills Clyde Ice Field, SD	Land aquistion and improvements.	200,000
Chattanooga Airport, TN	Reconstruction of runway 15/33	2,000,000
Everett Stewart Airport, TN	Runway extension	1,000,000

Airport Name	*Project Description*	*Conference*
Nashville International Airport, TN	Runway 13-31 Improvements	1,375,000
Upper Cumberland Regional Airport, TN	Extend runway	600,000
Alliance Airport, TX	Runway extension	4,000,000
Collin County Regional Airport, TX	Rehabilitate parallel taxiway	1,250,000
Denton Municipal Airport, TX	Runway 17/35 extension and parallel taxiway extension	2,000,000
Easterwood Airport, TX	Rehabilitate Runway 16/34	2,700,000
Granbury Municpal Airport, TX	Construct new runway 18/36	1,000,000
La Porte Municipal Airport, TX	Rehabilitate taxiway, aircraft parking apron, and install security fencing	1,400,000
Waco International, TX	Construct taxiway and airport service road	1,250,000
Breaks Interstate Regional Airport, VA	Environmental assessment for new airport	200,000
Lee County Ariport, VA	Construction of partial taxiway	475,000
Snohomish County (Paine Field), WA	Kilo One taxiway ADG-V improvements	3,500,000
L.O. Simenstad Municipal Airport, WI	Reconstruct and extend runway, construct parallel taxiway and develop hangar area	2,000,000
La Crosse Municipal Airport, WI	Construct taxiway F	1,325,000
Manitowoc County Airport, WI	Reconstruction of runway 17/35	2,000,000
Merrill Municipal Airport, WI	Construct parallel taxiways, hangar area and terminal building	2,000,000
New Richmond Regional Airport, WI	Apron rehabilitation	1,400,000

Airport Name	*Project Description*	*Conference*
Rhinelander-Oneida County Airport, WI	Extend and reconstruct runway 15/33	2,000,000
Rice Lake Regional Airport, WI	Strengthen primary runway and parallel taxiway	2,400,000
Sheboygan County Memorial Airport, WI	Land Acquisition; construct primary runway extension	2,000,000
Taylor County Airport, WI	Expand runway	2,000,000
WV Statewide	Airport improvements	8,000,000

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

The conference agreement includes a rescission of contract authority of $1,032,000,000 instead of $469,000,000 proposed by the House and $1,174,000,000 as proposed by the Senate.

ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION

Section 101 retains a provision authorizing airports to transfer instrument landing systems and other equipment purchased with federal airport grants to the FAA, subject to certain conditions, as proposed by the House and Senate.

Section 102 allows 375 technical staff-years at the Center for Advanced Aviation Systems Development as proposed by the House and Senate.

Section 103 prohibits funds for adopting guidelines or regulations requiring airport sponsors to provide FAA "without cost" building maintenance, or space as proposed by the House and Senate.

Section 104 retains a Senate provision that permits reimbursement for fees collected and credited under 49 USC 45303. The House bill contained no similar provision.

Section 105 retains a provision proposed in the Senate bill that allows reimbursement of funds for providing technical assistance to foreign aviation authorities to be credited to the Operations account. The House bill contained no similar provision.

Section 106 retains a provision proposed by the House prohibiting funds to change weight restrictions or prior permission rules at Teterboro Airport in New Jersey. The Senate bill contained no similar provision.

Section 107 retains a provision proposed by the House prohibiting funds for engineering work related to an additional runway at Louis Armstrong New Orleans International Airport in Louisiana. The Senate bill contained no similar provision.

Section 108 includes a provision as proposed by the House and modifies a Senate provision concerning the continuation and mandatory expansion of the war risk insurance program. The conference agreement extends the existing terms and conditions of the program for one year, until December 31, 2006. The conferees note that, under the provisions of section 106 of Public Law 108–176, the Secretary continues to have the authority to extend war risk insurance to aircraft manufacturers at his discretion. The Senate provision extending the virtual primary airport subsidies is addressed under section 109.

Section 109 modifies a Senate provision regarding extending virtual primary airport subsidies for fiscal year 2006. It is the conferees intent that this will be the last extension for such subsidies.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

The conference agreement limits administrative expenses of the Federal Highway Administration (FHWA) to $364,638,000, as proposed by the Senate instead of $359,529,000 as proposed by the House. This amount assumes funding for six additional full-time equivalent staff years (FTES) to help oversee FHWA major projects, for an overall agency total of 2,430 FTES. The conferees recommend the following adjustment to the budget request by program and activity:

Administrative funding in support of oversight and stewardship activities	$4,000,000

The conferees direct FHWA to submit with the fiscal year 2007 budget justification a report describing the cost, schedule, funding, and technical status of all major projects and an explanation of significant risks to costs, schedules, funding or technical issues.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The conference agreement limits obligations for the federal-aid highways program to $36,032,343,903 instead of $36,287,100,000 as proposed by the House and $40,194,259,000 as proposed by the Senate.

The conference agreement includes bill language, as proposed by the House, which allows the Secretary to charge and collect fees from the applicant for a direct loan, guaranteed loan, or line of credit to cover the cost of the financial and legal analyses performed on behalf of the Department as authorized under section 605(b) of title 23, United States Code. The fees so collected are not subject to any obligation limitation or the limitation on administrative expenses set for the infrastructure finance program under section 608 of title 23, United States Code.

The conferees recognize the importance of permitting States to use transportation enhancement funds for historic preservation. The conferees direct the FHWA to continue approving the use of transportation enhancement funds for the preservation or restoration of historic courthouses when there is a linkage to transportation, consistent with past practices.

LIMITATION ON TRANSPORTATION RESEARCH

The conference agreement includes a general limitation on transportation research of $429,800,000 instead of $485,000,000 as proposed by the House and $408,491,420 as proposed by the Senate. Within this level, the conference agreement includes funding for the following activities:

Surface transportation research, development, deployment program	$196,400,000
Training and education program	26,700,000
Bureau of Transportation Statistics	27,000,000
University transportation research	69,700,000
Intelligent transportation systems research	110,000,000

BUREAU OF TRANSPORTATION STATISTICS

Under the obligation limitation of the FHWA and within the sublimitation for transportation research, the conference agreement provides $27,000,000 for the Bureau of Transportation Statistics (BTS). Since the passage of the Norman Y. Mineta Research and Special Programs Improvement Act, Public Law 108–426, on November 30, 2004, BTS is a part of the Research and Innovative Technology Administration (RITA) within the Department. Accordingly, additional information regarding BTS is included in the RITA section of this report.

FERRY BOATS AND FERRY TERMINAL FACILITIES

Within the funds available for ferry boats and ferry terminal facilities, funds are to be available for the following projects and activities:

Project	*Amount*
Beale Street Landing/Docking Facility, Memphis, TN	$2,500,000
Bridgeport High Speed Ferry, CT	2,750,000
Delaware Ferry Terminal NJ	2,000,000
Ferry Boat New Construction, WA	1,700,000
Ferryboat Vessel Acquisition, Erie, PA	500,000
Fire Island Ferry Terminal, Saltaire, NY	400,000
Harbor Commission Car Ferry, Cassville, WI	400,000
Homer-Halibut Cove-Jakolof Bay-Seldovia Ferry, AK	1,000,000
Iowa-illinois Regional Ferry Service, IA	300,000
Kitsap Transit, purchase a low-wake passenger-only ferry, WA	1,500,000
Kitsap Transit, Rich-Passage Wake Impact Study, Bremerton, WA	2,300,000
LaGuardia Airport Ferry, NY	600,000
Long Branch Ferry Pier, NJ	900,000
Lorain Port Authority Black River Excursion Vessel, OH	500,000
Manns Harbor Maintenance Facility, NC	3,000,000
Mayport Vessel Replacement, Jacksonville, FL ..	700,000
Oaklahoma City Water Transport System, OK	1,250,000
Port Aransas Ferryboat, TX	500,000
Replacement of Kennedy Class Ferries, NY	1,000,000
San Francisco Bay Area Water Transit Ferry Boat Oyster Point, CA	800,000
Savannah Water Ferry, GA	1,000,000
Sound Class Ferry, Ocracoke, NC	2,750,000
Stamford High Speed Ferry, CT	2,750,000
Staten Island Fast Ferry Purchase, NY	2,000,000
Thames Shipyard/Cross Sound Ferry Terminal, CT	500,000
Vashon Island Passenger Ferry, WA	1,400,000

TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PROGRAM

Within the funds made available for the transportation and community and system preservation program, funds are to be distributed to the following projects and activities:

Project	*Amount*
Bridge for Kids, Carbon River Pedestrian Bridge, Orting, WA	$750,000
Bristol Chestnut Street Resurfacing, Sidewalks, and Drainage, RI	600,000
Brooklyn Queens Express Mitigation Study, NY	300,000
Cambridge Rail Yard Revitalization, NY	600,000
Choctaw Roads, MS	3,000,000
City of Clinton Downtown Revitalization, MO	500,000
City of Guin Industrial Commercial Park, AL	150,000
City of Newburgh, NY	350,000
City of Parsons Streetscape Improvements, WV	1,520,000
City of Vermillion Downtown Streetscape Project, SD	500,000
Clark County Fairgrounds Improvements, OH	450,000
Clean Fuel Service Station, NY	320,000
Colchester, VT Route 15 Streetscape and Pedestrian Crossing Signal, VT	250,000
Columbus Train Depot, Columbus, GA	250,000
Connecticut River Scenic Byway, MA	575,000
Construction of an elevated rail corridor from Douglas Avenue to 17th Street North, Wichita, KS	900,000
Construction on Watterson Trail and Plantside Drive, KY	700,000
Corridor Access Management on Route 7/20 Pittsfield/Lenox, MA	190,000
County Highway A, Douglas County, WI	1,950,000
Creation of a pedestrian/bike path, Thompson, CT	150,000
Daniel Webster College, NH	1,000,000
Design and construction of Portzer Road connector, PA	450,000
Downtown Dodge City Core Streetscaping, KS	800,000
Downtown Parking Garage in Windham, CT	500,000
Extension of River Road, KY	500,000
Flagler Drive Improvement Project, West Palm Beach, FL	1,500,000
Fort Eustis Gateway Improvements, VA	850,000
Grand Avenue Traffic Improvements, Grover Beach, CA	300,000
Greenville Borough Streetscape Enhancements, PA	2,000,000
Harden Street, SC	100,000
Highway 165 Stuttgart Railroad Overpass, AR	350,000
Historic District Streetscape and Transportation Improvements, Port Townsend, WA	500,000
Holmes County Trail Enhancements, OH	250,000
Honeybranch Industrial Park Road, Martin County, KY	400,000
Houghton Road Corridor Transportation Initiative, Pima County, AZ	1,000,000
Houston Computerized Traffic Signal System, TX	1,500,000
Hummelstown East Main Street and Walton Avenue Improvements, PA	750,000
I-73, SC	1,250,000
Improvements to Junction Bridge, AR	3,000,000
Inman Parkway Extension, Beloit, WI	500,000
Intersection Improvements near Plano Extension Center, Plano, IL	755,000
Lemon Grove Lighting Project, CA	300,000
Lincoln South and West Beltway, NE	750,000
Logan Southwest Gateway Project, Logan, UT	600,000

Martinsburg Roundhouse Center, WV	680,000
Mason County Tourism Mural Project, WV	100,000
Mount Greylock Scenic Byway Road Improvements, MA	1,000,000
Natchez Historical Trail, MS	200,000
National Guard Armory Road, Haleyville, AL	370,000
New Orleans City Park Roadway Improvements, LA	1,000,000
Newberg-Dundee Transportation Improvement Project, OR	500,000
North Broadway Streetscape Project, CA	100,000
North Hempstead Hybrid Vehicle Fleet, NY	275,000
Old Montauk Highway, NY	300,000
Olmsted Parks Historic Bridges, KY	200,000
Park Forest Street Lighting, IL	250,000
Pedestrian Tunnel and Trail, Stockbridge, GA	530,000
Pedestrian Walkway Project, Calimesa, CA	1,000,000
Pembroke Rail Feasibility Study, NC	150,000
Queen's Medical Center H-1 Off-ramp, HI	2,000,000
Reading River Road Extension, PA	400,000
Reconstruction of Main Street, Duvall, WA	250,000
Resurface San Juan County Road 4990, NM	575,000
Resurfacing and sidewalks Chesnut Street, Bristol, RI	500,000
Richmond Downtown Revitalization, MO	1,000,000
Robeson County Rail Spur Feasibility Study, NC	200,000
Safety improvements Fruit Hill Road, Providence, RI	300,000
Santa Monica Boulevard/Western Intersection Safety Project, CA	155,000
Shelby Intermodal Hub, MT	1,000,000
Sidewalk Enhancement, Buckhannon, WV	50,000
Sidewalk replacement, Superior, WI	525,000
SLU Streetscape Improvements, MO	1,500,000
Snow plows for the Mackinac Island State Park Commission, MI	225,000
Springfield Downtown Streetscape Improvements, MO	1,000,000
SR-154 Memorial Drive, construct sidewalks, GA	500,000
St. Louis Central Business District Street Improvements, MO	250,000
Street Improvements, Lower Moreland Township, PA	110,000
Street Road PA Route 132 Expansion Project, PA	450,000
Swamp Road Improvement Project, PA	900,000
Syracuse Connective Corridor , Syracuse, NY	2,000,000
Tampa Bay regional transportation vision and planning for six county metro area, Pinellas County, FL	100,000
Texas Medical Center Emergency Services Access, TX	750,000
Town of Frisco West Main Street Safety Study, CO	1,000,000
Town of North Kingstown Main Street Improvements, RI	500,000
Twin Peaks Road Corridor Design and Engineering, AZ	500,000
U.S. Route 150 entrance Galesburg Logistics Park, IL	400,000
US 90 Beautification Project, TX	150,000
US Highway 54 Improvements, Kingman County, KS	500,000
Walnut Grove Ave Traffic Light, Rosemead, CA	85,000

Washington State Transit Car Sharing Job Access Project, WA	500,000
West City Park Road Resurfacing, Festus, MO	160,000
Widening of 20th Street and 20th Avenue, Haleyville, AL	1,000,000
Winooski East Bicycle and Pedestrian Path in VT	150,000

FEDERAL LANDS

Within the funds available for the federal lands program, funds are to be available for the following projects and activities:

Project	*Amount*
14th Street Bridge Corridor Improvements, VA	$800,000
17-Mile Road Reconstruction, WY	530,000
200 Line Road Project, Makah Indian Tribe, WA	1,500,000
A. Teague Parkway Extension, Red River Refuge, LA	1,250,000
Agua Caliente Cultural Museum Road Improvements, CA	750,000
Alaska Trails Initiative, AK	2,525,000
Battlefield Parkway Expansion from Kincaid Boulevard to Route 7, Leesburg, VA	3,000,000
Bear River Migratory Bird Refuge Access Road, UT	750,000
BIA Route 27 Reconstruction, SD	1,000,000
Blackstone River Bikeway, RI	3,650,000
Bluff Street Corridor (SR–18), UT	575,000
Boston Harbor Islands, Accessible Floats and Ramps, MA	1,000,000
Campobello International Park paving of main road and parking area	1,500,000
Chickasaw Museum and Cultural Center, Natchez Trace Parkway, MS	450,000
City of Rocks Back Country Byway, ID	3,000,000
Craig Road Grade Separation, Las Vegas, NV	5,000,000
Crow's Neck Environmental Education Center, Tishomingo County, MS	150,000
Elm Street Garage Improvements, New Bedford, MA	300,000
FDA Access Road, Montgomery County, MD	500,000
FH 24, Banks to Lowman, ID	1,000,000
Forest Road 235 in Magdalena Ridge, NM	1,165,000
Fort Campbell U.S. 41A Force Protection Barrier Project in Fort Campbell, KY	1,600,000
Fort Peck Reservoir Fishing Access Roads, MT	3,000,000
Ft. George Island Traffic Study, FL	300,000
Golden Gate National Parks Conservancy Parks and Trails, CA	600,000
HCRH Improvements, Cascade Locks, OR	500,000
Hoover Dam Bypass Bridge, Arizona and Nevada	1,000,000
Hoover Dam Bypass Bridge, AZ	6,000,000
Hopi/Navajo Route 60 in Navajo County, AZ	1,000,000
Hwy 49-Hwy 7 Connector Road, Leflore County, MS	1,000,000
Hyde Park Information and Transportation Center, NY	1,500,000
Improvements to Turquoise Trail BIA Route 4, AZ	750,000
Interstate 580 Freeway Extension, NV	1,000,000
Jamestown 2007 Project, VA	1,625,000
LA Highway 117 Environmental Assessment, LA	500,000
Lake Mead Parkway Improvements, City of Henderson, NV	3,000,000
Lone Pine Dam, Navajo County, AZ	2,000,000
Lowell Canal Walkway-Red Cross River Reach, MA	1,000,000
Lower Elwha Tribe Access Road Project, WA	1,000,000
Marine Corps Heritage Center Interchange, VA	1,000,000
Navajo Route 13 Rehabilitation, NM	1,540,000
Needles Highway, San Bernardino, County, CA	1,000,000
Northern Virginia Recreation Trail Connections, VA	500,000
Ocean County Route 539 Crossing Resurfacing Upgrade, NJ	250,000
Pikes Peak Erosion and Sedimentation Control, CO	1,200,000
Preston North and South in Richardson County, NE	200,000
Reconstruction of S–323, Alzada to Ekalaka, MT	400,000
Repaving of Delta/Drummond Road, US Forest Highway 35, WI	2,300,000
Riverwalk construction, Lowell, Middlesex, MA	1,000,000
Road to the Lower Elwha Klallam Tribe Reservation, WA	750,000
Salmon Falls Creek Bridge, ID	200,000
San Juan County Road 442 in the Navajo Nation, UT	150,000
San Juan County Road 444 in the Navajo Nation, UT	330,000
San Juan County Road 470 in the Navajo Nation, UT	250,000
SD 40 Resurfacing from Hermosa, South Dakota to Shannon County, Line, DS	3,000,000
Sequoyah National Wildlife Refuge, OK	60,000
SH 145 Dolores to Stoner, CO	4,800,000
Skaitook Lake Access Roads, OK	150,000
South Access to Golden Gate Bridge, CA	1,250,000
South Dupree Road BIA Route 15, SD	500,000
Spirit Lake Reservation Tokio-Ephriam Road, ND	400,000
SR 160 Blue Diamond Highway Widening, Valley View to Rainbow, NV	3,750,000
SR 4-Wagon Trail Realignment, CA	750,000
SR 92/I–15 Interchange, Utah County, UT	1,500,000
SR–92, I–15 Interchange to SR–146, UT	500,000
Stones River National Battlefield Tour Route, TN	500,000
Summit Valley Road, San Bernardino County, CA	1,000,000
Sumpter Valley Railroad Restoration, Baker County, OR	500,000
Taholah School Access Road Project, Quinault Indian Nation, WA	2,500,000
Thomas Cole National Historic Site, NY	745,000
Tohono Oodham highway improvements, AZ	850,000
Trail Forever Golden Gate Conservancy, CA	400,000
ZU.S. 26 Passing Lanes, Wasco County, OR	500,000
US 93 Evaro to Polson Corridor, MT	600,000
Valles Caldera National Preserve, NM	1,475,000
West Vail Pass Vegetated Wildlife Overpass, CO	500,000
Wilson Lake Cedar Creek Bridge Crossing, KS	130,000

INTERSTATE MAINTENANCE DISCRETIONARY

Within the funds available for the interstate maintenance discretionary program, funds are to be available for the following projects and activities:

Project	*Amount*
Bluff Street and I-15 Interchange near St. George, UT	$1,400,000
Cactus Avenue/ I-15 Interchange Project, NV	1,000,000
El Paso's Great Streets, TX	300,000
Fairmont Gateway Connector System, WV	3,000,000
Frontage Road Construction, Lake Charles, LA	1,500,000
Highway 156, Monterey County, CA	500,000
I-10 Cypress Avenue Overcrossing, Fontana, CA	1,000,000
I-15 Bluff Street Interchange, St. George, UT	2,200,000
I-15 Reconstruction Salt Lake County, UT	4,000,000
I-15/Base Line Road Interchange, Rancho Cucamonga, CA	1,000,000
I-20 from MS River Bridge thru Vicksburg, MS	5,500,000
I-205, OR	1,000,000
I-205/Highway 213 Interchange, OR	500,000
I-215/I-515 Interchange, NV	1,000,000
I-235 storm water management project, IA	800,000
I-235/US 54 design and construction and I-235/Central Avenue Interchange, KS	2,000,000
I-25 Corridor through the Pikes Peak Region, CO	1,250,000
I-25, Tramway north to Bernalillo, NM	775,000
I-35/Lone Elm Rd./159th St. Interchange, Olathe, KS	2,600,000
I-40/77 Interchange in Iredell County, NC	1,750,000
I-5 Blaine Exit Interchange and Border Crossing Improvements, WA	2,500,000
I-55 South Nissan Interchange, MS	3,500,000
I-64 Harrison County Interchange study, IN	1,000,000
I-66 Northern Bypass around Somerset, KY	2,000,000
I-66 Pike County, KY	1,000,000
I-66 Somerset to London, KY	2,000,000
I-70 Improvement Project: Frederick, MD	1,000,000
I-70 Interchange Improvements, Bentleyville, PA	500,000
I-75 Corridor Border between Exit 38 and Exit 41, KY	1,000,000
I-80 Colfax Narrows Project, NV	5,000,000
I-93 Interchange, Andover, Tewksbury and Wilmington, MA	1,000,000
I-94: Marquette Interchange, WI	4,000,000
I-95/SC-327 Interchange Improvements, SC	1,000,000
Interchange at Interstate 80 at Fernley, NV	450,000
KY 52 project in the City of Beattyville, KY	700,000
KY 9 Extension in Campbell County, KY	400,000
Laredo - Scott and Sanchez Streets Grade Separation Project, TX	400,000
Lee County I-20 Frontage Road, U.S. 15 to SC-341, SC	400,000
Louise Avenue I-5 Interchange Improvements Project, CA	750,000
Lynnwood I-5 City Center Exit, WA	650,000
Mahoning County US-224, Ohio Safety Improvements, OH	1,000,000
New I-25 Interchange near m.p. 217, NM	2,000,000
Niagara River Gorge, NY	800,000
Ohio River Bridges, IN	2,000,000
Ohio River Bridges, KY	4,000,000

Paseo del Volcan I-40 Interchange, NM	5,000,000
Pearl Harbor Bridge Replacement Project, CT	1,250,000
Pennsylvania Turnpike I-95 Interchange Project, Bucks County, PA	2,000,000
Pickens-Battiest Road, McCurtain County, OK	900,000
Prospect Road Widening, Polk County, GA	650,000
Reconstruct Interchange at South Dakota Highway 42 and Interstate 29, Sioux Falls, SD	3,000,000
Renovate I-65/Brook Street Ramp, KY	500,000
Reyes Adobe Interchange Project, Agoura Hills, CA	850,000
Rock Springs I-80 Marginal, WY	500,000
Route 116 Modernization, ME	500,000
SR 19 Improvements, Morrisville, PA	1,000,000
SR 704/I-5 Cross Base Highway, Pierce County, WA	2,500,000
State Route 180 E Improvements, CA	900,000
Texas DOT - I-69 Environmental Studies, TX	1,750,000
Triangle Project, I-5/SR 18/SR 161, Federal Way, WA	3,000,000
US 67 Super Two Design, La Entrada al Pacifico Trade Corridor, TX	1,250,000
US 68 at Highland Glen Industrial Park in Barren County, KY	200,000
US 77 Highway Overpass Reconstruction, TX	500,000
Widen Route 82 in Norwich, CT	625,000
Widening of Interstate Highway 10, El Paso, TX	1,000,000

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

The conference agreement provides a liquidating cash appropriation of $36,032,343,903 to pay the outstanding obligations of the various highway programs at levels provided in this Act and prior appropriations Acts, instead of $36,000,000,000 as proposed by the House and $40,194,259,000 as proposed by the Senate.

(RESCISSION)

(HIGHWAY TRUST FUND)

The conference agreement includes a rescission of $1,999,999,000 of the unobligated balances of funds apportioned to the States under chapter 1 of title 23, United States Code, excluding safety programs and funds set aside within the State for population areas. The conferees direct the FHWA to administer the rescission by allowing each State maximum flexibility in making adjustments among the apportioned highway programs.

APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM

The conference agreement provides $20,000,000 for the Appalachian Development Highway System to be allocated for West Virginia Corridor H.

ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION

Section 110 includes a provision similar to language proposed by the Senate that modifies the distribution of Federal-aid highway obligation limitation. The House did not include a similar provision.

Section 111 retains the provision, as proposed by both the House and Senate, that allows funds received by the Bureau of Transportation Statistics from the sale of data products to be credited to the Federal-aid Highways account.

Section 112 includes a new provision that establishes an administrative takedown and sets aside funding for activities of the National Highway Traffic Safety Administration. The remaining amounts shall be distributed for the following purposes:

SURFACE TRANSPORTATION PROJECTS

Project	*Amount*
12th Street Flood Prevention Project, Perry Township, OH	$750,000
200 West from Syracuse Road to Midland Drive, Davis and Weber Counties, UT	1,750,000
2nd Street/Andrews Avenue/3rd Street Enhancements, Ft. Lauderdale, FL	500,000
31st Street, Haksell Ave., to O'Connell Rd., Lawrence, KS	800,000
55th Street Bridge Replacement, Plain Township, OH	1,100,000
56th Avenue/Quebec Improvements, Denver, CO	2,800,000
90A Widening, Stafford, TX	1,650,000
90A Widening, Sugar Land, TX	1,475,000
A-B Street NW Corridor Connector, Auburn, WA	1,700,000
Advanced Vehicle Research Center, NC	300,000
Airport Road Expansion, Phase II, Jasper, AL	1,830,000
Airport Terminal Roadway Improvements, Broward County, FL	1,000,000
Alameda Corridor-East, San Gabriel Valley, CA	4,200,000
Allef Community Park Rehabilitation Project, TX	300,000
Alliance for Transportation Research, University of New Mexico, NM	200,000
Atlus Falcon Road Improvements, OK	750,000
American Discovery Trail, Coralville, IA	200,000
Andrews Air Force Base Gateway Beautification, MD	1,250,000
Antelope Valley Transportation Improvements, NE	900,000
Arthur Avenue Retail Market, NY	400,000
Ashburton Avenue Reconstruction, City of Yonkers, NY	800,000
Ashland County, Town of Lapointe, reconstruct Rice street with storm sewer, sidewalk and parking, WI	450,000
Assembly Street Railroad Relocation, SC	1,300,000
Atlantic Avenue Extension, NY	700,000
Austin Road Extension, Prospect, CT	500,000
Austin-San Antonio Regional Commuter Rail Project, TX	2,000,000
Baldwin County Highway 83 Evacuation Route Project, AL	850,000
Baldwin Road, Oakland County, MI	700,000
Baltimore Area Transit System Expansion, MD	750,000
Barnhardt Road Extension, Umatilla County, OR	2,000,000
Bass River Park Gateway, Dennis, MA	1,400,000
Back and Wixom Road/I-96 Interchange, MI	600,000
Beckley Exhibition Coal Mine, WV	650,000
Belleville Road/Ecorse Road Intersection, MI	400,000
Bird Springs Road/Bridge Rehabilitation, AZ	2,000,000
Bob Anthony Parkway, Barnett Res., MS	1,000,000
Bobby Jones/Palmetto Parkway, SC	1,000,000
Borough of Landsdale Street Improvements, PA	500,000
Boston University Infrastructure Investment Research, MA	300,000
Boundary Street Construction, Marlborough, MA	1,600,000
Bourbon County Industrial Park Access Road, KY	600,000
Bridge at 132nd St. and US–69, Overland Park, KS	1,000,000
Bridge Rehabilitation in Excelsior Springs, MO	450,000
Bridge Replacement, Werner Church Road Plain Township, OH	1,000,000
Bridgeton Trail/Park, MO	800,000
Bristol Street Multi-Modal Corridor, CA	600,000
Brooklyn Children's Museum Pedestrian Enhancements, NY	800,000
Brookwood Road Restoration, Halfmoon, NY	1,330,000
Burbank/Sepulveda Boulevards Intersection Improvements, CA	200,000
California University Pennsylvania (CUP) Urban MAG, PA	2,000,000
Calmar Telematics ITS Project, Liverpool, NY	1,250,000
Calumet City Street Resurfacing, IL	400,000
Cape Cod Hyannis Memorial Statue Gateway/Walkway, MA	100,000
Cedar Park RM 1431 Widening Project, TX	500,000
Center for Aquatic Life and Conservation, Baltimore, MD	800,000
Center for Business and Education Park Access Road, VA	600,000
Charleston International Airport Parking Garage, SC	1,000,000
Charlotte County Florida Evacuation Widening, FL	250,000
Chatham Area Transit Job Access Reverse Commute, Savannah, VA	1,000,000
Chicago Department of Transportation Damen/Elston/Fullerton, IL	700,000
City of Ashland Industrial Park Road Construction, OH	300,000
City of Ashland, Pedestrian Infrastructure Improvements, WI	450,000
City of Baytown, Streetscape Project, TX	700,000
City of Elkhart Grade Separation Project, Norfolk-Southern Railroad, IN	200,000
City of Key West Job Access Program, FL	500,000
City of Lawndale Street Improvements, CA	850,000
City of Leander Upgrade FM 2243, TX	500,000
City of Omaha Widening/Improvements to Q Street from 157th Street to 204th Street, NE	1,000,000
City of Presque Isle Public Works Department Capital Improvements, ME	700,000
City of Santa Fe Springs, Los Angeles County, CA	800,000
City of Santa Monica ITS Improvements, CA	350,000
City of Selma Water Avenue Streetscape Improvement, AL	400,000
City of St. Petersburg bicycle master plan, FL	400,000
City of Thornton, Grade Separation Improvements, CO	500,000
Clark County, NV Beltway and Interchanges, NV	150,000
Clifton Corridor Transit and Transportation Improvements, GA	1,000,000
Coalfields Expressway, WV	10,000,000
Cobblestone Landing Restoration, Memphis, TN	2,000,000
College of Southern Idaho Student Safety Initiative, ID	750,000
Colorado Boulevard Connector, CO	2,000,000
Columbus Bypass, MS	3,000,000
Columbus North Aterial Project, NE	500,000
Connecting Road from Route 78 and Lathrop Street to East 2900th Street, Annawan, IL	2,300,000
Construction of K–254, Northwest Bypass in Sedgwic, KS	2,500,000

Project	Amount
Construction of USH 8 and Industrial Parkway intersection overpass, City of St. Croix Falls, WI	1,250,000
County Road 19 Improvements, Cherokee County, AL	500,000
Creager Island Bridge Replacement, Wayne County, NY	950,000
Creation of Pedestrian/bike paths on Route 190 Bridge, Enfield, CT	750,000
Cromwell Industrial Park road construction in Cromwell, CT	500,000
Crooks Road, from 14 Mile Road to Elmwood Road/Meijer Drive, Clawson, MI	2,200,000
Cross Valley Connector, Santa Clarita, CA	1,000,000
Crystal Lake Mitigation, Manchester, NH	300,000
CSAH 82 Victory Extension Project, Stage 3, MN	250,000
CTAA of America Nationwide Joblinks, MA	3,000,000
Culvert Replacement on Roads, AK	750,000
Curry College Area Road Improvements, MA	500,000
Dakota Turkey Plant Access Road US 14 in Huron, SD	500,000
Daytona Avenue Highway Improvements, Penfield, NY	100,000
Dedeaux Road, Gulfport, MS	2,000,000
Delaware Welfare to Work Program, DE	275,000
Denton I–35E Bridge at Loop 288/U.S. 77, TX	2,000,000
Des Moines (Principal) Riverwalk, Des Moines, IA	750,000
Design and construction of union street rail road underpass, West Springfield, MA	900,000
Development and construction of SR37/SR145, IN	500,000
Downtown Multimodal Parking System, Huntsville, AL	1,000,000
Downtown Road Improvement, Indianapolis, IN	700,000
Dualization of MD 404, MD	2,000,000
Dualization of US 113, MD	2,000,000
Dublin Boulevard and Dougherty, City of Dublin, CA	300,000
E. Genesee Avenue streetscape project, Saginaw, MI	1,000,000
East Lake Sammamish Parkway, Sammamish, WA	750,000
Eastern Hills Corridor road construction, Clarence, Erie County, NY	900,000
Edith Boulevard Improvements, Bernalillo County, NM	3,000,000
El Camino East/West Corridor, LA	400,000
Eleven Mile Road, Berkley, Oak Park, and Huntington Woods, MI	1,000,000
Environmental Shield, Brooklyn Queens Expressway, NY	650,000
Essential road improvements, Desert Hot Springs, CA	1,000,000
Evacuation Plan Funding, LA	1,000,000
Evanston, IL:CTA viaducts reconstruction, IL	750,000
Evansville Indiana Downtown Traffic Study, IN	200,000
Expansion of access and parking adjacent to Post Office, City of Jacksonville, AL	110,000
Expansion of Highway 431, Town of roanoke, AL	150,000
Extend I–759 East to US Highway 278, Gadsden, AL	2,800,000
FAST–TRAC SCATS signal installations, Oakland County, MI	1,000,000
Flamingo Road Reconstruction, Laguna Beach, CA	2,000,000
Fort Bragg Bike Path, CA	750,000
Fort Campbell Variable Message Board/Directional Signs in Fort Campbell, KY	1,100,000
Fort Worth Flood Safety, TX	800,000
Fort Worth Transportation Improvement Projects, TX	2,000,000
Fortificaiton Street Rehabilitation, Jackson, MS	3,000,000
Fourth Street Bridge, San Francisco, CA	1,500,000
Fredericksburg Road–Medical Drive, San Antonio, TX	500,000
Freight Rail Improvements, New Bedford, MA	500,000
Fresno State Route 41 Off ramp Improvements, CA	1,500,000
Galveston Rail Trolley Extension to Seawall Boulevard, TX	750,000
GEARS Intelligent Transportation Systems, PA	400,000
Geneva Road (SR–114) from Orem 1600 North to University, Provo, UT	500,000
Going Street Overcrossing Project, OR	1,000,000
Grand Teton Pathways Project, WY	4,000,000
Great River Road, Renovating Old Fort Madison, IA	25,000
Great River Road, Scenic Byways, Montrose, IA	50,000
Greater Nanticoke (Luzerne Co, PA) Connector Road, PA	750,000
Greenbridge Transportation Improvements, White Center, WA	1,500,000
Greene Co. Demonstration Bridge, MO	148,000
Greene County, Georgia Conversion if I–20 and Carey Station, GA	200,000
Grenada Lake Bridge, Grenada, MS	200,000
Grenada Lake Bridge, MS	500,000
Guaranteed Ride Home Prog, Santa Clara County, CA	300,000
Hapeville rail facilities and corridor, GA	3,000,000
Hartford Avenue Improvements to Aid Pocasset River Drainage, RI	1,000,000
Hattiesburg Intelligent Transportation System, MS	500,000
Highway 100 Trail Bridge and 26th Street Pedestrian Bridge, St. Louis Park, MN	800,000
Highway 149 Improvements, Richland, MS	1,700,000
Highway 21 extension, Talladega, AL	500,000
Highway 25 to MS Highway 471 in Flowood, MS	1,750,000
Highway 278 Corridor, Beaufort County, SC	250,000
Highway 412 Mountain Home to Ash Flat, AR	700,000
Highway 44 Bridge, Marion County, MS	750,000
Highway 45 Bypass, Columbus, MS	600,000
Highway 49 Widening from the University of North Carolina to the Yadkin River Bridge, Charlotte, NC	5,000,000
Highway 49/Highway 7 Connector Road, Greenwood, MS	1,500,000
Highway 6 Bypass, TX	2,250,000
Highway 6 from Batesville to Clarksdale, MS	3,250,000
Highway 63: Interstate 55–Jonesboro, AR	2,000,000
Highway 7 Improvements, Blue Springs, MO	2,550,000
Highway 71: Texarkana—DeQueen, AR	2,000,000
Highway 77 Rail Grade Separation, Marion, AR	350,000
Highway 82 Frontage Roads, Leland, MS	500,000
Highway-rail grade crossing bypass, Silver Spring, NY	600,000
Hike and Bike Trails, Burleson, TX	250,000
Historic Court Square Improvements, Charlottesville, VA	140,000
Hoboken Waterfront Walkway along North Sinatra Drive, NJ	400,000
Honolulu Ways to Work, HI	250,000
Hossier Heartland Highway, Cass/Carroll County, IN	1,300,000
Hossier Heartland Highway, IN	1,500,000
Hoover Nature Trail, Ely, IA	100,000
Houston Flood Improvement Projects, TX	1,500,000
Houston Road Improvements, TX	750,000
Howell, Shannon, Carter and Butler Counties, Route 60, MO	500,000
Hudson River Waterfront Walkway, NJ	750,000
HWY 133 from Valdosta to Moultrie to Albany, GA	1,000,000
I–15 Layton Interchange, Layton, UT	1,500,000
I–15 North & Commuter Rail Coordination study; Davis County, UT	1,500,000
I–15 (Falchion Rd)/SR 18 Interchange, CA	1,000,000
I–20 Corridor Program, Lincoln Parish, LA	600,000
I–26/US 1 Airport Intermodal Connector, Lexington, SC	750,000

Project	*Amount*
I-275/M-5 corridor economic development study for Oakland and Wayne Counties by the I-275/M-5 Transportation Alliance, Farmington Hills, MI	500,000
I-4 Crosstown Connector, FL	850,000
I-4 Land Acquisition (Orlando Metropolitan Area), FL	1,500,000
I-40/Arizona 95 Interconnect, Needles, CA	2,000,000
I-49 North, LA	500,000
I-5 Freeway/Highway 43 Freeway Ramp and Street Capacity Improvements, OR	2,000,000
I-5 Sorrento Valley/Genesee Avenue, San Diego, CA	600,000
169, Indianapolis to Evansville, IN	1,450,000
I-74 Northern Beltway, Eastern Section Extension, Winston-Salem, NC	500,000
I-76 Corridor Improvements from Ft. Morgan to Nebraska state line, CO	1,600,000
I-79 Parkway West ramp construction and widening, PA	500,000
I-90 Burma Avenue Overpass, Gillette, WY	1,000,000
I-94 Westbound Reconstruction, ND	1,000,000
I-Go Carsharing Project, Chicago, IL	400,000
Illinois Trails, IL	2,000,000
Improve Millstonebrook Road Southampton, NY	500,000
Improvements to Alton Traffic Rotary, NH	250,000
Improvements to Mill Bridge, Somers, CT	2,000,000
Improvements to Raffia Road in Enfield, CT	900,000
INAAP Re-use Authority Project, IN	1,500,000
Indian River Bridge Inlet Replacement, DE	3,000,000
Indianapolis Downtown Road Improvements, IN	1,000,000
Infrastructure Development and Highway/Street Access Improvements, Rural Enterprises, OK	200,000
Integrate Traffic Light Coordination, Houston, TX	750,000
Intelligent Transportation System, Ventura County, CA	700,000
Interchange construction on I-94 at 21 Mile Road, Chesterfield Township, MI	600,000
Intermodal Freight Facilities, Port of Walla Walla, WA	1,500,000
Intermodal Infrastructure Enhancement Project, Port of Olympia, Olympia, WA	1,000,000
Intersection at I 49 and Highway 190, St. Landry Paris, LA	1,000,000
Intersection Improvements Route 9/Oak, Natick, MA	1,400,000
Interstate 40/Highways 25/64 Interchange, AR	750,000
Interstate 5 Blaine Exit Interchange in Blaine, WA	500,000
Interstate 5 Trade Corridor, OR	800,000
Interstate 69, TN	1,900,000
Interstate 93 Water Quality Study, NY	1,250,000
Interstate-235 Reconstruction Project, IA	600,000
Isle of Wight Emergency Signals, VA	300,000
Issac Middle School Pedestrian Bridge, AZ	700,000
ITS St. George Area, UT	750,000
Jackson Road right-of-way and reconstruction, MI	400,000
Jacksonville Transportation Authority, Soutel Road Improvements, FL	3,000,000
Jennie Barker Rd./Mary St./K-156 Intersection Reconfiguration, Finney County, KS	1,250,000
Jersey City Signalization Improvements, Jersey City, NJ	800,000
Johnson County, East/West Corridor, Phase I, IN	1,000,000
Joplin Downtown Streetscape Development, MO	1,000,000
Joplin West Bypass Study, MO	120,000
K-18 4-lane Improvement, Preliminary Engineering and Design, Riley County, KS	1,250,000
Kalkberg Commerce Park, NY	725,000
Kendall Square Transportation Improvements, MA	1,000,000
Keystone Drive Reconstruction and Upgrade, AK	1,000,000
KY1494 widening in Bullitt County, KY	150,000
LA 1 Replacement, LA	1,500,000
LA Highway 28 from Ft. Polk to Alexandria, LA	750,000
La Velle Road Reconstruction, Alamogordo, NM	1,000,000
Lagoon Pond Inlet Bridge, Martha's Vineyard, MA	800,000
Lake County Passage, IL	975,000
Lake County Passage, Lake County IL	1,300,000
Lake Falcon Improvements Project, TX	600,000
Lake Road Seaway Trail, Webster, NY	450,000
Latson Road/I-96 Interchange Brighton, MI	300,000
Leeville Bridge, LA	800,000
Lenexa Prairie Star Parkway, KS	250,000
Lexington Connector, SC	893,000
Liberty Street Reconstruction, McDonald, PA	100,000
Library Lane Project, NY	800,000
Lincoln Bypass, CA	700,000
Lincoln South Beltway, NE	2,000,000
Little Bay Bridges/Spaulding Turnpike, NH	2,500,000
Little Sugar Creek Greenway, NC	500,000
Livernois Road, from South Boulevard to Avon Road, Rochester Hills, MI	1,300,000
Long Branch Village Center Access Improvements, Silver Spring, MD	750,000
Longfellow Bridge Rehabilitation, Boston, MA	700,000
Main Street Extension Realignment, Freemansburg, PA	800,000
Malden Industrial Park Improvement Programs, MO	800,000
Maple Road lane addition and road improvements between Drake and Beck, MI	500,000
Marin Novato Narrows Highway 101 Corridor Widening, CA	850,000
Maryland 4 Suitland Parkway Exchange, MD	2,000,000
Maryland 5 at Maryland 373, MD	2,500,000
MD 246, MD235 to Saratoga Drive, MD	1,000,000
MD45, Cavan to Ridgely Road, MD	750,000
Mechanical Civil Aerospace Engineering Complex, Rolla, MO	2,000,000
Medford Downtown Traffic and Pedestrian Redevelopment Project, MA	1,000,000
Memorial Drive Improvements, Lancaster, OH	950,000
Meredith Village Improvement Project, NH	800,000
Mexico Branch Line Improvements, MO	2,000,000
Middle Reservation Road improvements, Wyoming County, NY	1,000,000
Midlothian Road Widening and Signalization Project, IL	450,000
Midtown Greenway, Minneapolis, MN	1,500,000
Milwaukee Intermodal Terminal, WI	2,000,000
Misericordia Job Program, IL	200,000
Missouri Avenue Reconstruction, Keokuk, IA	350,000
Monaville Road Bike Path Tunnel, IL	800,000
Montana Automated Crash Notification Research, MT	1,000,000
Monterey Bay Sanctuary Scenic Trail, CA	500,000
Montour Trail completion project, PA	250,000
Morgan County Bridges Improvement Project in Morgan County, KY	1,000,000
Morgan State University Transportation Center, MD	500,000
Mountain Avenue Duarte Road Realignment, Duarte, CA	500,000
MSU South Entrance Loop, MS	1,000,000
Myrtle Avenue Streetscape Project, Monrovia, CA	100,000
N.A. Sandifer Highway, Lincoln County, MS	1,250,000
Navy Yard Reconstruction of Broad Street Quaywall, PA	900,000
Nebraska Highway 35, NE	5,000,000
New Hampshire Route 111A Intersection Safety Improvements, NH	750,000
New Haven Missouri River bore project, MO	1,000,000
New Mexico State University Bridge Research Center, NM	200,000
Ninth Street Arterial Connector, Prineville, OR	500,000
Norris Viaduct Project, WY	800,000

Project	*Amount*
North Cass Parkway Corridor Improvement from U.S. 71 to Mullen Road, Belton, MO	2,000,000
North County I-5 interchanges and Arch Sperry Road, San Joaquin County, CA	3,000,000
North Oak Corridor Improvement Project, MO	2,000,000
Northern Corridor Widening, St. George, UT	500,000
Northside Dr. Clinton, MS	2,500,000
North-South Wacker Drive, Chicago, IL	350,000
Northwest Butler Transportation Improvement District, Butler County, OH	4,000,000
Northwestern Highway Extension, Oakland County, MI	1,500,000
Ohio to Erie Trail/Camp Chase Segment, OH	2,000,000
Old Orchard Rd Overpass, MO	3,000,000
Orange County SR50 Road Improvements, FL	250,000
Orange County, FL	400,000
Overpass for SH146 at Wharton Wheems, La Porte, TX	1,475,000
PA 901/PA61/PA54 Connector, Northumberland, PA	1,500,000
PA–10 widening, New Morgan Borough, PA	5,000,000
Paducah Waterfront Development Project in Paducah, KY	2,300,000
Palmer Canyon Road Improvements, Los Angeles County, CA	700,000
Park Boulevard drainage improvements, Pinellas Park, FL	4,500,000
Park Street Streetscape Improvements, Alameda, CA	700,000
PATCO Fleet Upgrade, NJ	3,000,000
Pecue Land Interchange and Realignment, LA	225,000
Pedestrian Walkway at SCSU and Claflin University, SC	1,700,000
Pelzer Street Reconstruction, City of Winona, MN	250,000
Penn and Smallman Street Gateways Project, PA	345,000
Pittsfield Downtown Streetscape Plan, MA	1,850,000
Planning, preliminary engineering, land acquisition, and construction to widen I–75 from Eight Mile Road to M–59, MI	2,000,000
Plough Boulevard Interchange at Winchester Road, Memphis, TN	1,000,000
Port of Albany Operational Improvements, Albany, NY	650,000
Port of Siuslaw Infrastructure Improvements, OR	500,000
Port of Stockton, Daggett Road, Stockton, CA	500,000
Portland & Western Rail Bridge Replacement Project, Albany, OR	850,000
Ports to Plains, US 287 Corridor, CO	3,000,000
Powell County Bridge Replacement, MT	200,000
Prairie Star Parkway/K-7—Maize Blvd., Lenexa, KS	800,000
Priority Projects, South Dakota Department of Transportation	750,000
PVTA JARC, MA	400,000
Quakertown Rail Investment Study, PA	300,000
Queens Plaza Rebuilding Project, Queens, NY	800,000
Rail right-of-way purchase, City of Spooner, WI	155,000
Railroad Avenue Improvement, LA	600,000
Ram Island Road Improvements, Shelter Isle, NY	300,000
Ranch Vista Boulevard widening project, Palmdale, CA	545,000
Ranchero Road Grade Separation, Hesperia, CA	3,000,000
Ravenswood Road Improvement Project, East Palo Alto, CA	500,000
Re-alignment and Reconstruction of Somerset Street, ME	100,000
Realignment, Widening and Reconstruction of Prospect Street in Hartford, CT	2,000,000
Reconstruct 3rd Street, City of Wausau, WI	1,500,000
Reconstruct Barnes Street/Eastern Avenue, Rhinelander, WI	750,000
Reconstruction of Eleven Mile Road, MI	650,000
Reconstruction of Main Street in Tappan, NY	650,000
Reconstruction of Main Street, Stoneham, MA	450,000
Reconstruction of Old Highway 77, Geary County, KS	400,000
Reconstruction of University Drive from the Crittenton Hospital Medical Center east to Main Street (M–150) in the City of Rochester, MI	2,000,000
Rehabilitate Route 1(a) Bridge, Hampton, NH	850,000
Renovations on Dixon Road, City of Cocoa, FL	600,000
Renovations on Industry Road, City of Cocoa, FL	400,000
Repair of Route 9 Bridge and Vanderbilt Wall, NY	1,100,000
Replace Ash Street/Pillsbury Road Bridge, Londonderry, NH	500,000
Replace Milford Road Bridge, Anderson, SC	500,000
Replacement of Makakupaia Stream Bridge, Molokai, HI	750,000
Reunion Parkway Environmental Assessment, Madison, MS	500,000
Richmond Bypass, McHenry, IL	650,000
Rio Grande Bike Trail, Garfield County, CO	1,000,000
RITC Mass Country Roads, MA	650,000
Road/Overpass Improvements at Adriaen's Landing and CT Science Center, Hartford, CT	4,000,000
Roadway improvements to Old Laurens Road, Laurens, SC	250,000
Rochelle Park and Paramus, Bergen County, NJ	1,300,000
Route 10/202-Southwick, MA	1,800,000
Route 112 Scenic Byway, MA	75,000
Route 195 Corridor Study, Tolland, CT	300,000
Route 23 Hardyston Road Improvements, NJ	1,700,000
Route 31 Ashby State Road, Fitchburg, MA	750,000
Route 5 and Route 10 Bernardston, MA	1,000,000
Route 7 Leesburg Bypass Project, Leesburg, VA	500,000
Route 78 widening (Transit Road) from Genessee Street to Main Street, Erie County, NY	900,000
Routes I–295 and 42 Missing Moves, Camden County, NJ	2,000,000
Rural dock and waterfront development projects, AK	2,000,000
S.R. 5 Corridor Improvements (W. 12 St.), PA	800,000
Sacramento Buses and Bus Facilities, CA	250,000
Safer Roadside Barriers, NE	1,000,000
Safety Improvements to Third Street, Suffield, CT	400,000
Sakonnet River Bride, RI	2,000,000
San Francisco 19th Avenue Improvements, CA	1,000,000
Saratoga RR Overpass, Simpson County, MS	1,250,000
School Pedestrian Safety, Alameda County, CA	650,000
SCRRA Highway/Rail Sealed Corridor Program, CA	500,000
SE Connector/Martin Luther King, Jr. Parkway East, Des Moines, IA	3,000,000
Second Street Bridge Replacement project, MO	864,000
Semmes Street Project, East Point, GA	500,000
Senior Transportation Project, OH	800,000
SH71–FM20 to .25 m west of SH304 Bastrop City, TX	600,000
Sierra College Boulevard/I-80 Interchange, Rocklin, CA	300,000
Siesta Gardens Alternative Access Road, VA	500,000
Sistrunk Boulevard Streetscape Improvements, Ft. Lauderdale, FL	750,000
Somerset Downtown Revitalization Project, KY	800,000
South Boulevard Signal System, NC	700,000
South Capitol Street Improvements, MD	2,250,000
South County Commuter Rail, RI	4,000,000
South Frontage Road, Vicksburg, MS	2,000,000
South Lawrence Traffic Way, City of Lawrence and Douglas County, KS	1,500,000
South Medford Interchange, OR	350,000
South Road Mitigation, Londonderry, NH	250,000
South Valley Connector Project, ID	2,000,000
Southern California High Speed Raid Grade Crossing Improvements, CA	2,000,000

Project	*Amount*
Special Services Transportation Agency, Chittenden County, VT	300,000
Springfield Evening Bus Service, IL	375,000
SR 146, Saint Rose Parkway (Phase 2) Reconstruction and Widening, NV	3,000,000
SR 171 at Rocky Comfort Creek, GA	1,000,000
SR 247/SR1012 Valley View Business Park, Lackawanna County, PA	2,500,000
SR 4 widening and bridge replacement, Brentwood, CA	200,000
SR 62 Lloyd Expressway Vanderburgh County, IN	750,000
SR 67 and SR 605 from I-110 to US 49, MS	500,000
SR-56/I-5 Northbound Widening Project, San Diego, CA	400,000
SR-91 Chokepoint Elimination in Corona, CA	1,000,000
St. Francois, Madison and Wayne Counties, Route 67, MO	500,000
St. Georges Avenue Improvements, Roselle/Linden, NJ	500,000
St. Louis and Garden District Community Transportation Improvement Initiative, MO	3,000,000
St. Louis Science Center Streetscape Improvements, MO	750,000
St. Louis Zoo Public Safety and Transportation Improvements Project, MO	5,000,000
Star Landing Road Corridor, Desoto County, MS	1,500,000
State Road A1A S-Curve Improvement project, Deerfield Beach, FL	2,000,000
State Route 79 Realignment, Riverside County, CA	700,000
State Street Redesign, Madison, WI	1,000,000
Steger Street Improvements, IL	400,000
STH 29/WSH 51, Marathon County, Wausau, WI	3,000,000
Subway Hub Access, Museum of Arts and Design, NY	75,000
Sybiak Farm Mitigation, Derry, NH	300,000
Tacoma Rail Mountain Division Rail-line Improvements from Frederickson to Morton, WA	1,500,000
Tanana River Bridge Replacement, AK	3,000,000
TH 23 Paynesville Bypass, MN	1,000,000
Third Avenue resurfacing Project, Ranburne, AL	40,000
Tibbee Road Project, Clay County, MS	100,000
Toa Baja Recreational Trail Design and Construction, PR	2,000,000
Toby Tubby Parkway Oxford, MS	100,000
Tolt Bridge Replacement, King County WA	250,000
Tower Bridge Pedestrian/Bike Improvements, CA	500,000
Towpath Trail to Downtown Cleveland, OH	800,000
Traffic Calming Project in Plainsboro, NJ	700,000
Traffic congestion mitigation at I-210 and Highway 14, Lake Charles, LA	1,220,000
Traffic study for Mystic Seaport, Stonington, CT	500,000
Trailways Station Revitalization and Visitors Center, GA	500,000
Transportation Access, Northlake, IL	500,000
Transportation and Engineering Research Facility, Columbia, MO	2,000,000
Transportation Grants for Evacuee Impacted Communities, LA	1,500,000
Transportation Infrastructure Improvements and Expansion for Green River, WY	600,000
Trinity River Visions Neighborhood Linkage, TX	200,000
Truman Boulevard Feasibility Study, MO	600,000
Truman Boulevard Planning Improvements to I-670, MO	500,000
Trump Avenue/Georgetown Street Canton Township, OH	1,100,000
Trunk Highway 610/10, MN	1,000,000
TTC-69 Environmental and Route Location Studies, TX	700,000
TTI Bryan-College Station ITS pilot for mid-size studies, TX	400,000
Tucson Wash Crossings Improvements, AZ	100,000
Turnpike Improvements Project at I-95 and State Route 1, DE	2,000,000
U.S. 12 Improvement Study, Saline, Washtenaw, MI	600,000
U.S. 20 Toledo's Greenhouse Row, OH	500,000
U.S. 26-287, Dubois to Moran Junction, WY	2,000,000
U.S. 35 Interchanges in Green County, OH	3,000,000
U.S. Highway 11 in St. Tammany Parish, LA	2,000,000
U.S. Highway 67 Eastern Outer Road in Desloge, MO	1,750,000
U.S. Highway 87 Improvements, MT	1,400,000
U.S. Route 13 Corridor Development, PA	9,00,000
Union Town to Brownsville—Mon Fayette Expressway, PA	2,000,000
University District Improvements, Phases 2 and 3, Spokane, WA	1,500,000
University of Arizona Science Center Bridge, AZ	3,500,000
University of South Alabama Transportation technology Center, AL	10,000,000
University Parkway Project, Evansville, IN	1,600,000
UNMC Relocation of Saddle Creek Road, NE	1,000,000
UP/Sunset Avenue Grade Separation Banning, CA	1,000,000
Upgrade of Route 60 and Route 22/30 Interchange, Allegheny County, PA	750,000
Upgrade Wells Highway/Sheep, Farm Road, Oconee, SC	250,000
Upgrades to Maple Street Bridge, Mainstee, MI	345,000
Upgrades to U.S. Rt. 30, City of Wooster, OH	750,000
US 167 Extension to LA 335, Vermillion Parish, LA	280,000
US 22 to I-79 Southern Beltway Project, Allegheny County, PA	2,400,000
US 278 in Beaufort County, SC	2,000,000
US 287 Corridor construction and repaving, CO	2,400,000
US 31, St. Joseph and Marshall Countries, IN	2,700,000
US 35 Interchange W/I-64 Paving and Bridges, WV	2.350,000
US 6 Carbon County, UT	500,000
US 61 Fort Madison Bypass, IA	2,975,000
US 64/State Route 15, TN	4,500,000
US 67 Marfa Reliever Route, TX	510,000
US 80/SR26 Bridge at Ogeechee River, GA	800,000
US 87 Feasibility Study, TX	250,000
US Highway 51—Highway 43 Connector Road Canton, MS	4,000,000
US 14/18 and SD34 "S" Curve Underpass, Pierre, SD	2,000,000
US-34 Corridor Missouri River Bridges Pair, NE	1,500,000
US 401 Harnett and Cumberland Counties, NC	400,000
US-54 (Kellogg Rd.) from I-135 to K-96, Wichita, KS	1,000,000
US 59 at Grand Parkway overpass in Sugar Land, TX	1,850,000
US-95, Worley North, ID	2,000,000
USH2 Improvements, Ashland County, City of Ashland, WI	1,800,000
UW Superior/UM Duluth Maritime Research, WI	2,000,000
Village of Matteson Safety Upgrades, IL	750,000
Virgnia Tech Transportation Institute Vehicle and Roadside Safety Product Development, VA	2,000,000
W. Smith Road Reconstruction, City of Medina, OH	750,000
Wadsworth Interchange/State Highway 128, CO	1,500,000
Walden Point Road, AK	1,000,000
Walnut Street Route 98 Oak Street, Genesee County, NY	600,000
War Memorial Hospital Infrastructure, WV	500,000
Washington St., Greenville, MS	1,250,000
Washington State Produce Rail Car Program, WA	1,000,000
Water main, sewer and street improvements, City of Barron, WI	2,100,000
Waterfront Parking Garage, Camden, NJ	800,000
Waterfront Redevelopment Project, Bellingham, WA	500,000
Waterfront Walkway 12th Street to 10th Street along North Sinatra Drive, Hoboken, NJ	1,000,000

Project	*Amount*
Weathersfield US 422 Widening, Trumbull Co, OH ..	800,000
West Bypass Study City of Joplin, MO	120,000
West Vancouver Freight Access Project, Port of Vancouver, WA	2,300000
West Virginia Route 10, Logan County, WV	5,000,000
Wickiup Junction Grade Separation, Deschutes County, OR	1,000,000
Widen Route 50 from Route 2 to Poland Road, Fairfax, VA	2,300,000
Widen Route 7 west of Tysons Corner, VA	1,400,000
Widen SR 86 Sells, AZ	650,000
Widening of Gratiot Avenue from 24 Mile Road to 26 Mile Road, Macomb County, MI	400,000
Wikck's Lake bicycle and pedestrian trail, Farmville, VA	150,000
Wildcat Glades Conservation & Audubon Nature Center & Trail, MO	1,000,000
Wiliamsburg bridge plaza improvement, Brooklyn, NY	250,000
Wilson Street Bridge land acquisition and design, Batavia, IL	1,000,000
WINR Donated Wheels Program Expansion, WI	100,000
Wisconsin Statewide JARC	1,000,000
Wyoming Statewide ITS ...	1,700,000
Yakima Grade Separations, WA	2,500,000
Zora and Main Street Interchange, Joplin, MO West	5,880,000

Transportation Assistance for Hurricane Impacted Communities in Louisiana.—The conference agreement provides $1,500,000 to be made available as a grant to the Louisiana Department of Transportation and Development to establish a program under which the Louisiana Department of Transportation and Development shall provide grants to parish and municipal governments in the State of Louisiana that experience a significant spike in population of at least 10 percent because of an unexpected influx of hurricane evacuees, as determined by the Louisiana Department of Transportation and Development, to quickly implement smart and innovative plans to alleviate traffic congestion and to address increased transportation demands in the affected communities.

Illinois Trails. The conference agreement provides $12,000,000 to the Illinois Department of Transportation (IDOT) for various transportation enhancement projects throughout the State. The conferees expect IDOT to provide funding to the following projects: Springfield Interurban Trail, Urbana to Danville Trail, Galena River Trail, Camp Sacajawea Trail, and the Genoa Route 66 Prairie Trail.

HIGHWAY PRIORITY PROJECTS

Project	*Amount*
Briggs- DeLaine-Pearson Connector, SC	$2,000,000
City of Monticello sidewalks and bikeways, GA	500,000
City of Sylvester streetscape, GA	500,000
Construction of new roads at University Park, PA	1,000,000
County Road 390 Widening Project, FL	1,000,000
Detroit Area Regional Transportation Authority, MI	1,500,000
I-40 and Morgan Road Interchange Improvements, Oklahoma City, OK	500,000
I-40 reconstruction, I-240 E to Choctaw Road, OK	500,000
I-405/Beach/Edinger Interchange, CA	1,000,000
I-73 Corridor project from North Carolina State line to Myrtle Beach, SC	800,000
I-94 Reconstruct and Widen, Kalamazoo, MI	1,000,000
Intelligent Transportation System, Monroe County, NY	1,500,000
John Street Extension, Henrietta, Monroe County, NY	1,500,000
Maritime Guaranteed Loans (Title XI)	5,000,000
MN Valley Regional Rail Authority Track Rehab	500,000
Neighborhood Initiative, Beloit, WI	500,000
North Rhett Boulevard Extension, Charleston, SC	200,000
Olympia Intermodal Infrastructure Enhancement, WA	1,000,000
Pedestrian Connection Project, Greenport, NY	500,000
Promenade Street Improvements, Mason County, IL	500,000
Route 22 Sustainable Corridor, Somerset County, NJ	1,000,000
Springdale Cemetery, Peoria, IL	500,000
State Route 60/Potrero Road Interchange, Beaumont, CA	1,000,000
STRA3P Phase II, IA	1,000,000

Section 113 includes a new provision that makes certain projects and activities eligible to receive fiscal year 2006 grants.

Section 114 retains the provision, as proposed by the Senate, that allows Nevada and Arizona to reimburse debt service payment on the Bypass Bridge at Hoover Dam project with future apportionments, in accordance with title 23, United States Code. The House did not include a similar provision.

Section 115 includes a provision similar to language proposed by the Senate that exempts over-the-road bus and public transit vehicles from axle weight limitations.

Section 116 retains the provision, as proposed by the Senate, that provides access for solid waste vehicles to a "transit only" ramp in Washington State following the completion of necessary safety improvements to the ramp. The House did not include a similar provision.

Section 117 includes a new provision that designates the name of a Michigan highway.

Section 118 includes a new provision that modifies the designation of an intelligent transportation systems project in Public Law 108–7.

The conference agreement deletes a provision proposed by the Senate that would have prohibited funding from being used for development or dissemination of any programmatic agreement making the interstate eligible under the National Register of Historic Places.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The conference agreement includes a liquidation of contract authorization and a limitation on obligations of $213,000,000 for the operating expenses of and motor carrier safety research by the Federal Motor Carrier Safety Administration (FMCSA), instead of $215,000,000 as proposed by the House and $211,400,000 as proposed by the Senate. The conference agreement provides funding in the following manner:

	Conference level
Operating expenses	$144,475,000
Research and technology	10,084,000
Information management	42,092,000
Regulatory development	10,414,000
Outreach and education	4,000,000
PRISM operations	935,000
Commercial motor vehicle operators grants	1,000,000

Outreach and education.—The conference agreement provide a total of $4,000,000 for outreach and education. Of this amount, the conferees direct that no more than $100,000 shall be for the "safety is good business" program, no less than $1,000,000 shall be used to increase safety belt usage among commercial motor vehicle drivers, no less then $500,000 shall be for the share the road safely program, and no less than $1,000,000 shall be for household goods outreach. The conferees also provide within the funding for outreach and education $150,000 to continue the motorcoach transportation service selection program and $390,000 for the telephone hotline.

The conference agreement also prohibits any funds relating to outreach and education from being transferred to another agency.

The conference agreement retains language proposed by the Senate directing FMCSA to provide at least two updates to the House and Senate Committees on Appropriations during fiscal year 2006 on the transition of the share the road safely program from the National Highway Traffic Safety Administration (NHTSA) to FMCSA, as well as the status of the two planned enforcement media waves. The conferees also direct NHTSA to return to FMCSA the one FTE that had been detailed from FMCSA to help oversee the share the road safely program.

Research and Technology.—The conference agreement includes $10,084,000 for research and technology and stipulates that the funds shall be available until September 30, 2008.

Within the funds provided for operating expenses, the conference agreement includes funding for the following activities:

Salaries and benefits	$91,746,000
Travel	14,087,000
Transportation	242,000
Communications, rent, and utilities	515,000
GSA Rent	10,887,000
Printing	530,000
Other services	17,551,000
Supplies	1,357,000
Equipment	3,687,000
Working capital fund	3,873,000

New entrant program.—The conference agreement provides a total of $2,000,000 for the new entrant program for oversight and other Federal responsibilities. This funding level is sufficient to support the existing onboard staffing for fiscal year 2006. An additional $29,000,000 is provided for state grants under the motor carrier safety assistance program.

Commercial vehicle analysis reporting system (CVARS).—Under the recently enacted reauthorization of motor carrier safety programs, no funding is provided within this limitation for CVARS. However, the conferees note that funding is available within motor carrier safety grants for the FMCSA to make grants to, or enter into contracts with, states, local government, or other persons for CVARS.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The conference agreement provides a liquidating cash appropriation and a limitation on obligations of $282,000,000 for motor carrier safety grants, instead of $286,000,000 as proposed by the House and $278,620,000 as proposed by the Senate.

The conference agreement provides funding for motor carrier safety grants as follows:

	Amount
Motor carrier safety assistance program	$188,000,000
Border enforcement grants	32,000,000
Performance and registration information system management grant program	5,000,000
Commercial driver's license (CDL) program improvement grants	25,000,000
Commercial vehicle information systems and networks deployment	25,000,000
CDL information system modernization	5,000,000
Safety data improvement grants	2,000,000

The conference agreement directs that $29,000,000 of the funds provided for the motor carrier safety assistance program shall be distributed as grants to States and local governments for new entrant motor carrier audits.

ADMINISTRATIVE PROVISIONS—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

Section 120 retains the provision as proposed by the House and the Senate that subjects funds appropriated in this Act to the terms and conditions of section 350 of Public Law 107–87, including that the Secretary submit a report on Mexico-domiciled motor carriers.

The conference agreement deletes a provision proposed by the Senate that prohibited using funds in this Act to implement or enforce any provision of the Final Rule issued on April 16, 2003, as it applies to operators of utility service vehicles and motion picture and television production drivers working at a site within a 100 air mile radius of the reporting location.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

As noted in both the House and Senate reports, the lack of detail and specificity in NHTSA's fiscal year 2006 budget justification has put at risk the House and Senate Appropriations Committees' ability to glean the information necessary to make informed decisions about the Nation's highway traffic safety programs. To ensure that the Committees have the information necessary to invest scarce Federal resources wisely, the conferees direct NHTSA to provide detailed information regarding requested increases and reductions to each program, project or activity outlined in the budget request. In particular, for each program, project or activity, the conferees direct NHTSA in its fiscal year 2007 budget justification to show the fiscal year 2006 enacted level, the requested level and to provide a narrative explaining the rationale for any increases or reductions to the current fiscal year enacted level.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides a total program level of $232,457,000 for highway and traffic safety activities, instead of $227,367,000 as proposed by the House and $232,688,000 as proposed by the Senate. The limited amounts for obligation include $122,457,000 to be transferred from the Federal Highway Administration for operations and research, and $110,000,000 for operations and research.

The following table summarizes the conference agreement for operations and research by budget activity:

Salaries and benefits	$72,002,000
Travel	1,336,000
Operating expenses	22,963,000
Contract programs:	
Safety performance (rulemaking)	14,155,000
Safety assurance (enforcement)	18,277,000
Highway safety programs	46,595,000
Research and analysis	72,632,000
General administration	673,000
Grant administration reimbursements	16,176,000
Total	232,457,000

SALARIES AND BENEFITS

The conference agreement provides an increase of $150,000 to support one additional

FTE to work exclusively on enforcement against non-compliant tire imports in NHTSA's vehicle safety compliance office, as proposed by the Senate.

OPERATING EXPENSES

The conference agreement provides $5,403,000 for NHTSA's contribution to the working capital fund and provides no funding for workforce planning and development, as proposed by the Senate.

SAFETY PERFORMANCE

The conference agreement includes $10,500,000 for NCAP vehicle testing, instead of $7,859,000 as proposed by the House and $13,679,000 as proposed by the Senate.

The conference agreement includes $206,000 for harmonization of vehicle safety standards, as proposed by the Senate. The House provided no funding for this activity.

HIGHWAY SAFETY PROGRAMS

The conference agreement provides the following amounts for highway safety programs:

Impaired Driving	$12,800,000
Judicial and prosecutorial awareness	(1,100,000)
Pedestrian, Bicycle, and Pupil Transportation	2,065,000
WPI Center for Human Impact Protection Systems	(400,000)
Motorcycle safety	800,000
National Occupant Protection	11,774,000
Enforcement and Justice Services	2,217,000
Emergency Medical Services	3,655,000
NEMSIS implementation	(1,000,000)
University of South Alabama rural vehicular trauma research	(350,000)
Traffic Records and Driver Licensing	2,660,000
Highway Safety Research	7,690,000
Bridgewater State College Remote Sensing and Spatial Information Technologies, MA	(200,000)
Emerging Traffic Safety Issues	1,178,000
NOPUS	1,656,000
International Activities in Behavioral Traffic Safety	100,000

RESEARCH AND ANALYSIS

The conference agreement provides the following amounts for research and analysis:

Safety Systems	$9,226,000
Biomechanics	14,000,000
Subtotal, Crashworthiness	23,226,000
Heavy Vehicles	4,515,000
Commercial vehicle rollover prevention technology demonstration	(900,000)
Michigan Research Institute for research to reduce vehicle weight	(1,000,000)
National Center for Manufacturing Sciences heavy vehicle fuel economy research program	(500,000)
Driver/Vehicle Performance/Simulator	7,050,000
Pneumatic Tire Research	621,000
Subtotal, Crash Avoidance	12,186,000
Fatality Analysis Reporting System	7,063,000
National Automotive Sampling System	12,230,000
Data Analysis Program	2,000,000
State Data Program	2,540,000
Special Crash Investigations	1,700,000
Subtotal, National Center for Statistics & Analysis	25,533,000
National Motor Vehicle Crash Causation Survey	8,000,000
Vehicle Research and Test Center	1,012,000
FastFARS	1,000,000
Crash Avoidance Initiative	500,000
Plastic and composite automobiles	250,000
Hydrogen Fuel Cell and Alternative Fuel Vehicle Safety	925,000
Subtotal	11,687,000
Total, Research and Analysis	72,632,000

Driver/Vehicle Performance/Simulator.—The conference agreement retains a provision in the Senate report directing that not less than $3,000,000 be provided for the National Advanced Driving Simulator.

Driver Distraction.—The conferees direct NHTSA to undertake an effort to consolidate current knowledge on driver distraction for use by policy makers that would assist state and local governments to formulate effective policies, regulations and laws. Such an effort should also identify areas in which scientific evidence is weak or lacking, thus helping to focus the federal research effort in the most productive directions.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The conference agreement limits obligations for operations and research to $110,000,000, instead of $75,000,000 as proposed by the House and $226,688,000 as proposed by the Senate.

NATIONAL DRIVER REGISTER

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The conference agreement limits obligations for the national driver register to $4,000,000 as proposed by both the House and the Senate.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The conference agreement limits obligations for highway traffic safety grants to $578,176,000, instead of $551,000,000 as proposed by the House and $548,182,095 as proposed by the Senate. The conferees direct NHTSA to submit a High Visibility Enforcement grants spending plan to the House and Senate Committees on Appropriations within 60 days of enactment.

ADMINISTRATIVE PROVISION—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Section 125 modifies a provision included by the Senate providing funding for travel and related expenses for state management reviews and highway safety core competency development training. The House did not include a similar provision.

The conference agreement deletes a provision proposed by the Senate that would provide funding for seat belt and impaired driving mobilizations.

The conference agreement deletes a provision proposed by the Senate that would authorize innovative project allocations under section 157 seat belt grants.

The conference agreement deletes a provision proposed by the Senate that provides additional funding for NCAP. The conference agreement provides funding under "Operations and Research."

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

The conference agreement provides $145,949,000 for Safety and Operations as proposed by the House instead of $146,000,000 as proposed by the Senate. The conferees approve three new positions for FRA: two hazardous materials tank car facility inspectors and one R&D program manager.

RAILROAD RESEARCH AND DEVELOPMENT

The conference agreement provides $55,075,000 for Railroad Research and Development, instead of no funding as proposed by the House and $41,000,000 as proposed by the Senate. Within the amount provided, the conferees have provided $1,500,000 for the Foster Miller Advanced Freight Locomotive; $500,000 for DMU compliance and demonstration, NJ; $210,000 for the WVU constructed facility center; $1,500,000 for the Marshall University-University of Nebraska consortium for safety and research programs in rail equipment, human factors, and track and rail safety related issues; and $10,000,000 for NDGPS.

Within the total, the conference agreement provides $6,500,000 for positive train control programs, including $3,000,000 for the North American Joint PTC program and $3,500,000 for a public-private partnership with a freight railroad to fund a project to assist the development of technology to deploy safety overlay technology designed to prevent train movement authority violations, over-speed violations, and train collision accidents caused by non-compliance of authorities as well as provide additional protections to roadway workers and to protect against open switches in non-signal territories.

The conference agreement includes $7,190,000 for rail corridor planning, to be distributed as follows: $500,000 for the Southeast HSR Corridor, NC; $500,000 for the Gulf Coast High Speed Corridor, near Carriere, MS; $2,500,000 to address critical corridor planning and highway-rail crossing safety needs within the Gulf Coast High Speed Rail Corridor; $1,540,000 for the Southeast High Speed Rail corridor between North Carolina and Virginia; $500,000 for grade crossing hazard elimination in Jemison, AL; $750,000 for highway-rail crossing improvements to the Pacific Northwest Corridor in Vancouver, Washington; $500,000 for the Public Education and Enforcement Research program for highway-rail grade crossing safety in Illinois; and $400,000 for corridor improvements to the Midwest Regional Rail Initiative in Milwaukee, Wisconsin.

Rail-highway crossing hazard eliminations.—The conference agreement provides the following funding allocations for rail-highway grade crossing mitigation authorized under section 1103(f) of Public Law 109–59:

Grade crossing improvements, Deer Park, TX	$650,000
Conecuh Valley Railroad grade crossing at Henderson Highway (CR–21), Troy, AL	100,000
Streeter Avenue grade crossing, Riverside, CA	300,000

Grade crossing improvements, Fort Worth, TX ...	450,000
Grade crossing improvements, Palm Beach Gardens, FL	375,000
Upper Peninsula grade crossing improvements, MI	750,000
Los Angeles grade crossing improvements, CA	500,000
Pacific Northwest Corridor grade crossing improvements, WA	1,250,000
Louisiana statewide grade crossing improvements ...	1,000,000
Gulf Coast grade crossing improvements, MS	1,000,000

NEXT GENERATION HIGH-SPEED RAIL

The conference agreement provides no funding for Next Generation High-Speed Rail, instead of $10,165,000 as proposed by the House and $11,500,000 as proposed by the Senate.

ALASKA RAILROAD REHABILITATION

The conference agreement provides $10,000,000 for the rehabilitation expenses of the Alaska Railroad instead of no funding as proposed by the House and $20,000,000 as proposed by the Senate.

NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)

The conference agreement provides a total of $1,315,000,000 for operations, capital improvements and debt service to the National Railroad Passenger Corporation (Amtrak). The conferees agree to provide these funds in a new account structure that provides better clarity as to the nature and extent of Amtrak's operations. The conferees further agree that reform is an essential element to bring escalating Amtrak costs under control in both the short and long term. As such, the conference agreement includes a number of reforms aimed at bringing about operational efficiency.

OPERATING SUBSIDY GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

The conference agreement provides $495,000,000 to the Secretary of Transportation to make quarterly operating subsidy grants to Amtrak, upon submittal of grant requests. Amtrak and the Secretary are reminded that the quarterly grants need not be of equal size, and that Amtrak should submit grant requests that align to seasonal operating needs.

Earlier in the year, the Appropriations Committees received testimony from the Department of Transportation Inspector General (IG) indicating that Amtrak would require an appropriation between $1,400,000,000 and $1,500,000,000 in order to maintain all existing services through fiscal year 2006. More recently, however, the conferees received a communication from the IG indicating that Amtrak carried over roughly $120,000,000 in available funds into fiscal year 2006—some $90,000,000 more than was anticipated at the time of his initial testimony. The IG also noted that Amtrak failed to avail itself of multiple cost-saving opportunities, particularly in the areas of food and beverage and first class services. These findings prompted the IG to conclude that "Amtrak can function at a lower level of Federal funding—$1,275,000,000 in FY 2006—without cutting routes." In total, the conference agreement provides $1,315,000,000 for Amtrak—$40,000,000 more than the level cited by the Inspector General.

The conference agreement includes bill language mandating that Amtrak achieve operational efficiencies, and directing the DOT Inspector General to submit quarterly reports to Congress tracking Amtrak's progress in this area. The conferees direct the Inspector General to develop an operating subsidy baseline by January 3, 2006 against which Amtrak's progress will be measured. The conference agreement includes bill language that prohibits federal subsidies for food and beverage and sleeper car service if the IG cannot certify by the July 1, 2006 quarterly report that Amtrak has achieved operational savings. The conference agreement also includes a provision prohibiting Amtrak from discounting tickets at more than 50 percent off the normal, peak fare after March 1, 2006, consistent with Amtrak's recently announced plan for the Smart Pass program.

The conferees are aware of a recent Government Accountability Office report that highlights serious weaknesses in Amtrak's procurement practices. The conferees expect that these concerns will be remedied, and direct Amtrak, as part of its monthly reporting requirements, to identify and justify all sole source contract awards.

The conference agreement also provides $5,000,000 for development of a managerial cost accounting system, as proposed by the Senate. Finally, the conference agreement continues reporting and grant-making provisions contained in prior appropriations Acts, including the withholding of $60,000,000 for directed service orders should it be needed.

Subject to the terms and conditions set forth in this Act, the conferees encourage Amtrak to continue offering discounted tickets for veterans and, if financially feasible, to increase the veterans' discounts offered during off-peak periods when space remains available on trains. If discounts are offered, the conferees expect these discounts to be offered equally to members of all veterans service organizations.

CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

The conference agreement includes $780,000,000 for capital and debt service payment grants to Amtrak. The conferees agree to language that provides not more than $280,000,000 for debt service payments. If Amtrak is able to refinance its debt and reduce the size of its payments, the conference agreement permits the savings to be used for the capital program. The conferees include language carried in previous appropriations Acts requiring the Secretary to approve capital expenditures in advance.

The conference agreement also includes a provision directing the Secretary to determine the capital and maintenance cost to Amtrak associated with the use of Amtrak-owned infrastructure on the Northeast Corridor by the commuter railroads that operate over that corridor. The provision requires the Secretary to determine and assess appropriate fees on the commuter railroads based on that use. The revenues from these fees will be merged with the capital appropriation and be used for the appropriate capital investments along the Northeast Corridor. In establishing the level of such fees, the Secretary will account fully for the contributions that commuter railroads currently make toward these costs. The conferees expect the Secretary to establish these fees expeditiously and through an open and transparent process that seeks, to the maximum extent possible, to yield a consensus on the part of all stakeholders as to the appropriate distribution of costs between said stakeholders. The conferees expect the Inspector General to include an assessment of the Department's efforts in assessing and collecting these fees as part of his quarterly reports on Amtrak's operating efficiencies beginning with the report due on July 1, 2006.

EFFICIENCY INCENTIVE GRANTS

The conference agreement includes $40,000,000 for a new Efficiency Incentive Grant program. These funds are to be used at the discretion of the Secretary and may be used at any time during the fiscal year to make additional operating assistance available to Amtrak if the Secretary determines such assistance is necessary to maintain the operation of existing Amtrak routes. Funds may also be disbursed by the Secretary at any time during the fiscal year for operating assistance if such assistance is necessary for Amtrak to stay out of bankruptcy and the Secretary and IG have certified that an emergency situation exists. The conferees expect the Secretary to hold any funds not disbursed for operating assistance in reserve until September 1, 2006, and if such funds are not needed for additional operating assistance, the Secretary should then make capital grants to Amtrak for investments that will have a direct and measurable short-term impact on operating efficiencies.

ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

Section 130 retains a provision included by the House that permits FRA to purchase promotional items for Operation Lifesaver. The Senate did not include a similar provision.

Section 131 retains a provision included by the Senate that clarifies the purpose of fiscal year 2005 funding in the State of Maine. The House did not include a similar provision.

Section 132 retains a provision proposed by the Senate that clarifies the purpose of fiscal year 2005 funding in the State of Illinois. The House did not include a similar provision.

Section 133 retains a provision proposed by the Senate that permits fiscal year 2004 funding to be used for site planning and improvements to Union Passenger Terminal in New Orleans. The House did not include a similar provision.

Section 134 modifies a provision proposed by the Senate that permits fiscal year 2005 funding to be used for improvements in Spokane, WA. The House did not include a similar provision.

Section 135 includes a new provision regarding a temperature-controlled express demonstration. The conferees direct Amtrak to report to both the House and Senate Committees on Appropriations on the status of this demonstration not later than April 14, 2006 and monthly thereafter.

FEDERAL TRANSIT ADMINISTRATION

The House and Senate Committees on Appropriations both reported out of committee H.R. 3058, which provided appropriations for the Federal Transit Administration (FTA), prior to the August 10, 2005 enactment of Public Law 109-59, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users or "SAFETEA-LU." Both the House and the Senate structured the appropriations for FTA under the authorities contained in Public Law 105-178, the Transportation Equity Act for the 21st Century or "TEA 21" and split funded the accounts between the General Fund and the Mass Transit Account of the Highway Trust Fund. Besides various changes to the transit programs, SAFETEA-LU changed the funding mechanism for FTA such that accounts are funded completely from either the General Fund or the Mass Transit Account. The conference agreement follows the structure of SAFETEA-LU.

ADMINISTRATIVE EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides a total of $80,000,000 from the General Fund for the administrative expenses of the Federal Transit Administration. Of the amount provided, the conferees direct the funds for the following offices:

Administrator	$925,000
Administration	7,325,000
Chief Counsel	4,058,200
Communications and Congressional Affairs	1,359,300
Program Management (includes public safety)	7,985,900
Budget and Policy	8,732,500
Research, Demonstration, and Innovation	4,763,900
Civil Rights	3,153,100
Planning	4,127,300
Regional Offices	20,754,000
Central Account	16,815,000

The conference agreement retains provisions proposed by both the House and the Senate allowing for the transfer of up to five percent of funds between offices, directing FTA to submit for approval any proposal to transfer funds from the Central Account, prohibiting funds for a permanent office of transit security, directing FTA to reimburse up to $2,000,000 to the Office of the Inspector General, and directing the submission of the annual new starts report. As proposed by the House, funds for the National Transit Database are included under the formula program.

The conferees direct FTA to notify the House and Senate Committees on Appropriations prior to funding e-gov initiatives based in the Office of the Secretary. Activities in support of the Secretary's initiative should be reflected in either the OST account or in the FTA accounts.

The conferees direct the FTA Administrator to comply with the Department's July 18, 2005 chief financial officer (CFO) policy requiring each operating agency chief financial officer to manage directly all financial and budget activities for both program and administrative funds. The conferees agree that the FTA CFO is to oversee the formulation and execution of all authorized and appropriated funds to the agency. The conferees direct the Administrator to report to the House and Senate Committees on Appropriations by January 30, 2006, detailing how FTA has aligned the agency's management and oversight of the financial and budget activities for both program and administrative funds consistent with the Department's CFO policy.

Further, the conferees direct the Inspector General to conduct an audit of FTA's administrative expenses for fiscal year 2005 to validate that funds were spent consistent with the provisions of the appropriations Act and the directives that were included in the committee reports. The Inspector General should report the results of the audit to the House and Senate Committees on Appropriations by December 31, 2005.

FTA is directed to submit its fiscal year 2007 congressional budget justification for administrative funds itemized by office with material detailing salaries and expenses, staffing increases, and programmatic initiatives of each office. The initiatives for each should be clearly stated, and include a justification for each new position or full-time equivalent, should FTA request additional FTEs next year. In addition, the congressional budget justifications must identify the administrative costs for each new fixed guideway project included in the fiscal year 2007 request.

The conferees reiterate the Senate directive to continue reporting monthly on the new starts program, including milestone schedules for projects within two years of reaching their full funding grant agreement.

FORMULA AND BUS GRANTS

(LIQUIDATION OF CONTRACT AUTHORITY)

(LIMITATION ON OBLIGATIONS)

(INCLUDING TRANSFER OF FUNDS)

The conference agreement limits obligations from the Mass Transit Account for the formula and bus grant program to $6,979,931,000. Of the amount available for the fixed guideway modernization program, $47,766,000 is to be transferred to the Capital Investment Grants account for activities under that program. The conferees expect FTA to distribute funds as directed by SAFETEA–LU.

Of the funds provided for bus and bus facilities, the conferees direct funds to the following priorities:

10 new fixed-route buses, Cedar Rapids, IA	150,000
1st District Bus Replacement and Facilities, MI	2,000,000
2nd St/Andrews Ave/3rd St Enhancements, Fort Lauderdale, FL	500,000
7th Avenue Transit Hub, FL	400,000
7th District Buses and Bus Facilities, WI	1,050,000
95th Street Red Line Station, IL	800,000
Acquisition of MARTA Transit Buses, GA	500,000
ADA Paratransit Vehicles, San Diego, CA	500,000
Adams Co. Transit Authority purchase of buses, PA	500,000
Alabama Association of Area Agencies on Aging Bus and Van Purchase	200,000
Alabama State Docks Choctaw Point Terminal	2,160,000
Alaska Native Medical Center intermodal bus/parking facility	750,000
Alexandria Transit Service Improvements, VA	1,000,000
Allegan County Transportation Services, MI	89,000
Alternative fuel buses, Broward County, FL	1,000,000
Area Transit Authority, PA	1,000,000
Arlington County Bus Transfer Facility, VA	400,000
Atlantic City Regional Medical Center Bus Project, NJ	250,000
Automated Light study along Route 59, NY	100,000
Automation Alley/BUSolutions, MI	2,000,000
Automotive-Based Fuel Cell Hybrid Bus Program, DE	1,000,000
BARTA—Auto Vehicle Locator System, PA	800,000
BARTA—Franklin Street Station Intermodal, PA	500,000
Battle Creek Transit Bus Replacement, MI	1,200,000
Bay City MTA New and Replacement Vehicles, MI	400,000
Bellows Falls Multimodal Facility, VT	1,000,000
Ben Franklin Transit, Maintenance and Operations Facility, WA	500,000
Bergen Intermodal Stations and Park N'Rides, NJ	2,000,000
Berrien County Public Transportation, MI	150,000
Billings Public Bus and Transfer, MT	1,250,000
Blacksburg Transit Intermodal Facility, VA	200,000
Bloomfield Intermodal Facilities and Park-and-Ride, NJ	500,000
Bloomington, Indiana University Campus Bus System, IN	600,000
Bloomington Public Transportation Corporation, IN	1,200,000
Blue Line Trolley Shelter Improvements, CA	350,000
Boro Park JCC Bus Purchase, NY	250,000
Boulder Highway Max Bus Rapid Transit System, NV	450,000
Brazos Transit District Bus Replacement, TX	125,000
Brazos Transit District, Capital Cost Contracting, TX	1,000,000
Bridgeport Intermodal Transport Center, CT	4,000,000
Brigham City Buses and Bus Facilities, UT	150,000
Brockton Area Transit Authority Replacement Buses, MA	1,031,459
Broward County Alternative Fuel Buses, FL	115,000
Broward County Southwest Bus Facility, FL	1,000,000
Bucks County Intermodal Facility, PA	500,000
Burbank Airport Hybrid Shuttle Demonstration Project, CA	500,000
Burlington Transit Facilities, VT	1,000,000
Bus Facility 65th Intermodal Station, NY	1,000,000
Bus Purchase and Upgrades, Columbus, IN	500,000
Bus Purchase for Red Rose Transit Authority, Lancaster, PA	750,000
Bus Rapid Transit in Western Slope Area, CO	400,000
Bus Replacement and Facilities, DE	1,000,000
Bus Replacement, TX	1,000,000
Bus Replacements, PA	500,000
Bus Shelters, Dallas, TX	500,000
Bus Terminal and Support Facility, Lake Charles, LA	1,000,000
Bus/Vehicle Replacement, Lufkin, TX	300,000
Buses and Bus Facilities, Danville, VA	300,000
Buses and Bus Facilities, Farmington, NM	320,000
Buses and Bus Facilities, GA	500,000
Buses and Bus Facilities, Las Cruces, NM	1,000,000
Bus and Bus Facilities, Clarkstown and White Plains, NY	300,000
Cambria County Transit Authority, PA	1,000,000
Capital Area Transit (CAT), PA	750,000
Capital Area Transportation Authority, Hybrid Public Transportation Vehicles Purchase, Lansing, MI	2,000,000

Capital Metro Expansion and Improvement, TX	2,100,000
Capital Metro North Operating Facility, TX	500,000
Capital Metro Rapid Bus Project, TX	750,000
Cass County Transit, MI	80,000
Cedar Avenue Bus Rapid Transit, Dakota County, MN	750,000
Central New York Regional Transportation Authority	1,500,000
Central NJ Intermodal Stations and Park & Rides	500,000
Central Ohio Transit Authority Paratransit Facility	1,500,000
Centre Area Transportation Intermodal Facility, PA	500,000
CFRTA LYNX Bus Fleet Expansion, FL	1,350,000
Chatham Area Transit Authority bus and facility, GA	500,000
Cherry Street Joint Development Project, IN	250,000
Chestnut Hill Parking Foundation, Cheltenham, PA	250,000
Church Street Transportation Center, PA	225,000
City of Albuquerque Transit Vehicles, NM	225,000
City of Anderson Intermodal Center Project, IN	125,000
City of Brownsville Urban System, TX	500,000
City of Clinton, Missouri, Buses and Bus Facilities, MO	50,000
City of Coralville Intermodal Facility, IA	575,000
City of El Paso Sun Metro Bus Replacement, TX	2,000,000
City of Lamar, Missouri, new transit vehicle	20,000
City of Lubbock Citibus Improvement, TX	500,000
City of Marshfield, new transit vehicles, MO	50,000
City of Midland Dial-A-Ride Section 5309, MI	366,000
City of Modesto's Bus Maintenance Facility, CA	500,000
City of Moultrie, Georgia, Intermodal Facility	500,000
City of Northfield, MN Transit Station	280,000
City of Texarkana, AR	400,000
City Utilities of Springfield bus facilities, MO	1,650,000
Clallam Transit, WA	220,000
Clare County Transit Administration Facility, MI	460,000
Coatesville Train Station, Coatesville, PA	1,000,000
Coconino County Bus Facilities, AZ	1,000,000
Colorado Transit Coalition, CO	3,000,000
Communication Equipment and Bus, Belding, MI	76,000
Commuter Rail Hub Planning and Renovation of the Historic Brigham City Train Depot, UT	75,000
Complete intermodal transit facility, Lufkin, TX	750,000
Compressed Natural Gas (CNG) Buses, TX	1,000,000
Construct bus shelters in Bellflower, CA	250,000
Construction of Amesbury Bus Facility, MA	1,200,000
Corona Transit Center, CA	500,000
Corpus Christi Bus and Bus Facilities, TX	80,000
County of Lebanon Transit (COLT), PA	300,000
Crawford Internmodal Transportation Facility, PA	350,000
Cyride/Ames Iowa Bus Garaga facility	1,000,000
Deneka Maintenance Facility, MI	500,000
Detroit Bus Leasing and Expansion, MI	2,000,000
Dowagiac Dial A Ride, MI	50,000
Downtown Akron Transportation Center, OH	300,000
Downtown Nashville Transit Transfer Facility, TN	800,000
East County Bus Maintenance Facility, CA	1,000,000
East Valley Bus Maintenance Facility, AZ	1,000,000
Easton Intermodal, PA	400,000
Ed Roberts Campus, Berkeley, CA	300,000
El Garces Intermodal Station, Needles, CA	2,000,000
Electric, Next-Generation Transit Buses, Broome County Transit, NY	800,000
Endless Mountain Transportation Authority, Bradford County, PA	300,000
Enhance Oklahoma Transit Association Public System	500,000
Enhancements to Bus Terminal in McAllen, TX	500,000
Everett Transit, Bus and Paratransit Vehicle Replacement, WA	825,000
Fairfield/Vacaville Intermodal Station, CA	500,000
Family Connection of Shelby County Trans Project, AL	50,000
Fayette Area Coordinated Transportation, PA	1,500,000
Flagler County Buses and Bus Facilities, FL	300,000
Flint MTA New and Replacement Vehicles, MI	300,000
Foothill Transit, San Gabriel Valley, CA	3,300,000
Foothills Community Action Partnership Foothills Express Transit Expansion Project, KY	350,000
Fort Bend Co, TX, Park & Ride	500,000
Fort Wayne Citilink, IN	125,000
Franklin County Transportation Council, MO	456,000
Franklin Multimodal Center, MA	1,500,000
Fulton County Transit Authority, KY	220,000
Gadsden State Community College Transit Project, AL	600,000
Gardner Maintenance Facility Construction, MA	800,000
Georgia GRTA Xpress Implementation Buses	2,250,000
Gettysburg Bus and Bus Facilities, PA	250,000
Golden Empire Transit traffic signal priority project, CA	250,000
Grant Transit, WA	225,000
Grays Harbor Transit, Transit Center Expansion, WA	780,000
Grays Harbor Transit, WA	65,000
Greater Lapeer Transportation Authority, MI	500,000
Greater Lynchburg Transit Company Vehicle Replacement, VA	400,000
Greater Minnesota Transit Capital	1,000,000
Greater Minnesota Transit Capitol—5309 Buses and Bus Facilities, Rock County	500,000
Greater Ouachita Port intermodal facility, LA	400,000
Greater Richmond Transit Company Bus Operations and Maintenance Facility, VA	2,000,000
Greater Sacramento Regional Bus Replacement/Bus Facility Expansion, CA	1,000,000
Hampton Roads Southside Bus Facility, VA	1,000,000
Hampton Roads Transit Bus Facilities, VA	2,250,000
Handicap Buses Desoto County, MS	150,000
Harbor Transit, MI	404,000
Harlan County Transit Center, KY	500,000
Hazleton Intermodal, PA	1,500,000
Helena Transit Facility, MT	250,000
Henderson Area Rapid Transit Authority, KY	44,000
High Point International Furniture Market Transportation Terminal, NC	850,000
Hill County Transit Administration Facility, TX	500,000
Hillsdale Dial-A-Ride, MI	500,000
Holyoke Multimodal Center, MA	1,750,000
Homestead East-West Bus Connector, FL	500,000
Honolulu Bus and Bus Facilities, HI	6,000,000
Houston METRO Bus Transit Centers, TX	2,030,000
Hunt County Committee on Aging, TX	500,000
I–35W BRT 46th Street Station, Minneapolis, MN	1,000,000
Idaho Statewide ITS	100,000
Idaho Transit Coalition Bus Capital Investment	2,150,000
Idaho Transit Coalition Buses and Bus Facilities	750,000
IL Statewide buses and facilities	8,000,000
Inter-city Transit Companies, Meridian, MS	200,000
Inter-Modal Center, Middletown, CT	300,000
Intermodal Center, Scottsdale, AZ	810,000
Intermodal Facility, Augusta, ME	700,000
Intermodal Facility, Ouachita Parish, LA	500,000
Intermodal Park and Ride Facility at Discovery, CA	300,000
Intermodal Station Improvements, Salem and Beverly, MA	1,200,000
Intermodal Terminal Center, Jacksonville, FL	1,000,000
Intermodal Transfer Facility at Duncan and Boyle, MO	700,000

Intermodal Transit Center, Bell Gardens, CA	400,000
Intermodal transportation facility, Huntington Hospital, NY	500,000
Interstate 15 managed lanes, San Diego, CA	1,000,000
Island Transit, WA	480,000
ITS Security Equipment for Buses, TX	500,000
Ivy Tech Multi-Modal Facility, Indianapolis, IN	300,000
Ivy Tech State College Multi-Modal Facility, IN	175,000
Jacksonville Transportation Authority Bus and Bus Facilities, FL	340,000
Jamestown 2007 Natural Gas Bus purchase, VA	250,000
JARC Hartline, Hillsborough County, FL	250,000
JATRAN bus replacement, MS	550,000
Jefferson City, Missouri, Buses and Bus Facilities	350,000
Jefferson County Transit, WA	365,000
Johnson County Fleet Vehicle Replacement, KS	350,000
Johnson County SEATS Para-Transit Facility Program, IA	100,000
Kalamazoo Metro Transit, MI	1,000,000
Kalispell Buses, MT	100,000
Kalkaska County Transportation Facility, MI	400,000
Kansas Statewide Bus and Bus Facilities, KS	700,000
Kapkowski Road Transportation Planning Area Project, NJ	500,000
KCATA buses, MO	3,850,000
Key West Buses and Bus Facilities, FL	500,000
King County Airfield Transfer Area, WA	1,200,000
King County Metro Park and Ride on First Hill, WA	1,200,000
King County Metro, Bus Radio Replacement Program, WA	2,000,000
Knoxville Electric Transit Intermodal Center, TN	1,000,000
La Habra Shuttle Senior Transportation Program, CA	157,000
LA Statewide buses and facilities	4,000,000
Lafayette Bus Replacement, IN	750,000
Lafayette Louisiana Multimodal Transportation Facility	150,000
Lake County Bus Systems, IN	500,000
Lake Erie Transit Hybrid Transit Buses, MI	700,000
Lake Erie Transit Maintenance Bay Expansion, Michigan	500,000
Lakeland Area Citrus Connection Transit Systems	250,000
Lakeside Center Hub, Prospect Park, Brooklyn, New York	700,000
Lakewood Bus Stop Improvements, Lakewood, California	400,000
Lancaster Intermodal, Pennsylvania	2,000,000
Lawson State Community College, Alabama	450,000
Lewistown Bus Facility, Montana	300,000
Lincoln County Senior Citizen Bus, Kentucky	400,000
Link Transit Low Floor Coaches Chelan/Leavenworth, WA	500,000
Livermoore Amador Valley Satellite Maintenance and Operations Facility, California	1,000,000
Long Beach Transit Bus Purchase, California	750,000
Los Angeles Valley College Bus Station Extension, California	750,000
Lubbock/Citibus Low-Floor Buses, Paratransit Vans and Facilities, and Passenger Amenities, TX	80,000
Ludington Mass Transportation Authority	320,000
Macatawa Area Express	250,000
MART Advanced Vehicle Locator System (AVL), Massachusetts	500,000
MART Maintenance Facility, Fitchburg, Massachusetts	1,200,000
MART Vehicle Replacement, Massachusetts	1,200,000
MARTA Atlanta Clean Fuel Buses	1,000,000
MARTA Automated Smart Card Fare Collection Systems, Georgia	375,000
Maryland Statewide Bus Program	500,000
Mason County Transit, Washington	150,000
Memphis Airport Intermodal Facility, Tennessee	1,375,000
METRO St Louis Downtown Shuttle Trolley, Missouri	750,000
Metropolitan Atlanta Rapid Transit Authority acquisition of clean buses, Georgia	2,610,000
Mid Mon Valley Transit Authority, Pennsylvania	1,500,000
Midland Bus Facilities, TX	50,000
Midland Bus Facilities, Texas	80,000
Midland County Board of Commissioners Connection	500,000
Minnesota Transit Cap—5309 Buses and Bus Facilities—St. Peter	250,000
Miramar Town Center Transit Hub, Miramar, Florida	500,000
Mobile Waterfront Infrastructure Development, AL	600,000
Monroe Township/Clarion University Transit	660,000
Monrovia, Los Angeles County, CA, Transit Village	1,500,000
Monterey Salinas Transit, Monterey, California	400,000
Montgomery Bus Stop, Shelters and Bus GPS Tracking System, Alabama	200,000
Montgomery County Intermodal, Pennsylvania	500,000
Morristown Intermodal Historic Station, NJ	3,000,000
Mountain Line Bus, Montana	875,000
MTA transit vehicles for disabled persons, Guam	300,000
Muncie Indiana Transit System	1,200,000
N. Indiana Mental Health Trans. Partnership	250,000
Nassau County Hub and Centre, NY	1,000,000
Nassau County, New York Bus Replacement	1,000,000
National Center for Transportation Needs (TRANSPO), FL	750,000
Nevada Statewide Bus and Bus Facilities, NV	3,000,000
New Bus Facility Capital Improvements, California (San Joaquin)	1,000,000
New Orleans Union Passenger Terminal Rehab, Louisiana	1,000,000
Newark Penn Station Intermodal Improvements, New Jersey	1,000,000
NFTA Hybrid Buses, Amherst, Erie County, New York	750,000
Niagara Frontier Transportation Authority Buses, New York	500,000
NIMHTP, Madison Center, South Bend, IN	500,000
NJ Transit Jitney Bus Replacement, Atlantic City	250,000
North Dakota Statewide Transit	1,250,000
North Hempstead Green Bus Fleet, New York	600,000
North Leomister Parking Improvements, Massachusetts	720,000
Northern New Mexico Park and Ride	450,000
Northumberland County Transportation, PA	200,000
Northwest Busway, Minneapolis, Minnesota	1,000,000
Northwestern Connecticut Central Transit Facility	300,000
Norwalk Pulse Point Joint Improvements, CT	250,000
NW NJ Multi-County Intermodal Transit Initiative	1,000,000
OATS buses and bus facilities, Missouri	2,200,000
OCTA BRT	1,500,000
Ogden Buses and Bus Facilities, UT	250,000
Ohio Statewide Buses and Bus Facilities	5,600,000
Ojai Multi-Agency Transportation Facility, CA	250,000
Oklahoma DOT Transit Program Division	500,000
Omni Trans Para Transit Vehicles	300,000
Pablo Bus Facility, Montana	200,000
Pablo Buses, Montana	150,000
PACE Bus Service to the College of DuPage, Glen Ellyn, IL	200,000
Pace Suburban Bus Transit Signal Priority, Illinois	500,000
Pacific Station Multimodal Facility, Santa Cruz, California	400,000
Paducah Area Transit System in Paducah, Kentucky	1,100,000
Palm Springs Aerial Tramway Bus Project, CA	600,000
Palm Tran, Palm Beach County, FL	250,000

Paoli Transportation Center	2,000,000
Paramount Easy Rider Clean-Air Buses, Paramount, California	200,000
Park and Ride Facility, Ashland, OR	250,000
Park-and-Ride Lot, Springfield, VA	1,000,000
Pasco County Transit Facilities Project, FL	250,000
Pasco County Public Transportation Bus Purchase, FL	500,000
Pasco County Transit Construction, FL	500,000
Pennyrile Allied Community Services	93,000
Petersburg Multi-Modal Transit Center, VA	500,000
Petersburg Transit Intermodal Facility, VA	300,000
Phoenix/Avondale/Glendale Bus Expansion, Arizona	1,500,000
Phoenix/Glendale West Valley Operating Facility, Arizona	1,000,000
Pine Ridge Transit System, South Dakota	600,000
Placerville Station II	1,000,000
Poplar Transit Facility Renovation, Montana	80,000
Port Angeles International Gateway Project, Washington	800,000
Port Authority of Allegheny County Bus Acquisition, Pennsylvania	3,100,000
Potomac and Rappahannock Transit Commission Buses for service expansion, VA	1,200,000
Prospect and East 21st Street Intermodal Transportation Center, OH	875,000
Public Bus Transfer and Parking Facility, MT	1,250,000
Public Transit for STCC College Students, Massachusetts	700,000
Pullman Multi-Modal Transit Center, Pennsylvania	500,000
Pullman Transit, Washington	50,000
Purchase of Five Transit Buses, Pasco County, FL	250,000
Purchase Transit Buses for Macon Transit Authority, Georgia	500,000
Putnam County, FL Ride Solutions Buses	750,000
Puyallup Transit Center Park and Ride, Washington	780,000
Rapid Transit Handicap Accessibility, Newton, Massachusetts	1,200,000
Ray County Transit Buses and Bus Equipment, Missouri	50,000
Redondo Beach Coastal Shuttle Transit Vehicles, California	700,000
Regional Bus and Bus Facilities: Intermodal Terminals, UT, including Gateway TRAX station	1,500,000
Regional Intermodal Transportaiton, South Amboy, New Jersey	500,000
Renaissance Square, NY	5,000,000
Reno and Sparks Intermodal Transportation Terminals and Related Development, NV	500,000
RGRTA Hampton Corners Livingston County, NY	1,000,000
Rhode Island Public Transit Authority Elmwood Avenue Maintenance Facility Improvements	1,240,000
Rhode Island Public Transit Authority Transit Security Improvements	200,000
Rhode Island Statewide Vehicle Replacement	500,000
Richmond Highway Public Transportation Initiative, VA	2,400,000
Riverside Transit Center, CA	750,000
RiverSphere Multimodal Facility, Louisiana	200,000
Rolling Stock for HCTD Urban System, TX	1,500,000
Roscommon Transportation Authority Route Service	200,000
Rosemary Children's Services' Transportation Program, California	75,000
RTC Transit Maintenance Facility, NV	500,000
Rural Bus Program, HI	4,000,000
Saint Peter's McGrinley Square Intermodal Facility, New Jersey	800,000
SamTrans Revenue Collection System, California	300,000
San Antonio—New Buses, Bus Facility Improvements, and Bus-Related Projects TX	100,000
San Diego Bus Rapid Transportation Demonstration Project, California	700,000
San Francisco Muni Buses and Bus Facilities, California	2,000,000
San Luis Rey Transit Center	500,000
Sandy Transit Bus Facility, Oregon	375,000
Sanilac Co. Transit Authority, MI	500,000
Santa Clara Valley Transit Authority Paratransit Vehicle, California	500,000
Seniors Transportation, Inc. Buses and Bus Facilities, New York	100,000
Shenango Valley Shuttle Service, Pennsylvania	250,000
Shuttle bus to transport seniors in Bell Gardens, California	100,000
Silver Spring Transit Center, Maryland	3,000,000
Simi Valley Public Transit Radio Communications, CA	250,000
Skagit Transit Bus Acquisition, Washington	425,000
Skagit Transit Chuckanut Dr. Station in Burlington, Washington	300,000
Skagway Intermodal facility, Alaska	1,000,000
SMART Multi-Modal Transit Center and Bus Maintenance Facility, Oregon	500,000
Solana Beach Transit Center, Solana Beach, CA	500,000
Sound Transit, Eastgate Transit Access, Washington	1,500,000
South East Missouri Transportation Service, Missouri	1,100,000
South Norwalk Intermodal Facility, Norwalk, CT	1,000,000
Southeast Tennessee Human Resource Agency	500,000
Southern and Eastern Ky Bus and Bus Facilities	500,000
Southern Maryland Commuter Bus Initiative	2,000,000
Southern Missouri Buses and Bus Facilities	1,500,000
Space Coast Area Transit Bus Terminal, FL	200,000
Spencer Avenue Bus Transfer Center, Oroville, CA	350,000
St Johns County, FL Council on Aging Buses	500,000
St. George Terminal, Staten Island, NY	1,000,000
St. Joseph County Transit	80,000
Stamford Urban Transitway Phase II, CT	3,000,000
StarTran Farebox Technology Upgrades, Nebraska	65,000
State of Arkansas—Bus and Bus Facilities	4,000,000
Statewide Bus and Bus Facilities, NC	2,000,000
Statewide Bus and Bus Facilities, SD	4,000,000
Statewide Bus and Bus Facilities, Utah	1,700,000
Statewide Bus Replacement, Iowa	1,400,000
Suburban Mobility Authority for Regional Transportation (SMART), MI	5,000,000
Suffolk County Buses and Bus Facilities, New York	400,000
Sun Tran CNG Buses and Facilities	2,000,000
Sun-Tran Operations and Maintenance Facility Expansion, UT	250,000
SW King County-Highline CC Intermodal Transit Facility and Parking Garage	850,000
TALTRAN Bus Expansion Project, Florida	1,000,000
Taltran Bus Fleet Replacement	500,000
TARC—purchase of 10 hybrid electric buses	500,000
Tech Town Transportation Center, OH	750,000
Tennessee Department of Transportation Buses and Bus Facilities	500,000
The District-Bryan/College Station Bus Replacement, Texas	500,000
The UEL Bus Stop, University of Minnesota Twin Cities Transitway, MN	50,000
Third Bus Depot on Staten Island, NY—South Shore	2,000,000
TN DOT Job Access Reverse Commute	500,000
TN Statewide Bus and Bus Facilities	5,500,000
Torrance Transit System, California	400,000
Town of Chapel Hill, North Carolina Replacement Bus	750,000
Town of Normal Multimodal Transportation Center, IL	2,000,000
Transit Center 9400 South Sandy, Utah	500,000
Transit Vehicles for Albuquerque, NM	500,000
Treasure Coast Connector, St. Lucie County, FL	500,000

Triangle Transit Authority Replacement Buses, North Carolina	500,000
Trolley Plaza, AL	125,000
Trolley Shelter, West Palm Beach, Florida	250,000
Trolley System, Boynton Beach, FL	250,000
Tucson SunTran Alternative Fuel Bus Replacement, AZ	1,500,000
Tucson SunTran Bus Storage and Maintenance Facility, AZ	5,000,000
Twin Cities Dial A Ride	89,000
Twin Transit, Washington	160,000
ULM Intermodal Facility, Monroe, LA	1,000,000
UNI Multimodal Project, Cedar Falls, Iowa	1,575,000
Union Station Intermodal Trade and Transit Center, Pennsylvania	1,250,000
Union Station Intermodal Transportation Center, Washington, D.C.	700,000
Union/Snyder Transportation Authority Union County, PA	1,000,000
University of Montana bus maintenance facility	250,000
University of Norther Iowa Multi	250,000
Upper Cumberland Human Resource Agency, Tennessee	350,000
Uptown Crossings Joint Development Transit Project, Cincinnati, OH	1,000,000
Utah Intermodal Transit Hubs, Utah	200,000
Vallejo Intermodal Station, California	850,000
Valley Hospital Bus Transportation, NJ	75,000
Valley Transit, Washington	275,000
Vehicle Acquisition for Ionia Dial-A-Ride, MI	144,000
Vehicle Acquisition, SC	1,600,000
Victor Valley Trans Operation/Maintenance Facility	750,000
Virgin Island Transit VITRAN, Virgin Islands	300,000
Visalia Bus Operations and Maintenance Facility	250,000
Visalia CNG Bus Conversion	250,000
Warwick Para-Transit Vehicles, Rhode Island	135,000
West Side Transit Facility, Albuquerque, NM	825,000
West Valley City Intermodal Terminal, Utah	375,000
Westchester County Bee-Line Bus Replacement, New York	250,000
Westminster College Intermodal Transportation Facilities Expansion for Shuttle Buses, Utah	1,250,000
Westmoreland Transit Authority, Pennsylvania	750,000
Wichita Transit Authority, KS	800,000
Williamsport Trade and Transit Centre Expansion, Pennsylvania	675,000
Winston-Salem Union Station Intermodal Facility, NC	250,000
Winter Haven Transit Terminal/Buses	1,000,000
Wisconsin Statewide Buses and Bus Facilities	2,125,000
WMATA Bus Purchase	1,500,000
Wyandotte County Unified Government Transit, KS	500,000
Yates Township Dial-A-Ride Transportation System, MI	400,000
Yorba Linda Senior Mobility Program—TRAILS	41,000
York Co. Transit Auth. (PA) purchase of buses	500,000
Yosemite Area Regional Transportation System	250,000
Zero Emission Bus Demonstration, Santa Clara, California	400,000

The conferees provide $8,000,000 to the Illinois Department of Transportation (IDOT) for Section 5309 Bus and Bus Facilities grants. The conferees expect IDOT to provide at least $4,000,000 for Downstate Illinois replacement buses in Bloomington, Champaign-Urbana, Danville, Decatur, Peoria, Pekin, Quincy, River Valley, Rockford, Rock Island, Springfield, Madison County, Rides MTD, South Central MTD, and Macomb, including $375,000 for the Springfield MTD night service project. Further, the conferees expect IDOT to provide appropriate funds for bus facilities in Bloomington, Galesburg, Macomb, Peoria, and Rock Island, including $500,000 for the Champaign Day Care Center/Park-n-Ride and $500,000 for the Macomb maintenance facility.

The conferees direct FTA to refrain from reallocating funds provided in fiscal year 2003 and prior year appropriations Acts for the Department of Transportation as follows:

GA—Macon Intermodal
NY—Middletown/Tompkins Consolidated Area Transit Center
NY—Tompkins County/Tompkins Consolidated Area Transit Center
SC—Sumter Intermodal
SC—Intermodal/Inland Port Terminal
PA—Wilkes-Barre intermodal
WV—Morgantown intermodal
AL—Jefferson County, Diesel Hybrid Electric Buses
MA—Attleboro Intermodal
NY—Jamaica Intermodal Facilities
KS—Lawrence Transit System Transfer Center
CT—Hartford-New Britain Busway Project
CT—Hollyhock Station/Intermodal Transportation Center, Norwich
IN—Indianapolis downtown transit facility
MA—Springfield Union Station intermodal facility
MA—Springfield Union Station Intermodal Redevelopment Project
NE—Metro Area Transit—Intermodal Facility
WA—Aurora Avenue Bus Rapid Transit
PA—Easton Intermodal Terminal

SAFETEA–LU setasides of bus and bus facility funds.—The conferees note that the recently enacted surface transportation authorization bill, SAFETEA–LU, (Public Law 109–59) sets aside more than $442,000,000 of the formula funds made available in this Act for specific bus and bus related facility projects. These projects include eight high priority ferry boat system projects and 645 separate high priority bus projects. Included among those projects is annual funding of $5,000,000 for a Statewide grant for bus and bus related facilities in the State of West Virginia.

The conferees are aware that hybrid buses offer reduced fuel consumption while utilizing existing infrastructure, a significant benefit particularly at a time when fuel conservation is paramount. Also, reduced maintenance for hybrid buses equates to significant life cycle cost benefits. Accordingly, the conferees believe that FTA should develop a program for encouraging and incentivizing a far greater number of transit systems to adopt this technology. The FTA is directed to develop such an initiative, which is to be submitted with the fiscal year 2007 budget submission.

RESEARCH AND UNIVERSITY RESEARCH CENTERS

The conference agreement provides $75,200,000 from the General Fund for research activities. Of the amounts provided, $4,300,000 is for the National Transit Institute, $9,000,000 is for transit cooperative research programs, $7,000,000 is for the university centers program. The conferees provided additional funds over and above the guaranteed level in order to preserve the core research program, which was inadvertently reduced under SAFETEA–LU.

The conferees note that the recently enacted surface transportation authorization bill, SAFETEA–LU, (Public Law 109–59) sets aside research funds made available in this Act for specific research and university projects. Of the remaining funds provided for the national planning and research program, the conference agreement directs funds for the following:

American Cities Transportation Institute, PA	$500,000
CTAA of America Nationwide Joblinks	$800,000
CALSTART/WESTART Advanced Transit Technology	$2,000,000
Boston-Fitchburg, MA Rail Corridor	$640,000
Automation Alley BUSolution	$1,500,000
Advanced Transportation Technology Institute, TN	$1,000,000
Research Hybrid Fuel Technology Transit System, CA	$250,000
Wichita State University: mass transit vehicle crash protection	$250,000
University of Texas, Austin: Flywheel bus and truck program	$1,000,000
Hennepin County Community Works	$500,000
Advanced vehicle emission reduction sensor program, Ohio	$500,000
Biodiesel hybrid bus research, AL	$1,000,000
CIMERC, PA	$1,000,000
City of Mount Vernon, WA—transit and development study	$200,000
Low cost carbon fiber production technology, TN	$1,000,000
Center for Transportation and the Environment—Southern Fuel Cell Coalition/Flywheel Development	$1,660,000
Transport 2020, WI	$1,000,000
Washington State ferries wireless over water project	$1,000,000
WVU exhaust emission testing initiative, WV	$1,400,000

CAPITAL INVESTMENT GRANTS

The conference agreement provides $1,455,234,000 from the General Fund for capital investment grants.

ACE Gap Closure San Joaquin County, California	5,000,000

Alaska and Hawaii ferry projects	15,000,000
Ann Arbor/Detroit Commuter Rail, Michigan	5,000,000
Atlanta Beltline/C-Loop, Georgia	1,000,000
Baltimore Central Light Rail Double Track Project, Maryland	12,420,000
Baltimore Red Line and Green Line, Maryland	2,000,000
Boston/Fitchburg, Massachusettes Rail Corridor	2,000,000
Central Corridor/St. Paul-Minneapolis, Minnesota	2,000,000
Central Florida Commuter Rail	11,000,000
Celtral Phoenix/East Valley LRT, Arizona	90,000,000
Charlotte South Corridor Light Rail Project, North Carolina	55,000,000
City of Miami Streetcar, Florida	2,000,000
City of Rock Hill Trolley Study, South Carolina	400,000
Commuter Rail, Albuquerque to Santa Fe, New Mexico	500,000
Commuter Rail, Utah	9,000,000
CORRIDORone Regional Rail Project, Pennsylvania	1,500,000
CTA Douglas Blue Line, Illinois	45,150,000
CTA Ravenswood Brown Line, Illinois	40,000,000
CTA Yellow Line, Illinois	1,000,000
Dallas Northwest/Southeast Light Rail MOS, Texas	12,000,000
Detroit Center City Loop, Michigan	4,000,000
Dulles Corridor Rapid Transit Project, Virginia	30,000,000
East Corridor Commuter Rail, Nashville, Tennessee	6,000,000
East Side Access Project, New York	340,000,000
Euclid Corridor Transportation Project, Ohio	24,774,513
Ft. Lauderdale Downtown Rail Link, Florida	1,000,000
Gainesville-Haymarket VRE Service Extension, Virginia	1,450,000
Hartford-New Britain Busway, Connecticut	6,000,000
Houston METRO, Texas	12,000,000
Hudson-Bergen Light Rail MOS 2, New Jersey	100,000,000
Kansas City, MO, Southtown BRT	12,300,000
Metra, Illinois	42,180,000
Metro Gold Line Eastside Light Rail Extension, California	80,000,000
Miami Dade County Metrorail Extension, Florida	10,000,000
Mid-Coast Light Rail Transit Extension, California	7,160,000
Mid-Jordan Light Rail Transit Line, Utah	500,000
Mission Valley East, California	7,700,000
N. Indiana Commuter Transit District Recapitalization	5,000,000
New Jersey Trans-Hudson Midtown Corridor, New Jersey	12,315,000
North Corridor Interstate MAX Light Rail Project, Oregon	18,110,000
North Shore Connector, Pennsylvania	55,000,000
North Shore Corridor and Blue Line Extension, Massachusettes	2,000,000
Northeast Corridor Commuter Rail Project, Delaware	1,425,000
Northern Branch Bergen County, New Jersey	2,500,000
Northstar Corridor Commuter Rail Project, Minnesota	2,000,000
Northwest New Jersey-Northeast Pennsylvania Passenger Rail	10,000,000
Oceanside Escondido Rail Project, California	12,210,000
Odgen Avenue Transit Corridor/Circle Line, Illinois	1,000,000
Regional Fixed Guideway Project, Nevada	3,000,000
Rhode Island Integrated Commuter Rail Project, Rhode Island	6,000,000
San Francisco BART Extension to San Francisco International Airport, California	81,860,000
San Francisco Muni Third Street Light Rail Project, California	25,000,000
San Juan Tren Urbano, Puerto Rico	8,045,487
Santa Barbara Coast Rail Track Improvement Project, California	1,000,000
Schuykill Valley Metro, Pennsylvania	4,000,000
Seattle Sound Transit, Washington	80,000,000
Second Avenue Subway, New York	25,000,000
Silicon Valley Rapid Transit Corridor Project, Santa Clara County, California	6,500,000
Silver Line Phase III, Massachusetts	4,000,000
Sounder Commuter Rail, Washington	5,000,000
Southeast Corridor Multi-Modal Project (T-REX), Colorado	80,000,000
Stamford Urban Transitway, Connecticut	10,000,000
Triangle Transit Authority Regional Rail System (Raleigh-Durham), North Carolina	20,000,000
Washington County Commuter Rail Project, Oregon	15,000,000
West Corridor Light Rail, Colorado	5,000,000
Denali Commission	5,000,000

The conferees direct FTA to refrain from reallocating funds provided in fiscal year 2003 and prior year appropriations Acts for the Department of Transportation as follows:

Minneapolis, MN Northstar Corridor
Kenosha-Racine-Milwaukee Rail Extension Project
Washington Dulles Corridor Project
Bridgeport, Connecticut, Intermodal Transportation Center
Albuquerque/Greater Albuquerque, New Mexico Mass Transit and Light Rail
Las Vegas, Nevada, Resort Corridor Fixed Guideway
Indianapolis Northeast-Downtown Corridor project
Maryland, [MARC] Commuter Rail Improvements
Wilmington, DE, Downtown Transit Corridor Project
Wilmington, DE, Train Station Improvements

The conferees agree that FTA needed to change the new starts criteria, but reiterate the concern of the Senate in the way FTA implemented the new policy. The conferees direct FTA to report back to the House and Senate Committees on Appropriations as directed by the Senate on how FTA will address similar changes in the future.

The conferees direct FTA to refrain from signing any full funding grant agreement with a maximum Federal share higher than 60 percent.

ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

Section 140 exempts previously made transit obligations from limitations on obligations as proposed by both the House and the Senate.

Section 141 allows funds appropriated for capital investment grants not obligated by September 30, 2008, plus other recoveries, to be available for other projects under 49 U.S.C. 5209 as proposed by the Senate. The House did not include a similar provision.

Section 142 allows transit funds appropriated prior to October 1, 2005 that remain available for expenditure to be transferred to another eligible purpose as proposed by the House and the Senate.

Section 143 allows prior year funds available for capital investment grants to be used in this fiscal year for such projects as proposed by the House. The Senate did not include a similar provision.

Section 144 addresses transit funds available to Alaska and Hawaii for ferry boats as proposed by the Senate. The House did not include a similar provision.

Section 145 makes technical changes to a grant made with prior year funds for Burlington, Vermont as proposed by the Senate. The House did not include a similar provision.

Section 146 makes technical changes to a grant made with prior year funds for Seattle, Washington as proposed by the Senate. The House did not include a similar provision.

Section 147 makes technical changes to funds made available to Charleston, South Carolina as proposed by the conferees.

Section 148 makes technical changes to prior year funds available to Jacksonville, Florida as proposed by the conferees.

Section 149 makes technical changes to prior year funds available to the South Shore Commuter Rail in Indiana as proposed by the conferees.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

The conference agreement includes $16,284,000 for the Saint Lawrence Seaway Development Corporation as proposed by the House and Senate.

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

The conference agreement includes $156,000,000 for the maritime security program as proposed by the House and Senate.

OPERATIONS AND TRAINING

The conference agreement includes $122,249,000 for the Maritime Administration's operations and training account, instead of $112,336,000 as proposed by the House and $118,649,000 as proposed by the Senate. The conference agreement allocates the funds for operations and training as follows:

Activity	*Conference Amount*
U.S. Merchant Marine Academy:	
Salary and benefits	$23,750
Midshipmen program	7,032
Instructional program	5,746
Program direction and administration	2,945
Maintenance, repair & operating requirements	7,381
Capital improvements	15,000
Subtotal, USMMA	$61,854
State Maritime Schools:	
Student incentive payments	1,200
Direct schoolship payments	1,800
Schoolship maintenance and repair	8,211
Subtotal, State Maritime Academies	$11,211
MARAD Operations:	
Base operations	34,029
Enterprise architecture & IT security upgrades	4,963
GSA space	93
DOT Electronic Government	99
Marine Transportation System Advocate facility	10,000
Subtotal, MARAD Operations	$49,184
Total, Operations and Training	$122,249

SHIP DISPOSAL

The conference agreement includes $21,000,000 for the disposal of obsolete vessels of the National Defense Reserve Fleet as proposed by the House and Senate.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $4,126,000 for administrative expenses of the maritime guaranteed loan program (Title XI), instead of $3,526,000 as proposed by the House and $4,726,000 as proposed by the Senate. The conference agreement modifies a Senate proposed reporting requirement regarding companies in "Credit Watch". In order to protect proprietary and sensitive business information that may cause direct financial and/or competitive harm, the companies shall not be specifically identified in the report. The conferees direct MARAD to provide the report within 90 days of enactment of this Act.

The conference agreement includes a new reporting requirement, due with the fiscal year 2007 budget submittal, that directs MARAD to detail funds provided or personnel detailed to the Office of the Secretary's credit council since its inception, by year.

SHIP CONSTRUCTION

(RESCISSION)

The conference agreement includes a rescission of unobligated balances totaling $2,071,280 from the dormant ship construction account as proposed by the House and Senate.

NATIONAL DEFENSE TANK VESSEL CONSTRUCTION PROGRAM

The conference agreement does not include funds for the National Defense Tank Vessel Construction Program authorized under Public Law 108–136, as proposed by the House. The Senate proposed $25,000,000.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Section 150 retains a provision proposed by the House and Senate that authorizes MARAD to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of MARAD, and allow payments received to be credited to the Treasury, as proposed by both the House and Senate.

Section 151 retains a provision proposed by the House and Senate that prohibits obligations incurred during the current year from construction funds in excess of appropriations contained in this or prior year appropriations Acts as proposed by both the House and Senate.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

ADMINISTRATIVE EXPENSES

The conference agreement provides $16,877,000 for necessary administrative expenses of the Pipeline and Hazardous Materials Safety Administration (PHMSA), as proposed by the Senate instead of $17,027,000 as proposed by the House. Of this amount, $645,000 is to be derived from the Pipeline Safety Fund.

The conferees reduce the budget request by $150,000 to account for the transfer of an attorney to the office of general counsel for the office of emergency transportation litigation caseload.

HAZARDOUS MATERIALS SAFETY

The conference agreement provides $26,138,000 to continue the agency's hazardous materials safety functions, as proposed by the Senate instead of $26,183,000 as proposed by the House.

Spent nuclear fuel and high-level radioactive waste shipments.—The conferees deny funding for four new positions for activities related to assuring the safety of shipments of spent nuclear fuel and high-level radioactive waste to Skull Valley, Utah, as was requested in the budget. The conferees note the fact that the Bureau of Land Management still has yet to approve the transportation route to the site, which raises significant doubts about the ability for the site to be opened during fiscal year 2006 and the need for the requested positions.

Hazardous materials regulations compliance.—The conferees approve the three new positions to help ensure compliance with current hazmat regulations and the associated half-year funding.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

The conference agreement provides $73,010,000 for the office of pipeline safety (OPS), instead of $72,860,000 as proposed by the House and $73,165,000 as proposed by the Senate.

The conferees approve seven of the additional positions requested for OPS, instead of five as proposed by the House and eight as proposed by the Senate.

Oil Spill Liability Trust Fund.—The conferees strongly agree with language contained in both the House and Senate reports expressing concern over the significant increases in the request of funds from the oil spill liability trust fund and the lack of justification for these increases in the budget documentation. The conferees once again direct the agency to include an itemization of how funds from the oil spill liability trust fund are being allocated within the OPS in the fiscal year 2007 budget justification.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

The conference agreement provides a total of $14,500,000 for Emergency Preparedness Grants, as proposed by both the House and the Senate.

RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION

RESEARCH AND DEVELOPMENT

The conference agreement provides $5,774,000 to continue research and development activities in fiscal year 2006, instead of $4,326,000 as proposed by both the House and the Senate, and stipulates that $1,121,000 of the funds provided shall be available until September 30, 2008. The agreement supports a staffing level of 28 full-time equivalent staff years (FTE).

The conferees reduce funding by $500,000 below the budget by denying the requested increase in hydrogen research.

BUREAU OF TRANSPORTATION STATISTICS

(LIMITATION ON OBLIGATIONS)

Under the appropriation of the Federal Highway Administration, the conference agreement provides $27,000,000 for the Bureau of Transportation Statistics (BTS).

As has been the practice in previous years, the conferees limit BTS staff to 122 FTE in fiscal year 2006 in order to curtail the significant growth in staffing that occurred previously within this agency.

The language relating to the collection of the motor carrier financial and operating statistics survey is addressed in the office of the secretary section of this Statement of the Managers, as proposed by the House, instead of under BTS as proposed by the Senate.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

The conference agreement includes $62,499,000 for the Office of Inspector General as proposed by the House and Senate.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

The conference agreement provides $26,450,000 for the Surface Transportation Board to fund salaries and expenses from a direct appropriation, instead of $26,622,000 as proposed by the House and $24,388,000 as proposed by the Senate. The conference agreement includes language that allows the Board to offset $1,250,000 of this appropriation from fees collected during the fiscal year, as proposed by both the House and the Senate.

ADMINISTRATIVE PROVISIONS—DEPARTMENT OF TRANSPORTATION

(INCLUDING TRANSFERS OF FUNDS)

Section 160 retains the provision as proposed by both the House and Senate that allows the Department of Transportation (DOT) to use funds for aircraft, motor vehicles, liability insurance, uniforms, or allowances, as authorized by law.

Section 161 retains the provision that limits appropriations for services authorized by 5 U.S.C. 3109 to the rate for an Executive Level IV, as proposed by the House and Senate.

Section 162 retains the provision that prohibits funds to be used for salaries and expenses of more than 108 political and Presidential appointees in DOT, instead of 100 appointees as proposed by the House and 109 appointees as proposed by the Senate. The provision also requires that none of the personnel covered by this provision may be assigned on temporary detail outside DOT, as proposed by the House and Senate.

Section 163 retains the provision as proposed by the House and Senate that prohibits funds from being used to implement section 404 of title 23, United States Code.

Section 164 retains the provision as proposed by the House and Senate that prohibits recipients of funds made available in this Act from releasing certain personal information and photographs from a driver's license or motor vehicle record, without express consent of the person to whom such information pertains; and prohibits the withholding of funds provided in this Act for any grantee if a State is in noncompliance with this provision.

Section 165 retains the provision that permits funds received by specified DOT agencies from States or other private or public sources for expenses incurred for training to be credited to certain specified agency accounts, as proposed by the House and Senate.

Section 166 retains the provision as proposed by the House and Senate that authorizes the Secretary of Transportation to allow issuers of any preferred stock sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

Section 167 retains the provision as proposed by the House and Senate that prohibits funds from being used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations no less than three days in advance of any discretionary grant award, letter of intent, or full funding grant agreement totaling $1,000,000 or more.

Section 168 retains the provision that allows funds received from rebates, refunds, and similar sources to be credited to appropriations of the DOT, as proposed by the House and Senate.

Section 169 retains the provision as proposed by the House and Senate that allows amounts from improper payments to a third party contractor that are lawfully recovered by the DOT to be available to cover expenses incurred in the recovery of such payments.

Section 170 retains the provision that allows the Secretary of Transportation to transfer unexpended sums from "Office of the Secretary, Salaries and Expenses" to "Minority Business Outreach", as proposed by the House and Senate.

Section 171 retains the provision as proposed by the House and Senate that prohibits the Office of the Secretary of Transportation from approving assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

Section 172 retains the provision as proposed by the House that prohibits the use of funds to implement an essential air service local cost share participation pilot program. The Senate included a similar provision in title VII.

Section 173 includes a provision similar to what was proposed by the Senate that amends Section 14711(c) of title 49 to allow DOT to be substituted for a State in civil actions to enforce certain consumer protection provisions. The House did not include a similar provision.

Section 174 includes a provision similar to what was proposed by the Senate that modifies title 23 relating to contracting for engineering and design services to no longer permit such services to be awarded under State qualifications. The House did not include a similar provision.

Section 175 retains a Senate provision making eligible for the FAA's Airport Improvement Program a project meeting certain specified requirements. The House did not include a similar provision.

Section 176 includes a Senate provision that allows a small hub to be eligible to receive terminal funding if the airport received a discretionary grant while the airport was designated as a non-primary airport. The House did not include a similar provision.

Section 177 retains a Senate provision amending title 49 to deem an air tour operator flying over the Hoover Dam to the Grand Canyon National Park as flying solely as a transportation route. The House did not include a similar provision.

Section 178 retains a Senate provision extending a requirement for air carriers to honor tickets for suspended air passenger service. The House did not include a similar provision.

Section 179 retains a Senate provision that allows former flight service station employees within two years of retirement to remain temporary FAA employees until they reach retirement eligibility. The House did not include a similar provision.

Section 180 retains a Senate provision that authorizes conveyance of land to establish a heliport in Clark County, Nevada. The House did not include a similar provision.

Section 181 retains a Senate provision amending section 29(c) of the Public Law 96-192. The House did not include a similar provision.

Section 182 includes a new provision that modifies a provision relating to the delivery of budget justifications.

Section 183 includes a new provision that modifies a provision relating to processing of reprogrammings.

Section 184 includes a new provision that modifies designations relating to certain highway projects in Vermont.

Section 185 modifies House language to provide up to a total of $17,000,000 to reimburse fixed based general aviation operators and providers of general aviation ground support services at five facilities that incurred financial losses when the Federal government closed the facilities due to the September 11, 2001 terrorist attacks. Each of the five facilities was closed to general aviation operations on September 11, 2001. Three airports in Maryland were reopened to such operations on March 2, 2002; the South Capitol Street Heliport was permanently closed to general aviation; and Ronald Reagan National Airport was reopened to general aviation operations on October 18, 2005.

It is the conferees intent that reimbursement cover the unilateral closures of these facilities after September 11, 2001. It is not the conferees intent to reimburse for closures resulting from a business operation or facility action or inaction. The conferees note without prejudice that DOT's September 2005 report estimated losses incurred through January 23, 2004 at $10,443,936. The Senate did not include a similar provision.

The language specifies that of the amount provided, up to $5,000,000 will be distributed, if necessary, to the fixed based operators and providers of general aviation ground support services at the three affected Maryland airports. Further, DOT is directed to verify direct and incremental financial losses through an independent audit no later than July 14, 2006 before any funds are provided. In addition, obligation and expenditure of funds are conditional upon full release of the government for all financial claims from the closing of these facilities.

Section 186 includes a new provision that modifies designations relating to certain highway projects in Alaska.

Section 187 includes a provision similar to what was proposed by the Senate that provides $1,000,000 from the amounts made available in Section 112 of this Act to conduct a study and issue a report relating to catastrophic hurricane evacuation plans. The House did not include a similar provision.

The conference agreement deletes a provision proposed by the Senate that would have reduced the fiscal year 2006 working capital fund limitation of DOT by $1,000,000.

The conference agreement deletes a provision proposed by the Senate that would have designated the city of Norman, Oklahoma, to be considered part of the Oklahoma City Transportation urbanized area.

The conference agreement deletes a provision proposed by the Senate that would have required the use of a sliding scale match ratio for certain transportation projects in the States of Idaho and Washington.

The conference agreement deletes a provision proposed by the Senate that would have modified the designation relating to a certain project in the State of New York.

The conference agreement deletes a provision proposed by the Senate that would have modified the designation relating to a certain project in the State of New York.

TITLE II—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $196,592,000 for departmental salaries and expenses instead of $157,452,000 as proposed by the House and $197,591,000 as proposed by the Senate. Of the amount provided, not more than $3,000,000 is for travel expenses, not more than $3,000,000 is for information technology modernization, $258,000 is for emergencies or activities of a confidential nature, $5,173,000 is for Treasury-wide financial audits, and $100,000 is for reception and representation expenses.

For the activities under this heading, the conferees recommend the following funding levels:

Executive Direction	$8,612,000
General Counsel	7,852,000
Economic Policies	32,011,000
Financial Policies	26,574,000
Financial Crimes	39,939,000
Treasury-wide Management	16,843,000
Administration	63,731,000

Of the funds provided for the financial crimes activity, the conferees have agreed to include bill language providing $22,032,016 and not less than 125 full-time equivalent positions for the Office of Foreign Assets Control. The conferees direct that the Office of the Under Secretary for Terrorism and Financial Crimes shall be funded at no more than $1,998,000 to ensure that resources are directed to the operational offices. The conferees agree to the Senate provision, in lieu of the House provision, directing the Assistant Secretary for Intelligence and Analysis to report on the Office of Intelligence and Analysis within 90 days of enactment of this Act.

The conference agreement includes a provision allowing the Department to transfer up to two percent of funds available between activities. In addition, the conferees direct the Department, including all bureaus and offices and the Internal Revenue Service, to submit an operating plan 60 days after enactment of this Act for fiscal year 2006 resources. The plan must include by office and by activity, a comparison of fiscal year 2005 actual expenditures, the fiscal year 2006 budget request, and the fiscal year 2006 resources including full-time equivalent positions and appropriated funds, and all initiatives underway at the Department.

The conference agreement includes $1,000,000, available until expended, for combating trade violations, including currency manipulation as similarly proposed by the Senate.

The conference agreement does not include an increase of $720,000 for the Treasury media room and $1,000,000 for the building fund. The conferees agree that the Department must budget for capital expenses of the building, but have instead provided funds for the completion of the building renovation under a different account. The conferees direct the Department to include in the fiscal year 2007 budget request a proposal to fund building operations and maintenance expenses.

The conferees direct the Secretary to submit a report to the House and Senate Committees on Appropriations providing a legal basis for the application of section 1.148–1(c) of the United States Treasury Regulations (regarding arbitrage bond regulations) to the reserve funds held by the Clean Water and Safe Drinking Water State revolving funds which generally contain replacement proceeds but not bond proceeds. This report should be submitted by no later than 90 days after the date of enactment of this Act.

Of the funds provided for Financial Policies, $1,500,000 is for the e-Cavern partnership and $250,000 is for Treasury's public key infrastructure.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $24,412,000 for systems and capital investments as proposed by the Senate instead of $21,412,000 as proposed by the House. The conferees direct the Department to provide detailed information on all systems, especially the TFIN project, in the operating plan as proposed by the House.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

The conference agreement provides $17,000,000 for salaries and expenses of the Office of Inspector General as proposed by the House instead of $16,722,000 as proposed by the Senate. Of the amounts provided, up to $2,000,000 may be used for travel, $100,000 may be used for emergencies or activities of a confidential nature, and up to $2,500 may be used for reception and representation expenses.

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement provides $133,286,000 for salaries and expenses as proposed by both the House and the Senate. Of the amounts provided, $6,000,000 is for travel expenses, $500,000 is for emergencies, and $1,500 is for reception and representation expenses.

AIR TRANSPORTATION STABILIZATION PROGRAM ACCOUNT

The conference agreement provides $2,750,000, to remain available until expended, for the costs of the air transportation stabilization program instead of $2,942,000 as proposed by the Senate. The House did not include funds for this program.

TREASURY BUILDING AND ANNEX REPAIR AND RESTORATION

The conference agreement provides $10,000,000 for the repair and restoration of the Treasury building as proposed by both the House and the Senate.

Financial Crimes Enforcement Network

SALARIES AND EXPENSES

The conference agreement provides $73,630,000 for salaries and expenses as proposed by both the House and the Senate. Of the amounts provided, not more than $14,000 is for reception and representation expenses, $6,944,000 is available until September 30, 2008, and $8,521,000 is available until September 30, 2007.

Financial Management Service

SALARIES AND EXPENSES

The conference agreement provides $236,243,000 for salaries and expenses as proposed by both the House and the Senate. Of the amounts provided, $9,220,000 is available until September 30, 2008 and $2,500 is available for reception and representation expenses.

Alcohol and Tobacco Tax and Trade Bureau

SALARIES AND EXPENSES

The conference agreement provides $91,126,000 for salaries and expenses as proposed by both the House and the Senate. Of the amounts provided, not more than $6,000 is for reception and representation expenses and $50,000 is for cooperative research.

United States Mint

UNITED STATES MINT PUBLIC ENTERPRISE FUND

The conference agreement limits the amounts available for salaries and expenses to not more than $26,768,000 instead of $36,900,000 as proposed by the House and the Senate, based on a revised estimate of costs.

Bureau of the Public Debt

ADMINISTERING THE PUBLIC DEBT

The conference agreement provides $176,923,000 for costs associated with administering the public debt as proposed by both the House and the Senate. Of the amounts provided, not more than $2,500 is for reception and representation expenses and $2,000,000 is for systems modernization. The conference agreement includes $3,000,000 in user fees to offset the appropriated amounts and $70,000 from the Oil Spill Liability Trust Fund to reimburse the Bureau for various administrative expenses.

Community Development Financial Institutions Fund

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS PROGRAM ACCOUNT

The conference agreement provides $55,000,000, available until September 30, 2007 as proposed by the Senate. The House proposed the same level of funding with one year availability. Of the amounts provided, up to $13,500,000 is for administrative costs, $6,000,000 is for direct loans, $250,000 is for administrative expenses of the direct loan program, and $4,000,000 is for technical assistance and other purposes for Native American, Native Hawaiian, and Alaskan Native communities. The conference agreement includes language that limits loan obligations of up to $11,000,000, as proposed by both the House and the Senate.

The conference agreement directs that the Bank Enterprise Award program be funded at no less than $11,000,000.

Internal Revenue Service

PROCESSING, ASSISTANCE, AND MANAGEMENT

(INCLUDING RESCISSION OF FUNDS)

The conference agreement includes $4,136,578,000 for Processing, Assistance and Management as proposed by the Senate, instead of $4,181,520,000 as proposed by the House. The conferees direct IRS to consult with the House and Senate Committees on Appropriations prior to elimination, consolidation, or reorganization of the workforce and direct IRS not to proceed with any such activity unless explicitly approved by the Committees through the IRS operating plan.

The conferees direct the IRS, the IRS Oversight Board and the National Taxpayer Advocate to develop a 5-year plan for taxpayer service activities and report to the House and Senate Committees on Appropriations by April 14, 2006, as outlined in the Senate report. The plan should include long-term goals that are strategic and quantitative and that balance enforcement and service.

The conferees direct the IRS, in consultation with the National Taxpayer Advocate, to report by June 30, 2006 on uses of the Debt Indicator Tool—and whether it facilitates the use of refund anticipation loans (RALs)—the debt collection offset practice, the use of RALs, and evaluations of RAL alternatives, and use of debit cards for refunds, including recommendations on how to deliver tax refunds more quickly.

The conferees are aware that the IRS and the Free File Alliance have signed a new, four-year agreement under which IRS continues to agree not to enter the tax preparation market. The conferees direct IRS to abide by the terms and conditions of that agreement.

The conference agreement rescinds $20,000,000 in unobligated prior year balances from the Processing, Assistance and Management account.

TAX LAW ENFORCEMENT

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $4,725,756,000 for Tax Law Enforcement as proposed by the Senate, instead of $4,580,216,000 as proposed by the House. Language providing $55,584,000 for the Interagency Crime and Drug Enforcement (ICDE) program is included, as proposed by House. The conference agreement permits the transfer of up to $10,000,000 for management of the ICDE program, as proposed by the House. In addition, the conference agreement allows for the transfer of up to $10,000,000 to the Social Security Administration as proposed by both the House and the Senate. The conference agreement includes language proposed by the Senate that designates $1,000,000 available until September 30, 2008, for research. The House did not include similar language.

The conferees direct IRS to report back to the House and Senate Committees on Appropriations on tax enforcement, including estimates for the entire program, enforcement spending, workload indicators, direct tax enforcement-related revenue and an explanation of the methodology and accuracy of the estimates provided. The report shall be submitted by no later than 90 days after the date of enactment of this Act.

INFORMATION SYSTEMS

The conference agreement provides $1,598,967,000 for information systems instead of $1,575,146,000 as proposed by the House and $1,597,717,000 as proposed by the Senate. Within the amount provided, the conferees provide $1,250,000 for a vulnerability management solution that continuously discovers network exposures through an appliance-based technology, running a hardened operating system.

BUSINESS SYSTEMS MODERNIZATION

The conference agreement provides $199,000,000 for Business Systems Modernization as proposed by both the House and the

Senate. Language is retained, proposed by both the House and the Senate, requiring a spend plan from the IRS prior to the release of these funds.

HEALTH INSURANCE TAX CREDIT ADMINISTRATION

(INCLUDING RESCISSION OF FUNDS)

The conference agreement provides $20,210,000 for administration of the Health Insurance Tax Credit program as proposed by both the House and the Senate.

The conference agreement rescinds $9,000,000 in unobligated prior year balances from the Health Insurance Tax Credit Administration account.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

Section 201 retains a provision included by both the House and the Senate that provides transfer authority.

Section 202 retains a provision included by both the House and the Senate that requires IRS to maintain training in taxpayer service.

Section 203 retains a provision included by both the House and the Senate that requires IRS to safeguard taxpayer information.

Section 204 retains a provision included by both the House and the Senate that permits funding for 1–800 help line services and directs the Commissioner to make improving phone service a priority.

Section 205 amends a provision included by both the House and the Senate prohibiting funds to reduce taxpayer services until TIGTA completes a study on impacts to compliance.

Section 206 retains a provision included by the Senate that specifies $6,447,000,000 for enhanced tax enforcement. The House did not include a similar provision.

Section 207 amends a provision included by the Senate specifying $166,249,000 for operating expenses of the Taxpayer Advocate Service (TAS), of which $141,311,650 shall be made available from the Tax Law Enforcement account. The conferees direct the IRS to continue providing overhead support from accounts outside of TAS. The House did not include a similar provision.

Section 208 includes a provision requiring the IRS to submit its fiscal year 2007 budget justification in the existing account structure.

Section 209 retains a provision included by the Senate that repeals the limitation on user fees to supplement appropriations. The House did not include a similar provision.

The conference agreement deletes a provision included by the Senate that requires a tax enforcement report.

ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE TREASURY

(INCLUDING TRANSFER OF FUNDS)

Section 210 allows Treasury to purchase uniforms, lease vehicles, and engage in other activities pursuant to title 5 U.S.C. 5901 as proposed by both the House and the Senate.

Section 211 allows for the transfer of up to two percent of funds between Departmental Offices and the various Treasury bureaus, except the IRS as proposed by the Senate. The House did not include a similar provision.

Section 212 allows for the transfer of up to two percent from the IRS accounts to TIGTA as proposed by both the House and the Senate.

Section 213 directs that the purchase of vehicles be consistent with vehicle management principles.

Section 214 prohibits funds to be used to redesign the $1 note as proposed by both the House and the Senate.

Section 215 allows for the transfer of funds from "Financial management service, salaries and expenses" to the Debt Collection Fund conditional on future reimbursement as proposed by both the House and the Senate.

Section 216 extends the franchise fund for one year as proposed by both the House and the Senate.

Section 217 prohibits funds to build a United States Mint museum without the approval of the authorizing committees of jurisdiction as proposed by both the House and the Senate.

Section 218 prohibits funds for consolidating functions of the United States Mint and the Bureau of Engraving and Printing without the approval of the authorizing committees of jurisdiction as proposed by both the House and the Senate.

Section 219 prohibits funds to reallocate the funds provided to the Financial Crimes Enforcement Network (FinCEN), or merge FinCEN into the departmental offices as proposed by the Senate. The House did not include a similar provision.

TITLE III—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The conferees reiterate that the Department must limit the reprogramming of funds between the programs, projects, and activities within each account to not more than $500,000 without prior approval of the Committees on Appropriations. Unless otherwise identified in this Statement of Managers or Committee reports, the most detailed allocation of funds presented in the budget justifications is approved, with any deviation from such approved allocation subject to the normal reprogramming requirements. Further, it is the intent of the conferees that all carryover funds in the various accounts, including recaptures and de-obligations, are subject to the normal reprogramming requirements outlined above. Further, no changes may be made to any program, project, or activity if it is construed to be policy or a change in policy, without prior approval of the Committees on Appropriations. Finally, the conferees expect to be notified regarding reorganizations of offices, programs or activities prior to the planned implementation of such reorganizations, as well as be notified, on a monthly basis, of all ongoing litigation, including any negotiations or discussions, planned or ongoing, regarding a consent decree between the Department and any other entity, including the estimated costs of such decrees.

PUBLIC AND INDIAN HOUSING

TENANT-BASED RENTAL ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

The joint statement of the managers herein reflects the agreement of the conferees on tenant-based rental assistance. The conference agreement appropriates $15,573,655,725 for all tenant-based Section 8 (voucher) activities under the Tenant-Based Rental Assistance Account. The House proposed $15,631,400,000 and the Senate proposed $15,636,064,000 for these activities. Language is included designating funds provided as follows:

Activity	*Conference agreement*
Voucher Renewals	$14,089,755,725
Tenant Protection Vouchers	180,000,000
Administative Costs	1,250,000,000
(Administrative Fees)	(1,240,000,000)
Family Self-Sufficiency Coordinators	48,000,000
Working Capital Fund	5,900,000
Total, Tenant Based Rental Assistance	15,573,655,725

Section 8 Voucher Renewals.—The conference agreement includes $14,089,755,725 instead of $14,089,756,000 as proposed by the Senate and $14,189,756,725 as proposed by the House. The conferees continue the 2005 allocation method as proposed by the House. The Senate had proposed to revise the allocation methodology.

The conferees direct HUD not to use recaptures from any source or any project-based carryover to augment total 2006 funding for this account. In addition, the conferees direct HUD to provide all public housing agencies (PHAs) with a fixed, annual budget within which each agency must manage its voucher programs for fiscal year 2006. The conferees expect that Moving To Work (MTW) agencies will be funded based on their agreements and are subject to the same adjustments made to all other PHA annual budgets based on funding availability. HUD may make any necessary adjustments for the costs associated with the first-time renewals of tenant protection and HOPE VI vouchers in 2005. The conferees further direct the Department to commit the entire amount of funds provided for voucher renewals to the public housing authorities at the time annual budgets of the public housing authorities are established.

The conferees direct HUD to provide funds to PHAs based on the amounts PHAs would have received in fiscal year 2005 before any pro rata reductions, and adjusted for the 2005 AAF and the 2006 AAF for each PHA, plus the estimated number of first time renewals of vouchers that will enter the Tenant Based Rental Assistance Account from other forms of assistance. The conferees direct HUD, to the extent necessary, to pro rate each public housing agency's budget to stay within the amount appropriated.

The conference agreement includes up to $45,000,000 in funds to adjust the baseline amount for PHAs that for anomalous reasons, or unforeseen circumstances, were significantly under leased at the time the baseline was set. Examples include the timing of the PHAs fiscal year, portability or other unforeseen circumstances, including the assignment of a significant number of vouchers, which results in a sharp rise in costs. The Secretary has full discretion to determine the appropriate amount of adjustment. HUD is directed to report to the Committees on Appropriations on requests made by PHAs for adjustments to allocations and the final decisions made by the Department.

The conferees reiterate House report language that requires HUD to track and report on the extent to which subsidy changes are due to changes in rent costs and changes in tenant incomes.

Tenant Protection.—The conference agreement includes $180,000,000 for rental subsidies for tenant protection activities instead of $165,700,000 as proposed by the House and $192,000,000 as proposed by the Senate, to replace project-based Section 8 assistance with section 8 vouchers, for conversion of section 202 and section 23 projects to section 8 assistance, and for the family reunification program and for the witness protection program.

Administrative Fees.—The conference agreement includes $1,250,000,000 for public housing agencies' administrative costs and other expenses, instead of $1,225,000,000 as proposed by the House and $1,295,408,000 as proposed by the Senate. Language is included making up to $10,000,000, as proposed by the Senate, available to the Secretary to allocate to public housing agencies that need additional funds to administer their programs. The House had provided $25,000,000. The conferees direct the Department to specify the activities eligible for this funding in the notice to be issued within sixty days of enactment of this Act. The Senate did not include similar language. The conferees did not adopt language included in the House bill that allowed the transfer of up to $200,000,000 in tenant-based funds to the project based account.

Family Self Sufficiency Coordinators.—The conference agreement includes $48,000,000 for public housing agencies family self-sufficiency coordinator staff as proposed by the Senate instead of $45,000,000 as proposed by the House.

Working Capital Fund.—The conference agreement includes $5,900,000 for transfer to the Working Capital Fund as proposed by the House and Senate.

The conference agreement includes language proposed by the Senate that limits funds for litigation and settlements to $12,000,000. The House had more narrow language.

HOUSING CERTIFICATE FUND

(RESCISSION)

The conference agreement includes a rescission of $2,050,000,000 from unobligated balances and recaptures from prior-year appropriations provided in the tenant-based rental assistance and the project-based rental assistance accounts or any other account within this title. This rescission is to be effected no later than September 30, 2006. The House proposed to rescind $2,500,000,000 and the Senate proposed to rescind $1,500,000,000.

The conferees direct that the Department rescind funds provided to Section 8 programs in prior years to the maximum extent possible. The conference agreement does not include language proposed by the Senate to require that HUD and OMB salaries be reduced 10 percent if sufficient Section 8 funds are not available. Instead, language is included that directs HUD to notify the Committees on Appropriations 30 days in advance if unobligated balances in any other accounts will be required to implement the rescission.

PROJECT-BASED RENTAL ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

The conference agreement appropriates $5,088,300,000 for project-based rental assistance activities as proposed by the House, instead of $5,072,100,000 as proposed by the Senate. The conference agreement provides funds as follows:

Activity	*Conference agreement*
Project-Based Contract Renewals	$4,939,700,000
Contract Administrators	147,200,000
Working Capital Fund	1,400,000
Total, Project-Based Rental Assistance	5,088,300,000

Language is included, similar to language proposed by the House and the Senate, designating $4,939,700,000 for renewals and amendment of section 8 project-based contracts, section 8 moderate rehabilitation contracts (including associated PHA administrative expenses), Emergency Low-Income Housing Preservation Reform Act (ELIHPRA) and Low-Income Housing Preservation Reform Act (LIHPRA) contracts, and section 441 single room occupancy contracts (including associated PHA administrative expenses).

Language is included, as proposed by the Senate, designating $147,200,000 for performance-based contract administrators. The conference agreement also includes language proposed by the House that would allow these funds for the inspection and administration of units funded through elderly and disabled, section 236, rent supplement and rental assistance programs and the section 202 loan programs.

The conference agreement assumes that project-based section 8 contract amendment funding requirements for fiscal year 2006 can also be met through the use of recaptures available in the Housing Certificate Fund, as proposed in the budget request. Language is included elsewhere in this title making funds available for such purpose.

The conference agreement does not include language proposed by the House that allowed up to $200,000,000 to be transferred from the tenant-based account to the project-based account.

The conferees direct that the Department conduct a study and prepare a report that describes the progress, if any, in improving the living conditions of the tenants of the Evergreen I and Evergreen II housing complexes in Joliet, Illinois, by the owners of such complexes. An interim report is required within six months of enactment of this Act. A final report is required within 12 months of enactment of this Act, which shall detail findings and recommendations, if any.

PUBLIC HOUSING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $2,463,600,000 for the Public Housing Capital Fund, instead of $2,600,000,000 as proposed by the House and $2,327,200,000 as proposed by the Senate. Within the total funding the conference agreement includes:

—up to $8,820,000 to support the costs of existing administrative and judicial receiverships in effect as of the date of enactment of this Act, as proposed by the House and Senate;

—$11,000,000 for information technology systems instead of $10,000,000 as proposed by the House and $13,200,000 as proposed by the Senate; and

—up to $17,000,000 for emergency capital needs resulting from unforeseen emergencies or natural disasters in fiscal year 2006 as proposed by both the House and Senate. Additional language is included that was not in either the House or Senate proposal to add the word "unpreventable" to the definition of "emergency".

The conference agreement includes $38,000,000 for the Resident Opportunity Self-Sufficiency (ROSS) program, instead of $24,000,000 as proposed by the House and $45,000,000 as proposed by the Senate.

The conference agreement includes $7,500,000 for Neighborhood Networks grants similar to language proposed by the Senate, but does not include $1,000,000 for technical assistance grants. The House did not include separate funding for this activity. The conferees direct the Department to report to the Committees on Appropriations no later than July 15, 2006 on the effectiveness of this program in assisting low-income households in developing skills related to computer technology.

The conference agreement does not designate up to $20,000,000 for demolition, relocation and site remediation for obsolete and distressed public housing units as proposed by the Senate. The House did not include funds for this activity.

PUBLIC HOUSING OPERATING FUND

The conference agreement appropriates $3,600,000,000 for the Public Housing Operating Fund as proposed by the House instead of $3,557,300,000 as proposed by the Senate.

The conference agreement deletes language proposed by the House requiring HUD to implement the negotiated rule as described in the "Post 4th Session Rule" since HUD has postponed the effective date of the rule and has instead issued a letter that establishes broad participation by PHAs in developing the technical guidance to implement the rule. The conferees direct HUD to provide quarterly updates to the House and Senate Committees on Appropriations on the status of the implementing rule and directs that the Department include broad participation from impacted agencies.

The conference agreement directs that up to $10,000,000 be used for a program to provide bonus funding for PHAs that assist families in moving away from dependency on housing assistance programs, as proposed by the House. The Senate did not include a similar provision. The conferees expect the Department to allocate these funds through a Notice of Funding Availability that provides clear eligibility criteria for this program.

The conference agreement includes language that restricts funding to operations in fiscal year 2006 and includes language proposed by the Senate that would make this annual requirement permanent law.

The conferees note that HUD has yet to issue its guidance to implement section 151 of subtitle D of the Energy Policy Act of 2005, which extends the payback period for public housing authorities entering into energy performance contracts to 20 years. HUD is directed to issue the guidance implementing this section, within 45 days of enactment of this Act.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

The conference agreement appropriates $100,000,000 for the Revitalization of Severely Distressed Public Housing program (HOPE VI), instead of $150,000,000 as proposed by the Senate and $60,000,000 as proposed by the House. The conference agreement allows up to $2,000,000 may be used for technical assistance. Language is included making funds available for obligation until September 30, 2007.

The conferees believe it is time to consider alternative approaches to the HOPE VI program that provide flexible authority for PHAs to address obsolete housing as well as new tools for PHAs to develop mixed income housing.

NATIVE AMERICAN HOUSING BLOCK GRANTS

(INCLUDING TRANSFER OF FUNDS)

The conference agreement appropriates $630,000,000 instead of $622,000,000 as proposed by the Senate and $600,000,000 as proposed by the House.

The conference agreement includes $4,500,000 for inspections, training, and technical assistance and $1,000,000 for the National American Indian Housing Council for technical assistance and capacity building. The House proposed $2,308,000 and $1,200,000 respectively for these activities. The Senate proposed $4,500,000 and $2,200,000 for these activities respectively.

The conference agreement requires that HUD distribute the needs portion of the formula distribution on the basis of either single race or multi race data whichever is the most advantageous to the grant recipient, as proposed by the House. Sufficient additional funds have been added to the base, along with uncommitted carryover from 2005, to ensure that no grantee is disadvantaged.

The conference agreement includes $2,000,000 for guaranteed loans to subsidize a total guaranteed loan principal of up to $17,926,000 as proposed by both the House and Senate and includes modified language transferring $150,000 to the Department's Salaries and Expenses Account, as proposed by the House.

The conference agreement includes no funds for transfer to the Working Capital Fund for information technology systems as proposed by the House instead of $2,600,000 as proposed by the Senate.

NATIVE HAWAIIAN HOUSING BLOCK GRANT

The conference agreement provides $8,815,000 for the Native Hawaiian Housing Block Grant as proposed by both the House and the Senate. The Senate included the funds as part of the Community Development Fund.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The conference agreement appropriates $4,000,000, to subsidize a loan limitation of up to $116,276,000 instead of $2,645,000 as proposed by the House and $5,000,000 as proposed by the Senate.

NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The conference agreement appropriates $900,000 for guaranteed loans for Native Hawaiian housing, instead of $882,000 as proposed by the House and $1,000,000 as proposed by the Senate, to subsidize a total guaranteed loan principal of up to $35,714,290.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

The conference agreement appropriates $289,000,000 for Housing Opportunities for Persons with AIDS (HOPWA) instead of $290,000,000 as proposed by the House and $287,000,000 as proposed by the Senate. Up to $1,500,000 is provided for technical assistance instead of $1,000,000 as proposed by the House and $2,200,000 as proposed by the Senate. HUD is directed to distribute 90 percent of the funds through the formula and 10 percent through a national competition.

RURAL HOUSING AND ECONOMIC DEVELOPMENT

The conference agreement appropriates $17,000,000 for rural housing and economic development instead of $10,000,000 as proposed by the House and $24,000,000 as proposed by the Senate. Language is included requiring funds to be awarded competitively by September 1, 2006 as proposed by both the House and Senate.

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $1,220,000,000 for the Community Development Fund, compared to $4,243,000,000 as proposed by the House, and $4,323,610,000 as proposed by the Senate. The conferees agree to the following:

Formula distribution of funds	$3,748,400,000
Economic Development Initiative Grants	$310,000,000
Transfer to the Working Capital Fund	$1,600,000
Indian Economic Block Grants	$60,000,000
Youthbuild	$50,000,000
Neighborhood Initiatives Program	$50,000,000

The conference agreement includes modified language making technical corrections to certain targeted economic development initiative grants funded under this heading in prior appropriations Acts, similar to language proposed by the House and the Senate.

The conference agreement includes language proposed by the House transferring up to $1,600,000 to the Working Capital Fund for development of and modifications to information technology systems. The Senate had proposed $3,000,000 for this transfer.

The conference agreement includes $60,000,000 for the Indian Economic Block Grant program, of which up to $4,000,000 is for emergencies. The House proposed $45,000,000 as part of the Native American Housing Block Grant program. The Senate proposed $69,000,000 for this grant program.

The conference agreement provides $50,000,000 for the Youthbuild program instead of $55,000,000 proposed by the Senate. The House did not include Youthbuild as a separate program.

The conference agreement includes language limiting the use of funds provided under this heading for planning, management and administration to not more than 20 percent of the funds provided except for amounts provided for certain activities as proposed by the House and the Senate.

The conference agreement includes $310,000,000 for the Economic Development Initiative with specific requirements on how these funds can be used. The conference agreement directs HUD to implement the Economic Development Initiatives program as follows:

1. $100,000 to the City of Anchorage, Alaska for facilities construction associated with the SAFE Center at Chester Creek;
2. $400,000 for Bean's Café in Anchorage, Alaska for the expansion of its kitchen;
3. $150,000 for the Alaska Botanical Garden in Anchorage, Alaska for expansion and renovation of its infrastructure;
4. $750,000 for the Bering Straits Native Corporation in Nome, Alaska for Cape Nome Quarry upgrades;
5. $950,000 for the Western Alaska Council, Boy Scouts of America in Anchorage, Alaska for construction of the Boy Scouts High Adventure Base Camp near Talkeetna, Alaska;
6. $750,000 for the construction of the Tongass Coast Aquarium;
7. $750,000 for Alaska Pacific University for the construction of a building;
8. $250,000 for the construction of the Alyeska Roundhouse in Girdwood, Alaska;
9. $500,000 for the People's Regional Learning Center in Bethel, Alaska to construct a vocational school and dormitories;
10. $500,000 for the Dillingham City School District in Dillingham, Alaska, to repair the gymnasium in the Dillingham middle/high school;
11. $250,000 National Children's Advocacy Center in Huntsville, Alabama for facilities planning and improvements to the advocacy center;
12. $200,000 to Chambers County, Alabama for the development of the Chambers County industrial park;
13. $400,000 to Clarke County, Alabama for an ongoing economic development project by the Clark Co. commission;
14. $200,000 to the City of Ashland, Alabama for the purchase of land for Ashland industrial development;
15. $300,000 to the City of Bear Creek, Alabama for industrial park expansion;
16. $150,000 to the City of Bessemer, Alabama for facilities renovation of an existing building at Jefferson State Community College;
17. $500,000 to the City of Decatur, Alabama for the Ingalls Harbor/Day Park Riverfront Renovation;
18. $200,000 to the City of Fort Payne, Alabama for facilities renovation of a building as part of the downtown revitalization project;
19. $100,000 to the City of Guntersville, Alabama for renovations to the Whole Backstage Theater;
20. $100,000 to the City of Huntsville, Alabama for land acquisition for downtown redevelopment;
21. $250,000 to the City of Montevallo, Alabama for facilities renovation and expansion of the Ramsay Conference Center at the University of Montevallo in Alabama;
22. $100,000 to the City of Montevallo, Alabama for sidewalks, street furniture, and facade improvements;
23. $1,000,000 to the City of Opelika, Alabama for the Northeast Opelika Industrial Park;
24. $150,000 to the City of Prattville, Alabama for the Prattville Waterfront Development Project to provide access to local waterways;
25. $100,000 to the City of Robertsdale, Alabama for upgrades to the PZK Civic Center;
26. $100,000 to the City of Shorter, Alabama for facilities construction and renovation of the Old Shorter School building to a community center;
27. $150,000 to the City of Thomasville, Alabama to construct a worker training center at Alabama Southern Community Center;
28. $275,000 to the City of Troy, Alabama for small business training at the Troy University Center for International Trade and Business Development;
29. $100,000 to the Huntsville Museum of Art, Alabama for facility renovations;
30. $75,000 to the Town of Mooresville, Alabama for rehabilitation, facility improvements, and build out of three buildings;
31. $400,000 for Construction and outfitting of the University of South Alabama's Mitchell School of Business Library in Mobile, Alabama;
32. $400,000 for construction and outfitting of the New Centurions, Inc. New Life for Women Shelter in Etowah County, Alabama;
33. $250,000 for the Greenville Family YMCA for child care facility acquisition, renovation, and construction in Greenville, Alabama;
34. $300,000 for the City of Evergreen for expansion of the Evergreen Conecuh County Library in Evergreen, Alabama;
35. $400,000 for the Fayette County Commission for the Fayette County Industrial Park in Fayette County, Alabama;
36. $200,000 for the Hayneville/Lowndes County Library Foundation for construction of a new library in Hayneville, Alabama;
37. $350,000 for the Jasper Area Family Services Center for construction of the Center in Jasper, Alabama;
38. $300,000 for the City of Tuskegee for Downtown Revitalization in Tuskegee, Alabama;
39. $400,000 for the Alabama Institute for the Deaf and Blind's Tuscaloosa Regional Center in Tuscaloosa, Alabama;
40. $250,000 for the City of Montgomery to develop the Montgomery Riverwalk in Montgomery, Alabama;
41. $250,000 for the Cleveland Avenue YMCA for facility expansion in Montgomery, Alabama;
42. $200,000 for the Wilcox County Industrial Development Authority for planning and development of its Industrial/Commercial Park;
43. $300,000 for the City of Guin in Wilcox County, Alabama for planning and development of its Industrial/Commercial Park;

44. $150,000 to Grand Prairie Center for the Arts and Allied Health, Phillips County Community College in Stuttgart, Arkansas for facility construction;

45. $150,000 to the City of Little Rock, Arkansas for facilities renovation and improvements to the community center at Granite Mountain;

46. $150,000 to the El Dorado Public Schools in El Dorado, Arkansas for the expansion of a recreational field;

47. $150,000 to the North Arkansas College, Harrison County, Arkansas for renovations to a Conference and Training facility;

48. $250,000 to Vada Sheid Community Development Center, ASU in Mountain Home, Arkansas for the community development center auditorium;

49. $800,000 for the Central Arkansas Resource Conservation and Development Council in Helena, Arkansas for the construction of the Phillips County Agricultural Storage Facility;

50. $200,000 for the Boys and Girls Club of Ouachita County, Arkansas for the construction of recreational facilities;

51. $200,000 for the City of Conway, Arkansas for downtown revitalization;

52. $200,000 for Audubon Arkansas for the development of the Audubon Nature Center at Gillam Park in Little Rock, Arkansas;

53. $600,000 to Chicanos Por La Causa in Phoenix, Arizona for redevelopment of the Nuestro Barrio Community;

54. $250,000 to Chicanos Por La Causa in Phoenix, Arizona for land acquisition and redevelopment of the East Washington Fluff site;

55. $250,000 to Pinal County, Arizona for the renovation and repair of the Pinal County Courthouse;

56. $350,000 to the City of Douglas, Arizona for facilities renovation of the Grand Theater;

57. $500,000 to the City of Eloy, Arizona for construction of a community center;

58. $250,000 to the City of Globe, Arizona for land acquisition and streetscape improvements;

59. $180,000 to the City of Scottsdale, Arizona for the renovation of the Vista del Camino Community Center;

60. $650,000 to the City of Sierra Vista, Arizona for construction of the Boys & Girls Club in Sierra Vista;

61. $150,000 to the Dunbar Coalition in Tucson, Arizona for the Dunbar Project;

62. $350,000 to Valley of the Sun YMCA in Phoenix, Arizona for facilities construction of a YMCA;

63. $150,000 to Chualar, California for construction of a multipurpose cultural room on the Chualar Elementary School campus;

64. $150,000 to Merced County, California for renovation of the George Washington Carver Community Center in Dos Palos, California;

65. $150,000 to Mono County, California for the Library Authority Board of Education for construction of a building;

66. $100,000 to San Bernardino County, CA for the development of the Santa Ana River Regional Park;

67. $200,000 to Solano County, California for renovation of two structures used by local veterans groups;

68. $150,000 to Taylor Yard Park in Los Angeles, California for recreational equipment and other park upgrades that will serve at-risk youth;

69. $250,000 to the City of Alhambra, California for development and construction of a park;

70. $1,000,000 to the City of Apple Valley, California for Civic Center Park development;

71. $250,000 to the City of Banning, CA for city pool improvements;

72. $350,000 to the City of Beaumont, CA for the construction of the Beaumont Sports Park;

73. $200,000 to the City of Bell Gardens, California for renovation and update of facilities;

74. $100,000 to the City of Bishop, California for improvements to City housing;

75. $75,000 to the City of Chino, California for construction of a facility for the Hillview Acres Children's Home;

76. $150,000 to the City of Chowchilla, California for reconstruction of an industrial park;

77. $80,000 to the City of Colfax, California for an expansion of the Youth Center;

78. $150,000 to the City of Colton, California for improvements to Veterans Park;

79. $100,000 to the City of Corona, California for the renovation of the Old City Hall;

80. $1,000,000 to the City of Crescenta Valley, California for the ongoing construction of a new library;

81. $350,000 to the City of Davis, California; to complete the design and construction of Shafter Research and Extension Center at the University of California, Davis;

82. $250,000 to the City of Diamond Bar, California for the renovation of the Diamond Bar High School and Community Sports Field;

83. $150,000 to the City of East Palo Alto, California for the construction of facilities for community services;

84. $350,000 to the City of El Monte, California for construction of a community gymnasium;

85. $250,000 to the City of Encinitas, California for the construction of a visitor center in the San Elijo Lagoon Open Space Preserve;

86. $250,000 to the City of Greenfield, California for construction of a multipurpose community facility;

87. $100,000 to the City of Huntington Beach, California for the planning and design phase of a senior center;

88. $200,000 to the City of Huntington Park, California for renovation of a recreation center building;

89. $500,000 to the City of Idyllwild, California for building cabins and dining hall improvements at Ronald McDonald camp;

90. $200,000 to the City of Inglewood, California for construction of a new senior center;

91. $75,000 to the City of La Habra, California to rehabilitate the La Habra Vista Grande Park;

92. $150,000 to the City of La Mirada, California for construction of an aquatic center;

93. $250,000 to the City of Lake Morena, California for the design of a residential facility for homeless youth;

94. $250,000 to the City of Lancaster, California for installations related to the baseball complex;

95. $100,000 to the City of Lancaster, California for improvements to the Boys and Girls Club of Antelope Valley;

96. $100,000 to the City of Lompoc, California to construct a new C.N.A. training center;

97. $50,000 to the City of Lompoc, California to construct an elevator for a building that serves the disabled;

98. $150,000 to the City of Long Beach, California to develop an exhibit to educate the public on the importance of ports;

99. $125,000 to the City of Los Angeles, California for the Esperanza Community Maple-Mae Project;

100. $400,000 to the City of Los Angeles, California for site acquisition and development;

101. $100,000 to the City of Madera, California to construct a youth center for at risk youth;

102. $200,000 to the City of Mariposa, California for preservation of the CA Mining and Mineral Museum;

103. $150,000 to the City of Mendota, California for construction of the Rural Vocational Training Facility (RVTF);

104. $50,000 to the City of Oak View, California for rehabilitation of the multi-purpose room and kitchen of the Oak View Park and Resource Center;

105. $150,000 to the City of Oakland, California for renovation of historic Fruitvale Masonic Temple;

106. $200,000 to the City of Oceanside, California for a Senior Center facility to serve seniors from Oceanside, Vista, Carlsbad and San Marcos;

107. $100,000 to the City of Oroville, California for Vega Center renovations;

108. $200,000 to the City of Pico Rivera, California for the expansion of the California senior center;

109. $200,000 to the City of Placerville, California for Gold Bug Park Renovations;

110. $250,000 to the City of Redding, California to develop the Stilwater business park;

111. $100,000 to the City of Riverside, California for the development of a Technology Center within University Research Park;

112. $100,000 to the City of Riverside, California for facility construction of the School for Nursing at Riverside Community College;

113. $100,000 to the City of Riverside, California for construction of a pedestrian bridge in the California Citrus State Park;

114. $400,000 to the City of Sacramento, California for construction of the Sacramento Food Bank;

115. $100,000 to the City of San Bernardino, California for Renovations to National Orange Show stadium;

116. $100,000 to the City of San Fernando, California for revitalization of downtown San Fernando;

117. $300,000 to the City of San Jacinto, California for improvements to city museum/Estudillo property;

118. $150,000 to the City of San Jose, California to the construction of a community center in a low and moderate-income area;

119. $350,000 to the City of San Leandro, California for streetscape and pedestrian safety improvements;

120. $150,000 to the City of San Pedro, California for streetscape and other improvements along Gaffey Street;

121. $500,000 to the City of Santee, California for construction of a new Boys and Girls Club facility at East County;

122. $100,000 to the City of Stockton, California for the Oasis of Hope Community Development Corporation education project;

123. $125,000 to the City of Tehachapi, California for design and construction of a performing arts center;

124. $100,000 to the City of Thousand Oaks, California to construct a community aquatics complex on the campus of California Lutheran University;

125. $100,000 to the City of Tulare, California to expand educational activities with the College of Sequoias and the California Polytechnic University;

126. $40,000 to the City of Tulare, California for modernization of the veterans hall;

127. $250,000 to the City of Twentynine Palms, California for Development of a Visitors Center;

128. $100,000 to the City of Visalia, California for construction of a new facility to provide shelter for homeless women and children;

129. $100,000 to the City of Vista, California Solutions Family Intake/Access Center for homeless families and their children;

130. $350,000 to the City of Yucaipa, California for development and construction of the Yucaipa/Crafton Hills College Recreational Facility;

131. $350,000 to the City of Yucaipa, California for development of the Yucaipa Valley Regional Sports Complex;

132. $150,000 to the Community Action partnership of Orange County in Garden Grove, California for acquisition, construction, or rehabilitation of a service facility;

133. $200,000 to the Department of Economic Development in Rancho Cordova, California for Cordova Senior Center Expansion;

134. $250,000 to the Earle Baum Center of the Blind, Inc. in Santa Rosa, California to build a center for the visually impaired;

135. $250,000 to the Lake County Arts Council in Lakeport, California for renovation of the Lakeport Cinema to a Performing Arts Center;

136. $500,000 to the Museum of Latin American Art in Long Beach, California to complete the renovation of the Museum;

137. $150,000 to the San Diego Housing Commission in San Diego, California for the HOPE Village Project to construct a 20-unit housing complex to house homeless individuals;

138. $150,000 to the Santa Barbara County Food bank in Santa Barbara, California for expansion and upgrades to its facility;

139. $550,000 to the Skirball Cultural Center in Los Angeles, California for development and construction of Noah's park;

140. $250,000 to the Town of Yucca Valley, California for development and construction of the South Side Community Center;

141. $200,000 to the Valley Alliance for the Arts in San Fernando Valley, California for construction of a performing arts center;

142. $200,000 to the Youth Science Institute Center in San Jose, California for building renovations;

143. $250,000 for the 10th and Mission Affordable Family Housing & Commercial Space Project, for the development of housing units and commercial space, Mercy Housing, San Francisco, California;

144. $200,000 for the City of Inglewood, California to construct a Senior Center;

145. $200,000 for the San Francisco Museum and Historical Society Old Mint Restoration Project for planning, design and construction, California;

146. $150,000 for the Fresno County Economic Opportunities Commission, Fresno, CA, for construction of the Neighborhood Youth Center;

147. $600,000 for the City of Oakland, CA for the Fox Theater Restoration;

148. $200,000 for the City of Redding, CA for the Stillwater Business Park;

149. $200,000 for the West Angeles Community Development Corporation, CA for the development of the West Angeles Plaza;

150. $100,000 to the Housing Trust of Santa Clara County, CA, for the First Time Home Buyer Loan Program;

151. $175,000 for the San Francisco Fine Arts Museums, CA, for M.H. de Young Memorial Museum construction;

152. $175,000 for the Agua Caliente Cultural Museum, Palm Springs, CA for construction;

153. $160,000 to the City of Montrose, Colorado for expansion of a research park for Mesa State University;

154. $240,000 to the City of Pueblo, Colorado for redevelopment of recreation and park facilities;

155. $250,000 to the City of Wellington, Colorado for construction and renovation of rehabilitation facilities;

156. $150,000 to the Denver Rescue Mission in Denver, Colorado for acquisition and renovation of an emergency shelter;

157. $300,000 for the City of Denver, Denver Rescue Mission for the Acquisition and Renovation of Emergency and Transitional Housing for Colorado's Homeless population;

158. $150,000 to the City of Ansonia, Connecticut for construction of a new community space;

159. $350,000 to the City of Bridgeport, Connecticut for relocation of the Music and Arts Center for the Humanities to a now-vacant department store;

160. $100,000 to the City of Bridgeport, Connecticut for planning and implementation of a Neighborhood Revitalization Zone (NRZ);

161. $100,000 to the City of Bridgeport, Connecticut to complete the renovation of the former CT state armory facility;

162. $100,000 to the City of Ellington, Connecticut for construction of a new YMCA in an underserved area;

163. $250,000 to the City of Farmington, Connecticut for Hill-Stead Museum Renovation and Security Improvements;

164. $100,000 to the City of New Britain, Connecticut for the renovation of 85 Arch Street by the Friendship Service Center of New Britain;

165. $100,000 to the City of Norwalk, Connecticut for the Human Services Council to redevelop facilities for affordable housing;

166. $250,000 to the City of Stamford, Connecticut for renovations to the Palace Theatre;

167. $100,000 to the City of Stamford, Connecticut for repairs to the Yerwood Community Center;

168. $100,000 to the City of Waterbury, Connecticut for renovations to the Mattatuck Museum to create an exhibit on the history of Brass Valley;

169. $450,000 to the Naugatuck YMCA in Naugatuck, Connecticut for upgrades and other facilities expansion;

170. $100,000 to the Town of Sherman, Connecticut for reconstruction of the Sherman town library;

171. $350,000 to the Town of Stonington, Connecticut for the construction of south pier at Stonington Town Dock Complex;

172. $350,000 to the Town of Willington, Connecticut for the expansion of low-income senior housing;

173. $300,000 to the University of Hartford in Hartford, Connecticut for facilities construction and renovation of the Hartt Performing Arts Center;

174. $450,000 for the City of Hartford, Connecticut for the Hartford Homeownership Initiative;

175. $200,000 for the City of Hartford, Connecticut for the renovation of the Mark Twain House Building;

176. $300,000 for the City of Ansonia, Connecticut for the renovation of the Ansonia Armory;

177. $250,000 for the City of West Haven, CT, for the redevelopment of residential housing;

178. $250,000 for the City of Stamford, CT, for renovations to the Yerwood Community Center;

179. $250,000 for the Town of Southbury, CT, for renovations to the Bent of the River Audubon Center;

180. $200,000 for the City of Hartford, CT, for neighborhood restoration activities undertaken by the Southside Institutions Neighborhood Alliance;

181. $250,000 to the African American Civil War Museum in Washington, DC for capital improvements to the facility and visitors center;

182. $200,000 to New Castle County, Delaware for renovations to the Wilmington Senior Center;

183. $250,000 to Sussex County, Delaware for the renovation of Beebe Medical Center;

184. $250,000 for the Ministry of Caring, House of Joseph II, in Wilmington, DE for the renovation/operation of the facility;

185. $200,000 to the St. Michaels School and Nursery, Wilmington, DE, for expansion of the school;

186. $200,000 to the Wilmington Senior Center, Wilmington, DE, for the completion of the renovation of the Lafayette Court Senior Apartments project;

187. $250,000 for Easter Seals Delaware & Maryland's Eastern Shore for the construction of the new Easter Seals Facility in Georgetown, Delaware;

188. $200,000 for the Wilmington Music School for the Music School Expansion in Wilmington, Delaware;

189. $200,000 to the City of Lewes for the Lewes Canalfront Park in Lewes, Delaware;

190. $350,000 to Brevard County, Florida for construction of a marine and coastal research center at Hubbs/Sea World;

191. $75,000 to Brevard County, Florida for the construction of Crosswinds youth center;

192. $200,000 to Goodwill of North Florida, Inc. in Jacksonville, Florida for the expansion of its facility;

193. $100,000 to Hillsborough County, FL for construction of an agricultural worker center;

194. $200,000 to Lake County, FL for construction of a library;

195. $500,000 to Miami-Dade County, Florida for construction of a new building for the Centro Mater Foundation;

196. $250,000 to Pinellas County, Florida for the renovation of Palm Harbor Public Library;

197. $25,000 to the City of Alachua, Florida for the construction of the Veterans' Memorial at City Hall;

198. $250,000 to the City of Bartow, Florida for the redevelopment of downtown Bartow;

199. $250,000 to the City of Boca Raton, Florida for infrastructure improvements for Pearl City;

200. $96,300 to the City of Coral Gables, Florida for the renovation of historic Biltmore Hotel;

201. $100,000 to the City of DeBary, Florida for construction of a Gateway Center for the Arts;

202. $500,000 to the City of Dunedin, FL for construction of a new community center;

203. $250,000 to the City of Elfers, Florida to replace the Community Aging & Retirement Services, Inc building;

204. $200,000 to the City of Ft. Myers, Florida for the redevelopment of Edison & Ford Estates;

205. $250,000 to the City of Gainesville, Florida for the expansion of the Fine and Applied Arts Educational Building at Santa Fe Community College;

206. $400,000 to the City of Gainesville, Florida for renovations and historic preservation of James Norman Hall at the University of Florida, Gainesville;

207. $200,000 to the City of Gulfport, Florida for renovations to City of Gulfport Scout Hall;

208. $200,000 to the City of Hollywood, Florida for the construction and development of the Young Circle Arts Park project;

209. $150,000 to the City of Homestead, Florida for upgrades to the Dade County water and sewer infrastructure:

210. $75,000 to the City of Marathon, Florida for the redevelopment of Boot Key Municipal Harbor;

211. $250,000 to the City of Miami Gardens, Florida for revitalization of the business district;

212. $100,000 to the City of Miami Springs, Florida for the construction of a hurricane shelter;

213. $250,000 to the City of Miami, Florida for the elderly assistance program;

214. $250,000 to the City of Naranja, Florida to construct a facility at Camillus House:

215. $250,000 to the City of New Port Richey, Florida for the renovation of Good Samaritan Health Clinic of Pasco, Inc;

216. $300,000 to the City of Ocala, Florida for improvements to the Fine Arts Center at Central Florida Community College:

217. $250,000 to the City of Ocoee, Florida for construction of a senior citizens veterans service center;

218. $100,000 to the City of Osceola County, Florida for the completion of Osceola County Homeless Shelter;

219. $100,000 to the City of Osceola County, Florida for the construction of a senior citizen center;

220. $100,000 to the City of Pensacola, Florida for construction of the YMCA of Greater Pensacola:

221. $250,000 to the City of Pinellas County, Florida for construction of Joe's Creek Greenway Park;

222. $300,000 to the City of Riviera Beach, Florida for site acquisition and improvements for commercial revitalization:

223. $250,000 to the City of Sarasota, Florida for renovations to the Robert L. Taylor Community Center:

224. $200,000 to the City of Seminole, Florida for the development of a Science and Nature Park at St. Petersburg College;

225. $250,000 to the City of St. Petersburg Beach, Florida for construction of a new Community Center:

226. $100,000 to the City of St. Petersburg, Florida for planning and design of Albert Whitted Waterfront Park:

227. $125,000 to the City of Treasure Island, Florida for construction of beach walkovers;

228. $250,000 to the City of Winter Haven, Florida for improvements to the downtown business district;

229. $150,000 to the Tangerine Avenue Community Redevelopment Area in St. Petersburg, Florida for the redevelopment of the Tangerine Avenue Community Area;

230. $400,000 to Wakulla County, Florida for construction of the multi-purpose community center:

231. $500,000 for Orange County, FL for Central Receiving Center to renovate single occupancy rooms;

232. $500,000 for the Lowry Park Zoological Society, Tampa, FL for business development initiative;

233. $300,000 for the Central Florida YMCA to expand and renovate the Wayne Densch YMCA Family Center;

234. $250,000 for Miami Dade College and the construction of a library at their Hialeah, Florida campus;

235. $250,000 for Nova Southeastern University in Florida for the Center for Collaborative Bio-Medical Research;

236. $600,000 for the City of Coral Gables, Florida for the Biltmore Complex Restoration Project;

237. $400,000 for the City of Orlando, Florida for the Parramore Neighborhood Revitalization Project;

238. $250,000 for Miami Dade County, Florida for the Miami Performing Arts Center;

239. $250,000 for the American Beach Property Owners' Association, Fernandina Beach, Florida for the Historic Evans Rendezvous Cultural Center Restoration Project;

240. $200,000 for the City of Gainesville, Florida for the Downtown Revitalization Project;

241. $200,000 for the Florida Memorial University, Miami, Florida: West Augustine Initiative;

242. $200,000 to Clarkston Community Center in Dekalb County, Georgia for renovation of Clarkston Community Center;

243. $150,000 to Clayton County, Georgia for renovation of the Clayton Senior Center;

244. $400,000 to Morehouse School of Medicine in Atlanta, Georgia for land acquisition to revitalize its West End neighborhood:

245. $250,000 to Paulding County, Georgia for site preparations;

246. $175,000 to SOWEGA Council on Aging in Albany, Georgia for facility construction;

247. $100,000 to the City of Atlanta, Georgia for development of land for Morehouse School of Medicine;

248. $50,000 to the City of Atlanta, Georgia for development of land for Morehouse School of Medicine;

249. $150,000 to the City of Augusta, Georgia for a Hope House facility for therapeutic childcare;

250. $100,000 to the City of Covington, Georgia for renovation and construction of a resource center:

251. $100,000 to the City of Marietta, Georgia for the city redevelopment of Marietta Growth Fund;

252. $100,000 to the City of Powder Springs, Georgia to refurbish the Ford Center;

253. $275,000 to the City of Savannah, Georgia for the renovation of a building annex to house a library and computer lab:

254. $75,000 to the City of Savannah, Georgia for revitalization of the Central Georgia Railway for Coastal Heritage Society;

255. $75,000 to the City of Tybee Island, Georgia for a new facility for the Georgia 4-H Foundation:

256. $250,000 to the City of Warner Robins, Georgia for the construction of a WWII exhibit and depot flight line for the Museum of Aviation:

257. $250,000 to the Community Service Board of Middle Georgia for construction of a girls crisis center;

258. $225,000 to the Infantry Museum and Heritage Park in Columbus, Georgia for construction/development of National Infantry Museum and Heritage Park:

259. $200,000 for Mercer University, Macon, Georgia for Critical Personnel Development Program (CPDP):

260. $200,000 for the Atlanta, Georgia Intergenerational Resource Center for a senior housing project;

261. $200,000 for the Warner Robins, Georgia Museum of Aviation for expansion of aviation flight and technology center;

262. $200,000 City of Moutri, Georgia for a community and economic development initiative:

263. $200,000 Morehouse School of Medicine for West End Community Development;

264. $500,000 Atlanta Symphony Orchestra, Georgia for the Atlanta Symphony Center expansion;

265. $150,000 to the Children's Justice Center Foundation in Honolulu, Hawaii for renovation of a building to provide services to victims of child abuse and neglect:

266. $150,000 to the County of Hawaii in Kailua-Kona, Hawaii for construction of a homeless shelter;

267. $650,000 for the Boys & Girls Club of Hawaii, Honolulu, HI, for planning, design and construction of the Nanakuli Boys & Girls Club;

268. $300,000 for Pa'a Pono Miloli'I to construct a community and youth center;

269. $300,000 for the Children's Justice Center Foundation to construct and renovate the child counseling center on Oahu:

270. $300,000 for the Maui Economic Development Board to renovate the enterprise building;

271. $300,000 for the Kauai YMCA to construct facilities;

272. $200,000 for the Lanai Youth Center to acquire and construct activity facilities;

273. $200,000 for the County of Hawaii for the renovation of a Caregiver and Senior Resource Center;

274. $300,000 for Hale Mahaolu Ehiku to construct affordable rental housing for senior citizens;

275. $450,000 to Iowa City, Iowa for the establishment of a service center for Systems Unlimited, Inc to aid disadvantaged families;

276. $450,000 to the city of Cedar Rapids, Iowa for redevelopment of southern Cedar Rapids:

277. $400,000 to the City of Des Moines, Iowa for land acquisition for a technology park;

278. $750,000 for the City of Clinton, Iowa, for redevelopment of Liberty Square;

279. $250,000 for the National Cattle Congress, Waterloo, Iowa, for renovation and construction of facilities;

280. $400,000 for the City of Waterloo, Iowa, for the acquisition and rehabilitation of the Cedar Valley TechWorks facility;

281. $300,000 for the City of Des Moines, Iowa, for the Riverpoint West development;

282. $300,000 for the City of Fort Dodge, Iowa for the Lincoln Neighborhood housing initiative:

283. $1,000,000 to the Iowa Department of Economic Development for the Main Street Iowa program for restoration of structures on main streets throughout the state;

284. $750,000 to Polk County, Iowa for the purchase and rehabilitation of housing for low income people;

285. $200,000 to the Heartland Hill Habitat for Humanity in Brehmer County, Iowa for the renovation of deteriorated housing for low income housing:

286. $300,000 to the City of Council Bluffs, Iowa for downtown historic building renovation;

287. $100,000 to Franklin County, Idaho for restoration of Oneida Stake Academy for historic renovations;

288. $45,000 to the City of Franklin, Idaho for repairs to historic City Hall:

289. $150,000 to the City of Lewiston, Idaho for completion of the Lewis and Clark Bicentennial Project Planning and Implementation;

290. $100,000 to the City of Pocatello, Idaho for renovations to the Greater Pocatello Senior Center;

291. $350,000 to the City of Rexburg, Idaho for construction of recreational facilities and handicap accessibility;

292. $1,000,000 for Ada County, Idaho for development of the Family Justice Center and the Detox Center;

293. $1,000,000 for the Clearwater Economic Development Association for the implementation of the Lewis and Clark Bicentennial Plan;

294. $1,000,000 for Boise State University for construction of the Center for Environmental Science and Economic Development;

295. $1,000,000 for the Idaho Migrant Council for planning, design, and construction of the Burley Community Center, Burley, Idaho;

296. $250,000 to Western Illinois University Quad City Campus in Moline, Illinois for renovations of facilities;

297. $250,000 to Coles County, Illinois for construction of Lifespan Center for seniors;

298. $100,000 to Northeastern Illinois University in Chicago, Illinois for a feasibility study on planning and design analysis for a new education building;

299. $200,000 to Pioneer Center Group Home in McHenry County, Illinois for upgrades at to a group home;

300. $150,000 to Seguin Services in Cicero, Illinois for construction of a garden center;

301. $200,000 to the Avalon Park School in Chicago, Illinois for construction of a child-parent center;

302. $900,000 to the Chicago Academy High School in Chicago, Illinois for construction of a campus park;

303. $150,000 to the Chicago Children's Advocacy Center in Chicago, Illinois for expansion of its facilities;

304. $150,000 to the Chicago Park District in Chicago, Illinois for land acquisition and facilities improvements to expand a park;

305. $200,000 to the Chicago Park District in Chicago, Illinois for land acquisition and facilities improvements for the expansion of a park;

306. $80,000 to the City of Beardstown, Illinois for construction of the Grand Opera House Beardstown Historical Society;

307. $200,000 to the City of Bloomingdale, Illinois for the renovation of Marklund Children's Home;

308. $100,000 to the City of Collinsville, Illinois for completion of the Collins Home Project;

309. $500,000 to the City of Downers Grove, Illinois for improvements to Ray Graham Association for People With Disabilities;

310. $100,000 to the City of East Moline, Illinois for revitalization of downtown;

311. $225,000 to the City of Harvey, Illinois for demolition and redevelopment of property to aid the community;

312. $150,000 to the City of Hudson, Illinois for construction of Timber Pointe Outdoor Center;

313. $250,000 to the City of Jacksonville, Illinois for renovation to Crampton Hall at Illinois College;

314. $250,000 to the City of Joliet, Illinois for repairs to Rialto Square Theater;

315. $100,000 to the City of Lincoln, Illinois for the restoration of the Earl C. Hargrove Auditorium at Lincoln Christian College;

316. $200,000 to the City of Naperville, Illinois for the DuPage Children's Museum for building renovations;

317. $75,000 to the City of Naperville, Illinois for Our Children's Homestead to construct new foster care homes;

318. $250,000 to the City of Peoria, Illinois for design and construction of Central Illinois Regional Museum;

319. $250,000 to the City of Peoria, Illinois for renovations to Bradley Hall at Bradley University;

320. $250,000 to the City of Peoria, Illinois for design and construction of Africa exhibit at Glen Oak Zoo;

321. $100,000 to the City of Peru, Illinois for construction of the Horizon House;

322. $100,000 to the City of Quincy, Illinois for the design and construction of an Art and Sciences Center at Quincy University;

323. $150,000 to the City of Rockford, Illinois for the expansion of laboratories and public viewing areas at Burpee/Discovery Center Museum;

324. $200,000 to the City of Shawneetown, Illinois for construction of a facility at Shawneetown Regional Port District;

325. $150,000 to the City of Wheaton, Illinois for renovation of the County of DuPage's nursing facility to be used for nurses training center;

326. $500,000 to the City of Yorkville, Illinois for the redevelopment of a Yorkville site;

327. $75,000 to the City of Crest Hill, Illinois for redevelopment of Division Street;

328. $75,000 to the Home of the Sparrow in Lake, Illinois for the renovation of a homeless shelter;

329. $75,000 to the Inner Voice in Chicago, Illinois for upgrades to homeless shelters on the South Side of Chicago;

330. $100,000 to the Village of Hazel Crest in Hazel Crest, Illinois for the redevelopment of the area around Hazel Crest Metra Station;

331. $160,000 to the Village of Orion, Illinois for lead-based paint removal;

332. $75,000 to the Village of South Jacksonville, Illinois for construction of a playground and park for disabled children;

333. $500,000 for the Looking for Lincoln Heritage Coalition in Springfield, IL, for the Looking for Lincoln economic development and tourism initiative;

334. $800,000 for the Peace and Education Coalition in Chicago, IL, for construction of a new facility to serve San Miguel Schools in the City's Back of the Yards neighborhood;

335. $300,000 to the Haymarket Center in Chicago, IL, for construction and establishment of the McDermott Addiction Center;

336. $200,000 for the Quincy Public Library in Quincy, IL, for a newspaper digitization and community education project;

337. $200,000 to the Community Foundation of Decatur/Macon County, Illinois for construction and rehabilitation of housing facilities for the homeless and disabled;

338. $200,000 to the Heartland Community Health Center in Illinois for equipment and facilities to expand services;

339. $250,000 to the Chicago Historical Society in Illinois for construction of a new Chicago History Exhibition and redevelopment of current facilities;

340. $200,000 for Home Sweet Home Ministries—Threshold program located in the City of Bloomington, IL for the construction of an additional housing facility;

341. $250,000 for the Village of Northfield, IL for construction of pedestrian and bicycle paths as well as other infrastructure improvements to the Northfield Park District;

342. $200,000 for the Township of North Hurricane, IL for construction of a multi-purpose building within Precinct 1 of the Township;

343. $100,000 to Martin County, Indiana for improvements to the Crane Technology Park;

344. $250,000 to the African American Achievers Youth Corporation in Gary, Indiana for renovations of the Glen Theater;

345. $150,000 to the City of Fort Wayne, Indiana for the construction of a new building for Crossroad;

346. $100,000 to the City of Fort Wayne, Indiana for construction of a new facility for Easter Seals Arc of Northeast Indiana;

347. $500,000 to the City of Marion, Indiana for the renovation of Memorial Coliseum Redevelopment;

348. $250,000 to the City of Muncie, Indiana for enhancements to Urban Park;

349. $500,000 to the City of South Bend, Indiana for the South Bend Heritage Foundation for neighborhood economic development and revitalization;

350. $250,000 to the City of South Bend, Indiana for the redevelopment of a brownfield site;

351. $500,000 to the Town of Cedar Lake, Indiana for downtown streetscape improvements;

352. $500,000 for the City of Muncie, Indiana to revitalize the downtown urban park;

353. $250,000 for the Learning Collaborative to implement the Web Portal Technology Development Initiative in Davies County, IN;

354. $250,000 for the City of Anderson, Indiana to expand the Fiber Optic Network;

355. $150,000 for the City of Indianapolis, IN for the Link Savoy Housing Development;

356. $100,000 for the City of Evansville, IN for the Center City Industrial Park;

357. $100,000 for the City of Fort Wayne, IN for the Fort Wayne Technology Center;

358. $200,000 to SAFEHOME, Inc. in Overland Park, Kansas for building acquisition;

359. $100,000 to the City of Atchison, Kansas for the redevelopment of a storm water system overflow;

360. $200,000 to the City of Florence, Kansas for construction and upgrades of the World Impact Morning Star Ranch;

361. $250,000 to the City of Fort Scott, Kansas for restoration of historic buildings and brick streets in the downtown area;

362. $250,000 to the City of Independence, Kansas for renovations to historic Landon House and Booth Theater;

363. $300,000 to the City of Wichita, Kansas for expansion of Lord's Diner of Wichita;

364. $300,000 to the City of Wichita, Kansas for construction of food bank central distribution facility;

365. $250,000 to the City of Wichita, Kansas for the downtown Water Walk revitalization project;

366. $150,000 to the YWCA of Greater Kansas City in Kansas City, Kansas for expansion of the facility;

367. $1,000,000 for the Boys and Girls Clubs of Greater Kansas City for the construction of the Heathwood Community Center for Children and Families in Wyandotte County, KS;

368. $500,000 for Sedwick County, KS for the construction of a Technical Education and Training Center;

369. $300,000 for the City of Fort Scott, KS for the redevelopment of underground infrastructure in the Central Business District;

370. $200,000 for the City of Topeka, KS for renovating and updating Heartland Park Topeka;

371. $500,000 for the City of Mission Kansas to ensure the future viability of business and residential districts near the Rock Creek Project;

372. $500,000 for the City of Fairview, Kansas to ensure the future viability of business and residential districts near the Rock Creek Project;

373. $75,000 to Crittenden County, Kentucky for expansion of the Crittenden County Day Care Center;

374. $200,000 to Fleming County, Kentucky for the completion of a building by the Fleming County Industrial Authority;

375. $150,000 to Hardin County, Kentucky for renovation of an historic state theater;

376. $100,000 to LaRue County, Kentucky for construction of a facility for the Lincoln Bicentennial celebration in 2008;

377. $150,000 to Powell County Fiscal Court in Powell County, Kentucky for the construction and development of a park;

378. $350,000 to Pulaski County, Kentucky for construction of the Mill Springs Battlefield Visitors Center;

379. $100,000 to the City of Louisville, Kentucky for the renovation of First Gethsemane Center for Family Development;

380. $350,000 to the City of Louisville, Kentucky for construction of a community resource center for Day Spring Foundation;

381. $350,000 to the City of Louisville, Kentucky for the renovation of a facility for the Temple Community Development Corporation;

382. $250,000 to the City of Louisville, Kentucky for the construction of an entertainment facility for the Community Economic Empowerment Corporation;

383. $100,000 to the City of Louisville, Kentucky for renovation of a facility for the New Zion Community Foundation:

384. $100,000 to the City of Louisville, Kentucky for construction of a playground in Shawnee Park;

385. $100,000 to the City of Louisville, Kentucky for construction of a playground in the Louisville Olmsted Parks Conservancy;

386. $500,000 to the City of Lynch, Kentucky for historic preservation of the Portal 31 Exhibition Mine Site;

387. $500,000 to the City of Manchester, KY for facility construction;

388. $70,000 to the City of Tompkinsville, Kentucky for the completion of the Tompkinsville Senior Citizen Housing Complex;

389. $600,000 for the Kentucky Commerce Cabinet to develop a visitor center at the Big Bone Lick State Park;

390. $200,000 for McCracken County Fiscal Court in Kentucky to construct an Emergency Services Building

391. $200,000 for Clinton County to develop and construct a Welcome Center, KY;

392. $100,000 to Livingston Parish, Louisiana for construction of Livingston Parish Veterans' Memorial Plaza;

393. $250,000 to Loyola University New Orleans, Louisiana for renovations and upgrades to a facility;

394. $250,000 to the City of Grand Isle, Louisiana for construction of a multiplex center;

395. $500,000 to the City of Opelousas, Louisiana for Phase I of recreation improvements;

396. $250,000 to the City of Shreveport, Louisiana for renovations to a donated building in Shreveport:

397. $180,000 to the City of St. Tammany, Louisiana for repairs to the Town Hall and Community Center;

398. $225,000 to the City of St. Tammany, Louisiana to build a trailhead plaza;

399. $250,000 for Alexandria Central Economic Development District, to develop the Alexandria Riverfront Development in Louisiana:

400. $250,000 for Ascension Parish, to develop the Lamar Dixon Exposition Center in Louisiana:

401. $500,000 for the Audubon Nature Institute for the Audubon Living Science Museum and Wetlands Center in New Orleans, Louisiana:

402. $500,000 for Lafourche Parish for waterfront development along Bayou Lafourche in Ascension, Asumption and Lafourche Parishes, Louisiana;

403. $300,000 to American International College in Springfield, Massachusetts for the renovation of Reed Mansion and Breck Hall;

404. $600,000 to Banknorth building in Fitchburg, Massachusetts for renovation and construction:

405. $200,000 to Boston Healthcare for the Homeless in Boston, Massachusetts for renovation of its facility;

406. $300,000 to Edith Wharton Restoration, Inc. in Lenox, Massachusetts for facilities upgrade and buildout:

407. $300,000 to Endicott College in Beverly, Massachusetts for construction of a research center;

408. $100,000 to Greenfield Community College in Greenfield, Massachusetts for a feasibility study;

409. $380,000 to Lawrence Community Works in Lawrence, Massachusetts for construction of a design and technology training center;

410. $250,000 to Stetson Town Hall in Randolph, Massachusetts for improvements and renovations of its facility;

411. $200,000 to the City of Holyoke, Massachusetts for renovations of facility for Solutions Development Corporation:

412. $200,000 to the City of Lynn, Massachusetts for the renovation of the City Hall and Auditorium;

413. $500,000 to the City of Medford, Massachusetts for construction and renovation of an outdoor facility;

414. $300,000 to the City of Melrose, Massachusetts for improvements to the Soldiers and Sailors Memorial Hall;

415. $1,000,000 to the City of New Bedford, Massachusetts for design and construction of a community center;

416. $100,000 to the City of Sommerville, Massachusetts for renovations and upgrades to its facility;

417. $100,000 to the Community Art Center, Inc. in Cambridge, Massachusetts for renovation and capital improvements;

418. $300,000 to the Mahaiwae Performing Arts Center, Inc. in Great Barrington, Massachusetts for facilities renovation and improvements:

419. $400,000 to the Main South Community Development Corporation in Worcester, Massachusetts for revitalization of the Gardner-Kilby-Hammond neighborhood:

420. $125,000 to the Mashpee Wampanoq Tribal Council, Inc. in Massachusetts for renovation of a facility;

421. $200,000 to the Merrimack Repertory Theater in Lowell, Massachusetts for renovation of facilities:

422. $100,000 to the Narrows Center in Fall River, Massachusetts for renovations and upgrades to facilities;

423. $400,000 to the Springfield Day Nursery in Springfield, Massachusetts for renovations to the King Street Children's Center;

424. $400,000 to Western Mass Enterprise Fund, Inc. in Greenfield, Massachusetts for capitalization of a loan fund;

425. $200,000 to Whittier Street Community Center in Roxbury, Massachusetts for facilities renovation;

426. $400,000 Walpole, MA for improvements and renovations to town fields;

427. $280,000 for the City of North Adams, MA for the renovation of the historic Mohawk Theater;

428. $280,000 for the City of Holyoke, MA for renovations to the Picknelly Adult and Family Education Center;

429. $200,000 for the City of Medford, MA for the redevelopment of Medford Square;

430. $280,000 for the Main South Community Development Corporation, Worcester, MA for the redevelopment of the Gardner-Kilby-Hammond Neighborhood;

431. $260,000 for the City of Lawrence, MA for the redevelopment of the Lawrence In-Town Mall site:

432. $250,000 for the Bird Street Community Center, Boston, MA for facility renovations;

433. $200,000 for Straight Ahead Ministries of Westboro, MA for the acquisition and renovation of facilities in Hubbardston, MA;

434. $200,000 for Girls Incorporated of Lynn, MA for building renovations;

435. $250,000 to Dawson Safe Haven for Children, Youth, and Families in Baltimore, Maryland for reconstruction of the Dawson Safe Haven facility:

436. $225,000 to St. Mary's College, St. Mary's, Maryland for the renovation and purchasing of technology equipment for Goodpaster Hall;

437. $150,000 to the City of Baltimore, Maryland for revitalization of the East Baltimore Development Project Area;

438. $250,000 to the City of Hyattsville, Maryland for construction of the Renaissance Square Artists' Housing;

439. $250,000 to the City of Takoma Park, Maryland for construction and build out of a community learning center;

440. $500,000 to the Historic St. Mary's City Commission in St. Mary's City, Maryland for construction and renovation of a brick chapel;

441. $275,000 to the Ministers Alliance of Charles County in Waldorf, Maryland for the acquisition, renovation, and construction of a business center;

442. $100,000 to the Towson YMCA Day Care in Towson, Maryland for the renovation and expansion of the Day Care Facility;

443. $300,000 for the Maryland Food Bank in Baltimore for construction and equipping of new food distribution center;

444. $500,000 for the Washington Archdiocese/Langley Park Health Clinic and Social Service Center, Maryland;

445. $450,000 for the East Baltimore Development Project, Maryland;

446. $500,000 for Patterson Park/Library Square Revitalization, Maryland;

447. $400,000 for Goucher College, Community Service Center, Maryland:

448. $200,000 for the American Visionary Arts Museum, Maryland;

449. $200,000 for the Our Daily Bread Employment Center, Maryland;

450. $100,000 to Bowdoin College in Brunswick, Maine for site planning and renovation of a building;

451. $200,000 to the Town of Milo, Maine for the development of an industrial park;

452. $325,000 for the City of Brewer Administrative Building Redevelopment, ME;

453. $300,000 for the Maine Franco-American Heritage Center, Renovation Project;

454. $325,000 for the Bangor Waterfront Park on the Penobscot River for the City of Bangor, Maine;

455. $350,000 for the Town of Milo, Maine for the development of the Eastern Piscataquis Industrial Park;

456. $350,000 for the Town of Van Buren for the Van Buren Regional Business Park, Maine;

457. $350,000 for Western Maine Community Action for the Keeping Seniors Home program;

458. $300,000 for the University of New England: George and Barbara Bush Cultural Center for construction and equipment;

459. $200,000 for the City of Portland, Portland Public Library Renovation and Expansion Project, Maine:

460. $100,000 for the Penobscot Marine Museum Maine-Mawooshen for the One Country, Two Worlds Project, Maine;

461. $300,000 for the Westbrook Housing Authority: Larrabee Village Supportive Services for construction and design of facilities for the elderly & disabled;

462. $250,000 to Grand Traverse County, Michigan for a homeless shelter to serve five counties;

463. $400,000 to Grand Valley State University in the Town of Allendale, Michigan for renovations to a research and education facility;

464. $150,000 to Northern Michigan University in Marquette, Michigan for construction and facility expansion of the Olympic Village Project;

465. $550,000 to the Arab Community Center for Economic and Social Services in Dearborn, Michigan for construction of a museum;

466. $550,000 to the City of Detroit, Michigan for the demolition of unsafe buildings;

467. $500,000 to the City of Detroit, Michigan for demolition of dangerous structures;

468. $300,000 to the City of Detroit, Michigan for revitalization of Eastern Market;

469. $350,000 to the City of East Lansing, Michigan for the construction of housing units for low-income families;

470. $150,000 to the City of Farmington, Michigan for trail improvements to Shiawassee Park;

471. $350,000 to the City of Farmington, Michigan for ADA compliance of the Municipal Riverfront Park;

472. $400,000 to the City of Ferndale, Michigan for the expansion of the existing Kulick Community Center;

473. $100,000 to the City of Frankfort, Michigan for mixed-use development;

474. $250,000 to the City of Port Huron, Michigan for the renovation of areas in conjunction with the city revitalization plan;

475. $350,000 to the City of Saginaw, Michigan for renovation of the YMCA of Saginaw;

476. $100,000 to the Detroit Zoo for construction of the Ford Center for Environmental and Conservation Education;

477. $200,000 to the Jewish Vocational Services in the City of Southfield, Michigan for the development of assisted housing;

478. $300,000 to the Labor Museum and Learning Center of Michigan in Flint, Michigan for construction and buildout of a museum;

479. $400,000 to the Lighthouse of Oakland County, Michigan for construction of new homes in Unity Park;

480. $475,000 to the Michigan Jewish Institute in West Bloomfield, Michigan for improvements to campus buildings and classrooms;

481. $200,000 to the Motor Cities National Heritage Area in Detroit, Michigan for renovations to the historic Piquette Plant;

482. $700,000 to the National Center for Manufacturing Sciences in the City of Ann Arbor, Michigan for the development of advanced technologies to the manufacturing base;

483. $200,000 to The Oakland Livingston Human Service Agency in Pontiac, Michigan for the purchase of 196 Cesar Chavez Avenue;

484. $250,000 to the Presbyterian Villages of Pontiac, Michigan for improvements to the senior wellness center;

485. $350,000 to the Presbyterian Villages of Redwood, Michigan for construction of green housing;

486. $200,000 to the Recording for the Blind and Dyslexic in the City of Troy, Michigan for material dissemination to homes and classrooms;

487. $250,000 to the Samaritan Center in the City of Detroit, Michigan for renovation of a multipurpose facility;

488. $250,000 to the Village of Clinton, Michigan for renovations to the Boysville Neighborhood Centers;

489. $250,000 to Walsh College in the City of Troy, Michigan for a library expansion;

490. $600,000 for The Enterprise Group of Jackson, MI for the Armory Arts redevelopment project;

491. $600,000 to the Arab Community Center for Economic and Social Services (ACCESS) in Dearborn, MI for expansion of a museum;

492. $600,000 to the City of Detroit, MI for redevelopment of the Far East Side neighborhood;

493. $350,000 to the City of Saginaw, MI to provide for the revitalization of Northeast Saginaw;

494. $300,000 for the State of Michigan for costs associated with the relocation of the A.E. Seaman Mineral Museum;

495. $300,000 for Focus: Hope in Detroit, MI for the upgrades to the cogeneration microgrid;

496. $250,000 for the Goodwill Inn Homeless Shelter in Traverse City, MI for construction of a new shelter;

497. $200,000 to the Harbor Habitat for Humanity in Benton Harbor, MI for costs associated with infrastructure in the construction of new homes;

498. $150,000 to the City of St. Paul, Minnesota for rehabilitation needs at the Ames Lake Neighborhood/Phalen Place Apartments;

499. $100,000 to the City of St. Paul, Minnesota for the development of supporting housing for homeless youth;

500. $500,000 to the Minneapolis American Indian Center in Minneapolis, Minnesota for facilities renovation;

501. $275,000 to the Northside Residents Redevelopment Council in Minneapolis, Minnesota for construction of mixed-use facilities;

502. $550,000 to the Red Lake Band of Chippewa Indians in Red Lake, Minnesota for construction and buildout of a multi-purpose complex;

503. $200,000 for the Hmong American Mutual Assistance Association in Minneapolis, Minnesota to complete the HAMAA Community Center.

504. $200,000 for the Red Lake Band of Chippewa Indians in Red Lake, Minnesota to construct criminal justice complex project;

505. $200,000 for the Chicanos Latinos Unidos En Servicio (CLUES) in St. Paul, Minnesota for facility construction;

506. $200,000 for Redwood County, Minnesota for the Material Recovery/Waste to Energy Facility at Lamberton, Minnesota;

507. $300,000 to construct a community, activity center for low-income seniors in Mora, MN;

508. $75,000 to the 3rd Ward Neighborhood Council in St. Louis, Missouri for renovation and preservation of a facility;

509. $150,000 to the Better Family Life Cultural Center & Museum in St. Louis, Missouri for facility construction and renovation;

510. $500,000 to the City of Cape Girardeau, Missouri for the construction of a new school for visual and performing arts at Southeast Missouri State University;

511. $250,000 to the City of Cape Girardeau, Missouri for construction of a Discovery Research Institute;

512. $250,000 to the City of Joplin, Missouri for the renovation of center downtown district;

513. $150,000 to the City of Kansas City, Missouri for project planning and design, demolition, and redevelopment at the Columbus Park Redevelopment Project;

514. $500,000 to the City of Springfield, Missouri for the renovation of Gillioz/Reagan Theater;

515. $250,000 to the City of Springfield, Missouri for the construction of a multi-purpose community facility;

516. $150,000 to the City of Ste. Genevieve, Missouri for streetscape improvements;

517. $500,000 for the Liberty Memorial Association in Kansas City, MO for construction and renovation;

518. $250,000 for the St. Louis Bosnian Chamber of Commerce for construction of a community center in St. Louis, MO;

519. $250,000 for the Boys & Girls Clubs of Greater Kansas City, MO for RBI construction;

520. $250,000 for the Winston Churchill Memorial in Fulton, MO for construction and renovation;

521. $250,000 for Covenant House Missouri for construction of homeless youth center in St. Louis, MO;

522. $250,000 for Truman State University for construction of Speech and Hearing Clinic in Kirksville, MO;

523. $250,000 for City of Springfield, MO for renovation of the Springfield Commercial Club Building;

524. $750,000 to the Family Support Services Center for Autistic Children for construction of a Center to serve families with autistic children in St. Charles County, Missouri;

525. $500,000 to the University of Missouri for Hickman House preservation, renovation and improvements projects in Howard County, Missouri;

526. $500,000 to the Salvation Army Northland Community Center, to construct a family center and community room Clay County, Missouri;

527. $1,000,000 to the Kansas City Neighborhood Alliance for capital improvements in Kansas City, Missouri;

528. $1,000,000 to Better Living Communities for capital improvements for Salisbury Park neighborhood housing development in St. Louis, Missouri;

529. $500,000 to the St. Louis Housing Authority for neighborhood housing development of the Cochran Gardens Public Housing Site in St. Louis, Missouri;

530. $620,000 to the City of Kansas City for Swope Community Builders for the Linwood Housing project, Kansas City, Missouri;

531. $500,000 to the Missouri Soybean Association for test plots for the Life Sciences Research Development and Commercialization Project in Boone County, Missouri;

532. $500,000 to the Mark Twain Neighborhood Association for capital improvements in St. Louis, Missouri;

533. $750,000 to the Students in Free Enterprise World Headquarters for capital improvements [equipment] in Greene County, Missouri;

534. $250,000 to the Advanced Technology Center for construction of Laser/photronics lab complex and classroom in Mexico, Missouri;

535. $750,000 to the Youzeum for construction of youth health museum in Boone County, Missouri;

536. $400,000 to City of Kennett for downtown revitalization in Kennett, Missouri;

537. $550,000 City of Moorhead, Sunflower County, Mississippi for streetscape improvements;

538. $300,000 to Panola County, Mississippi for the construction of a multi-purpose community facility;

539. $200,000 to the City of Meridian, Mississippi for the construction of the Mississippi Arts and Entertainment Center;

540. $100,000 to the City of Natchez, Mississippi for a long term master plan for community development;

541. $750,000 to the City of Pontotoc, Mississippi for construction of the Pontotoc County Sportsplex;

542. $50,000 to the City of Starkville, Mississippi for improvements to the Cornerstone Industrial Park;

543. $250,000 to the Town of McLain, Mississippi for industrial park development;

544. $500,000 in the City of Oxford, Mississippi for the Innovation and Outreach Center;

545. $500,000 in the City of Madison, Mississippi, for the Historic Madison Gateway Project;

546. $500,000 in the City of Tchula, Mississippi for the Tchula New Town Infrastructure Project;

547. $1,500,000 for the Mississippi Museum of Art in Jackson, Mississippi, for renovations and improvements;

548. $950,000 for the Education Building for the Jackson Zoo in Jackson, Mississippi, to construct an educational building;

549. $850,000 for the Lafayette County Courthouse in Oxford, Mississippi, to restore and renovate their historic c. 1872 courthouse;

550. $800,000 for the Hinds Community College Performing Arts Center in Utica, Mississippi, to construct a performing arts, multi-purpose building;

551. $500,000 for the Mississippi University for Women Facility Restoration in Columbus, Mississippi, for facility improvements and restoration;

552. $500,000 for the Simpson County, Mississippi Courthouse for renovations and improvements;

553. $500,000 for the Jackson Public School-Belhaven College H.T. Newell Field Complex Partnership for facility improvements and construction in Jackson, Mississippi;

554. $600,000 for the City of Collins, Mississippi, to build a multi-purpose civic center;

555. $500,000 for the renovation of the Robert O. Wilder Building at Tougaloo College in Jackson, Mississippi;

556. $500,000 for the St. Ambrose Leadership College in Wesson, Mississippi, for restoration of a historic building for housing;

557. $500,000 for Delta State University for economic development activities and campus and facility improvements;

558. $500,000 for the Historical Preservation at Alcorn State University, Alcorn State, Mississippi, for the restoration project of existing historic buildings;

559. $100,000 to the City of Billings, Montana for the renovation of the Child and Family Intervention Center;

560. $100,000 to the City of Havre, Montana for improvements to the Montana State University Applied Technology Center;

561. $40,000 to the City of Lolo, Montana for construction of a pedestrian bridge over Lolo Creek;

562. $500,000 to the City of Missoula, Montana for expansion of the Montana Food Bank Network;

563. $200,000 for the Liberty House Foundation, for construction expenses in Ft. Harrison, MT;

564. $350,000 for the Rocky Mountain Development Council, to continue the PenKay Eagles Manor Renovation in Helena, MT;

565. $250,000 for the Rocky Boy Reservation's utilization of Malmstrom Air Force Base's excess housing;

566. $250,000 for the Rocky Mountain Elk Foundation in Missoula, MT for the infrastructure needs of their new headquarters facility;

567. $250,000 for the Center for St. Vincent Healthcare's Center for Healthy Aging in Billings, MT;

568. $200,000 for the Child and Family Intervention Center to renovate the Garfield School Building in Billings, MT;

569. $200,000 for the Yellowstone Boys and Girls Ranch's Education Facilities Expansion in Billings, MT;

570. $200,000 for the Carter County Museum's Highway to Hell Creek project facilities expansion in Ekalaka, MT;

571. $400,000 for the Big Sky Economic Development Corporation for acquisition and rehabilitation for low-income housing in Billings, MT;

572. $200,000 for the Missoula Aging Services building renovation in Missoula, MT;

573. $200,000 to the St. Vincent Center for Healthy Aging for construction in Billings, MT;

574. $300,000 to the Daly Mansion Preservation Trust for the renovation of the Daly Mansion in Hamilton, MT;

575. $250,000 to CommunityWorks for the construction of the ExplorationWorks Museum in Helena, MT;

576. $200,000 to the Montana Technology Enterprise Center for the construction of lab facilities in Missoula, MT;

577. $150,000 to Columbus County, North Carolina for construction of a center for the Southeast Community College;

578. $250,000 to Davidson County, North Carolina for facility and equipment upgrades to the Davidson County Community College;

579. $200,000 to DHIC, Inc. in Wake County, North Carolina for a revolving loan fund for low-income homebuyers;

580. $200,000 to EmPOWERment, Inc. in Chapel Hill, North Carolina for a revolving loan fund for low-income homebuyers;

581. $150,000 to Gaston County, North Carolina for technology park expansion;

582. $50,000 to Madison County, North Carolina; for restoration of an old school building to be used as the Spring Creek Community Center;

583. $100,000 to Northampton County, North Carolina for planning, design, and construction of a community center;

584. $348,700 to the City of Asheville, North Carolina for the renovation of the Asheville Veterans Memorial Stadium;

585. $250,000 to the City of Asheville, North Carolina: for construction of a new science and multi-media building;

586. $50,000 to the City of Dobbins Heights, North Carolina for the redevelopment of downtown;

587. $150,000 to the City of Durham, North Carolina for facilities construction/renovation and streetscape improvements;

588. $150,000 to the City of Fayetteville and Cumberland County, North Carolina for the development of a business park;

589. $250,000 to the City of Hatteras, North Carolina for the construction of the Graveyard of the Atlantic Museum;

590. $250,000 to the City of Laurinburg, North Carolina for the demolition of an old hospital;

591. $250,000 to the City of Monroe, North Carolina for the renovation of Old Armory for neighborhood revitalization;

592. $200,000 to the City of Raeford, North Carolina for improvements to the Raeford downtown streetscape;

593. $250,000 to the City of Sparta, North Carolina for construction of the Sparta Teapot Museum;

594. $250,000 to the City of Troy, North Carolina for the implementation of an affordable housing program;

595. $150,000 to the City of Winston-Salem, North Carolina for renovation and expansion of the Central Library of Forsyth County;

596. $250,000 to the Inter-Faith Council for Social Services in Chapel Hill, North Carolina for construction, renovation, and build out of facilities;

597. $200,000 to the Piedmont Environmental Center in High Point, North Carolina for renovation and expansion of the Naturalist Education Center;

598. $150,000 to the Town of Cullowhee, North Carolina for interior building renovations to the Center for Engineering Technologies at Western Carolina University;

599. $150,000 to the Town of Zebulon, North Carolina for land acquisition;

600. $200,000 to UDI Community Development Corporation in Durham, North Carolina for construction/renovation and build out of an industrial park facility;

601. $400,000 for Renovations to the Core Sound Waterfowl Museum in Harkers Island, NC;

602. $200,000 to the City of Kannapolis, NC for the rehabilitation of the Pillowtex Plant 1 site;

603. $250,000 for New River Community Partners, Inc., in Sparta, NC for the Sparta Teapot Museum;

604. $200,000 for Catawba Science Museum to renovate and expand exhibitions in Hickory, NC;

605. $200,000 for Military Business Park Development in Fayetteville, NC;

606. $250,000 for the City of Wilmington, NC, for the Downtown Park & Open Space Initiative;

607. $250,000 for the City of Fayetteville, NC, for the Military Business Park;

608. $250,000 for the City of Asheville, NC, for the Veterans Memorial Restoration;

609. $350,000 to the Dakota Boys and Girls Ranch Residential Facilities in North Dakota for construction and renovation of its three facilities;

610. $250,000 for the Northwest Ventures Communities, Minot, ND for the construction of the Northwest Career and Technology Center;

611. $200,000 for the United Tribes Technical College in Bismarck, ND for the construction of family housing;

612. $350,000 for the City of Killdeer, ND to construct a community activity center;

613. $400,000 for the City of Rugby, ND to support construction and other projects within two North Dakota REAP Zones;

614. $300,000 for the Dakota Boys and Girls Ranch, Minot, ND for facilities at their Minot location;

615. $350,000 for the UND Center for Innovation Foundation in Grand Forks, ND for the Ina Mae Rude Entrepreneur Center;

616. $300,000 for the Bismarck-Mandan Development Association, Bismarck, ND for the construction of the National Energy Technology Training and Education Facility;

617. $200,000 for the Minot Area Community Development Foundation, Minot, ND for the Prairie Community Development Center;

618. $200,000 for the Turtle Mountain Community College, Belcourt, ND for the Turtle Mountain Community College Vocational Educational Center;

619. $250,000 to the City of Boys Town, Nebraska for the national priorities of Girls and Boys Town USA;

620. $200,000 to the City of Columbus, Nebraska for renovations to the Boys and Girls Home of Nebraska;

621. $400,000 to the City of Lincoln, Nebraska for the revitalization of the Antelope Valley Neighborhood Project;

622. $100,000 to the City of Lincoln, Nebraska for the expansion of rural business enterprise development;

623. $100,000 to the City of Omaha, Nebraska for the restoration of Tech Auditorium;

624. $150,000 to the City of Peru, Nebraska for construction of a new technology building at Peru State College;

625. $100,000 to the City of Red Cloud, Nebraska for renovations to the historic Moon Block building;

626. $200,000 to Thurston County, Nebraska for the renovation of the Thurston County Courthouse;

627. $1,000,000 for Metro Community College's Health Careers and Science Building in the City of Omaha, NE;

628. $200,000 for Thurston County Courthouse renovation in the City of Pender, NE;

629. $200,000 for the Boys and Girls Home of Nebraska's Columbus Family Resources Center in the City of Columbus, NE;

630. $200,000 for the Willa Cather Pioneer Memorial and Educational Foundation's Moon Block restoration project in the City of Red Cloud;

631. $200,000 for Clarkson College's Central Student Service Center Facility in the City of Omaha, NE;

632. $200,000 for University of Nebraska-Lincoln's Enterprise Development in Rural Nebraska in the City of Lincoln;

633. $950,000 for a parking facility as part of the Joslyn Art Museum Master Plan, in Omaha, Nebraska;

634. $100,000 to the City of Bethlehem, New Hampshire for the renovation of Main Street performing arts theater;

635. $150,000 to the City of Concord, New Hampshire for site preparation for improvements to White Park;

636. $100,000 to the City of Portsmouth, New Hampshire for construction of an environmentally responsible library;

637. $225,000 to the Town of Temple, New Hampshire for restoration of Temple Town Hall;

638. $100,000 to the Village of North Conway, New Hampshire for construction of an academic learning center at the New Hampshire Community Technical College;

639. 450,000 for Families in Transition, Manchester, New Hampshire for the Mothers and Children: Staying Together Recovery Center;

640. 350,000 for New Hampshire Community Technical College System, Conway, New Hampshire for the Consortium-Based Academic Center;

641. 200,000 for Gibson Center, Madison, New Hampshire for the preservation of senior housing at Silver Lake Landing;

642. $500,000 for the New Hampshire Community Loan Fund, manufactured housing park program;

643. $200,000 for the Monadnock, NH, Township home owner initiative;

644. $400,000 for the Derry, NH, Senior Center project;

645. $600,000 for the Manchester, NH, YWCA project;

646. $400,000 for the Nashua, NH, Downtown Riverfront Opportunity Program;

647. $400,000 for the Student Conservation Association service center, New Hampshire;

648. $400,000 to 2nd Floor Youth Helpline in Hazlet, New Jersey for construction and renovation of its space;

649. $300,000 to Essex County, New Jersey for economic development;

650. $250,000 to Eva's Kitchen and Sheltering Program in Paterson, New Jersey for renovation and construction of a homeless shelter;

651. $150,000 to Hunterdon County, New Jersey for improvements to the Village of Oldwick;

652. $300,000 to Morris County, New Jersey for economic development;

653. $150,000 to Rutgers University in New Jersey for land acquisition for Early Childhood Research Learning Academy;

654. $300,000 to Somerset County, New Jersey for economic development;

655. $300,000 to Sussex County, New Jersey for economic development;

656. $150,000 to the City of Atlantic City, New Jersey for the development of a manufacturers business park;

657. $200,000 to the City of Barnegat Light, New Jersey for renovations to historic structures;

658. $150,000 to the City of Bridgeton, New Jersey for the revitalization of Southeast Gateway Neighborhood;

659. $90,000 to the City of Cape May, New Jersey for rehabilitation of a community arts center;

660. $350,000 to the City of East Orange, New Jersey for upgrades and improvements to recreation fields;

661. $100,000 to the City of Elmer, New Jersey for expansion of Appel Farms Arts and Music Center;

662. $250,000 to the City of Lakewood, New Jersey for the construction of a new building for the School for Children with Hidden Intelligence;

663. $600,000 to the City of Perth Amboy, New Jersey for rehabilitation and construction of the Jewish Renaissance Medical Center;

664. $50,000 to the City of Trenton, New Jersey for the completion of the Martin House Transitional Housing Program;

665. $350,000 to the City of West Milford, New Jersey for public commercial improvements;

666. $100,000 to the City of Westfield, New Jersey for the renovation of the new East Board Street YMCA;

667. $250,000 to the Monroe Township in Middlesex County, New Jersey for the development of recreation facilities;

668. $100,000 to the Town of Montclair, New Jersey for construction of a facility at Montclair State University;

669. $250,000 for the City of Pleasantville, NJ for the construction and renovation of the Pleasantville Marina;

670. $200,000 for the City of Paterson, NJ for the design and renovation of the Silk City Senior Nutrition Center;

671. $200,000 for the St. Joseph's School of the Blind in Jersey City, NJ for the construction of a new facility;

672. $300,000 for the Rutgers-Camden Business Incubator, Camden NJ for the expansion of the business incubator;

673. $20,000 to the City of Albuquerque, New Mexico for the East Central Ministries enterprises program;

674. $500,000 to the City of Albuquerque, New Mexico for the construction of the YMCA of Albuquerque;

675. $250,000 to the City of Belen, New Mexico for construction of a multipurpose community center;

676. $150,000 to the City of Carlsbad, New Mexico for construction of the Carlsbad Battered Family Shelter;

677. $350,000 to the City of Placitas, New Mexico for the construction of the Placitas Public Library;

678. $200,000 to the Village of Angel Fire in New Mexico for construction and development of a town square;

679. $1,130,000 for Presbyterian Medical Services for their Head Start Facility in Santa Fe, New Mexico;

680. $750,000 for the Albuquerque Mental Health Housing Coalition, Inc. for the renovation of the Sunport Plaza Apartments in Albuquerque, New Mexico;

681. $620,000 for Eastern New Mexico State University in Portales, New Mexico for scientific instructional equipment;

682. $200,000 Otero County, NM, Veteran's Museum Construction;

683. $350,000 City of Carlsbad, NM, Battered Family Shelter Construction;

684. $250,000 Helping Hands Food Bank of Deming, NM, Construction;

685. $350,000 City of Sunland Park, NM, Community Center Construction;

686. $250,000 Sandoval County, NM, Community Health Alliance, Construction and Equipment;

687. $200,000 City of Portales, NM, Rehabilitation of the Yam Movie Palace;

688. $100,000 to the City of Carson, Nevada for expansion of Nevada's Center for Entrepreneurship and Technology;

689. $500,000 to the City of Henderson, Nevada for improvements and building renovations;

690. $350,000 to the City of Las Vegas, Nevada for improvements to WestCare;

691. $150,000 to the City of North Las Vegas, Nevada for construction of a recreation center;

692. $150,000 to the City of Tonapah, Nevada for the development of multifunctional recreational facilities;

693. $300,000 for the Pahrump Senior Center, Pahrump NV, for senior transportation;

694. $500,000 for the Nathan Adelson Hospice, Henderson, NV, for an adult day care center;

695. $200,000 for the Ridge House, Reno, NV, for the purchase or acquisition of facilities for the Reentry Resource Center;

696. $500,000 for the University of Nevada-Reno to provide a Small Business Development Center;

697. $500,000 for the City of Las Vegas, Nevada for the renovation of the Old Post Office;

698. $350,000 for the City of Reno, Nevada to provide Fourth St. Corridor Enhancements;

699. $300,000 for the City of Pahrump Nye County, Nevada Fairgrounds Project;

700. $500,000 for Wadsworth, Nevada to provide a Community Center;

701. $200,000 for the City of Sparks, Nevada for the Deer Park Facility Renovation Project;

702. $250,000 for the City of Reno, Nevada to provide a Food Bank of Northern Nevada Regional Distribution Facility Project;

703. $350,000 to Columbia County, New York for restoration of historic Great Stone Barn;

704. $150,000 to Elmcor Youth and Adult Activities in Queens, New York for renovation of economic development facilities;

705. $350,000 to Erie County, New York for the Suburban Solutions Center;

706. $400,000 to Fordham University in Bronx, New York for the construction of a multipurpose center;

707. $75,000 to Mamaroneck Village, New York for a pedestrian streetscape program;

708. $150,000 to Monroe County, New York for the rehabilitation of historic Whiteside Barnett and Co. Agricultural Works property;

709. $150,000 to Monroe County, New York for construction of education center classrooms;

710. $150,000 to Monroe County, New York for construction of a research and education center at the State University of New York College, Brockport;

711. $250,000 to Proctor's Theatre in Schenectady, New York for facility expansion;

712. $250,000 to Prospect Park Alliance in Brooklyn, New York for construction of a visitor's center and upgrades to its facilities;

713. $150,000 to Sunnyside Community Services in Queens, New York for construction of a senior center;

714. $150,000 to the 39th Street Recreation Center, New York Department of Parks for the renovation of a recreation center;

715. $250,000 to the Bardavon 1869 Opera House, Inc. in Poughkeepsie, New York for improvements to the Bardavon Opera House;

716. $150,000 to the Beth Gavriel Bukharian Congregation in Queens, New York for planning, design, and construction of a building expansion to serve the Bukharian and Russian populations;

717. $550,000 to the Boricua College in New York, New York for renovation of the Audubon Terrace Building;

718. $250,000 to the Burchfield-Penney Art Center in Buffalo, New York for the construction of an art museum;

719. $450,000 to the City College of New York for the planning, design, and construction of the Center for Public Service;

720. $158,000 to the City of Alfred, New York for construction of the Sugar Hill Industrial Park;

721. $200,000 to the City of Alfred, New York for construction of a facility at Alfred State College;

722. $250,000 to the City of Babylon, New York for construction of 9/11 Education Center;

723. $300,000 to the City of Brooklyn, New York for additions to Sephardic Community Center;

724. $100,000 to the City of Brooklyn, New York for improvements to the 86th Street Business District;

725. $250,000 to the City of Elmira, New York for the restoration of Cowles Hall on the Elmira College;

726. $100,000 to the City of Fort Ann, New York for construction of the Adirondack Golden Goal complex;

727. $100,000 to the City of Geneva, New York for construction of community recreation center;

728. $100,000 to the City of Glen Cove, New York for construction of children's center for the YMCA at Glen Cove;

729. $250,000 to the City of Houghton, New York for the rehabilitation of Paine Science Center at Houghton College;

730. $250,000 to the City of Hunter, New York for renovations of the Orpheum Theatre and renovations of the Sugar Maples Center for the Arts;

731. $250,000 to the City of Lindenhurst, New York for construction of a center for Breast Cancer Help, Inc;

732. $100,000 to the City of Plattsburgh, New York for the construction of Adirondack Champlain Fiber Network;

733. $150,000 to the City of Rochester, New York for construction to the Northwest Family YMCA, Camp Northpoint;

734. $100,000 to the City of Rome, New York for the construction of a community recreation center;

735. $250,000 to the City of Syracuse, New York for the continuation of the Neighborhood Initiative Program;

736. $100,000 to the City of Syracuse, New York for the Essential New York Initiative;

737. $250,000 to the City of Utica, New York for the replacement of windows at the Utica Public Library;

738. $100,000 to the City of Utica, New York for the construction and expansion of nursing laboratory;

739. $100,000 to the City of Watertown, New York for renovations to North Country Children's Clinic;

740. $200,000 to the Federation of Italian-American Organization in Brooklyn, New York for facility upgrades;

741. $150,000 to the Huntington Economic Development Corporation in Huntington, New York for planning and design of a public plaza;

742. $550,000 to the Lutheran Medical Center in Brooklyn, New York for renovation and capital improvements;

743. $200,000 to the Mary Mitchell Family and Youth Center in Bronx, New York for the construction of a multipurpose center;

744. $150,000 to the Museum of the Moving Image in Queens, New York for facility expansion;

745. $750,000 to the Old Fort Niagara Gateway to History in Porter, New York for rehabilitation of a visitor's center;

746. $400,000 to the Orange County Community College in Middletown, New York for construction of a new building;

747. $75,000 to the Pregones Theater in Bronx, New York for renovation of its facility;

748. $75,000 to the Queens Borough Children's Discovery Center, New York City, New York for the construction of a children's discovery center;

749. $200,000 to the Town of Brookhaven, Farmingville, New York for demolition and construction of a new Senior Citizens Wellness Center;

750. $75,000 to the Town of Eastchester, New York for construction of a youth center;

751. $100,000 to the Town of Lenox, New York for construction of WWI Memorial;

752. $150,000 to the Town of North Hempstead, New York for construction and revitalization in New Cassel;

753. $200,000 to the town of Old Forge, New York for the renovation of Arts Guild of Old Forge;

754. $100,000 to the Town of Ripley, New York for land acquisition;

755. $75,000 to the Village of Elmsford, New York for construction of a new senior center;

756. $75,000 to the Village of Pleasantville, New York for a pedestrian streetscape program;

757. $200,000 to the Village of Tuckahoe, New York for streetscape improvements in the Crestwood section;

758. $250,000 to the Town of Volney, New York for the development of Riverview Business Park;

759. $500,000 to Warren County, New York for facilities construction at North Creek Ski Bowl;

760. $200,000 to the YWCA of Niagara, NY for the computer lab expansion;

761. $250,000 to Alianza Dominicana of New York City, NY for expansion of the Triangle building;

762. $200,000 to SUNY Plattsburgh, NY for the expansion of the Adirondack-Champlain Community Fiber Network;

763. $250,000 to the El Museo del Barrio in New York City, NY for capital improvements;

764. $200,000 to the Central New York Community Arts Council of Utica, NY for the expansion of the Stanley Theater;

765. $200,000 to the City of Canandaigua, NY for the construction of a regional tourism center;

766. $200,000 for the Graduate College of Union University, Schenectady, NY to establish a freestanding campus;

767. $200,000 for the Robert H. Jackson Center, Jamestown, NY for auditorium restoration;

768. $200,000 for the Griffiss Local Development Corporation, Rome, NY for development of a multi-tenant technology office complex;

769. $200,000 for the Nassau County Museum of Art, Roslyn Harbor, NY for building restoration;

770. $200,000 for the Veterans Outreach Center, Rochester, NY for renovation and expansion of employment and training facilities;

771. $100,000 to Carroll County, Ohio for the development of a community center;

772. $250,000 to Columbiana County, Ohio for construction of a new community services building;

773. $200,000 to Connecting Point, Inc., in Toledo, Ohio for facility construction;

774. $200,000 to Ross County, Ohio for development of an industrial park;

775. $100,000 to the City of St. Clairsville, Ohio for the renovation of the Clarendon Hotel;

776. $750,000 to the City of Canton, Ohio for construction of a Community Youth/Recreation Activity Center;

777. $350,000 to the City of Cincinnati, Ohio for the construction of community education center on grounds of fire training facility;

778. $100,000 to the City of Cincinnati, Ohio for the renovation of Covedale Center for Performing Arts;

779. $650,000 to the City of Columbus, Ohio for the Campus Partners Neighborhood Initiative;

780. $300,000 to the City of Columbus, Ohio for mixed-use commercial and residential facilities;

781. $250,000 to the City of Dayton, Ohio for street infrastructure and parking facility improvements;

782. $100,000 to the City of Dayton, Ohio for redevelopment of Brown and Stewart Street properties at the University of Dayton;

783. $200,000 to the City of Delaware, Ohio for renovations to the Stand Theater;

784. $200,000 to the City of Glouster, Ohio for renovations to the Ohio Department of Corrections Facility;

785. $250,000 to the City of Green, Ohio for the purchase of Southgate Farm;

786. $75,000 to the City of Lancaster, Ohio for the renovation of a building for the glassblowing museum;

787. $100,000 to the City of Lima, Ohio for improvements to riverwalk;

788. $150,000 to the City of Lorain, Ohio for planning, design, demolition, and redevelopment of Broadway Avenue;

789. $400,000 to the City of Navarre, Ohio for construction of a library for the Towpath Trail YMCA Community Center;

790. $295,000 to the City of Peebles, Ohio for improvements to the Serpent Mound State Memorial Visitor Facility;

791. $1,000,000 to the City of Springfield, Ohio for the expansion of Applied Research Technology Park (ARTP) in Springfield;

792. $175,000 to the City of Springfield, Ohio for demolition of a property to be used for a new hospital;

793. $200,000 to the City of St. Marys, Ohio for renovations to the historic Glass Block;

794. $100,000 to the City of Toledo, Ohio for the construction of Ice-Skating Rinks in City Parks;

795. $150,000 to the City of Urbana, Ohio for the revitalization of Champaign County heritage sites;

796. $250,000 to the City of Van Wert, Ohio for renovations of a facility for The Marsh Foundation;

797. $250,000 to the City of Van Wert, Ohio for the renovation of facilities for Starr Commonwealth;

798. $200,000 to the Depression and Bipolar Support Alliance in Toledo, Ohio for facility construction;

799. $150,000 to the Urban League of Greater Cleveland, Ohio for a multicultural business development center;

800. $200,000 to the Youngstown Ohio Associated Neighborhood Center in Youngstown, Ohio for upgrades to the McGuffey Center;

801. $200,000 for the City of Canton, Ohio for the New Horizons Park land and site acquisition, demolition, or facilities construction;

802. $200,000 for Wright Dunbar, Inc., Dayton, Ohio, to construct the Gateway to Paul Laurence Dunbar Memorial;

803. $200,000 for Daybreak, Inc., Dayton, Ohio, for the Daybreak Opportunity House land and site acquisition, demolition, site preparation and facilities construction;

804. $200,000 for Catholic Charities Services Corporation, Parma, Ohio, for Parmadale's land and site acquisition, demolition, site preparation and facilities construction;

805. $100,000 for Cornerstone of Hope, Independence, OH, to build a facility;

806. $300,000 for The Preston Fund for SMA Research, Beachwood, Ohio, for the construction and development of Preston's H.O.P.E.;

807. $300,000 for the Defiance County Senior Service Center, Defiance, Ohio, for construction;

808. $250,000 for the Ukrainian Museum-Archives, Cleveland, Ohio, for Phase II Development and construction;

809. $250,000 for The Scioto Society, Inc., Chillicothe, Ohio for the "Tecumseh!" Capital Improvement Project;

810. $270,000 for the Lorain County Community College Great Lakes Business Growth and Development Center in Ohio;

811. $200,000 for the City of Jackson's Day Care Center, Ohio;

812. $260,000 for Wilberforce University Ohio Private Historically Black University Residence Hall Project;

813. $270,000 for the Solid Waste Authority of Central Ohio (SWACO) Pyramid Resource Center;

814. $250,000 to the City of Durant, Oklahoma for an employer assisted housing initiative;

815. $100,000 to the City of El Reno, Oklahoma for the construction of a facility for Youth and Family Services;

816. $300,000 to the City of Pawnee, Oklahoma for the renovation of the Buffalo Theater;

817. $100,000 to the City of Tulsa, Oklahoma for the renovation of a facility to establish a one-stop youth and family service center;

818. $220,000 for the City of Ardmore, OK, to construct the Ardmore Community Resource Center;

819. $220,000 for Norman Economic Development Corporation, Norman, OK, to construct an engineering incubator;

820. $200,000 for the City of Ponca City, OK, to construct a museum building and information center for the statue of Ponca Chief Standing Bear;

821. $220,000 for the United States-Mexico Cultural Education Foundation to establish the Center for North American Sustainable Economic Development at the University of Oklahoma, Norman, OK;

822. $220,000 for the Native American Cultural Center and Museum, Oklahoma City, OK, for construction of the American Indian Cultural Center;

823. $200,000 for the City of Midwest City, OK to construct a community outreach center;

824. $150,000 to the Portland Center Stage Armory Theater in Portland, Oregon for renovations and upgrades to its facility;

825. $150,000 to the Portland Development Commission in Portland, Oregon for urban revitalization of the South Waterfront District;

826. $300,000 to the Richard E. Wildish Community Theater in Springfield, Oregon for the completion of construction of its' facility;

827. $200,000 to the Salem Urban Renewal Agency in Salem, Oregon for rehabilitation of downtown Salem;

828. $200,000 for the City of Lakeview, Oregon to develop geothermal resources;

829. $200,000 for Marion-Polk Food Share in Salem, Oregon to improve and renovate an emergency food distribution center;

830. $200,000 for the City of Pendleton, Oregon to improve and renovate round-up facilities;

831. $500,000 for construction of an education building at the Blue Mountain Community College's Northeastern Oregon Collaborative University Center, Hermiston, Oregon;

832. $250,000 for construction of the Downtown Riverfront Access Project by the City of The Dalles for the Port of The Dalles, Oregon;

833. $200,000 for construction of a Teen Activity Center at the Santo Community Center in Medford, Oregon;

834. $200,000 to Armstrong County, Pennsylvania for rebuilding the Belmont Complex;

835. $200,000 to Berks County, Pennsylvania for a Competitive Greater Reading Initiative;

836. $500,000 to Bradford County, Pennsylvania for the construction of two business parks;

837. $200,000 to Bristol Township, Pennsylvania for the construction of a community center for Freedom Neighborhood;

838. $150,000 to Carbon County, Pennsylvania for land acquisition, facilities renovation, and demolition;

839. $200,000 to Greene County, Pennsylvania for revitalization of recreational facilities;

840. $100,000 to Gwen's Girls, Inc. in Pittsburgh, Pennsylvania for construction of a residential facility;

841. $200,000 to Lackawanna County, Pennsylvania for construction of a new facility for the YMCA of Carbondale;

842. $750,000 to Lower Makefield Township, Pennsylvania for construction of the Lower Makefield 9/11 Memorial Garden;

843. $150,000 to North Central Triangle Revitalization in Philadelphia, Pennsylvania for planning and design of the Triangle Revitalization project;

844. $47,000 to Perry County, Pennsylvania for expansion of the community pool in Liverpool Township;

845. $100,000 to Point Breeze Performing Arts Center in Philadelphia, Pennsylvania for renovations and upgrades of its facility;

846. $200,000 to the Borough of Mahonoy City, Pennsylvania for improvements to West Market Street;

847. $100,000 to the Carroll Park Neighbors Advisory Council in Philadelphia, Pennsylvania for facility renovations and upgrades;

848. $15,000 to the City of Blaine, Pennsylvania for renovations to the baseball park in Toboyne Township;

849. $100,000 to the City of Allentown, Pennsylvania for the construction of the Da Vinci Discovery Center of Science and Technology;

850. $100,000 to the City of Allentown, Pennsylvania for expansion of the Allentown Art Museum;

851. $100,000 to the City of Allentown, Pennsylvania for the construction of a center for LeHigh Valley Heritage;

852. $100,000 to the City of Bethlehem, Pennsylvania for the renovation of KidsPeace Broadway Campus;

853. $200,000 to the City of Bradford, Pennsylvania for construction of an aquatic area at Brookville YMCA;

854. $60,000 to the City of Cambria, Pennsylvania for construction of a playground facility for Coal Country Hang-out Youth Center;

855. $250,000 to the City of Carnegie, Pennsylvania for infrastructure improvements;

856. $100,000 to the City of Chambersburg, Pennsylvania for renovations to the Capitol Theater;

857. $250,000 to the City of Chester, Pennsylvania for improving the YWCA of Chester;

858. $200,000 to the City of Clarion, Pennsylvania for improvements to Sawmill Center for the Arts;

859. $200,000 to the City of Clearfield, Pennsylvania for improvements to the Clearfield YMCA;

860. $200,000 to the City of Corry, Pennsylvania for the redevelopment of the former Cooper Ajax facility;

861. $200,000 to the City of Galeton, Pennsylvania for the expansion of the museum's visitor center;

862. $100,000 to the City of Gettysburg, Pennsylvania for the renovation of Gettysburg Railway Station as a visitor's center;

863. $150,000 to the City of Greenville, Pennsylvania for the reconstruction of streetscapes;

864. $50,000 to the City of Hollidaysburg, Pennsylvania for the renovations to the YMCA in Hollidaysburg;

865. $50,000 to the City of Homer, Pennsylvania for construction of a new athletic facility;

866. $250,000 to the City of Jeannette, Pennsylvania for parking improvements to the business district;

867. $400,000 to the City of Johnstown, Pennsylvania for construction and improvements to the convention center;

868. $250,000 to the City of Lancaster, Pennsylvania for construction of the Columbia Clubhouse for the Boys and Girls Club of Lancaster;

869. $10,000 to the City of Marysville, Pennsylvania for enhancements to a public playground;

870. $100,000 to the City of Media, Pennsylvania for technology infrastructure at the Delaware County Community College;

871. $25,000 to the City of Mifflintown, Pennsylvania for the development of a playground facility;

872. $250,000 to the City of Monroeville, Pennsylvania for construction of a new center and park for Monroeville Community Center;

873. $100,000 to the City of Oil City, Pennsylvania for upgrades to the Oil Creek Railway Historic Caboose;

874. $300,000 to the City of Philadelphia, Pennsylvania for streetscape of the vendors mall;

875. $200,000 to the City of Pine Forge, Pennsylvania for construction of an student center at Pine Forge Academy;

876. $250,000 to the City of Radnor, Pennsylvania for expansion of a community center for Cabrini College;

877. $250,000 to the City of Sunbury, Pennsylvania for construction of an amphitheater complex for the Susquehanna Riverfront;

878. $200,000 to the City of Tunkhannock, Pennsylvania for construction of a community facility for autistic children;

879. $150,000 to the City of York, Pennsylvania for improvements to streetscapes;

880. $1,500,000 to the Indiana University, Indiana, Pennsylvania for the development and construction of a Regional Development Center;

881. $1,500,000 to the Indiana University, Indiana, Pennsylvania for the construction of a multiuse training facility in Indiana, Pennsylvania;

882. $150,000 to the Jewish Community Center of Greater Philadelphia, Pennsylvania for facilities construction and improvements;

883. $200,000 to Waynesburg College Center, Greene County, Pennsylvania for a center for economic development;

884. $200,000 for the City of Carbondale, Pennsylvania for the South Main Street Economic Development Initiative which is designed to reduce blight along the City's Main Street Corridor;

885. $200,000 for the Redevelopment Authority of the City of Corry to acquire a brownfield site in downtown Corry, Pennsylvania;

886. $200,000 for Weatherly Borough, Pennsylvania to acquire and redevelop the Lehigh Valley Railroad Shops and Weatherly Steel Plant complex in the heart of Weatherly, PA;

887. $200,000 for Indiana County, Pennsylvania to acquire the Wayne Avenue Property in Indiana;

888. $200,000 for Armstrong County, Pennsylvania for remediation and infrastructure development on a 14.2 acre of brownfield property in Apollo Borough;

889. $200,000 for Perry County, Pennsylvania to develop an industrial park in New Bloomfield;

890. $200,000 for People for People, Inc. for planning and project development efforts for the Triangle redevelopment project;

891. $200,000 for the Southwestern Pennsylvania Commission, to develop the Alta Vista Business Park, a mixed-use business park on a former strip mine site adjacent to I-70, in Washington County, Pennsylvania;

892. $300,000 for the Allegheny County Airport Authority in Allegheny County, Pennsylvania for site preparation and construction of its North Field Development project;

893. $200,000 for Gaudenzia, Inc. in Norristown, Pennsylvania to renovate and expand its residential facilities;

894. $200,000 for Our City Reading in Reading, Pennsylvania to rehabilitate abandoned houses and provide down payment assistance to home buyers;

895. $200,000 for the City of Lancaster, Pennsylvania for the revitalization and construction of Lancaster Square;

896. $200,000 for the Greater Wilkes-Barre Chamber of Business and Industry in Wilkes-Barre, Pennsylvania for acquisition, planning, and redevelopment of the historic Irem Temple;

897. $200,000 for the Greene County Department of Planning and Economic Development in Greene County, Pennsylvania for construction and site development of a multi-phased business park on the grounds of the Greene County Airport;

898. $200,000 for Impact Services Corporation in Philadelphia, Pennsylvania to renovate, redevelop, and convert an existing building into low-income housing units;

899. $200,000 for the Shippensburg University Foundation in Shippensburg, Pennsylvania for construction of Phase III of the Shippensburg Regional Conference Center;

900. $200,000 for the Partnership CDC in Philadelphia, Pennsylvania for acquisition, renovation and rehabilitation of affordable housing for moderate- and low-income families;

901. $200,000 for the Allentown Art Museum in Allentown, Pennsylvania to expand and modernize its facilities;

902. $200,000 for the Pittsburgh Zoo in Pittsburgh, Pennsylvania for the planning, site development, and construction of Phase I of its expansion project;

903. $200,000 for Universal Community Homes in Philadelphia, Pennsylvania for conversion of parcels of land into housing units for low- and moderate-income families;

904. $150,000 to the Municipality of Isabela, Puerto Rico for the construction of a youth center;

905. $250,000 to the Village of Aguadilla, Puerto Rico for construction of a little league baseball park at Old Ramey Air Force Base;

906. $200,000 to the City of Central Falls, Rhode Island for construction and renovation of parks facilities;

907. $150,000 to the Providence YMCA in Providence, Rhode Island for the construction of a multipurpose center;

908. $200,000 to the Town of North Smithfield, Rhode Island for economic development initiatives focused on technology improvements;

909. $350,000 for the Cranston Public Library in Cranston, Rhode Island for building renovations;

910. $250,000 for Jamiel Park in Warren, Rhode Island for facility improvements;

911. $200,000 for the Town of West Warwick, Rhode Island for the development and construction of a river walk;

912. $200,000 for Meeting Street School in Providence, Rhode Island for the construction of the Bright Futures Early Learning Center;

913. $200,000 for Sexual Assault and Trauma Resource Center in Providence, Rhode Island for building acquisition and renovations;

914. $200,000 for the Pastime Theatre in Bristol, Rhode Island for building improvements;

915. $200,000 for Family Service of Rhode Island in Providence, Rhode Island for building purchase and renovations;

916. $200,000 for St. Mary's Home for Children in North Providence, Rhode Island for building renovations;

917. $200,000 for Stand Up for Animals in Westerly, Rhode Island for building construction;

918. $300,000 for the acquisition and renovation of the Seniors Helping Others volunteer center in South Kingstown, RI;

919. $300,000 for the expansion and renovation of the Pawtucket Day Child Development Center, Pawtucket, RI;

920. $300,000 for the renovation and expansion of the John E. Fogarty Center to provide services and programs for children and adults with disabilities, North Providence, RI;

921. $200,000 for the City of Woonsocket, RI for the redevelopment of the Hamlet Avenue Mill site;

922. $200,000 to provide for equipment and construction of the Arlington Branch of the Cranston Public Library, Cranston, RI;

923. $1,000,000 Engenuity South Carolina in the City of Columbia for the National Institute of Hydrogen Commercialization;

924. $100,000 to Georgetown County, South Carolina for construction of the Choppee Regional Resource Center;

925. $60,000 to Laurens County, South Carolina for the Hunter Industrial Park improvements;

926. $250,000 to Lee County, South Carolina for construction of a county recreation center;

927. $150,000 to Marion County, South Carolina for constructing of an outdoor wellness facility;

928. $125,000 to the Bible Way Community Development Corporation, Columbia, South Carolina for construction of a multipurpose facility;

929. $100,000 to the Boys and Girls Club of the Pee Dee in Florence, South Carolina for renovation and expansion of Florence and Sumter facilities;

930. $400,000 to the City of Charleston, SC for completed construction of the Spirit of South Carolina;

931. $500,000 to the City of Greenville, South Carolina for the development of Clemson University International Center for Automotive Research;

932. $300,000 to the City of Lancaster, South Carolina for renovation of the "Hope on the Hill" adult education and afterschool center;

933. $100,000 to the City of Spartanburg, South Carolina for the expansion of dormitories and classrooms at the South Carolina School for the Deaf and the Blind;

934. $300,000 to the City of Walterboro, South Carolina for construction of Great Swamp Sanctuary Discovery Center and associated streetscape;

935. $200,000 to the National Council of Negro Women, Inc. in Bishopville, South Carolina for construction of the Dr. Mary McLeod Bethune Memorial Park;

936. $200,000 to the Paxville Community Development Center in Paxville, South Carolina for the construction of a multipurpose center;

937. $50,000 to the Progressive Club in John's Island, South Carolina for renovation of a multi-purpose building;

938. $400,000 to the Town of Greenwood, South Carolina for the renovation of Old Federal Courthouse;

939. $100,000 to the Town of St. Stephens, South Carolina for renovation of the Berkeley Senior Center;

940. $75,000 to the Williamsburg County Boys and Girls Club in Hemingway, South Carolina for expansion and upgrading of facilities;

941. $280,000 for the South Carolina School for the Deaf and Blind in Spartanburg, SC for dormitory renovation;

942. $220,000 for Crisis Ministries Homeless Shelter in Charleston, SC for facilities renovation;

943. $100,000 to the Children's Home Society of South Dakota in Sioux Falls, South Dakota for construction of facilities;

944. $100,000 to the City of Aberdeen, South Dakota for renovations to the Aberdeen Recreation and Cultural Center;

945. $150,000 to Wakpa Sica Reconciliation Place in Ft. Pierre, South Dakota for construction of the Wakpa Sica Reconciliation Place;

946. $250,000 for the City of Aberdeen, South Dakota to construct a Recreation and Cultural Center;

947. $250,000 for the Children's Home Society in Sioux Falls to expand its at-risk youth facility;

948. $400,000 to the Boys and Girls Club of Brookings, SD for Facilities Expansion;

949. $200,000 to the Children's Home Society of Sioux Falls, SD for At-Risk Youth Facilities Expansion;

950. $200,000 to the City of North Sioux City, SD for Community Library Expansion;

951. $200,000 to the Mammoth Site of Hot Springs, SD for the Theater and Lecture Hall Project;

952. $200,000 to the Wakpa Sica Historical Society of Fort Pierre, SD for the Wakpa Sica Reconciliation Place;

953. $200,000 to the Rapid City Area Economic Development Partnership of Rapid City, SD for the Technology Transfer and Entrepreneur Center Project;

954. $200,000 to Miner County Revitalization of Howard, SD for the Rural Learning Center Project;

955. $100,000 to Bradley County, Tennessee for construction of a facility to house small business development;

956. $100,000 to Clay County, Tennessee for renovation of the Clay County Senior Citizens Center;

957. $150,000 to Hamilton County, Tennessee for technology improvements to the Hamilton County Center for Entrepreneurial Growth;

958. $250,000 to Johnson City, Tennessee for construction materials for expansion of the Appalachia Service Project;

959. $250,000 to Knox County, Tennessee for the construction of a senior center;

960. $100,000 to Loudon County, Tennessee to complete construction of a senior center;

961. $500,000 to Polk County, Tennessee for the construction of community projects;

962. $100,000 to the City of Gallatin, Tennessee for construction of facilities;

963. $50,000 to the City of Gray, Tennessee for renovations to the storage warehouse of Second Harvest Food Bank;

964. $100,000 to the City of Oak Ridge, Tennessee for the nanoscience research initiative for Tech 2020;

965. $100,000 to the City of Savannah, Tennessee for the expansion of the Tennessee River Museum;

966. $200,000 to the Cumberland County Playhouse in Crossville, Tennessee for facility renovations;

967. $150,000 to the Second Harvest Food Bank in Middle, Tennessee for facilities renovation and buildout;

968. $150,000 to the Second Harvest Food Bank in Nashville, Tennessee for facilities renovation and equipment;

969. $150,000 to the Southwest Tennessee Community College in Memphis, Tennessee for construction of a teaching facility;

970. $750,000 for the City of Clinton, Tennessee to renovate the Green McAdoo Cultural Center;

971. $400,000 for the Second Harvest Food Bank of Middle Tennessee in Nashville, Tennessee for the expansion of its distribution center;

972. $300,000 for the Chattanooga African American Chamber of Commerce, Tennessee to construct the Martin Luther King Business Solutions Center;

973. $600,000 for the Carroll County Watershed Authority in Carroll County, Tennessee for land acquisition;

974. $200,000 for the Big South Fork Visitors Center in Cumberland County, Tennessee to develop new visitors facilities;

975. $500,000 for Technology 2020 in Oak Ridge, Tennessee to support the East Tennessee Nanotechnology Initiative;

976. $250,000 for Smith County, Tennessee for construction and infrastructure improvements to the Health, Senior, and Education complex;

977. $320,000 to Cameron County, Texas for construction of a Boys and Girls Club in Santa Rosa, Texas;

978. $150,000 to Harris County, Texas for the development of an economic development plan;

979. $150,000 to Harris County, Texas for the construction of a senior education center;

980. $150,000 to the Children's Museum of Houston, Texas for construction of an annex to a Children's Museum;

981. $250,000 to the City of Abilene, Texas for construction of a new hangar at Abilene Regional Airport;

982. $500,000 to the City of Arlington, Texas for construction of an entrepreneur center;

983. $100,000 to the City of Austin, Texas for construction of International Center of Austin;

984. $500,000 to the City of Cleburne, Texas for construction of a new East Cleburne Community Center;

985. $150,000 to the City of Dallas, Texas for planning and design of an Afro-Centric cultural district;

986. $650,000 to the City of Fort Worth, Texas for construction of the Trinity River Vision;

987. $350,000 to the City of Fort Worth, Texas for the Central City Revitalization Initiative;

988. $1,000,000 to the City of Houston, Texas for construction of a facility for the Bay Area Business and Technology Center at the University of Houston Clear Lake;

989. $200,000 to the City of Leonard, Texas for streetscape improvements;

990. $250,000 to the City of Livingston, Texas for facility improvements to the reservation of the Alabama-Coushatta Tribe of Texas;

991. $100,000 to the City of Madisonville, Texas for upgrades and improvements to its' community recreational fields;

992. $250,000 to the City of Midland, Texas for the renovation of downtown Midland;

993. $200,000 to the City of Nacogdoches, Texas for renovations to The Fredonia Hotel and Convention Center;

994. $250,000 to the City of Odessa, Texas for the renovation of Historical Globe Theatre;

995. $250,000 to the City of Rio Bravo, Texas for the construction of a community center;

996. $150,000 to the City of Tilden, Texas for construction of a community center;

997. $250,000 to the Food Bank of the Rio Grande Valley, Inc. in McAllen, Texas for purchase of a facility;

998. $250,000 to the Foundation for Brownsville Sports in Brownsville, Texas for renovation of a site;

999. $150,000 to the San Antonio Food Bank in San Antonio, Texas for construction of a distribution facility;

1000. $400,000 for the Dallas Women's Museum in Dallas, Texas to conduct renovations;

1001. $200,000 for the Houston Hispanic Forum of Houston, Texas to provide the historic preservation and renovation of the Houston Light Guard Armory into the Hispanic Cultural and Educational Center;

1002. $200,000 for Polk County, Texas to restore the Polk County Annex;

1003. $200,000 to the Arlington Chamber of Commerce in Arlington, Texas to establish the Arlington Entrepreneur Center;

1004. $200,000 to the City of Fort Worth, Texas for the Central City revitalization initiative;

1005. $200,000 to the World Congress on Information Technology in Austin, Texas for convention center renovations;

1006. $200,000 to the City of Commerce, Texas for a new city hall facility;

1007. $200,000 to the City of Hillsboro, Texas for the district warehouse development project;

1008. $200,000 to the City of Dallas, Texas for the Dallas Fair Park Commercial District;

1009. $300,000 to the City of Lufkin, Texas for the convention center initiative;

1010. $200,000 for the Los Fresnos Texas Boys and Girls Club, Los Fresnos, TX for planning, design and facility construction;

1011. $200,000 to Sandy City, Utah for streetscape improvements and revitalization efforts;

1012. $250,000 to the City of Riverton, Utah for the construction of Nature Center;

1013. $250,000 to the City of Riverton, Utah for the reconstruction of Old Dome Meeting Hall;

1014. $150,000 to the College of Eastern Utah in Blanding, Utah for construction of a building on its campus;

1015. $600,000 for the City of Provo, Utah to build the Provo Community Arts Center in the City of Provo;

1016. $200,000 for the City of Hyrum, Utah to build the Hyrum Library and Museum Complex in the City of Hyrum;

1017. $1,000,000 for Sandy City, Utah, for the revitalization of the city's original historic district;

1018. $1,200,000 for the City of Blanding's College of Eastern Utah—San Juan Campus, for the construction of a library community multipurpose building;

1019. $800,000 for Summit County, Utah, for improvements to the Utah Olympic Park facilities;

1020. $100,000 to Bedford County, Virginia for construction of the National D-Day Memorial;

1021. $50,000 to Chase City, Virginia for the construction of an African-American historic landmark memorial;

1022. $100,000 to Fairfax County, Virginia for creation of the Housing Counseling Information and Technology Center;

1023. $150,000 to Franklin County, Virginia for restoration of the Jubal A. Early homeplace;

1024. $150,000 to Henrico County, Virginia for site preparation and construction of a war memorial and visitor's center;

1025. $400,000 to Northampton County, Virginia for construction of a community center;

1026. $250,000 to Northampton County, Virginia for the construction of a recreational facility;

1027. $100,000 to Prince William County, Virginia for improvements to the Nokesville streetscape;

1028. $200,000 to the Alexandria Redevelopment Housing Authority in Alexandria, Virginia for renovations of the Family Resource Learning Center;

1029. $250,000 to the Boys and Girls Club of Alexandria in Alexandria, Virginia for renovation and expansion of facilities;

1030. $250,000 to the City of Berryville, Virginia for the restoration of Barns of Rose Hill;

1031. $250,000 to the City of Chesapeake, Virginia for improvements to the Poindexter streetscape;

1032. $50,000 to the City of Danville, Virginia for development of the American Armoured Foundation Tank Museum;

1033. $100,000 to the City of Harrisonburg, Virginia for renovations to the Harrisonburg Children's Museum;

1034. $300,000 to the City of Manassas, Virginia for construction of a technology building at the Northern Virginia Community College;

1035. $100,000 to the City of Martinsville, Virginia for the expansion of the West Piedmont Business Development Center;

1036. $250,000 to the City of Newport News, Virginia for the restoration of USS Monitor artifacts;

1037. $300,000 to the City of Richmond, Virginia for the construction of the Virginia Performing Arts Foundation Education Center;

1038. $200,000 to the City of Richmond, Virginia for construction and renovations to the Virginia Holocaust Museum;

1039. $150,000 to the City of Richmond, Virginia for construction and renovations to the Virginia Historical Society;

1040. $150,000 to the City of Richmond, Virginia for facility expansion of the Virginia Museum of Fine Arts;

1041. $250,000 to the City of Roanoke, Virginia for renovations to the Southwestern Virginia Food Bank;

1042. $100,000 to the City of South Boston, Virginia for restoration of The Prizery for a community arts center;

1043. $150,000 to the City of Staunton, Virginia for building renovations and improvements to downtown buildings;

1044. $200,000 to the City of Vienna, Virginia for the Green Project;

1045. $150,000 to the Dabney S. Lancaster Community College in Clifton Forge, Virginia for construction of the Virginia Packaging Applications Center;

1046. $100,000 to the Falls Church Education Foundation in Falls Church, Virginia for planning and expansion of Mt. Daniel Elementary School;

1047. $75,000 to the Town of Boydton, Virginia for revitalization projects in the central business district;

1048. $50,000 to the Town of Charlotte, Virginia for the revitalization of the historic Charlotte Court House;

1049. $450,000 to Warren County, Virginia for renovations to the county youth center;

1050. $250,000 for the Woodrow Wilson Presidential Library in Staunton, Virginia to continue undertaking initial design of the Library;

1051. $250,000 for the Radford University Business and Technology Park in Radford, Virginia to begin site preparation and schematic design of the Park;

1052. $200,000 for the George L. Carter Home Regional Arts and Crafts Center in Hillville, Virginia to restore the historic home to serve as a regional Appalachian arts and crafts center;

1053. $200,000 for the Suffolk Museum of African-American History in Suffolk, Virginia to renovate the former Phoenix Bank of Nansemond for the Museum of African-American History;

1054. $500,000 for the Christopher Newport News University Real Estate Foundation for the Warwick Boulevard Commercial Corridor Redevelopment Project in Newport News, Virginia;

1055. $200,000 for the Mariners' Museum for the USS Monitor Center in Newport News, Virginia;

1056. $200,000 for the Total Action Against Poverty to restore and revitalize the Dumas Center for Artistic and Cultural Development in Roanoke, Virginia;

1057. $200,000 for the Appalachia Service Project for its Home Repair Program in Jonesville, Virginia;

1058. $200,000 to the Northeast Vermont Area Agency on Aging in Vermont for construction and rehabilitation of senior centers;

1059. $750,000 for the Preservation Trust of Vermont, Burlington, VT for the Village Revilitization Initiative;

1060. $750,000 for the Vermont Broadband Council, Waterbury, VT for high speed broadband deployment;

1061. $450,000 for the Vermont Housing and Conservation Board, Montpelier, VT for development of affordable housing in Townsend, VT;

1062. $300,000 for Project Independence, Bennington, VT for renovation of the Harwood Hill Farm Facility;

1063. $250,000 for the Vermont Housing and Conservation Board to build low-income housing and reconstruct downtown Enosburg, VT;

1064. $250,000 for the Vermont Housing and Conservation Board to construct senior housing in South Burlington, VT;

1065. $250,000 for the Visiting Nurse Association of Chittenden and Grand Isle Counties, VT to construct a low-income parent and child center in Burlington, VT;

1066. $200,000 for the Vermont Housing and Conservation Board to rehabilitate and construct affordable rental housing in Bradford, VT;

1067. $150,000 to Kitsap County, Washington for land acquisition for a community center and park/utility complex;

1068. $200,000 to Skagit County, Washington for land acquisition to assist in the redevelopment of Hamilton, Washington;

1069. $150,000 to Skamania County Wind River Public Development Authority in Washington for rehabilitation and upgrades to existing buildings;

1070. $350,000 to the Boys and Girls Club of King County in Seattle, Washington for renovation of the Greenbridge Community Center;

1071. $800,000 to the City of Bellevue, Washington for the purchase of an additional Safe House for short-term transitional shelter;

1072. $250,000 to the City of Kent, Washington for renovations to the Springwood Community Center;

1073. $300,000 to the City of Roslyn, Washington for rehabilitation of Roslyn City Hall;

1074. $200,000 to the City of Yakima, Washington for restoring buildings and improving streetscapes;

1075. $200,000 to the Foss Waterway Development Authority in Tacoma, Washington for redevelopment of its downtown urban core;

1076. $550,000 to the Museum of Glass in Tacoma, Washington for construction of facilities;

1077. $225,000 to the Northwest Maritime Center in Port Townsend, Washington for construction of its facility;

1078. $300,000 for the City of Roslyn, WA. for the Old City Hall and Library Renovation Project;

1079. $325,000 for the Wing Luke Asian Museum in Seattle, WA for an expansion project;

1080. $500,000 for North Helpline in Seattle, WA for new facility site acquisition;

1081. $500,000 for the Fremont Public Association in Seattle, WA for the Housing for the Homeless project;

1082. $500,000 for the Asian Counseling and Referral Service in Seattle, WA for facility construction;

1083. $325,000 for the Urban League in Seattle, WA for construction of the Northwest African American Museum;

1084. $500,000 for the Seattle Art Museum in Seattle, WA for construction of the Olympic Sculpture Park;

1085. $325,000 for the Seattle Aquarium Society in Seattle, WA for the renovation and expansion of the Seattle Aquarium;

1086. $500,000 Northeast Community Center Association in Spokane, WA for a capital improvement project;

1087. $400,000 for Easter Seals Washington in Seattle, WA for construction of a camp and respite lodging facility;

1088. $500,000 for the Boys and Girls Club of King County, WA for renovations to the Greenbridge Community Center;

1089. $325,000 for the Spokane Symphony in Spokane, WA for renovations to the Fox Theater;

1090. $500,000 for Kitsap Community Resources in Bremerton, Washington, for the construction of the Bremerton Community Services Center;

1091. $150,000 to Chippewa Valley Technical College in Eau Claire, Wisconsin for construction of an addition to the Gateway Manufacturing and Technology Center;

1092. $200,000 to Manitowoc County, Wisconsin for reconstruction of the Manitowoc County Courthouse;

1093. $150,000 to Monroe Senior Center in Monroe, Wisconsin for renovation of its facilities;

1094. $100,000 to the City of Cedarburg, Wisconsin for demolition of a facility for future construction;

1095. $300,000 to the City of Sturgeon Bay, Wisconsin for the completion of the New Launch System at Sturgeon Bay Shipbuilding Cluster;

1096. $100,000 to the Juneau County Economic Development Corporation in Wisconsin for renovation of a multipurpose facility;

1097. $200,000 to the Milwaukee Public Schools for a demolition project;

1098. $150,000 to the West End Development Corporation in Milwaukee, Wisconsin for revitalization of the city's Near West Side;

1099. $200,000 for the City of LaCrosse, WI to construct the Center for Manufacturing Excellence;

1100. $300,000 for the City of Appleton, WI for construction of affordable housing units at the Appleton Wire Works factory site;

1101. $270,000 for the Redevelopment Authority of the City of Racine, WI to redevelop brownfields space for the Racine Industrial Park;

1102. $200,000 for the Redevelopment Authority of the City of Milwaukee, WI to redevelop a vacant school and provide for the Bronzeville Cultural Center;

1103. $200,000 for the City of Kenosha, WI for construction related to the Columbus Neighborhood Affordable Housing Project;

1104. $200,000 for West End Development Corporation in Milwaukee, WI to rehabilitation a commercial building as part of the North 27th Street Project;

1105. $230,000 for the City of Green Bay, WI, for the Green Bay Waterfront construction and revitalization project;

1106. $200,000 for the City of Milwaukee, WI for construction of the Menomonee Valley Partners Stormwater Park;

1107. $200,000 for City of Necedah, WI to construct a facility for the Juneau County Business Incubator;

1108. $250,000 for the City of Milwaukee, WI for rehabilitation associated with the 30th Street Industrial Corridor-Esser Paint site;

1109. $25,000 Mineral County Historical Foundation for facilities construction;

1110. $2,200,000 to Glenville State College in Glenville, West Virginia for facilities construction;

1111. $550,000 to Greenbrier County, West Virginia for construction of the Greenbrier Valley Welcome and Interpretive Center;

1112. $100,000 to Preston County Commission in West Virginia for construction and renovation;

1113. $300,000 to the City of Montgomery, West Virginia for completion of a building for the West Virginia Technical College newspaper publishing program;

1114. $450,000 to the City of South Charleston, West Virginia for a feasibility study for the Mid-Atlantic Technology, Research and Innovation Center;

1115. $25,000 to the Friends of Preston Academy for facilities construction;

1116. $50,000 to Wetzel County Commission for construction and renovation;

1117. $1,000,000 for construction, related activities, and programs at the Scarborough Library at Shepherd University;

1118. $1,000,000 for the Wheeling Park Commission for the development of training facilities at Oglebay Park;

1119. $2,000,000 for West Virginia University for the development of a facility to house forensic science research and academic programs;

1120. $1,000,000 for the Kanawha Institute for Social Research and Action, for renovations to the Empowerment Center in West Dunbar, which will house an array of self-sufficiency programs for low- to moderate-income individuals;

1121. $150,000 to the City of Dubois, Wyoming for improvements to the Dubois Community area;

1122. $350,000 to the City of Laramie, Wyoming for construction of a National Creative Arts Center facility;

1123. $100,000 to the City of Laramie, Wyoming for improvements to the Wyoming Technology Business Center;

1124. $900,000 for the Sustainable Agriculture Research & Extension Center (SAREC) in Goshen County, Wyoming for construction of a community center building;

1125. $1,100,000 for the Wyoming Substance Abuse Treatment and Recovery Center (WYSTAR) in Sheridan, Wyoming to expand its substance abuse treatment facility for women with children;

1126. $1,000,000 for the Central Wyoming College Foundation in Riverton, Wyoming to construct the Intertribal Education & Community Center;

The conference agreement includes $50,000,000 for the Neighborhood Initiatives program and directs HUD to implement the program as follows:

1. $1,000,000 to the City and County of San Francisco for rehabilitation of a facility for use as a homeless shelter;

2. $1,000,000 to the City of Desert Hot Springs, California for construction of a civic center;

3. $500,000 to the Fine Arts Museum of San Francisco, California for construction of a museum;

4. $2,000,000 to the Nixon Foundation for capital improvements to the Richard Nixon Library and Birthplace;

5. $1,000,000 to the San Francisco Conservatory of Music for relocation of its facility;

6. $400,000 to the University of San Francisco for construction, renovation, and expansion of the Science Center;

7. $750,000 for Barracks Row Main Street, Inc. for the redevelopment of the Eastern Market Metro Plaza;

8. $600,000 for the National Children's Museum for facility construction;

9. $100,000 for the National Council for Negro Women for facility construction;

10. $1,250,000 to the Bucks County Community College in the County of Bucks, Pennsylvania, for facilities design and construction;

11. $2,500,000 to ER One in Washington, DC for facilities construction;

12. $700,000 to Southeastern University for facility renovation;

13. $700,000 to The ARC in Washington, DC for construction of a community center;

14. $1,325,000 to the DC Food Bank for facilities construction;

15. $1,250,000 to the Center on Halsted in Chicago, Illinois for the construction of a new community center;

16. $3,000,000 for the City of Paducah, Kentucky, to develop the Paducah Waterfront Development Project;

17. $950,000 to Picknelly Adult & Family Education Center in Holyoke, Massachusetts for an adult literacy center;

18. $800,000 to Pittsfield and Leeds Cooperative Housing in Pittsfield, MA for homeless veterans;

19. $100,000 for the Technical Exploration Center (TEC) of Husson College: Expand the Service Capacity of TEC;

20. $500,000 for the Detroit Science Center to create a Space Science Discovery Lab;

21. $200,000 to Presbyterian Villages of Michigan for construction and building upgrades to its facilities;

22. $5,000,000 for planning, development and acquisition for the Detroit Riverfront Conservancy, for the West Riverfront Redevelopment project, Detroit, Michigan;

23. $200,000 for the Minnesota Housing Finance Agency in St. Paul, Minnesota to provide supportive housing for homeless youth;

24. $5,000,000 for the Grace Hill Neighborhood Health Centers, Inc. shall be spent on primary prevention activities with no less than $4,000,000 spent on remediation and abatement activities of housing in St. Louis, Missouri.

25. $150,000 for the Covenant House I Elderly Demonstration Program to preserve and expand affordable housing opportunities for the elderly in St. Louis, Missouri;

26. $130,000 to the City of Kansas City for Swope Community Builders for the Linwood Housing project, Kansas City, Missouri;

27. $500,000 for Mississippi State University costs for facility restoration and development;

28. $300,000 for the Stennis Institute of Government capacity development initiative in Starkville, Mississippi, for the enhancement of economic development capabilities;

29. $200,000 for the Housing Education and Economic Development Center in Jackson, Mississippi, for the enhancement of housing and economic development programs;

30. $200,000 for the Mississippi Community College Foundation for the Montgomery Institute to provide entrepreneurship assistance and coordination in NI;

31. $800,000 for Enochs Hall in Brookhaven, Mississippi for the construction of additional teaching facilities and operations of activities;

32. $275,000 to Newark Downtown Corridor Revitalization in Newark, New Jersey for revitalization of the Newark Downtown Corridor;

33. $275,000 to the Englewood Hospital in New Jersey for construction of its facility;

34. $275,000 to the I-Port 440 International Trade and Logistics Center for construction and renovation of its facility;

35. $275,000 to the Meadowlands Hospital Emergency Department in Secaucus, New Jersey for expansion and upgrades of the Emergency Department;

36. $1,000,000 to the City of Syracuse, New York for continuation of the Neighborhood Initiative Program;

37. $5,000,000 to the Housing Partnership Network for capitalization of its affordable housing-related ventures;

38. $575,000 to the Metropolitan Development Association in Syracuse, New York for the Essential New York Initiative;

39. $220,000 for Rural Enterprises Institute of Oklahoma to continue the HUD Employer Assisted Housing Project;

40. $200,000 for Union County, Oregon to support economic development and tourism activities for the Wallowa Union Railroad;

41. $200,000 for Umatilla County, Oregon to support economic development and infrastructure improvements;

42. $200,000 to the City of Scranton, Pennsylvania for the North Main Avenue redevelopment project;

43. $200,000 for Oxford Mainstreet, Inc, Oxford, PA to revitalize the downtown commercial district.

44. $200,000 to Camp Fire USA Lone Star Council in Dallas, Texas for their Texas public housing initiative;

45. $200,000 for the City of Eagle Mountain, Utah for community development and park facilities improvements in the City of Eagle Mountain;

46. $1,500,000 for the Washington State Farmworker Housing Trust in Seattle, WA for the Washington Farmerworker and Housing Homeownership;

47. $500,000 for the Enterprise Foundation in Seattle, WA for the Washington Greenbuilding Initiative;

48. $3,200,000 to the University of Wisconsin, Marathon for construction of a building;

49. $1,600,000 to Vandalia Heritage Foundation, Inc. in West Virginia for land acquisition, facilities construction and renovation;

50. $1,000,000 for construction, related activities, and programs at the Scarborough Library at Shepherd University.

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The conference agreement appropriates $3,000,000 for costs associated with section 108 loan guarantees, including administrative costs, to subsidize a total loan principal of up to $137,500,000. The House had proposed no funding for this program and the Senate had proposed $6,000,000 for a loan limit of $275,000,000. The conference agreement transfers $750,000 to the Salaries and Expenses account instead of $1,000,000 as proposed by the Senate.

BROWNFIELDS REDEVELOPMENT

(INCLUDING RESCISSION OF FUNDS)

The conference agreement includes $10,000,000 for Brownfields Redevelopment. The House proposed no funds and the Senate proposed $15,000,000. The agreement includes a rescission of $10,000,000 from unobligated funds from prior years appropriations and, to the extent funds are unavailable, from FY 2006 funds.

HOME INVESTMENT PARTNERSHIP PROGRAM

(INCLUDING TRANSFER OF FUNDS)

The conference agreement appropriates a total of $1,775,000,000 for this account, instead of $1,900,000,000 as proposed by the House and by the Senate.

The conference agreement includes $1,750,000,000 for the HOME Investment Partnerships program, instead of $1,850,000,000 as proposed by the House and the Senate. Within this account, funds are allocated as follows:

—$42,000,000 is for housing counseling as proposed by the Senate. The House had proposed $41,700,000.

—$1,000,000 is transferred to the Working Capital fund as proposed by the House. The Senate had proposed $2,000,000.

The conference agreement directs that 15 percent of the formula is reserved for housing developed, sponsored or owned by Community Housing Development Organizations (CHDOs) as proposed by the House. The Senate did not include a similar provision. In addition, $10,000,000 is reserved for technical assistance as proposed by the Senate. The House had proposed $17,300,000 for technical assistance. Of amounts made available for technical assistance, $8,000,000 is for qualified non-profit intermediaries to provide technical assistance to CHDOs as proposed by the House. The Senate did not include a similar provision.

In addition to the $1,750,000,000 for the grant amount above, the conference agreement includes $25,000,000 to provide downpayment assistance to low-income families to help them achieve homeownership, instead of $50,000,000 as proposed by both the House and the Senate.

SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY PROGRAM

The conference agreement provides funding for Section 4 and other entities under a new account structure as proposed by the House. The account combines those specific organizations that engage in self-help or other forms of homeownership and assisted housing formerly funded under the Community Development Fund. The Senate proposed to retain these entities as set-asides within the CDBG program. A total of $61,000,000 is provided under this structure, and the conferees direct that funds be distributed as follows:

LISC/Enterprise Foundation	$30,000,000
La Raza	4,000,000
Housing Assistance Council	3,000,000
National American Indian Housing Council	1,000,000
Self Help and Opportunity Program	20,000,000
Special Olympics	1,000,000
National Housing Development Corporation	2,000,000

In addition, the conference agreement directs that, of the $30,000,000 made available to LISC and Enterprise Foundation, $3,500,000 shall be made available for Habitat for Humanity for technical assistance and capacity building.

HOMELESS ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

The conference agreement appropriates $1,340,000,000 for Homeless Assistance Grants, as proposed by the House instead of $1,415,000,000 as proposed by the Senate. Funds are available for two years except for $20,000,000, which is available until expended. As proposed by both the House and Senate, $238,000,000 is for renewal of Shelter Plus Care contracts. The conference agreement transfers $1,000,000 to the Working Capital Fund as proposed by both the House and the Senate.

Language is included designating up to $11,674,000 for the National Homeless Data Analysis project and for technical assistance as proposed by the House and the Senate. The conferees reiterate the three specific directives in the Senate report, which address homeless families and expect the Department to fund these directives from funds made available for the National Homeless Data Analysis project and technical assistance.

Language is included as proposed by both the House and Senate requiring that 30 percent of the funds be for permanent shelter and requires a 25 percent match for service funds.

Housing Programs

HOUSING FOR THE ELDERLY

(INCLUDING TRANSFER OF FUNDS)

The conference agreement appropriates $742,000,000 for the section 202 Housing for the Elderly program as proposed by the Senate, instead of $741,000,000 as proposed by the House.

The conference agreement allocates funds as follows:

—$641,200,000 for new capital and PRAC contracts, amendments to contracts and for the renewal of contracts for up to one year terms and for supportive services;

—$51,600,000 for service coordinators and the continuation of congregate services grants. The House had proposed $49,600,000 for service coordinators and congregate services and the Senate had proposed $53,600,000;

—Up to $24,800,000 for assisted living conversion grants and emergency capital repairs as proposed by the House. The Senate proposed $30,000,000 for assisted living conversion grants, emergency capital repairs, and substantial rehabilitation;

—$4,000,000 for a demonstration project to determine the efficacy of implementing Section 203 of Public Law 108-186;

—$20,000,000 for competitive grants for planning, design and development activities for section 202 projects as proposed by the Senate. The House did not propose funds for these activities. These funds are to be allocated for project planning, preliminary design, site control activities and other development costs, including gap financing if appropriate, directly related to section 202 projects in order to facilitate timely completion of such projects. The conferees do not intend for these funds to be used for technical assistance but instead expect such funds to be used for start-up costs associated with such projects; and

—$400,000 for transfer to the Working Capital Fund for information technology activities as proposed by the House instead of $450,000 as proposed by the Senate.

HOUSING FOR PERSONS WITH DISABILITIES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides a total program level of $239,000,000 for the Section 811 program instead of $238,100,000 as proposed by the House and $240,000,000 as proposed by the Senate.

The conference agreement includes bill language proposed by the House and Senate to ensure that housing assistance made available under this account remains available to persons with disabilities upon turnover.

The conference agreement allocates funds as follows:

—$155,700,000 for new capital grants and PRAC;

—$78,300,000 for amendment and one-year renewal costs of Section 811 rental assistance as proposed by the House. The Senate had proposed funding renewals under the Tenant-based Rental Assistance Account; and

—Caps funds for incremental vouchers at $5,000,000 as proposed by both the House and the Senate.

The conferees reiterate language included in the House report directing HUD to issue program guidance for the Section 811 mainstream program including guidance on (1) targeting rental assistance eligibility criteria; (2) maintaining vouchers exclusively for eligible persons; and (3) retaining a meaningful role for non-profit disability organizations. The conference agreement further reiterates Senate report language to ensure that all tenant-based assistance made available under this account is to remain available to persons with disabilities upon turnover.

The conference agreement includes language proposed by both the House and Senate that allows the use of funds by the Real Estate Assessment Center (REAC) for inspection related activities.

OTHER ASSISTED HOUSING PROGRAMS

RENTAL HOUSING ASSISTANCE

The conference agreement provides $26,400,000 for Section 236 payments to State-aided, non-insured projects as proposed by both the House and the Senate. In addition, the conference agreement includes language, allowing HUD to amend contracts for a period of less than needed to fund the contracts to term. The House and Senate did not propose this language.

FLEXIBLE SUBSIDY FUND

(TRANSFER OF FUNDS)

The conference agreement includes language permanently transferring excess rental charges to the Flexible Subsidy Fund as proposed by the Senate. The House included similar language.

MANUFACTURED HOUSING FEES TRUST FUND

The conference agreement appropriates up to $13,000,000 for authorized activities from fees collected in the Fund as proposed by the Senate. The House proposed $12,896,000.

Federal Housing Administration

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement establishes an $185,000,000,000 limitation on commitments to guarantee single-family loans during fiscal year 2006, as proposed by the House and the Senate.

The conference agreement establishes a $50,000,000 limitation on direct loans to nonprofits and governmental entities in connection with the sale of HUD-owned single-family properties, as proposed by the House and the Senate.

As proposed by both the House and the Senate the conference agreement appropriates:

—$355,000,000 for administrative expenses, of which $351,000,000 is for transfer to the Salaries and Expenses account and not to exceed $4,000,000 is for transfer to the Office of Inspector General; and

—$62,600,000 for administrative contract expenses, of which $18,281,000 is for information technology systems. Language is also included allowing up to an additional $30,000,000 to be made available for such expenses in certain circumstances.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement, as proposed by both the House and the Senate:

—Establishes a $35,000,000,000 limitation on multifamily and specialized loan guarantees during fiscal year 2006;

—Appropriates $8,800,000 for subsidy costs to support certain multifamily and special purpose loan guarantee programs as proposed by both the House and Senate;

—Appropriates $231,400,000 for administrative expenses, of which $211,400,000 is transferred to the Salaries and Expenses Account and $20,000,000 is for transfer to the Office of Inspector General; and

—Appropriates $71,900,000 for administrative contract expenses, of which $10,800,000 is for transfer to the Working Capital Fund for information technology systems.

Language is also included allowing up to an additional $4,000,000 to be made available for such expenses in certain circumstances as proposed by both the House and Senate.

Government National Mortgage Association

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes up to $200,000,000,000 for new commitments to issue guarantees and appropriates $10,700,000 for administrative expenses to be transferred to the Salaries and Expenses account as proposed by the House instead of $11,360,000 as proposed by the Senate.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

The conference agreement provides for a new structure for this program, which includes both general contract funds for research and funds for Section 107 academic grants formerly funded under the Community Development Fund, and which have been historically administered by PD&R.

The conference agreement also includes language that directs that the implementation of $5,000,000 for the Partnership for the Advancing of Technology in Housing (PATH) be shifted to the Office of Housing. Both the House and the Senate proposed funding for PATH under the PD&R account.

In total the conference agreement appropriates $56,350,000 for research and technology instead of $60,000,000 as proposed by the House and $46,000,000 as proposed by the Senate.

Of the amount provided the conference agreement directs that:

—$750,000 be provided to the National Academy of Sciences/National Research Council for a thorough evaluation of HUD's current research plan and provide HUD and the Congress with a set of options and recommendations for Congress to consider about the future course of research needed to address future technology, engineering and social or economic issues; and

—$20,600,000 is provided for Section 107 grants to academic institutions, and is to be distributed as follows:

Section 107	$20,600,000
Alaska Native and Native Hawaiian Serving Institutions	(3,000,000)
Tribal Colleges and Universities	(2,600,000)
HBCUs	(9,000,000)
Hispanic Serving Institutions	(6,000,000)

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

The conference agreement appropriates $46,000,000 for this program as proposed by the Senate instead of $46,500,000 as proposed by the House. Of this amount, $26,000,000 is for the Fair Housing Assistance Program (FHAP) and $20,000,000 is for the Fair Housing Initiatives Program (FHIP), as proposed by the Senate. The House proposed $26,500,000 for FHAP and $20,000,000 for FHIP.

OFFICE OF LEAD HAZARD CONTROL

LEAD HAZARD REDUCTION

The conference agreement appropriates $152,000,000 for the Lead Hazard Reduction program instead of $166,656,000 as proposed by the House and $167,000,000 as proposed by the Senate.

The conference agreement allocates funds as follows:

—$76,900,000 for the lead-based paint hazard control grant program to provide assistance to State and local governments and Native American tribes for lead-based paint abatement in private low-income housing;

—$8,800,000 for Operation LEAP;

—$8,800,000 for technical assistance and support to State and local agencies and private property owners;

—$9,500,000 for the Healthy Homes Initiative for competitive grants for research, standards development, and education and outreach activities to address lead-based paint poisoning and other housing-related diseases and hazards; and

—$18,000,000 for an initiative to target lead abatement funds to areas with the highest lead paint abatement needs.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $1,153,285,000 for the management and administration of HUD as proposed by the House. The Senate proposed $1,145,195,000 for these activities.

Of the amount provided the conference agreement includes $579,000,000 from direct appropriations, of which up to $15,000,000 can be transferred to the working capital fund and $574,285,000 is to be derived from transfers from other accounts.

Operating Plans/Reprogramming Requirements.—All Departments and agencies funded within the Subcommittee's jurisdiction are required to submit operating plans, reprogramming letters and reorganization proposals for committee approval. Unless otherwise specified in this Act or the accompanying statement of the managers, the approved level for any program, project, or activity is that amount detailed for that program, project, or activity in the Department's annual detailed budget justification document unless changed through an approved operating plan.

Limitations on Conferences and associated expenditures.—The conference agreement directs HUD to conduct an analysis of funds used by each office for conferences in fiscal year 2005. The analysis is to include conferences that are not specifically associated with the issuance of formal guidance, the implementation of new regulations or implementation of HUD directives to grantees pursuant to Congressional directives as well as conferences that are funded as part of technical assistance of any kind and HUD staff conferences for purposes of internal guidance or staff-related training. The types of costs to be included are travel, including the travel costs of employees and any other individuals paid for by HUD, the dollar value of FTE utilization to develop and support the conference, and contractual or grant costs associated with the development or conduct of the conferences.

WORKING CAPITAL FUND

The conference agreement appropriates $197,000,000 for the Working Capital Fund (WCF) instead of $265,000,000 as proposed by the Senate and $62,000,000 as proposed by the House. The conferees direct that HUD reduce staffing in the WCF by 33 FTEs as the first part of a three-year phase out of 100 FTEs due to the signing of the new long-term HITS contract, as proposed by the House. Within funds provided, the Department is directed to modernize its e-mail system and make it compatible with the systems used by the House and Senate Appropriations Committees to facilitate the electronic transfer of information and data.

The conferees reiterate House report language that precludes the transfer of funds from the WCF for the "e-gov" initiative prior to submission of an operating plan; requires a report on the status of the four IT projects and directs HUD to submit an updated 5 year IT plan.

In addition, the conference agreement includes language proposed by both the House and Senate that allows transfers from the following accounts to be used for the purposes of the fund and for which the funds were appropriated. Transfers include:

FHA, Mutual mortgage insurance fund	$18,281,000
FHA, General and special risk insurance fund	10,800,000
Community development fund	1,600,000
HOME investment partnerships program	1,000,000
Homeless assistance	1,000,000
Public housing capital fund	11,000,000
Tenant-based rental assistance	5,900,000
Project-based rental assistance	1,400,000
Housing for the elderly	400,000
Housing for the disabled	400,000
Management and Administration	15,000,000

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

The conference agreement appropriates $106,000,000 for the Office of Inspector General as proposed by the Senate instead of $103,000,000 as proposed by the House. Of this amount, $24,000,000 is provided by transfer from the various funds of the Federal Housing Administration as proposed by the House and the Senate.

The conferees reiterate the House language that prohibits the IG from requiring HUD to rescind funds from existing Section 236 contracts and requires that any proposal to require HUD to reduce obligations on existing long term contracts as part of an audit must be approved in the IG's operating plan. The Senate did not include a similar provision.

As proposed in the House, the conference agreement includes language within Administrative provisions that precludes HUD's IG from conducting an audit of GNMA under any circumstances other than those in effect for fiscal year 2005. The Senate did not include a similar provision.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement appropriates $60,000,000 for the Office of Federal Housing Enterprise Oversight (OFHEO) to be derived from collections available in the Federal Housing Enterprise Oversight Fund as proposed by the House and the Senate.

The conference agreement includes an administrative amendment proposed by the House that continues prior year requirements on the use of funds. The Senate did not include a similar provision. A set aside for special investigations, as proposed by the House was not included.

ADMINISTRATIVE PROVISIONS

Section 301 splits overpayments 50/50 between Treasury and State HFAs, as proposed by the House and Senate.

Section 302 precludes the use of funds to prosecute or investigate legal activities under the Fair Housing Act, as proposed by the House and Senate.

Section 303 continues language to correct anomalies for HOPWA and specifies jurisdictions in New York and New Jersey and uses three year average as proposed by the House and Senate.

Section 304 authorizes the Secretary to waive certain requirements on adjusted income for certain assisted living projects for counties in Michigan, and expands the demonstration to be statewide. The Senate proposed four counties.

Section 305 requires that funds be subject to competition unless specified otherwise in statute as proposed by the House and Senate.

Section 306 allows HUD to use funds for services or facilities of GNMA, Fannie Mae, Freddie Mac, and certain banks as proposed by the House and Senate.

Section 307 requires HUD to comport with the budget estimates except as otherwise provided in this Act or through an approved reprogramming, as proposed by the House and Senate.

Section 308 provides authorization for HUD corporations to utilize funds under certain conditions and restrictions, as proposed by the House and Senate.

Section 309 requires that technical assistance and training funds be subject to an approved operating plan as proposed by the House and Senate due by March 15, 2006.

Section 310 requires a report on unexpended balances each quarter as proposed by the House and Senate.

Section 311 provides funding for continued project-based assistance for HUD-held or -owned projects subject to cost considerations and the physical condition of the properties. The House limited this program to units occupied by the elderly and disabled. HUD is directed to report quarterly to the Committees on Appropriations on the disposition of all HUD-held or -owned properties.

Section 312 specifies the distribution of AIDs funds to New Jersey and North Carolina, as proposed by the House and Senate.

Section 313 allows Section 202 and 811 funds to be used for disposition of properties. The Senate did not have a similar provision.

Section 314 requires a report annually on number of leased units and average costs. The Senate did not have a similar provision.

Section 315 requires that budget justifications shall be submitted in traditional format as proposed by the House and Senate.

Section 316 requires that non-elderly disabled assistance shall continue for non-elderly disabled persons upon turnover to the extent practicable as proposed by the House and Senate.

Section 317 exempts the residency requirement for PHA Boards in Alaska, Iowa and Mississippi as proposed by the House and Senate.

Section 318 authorizes HUD to transfer debt and use agreements from an obsolete project to a viable project, provided that no additional costs are incurred, and other conditions are met. The House did not have a similar provision.

Section 319 distributes fiscal year 2006 Indian block grant funds to the same Native Alaskan recipients as fiscal year 2005 as proposed by the House and Senate.

Section 320 extends the MTW agreements (about to expire at the end of 2006) for up to three years. The House did not have a similar provision.

Section 321 prohibits the IG from changing the basis on which the audit of GNMA is conducted. The Senate did not have a similar provision.

Section 322 requires that the renewal of Family Unification vouchers upon turnover shall, to the extent practicable, go to family unification. The House did not have a similar provision.

Section 323 clarifies section 223(f) of NHA to include purchase as well as refinancing of debt. The Senate did not have a similar provision.

Section 324 makes a technical fix to allow HUD to pursue sanctions against owners of FHA multi-family housing who skim equity. Language is included that makes violations applicable retroactively. The House did not have a similar provision.

Section 325 requires that Section 236 vouchers be submitted electronically, to avoid payment errors by HUD. The Senate did not have a similar provision.

Section 326 includes an amendment that clarifies that unused or underutilized commercial properties selected by HUD for Section 202b assistance after December 26, 2000 are eligible to use the limited partnership ownership structure made possible by the new definition of non-profit organizations. The Senate did not have a similar provision.

Section 327 requires that athletic scholarships for housing shall be considered part of adjusted income for purposes of eligibility for Section 8. The House did not have a similar provision.

Section 328 requires priority consideration for Moving to Work Demonstration applications from Santa Clara/San Jose and San Bernardino.

The conference agreement does not include a Senate provision that limits HUD conference expenses to $3,000,000 in fiscal year 2006. Instead the conferees direct HUD to conduct a study of funding for conferences including associated travel, staff time and related expenses elsewhere in this title. The House did not have a similar provision.

TITLE IV—THE JUDICIARY

Supreme Court of the United States

SALARIES AND EXPENSES

The conference agreement includes $60,730,000 for the salaries and expenses of the Supreme Court, as proposed by the House and the Senate.

CARE OF THE BUILDING AND GROUNDS

The conference agreement includes $5,624,000 for care of the Supreme Court building and grounds, as proposed by both the House and the Senate.

United States Court of Appeals for the Federal Circuit

SALARIES AND EXPENSES

The conference agreement includes $24,000,000 for the United States Court of Appeals for the Federal Circuit, instead of $24,613,000 as proposed by the House and $23,489,000 as proposed by the Senate. The conferees have provided sufficient funding to hire court security officers originally provided in fiscal year 2003, but deny funding for all program increases outlined in the court's fiscal year 2006 budget justification.

United States Court of International Trade

SALARIES AND EXPENSES

The conference agreement includes $15,480,000 for the U.S. Court of International Trade, as proposed by both the House and the Senate.

Courts of Appeals, District Courts, and Other Judicial Services

SALARIES AND EXPENSES

The conference agreement provides $4,348,780,000 for salaries and expenses of the Courts of Appeals, District Courts, and Other Judicial Services, as proposed by the House, instead of $4,374,959,000 as proposed by the Senate. The conferees are aware of substantial carry-over funding from fiscal year 2005 that is available to the Judiciary and expect that these funds will be used to supplement fiscal year 2006 appropriations. Within the amount provided, the conferees encourage the Judiciary to make available $1,300,000 for the Edwin L. Nelson Local Initiatives Program, with $1,000,000 reserved for local court grants. In addition, the conferees provide $672,000 for Electronic Probation Pretrial Services under the Judiciary Information Technology Fund (JITF). No funding is provided for other new JITF programs, nor is funding provided for additional court automation support personnel, as proposed by the Senate.

The conferees direct the Administrative Office of the U.S. Courts (AO) to report on all new trends in caseload changes, including those resulting from the recent Booker/Fanfan decision, increased law enforcement activities along the borders, and the recently enacted bankruptcy reform legislation.

As the formula for the distribution of fiscal year 2006 funds is developed, the conferees encourage the Administrative Office to take into account district courts with extremely heavy caseloads along the international border.

VACCINE INJURY COMPENSATION TRUST FUND

The conference agreement includes $3,833,000 from the Vaccine Injury Compensation Trust Fund as proposed by both the House and the Senate.

DEFENDER SERVICES

The conference agreement includes $717,000,000 for defender services instead of $721,919,000 as proposed by the House and $710,785,000, as proposed by the Senate. The conference agreement deletes language denying cost-of-living adjustments to panel attorneys, as proposed by the Senate. The conferees will revisit the need for panel attorney cost-of-living adjustments in fiscal year 2007.

FEES OF JURORS AND COMMISSIONERS

The conference agreement includes $61,318,000 for fees of jurors and commissioners, as proposed by the Senate, instead of $60,053,000 as proposed by the House.

COURT SECURITY

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $372,000,000 for court security, instead of $379,461,000 as proposed by the House and $372,426,000 as proposed by the Senate. The conference agreement includes language limiting payments to the Federal Protective Service (FPS) to not more than $65,500,000. The conferees remain concerned that FPS has yet to produce a full accounting of charges to the Judiciary. Furthermore, the conferees are concerned that security decisions made in the field without consultation with the AO have placed in jeopardy other important court activities.

The conferees are aware that the AO and the U.S. Marshals Service cannot reach agreement over which entity will administer the annual maintenance of security systems for which $11,935,000 was provided in Public Law 109-13, the fiscal year 2005 Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief. The conferees direct the AO to work with the U.S. Marshals Service to come to a resolution of this impasse prior to submission of the fiscal year 2007 President's budget request.

Administrative Office of the United States Courts

SALARIES AND EXPENSES

The conference agreement includes $70,262,000 for the Administrative Office of the United States Courts as proposed by the House, instead of $72,198,000 as proposed by the Senate.

Federal Judicial Center

SALARIES AND EXPENSES

The conference agreement includes $22,350,000 for salaries and expenses of the Federal Judicial Center as proposed by the Senate, instead of $22,249,000 as proposed by the House.

Judicial Retirement Funds

PAYMENT TO JUDICIARY TRUST FUNDS

The conference agreement includes $40,600,000 for payment to various judicial retirement funds, as proposed by the House and Senate.

United States Sentencing Commission

SALARIES AND EXPENSES

The conference agreement includes $14,400,000 for the United States Sentencing Commission, instead of $14,046,000 as proposed by the House and $14,700,000 as proposed by the Senate.

Administrative Provisions—The Judiciary

Section 401 retains a provision included by both the House and the Senate that allows appropriations to be used for services as authorized by 5 U.S.C. 3109.

Section 402 retains a provision included by both the House and the Senate related to the transfer of funds.

Section 403 retains a provision included by both the House and the Senate that allows up to $11,000 to be used for official representation expenses of the Judicial Conference of the United States.

Section 404 retains a provision included by the Senate that requires a financial plan. The conferees intend that the financial plan should serve as the equivalent of operating plans required of other entities receiving funding under this Act. The House did not include a similar provision.

Section 405 retains a provision proposed by the Senate that provides a cost-of-living adjustment to justices and judges. The House did not include a similar provision.

Section 406 retains a provision proposed by the Senate that extends a temporary judgeship in Missouri. The House did not include a similar provision.

Section 407 retains a provision included by the Senate that provides certain procurement authorities to the Judicial branch that are currently available to the Legislative and Executive branches. The House did not include a similar provision. The conferees direct the AO to provide a report to the Committees on Appropriations detailing a two-year history of the use of these authorities on or before May 1, 2008.

Section 408 modifies a provision included by the Senate concerning the investigation of Henry Cisneros. The House did not include a similar provision.

The conference agreement deletes a provision proposed by the Senate that requires a GAO report on the impacts of increased border homeland security funding in the Judiciary.

TITLE V—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

Compensation of the President

The conference agreement provides $450,000 for compensation of the President as proposed by both the House and Senate.

White House Office

SALARIES AND EXPENSES

The conference agreement provides $53,830,000 as proposed by the House instead of $58,081,000 as proposed by the Senate. The bill specifies that, of the total funding provided, $1,500,000 is for the Privacy and Civil Liberties Oversight Board, as proposed by the House and the Senate.

Executive Residence at the White House

OPERATING EXPENSES

The conference agreement provides $12,436,000 as proposed by both the House and the Senate.

White House Repair and Restoration

The conference agreement provides $1,700,000 as proposed by both the House and the Senate.

Council of Economic Advisers

SALARIES AND EXPENSES

The conference agreement provides $4,040,000 as proposed by both the House and the Senate.

Office of Policy Development

SALARIES AND EXPENSES

The conference agreement provides $3,500,000 as proposed by the House. The Senate proposed to consolidate OPD in the White House Salaries and Expenses.

National Security Council

SALARIES AND EXPENSES

The conference agreement provides $8,705,000 as proposed by both the House and the Senate.

Office of Administration

SALARIES AND EXPENSES

The conference agreement provides $89,322,000 as proposed by the House instead of $98,609,000 as proposed by the Senate. The conference agreement includes $11,768,000 for the capital investment plan. The conferees allocate funds by activity as proposed in budget request.

Office of Management and Budget

SALARIES AND EXPENSES

The conference agreement provides $76,930,000 for the Office of Management and Budget (OMB) instead of $67,930,000 proposed by the House and $68,411,000 as proposed by the Senate. The conferees did not agree to consolidate rent and health costs into the Enterprise Services activity. The conferees also allocate funds by object class, and limit reception and representation expenses to $3,000 as proposed by the House instead of $2,000 proposed by the Senate.

The conference agreement reiterates language included in the general provisions precluding the use of funds for the "e-Gov" initiative and for conducting PART studies prior to consultation with the Committees on Appropriations.

The conference agreement continues prior year restrictions and requirements for congressional notification for agricultural marketing orders and on the review of water projects and other water resource matters, as proposed by the Senate. The House did not include restrictions and requirements relating to water resource projects.

Office of National Drug Control Policy

SALARIES AND EXPENSES

The conferees agree to provide $26,908,000 for salaries and expenses, as proposed by the House instead of $24,224,000 proposed by the Senate. The conferees do not agree to transfer the rent and health costs to the Enterprise Services activity. Within this total, the conference agreement retains specific funding and staffing levels for ONDCP administrative offices as proposed in the House and Senate reports.

The conferees are concerned with ONDCP's lack of attention and activity on Methamphetamine despite the increasing reports on the devastating impact Methamphetamine has on the Nation's communities. The conferees direct ONDCP to increase its focus, resources and activities targeted at combating Methamphetamine abuse.

Counterdrug Technology Assessment Center

(INCLUDING TRANSFER OF FUNDS)

The conferees agree to provide $30,000,000 for the Counterdrug Technology Assessment Center (CTAC), as proposed by the House and the Senate. Of this amount, the conferees agree to provide $16,000,000 for the operation of the technology transfer program, instead of $18,000,000 as proposed by the Senate and $12,000,000 as proposed by the House. Also included in this amount is $14,000,000 for counter-narcotics research and development. Of this amount, up to $1,000,000 shall be provided for supply reduction and directed to marijuana eradication. The House proposed $18,000,000 for research and the Senate proposed $12,000,000. Fiscal year 2006 CTAC HIDTA appropriated funds must be transferred within 90 days of enactment of this Act.

The conferees direct that a spending plan be included in the ONDCP operating plan for fiscal year 2006. In addition, the conferees direct that a thorough review of the entire CTAC program be implemented to determine the future course of funding for the CTAC program. A report with options for the Committees to consider shall be included in the Administration's fiscal year 2007 budget justification for ONDCP.

Further, the conferees direct the completion of existing imaging system instrumentation validation effects at qualified academic institutions and direct that ONDCP assess the reinstatement of the demand instrumentation infrastructure development program in the fiscal year 2007 budget.

Federal Drug Control Programs

High Intensity Drug Trafficking Areas Program

(INCLUDING TRANSFER OF FUNDS)

The conferees agree to provide $227,000,000 for the HIDTA program, as proposed by the Senate. The House proposed $236,000,000. The conference agreement precludes the use of funds for the Consolidated Priority Organization Target (CPOT) list as proposed by the Senate. Of the funds provided, no less than $2,000,000 shall be for new counties; $2,000,000 is provided for audit activities, of which at least $500,000 is to develop performance measures. Language is included that HIDTAs designated as of September 30, 2005 shall be funded at no less than the fiscal year 2005 initial allocations, as proposed by the House. The Senate report contained a similar provision.

The conferees encourage the use of performance measures that were developed by the HIDTA Directors Committee, as proposed by the House.

Other Federal Drug Control Programs

(INCLUDING TRANSFER OF FUNDS)

The conferees agree to provide $194,900,000 for Other Federal Drug Control Programs, instead of $238,292,000 as proposed by the House and $191,400,000 as proposed by the Senate. Within the amount provided, the agreement provides the following allocations:

National Youth Anti-Drug Media Campaign	$100,000,000
Drug Free Communities Support Program	$80,000,000
National Community Anti-Drug Coalitions Institute	(2,000,000)
National Drug Court Institute	1,000,000
National Alliance for Model State Drug Laws ..	1,000,000
U.S. Anti-Doping Agency ..	8,500,000
World Anti-Doping Agency Membership Dues	2,900,000
Research & Performance Measures	1,500,000

The conferees have reviewed ONDCP's pending performance measures for research and note that much of it reflects ongoing interest in defining the nature and extent of drug use and its damaging consequences in the United States. The conferees direct ONDCP to expand its research to include a study of the social costs of Methamphetamine use and production in the Unites States.

The conferees direct ONDCP to maintain funding for non-advertising services for the Media Campaign at no less than the fiscal year 2003 ratio of service funding to total funds and to re-institute the corporate outreach program as it operated prior to its cancellation as proposed by the House. The Senate had no similar provision.

The conferees direct that USADA submit a report including a spending plan and performance measures for fiscal year 2006, specifying the use of funds that were provided above the request.

Unanticipated Needs

The conference agreement provides $1,000,000 as proposed by both the House and the Senate.

Special Assistance to the President

SALARIES AND EXPENSES

The conference agreement provides $4,455,000 as proposed by both the House and the Senate.

Official Residence of the Vice President

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $325,000 as proposed by both the House and the Senate, and adopts the header as proposed by the Senate.

TITLE VI—INDEPENDENT AGENCIES

Architectural and Transportation Barriers Compliance Board

SALARIES AND EXPENSES

The conference agreement includes $5,941,000 as proposed by the House and Senate.

Consumer Product Safety Commission

SALARIES AND EXPENSES

The conference agreement includes $63,000,000 as proposed by the Senate.

Election Assistance Commission

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $14,200,000 for salaries and expenses of the Election Assistance Commission instead of $15,877,000 as proposed by the House and $13,888,000 as proposed by the Senate. The conferees direct that funds provided above the fiscal year 2005 level are to be used only to conduct audits of state expenditures of Help America Vote Act grant funds, for which one additional position is authorized.

The conference agreement transfers $2,800,000 to the National Institute of Standards and Technology (NIST) as proposed by the House, instead of $4,000,000 as proposed by the Senate. In addition, the conferees encourage the Commission to provide $250,000 for the Help America Vote College Program.

Federal Deposit Insurance Corporation

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $31,000,000 for the Office of Inspector General, as proposed by the Senate instead of $29,965,000 as proposed by the House. Funds for this account are derived from the Bank Insurance Fund, the Savings and Loan Insurance Fund, and the FSLIC Resolution Fund and are therefore not reflected in either the budget authority or budget outlay totals.

Federal Election Commission

SALARIES AND EXPENSES

The conference agreement includes $54,700,000 for salaries and expenses of the Commission as proposed by the House instead of $54,600,000 as proposed by the Senate.

Federal Labor Relations Authority

SALARIES AND EXPENSES

The conference agreement includes $25,468,000 for the Federal Labor Relations Authority as proposed by the House and Senate.

Federal Maritime Commission

SALARIES AND EXPENSES

The conference agreement includes $20,199,000 as proposed by the House and Senate.

General Services Administration

Real Property Activities

FEDERAL BUILDINGS FUND

LIMITATION ON AVAILABILITY OF REVENUE

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides resources from the Federal Buildings Fund in the aggregate amount of $7,752,745,000 instead of $6,867,097,000 as proposed by the House and $7,889,745,000 as proposed by the Senate.

CONSTRUCTION AND ACQUISITION

The conference agreement limits funds for construction to $792,056,000 instead of $630,817,000 as proposed by the House and $829,056,000 as proposed by the Senate. The conference agreement modifies the projects proposed by the House and Senate bills and provides funds for the following projects:

Project	*Amount*
San Diego, U.S. Courthouse	$230,803,000
Lakewood, Denver Federal Center Infrastructure	4,658,000
Coast Guard Consolidation	24,900,000
St. Elizabeths West Campus Infrastructure	13,095,000
Southeast Federal Center Site Remediation	15,000,000
Calais, Border Station	50,146,000
Jackman, Border Station	12,788,000
Montgomery County FDA Consolidation	127,600,000
Champlain, Border Station	52,510,000
Massena, Border Station	49,783,000
Austin, U.S. Courthouse	3,000,000
Blaine, Peace Arch Border Station	46,534,000
Tuscaloosa Federal Building	34,500,000
Rockford Federal Courthouse	34,500,000
Jackson, U.S. Courthouse	8,750,000
Jefferson City U.S. Courthouse	5,200,000
Material price increases for U.S. Mission to the United Nations, New York; Houston, Texas FBI Office; Del Rio, Texas Border Station; Cape Girardeau, Missouri U.S. Courthouse; El Paso, Texas U.S. Courthouse; El Paso, Texas Border Station; Las Cruces, New Mexico U.S. Courthouse	66,789,000
Nonprospectus construction	9,500,000

REPAIRS AND ALTERATIONS

The conference agreement limts resources for repairs and alterations to $861,376,000 instead of $392,967,000 as proposed by the House, and $961,376,000 as proposed by the Senate. The bill specifies certain projects and various programs as follows:

Project	*Amount*
Tucson, James A. Walsh Courthouse	$16,136,000
Eisenhower Executive Office Building	33,417,000
Federal Office Building 8	47,769,000
Heating, Operation, and Transmission repair	18,783,000
Herbert C. Hoover Building	54,491,000
Main Interior Building	41,399,000
Atlanta, Martin Luther King, Jr. Federal Building	30,129,000
Brooklyn, Emanuel Celler Courthouse	96,924,000
James Watson Federal Building and Courthouse, New York City	9,721,000
Transfers to Navy for permanent relocation expenses pursuant to section 1(e) of PL 108–268	2,000,000
Special Emphasis Programs:	
Chlorofluorocarbons program	10,000,000
Energy Program	28,000,000
Glass Fragmentation Program	15,700,000
Design Program	21,915,000
Basic Repairs and Alterations	434,992,000

INSTALLMENT ACQUISITION PAYMENTS

The conference agreement provides a limitation of $168,180,000 for installment acquisition payments as proposed by both the House and Senate.

RENTAL OF SPACE

The conference agreement limits $4,046,031,000 for rental of space as proposed by the Senate instead of $4,033,531,000 as proposed by the House.

BUILDING OPERATIONS

The conference agreement limits $1,885,102,000 for building operations as proposed by the Senate, instead of $1,641,602,000 as proposed by the House.

GENERAL ACTIVITIES

GOVERNMENT-WIDE POLICY

The conference agreement appropriates $52,796,000 for government-wide policy activities as proposed by both the House and Senate. The conference agreement retains Senate language that directs GSA to reflect any proposed reorganization in the operating plan. Further, the conferees recognize the funding level is consistent with the request. The Committees on Appropriations will entertain reprogramming requests if the proposed reorganization is not accepted and adjustments are required between the government-wide policy and operating expenses appropriation.

OPERATING EXPENSES

The conference agreement appropriates $99,890,000 for operating expenses as proposed by the Senate, instead of $82,179,000 as proposed by the House. The conferees urge GSA to support the mission of the Public Employees Roundtable and provide $150,000 in administrative and logistical assistance to Public Service Recognition Week activities.

OFFICE OF INSPECTOR GENERAL

The conference agreement appropriates $43,410,000 for the office of inspector general as proposed by both the House and Senate.

ELECTRONIC GOVERNMENT FUND

(INCLUDING TRANSFER OF FUNDS)

The conference agreement appropriates $3,000,000 for e-gov as proposed by the House, instead of $5,000,000 as proposed by the Senate.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

(INCLUDING TRANSFER OF FUNDS)

The conference agreement appropriates $2,952,000 for former presidents as proposed by both the House and Senate.

FEDERAL CITIZEN INFORMATION CENTER FUND

The conference agreement provides $15,000,000 to be deposited into the Federal Citizen Information Center Fund as proposed by the Senate, instead of $15,030,000 as proposed by the House.

ADMINISTRATIVE PROVISIONS—GENERAL SERVICES ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

Section 601 retains the provision as proposed by the House and Senate that authorizes GSA to credit accounts with certain funds received from Government corporations.

Section 602 retains the provision as proposed by the House and Senate that authorizes GSA to use funds for the hire of passenger motor vehicles.

Section 603 retains the provision as proposed by the House and Senate that allows Federal Buildings Funds to be transferred between appropriations with advance approval from Congress.

Section 604 modifies a Senate provision that prohibits, except as provided under this title, funds for courthouse construction projects that do not meet GSA standards and the priorities of the Judicial conference's five-year plan and requires that the fiscal year 2007 budget request be accompanied by a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded. Further, it is the conferees' intent to adhere to the priorities of the judicial conference as reflected in GSA's budget request in future years.

Section 605 prohibits funds from being used to increase space and from providing services usually provided to any agency that does not pay the requested rent as proposed by the House and Senate.

Section 606 allows GSA to pay small claims made against the government as proposed by the House and Senate.

Section 607 retains the provision proposed by the Senate that directs GSA to conduct a program promoting the use of stairs. The House did not include a similar provision.

Section 608 prohibits the use of funds by GSA to reorganize its structure except through an operating plan change as proposed by the Senate. The House did not include a similar provision.

Section 609 modifies a Senate provision to ensure that GSA's rating system credit products that use wood or wood products certified by a credible third party sustainable forest certification program and directs that GSA report to the relevant Congressional Committees of jurisdiction on its progress within 60 days of enactment of this Act. The House did not include a similar provision.

Section 610 modifies a Senate provision on e-travel and the percentage of subcontracted dollars allocated to small businesses.

The conference agreement deletes a provision included by the House relating to a property in Arizona.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $35,600,000, plus $2,605,000 from appropriate trust funds, for salaries and expenses of the Board as proposed by the House and the Senate.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $2,000,000 for the Morris K. Udall Trust Fund as proposed by both the House and Senate.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

The conference agreement provides $1,900,000 for the Environmental Dispute Resolution Fund as proposed by the House.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

The conference agreement includes $283,045,000 for operating expenses of the Administration instead of $283,975,000 as proposed by the House and $280,975,000 as proposed by the Senate. Of this amount, $2,000,000 shall be used for the initial move of records, staffing, and operation of the Nixon Library in California, as proposed by the House.

ELECTRONIC RECORDS ARCHIVES

The conference agreement includes $37,914,000 for the electronic records archives instead of $35,914,000 as proposed by the House and $38,914,000 as proposed by the Senate. The conferees also retain the directive requiring NARA to submit, and for the Committees on Appropriations to approve, a plan that outlines the expenditure of ERA funds. The conferees have also provided $2,000,000 to allow NARA to begin work with the Naval Oceanographic Office at the National Center for Critical Information Processing and Storage at the Stennis Space Center in Mississippi.

REPAIRS AND RESTORATION

The conference agreement includes $9,682,000 for repairs and restoration instead of $6,182,000 as proposed by the House and $11,682,000 as proposed by the Senate. The conferees provide $1,500,000 for construction of a new regional facility in Anchorage, Alaska and $1,000,000 for repair and restoration of the plaza of the Lyndon Baines Johnson Presidential Library in Austin, Texas. In addition, the conferees direct $1,000,000 for the design and renovations to the John F. Kennedy Presidential Library, as proposed by the Senate.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION GRANTS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $7,500,000 for the grant program, of which $2,000,000 is for operating expenses, as proposed by the House instead of $5,000,000 as proposed by the Senate.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

The conference agreement provides limitation of $1,500,000,000 on CLF lending activities from borrowed funds and provides $323,000 for limitation on administrative expenses, as proposed by the House and Senate.

COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

The conference agreement appropriates $950,000 as proposed by the House and the Senate. The conferees reiterate language proposed by the Senate encouraging NCUA to continue to develop technical assistance in rural areas.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

The conference agreement provides $76,700,000 for the National Transportation Safety Board as proposed by the House and Senate.

NTSB Academy.—The conference agreement retains the requirement proposed by the Senate to reduce workforce hours at the NTSB Academy in order to minimize the impact of any loss of FTEs on the agency's key investigatory responsibilities and the report requirements regarding the use of investigators at the Academy.

(RESCISSION)

The conference agreement includes a rescission of $1,000,000 from unobligated balances from the National Transportation Safety Board as proposed by the House and Senate.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

The conference agreement includes $118,000,000 for the Neighborhood Reinvestment Corporation as proposed by the House. The Senate proposed $115,000,000.

Language is included in the bill that designates $5,000,000 to support the Corporation's multi-family rental housing program, as proposed by the Senate.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

The conference agreement includes $11,148,000 for salaries and expenses of the Office, as proposed by both the House and the Senate.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

The conference agreement includes $122,521,000 for salaries and expenses instead of $119,952,000 as proposed by the House and $124,521,000 as proposed by the Senate. In addition, the conference agreement transfers $100,017,000 from the Office of Personnel Management trust funds for salaries and expenses as proposed by the Senate instead of $102,679,000 as proposed by the House. As proposed by both the House and the Senate, the conferees agree to provide up to $2,500 for reception and representation costs, $6,983,000 for the enterprise human resources integration project, $1,450,000 for the e-human resources line of business project, $500,000 for the e-training project, and $1,412,000 for the e-payroll project.

The conference agreement provides the full budget request for the continued refinement of a new government personnel system. However, the conferees direct OPM to evaluate fully the systems developed and introduced at the Department of Defense (DoD) and the Department of Homeland Security (DHS). A full evaluation and discussion of lessons learned from the pilot programs at DoD and DHS should be a part of the development, introduction, and implementation of a reformed civil service employment system in other departments and agencies.

Of the funds provided for salaries and expenses, not less than $2,700,000 are to be used for activities required by the Voting Rights Act of 1965. In the future, OPM is to budget for these expenses and include details of the activities proposed in the annual budget justifications.

The conferees retain the reduction of $3,000,000 from the budget request for the Center for Financial Services for performance measurement and evaluation as proposed by the House. The Senate proposed funding this activity at the budget request.

In addition, the conferees agree to provide $600,000 for the Call to Service Recruitment Initiative with the Partnership for Public Service instead of $680,000 as proposed by the House. The Senate did not propose funding for this activity.

The conferees retain the directive proposed by the House requiring OPM to submit an operating plan for approval by the House and Senate Committees on Appropriations within 60 days of enactment of this Act. The plan must contain details on the funding and staffing levels for the various offices, centers, programs, activities, and initiatives under the jurisdiction of OPM. The plan should compare the resources provided and used in fiscal year 2005, requested in fiscal year 2006, and planned based on the appropriation provided for fiscal year 2006.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $2,071,000 for salaries and expenses instead of $1,614,000 as proposed by the House and the Senate. The additional funds are provided to support ongoing audits and investigations. In addition, the conferees agreed to provide $16,329,000 from the OPM trust funds as proposed by the Senate instead of $16,786,000 as proposed by the House.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

The conference agreement provides such sums as necessary for health benefits payments as proposed by both the House and the Senate.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES LIFE INSURANCE

The conference agreement provides such sums as necessary for life insurance payments as proposed by both the House and the Senate.

PAYMENT TO THE CIVIL SERVICE RETIREMENT AND DISABILITY FUND

The conference agreement provides such sums as necessary for retirement and disability payments as proposed by both the House and the Senate.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

The conference agreement includes $15,325,000 for salaries and expenses for the Office of Special Counsel as proposed by both the House and the Senate. The conferees reiterate language proposed by the Senate concerning how funding shall be allocated to each office and directing the Office to submit quarterly staffing reports.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

The conference agreement provides $25,000,000 for salaries and expenses instead of $24,000,000 as proposed by the House and $25,650,000 as proposed by the Senate. Of the funds provided, up to $750 may be used for reception and representation expenses. The conferees prohibit the Selective Service System from using funds to support the Corporation for National and Community Service.

UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS

OPERATING EXPENSES

The conference agreement provides $1,800,000 as proposed by the Senate and extends the expiration date for the Council until September 1, 2006. The Senate proposed extending the expiration date until 2012.

The conferees direct the United States Interagency Council on Homelessness to conduct an assessment of the guidance disseminated by the Department of Education, the Department of Housing and Urban Development, and other related Federal agencies for grantees of homeless assistance programs on whether such guidance is consistent with and does not restrict the exercise of education rights provided to parents, youth, and children under subtitle B of title VII of the McKinney-Vento Act. The assessment shall address whether the practices, outreach, and training efforts of said agencies serve to protect and advance such rights. The Council shall submit to the House and Senate Committees on Appropriations an interim report by May 1, 2006, and a final report by September 1, 2006.

UNITED STATES POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

The conference agreement provides $116,350,000 for payment to the Postal Service Fund, as proposed by the House and the Senate. Of this amount, $73,000,000 is provided as an advance appropriation for free mail for the blind and overseas voters to be available on October 1, 2006. The agreement also includes $29,000,000 for repayment for revenue forgone. The conferees retain the provision directing OMB to report to the House and the Senate Committees on Appropriations within 90 days of enactment of this Act, the revised estimated amount of Federal funding that may be necessary to complete the Postal Service's work to secure the nation's mail system, as directed by the House. The conferees direct the USPS to adhere to the Senate reporting requirements on installation of Biohazardous Detection System (BDS) and House reporting requirements on the progress of the mail irradiation facility in the Washington, D.C. area.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

The conference agreement includes $47,998,000 for the United States Tax Court as proposed by the Senate.

TITLE VII—GENERAL PROVISIONS, THIS ACT

(INCLUDING TRANSFERS OF FUNDS)

Section 701 provides that pay raises be absorbed within levels provided in this or previous appropriations acts, as proposed by the House and the Senate.

Section 702 prohibits pay and other expenses for non-Federal parties in regulatory or adjudicatory proceedings funded in this Act, as proposed by the House and the Senate.

Section 703 prohibits obligations beyond the current fiscal year and prohibits transfers of funds unless expressly so provided herein, as proposed by the House and the Senate.

Section 704 limits consulting service expenditures to contracts where such expenditures are a matter of public record, with exceptions, as proposed by the House and the Senate.

Section 705 prohibits funds from being transferred to any department, agency, or instrumentality of the United States without expressed authority, as proposed by the House and the Senate.

Section 706 prohibits the use of funds to engage in activities that would prohibit the enforcement of section 307 of the 1930 Tariff Act, as proposed by the House and the Senate.

Section 707 concerns employment rights of Federal employees who return to their civilian jobs after assignment with the Armed Forces by prohibiting payment under certain circumstances to any employee who fills this position, as proposed by the House and the Senate.

Section 708 prohibits funds from being expended unless the recipient agrees to comply with the Buy American Act, as proposed by the Senate.

Section 709 prohibits funding to a person or entity convicted of violating the Buy American Act, as proposed by the House and the Senate.

Section 710 specifies reprogramming procedures for all departments, agencies, and offices funded under this Act unless otherwise specified elsewhere in this Act, by subjecting the establishment of new offices and reorganizations to the reprogramming process. Reprogramming requirements apply to transfers in excess of $5,000,000 or 10 percent or whichever is less.

Section 711 provides that not to exceed fifty percent of unobligated balances from salaries and expenses may remain available for certain purposes, as proposed by the House and the Senate.

Section 712 provides that no funds may be used by the Executive Office of the President to request any official background investigation from the Federal Bureau of Investigation unless the person has given consent or there are national security circumstances, as proposed by the House and the Senate.

Section 713 requires that cost accounting standards not apply to a contract under the Federal Employees Health Benefits Program, as proposed by the House and the Senate.

Section 714 permits OPM to accept funds regarding the nonforeign area cost of living allowances, as proposed by the House and the Senate.

Section 715 prohibits the expenditure of funds for abortions under the FEHBP, as proposed by the House.

Section 716 provides an exemption from section 715 if the life of the mother is in danger or if the pregnancy is a result of an act of rape or incest, as proposed by the House.

Section 717 waives restrictions on the purchase of non-domestic articles, materials, and supplies in the case of acquisition by the Federal Government of information technology, as proposed by the House and the Senate.

Section 718 prohibits the use of funds for a proposed rule relating to the determination that real estate brokerage is a financial activity. This applies to fiscal year 2006 only, as proposed by the House. The Senate proposed to make this provision permanent.

Section 719 modifies a provision proposed by the Senate that requires a report to the Committees on Appropriations on all sole source contracts by no later than July 31, 2006.

Section 720 modifies a provision that was proposed by the Senate that authorizes the Secretary of the Treasury to establish offices in locations of strategic interest throughout the world, once an operating plan is approved by the Committees on Appropriations, as proposed by the Senate.

Section 721 extends the Federal Election Commission administrative fine program through December 31, 2008, as proposed by the House.

Section 722 establishes certain requirements in order for the Secret Service to be reimbursed by the Secretary of the Treasury.

Section 723 repeals the increased micropurchase threshold, as proposed by the Senate.

Section 724 prohibits funding of federal contracts with expatriated entities, as proposed by the Senate.

Section 725 provides transfer authority for selected agencies within the Executive Office of the President.

Section 726 prohibits funds from being used to support any Federal, State or local project using eminent domain unless it is employed for a public use with certain conditions. A study by GAO, NAPA and certain organizations is required, as proposed by the Senate.

TITLE VIII—GENERAL PROVISIONS GOVERNMENT-WIDE

DEPARTMENTS, AGENCIES, AND CORPORATIONS

Section 801 allows payment for travel of families serving overseas to the United States in case of death or life threatening illness, as proposed by the House and the Senate.

Section 802 requires all agencies have a written policy for ensuring a drug free workplace, as proposed by the House and the Senate.

Section 803 sets specific limits on the cost of passenger vehicles with exceptions for police, heavy duty, electric hybrid and clean fuels, as proposed by the House.

Section 804 makes appropriations available for quarters/cost of living allowances, as proposed by the House and the Senate.

Section 805 prohibits the government from employing non-US citizens (with exceptions) whose posts are in the continental United States, as proposed by the House and the Senate.

Section 806 ensures that appropriations made available to any department or agency for space, services and rental charges shall also be available for payment to the GSA, as proposed by the House and the Senate.

Section 807 allows the use of receipts from the sale of materials for acquisition, waste reduction and prevention; environmental management programs and other federal employee programs as appropriate, as proposed by the House and the Senate.

Section 808 permits that funds for administrative expenses shall also be available for rent in the District of Columbia services under 5 U.S.C. 3109 and other objects specified in this head, as proposed by the House and the Senate.

Section 809 prohibits funds to pay to hire someone for a position for which they have been rejected by the Senate, as proposed by the House and the Senate.

Section 810 prohibits funds for interagency financing boards (with exception), commissions, counsels, committees or similar groups without prior approval to receive multi-agency funding, as proposed by the House and the Senate.

Section 811 allows use of funds for guards at Postal Service buildings, as proposed by the House and the Senate.

Section 812 precludes funds for regulations which have been disapproved by joint resolution, as proposed by the House and the Senate.

Section 813 sets ceilings on pay rates for certain Federal employees for fiscal year 2006, as proposed by the House and the Senate.

Section 814 continues the provision limiting the amount of funds that can be used for redecoration of offices under certain circumstances to $5,000, unless approved by the Appropriations Committees, as proposed by the House and the Senate.

Section 815 continues the provision to allow for interagency funding of national security and emergency telecommunications initiatives, as proposed by the House and the Senate.

Section 816 continues the provision requiring agencies to certify that a Schedule C appointment was not created solely or primarily to detail the employee to the White House, as proposed by the House and the Senate.

Section 817 continues the provision requiring agencies to administer a policy designed to ensure that all workplaces are free from discrimination and sexual harassment, as proposed by the House and the Senate.

Section 818 continues the provision prohibiting the payment of any employee who prohibits, threatens, prevents or otherwise penalizes another employee from communicating with Congress, as proposed by the House and the Senate.

Section 819 continues the provision prohibiting federal training not directly related to the performance of official duties, as proposed by the House and the Senate.

Section 820 prevents funds from being used to implement or enforce non-disclosure agreement policies unless certain provisions are included, as proposed by the House and the Senate.

Section 821 continues the provision prohibiting propaganda, publicity and lobbying by executive agency personnel in support or defeat of legislative initiatives, as proposed by the House and the Senate.

Section 822 continues the provision prohibiting any federal agency from disclosing an employee's home address to any labor organization, absent employee authorization or court order, as proposed by the House and the Senate.

Section 823 continues the provision prohibiting funds to be used to provide non-public information such as mailing or telephone lists to any person or organization outside the government without the approval of the Committees on Appropriations, as proposed by the House and the Senate.

Section 824 continues a provision, with modifications, prohibiting the use of funds for propaganda and publicity purposes not authorized by Congress, as proposed by the House.

Section 825 continues the provision directing agency employees to use official time in an honest effort to perform official duties, as proposed by the House and the Senate.

Section 826 continues the provision, with technical modifications, authorizing the use of funds to finance an appropriate share of the Federal Accounting Standards Advisory Board administrative costs, as proposed by the House and the Senate.

Section 827 continues the provision, with technical modifications, authorizing agencies to transfer funds to the Governmentwide Policy account of GSA to finance an appropriate share of the Joint Financial Management Improvement Program and other purposes. The limit on funds allowed to be transferred or reimbursed is $10,000,000, as proposed by the House and the Senate.

Section 828 continues the provision that permits breast feeding in a federal building or on federal property if the woman and child are authorized to be there, as proposed by the House and the Senate.

Senate 829 continues the provision that permits interagency funding of the National Science and Technology Council and that OMB provide a report on the budget and resources of the National Science and Technology Council, as proposed by the House and the Senate.

Section 830 requires that the federal forms that are used in distributing federal funds must carry agency and domestic catalogue information and codes, as proposed by the House and the Senate.

Section 831 extends the authorization period for agency franchise funds by striking "October 1, 2005" and inserting "October 1, 2006, except for the Department of Homeland Security, as proposed by the Senate.

Section 832 continues the provision prohibiting the use of funds to monitor personal information relating to the use of federal internet sites to collect, review, or create any aggregate list that includes personally identifiable information relating to access to or use of any federal internet site of such agency, as proposed by the House and the Senate.

Section 833 continues the provision requiring health plans participating in the FEHBP to provide contraceptive coverage and provides exemptions to certain religious plans, as proposed by the House and the Senate.

Section 834 continues the provision providing recognition of the U.S. Anti-Doping Agency as the official anti-doping agency for Olympic, Pan American and Paralympic sport in the United States, as proposed by the House and the Senate.

Section 835 continues a provision allowing funds for official travel to be used by departments and agencies, if consistent with OMB and Budget Circular A–126, to participate in the fractional aircraft ownership pilot program, as proposed by the House and the Senate.

Section 836 continues a provision prohibiting funds for implementation of OPM regulations limiting detailees to the Legislative Branch, and implementing limitations on the Coast Guard Congressional Fellowship Program, as proposed by the House and the Senate.

Section 837 requires Agencies to report to Congress on the amount of acquisitions made from entities that manufacture articles, materials or supplies outside the United States, as proposed by the Senate.

Section 838 continues a provision that restricts the use of funds for federal law enforcement training facilities with an exception for the Federal Law Enforcement Training Center, as proposed by the House and the Senate.

Section 839 modifies a provision proposed by the Senate that provides funding for the Midway Atoll airfield. The conferees note that the fuel farm on Midway Island is a critical but aging facility that is essential to the functioning of several Federal agencies in the region. The conferees expect the Director of the Office of Management and Budget (OMB) to submit a report to the House and Senate Committees on Appropriations not later than July 1, 2006 outlining his plan to replace the fuel farm and detailing which Federal agencies will be assessed the necessary funds to replace the facility.

Section 840 provides certain requirements for public-private competition for the performance of certain activities for offices with less than 100 FTEs, as proposed by the House and the Senate.

Section 841 modifies a provision proposed by the House that precludes the use of funds for E-Gov, including transfers until 15 days after a report is provided to Congress which details each transfer and details which projects included in the budget requests of any agency which was funded by Congress but will not be done and will be reduced as a result of the transfer and the impacts of that loss of funding. Any transfer requires approval by the Committees on Appropriations.

Section 842 modifies a provision that was proposed by the Senate that precludes the use of funds to convert to contractors, if more than 10 federal employees perform the activity, unless the analysis reveals that savings would exceed 10 percent of the most efficient organization personnel cost or $10,000,000, whichever is the lesser. The conferees recognize that public-private competition is an effective management tool for reducing costs and improving the performance of government. The conferees request that the Office of Management and Budget advise the Committees on Appropriations of the House and the Senate of the impact of this section on the Federal government's ability to obtain best value for the taxpayer, both in terms of cost and quality, through the use of competitive sourcing. The House and Senate Committees on Appropriations will consider this information as part of the fiscal year 2007 appropriations process.

Section 843 continues a provision, with modifications, providing that the adjustment in rates of basic pay for employees under statutory pay systems taking effect in fiscal year 2006 shall be an increase of 3.1 percent, as proposed by the House and the Senate.

Section 844 continues the provision that prohibits executive branch agencies from creating prepackaged news stories that are broadcast or distributed in the United States unless the story includes a clear notification within the text or audio of that news story that the prepackaged news story was prepared or funded by that executive branch agency, as proposed by the House and the Senate.

Section 845 precludes contravention of Sec. 552a of title 5 USC (Privacy Act) or 552.224 of title 48 of the Code of Federal Regulations.

Section 846 includes a provision that in general prohibits agencies from issuing a government travel charge card to individuals who have an unsatisfactory credit history as proposed by the House. The Senate included a similar provision which also included government purchase charge cards. The conferees direct each Executive department and agency to establish requirements and benchmarks designed to reduce the improper, fraudulent, or abusive use of government purchase charge cards and report to the House and Senate Committees on Appropriations no later than August 1, 2006.

Section 847 requires any reference to "this Act" to apply to the provisions of this division.

The conference agreement did not include a provision proposed by the House and the Senate to prohibit the use of funds to enforce a provision of the Cuban Assets Control Regulations that impedes sales to Cuba.

DIVISION B—THE DISTRICT OF COLUMBIA

CONGRESSIONAL DIRECTIVES

The committee of conference approves report language included by the House (House Report 109-153) or the Senate (Senate Report 109-106) that is not changed by the conference. The statement of the managers, while repeating some report language for emphasis, is not intended to negate the language referred to above unless expressly provided herein.

FEDERAL FUNDS

FEDERAL PAYMENT FOR TUITION SUPPORT

The conference agreement provides $33,200,000 for tuition support as proposed by both the House and the Senate. Of the amount provided, not more than $1,200,000 is available for administrative expenses.

The conferees direct that no later than March 1, 2006, the Mayor of the District of Columbia shall submit to the Congress a detailed action plan and implementation timetable for correcting the programmatic, operational, and financial weaknesses in the District of Columbia Tuition Assistance Grant (D.C. TAG) program as identified in the findings and recommendations of the Government Accountability Office in their October 2005 report (GAO–06–14). The plan shall also make specific recommendations on the Federal legislative authority necessary to improve the program's operations while maximizing available resources to benefit as many students as possible.

FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS IN THE DISTRICT OF COLUMBIA

The conference agreement provides $13,500,000 for emergency planning and security costs instead of $15,000,000 as proposed by the House and $12,000,000 as proposed by the Senate. The District of Columbia may be reimbursed from funds under this heading for public safety services in support of protecting foreign dignitaries and significant local events impacted by the presence of Federal officials, in addition to reimbursement for National Special Security Events.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

The conference agreement provides $218,912,000 for the courts as proposed by the Senate instead of $221,693,000 as proposed by the House. Of the amounts provided, $9,198,000 is for the Court of Appeals, $87,342,000 is for the Superior Court, and $41,643,000 is for the Court System, each of which is limited to $1,500 for reception and representation expenses. The conferees also agreed to provide $80,729,000 for capital improvements to court facilities as proposed by the Senate instead of $83,510,000 as proposed by the House.

The conferees reiterate the direction of the Senate requiring the courts to report through GSA within 15 days of each month on the status of obligations for the Counsel for Child Abuse and Neglect Program.

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

The conference agreement provides $44,000,000 for defender services instead of $45,000,000 as proposed by both the House and the Senate.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $201,388,000 for the Court Services and Offender Supervision Agency as proposed by the Senate instead of $203,388,000 as proposed by the House. Of the amount appropriated, not more than $2,000 is for representation and reception expenses, $25,000 is for dues and assessments, $129,360,000 is for the expenses of the Community Supervision and Sex Offender Registration, $42,195,000 is for the Pretrial Service Agency, and $29,833,000 is available for transfer to the Public Defender Services Agency.

In addition, the conference agreement includes a provision allowing the Public Defender Service to charge fees to cover the costs of training and materials in this and subsequent fiscal years as proposed by the Senate. The House included a similar provision applicable only for fiscal year 2006.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

The conference agreement provides $7,000,000 for the District of Columbia Water and Sewer Authority to continue implementation of the combined sewer overflow long-term plan instead of $10,000,000 as proposed by the House and $5,000,000 as proposed by the Senate.

FEDERAL PAYMENT FOR THE ANACOSTIA WATERFRONT INITIATIVE

The conference agreement provides $3,000,000 to the District of Columbia Department of Transportation for continuation of the Anacostia waterfront initiative as proposed by the Senate instead of $5,000,000 as proposed by the House.

FEDERAL PAYMENT TO THE CRIMINAL JUSTICE COORDINATING COUNCIL

The conference agreement provides $1,300,000 for the Criminal Justice Coordinating Council as proposed by both the House and Senate.

FEDERAL PAYMENT FOR TRANSPORTATION ASSISTANCE

The conference agreement provides $1,000,000 to the District of Columbia Department of Transportation for the downtown circulator transit system as proposed by the Senate. The House did not include funds for this activity. The conferees agree that the District shall provide 100 percent matching funds for the system.

FEDERAL PAYMENT FOR FOSTER CARE IMPROVEMENTS IN THE DISTRICT OF COLUMBIA

The conference agreement provides $2,000,000 for foster care improvements in the District of Columbia as proposed by the Senate. The House did not include funds for this activity. Of the amount provided, $1,750,000 is for the Child and Family Services Agency, of which $1,000,000 is for a loan repayment program for social workers and $750,000 is for post-adoption services. In addition, $250,000 is for the Washington Metropolitan Council of Governments.

FEDRAL PAYMENT TO THE OFFICE OF THE CHIEF FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

The conference agreement provides $29,200,000 to the Chief Financial Officer (CFO), to be distributed as listed below. Each entity receiving funding must report to the CFO by March 15, 2006 on the activities carried out with the funds provided in this Act, and the CFO will submit a comprehensive report from all grantees to the House and Senate Committees on Appropriations by June 1, 2006.

The conferees direct grants to the following:

All-Faith Consortium/homeless veterans	$100,000
American Community Partnerships, Inc. (ACP)	250,000
AppleTree Institute	150,000
Arise Foundation	250,000
Arthritis Foundation, Metropolitan Washington Chapter	300,000
Association for the Preservation of the Congressional Cemetery/road repair	2,000,000
Boys and Girls Clubs of DC/gang prevention program	300,000
Camp Arena Stage	100,000
Capital Area Food Bank/capital development	1,300,000
Capitol Hill Baseball and Softball League/capital improvements	50,000

Caribbean American Mission for Education Research and Action, Inc. (CAMERA)	200,000
Catalyst Capitol City Careers Program	200,000
Center for Inspired Teaching	450,000
Centro Nia/early childhood education	200,000
Children's Health Fund/mobile health van	150,000
Children's Hospital/cord blood bank for African-American children	300,000
Children's National Medical Center	5,000,000
Children's Research Institute/Duchenne Muscular Dystrophy research	150,000
City Year	150,000
Community Youth Connection	200,000
Congressional Glaucoma Caucus	250,000
DC CARES	103,000
DC Humane Society	100,000
DC Pearls III Foundation/college preparation program	50,000
DC Primary Care Association	500,000
DC Public Charter School Association/school quality project	150,000
Discovery Creek Children's Museum/public school science program	200,000
District of Columbia Department of Transportation/safety improvements to Foxhall Road	250,000
Earth Conservation Corps	500,000
East of the River Clergy/prisoner re-entrant housing	300,000
Eastern Market Ventilation Improvements	200,000
EROne	1,000,000
Excel Institute	1,200,000
Family Communications/educational material for child care	100,000
Father McKenna Center/homeless men's shelter	100,000
Friends of Carter Barron Foundation for the Performing Arts	100,000
Ft. Dupont Ice Arena	495,000
Georgetown Circulator	500,000
Girl Scouts Council of the Nation's Capital/young leaders project	400,000
International Youth Service and Development Corps	1,000,000
Jump Start/deployment of college students to mentor Head Start children	200,000
Latin American Youth Center Youth Build	200,000
Les Aspin Center/community service and outreach	200,000
My Sister's Place/capital development	200,000
National Campaign to Prevent Teen Pregnancy with Uhlich Children's Advantage Network	300,000
National Capital Children's Museum/capital development	250,000
National Trust for Historic Preservation/Lincoln Cottage refurbishment	1,000,000
NCMS Technology Transfer Partnership/DC College Program	727,000
Perry School Community Services Center, Inc	150,000
Public School Library Initiative	100,000
ReadNet Foundation/literacy program	300,000
Second Chance Employment Services	450,000
See Forever Foundation/employment training	100,000
Sewall Belmont House/education and outreach	100,000
Southeastern University/capital development	250,000
St. Coletta's School/capital development	1,000,000
STEED Youth Education and Recreation Program	300,000
Teacher Advancement Program Foundation/DCPS and charter school program	100,000
Teen Connection	500,000
The Lab School of Washington, DC	50,000
Thurgood Marshall Academy/capital development	500,000
Voyager Expanded Learning/DCPS program	175,000
WASA/water study	200,000
Washington Area Women's Foundation/financial independence initiative	1,000,000
Washington Jesuit Academy	250,000
Washington Metropolitan Transit Authority for the replacement of aged bi-directional antennae	450,000
Whitman-Walker Clinic/technology improvement	650,000
Youth Leadership Foundation	200,000
Total	$29,200,000

FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

The conference agreement provides $40,000,000 for school improvement as proposed by the Senate instead of $41,616,000 as proposed by the House. Of the funds provided, $13,000,000 is for improvements to the District of Columbia Public Schools and $14,000,000 is for opportunity scholarships, of which $1,000,000 is for assessments. Of the funds for the District of Columbia Public Schools not less than $250,000 shall be to support the Superintendent's assessment of public school facilities.

In addition, the conferees agree to provide $13,000,000 for charter schools as proposed by the Senate instead of $13,525,000 as proposed by the House. Of the funds provided, the conferees agree with the Senate proposal to provide $4,000,000 for the direct loan fund, $2,000,000 for credit enhancement, $2,000,000 for continuation of the City Build Charter School program, $1,500,000 for flexible grants, $2,000,000 for grants for public charter schools to improve public school facilities, $400,000 for college access programming, $300,000 for a truancy center, $250,000 for administration of Federal entitlement funding, $300,000 for data collection and analysis, and $250,000 for administration in the State Education Office.

The conferees remind the Mayor and the Council of the District of Columbia that the primary intention of seciton 342 of the fiscal year 2005 District of Columbia Appropriations Act, Public Law 108–335 as amended, is to make surplus public school facilities available to public charter schools. The provision should not be construed to prevent a consortium of charter schools, or a non-profit organization managing a charter school or an incubator for multiple charter schools, from occupying surplus public school space. The conferees are encouraged that the Mayor and the Council of the District of Columbia are moving expeditiously to make surplus facilities available to public charter schools, consistent with current law, to serve the 20,000 public charter school students in the District, thereeby retaining public funds for the benefit of public education.

FEDERAL PAYMENT FOR BIOTERRORISM AND FORENSICS LABORATORY

The conference agreement provides $5,000,000 for the construction of a bioterrorism and forensics laboratory instead of $7,200,000 as proposed by the House and $5,200,000 as proposed by the Senate. As a condition of the Federal payment, the District of Columbia must provide an additional $1,500,000 in local funds, for this project.

FEDERAL PAYMENT FOR THE NATIONAL GUARD YOUTH CHALLENGE PROGRAM

The conference agreement provides $500,000 for the District of Columbia National Guard Youth Challenge Program as proposed by the Senate. The House did not recommend funding for this program.

FEDERAL PAYMENT FOR MARRIAGE DEVELOPMENT AND IMPROVEMENT

The conference agreement provides $3,000,000 for the marriage development and improvement initiative proposed by the Senate. The House did not include funds for this program.

The conferees require that, in the event that a couple divorces prior to withdrawing funds from their marriage development account, each may withdraw what they have individually contributed but neither will be entitled to the Federal-private matching funds in the account. However, if a spouse is convicted of domestic abuse, the other partner shall be entitled to his or her share of the Federal/private match. The conferees further direct the Capital Area Asset Building Corporation to contract with an appropriate research firm to evaluate the implementation and determine the success of marriage development accounts.

District of Columbia Funds

The conference agreement provides authority for the District of Columbia to spend $8,700,158,000 from the General Fund of the District of Columbia. Of the funds provided, $5,007,344,000 is from local funds, of which $466,894,000 is from the general fund balance; $1,921,287,000 is from the Federal grant funds; $1,754,399,000 is from other funds; and $17,129,000 is from private funds. in addition, the District may use $163,116,000 from prior year funds.

For capital construction, the conference agreement provides an additional $2,820,637,000 as proposed by the Senate. The House did not include this provision. Of the funds provided, $1,072,671,000 is from local funds, $49,551,000 is from the Highway Trust Fund, $172,183,000 is from the Local Street Maintenance Fund, $378,000,000 is from the security of future revenue streams, $400,000,000 is from Certificates of Participation financing, $534,800,000 is from stadium construction, and $213,432,000 is from Federal grant funds. In addition, $295,032,000 of prior year local funds are rescinded. In total, $2,525,605,000 are provided.

GENERAL PROVISIONS

Section 101 specifies that an appropriation for a particular purpose or object is the maximum available for expenditure as proposed by both the House and the Senate.

Section 102 permits funds to be used for travel and dues as proposed by both the House and the Senate.

Section 103 permits funds to be used to pay tax refunds, settlements, and judgments as proposed by both the House and the Senate.

Section 104 prohibits funds for lobbying activities and publicity to promote a boycott or statehood as proposed by the House. The Senate proposed similar provisions applicable only to Federal funds.

Section 105 establishes reprogramming guidelines as proposed by both the House and the Senate.

Section 106 limits funds for the appropriated purpose unless otherwise provided in law as proposed by both the House and the Senate.

Section 107 clarifies the District's employee compensation authority as proposed by both the House and the Senate.

Section 108 directs the Mayor to submit revenue estimates as proposed by both the House and the Senate.

Section 109 prohibits sole source contracting except under certain conditions as proposed by both the House and the Senate.

Section 110 prohibits Federal funds for the costs of a United States Senator or Representative as proposed by both the House and the Senate.

Section 111 prohibits funds for registering unmarried, cohabiting couples as proposed by both the House and the Senate.

Section 112 allows the Mayor to accept, obligate, and expend other funds not reflected in this Act as proposed by both the House and the Senate.

Section 113 restricts official vehicles to official duties except in certain circumstances as proposed by both the House and the Senate.

Section 114 prohibits funds for a financial audit unless the District Inspector General conducts or contracts for the audit as proposed by both the House and the Senate.

Section 115 prohibits funds for the District of Columbia Corporation Counsel to provide assistance for District voting representation in Congress as proposed by both the House and the Senate.

Section 116 prohibits funds for needle exchange programs as proposed by the House. The Senate proposed limiting only Federal funds for such purpose.

Section 117 prohibits funds for any governmental chief financial officer (CFO) unless that CFO certifies that he or she understands the duties of the office as proposed by the Senate. The House included a similar provision with a different reporting schedule.

Section 118 addresses contraceptive coverage by insurance plans as proposed by both the House and the Senate.

Section 119 requires the Mayor to report quarterly on various issues as proposed by both the House and the Senate.

Section 120 requires the Chief Financial Officer to submit an operating budget as proposed by both the House and the Senate.

Section 121 requires the District of Columbia Courts make available all fines levied from alcohol-related traffic violations for enforcement and prosecution of such laws as proposed by both the House and the Senate.

Section 122 addresses the payment of lawyer fees in legal cases under the Individuals with Disabilities Education Act (IDEA) as proposed by both the House and the Senate.

Section 123 requires lawyers involved in IDEA cases in the District to comply with certain reporting requirements as proposed by both the House and the Senate.

Section 124 allows for an additional $42,000,000 from District funds to be spent under certain conditions as proposed by both the House and the Senate.

Section 125 makes a technical correction to Public Law 108-335 as proposed by both the House and the Senate.

Section 126 allows for the obligation of additional District funds under certain circumstances as proposed by both the House and the Senate.

Section 127 allows the District to conduct short-term borrowing from emergency and contingency reserve funds under certain circumstances in fiscal year 2006. The House and Senate had similar provisions.

Section 128 prohibits funds to change the legality of marijuana use as proposed by both the House and the Senate.

Section 129 prohibits funds for abortion except under certain circumstances as proposed by both the House and the Senate.

Section 130 authorizes the conveyance of a parcel of Federal land to the District for a school as proposed by the Senate. The House did not include a similar provision.

Section 131 extends the authorities of the CFO with respect to personnel and preparing financial statements as proposed by the Senate. The House did not include a similar provision.

Section 132 exempts the CFO from certain provisions of the District of Columbia Procurement Practices Act as proposed by the Senate. The House did not include a similar provision.

Section 133 enacts section 4013 of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Amendment Act of 2005 as proposed by the Senate. The House did not include a similar provision.

Section 134 makes technical changes to fiscal year 2005 funds available for the Anacostia Waterfront Corporation as proposed by the Senate. The House did not include a similar provision.

Section 135 allows an additional $250,000 to the District's Department of Health for a health study in Spring Valley as proposed by the Senate. The House did not include a similar provision.

Section 136 enacts amendments to the Ballpark Technical Amendments Act of 2005 and the Ballpark Fee Rebate Act of 2005 as proposed by the Senate. The House did not include a similar provision.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2006 recommended by the Committee of Conference, with comparisons to the fiscal year 2005 amount, the 2006 budget estimates, and the House and Senate bills for 2006 follow:

(In thousands of dollars)

New budget (obligational) authority, fiscal year 2005	$87,431,383
Budget estimates of new (obligational) authority, fiscal year 2006	83,885,395
House bill, fiscal year 2006	91,018,996
Senate bill, fiscal year 2006	89,463,400
Conference agreement, fiscal year 2006	89,135,149
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2005	+1,703,766
Budget estimates of new (obligational) authority, fiscal year 2006	+5,249,754
House bill, fiscal year 2006	−1,883,847
Senate bill, fiscal year 2006	−328,251

JOE KNOLLENBERG,
FRANK R. WOLF,
HAROLD ROGERS,
TODD TIAHRT,
ANNE M. NORTHUP,
ROBERT B. ADERHOLT,
JOHN E. SWEENEY,
JOHN ABNEY CULBERSON,
RALPH REGULA,
JERRY LEWIS,
JOHN W. OLVER,
STENY H. HOYER,
ED PASTOR,
CAROLYN C. KILPATRICK,
JAMES E. CLYBURN,
STEVEN R. ROTHMAN,
Managers on the Part of the House.

CHRISTOPHER S. BOND,
RICHARD C. SHELBY,
ARLEN SPECTER,
R.F. BENNETT,
KAY BAILEY HUTCHISON,
MIKE DEWINE,
SAM BROWNBACK,
TED STEVENS,
PETE DOMENICI,
CONRAD BURNS,
WAYNE ALLARD,
THAD COCHRAN,
PATTY MURRAY,
ROBERT C. BYRD,
BARBARA MIKULSKI,
HARRY REID,
HERB KOHL,
RICHARD J. DURBIN *(except for Cuba trade),*
BYRON L. DORGAN *(except for Cuba trade),*
PATRICK J. LEAHY *(except for Cuba trade),*
TOM HARKIN *(except for Cuba trade),*
MARY L. LANDRIEU *(except for Cuba trade),*
DANIEL K. INOUYE *(except for Section 173),*
Managers on the Part of the Senate.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 206. An act to designate the Ice Age Floods National Geologic Trail, and for other purposes; to the Committee on Resources.

S. 213. An act to direct the Secretary of the Interior to convey certain Federal land to Rio Arriba County, New Mexico; to the Committee on Resources.

S. 251. An act to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct a water resource feasibility study for the Little Butte/Bear Creek Subbasins in Oregon; to the Committee on Resources.

S. 652. An act to provide financial assistance for the rehabilitation of the Benjamin

Franklin National Memorial in Philadelphia, Pennsylvania, and the development of an exhibit to commemorate the 300th anniversary of the birth of Benjamin Franklin; to the Committee on Resources.

S. 761. An act to rename the Snake River Birds of Prey National Conservation Area in the State of Idaho as the Morley Nelson Snake River Birds of Prey National Conservation Area in honor of the late Morley Nelson, an international authority on birds of prey, who was instrumental in the establishment of this National Conservation Area, and for other purposes; to the Committee on Resources.

S. 777. An act to designate Catoctin Mountain Park in the State of Maryland as the "Catoctin Mountain National Recreation Area", and for other purposes; to the Committee on Resources.

S. 819. An act to authorize the Secretary of the Interior to reallocate costs of the Pactola Dam and Reservoir, South Dakota, to reflect increased demands for municipal, industrial, and fish and wildlife purposes; to the Committee on Resources.

S. 891. An act to extend the water service contract for the Ainsworth Unit, Sandhills Division, Pick-Sloan Missouri Basin Program, Nebraska; to the Committee on Resources.

S. 895. An act to direct the Secretary of the Interior to establish a rural water supply program in the Reclamation States to provide a clean, safe, affordable, and reliable water supply to rural residents; to the Committee on Resources.

S. 958. An act to amend the National Trails System Act to designate the Star-Spangled Banner Trail in the States of Maryland and Virginia and the District of Columbia as a National Historic Trail; to the Committee on Resources.

S. 1154. An act to extend the Acadia National Park Advisory Commission, to provide improved visitor services at the park, and for other purposes; to the Committee on Resources.

S. 1338. An act to require the Secretary of the Interior, acting through the Bureau of Reclamation and the United States Geological Survey, to conduct a study on groundwater resources in the State of Alaska, and for other purposes; to the Committee on Resources.

S. 1627. An act to authorize the Secretary of the Interior to conduct a special resources study to evaluate resources along the coastal region of the State of Delaware and to determine the suitability and feasibility of establishing a unit of the National Park System in Delaware; to the Committee on Resources.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 126. An act to amend Public Law 89-366 to allow for an adjustment in the number of free roaming horses permitted in Cape Lookout National Seashore.

H.R. 539. An act to designate certain National Forest System land in the Commonwealth of Puerto Rico as a component of the National Wilderness Preservation System.

H.R. 584. An act to authorize the Secretary of the Interior to recruit volunteers to assist with, or facilitate, the activities of various agencies and offices of the Department of the Interior.

H.R. 606. An act to authorize appropriations to the Secretary of the Interior for the restoration of the Angel Island Immigration Station in the State of California.

H.R. 1101. An act to revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California.

H.R. 1972. An act to direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including in the National Park System certain sites in Williamson County, Tennessee, relating to the Battle of Franklin.

H.R. 1973. An act to make access to safe water and sanitation for developing countries a specific policy objective of the United States foreign assistance programs, and for other purposes.

H.R. 2862. An act making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1234. An act to increase, effective as of December 1, 2005, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

ADJOURNMENT

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 33 minutes a.m.), the House adjourned until today, Friday, November 18, 2005, at 9 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized or speaker-authorized official travel during the second, third, and fourth quarters of 2005, pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. ROBERT LAWRENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 22 AND SEPT. 1, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Robert Lawrence	8/22	8/23	Indonesia		266.00		7,525.15				7,791.15
	8/23	8/27	East Timor		1,428.00						1,428.00
	8/27	9/01	Indonesia		1,330.00						1,330.00
Committee total											10,549.15

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Transportation cost is for entire trip.

J. DENNIS HASTERT, Chairman, Sept. 21, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. ALCEE L. HASTINGS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 3 AND OCT. 10, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Alcee L. Hastings	10/03	10/05	Austria	292.86	352.00					292.86	352.00
	10/05	10/10	Serbia and Montenegro		540.00						540.00
Committee total											892.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ALCEE L. HASTINGS, Chairman, Oct. 24, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. FRED L. TURNER, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 3 AND OCT. 10, 2005

Name of Employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Fred L. Turner	10/03	10/05	Austria	292.86	352.00					292.86	352.00
	10/05	10/10	Serbia and Montenegro		540.00						540.00
Committee total											892.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

FRED L. TURNER, Oct. 24, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO SCOTLAND AND LUXEMBOURG, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 16 AND SEPT. 20, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. J. Dennis Hastert	9/16	9/19	Scotland		1,461.00		(3)				1,461.00
Scott Palmer	9/16	9/19	Scotland		1,461.00		(3)				1,461.00
Ted Van Der Meid	9/16	9/19	Scotland		1,461.00		(3)				1,461.00
Chris Walker	9/16	9/19	Scotland		1,461.00		(3)				1,461.00
Sam Lancaster	9/16	9/19	Scotland		1,461.00		(3)				1,461.00
Dr. John F. Eisold	9/16	9/19	Scotland		1,461.00		(3)				1,461.00
Hon. Bill Livingood	9/16	9/19	Scotland		1,461.00		(3)				1,461.00
John Sullivan	9/16	9/19	Scotland		1,461.00		(3)				1,461.00
Martha Morrison	9/16	9/19	Scotland		1,461.00		(3)				1,461.00
Hon. J. Dennis Hastert	9/19	9/20	Luxembourg		349.00		(3)				349.00
Scott Palmer	9/19	9/20	Luxembourg		349.00		(3)				349.00
Ted Van Der Meid	9/19	9/20	Luxembourg		349.00		(3)				349.00
Chris Walker	9/19	9/20	Luxembourg		349.00		(3)				349.00
Sam Lancaster	9/19	9/20	Luxembourg		349.00		(3)				349.00
Dr. John F. Eisold	9/19	9/20	Luxembourg		349.00		(3)				349.00
Hon. Bill Livingood	9/19	9/20	Luxembourg		349.00		(3)				349.00
John Sullivan	9/19	9/20	Luxembourg		349.00		(3)				349.00
Martha Morrison	9/19	9/20	Luxembourg		349.00		(3)				349.00
Committee total											16,310.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent, if U.S. currency is used, enter amount expended.
[3] Military air transportation.

J. DENNIS HASTERT, Chairman, Sept. 28, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BOB GOODLATTE, Chairman, Oct. 18, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent, if U.S. currency is used, enter amount expended.

ROBERT W. NEY, Chairman, Oct. 4, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 26 AND SEPT. 1, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Fr. Daniel Loughlin	8/26	8/28	Greece		855.00		(3)				855.00
	8/28	8/29	Ukraine		261.00		(3)				261.00
	8/29	8/31	Estonia		420.00		(3)				420.00
	8/31	9/1	Iceland		422.00		(3)				422.00
Committee total											1,958.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent, if U.S. currency is used, enter amount expended.
[3] Military air transportation.

FR. DANIEL COUGHLIN, Sept. 21, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☑

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

F. JAMES SENSENBRENNER, Jr., Chairman, Oct. 11, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☑

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAVID DREIER, Chairman, Oct. 20, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Tom Cole	7/23	7/24	Libya		394.00		(3)				394.00
	7/24	7/24	Lebanon				(3)				
	7/24	7/25	Cyprus		257.00		(3)				257.00
	7/25	7/25	Lebanon				(3)				
	7/25	7/26	United Kingdom		186.00		(3)				186.00
Hon. Phil Gingrey	7/30	8/01	Germany		381.00		(3)				381.00
	8/01	8/05	Italy		756.00		(3)				756.00
	8/05	8/07	France		344.00		(3)				344.00
	8/15	8/18	Sweden		1,938.15		(3)				1,938.15
	8/18	8/18	Norway		232.00		(3)				232.00
	8/18	8/21	Finland		1,288.28		(3)				1,288.28
	8/21	8/24	Germany		1,511.76		(3)				1,511.76
Committee total					7,288.19						7,288.19

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

DAVID DREIER, Chairman, Oct. 20, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Joe Schwarz	7/2	7/5	United Kingdom		361.00		6,147.06				6,508.06
Edith Thompson	7/2	7/5	United Kingdom		967.79		6,127.00				7,094.79
Amy Chiang	9/4	9/11	China		668.93		5,710.43				6,379.36
Committee total					1,997.72		17,984.49				19,982.21

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Commercial air transportation.

———, Oct. 5, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON VETERANS' AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☑

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

STEVE BUYER, Chairman, Oct. 4, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 3 AND JULY 9, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Bill Thomas	7/03	7/05	Colombia		518.00		(3)				518.00
	7/05	7/06	Equador		272.00		(3)				272.00
	7/06	7/09	Peru		784.00		228.48				1,012.48
Hon. Clay Shaw	7/03	7/05	Colombia		518.00		(3)				518.00
	7/05	7/06	Equador		272.00		(3)				272.00
	7/06	7/09	Peru		784.00		228.48				1,012.48
Hon. Jerry Weller	7/03	7/05	Colombia		518.00		(3)				518.00
	7/05	7/06	Equador		272.00		(3)				272.00
	7/06	7/09	Peru		784.00		228.48				1,012.48
Hon. Stephanie Tubbs Jones	7/03	7/05	Colombia		518.00		(3)				518.00
	7/05	7/06	Equador		272.00		(3)				272.00
	7/06	7/09	Peru		784.00		228.48				1,012.48
Hon. Devin Nunes	7/03	7/05	Colombia		518.00		(3)				518.00
	7/05	7/06	Equador		272.00		(3)				272.00
	7/06	7/09	Peru		784.00		228.48				1,012.48
Angela Ellard	7/03	7/05	Colombia		518.00		(3)				518.00
	7/05	7/06	Equador		272.00		(3)				272.00
	7/06	7/09	Peru		784.00		228.48				1,012.48
Mary Sue Englund	7/03	7/05	Colombia		518.00		(3)				518.00
	7/05	7/06	Equador		272.00		(3)				272.00
	7/06	7/09	Peru		784.00		228.48				1,012.48
Stephanie Lester	7/03	7/05	Colombia		518.00		(3)				518.00
	7/05	7/06	Equador		272.00		(3)				272.00
	7/06	7/09	Peru		784.00		228.48				1,012.48
Mr. Steve Schrage	7/03	7/05	Colombia		518.00		(3)				518.00
	7/05	7/06	Equador		272.00		(3)				272.00
	7/06	7/09	Peru		784.00		228.48				1,012.48
Julie Herwig	7/03	7/05	Colombia		518.00		(3)				518.00
	7/05	7/06	Equador		272.00		(3)				272.00
	7/06	7/09	Peru		784.00		228.48				1,012.48
Committee total					7,870.00		1,142.40				9,012.40

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

BILL THOMAS, Chairman, Oct. 4, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JOINT COMMITTEE ON THE LIBRARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ROBERT W. NEY, Chairman, Oct. 4, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JOINT COMMITTEE ON TAXATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☑

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILL THOMAS, Chairman, Oct. 4, 2005.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the third quarter of 2005, pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO CANADA-U.S. INTERPARLIAMENTARIAN GROUP CONFERENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 30 AND OCT. 2, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Don Manzullo, Chairman	9/30	10/2		1,583.55	1,413.89		(3)				1,413.89
Hon. Thaddeus McCotter	9/30	10/2		1,054.05	938.13		(3)				938.13
Hon. Jim Oberstar	9/30	10/2		997.05	890.23		(3)				890.23
Hon. E. Clay Shaw	9/30	10/2		997.05	890.23		(3)				890.23
Hon. Dan Lipinski	9/30	10/2		893.55	797.82		(3)				797.82
Hon. Louise Slaughter	9/30	10/2		997.05	890.23		(3)				890.23
Hon. Cliff Stearns	9/30	10/2		893.55	797.82		(3)				797.82
Hon. Phil English	9/30	10/2		1,008.55	899.89		(3)				899.89
Hon. Mark Souder	9/30	10/2		997.05	890.23		(3)				890.23
Hon. Thomas Tancredo	9/30	10/2		997.05	890.23		(3)				890.23

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO CANADA-U.S. INTERPARLIAMENTARIAN GROUP CONFERENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 30 AND OCT. 2, 2005—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Mr. Phil Eskeland	9/30	10/2		738.30	659.20		(3)				659.20
Mr. Ted Brennan	9/30	10/2		756.06	674.13		(3)				674.13
Mr. Sam Stratman	9/30	10/2		492.20	416.52		(3)				416.52
Ms. Linda Solomon	9/30	10/2		779.67	693.97		(3)				693.97
Mr. Brian Wanko	9/30	10/2		912.98	814.15		(3)				814.15
Mr. Carl Ek	9/30	10/2		756.88	674.99		(3)				674.99
Miscellaneous and Group Gratuities	9/30	10/2						444.25	380.00		380.00
Committee total					13,231.66				380.00		13,611.66

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

DONALD A. MANZULLO, Chairman, Nov. 7, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Michelle Mrdeza	7/1	7/10	Ireland		[3] $1,890.04						$1,890.04
									132.52		132.52
Commercial Airfare							$5,660.19				$5,660.19
Stephanie Gupta	7/1	7/10	Ireland		1,890.04						1,890.04
Commercial Airfare							1,708.83				1,708.83
Hon. C.W. Bill Young	7/2	7/8	Italy		1,132.00						1,132.00
							(5)		[4] 8,094.69		8,094.69
Hon. John Sweeney	7/2	7/8	Italy		1,132.00						1,132.00
							(5)		[4] 8,094.69		8,094.69
Doug Gregory	7/2	7/8	Italy		1,132.00						1,132.00
							(5)		[4] 8,094.69		8,094.69
John T. Blazey II	7/2	7/8	Italy		1,132.00						1,132.00
							(5)		[4] 8,094.69		8,094.69
Hon. David Hobson	7/8	7/10	Canada		769.14		(5)				769.14
Hon. Kay Granger	7/8	7/10	Canada		769.14						769.14
Commercial Airfare							1,605.45				1,605.45
Hon. Mike Simpson	7/8	7/10	Canada		769.14		(5)				769.14
Scott Burnison	7/8	7/10	Canada		769.14		(5)				769.14
Hon. James T. Walsh	7/30	8/1	Germany		381.00						381.00
	8/1	8/5	Italy		756.00						756.00
	8/5	8/7	France		344.00		(5)				344.00
Hon. Chet Edwards	7/30	8/2	Germany		592.00						592.00
Part Commercial Airfare							2,868.76 (5)				2,868.76
Hon. Dennis R. Rehberg	7/30	8/1	Germany		381.00						381.00
	8/1	8/5	Italy		756.00						756.00
	8/5	8/7	France		344.00		(5)				344.00
Hon. Robert E. Cramer,Jr	7/30	8/1	Germany		381.00						381.00
	8/1	8/5	Italy		756.00						756.00
	8/5	8/7	France		344.00		(5)				344.00
Hon. John R. Carter	7/30	8/1	Germany		381.00						381.00
	8/1	8/5	Italy		756.00						756.00
	8/5	8/7	France		344.00		(5)				344.00
Carol Murphy	7/30	8/1	Germany		381.00						381.00
	8/1	8/5	Italy		756.00						756.00
	8/5	8/7	France		344.00		(5)				344.00
Tim Peterson	7/30	8/1	Germany		381.00						381.00
	8/1	8/5	Italy		756.00						756.00
	8/5	8/7	France		344.00		(5)				344.00
Thomas Forhan	7/30	8/1	Germany		381.00						381.00
	8/1	8/5	Italy		756.00						756.00
	8/5	8/7	France		344.00		(5)				344.00
Nisha Desai	7/31	7/31	United Kingdom		394.00						394.00
	8/1	8/4	Kampala/Uganda		879.00						879.00
	8/4	8/5	Goma		134.00						134.00
	8/5	8/7	Bukavu		270.00						270.00
	8/7	8/10	Kigali		177.00						177.00
	8/10	8/11	Nairobi		230.00						230.00
Commercial Airfare							8,394.73				8,394.73
Hon. Tom Latham	8/12	8/16	Russia		1,363.00						1,363.00
	8/16	8/18	Poland		730.00						730.00
	8/18	8/19	Hungary		392.00						392.00
	8/19	8/20	Jordan		612.00						612.00
	8/20	8/20	Iraq								
	8/20	8/21	Ireland		631.00		(5)				631.00
Linda Pagelsen	8/21	8/27	United Kingdom		1,700.00						1,700.00
									132.00		132.00
Commercial Airfare							6,433.18				6,433.18
Martin Delgado	8/21	8/27	Argentina		1,112.00						1,112.00
Commercial Airfare							5,014.65				5,014.65
Maureen Holohan	8/21	8/27	Argentina		1,112.00						1,112.00
Commercial Airfare							4,883.65				4,883.65
Hon. David Hobson	8/16	8/18	Sweden		1,938.15						1,938.15
	8/18	8/18	Norway		232.00						232.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2005—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	8/18	8/21	Finland		1,288.28						1,288.28
	8/21	8/24	Germany		1,511.76						1,511.76
							(5)				
Hon. Ed Pastor	8/16	8/18	Sweden		1,938.15						1,938.15
	8/18	8/18	Norway		232.00						232.00
	8/18	8/21	Finland		1,288.28						1,288.28
	8/21	8/24	Germany		1,511.76						1,511.76
							(5)				
Hon. James Clyburn	8/16	8/18	Sweden		1,938.15						1,938.15
	8/18	8/18	Norway		232.00						232.00
	8/18	8/21	Finland		1,288.28						1,288.28
	8/21	8/24	Germany		1,511.76						1,511.76
							(5)				
Hon. Marion Berry	8/16	8/18	Sweden		1,938.15						1,938.15
	8/18	8/18	Norway		232.00						232.00
	8/18	8/21	Finland		1,288.28						1,288.28
	8/21	8/24	Germany		1,511.76						1,511.76
							(5)				
Kevin Cook	8/16	8/18	Sweden		1,938.15						1,938.15
	8/18	8/18	Norway		232.00						232.00
	8/18	8/21	Finland		1,288.28						1,288.28
	8/21	8/24	Germany		1,511.76						1,511.76
							(5)				
Scott Burnison	8/16	8/18	Sweden		1,938.15						1,938.15
	8/18	8/18	Norway		232.00						232.00
	8/18	8/21	Finland		1,288.28						1,288.28
	8/21	8/24	Germany		1,511.76						1,511.76
							(5)				
Dixon Butler	8/16	8/18	Sweden		1,938.15						1,938.15
	8/18	8/18	Norway		232.00						232.00
	8/18	8/21	Finland		1,288.28						1,288.28
	8/21	8/21	Germany		1,511.76						1,511.76
							(5)				
Hon. Frank Wolf	8/27	8/28	Jordan		204.00						204.00
	8/28	8/29	Iraq								
	8/29	8/31	Qatar		198.00						198.00
	8/31	9/1	Afghanistan								
	9/1	9/2	Germany		308.00						308.00
Part Commerial Airfare							11,829.37				11,829.37
							(6)				
Hon. C.W. Bill Young	8/26	8/28	Austria		956.80						956.80
	8/28	8/30	Belgium		950.44						950.44
	8/30	9/1	Ireland		798.40						798.40
							(5)				
Hon. Henry Bonilla	8/26	8/28	Austria		956.80						956.80
	8/28	8/30	Belgium		950.44						950.44
	8/30	9/1	Ireland		798.40						798.40
							(5)				
Hon. Kay Granger	8/26	8/28	Austria		956.80						956.80
	8/28	8/30	Belgium		950.44						950.44
							(5)				
Hon. Chaka Fattah	8/26	8/28	Austria		956.80						956.80
	8/28	8/30	Belgium		950.44						950.44
	8/30	9/1	Ireland		798.40						798.40
Part Commercial Airfare							1,030.30				1,030.30
							(6)				
John Shank	8/28	8/30	Belgium		950.44						950.44
	8/30	8/31	Ireland		399.20						399.20
	9/1		USA								
Part Commercial Airfare							2,985.10				2,985.10
							(6)				
Doug Gregory	8/26	8/28	Austria		956.80						956.80
	8/28	8/30	Belgium		950.44						950.44
	8/30	9/1	Ireland		798.40						798.40
							(5)				
Kevin Jones	8/26	8/28	Austria		956.80						956.80
	8/28	8/30	Belgium		950.44						950.44
	8/30	9/1	Ireland		798.40						798.40
							(5)				
Rodney Bent	8/29	9/20	Egypt		1,445.00						1,445.00
Commercial Airfare							6,076.00				6,076.00
Hon. David Hobson	8/31	9/1	Jordan		254.00						254.00
	9/1	9/2	Belgium		370.00						370.00
							(5)				
Hon. John Murtha	8/31	9/1	Jordan		254.00						254.00
	9/1	9/2	Belgium		370.00						370.00
							(5)				
John Shank	8/31	9/1	Jordan		254.00						254.00
	9/1	9/2	Belgium		370.00						370.00
Part Commercial Airfare							2,391.65				2,391.65
							(6)				
David Morrison	8/31	9/1	Jordan		254.00						254.00
	9/1	9/2	Belgium		370.00						370.00
							(5)				
Mike Ringler	9/29	9/30	Haiti		285.00						285.00
Commercial Airfare							714.00				714.00
Robert Blair	8/21	8/24	Kazakhstan		930.00						930.00
	8/24	8/28	Uzbekistan		912.00						912.00
	8/28	9/2	Krgystan		1,195.00						1,195.00
Commercial Airfare							8,772.00				8,772.00
Committee Totals:					94,247.05		70,367.86		32,643.28		197,258.19

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Received $400 excess per diem—Reimbursed U.S. Treasury $267.48.

[4] Miscellaneous embassy expenses.

[5] Military Air Transportation.

[6] Part Military Air Transportation.

JERRY LEWIS, Chairman, Oct. 27, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, SURVEYS AND INVESTIGATIONS STAFF, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Nosik, Douglas D.	9/18	9/23	Germany		1,386.75		7,725.92		218.30		9,330.97
	9/23	9/24	The Netherlands		328.00						328.00
	9/24	9/27	Norway		1,078.00						1,078.00
	9/28	9/30	Italy		594.00						594.00
Pearre, Robert H., Jr.	9/26	9/27	Norway		462.00		6,366.85		57.87		6,886.72
	9/28	9/29	Italy		396.00						396.00
Phillips, John N.	9/18	9/23	Germany		1,386.75		7,523.92		138.01		9,048.68
	9/23	9/24	The Netherlands		328.00						328.00
	9/24	9/27	Norway		1,078.00						1,078.00
	9/28	9/30	Italy		594.00						594.00
Vanderslice, Thomas L.	9/18	9/23	Germany		1,385.75		7,725.92		170.82		9,282.49
	9/23	9/24	The Netherlands		328.00						328.00
	9/24	9/27	Norway		1,078.00						1,078.00
	9/28	9/30	Italy		594.00						594.00
Committee totals				11,017.25		29,342.61			585.00		40,941.86

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JERRY LEWIS, Chairman, Oct. 27, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Visit to Kuwait, Iraq, July 2-5, 2005:											
Hon. Jim Saxton	7/3	7/5	Kuwait		788.00						788.00
Commercial airfare	7/4	7/4	Iraq				7,783.43				7,783.43
Hon. Jim Marshall	7/3	7/5	Kuwait		788.00						788.00
Commercial airfare	7/4	7/4	Iraq				7,763.43				7,763.43
Mr. Joshua Holly	7/3	7/5	Kuwait		788.00						788.00
Commercial airfare	7/4	7/4	Iraq				5,290.43				5,290.43
Delegation expenses	7/3	7/5	Kuwait				52.52		255.22		307.74
Visit to Germany, Iraq, Kuwait, Afghanistan, France, July 5-10, 2005:											
Hon. Geoff Davis	7/7	7/8	Kuwait		394.00						394.00
	7/8	7/8	Iraq								
	7/9	7/9	Kyrgyzstan								
	7/9	7/9	Afghanistan								
	7/10	7/10	France		172.00						172.00
Hon. Mike Conaway	7/7	7/8	Kuwait		394.00						394.00
	7/8	7/8	Iraq								
	7/9	7/9	Kyrgyzstan								
	7/9	7/9	Afghanistan								
	7/10	7/10	France		172.00						172.00
Hon. Jim Cooper	7/7	7/8	Kuwait		394.00						394.00
	7/8	7/8	Iraq								
	7/9	7/9	Kyrgyzstan								
	7/9	7/9	Afghanistan								
	7/10	7/10	France		172.00						172.00
Commercial airfare							4,307.67				4,307.67
Hon. Madeleine Bordallo	7/7	7/8	Kuwait		394.00						394.00
	7/8	7/8	Iraq								
	7/9	7/9	Kyrgyzstan								
	7/9	7/9	Afghanistan								
	7/10	7/10	France		172.00						172.00
Ms. Mary Ellen Fraser	7/7	7/8	Kuwait		394.00						394.00
	7/8	7/8	Iraq								
	7/9	7/9	Kyrgyzstan								
	7/9	7/9	Afghanistan								
	7/10	7/10	France		172.00						172.00
Mr. Erin Conaton	7/7	7/8	Kuwait		394.00						394.00
	7/8	7/8	Iraq								
	7/9	7/9	Kyrgyzstan								
	7/9	7/9	Afghanistan								
	7/10	7/10	France		172.00						172.00
Delegation expenses	7/7	7/8	Kuwait				234.00		1,703.97		1,937.97
	7/10	7/10	France						5,419.13		5,419.13
Visit to Guantanamo Bay, Cuba, El Salvador, Honduras, July 6-8, 2005:											
Hon. Jeff Miller	7/6	7/6	Cuba		0.00						0.00
	7/6	7/7	Honduras		101.00						101.00
	7/6	7/7	El Salvador		241.00						241.00
Ms. Stephanie Sanok	7/6	7/6	Cuba		0.00						0.00
	7/6	7/7	Honduras		101.00						101.00
	7/6	7/7	El Salvador		241.00						241.00
Ms. Loren Dealy	7/6	7/6	Cuba		0.00						0.00
	7/6	7/7	Honduras		101.00						101.00
	7/6	7/7	El Salvador		241.00						241.00
Delegation expenses	7/6	7/7	El Salvador						292.60		292.60
Visit to France with CODEL Hoekstra, July 14-16, 2005:											
Hon. Curt Weldon	7/15	7/16	France		431.00						431.00
Commercial airfare							4,901.51				4,901.51
Hon. Solomon Ortiz	7/15	7/16	France		431.00						431.00
Commercial airfare							6,151.51				6,151.51
Visit to Libya, Lebanon, Cyprus, United Kingdom, July 21-25, 2005:											
Hon. Curt Weldon	7/23	7/24	Libya		394.00						394.00
	7/24	7/24	Lebanon								
	7/24	7/25	Cyprus		257.00						257.00
	7/25	7/25	Lebanon								
	7/25	7/26	United Kingdom		186.00						186.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2005—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Solomon Ortiz	7/23	7/24	Libya		394.00						394.00
	7/24	7/24	Lebanon								
	7/24	7/25	Cyprus		257.00						257.00
	7/25	7/25	Lebanon								
	7/25	7/26	United Kingdom		186.00						186.00
Hon. Silvestre Reyes	7/23	7/24	Libya		394.00						394.00
	7/24	7/24	Lebanon								
	7/24	7/25	Cyprus		257.00						257.00
	7/25	7/25	Lebanon								
	7/25	7/26	United Kingdom		186.00						186.00
Mr. Douglas Roach	7/23	7/24	Libya		394.00						394.00
	7/24	7/24	Lebanon								
	7/24	7/25	Cyprus		257.00						257.00
	7/25	7/25	Lebanon								
	7/25	7/26	United Kingdom		186.00						186.00
Mr. Henry J. Schweiter	7/23	7/24	Libya		394.00						394.00
	7/24	7/24	Lebanon								
	7/24	7/25	Cyprus		257.00						257.00
	7/25	7/25	Lebanon								
	7/25	7/26	United Kingdom		186.00						186.00
Mr. Joshua Holly	7/23	7/24	Libya		394.00						394.00
	7/24	7/24	Lebanon								
	7/24	7/25	Cyprus		257.00						257.00
	7/25	7/25	Lebanon								
	7/25	7/26	United Kingdom		186.00						186.00
Delegation expenses	7/24	7/25	Cyprus						3,573.34		3,573.34
Visit to Germany, Iraq, Kuwait, August 9–13, 2005:											
Hon. Mike Rogers	8/10	8/12	Kuwait		788.00						788.00
	8/10	8/11	Iraq								
	8/12	8/13	Germany		210.00						210.00
Mr. Harry Cartland	8/10	8/12	Kuwait		788.00						788.00
	8/10	8/11	Iraq								
	8/12	8/13	Germany		210.00						210.00
Mr. Paul Arcangeli	8/10	8/12	Kuwait		788.00						788.00
	8/10	8/11	Iraq								
	8/12	8/13	Germany		210.00						210.00
Mr. John Wason	8/10	8/12	Kuwait		788.00						788.00
	8/10	8/11	Iraq								
	8/12	8/13	Germany		210.00						210.00
Delegation expenses	8/10	8/12	Kuwait				342.16		2,410.25		2,752.41
Visit to Jordan, Iraq with CODEL Hoekstra, August 21–24, 2005:											
Hon. Joe Wilson	8/21	8/24	Jordan		762.00						762.00
Commercial airfare	8/22	8/23	Iraq				4,526.76				4,526.76
Visit to Italy with CODEL Hagel, August 21–25, 2005:											
Hon. Ellen Tauscher	8/22	8/23	Italy		453.00						453.00
Commercial airfare							5,987.66				5,987.66
Visit to Brazil, Chile, Uruguay, Columbia with CODEL Coleman, August 22–26, 2005:											
Hon. Jeff Miller	8/22	8/24	Brazil		309.00						309.00
	8/24	8/25	Uruguay		143.00						143.00
	8/25	8/26	Chile		298.00						298.00
Visit to Pakistan, Afghanistan with CODEL Rogers, August 22–29, 2005:											
Hon. Frank LoBiondo	8/22	8/23	United Kingdom		444.00						444.00
	8/24	8/26	Afghanistan		180.00						180.00
	8/26	8/28	Pakistan		626.00						626.00
Commercial airfare							7,845.07				7,845.07
Visit to Morocco, Egypt, Lebanon, Cyprus, Israel with CODEL Davis, August 26–September 6, 2005:											
Hon. Martin Meehan	8/26	8/29	Morocco		890.00						890.00
	8/29	8/31	Cyprus		660.00						660.00
	8/31	9/2	Israel		724.00						724.00
	9/2	9/5	Egypt		874.00						874.00
Hon. Kendrick Meek	8/26	8/29	Morocco		890.00						890.00
	8/29	8/31	Cyprus		660.00						660.00
	8/31	9/2	Israel		724.00						724.00
	9/2	9/5	Egypt		874.00						874.00
Visit to China, August 31–September 4, 2005:											
Hon. Joe Wilson	9/1	9/4	China		873.00						873.00
Commercial airfare							3,847.16				3,847.16
Hon. Madeleine Bordallo	9/1	9/4	China		873.00						873.00
Commercial airfare							4,282.16				4,282.16
Visit to Egypt, Qatar, Kuwait, Iraq with CODEL Pence, August 31–September 6, 2005:											
Hon. Mike McIntyre	9/1	9/2	Egypt		288.97						288.97
	9/2	9/3	Qatar		326.98						326.98
	9/3	9/6	Kuwait		1,182.00						1,182.00
	9/4	9/5	Iraq								
Commercial airfare							6,658.66				6,658.66
Committee total					30,714.95		69,974.13		13,654.51		114,343.59

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DUNCAN HUNTER, Chairman, Oct. 31, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Chris Chocola	7/30	7/30	Cuba				(3)				

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2005—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Henry Cuellar	8/16	8/18	Kuwait, Iraq		508.00		(3)				508.00
	8/19	8/19	Germany		83.95		(3)				83.95
Hon. Jo Bonner	8/26	8/27	Austria		424.64		(3)				424.64
	8/28	8/29	Belgium		935.56		(3)				935.56
	8/30	8/30	United States				889.18				889.18
Committee total					1,952.15		889.18				2,841.83

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

JIM NUSSLE, Chairman, Oct. 28, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT 30, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Kenny Marchant	7/7	7/8	Kuwait		394.00		58.50		213.00		665.50
	7/10	7/10	Paris		514.50		6,248.67		1,104.28		7,867.45
Luis Fortuno	8/25	8/28	Greece		855.00		(3)				855.00
	8/28	8/29	Ukraine		261.00		(3)				261.00
	8/29	8/31	Estonia		420.00		(3)				420.00
	8/31	9/1	Iceland		422.00		(3)				422.00
Sam Johnson	9/23	9/25	Kuwait		788.00		(3)				788.00
	9/25	9/26	Qatar		327.00		(3)				327.00
	9/26	9/27	United Kingdom		335.00		(3)				335.00
David Wu	9/23	9/25	Kuwait		788.00		(3)				788.00
	9/25	9/26	Qatar		327.00		(3)				327.00
	9/26	9/27	United Kingdom		335.00		(3)				335.00
Committee total					5,766.50		6,307.17		1,137.28		13,390.95

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[2] Per diem constitutes lodging and meals.
[3] Military air transportation.

JOHN BOEHNER, Chairman, Oct. 28, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Tom Price	7/6	7/7	Honduras		101.00		(3)				101.00
	7/7	7/8	El Salvador		241.00		(3)				241.00
Hon. Michael Fitzpatrick	8/21	8/26	Israel		1,472.00		4,753.28				6,225.28
Hon. Melvin Watt	8/26	8/28	Greece		855.00		(3)				855.00
	8/28	8/29	Ukraine		261.00		(3)				261.00
	8/29	8/31	Estonia		420.00		(3)				420.00
	8/31	9/1	Iceland		422.00		(3)				422.00
Hon. Jeb Hensarling	9/1	9/2	Egypt		288.97						288.97
	9/2	9/3	Qatar		326.98		(3)				326.98
	9/3	9/6	Kuwait		1,182.00		6,638.66				7,820.66
Hon. Stevan Pearce	9/23	9/25	Kuwait		788.00		(3)				788.00
	9/25	9/26	Qatar		327.00		(3)				327.00
	9/26	9/27	United Kingdom		335.00		(3)				335.00
Committee total					7,019.95		11,391.94				18,411.89

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

MICHAEL G. OXLEY, Chairman, Nov. 2, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Tom Davis	8/26	8/29	Morocco		890.00						890.00
	8/29	8/31	Cyprus		660.00						660.00
	8/31	9/2	Israel		724.00						724.00
	9/2	9/5	Egypt		874.00						874.00
Michael Turner	8/26	8/29	Morocco		890.00						890.00
	8/29	8/31	Cyprus		660.00						660.00
	8/31	9/2	Israel		724.00						724.00
	9/2	9/5	Egypt		874.00						874.00
Carolyn Maloney	8/26	8/29	Morocco		890.00						890.00
	8/29	8/31	Cyprus		660.00						660.00
	8/31	9/2	Israel		724.00						724.00
	9/2	9/5	Egypt		874.00						874.00
Darrell Issa	8/26	8/29	Morocco		890.00						890.00
	8/29	8/31	Cyprus		660.00						660.00
	8/31	9/2	Israel		724.00						724.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2005—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	9/2	9/5	Egypt		874.00						874.00
Frederick Hill	8/26	8/29	Morocco		890.00						890.00
	8/29	8/31	Cyprus		660.00						660.00
	8/31	9/2	Israel		724.00						724.00
	9/2	9/5	Egypt		874.00						874.00
David Rapallo	8/26	8/29	Morocco		890.00						890.00
	8/29	8/31	Cyprus		660.00						660.00
	8/31	9/2	Israel		724.00						724.00
	9/2	9/5	Egypt		874.00						874.00
Charles Phillips	8/26	8/29	Morocco		890.00						890.00
	8/29	8/31	Cyprus		660.00						660.00
	8/31	9/2	Israel		724.00						724.00
	9/2	9/5	Egypt		874.00						874.00
Darcie Brickner	8/26	8/29	Morocco		890.00						890.00
	8/29	8/31	Cyprus		660.00						660.00
	8/31	9/2	Israel		724.00						724.00
	9/2	9/5	Egypt		874.00						874.00
Lawrence Brady	8/26	8/29	Morocco		890.00						890.00
	8/29	8/31	Cyprus		660.00						660.00
	8/31	9/2	Israel		724.00						724.00
	9/2	9/5	Egypt		874.00						874.00
Ronald Martinson	8/26	8/29	Morocco		890.00						890.00
	8/29	8/31	Cyprus		660.00						660.00
	8/31	9/2	Israel		724.00						724.00
	9/2	9/5	Egypt		874.00						874.00
Gabriele Forsyth	8/26	8/29	Morocco		890.00						890.00
	8/29	8/31	Cyprus		660.00						660.00
	8/31	9/2	Israel		724.00						724.00
	9/2	9/5	Egypt		874.00						874.00
John Cuaderes	8/26	8/29	Morocco		890.00						890.00
	8/29	8/31	Cyprus		660.00						660.00
	8/31	9/2	Israel		724.00						724.00
	9/2	9/5	Egypt		874.00						874.00
Lawrence Halloran	7/29	7/30	Kuwait		394.00		7,763.23				8,157.23
	8/2	8/3	Kuwait		394.00						394.00
Jeffrey Baran	7/29	7/30	Kuwait		394.00		7,763.23				8,157.23
	8/2	8/3	Kuwait		394.00						394.00
Nicholas Coleman	7/5	7/8	Ecuador		666.00		2,123.65				2,789.65
Henry Waxman	8/15	8/19	Israel		1,178.00						1,178.00
Christopher Davis	7/22	7/31	Brazil		1,291.68		7,813.65				9,105.33
Naomi Seiler	7/22	7/31	Brazil		1,291.68		7,813.65				9,105.33
R. Nicholas Palarino	7/29	7/30	Kuwait		394.00		7,763.23				8,157.23
	8/2	8/3	Kuwait		394.00						394.00
Mark Souder	7/23	7/24	Libya		394.00						394.00
	7/24	7/25	Cyprus		257.00						257.00
	7/25	7/26	United Kingdom		186.00						186.00
Tom Costa	8/24	8/28	Thailand		928.00		7,949.64				8,877.64
	8/28	9/1	Germany		1,477.00						1,477.00
Lawrence Halloran	8/24	8/28	Thailand		928.00		7,949.64				8,877.64
	8/28	9/1	Germany		1,477.00						1,477.00
Andrew Su	8/28	9/1	Germany		1,477.00		5,877.74				7,354.74
Stephen Lynch	8/10	8/12	Kuwait		788.00						788.00
	8/12	8/13	Germany		210.00						210.00
Christopher Shays	7/23	7/25	Jordan		758.00		6,191.57				6,949.57
Committee total					60,732.36		90,786.25				151,518.61

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

TOM DAVIS, Chairman, Oct. 28, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOMELAND SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Peter T. King	7/31	8/2	Austria		636.00		(3)				2,259.00
	8/2	8/3	Jordan		255.00		(3)				
	8/3	8/5	Israel		772.00		(3)				
	8/5	8/7	Morocco		596.00		(3)				
Hon. Michael McCaul	7/31	8/2	Austria		636.00		(3)				2,259.00
	8/2	8/3	Jordan		255.00		(3)				
	8/3	8/5	Israel		772.00		(3)				
	8/5	8/7	Morocco		596.00		(3)				
Hon. Charlie Dent	7/31	8/2	Austria		636.00		(3)				2,259.00
	8/2	8/3	Jordan		255.00		(3)				
	8/3	8/5	Israel		772.00		(3)				
	8/5	8/7	Morocco		596.00		(3)				
Hon. Donna Christensen	7/31	8/2	Austria		636.00		(3)				2,259.00
	8/2	8/3	Jordan		255.00		(3)				
	8/3	8/5	Israel		772.00		(3)				
	8/5	8/7	Morocco		596.00		(3)				
Cong. Carolyn McCarthy	7/31	8/2	Austria		636.00		(3)				2,259.00
	8/2	8/3	Jordan		255.00		(3)				
	8/3	8/5	Israel		772.00		(3)				
Mr. Steve DeVine	7/31	8/2	Austria		636.00		(3)				2,259.00
	8/2	8/3	Jordan		255.00		(3)				
	8/3	8/5	Israel		772.00		(3)				
	8/5	8/7	Morocco		596.00		(3)				
Dr. Josh Weerasinghe	7/31	8/2	Austria		636.00		(3)				2,259.00
	8/2	8/3	Jordan		255.00		(3)				
	8/3	8/5	Israel		772.00		(3)				
	8/5	8/7	Morocco		596.00		(3)				
Ms. Margaret Peterlin	7/31	8/2	Austria		636.00		(3)				2,259.00
	8/2	8/3	Jordan		255.00		(3)				
	8/3	8/5	Israel		772.00		(3)				

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOMELAND SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2005—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	8/5	8/7	Morocco		596.00		(3)				
Ms. Sue Ramanathan	7/31	8/2	Austria		636.00		(3)				2,259.00
	8/2	8/3	Jordan		255.00		(3)				
	8/3	8/5	Israel		772.00		(3)				
	8/5	8/7	Morocco		596.00		(3)				
Tom Finan	7/31	8/2	Austria		636.00		(3)				2,259.00
	8/2	8/3	Jordan		255.00		(3)				
	8/3	8/5	Israel		772.00		(3)				
	8/5	8/7	Morocco		596.00		(3)				
Thomas DiLenge	8/5	8/7	Morocco		596.00		908.60				1,504.60
Michael Geffroy	8/23	8/25	Japan		754.00		8,292.39				11,148.39
	8/26	8/27	Shanghai, China		740.00						
	8/27	8/29	Hong Kong, China		1,362.00						
Mandy Bowers	8/23	8/25	Japan		754.00		8,292.39				11,148.39
	8/26	8/27	Shanghai, China		740.00						
	8/27	8/29	Hong Kong, China		1,362.00						
Allen Thompson	8/23	8/25	Japan		754.00		8,292.39				11,148.39
	8/26	8/27	Shanghai, China		740.00						
	8/27	8/29	Hong Kong, China		1,362.00						
Committee total					31,754.00		25,785.77				57,539.77

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

PETER T. KING, Chairman, Nov. 1, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Candace Abbey	8/26	8/28	Greece		855.00						855.00
	8/28	8/29	Ukraine		261.00						261.00
	8/29	8/31	Estonia		420.00						420.00
	8/31	9/1	Iceland		422.00		(3)				422.00
Melissa Adamson	8/26	8/28	Greece		855.00						855.00
	8/28	8/29	Ukraine		261.00						261.00
	8/29	8/31	Estonia		420.00						420.00
	8/31	9/1	Iceland		422.00		(3)				422.00
Lara Alameh	7/6	7/10	Lebanon		786.00		9,216.33				10,002.33
Douglas Anderson	8/25	8/26	China		291.00						291.00
	8/26	8/28	Mongolia		500.00						500.00
	8/28	8/30	China		582.00						582.00
	8/30	9/3	North Korea		1,284.00						1,284.00
	9/3	9/4	South Korea		299.00						299.00
	9/4	9/5	Japan		348.00						348.00
	8/25	9/5	(4)				6,266.07				6,266.07
Hon. Dan Burton	9/18	9/20	Nicaragua		352.00		1,464.15				1,816.15
Hon. Steve Chabot	8/26	8/29	Morocco		790.00						790.00
	8/29	8/31	Cyprus		610.00						610.00
	8/31	9/2	Israel		649.00						649.00
	9/2	9/5	Egypt		774.00		(3)				774.00
Joan Condon	7/31	8/1	United Kingdom		394.00						394.00
	8/1	8/4	Uganda		692.00						692.00
	8/4	8/7	DRC		781.00						781.00
	8/7	8/10	Rwanda		531.00						531.00
	8/10	8/11	Kenya		230.00						230.00
	7/31	8/11	(4)				7,211.25				7,211.25
Raymond Copson	7/3	7/8	Kenya		1,490.00		7,211.25				8,701.25
Frank Cotter	8/26	8/28	Greece		855.00						855.00
	8/28	8/29	Ukraine		261.00						261.00
	8/29	8/31	Estonia		420.00						420.00
	8/31	9/1	Iceland		422.00		(3)				422.00
Ted Dagne	8/1	8/3	Eritrea		538.00						538.00
	8/3	8/4	Djibouti		328.00						328.00
	8/4	8/8	Kenya		1,120.00						1,120.00
	8/8	8/10	Ethiopia		698.00						698.00
	8/1	8/10	(4)				8,500.81				8,500.81
Hon. William Delahunt	8/31	9/2	Venezuela		634.00		2,720.00		(5) 762.36		4,116.36
Daniel Getz	7/4	7/8	Ecuador		888.00		1,947.15				2,835.15
	8/26	8/31	Argentina		1,030.00						1,030.00
	8/31	9/5	Brazil		1,173.00						1,173.00
	8/26	9/5	(4)				6,815.10				6,815.10
James Farr	8/76	8/28	Greece		855.00						855.00
	8/28	8/29	Ukraine		261.00						261.00
	8/29	8/31	Estonia		420.00						420.00
	8/31	9/1	Iceland		422.00		(3)				422.00
Hon. Jeff Flake	8/26	8/28	Greece		855.00						855.00
	8/28	8/29	Ukraine		261.00						261.00
	8/29	8/31	Estonia		420.00						420.00
	8/31	9/1	Iceland		422.00		(3)				422.00
Dennis Halpin	8/10	8/19	China		1,996.00		5,683.77		1,950.00		9,629.77
Alice Horstman	8/26	8/28	Greece		855.00						855.00
	8/28	8/29	Ukraine		261.00						261.00
	8/29	8/31	Estonia		420.00						420.00
	8/31	9/1	Iceland		422.00		(3)				422.00
Hon. Henry Hyde	8/26	8/28	Greece		855.00						855.00
	8/28	8/29	Ukraine		261.00						261.00
	8/29	8/31	Estonia		420.00						420.00
	8/31	9/1	Iceland		422.00		(3)				422.00
David Killion	7/29	8/6	China		536.00						536.00
	8/6	8/10	India		1,180.00						1,180.00
	7/29	8/10	(4)				4,810.37				4,810.37

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2005—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Julie Kim	6/26	7/2	Macedonia		1,510.50		5,792.27				7,302.77
Kay King	8/26	8/28	Greece		855.00						855.00
	8/28	8/29	Ukraine		261.00						261.00
	8/29	8/31	Estonia		420.00		(3)				420.00
	8/31	9/6	Germany		1,203.00		3,782.86				4,985.86
Robert King	8/26	8/28	Greece		370.00						370.00
	8/28	8/29	Ukraine		86.00						86.00
	8/29	8/31	Estonia		187.00		(3)				187.00
	8/31	9/6	Germany		2,400.00		3,782.86				6,182.86
Sheila Klein	8/26	8/28	Greece		855.00						855.00
	8/28	8/29	Ukraine		261.00						261.00
	8/29	8/31	Estonia		420.00						420.00
	8/31	9/1	Iceland		422.00		(3)				422.00
Hon. Thomas Lantos	7/1	7/5	Italy		1,517.28		4,687.31				6,204.59
	8/30	9/3	North Korea		1,284.00						1,284.00
	9/3	9/5	China		873.00						873.00
	8/30	9/5	(4)				6,588.27				6,588.27
Hon. James Leach	8/25	8/26	China		291.00						291.00
	8/26	8/28	Mongolia		500.00						500.00
	8/28	8/30	China		582.00						582.00
	8/30	9/3	North Korea		1,284.00						1,284.00
	9/3	9/4	South Korea		358.00						358.00
	9/4	9/5	Japan		408.00						408.00
	8/25	9/5	(4)				7,274.07				7,274.07
John Lis	6/26	7/2	Macedonia		1,510.50						1,510.50
	7/2	7/8	Kenya		1,610.00						1,610.00
	6/26	7/8	(4)				9,803.78				9,803.78
	8/23	8/27	East Timor		1,428.00						1,428.00
	8/27	9/2	Indonesia		1,596.00				[5] 3,482.37		5,078.37
	8/23	9/2	(4)				7,525.15				7,525.15
Noelle LuSane	8/1	8/3	Eritrea		538.00						538.00
	8/3	8/4	Djibouti		328.00						328.00
	8/4	8/8	Kenya		1,120.00						1,120.00
	8/8	8/10	Ethiopia		698.00						698.00
	8/1	8/10	(4)				8,222.81				8,222.81
Hon. Betty McCollum	8/24	9/3	Tanzania		2,674.00		9,520.91				12,194.91
James McCormick	8/25	8/26	China		291.00						291.00
	8/26	8/28	Mingolia		400.00						400.00
	8/28	8/29	China		291.00						291.00
	8/25	8/29	(4)				7,981.07				7,981.07
Hon. Thaddeus McCotter	9/10	9/13	Israel		772.00		5,692.20				6,464.20
Matthew McLean	7/5	7/10	Ecuador		1,110.00		2,180.15				3,290.15
	8/21	8/24	Georgia		585.00				[5] 1,027.74		1,612.74
	8/24	8/26	Armenia		600.00				[5] 1,106.70		1,706.70
	8/26	8/31	Ghana		408.00						408.00
	8/31	9/2	Benin		399.00						399.00
	8/21	9/2	(4)				12,089.64				12,089.64
John Mackey	7/4	7/6	Colombia		368.00						368.00
	7/6	7/9	Ecuador		666.00						666.00
	7/4	7/9	(4)				2,179.15				2,179.15
	8/8	8/14	Colombia		1,404.00		1,364.15				2,768.15
	8/29	9/3	Austria		1,202.50		4,861.57				6,064.07
Alan Makovsky	9/1	9/2	Egypt		288.97						288.97
	9/2	9/3	Qatar		326.98						326.98
	9/3	9/6	Kuwait		1,182.00						1,182.00
	9/1	9/6	(4)				6,638.00				6,638.00
Pearl-Alice Marsh	7/2	7/6	Zimbabwe		360.00						360.00
	7/6	7/9	South Africa		618.00						618.00
	7/2	7/9	(4)				10,637.24				10,637.24
Hon. Gregory Meeks	8/1	8/7	Colombia		1,458.00		1,881.65				3,339.65
	9/28	9/29	Costa Rica		221.00		1,925.65				2,146.65
Francis Miko	8/23	8/27	East Timor		1,428.00						1,428.00
	8/27	9/2	Indonesia		1,596.00						1,596.00
	8/23	9/2	(4)				7,466.15				7,466.15
Thomas Mooney	8/26	8/28	Greece		855.00						855.00
	8/28	8/29	Ukraine		261.00						261.00
	8/29	8/31	Estonia		420.00						420.00
	8/31	9/1	Iceland		422.00		(3)				422.00
Paul Oostburg-Sanz	8/21	8/24	Georgia		590.00						590.00
	8/24	8/27	Armenia		460.00						460.00
	8/27	8/31	Ghana		87.00						87.00
	8/31	9/2	Benin		279.00						279.00
	8/21	9/2	(4)				14,499.46				14,499.46
Hon. Donald Payne	8/1	8/3	Eritrea		538.00						538.00
	8/3	8/4	Djibouti		328.00						328.00
	8/4	8/8	Kenya		1,120.00						1,120.00
	8/8	8/10	Ethiopia		698.00						698.00
	8/1	8/10	(4)		9,833.52						9,833.52
Hon. Mike Pence	9/1	9/2	Egypt		288.97						288.97
	9/2	9/3	Qatar		326.98						326.98
	9/3	9/6	Kuwait		1,182.00						1,182.00
	9/1	9/6	(4)				6,638.66				6,638.66
Walker Roberts	8/25	8/26	China		291.00						291.00
	8/26	8/28	Mongolia		500.00						500.00
	8/28	8/30	China		582.00						582.00
	8/30	9/3	North Korea		1,284.00						1,284.00
	8/25	9/3	(4)				5,786.39				5,786.39
William Robinson	7/3	7/8	Kenya		1,490.00		7,190.00				8,680.00
Robin Roizman	7/5	7/10	Ecuador		863.50		2,108.15				2,971.65
	8/26	8/31	Argentina		1,034.00						1,034.00
	8/31	9/4	Brazil		1,174.00						1,174.00
	8/26	9/4	(4)				7,296.10				7,296.10
Jonathan Scharfen	9/1	9/2	Egypt		288.97						288.97
	9/2	9/3	Qatar		376.98						326.98
	9/3	9/6	Kuwait		1,182.00						1,182.00
	9/1	9/6	(4)				6,653.66				6,653.66
Sue Schiesser	8/26	8/28	Greece		855.00						855.00
	8/28	8/29	Ukraine		261.00						261.00
	8/29	8/31	Estonia		420.00						420.00
	8/31	9/1	Iceland		422.00		(3)				422.00
Doug Seay	8/26	8/28	Greece		855.00						855.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2005—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	8/28	8/29	Ukraine		261.00						261.00
	8/29	8/31	Estonia		420.00						420.00
	8/31	9/1	Iceland		422.00		(3)				422.00
Thomas Sheehy	7/30	8/3	Japan		1,632.00						1,632.00
	8/3	8/6	South Korea		1,074.00						1,074.00
	7/30	8/6	(4)				7,806.08				7,806.08
Gregory Simpkins	7/2	7/6	Zimbabwe		372.00						372.00
	7/6	7/9	South Africa		627.00						627.00
	7/2	7/9	(4)				10,637.24				10,637.24
	8/14	8/17	Ethiopia		698.00						698.00
	8/17	8/20	Sudan		814.00						814.00
	8/14	8/20	(4)				7,600.96				7,600.96
Hon. Christopher Smith	7/8	7/10	El Salvador		367.00		1,684.15				2,051.15
	8/14	8/17	Ethiopia		698.00						698.00
	8/17	8/20	Sudan		814.00						814.00
	8/14	8/20	(4)				7,600.96				7,600.96
Linda Solomon	8/26	8/28	Greece		855.00						855.00
	8/28	8/29	Ukraine		261.00						261.00
	8/29	8/31	Estonia		420.00						420.00
	8/31	9/1	Iceland		422.00		(3)				422.00
Cliff Stammerman	8/31	9/4	Brazil		928.00		7,037.00				7,965.00
Sam Stratman	8/21	8/24	Georgia		595.00						595.00
	8/24	8/26	Armenia		600.00						600.00
	8/26	8/31	Ghana		408.00						408.00
	8/31	9/2	Benin		399.00						399.00
	8/21	9/2	(4)				12,089.64				12,089.64
Larry Storrs	8/26	8/31	Argentina		1,034.00						1,034.00
	8/31	9/5	Brazil		1,174.00						1,174.00
	8/26	9/5	(4)				5,990.10				5,990.10
Mark Sullivan	8/26	8/31	Argentina		1,034.00						1,034.00
	8/31	9/5	Brazil		1,174.00						1,174.00
	8/26	9/5	(4)				6,703.11				6,703.11
Bruce Vaughn	8/23	8/27	East Timor		1,428.00						1,428.00
	8/27	9/2	Indonesia		1,596.00						1,596.00
	8/23	9/2	(4)				7,525.15				7,525.15
Mark Walker	7/4	7/9	Ecuador		1,110.00		2,037.15				3,147.15
	8/26	8/31	Argentina		1,030.00						1,030.00
	8/31	9/5	Brazil		1,173.00						1,173.00
	8/26	9/5	(4)				6,853.10				6,853.10
	9/18	9/20	Nicaragua		402.00		1,464.15				1,866.15
Lynne Weil	8/30	9/3	North Korea		1,284.00						1,284.00
	9/3	9/5	China		873.00						873.00
	8/30	9/5	(4)				6,430.27				6,430.27
Hon. Robert Wexler	8/1	8/4	Indonesia		1,064.00		11,357.72				12,421.72
Greg Wierzynski	8/28	9/1	Poland		1,324.00		5,087.03				6,411.03
Judy Wolverton	8/26	8/28	Greece		855.00						855.00
	8/28	8/29	Ukraine		261.00						261.00
	8/29	8/31	Estonia		420.00						420.00
	8/31	9/1	Iceland		422.00						422.00
Peter Yeo	8/30	9/3	North Korea		1,284.00						1,284.00
	9/3	9/5	China		873.00						873.00
	8/30	9/5	(4)				5,167.26				5,167.26
Committee total					141,456.65		356,966.65		[5] 8,329.17		506,754.47

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Roundtrip airfare.
[5] Indicates delegation costs.

HENRY HYDE, Chairman, Oct. 27, 2005

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RICHARD W. POMBO, Chairman, Oct. 31, 2005

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SMALL BUSINESS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2005

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Rich Beutel	7/1	7/12	China				5,167.02		1,537.76		6,704.78
Tom Bezas	7/1	7/12	China				5,167.02		1,549.76		6,716.78
Sean Deverey	7/1	7/12	China				5,167.02		1,537.76		6,704.78
Ken Shaw	7/1	7/12	China				5,167.02		1,550.76		6,717.78
Chris Szymanski	7/1	7/12	China				5,167.02		1,550.76		6,717.78
Matthew Szymanski	7/1	7/12	China				5,167.02		1,550.76		6,717.78
Rich Beutel	7/29	8/12	China				(3)		2,141.76		2,141.24
Tom Bezas	7/29	8/7	China				6,894.42		2,292.53		9,186.95
Sean Deverey	7/29	8/10	China				(3)		2,141.24		2,141.24
Adam Magary	7/29	8/12	China				386.00		1,962.67		2,348.67
Hon. Don Manzullo	7/29	8/12	China				(3)		2,431.68		2,431.68
Ken Shaw	7/29	8/2	China				4,897.25		292.00		5,189.25

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SMALL BUSINESS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2005—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Chris Szymanski	7/29	8/2	China				6,388.92		1,999.00		8,387.92
Matthew Szymanski	7/29	8/12	China				386.00		1,962.67		2,348.67
Bradley Knox	8/16	8/16	Ireland (refueling)				(3)				
	8/16	8/18	Iraq/Kuwait				(3)		484.05		484.05
	8/19	8/19	Germany				(3)		83.95		83.95
Hon. Steven King	8/16	8/16	Ireland (refueling)				(3)				
Will send addendum	8/16	8/18	Iraq/Kuwait				(3)				
Will send addendum	8/19	8/19	Germany				(3)				
Hon. Ed Case	9/1	9/2	Egypt				(3)		175.00		175.00
	9/2	9/3	Qatar				(3)		210.00		210.00
	9/3	9/6	Kuwait/Iraq				(3)		810.00		810.00
Nathan Berkeley	8/29	9/1	Finland				413.79		488.50		5,058.29
	9/1	9/3	Sweden						456.00		
Bradley Knox	8/29	9/3	Finland				413.79		488.50		5,058.29
	9/1	9/3	Sweden						456.00		
Committee total											86,334.88

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

DONALD A. MANZULLO, Chairman, Nov. 7, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Lynn Westmoreland	7/7	7/10	Kuwait		394.00						394.00
	7/10	7/10	France		172.00		(3)				172.00
Nick Rahall	7/23	7/24	Libya		394.00						394.00
	7/24	7/25	Cyprus		257.00						257.00
	7/25	7/26	UK		186.00		(3)				186.00
Hon. Tim Holden	8/10	8/12	Kuwait		788.00						788.00
	8/12	8/13	Germany		210.00		(3)				210.00
Hon. Charles Dent	8/16	8/18	Kuwait		484.00						484.00
	8/18	8/19	Germany		83.95		(3)				83.95
Hon. Lincoln Davis	9/1	9/2	Egypt		288.97						288.97
	9/2	9/3	Qatar		326.98						326.98
	9/3	9/6	Kuwait		1,182.00		6,658.66				7,840.66
Hon. John Mica	8/27	8/29	UK		1,086.00						1,086.00
	8/29	9/1	Croatia		1,050.00						1,050.00
	9/1	9/5	Slovakia		1,248.00						1,248.00
	9/5	9/6	UK		543.00		1,999.26				2,542.26
Hon. E. Bernice Johnson	8/29	9/1	Croatia		1,050.00		8,566.25				9,616.25
Jim Coon	8/30	9/1	Croatia		700.00						700.00
	9/1	9/3	Slovakia		624.00		6,663.28				7,287.28
Hon. Michael Capuano	8/26	8/29	Morocco		890.00						890.00
	8/29	8/31	Cyprus		660.00						660.00
	8/31	9/2	Israel		724.00						724.00
	9/2	9/5	Egypt		874.00		1,964.86				2,838.86
Committee total					14,215.90		25,852.31				40,068.21

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

DON YOUNG, Chairman, Oct. 31, 2005.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2005

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Riley Perdue	7/4	7/6	Europe		288.00						
	7/7	7/9	Europe		412.00						
Commercial Airfare							6,069.37				6,769.37
Donald Stone	7/4	7/6	Europe		288.00						
	7/7	7/9	Europe		412.00		6,069.37				6,769.37
Commercial Airfare											
Christine York	7/4	7/6	Europe		288.00						
	7/7	7/9	Europe		412.00						
Commercial Airfare							6,069.37				6,769.37
Michele Lang	7/6	7/10	Asia		1,744.00						
Commercial Airfare							5,056.55				6,800.55
Hon. Peter Hoekstra	7/14	7/16	Europe		431.00						
Commercial Airfare							6,752.51				7,183.51
Christopher Donesa	7/14	7/16	Europe		431.00						
Commercial Airfare							6,196.51				6,627.51
Robert Myhill	7/31	8/2	Europe		808.00						
	8/2	8/5	Europe		437.88						
Commercial Airfare							6,797.09				8,042.17
Riley Perdue	8/11	8/14	Asia		696.00						
	8/15	8/17	Asia		1,189.87						
Commercial Airfare							8,292.22				10,178.09
Hon. Peter Hoekstra	8/18	8/19	Europe		181.00						
	8/19	8/22	Europe		578.00						
	8/22	8/24	Middle East		762.00						

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2005—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Commercial Airfare							7,581.14				9,102.14
Hon. Heather Wilson	8/18	8/19	Europe		181.00						
	8/19	8/22	Europe		578.00						
	8/22	8/23	Middle East		254.00						
Commercial Airfare							7,137.28				8,150.28
Michael Meermans	8/18	8/19	Europe		181.00						
	8/19	8/22	Europe		578.00						
	8/22	8/24	Middle East		762.00						
Commercial Airfare							7,543.20				9,064.20
Christopher Donesa	8/18	8/19	Europe		181.00						
	8/19	8/22	Europe		578.00						
	8/22	8/24	Middle East		762.00						
Commercial Airfare							7,566.20				9,087.20
Jamal Ware	8/18	8/19	Europe		181.00						
	8/19	8/22	Europe		578.00						
	8/22	8/23	Middle East		254.00						
Commercial Airfare							7,543.20				8,556.20
Michael Ennis	8/18	8/19	Europe		181.00						
	8/19	8/22	Europe		578.00						
	8/22	8/24	Middle East		762.00						
Commercial Airfare							7,563.20				8,576.20
Hon. Michael Rogers	8/22	8/23	Europe		444.00						
	8/23	8/27	Middle East		1,166.00						
Commercial Airfare							7,875.07				9,485.07
Robert Myhill	8/22	8/23	Europe		444.00						
	8/23	8/27	Middle East		1,166.00						
Commercial Airfare							7,875.07				9,485.07
Bruce Allen	8/21	8/24	Africa		997.00						
	8/24	8/27	Africa		532.00						
	8/27	8/29	Africa		560.00						
	8/29	8/30	Africa		284.00						
							8,648.30				11,021.30
Lawrence Hanauer	8/21	8/24	Africa		997.00						
	8/24	8/27	Africa		532.00						
	8/27	8/29	Africa		560.00						
	8/29	8/30	Africa		284.00						
Commercial Airfare							8,628.30				11,001.30
Wyndee Parker	8/21	8/24	Africa		997.00						
	8/24	8/27	Africa		532.00						
	8/27	8/28	Africa		280.00						
Commercial Airfare							4,736.27				
Commercial Airfare							1,973.15				8,518.42
David Buckley	8/21	8/24	Africa		997.00						
	8/24	8/27	Africa		532.00						
	8/27	8/28	Africa		280.00						
Commercial Airfare							11,594.55				13,403.55
Elizabeth Larson	8/21	8/24	Europe		888.00						
Commercial Airfare							3,659.78				4,547.78
Carolyn Lyons	8/21	8/24	Europe		888.00						
Commercial Airfare							3,659.78				4,547.78
Hon. William Thornberry	8/22	8/24	Europe		578.00						
	8/24	8/26	Europe		936.00						
Commercial Airfare							6,977.16				8,491.16
Hon. Robert Crammer	8/22	8/24	Europe		578.00						
	8/24	8/26	Europe		936.00						
Commercial Airfare							6,650.16				8,164.16
Elizabeth Larson	8/24	8/26	Europe		936.00						
Carolyn Lyons	8/21	8/24	Europe		936.00						
Riley Perdue	8/22	8/24	Europe		578.00						
	8/24	8/26	Europe		936.00						
Commercial Airfare							7,193.16				8,707.16
Christine York	8/22	8/24	Europe		578.00						
	8/24	8/26	Europe		936.00						
Commercial Airfare							7,193.16				8,707.16
Elizabeth Larson	8/26	8/29	Europe		344.00						
	8/29	9/04	Europe		1,986.00						
Commercial Airfare							4,771.94				1,101.94
Carolyn Lyons	8/26	8/29	Europe		344.00						
Commercial Airfare							6,675.78				1,019.78
Hon. Anna Eshoo	8/29	9/4	Middle East		1,986.00						
	9/4	9/6	Europe		888.00						
Commercial Airfare							5,813.90				8,687.90
Wyndee Parker	8/29	9/4	Middle East		1,986.00						
	9/4	9/6	Europe		888.00						
Commercial Airfare							5,856.21				8,730.21
Hon. Jane Harman	9/27	9/29	Middle East		688.00						
	9/29	9/30	Middle East		204.00						
Commercial Airfare							7,697.97				8,589.97
Jeremy Bash	9/27	9/29	Middle East		688.00						
	9/29	9/30	Middle East		204.00						
Commercial Airfare							7,697.97				8,589.97
David Buckley	9/27	9/29	Middle East		688.00						
	9/29	9/30	Middle East		204.00						
Commercial Airfare							7,697.97				8,589.97
Kelly Gaffney	8/31	9/1	Australia		688.00						
	9/2	9/6	Asia		408.00						
	9/6	9/7	Asia		716.00		(3)				1,812.00
Michael Delaney	8/31	9/1	Australia		688.00						
	9/2	9/6	Asia		408.00						
	9/6	9/7	Asia		716.00		(3)				1,812.00
Committee totals											268,561.81

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

PETER HOEKSTRA, Chairman.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5266. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on U.S. military personnel and U.S. individual civilians retained as contractors involved in supporting Plan Colombia, pursuant to Public Law 106-246, section 3204 (f) (114 Stat. 577); to the Committee on Armed Services.

5267. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of General Robert H. Foglesong, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

5268. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the grade of brigadier general accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

5269. A letter from the Secretary, Department of Health and Human Services, transmitting written notification of the determination that a public health emergency exists and has existed in the state of Texas and Louisiana since September 20, 2005, pursuant to 42 U.S.C. 247d(a) Public Law 107–188, section 144(a); to the Committee on Energy and Commerce.

5270. A letter from the Deputy Assistant Administrator, Office of Diversion Control, DEA, Department of Justice, transmitting the Department's final rule — Schedules of Controlled Substances; Placement of Pregabalin Into Schedule V [Docket No. DEA-267F] received September 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5271. A letter from the Senior Vice President, Policy & Government Affairs, Verizon Wireless, transmitting a letter from Denny Strigl, CEO of Verizon Wireless, provided to Federal Comunications Commission Chairman Kevin Martin regarding the company's efforts to serve customers impacted by Hurricane Katrina; to the Committee on Energy and Commerce.

5272. A letter from the Office of Independent Counsel, transmitting the annual report on Audit and Investigative Activities, pursuant to 28 U.S.C. 595(a)(2); to the Committee on Government Reform.

5273. A letter from the Executive Director, Federal Reiterment Thrift Investment Board, transmitting a list of the five audit reports issued during fiscal year 2005 regarding the Agency and the Thrift Savings Plan; to the Committee on Government Reform.

5274. A letter from the General Counsel, Institute of Museum and Library Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5275. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled, "Letter to Chairman Cropp and Members of the Council of the District of Columbia on the Auditor's Concerns Regarding Matters that May Adversely Affect the Financial Operations of the Washington Convention Center."; to the Committee on Government Reform.

5276. A letter from the Office of the Special Counsel, transmitting the fiscal year 2005 reports required by the Federal Managers' Financial Integrity Act and the Inspector General Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

5277. A letter from the Acting Deputy Secretary, Department of Defense, transmitting the Department's Seventeenth Report of the Federal Absentee Voting Act; to the Committee on House Administration.

5278. A letter from the Acting Inspector General, House of Representatives, transmitting the final report on the U.S. House of Representatives Child Care Center; to the Committee on House Administration.

5279. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine-Neches Canal to Sabine River, Orange, TX [COTP Port Arthur-05-001] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5280. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Napa River, California [COTP San Francisco Bay 05-001] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5281. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Moving Safety Zone — Motor Vessel ZHEN HUA; San Francisco Bay, California [COTP San Francisco Bay 05-002] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5282. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones for designated vessels; Savannah COTP Zone [COTP Savannah 04-065] (RIN: 1625-AA87) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5283. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Savannah River, Savannah, GA [COTP Savannah-05-011] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5284. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Missouri River Mile Marker 731.5 to Mile Marker 731.9, South Sioux City, 0NE [COTP St. Louis-04-047] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5285. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River Mile Marker 203.0 to Mile Marker 205.0, Alton, IL [COTP St. Louis-05-002] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5286. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Pensacola Caucus Channel and Pensacola Bay Channel, Pensacola, FL [COTP Mobile-04-060] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5287. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bayou Casotte Ship Channel, Horn Island Ship Channel, Pascagoula, MS [COTP Mobile-04-062] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5288. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Saftey Zone; Gulf Intracoastal Waterway Mile 222 to Mile 225, Destin, FL [COTP Mobile-04-063] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5289. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 122.0 to Mile Marker 134.0, Above Head of Passes, Laplace, LA [COTP New Orleans-05-011] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5290. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 126.0 to Mile Marker 134.0, Above Head of Passes, Laplace, LA [COTP New Orleans-05-012] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5291. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Below Head of Passes, Mile Marker Minus 18.0 to Mile Marker Minus 20.0, in the vicinity of the entrance to Southwest Pass, LA [COTP New Orlenas-05-013] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5292. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 177.0 to Mile Marker 180.0, Above Head of Passes, Geismar, LA [COTP New Orleans-05-014] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5293. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 148.0 to Mile Marker 158.0, Above Head of Passes, Convent, LA [COTP New Orleans-05-015] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5294. A letter from the Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, transmitting the FY 2004 annual report on the Federal participation in the development and use of voluntary consensus standards, pursuant to Public Law 104–113, section 12(d)(3) (110 Stat. 783); to the Committee on Science.

5295. A letter from the Acting President & CEO, Overseas Private Investment Corporation, transmitting the Corporation's annual Management Report for FY 2004, Performance Budget for FY 2006, Performance and Accountability Report for FY 2004, and Report on Development and U.S. Effects on OPIC's FY 2004 projects and Report on Cooperation with Private Insurers, pursuant to 31 U.S.C. 9106; jointly to the Committees on Government Reform and International Relations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BARTON of Texas: Committee on Energy and Commerce. H.R. 3889. A bill to further regulate and punish illicit conduct relating to methamphetamine, and for other purposes; with amendments (Rept. 109-299 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMAS: Committee on Ways and Means. H.R. 4297. A bill to provide for reconciliation pursuant to section 201(b) of the concurrent resolution on the budget for fiscal year 2006; with an amendment (Rept. 109-304). Referred to the Committee of the Whole House on the State of the Union.

[Filed on November 18 (legislative day, November 17), 2005]

Mr. WALSH: Committee of Conference. Conference report on H.R. 2528. A bill making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, and for other purposes. (Rept. 109-305). Ordered to be printed.

Mr. GINGREY: Committee on Rules. House Resolution 563. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 109-306). Referred to the House Calendar.

Mr. KNOLLENBERG: Committee of Conference. Conference report on H.R. 3058. A bill making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109-307). Ordered to be printed.

Mr. GINGREY: Committee on Rules. House Resolution 564. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2528) making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109-308). Referred to the House Calendar.

Mr. LINCOLN DIAZ-BALART of Florida: Committee on Rules. House Resolution 565. Resolution waiving points of order against the conference report to accompany the bill (H.R. 3058) making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109-309). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committees on International Relations and Transportation and Infrastructure discharged from further consideration. H.R. 3889 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SENSENBRENNER:

H.R. 4356. A bill to amend title 18, United States Code, with respect to fraud in connection with major disaster or emergency funds; to the Committee on the Judiciary.

By Mr. GUTKNECHT (for himself, Mr. Salazar, Mr. Oberstar, Mr. Hoekstra, Mr. Evans, Mr. Kennedy of Minnesota, Mr. Kline, Ms. McCollum of Minnesota, Ms. Herseth, Mr. Goode, Mr. Weldon of Florida, Mr. Tiahrt, Mr. Terry, Mr. Kingston, Mr. Tancredo, Mr. Wamp, Mr. Gerlach, and Ms. Kaptur):

H.R. 4357. A bill to amend the Clean Air Act to require all gasoline sold for use in motor vehicles to contain 10 percent renewable fuel in the year 2010 and thereafter, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DEFAZIO (for himself, Mr. Hinchey, Mrs. Maloney, Mr. McNulty, Mr. Kucinich, Mr. Allen, Mr. Gutierrez, Mr. Crowley, Ms. Lee, Mr. Holden, Mr. Kildee, and Mr. Sanders):

H.R. 4358. A bill to amend the Public Health Service Act to provide for emergency distributions of influenza vaccine; to the Committee on Energy and Commerce.

By Mr. WAMP:

H.R. 4359. A bill to amend section 1111 of the Elementary and Secondary Education Act of 1965 regarding challenging academic content standards for physical education; to the Committee on Education and the Workforce.

By Mr. CULBERSON (for himself, Mr. Reyes, Mr. Bonilla, Mr. Cuellar, Mr. Smith of Texas, Mr. McCaul of Texas, Mr. Aderholt, Mr. Alexander, Mr. Bishop of Utah, Mr. Brady of Texas, Mr. Brown of South Carolina, Mr. Burgess, Mr. Burton of Indiana, Mr. Carter, Mr. Deal of Georgia, Mr. Duncan, Mr. Gohmert, Mr. Goode, Ms. Granger, Mr. Hall, Mr. Hayworth, Mr. Hunter, Mr. Sam Johnson of Texas, Mr. Jones of North Carolina, Mr. Lewis of Kentucky, Mr. Marchant, Mr. Neugebauer, Mr. Poe, Mr. Royce, Mr. Sessions, Mr. Tancredo, and Mr. Thornberry):

H.R. 4360. A bill to enforce law and order by establishing a program to authorize, fund, and otherwise assist local Sheriffs' offices in designated counties to provide a second line of defense alongside and in close cooperation with the United States Customs Border Protection (CBP) and Immigration and Customs Enforcement, to conduct law enforcement operations in their counties along the southern international border of the United States, and to prevent lawlessness in border areas; to the Committee on the Judiciary.

By Mr. RAMSTAD (for himself and Mr. Taylor of Mississippi):

H.R. 4361. A bill to amend title 38, United States Code, to expand and enhance educational assistance for survivors and dependents of veterans; to the Committee on Veterans' Affairs.

By Mr. ANDREWS:

H.R. 4362. A bill to amend title XIX of the Social Security Act to require the prorating of Medicaid beneficiary contributions in the case of partial coverage of nursing facility services during a month; to the Committee on Energy and Commerce.

By Mr. ANDREWS:

H.R. 4363. A bill to provide grants to enable States to include iris scan information from certain convicted criminals in State criminal records systems, to provide for the use of the information by the National Instant Criminal Background Check System, and to require Federal firearms dealers to obtain iris scan information from prospective firearms purchasers; to the Committee on the Judiciary.

By Mr. BARRETT of South Carolina (for himself and Mr. Brown of South Carolina):

H.R. 4364. A bill to protect the right of elected and appointed officials to express their religious beliefs through public prayer; to the Committee on the Judiciary.

By Mrs. BONO (for herself, Ms. Hooley, Mrs. Cubin, Ms. Herseth, Mr. Rehberg, and Ms. Kaptur):

H.R. 4365. A bill to amend the Agricultural Marketing Act of 1946 to implement mandatory country of origin labeling requirements for meat and produce on September 30, 2006; to the Committee on Agriculture.

By Ms. GINNY BROWN-WAITE of Florida (for herself and Mr. Shaw):

H.R. 4366. A bill to establish a program to provide reinsurance for State natural catastrophe insurance programs to help the United States better prepare for and protect its citizens against the ravages of natural catastrophes, to encourage and promote mitigation and prevention for, and recovery and rebuilding from such catastrophes, and to better assist in the financial recovery from such catastrophes; to the Committee on Financial Services.

By Mrs. CAPPS (for herself, Mr. LaTourette, Mr. Waxman, and Mrs. Lowey):

H.R. 4367. A bill to improve the health care system's response to domestic violence, dating violence, sexual assault, and stalking through the training and education of health care providers, developing comprehensive public health responses to violence; to the Committee on Energy and Commerce.

By Mr. FORTUNO:

H.R. 4368. A bill to designate the facility of the United States Postal Service located at 60 Calle McKinley, West in Mayaguez, Puerto Rico, as the "Miguel Angel Garcia Mendez Post Office Building"; to the Committee on Government Reform.

By Mr. HYDE:

H.R. 4369. A bill to withhold amounts available for contributions to the regular assessed budget of the United Nations unless certain requirements relating to the transfer and public availability of the complete archive of files of the Independent Inquiry Committee into the Oil-for-Food Program are met; to the Committee on International Relations.

By Mr. INSLEE:

H.R. 4370. A bill to provide incentives to the auto industry to accelerate efforts to develop more energy-efficient vehicles to lessen dependence on oil; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Kentucky (for himself and Mr. SHAW):

H.R. 4371. A bill to amend title XVIII of the Social Security Act to increase the per resident payment floor for direct graduate medical education payments under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LYNCH:

H.R. 4372. A bill to provide for a rail worker emergency training program; to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY (for himself and Mr. SHAYS):

H.R. 4373. A bill to ensure the safety of passengers aboard aircraft that also carries cargo; to the Committee on Homeland Security.

By Mr. MARKEY (for himself and Mr. SHAYS):

H.R. 4374. A bill to provide for verification of security measures under the Customs-Trade Partnership Against Terrorism (C-TPAT) program and the Free and Secure Trade (FAST) program; to the Committee on Homeland Security.

By Mr. MCNULTY:

H.R. 4375. A bill to provide certain requirements for hydroelectric projects on the Mohawk River in the State of New York; to the Committee on Energy and Commerce.

By Mr. NEAL of Massachusetts:

H.R. 4376. A bill to to authorize the National Park Service to enter into a cooperative agreement with the Commonwealth of Massachusetts on behalf of Springfield Technical Community College, and for other purposes; to the Committee on Resources.

By Mr. OTTER (for himself and Mr. SIMPSON):

H.R. 4377. A bill to extend the time required for construction of a hydroelectric project, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PASCRELL (for himself, Mr. OWENS, Ms. WATERS, and Ms. KILPATRICK of Michigan):

H.R. 4378. A bill to amend the Immigration and Nationality Act to provide greater protections to domestic and foreign workers under the H-1B nonimmigrant worker program; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 4379. A bill to limit the jurisdiction of the Federal courts, and for other purposes; to the Committee on the Judiciary.

By Mr. POE:

H.R. 4380. A bill to permit the televising of Supreme Court proceedings; to the Committee on the Judiciary.

By Mr. POE (for himself, Ms. GINNY BROWN-WAITE of Florida, and Mr. FOLEY):

H.R. 4381. A bill to amend title 5, United States Code, to permit access to databases maintained by the Federal Emergency Management Agency for purposes of complying with sex offender registry and notification laws, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PORTER (for himself, Mr. GIBBONS, and Ms. BERKLEY):

H.R. 4382. A bill to provide for the conveyance of certain land in Clark County, Nevada, for use by the Nevada National Guard; to the Committee on Resources.

By Mr. SALAZAR:

H.R. 4383. A bill to establish the Sangre de Cristo National Heritage Area in the State of Colorado, and for other purposes; to the Committee on Resources.

By Mr. SHAYS (for himself and Mr. HINCHEY):

H.R. 4384. A bill to improve the energy efficiency of the United States; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Resources, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STRICKLAND (for himself, Mr. RYAN of Ohio, and Mr. BROWN of Ohio):

H.R. 4385. A bill to amend the Internal Revenue Code of 1986 to provide that employees of certain companies seeking bankruptcy protection are eligible for the health coverage tax credit, and for other purposes; to the Committee on Ways and Means.

By Mr. STUPAK (for himself, Mr. MCCOTTER, Ms. KILPATRICK of Michigan, Mr. LEVIN, Mr. DINGELL, Mr. ROGERS of Michigan, Mr. UPTON, Mr. CAMP, Mrs. MILLER of Michigan, Mr. HOEKSTRA, Mr. KNOLLENBERG, and Mr. EHLERS):

H.R. 4386. A bill to name the Department of Veterans Affairs medical facility in Iron Mountain, Michigan, as the "Oscar G. Johnson Department of Veterans Affairs Medical Facility"; to the Committee on Veterans' Affairs.

By Mr. MURTHA:

H.J. Res. 73. A joint resolution to redeploy U.S. Forces from Iraq; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEFAZIO (for himself, Mr. ROHRABACHER, Mr. SANDERS, Mr. BURTON of Indiana, Mr. RYAN of Ohio, Mr. LIPINSKI, Ms. WOOLSEY, Mr. TAYLOR of Mississippi, Mr. MCGOVERN, Mr. BAIRD, Mr. STUPAK, Mr. BROWN of Ohio, Mr. PAYNE, and Mr. KUCINICH):

H. Con. Res. 303. Concurrent resolution urging the United States Trade Representative to take action to ensure that the People's Republic of China complies with its obligations to protect intellectual property rights, and for other purposes; to the Committee on Ways and Means.

By Mr. FITZPATRICK of Pennsylvania (for himself, Mr. UDALL of Colorado, Mr. BLUMENAUER, Mr. GERLACH, and Ms. SCHWARTZ of Pennsylvania):

H. Con. Res. 304. Concurrent resolution expressing support for tax incentives for charitable gifts of conservation easements; to the Committee on Ways and Means.

By Mr. GREEN of Wisconsin (for himself and Mr. RYAN of Wisconsin):

H. Con. Res. 305. Concurrent resolution recognizing the vital importance of hunting as a legitimate tool of wildlife resource management; to the Committee on Resources.

By Mr. PRICE of North Carolina (for himself, Mr. BILIRAKIS, and Mrs. MALONEY):

H. Con. Res. 306. Concurrent resolution encouraging The Former Yugoslav Republic of Macedonia (FYROM) and Greece to continue negotiations to determine a mutually acceptable official name for the FYROM, and for other purposes; to the Committee on International Relations.

By Mr. BURTON of Indiana (for himself, Ms. JACKSON-LEE of Texas, Ms. LINDA T. SÁNCHEZ of California, Mr. POE, Mr. MCCAUL of Texas, and Mr. WELDON of Pennsylvania):

H. Res. 561. A resolution commending the outstanding efforts by members of the United States Armed Forces and civilian employees of the Department of State and the United States Agency for International Development in response to the earthquake in South Asia that occurred on October 8, 2005; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADLEY of New Hampshire:

H. Res. 562. A resolution reaffirming the position of the Government of the United States that the sanitary and phytosanitary guidelines for vitamin and mineral food supplements adopted by the Codex Alimentarius Commission at its Twenty-eighth Session from July 4-9, 2005, are not binding on the United States; to the Committee on Energy and Commerce.

By Mr. CARDOZA (for himself, Mr. SOUDER, Mr. LARSEN of Washington, Mr. WAMP, Mr. BERRY, Mr. ABERCROMBIE, Mr. THOMPSON of California, Mr. SALAZAR, Mr. HASTINGS of Florida, and Mr. GIBBONS):

H. Res. 566. A resolution expressing the sense of the House of Representatives that the President should seek to convene an international conference in 2006 to develop more effective means to deal with the serious and growing threat of methamphetamine and synthetic drug precursor chemicals; to the Committee on International Relations.

By Ms. HARRIS:

H. Res. 567. A resolution expressing the condolences of the Nation to the victims of the 2005 hurricane season, commending the resiliency of the people of the States of Alabama, Florida, Louisiana, Mississippi, North Carolina, and Texas and committing to stand by them in the relief and recovery effort; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HERSETH:

H. Res. 568. A resolution providing for consideration of the bill (H.R. 3936) to protect consumers from price-gouging of gasoline and other fuels during energy emergencies, and for other purposes; to the Committee on Rules.

By Mr. RYAN of Ohio (for himself and Mr. HUNTER):

H. Res. 569. A resolution honoring and praising the work of the United States-China Economic and Security Review Commission and restating Congress' commitment to the Commission; to the Committee on Ways and Means.

By Mr. WAXMAN:

H. Res. 570. A resolution providing for consideration of the bill (H.R. 3925) to provide that a Federal public safety position may not be held by any political appointee who does not meet certain minimum requirements; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. CONAWAY.

H.R. 65: Mr. KLINE and Mr. MORAN of Kansas.

H.R. 69: Mr. PAYNE.

H.R. 333: Mr. HIGGINS.

H.R. 389: Mr. HOLT.

H.R. 459: Mr. EVANS.

H.R. 501: Mr. CLAY.

H.R. 503: Mr. ANDREWS.

H.R. 676: Mr. LYNCH and Mr. BECERRA.

H.R. 752: Mr. DOYLE and Mr. WEINER.

H.R. 808: Mr. CARDIN, Mr. HIGGINS, Mr. WYNN, Mr. KENNEDY of Rhode Island, Mr. POMEROY, and Mr. LEVIN.

H.R. 844: Mr. WEXLER.

H.R. 864: Mrs. DAVIS of California.

H.R. 916: Mr. FATTAH, Mr. WU, Mr. ANDREWS, Mr. CLYBURN, Mr. WEINER, Mr. EVANS, Mr. CUELLAR, Mr. DENT, and Mr. OWENS.

H.R. 997: Mrs. SCHMIDT.

H.R. 1043: Mr. EVANS.

H.R. 1059: Mr. WEINER and Mr. EVANS.

H.R. 1068: Mr. EDWARDS, Ms. CARSON, and Mr. ROTHMAN.

H.R. 1202: Mr. STUPAK.

H.R. 1234: Mr. LARSON of Connecticut.

H.R. 1287: Mr. HYDE.

H.R. 1303: Mr. LARSON of Connecticut.

H.R. 1306: Mr. MEEK of Florida, Mr. BARROW, Mr. BUTTERFIELD, Mr. CLEAVER, Mr. LINCOLN DIAZ-BALART of Florida, Ms. ESHOO, Ms. BERKLEY, Mr. CONAWAY and Mr. RAHALL.

H.R. 1322: Mr. EMANUEL.

H.R. 1376: Mr. EVANS.

H.R. 1548: Mr. PETERSON of Minnesota and Mr. HOLT.

H.R. 1574: Ms. DEGETTE.

H.R. 1632: Mr. MURPHY.

H.R. 1671: Mr. NEUGEBAUER.

H.R. 1709: Mr. MARKEY and Mr. CARDOZA.

H.R. 1951: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FORTUÑO, and Mr. LAHOOD.

H.R. 1956: Mr. FRANKS of Arizona.

H.R. 2121: Mr. CANTOR, Mr. SHAYS, Mr. HENSARLING, Mr. KLINE, Mr. RENZI, Mr. REYNOLDS, Mr. CARTER, and Mrs. KELLY.

H.R. 2122: Mrs. CAPPS.

H.R. 2134: Ms. MCKINNEY.

H.R. 2177: Mr. FEENEY.

H.R. 2181: Mr. WELLER.

H.R. 2231: Mrs. CHRISTENSEN and Mr. KUCINICH.

H.R. 2292: Ms. ZOE LOFGREN of California.

H.R. 2323: Mr. DEFAZIO.

H.R. 2429: Mr. ETHERIDGE.

H.R. 2470: Mr. HOSTETTLER, Mr. CALVERT, Mr. TERRY, Mr. SULLIVAN, Mr. HERGER, Mr. HAYES, Mr. RADANOVICH, Mr. CONAWAY, and Mr. CHABOT.

H.R. 2553: Mr. CLAY, Mr. CLEAVER, Ms. DEGETTE, Ms. MCKINNEY, Mr. WATT, Mr. CLYBURN, Mr. JEFFERSON, Mr. SCOTT of Georgia, Mrs. NAPOLITANO, Mr. BUTTERFIELD, Mr. PASTOR, and Mr. BERMAN.

H.R. 2594: Mr. WAMP.

H.R. 2625: Mr. LARSON of Connecticut.

H.R. 2808: Mr. SOUDER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. WOLF, Mr. KUHL of New York, and Mr. MCHUGH.

H.R. 2861: Mr. PAYNE and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2892: Mr. GEORGE MILLER of California.

H.R. 2952: Mrs. CAPPS.

H.R. 2962: Mr. LEWIS of Georgia and Mrs. JONES of Ohio.

H.R. 3049: Mr. EVANS.

H.R. 3059: Ms. BEAN.

H.R. 3098: Mr. HASTINGS of Florida, Mrs. CAPITO, Mr. SHAW, Mr. BURTON of Indiana, Mr. RENZI, Mr. ENGEL, Mr. BONNER, and Mr. VAN HOLLEN.

H.R. 3127: Mr. DAVIS of Illinois and Mr. MEEK of Florida.

H.R. 3140: Mr. LEWIS of Georgia and Ms. SCHWARTZ of Pennsylvania.

H.R. 3145: Mr. BUTTERFIELD and Mr. WEXLER.

H.R. 3301: Mr. EVANS.

H.R. 3361: Mrs. TAUSCHER and Ms. SOLIS.

H.R. 3373: Mr. BROWN of South Carolina.

H.R. 3385: Mr. SCHWARZ of Michigan, Mr. FARR, Mr. MICA, and Ms. MATSUI.

H.R. 3476: Ms. GINNY BROWN-WAITE of Florida.

H.R. 3547: Mr. ORTIZ.

H.R. 3550: Mr. REYES, Mr. STARK, Mr. LANTOS, Mr. GEORGE MILLER of California, Mr. CONYERS, Mr. BISHOP of New York, Mr. MOORE of Kansas, Mr. OWENS, Mr. PAYNE, Mr. DEFAZIO, Mr. MORAN of Virginia, Mr. MCDERMOTT, and Mr. SANDERS.

H.R. 3559: Mr. PICKERING, Mr. REYNOLDS, Mr. OXLEY, Mr. MEEHAN, Mr. ETHERIDGE, and Mr. KILDEE.

H.R. 3575: Mr. ACKERMAN.

H.R. 3598: Mr. JEFFERSON.

H.R. 3616: Mr. KILDEE.

H.R. 3629: Mr. SANDERS, Mr. KENNEDY of Rhode Island, and Ms. SCHWARTZ of Pennsylvania.

H.R. 3640: Mr. DAVIS of Illinois, Mr. MEEKS of New York, Mr. CUMMINGS, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. HERSETH, and Ms. NORTON.

H.R. 3641: Mr. WELDON of Pennsylvania.

H.R. 3642: Mr. WOLF, Mr. PALLONE, Ms. WOOLSEY, Mr. PAYNE, Mr. KILDEE, and Mr. BERMAN.

H.R. 3693: Mr. OTTER.

H.R. 3740: Mr. DAVIS of Illinois, Mr. BISHOP of New York, and Mr. DENT.

H.R. 3861: Mr. SPRATT, Mr. SKELTON, Mr. MICHAUD, Mr. KILDEE, Mrs. MCCARTHY, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3889: Mr. HOEKSTRA and Mr. BERRY.

H.R. 3940: Mr. FATTAH.

H.R. 3948: Mrs. JONES of Ohio, Mr. STUPAK, Mr. DOGGETT, and Mr. CASE.

H.R. 3953: Mr. FOLEY.

H.R. 3957: Mr. BROWN of Ohio.

H.R. 3985: Mr. CLEAVER, Mr. ROSS, and Mr. COSTA.

H.R. 3997: Mrs. BIGGERT and Mr. PEARCE.

H.R. 4025: Mr. CHANDLER and Mr. FALEOMAVAEGA.

H.R. 4033: Mr. EVANS and Ms. SOLIS.

H.R. 4042: Mr. DAVIS of Illinois.

H.R. 4049: Ms. LEE.

H.R. 4083: Mr. MARCHANT, Mr. GARY G. MILLER of California, Mr. MCCOTTER, and Mr. BURTON of Indiana.

H.R. 4089: Mr. GARRETT of New Jersey.

H.R. 4092: Mr. BACA, Ms. HERSETH, Mr. SHIMKUS, Mr. FATTAH, and Mr. RUPPERSBERGER.

H.R. 4098: Mr. ENGLISH of Pennsylvania, Mr. GINGREY, Ms. WOOLSEY, and Mr. TERRY.

H.R. 4099: Mr. GARRETT of New Jersey.

H.R. 4120: Mr. KING of Iowa and Mr. DEAL of Georgia.

H.R. 4145: Mr. COLE of Oklahoma, Mr. TIERNEY, Mr. WILSON of South Carolina, Mr. ANDREWS, Mr. BAIRD, Ms. MATSUI, Mr. MCINTYRE, Mr. DEFAZIO, Mr. SABO, Mr. GENE GREEN of Texas, Mr. KANJORSKI, Mr. LANGEVIN, and Mr. TIBERI.

H.R. 4177: Mr. FEENEY.

H.R. 4186: Mr. EHLERS, Mr. UPTON, and Mr. MCCOTTER.

H.R. 4194: Mr. GORDON, Mr. SPRATT, and Mr. ABERCROMBIE.

H.R. 4200: Mr. SAM JOHNSON of Texas, Mr. HYDE, Mr. CUNNINGHAM, Ms. JACKSON-LEE of Texas, and Mr. SWEENEY.

H.R. 4217: Mr. MCCRERY, Mr. DUNCAN, and Mrs. NORTHUP.

H.R. 4233: Mrs. MCCARTHY, Mr. PAYNE, Mr. VAN HOLLEN, Mr. UDALL of Colorado, Ms. LINDA T. SÁNCHEZ of California, and Mr. FOSSELLA.

H.R. 4236: Mr. DAVIS of Tennessee and Mr. GOODLATTE.

H.R. 4239: Mr. BISHOP of Utah.

H.R. 4246: Mr. GOHMERT, Mr. POE, Mr. SAM JOHNSON of Texas, Mr. HENSARLING, Mr. CULBERSON, Mr. BRADY of Texas, Mr. MCCAUL of Texas, Mr. CONAWAY, Ms. GRANGER, Mr. THORNBERRY, Mr. HINOJOSA, Mr. REYES, Ms. JACKSON-LEE of Texas, Mr. NEUGEBAUER, Mr. GONZALEZ, Mr. SMITH of Texas, Mr. DELAY, Mr. BONILLA, Mr. MARCHANT, Mr. BURGESS, Mr. ORTIZ, Mr. GENE GREEN of Texas, and Mr. CARTER.

H.R. 4263: Mr. CONYERS.

H.R. 4278: Mr. PAYNE, Mr. SERRANO, Mr. CROWLEY, and Mr. HONDA.

H.R. 4321: Mr. HEFLEY.

H.R. 4348: Mr. MEEK of Florida and Ms. WASSERMAN SCHULTZ.

H.R. 4351: Mr. OWENS and Ms. NORTON.

H.J. Res. 3: Mr. OWENS, Mr. GRIJALVA, and Ms. MCCOLLUM of Minnesota.

H.J. Res. 38: Mr. ALLEN.

H.J. Res. 70: Mr. MCDERMOTT and Mr. PASTOR.

H. Con. Res. 10: Mr. LEVIN.

H. Con. Res. 42: Mr. BOEHLERT.

H. Con. Res. 137: Ms. LINDA T. SÁNCHEZ of California.

H. Con. Res. 174: Ms. HART, Mr. KILDEE, and Mr. REYES.

H. Con. Res. 179: Mr. SMITH of New Jersey and Mr. SHAYS.

H. Con. Res. 221: Mr. BACHUS.

H. Con. Res. 231: Mr. PLATTS.

H. Con. Res. 275: Mr. BISHOP of Georgia and Mr. SHERMAN.

H. Con. Res. 277: Mr. GRAVES, Mrs. EMERSON, Mr. MOORE of Kansas, and Mr. UPTON.

H. Con. Res. 302: Mr. BURTON of Indiana, Mr. CHABOT, Mr. DOOLITTLE, Mr. HAYES, and Mr. DUNCAN.

H. Res. 90: Mr. AL GREEN of Texas.

H. Res. 196: Ms. CARSON, Ms. NORTON, Mr. BRADY of Pennsylvania, Mrs. MCCARTHY, Mr. ROSS, Mr. FORD, Mrs. CHRISTENSEN, Mr. COSTELLO, Mr. DAVIS of Florida, Mr. BARROW, Mr. THOMPSON of Mississippi, Mr. LEWIS of Georgia, Mr. CARDIN, Mr. GENE GREEN of Texas, Mr. SCOTT of Virginia, Mr. MCGOVERN, Mr. ENGEL, Mr. UDALL of Colorado, Ms. MCKINNEY, and Ms. HARMAN.

H. Res. 471: Mr. WOLF.

H. Res. 477: Ms. MCKINNEY.

H. Res. 479: Mr. GALLEGLY.

H. Res. 495: Mr. WOLF.

H. Res. 556: Ms. WOOLSEY.

SENATE—*Thursday, November 17, 2005*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, our Father, we come to You not because we are strong but because we are weak; not because we have merits of our own but because we need mercy and help. We come relying on Your strength to do in and through us what we cannot do in our own power.

Give us the grace to accept Your guidance, to obey Your word, and never to leave Your path. Keep our faith true to the end.

Strengthen our Senators for the challenges of today. Keep them from looking so longingly at doors closed that they cannot see other doors opening before them.

Help each of us to be so pure in heart that we may see You. We pray in Your righteous name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 30 minutes, with the first half of the time under the control of the minority leader or his designee and the second half under the control of the majority leader or his designee.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Today, we will start with a 30-minute period for morning business. After morning business, we will resume consideration of the tax reconciliation bill. This morning when we return to that bill, there will be 10 hours remaining under the statutory time limitation. If all time is used, the debate will not run out until 8 tonight, at the earliest. I hope that we will not need all of that time.

I encourage the chairman and ranking member to yield back time if it is not necessary so that instead of finishing at 8, within that statutory limit, it would be earlier. If there are to be a series of votes, we could start those votes at a much earlier time. If all of that time is used until 8 and we have votes, it is going to be a very long night. So, again, I encourage the chairman and ranking member——

Mr. REID. Will the distinguished majority leader yield?

Mr. FRIST. I would be glad to.

ORDER OF PROCEDURE

Mr. REID. I have spoken to our manager of the bill, Senator BAUCUS. He would agree to have the time that is used for the votes to be counted against the time. That has not been entered yet. I do not think Senator GRASSLEY would have any objection to that. Maybe we should enter into that agreement at this time.

Mr. FRIST. I think that would be ideal. I still think we might be able to yield some time back in addition to that.

Mr. President, I ask unanimous consent that all time required for voting be part of the 10 hours that remain in terms of the statutory limit.

The PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. FRIST. Mr. President, in addition to that, I know everybody is concerned about travel plans and when we are going to leave. I have been very clear throughout that we have business to do. This is the last legislative effort before we leave for Christmas, but it is also important that we recognize we still have four conference reports that are open that we are waiting to bring and take to the floor. So I encourage our colleagues to try to close those reports as soon as possible. Again, there are four that are outstanding.

In addition, I made it very clear that we are going to address the PATRIOT Act legislation before we leave. There are good discussions underway. I know those discussions were continuing late into last night. I encourage all of our colleagues to understand the importance of that legislation. We want to get it right and make sure that it is in good shape to bring to the floor, but we do need to address that before we leave.

Terrorism reinsurance, TRIA, is another issue that is coming along well. It is very important legislation, and there has been a lot of work, but we need to actually bring that to the floor as soon as possible. We have a number of nominations that are being considered, and we will have to make certain decisions on those over the next 24 hours.

Lastly, I am running through the list in my own mind of things we have to do before we leave, a continuing resolution—I was talking to the Democratic leader about the continuing resolution which we have to do to keep the Government open—will be coming from the House sometime today. Because the President has to sign that by tomorrow night, we need to act expeditiously on that continuing resolution because we actually have to physically send that to the President, who is overseas at this point.

So we have a lot of work to do. We will stay here tomorrow and into Saturday and, if we have to, go into the early part of next week, which we should not have to do but we will in order to finish the Nation's business. The time that we come back in December, if we come back in December—and I think that the Democratic leader and I have been very open that we have to plan on coming back for a short period of time, not knowing what we are going to be able to finish today, tomorrow, Saturday, and Monday, but in all likelihood we will have to come back for a couple of days in December, but that is not a time that we will be doing new legislation. I do not want anybody to think that if we do not do it now, we are going to be doing it in December because December will be to come in for as brief a period as possible to put the final touches on bills we cannot finish. So we have to finish the work right now.

I am going to make a brief statement on another issue but will turn to the Democratic issue on the schedule.

The PRESIDENT pro tempore. The Democratic leader is recognized.

Mr. REID. Just a question. If it is determined that we come back, it is my understanding it would not be until the 12th of December, at the earliest; is that the Senator's feelings at this time?

Mr. FRIST. Mr. President, again, because it is so unclear to people, what we have said is it will not be before December 12. It will not necessarily be on the 12th either but during that week. I think all of our Members because there are a lot of travel plans that have been made and people are going back to their States and overseas, we are going to have to keep that week flexible, but

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

it would be the intention to come back as late in that week as possible, in large part because we are waiting for the House to catch up—that is the way I think of it in my own mind—to catch up with legislation. I think that we need to keep flexible. My intention is not to bring people back for an entire week.

Again, on scheduling, the Democratic leader and I talk about it every day, so we will keep people posted, again recognizing the importance of that time to be spent with constituents, family, and overseas.

GETTING THE JOB DONE

Mr. FRIST. Mr. President, there is a lot going on in Washington. The environment seems to be very partisan. When we look at the newspapers, we see the comments that have been made back and forth, but I have to take a couple of minutes and restate what I have mentioned and implied over the last several days; that in spite of all of that, in spite of the vitriolic comments that are being made, the Senate, this institution, is doing its work. It is governing in a way in which I think we can all be proud. If we look over the last 48 hours, one will see how our overall agenda of renewal and reform is being accomplished. We have had several legislative advances that do make America safer and more prosperous. As I mentioned, we will be continuing our work through today, tomorrow, and possibly Saturday, delivering these meaningful solutions to the real challenges and real problems that everyday people are having across this great country. It is important for people to be reminded of that.

I think of four things that have been started in the last 48 hours: The Defense authorization bill, a very important bill that we spent a good amount of time on with a lot of amendments, but ultimately it underscored our absolute commitment to our troops overseas and to the goals that have been set out by this administration. So I am very proud that we did pass that bill. It gives our soldiers the resources, the training, the technology and the support they deserve and that they absolutely need to win the global war on terror. I refer to it occasionally—I actually put it on my Web site on the front page, the Zawahiri and Zarqawi letter which outlines what the intentions are of al-Qaida in this war on terror. The appropriate responsiveness of this body in this Department of Defense authorization bill speaks very importantly to the response that we need to give to these challenges. From cutting-edge technologies to the personnel protection systems, the bill keeps our military strong so that we absolutely will win this war against terror.

We made the clear-cut statement in this bill that America is not going to cut and run, as some would have us do; that we are going to support and continue to train the Iraqi forces until they are strong enough to fight on their own. Also, we expressed our absolute support for this President and his policies through this bill.

The second issue, along with defending our national security, we are strengthening America's retirement security. Ten days ago, people said there is no way this pensions bill is going to get through the Senate. Yet yesterday we passed it, and it spoke very loudly to the fact that the defined pensions benefit system is a ticking timebomb, that over 44 million Americans who are legally covered by the American Government's guarantee are in jeopardy of losing their hard-earned retirement benefits. This bill makes it clear that promises made by employers are promises to be kept to their employees. So we passed that bill yesterday, again a major step forward.

The third area, the vital function of Government. Yesterday, we passed the Commerce-Justice-Science appropriations bill. Along with funding these Federal agencies, the CJS bill includes significant Katrina-related responses. As we all know, more than 350,000 families have been made homeless by the Katrina disaster. A number of us have participated over the course of this past week in a Habitat for Humanity bill project at the Capitol. It reminded me how important it is to marry the nonprofit sector, with the nongovernmental organizations, with what we on this floor have done in response to Katrina and the natural disasters that have struck both this country but indeed around the world. That CJS appropriations bill, in part, reflects the public response in that it provides Federal housing assistance for up to $600 per family per month for up to 6 months to help get those families back on their feet.

This body continues and will continue with its commitment to assist this renewal and recovery from one of, if not the greatest, natural disasters this country has ever seen.

Looking a little more globally, another bill that was passed last night that reflects America's compassion for neighbors around the world was a bill that means a lot to me personally. It is a bipartisan bill in this body called the Water for the Poor Act. This bill addresses the issue that 1.2 billion people in this world do not have access to what we have sitting on our desk as we are here speaking—clean water. Mr. President, 1.2 billion people do not have access to water they can look at and say it does not have bacteria or viruses in it that will make me ill.

The lack of clean water kills more kids under the age of 6 than any disease in the world today, although most people don't pay a lot of attention to it, so this body passed a bill last night that addresses that, the Water for the Poor Act. We had bipartisan legislation on the floor of the Senate sponsored by myself and the Democratic leader upon which this bill is based. It establishes for the first time as a part of our foreign policy the development of water interests as we consider foreign development aid, this whole provision of safe, clean, renewable water for poor countries. It recognizes that unsafe water in developing countries kills a child every 15 seconds. Every 15 seconds a child dies because of lack of access to that clean water. It contributes to poverty, it contributes to unstable governments, and thus the importance of having clean water be a part of our foreign policy, foreign development assistance to these countries.

In combination with the $200 million recently enacted for safe water in developing countries, this is a critical first step in beginning to solve what is a seemingly insurmountable problem but is a solvable problem. It looks at compassion, it looks at protection, it looks at accountability, all of which must be injected in our foreign policy when it comes to foreign aid.

One last issue. In terms of progress made over the last 40 hours, the Banking Committee reported Tuesday the nomination of Ben Bernanke to succeed Alan Greenspan as the next chairman of the Federal Reserve. I am pleased the committee has acted on Mr. Bernanke's nomination and that he has pledged to maintain the Federal Reserve's statutory independence while also maintaining stable, progrowth monetary policies.

Chairman Greenspan's 18 years of service will not officially end until the end of January. Therefore, the full Senate will confirm Mr. Bernanke as one of its first actions beginning the second session of the 109th Congress.

I have run through those five—I said four but five—legislative successes that do demonstrate this body continues to move along, responding to the needs and appropriate desires of the American people. At the beginning of the year we set big goals and every day on this floor we are working hard to meet them, and again we are being successful meeting each one of these benchmarks.

Yes, we have had Katrina, we have had Rita, we have had the natural disasters—the tsunami in Pakistan, we have consistently supported our troops overseas, and in addition we are addressing the issues that, domestically, are on the minds of the American people. I look forward to completing our work this week. It is one of the reasons I outlined a few minutes ago the things we have to do before we leave for our Thanksgiving recess. When we do return to our States, there will be a lot we can point back to, responding to the needs of the American people, and we will be absolutely comfortable in looking them in the eye and saying, yes, we are delivering meaningful solutions to your, the American people's, everyday challenges. Together we are moving America forward.

I yield the floor.

Mr. WARNER. Will the Chair advise the Senate with regard to the allocation of time at this point?

The PRESIDENT pro tempore. The Chair is advised there is 30 minutes on each side. The first half of the half hour is under the control of the minority leader or his designee.

I am corrected. It is 30 minutes, with the first 15 minutes under the control of the minority leader.

Mr. WARNER. Would it be appropriate, then, for the Senator from Virginia to seek time at this point for about 8 minutes?

The PRESIDENT pro tempore. That is under the control of the minority for the first 15 minutes.

Mr. WARNER. I yield the floor.

The PRESIDENT pro tempore. The Senator from Delaware is recognized.

EPA ANALYSIS OF CLEAN AIR LEGISLATION

Mr. CARPER. Mr. President, I will take some time this morning to talk about why we need new clean air legislation. It has been some 15 years since Congress passed the last revisions to the Clean Air Act. No one disputes the fact that we have made significant environmental progress since that time, but our work is not over. Powerplants continue to blow pollution that causes smog and other air problems in our cities and our communities. Unless we require powerplants everywhere to reduce the amount of pollution they emit, we will continue to be faced with poor air quality and its dangerous side effects.

The idea of reducing pollution from powerplants is not new. We have been discussing it for years. In fact, when President Bush first ran for the White House, he promised, in 2000, to make new clean air legislation one of his top environmental priorities. Since I came to the Senate in 2001, we have seen a number of proposals on how to proceed. Senator JEFFORDS offered his Clean Power Act. The President offered his Clear Skies Act. I, along with Senators CHAFEE, GREGG, and ALEXANDER, offered a proposal that we call the Clean Air Planning Act.

I have always believed that our proposal, the third proposal, is the right one. While I agree with the principles laid out in the bill by Senator JEFFORDS, I fear it will be too costly and its goals technologically unachievable. By contrast, the President's plan is too weak and would do nothing to reduce our emissions of carbon dioxide, which we believe contributes to global warming.

What we crafted in response to these two proposals was a middle-ground approach, one that achieved the objectives of the Jeffords bill without relying on the command and control philosophies of the past. It is an approach that reduces pollution further and faster than the President has visualized, while giving utilities the flexibilities they need and the incentives they need to get the job done right.

Since we first introduced that bill some 3 years ago, I have tried to get the EPA to conduct an objective scientific analysis of it and how it compares with other proposals. We were repeatedly denied. Earlier this year, the Senate Environment and Public Works Committee tried to push through the President's Clear Skies bill. I again asked for an analysis of our proposal and the other proposals, and we were denied. The administration told me I had all the information I needed and there was no reason to further debate it. I told them without that information we could not negotiate. On March 8, Clear Skies was voted on in our committee and it failed on a 9-to-9 vote.

Soon after the failure to pass out Clear Skies, President Bush nominated Stephen Johnson to be the new head of EPA. Stephen Johnson had impeccable credentials stemming from his long, distinguished career within the agency. In essence, Mr. JOHNSON represented the best person for the job. But when he came before our committee to have his nomination approved, I voted against him. I think I was the only one. Then I placed a hold on his nomination, something I have never done in my 5 years in the Senate. I don't have a problem with Stephen Johnson; I had a problem with the way the administration was politicizing EPA and keeping the agency from doing its job in providing the information that I and others were requesting.

I believe we need this information in order to enable us to craft the best possible clean air bill. I didn't think it was too much to ask that we have a detailed, up-to-date modeling on how our bills would affect the economy, the health of our public, and our environment. My hold was eventually overridden, I think by two votes. But to my surprise, my pleasant surprise, once Stephen Johnson became administrator, he offered to model the economic, the health, and the environmental impact of the various clean air proposals.

I say right now on the floor that I very much appreciate Stephen Johnson's willingness to grant my request. It says a lot about what kind of man he is, and that he is willing to break through the logjam in trying to meet our years-long request.

Last month, on October 27, Stephen Johnson and some of his senior leadership from EPA delivered the analysis they have done. It is my hope their analysis from EPA will take the debate that has been going on for a number of years to the next level.

After reviewing the details of the analysis, it clearly shows, perhaps ironically, that we can do better than the President's Clear Skies plan. In fact, it shows we can get much better environmental and health benefits than Clear Skies at only a slightly higher cost.

On the issue of climate change, the analysis shows we can regulate carbon dioxide cheaply and without worrying that we will hurt coal production or drive up natural gas prices. Let me explain, using a few charts from the EPA analysis.

The first chart, "Projected Emissions From Electric Generating Units"—there are four of them. The first we will look at is sulfur dioxide emissions from electric generators. We have three proposals we can actually see. This yellow-golden line is a proposal called the Clean Power Act offered by Senator JEFFORDS. This line here is actually several lines that overlap, but it is Clear Skies and current law, the President's proposal. The green line here is the Clean Air Planning Act that Senators CHAFEE, ALEXANDER, GREGG, and I had offered. This is 2005. This is where we are right now.

If the legislation were adopted, you see a spike in sulfur dioxide emission from the Jeffords proposal. Then it drops down lower than the others.

What you see here with sulfur dioxide emissions—the President's proposal is the same as current law.

What you see here for the bipartisan proposal the other three Republicans and I offered is something that gets us deeper cuts in sulfur dioxide emissions, far deeper than the proposal of the administration, and far deeper than that of current law, and eventually somewhere in between where the Jeffords bill is and where the President's proposal is.

Coming over here, looking at emissions of mercury from electric generators, we find the greatest cuts, the deepest cuts, come in 2010. They come from the Jeffords proposal, not surprisingly. The administration's proposals are right here—not much different from current law. The proposal that the three Republican Senators—CHAFEE, ALEXANDER, GREGG—and myself offered is somewhere in between. Actually our cuts are a little deeper than in the Jeffords proposal between now and 2010, and his mercury cuts are a bit further than ours in the subsequent years.

Right here, the third box here, let's look at nitrogen oxide emissions. Again, the deepest cuts are from the Jeffords proposal. The President's Clear Skies proposal—they are all sort of lumped together, and our bipartisan proposal does a little bit better with nitrogen oxide emissions. I think it is kind of interesting, for the nitrogen oxide emissions we are not that far apart. There is a considerable difference between us and the administration on sulfur dioxide and mercury, but we are pretty close together on nitrogen oxide.

Here are CO_2 emissions. The yellow line, the Jeffords proposals: some reductions between now and 2010, pretty level in the outyears. My proposal doesn't go as far, but it holds the CO_2 emissions pretty level until the end of the next decade. Under the President's proposal, under Clear Skies and current law, CO_2 levels continue to rise and emissions continue to rise.

The next chart we are going to look at actually lets us see what the price is of reducing CO_2 emissions. This for me was maybe the biggest surprise of all.

In order to reduce emissions of CO_2 by a ton starting in 2010, under the Jeffords proposal it is $16 a ton—pretty expensive. By 2020, to get a ton of CO_2 reduction out of the Jeffords Clean Power Act—$27 a ton. But look at this. The proposal that Senators CHAFEE, ALEXANDER, GREGG, and I offered, our proposal—one ton of CO_2 reduction in 2010 costs $1. It is $1 per ton in 2015. It is $2 per ton in 2020.

Given that low cost, my question to my colleagues and the administration is, What are we waiting for? Let's get started.

We have a third proposal, a third chart here. The third chart actually looks at what we could get for our money, for our efforts on reducing areas of nonattainment for particulates, the microscopic stuff that gets in our lungs and causes all kinds of breathing disorders. Now we are looking at nondesignated areas that exist. There are about 40 of them around the country that are nonattainment for small particulate matter. Under the Carper proposal and under the Jeffords proposal, we reduce that almost by three-fourths, down to about 10 in each of those. The administration goes down about half. We continue to show considerably fewer nonattainment areas for particulate matter by 2020 under the Jeffords proposal, which is the lowest, and our proposal, which is next to the lowest.

The second chart shows nonattainment areas for ozone. There are a lot of nonattainment areas right now—about 126. If you come up to 2010, there is a dramatic reduction. We go down to about 20. Frankly, the achievements are across the board. Each of the proposals is about the same with respect to reducing ozone.

This chart lets us look at annual monetary health benefits of reducing fine particles and ozone. We find in 2010 that my proposal has quantifiable—according to the EPA—health benefits of about anywhere from $110 billion per year to almost $130 billion. That is almost twice what we get under the Clear Skies proposal and under current law; not quite as much as is achieved under the Jeffords proposal. We find in each of the outyears—2015 and 2020—we also have considerably better health benefits that we can demonstrate, in the view of the EPA, between 2010 and 2020.

Let me wrap it up by saying that we can do better for our environment, we can do better for our health, and, frankly, I think we can do at least as well for our economy by taking this middle-ground approach that Senators ALEXANDER, GREGG, CHAFEE, and I have outlined.

In terms of health consequences alone, under our proposal, 10,000 fewer people will suffer from chronic bronchitis in 2010. Think about that—10,000 fewer people throughout this country in 1 year will suffer from chronic bronchitis. In 2010, we will see some 14,000 fewer hospital admissions and emergency room visits. In 2010, there will be about 160,000 people who will no longer have asthma attacks in this country. And in 2010, companies will have over 1 million fewer lost workdays. These benefits are real. They will have a dramatic impact on the quality of people's lives, and they will have a dramatic impact on worker productivity as well.

Since 2001, both Republicans and Democrats have been arguing over multipollutant legislation. Now with an apple-to-apple comparison of various proposals from EPA, I think we can have a process with not just meaningful legislation but that which will get us off the dime and get us to work on improving the quality of our health and doing it in a way that doesn't break the bank for consumers or the utility companies.

Over the coming months, I will continue to work with my colleagues, the administration, the utility industry, and environmental groups to develop legislation that has strong bipartisan support.

Early next year, we will reintroduce a new and I think improved Clean Air Planning Act, and soon after that I hope to sit down with my friend, Senator VOINOVICH, and others to develop a bipartisan compromise we can take through the committee and bring to the floor, hopefully, for action.

There are five principles we should stick to if we want to get a clean air bill.

Climate change must be addressed. As we have seen from EPA, it can be addressed for $1 a ton in reduction of CO_2.

We should start to improve the environment of people's health as quickly as possible. We can do that.

We should provide industry with the regulatory certainty they need and which they have been asking for—and some flexibility, too.

We should protect our economy.

We should pass stronger protections than those which we already have on the books.

I want to get legislation done. I came here to get things done, and I know my colleagues did, as well. I believe that together we can develop a proposal that will help us achieve just that. Again, we can do better. We shouldn't let politics get in the way of doing the right thing.

I yield my time.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Virginia.

Mr. WARNER. Madam President, parliamentary inquiry: What is the time allocation?

The PRESIDING OFFICER. There is 15 minutes under the control of the majority in morning business.

Mr. WARNER. I thank the Presiding Officer.

I shall take 7 minutes, and my distinguished colleague from Alaska will follow.

IMPROVISED EXPLOSIVE DEVICES

Mr. WARNER. Madam President, the Committee on Armed Services has been working very conscientiously, as we should—and, indeed, all Senators should—on the question of the IEDs in Iraq and in Afghanistan.

Yesterday, our committee invited over from the War College 10 young officers, each of them having commanded a battalion of U.S. Army, U.S. Marines, and, in some instances, some Navy as the Navy is taking a very significant role in the ground operations in Iraq.

I have had the privilege of being associated with men and women of the U.S. military for many years, but I never saw 10 finer individuals. I sat in awe of how they, in a very confident and calm and professional manner, recounted their experiences over the last 18 months—different periods of time, ranging from 6 to 12 months—when they had command of the most magnificent troops, the most magnificent, dedicated military we have had in the contemporary history of America.

We owe those troops a high debt of gratitude. No matter what our political affiliation is, no matter what our philosophical approach is, we owe them and their families a tremendous debt of gratitude. I think that was expressed by this body when 98 to 0 we passed the annual Armed Forces authorization bill. There was not one single dissenting voice. I went back and searched the RECORD. Indeed, during the Vietnam period when I was in the Pentagon, there was always a cadre that would vote against it. But I think it was a recognition in this Chamber—and I salute each Member of the Senate who voted for that bill and expressed on behalf of the men and women of the Armed Forces our gratitude.

But much more remains to be done. In the judgment of this Senator—I am just speaking for myself—I believe the next 4 to 6 months is absolutely the most critical period of this conflict in

Iraq. How and why we got into that conflict is debated. It has been taking place, but I urge colleagues to look forward to the future to see how we can best support our forces as each one of the volunteers fulfills the orders of the Commander in Chief and carries out the mission.

During the course of the deliberation of our bill, the distinguished Senator from Connecticut, a member of the Armed Services Committee, Mr. LIEBERMAN, gave an eloquent speech regarding that classic statement at the conclusion of World War II by Arthur Vandenberg: "Politics should be checked at the water's edge."

I say to my colleagues with great respect for all, now is the time. The next 60, 90, 120, 180 days is most critical. I urge us to put aside our political differences, put aside our philosophical differences, and look forward and seize the opportunity to support the Iraqis in their forthcoming elections on the 15th of December and the formation of that government in the ensuing 30 days thereafter.

We should be very strong in our efforts to impress upon this new government the urgency of time and the need to show a greater measure of strength and determination than ever before by the various transitional governments that have preceded this government. Now is the time for the Iraqi people and their new government to show determination, quadruple their efforts in forming their new ministries, standing them up so they can assume the full burden of that measure of democracy and freedom that they elect to have among themselves, and to rapidly try to bring this insurgency to a conclusion.

The ground situation as it develops in the ensuing months dictates any thoughts of how and when our forces can be deemed to have completed their mission and begin the return home.

Just days ago, this Chamber rejected an attempt again to set a timetable. We set no timetable. We are there in this critical period of the next 6 months to support the Iraqi people, to support this new government, but in return they must give us a full measure of support and equal effort to achieve these goals.

If I may return to the subject of the IEDs which was a principal part of our discussion yesterday, I will be consulting with Members, but I believe the Department of Defense has to redouble its efforts to deal with this difficult situation of the IEDs. Each of these officers recounted the number of casualties they experienced in their units. This great Nation shows the magnificent compassion for the families of not only those who lost their lives but lost their limbs, and we are deeply indebted to them. We owe them no less than our full measure of support here at home.

Let us check politics at the water's edge.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

PRE-WAR INTELLIGENCE

Mr. STEVENS. Madam President, I am deeply disturbed by what I believe is an attempt to write a revisionist history of our involvement in Iraq and our pre-war intelligence.

Since 1981, I have served as the Chairman or Ranking Member of the Defense Appropriations Subcommittee. As one who has watched over the Defense Department's Appropriations, I was impressed with President Clinton's position on Iraq. The President and his top advisers—Vice President Gore, Secretary of State Albright, National Security Adviser Sandy Berger, and others—consistently made the case we should take seriously the threat Iraq and its weapons, program posed.

I have come to the floor twice in the past to submit President Clinton's February 1998 Pentagon speech into the CONGRESSIONAL RECORD. Before giving his speech, President Clinton was briefed by the generals who command all of our forces. Their briefing convinced President Clinton that he might have to take military action against Saddam Hussein, and he told the generals to be ready.

Those of us in Congress never doubted President Clinton's sincerity or truthfulness regarding this issue. In 1998, he said:

> If Saddam rejects peace and we have to use force, our purpose is clear. We want to seriously diminish the threat posed by Iraq's weapons of mass destruction program.

Vice President Al Gore echoed this concern. He said:

> Saddam's ability to produce and deliver weapons of mass destruction poses a grave threat . . . to the security of the world.

Secretary of State Madeline Albright told us:

> Iraq is a long way from here, but what happens there matters a great deal here. For the risks that the leaders of a rogue state will use nuclear, chemical, or biological weapons against us or our allies is the greatest security threat we face.

And National Security Adviser Sandy Berger warned:

> He (Saddam Hussein) will use those weapons of mass destruction again, as he has 10 times since 1983.

Many Members of the Senate agreed the threat was real and imminent. In 2002, Senator KENNEDY said:

> We have known for many years that Saddam Hussein is seeking and developing weapons of mass destruction.

Senator ROCKEFELLER warned:

> Saddam's existing biological and chemical weapons capabilities pose real threats to America, today, tomorrow.

And Senator KERRY said:

> These weapons pose an unacceptable threat.

In October 2002, the Senate overwhelmingly supported giving President Bush the authority to use force in Iraq. We authorized the use of force in a vote of 77 to 23. The facts before us indicated Saddam Hussein posed a grave threat.

Let me be clear: At the time, the facts were undisputed and we were all provided the same information. These were the facts as we understood them. Saddam Hussein had used weapons of mass destruction against the Iranians, his own people and possibly some of our men and women in uniform during the first gulf war.

In 1998, the weapons inspectors were forced out of Iraq. When the inspectors left, the regime was capable of resuming bacterial warfare agent production within weeks. Iraq had not accounted for hundreds of tons of chemical precursors and tens of thousands of unfilled munitions canisters. Iraq had not accounted for at least 15,000 artillery rockets previously used for delivery of nerve agents or 500 artillery shells filled with mustard gas.

Saddam Hussein had been ordered by the U.N. to disarm 16 times, and 16 times he refused to comply. He engaged in a series of deceitful tactics designed to prevent U.N. inspectors from completing their inspections.

Our intelligence agencies gathered further evidence of his activities. This information was classified to protect our sources and methods. I received those intelligence briefings. I believe I received the same information as President Clinton. These intelligence reports were deeply disturbing, and phase I of the Intelligence Committee's investigations found this information was not coerced or influenced in any way. It was our intelligence agency's best assessment of what was going on in Iraq at the time. Had the President received those briefings and failed to act, he would have been negligent in his duty to keep Americans safe. Those in the Senate who voted for the resolution believed this, which is why we authorized the use of force.

I am now disturbed by the way some are twisting this history to suit their own political agendas. Why is anyone calling the people of this administration liars when the speaker shared their position? In many cases, those who accuse the administration of deception previously had made the case even more strongly than President Bush.

The Senate Intelligence Committee spent 2 years putting together a bipartisan report on our prewar intelligence. Their report found there were no attempts to influence analysts or no evidence that administration officials attempted to coerce, influence, or pressure an analyst to change his or her judgment—not once.

Every member of the Intelligence Committee, Republican and Democrat, approved that report. The Silverman-Robb report and six other major studies found there is no basis for the claim that the administration lied to get us to go to war.

The search for weapons of mass destruction will not be completed on our timetable. Look at this picture: The Iraqis buried entire planes in the desert. We have two photographs of planes being unearthed, full planes buried beneath the sand. When we pulled them out, they were still operable.

Our troops found 30 of these planes buried in the sands of the Al-Taqqadum airfield west of Baghdad—30 planes. That is one-tenth of their entire combat Air Force. If Saddam Hussein's troops had buried one-tenth of their combat aircraft in the desert, who is to say there were no weapons of mass destruction similarly buried? Just because they were not found does not mean they were never there. The Nation of Iraq is the size of California. The materials needed to make weapons of mass destruction could fit in a container the size of a family bathtub. Weapons of mass destruction are no bigger than a family bathtub.

We now stand at a critical moment in history. I believe we must reflect on events leading to the war, but this process is only useful if it is honest and accurate. Those who are trying to rewrite history, revisionist history of these events are simply advancing their own political agendas. They are not advancing the important work due now in the region—and do so on a bipartisan basis.

I agree with the Senator from Virginia, Mr. WARNER, the chairman of the Committee on Armed Services. A flexible timetable for troop withdrawal could jeopardize our men and women in uniform and their mission. The only way we can lose in Iraq is if we defeat ourselves, if we refuse to stay the course. The path to progress is slow and steady. It has milestones, but it does not have timelines. We must remain behind our troops.

Over 200 years ago, our Founding Fathers began the great American experiment. They set out to create a government defined by its commitment to liberty and freedom. Iraq is one of this century's proving grounds for those ideals. Our men and women in uniform, all volunteers, are helping the people of Iraq and Afghanistan build their emerging democracies. Their sacrifices ensure, in the words of Abraham Lincoln, "that government of the people, by the people, and for the people shall not perish from this Earth."

Distorting our prewar intelligence will not help them complete their mission. We must support the important work they are doing in Iraq, not send mixed messages. The men and women in uniform were asked to go to Iraq to help Iraq become a democracy dedicated to freedom. They are doing that. I will continue to support those and stay the course and support Iraq's efforts to stand up their own forces so they can defend that freedom.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

TAX RELIEF ACT OF 2005

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2020.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2020) to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for the fiscal year 2006.

Pending:

Dorgan amendment No. 2587, to amend the Internal Revenue Code of 1986 to impose a temporary windfall profit tax on crude oil and to rebate the tax collected back to the American consumer.

Durbin amendment No. 2596, to express the sense of the Senate concerning the provision of health care for children before providing tax cuts for the wealthy.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, this morning we intend to continue two major amendments from this side of the aisle. The amendment of Senator CONRAD from North Dakota proposes a fiscally responsible substitute; the amendment of the Senator from Washington, Ms. CANTWELL, is regarding energy price gouging. These are both very important amendments and an important debate. I ask consent the pending amendments be temporarily laid aside so Senator CONRAD may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2602

(Purpose: To amend the Internal Revenue Code of 1986 to provide tax benefits for areas affected by Hurricanes Katrina, Rita, and Wilma and to extend certain expiring provisions, and for other purposes)

Mr. CONRAD. Madam President, first I thank the ranking member on the Senate Committee on Finance, Senator BAUCUS, for his leadership and for the extraordinary amount of work he does to make the work of the Committee on Finance as responsible as it can be.

There are many provisions in the underlying bill that has come out of the Committee on Finance that I support. I think they are broadly supported extensions of expiring tax provisions that ought to be extended.

I salute the chairman of the Committee on Finance, Senator GRASSLEY, for the good job he has done in putting together this package. While I agree with many of the specific provisions, I have one profound area of disagreement. That profound area of disagreement is that this package is not paid for. The result, if we pass this package, will be to deepen the deficit, to add to the debt, when we already have record deficits and we already have runaway debt.

My colleagues are going to have to answer the question, Why shouldn't we pay for these tax provisions? Why shouldn't we cover the cost? Why shouldn't we prevent the deficit from being expanded? Why shouldn't we prevent the debt from being deepened?

That is the question posed by my amendment. It takes many of the provisions in the Committee on Finance bill, the expiring tax provisions, and extends them for 1 year. It pays for them fully.

It is very important to remember the history. How did we get in the position we are in today? My colleagues will remember this very famous chart that the administration and the Congressional Budget Office presented back in 2001. This part of the chart I call the fan chart showed the range of possible outcomes if we didn't change any budget policies. This range of possible outcomes from a best case scenario; to a median scenario, the midpoint between the range of possible outcomes is the prediction line adopted; to the worst case scenario. These were the projections given to us if we just did nothing.

My colleagues on the other side said: No, this is too conservative, this range of possible outcomes. They said: Don't you understand, if we have tax cuts we will get more revenue so we will be above the midpoint of the range. We might be even above the best case scenario. The problem with that theory is that it did not work out in reality.

Here is what happened in reality: This red line is far below the worst case scenario outlined by the Congressional Budget Office in 2001. I have caught the chairman's attention. He will remember the chart very well from 2001, what the Congressional Budget Office said was the range of possible outcomes. The Congressional Budget Office adopted this midrange of the estimates as their projection.

Many of my colleagues on the other side told me, when I said we shouldn't be betting on a 10-year forecast: Kent, you are way too conservative. Don't you understand if we cut taxes we will get more revenue. We will be above the midpoint of the range of possible outcomes.

Now we can go back and we can check what has actually happened. That is this red line. It is below the worst case possible outcome. Far below it.

So this notion that the tax cuts were going to generate more revenue and were going to prevent massive deficits proved to be wrong. It is very simple. This is not theory. This is not ideology. This is reality. This is what really happened.

We can look at it in a different way. This chart looks back to 1980, the relationship between spending and revenue of the United States expressed as a share of gross domestic product. Why do we do it that way? Why do we do it as a share of gross domestic product? Because every economist says that is the appropriate way to compare spending over time and revenue over time because it takes out the effects of inflation and growth, so we are comparing apples to apples.

Here is what the line shows: Spending in the 1980s was between 21 and 23.5 percent of gross domestic production. During the 1990s, interestingly enough, during the Democrat administration, the spending came down as a share of gross domestic production each and every year, the 8 years of the Clinton administration. So at the end of that time we were below 19 percent of gross domestic production on spending. Since that time, spending has gone up to approaching 20 percent of gross domestic production now.

My colleagues on the other side of the aisle want to blame Democrats for spending. But Democrats have not been in charge during this period. During this period, Republicans have controlled the White House, the Senate, the House. They are responsible for every dime of this increase.

Let's look at the revenue side. When President Bush came in, revenue—as he correctly stated—was at a very high level historically, about 20.6 percent of gross domestic production. It was substantially above where it was in the 1980s and 1990s.

But look what has happened since. Revenue has collapsed. Last year it was the lowest it has been as a share of gross domestic production since 1959. Some of my friends on the other side want to concentrate on this uptick. And it is true, revenue has increased over the last year. But it is still way below where it has been historically and way below where it was in 2001. The result is the increased spending, the reduced revenue—by the way, about half the reduction in revenue is from tax cuts—the combination of increased spending and reduced revenue has opened up a chasm. That is why we have massive deficits and why we are going to have massive deficits going forward—and, I might add, at the worst possible time.

Why is it the worst possible time? Because the baby boomers are going to start to retire in 2008. Right here the baby boomers are going to start to retire. That is going to change everything in a dramatic way.

The President assured us when we embarked on this course that there would not be deficits. Then, the next year, he told us the deficits would be small and short term. Then, the next year, he told us they would be small by historical standards. Now he says he is going to cut them in half over the next 5 years.

Let's compare rhetoric to reality. Here is what has happened. In 2001, the first year he was in office, inheriting surpluses from the Clinton administration, we had a $128 billion surplus. The next year, we were back in deficit. The next year, 2003, we had the biggest deficit ever, only to be exceeded, in 2004, by an even larger deficit. And this year, again, we have the third largest deficit in our history but somewhat of an improvement.

Let me say to my colleagues, this modest improvement is largely illusory because it focuses just on the deficit. I say to my colleagues, what we ought to be thinking about, what is really far more important to the fiscal future of the country, is not the growth of deficits but the growth of the debt. Why do I say that? Because if you look at what happened to the increase in the debt last year, you see that it increased far more than the deficit figure that is quoted in the news media.

Why is that? Well, the biggest reason is because under the President's plan, $173 billion of Social Security money was taken to pay for other things. That all gets added to the debt. It all has to be paid back. But it is not included in the deficit calculation. Very frankly, these deficit calculations are increasingly irrelevant to understanding the true fiscal condition of the country.

Now, last year, instead of the debt increasing by what was the advertised deficit of $319 billion, the debt of the country actually increased by $551 billion. I find that this is largely not understood. When I do presentations, most people think, in kind of a commonsense way, that the debt must increase by the amount of the deficit. But that is not the case. The fundamental reason it is not the case is because under the President's plan money is being taken from every trust fund in sight to cover the spending, and it all gets added to the debt, but it is not included in the deficit calculation. So last year, the debt of the country increased by $551 billion.

This is so important to understand historically. I see the news media, very frequently, say: Well, as a share of GDP the deficit is not as big as the deficits were in the 1980s. That is true. But it is totally misleading. Why? Because back in the 1980s, there was virtually no Social Security surplus to be used to pay for other things. In fact, until 1984, there was no Social Security surplus—none. Then, in the 1980s, the Social Security surpluses were very modest. But look what has happened over time. The Social Security surpluses have exploded, masking the true size of what is being added to the debt of the country—masking the true size of the deficits is probably a better way to say it.

Last year, the amount of Social Security funds that were taken to pay for other things reached $173 billion, and not a dime of it got counted in the deficit calculation. It all got added to the debt. It is all going to have to be paid back, but you don't read about it anywhere in the news media. They don't talk about how much the debt increased.

This is a shell game of enormous proportion that is going on here. I say to my colleagues, if any private sector entity tried to do what we are doing here, they would be headed for a Federal facility. But it would not be the Congress of the United States, it would not be the White House, they would be headed to Federal prison because any private sector entity that tried to take the retirement funds of its employees and use them to pay for current expenses, they would be guilty of Federal violations of law. They would be guilty of fraud. You cannot take the retirement funds of your employees and use it to pay current expenses. That is exactly what we are doing here, every year.

Under the President's plan, over the next 10 years, at the very time he says Social Security is short of money for the long term, his budget plan and the budget plans that passed here in the Congress of the United States, are going to take $2.5 trillion from Social Security and use it to pay the operating expenses of the Federal Government.

Is anybody paying attention? Is anybody paying attention to what is going on here? Over the next 10 years, $2.5 trillion of Social Security money is going to be taken to pay for other things. We are headed for a train wreck. The President says: Don't worry. We are going to cut the deficit in half over the next 5 years.

Our problem is not a 5-year problem. In fact, that is the sweet spot of the budget cycle. That is the sweet spot because that is before the baby boomers have retired. In addition, the only way the President gets to his claim of reducing the deficit, over 5 years, in half is he just leaves out things. He left out war costs past September 30 of this year. That is $300 billion, according to the Congressional Budget Office. He left out the cost of fixing the alternative minimum tax. That costs $700 billion to fix. There is not a dime of it in his budget.

When you add back the things he left out, here is the picture we see emerging, and this is just the deficit calculation. The debt calculation, as I have described previously, is far worse. We are going into a circumstance in which the next 5 years—these are the good times: it is before baby boomers retire—we are headed for an extraordinarily serious set of circumstances if the budget plan of the President is maintained. Why? Because many of the proposals he has explode in cost right beyond the 5-year budget window. For example, the cost of his tax cuts absolutely explode right beyond the 5-year budget window. So does the cost of dealing with the alternative minimum tax. It explodes beyond the 5-year budget window.

We have had a lot of talk on the floor of the Senate about this being a deficit reduction package. No, it is not. This is not a deficit reduction package, this reconciliation package. This reconciliation package has three parts: spending changes that save $35 billion over 5 years, these additional tax cuts that cost $60 billion over 5 years—so you put the two together, that adds to the deficit; it does not reduce the deficit—and the third chapter is the chapter they do not want you to read in this book because the third chapter is to increase the debt of the country by $781 billion. It is all in one fell swoop.

As we look ahead to the 5-year budget that has been adopted by our colleagues—not with my support; I voted against it—but this is what is going to happen to the debt of the country over the next 5 years under this plan. By the way, these are not my numbers. These are their numbers. These are the numbers in their budget documents about what happens to the debt—not the deficits, the debt.

It is something the news media—it is interesting, the news galleries are absolutely empty. Oh, no, there is one lone soul there—one lone soul. The news media does not want to report on this. Why don't they want to report on it? Because it is a little bit complicated. You actually have to read. You actually have to do a little studying. It is not like covering the latest scandal. They love to cover scandal because that is easy to write about. Budget stories and what is happening to the fiscal condition of the country, that is much more difficult because you actually have to get your numbers right.

No one is paying attention. I have not seen a single national story on the growth of the debt. They are writing about the deficits because that is what they have written about for 20 years. They don't get the whole thing has changed dramatically since the 1980s because of how the policy of our Government has changed to raiding the Social Security trust funds for every dollar that is in them for the next 10 years.

But do you know what? It does not matter they do not write the story. It does not matter because the reality is coming in on us, and it is coming in on us much sooner than people understand because what really affects the strength of America, the fiscal strength of America, is the debt that is being built up, and the budget that has passed both Houses of Congress is going to increase the debt. It started at $7.9 trillion this year. It is going to go up to $8.6 trillion, then to $9.2 trillion, then to $9.9 trillion, then to $10.6 trillion, then to $11.3 trillion over the 5 years of this budget.

Again, these are not my numbers. These are not my numbers. These are the numbers in their own budget documents about their prediction about what will happen to the debt with the budget that has been adopted.

The debt is exploding before the baby boomers retire. What are the implications? Well, here is one of them. Foreign holdings of our debt have doubled in the last 5 years. It took 42 Presidents, pictured here, 224 years to run up $1 trillion of external debt. This President has exceeded them all. He was able to double foreign holdings of our debt in just 5 years. It took 42 Presidents 224 years to run up $1 trillion of external debt. This President has added more than $1 trillion of external debt in 5 years.

To whom do we owe the debt? Well, here is the latest scorecard. We owe Japan $687 billion. We owe China $252 billion. We owe the United Kingdom $182 billion. And my favorite, the Caribbean banking centers, we owe over $100 billion. We owe South Korea over $60 billion. I submit to my colleagues, that does not make America stronger. That makes America weaker.

So now we turn to the legislation before us. One would expect that the Congress would be about reducing the deficit, reducing the debt, in light of what has happened. In light of the fact that the debt during this Presidency has gone up $3 trillion already, in light of the fact that under the 5-year budget before us, the debt is going to go up another $3 trillion over the next 5 years, you would think we would be here trying to reduce the explosion of debt. Surprise, surprise. No. This reconciliation process, a fast-track process that was devised to circumvent the rules of the Senate, was put in place to reduce deficits. That is the whole purpose of reconciliation. But it has been hijacked, and now it is being used not to reduce deficits but to expand them.

I tell you, I go home some nights and I pinch myself thinking I am caught up in some surreal comedy. This has to be a comedy: The debt is exploding before the baby boomers retire, and in the Congress, the reconciliation process that was adopted to reduce deficits has been hijacked and is being used to increase deficits.

What is wrong with this picture? I submit what is wrong with this picture is, it is utterly and completely disconnected from reality. Now we have before us a bill that is going to cut taxes over the next 5 years by $60 billion. It is going to make the deficit worse by $60 billion.

This is what Chairman Greenspan has said about the notion of cutting taxes by borrowing. Federal Reserve Chairman Greenspan opposes deficit-financed tax cuts. He said:

> [W]e should not be cutting taxes by borrowing.

He is right. That is what we are doing. We are borrowing every dime of this, borrowing it from Japan, China, Caribbean banking centers.

Here is the effect of the reconciliation package, $35 billion of spending savings over 5 years, completely and totally wiped out by $60 billion of tax cuts not paid for. The net result is to increase the deficit, to increase the debt by $25 billion, but that is right in line with the fiscal policies that have been adopted by this President and by this Republican majority, because this is their record.

This is where they took over. The debt limit had not been increased for 5 years in this country. In 2002, in one year, they increased it by $450 billion. In 2003, they increased it by $984 billion. In 2004, they increased it by $800 billion. Now, with this reconciliation proposal, they want to increase the debt by $781 billion. Add it all up, and this President will have increased the debt in these 5 years by $3 trillion. Over the next 5 years, according to their own estimates, they are going to increase the debt another $3 trillion. That is real money.

The Chairman of the Federal Reserve has said this:

> All I'm saying is that my general view is I like to see the tax burden as low as possible.

Don't we all. I would like nothing better than to have my tax burden reduced.

> And in that context, I would like to see tax cuts continued. But, as I indicated earlier, that has got to be, in my judgment, in the context of a PAYGO resolution.

What is pay-go? Pay-go says you can have more tax cuts, but you have to pay for them. You can have more spending, but you have to pay for it. Because if you don't, you add to the debt and deficit burden.

That brings me to the amendment that I send to the desk at this time.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from North Dakota [Mr. CONRAD] proposes an amendment numbered 2602.

Mr. CONRAD. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. CONRAD. Madam President, what does this amendment do? It provides for the extension of the expiring tax provisions that expire this year to be effective next year. It extends all of them. It does not extend provisions that expire next year for 2007 or 2008 or 2009. It is completely paid for over the 10 years. It provides for hurricane disaster relief identical to what Chairman GRASSLEY has included in his provision. It provides for alternative minimum tax relief, but in an even better way than what is in the chairman's mark. Because while the chairman's mark says it is a hold-harmless provision, in fact, 600.000 more American taxpayers will pay the alternative minimum tax than paid it this year. We will go from 3 million people paying the alternative minimum tax to 3.6 million.

Remember, the alternative minimum tax, the old millionaire's tax, has now become a middle-class tax trap. My amendment is a real hold harmless on alternative minimum tax. There will be no increase in the number of Americans paying the alternative minimum tax—none. Instead of a 600,000 increase of American taxpayers paying the AMT, we will only have the same number paying next year as this year.

In addition, we extend the R&D tax credit, the State sales tax deduction, the college tuition deduction, the welfare-to-work and work opportunity tax credits, the teacher classroom expenses deduction, the leasehold improvement and restaurant depreciation, and all other traditional tax extenders that expire this year to be effective next year. We pay for those provisions. Instead of putting it on the charge card, instead of running up the debt, adding to the deficit, shoving it off on our kids, we pay for it.

How do we do it? First, we use the same offsets that are in the chairman's package with the exception of the charitable revenue raisers because we don't have the charitable package here. They include the provisions that he has to close the tax gap by shutting down abusive tax shelters. I applaud the chairman for having those in his mark. He is exactly right to have them there. We adopt those same provisions.

In addition, we end the loophole for oil companies that lets them avoid taxes on their foreign operations. That is $10 billion. We end the tax benefit for leasing foreign subway and sewer systems. That saves $5 billion.

I want to explain this one to my colleagues. Here is what is going on. This is one of the biggest scams ever cooked up by accounting firms. Most accounting firms don't engage in this kind of activity, but there are a few who do. Here is what they are doing. They are buying foreign subway and sewer systems in U.S. shell operations, depreciating their assets for U.S. tax purposes, and leasing the subway and the sewer systems back to the foreign cities. I know this sounds unbelievable, but that is what is going on. This is a scam.

Some of my colleagues say: Senator, you are increasing taxes in order to pay for this tax cut package. I suppose you could say that. But is this a tax break anybody thinks should be in place? Do you think we should allow companies to buy foreign subway and sewer systems, depreciate them on their books, reduce their U.S. taxes, and then lease them back to those European cities? Does anybody believe that is not abuse?

We also require tax withholding on Government payments to contractors such as Halliburton. Why shouldn't they have withholding, just as working Americans have withholding on their tax obligations? That saves $7 billion.

We renew the Superfund tax so that polluting companies pay for cleaning up toxic waste sites. That tax is 9.7 cents a barrel. Oil right now is going for close to $60 a barrel. It seems entirely reasonable to me that we ask those who have contributed to these sites that need to be cleaned up to pay for it. 9.7 cents a barrel.

We close other tax loopholes as well. That is how we pay for this package. Why would we not pay for this package? Why should we not prevent the deficit and debt from being increased?

Some of my colleagues argued in the Finance Committee: Senator, you are raising taxes to pay for the tax cut. Here is what the chairman said:

> We've found $180 billion over the last few years in things that are examples of loophole closings and abusive tax shelters. And that's what they are, people . . . that are avoiding taxes—

I would amend that to companies as well.

> —now that ought to pay taxes without changing the rate of taxation.

The chairman had it exactly right. We now know the tax gap in this country, the difference between what is owed and what is actually being paid, is $350 billion a year. Let's close down these scams. Let's close down these loopholes. Let's close down these abuses and use a portion of it to pay for extending these very worthy tax provisions that are in this package. That is what my amendment is about.

For those who say they care about fiscal responsibility, for those who say they are concerned about the explosion of deficits and debt, here is a chance to prove it. Here is a chance to vote for this amendment that will extend the tax provisions that are expiring, those that are expiring this year for next year's taxes, and to pay for it by closing abusive tax shelters.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I thought Senator KYL wanted some time. What I would like to do, if it is OK with the other side, is give Senator KYL some time off of our time and then right after him, Senator THOMAS, because Senator THOMAS has been waiting for a long time to speak. I ask unanimous consent to make that the speaking order. These folks are talking about maybe 20 minutes apiece or less.

Mr. CONRAD. Reserving the right to object—and it is not my intention to object—I would like to inquire as to the parliamentary situation. How much time is left on my amendment?

The PRESIDING OFFICER. The Senator has used 7 minutes on his amendment, which leaves him 53 minutes. The first 28 minutes was charged to the bill so that the amendment was not pending at that time.

Mr. CONRAD. So I have 53 minutes remaining on my side, and they have an hour left on their side?

The PRESIDING OFFICER. That is correct.

Mr. CONRAD. I inquire of the Senator from California, why does she seek recognition and how much time does she require?

Mrs. FEINSTEIN. I have two amendments. I will not require more than 15 minutes.

Mr. CONRAD. Is the Senator seeking time off the bill or she would have her own amendment time? I would not object to the request of the chairman to have speaking time. We would then intend to lay my amendment aside.

Mr. GRASSLEY. Yes, we would be willing to do that. We are looking at some votes around noon. Yours would be one of those. We don't have unanimous consent on that.

Mr. CONRAD. I will defer to the manager of the bill.

Mr. BAUCUS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENSIGN). Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, we are moving along on the amendment offered by the Senator from North Dakota. I got clearance from the chairman of the committee to ask unanimous consent that there be 40 minutes of debate remaining on the Conrad amendment equally divided, 20 minutes in favor of those who are speaking against the amendment and then 20 minutes to be controlled by the Senator from North Dakota.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. And also that there would be no second-degree amendments and the vote would then occur immediately following the 40 minutes in relation to the Conrad amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Who yields time?

Mr. GRASSLEY. I yield 10 minutes to Senator KYL.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 10 minutes.

Mr. KYL. I thank the Chair. I thank the chairman.

This is a choice between the product of the Finance Committee and the amendment offered by the Senator from North Dakota. I strongly urge my colleagues to support the product of the committee and to defeat the Conrad amendment.

Let's first focus on this issue of deficit. The deficit reduction that has occurred as a result of the President's tax policies supported by the Republican Members of Congress has been nothing short of incredible.

This is a choice between a continuation of a policy which provides economic growth for our country and more money for our families, more investment for our businesses, and therefore more jobs for Americans. Look at some of these statistics in terms of the gross domestic product growth in our country. Whether you embraced the lower rates at the time, I think everybody has to acknowledge that the rates we put into effect in 2003 have had a dramatic effect.

Consider: The economy grew at a 3.8-percent annual rate in the third quarter. That is the 10th straight quarter the GDP grew at a rate above 3 percent. We remain the fastest growing industrialized country in the world. That is the longest such period of growth in our history since World War II.

Business investment: In the nine quarters before the 2003 tax rates were put into effect, business investment fell. We passed the tax provisions to cut taxes on capital gains, for example, and we reversed that. In fact, business investment has now increased at an annual rate of 6.9 percent. That means jobs to our economy and more wealth for American families.

In terms of deficit reduction, specifically, we are not undertaxed. Congress is spending too much. That is what is creating the deficit. Nevertheless, as a share of our GDP, the 2005 deficit was 2.6 percent, down from a 3.6-percent share in 2004. In fact, before Hurricane Katrina we were well on the way toward achieving the President's objective of cutting the deficit in half in the next 2 years. In fiscal year 2005, taxpayers sent Washington $274 billion more in revenue than the year before, and $100 billion more than we predicted back in January.

How could we be so far off? This economy is so strong, it is growing so rapidly that even at the lower tax rates we are producing more revenue to the Federal Treasury. This is not a path from which we should deviate. We should continue this path and not adopt the principle of the substitute amendment offered by the Senator from North Dakota. What his amendment presumes is something very strange in economics, and that is that somehow we have reached a magic Minerva, an equilibrium where the Federal Government is taking a tax in the right amount from American citizens never to be changed one iota, notwithstanding the fact we will continue to spend more and more and more, and we will have to have the taxes to pay for that spending or go deeper in debt.

The pay-go amendment that is the centerpiece of the amendment proposed as a practical matter does not affect the most significant aspects of our continued spending, namely the mandatory increases in our mandatory spending, our so-called entitlements—Medicare, Medicaid, Social Security, that which represents about two-thirds of the spending. As a result, the big-ticket items are not restrained in any way. All that is restrained is the ability to promote the continuation of our current tax rates. If we don't continue these tax rates, if we don't take action, for example, this year to extend the capital gains and dividends tax rates for another 2 years, we are going to find in a couple years the American taxpayers are going to be faced with a huge tax increase, and that is because without further action those tax rates will go up by 25 percent in 2 years. That is not right.

Now, some of our colleagues say, well, these tax rates only help the wealthy in our country. Well, is that so? From a column that was authored by Larry Kudlow, a noted economist: The investor class in America "continues to grow by leaps and bounds . . . The number of families owning stocks has risen to 56.9 million from 54.1 million, meaning nearly 60 percent of U.S. households are invested in equities today." We "have become a society of equity investors."

Zogby polling shows that nearly all Americans—93 percent—earning $75,000 a year or more own stocks. They can't all be rich. And how about those earning up to $75,000 a year? In this group, more than half, or 56 percent, own shares. Of those earning below $50,000 a year—a group that in the aggregate pays very little taxes overall—30 percent own stocks.

So the continuation of the 15-percent rate on dividends is a matter that affects a very large swath of Americans. As a matter of fact, 23 percent of all filers spread evenly across income categories reported dividend income in 2003 and of that group, 30 percent, 30.6 percent had an adjusted gross income under $30,000. Rich people? I don't think so.

How about capital gains? Seventeen percent of all filers spread equally across income categories reported capital gains in 2003, and of that group 30.1 percent had adjusted gross income of under $30,000. The rich? I don't think so.

How about some of the other provisions in the bill from the committee? The savers credit, only 4 percent of filers benefited from that in 2004.

The above-the-line-deduction for college tuition costs, only 2.7 percent of filers claimed that deduction in 2003.

AMT, only 6 percent of filers are affected by that.

Now, why are all of these things in the committee mark? Because they still represent important policy and we continue to support all of those things.

With AMT, the number of filers is going to double so we have to do something about that. But the bottom line is when you are comparing that to capital gains and dividends, far more Americans are affected by capital gains and dividends and they are not just the wealthy. I read the statistics for $30,000 and under.

The other flaw in the amendment of the Senator from North Dakota is that the whole question of what "tax cuts cost" is upside down. The Senator from North Dakota raises that question with respect to revenues to the Federal Government. How much does it cost the Federal Government to have a tax cut? Think about it. That is a strange way to put it. How much does it cost the Federal Government to cut your taxes?

I will put that question the other way around. How much does it cost you when we have a tax increase? Because that is exactly what will happen in 2 years if we don't extend the current tax rates. We should be asking what it costs American families, American taxpayers, and the American economy, American businesses. What is it going to cost them if we take more of their hard-earned money and bring it back to Washington for us in our wisdom to figure out how to spend? That is the question we should be asking.

What is the productive part of our economy? Does the Government create jobs?

Other than these very hard-working clerks here and the other jobs in the Federal Government, we don't create jobs. The private sector creates jobs. It costs money to pay employees. That is why employers try to make money, so they can hire more people, more people will have jobs, their families will be better off. We all understand how the private market works. It requires capital, it requires profits, it requires the Government to get out of the way and not take so much of its money, frankly, and that is why the real question should be with regard to this so-called pay-go, not how much it is going to cost the Federal Government, but how much a tax increase which will result from the policies that are being proposed on the other side of the aisle, how much that tax increase is going to cost hard-working Americans. That is the real question we should be asking.

We need to support the proposal that is before us on the floor today, a proposal which in large measure makes American taxpayers better off and increases the revenues to the Treasury of the Government because the tax policies we have had in place since 2003 are working, both to help stimulate investment in the private sector and create more jobs, and because they are low enough that they create economic activity that can be taxed, providing more revenue to the Federal Treasury. We should reject the amendment of the Senator from North Dakota because it doesn't pursue that same policy goal.

The only caveat to this, of course, is that the capital gains and dividends tax rates I have been talking about are not included in the proposal on the floor or in the proposal of the Senator from North Dakota. But I can assure my colleagues it will be part of the conference report. There is no way we are going to consider a conference report that doesn't continue these current tax policies. To not do so, as I said, would be to begin the biggest tax increase in the history of this country, and we are not going to do that at a time when we need to keep the economy robustly growing as it has been.

I say to my colleagues, the tax proposals of President Bush have been working. Our economy is producing a tremendous number of new jobs, revenue growth for the private sector as well as for the Government sector. Why would we want to turn from that?

With respect to paying for it, let's remember who bears the cost.

There is no free lunch at the end of the day. The taxpayers are going to bear the cost. As a result, the real question we should be asking is not how much these policies cost the Government, but how much they cost the taxpayers.

I urge the Senate to vote against the amendment of the Senator from North Dakota and support the chairman's mark.

The PRESIDING OFFICER. Who yields time? The Senator from North Dakota.

Mr. CONRAD. Mr. President, how much time did the Senator from Arizona consume?

The PRESIDING OFFICER. Ten minutes.

Mr. CONRAD. Mr. President, I wish to take a few minutes to respond.

The Senator from Arizona started with a statement that is truly breathtaking. The Senator from Arizona said that deficit reduction created by the Bush administration policies was, I think he used the word "extraordinary." Yeah, it is extraordinary all right. Here is what has happened to the debt under these policies.

When the President came in, there had been no increase in the debt limit of the United States for 5 years. After 1 year of the President's policies, the debt limit was increased $450 billion. The next year, they increased the debt $984 billion. The next year, they increased the debt $800 billion. In this reconciliation package, they are going to increase the debt limit $781 billion. The Senator from Arizona is on the floor saying they have done something to reduce the deficit? Come on. These are the biggest deficits, the biggest increase in the debt in the history of America, and it doesn't end with what they have already done.

Here is what they are going to do. These are not my calculations. These are the numbers that are in their own budget document. They are going to increase the debt another $600 billion next year, another $600 billion the next year, another $700 billion the next year, another $700 million the next year, and another $700 billion the next year. They already increased the debt $3 trillion, and under this budget plan, over the next 5 years they are going to increase it another $3 trillion, and he is out here talking about deficit reduction? Come on. There is no deficit reduction here.

Mr. KYL. Will the Senator yield?

Mr. CONRAD. No, I won't yield. The Senator had his chance. I am going to respond, and then I will be happy to engage in debate.

Mr. KYL. Since the Senator referred to me by name, I would like the opportunity to ask a question.

The PRESIDING OFFICER. The Senator from North Dakota has the floor.

Mr. CONRAD. I did not refer to the Senator by name. I referred to "the Senator from Arizona." The Senator from Arizona came out here and said there has been extraordinary deficit reduction. There is no deficit reduction. There is record explosion of debt, that is what is going on.

The Senator said that deficit, as a share of GDP, is not so bad. That is only because he leaves out something. And the something he leaves out is all the money that is being taken from Social Security and used to pay for other items because back in the eighties there was no Social Security surplus, or virtually none. Last year, the Social Security funds that were being used to try to mask the true size of what is going on was $173 billion. You add that back in, and the increase in debt of this country was 4.5 percent of GDP.

In the European Union, you can't be a member if you run deficits above 3.0 percent of GDP. But the addition to debt in this country last year was 4.6 percent of GDP when you add back all the money that is being taken from trust funds and used to pay for other items.

Here is what he doesn't want to talk about. Here is the explosion of Social Security money being taken to pay for other things. Look back in the eighties, there was virtually no Social Security surplus. In fact, in 1983, there was none. Then there was a couple hundred million dollars a year. Now it is approaching $200 billion a year, and they want to forget about it, they don't want to count it?

I tell you what is going on here is so utterly disconnected from reality. This chart shows the spending line since the eighties and the revenue line. In the nineties, we brought spending down each and every year as a share of GDP. Now we have had a big tick upwards. The Senator from Arizona said he wonders how we reached some nirvana of balance between spending and revenue. There is no balance, that is the point. That is what is wrong. We see the spending line and the revenue line. Look at the gap.

Our friends on the other side want to complain about the spending. Guess what. They are responsible for every dime of it. This happened on their watch. They control the House, they control the Senate, they control the White House. They are responsible for every dime of the increase in spending.

Here is what has happened to the revenue. It has collapsed. The result is an enormous gap, and he says he wonders how we reached some nirvana of balance between spending and revenue. There is no balance. That is the point.

Then our colleague talked about how wonderful the economic performance has been. No, it hasn't. Here is the record on job creation, comparing the average of the last nine recessions since World War II. Here is what happened over the period of time—this is in number of months on the bottom. This is a jobless recovery. This red line is the average of what has happened after the last nine recessions. By this stage, 55 months after the trough, typically 7 million jobs have been created in the private sector, more than have been created in this recovery.

So we are running 7 million private sector jobs behind the average of the last nine recoveries since World War II. This is great economic performance? It is the worst employment performance we have had of any of the nine recessions since World War II.

It is not just job growth, it is also GDP growth. GDP growth lags behind the typical recovery by 27 percent over the same period of time.

The Senator talked about business investment. Let's look at business investment. Let's look at the last nine recessions. At this stage, we are running 53 percent less business investment than in the nine previous recoveries from recessions. And he touts this economic record? Mr. President, this is not a record of which to be proud.

The Senator also talked about the dividend tax cut, and he talked about capital gains. They are not in the underlying amendment of the chairman of the committee. They are not in the Finance Committee's mark. So he is comparing apples to something else.

My amendment says we have to go back to the disciplines we have used in the past to restore fiscal discipline. What are they? Pay-go is one of the major budget disciplines, and it simply says: If you are going to have more tax cuts, fine, you have to pay for them. If you have more spending, fine, you have to pay for it. That is one of the key things we must do to get this Nation back on track.

This notion that we keep borrowing the money, keep spending the money, keep more and more tax cuts, don't worry if anything adds up is leading us deeper and deeper into debt. When are we going to stop this?

Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 11½ minutes left.

Mr. CONRAD. I ask if the Chair will notify me when I have used 1 more minute.

Mr. President, let me say to my colleagues, I am beginning to wonder what are we thinking around here? What are we thinking of, Republicans and Democrats? When are we going to turn the corner? When are we going to say enough is enough? When are we going to say adding $3 trillion of debt in the last 5 years and headed for the next 5 years adding another $3 trillion, in effect, doubling the debt of our country in 10 years—that is what we are doing. The result is foreign holdings of our debt have doubled in 5 years. Mr. President, I say to my colleagues, this is not sustainable.

On the Republican side, they say we should just cut the spending. OK, do it, cut it. If you don't want to tax anymore, cut the spending to match the taxes you are willing to levy.

The PRESIDING OFFICER. The Senator has used an additional minute.

Mr. CONRAD. I ask for another 30 seconds.

My Republican friends said they are fiscally responsible. When are they going to demonstrate it? If you are only willing to tax at 17 percent of GDP, then cut the spending 17 percent of GDP. If they think, well, because of the war and because of the need for homeland security, we need to spend more than 17 percent of GDP, which is what they are doing in their budgets—they are not spending 17 percent of GDP, they are spending 19 percent of GDP, in fact they are going to 20 percent of GDP, then tax at 20 percent of GDP so you pay your bills. Do one of the two. But don't just keep putting it on the charge card.

I say to my Democratic colleagues the same thing. We cannot be for more spending than we are for levying the taxes to raise it. What is going on in this town is absolutely and totally irresponsible, and it is going to put us in a very weakened position as a country. We have increased foreign holdings of our debt 100 percent in 5 years. It took 224 years to run up a trillion dollars of external debt. This President has doubled it in 5 years. That does not strengthen America.

I thank the Chair, and I yield the floor.

Mr. GRASSLEY. Mr. President, I yield whatever time he might consume of my remaining time to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator is recognized.

Mr. THOMAS. Mr. President, I thank the chairman. I appreciate the opportunity to deal with this issue that is before us. By the way, I am not speaking on the Conrad amendment, but I am, as a matter of fact, speaking on the Dorgan amendment in general time. I have to say to my friend from North Dakota that I certainly agree with the idea that we have gone out of control in terms of our spending. I don't agree with the idea that we have to raise taxes to offset it. What we ought to be looking at is reducing the size of Government.

Quite frankly, I would like to see some activity on that side of the aisle, as well as this side, to take a look at some of the programs we have and see if they still need to continue to exist. With regard to the idea that the growth of the Federal Government is out of control, we have gotten into a feeling that every time there is a need in the country for anything the Federal Government ought to do it and establish a new program.

I happen to have a bill called the sunset bill which I think we ought to take a look at. We ought to take a look at programs that have been in existence for 10 years and see if they are as important now as they were when they were created. If not, let's change them.

In any event, I want to talk in opposition to the Dorgan amendment, which is the windfall profits tax amendment, which has to do with the bill before us. What we are talking about in this tax bill is the economy. We are talking about growth. Notwithstanding what has been said, we have had growth, 3.5 percent growth in GDP in the last quarter. That is above average in the last 10 years. We do have growth. That is what it is all about.

We also ought to recognize when we are able to leave people with more money in their hands to spend, that is a good thing. If you can reduce taxes so people have money to invest, that is a good thing. That is what creates the economy and economic growth. That is what it is all about, the economy.

The other overriding issue before us, although I don't think it is a specific issue here, is one of the main factors of the economy, and that is energy. Without energy, we don't have an economy. So we are talking a lot recently, and should be, about energy—where we are going to get energy, where it is going to come from, how we are going to invest in new sources of energy. That has been one of the key issues for the last year. We finally got an energy policy. Unfortunately, what we are talking about now, particularly in this windfall profits amendment, is something totally adverse to the philosophy that we have developed to create new energy sources.

The windfall profits tax amendment which has been offered is not only bad policy but it sends the wrong message to American companies and to entrepreneurs.

Supporters of this tax have tried to demonize the whole concept of making a profit. Companies are in business to make a profit. They make profits and create jobs, which is what we are talking about all the time. If they did not make a profit they would not be in business, and we would not have jobs.

The Senator was talking about the number of jobs. Why does one think there are jobs? Because there are profitable companies. That is what we need to be talking about. Supporters of this windfall tax, however, want people to believe that the oil industry somehow managed to reap undeserved profits, resulting in one of the highest profit margins in America.

Well, they have profits. Who would not have profits when there has been that kind of increase in the energy business? It is not the case that they are unusually high profit margins. The profits for the oil companies measured against other factors of the economy, frankly, are quite modest. I have a chart that shows a number of the industries which are much higher. These are the earnings of major industries in the second quarter, net income on sales in 2005. It shows cents per dollar of sales in the various businesses, banks, pharmaceuticals, software, semiconductors, diversified financials, household and personal products, consumer services, insurance, telecommunications, food, beverage and tobacco, real estate, health care, material, all U.S. industries, 7.9, and then next, oil and gas, 7.6 percent.

The third quarter moves them above this to about 8 percent, but look at these businesses that are much above that. They keep talking about how they have had these unusually high and perhaps even illegal profits.

Those who want to argue about this chart because it shows second quarter profits, and they are higher in the third quarter, it has changed somewhat, but whatever it is it will be about 8.1 percent for the oil industry.

I wonder if supporters of this windfall profits tax would suggest that it be on all of these other businesses that are higher in their earnings than the oil and gas industry. I understand one of the sponsors of the amendment comes from a State where there are lots of insurance companies, and despite a profit of over 10 percent, I do not see him rushing to the floor to put a windfall tax on insurance.

We have had this news media focus on the energy industry and so it has become this kind of thing, but I think we have to keep in mind the future. I certainly hope as we go about our business we think not only about today but about 10 years from now: What are we going to do with energy? There has been nothing of more concern to us than energy.

The facts speak for themselves. The Congress tried to take this approach in the early 1980s and it did not work. I understand they are saying this is not like the other windfall, but indeed it is. It takes profits they say are excessive, which are not comparatively, to distribute them back out to the public.

Is that what the business system is about? Is that what the private sector is about? I do not believe so.

The efforts that were made to do that in the past did not work. The nonpartisan Congressional Research Service has documented this policy as a failure in the past, and I can only conclude that it would be a failure again in the future. The whole concept defies common sense.

Who is qualified to deem the profits as determined by the market are too high? The market will adjust for that if that is the case. I certainly do not believe any Member of Congress has those qualifications.

I understand the politics of wanting to distribute money to everyone. That is a great thing to be able to put on one's resume. But it does not conceptually, from a policy standpoint, make sense. We live in a market economy, and it is the model that works. Of course, we need to continue to change our system. But we have the best system in the world, and we need to make sure we continue it, unlike Members who have tried all of these manipulations and the nonmarket approach, which has not worked.

The market economy means if one engages in a risk associated with investment they should reap the benefits from that. Not unlike other industries, the oil and gas industry requires significant investment and risk. I live in the State of Wyoming which is one of the highest producers of energy, and I can say there is a great deal of investment that has to go into the production of the energy that goes to New England and New York where they do not have any production of their own. That is the way it should be. Nevertheless, one cannot sit off some other place and say we want energy but we do not want to have any investment in it. One cannot sit out on the west coast where there is no production, no refineries, and say, well, we want energy but we do not want any investment in transportation to get it there or in the development of it.

That is what we hear a great deal on the Senate floor. I think not only has that been the case in the past, and it is the case today, quite frankly, it is going to be more the case as time goes on. We are going to have to look for new ways to develop energy. In Wyoming, we are going to have to go to oil shale, for example, which is expensive to develop. We are going to have to go to deep wells. We are going to have to go to secondary recovery. We are going to have to go to alternative fuels. We are going to have to go to converting coal to other things. Those are expensive kinds of investments, and that is what it is all about.

The PRESIDING OFFICER. The majority's time on the amendment has expired.

Mr. THOMAS. Mr. President, as we get to that amendment on windfall profits, I hope we will take this into account.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Could I inquire as to the time on my amendment?

The PRESIDING OFFICER. The Senator has 8½ minutes.

Mr. CONRAD. And the majority?

The PRESIDING OFFICER. The majority time is expired.

Mr. CONRAD. I thank the Chair. Mr. President, I go back to the point that my colleague from Wyoming made about this relationship between spending and revenue. Here is the problem we have. Here is where we are in spending as a percentage of gross domestic product. We are at about 20 percent, a little over. Here is where we are in revenue. We are just over 17 percent. It is this gap between spending and revenue that is creating these massive deficits, and this is before the baby boomers retire. The question is, How do we close this gap?

We could do it one of three ways: We could cut the spending down to the amount of revenue that we are willing to levy. That would mean a 36-percent cut in every part of Federal spending if we were to hold harmless from the cuts Social Security, defense, and interest on the debt. We would have to cut everything else—homeland security, aid to veterans, education, parks, FBI. All the rest would have to be cut 36 percent to cut the spending down to the revenue we currently have.

A second possibility would be to raise revenue up to the spending line. That would mean a very significant revenue increase if we were to do it just with revenues. A third possibility is some combination of spending cuts and revenue increases.

One of the assumptions being made is that to increase revenue, taxes have to be increased. The fact is, the revenue service tells us the tax gap, the difference between what is owed and what is being paid, is now $350 billion a year.

Before we talk about a tax increase on anyone, before we have any suggestion of a tax increase, we ought to go after that tax gap and we ought to do it aggressively. That is part of the amendment that I have offered. Frankly, it is a part of the chairman's mark because the chairman closes $30 billion of loopholes in his proposal.

I agree with those, but I say to the Senator from Iowa he does not go far enough at closing loopholes. In my proposal, we go further. For example, we end the tax benefit for leasing foreign subway and sewer systems.

Why would we not do that? Why do we allow companies to go and buy the sewer and subway systems of foreign cities and depreciate them on their U.S. taxes, cutting their taxes in our country, and then lease back the subway and sewer systems to foreign cities? What a scam. Why are we allowing that? Somebody calls that a tax increase? Is that really a tax increase to say to companies that they cannot go buy the sewer system in a foreign country's city and depreciate it on their U.S. taxes? That is what is going on.

We also would require tax withholding on Government payments to contractors like Halliburton. Just like all the rest of us who have withholding on our taxes, why do they not have withholding on theirs? It would save us a lot of money; renewing the Superfund tax, 9.7 cents a barrel on $60-per-barrel oil to clean up these toxic sites.

One can call those tax increases; I call them closing loopholes. I call them closing scams. We ought to do it and use the money to pay for extending these tax reductions that are included in my amendment; the extending of tax reductions that are reasonable, that are in this package.

I hope my colleagues will think for a minute about what we are doing. Debt is growing out of control. Why are we taking steps to add to the deficit, to add to the debt? Why not pay for something around here?

Let us start paying our bills. That is what pay-go is all about. It says, if my colleagues want more tax cuts, they have to pay for them. If they want more spending, they have to pay for it. That is an American value, paying one's bills. We are not doing that. We are stacking debt on top of debt. We have added $3 trillion to the debt over the 5 years of this Presidency. Under this budget plan, we are getting ready to add another $3 trillion of debt before the baby boomers retire. We can do better than that. America deserves better than that. It certainly does not deserve us stacking debt on top of debt.

I yield the floor and reserve my time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that immediately after the coming vote on the Conrad amendment, the next speakers and amendments be in order as follows: First, Senator DOMENICI be recognized to speak for 20 minutes; Senator FEINSTEIN will be recognized to offer two amendments on which there will be a total of 30 minutes equally divided on the two amendments; following that time, that Senator CANTWELL be recognized for the purpose of offering her amendment with respect to energy price gouging, and there be 60 minutes equally divided.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I rise today in support of the substitute amendment.

Let me first explain that this substitute does not contain everything we had hoped to offer. Some of the items that we cannot consider today, though, are extremely important to American families.

They include the Lincoln-Snowe child tax credit fix. The Lincoln-Snowe provisions would ensure that the working poor can continue to receive this valuable credit. Regrettably, the threshold climbs each year. And the minimum wage remains stagnant.

So these families receive a smaller refundable child tax credit each passing year.

Another package we had hoped to include were a few incentives for military families. These include a provision to ensure that families with someone serving in combat can continue to receive the earned income tax credit. With the heavy strain that the Iraq war continues to put on military families, Congress can surely do more for these families.

The substitute today does not address a few items for the Gulf States I had hoped to include.

As I have said many times in the past few months, we must address the immediate needs of the hundreds of thousands of people affected by the hurricanes that ravaged the Gulf States. We cannot forget that the recovery in the gulf region is not over. It has hardly begun.

People have lost everything and need help to rebuild their lives. That help has not arrived. We have more work to do in this Congress to make sure displaced families have access to health care, unemployment benefits while they search for work, childcare so they can get to work, and foster care services for needy kids.

It is irresponsible to leave these people behind and move on to cutting taxes before we have completed our job of providing real relief to those that have been hurt by the storms.

But for procedural reasons, we are offering a different substitute. I believe that this substitute is a better approach than the bill before the Senate today.

I want to highlight some principles that we pursued in this substitute. And what we are not doing here is as important as what we are.

Other than the disaster recovery incentives, we do not add to the deficit. That is an important distinction between our substitute and the bill before the Senate.

I know that the majority leadership hopes that spending reconciliation cuts will occur at some point. But even if Congress does enact those highly controversial cuts, the bill before us today would still add to the deficit.

This is exactly what Alan Greenspan warned us against last week: deficit-financed tax cuts.

How can we face constituents who will see their food stamps or child support services cut? How can we tell them that we had to make those cuts to pay for tax cuts?

How could we tell them that Congress cut their benefits for tax cuts that will not even take effect until several years down the road?

Another thing that we do not do in this substitute is any extension of tax cuts that don't expire this year. The last 3 years have been the 3 highest deficits in the Nation's history. At some point, we need to do some belt-tightening.

In all fairness, I support many of these tax cuts. I have cosponsored and voted for many of them. But we simply need to prioritize this year. We need to do what is urgent first.

The bill before us today does not include the capital gains and dividends tax cuts. But we know that it may well appear at some point during this reconciliation process, especially now that the House tax-writers have chosen capital gains and dividends tax cuts to the exclusion of AMT relief.

Some cite the $20 billion figure for the 2-year extension of capital gains and dividends cuts.

But we are really talking about a $50 billion cost over 10 years. And that is the way that we usually score tax bills.

There are some good items in the bill before us today, but I think in order to be a great bill, we must achieve fiscal responsibility. Our substitute not only meets all the budget numbers, it does better. The 2006 loss is below $11 billion, the 5-year loss is $20 billion, and the 10-year figure actually cuts Federal deficit by $6 billion.

It comes down to timing, priorities, and fiscal responsibility. I urge my colleagues to support this substitute.

Mr. GRASSLEY. Mr. President, are we now ready to dispose of the Conrad amendment?

The PRESIDING OFFICER. The Senator from North Dakota has 2 minutes remaining.

Mr. CONRAD. I will be happy to use my time at this point if that will help the managers.

Mr. President, the question before us is, What is our vision for the future? If this chart shows your vision of the fiscal future of the country, vote against my amendment. If you think the answer to our fiscal future is just to add more and more to the debt, then vote against me. If you believe it is time to get our fiscal house in order, at least to begin steps to get our fiscal house in order, vote with me. If you believe the underlying budget makes sense, here is what the underlying budget does. For the next 5 years it adds to the debt, going from just under $8 trillion to over $11 trillion. It is going to add over $3 trillion to the debt over the next 5 years.

If you think that is a mistake, then support the alternative that I am offering, which says: Yes, we will provide the hurricane disaster relief; yes, we will provide extensions of the expiring provisions on alternative minimum tax—in fact, we will protect 600,000 more taxpayers than the chairman's mark. And we will provide the R&D tax credit, the State sales tax deduction, the college tuition deduction, the Welfare-to-Work and Work Opportunity Tax Credits, the teacher classroom expenses deduction, the leasehold improvement and restaurant depreciation, and all other traditional tax extenders—but we will pay for them.

How do we pay for them? We take the offsets that are in the chairman's mark that are loophole closers that shut down abusive tax shelters, and we add additional tax shelters and loophole closers—ending a loophole for oil companies that lets them avoid taxes on foreign operations, ending the tax benefit for the leasing of foreign subway and sewer systems—again, I say to my colleagues, why would we ever permit that?—require tax withholding on Government payments to contractors like Halliburton, and renewing the Superfund tax so that polluting companies pay for cleaning up toxic waste.

The PRESIDING OFFICER. The time of the Senator has expired. All time has expired.

Mr. CONRAD. I ask my colleagues to support my amendment to pay for the tax breaks we want to extend. I thank the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I raise a point of order the amendment is not germane to the underlying legislation.

Mr. CONRAD. Mr. President, pursuant to section 904 of the Congressional Budget Act, I move to waive the applicable sections of that act for purposes of the pending amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER (Mr. GRAHAM). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 44, nays 55, as follows:

[Rollcall Vote No. 330 Leg.]

YEAS—44

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Conrad
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln

Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Voinovich
Wyden

NAYS—55

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Landrieu
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Warner

NOT VOTING—1

Corzine

The PRESIDING OFFICER. On this question, the yeas are 44. The nays are 55. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected and the point of order is sustained. The amendment falls.

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico is recognized for 20 minutes.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I don't believe I will use 20 minutes.

I am here this morning to ask a few questions and make a few observations about the pending windfall profit tax amendment. I will first explain what I think the amendment is all about.

This imposes a windfall profit tax on all oil sold for more than $40 a barrel. The tax would be 50 percent. Every year whatever tax is collected would be divided up among all individual taxpayers as a credit. The only way for a company to avoid the tax would be for it to spend all of its receipts above $40 a barrel on investments qualified by the Government. In other words, we know best. We know where they should invest; qualified investment for things such as pipelines, new drilling, refineries, as long as the drilling is in areas that are not already proven oil and gas property.

I don't know what the intention is with reference to oil. Is it to produce more oil or not? If it is, it seems to me an investment of oil of any type that comes out of the ground would be something we should want, but by no means am I suggesting I want to add this list because I believe the whole idea is wrongheaded.

I ask a few questions about what I have observed and what I noted is pretty close to right. If Saudi Arabian oil is being sold at $55 a barrel in Saudi Arabia, am I correct that any entity that sells that oil in the United States would have to pay a tax of $12.50 per barrel, even if they sold that in the United States for the same price they bought it, to wit, $55 a barrel? Is that what we have in mind? That is, if Saudi Arabian oil sells at $55 a barrel, one of our American companies has to buy oil to create gasoline for us—if, in fact, they buy it at $55—that exceeds the $40. So what if they sell it for $55? My arithmetic says that is zero. There is no profit. There is no markup.

Under this amendment, they would still have to pay a tax of $12.50 a barrel, selling it at cost. How could that do anything to encourage production or investment? It would encourage the opposite. As a matter of fact, it would seem to me it would discourage selling oil bought in that manner in the United States—something we would not want. The market value in the world is $55, and they will lose money selling it in the United States. Pretty soon we would have a shortage in the United States. Who would want to sell it here?

In fact, if we look at it, to avoid taking a loss on the sale of that Saudi oil in the United States, any importer of that oil, according to my arithmetic, would have to sell it at $70 just to cover the cost of the tax. It seems to me, in that case, even though the cost of oil is $55 in Saudi Arabia, Senator DORGAN's amendment would deem $30 of that sale price to be a windfall profit. So the seller would owe $15 to the Treasury and would be left with just the $55 necessary to meet the cost.

That is absolutely counterproductive, the wrong thing to do and an unintended, but direct, consequence of this way to raise money and seemingly to send some kind of message to the oil companies about their profits.

Another question in the scenario that I gave, isn't it true this amendment would actually raise the cost of oil from $55 a barrel to $70 a barrel, on pure economics? This amendment would tell the oil companies to sell oil higher than is happening today in order to break even because of the imposition of the tax. That would be very bad. Would it help the country? Who would it help? It hurts us. It hurts our consumers instead of helping the problem attempted to be addressed; namely, get the cost of oil down. It would cause the opposite.

It seems to me, in a general way, the amendment imposes a tax on oil that would drive up the price of oil. It is not a tax on the companies. It is a tax on oil. Does the Senator have any sort of analysis? I don't have one. I wish I did. I wonder what the Congressional Budget Office or the Joint Tax Committee or the Energy Information Agency would show this amendment would do in terms of the cost to our consumers? Such an analysis, which we do not have time to do, would show that American consumers would not have a decrease in the cost of gasoline. Rather, it would go up. I wish we could have that study. I believe, and I think I have a bit of credibility, the imposition of this windfall profit tax would cause the price to our consumers to go up, not down.

It also means that oil companies have an option of selling their oil in the United States and paying a sizable tax in the United States. They will probably sell it overseas to avoid paying the tax. If they have an option to sell it here and paying a tax or selling it overseas, they will take the option of selling it overseas. Why not? It is pure logic. You lose money selling it in the United States.

Is the amendment accompanied by analysis that shows how much less oil would be available in the United States if this amendment is passed? I truly believe it will make less oil available. If less oil is available, the price goes up, not down, for those items that come from crude oil.

Does the proponent of the amendment have any kind of analysis as to what would happen to the prices if companies stop selling some portion of the current imports to the United States? That is a very interesting question. I believe what would happen is the opposite of what is intended. If this is intended to penalize the companies, rather than being a tax on oil, I assure you that if it is a tax on oil, the price will go up, not down. It seems there is no argument about that. If the price goes up because of the tax, does the gasoline coming from the crude oil go down so our consumers get a break? Of course not. The price goes up. So we do not get a break; we get the opposite. We get an increase. And under the guise of a good bill to help American consumers, we get one that clearly will scalp them. They will pay more, rather than less, and we will have some money to claim to our taxpayers that we are giving them back because we are hurting big oil, which seems to be the intention of this amendment.

I also note this amendment allows the oil sellers to avoid a part of the tax if they invest it in new oil wells drilled in areas of the country that are not proven up as gas properties. That is very interesting. They cannot invest it in oilfields that are proven up that require money to drill. They cannot do that. It has to be new oilfields. I ask if the proponent of the amendment would submit a list of unproven areas in the United States where the drilling of oil is supported. Where are the fields for new production that are supported? Frankly, every field you try you cannot get it done because of some objection or another. In fact, I ask the sponsor, more particularly, would he submit to the Senate a list of unproven areas where he, the distinguished Senator, supports drilling new fields? It would be all right if he gave a list that are supported not necessarily by the Senator but by any authentic group.

In its totality, let me summarize: This is not a tax on the oil companies. This is a tax on oil. It will not produce more oil to tax oil. It will not produce lower costs to the consumer by taxing oil. It is very logical if you say: Here is a product for sale for $150. That is the established price. But now the municipality says: Let's have a 15-percent sales tax or a 50-percent tax on the profits or whatever we determine. That makes the price of the product go up, not down. The same will happen with oil. Tax the product, the price goes up. Tax the company on profits, unless they do something, the price goes up, not down.

It would be impossible for the energy companies to invest the money in a timely manner in the manner prescribed. I cannot imagine $3 billion or $4 billion being invested in 1 year in the items recommended by the Congress that knows best where companies should spend it. It seems to me they would have to pay the windfall. They could not do the investing.

There is much more to say. There is no question this will cost the consumers more, not less. Gasoline will go up, not down. The supplies will be less, not more. All of which we do not want. All of which I would think the sponsor of the amendment would not want. It is an absolute certainty that is what will happen.

I yield back the remainder of my time, and I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from California is recognized to offer two amendments with 30 minutes of debate on each amendment, equally divided.

Mr. REID. If I could direct a question.

The PRESIDING OFFICER. The minority leader.

Mr. REID. It is my understanding that Senator FEINSTEIN and Senator WYDEN have 30 minutes equally divided.

Mrs. FEINSTEIN. No, it is 30 minutes in opposition.

Mr. REID. You have 15?

Mrs. FEINSTEIN. We have 15 minutes; I have two amendments.

Mr. REID. I ask unanimous consent, following the 15 minutes of the two Senators, WYDEN and FEINSTEIN, I be recognized to use some of my leadership time.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NOS. 2609 AND 2610

Mrs. FEINSTEIN. Mr. President, I send two amendments to the desk. The first is an amendment, on behalf of myself, Senators SUNUNU, GREGG, WYDEN, CANTWELL, FEINGOLD, BURR, MCCAIN, KERRY, and COLLINS, "To repeal certain tax benefits relating to oil and gas wells intangible drilling and development costs."

The second amendment is an amendment, on behalf of Senator KERRY and myself, which would be a restatement for millionaires of 39.6 percent income tax rate, the pre-May 2003 rates of tax on capital gains and dividend rates and deduction limitations until the budget deficit is eliminated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself, Mr. SUNUNU, Mr. GREGG, Mr. WYDEN, Ms. CANTWELL, Mr. FEINGOLD, Mr. BURR, Mr. MCCAIN, Mr. KERRY and Ms. COLLINS, proposes an amendment numbered 2609.

The Senator from California [Mrs. FEINSTEIN], for herself and Mr. KERRY, proposes an amendment numbered 2610.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

(Purpose: To repeal certain tax benefits relating to oil and gas wells intangible drilling and development costs)

At the end of title IV, add the following:

SEC. . REPEAL OF CERTAIN TAX BENEFITS RELATING TO OIL AND GAS WELLS INTANGIBLE DRILLING AND DEVELOPMENT COSTS.

(a) IN GENERAL.—Section 263(c) (relating to intangible drilling and development costs) is amended by adding at the end the following new sentence: "This subsection shall not apply with respect to wells (other than wells drilled for any geothermal deposit (as so defined)) of any integrated oil company (as defined in section 291(b)(4)) which has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year in any taxable year beginning after December 31, 2005.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2005.

(Purpose: To reinstate for millionaires a top individual income tax rate of 39.6 percent, the pre-May 2003 rates of tax on capital gains and dividends, and to repeal the reduction and termination of the phase out of personal exemptions and overall limitation on itemized deductions, until the Federal budget deficit is eliminated)

At the end of the bill, insert the following:

SEC. ___. REINSTATEMENT FOR MILLIONAIRES OF 39.6 PERCENT INCOME TAX RATE, PRE-MAY 2003 CAPITAL GAIN AND DIVIDEND RATES, AND DEDUCTION LIMITATIONS UNTIL BUDGET DEFICIT ELIMINATED.

(a) REPEAL OF TOP INCOME TAX RATE REDUCTIONS.—

(1) IN GENERAL.—Section 1(i) (relating to rate reductions) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

"(3) EXCEPTION FOR TAXPAYERS WITH TAXABLE INCOME OF $1,000,000, OR MORE.—Notwithstanding paragraph (2), in the case of taxable years beginning in a calender year after 2005, the last item in the fourth column of the table under paragraph (2) shall be applied by substituting '39.6%' for '35.0%' with respect to taxable income in excess of $1,000,000 ($500,000 in the case of taxpayers to whom subsection (d) applies).".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years beginning after December 31, 2005.

(3) APPLICATION OF EGTRRA SUNSET.—The amendment made by this subsection shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as the provision of such Act to which such amendment relates.

(b) RESTORATION OF PRE-MAY 2003 TAX RATES ON CAPITAL GAINS AND DIVIDENDS FOR INDIVIDUALS IN TOP RATE BRACKET.—

(1) IN GENERAL.—Section 1(h) is amended by adding at the end the following new paragraph:

"(12) INCREASED RATES FOR INDIVIDUALS IN THE TOP RATE BRACKET.—

"(A) DIVIDENDS.—In no event shall the qualified dividend income of a taxpayer for any taxable year exceed the excess (if any) of—

"(i) the minimum dollar amount to which the 39.6 rate applies under subsection (i) for the taxable year, over

"(ii) taxable income, reduced by adjusted net capital gain (determined without regard to this paragraph).

"(B) CAPITAL GAINS.—If a taxpayer has a net capital gain for any taxable year, the taxpayer's tax shall be increased by an amount equal to 5 percent of the lesser of—

"(i) the taxpayer's adjusted net capital gain, determined after application of subparagraph (A) and by only taking into account gain or loss properly allocable to the portion of the taxable year after December 31, 2005, or

"(ii) taxable income in excess of the minimum dollar amount to which the 39.6 rate applies under subsection (i) for the taxable year."

(2) APPLICATION TO MINIMUM TAX.—Section 55(b)(3) is amended by adding at the end the following new sentence: "The rules of section 1(h)(12) shall apply for purposes of this paragraph."

(3) EFFECTIVE DATES.—

(A) CAPITAL GAINS.—Section 1(h)(12)(B) of the Internal Revenue Code of 1986 (as added by paragraph (1)) shall apply to taxable years beginning after December 31, 2005.

(B) DIVIDEND RATES.—Section 1(h)(12)(A) of such Code (as added by paragraph (1)) shall apply to dividends received after December 31, 2005.

(4) APPLICATION OF JGTRRA SUNSET.—The amendment made by this subsection shall be subject to section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 to the same extent and in the same manner as the provision of such Act to which such amendment relates.

(c) REPEAL OF THE SCHEDULED PHASE OUT AND TERMINATION OF THE LIMITATIONS ON PERSONAL EXEMPTIONS AND ITEMIZED DEDUCTIONS.—

(1) REPEAL.—

(A) PERSONAL EXEMPTIONS.—Section 1(d)(3) is amended by adding at the end the following:

"(6) REDUCTION OF PHASE OUT AND TERMINATION NOT TO APPLY.—Subparagraphs (E) and (F) shall not apply to a taxpayer whose adjusted gross income for the taxable year exceeds $1,000,000 ($500,000 in the case of a married individual filing a separate return)."

(B) ITEMIZED DEDUCTIONS.—Section 68 is amended by adding at the end the following:

"(h) REDUCTION OF PHASE OUT AND TERMINATION NOT TO APPLY.—Subsections (f) and (g) shall not apply to a taxpayer whose adjusted gross income for the taxable year exceeds $1,000,000 ($500,000 in the case of a married individual filing a separate return)."

(2) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

(3) APPLICATION OF EGTRRA SUNSET.—The amendments made by this section shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as the provision of such Act to which such amendment relates.

(d) SUNSET OF AMENDMENTS IF BUDGET DEFICIT ELIMINATED.—

(1) IN GENERAL.—The amendments made by this section shall not apply to taxable years beginning after the first calendar year for which the certification described in paragraph (2)(B) is made.

(2) ESTIMATES AND CERTIFICATION.—

(A) IN GENERAL.—Not later than October 15 of each calendar year beginning after 2005, the Director of the Office of Management and Budget, in consultation with the Secretary of the Treasury, shall estimate—

(i) the Federal budget deficit for the fiscal year ending in the calendar year, and

(ii) the Federal budget deficit for the fiscal year beginning in the calendar year (determined as if the amendments made by this section were not in effect for taxable years beginning in the following calendar year).

(B) CERTIFICATION.—The Director of the Office of Management and Budget shall certify to the President of the United States and to the Congress the first calendar year for which the Director estimates under subparagraph (A) that there will be no Federal budget deficit for both of the fiscal years for which the estimate was made.

AMENDMENT NO. 2609

Mrs. FEINSTEIN. Mr. President, this amendment would strike a tax incentive from the books for the oil and gas companies that allows them to expense their exploration and development costs.

This tax credit is unnecessary, not because I say that it is, but because the oil companies have said they do not need it. The President of the United States has said the oil companies do not need it, and the Joint Committee on Taxation estimates this tax credit costs the Federal Treasury $2.4 billion over 5 years.

I wish to make clear that this amendment only repeals the credit for the major integrated oil companies—ExxonMobil, Shell, BP, Chevron, and ConocoPhillips. This tax credit allows major oil companies, such as the ones I have just mentioned, to deduct 70 percent of their drilling costs up front, then the next 30 percent over the course of 5 years. Costs that can be deducted include workers' wages, fuel costs, drilling equipment, materials, and supplies, et cetera.

Now, why should the oil and gas industry get special treatment? And why should they get tax breaks from the Federal Government when they are making record profits? In the third quarter of 2005 alone, the five biggest companies earned a staggering combined total of more than $30 billion.

ExxonMobil's profits skyrocketed another 75 percent in the third quarter to almost $10 billion. Over the first 9 months of 2005, ExxonMobil made a profit of $25.42 billion.

BP made 34 percent more, or $6.46 billion, in the third quarter of 2005. So far this year, BP has made $18.66 billion.

Shell's profits soared 68 percent to $9 billion in the third quarter of 2005, while making $20.94 billion over the first 9 months of the year.

Chevron's third-quarter profits were 12 percent higher, or $3.6 billion. So far this year, Chevron made $10 billion.

ConocoPhillips saw an 89 percent increase or $3.8 billion in the third quarter, while making a profit of $9.85 billion over the first 9 months of the year.

At the same time this is happening, the Federal budget deficit is the third largest in history, totaling $319 billion, and the national debt has surpassed the $8 trillion mark.

In April of this year, President Bush stated:

> With oil at more than $50 a barrel, by the way, energy companies do not need taxpayers'-funded incentives to explore for oil and gas.

At the joint Senate hearing last week, at which the CEOs of ExxonMobil, Chevron, ConocoPhillips, BP, and Shell testified, Senator WYDEN asked them if, given the fact that oil prices are above $55 per barrel, they needed these Federal tax incentives. They all responded "No." In fact, Lee Raymond of ExxonMobil stated this: "No and I don't think our company has asked for any incentives for exploration."

Now, I see Senator WYDEN is in the Chamber, and since I have quoted him, I would like to ask him if I have accurately reported what happened at this Senate joint hearing with the oil executives.

Mr. WYDEN. Mr. President, the Senator from California has accurately reported it.

Mrs. FEINSTEIN. Let me ask this question. Did the Senator get the idea from all of the big oil companies that none of them wanted these tax incentives?

Mr. WYDEN. What is so staggering is, when these big oil companies are charging record prices, making record profits, they are being given record tax subsidies that they show up and tell the American people they do not want.

So I intend to speak on this after the distinguished Senator from California is done. But she has an excellent amendment. I say to the Senator, you have characterized their testimony correctly.

Mrs. FEINSTEIN. I thank the Senator from Oregon.

In essence, Mr. President, this is the biggest handout to the biggest corporations in America—as a matter of fact, in the world. We should not be giving them a tax break so they can do their job—to drill for oil—when they certainly do not need it.

Again, let me be clear: this is a tax credit for the major oil companies only. It should not surprise anyone to learn that these same oil companies' effective tax rates were well below 35 percent. In 2001, their tax rate was 17.3 percent; in 2002, 5.6 percent; in 2003, 13.3 percent. This averages out to 13.3 percent over the 3-year period.

By contrast, 14 industries have higher effective tax rates. The health care industry is 22.3 percent; the financial industry, 19.7 percent; pharmaceuticals pay 21.6 percent; the chemical industry, 20.8 percent; the computer industry, 16 percent; tobacco and food industries, 23.8 percent—and on and on and on, and yet the oil companies pay very little.

So not only are these energy tax incentives taking money out of the Treasury, they are also allowing oil companies to lower their effective tax rate so that less money actually flows from them into the Treasury. That is unacceptable. They say they do not need it. The President says they do not need it. And this would essentially correct that situation.

When this tax bill was considered, the Finance Committee recognized this fact and repealed the amortization of geological and geophysical expenditures for the major integrated oil companies. It also changed the way oil companies with gross receipts over $1 billion can account for their oil inventories. The amendment I offer today takes one more step in taking away unnecessary tax breaks for the oil and gas industry.

So, Mr. President, I hope my colleagues will join me in supporting this amendment. I thank the cosponsors.

AMENDMENT NO. 2610

Now, Mr. President, I would like to speak for a moment on the second amendment, which I call the millionaire's amendment, which is offered to my colleagues by Senator KERRY and me.

I have never had a millionaire come to me and say: I need a tax break. I have had them come to me and say: Frankly, the $100,000 I get a year is de minimis to me. It doesn't make a difference to me.

So I wonder, when we are cutting Medicaid, when we are cutting virtually every domestic program we can cut, why millionaires get $100,000 in tax breaks a year. It does not make sense. They do not ask for them. They do not need them. It does not really make a difference to them.

Our amendment directly targets the budget deficit. It says if the budget is not in balance, tax rates for income, capital gains, and dividends will return to previous levels, and deduction limits, for taxpayers earning more than $1 million. So those taxes would be reinstated only for people earning more than $1 million. According to the Joint Committee on Taxation and the Tax Policy Center, this amendment could increase revenues by more than $100 billion over 5 years.

When I came to the Senate in 1992, the debt was $4 trillion. In the 1990s, we put it down, and by 1998, we achieved the first budget surplus in 29 years. By 2001, the 10-year projected surplus was $5.6 trillion. Now, it has been said on this floor over and over again that projected surplus has been turned into a major projected long-term deficit. The Federal budget deficit will reach $515 billion this year when all trust funds are included. This means over half a trillion dollars will be added to our Nation's debt—a national debt that has already exceeded the $8 trillion mark. Yet millionaires get a $100,000 tax break a year, which they have told me they don't need, it doesn't make a difference. At the same time, this debt and deficit will fuel a rise in interest rates. There have already been a dozen hikes. It will eventually slow down the economy, and it will certainly limit job creation.

In order to cover the costs of our debt, this Senate cut $10 billion in health care spending for the poorest Americans. To make matters worse, the temporary relief for physicians in the spending bill is borne on the backs of Medicare beneficiaries in the form of higher Part B premiums. The spending cuts will directly increase, by $2.90, the amount Medicare beneficiaries pay each month in premiums in 2007. That is a 33-percent increase in monthly premiums. While it is vital that Congress prevent future cuts in Medicare reimbursement to physicians, the spending cuts amounted to a $1.4 billion tax on seniors. This is simply unacceptable.

I do not think it is a bad idea to say that millionaires might be willing to help people on Medicare. They might be willing to provide some support for Medicaid so that the poorest Americans could receive health care.

So here is the bottom line: Realistically, there are very few millionaires in my State. There are about 28,000—28,000 out of 37 million people. The number of people on Medicare and Medicaid affected by these cuts is in the millions. That is the difference. So if you restore this tax for millionaires, it essentially covers the cuts on Medicare and Medicaid.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Eleven and a half minutes.

Mrs. FEINSTEIN. Mr. President, I understand that Senator WYDEN would like to use some of this time. I would be happy to allot him—how much time does the Senator require?

Mr. WYDEN. Mr. President, I think 7 minutes would be fine.

Mr. REID. Mr. President, I ask Senator FEINSTEIN, would it be OK if I use my leader time now?

Mrs. FEINSTEIN. Yes.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. REID. This doesn't take away from their time, Mr. President.

Thank you very much. I appreciate the courtesy. It is so nice of you to let me do this. I know everyone is waiting to offer their amendments. This is leader time. It comes off of the bill.

IRAQ

Mr. President, last night, on the heels of two very bloody days in Iraq where 11 American soldiers have been killed, the President and the Vice President shamelessly decided to play politics. It was another deplorable political ploy from an administration that is growing more and more and more desperate and disconnected. The American people and our brave soldiers deserve better.

It seems the President and Vice President have decided to treat the war as if it is a political campaign. Instead of giving our troops a plan for success or answering the serious questions of the American people, they have decided to reignite the Rove-Cheney attack machine.

We are at war. We need a Commander in Chief, not a Campaigner in Chief. We need leadership from the White House, not more White House-washing of the very serious issues confronting us in Iraq.

This week, Senate Democrats and Republicans, right here in this Senate, voted overwhelmingly to send the President this message: It is time to change course in Iraq.

Instead of heeding that call, the White House continues to dodge and to duck the questions of Americans and to smear their opponents. That is not leadership, and our troops and the American people deserve better.

Here is what Senator CHUCK HAGEL said. Now, who is CHUCK HAGEL? CHUCK HAGEL is a decorated Vietnam war veteran, a man who, in Vietnam, saved the life of his own brother. Of course, he is also a senior Republican member of the Foreign Relations Committee.

Here is what he had to say about the administration's tactics. These are not my words. They are the words of the Senator from Nebraska:

> Suggesting that to challenge or criticize policy is undermining or hurting our troops is not democracy, nor what this country has stood for, for over 200 years . . . To question your government is not unpatriotic—to not question your government is unpatriotic. America owes its men and women in uniform a policy worthy of their sacrifices.

He is right. The deceiving, dividing, and distorting must end. Of course, this is the same move we have seen from Karl Rove and DICK CHENEY time and time again. Whenever their poll numbers sink, they go back on the attack. This time, though, the stakes are too high to let them get away with it. There is more than poll numbers or votes at stake. The lives of our brave soldiers in Iraq depend on this President coming clean and coming forward with a plan for Iraq.

President Bush, Vice President CHENEY, and Karl Rove must stop the orchestrated attack campaign they launched on Veterans Day. It is a weak, spineless display of politics at a time of war. It is easy to attack. The hard part is leading, coming clean with the American people, and giving our troops a strategy for success.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Parliamentary inquiry: My understanding is that if I take about 7 minutes or so to discuss the Feinstein-Wyden, and others, amendment with respect to energy, that would still leave the Senator from California about 5 minutes to conclude for our side?

Mrs. FEINSTEIN. I am happy to yield the balance of my time to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from California has 3 minutes remaining.

Mrs. FEINSTEIN. I yield my 3 minutes to the Senator from Oregon.

Mr. THOMAS. Mr. Chairman, I asked for some time. Do I have time, then, following the Senator from Oregon?

Mr. WYDEN. I ask unanimous consent that Senator FEINSTEIN and I have 10 additional minutes. Senator THOMAS would be afforded the same amount, so that the total amount for this provision would only be expanded at a maximum amount of 20 minutes. I would take 5 minutes from our side.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask my good friend to cut that down significantly. We are oversubscribed in time. It is a zero-sum game. Extra time you take means less time for other Senators later on. I urge you to modify your request to a much lower number, please.

Mr. WYDEN. The Senator from Montana is gracious. Does the Senator from California need any additional time?

Mrs. FEINSTEIN. I am yielding my remaining 3 minutes to the Senator from Oregon.

Mr. WYDEN. Mr. President, if I could have 3 additional minutes so I could speak for a total of up to 6 minutes.

Mr. BAUCUS. Let's make it 5 and 5.

Mr. WYDEN. That would be fine.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oregon is recognized for 5 minutes.

AMENDMENT NO. 2609

Mr. WYDEN. Mr. President, with the CEOs of the major oil companies admitting that they do not need tax breaks, Democrats and Republicans in the Senate are signaling that it is a new day as far as energy taxes. For the first time in 20 years, the Senate is on the brink of cutting back on a portion of the billions of dollars in tax breaks the major oil companies receive annually.

The long march toward reforming the energy provisions in our Tax Code began a couple of days ago, when the Senate Finance Committee accepted my amendment that would limit a brand-new tax break in the 2005 Energy bill that would allow the oil companies to get faster write-offs for their exploration costs. That amendment was, in my view, a beginning at rolling back unnecessary tax breaks. Today, a bipartisan group, under the leadership of Senator FEINSTEIN and Senator SUNUNU, are building on that.

It is preposterous for the Senate to keep voting out tax breaks for the major oil companies when these executives go on national television and say they aren't needed. At a time when the Low-Income Home Energy Assistance Program doesn't have enough funds, at a time when Americans are hurting all across the country, I don't know how it is possible for a Member of the Senate to stand up and say: We are going to continue to dispense tax favors that the oil industry says are not needed.

What I did in the Finance Committee, what Senator FEINSTEIN is building on today, is to say we are going to do a better job in the future of targeting scarce resources. In this case we are going to limit the tax breaks to the small and independent producers. Even with that, the fact is that over the past 2 years, oil companies have already increased their drilling operations, as the price of oil has skyrocketed from $45 per barrel to over $70. The number of rigs in operation and the amount of drilling have both increased by a third since 2003.

Special treatment of oil and gas costs in the Tax Code is exactly the kind of special interest tax break we ought to be working, on a bipartisan basis, to eliminate. By eliminating this and other special-interest tax breaks, it will be possible to simplify the Code, help to lower tax rates, and, most specifically, let the energy markets work, let capital flow to its highest and best use.

This is a pretty big day in the Senate. Literally for 20 years, the Senate has been pouring it on in terms of one tax break after another for the major oil companies. If you look at the statutes, the statutes are not confining these tax breaks to the small independent producer. My legislation in the Senate Finance Committee did just that. I heard the pleas of a number of colleagues on the Finance Committee who said: Be careful about the small independent producers. I did that. We passed it in the Finance Committee.

Senator FEINSTEIN and Senator SUNUNU have picked up on that theme. This is not going to take anything away from the small independent producers, but it is a big first step at reforming the Tax Code and keeping taxpayers' hard-earned money, when major oil executives say they don't need those dollars for tax breaks.

I hope the Senate will support the Feinstein-Sununu amendment, and take the next step in this effort to reform the Tax Code.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, here we are again, faced with another opportunity to make it more difficult for us to meet our needs in energy. Interestingly enough, people on the west coast who need the energy more than anyone seem to be pushing for this.

There is a misunderstanding here as to what has been done. But these tax opportunities are particularly the cost of conducting oil and gas exploration and production, particularly offshore, the difficult ones, the high-cost offshore drilling, the kinds of things we are going to have to get into to continue to have it. We have about expanded all the regular drilling we can. Here is an opportunity to do something unusual. By the way, I think there has been a little misunderstanding on the question that was asked. The question that was asked, as I understand it, was on geology, G&G, which was in the bill. They said they didn't need that. This is not G&G. This is another issue.

Mr. WYDEN. Will the Senator yield?

Mr. THOMAS. No, I am not going to yield. Thank you.

This is a little different issue than we talked about before. If you would ask these people, do they need it to do these kinds of drilling on the intangibles, that is not geology, which is the one they were talking about, the G&G issue that was in there.

Here again, we went through this in another amendment. We continue to do the same thing. We have spent all this time trying to get an energy bill out there to try to encourage new ways to look at energy, trying to look at new opportunities for energy, all of which are very important. Quite frankly, living in a State where we do a lot of this, the people who are willing and able to put the investment in these kinds of new approaches are not the independents. They are the larger companies. They are the integrated companies that are able to do this.

This continuing idea that somehow these people are too rich—I had my chart out here a little while ago, talking about the return on revenue and profits. They were down below the middle of all the other industries. If we want to talk about taking away windfall profits and giving it back to everyone, you are starting with the wrong industry. We ought to be talking about the 10 or 12 industries that have a higher return on their sales than do the people in this business of producing the fuel and the energy we need to keep our economy going.

If we want to look at having jobs, if we want to look at a growing economy, it is very clear. The more we see of it, the more we see of having to get offshore oil, the more we see of having to do, which we should, conservation and other things, the more important it is for us to have an opportunity to begin to continue to move into new sources of energy, the ones that are more difficult.

This amendment is just another one to inhibit that, based on the idea that the oil companies are getting too much of a profit. Again, take a look at the facts. They are not, compared to others. The return has been a reasonable one, and I believe we ought to not adopt this kind of an amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Washington is recognized to offer an amendment.

AMENDMENT NO. 2612

Ms. CANTWELL. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Washington [Ms. CANTWELL], for herself, Mr. BAYH, Mr. LIEBERMAN, Mr. SCHUMER, Mrs. BOXER, and Mr. CARPER, proposes an amendment numbered 2612.

Ms. CANTWELL. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To improve the Federal Trade Commission's ability to protect consumers from price-gouging during energy emergencies, and for other purposes)

At the end of the bill, insert the following:

TITLE I—ENERGY EMERGENCY CONSUMER PROTECTION

SEC. ___. UNFAIR OR DECEPTIVE ACTS OR PRACTICES IN COMMERCE RELATED TO GASOLINE AND PETROLEUM DISTILLATES.

(a) SALES TO CONSUMERS AT UNCONSCIONABLE PRICE.—

(1) IN GENERAL.—During any energy emergency declared by the President under section 3, it is unlawful for any person to sell crude oil, gasoline, or petroleum distillates in, or for use in, the area to which that declaration applies at a price that—

(A) is unconscionably excessive; or

(B) indicates the seller is taking unfair advantage of the circumstances to increase prices unreasonably.

(2) FACTORS CONSIDERED.—In determining whether a violation of paragraph (1) has occurred, there shall be taken into account, among other factors, whether—

(A) the amount charged represents a gross disparity between the price of the crude oil, gasoline, or petroleum distillate sold and the price at which it was offered for sale in the usual course of the seller's business immediately prior to the energy emergency; or

(B) the amount charged grossly exceeds the price at which the same or similar crude oil, gasoline, or petroleum distillate was readily obtainable by other purchasers in the area to which the declaration applies.

(3) MITIGATING FACTORS.—In determining whether a violation of paragraph (1) has occurred, there also shall be taken into account, among other factors, the price that would reasonably equate supply and demand in a competitive and freely functioning market and whether the price at which the crude

oil, gasoline, or petroleum distillate was sold reasonably reflects additional costs, not within the control of the seller, that were paid or incurred by the seller.

(b) FALSE PRICING INFORMATION.—It is unlawful for any person to report information related to the wholesale price of crude oil, gasoline, or petroleum distillates to the Federal Trade Commission if—

(1) that person knew, or reasonably should have known, the information to be false or misleading;

(2) the information was required by law to be reported; and

(3) the person intended the false or misleading data to affect data compiled by that department or agency for statistical or analytical purposes with respect to the market for crude oil, gasoline, or petroleum distillates.

(c) MARKET MANIPULATION.—It is unlawful for any person, directly or indirectly, to use or employ, in connection with the purchase or sale of crude oil, gasoline, or petroleum distillates at wholesale, any manipulative or deceptive device or contrivance, in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of United States citizens.

SEC. . DECLARATION OF ENERGY EMERGENCY.

(a) IN GENERAL.—If the President finds that the health, safety, welfare, or economic well-being of the citizens of the United States is at risk because of a shortage or imminent shortage of adequate supplies of crude oil, gasoline, or petroleum distillates due to a disruption in the national distribution system for crude oil, gasoline, or petroleum distillates (including such a shortage related to a major disaster (as defined in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122))), or significant pricing anomalies in national energy markets for crude oil, gasoline, or petroleum distillates, the President may declare that a Federal energy emergency exists.

(b) SCOPE AND DURATION.—The declaration shall apply to the Nation, a geographical region, or 1 or more States, as determined by the President, but may not be in effect for a period of more than 45 days.

(c) EXTENSIONS.—The President may—

(1) extend a declaration under subsection (a) for a period of not more than 45 days; and

(2) extend such a declaration more than once.

SEC. ___. ENFORCEMENT UNDER FEDERAL TRADE COMMISSION ACT.

(a) ENFORCEMENT BY COMMISSION.—This Act shall be enforced by the Federal Trade Commission. In enforcing section 2(a) of this Act, the Commission shall give priority to enforcement actions concerning companies with total United States wholesale or retail sales of crude oil, gasoline, and petroleum distillates in excess of $500,000,000 per year but shall not exclude enforcement actions against companies with total United States wholesale sales of $500,000,000 or less per year.

(b) VIOLATION IS UNFAIR OR DECEPTIVE ACT OR PRACTICE.—The violation of any provision of this Act shall be treated as an unfair or deceptive act or practice proscribed under a rule issued under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

SEC. . ENFORCEMENT AT RETAIL LEVEL BY STATE ATTORNEYS GENERAL.

(a) IN GENERAL.—A State, as parens patriae, may bring a civil action on behalf of its residents in an appropriate district court of the United States to enforce the provisions of section 2(a) of this Act, or to impose the civil penalties authorized by section 6 for violations of section 2(a), whenever the attorney general of the State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a person engaged in retail sales of gasoline or petroleum distillates to consumers for purposes other than resale that violates this Act or a regulation under this Act.

(b) NOTICE.—The State shall serve written notice to the Commission of any civil action under subsection (a) prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting such civil action.

(c) AUTHORITY TO INTERVENE.—Upon receiving the notice required by subsection (b), the Commission may intervene in such civil action and upon intervening—

(1) be heard on all matters arising in such civil action; and

(2) file petitions for appeal of a decision in such civil action.

(d) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this section shall prevent the attorney general of a State from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(e) VENUE; SERVICE OF PROCESS.—In a civil action brought under subsection (a)—

(1) the venue shall be a judicial district in which—

(A) the defendant operates;

(B) the defendant was authorized to do business; or

(C) where the defendant in the civil action is found;

(2) process may be served without regard to the territorial limits of the district or of the State in which the civil action is instituted; and

(3) a person who participated with the defendant in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

(f) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Commission has instituted a civil action or an administrative action for violation of this Act, no State attorney general, or official or agency of a State, may bring an action under this subsection during the pendency of that action against any defendant named in the complaint of the Commission or the other agency for any violation of this Act alleged in the complaint.

(g) ENFORCEMENT OF STATE LAW.—Nothing contained in this section shall prohibit an authorized State official from proceeding in State court to enforce a civil or criminal statute of such State.

SEC. ___. PENALTIES.

(a) CIVIL PENALTY.—

(1) IN GENERAL.—In addition to any penalty applicable under the Federal Trade Commission Act—

(A) any person who violates section 2(b) or 2(c) of this Act is punishable by a civil penalty of not more than $1,000,000; and

(B) any person who violates section 2(a) of this Act is punishable by a civil penalty of not more than $3,000,000.

(2) METHOD OF ASSESSMENT.—The penalties provided by paragraph (1) shall be assessed in the same manner as civil penalties imposed under section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(3) MULTIPLE OFFENSES; MITIGATING FACTORS.—In assessing the penalty provided by subsection (a)—

(A) each day of a continuing violation shall be considered a separate violation; and

(B) the Commission shall take into consideration the seriousness of the violation and the efforts of the person committing the violation to remedy the harm caused by the violation in a timely manner.

(b) CRIMINAL PENALTY.—Violation of section 2(a) of this Act is punishable by a fine of not more than $1,000,000, imprisonment for not more than 5 years, or both.

SEC. . EFFECT ON OTHER LAWS.

(a) OTHER AUTHORITY OF COMMISSION.—Nothing in this Act shall be construed to limit or affect in any way the Commission's authority to bring enforcement actions or take any other measure under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) or any other provision of law.

(b) STATE LAW.—Nothing in this Act preempts any State law.

Ms. CANTWELL. Mr. President, my amendment is based on S. 1735 which has been sponsored by about 29 of my colleagues. I certainly appreciate the fact that this amendment is being cosponsored by Senators BAYH, SCHUMER, BOXER, CARPER, and LIEBERMAN. I thank my colleagues for paying attention to what I believe is a very important issue for us to address before we adjourn; that is, the issue of price gouging and the fact that the Senate should say loud and clear that we think price gouging should be a Federal crime. That is exactly what my amendment does. It creates a new Federal statute to make sure that consumers are protected from price gouging.

How did we arrive at this point? While my colleagues, I am sure, would like to adjourn and continue to think about the complications and challenges, the American economy is being hurt by the high price of gasoline, as we saw this summer prior to Katrina. Certainly, we are anxious about the winter months and home heating oil and the costs that consumers are going to pay when they get their bills in the next couple of months.

It is important to note that Americans will spend over $200 billion more on energy this year than they did last year. That is hundreds of billions of dollars coming directly out of family budgets and the bottom lines of businesses across the country. The airline industry is expected to spend $30 billion more on fuel alone this year, which is twice what they spent in 2003. In fact, if you look at what the airline industry is expected to lose this year, it is about $9.5 billion. If you look at the increase in the expense of fuel costs for the airline industry, it is $9.2 billion.

For the airline industry, there is a high correlation between their actual loss and the amount they are paying in higher fuel costs. For the trucking industry, where diesel fuel accounts for almost a quarter of their operating expenses, each penny increase in diesel fuel costs the trucking industry $350 million a year. And what about our farmers who are obviously on low profit margins—about 5 percent—and their challenge? Well, they have had a combination of record diesel fuel costs and price increases of fertilizer of more than 20 percent. So it makes it very challenging for the American farmer to be competitive in this kind of environment.

What about the Air Force? I know the Presiding Officer is interested in the Air Force. The Air Force energy budget is expected to increase 50 percent this year, costing taxpayers another $400 million. Even the Postal Service is paying higher fuel prices, expecting to add another $300 million to the Postal Service transportation costs.

And what about the taxpayers? Well, they pay every week at the pump for higher fuel costs and they want us to protect them. But I don't know if they know that the taxpayers are even paying more for the President's travel. According to reports, the per-hour fuel cost for the travel of Air Force One has increased from $3,974 to now $6,029.

The cost of energy integrated into our economy is costing us all more money and at a time when we are seeing oil companies reach record profits and billions are being sent to countries such as Saudi Arabia, Iran, and Venezuela. I guarantee you do not have our interests at heart.

I am offering an amendment today to say that price gouging is a Federal crime and we should pass this before we adjourn.

Why is it so important to pass new Federal legislation? First, there are 28 States in America, the District of Columbia included, Gulf States such as Louisiana, Mississippi, Alabama, Florida, and Texas, that currently have price-gouging statutes on the books. These States have taken legal action to try to make sure that gas distributors or service stations or oil companies are investigated when allegations of price gouging have occurred, and certainly when you have a state of emergency as we have had after hurricanes. So these State statutes are the very statutes we are saying ought to be in Federal law.

As to examples of how these have been prosecuted at the State level, retailers have been charged with unconscionable pricing attributed to an increase in unreasonable wholesale gasoline prices or because gasoline, oil, or fuel commodities in general are raised to what is an unconscionable price. We based this on what is a New York statute that has been upheld in court. I think it is very important to note that the Federal court system has taken this term of unconscionable pricing and has Federal case law related to it.

Why did we get to this point? We got to this point primarily because current Federal law and the focus of the FTC has been whether there has been collusive pricing activities by these oil companies, collusive meaning whether they got together and fixed the price.

That Federal statute gives very little room to investigate and examine what I believe are key issues about supply and demand. We hear a lot from the oil industry that this is about simple economics and supply and demand.

I guarantee you we ought to be demanding more information about the possible manipulation of supply and why supply was exported out of the United States at a time when it was so needed for American consumers.

We need to pass a Federal price-gouging law to make sure that the current law on the books does not leave us emptyhanded when coming to pursue this issue and to make our point in protecting the American consumers.

This last week we heard from attorneys general at a joint hearing of the Senate Commerce Committee and the Senate Energy Committee talking about this issue. One attorney general from New Jersey, Peter Harvey, who has utilized his own statute on antiprice gouging, told us:

> We need a Federal price gouging statute that applies nationwide to the sale of essential goods and services.

I am also pleased that the attorney general from New York—as I said, we have based this statute on New York law—has also championed this legislation in a letter of support that I ask unanimous consent to have printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL,
New York, NY, November 8, 2005.

Hon. TED STEVENS,
Chairman, Committee on Commerce, Science and Transportation, U.S. Senate, Washington, DC.

DEAR CHAIRMAN STEVENS: thank you for your letter seeking input on the issue of gasoline price gouging, and in particular whether Congress should pass legislation increasing the FTC's powers in this area.

In the aftermath of Hurricanes Katrina and Rita, my office received numerous complaints about the escalation of the price of motor fuel. In response, we launched an investigation and demanded information from about 75 gas stations around New York State that had been the subject of complaints. In those cases where retailers appear to have raised prices more than warranted based on their increased costs, we have undertaken further analysis to determine whether these stations have violated New York's price gouging law (New York General Business Law §396–r). Our investigation is ongoing, and we will vigorously pursue any cases where we determine that illegal price gouging has occurred.

As you undoubtedly are aware, a consumer's view of price gouging usually is focused locally on rising prices at the gas pump or the increase in heating costs over the previous winter, and their complaints are directed at state and local officials. Thus, retail manifestations of price gouging are best suited to on-the-ground scrutiny that state and local officials can provide.

However, the marketplaces for motor fuel and home heating fuel are complex, and are international in scope. If a large oil conglomerate abuses its market position during a real or perceived crisis, the effect is likely to be felt in many (or even all) states. Accordingly, there are levels in the chain of distribution where federal assistance would be both helpful and appropriate.

The FTC is particularly well suited to regulate price gouging in the motor fuel market. As indicated in the FTC's testimony to the House Subcommittee on Commerce, Trade and Consumer Protection on September 22, 2005, FTC staff already actively and routinely monitor prices at all levels of gasoline distribution and, as stated in the testimony, "[n]o industry's performance is more deeply felt or carefully scrutinized by the FTC." Currently, the FTC can act against such companies if they unlawfully agree to fix prices, but cannot act if unfair pricing practices occur simultaneously, but without collusion.

Recently, it was widely reported that oil industry profits soared during the third quarter of 2005, which includes the weeks when the hurricanes affected the Gulf Coast. The net income of Exxon Mobil rose 75% during that period, earning $9.92 billion in profit, and the profits of Royal Dutch/Shell increased by 68% during the third quarter. The Government Accountability Office (GAO) concluded that retail prices rose faster than the price of crude oil, and the magnitude of these increases suggest that the disruption caused by Hurricanes Katrina and Rita may have been exploited by the major oil companies to levy price increases not directly related to increased expenses.

For these reasons, I believe that expanded federal powers in this area are warranted. In particular: the President should be given the power to declare a temporary energy emergency at times of threatened or actual disruption of petroleum supplies, such as occurred during the recent hurricanes; declaration of such an emergency should trigger a prohibition against price gouging; there also should be a ban on manipulative pricing practices in the petroleum markets, similar to what Congress recently adopted for the electricity and natural gas markets; and there should be significant penalties to deter such conduct, and both the FTC and state Attorneys General should be permitted to enforce these violations.

I urge the Senate Commerce Committee to expeditiously consider and pass the Energy Emergency Consumer Protection Act of 2005 (S. 1735), which includes all of these provisions as part of a comprehensive approach to the problem. The bill was introduced on September 20, 2005 by Senator Cantwell, and would provide law enforcement with vitally needed tools to prevent price gouging, as well as allow greater federal scrutiny of possible market manipulation practices.

Thank you once again for soliciting my input on this important issue. It is essential that Congress, federal regulators and state law enforcement officials work together to prevent the types of abusive pricing practices that we have recently witnessed. By doing so, we will be able to protect motorists, homeowners, farmers and businesses across the country.

Very truly yours,

ELIOT SPITZER,
Attorney General.

Ms. CANTWELL. Attorney General Spitzer says:

> Accordingly, there are levels in the chain of distribution where Federal assistance would be both helpful and appropriate . . .
>
> Currently, the FTC can act against such companies if they unlawfully agree to fix price, but cannot act if unfair practices occur simultaneously but without collusion.

I think the Attorney General of New York has it right as to why we need this Federal statute.

We also want to make sure we are recognizing in the next several months what further damage is going to happen to the economy if we do not act, that is, if we leave here without getting a good Federal statute on the books.

For example, in my home State a farmer from Lamont, WA, wrote to tell me that his fertilizer prices have gone up 75 percent since May and 100 percent since last year, and fuel costs have gone from $2 to $3.15. Another eastern Washington farmer told me he is paying more for a gallon of fuel than he received for a bushel of grain. So these farmers are looking at this issue, and as Senator ROBERTS said the other day, the agricultural industry is facing something like a category 5 fuel and fertilizer hurricane. We can't leave these farmers emptyhanded this winter as we go away, without enacting a good, strong Federal statute.

Home heating oil is another issue in which consumers are going to feel an impact. For an American family, it is believed that they will pay an average of $306 or 41 percent more this winter than they did last winter. So we certainly want to implement the Federal statute to protect them during these winter months. I can tell you people are worried in my State. Unfortunately, our local jurisdictions are doing their best, but I think it shows what kind of anxiety Americans have about being able to keep warm this winter.

In my State, in Whatcom County, after the Whatcom County Opportunity Council advertised last week they would take up the low-income energy assistance applications but would only take 200 walk-ins or the first 400 phone-ins, they had over 200 people line up outside their doors, some people standing outside all night long, just to receive assistance from this program, and the local phone service, Verizon, called to say that the unusual volume of incoming calls trying to get energy assistance basically crashed the system for the entire area. I can tell you consumers are anxious about these high fuel costs.

We are dealing in the Senate with airline bankruptcies and pensions. I can tell you the airline industry has been hardest hit by the increase in fuel costs. As Southwest Airline CEO Steve Kelly told the Seattle Times recently:

> We are now facing energy prices that no airlines can make money at, at least with today's [ticket prices].

I want to make sure we do not have other pensions that are defaulted on, other people losing their jobs or their life savings because we have not enacted tough legislation saying that price gouging is a Federal crime.

The amendment I am offering today does a couple of things. First, it creates a ban on price gouging during a national emergency declared by the President of the United States. As I said earlier, the antiprice gouging standard is based on the successfully tested New York State statute.

Second, it gives the FTC and AGs and, because it creates criminal penalties, the Department of Justice the authority to levy civil and criminal penalties for proven price gouging of up to $3 million and 5 years in jail. Additionally it puts in place a new ban on market manipulation and falsifying information to the Federal Government about fuel prices, which is based on a provision of the Energy bill we passed here this year related to electricity and natural gas, trying to stop the market manipulation that happened in response to Enron and the market manipulation in the western energy crisis.

In addition, the bill gives additional remedies available to the FTC to levy fines up to $1 million for violation of market manipulation and false information.

I am very satisfied that this bill has the teeth in it that we need in a strong Federal statute to over the next several months give the Federal Government, attorneys general, and others the ability to prosecute market manipulation of energy prices.

Why do I think this is so important? My colleagues have been on the floor talking about the questions that were asked to oil company executives this week, the questions about whether they cared about tax incentives or tax breaks, whether they participated in energy meetings. My questions were more about the supply of fuel here in the United States and whether we have a greater understanding about the protection and possible manipulation of that fuel supply.

Now for my colleagues in the West who have been out on the floor, we have reeled from an energy crisis on electricity, and my colleagues, Senators WYDEN from Oregon and FEINSTEIN from California, all had economies that were very hurt by the manipulation of the electricity market. In fact, there are some cases in Federal courts now talking about the manipulation of natural gas prices. So I guarantee you with five refineries in the State of Washington, we are doing our part at refining fuel, but we still have some of the highest gas prices in the Nation and had those prior to Katrina, so my constituents want to know what are we going to do to make sure the prices are not manipulated.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from attorneys general across the country who are also supporting my legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NOVEMBER 17, 2005.

Hon. TED STEVENS,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Dirksen Senate Office Building, Washington, DC.
Hon. DANIEL INOUYE,
Co-Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN STEVENS AND CO-CHAIRMAN INOUYE: Even before the devastation caused by Hurricanes Katrina and Rita, skyrocketing oil and gasoline prices were taxing American families and burdening our nation's economy—with the notable exception of the oil industry which continued to rack up record profits. In fact, according to the Department of Energy, Americans will spend over $200 billion more on energy this year than they did last year, totaling over one trillion dollars. These expenses seem directly proportional to the extraordinary $33 billion in profits reported by the five major oil companies for the third quarter of 2005. Exxon Mobil alone made an unconscionable $10 billion last quarter, a 75 percent increase over last year. Moreover, the profit that refiners are collecting from gasoline sales has reportedly more than tripled from $7 per barrel in September 2004 to over $22 per barrel on September 27, 2005.

Given the extraordinary impact these energy costs have on families, farmers, and businesses across America, we commend your joint efforts with the Senate Energy and Natural Resources Committee to hold a hearing last Wednesday to try, as Senator Majority Leader Frist put it, to "examine reasons for high energy prices." Given our society's absolute dependency on fossil fuels—whether to power our transportation system, keep our families warm this winter, or countless other uses—both American consumers and the economy are extremely vulnerable to the whims of those with sufficient market power to artificially constrain supply or influence prices.

As the chief law enforcement officers of our respective states, we are writing to urge you to pass federal legislation that imposes a ban on energy price gouging. Any bill must also provide new market transparency and market manipulation authorities for the President and the Federal Trade Commission to better protect consumers in the future.

To this end, we respectfully urge the Senate Commerce Committee to expeditiously consider and pass Senate Bill 1735. While 28 states already have price gouging laws on the books, the Energy Emergency Consumer Protection Act of 2005 introduced by Senator Maria Cantwell on September 20, 2005 and cosponsored by nearly a third of the U.S. Senate, in our opinion would provide law enforcement with vitally needed tools to prevent price gouging. S. 1735 would also finally shine a bright light on the practices of oil companies and refiners—a sector of the economy that historically has not received close

> scrutiny from federal or state regulators. In addition, we strongly support section five which empowers States with the authority to pursue civil actions on behalf of their residents for violations of price gouging prohibitions.
>
> We look forward to working with you on this critical issue to the American public and our nation's economy. With ninety percent of Americans believing price gouging is occurring at the pumps, we have a responsibility to do everything we can to ensure it is not taking place. We believe the Energy Emergency Consumer Protection Act of 2005 can do that. Even if we determine that there is no market manipulation going on, then it would be a case of "no harm, no foul." Passage will help assure the public that government is providing the oversight they demand.
>
> Sincerely,
>
> Eliot Spitzer, New York Attorney General; Lisa Madigan, Illinois Attorney General; Bill Lockyer, California Attorney General; J. Joseph Curran, Jr., Maryland Attorney General; Tom Reilly, Massachusetts Attorney General; Peggy Lautenschlager, Wisconsin Attorney General; Patricia Madrid, New Mexico Attorney General; Mike Beebe, Arkansas Attorney General; Richard Blumenthal, Connecticut Attorney General.

Ms. CANTWELL. I am also submitting this letter for the RECORD because I think the attorneys general who are chief law enforcement officers across the country for their individual States said it well. If there is no market manipulation going on, then no harm, no foul. It does not mean this is an automatic incrimination; it simply means we have a good Federal statute in place. I certainly appreciate the support of those attorneys general who have signed this letter in support of this legislation.

What we found in our hearings—and the attorney general of Arizona brought this up—is over the last several years the oil industry has moved to a new inventory prop called "just-in-time inventory." Just-in-time inventory is a great idea for the oil industry because it actually saves them dollars because they don't have the same amount of inventory they used to. It used to be that oil companies had a 20 to 30-day supply inventory. Now they only have about 3 to 5 days of supply. You can imagine if you only have 3 to 5 days of supply versus 30 days of supply, the price is going to be different.

Here is what Attorney General Terry Goddard said:

> Just in time delivery almost leaves no cushion when supplies are delayed.

He testified that:

> The entire oil industry has moved to this just in time delivery system vastly reducing the number of refineries available on a nationwide basis and minimizing inventories at stage site. The effect is a constant and precarious supply-demand balance which is exceedingly beneficial to the industry in lowering operating costs but harmful to consumers so that supply is set at a fragile stage where price spikes can occur.

I applaud the attorney general from Arizona for pointing out how important this inventory issue is and how it ought to be investigated. The Energy Department itself had a similar analysis. It found in a 2003 study:

> The reduction of spare capacity has helped drive up the price at the pump and leaves the market vulnerable to shortages caused by plant breakdown or other unpredictable events.

So even the Department of Energy knows the supply issue is what can drive price spikes. But what we want to know is whether oil companies are purposely exporting product. I asked a question at the hearing I thought was very important; that is, have oil companies ever exported oil products to foreign countries for a cheaper profit than they would have gotten if they would have kept the supply in the United States?

The reason I asked this question is because I wanted to know if they were artificially trying to limit supply in the United States just to drive up the price. One would think that is not something they would do. They, obviously, want to sell in the United States. There is one case in the West that we have been very sensitive to, according to the Oregonian newspaper that has reviewed what had been secret reports and documents basically found that BP/Amoco systematically jacked up west coast oil prices by exporting Alaskan crude oil to Asia for less than it could have sold it to U.S. refineries. So there is a specific example where an oil company exported product for cheaper profits just to have less supply in the United States to drive up the overall market. That, I think, is exactly what my amendment is trying to get at.

According to the Department of Energy, between January and August of this year, over 48 million barrels of refined product was exported out of the United States. As my friend, the Senator from Wisconsin, Mr. KOHL, points out, that is 24 times the amount that is stored in the Northeast heating oil reserve, a critical safety net in times of shortage.

One can imagine that my colleagues want answers to why they would export 48 million barrels of refined product at a time when, if you would have kept it in a heating oil reserve for the Midwest, it might actually keep prices down in the Midwest this winter.

As I said, I have already had enough of this as it relates to Enron. In 2001 I sat in a lot of hearings in the Energy Committee and heard from a lot of different people testifying that the electricity market had nothing to do with manipulation. It was all about the fact that some environmental laws prevented us from building enough supply.

After 3½ years of investigation, we found out there was a lot of manipulation going on that terms such as Fat Boy, Get Shorty, and Ricochet were schemes perpetrated on the consumers of the western energy market just to manipulate supply. So you can bet we want to know whether supply is being manipulated in a similar fashion in oil markets today, and we want answers.

The only way to get answers is to put a new Federal statute on the books that says price gouging is a Federal crime and to give the Federal agencies the tools to prosecute that crime.

I feel very strongly that this body needs to act on this legislation before we adjourn. We need to get this to the President's desk and get it signed.

I know my colleagues are going to offer amendments about various tax proposals and tax incentives, whether the oil industry wants those or doesn't. But I care about what is happening to the consumer, to the American farmer who is really getting squeezed out of his family farm, to those flight attendants and pilots who are losing their pensions because we have seen a 293-percent increase in jet fuel costs over 5 years, and to the small businesses in my State that can't exist on low profit margins when they see a 50-percent increase in home heating and fuel costs. So I want to protect consumers, not just now, but if this crisis happens again in the future, I want consumers to be protected.

I hope we can pass this legislation in a good bipartisan effort, that my colleagues will support every effort right now to protect consumers as we head toward the winter months, and we act responsibly in giving Federal regulators the statutes they need to prosecute these crimes.

Mr. President, I also would like to add Senators CLINTON and SALAZAR as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield myself such time as I might consume. This is for the purpose of addressing two amendments before the Senate. I wish to make a short comment on the amendment that was just proposed by Senator CANTWELL.

In regard to this amendment, what she terms the anti-gouging amendment, obviously I can't help but say the intent of the amendment might be good, but this is a tax relief bill that is before us. It is not a crime bill before the Senate right now.

We just received a copy of the amendment. There are all kinds of policy questions that need to be considered. So because of this and the fact that it is not germane to the bill. I will be raising a point of order at the appropriate time.

AMENDMENT NO. 2610

I also wish to make a comment on the amendment proposed about a half hour ago by Senator FEINSTEIN. Before I go into the problems behind the Feinstein amendment, let me say that it is unfortunate that our Nation has had to respond to so many unexpected crises over the past 4 years. Most recently, we have had to provide an enormous amount of hurricane relief to families in many of our Southern States. Despite this fact, our economy is growing and continues to grow and, even considering the hurricanes, growing at a rate that nobody would have anticipated considering a possible ripple effect that presumably is not rippling as much as we thought through the economy because of that natural disaster.

As far as Federal receipts are concerned, these are up $275 billion over the prior year, and Federal revenues are returning to their average level of GDP. That average level, if you want a little leeway, is somewhere between 17 percent of GDP and 19 percent of GDP, and that is not just recently, that would be a 50-year average where all Federal taxes coming into the Federal Treasury have fallen within that band. Also, it has been our policy, at least in this administration, to do tax policy that falls within that band of 17 to 19 percent of gross domestic product.

I would like to take a look at the tax increase that Senator FEINSTEIN put on the table. It would increase the top rate by almost 5 percent for ordinary income.

The premise of Senator FEINSTEIN's position seems to be that taxpayers in the top brackets are solely Park Avenue millionaires, that somehow these people are sitting around clipping coupons and drawing all the income from them. The facts show differently, so I would like to go to the facts that are put out by the nonpartisan people in the Treasury Department.

About 80 percent of the benefits of the top ordinary income tax rate go to taxpayers with small business ownership. Those of us from the heartland know that the definition of small business is not determined by some gross revenue taxable income that is used as a basis and the arguments for this amendment. It depends upon whether the business is locally based. It depends on where the business finances its growth from its earnings.

The people who own these businesses are drawn from the community. They go to the local church. They support the local little leagues. Small business, as I see it, and as I know it coming from a Midwestern State, is a very stabilizing yet very dynamic social and economic force in their respective communities and tends to be the bulwark of the strength of the American middle class.

Small business income is generally taxed at an individual rate. In most cases, owners of small businesses put the income of the small business on his or her tax return. As a practical matter, then, the individual tax rate is the rate that is paid by these small businesses as opposed to the corporate rate.

The corporate tax rate, with some exceptions, in the case of some older, smaller corporations, generally applies to big business. The relationship between the top individual rate and the top corporate rate then has a bearing on our policy toward small business and whether or not we are going to give small business the incentives to grow and create jobs because these people create 70 percent of the new jobs in America.

If the top individual marginal tax rate is higher than the top corporate marginal rate tends to be—it is very obvious that you can quantify it—then we are sending a bad signal to small business.

Before 2001, the top marginal rate for small business was 39.6 percent, the rate that Senator FEINSTEIN's amendment would return us to. The top corporate rate is 35 percent. When you look at the difference, that is about a 15-percent difference between the top rate for big corporations and the rate that is used for a small business that is not incorporated.

So small business was paying then, before we made these changes in 2001, about 15 percent more. It is what I call a 15-percent small business tax penalty. When you tax labor, when you tax business—the old principle, you tax more and you get less of it, that was the law at that time.

We recognized the detrimental impact that was having on the economy. So we looked at the Federal tax policy bias against small business, and then we had a bipartisan majority in this Senate, including Senator BAUCUS, the ranking Democrat, and one-fourth of the Democratic caucus at that particular time voted to gradually—because we couldn't do it all at once—gradually equalize the top marginal rate between big corporate business and small unincorporated business, small unincorporated business paying the individual rate that was 15 percent higher, a 15-percent small business tax penalty, something that common sense ought to dictate is totally unfair.

Since 2003, for the first time in many years, the top rate, 35 percent, has been the same for Fortune 500 companies incorporated, obviously, as for successful small businesses that file the individual return.

Senator FEINSTEIN's amendment would take the first step to restore and perhaps even enhance the 15-percent penalty on small business.

With all the appetite for taxing and spending around here, rest assured, small business will be facing even higher taxes.

Small business creates 70 to 80 percent of the jobs in this country. Why, then, at this time would any Member of this body want to raise taxes on people for their ingenuity and their willingness to take a gamble in creating a small business? Why would they want to do that to people who create 80 percent of the new jobs in America?

So, without a doubt, anyone voting for Senator FEINSTEIN's amendment is, in effect, saying they support raising taxes on these small business people who create 70 to 80 percent of the new jobs in America.

That does not pass the commonsense test. In 2003, it is worth noting that the business community told us reducing the top rate of taxation was their tax policy priority. The small business community told us, when we were writing this legislation, that doing away with this 15-percent penalty, the small business tax penalty, was their top priority.

Now let's think about this. There seems to be a link between tax relief, economic growth, and jobs. Taxes make a difference. They make a difference whether we are going to have economic growth. Without economic growth, there is no increase in jobs. We have seen evidence of that linkage since 2003. Economic statistics prove that when tax relief kicked in, the economy has grown and more jobs have been created. That is the dynamic of the American free market economic system.

Public policy made by Congress makes a difference, and reducing taxes on small business, or at least making sure there is not a penalty against small business vis-a-vis major corporations, have a great deal to do with whether the free market system works. So that tax policy has helped the enhancement of our economy.

We are in the process of thinking about reversing that course. Whether it is intended or not, that is the impact of Senator FEINSTEIN's amendment. Some would speculate that for the minority party—and that is the Democratic Party—it is good politics for the economy to go into the tank; raise taxes as the economy is coming back and economic growth will be stifled. If economic growth is stifled, then jobs will disappear. If jobs disappear, then voters are more apt to throw out members of the President's party, members of the Republican Party.

I am not that cynical. I do not believe some of the opposition would want to put short-term political advantages over the economic well-being of their constituents, but obviously that is the impact of this amendment. So it does make one wonder what everything is about as we deal with these issues.

To sum up, a vote for the amendment by the Senator from California is a vote that will increase taxes. It is a tax increase that comes during economic recovery. I remind people of a quote from somebody who people listen to more than anybody else on how the economy is going and they respect what he says, Chairman Greenspan. He says that the reason we have had these 2½ to 3 years of economic recovery is because of the tax policies that have been put in place in the recent couple of tax bills.

So we do not want a tax increase when we have a recovery. It is a tax increase on the folks that create jobs in America, and that is our hard-working small business owners. For those reasons, I ask that we reject the Feinstein amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). Who yields time?

The Senator from Montana.

Mr. BAUCUS. Mr. President, I believe that there is still time remaining so that Senator CANTWELL has an opportunity to speak on her amendment. In the meantime, I ask unanimous consent that the next amendments in order following the Cantwell amendment be the following: an amendment by the Senator from Illinois on FEMA, 30 minutes equally divided; the Senator from Massachusetts, Mr. KENNEDY, on poverty, 30 minutes equally divided; an amendment from the Senator from Rhode Island, Mr. REED, 20 minutes equally divided; and an amendment by the Senator from Oklahoma, Mr. COBURN, on the practice of medicine—there is no time limit at the moment on that one—and that thereafter there be 30 minutes equally divided on the Dorgan amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BAUCUS. I do not see the Senator from Washington on the floor to finish with her amendment. I ask that her time be reserved so she can offer it at an appropriate time, and the same for the time in opposition. So we can now proceed with the Senator from Illinois.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Illinois.

AMENDMENT NO. 2605

Mr. OBAMA. I call up amendment No. 2605 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. OBAMA], for himself and Mr. COBURN, and Mr. LAUTENBERG proposes an amendment numbered 2605.

Mr. OBAMA. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: Expressing the sense of the Senate that the Federal Emergency Management Agency should immediately address issues relating to no-bid contracting)

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE ON USE OF NO-BID CONTRACTING BY FEDERAL EMERGENCY MANAGEMENT AGENCY.

(a) FINDINGS.—The Senate finds that—

(1) on September 8, 2005, the Federal Emergency Management Agency announced that it had awarded 4 contracts for emergency housing relief following Hurricane Katrina to The Shaw Group of Baton Rouge, Louisiana, Fluor Corporation of Aliso Viejo, California, Bechtel National of San Francisco, California, and CH2M Hill of Denver, Colorado;

(2) these contracts were awarded with no competition from other capable firms, and up to $100,000,000 in taxpayer funds were authorized for each of these contracts;

(3) in the midst of concerns about abusive and irresponsible spending of taxpayer funds, the Federal Emergency Management Agency pledged to re-bid these noncompetitive contracts, with Acting Under Secretary of Emergency Preparedness and Response, R. David Paulison, stating before the Committee on Homeland Security and Government Affairs of the Senate that "[a]ll of these no-bid contracts, we are going to go back and re-bid";

(4) the Federal Emergency Management Agency has yet to reopen these 4 contracts to competitive bidding, and declared on November 11, 2005, that these contracts would not be reopened for bidding until February 2006;

(5) by February 2006, the majority of the contracts will have been completed and the majority of taxpayer funds will have been spent;

(6) large and politically-connected firms continue to benefit from no-bid and limited-competition contracts, and contracts are not being awarded to capable, local companies;

(7) according to an analysis in the Washington Post, companies outside the States most affected by Hurricane Katrina have received more than 90 percent of the Federal contracts for recovery and reconstruction;

(8) the monitoring of Federal contracting practices remains difficult, with a report by the San Jose Mercury News stating "The database of contracts is incomplete. Information released by Federal agencies is spotty and sporadic. And disclosure of many no-bid contracts isn't required by law"; and

(9)(A) there is currently no Chief Financial Officer charged with monitoring the flow of all funds to the affected areas; and

(B) the task of financial management is spread across disparate Federal departments and agencies with inadequate oversight of taxpayer funds.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Federal Emergency Management Agency should—

(1) immediately rebid noncompetitive contracts entered into following Hurricane Katrina, consistent with the commitment of the Agency made on October 6, 2005, before millions of taxpayer dollars are wasted on irresponsible and inefficient spending;

(2)(A) immediately implement the planned competitive contracting strategy of the Agency for recovery work in all current and future reconstruction efforts; and

(B) in carrying out that strategy, should prioritize local and small disadvantaged businesses in the contracting and subcontracting process; and

(3) immediately after the awarding of a contract, publicly disclose the amount and competitive or noncompetitive nature of the contract.

Mr. OBAMA. Mr. President, in the immediate aftermath of Hurricane Katrina, there was an enormous urgency, not only in Congress but all across the Nation, to respond to the needs of the people of the gulf coast region. Although the sense of urgency appears to have subsided, unfortunately, somewhat in Congress, that sense of urgency remains all too real for the hundreds of thousands of Americans who are still dealing with the loss of jobs, the loss of family, and the loss of homes that too many Hurricane Katrina survivors have suffered.

I am pleased the bill we are debating today includes tax relief for those affected by Hurricanes Katrina, Rita, and Wilma. I am fully supportive of those provisions. I also believe that before we go home for Thanksgiving to enjoy our homes and our families, we need to take some meaningful action to help those who might not have as much to be thankful for.

Nearly 2 months after Hurricane Katrina devastated the people of the gulf coast, we are seeing that our Government is still leaving too many Americans behind. Let me give some examples. This week, FEMA is telling 150,000 evacuees who are currently in hotels that they have to be out of their hotels in 15 days. Imagine, someone has lost their home, and they have 15 days to get out of the shelter they are currently in.

Yesterday, we heard a story on NPR that shelter residents in Iberville, LA, will soon be transitioned to a tent city when the shelter closes. That's right—a tent city.

Thousands in Mississippi are currently living in two-person tents, without running water or adequate heat, because FEMA has not provided the mobile homes they promised.

There are concerns that contractors participating in the gulf coast reconstruction are exploiting immigrant labor. There are stories from Mississippi and Louisiana of immigrant laborers being lured to the gulf by promises of good pay, only to be stiffed their salaries and charged for their temporary housing.

In addition to these stories—we are hearing enormous complaints—and I am getting them in Illinois, despite the fact that I do not represent the region—that local companies are being shut out of the reconstruction bidding process.

According to the Washington Post, companies outside the States most affected by Katrina have received more than 90 percent of the Federal contracts for recovery and reconstruction. Ninety percent of the contracts have gone to companies that do not maintain a place of business in the affected States. This is unacceptable.

The American taxpayers and this Congress provided $62 billion for the reconstruction effort precisely so that the people of the gulf coast region, including some of the most vulnerable citizens of our society, would be left behind no more. Yet right now we have no idea where that money is being spent, how that money is being spent, why it is not being spent on fixing the problems I mentioned and why FEMA is still sitting on nearly $40 billion that has not been spent at all.

Now think about that. The managers of this bill have been struggling with the fiscal constraints we are trying to deal with and we have $40 billion that is not spent and we do not know where the other $20 billion has gone. There is absolutely no accountability to this process at all, no accountability to the taxpayers and no accountability to the people who need this help the most.

I am a freshman in the minority party. I am accustomed sometimes to not knowing what is going on around here, but this is, unfortunately, one of those situations in which I do not get a sense that neither the majority party nor the administration has a clear idea of how our money is being spent.

The Hurricane Katrina contracting process has been rife with problems from the very beginning. Rather than use the reconstruction process to help companies and workers in the regions most affected, we are seeing many of the prime contracts going to the largest contractors in the country. These are the same contractors that received reconstruction contracts in Iraq and with only a few exceptions they are not the folks whose businesses were harmed by the ravages of the storm.

Small businesses are not being given a fair shake to bid on these projects, and it is unclear how many contracts have been provided to small businesses. Meanwhile, minority contractors have been left almost entirely out of the contracting process. The Congressional Black Caucus has proposed good legislation to address some of these problems and I hope the Senate will consider it, if it passes the House.

But let me be clear—this is not simply partisan complaining or political point scoring. At a hearing held on November 3, 2005, the inspector general of the Homeland Security Department, a Bush appointee, said about the reconstruction process: Obligations are being made at a rate of $275 million a day in an unstable environment and in an expedited manner. When you mix it all together, it is a potentially perfect recipe for fraud, waste, and abuse.

The GAO's preliminary observations indicate that the Army Corps of Engineers' $39 million purchase of portable classrooms may have resulted in the Army Corps paying more than necessary. The GAO will continue to monitor the reconstruction contracts.

I am certain that we are going to keep on seeing these stories surfacing almost daily about how taxpayer money is being wasted, while the people who are supposed to be helped are not getting what they need.

One of the most egregious examples of this potential waste, fraud, and abuse is in the Government's refusal to rebid $400 million worth of no-bid contracts that they already promised they would rebid. Immediately following Hurricane Katrina, FEMA awarded four $100 million no-bid contracts for reconstruction efforts. Acting FEMA Under Secretary Paulison made the following statement to the Senate Homeland Security and Governmental Affairs Committee on October 6, 2005: I have been a public servant for a long time, and I have never been a fan of no-bid contracts. Sometimes you have to do them because of the expediency of getting things done. I can assure you, we are going to look at all of these contracts very carefully. All of those no-bid contracts, we are going to go back and rebid.

That is what Under Secretary Paulison said before the Senate Homeland Security and Governmental Affairs Committee a month ago.

These contracts have not been rebid. In fact, FEMA officials testified on November 11, just a month after the statement by Under Secretary Paulison, that they would not rebid the contracts until February. Here is the only problem: By February, the contracts will have been completed.

Today, I am offering a sense-of-the-Senate amendment calling on FEMA to immediately rebid these contracts in a competitive fashion before nearly $400 million of taxpayer dollars are spent in an inefficient and potentially abusive manner.

I know this amendment only gets at one element of a multilayer problem, but I firmly believe this body must take a stand to ensure that these Federal agencies that have been entrusted with such a monumental job and so many taxpayer dollars stick to their promises.

I am pleased my colleague from Oklahoma, Senator COBURN, has joined me in offering this amendment.

Senator COBURN and I have also offered a bill that establishes a chief financial officer to oversee the use of Hurricane Katrina recovery funds so that we do not have further problems of this sort. That bill was voted out of the Senate Homeland Security and Governmental Affairs Committee and is awaiting a vote. Unfortunately, that bill so far has not seen the light of this floor, so I am forced to offer this amendment today to provide some accountability and transparency into this contracting process.

I hope my colleagues will support this amendment. I appreciate the time and the attention of Chairman GRASSLEY and Ranking Member BAUCUS.

Before I yield the floor, I ask unanimous consent to call up a pending amendment that has no number yet, submitted by myself and Senator KERRY, filed earlier today by Senator KERRY, which provides relief from the marriage penalty and from the military service penalty faced by many low-income taxpayers who receive the low-income tax credit.

Mr. BAUCUS. Mr. President, I wonder if we can proceed with the second amendment. It was my understanding the Senator had one amendment and had a time agreement on it. Other Senators have come up, asking for consideration of their amendments. I do not want to inconvenience other Senators.

Mr. OBAMA. I was asked by the Senator from Massachusetts to read that, just to get it into the queue.

At this stage I am not speaking on it, and I am not asking for any additional action on it. I just wanted to get it in. If it is a problem, I am willing to defer.

Mr. BAUCUS. All things considered, Mr. President, I think it proper not to agree to the request at this point because the Senator from Massachusetts already spoke to us about an amendment of his, and that is in the queue.

In fairness to other Senators, I don't want to inconvenience other Senators.

Mr. OBAMA. Fair enough.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield such time as he might consume to the Senator from South Dakota.

The PRESIDING OFFICER. Is the Senator yielding time on the bill or on the amendment?

Mr. GRASSLEY. On the bill.

The PRESIDING OFFICER. On the bill.

Mr. GRASSLEY. I yield off the bill such time as the Senator from South Dakota might consume.

IRAQ AND PREWAR INTELLIGENCE

Mr. THUNE. Mr. President, I thank the distinguished chairman, the Senator from Iowa, for yielding time off the bill. The issue we are debating obviously is one of great consequence, dealing with our budget and how we deal with the issue of the deficit and what we do to continue to keep the economy growing and creating jobs. That is what this debate is about.

I do, however, want to speak in response to something that was said earlier on the floor, also off the bill at hand that we are discussing today, and that has to do with the whole situation in Iraq.

The Democrat leader was on the floor earlier, once again attacking the President and the Vice President with respect to the issue of prewar intelligence. I think the American people deserve to know the facts in this debate. They deserve to know the truth. More important, our troops need to know we stand with them, we support them in completing their mission in achieving victory in the war on terror.

What we have seen instead is the Democrat leader come down here and accuse the President, because he is standing up and telling the truth to the

American people, accusing him of deceiving and misleading on prewar intelligence.

Where is the evidence? Where are the facts to support those statements? The distinguished Democrat leader, as well as many Democrats who are still serving in this Chamber, back in 2002 had the same information, the same intelligence that the President of the United States had, the Vice President of the United States had, all our allies had, the United Nations had. Everybody came to the same essential conclusion, and that was that Iraq posed an imminent threat to the security of that region and the security of the United States, and we acted accordingly.

In this Chamber right here, 29 of the 50 Democrats at that time stood up and voted for a resolution authorizing the use of force in Iraq. In the House of Representatives, over 80 Democrats joined the Republican majority in the House of Representatives in support of the resolution for the use of force in Iraq.

What we are seeing now is an attempt to revise that history. You can try. You can disagree with the policy. You can disagree with the decisions that are being made by our commanders. But don't come to the floor of the Senate and don't go out to the public and attack this administration and this President for lying unless you have some evidence to demonstrate that.

There is no proof.

I believe the troops of this country, and our commanders who are valiantly and bravely and courageously leading the effort in Iraq and in Afghanistan to win the war on terror, are fighting to make this country more safe and secure and to make sure that country has a democracy. And all we focus on is the negative.

What about the positive things that are happening in Iraq? The fact is, today Iraq's GDP has more than quadrupled from 2003, Iraq's debt has been cut by more than a third from 2003, inflation and unemployment rates are down from last year while incomes have risen. Iraq's security personnel have doubled since last year, over 1,800 reconstruction projects have been finished, including schools and health facilities, the number of telephone subscribers has more than doubled since last year, and the number of independent television stations has doubled since last year.

We are making progress. It is hard work. The people who know that the best are the people on the ground in Iraq, the young men and women in uniform who are doing freedom's work.

I had the opportunity last week to go up to Walter Reed Army Hospital to visit with some of the casualties of that war, people who have lost limbs, amputees. I have to tell you it is inspiring, absolutely inspirational to see the courage and the determination and the spirit of these young people who have worn the uniform of the United States and have fought for something they believe in. They deserve to have elected leaders in this country, people in this Chamber, the Senate, and the House who are willing to at least acknowledge the good work they are doing and the progress we are making toward winning the war on terror, toward creating a democracy and standing up a government in Iraq, toward raising an army, a security force that can defend the Iraqi people.

What we do not need is demagoguery and people coming on the floor of the Senate and elected leaders getting up and making statements attacking the integrity and the credibility and the truthfulness of the President of the United States, our Commander in Chief, absent any evidence to support their claims. Furthermore, those are the ones who on this very floor have made statements in the past supporting our effort and concluding, based upon the intelligence that they received—just like the intelligence the President and the Vice President and all our allies and the United Nations received—that Iraq posed an imminent threat to the United States and to that region of the world. What we are seeing here is the worst of politics, and that is not the conduct we ought to have in the Senate or the discourse that we ought to be putting before the American people. The American people deserve the truth, and the American troops deserve our support.

I yield.

UNANIMOUS CONSENT AGREEMENT

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I have a unanimous consent agreement that I think has been accepted. I ask unanimous consent that at 3:30 today the Senate proceed to votes in relation to the following amendments in the order sequenced below; further, that they not be subject to second-degree amendments prior to the votes and that there be 2 minutes equally divided between the votes: Dorgan No. 2587; Feinstein No. 2609; Feinstein No. 2610; Cantwell No. 2612; provided further that at 3 today, there be 30 minutes equally divided for debate between the chairman and Senator DORGAN; provided further that following those votes, Senator COBURN be recognized in order to offer his amendment; further, that all votes after the first be limited to 10 minutes each.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2588

Mr. KENNEDY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself and Ms. LANDRIEU, proposes an amendment numbered 2588.

Mr. KENNEDY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of Wednesday, November 16, 2005, under "Text of Amendments.")

Mr. KENNEDY. Mr. President, I think we have a time limit of 15 minutes.

The PRESIDING OFFICER. Thirty minutes evenly divided.

Mr. KENNEDY. I ask the Chair to let me know when there is 2 minutes left.

The PRESIDING OFFICER. The Chair will so notify the Senator.

Mr. KENNEDY. Mr. President, this amendment is a very simple amendment. It recognizes that we have had a dramatic increase in child poverty in recent years. I think the most dramatic recent exposure to that was Hurricanes Katrina and Rita, when the veil was taken off the United States of America and we saw so many of those families who were unable to leave New Orleans and leave the areas along the gulf because they were too poor and they suffered so many consequences that we are reminded about the growth of poverty among children in recent years.

This amendment does a very simple thing. It says for every joint tax return where the income is more than $1 million, there will be a 1-percent surcharge on that income. It will go into a dedicated fund. There will be a board appointed by the Members of Congress, and they will make recommendations to the President about how those resources will be expended.

The best estimate now is that we could have close to $3 billion to $4 billion raised in the first year. It will rise over the next 5 to 7 years up to $5 billion. This is dedicated to reduce the poverty of children in this country.

This chart shows what happened in the period of 2000 to 2004—13 million children are living in poverty. There has been a growth of 1.4 million children since 2000.

We know that in the United States at the present time one in six children lives in poverty. This isn't just general, across the country; it is reflected with different groups having a higher percentage. We find, for example, that children are much more likely to live in poverty than adults or the elderly.

If we look at who is living in poverty in the United States: seniors, 9.8 percent; adults 18 to 65, 11.3 percent; and for children, it is the highest at 17.8 percent. If you look at who is affected by this to the greatest extent, the national average being 17.8 percent, the highest is minority children. The national average is 17.8 percent. If you are looking at Latinos, it is 28 percent. If you are looking at African Americans, it is 33 percent.

Let us look at this chart where the United States has one of the highest child poverty rate in the industrialized world. This red line is the indicator of where the United States is in relationship to Italy, the United Kingdom, Germany, Scandinavia, Japan, Sweden, the Netherlands—all the way down the line. This chart is an indication of where we have the highest poverty rates generally, and the highest child poverty rates.

It should not be an enormous surprise that individuals have the highest child poverty rate down in New Orleans and along that gulf area. Those are the areas which have the highest percentage rate. They were high before and now breathtakingly high.

If we look across the country, this chart shows children living in poverty in every State. The States in blue have the highest concentration of poverty.

This is a real reflection of our national priorities. Are we as a country going to be indignant? Are we going to be sufficiently concerned or outraged about this that we are prepared to do something?

I must say that in the most recent Appropriations Committee conference report, we find that we have basically failed to deal with these issues, both from an educational point of view and a health point of view. We see reductions in terms of the Head Start Program, title I programs, and programs that help and assist disabled children. We are finding reductions as well in other health programs.

This is a way for us to be able to say that in the situation we are talking about, those at the highest end of the economic ladder, those individuals who have more than $1 million are going to pay a tax. Say they are going to pay a tax of $100,000; that is a 1-percent addition. This is just 1 percent. This is $101,000.

With that kind of increase on those who are the most privileged individuals in our country, the wealthiest individuals, they ought to be as concerned as all Americans are by this staggering situation of child poverty in this country.

We are not going in the right direction, as these charts indicate. We are going in the wrong direction. If someone gets up and says, "Senator, we are going in the right direction, why do we need this", every economic indicator shows these facts and these statistics are getting worse and worse every single year. They are not going to be altered or changed by what we are doing here in these budget considerations. Investment in these children in and of itself isn't going to be the complete answer, but, nonetheless, providing the help and assistance in a very targeted way to try to deal with child poverty, it seems to me, is an important reflection about what we ought to be about here in the Senate.

I certainly think it has a higher priority than many of the other priorities that are included in this legislation, which is going to provide some very generous tax reduction for some of the most privileged people in our country and in our society. That is basically the issue.

Finally, this is a basically moral issue. There is no great nation that can ignore this challenge. It is a defining issue in terms of what this country is about. It is a defining issue about what the values are for us as a people in this Nation.

I think so many of the great Judeo-Christian religions and other religions talk about the importance of feeding the hungry and clothing the poor and seeing to the needs of the least of those among us. This amendment is a targeted amendment and provides just that kind of help and assistance which is so important for this country.

I hope the Senate will accept what I call the Child Poverty Elimination Fund—as I mentioned, with a board to oversee the fund and design the Child Poverty Elimination Plan. It is a downpayment, a realistic first step toward achieving the goal of lifting children out of poverty.

In the 1960s, President Johnson talked about the "War on Poverty" that we are still fighting, but we are fighting and falling further and further behind. Clearly, we have made progress over the past four decades, through Medicaid, Head Start, food stamps, and other measures we have enacted. The poverty rate for all Americans reached a low of 11 percent in 1973, compared to 19 percent in later years.

We continued that battle through the Reagan administration with the enactment of LIHEAP in 1981 and welfare reform in 1996. But, sadly, in the most recent years, we have been falling farther and farther behind.

I am not going to take the time, because I don't have it here, to talk about the growth of hunger in this country in recent years, and particularly the problem of growth of hunger among children.

A 5-year-old named Connor from Massachusetts is one example of what is happening to the vulnerable people in our society. Some days, Connor pretends to be a "Power Ranger" fighting intergalactic evils, and other days he is fighting hunger, pretending to be a superhero, taking a lot of energy. And sometimes Connor doesn't feel like playing. That is when his hunger pangs become his worst enemy.

It is shameless that in the richest and most powerful nation on Earth, nearly one in five children goes to bed hungry every night.

Now because of Hurricane Katrina, the silent slavery of poverty is not so silent anymore. The devastation caused by the storm suddenly focused the Nation's attention on the immense hardships low-income Americans face each day. We saw the desperate plight of innocent children who were born poor and forced to bear the impossible burden of poverty.

In fact, the child poverty rate, as I mentioned, in the States hit hardest by Hurricane Katrina was all above the national average. In Louisiana, 29 percent of children live in poverty, 30 percent of children in Mississippi live in poverty, and 23 percent in Alabama.

Hurricane Katrina highlighted the struggle of the poor, but every State in this country is home to children and families who live in poverty. Children in the United States are more likely to live in poverty than any other age group. This particular amendment indicates what our priorities are.

Poverty is an education issue because poor children often lack the basic nutrition vital to healthy brain development. They have difficulty focusing their attention and concentrating in school. As a result, they often drop out. Some end up in trouble with the law, even in prison.

Poverty is a civil rights issue because minorities are disproportionately poor: 33 percent of African-American children, 28 percent of Latino children live in poverty, triple the rate of white children. How can we possibly keep turning our back on these children? We should all feel a greater, not a lesser, responsibility to them. Where is our compassionate conservatism?

Do they understand when Jesus said "suffer the little children to come unto me," he didn't mean "let the little children suffer." Don't they believe that children are included when he said:

> Inasmuch as you have done it unto the least of these, my brother, you have done it unto me.

We know how to lift children out of poverty in this wealthy land of ours. All it requires is the will to do it and the leadership to make it happen.

The words of Nobel Laureate Gabriela Mistral never rang more true:

> We are guilty of many errors and many faults, but our worse crime is abandoning the children, neglecting the fountain of life. Many of the things we need can wait. The child cannot. Right now is the time his bones are being formed, his blood is being made, and his senses are being developed. To him we cannot answer "Tomorrow." His name is "Today."

It is time for Congress to bring true hope, honest opportunity, genuine fairness to children mired in poverty in communities in all parts of our country. This amendment will put us back on the right track. I urge my colleagues to support it.

Mrs. HUTCHISON. I ask unanimous consent I be yielded 5 minutes off the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I wish to speak today on an amendment that has been offered on this bill that I very much hope the Senate will not agree to.

The Dorgan amendment, which has been offered, would institute a windfall profits tax on the major oil and gas companies. There is the belief among many in this country that oil industry profits are excessive compared to profits of other companies that do business in our country. I do not believe that is the case.

In the second quarter of 2005, the oil industry earned 7.7 cents for every dollar of sales. The average profit for all U.S. industry in the second quarter was 7.9 cents for every dollar of sales. Thirteen U.S. industries earned higher profits in the second quarter than the oil and natural gas industry: banking, software and services, consumer services, and real estate.

The rate of return on oil sales for the third quarter of 2005 is slightly higher, at 8.1 cents for every dollar of sales. However, the damage to the oil industry caused by the hurricanes will eat into the bottom line in future quarters. British Petroleum has estimated it will take a $700 million hit to the company's energy production and infrastructure from Hurricane Katrina and Hurricane Rita. The Congressional Budget Office estimates capital losses from Hurricanes Katrina and Rita in the energy producing industries will range from $18 to $31 billion.

Reinvestment in infrastructure, both production and refining, is a critical issue. My good colleague from North Dakota and I would agree on that point. While I am sure his proposal is well intended, the impact would be contrary to the goals we all seek to achieve. His proposal takes a short-term approach to what is a long-term investment issue. Investments in infrastructure in the oil industry are over long-term windows.

What we must do is encourage the oil companies to take their profits and reinvest them back into exploration, production, and refineries. The oil companies seek to invest in refineries, but no one is investing in new refineries in America. In fact, there has been no new refinery built in America in over 20 years.

If we are going to have a bigger supply and bring the price of gasoline at the pump down, we must have more oil refineries and more production. We also need conservation. We also need renewable sources of energy. We need new sources of energy. We all agree on that.

This amendment seeks to single out oil companies, dub them "excessively profitable," take their profit and give it to the Government to spend as it would, rather than letting the oil companies keep it and invest it in the infrastructure, production, and refinery capacity. That is what will get to the issue we are all trying to address; that is, bringing the price of oil down so the price at the pump will be lower.

Senator SCHUMER has discussed another potential amendment that hits at the big oil companies. I realize that is a political thing for him to do right now. We are not here to do the political hit and run. We are here to do the right thing for our country. We are here to try to build more reserves, more production capacity, and more refinery capacity to bring the price of gasoline down at the pump and to bring the price of energy down for the farmer who is trying to use natural gas. The price is rising such that our small farmers are in a tough position. What Senator SCHUMER has discussed doing is instituting a double tax on any income made by a company overseas.

We are severely restricting the ability for an oil and gas company to drill in America today. You basically cannot drill off the East Coast or the West Coast, nor Florida. We can drill in the Gulf of Mexico, but it is very expensive and requires deep drilling. We hope we will be able to open ANWR—but right now we are very limited. We need to have a supply in our country, with American jobs and more production coming back to America. More and more production is going overseas.

I end by saying, the double taxation of one industry is unfair. If we have an oil company and a computer chip company doing business in Italy and they pay taxes in Italy, the computer chip company would get a credit for that tax paid when it files in America, but the oil company would not, thereby paying tax twice. Is that the way to have more oil coming into our country and to drive the price down at the pump? I don't think so. It is counterproductive.

I hope the Senate will do the right thing. It may not be the political thing, but it is the right thing if we are going to reach our goal, which is to bring down the cost of natural gas and gasoline at the pump for the consumers and the small business people of our country, keeping our economy strong and keeping jobs in America. The way to do this is not to single out the oil companies. We must invest in infrastructure, more production, and additional refineries. If we will help them with a regulatory system that does not penalize them and delay construction for 10 or 15 years, we can bring the price of oil down. It will be to the benefit of everyone in our country.

I urge my colleagues to vote against the Dorgan amendment and any potential Schumer amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. So as not to interrupt the flow, the chairman would like to speak on the Senator's amendment first, if that is all right.

Mr. KENNEDY. All right.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I yield myself such time as I might consume off of our side of the Kennedy amendment.

The PRESIDING OFFICER. The Senator has that right.

Mr. GRASSLEY. I am pleased to be able to report to Senator KENNEDY that we do not need a board to tell us how to end poverty.

I quote Washington Post columnist William Raspberry, writing in a recent op-ed piece:

> Fatherless families are America's single largest source of poverty. The Annie E. Casey Foundation, "Kids Count," once reported that Americans who failed to complete high school, to get married and to reach age 20 before having their first child were nearly 10 times as likely to live in poverty as those who did these three things.

The Brookings Institution, obviously a liberal think tank, published an analysis of a variety of factors that could reduce poverty. The authors from Brookings concluded that the combination of education, full-time work, and marriage could reduce poverty rates from 13 percent to 17 percent.

The bipartisan welfare reform bill reported out of the Senate Committee on Finance would make substantial progress in helping families make progress in areas that we know would reduce poverty. We could not get an agreement with the other side to get this legislation discussed on the floor. We got it out of the committee in a bipartisan way. It deals with the issues of education, work, and marriage.

Following upon the views of the Brookings Institute and the views of the Annie E. Casey Foundation, rather than engage in politically motivated efforts, we should work together to implement these serious policies of education, of work, and of marriage. Together, by implementing these policies, and we know these policies work, we will take one giant step toward reducing poverty.

I don't think Senator KENNEDY's amendment is necessary. I yield the floor.

Mr. KENNEDY. I ask if the minority would yield 5 minutes?

Mr. BAUCUS. No objection.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I listened to my friend from Iowa. This is the fact: We have one of the highest child poverty rates in the industrial world. I am not saying this afternoon how to do it. The Senator from Iowa can have good ideas. The Senator from Tennessee can have good ideas. The fact of the matter is, we are not doing it now.

There is significant and dramatic growth of child poverty in the United States. I am saying let's do something about it. Give us the opportunity to do it this afternoon. That is the point I make.

The PRESIDING OFFICER. Who yields time?

The Senator from Montana.

Mr. BAUCUS. Mr. President, under a unanimous consent agreement we entered into earlier, we are now waiting for Senator REED of Rhode Island to offer his amendment, and also Senator COBURN to offer his amendment. And under the agreement, thereafter, there is time remaining on the Dorgan amendment. But while we are waiting for Senator REED and/or Senator COBURN, or anyone else, to come to the floor, I will say a few words about the alternative minimum tax.

The bill before us today does extend the alternative minimum tax exemption level and provides for an increase in inflation. That is the good news. But it is not all good news because there will still be about 600,000 additional Americans paying higher taxes next year under the alternative minimum tax, sometimes called the stealth tax.

Why is that? That is because the so-called hold-harmless provision in the legislation before us today, or the patch, as some have called it, does not hold everyone harmless. For example, for the year 2005, there are 3.6 million American taxpayers paying the alternative minimum tax. Under the bill before us today, there will be 4.2 million taxpayers paying that tax in 2006. That is an increase of 600,000 taxpayers, and it is an increase I hope we can avoid.

The alternative minimum tax, to refresh recollections, was originally enacted in 1969. Why did Congress do that? Congress discovered in that year there were about 155 very wealthy taxpayers making over $200,000 a year but who paid no taxes. Congress felt: Well, gee, that is not right; people earning over $200,000 a year at least should pay some taxes. So Congress passed the alternative minimum tax. What was once a class tax, unfortunately, has now been morphed into a mass tax.

To refresh your recollection, whenever individuals calculate their income taxes, they calculate their income taxes and then they have to go through a separate, parallel calculation under what is called the alternative minimum tax. Under that separate, parallel calculation, there are certain provisions that cannot be deducted, and that includes the standard deduction or the personal exemptions, and some others. Then you look at the bottom line of the two calculations, and if one is higher than the other—it does not make any difference which one it is—you pay that higher tax.

Because these provisions were not indexed to inflation, over time more and more people are finding they have to pay this stealth tax, this alternative minimum tax. Frankly, if it is not changed by the end of this decade, that tax will ensnare about 30 million Americans, a majority of who will have adjusted gross incomes below $100,000.

The Internal Revenue Service National Taxpayer Advocate has identified this alternative minimum tax as the most serious problem facing individual taxpayers. By the end of the decade, the majority of filers with incomes between $75,000 and $100,000 will be paying this additional tax; that is, the majority of Americans with incomes between $75,000 and $100,000 will be paying this, unless it is fixed.

In addition, virtually all married couples in that income group—$75,000 to $100,000—with two children will be paying the AMT by the end of the decade.

Now, I have filed legislation to repeal the AMT altogether. I am joined in that effort by the chairman, Senator GRASSLEY, and 20 other Senators who have the same view as me. I think we should do it. It is clear, though, that repeal is very expensive. But it is the right thing to do, and we should do our level best to try to find a way to work toward total repeal, and try to find the revenue to pay for it.

In the meantime, though, we should do all we can to make sure this stealth tax does not hit one more family next year.

As you may know, Mr. President, the House companion bill on this same subject, tax reconciliation, which is working its way over here, does not in any way address this AMT issue. But it does contain provisions to extend the capital gains and dividends cuts for 2 more years. Under current law, which we enacted in 2003, deductions will stay in effect at least until the end of 2008. Nevertheless, the House in their bill made the decision to extend that capital gains and dividends cut for 2 more years past 2008. But they did not include the alternative minimum tax. That is wrong.

Senator GRASSLEY and I have discussed this. We want to make a change. At the appropriate time I think we will make a change to the underlying bill so not one more American pays this stealth tax compared to current law. As I mentioned, under the bill currently before us, about 600,000 more Americans will pay it. We feel that is wrong. It is a mistake. We shouldn't do that. We will find a way, as the chairman and I have found, to make sure not one more American has to pay this additional tax.

Otherwise, I might say that under the House-passed version of tax reconciliation, 17 million families will see a tax increase next year. Under the House bill, working its way over here to conference, 17 million families will see a tax increase next year thanks to the alternative minimum tax.

In fact, CRS has found that if the House proposal prevails, next year a family with three children, making $63,000 a year, will also be hit by this additional stealth tax, the AMT. I believe, and I know the chairman believes, and many of us in the Senate believe, this family-unfriendly AMT should not be allowed to creep deeper and deeper into the middle class each year. At the appropriate time, we are going to make that change, that adjustment, because it is the right thing to do.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield myself such time as I might consume off the bill.

The PRESIDING OFFICER. The Senator has that right.

Mr. GRASSLEY. Mr. President, I appreciate the cooperation I have had with Senator BAUCUS in working out some differences on this bill, which he has enunciated very well. I look forward to, hopefully, getting done what he said before we get this bill through the Senate tomorrow.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as in morning business, and the time will be off of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE FDA

Mr. GRASSLEY. Mr. President, today is the anniversary of the hearing on the worldwide withdrawal of Vioxx, the blockbuster drug that became a blockbuster disaster. As chairman of the Committee on Finance, I called for this hearing a year ago. The Vioxx hearing turned the spotlight on a troubled agency in denial. The type of problems exposed during the hearings have proven to be not isolated but systemic.

Over the past year, my committee staff has investigated allegations coming from within and outside the Food and Drug Administration. Brave whistleblowers, such as Drs. Andrew Mosholder, David Graham, and others, have come forward to expose the too cozy relationship between the agency and the drug industry. I can tell you today that problems exist not only within the Center for Drugs but extend to the centers for devices, biologics, and even into veterinary medicine.

I am concerned—and every other Member of this Senate should also be concerned—about this agency's cozy relationship with industry. To further illustrate this problem, I am sending today a letter to another drug company that appears too cozy with the Food and Drug Administration. Last year, 2 days after the Vioxx hearing, the drug company Wyeth met with former Commissioner Crawford. Why did Wyeth's CEO want to talk with the commissioner? Because Wyeth recently had to remove one of its most profitable veterinary drugs from the market.

So what did Wyeth do? They launched an investigation of a Food and Drug Administration employee, Dr. Victoria Hampshire. It was Dr. Hampshire who concluded that Wyeth's drug was killing hundreds of dogs. I have in my hand what Wyeth presented to former Commissioner Crawford. Every page of this document has on it things that are referred to as confidential. It is a 29-page PowerPoint with 10 pages of backup material. It is dated November 19, 2004. Besides being marked confidential, it says:

> ProHeart 6 Apparent Conflict of Interest.

In summary this PowerPoint alleges that Dr. Hampshire had a personal and financial conflict of interest. Dr. Hampshire approached my committee staff because she was scared and felt unfairly targeted by the Wyeth Company and also by her agency. Why? Because she was simply doing her job to check to see if drugs were as effective and safe as they were said to be.

Last week, the Food and Drug Administration briefed my committee investigators on this matter. It turns out that Wyeth succeeded in having Dr. Hampshire removed from reviewing its drugs. Dr. Hampshire's hard work and dedication to science and drug safety placed a bull's eye on her back and destroyed her reputation and career—I should say temporarily destroyed her reputation. When you hear the end of this, she got commendation. Without her knowledge, the Food and Drug Administration also launched a criminal investigation against her.

This sordid story is still unraveling. I can say that no action was taken against Dr. Hampshire, and after the investigation closed, the Food and Drug Administration rewarded Dr. Hampshire for her work on the Wyeth drug, which remains off the market. Unfortunately for Dr. Hampshire, Wyeth's efforts to discredit her did not end when the FDA cleared her. At least one Wyeth sales representative attempted to discredit Dr. Hampshire in the veterinary community. Fortunately for Dr. Hampshire, the salesperson's comments about Wyeth's investigation of her and her alleged conflicts of interest were made to a former colleague of Dr. Hampshire. My letter to Wyeth today seeks information and documents related to Wyeth's investigation of Dr. Hampshire and the salesperson's comments.

So a year later, we are still uncovering the cozy relationship between the agency and the drug industry.

In this case, a company had the guts to go to supposedly an unbiased regulating agency and tried to get somebody fired, removed, and even a criminal investigation against them, do everything to discredit them. That sort of culture and environment should not exist in any regulatory agency with the economic sectors that they are regulating.

Dr. Hampshire's sad story is further proof that the Food and Drug Administration needs a permanent commissioner who can restore order and respect for independence. The Food and Drug Administration cannot serve the American people and the interests of the drug industry at the same time.

A year ago, Dr. Graham created a firestorm when he said at the Vioxx hearing:

> I can tell you right now, there are at least five drugs on the market today that I think need to be looked at quite seriously to see whether or not they belong there. . . .

Dr. Graham identified those five drugs: Accutane, Bextra, Crestor, Meridia, and Serevent, when asked by my distinguished colleague, Senator BINGAMAN of New Mexico. Some roundly criticized Dr. Graham's testimony as inflammatory a year ago. Today it is noteworthy that the agency has taken regulatory action or action is pending on four out of the five drugs named by Dr. Graham.

Less than a week after the hearing, the Food and Drug Administration announced it was strengthening its plan to reduce the risk of birth defects associated with Accutane. Then in August the agency issued a public health advisory to help make sure females do not become pregnant while taking this medicine and to release more information about depression and suicidal thoughts associated with that drug. A month after the hearing, December of last year, the Food and Drug Administration issued a public health advisory for Bextra. The agency announced it changed Bextra's label to provide consumers with upgraded warnings about possible heart and blood clotting problems. Ultimately, the agency asked Pfizer to voluntarily remove Bextra from the market in April of this year.

Less than 4 months after Dr. Graham's testimony, Crestor was subject to a public health advisory as part of the agency's effort to notify the public of potentially significant emerging safety data. Crestor's label was changed to highlight important information on the safe use of Crestor. Eight months after the hearing, the Food and Drug Administration convened an advisory committee meeting related to the safety of Serevent and other asthma drugs. The advisory committee recommended strengthening the labels for Serevent as well, but the agency has yet to act. Only one drug, Meridia, has not been the subject of any action by FDA.

American consumers are the beneficiaries of these actions. I don't know if the agency would have acted without Dr. Graham's testimony before my committee a year ago. But I know from experience that sunlight is the best disinfectant. The scrutiny of the last 12 months is just the kind of medicine that the Food and Drug Administration needs. Things have not turned around overnight. Reforming this agency is a long-haul task.

For those of us in Congress committed to oversight, reform, and improvement, the Vioxx investigation and hearings, as well as other investigations, prompted me to cosponsor two Food and Drug Administration reform bills this year. Senator DODD of Connecticut and I introduced a bipartisan bill, the Fair Access to Clinical Trials Act, in February and the Food and Drug Administration Safety Act of 2005 in April of this year. These bills represent part of a sustained effort to restore public confidence in the Federal Government's food and drug safety agency. A number of you have cosponsored these bills with Senator DODD and me. I urge everyone else who hasn't to consider them again.

Enactment of these bills will be a meaningful step towards greater accountability and transparency for the Food and Drug Administration. And if enacted, they would provide the agency with some much needed authority to ensure the safety and efficacy of drugs.

One big opportunity that absolutely cannot be missed right now is the appointment of a new full-time commissioner who is committed to reform. This leader must recognize the problems of a culture that has become too cozy with the industry.

Then that leader must be tough enough to make necessary changes happen.

The FDA has to do a top-notch job on ensuring the safety of the products it regulates.

And where the FDA lacks the tools and resources to do so, Congress has to step in and help.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BAUCUS. Mr. President, I ask unanimous consent——

Mr. GRASSLEY. You mean we have used up all the time on our bill? I took time off of my bill.

The PRESIDING OFFICER. The time between now and 3:30 is equally divided between the chairman and the Senator from Montana.

Mr. GRASSLEY. Then I will forget my last three sentences.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. I ask unanimous consent that the Senator from Rhode Island be recognized to offer his amendment and speak for 10 minutes, and the time thereafter until 3:30 be equally divided on the Dorgan amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Mr. President, reserving the right to object, my understanding is that we have 15 minutes equally divided on the Dorgan-Dodd amendment, and that was to start at 3 o'clock. My recommendation would be that if there is 10 minutes now allocated during that period we simply move the vote to 3:40 so that we will have the 15 minutes equally divided—30 minutes equally divided.

Mr. BAUCUS. Mr. President, I amend my request to accommodate the request of the Senator from North Dakota. The Senator from Rhode Island can offer his amendment, and when he is finished, there will be a half hour on the Dorgan amendment. He gets 15, and the other side gets 15, and the vote will now occur at 3:40.

The PRESIDING OFFICER (Mr. COLEMAN). Is there objection? Without objection, it is so ordered.

Mr. REED. Parliamentary inquiry: What is the pending business?

The PRESIDING OFFICER. The Kennedy amendment is pending. The Senator is authorized to set it aside for his amendment.

AMENDMENT NO. 2626

Mr. REED. The Kennedy amendment being set aside, I would send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED] proposes an amendment numbered 2626.

Mr. REED. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To impose a temporary windfall profits tax on crude oil and to use the proceeds of the tax collected to fund programs under the Low-Income Energy Assistance Act of 1981 through a trust fund)

At the end of title IV add the following:

SEC. 410. TEMPORARY WINDFALL PROFITS TAX.

(a) IN GENERAL.—Subtitle E of the Internal Revenue Code of 1986 (relating to alcohol, tobacco, and certain other excise taxes) is amended by adding at the end thereof the following new chapter:

"CHAPTER 56—TEMPORARY WINDFALL PROFITS ON CRUDE OIL

"Sec. 5896. Imposition of tax.
"Sec. 5897. Windfall profit; etc.
"Sec. 5898. Special rules and definitions.

"SEC. 5896. IMPOSITION OF TAX.

"(a) IN GENERAL.—In addition to any other tax imposed under this title, there is hereby imposed on any applicable taxpayer an excise tax in an amount equal to the applicable percentage of the windfall profit of such taxpayer for any taxable year beginning in 2005.

"(b) APPLICABLE TAXPAYER.—For purposes of this chapter, the term 'applicable taxpayer' means, with respect to operations in the United States—

"(1) any integrated oil company (as defined in section 291(b)(4)) which has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year.

"(c) APPLICABLE PERCENTAGE.—For purposes of subsection (a), the applicable percentage shall be determined by the Secretary such that the resulting increase in revenues in the Treasury equals $2,920,000,000.

"SEC. 5897. WINDFALL PROFIT; ETC.

"(a) GENERAL RULE.—For purposes of this chapter, the term 'windfall profit' means the excess of the adjusted taxable income of the applicable taxpayer for the taxable year over the reasonably inflated average profit for such taxable year.

"(b) ADJUSTED TAXABLE INCOME.—For purposes of this chapter, with respect to any applicable taxpayer, the adjusted taxable income for any taxable year is equal to the taxable income for such taxable year (within the meaning of section 63 and determined without regard to this subsection)—

"(1) increased by any interest expense deduction, charitable contribution deduction, and any net operating loss deduction carried forward from any prior taxable year, and

"(2) reduced by any interest income, dividend income, and net operating losses to the extent such losses exceed taxable income for the taxable year.

In the case of any applicable taxpayer which is a foreign corporation, the adjusted taxable income shall be determined with respect to such income which is effectively connected with the conduct of a trade or business in the United States.

"(c) REASONABLY INFLATED AVERAGE PROFIT.—For purposes of this chapter, with respect to any applicable taxpayer, the reasonably inflated average profit for any taxable year is an amount equal to the average of the adjusted taxable income of such taxpayer for taxable years beginning during the 2000-2004 taxable year period (determined without regard to the taxable year with the highest adjusted taxable income in such period) plus 10 percent of such average.

"SEC. 5898. SPECIAL RULES AND DEFINITIONS.

"(a) WITHHOLDING AND DEPOSIT OF TAX.—The Secretary shall provide such rules as are necessary for the withholding and deposit of the tax imposed under section 5896.

"(b) RECORDS AND INFORMATION.—Each taxpayer liable for tax under section 5896 shall keep such records, make such returns, and furnish such information as the Secretary may by regulations prescribe.

"(c) RETURN OF WINDFALL PROFIT TAX.—The Secretary shall provide for the filing and the time of such filing of the return of the tax imposed under section 5896.

"(d) CRUDE OIL.—The term 'crude oil' includes crude oil condensates and natural gasoline.

"(e) BUSINESSES UNDER COMMON CONTROL.—For purposes of this chapter, all members of the same controlled group of corporations (within the meaning of section 267(f)) and all persons under common control (within the meaning of section 52(b) but determined by treating an interest of more than 50 percent as a controlling interest) shall be treated as 1 person.

"(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this chapter.".

(b) CLERICAL AMENDMENT.—The table of chapters for subtitle E of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"CHAPTER 56. Temporary Windfall Profits on Crude Oil.".

(c) DEDUCTIBILITY OF WINDFALL PROFIT TAX.—The first sentence of section 164(a) of the Internal Revenue Code of 1986 (relating to deduction for taxes) is amended by inserting after paragraph (5) the following new paragraph:

"(6) The windfall profit tax imposed by section 5896.".

(d) LOW INCOME HOME ENERGY ASSISTANCE TRUST FUND.—

(1) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to trust fund code) is amended by adding at the end the following new section:

"SEC. 9511. LOW-INCOME HOME ENERGY ASSISTANCE TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Low-Income Home Energy Assistance Trust Fund', consisting of any amount appropriated or credited to the Trust Fund as provided in this section or section 9602(b).

"(b) TRANSFERS TO TRUST FUND.—There are hereby appropriated to the Low-Income Home Energy Assistance Trust Fund amounts equivalent to the increased revenues received in the Treasury as the result of the amendment made by section 410(a) of the Tax Relief Act of 2005.

"(c) EXPENDITURES FROM TRUST FUND.—Amounts in the Low Income Home Energy Assistance Trust Fund not to exceed $2,920,000,000 shall be available for fiscal year 2006, as provided by appropriation Acts, to carry out the program under the Low-Income Home Energy Assistance Act of 1981 through the distribution of funds to all the States in accordance with section 2604 of that Act (42 U.S.C. 8623) (other than subsection (e) of such section), but only if not less than $1,880,000,000 has been appropriated for such program for such fiscal year.".

(2) CLERICAL AMENDMENT.—The table of sections for such subchapter is amended by adding at the end the following new item:

"Sec. 9511. Low-Income Home Energy Assistance Trust Fund.".

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning in 2005.

(2) SUBSECTION (d).—The amendments made by subsection (d) shall take effect on the date of the enactment of this Act.

Mr. REED. I offer this amendment along with Senator KENNEDY, Senator SCHUMER, Senator KOHL, Senator ROCKEFELLER, Senator KERRY, Senator CARPER, Senator LEAHY, Senator LIEBERMAN, Senator DAYTON, and Senator STABENOW.

Mr. President, this amendment is about LIHEAP, the Low Income Heating Assistance Program. Each of us, at this point, is very familiar with the struggle that is taking place today—and if you were outside early this morning, you understand temperatures are falling—that many families are having to heat their homes for this winter. According to EIA's Short-Term Energy Outlook released last week, energy costs for the average family using heating oil are estimated to hit $1,500 this winter, an increase of $325 over last year's heating season. Natural gas prices could hit $1,000, an increase of $300. For a family using propane, prices are projected to hit $1,300, an increase of $230.

Despite these sharp increases in fuel costs, we sadly continue to fund LIHEAP, the one program that can provide sufficient help, at the same level as last year, which in reality means an actual cut in the level of assistance we can provide low-income consumers this winter's heating season.

The responsible thing for Congress to do is to fully fund LIHEAP at the full $5.1 billion authorized in the Energy Policy Act enacted earlier this year. Indeed, we have tried to do that—not once but three times—in the past few weeks. Senator COLLINS and I, along with some 30 of our colleagues, have offered amendments to the Defense bill, the Transportation-Treasury-HUD bill, and the Labor-HHS bill to fully fund LIHEAP. We have reached across the aisle and across the country to provide more assistance for the LIHEAP program, and in each instance a majority of this body has gone on record to support full funding.

Today, I come to the floor to offer another amendment to fully fund the LIHEAP program. This time I seek to offset that increase with a temporary 1-year windfall profits tax on large oil companies. This tax would be on the excess profits large integrated oil companies have earned as fuel prices reached record heights over the past year.

My amendment draws from Senator SCHUMER's legislation to define windfall profits. My amendment creates a temporary levy on the excess profits of U.S. oil companies and foreign companies that do substantial business in the United States. I would like to thank Senators DORGAN and DODD for proposing the windfall profits tax, and Senator SCHUMER for his modification to this proposal.

The temporary levy applies to major integrated oil companies which have an average daily world-wide production of crude oil of at least 500,000 barrels for the taxable year. Under our revenue mechanism companies will calculate the average of annual profits for the years 2002 to 2004, subtracting the highest year, and then adding 10 percent. The resulting number is the reasonably inflated average profit for calculating the amount of windfall profits. Any profits earned from U.S. operations in 2005 that exceed this reasonably inflated average profit are deemed a "windfall profit" and is taxed at the rate necessary to raise the required $2.92 billion needed to fully fund LIHEAP.

This is a temporary 1-year measure. The tax rate is set simply to fund the authorized level of LIHEAP. In America no family should be forced to choose between heating their home and putting food on the table for their children. No senior citizen should have to decide between buying fuel or buying pharmaceuticals. But, unfortunately, this sadly is the case and this winter it will be the case in too many situations. The heat-or-eat dilemma is not just rhetoric. The RAND Corporation conducted a study and found that low-income households reduced food expenditures by roughly the same amount as increases in fuel expenditures. In some respects this is a tidal wave not of rising water like Katrina but of rising energy prices.

We have all gone out and had the opportunity to visit with constituents and get a firsthand glimpse of the struggle they are faced with. I visited a few weeks ago with Mr. Aram Ohanian, an 88-year-old veteran of the U.S. Army in World War II, living on a $779-a-month Social Security check, and money is so tight that sometimes he has to eat with his children or go to a local soup kitchen, and he also has to get assistance from a food bank. These price increases to Mr. Ohanian will be very difficult. He received assistance last year with respect to LIHEAP funding, but that assistance will be relatively less this year because of rising prices and maybe because the demand will be much more.

Last month, the Social Security Administration announced that cost-of-living adjustments for 2006 on average is about $65. That $65 increase to Mr. Ohanian is not going to take up the slack in terms of these tremendous fuel prices.

Now, this amendment would increase LIHEAP funding by $2.92 billion. In fact, even if we did this, there would still be a significant number of Americans who qualify for the program but will not get help. But at least we are taking a step toward fully authorizing this very important program.

I hope we can, in fact, support this effort. Some have objected not because the LIHEAP program does need money but because there was no offset. Today there is an offset. This windfall profits tax will pay for the additional cost of LIHEAP, and I can't think of anything more appropriate than asking fuel companies, oil companies to take some of their very extraordinary profits and put them back so that poor people can buy their products. I think that is fair. I think it is just. I think it makes a lot of sense.

I asked them voluntarily, sent a letter to all the oil executives saying: Would you pledge 10 percent of your profits to the local community agencies that provide support? I have heard but from one company, CITGO, who talked about their plan to give bulk fuel. Everyone else has said nothing. They are going on as if American families are not in desperate situations because of the price of heating oil.

Mr. President, I hope my colleagues, in fact, are able to support this method which fully pays for the increase to LIHEAP which so many of us agree is absolutely necessary.

I yield back the Senator from Montana any time I have.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, if my colleague will yield a second, I ask unanimous consent that after the Coburn amendment is debated or set aside, Senator SANTORUM be recognized to speak for 15 minutes, Mr. BYRD be recognized to speak for 30 minutes, and Senator FEINGOLD be recognized to offer his amendment on pay-go with 30 minutes of debate equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut.

Mr. DODD. Mr. President, may I ask—the understanding at this moment is Senator DORGAN and myself are recognized for how much time?

The PRESIDING OFFICER. Fifteen minutes on each side—15 minutes for the Senators from Connecticut and North Dakota and 15 minutes on the other side.

Mr. DODD. Mr. President, let me thank, again, my colleague from North Dakota for offering this amendment. I am pleased to be the lead cosponsor of it.

This was brought up a number of weeks ago. This isn't something the Senator from North Dakota conjured up in the last several days. It is one he suggested back a number of weeks ago when the first skyrocketing prices occurred and the information emerged about these incredible, historic profits.

Just to put it in perspective in these few minutes, we have remaining before we vote on this amendment, in the space of 12 weeks—12 weeks—the five largest integrated oil companies secured profits approaching $33 billion.

Now, again, let me state the obvious, or hopefully what is the obvious. The Senator from North Dakota and I have no difficulty whatsoever with the idea that businesses, including energy companies, make a legitimate and decent profit because of their investments and their work. But from time to time we have seen in our Nation's history profiteering where excessive profits are made at the expense of what needs to be done for the good of the country. In this case, to develop additional energy resources.

What we are suggesting with this amendment is that with windfall profits that exceed $40 a barrel, we offer the integrated companies an alternative. One: take the windfall profits and invest them back in the development of existing or alternative energy sources; or two: give rebates to consumers in this country who are paying these incredibly higher prices in gasoline and home heating oil. Don't just go out and buy your own stock or engage in merger acquisitions at a time when we need to be less dependent on politically fragile parts of the world such as we are today.

We know over and over again, that the companies are bragging in their own annual reports about record profits. In 2004, one major oil company, in its annual report, stated that it had recorded 48 percent higher profits because of the higher prices of oil and gasoline. And at the same time they announced to the world in that annual report that they actually reduced their production by 3 percent. We know that refining capacity is near 100 percent. We also know that many of these same integrated companies virtually eliminated 176 refineries in the last 25 years. It is not because of environmental problems or people objecting to existing refineries. They decided themselves to reduce their refining capacity.

Again, you don't need to have a Ph.D. in economics to understand a company is profiteering to such a degree that it hurts our country. We ought to be doing a better job than that.

With this amendment, we are asking this industry to either reinvest these excessive profits into increasing the availability of supply in our country or provide the rebates for individuals who could use the help. It is not just taking the money and putting it in the general fund and saying. We will decide what to do with it later.

I heard my colleague from Rhode Island making an impassioned plea for the LIHEAP program, and I agree with him. I have watched him offer this amendment on several occasions over the last few years. This body has seen fit to turn down those amendments over and over. So we are not going to get much help there.

The suggestion is, why not ask this industry that is recording nearly $33 billion of profits in 12 weeks to do a little something to help the folks in Connecticut, Minnesota, or North Dakota who are going to be paying very high home heating prices. In fact, in my State, the estimated cost in that area alone would be about $325 more this year per household, not to mention, the continued high gasoline prices. While gasoline prices are coming down somewhat, they are still about 32 cents higher than last year.

Again, I think the industry owes it. We saw during another time in our Nation's history, World War II, that another Senator in this body, Harry Truman, demanded a stop to the profiteering that was occurring in this country.

We are not denying anybody a right to make a legitimate profit, but when those profits put our Nation at risk, when they cause people who deserve better to pay exorbitant prices to stay warm and to use the automobiles they need, then we ought to be standing up as a collective body saying: You have to stop that. There is no justification for it. Remember, these prices began to climb before August 29. It wasn't Katrina. These prices began to climb during the spring and summer months. Katrina has caused some problems, no question about it, but to use Katrina as the excuse for these skyrocketing prices is not based on fact at all. We are urging our colleagues to join us in this effort. This would be a major source of relief for people across the country. Alternatively, the industry could do the right thing and invest those windfall profits in new energy sources and refineries instead of merging and buying back their own stock. Half of the profits last year were spent on buying back stock, not in new exploration. The amendment serves as an incentive. That is what the Dorgan amendment does.

I am pleased to be a cosponsor of the amendment. We urge our colleagues to support it.

I yield to my colleague.

Mr. DORGAN. Mr. President, how much time remains?

The PRESIDING OFFICER. Nine minutes.

Mr. DORGAN. Mr. President, first, I thank my colleague from Connecticut for his support on this amendment.

I want to spend a little time responding to some of the opponents who have completely mischaracterized the amendment, which is everyone's right on the floor of the Senate. It is important for everyone to hear the facts.

We did hear last evening a colleague say he was sick of populism, just sick of populism. When the little guy gets hurt, and the little guy is getting rich at the same time, populism means you stand up for the little guy. And I would say, get used to it. If you are sick of it, get used to it, because this Senate floor is where you stand for people who don't have the capability to stand for themselves.

In this case, what is happening in our country is unfair, just unfair. The oil giants, larger because of mergers, are recording record profits, the highest in the history. Here are what the profits look like, unbelievable profits, the highest in the history of corporate America, and the consumers experience all the pain. They wonder, as they see the headlines, "Big Oil's Burden of Too Much Cash," "High Energy Prices Lift Profits at ConocoPhillips by 89 Percent." I could go on and on. ExxonMobil, $9.9 billion in the third quarter. I could go on.

The consumers wonder, as they fill their tanks, about these headlines. They wonder about these headlines as they try to heat their home this winter and pay 40, 50, 60 percent more to do it. They wonder out on the farm someplace about these headlines when they try to figure out, How am I going to be able to buy a tank of fuel?

This proposal is very simple. This proposal says that for oil over $40 a barrel price, we would impose a windfall profits tax, except that no company would pay it if all their profits are being invested into the ground to search for more energy or above ground to build more refineries. If that is what they are doing with profits, this doesn't affect them. They don't have to worry.

We have had all kinds of folks coming out to the floor with talking points. If I was the oil industry, I wouldn't like what we are doing either. I understand that. It is perfectly logic. The talking points say if this amendment is passed, we are going to see less production of oil and gas. That is total rubbish, complete nonsense. In fact, the most significant incentive for the increased production of oil and gas in this country would be the prospect of having to pay a 50-percent excise tax on profits if you don't use them for that purpose.

We say: If you do use them to expand supply of energy and therefore reduce price, you are exempt. Don't worry about this. Let me show what BusinessWeek says:

> Why Isn't Big Oil Drilling More? Rather than developing new fields, oil giants have preferred to buy rivals—drilling for oil on Wall Street.

If you are buying back stock, drilling for oil on Wall Street, or if you are not using the money to expand the supply of energy, then you risk being hit with a windfall profits tax, the entire purpose of which would be to provide rebates to consumers, not to bring money into the Federal Treasury, but instead to provide a recapture and provide rebates to consumers. It is painfully simple.

Again, I say, as my colleague from Connecticut has, I think profits are fine. It is what makes our businesses work. But these are profits the likes of which we have never seen. Last year, the average price of oil was $40 a barrel, and the industry had the highest profits in history. This is unfair in this country, and we need to do something about it.

I have quoted before Bob Wills and the Texas Playboys, but what he said in that song in the thirties certainly does apply to this:

> The little bee sucks the blossom, but the big bee gets the honey.
>
> The little guy picks the cotton and the big guy gets the money.

And so it goes. At this point, using energy is not a luxury. Using energy for every American is a necessity. The question is, should the oil giants, made larger by blockbuster mergers, be showing record profits and then using the money to drill for oil on Wall Street, hoard cash or buy back their stock at the same time average Americans are trying to figure out how on Earth do I pay this fuel bill? Our amendment tries to solve that.

How much time remains?

The PRESIDING OFFICER. The Senator has 4 minutes 20 seconds.

Mr. DORGAN. I reserve my time. If there are speakers on the other side, I prefer they use their time.

The PRESIDING OFFICER. Who yields time? The Senator from Wyoming.

Mr. THOMAS. Mr. President, we are back on the amendment again. This morning we went through this, but I think it is worthwhile going through it again to talk about the difficulty of trying to do something with a windfall profits tax.

We have done this before, and I know my colleagues put some exemptions in there. The fact is, they are still taking windfall profits, something we tried before and doesn't work. Distribution doesn't work. We have been through that. This is something that is not consistent with the marketplace functioning. I don't know how many times we have to go through this, but I suppose it is an issue that is certainly worth talking about.

I think, as I said this morning, there are several issues involved in this bill. One of them is the economy, and the economy is to develop jobs, to have organizations that make profits that create jobs and build the economy, and we need to do that.

The second issue, of course, and the most important perhaps for many of us, is energy—to have energy. We can see the energy bills are going down. We are moving beyond that crisis, down to where it was before. But the long-term issue still remains, and that is the one that is important to talk about. That is why we spent 2 or 3 years with an energy policy, a policy that recognizes that what we have been doing in the past, the kinds of sources we have had in the past are not going to always be there. We have to have an opportunity to move forward.

This idea of saying, We will not charge you if you go ahead and invest—there is going to be investment. There has always been investment. I come from a State where energy is being put out there. A lot of you don't. You don't understand what it costs to do some of these things. It is going to cost even more as we go to deeper wells, as we go to oil shale, as we go to secondary recovery. But the idea that is being used by my friend over here is that the energy companies are making too much money.

Take a look at this chart. This chart shows earnings of major industries during the second quarter of 2005. And then it is adjusted to the third quarter of 2005, where we are now. Take a little look here. What is the highest one? Banks. Maybe we ought to have a little windfall profits tax on banks, do you think, and put that money out? Why don't you try that one. Here is pharmaceuticals. My gosh, 18-percent return. That would be great. Then you can hand out a bunch of free drugs. I think that would work into your philosophy. Software services, semiconductors, diversified financials, household personal products, consumer services, insurance, communications, food and beverage, real estate, health care, materials, U.S. industry average, 7.9. Oh, my goodness, here is oil and natural gas, 7.6, below the national average. And this whole thing is predicated on these people making too much money. I don't understand that. That has been adjusted. Now they are right above that, 8. Look where they are. What is unusual about that?

These are big dollars, that is true, but the return on investment is not extraordinary. There has been more activity there, so obviously there are more dollars.

I wish my colleagues would come with me and talk about what we anticipate happening, what we are going to do about changing some of the energy that is going into other kinds of products so that we can have it for the future. Do you think that is going to cost a lot of money? Of course it is. Do you think they want to have to justify what their investment is with the Federal Government? I don't think so.

If there is anything around here we need to be doing, it is getting the Federal Government out of some of these kinds of private sector investments instead of getting into it more and more.

What the Senator is suggesting is, if I am an energy company, I have to go to an agency and find out whether what I am doing justifies me not having a withholding tax. Those are not the kinds of things we need to do.

We continue to hear more and more about let's get the Federal Government involved in making these kinds of decisions. These aren't the kind of decisions that need to be made. That is the marketplace, and that is what the marketplace is about. We can see it changing almost daily, and it should, there is no question about that.

Again, this whole discussion that has gone on today and yesterday makes me wonder why we messed around trying to get an energy policy that gives us some direction in the future, that gives us some idea of how we should be investing in the future, with new kinds of energy and doing it without getting the approval of a Federal Government agency or somebody in the Congress to decide whether that investment is a sound investment. That is what the marketplace is for. We are making real progress in doing that.

I think this idea—and I know the idea is basically how we are going to get some money out to everyone, which is not a brand-new idea. My friends on the other side are big on that one, and I understand it, but this is not the way to do that. This is not the way to take windfall profits, and if so, let's start up here at the top of the chart. Let's start up here. If we are going to play that game, why, that is probably the way we ought to go.

I will stop here and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from North Dakota.

Mr. DORGAN. Mr. President, I yield myself 2 minutes. That was about as good a presentation supporting windfall profits as could be made. These charts of an 89-percent increase, the highest profits in the history of corporations, and so on, it is a pretty hard case to make on the floor of the Senate that these profits don't exist or this industry somehow isn't very profitable.

My colleague talks about the long run. The problem is you don't heat your home in the long run, you heat your home tonight. And if you are stuck with a 50-percent increase to heat your home tonight, you don't worry about the long run; you have to figure out how you do it now.

My constituents and his, when they order a load of fuel to be delivered to their farm and ranch, they are not going to pay for that in the long run; they are going to pay for it now.

My point is this: This notion of the marketplace functioning—I would love to have a debate about the marketplace. This is so far from the free marketplace, it is unbelievable. There is no free market here. You have OPEC ministers sitting around a table deciding supply and price. There are the biggest oil companies, much bigger because of mergers, that have more raw muscle in the marketplace, and then there are the futures markets which, instead of providing liquidity, have become grand casinos of speculation. Now we call it the marketplace. Too bad for the consumers.

Somebody ought to probably stand on the side of the consumers—that is the point of all of this—to say that this is not fair. This marketplace does not work for everybody. It works to provide the biggest profits in history for the oil companies.

My colleague says: Well, they are just doing a really good job. Yes, they are. BusinessWeek itself says what they are doing is drilling for oil on Wall Street, not drilling for oil underground.

Our point is simple: No major oil companies will pay this windfall profits tax if they are doing the right thing. And if they are not, we will recapture it and send rebates to consumers. If my colleagues are against that, vote against the amendment, and I understand it.

I reserve our time.

The PRESIDING OFFICER. Who yields time?

The Senator from Connecticut.

Mr. DODD. Mr. President, I will just pick up and then let my friend from Wyoming conclude this debate. Again, I commend him on trying to make as strong a case as he could.

There is a fundamental difference here. We are talking about not just any other commodity or service; we are talking about things that are essential for people to survive. We are about to enter the winter season. We have been feeling it in the Nation's Capitol the last 24 hours; the temperature has dropped to 40 degrees. I suspect our Indian summer is over. Across the northern tier States and western States alike, people on fixed incomes do not have any choice on whether to heat their homes and take care of their families. So unlike other sectors of the economy where there are some choices involved, when it comes to this commodity, oil, America depends upon it for people to remain safe, healthy, and sound.

Many people across the country, certainly in western States more than eastern states, have no other alternative in terms of how they get to their jobs or their schools or those places they must be. It is the automobile. That is what they have to rely on. Mass transit systems do not exist everywhere. So this is not just some random commodity or service we are talking about. That is the first point.

No. 2, the point was made earlier by my colleague from North Dakota, that we are talking about the large, integrated oil companies. I showed the list yesterday. We now talk about ExxonMobil; it used to be Exxon and Mobil. It used to be Conoco and Phillips; now it is ConocoPhillips. At some point we may have one or two companies left. When OPEC sits down, that is hardly free enterprise or a free market system. These prices are being established by a handful of people basically deciding what we will pay as consumers.

One tries to find some economic justification for it and some people are saying it was Katrina. Again, I admit Katrina has caused disruption, but these prices moved long before Katrina occurred. There is no economic justification that I can find. In fact, the industry itself admits that they showed record profits while they reduced production.

Their own annual reports indicate what they are doing with the profits. They are out there buying back their own stock. They are engaging in mergers.

We are saying, Look, you owe some responsibility to increase production or help us develop some alternatives. We just gave you massive tax breaks in the Energy bill. Alternatively, provide some relief to the businesses, the farmers, the consumers who are going to be paying these higher prices. This provides an alternative, an incentive. We provided an incentive with the Energy bill by providing tax breaks for the industry. They get the tax break if they will do certain things.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DODD. We urge the adoption of this amendment. These are essential needs. There is no choice for consumers today. This is a proper role for Government, to go in and demand this kind of accountability.

We yield back the remainder of the time.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Do I have some time remaining?

The PRESIDING OFFICER. The Senator has 8 minutes 46 seconds remaining.

Mr. THOMAS. Mr. President, it is interesting, the proper role for Government—I guess that is a choice we make. Certainly we have a different point of view about the role of Government, not only on this but on many things.

We talk about how important oil and gas is. It certainly is important. What about food and beverage—is this important? No, that is just something that we play with. What about insurance—is that important? Of course, all of these things are important. Somehow we want to pick out one commodity and do something with it. We keep talking about these profits. Again, let me say that the profits in these companies are not as equal as these. So the idea that they are overly profitable—they are not.

I am not sure that the Senator is familiar with the costs of energy production. We are talking now about doing offshore things. It costs millions of dollars to drill a well. These are not small-dollar kinds of things.

Again, I say one should not have to subject themselves to the oversight of a Government agency to decide whether they can use the money they earn to invest in their own business. That just does not make much sense.

We talk about reducing the costs. Well, everybody wants to reduce the costs. Take a look at the gas pump over the last 6 months. It has been reduced from about $3 a gallon to now below $2, so we are making some progress.

He talks about OPEC setting the price. Why do my colleagues think that is? Because we are so dependent on importing energy. Our job ought to be to allow ourselves to have these investments in domestic energy, alternative energy, and do some things to avoid what has been done there.

So I understand my friends over there who have a different point of view, but it is quite a different point of view. It is quite a different point of view than we have had in this bill. It is quite a different point of view than we have had in the Energy bill. It is quite a different point of view in the ideas we have had to create a stronger economy and more jobs. So I certainly urge people to vote against this amendment.

I yield the floor.

Mr. BROWNBACK. Mr. President, I rise today in opposition to Senator DORGAN's windfall profits tax amendment. This amendment seeks to punish oil companies with a punitive tax on profits when oil prices go above $40 per barrel. This amendment is shortsighted and extremely bad fiscal policy.

First, this bill already includes a $4.923 billion tax penalty on large integrated oil companies. The Dorgan amendment would simply add on to the penalty currently in this bill. The belief persists that the oil companies' profits are "extreme" or "excessive." However, this belief is unfounded. Yes, most oil companies did have record-setting profits during the 3rd quarter. But history has clearly shown that the oil industry is "boom or bust." One needs look no further than my home State of Kansas. During the 1970s and 1980s, the economy in Kansas was tied directly to the oil and natural gas industry. As their profits spiked or fell, our economy would do the same. I say this to prove that I have firsthand knowledge of how volatile the oil industry is. We need not tax a single industry simply because it had a good quarter. Even a record-setting quarter is not reason to add a windfall tax. This is bad policy and sets a negative precedent. This clearly puts a disincentive in the marketplace for American companies, in all sectors of our economy, to not perform their best. This is not the signal we want to be sending in a competitive, global economy.

Building upon the fact that the oil industry has many fluctuations, a windfall tax on profits would reduce needed private investments in energy infrastructure. If the industry is not allowed to benefit during periods of high prices because of a tax on profits, there will be precious little incentive to invest in domestic production. These investments lead to more production, which in turn lead to lower prices. A windfall profit tax would disrupt the normal cyclical movement of the energy industry.

Finally, a windfall profits tax would harm the numerous individuals who have invested in the energy industry through pension plans and mutual funds because this new tax would reduce capital gains and dividends payments.

Mr. President, I believe it is clear this amendment would do much more harm than good. It is shortsighted, market distorting, and sets a bad precedent for every industry in our economy.

The PRESIDING OFFICER. Who yields time?

The Senator from Connecticut is out of time.

Mr. DODD. I yield back our time.

The PRESIDING OFFICER. All time is yielded back.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I raise a point of order that the Dorgan amendment is not germane to the underlying legislation.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, pursuant to section 904 of the Congressional

Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant Journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 35, nays 64, as follows:

[Rollcall Vote No. 331 Leg.]

YEAS—35

Akaka
Bayh
Biden
Boxer
Byrd
Clinton
Conrad
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Murray
Nelson (FL)
Obama
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—64

Alexander
Allard
Allen
Baucus
Bennett
Bingaman
Bond
Brownback
Bunning
Burns
Burr
Cantwell
Carper
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Landrieu
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Pryor
Roberts
Salazar
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—1

Corzine

The PRESIDING OFFICER (Mr. CORNYN). On this vote, the yeas are 35, the nays are 64.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

AMENDMENT NO. 2609

The PRESIDING OFFICER. There are now 2 minutes equally divided in relation to the Feinstein amendment No. 2609.

The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I present this amendment on behalf of Senators SUNUNU, GREGG, WYDEN, CANTWELL, FEINGOLD, BURR, MCCAIN, KERRY, COLLINS, CLINTON, SCHUMER, SNOWE, and myself.

In April of this year, the President of the United States stated this:

> With oil at more than $50 a barrel, energy companies do not need taxpayer-funded incentives to explore for oil and gas.

Before a joint Senate hearing last week, the big companies—ExxonMobil, Chevron, ConocoPhillips, BP, and Shell—said they do not need these tax incentives. Each CEO said they did not need it.

This amendment removes those tax incentives. I think the time has come to do that.

Mr. FEINGOLD. Mr. President, I offer my strong support for Senator FEINSTEIN's amendment to change section 263(C) of the Tax Code, and I thank her for her work on it. The provision that her amendment targets allows large, integrated oil companies to expense, instead of capitalize, intangible drilling and development costs, such as fuel costs, workers' wages, and drilling equipment. This is a complicated way of saying that U.S. taxpayer dollars have been subsidizing the regular costs of integrated oil companies doing business, something that doesn't make sense.

Repealing this provision of the Tax Code could result in upwards of $2 billion more dollars in the Treasury over the next 5 years. Two billion dollars instead of simply transferring this significant amount of money to companies we all know are currently experiencing record profits, these funds could support a variety of important programs or could be used to reduce our skyrocketing deficit so that our children don't inherit our fiscal mess. Integrated oil companies are some of the largest corporations in the world—they simply don't need this tax break.

This amendment makes common sense and I encourage my colleagues to vote in favor of it.

Mr. GRASSLEY. Mr. President, I yield 1 minute to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, first, the Senator is offering an amendment which purports to respond to what some executives had to say about whether they needed or wanted the tax provisions in the Tax Policy Act we passed. These provisions—the principal ones—are 50 years old. They are not part of the energy package. They have been there for 50 years, upon which the energy companies rely when they drill expensive holes and invest expensive amounts. It has to do with the amortization of costs. Some of it is intangible, meaning it is not a product because part of the cost is intangible. Part of the cost that goes into producing these is seismic information and the like. That is why it is called that. But these were not adopted in the energy package. They have been part of the production of energy in the United States for eons. We want more production, and we come along and take those away.

It seems to me this is the wrong time, and it is not germane.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I raise a point of order that the Feinstein amendment is not germane to the underlying bill.

Mrs. FEINSTEIN. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for the purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER (Mr. VITTER). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 48, nays 51, as follows:

[Rollcall Vote No. 332 Leg.]

YEAS—48

Akaka
Bayh
Biden
Boxer
Burr
Byrd
Cantwell
Carper
Chafee
Clinton
Coleman
Collins
Dayton
DeMint
DeWine
Dodd
Durbin
Feingold
Feinstein
Gregg
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Lieberman
Lincoln
McCain
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Specter
Stabenow
Sununu
Talent
Wyden

NAYS—51

Alexander
Allard
Allen
Baucus
Bennett
Bingaman
Bond
Brownback
Bunning
Burns
Chambliss
Coburn
Cochran
Conrad
Cornyn
Craig
Crapo
Dole
Domenici
Dorgan
Ensign
Enzi
Frist
Graham
Grassley
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Landrieu
Levin
Lott
Lugar
Martinez
McConnell
Murkowski
Nelson (NE)
Roberts
Salazar
Santorum
Sessions
Shelby
Smith
Stevens
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—1

Corzine

The PRESIDING OFFICER. On this question, the yeas are 48, the nays are 51. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

AMENDMENT NO. 2610

There are now 2 minutes equally divided prior to a vote on the Feinstein amendment No. 2610.

Mrs. FEINSTEIN. Mr. President, we have all seen the HHS bill go down in the Senate. There is a message in this. That is that the people of America are only going to accept so many cuts in health care, in Medicaid, in Medicare, in transportation, and other vital areas.

This amendment directly targets our budget deficit. If the budget is not in balance, tax rates for income, capital gains, and dividends will return to previous levels and deductions for taxpayers earning more than an adjusted gross income of $1 million a year.

According to the Joint Committee on Taxation and the Tax Policy Center, this amendment could increase revenues by more than $100 billion over 5 years. It is a strong step, a first step in helping the budget deficit and also saying to people in this country that millionaires are prepared to forego tax cuts to benefit the very poor of our country.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. I am against the Feinstein amendment. It is a typical Democratic response to a budget: Raise taxes. They happen to think that Americans are crying, "We are undertaxed." I don't hear that from my constituents. I bet they don't hear it in California either.

If those taxpayers she is talking about were only coupon-clipping, Park Avenue millionaires or somebody from Rodeo Drive, a resident of Beverly Hills, I would not be concerned. But we are talking about taxing small business people 80 percent by the Treasury Department. The people that fall into this category whom she wants to tax are the small business people that create 70 to 80 percent of the jobs in America. There is no reason, when we finally have the individual tax rate at 35, the same as the corporate tax rate, to treat small business the same as we treat corporations—not have a bias in the tax bill. We shouldn't go back to that bias.

The PRESIDING OFFICER. All time has expired.

Mr. GRASSLEY. Mr. President, I raise a point of order.

The PRESIDING OFFICER. The Senator is recognized to state his point of order.

Mr. GRASSLEY. Mr. President, I raise a point of order that the Feinstein amendment is not germane to the underlying bill.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections for the purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announced that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 40, nays 59, as follows:

[Rollcall Vote No. 333 Leg.]

YEAS—40

Akaka
Bayh
Biden
Boxer
Byrd
Carper
Chafee
Clinton
Conrad
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Wyden

NAYS—59

Alexander
Allard
Allen
Baucus
Bennett
Bingaman
Bond
Brownback
Bunning
Burns
Burr
Cantwell
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Landrieu
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—1

Corzine

The PRESIDING OFFICER. On this vote, the yeas are 40, the nays are 59. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

AMENDMENT NO. 2612

The PRESIDING OFFICER. There are now 2 minutes evenly divided prior to a vote in relation to the Cantwell amendment No. 2612.

Who seeks recognition?

The Senator from Washington.

Ms. CANTWELL. My amendment makes price gouging a Federal crime. It does two things. It implements what is in 28 different States the law to make sure consumers are protected from price gouging, and it gives the FTC, the Department of Justice, and State attorneys general the ability to look at market manipulation as a Federal crime when energy markets are manipulated. I urge my colleagues to support, at a time when we are going home to high heating oil prices, something that will protect consumers by giving new tools to the Federal statute.

Mr. KOHL. Mr. President, I rise today in support of the Cantwell anti-price gouging amendment to S. 2020, the tax reconciliation bill. This amendment is identical to Senator CANTWELL's Energy Emergency Consumer Protection Act of 2005, a bill that I cosponsored with 29 colleagues. This amendment will, for the first time, give our Federal Government the needed tools to prosecute those unscrupulous individuals and companies that seek to take advantage of emergencies and disasters by price gouging consumers in the sale of gasoline and other petroleum products.

We have all seen the suffering caused to consumers when gas prices spike in the wake of disruptions in supply caused by natural disasters. While gas prices have come down from their record levels of over $ 3.00 per gallon in many places in the last few weeks, they are still too high. And the experience of this past September teaches us that the danger to consumers resulting from tight supplies and high demand remains acute. We cannot allow consumers to remain vulnerable to price gouging and market manipulation the next time our essential energy supplies face disruption.

Recent experience shows us beyond doubt the need for this amendment. Allegations of price gouging and drastic price spikes were unfortunately commonplace in the immediate days following the Hurricane Katrina disaster—including, for example, gas being sold at $6.00 per gallon in the Atlanta area. It appeared that the human suffering caused by loss of life, housing, and employment, was compounded by some unscrupulous individuals and businesses who took advantage of the emergency by gouging consumers. Yet, under current law, the Federal Government had virtually no ability to prosecute such price gouging. This amendment will correct this critical deficiency.

This amendment contains several important provisions. First, it gives the President the authority to declare an energy emergency during times of disruptions in the supply or distribution of gasoline or petroleum products. Second, the amendment, for the first time, declares illegal under Federal law selling gasoline or petroleum products at a price unconscionably high or when circumstances indicate that the seller is taking unfair advantage to increase prices unreasonably in times of energy emergency. Those who violate this law face civil penalties of up to $3,000,000 per day and criminal penalties, including jail terms of up to 5 years for individuals, as well. The amendment also forbids market manipulation in connection with the sale of gasoline and petroleum products and empowers the experts at the Federal Trade Commission to write regulations setting forth specific conduct constitution market manipulation. Additionally, our amendment gives States attorneys general the power to enforce these provisions as well.

These measures are an urgently needed deterrent to prevent all those would seek to profit from disasters such as Hurricane Katrina by price gouging consumers in the price of gasoline or other essential energy supplies. Our amendment will protect consumers—both those who were the victims of Hurricane Katrina and those who may be victimized in the future—who suffer every day at the gas pumps from the real and growing economic pain caused by high gas and energy prices. As ranking member on the Senate Antitrust Subcommittee, I believe that this measure is necessary to prevent unscrupulous companies from ever again using a natural or manmade disaster to justify uncompetitive gas price hikes. All of us can agree that profiteering and price gouging in the price of an essential commodity like gasoline is simply unacceptable. Such conduct violates every principle of free and fair competition. We must give the Federal Government the necessary tools to prevent such misconduct, and prosecute those who do so.

I urge my colleagues to support the Cantwell amendment.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, the committee held a hearing on this and some of the items we are pursuing, some of the concepts, might be involved with this amendment. But this is not germane to this bill, nor the place for the Senate to consider this action. The FTC may need some jurisdiction here, but the jurisdiction that would follow with the Cantwell amendment is much too broad. Twenty-seven States have this authority now. The question is whether we should at some time give the FTC jurisdiction over multiple State problems. This is no way to go about it. It is not germane to the bill. I raise a point of order that the amendment is not germane to the underlying bill.

Ms. CANTWELL. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of the act for consideration of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER (Mr. CHAFEE). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 57, nays 42, as follows:

[Rollcall Vote No. 334 Leg.]

YEAS—57

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Coleman
Collins
Conrad
Cornyn
Dayton
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Graham
Harkin
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Smith
Snowe
Specter
Stabenow
Talent
Thune
Wyden

NAYS—42

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Frist
Grassley
Gregg
Hagel
Hatch
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Sessions
Shelby
Stevens
Sununu
Thomas
Vitter
Voinovich
Warner

NOT VOTING—1

Corzine

The PRESIDING OFFICER. On this vote the yeas are 57, the nays are 42. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to. The point of order is sustained and the amendment falls.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I propose that we reach a time agreement on this next pending amendment, which is the Coburn amendment. I ask unanimous consent that the time on the Coburn amendment be limited to 1 hour equally divided.

The PRESIDING OFFICER. Is there objection?

The Senator from Oklahoma.

Mr. COBURN. Reserving the right to object, Mr. President, I probably don't have a problem with that. I do not want to make a time agreement——

Mr. BAUCUS. Mr. President, the Senate is not in order. I have a hard time hearing the Senator.

Mr. COBURN. It is my hope that we could finish this in 1 hour, and I will do everything I can to do that. I do not want to limit my ability to answer questions in this case. The Senator has my word that I will limit the amount of debate so that we can try to finish in an hour. But I would object to limiting it formally, and I will do everything I can to finish it in an hour.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I hear the Senator from Oklahoma, with all due respect. I wonder if we could agree to maybe 1½ hours.

Mr. COBURN. I have no objection to that whatsoever.

Mr. BAUCUS. With the understanding that perhaps an hour and a half may not all be used.

Mr. COBURN. I have no objection.

Mr. BAUCUS. I renew my request for 1½ hours equally divided.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Mississippi.

AMENDMENT NO. 2633

Mr. LOTT. Mr. President, I call up amendment No. 2633 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 2633.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To clarify treatment of outside income and expenses in the Senate)

At the appropriate place, insert the following:

SEC. ___. CLARIFICATION OF TREATMENT OF OUTSIDE INCOME AND EXPENSES IN THE SENATE.

(a) IN GENERAL.—For purposes of rule XXXVI and paragraph 5(b)(3) of rule XXXVII of the Standing Rules of the Senate, compensation or outside earned income for any calendar year shall be reduced by actual and necessary expenses incurred by a Member of the Senate in connection with the practice of medicine. A Member of the Senate shall include information with respect to such expenses with any report in which such compensation or income is required to be included.

(b) PAYMENT OR REIMBURSEMENT.—If expenses described in subsection (a) are—

(1) paid or reimbursed by another person, the amount of any such payment shall not be counted as compensation or outside earned income; and

(2) not paid or reimbursed, the amount of compensation or outside earned income shall be determined by subtracting the actual and necessary expenses incurred by the Member from any payment received for the activity.

Mr. LOTT. Mr. President, this is the amendment dealing with the resolution of the Senator from Oklahoma, and I just want to clarify that because it will be referred to as the Coburn amendment. I want to make sure everybody understands that is what we are talking about.

Before I get into my remarks, I would like to yield, as a convenience to him, the first 2 minutes to Senator HATCH, or for additional time if he needs it.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I thank my colleague.

Mr. President, I rise in support of the amendment offered by our colleagues from Mississippi and Oklahoma. the Coburn amendment.

First of all, let me say I am sorry this amendment is even necessary.

It is obvious to everybody that Dr. COBURN, Senator COBURN, is an intelligent and dedicated medical doctor whose respect and love for helping people is legendary.

It is equally obvious that Dr. COBURN is an accomplished legislator whose contributions to the work of this body are important. No one can raise an issue about Dr. COBURN's work ethic, his loyalty to the Senate, to Oklahoma, or his constituents. and I say this as someone who has agreed with him on many occasions and as someone who has clashed swords with him on occasions.

There is no question in my mind the Government in general and the Senate in particular benefit from informed legislators. To preclude. Dr. COBURN—a recognized medical expert—from practicing medicine without any profit motive whatsoever is nonsensical.

There are a lot of people who depend on him and need his services; at the same time, he needs to keep up his clinical skills so that he can continue to practice medicine whenever he decides to leave the Senate. And he will not be able to maintain his surgical skills or his hospital privileges if he doesn't have this privilege.

In fact, it is a simple precept of government life that policymakers should develop some expertise in the issues they are deliberating.

To compare him to attorneys—who very often have a profit motive—is the wrong comparison, I think.

We all know Dr. COBURN to be a fine man who has a great deal of affection for his patients. I believe he deserves the opportunity to continue to help his patients, continue his medical privileges, and be able to pay for any liability insurance that he may need. He will not make a penny from his efforts, but he will be able to up his skills, which I think is a benefit on all levels.

What better way for a doctor to develop that expertise than to continue the practice of medicine, helping real, live people with real, live problems in the real-world hospital or clinic setting?

I happen to know a little about this, even though I am a lawyer by training.

As my colleagues are aware, I have taken a great interest in health issues since coming to the Congress.

It has been my practice to solicit actively medical professionals to help advise me on health legislative matters.

I have been fortunate, for many years, to have been aided in my working representing Utahns, by the assistance of very capable Robert Wood Johnson Foundation health policy fellows.

These fellows, doctors, nurses, dentists, and health professionals, work each year in congressional offices on both sides of the aisle, and I think all of my colleagues who are fortunate enough to work with RWJ Fellows feel their work as been enriched by the presence of these very capable men and women.

I think back on those who have worked in my office, and I am so proud of what we accomplished together—David Sundwall, M.D., now the head of the Utah Health Department, Phil Marion, M.D., Michael Ashburn, M.D., Larry Kerr, PhD, Marlon Priest, M.D., David Russell, DDS, Mark Carlson, M.D., Kira Bacal, M.D.—they are all superstars.

Several years ago, before my current health policy director, Pattie DeLoatche, joined my staff, I talked to a previous fellow, Dr. Priest, about joining us in the Senate.

I hoped to woo him away from the University of Alabama.

Marlon had been an outstanding addition to my office, as an astute emergency room physician who thrived on the give and take of the Senate. His work on many issues, particularly anti-tobacco efforts and radiation compensation, stands out.

Marlon would have been a fantastic Hill staffer. And we would have benefitted greatly by his presence.

But, you know what? He said to me, "Senator, as attractive as this offer is, I am almost 50 years old. If I come to the Senate, I can't practice medicine. I will lose my license. And when you leave office, I will no longer have a medical career. I just can't take that chance."

That was our loss.

Similarly, it is our loss if Dr. COBURN cannot practice medicine while he is a Senator. It is the loss of this body, which can benefit so much by his expertise, and it is the loss of Oklahoma, the Nation, and indeed the world, if he cannot practice medicine.

Some have suggested, in error I believe, that medical doctors should be treated no differently than other professions, such as lawyers.

There is a big difference between those two professions.

I can serve here as a lawyer, and I do not lose my license.

That is not true for a doctor.

With all due respect to my colleagues on the Ethics Committee, and their staff, the ruling by the Ethics Committee is a bureaucratic response to a non-problem.

Dr. COBURN is not asking to make a profit here.

He has sworn to the committee and to this body that a reasonable reinterpretation of the Senate rules should allow him to practice medicine on a not-for-profit basis.

There is no conflict there.

But even more, I find it so commendable that Dr. COBURN has pledged to his constituents that he will be a citizen legislator, a central part of his Senate campaign.

If Dr. COBURN wants to honor and restore the long-standing tradition in this body of serving as citizen legislators, then so be it. More power to him.

And as I noted in the case of my former staffer, a doctor cannot become a Senate employee and retain his or her licensure.

So as a consequence, for all practical purposes, dedicated medical professionals, be they Dr. FRIST, Dr. COBURN, Dr. Priest, or any other doctor, dentist, nurse or other health care worker, cannot give their expertise to the Senate on any extended basis.

What we are asking for here is not a conflict of interest by any means.

There would be no profit motive, indeed no profit. So what is the conflict?

Indeed, as Dr. COBURN has noted, no pregnant woman will choose him hoping to sway his vote.

I think it is also safe to conclude with Dr. COBURN's notation that no PhRMA representatives will line up for a physical at the Oklahoma Senator's office.

Mr. President, I think that any objective analysis of the facts would yield one conclusion: the Senate and the American people benefit by having doctors serve here.

We should be turning cartwheels that we have such talented individuals as Dr. FRIST and Dr. COBURN who want to share their expertise with the Senate and our country.

The rules should encourage their working here, not discourage it.

I hope my colleagues will agree.

All I can say is this.

This is a good man.

He is in it for the right reasons.

This amendment will ensure he keeps his medical privileges active.

He is not going to make any profit from it, but he will be able to pay for his medical liability insurance.

Most of all, he will be able to help unfortunate people, patients who believe in him, patients this good doctor helps so selflessly. I think everybody in the Senate should feel happy they have enabled our colleague to continue a vital, valuable medical practice without any hint of ethical compromise. That is what this amendment is intended to do, and I urge that it be adopted.

I hope our colleagues will give some consideration to this issue and allow this man the privilege of doing this. I will be very disappointed if we don't.

I thank my dear friend from Mississippi for granting me this time.

Mr. LOTT. Mr. President, again, I know we will need to alternate back and forth. As a courtesy to a colleague, I yield 5 minutes to the Senator from Pennsylvania, Mr. SPECTER.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the distinguished Senator from

Mississippi for filing his resolution and for yielding me a few minutes to talk about the merits. I support the resolution. I believe it would enhance the Senate to have Senator COBURN continue his medical practice on a basis where he does not seek a profit, where he covers his expenses, and where he continues to perform very important medical services for many people who are his patients now and who may become his patients.

When the issue arises as to whether it interferes with Senator COBURN's duties and responsibilities in the Senate, I believe I am in a position to answer that question, categorically, based upon what he has done for a year in the Senate, where I have had very close contact with him on the Judiciary Committee.

He is prompt in attendance. We have grave difficulties maintaining a quorum but not because of Senator COBURN. He lends an expertise which is absent. We had hearings today on the asbestos reform bill, and Senator COBURN was cross-examining the medical witnesses in a way that regular Senators, plain Senators, even though they have some experience in questioning witnesses, can't do. I said to Senator COBURN, after the hearing concluded, that he might be in the wrong profession; he ought to be practicing cross-examination. He thought that was related to being a lawyer. He didn't like that suggestion very much, but it was made only in jest.

He knows things as a result of his medical profession that the rest of us do not know. We have a great many professionals in this body but not medical professionals. There is no conflict of interest, as the Senator from Utah, Mr. HATCH, commented about lawyers and a profit motive and there might be some connection between representing clients in matters to come before the Senate. That is not the situation with Senator COBURN.

There is no conflict of interest. In fact, there is a substantial confluence of interest. That may be a new phrase. If I could attract Senator COBURN's attention, I said there is a confluence of interest with his work as a doctor and with his work as a Senator.

While I agree with the limitations generally, I think they do not apply to Senator/Dr. COBURN's situation. I believe the resolution ought to be adopted.

Again, I thank my colleague from Mississippi. I yield the floor.

Mr. LOTT. Mr. President, I yield myself such time as I may consume so I can get into some of the specifics of the resolution.

The resolution simply provides that a Senator who is a physician can continue to practice in his profession while serving in the Senate. However, there is an important caveat included in this resolution. A Senator who continues to practice medicine may not receive fees and other payments for medical services that exceed the actual and necessary expenses incurred by the Senator in connection with his medical practice. In other words, the Senator cannot make a profit from his practice.

I have discussed this issue with a lot of our colleagues. There are those who are concerned that once we open this door, we will open it more and more and there will be more and more exceptions to the rule. That is not my intent here. That is a debate for another day, and maybe we should have it, in my opinion. This is narrowly crafted legislation that would allow for Senator COBURN to continue his practice.

I think he should have that opportunity. I think it is fair to him, and I think it is needed in his community. In talking with him, it is not that he is an obstetrician/gynecologist, he is a general practitioner. He treats people who come to him for all kinds of problems. We have a need for more, not less, doctors.

Also, there is a unique difference we have to remember. As lawyers, I guess as long as you keep your bar membership up, when we leave here, oh, yes, we are still lawyers because we got a law degree 40 years ago. But as a doctor, if you don't keep up your practice, you can't go back and say, Oh great, I will take care of your gynecological needs or deliver a baby. They need to keep their skills honed.

Some people say he can practice, he just can't have any income to cover his expenses. Based on the Senate salary, he would not be able to pay for the expenses, primarily because of the exorbitant amount of money now that is involved in medical malpractice.

I note that allowing a physician to continue practicing medicine to the extent of covering actual costs is consistent with an approach that was taken by the House of Representatives. I think it is a very critical point. We are going to have more of a disallowance over here than even the House. This matter was worked through a very lengthy process in the House, and they came to the conclusion they needed to have this exception.

Moreover, the definition of compensation contained in the resolution is identical to the definition used in the U.S. Office of Government Ethics.

The resolution applies only to physicians who practice as sole practitioners and only when the Senate is not in session. So there is not going to be a conflict with his responsibilities. Knowing this Senator from Oklahoma, as we all do already, he would never do that. He wouldn't fly home and start delivering babies when we were having votes.

It also limits it to a sole-practitioner role. The resolution retains the current Senate rule that prohibits a Senator from affiliating with a firm. In addition, the current rule that prohibits a Senator's name from being used by any affiliated firm or company is retained.

Physicians need to continue to practice in order to maintain their skills, as I noted. Because we have not been able to get medical malpractice insurance reform, it costs hundreds of thousands of dollars, in many cases, to stay in practice. We all hear from our doctors about how difficult that is getting to be. I think it is probably even more difficult if you are an OB/GYN to pay the fees that are involved for providing this medical service.

Should a Senator who is a physician have to be recertified to practice when he leaves the Senate because he has been unable to maintain his practice because of Senate rules? I don't believe he should have that additional responsibility. We are putting an additional burden on physicians who would serve in the Senate. We need more diversity here, not less, even though we have had doctors throughout history serve in the Senate. Most of them—in fact, I guess all of them until very recent history—continued to practice medicine. It was never a problem. I am sure the Senator from Oklahoma is going to give us a history of doctors and physicians in the Senate and what they did. I am sure he is going to give us the history of lawyers who continued to practice, great Members of the Congress and Senate who went on to become President.

I think we are setting up a situation that is indefensible. It is not just about this Senator. I want to make the point, too, about why we are doing it this way. I don't want to take away the responsibilities of the Ethics Committee to interpret the rules. I hoped this would be worked out. We have a time problem now. At some point soon, the Senator from Oklahoma is going to have to decide what to do: Is he going to completely shut down his practice or what is he going to do? There are certain limits on how long he has to close out his practice.

I would like the Rules Committee to have acted on this issue, but there is the issue of getting the matter through the Rules Committee and then getting it scheduled for time on the floor. We are doing it this way because it is the only way it could be done. I think the Senator at least deserves to have his case considered.

The current Senate rules do not completely bar outside profit by Senators, I should note. Many Senators now are writing books, and they are able to keep the royalties. There is an ethics exception, I believe, for teaching classes, and that is earned income. Yet that exception is made. Of course, if you are a Senator and you marry a person with money or if you inherit money, that is fine. But if you have an ability, a talent that you can offer, a service that you can provide, even if you do it not for profit, no, you can't do that.

I am very concerned about what we are doing to ourselves. I practiced law. I looked at staying affiliated with a law firm. I think I could have practiced estate law without running afoul of the ethics rules, but you could not do that.

This is a narrow exception that I think is the fair way to allow this Senator to continue his practice without conflicting with the ethics rules or with his duties. This is a profession we need more of, I repeat.

I hope my colleagues will seriously consider this modest exception to the rules of the Senate. This is a Senator who wants to continue serving the medical needs of his constituents without earning a profit. That is pretty magnanimous, it seems to me. I think we should do this. I think what we are doing to this Senator and the people he serves is wrong. At least he will have a vote, and I hope that maybe sometime later we will consider this whole issue in a broader sense. But for now, we should make this narrow exception, as the House of Representatives did in the past.

I yield the floor, Mr. President.

Do we want to alternate. How much time does the Senator desire? I yield 5 minutes to the Senator from South Carolina.

Mr. GRAHAM. Mr. President, I thank the Senator. I stand here in two capacities: speaking as a Senator trying to find a compromise that would be good for the institution and as a friend of TOM COBURN.

If I had any doubt about the effect this would have on the institution, I would not rise in support of my friend, because we all know why we are here. We are here to make the country stronger and the Senate better. Having TOM COBURN here as a physician I think makes the country stronger and better.

It is not about him making money. All of us know Senator COBURN and what he does in Oklahoma. He is not practicing medicine to make money. He is practicing medicine to stay in touch with his constituents, to provide a vital service to rural Oklahoma, and to try to pay the bills. He is doing it for all the right reasons.

You can, as Senator LOTT said, have outside income. This is not about outside income. This is about trying to maintain the skills that are very much in demand in Oklahoma and a relationship that I think will be beneficial to the people he serves and the Senate as a whole.

The bottom line is, it worked in the House. They had the same debate in the House. They had a compromise where Senator COBURN could practice medicine not for a profit but for the privilege of serving his constituents in two ways: as a Representative and a doctor. It worked very well. It was a win-win. It can be a win-win for the Senate. Physicians who served in the Senate in the past have been allowed to practice.

Perception is important. We don't want to do anything in the Senate on our watch that would give a perception that the body is not at its highest level. And reality is important too. I think the reality of allowing Dr. COBURN to continue to practice in the Senate, such as he did in the House, is extremely beneficial to real people who need a good doctor who is competent at delivering medical care and who has a great heart for serving people. Those individuals need the Senate to understand they are affected, and whatever perception problems anybody is worried about, it did not hurt the House at all, and it is not going to hurt the Senate.

The reality is there are people counting on Dr. COBURN, and it would be a shame for them to be denied medical care from a very good man.

From the Senate's point of view, I think it would be good for us to have a commonsense view of what our role in society is, that we are not a body that should be totally disconnected from everyday life. If you can have a Member of the body serving in a very vital capacity that improves everyday life, then we ought to let that happen. It would be a win-win for the Senate, and it would be a win-win for the people of Oklahoma.

I am here to say that TOM COBURN is not only a great Senator, he is a great doctor, and he practices medicine for all the right reasons. Any perception problem should not stand between him and the ability to deliver a vital service. We are not reduced as a body by him taking care of people in Oklahoma. I think we are enhanced.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I believe I manage the time in opposition on this amendment.

The PRESIDING OFFICER. The Senator has that right.

Mr. BAUCUS. Accordingly, I yield 20 minutes to the chairman of the Ethics Committee, Senator VOINOVICH.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, first I would like to say I have a great deal of respect for Senator COBURN. I think he is acting from honorable motives. I would remind Senators that our colleague, Senator FRIST, is a doctor and is not asking for dispensation from the rule. He continues to practice without compensation on occasion.

I have been hopeful that working in a truly bipartisan manner with the Ethics Committee, which I chair, the Rules Committee, our bipartisan leadership, and Senator COBURN, that we could come to an agreement which would address Senator COBURN's concerns.

While I would like to be able to detail the long history of the Ethics Committee's work to find an accommodation with Senator COBURN to effectively address his concerns, in an effort to maintain the privileged nature of the communications between the committee and the Senator, I must speak only in generalities.

Let me assure my colleagues that we have done everything that the Senate rules will allow us to do to help Senator COBURN in this matter. I can assure you that Senator JOHNSON and I have spent a great deal of time, and the staff of the Ethics Committee as well, trying to accommodate Senator COBURN. Ultimately, we found ourselves in a situation where we were asked to reinterpret what the Senate rules meant or to endorse a change of those rules for Senator COBURN. As I will soon detail, the specific language and legislative history of Senate Rules XXXVI and XXXVII and Federal law prevent us from reinterpreting the rules. With regard to changing the rules themselves, we did not believe the Ethics Committee should be involved in the sole jurisdiction of the Rules Committee.

As my colleagues know, the Rules Committee establishes the rules of the Senate. The Ethics Committee is charged with enforcing those rules. This matter should not be on the Senate floor. It should be before the Rules Committee of the Senate.

Despite these realities and all the work to accommodate Senator COBURN over the past year, here we are considering a sense-of-the-Senate resolution to clarify Senate Rule XXXVII in an effort to put pressure on the Senate Ethics Committee to reinterpret what "compensation" means. Unfortunately, this resolution has not been approved or considered by the Rules Committee. There have been no hearings on this matter in the Rules Committee. Nevertheless, here we are.

First, allow me to lay out the Senate rules which guided the Ethics Committee's determination on the Coburn matter.

Senate Rule XXXVII prohibits Senators from, No. 1, affiliating with a firm, partnership, association, or corporation for the purpose of providing professional services for compensation; 2, permitting his or her name to be used by a firm, partnership, association, or corporation which provides professional services for compensation; and 3, practicing a profession for compensation to any extent during regular office hours of the employing Senate office.

The Senate Ethics Manual, the meat the committee provides the Senate for the bones of the Senate's rules, indicates on page 71 that Rule XXXVII "prohibits the paid practice of fiduciary professions," which includes the medical profession. On page 72, the manual indicates that the rule applies to "payment for professional services."

This is important because it goes to the heart of why the committee determined that Senator COBURN's proposal to allow him to receive reimbursement for expense in lieu of compensation should not be approved.

Senator COBURN has publicly stated that the purpose behind his effort today is to allow him to receive reimbursement to cover the medical malpractice costs associated with providing medical care. He believes that in order to maintain his medical skills and licenses and in order to be a "citizen legislator," he should be allowed to receive this compensation.

Again, to be absolutely clear, as chairman of the Ethics Committee, my job is to provide Senators guidance to help them comply with our rules. Our rules clearly state that payment of any kind for any purpose for fiduciary work is prohibited. Rule XXXVII prohibits exactly what Senator COBURN is asking for today.

The Senate looked at this exact specific situation in 1977. Senator Thurmond, with whom a good number of us had the opportunity to serve—and this is 1977—served as cochair with Senator Gaylord Nelson of the Special Committee on Official Conduct. This committee was charged with developing the original Senate Code of Conduct upon which many of our current Senate ethics rules are based. Senator Thurmond said on the Senate floor in 1977:

> If [doctors] value their duties and they want to keep up, they can visit hospitals and go out and participate, so long as they do not do it for compensation.

Additionally, the Nelson committee report formed the basis for what is now Rule XXXVI and addresses the possibility of outside earned income. Specifically, the report states:

> During its deliberation on this Rule, the Committee was aware of clear and unmistakable practical facts of political life. For example, most Americans regard service in the Senate as a full-time job.

And I can say that was 1977. This is 2005. I can say that I think it is more of a full-time job today than it was back in 1977.

> Senators work long hours devoting a substantial amount of not only their own time, but also time that they could be with their families, attending to Senate business on behalf of their constituents.

Consistent with these duties is the notion that since service in the Senate is a full-time job, considerable skepticism is often raised in the minds of the public whenever outside earned income is received by a Senator because of personal services outside regular Senate duties.

Now, this is to be differentiated from other outside income like farming because the personal services or fiduciary relationship is fundamentally different. A Senator engaged in farming is not put in the situation where he or she would have to choose between tending to their fields or serving a constituent. A doctor, who is in a fiduciary relationship, could face a situation where he had to choose between constituents and providing medical treatment for a patient. Writing a book is not a fiduciary relationship and would not interfere with a Senator's business because he can pick it up and lay it down.

Not only do our own rules and history prevent the arrangement that Senator COBURN is asking for, but Federal law does as well. The Ethics Reform Act of 1989, enshrined as paragraph 5(b) of Rule XXXVII, explicitly prohibits Senators from entering into professional fiduciary relationships. The rule, again based on the Ethics Reform Act, prohibits:

> (1) receive compensation for affiliating with or being employed by a firm, partnership, association, corporation, or other entity which provides professional services involving a fiduciary relationship.
>
> (2) permit that Member's, officer's, or employee's name to be used by any such firm, partnership, association, corporation, or other entity.
>
> (3) receive compensation for practicing a profession which involves a fiduciary relationship.

There may be an argument made to the Senate today that the "compensation" that Rules XXXVI and XXXVII and Ethics Reform Act refer to is profit. We may hear that the resolution we are considering encourages the Ethics Committee to define compensation as money received for costs or that compensation should only apply to for-profit enterprises or that "breaking even" is not compensation. Well, allow me to share some facts for the Senate to consider on what "compensation" means.

Section 61 of the Internal Revenue Code finds that gross income includes "compensation for services including fees, commissions, fringe benefits and similar items."

The U.S. Court of Claims held in 1968 "that the statutory definition of gross income is broad enough to include as compensation any economic or financial benefit from any source, conferred in any form on any employee, unless specifically exempted by statute."

Nowhere in the Internal Revenue Code or in our case law will one find "compensation" defined as "breaking even."

Let me raise some other facts. The Federal Acquisition Regulation defines compensation as "all remuneration paid or accrued for services rendered by the employees to the contractor during the period of the contract performance."

Again, in contracts with the Federal Government, breaking even is not an option.

Finally, allow me to offer one more piece of information for my colleagues to consider when the "actual and necessary expense" argument is made on behalf of this resolution. The Code of Federal Regulations, 5 CFR section 2636.303(b), states:

> Outside earned income and compensation both mean wages, salaries, honoraria, commission, professional fees and other forms of compensation for services other than salary benefits and allowances paid by the United States Government.

Again, the idea of defining compensation as profit is not considered in our Federal Code.

Finally, allow me to offer some thoughts on what changing the committee's interpretation of rules XXXVI and XXXVII, the Ethics Reform Act, the Internal Revenue Code, findings of the U.S. Court of Claims, and our Federal Code would mean.

Enforcement of this rule change will be impossible. The Ethics Committee would need to hire a small army of auditors and accountants to effectively evaluate what expenses were actual and necessary as the resolution would allow. These accountants would need to have some specific, specialized knowledge in the medical field to evaluate if the expenses Senator COBURN had were "actual and necessary." Frankly, the committee is not equipped to handle this responsibility. Moreover, I do not believe that the committee should be asked to take this on.

The rule change would inevitably lead to violations. I can hardly envision a scenario in which every procedure Dr. COBURN is involved with is billed exactly at the actual and necessary expenses. While Dr. COBURN does have a degree in accounting, I believe that should he be permitted to practice medicine, his focus should be on his patients, not on his accounts receivable. If his rates were to exceed or fall short of his actual or necessary expenses, he would be in violation and subject to an Ethics Committee violation. No one wants that.

The rule change would lead to other calls for changes from our colleagues that are fraught with even more dangers. Why should we not provide the same arrangement to our two colleagues who are veterinarians? Do they not need to continue their practices to maintain their skills and licenses? Is this not their chosen profession and one that they may want to return to eventually? How long will it be before one of the many excellent lawyers amongst us will ask to practice but only receive actual and necessary expenses? If we decide today to allow a colleague to pursue their profession and receive compensation to cover their expenses, how will the committee say no to other requests like this? This is the slippery slope and one that I believe we must carefully avoid.

Again, I am sorry this matter has come to the floor of the Senate. I believe Senator COBURN means well in his efforts today. He wants to continue his services as a doctor to help people. I applaud that altruistic commitment to public service. Rather than debating the possibility of reinterpreting our rules, we should be talking about a real, practical solution that would allow Senator COBURN to continue serving people and to maintain his medical skills and licenses.

The committee has long indicated to Senators that they could provide medical services to patients on a volunteer basis where no compensation is received, as the Senate majority leader does, and we are very familiar with it.

The committee has indicated to Senators, consistent with Senator Thurmond's comments in 1977, that they can pursue a volunteer relationship with a VA hospital in their home States or in Washington at Walter Reed or at the Bethesda Medical Center where no compensation is provided. I understand they have arrangements to cover the malpractice insurance of doctors who operate there, so that malpractice problem would not occur.

Unfortunately, instead of congratulating Senator COBURN for finding a solution that will allow him to continue practicing, we are debating a Senate resolution to instruct the Senate Ethics Committee to ignore Rules XXXVI and XXXVII, the Ethics Reform Act, and definitions of compensation that are in Federal statute. We cannot do that.

With that, I urge my colleagues to reject this effort, and I raise a point of order that the Coburn amendment is not germane to the underlying bill.

The PRESIDING OFFICER. The point of order must be made at the conclusion of all debate.

Mr. VOINOVICH. Mr. President, I would ask the Chair to remind me of that.

The PRESIDING OFFICER. Who yields time?

Mr. COBURN. Mr. President, I yield 3 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I lend my strong support for the amendment offered by Senator LOTT. It is measured, it is common sense, and it will help to allow Members of the Senate in the medical profession to function on a not-for-profit basis—I emphasize again, not-for-profit basis.

Dr. COBURN is not fabulously wealthy. He needs to be able to break even. If one Member of the Senate is very wealthy and can afford to carry out medical duties without adequate compensation for it, that is fine.

He is not seeking permission to shirk his Senate responsibilities in any way. I also appreciate the fact that he does not want to walk away from the medical profession. We need people with hands-on health care experience. One of the greatest challenges we face in the coming years is health care costs and health care issues. Would it not be wonderful to have a person who has daily hands-on experience with these health care issues, which is $40 trillion in unfunded liability in the case of Medicare?

He is not turning Senate rules on their head. Somebody is going to have to explain to me how we can have a blind trust and make money from a blind trust, but we cannot make money from a break-even standpoint in the practice of medicine.

It is bizarre. It is bizarre.

He has demonstrated he is more than a full-time legislator. He has offered dozens of amendments on bills in his first year in office, not making every Member of the Senate happy when he is doing so. No one can question his tenacity, his work ethic. As chairman of the Senate Homeland Security and Governmental Affairs Subcommittee on Federal Financial Management, Senator COBURN has already held 20 oversight hearings.

I believe Senator COBURN can walk and chew gum. I believe he can practice medicine when he is back with his constituents in Oklahoma and serve that State even more admirably, serving them in more capabilities than one. I wish I had the capabilities the doctor from Oklahoma has.

I hope there is an overwhelming vote in favor of the Lott motion.

I appreciate the courtesy of my colleagues.

I yield.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I ask to address the body for 5 minutes on this issue.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON. Mr. President, I rise today as vice chair of the Ethics Committee to discuss the resolution being considered by the Senate. I say at the outset that I have great respect for my colleague, Senator COBURN. The resolution before us seeks to provide a special carve-out for the practice of medicine, and medicine only, from the current Senate rules limiting outside compensation and income.

The Senate rules that govern this issue and their interpretation do not come at the whim of the Senate Rules or Senate Ethics Committees, but from a longstanding determination and precedent of this body. In fact, this has been a part of the Senate rules since 1977, when the original Senate Code of Conduct was adopted.

The committee that was established to develop the Senate Code of Conduct was known as the Nelson Committee, after its chairman, Senator Gaylord Nelson, and specifically addressed the restrictions on Senators practicing fiduciary professions in its report by saying:

> This provision reflects the committee's belief that the practice of a profession usually requires substantial amounts of personal involvement and time, and may also present conflicts of interest or in some cases the appearance of such conflicts.

During the Senate debate in 1977 on these rules, Senator Strom Thurmond delivered a strong statement on the purpose and the intent behind including the prohibition on Members of the Senate from continuing to practice and being compensated for outside professional work. He said:

> The job of a U.S. Senator is a full-time job, and if one is able to find time to render professional services for compensation, I seriously question his ability to render the commensurate service necessary to be a full-time Senator.

At that time, the Nelson Committee and the Senate recognized the pitfalls of allowing Members to receive income or compensation for outside professional work. Those pitfalls still exist today.

First, the proposal before the Senate would create a net profit standard in conjunction with medical professionals accepting outside compensation. It is my understanding this would allow physicians to accept payments for services from such sources as individuals, insurance companies, or even Medicare and Medicaid, up to the point at which all of their expenses have been covered.

A major concern I have about this proposal is it does not contain any direction as to how compliance with this net profit standard would be monitored to ensure that the instant all expenses were covered, the compensation would be ended. Without a clear ability to monitor compliance, the potential for violations, abuse of the system, or even mistakes that would affect the credibility of this Senate is very high.

I question whether the Ethics Committee has, or in fact whether it should have, the resources that would be required to properly analyze the complex accounting needed to ensure compliance with this net profit standard.

Furthermore, at this time I simply do not believe the Senate should vote in favor of any proposal that would loosen our ethical boundaries and increase the opportunities for ethical violations.

The resolution also does not provide any limitations on the outside practice of medicine. It appears that under this resolution, a Senator could spend a majority, if not all, of his or her time practicing medicine, to the detriment of the Senate, and without any recourse for the Senate.

As stated before, the Senate has determined our responsibilities are full-time. If the proposal before us is adopted, it will set up a conflict between constituents and a Senator's outside medical responsibilities for which he or she is being compensated.

The question has been raised about whether this carve-out ought to apply only to the medical profession. The fact is there are other professionals in this body of great skill—lawyers, engineers, business people, people of other professions. The fact is each and every one of them could practice their professions outside their service in the Senate, and without that practice, their skills, indeed, do erode as well. There are lawyers here whose membership in the bar is retained but whose skills certainly do erode over time. That is true of every profession. There is no profession, I believe, that is immune from or more prone to profit motives, and I do not think that any profession can be singled out in that regard.

I am not completely insensitive to the motivations behind the resolution, but I remind my colleagues that there is nothing in the Senate Rules that forbids a physician in the Senate from practicing medicine, as the Senate leader, Senator FRIST, oftentimes does. The argument here is not that doctors who serve in the Senate should never be allowed to practice medicine. The rules allow doctors serving in the Senate to practice medicine for free. The argument is that no Senator should practice a profession of any kind and receive outside compensation, no matter what the expenses of that particular profession might be.

If there is going to be a change, then the proper place for that change is through the Rules Committee and the ordinary process where hearings can be held and thoughtful deliberation can be had, and the parliamentary rules of this body would apply. It would be a mistake and an unfortunate precedent for this body to permit an end run around the Rules Committee in order to avoid the supermajority vote that ordinarily would be required to change the rules during the middle of a congressional session.

I do not believe we should take a step today to weaken the Senate rules, and I encourage my colleagues to oppose this resolution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. I yield 4 minutes to the Senator from South Carolina.

Mr. DEMINT. Mr. President, a vote for this amendment is a vote to restore the original purpose of an ethics rule. It was a rule developed to keep special interests from unduly influencing Members of the Senate by forbidding us from receiving outside income while serving here, on either side of the Congress. But, as the Government often does, we seem to have forgotten the original purpose of this rule and are now focusing on a technical interpretation. We are asking for some common sense.

The patients of a doctor delivering babies, many times a poor Medicaid mother, are not going to influence the votes of Members of the Senate. Senator LOTT has mentioned a number of exceptions that already occur. The House, acting on the same rule, decided to allow Dr. COBURN to continue to deliver babies because of the benefit to this institution as well as the benefit to his patients.

Senator LOTT mentioned other exceptions we already make for each other. We can receive millions from a book. But even more important, every Member of this Senate receives compensation every time we travel to speak to a group in different parts of this country. It is compensation only to cover expenses, but it is still compensation. And many Members of this Senate are still involved with businesses and take passive income and help to make some management decisions. It is compensation, but it is not direct compensation.

Senator COBURN's situation is very similar. He is providing an important service, often to poor mothers, and he does not want to make a profit, only to cover his expenses. My appeal to my colleagues tonight is to remember the purpose of these ethics rules.

These women are not going to influence votes. The only time he spends is when we are not in session here.

Let's straighten out one other thing, if we could. This amendment is not to help Dr. COBURN. It is about allowing him to help others, which is what he is doing on the weekends. He is not making any profit from doing this. He is serving others as he has done for years. But it is also about helping us, as an institution, to keep contact with people in the real world and the problems they have—on his own time.

I encourage my fellow colleagues to remember the purpose, to use some common sense, and to allow Dr. COBURN to continue to serve his constituents in ways that many of us are often doing in different ways.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I yield 10 minutes to the Senator from Connecticut, Mr. DODD.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, let me begin by saying these are the sorts of uncomfortable moments in the Senate when we start to deal with each other on a personal level. I have been in this body for 24 years and I take no comfort in engaging in this kind of discussion. But as the ranking Democrat on the Rules Committee, serving with my friend and colleague from Mississippi, TRENT LOTT, as the chairman of the committee, I felt it was important to at least express to my colleagues here the position this Senator has as a member of that committee and as a former chairman of the Rules Committee.

Very simply stated, as a matter of process—putting aside for a second the arguments on behalf of our colleague from Oklahoma and his noble determination and desire to continue the profession in which he has been engaged for years—there is a means by which we go through changes in the rules in this body. We have established that process for orderly reasons. What is being suggested here by this amendment is a change in the rules of the Senate, and there is a committee established by this body to consider such proposals.

There is nothing in the rules of the Senate which prohibits any Member of this body from engaging in the practice of a profession, except as constrained by Rules XXXVI and XXXVII. As the Senator from Ohio has pointed out, what is being suggested here is that a member be allowed to earn some level of compensation in order to defray certain expenses. That would require a modification of Rule XXXVI and/or XXXVII.

There is a way of doing that and the way is, you come to the Rules Committee, you have a hearing, you listen to witnesses. A person can make a suggestion to modify the rules. We do that all the time. If the Rules Committee decides in its wisdom it believes the rules ought to be modified or changed, then we recommend that change to this body as a whole and we move forward and accommodate a request such as the Senator from Oklahoma is making. But to bypass all of that process, even if you believe strongly that what the Senator from Oklahoma is suggesting he ought to be allowed to do, we ought to be following the process here. You would be setting a precedent, even if you agree with my colleague from Oklahoma and what he suggests here.

There is a way by which you do things here. When you begin to sidestep and short circuit the process, then you put the entire process in jeopardy. I begin by stating that to my colleagues. Even if you feel strongly—and I say I know many of my colleagues do, and I have listened to the remarks over the last several minutes in support of Senator COBURN's request—there is a process which we should go through to achieve that end. I urge the body, if for no other reason than that, to support the motion that will be made by the Senator from Ohio.

Then if the Senator desires to go forward with this, I certainly would be willing—I say this to my colleagues here; my colleague from Mississippi is not here—but if he wants to have a hearing on this matter, I will attend the hearing. I will attend all the hearings on it and listen to witnesses come forward and then consider the proposed change in the rules. If that is what we want to do, we ought to do that process. But I am uneasy about bypassing that process.

As I said earlier, there is nothing in the Senate Rules that precludes a

Member of this body from practicing a profession while in public service. But that practice is limited by Rules XXXVI and XXXVII and limitations on compensation earned in a fiduciary relationship. The history of these provisions shows that they are designed to ensure the membership in a profession does not so impose on the responsibilities of a Senator as to effectively render the Member a part-time public servant.

Again, there are circumstances which could be pointed out which I am sure would cause us to consider some changes in all this, but there is a process to go through. When the Founding Fathers envisioned citizen legislators some more than 200 years ago, they did not envision the kind of world we live in today and a Congress, today, that meets not only year round but often throughout the day, well into the night. Witness this evening. We are likely going to be here until 10 or 11 o'clock tonight debating these amendments on the reconciliation bill. We may be here tomorrow and Saturday and Sunday.

Certainly, the Founding Fathers had times when that occurred but not with the regularity that we engage in these practices. My colleague, the chairman of the Rules Committee, whom I have referenced already, suggests that Senator COBURN will not fly home and deliver babies when there are votes.

I can personally bear witness to this—I am sure my colleague from Oklahoma will verify this—that babies don't normally set their time for delivery based on the Senate schedule. I can say as the father of two new recent arrivals that they decided to arrive not during the Senate schedule; they had their own schedule for arrival. Even though we may try to accommodate our colleagues in these areas, it doesn't normally occur on any sort of predictable pattern. It is not elective surgery, in most cases.

Moreover, while I am sympathetic to the concerns that physicians should maintain their skills. In fact, I relish the fact that we have Senator COBURN here as a physician, along with Senator FRIST and the two Members before our body who are veterinarians, who add, I think, to the discussion and debate. It adds a dimension to our deliberations. But again, we have four Members of this body who practice medicine—two who practice the human variety and two who practice the animal variety. I respect them immensely and enjoy speaking to them about their profession. But if we begin this process, what argument is there in response to my colleagues here who practice veterinary medicine? Should they no be able to seek to cover their costs? What about those who like to maintain their skill level as attorneys, engineers, or otherwise?

We decided to put some parameters around this. Again, there is a process we can go through if we decide that we want to change it. It is not in any way to try to impugn the reputation or the contribution of Members. But to suggest that in this 21st century, we ought to begin to start compromising these rules in order to accommodate Members who wish to go back and practice their profession and to receive compensation, which is a critical element here, on their own time I think would be a step in the wrong direction. We have come some distance over the years.

In the previous century, there were Members of this body who would go down on the first floor and try cases before the Supreme Court and then come back up here to vote on the very bills that might have changed the law.

There was a wonderful Senator from New York, Chauncey Depew. He was the president of the New York Central Railroad while a Member of this body and never had a second thought about voting on railroad matters affecting the compensation of the company he was running. But, of course, the world has changed. I believe we are far better off today because we moved away from that kind of practice in the past.

I am not suggesting that my colleague from Oklahoma is suggesting anything like the behavior that we saw in previous centuries. But, nonetheless, we have established some parameters. Again, that is the reason we have a process here by which we make modifications.

The provisions in the rules are not biblical, they are not etched in marble or granite. They can be changed. But I suggest that if we are going to change them, we ought to go through the normal process of doing that. Taking up what is essentially a sense-of-the-Senate resolution on the tax reconciliation bill is not the way to go.

Again, I say to my friend, we don't know each other terribly well. We haven't engaged in much business together, and I don't want the Senator to perceive what I am saying as disrespectful of his intent—I am not comfortable with these debates. My colleagues have known me over the past quarter of a century, and they know I try to stay away from these matters. It does begin to reflect or suggest somehow our feelings about one another. I don't want anything I have said here to suggest any negative feelings about my colleague because we disagree in the way at which we have arrived at this debate. This is really not an Ethics Committee matter. It is a Rules Committee matter, and that is where it belongs. We ought to consider it there and some of the questions and implications raised in this debate and then come forward. It may be that a majority of the Rules Committee will say the rule ought to be modified or changed. If that is the wisdom, then we come to the body, and have an informed debate. But we ought to be careful about trying to short circuit that process.

I am going to support the motion by the Senator from Ohio. I urge my colleagues to do so—not in any way to impugn the motives of the Senator from Oklahoma but to protect the process of the Senate.

With all due respect, that is a much larger question, it seems to me, than the ambition or desires of any one Member of this body. We bear responsibility to be good caretakers of this institution and to see to it that we preserve and protect the way in which we conduct ourselves. If we wish to change the means by which we do that, there is a process we should follow in doing so. Again, to bypass that process by bringing it directly to the floor I believe does potential damage to this institution that none of us should want to be party to.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I yield 4 minutes to the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, will you notify me when I have used 2 minutes? I will try to keep this within 2 minutes. I wish to make a couple of points.

I am a licensed veterinarian and am still currently licensed. When I was first elected to the Senate, when we were going through the ethics routine very similar to what they have in the House of Representatives, I still owned an animal hospital when I was in the House of Representatives. I never really gave it much thought because I heard you can own a small business. That is what it was—a small business. But as I was listening to the ethics briefings when I was elected to the Senate, I said: I don't think I can own my animal hospital. I don't think I can be partners anymore in the animal hospital.

What I liked about owning my animal hospital was that I thought it kept me in touch with the real world; that we passed the Congressional Accountability Act because Congress was so out of touch with the laws that we passed up here for the real world. We were so out of touch, we said at least we should live under the same laws in our offices as they live out in the real world. I thought my veterinary practice allowed me to stay in touch with the real world much better.

But I went to the Senate Ethics Committee and asked them about it, and they said, sure enough, you are going to have to sell the animal hospital. That wasn't something that I counted on when I was elected.

I spoke to Don Nickles when it was all done, and he said he thought it was a disservice and that I should have fought it at the time, that I should have fought for a rule change back then.

I apologize to Dr. COBURN for not fighting for a rule change back then. I don't think Dr. COBURN wants to go as far as he actually should be able to go or I should have been able to go. All he wants to do is break even because of the high cost of medical malpractice today and to be able to make enough money to be able to pay his premiums and stay in touch with his patients and practice medicine. Health care costs in this country are skyrocketing, and we need people who understand the practice of medicine and our health care system in the United States.

I wholeheartedly support the Senator from Oklahoma in his efforts to do this. This is not the same as practicing law where you have somebody come down and lay down a retainer of $100,000 or $200,000 with the look of corruption that we may be trying to avoid. The practice of veterinary medicine isn't like that, and the practice of human medicine is not like that. This is somebody who will be a much better Senator if we allow him to practice; somebody who is going to be a better doctor. He is not going to be here forever, and we want him to keep his skills up because when he goes back to the practice of full-time medicine, he will still stay solvent.

As we go forward in the debate, I hope people keep this in mind: Let's us put some common sense back in here. He is one of most ethical people I have ever met in my life, and to allow him to practice will make this institution a better institution.

I yield the floor.

Mr. LOTT. Mr. President, I yield 5 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 5 minutes.

Mr. INHOFE. Thank you.

Mr. President, I may want to ask for a couple more minutes.

First of all, let me state to the junior Senator from Oklahoma that I was not aware of this debate coming up. However, I don't have to practice for a debate; it comes from the heart.

Let me also say to one of my best friends in the Senate, Senator VOINOVICH, that he is doing his job. We may come to a different conclusion on this particular issue, but I know he is in a real situation. You have shared that with several of us.

Let me suggest to you, Mr. President, that there is something sadly lacking in this debate; that is, in the State of Oklahoma. There are only two of us in the Chamber from Oklahoma. We know what Oklahomans want. It is kind of interesting because Senator COBURN and I have kind of the same philosophy—we want to keep it the same place. We have different styles when we talk about trying to reduce the size of government. He talks about projects, and I talk about reducing appropriations. We both want to get to the same place. He has been an advocate and has talked about term limitation. I believe that everyone, if they don't want to go along with term limitations, ought to have to go out like I did and serve in the real world for 30 years, get beat up by the bureaucracy, and then you can come here and speak from the heart as a citizen back home.

But when you look at our State of Oklahoma—and I read this section out of the U.S. Constitution, article I, section 4, which says the time, places, and manner of holding elections for the U.S. Senate preside in each State. That is what it says. That is what the Founding Fathers said—that we should make that determination from our own States. So here we are from the State of Oklahoma. We made the decision. And I have to say this: I know what people in Oklahoma want.

One other thing Senator COBURN and I have in common is we go back every weekend. He may deliver a few babies while he is back there. But I would suggest to you, ask the question. A lot of people stay here in Washington all the time. Would you rather have your U.S. Senator staying in Washington and playing golf all weekend or going back to the State from which he came? We made a decision to go back.

I have to say also that I have a bigger dog in this fight than most people think. I had the honor of going out many years ago and recruiting this bright young doctor to run for the U.S. House of Representatives. And he did. He came in and agreed to do that. He got an exception to allow him to work hard and still keep up his practice. He did that very successfully.

I have to say this: When the Senator from Connecticut referred to a part-time Senator, which we hear now and then, let me tell you that there is no part-time Senator in Senator COBURN. I know this because we go back every weekend. I go around the State. I know what people want. The State of Oklahoma is not a Republican State or a Democrat State, it is a swing State. For him to come along and get in the race late—he got in the race so late for the U.S. Senate that I was already supporting another Republican. But when he got in and worked hard and went out, he won by 12 points. It wasn't a squeaker it was a landslide. And he was outspent by the other side.

This is what we think in Oklahoma about TOM COBURN.

You can talk all you want to about the rules in the Senate, but I can tell you right now that the Constitution is right when they say in article I, section 4, that the times, places, and manner of holding elections for the State for the office of Senator is within the State.

I am here on behalf the State of Oklahoma, unlike anyone else who has spoken saying this is the right thing to do to carve out this exception, if you want to call it that, for Senator COBURN, he is a hard-working Senator, and he is doing what we in Oklahoma want him to do.

I yield the floor.

Mr. LOTT. Mr. President, I yield the remainder of my time to the Senator from Oklahoma, Dr. COBURN.

Mr. COBURN. Mr. President, I will consume what time I may and then ask for the remaining time when I finish.

The first thing I would like to say is I hold no ill will toward anybody who opposed me on this whatsoever. The Members here understand what their role is, and I understand what mine is. But I also understand that one of the things our country needs is citizen-based legislators. That is what I was in the House.

During my time in the House of Representatives, nobody ever accused me of being anything other than the most hard-working there. I delivered 400 babies in 6 years while I was in the House. I never missed a vote during those times. I might have missed votes associated with the airlines or committee meetings, but I never missed a vote. I campaigned on the fact that I was going to be term limited. I am a term-limited Senator. The most I will be here is 12 years, and maybe not more than 6.

But the point is: Why would I want to practice medicine? I want to practice medicine so I can be involved in what real people experience every day in this country. We don't get to see that enough. We don't get to see that at townhall meetings when we give speeches. But I will tell you that sitting in the middle of a patient's room when there is conflict in a family or death and dying or a new complication associated with an old disease and lives get impacted, I get to measure and I get to see what none of you get to see—what we do and how it affects people.

I want to practice medicine to be the best Senator I can be. I want to maintain my skills so I can go back and deliver babies. There is nothing better in the world than delivering a baby. It is a reaffirmation of why we are all here. It is a reaffirmation of life.

I will tell you that we need to think long and hard about our ethics rules. We have shot ourselves in the foot. Every Member in the Senate is ethical and wants the same thing for our country as I do—a bright and golden future, security and opportunity for our kids. But our ethics rules lack common sense.

I will address one particular statement. This word is all about compensation. Arbitrarily, the decision was made by the Ethics Committee to define "compensation" as any compensation. I will read what 5 CFR 26236-303(b)6 of the U.S. Government Office of Ethics for the rest of the Government says.

Compensation in this aspect is net compensation.

This could have very well been solved by the Ethics Committee in a broad and consistent and commonsense interpretation of the word "compensation," but they chose not to do that. I don't know why. I am disappointed and hurt.

I was not allowed to come before the Ethics Committee. I was not allowed to present my case. I was not allowed to discuss with any Ethics member my issue, to explain the basis of why I wanted to do it, and where I thought their interpretation was wrong. I had to secure legal counsel to have any communication with the Ethics Committee. I was notified by the Ethics Committee before I was ever sworn in that they had made this decision even though they lacked or asked for no input from me on my situation.

If that is the pattern under which we operate the Ethics Committee, we have real problems. I don't blame that on the chairman of the Ethics Committee or the ranking member. It is a problem we see in lots of other areas of Government, that staff tend to drive things. People who do not have the ultimate responsibility take the ultimate responsibility.

What I want to do is very simple: I want to be a great Senator. I want to contribute. I know I can contribute in ways that I would not be able to contribute by being a doctor and continuing the practice.

The question of Senator FRIST: Senator FRIST has a wonderful arrangement. It is not available to me. He has a limited number of days that he has a malpractice firm, insurance firm, that will insure him. That is not available in the practice of obstetrics in Oklahoma. It is not available to me, period. If I could do that, I would practice just as Senator FRIST. But I don't have that available to me, so I have expenses four to five times what Senator FRIST would pay for the same type of insurance. Could I secure that, I would be happy to do it.

The other thing we ought to talk about is the history of the Senate. We had reference to the rule change in 1977. There were no doctors in the Senate then. Senator Strom Thurmond's words, in adding physicians, was because he was trying to kill it. He was not trying to put physicians on there—and it backfired on him. That was his own rules. If you read his history of what happened in 1977, his attempt was to exclude many of us by adding doctors in the hopes that the Senate would turn that around.

Some history on the Senate: There have been 37 doctors who have been in the Senate. Senator FRIST and myself are the last two. Every doctor who was a practicing doctor who came to the Senate prior to Dr. Frist practiced, received payment and acted in an ethical fashion while they were here.

It is not about money. It is about the ability to practice. I know not all Senators share my zeal for citizen-based legislators. There is a real difference. To the people of Oklahoma, when I campaigned, I made three promises to them: One, I would guarantee I would not be here for a long time; No. 2, I would continue to practice; and No. 3 is that I would work hard to solve the problems of the country before I tried to solve the problems of Oklahoma.

I put the priorities out there. Oklahomans believe in that. Not necessarily all the editorial writers, not the talking heads, but the people who voted for me, every one of them knew I planned on continuing to practice medicine.

It is also important to look at the confluence of the rules we have, the rules that say I could own a business and not directly direct it but indirectly direct it and have no limitation on my income whatever. I can farm, own a farm, collect government subsidies, with no limit whatever. I can write books. I can write music. I can counsel. I can advise. There is no limitation on us, except if you are a professional that has a fiduciary responsibility.

The question ought to be what was behind the meaning of the rules. Do you think the intention was not to have a doctor practice medicine? That wasn't their intention. The fact that the malpractice crisis has created such a situation where you cannot practice for under $100,000 a year in terms of your expenses and overhead associated with that was never thought about in 1977.

I understand there is going to be a motion, a point of order raised against this. I understand that. That is a high bar for any Member to change anything around here with 60 votes. I understand the feelings and the reasoning behind the Ethics Committee on why they want to do that. And I understand their motivation and their thinking. But I make one point to my Senate colleagues: There has not been one subcommittee that has had more subcommittee hearings than I have. As a matter of fact, there is not one subcommittee that has had half as many subcommittee hearings as I have. I have missed one vote in the entire year. I practice medicine on Saturdays, on the weekends, and from 6 to 9 a.m. on Mondays. I catch my flight, and I am here for votes. My practicing of medicine does not interfere with my Senate duties. It enhances my Senate duties.

If we don't change our rules, I will live with whatever the Senate says. I will figure out a way to practice medicine in some way that accords me to try to keep my skill and try to do that within the ethical guidelines of the Senate. But I believe we are discouraging anybody else who is a physician to run for the Senate, No. 1. No. 2, we discourage other professionals to run for the Senate. And it would be my hope that you would think about the long-term consequences of what we are doing. This does no damage to the Senate. In fact, it will enhance the Senate.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, is there time on this side?

The PRESIDING OFFICER. Sixteen minutes.

Mr. BAUCUS. I yield whatever time the Senator would appreciate having.

Mr. REID. Mr. President, I haven't known Senator COBURN very long. I didn't know him when he served in the House. During his tenure in the Senate I found him to be a most gracious person. I like him.

I had the good fortune of having served for many years on the Ethics Committee. I am sure there may have been a person or two in the past who served longer than I have, I just don't know, though, who they were. One of the most important responsibilities I have, and I think Senator FRIST has, is putting people on the Ethics Committee. There are six Senators on the Ethics Committee, three Democrats and three Republicans. It ia a very difficult job. The ethics code is large and voluminous. They have an outstanding staff.

Senator VOINOVICH and Senator JOHNSON are the two leaders of that committee and work with the other four members. Having been there, I want everyone here to know they spend hours and hours each week of their time. What do they do? They protect us. They handle complaints that come from the public. They handle complaints that come from other sources. Their job is very difficult.

In the past few weeks—certainly, I will not disclose any names; I could not do that, it would be unethical to do so—they have resolved some very big cases in the Ethics Committee.

These six Senators deserve our support. If we are going to overrule the Ethics Committee, we might just as well get rid of the Ethics Committee. That would be a terrible disaster for this institution.

When I first came here from the House of Representatives I had a law practice at home. I went home and had the ability to practice law. I don't think that was good for the institution.

We now make far more than our constituents make. We make $165,000 a year, or thereabouts. That is a lot of money. It is a full-time job to be a Member of the Senate, to be a Member of the U.S. House of Representatives.

I know Senator COBURN is a nice man. I know he has a big heart. But he is going to have to, I believe, use that big heart and the medical skills he has in keeping with the rules of the Senate and not, in effect, thwart what the Ethics Committee has told us must happen.

If this passes, it would tremendously undermine the work the Ethics Committee does. And speaking from experience, it is a very difficult, and quite frankly, a thankless job. The only thing you get from that is the knowledge that you are doing the right thing for the institution. It takes a tremendous amount of time. I repeat: Senators JOHNSON and VOINOVICH, every week we are back here, spend not a few minutes but hours of their time. No one knows what they do because it is secret. It is confidential.

No matter how we feel about Senator COBURN, no matter what a gracious, nice, thoughtful, caring man he is, it would not be good for the Senate to follow what has been recommended in the form of this amendment that is now before this Senate.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I take whatever time I might consume.

The real difference for my colleagues to know is the definition of the word "compensation." The same lawyer that is on the Senate Ethics Committee today worked for the Senate Ethics Committee in the House when the determination was made for the practice of medicine that compensation was net compensation.

There is no damage done to the House or the institution of the House. As a matter of fact, because that rule was changed, there are now, I believe, 11 doctors in the House. I reject the idea that this would do damage to the Ethics Committee. This is a simple definition. It is one that the Ethics Committee could have chosen to use but chose not to. I don't know the motivation behind that. I know they could have solved the problem, and we wouldn't be where we are today.

I reserve the remainder of my time.

AMENDMENT NO. 2647

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent the pending amendment be set aside, and I send an amendment to the desk that has been cleared by both sides.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] for himself and Mr. BAUCUS proposes an amendment numbered 2647.

Mr. GRASSLEY. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide a Manager's amendment)

Beginning on page 63, line 18, strike all through page 64, line 15, and insert the following:

SEC. 212. EXTENSION AND INCREASE IN MINIMUM TAX RELIEF TO INDIVIDUALS.

(a) IN GENERAL.—Section 55(d)(1) is amended—

(1) by striking "$58,000" and all that follows through "2005" in subparagraph (A) and inserting "$62,550 in the case of taxable years beginning in 2006", and

(2) by striking "$40,250" and all that follows through "2005" in subparagraph (B) and inserting "$42,500 in the case of taxable years beginning in 2006".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

Beginning on page 69, line 6, strike all through page 71, line 13, and insert the following:

(d) EXPANSION OF CREDIT TO EXPENSES OF GENERAL COLLABORATIVE RESEARCH CONSORTIA.—Section 41 is amended—

(1) by striking "an energy research consortium" in subsections (a)(3) and (b)(3)(C)(i) and inserting "a research consortium",

(2) by striking "energy" each place it appears in subsection (f)(6)(A),

(3) by inserting "or 501(c)(6)" after "section 501(c)(3)" in subsection (f)(6)(A)(i)(I), and

(4) by striking "ENERGY RESEARCH" in the heading for subsection (f)(6)(A) and inserting "RESEARCH".

Beginning on page 267, line 12, strike all through page 268, line 15, and insert the following:

(b) APPLICABLE PENALTY.—For purposes of this section, the term "applicable penalty" means any penalty, addition to tax, or fine imposed under chapter 68 of the Internal Revenue Code of 1986.

(c) EFFECTIVE DATE.—The provisions of this section shall apply to interest, penalties, additions to tax, and fines with respect to any taxable year if, as of the date of the enactment of this Act, the assessment of any tax, penalty, or interest with respect to such taxable year is not prevented by the operation of any law or rule of law.

On page 310, between lines 10 and 11, insert the following:

(b) LEASES TO FOREIGN ENTITIES.—Section 849(b) of the American Jobs Creation Act of 2004, as amended by subsection (a), is amended by adding at the end the following new paragraph:

"(3) LEASES TO FOREIGN ENTITIES.—In the case of tax-exempt use property leased to a tax-exempt entity which is a foreign person or entity, the amendments made by this part shall apply to taxable years beginning after December 31, 2005, with respect to leases entered into on or before March 12, 2004.".

On page 310, line 11, strike "(b)" and insert "(c)".

On page 320, in the table following line 17, strike "119.5" and insert "120".

On page 322, line 24, insert "which has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year and"

Mr. GRASSLEY. Mr. President, this is an amendment sponsored by Senator BAUCUS and me. It remedies two matters in the bill. The most important one makes the amendment hold harmless, a pure hold-harmless amendment. The amendment also clarifies that Government contractors will receive the research and development credit. This amendment is fully offset.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, this is very important. It helps tremendously to improve some provisions in the underlying bill so no one else has to pay AMT; and, second, R&D provisions, enhanced R&D and contractors are not excluded. I support this.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2647) was agreed to.

Mr. GRASSLEY. I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 2633

Mr. BAUCUS. Mr. President, I think we are ready to wrap up debate on the pending amendment.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I will clarify again for my colleagues the fact that the Ethics Committee genuinely tried to accommodate the concerns of the Senator from Oklahoma. We, as I say, worked hard to do it. But the fact is, the rule is clear on its face, and we are being asked to reinterpret what the Senate rules mean or to endorse a change in those rules for Senator COBURN.

I think the specific language and legislative history of the rules and the Federal law prevent us from reinterpreting the rules. I believe, as I mentioned when I started my remarks earlier, this matter should not be here being debated on the floor of the Senate but, rather, as Senator DODD suggested, Senator COBURN should go before the Rules Committee. And if Senator ENSIGN is unhappy that he cannot practice veterinary medicine, perhaps he should go before the Rules Committee and have a hearing and discuss this matter, and do it according to the procedures of the Senate.

If this were to pass today, I think it would set a very dangerous precedent that would encourage people—rather than going through the process of the rules and procedures we have here in the Senate, it would cause them to come to the floor. I do not think that is good for the institution. I ask my colleagues to not support this resolution.

Mr. President, at this time I raise a point of order that the Coburn amendment is not germane to the underlying bill.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. There is time remaining on the amendment.

Mr. COBURN. I yield back all time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, a little bit out of order here, but under the previous order, Senator SANTORUM and Senator BYRD were to speak after the disposition of the pending amendment. At this point I have learned Senator SANTORUM and Senator BYRD wish to speak at a later point.

I ask consent that the pending amendments be laid aside so Senator FEINGOLD may offer his amendment, that is, after the disposition of this amendment.

The PRESIDING OFFICER. Does the Senator yield back the remainder of his time on the Coburn amendment?

Mr. REID. Mr. President, if the manager of the bill will yield, procedurally, do we have any other amendments pending that votes need to——

The PRESIDING OFFICER. Time must be yielded back on the pending amendment, the Coburn amendment.

Mr. REID. If, in fact, the time were yielded back, what would be the first vote in sequence?

The PRESIDING OFFICER. A sequence has not been established.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, how much time have we locked in under the unanimous consent agreement that is now before the Senate as to time that has been allocated? Senator FEINGOLD has 30 minutes; is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Senator SANTORUM has 15 minutes; is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Is there any other time allocated?

The PRESIDING OFFICER. Senator BYRD for 30 minutes.

Mr. REID. It is my understanding Senator BYRD has indicated he will not be giving his remarks.

Mr. BAUCUS. That is correct.

Mr. REID. Mr. President, that leaves not a lot of time for others who want to come and debate their amendments. So if anyone wants to come and debate their amendments, I am not sure if Senator FEINGOLD will use all of his time or if Senator SANTORUM will use all of his time.

Mr. GRASSLEY. Senator SUNUNU wants a couple minutes.

Mr. REID. Senator SUNUNU wants a couple minutes.

Mr. SUNUNU. Mr. President, if I may make a point through the Chair to the minority leader, I would seek 2 minutes to offer an amendment.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Not now.

Mr. REID. Mr. President, I ask unanimous consent that the first vote to occur in this long stack of amendments be in relation to the Coburn amendment, and that the two managers will determine the sequence of votes following that vote, and that Senator BINGAMAN be given 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. SUNUNU. Mr. President, I would ask unanimous consent to be added to that list for 2 minutes to offer an amendment at the end of that list.

The PRESIDING OFFICER. Does the Senator so modify his request?

Mr. BAUCUS. Mr. President, it is after Senator FEINGOLD's amendment? After that?

Mr. SUNUNU. Yes.

Mr. BAUCUS. OK, fine.

Mr. REID. I accept the modification.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I might also say that means as to the list of Senators who come to me and say they want to speak on their amendments, I have said to them they could, but there will be a short period in which to speak, and they will have to come down here and speak some time before 7:30, if they want any time to speak.

The PRESIDING OFFICER. Without objection, all time has expired on the Coburn amendment.

Is there a point of order made?

Mr. VOINOVICH. A point of order was made.

Mr. COBURN. And a motion to waive, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. REID. Mr. President, was the unanimous consent request approved?

The PRESIDING OFFICER. Did the Senator indicate a time for the first vote?

Mr. REID. Ten minutes.

Mr. BAUCUS. The first vote would be at 7:30.

Mr. REID. Mr. President. 7:30. And all votes, the managers agree, should be 10-minute votes?

Mr. BAUCUS. After the first vote.

Mr. REID. After the first vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. And that we use the standard rule around here with 2 minutes equally divided on each amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent that all pending amendments be set aside so that the Senator from Wisconsin can offer his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. So the unanimous consent request was approved?

The PRESIDING OFFICER. It was approved.

The Senator from Wisconsin.

AMENDMENT NO. 2650

Mr. FEINGOLD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself, Mr. CONRAD, Mr. CHAFEE, Mr. OBAMA, and Mr. SALAZAR, proposes an amendment numbered 2650.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To fully reinstate the pay-as-you-go requirement through 2010)

At the appropriate place, insert the following:

SEC. ___. PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE.

(a) POINT OF ORDER.—

(1) IN GENERAL.—It shall not be in order in the Senate to consider any direct spending or revenue legislation that would increase the on-budget deficit or cause an on-budget deficit for any 1 of the 3 applicable time periods as measured in paragraphs (5) and (6).

(2) APPLICABLE TIME PERIODS.—For purposes of this subsection, the term "applicable time period" means any 1 of the 3 following periods:

(A) The first year covered by the most recently adopted concurrent resolution on the budget.

(B) The period of the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget.

(C) The period of the 5 fiscal years following the first 5 fiscal years covered in the most recently adopted concurrent resolution on the budget.

(3) DIRECT-SPENDING LEGISLATION.—For purposes of this subsection and except as provided in paragraph (4), the term "direct-spending legislation" means any bill, joint resolution, amendment, motion, or conference report that affects direct spending as that term is defined by, and interpreted for purposes of, the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) EXCLUSION.—For purposes of this subsection, the terms "direct-spending legislation" and "revenue legislation" do not include—

(A) any concurrent resolution on the budget; or

(B) any provision of legislation that affects the full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990.

(5) BASELINE.—Estimates prepared pursuant to this section shall—

(A) use the baseline surplus or deficit used for the most recently adopted concurrent resolution on the budget; and

(B) be calculated under the requirements of subsections (b) through (d) of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal years beyond those covered by that concurrent resolution on the budget.

(6) PRIOR SURPLUS.—If direct spending or revenue legislation increases the on-budget deficit or causes an on-budget deficit when taken individually, it must also increase the on-budget deficit or cause an on-budget deficit when taken together with all direct spending and revenue legislation enacted since the beginning of the calendar year not accounted for in the baseline under paragraph (5)(A), except that direct spending or revenue effects resulting in net deficit reduction enacted pursuant to reconciliation instructions since the beginning of that same calendar year shall not be available.

(b) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of ⅗ of the Members, duly chosen and sworn.

(c) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

(e) SUNSET.—This section shall expire on September 30, 2010.

Mr. FEINGOLD. Mr. President, I am pleased to bring an old friend back to this body—the pay-go rule. I am even more pleased to say this is not some new pay-go, but rather good old-fashioned "Classic" pay-go. This is the pay-go we used to have in the Senate—a rule that said you had to pay for what you wanted. If you want to increase entitlement spending, you have to pay for it. If you want to increase tax expenditures or cut tax rates, then you have to pay for it.

In offering this amendment, I am pleased to be joined by the Senator from Rhode Island, Mr. CHAFEE, the Senator from Illinois, Mr. OBAMA, and in particular I am pleased to, of course, have the Senator from North Dakota, Mr. CONRAD, as a cosponsor.

As I said during the debate over the first part of the reconciliation scheme that was included in the budget resolution, there is no Senator more dedicated to a fiscally responsible Federal budget and to restoring sound budget rules than Senator CONRAD. He is an acknowledged expert on the budget and the rules that govern its consideration, but as I also said during that debate, you do not have to be a Kent Conrad to understand the pay-go rule.

It is a straightforward, commonsense requirement that whenever Congress wants to increase spending through entitlements or wants to reduce revenues from the Tax Code, then we have to pay for it or find 60 votes to make an exception to the rule.

I say to the Presiding Officer, as you well know—and I thank you for your help on this amendment—that rule was an effective restraint on the fiscal appetites of Congress and the White House, and it was critical to our ability to actually balance the Federal books. We balanced the Federal books during the 1990s using the pay-go rule.

Of course, when this body stopped following that rule, the bottom dropped out from under the budget. We went from a projected 10-year unified budget surplus of $5 trillion to massive projected deficits and backbreaking debt.

I marvel at how rapidly this institution loses its fiscal bearings. In 1992, thanks in great part to the remarkable campaign of Ross Perot, the budget deficit became the No. 1 domestic priority of the Nation. I ran on that issue in my 1992 campaign for the Senate. Perhaps a little naively, I offered a plan to balance the budget with over 82 specific proposals to cut wasteful programs in just about every area of Government.

As optimistic as I was, I was surprised at how passionately many in the Senate actually embraced that cause. And because of a tough deficit reduction package in 1993 and a more modest package in 1997, we put the budget on track to be balanced. We actually balanced the Federal budget without using the Social Security surpluses. We actually started paying down the Federal debt, most of which had been run up during the 1980s.

Central to our ability to get on the right fiscal track was this pay-go rule. But all that work, all those tough decisions were squandered in the blink of a budgetary eye. The Federal budget is now in disastrous shape. Worse, we are on a track for even darker times. As Al Jolson famously said, "You ain't seen nothin' yet."

As the Senator from North Dakota has tirelessly said: We are in the sweet spot right now. That means the retirement of my generation, the baby boom generation, is around the corner. And with it, we will witness enormous new demands on the budget. If we can't get our act together now, there is little hope that we can face those demands responsibly.

We have to stop running deficits. Running deficits caused the Government to use the surpluses of the Social Security trust fund for other Government purposes rather than to pay down the debt and help our Nation prepare for the coming retirement of the baby boom generation. As Senator CONRAD has noted, it isn't just the annual budget deficits that are the problem, it is our debt as well. Every dollar that we add to the Federal debt is another dollar that we are forcing our children to pay back in higher taxes for fewer Government benefits.

As I have noted before during previous pay-go debates, when the Government in this generation, in our generation, chooses to spend on current consumption and to accumulate debt for our children's generation to pay, it does nothing less than rob our children of their own choices. We make our choices to spend on our wants, but we saddle them with debts that they must pay from their tax dollars and their hard work. That is not right.

That is why this amendment is so critical. We absolutely must reinstate the pay-go rule. We need a strong budget process. We need to exert fiscal discipline. When the pay-go rule was in effect, that tough fiscal discipline actually governed the budget process. Under the current approach, it is the other way around. The annual budget resolution actually determines how much fiscal discipline we are willing to impose on ourselves. That simply has not worked, and it won't work. When Congress decides that it would be nice to create a new entitlement or enact new tax cuts and then adjust its budget rules to permit those policies, we are inviting a disastrous result. That is exactly what has happened.

This amendment is simple and straightforward. It would simply return us to the rule under which Congress operated for the decade of the 1990s. It was instrumental in balancing the Federal budget. Many of us lived under that rule, and we know how effective it was.

A real pay-go rule by itself would not eliminate annual budget deficits and balance the budget, but we will never get there without a real pay-go rule.

I urge my colleagues to support this commonsense, time-tested amendment.

I reserve the remainder of my time and yield the floor.

AMENDMENT NO. 2651

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. SUNUNU] proposes an amendment numbered 2651.

Mr. SUNUNU. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To repeal State and local taxation exemptions applicable to the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation)

At the appropriate place, insert the following:

SEC. ___. REPEAL OF STATE AND LOCAL TAX EXEMPTION FOR FANNIE MAE AND FREDDIE MAC.

(a) FANNIE MAE.—Section 309(c) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(c)) is amended to read as follows:

"(c) [Repealed.]".

(b) FREDDIE MAC.—Section 303(e) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(e)) is amended to read as follows:

"(e) [Repealed.]".

Mr. SUNUNU. Mr. President, I offer an amendment today that deals with what I consider to be a tax loophole that is in the Code that fully exempts private, for-profit corporations, owned by shareholders that have had very high levels of profit in recent years, from paying any State or local taxes. The entities I am talking about are the Government-sponsored entities Fannie Mae and Freddie Mac. These are chartered by the Federal Government. We give them a number of benefits. They help with the secondary mortgage market and have been very successful in that mission. But they are in fact private, for-profit corporations with very large profits, and they do not need to be exempt from paying State and local taxes. In fact, I think if they are really committed to the local communities and the homeowners they serve across the country, they ought to be happy to pay State and local taxes.

We have heard a lot of debate over the last several hours about Big Oil. We have even had some amendments that take away tax benefits from oil companies. Some of those amendments I have supported. There have been other amendments that actually impose special taxes on oil companies. Given the concern people seem to have with high levels of profits at oil firms in recent months, I think people should embrace the idea of getting rid of this tax loophole, imposing the same kind of legitimate State and local taxes on the GSEs as we see anywhere else.

It might be one thing if the levels of profit at these entities had been plowed back into the community. But that isn't the case. The lion's share of these profits have gone to shareholders or in some cases to exorbitant executive pay—$5 million for some of the executives at these corporations, $10 million a year in one case. Clearly, these profits are being used to put back into homeownership. These are companies that can afford to pay State and local taxes. They ought to pay State and local taxes.

I certainly encourage my colleagues to support the amendment.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the pending amendments be set aside so that the Senator from New York may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2624

Mr. SCHUMER. Mr. President, before I offer my amendment, I ask unanimous consent that Senators WARNER, SANTORUM, and COLEMAN be added as cosponsors of amendment No. 2624, the Leahy amendment, of which I am a lead cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2635

Mr. SCHUMER. Mr. President, I call up amendment No. 2635.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 2635.

Mr. SCHUMER. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the Internal Revenue Code of 1986 to impose a temporary windfall profit tax on crude oil and to use the proceeds of the tax collected to provide a nonrefundable tax credit of $100 for every personal exemption claimed for taxable years beginning in 2005)

At the end of title IV add the following:

SEC. 410. TEMPORARY WINDFALL PROFITS TAX.

(a) IN GENERAL.—Subtitle E (relating to alcohol, tobacco, and certain other excise taxes) is amended by adding at the end thereof the following new chapter:

"CHAPTER 56—TEMPORARY WINDFALL PROFITS ON CRUDE OIL

"Sec. 5896. Imposition of tax.
"Sec. 5897. Windfall profit; etc.
"Sec. 5898. Special rules and definitions.

"SEC. 5896. IMPOSITION OF TAX.

"(a) IN GENERAL.—In addition to any other tax imposed under this title, there is hereby imposed on any applicable taxpayer an excise tax in an amount equal to 50 percent of the windfall profit of such taxpayer for any taxable year beginning in 2005.

"(b) APPLICABLE TAXPAYER.—For purposes of this chapter, the term 'applicable taxpayer' means, with respect to operations in the United States—

"(1) any integrated oil company (as defined in section 291(b)(4)), and

"(2) any other producer or refiner of crude oil with gross receipts from the sale of such crude oil or refined oil products for the taxable year exceeding $100,000,000.

"SEC. 5897. WINDFALL PROFIT; ETC.

"(a) GENERAL RULE.—For purposes of this chapter, the term 'windfall profit' means the excess of the adjusted taxable income of the applicable taxpayer for the taxable year over the reasonably inflated average profit for such taxable year.

"(b) ADJUSTED TAXABLE INCOME.—For purposes of this chapter, with respect to any applicable taxpayer, the adjusted taxable income for any taxable year is equal to the taxable income for such taxable year (within the meaning of section 63 and determined without regard to this subsection)—

"(1) increased by any interest expense deduction, charitable contribution deduction, and any net operating loss deduction carried forward from any prior taxable year, and

"(2) reduced by any interest income, dividend income, and net operating losses to the extent such losses exceed taxable income for the taxable year.

In the case of any applicable taxpayer which is a foreign corporation, the adjusted taxable income shall be determined with respect to such income which is effectively connected with the conduct of a trade or business in the United States.

"(c) REASONABLY INFLATED AVERAGE PROFIT.—For purposes of this chapter, with respect to any applicable taxpayer, the reasonably inflated average profit for any taxable year is an amount equal to the average of the adjusted taxable income of such taxpayer for taxable years beginning during the 2002-2004 taxable year period plus 10 percent of such average.

"SEC. 5898. SPECIAL RULES AND DEFINITIONS.

"(a) WITHHOLDING AND DEPOSIT OF TAX.—The Secretary shall provide such rules as are necessary for the withholding and deposit of the tax imposed under section 5896.

"(b) RECORDS AND INFORMATION.—Each taxpayer liable for tax under section 5896 shall keep such records, make such returns, and furnish such information as the Secretary may by regulations prescribe.

"(c) RETURN OF WINDFALL PROFIT TAX.—The Secretary shall provide for the filing and the time of such filing of the return of the tax imposed under section 5896.

"(d) CRUDE OIL.—The term 'crude oil' includes crude oil condensates and natural gasoline.

"(e) BUSINESSES UNDER COMMON CONTROL.—For purposes of this chapter, all members of the same controlled group of corporations (within the meaning of section 267(f)) and all persons under common control (within the meaning of section 52(b) but determined by treating an interest of more than 50 percent as a controlling interest) shall be treated as 1 person.

"(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this chapter.".

(b) CLERICAL AMENDMENT.—The table of chapters for subtitle E of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"CHAPTER 56. Temporary Windfall Profit on Crude Oil.".

(c) DEDUCTIBILITY OF WINDFALL PROFIT TAX.—The first sentence of section 164(a) of the Internal Revenue Code of 1986 (relating to deduction for taxes) is amended by inserting after paragraph (5) the following new paragraph:

"(6) The windfall profit tax imposed by section 5896.".

(d) NONREFUNDABLE CREDIT.—In the case of taxable years beginning in 2005, for purposes of the Internal Revenue Code of 1986, the tax liability of each taxpayer otherwise determined under the Internal Revenue Code of 1986 shall be reduced by $100 for each personal exemption (within the meaning of section 151 of such Code) claimed by such taxpayer for such taxable year.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning in 2005.

Mr. SCHUMER. Mr. President, I rise to offer this amendment which will help balance the oil markets and help families balance their budgets this winter by pulling some of the money out of the gas pumps and putting it back in people's pockets. It would do so by instituting a windfall profit levy on the oil companies and transferring those proceeds back to where they came from, the consumer.

I am going to not use all the rhetoric. We have talked about a windfall levy before. But this one is considerably different than the one that was offered before in a number of ways. I would like to outline those ways.

First, the revenues go directly to the individual's pockets. It does not go through the Government. It does not go through any agency. It simply adds a tax credit of $100 for every person. That means the money goes to everyone. Big families will get more than small families, and it will certainly help taxpayers at the lower end.

The temporary levy we are talking about is also different. The previous one just taxed oil when it was above $40 a barrel. My worry about that is that it could raise the price at the pump. What we are doing is using a method that puts this levy on profits. It means that that happens after the companies have brought in their cash and, therefore, is quite different than an amendment that just goes on to taxes.

Let me describe the amendment. We create a temporary levy on the excess profits of U.S. oil companies and foreign companies that do substantial business in the United States, in order to provide every taxpayer with a nonrefundable tax credit of $100 for 2005 for every person in their household. The temporary levy applies to major integrated oil companies, plus any refiners or producers with more than $100 million in sales. The revenue mechanism is an actual tax on windfall profits in 2005 that exceed a 3-year historic average. It will be very easy for the companies to calculate this based on the numbers they have previously reported on their tax returns. So no one can argue it is administratively difficult.

The proposal is intended to be a complement to the other windfall proposals. It is different. For those who argue against the other proposals on grounds that such levees will increase production costs and thereby fuel costs, this amendment addresses those concerns because it is an actual tax on profits, not production. In other words, those who say they object to windfall profit levees on these grounds will have to show their real colors. Those who don't want to force the oil companies to give up anything under any circumstances will, of course, not vote for this amendment. But for those who have come to the floor to argue against other proposals simply because they say they will increase production costs, this amendment would not. You should vote for it.

As I mentioned, the revenue goes to provide every U.S. taxpayer with a nonrefundable tax credit of $100. The amendment is designed to be revenue neutral. The excess profit tax rate will be adjusted, as necessary, to ensure there will be no net budget impact that violates the reconciliation instructions.

Bottom line: different than the other proposal: money goes directly to the taxpayer; money is levied on profits so it doesn't raise costs or interfere with production because it is after the line.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mr. BAUCUS. Mr. President, I see Senator SANTORUM. Under previous order, he has the right to speak for 15 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I first want to start out by thanking the chairman for all the hard work he has put in on this package. The work we have done together has been at times a challenging process, but I certainly appreciate working together, particularly on a section of the bill which I will talk about more in detail and that has not been talked about on the floor, and that is the section of the bill dealing with charitable giving, part of an effort that I have been working on, and many have been working on, to try to help those in need in our society by helping those important mediating institutions of our society who are out there every day on the frontlines serving the needs of those who, in many cases, are left behind by society.

I am pleased overall that we are going to be able to pass this package, hopefully soon, that will stop tax increases from going into effect. I call this bill the "Tax Increase Prevention Act" because but for this bill, hundreds of thousands of taxpayers in my State alone and millions across America would have their taxes go up starting in January of next year.

In Pennsylvania, almost 350,000 families would see their taxes go up, some dramatically, because of the alternative minimum tax.

Mr. President, 268,000 taxpayers will benefit from the low-income savers credit, which would go away but for this bill; 150,000 families and students would continue to be able to deduct college tuition, another important provision in this bill, and 142,000 teachers in Pennsylvania will be able to deduct expenses that they have in the classroom helping their students.

One of the most important things about this tax bill is that it will in fact provide more certainty for Americans in providing a Tax Code and will continue the policies that have created the economic growth and the vitality that this economy has had after some of the tough blows that were dealt in the early part of this century.

But the focus I wanted to talk about on this bill tonight are some things that I have been working on along in particular on the other side of the aisle with Senator JOE LIEBERMAN. It has been a long road for us on what is called the CARE Act, Charitable Aid and Recovery Empowerment Act. It is an important piece of legislation that does a lot to incentivize people across America to give.

There are several provisions in the bill I want to highlight that are vitally important in encouraging charitable giving. If we look at that in America, what we see is not necessarily a rosy story. Yes, we have seen increases in giving around events such as Katrina and the events of 9/11, but what we have seen after the publicity and after all the attention attracted by those disasters and those horrific instances, actually charitable giving pretty much flat over the past 25 years.

About 25 or 30 years ago we gave almost 2.5 percent of GDP in charitable giving—2.5 percent we were generous enough to give to charitable organizations to help those in need in our society. Today, we are at around 1 percent. That is something that, candidly, I think we need to work on. There are a lot of reasons why that may happen. Some of it may be we have seen an increase in Government over the last 25 or 30 years and, as a result, we have seen some squeezing out of some of the charitable organizations that existed in the past. But the bottom line is that America is strong when our civic and community organizations are strong, and they can only be strong if they have the resources to be out there in the community to meet the needs that are so prevalent.

We have done a couple things in this bill that are important. One that I am very proud of is that we have taken the opportunity, for the first time in a long time in the Tax Code, to give nonitemizers the opportunity to deduct charitable contributions. Heretofore, if you were one of the two-thirds of Americans who filled out a tax form, using the short form, and you could give 10 percent of your income—and in fact many in our society do tithe, give 10 percent of their income—but if you are a low-income person and you do not have any other reason to take other than the standard deduction, you would be denied the opportunity to take those deductions and get some support for your supporting of charitable organizations.

Under this bill, you will now be able to have an opportunity, on the front of the 1040 form, to deduct your charitable contributions similar to those who itemize the deduction.

That is an important incentive because there is a floor on this. For a couple filing jointly, you would have to contribute $420, and that might be changed. We are working on an amendment to maybe lower that floor a little bit. But it will be around $400 before you can claim a deduction on your tax form.

So the charities we have talked to, everybody from the United Way to the Salvation Army and others, they are very excited because they do believe this will incentivize more generous giving instead of giving the deduction for giving that would otherwise have occurred without this incentive. So we think it incentivizes more generous giving both for those who do not itemize, as well as, if we also put a floor on itemizers, we will incentivize itemizers to give more and be more generous through this.

A couple other aspects we have worked on. One is an IRA rollover provision. We have literally billions of dollars stored up in IRAs with some people who candidly have done well enough that they don't need the IRAs to maintain the quality of life they have. But that money is locked up for folks who want to contribute that IRA to charitable organizations. It has been estimated that literally $2 to $3 billion of charitable contributions could occur if we stop what is current law, which is the penalties and interest that would be charged to those who would donate their IRAs to philanthropic organizations. So we remove penalties and interest which I think will unlock literally billions of dollars in money for, particularly in this case, educational institutions, which I think would do more than others to receive these kinds of funds.

We have a food donation provision. According to America's Second Harvest, this provision which focuses on farmers and ranchers and restaurateurs, this provision, I am told by America's Second Harvest, will encourage up to $2 billion over the next 10 years in donations of food and will feed 878 million people with meals. This is a very important provision as we try to attack hunger in America.

We have a provision that the Senator from Montana has been involved in with respect to book donations, which is important to again help educational institutions, libraries, and others.

So there are a variety of different provisions in this bill which are essential for us who want to see our fellow man reach into their pockets and to reach out their hands to help those in need in our society but need more wherewithal to do so.

This package of bills we have put together in this legislation will help charities do just that.

Now, on the other side of the coin, as many of the charities have been following this debate, there was a concern, candidly, about some "charitable reforms" that have been the subject of a lot of conversation in the philanthropic world that I have been working on with the chairman, to try to address some of the abuses that the Finance Committee, through several hearings that the chairman has had, that have been documented about some charitable organizations using money for, in some cases, personal gain or for transferring money to members of their family. Some of these concerns are legitimate, but one of the things that I was adamant about is that we did not want to have a series of reforms in place that were going to jeopardize the vast majority of nonprofit organizations that do incredibly good work, most of them volunteers, most of them with very little staff, certainly very little paid staff, and are the heart and soul of so many communities across America. So it has been a balancing act for the Chairman and myself as we have worked through this. We didn't quite get it right, in my opinion, in the committee mark, although the chairman went a long way in scaling back some of the more ambitious changes that he had proposed, but we have worked together, and from the mark to the amendment that will be offered by the chairman later, I think we have accomplished about 90 percent of the concerns and certainly the major concerns that not only I have had but those charitable organizations, particularly the small charitable organizations that are concerned about, if you will, more of a Sarbanes-Oxley approach to dealing with some charitable organizations that would have made it almost impossible for these charities to continue to function, particularly in smalltown America.

We have now been able to come up with compromises that I think will, at least according to all of the feedback we have been getting—and I want to congratulate Melanie Looney in my office. She has done an outstanding job in making sure that the interests of the mom-and-pop charities, if you will, across America have been represented here and that we are not doing anything while, on the one hand, giving incentives for people to contribute to charitable organizations and, on the other hand, shutting these charitable organizations down because they can't survive under the burden of new regulations they would be placed under.

I think we have done a great job in balancing those interests. There are still a couple of things we would like to adjust, but there is always conference and the ability to work together with the House to get that done.

I thank the chairman. We have been discussing this and working on this and, in some respects, battling on this for quite some time, but I believe now that we have reached the point where we have some responsible and proper reforms that the vast majority of the charitable world embraces and understands they need to increase the professionalization in a lot of respects. That has been accomplished as a result of the reforms that we have put forward today. I look forward to working with the Chairman and ranking member and members of the Ways and Means Committee to get a bill that all in the charitable community can embrace that is responsible in improving governance, as well as a great incentive for these organizations to go out and meet the needs that are so pressing our communities across America.

With that, Mr. President, I thank the chairman and ranking member for his time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the pending amendment temporarily be laid aside so I can offer an amendment on behalf of the Democratic leader, Senator REID.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2653

Mr. BAUCUS. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will please report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for Mr. REID, for himself, Mr. KERRY, Mr. LAUTENBERG, Ms. SNOWE, Mr. SALAZAR, Mr. BINGAMAN, Mr. JEFFORDS, Mr. BAYH, Mrs. CLINTON, Mr. HARKIN, and Mrs. FEINSTEIN, proposes an amendment numbered 2653.

The amendment is as follows:

(Purpose: To amend the Internal Revenue Code of 1986 to extend through 2010 certain tax incentives for renewable energy production and energy efficient building construction)

At the end of title IV, add the following:

Subtitle B—Extending Tax Incentives for Renewable Energy Production and Energy Efficient Construction

SEC. 411. EXTENSION OF RENEWABLE ENERGY PRODUCTION CREDIT THROUGH 2010.

Paragraphs (1), (2), (3), (4), (5), (6), (7), and (9) of section 45(d) (relating to qualified facilities) are amended by striking "2008" each place it appears and inserting "2011".

SEC. 412. EXTENSION OF RENEWABLE ENERGY INVESTMENT TAX CREDIT THROUGH 2010.

Paragraphs (2)(A)(i)(II) and (3)(A)(ii) (relating to energy credit) is amended by striking "2008" both places it appears and inserting "2011".

SEC. 413. EXTENSION OF CLEAN RENEWABLE ENERGY BONDS THROUGH 2010.

Section 54(m) (relating to termination) is amended by striking "2007" and inserting "2010".

SEC. 414. EXTENSION OF ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION THROUGH 2010.

Section 179D(h) (relating to termination) is amended by striking "2007" and inserting "2010".

SEC. 415. EXTENSION OF NEW ENERGY EFFICIENT HOME CREDIT THROUGH 2010.

Section 45L(g) (relating to termination) is amended by striking "2007" and inserting "2010".

SEC. 416. EXTENSION OF RESIDENTIAL RENEWABLE ENERGY EFFICIENT PROPERTY CREDIT THROUGH 2010.

Section 25D(g) is amended to read as follows:

"(a) TERMINATION.—The credit allowed under this section shall not apply to—

"(1) property described in paragraph (1) or (2) of subsection (d) placed in service after December 31, 2010, and

"(2) property described in subsection (d)(3) placed in service after December 31, 2007.".

SEC. 417. EXTENSION OF NONBUSINESS ENERGY PROPERTY CREDIT THROUGH 2010.

Section 25C(g) (relating to termination) is amended by striking "2007" and inserting "2010".

SEC. 418. MODIFICATIONS OF EFFECTIVE DATES OF LEASING PROVISIONS OF THE AMERICAN JOBS CREATION ACT OF 2004.

(a) IN GENERAL.—Section 849(b) of the American Jobs Creation Act of 2004 is amended by adding at the end the following new paragraph:

"(5) LEASES TO FOREIGN ENTITIES.—In the case of tax-exempt use property leased to a tax-exempt entity which is a foreign person or entity, the amendments made by this part shall apply to taxable years beginning after December 31, 2004, with respect to leases entered into on or before March 12, 2004.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the American Jobs Creation Act of 2004.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the pending amendment be laid aside so that Senator NELSON of Florida may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2601

Mr. NELSON of Florida. Mr. President, I call up amendment 2601.

The PRESIDING OFFICER. The clerk will please report.

The bill clerk read as follows:

The Senator from Florida [Mr. NELSON], for himself, Mr. DORGAN, Mr. LEAHY, Mr. SCHUMER, and Mr. DAYTON, proposes an amendment numbered 2601.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend title XVIII of the Social Security Act to provide extended and additional protection to Medicare beneficiaries who enroll for the Medicare prescription drug benefit during 2006)

At the end of title IV, insert the following:

SEC. . PROTECTION FOR MEDICARE BENEFICIARIES WHO ENROLL IN THE PRESCRIPTION DRUG BENEFIT DURING 2006.

(a) EXTENDED PERIOD OF OPEN ENROLLMENT DURING ALL OF 2006 WITHOUT LATE ENROLLMENT PENALTY.—Section 1851(e)(3)(B) of the Social Security Act (42 U.S.C. 1395w-21(e)(3)(B)) is amended—

(1) in clause (iii), by striking "May 15, 2006" and inserting "December 31, 2006"; and

(2) by adding at the end the following new sentence:

"An individual making an election during the period beginning on November 15, 2006, and ending on December 15, 2006, shall specify whether the election is to be effective with respect to 2006 or with respect to 2007 (or both)."

(b) ONE-TIME CHALLENGE OF PLAN ENROLLMENT FOR MEDICARE PRESCRIPTION DRUG BENEFIT DURING ALL OF 2006.—

(1) IN GENERAL.—Section 1851(e) of the Social Security Act (42 U.S.C. 1395w-21(e)) is amended—

(A) in paragraph (2)(B)—

(i) in the heading, by striking "FOR FIRST 6 MONTHS";

(ii) in clause (i)—

(I) by striking "the first 6 months of 2006" and inserting "2006"; and

(II) by striking "the first 6 months during 2006" and inserting "2006"; and

(iii) in clause (ii), by inserting "(other than during 2006)" after "paragraph (3)"; and

(B) in paragraph (4), by striking "2006" and inserting "2007" each place it appears.

(2) CONFIRMING AMENDMENT.—Section 1860D–1(b)(1)(B)(iii) of the Social Security Act (42 U.S.C. 1395w–101(b)(1)(B)(iii)) is amended by striking "subparagraphs (B) and (C) of paragraph (2)" and inserting "paragraph (2)(C)".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Medicare Prescription Drug, Improvment, and Modernization Act of 2003 (Public Law 108–173).

Mr. NELSON of Florida. Mr. President. I am offering an amendment to try to help our senior citizens from the state of confusion that many of them are now experiencing since the prescription drug benefit started 2 days ago and being signed up. If other Senators are hearing from their senior citizens as I am—and I met with a group on Monday in West Palm Beach—they will find that many of them are confused, bewildered, and in some cases even frightened because they are afraid of making a choice and then making a mistake, and under the current law—and we need to clean up some of this current law anyway—they could not rectify that mistake for a whole year. And now in trying to make an intelligent decision on something that is as important to a senior citizen as prescription drugs, they are being confronted with a multiplicity of plans.

I had one senior in West Palm Beach tell me they were actually looking at 103 plans. In other parts of the State, you are looking at 18 companies offering 43 stand-alone prescription plans and, in addition, another 37 companies will offer a total of 257 different Medicare Advantage prescription drug plans. And each of these has differing premiums, cost-sharing requirements, different drugs, and pharmacy access.

What about the senior citizen who has one or two pharmacies in their small community and then they have to worry about finding the plan that fits with that pharmacy? Or what about the senior citizen who has a prescription and depends on it, goes and finds the plan that covers that prescription and then what happens if the doctor in the course of the year changes that prescription and then that prescription is not contained on that particular plan's formula?

Sorting through these plans is complicated and time-consuming, and that is what has led our seniors to be confused, in some cases bewildered, and, very sadly in cases that I saw, even frightened.

We can rectify that with this amendment. All it does is give them more time instead of the deadline coming down like an ax in the night next May. It extends that deadline for 6 months, and it allows them, if they make a choice within the course of that year, 2006, the first year that the prescription drug law takes effect for Medicare, if they make a mistake, to rectify it. And if they make a choice to go with the Medicare prescription drug benefit and then realize they want to go back with their former employer's prescription drug plan, they have that option.

That is the essence of this amendment. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. ALLEN). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the pending amendments be set aside so that Senator BINGAMAN from New Mexico may offer an amendment. I ask him to limit his remarks to a couple minutes. I yield him 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2642

(Purpose: To provide for a tax credit for offering employer-based health insurance coverage.)

Mr. BINGAMAN. Mr. President, I call up for consideration amendment No. 2642.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, and Mr. KERRY, proposes an amendment numbered 2642.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. BINGAMAN. Mr. President, this amendment I am offering is to create a tax credit for small businesses so they can provide health insurance for their employees. This is a terrible need, an enormous need in my own State of New Mexico.

I am defining small businesses as businesses with 50 or fewer employees. According to the Kaiser Family Foundation, only 43 percent of small businesses defined in this way offer health insurance to their employees. This chart sets out the range that applies to each State, and you can see that many States have this very same problem.

In my home State of New Mexico, roughly 38 percent of workers who work for small businesses have access to employer-provided health insurance. In a State such as New Mexico where a majority of the businesses have fewer than 50 employees, the lack of employer-provided insurance is reflected in the overall number of uninsured New Mexicans. Yet according to the Kaiser Foundation, 80 percent of the uninsured in our country come from a family in which at least one person is working.

This amendment creates a tax credit that ranges from 30 percent to 50 percent of the cost of qualified health insurance expenses with smaller employers getting the largest credit. In order to keep the costs down, I have provided that this credit will be effective in the 2006 tax year. We will have to take additional action to extend it beyond that.

What we have learned over the years is that employer-provided benefits are the most efficient and effective means to deliver health care coverage and retirement benefits.

This amendment is totally offset by requiring Government contractors to withhold a very small amount of the taxes they will ultimately have to pay.

This is a very meritorious amendment. It is totally offset and paid for. I urge my colleagues to support it, and the small businesses in their States will be very appreciative of that support.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the pending amendments be set aside so that the Senator from Illinois, Mr. DURBIN, may offer an amendment. I ask him, too, to limit his remarks to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Illinois.

AMENDMENT NO. 2623

(Purpose: To reduce the tax on patriotic employers, and for other purposes)

Mr. DURBIN. Mr. President, I call up amendment No. 2623.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 2623.

Mr. DURBIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. DURBIN. Mr. President, our Tax Code does two things. It raises revenue, but it also tries to encourage good behavior and discourage bad behavior. What this amendment does is reward good behavior on the part of American businesses. It is my belief that if a business does the right thing for its employees and for this country, it should have a tax benefit, and that is why we are designating patriotic employers.

Who are these employers? They are employers who maintain or increase the number of full-time workers in America relative to the number of full-time workers outside of America. They maintain their corporate headquarters in America if the company has ever been headquartered here. They pay decent wages to their employees, a livable wage of at least $7.75 an hour. They provide a retirement plan for their employees, either a defined benefit or defined contribution that matches at least 5 percent of their worker contributions for every employer. They pay at least 60 percent of workers' health care premiums, and when their workers are members of the Guard and Reserve and activated to serve overseas, they make up the difference in salary so their families can have peace of mind financially while their soldiers are off fighting.

I believe the companies who do this deserve a benefit. They deserve a reward. If you are not providing for your employees a decent wage, if you are sending all your jobs overseas, if you don't have a retirement plan, and you don't provide health insurance, why in the world should we reward that?

Let's pick those good, patriotic American companies and give them this tax credit, which is fully offset by this amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the pending amendments be set aside so that the Senator from Nebraska, Mr. NELSON, may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask the Senator if he can limit his remarks to 3 minutes, too.

The PRESIDING OFFICER. The Senator from Nebraska.

AMENDMENT NO. 2625

Mr. NELSON of Nebraska. Mr. President, I thank my colleague from Montana for this opportunity. I call up my amendment No. 2625, which is at the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. NELSON], for himself, and Mr. DEWINE, proposes an amendment numbered 2625.

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Secretary of the Treasury to establish a disability preference program for qualified tax collection contracts)

At the end of title IV, insert the following:

SEC. . DISABILITY PREFERENCE PROGRAM FOR TAX COLLECTION CONTRACTS.

(a) IN GENERAL.—The Secretary of the Treasury shall not enter into any qualified tax collection contract after April 1, 2006, until the Secretary implements a disability preference program that meets the requirements of subsection (b).

(b) DISABILITY PREFERENCE PROGRAM REQUIREMENTS.—

(1) IN GENERAL.—A disability preference program meets the requirements of this subsection if such program requires that not less than 10 percent of the accounts of each dollar value category are awarded to persons described in paragraph (2).

(2) PERSON DESCRIBED.—For purposes of paragraph (1), a person is described in this paragraph if—

(A) as of the date any qualified tax collection contract is awarded—

(i) such person employs not less than 50 severely disabled individuals within the United States; or

(ii) not less than 30 percent of the employees of such person within the United States are severely disabled individuals;

(B) such person agrees as a condition of the qualified tax collection contract that not more than 90 days after the date such contract is awarded, not less than 35 percent of the employees of such person employed in connection with providing services under such contract shall—

(i) be hired after the date such contract is awarded; and

(ii) be severely disabled individuals; and

(C) such person is otherwise qualified to perform the services required.

(c) DEFINITIONS.—For purposes of this section—

(1) QUALIFIED TAX COLLECTION CONTRACT.—The term "qualified tax collection contract" shall have the meaning given such term under section 6306(b) of the Internal Revenue Code of 1986.

(2) DOLLAR VALUE CATEGORY.—The term "dollar value category" means the dollar ranges of accounts for collection as determined and assigned by the Secretary under section 6306(b)(1)(B) of the Internal Revenue Code of 1986 with respect to a qualified tax collection contract.

(3) SEVERELY DISABLED INDIVIDUAL.—The term "severely disabled individual" means—

(A) a veteran of the United States armed forces with a disability of 50 percent or greater—

(i) determined by the Secretary of Veterans Affairs to be service-connected; or

(ii) deemed by law to be service-connected; or

(B) any individual who is a disabled beneficiary (as defined in section 1148(k)(2) of the Social Security Act (42 U.S.C. 1320b–19(k)(2))) or who would be considered to be such a disabled beneficiary but for having income or resources in excess of the income or resources eligibility limits established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), respectively.

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that Senator COLLINS be added as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Nebraska. Mr. President, I call up my amendment at the desk and ask for its immediate consideration.

In October 2004, Congress enacted the American Jobs Creation Act of 2004, Public Law 108-357, providing for outsourcing by the Internal Revenue Service, IRS, of collection of unpaid and past due Federal income taxes. The bidding process for the initial contracts is currently underway. Eventually, after full implementation of the program, it is estimated that these contracts will create up to 4,000 well paying private-sector jobs.

The amendment that Senator DEWINE and I are offering today would establish a preference under the debt collection contracting program for contractors who meet certain threshold criteria relating to employment of disabled veterans and other severely disabled persons. The amendment further requires that at least a specified percentage of the individuals employed by the contractor to provide debt collection services under the contract with the IRS qualify as disabled veterans or severely disabled persons.

If Federal employees conducted the same tax collection activities, current law would give preferences to disabled veterans in filling those Federal jobs. In addition, if other persons with severe disabilities were employed by the Federal Government in those jobs, those disabled persons would benefit from the Federal Government's long history of nondiscrimination and policies of promoting job opportunities for the disabled.

Despite multiple Federal programs, benefits offered thorough a variety of agencies, and various tax incentives, unemployment rates for persons with disabilities, PWDs, are extremely high. The 2000 Census estimated that there were 31 million working-age Americans with disabilities, with an unemployment rate of 70-80 percent. Today, there are 2.6 million veterans receiving service-connected benefits, including disability benefits with an additional 340,000-plus applications pending by other veterans.

By enacting legislation to allow the IRS to outsource debt collection, Congress certainly did not intend to curtail the national commitment to creating meaningful job opportunities for disabled veterans and other severely disabled persons. Indeed, the contracts which the IRS will soon execute with private-sector debt collection companies provide a unique opportunity for the Federal government to stimulate creation of well-paying jobs for disabled veterans and other persons with severe disabilities.

To realize this opportunity, however, Congress must act to assure that existing Federal employment preferences for disabled veterans and Federal policies promoting opportunities for other severely disabled persons are carried forward as a part of the IRS's contracting criteria. My amendment, that I am happy to be offering with Senator DEWINE, achieves this goal.

Our amendment would establish a preference for companies that currently employ a minimum of 50 disabled veterans or persons with severe disabilities, who also must be capable of fulfilling the task. Once the IRS award is made, the debt collection contractor would be required to ensure that 35 percent of the workforce fulfilling the contract be new hires that are persons or veterans with disabilities.

Under this amendment, a minimum of 140 full-time equivalent jobs, also known as FTE jobs, would be created for PWDs at third-party debt collection agencies contracted to collect certain past dues income taxes. An FTE job is equivalent to one (1) 40-hour job or two (2) 20-hr weekly employees or four (4) 10-hour per week employees. These jobs are often part-time; 140 FTEs could translate into close to 300 part-time positions for disabled individuals.

This amendment would not only help to alleviate the current unemployment rate of PWDs, it would also generate substantial savings. These jobs pay anywhere from $19,000 annually up to $40,000 annually and can include health and 401(k) benefits. Even at the low end, this income level is too high to qualify for supplemental security income-disability insurance benefits. Thus, individuals in these programs who take these jobs will no longer require government benefit subsidies from SSI or DI, even if otherwise qualified. Over a 5-year period, the SSI/DI savings are estimated to be $69-$75 million.

To qualify under this amendment, a company must hire 50 PWDs. If 10 companies do this, the net result is employment of 500 PWDs who currently do not have jobs. If 20 companies participate, 1,000 PWDs would be gainfully employed. The savings realized with 1,000 PWDs no longer needing SSI/DI benefits could be as high as $344 million.

The IRS debt collection program is already established. The provisions in this amendment offer the added benefit of more jobs for disabled veterans and the reduction of Federal benefit program costs.

We owe it to our service men and women to improve their futures in any way we can. We have the opportunity to not only show our support for our disabled veterans, but to also show the severely disabled that we believe in them and in their abilities.

I urge my fellow Senators to support this amendment, to support our veterans, and to support the severely disabled.

The PRESIDING OFFICER. The Senator from Wisconsin.

AMENDMENT NO. 2650

Mr. FEINGOLD. Mr. President, how much time do I have remaining on my amendment?

The PRESIDING OFFICER. The Senator from Wisconsin has 8 minutes remaining.

Mr. FEINGOLD. I note how pleased I am that the Senator from Colorado, Mr. SALAZAR, is a cosponsor of this amendment.

I yield 2 minutes to the Senator from Illinois who is also a cosponsor of my amendment.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. OBAMA. Mr. President, I rise today to speak in favor of the amendment offered by Senator FEINGOLD. I am pleased to be a cosponsor of the amendment.

In recent years, the philosophy in Washington has been that you can spend without consequence or sacrifice. That we can fight a war in Iraq and a war on terror, protect our homeland, provide our citizens with Medicare and Social Security, and maintain our domestic priorities, all while cutting taxes for the wealthy and funding every local project there is.

If you are wondering how Congress pays for all this, it doesn't. Instead, billions of dollars are borrowed from other countries and put on a credit card for our children to pay off. Yet, when it comes time to pay these bills, no one can seem to agree on any tax cuts to defer or any programs to cut.

Every family knows that it is one thing to use a credit card; it is another thing to keep spending money you don't have. You have to pay as you go, which is a rule most Americans live by.

Washington once did too, until the White House and my colleagues on the other side of the aisle abandoned it to push through the President's tax breaks.

This attempt to pass $60 billion in tax breaks despite record breaking deficits is just the latest example of the fiscal irresponsibility in this city.

The amendment offered by Senator FEINGOLD is about restoring responsible budgeting. Previously, PAYGO rules applied equally to increases in mandatory spending and tax cuts.

Unfortunately, the rules were changed, and now the requirements of budget discipline apply to only half of the budget—the spending part.

The problem is, that there is no such thing as half a budget. Budget discipline requires enforcing control over both sides of the ledger.

The original PAYGO rules were abandoned to provide for a series of unfunded tax breaks. In order to pay for these tax breaks, the Government had to borrow money from countries like Japan and China.

And we borrowed from the Social Security Trust Fund. In the process, our national debt shot up to $8 trillion, and it is still rising. Last year, for example, our national commitments exceeded our national resources by more than $550 billion.

Americans deserve better financial leadership.

Washington could learn a lot from the American people about fiscal responsibility. The people I talk to in Illinois are not fooled by what's going on. They know what is happening with higher deficits and reduced levels of Government service.

They understand that, in this life, you get what you pay for and if you don't pay for it today, it will cost you more tomorrow.

The people I have met with know that if you need to spend more money on something, you also need to make more money, and if your income falls, your spending must fall, too. This is the essence of the PAYGO rules we are trying to reinstate today. Changes in spending must be offset by changes in revenue, and vice versa.

The people I talk to understand that when you have massive costs coming down the road, you need to prepare for them. There is no excuse for ignoring the financial consequences of foreseeable expenses—whether it is the rising costs of health care, the retirement of the baby boom generation, or the growing inequality of wealth in our society.

So when you are already deep in debt—as the Federal Government is now—and you are facing a mountain of debt in the future, it is just not the right time to be giving out $60 billion in tax cuts, even if many of these cuts have merit.

And if you are intent on giving out these tax cuts, let's find a way to pay for them.

And that is why it is so important that we reinstate PAYGO in a way that meaningfully enforces the budget discipline that both sides of the aisle need in order to honestly tackle our short-term and long-term fiscal challenges.

It is time for some adult supervision to return to the budgeting process. PAYGO provides a necessary tool at a necessary time.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I thank the Senator from Illinois. I ask unanimous consent that it be in order at this time to ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2653, AS MODIFIED

Mr. BAUCUS. I ask unanimous consent to modify Reid amendment No. 2653 with the text I now send to the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, the amendment is so modified.

The amendment (No. 2653), as modified, is as follows:

At the end of title IV, add the following:

Subtitle B—Extending Tax Incentives for Renewable Energy Production and Energy Efficient Construction

SECTION 411. EXTENSION OF RENEWABLE ENERGY PRODUCTION CREDIT THROUGH 2010.

Paragraphs (1), (2), (3), (4), (5), (6), (7), and (9) of section 45(d) (relating to qualified facilities) are amended by striking "2008" each place it appears and inserting "2011".

SEC. 412. EXTENSION OF RENEWABLE ENERGY INVESTMENT TAX CREDIT THROUGH 2010.

Paragraphs (2)(A)(i)(II) and (3)(A)(ii) (relating to energy credit) is amended by striking "2008" both places it appears and inserting "2011".

SEC. 413. EXTENSION OF CLEAN RENEWABLE ENERGY BONDS THROUGH 2010.

Section 54(m) (relating to termination) is amended by striking "2007" and inserting "2010".

SEC. 414. EXTENSION OF ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION THROUGH 2010.

Section 179D(h) (relating to termination) is amended by striking "2007" and inserting "2010".

SEC. 415. EXTENSION OF NEW ENERGY EFFICIENT HOME CREDIT THROUGH 2010.

Section 45L(g) (relating to termination) is amended by striking "2007" and inserting "2010".

SEC. 416. EXTENSION OF RESIDENTIAL RENEWABLE ENERGY EFFICIENT PROPERTY CREDIT THROUGH 2010.

Section 25D(g) is amended to read as follows:

"(a) TERMINATION.—The credit allowed under this section shall not apply to—

"(1) property described in paragraph (1) or (2) of subsection (d) placed in service after December 31, 2010, and

"(2) property described in subsection (d)(3) placed in service after December 31, 2007.".

SEC. 417. EXTENSION OF NONBUSINESS ENERGY PROPERTY CREDIT THROUGH 2010.

Section 25C(g) (relating to termination) is amended by striking "2007" and inserting "2010".

SEC. 418. IMPOSITION OF WITHHOLDING ON CERTAIN PAYMENTS MADE BY GOVERNMENT ENTITIES.

(a) IN GENERAL.—Section 3402 is amended by adding at the end the following new subsection:

"(t) EXTENSION OF WITHHOLDING TO CERTAIN PAYMENTS MADE BY GOVERNMENT ENTITIES.—

"(1) GENERAL RULE.—The Government of the United States, every State, every political subdivision thereof, and every instrumentality of the foregoing (including multi-State agencies) making any payment for goods and services which is subject to withholding shall deduct and withhold form such payment a tax in an amount equal to 3 percent of such payment.

"(2) EXCEPTIONS.—Paragraph (1) shall not apply to any payment—

"(A) except as provided in subparagraph (B), which is subject to withholding under any other provision of this chapter or chapter 3,

"(B) which is subject to withholding under section 3406 and from which amounts are being withheld under such section,

"(C) of interest,

"(D) for real property,

"(E) to any tax-exempt entity, foreign government, or other entity subject to the requirements of paragraph (1),

"(F) made pursuant to a classified or confidential contract (as defined in section 6050M(e)(3)), and

"(G) made by a political subdivision of a State (or any instrumentality thereof) which makes less than $100,000,000 of such payments annually.

"(3) COORDINATION WITH OTHER SECTIONS.—For purposes of sections 3403 and 3404 and for purposes of so much of subtitle F (except section 7205) as relates to this chapter, payments to any person of any payment for goods and services which is subject to withholding shall be treated as if such payments were wages paid by an employer to an employee.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 2005.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the pending amendments be laid aside so that the Senator from Arkansas, Mrs. LINCOLN, may offer an amendment at the very least. If the time has now run and we are going to begin voting, at least she is next in the queue after the amendments that we have already listed.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The majority leader is recognized.

Mr. FRIST. Mr. President, I ask unanimous consent that following the vote in relation to the Coburn amendment the Senate proceed to votes in relation to the following amendments in the sequence ordered; provided there be 2 minutes equally divided between the votes and that no second degrees be in order to the amendments prior to the votes: Grassley amendment No. 2654, Durbin amendment No. 2596, Obama amendment No. 2605, Kennedy amendment No. 2588, Reed amendment No. 2626, Feingold amendment No. 2650, and Sununu amendment No. 2651.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2647, AS MODIFIED

Mr. BAUCUS. I ask unanimous consent to modify the previously adopted amendment No. 2647. I send the modification to the desk and I ask for its adoption.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 2647), as modified, was agreed to as follows:

On page 322, line 22, insert after 1986 "which has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year and"

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act with respect to the amendment of the Senator from Mississippi offered on behalf of the Senator from Oklahoma.

The yeas and nays have been ordered.

The clerk will please call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 47, as follows:

[Rollcall Vote No. 335 Leg.]

YEAS—51

Alexander
Allard
Allen
Bennett
Bond
Brownback
Burns
Burr
Carper
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Landrieu
Lott
Lugar
Martinez
McCain
McConnell
Obama
Santorum
Sessions
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thune
Vitter

NAYS—47

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Bunning
Byrd
Cantwell
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Frist
Harkin
Jeffords
Johnson
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sarbanes
Schumer
Shelby
Stabenow
Thomas
Voinovich
Warner
Wyden

NOT VOTING—2

Corzine
Inouye

The PRESIDING OFFICER. On this vote the yeas are 51, the nays are 47. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to. The point of order is sustained and the amendment falls.

The Senator from Iowa is recognized.

AMENDMENT NO. 2651

Mr. GRASSLEY. I call up the Grassley amendment.

The PRESIDING OFFICER. The clerk will please report the Grassley amendment.

The bill clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 2654.

The amendment is as follows:

(Purpose: To express the sense of the Senate)

At the end of title IV, add the following:

SEC. . SENSE OF THE SENATE.

(a) FINDINGS.—The Senate makes the following findings:

(1) As many as 44,000,000 Americans are estimated to lack health insurance during the course of the year, many of whom are uninsured for a short period of time while a smaller number face longer periods without coverage.

(2) Rising health care costs contribute to the problem of the uninsured and make it more difficult to find a simple solution to make health care affordable.

(3) There is not a one-size fits all solution to address health care coverage issues.

(4) Businesses have competing needs for their resources, including investments to ensure their competitiveness and providing health care coverage for their employees and dependents.

(5) Lower tax rates on dividends and capital gains saved 24,000,000 families an average of nearly $950 on their 2004 taxes, including about 7,000,000 seniors who saved, on average, $1,230 each.

(6) These pro-growth tax cuts have spurred economic development and job creation and have been partly responsible for an increase in tax receipts.

(7) Of the more than 30,000,000 tax returns that included dividend income, those with adjusted gross income of less than $75,000 accounted for 64 percent, or over 19,000,000 of such returns.

(8) Of the nearly 23,000,000 tax returns that included capital gains, 62 percent of these returns, or about 14,000,000, had less than $75,000 in adjusted gross income.

(9) Allowing taxes to increase will make it harder for employers and individuals to afford health care insurance, leading to more individuals without health insurance.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate should—

(1) prevent an increase in taxes on millions of Americans by not allowing the tax policy enacted in 2003 to expire; and

(2) extend tax policies that have proven to enhance economic growth, create jobs, and improve business' and individuals' ability to afford health insurance coverage; and

(3) address the multiple aspects of our Nation's health care crisis, including the need to make health care more affordable, to expand coverage, and to strengthen the health care safety net by—

(A) promoting the use of health care technology, which will help reduce medical errors that contribute to higher costs and promote greater efficiency in care delivery;

(B) providing new financial assistance and tax credits to make health insurance more affordable;

(C) creating financial incentives for young adults to purchase lifetime, portable health insurance;

(D) expanding health insurance coverage options for low-income entrepreneurs and self-employed individuals;

(E) increasing access to specialty care within the health care safety net by providing a tax deduction to physician specialists who provide care for patients referred from health care safety net providers;

(F) reducing regulatory burdens on health care safety net providers that lead to higher administrative costs and a diversion of funds that could be spent on patient care; and

(G) improving outreach efforts to maximize participation of eligible beneficiaries in Federal health care safety net programs.

Mr. GRASSLEY. Mr. President, this is an alternative to the Durbin sense-of-the-Senate resolution. The Durbin amendment in essence says certain taxes should be extended and that money ought to be used to provide health care and insurance for children.

We agree that more needs to be done to help uninsured people. But we believe that the pretax policy in place is such a good tax policy—for instance, Chairman Greenspan saying that the tax policy has been good for the recovery and the extended growth, bringing in $274 billion this year over last year. We think we need to do all the things—expanding the economy and everything else—because it is through an expanding economy that middle-income people advance themselves; that we have an opportunity then for more people through more income to be able to buy health insurance. We have to do all those things. We can't change tax policy and count that as doing it.

I urge this as an alternative to Senator DURBIN's amendment.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I greatly respect my colleague from Iowa. The Grassley amendment is a clear explanation of why we have never done anything to expand health care. Do you know why? Because the Grassley amendment says we can have it all. We can give $20 billion in tax cuts to the wealthiest people in America and we can provide health care for children. It doesn't add up, just like this budget doesn't add up. What we have to understand is this. I give you a choice: Take away the tax breaks, half of which go to people who make over $1 million a year, take the money and insure all the children in America. That is my amendment.

Senator GRASSLEY's amendment doesn't provide any resources or any funds to insure the children. What it says is if we give enough money to the wealthiest people in America, surely out of the charity of their hearts they will take care of the kids. We know better. There are more and more uninsured every single year.

I urge you to defeat the Grassley amendment and consider voting for the Durbin amendment.

I raise a point of order that the amendment violates the Byrd rule, section 313(b)(1)(a) of the Budget Act.

Mr. GRASSLEY. Mr. President, I move to waive the budget point of order and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 53, nays 45, as follows:

[Rollcall Vote No. 336 Leg.]

YEAS—53

Alexander
Allard
Allen
Bennett
Bond
Brownback

Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—45

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Conrad
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Stabenow
Wyden

NOT VOTING—2

Corzine
Lott

The PRESIDING OFFICER. On this question, the yeas are 53, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The Senator from Illinois.

AMENDMENT NO. 2596

Mr. DURBIN. It is my understanding under the unanimous consent request that my amendment is next in line.

The PRESIDING OFFICER. The Senator is correct.

Mr. DURBIN. Do I need to call up the amendment?

The PRESIDING OFFICER. The amendment is pending.

Mr. DURBIN. Mr. President, life and the Senate are about choices. Here are your choices with this amendment. You can give a capital gains and dividends tax cut that goes primarily to the wealthiest Americans. In fact, 75 percent of the capital gains tax cuts goes to people making over $200,000 a year; 1.5 million taxpayers will benefit from that new tax cut, people who are doing pretty well in life. Or you can take the same amount of money and provide health insurance for 9 million uninsured children in America. The cost? The same thing: $10 billion each year.

There is the choice—give tax cuts to the wealthiest people in America or provide health insurance for 9 million kids who don't have it, children of families who go to work every single day and don't have health insurance. The choice is pretty clear. A lot of people talk about moral values and family values. Maybe the choice in this amendment gets down to those questions.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I am going to give the Senator from Illinois an opportunity to come down out of the grandstand and play on the same playing field I do, and the Senator will have an opportunity to take care of all those people.

The Senator had an opportunity 2 weeks ago on the Deficit Reduction Act. All the things we had in there for the people who do not have health care the Senator had an opportunity to vote for and didn't.

Just to name a few of these: We had the Family Opportunity Act that would have helped 500,000 severely disabled children. The Senator voted against that. We had a vote against a bill in regard to the children's health insurance shortfall. The Senator voted against that. The Senator voted against an outreach and enrollment to get eligible children health care coverage for which they are entitled. If the Senator were serious about helping low-income people, the Senator would have voted for that because we took care of a lot of the children the Senator is talking about.

Mr. BYRD. I ask that Senators address each other in the third person, not in the second person.

The PRESIDING OFFICER. The Senator from West Virginia is correct; if Senators would address each other through the Chair and in the third person.

Mr. GRASSLEY. I raise a point of order that the amendment is not germane to the underlying bill.

Mr. DURBIN. Mr. President, do I have time remaining?

The PRESIDING OFFICER. All time has expired.

Mr. DURBIN. I move to waive the applicable budget provisions for consideration of the amendment. I ask for the yeas and nays on the motion to waive.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act for the consideration of amendment No. 2596.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 43, nays 55, as follows:

[Rollcall Vote No. 337 Leg.]

YEAS—43

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Wyden

NAYS—55

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—2

Corzine
Lott

The PRESIDING OFFICER. On this vote, the yeas are 43, the nays are 55. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 1 minute.

AMENDMENT NO. 2605

Mr. OBAMA. Mr. President, amendment No. 2605 deals with Hurricane Katrina contracting. This sense-of-the-Senate amendment I offer with Senators COBURN, LAUTENBERG, ENSIGN, and JOHNSON is a simple effort to enforce some accountability and transparency into the contracting process.

FEMA needs to reopen its no-bid contracts. FEMA representatives testified before Senate committees they would do so. They have now backed away from that. That is unacceptable.

I hope my colleagues will support this amendment.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the amendment be adopted.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is adopted.

The amendment (No. 2605) was agreed to.

AMENDMENT NO. 2588

The PRESIDING OFFICER. The question is now on the amendment from the Senator from Massachusetts, Mr. KENNEDY, with 2 minutes evenly divided.

The Senator from Massachusetts is recognized for 1 minute.

Mr. KENNEDY. Mr. President, this is a very simple amendment but an amendment of enormous importance and consequence for the children of this Nation.

If you look at this chart that shows virtually all the industrial nations of the world, we have the highest instance of child poverty of all industrial nations in the world.

This amendment I offer adds a 1-percent surtax on millionaires who pay their contributions in terms of the Internal Revenue Service. It is just a 1-percent add-on. It pays into a fund to fight child poverty, a designated fund that will eventually be decided by the leadership and by the President of the United States.

This is a moral issue. It is a children's issue. It is a value issue. And this is something that can make an enormous difference to the children of this country.

Here in the richest country in the world, we allow children to suffer, without money, without a home, without food.

No great nation can ignore this challenge. The images of Katrina proved that. We can lift children out of poverty, all it requires is the will to do it and the leadership to make it happen.

In the powerful word of the gospel, "To whom much is given, much is required." I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, there is substantial research that shows the way to make progress in eliminating poverty is to encourage healthy marriages, responsible fathership, full-time work, and education.

The poverty rate for married couple families is 5.5 percent. The overall poverty rate is 12.7 percent. The poverty rate for single-family households, if there is no husband, is 28 percent.

So it is quite obvious, poverty reduction should not be a partisan issue. We know what we need to do to reduce poverty. So we need to roll up our sleeves, work together, strengthen marriage, strengthen fatherhood, promote education, and get people full-time work. That is the way to end poverty. Statistics prove it.

I make the point that the pending amendment is not germane to the measure now before the Senate, and I raise a point of order against it under section 305 of the Budget Act.

Mr. KENNEDY. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will please call the roll.

The bill clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 36, nays 62, as follows:

[Rollcall Vote No. 338 Leg.]

YEAS—36

Akaka
Bayh
Bingaman
Boxer
Byrd
Clinton
Conrad
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Murray
Nelson (FL)
Obama
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—62

Alexander
Allard
Allen
Baucus
Bennett
Biden
Bond
Brownback
Bunning
Burns
Burr
Cantwell
Carper
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lincoln
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Pryor
Roberts
Salazar
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—2

Corzine
Lott

The PRESIDING OFFICER. On this vote, the yeas are 36, the nays are 62. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, before we have the next rollcall on the Reed amendment, I have been asked by many Members if we could do what worked so successfully for Senator SPECTER on his bill by enforcing the 10-minute rule. The leader has asked me to say that is what we are going to do. So we will have regular order after the 10-minute rollcall vote, so people should stay around close to make sure they get their vote recorded.

We are going to enforce the Specter rule. If you don't like it, blame Specter.

The PRESIDING OFFICER. There is 2 minutes equally——

Mr. SPECTER. Mr. President, I object.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. I don't know how many amendments we have but lots of them tonight. I am sure they are all very meritorious. I have an amendment dealing with renewables. I am going to allow a voice vote on that. I think others might want to follow that example. I think with rare exception we kind of know how they are going to turn out anyway. You either win or lose. The vote outcome is the same whether it is by a rollcall or voice vote. So I am going to have a voice vote on my renewable energy amendment. I hope others would follow suit on some of theirs.

AMENDMENT NO. 2626

The PRESIDING OFFICER. There is 2 minutes equally divided on the Reed of Rhode Island amendment.

The Senator from Rhode Island is recognized.

Mr. REED. I thank the Chair.

My amendment would fully fund the LIHEAP program, providing a 1-year temporary windfall profits tax on large oil companies. Previously, a majority of this body has voted to fully fund LIHEAP. We have not had an offset. This would be an offset. The mechanism I propose would be based upon Senator SCHUMER's proposal. It does not have the problems that were identified by Senator DOMENICI with respect to the Dorgan and Dodd proposal.

My amendment will tax these companies at an equitable rate. It will raise $2.92 billion. It will fully fund LIHEAP, and it will provide relief to families throughout this country who literally struggle, who either choose to heat or to eat. I think we can do much better to help our families. There has been majority support of this bill. I hope we have sufficient support that we can actually provide the resources to provide help to struggling families this winter.

I urge all my colleagues to support the amendment.

I retain any time I have remaining.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Iowa.

Mr. GRASSLEY. I support the LIHEAP program. Most everybody in this body supports the LIHEAP program. I have had an opportunity to vote for that even in recent days. But we have to make sure we do it in the right way. I have even tried to get oil companies to contribute to the low-income fuel fund. But here we have the Senator resurrecting the old nonworkable windfall profits tax. As Senator DOMENICI said in previous debate, this is one way of raising the price of gasoline and other fuels.

I ask you to oppose this amendment, and I would raise the point that the amendment is not germane.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, pursuant to section 904 of the Budget Act, I move to waive the applicable sections of the act with regard to the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. BUNNING). Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant Journal clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 50, nays 48, as follows:

[Rollcall Vote No. 339 Leg.]

YEAS—50

Akaka
Baucus
Bayh
Biden
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Coleman
Collins
Conrad
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Gregg
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Specter
Stabenow
Sununu
Thune
Voinovich
Wyden

NAYS—48

Alexander
Allard
Allen
Bennett
Bingaman
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Landrieu
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Stevens
Talent
Thomas
Vitter
Warner

NOT VOTING—2

Corzine
Lott

The PRESIDING OFFICER (Mr. MARTINEZ). On this vote, the yeas are 50, the nays are 48. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I have a list of amendments on which I wish to propound a unanimous consent request.

I ask unanimous consent that following the disposition of the Sununu amendment, that Senator LINCOLN be recognized to offer an amendment and speak for 2 minutes, after which the amendment will be withdrawn; further, that the Senate then proceed to votes in relation to the following amendments in sequence order; provided that there be 2 minutes equally divided between the votes and that no second-degree amendments be in order to the amendment prior to the vote: Schumer amendment No. 2635, Reid amendment No. 2653, Nelson amendment No. 2601, Bingaman amendment No. 2642, Durbin amendment No. 2623, and Nelson amendment No. 2625.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Montana.

Mr. BAUCUS. Mr. President, was the last unanimous consent request agreed to?

The PRESIDING OFFICER. It was.

MODIFICATION TO AMENDMENT NO. 2635 VITIATED

Mr. BAUCUS. Mr. President, we have a matter we have to fix. I ask unanimous consent that the modification to the Schumer amendment No. 2635 be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2653, AS MODIFIED

Mr. BAUCUS. Mr. President, the modification should be to the Reid of Nevada amendment.

The amendment, as modified, is as follows:

At the end of title IV, add the following:

Subtitle B—Extending Tax Incentives for Renewable Energy Production and Energy Efficient Construction

SECTION 411. EXTENSION OF RENEWABLE ENERGY PRODUCTION CREDIT THROUGH 2010.

Paragraphs (1), (2), (3), (4), (5), (6), (7), and (9) of section 45(d) (relating to qualified facilities) are amended by striking "2008" each place it appears and inserting "2011".

SEC. 412. EXTENSION OF RENEWABLE ENERGY INVESTMENT TAX CREDIT THROUGH 2010.

Paragraphs (2)(A)(i)(II) and (3)(A)(ii) (relating to energy credit) is amended by striking "2008" both places it appears and inserting "2011".

SEC. 413. EXTENSION OF CLEAN RENEWABLE ENERGY BONDS THROUGH 2010.

Section 54(m) (relating to termination) is amended by striking "2007" and inserting "2010".

SEC. 414. EXTENSION OF ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION THROUGH 2010.

Section 179D(h) (relating to termination) is amended by striking "2007" and inserting "2010".

SEC. 415. EXTENSION OF NEW ENERGY EFFICIENT HOME CREDIT THROUGH 2010.

Section 45L(g) (relating to termination) is amended by striking "2007" and inserting "2010".

SEC. 416. EXTENSION OF RESIDENTIAL RENEWABLE ENERGY EFFICIENT PROPERTY CREDIT THROUGH 2010.

Section 25D(g) is amended to read as follows:

"(a) TERMINATION.—The credit allowed under this section shall not apply to—

"(1) property described in paragraph (1) or (2) of subsection (d) placed in service after December 31, 2010, and

"(2) property described in subsection (d)(3) placed in service after December 31, 2007.".

SEC. 417. EXTENSION OF NONBUSINESS ENERGY PROPERTY CREDIT THROUGH 2010.

Section 25C(g) (relating to termination) is amended by striking "2007" and inserting "2010".

SEC. 418. IMPOSITION OF WITHHOLDING ON CERTAIN PAYMENTS MADE BY GOVERNMENT ENTITIES.

(a) IN GENERAL.—Section 3402 is amended by adding at the end the following new subsection:

"(t) EXTENSION OF WITHHOLDING TO CERTAIN PAYMENTS MADE BY GOVERNMENT ENTITIES.—

"(1) GENERAL RULE.—The Government of the United States, every State, every political subdivision thereof, and every instrumentality of the foregoing (including multi-State agencies) making any payment for goods and services which is subject to withholding shall deduct and withhold form such payment a tax in an amount equal to 3 percent of such payment.

"(2) EXCEPTIONS.—Paragraph (1) shall not apply to any payment—

"(A) except as provided in subparagraph (B), which is subject to withholding under any other provision of this chapter or chapter 3,

"(B) which is subject to withholding under section 3406 and from which amounts are being withheld under such section,

"(C) of interest,

"(D) for real property,

"(E) to any tax-exempt entity, foreign government, or other entity subject to the requirements of paragraph (1),

"(F) made pursuant to a classified or confidential contract (as defined in section 6050M(e)(3)), and

"(G) made by a political subdivision of a State (or any instrumentality thereof) which makes less than $100,000,000 of such payments annually.

"(3) COORDINATION WITH OTHER SECTIONS.—For purposes of sections 3403 and 3404 and for purposes of so much of subtitle F (except section 7205) as relates to this chapter, payments to any person of any payment for goods and services which is subject to withholding shall be treated as if such payments were wages paid by an employer to an employee.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 2005.

AMENDMENT NO. 2650

The PRESIDING OFFICER. There are 2 minutes equally divided on the Feingold amendment. Who yields time? The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank my cosponsors, Senators CONRAD, CHAFEE, OBAMA, and SALAZAR. This is a good old-fashioned, classic pay-go amendment. This is the rule under which we used to operate.

It is very simple. Under this pay-go amendment, you pay for what you want. If you want to increase entitlement spending, you have to pay for it. If you want to cut taxes, you have to pay for it. With the help of this budget rule, we actually balanced the Federal books, and we did so without using the Social Security surplus.

Without this rule, we have been driven back into the deficit ditch. We have begun to pile up record amounts of debt that our children and grandchildren will have to pay.

I urge my colleagues to support this time-tested, commonsense rule.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I raise the point, first of all, that we voted on a like amendment a couple of weeks ago. But I want to say why the amendment is defective, as I would have said then. It would require us to raise taxes to extend expiring tax cuts, but it would allow entitlement spending to continue to grow without any offset. This then creates a double standard between current tax law and current spending law.

The amendment also is not germane, and so I raise a point of order.

Mr. FEINGOLD. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for the consideration of the pending amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 50, nays 48, as follows:

[Rollcall Vote No. 340 Leg.]

YEAS—50

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Coburn
Collins
Conrad
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCain
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Stabenow
Voinovich
Wyden

NAYS—48

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Cochran
Coleman
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lugar
Martinez
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Warner

NOT VOTING—2

Corzine
Lott

The PRESIDING OFFICER. On this vote the yeas are 50, the nays are 48. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

AMENDMENT NO. 2651

There will now be 2 minutes equally divided prior to a vote on the Sununu amendment.

Who yields time?

The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, my amendment is quite straightforward. It deals with a very large tax loophole that allows Government-sponsored entities, Fannie Mae and Freddie Mac, to avoid paying any State or local taxes whatsoever. It is a huge exemption for companies that are private, for-profit corporations, with their own shareholders. These companies have far higher profits and return on equity than so-called big oil that we have heard all of this criticism about for the last several hours.

There is no reason they cannot pay State and local taxes like any other private, for-profit company, contribute back to those States, cities, and towns in a legitimate, straightforward way through the Tax Code. I think this is appropriate. There is no reason we should have such an enormous loophole for companies that earn millions of dollars, enough to pay their top executives not $2 million a year or $6 million a year or $8 million a year but in some cases $10 million a year that their chief executives have been paid over the last 3 to 5 years.

That certainly is the kind of money that makes it legitimate for them to be paying State and local taxes like any other for-profit company.

I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

The question is on agreeing to the amendment.

The clerk will call the roll.

(Several Senators addressed the Chair).

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, this amendment only singles out two companies, Fannie Mae and Freddie Mac, which have an important mission: homeownership in our States, moving out regional imbalances in the mortgage supply, integrating regional mortgage markets. If this amendment is passed, here is what happens: The housing markets are hurt. At a time when we are worried about our housing markets, we are worried about a housing bubble that may burst, we are worried about so many parts of the housing market, to pull the rug out from under Fannie Mae and Freddie Mac, which have done an incredible job, would make no sense whatsoever.

All the other corporations are not talked about here, just Fannie and Freddie. Therefore, I think this amendment deserves to be defeated.

Mr. President, the pending amendment is not germane. Therefore, I raise a point of order pursuant to sections 305(b)(2) and 310(e) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The point of order is well taken. The amendment falls.

Under the previous order, the Senator from Arkansas is recognized.

AMENDMENT NO. 2652

Mrs. LINCOLN. Mr. President, I would like to call up my amendment numbered 2652, please.

The PRESIDING OFFICER. The clerk will report.

The assistant journal clerk read as follows:

The Senator from Arkansas [Mrs. LINCOLN], for herself, Ms. SNOWE, Mr. OBAMA and Mr. ROCKEFELLER, proposes an amendment numbered 2652.

Mrs. LINCOLN. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify the income threshold used to calculate the refundable portion of the child tax credit)

At the end of title IV, add the following:

SEC. ___. $10,000 INCOME THRESHOLD USED TO CALCULATE REFUNDABLE PORTION OF CHILD TAX CREDIT.

(a) IN GENERAL.—Section 24(d) (relating to portion of credit refundable) is amended—

(1) by striking "as exceeds" and all that follows through ", or" in paragraph (1)(B)(i) and inserting "as exceeds $10,000, or", and

(2) by striking paragraph (3).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

(c) APPLICATION OF SUNSET TO THIS SECTION.—Each amendment made by this section shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as the provision of such Act to which such amendment relates.

Mrs. LINCOLN. Mr. President, in the aftermath of Hurricane Katrina, the gulf breezes blew back the curtains and America and the world very clearly saw the face of poverty in the United States. We and the rest of the world saw a situation where many of our poorest families, our American families, were left to fend for themselves—many not even able to afford a bus ticket out of town to evacuate.

We find ourselves today reconciling our priorities, something that hardworking American families do every day. They reconcile their budgets, they reconcile their priorities, to decide what is essential to that family and what is a luxury.

I do not believe we can have this discussion today without bringing up what I find, in our Nation, to be one of our greatest priorities and by far one of our greatest blessings, and that is our children. I believe we have an opportunity right now to help lift those families in Louisiana and, indeed, across this entire Nation. In 2001 and again in 2003, Senator SNOWE and I worked together to make sure that working families of many low-income children were included in the child tax credit.

Unfortunately, a recent report, highlighted in the New York Times, shows that almost one-third of children do not qualify for that child tax credit because they are in families earning too low an income. When you break that finding down by race, it is even more disheartening. About half of all African-American children and half of all Latino children are left out of the full tax credit, child tax credit, because their family's earnings are too low to qualify.

We are talking about working families. To qualify for this tax credit, you have to be working and you have to have children.

The PRESIDING OFFICER. The Senator has used her 2 minutes.

Mrs. LINCOLN. I thank my colleagues for listening. I understand, due to the refundable nature of this credit, it is not germane to the reconciliation bill, and as a result, I will not ask for a vote, but I do ask our colleagues to remember what our priorities are tonight.

The PRESIDING OFFICER. Under previous order, the amendment is withdrawn.

There is now 2 minutes equally divided prior to a vote on the Schumer amendment.

The Senator from New York.

AMENDMENT NO. 2635

Mr. SCHUMER. Mr. President, this amendment creates a temporary levy on the excess profits of U.S. oil companies and it does it in a different way. It takes that money and provides a nonrefundable tax credit of $100 in 2005 for every person in the household. The revenue mechanism in my amendment is an actual tax on windfall profits that exceed a 3-year historic average. That makes it easy for companies to calculate. Unlike the other windfall profits tax amendments that have come forward, this one will not increase production costs and fuel costs for American consumers. That is because it is levied on profits, not production: not on profits when oil is above $40 a barrel but only when the band of profits exceeds a set level.

This was the same mechanism that Senator REED used for LIHEAP, and it did get a good number of votes—50. The revenue of the amendment goes back to the U.S. taxpayer, not to any program, not to the Government, with a nonrefundable credit of $100 for every person in their household, and that is for 2005 only. It is revenue neutral.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GRASSLEY. Mr. President, I oppose this amendment. This is an increase in the price of gasoline. Also, I don't know how many times we have to vote on a windfall profits tax. This is at least the third or fourth time.

Although there is a tax credit that the tax funds, I want everybody to know there is no guarantee that the tax will not be passed on to consumers with these higher prices at the pump as well as home heating.

This amendment raises revenue. The bill before us raises revenue from oil already taxed. This new tax is not well designed and should be defeated.

I raise a point of order that the amendment is not germane.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I move to waive the relevant portions of the Budget Act and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant Journal clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER (Mr. DEMINT). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 33, nays 65, as follows:

[Rollcall Vote No. 341 Leg.]

YEAS—33

Akaka
Bayh
Boxer
Byrd
Clinton
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Murray
Nelson (FL)
Obama
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Wyden

NAYS—65

Alexander
Allard
Allen
Baucus
Bennett
Biden
Bingaman
Bond
Brownback
Bunning
Burns
Burr
Cantwell
Carper
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Landrieu
Lincoln
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Pryor
Roberts
Salazar
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—2

Corzine
Lott

The PRESIDING OFFICER. On this vote, the yeas are 33, the nays are 65. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

AMENDMENT NO. 2653, AS MODIFIED

The PRESIDING OFFICER. There is 2 minutes equally divided prior to the motion on the Reid amendment.

The Senator from Nevada.

Mr. REID. Mr. President, this is a bipartisan amendment. It is very simple, direct, and to the point. We need more electricity that does not rely on increasingly expensive natural gas.

The quickest way to get more electricity without using more natural gas is through the increased use of renewables with greater efficiency.

Unfortunately, the deadlines for the renewable energy and efficiency tax incentives that we now have in law cut off much too soon to be really effective. So this amendment extends those deadlines through 2010 to match the current tax incentives for conventional and fossil energy projects.

I urge Members to support this amendment. It is fair, it is paid for, and it will make a quick and significant dent in the Nation's enormously expensive natural gas consumption.

Nevadans and all Americans rely heavily on natural gas for electricity and heating. This Congress needs to take action to address the insanely high prices of natural gas as soon as possible.

I ask unanimous consent that Senators KERRY, SNOWE, SALAZAR, LAUTENBERG, BAYH, BINGAMAN, JEFFORDS, and FEINSTEIN be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I happen to be the original author of section 45, renewable fuels.

I have extended this provision already through 2008. The amendment will undermine the reconciliation bill by going beyond our 5-year budget window, and the amendment is no longer paid for.

So, regrettably, I oppose this specific amendment. But as the author of section 45, you can be assured that when it is necessary to extend it, we will. I ask you to vote against this amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment, as modified.

The amendment (No. 2653), as modified, was rejected.

AMENDMENT NO. 2601

The PRESIDING OFFICER. There will now be 2 minutes equally divided on the Nelson of Florida amendment.

Mr. NELSON of Florida. Mr. President, all of you have heard from your senior citizens. With the implementation of the prescription drug bill, our seniors have so many plans to choose from that they are confused and, in some cases, they are bewildered: in some cases, they are frightened about making the wrong choice by the deadline and then not having the opportunity to correct it for 1 year.

This amendment would extend the deadline from May to December. I hope for the sake of our seniors that you will vote for this amendment.

Mr. GRASSLEY. Mr. President, this amendment is simply not necessary. The first enrollment period began—can you believe it—just 2 days ago, and somebody says, You know, it is not long enough. It is going to last for 6 months—until May 15.

There are lots of resources available. As one example, States have counselors available to assist beneficiaries under the State Health Insurance Program.

That is the whole point of that program—to help beneficiaries understand the Medicare benefits in the legislation.

The bottom line is that it is no picnic to sort through the fine print of health insurance. It even may rank among the most unpopular and complicated responsibilities of American adulthood—like deciphering your income tax.

The Centers for Medicare and Medicaid Services developed a nationwide network of other community-based organizations that can provide beneficiaries one-on-one assistance. The prescription drug plans base their proposal to serve Medicare beneficiaries on the enrollment period specified in the law. The amendment would affect those proposals and could lead to higher costs for both beneficiaries and the government.

I, for one, am tired of people on the other side seeming to have a lack of confidence in our American senior citizens who are often well informed about the choices they can make and make good decisions.

This amendment is not needed, and I raise a point of order on germaneness.

Mr. NELSON of Florida. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Sixteen seconds.

Mr. NELSON of Florida. Mr. President, so much of what the Senator from Iowa has said simply has not been the case—hundreds of plans that seniors are having to choose between.

I move to waive the relevant parts of the Budget Act, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 47, as follows:

[Rollcall Vote No. 342 Leg.]

YEAS—51

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Conrad
Dayton
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Martinez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Specter
Stabenow
Voinovich
Warner
Wyden

NAYS—47

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lugar
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Stevens
Sununu
Talent
Thomas
Thune
Vitter

NOT VOTING—2

Corzine
Lott

The PRESIDING OFFICER. On this question, the yeas are 51, the nays are 47. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained. The amendment falls.

Mr. BAUCUS. Mr. President, there are four votes remaining. It is my understanding they will all be voiced. However, other Senators have said they have amendments they want to offer, as well. It is appropriate we begin to cut off the number of amendments we consider tonight. Four Senators contacted me: Senator BOXER, Senator DAYTON, Senator KERRY, and Senator LANDRIEU. The time has come to limit the number of amendments we have tonight. We have done a pretty good job accommodating Senators.

I ask unanimous consent after the three remaining amendments—Senators Bingaman, Durbin, and Nelson—are taken up, and I am told will all be voiced, that following those amendments only the amendments then be in order are amendments offered by Senator BOXER, Senator DAYTON, Senator KERRY, and Senator LANDRIEU, and that those be the only amendments remaining to be considered to the bill tonight and to the bill at all.

I amend that by saying it is my understanding that Senator LANDRIEU has two, but they will be voiced and not require a recorded vote, and there will be a managers' amendment that will be in order to the bill. Senator HARKIN would like to be added to the list with one amendment. So, therefore, it will be: Boxer, Dayton, Kerry, Landrieu, Landrieu—again, Landrieu's will be voiced—and Harkin. I am hopeful some of these others will also be voiced when we get to them.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, reserving the right to object, in the request, please note I have two amendments.

Mr. BAUCUS. Senator DAYTON has two amendments.

Mr. DAYTON. May I ask, do the managers intend to have final passage tonight?

Mr. BAUCUS. That is our intention.

Mr. DAYTON. All right. Thank you.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 2642

There is 2 minutes equally divided prior to a vote on the Bingaman amendment.

The Senator from Montana.

Mr. BAUCUS. Mr. President, the Senate is not in order. We are making a lot of progress tonight, and we will make even greater progress if the Senate stays in order.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I offer this amendment on behalf of myself, Senator KERRY, and Senator SNOWE. This is an amendment that will create a tax credit for small businesses, to encourage them to offer employees health insurance. By "small businesses," I have defined that in the amendment as employers with 50 or fewer employees.

In my State, one of the biggest problems I hear that small employers complain about is their inability to cover the high cost of health care. This is a nonrefundable tax credit for the purchase of health insurance by the employer. The tax credit would range from 30 percent to 50 percent of the cost of a qualified health insurance expense, with smaller employers getting the largest credit.

This is absolutely essential if we are going to expand health care coverage in the country. It is fully offset. I urge my colleagues to support this amendment and add it to this legislation before we complete final passage.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I know this amendment is well-intended because if there is anything I hear from my constituents, particularly small business people, it is the problems with health insurance. But it is not going to work with this legislation because it is going to make the reconciliation process out of order.

So I ask the Members to oppose it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2642) was rejected.

AMENDMENT NO. 2623

The PRESIDING OFFICER. There will be 2 minutes evenly divided prior to a vote on the Durbin amendment.

The Senator from Illinois.

Mr. DURBIN. Mr. President, this amendment provides a fully offset tax credit to the very best companies in America. We call them patriotic employers. They are employers who invest in creating jobs in the United States, not overseas. They are employers who pay a decent wage, at least $7.75 an hour. They are employers who provide a retirement plan, either defined benefit or defined contribution, matching at least 5 percent of workers' contributions. They are employers who pay health insurance, up to 60 percent of the workers' health care premiums. And they are employers who make up the difference when their employees, who are in the Guard and Reserve, go off to serve their country.

These are the very best employers in America. We should reward them with a 1-percent tax credit, fully offset. Stand up for the best employers in America. Support this amendment.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, this amendment is also well intended. It is not germane. I am not going to raise a point of germaneness. I raise the point that it does not fit in with the reconciliation.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2623) was rejected.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Craig-Rockefeller amendment also be added to the list of amendments still in order. And that will be it.

The PRESIDING OFFICER. Will the Senator restate the request.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Craig-Rockefeller amendment be added to the list of amendments still in order tonight.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, in conjunction with the Craig amendment, I had an amendment I was going to offer as a substitute. So I want the Grassley amendment on there as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2625

There will now be 2 minutes equally divided prior to a vote on the Nelson amendment.

The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, I call up amendment No. 2625.

The PRESIDING OFFICER. The amendment is pending.

Mr. NELSON of Nebraska. Mr. President, it has already been offered and is ready.

Mr. President, the Treasury Department has the capacity by law to outsource contracts to collect unpaid tax debts. As it currently stands, as they contract with employers, many of the benefits that have existed in the past for the hiring of disabled workers, disabled veterans, would not carry forth in these contract situations as they do for employment in the Federal Government.

This amendment will enable the Treasury Department, in awarding contracts, to give a preference to those companies that hire and engage disabled workers and disabled veterans. There is no tax money involved in this. There is no tax credit. They just have a preference if they hire disabled workers. These disabled workers will come off the Social Security SSI benefits and the disability DI benefits. They will become taxpaying citizens.

I think this is a great amendment. I hope my colleagues will accept it.

I thank the Chair for the opportunity to speak.

Mr. DEWINE. Mr. President, 15 million persons with disabilities are unemployed and actively seeking employment. There simply has been no measurable change in the unemployment situation for persons with disabilities since the American's with Disabilities Act. That is unacceptable. It is wrong. It is something we have to change. We can do better, and we have to do better.

Senator NELSON from Nebraska and I have an amendment that will do just that. Our amendment would establish a preference under the debt collection contracting program for contractors who hire people with disabilities and disabled veterans.

This amendment would require that at least a specified percentage of the individuals employed by the contractor to provide debt collection services qualify as people with disabilities or disabled veterans.

A provision of the American Jobs Creation Act of 2004 authorized the Internal Revenue Service to contract with private collection agencies to collect certain past due income taxes. If the same tax collection activities were still conducted by Federal employees, current law would give employment preferences to disabled veterans in filling those Federal jobs. In addition, if other persons with disabilities were employed by the Federal Government in those jobs, they would benefit from the Federal Government's long history of promoting job opportunities for people with disabilities.

By enacting legislation to privatize debt collection and improve the IRS' tax collection efforts, Congress certainly did not intend to curtail the Government's commitment to creating meaningful job opportunities for people with disabilities and disabled veterans. So I urge my fellow Senators to support this amendment. Again, there are 15 million persons with disabilities who are unemployed and actively seeking employment. We have an opportunity now to help put them back to work.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the amendment be adopted.

The PRESIDING OFFICER. Is there objection?

The Senator from Ohio.

Mr. DEWINE. Mr. President, there are 15 million people with disabilities who are unemployed in this country. This amendment will help in a small way to deal with that problem.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the amendment be adopted.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 2625) was agreed to.

The PRESIDING OFFICER. The Senator from California is recognized.

AMENDMENT NO. 2634

Mrs. BOXER. Mr. President, I call up amendment No. 2634 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 2634.

Mrs. BOXER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide an additional $500,000,000 for each of fiscal years 2006 through 2010, to be used for readjustment counseling, related mental health services, and treatment and rehabilitative services for veterans with mental illness, post-traumatic stress disorder, or substance use disorder)

At the appropriate place, insert the following:

SEC. ____. TREATMENT AND SUPPORT SERVICES FOR VETERANS.

Out of any money in the Treasury of the United States not otherwise appropriated, and in addition to any amount otherwise appropriated, there are appropriated $500,000,000 to the Secretary of Veterans Affairs for each of fiscal years 2006 through 2010, to provide veterans suffering from mental illness, post-traumatic stress disorder, or drug or alcohol dependency with—

(1) readjustment counseling and related mental health services under section 1712A of title 38, United States Code; and

(2) treatment and rehabilitative services under section 1720A of such title.

SEC. . ELIMINATION OF THE SCHEDULED PHASE OUT OF THE LIMITATIONS ON PERSONAL EXEMPTIONS AND ITEMIZED DEDUCTIONS FOR INDIVIDUALS EARNING IN EXCESS OF $1,000,000.

(a) PERSONAL EXEMPTIONS.—Section 151(d)(3)(E) of the Internal Revenue Code of 1986 is amended by adding at the end the following new clause:

"(iii) EXCEPTION.—This subparagraph shall not apply with respect to any individual whose adjusted gross income for the taxable year exceeds $1,000,000 ($2,000,000 in the case of a joint return).".

(b) ITEMIZED DEDUCTIONS.—Section 68(f) of such Code is amended by adding at the end the following new paragraph:

"(3) EXCEPTION.—This subsection shall not apply with respect to any individual whose adjusted gross income for the taxable year exceeds $1,000,000 ($2,000,000 in the case of a joint return).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

(d) APPLICATION OF EGTRRA SUNSET.—The amendments made by this section shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as the provision of such Act to which such amendment relates.

Mrs. BOXER. Mr. President, I will explain the amendment. I will do so quickly.

The Boxer amendment provides an additional $500 million per year for mental health services for our Nation's veterans over the next 5 years. This amendment is backed by the American Legion, AMVETS, and Disabled American Veterans.

We pay for this in a very simple way. We say the tax cuts of 2001 that have not yet taken effect for those earning over $1 million a year be deferred. We find that when we pay for this $500 million, we have millions left over to reduce the deficit.

In closing, let me tell my colleagues a story.

I got an e-mail from a woman who was married to CPT Michael Jon Pelkey, who suffered from post-traumatic stress disorder for over a year. He sought help on several occasions but was discouraged by the wait time and the stigma. He thought his command would perceive him as worthless if he started therapy.

His wife wrote:

> Michael passed away in our home at Ft. Sill, Oklahoma from a self-inflicted gunshot wound to the chest on November 5, 2004.

She said:

> I feel that my husband is a casualty of this war and to date the Army has not [done enough for post-traumatic stress].

I know millionaires in California, and I know they would give up a tax cut to help—to help—our veterans who are fighting in deplorable conditions every single day.

I hope my colleagues will take a stand for our veterans and say to the millionaires of this country: We know you want to help them.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. GRASSLEY. Mr. President, how much time do I have?

The PRESIDING OFFICER. No time was provided under this order.

Is there a sufficient second?

Mr. GRASSLEY. Mr. President, I raise a point of order on the germaneness of the amendment.

Mrs. BOXER. Mr. President, I move to waive the point of order, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that these be 10-minute votes, with 2 minutes between the votes, but otherwise 10-minute votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 43, nays 55, as follows:

[Rollcall Vote No. 343 Leg.]

YEAS—43

Akaka
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Smith
Stabenow
Wyden

NAYS—55

Alexander
Allard
Allen
Baucus
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—2

Corzine
Lott

The PRESIDING OFFICER. On this vote, the yeas are 43, the nays are 55. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The Senator from Massachusetts is recognized.

AMENDMENT NO. 2616

Mr. KERRY. Mr. President, I call up amendment No. 2616.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KERRY], for himself and Mr. OBAMA, proposes an amendment numbered 2616.

Mr. KERRY. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To accelerate marriage penalty relief for the earned income tax credit, to extend the election to include combat pay in earned income, and to make modifications of effective dates of leasing provisions of the American Jobs Creation Act of 2004)

On page 235, between lines 13 and 14, insert the following:

SEC. ___. ACCELERATION OF MARRIAGE PENALTY RELIEF WITH RESPECT TO THE EARNED INCOME TAX CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 32(b)(2) (relating to joint returns) is amended—

(1) in clause (ii) by striking ", 2006, and 2007", and

(2) in clause (iii) by striking "2007" and inserting "2005".

(b) INFLATION AMOUNT.—Section 32(j)(1)(B)(ii) is amended by striking "calendar year 2007" and inserting "calendar year 2005".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. ___. EXTENSION OF ELECTION TO INCLUDE COMBAT PAY IN EARNED INCOME.

(a) IN GENERAL.—Subclause (II) of section 32(c)(2)(B)(vi) (relating to earned income) is amended by striking "January 1, 2006" and inserting "January 1, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. ____. MODIFICATIONS OF EFFECTIVE DATES OF LEASING PROVISIONS OF THE AMERICAN JOBS CREATION ACT OF 2004.

(a) IN GENERAL.—Section 849(b) of the American Jobs Creation Act of 2004 is amended by adding at the end the following new paragraph:

"(5) LEASES TO FOREIGN ENTITIES.—In the case of tax-exempt use property leased to a tax-exempt entity which is a foreign person or entity, the amendments made by this part shall apply to taxable years beginning after December 31, 2004, with respect to leases entered into on or before March 12, 2004.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the American Jobs Creation Act of 2004.

Mr. OBAMA. Mr. President, I rise to speak in favor of the amendment I am offering with Senator KERRY to make two simple yet critical improvements to the earned income credit and to reduce the Federal deficit. Our amendment provides relief from the marriage penalty and from the military service penalty faced by many low-income taxpayers.

The EITC is one of the most effective programs to lift working Americans out of poverty. It rewards work, reduces tax burdens, and supplement wages that help a family to be self-sufficient.

It is an idea that Republicans and Democrats can agree on because it works. Study after study has demonstrated that the EITC increases employment among single mothers and reduces reliance on cash welfare assistance. The EITC lifts millions of children and families out of poverty each year. Census data show that in 2003, the poverty rate among children would have been nearly 25 percent higher without the EITC.

Established by the Ford administration in 1975 and celebrated by Ronald Reagan, George H.W. Bush, and Bill Clinton, this is a program that has long enjoyed bipartisan support. President Reagan characterized the EITC as one of the best "pro-family" and "anti-poverty" programs.

Unfortunately, as currently structured, the EITC has a marriage penalty. Working parents receive less tax relief if they marry than if they stay single. If we want to reduce poverty and improve the life chances of poor children, the last thing we should do is penalize marriage. Children with married parents generally have much lower rates of poverty and better educational outcomes. Fixing the marriage penalty is a matter of common sense.

It is also something that this body agreed on in the 2001 tax bill. Unfortunately, unlike the marriage penalty relief for middle-income taxpayers, which was accelerated in 2003, full relief for the low-income marriage penalty was delayed until 2008.

Our amendment provides full marriage penalty relief in 2006 rather than requiring married taxpayers to endure further delay.

Of all the tax breaks that Congress considers important, this should be among the first deserving action. It is relatively inexpensive. It will have the strongest economic stimulus effect. It will improve the fairness of the Tax Code.

The second fix proposed by this amendment is to ensure that the families of our men and women in combat are not deprived of their tax benefits. In the midst of war, are we really going to tell our troops that their combat pay doesn't count as earned income for purposes of calculating tax credits? That is hard to image. Our amendment extends the tax protection for combat pay through 2007. Our troops not only earn their combat pay, but they have also earned our respect. They deserve our commitment of support.

The combined cost of these important fixes is about 2 percent of the cost of the tax reconciliation package and provides relief to our most needy taxpayers. Nevertheless, it is important that even this tax cut be deficit neutral. Congress has to make choices and set priorities and cannot get away with new spending or tax cuts that are not paid for. American families expect this country to pay for its priorities.

To pay for relief from the marriage penalty and relief from the military service penalty, this amendment closes a tax loophole related to foreign entities by changing sale-in and lease-out provisions. This sensible change raises more than the cost of the important EITC fixes.

Unlike the tax package as a whole, this amendment does not worsen the deficit, and it does not shift the burden from those in our society fortunate to have the most to those who have the least.

Our amendment is fair. It is fiscally responsible. It is an example of the sort of tax policy adjustments that we ought to be focused on in reconciliation.

I urge my colleagues to support fiscally responsible relief of the marriage penalty and military service penalty for low-income families, and I ask you to support this amendment.

Mr. KERRY. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. KERRY. Mr. President, this amendment does not raise taxes. It does not require a new offset. What it does is provide for our combat troops who currently have the ability to take combat pay and make it count against the earned income tax credit. Believe it or not, there are troops who need that and use that. It expires at the end of this year. What this amendment does is continue it into 2007 through the end of 2007. Secondly, it does something else. It provides a more rapid relief of the marriage penalty which is now charged to people who get the earned income tax credit.

Now, this was already passed under the 2001 tax legislation but will not go into effect until 2008. This is paid for by an offset we have already passed, and there is sufficient money in that offset to accelerate the marriage penalty reduction so that we reward parents with kids who work and we take away the marriage penalty and help our troops at the same time.

I hope my colleagues will support it.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, the substance of the legislation is difficult to argue with, but this is an outlay, and you can't have outlays in this particular reconciliation bill. So I raise the point of order.

Mr. KERRY. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections thereof for purposes of this amendment.

We already have the yeas and nays.

I ask for the yeas and nays with respect to the motion to waive.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The bill clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 55, nays 43, as follows:

[Rollcall Vote No. 344 Leg.]

YEAS—55

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Coleman
Collins
Conrad
Dayton
DeWine
Dodd
Dole
Dorgan
Durbin
Feingold
Feinstein
Harkin
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCain
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Snowe
Specter
Stabenow
Talent
Wyden

NAYS—43

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Cornyn
Craig
Crapo
DeMint
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Inhofe
Isakson
Kyl
Lugar
Martinez
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Stevens
Sununu
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—2

Corzine
Lott

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 43. Three-fifths of the Senators duly chosen and sworn, not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 2629

Mr. DAYTON. Mr. President. I call up amendment 2629 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. DAYTON] proposes an amendment numbered 2629.

Mr. DAYTON. Mr. President. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection. it is so ordered.

The amendment is as follows:

(Purpose: To allow a refundable tax credit for the energy costs of farmers and ranchers, and to modify the foreign tax credit rules applicable to dual capacity taxpayers)

On page 235, between lines 13 and 14, insert the following:

SEC. ___. REFUNDABLE TAX CREDIT FOR ENERGY COST ASSISTANCE OF FARMERS AND RANCHERS.

(a) In General.—Subpart C of part IV of subchapter A of chapter 1 (relating to refundable credits) is amended by redesignating section 36 as section 37 and by inserting after section 35 the following new section:

"SEC. 36. CREDIT FOR ENERGY COST ASSISTANCE FOR FARMERS AND RANCHERS.

"(a) General Rule.—In the case of an eligible taxpayer, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the lesser of—

"(1) 30 percent of the amount paid or incurred for qualified energy costs, or

"(2) $3,000.

"(b) Eligible Taxpayer.—For purposes of this section. the term 'eligible taxpayer' means any individual engaged in a farming business (as defined in section 263A(e)(4)).

"(c) Residential Energy Costs.—For purposes of this section, the term 'qualified energy costs' means the cost of any fuel, energy utility, natural gas, fertilizer, and heating oil used in the farming business of the taxpayer during the taxable year.

"(d) Termination.—This section shall not apply to qualified energy costs paid or incurred after December 31, 2005.".

(b) No Double Benefit.—Section 280C is amended by adding at the end the following new subsection:

"(e) Energy Assistance for Farmers and Ranchers.—No deduction shall be allowed for that portion of the expenses otherwise allowable as a deduction for the taxable year which is equal to the amount of the credit determined under section 36(a).".

(c) Refundability.—Section 1324(b)(2) of title 31, United States Code, is amended by striking "or" before "enacted" and by inserting before the period at the end ", or from section 36 of such Code".

(d) Clerical Amendments.—The table of sections for subpart C of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 35 and by adding at the end the following new items:

"Sec. 36. Credit for energy cost assistance for farmers and ranchers.
"Sec. 37. Overpayments of tax.".

(e) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. ___. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO DUAL CAPACITY TAXPAYERS.

(a) In General.—Section 901 (relating to credit for taxes of foreign countries and of possessions of the United States) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) Special Rules Relating To Dual Capacity Taxpayers.—

"(1) General rule.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer to a foreign country or possession of the United States for any period shall not be considered a tax—

"(A) if, for such period, the foreign country or possession does not impose a generally applicable income tax, or

"(B) to the extent such amount exceeds the amount (determined in accordance with regulations) which—

"(i) is paid by such dual capacity taxpayer pursuant to the generally applicable income tax imposed by the country or possession, or

"(ii) would be paid if the generally applicable income tax imposed by the country or possession were applicable to such dual capacity taxpayer.

Nothing in this paragraph shall be construed to imply the proper treatment of any such amount not in excess of the amount determined under subparagraph (B).

"(2) Dual capacity taxpayer.—For purposes of this subsection, the term 'dual capacity taxpayer' means, with respect to any foreign country or possession of the United States, a person who—

"(A) is subject to a levy of such country or possession, and

"(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.

"(3) Generally applicable income tax.—For purposes of this subsection—

"(A) In general.—The term 'generally applicable income tax' means an income tax (or a series of income taxes) which is generally imposed under the laws of a foreign country or possession on income derived from the conduct of a trade or business within such country or possession.

"(B) Exceptions.—Such term shall not include a tax unless it has substantial application, by its terms and in practice, to—

"(i) persons who are not dual capacity taxpayers, and

"(ii) persons who are citizens or residents of the foreign country or possession."

(b) Effective Date.—

(1) In general.—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after the date of the enactment of this Act.

(2) Contrary treaty obligations upheld.—The amendments made by this section shall not apply to the extent contrary to any treaty obligation of the United States.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. DAYTON. Mr. President, this amendment would provide a Federal tax credit to farmers for 30 percent of their 2005 energy costs up to $3,000 per farmer. Qualified energy costs are those for fuels, utilities. fertilizers. heating and drying used in farming businesses of taxpayers during calendar year 2005.

As my colleagues know, farmers have been especially hard hit by soaring energy prices. In addition to skyrocketing energy costs, many farmers have been hit with higher transportation costs. In the aftermath of Hurricane Katrina, American farmers desperately need relief.

The estimated $3 billion cost of this measure is more than offset by closing the tax loophole that gives a foreign oil and gas income tax credit for oil companies that provides $4.1 billion over 5 years.

I ask for the yeas and nays.

Mr. GRASSLEY. Mr. President, this is one of those amendments we have dealt with four or five times. It is a tax on consumers by raising the price of gasoline. It may be used for a good purpose, but it affects the germaneness. I raise a point of order on germaneness. I ask my colleagues to vote against the amendment.

Mr. DAYTON. Mr. President, I move to waive the Budget Act with respect to my amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 47, nays 51, as follows:

[Rollcall Vote No. 345 Leg.]

YEAS—47

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Burns
Byrd
Cantwell
Carper
Clinton
Coleman
Conrad
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Talent
Wyden

NAYS—51

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burr
Chafee
Chambliss
Coburn
Cochran
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens

Sununu
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—2

Corzine
Lott

The PRESIDING OFFICER. On this vote, the yeas are 47 and the nays are 51. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The Senator from Iowa.

AMENDMENT NO. 2665

Mr. HARKIN. I send amendment No. 2665 to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself and Mr. OBAMA, proposes an amendment numbered 2665.

Mr. HARKIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the Internal Revenue Code of 1986 to restore the phaseout of personal exemptions and the overall limitation on itemized deductions and to modify the income threshold used to calculate the refundable portion of the child tax credit)

At the end of title IV, add the following:

SEC. ____. RESTORATION OF THE PHASEOUT OF PERSONAL EXEMPTIONS AND THE OVERALL LIMITATION ON ITEMIZED DEDUCTION; REDUCTION IN INCOME THRESHOLD USED TO CALCULATE REFUNDABLE PORTION OF CHILD TAX CREDIT.

(a) RESTORATION OF THE PHASEOUT OF PERSONAL EXEMPTIONS AND THE OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.—

(1) RESTORATION OF PHASEOUT OF PERSONAL EXEMPTIONS.—

(A) IN GENERAL.—Paragraph (3) of section 151(d) (relating to exemption amount) is amended by striking subparagraphs (E) and (F).

(B) EFFECTIVE DATE.—The amendment made by this paragraph shall apply to taxable years beginning after December 31, 2005.

(2) RESTORATION OF PHASEOUT OF OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.—

(A) IN GENERAL.—Section 68 is amended by striking subsections (f) and (g).

(B) EFFECTIVE DATE.—The amendment made by this paragraph shall apply to taxable years beginning after December 31, 2005.

(b) REDUCTION IN INCOME THRESHOLD USED TO CALCULATE REFUNDABLE PORTION OF CHILD TAX CREDIT.—

(1) IN GENERAL.—Section 24(d) (relating to portion of credit refundable) is amended—

(A) by striking "as exceeds" and all that follows through ", or" in paragraph (1)(B)(i) and inserting "as exceeds $9,000 (or $10,000 in the case of taxable years beginning in 2006), or",

(B) by striking "2001, the $10,000 amount" in paragraph (3) and inserting "2006, the $9,000 amount", and

(C) by striking "2000" in paragraph (3)(B) and inserting "2005".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2005.

(3) APPLICATION OF SUNSET TO THIS SECTION.—Each amendment made by this subsection shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as the provision of such Act to which such amendment relates.

Mr. HARKIN. Mr. President, this amendment does three things. One, it stops next year's scheduled phaseout of the so-called PEP and Pease provisions, a phaseout that would cost the Treasury $29 billion in the first 5 years and explodes to $146 billion in 10 years after that. Over half of this money goes to people making over $1 million a year.

What I would do with that is reduce the deficit by $146 billion over that decade and, secondly, to increase the additional child care credit, making over 600,000 working families eligible and raising the amount that over 6 million families get for the additional child care credit. These are people who are making around the minimum wage.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, this is another way of cutting back on the mortgage deduction, the charitable deduction, and the State and local tax deduction. When these provisions of phaseout of deductions were put in years ago, it was subterfuge for raising the marginal tax rate without raising the marginal tax rate.

From Iowa, we are very transparent. If one wants to raise the marginal tax rate, raise the marginal tax rate but do not do it by subterfuge. Besides, this amendment is not germane. I raise a point of germaneness.

Mr. HARKIN. Pursuant to section 904 of the Budget Act, I move to waive the point of order and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Massachusetts (Mr. LOTT).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 42, nays 56, as follows:

[Rollcall Vote No. 346 Leg.]

YEAS—42

Akaka
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Wyden

NAYS—56

Alexander
Allard
Allen
Baucus
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—2

Corzine
Lott

The PRESIDING OFFICER. On this vote, the yeas are 42, the nays are 56. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I have a request for 2 Members to change the order of authorship of amendments, so I ask unanimous consent that the previously agreed amendment No. 2645 should be listed as Coleman and Pryor, instead of Pryor and Coleman.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2658

Mr. DAYTON. Mr. President, I call up amendment No. 2658 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant journal clerk read as follows:

The Senator from Minnesota [Mr. DAYTON] proposes an amendment numbered 2658.

Mr. DAYTON. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following:

SECTION 1. VALUATION OF EMPLOYEE PERSONAL USE OF NONCOMMERCIAL AIRCRAFT.

(a) IN GENERAL.—For purposes of Federal income tax inclusion, the value of any employee personal use of noncommercial aircraft shall equal the excess (if any) of—

(1) greater of—

(A) the fair market value of such use, or

(B) the actual cost of such use (including all fixed and variable costs), over

(2) any amount paid by or on behalf of such employee for such use.

(b) EFFECTIVE DATE.—Subsection (a) shall apply to use after the date of the enactment of this Act.

Mr. DAYTON. Mr. President, this amendment raises money. It does so by ending tax avoidance by high-paid corporate executives through their personal use of company airplanes. A recent Wall Street Journal article described the exorbitant uses of corporate jets for personal recreation, largely untaxed, that costs company shareholders and other taxpayers millions of dollars per year. One CEO made eight weekend roundtrips from his Pittsburgh office to his $5 million home in Naples, FL, where he played golf at his exclusive private club. If the directors and shareholders of that company want to provide that personal luxury perk to an executive already paid $4 million a year, I guess that is their business. But these executives should pay taxes on what are clearly personal benefits, and they should pay taxes on the actual values of those benefits, not on some artificially low fictional cost.

Working men and women have to value their benefits properly for tax purposes or they get penalized if they do not. Certainly, the wealthiest people in America should also have to value their luxury perks properly. My amendment would raise $95 million over 10 years, according to the Joint Committee on Taxation, and will also reduce a truly outrageous and self-indulgent practice.

I ask for the yeas and nays. I will accept a voice vote.

Mr. GRASSLEY. I ask unanimous consent we accept this amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2658) was agreed to.

Mr. DAYTON. I thank the chairman from Iowa. It was my going-away present. It must be my going-away present.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Montana.

Mr. BAUCUS. Mr. President, I anticipate that Senator LANDRIEU is ready to offer her amendment. I suggest she be recognized.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 2669

Ms. LANDRIEU. Mr. President, I ask unanimous consent to send amendment No. 2020 to the desk, on behalf of myself and my colleague, Senator VITTER.

Mr. GRASSLEY. Mr. President, will the Senator yield for a minute?

Ms. LANDRIEU. Yes, I would.

Mr. GRASSLEY. As modified?

Ms. LANDRIEU. As modified.

Mr. GRASSLEY. The modified amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU], for herself and Mr. VITTER, proposes an amendment numbered 2669.

Ms. LANDRIEU. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment No. 2669 as modified is as follows:

(Purpose: To provide housing relief for individuals affected by Hurricane Katrina)

On page 35, between lines 16 and 17, insert the following:

SEC. 104. HOUSING RELIEF FOR INDIVIDUALS AFFECTED BY HURRICANE KATRINA.

(a) EXCLUSION OF EMPLOYER PROVIDED HOUSING FOR INDIVIDUAL AFFECTED BY HURRICANE KATRINA.—

(1) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, gross income of a qualified employee shall not include the value of any lodging furnished to such employee, such employee's spouse, or any of such employee's dependents by or on behalf of a qualified employer for any month during the taxable year.

(2) LIMITATION.—The amount which may be excluded under subsection (a) for any month for which lodging is furnished during the taxable year shall not exceed $600.

(3) TREATMENT OF EXCLUSION.—For purposes of the Internal Revenue Code of 1986 (other than sections 3121(a)(19) and 3306(b)(14), an exclusion under subsection (a) shall be treated as an exclusion under section 119 of such Code.

(b) EMPLOYER CREDIT FOR HOUSING EMPLOYEES AFFECTED BY HURRICANE KATRINA.—

(1) IN GENERAL.—In the case of a qualified employer, there shall be allowed as a credit against the tax imposed by chapter 1 of the Internal Revenue Code of 1986 for any month during the taxable year an amount equal to 30 percent of any amount which is excludable from the gross income of a qualified employee of such employer under subsection (a).

(2) CERTAIN RULES TO APPLY.—For purposes of this section, rules similar to the rules of section 280C(a) of such Code shall apply.

(3) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—The credit allowed under this section shall be added to the current year business credit under section 38(b) of such Code and shall be treated as a credit allowed under subpart D of part IV of subchapter A of such Code.

(c) QUALIFIED EMPLOYEE.—For purposes of this section, the term "qualified employee" means, with respect to any month, an individual—

(1) who had a principal residence (as defined in section 121 of the Internal Revenue Code of 1986) in the Go Zone (as defined in section 1400N(1) of such Code) on August 28, 2005, and

(2) who performs not less than 80 percent of the employment services for a qualified employer in the Hurricane Katrina disaster area (as so defined).

(d) QUALIFIED EMPLOYER.—For purposes of this section, the term "qualified employer" means any employer with a trade or business located in the Hurricane Katrina disaster area (as so defined).

(e) APPLICATION OF SECTION.—This section shall apply to lodging provided—

(1) after the date of the enactment of this Act, and

(2) before the date which is 6 months after the date of the enactment of this Act.

(3) no credit with respect to such lodging shall be claimed before October 1, 2006.

Ms. LANDRIEU. Mr. President, this amendment would provide a very special and temporary tax relief to employers in the region of the hurricane that was hit so badly, to try to help them get their employees back to work by providing temporary housing and giving them a tax credit to do so. We are having a very serious housing crisis, as you all have been reading, and you have been trying to help us with that. This would go a long way. I thank you for your consideration tonight.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I ask unanimous consent that we accept the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2669) was agreed to.

The PRESIDING OFFICER. The Senator from Idaho.

AMENDMENT NO. 2655

Mr. CRAIG. Mr. President, I call up amendment No. 2655 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant journal clerk read as follows:

The Senator form Idaho [Mr. CRAIG], for himself and Mr. ROCKEFELLER, proposes an amendment numbered 2655.

Mr. CRAIG. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Congress regarding the conditions for the United States to become a signatory to any multilateral agreement on trade resulting from the World Trade Organization's Doha Development Agenda Round)

At the appropriate place, insert the following:

SEC. . SENSE OF CONGRESS REGARDING DOHA ROUND.

(a) FINDINGS.—The Congress makes the following findings:

(1) Members of the World Trade Organization (WTO) are currently engaged in a round of trade negotiations known as the Doha Development Agenda (Doha Round).

(2) The Doha Round includes negotiations aimed at clarifying and improving disciplines under the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 (Antidumping Agreement) and the Agreement on Subsidies and Countervailing Measures (Subsidies Agreement).

(3) The WTO Ministerial Declaration adopted on November 14, 2001 (WTO Paper No. WT/MIN(01)/DEC/1) specifically provides that the Doha Round negotiations are to preserve the "basic concepts, principles and effectiveness" of the Antidumping Agreement and the Subsidies Agreement.

(4) In section 2102(b)(14)(A) of the Bipartisan Trade Promotion Authority Act of 2002, the Congress mandated that the principal negotiating objective of the United States with respect to trade remedy laws was to "preserve the ability of the United States to enforce rigorously its trade laws . . . and avoid agreements that lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies".

(5) The countries that have been the most persistent and egregious violators of international fair trade rules are engaged in an

aggressive effort to significantly weaken the disciplines provided in the Antidumping Agreement and the Subsidies Agreement and undermine the ability of the United States to effectively enforce its trade remedy laws.

(6) Chronic violators of fair trade disciplines have put forward proposals that would substantially weaken United States trade remedy laws and practices, including mandating that unfair trade orders terminate after a set number of years even if unfair trade and injury are likely to recur, mandating that trade remedy duties reflect less than the full margin of dumping or subsidization, mandating higher de minimis levels of unfair trade, making cumulation of the effects of imports from multiple countries more difficult in unfair trade investigations, outlawing the critical practice of "zeroing" in antidumping investigations, mandating the weighing of causes, and mandating other provisions that make it more difficult to prove injury.

(7) United States trade remedy laws have already been significantly weakened by numerous unjust and activist WTO dispute settlement decisions which have created new obligations to which the United States never agreed.

(8) Trade remedy laws remain a critical resource for American manufacturers, agricultural producers, and aquacultural producers in responding to closed foreign markets, subsidized imports, and other forms of unfair trade, particularly in the context of the challenges currently faced by these vital sectors of the United States economy.

(9) The United States had a current account trade deficit of approximately $668,000,000,000 in 2004, including a trade deficit of almost $162,000,000,000 with China alone, as well as a trade deficit of $40,000,000,000 in advanced technology.

(10) United States manufacturers have lost over 3,000,000 jobs since June 2000, and United States manufacturing employment is currently at its lowest level since 1950.

(11) Many industries critical to United States national security are at severe risk from unfair foreign competition.

(12) The Congress strongly believes that the proposals put forward by countries seeking to undermine trade remedy disciplines in the Doha Round would result in serious harm to the United States economy, including significant job losses and trade disadvantages.

(b) Sense of Congress.—It is the sense of Congress that—

(1) the United States should not be a signatory to any agreement or protocol with respect to the Doha Development Round of the World Trade Organization negotiations, or any other bilateral or multilateral trade negotiations, that—

(A) adopts any proposal to lessen the effectiveness of domestic and international disciplines on unfair trade or safeguard provisions, including proposals—

(i) mandating that unfair trade orders terminate after a set number of years even if unfair trade and injury are likely to recur;

(ii) mandating that trade remedy duties reflect less than the full margin of dumping or subsidization;

(iii) mandating higher de minimis levels of unfair trade;

(iv) making cumulation of the effects of imports from multiple countries more difficult in unfair trade investigations;

(v) outlawing the critical practice of "zeroing" in antidumping investigations; or

(vi) mandating the weighing of causes or other provisions making it more difficult to prove injury in unfair trade cases; and

(B) would lessen in any manner the ability of the United States to enforce rigorously its trade laws, including the antidumping, countervailing duty, and safeguard laws;

(2) the United States trade laws and international rules appropriately serve the public interest by offsetting injurious unfair trade, and that further "balancing modifications" or other similar provisions are unnecessary and would add to the complexity and difficulty of achieving relief against injurious unfair trade practices; and

(3) the United States should ensure that any new agreement relating to international disciplines on unfair trade or safeguard provisions fully rectifies and corrects decisions by WTO dispute settlement panels or the Appellate Body that have unjustifiably and negatively impacted, or threaten to negatively impact, United States law or practice, including a law or practice with respect to foreign dumping or subsidization.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I ask my colleagues to join Senator ROCKEFELLER and myself tonight in speaking clearly to our negotiators as they head for the Doha Round in Hong Kong in December.

Congress has made it clear time and time again that U.S. negotiators cannot bring back a trade agreement from the Doha that weakens U.S. antidumping and countervailing duty and safeguard laws that this Congress has put in place. These laws are widely recognized as critical tools to U.S. manufacturers, farmers, ranchers, and workers who sometimes are forced to fight for their rights to compete in fair environments.

As we open up the world's trade, let us make sure that we have in place the tools necessary to keep it fair and balanced, and not negotiated away by our negotiations.

It is a sense-of-the-Senate resolution with that instruction in mind.

Mr. GRASSLEY. Mr. President, I yield my 1 minute.

The PRESIDING OFFICER (Mr. BURR). All time has expired.

The question is on agreeing to the amendment.

The amendment (No. 2655) was agreed to.

The PRESIDING OFFICER. The Senator from Maine.

AMENDMENT NO. 2667

Ms. SNOWE. Mr. President, I call up amendment No. 2667 that was filed earlier, along with Senators BINGAMAN, COLLINS, and REID.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Ms. SNOWE], for herself, Mr. BINGAMAN, Ms. COLLINS, and Mr. REID, proposes an amendment numbered 2667.

Ms. SNOWE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To impose withholding on certain payments made by government entities and to use the revenues collected to fund programs under the Low-Income Home Energy Assistance Act of 1981 through a trust fund)

At the end of title IV add the following:

SEC. ___. IMPOSITION OF WITHHOLDING ON CERTAIN PAYMENTS MADE BY GOVERNMENT ENTITIES AND FUNDING OF LIHEAP TRUST FUND.

(a) Imposition of Withholding on Certain Payments Made by Government Entities.—

(1) In general.—Section 3402 is amended by adding at the end the following new subsection:

"(t) Extension of Withholding to Certain Payments Made by Government Entities.—

"(1) General rule.—The Government of the United States, every State, every political subdivision thereof, and every instrumentality of the foregoing (including multi-State agencies) making any payment for goods and services which is subject to withholding shall deduct and withhold form such payment a tax in an amount equal to 1.75 percent of such payment.

"(2) Exceptions.—Paragraph (1) shall not apply to any payment—

"(A) except as provided in subparagraph (B), which is subject to withholding under any other provision of this chapter or chapter 3,

"(B) which is subject to withholding under section 3406 and from which amounts are being withheld under such section,

"(C) of interest,

"(D) for real property,

"(E) to any tax-exempt entity, foreign government, or other entity subject to the requirements of paragraph (1),

"(F) made pursuant to a classified or confidential contract (as defined in section 6050M(e)(3)), and

"(G) made by a political subdivision of a State (or any instrumentality thereof) which makes less than $100,000,000 of such payments annually.

"(3) Coordination with other sections.—For purposes of sections 3403 and 3404 and for purposes of so much of subtitle F (except section 7205) as relates to this chapter, payments to any person of any payment for goods and services which is subject to withholding shall be treated as if such payments were wages paid by an employer to an employee.".

(2) Effective date.—The amendment made by this subsection shall apply to payments made after December 31, 2005.

(b) Low Income Home Energy Assistance Trust Fund.—

(1) In general.—Subchapter A of chapter 98 (relating to trust fund code) is amended by adding at the end the following new section:

"SEC. 9511. LOW-INCOME HOME ENERGY ASSISTANCE TRUST FUND.

"(a) Creation of Trust Fund.—There is established in the Treasury of the United States a trust fund to be known as the 'Low-Income Home Energy Assistance Trust Fund', consisting of any amount appropriated or credited to the Trust Fund as provided in this section or section 9602(b).

"(b) Transfers to Trust Fund.—There are hereby appropriated to the Low-Income Home Energy Assistance Trust Fund amounts equivalent to the increased revenues received in the Treasury as the result of the amendment made by section 410(a) of the Tax Relief Act of 2005.

"(c) Expenditures From Trust Fund.—Amounts in the Low Income Home Energy

Assistance Trust Fund not to exceed $2,920,000,000 shall be available for fiscal year 2006, as provided by appropriation Acts, to carry out the program under the Low-Income Home Energy Assistance Act of 1981 through the distribution of funds to all the States in accordance with section 2604 of that Act (42 U.S.C. 8623) (other than subsection (e) of such section), but only if not less than $1,880,000,000 has been appropriated for such program for such fiscal year.".

(2) CLERICAL AMENDMENT.—The table of sections for such subchapter is amended by adding at the end the following new item:

"Sec. 9511. Low-Income Home Energy Assistance Trust Fund.".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect as if included in the enactment of the American Jobs Creation Act of 2004.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall take effect on the date of the enactment of this Act.

Ms. SNOWE. Mr. President, for months we have seen escalating petroleum and natural gas prices, magnified by the effects of three hurricanes. Now with the onset of winter, home heating oil prices are predicted to increase 44 percent in Maine, while natural gas is predicted to be 41 percent higher nationwide. My colleagues and I have called for LIHEAP funding increases for months on each spending bill. This amendment here may be our last chance this year to keep our seniors and disadvantaged from choosing between eating and heating. No American should face this choice.

My amendment would add $2.92 billion in LIHEAP funding, bringing it up to the fully authorized level. It is fully offset. The offset addresses a long-standing problem: government contractors aren't paying taxes. It requires government agencies to withhold income tax for the employees of government contractors at a rate of 1.75 percent when they purchase goods and services from government contractors.

There should be no mistake—this is an emergency and a crisis we know is coming, and it would be an abrogation of our responsibility to stand by and allow it to occur. It does not take a crystal ball to predict the dire consequences when home heating oil in Maine is $2.45 per gallon, up 38 cents from a year ago, and kerosene prices average $2.75 a gallon, 51 cents higher than this time last year and it's not even winter yet.

This is a necessity of life—so much so that 73 percent of households in a recent survey reported they would cut back on, and even go without, other necessities such as food, prescription drugs, and mortgage and rent payments. The facts are that LIHEAP is projected to help 5 million households nationwide this winter.

On November 4, a representative of the Senior Companion Program called my Bangor Office to say that they already had to admit an elderly client into the hospital due to hypothermia, because she couldn't afford enough heating oil. And, it is only the beginning of November. This simply should not be allowed to happen again.

Ms. COLLINS. Mr. President, this amendment would express the sense of the Senate that any increases in revenues to the Treasury as a result of this act, above the amounts specified in the reconciliation instructions, shall be dedicated to the Low-Income Home Energy Assistance Program, also known as LIHEAP, up to the fully authorized amount.

Just a few months ago, the President signed into law the Energy Policy Act of 2005. This law, which passed the Senate overwhelmingly, authorizes $5.1 billion for the LIHEAP program for Fiscal Year 2006. Unfortunately, even though Chairman SPECTER worked very hard to increase funding in the Labor-HHS bill, that bill only provides $2.2 billion in LIHEAP funding but $2.2 billion is not nearly enough. The amendment I am offering today expresses the sense of the Senate that up to an additional $2.9 billion in excess revenues should be made available to the LIHEAP program.

Our Nation was struck by three extremely powerful hurricanes. While these hurricanes were devastating to the people of Florida and the gulf coast, they have also had a major impact on the rest of the Nation. Just as the Nation should be building oil supplies for the winter heating season, these hurricanes have disrupted our already strained supplies and sent both heating oil and gasoline prices to painfully high levels.

While high energy prices have been challenging for almost all Americans, they impose an especially difficult burden on low-income families and on the elderly living on limited incomes. Low-income families spend a greater percentage of their incomes on energy and have fewer options available when energy prices soar. High energy prices can even cause families to choose between keeping the heat on, putting food on the table, or paying for much-needed prescription medicine. These are choices that no American family should ever have to make.

We need more LIHEAP funding this year. Let me describe the situation that we are facing in my home state. While the official start of winter is still 2 months away, temperatures have already fallen below freezing in much of Maine. In Maine, 78 percent of households use home heating oil to heat their homes. Currently, the cost of home heating oil is roughly $2.34 per gallon, $0.38 above last year's already inflated prices. These high prices greatly increase the need for assistance, and at least 3,000 additional Mainers are expected to apply for LIHEAP funding this year. With more people in need of assistance, the benefit is expected to fall by roughly 10 percent to $440 per qualifying household. Unfortunately, at today's high prices, $440 is only enough to purchase 188 gallons of oil—far below last year's equivalent benefit of 251 gallons and not nearly enough to get through even a small portion of a Maine winter. With rising prices and falling benefits, we have a problem. Just to purchase the same amount of oil this year as last year, Maine would need an additional $10 million in LIHEAP funds.

The bill before us is still a work in progress, and at this point it is impossible to know whether the final bill that we pass shall provide any increases in revenues to the Treasury beyond the amounts specified in the reconciliation instructions. I would note that Senator WYDEN offered an amendment in committee that eliminates an unnecessary tax subsidy for major oil and gas companies. This subsidy is worth hundreds of millions of dollars. I believe we should eliminate even more unnecessary subsidies for oil gas companies. Regardless, I believe that should this act result in any increase in revenues to the Treasury beyond the reconciliation instructions, those revenues should go to the LIHEAP program, up to the fully authorized amount.

With winter fast approaching and energy prices soaring, home heating bills are set to pound family budgets mercilessly. For low income families, LIHEAP funds can be the factor that prevents families from having to choose between turning off the heat or putting food on the table. I call on my colleagues to support this amendment expressing the sense of the Senate that we should fully fund the LIHEAP program.

Mr. GRASSLEY. Mr. President, I ask my colleagues to vote against this amendment. I am not going to raise a point of order.

I ask for a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2667) was rejected.

AMENDMENT NO. 2670

Mr. GRASSLEY. Mr. President, I send to the desk the managers' amendment.

Traditionally, managers' amendments have been worked out with both sides of the aisle.

I urge adoption of the amendment.

Mr. KERRY. Mr. President, today I filed an amendment to the Tax Relief Act of 2005, S. 2020, to provide additional relief for taxpayers from the individual alternative minimum tax by truly holding harmless all taxpayers not currently impacted by the AMT. Senator WYDEN is a cosponsor of this amendment.

This afternoon, the managers of the S. 2020, Senators GRASSLEY and BAUCUS, crafted a managers' amendment including identical language to our amendment, and that managers' amendment was accepted by unanimous consent and is now part of the legislation that will pass the Senate.

I think we misname this tax when we call it the alternative minimum tax. We should call it the family tax, for the simple reason that most taxpayers get hit by the AMT because of where they live and because they have children.

We can call it the AMT or any other innocuous name we like here on Capitol Hill or at the IRS, but in practice it is a tax on children—it is the family tax. If you live in a certain State, and you don't want to pay this family tax, about the only thing you can do is to not start a family. We are literally punishing Americans for having children and building families.

In May, we heard testimony from the Urban Institute about how the AMT was once a "class tax" but will soon become a "mass tax" because more and more taxpayers—mostly because they want children—will be forced to pay the AMT.

Nina Olson, the National Taxpayer Advocate who works every day on the practical implications of what we do here, has repeatedly testified about the complexities and the inequities of the AMT. She said sarcastically that the AMT "penalizes taxpayers for such classic tax avoidance behavior as having children or living in a high-tax state."

If you look at the history of the AMT, you can see that it badly needs reform.

The individual AMT was created in 1969 to address the 155 individual taxpayers with incomes exceeding $200,000 who paid no Federal income tax in 1966. It applied to a tiny minority of households. But it is rapidly growing from those 155 taxpayers in 1969 to 1 million in 1999 to almost 29 million by 2010. It now affects families with incomes well below $200,000. By the end of the decade, repealing the AMT will cost more than repealing the regular income tax.

Unfortunately, we cannot end this family tax today, but we can do more than what is in the bill. When S. 2020 was first brought before the Senate it included a provision that would extend the current exemption level and indexes it for inflation. This provision seeks to "patch" or "hold harmless" these middle-class taxpayers, but it is a patch with a hole in it. It does not cover all the moderate income individuals who are impacted by the family tax.

The Kerry-Wyden amendment, and the enacted Grassley-Baucus amendment, would protect half a million more taxpayers from the family tax than the original bill. This amendment truly holds taxpayers harmless. The same amount of taxpayers that would be impacted by the AMT in 2005 will be impacted in 2006.

This means 600,000 million taxpayers will be better off under the amendment. We should protect as many families as possible from the unfair family tax. And this amendment is paid for with an offset that has had bipartisan support and passed the Senate.

The cost of our proposal is fully offset. First, it reforms the tax law that now applies to U.S. citizens living abroad, so the income tax exclusion would apply to both foreign income and foreign housing costs. Under current law, individuals get a tax credit for foreign taxes paid. This provision passed the Senate last year and was included in the Joint Committee on Taxation recommendation on ways to reduce the tax gap. Second, it would modify a provision in the underlying bill that makes modifications to the individual estimated tax-safe harbor to the appropriate percentage in 2006.

The Senate should stop punishing taxpayers because of where they live, because they move from one State to another for work or school, or because they decide to start a family. Today we took a step in that direction. I am grateful to Senator WYDEN for cosponsoring the amendment with me, and I am grateful that Senators GRASSLEY and BAUCUS acted as well.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2670) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

COMBATING TAX SHELTERS

Mr. LEVIN. Mr. President, I am offering this amendment with my colleague, Senator COLEMAN. I understand portions of our amendment have been cleared by both sides of the aisle and will be included.

I thank Senators GRASSLEY and BAUCUS for accepting this toughening of the penalties on those who promote abusive tax shelters or aid and abet tax evasion. Senators GRASSLEY and BAUCUS have been battling abusive tax shelters for years now, and it is a privilege to have had them as allies in this fight.

Tax dodging costs the Government between $300 and $350 billion every year. A significant portion of this "tax gap" results from abusive tax shelters and tax havens. Mr. President, $350 billion is more than the Government spends on Medicare annually and is close to the size of this year's deficit.

For 3 years, we have had an indepth subcommittee investigation into abusive tax shelters developed, marketed, and carried out by accounting firms, banks, investment advisors, and lawyers. We found that tax advisors cooked up one complex scheme after another, packaged them as generic "tax products" and then peddled the products to thousands of taxpayers across the country. This investigative work provides the foundation for our amendment today.

Tax chiseling is undermining the integrity of our tax system. It hurts middle income Americans by forcing them to pay for more than their fair share and constricting resources for essential government programs.

The Levin-Coleman provision that the managers have agreed to will increase penalties to 100 percent on persons who promote abusive tax shelters or knowingly aid or abet taxpayers to understate their tax liability. Currently, promoters face only a 50 percent penalty. Think about this. Why should anyone who illegally pushes an abusive tax shelter get to keep half of the profits?

Even worse, the current penalty for those who knowingly aid and abet a taxpayer in understating its tax obligation face a maximum penalty of $1,000, or $10,000 for a corporation. But this penalty applies only to tax return preparers. It leaves out those who design, market and carry out the tax shelter, unless they also prepared the taxpayer's return. When law firms are getting $50,000 for each cookie-cutter opinion letter they issue, the possibility of a $10,000 penalty provides no deterrent whatsoever. That fine is like a jaywalking ticket for robbing a bank.

I am pleased that today we have reached this agreement to toughen the current penalties, but I hope that eventually we can enact penalties that cause wrongdoers to not only disgorge their ill-gotten gains, but also pay a monetary fine on top of that. Doing so would be fair and would provide a meaningful deterrent.

The Levin-Coleman amendment also prevented abusive tax shelters by getting banks out of the business and authorizing Federal agencies to share information to strengthen abusive tax shelter enforcement. I understand that Senator GRASSLEY is willing to consider these provisions for inclusion in a future bill, and I look forward to working with the chairman and Senator BAUCUS and having our staffs work together on these issues.

Mr. GRASSLEY. Let me say that I agree with the amendment's purpose to combat abusive tax shelters. We need to eradicate the phony tax schemes that abuse our tax laws at the expense of honest taxpayers. I have worked hard to enact legislation to combat tax shelters by shutting them down and raising the penalties on those who promote and participate in those phony deals. This bill contains many more provisions that do just that. I will add to the bill the increased penalties on tax shelter promoters and on aiders and abettors, and I will support these provisions in conference. These provisions will help deter the activities of those who sell illegal tax schemes and those who help participants in these schemes.

I share the Senator's desire to combat tax shelters, and I share his goals of deterring banks' participation in tax shelters and in exploring ways to let agencies work together to prevent tax shelter activity. However, I think that your amendment has some technical matters that I would like my staff to work through with your staff for future consideration. Combating tax shelters is a constant battle that we will continue to fight.

Mr. BAUCUS. I share Chairman GRASSLEY's views with respect to curbing abusive tax shelters, and I look forward to working with Senators LEVIN and COLEMAN to shut down these abusive transactions.

EXCISE TAXES

Mr. HATCH. Will the distinguished Chair of the Senate Finance Committee, Senator GRASSLEY, yield for a brief question?

Mr. GRASSLEY. I will be glad to yield to the Senator from Utah.

Mr. HATCH. The provisions of S. 2020 concerning excise taxes to be levied on transfers of insurance products are of some interest to me. It is clear that there are abuses in the system, and I am appreciative of the chairman and his staff for their substantial work to address those problems.

It is my concern that the proposed excise tax language is so broadly drawn that it will stop what I believe are legitimate transactions that constitute best practice in this area. I am aware of a commercial loan structure that relies upon a valid insurable interest between donors and charities, where the lender has isolated both donors and charities from all lending risks.

Further, there is an agreeable known benefit to the charity at loan inception, which is not reliant upon the payment of an insurance death benefit, and the loan structure does not include outside investors. The loan is never recharacterized from inception to payoff as anything but a loan.

Is it the intent of the chairman in this provision to shut down a straightforward loan transaction?

Mr. GRASSLEY. No, it is my intention that the provision should not affect the ability of charities to borrow to purchase life insurance, particularly where the people insured are officers, directors, employees or in some cases established donors of the charity that benefits.

Mr. HATCH. Does the chairman believe there is room for further discussion in this area?

Mr. GRASSLEY. Yes.

Mr. HATCH. Because of the tight timeframe for action, we were not able to work out language prior to bringing the bill to the floor. Would the chairman be able to give his assurances that he is sympathetic to my constituents' concerns and that he will work to address them in a managers' amendment or in conference?

Mr. GRASSLEY. Yes.

Mr. ALLARD. Mr. President, I rise to engage my colleague, Senator SALAZAR, in a colloquy regarding the technical changes adopted in the manager's amendment to the reconciliation bill. We have worked hard to address unintended consequences relating to changes made to treatment of Type III organizations. This is very important because there are many fine organizations that support noble and much needed causes. I have some of these organizations in my State of Colorado, including one generously supported by the Reisher family.

Mr. SALAZAR. I am happy to engage with my distinguished colleague about the intent of this modification. And I, too, am glad that we were able to make these modifications and create a special rule for certain holdings of Type III organizations.

Mr. ALLARD. Specifically, I am referring to the amendments providing for the special rule for certain holdings of Type III supporting organizations if the holdings are held for the benefit of the community pursuant to the direction of a State attorney general or a State official with jurisdiction over the Type III supporting organization. As some of us with interest in this provision worked to address unintended consequences, we thought it would be a good idea to have the AG or State official direction needed to ensure that the abuses that concerned the chairman would be addressed. As State officials issue this general directive, it is our intention that there is not any burdensome red tape and that once the direction is given for the Type III organization, the charity is not unnecessarily put in limbo by the need for a reissuance when the official changes. It is safe to say that we intend that once the necessary direction is given as part of this compromise, then there is no requirement for renewals by that attorney general or subsequent attorney general that would put uncertainty at play for the organization. Isn't that my friend's understanding?

Mr. SALAZAR. I agree with Senator ALLARD on his understanding and our intent. Once an organization is required to retain holdings in any business enterprise at the direction of an attorney general, those holdings will not constitute excess business holdings as a result of some future directive or another authority coming in and saying something different. That is precisely the kind of uncertainty we are attempting to avoid with these modifications. The special rule continues to apply. Otherwise, these organizations and their benefit to the community could be put at risk by future inconsistent actions driven by political gain rather than by the benefit to the community. And we must not lose sight of the fact that the primary goal of these organizations is to benefit their community. We all agree it is necessary for an organization to have certainty about its status and its exemption from the excess business holdings rules. I commend my colleague from Colorado for his work in having this much needed clarification included in the manager's amendment.

Mr. ALLARD. Mr. President, I thank my colleague for his kind remarks. There is no question that we intend to encourage more charitable giving in this country. Mr. President, we are a generous nation, as evident from the amazing outpouring of private support for the recent unfortunate rash of natural disasters both here in this country and abroad. The donors and the organizations need to be able to rely on the direction of the State attorney general and their legal status and this amendment does that. I thank my colleague for engaging me in this colloquy. Mr. President, I yield the floor.

EXXON VALDEZ OIL SPILL LITIGATION

Ms. MURKOWSKI. Mr. President, I engage Mr. GRASSLEY in a colloquy concerning income averaging to recipients of punitive damages awards in the Exxon Valdez oil spill case, Case Number A89–095–CV (HRH). Specifically, I would like to address how this will affect those who engage in commercial fishing in Alaska as their occupation.

Mr. GRASSLEY. Mr. President, I would be happy if Ms. MURKOWSKI explained this issue in further detail.

Ms. MURKOWSKI. As all of us know, the *Exxon Valdez* ran aground in March of 1989, spilling 11 million gallons of oil into Prince William Sound in Alaska. A class action jury trial was held in federal court in Anchorage, AK, in 1994. The plaintiffs included 32,000 fishermen among others whose livelihoods were gravely affected by this disaster. The jury awarded $5 billion in punitive damages to the plaintiff class. The punitive damage award has been on repeated appeal by the Exxon Corporation since 1994. Many of the original plaintiffs, possibly more than 1,000 people, have already died.

Once the punitive damage award of the Exxon Valdez litigation is settled, many fishermen will receive payments to reimburse them for fishing income lost due to the environmental consequences of the Exxon Valdez oil spill. It is estimated that the eventual settlement may be $6.75 billion or more.

Fishermen already are eligible for income averaging of any fishing income. Section 1301 of the Internal Revenue Code allows fishermen to average fishing income over a 3-year period of time. Therefore, I want it to be clear that any commercial fishermen receiving punitive damages under the aforementioned Exxon Valdez oil spill case should be allowed to average their income over a 3-year period.

Mr. GRASSLEY. Mr. President, I thank Ms. MURKOWSKI for explaining this issue in more detail.

Mr. ROCKEFELLER. Mr. President, I rise today to oppose the fiscal course this Senate is pursuing. The legislation before us today will unnecessarily add $60 billion to our Nation's debt. But even more troubling is the insistence that reasonable tax cuts be passed using the reconciliation process. I think most Senators in this body believe that today's action is just the first step toward ultimately approving more tax cuts for wealthy investors. I hope that my colleagues will reject this scheme.

I appreciate the work of the chairman of the Finance Committee, who crafted a bill that includes only broadly supported tax cuts. Tax relief for rebuilding the hurricane-devastated gulf coast; extension and enhancement of the R&D tax credit and the welfare tax credits; limitations on the reach of the alternative minimum tax; and tax incentives for charitable giving are all policies that enjoy broad bipartisan support.

Unfortunately, though, this bill is not fiscally responsible. As the Democratic alternative demonstrates, it is possible to enact the popular tax cuts proposed here without adding $60 billion to the debt we pass down to our children and grandchildren. In an age of record deficits, Congress must choose its priorities. We could close tax loopholes. We could make it more difficult for companies to avoid taxation by moving their headquarters offshore. We could require oil companies to pay their fair share of taxes. We could close the tax gap by more aggressively enforcing our existing tax code.

These reasonable policies are included in the Democratic alternative, and I hope that all of my colleagues will support them to restore fiscal discipline in this Congress. And to anyone who believes the fallacy that "deficits don't matter." I would point out that this year we will spend more money paying interest on our debt than providing health care to our most vulnerable citizens through Medicaid.

The budget reconciliation process, which allows for expedited consideration of legislation on the Senate floor, was created so that Congress could enact difficult policies in order to reduce our national deficits. Sadly, the process is now being abused to enact policies that worsen our deficit and are so narrowly supported that they cannot garner sufficient votes under normal Senate procedures.

Foremost among the current proposals that does not enjoy bipartisan support is, of course, the extension of tax breaks for capital gains and dividends. I recognize that the leadership has dropped those provisions from this bill. However, this Senator has absolutely no confidence that the intention of using the reconciliation process to pass those tax breaks has changed. Extending those tax breaks for even one additional year would cost $10 billion. And it is important to consider who will get that $10 billion instead of the federal treasury. Three quarters of the capital gains and dividend income is received by taxpayers making more than $200,000 per year.

In my State of West Virginia, fewer than 17 percent of taxpayers reported any dividend income; and fewer than 11 percent of taxpayers had any capital gains. Moreover, we ought to keep in mind that even without the extra tax breaks in 2009, people will pay at most 20 percent taxes on capital gains, which is a lower tax rate than we apply to many people's labor. I do not accept the argument that it is a national priority to extend these tax breaks to 2009.

The investor tax breaks simply do not compare favorably with the provisions of this bill. With the ever escalating costs of college and the increasing need for a highly educated population that can be globally competitive, it is appropriate to maintain the tax deduction for tuition and fees that made education more affordable for 3.6 million Americans in 2003, including almost 17,000 West Virginians. And as low-income working Americans struggle to save for their retirement, I am pleased to support the saver's credit which helped 5.4 million Americans in 2003, including more than 40,000 West Virginians.

The tuition deduction, the saver's cedit, and most of the other provisions in this bill enjoy broad bipartisan support. Congress can act before the end of this year, in a bipartisan fashion, to extend these important tax provisions, and offset the cost to the treasury.

I believe that many Senators on my side of the aisle would welcome an opportunity to support legislation providing relief to the gulf coast and extending the expiring tax provisions in a fiscally responsible way—but without the specter of a reconciliation process that is specifically intended to enact more tax cuts for our wealthiest citizens. I cannot support this bill, and I cannot condone a reconciliation process designed to limit the rights of the minority while increasing the deficit.

Mr. CRAIG. Mr. President, in light of Hurricanes Katrina and Rita and the mounting $319 billion deficit, Americans have increasingly called on Congress to account for its spending. The reconciliation process is designed to answer these calls for fiscal responsibility by forcing lawmakers to look deeply and honestly into the federal budget and make necessary spending cuts and provide deserved tax relief.

The tax reconciliation bill, currently being considered by the Senate, does many worthwhile things to this end—such as extending essential tax provisions set to expire this year like increased exemption levels for the AMT—and providing incentives to encourage charitable giving. The good effects of these provisions, however, are undercut by a fundamental inconsistency in the larger bill—namely, the bill that claims to provide tax relief actually raises taxes. Demanding more taxpayer dollars, in an effort to control federal congressional spending, is not the answer.

Section 561 of the bill, the LIFO provision, not only imposes an additional $4.923 billion tax but does so selectively on the energy industry alone. The LIFO provision artificially raises taxable income solely for a subset of energy businesses, requiring them to report higher profits than those mandated under prevailing accounting rules for the sole purpose of imposing a discriminatory tax on these businesses. Section 561 calls this "revaluation of LIFO inventories," but let us call this provision what it really is—a windfall profits tax.

Proponents of a windfall profits tax on the energy industry justify the tax on two grounds: that (1) energy industry companies currently pay too little in taxes compared to profits, and (2) the tax is effective.

As to the first, over the past 25 years, oil companies directly paid or remitted more than $2.2 trillion in taxes, after adjusting for inflation, to Federal and State governments, including excise taxes, royalty payments and State and Federal corporate income taxes. That amounts to more than three times what they earned in profits during the same period, according to the latest numbers from the Bureau of Economic Analysis and U.S. Department of Energy. And these figures do not include local property taxes, State sales and severance taxes, and on-shore royalty payments.

In addition, far from being excessive, oil industry profits have historically been below the national average. The most recent statistics available show that this continues to be the case. In the second quarter of 2005, the oil industry earned 7.7 cents for every dollar of sales, where the average profit for all of U.S. industry in the second quarter was 7.9 cents for every dollar of sales. The rate of return on oil sales for the third quarter of 2005 is slightly higher at 8.1 cents for every dollar of sale, still very near the average across all industries.

Even more illustrative, 13 U.S. industries earned higher profits in the second quarter than the oil and natural gas industry, including banking, 19.6 cents; software and services, 17 cents; consumer services, 10.9 cents; and real estate, 8.9 cents. The facts speak for themselves.

Proponents of the windfall profit tax also say that the tax is effective. In 1990, however, the Congressional Research Service, CRS, analyzed the effects of the windfall profits tax which was enacted in 1980 and repealed in

1988. CRS found that the tax reduced domestic oil production from between 3 and 6 percent and increased American dependence on foreign oil sources by 8 to 16 percent.

Energy markets are cyclical and the industry must manage its business in the face of significant price fluctuations. The industry has to ride out periods of low prices in anticipation of recovering during the periods of high prices. When oil prices are low, as they were throughout the 1990s, energy industry profits are insufficient to induce investment. Oil supplies are tight today for this reason. When prices rise, however, the industry is induced to invest in new infrastructure and production in hopes of capturing the benefits of higher prices. Eventually, this leads to lower prices again.

Reinvestment is critical. The Congressional Budget Office estimates capital losses from Hurricane Katrina and Rita in the energy-producing industries will range from $18 billion to $31 billion. Imposing a tax on profits, however, reduces essential investment in energy production. If taxing profits prevents the energy industry from benefiting during period of high prices, there will be little incentive to invest in domestic productions, thereby increasing the Nation's dependence on foreign oil.

The goal of Federal energy policy should not be to hurt—or help—the major oil companies. The goal should be to help American consumers. Taxing capital for investment does not grow jobs, does not grow the economy—only fails American consumers.

The tax reconciliation bill is problematic not only for its inclusion of the windfall profit tax but also for its omission of a critical provision—the extension of the 15 percent reduced tax rate for dividends and capital gains. While critics argue that the reduced tax rates of dividends and capital gains are tax cuts for the "rich" and that the costs are too high, the lower rates have been remarkably successful. Some of its successes include: significantly boosting capital investment, contributing to the economic efficiency of the corporate sector, and dramatically increasing dividend distributions—benefiting all Americans owning dividend-paying stocks, a significant number of whom are far from wealthy.

Specifically, in the year following enactment of the dividend tax cut, 113 publicly traded corporations initiated dividend payments for the first time, compared to an average of 22 companies in prior years. Further, through July 29, 2005, the 500 U.S. companies making up the Standard & Poor's index alone have increased their dividend payments 626 times, resulting in a 21 percent increase in average quarterly dividends. If these successes are to continue—and reach their full potential—reduced tax rates for dividends and capital gains must be included in any comprehensive tax relief bill.

And continued tax relief is what this country needs to both generate more economic growth and encourage individuals and corporations to save and invest. I am prepared to vote for a tax relief package—I cannot think of a time in the past when I have not—however, it must be effective, and it must actually provide relief. The tax reconciliation bill before the Senate falls short of this. I sincerely hope the conference report on this bill comes back better and stronger—eliminating industry-specific tax increases antithetical to the bill's purpose while providing for sound relief provisions like the reduction in dividend and capital gains tax rates—so that we can satisfactorily answer the American taxpayers' call for a policy of fiscal responsibility.

Mr. BINGAMAN. Mr. President, I regret that I am unable to vote for the legislation. I support the overwhelming majority of provisions that are contained in this bill and appreciate that they need to be extended before next year so they don't expire. I cannot in good conscience, though, vote for another tax bill that is unpaid for and adds to our national debt. For too many years, the majority has passed tax cuts as short term or temporary measures to mask the real costs of these provisions. We can no longer continue on this course of fiscal irresponsibility. It is for this reason that I supported an alternative offered by the minority that provided similar tax relief but did it in a budget neutral fashion by shutting down corporate loopholes. I also supported amendments during debate on this bill that would put back in place budget rules that would prevent Congress from either cutting taxes or raising spending if the net effect is that it adds to our national debt. We operated under these responsible budgetary rules during the previous administration and it gave us our first back-to-back years of surplus in generations. In 5 short years we have not only squandered the opportunities that these budgetary surpluses offered us, but we created a fiscal mess that handicaps future generations. I look forward to working with my colleagues in the coming months to head our nation back towards the days of surpluses. Unfortunately, this bill is not a step in that direction. Even though I support the majority of provisions contained in it, I must respectively oppose its passage.

Mr. GREGG. Mr. President, pursuant to section 313(c) of the Congressional Budget Act of 1974, I submit for the RECORD a list of material in S. 2020 considered to be extraneous under subsections (b)(1)(A), (b)(1)(B), and (b)(1)(E) of section 313. The inclusion or exclusion of material on the following list does not constitute a determination of extraneousness by the Presiding Officer of the Senate.

I ask unanimous consent that the material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TITLE V—REVENUE OFFSET PROVISIONS

SENATE

Provision: Sec. 532(c). Violation/Comments: 313(b)(1)(A)—Report to Congress.

Mr. REED. Mr. President, I oppose the tax reconciliation bill now before us. This bill illustrates the cynicism of the whole reconciliation process this year, which, at the end of the day, is just a vehicle to short circuit a full Senate debate on the President's unfair tax cuts.

The fiscal year 2006 budget resolution instructed the Finance Committee to report up to $70 billion of tax cuts. Only half of those tax cuts were to be offset by reconciled spending cuts, so the net effect of reconciliation would be to add to the budget deficit. In the current economic and budget environment, there is no justification for enacting tax cuts that increase the deficit and must be paid for by adding to the debt.

For various reasons, the bill before us does not contain the full $70 billion of tax cuts. Most notably, it does not include provisions to extend the temporary capital gains and dividend tax cuts passed in 2003 and set to expire in 2008. It would be wise and prudent budget policy to abandon the effort to extend those debt-financed tax cuts, which go to taxpayers in the highest income brackets. But what you see is not what you are going to get. Those provisions will be back. In fact, the Majority Leader has said he will not bring a conference report to the floor that does not include an extension of the capital gains and dividend provisions.

Even without any capital gains and dividend provisions, this tax bill provides benefits mainly to upper-income taxpayers. An analysis by the Joint Economic Committee democratic staff finds that about $43 billion of the tax cuts can be allocated by family income group. Of those, about 80 percent would accrue to the 20 percent of families with the highest incomes. That fraction will rise when the extension of the capital gains and dividend tax cuts is added in conference.

"What you see is not what you are going to get" is a phrase that also applies to the spending piece of reconciliation. There is much to criticize in the Senate's $35 billion spending reconciliation bill, but any conference bill that comes before us is likely to be far worse, with much larger cuts to benefits that middle- and lower-income families rely on that will be way out of all proportion to any tax cuts they might receive.

The Senate can take a step toward restoring fiscal discipline by voting down this tax reconciliation bill.

Mr. HATCH. Mr. President, I rise today in support of the tax reconciliation bill the Senate is now considering.

As with many of my Finance Committee colleagues, I am both relieved and disturbed to see this bill on the floor in its present form.

I am relieved because it includes many important provisions, including some that will serve to help keep the economy strong as well as particular relief provisions for the areas impacted by the hurricanes.

However, I am disturbed because we were unable to include in the bill one of the most important provisions to our continuing prosperity—an extension of the lower tax rates for capital gains and dividends.

I understand perfectly the reasons some of my colleagues wanted the extension removed. In an era of high deficits it is tempting to preserve revenue any way we can. While I also want to reduce the deficit, I believe that leaving out the extension for the special tax rate for capital gains and dividends will ultimately be counterproductive and harmful to the economy.

In an economy where there is universal agreement that Americans are not saving enough, the last thing we want to do is decrease the incentives to save. I urge my colleagues to hearken back to the debates we had over Social Security reform earlier this year.

Over the course of those debates, we found that there was substantial disagreement in the Senate over how to reform Social Security. But at the same time, nearly everyone seemed to agree that Americans need to save more for retirement and that our Government can do much better at encouraging us to save.

Allowing the lower tax rate on dividends and capital gains to expire is going in exactly the wrong direction.

The net return on savings is an important determinant for how much people save, and the higher the tax on saving the less saving we do. Work by Glenn Hubbard of Columbia University and Kevin Hassett of the American Enterprise Institute has shown that the net return on savings is an important determinant in how much people save.

The low returns in the stock market as well as the currently low interest rates throughout the world explain in part the low savings rates that we currently see in the United States.

There is no question that reducing the net returns by increasing the tax rate on dividends and capital gains would definitely harm savings. Not only does treating dividend and capital gain ordinary income depress saving, but it is also just plain unfair.

This is something I hear again and again from Utahns. Just consider how pernicious the tax on dividends is. The person who buys stock for $1,000 already paid taxes on this money when he or she earned it.

The company then pays a corporate tax of 35 percent on its profits. Then, from what remains of its profits, the other 65 cents, it is free to declare a dividend and provide some money back to its stockholders, who also pay a tax on those dividends.

Why on Earth should we not have a lower tax on dividends and capital gains? The Government has already made two grabs at that money.

What is more, the real cost of the lower tax rate on dividends and capital gains has been consistently overstated. As my colleague, Senator BUNNING, remarked in the Finance Committee markup, the revenue collected from these two taxes exceeded the Joint Committee on Taxation's, JCT, estimate by nearly $20 billion in the past year, according to one study.

In fact, the unprecedented 15-percent increase in tax revenue collected in the past year demonstrates that the best way to lessen budget pressures is not to raise taxes but to focus on policies that lead to solid economic growth. That 15 percent growth translates into a $100 billion reduction in the budget deficit this year.

Let us stop and think about that for a minute, Mr. President.

Pro growth tax policies have allowed us to grow our revenues by 15 percent in the past year, this translates into more than $250 billion in higher revenues. If we can find a way to control ourselves on the spending side, this could mean real progress in deficit reduction.

As my colleagues well know, we have gone through a great deal of pain just to find $35 billion in spending growth reductions in the spending reconciliation bill Sometimes I think that many of my colleagues ignore, or are not aware of, the power of strong economic growth on our deficit reduction capabilities.

If we look back to the late 1990s, when we did for a while eliminate the deficit and create some surpluses, it is easy to see that strong economic growth played a very strong part in that success, as did some curbs on spending.

I urge my colleagues not to forget this as we consider the importance of extending these favorable rates on dividends and capital gains.

More generally, the attempt to lay blame for our budget deficit entirely at the hands of the tax cuts is mistaken.

The process of forecasting budget revenues is still a nearly impossible task despite some hard work done by a group of very talented economists at the Congressional Budget Office, CBO, the JCT, and the Office of Management and Budget, OMB.

One fact that is clear from our many years of work is that the principal factor driving the amount of revenue collected by the Government is economic growth.

Estimates done by CBO showed that the shift from budget surpluses to deficits in the 2001–2003 time period owed more to spending increases, much of which could be attributed to 9/11, and the reduction in economic growth than to the reduction in tax rates.

In short, maintaining our pre-2001 tax rates would not have preserved the budget surplus, and in fact would have exacerbated the recession, further reducing revenues.

And today, we are seeing the powerful effects that solid economic growth can have on Government revenue.

As I alluded earlier, the booming tax revenues of today are reminiscent of the 1990s, when a sustained period of solid economic growth not only filled our Government's coffers but dramatically lowered unemployment, increased incomes at all levels, and reduced poverty in a dramatic fashion.

Many opponents of the extension argue that lower tax rates on dividends and capital gains represent yet another tax break for the rich. To boil down the lower tax rate to a tired class-warfare argument is over simplistic and wrong.

Reducing the taxation on investment income benefits everyone in America because it ultimately increases productivity and, with it, wages and economic growth as well.

Nobel Prize-winning economists Robert Lucas and Ed Prescott have argued that eliminating the pernicious taxation on savings is the closest thing there is to a free lunch.

When we save more it means that there is more money available for firms to modernize and expand and compete in the world economy. Former chair of the Council of Economic Advisers Greg Mankiw has shown in his research that even those who do not own stocks benefit in the long run from the lower tax rates on investment income.

The U.S. economy benefits greatly from the presence of a stable, relatively predictable tax and regulatory regime. Investors do not like to be surprised, and they like predictability.

As my colleague Senator KYL has pointed out, leaving the extension of the special tax rates on dividends and capital gains until later has dramatically increased uncertainty in the minds of nearly every person investing in the United States.

Investors are not looking at the tax rates in place today—they are looking at the rates they expect to be in place several years down the road when they plan to take the gains of their investments and pay the taxes.

I note that the tax reconciliation bill approved this week by the House Ways and Means Committee included a 2-year extension of the lower rate for capital gains and dividends. I hope that this provision survives intact in the House bill and that bill passes the other body.

If so, the capital gains and dividends extension will be an item for discussion in the conference of these bills with the House. Therefore, this tax bill may yet include this important provision before it goes to the President for his signature.

Another important provision that needs to be included in this legislation is an extension of the research tax credit. Companies throughout the country, and many in Utah, depend on this credit to remain competitive and to innovate.

A robust research credit is vital for our future world leadership in technology and our economic growth.

The revised mark includes the credit expansion in the form of the alternative simplified credit.

An increase in U.S. R&D spending benefits everyone, by ultimately improving the productivity of the American worker. Increasing productivity invariably results in an increase in wages throughout the economy.

It is interesting to listen to some of my colleagues on the other side of the aisle when they talk about these tax provisions in their entirety. They make it appear that this package is nothing more than a large tax cut for the wealthy in our Nation. Of course, nothing could be further from the truth.

In reality, other than those provisions that are designed to give aid to the victims of the hurricanes, and to help rebuild the gulf coast areas that were the hardest hit, this bill is about extending certain provisions that are set to expire. Most of those provisions expire in just a few weeks.

I think it is important for Utahns and all Americans to understand that enactment of this legislation is necessary to prevent a very large tax increase on middle-class Americans. Practically every single provision in this bill enjoys plenty of bipartisan support.

So while some of my colleagues are deriding this bill as a whole as an unnecessary and unwarranted tax giveaway to the rich, they are quietly promoting the individual provisions in the bill as necessary provisions for their constituents.

While I support this bill and certainly want to see it go forward to conference with the House, where we are hopeful it can be improved further, there are several provisions in it that cause me a great deal of concern.

One of these items of concern relates to a provision located in the charitable reforms section of the bill.

Specifically, it would place a floor of $500 on a joint return on the amount of deduction a taxpayer who itemizes his or her deductions may claim for a charitable contribution.

I see absolutely no rationale for this limitation.

I do know that it would discourage and mistreat many Utahns who make small contributions to their churches and to local charities. It seems to me that this limitation would hit those who make small donations particularly hard.

The entire point of extending the charitable deduction to those who do not itemize is to give an incentive to more people to donate to charity. I believe the non-itemizers deduction would do this, so I have supported it.

But why in the world would we want to give an incentive to non-itemizers and then turn around and remove a current incentive to those who itemize? It makes no sense.

This provision is unfair to itemizers in another way. The standard deduction already assumes a certain level of charitable contributions.

In order to give non-itemizers an incentive to actually give those assumed contributions, we are effectively allowing them to double dip in this provision. I can live with that because I think it will result in increased donations.

However, to take away a current benefit from itemizers is beyond the pale. There are many thousands of Utahns who give 10 percent of their income to their church. Because of this, Utah has a higher percentage of taxpayers who itemize.

Why should they be penalized for doing the right thing?

Why would we remove an incentive to them so we could create another incentive to those who do not give as much?

This is totally unfair.

I am also very concerned about another revenue raising provision in the bill that seems completely counterproductive and foolish to me. I am referring to the provision that would remove the ability of certain integrated oil companies to use the LIFO method of accounting for their inventories.

To me, this seems like a backdoor attempt to place a windfall profits tax on oil companies, which was ineffective the first time it was tried.

I am even more concerned that this provision could very well miss its intended target and hit some of the smaller oil refineries around the nation that we have been trying to help in recent tax bills.

I am told that it would affect three companies in Utah that happen to have some production, some refining, and are retailers. These three Utah companies are not the large integrated oil firms that this revised mark may be targeting.

I do not think this change is good policy for even the large companies, but in addition to being very poor policy, it also seems misdirected.

The American Job Creation Act we passed a year ago included a tax incentive to encourage small refiners to comply with the new low-sulfur diesel regulations. The Energy bill we passed this summer included a provision to allow refiners to expense immediately the cost of additional refinery capacity.

The provision in the bill before us would totally reverse these incentives and much more. Is not this like giving someone a quarter with our right hand and then taking a dollar away from that same person with our left hand?

If we wish to encourage more production of oil and especially if we wish to encourage the creation of more capacity to refine oil products, this is not the way to go about it. I hope these offensive provisions can be removed, or at least mitigated, in the managers' amendment.

Mr. President, I know that sometimes one must take one step back for each two steps forward. Well, I think that this bill is an example of us taking one step back to take one and a half steps forward, but in the end, we are at least moving forward.

I would rather have an extension of the research tax credit and AMT along with an extension of the low rates for dividends and capital gains, but I will save the battle for the latter for another day.

The Finance Committee has an incredible array of legislative provisions that pass before us each year. The chair has, as usual, done a masterful job of satisfying the diverse interests of the members of the committee with his legislation.

One day, I hope to see a Finance Committee that takes a small step forward in every single piece of legislation to make it easier and more rewarding to save in America. The importance of increasing saving to the growth potential of our economy cannot be underestimated.

I urge my colleagues to join me in supporting this bill.

Mr. LEVIN. Mr. President, for too many years now, the administration and the majority in Congress have been pursuing an irresponsible fiscal policy of giving tax cuts mainly to the wealthiest Americans among us.

By generating revenue less than we are spending, our Nation is falling deeper into the debt ditch. The increase in our debt threatens us with rising long-term interest rates. At a time when so many Americans have variable-rate mortgages, car loans, and other debts, rising interest rates that are predicted to accompany our swelling deficits will have a very real and immediate impact on many American families. And we will be passing this increased debt on to our children and grandchildren.

This tax reconciliation bill contains a number of good provisions. In particular, the provision to "patch" the alternative minimum tax, AMT, is critical. Congress originally created the

AMT to make sure that the wealthiest Americans paid at least a minimum amount of tax: however, it is now catching many more taxpayers than Congress intended. The "fix" in the bill before us today would once again implement a temporary increase in the exemption level of the AMT by indexing it for inflation, thus saving many middle-income taxpayers from being affected by the AMT and having their Federal taxes increased.

Today's bill also includes an expansion and extension on the research and development tax credit. R&D provides strength for our economy. It creates American jobs and improves the competitiveness of U.S. companies in the global marketplace. I am pleased that it will be extended.

I am also glad that this bill would establish an itemized deduction for the mortgage insurance on qualified personal residence and incentives for donations to charitable organizations, as well as extend tax incentives for many important programs, including a deduction for tuition payments and related expenses, a continuation of the new markets tax credit, deductions for teachers who make out-of-pocket payments for classroom expenses.

However, while these tax cuts are well targeted, it would be unconscionable to support their passage without paying for them. To start with, I wish we had adopted Senator Feinstein's amendment. Her amendment would have maintained two little known but important provisions known as "PEP" and "Pease". The personal exemption phase out, PEP, reduces a taxpayer's total personal exemption for incomes exceeding $218,950 for married couples, $145,950 for individuals. The "Pease" provision, which is named after the late Representative Don Pease, reduces certain itemized deductions for higher income taxpayers. There is currently a repeal scheduled to start next year on both of these, which does little for the economy beyond further increasing the deficit. Keeping PEP and Pease could reduce the deficit by an estimated $31 billion over 5 years. That is enough to pay for the entire AMT fix.

Senator Feinstein's amendment also would have rolled back the Bush tax cuts on capital gains rates, dividend rates, and income tax rates for millionaires. I supported this amendment, which unfortunately was defeated.

In closing, I support many of the tax provisions in this bill, but I cannot support passing then without paying for them. On balance this fiscally irresponsible bill will leave our country worse off.

Mr. BYRD. Mr. President, I am increasingly alarmed about the congressional budget process as it now operates.

I helped to write the Budget Act of 1974. At the time, I served as chairman of the Subcommittee on the Standing Rules of the Senate. The subcommittee was tasked with studying the budget process reforms reported by the then-Senate Government Operations Committee as they affected the Senate rules. I met with a working group of staff that was comprised of 10 standing committees of the Senate, and which included 90 hours of meetings during 25 sessions over a 16-day period. After the staff had completed its work, I spent many hours with the Senate Parliamentarian and met in all day sessions and over holiday weekends with the staff from the Congressional Research Service and the Senate legal counsel. I helped to manage the Senate's floor deliberations of the Budget Act as majority whip, and, when the Senate completed its many weeks of debate and amendment, I served on the conference committee that finalized the Budget Act.

I studied the Budget Act. I championed it. I supported it.

And so I can say, without equivocation, that the process the Senate utilizes today hardly resembles the process envisioned in 1974. The budget process used today obscures more than it clarifies the tax and spending decisions of the Congress. Through a growing list of 60-vote points of order, it is weakening the ability of the Congress to exercise its power over the purse, deferring more and more authority over fiscal matters to the executive branch. The budget process increasingly serves as a means to circumvent the role of the Senate to deliberate, and, lately, it has been used in a way that has fostered an unprecedented and unbroken string of deficits and debt.

I have spoken many times about how the budget reconciliation process has been distorted and the extent to which that process has been used to worsen deficits and unnecessarily limit debate and amendment. Here today is another example of one of these reconciliation bills, where debate is limited, amendments are curtailed, and arms are twisted to get the bare minimum of a majority of Senators to advance partisan legislation, only to see a brandnew bill rewritten in a closed conference committee that excludes any voice of dissent.

This week, the already grossly abbreviated reconciliation exercise has been curtailed further, as the normal 3-day debate is crammed into a period allowing for less than 2 days of debate. Meanwhile, Senators are distracted with other legislation that must be addressed before the Senate breaks for the Thanksgiving holiday—legislation that is more pressing than the extension of some of these tax cuts which will not expire for several more years.

The budget process has been distorted, where reconciliation is abused by both sides eager to score political points. Reconciliation is no longer simply a budgetary device to round out the numbers at the end of the fiscal year, as it was intended in 1974. It has become a favorite mechanism for bypassing the rules of the Senate for circumventing the limits imposed upon the capricious passions of a determined majority. Once a Senator's right to debate has been waived, what is left can almost be described as a state of chaos in the Senate. If you think that term "chaos" seems a bit extreme, just wait a few more hours for the vote-arama to begin.

Soon, the statutory limit of 20 hours of debate on this bill will expire, and the Senate will enter into a consent agreement whereby 2 minutes of each debate are allocated to each amendment and Senators are forced to vote blindly in rapid succession on amendment after amendment after amendment. Many of these amendments have never been seen before by the Senate, and many will not even be explained to Senators prior to the casting of their votes.

To the credit of Senators GREGG and CONRAD, the number of amendments considered in vote-aramas have been limited in recent times, but vote-aramas continue to occur nonetheless.

Just 2 weeks ago, the Senate considered the so-called Deficit Reduction Reconciliation Act of 2005. After the 20 hours of debate had expired, the Senate entered into an agreement by unanimous consent that limited debate to 2 minutes per amendment prior to each vote. In one day, the Senate considered 41 amendments, with only 2 minutes of debate per amendment, and with only 16 of those amendments offered prior to the expiration of debate. That is 25 amendments that the Senate had not debated, or even seen before, receiving votes based upon whatever knowledge Senators could extract from the din in just 2 minutes.

In 2003, the Senate considered 84 amendments in this manner, without any of those amendments being offered, debated, or generally made available to Senators before casting their vote. In 2001, the number of amendments considered in this manner was 78, again without any of those amendments being offered debated, or generally made available to Senators before casting their vote.

All together, in the last 6 years, the Senate has considered 246 amendments to budget resolutions and reconciliation bills, within a so-called vote-arama process that does not allow the Senate to debate amendments or, in too many cases, to even see amendments before Senators are asked to cast their vote. God help the American people.

I once described vote-aramas as pandemonium, which was the Palace of Satan designated by Milton in Paradise Lost. But that term almost fails to describe the ignominy of the Senate when it becomes engulfed in these budget carnivals. It's embarrassing to the institution. It is no way to legislate. We cannot claim to serve the interests of our constituents if we don't have time even to read the amendments on which we are casting our votes. Read The Federalist Paper No. 62 by Madison: "It will be of little avail to the people, that the laws are made by men of their own choice, if the laws be so voluminous that they cannot be read, or so incoherent that they cannot be understood." Vote-arama means Senators are flying blind.

I have pleaded with the Senate to avoid using this reconciliation process because I abhor what it does to this institution. It is not a necessary exercise. The Budget Act does not require it, nor does the Budget Act require, or even mention, the use of vote-aramas. We are doing this to ourselves. This is self-inflicted abuse, and our Nation suffers as a result.

Since 2001, this reconciliation process has yielded an unbroken string of unprecedented deficits and debt. At $339 billion in the fiscal year 2003, $412 billion in the fiscal year 2004, and $317 billion in the fiscal year 2005, budget deficits have grown to record levels 3 years in a row. Within 5 years, the national debt is projected to rise to $11 trillion. The interest payments on that debt is growing to enormous levels and will surpass in 2010 a whopping $314 billion per year. That is $314 billion that could be used to build and modernize our transportation and energy infrastructure, but that will be paid to foreign and domestic bond holders instead. If there is a force that is sinking the budget into an ocean of deficits and debt, it resides, at least in part, among abuses of the budget process.

Outside of the budget reconciliation process, Senators could insist that tax cuts be offset. These are not controversial tax extensions. The alternative minimum tax relief, the deduction of college tuition and teacher classroom expenses, the section 179 expensing and research and development credit—all of these could pass overwhelmingly if offsets could be found, and it could be done without having to put the Senate through this exercise. Senators might even have the opportunity to thoughtfully consider amendments to the bill to develop compromises that improve the legislation and satisfy both parties. Senators could go home touting a piece of bipartisan legislation that all sides find agreeable.

I call upon the Republican and Democratic leadership, as well as the members of the Budget Committee, and all Senators, to help reform this process. The process as it currently operates is intolerable, and it damages this institution severely. Whatever political advantage may be claimed today, this process ultimately weakens the Senate as an institution, and does a great disservice to the American people.

Mr. REID. Mr. President, I oppose this legislation, and I would like to take just a few minutes to explain why. But before I do, I want to begin by commending and congratulating both the chairman and ranking member of the Finance Committee for their hard work on this bill. Senator MAX BAUCUS and Senator CHUCK GRASSLEY work very well together on the broad range of issues that come before their Committee. While we have an honest and good faith disagreement about this particular legislation, I want them to know how much sincere respect I have for both of them and how grateful I am for their outstanding leadership of the Finance Committee.

Mr. President, I have two major concerns about this bill. First, it needlessly increases the deficit when we should be saving for the future. And, second, it paves the way for a budget that is inconsistent with the values of the American people.

Our country faces an enormous fiscal challenge that will begin in a few years, when the baby boomers retire. America's debt now exceeds $8 trillion. Under the Republican budget that figure will increase by more than $3 trillion in just 5 years. We simply must restore fiscal discipline. That means we must do all we can to avoid further increases in the deficit, and to live under the pay-as-you-go rule. We did that in the 1990s, and that is a major reason why we not only eliminated our deficit, but ran record surpluses. That, in turn, is one reason we enjoyed the longest peacetime economic expansion in our Nation's history.

During debate on this bill, Democrats tried to restore fiscal discipline. Led by the distinguished ranking member of the Budget Committee, Senator KENT CONRAD, we offered an amendment that would have fully paid for the tax cuts in the bill. Unfortunately, the amendment was defeated on a largely party-line vote.

Let me be clear: I support most of the tax cuts in this bill. I think we should provide relief from the alternative minimum tax, and we should extend the R&D and work opportunity tax credits, among others. I just think we should pay for them. Here and now. We shouldn't force our children and grandchildren to do so tomorrow.

The other reason why I oppose this legislation is that it will pave the way for adoption of a budget that does not reflect America's values. To understand why, you need to step back and take a broad view of the budget legislation moving through the House and Senate.

This tax reconciliation bill is really just one part of a broader budget plan that the Republican leadership is trying to push through to enactment. That plan includes substantial cuts in a wide range of programs important to middle class and more vulnerable Americans. Not long ago, the Senate approved legislation that cut Medicare, Medicaid, housing and agriculture, while authorizing drilling in a pristine Alaskan wildlife refuge. At the same time, the House is considering legislation to cut student loans, food stamps, and child support enforcement, while making even deeper cuts in Medicaid.

These spending cuts are troubling. But what makes them truly outrageous is that they're intended to partially pay for tax breaks for special interests and multimillionaires.

I know that the bill before us does not include those tax breaks. And I commend Senator BAUCUS and other colleagues on the Finance Committee for their work to keep capital gains and dividend tax breaks out of the bill.

My concern, though, is that Senate Republican leadership has made it very clear that they intend to put those tax breaks right back into the legislation in a final agreement with the House. This isn't a secret. As Senator GRASSLEY told the publication Tax Notes, "If we pass a tax bill, it is going to have extension of capital gains in it." He further went on to say "whether we have one in the Senate or not . . . we'll end up with it."

Other Republican colleagues have echoed the Chairman's comments.

We know that capital gains and dividend tax breaks will be included in a final bill, if we let it get to that point. But why should we care? Why are those tax breaks so problematic?

Well, first of all, remember how they are being paid for. Cuts in Medicare, Medicaid, student loans, food stamps, and other programs for middle class Americans and those who need help the most.

Now let's consider who these tax breaks really help.

Here's the answer: 53 percent of their benefits will go to those with incomes greater than $1 million.

Let me repeat that: 53 percent of their benefits will go—no, not to millionaires—but to people with incomes over $1 million. We are talking about multi-millionaires, a small handful of America's most fortunate. These lucky few will get an average tax break of about $35,000.

But what about those with incomes between, say, $50- and $200,000? Well, they will get an average tax cut of $112.

And what about those with incomes less than $50,000? Six dollars.

$35,000 for those with incomes more than a million dollars. Six dollars for those earning less than $50,000.

And for this, the Republican majority wants to harm some of the Nation's most vulnerable families. That is not just wrong. It is immoral. And that is not my word—it comes from some of our Nation's top religious leaders.

Again, Mr. President, I know this bill does not itself include those tax breaks. But if we send this fast track bill to conference, make no mistake: those tax breaks are coming. It is as clear as night following day. The only way to prevent it is to stop th from going to conference in the first place.

Finally, I want to make one more point. Even if my colleagues disagree about the problems with the Republican budget, I wish they could agree that we have more important things to do.

Gas prices are skyrocketing. Families are struggling to fuel their vehicles and heat their homes. Farmers and businesses are feeling the pinch. Democrats have a plan to respond, to address price gouging and, ultimately, to make our nation energy independent. That is more important than harming the vulnerable to provide tax breaks to special interests and multi-millionaires, while increasing the deficit.

Hurricane survivors are struggling. Thousands lack health coverage; 150,000 live in hotel rooms and face the threat of homelessness in just 2 weeks. Devastated communities have been forced into massive layoffs and are unable to provide even basic services. Democrats have a plan to address these urgent needs. That is more important than harming the vulnerable to provide tax breaks to special interests and multi-millionaires, while increasing the deficit.

The Iraq war is not going as well as the administration promised. More than 2070 Americans have died. More than 15,000 have been wounded. About 150,000 more remain in harm's way, while the Administration still has no plan to end the conflict and bring them home. Instead of being greeted as liberators, the violence continues nearly 2½ years after the start of the conflict. As the Senate said just a few days ago, our Nation badly needs a strategy for success. But we have a long way to go before that bill gets to the President's desk. And making that happen also is more important than harming the vulnerable to provide tax breaks to special interests and multi-millionaires, while increasing the deficit.

While I support tax relief for the middle class, and I endorse most of the specific provisions in this legislation, I am going to vote against it. Approval of this bill will facilitate adoption of a Republican budget that is based on the wrong values and the wrong priorities.

Together, we can do better.

Let's provide middle class tax relief, but let's do it in a fiscally responsible way that doesn't harm families struggling to make ends meet.

Mr. GRASSLEY. Mr. President, we are ready for third reading.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. GRASSLEY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Mr. FRIST. Mr. President, we will be voting tomorrow morning at approximately 9:30. We will do the continuing resolution. We have an amendment on the resolution in the morning.

There is going to be a lot going on tomorrow. We will not be able to further clarify the schedule until tomorrow. We will have multiple votes tomorrow morning beginning at 9:30.

The PRESIDING OFFICER. The question is on passage of the bill. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant Journal clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Alabama (Mr. SHELBY) and the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 33, as follows:

[Rollcall Vote No. 347 Leg.]

YEAS—64

Alexander
Allard
Allen
Baucus
Bennett
Bond
Brownback
Bunning
Burns
Cantwell
Carper
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Cornyn
Crapo
Dayton
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Johnson
Kyl
Landrieu
Lincoln
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (FL)
Nelson (NE)
Pryor
Roberts
Salazar
Santorum
Schumer
Sessions
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Warner

NAYS—33

Akaka
Bayh
Biden
Bingaman
Boxer
Burr
Byrd
Chafee
Conrad
Craig
Dodd
Dorgan
Durbin
Feingold
Harkin
Inouye
Jeffords
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Murray
Obama
Reed
Reid
Rockefeller
Sarbanes
Voinovich
Wyden

NOT VOTING—3

Corzine
Lott
Shelby

The bill (S. 2020), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. ENZI. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS. Mr. President, this legislation did not happen by itself; it took hard work and perseverance. There is a long list of individuals who must be thanked.

First, I want to thank the staff of the Joint Committee on Taxation and Senate Legislative Counsel for their service. They did a tremendous job with this bill.

I want to thank George Yin, the Chief of Staff of the Joint Committee on Taxation, in particular. This will probably be the last tax bill George will work on for the U.S. Congress. George is returning to the University of Virginia where he is a professor. His last day is tomorrow. George has served on the Joint Committee on Taxation for just over 2 years. During that time, he has provided tremendous insight and knowledge to me and my staff. He is called upon to know all the nuances of the Tax Code and provide recommendations on tax policy. He does this with unfailing competence. His work is of the highest caliber. I commend him for his work and thank him for his service to the U.S. Congress.

Next, I must thank the hardworking staff of the Finance Committee. They stayed up many a sleepless night, and I applaud them for their expert counsel. I want to thank some staff members in particular. I appreciate the cooperation we received from the Republican staff, especially Kolan Davis, Mark Prater, Cathy Barre, Elizabeth Paris, Christy Mistr, Dean Zerbe, Chris Javens, John O'Neill, and Nick Wyatt.

I also thank my staff for their perseverance and dedication, including Russ Sullivan, Patrick Heck, Bill Dauster, Melissa Mueller, Matt Jones, Judy Miller, Jon Selib, Ryan Abraham, and Tom Klouda. I also thank our dedicated fellows, Mary Baker, Brian Townsend, Richard Litsey, Jorlie Cruz, and Stuart Sirkin.

Finally, I thank our hardworking interns: Jennifer Alwood, Ray Campbell, Mandy Cisneros, Will Larson, and James Reavis.

I want to thank the chairman of the Finance Committee and my good friend, Senatory GRASSLEY. It is not easy putting together a reconciliation bill. I thank Senator GRASSLEY for once again ensuring a result that could receive broad support. It is my hope that we can maintain the spirit and substance of the Senate bill as we move through conference. We have a good bill before us.

I yield the floor.

Mr. ENZI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ PRE-WAR INTELLIGENCE

Mr. KENNEDY. Mr. President, yesterday Vice President CHENEY said elected officials had access to the intelligence and were free to draw their own conclusions. They arrived at the same judgment about Iraq's capabilities and intentions made by this administration and by the previous administration. What world is the Vice President living in? No one seriously believes what the Vice President is saying. Once again, he is deliberately deceiving the American people. It is a calculated, partisan, political ploy.

President Bush and the Vice President have begun a new campaign of distortion and manipulation because the polls show that Americans have lost trust in the President and believe he manipulated intelligence before the war. The President and Vice President have abandoned any pretense of leading this country and have gone back on to the campaign trail.

But the country won't have it this time. Not only can the President and Vice President not find weapons of mass destruction, they cannot find the truth either. The administration broke the essential bond of trust that has to exist between the White House and the American people. They have to be able to trust that we will be told the truth, especially on the important issues of war and peace.

The Congress did not have access to the intelligence the President and the Vice President had. It is plain wrong. The administration's drumbeat for war began in the summer of 2002, but it did not provide an intelligence estimate—the collective wisdom of the intelligence community—to back up its claims about al-Qaida and nuclear weapons and the immediate threats until Democrats on the Intelligence Committee demanded it.

Even then, the administration did not provide the intelligence estimate until October 1, 2002—2 days before the debate began on the resolution authorizing war. The vote on the resolution occurred 1 week later, on October 11.

Beyond the NIE, the suggestion that the Members of Congress have access to the same classified material as the President is preposterous. The President receives a Presidential daily brief and a briefing every morning with top intelligence officials. The White House has access to memos with intelligence information that the Congress never sees. Even when we ask for this information, they do not provide it.

It is abundantly clear that the administration is engaged in nothing more than a devious attempt to obscure the facts and take the focus off the real reason we went to war in Iraq. No matter what the Vice President says, 150,000 American troops are bogged down in a quagmire in Iraq because the Bush administration misrepresented and distorted the intelligence to justify a war America never should have fought. They misled us on al-Qaida. They misled us on aluminum tubes, materials from Africa, and nuclear weapons.

What was said before by the administration does matter. The President's words matter, and so do the Vice President's, and so do the Secretary of State's, and so do the Secretary of Defense's, and the other high officials in the administration, and they did not square with the facts.

The Intelligence Committee agreed to investigate the clear discrepancies, and it is important they get to the bottom of this and find out how and why this President took America to war in Iraq. Americans are dying. Already more than 2,000 have been killed, and more than 15,000 have been wounded.

The American people deserve the truth. It is time for the President to stop passing the buck and for him to be held accountable. It is time for a change in this country. Something has to give. A tarnished White House and damaged Presidency is pulling America backwards.

Mr. President, I yield the floor.

Mr. GRASSLEY. Mr. President, I spend most of my time with the work of the Judiciary Committee and the work of the Finance Committee. I do not get into intelligence and Armed Services issues very often. But I listened to Senator KENNEDY's criticism of President Bush and Vice President CHENEY that they deceived the American people.

I saw some things on television last night of which Senator KENNEDY ought to be reminded. If he watched television last night, he might have a little different view.

I heard him say that President Bush maybe had more information than Congress had, and so it was wrong for the President today to say that Congress is rewriting history in any way because he maybe had more information than we had. I believe that is what Senator KENNEDY said.

I do not know for sure if the President has more information than we have because when I go upstairs to S-407, to our secure briefing room, I am assuming I am getting the same information as the President is getting. Perhaps not as often, but getting the same information. So I think it is ludicrous to say that Members of the Senate cannot be up to speed on what the threats are to our Nation. But, for sure, if he had watched television last night, he would have heard a speech by President Clinton in 1998. The speech was on the threat of Saddam Hussein to our country at that time. Surely, Senator KENNEDY cannot deny that President Clinton had exactly the same information President Bush would have had from our intelligence community. I very clearly heard President Clinton, when he was President, speak of the terrible threat that Saddam Hussein was to the world and to America, and that he was going down a road to do something about it.

Now, obviously, that did not happen. But we did pass a resolution called the Iraqi Liberation Act, where Congress, in a unanimous vote took a position at that period of time that we considered Saddam Hussein a threat and that he ought to be removed from office, from the leadership of his country.

If President Clinton, while he was in office, using that intelligence, saw Saddam Hussein as a threat, the same way President Bush did, I do not see how any Democrat can be on the floor of the Senate and say the President of the United States is deceiving the American people.

Also, last night I happened to hear a 2- or 3-minute speech by Senator CLINTON, made in 2002, how horrible Saddam Hussein was and how he was somebody to fear and a threat and the inclination of doing something about it.

It is intellectually dishonest for any Democrat to come to the floor and accuse our President of misleading the American people. They ought to be ashamed of themselves. Have they no shame?

I have something I want to refer to because we have had people outside the Congress, outside the administration, look at some of these very issues. We had the Robb-Silberman commission report. Senator Robb is a former Democratic Member of this body. Judge Silberman is a Republican, served on the DC Circuit. They gave a report about Presidential daily briefings versus what is in the National Intelligence Estimate. There is no significant difference between the two reports, the Presidential daily briefing and the National Intelligence Estimate. Quoting from the report:

> It was not that the intelligence was markedly different. Rather, it was that the PDBs and the SEIBs, with their attention-grabbing headlines and drumbeat of repetition, left an impression of many corroborating reports where in fact there were very few sources. And in other instances, intelligence suggesting the existence of weapons programs was conveyed to senior policymakers, but later information casting doubt upon the validity of that intelligence was not.

That is shortcomings of our intelligence community, the same shortcomings that President Clinton probably experienced during his time in office, when he was making estimates of the threat of Saddam Hussein, the same way that President Bush was making those estimates.

The Robb-Silberman commission found Presidential daily briefings to contain similar intelligence in "more alarmist" and "less nuanced" language. Continuing to quote:

> As problematic as the October 2002 [National Intelligence Estimate] was, it was not the Community's biggest analytic failure on Iraq. Even more misleading was the river of intelligence that flowed from the CIA to top policymakers over long periods of time—in the President's Daily Brief and in its more widely distributed companion, the Senior Executive Intelligence Brief. These daily reports were, if anything, more alarmist and less nuanced than the [National Intelligence Estimate].

That is what one former Democratic Senator and a Republican judge, appointed to a commission to look into this, have reported. When you take all of these things into consideration, plus the quotes of Senator CLINTON that I referred to in the year 2002 that I saw on television last night, or the statements by President Clinton in 1998 when he was President that I saw on television last night, it seems to me it is absolutely wrong and misleading to come up here and say the President of the United States and the Vice President were deceiving the American people, particularly when Senators can have briefings if they want them.

FREEDOM IN ASIA AND BURMA

Mr. McCONNELL. Mr. President, I want to take a moment to commend President Bush for his superb remarks regarding freedom and democracy in Asia. It is fitting that these comments were made in Japan, a key strategic ally of the United States.

I will not recount the entire speech—which I encourage all my colleagues to read—but will highlight two paragraphs. The President said:

> Unlike China, some Asian nations still have not taken even the first steps toward freedom. These regimes understand that economic liberty and political liberty go hand in hand, and they refuse to open up at all. The ruling parties in these countries have managed to hold onto power. The price of their refusal to open up is isolation, backwardness, and brutality. By closing the door to freedom, they create misery at home and sow instability abroad. These nations represent Asia's past, not its future.
>
> We see that lack of freedom in Burma—a nation that should be one of the most prosperous and successful in Asia but is instead one of the region's poorest. Fifteen years ago, the Burmese people cast their ballots—and they chose democracy. The government responded by jailing the leader of the pro-democracy majority. The result is that a country rich in human talent and natural resources is a place where millions struggle simply to stay alive. The abuses by the Burmese military are widespread, and include rape, and torture, and execution, and forced relocation. Forced labor, trafficking in persons, and use of child soldiers, and religious discrimination are all too common. The people of Burma live in the darkness of tyranny—but the light of freedom shines in their hearts. They want their liberty—and one day, they will have it.

These words should ring loudly and clearly throughout the region. I commend President Bush for these comments and for the solid leadership he provides in supporting freedom in Burma. Moreover, I applaud the efforts made by President Bush and Secretary Rice to put Burma on the U.N. Security Council's agenda.

SUPPORT FOR JAILED JOURNALISTS DAY

Mr. LUGAR. Mr. President, today is "action day" to support jailed journalists around the world, as declared by the independent organization, Reporters Without Borders. I rise today to express my support for this cause and to emphasize that our country has long believed that a free press is a cornerstone of democracy, both here and abroad. Last year, at my urging, Congress created a free press institute at the National Endowment for Democracy to promote, as part of our democracy-building efforts, free, independent and sustainable news media organizations overseas. This year, I introduced the Free Flow of Information Act to allow journalists in this country to protect the identity of their confidential sources. After I introduced the legislation, a reporter for one of America's most respected media organizations, Judith Miller of the New York Times, was jailed for 85 days for failing to disclose a confidential source, while another, Matt Cooper of Time magazine, was also threatened with jail for the same reason. I believe that in order for the United States to foster the spread of freedom and democracy globally, we must support an open and free press at home.

According to Reporters Without Borders, 112 journalists are currently jailed in 23 countries, including places like China, Cuba, Eritrea, and Burma. This is not good company for the United States to keep. I urge the administration and our diplomats overseas to do everything they can to gain the release of these jailed journalists, who were doing nothing more than trying to keep their fellow citizens informed. I ask unanimous consent that the following information from Reporters Without Borders be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

16TH JAILED JOURNALISTS' SUPPORT DAY, THURSDAY, NOVEMBER 17, 2005.

Reporters Without Borders calls on the media to demonstrate their solidarity with imprisoned journalists. We were exceptionally active when journalists were being held hostage in Iraq, and our challenges may seem less urgent now. But that is not the case. A total of 186 media people (112 journalists, 3 assistants and 71 cyber-dissidents) are imprisoned in 23 countries. What crimes have they committed? They have revealed sensitive issue, called for democracy and greater respect for individual freedoms, refused to give in to censorship or to an enforced line of thought. In short, they simply tried to do their jobs.

In an appeal for solidarity with imprisoned journalists, Reporters Without Borders is organizing the 16th consecutive annual day of action. We are urging the worldwide news media- throughout the world— to acknowledge the fate of those who have to struggle every day for the right to report the news.

To break the silence concerning their plight and to bring it to the public attention of the public, Reporters Without Borders calls on the news media to highlight the case of an imprisoned journalist on this year's "action day", Thursday, November 17.

The jails of three countries alone are holding more than half of the world's imprisoned journalists. The three countries that constitute the world's biggest prisons traps for the press are China (with 31 journalists behind bars), Cuba (23), and Eritrea (13).

Mobilization is needed to ease the harsh reality of prison conditions. Denied contact with their families and even proper nourishment, most of these journalists live within poor or non-existent sanitary conditions. They are frequently isolated from fellow prisoners and left to cope in terrible isolation.

The purpose of this Day is above to free these journalists from yet another prison, that of silence and oblivion. Unless their cases are regularly brought before international public the guilty governments will retain impunity. They will have no reason to worry about the fate of prisoners in their jails. Publicity thus becomes a sort of "life insurance" contributing directly to the protection of the prisoners.

It also allows a furtherance of the struggle begun by the imprisoned journalists. Articles that media write about them underscore the reasons and the circumstances of their arrest as well as the issues the journalists were working on before they were imprisoned. In speaking about their case, the sponsor circumvents the censorship they suffered and exposes the unfairness of their imprisonment.

A media's decision to cover the plight of a journalist demonstrates its commitment to defend the right to freely inform and to be informed. It allows journalists to show their solidarity with colleagues with whom they share their passion for a job that is so crucial to ensuring democracy. Since this campaign was launched in 1989, more than 100 journalists have been sponsored by media all around the world. Some media outlets decided to cover their plight without endorsing one particular case. Almost half of them have been released and in part as a result of the support from their sponsors. Several journalists sponsored by International media have been released like Fatimah Nisreen (The Maldives) amnestied on 9 May 2005 or Raul Rivero (Cuba) released on 30 November 2004.

On the day of their release, many journalists stressed the value of not feeling "utterly forgotten". It gave them the courage to continue to bear their imprisonment.

The struggle the news media undertake alongside Reporters Without Borders to defend the existence of a free press is not hopeless. Even when those steps appear to have been in vain, we know that international backing for a prisoner brings essential psychological support and often protects his or her life. This achievement alone represents a victory over authoritarianism and repression carried out by so many governments.

Please find below:

—a few examples of cases of jailed journalists

—press freedom barometer—Key statistics

—the list of 112 journalists imprisoned worldwide (as of November 2. October 2005)

—the list of the current sponsors

Yu Dongyue—CHINA

A journalist and art critic with the Liuyang News, he was arrested on 23 May 1989 during student demonstrations in Tienanmen Square in Beijing. He was convicted on 11 July that year of "sabotage" and "counter-revolutionary propaganda" and jailed by the Beijing intermediate municipal court for 20 years, with five years deprivation of civil rights. His sentence was cut by two years in March 2000 but he is not due to be released until 21 May 2007. Yu is suffering from psychological problems as a result of long spells in solitary confinement.

Miguel Galván Gutiérrez—CUBA

Journalist with the independent news agency Havana Press, he was accused of being "a mercenary in the pay of a foreign power" and convicted to 26 years in jail. As with other dissidents arrested at the time, his arrest reportedly came after a long search of his home and seizure of papers and equipment such as a typewriter, fax machine and phone. He appeared last August before the prison disciplinary council for sending information to Miami radio stations. He was then put in solitary confinement, without electricity, and was not allowed to use the phone.

His health has steadily worsened in prison. His frequent spells in solitary confinement (73 days in his first 11 months) aggravated his ailments, including frequent diarrhea, stomach and joint pains, swollen feet and a paralyzed arm and, in April 2005, high fever, urinary problems and back pain. He does not get the medicine he needs.

Win Tin—BURMA

Win Tin, one of the political mentors of Nobel Peace Prize winner Aung San Suu Kyi, continues to serve his 20-year prison sentence. He is regularly offered freedom in exchange for a signed promise to give up all political activity. But "Saya" (Teacher), as his friends call him, has always refused to cut such a deal and break his ties with the National League for Democracy, which was cheated out of its landslide victory at the 1990 general elections.

He was convicted of "subversion" and "anti-government propaganda." In 1996, he was held for five months in a dog-kennel at Rangoon's Insein prison. He has since had two heart attacks and lost most of his teeth. Now 75, he has been shuttling back and forth between his cell and the spartan prisoners' wing of Rangoon hospital for the past few years.

These days, Burma's military rulers treat him with a little more respect and he now has his own cell. But he is still not allowed to write anything.

Akbar Ganji—IRAN

This Iranian journalist with the reformist daily Sobh-e-Emruz, Neshat and Asr-é-Azadegan was arrested on April 22, 2000 when he returned from a conference in Berlin that the Iranian authorities considered "anti-Islamic" and "anti-revolutionary." In January 2001, he was sentenced to 10 years in jail and to banishment.

He had to answer 10 charges, based on complaints filed by the ministry of intelligence, the police and a former minister of intelligence. The prosecutor accused him of "acting against national security", "circulating propaganda against the Islamic system", and "insulting religious figures." He was also accused of publishing articles accusing senior officials of involvement in the murder of regime opponents and intellectuals in 1998. In May 2001, his sentence was reduced from 10 years to six months. In July 2001, the Supreme Court increased it to 6 years.

Akbar Ganji was held in Evin prison in Tehran, where he was able to continue reading and writing. But he was not able to telephone his family or receive medical treatment despite suffering from acute asthma. He began a hunger strike on June 11 and lost 44 kilos in the course of the next month. Akbar Ganji finally calls off his hunger strike after more than 60 days. He was sent back to Evin prison in early September.

Pham Hong Son—VIETNAM

Medical doctor and local representative of a foreign pharmaceutical company. He has been in prison since March 2002 for translating and posting online an article from the local US embassy website called "What is democracy?" and an essay called "Encouraging signs for democracy in Vietnam." He had earlier written and posted on Vietnamese online discussion groups several articles advocating democracy and human rights.

He was sentenced to 13 years imprisonment in June 2003 for "spying," followed by three years of house arrest, by the Hanoi People's Court. The prison sentence was reduced on appeal to five years on 26 August that year.

He has a groin hernia which could kill him if he does have an operation.

Dominique Makeli—RWANDA

Dominique Makeli, a Radio Rwanda commentator, has been in prison in Rwanda since 18 September 1994. After being moved several times, he is now in the main prison in Kigali.

The public prosecutor told Reporters Without Borders in October 2001 that he was accused of "incitement to genocide in his reporting." He had reported on an apparition of the Virgin Mary in Kibeho (west of Butare) in May 1994 and had quoted her supposed words ; "The parent is in heaven."

The prosecutor said people would have understood this as divine support for President [Juvenal] Habyarimana and, by extension, for the policy of exterminating Tutsis. Thiswas disputed by Makeli and many witnesses. His case-file was sent in August 2004 to a gacaca (a village court system revived by the authorities).

Complete biographies of these journalists and others are available upon request. Please contact Lucie Morillon, Reporters Without Borders Washington Director, (202) 256-5613 or lucie.morillon@rsf.org.

PRESS FREEDOM KEY STATISTICS AS OF NOVEMBER 2, 2005

Reporters Without Borders has been defending the public's right to news and information for 20 years. It intervenes as soon as possible when the freedom to inform and be informed is under threat is at risk, or as soon as a journalist somewhere in the world is imprisoned anywhere just for doing their job. Journalists are still being routinely targeted in more than half the world's countries represented at the United Nations.

By paying for defense lawyers when to assist journalists are tried at their trial, giving financial aid to the families of murdered or imprisoned journalists who have been killed or imprisoned, waging public- awareness campaigns and taking care offering help to of journalists who are forced to flee their country, Reporters Without Borders takes action every day to combat censorship.

PRESS FREEDOM BAROMETER

Worldwide, more than 684 journalists have been killed since 1992.

More than 1,450 journalists were arrested, beaten, threatened, kidnapped or otherwise harassed and more than 320 media were censored in 2004.

53 journalists have been killed since the start of 2005.

5 media assistants have lost their lives since the start of 2005.

73 journalists have been killed in Iraq in March 2003, making it the deadliest war for the press since World War II.

Worldwide, 112 journalists and 3 media assistants are currently in prison for doing their job.

71 cyber-dissidents are currently in prison, 62 of them in China. 112 journalists are currently in prison just for trying to report the news.

The jails of three countries alone are holding more than half of the world's imprisoned journalists.

The three countries that constitute the world's biggest prisons traps for the press are China (with 31 journalists behind bars), Cuba (23), and Eritrea (13).

Their crimes? Revealing embarrassing facts, demanding more respect for civil rights, or refusing to submit to censorship or adopt a particular set of views. Physical and psychological harassment, intimidation and permanent surveillance are also used routine.

The 112 journalists imprisoned worldwide (as of November 2. October 2005)

Afghanistan (1): Ali Mohaqiq Nasab: sentenced to two years in prison.

Algeria (1): Mohammed Benchicou: sentenced to two years in prison.

Burma (6): Lazing La Htoi: arrested on July 27 July, 2004, and still awaiting trial.

Ne Min: sentenced to 15 years.

Monywa Aung-Shin: sentenced to 7 years.

Than Win Lhaing: sentenced to 7 years.

Thaung Tun: sentenced to 8 years.

Win Tin: sentenced to 20 years.

China (31): Asia continues to be the world's most repressive continent for journalists. In East Asia, China is ranked 159th in the Reporters Without Borders Worldwide Press Freedom Index (October 20, 2005), making. That puts it among one of the world's 10 worst countries. Some media have been privatized, but the government's propaganda department is watchful scrutinizing the media and the banned media has been banned from covering dozens of sensitive subjects in the course of the pover the last year. Crackdowns by the authorities and violence against journalists by armed groups prevent are keeping the media from expressing themselves freely.

Ching Cheong: imprisoned in jail since April 22, 2005. Still awaiting trial.

Tashi Gyaltsen, Lobsang Dhargay, Thoe Samden, Tsultrim Phelgay, Jampel Gyatso: imprisoned since January 14, 2005. Awaiting trial.

Shi Tao: sentenced to 10 years in prison.

Zhao Yan: awaiting trial.

Li Minying: sentenced to 6 years.

Yu Huafeng: sentenced to 8 years.

Zhang Wei: sentenced to 6 years.

Zuo Shangwen: sentenced to 5 years.

Ou Yan: his release date has yet to be announced. Although he has already completed a 2-year prison sentence.

Wang Daqi: sentenced to 1 year in prison. he was not freed after completing serving his sentence.

Lu Wanbin: arrested on December 22, 2001. Awaiting trial.

Ma Linhai: arrested on November 24, 2001. Awaiting trial.

Feng Daxun: he was never released after completing a 3-year prison sentence.

Jiang Weiping: sentenced to 9 years.

Xu Zerong: sentenced to 13 years.

Li Jian: arrested in November 1999. No news about his trial.

Zha Jianguo: sentenced to 9 years.

Gao Hongming: sentenced to 8 years.

Yu Tianxiang: sentenced to 10 years.

Gao Qinrong: sentenced to 13 years.

Qin Yongmin: sentenced to 12 years.

Fan Yingshang: sentenced to 15 years.

Zhang Yafei: sentenced to 11 years.

Hu Liping: sentenced to 10 years.

Yu Dongyue: sentenced to 20 years.

Chen Renjie and Lin Youping: sentenced to life imprisonment in July 1983.

North Korea (1): There has been no news of Song Keum Chul since he was jailed in 1996.

Cuba (24): 161st place in the Worldwide Press Freedom Index. Two journalists have just joined the 21 others who have been imprisoned since the March 2003 crackdown. One of them, Oscar Mario González Pérez, is awaiting trial and faces up to 20 years in prison under Law 88, which that protects "Cuba's national independence and economy."

Lamasiel Gutiérrez Romero: sentenced to 7 months in prison.

Albert Santiago Du Bouchet Fernández: sentenced to 1 year in prison.

Normando Hernández González: sentenced to 25 years.

Omar Moisés Ruiz Hernández: sentenced to 18 years.

Juan Carlos Herrera Acosta: sentenced to 20 years.

Alejandro González Raga: sentenced to 14 years.

Alfredo Felipe Fuentes: sentenced to 26 years.

Mijail Barzaga Lugo: sentenced to 15 years.

Mario Enrique Mayo Hernández: sentenced to 20 years.

Pablo Pacheco Ávila: sentenced to 20 years.

Fabio Prieto Llorente: sentenced to 20 years.

Adolfo Fernández Sainz: sentenced to 15 years.

Héctor Maseda Gutiérrez: sentenced to 20 years.

Julio César Gálvez Rodríguez: sentenced to 15 years.

Alfredo Manuel Pulido López: sentenced to 14 years.

José Ubaldo Izquierdo Hernández: sentenced to 16 years.

Victor Rolando Arroyo Carmona: sentenced to 26 years.

Miguel Galván Gutiérrez: sentenced to 26 years.

Pedro Argüelles Morán: sentenced to 20 years.

Omar Rodriguez Saludes: sentenced to 27 years.

José Luis García Paneque: sentenced to 24 years.

Ricardo González Alfonso: Reporters Without Borders correspondent. sentenced to 20 years.

Ivan Hernández Carrillo: sentenced to 25 years.

Egypt (1): Abd al-Munim Gamal al Din Abd al Munim has been subject to serving out an indefinite internment order since October 30, 1993.

Eritrea (13): 166th in the Worldwide Press Freedom Index-, is a "black hole" country for news. Not one of the 13 journalists currently detained in custody has ever been given a trial. So therefore, none has received an official sentence.

Hamid Mohamed Said, Saleh Al Jezaeeri and Saidia Ahmed have been in prison since February 2002.

Seyoum Tsehaye, jailed since September 21, 2001.

Temesgen Gebreyesus and Said Abdulkader, since September 20, 2001.

Mattewos Habteab and Yusuf Mohamed Ali, since September 19, 2001.

Medhanie Haile, Emanuel Asrat, Dawit Isaac and Fessehaye Yohannes, since September 18, 2001.

Dawit Habtemichael, since September 2001.

Ethiopia (2): Neither of the two imprisoned journalists have been tried, and so neither of them have been officially sentenced.

Shiferraw Insermu and Dhabassa Wakjira: imprisoned prisoners since 22 April 2004.

Iraq (5): Five journalists are being held incommunicado by the US Army without any information being provided to them.

Hameed Majeed: detained since September 15, 2005.

Ali Omar Abrahem Al-Mashadani: detained since August 8, 2005.

Samer Mohamed Noor: imprisoned behind bars since June 4, 2005.

Ammar Daham Naef Khalaf: detained since April 11, 2005.

Abdel Amir Younes Hussein: in prison since April 5, 2005.

Iran (6): Mohammad Sedigh Kabovand: sentenced to 18 months.

Madh Amadi: awaiting trial, in prison since July 28, 2005.

Masoud Bastani: awaiting trial, in prison since July 25, 2005.

Siamak Pourzand: sentenced to 11 years in prison. Thanks to international pressure, he was given leave to return home for an indefinite period in December 2002. but was sent back to prison on March 30, 2003.

Hossein Ghazian: sentenced to four-and-a-half years in prison.

Akbar Ganji: sentenced to 6 years in prison.

Laos (1): Thongpaseuth Keuakoun was sentenced to 20 years in prison.

Libya (1): Abdullah Ali Al-Sanussi Al-Darrat has been in prison since January 1, 1973 and, is by all accounts, has yet to have been sentenced.

Maldives (3): Jennifer Latheef: sentenced to 10 years in prison.

Colonel Mohammed Nasheed: awaiting trial.

Abdullah Saeed: awaiting trial.

Morocco (2): Anas Tadili: sentenced to 10 months in prison on a non-political charge dating back 10 years, and then was given an additional 6 months in a press case. The sentences were commuted to 1 year on appeal (on September 29, 2004) to one year. The Judicial authorities are investigating some 10 other accusations that have been brought against him.

Abderrahmane El Badraoui: sentenced to 4 years.

Nepal (2): Nagendra Upadhyaya and Tejnarayan Sapkota: detained under an anti-terrorist law, and awaiting trial.

Uzbekistan (4): Nosir Zokirov: sentenced on August 26, 2005 to 6 months in prison.

Sabirjon Yakubov: sentenced to 20 years in prison.

Jusuf Ruzimuradov: arrested on August 18, 1999. Sentenced to 8 years in prison.

Mohammed Bekjanov: sentenced to 15 years in prison.

Rwanda (4): Father Guy Theunis: imprisoned since September 10, 2005, pending trial.

Jean-Léonard Rugambage: detained since September 7, 2005, pending trial.

Tatiana Mukakibibi: detained since October 2, 1996. Has not yet been tried.

Dominique Makeli: imprisoned since September 18, 1994. Not yet been tried.

Sierra Leone (1): Paul Kamara: serving prison sentences totalling 4 years (two year sentences).

Tunisia (1): Hamadi Jebali: sentenced on January 31, 1991 to 1 year in prison for defamation. Given an additional 16–year sentence on August 28, 1992 for "membership in an illegal organization" and "wanting to change the nature of the state."

Turkey (2) Memik Horuz: sentenced to 15 years in prison on June 13, 2002 to 15 years in prison.

Sinan Kara: sentenced to 9 months in prison.

Working together to advance the cause of press freedom, Reporters Without Borders would like to thank the sponsors of imprisoned journalists for all they have done and will continue to do to achieve obtain the release of those they have their adopted colleagues.

Since 1989, we have been inviting the French and international news media to adopt journalists who are in prison just for doing their jobs. On November 17, sponsors are will be asked to take special initiatives specific actions to pressure authorities for releasing of their adopted journalists and to publicize their cases, so that they will not be forgotten and so that the publicity affords will offer them some protection from their jailers. By writing to journalists in prison, contacting their families, protesting to the relevant competent authorities, and getting viewers, listeners, readers and Internet users interested in their cases, the news organizations, festivals and city halls who are sponsors can help Reporters Without Borders to support these men and women whose only crime is was wanting to reporting the news.

Thanks to the media that support a journalist:

93.3 Radio Québec, Christian Action for the Abolition of Torture and Executions (ACAT), AGEFI, Agencia Cover, Agriculture Horizon, Alternatives Internationales, Amiens Métropole—JDA, Amina, Antena 3 TV, Arte, Associación de la Prensa de Cádiz, Assas IFP, Avaldoci-Union Web periodistas, Azur FM, Bel RTL (French-language Belgian radio station), BFM, Cadena SER, Cambio 16 Aldateka Hamasei, Espacio de Informacion General (EIG), Cape Breton Post, Baden-Baden Press Club, Bordeaux Press Club, Clermont-Ferrand Press Club, Lille Press Club, Montpellier Press Club, Nimes Press Club, La Semaine de Nimes, Press Club of Saint-Etienne and La Loire, UCPF, Strasbourg Press Club, Toulon Press Club, Pays Basque Press Club, Grenoble and Isère Press Club, Corriere Canadese, Coup d'oeil Vers l'avenir, Courrier International, Dernières Nouvelles d'Alsace, Diariocritico.com, Echo vedettes, Edmonton Sun, El Correo Espanol/El Pueblo Vasco, El Mundo, El Pais, El Periodico de Catalunya, El Punt, El Siglo, En Marche, Enjeux internationaux, Festival International du Scoop et du Journalisme, Flair/L'Hebdo, France 2, France 3 sud Languedoc-Roussillon, France bleu pays d'Auvergne, France Culture, France Info, France Inter, France Soir, Fun Radio, Genève Home Information (GHI), Grands Reportages, www.cubantrip.com, Ici, Il Manifesto (Rome)(Q), Institut Pratique de Journalisme.

ISR Info, JHR McGill Newsletter, Kommunalarbetaren, L'Expansion, L'Express, L'Express.fr, L'Humanité, L'Union du Cantal, L'Union(s), La presse dans tous ses états CIBL, La Tribune, La Vanguardia, La Voz del Occidente, Le Courrier Picard, Le Devoir, Le Figaro, Le Journal du Dimanche, Le Ligueur, Le Maine libre, Le Monde, Le Mouv', Le Nouvel Observateur, Le Nouvelliste (Q), Le Peuple, Le Populaire du Centre, Le Quotidien Jurassien, Le Reflet, Le Républicain Lorrain, Le Semeur hebdo, Le Soir, Le Soir Magazine, Le Télégramme de Brest et de l'Ouest, Le Vif/L'Express, Les Clés de l'Actualité, Les Petites affiches, Lethbridge Herald, Libération, www.liberation.fr, L'Indépendant, Maires de France, Mairie d'Arlanc, Mairie de Longeau, Mairie de Nancy, Mairie de Romans/Romans Magazine, Maison de la presse de Charleroi, Maison de la presse de Mons, McGill Daily, Mémoire de trame, Métro Belgique, Midi Libre, Milhistorias, Miljörapporten, Mirror, Mozaik Media, Nice Matin, NRJ, Okapi, Ottawa Citizen, Ottawa Sun, Ouest-France, Paca Informations économiques, Paris Normandie, Pèlerin magazine, Perfiles, Periodistases.org, Photographie.com, Plurimedias, "Points chauds" sur Telequebec, Pressens Tidning, Prix Bayeux des correspondants de guerre, Radio Classique, Radio contact/Contact Inter Radio Côte d'Amour, Radio Nostalgie, REE, RFI, RMC, RNE, RTBF, RTBF TV, RTL–TVI, Servimedia, Södermanlands Nyheter, Star Phoenix, SVM MAC, Télé Bruxelles, Télépro, Télérama, TF1, The Concordian, The Link, The Telegram, Tiempo, TV3, TV3 de Catalunya, TV5 monde, TVE-Television nationale, UDF, Vers l'avenir, Vlan, VSD, www.expotimes.net, www.press-list.com, Les Journalistes-écrivains pour la Nature et l'Ecologie.

SCIENCE-STATE-JUSTICE APPROPRIATIONS

Mr. BIDEN. Mr. President, yesterday the U.S. Senate approved the conference report to accompany H.R. 2862, the Science-State-Justice appropriations bill. I voted for this legislation because it provides critical funding for the Department of Justice, the FBI, and the Drug Enforcement Administration. However, I rise to explain that I am voting for this bill reluctantly because I feel that some of the funding priorities set forth in the bill will leave our communities more vulnerable to terrorist attacks traditional crime. In particular, this bill continues the wrongheaded trend of slashing Federal funding for State and local law enforcement and important criminal justice programs. This bill slashes funding for the Justice Assistance Grant and the COPS Program. And, for the first time, the Congress has decided to zero out the COPS hiring Program. I believe that this decision is a terrible mistake on so many levels, and I fear that our Nation's citizens will be less safe from traditional crime and terrorism as a result. Further, the bill slashes Federal assistance for the effective and cost-efficient drug court program by an astounding 75 percent.

Back in 1994 when we passed the legislation that created the COPS Program, our crime rates were at all-time highs. At that time, we made a commitment to our State and local law enforcement partners. During those years, we invested roughly $2.1 billion for State and local law enforcement each year and substantially upgraded our ability to combat crime. We added over 100,000 officers to patrol our neighborhoods, and we expanded crime prevention programs such as community policing programs across the Nation. What was the ultimate result? Crime rates for violent crime, murder and rape were all reduced, and today they remain at all-time lows. Many law enforcement experts and local officials credit the COPS Program for helping to achieve these results. In fact, no one, to my knowledge, with law enforcement expertise has argued otherwise. The International Association of Chiefs of Police, the National Sheriffs Association, the Fraternal Order of Police, the National Association of Police Organizations, and other local law enforcement groups all support the COPS Program. Attorney General Ashcroft has stated that the COPS Program was a miraculous success, and Attorney General Gonzalez stated that the COPS Program put officers on the street and we reduced crime. Moreover, a recent report by the Government Accountability Office concluded that COPS hiring grants had an impact on reducing crime rates.

Why would the Congress eliminate a program that is strongly supported by local law enforcement officials and has been proven effective by statisticians at the Government Accountability Office? Well, it has its basis in ideology. Some of my Republican colleagues argue that local crime is a local problem and the Federal Government should not be funding these local efforts. I completely disagree. How can it be a local responsibility when roughly 60 percent of all the crimes committed in America relate to drugs, abuse of drugs, and the sale and trafficking of illicit drugs? These drugs are smuggled across our national borders from State to State and city to city by sophisticated drug cartels and street gangs. How does a local sheriff prevent drugs that start out in a foreign country from being trafficked into his or her county? How does a police chief prevent the recruitment of local kids into international street gangs? In my opinion, crime is a national problem, and it requires a national response. The COPS Program demonstrated the Federal Government's commitment to approach crime as a national problem—and it worked.

I would also point out that State and local law enforcement forms our first line of defense against terrorism. Homeland security experts have pointed out the value that community policing programs can have in combating terrorism. This only makes sense—it is the local officer who knows the neighborhood who will be able to provide the types information necessary to help infiltrate a local terror cell. In addition, it will be a local officer walking the beat who happens to catch a suspect trying to pump sarin gas into the local mall air-conditioning ducts. It won't be a brave Special Forces agent with night vision goggles; it will be a local cop walking the beat. In this era of uncertainty, we need to be providing more support for our local police agencies to help make their efforts against terrorism and crime as robust as possible.

And by cutting the drug court program—one of the most effective programs to reduce substance abuse in the criminal population—we are sending a devastating message to the 16,000 individuals that graduate from drug courts each year. We are telling them that we don't care that diversion programs are successful at helping people overcome addiction to reenter society as productive citizens, holding down jobs, and regaining custody of their children. We are sending a message that we would prefer to revert to the bad old days of locking up nonviolent drug offenders in prisons where most will get no drug treatment and they will most likely just sink deeper into a life of crime.

And what message are we sending to the 70,000 people currently enrolled in drug courts who are working hard to live sober, crime-free lives? By slashing funding for the drug court program we are telling them that we are not invested in their recovery and we are putting their future in drug court programs in jeopardy.

It makes absolutely no sense to me that we are cutting this cost-effective program by 75 percent. By enrolling nonviolent drug offenders in drug courts, States save an enormous amount of money. One study showed that California's drug courts save the State $18 million a year. Another study showed that every dollar spent on a drug court program saves the city of Dallas, TX, $9.43 over a 40 month period. It is inconceivable to me that we would choose to cut this program. The National Association of Drug Court Professionals estimates that our actions here today will result in more than 13,000 individuals losing access to drug court services. These 13,000 people will likely continue their lives of crime and drugs and being a threat to public safety instead of getting enrolled in a tough-love program that will help them to turn their lives around and get sober. It is truly a tragedy.

It is my opinion that we found a winning formula when we made the decision to invest in our State and local law enforcement partners and smart on crime initiatives in the nineties, and I believe that we are making a terrible mistake when we reduce funding for them. There is no greater responsibility of the Federal Government than international terrorist or from a thug down the street, and I strongly believe that we are taking the wrong approach when we cut funding for our State and local law enforcement partners. Sheriff Ted Sexton, the president of the National Sheriffs Association, got it right when he stated that "cuts of this magnitude will seriously inhibit our ability to protect our communities and secure the homeland." And, the president of the International Association of Chiefs of Police was correct in pointing out that "demanding that we play a central role in our Nation's homeland security efforts, while at the same time cutting the resources we need to do our job, is both hypocritical and irresponsible." I hope that the Republican-led Congress and President Bush will heed the call of these brave men and women and fully fund these critical programs next year.

MANUFACTURING DEDUCTION LEGISLATION

Mr. SANTORUM. I introduced a bill last month, S. 1816, that is vitally important to manufacturing businesses and the workers they employ in Puerto Rico. My bill extends the benefits of the manufacturing deduction, enacted last year with the American Jobs Creation Act of 2004, to apply to manufacturing operations that are conducted in Puerto Rico and are subject to full U.S. tax.

The new manufacturing deduction means that U.S. businesses operating in any of the 50 States will pay tax on their manufacturing income at 32 percent. Without the manufacturing deduction, U.S. businesses operating a branch in Puerto Rico will pay tax on their manufacturing income at 35 percent. This difference in tax treatment creates a disincentive for U.S. companies to conduct manufacturing operations in Puerto Rico, distorting manufacturing location choices and putting Puerto Rico at a disadvantage in terms of attracting and retaining investment.

My bill makes sure that manufacturing in the 50 States and manufacturing in Puerto Rico will be taxed at the same 32 percent rate. This will level the playing field for operations in Puerto Rico and operations in the States. I have a number of constituent corporations that operate in my State and have operations in Puerto Rico, and this provision is important to them.

I realize the proposal cannot be added to the budget reconciliation tax bill at this time but am hopeful it will be considered and enacted this year.

I want to applaud Ways and Means Committee Chairman BILL THOMAS for introducing H.R. 4323, which includes this extension of the manufacturing deduction to Puerto Rico. I look forward to working with Chairman THOMAS to get this important provision enacted.

MASSACRE AT SAN JOSE DE APARTADO

Mr. LEAHY. I want to speak about a matter that I suspect few Senators are aware of, but which should concern each of us.

On February 21, 2005, in the small Colombian community of San Jose de Apartado, eight people, including three children, were brutally murdered. Several of the bodies were mutilated and left to be eaten by wild animals.

This, unfortunately, was not unusual, as some 150 people, overwhelmingly civilians caught in the midst of Colombia's conflict, have been killed by paramilitaries, rebels, and Colombian soldiers in that same community since 1997. None of those crimes has resulted in effective investigations or prosecutions. No one has been punished.

That is an astonishing fact. Think of 150 murders, including massacres of groups of people, in a single rural community, and no one punished.

This latest atrocity occurred in a remote area frequented by rebels and paramilitaries. As a result, the presence of the Colombian army has also grown significantly there. Yet the army, which was sent to that area to protect civilians from attacks by illegal armed groups, is now suspected by some of having committed this massacre.

Residents of San Jose de Apartado have blamed the army, and international observers who went with community members to locate the bodies witnessed disturbing behavior by soldiers who reportedly laughed while body parts were being exhumed, who took pictures of themselves making victory signs, and who mishandled evidence from the massacre sites. There is also the possibility that paramilitaries acted in collusion with the army. And some have speculated that there were two separate groups of perpetrators, perhaps including the FARC, the Revolutionary Armed Forces of Colombia, the country's oldest rebel group.

Even before an investigation began, top Colombian officials publicly declared that the FARC was responsible. The Minister of Defense, who has since resigned, insisted that the army could not have done this because on February 21 they were more than 2 days' walking distance from the crime scene. It was soon determined, however, that there were soldiers only half a day's walk away, and army helicopters had recently been seen in the vicinity.

While it has not been proven who is responsible for this horrific crime, the government's rush to judgment was only its first mistake. That was quickly followed by the decision, against the wishes of the community, to send armed police officers into their midst. While I do not doubt the authority of Colombian police to enter that territory, it caused the majority of its inhabitants to flee their homes out of fear that the police would become a target of illegal groups and that the villagers could once again be harmed.

In fact, such an attack took place on June 26, when three policemen were wounded in an attack by the FARC and community members were caught in the crossfire. Later, on July 18, an old man was found beaten to death. There were two more killings by the FARC, one in August and another in September, and verbal threats and acts of intimidation by soldiers and police officers towards members of the community have reportedly steadily increased. Then last month, there were three incidents in which armed paramilitaries and soldiers reportedly threatened members of the community and destroyed property. It appears that the community may be no safer today than it was on February 21.

One of the consequences of the government's tactless approach to this and previous cases is that several witnesses from the community have refused to come forward and give testimony, and this has hindered the investigation. After a massacre of 6 members of this same community 5 years ago when over 100 people gave testimony to judicial authorities, no one was convicted and no report on the investigation was ever issued. Convincing witnesses to come forward this time will require a degree of sensitivity by the government that has, to date, been sorely lacking.

We are told by the Colombian Government that an investigation of the massacre is ongoing. That, unfortunately, is the story of most heinous crimes in Colombia. Investigations often continue without end, and often the perpetrators avoid punishment. I am concerned that this case may be no different.

According to information I have received, neither the soldiers who were in the area at the time of the February 21 killings nor hospital workers who treated a girl who was wounded by soldiers there the previous day have been interviewed by investigators. I find this hard to believe, but if it is correct the government has much to answer for.

For 5 years, the United States has provided significant military aid to Colombia despite ongoing concerns about human rights. Several months ago, the Secretary of State certified that the Colombian Government had met the human rights conditions in our law, and recommended the release of additional military aid. However, the report accompanying her certification also noted that "[w]hile the human rights performance of many of the Army's units is improving, an exception is evidenced by continued accusations of human rights violations and collusion with paramilitaries against the Army's 17th Brigade, which operates in northern Colombia. These reportedly include some 200 allegations involving the peace community of San Jose de Apartado in 2000–2001 and, most recently, of involvement in the killings near San Jose de Apartado in February 2005. . . As a result of these allegations, the United States has informed the Government of Colombia that it will not consider providing assistance to the 17th Brigade until all significant human rights allegations involving the unit have been credibly addressed."

While I might differ with the Secretary's decision to make the certification at the time she did, which coincidently occurred just hours before President Uribe's arrival at President Bush's ranch in Texas, I commend her decision to withhold aid to the 17th Brigade. It is noteworthy, however, that concerns about the 17th Brigade had been conveyed to the State Department well before this incident, including reports that its members were openly colluding with paramilitaries. Yet there is reason to believe that U.S. aid continued despite those reports.

This case presents the Bush administration with an important challenge. It shows that despite billions of dollars from the United States and lofty rhetoric about human rights, the Colombian Government's initial reaction to this despicable crime was not appreciably different from what we saw years ago. They denied responsibility and blamed the victims even before an investigation began, and some of the key witnesses may not even have been interviewed 8 months later.

This is unfortunate because there has been progress on human rights under President Uribe's government. Parts of the country are noticeably safer. The government reports a significant decline in violent crime. But labor leaders and human rights defenders are still threatened and killed, the judicial system remains sluggish, and impunity is more the rule than the exception. Clearly, much more needs to be done to protect human rights.

This case also presents a challenge for the Colombian Government to demonstrate, albeit belatedly, that it can respond with sympathy, with impartiality, and effectively to bring justice to the victims of a crime that epitomizes the worst of Colombia's conflict.

I am also told that the Office of the United Nations High Commissioner for Human Rights conducted its own investigation of the massacre, but that the Colombian Government has not requested a copy of the report of that investigation. If this is correct I urge the government to do so immediately and to release as much of the report to the public as possible without compromising the investigation.

This conflict has brought nothing but suffering to the Colombian people. It has caused the deaths of countless innocent civilians, uprooted millions from their homes, and perpetuated the trade in illegal drugs that has corrupted many sectors of society. The people of San Jose de Apartado, with the conflict raging around them, sought to insolate themselves from this danger by declaring themselves a peace community. That strategy failed, as one after another of their members was brutally murdered.

Before February 21, I was not aware of the many tragedies this community had already suffered. While I do know, as a former prosecutor, that some crimes are harder to solve than others, in Colombia, as in so many countries, political will is often what really matters. It is imperative that this case not be added to the long list of unsolved, unpunished crimes in San Jose de Apartado, or become part of the history of impunity in Colombia. Who ever was responsible must be brought to justice.

Mr. President, I also want to mention the demobilization of paramilitaries that is underway in Colombia. We all want these narco-terrorist organizations to be dismantled, their commanders punished, their illegally acquired assets seized, and their victims compensated. The Colombian Government is asking the United States for millions of dollars to help finance the demobilization, and we want to help.

I am concerned, however, because if the demobilization of the paramilitary unit located in the area of San Jose de Apartado is indicative of the way this process is unfolding, there are serious problems that need to be addressed. According to reports I have received, paramilitaries are engaging in the same threatening and violent behavior, they continue to collude with the army, and some have joined the army. Little has changed for the people in that area who continue to live in fear of losing their property and their lives. I hope the Colombian authorities who have been touting the success of the demobilization process will investigate these reports.

THE GREAT AMERICAN SMOKEOUT

Mr. SANTORUM. Mr. President, I would like to take a moment to acknowledge an important event that is taking place today in Philadelphia, PA and across the Nation—the 29th Annual American Cancer Society Great American Smokeout.

We are all aware that cancer is one of the greatest healthcare risks facing Americans today. For years, this disease has taken the lives of our families, our friends, and our neighbors. As a member of the bipartisan Senate Cancer Coalition, I certainly understand that there are few things that would have a greater impact on the quality of life, for millions throughout the world, than the eradication of this terrible disease.

Unfortunately, we are also all aware of the fact that we have not yet found a cure. And while scientists and researchers around the world work feverishly towards this lofty aspiration, the most important action we can take is the promotion of cancer prevention. The Great American Smokeout is a wonderful example of a successful program aimed at assisting those at great risk of developing cancer to change their ways. This annual event has, undoubtedly, saved lives.

Since the inaugural Great American Smokeout took place in 1976, this initiative has provided a powerful platform for the American Cancer Society to encourage Americans to stop smoking. This event, which urges Americans who take the unnecessary health risks associated with the use of tobacco products to band together and make a lifestyle change, is one of the most recognized awareness initiatives in the history of the American Cancer Society—and rightfully so. Rarely does any organization touch so many with its message in a single day as the American Cancer Society during the smokeout. And rarely is the intention of the message as important as reducing the number of Americans who use tobacco products.

I am also pleased that the American Cancer Society has chosen my home State to host this year's smokeout. Pennsylvania has a long history of working with the American Cancer Society, and in 2002, together with the Pennsylvania Department of Health, they established the Pennsylvania Free Quitline. This toll-free service, available 24 hours a day, 7 days a week, provides advice and counseling to those attempting to quit smoking. Studies have shown that smokers who take advantage of such services are twice as likely to successfully quit smoking. By choosing Pennsylvania as the host for one of their most important events, the society is reaffirming its commitment to decreasing the prevalence of tobacco use in my state—and, in turn, improving the health of all Pennsylvanians.

Mr. President, these types of efforts have helped the American Cancer Society develop a reputation as one of the most influential and effective participants in the fight to better the health of every American. The Great American Smokeout is a vital event put on by a truly impressive organization, and I thank the American Cancer Society for its leadership.

COLON CANCER SCREEN FOR LIFE ACT

Mr. NELSON of Nebraska. Mr. President, I rise in support of the Colon Cancer Screen for Life Act, S. 1010. Some of its provisions were included in an amendment included in the reconciliation package. This legislation will increase the likelihood that Medicare beneficiaries will receive a colonoscopy screening examination which is proven to be the most effective way to detect and treat colorectal cancer.

Colorectal cancer is the No. 2 cancer killer in the United States today. This year, according to the American Cancer Society, approximately 145,000 new cases will be diagnosed and 56,000 Americans will die from colon cancer. We have the power to change these sobering statistics by increasing access to this lifesaving procedure. Although Congress passed a colonoscopy screening benefit for Medicare beneficiaries back in 1997, the percentage of seniors receiving a colonoscopy reportedly has increased by only an estimated 1 percent. A recent UCLA study, as discussed in an October 11 Wall Street Journal article, documents the continuing underutilization of screening colonoscopies. It points out that colorectal cancer screening rates still lag far behind those for cervical, breast and prostate cancer. As the Wall Street Journal article concludes, "The results were particularly disturbing because 'we could eliminate this disease if America had the will,'" as the study's lead author noted.

One reason for the underutilization of colonoscopy screening in the Medicare population is rapidly declining rates of reimbursement for the procedure. Medicare reimbursement for colonoscopies performed in the outpatient setting has dropped by nearly one-third from the initial 1998 reimbursement rates. In the majority of States today, Medicaid payment rates actually exceed Medicare reimbursement for colonoscopy. This fact alone underscores the Medicare reimbursement problem is real. This legislation increases Medicare reimbursement for colorectal cancer-related procedures to assure more equitable reimbursement for physicians who absorb significant costs in providing these valuable services.

Another reason for this underutilization is that Medicare currently does not pay for a physician office visit prior to a screening colonoscopy, although it does pay for a physician office visit prior to a diagnostic colonoscopy. The procedures are identical—both involve the same amount of risk, so there is simply no reason why Medicare would pay for an office visit prior to one procedure and not the other. Because Medicare does not pay for this necessary office visit, many physicians must provide them for free. This amendment would fix this discrepancy by providing Medicare coverage for a preoperative visit or consultation prior to a screening colonoscopy, as it does for a diagnostic colonoscopy.

Every year, thousands of Americans needlessly die from colorectal cancer. We have the means to change this and we should do so. I appreciate our Senate colleagues joining in support of this important legislation.

NATIONAL ADOPTION DAY

Mr. JOHNSON. Mr. President, I rise today to acknowledge National Adoption Day on November 19, 2005. With over 118,000 children available for adoption out of the U.S. foster care system, I think it is crucial to celebrate those lawyers, social workers, officials, and, most importantly, parents who help get many children out of foster homes into adoptive families.

National Adoption Day was started in 2000 by the Alliance for Children's Rights, the Freddie Mac Foundation, and the Dave Thomas Foundation for Adoption and helped complete foster care adoptions in nine jurisdictions. National Adoption Day continued to grow and in 2001 completed adoptions in 17 jurisdictions. In 2002, the Casey Family Services, Children's Action Network, the Congressional Coalition on Adoption Institute and Target became National Adoption Day partners and helped 34 cities across the country finalize 1,350 adoptions. In 2003, 3,100 adoptions were completed. National Adoption Day 2004 was the biggest celebration to date, finalizing the adoptions of more than 3,400 children from foster care. It seems quite appropriate that as we celebrate Thanksgiving, we also celebrate the formation of new families through adoption.

As a member of the bipartisan Congressional Coalition on Adoption, I am committed to assisting children in the United States to find stable, loving and permanent homes. Additionally, I support the goals of National Adoption Day to encourage others to adopt children from foster care, to build stronger ties between local adoption agencies, courts, and adoption advocacy organizations, and to continue to research and learn more about families wanting to adopt and the children waiting to be adopted.

I am also proud that Members of the Senate continue to support ways to make adoption easier and more affordable. Since the cost of adoption can be very high, we ought to do what we can to lessen this initial burden for the exceptional people who provide caring homes for children. Adoption proceedings and legal fees for some domestic adoptions can cost more than $40,000. To ease some of this burden, Congress adopted a $10,000 tax credit for adoption expenses. If we ask individuals to care for and adopt children, we must provide some relief from the financial burdens associated with that care. The adoption tax credit is an effective vehicle to provide this relief.

The commitment of adoptive parents in South Dakota and throughout our country to provide children with safe, permanent, and loving homes will, of course, have a positive impact on their lives. As we celebrate National Adoption Day on November 19, 2005, I call on my colleagues to continue supporting efforts to make adoption easier for parents, children and other important players in the adoption process.

HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS TYLER R. MACKENZIE

Mr. SALAZAR. Mr. President, I want to take a few moments of this body's time to remember a true fallen hero, a Coloradan that has been lost to us in defense of our freedoms.

Last week, on Veterans' Day, the family of PFC Tyler R. Mackenzie buried him back home in Weld County. A native of Evans, CO, Private First Class Mackenzie was killed in early November near Baghdad when an improvised explosive device detonated near his Humvee. He was only 20 years old, taken from his family and friends just a few days shy of his 21st birthday.

Tyler was a tower of a young man, a six-foot-seven-inch high school football player at Greeley West High School. Tyler's coaches remember him for having held himself to the highest standards and being his own toughest critic. He enjoyed the horticulture classes at Greeley West. He expected excellence from himself and refused to accept anything less.

After graduating Greeley West in 2003, Tyler went to work at his family's business, manufacturing kitchen cabinets. He also worked for the Greeley-Evans School District 6.

Tyler was a man of faith, active in his church. Tyler also had a sense of humor, and his older sister used to call him "Monkey" for his ability to climb across the rafters of the family's basement.

But seeking something else, perhaps a larger opportunity to give back to this Nation, Tyler joined the Army in January of this year. He became a member of the 1st Battalion, 502nd Infantry Regiment, 2nd Brigade Combat Team of the storied 101st Airborne Division that bravely halted the march of tyranny across Europe during World War II. Private First Class Mackenzie was following a long tradition of military service in his family; his two grandfathers had served in the Navy during World War II, and his father had served as a military police officer with the Army.

Private First Class Mackenzie completed basic training in May of this year and was deployed to Iraq on September 28. He had been in Iraq only 6 weeks before his tragic death.

Tyler is exactly the kind of young man we as a Nation are so fortunate to have serving in our Armed Forces. He was a young man of intellect, self-discipline, courage and concern. He joined the Army because he wanted to help, to serve his country as his father and grandfathers and so many others had before him. He wanted to ensure that Iraqis knew the full blessings of their new freedom and could share the same opportunities he had here.

Tyler's sacrifice on behalf of this Nation is a reminder to all of us of the precious gift we have to live in such a country. To his parents, David and Julie, his sister Nicole and the entire Mackenzie family, this Nation humbly thanks you for Tyler. We are forever grateful for your sacrifice and his.

MARINE LANCE CORPORAL JEREMY P. TAMBURELLO

Mr. President, I wish to speak for a moment about a brave son of Westminster, CO, lost to us in the fighting in Iraq: Marine LCpl Jeremy P. Tamburello.

Lance Cpl. Tamburello was killed earlier this month when his military vehicle was struck by an improvised explosive device near Rutbah, Iraq. He was a member of the 1st Light Armor Reconnaissance Battalion, 1st Marine Division, I Marine Expeditionary Force, and was only 19 years old.

Jeremy was a straight-A high school student at Ranum High School in Adams County. Jeremy had a gift for science and dreams of serving his Nation in the United States Marine Corps before going on to pursue a degree in computer science.

When Jeremy announced his intention to join the Marine Corps, his father, Kevin tried at first to talk him out of it, warning him of the terrible risks of serving during this time of conflict in Iraq. Kevin suggested to his son that he pursue a computer science degree at a technical college.

Jeremy's response to his father was respectful, but firm: "This is what I want to do, Dad. Sign the papers."

And so in the summer of 2004, Jeremy Tamburello joined the Marine Corps and began his brave journey of service to America. This past August, he was deployed to Iraq. It was a challenge in which he was a firm believer. He cared about the future of the people of Iraq and about the sacrifices made by the over 3,000 Americans in the September 11th attacks. He wanted to serve his Nation and protect those freedoms that all too often so many of us take for granted and help bring them to the fledgling democracy of Iraq.

This Nation is blessed to have a young man like Lance Cpl. Tamburello. He served his country with honor and distinction, with a courage and conviction that makes us all so very proud. Lance Cpl. Tamburello did not seek glory or parade honors, but instead chose to humbly serve to help shine the blessings of freedom and liberty to those who had for too long languished behind a curtain of oppression.

To Jeremy's family, I can only offer the quiet and humble thanks of a grateful Nation. Jeremy exemplified the nobility and honor, courage and self sacrifice, that has made every American proud of his example. We shall not forget your sacrifice, nor his.

TRIBUTE TO STAFF SERGEANT KYLE B. WEHRLY

Mr. GRASSLEY. Mr. President, today I pay tribute to a true American hero, SSG Kyle B. Wehrly. On November 3, 2005, Staff Sergeant Wehrly was tragically killed in action during Operation Iraqi Freedom by an improvised explosive device outside of Ashraf, Iraq. He served with B Battery of the 2nd battalion, 123rd Field Artillery Regiment in the Army National Guard.

I request that all Americans join me today in honoring Staff Sergeant Wehrly. We should all remember his bravery, his compassion, and his final sacrifice to the cause of freedom. Throughout our history, great men and women have stood up and given their lives for their country, and it is with great sadness that we pay tribute to another brave American whose time with us was all too short.

Staff Sergeant Wehrly patriotically joined the National Guard when he was only a junior in high school and was sent to the Middle East in October 2004. Upon his arrival in Iraq, his father, Rev. Peter Wehrly of Springfield, IL, recalls that his son only wanted to be sent things he could give away to the Iraqi children. "All he wanted was stuff for kids. Candy, flip-flops. . . . We had five boxes of stuff. He didn't want anything for himself," Reverend Wehrly said.

All those who knew Staff Sergeant Wehrly will greatly miss him. My prayers go out to his family and friends in their time of grief, his father Peter, his mother Nita, and his wife Janet. We should especially remember Staff Sergeant Wehrly's 6-year-old daughter, Kylee, who will unfortunately grow up with too few memories of her courageous and compassionate father. Our thoughts and prayers are with her and with the entire family. It is important to remind them and to remind all Americans that Staff Sergeant Wehrly did not die in vain but, rather, died protecting his country and protecting the freedom of countless individuals around the world. May he always be remembered as the true American hero that he was.

LANCE CORPORAL SCOTT ZUBOWSKI

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man who grew up in North Manchester. Scott Zubowski, 20 years old, died on November 12 near Fallujah, Iraq when a roadside bomb exploded under the military vehicle in which he was riding. With his entire life before him, Scott risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Remembered for his intelligence and honorable service, Scott was killed during his second tour of duty in Iraq. A 2003 graduate of Manchester High School, Scott enlisted in the Marine Corps shortly after graduation, inspired by his older brother's Marine service. Recently married to another Manchester graduate, Scott was set to return home before his 21st birthday in March. One of his classmates told the Muncie Star Press that "Not only was he the smartest guy I've ever known, he was unique in a way for which words aren't good enough to actually describe who he was. But to those of us who knew him and were his friends, his presence made a profound impact in our lives that still continues to shape us today."

Scott was killed while serving his country in Operation Iraqi Freedom. He was a member of the 2nd Batallion, 7th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force. This brave young soldier leaves behind his wife, Klancey; his mother, Barbara Weitzel; his father, Richard Zubowski; and his brothers, David and Brian.

Today, I join Scott's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Scott, a memory that will burn brightly during these continuing days of conflict and grief.

Scott was known for his dedication to his family and his love of country. Today and always, Scott will be remembered by family members, friends and fellow Hoosiers as a true American hero and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Scott's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Scott's actions will live on far longer that any record of these words.

It is my sad duty to enter the name of Scott Zubowski in the official record of the United States Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Scott's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Scott.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On October 22, 1998, in Madison, WI, Johnny L. Ellis attacked a man in what police say was a hate motivated crime. The victim, a man dressed in woman's clothing, was hit over the head with a full 40-ounce bottle of malt liquor, causing the bottle to break. Mr. Ellis then stabbed the victim in the stomach with the broken bottle, causing a wound that required 55 stitches. Throughout the ordeal Mr. Ellis referred to the victim as a "he-she."

I believe that our Government's first duty is to defend its citizens, in all circumstances, from threats to them at home. The Local Law Enforcement Enhancement Act is a major step forward in achieving that goal. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

RECOGNITION OF DANIEL PACK

• Mr. ALLARD. Mr. President, I rise today to congratulate Daniel Pack for receiving Colorado's Professor of the Year Award in 2005.

Daniel J. Pack, Ph.D., P.E. currently serves as a professor in the Department of Electrical Engineering at the U.S. Air Force Academy, Colorado Springs, CO. He has enjoyed a distinguished career as teacher, scholar, and professional peer. Daniel Pack's long list of accomplishments is evidence of his superb teaching ability, dedication to his students and commitment to U.S. Air Force Academy.

It is an honor for me to recognize this outstanding achievement of Daniel Pack. I commend him for his efforts to enhance the quality of education and scholarship. We are very grateful for all he does to make a difference. His efforts are greatly appreciated.

Now more than ever before, it is essential that our students receive a well-rounded education. We must be able to trust in the skills and talents of college professors like Daniel Pack if we are to produce the next generation of our nation's leaders.

Congratulations again to Daniel Pack, recipient of Colorado's Professor of the Year Award in 2005.•

TRIBUTE TO TOMMY F. GRIER

• Mr. ALLARD. Mr. President, I rise today to pay tribute to Tommy F. Grier, who is retiring as the director of the Division of Emergency Management for the State of Colorado after spending more than 12 years in the emergency management field.

Colorado has been honored to have Tommy, a leading expert in the field of operational design and preparedness, helping to establish Colorado as a leader in the areas of homeland security and emergency management. Prior to working for the State of Colorado, BG Tommy F. Grier served his country as an operations officer in the U.S. Army with assignments spanning the gamut of organizations from battalion though division level. He is a graduate of both the Naval War College and the Army War College.

Tommy had a long and distinguished military career, earning the Silver Star, the Legion of Merit with Oak Leaf Cluster, the Distinguished Flying Cross with three Oak Leaf Clusters, the Bronze Star with two Oak Leaf Clusters, Meritorious Service Medal with four Oak Leaf Clusters, Air Medal with "V" device and Numeral "40", the Army Commendation Medal, the master Parachutist Badge, Senior Army Aviator Badge, Special Forces Tab, and Army Staff Identification Badge.

He received his commission on August 16, 1962, through the U.S. Army Reserve Officers Training Corps. In July 1963, he was transferred to the Special Forces Training Group where he served as executive officer to the commander and then subsequently as an instructor.

In 1966, he began the first of two tours in Southeast Asia, serving as an armed helicopter section leader with the 121st Aviation Company in the Republic of Vietnam; as Operations Officer, 25th Aviation Battalion, 25th Infantry Division during the Cambodian Incursion, and he commanded the 238th Aerial Weapons Company in I Corps, II Corps, and Laos.

Grier's assignments included the Directorate, Office of the Deputy Chief of Staff for Operations in Washington, DC; Executive to the Director of Requirements; Senior Operations Officer, Joint Staff for Planning and Controlling for "Jack Frost '79"—a full-scale military joint force readiness exercise; Chief, Infantry and Armor Branch, Enlisted Personnel Management Directorate, Military Personnel Center; and Operations Officer, 7th Infantry Division at Fort Ord, CA.

From July 1987 until his retirement from active duty, he served as Senior Advisor for the Colorado Army National Guard. Brigadier General Tommy F. Grier was appointed Assistant Adjutant general and Commander of the Army National Guard on Oct. 1, 1993. He retired from the Colorado Army National Guard in 1996.

While serving as the Assistant Adjutant General for Army and commander of the Colorado Army National Guard, Brigadier General F. Tommy Grier oversaw the participation of State troops and assets for World Youth Day 1993 where more than half a million pilgrims traveled to Denver to hear Pope John Paul II deliver his international message of peace. Tommy has also planned, directed, and participated in countless search and rescue missions both domestically and abroad.

With relentless emphasis on weapons of mass destruction, WMD, contingency planning, Tommy put Colorado in a very desirable position from a preparedness standpoint at a most appropriate time. In preparation for the Denver Summit of the Eight in 1997, he initiated and coordinated several innovative technical assistance visits from the Department of Defense Chemical and Biological Defense Command.

Tommy's remarkable insight undoubtedly set the benchmark for future programs. His WMD efforts in Colorado predate the Defense Against Weapons of Mass Destruction Act of 1996, also known as the Nunn-Lugar-Domenici amendment to the National Defense Authorization Act for fiscal year 1997, which stipulated the training of first responders to deal with WMD terrorist incidents.

Tommy worked closely with the Federal Emergency Management Agency, FEMA, to ensure affected local communities received the support necessary to facilitate recovery during numerous Colorado emergencies, including the 1997 and the 1999 floods, the 2002 wildfires, and the "blizzard of the century" in 2003.

But perhaps Tommy's greatest contribution to the State of Colorado has been his efforts in helping modernize the State's emergency preparedness efforts. Playing a key role in the set up of the new Colorado Multi-Agency Coordination Center, MACC, and State Emergency Operations Center, SEOC, his in-depth knowledge and operational expertise has helped craft a nationwide model of excellence.

Tommy and his wife Jan are the proud parents of three sons: Tom III, Jud, and Andy.

I commend Tommy Grier for his dedicated service to his country, his commitment to ensuring public safety, and his leadership in emergency management. Colorado is a better place because Tommy Grier chose to serve.•

TRIBUTE TO PEGGY SHADDUCK PALOMBI

• Mr. BUNNING. Mr. President, today I pay tribute to Peggy Shadduck

Palombi of Lexington, KY, on being recognized as one of America's top professors in the 2005 U.S. Professors of the Year Program by the Council for Advancement and Support of Education.

The annual U.S. Professors of the Year Program was established in 1981 to reward outstanding professors for their dedication to teaching, commitment to students, and innovative instructional methods. It is the only national program to recognize college and university professors for their teaching skills.

Ms. Palombi, an associate professor at Transylvania University, in Lexington, KY, has been recognized by the Council for Advancement and Support of Education for her tireless work in exhibiting excellence at Transylvania University. Ms. Palombi sets an example of excellence for both colleagues and students alike. She inspires her students to achieve academically and contribute to the community.

I now ask my fellow colleagues to join me in thanking Ms. Palombi for her dedication and commitment to the education of America's future. In order for our society to continue to advance in the right direction, we must have professors like Peggy Shadduck Palombi in our institutions of higher learning, in our communities, and in our lives. She is Kentucky at its finest.•

RECOGNIZING OF THE SOCIETY OF PHYSICS STUDENTS

• Mr. BUNNING. Mr. President, I pay tribute to the members of the Society of Physics Students, SPS, in the Department of Physics at the University of Louisville. The SPS will be celebrating 2005 as the World Year of Physics. The celebration will coincide with the 100 year anniversary of the publication of Albert Einstein's Special Theory of Relativity, Quantization of the Electromagnetic Field, and the Energy-Mass Relationship.

The University of Louisville chapter has been recognized for achievement by numerous national physics organizations. Their recent accomplishments include the Blake Lilly Prize for Outreach, a national SPS designation as Outstanding Chapter, along with the Marsh White Award for Education and Outreach from the Sigma Pi Sigma National Physics Honor Society. In light of these efforts, I ask my fellow colleagues to join me in recognizing the Society of Physics Students at the University of Louisville for their celebration of 2005 as the World Year of Physics.•

MICHIGAN STATE UNIVERSITY SESQUICENTENNIAL

• Mr. LEVIN. Mr. President, I rise to pay tribute to Michigan State University as they continue their 150th anniversary celebration. Throughout its history, Michigan State has made a tremendous contribution to the State of Michigan and to our Nation as a whole.

Michigan State University, or the Agricultural College of the State of Michigan as it was originally known, was created in 1855 by an act of the Michigan Legislature authorizing the creation of a school of higher education for agriculture. Two years later, Michigan State welcomed its first class of 63 students.

Nearly 100 years ago, President Teddy Roosevelt visited Michigan State and delivered a commencement speech to more than 20,000 students, faculty, and family of the graduates. In his speech, he stated "The fiftieth anniversary of the founding of this college is an event of national significance, for Michigan was the first State in the Union to found this, the first agricultural college in America."

While Michigan State was the first agricultural college in the United States, the curriculum studied by its students went far beyond agriculture and included classes in English, philosophy, and economics. This multifaceted approach to higher education produced well-rounded graduates and became the foundation of the educational philosophy later employed by the land grant colleges created by Congress in 1862. In addition, this philosophy marked an important change in the way higher education was perceived around the country. No longer was a college degree available only to society's elite, but also to the less privileged who made use of the practical education they received to improve their own standard of living as well as that of their family, community, and our Nation as a whole. The significance of this shift in thinking cannot be overstated and remains as important today as it was in the mid-1800s.

Of course, President Roosevelt's commencement address was only one of many significant events in the history of Michigan State University. The University welcomed its first female students in 1870 and presented 22 degrees to women by 1895. Michigan State's color barrier was broken in the early 1900s when it awarded its first degrees to an African-American man, William Thompson, in 1904 and an African-American woman, Myrtle Craig, in 1907.

Among the nearly 400,000 Michigan State Alumni worldwide are 16 Rhodes Scholars, a Pulitzer Prize winner, a Grammy award winner, two former Michigan Governors, a former U.S. Senator and Secretary of Energy, and the first women to represent the State of Michigan in the U.S. Senate, my colleague and friend, Debbie STABENOW. Michigan State now offers more than 200 programs of study and serves almost 45,000 current students from all 50 States and more than 120 foreign countries.

Among many other things, researchers at Michigan State University are credited with the development of leading cancer fighting drugs and the process of milk homogenization. Michigan State is currently home to the National Superconducting Cyclotron Laboratory, the leading rare isotope research facility in the country. The nuclear science research taking place at this facility is improving our knowledge of the elements that make up the world around us and could provide new medical breakthroughs, including new tools for the treatment of cancer. This research, primarily funded by the National Science Foundation and the university, has made Michigan State's nuclear physics doctoral program one of the most prestigious in the Nation.

I know my colleagues will join me in congratulating Michigan State University on 150 years of contributions to Michigan and the Nation as a whole. I would also like to wish Michigan State University, its students, faculty, alumni, and supporters good luck and continued success as they work to make the next 150 years as productive and full of accomplishment as previous 150 have been.•

• Ms. STABENOW. Mr. President, I rise today to celebrate the sesquicentennial, the 150th anniversary, of my alma mater, Michigan State University, MSU.

Located on the banks of the Red Cedar River, Michigan State University was the first agricultural college in the Nation and the prototype for land-grant institutions later established under the Morrill Act of 1862. In fact, in the mid 1950s, the U.S. Postal Service honored Michigan State University with a postage stamp commemorating it as the original land-grant university.

The land-grant philosophy is rooted in the principle to extend the values of education to all who seek it, and the Morrill Act grew out of a movement to bring benefits of education to rural areas. The original tract of land in 1855 for my nascent college, then known as the Agricultural College of the State of Michigan, consisted of 677 acres. Additional lands were purchased, and presently, the combined size of Michigan State lands—from its central campus to its research stations around the state—totals close to 20,000 acres across Michigan. As the campus has grown, so has Michigan State's imprint on the world through its commitment to its students and its offering of a quality, public higher education to all.

Academically, MSU students and colleges are highly regarded. The university has had more Rhodes Scholars than any other Big Ten Conference university in the past generation. U.S. News & World Report ranks 10 of

MSU's graduate departments in the Top 10 in their field nationally. On an international note, the University's Study Abroad program is the largest of any public university in the Nation, offering more than 190 programs in more than 60 countries on all continents, including Antarctica. Furthermore, MSU is proud to have the highest percentage of in-state students among Michigan universities, with many of those who receive a bachelor's degree from MSU staying and working in the state.

The University has a notable and strong athletic history. In its 108-year football history, Michigan State has won six NCAA national football championships, while last year, both its men's and women's basketball teams made it to their respective and coveted Final Four tournaments. Sparty the Spartan is Michigan State University's fearless and loveable mascot, a figure known throughout the State of Michigan and recognized across the Nation as well. Sparty is the heart of Michigan State, forever supporting its teams, bringing smiles to young and old and continually uplifting all who meet him.

The State of Michigan has always been the "first beneficiary" of MSU's high-quality academic programs and its global networks. But it is through those networks that MSU also is engaged with the world beyond the boundaries of its campus. Michigan State has built partnerships across the Nation and around the globe that fulfill its land-grant responsibilities to an international society and at the same time rebound benefits to Michigan, working in ways that will bring my constituents the greatest value and return, ways that will strengthen our communities, fuel our economy and provide all of our citizens with a better quality of life.

As I applaud today the deep history and strength of Michigan State University, I know its best days are still before it. From this Spartan, I wish Michigan State University a most wonderful sesquicentennial.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Environment and Public Works.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 9:34 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 161. An act to provide for a land exchange in the State of Arizona between the Secretary of Agriculture and Yavapai Ranch Limited Partnership.

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

ENROLLED BILL SIGNED

At 10:55 a.m., a message from the House of Representatives, delivered by Ms. Chiappardi, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2862. An act making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30,2006, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

At 12:22 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 562. An act to authorize the Government of Ukraine to establish a memorial on Federal land in the District of Columbia to honor the victims of the manmade famine that occurred in Ukraine in 1932–1933.

H.R. 866. An act to make technical corrections to the United States Code.

H.R. 1036. An act to amend title 17, United States Code, to make technical corrections relating to Copyright Royalty Judges, and for other purposes.

H.R. 1442. An act to complete the codification of title 46, United States Code, "Shipping", as positive law.

H.R. 1492. An act to provide for the preservation of the historic confinement sites where Japanese Americans were detained during World War II, and for other purposes.

H.R. 1790. An act to protect children and their parents from being coerced into administering a controlled substance in order to attend school, and for other purposes.

H.R. 3351. An act to make technical corrections to laws relating to Native Americans, and for other purposes.

H.R. 3647. An act to render nationals of Denmark eligible to enter the United States as nonimmigrant traders and investors.

H.R. 4133. An act to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program.

H.R. 4337. An act to amend the Internal Revenue Code of 1986 to provide for Gulf tax credit bonds and advance refundings of certain tax-exempt bonds, and to provide a Federal guarantee of certain State bonds.

The message also announced that the House has passed the following bill, without amendment:

S. 1234. An act to increase, effective as of December 1, 2005, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 230. Concurrent resolution expressing the sense of the Congress that the Russian Federation must protect intellectual property rights.

H. Con. Res. 268. Concurrent resolution expressing the sense of the Congress regarding oversight of the Internet Corporation for Assigned Names and Numbers.

At 2:36 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 72. Joint resolution making further continuing appropriations for the fiscal year 2006, and for other purposes.

At 4:36 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House, having had under consideration the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes, it was,

Resolved, that the House insist upon its disagreement to the amendment of the Senate.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 562. An act to authorize the Government of Ukraine to establish a memorial on Federal land in the District of Columbia to honor the victims of the manmade famine that occurred in Ukraine in 1932–1933; to the Committee on Energy and Natural Resources.

H.R. 866. An act to make technical corrections to the United States Code; to the Committee on the Judiciary.

H.R. 1036. To amend title 17, United States Code, to make technical corrections relating to Copyright Royalty Judges, and for other purposes; to the Committee on the Judiciary.

H.R. 1442. An act to complete the codification of title 46, United States Code, "Shipping", as positive law; to the Committee on the Judiciary.

H.R. 1492. An act to provide for the preservation of the historic confinement sites where Japanese Americans were detained during World War II, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1790. To protect children and their parents from being coerced into administering a controlled substance in order to attend school, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 3647. An act to render nationals of Denmark eligible to enter the United States as nonimmigrant traders and investors; to the Committee on the Judiciary.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 230. Concurrent resolution expressing the sense of the Congress that the Russian Federation must protect intellectual property rights; to the Committee on Foreign Relations.

H. Con. Res. 268. Concurrent resolution expressing the sense of the Congress regarding oversight of the Internet Corporation for Assigned Names and Numbers; to the Committee on Commerce, Science, and Transportation.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, November 17, 2005, she had presented to the President of the United States the following enrolled bills:

S. 161. An act to provide for a land exchange in the State of Arizona between the Secretary of Agriculture and Yavapai Ranch Limited Partnership.

S. 1713. An act to make amendments to the Iran Nonproliferation Act to 2000 related to International Space Station payments, and for other purposes.

S. 1894. An act to amend part E of title IV of the Social Security Act to provide for the making of foster care maintenance payments to private for-profit agencies.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4673. A communication from the Secretary, Judicial Conference of the United States, transmitting, a report of legislative proposals to amend sections 1441(a) and 1447 of title 28, United States Code, to amend 18 U.S.C. 3672, and to amend 28 U.S.C. 753 and the Judiciary Appropriations Act of 1991; to the Committee on the Judiciary.

EC–4674. A communication from Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled "Report to Congress on the Activities and Operations of the Public Integrity Section for 2004 (CORRECTED)"; to the Committee on the Judiciary.

EC–4675. A communication from the Executive Secretary and Chief of Staff, U.S. Agency for International Development, transmitting, pursuant to law, the report of a conformation in the position of Assistant Administrator, Bureau for Global Health and a conformation in the position of Assistant Administrator, Bureau for Economic Growth, Agriculture and Trade, received on November 15, 2005; to the Committee on Foreign Relations.

EC–4676. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a certification regarding the proposed transfer of major defense equipment valued at $14,000,000 or more from the Government of the Netherlands to the Government of Chile; to the Committee on Foreign Relations.

EC–4677. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of major defense equipment and defense articles in the amount of $50,000,000 or more to the Republic of Korea, Australia, Canada, United Kingdom, Israel, and Italy; to the Committee on Foreign Relations.

EC–4678. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of major defense equipment and defense articles in the amount of $14,000,000 or more to Mexico (Sentinel radars and Sentry command and control software); to the Committee on Foreign Relations.

EC–4679. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $100,000,000 or more to the United Kingdom (AN/VIC-3 Vehicle Intercommunications System); to the Committee on Foreign Relations.

EC–4680. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services in the amount of $100,000,000 or more to Japan (F–15 aircraft spare parts and equipment and F100 engines); to the Committee on Foreign Relations.

EC–4681. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the annual report for 2004 on United States Participation in the United Nations; to the Committee on Foreign Relations.

EC–4682. A communication from the Under Secretary of Commerce for Oceans and Atmosphere, Department of Commerce, transmitting, pursuant to law, the Northwest Atlantic Fisheries Convention Act 2004 Annual Report; to the Committee on Commerce, Science, and Transportation.

EC–4683. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule: Closure of the Regular B Days-at Sea Pilot Program" (I.D. No. 100305A) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4684. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer" (I.D. No. 053105F) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4685. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule; Emergency Action for Paralytic Shellfish Poisoning Closure" (RIN0648–AT48) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4686. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Change of Controlling Agency for Restricted Areas; HI" ((RIN2120–AA66)(2005–0236)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4687. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of VOR Federal Airway V–343; MT" ((RIN2120–AA66)(2005–0235)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4688. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Organization Designation Authorization Program" (RIN2120–AH79) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4689. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Reservation System for Unscheduled Arrivals at Chicago's O'Hare International Airport" ((RIN2120–AI47)(2005–0002)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4690. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Cheyenne, WY" ((RIN2120–AA66)(2005–0239)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4691. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D and Class E Airspace; Salina Municipal Airport, KS" ((RIN2120–AA66)(2005–0241)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4692. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Dodge City Regional Airport, KS" ((RIN2120–AA66)(2005–0242)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4693. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Legal Description of Class D and Class E Airspace; Topeka, Forbes Field, KS" ((RIN2120–AA66)(2005–0238)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4694. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment and Revision of

Area Navigation Routes; Western United States" ((RIN2120-AA66)(2005-0245)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4695. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Colored Federal Airways; AK" ((RIN2120–AA66)(2005–0243)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4696. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment and Revision of Area Navigation Routes; Western United States" ((RIN2120-AA66)(2005-0244)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4697. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Yakutat, AK" ((RIN2120–AA66)(2005–0237)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4698. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Eagle, CO" ((RIN2120–AA66)(2005–0240)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4699. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E3 Airspace; Riverside March Field, CA" ((RIN2120–AA66)(2005–0246)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4700. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials Training Requirements" (RIN2120-AG75) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4701. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Aviointeriors S.p.A., Series 312 Box Mounted Seats" ((RIN2120-AA64)(2005-0503)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4702. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A320–111 Airplanes; and Model A320–200, A321-100, and A321-200 Series Airplanes" ((RIN2120–AA64)(2005–0504)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4703. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747–300, 747SP, and 747SR Series Airplanes" ((RIN2120–AA64)(2005–0505)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4704. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 727, 727C, 727-100, and 727-100C Series Airplanes" ((RIN2120-AA64)(2005-0506)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 1390. A bill to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes (Rept. No. 109-182).

By Mr. STEVENS, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 2029. An original bill to amend and enhance certain maritime programs of the Department of Transportation, and for other purposes (Rept. No. 109–183).

By Mr. SPECTER, from the Committee on the Judiciary, without amendment:

S. 1354. A bill to establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II.

By Mr. ENZI, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 1614. A bill to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes.

By Mr. SPECTER, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1789. A bill to prevent and mitigate identity theft, to ensure privacy, to provide notice of security breaches, and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information.

By Mr. SPECTER, from the Committee on the Judiciary, without amendment:

S. 1961. A bill to extend and expand the Child Safety Pilot Program.

By Mr. INHOFE, from the Committee on Environment and Public Works, with amendments:

S. 2006. A bill to provide for recovery efforts relating to Hurricanes Katrina and Rita for Corps of Engineers projects.

By Mr. SHELBY, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 2032. An original bill to authorize the Secretary of Homeland Security to award grants to public transportation agencies to improve security, and for other purposes.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted on November 16,2005:

By Mr. WARNER for the Committee on Armed Services:

Army nominations beginning with Brigadier General Robert P. French and ending with Colonel Terry L. Wiley, which nominations were received by the Senate and appeared in the Congressional Record on November 4,2005.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. STEVENS for the Committee on Commerce, Science, and Transportation.

*William E. Kovacic, of Virginia, to be a Federal Trade Commissioner for a term of seven years from September 26, 2004.

*J. Thomas Rosch, of California, to be a Federal Trade Commissioner for the term of seven years from September 26, 2005.

Coast Guard nominations beginning with Capt. William D. Baumgartner and ending with Capt. Brian M. Salerno, which nominations were received by the Senate and appeared in the Congressional Record on September 8, 2005.

By Mr. SPECTER for the Committee on the Judiciary.

Joseph Frank Bianco, of New York, to be United States District Judge for the Eastern District of New York.

Timothy Mark Burgess, of Alaska, to be United States District Judge for the District of Alaska.

Gregory F. Van Tatenhove, of Kentucky, to be United States District Judge for the Eastern District of Kentucky.

Eric Nicholas Vitaliano, of New York, to be United States District Judge for the Eastern District of New York.

Kristi Dubose, of Alabama, to be United States District Judge for the Southern District of Alabama.

W. Keith Watkins, of Alabama, to be United States District Judge for the Middle District of Alabama.

Virginia Mary Kendall, of Illinois, to be United States District Judge for the Northern District of Illinois.

Emilio T. Gonzalez, of Florida, to be Director of the Bureau of Citizenship and Immigration Services, Department of Homeland Security.

Catherine Lucille Hanaway, of Missouri, to be United States Attorney for the Eastern District of Missouri for the term of four years.

By Mr. ROBERTS for the Select Committee on Intelligence.

*Dale W. Meyerrose, of Indiana, to be Chief Information Officer, Office of the Director of National Intelligence.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BYRD (for himself and Mr. ROCKEFELLER):

S. 2028. A bill to provide for the reinstatement of a license for a certain Federal Energy Regulatory Commission project; to the

Committee on Energy and Natural Resources.

By Mr. STEVENS:

S. 2029. An original bill to amend and enhance certain maritime programs of the Department of Transportation, and for other purposes; from the Committee on Commerce, Science, and Transportation; placed on the calendar.

By Mr. BIDEN:

S. 2030. A bill to bring the FBI to full strength to carry out its mission; to the Committee on the Judiciary.

By Mr. DAYTON:

S. 2031. A bill to provide for the valuation of employee personal use of noncommercial aircraft for purposes of Federal income tax inclusion; to the Committee on Finance.

By Mr. SHELBY:

S. 2032. An original bill to authorize the Secretary of Homeland Security to award grants to public transportation agencies to improve security, and for other purposes; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mr. KENNEDY (for himself and Mr. Kerry):

S. 2033. A bill to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY (for himself and Mr. Kerry):

S. 2034. A bill to direct the Secretary of the Interior to conduct a study to evaluate the significance of the Colonel James Barrett Farm in the Commonwealth of Massachusetts and assess the suitability and feasibility of including the farm in the National Park System as part of the Minute Man National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CRAIG (for himself and Mr. Crapo):

S. 2035. A bill to extend the time required for construction of a hydroelectric project in the State of Idaho, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY (for himself and Mr. Kerry):

S. 2036. A bill to designate the facility of the United States Postal Service located at 320 High Street in Clinton, Massachusetts, as the "Raymond J. Salmon Post Office"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SALAZAR:

S. 2037. A bill to establish the Sangre de Cristo National Heritage Area in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BURNS (for himself, Mr. Baucus, Mr. Thune, Mr. Grassley, Mr. Enzi, Mr. Thomas, Mr. Bingaman, Mr. Johnson, Mr. Harkin, Mr. Dorgan, Mr. Conrad, Mr. Byrd, and Mr. Wyden):

S. 2038. A bill to amend the Agricultural Marketing Act of 1946 to restore the original deadline for mandatory country of origin; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURBIN (for himself, Mr. Specter, Mr. DeWine, Mr. Leahy, Mr. Kennedy, Mrs. Feinstein, Mr. Feingold, Mr. Harkin, Mr. Akaka, Mr. Lautenberg, Ms. Cantwell, Mr. Pryor, and Mr. Kerry):

S. 2039. A bill to provide for loan repayment for prosecutors and public defenders; to the Committee on the Judiciary.

By Mr. AKAKA (for himself, Mr. Lautenberg, and Mr. Carper):

S. 2040. A bill to amend the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) to ensure that the Department of Homeland Security is led by qualified, experienced personnel; to the Committee on Homeland Security and Governmental Affairs.

By Mr. REID:

S. 2041. A bill to provide for the conveyance of a United States Fish and Wildlife Service administrative site to the city of Las Vegas, Nevada; to the Committee on Environment and Public Works.

By Mr. CHAMBLISS (for himself and Mr. Harkin):

S. 2042. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to implement pesticide-related obligations of the United States under the international conventions or protocols known as the PIC Convention, the POPs Convention, and the LRTAP POPs Protocol; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURBIN (for himself, Mr. Cochran, and Mr. Salazar):

S. 2043. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide grants for mass evacuation exercises for urban and suburban areas and the execution of emergency response plans, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LEVIN:

S. 2044. A bill to amend the Immigration and Nationality Act to resolve inequities in existing law by reducing the residency requirement for the naturalization of aliens with extraordinary ability so that such aliens may represent the United States at international events; to the Committee on the Judiciary.

By Mr. OBAMA:

S. 2045. A bill to provide incentives to the auto industry to accelerate efforts to develop more energy-efficient vehicles to lessen dependence on oil; to the Committee on Finance.

By Mr. DEWINE:

S. 2046. A bill to establish a National Methamphetamine Information Clearinghouse to promote sharing information regarding successful law enforcement, treatment, environmental, social services, and other programs related to the production, use, or effects of methamphetamine and grants available for such programs, and for the other purposes; to the Committee on the Judiciary.

By Mr. OBAMA (for himself and Mrs. Clinton):

S. 2047. A bill to promote healthy communities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. OBAMA:

S. 2048. A bill to direct the Consumer Product Safety Commission to classify certain children's products containing lead to be banned hazardous substances; to the Committee on Commerce, Science, and Transportation.

By Mr. DOMENICI (for himself, Mr. Dorgan, and Mr. Talent):

S. 2049. A bill to improve the security of the United States borders and for other purposes; to the Committee on the Judiciary.

By Ms. SNOWE (for herself and Ms. Cantwell):

S. 2050. A bill to establish a commission on inland waters policy; to the Committee on Commerce, Science, and Transportation.

By Mr. AKAKA (for himself and Mr. Inouye):

S. 2051. A bill to extend eligibility for certain Federal benefits to citizens of the Freely Associated States; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CHAMBLISS (for himself and Mr. Isakson):

S. Res. 318. A resolution designating November 27, 2005, as "Drive Safer Sunday"; to the Committee on the Judiciary.

By Ms. MIKULSKI:

S. Res. 319. A resolution commending relief efforts in response to the earthquake in South Asia and urging a commitment by the United States and the international community to help rebuild critical infrastructure in the affected areas; to the Committee on Foreign Relations.

By Mr. BURR (for himself, Mr. Obama, Mr. Bingaman, Mr. Bond, Mr. Kerry, Mr. Smith, Mr. Salazar, Mr. Schumer, Mr. Durbin, Ms. Collins, and Ms. Snowe):

S. Con. Res. 65. A concurrent resolution recognizing the benefits and importance of Federally-qualified health centers and their Medicaid prospective payment system; to the Committee on Finance.

By Mr. VITTER:

S. Con. Res. 66. A concurrent resolution affirming that the intent of Congress in passing the National Wildlife Refuge System Improvement Act of 1997 was to allow hunting and fishing on public land within the National Wildlife Refuge System and declaring that the purpose of reserving certain land as public land is to make the land available to the public for reasonable uses; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 31

At the request of Mr. Biden, his name was added as a cosponsor of S. 31, a bill to amend the Electronic Fund Transfer Act to extend certain consumer protections to international remittance transfers of funds originating in the United States, and for other purposes.

S. 132

At the request of Mr. Smith, the name of the Senator from Virginia (Mr. Warner) was added as a cosponsor of S. 132, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for premiums on mortgage insurance.

S. 333

At the request of Mr. Santorum, the names of the Senator from Mississippi (Mr. Cochran) and the Senator from California (Mrs. Feinstein) were added as cosponsors of S. 333, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

S. 380

At the request of Ms. Collins, the names of the Senator from Michigan (Ms. Stabenow) and the Senator from South Dakota (Mr. Johnson) were added as cosponsors of S. 380, a bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children.

S. 441

At the request of Mr. SANTORUM, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 441, a bill to amend the Internal Revenue Code of 1986 to make permanent the classification of a motorsports entertainment complex.

S. 863

At the request of Mr. CONRAD, the names of the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs. BOXER), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Minnesota (Mr. COLEMAN), the Senator from Maine (Ms. COLLINS), the Senator from Texas (Mr. CORNYN), the Senator from Minnesota (Mr. DAYTON), the Senator from Wyoming (Mr. ENZI), the Senator from South Carolina (Mr. GRAHAM), the Senator from Iowa (Mr. GRASSLEY), the Senator from New Hampshire (Mr. GREGG), the Senator from Utah (Mr. HATCH), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Indiana (Mr. LUGAR), the Senator from Florida (Mr. MARTINEZ), the Senator from Maryland (Ms. MIKULSKI), the Senator from Washington (Mrs. MURRAY), the Senator from Illinois (Mr. OBAMA), the Senator from Nevada (Mr. REID), the Senator from Wyoming (Mr. THOMAS) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 863, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centenary of the bestowal of the Nobel Peace Prize on President Theodore Roosevelt, and for other purposes.

S. 908

At the request of Mr. MCCONNELL, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 908, a bill to allow Congress, State legislatures, and regulatory agencies to determine appropriate laws, rules, and regulations to address the problems of weight gain, obesity, and health conditions associated with weight gain or obesity.

S. 1215

At the request of Mr. GREGG, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1215, a bill to authorize the acquisition of interests in underdeveloped coastal areas in order better to ensure their protection from development.

S. 1418

At the request of Mr. ENZI, the names of the Senator from Maine (Ms. SNOWE), the Senator from Michigan (Ms. STABENOW) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 1418, a bill to enhance the adoption of a nationwide inter operable health information technology system and to improve the quality and reduce the costs of health care in the United States.

S. 1496

At the request of Mr. CRAPO, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1496, a bill to direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps.

S. 1508

At the request of Mr. FEINGOLD, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1508, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 1513

At the request of Ms. MIKULSKI, the names of the Senator from New Jersey (Mr. CORZINE), the Senator from Connecticut (Mr. DODD), the Senator from Michigan (Mr. LEVIN) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 1513, a bill to reauthorize the HOPE VI program for revitalization of severely distressed public housing, and for other purposes.

S. 1631

At the request of Mr. DORGAN, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 1631, a bill to amend the Internal Revenue Code of 1986 to impose a temporary windfall profit tax on crude oil and to rebate the tax collected back to the American consumer, and for other purposes.

S. 1719

At the request of Mr. INOUYE, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1719, a bill to provide for the preservation of the historic confinement sites where Japanese Americans were detained during World War II, and for other purposes.

S. 1841

At the request of Mr. NELSON of Florida, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1841, a bill to amend title XVIII of the Social Security Act to provide extended and additional protection to Medicare beneficiaries who enroll for the Medicare prescription drug benefit during 2006.

S. 1883

At the request of Mr. HATCH, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1883, a bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to assist property owners and Federal agencies in resolving disputes relating to private property.

S. 1952

At the request of Mr. COLEMAN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1952, a bill to provide grants for rural health information technology development activities.

S. 1959

At the request of Mr. KERRY, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1959, a bill to direct the Architect of the Capitol to obtain a statue of Rosa Parks and to place the statue in the United States Capitol in National Statuary Hall.

S. 1961

At the request of Mr. BIDEN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1961, a bill to extend and expand the Child Safety Pilot Program.

S. 1969

At the request of Mr. BAUCUS, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1969, a bill to express the sense of the Senate regarding Medicaid reconciliation legislation to be reported by a conference committee during the 109th Congress.

S. 2015

At the request of Mr. ISAKSON, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2015, a bill to provide a site for construction of a national health museum, and for other purposes.

S. CON. RES. 55

At the request of Mr. CRAIG, the names of the Senator from Kentucky (Mr. BUNNING), the Senator from Montana (Mr. BURNS), the Senator from Oklahoma (Mr. COBURN), the Senator from Texas (Mrs. HUTCHISON) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. Con. Res. 55, a concurrent resolution expressing the sense of the Congress regarding the conditions for the United States to become a signatory to any multilateral agreement on trade resulting from the World Trade Organization's Doha Development Agenda Round.

S. CON. RES. 60

At the request of Mr. TALENT, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. Con. Res. 60, a concurrent resolution designating the Negro Leagues Baseball Museum in Kansas City, Missouri, as America's National Negro Leagues Baseball Museum.

AMENDMENT NO. 2587

At the request of Mr. DORGAN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of amendment No. 2587 proposed to S. 2020, an original bill to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006.

AMENDMENT NO. 2596

At the request of Mr. DURBIN, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Washington (Mrs. MURRAY) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of amendment No. 2596 proposed to S. 2020, an original bill to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BYRD (for himself and Mr. ROCKEFELLER):

S. 2028. A bill to provide for the reinstatement of a license for a certain Federal Energy Regulatory Commission project; to the Committee on Energy and Natural Resources.

Mr. BYRD. Mr. President, I ask unanimous consent that the text of my bill to reinstate a hydroelectric license for a Federal Energy Regulatory Commission project in Grafton, WV, be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2028

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REINSTATEMENT OF LICENSE FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to project numbered 7307 of the Federal Energy Regulatory Commission, the Commission shall, on the request of the licensee for the project, in accordance with that section (including the good faith, due diligence, and public interest requirements of that section and procedures established under that section), extend the time required for commencement of construction of the project until December 31, 2007.

(b) APPLICABILITY.—Subsection (a) shall apply to the project on the expiration of any extension, issued by the Commission under section 13 of the Federal Power Act (16 U.S.C. 806), of the time required for commencement of construction of the project.

(c) REINSTATEMENT OF EXPIRED LICENSE.—If a license of the Commission for the project expires before the date of enactment of this Act, the Commission shall—

(1) reinstate the license effective as of the date of the expiration of the license; and

(2) extend the time required for commencement of construction of the project until December 31, 2007.

By Mr. BIDEN:

S. 2030. A bill to bring the FBI to full strength to carry out its mission; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, I rise today to introduce the Full Strength Bureau Initiative Act of 2005. This is a piece of legislation that I think is critically important to our national security. Over the past four years, we have had numerous debates here in the Senate about what we need to do to protect ourselves from international terrorists. While I have disagreed with many of the specific decisions this Congress and President Bush have made, I do agree that we face a grave threat from radical fundamental terrorists. And, it should be a primary focus of our national security efforts. However, it simply makes no sense for us to spend all of our time worrying about terrorism if we turn a blind eye to traditional crime and the threat that it poses to our citizens. We simply have to be able to do both, and the legislation that I am introducing today will help do that.

Part of the response to address this threat has been to shift the primary function of the Federal Bureau of Investigation from investigating and capturing criminals to the prevention of terror attacks. I don't disagree that this is an appropriate shift in priorities, but, we haven't made the investments necessary for the FBI to shift priorities and meet its commitment to combat traditional crime. To address this concern, I am introducing legislation that will authorize funding for the FBI to hire an additional 1,000 agents. These agents will replace the ones that have been reassigned to counterterrorism cases and will help keep our communities safe. The cost—$160 million per year—is minimal when compared to the benefits it will provide. Its passage will help ensure that the FBI has the resources to achieve its counterterrorism priorities without neglecting its traditional crime fighting functions.

A 2004 Government Accountability Office found that the number of overall agents at the FBI has increased by only seven percent since 2001. During the same time, the overall percentage of agents dedicated to counterterrorism by twenty five percent—with 678 agents being permanently shifted from drug, white collar, and violent crime cases to counter-terror activities. In addition, we know that many agents are working on counterterrorism cases even if they have not been "officially" dedicated to that effort in a process know within the FBI as "overburning."

Ultimately, the GAO concluded, as it often does, that the impact on traditional crime was statistically inconclusive; however the report demonstrated many concerns. First, the report found that the FBI referred 236 counterterrorism matters to U.S. Attorneys for prosecution in fiscal year 2001, which ended three weeks after September 11. Two years later, in fiscal year 2003, the FBI referred 1,821 counterterrorism cases to U.S. Attorneys for prosecution—this is a 671 percent increase. During the same period of time, referrals for drug, whitecollar, and violent crime matters all declined by 39 percent, 23 percent, and 10 percent respectively. This statistically demonstrates that the reprogramming effort—while critical—has had an impact on the FBI's traditional crime fighting efforts.

In addition to investigating Federal crimes, the FBI also provides critical assistance to State and local law enforcement. Quite simply, the FBI has technical expertise and resources that are not available to many State and local agencies—especially smaller jurisdictions. These local agencies rely on the FBI to assist them on technical matters, and as the FBI continues to divert resources from criminal cases, a gap in overall law enforcement capabilities is developing. In order to preserve public safety and national security this is a gap that must be filled.

Unfortunately, local budget woes are making it impossible for local agencies to fill the slack. A recent survey indicated that 23 of 44 police agencies are facing an officer shortfall. The USA Today and the New York Times have reported officer shortages in New York, Cleveland, Los Angeles, Houston and others. In addition, I recently attended a Judiciary Committee hearing in Philadelphia and we heard testimony from the Philadelphia Chief of Police that he had lost 2,000 officers in recent years, and the Pittsburgh police chief reported that she had lost nearly ¼ of her officers and had to suspend her community policing programs and other crime prevention programs due to budget cuts.

In addition to local budget woes, the U.S. Congress continues to slash Federal assistance for State and local law enforcement. In this year's Commerce, Justice, State appropriations bill, the Congress cut roughly $300 million from the Justice Assistance Grant and completely eliminated the COPS hiring program. Any local sheriff or police chief will tell you how important this funding assistance is to their efforts, and the investments that we made in them over the past ten years helped drive down crime rates from all-time highs to the lowest levels in a generation. In addition, the COPS program has been statistically proven to reduce crime by the Government Accountability Office, and the Justice Assistance Grants are the primary grant programs used by local agencies to combat illegal drug use in their communities. I voted for this spending bill because it provided critical funding for the FBI and the Drug Enforcement Agency, but I remain very critical of the cuts to state and local law enforcement assistance and hope that the President and the Republican-led Congress will change course.

Unfortunately, these cuts and the FBI reprogramming of agents from crime to counter-terror cases is creating a perfect storm that I'm afraid will contribute to rising crime rates in the future. The good news is that the

2004 Uniform Crime Reports show that crime rates remain at historic lows. But, many criminologists have pointed out that many crime indicators should caution against complacency. Last year, there were over 16,000 murders throughout the United States, and police chiefs and sheriffs are reporting worrying signs of local youth violence. Indeed, a 2005 report by the FBI on youth gangs shows that gang activity is on the rise. Rather than pull-back, we need to re-double our effort to ensure that crime rates don't rise in the future and to push them even lower. I've often said that the safety of Nation's citizens should be the top priority of our Federal Government—this applies to combating international terrorists and traditional crime.

We spent a bulk of the nineties creating a Federal, State, and local partnership that helped make our Nation safer than it has been in a generation. This partnership is breaking down because the President and many in Congress feel that local crime is not a national priority. I couldn't disagree more. The safety of the American people is the most important priority that we have. It doesn't matter whether the threat comes from international terrorists, drug traffickers, or from the thug down the street. In my opinion, it is a terrible mistake to use the successes of the past ten years and the new focus on terrorism as an excuse to abandon our critical anti-crime responsibilities. We can—and we must do both. The American people are counting on us, and the legislation that I am introducing today will help ensure that we meet our commitment to the American people to make sure that they are safe from crime and terrorism.

By Mr. DURBIN (for himself, Mr. SPECTER, Mr. DEWINE, Mr. LEAHY, Mr. KENNEDY, Mrs. FEINSTEIN, Mr. FEINGOLD, Mr. HARKIN, Mr. AKAKA, Mr. LAUTENBERG, Ms. CANTWELL, Mr. PRYOR, and Mr. KERRY):

S. 2039. A bill to provide for loan repayment for prosecutors and public defenders; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I rise today to introduce the Prosecutors and Defenders Incentive Act of 2005. I am honored to have the support and cosponsorship of Senator DEWINE with whom I have enjoyed working on similar measures in previous Congresses. I am further pleased that Senators SPECTER, LEAHY, KENNEDY, FEINGOLD, FEINSTEIN, AKAKA, CANTWELL, HARKIN, LAUTENBERG, PRYOR, and KERRY have also agreed to join me as original cosponsors of this legislation. Our bill is designed to encourage the best and the brightest law school graduates to enter public service as criminal prosecutors and public defenders by making a student loan repayment program available to them.

I am pleased that this legislation enjoys bipartisan support. I am anxious to work closely with Chairman SPECTER and Ranking Member LEAHY to advance it through the Judiciary Committee and secure its enactment by the full Senate.

Our proposed loan repayment program is supported by the American Bar Association, the National District Attorneys Association, the National Association of Prosecutor Coordinators, the National Legal Aid and Defender Association, and the American Council of Chief Defenders.

We can—and should—do more to help prosecutor and public defender offices compete with the higher salaries available in the private sector. In many instances, despite high aspirations and strong motivation to work in the public sector, many graduates find it economically impossible to pursue that career path due to the overwhelming burden of debt. The availability of student loan repayment can be a powerful incentive for attracting some of our most talented new lawyers to public service employment.

Many of today's law graduates are finishing law school owing staggering amounts of student loan debt. According to the American Bar Association, the median total cumulative educational debt for law school graduates in the class of 2004 was $97,763 for private schools and $66,810 for public schools. Educational loan debts represent a serious financial obligation which must be repaid. A default on any loan triggers serious consequences. Moreover, the looming obligation can impact career choices for many new graduates.

Many budding prosecutors and public defenders face a disheartening dilemma. On the one hand, they have a deep commitment to pursuing a career in public service. On the other hand, they need a level of income to meet the demands of exorbitant educational loan liabilities. This wrenching choice has not only personal impact but adverse implications for the legal profession and its commitment to ensuring access to justice for all citizens. And from an employer's perspective, comparatively low salaries and high debt make it extremely difficult to recruit and retain attorneys in prosecutor and public defender offices.

The results of a special study, "Lifting the Burden: Law Student Debt as a Barrier to Public Service," published in August 2003 by the American Bar Association, reflects eight key findings, which I will describe in more specificity in my remarks.

First, law school tuition levels have skyrocketed. Second, the vast majority of law students borrow funds to finance their legal education. Third, law students are borrowing increasingly larger sums to finance their legal education. Fourth, public service salaries have not kept pace with rising law school debt burdens or private sector salaries. Fifth, high student debt bars many law graduates from pursuing public service careers. Sixth, many law graduates who take public service legal jobs must leave after they gain 2 to 3 years of experience. Seventh, public service employers report serious difficulty recruiting and retaining lawyers. And eighth, the legal profession and society pay a severe price when law graduates are shut out from pursuing public service legal careers due to high educational debt burden.

On the matter of skyrocketing tuition levels, since the early 1970s, there have been steep and persistent hikes in the costs of legal education and in the tuition rates law schools charge. Researchers found that tuition increased about 340 percent from 1985 to 2002 for private law school students and out-of-state students at public law schools. In state students at public law schools saw their tuition jump about 500 percent. During the period 1992–2002, the cost of living in the United States rose 28 percent while the cost of tuition for public law schools rose 134 percent for residents and 100 percent for nonresidents, and private law school tuition increased 76 percent.

In 1975, when private law school tuition averaged $2,525 and public law school tuition for in state residents was $700, the need to borrow to finance a legal education was not as prevalent or necessary. In 1990, when tuition was $11,680 for private institutions and $3,012 for public law schools, it was at least manageable. In 2002, the median law school annual tuitions were $21,920 for private law schools, $18,131 for nonresident students at public law schools, and $9,252 for resident students at public law schools.

A computation of the tuition rates of the 186 ABA-accredited law schools for 2004 reflects that charges for State residents at public law schools average $10,820 per year. For nonresidents attending public law schools, the average tuition amounts to $20,176 per year. Students attending private law schools pay an average of $25,603 per year.

Additional amounts for food, lodging, books, fees and personal expenses increase the costs for 3 years to more than $60,000 in almost all cases and well over $100,000 in many instances.

The vast majority of law students must borrow funds to finance their legal education. In 2002, almost 87 percent of law students borrowed to finance their legal education. That level remained consistent in 2004. Many of these students also carried unpaid debt from their undergraduate studies.

Law students are borrowing increasingly larger sums to finance their legal education. As tuition and other expenses of attending law school rose, more and more students found they needed to borrow to pay for law school.

During the 1990s, the average amount students borrowed more than doubled. Today, the amount borrowed by many students exceeds $80,000.

Public service salaries have not kept pace with rising law school debt burdens or private sector salaries. Entry-level salaries for government or other public service position, have always been significantly lower than those in private practice.

Over the years since the mid-1970s, the median starting salaries in private practice have risen at a much faster pace than entry-level public service salaries. Between 1985 and 2002, the median starting salaries at private law firms rose by about 280 percent. Government lawyers, such as prosecutors and public defenders, saw their salaries increase by just 70 percent.

According to the 2004 Public Sector and Public Interest Attorney Salary Report, published in August 2004 by the National Association for Law Placement, Inc., the median entry-level salary for public defenders is $39,000; with 11 to 15 years of experience, the median is $65,000. The salary progression for State and local prosecuting attorneys is similar, starting at about $40,000 and progressing to $68,000–69,000 for those with 11 to 15 years of experience.

In August 2004, NALP also released the results of its tenth annual comprehensive survey of associate compensation in private sector law firms. According to the 2004 Associate Salary Survey Report, based on salary information as of April 1, 2004 provided by 599 offices, the median salary for first-year associates ranged from $65,000 in firms of 2 to 25 attorneys to $120,000 in firms of 500 attorneys or more, with a first-year median for all participating firms of $95,000. These figures evidence the stark reality of compensation differentials for those graduates electing to devote their skills to public service jobs as prosecutors and defenders.

High student debt bars many law graduates from pursuing public service careers. As law school tuition and student debt have sharply escalated, fewer and fewer law school graduates can afford to take the comparatively low-paying public service positions that are available in government agencies or with prosecutor, public defender, or legal services offices.

A national study of law school debt conducted by Equal Justice Works, the Partnership for Public Service, and the National Association for Law Placement found that law student debt prevented two-thirds of law student respondents from considering a public service career.

The report was based on a spring 2002 survey of graduating law students. Survey respondents included 1,622 students from 117 law schools representing 40 States, the District of Columbia, and Canada. Among the findings reported were the following: Overall, 66 percent of respondents stated that law school debt kept them from considering a public interest or government job. The percentage is higher among those who ultimately accepted jobs in small or large private firms, with 83 percent and 78 percent, respectively, stating that debt prevented them from seeking work with public interest organizations or the Federal Government.

Seventy-three percent of students who had not yet accepted a job when surveyed also indicated that they were disinclined to seek a public interest or government position due to heavy debt load. Providing $6,000 a year in available loan repayment assistance would result in increased interest in a post graduate Federal Government job for 83 percent of student respondents.

Despite their high debt burden, some law graduates initially accept public service jobs. However, the magnitude of debt precipitates high turnover because many of these cannot repay loan obligations on a median starting salary of $36,000 and pay all their other remaining living expenses with the remaining $1,100 per month. Some who begin careers in public service, and who would like to remain, leave after a few years when they find their debts are too severely constraining on their hopes for making ends meet, much less raising children or saving for retirement.

Many public service employers report having a difficult time attracting the best qualified law graduates. Public service employers, such as prosecutor or public defender offices, have vacancies they cannot fill because new law graduates cannot afford to work for them. Alternatively, those who do hire law graduates find that, because of educational debt payments, those whom they do hire leave just at the point when they have acquired the experience to provide the most valuable services.

The legal profession and society pay a severe price when law graduates are shut out from pursuing public service legal careers due to high educational debt burden. Lawyers with dreams of serving their communities as prosecutors or public defenders are unable to use their skills to do so. And when governments cannot hire new lawyers or keep experienced ones, the ability to protect the public safety is challenged. The inability of poor and moderate-income persons to obtain legal assistance can result in dire consequences to those individuals and the communities in which they live.

Our bill, the Prosecutors and Defenders Incentive Act, is designed to help remedy some of these problems. Enacting this measure will help make legal careers in public service as prosecutors and public defenders in the criminal justice system more financially viable and attractive to law school graduates who have incurred significant financial obligations in acquiring their education.

Our proposal would establish, within the Department of Justice, a program of student loan repayment for borrowers who agree to remain employed for at least 3 years as public attorneys who are either State or local criminal prosecutors or State, local, or Federal public defenders in criminal cases. It would allow eligible attorneys to receive student loan debt repayments of up to $10,000 per year, with a maximum aggregate over time of $60,000.

Repayment benefits for such public attorneys would be made available on a first-come, first-served basis and subject to the availability of appropriations. Priority would be given to borrowers who received repayment benefits for the preceding fiscal year and have completed less than 3 years of the first required service period. Borrowers could enter into an additional agreement, after the required 3-year period, for a successive period of service which may be less than 3 years. It would cover student loans made, insured, or guaranteed under the Higher Education Act of 1965, including consolidation loans. Furthermore, it would extend to Federal public defenders the existing Perkins loan forgiveness program available for Federal prosecutors.

Our bill is modeled on the program for Federal executive branch employees which has been enjoying growing success. Federal law permits Federal executive branch agencies to repay their employees' student loans, up to $10,000 in a year, and up to a lifetime maximum of $60,000. In exchange, the employee must agree to remain with the agency for at least 3 years.

During fiscal year 2004, 28 executive branch agencies provided 2,945 Federal employees with more than $16.4 million in student loan repayments, as reported by the Office of Personnel Management in April 2005. This marked a 42-percent increase in the number of beneficiaries and a 79-percent increase in benefits over fiscal year 2003.

It is noteworthy that across the Federal Government in 2004, agencies used the loan repayment program most often to recruit and retain attorneys. In fiscal year 2004, 473 Federal lawyers received loan repayments, representing 16.1 percent of all employees who received the benefit.

The Securities and Exchange Commission provided the benefit to 239 lawyers, and the Justice Department distributed program benefits to 118 of its attorneys. According to the Office of Personnel Management's report, the Nuclear Regulatory Commission reported that the program has been of tremendous benefit in recruiting and retaining attorneys in its Honors Law Graduate Program. NRC commented that law school debt is continuing to rise—to more than $100,000 in some cases—and a gap exists between Federal and private law firm salaries. As a result, some quality candidates may rule out a career as an attorney in the Federal Government. NRC believes the Federal student loan repayment program helps the Commission overcome these obstacles.

I recently received a compelling letter from Jennifer Walsh, the assistant appellate defender for the State of Illinois. Her experiences portray in testamentary terms the real dilemmas encountered by perhaps thousands of attorneys desiring public service careers despite exorbitant student loan obligations.

To simply paraphrase Ms. Walsh's sentiments would diminish their impact, so I would like to quote some excerpts from her letter: "I love being a public servant. . . . Helping those who cannot afford to help themselves isn't charity and it isn't socially progressive. It is justice and it has made me a better person. . . . However, the one problem that I have consistently had since becoming a public defender is getting my student loans paid. I have a debt burden over $110,000. . . . My student loan payments will soon exceed $950 a month. This represents about one-third of my monthly take-home pay. I cannot help pay the mortgage on my house. I cannot save for my two children's futures. During a financial crisis, my husband knows that he cannot look to me to help the family finances. . . . I am now faced with a Hobson's choice—do I fulfill the needs of my indigent clients or my struggling family? I absolutely, positively don't want to leave. But my responsibilities to my family and my student loan creditors make staying in the public sector feel selfish and irresponsible. Imagine that—working for the public good seems selfish and irresponsible because I cannot do what I love and, at the same time, repay what I owe."

I appreciate Ms. Walsh's willingness to share her perspectives with me. By enacting and funding this legislation, we can take a meaningful step toward alleviating some of the financial burden for attorneys such as Ms. Walsh who choose careers as criminal prosecutors and public defenders.

I know there are many other law graduates who, like Jennifer Walsh, want to apply their legal training and develop their skills in the public sector, but are deterred by the weight of student loan obligations. Passage of our legislation will help them make their careers dreams a reality. I urge its swift adoption.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2039

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Prosecutors and Defenders Incentive Act of 2005".

SEC. 2. LOAN REPAYMENT FOR PROSECUTORS AND DEFENDERS.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following:

"PART HH—LOAN REPAYMENT FOR PROSECUTORS AND PUBLIC DEFENDERS

"SEC. 2901. GRANT AUTHORIZATION.

"(a) PURPOSE.—The purpose of this section is to encourage qualified individuals to enter and continue employment as prosecutors and public defenders.

"(b) DEFINITIONS.—In this section:

"(1) PROSECUTOR.—The term 'prosecutor' means a full-time employee of a State or local agency who—

"(A) is continually licensed to practice law; and

"(B) prosecutes criminal cases at the State or local level.

"(2) PUBLIC DEFENDER.—The term 'public defender' means an attorney who—

"(A) is continually licensed to practice law; and

"(B) is—

"(i) a full-time employee of a State or local agency or a nonprofit organization operating under a contract with a State or unit of local government, that provides legal representation to indigent persons in criminal cases; or

"(ii) employed as a full-time Federal defender attorney in a defender organization established pursuant to subsection (g) of section 3006A of title 18, United States Code, that provides legal representation to indigent persons in criminal cases.

"(3) STUDENT LOAN.—The term 'student loan' means—

"(A) a loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965(20 U.S.C. 1071 et seq.);

"(B) a loan made under part D or E of title IV of the Higher Education Act of 1965(20 U.S.C. 1087a et seq. and 1087aa et seq.); and

"(C) a loan made under section 428C or 455(g) of the Higher Education Act of 1965(20 U.S.C. 1078-3 and 1087e(g)) to the extent that such loan was used to repay a Federal Direct Stafford Loan, a Federal Direct Unsubsidized Stafford Loan, or a loan made under section 428 or 428H of such Act.

"(c) PROGRAM AUTHORIZED.—The Attorney General shall establish a program by which the Department of Justice shall assume the obligation to repay a student loan, by direct payments on behalf of a borrower to the holder of such loan, in accordance with subsection (d), for any borrower who—

"(1) is employed as a prosecutor or public defender; and

"(2) is not in default on a loan for which the borrower seeks forgiveness.

"(d) TERMS OF AGREEMENT.—

"(1) IN GENERAL.—To be eligible to receive repayment benefits under subsection (c), a borrower shall enter into a written agreement that specifies that—

"(A) the borrower will remain employed as a prosecutor or public defender for a required period of service of not less than 3 years, unless involuntarily separated from that employment;

"(B) if the borrower is involuntarily separated from employment on account of misconduct, or voluntarily separates from employment, before the end of the period specified in the agreement, the borrower will repay the Attorney General the amount of any benefits received by such employee under this section;

"(C) if the borrower is required to repay an amount to the Attorney General under subparagraph (B) and fails to repay such amount, a sum equal to that amount shall be recoverable by the Federal Government from the employee (or such employee's estate, if applicable) by such methods as are provided by law for the recovery of amounts owed to the Federal Government;

"(D) the Attorney General may waive, in whole or in part, a right of recovery under this subsection if it is shown that recovery would be against equity and good conscience or against the public interest; and

"(E) the Attorney General shall make student loan payments under this section for the period of the agreement, subject to the availability of appropriations.

"(2) REPAYMENTS.—

"(A) IN GENERAL.—Any amount repaid by, or recovered from, an individual or the estate of an individual under this subsection shall be credited to the appropriation account from which the amount involved was originally paid.

"(B) MERGER.—Any amount credited under subparagraph (A) shall be merged with other sums in such account and shall be available for the same purposes and period, and subject to the same limitations, if any, as the sums with which the amount was merged.

"(3) LIMITATIONS.—

"(A) STUDENT LOAN PAYMENT AMOUNT.—Student loan repayments made by the Attorney General under this section shall be made subject to such terms, limitations, or conditions as may be mutually agreed upon by the borrower and the Attorney General in an agreement under paragraph (1), except that the amount paid by the Attorney General under this section shall not exceed—

"(i) $10,000 for any borrower in any calendar year; or

"(ii) an aggregate total of $60,000 in the case of any borrower.

"(B) BEGINNING OF PAYMENTS.—Nothing in this section shall authorize the Attorney General to pay any amount to reimburse a borrower for any repayments made by such borrower prior to the date on which the Attorney General entered into an agreement with the borrower under this subsection.

"(e) ADDITIONAL AGREEMENTS.—

"(1) IN GENERAL.—On completion of the required period of service under an agreement under subsection (d), the borrower and the Attorney General may, subject to paragraph (2), enter into an additional agreement in accordance with subsection (d).

"(2) TERM.—An agreement entered into under paragraph (1) may require the borrower to remain employed as a prosecutor or public defender for less than 3 years.

"(f) AWARD BASIS; PRIORITY.—

"(1) AWARD BASIS.—Subject to paragraph (2), the Attorney General shall provide repayment benefits under this section on a first-come, first-served basis, and subject to the availability of appropriations.

"(2) PRIORITY.—The Attorney General shall give priority in providing repayment benefits under this section in any fiscal year to a borrower who—

"(A) received repayment benefits under this section during the preceding fiscal year; and

"(B) has completed less than 3 years of the first required period of service specified for the borrower in an agreement entered into under subsection (d).

"(g) REGULATIONS.—The Attorney General is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $25,000,000 for fiscal year 2006 and such sums as may be necessary for each succeeding fiscal year.".

By Mr. AKAKA (for himself, Mr. LAUTENBERG, and Mr. CARPER):

S. 2040. A bill to amend the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) to ensure that the Department of Homeland Security is led by qualified, experienced personnel; to the Committee on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. President, I rise today to introduce legislation that will help ensure our homeland security is in the hands of the best and the brightest leaders. The Department of Homeland Security Qualified Leaders Act will establish minimum qualification standards for most Senate-confirmed positions in the Department of Homeland Security, DHS. I am joined by Senators LAUTENBERG and CARPER in introducing this bill, and I thank them for their support.

Hurricane Katrina and the resignation of Under Secretary Michael Brown have raised concerns regarding the experience and qualifications of political appointees in the Federal Government. Mr. Brown had minimal emergency management experience prior to joining the Federal Emergency Management Agency, FEMA. Despite Mr. Brown's 3 years as a senior official at FEMA, the agency faltered during Hurricane Katrina under his leadership.

While not all of the Government's failures to prepare for and respond to Hurricane Katrina can be placed at Mr. Brown's doorstep, leadership matters. At a recent Homeland Security and Governmental Affairs Committee hearing on the Coast Guard's response to Hurricane Katrina, Cpt Bruce C. Jones, the commanding officer of Coast Guard Air Station New Orleans, testified, "What counts most in a crisis, is not the plan, it's leadership. Not processes, but people. And not organizational charts, but organizational culture."

According to Captain Jones, one of the reasons the Coast Guard was able to respond immediately and perform efficiently during Hurricane Katrina is because the leaders of the Eighth District and Sector New Orleans were able to make quick, sound decisions while following a predetermined plan. Quick thinking and good judgement cannot be written into a plan.

In addition, DHS, with its multitude of management challenges, requires leaders with strong management experience. Over the past few years, the DHS Inspector General and the Government Accountability Office have cited DHS for poor contract management, ineffective financial systems, and major human capital challenges. Moreover, DHS is in the process of implementing its Second Stage Review, an attempt to better organize the Department to meet its many missions. As Secretary Michael Chertoff overhauls the Department to create what will hopefully be a structure that serve DHS well for years to come, he needs senior officials who have experience running large organizations—people who know which systems and chains of command work and which do not. Good managers are needed across the Federal Government, but nowhere are they more needed than in an infant agency.

Comptroller General David Walker said in a September 21, 2005, interview with Federal Times that "for certain positions, given the nature of the position, there should be statutory qualification requirements for any nominee." I agree.

For these reasons, we must ensure that the right people are leading DHS. Our bill delineates requirements for Senate-confirmed positions based on their compensation under the Executive Schedule. The most senior officials, those in Executive Level II and III, will be required to possess at least 5 years of management experience, 5 years of experience in a field relevant to the position for which the individual is nominated, such as customs intelligence, or cybersecurity, and a demonstrated ability to manage a substantial staff and budget. These requirements will apply to the following positions: the Under Secretary of Science and Technology; the Under Secretary of Preparedness; the Director of FEMA; and the Under Secretary of Management. The Secretary and Deputy Secretary of Homeland Security are exempt from this bill.

Executive Level IV positions will be required to possess significant management experience, at least 5 years of experience in a field relevant to the position for which the individual is nominated, and a demonstrated ability to manage a substantial staff and budget. These position include the Assistant Secretary for Immigration and Customs Enforcement; the Assistant Secretary for Customs and Border Patrol; the Assistant Secretary for Border and Transportation Security Policy; the Assistant Secretary for Plans, Programs, and Budgets; the Director of the Office State and Local Government Coordination and Preparedness; the Director of U.S. Citizenship and Immigration Services; the Inspector General; the Chief Financial Officer; the U.S. Fire Administrator; and the General Counsel. The bill exempts the commandant of the Coast Guard from this section since requirements for selection of the commandant already exist in law.

I believe that any program or agency will succeed or fail based on leadership. This is especially true at Federal agencies, which need senior leaders with management skills and subject matter expertise. Our bill is a step in the right direction, and I urge my colleagues to join us in passing this important legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2040

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Homeland Security Qualified Leaders Act of 2005".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Department of Homeland Security, a large organization comprised of 180,000 employees and 22 legacy agencies, has a complex mission of securing the homeland from man-made and natural disasters;

(2) the Department and the agencies within require strong leadership from proven managers with significant experience in their respective fields; and

(3) the majority of positions requiring Senate confirmation at the Department do not have minimum qualifications.

SEC. 3. QUALIFICATIONS OF CERTAIN SENIOR OFFICERS.

(a) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after section 103 the following:

"SEC. 104. QUALIFICATIONS OF CERTAIN SENIOR OFFICERS.

"(a) EXECUTIVE SCHEDULE LEVEL II OR III POSITIONS.—

"(1) POSITIONS.—This subsection shall apply to any position in the Department that—

"(A) requires appointment by the President, by and with the advice and consent of the Senate; and

"(B) is at level II or III of the Executive Schedule under section 5313 or 5314 of title 5, United States Code, (including any position for which the rate of pay is determined by reference to level II or III of the Executive Schedule).

"(2) ADDITIONAL QUALIFICATIONS.—In addition to any other qualification applicable to a position described under paragraph (1), any individual appointed to such a position shall possess—

"(A) at least 5 years of executive leadership and management experience in the public or private sector;

"(B) at least 5 years of significant experience in a field relevant to the position for which the individual is nominated; and

"(C) a demonstrated ability to manage a substantial staff and budget.

"(b) EXECUTIVE SCHEDULE LEVEL IV POSITIONS.—

"(1) POSITIONS.—This subsection shall apply to any position in the Department that—

"(A) requires appointment by the President, by and with the advice and consent of the Senate; and

"(B) is at level IV of the Executive Schedule under section 5315 of title 5, United States Code, (including any position for which the rate of pay is determined by reference to level IV of the Executive Schedule).

"(2) ADDITIONAL QUALIFICATIONS.—In addition to any other qualification applicable to a position described under paragraph (1), any individual appointed to such a position shall possess—

"(A) significant executive leadership and management experience in the public or private sector;

"(B) at least 5 years of significant experience in a field relevant to the position for which the individual is nominated; and

"(C) a demonstrated ability to manage a substantial staff and budget.

"(c) EXCEPTIONS.—This section shall not apply to the position of—

"(1) the Secretary;

"(2) the Deputy Secretary of Homeland Security; or

"(3) the Commandant of the Coast Guard.

"(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to lessen any qualification otherwise required of any position.

"(e) SENSE OF CONGRESS.—It is the sense of Congress that individuals nominated by the President for the positions of Secretary and Deputy Secretary of Homeland Security should possess significant management experience and expertise in a relevant field because of the significant level of responsibility entrusted to these individuals.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1 of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended by inserting after the item relating to section 103 the following:

"Sec. 104. Qualifications of certain senior officers.".

By Mr. REID:

S. 2041. A bill to provide for the conveyance of a United States Fish and Wildlife Service administrative site to the city of Las Vegas, Nevada; to the Committee on Environment and Public Works.

Mr. REID. Mr. President, I rise today to introduce the Ed Fountain Park Expansion Act. This legislation would transfer approximately eight acres of Federal land to the city of Las Vegas to allow for the expansion of one of the city's most popular parks.

Ed Fountain Park is one of the best known and well-used parks in the city of Las Vegas. Located in a mature part of the city, adjacent to the city's oldest golf course, Ed Fountain Park has provided recreational opportunities for generations of local residents. For many years it has been home to Pop Warner football practices, youth soccer games, and family picnics and reunions. On any given day or night, a multitude of activities are taking place at the park, many of which are associated with the numerous nonprofit organizations that utilize the park's resources.

The city of Las Vegas contacted my office several months ago to express their desire to expand Ed Fountain Park by acquiring land adjacent to the park that served as the site of the local administrative offices for the Bureau of Land Management, BLM, and U.S. Fish and Wildlife Service. The property was vacated by both Federal land management agencies several years ago after they relocated to a larger, multijurisdictional facility in the northwest part of the Las Vegas Valley.

The property to be acquired by the city is technically classified as part of the Desert National Wildlife Refuge Complex and is currently under the jurisdiction of the Fish and Wildlife Service. The parcel in question, however, is many miles away the actual wildlife refuge and sits as a vacant urban lot. The former administrative offices that were housed on the land were placed there many decades ago when this area was considered to be in the outskirts of town. Now, after years of unprecedented growth, this land is surrounded by well-established neighborhoods. The site also contains a single empty historical structure that would be part of the conveyance.

Were the property under the jurisdiction of the BLM, as is usually the case in the Las Vegas Valley, the property could have been transferred administratively under the authority of the Recreation and Public Purposes Act. But because it is the property of the Fish and Wildlife Service, legislation is needed to transfer ownership of the property from the Fish and Wildlife Service to the city.

This legislation provides the city with maximum flexibility to use the parcel to expand Ed Fountain Park, to build new athletic fields, to develop a community center, or any combination of these uses. All of these potential uses are in the public interest and provide important justification for conveying the land to the city at no cost.

I look forward to working with the distinguished chairman and ranking member of the Environment and Public Works Committee to move this legislation forward in a timely manner.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2041

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ed Fountain Park Expansion Act ".

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATIVE SITE.—The term "administrative site" means the parcel of real property identified as "Lands to be Conveyed to the City of Las Vegas; approximately, 7.89 acres" on the map entitled "Ed Fountain Park Expansion" and dated November 1, 2005.

(2) CITY.—The term "City" means the city of Las Vegas, Nevada.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service.

SEC. 3. CONVEYANCE OF UNITED STATES FISH AND WILDLIFE SERVICE ADMINISTRATIVE SITE, LAS VEGAS, NEVADA.

(a) IN GENERAL.—The Secretary shall convey to the City, without consideration, all right, title, and interest of the United States in and to the administrative site for use by the City—

(1) as a park; or

(2) for any other recreation or nonprofit-related purpose.

(b) ADMINISTRATIVE EXPENSES.—As a condition of the conveyance under subsection (a), the Secretary shall require that the City pay the administrative costs of the conveyance, including survey costs and any other costs associated with the conveyance.

(c) REVERSIONARY INTEREST.—

(1) IN GENERAL.—If the Secretary determines that the City is not using the administrative site for a purpose described in paragraph (1) or (2) of subsection (a), all right, title, and interest of the City in and to the administrative site (including any improvements to the administrative site) shall revert, at the option of the Secretary, to the United States.

(2) HEARING.—Any determination of the Secretary with respect to a reversion under paragraph (1) shall be made—

(A) on the record; and

(B) after an opportunity for a hearing.

By Mr. CHAMBLISS (for himself and Mr. HARKIN):

S. 2042. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to implement pesticide-related obligations of the United States under the international conventions or protocols known as the PIC Convention, the POPs Convention, and the LRTAP POPs Protocol; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. CHAMBLISS. Mr. President, today, Senator HARKIN and I are introducing the POPs, LRTAP POPs and PIC Implementation Act of 2005. This bill would amend the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) to implement the United States' pesticide-related obligations under the Stockholm Convention on Persistent Organic Pollutants (POPs Convention), the Aarhus Protocol on Persistent Organic Pollutants to the Geneva Convention on Long Range Transboundary Air Pollution (LRTAP POPs Protocol) and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (PIC Convention).

POPs are certain chemicals that are toxic, persist in the environment for an extended period of time and can bioaccumulate in the human food chain. POPs have been linked to adverse health effects on humans and animals. Due to their persistent characteristics and ability to circulate globally, POPs that are released in one part of the world can travel to neighboring regions and negatively affect environments where they are not produced or used.

The United States has taken a leading role in reducing and eliminating the use POPs. For example, in the late 1970s, the United States prohibited the manufacture of new PCBs and severely restricted the use of remaining stocks. And over the past 35 years, the United States has had a strong regulatory process that restricted the production and use of dangerous pesticides. Even prior to signing the POPs Convention, the United States prohibited the sale of all the POPs pesticides initially targeted by the convention.

In 2001, President George W. Bush signed the POPs Convention. Its ultimate goal is the safe management of hazardous chemicals. Over time, the convention will help bring an end to the production and use of dangerous pollutants around the world and to positively affect the U.S. environment and public health.

Specifically, the convention requires all signatory nations to stop the production and use of 12 listed POPs, including DDT, PCBs and dioxins. Parties to the convention also agree to control sources of POPs by-products to reduce releases and provide for the safe handling and disposal of POPs in an environmentally sound manner. The convention includes a science-based procedure to allow other POPs to be added and provides technical and financial assistance to help developing countries manage and control POPs.

In 1998, the United States and members of the United Nations Economic Commission for Europe (UN-ECE) negotiated a regional protocol on POPs under the auspices of the Convention on Long Range Transboundary Air Pollution (LRTAP). Informally, the agreement is called the LRTAP POPs Protocol. The goal of the protocol is to eliminate production and reduce emissions of POPs in North America and Europe.

The LRTAP POPs Protocol was the basis for the POPs Convention. The two agreements are similar in purpose, except that the LRTAP treaty is regional and it does not include trade restrictions or the technical and financial assistance available to developing nations under the POPs Convention. Also, the LRTAP POPs Protocol includes four additional chemicals to the 12 listed in the POPs Convention.

In 1998, the PIC Convention established an information-sharing process to promote cooperative efforts among the parties to the convention regarding trade in chemicals. The process is designed to help nations decide whether to allow a chemical to be imported. Basically, the PIC Convention provides for prior notification to potential importing countries by nations exporting chemicals that have been banned or severely restricted in the exporting country. Countries exporting the chemicals listed in the convention must generally ensure that the importing country has consented to import the chemical.

The bill we are introducing today would prohibit the sale, distribution, use, production or disposal of any listed POPs pesticides or LRTAP POPs pesticide. It would establish notice and reporting procedures to ensure the American public is aware of potential actions and decisions made by the parties to the conventions. The bill also would add new export reporting and labeling requirements to ensure compliance with U.S. obligations under the PIC Convention.

In order for the United States to become a party to the conventions, the Senate must ratify the POPs and PIC Conventions. Congress also must pass implementing legislation. This bill does not include a ratification resolution and it does not amend the Toxic Substances Control Act.

At this time, the United States is not a party to the conventions and does not have a seat at the negotiating table. This weak position hampers the ability of our technical experts and negotiators to protect our leadership role in international pesticide policy and regulation. Our observer-only status also limits our ability to participate in the critical decisions that affect U.S. businesses and economic interests and our environment and public health. The delay in ratifying the conventions serves to marginalize us.

The U.S. delegation was unable to fully participate in the first meeting of parties to the POPs Convention held in May 2005 in Punta del Este, Uruguay. The next meeting of the parties to the POPs Convention is May 2006. I urge my colleagues to ratify the conventions and pass implementing legislation so that the United States can reclaim its rightful place as a world leader in the safe management of hazardous chemicals.

I look forward to working with my colleagues on the Senate Foreign Relations Committee and the Environment and Public Works Committee on this matter.

Mr. HARKIN. Mr. President, today I am pleased to join with Chairman CHAMBLISS in introducing legislation to implement the Stockholm Convention on Persistent Organic Pollutants, the LRTAP POPs Protocol, and the Rotterdam PIC Protocol. These three agreements provide an international framework for controlling and eliminating the use of chemicals that have the greatest potential for long-term environmental damage. These persistent organic pollutants, or POPs, are chemicals that do not easily break down in the environment. As a result, they tend to move across international boundaries and bio-accumulate—in other words, they travel up the food chain. This legislation modifies existing U.S. law under the Federal Insecticide, Fungicide and Rodenticide Act, FIFRA, to bring us into compliance with these agreements with regard to chemicals used in agriculture. Implementation of the agreements will also require modification of the Toxic Substances Control Act, TSCA.

These conventions and protocols have already entered into force. But at this point, though the United States is a signatory to all of them, we have not ratified them. All of the chemicals that are listed in the agreement are already banned or tightly controlled under U.S. law, but the Stockholm Convention's Review Committee just met in Geneva and further meetings are planned, and decisions are being made without our delegation able to fully participate as a party to the agreement. The United States needs to ratify the convention in order to have a voice in this process.

Our goal in writing this legislation is narrow. It has not been our intention to open up FIFRA as part of this process, but only to craft those changes compelled by our international commitments. That is not to say that FIFRA is perfect or could not be improved and strengthened—only that this is not the occasion to launch into changing the domestic law beyond the narrow goal of compliance with these agreements.

Some have urged that this measure provide for automatic processes triggered by the decisions of the review committee overseeing the Stockholm Convention. For instance, if the review committee lists a chemical, they would have the United States automatically take steps to regulate or ban the chemical domestically. I have sympathy with that approach, and I would hope that our existing environmental laws would be used to restrict the use of such a chemical before international action, as they have with all the initial chemicals listed in the Stockholm Convention.

But that is not what is called for in the Stockholm Convention. The convention that this legislation will implement does not compel parties to adopt new chemicals added to the convention in future years. Instead, the parties are allowed to opt in to the convention's restrictions. The legislation we are introducing today would allow for any information or studies generated as part of the international process to be used as part of a domestic regulatory action on the chemical, but would not provide an automatic process that compelled the Environmental Protection Agency, EPA, to take action. In essence, we are allowing the EPA to move forward and take action on a chemical if the case made in the international review for a ban is strong, and not make EPA reinvent the wheel and generate new data to back up their conclusions, while at the same time, not mandating EPA action to ban or regulate a chemical. This legislation strikes a fair balance and one that is consistent with the limited goal we have in this process to bring FIFRA into compliance with our international obligations.

The most controversial aspects of this legislation are the provisions that deal with the process by which new chemicals are brought under the convention's control. It is critically important that the position of the United States in the international regulation of chemicals take into account the views of all parties—pesticide manufacturers, farmers, environmental scientists, State regulators—everyone who has a stake in the process.

Under the Stockholm Convention, the process of listing new POPs chemicals follows a three-part process. The review committee determines whether a chemical satisfies the agreed screening criteria in the convention; if the criteria are satisfied, a risk profile is prepared; if on the basis of the risk profile, it is determined that global action is required, the committee or parties would consider listing the chemical.

In each of these stages, the U.S. position should be informed by formal notice and comment periods as provided in existing law. The Federal notice and comment process is open, well developed, and well understood by stakeholders in the process. If this process is optional, there is the risk that the U.S. position could be formed without taking into account important views. While nothing in this legislation dictates that any particular position in this established process be taken by the administration, there is a requirement that the administration use this process to collect information to inform its position in the international body regarding any particular chemical.

The administration's draft of this legislation gave the EPA Administrator permission to initiate a notice and comment period but did not require it. The argument for this position was a constitutional claim that the executive's authority over negotiations with other nations includes a right to rely on whatever information that the president chooses to use. The "remedy" for negotiating a faulty treaty, according to the letter received from the Department of Justice, is for the Senate to refuse to consent to the treaty.

This position is not consistent with existing Federal law and is impractical particularly in a process like this one, where the negotiation in question would never be subject to ratification by the Senate. My concern with this constitutional theory resulted in an exchange of correspondence last year, when this bill was being drafted by then-Chairman COCHRAN.

I wrote to then-Administrator Michael Leavitt at the EPA, asking for a written explanation of the administration's position on this issue. This resulted in two letters, one from Administrator Leavitt on behalf of the EPA dated March 25, 2004, and one from Assistant Attorney General William Moschella on behalf of the Department of Justice dated March 25, 2004. Finally, I requested an analysis of the constitutional issues raised by this provision from the American Law Division of the Congressional Research Service and received a memorandum dated March 30, 2004. I will offer all of these letters and the CRS memorandum for inclusion in the RECORD at the end of my statement.

Having reviewed all this material, I find that the administration's position is not well supported, and I would urge the Senate to reject any effort to include it in this legislation. The CRS memorandum on the EPA draft summarizes the state of the law as follows:

Stated succinctly, the separation of powers doctrine "implicit in the Constitution and well established in case law, forbids Congress from infringing upon the Executive Branch's ability to perform its traditional functions." The Supreme Court has established that in determining whether an act of Congress has violated the doctrine, "the proper inquiry focuses on the extent to which it prevents the Executive Branch from accomplishing its constitutionally assigned functions."

The memo goes on to state that it is "difficult to see how a mandatory notice and comment requirement would implicate this traditional executive function." The memorandum concludes that "it does not appear that a mandatory notice and comment requirement would present any substantive separation of powers concerns." Clearly, there is no merit to the Justice Department's contention that mandatory notice and comment would be an unconstitutional intrusion into the President's exclusive prerogative over foreign policy. Clearly, future steps taken domestically to carry out these international agreements should be informed by the views of all stakeholders and build the record through the notice and comment procedure for domestic implementation of any international action. This legislation makes the right choice by mandating notice and comment.

I appreciate the opportunity to work with Chairman CHAMBLISS on this legislation, and with our committee's previous chair, Senator COCHRAN, whose staff worked tirelessly to develop this legislation. I am hopeful that we can work together with the other body to reach agreement on implementing legislation along the lines of this bill, that will clear the way for ratification of the Stockholm Convention.

I ask unanimous consent to include in the RECORD a letter to Administrator Michael Leavitt, his response from March 25, 2004, the response to the same letter by William Moschella on behalf of the Justice Department, and the memorandum of law from the Congressional Research Service.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON AGRICULTURE,
NUTRITION, AND FORESTRY,
Washington, DC, February 12, 2004.

Hon. MICHAEL LEAVITT,
Administrator, Environmental Protection Administration, Washington, DC.

DEAR ADMINISTRATOR LEAVITT: Thank you for your note asking for my help in passing legislation to implement the Stockholm Protocols. I certainly want to be helpful in that regard and support moving implementing legislation quickly that will enhance the ability of the Environmental Protection Agency to eliminate the threat that persistent organic pollutants (POPs) pose to our environment.

As we move forward on this legislation, I believe it is important to regulate not only the so-called "dirty dozen" POPs that are explicitly controlled by the Stockholm Protocols, but also to improve your agency's ability to address these types of pollutants through the EPA's regulatory system as expeditiously as possible, with opportunities for public participation and comment. This public participation and comment is particularly important to inform the agency in its evaluation of potential new pollutants brought before the review committee formed by this legislation.

One version of proposed implementing legislation would provide for mandatory notice and comment periods to allow public input at each of the three stages of the review committee process. The most recent draft of the legislation put forward by the EPA, however, makes each of these notice and comment periods fully subject to the agency's discretion. It has also been asserted that if Congress required the agency to provide a notice and comment period based on action of the international body, it would unconstitutionally impinge on our national sovereignty. This is a novel constitutional analysis that I would like to understand better before this legislation moves forward.

I request that, prior to our Committee taking up this issue, you provide me with any legal analysis, legal opinions, and citations to any legal authority supporting the proposition that Congress cannot require the EPA to hold notice and comment periods in response to the actions of an international body. I know that you are as committed as I am to move this legislation expeditiously, and I look forward to receiving this information soon.

Again, I look forward to working with you on this matter and want to help in any way I can to assist you in your work of improving our nation's environment.

Sincerely,

TOM HARKIN,
Ranking Democratic Member.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY,
Washington, DC, March 25, 2004.

Hon. TOM HARKIN,
Ranking Member, Committee on Agriculture, Nutrition and Forestry, U.S. Senate, Washington, DC.

DEAR SENATOR HARKIN: Thank you very much for your letter of February 12, 2004. I appreciate your willingness to support the legislative efforts of the Administration to allow the United States to become a Party to the Stockholm Convention on Persistent Organic Pollutants, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Protocol on Persistent Organic Pollutants to the 1979 Convention on Long-Range Transboundary Air Pollution.

In your letter, you noted a particular interest in the discretionary notice and comment procedures contained within the Administration's proposed legislation to implement the FIFRA-related obligations of the three environmental treaties referenced above. The Administration's proposal does not make these notice and comment procedures mandatory, and you requested additional information about the constitutional concerns that underlie that decision. I asked my staff to organize a meeting for the Department of Justice to discuss its constitutional concerns with your legislative assistants and to answer any questions. I understand that meeting occurred on March 3, 2004.

As you know, the Stockholm Convention creates an international "Persistent Organic Pollutants Review Committee" to evaluate whether various substances should be added or removed from the Convention's coverage. The United States expects to play a strong role at the international meetings of the Review Committee, and, as you note in your letter, the United States could use the notice and comment procedures under the proposed bill to "allow public input at each of the three stages of the review committee process."

U.S. stakeholders will no doubt have a great deal of expertise about proposed pollutants brought before the international review committee, and the Administration proposal specifically includes notice and comment procedures to allow the Executive branch to take advantage of this knowledge. The statutory notice and comment procedures are precatory, however, because the Department of Justice has advised the Administration that it has concluded that a mandatory consultation requirement would raise constitutional concerns with respect to the President's authority to conduct negotiations with other nations. I have forwarded your letter to the Department of Justice to respond to you more specifically on this point.

I do, however, agree with the concern behind your letter that "public participation and notice and comment is particularly important to inform the agency in its evaluation of potential new pollutants brought before the review committee." The constitutional concerns that are presented by a mandatory requirement could be avoided by fully authorizing the Executive Branch to gather information from the public, but not requiring the Executive Branch to exercise that authority. In order to ensure that the public is well informed about events that are taking place internationally, and to provide an opportunity for the consideration of public comment in the event that the Administration does not execute the discretionary notice and comment procedures, my staff has included a new section in the legislation that I transmitted to you on February 25.

In this section, there is a mandatory requirement that the Administration publish a semiannual federal register notice that provides a full description of the events occurring at the international level and any domestic regulatory actions that have been initiated. Because this requirement is based on the calendar, relates to information that is publicly available, and is not linked to decisions in the international process, it does not raise the same constitutional concerns. This new provision also obligates the Environmental Protection Agency to consider comments received as a result of these semiannual federal register notices. I will be interested in your reaction to this proposal, which I believe addresses our respective concerns.

I appreciate the reiteration of your commitment to passing this legislation and to completing the necessary steps for the United States to deposit its instrument of consent to join these three very important multilateral environmental treaties. I look forward to working with you. If you have any further questions or concerns, please contact me or your staff may contact Peter Pagano in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-3678.

Sincerely,

MICHAEL O. LEAVITT.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, March 25, 2004.
Hon. TOM HARKIN,
Ranking Member, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Washington, DC.

DEAR SENATOR HARKIN: The EPA has forwarded to the Department of Justice your letter dated February 12, 2004, regarding legislation proposed by the Administration to implement the Stockholm Convention on Persistent Organic Pollutants, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, and the Protocol on Persistent Organic Pollutants to the 1979 Convention on Long-Range Transboundary Air Pollution.

Specifically, you are interested in the discretionary notice and comment procedures contained within the Administration's proposed legislation to implement the FIFRA-related obligations of the three environmental treaties referenced above. At the request of the Department of Justice, the Administration's proposal does not make these consultations mandatory, and you requested additional information about the constitutional concerns underlying that decision.

The Stockholm Convention creates an international "Persistent Organic Pollutants Review Committee" to evaluate whether various substances should be added to, or removed from, the Convention's coverage. Also, as you note in your letter, the notice and comment procedures under the proposed bill would "allow public input at each of the three stages of the review committee process." The statutory notice and comment procedures are precatory, however, because a mandatory consultation requirement would raise constitutional concerns.

The Executive branch has sole authority over the United States' negotiations with other nations. *See, e.g.*, Letter to Edmond Charles Genet, from Thomas Jefferson, Secretary of State (1793), reprinted in 9 The Writings of Thomas Jefferson 256 (Andrew A. Lipscomb ed., 1903) ("[T]he President of the United States. . . being the only channel of communication between this country and foreign nations, it is from him alone that foreign nations or their agents are to learn what is or has been the will of the nation."). The Supreme Court has long concurred in this understanding of the President's power, noting that this exclusive authority extends throughout the entire "field of negotiation." *See United States* v. *Curtiss-Wright Corp.*, 299 U.S. 304, 319 (1936) ("In this vast external realm, with its important, complicated, delicate, and manifold problems, the President alone has the power to speak or listen as a representative of the nation. He makes treaties with the advice and consent of the Senate; but he alone negotiates. Into the field of negotiation the Senate cannot intrude; and Congress itself is powerless to invade it."). *See also New York Times Co.* v. *United States*, 403 U.S. 713, 728 (1971) (Stewart, J., concurring) ("In the governmental structure created by our Constitution, the Executive is endowed with enormous power in the two related areas of national defense and international relations."); *United States* v. *Louisiana*, 363 U.S. 1, 35 (1960) (the President is "the constitutional representative of the United States in its dealings with foreign nations"); *Earth Island Inst.* v. *Christopher*, 6 F.3d 648, 652-54 (9th Cir. 1993); *Sanchez-Espinoza* v. *Reagan*, 770 F.2d 202, 210 (D.C. Cir. 1985) (Scalia, J.) ("[B]road leeway" is "traditionally accorded the Executive in matters of foreign affairs.").

Within this constitutional framework, statutes cannot direct the President to vote a certain way in an international forum, and they cannot require that the President consult with specific private organizations as he prepares to cast such a vote. Congress can certainly assist the President in his intentional negotiations by providing him with the authority to gather information from private citizens, cf. *New York Times Co.*, 403 U.S. at 729–30, but it remains for the President to decide how much, if any, additional information is needed and what should be done with it. If a proposed treaty is ill-informed, then the Constitution provides the remedy: the Senate may refuse to concur in that document. Joseph Story, 3 Commentaries on the Constitution of the United States §1507 (1833) ("The President is the immediate author and finisher of all treaties; and all the advantages, which can be derived from talents, information, integrity, and deliberate investigation on the one hand, and from secrecy and despatch on the other, are thus combined in the system. But no treaty, so formed, becomes binding upon the country, unless it receives the deliberate assent of two thirds of the Senate."). What Congress may not do is direct, through legislation, how the President exercises his exclusive power to negotiate.

The Administration's concerns over legislation that would mandate consultation with Congress or with private parties in connection with the conduct of international negotiations are not new. Similar concerns were raised by the Department of Justice under President Clinton, President George H. W. Bush, and President Reagan. In each case, the Department objected to legislative proposals that would have required that the Executive branch consult in the context of international negotiations. For example, during the Clinton administration, the Department of Justice objected to legislative proposals that would have directed the Executive branch to consult with interested parties prior to negotiating trade agreements or prior to taking a position before the World Trade Organization. In 1991, the Department advised that the United States Trade Representative could not be required to periodically consult with interested parties on the progress of international trade negotiations. During the Reagan Administration, the Department wrote to Senator Lowell Weicker explaining that a proposed consultation requirement was objectionable because any provision that would require that the Executive branch disclose information that might interfere with the success of international negotiations would be subject to a valid claim of executive privilege. Presidents of both parties have also noted concerns about appropriations legislation containing similar provisions, and have stated that they would interpret such provisions not to intrude into this exclusive constitutional power over international negotiations. *See* Statement on Signing the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001 36 Weekly Comp. Pres. Doc. 2809–10 (Nov. 13, 2000) (Statement of President Clinton) ("Certain provisions of the Act could interfere with my sole constitutional authority in the area of foreign affairs by directing or burdening my negotiations with foreign governments and international organizations . . . I will not interpret these provisions to limit my ability to negotiate and enter into agreements with foreign nations."); Statement on Signing the Foreign Operations, Export Financing, and Related Programs Appropriations, 2002, 38 Weekly Comp. Pres. Doc. 49-50 (Jan. 10, 2002) (Statement of President Bush) (objecting to . provision "which purports to direct the Secretary of State to consult certain international organizations in determining the state of events abroad" and noting this and other provisions "shall be construed consistent with my constitutional authorities to conduct foreign affairs, participate in international negotiations, and supervise the Executive Branch").

In the pending legislation, the Department concluded that a mandatory requirement for "public participation and comment" would raise similar constitutional concerns and therefore recommended that more precatory language be used.

That said, the Department does not take issue with the general belief that "public participation and notice and comment is particularly important to inform the [Administration] in its evaluation of potential new pollutants brought before the review committee." The constitutional concerns that are presented by a mandatory consultation requirement can be avoided by fully authorizing the Executive Branch to gather information from the public, but not requiring the Executive Branch to exercise that authority. To ensure that the public is well informed about events that are taking place internationally, and to provide an opportunity for the consideration of public comment in the event that the President chooses not to execute the discretionary notice and comment procedures, the bill requires that the Administration publish a semi-annual Federal Register notice that provides a full description of the events occurring at the international level and any domestic regulatory actions that have been initiated. Because this requirement based on the calendar, relates to information that is publicly available, and is not linked to decisions in the international process, this does not raise the same constitutional concerns.

We trust this provides an answer to your inquiry. We would welcome the opportunity to assist you with any future inquiries you may have. The Office of Management and Budget has advised that there is no objection to the submission of this letter from the standpoint of the Administration's program.

Sincerely,

WILLIAM MOSCHELLA,
Assistant Attorney General.

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, March 30, 2004.

Re: Validity of Provisions Mandating Notice and Comment Proceedings in Response to the Decisions of Parties Operating Pursuant to International Conventions and Protocols.

Hon. TOM HARKIN: Pursuant to your request, this memorandum analyzes certain provisions of a draft bill forwarded by the Administration that would amend the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) to allow for the implementation of the Stockholm Convention on Persistent Organic Pollutants (POPs Convention), the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (PIC Convention) and the Protocol on Persistent Organic Pollutants to the Convention on Long-Range Transboundary Air Pollution (LRTAP POPs Protocol). In pertinent part, the draft bill would imbue the Administrator of the Environmental Protection Agency (hereinafter referred to as "Administrator") with discretionary authority to publish notices in the Federal Register and to provide an opportunity for comment in response to certain actions taken by parties to the POPs Convention and the LRTAP POPs Protocol.

The Administration has asserted that the notice and comment provisions in its proposal are necessarily "precatory" in nature, "because a mandatory consultation requirement would raise constitutional concerns." You have asked whether it would be constitutionally problematic to make the notice and comment provisions in the draft proposal mandatory, despite the concerns raised by the Administration. A review of relevant constitutional principles appears to indicate that such a requirement would pass constitutional muster.

POPS CONVENTION

The POPs Convention was signed by the United States on May 31, 2001, and requires nations to reduce or eliminate the production and use of listed chemicals. The POPs Convention allows new chemicals to be added to the list by amendment to the relevant treaty annexes, and an amendment may be proposed by any party to the Convention. Amendments may be adopted at a meeting of the Conference of the Parties after the circulation of such a proposal to all parties at least six months in advance of the meeting. The POPs convention also creates a Persistent Organic Pollutants Review Committee (POPs Review Committee) that is to consist of government-designated experts in chemical assessment or management. The POPs Review Committee is charged generally with determining whether a listing proposal submitted by a party meets screening criteria established in the Convention, determining whether global action is warranted regarding the proposal, and recommending whether a proposed chemical should be considered for listing by the Conference of the Parties.

LRTAP POPS PROTOCOL

The 1998 Aarhus Protocol on Persistent Organic Pollutants (hereinafter referred to as "LRTAP POPs Protocol") amended the Convention on Long-Range Transboundary Air Pollution with the objective of eliminating discharges, emissions and losses of listed persistent organic pollutants during their production, use and disposal. Any party may offer an amendment to add a new chemical to the LRTAP POPs Protocol, which may be adopted by consensus of the parties represented at a session of the Executive Body of the Convention. Prior to the addition of a chemical, the LRTAP POPs Protocol requires the completion of a risk profile on the chemical establishing that it meets selection criteria specified under the protocol.

THE DRAFT PROPOSAL

The Administration's draft proposal, as supplied by your office, provides for the implementation of the PIC and POPs Conventions and the LRTAP POPs Protocol. To effectuate this implementation, the proposal imbues the Administrator with the discretionary authority to publish notices in the Federal Register in response to actions taken to add chemicals to the list of those covered under the POPs Convention and the LRTAP POPs Protocol specifically.

As noted above, the POPs Convention establishes a POPs Review Committee that is responsible for considering proposals to add chemicals to those listed in the POPs Convention and recommending to the Conference of the Parties whether a proposed chemical should be considered for listing by the Conference. In the event that the POPs Review Committee does not forward a proposal, the Conference may choose to consider the proposal on its own accord. Section 3(4) of the draft bill contains several provisions authorizing the Administrator of the EPA to publish notices in the Federal Register at certain stages of the listing process and to provide an opportunity for comment on a proposed listing. In particular, Section 3(4), establishing a new 7 U.S.C. 136o(e)(3), authorizes the publication of a notice and opportunity for comment after a decision by the POPs Review Committee that a listing proposal meets the screening criteria specified in the POPs Convention or, alternatively, if the Conference of the Parties decides that such a proposal should proceed.

Likewise, a new 7 U.S.C. 136o(e)(4) would authorize the publication of notice and opportunity for comment upon a determination by the POPs Review Committee that a proposed listing warrants global action, or, alternatively, if the Conference of the Parties decides that the proposal should proceed. Finally, a new 7 U.S.C. 136o(e)(5) would authorize the publication of notice and opportunity for comment after the POPs Review Committee recommends that the Conference of the Parties consider making a listing decision regarding the chemical at issue.

Publication of notice and opportunity for comment would also be authorized after a party to the LRTAP POPs Protocol submits a risk profile in support of a proposal to add a chemical to those already listed. Additional notice and comment proceedings would be authorized in instances where the Executive Body determines that further consideration of a pesticide is warranted, as well as after the completion of a technical review of a proposal to add a chemical to the LRTAP POPs Protocol. It is interesting to note that while the draft proposal makes the decision as to whether to engage at all in notice and comment procedures discretionary, the Administrator is required to provide detailed elements of notice in the event that such procedures are offered.

ANALYSIS

You have specifically inquired as to whether it would violate the doctrine of separation of powers to make the aforementioned discretionary notice and comment procedures mandatory, irrespective of the general concern voiced by the Administration that "a mandatory consultation requirement would raise constitutional concerns." An examination of applicable principles and precedent appears to indicate that a mandatory notice and comment requirement would be constitutionally permissible.

Stated succinctly, the separation of powers doctrine "implicit in the Constitution and well established in case law, forbids Congress from infringing upon the Executive Branch's ability to perform its traditional functions." The Supreme Court has established that in determining whether an act of Congress has violated the doctrine, "the proper inquiry focuses on the extent to which it prevents the Executive Branch from accomplishing its constitutionally assigned functions." Furthermore, as was noted by the Court of Appeals for the Ninth Circuit in *Confederated Tribes of Siletz Indians* v. *United States:*

Although the Supreme Court has not announced a formal list of elements to be considered when determining whether a violation of the doctrine has taken place, it has consistently looked to at least two factors: (1) the governmental branch to which the function in question is traditionally assigned, *see Mistretta*, 488 U.S. at 364, 109 S.Ct. at 65-51; *Morrison* v. *Olson*, 487 U.S. 654, 694-96, 108 S.Ct. 2597, 2620–22, 101 L.Ed. 2d 659 (1988); and (2) the control of the function retained by the branch, *see Mistretta*, 488 U.S. at 408-12, 109 S.Ct. at 673-75; *Morrison*, 487 U.S. at 692–96, 108 S.Ct. at 2619–22.

Applying these factors to the case at hand, it appears unlikely that a reviewing court would hold that mandatory notice and comment provisions would violate the doctrine. As is indicated by the DOJ letter, it seems that any argument that a mandatory requirement would offend the separation of powers doctrine would hinge on the assertion that such a requirement necessarily constitutes an intrusion into the core power of the Executive Branch over external affairs. Specifically, in *United States* v. *Curtiss-Wright Corp.*, the Supreme Court declared:

> [n]ot only . . . is the federal power over external affairs in origin and essential character different from that over internal affairs, but participation in the exercise of the power is significantly limited. In this vast external realm, with its important, complicated, delicate and manifold problems, the President alone has the power to speak or listen as a representative of the nation. He makes treaties with the advice and consent of the Senate; but he alone negotiates. Into the field of negotiation the Senate cannot intrude; and Congress itself is powerless to invade it. As Marshall said in his great argument of March 7, 1800, in the House of Representatives, 'the President is the sole organ of the nation in its external relations, and its sole representative with foreign nations.'

However, it is difficult to see how a mandatory notice and comment requirement would implicate this traditional executive function. Specifically, while it is generally conceded that there are some powers enjoyed by the President alone regarding foreign affairs, it is likewise evident that Congress possesses wide authority to promulgate policies respecting foreign affairs. Congress has often exercised this authority to determine policy objectives for the United States in international negotiations and to require subsequent legislative approval of international agreements before they may enter into force for the United States.

A mandatory notice and comment requirement would not appear to be an attempt to control the substance of negotiations between the United States and other parties to POPs Convention or the LRTAP POPs Protocol. Instead, such a requirement would simply establish that the Administrator must publish notices in the Federal Register providing information regarding chemicals that are being considered for listing to either the Convention or the Protocol. A somewhat analogous requirement in the international arena may be found at 19 U.S.C. 3537, which requires the United States Trade Representative to consult with the appropriate congressional committees and to publish detailed notices in the Federal Register whenever it is a party to any dispute settlement proceedings under the WTO. Furthermore, it should be noted that this notification provision could be likened to reporting requirements that are often imposed by Congress. As a general proposition, Congress is entitled to full access to information that is in the possession of the Executive Branch, subject to claims of executive privilege.

In addition to the general assertion that a mandatory notice and comment requirement would intrude on the President's power over the "field of negotiation" in foreign affairs, the DOJ letter states that any potential requirement that the Administrator consult with private parties or give consideration to comments received therefrom would also be constitutionally problematic. However, it is likewise difficult to ascertain how such a provision would necessarily impair the ability of the executive branch to carry out its core functions in this context. There is no indication that such a provision would be drafted so as to require the disclosure of sensitive information, or to require the inclusion of such individuals in the actual negotiation process. Rather, the notice and comment procedures at issue would appear to be tailored to ensure that the public is kept informed regarding ongoing proceedings in this context, and is further afforded the opportunity to comment on proposals under consideration. Accordingly, it appears that such a dynamic would not raise concerns any more significant than existing consultation requirements. Based on these factors, it does not appear that a mandatory notice and comment requirement would present any substantive separation of powers concerns.

T.J. HALSTEAD,
Legislative Attorney,
American Law Division.

By Mr. DURBIN (for himself, Mr. COCHRAN, and Mr. SALAZAR):

S. 2043. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide grants for mass evacuation exercises for urban and suburban areas and the execution of emergency response plans, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2043

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mass Evacuation Exercise Assistance Act of 2005".

SEC. 2. MASS EVACUATION EXERCISES AND EXECUTION OF EMERGENCY RESPONSE PLANS.

Section 201 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131) is amended by adding at the end the following:

"(e) GRANTS FOR MASS EVACUATION EXERCISES FOR URBAN AND SUBURBAN AREAS AND THE EXECUTION OF EMERGENCY RESPONSE PLANS.—

"(1) IN GENERAL.—The Secretary of Homeland Security shall make grants to States or units of local governments nominated by States to—

"(A) establish programs for the development of plans and conduct of exercises for the mass evacuation of persons in urban and suburban areas; and

"(B) execute plans developed under subparagraph (A), including the purchase and stockpiling of necessary supplies for emergency routes and shelters.

"(2) CONDITIONS.—As a condition for the receipt of assistance under paragraph (1)(A), the Secretary of Homeland Security may establish any guidelines and standards for the programs that the Secretary determines to be appropriate.

"(3) REQUIREMENTS.—To the maximum extent practicable, a program assisted under paragraph (1)(A) shall incorporate the coordinated use of public and private transportation resources in the plans developed and the exercises carried out under the program.

"(4) PARTICIPATION OF MEMBERS OF THE ARMED FORCES.—

"(A) IN GENERAL.—The Secretary of Defense may authorize the participation of members of the Armed Forces and the use of appropriate Department of Defense equipment and materials in an exercise carried out under a program assisted under this subsection.

"(B) REIMBURSEMENT FOR PARTICIPATION OF GUARD.—In the event members of the National Guard in State status participate in an exercise carried out under a program assisted under this subsection pursuant to an authorization of the chief executive officer of a State, the Secretary of Defense may, using amounts available to the Department of Defense, reimburse the State for the costs to the State of the participation of such members in such exercise.

"(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $250,000,000 for each of fiscal years 2006 through 2010.

"(f) MASS EVACUATION PLANS.—

"(1) REQUIREMENT.—Each State or unit of local government receiving a grant under subsection (e)(1) shall, in consultation with relevant local governments, develop and maintain detailed and comprehensive mass evacuation plans for each area in the jurisdiction of the State unit of local government.

"(2) PLAN DEVELOPMENT.—In developing the evacuation plans required under paragraph (1), each State or unit of local government shall, to the maximum extent practicable—

"(A) assist urban and suburban county and municipal governments in establishing and maintaining mass evacuation plans;

"(B) assist hospitals, nursing homes, other institutional adult congregate living facilities, group homes, and other health or residential care facilities that house individuals with special needs in establishing and maintaining mass evacuation plans; and

"(C) integrate the plans described in subparagraphs (A) and (B) and coordinate evacuation efforts with the entities described in subparagraphs (A) and (B).

"(3) PLAN CONTENTS.—State, county, and municipal mass evacuation plans shall, to the maximum extent practicable—

"(A) establish incident command and decisionmaking processes;

"(B) identify primary and alternate escape routes;

"(C) establish procedures for converting 2-way traffic to 1-way evacuation routes, removing tollgates, ensuring the free movement of emergency vehicles, and deploying traffic management personnel and appropriate traffic signs;

"(D) maintain detailed inventories of drivers and public and private vehicles, including buses, vans, and handicap-accessible vehicles, that may be pressed into service;

"(E) maintain detailed inventories of emergency shelter locations and develop the necessary agreements with neighboring jurisdictions to operate or use the shelters in the event of a mass evacuation;

"(F) establish procedures for informing the public of evacuation procedures before and during an evacuation and return procedures after an evacuation, including using television, radio, print, and online media, land-based and mobile phone technology, and vehicles equipped with public address systems;

"(G) identify primary and alternate staging locations for emergency responders;

"(H) identify gaps in the ability to respond to different types of disasters, including the capacity to handle surges in demand for hospital, emergency medical, coroner, morgue, and mortuary services, quarantines, decontaminations, and criminal investigations;

"(I) establish procedures to evacuate individuals with special needs, including individuals who are low-income, disabled, homeless, or elderly or who do not speak English;

"(J) establish procedures for evacuating animals that assist the disabled;

"(K) establish procedures for protecting property, preventing looting, and accounting for pets; and

"(L) ensure the participation of the private and nonprofit sectors.

"(4) Updating of Plans.—State, county, municipal, and private plans under this subsection shall be updated on a regular basis.

"(g) Additional Assistance to States.—The Secretary of Homeland Security shall assist States and local governments in developing and maintaining the plans described in subsection (f) by—

"(1) establishing and maintaining comprehensive best practices for evacuation planning, training, and execution;

"(2) developing assistance teams to travel to States and assist local governments in planning, training, and execution;

"(3) developing a training curriculum based on the best practices established under paragraph (1);

"(4) providing the training curriculum developed under paragraph (3) to State and local officials;

"(5) maintaining a list of qualified government agencies, private sector consultants, and nonprofit organizations that can assist local governments in setting up evacuation plans; and

"(6) establishing and maintaining a comprehensive guide for State and local governments regarding—

"(A) the types of Federal assistance that are available to respond to emergencies; and

"(B) the steps necessary to apply for that assistance.

"(h) Report To Congress.—Not later than 1 year after the date of enactment of this subsection, the Comptroller General of the United States shall conduct a study detailing—

"(1) any Federal laws that pose an obstacle to effective evacuation planning;

"(2) any State or local laws that pose an obstacle to effective evacuation planning; and

"(3) the political and economic pressures that discourage governors, county executives, mayors, and other officials from—

"(A) ordering an evacuation; or

"(B) conducting exercises for the mass evacuation of people.".

By Mr. DEWINE:

S. 2046. A bill to establish a National Methamphetamine Information Clearinghouse to promote sharing information regarding successful law enforcement, treatment, environmental, social services, and other programs related to the production, use, or effects of methamphetamine and grants available for such programs, and for the other purposes; to the Committee on the Judiciary.

Mr. DEWINE. Mr. President, today I am introducing a bill that would create a National Methamphetamine Information Clearinghouse (NMIC). This web-based source of information would promote sharing of "best practices" regarding law enforcement, treatment, environmental, social services, and other programs to combat the production, use, and effects of methamphetamine.

The purpose of the NMIC is to make a one-stop shop, where all the "best practices" in the fight against meth can be found—information from law enforcement, treatment-based organizations, social services and environmental agencies. It will be a website providing information that agencies and organizations submit, describing what has worked in their local communities. The people who have had success with addressing meth and meth-related issues will be providing this information. Additionally, there will be information and links regarding available grants for establishing and maintaining anti-meth programs.

The NMIC will serve two distinct populations—law enforcement and the broader community. The NMIC will contain a restricted access section where law enforcement will be able to post their successful strategies, training techniques, and conference notes so that other law enforcement will be able to get ideas and incorporate them in their own jurisdictions. The unrestricted portion of the website will include resources for other agencies and the public at large. For example, child protection agencies might post techniques on dealing with meth orphans, community health centers might post treatment options that provided them with some success, and environmental groups might post tips on cleaning up the toxic waste.

So, a landlord or hotel owner whose property was used as a meth lab and who wants to be able to rent out the property again, or the mother who wants to figure out if her child is a meth addict—and what to do if she is they would all be able to find useful information on the site.

One of our challenges in the fight against meth is finding those who need assistance and connecting them with those who can help—and that is exactly what this clearinghouse can do. Many people and organizations that have had some success in controlling meth are more than willing to share the techniques they found that work, if only they knew who needed the information. And, there are those who are just starting to attack the meth problem in their communities and need guidance as to how to make that start an effective one. The NMIC can help bring those groups of people together and enhance everyone's ability to fight the plague of meth.

NMIC will be housed under the auspices of the Department of Justice and will be governed by an Advisory Council comprised of 10 members from a variety of agencies and organizations. It is this Council who will monitor the submissions to the Clearinghouse and make sure that the information found on the site is accurate, up-to-date, and useful.

The bill I am introducing today provides the basic outline of this idea, and over the next two months, I will be working closely with law enforcement and community groups to modify and improve the Clearinghouse before we move forward with this legislation next year. I look forward to that process and encourage all of my colleagues to join me in this effort to combat the meth problem.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2046

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Methamphetamine Information Clearinghouse Act of 2005".

SEC. 2. DEFINITIONS.

In this Act—

(1) the term "Council" means the National Methamphetamine Advisory Council established under section 3(b)(1);

(2) the term "drug endangered children" means children whose physical, mental, or emotional health are at risk because of the production, use, or effects of methamphetamine by another person;

(3) the term "National Methamphetamine Information Clearinghouse" or "NMIC" means the information clearinghouse established under section 3(a); and

(4) the term "qualified entity" means a State or local government, school board, or public health, law enforcement, nonprofit, or other nongovernmental organization providing services related to methamphetamines.

SEC. 3. ESTABLISHMENT OF CLEARINGHOUSE AND ADVISORY COUNCIL.

(a) Clearinghouse.—There is established, under the supervision of the Attorney General of the United States, an information clearinghouse to be know as the National Methamphetamine Information Clearinghouse.

(b) Advisory Council.—

(1) In general.—There is established an advisory council to be known as the National Methamphetamine Advisory Council.

(2) Membership.—The Council shall consist of 10 members appointed by the Attorney General—

(A) not fewer than 3 of whom shall be representatives of law enforcement agencies;

(B) not fewer than 4 of whom shall be representatives of nongovernmental and nonprofit organizations providing services related to methamphetamines; and

(C) 1 of whom shall be a representative of the Department of Health and Human Services.

(3) Period of Appointment; Vacancies.—Members shall be appointed for 3 years. Any vacancy in the Council shall not affect its powers, but shall be filled in the same manner as the original appointment.

SEC. 4. NMIC REQUIREMENTS AND REVIEW.

(a) In General.—The NMIC shall promote sharing information regarding successful law enforcement, treatment, environmental, social services, and other programs related to the production, use, or effects of methamphetamine and grants available for such programs.

(b) Components.—The NMIC shall include—

(1) a toll-free number; and

(2) a website that—

(A) provides information on the short-term and long-term effects of methamphetamine use;

(B) provides information regarding methamphetamine treatment programs and programs for drug endangered children, including descriptions of successful programs and contact information for such programs;

(C) provides information regarding grants for methamphetamine-related programs, including contact information and links to websites;

(D) allows a qualified entity to submit items to be posted on the website regarding successful public or private programs or other useful information related the production, use, or effects of methamphetamine;

(E) includes a restricted section that may only be accessed by a law enforcement organization that contain successful strategies, training techniques, and other information that the Council determines helpful to law enforcement agency efforts to combat the production, use or effects of methamphetamine;

(F) allows public access to all information not in a restricted section; and

(G) contains any additional information the Council determines may be useful in combating the production, use, or effects of methamphetamine.

(c) Review of Posted Information.—

(1) In general.—Not later than 30 days after the date of submission of an item by a qualified entity, the Council shall review an item submitted for posting on the website described in subsection (b)(2)—

(A) to evaluate and determine whether the item, as submitted or as modified, meets the requirements for posting; and

(B) in consultation with the Attorney General, to determine whether the item should be posted in a restricted section of the website.

(2) Determination.—Not later than 45 days after the date of submission of an item, the Council shall—

(A) post the item on the website described in subsection (b)(2); or

(B) notify the qualified entity that submitted the item regarding the reason such item shall not be posted and modifications, if any, that the qualified entity may make to allow the item to be posted.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

(1) for fiscal year 2006—

(A) $1,000,000 to establish the NMIC and Council; and

(B) such sums as are necessary for the operation of the NMIC and Council; and

(2) for each of fiscal years 2007 through 2010, such sums as are necessary for the operation of the NMIC and Council.

By Mr. OBAMA (for himself and Mrs. CLINTON):

S. 2047. A bill to promote healthy communities; to the Committee on Health, Education, Labor, and Pensions.

Mr. OBAMA. Mr. President, today, I am introducing the Healthy Communities Act of 2005, and I am pleased to have the support of my good friend and colleague Senator HILLARY RODHAM CLINTON.

Over the last few decades, our medical researchers and scientists have developed increasingly sophisticated and high tech methods to diagnose and treat disease. Yet, this approach has caused us to lose sight of the need for preventing diseases on the front-end, with greater investment in basic public health interventions that too often get short shrift.

Today, I would like to bring it back to the basics and talk about environmental quality. The air we breathe, the food we eat, the houses in which we live, and the parks in which our children play—all of these factors contribute to our health. Environmental health, as defined by the World Health Organization, includes both the direct, damaging effects of chemicals, radiation, and some biological agents, and the effects on health and well-being of the broad physical, psychological, social, and aesthetic environment. The legislation that I have introduced draws attention to that aspect of the environment that is the physical environment—the toxicants and pollutants that we may not notice, but are present in our everyday surroundings and taking a toll on our health.

My home State of Illinois faces a number of environmental challenges, including high levels of lead poisoning. It is estimated that over 400,000 children in this country suffer from elevated blood lead levels. Chicago has the unfortunate distinction of ranking number 1 for children with elevated blood lead levels. 6,691 children have elevated blood lead levels, which is 50 percent higher than the number of children in the second ranked city of Philadelphia. Elevated blood levels are known to cause behavioral and learning problems, slowed growth, impaired hearing and damage to the kidneys, brain and bone marrow. Adults are not exempt from lead toxicity—poisoned adults suffer pregnancy difficulties, high blood pressure, digestive problems, nerve disorders, memory and concentration problems, and muscle and joint pain. Lead poisoning is completely preventable, and although our agencies have made good progress, we can and must do more to address this issue.

Obviously lead is only one of many toxicants and pollutants with which we must contend. Different areas of the U.S. face unique challenges—States like California are grappling with the repercussions of air pollution, while Massachusetts and others in the Northeast are challenged with high levels of mercury in the water. As much as we know about these hazards, the effects of many chemicals are unknown.

Less than half of the chemicals produced in this country in quantities greater than 10,000 pounds have been tested for their potential human toxicity, with less than 10 percent studied to assess effects on development. This lack of knowledge has serious health repercussions—in children, environmental toxins are estimated to cause up to 35 percent of asthma cases, up to 10 percent of cancer cases, and up to 20 percent of neurobehavioral disorders. Overall, an estimated 25 percent of preventable illnesses worldwide can be attributed to poor environmental quality. Diseases such as cancer, heart disease, asthma, birth defects, infertility, and obesity are all caused or exacerbated by toxicants or pollutants in the environment.

Minority Americans are significantly more likely to be affected than other Americans. Some studies have found that 3 of every 5 African- and Latino Americans live in communities with one or more toxic waste sites. Communities with existing incinerators, and those that are proposed for placement of new incinerators, have substantially higher numbers of minority residents. Minority Americans are already plagued with higher rates of death and disease, and fewer health resources in their neighborhoods. As we focus our efforts on environmental health, we must be cognizant that some groups are disproportionately affected by federal policies and decision-making, and deserve careful attention.

The Healthy Communities Act of 2005 addresses environmental health concerns in a comprehensive fashion, building upon many of the successful federal initiatives and filling in gaps in other critical areas. The bill establishes an independent advisory committee to provide recommendations across all relevant Federal agencies. It asks the CDC and the EPA to assess and report the environmental public health of the nation, and each State. The Health Action Zone Program will provide intense Federal attention and resources to clean up and address the health needs of the nation's most blighted communities. Environmental research is expanded, including biomonitoring and health tracking initiatives. Finally, the Act promotes environmental health workforce programs at the CDC and the NIH.

The Healthy Communities Act of 2005 will increase national attention on the importance of the environment, and its relationship to good health. As we work to make our future stronger for our communities, let us look to our past. In the National Environmental Policy Act (NEPA) of 1969, Congress wrote that it is the continuing responsibility of the Federal Government to assure that all Americans live in "safe, healthful and aesthetically and culturally pleasing surroundings." Almost forty years later, our responsibility to the American people continues. I encourage all of my colleagues to join me and support passage of this bill.

By Mr. OBAMA:

S. 2048. A bill to direct the Consumer Product Safety Commission to classify certain children's products containing lead to be banned hazardous substances; to the Committee on Commerce, Science, and Transportation.

Mr. OBAMA. Mr. President, I rise today to introduce the Lead Free Toys Act of 2005, which directs the Consumer Product Safety Commission to intensify efforts to reduce lead exposure for children.

The unfortunate reality for many children—particularly in low-income and minority households—is the continued presence of high blood lead levels. Over 400,000 children in this country have elevated blood lead levels, with my own hometown of Chicago having the largest concentration of these children.

Lead is a highly toxic substance that can produce a range of health problems in young children, including IQ deficiencies, reading and learning disabilities, impaired hearing, reduced attention spans, hyperactivity, and damage to the kidneys, brain and bone marrow. Even low levels of blood lead in pregnant women, infants and children can lead to impaired cognitive abilities, fetal organ development and behavioral problems.

We know that lead poisoning is completely preventable. As the Nation has increased efforts to reduce environmental lead exposure, the number of children with high blood levels has steadily dropped. Restricting lead in gasoline and paint represent two major accomplishments in this regard. But much work remains to be done.

Earlier today I introduced the Healthy Communities Act of 2005, to strengthen Federal, State and local efforts to address environmental health issues in communities already affected by lead and other toxins. However, we need to take greater proactive steps to prevent contamination, and the Lead Free Toys Act of 2005 will help us do just that.

Disturbingly, lead is present in a number of toys and other frequently used objects by young children. According to research conducted by the National Center for Environmental Health, about half of tested lunch boxes have unsafe levels of lead. The highly popular Angela Anaconda lunch box was found to have 56,400 parts per million of lead, which is more than 90 times the 600 parts per million legal limit for lead in paint for children's products. Other lunch boxes showed levels of lead between two and twenty-five times the legal limit for lead paint in children's products. In most cases, the highest lead levels were found in the lining of lunch boxes, where lead could come into direct contact with food.

This problem is not limited to lunchboxes. One study found that 60 percent of more than 400 pieces of costume jewelry purchased at major department stories contain dangerous amounts of lead. From September 2003 through July 2004, there were 3 recalls of nearly 150 million pieces of toy jewelry because of toxic levels of lead.

This past August the Centers for Disease Control updated their "Preventing Lead Poisoning in Young Children" statement calling for the elimination of all nonessential uses of lead in children's products. Specifically, the CDC urged a more systematic approach to identifying lead-contaminated items and prohibiting their sale before children are exposed, rather than usual recall efforts after exposure has occurred.

The Consumer Product Safety Commission leads our national efforts to safeguard our children from potentially dangerous objects. However, the Commission has dragged its feet in aggressively addressing the problem of lead in toys. The Lead Free Toys Act, introduced by my colleague Congressman HENRY WAXMAN earlier this year, requires the Consumer Product Safety Commission to prescribe regulations classifying any children's product containing lead as a banned hazardous substance under the Hazardous Substances Act. It defines "children's product containing lead" as any consumer product marketed or used by children under age 6 that contains more than trace amounts of lead as determined by the Commission and prescribed by regulations. The Act also requires the Commission to issue standards for reduction in lead in electronic devices.

It's a national disgrace that toys that could pose a serious and significant danger to children are readily available in our department stores and markets. The Lead Free Toys Act of 2005 will help us keep our children safe and healthy, and contribute to national efforts to reduce lead exposure. I ask each of my colleagues to help support this Act.

By Mr. DOMENICI (for himself, Mr. DORGAN, and Mr. TALENT):

S. 2049. A bill to improve the security of the United States borders and for other purposes; to the Committee on the Judiciary.

Mr. DOMENICI. Mr. President, I rise today with my friend from North Dakota, Senator DORGAN, and my friend from Missouri, Senator TALENT, to introduce a bill of critical importance to the security of our borders: the Border Modernization and Security Act of 2005.

Securing our borders is the first necessary step towards immigration reform, and I believe the legislation I am introducing makes an enormous leap in the right direction.

Our bill builds upon legislation we introduced in the last Congress to improve our port of entry infrastructure as well as a lot of good ideas proposed by other Senators in this Congress, and adds some provisions that I think are important to a comprehensive border security and immigration reform effort.

The Border Modernization and Security Act increases the number of Customs and Border Protection (CBP) officers and Immigration and Customs Enforcement (ICE) agents each by 1000 for each of fiscal years 2007 through 2011. These personnel are necessary to improve our enforcement at ports of entry and within the United States, and increasing the number of these employees goes hand in hand with our recent efforts to increase the number of border patrol agents who are enforcing the law along our international borders. Along this same line, the bill allows the Department of Homeland Security (DHS) to support its border and immigration forces with National Guard personnel and volunteer retired law enforcement officers, provides for an increase in the number of DHS alien and immigration investigative personnel, and increases the number of Deputy Marshals to investigate criminal immigration matters.

Increasing the number of DHS employees alone will not solve our border problems. Unauthorized aliens also cause a significant burden on our courts. For example, for the 12-month period ending September 30, 2004, 364 felony cases per judge were filed in the New Mexico District. It is apparent how burdensome this number is for my border State's court when you consider that the national average of felony cases filed per judge is 88. To help with these high caseload levels, our bill increases the number of DHS immigration attorneys, federal defenders, Office of Immigration Litigation attorneys, assistant US Attorneys, and immigration judges.

Increased personnel is only one aspect of our effort to secure the border. Any border security effort must provide DHS personnel with necessary technologies and assets. To that end, our bill authorizes funds for the Department to acquire new technologies, construct roads, fences, and barriers, purchase air assets, vehicles, and other equipment, maintain temporary and permanent border checkpoints, and construct the appropriate facilities to support the increased number of DHS personnel being hired. Such assets are invaluable tools for our CBP and ICE employees, and we must make sure those men and women have what they need. We also provide for up to 15,000 new detention beds for unauthorized aliens in our bill.

Another area Congress must address is our land port of entry infrastructure. No American border has undergone a comprehensive infrastructure overhaul since 1986, when Senator Dennis DeConcini of Arizona and I put forth a $357 million effort to modernize the southwest border. A great deal has changed in the past nineteen years. More importantly, much has changed since September 11, 2001. Congress has passed legislation to improve security at airports and seaports, but we have not yet addressed the needs of our busiest ports, located on the United States' northern and southwestern land borders. The Border Modernization and Security Act would change that and would prevent terrorists from exploiting weaknesses at our land ports.

My bill requires the General Service Administration (GSA) to identify port of entry infrastructure and technology improvement projects that would enhance homeland security. The GSA would work with the Department of Homeland Security to prioritize and implement these projects based on needs along the border. The Secretary of Homeland Security would also have to prepare a Land Border Security Plan to assess the vulnerabilities at each port of entry located on the northern border or the southern border. This plan will require the cooperation of Federal, State and local entities involved at our borders to ensure that everyone who plays a role in border security is consulted about the plan.

The Border Modernization and Security Act would also modernize homeland security along the United States' borders by implementing technology demonstration programs to test and evaluate new port of entry and border security technologies. Because equipment and technology alone will not solve the security problems on our border, these test sites will also house facilities to provide the necessary training to personnel who must implement and use these technologies under realistic conditions.

We must also improve the enforcement of existing immigration laws. Our bill authorizes funds for the Department of Homeland Security to expand its Expedited Removal Procedures so DHS can expeditiously return non-Mexican illegal aliens who have spent less than 14 days in the US and who are apprehended within 100 miles of the international border to the alien's country of origin. We also allow DHS to create an automated biometric entry and exit data system at our land ports of entry so we can more accurately keep track of who is entering and leaving the US.

In order for the Department to more easily identify and remove unauthorized aliens who commit crimes under State law and are held in State and local prisons, we authorize the expansion of DHS' Institutional Removal Program. Because of the burden these aliens place on our State and local prisons, DHS will be responsible for reimbursing prisons that detain an alien after the alien has completed his prison sentence in order to effectuate the alien's transfer to federal custody.

Along the same line, the Border Modernization and Security Act provides additional assistance to States that are impacted by unauthorized aliens who commit crimes. I know first hand the impact such aliens have on our State and local prisons from talking to prosecutors and judges in New Mexico, so our bill reauthorizes the State Criminal Alien Assistance Program to help our States with the costs of incarcerating these aliens. Additionally, the bill allows for the reimbursement of State and local costs of processing illegal aliens through the criminal justice system and creates a new grant program for State, local, and Indian tribe law enforcement agencies who incur costs related to border security activities.

I believe that these measures are an important part of addressing this nation's homeland security needs, and I am pleased to introduce this bill today with Senators Dorgan and Talent.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2049

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Border Security and Modernization Act of 2005".

SEC. 2. DEFINITIONS.

In this Act:

(1) Department.—Except as otherwise provided, the term "Department" means the Department of Homeland Security.

(2) Secretary.—Except as otherwise provided, the term "Secretary" means the Secretary of Homeland Security.

(3) State.—Except as otherwise provided, the term "State" has the meaning given that term in section 101(a)(36) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)(36)).

SEC. 3. CONSTRUCTION.

Nothing in this Act may be construed to require law enforcement personnel of a State or political subdivision of a State to—

(1) report the identity of a victim of, or a witness to, a criminal offense to the Secretary for immigration enforcement purposes;

(2) arrest such victim or witness for a violation of the immigration laws of the United States; or

(3) enforce the immigration laws of the United States.

TITLE I—BORDER PROTECTION

Subtitle A—Personnel and Training

SEC. 101. PERSONNEL OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) In General.—

(1) Customs and border protection officers.—During each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations for such purpose, increase by not less than 1,000 the number of positions for full-time active duty officers of the Bureau of Customs and Border Protection of the Department for such fiscal year.

(2) Immigration and customs enforcement inspectors.—Section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3734) is amended by striking "800" and inserting "1000".

(3) Investigative personnel.—In addition to the positions authorized under section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004, as amended by paragraph (2), during each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations for such purpose, increase by not less than 100 the number of positions for investigative personnel within the Department to investigate alien smuggling and immigration status violations for such fiscal year.

(4) Legal personnel.—During each of the fiscal years 2007 through 2011, the Secretary shall, subject to the availability of appropriations for such purpose, increase by not less than 100 the number of positions for attorneys in the Office of General Counsel of the Department who represent the Department in immigration matters for such fiscal year.

(5) Waiver of FTE limitation.—The Secretary is authorized to waive any limitation on the number of full-time equivalent personnel employed by the Department to fulfill the requirements of paragraph (1) and the amendment made by paragraph (2).

(b) Training.—The Secretary shall provide appropriate training for the agents, officers, inspectors, and associated support staff of the Department on an ongoing basis to utilize new technologies and techniques and to ensure that the proficiency levels of such personnel are acceptable to protect the international borders of the United States.

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary for each of fiscal years 2007 through 2011, such sums as may be necessary to carry out this section.

SEC. 102. PERSONNEL OF THE DEPARTMENT OF JUSTICE AND OTHER ATTORNEYS.

(a) Litigation Attorneys.—During each of the fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose, increase by not less than 50 the number of positions for attorneys in the Office of Immigration Litigation of the Department of Justice for such fiscal year.

(b) United States Attorneys.—During each of the fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose, increase by not less than 50 the number of United States Attorneys to litigate immigration cases in the Federal courts for such fiscal year.

(c) United States Marshals.—During each of the fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose, increase by not less than 50 the number of Deputy United States Marshals to investigate criminal immigration matters.

(d) Immigration Judges.—During each of fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose, increase by not less than 100 the number of immigration judges for such fiscal year.

(e) Defense Attorneys.—During each of the fiscal years 2007 through 2011, the Director of the Administrative Office of the

United States Courts shall, subject to the availability of appropriations for such purpose, increase by not less than 100 the number of attorneys in the Federal Defenders Program for such fiscal year.

(f) Authorization of Appropriations.—There are authorized to be appropriated to the Attorney General for each of fiscal years 2007 through 2011 such sums as may be necessary to carry out this section, including the hiring of necessary support staff.

SEC. 103. USE OF THE NATIONAL GUARD FOR BORDER PROTECTION ACTIVITIES.

(a) In General.—Section 112 of title 32, United States Code, is amended—

(1) by striking "drug interdiction and counter-drug activities" each place it appears and inserting "drug interdiction, counter drug, and border activities"; and

(2) in subparagraphs (A) and (B) of subsection (e)(1), by striking "drug interdiction or counter-drug activities" each place it appears and inserting "drug interdiction, counter-drug, or border activities".

(b) Definition of Drug Interdiction, Counter-Drug, and Border Activities.—Subsection (h)(1) of such section is amended to read as follows:

"(1) The term 'drug interdiction, counter-drug, and border activities', with respect to the National Guard of a State, means the use of National Guard personnel in—

"(A) drug interdiction and counter-drug law enforcement activities, including drug demand reduction activities authorized by the law of the State and requested by the Governor of the State; or

"(B) activities conducted in cooperation with personnel of the Department of Homeland Security to secure the international borders of the United States, including constructing roads, fencing, and vehicle barriers, assisting in search and rescue operations conducted by personnel of the Department of Homeland Security, and monitoring international borders, and excluding any law enforcement activities conducted by personnel of the Department of Homeland Security.".

SEC. 104. DEPUTY BORDER PATROL AGENT PROGRAM.

(a) Authority to Establish.—The Secretary may establish a Deputy Border Patrol Agent Program (in this section referred to as the "Program") in the Office of Border Patrol.

(b) Purpose.—The purpose of the Program shall be to establish a volunteer force of trained, retired law enforcement officers to assist the Secretary in carrying out the mission of the Department to achieve operational control of the borders of the United States.

(c) Qualifications.—An individual may participate as a volunteer in the Program only if such individual is a retired law enforcement officer, who is or was previously licensed by a Federal or State authority to enforce Federal, State, or local penal offenses.

(d) Utilization of Volunteers.—The Secretary may utilize an individual who participates as a volunteer in the Program to provide such border security functions that the Secretary determines are appropriate.

(e) Training and Other Requirements.—The Secretary may require an individual who participates as a volunteer in the Program to participate in such training, testing, and other requirements that the Secretary determines are appropriate.

(f) Swearing In.—Upon completion of any training, testing, or other procedures required by the Secretary, an individual who participates in the Program shall be sworn in and assigned to the Office of Border Patrol.

(g) Assignment of Volunteers.—The Secretary may assign individuals participating in the Program to provide patrol services at facilities and locations along the international borders of the United States.

(h) Oversight of Agents.—The Secretary, acting through the Commissioner of the Bureau of Customs and Border Protection of the Department, shall have oversight of all individuals participating in the Program. Such volunteers shall serve at the pleasure of the Secretary, acting through the Commissioner of the Bureau of Customs and Border Protection.

(i) Authorization of Appropriations.—There are authorized to be appropriated $10,000,000 for each of the fiscal years 2007 through 2011 to carry out this section.

SEC. 105. DOCUMENT FRAUD DETECTION.

(a) Training.—The Secretary shall provide appropriate officers of the Bureau of Customs and Border Protection of the Department with training in identifying and detecting fraudulent travel documents. Such training shall be developed in consultation with the Forensic Document Laboratory of the Bureau of Immigration and Customs Enforcement of such Department.

(b) Forensic Document Laboratory.—The Secretary shall provide all officers of the Bureau of Customs and Border Protection with access to the Forensic Document Laboratory.

(c) Authorization of Appropriations.—There are authorized to be appropriated $10,000,000 for each of the fiscal years 2007 through 2011 to carry out this section.

Subtitle B—Infrastructure

SEC. 111. MODERNIZATION OF BORDER INFRASTRUCTURE.

(a) Definitions.—In this section:

(1) Commissioner.—The term "Commissioner" means the Commissioner of the Bureau of Customs and Border Protection of the Department.

(2) Maquiladora.—The term "maquiladora" means an entity located in Mexico that assembles and produces goods from imported parts for export to the United States.

(3) Northern border.—The term "northern border" means the international border between the United States and Canada.

(4) Southern border.—The term "southern border" means the international border between the United States and Mexico.

(b) Border Technologies, Assets, and Construction.—

(1) Acquisition.—The Secretary shall procure technologies necessary to support the mission of the Department to achieve operational control of the international borders of the United States. In determining what technologies to procure, the Secretary shall consult with the Secretary of Defense and the head of the National Laboratories and Technology Centers of the Department of Energy.

(2) Construction of border control facilities.—The Secretary shall construct roads, acquire vehicle barriers, and construct fencing necessary to support such mission.

(3) Assets.—The Secretary shall acquire unmanned aerial vehicles, police-type vehicles, helicopters, all terrain vehicles, interoperable communications equipment, firearms, sensors, cameras, lighting and such other equipment and assets as may be necessary to support such mission.

(4) Facilities.—The Secretary shall construct such facilities as may be necessary to support the number of employees of the Department who are hired pursuant to any provision of this Act or of subtitle B of title V of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3733).

(5) Checkpoints.—The Secretary may construct and maintain temporary or permanent checkpoints on roadways located in close proximity to the northern border or the southern border to support such mission.

(c) Port of Entry Infrastructure Assessment Study.—

(1) Requirement to update.—In order to carry out the mission of the Department to achieve operational control of the international borders of the United States, not later than January 31 of each year, the Administrator of General Services shall update the Port of Entry Infrastructure Assessment Study prepared by the United States Customs Service, the Immigration and Naturalization Service, and the General Services Administration in accordance with the matter relating to the ports of entry infrastructure assessment that is set out in the joint explanatory statement in the conference report accompanying H.R. 2490 of the 106th Congress, 1st session (House of Representatives Rep. No. 106-319, page 67) and submit such updated study to Congress.

(2) Consultation.—In preparing the updated studies required by paragraph (1), the Administrator of General Services shall consult with the Director of the Office of Management and Budget, the Secretary, and the Commissioner.

(3) Content.—Each updated study required by paragraph (1) shall—

(A) identify port of entry infrastructure and technology improvement projects that would enhance border security and facilitate the flow of legitimate commerce if implemented;

(B) include the projects identified in the National Land Border Security Plan required by subsection (d); and

(C) prioritize each project described in subparagraph (A) or (B) based on the likelihood that the project will—

(i) fulfill immediate security requirements; and

(ii) facilitate trade across the borders of the United States.

(4) Project implementation.—

(A) In general.—The Commissioner shall implement the infrastructure and technology improvement projects described in each updated study required by paragraph (1) in the order of priority assigned to each project under paragraph (3)(C).

(B) Exception.—The Commissioner may diverge from the priority order if the Commissioner determines that significantly changed circumstances, such as immediate security needs or changes in infrastructure in Mexico or Canada, compellingly alter the need for a project in the United States.

(d) National Land Border Security Plan.—

(1) Requirement for plan.—In order to carry out the mission of the Department to achieve operational control of the international borders of the United States, not later than January 31 of each year, the Secretary shall prepare a National Land Border Security Plan and submit such plan to Congress.

(2) Consultation.—In preparing the plan required by paragraph (1), the Secretary shall consult with the Under Secretary for Information Analysis and Infrastructure Protection and the Federal, State, and local law enforcement agencies and private entities that are involved in international trade

across the northern border or the southern border.

(3) VULNERABILITY ASSESSMENT.—

(A) IN GENERAL.—The plan required by paragraph (1) shall include a vulnerability assessment of each port of entry located on the northern border or the southern border.

(B) PORT SECURITY COORDINATORS.—The Secretary may establish 1 or more port security coordinators at each port of entry located on the northern border or the southern border—

(i) to assist in conducting a vulnerability assessment at such port: and

(ii) to provide other assistance with the preparation of the plan required by paragraph (1).

(e) EXPANSION OF TRADE SECURITY PROGRAMS.—

(1) CUSTOMS-TRADE PARTNERSHIP AGAINST TERRORISM.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commissioner, in consultation with the Secretary, shall develop a plan to expand the size and scope (including personnel needs) of the Customs-Trade Partnership Against Terrorism programs along the northern border and southern border, including—

(i) the Business Anti-Smuggling Coalition;

(ii) the Carrier Initiative Program;

(iii) the Americas Counter Smuggling Initiative;

(iv) the Free and Secure Trade Initiative; and

(v) other Industry Partnership Programs administered by the Commissioner.

(2) MAQUILADORA DEMONSTRATION PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Commissioner shall establish a demonstration program to develop a cooperative trade security system with maquiladoras to improve supply chain security.

(f) PORT OF ENTRY TECHNOLOGY DEMONSTRATION PROGRAM.—

(1) ESTABLISHMENT.—In order to carry out the mission of the Department to achieve operational control of the international borders of the United States, the Secretary shall carry out a technology demonstration program to test and evaluate new port of entry technologies, refine port of entry technologies and operational concepts, and train personnel under realistic conditions. The Commissioner of the Bureau of Customs and Border Protection shall oversee the program in consultation and cooperation with other divisions of the Department.

(2) TECHNOLOGY AND FACILITIES.—

(A) TECHNOLOGY TESTED.—Under the demonstration program, the Secretary shall test technologies that enhance port of entry operations, including those related to inspections, communications, port tracking, identification of persons and cargo, sensory devices, personal detection, decision support, and the detection and identification of weapons of mass destruction.

(B) FACILITIES DEVELOPED.—At a demonstration site selected pursuant to paragraph (3)(B), the Secretary shall develop facilities to provide appropriate training to law enforcement personnel who have responsibility for border security, including cross-training among agencies, advanced law enforcement training, and equipment orientation.

(3) DEMONSTRATION SITES.—

(A) NUMBER.—The Secretary shall carry out the demonstration program at not less than 3 sites and not more than 5 sites.

(B) SELECTION CRITERIA.—To ensure that at least 1 of the facilities selected as a port of entry demonstration site for the demonstration program has the most up-to-date design, contains sufficient space to conduct the demonstration program, has a traffic volume low enough to easily incorporate new technologies without interrupting normal processing activity, and can efficiently carry out demonstration and port of entry operations, at least 1 port of entry selected as a demonstration site shall—

(i) have been established not more than 15 years before the date of enactment of this Act;

(ii) consist of not less than 65 acres, with the possibility of expansion onto not less than 25 adjacent acres; and

(iii) have serviced an average of not more than 50,000 vehicles per month in the 12 full months preceding the date of enactment of this Act.

(4) RELATIONSHIP WITH OTHER AGENCIES.—The Secretary shall permit personnel from an appropriate Federal or State agency to utilize a demonstration site described in paragraph (3) to test technologies that enhance port of entry operations, including those related to inspections, communications, port tracking, identification of persons and cargo, sensory devices, personal detection, decision support, and the detection and identification of weapons of mass destruction.

(5) REPORT.—

(A) REQUIREMENT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report on the activities carried out at each demonstration site under the technology demonstration program established under this subsection.

(B) CONTENT.—Each report submitted pursuant to subparagraph (A) shall include an assessment by the Secretary of the feasibility of incorporating any demonstrated technology for use throughout the Bureau of Customs and Border Protection.

(g) BORDER PATROL TECHNOLOGY DEMONSTRATION PROGRAM.—

(1) ESTABLISHMENT.—In order to carry out the mission of the Department to achieve operational control of the international borders of the United States, the Secretary shall carry out a technology demonstration program to test and evaluate new border security technologies and train personnel under realistic conditions.

(2) TECHNOLOGY AND FACILITIES.—

(A) TECHNOLOGY TESTED.—Under the demonstration program, the Secretary shall test technologies that enhance border security, including those related to communications, sensory devices, personal detection, and decision support.

(B) FACILITIES DEVELOPMENT.—At a site where border patrol agents participate in law enforcement training, the Secretary shall develop facilities to carry out the demonstration program, including providing appropriate training to law enforcement personnel who have responsibility for border security, including cross-training among agencies, advanced law enforcement training, and equipment orientation.

(3) RELATIONSHIP WITH OTHER AGENCIES.—The Secretary shall permit personnel from an appropriate Federal or State agency to utilize the demonstration site described in this subsection to test technologies that enhance border security, including those related to communications, sensory devices, personal detection, and decision support.

(4) REPORT.—

(A) REQUIREMENT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report on the activities carried out at the demonstration site under the technology demonstration program established under this subsection.

(B) CONTENT.—Each report submitted pursuant to subparagraph (A) shall include an assessment by the Secretary of the feasibility of incorporating any demonstrated technology for use throughout the Department.

(h) INTERNATIONAL AGREEMENTS.—Funds authorized in this Act may be used for the implementation of projects described in the Declaration on Embracing Technology and Cooperation to Promote the Secure and Efficient Flow of People and Commerce across our Shared Border between the United States and Mexico, agreed to March 22, 2002, Monterrey, Mexico (commonly known as the Border Partnership Action Plan) or the Smart Border Declaration between the United States and Canada, agreed to December 12, 2001, Ottawa, Canada that are consistent with the provisions of this Act.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated the following:

(1) For each of the fiscal years 2007 through 2011, $1,000,000,000 to carry out subsection (b).

(2) For each of the fiscal years 2007 through 2011, such sums as may be necessary to carry out paragraph (1) of subsection (c).

(3) For each of the fiscal years 2007 through 2011, $100,000,000 to carry out paragraph (4) of subsection (c).

(4) For each of the fiscal years 2007 through 2011, such sums as may be necessary to carry out subsection (d).

(5)(A) For fiscal year 2007, $30,000,000 to carry out paragraph (1) of subsection (e); and

(B) For each of the fiscal years 2008 through 2011, such sums as may be necessary to carry out such paragraph.

(6)(A) For fiscal year 2007, $5,000,000 to carry out paragraph (2) of subsection (e); and

(B) For each of the fiscal years 2008 through 2011, such sums as may be necessary to carry out such paragraph.

(7)(A) For fiscal year 2007, $50,000,000 to carry out subsection (f), and not more than $10,000,000 of such amount may be expended for technology demonstration program activities at any 1 port of entry demonstration site during such fiscal year.

(B) For each of the fiscal years 2008 through 2011, such sums as may be necessary to carry out subsection (f), and not more than $10,000,000 may be expended for technology demonstration program activities at any 1 port of entry demonstration site in any such fiscal year.

(8) For each of the fiscal years 2007 through 2011, $10,000,000 to carry out subsection (g).

SEC. 112. DETENTION SPACE AND REMOVAL CAPACITY.

Section 5204(a) of the Intelligence Reform and Terrorism Protection Act of 2004 (Public Law 108-458; 118 Stat. 3734) is amended by striking "8,000" and inserting "15,000".

SEC. 113. INCREASE OF FEDERAL DETENTION SPACE AND THE UTILIZATION OF FEDERAL FACILITIES IDENTIFIED FOR CLOSURE.

(a) CONSTRUCTION OR ACQUISITION OF DETENTION FACILITIES.—

(1) IN GENERAL.—The Secretary shall construct or acquire additional detention facilities in the United States.

(2) DETERMINATION OF LOCATION.—The location of any detention facility built or acquired in accordance with this subsection shall be determined by the Deputy Assistant

Director of the Office of Detention and Removal Operations within the Bureau of Immigration and Customs Enforcement of the Department.

(3) USE OF FEDERAL FACILITIES IDENTIFIED FOR CLOSURE.—In acquiring detention facilities under this subsection, the Secretary shall, to the maximum extent practical, request the transfer of appropriate portions of military installations approved for closure or realignment and any other Federal facilities identified for closure.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 114. ALTERNATIVES TO DETENTION.

The Secretary shall implement demonstration programs in each State located along the international border between the United States and Canada or along the international border between the United States and Mexico to study the effectiveness of alternatives to the detention of aliens, including electronic monitoring devices and intensive supervision programs, that ensure that alien's appearance at court and compliance with removal orders.

Subtitle C—Grants for States

SEC. 121. BORDER LAW ENFORCEMENT GRANTS.

(a) LAW ENFORCEMENT AGENCY DEFINED.—In this section, the term "law enforcement agency" means a Tribal, State, or local law enforcement agency.

(b) AUTHORITY TO AWARD GRANTS.—The Secretary is authorized to award grants to an eligible law enforcement agency to provide assistance with costs associated with State border security efforts, including efforts to combat criminal activity that occurs in the jurisdiction of such agency by virtue of such agency's proximity to an international border of the United States.

(c) CRITERIA.—The Secretary shall award grants under subsection (b) on a competitive basis, considering criteria including—

(1) the law enforcement agency's distance from the international border, with communities closer to the border given priority because of their proximity;

(2) population, with smaller communities given priority;

(3) the criminal caseload of the law enforcement agency, based upon the number of felony criminal cases filed per judge in the United States district court located in the district that the law enforcement agency has jurisdiction over, with priority given to those with higher caseloads;

(4) the percentage of undocumented aliens residing in the law enforcement agency's State compared to the total number of such aliens residing in all States, based on the most recent decennial census; and

(5) the percentage of undocumented alien apprehensions in the law enforcement agency's State in that fiscal year compared to the total of such apprehensions for all such States for that fiscal year.

(d) USE OF FUNDS.—Grants awarded under subsection (b) shall be used to provide additional resources for a law enforcement agency to address criminal activity occurring near an international border of the United States, including—

(1) law enforcement technologies;

(2) equipment such as police-type vehicles, all terrain vehicles, firearms, sensors, cameras, and lighting; and

(3) such other resources as are available to assist the law enforcement agency.

(e) APPLICATION.—The head of a law enforcement agency seeking to apply for a grant under this section shall submit an application to the Secretary at such time, in such manner, and with such information as the Secretary may require.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $500,000,000 for each of the fiscal years 2007 through 2011 to carry out this section.

TITLE II—IMMIGRATION PROVISIONS

SEC. 201. EXPEDITED REMOVAL BETWEEN PORTS OF ENTRY.

(a) IN GENERAL.—Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) is amended—

(1) in subsection (b)(1)(A)(i), by striking "the officer" and inserting "a supervisory officer"; and

(2) in subsection (c), by adding at the end the following:

"(4) EXPANSION.—The Secretary of Homeland Security shall make the expedited removal procedures under this subsection available in all border patrol sectors on the southern border of the United States as soon as operationally possible.

"(5) TRAINING.—The Secretary of Homeland Security shall provide employees of the Department of Homeland Security with comprehensive training on the procedures authorized under this subsection.".

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $20,000,000 for each of fiscal years 2007 through 2011 to carry out the amendments made by this section.

SEC. 202. CANCELLATION OF VISAS.

Section 222(g) of the Immigration and Nationality Act (8 U.S.C. 1202(g)) is amended—

(1) in paragraph (1), by inserting "and any other nonimmigrant visa issued by the United States that is in the possession of the alien" after "such visa"; and

(2) in paragraph (2)(A), by striking "(other than the visa described in paragraph (1)) issued in a consular office located in the country of the aliens nationality" and inserting "(other than a visa described in paragraph (1)) issued in a consular office located in the country of the aliens nationality or foreign residence".

SEC. 203. BIOMETRIC ENTRY-EXIT SYSTEM.

(a) GROUNDS OF INADMISSIBILITY.—Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended—

(1) in subsection (a)(7), by adding at the end the following:

"(C) WITHHOLDERS OF BIOMETRIC DATA.—Any alien who fails to comply with a lawful request for biometric data is inadmissible."; and

(2) in subsection (d), by inserting after paragraph (1) the following:

"(2) The Secretary of Homeland Security may waive the application of subparagraph (C) of subsection (a)(7) for an individual alien or a class of aliens, at the discretion of the Secretary.".

(b) COLLECTION OF BIOMETRIC DATA FROM ALIENS DEPARTING THE UNITED STATES.—Section 215 of the Immigration and Nationality Act (8 U.S.C. 1185) is amended—

(1) by redesignating subsection (c) as subsection (g); and

(2) by inserting after subsection (b) the following:

"(c) The Secretary of Homeland Security is authorized to require aliens departing the United States to provide biometric data and other information relating to their immigration status.".

(c) INSPECTION OF APPLICANTS FOR ADMISSION.—Section 235(d) of the Immigration and Nationality Act (8 U.S.C. 1185(d)) is amended by adding at the end the following:

"(5) AUTHORITY TO COLLECT BIOMETRIC DATA.—In conducting inspections under subsection (b), immigration officers are authorized to collect biometric data from—

"(A) any applicant for admission or alien seeking to transit through the United States; or

"(B) any lawful permanent resident who is—

"(i) entering the United States; and

"(ii) not regarded as seeking an admission into the United States pursuant to section 101(a)(13)(C).".

(d) COLLECTION OF BIOMETRIC DATA FROM ALIEN CREWMAN.—Section 252 of the Immigration and Nationality Act (8 U.S.C. 1282) is amended by inserting "Immigration officers are authorized to collect biometric data from any alien crewman seeking permission to land temporarily in the United States." after "this title".

(e) IMPLEMENTATION.—Section 7208 of the 9/11 Commission Implementation Act of 2004 (8 U.S.C. 1365b) is amended in subsection (l)—

(1) by striking "There are authorized" and inserting the following:

"(1) IN GENERAL.—There are authorized"; and

(2) by adding at the end the following:

"(2) IMPLEMENTATION AT ALL LAND BORDER PORTS OF ENTRY.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2008, 2009, and 2010 to implement the automated biometric entry and exit data system at all land border ports of entry.".

SEC. 204. REIMBURSEMENT FOR STATES.

(a) INCARCERATION COSTS.—Section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)) is amended to read as follows:

"(5) There are authorized to be appropriated to carry out this subsection—

"(A) $750,000,000 for fiscal year 2007;

"(B) $850,000,000 for fiscal year 2008; and

"(C) $950,000,000 for each of the fiscal years 2009 through 2011.".

(b) REIMBURSEMENT FOR COSTS ASSOCIATED WITH PROCESSING CRIMINAL ILLEGAL ALIENS.—

(1) IN GENERAL.—The Secretary shall reimburse States and units of local government for costs associated with processing illegal aliens through the criminal justice system, including—

(A) indigent defense;

(B) criminal prosecution;

(C) autopsies;

(D) translators and interpreters; and

(E) courts costs.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $500,000,000 for each of the fiscal years 2007 through 2011 to carry out paragraph (1).

SEC. 205. COMPLETION OF BACKGROUND AND SECURITY CHECKS.

Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended by adding at the end the following:

"(i) Notwithstanding any other provision of law, the Secretary of Homeland Security, the Attorney General, or any court may not—

"(1) grant or order the grant of adjustment of status to that of an alien lawfully admitted for permanent residence;

"(2) grant or order the grant of any other status, relief, protection from removal, or other benefit under the immigration laws; or

"(3) issue any documentation evidencing or related to such grant by the Attorney General, the Secretary, or any court.

until such background and security checks as the Secretary may in his discretion require have been completed to the satisfaction of the Secretary.”.

SEC. 206. RELEASE OF ALIENS FROM NONCONTIGUOUS COUNTRIES.

Section 236(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1226(a)(2)) is amended to read as follows:

“(2) may release the alien on bond of not less than $5,000 with security approved by, and containing conditions prescribed by, the Secretary of Homeland Security; but”.

SEC. 207. COUNTRIES THAT DO NOT ACCEPT RETURN OF NATIONALS.

Section 243(d) of the Immigration and Nationality Act (8 U.S.C. 1253(d)) is amended—

(1) by striking “On being notified” and inserting the following:

“(1) In general.—Upon notification”; and

(2) by striking “Attorney General” each place it appears and inserting “Secretary of Homeland Security”; and

(3) by adding at the end the following:

“(2) Denial of admission.—The Secretary of Homeland Security, after making a determination that the government of a foreign country has denied or unreasonably delayed accepting an alien who is a citizen, subject, national, or resident of that country after the alien has been ordered removed, and after consultation with the Secretary of State, may deny admission to any citizen, subject, national or resident of that country until the country accepts the alien that was ordered removed.”.

TITLE III—PENALTIES

SEC. 301. INCREASED CRIMINAL PENALTIES FOR ALIEN SMUGGLING.

Section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324(a)) is amended—

(1) in paragraph (1)(B)—

(A) in clause (i), by striking “10 years” and inserting “15 years”;

(B) in clause (ii), by striking “5 years” and inserting “10 years”; and

(C) in clause (iii), by striking “20 years” and inserting “40 years”;

(2) in paragraph (2)—

(A) in subparagraph (A), by striking “one year, or both; or” and inserting “3 years, or both”;

(B) in subparagraph (B)—

(i) in clause (i), by adding at the end the following: “be fined under title 18, United States Code, and imprisoned not less than 5 years nor more than 25 years;”;

(ii) in clause (ii), by striking “or” at the end and inserting the following: “be fined under title 18, United States Code, and imprisoned not less than 3 years nor more than 20 years; or”; and

(iii) in clause (iii), by adding at the end the following: “be fined under title 18, United States Code, and imprisoned not more than 15 years; or”; and

(C) by striking the matter following clause (iii) and inserting the following:

“(C) in the case of a third or subsequent offense described in subparagraph (B) and for any other violation, shall be fined under title 18, United States Code, and imprisoned not less than 5 years nor more than 15 years.”;

(3) in paragraph (3)(A), by striking “5 years” and inserting “10 years”; and

(4) in paragraph (4), by striking “10 years” and inserting “20 years”.

SEC. 302. INCREASED CRIMINAL PENALTIES FOR DOCUMENT FRAUD.

Section 1546 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “not more than 25 years” and inserting “not less than 25 years”;

(B) by inserting “and if the terrorism offense resulted in the death of any person, shall be punished by death or imprisoned for life,” after “section 2331 of this title)),”;

(C) by striking “20 years” and inserting “imprisoned not more than 40 years”;

(D) by striking “10 years” and inserting “imprisoned not more than 20 years”; and

(E) by striking “15 years” and inserting “imprisoned not more than 30 years”; and

(2) in subsection (b), by striking “5 years” and inserting “10 years”.

SEC. 303. INCREASED CRIMINAL PENALTIES FOR CERTAIN CRIMES.

(1) In general.—Title 18, United States Code, is amended by inserting after chapter 51 the following:

“CHAPTER 52—ILLEGAL ALIENS

“SEC. 1131. ENHANCED PENALTIES FOR CERTAIN CRIMES COMMITTED BY ILLEGAL ALIENS.

“(a) Any alien unlawfully present in the United States, who commits, or conspires or attempts to commit, a crime of violence or a drug trafficking offense (as defined in section 924), shall be fined under this title and sentenced to not less than 5 years in prison.

“(b) If an alien who violates subsection (a) was previously ordered removed under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on the grounds of having committed a crime, the alien shall be sentenced to not less than 15 years in prison.

“(c) A sentence of imprisonment imposed under this section shall run consecutively to any other sentence of imprisonment imposed for any other crime.”.

(2) Clerical amendment.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 51 the following:

52. Illegal aliens 1131

SEC. 304. INCREASED CRIMINAL PENALTIES FOR CRIMINAL STREET GANGS.

(a) Inadmissibility.—Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended—

(1) by redesignating subparagraph (F) as subparagraph (J); and

(2) by inserting after subparagraph (E) the following:

“(F) Aliens who are members of criminal street gangs.—Any alien who is determined by a court to be a member of a criminal street gang (as defined in section 521(a) of title 18, United States Code) is inadmissible.”.

(b) Deportability.—Section 237(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

“(F) Aliens who are members of criminal street gangs.—Any alien who is determined by a court to be a member of a criminal street gang (as defined in section 521(a) of title 18, United States Code) is deportable.”.

(c) Temporary Protected Status.—Section 244(c)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1254a(c)(2)(B)) is amended—

(1) in clause (i), by striking “or” at the end;

(2) in clause (ii), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(iii) the alien is determined by a court to be a member of a criminal street gang (as defined in section 521(a) of title 18, United States Code).”.

TITLE IV—REMOVAL AND VIOLATION TRACKING

SEC. 401. INSTITUTIONAL REMOVAL PROGRAM.

(a) Institutional Removal Program.—

(1) Continuation.—The Secretary shall continue to operate the Institutional Removal Program of the Department to—

(A) identify removable criminal aliens in Federal and State correctional facilities;

(B) ensure that such aliens are not released into the community; and

(C) remove such aliens from the United States after the completion of their sentences.

(2) Expansion.—Not later than 5 years after the date of the enactment of this Act, the Secretary shall expand the Institutional Removal Program to every State.

(3) State participation.—The appropriate officials of each State in which the Secretary is operating the Institutional Removal Program should—

(A) cooperate with Federal officials carrying out the Institutional Removal Program;

(B) expeditiously and systematically identify criminal aliens in the prison and jail populations of the State; and

(C) promptly convey the information described in subparagraph (B) to the appropriate officials carrying out the Institutional Removal Program.

(b) Report to Congress.—Not later than 2 years after of the date of the enactment of this Act, the Secretary shall submit a report to Congress on the participation of the States in the Institutional Removal Program.

(c) Authorization of Appropriations.—There are authorized to be appropriated $50,000,000 to carry out the expanded Institutional Removal Program authorized under subsection (a).

SEC. 402. AUTHORIZATION FOR DETENTION AFTER COMPLETION OF STATE OR LOCAL PRISON SENTENCE.

(a) In General.—Law enforcement officers of a State or political subdivision of a State are authorized to—

(1) hold an illegal alien for a period of up to 14 days after the alien has completed the alien's State or local prison sentence in order to effectuate the transfer of the alien to Federal custody when the alien is removable or not lawfully present in the United States; or

(2) issue a detainer that would allow aliens who have served a State or local prison sentence to be detained by an appropriate prison until personnel from the Bureau of Immigration and Customs Enforcement can take the alien into Federal custody.

(b) Reimbursement.—

(1) In general.—The Secretary shall reimburse a State or a political subdivision of a State for all reasonable expenses incurred by the State or the political subdivision for the detention of an alien as described in subsection (a).

(2) Cost computation.—The amount of reimbursement provided for costs incurred carrying out subsection (a) shall be determined pursuant to a formula determined by the Secretary.

(c) Technology Usage.—Technology such as videoconferencing shall be used to the maximum extent possible in order to make the Institutional Removal Program available in remote locations. Mobile access to Federal databases of aliens and live scan technology shall be used to the maximum extent practicable in order to make these resources available to State and local law enforcement agencies in remote locations.

(d) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to reimburse a State or political subdivision of a State for the detention of an illegal alien pursuant to subsection (b).

SEC. 403. USE OF THE NATIONAL CRIME INFORMATION CENTER DATABASE TO TRACK VIOLATIONS OF IMMIGRATION LAW.

(a) PROVISION OF INFORMATION TO THE NATIONAL CRIME INFORMATION CENTER.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall provide the National Crime Information Center of the Department of Justice with such information as the Director may have related to—

(A) any alien against whom a final order of removal has been issued;

(B) any alien who is subject to a voluntary departure agreement that has become invalid under section 240B(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1229c); and

(C) any alien whose visa has been revoked.

(2) REQUIREMENT TO PROVIDE AND USE INFORMATION.—The information described in paragraph (1) shall be provided to the National Crime Information Center, and the Center shall enter the information into the Immigration Violators File of the National Crime Information Center database if the name and date of birth are available for the individual, regardless of whether the alien received notice of a final order of removal or the alien has already been removed.

(3) REMOVAL OF INFORMATION.—Should an individual be granted cancellation of removal under section 240A of the Immigration and Nationality Act (8 U.S.C. 1229b), or granted permission to legally enter the United States pursuant to the Immigration and Nationality Act after a voluntary departure under section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c), information entered into the National Crime Information Center in accordance with paragraph (1) of this section shall be promptly removed.

(b) INCLUSION OF INFORMATION IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.—Section 534(a) of title 28, United States Code, is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States, regardless of whether the alien has received notice of the violation or the alien has already been removed; and".

Mr. DORGAN. Mr. President, I am pleased to join Senator DOMENICI in introducing the Border Security and Modernization Act of 2005.

Senator DOMENICI and I represent border States, but the bill we are introducing today is not one of merely regional importance. Border security is an issue that affects our country as a whole. We cannot have homeland security without strong and effective border security.

The Administration has signaled that it wants to have a vigorous debate on border security and immigration issue early next year. Our bill does not attempt to change immigration law, but it squarely addresses the border security issue.

I began working on border security long before the attacks of September 11, 2001. The Northern border is over 4,000 miles long. In the past, almost all of our resources in this country were targeted at the Southern border. It used to be that we had ports of entry at the Northern border where, at night, the only barrier was an orange rubber cone in the middle of the road. The polite people crossing at night actually stopped and removed the cone before they came across the border. Those who were not so polite would run over it at 60 miles an hour.

In 2001, before the September 11 attacks, I proposed something called the Northern Border Initiative. That bill added hundreds of Customs officers to the Northern border, and it became law. I also worked to replace the orange cones with hardened gates. But we clearly have to do much more.

The legislation we are introducing today, which Senator DOMENICI has described in detail, would devote significant new resources to our border security. Among other things, this legislation would authorize the hiring of an additional 1,000 Customs and Border Protection inspectors and Immigration and Customs Enforcement officers a year for the next five years. It would authorize the Department of Homeland Security to work with States to use National Guard and a volunteer force of retired law enforcement officers as resources to help monitor the borders. And it would have the Federal Government reimburse State governments for the cost of detaining undocumented aliens while decisions are made regarding possible deportation.

This bipartisan proposal is not about immigration. It's about border security. We need to do a better job of securing our borders, and we need to do so on an urgent basis. We hope our colleagues will join us, on a bipartisan basis, in supporting this legislation.

By Ms. SNOWE (for herself and Ms. CANTWELL):

S. 2050. A bill to establish a commission on inland waters policy; to the Committee on Commerce, Science, and Transportation.

I rise today to introduce legislation that creates a national commission on island waters policy to support the long-term sustainability of our water resources. A 2001 National Academy of Sciences report found that U.S. Federal policies and research lack the coordination necessary to respond to increasing future demands. The overarching goal of this legislation is to recommend actions that will better coordinate and improve the Federal Government's water management policies, similar to the U.S. Commission on Ocean Policy, PL 106-256.

My legislation is supported by the American Society of Limnology and Oceanography, ASLO, and the Council of Scientific Society Presidents, CSSP, representing 1.4 million scientists and science educators. I especially want to thank Dr. Peter Jumars of the School of Marine Sciences at University of Maine at Orono and Darling Marine Center and immediate past president of ASLO, for all of his extensive knowledge and assistance that helped craft the legislation.

The bill creates a commission to study the Nation's policies for inland waters—a category that would include all lakes, streams, rivers, groundwaters, estuaries, and fresh- and salt water wetlands. The stewardship of these resources is essential to human health, the ecosystem, the economy, agriculture, energy production, and the transportation sector.

The National Academy of Sciences, NAS, issued a report in 2001 describing that water resources of the United States will be subjected to more intense and a broader array of pressures in the 21st century. It found that U.S. Federal policies and research lack the coordination necessary to respond to increasing future demands. An inland waters policy commission should be viewed as an attempt to make sure our Nation's clean water laws are achieving what Congress mandated. Water policies have been very contentious in many parts of the Nation and have oftentimes pitted people and their livelihoods against preservation concerns. Only by developing greater water research and coordinating a comprehensive national policy will the conflict between anthropogenic needs and water preservation be overcome.

Mr. Chairman, in April of this year, the GAO published a report with findings that the administration is not addressing the study of water resources, agriculture, energy, biological diversity and other areas in relation to climate change as mandated under the Global Change Research Act. None of those topics has been addressed in 21 studies that the Bush administration plans to publish by September 2007, the GAO report found, even though fairly robust climate models are now making predictions about changes in rainfall globally and nationally as the climate changes. Water policy currently has no intelligent mechanism for using this information. The GAO report points out that a comprehensive study of the Nation's water resources is needed.

The bill authorizes an appropriation of $8.5 million until expended. By comparison, the U.S. Commission on Ocean Policy appropriation was set at a total of up to $6 million for fiscal years 2001 and 2002.

I hope my colleagues will take a close look at this legislation and see the great value in supporting the long-term sustainability of our Nation's water resources.

I thank the Chair.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 2051. A bill to extend eligibility for certain Federal benefits to citizens of the Freely Associated States; to the Committee on Finance.

Mr. AKAKA. Mr. President, I rise today to introduce legislation with my senior colleague from Hawaii, Senator DAN INOUYE, to provide certain Federal public benefits for citizens of the Freely Associated State, FAS, who are residing in the United States. The bill would provide eligibility for nonemergency Medicaid, Food Stamps, Temporary Assistance to Needy Families, TANF, and Supplemental Security Income, SSI, to FAS citizens residing in the United States.

Citizens from the FAS are from the Republic of the Marshall Islands, RMI, Federated States of Micronesia, FSM, and the Republic of Palau, which are jurisdictions that have a unique political relationship with the United States. The Compact of Free Association established these nations as sovereign states responsible for their own foreign policies. However, the FAS remain dependent upon the United States for military protection and economic assistance.

Under the compact, the United States has the right to reject the strategic use of, or military access to, the FAS by other countries, which is often referred to as the "right of strategic denial." In addition, the U.S. may block FAS government policies that it deems inconsistent with its duty to defend the FAS, which is referred to as the "defense veto." The compact also states that the United States has exclusive military base rights in the FAS.

In exchange for these prerogatives, the United States is required to support the FAS economically, with the goal of producing self-sufficiency, and FAS citizens are allowed free entry into the United States as nonimmigrants for the purposes of education, medical treatment, and employment. Many FAS citizens reside in the State of Hawaii. Since 1997, when Hawaii began reporting its impact costs, the State has identified more than $140 million in costs associated with FAS citizens. In 2002, the State of Hawaii expended more than $32 million in assistance to FAS citizens. P.L. 108–188, the Compact of Free Association Amendments Act of 2003, provides $30 million in annual funding for compact impact assistance to be shared between the State of Hawaii, Guam, the Commonwealth of the Northern Mariana Islands, CNMI, and American Samoa. While this funding is a positive step forward, it does not begin to reimburse the affected jurisdictions for the costs associated with FAS citizens.

This legislation would provide assistance to states and territories that shoulder the majority of the costs associated with the compact. The Federal Government must provide appropriate resources to help States meet the needs of the FAS citizens—an obligation based on a Federal commitment. It is unconscionable for a State or territory to shoulder the entire financial burden of providing necessary educational, medical, and social services to individuals who are residing in that State or territory when the obligation is that of the Federal Government. For that reason, we are seeking to provide reimbursement of these costs. It is time for the Federal Government to take up some of the financial responsibility that until now has been carried by the State of Hawaii, CNMI, Guam, and American Samoa by restoring public benefits to FAS citizens.

This bill would restore eligibility of FAS citizens for nonemergency Medicaid. FAS citizens lost many of their public benefits as a result of the Personal Responsibility and Work Opportunity, PRWORA, Act of 1996, including Medicaid coverage. FAS citizens were previously eligible for Medicaid as aliens permanently residing under color of law in the United States.

After the enactment of welfare reform, the State of Hawaii could no longer claim Federal matching funds for services rendered to FAS citizens. Yet the State of Hawaii, Guam, American Samoa, and the CNMI have continued to meet the health care needs of FAS citizens. The State of Hawaii has used its resources to provide Medicaid services to FAS citizens.

In 2003 alone, the State spent approximately $9.77 million to provide Medicaid services without receiving any federal matching funds. This represents a dramatic increase from $6.75 million in State fiscal year 2002. Furthermore, the trend in the need for health care services among FAS citizens continues to rise. During fiscal year 2004, the number of individuals served in the State of Hawaii's Medicaid program grew from 3,291 to 4,818 people based on the average monthly enrollment. This is an increase of 46 percent.

This bill would also provide eligibility for FAS citizens residing in the United States to participate in the Temporary Assistance for Needy Families and Supplemental Security Income programs. According to Hawaii's attorney general, financial assistance in the form of the Temporary Assistance to Other Needy Families, TAONF, Program, a State program, provided $5.1 million to FAS citizens in State fiscal year 2003. This continues an upward trend from $4.5 million in State fiscal year 2002. This total includes funds that go to the General Assistance Program, which supports individuals and couples with little or no income and who have a temporary, incapacitating medical condition; the aged, blind, and disabled program for FAS citizens with little or no income who are not eligible for federally-funded Supplemental Security Income; and the State's TAONF Program that assists other needy families who are not eligible for federal-funding under the Temporary Assistance to Needy Families program. The financial assistance that the State of Hawaii provides to FAS citizens in the form of TAONF is a great support to those families attempting to achieve economic stability, but it has a significant financial impact on the State's budget.

The bill would also provide eligibility for the Food Stamp Program. Mr. President, the Food Stamp Program serves as the first line of defense against hunger. It is the cornerstone of the Federal food assistance program and provides crucial support to needy households and those making the transition from welfare to work. We have partially addressed the complicated issue of alien eligibility for public benefits such as food stamps, but again, I must say it is just partial. Not only should all legal immigrants receive these benefits, but so should citizens of the FAS. Exclusion of FAS citizens from Federal, State, or local public benefits or programs is an unintended and misguided consequence of the welfare reform law. We allow certain legal immigrants eligibility in the program. Yet FAS citizens, who are not considered immigrants but who are required to up for the Selective Service if they are residing in the United States are ineligible to receiving food stamps. This bill corrects this inequity.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD. I also ask unanimous consent that a letter of support I received last week from Director Lillian Koller of the State of Hawaii, Department of Human Services be printed in the RECORD.

I look forward to working with my colleagues to enact this measure which is of critical importance to my State of Hawaii, which has borne the costs of these benefits for FAS citizens living in Hawaii for the past 19 years.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

S. 2051

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCEPTION FOR CITIZENS OF FREELY ASSOCIATED STATES.

(a) IN GENERAL.—Section 402(a)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)) is amended by adding at the end the following:

"(M) EXCEPTION FOR CITIZENS OF FREELY ASSOCIATED STATES.—With respect to eligibility for benefits for the specified Federal programs described in paragraph (3), paragraph (1) shall not apply to any individual who lawfully resides in the United States (including territories and possessions of the United States) in accordance with—

"(i) section 141 of the Compact of Free Association between the Government of the

United States and the Government of the Federated States of Micronesia, approved by Congress in the Compact of Free Association Amendments Act of 2003;

"(ii) section 141 of the Compact of Free Association between the Government of the United States and the Government of the Republic of the Marshall Islands, approved by Congress in the Compact of Free Association Amendments Act of 2003; or

"(iii) section 141 of the Compact of Free Association between the Government of the United States and the Government of Palau, approved by Congress in Public Law 99-658 (100 Stat. 3672).".

(b) MEDICAID AND TANF EXCEPTIONS.—Section 402(b)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(b)(2)) is amended by adding at the end the following:

"(G) MEDICAID AND TANF EXCEPTIONS FOR CITIZENS OF FREELY ASSOCIATED STATES.—With respect to eligibility for benefits for the programs defined in subparagraphs (A) and (C) of paragraph (3) (relating to temporary assistance for needy families and medicaid), paragraph (1) shall not apply to any individual who lawfully resides in the United States (including territories and possessions of the United States) in accordance with a Compact of Free Association referred to in subsection (a)(2)(M).".

(c) QUALIFIED ALIEN.—Section 431(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(b)) is amended—

(1) in paragraph (6), by striking "or" at the end;

(2) in paragraph (7), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(8) an individual who lawfully resides in the United States (including territories and possessions of the United States) in accordance with a Compact of Free Association referred to in section 402(a)(2)(M).".

(d) CONFORMING AMENDMENT.—Section 1108 of the Social Security Act (42 U.S.C. 1308) is amended—

(1) in subsection (f), in the matter preceding paragraph (1), by striking "subsection (g)" and inserting "subsections (g) and (h)"; and

(2) by adding at the end the following:

"(h) The limitations of subsections (f) and (g) shall not apply with respect to medical assistance provided to an individual described in section 431(b)(8) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.".

(e) EFFECTIVE DATE.—The amendments made by this Act take effect on the date of enactment of this Act and apply to benefits and assistance provided on or after that date.

STATE OF HAWAII,
DEPARTMENT OF HUMAN SERVICES,
Honolulu, HI, November 9, 2005.

Sen. DANIEL K. AKAKA,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR AKAKA. I am writing in support of your legislation to reinstate eligibility for Compact migrants from the Freely Associated States for various Federal programs, including Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI), Food Stamps, and Medicaid. As you know, "Compact migrants" refers to those who have relocated to Hawaii from the Republic of Palau, the Federated States of Micronesia, and the Republic of the Marshall Islands. As you know, a high percentage of the Compact migrant population are poorly educated and live in poverty, and are thus part of the additional demand on the already strained social support systems of the State.

The Department of Human Services is the lead agency that administers social safety net programs for individuals and families in Hawaii. The amount of State resources that is being expended to care for Compact migrants has been steadily increasing as the number of migrants continues to grow. The costs to the State cannot be measured in the numbers of migrants alone. What is not reflected in the numbers of migrants alone, is that many of these migrants come to Hawaii with serious medical conditions that require costly intensive and extensive services. In 2004, the Department of Human Services alone spent over $26.6 million to provide services to over 10,800 migrants in our financial assistance, medical assistance, vocational rehabilitation, and youth services programs.

Allowing Compact migrants to be served with Federal funds under the TANF, SSI, Food Stamps, and Medicaid programs would tremendously assist the State of Hawaii. I appreciate your leadership in this area and look forward to continuing to work with you on your legislative efforts to assist Compact migrants in Hawaii.

Sincerely,

LILLIAN B. KOLLER, Esq.
Director.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 318—DESIGNATING NOVEMBER 27, 2005, AS "DRIVE SAFER SUNDAY"

Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 318

Whereas motor vehicle travel is the primary means of transportation in the United States;

Whereas everyone on the roads and highways needs to drive more safely to reduce deaths and injuries resulting from motor vehicle accidents;

Whereas the death of almost 43,000 people a year in more than 6 million highway crashes in America has been called an epidemic by Transportation Secretary Norman Mineta;

Whereas according to the National Highway Transportation Safety Administration, wearing a seat belt saved 15,434 lives in 2004; and

Whereas the Sunday after Thanksgiving is the busiest highway traffic day of the year: Now, therefore, be it

Resolved, That the Senate—

(1) encourages—

(A) high schools, colleges, universities, administrators, teachers, primary schools, and secondary schools to launch campus-wide educational campaigns to urge students to be careful about safety when driving;

(B) national trucking firms to alert their drivers to be especially focused on driving safely during the heaviest traffic day of the year, and to publicize the importance of the day using Citizen's band (CB) radios and in truck stops across the Nation;

(C) clergy to remind their members to travel safely when attending services and gatherings;

(D) law enforcement personnel to remind drivers and passengers to drive particularly safely on the Sunday after Thanksgiving; and

(E) everyone to use the Sunday after Thanksgiving as an opportunity to educate themselves about highway safety; and

(2) designates November 27, 2005, as "Drive Safer Sunday".

SENATE RESOLUTION 319—COMMENDING RELIEF EFFORTS IN RESPONSE TO THE EARTHQUAKE IN SOUTH ASIA AND URGING A COMMITMENT BY THE UNITED STATES AND THE INTERNATIONAL COMMUNITY TO HELP REBUILD CRITICAL INFRASTRUCTURE IN THE AFFECTED AREAS

Ms. MIKULSKI submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 319

Whereas on October 8, 2005, a magnitude 7.6 earthquake struck Pakistan, India, and Afghanistan;

Whereas the epicenter of the earthquake was located near Muzaffarabad, the capital of Pakistani-administered Kashmir, and approximately 60 miles north-northeast of Islamabad, with aftershocks and landslides continuing to affect the area;

Whereas the most affected areas are the North West Frontier Province, Northern Punjab, Pakistani-administered Kashmir, and Indian-administered Kashmir;

Whereas more than 75,000 people have died, nearly 70,000 are injured, and approximately 2,900,000 people are homeless as a result of the earthquake, and, according to the Executive Director of the United Nations Children's Fund (UNICEF), 17,000 of the dead are children;

Whereas the United States has pledged a total of $156,000,000 to provide assistance in the affected countries, with $50,000,000 to be used for humanitarian relief, $50,000,000 to be used for reconstruction, and $56,000,000 to be used to support Department of Defense relief operations;

Whereas the total amount of humanitarian assistance committed to Pakistan by the United States Agency for International Development is more than $40,000,000;

Whereas the Department of Defense has deployed approximately 875 members of the Armed Forces and 31 helicopters to aid in the earthquake relief efforts;

Whereas since October 8, 2005, United States helicopters have flown more than 1,000 missions, evacuated approximately 3,400 people, and delivered nearly 5,600,000 pounds of supplies;

Whereas the delivery of humanitarian assistance to the affected areas is difficult due to the mountainous terrain, cold weather, and damaged or collapsed infrastructure;

Whereas Secretary of State Condoleezza Rice, during her October 12, 2005, visit to Pakistan, said the United States would support the efforts of the Government of Pakistan over the long-term to provide assistance to the victims of the earthquake and rebuild areas of the country devastated by the earthquake;

Whereas the cost of rebuilding the affected areas could be in excess of $1,000,000,000; and

Whereas the recovery and reconstruction of the areas devastated by the earthquake will require the concerted leadership of the

United States working with the governments of the affected countries and the international community: Now, therefore, be it

Resolved, That the Senate—

(1) commends the members of the United States Armed Forces and civilian employees of the Department of State and the United States Agency for International Development for taking swift action to assist the victims of the earthquake in South Asia that occurred on October 8, 2005;

(2) commends the international relief effort that includes the work of individual countries, numerous international organizations, and various relief and nongovernmental entities;

(3) commends the Governments of Pakistan and India for their cooperation in the common cause of saving lives and providing humanitarian relief to people on both sides of the Line of Control;

(4) encourages further cooperation between Pakistan and India on relief operations and efforts to fortify and expand peace and stability in the region as they cope with the impact of the earthquake during the winter of 2005 and the spring of 2006 and seek to rehabilitate the lives of those affected;

(5) urges the United States and the world community to reaffirm their commitment to additional generous support for relief and long-term reconstruction efforts in areas affected by the earthquake; and

(6) urges continued attention by international donors and relief agencies to the needs of vulnerable populations in the stricken countries, particularly the thousands of children who have been left parentless and homeless by the disaster.

Ms. MIKULSKI. Mr. President, today I am submitting a resolution commending relief efforts in response to the earthquake in South Asia and urging a commitment by the United States and the international community to help rebuild critical infrastructure in the affected areas.

On October 8, 2005, a devastating magnitude 7.6 earthquake hit remote mountainous regions of northern Afghanistan, Pakistan and India. More than 75,000 people have died, nearly 70,000 have been injured and 2.8 million remain homeless. On a bipartisan basis, the President and members of Congress joined the world community in expressing our sympathy and pledging our assistance to help those suffering in the face of this terrible disaster.

But expressions of sympathy are not enough. The United States must set an example and lead the world in the humanitarian effort of recovery and rebuilding. That's why I supported the initial pledge of $156 million in humanitarian aid from the United States.

The Department of Defense, the State Department and the U.S. Agency for International Development (USAID) have taken the lead in making good on that pledge. USAID has provided more than $50.1 million in assistance to Pakistan and more than $600,000 to India. The Defense Department has so far spent about $56 million on relief efforts, including sending more than 1,000 troops into Pakistan to provide urgent medical care, delivering much-needed supplies and clearing roads and opening routes for ground transportation so more help can reach those most in need.

The American private sector has also pitched in. U.S. charities have raised more than $21 million to support earthquake relief efforts. Non-government organizations like Catholic Relief Services, Mercy Corps and Save the Children all have a presence in Pakistan and are providing aid and relief. At President Bush's request, five major American corporations are encouraging additional private donations. General Electric, Pfizer, Citigroup, Xerox and UPS are coordinating a nationwide fund raising effort through the South Asia Earthquake Relief Fund. To date, more than $46 million has been donated by American corporations.

As Americans, we can all be proud of these efforts to help the people of South Asia survive, recover and rebuild. I applaud President Bush and his administration for acting quickly to provide relief and support. But I know that, together, we can do better.

That's why I support the immediate reprogramming by USAID of assistance funds for Pakistan in the FY 2006 Foreign Operations Act to help meet the immediate, emergency need for medical care and shelter. The nearly 3 million Pakistanis left homeless by the earthquake are already facing snow and freezing rain. Conservative estimates suggest another 80,000 people could die from exposure in the next few months without a massive effort to provide thousands of heated tents. Those people can not afford to wait for the next supplemental appropriations bill—we must act now.

The United States should also engage with the international community to boost relief and recovery efforts. The United Nations has already responded, convening a donors' conference to organize international relief efforts. Economic institutions like the World Bank and the Paris Club can assist long-term recovery efforts by re-examining their debt policy toward the affected countries. And members of NATO and the European Union must step-up their support for relief and recovery. NATO in particular has unique assets that can make a difference today for people on the ground in South Asia.

I also believe the United States should make a long-term investment in rebuilding the areas devastated by the earthquake. We have strong partnerships with the nations of South Asia, and we have strong affection for their people. We must commit to work with our friends for as long as it takes to help them rebuild their infrastructure, with a particular emphasis on boosting medical resources for a health care system now overwhelmed by caring for the weak and injured.

The people and governments of Pakistan, India and Afghanistan must know that the United States will be an unwavering partner in their recovery and reconstruction. Our U.S. military and the employees of the State Department and USAID are working hard to extend support to our friends in this terrible time of need. We thank them for their service and pledge that we, too, will do our part.

SENATE CONCURRENT RESOLUTION 65—RECOGNIZING THE BENEFITS AND IMPORTANCE OF FEDERALLY-QUALIFIED HEALTH CENTERS AND THEIR MEDICAID PROSPECTIVE PAYMENT SYSTEM

Mr. BURR (for himself, Mr. OBAMA, Mr. BINGAMAN, Mr. BOND, Mr. KERRY, Mr. SMITH, Mr. SALAZAR, Mr. SCHUMER, Mr. DURBIN, Ms. COLLINS, and Ms. SNOWE) submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 65

Whereas community, migrant, public housing, and homeless health centers form the backbone of the health care safety net of the United States, providing health care to nearly 6,000,000 of the 53,000,000 people enrolled in the Medicaid Program nationwide;

Whereas health center patients are more likely than the general population to be enrolled in Medicaid, with 36 percent of all health center patients enrolled in Medicaid compared to 12 percent nationally;

Whereas in 1989, Congress established the services of the Federally-qualified health center (FQHC) program as a guaranteed benefit under Medicaid to protect the valuable resources intended to assist health centers in caring for the uninsured;

Whereas health centers have doubled the number of uninsured people served since 1989, a growth rate more than twice that of the uninsured population of the United States;

Whereas health centers provided 17 percent of all Medicaid and State Health Insurance Program office visits in 2001;

Whereas Medicaid on average contributes 36 percent of a health center's budget, with the remainder provided by Federal grants, State and local governments, Medicare, private contributions, private insurance, and patient fees;

Whereas the cost of treating health center Medicaid patients is 30 to 34 percent less than the cost of treating those that receive care elsewhere, and similarly, 26 to 40 percent lower for prescription drug costs, 35 percent lower for diabetics, and 20 percent lower for asthmatics;

Whereas health center Medicaid patients are 22 percent less likely to be hospitalized for conditions that were potentially avoidable than those obtaining care elsewhere;

Whereas a bipartisan majority of Congress in 2000 established a prospective payment system (PPS) to ensure that Federally-qualified health centers receive sufficient Medicaid funding, thereby striking a balance between protecting the Federal investment in health centers and providing State flexibility in designing the payment system for these centers;

Whereas the prospective payment system has allowed States to appropriately predict and budget the cost of health center Medicaid expenditures;

Whereas the prospective payment system has allowed health centers to provide and expand primary care services to more people in need, while promoting efficient operation of and ensuring adequate Medicaid reimbursement for these centers;

Whereas without the assurance of sufficient Medicaid funding under the prospective payment system, health centers would be forced to cross-subsidize Medicaid underpayments with Federal grant dollars intended to care for the uninsured;

Whereas if the PPS were eliminated or changed, entire communities could be left without any access to primary and preventive health care services, thus undoing decades of investment by Congress in providing a health care safety net;

Whereas health centers provide cost-effective, high-quality health care to the poor of the Nation and the medically underserved, including the working poor, the uninsured, and many high-risk and vulnerable populations; and

Whereas health centers act as a vital safety net in the health delivery system of the Nation, meeting escalating health needs, and reducing health disparities: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) it is the sense of Congress that the Medicaid prospective payment system for the Federally-qualified health center program is critical to ensuring that both Medicaid recipients and the uninsured population of the Nation have access to quality affordable primary and preventive care services; and

(2) Congress recognizes the critical role of health centers as an essential source of health care for millions of Medicaid recipients and uninsured Americans and supports continuation of the prospective payment system in helping to maintain this system of health care.

Mr. OBAMA. Mr. President, today, Senator Burr and I are introducing a resolution that reaffirms the importance of the Medicaid prospective payment system for federally qualified health centers.

Federally qualified health centers—community, migrant, public housing, and homeless health centers—form the backbone of the Nation's health care safety net. FQHC's provide cost-effective, high-quality health care to the Nation's poor and medically underserved, including the working poor, the uninsured, and many high-risk and vulnerable populations.

Federally qualified health centers serve nearly 1 of 5 low-income children. Two-thirds of health center patients are members of racial and ethnic minority groups. And over 675,000 homeless persons receive care at health centers every year.

FQHC's play a particularly critical role in serving patients enrolled in Medicaid. Health centers provide care to nearly 6 million of the 53 million people enrolled in the Medicaid Program nationwide. Thirty-six percent of all FQHC patients are Medicaid beneficiaries compared to 12 percent nationally. Notably, the cost of treating Medicaid patients at FQHCs is about one-third less than the cost for those receiving care elsewhere, with drug costs alone about 25 percent lower.

In 2000, a bipartisan majority of the Congress established a prospective payment system, or PPS, to ensure that FQHC's receive fair Medicaid reimbursement. This system strikes a balance between protecting Federal investment in such health centers and allowing State flexibility in designing the payment system for these centers. The PPS allows health centers to provide and expand primary care services to more people in need, promotes efficient operation of FQHC's, and ensures they receive adequate Medicaid reimbursement.

Today, PPS has allowed health centers to provide quality health care to nearly 15 million people nationally, while also delivering significant cost savings to the Medicaid Program. Congress should recognize the critical role of such health centers as the primary source of care for millions of Medicaid recipients and uninsured Americans and support continuation of the prospective payment system.

SENATE CONCURRENT RESOLUTION 66—AFFIRMING THAT THE INTENT OF CONGRESS IN PASSING THE NATIONAL WILDLIFE REFUGE SYSTEM IMPROVEMENT ACT OF 1997 WAS TO ALLOW HUNTING AND FISHING ON PUBLIC LAND WITHIN THE NATIONAL WILDLIFE REFUGE SYSTEM AND DECLARING THAT THE PURPOSE OF RESERVING CERTAIN LAND AS PUBLIC LAND IS TO MAKE THE LAND AVAILABLE TO THE PUBLIC FOR REASONABLE USES

Mr. VITTER submitted the following concurrent resolution; which was referred to the Committee on Energy and Natural Resources:

S. Con. Res. 66

Whereas hunting and fishing have a long and distinguished history in the United States;

Whereas hunting and fishing remain an important part of the lifestyle and culture of people from many different areas of the country and from all walks of life;

Whereas sportsmen and sportswomen have worked for decades to ensure that public land and other land that is used for hunting and fishing is cared for, protected, and preserved;

Whereas the land that makes up the National Wildlife Refuge System has been widely used for hunting, fishing, and other sporting purposes;

Whereas in 1997, Congress passed the National Wildlife Refuge System Improvement Act of 1997 (Public Law 105-57; 111 Stat. 1252), which clearly and directly stated that hunting and fishing, as wildlife-dependent recreational activities, could be considered compatible uses of public land, including land within the National Wildlife Refuge System; and

Whereas the National Wildlife Refuge System Improvement Act of 1997 (Public Law 105-57; 111 Stat. 1252) passed by a vote of 419-1, demonstrating the nonpartisan nature of the legislation and the tremendous amount of support the legislation enjoyed: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) in passing the National Wildlife Refuge System Improvement Act of 1997 (Public Law 105–57; 111 Stat. 1252), Congress demonstrated its clear intent to allow hunting and fishing on the public land within the National Wildlife Refuge System;

(2) the intent of Congress has not changed in any way since the date of enactment of that Act, and any assumption to the contrary is misguided and misinterprets the clear intent of Congress; and

(3) the general purpose of reserving certain land as public land, including the land within the National Wildlife Refuge System, is to make the land available to the public for reasonable uses, including hunting, fishing, other wildlife-dependent sports, and other outdoor purposes.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2598. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; which was ordered to lie on the table.

SA 2599. Mr. CONRAD (for himself, Mr. Dorgan, and Mr. Smith) submitted an amendment intended to be proposed by him to the bill S. 2020, supra; which was ordered to lie on the table.

SA 2600. Mr. SHELBY proposed an amendment to the bill S. 467, to extend the applicability of the Terrorism Risk Insurance Act of 2002.

SA 2601. Mr. NELSON of Florida (for himself, Mr. Dorgan, Mr. Leahy, Mr. Schumer, Mr. Dayton, Ms. Stabenow, Mr. Kohl, Mrs. Murray, Mr. Obama, Mrs. Clinton, Ms. Landrieu, Mr. Harkin, and Mr. Durbin) submitted an amendment intended to be proposed by him to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006.

SA 2602. Mr. CONRAD proposed an amendment to the bill S. 2020, supra.

SA 2603. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 2020, supra; which was ordered to lie on the table.

SA 2604. Mrs. CLINTON (for herself and Mr. Obama) submitted an amendment intended to be proposed by her to the bill S. 2020, supra; which was ordered to lie on the table.

SA 2605. Mr. OBAMA (for himself, Mr. Coburn, Mr. Lautenberg, Ms. Snowe, Mr. Johnson, and Mr. Ensign) submitted an amendment intended to be proposed by him to the bill S. 2020, supra.

SA 2606. Mr. KERRY (for himself and Mr. Wyden) submitted an amendment intended to be proposed by him to the bill S. 2020, supra; which was ordered to lie on the table.

SA 2607. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill S. 2020, supra; which was ordered to lie on the table.

SA 2608. Ms. MURKOWSKI (for herself, Mr. Johnson, and Mr. Bingaman) submitted an amendment intended to be proposed by her to the bill S. 2020, supra; which was ordered to lie on the table.

SA 2609. Mrs. FEINSTEIN (for herself, Mr. Sununu, Mr. Gregg, Mr. Wyden, Ms. Cantwell, Mr. Feingold, Mr. Burr, Mr. McCain, Mr. Kerry, Ms. Collins, and Mrs. Clinton) proposed an amendment to the bill S. 2020, supra.

SA 2610. Mrs. FEINSTEIN (for herself and Mr. Kerry) proposed an amendment to the bill S. 2020, supra.

SA 2611. Mr. SCHUMER (for himself, Mr. Lautenberg, Mrs. Feinstein, Mr. Feingold, Mrs. Clinton, Mr. Kerry, Mr. Lieberman, Mr. Salazar, Mrs. Boxer, Ms. Stabenow, Ms. Mikulski, Mr. Kohl, and Mr. Kennedy) submitted an amendment intended to be proposed by him to the bill S. 2020, supra; which was ordered to lie on the table.

SA 2612. Ms. CANTWELL (for herself, Mr. Bayh, Mr. Lieberman, Mr. Schumer, Mrs. Boxer, Mr. Carper, Mrs. Clinton, Mr. Salazar, Mr. Kohl, Mrs. Murray, Ms. Stabenow, and Mrs. Feinstein) proposed an amendment to the bill S. 2020, supra

SA 2613. Mr. KENNEDY (for himself, Mr. Bingaman, Mr. Levin, Mr. Durbin, and Ms. Mikulski) submitted an amendment intended to be proposed by him to the bill S. 2020, supra; which was ordered to lie on the table.

SA 2614. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 2020, supra; which was ordered to lie on the table.

SA 2615. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 2020, supra; which was ordered to lie on the table.

SA 2616. Mr. KERRY (for himself and Mr. Obama) submitted an amendment intended to be proposed by him to the bill S. 2020, supra.

SA 2617. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 2020, supra; which was ordered to lie on the table.

SA 2618. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 2020, supra; which was ordered to lie on the table.

SA 2619. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2020, supra; which was ordered to lie on the table.

SA 2620. Ms. SNOWE (for herself and Mr. Schumer) submitted an amendment intended to be proposed by her to the bill S. 2020, supra; which was ordered to lie on the table.

SA 2621. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2020, supra; which was ordered to lie on the table.

SA 2622. Ms. MURKOWSKI (for herself and Mr. Stevens) submitted an amendment intended to be proposed by her to the bill S. 2020, supra; which was ordered to lie on the table.

SA 2623. Mr. DURBIN (for himself and Mr. Obama) submitted an amendment intended to be proposed by him to the bill S. 2020, supra.

SA 2624. Mr. LEAHY (for himself, Mr. Bennett, Mr. Domenici, Mr. Schumer, Mr. Kennedy, Mr. Bingaman, Mr. Lieberman, Mr. Johnson, Mr. Warner, Mr. Santorum, and Mr. Coleman) submitted an amendment intended to be proposed by him to the bill S. 2020, supra; which was ordered to lie on the table.

SA 2625. Mr. NELSON of Nebraska (for himself, Mr. DeWine, and Ms. Collins) proposed an amendment to the bill S. 2020, supra.

SA 2626. Mr. REED (for himself, Mr. Kennedy, Mr. Schumer, Mr. Kohl, Mr. Rockefeller, Mr. Kerry, Mr. Carper, Mr. Leahy, Mr. Dayton, Mr. Lieberman, and Ms. Stabenow) proposed an amendment to the bill S. 2020, supra.

SA 2627. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 2020, supra; which was ordered to lie on the table.

SA 2628. Mr. LEVIN (for himself, Mr. Coleman, and Mr. Obama) submitted an amendment intended to be proposed by him to the bill S. 2020, supra; which was ordered to lie on the table.

SA 2629. Mr. DAYTON (for himself and Mr. Salazar) submitted an amendment intended to be proposed by him to the bill S. 2020, supra.

SA 2630. Mr. SCHUMER (for himself and Mr. Wyden) submitted an amendment intended to be proposed by him to the bill S. 2020, supra; which was ordered to lie on the table.

SA 2631. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2020, supra; which was ordered to lie on the table.

SA 2632. Mr. LOTT (for himself and Mr. Baucus) submitted an amendment intended to be proposed by him to the bill S. 2020, supra; which was ordered to lie on the table.

SA 2633. Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 2020, supra.

SA 2634. Mrs. BOXER (for herself and Mr. Schumer) submitted an amendment intended to be proposed by her to the bill S. 2020, supra.

SA 2635. Mr. SCHUMER (for himself and Mrs. Feinstein) proposed an amendment to the bill S. 2020, supra.

SA 2636. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2020, supra; which was ordered to lie on the table.

SA 2637. Mr. COLEMAN (for himself and Mr. Pryor) submitted an amendment intended to be proposed by him to the bill S. 2020, supra; which was ordered to lie on the table.

SA 2638. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 2020, supra; which was ordered to lie on the table.

SA 2639. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 2020, supra; which was ordered to lie on the table.

SA 2640. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 2020, supra; which was ordered to lie on the table.

SA 2641. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2020, supra; which was ordered to lie on the table.

SA 2642. Mr. BINGAMAN (for himself, Mr. Kerry, and Ms Snowe) submitted an amendment intended to be proposed by him to the bill S. 2020, supra.

SA 2643. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2020, supra; which was ordered to lie on the table.

SA 2644. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2020, supra; which was ordered to lie on the table.

SA 2645. Mr. COLEMAN (for himself and Mr. Pryor) submitted an amendment intended to be proposed by him to the bill S. 2020, supra; which was ordered to lie on the table.

SA 2646. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 2020, supra; which was ordered to lie on the table.

SA 2647. Mr. GRASSLEY (for himself and Mr. Baucus) proposed an amendment to the bill S. 2020, supra.

SA 2648. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill S. 2020, supra; which was ordered to lie on the table.

SA 2649. Mr. MARTINEZ (for himself and Mr. Nelson, of Florida) submitted an amendment intended to be proposed by him to the bill S. 2020, supra; which was ordered to lie on the table.

SA 2650. Mr. FEINGOLD (for himself, Mr. Conrad, Mr. Chafee, Mr. Obama, and Mr. Salazar) proposed an amendment to the bill S. 2020, supra.

SA 2651. Mr. SUNUNU proposed an amendment to the bill S. 2020, supra.

SA 2652. Mrs. LINCOLN (for herself, Ms. Snowe, Mr. Obama, and Mr. Rockefeller) submitted an amendment intended to be proposed by her to the bill S. 2020, supra.

SA 2653. Mr. BAUCUS (for Mr. Reid (for himself, Mr. Kerry, Mr. Lautenberg, Ms. Snowe, Mr. Salazar, Mr. Bingaman, Mr. Jeffords, Mr. Bayh, Mrs. Clinton, Mr. Harkin, Mrs. Feinstein, and Ms. Collins)) proposed an amendment to the bill S. 2020, supra.

SA 2654. Mr. GRASSLEY proposed an amendment to the bill S. 2020, supra.

SA 2655. Mr. CRAIG (for himself and Mr. Rockefeller) submitted an amendment intended to be proposed by him to the bill S. 2020, supra.

SA 2656. Ms. SNOWE (for herself and Ms. Collins) submitted an amendment intended to be proposed by her to the bill S. 2020, supra; which was ordered to lie on the table.

SA 2657. Mr. ROCKEFELLER (for himself, Mr. Hatch, Mr. Bond, Ms. Mikulski, Mr. Lott, Ms. Snowe, and Mrs. Feinstein) submitted an amendment intended to be proposed by him to the bill S. 2020, supra; which was ordered to lie on the table.

SA 2658. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 2020, supra.

SA 2659. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 2020, supra; which was ordered to lie on the table.

SA 2660. Mr. DODD (for himself and Ms. Mikulski) submitted an amendment intended to be proposed by him to the bill S. 2020, supra; which was ordered to lie on the table.

SA 2661. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 2020, supra; which was ordered to lie on the table.

SA 2662. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 2020, supra; which was ordered to lie on the table.

SA 2663. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2020, supra; which was ordered to lie on the table.

SA 2664. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 2020, supra; which was ordered to lie on the table.

SA 2665. Mr. HARKIN (for himself and Mr. Obama) submitted an amendment intended to be proposed by him to the bill S. 2020, supra.

SA 2666. Mr. PRYOR (for himself and Mr. Coleman) submitted an amendment intended to be proposed by him to the bill S. 2020, supra; which was ordered to lie on the table.

SA 2667. Ms. SNOWE (for herself, Mr. Bingaman, Ms. Collins, and Mr. Reed) proposed an amendment to the bill S. 2020, supra.

SA 2668. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 2020, supra; which was ordered to lie on the table.

SA 2669. Ms. LANDRIEU (for herself and Mr. Vitter) proposed an amendment to the bill S. 2020, supra.

SA 2670. Mr. GRASSLEY (for himself and Mr. BAUCUS) proposed an amendment to the bill S. 2020, supra.

SA 2671. Mr. FRIST (for Mr. ENZI) proposed an amendment to the bill S. 1418, to enhance the adoption of a nationwide inter operable health information technology system and to improve the quality and reduce the costs of health care in the United States.

TEXT OF AMENDMENTS

SA 2598. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; which was ordered to lie on the table; as follows:

At the end of title IV, insert the following:

SEC. ___. COMPUTATION OF LIMITS ON IRA AND ROTH IRA CONTRIBUTIONS.

(a) CERTAIN WAGE REPLACEMENT INCOME TREATED AS COMPENSATION.—

(1) WAGE REPLACEMENT INCOME.—Section 219(f) (relating to other definitions and special rules) is amended by adding at the end the following new paragraph:

"(8) TREATMENT OF CERTAIN WAGE REPLACEMENT INCOME AS COMPENSATION.—

"(A) IN GENERAL.—Notwithstanding paragraph (1), applicable wage replacement income not otherwise treated as compensation shall be treated as compensation for purposes of this section.

"(B) APPLICABLE WAGE REPLACEMENT INCOME.—For purposes of this paragraph, the term 'applicable wage replacement income' means any amount received by an individual—

"(i) as the result of the individual having become disabled,

"(ii) as unemployment compensation (as defined in section 85(b)),

"(iii) under workmen's compensation acts, or

"(iv) which constitutes wage replacement income under regulations prescribed by the Secretary."

(2) CERTAIN EXCLUDABLE AMOUNTS MAY BE TAKEN INTO ACCOUNT FOR PURPOSES OF ROTH IRAS.—Section 408A(c)(2) (relating to contribution limit) is amended by adding at the end the following new flush sentence:

"In determining the maximum amount under subparagraph (A), subsections (b)(1)(B) and (c) of section 219 shall be applied by taking into account compensation described in section 219(f)(8) without regard to whether it is includible in gross income."

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2004.

(b) COMPUTATION OF MAXIMUM IRA DEDUCTION FOR ROTH IRAS USING COMPENSATION FROM 2 PRECEDING TAXABLE YEARS.—

(1) IN GENERAL.—Section 408A(c) (relating to treatment of contributions) is amended by adding at the end the following new paragraph:

"(8) COMPENSATION FROM PRECEDING 2 YEARS MAY BE TAKEN INTO ACCOUNT.—

"(A) IN GENERAL.—A taxpayer may elect for purposes of paragraph (2) to take into account any unused compensation from the 2 taxable years immediately preceding the taxable year.

"(B) UNUSED COMPENSATION.—For purposes of this paragraph, the term 'unused compensation' means with respect to an individual for any taxable year the compensation includible in the individual's gross income for the taxable year reduced by the sum of—

"(i) the amount allowed as a deduction under 219(a) to such individual for such taxable year,

"(ii) the amount of any designated nondeductible contribution (as defined in section 408(o)) on behalf of such individual for such taxable year,

"(iii) the amount of any contribution on behalf of such individual to a Roth IRA under this section for such taxable year, and

"(iv) the amount of compensation includible in such individual's gross income for such taxable year taken into account under section 219(c) in determining the limitation under section 219 or paragraph (2) for the individual's spouse.

"(C) APPLICATION TO SPECIAL RULE FOR MARRIED INDIVIDUALS.—Under rules prescribed by the Secretary, in applying section 219(c) for any taxable year for purposes of applying paragraph (2)(A), unused compensation of an individual or an individual's spouse for the 2 taxable years immediately preceding the taxable year may be taken into account."

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years beginning after December 31, 2004, but unused compensation for taxable years beginning before January 1, 2005, may be taken into account for taxable years beginning after December 31, 2004.

SA 2599. Mr. CONRAD (for himself, Mr. DORGAN, and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

SEC. ___. EXTENSION OF FULL CREDIT FOR QUALIFIED ELECTRIC VEHICLES.

(A) IN GENERAL.—Section 30(b) (relating to limitations) is amended by striking paragraph (2) and by redesignating paragraph (3) as paragraph (2).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2005.

SA 2600. Mr. SHELBY proposed an amendment to the bill S. 467, to extend the applicability of the Terrorism Risk Insurance Act of 2002; as follows:

Modify section 3(c)(2) of the bill to read as follows:

(2) CONFORMING AMENDMENT.—Section 102(12)(A) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2326) is amended by striking "surety insurance" and inserting "directors and officers liability insurance".

SA 2601. Mr. NELSON of Florida (for himself, Mr. DORGAN, Mr. LEAHY, Mr. SCHUMER, Mr. DAYTON, Ms. STABENOW, Mr. KOHL, Mrs. MURRAY, Mr. OBAMA, Mrs. CLINTON, Ms. LANDRIEU, Mr. HARKIN, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; as follows:

At the end of title IV, insert the following:

SEC. ___. PROTECTION FOR MEDICARE BENEFICIARIES WHO ENROLL IN THE PRESCRIPTION DRUG BENEFIT DURING 2006.

(a) EXTENDED PERIOD OF OPEN ENROLLMENT DURING ALL OF 2006 WITHOUT LATE ENROLLMENT PENALTY.—Section 1851(e)(3)(B) of the Social Security Act (42 U.S.C. 1395w-21(e)(3)(B)) is amended—

(1) in clause (iii), by striking "May 15, 2006" and inserting "December 31, 2006"; and

(2) by adding at the end the following new sentence:

"An individual making an election during the period beginning on November 15, 2006, and ending on December 15, 2006, shall specify whether the election is to be effective with respect to 2006 or with respect to 2007 (or both).".

(b) ONE-TIME CHANGE OF PLAN ENROLLMENT FOR MEDICARE PRESCRIPTION DRUG BENEFIT DURING ALL OF 2006.—

(1) IN GENERAL.—Section 1851(e) of the Social Security Act (42 U.S.C. 1395w–21(e)) is amended—

(A) in paragraph (2)(B)—

(i) in the heading, by striking "FOR FIRST 6 MONTHS";

(ii) in clause (i)—

(I) by striking "the first 6 months of 2006" and inserting "2006"; and

(II) by striking "the first 6 months during 2006" and inserting "2006"; and

(iii) in clause (ii), by inserting "(other than during 2006)" after "paragraph (3)"; and

(B) in paragraph (4), by striking "2006" and inserting "2007" each place it appears.

(2) CONFORMING AMENDMENT.—Section 1860D–1(b)(1)(B)(iii) of the Social Security Act (42 U.S.C. 1395w–101(b)(1)(B)(iii)) is amended by striking "subparagraphs (B) and (C) of paragraph (2)" and inserting "paragraph (2)(C)".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173).

SA 2602. Mr. CONRAD proposed an amendment to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Fiscal Responsibility Act of 2005".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—TAX BENEFITS FOR AREAS AFFECTED BY HURRICANES KATRINA, RITA, AND WILMA

Subtitle A—Gulf Recovery Zone Benefits

Sec. 101. Gulf Recovery Zone benefits.
Sec. 102. Expansion of Hope Scholarship and Lifetime Learning Credit for students in the Gulf Recovery Zone.

Sec. 103. Extension of special rules for mortgage revenue bonds.

Subtitle B—Tax Benefits Related to Hurricanes Rita and Wilma

Sec. 111. Extension of certain emergency tax relief for Hurricane Katrina to Hurricanes Rita and Wilma.

TITLE II—EXTENSION OF EXPIRING PROVISIONS

Sec. 201. Extension and increase in minimum tax relief to individuals.
Sec. 202. Allowance of nonrefundable personal credits against regular and minimum tax liability.
Sec. 203. Election to deduct State and local sales taxes in lieu of State and local income taxes.
Sec. 204. Tuition deduction.
Sec. 205. Extension and modification of research credit.
Sec. 206. Extension and modifications to work opportunity credit and welfare-to-work credit.
Sec. 207. Qualified zone academy bonds.
Sec. 208. Deduction for certain expenses of school teachers.
Sec. 209. Tax incentives for investment in the District of Columbia.
Sec. 210. Indian employment tax credit.
Sec. 211. Accelerated depreciation for business property on Indian reservation.
Sec. 212. Extension and expansion of charitable contribution allowed for scientific property used for research and for computer technology and equipment used for educational purposes.
Sec. 213. Expensing of brownfields remediation costs.
Sec. 214. Extension of full credit for qualified electric vehicles.
Sec. 215. Fifteen-year straight-line cost recovery for qualified leasehold improvements and qualified restaurant improvements.
Sec. 216. Application of EGTRRA sunset to this title.

TITLE III—REVENUE PROVISIONS

Subtitle A—Provisions Relating to Tax Shelters

Sec. 301. Clarification of economic substance doctrine.
Sec. 302. Penalty for understatements attributable to transactions lacking economic substance, etc.
Sec. 303. Denial of deduction for interest on underpayments attributable to noneconomic substance transactions.
Sec. 304. Modifications of effective dates of leasing provisions of the American Jobs Creation Act of 2004.
Sec. 305. Revaluation of LIFO inventories of large integrated oil companies.
Sec. 306. Modification of effective date of exception from suspension rules for certain listed and reportable transactions.
Sec. 307. Doubling of certain penalties, fines, and interest on underpayments related to certain offshore financial arrangements.
Sec. 308. Penalty for aiding and abetting the understatement of tax liability.

Subtitle B—Provisions to Close Corporate and Individual Loopholes

Sec. 311. Tax treatment of inverted entities.
Sec. 312. Grant of Treasury regulatory authority to address foreign tax credit transactions involving inappropriate separation of foreign taxes from related foreign income.
Sec. 313. Treatment of contingent payment convertible debt instruments.
Sec. 314. Application of earnings stripping rules to partners which are corporations.
Sec. 315. Denial of deduction for certain fines, penalties, and other amounts.
Sec. 316. Disallowance of deduction for punitive damages.
Sec. 317. Limitation of employer deduction for certain entertainment expenses.
Sec. 318. Imposition of mark-to-market tax on individuals who expatriate.
Sec. 319. Modification of exclusion for citizens living abroad.
Sec. 320. Limitation on annual amounts which may be deferred under nonqualified deferred compensation arrangements.
Sec. 321. Increase in age of minor children whose unearned income is taxed as if parent's income.

Subtitle C—Oil and Gas Provisions

Sec. 331. Extension of superfund taxes.
Sec. 332. Modifications of foreign tax credit rules applicable to dual capacity taxpayers.
Sec. 333. Rules relating to foreign oil and gas income.
Sec. 334. Modification of credit for producing fuel from a nonconventional source.
Sec. 335. Elimination of amortization of geological and geophysical expenditures for major integrated oil companies.

Subtitle D—Tax Administration Provisions

Sec. 341. Imposition of withholding on certain payments made by government entities.
Sec. 342. Increase in certain criminal penalties.
Sec. 343. Repeal of suspension of interest and certain penalties where Secretary fails to contact taxpayer.
Sec. 344. Increase in penalty for bad checks and money orders.
Sec. 345. Frivolous tax submissions.
Sec. 346. Partial payments required with submission of offers-in-compromise.
Sec. 347. Waiver of user fee for installment agreements using automated withdrawals.
Sec. 348. Termination of installment agreements.

Subtitle E—Additional Provisions

Sec. 351. Modification of individual estimated tax safe harbor.
Sec. 352. Loan and redemption requirements on pooled financing requirements.
Sec. 353. Reporting of interest on tax-exempt bonds.

TITLE I—TAX BENEFITS FOR AREAS AFFECTED BY HURRICANES KATRINA, RITA, AND WILMA

Subtitle A—Gulf Recovery Zone Benefits

SEC. 101. GULF RECOVERY ZONE BENEFITS.

(a) IN GENERAL.—Chapter 1 is amended by adding at the end the following new subchapter:

"Subchapter Z—Hurricane Relief Benefits

"Sec. 1400N. Definitions.
"Sec. 1400O. Tax benefits for Gulf Recovery Zone.

"SEC. 1400N. DEFINITIONS.

"For purposes of this subchapter—

"(1) GULF RECOVERY ZONE.—The term 'Gulf Recovery Zone' means that portion of the Hurricane Katrina disaster area determined by the President to warrant individual or individual and public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina.

"(2) HURRICANE KATRINA DISASTER AREA.—The term 'Hurricane Katrina disaster area' means an area with respect to which a major disaster has been declared by the President before September 14, 2005, under section 401 of such Act by reason of Hurricane Katrina.

"(3) RITA ZONE.—The term 'Rita Zone' means that portion of the Hurricane Rita disaster area determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act by reason of Hurricane Rita.

"(4) HURRICANE RITA DISASTER AREA.—The term 'Hurricane Rita disaster area' means an area with respect to which a major disaster has been declared by the President before October 6, 2005, under section 401 of such Act by reason of Hurricane Rita.

"(5) WILMA ZONE.—The term 'Wilma Zone' means that portion of the Hurricane Wilma disaster area determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act by reason of Hurricane Wilma.

"(6) HURRICANE WILMA DISASTER AREA.—The term 'Hurricane Wilma disaster area' means an area with respect to which a major disaster has been declared by the President before October 25, 2005, under section 401 of such Act by reason of Hurricane Wilma.

"SEC. 1400O. TAX BENEFITS FOR GULF RECOVERY ZONE.

"(a) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED AFTER AUGUST 27, 2005.—

"(1) ADDITIONAL ALLOWANCE.—In the case of any qualified Gulf Recovery Zone property—

"(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 50 percent of the adjusted basis of such property, and

"(B) the adjusted basis of the qualified Gulf Recovery Zone property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

"(2) QUALIFIED GULF RECOVERY ZONE PROPERTY.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified Gulf Recovery Zone property' means property—

"(i)(I) which is described in section 168(k)(2)(A)(i), or

"(II) which is nonresidential real property or residential rental property,

"(ii) substantially all of the use of which is in the Gulf Recovery Zone and is in the active conduct of a trade or business by the taxpayer in such Zone,

"(iii) the original use of which in the Gulf Recovery Zone commences with the taxpayer after August 27, 2005,

"(iv) which is acquired by the taxpayer by purchase (as defined in section 179(d)) after August 27, 2005, but only if no written binding contract for the acquisition was in effect before August 28, 2005, and

"(v) which is placed in service by the taxpayer on or before the termination date.

The term 'termination date' means December 31, 2007 (December 31, 2008, in the case of nonresidential real property and residential rental property).

"(B) EXCEPTIONS.—

"(i) ALTERNATIVE DEPRECIATION PROPERTY.—The term 'qualified Gulf Recovery Zone property' shall not include any property described in section 168(k)(2)(D)(i).

"(ii) TAX-EXEMPT BOND-FINANCED PROPERTY.—Such term shall not include any property any portion of which is financed with the proceeds of any obligation the interest on which is exempt from tax under section 103.

"(iii) QUALIFIED REVITALIZATION BUILDINGS.—Such term shall not include any qualified revitalization building with respect to which the taxpayer has elected the application of paragraph (1) or (2) of section 1400I(a).

"(iv) ELECTION OUT.—For purposes of this subsection, rules similar to the rules of section 168(k)(2)(D)(iii) shall apply.

"(C) SPECIAL RULES.—For purposes of this subsection, rules similar to the rules of section 168(k)(2)(E) shall apply, except that—

"(i) clause (i) thereof shall be applied by substituting 'after August 27, 2005, and before the termination date (as defined in section 1400O(a)(2))' for 'after September 10, 2001, and before January 1, 2005',

"(ii) clauses (ii), (iii), and (iv) thereof shall be applied by substituting 'August 27, 2005' for 'September 10, 2001' each place it appears, and

"(iii) clause (iv) thereof shall be applied by substituting 'qualified Gulf Recovery Zone property' for 'qualified property'.

"(D) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—For purposes of this subsection, rules similar to the rules of section 168(k)(2)(G) shall apply.

"(3) RECAPTURE.—For purposes of this subsection, rules similar to the rules under section 179(d)(10) shall apply with respect to any qualified Gulf Recovery Zone property which ceases to be qualified Gulf Recovery Zone property.

"(b) INCREASE IN EXPENSING UNDER SECTION 179.—

"(1) IN GENERAL.—For purposes of section 179—

"(A) the $100,000 amount in section 179(b)(1) for the taxable year shall be increased by the lesser of—

"(i) $100,000, or

"(ii) the cost of section 179 property (as defined in section 179(d)) which is qualified Gulf Recovery Zone property placed in service during the taxable year, and

"(B) the $400,000 amount in section 179(b)(2) for the taxable year shall be increased by the lesser of—

"(i) $600,000, or

"(ii) the cost of section 179 property (as so defined) which is qualified Gulf Recovery Zone property placed in service during the taxable year.

"(2) QUALIFIED GULF RECOVERY ZONE PROPERTY.—For purposes of this subsection, the term 'qualified Gulf Recovery Zone property' has the meaning given such term by subsection (a)(2).

"(3) COORDINATION WITH EMPOWERMENT ZONES AND RENEWAL COMMUNITIES.—For purposes of sections 1397A and 1400J, qualified Gulf Recovery Zone property shall not be treated as qualified zone property or qualified renewal property for any taxable year, unless the taxpayer elects not to have this subsection apply to all such qualified Gulf Recovery Zone property placed in service by the taxpayer during the taxable year.

"(4) RECAPTURE.—Rules similar to the rules under section 179(d)(10) shall apply with respect to any qualified Gulf Recovery Zone property which ceases to be Gulf Recovery Zone property.

"(c) TAX-EXEMPT BOND FINANCING.—

"(1) IN GENERAL.—For purposes of this title, any qualified Gulf Recovery Zone Bond shall be treated as a qualified bond.

"(2) QUALIFIED GULF RECOVERY ZONE BOND.—For purposes of this subsection, the term 'qualified Gulf Recovery Zone Bond' means any bond issued as part of an issue if—

"(A) except as provided in paragraph (4), such bond meets the applicable requirements of part IV of subchapter B of this chapter,

"(B) such bond is issued by the State of Alabama, Louisiana, or Mississippi (or any political subdivision thereof),

"(C) the Governor of such State designates such bond for purposes of this section, and

"(D) such bond is issued after the date of the enactment of this section and before January 1, 2011.

"(3) LIMITATION ON AGGREGATE AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds which may be designated under this subsection shall not exceed the product of $2,500 multiplied by the portion of the State population which is in the Gulf Recovery Zone (as determined on the basis of the most recent census estimate of resident population released by the Bureau of Census before August 28, 2005).

"(4) SPECIAL RULES.—In applying this title to any qualified Gulf Recovery Zone Bond, the following modifications shall apply:

"(A) Section 143 (relating to mortgage revenue bonds: qualified mortgage bond and qualified veterans' mortgage bond) shall be applied—

"(i) by treating any residence in the Gulf Recovery Zone as a targeted area residence,

"(ii) by applying subsection (f)(3) without regard to subparagraph (A) thereof, and

"(iii) by substituting '$150,000' for '$15,000' in subsection (k)(4) thereof.

"(B) Section 146 (relating to volume cap) shall not apply.

"(C) Section 57(a)(5) shall not apply.

"(5) SEPARATE ISSUE TREATMENT OF PORTIONS OF AN ISSUE.—This subsection shall not apply to the portion of an issue which (if issued as a separate issue) would be treated as a qualified bond or as a bond that is not a private activity bond (determined without regard to paragraph (1)), if the issuer elects to so treat such portion.

"(d) ADVANCE REFUNDINGS OF CERTAIN TAX-EXEMPT BONDS.—

"(1) IN GENERAL.—With respect to a bond described in paragraph (2) issued as part of an issue 90 percent (95 percent in the case of a bond described in paragraph (2)(B)) or more of the net proceeds (as defined in section 150(a)(3)) of which were used to finance facilities located within the Gulf Recovery Zone (or property which is functionally related and subordinate to facilities located within the Gulf Recovery Zone), one additional advanced refunding after the date of the enactment of this section and before January 1, 2007, shall be allowed under the applicable rules of section 149(d) if—

"(A) the chief executive officer of the issuer of the bond designates the advance refunding bond for purposes of this subsection, and

"(B) the requirements of paragraph (3) are met.

"(2) BONDS DESCRIBED.—A bond is described in this paragraph if such bond was outstanding on August 27, 2005, and is—

"(A) a State or local bond (as defined in section 103(c)(1)) other than a private activity bond (as defined in section 141(a)) issued by the State of Alabama, Louisiana, or Mississippi (or any political subdivision thereof), or

"(B) a qualified 501(c)(3) bond (as defined in section 145(a)) issued by or on behalf of any such State or political subdivision.

"(3) ADDITIONAL REQUIREMENTS.—The requirements of this paragraph are met with respect to any advance refunding of a bond described in paragraph (2) if—

"(A) no advance refundings of such bond would be allowed under any provision of law after August 27, 2005,

"(B) the advance refunding bond is the only other outstanding bond with respect to the refunded bond, and

"(C) the requirements of section 148 are met with respect to all bonds issued under this subsection.

"(e) LOW-INCOME HOUSING CREDIT.—

"(1) INCREASE IN STATE HOUSING CREDIT CEILING.—

"(A) IN GENERAL.—In the case of the State of Alabama, Louisiana, or Mississippi—

"(i) the amount otherwise determined under subclause (I) of section 42(h)(3)(C)(ii) for each calendar year beginning after 2005 and before 2010 shall be increased by an amount equal to 3 times the dollar amount otherwise specified for such calendar year under such subclause multiplied by the State population located in the Gulf Recovery Zone (as determined on the basis of the most recent census estimate of resident population released by the Bureau of Census before August 28, 2005), and

"(ii) the unused State housing credit ceiling for such State for any calendar year under section 42(h)(3)(C)(i) shall be determined without regard to the amount of the increase determined under clause (i).

"(B) ELECTIVE CARRYFORWARD OF UNUSED INCREASED CEILING.—

"(i) IN GENERAL.—If the amount determined under section 42(h)(3)(C)(ii)(I), as increased under subparagraph (A)(i), for any calendar year for any State described in subparagraph (A) exceeds the aggregate housing credit dollar amount allocated during such calendar year by such State, such State may elect to treat as a carryforward to the following calendar year an amount equal to lesser of—

"(I) the amount of such excess, or

"(II) the amount by which the amount determined under section 42(h)(3)(C)(ii)(I) for such calendar year was increased under subparagraph (A)(i)).

"(ii) USE OF CARRYFORWARD.—If any State elects a carryforward under clause (i), any housing credit dollar amount allocated by such State during the calendar year following the calendar year in which the carryforward arose shall not be considered so allocated for purposes of section 42(h)(3)(C) and section 42(h)(3)(D) to the extent such housing credit dollar amount does not exceed the amount of the carryforward elected.

"(2) DIFFICULT DEVELOPMENT AREA.—

"(A) IN GENERAL.—For purposes of section 42—

"(i) in the case of property placed in service during 2006, 2007, or 2008, the Gulf Recovery Zone—

"(I) shall be treated as a difficult development area designated under subclause (I) of section 42(d)(5)(C)(iii), and

"(II) shall not be taken into account for purposes of applying the limitation under subclause (II) of such section, and

"(ii) subsection (b)(2)(B) thereof shall be applied with respect to any such property placed in service in the Gulf Recovery Zone by substituting '91 percent' and '39 percent' for '70 percent' and '30 percent', respectively.

"(B) APPLICATION.—Subparagraph (A) shall apply only to—

"(i) housing credit dollar amounts allocated during the period beginning on January 1, 2006, and ending on December 31, 2008, and

"(ii) buildings placed in service during such period to the extent that paragraph (1) of section 42(h) does not apply to any building by reason of paragraph (4) thereof, but only with respect to bonds issued after December 31, 2005.

"(f) Treatment of Representations Regarding Income Eligibility for Purposes of Qualified Residential Rental Project Requirements.—For purposes of determining if any residential rental project meets the requirements of section 142(d)(1) and if any certification with respect to such project meets the requirements under section 142(d)(7), the operator of the project may rely on the representations of any individual applying for tenancy in such project that such individual's income will not exceed the applicable income limits of section 142(d)(1) upon commencement of the individual's tenancy if such tenancy begins during the 6-month period beginning on and after the date such individual was displaced by reason of Hurricane Katrina.

"(g) Application of New Markets Tax Credit to Investments in Community Development Entities Serving Gulf Recovery Zone.—For purposes of section 45D—

"(1) a qualified community development entity shall be eligible for an allocation under subsection (f)(2) thereof of the increase in the new markets tax credit limitation described in paragraph (2) only if a significant mission of such entity is the recovery and redevelopment of the Gulf Recovery Zone,

"(2) the new markets tax credit limitation otherwise determined under subsection (f)(1) thereof shall be increased by an amount equal to—

"(A) $300,000,000 for 2005 and 2006, to be allocated among qualified community development entities to make qualified low-income community investments within the Gulf Recovery Zone, and

"(B) $400,000,000 for 2007, to be so allocated, and

"(3) subsection (f)(3) thereof shall be applied separately with respect to the amount of the increase under paragraph (2).

"(h) Treatment of Net Operating Losses Attributable to Gulf Recovery Zone Losses.—

"(1) In general.—If a portion of any net operating loss of the taxpayer for any taxable year is a qualified Gulf Recovery Zone loss, the following rules shall apply:

"(A) Extension of carryback period.—Section 172(b)(1) shall be applied with respect to such portion—

"(i) by substituting '5 taxable years' for '2 taxable years' in subparagraph (A)(i), and

"(ii) by not taking such portion into account in determining any eligible loss of the taxpayer under subparagraph (F) for the taxable year.

"(B) Suspension of 90 percent AMT limitation.—Section 56(d)(1) shall be applied by increasing the amount determined under subparagraph (A)(ii)(I) thereof by the sum of the carrybacks and carryovers of any net operating loss attributable to such portion.

"(2) Qualified Gulf recovery zone loss.—For purposes of paragraph (1), the term 'qualified Gulf Recovery Zone loss' means the lesser of—

"(A) the amount of the net operating loss for the taxable year, or

"(B) the aggregate amount of the following deductions for such taxable year:

"(i) Any deduction for any qualified Gulf Recovery Zone casualty loss.

"(ii) Any deduction for moving expenses paid or incurred after August 27, 2005, and before January 1, 2008, and allowable under this chapter to any taxpayer in connection with the employment of any individual—

"(I) whose principal place of abode was located in the Gulf Recovery Zone before August 28, 2005,

"(II) who was unable to remain in such abode as the result of Hurricane Katrina, and

"(III) whose principal place of employment with the taxpayer after such expense is located in the Gulf Recovery Zone.

For purposes of this clause, the term 'moving expenses' has the meaning given such term by section 217(b), except that the taxpayer's former residence and new residence may be the same residence if the initial vacating of the residence was as the result of Hurricane Katrina.

"(iii) Any deduction for expenses paid or incurred after August 27, 2005, and before January 1, 2008, and allowable under this chapter to temporarily house any employee of the taxpayer whose principal place of employment is in the Gulf Recovery Zone.

"(iv) Any deduction for depreciation (or amortization in lieu of depreciation) allowable under this chapter with respect to any qualified Gulf Recovery Zone property (as defined in subsection (a)(2)) for the taxable year such property is placed in service.

"(v) Any deduction for repair expenses (including expenses for removal of debris) allowable under this chapter paid or incurred after August 27, 2005, and before January 1, 2008, with respect to any damage attributable to Hurricane Katrina and in connection with property which is located in the Gulf Recovery Zone.

"(3) Qualified gulf recovery zone casualty loss.—

"(A) In general.—For purposes of paragraph (2)(B)(i), the term 'qualified Gulf Recovery Zone casualty loss' means any uncompensated section 1231 loss (as defined in section 1231(a)(3)(B)) of property located in the Gulf Recovery Zone if—

"(i) such loss is allowed as a deduction under section 165 for the taxable year, and

"(ii) such loss is attributable to Hurricane Katrina.

"(B) Reduction for gains from involuntary conversion.—The amount of qualified Gulf Recovery Zone casualty loss which would (but for this subparagraph) be taken into account under subparagraph (A) for any taxable year shall be reduced by the amount of any gain recognized by the taxpayer for such year from the involuntary conversion by reason of Hurricane Katrina of property located in the Gulf Recovery Zone.

"(C) Coordination with general disaster loss rules.—Subsection (j) and section 165(i) shall not apply to any qualified Gulf Recovery Zone casualty loss to the extent such loss is taken into account under this subsection.

"(4) Special rules.—For purposes of paragraph (1), rules similar to the rules of paragraphs (2) and (3) of section 172(i) shall apply with respect to such portion.

"(i) Treatment of Public Utility Property Disaster Losses.—

"(1) In general.—Upon the election of the taxpayer, in the case of any eligible public utility property loss—

"(A) section 165(i) shall be applied by substituting 'the fifth taxable year immediately preceding' for 'the taxable year immediately preceding',

"(B) an application for a tentative carryback adjustment of the tax for any prior taxable year affected by the application of subparagraph (A) may be made under section 6411, and

"(C) section 6611 shall not apply to any overpayment attributable to such loss.

"(2) Eligible public utility property loss.—For purposes of this subsection—

"(A) In general.—The term 'eligible public utility property loss' means any loss with respect to public utility property located in the Gulf Recovery Zone and attributable to Hurricane Katrina.

"(B) Public utility property.—The term 'public utility property' has the meaning given such term by section 168(i)(10) without regard to the matter following subparagraph (D) thereof.

"(3) Waiver of limitations.—If refund or credit of any overpayment of tax resulting from the application of paragraph (1) is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this section by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

"(j) Special Rule for Gulf Recovery Zone Public Utility Casualty Losses.—

"(1) In general.—The amount described in section 172(f)(1)(A) for any taxable year shall be increased by the amount of the Gulf Recovery Zone public utility casualty loss for such year.

"(2) Gulf recovery zone public utility casualty loss.—For purposes of this subsection, the term 'Gulf Recovery Zone public utility casualty loss' means any casualty loss of public utility property (as defined in section 168(i)(10)) located in the Gulf Recovery Zone if—

"(A) such loss is allowed as a deduction under section 165 for the taxable year,

"(B) such loss is attributable to Hurricane Katrina, and

"(C) the taxpayer elects the application of this subsection with respect to such loss.

"(3) Reduction for gains from involuntary conversion.—The amount of Gulf Recovery Zone public utility casualty loss which would (but for this paragraph) be taken into account under paragraph (1) for any taxable year shall be reduced by the amount of any gain recognized by the taxpayer for such year from the involuntary conversion by reason of Hurricane Katrina of public utility property (as so defined) located in the Gulf Recovery Zone.

"(4) Coordination with general disaster loss rules.—Subsection (h) and section 165(i) shall not apply to any Gulf Recovery Zone public utility casualty loss to the extent such loss is taken into account under paragraph (1).

"(5) Election.—Any election under paragraph (2)(C) shall be made in such manner as may be prescribed by the Secretary and shall be made by the due date (including extensions of time) for filing the taxpayer's return for the taxable year of the loss. Such election, once made for any taxable year, shall be irrevocable for such taxable year.

"(k) Special Rules for Small Timber Producers.—

"(1) Increased expensing for qualified timber property.—In the case of qualified timber property any portion of which is located in the Gulf Recovery Zone, in that portion of the Rita Zone which is not part of the Gulf Recovery Zone, or in the Wilma Zone, the limitation under subparagraph (B) of section 194(b)(1) shall be increased by the lesser of—

"(A) the limitation which would (but for this subsection) apply under such subparagraph, or

"(B) the amount of reforestation expenditures (as defined in section 194(c)(3)) paid or incurred by the taxpayer with respect to such qualified timber property during the specified portion of the taxable year.

"(2) 5 YEAR NOL CARRYBACK OF CERTAIN TIMBER LOSSES.—For purposes of determining farming loss under section 172(i), income and deductions which are allocable to the specified portion of the taxable year and which are attributable to qualified timber property any portion of which is located in the Gulf Recovery Zone, in that portion of the Rita Zone which is not part of the Gulf Recovery Zone, or in the Wilma Zone shall be treated as attributable to farming businesses.

"(3) RULES NOT APPLICABLE TO CERTAIN ENTITIES.—Paragraphs (1) and (2) shall not apply to any taxpayer which—

"(A) is a corporation the stock of which is publicly traded on an established securities market, or

"(B) is a real estate investment trust.

"(4) RULES NOT APPLICABLE TO LARGE TIMBER PRODUCERS.—Paragraphs (1) and (2) shall not apply with respect to any qualified timber property unless—

"(A) such property was held by the taxpayer—

"(i) on August 28, 2005, in the case of qualified timber property any portion of which is located in the Gulf Recovery Zone,

"(ii) on September 23, 2005, in the case of qualified timber property (other than property described in subclause (I)) any portion of which is located in that portion of the Rita Zone which is not part of the Gulf Recovery Zone, or

"(iii) on October 23, 2005, in the case of qualified timber property (other than property described in subclause (I) or (II)) any portion of which is located in the Wilma Zone, and

"(B) such taxpayer held not more than 500 acres of qualified timber property on such date.

"(5) DEFINITIONS.—For purposes of this subsection—

"(A) SPECIFIED PORTION.—The term 'specified portion' means—

"(i) in the case of qualified timber property located in the Gulf Recovery Zone, that portion of the taxable year which is on or after August 28, 2005, and before January 1, 2007,

"(ii) in the case of qualified timber property located in the Rita Zone and no part of which is located in the Gulf Recovery Zone, that portion of the taxable year which is on or after September 23, 2005, and before January 1, 2007, and

"(iii) in the case of qualified timber property located in the Wilma Zone, that portion of the taxable year which is on or after October 23, 2005, and before January 1, 2007.

"(B) QUALIFIED TIMBER PROPERTY.—The term 'qualified timber property' has the meaning given such term in section 194(c)(1).

"(l) EXPENSING FOR CERTAIN DEMOLITION AND CLEAN-UP COSTS.—

"(1) IN GENERAL.—A taxpayer may elect to treat 50 percent of any qualified Gulf Recovery Zone clean-up cost as an expense which is not chargeable to capital account. Any cost so treated shall be allowed as a deduction for the taxable year in which such cost is paid or incurred.

"(2) GULF RECOVERY ZONE CLEAN-UP COST.—For purposes of this subsection, the term 'Gulf Recovery Zone clean-up cost' means any amount paid or incurred during the period beginning on August 28, 2005, and ending on December 31, 2007, for the removal of debris from, or the demolition of structures on, real property which is located in the Gulf Recovery Zone and which is—

"(A) held by the taxpayer for use in a trade or business or for the production of income, or

"(B) property described in section 1221(a)(1) in the hands of the taxpayer.

For purposes of the preceding sentence, amounts paid or incurred shall be taken into account only to the extent that such amount would (but for paragraph (1)) be chargeable to capital account.

"(m) EXTENSION OF EXPENSING FOR ENVIRONMENTAL REMEDIATION COSTS.—With respect to any qualified environmental remediation expenditure (as defined in section 198(b)) paid or incurred on or after August 28, 2005, in connection with a qualified contaminated site located in the Gulf Recovery Zone, section 198 (relating to expensing of environmental remediation costs) shall be applied—

"(1) by substituting 'December 31, 2007' for 'December 31, 2006' in subsection (h) thereof, and

"(2) except as provided in section 198(d)(2), by treating petroleum products (as defined in section 4612(a)(3)) as a hazardous substance.

"(n) GULF RECOVERY ZONE.—For purposes of this section, the term 'Gulf Recovery Zone' means an area—

"(1) with respect to which a major disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act as a result of Hurricane Katrina, and

"(2) which is determined by the President to warrant individual assistance, or individual and public assistance, from the Federal Government under such Act."

(b) CLERICAL AMENDMENTS.—The table of subchapters for chapter 1 is amended by adding at the end the following new item:

"SUBCHAPTER Z—HURRICANE RELIEF BENEFITS.".

SEC. 102. EXPANSION OF HOPE SCHOLARSHIP AND LIFETIME LEARNING CREDIT FOR STUDENTS IN THE GULF RECOVERY ZONE.

In the case of an individual who attends an eligible educational institution (as defined in section 25A(f)(2) of the Internal Revenue Code of 1986) located in the Gulf Recovery Zone (as defined in section 1400N(l) of such Code) for any taxable year beginning during 2005 or 2006—

(1) in applying section 25A of the Internal Revenue Code of 1986, the term "qualified tuition and related expenses" shall include any costs which are qualified higher education expenses (as defined in section 529(e)(3) of such Code),

(2) each of the dollar amounts in effect under of subparagraphs (A) and (B) of section 25A(b)(1) of such Code shall be twice the amount otherwise in effect before the application of this subsection, and

(3) section 25A(c)(1) of such Code shall be applied by substituting "40 percent" for "20 percent".

SEC. 103. EXTENSION OF SPECIAL RULES FOR MORTGAGE REVENUE BONDS.

Section 404(d) of the Katrina Emergency Tax Relief Act of 2005 is amended by striking "December 31, 2007" and inserting "December 31, 2010".

Subtitle B—Tax Benefits Related to Hurricanes Rita and Wilma

SEC. 111. EXTENSION OF CERTAIN EMERGENCY TAX RELIEF FOR HURRICANE KATRINA TO HURRICANES RITA AND WILMA.

(a) IN GENERAL.—Subchapter Z of chapter 1, as added by this Act, is amended by adding at the end the following new sections:

"SEC. 1400P. SPECIAL RULES FOR MORTGAGE REVENUE BONDS.

"(a) IN GENERAL.—In the case of financing provided with respect to residences in the Gulf Recovery Zone, the Rita Zone, or the Wilma Zone, section 143 shall be applied—

"(1) by treating any residence in the Gulf Recovery Zone, the Rita Zone, or the Wilma Zone as a targeted area residence,

"(2) by applying subsection (f)(3) without regard to subparagraph (A) thereof, and

"(3) by substituting '$150,000' for '$15,000' in subsection (k)(4) thereof.

"(b) APPLICATION.—Subsection (a) shall not apply to financing provided after December 31, 2010.

"SEC. 1400Q. SPECIAL RULES FOR USE OF RETIREMENT FUNDS.

"(a) TAX-FAVORED WITHDRAWALS FROM RETIREMENT PLANS.—

"(1) IN GENERAL.—Section 72(t) shall not apply to any qualified hurricane distribution.

"(2) AGGREGATE DOLLAR LIMITATION.—

"(A) IN GENERAL.—For purposes of this subsection, the aggregate amount of distributions received by an individual which may be treated as qualified hurricane distributions for any taxable year shall not exceed the excess (if any) of—

"(i) $100,000, over

"(ii) the aggregate amounts treated as qualified hurricane distributions received by such individual for all prior taxable years.

"(B) TREATMENT OF PLAN DISTRIBUTIONS.—If a distribution to an individual would (without regard to subparagraph (A)) be a qualified hurricane distribution, a plan shall not be treated as violating any requirement of this title merely because the plan treats such distribution as a qualified hurricane distribution, unless the aggregate amount of such distributions from all plans maintained by the employer (and any member of any controlled group which includes the employer) to such individual exceeds $100,000.

"(C) CONTROLLED GROUP.—For purposes of subparagraph (B), the term 'controlled group' means any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414.

"(3) AMOUNT DISTRIBUTED MAY BE REPAID.—

"(A) IN GENERAL.—Any individual who receives a qualified hurricane distribution may, at any time during the 3-year period beginning on the day after the date on which such distribution was received, make one or more contributions in an aggregate amount not to exceed the amount of such distribution to an eligible retirement plan of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16), as the case may be.

"(B) TREATMENT OF REPAYMENTS OF DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.—For purposes of this title, if a contribution is made pursuant to subparagraph (A) with respect to a qualified hurricane distribution from an eligible retirement plan other than an individual retirement plan, then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received the qualified hurricane distribution in an eligible rollover distribution (as defined in section 402(c)(4)) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

"(C) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM IRAS.—For purposes of this title, if a contribution is made pursuant to subparagraph (A) with respect to a qualified hurricane distribution from an individual retirement plan (as defined by section 7701(a)(37)), then, to the extent of the amount of the contribution, the qualified hurricane distribution shall be treated as a distribution described in section 408(d)(3) and as having been transferred to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

"(4) DEFINITIONS.—For purposes of this subsection—

"(A) QUALIFIED HURRICANE DISTRIBUTION.—Except as provided in paragraph (2), the term 'qualified hurricane distribution' means—

"(i) any distribution from an eligible retirement plan made on or after August 25, 2005, and before January 1, 2007, to an individual whose principal place of abode on August 28, 2005, is located in the Hurricane Katrina disaster area and who has sustained an economic loss by reason of Hurricane Katrina,

"(ii) any distribution (which is not described in clause (i)) from an eligible retirement plan made on or after September 23, 2005, and before January 1, 2007, to an individual whose principal place of abode on September 23, 2005, is located in the Hurricane Rita disaster area and who has sustained an economic loss by reason of Hurricane Rita, and

"(iii) any distribution (which is not described in clause (i) or (ii)) from an eligible retirement plan made on or after October 23, 2005, and before January 1, 2007, to an individual whose principal place of abode on October 23, 2005, is located in the Hurricane Wilma disaster area and who has sustained an economic loss by reason of Hurricane Wilma.

"(B) ELIGIBLE RETIREMENT PLAN.—The term 'eligible retirement plan' shall have the meaning given such term by section 402(c)(8)(B).

"(5) INCOME INCLUSION SPREAD OVER 3-YEAR PERIOD.—

"(A) IN GENERAL.—In the case of any qualified hurricane distribution, unless the taxpayer elects not to have this paragraph apply for any taxable year, any amount required to be included in gross income for such taxable year shall be so included ratably over the 3-taxable year period beginning with such taxable year.

"(B) SPECIAL RULE.—For purposes of subparagraph (A), rules similar to the rules of subparagraph (E) of section 408A(d)(3) shall apply.

"(6) SPECIAL RULES.—

"(A) EXEMPTION OF DISTRIBUTIONS FROM TRUSTEE TO TRUSTEE TRANSFER AND WITHHOLDING RULES.—For purposes of sections 401(a)(31), 402(f), and 3405, qualified hurricane distributions shall not be treated as eligible rollover distributions.

"(B) QUALIFIED HURRICANE DISTRIBUTIONS TREATED AS MEETING PLAN DISTRIBUTION REQUIREMENTS.—For purposes this title, a qualified hurricane distribution shall be treated as meeting the requirements of sections 401(k)(2)(B)(i), 403(b)(7)(A)(ii), 403(b)(11), and 457(d)(1)(A).

"(b) RECONTRIBUTIONS OF WITHDRAWALS FOR HOME PURCHASES.—

"(1) RECONTRIBUTIONS.—

"(A) IN GENERAL.—Any individual who received a qualified distribution may, during the applicable period, make one or more contributions in an aggregate amount not to exceed the amount of such qualified distribution to an eligible retirement plan (as defined in section 402(c)(8)(B)) of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), or 408(d)(3), as the case may be.

"(B) TREATMENT OF REPAYMENTS.—Rules similar to the rules of subparagraphs (B) and (C) of subsection (a)(3) shall apply for purposes of this subsection.

"(2) QUALIFIED DISTRIBUTION.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified distribution' means any qualified Katrina distribution, any qualified Rita distribution, and any qualified Wilma distribution.

"(B) QUALIFIED KATRINA DISTRIBUTION.—The term 'qualified Katrina distribution' means any distribution—

"(i) described in section 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(ii) (but only to the extent such distribution relates to financial hardship), 403(b)(11)(B), or 72(t)(2)(F),

"(ii) received after February 28, 2005, and before August 29, 2005, and

"(iii) which was to be used to purchase or construct a principal residence in the Hurricane Katrina disaster area, but which was not so purchased or constructed on account of Hurricane Katrina.

"(C) QUALIFIED RITA DISTRIBUTION.—The term 'qualified Rita distribution' means any distribution (other than a qualified Katrina distribution)—

"(i) described in section 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(ii) (but only to the extent such distribution relates to financial hardship), 403(b)(11)(B), or 72(t)(2)(F),

"(ii) received after February 28, 2005, and before September 24, 2005, and

"(iii) which was to be used to purchase or construct a principal residence in the Hurricane Rita disaster area, but which was not so purchased or constructed on account of Hurricane Rita.

"(D) QUALIFIED WILMA DISTRIBUTION.—The term 'qualified Wilma distribution' means any distribution (other than a qualified Katrina distribution or a qualified Rita distribution)—

"(i) described in section 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(ii) (but only to the extent such distribution relates to financial hardship), 403(b)(11)(B), or 72(t)(2)(F),

"(ii) received after February 28, 2005, and before October 24, 2005, and

"(iii) which was to be used to purchase or construct a principal residence in the Hurricane Wilma disaster area, but which was not so purchased or constructed on account of Hurricane Wilma.

"(3) APPLICABLE PERIOD.—For purposes of this subsection, the term 'applicable period' means—

"(A) with respect to any qualified Katrina distribution, the period beginning on August 25, 2005, and ending on February 28, 2006,

"(B) with respect to any qualified Rita distribution, the period beginning on September 23, 2005, and ending on February 28, 2006, and

"(C) with respect to any qualified Wilma distribution, the period beginning on October 23, 2005, and ending on February 28, 2006.

"(c) LOANS FROM QUALIFIED PLANS.—

"(1) INCREASE IN LIMIT ON LOANS NOT TREATED AS DISTRIBUTIONS.—In the case of any loan from a qualified employer plan (as defined under section 72(p)(4)) to a qualified individual made during the applicable period—

"(A) clause (i) of section 72(p)(2)(A) shall be applied by substituting '$100,000' for '$50,000', and

"(B) clause (ii) of such section shall be applied by substituting 'the present value of the nonforfeitable accrued benefit of the employee under the plan' for 'one-half of the present value of the nonforfeitable accrued benefit of the employee under the plan'.

"(2) DELAY OF REPAYMENT.—In the case of a qualified individual with an outstanding loan on or after the qualified beginning date from a qualified employer plan (as defined in section 72(p)(4))—

"(A) if the due date pursuant to subparagraph (B) or (C) of section 72(p)(2) for any repayment with respect to such loan occurs during the period beginning on the qualified beginning date and ending on December 31, 2006, such due date shall be delayed for 1 year,

"(B) any subsequent repayments with respect to any such loan shall be appropriately adjusted to reflect the delay in the due date under paragraph (1) and any interest accruing during such delay, and

"(C) in determining the 5-year period and the term of a loan under subparagraph (B) or (C) of section 72(p)(2), the period described in subparagraph (A) shall be disregarded.

"(3) QUALIFIED INDIVIDUAL.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified individual' means any qualified Hurricane Katrina individual, any qualified Hurricane Rita individual, and any qualified Hurricane Wilma individual.

"(B) QUALIFIED HURRICANE KATRINA INDIVIDUAL.—The term 'qualified Hurricane Katrina individual' means an individual whose principal place of abode on August 28, 2005, is located in the Hurricane Katrina disaster area and who has sustained an economic loss by reason of Hurricane Katrina.

"(C) QUALIFIED HURRICANE RITA INDIVIDUAL.—The term 'qualified Hurricane Rita individual' means an individual (other than a qualified Hurricane Katrina individual) whose principal place of abode on September 23, 2005, is located in the Hurricane Rita disaster area and who has sustained an economic loss by reason of Hurricane Rita.

"(D) QUALIFIED HURRICANE WILMA INDIVIDUAL.—The term 'qualified Hurricane Wilma individual' means an individual (other than a qualified Hurricane Katrina individual or a qualified Hurricane Rita individual) whose principal place of abode on October 23, 2005, is located in the Hurricane Wilma disaster area and who has sustained an economic loss by reason of Hurricane Wilma.

"(4) APPLICABLE PERIOD; QUALIFIED BEGINNING DATE.—For purposes of this subsection—

"(A) HURRICANE KATRINA.—In the case of any qualified Hurricane Katrina individual—

"(i) the applicable period is the period beginning on September 24, 2005, and ending on December 31, 2006, and

"(ii) the qualified beginning date is August 25, 2005.

"(B) HURRICANE RITA.—In the case of any qualified Hurricane Rita individual—

"(i) the applicable period is the period beginning on the date of the enactment of this subsection and ending on December 31, 2006, and

"(ii) the qualified beginning date is September 23, 2005.

"(C) HURRICANE WILMA.—In the case of any qualified Hurricane Wilma individual—

"(i) the applicable period is the period beginning on the date of the enactment of this subsection and ending on December 31, 2006, and

"(ii) the qualified beginning date is October 23, 2005.

"SEC. 1400R. EMPLOYMENT RELIEF.

"(a) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY HURRICANE KATRINA.—

"(1) IN GENERAL.—For purposes of section 38, in the case of an eligible employer, the

Hurricane Katrina employee retention credit for any taxable year is an amount equal to 40 percent of the qualified wages with respect to each eligible employee of such employer for such taxable year. For purposes of the preceding sentence, the amount of qualified wages which may be taken into account with respect to any individual shall not exceed $6,000.

"(2) DEFINITIONS.—For purposes of this subsection—

"(A) ELIGIBLE EMPLOYER.—The term 'eligible employer' means any employer—

"(i) which conducted an active trade or business on August 28, 2005, in the Gulf Recovery Zone, and

"(ii) with respect to whom the trade or business described in clause (i) is inoperable on any day after August 28, 2005, and before January 1, 2006, as a result of damage sustained by reason of Hurricane Katrina.

"(B) ELIGIBLE EMPLOYEE.—The term 'eligible employee' means with respect to an eligible employer an employee whose principal place of employment on August 28, 2005, with such eligible employer was in the Gulf Recovery Zone.

"(C) QUALIFIED WAGES.—The term 'qualified wages' means wages (as defined in section 51(c)(1), but without regard to section 3306(b)(2)(B)) paid or incurred by an eligible employer with respect to an eligible employee on any day after August 28, 2005, and before January 1, 2006, which occurs during the period—

"(i) beginning on the date on which the trade or business described in subparagraph (A) first became inoperable at the principal place of employment of the employee immediately before Hurricane Katrina, and

"(ii) ending on the date on which such trade or business has resumed significant operations at such principal place of employment.

Such term shall include wages paid without regard to whether the employee performs no services, performs services at a different place of employment than such principal place of employment, or performs services at such principal place of employment before significant operations have resumed.

"(3) CERTAIN RULES TO APPLY.—For purposes of this subsection, rules similar to the rules of sections 51(i)(1), 52, and 280C(a) shall apply.

"(4) EMPLOYEE NOT TAKEN INTO ACCOUNT MORE THAN ONCE.—An employee shall not be treated as an eligible employee for purposes of this subsection for any period with respect to any employer if such employer is allowed a credit under section 51 with respect to such employee for such period.

"(b) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY HURRICANE RITA.—

"(1) IN GENERAL.—For purposes of section 38, in the case of an eligible employer, the Hurricane Rita employee retention credit for any taxable year is an amount equal to 40 percent of the qualified wages with respect to each eligible employee of such employer for such taxable year. For purposes of the preceding sentence, the amount of qualified wages which may be taken into account with respect to any individual shall not exceed $6,000.

"(2) DEFINITIONS.—For purposes of this subsection—

"(A) ELIGIBLE EMPLOYER.—The term 'eligible employer' means any employer—

"(i) which conducted an active trade or business on September 23, 2005, in the Rita Zone, and

"(ii) with respect to whom the trade or business described in clause (i) is inoperable on any day after September 23, 2005, and before January 1, 2006, as a result of damage sustained by reason of Hurricane Rita.

"(B) ELIGIBLE EMPLOYEE.—The term 'eligible employee' means with respect to an eligible employer an employee whose principal place of employment on September 23, 2005, with such eligible employer was in the Rita Zone.

"(C) QUALIFIED WAGES.—The term 'qualified wages' means wages (as defined in section 51(c)(1), but without regard to section 3306(b)(2)(B)) paid or incurred by an eligible employer with respect to an eligible employee on any day after September 23, 2005, and before January 1, 2006, which occurs during the period—

"(i) beginning on the date on which the trade or business described in subparagraph (A) first became inoperable at the principal place of employment of the employee immediately before Hurricane Rita, and

"(ii) ending on the date on which such trade or business has resumed significant operations at such principal place of employment.

Such term shall include wages paid without regard to whether the employee performs no services, performs services at a different place of employment than such principal place of employment, or performs services at such principal place of employment before significant operations have resumed.

"(3) CERTAIN RULES TO APPLY.—For purposes of this subsection, rules similar to the rules of sections 51(i)(1), 52, and 280C(a) shall apply.

"(4) EMPLOYEE NOT TAKEN INTO ACCOUNT MORE THAN ONCE.—An employee shall not be treated as an eligible employee for purposes of this subsection for any period with respect to any employer if such employer is allowed a credit under subsection (a) or section 51 with respect to such employee for such period.

"(c) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY HURRICANE WILMA.—

"(1) IN GENERAL.—For purposes of section 38, in the case of an eligible employer, the Hurricane Wilma employee retention credit for any taxable year is an amount equal to 40 percent of the qualified wages with respect to each eligible employee of such employer for such taxable year. For purposes of the preceding sentence, the amount of qualified wages which may be taken into account with respect to any individual shall not exceed $6,000.

"(2) DEFINITIONS.—For purposes of this subsection—

"(A) ELIGIBLE EMPLOYER.—The term 'eligible employer' means any employer—

"(i) which conducted an active trade or business on October 23, 2005, in the Wilma Zone, and

"(ii) with respect to whom the trade or business described in clause (i) is inoperable on any day after October 23, 2005, and before January 1, 2006, as a result of damage sustained by reason of Hurricane Wilma.

"(B) ELIGIBLE EMPLOYEE.—The term 'eligible employee' means with respect to an eligible employer an employee whose principal place of employment on October 23, 2005, with such eligible employer was in the Wilma Zone.

"(C) QUALIFIED WAGES.—The term 'qualified wages' means wages (as defined in section 51(c)(1), but without regard to section 3306(b)(2)(B)) paid or incurred by an eligible employer with respect to an eligible employee on any day after October 23, 2005, and before January 1, 2006, which occurs during the period—

"(i) beginning on the date on which the trade or business described in subparagraph (A) first became inoperable at the principal place of employment of the employee immediately before Hurricane Wilma, and

"(ii) ending on the date on which such trade or business has resumed significant operations at such principal place of employment.

Such term shall include wages paid without regard to whether the employee performs no services, performs services at a different place of employment than such principal place of employment, or performs services at such principal place of employment before significant operations have resumed.

"(3) CERTAIN RULES TO APPLY.—For purposes of this subsection, rules similar to the rules of sections 51(i)(1), 52, and 280C(a) shall apply.

"(4) EMPLOYEE NOT TAKEN INTO ACCOUNT MORE THAN ONCE.—An employee shall not be treated as an eligible employee for purposes of this subsection for any period with respect to any employer if such employer is allowed a credit under subsection (a) or section 51 with respect to such employee for such period.

"SEC. 1400S. ADDITIONAL TAX RELIEF PROVISIONS.

"(a) TEMPORARY SUSPENSION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS.—

"(1) IN GENERAL.—Except as otherwise provided in paragraph (2), section 170(b) shall not apply to qualified contributions and such contributions shall not be taken into account for purposes of applying subsections (b) and (d) of section 170 to other contributions.

"(2) TREATMENT OF EXCESS CONTRIBUTIONS.—For purposes of section 170—

"(A) INDIVIDUALS.—In the case of an individual—

"(i) LIMITATION.—Any qualified contribution shall be allowed only to the extent that the aggregate of such contributions does not exceed the excess of the taxpayer's contribution base (as defined in subparagraph (F) of section 170(b)(1)) over the amount of all other charitable contributions allowed under section 170(b)(1).

"(ii) CARRYOVER.—If the aggregate amount of qualified contributions made in the contribution year (within the meaning of section 170(d)(1)) exceeds the limitation of clause (i), such excess shall be added to the excess described in the portion of subparagraph (A) of such section which precedes clause (i) thereof for purposes of applying such section.

"(B) CORPORATIONS.—In the case of a corporation—

"(i) LIMITATION.—Any qualified contribution shall be allowed only to the extent that the aggregate of such contributions does not exceed the excess of the taxpayer's taxable income (as determined under paragraph (2) of section 170(b)) over the amount of all other charitable contributions allowed under such paragraph.

"(ii) CARRYOVER.—Rules similar to the rules of subparagraph (A)(ii) shall apply for purposes of this subparagraph.

"(3) EXCEPTION TO OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.—So much of any deduction allowed under section 170 as does not exceed the qualified contributions paid during the taxable year shall not be treated as an itemized deduction for purposes of section 68.

"(4) QUALIFIED CONTRIBUTIONS.—

"(A) IN GENERAL.—For purposes of this subsection, the term 'qualified contribution' means any charitable contribution (as defined in section 170(c)) if—

"(i) such contribution is paid during the period beginning on August 28, 2005, and ending on December 31, 2005, in cash to an organization described in section 170(b)(1)(A) (other than an organization described in section 509(a)(3)),

"(ii) in the case of a contribution paid by a corporation, such contribution is for relief efforts related to Hurricane Katrina, Hurricane Rita, or Hurricane Wilma, and

"(iii) the taxpayer has elected the application of this subsection with respect to such contribution.

"(B) Exception.—Such term shall not include a contribution if the contribution is for establishment of a new, or maintenance in an existing, segregated fund or account with respect to which the donor (or any person appointed or designated by such donor) has, or reasonably expects to have, advisory privileges with respect to distributions or investments by reason of the donor's status as a donor.

"(C) Application of election to partnerships and S corporations.—In the case of a partnership or S corporation, the election under subparagraph (A)(iii) shall be made separately by each partner or shareholder.

"(b) Suspension of Certain Limitations on Personal Casualty Losses.—Paragraphs (1) and (2)(A) of section 165(h) shall not apply to losses described in section 165(c)(3)—

"(1) which arise in the Hurricane Katrina disaster area on or after August 25, 2005, and which are attributable to Hurricane Katrina,

"(2) which arise in the Hurricane Rita disaster area on or after September 23, 2005, and which are attributable to Hurricane Rita, or

"(3) which arise in the Hurricane Wilma disaster area on or after October 23, 2005, and which are attributable to Hurricane Wilma.

In the case of any other losses, section 165(h)(2)(A) shall be applied without regard to the losses referred to in the preceding sentence.".

(b) Conforming Amendments.—

(1) Subsection (b) of section 38 is amended by striking "and" at the end of paragraph (25), by striking the period at the end of paragraph (26) and inserting a comma, and by adding at the end the following new paragraphs:

"(27) the Hurricane Katrina employee retention credit determined under section 1400R(a),

"(28) the Hurricane Rita employee retention credit determined under section 1400R(b), and

"(29) the Hurricane Wilma employee retention credit determined under section 1400R(c).".

(2) The table of sections for subchapter Z of chapter 1 is amended by adding at the end the following new items:

"Sec. 1400P. Special rules for mortgage revenue bonds.
"Sec. 1400Q. Special rules for use of retirement funds.
"Sec. 140RQ. Employment relief.
"Sec. 1400S. Additional tax relief provisions.".

(3) The following provisions of the Katrina Emergency Tax Relief Act of 2005 are hereby repealed:

(A) Title I.

(B) Sections 202, 301, and 402.

TITLE II—EXTENSION OF EXPIRING PROVISIONS

SEC. 201. EXTENSION AND INCREASE IN MINIMUM TAX RELIEF TO INDIVIDUALS.

(a) In General.—Section 55(d)(1) is amended—

(1) by striking "$58,000" and all that follows through "2005" in subparagraph (A) and inserting "$62,550 in the case of taxable years beginning in 2006", and

(2) by striking "$40,250" and all that follows through "2005" in subparagraph (B) and inserting "$42,500 in the case of taxable years beginning in 2006".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 202. ALLOWANCE OF NONREFUNDABLE PERSONAL CREDITS AGAINST REGULAR AND MINIMUM TAX LIABILITY.

(a) In General.—Paragraph (2) of section 26(a) is amended—

(1) by striking "2005" in the heading and inserting "2006", and

(2) by striking "or 2005" and inserting "2005, or 2006".

(b) Conforming Provisions.—

(1) Section 30B(g) is amended by adding at the end the following new paragraph:

"(3) Special rule for 2006.—For purposes of any taxable year beginning during 2006, the credit allowed under subsection (a) (after the application of paragraph (1)) shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under subpart A and this subpart (other than this section and section 30C).".

(2) Section 30C(d) is amended by adding at the end the following new paragraph:

"(3) Special rule for 2006.—For purposes of any taxable year beginning during 2006, the credit allowed under subsection (a) (after the application of paragraph (1)) shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under subpart A and this subpart (other than this section).".

(3) Section 904(h) is amended by striking "or 2005" and inserting "2005, or 2006".

(4) The amendments made by sections 201(b), 202(f), and 618(b) of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to taxable years beginning during 2006.

SEC. 203. ELECTION TO DEDUCT STATE AND LOCAL SALES TAXES IN LIEU OF STATE AND LOCAL INCOME TAXES.

Section 164(b)(5)(I) is amended by striking "2006" and inserting "2007".

SEC. 204. TUITION DEDUCTION.

(a) In General.—Section 222(e) is amended by striking "2005" and inserting "2006".

(b) Conforming Amendments.—Section 222(b)(2)(B) is amended—

(1) by striking "a taxable year beginning in 2004 or 2005" and inserting "any taxable year beginning after 2003", and

(2) by striking "2004 AND 2005" and inserting "AFTER 2003".

SEC. 205. EXTENSION AND MODIFICATION OF RESEARCH CREDIT.

(a) Extension.—

(1) In general.—Section 41(h)(1)(B) is amended by striking "2005" and inserting "2006".

(2) Conforming amendment.—Section 45C(b)(1)(D) is amended by striking "2005" and inserting "2006".

(b) Increase in Rates of Alternative Incremental Credit.—

(1) In general.—Subparagraph (A) of section 41(c)(4) (relating to election of alternative incremental credit) is amended—

(A) by striking "2.65 percent" and inserting "3 percent",

(B) by striking "3.2 percent" and inserting "4 percent", and

(C) by striking "3.75 percent" and inserting "5 percent".

(2) Effective date.—The amendments made by this subsection shall apply to taxable years ending after the date of the enactment of this Act.

(c) Alternative Simplified Credit for Qualified Research Expenses.—

(1) In general.—Subsection (c) of section 41 (relating to base amount) is amended by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and by inserting after paragraph (4) the following new paragraph:

"(5) Election of alternative simplified credit.—

"(A) In general.—At the election of the taxpayer, the credit determined under subsection (a)(1) shall be equal to 12 percent of so much of the qualified research expenses for the taxable year as exceeds 50 percent of the average qualified research expenses for the 3 taxable years preceding the taxable year for which the credit is being determined.

"(B) Special rule in case of no qualified research expenses in any of 3 preceding taxable years.—

"(i) Taxpayers to which subparagraph applies.—The credit under this paragraph shall be determined under this subparagraph if the taxpayer has no qualified research expenses in any 1 of the 3 taxable years preceding the taxable year for which the credit is being determined.

"(ii) Credit rate.—The credit determined under this subparagraph shall be equal to 6 percent of the qualified research expenses for the taxable year.

"(C) Election.—An election under this paragraph shall apply to the taxable year for which made and all succeeding taxable years unless revoked with the consent of the Secretary. An election under this paragraph may not be made for any taxable year to which an election under paragraph (4) applies.".

(2) Coordination with election of alternative incremental credit.—

(A) In general.—Section 41(c)(4)(B) (relating to election) is amended by adding at the end the following: "An election under this paragraph may not be made for any taxable year to which an election under paragraph (5) applies.".

(B) Transition rule.—In the case of an election under section 41(c)(4) of the Internal Revenue Code of 1986 which applies to the taxable year which includes the date of the enactment of this Act, such election shall be treated as revoked with the consent of the Secretary of the Treasury if the taxpayer makes an election under section 41(c)(5) of such Code (as added by subsection (a)) for such year.

(3) Effective date.—The amendments made by this subsection shall apply to taxable years ending after the date of the enactment of this Act.

(d) Expansion of Credit to Expenses of General Collaborative Research Consortia.—

(1) In general.—Section 41 is amended—

(A) by striking "an energy research consortium" in subsections (a)(3) and (b)(3)(C)(i) and inserting "a research consortium",

(B) by striking "energy" each place it appears in subsection (f)(6)(A),

(C) by inserting "or 501(c)(6)" after "section 501(c)(3)" in subsection (f)(6)(A)(i)(I), and

(D) by striking "ENERGY RESEARCH" in the heading for subsection (f)(6)(A) and inserting "RESEARCH".

(2) Effective date.—The amendments made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 206. EXTENSION AND MODIFICATIONS TO WORK OPPORTUNITY CREDIT AND WELFARE-TO-WORK CREDIT.

(a) In General.—Section 51(c)(4)(B) is amended by striking "2005" and inserting "2006".

(b) Eligibility of Ex-Felons Determined Without Regard to Family Income.—Paragraph (4) of section 51(d) is amended by adding "and" at the end of subparagraph (A), by striking ", and" at the end of subparagraph (B) and inserting a period, and by striking all that follows subparagraph (B).

(c) Increase in Maximum Age for Eligibility of Food Stamp Recipients.—Clause (i) of section 51(d)(8)(A) is amended by striking "25" and inserting "40".

(d) Increase in Maximum Age for Designated Community Residents.—

(1) In general.—Paragraph (5) of section 51(d) is amended to read as follows:

"(5) Designated community residents.—

"(A) In general.—The term 'designated community resident' means any individual who is certified by the designated local agency—

"(i) as having attained age 18 but not age 40 on the hiring date, and

"(ii) as having his principal place of abode within an empowerment zone, enterprise community, or renewal community.

"(B) Individual must continue to reside in zone or community.—In the case of a designated community resident, the term 'qualified wages' shall not include wages paid or incurred for services performed while the individual's principal place of abode is outside an empowerment zone, enterprise community, or renewal community."

(2) Conforming amendment.—Subparagraph (D) of section 51(d)(1) is amended to read as follows:

"(D) a designated community resident,".

(e) Consolidation of Work Opportunity Credit With Welfare-to-Work Credit.—

(1) In general.—Paragraph (1) of section 51(d) is amended by striking "or" at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting ", or", and by adding at the end the following new subparagraph:

"(I) a long-term family assistance recipient."

(2) Long-term family assistance recipient.—Subsection (d) of section 51 is amended by redesignating paragraphs (10) through (12) as paragraphs (11) through (13), respectively, and by inserting after paragraph (9) the following new paragraph:

"(10) Long-term family assistance recipient.—The term 'long-term family assistance recipient' means any individual who is certified by the designated local agency—

"(A) as being a member of a family receiving assistance under a IV-A program (as defined in paragraph (2)(B)) for at least the 18-month period ending on the hiring date,

"(B)(i) as being a member of a family receiving such assistance for 18 months beginning after August 5, 1997, and

"(ii) as having a hiring date which is not more than 2 years after the end of the earliest such 18-month period, or

"(C)(i) as being a member of a family which ceased to be eligible for such assistance by reason of any limitation imposed by Federal or State law on the maximum period such assistance is payable to a family, and

"(ii) as having a hiring date which is not more than 2 years after the date of such cessation."

(3) Increased credit for employment of long-term family assistance recipients.—Section 51 is amended by inserting after subsection (d) the following new subsection:

"(e) Credit for Second-Year Wages for Employment of Long-Term Family Assistance Recipients.—

"(1) In general.—With respect to the employment of a long-term family assistance recipient—

"(A) the amount of the work opportunity credit determined under this section for the taxable year shall include 50 percent of the qualified second-year wages for such year, and

"(B) in lieu of applying subsection (b)(3), the amount of the qualified first-year wages, and the amount of qualified second-year wages, which may be taken into account with respect to such a recipient shall not exceed $10,000 per year.

"(2) Qualified second-year wages.—For purposes of this subsection, the term 'qualified second-year wages' means qualified wages—

"(A) which are paid to a long-term family assistance recipient, and

"(B) which are attributable to service rendered during the 1-year period beginning on the day after the last day of the 1-year period with respect to such recipient determined under subsection (b)(2).

"(3) Special rules for agricultural and railway labor.—If such recipient is an employee to whom subparagraph (A) or (B) of subsection (h)(1) applies, rules similar to the rules of such subparagraphs shall apply except that—

"(A) such subparagraph (A) shall be applied by substituting '$10,000' for '$6,000', and

"(B) such subparagraph (B) shall be applied by substituting '$833.33' for '$500'."

(4) Repeal of separate welfare-to-work credit.—

(A) In general.—Section 51A is hereby repealed.

(B) Clerical amendment.—The table of sections for subpart F of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 51A.

(f) Effective Date.—The amendments made by this section shall apply to individuals who begin work for the employer after December 31, 2005.

SEC. 207. QUALIFIED ZONE ACADEMY BONDS.

Paragraph (1) of section 1397E(e) is amended by striking "and 2005" and inserting "2005, and 2006".

SEC. 208. DEDUCTION FOR CERTAIN EXPENSES OF SCHOOL TEACHERS.

Subparagraph (D) of section 62(a)(2) is amended by striking "or 2005" and inserting "2005, or 2006".

SEC. 209. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.

(a) Designation of Zone.—Subsection (f) of section 1400 is amended by striking "2005" both places it appears and inserting "2006".

(b) Tax-Exempt Economic Development Bonds.—Subsection (b) of section 1400A is amended by striking "2005" and inserting "2006".

(c) Zero Percent Capital Gains Rate.—

(1) In general.—Subsection (b) of section 1400B is amended by striking "2006" each place it appears and inserting "2007".

(2) Conforming amendments.—

(A) Section 1400B(e)(2) is amended—

(i) by striking "2010" and inserting "2011", and

(ii) by striking "2010" in the heading and inserting "2011".

(B) Section 1400B(g)(2) is amended by striking "2010" and inserting "2011".

(C) Section 1400F(d) is amended by striking "2010" and inserting "2011".

(d) First-Time Homebuyer Credit.—Subsection (i) of section 1400C is amended by striking "2006" and inserting "2007".

SEC. 210. INDIAN EMPLOYMENT TAX CREDIT.

Section 45A(f) is amended by striking "2005" and inserting "2006".

SEC. 211. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON INDIAN RESERVATION.

Section 168(j)(8) is amended by striking "2005" and inserting "2006".

SEC. 212. EXTENSION AND EXPANSION OF CHARITABLE CONTRIBUTION ALLOWED FOR SCIENTIFIC PROPERTY USED FOR RESEARCH AND FOR COMPUTER TECHNOLOGY AND EQUIPMENT USED FOR EDUCATIONAL PURPOSES.

(a) Scientific Property Used for Research.—

(1) In general.—Clause (ii) of section 170(e)(4)(B) (defining qualified research contributions) is amended by inserting "or assembled" after "constructed".

(2) Conforming amendment.—Clause (iii) of section 170(e)(4)(B) is amended by inserting "or assembling" after "construction".

(b) Computer Technology and Equipment for Educational Purposes.—

(1) In general.—Clause (ii) of section 170(e)(6)(B) is amended by inserting "or assembled" after "constructed" and "or assembling" after "construction".

(2) Special rule extended.—Section 170(e)(6)(G) is amended by striking "2005" and inserting "2006".

(3) Conforming amendments.—Subparagraph (D) of section 170(e)(6) is amended by inserting "or assembled" after "constructed" and "or assembling" after "construction".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 213. EXPENSING OF BROWNFIELDS REMEDIATION COSTS.

(a) Extension.—Subsection (h) of section 198 is amended by striking "2005" and inserting "2006".

(b) Expansion.—

(1) In general.—Section 198(d)(1) (defining hazardous substance) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following new subparagraph:

"(C) any petroleum product (as defined in section 4612(a)(3)).".

(2) Effective date.—The amendments made by this subsection shall apply to expenditures paid or incurred after December 31, 2005.

SEC. 214. EXTENSION OF FULL CREDIT FOR QUALIFIED ELECTRIC VEHICLES.

(a) In General.—Section 30(b) (relating to limitations) is amended by striking paragraph (2) and by redesignating paragraph (3) as paragraph (2).

SEC. 215. FIFTEEN-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS AND QUALIFIED RESTAURANT IMPROVEMENTS.

Clauses (iv) and (v) of section 168(e)(3)(E) are each amended by striking "2006" and inserting "2007".

SEC. 216. APPLICATION OF EGTRRA SUNSET TO THIS TITLE.

Each amendment made by this title shall be subject to title IX of the Economic

Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as the provision of such Act to which such amendment relates.

TITLE III—REVENUE PROVISIONS

Subtitle A—Provisions Relating to Tax Shelters

SEC. 301. CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.

(a) IN GENERAL.—Section 7701 is amended by redesignating subsection (o) as subsection (p) and by inserting after subsection (n) the following new subsection:

"(o) CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE; ETC.—

"(1) GENERAL RULES.—

"(A) IN GENERAL.—In any case in which a court determines that the economic substance doctrine is relevant for purposes of this title to a transaction (or series of transactions), such transaction (or series of transactions) shall have economic substance only if the requirements of this paragraph are met.

"(B) DEFINITION OF ECONOMIC SUBSTANCE.—For purposes of subparagraph (A)—

"(i) IN GENERAL.—A transaction has economic substance only if—

"(I) the transaction changes in a meaningful way (apart from Federal tax effects) the taxpayer's economic position, and

"(II) the taxpayer has a substantial nontax purpose for entering into such transaction and the transaction is a reasonable means of accomplishing such purpose.

In applying subclause (II), a purpose of achieving a financial accounting benefit shall not be taken into account in determining whether a transaction has a substantial nontax purpose if the origin of such financial accounting benefit is a reduction of income tax.

"(ii) SPECIAL RULE WHERE TAXPAYER RELIES ON PROFIT POTENTIAL.—A transaction shall not be treated as having economic substance by reason of having a potential for profit unless—

"(I) the present value of the reasonably expected pre-tax profit from the transaction is substantial in relation to the present value of the expected net tax benefits that would be allowed if the transaction were respected, and

"(II) the reasonably expected pre-tax profit from the transaction exceeds a risk-free rate of return.

"(C) TREATMENT OF FEES AND FOREIGN TAXES.—Fees and other transaction expenses and foreign taxes shall be taken into account as expenses in determining pre-tax profit under subparagraph (B)(ii).

"(2) SPECIAL RULES FOR TRANSACTIONS WITH TAX-INDIFFERENT PARTIES.—

"(A) SPECIAL RULES FOR FINANCING TRANSACTIONS.—The form of a transaction which is in substance the borrowing of money or the acquisition of financial capital directly or indirectly from a tax-indifferent party shall not be respected if the present value of the deductions to be claimed with respect to the transaction is substantially in excess of the present value of the anticipated economic returns of the person lending the money or providing the financial capital. A public offering shall be treated as a borrowing, or an acquisition of financial capital, from a tax-indifferent party if it is reasonably expected that at least 50 percent of the offering will be placed with tax-indifferent parties.

"(B) ARTIFICIAL INCOME SHIFTING AND BASIS ADJUSTMENTS.—The form of a transaction with a tax-indifferent party shall not be respected if—

"(i) it results in an allocation of income or gain to the tax-indifferent party in excess of such party's economic income or gain, or

"(ii) it results in a basis adjustment or shifting of basis on account of overstating the income or gain of the tax-indifferent party.

"(3) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

"(A) ECONOMIC SUBSTANCE DOCTRINE.—The term 'economic substance doctrine' means the common law doctrine under which tax benefits under subtitle A with respect to a transaction are not allowable if the transaction does not have economic substance or lacks a business purpose.

"(B) TAX-INDIFFERENT PARTY.—The term 'tax-indifferent party' means any person or entity not subject to tax imposed by subtitle A. A person shall be treated as a tax-indifferent party with respect to a transaction if the items taken into account with respect to the transaction have no substantial impact on such person's liability under subtitle A.

"(C) EXCEPTION FOR PERSONAL TRANSACTIONS OF INDIVIDUALS.—In the case of an individual, this subsection shall apply only to transactions entered into in connection with a trade or business or an activity engaged in for the production of income.

"(D) TREATMENT OF LESSORS.—In applying paragraph (1)(B)(ii) to the lessor of tangible property subject to a lease—

"(i) the expected net tax benefits with respect to the leased property shall not include the benefits of—

"(I) depreciation,

"(II) any tax credit, or

"(III) any other deduction as provided in guidance by the Secretary, and

"(ii) subclause (II) of paragraph (1)(B)(ii) shall be disregarded in determining whether any of such benefits are allowable.

"(4) OTHER COMMON LAW DOCTRINES NOT AFFECTED.—Except as specifically provided in this subsection, the provisions of this subsection shall not be construed as altering or supplanting any other rule of law, and the requirements of this subsection shall be construed as being in addition to any such other rule of law.

"(5) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection. Such regulations may include exemptions from the application of this subsection.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. 302. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

(a) IN GENERAL.—Subchapter A of chapter 68 is amended by inserting after section 6662A the following new section:

"SEC. 6662B. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

"(a) IMPOSITION OF PENALTY.—If a taxpayer has an noneconomic substance transaction understatement for any taxable year, there shall be added to the tax an amount equal to 40 percent of the amount of such understatement.

"(b) REDUCTION OF PENALTY FOR DISCLOSED TRANSACTIONS.—Subsection (a) shall be applied by substituting '20 percent' for '40 percent' with respect to the portion of any noneconomic substance transaction understatement with respect to which the relevant facts affecting the tax treatment of the item are adequately disclosed in the return or a statement attached to the return.

"(c) NONECONOMIC SUBSTANCE TRANSACTION UNDERSTATEMENT.—For purposes of this section—

"(1) IN GENERAL.—The term 'noneconomic substance transaction understatement' means any amount which would be an understatement under section 6662A(b)(1) if section 6662A were applied by taking into account items attributable to noneconomic substance transactions rather than items to which section 6662A would apply without regard to this paragraph.

"(2) NONECONOMIC SUBSTANCE TRANSACTION.—The term 'noneconomic substance transaction' means any transaction if—

"(A) there is a lack of economic substance (within the meaning of section 7701(o)(1)) for the transaction giving rise to the claimed benefit or the transaction was not respected under section 7701(o)(2), or

"(B) the transaction fails to meet the requirements of any similar rule of law.

"(d) RULES APPLICABLE TO COMPROMISE OF PENALTY.—

"(1) IN GENERAL.—If the 1st letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals has been sent with respect to a penalty to which this section applies, only the Commissioner of Internal Revenue may compromise all or any portion of such penalty.

"(2) APPLICABLE RULES.—The rules of paragraphs (2) and (3) of section 6707A(d) shall apply for purposes of paragraph (1).

"(e) COORDINATION WITH OTHER PENALTIES.—Except as otherwise provided in this part, the penalty imposed by this section shall be in addition to any other penalty imposed by this title.

"(f) CROSS REFERENCES.—

"(1) For coordination of penalty with understatements under section 6662 and other special rules, see section 6662A(e)

"(2) For reporting of penalty imposed under this section to the Securities and Exchange Commission, see section 6707A(e)".

(b) COORDINATION WITH OTHER UNDERSTATEMENTS AND PENALTIES.—

(1) The second sentence of section 6662(d)(2)(A) is amended by inserting "and without regard to items with respect to which a penalty is imposed by section 6662B" before the period at the end.

(2) Subsection (e) of section 6662A is amended—

(A) in paragraph (1), by inserting "and noneconomic substance transaction understatements" after "reportable transaction understatements" both places it appears,

(B) in paragraph (2)(A), by inserting "and a noneconomic substance transaction understatement" after "reportable transaction understatement",

(C) in paragraph (2)(B), by inserting "6662B or" before "6663",

(D) in paragraph (2)(C)(i), by inserting "or section 6662B" before the period at the end,

(E) in paragraph (2)(C)(ii), by inserting "and section 6662B" after "This section",

(F) in paragraph (3), by inserting "or noneconomic substance transaction understatement" after "reportable transaction understatement", and

(G) by adding at the end the following new paragraph:

"(4) NONECONOMIC SUBSTANCE TRANSACTION UNDERSTATEMENT.—For purposes of this subsection, the term 'noneconomic substance transaction understatement' has the meaning given such term by section 6662B(c).".

(3) Subsection (e) of section 6707A is amended—

(A) by striking "or" at the end of subparagraph (B), and

(B) by striking subparagraph (C) and inserting the following new subparagraphs:

"(C) is required to pay a penalty under section 6662B with respect to any noneconomic substance transaction, or

"(D) is required to pay a penalty under section 6662(h) with respect to any transaction and would (but for section 6662A(e)(2)(C)) have been subject to penalty under section 6662A at a rate prescribed under section 6662A(c) or under section 6662B.".

(c) CLERICAL AMENDMENT.—The table of sections for part II of subchapter A of chapter 68 is amended by inserting after the item relating to section 6662A the following new item:

"Sec. 6662B. Penalty for understatements attributable to transactions lacking economic substance, etc.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. 303. DENIAL OF DEDUCTION FOR INTEREST ON UNDERPAYMENTS ATTRIBUTABLE TO NONECONOMIC SUBSTANCE TRANSACTIONS.

(a) IN GENERAL.—Section 163(m) (relating to interest on unpaid taxes attributable to nondisclosed reportable transactions) is amended—

(1) by striking "attributable" and all that follows and inserting the following: "attributable to—

"(1) the portion of any reportable transaction understatement (as defined in section 6662A(b)) with respect to which the requirement of section 6664(d)(2)(A) is not met, or

"(2) any noneconomic substance transaction understatement (as defined in section 6662B(c)).", and

(2) by inserting "AND NONECONOMIC SUBSTANCE TRANSACTIONS" in the heading thereof after "TRANSACTIONS".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions after the date of the enactment of this Act in taxable years ending after such date.

SEC. 304. MODIFICATIONS OF EFFECTIVE DATES OF LEASING PROVISIONS OF THE AMERICAN JOBS CREATION ACT OF 2004.

(a) IN GENERAL.—Section 849(b) of the American Jobs Creation Act of 2004 is amended by striking paragraphs (1) and (2), by redesignating paragraphs (3) and (4) as paragraphs (1) and (2), respectively, and by adding at the end the following new paragraph:

"(3) LEASES TO FOREIGN ENTITIES.—In the case of tax-exempt use property leased to a tax-exempt entity which is a foreign person or entity, the amendments made by this part shall apply to taxable years beginning after December 31, 2004, with respect to leases entered into on or before March 12, 2004.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the American Jobs Creation Act of 2004.

SEC. 305. REVALUATION OF LIFO INVENTORIES OF LARGE INTEGRATED OIL COMPANIES.

(a) GENERAL RULE.—Notwithstanding any other provision of law, if a taxpayer is an applicable integrated oil company for its last taxable year ending in calendar year 2005, the taxpayer shall—

(1) increase, effective as of the close of such taxable year, the value of each historic LIFO layer of inventories of crude oil, natural gas, or any other petroleum product (within the meaning of section 4611) by the layer adjustment amount, and

(2) decrease its cost of goods sold for such taxable year by the aggregate amount of the increases under paragraph (1).

If the aggregate amount of the increases under paragraph (1) exceed the taxpayer's cost of goods sold for such taxable year, the taxpayer's gross income for such taxable year shall be increased by the amount of such excess.

(b) LAYER ADJUSTMENT AMOUNT.—For purposes of this section—

(1) IN GENERAL.—The term "layer adjustment amount" means, with respect to any historic LIFO layer, the product of—

(A) $18.75, and

(B) the number of barrels of crude oil (or in the case of natural gas or other petroleum products, the number of barrel-of-oil equivalents) represented by the layer.

(2) BARREL-OF-OIL EQUIVALENT.—The term "barrel-of-oil equivalent" has the meaning given such term by section 29(d)(5) (as in effect before its redesignation by the Energy Tax Incentives Act of 2005).

(c) APPLICATION OF REQUIREMENT.—

(1) NO CHANGE IN METHOD OF ACCOUNTING.—Any adjustment required by this section shall not be treated as a change in method of accounting.

(2) UNDERPAYMENTS OF ESTIMATED TAX.—No addition to the tax shall be made under section 6655 of the Internal Revenue Code of 1986 (relating to failure by corporation to pay estimated tax) with respect to any underpayment of an installment required to be paid with respect to the taxable year described in subsection (a) to the extent such underpayment was created or increased by this section.

(d) APPLICABLE INTEGRATED OIL COMPANY.—For purposes of this section, the term "applicable integrated oil company" means an integrated oil company (as defined in section 291(b)(4) of the Internal Revenue Code of 1986) which—

(1) had gross receipts in excess of $1,000,000,000 for its last taxable year ending during calendar year 2005, and

(2) uses the last-in, first-out (LIFO) method of accounting with respect to its crude oil inventories for such taxable year.

For purposes of paragraph (1), all persons treated as a single employer under subsections (a) and (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as 1 person and, in the case of a short taxable year, the rule under section 448(c)(3)(B) shall apply.

SEC. 306. MODIFICATION OF EFFECTIVE DATE OF EXCEPTION FROM SUSPENSION RULES FOR CERTAIN LISTED AND REPORTABLE TRANSACTIONS.

(a) IN GENERAL.—Paragraph (2) of section 903(d) of the American Jobs Creation Act of 2004 is amended to read as follows:

"(2) EXCEPTION FOR REPORTABLE OR LISTED TRANSACTIONS.—

"(A) IN GENERAL.—The amendments made by subsection (c) shall apply with respect to interest accruing after October 3, 2004.

"(B) SPECIAL RULE FOR CERTAIN LISTED AND REPORTABLE TRANSACTIONS.—

"(i) IN GENERAL.—Except as provided in clause (ii), the amendments made by subsection (c) shall also apply with respect to interest accruing on or before October 3, 2004.

"(ii) PARTICIPANTS IN SETTLEMENT INITIATIVES.—Clause (i) shall not apply to any transaction if, as of January 23, 2006—

"(I) the taxpayer is participating in a settlement initiative described in Internal Revenue Service Announcement 2005-80 with respect to such transaction, or

"(II) the taxpayer has entered into a settlement agreement pursuant to such an initiative.

"(iii) TERMINATION OF EXCEPTION.—Clause (ii)(I) shall not apply to any taxpayer if, after January 23, 2006, the taxpayer withdraws from, or terminates, participation in the initiative or the Secretary of the Treasury or the Secretary's delegate determines that a settlement agreement will not be reached pursuant to the initiative within a reasonable period of time.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which it relates.

SEC. 307. DOUBLING OF CERTAIN PENALTIES, FINES, AND INTEREST ON UNDERPAYMENTS RELATED TO CERTAIN OFFSHORE FINANCIAL ARRANGEMENTS.

(a) DETERMINATION OF PENALTY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, in the case of an applicable taxpayer—

(A) the determination as to whether any interest or applicable penalty is to be imposed with respect to any arrangement described in paragraph (2), or to any underpayment of Federal income tax attributable to items arising in connection with any such arrangement, shall be made without regard to the rules of subsections (b), (c), and (d) of section 6664 of the Internal Revenue Code of 1986, and

(B) if any such interest or applicable penalty is imposed, the amount of such interest or penalty shall be equal to twice that determined without regard to this section.

(2) APPLICABLE TAXPAYER.—For purposes of this subsection—

(A) IN GENERAL.—The term "applicable taxpayer" means a taxpayer which—

(i) has underreported its United States income tax liability with respect to any item which directly or indirectly involves—

(I) any financial arrangement which in any manner relies on the use of offshore payment mechanisms (including credit, debit, or charge cards) issued by banks or other entities in foreign jurisdictions, or

(II) any offshore financial arrangement (including any arrangement with foreign banks, financial institutions, corporations, partnerships, trusts, or other entities), and

(ii) has neither signed a closing agreement pursuant to the Voluntary Offshore Compliance Initiative established by the Department of the Treasury under Revenue Procedure 2003-11 nor voluntarily disclosed its participation in such arrangement by notifying the Internal Revenue Service of such arrangement prior to the issue being raised by the Internal Revenue Service during an examination.

(B) AUTHORITY TO WAIVE.—The Secretary of the Treasury or the Secretary's delegate may waive the application of paragraph (1) to any taxpayer if the Secretary or the Secretary's delegate determines that the use of such offshore payment mechanisms is incidental to the transaction and, in addition, in the case of a trade or business, such use is conducted in the ordinary course of the type of trade or business of the taxpayer.

(C) ISSUES RAISED.—For purposes of subparagraph (A)(ii), an item shall be treated as an issue raised during an examination if the individual examining the return—

(i) communicates to the taxpayer knowledge about the specific item, or

(ii) has made a request to the taxpayer for information and the taxpayer could not make a complete response to that request without giving the examiner knowledge of the specific item.

(b) DEFINITIONS AND RULES.—For purposes of this section—

(1) APPLICABLE PENALTY.—The term "applicable penalty" means any penalty, addition to tax, or fine imposed under chapter 68 of the Internal Revenue Code of 1986.

(2) FEES AND EXPENSES.—The Secretary of the Treasury may retain and use an amount not in excess of 25 percent of all additional interest, penalties, additions to tax, and fines collected under this section to be used for enforcement and collection activities of the Internal Revenue Service. The Secretary shall keep adequate records regarding amounts so retained and used. The amount credited as paid by any taxpayer shall be determined without regard to this paragraph.

(c) REPORT BY SECRETARY.—The Secretary shall each year conduct a study and report to Congress on the implementation of this section during the preceding year, including statistics on the number of taxpayers affected by such implementation and the amount of interest and applicable penalties asserted, waived, and assessed during such preceding year.

(d) EFFECTIVE DATE.—The provisions of this section shall apply to interest, penalties, additions to tax, and fines with respect to any taxable year if, as of the date of the enactment of this Act, the assessment of any tax, penalty, or interest with respect to such taxable year is not prevented by the operation of any law or rule of law.

SEC. 308. PENALTY FOR AIDING AND ABETTING THE UNDERSTATEMENT OF TAX LIABILITY.

(a) IN GENERAL.—Section 6701(a) (relating to imposition of penalty) is amended—

(1) by inserting "the tax liability or" after "respect to," in paragraph (1),

(2) by inserting "aid, assistance, procurement, or advice with respect to such" before "portion" both places it appears in paragraphs (2) and (3), and

(3) by inserting "instance of aid, assistance, procurement, or advice or each such" before "document" in the matter following paragraph (3).

(b) AMOUNT OF PENALTY.—Subsection (b) of section 6701 (relating to penalties for aiding and abetting understatement of tax liability) is amended to read as follows:

"(b) AMOUNT OF PENALTY; CALCULATION OF PENALTY; LIABILITY FOR PENALTY.—

"(1) AMOUNT OF PENALTY.—The amount of the penalty imposed by subsection (a) shall not exceed 100 percent of the gross income derived (or to be derived) from such aid, assistance, procurement, or advice provided by the person or persons subject to such penalty.

"(2) CALCULATION OF PENALTY.—The penalty amount determined under paragraph (1) shall be calculated with respect to each instance of aid, assistance, procurement, or advice described in subsection (a), each instance in which income was derived by the person or persons subject to such penalty, and each person who made such an understatement of the liability for tax.

"(3) LIABILITY FOR PENALTY.—If more than 1 person is liable under subsection (a) with respect to providing such aid, assistance, procurement, or advice, all such persons shall be jointly and severally liable for the penalty under such subsection.".

(c) PENALTY NOT DEDUCTIBLE.—Section 6701 is amended by adding at the end the following new subsection:

"(g) PENALTY NOT DEDUCTIBLE.—The payment of any penalty imposed under this section or the payment of any amount to settle or avoid the imposition of such penalty shall not be deductible by the person who is subject to such penalty or who makes such payment.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to activities after the date of the enactment of this Act.

Subtitle B—Provisions to Close Corporate and Individual Loopholes

SEC. 311. TAX TREATMENT OF INVERTED ENTITIES.

(a) IN GENERAL.—Section 7874 is amended—

(1) by striking "March 4, 2003" in subsection (a)(2)(B)(i) and in the matter following subsection (a)(2)(B)(iii) and inserting "March 20, 2002",

(2) by striking "at least 60 percent" in subsection (a)(2)(B)(ii) and inserting "more than 50 percent",

(3) by striking "80 percent" in subsection (b) and inserting "at least 80 percent",

(4) by striking "60 percent" in subsection (b) and inserting "more than 50 percent",

(5) by adding at the end of subsection (a)(2) the following new sentence: "Except as provided in regulations, an acquisition of properties of a domestic corporation shall not be treated as described in subparagraph (B) if none of the corporation's stock was readily tradeable on an established securities market at any time during the 4-year period ending on the date of the acquisition.", and

(6) by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g) SPECIAL RULES APPLICABLE TO EXPATRIATED ENTITIES.—

"(1) INCREASES IN ACCURACY-RELATED PENALTIES.—In the case of any underpayment of tax of an expatriated entity—

"(A) section 6662(a) shall be applied with respect to such underpayment by substituting '30 percent' for '20 percent', and

"(B) if such underpayment is attributable to one or more gross valuation understatements, the increase in the rate of penalty under section 6662(h) shall be to 50 percent rather than 40 percent.

"(2) MODIFICATIONS OF LIMITATION ON INTEREST DEDUCTION.—In the case of an expatriated entity, section 163(j) shall be applied—

"(A) without regard to paragraph (2)(A)(ii) thereof, and

"(B) by substituting '25 percent' for '50 percent' each place it appears in paragraph (2)(B) thereof.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after March 20, 2002.

SEC. 312. GRANT OF TREASURY REGULATORY AUTHORITY TO ADDRESS FOREIGN TAX CREDIT TRANSACTIONS INVOLVING INAPPROPRIATE SEPARATION OF FOREIGN TAXES FROM RELATED FOREIGN INCOME.

(a) IN GENERAL.—Section 901 (relating to taxes of foreign countries and of possessions of United States) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) REGULATIONS.—The Secretary may prescribe regulations disallowing a credit under subsection (a) for all or a portion of any foreign tax, or allocating a foreign tax among 2 or more persons, in cases where the foreign tax is imposed on any person in respect of income of another person or in other cases involving the inappropriate separation of the foreign tax from the related foreign income.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. 313. TREATMENT OF CONTINGENT PAYMENT CONVERTIBLE DEBT INSTRUMENTS.

(a) IN GENERAL.—Section 1275(d) (relating to regulation authority) is amended—

(1) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary", and

(2) by adding at the end the following new paragraph:

"(2) TREATMENT OF CONTINGENT PAYMENT CONVERTIBLE DEBT.—

"(A) IN GENERAL.—In the case of a debt instrument which—

"(i) is convertible into stock of the issuing corporation, into stock or debt of a related party (within the meaning of section 267(b) or 707(b)(1)), or into cash or other property in an amount equal to the approximate value of such stock or debt, and

"(ii) provides for contingent payments,

any regulations which require original issue discount to be determined by reference to the comparable yield of a noncontingent fixed-rate debt instrument shall be applied as if the regulations require that such comparable yield be determined by reference to a noncontingent fixed-rate debt instrument which is convertible into stock.

"(B) SPECIAL RULE.—For purposes of subparagraph (A), the comparable yield shall be determined without taking into account the yield resulting from the conversion of a debt instrument into stock.".

(b) CROSS REFERENCE.—Section 163(e)(6) (relating to cross references) is amended by adding at the end the following:

"For the treatment of contingent payment convertible debt, see section 1275(d)(2).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to debt instruments issued on or after the date of the enactment of this Act.

SEC. 314. APPLICATION OF EARNINGS STRIPPING RULES TO PARTNERS WHICH ARE CORPORATIONS.

(a) IN GENERAL.—Section 163(j) (relating to limitation on deduction for interest on certain indebtedness) is amended by redesignating paragraph (8) as paragraph (9) and by inserting after paragraph (7) the following new paragraph:

"(8) TREATMENT OF CORPORATE PARTNERS.—Except to the extent provided by regulations, in applying this subsection to a corporation which owns (directly or indirectly) an interest in a partnership—

"(A) such corporation's distributive share of interest income paid or accrued to such partnership shall be treated as interest income paid or accrued to such corporation,

"(B) such corporation's distributive share of interest paid or accrued by such partnership shall be treated as interest paid or accrued by such corporation, and

"(C) such corporation's share of the liabilities of such partnership shall be treated as liabilities of such corporation.".

(b) ADDITIONAL REGULATORY AUTHORITY.—Section 163(j)(9) (relating to regulations), as redesignated by subsection (a), is amended by striking "and" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting ", and", and by adding at the end the following new subparagraph:

“(D) regulations providing for the reallocation of shares of partnership indebtedness, or distributive shares of the partnership's interest income or interest expense, as may be appropriate to carry out the purposes of this subsection.”.

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning on or after the date of the enactment of this Act.

SEC. 315. DENIAL OF DEDUCTION FOR CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.

(a) In General.—Subsection (f) of section 162 (relating to trade or business expenses) is amended to read as follows:

“(f) Fines, Penalties, and Other Amounts.—

“(1) In general.—Except as provided in paragraph (2), no deduction otherwise allowable shall be allowed under this chapter for any amount paid or incurred (whether by suit, agreement, or otherwise) to, or at the direction of, a government or entity described in paragraph (4) in relation to the violation of any law or the investigation or inquiry by such government or entity into the potential violation of any law.

“(2) Exception for amounts constituting restitution or paid to come into compliance with law.—Paragraph (1) shall not apply to any amount which—

“(A) the taxpayer establishes—

“(i) constitutes restitution (including remediation of property) for damage or harm caused by or which may be caused by the violation of any law or the potential violation of any law, or

“(ii) is paid to come into compliance with any law which was violated or involved in the investigation or inquiry, and

“(B) is identified as restitution or as an amount paid to come into compliance with the law, as the case may be, in the court order or settlement agreement.

Identification pursuant to subparagraph (B) alone shall not satisfy the requirement under subparagraph (A). This paragraph shall not apply to any amount paid or incurred as reimbursement to the government or entity for the costs of any investigation or litigation.

“(3) Exception for amounts paid or incurred as the result of certain court orders.—Paragraph (1) shall not apply to any amount paid or incurred by order of a court in a suit in which no government or entity described in paragraph (4) is a party.

“(4) Certain nongovernmental regulatory entities.—An entity is described in this paragraph if it is—

“(A) a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) in connection with a qualified board or exchange (as defined in section 1256(g)(7)), or

“(B) to the extent provided in regulations, a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) as part of performing an essential governmental function.

“(5) Exception for taxes due.—Paragraph (1) shall not apply to any amount paid or incurred as taxes due.”.

(b) Reporting of Deductible Amounts.—

(1) In general.—Subpart B of part III of subchapter A of chapter 61 is amended by inserting after section 6050T the following new section:

“SEC. 6050U. INFORMATION WITH RESPECT TO CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.

“(a) Requirement of Reporting.—

“(1) In general.—The appropriate official of any government or entity which is described in section 162(f)(4) which is involved in a suit or agreement described in paragraph (2) shall make a return in such form as determined by the Secretary setting forth—

“(A) the amount required to be paid as a result of the suit or agreement to which paragraph (1) of section 162(f) applies,

“(B) any amount required to be paid as a result of the suit or agreement which constitutes restitution or remediation of property, and

“(C) any amount required to be paid as a result of the suit or agreement for the purpose of coming into compliance with any law which was violated or involved in the investigation or inquiry.

“(2) Suit or agreement described.—

“(A) In general.—A suit or agreement is described in this paragraph if—

“(i) it is—

“(I) a suit with respect to a violation of any law over which the government or entity has authority and with respect to which there has been a court order, or

“(II) an agreement which is entered into with respect to a violation of any law over which the government or entity has authority, or with respect to an investigation or inquiry by the government or entity into the potential violation of any law over which such government or entity has authority, and

“(ii) the aggregate amount involved in all court orders and agreements with respect to the violation, investigation, or inquiry is $600 or more.

“(B) Adjustment of reporting threshold.—The Secretary may adjust the $600 amount in subparagraph (A)(ii) as necessary in order to ensure the efficient administration of the internal revenue laws.

“(3) Time of filing.—The return required under this subsection shall be filed not later than—

“(A) 30 days after the date on which a court order is issued with respect to the suit or the date the agreement is entered into, as the case may be, or

“(B) the date specified Secretary.

“(b) Statements To Be Furnished to Individuals Involved in the Settlement.—Every person required to make a return under subsection (a) shall furnish to each person who is a party to the suit or agreement a written statement showing—

“(1) the name of the government or entity, and

“(2) the information supplied to the Secretary under subsection (a)(1).

The written statement required under the preceding sentence shall be furnished to the person at the same time the government or entity provides the Secretary with the information required under subsection (a).

“(c) Appropriate Official Defined.—For purposes of this section, the term ‘appropriate official’ means the officer or employee having control of the suit, investigation, or inquiry or the person appropriately designated for purposes of this section.”.

(2) Conforming amendment.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6050T the following new item:

“Sec. 6050U. Information with respect to certain fines, penalties, and other amounts.”.

(c) Effective Date.—The amendments made by this section shall apply to amounts paid or incurred on or after the date of the enactment of this Act, except that such amendments shall not apply to amounts paid or incurred under any binding order or agreement entered into before such date. Such exception shall not apply to an order or agreement requiring court approval unless the approval was obtained before such date.

SEC. 316. DISALLOWANCE OF DEDUCTION FOR PUNITIVE DAMAGES.

(a) Disallowance of Deduction.—

(1) In general.—Section 162(g) (relating to treble damage payments under the antitrust laws) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(B) by striking “If” and inserting:

“(1) Treble damages.—If”, and

(C) by adding at the end the following new paragraph:

“(2) Punitive damages.—No deduction shall be allowed under this chapter for any amount paid or incurred for punitive damages in connection with any judgment in, or settlement of, any action. This paragraph shall not apply to punitive damages described in section 104(c).”.

(2) Conforming amendment.—The heading for section 162(g) is amended by inserting “or Punitive Damages” after “Laws”.

(b) Inclusion in Income of Punitive Damages Paid by Insurer or Otherwise.—

(1) In general.—Part II of subchapter B of chapter 1 (relating to items specifically included in gross income) is amended by adding at the end the following new section:

“SEC. 91. PUNITIVE DAMAGES COMPENSATED BY INSURANCE OR OTHERWISE.

“Gross income shall include any amount paid to or on behalf of a taxpayer as insurance or otherwise by reason of the taxpayer's liability (or agreement) to pay punitive damages.”.

(2) Reporting requirements.—Section 6041 (relating to information at source) is amended by adding at the end the following new subsection:

“(f) Section to Apply to Punitive Damages Compensation.—This section shall apply to payments by a person to or on behalf of another person as insurance or otherwise by reason of the other person's liability (or agreement) to pay punitive damages.”.

(3) Conforming amendment.—The table of sections for part II of subchapter B of chapter 1 is amended by adding at the end the following new item:

“Sec. 91. Punitive damages compensated by insurance or otherwise.”.

(c) Effective Date.—The amendments made by this section shall apply to damages paid or incurred on or after the date of the enactment of this Act.

SEC. 317. LIMITATION OF EMPLOYER DEDUCTION FOR CERTAIN ENTERTAINMENT EXPENSES.

(a) In General.—Paragraph (2) of section 274(e) (relating to expenses treated as compensation) is amended to read as follows:

“(2) Expenses treated as compensation.—Expenses for goods, services, and facilities, to the extent that the expenses do not exceed the amount of the expenses which are treated by the taxpayer, with respect to the recipient of the entertainment, amusement, or recreation, as compensation to an employee on the taxpayer's return of tax under this chapter and as wages to such employee for purposes of chapter 24 (relating to withholding of income tax at source on wages).”.

(b) Persons Not Employees.—Paragraph (9) of section 274(e) is amended by striking “to the extent that the expenses are includible in the gross income” and inserting “to the extent that the expenses do not exceed the amount of the expenses which are includible in the gross income”.

(c) Effective Date.—The amendments made by this section shall apply to expenses incurred after the date of the enactment of this Act.

SEC. 318. IMPOSITION OF MARK-TO-MARKET TAX ON INDIVIDUALS WHO EXPATRIATE.

(a) In General.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

"SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

"(a) General Rules.—For purposes of this subtitle—

"(1) Mark to market.—Except as provided in subsections (d) and (f), all property of a covered expatriate to whom this section applies shall be treated as sold on the day before the expatriation date for its fair market value.

"(2) Recognition of gain or loss.—In the case of any sale under paragraph (1)—

"(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

"(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence.

"(3) Exclusion for certain gain.—

"(A) In general.—The amount which, but for this paragraph, would be includible in the gross income of any individual by reason of this section shall be reduced (but not below zero) by $600,000. For purposes of this paragraph, allocable expatriation gain taken into account under subsection (f)(2) shall be treated in the same manner as an amount required to be includible in gross income.

"(B) Cost-of-living adjustment.—

"(i) In general.—In the case of an expatriation date occurring in any calendar year after 2005, the $600,000 amount under subparagraph (A) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 2004' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) Rounding rules.—If any amount after adjustment under clause (i) is not a multiple of $1,000, such amount shall be rounded to the next lower multiple of $1,000.

"(4) Election to continue to be taxed as United States citizen.—

"(A) In general.—If a covered expatriate elects the application of this paragraph—

"(i) this section (other than this paragraph and subsection (i)) shall not apply to the expatriate, but

"(ii) in the case of property to which this section would apply but for such election, the expatriate shall be subject to tax under this title in the same manner as if the individual were a United States citizen.

"(B) Requirements.—Subparagraph (A) shall not apply to an individual unless the individual—

"(i) provides security for payment of tax in such form and manner, and in such amount, as the Secretary may require,

"(ii) consents to the waiver of any right of the individual under any treaty of the United States which would preclude assessment or collection of any tax which may be imposed by reason of this paragraph, and

"(iii) complies with such other requirements as the Secretary may prescribe.

"(C) Election.—An election under subparagraph (A) shall apply to all property to which this section would apply but for the election and, once made, shall be irrevocable. Such election shall also apply to property the basis of which is determined in whole or in part by reference to the property with respect to which the election was made.

"(b) Election to Defer Tax.—

"(1) In general.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the payment of the additional tax attributable to such property shall be postponed until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

"(2) Determination of tax with respect to property.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

"(3) Termination of postponement.—No tax may be postponed under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

"(4) Security.—

"(A) In general.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided to the Secretary with respect to such property.

"(B) Adequate security.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

"(i) it is a bond in an amount equal to the deferred tax amount under paragraph (2) for the property, or

"(ii) the taxpayer otherwise establishes to the satisfaction of the Secretary that the security is adequate.

"(5) Waiver of certain rights.—No election may be made under paragraph (1) unless the taxpayer consents to the waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

"(6) Elections.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable. An election may be made under paragraph (1) with respect to an interest in a trust with respect to which gain is required to be recognized under subsection (f)(1).

"(7) Interest.—For purposes of section 6601—

"(A) the last date for the payment of tax shall be determined without regard to the election under this subsection, and

"(B) section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

"(c) Covered Expatriate.—For purposes of this section—

"(1) In general.—Except as provided in paragraph (2), the term 'covered expatriate' means an expatriate.

"(2) Exceptions.—An individual shall not be treated as a covered expatriate if—

"(A) the individual—

"(i) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

"(ii) has not been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) during the 5 taxable years ending with the taxable year during which the expatriation date occurs, or

"(B)(i) the individual's relinquishment of United States citizenship occurs before such individual attains age 18 1/2, and

"(ii) the individual has been a resident of the United States (as so defined) for not more than 5 taxable years before the date of relinquishment.

"(d) Exempt Property; Special Rules for Pension Plans.—

"(1) Exempt property.—This section shall not apply to the following:

"(A) United states real property interests.—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the day before the expatriation date, meet the requirements of section 897(c)(2).

"(B) Specified property.—Any property or interest in property not described in subparagraph (A) which the Secretary specifies in regulations.

"(2) Special rules for certain retirement plans.—

"(A) In general.—If a covered expatriate holds on the day before the expatriation date any interest in a retirement plan to which this paragraph applies—

"(i) such interest shall not be treated as sold for purposes of subsection (a)(1), but

"(ii) an amount equal to the present value of the expatriate's nonforfeitable accrued benefit shall be treated as having been received by such individual on such date as a distribution under the plan.

"(B) Treatment of subsequent distributions.—In the case of any distribution on or after the expatriation date to or on behalf of the covered expatriate from a plan from which the expatriate was treated as receiving a distribution under subparagraph (A), the amount otherwise includible in gross income by reason of the subsequent distribution shall be reduced by the excess of the amount includible in gross income under subparagraph (A) over any portion of such amount to which this subparagraph previously applied.

"(C) Treatment of subsequent distributions by plan.—For purposes of this title, a retirement plan to which this paragraph applies, and any person acting on the plan's behalf, shall treat any subsequent distribution described in subparagraph (B) in the same manner as such distribution would be treated without regard to this paragraph.

"(D) Applicable plans.—This paragraph shall apply to—

"(i) any qualified retirement plan (as defined in section 4974(c)),

"(ii) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A), and

"(iii) to the extent provided in regulations, any foreign pension plan or similar retirement arrangements or programs.

"(e) Definitions.—For purposes of this section—

"(1) Expatriate.—The term 'expatriate' means—

"(A) any United States citizen who relinquishes citizenship, and

"(B) any long-term resident of the United States who—

"(i) ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)), or

"(ii) commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country.

"(2) EXPATRIATION DATE.—The term 'expatriation date' means—

"(A) the date an individual relinquishes United States citizenship, or

"(B) in the case of a long-term resident of the United States, the date of the event described in clause (i) or (ii) of paragraph (1)(B).

"(3) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing United States citizenship on the earliest of—

"(A) the date the individual renounces such individual's United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

"(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)-(4)),

"(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

"(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

"(4) LONG-TERM RESIDENT.—The term 'long-term resident' has the meaning given to such term by section 877(e)(2).

"(f) SPECIAL RULES APPLICABLE TO BENEFICIARIES' INTERESTS IN TRUST.—

"(1) IN GENERAL.—Except as provided in paragraph (2), if an individual is determined under paragraph (3) to hold an interest in a trust on the day before the expatriation date—

"(A) the individual shall not be treated as having sold such interest,

"(B) such interest shall be treated as a separate share in the trust, and

"(C)(i) such separate share shall be treated as a separate trust consisting of the assets allocable to such share,

"(ii) the separate trust shall be treated as having sold its assets on the day before the expatriation date for their fair market value and as having distributed all of its assets to the individual as of such time, and

"(iii) the individual shall be treated as having recontributed the assets to the separate trust.

Subsection (a)(2) shall apply to any income, gain, or loss of the individual arising from a distribution described in subparagraph (C)(ii). In determining the amount of such distribution, proper adjustments shall be made for liabilities of the trust allocable to an individual's share in the trust.

"(2) SPECIAL RULES FOR INTERESTS IN QUALIFIED TRUSTS.—

"(A) IN GENERAL.—If the trust interest described in paragraph (1) is an interest in a qualified trust—

"(i) paragraph (1) and subsection (a) shall not apply, and

"(ii) in addition to any other tax imposed by this title, there is hereby imposed on each distribution with respect to such interest a tax in the amount determined under subparagraph (B).

"(B) AMOUNT OF TAX.—The amount of tax under subparagraph (A)(ii) shall be equal to the lesser of—

"(i) the highest rate of tax imposed by section 1(e) for the taxable year which includes the day before the expatriation date, multiplied by the amount of the distribution, or

"(ii) the balance in the deferred tax account immediately before the distribution determined without regard to any increases under subparagraph (C)(ii) after the 30th day preceding the distribution.

"(C) DEFERRED TAX ACCOUNT.—For purposes of subparagraph (B)(ii)—

"(i) OPENING BALANCE.—The opening balance in a deferred tax account with respect to any trust interest is an amount equal to the tax which would have been imposed on the allocable expatriation gain with respect to the trust interest if such gain had been included in gross income under subsection (a).

"(ii) INCREASE FOR INTEREST.—The balance in the deferred tax account shall be increased by the amount of interest determined (on the balance in the account at the time the interest accrues), for periods after the 90th day after the expatriation date, by using the rates and method applicable under section 6621 for underpayments of tax for such periods, except that section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

"(iii) DECREASE FOR TAXES PREVIOUSLY PAID.—The balance in the tax deferred account shall be reduced—

"(I) by the amount of taxes imposed by subparagraph (A) on any distribution to the person holding the trust interest, and

"(II) in the case of a person holding a nonvested interest, to the extent provided in regulations, by the amount of taxes imposed by subparagraph (A) on distributions from the trust with respect to nonvested interests not held by such person.

"(D) ALLOCABLE EXPATRIATION GAIN.—For purposes of this paragraph, the allocable expatriation gain with respect to any beneficiary's interest in a trust is the amount of gain which would be allocable to such beneficiary's vested and nonvested interests in the trust if the beneficiary held directly all assets allocable to such interests.

"(E) TAX DEDUCTED AND WITHHELD.—

"(i) IN GENERAL.—The tax imposed by subparagraph (A)(ii) shall be deducted and withheld by the trustees from the distribution to which it relates.

"(ii) EXCEPTION WHERE FAILURE TO WAIVE TREATY RIGHTS.—If an amount may not be deducted and withheld under clause (i) by reason of the distributee failing to waive any treaty right with respect to such distribution—

"(I) the tax imposed by subparagraph (A)(ii) shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax, and

"(II) any other beneficiary of the trust shall be entitled to recover from the distributee the amount of such tax imposed on the other beneficiary.

"(F) DISPOSITION.—If a trust ceases to be a qualified trust at any time, a covered expatriate disposes of an interest in a qualified trust, or a covered expatriate holding an interest in a qualified trust dies, then, in lieu of the tax imposed by subparagraph (A)(ii), there is hereby imposed a tax equal to the lesser of—

"(i) the tax determined under paragraph (1) as if the day before the expatriation date were the date of such cessation, disposition, or death, whichever is applicable, or

"(ii) the balance in the tax deferred account immediately before such date.

Such tax shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax and any other beneficiary of the trust shall be entitled to recover from the covered expatriate or the estate the amount of such tax imposed on the other beneficiary.

"(G) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

"(i) QUALIFIED TRUST.—The term 'qualified trust' means a trust which is described in section 7701(a)(30)(E).

"(ii) VESTED INTEREST.—The term 'vested interest' means any interest which, as of the day before the expatriation date, is vested in the beneficiary.

"(iii) NONVESTED INTEREST.—The term 'nonvested interest' means, with respect to any beneficiary, any interest in a trust which is not a vested interest. Such interest shall be determined by assuming the maximum exercise of discretion in favor of the beneficiary and the occurrence of all contingencies in favor of the beneficiary.

"(iv) ADJUSTMENTS.—The Secretary may provide for such adjustments to the bases of assets in a trust or a deferred tax account, and the timing of such adjustments, in order to ensure that gain is taxed only once.

"(v) COORDINATION WITH RETIREMENT PLAN RULES.—This subsection shall not apply to an interest in a trust which is part of a retirement plan to which subsection (d)(2) applies.

"(3) DETERMINATION OF BENEFICIARIES' INTEREST IN TRUST.—

"(A) DETERMINATIONS UNDER PARAGRAPH (1).—For purposes of paragraph (1), a beneficiary's interest in a trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar adviser.

"(B) OTHER DETERMINATIONS.—For purposes of this section—

"(i) CONSTRUCTIVE OWNERSHIP.—If a beneficiary of a trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the trust beneficiaries for purposes of this section.

"(ii) TAXPAYER RETURN POSITION.—A taxpayer shall clearly indicate on its income tax return—

"(I) the methodology used to determine that taxpayer's trust interest under this section, and

"(II) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary's trust interest under this section.

"(g) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

"(1) any period during which recognition of income or gain is deferred shall terminate on the day before the expatriation date, and

"(2) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

"(h) Imposition of Tentative Tax.—

"(1) In general.—If an individual is required to include any amount in gross income under subsection (a) for any taxable year, there is hereby imposed, immediately before the expatriation date, a tax in an amount equal to the amount of tax which would be imposed if the taxable year were a short taxable year ending on the expatriation date.

"(2) Due date.—The due date for any tax imposed by paragraph (1) shall be the 90th day after the expatriation date.

"(3) Treatment of tax.—Any tax paid under paragraph (1) shall be treated as a payment of the tax imposed by this chapter for the taxable year to which subsection (a) applies.

"(4) Deferral of tax.—The provisions of subsection (b) shall apply to the tax imposed by this subsection to the extent attributable to gain includible in gross income by reason of this section.

"(i) Special Liens for Deferred Tax Amounts.—

"(1) Imposition of lien.—

"(A) In general.—If a covered expatriate makes an election under subsection (a)(4) or (b) which results in the deferral of any tax imposed by reason of subsection (a), the deferred amount (including any interest, additional amount, addition to tax, assessable penalty, and costs attributable to the deferred amount) shall be a lien in favor of the United States on all property of the expatriate located in the United States (without regard to whether this section applies to the property).

"(B) Deferred amount.—For purposes of this subsection, the deferred amount is the amount of the increase in the covered expatriate's income tax which, but for the election under subsection (a)(4) or (b), would have occurred by reason of this section for the taxable year including the expatriation date.

"(2) Period of lien.—The lien imposed by this subsection shall arise on the expatriation date and continue until—

"(A) the liability for tax by reason of this section is satisfied or has become unenforceable by reason of lapse of time, or

"(B) it is established to the satisfaction of the Secretary that no further tax liability may arise by reason of this section.

"(3) Certain rules apply.—The rules set forth in paragraphs (1), (3), and (4) of section 6324A(d) shall apply with respect to the lien imposed by this subsection as if it were a lien imposed by section 6324A.

"(j) Regulations.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(b) Inclusion in Income of Gifts and Bequests Received by United States Citizens and Residents From Expatriates.—Section 102 (relating to gifts, etc. not included in gross income) is amended by adding at the end the following new subsection:

"(d) Gifts and Inheritances From Covered Expatriates.—

"(1) In general.—Subsection (a) shall not exclude from gross income the value of any property acquired by gift, bequest, devise, or inheritance from a covered expatriate after the expatriation date. For purposes of this subsection, any term used in this subsection which is also used in section 877A shall have the same meaning as when used in section 877A.

"(2) Exceptions for transfers otherwise subject to estate or gift tax.—Paragraph (1) shall not apply to any property if either—

"(A) the gift, bequest, devise, or inheritance is—

"(i) shown on a timely filed return of tax imposed by chapter 12 as a taxable gift by the covered expatriate, or

"(ii) included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate, or

"(B) no such return was timely filed but no such return would have been required to be filed even if the covered expatriate were a citizen or long-term resident of the United States.".

(c) Definition of Termination of United States Citizenship.—Section 7701(a) is amended by adding at the end the following new paragraph:

"(49) Termination of united states citizenship.—

"(A) In general.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(e)(3).

"(B) Dual citizens.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.".

(d) Ineligibility for Visa or Admission to United States.—

(1) In general.—Section 212(a)(10)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(E)) is amended to read as follows:

"(E) Former citizens not in compliance with expatriation revenue provisions.—Any alien who is a former citizen of the United States who relinquishes United States citizenship (within the meaning of section 877A(e)(3) of the Internal Revenue Code of 1986) and who is not in compliance with section 877A of such Code (relating to expatriation).".

(2) Availability of information.—

(A) In general.—Section 6103(l) (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end the following new paragraph:

"(21) Disclosure to deny visa or admission to certain expatriates.—Upon written request of the Attorney General or the Attorney General's delegate, the Secretary shall disclose whether an individual is in compliance with section 877A (and if not in compliance, any items of noncompliance) to officers and employees of the Federal agency responsible for administering section 212(a)(10)(E) of the Immigration and Nationality Act solely for the purpose of, and to the extent necessary in, administering such section 212(a)(10)(E).".

(B) Safeguards.—Section 6103(p)(4) (relating to safeguards) is amended by striking "or (20)" each place it appears and inserting "(20), or (21)".

(3) Effective dates.—The amendments made by this subsection shall apply to individuals who relinquish United States citizenship on or after the date of the enactment of this Act.

(e) Conforming Amendments.—

(1) Section 877 is amended by adding at the end the following new subsection:

"(h) Application.—This section shall not apply to an expatriate (as defined in section 877A(e)) whose expatriation date (as so defined) occurs on or after the date of the enactment of this subsection.".

(2) Section 2107 is amended by adding at the end the following new subsection:

"(f) Application.—This section shall not apply to any expatriate subject to section 877A.".

(3) Section 2501(a)(3) is amended by adding at the end the following new subparagraph:

"(C) Application.—This paragraph shall not apply to any expatriate subject to section 877A.".

(4) Section 6039G(a) is amended by inserting "or 877A" after "section 877(b)".

(5) The second sentence of section 6039G(d) is amended by inserting "or who relinquishes United States citizenship (within the meaning of section 877A(e)(3))" after "section 877(a))".

(f) Clerical Amendment.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

"Sec. 877A. Tax responsibilities of expatriation.".

(g) Effective Date.—

(1) In general.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (within the meaning of section 877A(e) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) occurs on or after the date of the enactment of this Act.

(2) Gifts and bequests.—Section 102(d) of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to gifts and bequests received on or after the date of the enactment of this Act, from an individual or the estate of an individual whose expatriation date (as so defined) occurs after such date.

(3) Due date for tentative tax.—The due date under section 877A(h)(2) of the Internal Revenue Code of 1986, as added by this section, shall in no event occur before the 90th day after the date of the enactment of this Act.

SEC. 319. MODIFICATION OF EXCLUSION FOR CITIZENS LIVING ABROAD.

(a) Inflation Adjustment of Foreign Earned Income Limitation.—Clause (ii) of section 911(b)(2)(D) (relating to inflation adjustment) is amended—

(1) by striking "2007" and inserting "2005", and

(2) by striking "2006" in subclause (II) and inserting "2004".

(b) Modification of Housing Cost Amount.—

(1) Minimum amount.—Clause (i) of section 911(c)(1)(B) is amended to read as follows:

"(i) 16 percent of the amount (computed on a daily basis) in effect under subsection (b)(2)(D) for the calendar year in which such taxable year begins, multiplied by".

(2) Maximum amount of exclusion.—

(A) In general.—Subparagraph (A) of section 911(c)(1) is amended by inserting "to the extent such expenses do not exceed the amount determined under paragraph (2)" after "the taxable year".

(B) Limitation.—Subsection (c) of section 911 is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and by inserting after paragraph (1) the following new paragraph:

"(2) Limitation.—The amount determined under this paragraph is an amount equal to the product of—

"(A) 30 percent of the amount (computed on a daily basis) in effect under subsection (b)(2)(D) for the calendar year in which the taxable year of the individual begins, multiplied by

"(B) the number of days of such taxable year within the applicable period described in subparagraph (A) or (B) of subsection (d)(1).".

(C) CONFORMING AMENDMENTS.—

(i) Section 911(d)(4) is amended by striking "and (c)(1)(B)(ii)" and inserting ", (c)(1)(B)(ii), and (c)(2)(B)"

(ii) Section 911(d)(7) is amended by striking "subsection (c)(3)" and inserting "subsection (c)(4)".

(c) RATES OF TAX APPLICABLE TO NONEXCLUDED INCOME.—Section 911 (relating to exclusion of certain income of citizens and residents of the United States living abroad) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) DETERMINATION OF TAX LIABILITY ON NONEXCLUDED AMOUNTS.—If any amount is excluded from the gross income of a taxpayer under subsection (a) for any taxable year, then, notwithstanding section 1 or 55—

"(1) the tax imposed by section 1 on the taxpayer for such taxable year shall be equal to the excess (if any) of—

"(A) the tax which would be imposed by section 1 for the taxable year if the taxpayer's taxable income were equal to the sum of—

"(i) the taxpayer's taxable income for the taxable year (determined without regard to this subsection), plus

"(ii) the amount excluded under subsection (a) for the taxable year, over

"(B) the tax which would be imposed by section 1 for the taxable year if the taxpayer's taxable income were equal to the amount excluded under subsection (a) for the taxable year, and

"(2) the tax imposed by section 55 for such taxable year shall be equal to the excess (if any) of—

"(A) the amount which would be the tentative minimum tax under section 55 for the taxable year if the taxpayer's alternative minimum taxable income were equal to the sum of—

"(i) the taxpayer's alternative minimum taxable income for the taxable year (determined without regard to this subsection), plus

"(ii) the amount excluded under subsection (a) for the taxable year, over

"(B) the sum of—

"(i) the amount which would be the tentative minimum tax under section 55 for the taxable year if the taxpayer's alternative minimum taxable income were equal to the amount excluded under subsection (a) for the taxable year, plus

"(ii) the amount which would be the regular tax for the taxable year if the tax imposed by section 1 were the tax computed under paragraph (1).

For purposes of this subsection, the amount excluded under subsection (a) shall be reduced by the aggregate amount of any deductions or exclusions disallowed under subsection (d)(6) with respect to such excluded amount.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 320. LIMITATION ON ANNUAL AMOUNTS WHICH MAY BE DEFERRED UNDER NONQUALIFIED DEFERRED COMPENSATION ARRANGEMENTS.

(a) IN GENERAL.—Section 409A (relating to inclusion of gross income under nonqualified deferred compensation plans) is amended by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively, and by inserting after subsection (b) the following new subsection:

"(c) ANNUAL LIMITATION ON AGGREGATE DEFERRED AMOUNTS.—

"(1) LIMITATION.—If the aggregate amount of compensation which—

"(A) is deferred for any taxable year with respect to a participant under 1 or more nonqualified deferred compensation plans maintained by the same employer, and

"(B) is not otherwise includible in gross income of the participant for the taxable year, exceeds the applicable dollar amount for the taxable year, then such excess shall be included in the participant's gross income for the taxable year.

"(2) INCLUSION OF EARNINGS.—If—

"(A) an amount is includible under paragraph (1) in the gross income of a participant for any taxable year, and

"(B) any portion of any assets set aside in a trust or other arrangement under a nonqualified deferred compensation plan are properly allocable to such amount,

then any increase in value in, or earnings with respect to, such portion for the taxable year or any succeeding taxable year shall be included in gross income of the participant for such taxable year or succeeding taxable year.

"(3) APPLICABLE DOLLAR AMOUNT.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'applicable dollar amount' means, with respect to any participant, the lesser of—

"(i) the average annual compensation which—

"(I) was payable during the base period to the participant by the employer described in paragraph (1)(A), and

"(II) was includible in the participant's gross income for taxable years in the base period, or

"(ii) $1,000,000.

"(B) BASE PERIOD.—The term 'base period' means, with respect to any computation year, the 5-taxable year period ending with the taxable year preceding the taxable year in which the election described in subsection (a)(4)(B) is made by the participant to have compensation for services performed in the computation year deferred under a nonqualified deferred compensation plan, except that if the election is made after the beginning of the computation year, such period shall be the 5-taxable year period ending with the taxable year preceding the computation year. For purposes of this subparagraph, the term 'computation year' means any taxable year of the participant for which the limitation under paragraph (1) is being determined.".

(b) CONFORMING AMENDMENTS.—Sections 6041(g)(1) and 6051(a)(13) are each amended by striking "409A(d)" and inserting "409A(e)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005, except that taxable years beginning on or before such date shall be taken into account in determining the average annual compensation of a participant during any base period for purposes of section 409A(c)(2) of the Internal Revenue Code of 1986 (as added by such amendments).

SEC. 321. INCREASE IN AGE OF MINOR CHILDREN WHOSE UNEARNED INCOME IS TAXED AS IF PARENT'S INCOME.

(a) IN GENERAL.—Section 1(g)(2)(A) (relating to child to whom subsection applies) is amended by striking "age 14" and inserting "age 18".

(b) TREATMENT OF DISTRIBUTIONS FROM QUALIFIED DISABILITY TRUSTS.—Section 1(g)(4) (relating to net unearned income) is amended by adding at the end the following new subparagraph:

"(C) TREATMENT OF DISTRIBUTIONS FROM QUALIFIED DISABILITY TRUSTS.—For purposes of this subsection, in the case of any child who is a beneficiary of a qualified disability trust (as defined in section 642(b)(2)(C)(ii)), any amount included in the income of such child under sections 652 and 662 during a taxable year shall be considered earned income of such child for such taxable year.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

Subtitle C—Oil and Gas Provisions

SEC. 331. EXTENSION OF SUPERFUND TAXES.

(a) EXCISE TAXES.—Section 4611(e) is amended to read as follows:

"(e) APPLICATION OF HAZARDOUS SUBSTANCE SUPERFUND FINANCING RATE.—The Hazardous Substance Superfund financing rate under this section shall apply after December 31, 1986, and before January 1, 1996, and after December 31, 2005, and before January 1, 2015."

(b) CORPORATE ENVIRONMENTAL INCOME TAX.—Section 59A(e) is amended to read as follows:

"(e) APPLICATION OF TAX.—The tax imposed by this section shall apply to taxable years beginning after December 31, 1986, and before January 1, 1996, and to taxable years beginning after December 31, 2005, and before January 1, 2015."

(c) EFFECTIVE DATES.—

(1) EXCISE TAXES.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) INCOME TAX.—The amendment made by subsection (b) shall apply to taxable years beginning after December 31, 2005.

SEC. 332. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO DUAL CAPACITY TAXPAYERS.

(a) IN GENERAL.—Section 901 (relating to credit for taxes of foreign countries and of possessions of the United States) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) SPECIAL RULES RELATING TO DUAL CAPACITY TAXPAYERS.—

"(1) GENERAL RULE.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer to a foreign country or possession of the United States for any period shall not be considered a tax—

"(A) if, for such period, the foreign country or possession does not impose a generally applicable income tax, or

"(B) to the extent such amount exceeds the amount (determined in accordance with regulations) which—

"(i) is paid by such dual capacity taxpayer pursuant to the generally applicable income tax imposed by the country or possession, or

"(ii) would be paid if the generally applicable income tax imposed by the country or possession were applicable to such dual capacity taxpayer.

Nothing in this paragraph shall be construed to imply the proper treatment of any such amount not in excess of the amount determined under subparagraph (B).

"(2) DUAL CAPACITY TAXPAYER.—For purposes of this subsection, the term 'dual capacity taxpayer' means, with respect to any foreign country or possession of the United States, a person who—

"(A) is subject to a levy of such country or possession, and

"(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.

"(3) GENERALLY APPLICABLE INCOME TAX.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'generally applicable income tax' means an income tax (or a series of income taxes) which is generally imposed under the laws of a foreign country or possession on income derived from the conduct of a trade or business within such country or possession.

"(B) EXCEPTIONS.—Such term shall not include a tax unless it has substantial application, by its terms and in practice, to—

"(i) persons who are not dual capacity taxpayers, and

"(ii) persons who are citizens or residents of the foreign country or possession."

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after the date of the enactment of this Act.

(2) CONTRARY TREATY OBLIGATIONS UPHELD.—The amendments made by this section shall not apply to the extent contrary to any treaty obligation of the United States.

SEC. 333. RULES RELATING TO FOREIGN OIL AND GAS INCOME.

(a) SEPARATE BASKET FOR FOREIGN TAX CREDIT.—

(1) SEPARATE BASKET.—

(A) YEARS BEFORE 2007.—Paragraph (1) of section 904(d) (relating to separate application of section with respect to certain categories of income), as in effect for years beginning before 2007, is amended by striking "and" at the end of subparagraph (H), by redesignating subparagraph (I) as subparagraph (J), and by inserting after subparagraph (H) the following new subparagraph:

"(I) foreign oil and gas income, and".

(B) 2007 AND AFTER.—Paragraph (1) of section 904(d), as in effect for years beginning after 2006, is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following:

"(C) foreign oil and gas income."

(2) DEFINITION.—

(A) YEARS BEFORE 2007.—Paragraph (2) of section 904(d), as in effect for years beginning before 2007, is amended by redesignating subparagraphs (H) and (I) as subparagraphs (I) and (J), respectively, and by inserting after subparagraph (G) the following new subparagraph:

"(H) FOREIGN OIL AND GAS INCOME.—The term 'foreign oil and gas income' has the meaning given such term by section 954(g)."

(B) 2007 AND AFTER.—Section 904(d)(2), as in effect for years after 2006, is amended by redesignating subparagraphs (J) and (K) as subparagraphs (K) and (L) and by inserting after subparagraph (I) the following:

"(J) FOREIGN OIL AND GAS INCOME.—For purposes of this section—

"(i) IN GENERAL.—The term 'foreign oil and gas income' has the meaning given such term by section 954(g).

"(ii) COORDINATION.—Passive category income and general category income shall not include foreign oil and gas income (as so defined)."

(3) CONFORMING AMENDMENTS.—

(A) Section 904(d)(3)(F)(i) is amended by striking "or (E)" and inserting "(E), or (I)".

(B) Section 907(a) is hereby repealed.

(C) Section 907(c)(4) is hereby repealed.

(D) Section 907(f) is hereby repealed.

(4) EFFECTIVE DATES.—

(A) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

(B) YEARS AFTER 2006.—The amendments made by paragraphs (1)(B) and (2)(B) shall apply to taxable years beginning after December 31, 2006.

(C) TRANSITIONAL RULES.—

(i) SEPARATE BASKET TREATMENT.—Any taxes paid or accrued in a taxable year beginning on or before the date of the enactment of this Act, with respect to income which was described in subparagraph (I) of section 904(d)(1) of such Code (as in effect on the day before the date of the enactment of this Act), shall be treated as taxes paid or accrued with respect to foreign oil and gas income to the extent the taxpayer establishes to the satisfaction of the Secretary of the Treasury that such taxes were paid or accrued with respect to foreign oil and gas income.

(ii) CARRYOVERS.—Any unused oil and gas extraction taxes which under section 907(f) of such Code (as so in effect) would have been allowable as a carryover to the taxpayer's first taxable year beginning after the date of the enactment of this Act (without regard to the limitation of paragraph (2) of such section 907(f) for first taxable year) shall be allowed as carryovers under section 904(c) of such Code in the same manner as if such taxes were unused taxes under such section 904(c) with respect to foreign oil and gas extraction income.

(iii) LOSSES.—The amendment made by paragraph (3)(C) shall not apply to foreign oil and gas extraction losses arising in taxable years beginning on or before the date of the enactment of this Act.

(b) ELIMINATION OF DEFERRAL FOR FOREIGN OIL AND GAS EXTRACTION INCOME.—

(1) GENERAL RULE.—Paragraph (1) of section 954(g) (defining foreign base company oil related income) is amended to read as follows:

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the term 'foreign oil and gas income' means any income of a kind which would be taken into account in determining the amount of—

"(A) foreign oil and gas extraction income (as defined in section 907(c)), or

"(B) foreign oil related income (as defined in section 907(c))."

(2) CONFORMING AMENDMENTS.—

(A) Subsections (a)(5), (b)(5), and (b)(6) of section 954, and section 952(c)(1)(B)(ii)(I), are each amended by striking "base company oil related income" each place it appears (including in the heading of subsection (b)(8)) and inserting "oil and gas income".

(B) Subsection (b)(4) of section 954 is amended by striking "base company oil-related income" and inserting "oil and gas income".

(C) The subsection heading for subsection (g) of section 954 is amended by striking "FOREIGN BASE COMPANY OIL RELATED INCOME" and inserting "FOREIGN OIL AND GAS INCOME".

(D) Subparagraph (A) of section 954(g)(2) is amended by striking "foreign base company oil related income" and inserting "foreign oil and gas income".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years of foreign corporations beginning after the date of the enactment of this Act, and to taxable years of United States shareholders ending with or within such taxable years of foreign corporations.

SEC. 334. MODIFICATION OF CREDIT FOR PRODUCING FUEL FROM A NONCONVENTIONAL SOURCE.

(a) TAXABLE YEARS ENDING BEFORE 2006.—

(1) MODIFICATION OF PHASEOUT.—

(A) IN GENERAL.—Section 29(b)(1)(A) is amended by inserting "the calendar year preceding" before "the calendar year".

(B) CONFORMING AMENDMENTS.—Section 29(b)((2) is amended—

(i) by striking "The" and inserting "With respect to any calendar year, the", and

(ii) by striking "for the calendar year in which the sale occurs" and inserting "for such calendar year".

(2) NO INFLATION ADJUSTMENT FOR THE CREDIT AMOUNT IN 2005.—Section 29(b)(2), as amended by paragraph (1), is amended by adding at the end the following new sentence: "This paragraph shall not apply with respect to the $3 amount in subsection (a) for calendar year 2005 and the amount in effect under subsection (a) for sales in such calendar year shall be the amount which was in effect for sales in calendar year 2004.".

(b) TAXABLE YEARS ENDING AFTER 2005.—

(1) MODIFICATION OF PHASEOUT.—

(A) IN GENERAL.—Section 45K(b)(1)(A) is amended by inserting "the calendar year preceding" before "the calendar year".

(B) CONFORMING AMENDMENTS.—Section 45K(b)((2) is amended—

(i) by striking "The" and inserting "With respect to any calendar year, the", and

(ii) by striking "for the calendar year in which the sale occurs" and inserting "for such calendar year".

(2) NO INFLATION ADJUSTMENT FOR THE CREDIT AMOUNT IN 2005, 2006, AND 2007.—Section 45K(b)(2), as amended by paragraph (1), is amended by adding at the end the following new sentence: "This paragraph shall not apply with respect to the $3 amount in subsection (a) for calendar years 2005, 2006, and 2007 and the amount in effect under subsection (a) for sales in each such calendar year shall be the amount which was in effect for sales in calendar year 2004.".

(3) TREATMENT OF COKE AND COKE GAS.—

(A) NONAPPLICATION OF PHASEOUT.—Section 45K(g)(2) is amended by adding at the end the following new subparagraph:

"(D) NONAPPLICATION OF PHASEOUT.—Subsection (b)(1) shall not apply.".

(B) APPLICATION OF INFLATION ADJUSTMENT.—Section 45K(g)(2)(B) is amended by inserting "and the last sentence of subsection (b)(2) shall not apply.".

(C) CLARIFICATION OF QUALIFYING FACILITY.—Section 45K(g)(1) is amended by inserting "(other than from petroleum based products)" after "coke or coke gas".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold after December 31, 2004.

SEC. 335. ELIMINATION OF AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES FOR MAJOR INTEGRATED OIL COMPANIES.

(a) IN GENERAL.—Section 167(h) is amended by adding at the end the following new paragraph:

"(5) NONAPPLICATION TO MAJOR INTEGRATED OIL COMPANIES.—This subsection shall not apply with respect to any expenses paid or incurred for any taxable year by any integrated oil company (as defined in section 291(b)(4)) which has an average daily worldwide production of crude oil of at least 500,000 barrels for such taxable year.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendment made by section 1329(a) of the Energy Policy Act of 2005.

Subtitle D—Tax Administration Provisions

SEC. 341. IMPOSITION OF WITHHOLDING ON CERTAIN PAYMENTS MADE BY GOVERNMENT ENTITIES.

(a) In General.—Section 3402 is amended by adding at the end the following new subsection:

"(t) Extension of Withholding to Certain Payments Made by Government Entities.—

"(1) General rule.—The Government of the United States, every State, every political subdivision thereof, and every instrumentality of the foregoing (including multi-State agencies) making any payment for goods and services which is subject to withholding shall deduct and withhold form such payment a tax in an amount equal to 3 percent of such payment.

"(2) Exceptions.—Paragraph (1) shall not apply to any payment—

"(A) except as provided in subparagraph (B), which is subject to withholding under any other provision of this chapter or chapter 3,

"(B) which is subject to withholding under section 3406 and from which amounts are being withheld under such section,

"(C) of interest,

"(D) for real property,

"(E) to any tax-exempt entity, foreign government, or other entity subject to the requirements of paragraph (1),

"(F) made pursuant to a classified or confidential contract (as defined in section 6050M(e)(3)), and

"(G) made by a political subdivision of a State (or any instrumentality thereof) which makes less than $100,000,000 of such payments annually.

"(3) Coordination with other sections.—For purposes of sections 3403 and 3404 and for purposes of so much of subtitle F (except section 7205) as relates to this chapter, payments to any person of any payment for goods and services which is subject to withholding shall be treated as if such payments were wages paid by an employer to an employee.".

(b) Effective Date.—The amendment made by this section shall apply to payments made after December 31, 2005.

SEC. 342. INCREASE IN CERTAIN CRIMINAL PENALTIES.

(a) In General.—Section 7206 (relating to fraud and false statements) is amended—

(1) by striking "Any person who—" and inserting "(a) In General.—Any person who—", and

(2) by adding at the end the following new subsection:

"(b) Increase in Monetary Limitation for Underpayment or Overpayment of Tax Due to Fraud.—If any portion of any underpayment (as defined in section 6664(a)) or overpayment (as defined in section 6401(a)) of tax required to be shown on a return is attributable to fraudulent action described in subsection (a), the applicable dollar amount under subsection (a) shall in no event be less than an amount equal to such portion. A rule similar to the rule under section 6663(b) shall apply for purposes of determining the portion so attributable.".

(b) Increase in Penalties.—

(1) Attempt to evade or defeat tax.—Section 7201 is amended—

(A) by striking "$100,000" and inserting "$500,000",

(B) by striking "$500,000" and inserting "$1,000,000", and

(C) by striking "5 years" and inserting "10 years".

(2) Willful failure to file return, supply information, or pay tax.—Section 7203 is amended—

(A) in the first sentence—

(i) by striking "Any person" and inserting the following:

"(a) In General.—Any person", and

(ii) by striking "$25,000" and inserting "$50,000",

(B) in the third sentence, by striking "section" and inserting "subsection", and

(C) by adding at the end the following new subsection:

"(b) Aggravated Failure to File.—

"(1) In general.—In the case of any failure described in paragraph (2), the first sentence of subsection (a) shall be applied by substituting—

"(A) 'felony' for 'misdemeanor',

"(B) '$500,000 ($1,000,000' for '$25,000 ($100,000', and

"(C) '10 years' for '1 year'.

"(2) Failure described.—A failure described in this paragraph is a failure to make a return described in subsection (a) for a period of 3 or more consecutive taxable years.".

(3) Fraud and false statements.—Section 7206(a) (as redesignated by subsection (a)) is amended—

(A) by striking "$100,000" and inserting "$500,000",

(B) by striking "$500,000" and inserting "$1,000,000", and

(C) by striking "3 years" and inserting "5 years".

(c) Effective Date.—The amendments made by this section shall apply to actions, and failures to act, occurring after the date of the enactment of this Act.

SEC. 343. REPEAL OF SUSPENSION OF INTEREST AND CERTAIN PENALTIES WHERE SECRETARY FAILS TO CONTACT TAXPAYER.

(a) In General.—Section 6404 (relating to abatements) is amended by striking subsection (g) and by redesignating subsections (h) and (i) as subsections (g) and (h), respectively.

(b) Effective Date.—The amendments made by this section shall apply to returns of tax filed after December 31, 2005.

SEC. 344. INCREASE IN PENALTY FOR BAD CHECKS AND MONEY ORDERS.

(a) In General.—Section 6657 (relating to bad checks) is amended—

(1) by striking "$750" and inserting "$1,250", and

(2) by striking "$15" and inserting "$25".

(b) Effective Date.—The amendments made by this section apply to checks or money orders received after the date of the enactment of this Act.

SEC. 345. FRIVOLOUS TAX SUBMISSIONS.

(a) Civil Penalties.—Section 6702 is amended to read as follows:

"SEC. 6702. FRIVOLOUS TAX SUBMISSIONS.

"(a) Civil Penalty for Frivolous Tax Returns.—A person shall pay a penalty of $5,000 if—

"(1) such person files what purports to be a return of a tax imposed by this title but which—

"(A) does not contain information on which the substantial correctness of the self-assessment may be judged, or

"(B) contains information that on its face indicates that the self-assessment is substantially incorrect; and

"(2) the conduct referred to in paragraph (1)—

"(A) is based on a position which the Secretary has identified as frivolous under subsection (c), or

"(B) reflects a desire to delay or impede the administration of Federal tax laws.

"(b) Civil Penalty for Specified Frivolous Submissions.—

"(1) Imposition of penalty.—Except as provided in paragraph (3), any person who submits a specified frivolous submission shall pay a penalty of $5,000.

"(2) Specified frivolous submission.—For purposes of this section—

"(A) Specified frivolous submission.—The term 'specified frivolous submission' means a specified submission if any portion of such submission—

"(i) is based on a position which the Secretary has identified as frivolous under subsection (c), or

"(ii) reflects a desire to delay or impede the administration of Federal tax laws.

"(B) Specified submission.—The term 'specified submission' means—

"(i) a request for a hearing under—

"(I) section 6320 (relating to notice and opportunity for hearing upon filing of notice of lien), or

"(II) section 6330 (relating to notice and opportunity for hearing before levy), and

"(ii) an application under—

"(I) section 6159 (relating to agreements for payment of tax liability in installments),

"(II) section 7122 (relating to compromises), or

"(III) section 7811 (relating to taxpayer assistance orders).

"(3) Opportunity to withdraw submission.—If the Secretary provides a person with notice that a submission is a specified frivolous submission and such person withdraws such submission within 30 days after such notice, the penalty imposed under paragraph (1) shall not apply with respect to such submission.

"(c) Listing of Frivolous Positions.—The Secretary shall prescribe (and periodically revise) a list of positions which the Secretary has identified as being frivolous for purposes of this subsection. The Secretary shall not include in such list any position that the Secretary determines meets the requirement of section 6662(d)(2)(B)(ii)(II).

"(d) Reduction of Penalty.—The Secretary may reduce the amount of any penalty imposed under this section if the Secretary determines that such reduction would promote compliance with and administration of the Federal tax laws.

"(e) Penalties in Addition to Other Penalties.—The penalties imposed by this section shall be in addition to any other penalty provided by law.".

(b) Treatment of Frivolous Requests for Hearings Before Levy.—

(1) Frivolous requests disregarded.—Section 6330 (relating to notice and opportunity for hearing before levy) is amended by adding at the end the following new subsection:

"(g) Frivolous Requests for Hearing, Etc.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of a request for a hearing under this section or section 6320 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.".

(2) Preclusion from raising frivolous issues at hearing.—Section 6330(c)(4) is amended—

(A) by striking "(A)" and inserting "(A)(i)";

(B) by striking "(B)" and inserting "(ii)";

(C) by striking the period at the end of the first sentence and inserting "; or"; and

(D) by inserting after subparagraph (A)(ii) (as so redesignated) the following:

"(B) the issue meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A).".

(3) STATEMENT OF GROUNDS.—Section 6330(b)(1) is amended by striking "under subsection (a)(3)(B)" and inserting "in writing under subsection (a)(3)(B) and states the grounds for the requested hearing".

(c) TREATMENT OF FRIVOLOUS REQUESTS FOR HEARINGS UPON FILING OF NOTICE OF LIEN.—Section 6320 is amended—

(1) in subsection (b)(1), by striking "under subsection (a)(3)(B)" and inserting "in writing under subsection (a)(3)(B) and states the grounds for the requested hearing", and

(2) in subsection (c), by striking "and (e)" and inserting "(e), and (g)".

(d) TREATMENT OF FRIVOLOUS APPLICATIONS FOR OFFERS-IN-COMPROMISE AND INSTALLMENT AGREEMENTS.—Section 7122 is amended by adding at the end the following new subsection:

"(e) FRIVOLOUS SUBMISSIONS, ETC.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of an application for an offer-in-compromise or installment agreement submitted under this section or section 6159 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.".

(e) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by striking the item relating to section 6702 and inserting the following new item:

"Sec. 6702. Frivolous tax submissions.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to submissions made and issues raised after the date on which the Secretary first prescribes a list under section 6702(c) of the Internal Revenue Code of 1986, as amended by subsection (a).

SEC. 346. PARTIAL PAYMENTS REQUIRED WITH SUBMISSION OF OFFERS-IN-COMPROMISE.

(a) IN GENERAL.—Section 7122 (relating to compromises), as amended by this Act, is amended by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively, and by inserting after subsection (b) the following new subsection:

"(c) RULES FOR SUBMISSION OF OFFERS-IN-COMPROMISE.—

"(1) PARTIAL PAYMENT REQUIRED WITH SUBMISSION.—

"(A) LUMP-SUM OFFERS.—

"(i) IN GENERAL.—The submission of any lump-sum offer-in-compromise shall be accompanied by the payment of 20 percent of amount of such offer.

"(ii) LUMP-SUM OFFER-IN-COMPROMISE.—For purposes of this section, the term 'lump-sum offer-in-compromise' means any offer of payments made in 5 or fewer installments.

"(B) PERIODIC PAYMENT OFFERS.—The submission of any periodic payment offer-in-compromise shall be accompanied by the payment of the amount of the first proposed installment and each proposed installment due during the period such offer is being evaluated for acceptance and has not been rejected by the Secretary. Any failure to make a payment required under the preceding sentence shall be deemed a withdrawal of the offer-in-compromise.

"(2) RULES OF APPLICATION.—

"(A) USE OF PAYMENT.—The application of any payment made under this subsection to the assessed tax or other amounts imposed under this title with respect to such tax may be specified by the taxpayer.

"(B) NO USER FEE IMPOSED.—Any user fee which would otherwise be imposed under this section shall not be imposed on any offer-in-compromise accompanied by a payment required under this subsection.

"(C) WAIVER AUTHORITY.—The Secretary may issue regulations waiving any payment required under paragraph (1) in a manner consistent with the practices established in accordance with the requirements under subsection (d)(3).".

(b) ADDITIONAL RULES RELATING TO TREATMENT OF OFFERS.—

(1) UNPROCESSABLE OFFER IF PAYMENT REQUIREMENTS ARE NOT MET.—Paragraph (3) of section 7122(d) (relating to standards for evaluation of offers), as redesignated by subsection (a), is amended by striking "; and" at the end of subparagraph (A) and inserting a comma, by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following new subparagraph:

"(C) any offer-in-compromise which does not meet the requirements of subsection (c) shall be returned to the taxpayer as unprocessable.".

(2) DEEMED ACCEPTANCE OF OFFER NOT REJECTED WITHIN CERTAIN PERIOD.—Section 7122, as amended by subsection (a), is amended by adding at the end the following new subsection:

"(g) DEEMED ACCEPTANCE OF OFFER NOT REJECTED WITHIN CERTAIN PERIOD.—Any offer-in-compromise submitted under this section shall be deemed to be accepted by the Secretary if such offer is not rejected by the Secretary before the date which is 24 months after the date of the submission of such offer (12 months for offers-in-compromise submitted after the date which is 5 years after the date of the enactment of this subsection). For purposes of the preceding sentence, any period during which any tax liability which is the subject of such offer-in-compromise is in dispute in any judicial proceeding shall not be taken in to account in determining the expiration of the 24-month period (or 12-month period, if applicable).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to offers-in-compromise submitted on and after the date which is 60 days after the date of the enactment of this Act.

SEC. 347. WAIVER OF USER FEE FOR INSTALLMENT AGREEMENTS USING AUTOMATED WITHDRAWALS.

(a) IN GENERAL.—Section 6159 (relating to agreements for payment of tax liability in installments) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following:

"(e) WAIVER OF USER FEES FOR INSTALLMENT AGREEMENTS USING AUTOMATED WITHDRAWALS.—In the case of a taxpayer who enters into an installment agreement in which automated installment payments are agreed to, the Secretary shall waive the fee (if any) for entering into the installment agreement.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to agreements entered into on or after the date which is 180 days after the date of the enactment of this Act.

SEC. 348. TERMINATION OF INSTALLMENT AGREEMENTS.

(a) IN GENERAL.—Section 6159(b)(4) (relating to failure to pay an installment or any other tax liability when due or to provide requested financial information) is amended by striking "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (E), and by inserting after subparagraph (B) the following:

"(C) to make a Federal tax deposit under section 6302 at the time such deposit is required to be made,

"(D) to file a return of tax imposed under this title by its due date (including extensions), or".

(b) CONFORMING AMENDMENT.—The heading for section 6159(b)(4) is amended by striking "FAILURE TO PAY AN INSTALLMENT OR ANY OTHER TAX LIABILITY WHEN DUE OR TO PROVIDE REQUESTED FINANCIAL INFORMATION" and inserting "FAILURE TO MAKE PAYMENTS OR DEPOSITS OR FILE RETURNS WHEN DUE OR TO PROVIDE REQUESTED FINANCIAL INFORMATION".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to failures occurring on or after the date of the enactment of this Act.

Subtitle E—Additional Provisions

SEC. 351. MODIFICATION OF INDIVIDUAL ESTIMATED TAX SAFE HARBOR.

(a) IN GENERAL.—The table contained in section 6654(d)(1)(C) is amended by striking "2002 or thereafter" and inserting "2002, 2003, 2004, or 2005" and by adding at the end the following new items:

"2006	111
2007 or thereafter	110".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any installment payment for taxable years beginning after December 31, 2005.

SEC. 352. LOAN AND REDEMPTION REQUIREMENTS ON POOLED FINANCING REQUIREMENTS.

(a) STRENGTHENED REASONABLE EXPECTATION REQUIREMENT.—Subparagraph (A) of section 149(f)(2) (relating to reasonable expectation requirement) is amended to read as follows:

"(A) IN GENERAL.—The requirements of this paragraph are met with respect to an issue if the issuer reasonably expects that—

"(i) as of the close of the 1-year period beginning on the date of issuance of the issue, at least 50 percent of the net proceeds of the issue (as of the close of such period) will have been used directly or indirectly to make or finance loans to ultimate borrowers, and

"(ii) as of the close of the 3-year period beginning on such date of issuance, at least 95 percent of the net proceeds of the issue (as of the close of such period) will have been so used.".

(b) WRITTEN LOAN COMMITMENT AND REDEMPTION REQUIREMENTS.—Section 149(f) (relating to treatment of certain pooled financing bonds) is amended by redesignating paragraphs (4) and (5) as paragraphs (6) and (7), respectively, and by inserting after paragraph (3) the following new paragraphs:

"(4) WRITTEN LOAN COMMITMENT REQUIREMENT.—

"(A) IN GENERAL.—The requirement of this paragraph is met with respect to an issue if the issuer receives prior to issuance written loan commitments identifying the ultimate potential borrowers of at least 50 percent of the net proceeds of such issue.

"(B) EXCEPTION.—Subparagraph (A) shall not apply with respect to any issuer which is a State (or an integral part of a State) issuing pooled financing bonds to make or finance loans to subordinate governmental units of such State or to State-created entities providing financing for water-infrastructure projects through the federally-sponsored State revolving fund program.

"(5) REDEMPTION REQUIREMENT.—The requirement of this paragraph is met if to the extent that less than the percentage of the proceeds of an issue required to be used under clause (i) or (ii) of paragraph (2)(A) is used by the close of the period identified in such clause, the issuer uses an amount of proceeds equal to the excess of—

"(A) the amount required to be used under such clause, over

"(B) the amount actually used by the close of such period,

to redeem outstanding bonds within 90 days after the end of such period.".

(c) ELIMINATION OF DISREGARD OF POOLED BONDS IN DETERMINING ELIGIBILITY FOR SMALL ISSUER EXCEPTION TO ARBITRAGE REBATE.—Section 148(f)(4)(D)(ii) (relating to aggregation of issuers) is amended by striking subclause (II) and by redesignating subclauses (III) and (IV) as subclauses (II) and (III), respectively.

(d) CONFORMING AMENDMENTS.—

(1) Section 149(f)(1) is amended by striking "paragraphs (2) and (3)" and inserting "paragraphs (2), (3), (4), and (5)".

(2) Section 149(f)(7)(B), as redesignated by subsection (b), is amended by striking "paragraph (4)(A)" and inserting "paragraph (6)(A)".

(3) Section 54(l)(2) is amended by striking "section 149(f)(4)(A)" and inserting "section 149(f)(6)(A)".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 353. REPORTING OF INTEREST ON TAX-EXEMPT BONDS.

(a) IN GENERAL.—Section 6049(b)(2) (relating to exceptions) is amended by striking subparagraph (B) and by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

(b) CONFORMING AMENDMENT.—Section 6049(b)(2)(C), as redesignated by subsection (a), is amended by striking "subparagraph (C)" and inserting "subparagraph (B)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to interest earned after December 31, 2005.

SA 2603. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

SEC. ___. DEFINITION OF CONVENTION OR ASSOCIATION OF CHURCHES.

(a) IN GENERAL.—Section 7701 (relating to definitions) is amended by redesignating subsection (o) as subsection (p) and by inserting after subsection (n) the following new subsection:

"(o) CONVENTION OR ASSOCIATION OF CHURCHES.—For purposes of this title, any organization which is otherwise a convention or association of churches shall not fail to so qualify merely because the membership of such organization includes individuals as well as churches or because individuals have voting rights in such organization.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending after December 31, 2005.

SA 2604. Mrs. CLINTON (for herself and Mr. OBAMA) submitted an amendment intended to be proposed by her to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

SEC. ___. HOME LEAD HAZARD REDUCTION ACTIVITY TAX CREDIT.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 (relating to foreign tax credit, etc.) is amended by adding at the end the following new section:

"SEC. 30D. HOME LEAD HAZARD REDUCTION ACTIVITY.

"(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 50 percent of the lead hazard reduction activity cost paid or incurred by the taxpayer during the taxable year for each eligible dwelling unit.

"(b) LIMITATION.—The amount of the credit allowed under subsection (a) for any eligible dwelling unit for any taxable year shall not exceed—

"(1) either—

"(A) $3,000 in the case of lead hazard reduction activity cost including lead abatement measures described in clauses (i), (ii), (iv) and (v) of subsection (c)(1)(A), or

"(B) $1,000 in the case of lead hazard reduction activity cost including interim lead control measures described in clauses (i), (iii), (iv), and (v) of subsection (c)(1)(A), reduced by

"(2) the aggregate lead hazard reduction activity cost taken into account under subsection (a) with respect to such unit for all preceding taxable years.

"(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section:

"(1) LEAD HAZARD REDUCTION ACTIVITY COST.—

"(A) IN GENERAL.—The term 'lead hazard reduction activity cost' means, with respect to any eligible dwelling unit—

"(i) the cost for a certified risk assessor to conduct an assessment to determine the presence of a lead-based paint hazard,

"(ii) the cost for performing lead abatement measures by a certified lead abatement supervisor, including the removal of paint and dust, the permanent enclosure or encapsulation of lead-based paint, the replacement of painted surfaces, windows, or fixtures, or the removal or permanent covering of soil when lead-based paint hazards are present in such paint, dust, or soil,

"(iii) the cost for performing interim lead control measures to reduce exposure or likely exposure to lead-based paint hazards, including specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of lead-based paint hazards, and the establishment and operation of management and resident education programs, but only if such measures are evaluated and completed by a certified lead abatement supervisor using accepted methods, are conducted by a qualified contractor, and have an expected useful life of more than 10 years,

"(iv) the cost for a certified lead abatement supervisor, those working under the supervision of such supervisor, or a qualified contractor to perform all preparation, cleanup, disposal, and clearance testing activities associated with the lead abatement measures or interim lead control measures, and

"(v) costs incurred by or on behalf of any occupant of such dwelling unit for any relocation which is necessary to achieve occupant protection (as defined under section 35.1345 of title 24, Code of Federal Regulations).

"(B) LIMITATION.—The term 'lead hazard reduction activity cost' does not include any cost to the extent such cost is funded by any grant, contract, or otherwise by another person (or any governmental agency).

"(2) ELIGIBLE DWELLING UNIT.—

"(A) IN GENERAL.—The term 'eligible dwelling unit' means, with respect to any taxable year, any dwelling unit—

"(i) placed in service before 1960,

"(ii) located in the United States,

"(iii) in which resides, for a total period of not less than 50 percent of the taxable year, at least 1 child who has not attained the age of 6 years or 1 woman of child-bearing age, and

"(iv) each of the residents of which during such taxable year has an adjusted gross income of less than 185 percent of the poverty line (as determined for such taxable year in accordance with criteria established by the Director of the Office of Management and Budget).

"(B) DWELLING UNIT.—The term 'dwelling unit' has the meaning given such term by section 280A(f)(1).

"(3) LEAD-BASED PAINT HAZARD.—The term 'lead-based paint hazard' has the meaning given such term by section 745.61 of title 40, Code of Federal Regulations.

"(4) CERTIFIED LEAD ABATEMENT SUPERVISOR.—The term 'certified lead abatement supervisor' means an individual certified by the Environmental Protection Agency pursuant to section 745.226 of title 40, Code of Federal Regulations, or an appropriate State agency pursuant to section 745.325 of title 40, Code of Federal Regulations.

"(5) CERTIFIED INSPECTOR.—The term 'certified inspector' means an inspector certified by the Environmental Protection Agency pursuant to section 745.226 of title 40, Code of Federal Regulations, or an appropriate State agency pursuant to section 745.325 of title 40, Code of Federal Regulations.

"(6) CERTIFIED RISK ASSESSOR.—The term 'certified risk assessor' means a risk assessor certified by the Environmental Protection Agency pursuant to section 745.226 of title 40, Code of Federal Regulations, or an appropriate State agency pursuant to section 745.325 of title 40, Code of Federal Regulations.

"(7) QUALIFIED CONTRACTOR.—The term 'qualified contractor' means any contractor who has successfully completed a training course on lead safe work practices which has been approved by the Department of Housing and Urban Development and the Environmental Protection Agency.

"(8) DOCUMENTATION REQUIRED FOR CREDIT ALLOWANCE.—No credit shall be allowed under subsection (a) with respect to any eligible dwelling unit for any taxable year unless—

"(A) after lead hazard reduction activity is complete, a certified inspector or certified risk assessor provides written documentation to the taxpayer that includes—

"(i) evidence that—

"(I) the eligible dwelling unit passes the clearance examinations required by the Department of Housing and Urban Development under part 35 of title 40, Code of Federal Regulations,

"(II) the eligible dwelling unit does not contain lead dust hazards (as defined by section 745.227(e)(8)(viii) of such title 40), or

"(III) the eligible dwelling unit meets lead hazard evaluation criteria established under an authorized State or local program, and

"(ii) documentation showing that the lead hazard reduction activity meets the requirements of this section, and

"(B) the taxpayer files with the appropriate State agency and attaches to the tax return for the taxable year—

"(i) the documentation described in subparagraph (A), “(ii) documentation of the lead hazard reduction activity costs paid or incurred during the taxable year with respect to the eligible dwelling unit, and

“(iii) a statement certifying that the dwelling unit qualifies as an eligible dwelling unit for such taxable year.

“(9) BASIS REDUCTION.—The basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit (determined without regard to subsection (d)).

“(10) NO DOUBLE BENEFIT.—Any deduction allowable for costs taken into account in computing the amount of the credit for lead-based paint abatement shall be reduced by the amount of such credit attributable to such costs.

“(d) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

“(1) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

“(2) the sum of the credits allowable under subpart A and sections 27, 29, 30, 30A, 30B, and 30C for the taxable year.

“(e) CARRYFORWARD ALLOWED.—

“(1) IN GENERAL.—If the credit amount allowable under subsection (a) for a taxable year exceeds the amount of the limitation under subsection (d) for such taxable year (referred to as the ‘unused credit year’ in this subsection), such excess shall be allowed as a credit carryforward for each of the 20 taxable years following the unused credit year.

“(2) RULES.—Rules similar to the rules of section 39 shall apply with respect to the credit carryforward under paragraph (1).”.

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a) of the Internal Revenue Code of 1986 is amended by striking “and” in paragraph (36), by striking the period and inserting “, and” in paragraph (37), and by inserting at the end the following new paragraph:

“(38) in the case of an eligible dwelling unit with respect to which a credit for any lead hazard reduction activity cost was allowed under section 30D, to the extent provided in section 30D(c)(9).”.

(2) The table of sections for subpart B of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 30C the following new item:

“Sec. 30D. Home lead hazard reduction activity.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to lead hazard reduction activity costs incurred after December 31, 2005, in taxable years ending after that date.

SEC. ___. MODIFICATION OF EXCLUSION FOR CITIZENS LIVING ABROAD.

(a) INFLATION ADJUSTMENT OF FOREIGN EARNED INCOME LIMITATION.—Clause (ii) of section 911(b)(2)(D) (relating to inflation adjustment) is amended—

(1) by striking “2007” and inserting “2005”, and

(2) by striking “2006” in subclause (II) and inserting “2004”.

(b) MODIFICATION OF HOUSING COST AMOUNT.—

(1) MINIMUM AMOUNT.—Clause (i) of section 911(c)(1)(B) is amended to read as follows:

“(i) 16 percent of the amount (computed on a daily basis) in effect under subsection (b)(2)(D) for the calendar year in which such taxable year begins, multiplied by”.

(2) MAXIMUM AMOUNT OF EXCLUSION.—

(A) IN GENERAL.—Subparagraph (A) of section 911(c)(1) is amended by inserting “to the extent such expenses do not exceed the amount determined under paragraph (2)” after “the taxable year”.

(B) LIMITATION.—Subsection (c) of section 911 is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and by inserting after paragraph (1) the following new paragraph:

“(2) LIMITATION.—The amount determined under this paragraph is an amount equal to the product of—

“(A) 30 percent of the amount (computed on a daily basis) in effect under subsection (b)(2)(D) for the calendar year in which the taxable year of the individual begins, multiplied by

“(B) the number of days of such taxable year within the applicable period described in subparagraph (A) or (B) of subsection (d)(1).”.

(C) CONFORMING AMENDMENTS.—

(i) Section 911(d)(4) is amended by striking “and (c)(1)(B)(ii)” and inserting “, (c)(1)(B)(ii), and (c)(2)(B)”

(ii) Section 911(d)(7) is amended by striking “subsection (c)(3)” and inserting “subsection (c)(4)”.

(c) RATES OF TAX APPLICABLE TO NONEXCLUDED INCOME.—Section 911 (relating to exclusion of certain income of citizens and residents of the United States living abroad) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

“(f) DETERMINATION OF TAX LIABILITY ON NONEXCLUDED AMOUNTS.—If any amount is excluded from the gross income of a taxpayer under subsection (a) for any taxable year, then, notwithstanding section 1 or 55—

“(1) the tax imposed by section 1 on the taxpayer for such taxable year shall be equal to the excess (if any) of—

“(A) the tax which would be imposed by section 1 for the taxable year if the taxpayer’s taxable income were equal to the sum of—

“(i) the taxpayer’s taxable income for the taxable year (determined without regard to this subsection), plus

“(ii) the amount excluded under subsection (a) for the taxable year, over

“(B) the tax which would be imposed by section 1 for the taxable year if the taxpayer’s taxable income were equal to the amount excluded under subsection (a) for the taxable year, and

“(2) the tax imposed by section 55 for such taxable year shall be equal to the excess (if any) of—

“(A) the amount which would be the tentative minimum tax under section 55 for the taxable year if the taxpayer’s alternative minimum taxable income were equal to the sum of—

“(i) the taxpayer’s alternative minimum taxable income for the taxable year (determined without regard to this subsection), plus

“(ii) the amount excluded under subsection (a) for the taxable year, over

“(B) the sum of—

“(i) the amount which would be the tentative minimum tax under section 55 for the taxable year if the taxpayer’s alternative minimum taxable income were equal to the amount excluded under subsection (a) for the taxable year, plus

“(ii) the amount which would be the regular tax for the taxable year if the tax imposed by section 1 were the tax computed under paragraph (1).

For purposes of this subsection, the amount excluded under subsection (a) shall be reduced by the aggregate amount of any deductions or exclusions disallowed under subsection (d)(6) with respect to such excluded amount.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SA 2605. Mr. OBAMA (for himself, Mr. COBURN, Mr. LAUTENBERG, Ms. SNOWE, Mr. JOHNSON, and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE ON USE OF NO-BID CONTRACTING BY FEDERAL EMERGENCY MANAGEMENT AGENCY.

(a) FINDINGS.—The Senate finds that—

(1) on September 8, 2005, the Federal Emergency Management Agency announced that it had awarded 4 contracts for emergency housing relief following Hurricane Katrina to The Shaw Group of Baton Rouge, Louisiana, Fluor Corporation of Aliso Viejo, California, Bechtel National of San Francisco, California, and CH2M Hill of Denver, Colorado;

(2) these contracts were awarded with no competition from other capable firms, and up to $100,000,000 in taxpayer funds were authorized for each of these contracts;

(3) in the midst of concerns about abusive and irresponsible spending of taxpayer funds, the Federal Emergency Management Agency pledged to re-bid these noncompetitive contracts, with Acting Under Secretary of Emergency Preparedness and Response, R. David Paulison, stating before the Committee on Homeland Security and Government Affairs of the Senate that “[a]ll of these no-bid contracts, we are going to go back and re-bid”;

(4) the Federal Emergency Management Agency has yet to reopen these 4 contracts to competitive bidding, and declared on November 11, 2005, that these contracts would not be reopened for bidding until February 2006;

(5) by February 2006, the majority of the contracts will have been completed and the majority of taxpayer funds will have been spent;

(6) large and politically-connected firms continue to benefit from no-bid and limited-competition contracts, and contracts are not being awarded to capable, local companies;

(7) according to an analysis in the Washington Post, companies outside the States most affected by Hurricane Katrina have received more than 90 percent of the Federal contracts for recovery and reconstruction;

(8) the monitoring of Federal contracting practices remains difficult, with a report by the San Jose Mercury News stating “The database of contracts is incomplete. Information released by Federal agencies is spotty and sporadic. And disclosure of many no-bid contracts isn’t required by law”; and

(9)(A) there is currently no Chief Financial Officer charged with monitoring the flow of all funds to the affected areas; and

(B) the task of financial management is spread across disparate Federal departments and agencies with inadequate oversight of taxpayer funds.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Federal Emergency Management Agency should—

(1) immediately rebid noncompetitive contracts entered into following Hurricane Katrina, consistent with the commitment of the Agency made on October 6, 2005, before millions of taxpayer dollars are wasted on irresponsible and inefficient spending;

(2)(A) immediately implement the planned competitive contracting strategy of the Agency for recovery work in all current and future reconstruction efforts; and

(B) in carrying out that strategy, should prioritize local and small disadvantaged businesses in the contracting and subcontracting process; and

(3) immediately after the awarding of a contract, publicly disclose the amount and competitive or noncompetitive nature of the contract.

SA 2606. Mr. KERRY (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; which was ordered to lie on the table; as follows:

On page 235, between lines 13 and 14, insert the following:

SEC. . EXTENSION AND INCREASE IN MINIMUM TAX RELIEF TO INDIVIDUALS.

(a) IN GENERAL.—Section 55(d)(1) is amended—

(1) by striking "$58,000" and all that follows through "2005" in subparagraph (A) and inserting "$62,550 in the case of taxable years beginning in 2006", and

(2) by striking "$40,250" and all that follows through "2005" in subparagraph (B) and inserting "$42,500 in the case of taxable years beginning in 2006".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. ____. MODIFICATION OF EXCLUSION FOR CITIZENS LIVING ABROAD.

(a) INFLATION ADJUSTMENT OF FOREIGN EARNED INCOME LIMITATION.—Clause (ii) of section 911(b)(2)(D) (relating to inflation adjustment) is amended—

(1) by striking "2007" and inserting "2005", and

(2) by striking "2006" in subclause (II) and inserting "2004".

(b) MODIFICATION OF HOUSING COST AMOUNT.—

(1) MINIMUM AMOUNT.—Clause (i) of section 911(c)(1)(B) is amended to read as follows:

"(i) 16 percent of the amount (computed on a daily basis) in effect under subsection (b)(2)(D) for the calendar year in which such taxable year begins, multiplied by".

(2) MAXIMUM AMOUNT OF EXCLUSION.—

(A) IN GENERAL.—Subparagraph (A) of section 911(c)(1) is amended by inserting "to the extent such expenses do not exceed the amount determined under paragraph (2)" after "the taxable year".

(B) LIMITATION.—Subsection (c) of section 911 is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and by inserting after paragraph (1) the following new paragraph:

"(2) LIMITATION.—The amount determined under this paragraph is an amount equal to the product of—

"(A) 30 percent of the amount (computed on a daily basis) in effect under subsection (b)(2)(D) for the calendar year in which the taxable year of the individual begins, multiplied by

"(B) the number of days of such taxable year within the applicable period described in subparagraph (A) or (B) of subsection (d)(1).".

(C) CONFORMING AMENDMENTS.—

(i) Section 911(d)(4) is amended by striking "and (c)(1)(B)(ii)" and inserting ", (c)(1)(B)(ii), and (c)(2)(B)"

(ii) Section 911(d)(7) is amended by striking "subsection (c)(3)" and inserting "subsection (c)(4)".

(c) RATES OF TAX APPLICABLE TO NONEXCLUDED INCOME.—Section 911 (relating to exclusion of certain income of citizens and residents of the United States living abroad) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) DETERMINATION OF TAX LIABILITY ON NONEXCLUDED AMOUNTS.—If any amount is excluded from the gross income of a taxpayer under subsection (a) for any taxable year, then, notwithstanding section 1 or 55—

"(1) the tax imposed by section 1 on the taxpayer for such taxable year shall be equal to the excess (if any) of—

"(A) the tax which would be imposed by section 1 for the taxable year if the taxpayer's taxable income were equal to the sum of—

"(i) the taxpayer's taxable income for the taxable year (determined without regard to this subsection), plus

"(ii) the amount excluded under subsection (a) for the taxable year, over

"(B) the tax which would be imposed by section 1 for the taxable year if the taxpayer's taxable income were equal to the amount excluded under subsection (a) for the taxable year, and

"(2) the tax imposed by section 55 for such taxable year shall be equal to the excess (if any) of—

"(A) the amount which would be the tentative minimum tax under section 55 for the taxable year if the taxpayer's alternative minimum taxable income were equal to the sum of—

"(i) the taxpayer's alternative minimum taxable income for the taxable year (determined without regard to this subsection), plus

"(ii) the amount excluded under subsection (a) for the taxable year, over

"(B) the sum of—

"(i) the amount which would be the tentative minimum tax under section 55 for the taxable year if the taxpayer's alternative minimum taxable income were equal to the amount excluded under subsection (a) for the taxable year, plus

"(ii) the amount which would be the regular tax for the taxable year if the tax imposed by section 1 were the tax computed under paragraph (1).

For purposes of this subsection, the amount excluded under subsection (a) shall be reduced by the aggregate amount of any deductions or exclusions disallowed under subsection (d)(6) with respect to such excluded amount.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. ____. MODIFICATION OF INDIVIDUAL ESTIMATED TAX SAFE HARBOR.

(a) IN GENERAL.—The table contained in section 6654(d)(1)(C) is amended by striking "2002 or thereafter" and inserting "2002, 2003, 2004, or 2005" and by adding at the end the following new items:

"2006	121.1
2007 or thereafter	110".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any installment payment for taxable years beginning after December 31, 2005.

SA 2607. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . REPEAL OF STATE AND LOCAL TAX EXEMPTION FOR FANNIE MAE AND FREDDIE MAC.

(a) FANNIE MAE.—Section 309(c) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(c)) is amended to read as follows:

"(c) [Repealed.]".

(b) FREDDIE MAC.—Section 303(e) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(e)) is amended to read as follows:

"(e) [Repealed.]".

SA 2608. Ms. MURKOWSKI (for herself, Mr. JOHNSON, and Mr. BINGAMAN) submitted an amendment intended to be proposed by her to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; which was ordered to lie on the table; as follows:

On page 235, between lines 13 and 14, insert the following:

SEC. . CHARITABLE CONTRIBUTIONS OF FOOD INVENTORY TO INDIAN TRIBES.

(a) IN GENERAL.—Section 170(e)(3) of the Internal Revenue Code of 1986 (relating to special rule for contributions of inventory and other property) is amended by redesignating subparagraph (D) as subparagraph (E) and by inserting after subparagraph (C) the following new subparagraph:

"(D) SPECIAL RULE FOR FOOD CONTRIBUTIONS TO INDIAN TRIBES.—

"(i) IN GENERAL.—For purposes of this paragraph, in the case of a charitable contribution of food which is apparently wholesome food (as defined in subparagraph (C)(iii)), an Indian tribe (as defined in section 7871(c)(3)(E)(ii)) shall be treated as an organization eligible to be a donee under subparagraph (A).

"(ii) USE OF PROPERTY.—For purposes of subparagraph (A)(i), if the use of the property donated is related to the exercise of an essential governmental function of the Indian tribal government (within the meaning of section 7871), such use shall be treated as related to the purpose or function constituting the basis for the organization's exemption.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SA 2609. Mrs. FEINSTEIN (for herself, Mr. SUNUNU, Mr. GREGG, Mr. WYDEN, Ms. CANTWELL, Mr. FEINGOLD, Mr. BURR, Mr. MCCAIN, Mr. KERRY, Ms. COLLINS, and Mrs. CLINTON) proposed an amendment to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; as follows:

At the end of title IV, add the following:

SEC. ___. REPEAL OF CERTAIN TAX BENEFITS RELATING TO OIL AND GAS WELLS INTANGIBLE DRILLING AND DEVELOPMENT COSTS.

(a) In General.—Section 263(c) (relating to intangible drilling and development costs) is amended by adding at the end the following new sentence: "This subsection shall not apply with respect to wells (other than wells drilled for any geothermal deposit (as so defined)) of any integrated oil company (as defined in section 291(b)(4)) which has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year in any taxable year beginning after December 31, 2005.".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2005.

SA 2610. Mrs. FEINSTEIN (for herself and Mr. Kerry) proposed an amendment to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; as follows:

At the end of the bill, insert the following:

SEC. ___. REINSTATEMENT FOR MILLIONAIRES OF 39.6 PERCENT INCOME TAX RATE, PRE-MAY 2003 CAPITAL GAIN AND DIVIDEND RATES, AND DEDUCTION LIMITATIONS UNTIL BUDGET DEFICIT ELIMINATED.

(a) Repeal of Top Income Tax Rate Reductions.—

(1) In general.—Section 1(i) (relating to rate reductions) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

"(3) Exception for taxpayers with taxable income of $1,000,000, or more.—Notwithstanding paragraph (2), in the case of taxable years beginning in a calender year after 2005, the last item in the fourth column of the table under paragraph (2) shall be applied by substituting '39.6%' for '35.0%' with respect to taxable income in excess of $1,000,000 ($500,000 in the case of taxpayers to whom subsection (d) applies).".

(2) Effective date.—The amendment made by this subsection shall apply to taxable years beginning after December 31, 2005.

(3) Application of EGTRRA sunset.—The amendment made by this subsection shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as the provision of such Act to which such amendment relates.

(b) Restoration of Pre-May 2003 Tax Rates on Capital Gains and Dividends for Individuals In Top Rate Bracket.—

(1) In general.—Section 1(h) is amended by adding at the end the following new paragraph:

"(12) Increased rates for individuals in the top rate bracket.—

"(A) Dividends.—In no event shall the qualified dividend income of a taxpayer for any taxable year exceed the excess (if any) of—

"(i) the minimum dollar amount to which the 39.6 rate applies under subsection (i) for the taxable year, over

"(ii) taxable income, reduced by adjusted net capital gain (determined without regard to this paragraph).

"(B) Capital gains.—If a taxpayer has a net capital gain for any taxable year, the taxpayer's tax shall be increased by an amount equal to 5 percent of the lesser of—

"(i) the taxpayer's adjusted net capital gain, determined after application of subparagraph (A) and by only taking into account gain or loss properly allocable to the portion of the taxable year after December 31, 2005, or

"(ii) taxable income in excess of the minimum dollar amount to which the 39.6 rate applies under subsection (i) for the taxable year."

(2) Application to minimum tax.—Section 55(b)(3) is amended by adding at the end the following new sentence: "The rules of section 1(h)(12) shall apply for purposes of this paragraph."

(3) Effective dates.—

(A) Capital gains.—Section 1(h)(12)(B) of the Internal Revenue Code of 1986 (as added by paragraph (1)) shall apply to taxable years beginning after December 31, 2005.

(B) Dividend rates.—Section 1(h)(12)(A) of such Code (as added by paragraph (1)) shall apply to dividends received after December 31, 2005.

(4) Application of JGTRRA sunset.—The amendment made by this subsection shall be subject to section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 to the same extent and in the same manner as the provision of such Act to which such amendment relates.

(c) Repeal of the Scheduled Phase Out and Termination of the Limitations on Personal Exemptions and Itemized Deductions.—

(1) Repeal.—

(A) Personal exemptions.—Section 1(d)(3) is amended by adding at the end the following:

"(6) Reduction of phase out and termination not to apply.—Subparagraphs (E) and (F) shall not apply to a taxpayer whose adjusted gross income for the taxable year exceeds $1,000,000 ($500,000 in the case of a married individual filing a separate return)."

(B) Itemized deductions.—Section 68 is amended by adding at the end the following:

"(h) Reduction of Phase Out and Termination Not to Apply.—Subsections (f) and (g) shall not apply to a taxpayer whose adjusted gross income for the taxable year exceeds $1,000,000 ($500,000 in the case of a married individual filing a separate return)."

(2) Effective date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

(3) Application of EGTRRA sunset.—The amendments made by this section shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as the provision of such Act to which such amendment relates.

(d) Sunset of Amendments if Budget Deficit Eliminated.—

(1) In general.—The amendments made by this section shall not apply to taxable years beginning after the first calendar year for which the certification described in paragraph (2)(B) is made.

(2) Estimates and certification.—

(A) In general.—Not later than October 15 of each calendar year beginning after 2005, the Director of the Office of Management and Budget, in consultation with the Secretary of the Treasury, shall estimate—

(i) the Federal budget deficit for the fiscal year ending in the calendar year, and

(ii) the Federal budget deficit for the fiscal year beginning in the calendar year (determined as if the amendments made by this section were not in effect for taxable years beginning in the following calendar year).

(B) Certification.—The Director of the Office of Management and Budget shall certify to the President of the United States and to the Congress the first calendar year for which the Director estimates under subparagraph (A) that there will be no Federal budget deficit for both of the fiscal years for which the estimate was made.

SA 2611. Mr. SCHUMER (for himself, Mr. Lautenberg, Mrs. Feinstein, Mr. Feingold, Mrs. Clinton, Mr. Kerry, Mr. Lieberman, Mr. Salazar, Mrs. Boxer, Ms. Stabenow, Ms. Mikulski, Mr. Kohl, and Mr. Kennedy) submitted an amendment intended to be proposed by him to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; which was ordered to lie on the table; as follows:

At the end of title IV, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING THE FEDERAL TAX DEDUCTION FOR STATE AND LOCAL TAXES.

(a) Findings.—The Senate finds the following:

(1) No American should be unnecessarily or excessively burdened with additional taxes.

(2) The Federal income tax has grown more complicated and unmanageable over time, imposing burdensome administrative and compliance costs on American taxpayers.

(3) On January 7, 2005, President George W. Bush created the President's Advisory Panel on Federal Tax Reform (the "Panel") via Executive Order 13369.

(4) The Panel was tasked with providing several options for Federal tax reform that would simplify Federal tax laws, retain progressivity, and promote long-run economic growth and job creation.

(5) In its final report, released publicly on November 1, 2005, the Panel recommended the complete repeal of the Federal deduction for State and local taxes, as a central component of both the "Simplified Income Tax Plan" and the "Growth and Investment Tax Plan".

(6) State and local taxes have been deductible from the Federal income tax since the inception of the Federal income tax in 1913.

(7) Eliminating the deduction for State and local taxes would create a new form of double taxation at a time where efforts are being made to reduce other forms of double taxation, since repeal would require millions of taxpayers to pay Federal taxes on income that is also taxed at the State or local level.

(8) Congress has recently taken steps to expand, rather than cut back, the State and local tax deduction, by reinstating a deduction for State sales taxes for some taxpayers (previously repealed as part of the Tax Reform Act of 1986), as part of the American Jobs Creation Act of 2004.

(9) There is some concern, as noted by the nonpartisan Urban-Brookings Tax Policy Center, that eliminating the deduction could "lower support for public services and lead to a 'race to the bottom' in terms of State and local expenditures as States compete to have the lowest taxes in order to attract higher-income households".

(10) The deduction for State and local taxes is not just a concern for a small minority of taxpayers in the largest States, as 22 States saw more than ⅓ of their taxpayers take the deduction in 2003, the latest year for which data is available (Maryland, New Jersey, Connecticut, Colorado, Oregon, Minnesota, Massachusetts, Virginia, Utah, California, Georgia, New York, Wisconsin, Arizona, Rhode Island, Michigan, Delaware, North Carolina, Illinois, New Hampshire, Nevada,

and Idaho (ranked in order of the percentage of taxpayers affected)).

(11) In tax year 2003, 43,538,000 taxpayers in the United States took advantage of the Federal deduction for State and local taxes, deducting a total of $315,690,000,000, thereby saving taxpayers in the United States approximately $88,390,000,000 in Federal income taxes, assuming an average marginal rate of 28 percent for taxpayers who itemize.

(12) In tax year 2003, the top 25 States ranked by the number of taxpayers affected represented 77 percent of the taxpayers affected nationally, and took 85 percent of the total deductions for State and local taxes, as described in the following subparagraphs:

(A) In California, 5,807,000 taxpayers deducted a total of $54,920,000,000, saving California taxpayers approximately $15,380,000,000 in Federal income taxes.

(B) In New York, 3,228,000 taxpayers deducted a total of $37,600,000,000, saving New York taxpayers approximately $10,530,000,000 in Federal income taxes.

(C) In Illinois, 1,994,000 taxpayers deducted a total of $13,720,000,000, saving Illinois taxpayers approximately $3,840,000,000 in Federal income taxes.

(D) In Ohio, 1,809,000 taxpayers deducted a total of $12,720,000,000, saving Ohio taxpayers approximately $3,560,000,000 in Federal income taxes.

(E) In New Jersey, 1,791,000 taxpayers deducted a total of $18,750,000,000, saving New Jersey taxpayers approximately $5,250,000,000 in Federal income taxes.

(F) In Pennsylvania, 1,765,000 taxpayers deducted a total of $12,400,000,000, saving Pennsylvania taxpayers approximately $3,470,000,000 in Federal income taxes.

(G) In Michigan, 1,627,000 taxpayers deducted a total of $10,350,000,000, saving Michigan taxpayers approximately $2,900,000,000 in Federal income taxes.

(H) In Georgia, 1,416,000 taxpayers deducted a total of $8,720,000,000, saving Georgia taxpayers approximately $2,440,000,000 in Federal income taxes.

(I) In Virginia, 1,355,000 taxpayers deducted a total of $9,630,000,000, saving Virginia taxpayers approximately $2,700,000,000 in Federal income taxes.

(J) In North Carolina, 1,304,000 taxpayers deducted a total of $8,720,000,000, saving North Carolina taxpayers approximately $2,440,000,000 in Federal income taxes.

(K) In Maryland, 1,260,000 taxpayers deducted a total of $10,410,000,000, saving Maryland taxpayers approximately $2,920,000,000 in Federal income taxes.

(L) In Massachusetts, 1,216,000 taxpayers deducted a total of $10,840,000,000, saving Massachusetts taxpayers approximately $3,040,000,000 in Federal income taxes.

(M) In Minnesota, 969,000 taxpayers deducted a total of $7,060,000,000, saving Minnesota taxpayers approximately $1,980,000,000 in Federal income taxes.

(N) In Wisconsin, 961,000 taxpayers deducted a total of $8,000,000,000, saving Wisconsin taxpayers approximately $2,240,000,000 in Federal income taxes.

(O) In Colorado, 856,000 taxpayers deducted a total of $4,570,000,000, saving Colorado taxpayers approximately $1,280,000,000 in Federal income taxes.

(P) In Arizona, 841,000 taxpayers deducted a total of $4,110,000,000, saving Arizona taxpayers approximately $1,150,000,000 in Federal income taxes.

(Q) In Indiana, 832,000 taxpayers deducted a total of $4,530,000,000, saving Indiana taxpayers approximately $1,270,000,000 in Federal income taxes.

(R) In Missouri, 772,000 taxpayers deducted a total of $4,890,000,000, saving Missouri taxpayers approximately $1,370,000,000 in Federal income taxes.

(S) In Connecticut, 713,000 taxpayers deducted a total of $7,970,000,000, saving Connecticut taxpayers approximately $2,230,000,000 in Federal income taxes.

(T) In Oregon, 641,000 taxpayers deducted a total of $5,100,000,000, saving Oregon taxpayers approximately $1,430,000,000 in Federal income taxes.

(U) In South Carolina, 574,000 taxpayers deducted a total of $3,390,000,000, saving South Carolina taxpayers approximately $949,000,000 in Federal income taxes.

(V) In Alabama, 538,000 taxpayers deducted a total of $2,090,000,000, saving Alabama taxpayers approximately $586,000,000 in Federal income taxes.

(W) In Kentucky, 515,000 taxpayers deducted a total of $3,300,000,000, saving Kentucky taxpayers approximately $925,000,000 in Federal income taxes.

(X) In Oklahoma, 434,000 taxpayers deducted a total of $2,320,000,000, saving Oklahoma taxpayers approximately $650,000,000 in Federal income taxes.

(Y) In Iowa, 397,000 taxpayers deducted a total of $2,510,000,000, saving Iowa taxpayers approximately $702,000,000 in Federal income taxes.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should not repeal or substantially alter the longstanding Federal tax deduction for State and local taxes.

SA 2612. Ms. CANTWELL (form herself, Mr. BAYH, Mr. LIEBERMAN, Mr. SCHUMER, Mrs. BOXER, Mr. CARPER, Mrs. CLINTON, Mr. SALAZAR, Mr. KOHL, Mrs. MURRAY, Ms. STABENOW, and Mrs. FEINSTEIN) submitted an amendment to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; as follows:

At the end of the bill, insert the following:

TITLE I—ENERGY EMERGENCY CONSUMER PROTECTION

SEC. . UNFAIR OR DECEPTIVE ACTS OR PRACTICES IN COMMERCE RELATED TO GASOLINE AND PETROLEUM DISTILLATES.

(a) SALES TO CONSUMERS AT UNCONSCIONABLE PRICE.—

(1) IN GENERAL.—During any energy emergency declared by the President under section 3, it is unlawful for any person to sell crude oil, gasoline, or petroleum distillates in, or for use in, the area to which that declaration applies at a price that—

(A) is unconscionably excessive; or

(B) indicates the seller is taking unfair advantage of the circumstances to increase prices unreasonably.

(2) FACTORS CONSIDERED.—In determining whether a violation of paragraph (1) has occurred, there shall be taken into account, among other factors, whether—

(A) the amount charged represents a gross disparity between the price of the crude oil, gasoline, or petroleum distillate sold and the price at which it was offered for sale in the usual course of the seller's business immediately prior to the energy emergency; or

(B) the amount charged grossly exceeds the price at which the same or similar crude oil, gasoline, or petroleum distillate was readily obtainable by other purchasers in the area to which the declaration applies.

(3) MITIGATING FACTORS.—In determining whether a violation of paragraph (1) has occurred, there also shall be taken into account, among other factors, the price that would reasonably equate supply and demand in a competitive and freely functioning market and whether the price at which the crude oil, gasoline, or petroleum distillate was sold reasonably reflects additional costs, not within the control of the seller, that were paid or incurred by the seller.

(b) FALSE PRICING INFORMATION.—It is unlawful for any person to report information related to the wholesale price of crude oil, gasoline, or petroleum distillates to the Federal Trade Commission if—

(1) that person knew, or reasonably should have known, the information to be false or misleading;

(2) the information was required by law to be reported; and

(3) the person intended the false or misleading data to affect data compiled by that department or agency for statistical or analytical purposes with respect to the market for crude oil, gasoline, or petroleum distillates.

(c) MARKET MANIPULATION.—It is unlawful for any person, directly or indirectly, to use or employ, in connection with the purchase or sale of crude oil, gasoline, or petroleum distillates at wholesale, any manipulative or deceptive device or contrivance, in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of United States citizens.

SEC. ___. DECLARATION OF ENERGY EMERGENCY.

(a) IN GENERAL.—If the President finds that the health, safety, welfare, or economic well-being of the citizens of the United States is at risk because of a shortage or imminent shortage of adequate supplies of crude oil, gasoline, or petroleum distillates due to a disruption in the national distribution system for crude oil, gasoline, or petroleum distillates (including such a shortage related to a major disaster (as defined in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122))), or significant pricing anomalies in national energy markets for crude oil, gasoline, or petroleum distillates, the President may declare that a Federal energy emergency exists.

(b) SCOPE AND DURATION.—The declaration shall apply to the Nation, a geographical region, or 1 or more States, as determined by the President, but may not be in effect for a period of more than 45 days.

(c) EXTENSIONS.—The President may—

(1) extend a declaration under subsection (a) for a period of not more than 45 days; and

(2) extend such a declaration more than once.

SEC. . ENFORCEMENT UNDER FEDERAL TRADE COMMISSION ACT.

(a) ENFORCEMENT BY COMMISSION.—This Act shall be enforced by the Federal Trade Commission. In enforcing section 2(a) of this Act, the Commission shall give priority to enforcement actions concerning companies with total United States wholesale or retail sales of crude oil, gasoline, and petroleum distillates in excess of $500,000,000 per year but shall not exclude enforcement actions against companies with total United States wholesale sales of $500,000,000 or less per year.

(b) VIOLATION IS UNFAIR OR DECEPTIVE ACT OR PRACTICE.—The violation of any provision of this Act shall be treated as an unfair or deceptive act or practice proscribed under a rule issued under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

SEC. ___. ENFORCEMENT AT RETAIL LEVEL BY STATE ATTORNEYS GENERAL.

(a) IN GENERAL.—A State, as parens patriae, may bring a civil action on behalf of its residents in an appropriate district court of the United States to enforce the provisions of section 2(a) of this Act, or to impose the civil penalties authorized by section 6 for violations of section 2(a), whenever the attorney general of the State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a person engaged in retail sales of gasoline or petroleum distillates to consumers for purposes other than resale that violates this Act or a regulation under this Act.

(b) NOTICE.—The State shall serve written notice to the Commission of any civil action under subsection (a) prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting such civil action.

(c) AUTHORITY TO INTERVENE.—Upon receiving the notice required by subsection (b), the Commission may intervene in such civil action and upon intervening—

(1) be heard on all matters arising in such civil action; and

(2) file petitions for appeal of a decision in such civil action.

(d) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this section shall prevent the attorney general of a State from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(e) VENUE; SERVICE OF PROCESS.—In a civil action brought under subsection (a)—

(1) the venue shall be a judicial district in which—

(A) the defendant operates;

(B) the defendant was authorized to do business; or

(C) where the defendant in the civil action is found;

(2) process may be served without regard to the territorial limits of the district or of the State in which the civil action is instituted; and

(3) a person who participated with the defendant in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

(f) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Commission has instituted a civil action or an administrative action for violation of this Act, no State attorney general, or official or agency of a State, may bring an action under this subsection during the pendency of that action against any defendant named in the complaint of the Commission or the other agency for any violation of this Act alleged in the complaint.

(g) ENFORCEMENT OF STATE LAW.—Nothing contained in this section shall prohibit an authorized State official from proceeding in State court to enforce a civil or criminal statute of such State.

SEC. . PENALTIES.

(a) CIVIL PENALTY.—

(1) IN GENERAL.—In addition to any penalty applicable under the Federal Trade Commission Act—

(A) any person who violates section 2(b) or 2(c) of this Act is punishable by a civil penalty of not more than $1,000,000; and

(B) any person who violates section 2(a) of this Act is punishable by a civil penalty of not more than $3,000,000.

(2) METHOD OF ASSESSMENT.—The penalties provided by paragraph (1) shall be assessed in the same manner as civil penalties imposed under section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(3) MULTIPLE OFFENSES; MITIGATING FACTORS.—In assessing the penalty provided by subsection (a)—

(A) each day of a continuing violation shall be considered a separate violation; and

(B) the Commission shall take into consideration the seriousness of the violation and the efforts of the person committing the violation to remedy the harm caused by the violation in a timely manner.

(b) CRIMINAL PENALTY.—Violation of section 2(a) of this Act is punishable by a fine of not more than $1,000,000, imprisonment for not more than 5 years, or both.

SEC. . EFFECT ON OTHER LAWS.

(a) OTHER AUTHORITY OF COMMISSION.—Nothing in this Act shall be construed to limit or affect in any way the Commission's authority to bring enforcement actions or take any other measure under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) or any other provision of law.

(b) STATE LAW.—Nothing in this Act preempts any State law.

SA 2613. Mr. KENNEDY (for himself, Mr. BINGAMAN, Mr. LEVIN, Mr. DURBIN, and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EXPANSION OF HOPE SCHOLARSHIP CREDIT.

(a) CREDIT ALLOWED FOR BOOKS AND ROOM AND BOARD.—

(1) IN GENERAL.—

(A) Subsection (b) of section 25A is amended by striking "qualified tuition and related expenses" each place it occurs and inserting "qualified higher education expenses".

(B) Subsection (f) of section 25A is amended by adding at the end the following new paragraph:

"(3) QUALIFIED HIGHER EDUCATION EXPENSES.—The term 'qualified higher education expenses' has the meaning given such term under section 529(e)(3).".

(2) CONFORMING AMENDMENTS.—Subsections (e) and (g) of section 25A are amended by inserting "qualified higher education expenses or" before "qualified" each place it appears.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. ___. MODIFICATIONS OF EFFECTIVE DATES OF LEASING PROVISIONS OF THE AMERICAN JOBS CREATION ACT OF 2004.

(a) IN GENERAL.—Section 849(b) of the American Jobs Creation Act of 2004 is amended by striking paragraphs (1) and (2), by redesignating paragraphs (3) and (4) as paragraphs (1) and (2), respectively, and by adding at the end the following new paragraph:

"(3) LEASES TO FOREIGN ENTITIES.—In the case of tax-exempt use property leased to a tax-exempt entity which is a foreign person or entity, the amendments made by this part shall apply to taxable years beginning after December 31, 2004, with respect to leases entered into on or before March 12, 2004.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the American Jobs Creation Act of 2004.

SA 2614. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

SEC. ___. DEFINITION OF CONVENTION OR ASSOCIATION OF CHURCHES.

Section 7701 (relating to definitions) is amended by redesignating subsection (o) as subsection (p) and by inserting after subsection (n) the following new subsection:

"(o) CONVENTION OR ASSOCIATION OF CHURCHES.—For purposes of this title, any organization which is otherwise a convention or association of churches shall not fail to so qualify merely because the membership of such organization includes individuals as well as churches or because individuals have voting rights in such organization.".

SA 2615. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

SEC. . REPEAL OF EXPENSING OF INTANGIBLE DRILLING AND DEVELOPMENT COSTS FOR OIL AND GAS WELLS.

(a) IN GENERAL.—Section 263(c) (relating to intangible drilling and development costs) is amended by adding at the end the following new sentence: "This subsection shall not apply with respect to wells (other than wells drilled for any geothermal deposit (as so defined)) of any integrated oil company (as defined in section 291(b)(4)) which has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year in any taxable year beginning after December 31, 2005.".

(b) CONFORMING AMENDMENTS.—Paragraphs (2) and (3) of section 291(b) are each amended by striking "section 263(c), 616(a)," and inserting "section 616(a)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SA 2616. Mr. KERRY (for himself and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; as follows:

On page 235, between lines 13 and 14, insert the following:

SEC. ___. ACCELERATION OF MARRIAGE PENALTY RELIEF WITH RESPECT TO THE EARNED INCOME TAX CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 32(b)(2) (relating to joint returns) is amended—

(1) in clause (ii) by striking ", 2006, and 2007", and

(2) in clause (iii) by striking "2007" and inserting "2005".

(b) INFLATION AMOUNT.—Section 32(j)(1)(B)(ii) is amended by striking "calendar year 2007" and inserting "calendar year 2005".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. . EXTENSION OF ELECTION TO INCLUDE COMBAT PAY IN EARNED INCOME.

(a) IN GENERAL.—Subclause (II) of section 32(c)(2)(B)(vi) (relating to earned income) is amended by striking "January 1, 2006" and inserting "January 1, 2008".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. ____. MODIFICATIONS OF EFFECTIVE DATES OF LEASING PROVISIONS OF THE AMERICAN JOBS CREATION ACT OF 2004.

(a) IN GENERAL.—Section 849(b) of the American Jobs Creation Act of 2004 is amended by adding at the end the following new paragraph:

"(5) LEASES TO FOREIGN ENTITIES.—In the case of tax-exempt use property leased to a tax-exempt entity which is a foreign person or entity, the amendments made by this part shall apply to taxable years beginning after December 31, 2004, with respect to leases entered into on or before March 12, 2004.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the American Jobs Creation Act of 2004.

SA 2617. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; which was ordered to lie on the table; as follows:

At the end of title IV, insert the following:

SEC. . CLASSIFICATION OF AUTOMATIC FIRE SPRINKLER SYSTEMS.

(a) IN GENERAL.—Subparagraph (B) of section 168(e)(3) (relating to 5-year property) is amended by striking "and" at the end of clause (v), by striking the period at the end of clause (vi) and inserting ", and", and by adding at the end the following:

"(vii) any automatic fire sprinkler system placed in service after the date of the enactment of this clause in a building structure which was placed in service before such date of enactment.".

(b) ALTERNATIVE SYSTEM.—The table contained in section 168(g)(3)(B) (relating to special rule for certain property assigned to classes) is amended by inserting after the item relating to subparagraph (B)(iii) the following:

"(B)(vii) .... 7".

(c) DEFINITION OF AUTOMATIC FIRE SPRINKLER SYSTEM.—Subsection (i) of section 168 is amended by adding at the end the following:

"(18) AUTOMATED FIRE SPRINKLER SYSTEM.—The term 'automated fire sprinkler system' means those sprinkler systems classified under one or more of the following publications of the National Fire Protection Association—

"(A) NFPA 13, Installation of Sprinkler Systems,

"(B) NFPA 13 D, Installation of Sprinkler Systems in One and Two Family Dwellings and Manufactured Homes, and

"(C) NFPA 13 R, Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SA 2618. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; which was ordered to lie on the table; as follows:

At the end of title IV, insert the following:

Subtitle B—Savings for Working Families

SEC. 411. DEFINITIONS.

In this subtitle:

(1) ELIGIBLE INDIVIDUAL.—

(A) IN GENERAL.—The term "eligible individual" means, with respect to any taxable year, an individual who—

(i) has attained the age of 18 but not the age of 61 as of the last day of such taxable year,

(ii) is a citizen or lawful permanent resident (within the meaning of section 7701(b)(6) of the Internal Revenue Code of 1986) of the United States as of the last day of such taxable year,

(iii) was not a student (as defined in section 151(c)(4) of such Code) for the immediately preceding taxable year,

(iv) is not an individual with respect to whom a deduction under section 151 of such Code is allowable to another taxpayer for a taxable year of the other taxpayer ending during the immediately preceding taxable year of the individual,

(v) is not a taxpayer described in subsection (c), (d), or (e) of section 6402 of such Code for the immediately preceding taxable year,

(vi) is not a taxpayer described in section 1(d) of such Code for the immediately preceding taxable year, and

(vii) is a taxpayer the modified adjusted gross income of whom for the immediately preceding taxable year does not exceed—

(I) $20,000, in the case of a taxpayer described in section 1(c) of such Code,

(II) $30,000, in the case of a taxpayer described in section 1(b) of such Code, and

(III) $40,000, in the case of a taxpayer described in section 1(a) of such Code.

(B) INFLATION ADJUSTMENT.—

(i) IN GENERAL.—In the case of any taxable year beginning after 2005, each dollar amount referred to in subparagraph (A)(vii) shall be increased by an amount equal to—

(I) such dollar amount, multiplied by

(II) the cost-of-living adjustment determined under section (1)(f)(3) of the Internal Revenue Code of 1986 for the calendar year in which the taxable year begins, by substituting "2004" for "1992".

(ii) ROUNDING.—If any amount as adjusted under clause (i) is not a multiple of $50, such amount shall be rounded to the nearest multiple of $50.

(C) MODIFIED ADJUSTED GROSS INCOME.—For purposes of subparagraph (A)(v), the term "modified adjusted gross income" means adjusted gross income—

(i) determined without regard to sections 86, 893, 911, 931, and 933 of the Internal Revenue Code of 1986, and

(ii) increased by the amount of interest received or accrued by the taxpayer during the taxable year which is exempt from tax.

(2) INDIVIDUAL DEVELOPMENT ACCOUNT.—The term "Individual Development Account" means an account established for an eligible individual as part of a qualified individual development account program, but only if the written governing instrument creating the account meets the following requirements:

(A) The owner of the account is the individual for whom the account was established.

(B) No contribution will be accepted unless it is in cash, and, except in the case of any qualified rollover, contributions will not be accepted for the taxable year in excess of $1,500 on behalf of any individual.

(C) The trustee of the account is a qualified financial institution.

(D) The assets of the account will not be commingled with other property except in a common trust fund or common investment fund.

(E) Except as provided in section 415(b), any amount in the account may be paid out only for the purpose of paying the qualified expenses of the account owner.

(3) PARALLEL ACCOUNT.—The term "parallel account" means a separate, parallel individual or pooled account for all matching funds and earnings dedicated to an Individual Development Account owner as part of a qualified individual development account program, the trustee of which is a qualified financial institution.

(4) QUALIFIED FINANCIAL INSTITUTION.—

(A) IN GENERAL.—The term "qualified financial institution" means any person authorized to be a trustee of any individual retirement account under section 408(a)(2) of the Internal Revenue Code of 1986.

(B) RULE OF CONSTRUCTION.—

(i) IN GENERAL.—Nothing in this paragraph shall be construed as preventing a person described in subparagraph (A) from collaborating with 1 or more qualified nonprofit organizations or Indian tribes to carry out an individual development account program established under section 412.

(ii) QUALIFIED NONPROFIT ORGANIZATION.—The term "qualified nonprofit organization" means—

(I) any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code,

(II) any community development financial institution certified by the Community Development Financial Institution Fund,

(III) any credit union chartered under Federal or State law, or

(IV) any public housing agency as defined in section 3(b)(6) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(6)).

(iii) INDIAN TRIBE.—The term "Indian tribe" means any Indian tribe as defined in section 4(12) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103(12)), and includes any tribally designated housing entity (as defined in section 4(21) of such Act (25 U.S.C. 4103(21)), tribal subsidiary, subdivision, or other wholly owned tribal entity.

(5) QUALIFIED INDIVIDUAL DEVELOPMENT ACCOUNT PROGRAM.—The term "qualified individual development account program" means a program established upon approval of the Secretary under section 412 after December 31, 2006, under which—

(A) Individual Development Accounts and parallel accounts are held in trust by a qualified financial institution, and

(B) additional activities determined by the Secretary, in consultation with the Secretary of Health and Human Services, as necessary to responsibly develop and administer accounts, including recruiting, providing financial education and other training to Account owners, and regular program monitoring, are carried out by the qualified financial institution.

(6) QUALIFIED EXPENSE DISTRIBUTION.—

(A) IN GENERAL.—The term "qualified expense distribution" means any amount paid (including through electronic payments) or distributed out of an Individual Development Account or a parallel account established for an eligible individual if such amount—

(i) is used exclusively to pay the qualified expenses of the Individual Development Account owner or such owner's spouse or dependents,

(ii) is paid by the qualified financial institution—

(I) except as otherwise provided in this clause, directly to the unrelated third party to whom the amount is due,

(II) in the case of any qualified rollover, directly to another Individual Development Account and parallel account, or

(III) in the case of a qualified final distribution, directly to the spouse, dependent, or other named beneficiary of the deceased Account owner, and

(iii) is paid after the Account owner has completed a financial education course if required under section 413(b).

(B) QUALIFIED EXPENSES.—

(i) IN GENERAL.—The term "qualified expenses" means any of the following expenses approved by the qualified financial institution:

(I) Qualified higher education expenses.

(II) Qualified first-time homebuyer costs.

(III) Qualified business capitalization or expansion costs.

(IV) Qualified rollovers.

(V) Qualified final distribution.

(ii) QUALIFIED HIGHER EDUCATION EXPENSES.—

(I) IN GENERAL.—The term "qualified higher education expenses" has the meaning given such term by section 529(e)(3) of the Internal Revenue Code of 1986, determined by treating the Account owner, the owner's spouse, or one or more of the owner's dependents as a designated beneficiary, and reduced as provided in section 25A(g)(2) of such Code.

(II) COORDINATION WITH OTHER BENEFITS.—The amount of expenses which may be taken into account for purposes of section 135, 529, or 530 of such Code for any taxable year shall be reduced by the amount of any qualified higher education expenses taken into account as qualified expense distributions during such taxable year.

(iii) QUALIFIED FIRST-TIME HOMEBUYER COSTS.—The term "qualified first-time homebuyer costs" means qualified acquisition costs (as defined in section 72(t)(8)(C) of the Internal Revenue Code of 1986) with respect to a principal residence (within the meaning of section 121 of such Code) for a qualified first-time homebuyer (as defined in section 72(t)(8)(D)(i) of such Code).

(iv) QUALIFIED BUSINESS CAPITALIZATION OR EXPANSION COSTS.—

(I) IN GENERAL.—The term "qualified business capitalization or expansion costs" means qualified expenditures for the capitalization or expansion of a qualified business pursuant to a qualified business plan.

(II) QUALIFIED EXPENDITURES.—The term "qualified expenditures" means expenditures normally associated with starting or expanding a business and included in a qualified business plan, including costs for capital, plant, and equipment, inventory expenses, and attorney and accounting fees.

(III) QUALIFIED BUSINESS.—The term "qualified business" means any business that does not contravene any law.

(IV) QUALIFIED BUSINESS PLAN.—The term "qualified business plan" means a business plan which has been approved by the qualified financial institution and which meets such requirements as the Secretary may specify.

(v) QUALIFIED ROLLOVERS.—The term "qualified rollover" means the complete distribution of the amounts in an Individual Development Account and parallel account to another Individual Development Account and parallel account established in another qualified financial institution for the benefit of the Account owner.

(vi) QUALIFIED FINAL DISTRIBUTION.—The term "qualified final distribution" means, in the case of a deceased Account owner, the complete distribution of the amounts in the Individual Development Account and parallel account directly to the spouse, any dependent, or other named beneficiary of the deceased.

(7) SECRETARY.—The term "Secretary" means the Secretary of the Treasury.

SEC. 412. STRUCTURE AND ADMINISTRATION OF QUALIFIED INDIVIDUAL DEVELOPMENT ACCOUNT PROGRAMS.

(a) ESTABLISHMENT OF QUALIFIED INDIVIDUAL DEVELOPMENT ACCOUNT PROGRAMS.—Any qualified financial institution may apply to the Secretary for approval to establish 1 or more qualified individual development account programs which meet the requirements of this subtitle.

(b) BASIC PROGRAM STRUCTURE.—

(1) IN GENERAL.—All qualified individual development account programs shall consist of the following 2 components for each participant:

(A) An Individual Development Account to which an eligible individual may contribute cash in accordance with section 413.

(B) A parallel account to which all matching funds shall be deposited in accordance with section 414.

(2) TAILORED IDA PROGRAMS.—A qualified financial institution may tailor its qualified individual development account program to allow matching funds to be spent on 1 or more of the categories of qualified expenses.

(c) COORDINATION WITH PUBLIC HOUSING AGENCY INDIVIDUAL SAVINGS ACCOUNTS.—Section 3(e)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437a(e)(2)) is amended by inserting "or in any Individual Development Account established under subtitle B of title IV of the Tax Relief Act of 2005" after "subsection".

(d) TAX TREATMENT OF PARALLEL ACCOUNTS.—

(1) IN GENERAL.—Chapter 77 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

"SEC. 7529. TAX INCENTIVES FOR INDIVIDUAL DEVELOPMENT PARALLEL ACCOUNTS.

"For purposes of this title—

"(1) any account described in section 412(b)(1)(B) of the Tax Relief Act of 2005 shall be exempt from taxation,

"(2) except as provided in section 45G, no item of income, expense, basis, gain, or loss with respect to such an account may be taken into account, and

"(3) any amount withdrawn from such an account shall not be includible in gross income.".

(2) CONFORMING AMENDMENT.—The table of sections for chapter 77 is amended by adding at the end the following new item:

"Sec. 7529. Tax incentives for individual development parallel accounts.".

(e) COORDINATION OF CERTAIN EXPENSES.—Section 25A(g)(2) is amended by striking "and" at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting ", and", and by adding at the end the following new subparagraph:

"(D) a qualified expense distribution with respect to qualified higher education expenses from an Individual Development Account or a parallel account under section 415(a) of the Tax Relief Act of 2005.".

SEC. 413. PROCEDURES FOR OPENING AND MAINTAINING AN INDIVIDUAL DEVELOPMENT ACCOUNT AND QUALIFYING FOR MATCHING FUNDS.

(a) OPENING AN ACCOUNT.—An eligible individual may open an Individual Development Account with a qualified financial institution upon certification that such individual has never maintained any other Individual Development Account (other than an Individual Development Account to be terminated by a qualified rollover).

(b) REQUIRED COMPLETION OF FINANCIAL EDUCATION COURSE.—

(1) IN GENERAL.—Before becoming eligible to withdraw funds to pay for qualified expenses, owners of Individual Development Accounts must complete 1 or more financial education courses specified in the qualified individual development account program.

(2) STANDARD AND APPLICABILITY OF COURSE.—The Secretary, in consultation with representatives of qualified individual development account programs and financial educators, shall, not later than January 1, 2006, establish minimum quality standards for the contents of financial education courses and providers of such courses described in paragraph (1) and a protocol to exempt individuals from the requirement under paragraph (1) in the case of hardship, lack of need, the attainment of age 65, or a qualified final distribution.

(c) PROOF OF STATUS AS AN ELIGIBLE INDIVIDUAL.—Federal income tax forms for the immediately preceding taxable year and any other evidence of eligibility which may be required by a qualified financial institution shall be presented to such institution at the time of the establishment of the Individual Development Account and in any taxable year in which contributions are made to the Account to qualify for matching funds under section 414(b)(1)(A).

(d) SPECIAL RULE IN THE CASE OF MARRIED INDIVIDUALS.—For purposes of this subtitle, if, with respect to any taxable year, 2 married individuals file a Federal joint income tax return, then not more than 1 of such individuals may be treated as an eligible individual with respect to the succeeding taxable year.

SEC. 414. DEPOSITS BY QUALIFIED INDIVIDUAL DEVELOPMENT ACCOUNT PROGRAMS.

(a) PARALLEL ACCOUNTS.—The qualified financial institution shall deposit all matching funds for each Individual Development Account into a parallel account at a qualified financial institution.

(b) REGULAR DEPOSITS OF MATCHING FUNDS.—

(1) IN GENERAL.—Subject to paragraph (2), the qualified financial institution shall deposit into the parallel account with respect to each eligible individual the following amounts:

(A) A dollar-for-dollar match for the first $500 contributed by the eligible individual into an Individual Development Account with respect to any taxable year of such individual.

(B) Any matching funds provided by State, local, or private sources in accordance with the matching ratio set by those sources.

(2) TIMING OF DEPOSITS.—A deposit of the amounts described in paragraph (1) shall be made into a parallel account—

(A) in the case of amounts described in paragraph (1)(A), not later than 30 days after the end of the calendar quarter during which the contribution described in such paragraph was made, and

(B) in the case of amounts described in paragraph (1)(B), not later than 2 business days after such amounts were provided.

(3) CROSS REFERENCE.—For allowance of tax credit for Individual Development Account subsidies, including matching funds, see section 45N of the Internal Revenue Code of 1986, as added by section 419(a).

(c) DEPOSIT OF MATCHING FUNDS INTO INDIVIDUAL DEVELOPMENT ACCOUNT OF INDIVIDUAL WHO HAS ATTAINED AGE 65.—In the case of an Individual Development Account owner who attains the age of 65, the qualified financial institution shall deposit the funds in the parallel account with respect to such individual into the Individual Development Account of such individual on the later of—

(1) the day which is the 1-year anniversary of the deposit of such funds in the parallel account, or

(2) the first business day of the taxable year of such individual following the taxable year in which such individual attained age 65.

(d) UNIFORM ACCOUNTING REGULATIONS.—To ensure proper recordkeeping and determination of the tax credit under section 45N of the Internal Revenue Code of 1986, as added by section 419(a), the Secretary shall prescribe regulations with respect to accounting for matching funds in the parallel accounts.

(e) REGULAR REPORTING OF ACCOUNTS.—Any qualified financial institution shall report the balances in any Individual Development Account and parallel account of an individual on not less than an annual basis to such individual.

SEC. 415. WITHDRAWAL PROCEDURES.

(a) WITHDRAWALS FOR QUALIFIED EXPENSES.—

(1) IN GENERAL.—An Individual Development Account owner may withdraw funds in order to pay qualified expense distributions from such individual's—

(A) Individual Development Account, but only from funds which have been on deposit in such Account for at least 1 year, and

(B) parallel account, but only—

(i) from matching funds which have been on deposit in such parallel account for at least 1 year,

(ii) from earnings in such parallel account, after all matching funds described in clause (i) have been withdrawn, and

(iii) to the extent such withdrawal does not result in a remaining balance in such parallel account which is less than the remaining balance in the Individual Development Account after such withdrawal.

(2) PROCEDURE.—Upon receipt of a withdrawal request which meets the requirements of paragraph (1), the qualified financial institution shall directly transfer the funds electronically to the distributees described in section 411(6)(A)(ii). If a distributee is not equipped to receive funds electronically, the qualified financial institution may issue such funds by paper check to the distributee.

(b) WITHDRAWALS FOR NONQUALIFIED EXPENSES.—An Individual Development Account owner may withdraw any amount of funds from the Individual Development Account for purposes other than to pay qualified expense distributions, but if, after such withdrawal, the amount in the parallel account of such owner (excluding earnings on matching funds) exceeds the amount remaining in such Individual Development Account, then such owner shall forfeit from the parallel account the lesser of such excess or the amount withdrawn.

(c) WITHDRAWALS FROM ACCOUNTS OF NONELIGIBLE INDIVIDUALS.—If the individual for whose benefit an Individual Development Account is established ceases to be an eligible individual, such account shall remain an Individual Development Account, but such individual shall not be eligible for any further matching funds under section 414(b)(1)(A) for contributions which are made to the Account during any taxable year when such individual is not an eligible individual.

(d) EFFECT OF PLEDGING ACCOUNT AS SECURITY.—If, during any taxable year of the individual for whose benefit an Individual Development Account is established, that individual uses the Account, the individual's parallel account, or any portion thereof as security for a loan, the portion so used shall be treated as a withdrawal of such portion from the Individual Development Account for purposes other than to pay qualified expenses.

SEC. 416. CERTIFICATION AND TERMINATION OF QUALIFIED INDIVIDUAL DEVELOPMENT ACCOUNT PROGRAMS.

(a) CERTIFICATION PROCEDURES.—Upon establishing a qualified individual development account program under section 412, a qualified financial institution shall certify to the Secretary at such time and in such manner as may be prescribed by the Secretary and accompanied by any documentation required by the Secretary, that—

(1) the accounts described in subparagraphs (A) and (B) of section 412(b)(1) are operating pursuant to all the provisions of this Act, and

(2) the qualified financial institution agrees to implement an information system necessary to monitor the cost and outcomes of the qualified individual development account program.

(b) AUTHORITY TO TERMINATE QUALIFIED IDA PROGRAM.—If the Secretary determines that a qualified financial institution under this Act is not operating a qualified individual development account program in accordance with the requirements of this Act (and has not implemented any corrective recommendations directed by the Secretary), the Secretary shall terminate such institution's authority to conduct the program. If the Secretary is unable to identify a qualified financial institution to assume the authority to conduct such program, then any funds in a parallel account established for the benefit of any individual under such program shall be deposited into the Individual Development Account of such individual as of the first day of such termination.

SEC. 417. REPORTING, MONITORING, AND EVALUATION.

(a) RESPONSIBILITIES OF QUALIFIED FINANCIAL INSTITUTIONS.—Each qualified financial institution that operates a qualified individual development account program under section 412 shall report annually to the Secretary within 90 days after the end of each calendar year on—

(1) the number of individuals making contributions into Individual Development Accounts and the amounts contributed,

(2) the amounts contributed into Individual Development Accounts by eligible individuals and the amounts deposited into parallel accounts for matching funds,

(3) the amounts withdrawn from Individual Development Accounts and parallel accounts, and the purposes for which such amounts were withdrawn,

(4) the balances remaining in Individual Development Accounts and parallel accounts, and

(5) such other information needed to help the Secretary monitor the effectiveness of the qualified individual development account program (provided in a non-individually-identifiable manner).

(b) RESPONSIBILITIES OF THE SECRETARY.—

(1) MONITORING PROTOCOL.—Not later than 12 months after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of Health and Human Services, shall develop and implement a protocol and process to monitor the cost and outcomes of the qualified individual development account programs established under section 412.

(2) ANNUAL REPORTS.—For each year after 2007, the Secretary shall submit a progress report to Congress on the status of such qualified individual development account programs. Such report shall, to the extent data are available, include from a representative sample of qualified individual development account programs information on—

(A) the characteristics of participants, including age, gender, race or ethnicity, marital status, number of children, employment status, and monthly income,

(B) deposits, withdrawals, balances, uses of Individual Development Accounts, and participant characteristics,

(C) the characteristics of qualified individual development account programs, including match rate, economic education requirements, permissible uses of accounts, staffing of programs in full time employees, and the total costs of programs, and

(D) process information on program implementation and administration, especially on problems encountered and how problems were solved.

(3) USE OF ACCOUNTS IN RURAL AREAS ENCOURAGED.—The Secretary shall develop methods to encourage the use of Individual Development Accounts in rural areas.

SEC. 418. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to the Secretary $1,000,000 for fiscal year 2007 and for each fiscal year through 2014, for the purposes of implementing this subtitle, including the reporting, monitoring, and evaluation required under section 417, to remain available until expended.

(b) GRANTS.—There is authorized to be appropriated to the Secretary $20,000,000—

(1) to make grants to qualified nonprofit organizations and Indian tribes to help defray the administrative costs associated with the operation of individual development account programs, including the required financial education courses, and

(2) to provide technical assistance to qualified nonprofit organizations and Indian tribes in meeting such program requirements.

SEC. 419. MATCHING FUNDS FOR INDIVIDUAL DEVELOPMENT ACCOUNTS PROVIDED THROUGH A TAX CREDIT FOR QUALIFIED FINANCIAL INSTITUTIONS.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits) is amended by adding at the end the following new section:

"SEC. 45N. INDIVIDUAL DEVELOPMENT ACCOUNT INVESTMENT CREDIT.

"(a) DETERMINATION OF AMOUNT.—For purposes of section 38, the individual development account investment credit determined under this section with respect to any eligible entity for any taxable year is an amount equal to the individual development account investment provided by such eligible entity during the taxable year under an individual development account program established under section 412 of the Tax Relief Act of 2005.

"(b) Applicable Tax.—For the purposes of this section, the term 'applicable tax' means the excess (if any) of—

"(1) the tax imposed under this chapter (other than the taxes imposed under the provisions described in subparagraphs (C) through (Q) of section 26(b)(2)), over

"(2) the credits allowable under subpart B (other than this section) and subpart D of this part.

"(c) Individual Development Account Investment.—For purposes of this section, the term 'individual development account investment' means, with respect to an individual development account program in any taxable year, an amount equal to the sum of—

"(1) the aggregate amount of dollar-for-dollar matches under such program under section 414(b)(1)(A) of the Tax Relief Act of 2005 for such taxable year, plus

"(2) $50 with respect to each Individual Development Account maintained—

"(A) as of the end of such taxable year, but only if such taxable year is within the 7-taxable-year period beginning with the taxable year in which such Account is opened, and

"(B) with a balance of not less than $100 (other than the taxable year in which such Account is opened).

"(d) Eligible Entity.—For purposes of this section, except as provided in regulations, the term 'eligible entity' means a qualified financial institution.

"(e) Other Definitions.—For purposes of this section, any term used in this section and also in subtitle B of part IV of the Tax Relief Act of 2005 shall have the meaning given such term in such subtitle.

"(f) Denial of Double Benefit.—

"(1) In general.—No deduction or credit (other than under this section) shall be allowed under this chapter with respect to any expense which—

"(A) is taken into account under subsection (c)(1)(A) in determining the credit under this section, or

"(B) is attributable to the maintenance of an Individual Development Account.

"(2) Determination of amount.—Solely for purposes of paragraph (1)(B), the amount attributable to the maintenance of an Individual Development Account shall be deemed to be the dollar amount of the credit allowed under subsection (c)(1)(B) for each taxable year such Individual Development Account is maintained.

"(g) Credit May Be Transferred.—

"(1) In general.—An eligible entity may transfer any credit allowable to the eligible entity under subsection (a) to any person other than to another eligible entity which is exempt from tax under this title. The determination as to whether a credit is allowable shall be made without regard to the tax-exempt status of the eligible entity.

"(2) Consent required for revocation.—Any transfer under paragraph (1) may be revoked only with the consent of the Secretary.

"(h) Regulations.—The Secretary may prescribe such regulations as may be necessary or appropriate to carry out this section, including

"(1) such regulations as necessary to insure that any credit described in subsection (g)(1) is claimed once and not retransferred by a transferee, and

"(2) regulations providing for a recapture of the credit allowed under this section (notwithstanding any termination date described in subsection (i)) in cases where there is a forfeiture under section 415(b) of the Tax Relief Act of 2005 in a subsequent taxable year of any amount which was taken into account in determining the amount of such credit.

"(i) Application of Section.—

"(1) In general.—This section shall apply to any expenditure made in any taxable year ending after December 31, 2006, and beginning on or before January 1, 2014, with respect to any Individual Development Account which—

"(A) is opened before January 1, 2012, and

"(B) as determined by the Secretary, when added to all of the previously opened Individual Development Accounts, does not cause the total number of such Accounts to exceed 900,000.

Notwithstanding the preceding sentence, this section shall apply to amounts which are described in subsection (c)(1) and which are timely deposited into a parallel account during the 30-day period following the end of the last taxable year beginning on or before January 1, 2014.

"(2) Determination of limitation.—The limitation on the number of Individual Development Accounts under paragraph (1)(B) shall be allocated by the Secretary among eligible individuals as such individuals open such Accounts under qualified individual development account programs, except that, in the case of 300,000 Accounts, such limitation shall be equally allocated among the States.".

(b) Credit Treated as Business Credit.—Section 38(b) (relating to current year business credit) is amended by striking "and" at the end of paragraph (25), by striking the period at the end of paragraph (26) and inserting ", and", and by adding at the end the following new paragraph:

"(27) the individual development account investment credit determined under section 45J(a).".

(c) Conforming Amendment.—The table of sections for subpart C of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 45N. Individual development account investment credit.".

(d) Report Regarding Account Maintenance Fees.—The Secretary of the Treasury shall study the adequacy of the amount specified in section 45N(c)(2) of the Internal Revenue Code of 1986 (as added by this section). Not later than December 31, 2010, the Secretary of the Treasury shall report the findings of the study described in the preceding sentence to Congress.

(e) Effective Date.—The amendments made by this section shall apply to taxable years ending after December 31, 2006.

SEC. 420. ACCOUNT FUNDS DISREGARDED FOR PURPOSES OF CERTAIN MEANS-TESTED FEDERAL PROGRAMS.

Notwithstanding any other provision of Federal law (other than the Internal Revenue Code of 1986) that requires consideration of 1 or more financial circumstances of an individual, for the purpose of determining eligibility to receive, or the amount of, any assistance or benefit authorized by such provision to be provided to or for the benefit of such individual, any amount (including earnings thereon) in any Individual Development Account of such individual and any matching deposit made on behalf of such individual (including earnings thereon) in any parallel account shall be disregarded for such purpose with respect to any period during which such individual maintains or makes contributions into such Individual Development Account.

SA 2619. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; which was ordered to lie on the table; as follows:

On page 235, between lines 13 and 14, insert the following:

SEC. ___. MODIFICATION OF BOND RULE.

(a) In General.—In the case of bonds issued after the date of the enactment of this Act and before August 31, 2009—

(1) the requirement of paragraph (1) of section 648 of the Deficit Reduction Act of 1984 (98 Stat. 941) shall be treated as met with respect to the securities or obligations referred to in such section if such securities or obligations are held in a fund the annual distributions from which cannot exceed 7 percent of the average fair market value of the assets held in such fund except to the extent distributions are necessary to pay debt service on the bond issue,

(2) paragraph (3) of such section shall be applied by substituting "distributions from" for "the investment earnings of" both places it appears, and

(3) Paragraph (4) of such section shall be applied by substituting "March 1, 1985" for "October 9, 1969".

(b) Increase in Minimum Penalty for Bad Checks and Money Orders.—

(1) In general.—Section 6657 (related to bad checks), as amended by section 535, is amended—

(A) by striking "$1,250" and inserting "$2,000", and

(B) by striking "$25" and inserting "$40".

(2) Effective date.—The amendments made by this subsection shall apply to checks or money orders received after the date of the enactment of this Act.

SA 2620. Ms. SNOWE (for herself and Mr. Schumer) submitted an amendment intended to be proposed by her to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

SEC. ___. INTEREST DETERMINATIONS ON STUDENT LOANS.

(a) In General.—Section 221 (relating to interest on education loans) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) Determination of Interest Paid.—In the case of a qualified education loan made after December 31, 2004, for purposes of this section and notwithstanding any other provision of this title—

"(1) In general.—

"(A) Treatment as interest.—Any payment on such loan shall be treated as a payment of interest to the extent of the balance, immediately before such payment, in the accumulated interest account with respect to such loan.

"(B) Exception.—Subparagraph (A) shall not apply to any payment of collection costs, late fees, and penalties.

"(2) Accumulated interest account.—

"(A) IN GENERAL.—The term 'accumulated interest account' means an account which is adjusted in accordance with this paragraph.

"(B) INCREASES.—The balance in the accumulated interest account shall be increased for any period by the sum of—

"(i) the loan origination fees incurred by the borrower in such period,

"(ii) the amount of stated interest on the loan for such period, and

"(iii) the amount of any fee imposed under section 428(b)(1)(H) of the Higher Education Act of 1965 (20 U.S.C. 1078(b)(1)(H)).

"(C) DECREASES.—The balance in the accumulated interest account shall be decreased (but not below zero) by payments made on the loan to the extent treated as interest under this section.

"(3) LOAN ORIGINATION FEES.—

"(A) FEDERAL PROGRAMS.—The term 'loan origination fee' includes any fee imposed under any of the following provisions of the Higher Education Act of 1965:

"(i) Section 438(c) (20 U.S.C. 1087–1(c)).

"(ii) Section 455(c) (20 U.S.C. 1087e(c)).

"(B) FEES FOR SERVICES OR PROPERTY EXCLUDED.—Except as provided under subparagraph (A), the term 'loan origination fee' does not include any fee which is a fee for services or property.

"(4) STATED INTEREST.—The term 'stated interest' means, with respect to any period, the amount of interest determined for the period based on the stated rate of interest applicable to the period (whether or not the interest is required to be paid in such period).

"(5) ANTI-ABUSE RULE.—The Secretary may prescribe rules to prevent the acceleration or deceleration of additions to the accumulated interest account where the loan origination fees or stated interest do not properly reflect the substance of the loan.".

(b) INFORMATION RETURNS.—

(1) INTEREST AND LOAN ORIGINATION FEE DEFINED.—Subsection (e) of section 6050S (relating to the general rule for form and manner of returns) is amended by inserting before the period at the end the following: ", and the term 'interest' has the same meaning as when used in section 221".

(2) PRE-2005 LOANS.—The regulations under section 6050S of the Internal Revenue Code of 1986 which are applicable to loans made before September 1, 2004, shall also apply to loans made on or after such date which are made before January 1, 2005.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

SA 2621. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

SEC. ___. CLARIFICATION OF CASH ACCOUNTING RULES FOR SMALL BUSINESS.

(a) CASH ACCOUNTING PERMITTED.—

(1) IN GENERAL.—Section 446 (relating to general rule for methods of accounting) is amended by adding at the end the following new subsection:

"(g) CERTAIN SMALL BUSINESS TAXPAYERS PERMITTED TO USE CASH ACCOUNTING METHOD WITHOUT LIMITATION.—

"(1) IN GENERAL.—An eligible taxpayer shall not be required to use an accrual method of accounting for any taxable year.

"(2) ELIGIBLE TAXPAYER.—For purposes of this subsection, a taxpayer is an eligible taxpayer with respect to any taxable year if—

"(A) for all prior taxable years beginning after December 31, 2004, the taxpayer (or any predecessor) met the gross receipts test of section 448(c), and

"(B) the taxpayer is not subject to section 447 or 448.".

(2) EXPANSION OF GROSS RECEIPTS TEST.—

(A) IN GENERAL.—Paragraph (3) of section 448(b) (relating to entities with gross receipts of not more than $5,000,000) is amended by striking "$5,000,000" in the text and in the heading and inserting "$10,000,000".

(B) CONFORMING AMENDMENTS.—Section 448(c) is amended—

(i) by striking "$5,000,000" each place it appears in the text and in the heading of paragraph (1) and inserting "$10,000,000", and

(ii) by adding at the end the following new paragraph:

"(4) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2005, the dollar amount contained in subsection (b)(3) and paragraph (1) of this subsection shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2004' for 'calendar year 1992' in subparagraph (B) thereof. If any amount as adjusted under this subparagraph is not a multiple of $100,000, such amount shall be rounded to the nearest multiple of $100,000.".

(b) CLARIFICATION OF INVENTORY RULES FOR SMALL BUSINESS.—

(1) IN GENERAL.—Section 471 (relating to general rule for inventories) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) SMALL BUSINESS TAXPAYERS NOT REQUIRED TO USE INVENTORIES.—

"(1) IN GENERAL.—A qualified taxpayer shall not be required to use inventories under this section for a taxable year.

"(2) TREATMENT OF TAXPAYERS NOT USING INVENTORIES.—If a qualified taxpayer does not use inventories with respect to any property for any taxable year beginning after December 31, 2004, such property shall be treated as a material or supply which is not incidental.

"(3) QUALIFIED TAXPAYER.—For purposes of this subsection, the term 'qualified taxpayer' means—

"(A) any eligible taxpayer (as defined in section 446(g)(2)), and

"(B) any taxpayer described in section 448(b)(3).".

(2) CONFORMING AMENDMENTS.—

(A) Subpart D of part II of subchapter E of chapter 1 is amended by striking section 474.

(B) The table of sections for subpart D of part II of subchapter E of chapter 1 is amended by striking the item relating to section 474.

(c) EFFECTIVE DATE AND SPECIAL RULES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer changing the taxpayer's method of accounting for any taxable year under the amendments made by this section—

(A) such change shall be treated as initiated by the taxpayer;

(B) such change shall be treated as made with the consent of the Secretary of the Treasury; and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account over a period (not greater than 4 taxable years) beginning with such taxable year.

SEC. . INCLUSION OF HEAVY VEHICLES IN LIMITATION ON DEPRECIATION OF CERTAIN LUXURY AUTOMOBILES.

(a) IN GENERAL.—Section 280F(d)(5)(A) (defining passenger automobile) is amended—

(1) by striking clause (ii) and inserting the following new clause:

"(ii)(I) which is rated at 6,000 pounds unloaded gross vehicle weight or less, or

"(II) which is rated at more than 6,000 pounds but not more than 14,000 pounds gross vehicle weight.",

(2) by striking "clause (ii)" in the second sentence and inserting "clause (ii)(I)".

(b) CONFORMING AMENDMENT.—Section 179(b) (relating to limitations) is amended by striking paragraph (6).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SA 2622. Ms. MURKOWSKI (for herself and Mr. STEVENS) submitted an amendment intended to be proposed by her to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

SEC. . HYDROELECTRIC DEVELOPMENT INCENTIVES.

(a) IN GENERAL.—Project numbers 1051, 10440, 11393, 11077, 11588, and 12379 of the Federal Energy Regulatory Commission shall be eligible for the maximum favorable treatment afforded under any Federal legislation or any amendments made by such legislation which promotes hydroelectric development that is enacted during the 10-year period that begins on the date that is 5 years prior to the date of enactment of this Act.

(b) DEEMED QUALIFIED ENERGY RESOURCES.—All power produced by the project numbers specified in subsection (a) shall be deemed to be qualified energy resources for purposes of qualifying for any energy production credit or similar benefit enacted for hydroelectric development within the 10-year period described in subsection (a).

(c) TRIPLE INTEREST AND PENALTIES FOR UNDERPAYMENTS RELATED TO CERTAIN OFFSHORE FINANCIAL ARRANGEMENTS.—Section 532 of this Act is amended—

(1) in the section heading, by striking "**DOUBLING**" and inserting "**TRIPLING**"; and

(2) in subsection (a)(1)(B), by striking "twice" and inserting "3 times".

SA 2623. Mr. DURBIN (for himself and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; as follows:

At the end of title IV, insert the following:

SEC. ___. REDUCED TAXES FOR PATRIOT EMPLOYERS.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

"SEC. 45N. REDUCTION IN TAX OF PATRIOT EMPLOYERS.

"(a) In General.—In the case of any taxable year beginning after December 31, 2005, and before January 1, 2011, with respect to which a taxpayer is certified by the Secretary as a Patriot employer, the Patriot employer credit determined under this section for purposes of section 38 shall be equal to 1 percent of the taxable income of the taxpayer which is properly allocable to all trades or businesses with respect to which the taxpayer is certified as a Patriot employer for the taxable year.

"(b) Patriot Employer.—For purposes of subsection (a), the term 'Patriot employer' means, with respect to any taxable year, any taxpayer which—

"(1) maintains its headquarters in the United States if the taxpayer has ever been headquartered in the United States,

"(2) pays at least 60 percent of each employee's health care premiums,

"(3) if such taxpayer employs at least 50 employees on average during the taxable year—

"(A) maintains or increases the number of full-time workers in the United States relative to the number of full-time workers outside of United States,

"(B) compensates each employee of the taxpayer at an hourly rate (or equivalent thereof) not less than an amount equal to the Federal poverty level for a family of three for the calendar year in which the taxable year begins divided by 2,080,

"(C) provides either a defined benefit plan or a defined contribution plan which fully matches at least 5 percent of each employee's contributions to the plan, and

"(D) provides full differential salary and insurance benefits for all National Guard and Reserve employees who are called for active duty, and

"(4) if such taxpayer employs less than 50 employees on average during the taxable year, either—

"(A) compensates each employee of the taxpayer at an hourly rate (or equivalent thereof) not less than an amount equal to the Federal poverty level for a family of 3 for the calendar year in which the taxable year begins divided by 2,080, or

"(B) provides either a defined benefit plan or a defined contribution plan which fully matches at least 5 percent of each employee's contributions to the plan.".

(b) Allowance as General Business Credit.—Section 38(b) is amended by striking "and" at the end of paragraph (25), by striking the period at the end of paragraph (26) and inserting ", and", and by adding at the end the following:

"(27) the Patriot employer credit determined under section 45N.".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. ___. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO DUAL CAPACITY TAXPAYERS.

(a) In General.—Section 901 (relating to credit for taxes of foreign countries and of possessions of the United States) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) Special Rules Relating To Dual Capacity Taxpayers.—

"(1) General rule.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer to a foreign country or possession of the United States for any period shall not be considered a tax—

"(A) if, for such period, the foreign country or possession does not impose a generally applicable income tax, or

"(B) to the extent such amount exceeds the amount (determined in accordance with regulations) which—

"(i) is paid by such dual capacity taxpayer pursuant to the generally applicable income tax imposed by the country or possession, or

"(ii) would be paid if the generally applicable income tax imposed by the country or possession were applicable to such dual capacity taxpayer.

Nothing in this paragraph shall be construed to imply the proper treatment of any such amount not in excess of the amount determined under subparagraph (B).

"(2) Dual capacity taxpayer.—For purposes of this subsection, the term 'dual capacity taxpayer' means, with respect to any foreign country or possession of the United States, a person who—

"(A) is subject to a levy of such country or possession, and

"(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.

"(3) Generally applicable income tax.—For purposes of this subsection—

"(A) In general.—The term 'generally applicable income tax' means an income tax (or a series of income taxes) which is generally imposed under the laws of a foreign country or possession on income derived from the conduct of a trade or business within such country or possession.

"(B) Exceptions.—Such term shall not include a tax unless it has substantial application, by its terms and in practice, to—

"(i) persons who are not dual capacity taxpayers, and

"(ii) persons who are citizens or residents of the foreign country or possession."

(b) Effective Date.—

(1) In general.—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after the date of the enactment of this Act.

(2) Contrary treaty obligations upheld.—The amendments made by this section shall not apply to the extent contrary to any treaty obligation of the United States.

SEC. ___. RULES RELATING TO FOREIGN OIL AND GAS INCOME.

(a) Separate Basket for Foreign Tax Credit.—

(1) Separate basket.—

(A) Years before 2007.—Paragraph (1) of section 904(d) (relating to separate application of section with respect to certain categories of income), as in effect for years beginning before 2007, is amended by striking "and" at the end of subparagraph (H), by redesignating subparagraph (I) as subparagraph (J), and by inserting after subparagraph (H) the following new subparagraph:

"(I) foreign oil and gas income, and".

(B) 2007 and after.—Paragraph (1) of section 904(d), as in effect for years beginning after 2006, is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following:

"(C) foreign oil and gas income."

(2) Definition.—

(A) Years before 2007.—Paragraph (2) of section 904(d), as in effect for years beginning before 2007, is amended by redesignating subparagraphs (H) and (I) as subparagraphs (I) and (J), respectively, and by inserting after subparagraph (G) the following new subparagraph:

"(H) Foreign oil and gas income.—The term 'foreign oil and gas income' has the meaning given such term by section 954(g)."

(B) 2007 and after.—Section 904(d)(2), as in effect for years after 2006, is amended by redesignating subparagraphs (J) and (K) as subparagraphs (K) and (L) and by inserting after subparagraph (I) the following:

"(J) Foreign oil and gas income.—For purposes of this section—

"(i) In general.—The term 'foreign oil and gas income' has the meaning given such term by section 954(g).

"(ii) Coordination.—Passive category income and general category income shall not include foreign oil and gas income (as so defined)."

(3) Conforming amendments.—

(A) Section 904(d)(3)(F)(i) is amended by striking "or (E)" and inserting "(E), or (I)".

(B) Section 907(a) is hereby repealed.

(C) Section 907(c)(4) is hereby repealed.

(D) Section 907(f) is hereby repealed.

(4) Effective dates.—

(A) In general.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

(B) Years after 2006.—The amendments made by paragraphs (1)(B) and (2)(B) shall apply to taxable years beginning after December 31, 2006.

(C) Transitional rules.—

(i) Separate basket treatment.—Any taxes paid or accrued in a taxable year beginning on or before the date of the enactment of this Act, with respect to income which was described in subparagraph (I) of section 904(d)(1) of such Code (as in effect on the day before the date of the enactment of this Act), shall be treated as taxes paid or accrued with respect to foreign oil and gas income to the extent the taxpayer establishes to the satisfaction of the Secretary of the Treasury that such taxes were paid or accrued with respect to foreign oil and gas income.

(ii) Carryovers.—Any unused oil and gas extraction taxes which under section 907(f) of such Code (as so in effect) would have been allowable as a carryover to the taxpayer's first taxable year beginning after the date of the enactment of this Act (without regard to the limitation of paragraph (2) of such section 907(f) for first taxable year) shall be allowed as carryovers under section 904(c) of such Code in the same manner as if such taxes were unused taxes under such section 904(c) with respect to foreign oil and gas extraction income.

(iii) Losses.—The amendment made by paragraph (3)(C) shall not apply to foreign oil and gas extraction losses arising in taxable years beginning on or before the date of the enactment of this Act.

(b) Elimination of Deferral for Foreign Oil and Gas Extraction Income.—

(1) General rule.—Paragraph (1) of section 954(g) (defining foreign base company oil related income) is amended to read as follows:

"(1) In general.—Except as otherwise provided in this subsection, the term 'foreign oil and gas income' means any income of a kind which would be taken into account in determining the amount of—

"(A) foreign oil and gas extraction income (as defined in section 907(c)), or

"(B) foreign oil related income (as defined in section 907(c))."

(2) Conforming amendments.—

(A) Subsections (a)(5), (b)(5), and (b)(6) of section 954, and section 952(c)(1)(B)(ii)(I), are each amended by striking "base company oil related income" each place it appears (including in the heading of subsection (b)(8)) and inserting "oil and gas income".

(B) Subsection (b)(4) of section 954 is amended by striking "base company oil-related income" and inserting "oil and gas income".

(C) The subsection heading for subsection (g) of section 954 is amended by striking "FOREIGN BASE COMPANY OIL RELATED INCOME" and inserting "FOREIGN OIL AND GAS INCOME".

(D) Subparagraph (A) of section 954(g)(2) is amended by striking "foreign base company oil related income" and inserting "foreign oil and gas income".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years of foreign corporations beginning after the date of the enactment of this Act, and to taxable years of United States shareholders ending with or within such taxable years of foreign corporations.

SEC. ___. MODIFICATION OF CREDIT FOR PRODUCING FUEL FROM A NONCONVENTIONAL SOURCE.

(a) TAXABLE YEARS ENDING BEFORE 2006.—

(1) MODIFICATION OF PHASEOUT.—

(A) IN GENERAL.—Section 29(b)(1)(A) is amended by inserting "the calendar year preceding" before "the calendar year".

(B) CONFORMING AMENDMENTS.—Section 29(b)(2) is amended—

(i) by striking "The" and inserting "With respect to any calendar year, the", and

(ii) by striking "for the calendar year in which the sale occurs" and inserting "for such calendar year".

(2) NO INFLATION ADJUSTMENT FOR THE CREDIT AMOUNT IN 2005.—Section 29(b)(2), as amended by paragraph (1), is amended by adding at the end the following new sentence: "This paragraph shall not apply with respect to the $3 amount in subsection (a) for calendar year 2005 and the amount in effect under subsection (a) for sales in such calendar year shall be the amount which was in effect for sales in calendar year 2004.".

(b) TAXABLE YEARS ENDING AFTER 2005.—

(1) MODIFICATION OF PHASEOUT.—

(A) IN GENERAL.—Section 45K(b)(1)(A) is amended by inserting "the calendar year preceding" before "the calendar year".

(B) CONFORMING AMENDMENTS.—Section 45K(b)(2) is amended—

(i) by striking "The" and inserting "With respect to any calendar year, the", and

(ii) by striking "for the calendar year in which the sale occurs" and inserting "for such calendar year".

(2) NO INFLATION ADJUSTMENT FOR THE CREDIT AMOUNT IN 2005, 2006, AND 2007.—Section 45K(b)(2), as amended by paragraph (1), is amended by adding at the end the following new sentence: "This paragraph shall not apply with respect to the $3 amount in subsection (a) for calendar years 2005, 2006, and 2007 and the amount in effect under subsection (a) for sales in each such calendar year shall be the amount which was in effect for sales in calendar year 2004.".

(3) TREATMENT OF COKE AND COKE GAS.—

(A) NONAPPLICATION OF PHASEOUT.—Section 45K(g)(2) is amended by adding at the end the following new subparagraph:

"(D) NONAPPLICATION OF PHASEOUT.—Subsection (b)(1) shall not apply.".

(B) APPLICATION OF INFLATION ADJUSTMENT.—Section 45K(g)(2)(B) is amended by inserting "and the last sentence of subsection (b)(2) shall not apply.".

(C) CLARIFICATION OF QUALIFYING FACILITY.—Section 45K(g)(1) is amended by inserting "(other than from petroleum based products)" after "coke or coke gas".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold after December 31, 2004.

SA 2624. Mr. LEAHY (for himself, Mr. BENNETT, Mr. DOMENICI, Mr. SCHUMER, Mr. KENNEDY, Mr. BINGAMAN, Mr. LIEBERMAN, Mr. JOHNSON, Mr. WARNER, Mr. SANTORUM, and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; which was ordered to lie on the table; as follows:

At the end of subtitle A of title III, insert the following:

SEC. ___. CHARITABLE CONTRIBUTIONS OF CERTAIN ITEMS CREATED BY THE TAXPAYER.

(a) IN GENERAL.—Subsection (e) of section 170 (relating to certain contributions of ordinary income and capital gain property), as amended by section 316(a), is amended by adding at the end the following new paragraph:

"(8) SPECIAL RULE FOR CERTAIN CONTRIBUTIONS OF LITERARY, MUSICAL, OR ARTISTIC COMPOSITIONS.—

"(A) IN GENERAL.—In the case of a qualified artistic charitable contribution—

"(i) the amount of such contribution shall be the fair market value of the property contributed (determined at the time of such contribution), and

"(ii) no reduction in the amount of such contribution shall be made under paragraph (1).

"(B) QUALIFIED ARTISTIC CHARITABLE CONTRIBUTION.—For purposes of this paragraph, the term 'qualified artistic charitable contribution' means a charitable contribution of any literary, musical, artistic, or scholarly composition, or similar property, or the copyright thereon (or both), but only if—

"(i) such property was created by the personal efforts of the taxpayer making such contribution no less than 18 months prior to such contribution,

"(ii) the taxpayer—

"(I) has received a qualified appraisal of the fair market value of such property in accordance with the regulations under this section, and

"(II) attaches to the taxpayer's income tax return for the taxable year in which such contribution was made a copy of such appraisal,

"(iii) the donee is an organization described in subsection (b)(1)(A),

"(iv) the use of such property by the donee is related to the purpose or function constituting the basis for the donee's exemption under section 501 (or, in the case of a governmental unit, to any purpose or function described under subsection (c)),

"(v) the taxpayer receives from the donee a written statement representing that the donee's use of the property will be in accordance with the provisions of clause (iv), and

"(vi) the written appraisal referred to in clause (ii) includes evidence of the extent (if any) to which property created by the personal efforts of the taxpayer and of the same type as the donated property is or has been—

"(I) owned, maintained, and displayed by organizations described in subsection (b)(1)(A), and

"(II) sold to or exchanged by persons other than the taxpayer, donee, or any related person (as defined in section 465(b)(3)(C)).

"(C) MAXIMUM DOLLAR LIMITATION; NO CARRYOVER OF INCREASED DEDUCTION.—The increase in the deduction under this section by reason of this paragraph for any taxable year—

"(i) shall not exceed the artistic adjusted gross income of the taxpayer for such taxable year, and

"(ii) shall not be taken into account in determining the amount which may be carried from such taxable year under subsection (d).

"(D) ARTISTIC ADJUSTED GROSS INCOME.—For purposes of this paragraph, the term 'artistic adjusted gross income' means that portion of the adjusted gross income of the taxpayer for the taxable year attributable to—

"(i) income from the sale or use of property created by the personal efforts of the taxpayer which is of the same type as the donated property, and

"(ii) income from teaching, lecturing, performing, or similar activity with respect to property described in clause (i).

"(E) PARAGRAPH NOT TO APPLY TO CERTAIN CONTRIBUTIONS.—Subparagraph (A) shall not apply to any charitable contribution of any letter, memorandum, or similar property which was written, prepared, or produced by or for an individual while the individual is an officer or employee of any person (including any government agency or instrumentality) unless such letter, memorandum, or similar property is entirely personal.

"(F) COPYRIGHT TREATED AS SEPARATE PROPERTY FOR PARTIAL INTEREST RULE.—In the case of a qualified artistic charitable contribution, the tangible literary, musical, artistic, or scholarly composition, or similar property and the copyright on such work shall be treated as separate properties for purposes of this paragraph and subsection (f)(3).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after the date of the enactment of this Act in taxable years ending after such date.

SA 2625. Mr. NELSON of Nebraska (for himself, Mr. DEWINE, and Ms. COLLINS) proposed an amendment to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; as follows:

At the end of title IV, insert the following:

SEC. ___. DISABILITY PREFERENCE PROGRAM FOR TAX COLLECTION CONTRACTS.

(a) IN GENERAL.—The Secretary of the Treasury shall not enter into any qualified tax collection contract after April 1, 2006, until the Secretary implements a disability preference program that meets the requirements of subsection (b).

(b) DISABILITY PREFERENCE PROGRAM REQUIREMENTS.—

(1) IN GENERAL.—A disability preference program meets the requirements of this subsection if such program requires that not less than 10 percent of the accounts of each dollar value category are awarded to persons described in paragraph (2).

(2) PERSON DESCRIBED.—For purposes of paragraph (1), a person is described in this paragraph if—

(A) as of the date any qualified tax collection contract is awarded—

(i) such person employs not less than 50 severely disabled individuals within the United States; or

(ii) not less than 30 percent of the employees of such person within the United States are severely disabled individuals;

(B) such person agrees as a condition of the qualified tax collection contract that not more than 90 days after the date such contract is awarded, not less than 35 percent of the employees of such person employed in connection with providing services under such contract shall—

(i) be hired after the date such contract is awarded; and

(ii) be severely disabled individuals; and

(C) such person is otherwise qualified to perform the services required.

(c) DEFINITIONS.—For purposes of this section—

(1) QUALIFIED TAX COLLECTION CONTRACT.—The term "qualified tax collection contract" shall have the meaning given such term under section 6306(b) of the Internal Revenue Code of 1986.

(2) DOLLAR VALUE CATEGORY.—The term "dollar value category" means the dollar ranges of accounts for collection as determined and assigned by the Secretary under section 6306(b)(1)(B) of the Internal Revenue Code of 1986 with respect to a qualified tax collection contract.

(3) SEVERELY DISABLED INDIVIDUAL.—The term "severely disabled individual" means—

(A) a veteran of the United States armed forces with a disability of 50 percent or greater—

(i) determined by the Secretary of Veterans Affairs to be service-connected; or

(ii) deemed by law to be service-connected; or

(B) any individual who is a disabled beneficiary (as defined in section 1148(k)(2) of the Social Security Act (42 U.S.C. 1320b–19(k)(2))) or who would be considered to be such a disabled beneficiary but for having income or resources in excess of the income or resources eligibility limits established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), respectively.

SA 2626. Mr. REED (for himself, Mr. KENNEDY, Mr. SCHUMER, Mr. KOHL, Mr. ROCKEFELLER, Mr. KERRY, Mr. CARPER, Mr. LEAHY, Mr. DAYTON, Mr. LIEBERMAN, and Ms. STABENOW) proposed an amendment to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; as follows:

At the end of title IV add the following:

SEC. 410. TEMPORARY WINDFALL PROFITS TAX.

(a) IN GENERAL.—Subtitle E of the Internal Revenue Code of 1986 (relating to alcohol, tobacco, and certain other excise taxes) is amended by adding at the end thereof the following new chapter:

"CHAPTER 56—TEMPORARY WINDFALL PROFITS ON CRUDE OIL

"Sec. 5896. Imposition of tax.
"Sec. 5897. Windfall profit; etc.
"Sec. 5898. Special rules and definitions.

"SEC. 5896. IMPOSITION OF TAX.

"(a) IN GENERAL.—In addition to any other tax imposed under this title, there is hereby imposed on any applicable taxpayer an excise tax in an amount equal to the applicable percentage of the windfall profit of such taxpayer for any taxable year beginning in 2005.

"(b) APPLICABLE TAXPAYER.—For purposes of this chapter, the term 'applicable taxpayer' means, with respect to operations in the United States—

"(1) any integrated oil company (as defined in section 291(b)(4)) which has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year.

"(c) APPLICABLE PERCENTAGE.—For purposes of subsection (a), the applicable percentage shall be determined by the Secretary such that the resulting increase in revenues in the Treasury equals $2,920,000,000.

"SEC. 5897. WINDFALL PROFIT; ETC.

"(a) GENERAL RULE.—For purposes of this chapter, the term 'windfall profit' means the excess of the adjusted taxable income of the applicable taxpayer for the taxable year over the reasonably inflated average profit for such taxable year.

"(b) ADJUSTED TAXABLE INCOME.—For purposes of this chapter, with respect to any applicable taxpayer, the adjusted taxable income for any taxable year is equal to the taxable income for such taxable year (within the meaning of section 63 and determined without regard to this subsection)—

"(1) increased by any interest expense deduction, charitable contribution deduction, and any net operating loss deduction carried forward from any prior taxable year, and

"(2) reduced by any interest income, dividend income, and net operating losses to the extent such losses exceed taxable income for the taxable year.

In the case of any applicable taxpayer which is a foreign corporation, the adjusted taxable income shall be determined with respect to such income which is effectively connected with the conduct of a trade or business in the United States.

"(c) REASONABLY INFLATED AVERAGE PROFIT.—For purposes of this chapter, with respect to any applicable taxpayer, the reasonably inflated average profit for any taxable year is an amount equal to the average of the adjusted taxable income of such taxpayer for taxable years beginning during the 2000-2004 taxable year period (determined without regard to the taxable year with the highest adjusted taxable income in such period) plus 10 percent of such average.

"SEC. 5898. SPECIAL RULES AND DEFINITIONS .

"(a) WITHHOLDING AND DEPOSIT OF TAX.—The Secretary shall provide such rules as are necessary for the withholding and deposit of the tax imposed under section 5896.

"(b) RECORDS AND INFORMATION.—Each taxpayer liable for tax under section 5896 shall keep such records, make such returns, and furnish such information as the Secretary may by regulations prescribe.

"(c) RETURN OF WINDFALL PROFIT TAX.—The Secretary shall provide for the filing and the time of such filing of the return of the tax imposed under section 5896.

"(d) CRUDE OIL.—The term 'crude oil' includes crude oil condensates and natural gasoline.

"(e) BUSINESSES UNDER COMMON CONTROL.—For purposes of this chapter, all members of the same controlled group of corporations (within the meaning of section 267(f)) and all persons under common control (within the meaning of section 52(b) but determined by treating an interest of more than 50 percent as a controlling interest) shall be treated as 1 person.

"(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this chapter.".

(b) CLERICAL AMENDMENT.—The table of chapters for subtitle E of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"CHAPTER 56. Temporary Windfall Profits on Crude Oil.".

(c) DEDUCTIBILITY OF WINDFALL PROFIT TAX.—The first sentence of section 164(a) of the Internal Revenue Code of 1986 (relating to deduction for taxes) is amended by inserting after paragraph (5) the following new paragraph:

"(6) The windfall profit tax imposed by section 5896.".

(d) LOW INCOME HOME ENERGY ASSISTANCE TRUST FUND.—

(1) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to trust fund code) is amended by adding at the end the following new section:

"SEC. 9511. LOW-INCOME HOME ENERGY ASSISTANCE TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Low-Income Home Energy Assistance Trust Fund', consisting of any amount appropriated or credited to the Trust Fund as provided in this section or section 9602(b).

"(b) TRANSFERS TO TRUST FUND.—There are hereby appropriated to the Low-Income Home Energy Assistance Trust Fund amounts equivalent to the increased revenues received in the Treasury as the result of the amendment made by section 410(a) of the Tax Relief Act of 2005.

"(c) EXPENDITURES FROM TRUST FUND.—Amounts in the Low Income Home Energy Assistance Trust Fund not to exceed $2,920,000,000 shall be available for fiscal year 2006, as provided by appropriation Acts, to carry out the program under the Low-Income Home Energy Assistance Act of 1981 through the distribution of funds to all the States in accordance with section 2604 of that Act (42 U.S.C. 8623) (other than subsection (e) of such section), but only if not less than $1,880,000,000 has been appropriated for such program for such fiscal year.".

(2) CLERICAL AMENDMENT.—The table of sections for such subchapter is amended by adding at the end the following new item:

"Sec. 9511. Low-Income Home Energy Assistance Trust Fund.".

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning in 2005.

(2) SUBSECTION (d).—The amendments made by subsection (d) shall take effect on the date of the enactment of this Act.

SA 2627. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

SEC. . CLARIFICATION OF WORKING CAPITAL FOR REASONABLY ANTICIPATED NEEDS OF A BUSINESS FOR PURPOSES OF ACCUMULATED EARNINGS TAX.

(a) IN GENERAL.—Section 537(b) (relating to special rules) is amended by adding at the end the following new paragraph:

"(6) WORKING CAPITAL.—The reasonably anticipated needs of a business for any taxable year shall include working capital for the business in an amount which is not less than the sum of the costs of goods, operating expenses, taxes, and interest expense which the business incurred during the preceding taxable year. Any amounts incurred as part of a plan a principal purposes of which is to increase the limitation under this subsection shall not be taken into account."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 3005, and before January 1, 2011.

SA 2628. Mr. LEVIN (for himself, Mr. COLEMAN, and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; which was ordered to lie on the table; as follows:

At the end of subtitle A of title V, add the following:

SEC. 504. PENALTY FOR PROMOTING ABUSIVE TAX SHELTERS.

(a) PENALTY FOR PROMOTING ABUSIVE TAX SHELTERS.—Section 6700 (relating to promoting abusive tax shelters, etc.) is amended—

(1) by redesignating subsections (b) and (c) as subsections (d) and (e), respectively,

(2) by striking "a penalty" and all that follows through the period in the first sentence of subsection (a) and inserting "a penalty determined under subsection (b)", and

(3) by inserting after subsection (a) the following new subsections:

"(b) AMOUNT OF PENALTY; CALCULATION OF PENALTY; LIABILITY FOR PENALTY.—

"(1) AMOUNT OF PENALTY.—The amount of the penalty imposed by subsection (a) shall not exceed the greater of—

"(A) 150 percent of the gross income derived (or to be derived) from such activity by the person or persons subject to such penalty, and

"(B) if readily subject to calculation, the total amount of underpayment by the taxpayer (including penalties, interest, and taxes) in connection with such activity.

"(2) CALCULATION OF PENALTY.—The penalty amount determined under paragraph (1) shall be calculated with respect to each instance of an activity described in subsection (a), each instance in which income was derived by the person or persons subject to such penalty, and each person who participated in such an activity.

"(3) LIABILITY FOR PENALTY.—If more than 1 person is liable under subsection (a) with respect to such activity, all such persons shall be jointly and severally liable for the penalty under such subsection.

"(c) PENALTY NOT DEDUCTIBLE.—The payment of any penalty imposed under this section or the payment of any amount to settle or avoid the imposition of such penalty shall not be considered an ordinary and necessary expense in carrying on a trade or business for purposes of this title and shall not be deductible by the person who is subject to such penalty or who makes such payment.".

(b) CONFORMING AMENDMENT.—Section 6700(a) is amended by striking the last sentence.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to activities after the date of the enactment of this Act.

SEC. 505. PENALTY FOR AIDING AND ABETTING THE UNDERSTATEMENT OF TAX LIABILITY.

(a) IN GENERAL.—Section 6701(a) (relating to imposition of penalty) is amended—

(1) by striking "preparation or presentation of" and inserting "tax liability reflected in" in paragraph (1),

(2) by inserting "aid, assistance, procurement, or advice with respect to such" before "portion" both places it appears in paragraphs (2) and (3), and

(3) by inserting "instance of aid, assistance, procurement, or advice or each such" before "document" in the matter following paragraph (3).

(b) AMOUNT OF PENALTY.—Subsection (b) of section 6701 (relating to penalties for aiding and abetting understatement of tax liability) is amended to read as follows:

"(b) AMOUNT OF PENALTY; CALCULATION OF PENALTY; LIABILITY FOR PENALTY.—

"(1) AMOUNT OF PENALTY.—The amount of the penalty imposed by subsection (a) shall not exceed the greater of—

"(A) 150 percent of the gross income derived (or to be derived) from such aid, assistance, procurement, or advice provided by the person or persons subject to such penalty, and

"(B) if readily subject to calculation, the total amount of underpayment by the taxpayer (including penalties, interest, and taxes) in connection with the understatement of the liability for tax.

"(2) CALCULATION OF PENALTY.—The penalty amount determined under paragraph (1) shall be calculated with respect to each instance of aid, assistance, procurement, or advice described in subsection (a), each instance in which income was derived by the person or persons subject to such penalty, and each person who made such an understatement of the liability for tax.

"(3) LIABILITY FOR PENALTY.—If more than 1 person is liable under subsection (a) with respect to providing such aid, assistance, procurement, or advice, all such persons shall be jointly and severally liable for the penalty under such subsection.".

(c) PENALTY NOT DEDUCTIBLE.—Section 6701 is amended by adding at the end the following new subsection:

"(g) PENALTY NOT DEDUCTIBLE.—The payment of any penalty imposed under this section or the payment of any amount to settle or avoid the imposition of such penalty shall not be considered an ordinary and necessary expense in carrying on a trade or business for purposes of this title and shall not be deductible by the person who is subject to such penalty or who makes such payment.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to activities after the date of the enactment of this Act.

SEC. 506. PREVENTING TAX SHELTER ACTIVITIES BY FINANCIAL INSTITUTIONS.

(a) EXAMINATIONS.—

(1) DEVELOPMENT OF EXAMINATION TECHNIQUES.—Each of the Federal banking agencies and the Commission shall, in consultation with the Internal Revenue Service, develop examination techniques to detect potential violations of section 6700 or 6701 of the Internal Revenue Code of 1986, by depository institutions, brokers, dealers, and investment advisers, as appropriate.

(2) FREQUENCY.—Not less frequently than once in each 2-year period, each of the Federal banking agencies and the Commission shall implement the examination techniques developed under paragraph (1) with respect to each of the depository institutions, brokers, dealers, or investment advisers subject to their enforcement authority. Such examination shall, to the extent possible, be combined with any examination by such agency otherwise required or authorized by Federal law.

(b) REPORT TO INTERNAL REVENUE SERVICE.—In any case in which an examination conducted under this section with respect to a financial institution or other entity reveals a potential violation, such agency shall promptly notify the Internal Revenue Service of such potential violation for investigation and enforcement by the Internal Revenue Service in accordance with applicable provisions of law.

(c) REPORT TO CONGRESS.—The Federal banking agencies and the Commission shall submit a joint written report to Congress in 2007 and 2010 on their progress in preventing violations of sections 6700 and 6701 of the Internal Revenue Code of 1986, by depository institutions, brokers, dealers, and investment advisers, as appropriate.

(d) DEFINITIONS.—For purposes of this section—

(1) the terms "broker", "dealer", and "investment adviser" have the same meanings as in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c);

(2) the term "Commission" means the Securities and Exchange Commission;

(3) the term "depository institution" has the same meaning as in section 3(c) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c));

(4) the term "Federal banking agencies" has the same meaning as in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)); and

(5) the term "Secretary" means the Secretary of the Treasury.

SEC. 507. INFORMATION SHARING FOR ENFORCEMENT PURPOSES.

(a) PROMOTION OF PROHIBITED TAX SHELTERS OR TAX AVOIDANCE SCHEMES.—Section 6103(h) (relating to disclosure to certain Federal officers and employees for purposes of tax administration, etc.) is amended by adding at the end the following new paragraph:

"(7) DISCLOSURE OF RETURNS AND RETURN INFORMATION RELATED TO PROMOTION OF PROHIBITED TAX SHELTERS OR TAX AVOIDANCE SCHEMES.—

"(A) WRITTEN REQUEST.—Upon receipt by the Secretary of a written request which meets the requirements of subparagraph (B) from the head of the United States Securities and Exchange Commission, an appropriate Federal banking agency as defined under section 1813(q) of title 12, United States Code, or the Public Company Accounting Oversight Board, a return or return information shall be disclosed to such requestor's officers and employees who are personally and directly engaged in an investigation, examination, or proceeding by such requestor to evaluate, determine, penalize, or deter conduct by a financial institution, issuer, or public accounting firm, or associated person, in connection with a potential or actual violation of section 6700 (promotion of abusive tax shelters), 6701 (aiding and abetting understatement of tax liability), or activities related to promoting or facilitating inappropriate tax avoidance or tax evasion. Such disclosure shall be solely for use by such officers and employees in such investigation, examination, or proceeding.

"(B) REQUIREMENTS.—A request meets the requirements of this subparagraph if it sets forth—

"(i) the nature of the investigation, examination, or proceeding,

"(ii) the statutory authority under which such investigation, examination, or proceeding is being conducted,

"(iii) the name or names of the financial institution, issuer, or public accounting firm to which such return information relates,

"(iv) the taxable period or periods to which such return information relates, and

"(v) the specific reason or reasons why such disclosure is, or may be, relevant to such investigation, examination or proceeding.

"(C) FINANCIAL INSTITUTION.—For the purposes of this paragraph, the term 'financial institution' means a depository institution, foreign bank, insured institution, industrial loan company, broker, dealer, investment company, investment advisor, or other entity subject to regulation or oversight by the United States Securities and Exchange Commission or an appropriate Federal banking agency.".

(b) FINANCIAL AND ACCOUNTING FRAUD INVESTIGATIONS.—Section 6103(i) (relating to disclosure to Federal officers or employees for administration of Federal laws not relating to tax administration) is amended by adding at the end the following new paragraph:

"(9) DISCLOSURE OF RETURNS AND RETURN INFORMATION FOR USE IN FINANCIAL AND ACCOUNTING FRAUD INVESTIGATIONS.—

"(A) WRITTEN REQUEST.—Upon receipt by the Secretary of a written request which meets the requirements of subparagraph (B) from the head of the United States Securities and Exchange Commission or the Public Company Accounting Oversight Board, a return or return information shall be disclosed to such requestor's officers and employees who are personally and directly engaged in an investigation, examination, or proceeding by such requester to evaluate the accuracy of a financial statement or report or to determine whether to require a restatement, penalize, or deter conduct by an issuer, investment company, or public accounting firm, or associated person, in connection with a potential or actual violation of auditing standards or prohibitions against false or misleading statements or omissions in financial statements or reports. Such disclosure shall be solely for use by such officers and employees in such investigation, examination, or proceeding.

"(B) REQUIREMENTS.—A request meets the requirements of this subparagraph if it sets forth—

"(i) the nature of the investigation, examination, or proceeding,

"(ii) the statutory authority under which such investigation, examination, or proceeding is being conducted,

"(iii) the name or names of the issuer, investment company, or public accounting firm to which such return information relates,

"(iv) the taxable period or periods to which such return information relates, and

"(v) the specific reason or reasons why such disclosure is, or may be, relevant to such investigation, examination or proceeding.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures and to information and document requests made after the date of the enactment of this Act.

SEC. 508. DISCLOSING PAYMENTS TO PERSONS IN UNCOOPERATIVE TAX HAVENS.

(a) IN GENERAL.—Subpart A of part III of subchapter A of chapter 61 is amended by inserting after section 6038C the following new section:

"SEC. 6038D. DETERRING UNCOOPERATIVE TAX HAVENS THROUGH LISTING AND REPORTING REQUIREMENTS.

"(a) IN GENERAL.—Each United States person who transfers money or other property directly or indirectly to any uncooperative tax haven, to any financial institution licensed by or operating in any uncooperative tax haven, or to any person who is a resident of any uncooperative tax haven shall furnish to the Secretary, at such time and in such manner as the Secretary shall by regulation prescribe, such information with respect to such transfer as the Secretary may require.

"(b) EXCEPTIONS.—Subsection (a) shall not apply to a transfer by a United States person if the amount of money (and the fair market value of property) transferred is less than $10,000. Related transfers shall be treated as 1 transfer for purposes of this subsection.

"(c) UNCOOPERATIVE TAX HAVEN.—For purposes of this section—

"(1) IN GENERAL.—The term 'uncooperative tax haven' means any foreign jurisdiction which is identified on a list maintained by the Secretary under paragraph (2) as being a jurisdiction—

"(A) which imposes no or nominal taxation either generally or on specified classes of income, and

"(B) has corporate, business, bank, or tax secrecy or confidentiality rules and practices, or has ineffective information exchange practices which, in the judgment of the Secretary, effectively limit or restrict the ability of the United States to obtain information relevant to the enforcement of this title.

"(2) MAINTENANCE OF LIST.—Not later than November 1 of each calendar year, the Secretary shall issue a list of foreign jurisdictions which the Secretary determines qualify as uncooperative tax havens under paragraph (1).

"(3) INEFFECTIVE INFORMATION EXCHANGE PRACTICES.—For purposes of paragraph (1), a jurisdiction shall be deemed to have ineffective information exchange practices if the Secretary determines that during any taxable year ending in the 12-month period preceding the issuance of the list under paragraph (2)—

"(A) the exchange of information between the United States and such jurisdiction was inadequate to prevent evasion or avoidance of United States income tax by United States persons or to enable the United States effectively to enforce this title, or

"(B) such jurisdiction was identified by an intergovernmental group or organization of which the United States is a member as uncooperative with international tax enforcement or information exchange and the United States concurs in the determination.

"(d) PENALTY FOR FAILURE TO FILE INFORMATION.—If a United States person fails to furnish the information required by subsection (a) with respect to any transfer within the time prescribed therefor (including extensions), such United States person shall pay (upon notice and demand by the Secretary and in the same manner as tax) an amount equal to 20 percent of the amount of such transfer.

"(e) SIMPLIFIED REPORTING.—The Secretary may by regulations provide for simplified reporting under this section for United States persons making large volumes of similar payments.

"(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(b) CLERICAL AMENDMENT.—The table of sections for such subpart A is amended by inserting after the item relating to section 6038C the following new item:

"Sec. 6038D. Deterring uncooperative tax havens through listing and reporting requirements.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers after the date which is 180 days after the date of the enactment of this Act.

SEC. 509. DETERRING UNCOOPERATIVE TAX HAVENS BY RESTRICTING ALLOWABLE TAX BENEFITS.

(a) LIMITATION ON DEFERRAL.—

(1) IN GENERAL.—Subsection (a) of section 952 (defining subpart F income) is amended by striking "and" at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting ", and", and by inserting after paragraph (5) the following new paragraph:

"(6) an amount equal to the applicable fraction (as defined in subsection (e)) of the income of such corporation other than income which—

"(A) is attributable to earnings and profits of the foreign corporation included in the gross income of a United States person under section 951 (other than by reason of this paragraph or paragraph (3)(A)(i)), or

"(B) is described in subsection (b).".

(2) APPLICABLE FRACTION.—Section 952 is amended by adding at the end the following new subsection:

"(e) IDENTIFIED TAX HAVEN INCOME WHICH IS SUBPART F INCOME.—

"(1) IN GENERAL.—For purposes of subsection (a)(6), the term 'applicable fraction' means the fraction—

"(A) the numerator of which is the aggregate identified tax haven income for the taxable year, and

"(B) the denominator of which is the aggregate income for the taxable year which is from sources outside the United States.

"(2) IDENTIFIED TAX HAVEN INCOME.—For purposes of paragraph (1), the term 'identified tax haven income' means income for the taxable year which is attributable to a foreign jurisdiction for any period during which such jurisdiction has been identified as an uncooperative tax haven under section 6038D(c).

"(3) REGULATIONS.—The Secretary shall prescribe regulations similar to the regulations issued under section 999(c) to carry out the purposes of this subsection.".

(b) DENIAL OF FOREIGN TAX CREDIT.—Section 901 (relating to taxes of foreign countries and of possessions of United States) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) REDUCTION OF FOREIGN TAX CREDIT, ETC., FOR IDENTIFIED TAX HAVEN INCOME.—

"(1) IN GENERAL.—Notwithstanding any other provision of this part—

"(A) no credit shall be allowed under subsection (a) for any income, war profits, or excess profits taxes paid or accrued (or deemed paid under section 902 or 960) to any foreign jurisdiction if such taxes are with respect to income attributable to a period during which such jurisdiction has been identified as an uncooperative tax haven under section 6038D(c), and

"(B) subsections (a), (b), (c), and (d) of section 904 and sections 902 and 960 shall be applied separately with respect to all income of a taxpayer attributable to periods described in subparagraph (A) with respect to all such jurisdictions.

"(2) TAXES ALLOWED AS A DEDUCTION, ETC.—Sections 275 and 78 shall not apply to any tax which is not allowable as a credit under subsection (a) by reason of this subsection.

"(3) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection, including regulations which treat income paid through 1 or more entities as derived from a foreign jurisdiction to which this subsection applies if such income was, without regard to such entities, derived from such jurisdiction.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SA 2629. Mr. DAYTON (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; as follows:

On page 235, between lines 13 and 14, insert the following:

SEC. ___. REFUNDABLE TAX CREDIT FOR ENERGY COST ASSISTANCE OF FARMERS AND RANCHERS.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 (relating to refundable credits) is amended by redesignating section 36 as section 37 and by inserting after section 35 the following new section:

"SEC. 36. CREDIT FOR ENERGY COST ASSISTANCE FOR FARMERS AND RANCHERS.

"(a) GENERAL RULE.—In the case of an eligible taxpayer, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the lesser of—

"(1) 30 percent of the amount paid or incurred for qualified energy costs, or

"(2) $3,000.

"(b) ELIGIBLE TAXPAYER.—For purposes of this section, the term 'eligible taxpayer' means any individual engaged in a farming business (as defined in section 263A(e)(4)).

"(c) RESIDENTIAL ENERGY COSTS.—For purposes of this section, the term 'qualified energy costs' means the cost of any fuel, energy utility, natural gas, fertilizer, and heating oil used in the farming business of the taxpayer during the taxable year.

"(d) TERMINATION.—This section shall not apply to qualified energy costs paid or incurred after December 31, 2005.".

(b) NO DOUBLE BENEFIT.—Section 280C is amended by adding at the end the following new subsection:

"(e) ENERGY ASSISTANCE FOR FARMERS AND RANCHERS.—No deduction shall be allowed for that portion of the expenses otherwise allowable as a deduction for the taxable year which is equal to the amount of the credit determined under section 36(a).".

(c) REFUNDABILITY.—Section 1324(b)(2) of title 31, United States Code, is amended by striking "or" before "enacted" and by inserting before the period at the end ", or from section 36 of such Code".

(d) CLERICAL AMENDMENTS.—The table of sections for subpart C of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 35 and by adding at the end the following new items:

"Sec. 36. Credit for energy cost assistance for farmers and ranchers.
"Sec. 37. Overpayments of tax.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. ___. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO DUAL CAPACITY TAXPAYERS.

(a) IN GENERAL.—Section 901 (relating to credit for taxes of foreign countries and of possessions of the United States) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) SPECIAL RULES RELATING TO DUAL CAPACITY TAXPAYERS.—

"(1) GENERAL RULE.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer to a foreign country or possession of the United States for any period shall not be considered a tax—

"(A) if, for such period, the foreign country or possession does not impose a generally applicable income tax, or

"(B) to the extent such amount exceeds the amount (determined in accordance with regulations) which—

"(i) is paid by such dual capacity taxpayer pursuant to the generally applicable income tax imposed by the country or possession, or

"(ii) would be paid if the generally applicable income tax imposed by the country or possession were applicable to such dual capacity taxpayer.

Nothing in this paragraph shall be construed to imply the proper treatment of any such amount not in excess of the amount determined under subparagraph (B).

"(2) DUAL CAPACITY TAXPAYER.—For purposes of this subsection, the term 'dual capacity taxpayer' means, with respect to any foreign country or possession of the United States, a person who—

"(A) is subject to a levy of such country or possession, and

"(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.

"(3) GENERALLY APPLICABLE INCOME TAX.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'generally applicable income tax' means an income tax (or a series of income taxes) which is generally imposed under the laws of a foreign country or possession on income derived from the conduct of a trade or business within such country or possession.

"(B) EXCEPTIONS.—Such term shall not include a tax unless it has substantial application, by its terms and in practice, to—

"(i) persons who are not dual capacity taxpayers, and

"(ii) persons who are citizens or residents of the foreign country or possession."

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after the date of the enactment of this Act.

(2) CONTRARY TREATY OBLIGATIONS UPHELD.—The amendments made by this section shall not apply to the extent contrary to any treaty obligation of the United States.

SA 2630. Mr. SCHUMER (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. ___. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO DUAL CAPACITY TAXPAYERS.

(a) IN GENERAL.—Section 901 (relating to credit for taxes of foreign countries and of possessions of the United States) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) SPECIAL RULES RELATING TO DUAL CAPACITY TAXPAYERS.—

"(1) GENERAL RULE.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer to a foreign country or possession of the United States for any period shall not be considered a tax—

"(A) if, for such period, the foreign country or possession does not impose a generally applicable income tax, or

"(B) to the extent such amount exceeds the amount (determined in accordance with regulations) which—

"(i) is paid by such dual capacity taxpayer pursuant to the generally applicable income tax imposed by the country or possession, or

"(ii) would be paid if the generally applicable income tax imposed by the country or possession were applicable to such dual capacity taxpayer.

Nothing in this paragraph shall be construed to imply the proper treatment of any such amount not in excess of the amount determined under subparagraph (B).

"(2) DUAL CAPACITY TAXPAYER.—For purposes of this subsection, the term 'dual capacity taxpayer' means, with respect to any foreign country or possession of the United States, a person who—

"(A) is subject to a levy of such country or possession, and

"(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.

"(3) GENERALLY APPLICABLE INCOME TAX.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'generally applicable income tax' means an income tax (or a series of income taxes) which is generally imposed under the laws of a foreign country or possession on income derived from the conduct of a trade or business within such country or possession.

"(B) EXCEPTIONS.—Such term shall not include a tax unless it has substantial application, by its terms and in practice, to—

"(i) persons who are not dual capacity taxpayers, and

"(ii) persons who are citizens or residents of the foreign country or possession."

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after the date of the enactment of this Act.

(2) CONTRARY TREATY OBLIGATIONS UPHELD.—The amendments made by this section shall not apply to the extent contrary to any treaty obligation of the United States.

SEC. ___. RULES RELATING TO FOREIGN OIL AND GAS INCOME.

(a) SEPARATE BASKET FOR FOREIGN TAX CREDIT.—

(1) YEARS BEFORE 2007.—Paragraph (1) of section 904(d) (relating to separate application of section with respect to certain categories of income), as in effect for years beginning before 2007, is amended by striking "and" at the end of subparagraph (H), by redesignating subparagraph (I) as subparagraph (J), and by inserting after subparagraph (H) the following new subparagraph:

"(I) foreign oil and gas income, and".

(2) 2007 AND AFTER.—Paragraph (1) of section 904(d), as in effect for years beginning after 2006, is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following:

"(C) foreign oil and gas income."

(b) DEFINITION.—

(1) YEARS BEFORE 2007.—Paragraph (2) of section 904(d), as in effect for years beginning before 2007, is amended by redesignating subparagraphs (H) and (I) as subparagraphs (I) and (J), respectively, and by inserting after subparagraph (G) the following new subparagraph:

"(H) FOREIGN OIL AND GAS INCOME.—The term 'foreign oil and gas income' has the meaning given such term by section 954(g)."

(2) 2007 AND AFTER.—Section 904(d)(2), as in effect for years after 2006, is amended by redesignating subparagraphs (J) and (K) as subparagraphs (K) and (L) and by inserting after subparagraph (I) the following:

"(J) FOREIGN OIL AND GAS INCOME.—For purposes of this section—

"(i) IN GENERAL.—The term 'foreign oil and gas income' has the meaning given such term by section 954(g).

"(ii) COORDINATION.—Passive category income and general category income shall not include foreign oil and gas income (as so defined)."

(c) CONFORMING AMENDMENTS.—

(1) Section 904(d)(3)(F)(i) is amended by striking "or (E)" and inserting "(E), or (I)".

(2) Section 907(a) is hereby repealed.

(3) Section 907(c)(4) is hereby repealed.

(4) Section 907(f) is hereby repealed.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

(2) YEARS AFTER 2006.—The amendments made by paragraphs (1)(B) and (2)(B) shall apply to taxable years beginning after December 31, 2006.

(3) TRANSITIONAL RULES.—

(A) SEPARATE BASKET TREATMENT.—Any taxes paid or accrued in a taxable year beginning on or before the date of the enactment of this Act, with respect to income which was described in subparagraph (I) of section 904(d)(1) of such Code (as in effect on the day before the date of the enactment of this Act), shall be treated as taxes paid or accrued with respect to foreign oil and gas income to the extent the taxpayer establishes to the satisfaction of the Secretary of the Treasury that such taxes were paid or accrued with respect to foreign oil and gas income.

(B) CARRYOVERS.—Any unused oil and gas extraction taxes which under section 907(f) of such Code (as so in effect) would have been allowable as a carryover to the taxpayer's first taxable year beginning after the date of the enactment of this Act (without regard to the limitation of paragraph (2) of such section 907(f) for first taxable year) shall be allowed as carryovers under section 904(c) of such Code in the same manner as if such taxes were unused taxes under such section 904(c) with respect to foreign oil and gas extraction income.

(C) LOSSES.—The amendment made by subsection (c)(3) shall not apply to foreign oil and gas extraction losses arising in taxable years beginning on or before the date of the enactment of this Act.

SA 2631. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; which was ordered to lie on the table; as follows:

At the end of title IV, insert the following:

Subtitle B—Hope at Home

SEC. 411. READY RESERVE-NATIONAL GUARD EMPLOYEE CREDIT ADDED TO GENERAL BUSINESS CREDIT.

(a) READY RESERVE-NATIONAL GUARD CREDIT.—Subpart D of part IV of subchapter A of chapter 1 (relating to business-related credits) is amended by adding at the end the following:

"SEC. 45N. READY RESERVE-NATIONAL GUARD EMPLOYEE CREDIT.

"(a) GENERAL RULE.—For purposes of section 38, the Ready Reserve-National Guard employee credit determined under this section for any taxable year is an amount equal to 50 percent of the actual compensation amount for such taxable year.

"(b) DEFINITION OF ACTUAL COMPENSATION AMOUNT.—For purposes of this section, the term 'actual compensation amount' means the amount of compensation paid or incurred by an employer with respect to a Ready Reserve-National Guard employee on any day during a taxable year when the employee was absent from employment for the purpose of performing qualified active duty.

"(c) LIMITATION.—No credit shall be allowed with respect to a Ready Reserve-National Guard employee who performs qualified active duty on any day on which the employee was not scheduled to work (for reason other than to participate in qualified active duty).

"(d) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED ACTIVE DUTY.—The term 'qualified active duty' means—

"(A) active duty, other than the training duty specified in section 10147 of title 10, United States Code (relating to training requirements for the Ready Reserve), or section 502(a) of title 32, United States Code (relating to required drills and field exercises for the National Guard), in connection with which an employee is entitled to reemployment rights and other benefits or to a leave of absence from employment under chapter 43 of title 38, United States Code, and

"(B) hospitalization incident to such duty.

"(2) COMPENSATION.—The term 'compensation' means any remuneration for employment, whether in cash or in kind, which is paid or incurred by a taxpayer and which is deductible from the taxpayer's gross income under section 162(a)(1).

"(3) READY RESERVE-NATIONAL GUARD EMPLOYEE.—The term 'Ready Reserve-National Guard employee' means an employee who is a member of the Ready Reserve of a reserve component of an Armed Force of the United States as described in sections 10142 and 10101 of title 10, United States Code.

"(4) CERTAIN RULES TO APPLY.—Rules similar to the rules of section 52 shall apply.

"(e) PORTION OF CREDIT MADE REFUNDABLE.—

"(1) IN GENERAL.—In the case of an eligible employer of a Ready Reserve-National Guard employee, the aggregate credits allowed to a taxpayer under subpart C shall be increased by the lesser of—

"(A) the credit which would be allowed under this section without regard to this subsection and the limitation under section 38(c), or

"(B) the amount by which the aggregate amount of credits allowed by this subpart (determined without regard to this subsection) would increase if the limitation imposed by section 38(c) for any taxable year were increased by the amount of employer payroll taxes imposed on the taxpayer during the calendar year in which the taxable year begins.

The amount of the credit allowed under this subsection shall not be treated as a credit allowed under this subpart and shall reduce the amount of the credit otherwise allowable under subsection (a) without regard to section 38(c).

"(2) ELIGIBLE EMPLOYER.—For purposes of this subsection, the term 'eligible employer' means an employer which is a State or local government or subdivision thereof.

"(3) EMPLOYER PAYROLL TAXES.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'employer payroll taxes' means the taxes imposed by—

"(i) section 3111(b), and

"(ii) sections 3211(a) and 3221(a) (determined at a rate equal to the rate under section 3111(b)).

"(B) SPECIAL RULE.—A rule similar to the rule of section 24(d)(2)(C) shall apply for purposes of subparagraph (A).".

(b) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) (relating to current year business credit) is amended by striking "and" at the end of paragraph (25), by striking the period at the end of paragraph (26) and inserting ", and", and by adding at the end the following:

"(27) the Ready Reserve-National Guard employee credit determined under section 45N(a).".

(c) DENIAL OF DOUBLE BENEFIT.—Section 280C(a) (relating to rule for employment credits) is amended by inserting "45N(a)," after "45A(a),".

(d) CONFORMING AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 45M the following:

"Sec. 45N. Ready Reserve-National Guard employee credit.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 412. READY RESERVE-NATIONAL GUARD REPLACEMENT EMPLOYEE CREDIT.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 (relating to foreign tax credit, etc.) is amended by adding after section 30C the following new section:

"SEC. 30D. READY RESERVE-NATIONAL GUARD REPLACEMENT EMPLOYEE CREDIT.

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—In the case of an eligible taxpayer, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year the sum of the employment credits for each qualified replacement employee under this section.

"(2) EMPLOYMENT CREDIT.—The employment credit with respect to a qualified replacement employee of the taxpayer for any taxable year is equal to 50 percent of the lesser of—

"(A) the individual's qualified compensation attributable to service rendered as a qualified replacement employee, or

"(B) $12,000.

"(b) QUALIFIED COMPENSATION.—The term 'qualified compensation' means—

"(1) compensation which is normally contingent on the qualified replacement employee's presence for work and which is deductible from the taxpayer's gross income under section 162(a)(1),

"(2) compensation which is not characterized by the taxpayer as vacation or holiday pay, or as sick leave or pay, or as any other form of pay for a nonspecific leave of absence, and

"(3) group health plan costs (if any) with respect to the qualified replacement employee.

"(c) QUALIFIED REPLACEMENT EMPLOYEE.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified replacement employee' means an individual who is hired to replace a Ready Reserve-National Guard employee or a Ready Reserve-National Guard self-employed taxpayer, but only with respect to the period during which—

"(A) such Ready Reserve-National Guard employee is receiving an actual compensation amount (as defined in section 45N(b)) from the employee's employer and is participating in qualified active duty, including time spent in travel status, or

"(B) such Ready Reserve-National Guard self-employed taxpayer is participating in such qualified active duty.

"(2) READY RESERVE-NATIONAL GUARD EMPLOYEE.—The term 'Ready Reserve-National Guard employee' has the meaning given such term by section 45N(d)(3).

"(3) READY RESERVE-NATIONAL GUARD SELF-EMPLOYED TAXPAYER.—The term 'Ready Reserve-National Guard self-employed taxpayer' means a taxpayer who—

"(A) has net earnings from self-employment (as defined in section 1402(a)) for the taxable year, and

"(B) is a member of the Ready Reserve of a reserve component of an Armed Force of the United States as described in section 10142 and 10101 of title 10, United States Code.

"(d) COORDINATION WITH OTHER CREDITS.—The amount of credit otherwise allowable under sections 51(a) and 1396(a) with respect to any employee shall be reduced by the credit allowed by this section with respect to such employee.

"(e) LIMITATIONS.—

"(1) APPLICATION WITH OTHER CREDITS.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess (if any) of—

"(A) the regular tax for the taxable year reduced by the sum of the credits allowable under subpart A and sections 27, 29, and 30, over

"(B) the tentative minimum tax for the taxable year.

"(2) DISALLOWANCE FOR FAILURE TO COMPLY WITH EMPLOYMENT OR REEMPLOYMENT RIGHTS OF MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES.—No credit shall be allowed under subsection (a) to a taxpayer for—

"(A) any taxable year, beginning after the date of the enactment of this section, in which the taxpayer is under a final order, judgment, or other process issued or required by a district court of the United States under section 4323 of title 38 of the United States Code with respect to a violation of chapter 43 of such title, and

"(B) the 2 succeeding taxable years.

"(f) GENERAL DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) ELIGIBLE TAXPAYER.—The term 'eligible taxpayer' means a small business employer or a Ready Reserve-National Guard self-employed taxpayer.

"(2) SMALL BUSINESS EMPLOYER.—

"(A) IN GENERAL.—The term 'small business employer' means, with respect to any taxable year, any employer who employed an average of 50 or fewer employees on business days during such taxable year.

"(B) CONTROLLED GROUPS.—For purposes of subparagraph (A), all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as a single employer.

"(3) QUALIFIED ACTIVE DUTY.—The term 'qualified active duty' has the meaning given such term by section 45N(d)(1).

"(4) SPECIAL RULES FOR CERTAIN MANUFACTURERS.—

"(A) IN GENERAL.—In the case of any qualified manufacturer—

"(i) subsection (a)(2)(B) shall be applied by substituting '$20,000' for '$12,000', and

"(ii) paragraph (2)(A) of this subsection shall be applied by substituting '100' for '50'.

"(B) QUALIFIED MANUFACTURER.—For purposes of this paragraph, the term 'qualified manufacturer' means any person if—

"(i) the primary business of such person is classified in sector 31, 32, or 33 of the North American Industrial Classification System, and

"(ii) all of such person's facilities which are used for production in such business are located in the United States.

"(5) CARRYBACK AND CARRYFORWARD ALLOWED.—

"(A) IN GENERAL.—If the credit allowable under subsection (a) for a taxable year exceeds the amount of the limitation under subsection (e)(1) for such taxable year (in this paragraph referred to as the 'unused credit year'), such excess shall be a credit carryback to each of the 3 taxable years preceding the unused credit year and a credit carryforward to each of the 20 taxable years following the unused credit year.

"(B) RULES.—Rules similar to the rules of section 39 shall apply with respect to the credit carryback and credit carryforward under subparagraph (A).

"(6) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (c), (d), and (e) of section 52 shall apply.".

(b) NO DEDUCTION FOR COMPENSATION TAKEN INTO ACCOUNT FOR CREDIT.—Section 280C(a) (relating to rule for employment credits) is amended—

(1) by inserting "or compensation" after "salaries", and

(2) by inserting "30D," before "45A(a),".

(c) CONFORMING AMENDMENT.—Section 55(c)(2) is amended by inserting "30D(e)(1)," after "30(b)(3),".

(d) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by adding after the item relating to section 30C the following new item:

"Sec. 30D. Credit for replacement of activated military reservists.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 413. INCOME TAX WITHHOLDING ON DIFFERENTIAL WAGE PAYMENTS.

(a) IN GENERAL.—Section 3401 (relating to definitions) is amended by adding at the end the following new subsection:

"(i) DIFFERENTIAL WAGE PAYMENTS TO ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.—

"(1) IN GENERAL.—For purposes of subsection (a), any differential wage payment shall be treated as a payment of wages by the employer to the employee.

"(2) DIFFERENTIAL WAGE PAYMENT.—For purposes of paragraph (1), the term 'differential wage payment' means any payment which—

"(A) is made by an employer to an individual with respect to any period during which the individual is performing service in the uniformed services while on active duty for a period of more than 30 days, and

"(B) represents all or a portion of the wages the individual would have received from the employer if the individual were performing service for the employer.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to remuneration paid after December 31, 2005.

SEC. 414. TREATMENT OF DIFFERENTIAL WAGE PAYMENTS FOR RETIREMENT PLAN PURPOSES.

(a) PENSION PLANS.—

(1) IN GENERAL.—Section 414(u) (relating to special rules relating to veterans' reemployment rights under USERRA) is amended by adding at the end the following new paragraph:

"(11) TREATMENT OF DIFFERENTIAL WAGE PAYMENTS.—

"(A) IN GENERAL.—Except as provided in this paragraph, for purposes of applying this title to a retirement plan to which this subsection applies—

"(i) an individual receiving a differential wage payment shall be treated as an employee of the employer making the payment,

"(ii) the differential wage payment shall be treated as compensation, and

"(iii) the plan shall not be treated as failing to meet the requirements of any provision described in paragraph (1)(C) by reason of any contribution which is based on the differential wage payment.

"(B) SPECIAL RULE FOR DISTRIBUTIONS.—

"(i) IN GENERAL.—Notwithstanding subparagraph (A)(i), for purposes of section 401(k)(2)(B)(i)(I), 403(b)(7)(A)(ii), 403(b)(11)(A), or 457(d)(1)(A)(ii), an individual shall be treated as having been severed from employment during any period the individual is performing service in the uniformed services described in section 3401(i)(2)(A).

"(ii) LIMITATION.—If an individual elects to receive a distribution by reason of clause (i), the plan shall provide that the individual may not make an elective deferral or employee contribution during the 6-month period beginning on the date of the distribution.

"(C) NONDISCRIMINATION REQUIREMENT.—Subparagraph (A)(iii) shall apply only if all employees of an employer performing service in the uniformed services described in section 3401(i)(2)(A) are entitled to receive differential wage payments on reasonably equivalent terms and, if eligible to participate in a retirement plan maintained by the employer, to make contributions based on the payments. For purposes of applying this subparagraph, the provisions of paragraphs (3), (4), and (5), of section 410(b) shall apply.

"(D) DIFFERENTIAL WAGE PAYMENT.—For purposes of this paragraph, the term 'differential wage payment' has the meaning given such term by section 3401(i)(2).".

(2) CONFORMING AMENDMENT.—The heading for section 414(u) is amended by inserting "AND TO DIFFERENTIAL WAGE PAYMENTS TO MEMBERS ON ACTIVE DUTY" after "USERRA".

(b) DIFFERENTIAL WAGE PAYMENTS TREATED AS COMPENSATION FOR INDIVIDUAL RETIREMENT PLANS.—Section 219(f)(1) (defining compensation) is amended by adding at the end the following new sentence: "The term 'compensation' includes any differential wage payment (as defined in section 3401(i)(2)).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2005.

(d) PROVISIONS RELATING TO PLAN AMENDMENTS.—

(1) IN GENERAL.—If this subsection applies to any plan or annuity contract amendment—

(A) such plan or contract shall be treated as being operated in accordance with the terms of the plan or contract during the period described in paragraph (2)(B)(i), and

(B) except as provided by the Secretary of the Treasury, such plan shall not fail to meet the requirements of the Internal Revenue Code of 1986 or the Employee Retirement Income Security Act of 1974 by reason of such amendment.

(2) AMENDMENTS TO WHICH SECTION APPLIES.—

(A) IN GENERAL.—This subsection shall apply to any amendment to any plan or annuity contract which is made—

(i) pursuant to any amendment made by this section, and

(ii) on or before the last day of the first plan year beginning on or after January 1, 2007.

(B) CONDITIONS.—This subsection shall not apply to any plan or annuity contract amendment unless—

(i) during the period beginning on the date the amendment described in subparagraph (A)(i) takes effect and ending on the date described in subparagraph (A)(ii) (or, if earlier, the date the plan or contract amendment is adopted), the plan or contract is operated as if such plan or contract amendment were in effect, and

(ii) such plan or contract amendment applies retroactively for such period.

SEC. 415. MODIFICATIONS OF EFFECTIVE DATES OF LEASING PROVISIONS OF THE AMERICAN JOBS CREATION ACT OF 2004.

(a) IN GENERAL.—Section 849(b) of the American Jobs Creation Act of 2004 is amended by adding at the end the following new paragraph:

"(5) LEASES TO FOREIGN ENTITIES.—In the case of tax-exempt use property leased to a tax-exempt entity which is a foreign person or entity, the amendments made by this part shall apply to taxable years beginning after December 31, 2004, with respect to leases entered into on or before March 12, 2004.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of the American Jobs Creation Act of 2004.

SA 2632. Mr. LOTT (for himself and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; which was ordered to lie on the table; as follows:

At the end of title IV, insert:

SEC. ___. MODIFICATIONS TO RULES RELATING TO TAXATION OF DISTRIBUTIONS OF STOCK AND SECURITIES OF A CONTROLLED CORPORATION.

(a) MODIFICATION OF ACTIVE BUSINESS DEFINITION UNDER SECTION 355.—

(1) IN GENERAL.—Section 355(b) (defining active conduct of a trade or business) is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULES RELATING TO ACTIVE BUSINESS REQUIREMENT.—

"(A) IN GENERAL.—For purposes of determining whether a corporation meets the requirement of paragraph (2)(A), all members of such corporation's separate affiliated group shall be treated as 1 corporation. For purposes of the preceding sentence, the term 'separate affiliated group' means, with respect to any corporation, the affiliated group which would be determined under section 1504(a) if such corporation were the common parent and section 1504(b) did not apply.

"(B) CONTROL.—For purposes of paragraph (2)(D), all distributee corporations which are members of the same affiliated group (as defined in section 1504(a) without regard to section 1504(b)) shall be treated as 1 distributee corporation.".

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (A) of section 355(b)(2) is amended to read as follows:

"(A) it is engaged in the active conduct of a trade or business,".

(B) Section 355(b)(2) of such Code is amended by striking the last sentence.

(3) EFFECTIVE DATES.—

(A) IN GENERAL.—The amendments made by this subsection shall apply—

(i) to distributions after the date of the enactment of this Act, and before January 1, 2010, and

(ii) for purposes of determining the continued qualification under section 355(b)(2)(A) of the Internal Revenue Code of 1986 (as amended by paragraph (2)(A)) of distributions made before such date, as a result of an acquisition, disposition, or other restructuring after such date and before January 1, 2010.

(B) TRANSITION RULE.—The amendments made by this subsection shall not apply to any distribution pursuant to a transaction which is—

(i) made pursuant to an agreement which was binding on such date of enactment and at all times thereafter,

(ii) described in a ruling request submitted to the Internal Revenue Service on or before such date, or

(iii) described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission.

(C) ELECTIONS.—

(i) OUT OF TRANSITION RELIEF.—Subparagraph (B) shall not apply if the distributing corporation elects not to have such subparagraph apply to distributions of such corporation. Any such election, once made, shall be irrevocable.

(ii) APPLICATION TO PRIOR DISTRIBUTIONS.—Subparagraph (A)(ii) shall not apply to a distributing or controlled corporation if the corporation elects not to have such subparagraph apply to such corporation. Any such election, once made, shall be irrevocable.

(b) SECTION 355 NOT TO APPLY TO DISTRIBUTIONS IF THE DISTRIBUTING OR CONTROLLED CORPORATION IS A DISQUALIFIED INVESTMENT CORPORATION.—

(1). IN GENERAL.—Section 355 (relating to distributions of stock and securities of a controlled corporation) is amended by adding at the end the following new subsection:

"(g) SECTION NOT TO APPLY TO DISTRIBUTIONS INVOLVING DISQUALIFIED INVESTMENT CORPORATIONS.—

"(1) IN GENERAL.—This section (and so much of section 356 as relates to this section) shall not apply to any distribution which is part of a transaction if—

"(A) either the distributing corporation or controlled corporation is, immediately after the transaction, a disqualified investment corporation, and

"(B) any person holds, immediately after the transaction, a 50-percent or greater interest in any disqualified investment corporation, but only if such person did not hold such an interest in such corporation immediately before the transaction.

"(2) DISQUALIFIED INVESTMENT CORPORATION.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'disqualified investment corporation' means any distributing or controlled corporation if the fair market value of the investment assets of the corporation is 75 percent or more of the fair market value of all assets of the corporation.

"(B) INVESTMENT ASSETS.—

"(i) IN GENERAL.—Except as otherwise provided in this subparagraph, the term 'investment assets' means—

"(I) cash,

"(II) any stock or securities in a corporation,

"(III) any interest in a partnership,

"(IV) any debt instrument or other evidence of indebtedness,

"(V) any option, forward or futures contract, notional principal contract, or derivative,

"(VI) foreign currency, or

"(VII) any similar asset.

"(ii) EXCEPTION FOR ASSETS USED IN ACTIVE CONDUCT OF CERTAIN FINANCIAL TRADES OR BUSINESSES.—Such term shall not include any asset which is held for use in the active and regular conduct of—

"(I) a lending or finance business (within the meaning of section 954(h)(4)),

"(II) a banking business through a bank (as defined in section 581), a domestic building and loan association (within the meaning of section 7701(a)(19)), or any similar institution specified by the Secretary, or

"(III) an insurance business if the conduct of the business is licensed, authorized, or regulated by an applicable insurance regulatory body.

This clause shall only apply with respect to any business if substantially all of the income of the business is derived from persons who are not related (within the meaning of section 267(b) or 707(b)(1)) to the person conducting the business.

"(iii) EXCEPTION FOR SECURITIES MARKED TO MARKET.—Such term shall not include any security (as defined in section 475(c)(2)) which is held by a dealer in securities and to which section 475(a) applies.

"(iv) STOCK OR SECURITIES IN A 25-PERCENT CONTROLLED ENTITY.—

"(I) IN GENERAL.—Such term shall not include any stock and securities in, or any asset described in subclause (IV) or (V) of clause (i) issued by, a corporation which is a 25-percent controlled entity with respect to the distributing or controlled corporation.

"(II) LOOK-THRU RULE.—The distributing or controlled corporation shall, for purposes of applying this subsection, be treated as owning its ratable share of the assets of any 25-percent controlled entity.

"(III) 25-PERCENT CONTROLLED ENTITY.—For purposes of this clause, the term '25-percent controlled entity' means, with respect to any distributing or controlled corporation, any corporation with respect to which the distributing or controlled corporation owns directly or indirectly stock meeting the requirements of section 1504(a)(2), except that such section shall be applied by substituting '25 percent' for '80 percent' and without regard to stock described in section 1504(a)(4).

"(v) INTERESTS IN CERTAIN PARTNERSHIPS.—

"(I) IN GENERAL.—Such term shall not include any interest in a partnership, or any debt instrument or other evidence of indebtedness, issued by the partnership, if 1 or more of the trades or businesses of the partnership are (or, without regard to the 5-year requirement under subsection (b)(2)(B), would be) taken into account by the distributing or controlled corporation, as the case may be, in determining whether the requirements of subsection (b) are met with respect to the distribution.

"(II) LOOK-THRU RULE.—The distributing or controlled corporation shall, for purposes of applying this subsection, be treated as owning its ratable share of the assets of any partnership described in subclause (I).

"(3) 50-PERCENT OR GREATER INTEREST.—For purposes of this subsection—

"(A) IN GENERAL.—The term '50-percent or greater interest' has the meaning given such term by subsection (d)(4).

"(B) ATTRIBUTION RULES.—The rules of section 318 shall apply for purposes of determining ownership of stock for purposes of this paragraph.

"(4) Transaction.—For purposes of this subsection, the term 'transaction' includes a series of transactions.

"(5) Regulations.—The Secretary shall prescribe such regulations as may be necessary to carry out, or prevent the avoidance of, the purposes of this subsection, including regulations—

"(A) to carry out, or prevent the avoidance of, the purposes of this subsection in cases involving—

"(i) the use of related persons, intermediaries, pass-thru entities, options, or other arrangements, and

"(ii) the treatment of assets unrelated to the trade or business of a corporation as investment assets if, prior to the distribution, investment assets were used to acquire such unrelated assets,

"(B) which in appropriate cases exclude from the application of this subsection a distribution which does not have the character of a redemption which would be treated as a sale or exchange under section 302, and

"(C) which modify the application of the attribution rules applied for purposes of this subsection.".

(2) Effective dates.—

(A) In general.—The amendments made by this subsection shall apply to distributions after the date of the enactment of this Act.

(B) Transition rule.—The amendments made by this subsection shall not apply to any distribution pursuant to a transaction which is—

(i) made pursuant to an agreement which was binding on such date of enactment and at all times thereafter,

(ii) described in a ruling request submitted to the Internal Revenue Service on or before such date, or

(iii) described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission.

SA 2633. Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; as follows:

At the appropriate place, insert the following:

SEC. ___. CLARIFICATION OF TREATMENT OF OUTSIDE INCOME AND EXPENSES IN THE SENATE.

(a) In General.—For purposes of rule XXXVI and paragraph 5(b)(3) of rule XXXVII of the Standing Rules of the Senate, compensation or outside earned income for any calendar year shall be reduced by actual and necessary expenses incurred by a Member of the Senate in connection with the practice of medicine. A Member of the Senate shall include information with respect to such expenses with any report in which such compensation or income is required to be included.

(b) Payment or Reimbursement.—If expenses described in subsection (a) are—

(1) paid or reimbursed by another person, the amount of any such payment shall not be counted as compensation or outside earned income; and

(2) not paid or reimbursed, the amount of compensation or outside earned income shall be determined by subtracting the actual and necessary expenses incurred by the Member from any payment received for the activity.

SA 2634. Mrs. BOXER (for herself and Mr. Schumer) submitted an amendment intended to be proposed by her to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; as follows:

At the appropriate place, insert the following:

SEC. ___. TREATMENT AND SUPPORT SERVICES FOR VETERANS.

Out of any money in the Treasury of the United States not otherwise appropriated, and in addition to any amount otherwise appropriated, there are appropriated $500,000,000 to the Secretary of Veterans Affairs for each of fiscal years 2006 through 2010, to provide veterans suffering from mental illness, post-traumatic stress disorder, or drug or alcohol dependency with—

(1) readjustment counseling and related mental health services under section 1712A of title 38, United States Code; and

(2) treatment and rehabilitative services under section 1720A of such title.

SEC. ___. ELIMINATION OF THE SCHEDULED PHASE OUT OF THE LIMITATIONS ON PERSONAL EXEMPTIONS AND ITEMIZED DEDUCTIONS FOR INDIVIDUALS EARNING IN EXCESS OF $1,000,000.

(a) Personal Exemptions.—Section 151(d)(3)(E) of the Internal Revenue Code of 1986 is amended by adding at the end the following new clause:

"(iii) Exception.—This subparagraph shall not apply with respect to any individual whose adjusted gross income for the taxable year exceeds $1,000,000 ($2,000,000 in the case of a joint return).".

(b) Itemized Deductions.—Section 68(f) of such Code is amended by adding at the end the following new paragraph:

"(3) Exception.—This subsection shall not apply with respect to any individual whose adjusted gross income for the taxable year exceeds $1,000,000 ($2,000,000 in the case of a joint return).".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

(d) Application of EGTRRA Sunset.—The amendments made by this section shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as the provision of such Act to which such amendment relates.

SA 2635. Mr. SCHUMER (for himself and Mrs. Feinstein) proposed an amendment to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; as follows:

At the end of title IV add the following:

SEC. 410. TEMPORARY WINDFALL PROFITS TAX.

(a) In General.—Subtitle E (relating to alcohol, tobacco, and certain other excise taxes) is amended by adding at the end thereof the following new chapter:

"CHAPTER 56—TEMPORARY WINDFALL PROFITS ON CRUDE OIL

"Sec. 5896. Imposition of tax.
"Sec. 5897. Windfall profit; etc.
"Sec. 5898. Special rules and definitions.

"SEC. 5896. IMPOSITION OF TAX.

"(a) In General.—In addition to any other tax imposed under this title, there is hereby imposed on any applicable taxpayer an excise tax in an amount equal to 50 percent of the windfall profit of such taxpayer for any taxable year beginning in 2005.

"(b) Applicable Taxpayer.—For purposes of this chapter, the term 'applicable taxpayer' means, with respect to operations in the United States—

"(1) any integrated oil company (as defined in section 291(b)(4)), and

"(2) any other producer or refiner of crude oil with gross receipts from the sale of such crude oil or refined oil products for the taxable year exceeding $100,000,000.

"SEC. 5897. WINDFALL PROFIT; ETC.

"(a) General Rule.—For purposes of this chapter, the term 'windfall profit' means the excess of the adjusted taxable income of the applicable taxpayer for the taxable year over the reasonably inflated average profit for such taxable year.

"(b) Adjusted Taxable Income.—For purposes of this chapter, with respect to any applicable taxpayer, the adjusted taxable income for any taxable year is equal to the taxable income for such taxable year (within the meaning of section 63 and determined without regard to this subsection)—

"(1) increased by any interest expense deduction, charitable contribution deduction, and any net operating loss deduction carried forward from any prior taxable year, and

"(2) reduced by any interest income, dividend income, and net operating losses to the extent such losses exceed taxable income for the taxable year.

In the case of any applicable taxpayer which is a foreign corporation, the adjusted taxable income shall be determined with respect to such income which is effectively connected with the conduct of a trade or business in the United States.

"(c) Reasonably Inflated Average Profit.—For purposes of this chapter, with respect to any applicable taxpayer, the reasonably inflated average profit for any taxable year is an amount equal to the average of the adjusted taxable income of such taxpayer for taxable years beginning during the 2002-2004 taxable year period plus 10 percent of such average.

"SEC. 5898. SPECIAL RULES AND DEFINITIONS.

"(a) Withholding and Deposit of Tax.—The Secretary shall provide such rules as are necessary for the withholding and deposit of the tax imposed under section 5896.

"(b) Records and Information.—Each taxpayer liable for tax under section 5896 shall keep such records, make such returns, and furnish such information as the Secretary may by regulations prescribe.

"(c) Return of Windfall Profit Tax.—The Secretary shall provide for the filing and the time of such filing of the return of the tax imposed under section 5896.

"(d) Crude Oil.—The term 'crude oil' includes crude oil condensates and natural gasoline.

"(e) Businesses Under Common Control.—For purposes of this chapter, all members of the same controlled group of corporations (within the meaning of section 267(f)) and all persons under common control (within the meaning of section 52(b) but determined by treating an interest of more than 50 percent as a controlling interest) shall be treated as 1 person.

"(f) Regulations.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this chapter.".

(b) Clerical Amendment.—The table of chapters for subtitle E of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Chapter 56. Temporary Windfall Profit on Crude Oil.".

(c) Deductibility of Windfall Profit Tax.—The first sentence of section 164(a) of the Internal Revenue Code of 1986 (relating to deduction for taxes) is amended by inserting after paragraph (5) the following new paragraph:

"(6) The windfall profit tax imposed by section 5896.".

(d) NONREFUNDABLE CREDIT.—In the case of taxable years beginning in 2005, for purposes of the Internal Revenue Code of 1986, the tax liability of each taxpayer otherwise determined under the Internal Revenue Code of 1986 shall be reduced by $100 for each personal exemption (within the meaning of section 151 of such Code) claimed by such taxpayer for such taxable year.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning in 2005.

SA 2636. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; which was ordered to lie on the table; as follows:

On page 121, line 4, strike the period at the end and insert ", or

"(v)(I) the applicable exempt organization, or a financing subsidiary or affiliate wholly owned by one or more applicable exempt organizations, is the sole owner and beneficiary of the contract,

"(II) the interest in the contract of each person other than the applicable exempt organization arises solely from a security or collateral interest, and

"(III) a principal portion of the death benefits attributable to the insurance contract is paid to the applicable exempt organization, or a subsidiary or affiliate wholly owned by one or more applicable exempt organizations.

SA 2637. Mr. COLEMAN (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; which was ordered to lie on the table; as follows:

On page 235, between lines 13 and 14, insert the following:

SEC. . ALTERNATIVE PERCENTAGE LIMITATION FOR CORPORATE CHARITABLE CONTRIBUTIONS TO THE MATHEMATICS AND SCIENCE PARTNERSHIP PROGRAM.

(a) IN GENERAL.—Section 170(b) (related to percentage limitations) is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULE FOR CORPORATE CONTRIBUTIONS TO THE MATHEMATICS AND SCIENCE PARTNERSHIP PROGRAM.—

"(A) IN GENERAL.—In the case of a corporation which makes an eligible mathematics and science contribution—

"(i) the limitation under paragraph (2) shall apply separately with respect to all such contributions and all other charitable contributions, and

"(ii) paragraph (2) shall be applied with respect to all eligible mathematics and science contributions by substituting '15 percent' for '10 percent'.

"(B) ELIGIBLE MATHEMATICS AND SCIENCE CONTRIBUTION.—

"(i) IN GENERAL.—For purposes of this paragraph, the term 'eligible mathematics and science contribution' means a charitable contribution (other than a contribution of used equipment) to a qualified partnership for the purpose of an activity described in section 2202(c) of the Elementary and Secondary Education Act of 1965.

"(ii) QUALIFIED PARTNERSHIP.—The term 'qualified partnership' means an eligible partnership (within the meaning of section 2201(b)(1) of the Elementary and Secondary Education Act of 1965), but only to the extent that such partnership does not include a person other than a person described in paragraph (1)(A).

"(C) TERMINATION.—This paragraph shall not apply to any contributions made in taxable years beginning after December 31, 2006.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2005.

SA 2638. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; which was ordered to lie on the table; as follows:

At the end of title IV, insert the following:

SEC. . EXEMPTION OF QUALIFIED 501(C)(3) BONDS FOR NURSING HOMES FROM FEDERAL GUARANTEE PROHIBITIONS.

(a) IN GENERAL.—Section 149(b)(3) (relating to exceptions) is amended by adding at the end the following new subparagraph:

"(E) EXCEPTION FOR QUALIFIED 501(C)(3) BONDS FOR NURSING HOMES.—

"(i) IN GENERAL.—Paragraph (1) shall not apply to any qualified 501(c)(3) bond issued before the date which is 1 year after the date of the enactment of this subparagraph for the benefit of an organization described in section 501(c)(3), if such bond is part of an issue the proceeds of which are used to finance 1 or more of the following facilities primarily for the benefit of the elderly:

"(I) Licensed nursing home facility.

"(II) Licensed or certified assisted living facility.

"(III) Licensed personal care facility.

"(IV) Continuing care retirement community.

"(ii) LIMITATION.—With respect to any calendar year, clause (i) shall not apply to any bond described in such clause if the aggregate authorized face amount of the issue of which such bond is a part when increased by the outstanding amount of such bonds issued by the issuer for such calendar year exceeds $15,000,000.

"(iii) CONTINUING CARE RETIREMENT COMMUNITY.—For purposes of this subparagraph, the term 'continuing care retirement community' means a community which provides, on the same campus, a continuum of residential living options and support services to persons at least 60 years of age under a written agreement. For purposes of the preceding sentence, the residential living options shall include independent living units, nursing home beds, and either assisted living units or personal care beds.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after the date of the enactment of this Act.

SA 2639. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; which was ordered to lie on the table; as follows:

Beginning on page 76, strike line 23 and all that follows through page 77, line 2.

SA 2640. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; which was ordered to lie on the table; as follows:

Beginning on page 76, strike line 24 and all that follows through page 77, line 2, and insert the following:

Section 1397E(d)(2)(B) is amended to read as follows:

"(B) QUALIFIED CONTRIBUTIONS.—

"(i) IN GENERAL.—For purposes of subparagraph (A), the term 'qualified contribution' means any contribution (of a type and quality acceptable to the eligible local education agency) of—

"(I) equipment or software for use in the qualified zone academy (including state-of-the-art technology and vocational equipment),

"(II) technical assistance in developing curriculum or in training teachers in order to promote appropriate market driven technology in the classroom,

"(III) services of employees (but not of the local education agency) as volunteer mentors,

"(IV) internships, or other educational opportunities outside the academy for students,

"(V) cash, or

"(VI) any other tangible or intangible property specified by the eligible local education agency.

"(ii) EXCLUSION.—Such term shall not include any discounts, set-up fees, and contributions conditioned upon business with the contributor.

"(iii) VALUATION.—Valuation of the qualified contribution shall be reasonable given the nature of the contribution. For tangible and intangible property, valuation based on pricing that is regularly charged for the sale of such tangible and intangible property shall be reasonable. For services, valuation of such services based on pricing that is regularly charged for the sale of such services shall be reasonable. For services that are not regularly sold, valuation based on the average hourly compensation, including benefits, of the employees providing such services for the contributor shall be reasonable, so long as such cost is applied to the reasonable estimate of the contributed hours for such services.".

SA 2641. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; which was ordered to lie on the table; as follows:

At the end of title IV add the following:

SEC. ___. MODIFICATIONS OF EFFECTIVE DATES OF LEASING PROVISIONS OF THE AMERICAN JOBS CREATION ACT OF 2004 AND FUNDING OF LIHEAP TRUST FUND.

(a) IN GENERAL.—Section 849(b) of the American Jobs Creation Act of 2004, as

"(4) TRANSACTION.—For purposes of this subsection, the term 'transaction' includes a series of transactions.

"(5) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out, or prevent the avoidance of, the purposes of this subsection, including regulations—

"(A) to carry out, or prevent the avoidance of, the purposes of this subsection in cases involving—

"(i) the use of related persons, intermediaries, pass-thru entities, options, or other arrangements, and

"(ii) the treatment of assets unrelated to the trade or business of a corporation as investment assets if, prior to the distribution, investment assets were used to acquire such unrelated assets,

"(B) which in appropriate cases exclude from the application of this subsection a distribution which does not have the character of a redemption which would be treated as a sale or exchange under section 302, and

"(C) which modify the application of the attribution rules applied for purposes of this subsection.".

(2) EFFECTIVE DATES.—

(A) IN GENERAL.—The amendments made by this subsection shall apply to distributions after the date of the enactment of this Act.

(B) TRANSITION RULE.—The amendments made by this subsection shall not apply to any distribution pursuant to a transaction which is—

(i) made pursuant to an agreement which was binding on such date of enactment and at all times thereafter,

(ii) described in a ruling request submitted to the Internal Revenue Service on or before such date, or

(iii) described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission.

SA 2633. Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; as follows:

At the appropriate place, insert the following:

SEC. ___. CLARIFICATION OF TREATMENT OF OUTSIDE INCOME AND EXPENSES IN THE SENATE.

(a) IN GENERAL.—For purposes of rule XXXVI and paragraph 5(b)(3) of rule XXXVII of the Standing Rules of the Senate, compensation or outside earned income for any calendar year shall be reduced by actual and necessary expenses incurred by a Member of the Senate in connection with the practice of medicine. A Member of the Senate shall include information with respect to such expenses with any report in which such compensation or income is required to be included.

(b) PAYMENT OR REIMBURSEMENT.—If expenses described in subsection (a) are—

(1) paid or reimbursed by another person, the amount of any such payment shall not be counted as compensation or outside earned income; and

(2) not paid or reimbursed, the amount of compensation or outside earned income shall be determined by subtracting the actual and necessary expenses incurred by the Member from any payment received for the activity.

SA 2634. Mrs. BOXER (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; as follows:

At the appropriate place, insert the following:

SEC. ___. TREATMENT AND SUPPORT SERVICES FOR VETERANS.

Out of any money in the Treasury of the United States not otherwise appropriated, and in addition to any amount otherwise appropriated, there are appropriated $500,000,000 to the Secretary of Veterans Affairs for each of fiscal years 2006 through 2010, to provide veterans suffering from mental illness, post-traumatic stress disorder, or drug or alcohol dependency with—

(1) readjustment counseling and related mental health services under section 1712A of title 38, United States Code; and

(2) treatment and rehabilitative services under section 1720A of such title.

SEC. ___. ELIMINATION OF THE SCHEDULED PHASE OUT OF THE LIMITATIONS ON PERSONAL EXEMPTIONS AND ITEMIZED DEDUCTIONS FOR INDIVIDUALS EARNING IN EXCESS OF $1,000,000.

(a) PERSONAL EXEMPTIONS.—Section 151(d)(3)(E) of the Internal Revenue Code of 1986 is amended by adding at the end the following new clause:

"(iii) EXCEPTION.—This subparagraph shall not apply with respect to any individual whose adjusted gross income for the taxable year exceeds $1,000,000 ($2,000,000 in the case of a joint return).".

(b) ITEMIZED DEDUCTIONS.—Section 68(f) of such Code is amended by adding at the end the following new paragraph:

"(3) EXCEPTION.—This subsection shall not apply with respect to any individual whose adjusted gross income for the taxable year exceeds $1,000,000 ($2,000,000 in the case of a joint return).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

(d) APPLICATION OF EGTRRA SUNSET.—The amendments made by this section shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as the provision of such Act to which such amendment relates.

SA 2635. Mr. SCHUMER (for himself and Mrs. FEINSTEIN) proposed an amendment to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; as follows:

At the end of title IV add the following:

SEC. 410. TEMPORARY WINDFALL PROFITS TAX.

(a) IN GENERAL.—Subtitle E (relating to alcohol, tobacco, and certain other excise taxes) is amended by adding at the end thereof the following new chapter:

"CHAPTER 56—TEMPORARY WINDFALL PROFITS ON CRUDE OIL

"Sec. 5896. Imposition of tax.
"Sec. 5897. Windfall profit; etc.
"Sec. 5898. Special rules and definitions.

"SEC. 5896. IMPOSITION OF TAX.

"(a) IN GENERAL.—In addition to any other tax imposed under this title, there is hereby imposed on any applicable taxpayer an excise tax in an amount equal to 50 percent of the windfall profit of such taxpayer for any taxable year beginning in 2005.

"(b) APPLICABLE TAXPAYER.—For purposes of this chapter, the term 'applicable taxpayer' means, with respect to operations in the United States—

"(1) any integrated oil company (as defined in section 291(b)(4)), and

"(2) any other producer or refiner of crude oil with gross receipts from the sale of such crude oil or refined oil products for the taxable year exceeding $100,000,000.

"SEC. 5897. WINDFALL PROFIT; ETC.

"(a) GENERAL RULE.—For purposes of this chapter, the term 'windfall profit' means the excess of the adjusted taxable income of the applicable taxpayer for the taxable year over the reasonably inflated average profit for such taxable year.

"(b) ADJUSTED TAXABLE INCOME.—For purposes of this chapter, with respect to any applicable taxpayer, the adjusted taxable income for any taxable year is equal to the taxable income for such taxable year (within the meaning of section 63 and determined without regard to this subsection)—

"(1) increased by any interest expense deduction, charitable contribution deduction, and any net operating loss deduction carried forward from any prior taxable year, and

"(2) reduced by any interest income, dividend income, and net operating losses to the extent such losses exceed taxable income for the taxable year.

In the case of any applicable taxpayer which is a foreign corporation, the adjusted taxable income shall be determined with respect to such income which is effectively connected with the conduct of a trade or business in the United States.

"(c) REASONABLY INFLATED AVERAGE PROFIT.—For purposes of this chapter, with respect to any applicable taxpayer, the reasonably inflated average profit for any taxable year is an amount equal to the average of the adjusted taxable income of such taxpayer for taxable years beginning during the 2002-2004 taxable year period plus 10 percent of such average.

"SEC. 5898. SPECIAL RULES AND DEFINITIONS.

"(a) WITHHOLDING AND DEPOSIT OF TAX.—The Secretary shall provide such rules as are necessary for the withholding and deposit of the tax imposed under section 5896.

"(b) RECORDS AND INFORMATION.—Each taxpayer liable for tax under section 5896 shall keep such records, make such returns, and furnish such information as the Secretary may by regulations prescribe.

"(c) RETURN OF WINDFALL PROFIT TAX.—The Secretary shall provide for the filing and the time of such filing of the return of the tax imposed under section 5896.

"(d) CRUDE OIL.—The term 'crude oil' includes crude oil condensates and natural gasoline.

"(e) BUSINESSES UNDER COMMON CONTROL.—For purposes of this chapter, all members of the same controlled group of corporations (within the meaning of section 267(f)) and all persons under common control (within the meaning of section 52(b) but determined by treating an interest of more than 50 percent as a controlling interest) shall be treated as 1 person.

"(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this chapter.".

(b) CLERICAL AMENDMENT.—The table of chapters for subtitle E of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"CHAPTER 56. Temporary Windfall Profit on Crude Oil.".

(c) DEDUCTIBILITY OF WINDFALL PROFIT TAX.—The first sentence of section 164(a) of the Internal Revenue Code of 1986 (relating to deduction for taxes) is amended by inserting after paragraph (5) the following new paragraph:

“(6) The windfall profit tax imposed by section 5896.”.

(d) NONREFUNDABLE CREDIT.—In the case of taxable years beginning in 2005, for purposes of the Internal Revenue Code of 1986, the tax liability of each taxpayer otherwise determined under the Internal Revenue Code of 1986 shall be reduced by $100 for each personal exemption (within the meaning of section 151 of such Code) claimed by such taxpayer for such taxable year.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning in 2005.

SA 2636. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; which was ordered to lie on the table; as follows:

On page 121, line 4, strike the period at the end and insert “, or

“(v)(I) the applicable exempt organization, or a financing subsidiary or affiliate wholly owned by one or more applicable exempt organizations, is the sole owner and beneficiary of the contract,

“(II) the interest in the contract of each person other than the applicable exempt organization arises solely from a security or collateral interest, and

“(III) a principal portion of the death benefits attributable to the insurance contract is paid to the applicable exempt organization, or a subsidiary or affiliate wholly owned by one or more applicable exempt organizations.

SA 2637. Mr. COLEMAN (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; which was ordered to lie on the table; as follows:

On page 235, between lines 13 and 14, insert the following:

SEC. . ALTERNATIVE PERCENTAGE LIMITATION FOR CORPORATE CHARITABLE CONTRIBUTIONS TO THE MATHEMATICS AND SCIENCE PARTNERSHIP PROGRAM.

(a) IN GENERAL.—Section 170(b) (related to percentage limitations) is amended by adding at the end the following new paragraph:

“(3) SPECIAL RULE FOR CORPORATE CONTRIBUTIONS TO THE MATHEMATICS AND SCIENCE PARTNERSHIP PROGRAM.—

“(A) IN GENERAL.—In the case of a corporation which makes an eligible mathematics and science contribution—

“(i) the limitation under paragraph (2) shall apply separately with respect to all such contributions and all other charitable contributions, and

“(ii) paragraph (2) shall be applied with respect to all eligible mathematics and science contributions by substituting ‘15 percent’ for ‘10 percent’.

“(B) ELIGIBLE MATHEMATICS AND SCIENCE CONTRIBUTION.—

“(i) IN GENERAL.—For purposes of this paragraph, the term ‘eligible mathematics and science contribution’ means a charitable contribution (other than a contribution of used equipment) to a qualified partnership for the purpose of an activity described in section 2202(c) of the Elementary and Secondary Education Act of 1965.

“(ii) QUALIFIED PARTNERSHIP.—The term ‘qualified partnership’ means an eligible partnership (within the meaning of section 2201(b)(1) of the Elementary and Secondary Education Act of 1965), but only to the extent that such partnership does not include a person other than a person described in paragraph (1)(A).

“(C) TERMINATION.—This paragraph shall not apply to any contributions made in taxable years beginning after December 31, 2006.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2005.

SA 2638. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; which was ordered to lie on the table; as follows:

At the end of title IV, insert the following:

SEC. . EXEMPTION OF QUALIFIED 501(C)(3) BONDS FOR NURSING HOMES FROM FEDERAL GUARANTEE PROHIBITIONS.

(a) IN GENERAL.—Section 149(b)(3) (relating to exceptions) is amended by adding at the end the following new subparagraph:

“(E) EXCEPTION FOR QUALIFIED 501(C)(3) BONDS FOR NURSING HOMES.—

“(i) IN GENERAL.—Paragraph (1) shall not apply to any qualified 501(c)(3) bond issued before the date which is 1 year after the date of the enactment of this subparagraph for the benefit of an organization described in section 501(c)(3), if such bond is part of an issue the proceeds of which are used to finance 1 or more of the following facilities primarily for the benefit of the elderly:

“(I) Licensed nursing home facility.

“(II) Licensed or certified assisted living facility.

“(III) Licensed personal care facility.

“(IV) Continuing care retirement community.

“(ii) LIMITATION.—With respect to any calendar year, clause (i) shall not apply to any bond described in such clause if the aggregate authorized face amount of the issue of which such bond is a part when increased by the outstanding amount of such bonds issued by the issuer for such calendar year exceeds $15,000,000.

“(iii) CONTINUING CARE RETIREMENT COMMUNITY.—For purposes of this subparagraph, the term ‘continuing care retirement community’ means a community which provides, on the same campus, a continuum of residential living options and support services to persons at least 60 years of age under a written agreement. For purposes of the preceding sentence, the residential living options shall include independent living units, nursing home beds, and either assisted living units or personal care beds.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after the date of the enactment of this Act.

SA 2639. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; which was ordered to lie on the table; as follows:

Beginning on page 76, strike line 23 and all that follows through page 77, line 2.

SA 2640. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; which was ordered to lie on the table; as follows:

Beginning on page 76, strike line 24 and all that follows through page 77, line 2, and insert the following:

Section 1397E(d)(2)(B) is amended to read as follows:

“(B) QUALIFIED CONTRIBUTIONS.—

“(i) IN GENERAL.—For purposes of subparagraph (A), the term ‘qualified contribution’ means any contribution (of a type and quality acceptable to the eligible local education agency) of—

“(I) equipment or software for use in the qualified zone academy (including state-of-the-art technology and vocational equipment),

“(II) technical assistance in developing curriculum or in training teachers in order to promote appropriate market driven technology in the classroom,

“(III) services of employees (but not of the local education agency) as volunteer mentors,

“(IV) internships, or other educational opportunities outside the academy for students,

“(V) cash, or

“(VI) any other tangible or intangible property specified by the eligible local education agency.

“(ii) EXCLUSION.—Such term shall not include any discounts, set-up fees, and contributions conditioned upon business with the contributor.

“(iii) VALUATION.—Valuation of the qualified contribution shall be reasonable given the nature of the contribution. For tangible and intangible property, valuation based on pricing that is regularly charged for the sale of such tangible and intangible property shall be reasonable. For services, valuation of such services based on pricing that is regularly charged for the sale of such services shall be reasonable. For services that are not regularly sold, valuation based on the average hourly compensation, including benefits, of the employees providing such services for the contributor shall be reasonable, so long as such cost is applied to the reasonable estimate of the contributed hours for such services.”.

SA 2641. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; which was ordered to lie on the table; as follows:

At the end of title IV add the following:

SEC. ___. MODIFICATIONS OF EFFECTIVE DATES OF LEASING PROVISIONS OF THE AMERICAN JOBS CREATION ACT OF 2004 AND FUNDING OF LIHEAP TRUST FUND.

(a) IN GENERAL.—Section 849(b) of the American Jobs Creation Act of 2004, as amended by section 553 of this Act, is amended by adding at the end the following new paragraph:

"(3) LEASES TO FOREIGN ENTITIES.—In the case of tax-exempt use property leased to a tax-exempt entity which is a foreign person or entity, the amendments made by this part shall apply to taxable years beginning after December 31, 2004, with respect to leases entered into on or before March 12, 2004.".

(b) LOW INCOME HOME ENERGY ASSISTANCE TRUST FUND.—

(1) IN GENERAL.—Subchapter A of chapter 98 (relating to trust fund code) is amended by adding at the end the following new section:

"SEC. 9511. LOW-INCOME HOME ENERGY ASSISTANCE TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Low-Income Home Energy Assistance Trust Fund', consisting of any amount appropriated or credited to the Trust Fund as provided in this section or section 9602(b).

"(b) TRANSFERS TO TRUST FUND.—There are hereby appropriated to the Low-Income Home Energy Assistance Trust Fund amounts equivalent to the increased revenues received in the Treasury as the result of the amendment made by section 410(a) of the Tax Relief Act of 2005.

"(c) EXPENDITURES FROM TRUST FUND.—Amounts in the Low Income Home Energy Assistance Trust Fund not to exceed $2,920,000,000 shall be available for fiscal year 2006, as provided by appropriation Acts, to carry out the program under the Low-Income Home Energy Assistance Act of 1981 through the distribution of funds to all the States in accordance with section 2604 of that Act (42 U.S.C. 8623) (other than subsection (e) of such section), but only if not less than $1,880,000,000 has been appropriated for such program for such fiscal year.".

(2) CLERICAL AMENDMENT.—The table of sections for such subchapter is amended by adding at the end the following new item:

"Sec. 9511. Low-Income Home Energy Assistance Trust Fund.".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect as if included in the enactment of the American Jobs Creation Act of 2004.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall take effect on the date of the enactment of this Act.

SA 2642. Mr. BINGAMAN (for himself, Mr. KERRY, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; as follows:

At the end of title IV, add the following:

SEC. ___. CREDIT FOR EMPLOYEE HEALTH INSURANCE EXPENSES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business-related credits) is amended by adding at the end the following:

"SEC. 45N. EMPLOYEE HEALTH INSURANCE EXPENSES.

"(a) GENERAL RULE.—For purposes of section 38, in the case of a qualified small employer, the employee health insurance expenses credit determined under this section is an amount equal to the applicable percentage of the amount paid by the taxpayer during the taxable year for qualified employee health insurance expenses.

"(b) APPLICABLE PERCENTAGE.—For purposes of subsection (a), the applicable percentage is equal to—

"(1) 50 percent in the case of an employer with less than 26 qualified employees,

"(2) 40 percent in the case of an employer with more than 25 but less than 36 qualified employees, and

"(3) 30 percent in the case of an employer with more than 35 but less than 51 qualified employees.

"(c) PER EMPLOYEE DOLLAR LIMITATION.—The amount of qualified employee health insurance expenses taken into account under subsection (a) with respect to any qualified employee for any taxable year shall not exceed the maximum employer contribution for self-only coverage or family coverage (as applicable) determined under section 8906(a) of title 5, United States Code, for the calendar year in which such taxable year begins.

"(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) QUALIFIED SMALL EMPLOYER.—

"(A) IN GENERAL.—The term 'qualified small employer' means any small employer which—

"(i) provides eligibility for health insurance coverage (after any waiting period (as defined in section 9801(b)(4)) to all qualified employees of the employer, and

"(ii) pays at least 70 percent of the cost of such coverage (60 percent in the case of family coverage) for each qualified employee.

"(B) TRANSITION RULE FOR NEW PLANS.—

"(i) IN GENERAL.—If a small employer (or any predecessor) did not provide health insurance coverage to the qualified employees of the employer during the employer's precompliance period, then subparagraph (A) shall be applied to such employer for the first 5 taxable years following such period by substituting '50 percent' for '70 percent' in clause (ii) (or for '60 percent' in such clause, in the case of family coverage).

"(ii) PRECOMPLIANCE PERIOD.—For purposes of clause (i), the precompliance periods are—

"(I) the period beginning with the small employer's taxable year preceding its first taxable year beginning after the date of the enactment of this section, and

"(II) the period beginning with the small employer's taxable year preceding the first taxable year for which the employer meets the requirement of subparagraph (A)(i).

An employer not in existence for any period shall be treated in the same manner as an employer which is in existence and not providing coverage.

"(C) SMALL EMPLOYER.—

"(i) IN GENERAL.—For purposes of this paragraph, the term 'small employer' means, with respect to any calendar year, any employer if such employer employed an average of not less than 2 and not more than 50 qualified employees on business days during either of the 2 preceding calendar years. For purposes of the preceding sentence, a preceding calendar year may be taken into account only if the employer was in existence throughout such year.

"(ii) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the 1st preceding calendar year, the determination under clause (i) shall be based on the average number of qualified employees that it is reasonably expected such employer will employ on business days in the current calendar year.

"(2) QUALIFIED EMPLOYEE HEALTH INSURANCE EXPENSES.—

"(A) IN GENERAL.—The term 'qualified employee health insurance expenses' means any amount paid by an employer for health insurance coverage to the extent such amount is attributable to coverage provided to any employee while such employee is a qualified employee.

"(B) EXCEPTION FOR AMOUNTS PAID UNDER SALARY REDUCTION ARRANGEMENTS.—No amount paid or incurred for health insurance coverage pursuant to a salary reduction arrangement shall be taken into account under subparagraph (A).

"(C) HEALTH INSURANCE COVERAGE.—The term 'health insurance coverage' has the meaning given such term by paragraph (1) of section 9832(b) (determined by disregarding the last sentence of paragraph (2) of such section).

"(3) QUALIFIED EMPLOYEE.—The term 'qualified employee' means an employee of an employer who, with respect to any period, is not provided health insurance coverage under—

"(A) a health plan of the employee's spouse,

"(B) title XVIII, XIX, or XXI of the Social Security Act,

"(C) chapter 17 of title 38, United States Code,

"(D) chapter 55 of title 10, United States Code,

"(E) chapter 89 of title 5, United States Code, or

"(F) any other provision of law.

"(4) EMPLOYEE.—The term 'employee'—

"(A) means any individual, with respect to any calendar year, who is reasonably expected to receive at least $5,000 of compensation from the employer during such year,

"(B) does not include an employee within the meaning of section 401(c)(1), and

"(C) includes a leased employee within the meaning of section 414(n).

"(5) COMPENSATION.—The term 'compensation' means amounts described in section 6051(a)(3).

"(e) CERTAIN RULES MADE APPLICABLE.—For purposes of this section, rules similar to the rules of section 52 shall apply.

"(f) DENIAL OF DOUBLE BENEFIT.—No deduction or credit under any other provision of this chapter shall be allowed with respect to qualified employee health insurance expenses taken into account under subsection (a).

"(g) TERMINATION.—This section shall not apply with respect to any taxable year beginning after December 31, 2006.".

(b) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) (relating to current year business credit) is amended by striking "and" at the end of paragraph (25), by striking the period at the end of paragraph (26) and inserting ", and", and by adding at the end the following:

"(27) the employee health insurance expenses credit determined under section 45N.".

(c) CREDIT ALLOWED AGAINST MINIMUM TAX.—Subparagraph (B) of section 38(c)(4) (relating to limitation based on amount of tax for specified credits) is amended—

(1) in clause (ii)(II), by striking the period at the end and inserting ", and"; and

(2) by adding at the end the following new clause:

"(iii) the employee health insurance expenses credit determined under section 45N.".

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following:

"Sec. 45N. Employee health insurance expenses.".

(e) EMPLOYER OUTREACH.—The Internal Revenue Service shall, in conjunction with the Small Business Administration, develop materials and implement an educational program to ensure that business personnel are aware of—

(1) the eligibility criteria for the tax credit provided under section 45N of the Internal Revenue Code of 1986 (as added by this section),

(2) the methods to be used in calculating such credit, and

(3) the documentation needed in order to claim such credit.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2005.

SEC. ___. MODIFICATIONS OF EFFECTIVE DATES OF LEASING PROVISIONS OF THE AMERICAN JOBS CREATION ACT OF 2004.

(a) IN GENERAL.—Section 849(b) of the American Jobs Creation Act of 2004, as amended by section 553 of this Act,is amended by adding at the end the following new paragraph:

"(3) LEASES TO FOREIGN ENTITIES.—In the case of tax-exempt use property leased to a tax-exempt entity which is a foreign person or entity, the amendments made by this part shall apply to taxable years beginning after December 31, 2004, with respect to leases entered into on or before March 12, 2004.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the American Jobs Creation Act of 2004.

SEC. ___. EXTENSION OF SUPERFUND TAXES.

(a) EXCISE TAXES.—Section 4611(e) is amended to read as follows:

"(e) APPLICATION OF HAZARDOUS SUBSTANCE SUPERFUND FINANCING RATE.—The Hazardous Substance Superfund financing rate under this section shall apply after December 31, 1986, and before January 1, 1996, and after December 31, 2005, and before January 1, 2015."

(b) CORPORATE ENVIRONMENTAL INCOME TAX.—Section 59A(e) is amended to read as follows:

"(e) APPLICATION OF TAX.—The tax imposed by this section shall apply to taxable years beginning after December 31, 1986, and before January 1, 1996, and to taxable years beginning after December 31, 2005, and before January 1, 2015."

(c) EFFECTIVE DATES.—

(1) EXCISE TAXES.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) INCOME TAX.—The amendment made by subsection (b) shall apply to taxable years beginning after December 31, 2005.

SA 2643. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; which was ordered to lie on the table; as follows:

On page 35, between lines 16 and 17, insert the following:

SEC. 104. HOUSING RELIEF FOR INDIVIDUALS AFFECTED BY HURRICANE KATRINA.

(a) EXCLUSION OF EMPLOYER PROVIDED HOUSING FOR INDIVIDUAL AFFECTED BY HURRICANE KATRINA.—

(1) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, gross income of a qualified employee shall not include the value of any lodging furnished to such employee, such employee's spouse, or any of such employee's dependents by or on behalf of a qualified employer for any month during the taxable year.

(2) LIMITATION.—The amount which may be excluded under subsection (a) for any month for which lodging is furnished during the taxable year shall not exceed $1,000.

(3) TREATMENT OF EXCLUSION.—For purposes of the Internal Revenue Code of 1986, an exclusion under subsection (a) shall be treated as an exclusion under section 119 of such Code.

(b) EMPLOYER CREDIT FOR HOUSING EMPLOYEES AFFECTED BY HURRICANE KATRINA.—

(1) IN GENERAL.—In the case of a qualified employer, there shall be allowed as a credit against the tax imposed by chapter 1 of the Internal Revenue Code of 1986 for any month during the taxable year an amount equal to 30 percent of any amount which is excludable from the gross income of a qualified employee of such employer under subsection (a).

(2) CERTAIN RULES TO APPLY.—For purposes of this section, rules similar to the rules of section 280C(a) of such Code shall apply.

(3) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—The credit allowed under this section shall be added to the current year business credit under section 38(b) of such Code and shall be treated as a credit allowed under subpart D of part IV of subchapter A of such Code.

(c) QUALIFIED EMPLOYEE.—For purposes of this section, the term "qualified employee" means, with respect to any month, an individual—

(1) who had a principal residence (as defined in section 121 of the Internal Revenue Code of 1986) in the Hurricane Katrina disaster area (as defined in section 1400N(2) of such Code) on August 28, 2005, and

(2) who performs not less than 80 percent of the employment services for a qualified employer in the Hurricane Katrina disaster area (as so defined).

(d) QUALIFIED EMPLOYER.—For purposes of this section, the term "qualified employer" means any employer with a trade or business located in the Hurricane Katrina disaster area (as so defined).

(e) APPLICATION OF SECTION.—This section shall apply to lodging provided—

(1) after the date of the enactment of this Act, and

(2) before the date which is 1 year after the date of the enactment of this Act.

SEC. 105. HOMELESSNESS PREVENTION.

Notwithstanding any other provision of law, the Director of the Federal Emergency Management Agency (referred to in this section as the "Director") shall not cease to make payments for hotel or motel accommodations, or for other short-term temporary housing, on behalf of a victim of Hurricane Katrina or Hurricane Rita who was being assisted in that manner as of November 14, 2005 (referred to in this section as an "eligible victim"), until such time as the Director determines that—

(1) the eligible victim has located a habitable home;

(2) the Director has provided financial assistance to the eligible victim for use in relocating to that home, and the eligible victim has so relocated; and

(3) the eligible victim is able to afford the rent for that home, either with resources of the eligible victim or through the use of assistance payments from the Director (and, in the case of a victim who can afford that home only through the use of those assistance payments, that the Director has provided the assistance payments for a period of at least 90 days).

SEC. 106. SENSE OF THE SENATE.

It is the sense of the Senate that Congress should develop and provide funding for solutions necessary to address the lack of supply of affordable housing in areas devastated by Hurricane Katrina and Hurricane Rita.

SA 2644. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

SEC. ___. TREATMENT OF BIOFUEL PRODUCTION FACILITIES AS EXEMPT FACILITY BOND.

(a) IN GENERAL.—Subsection (a) of section 142 (relating to exempt facility bond) is amended by striking "or" at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting ", or" and by adding at the end the following new paragraph:

"(16) biofuel production facilities.".

(b) BIOFUEL PRODUCTION FACILITIES.—Section 142 is amended by adding at the end the following:

"(n) BIOFUEL PRODUCTION FACILITIES.—

"(1) IN GENERAL.—For purposes of subsection (a)(16), the term 'biofuel production facilities' means any facility for the production of any transportation fuel and related byproducts from biomass.

"(2) BIOMASS DEFINED.—For purposes of paragraph (1), the term 'biomass' means any organic matter that is available on a renewable or recurring basis, including agricultural crops and trees, wood and wood wastes and residues, plants (including aquatic plants), grasses, residues, fibers, and animal wastes, municipal wastes, and other waste materials.".

(c) EFFECTIVE DATE.—The amendments made by this section apply to bonds issued after the date of enactment of this Act.

SA 2645. Mr. COLEMAN (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; which was ordered to lie on the table; as follows:

At the end of title IV, insert the following:

SEC. ___. WEATHERIZATION ASSISTANCE CREDIT.

(a) IN GENERAL.—Subpart D of Part IV of subchapter A of chapter 1 (relating to business related credits) is amended by inserting after section 45M the following new section:

"SEC. 45N. WEATHERIZATION ASSISTANCE CREDIT.

"(a) GENERAL RULE.—For purposes of section 38, in the case of a utility, the amount of the weatherization assistance credit determined under this section for the taxable year shall be an amount equal to 20 percent of the qualified weatherization assistance expenses.

"(b) DEFINITIONS.—For purposes of this section:

"(1) WEATHERIZATION ASSISTANCE EXPENSES.—The term 'weatherization assistance expenses' means amounts—

"(A) paid by the taxpayer—

"(i) to an entity that is described in section 415(b)(2) of the Energy Conservation and

Production Act (42 U.S.C. 6865(b)(2)), that receives funds from the Department of Energy Weatherization Assistance Program as such an entity, and that uses the taxpayer's amounts for the installation of energy efficiency improvements in residences of low-income individuals for purposes of section 415(a)(2) of the Energy Conservation and Production Act (42 U.S.C. 6865(a)(2)), as administered by the Department of Energy, or

"(ii) to a State weatherization agency for use by such agency in its program that enhances or extends the Department of Energy's program described in subparagraph (A), and

"(B) certified to the taxpayer by a State weatherization agency as paid to one or more entities described in subparagraph (A)(i) or to such agency described in subparagraph (A)(ii).

"(2) Qualified weatherization assistance expenses.—The term 'qualified weatherization assistance expenses' means—

"(A) with respect to the first 5 taxable years ending after the date of enactment of this section, the weatherization assistance expenses for each such year, and

"(B) with respect to a taxable year after the fifth taxable year ending after the date of enactment of this section, the excess (if any) of the weatherization assistance expenses for such year over the weatherization assistance expenses for the fifth taxable year preceding such year.

"(3) Utility.—The term 'utility' means a corporation that is engaged in the sale of electric energy or gas and is described in section 7701(a)(33)(A).

"(4) State weatherization agency.—The term 'State weatherization agency' means the department, agency, board, or other entity of a State that is authorized by such State to administer the weatherization program described in section 415 of the Energy Conservation and Production Act (42 U.S.C. 6865).

"(c) Regulations.—The Secretary shall prescribe regulations necessary to carry out the purposes of this section.".

(b) Credit Treated as Part of General Business Credit.—Section 38(b) (relating to current year business credit) is amended by striking "and" at the end of paragraph (25), striking the period at the end of paragraph (26), and inserting ", and", and by inserting after paragraph (26) the following new paragraph:

"(27) the weatherization assistance credit determined under section 45N(a).".

(c) Conforming Amendment.—The table of sections for Subpart D of Part IV of subchapter A of chapter 1 (relating to business related credits) is amended by adding after the item relating to section 45M the following new item:

"45N. Weatherization assistance credit".

(d) Effective Date.—The amendments made by this section shall apply to weatherization assistance expenses (within the meaning of section 45N of the Internal Revenue Code of 1986) paid or incurred in taxable years ending after the date of enactment of this Act.

SA 2646. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

SEC. ___. INCOME AVERAGING FOR CERTAIN PUNITIVE DAMAGE AWARD RECIPIENTS.

(a) In General.—For purposes of section 1301 of the Internal Revenue Code of 1986—

(1) any individual who receives any punitive damage award as a plaintiff in the Exxon Valdez oil spill litigation (Case No. A89-095-CV (HRH)) in any taxable year shall be treated as engaged in a fishing business (determined without regard to the commercial nature of the business), and

(2) income which is attributable to such award shall be treated as income attributable to such a fishing business for such taxable year.

(b) Effective Date.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SA 2647. Mr. GRASSLEY (for himself and Mr. Baucus) proposed an amendment to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; as follows:

Beginning on page 63, line 18, strike all through page 64, line 15, and insert the following:

SEC. 212. EXTENSION AND INCREASE IN MINIMUM TAX RELIEF TO INDIVIDUALS.

(a) In General.—Section 55(d)(1) is amended—

(1) by striking "$58,000" and all that follows through "2005" in subparagraph (A) and inserting "$62,550 in the case of taxable years beginning in 2006", and

(2) by striking "$40,250" and all that follows through "2005" in subparagraph (B) and inserting "$42,500 in the case of taxable years beginning in 2006".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

Beginning on page 69, line 6, strike all through page 71, line 13, and insert the following:

(d) Expansion of Credit to Expenses of General Collaborative Research Consortia.—Section 41 is amended—

(1) by striking "an energy research consortium" in subsections (a)(3) and (b)(3)(C)(i) and inserting "a research consortium",

(2) by striking "energy" each place it appears in subsection (f)(6)(A),

(3) by inserting "or 501(c)(6)" after "section 501(c)(3)" in subsection (f)(6)(A)(i)(I), and

(4) by striking "Energy research" in the heading for subsection (f)(6)(A) and inserting "Research".

Beginning on page 267, line 12, strike all through page 268, line 15, and insert the following:

(b) Applicable Penalty.—For purposes of this section, the term "applicable penalty" means any penalty, addition to tax, or fine imposed under chapter 68 of the Internal Revenue Code of 1986.

(c) Effective Date.—The provisions of this section shall apply to interest, penalties, additions to tax, and fines with respect to any taxable year if, as of the date of the enactment of this Act, the assessment of any tax, penalty, or interest with respect to such taxable year is not prevented by the operation of any law or rule of law.

On page 310, between lines 10 and 11, insert the following:

(b) Leases to Foreign Entities.—Section 849(b) of the American Jobs Creation Act of 2004, as amended by subsection (a), is amended by adding at the end the following new paragraph:

"(3) Leases to foreign entities.—In the case of tax-exempt use property leased to a tax-exempt entity which is a foreign person or entity, the amendments made by this part shall apply to taxable years beginning after December 31, 2005, with respect to leases entered into on or before March 12, 2004.".

On page 310, line 11, strike "(b)" and insert "(c)".

On page 320, in the table following line 17, strike "119.5" and insert "120".

On page 322, line 24, insert "which has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year and"

SA 2648. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; which was ordered to lie on the table; as follows:

On page 235, between lines 13 and 14, insert the following:

SEC. 405. EXCLUSION OF CERTAIN AMOUNTS FROM INCOME FOR PURPOSES OF ELIGIBILITY FOR FEDERALLY ASSISTED LOW-INCOME HOUSING PROGRAMS.

The Department of Housing and Urban Development Act (42 U.S.C. 3537a) is amended by inserting after section 12 the following new section:

"SEC. 13. EXCLUSION OF CERTAIN AMOUNTS FROM INCOME.

"(a) In General.—Notwithstanding any other provision of law, amounts received by a member of the Armed Forces under section 403 of title 37, United States Code, as a basic allowance for housing may not be treated as income for purposes of determining, for purposes of any program of the Department of Housing and Urban Development (unless a request is made by such member for the receipt of rental assistance under any such program to be treated as such income) or any other agency of the Federal Government for housing assistance (including any program for grants, loans, subsidies, advances, guarantees, credits, tax-exempt bonds, or other financial assistance), the eligibility of the member or the member's family, or a dependent of the member or such dependent's family, for—

"(1) assistance under such program; or

"(2) occupancy in any dwelling unit in any building or project for which assistance under such program is provided—

"(A) to the member or the member's family, or a dependent of the member or such dependent's family directly; or

"(B) to the owner of such building or project.

"(b) Opt Out.—Each State housing authority may, without penalty, determine if it will provide the exclusion described in subsection (a) to members of the Armed Forces.".

SA 2649. Mr. MARTINEZ (for himself and Mr. Nelson of Florida) submitted an amendment intended to be proposed by him to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; which was ordered to lie on the table; as follows:

On page 16, line 23, strike "or Mississippi" and insert "Mississippi, Florida, or Texas"

On page 17, line 7, strike "Gulf Opportunity Zone" and insert "Katrina, Wilma, and Rita Go Zones"

SA 2650. Mr. FEINGOLD (for himself, Mr. CONRAD, Mr. CHAFEE, Mr. OBAMA, and Mr. SALAZAR) proposed an amendment to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; as follows:

At the appropriate place, insert the following:

SEC. ___. PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE.

(a) POINT OF ORDER.—

(1) IN GENERAL.—It shall not be in order in the Senate to consider any direct spending or revenue legislation that would increase the on-budget deficit or cause an on-budget deficit for any 1 of the 3 applicable time periods as measured in paragraphs (5) and (6).

(2) APPLICABLE TIME PERIODS.—For purposes of this subsection, the term "applicable time period" means any 1 of the 3 following periods:

(A) The first year covered by the most recently adopted concurrent resolution on the budget.

(B) The period of the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget.

(C) The period of the 5 fiscal years following the first 5 fiscal years covered in the most recently adopted concurrent resolution on the budget.

(3) DIRECT-SPENDING LEGISLATION.—For purposes of this subsection and except as provided in paragraph (4), the term "direct-spending legislation" means any bill, joint resolution, amendment, motion, or conference report that affects direct spending as that term is defined by, and interpreted for purposes of, the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) EXCLUSION.—For purposes of this subsection, the terms "direct-spending legislation" and "revenue legislation" do not include—

(A) any concurrent resolution on the budget; or

(B) any provision of legislation that affects the full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990.

(5) BASELINE.—Estimates prepared pursuant to this section shall—

(A) use the baseline surplus or deficit used for the most recently adopted concurrent resolution on the budget; and

(B) be calculated under the requirements of subsections (b) through (d) of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal years beyond those covered by that concurrent resolution on the budget.

(6) PRIOR SURPLUS.—If direct spending or revenue legislation increases the on-budget deficit or causes an on-budget deficit when taken individually, it must also increase the on-budget deficit or cause an on-budget deficit when taken together with all direct spending and revenue legislation enacted since the beginning of the calendar year not accounted for in the baseline under paragraph (5)(A), except that direct spending or revenue effects resulting in net deficit reduction enacted pursuant to reconciliation instructions since the beginning of that same calendar year shall not be available.

(b) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of ⅗ of the Members, duly chosen and sworn.

(c) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

(e) SUNSET.—This section shall expire on September 30, 2010.

SA 2651. Mr. SUNUNU proposed an amendment to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; as follows:

At the appropriate place, insert the following:

SEC. ___. REPEAL OF STATE AND LOCAL TAX EXEMPTION FOR FANNIE MAE AND FREDDIE MAC.

(a) FANNIE MAE.—Section 309(c) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(c)) is amended to read as follows:

"(c) [Repealed.]".

(b) FREDDIE MAC.—Section 303(e) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(e)) is amended to read as follows:

"(e) [Repealed.]".

SA 2652. Mrs. LINCOLN (for herself, Ms. SNOWE, Mr. OBAMA, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by her to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; as follows:

At the end of title IV, add the following:

SEC. ___. $10,000 INCOME THRESHOLD USED TO CALCULATE REFUNDABLE PORTION OF CHILD TAX CREDIT.

(a) IN GENERAL.—Section 24(d) (relating to portion of credit refundable) is amended—

(1) by striking "as exceeds" and all that follows through ", or" in paragraph (1)(B)(i) and inserting "as exceeds $10,000, or", and

(2) by striking paragraph (3).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

(c) APPLICATION OF SUNSET TO THIS SECTION.—Each amendment made by this section shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as the provision of such Act to which such amendment relates.

SA 2653. Mr. BAUCUS (for Mr. REID (for himself, Mr. KERRY, Mr. LAUTENBERG, Ms. SNOWE, Mr. SALAZAR, Mr. BINGAMAN, Mr. JEFFORDS, Mr. BAYH, Mrs. CLINTON, Mr. HARKIN, Mrs. FEINSTEIN, and Ms. COLLINS)) proposed an amendment to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

Subtitle B—Extending Tax Incentives for Renewable Energy Production and Energy Efficient Construction

SECTION 411. EXTENSION OF RENEWABLE ENERGY PRODUCTION CREDIT THROUGH 2010.

Paragraphs (1), (2), (3), (4), (5), (6), (7), and (9) of section 45(d) (relating to qualified facilities) are amended by striking "2008" each place it appears and inserting "2011".

SEC. 412. EXTENSION OF RENEWABLE ENERGY INVESTMENT TAX CREDIT THROUGH 2010.

Paragraphs (2)(A)(i)(II) and (3)(A)(ii) (relating to energy credit) is amended by striking "2008" both places it appears and inserting "2011".

SEC. 413. EXTENSION OF CLEAN RENEWABLE ENERGY BONDS THROUGH 2010.

Section 54(m) (relating to termination) is amended by striking "2007" and inserting "2010".

SEC. 414. EXTENSION OF ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION THROUGH 2010.

Section 179D(h) (relating to termination) is amended by striking "2007" and inserting "2010".

SEC. 415. EXTENSION OF NEW ENERGY EFFICIENT HOME CREDIT THROUGH 2010.

Section 45L(g) (relating to termination) is amended by striking "2007" and inserting "2010".

SEC. 416. EXTENSION OF RESIDENTIAL RENEWABLE ENERGY EFFICIENT PROPERTY CREDIT THROUGH 2010.

Section 25D(g) is amended to read as follows:

"(a) TERMINATION.—The credit allowed under this section shall not apply to—

"(1) property described in paragraph (1) or (2) of subsection (d) placed in service after December 31, 2010, and

"(2) property described in subsection (d)(3) placed in service after December 31, 2007.".

SEC. 417. EXTENSION OF NONBUSINESS ENERGY PROPERTY CREDIT THROUGH 2010.

Section 25C(g) (relating to termination) is amended by striking "2007" and inserting "2010".

SEC. 418. MODIFICATIONS OF EFFECTIVE DATES OF LEASING PROVISIONS OF THE AMERICAN JOBS CREATION ACT OF 2004.

(a) IN GENERAL.—Section 849(b) of the American Jobs Creation Act of 2004 is amended by adding at the end the following new paragraph:

"(5) LEASES TO FOREIGN ENTITIES.—In the case of tax-exempt use property leased to a tax-exempt entity which is a foreign person or entity, the amendments made by this part shall apply to taxable years beginning after December 31, 2004, with respect to leases entered into on or before March 12, 2004.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the American Jobs Creation Act of 2004.

SA 2654. Mr. GRASSLEY proposed an amendment to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; as follows:

At the end of title IV, add the following:

SEC. . SENSE OF THE SENATE.

(a) FINDINGS.—The Senate makes the following findings:

(1) As many as 44,000,000 Americans are estimated to lack health insurance during the course of the year, many of whom are uninsured for a short period of time while a smaller number face longer periods without coverage.

(2) Rising health care costs contribute to the problem of the uninsured and make it more difficult to find a simple solution to make health care affordable.

(3) There is not a one-size fits all solution to address health care coverage issues.

(4) Businesses have competing needs for their resources, including investments to ensure their competitiveness and providing health care coverage for their employees and dependents.

(5) Lower tax rates on dividends and capital gains saved 24,000,000 families an average of nearly $950 on their 2004 taxes, including about 7,000,000 seniors who saved, on average, $1,230 each.

(6) These pro-growth tax cuts have spurred economic development and job creation and have been partly responsible for an increase in tax receipts.

(7) Of the more than 30,000,000 tax returns that included dividend income, those with adjusted gross income of less than $75,000 accounted for 64 percent, or over 19,000,000 of such returns.

(8) Of the nearly 23,000,000 tax returns that included capital gains, 62 percent of these returns, or about 14,000,000, had less than $75,000 in adjusted gross income.

(9) Allowing taxes to increase will make it harder for employers and individuals to afford health care insurance, leading to more individuals without health insurance.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate should—

(1) prevent an increase in taxes on millions of Americans by not allowing the tax policy enacted in 2003 to expire; and

(2) extend tax policies that have proven to enhance economic growth, create jobs, and improve business' and individuals' ability to afford health insurance coverage; and

(3) address the multiple aspects of our Nation's health care crisis, including the need to make health care more affordable, to expand coverage, and to strengthen the health care safety net by—

(A) promoting the use of health care technology, which will help reduce medical errors that contribute to higher costs and promote greater efficiency in care delivery;

(B) providing new financial assistance and tax credits to make health insurance more affordable;

(C) creating financial incentives for young adults to purchase lifetime, portable health insurance;

(D) expanding health insurance coverage options for low-income entrepreneurs and self-employed individuals;

(E) increasing access to specialty care within the health care safety net by providing a tax deduction to physician specialists who provide care for patients referred from health care safety net providers;

(F) reducing regulatory burdens on health care safety net providers that lead to higher administrative costs and a diversion of funds that could be spent on patient care; and

(G) improving outreach efforts to maximize participation of eligible beneficiaries in Federal health care safety net programs.

SA 2655. Mr. CRAIG (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF CONGRESS REGARDING DOHA ROUND.

(a) FINDINGS.—The Congress makes the following findings:

(1) Members of the World Trade Organization (WTO) are currently engaged in a round of trade negotiations known as the Doha Development Agenda (Doha Round).

(2) The Doha Round includes negotiations aimed at clarifying and improving disciplines under the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 (Antidumping Agreement) and the Agreement on Subsidies and Countervailing Measures (Subsidies Agreement).

(3) The WTO Ministerial Declaration adopted on November 14, 2001 (WTO Paper No. WT/MIN(01)/DEC/1) specifically provides that the Doha Round negotiations are to preserve the "basic concepts, principles and effectiveness" of the Antidumping Agreement and the Subsidies Agreement.

(4) In section 2102(b)(14)(A) of the Bipartisan Trade Promotion Authority Act of 2002, the Congress mandated that the principal negotiating objective of the United States with respect to trade remedy laws was to "preserve the ability of the United States to enforce rigorously its trade laws . . . and avoid agreements that lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies".

(5) The countries that have been the most persistent and egregious violators of international fair trade rules are engaged in an aggressive effort to significantly weaken the disciplines provided in the Antidumping Agreement and the Subsidies Agreement and undermine the ability of the United States to effectively enforce its trade remedy laws.

(6) Chronic violators of fair trade disciplines have put forward proposals that would substantially weaken United States trade remedy laws and practices, including mandating that unfair trade orders terminate after a set number of years even if unfair trade and injury are likely to recur, mandating that trade remedy duties reflect less than the full margin of dumping or subsidization, mandating higher de minimis levels of unfair trade, making cumulation of the effects of imports from multiple countries more difficult in unfair trade investigations, outlawing the critical practice of "zeroing" in antidumping investigations, mandating the weighing of causes, and mandating other provisions that make it more difficult to prove injury.

(7) United States trade remedy laws have already been significantly weakened by numerous unjust and activist WTO dispute settlement decisions which have created new obligations to which the United States never agreed.

(8) Trade remedy laws remain a critical resource for American manufacturers, agricultural producers, and aquacultural producers in responding to closed foreign markets, subsidized imports, and other forms of unfair trade, particularly in the context of the challenges currently faced by these vital sectors of the United States economy.

(9) The United States had a current account trade deficit of approximately $668,000,000,000 in 2004, including a trade deficit of almost $162,000,000,000 with China alone, as well as a trade deficit of $40,000,000,000 in advanced technology.

(10) United States manufacturers have lost over 3,000,000 jobs since June 2000, and United States manufacturing employment is currently at its lowest level since 1950.

(11) Many industries critical to United States national security are at severe risk from unfair foreign competition.

(12) The Congress strongly believes that the proposals put forward by countries seeking to undermine trade remedy disciplines in the Doha Round would result in serious harm to the United States economy, including significant job losses and trade disadvantages.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should not be a signatory to any agreement or protocol with respect to the Doha Development Round of the World Trade Organization negotiations, or any other bilateral or multilateral trade negotiations, that—

(A) adopts any proposal to lessen the effectiveness of domestic and international disciplines on unfair trade or safeguard provisions, including proposals—

(i) mandating that unfair trade orders terminate after a set number of years even if unfair trade and injury are likely to recur;

(ii) mandating that trade remedy duties reflect less than the full margin of dumping or subsidization;

(iii) mandating higher de minimis levels of unfair trade;

(iv) making cumulation of the effects of imports from multiple countries more difficult in unfair trade investigations;

(v) outlawing the critical practice of "zeroing" in antidumping investigations; or

(vi) mandating the weighing of causes or other provisions making it more difficult to prove injury in unfair trade cases; and

(B) would lessen in any manner the ability of the United States to enforce rigorously its trade laws, including the antidumping, countervailing duty, and safeguard laws;

(2) the United States trade laws and international rules appropriately serve the public interest by offsetting injurious unfair trade, and that further "balancing modifications" or other similar provisions are unnecessary and would add to the complexity and difficulty of achieving relief against injurious unfair trade practices; and

(3) the United States should ensure that any new agreement relating to international disciplines on unfair trade or safeguard provisions fully rectifies and corrects decisions by WTO dispute settlement panels or the Appellate Body that have unjustifiably and negatively impacted, or threaten to negatively impact, United States law or practice, including a law or practice with respect to foreign dumping or subsidization.

SA 2656. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; which was ordered to lie on the table; as follows:

On page 321, strike line 1 and all that follows through page 323, line 6, and insert the following:

SEC. . INCREASED LIHEAP FUNDING FOR 2006.

With respect to fiscal year 2006, in addition to amounts appropriated under any other provision of law, for making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621 et seq.), $2,920,000,000, shall be appropriated to distribute funds to all the States in accordance with section 2604 of that Act (42 U.S.C. 8623) (other than subsection (e) of such section).

SEC. . MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO DUAL CAPACITY TAXPAYERS.

(a) In General.—Section 901 (relating to credit for taxes of foreign countries and of possessions of the United States) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) Special Rules Relating To Dual Capacity Taxpayers.—

"(1) General rule.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer to a foreign country or possession of the United States for any period shall not be considered a tax—

"(A) if, for such period, the foreign country or possession does not impose a generally applicable income tax, or

"(B) to the extent such amount exceeds the amount (determined in accordance with regulations) which—

"(i) is paid by such dual capacity taxpayer pursuant to the generally applicable income tax imposed by the country or possession, or

"(ii) would be paid if the generally applicable income tax imposed by the country or possession were applicable to such dual capacity taxpayer.

Nothing in this paragraph shall be construed to imply the proper treatment of any such amount not in excess of the amount determined under subparagraph (B).

"(2) Dual capacity taxpayer.—For purposes of this subsection, the term 'dual capacity taxpayer' means, with respect to any foreign country or possession of the United States, a person who—

"(A) is subject to a levy of such country or possession, and

"(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.

"(3) Generally applicable income tax.—For purposes of this subsection—

"(A) In general.—The term 'generally applicable income tax' means an income tax (or a series of income taxes) which is generally imposed under the laws of a foreign country or possession on income derived from the conduct of a trade or business within such country or possession.

"(B) Exceptions.—Such term shall not include a tax unless it has substantial application, by its terms and in practice, to—

"(i) persons who are not dual capacity taxpayers, and

"(ii) persons who are citizens or residents of the foreign country or possession."

(b) Effective Date.—

(1) In general.—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after the date of the enactment of this Act.

(2) Contrary treaty obligations upheld.—The amendments made by this section shall not apply to the extent contrary to any treaty obligation of the United States.

SEC. ___. RULES RELATING TO FOREIGN OIL AND GAS INCOME.

(a) Separate Basket for Foreign Tax Credit.—

(1) Years before 2007.—Paragraph (1) of section 904(d) (relating to separate application of section with respect to certain categories of income), as in effect for years beginning before 2007, is amended by striking "and" at the end of subparagraph (H), by redesignating subparagraph (I) as subparagraph (J), and by inserting after subparagraph (H) the following new subparagraph:

"(I) foreign oil and gas income, and".

(2) 2007 and after.—Paragraph (1) of section 904(d), as in effect for years beginning after 2006, is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following:

"(C) foreign oil and gas income."

(b) Definition.—

(1) Years before 2007.—Paragraph (2) of section 904(d), as in effect for years beginning before 2007, is amended by redesignating subparagraphs (H) and (I) as subparagraphs (I) and (J), respectively, and by inserting after subparagraph (G) the following new subparagraph:

"(H) Foreign oil and gas income.—The term 'foreign oil and gas income' has the meaning given such term by section 954(g)."

(2) 2007 and after.—Section 904(d)(2), as in effect for years after 2006, is amended by redesignating subparagraphs (J) and (K) as subparagraphs (K) and (L) and by inserting after subparagraph (I) the following:

"(J) Foreign oil and gas income.—For purposes of this section—

"(i) In general.—The term 'foreign oil and gas income' has the meaning given such term by section 954(g).

"(ii) Coordination.—Passive category income and general category income shall not include foreign oil and gas income (as so defined)."

(c) Conforming Amendments.—

(1) Section 904(d)(3)(F)(i) is amended by striking "or (E)" and inserting "(E), or (I)".

(2) Section 907(a) is hereby repealed.

(3) Section 907(c)(4) is hereby repealed.

(4) Section 907(f) is hereby repealed.

(d) Effective Dates.—

(1) In general.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

(2) Years after 2006.—The amendments made by paragraphs (1)(B) and (2)(B) shall apply to taxable years beginning after December 31, 2006.

(3) Transitional rules.—

(A) Separate basket treatment.—Any taxes paid or accrued in a taxable year beginning on or before the date of the enactment of this Act, with respect to income which was described in subparagraph (I) of section 904(d)(1) of such Code (as in effect on the day before the date of the enactment of this Act), shall be treated as taxes paid or accrued with respect to foreign oil and gas income to the extent the taxpayer establishes to the satisfaction of the Secretary of the Treasury that such taxes were paid or accrued with respect to foreign oil and gas income.

(B) Carryovers.—Any unused oil and gas extraction taxes which under section 907(f) of such Code (as so in effect) would have been allowable as a carryover to the taxpayer's first taxable year beginning after the date of the enactment of this Act (without regard to the limitation of paragraph (2) of such section 907(f) for first taxable year) shall be allowed as carryovers under section 904(c) of such Code in the same manner as if such taxes were unused taxes under such section 904(c) with respect to foreign oil and gas extraction income.

(C) Losses.—The amendment made by subsection (c)(3) shall not apply to foreign oil and gas extraction losses arising in taxable years beginning on or before the date of the enactment of this Act.

SEC. . REVALUATION OF LIFO INVENTORIES OF LARGE INTEGRATED OIL COMPANIES.

(a) General Rule.—Notwithstanding any other provision of law, if a taxpayer is an applicable integrated oil company for its last taxable year ending in calendar year 2005, the taxpayer shall—

(1) increase, effective as of the close of such taxable year, the value of each historic LIFO layer of inventories of crude oil, natural gas, or any other petroleum product (within the meaning of section 4611) by the layer adjustment amount, and

(2) decrease its cost of goods sold for such taxable year by the aggregate amount of the increases under paragraph (1).

If the aggregate amount of the increases under paragraph (1) exceed the taxpayer's cost of goods sold for such taxable year, the taxpayer's gross income for such taxable year shall be increased by the amount of such excess.

(b) Layer Adjustment Amount.—For purposes of this section—

(1) In general.—The term "layer adjustment amount" means, with respect to any historic LIFO layer, the product of—

(A) $24.00, and

(B) the number of barrels of crude oil (or in the case of natural gas or other petroleum products, the number of barrel-of-oil equivalents) represented by the layer.

(2) Barrel-of-oil equivalent.—The term "barrel-of-oil equivalent" has the meaning given such term by section 29(d)(5) (as in effect before its redesignation by the Energy Tax Incentives Act of 2005).

(c) Application of Requirement.—

(1) No change in method of accounting.—Any adjustment required by this section shall not be treated as a change in method of accounting.

(2) Underpayments of estimated tax.—No addition to the tax shall be made under section 6655 of the Internal Revenue Code of 1986 (relating to failure by corporation to pay estimated tax) with respect to any underpayment of an installment required to be paid with respect to the taxable year described in subsection (a) to the extent such underpayment was created or increased by this section.

(d) Applicable Integrated Oil Company.—For purposes of this section, the term "applicable integrated oil company" means an integrated oil company (as defined in section 291(b)(4) of the Internal Revenue Code of 1986) which had gross receipts in excess of $1,000,000,000 for its last taxable year ending during calendar year 2005 and which has an average daily worldwide production of crude oil of at least 250,000 barrels for such taxable year. For purposes of this subsection, all persons treated as a single employer under subsections (a) and (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as 1 person and, in the case of a short taxable year, the rule under section 448(c)(3)(B) shall apply.

SA 2657. Mr. ROCKEFELLER (for himself, Mr. Hatch, Mr. Bond, Ms. Mikulski, Mr. Lott, Ms. Snowe, and Mrs. Feinstein) submitted an amendment intended to be proposed by him to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; which was ordered to lie on the table; as follows:

At the end of title IV, insert the following:

SECTION ___. EXCLUSION OF GAIN FROM SALE OF A PRINCIPAL RESIDENCE BY CERTAIN EMPLOYEES OF THE INTELLIGENCE COMMUNITY.

(a) In General.—Subparagraph (A) of section 121(d)(9) (relating to exclusion of gain from sale of principal residence) is amended by striking "duty" and all that follows and inserting "duty—

"(i) as a member of the uniformed services,

"(ii) as a member of the Foreign Service of the United States, or

"(iii) as an employee of the intelligence community.".

(b) Employee of Intelligence Community Defined.—Subparagraph (C) of section 121(d)(9) is amended by redesignating clause (iv) as clause (v) and by inserting after clause (iii) the following new clause:

"(iv) Employee of intelligence community.—The term 'employee of the intelligence community' means an employee (as defined by section 2105 of title 5, United States Code) of—

"(I) the Office of the Director of National Intelligence,

"(II) the Central Intelligence Agency,

"(III) the National Security Agency,

"(IV) the Defense Intelligence Agency,

"(V) the National Geospatial-Intelligence Agency,

"(VI) the National Reconnaissance Office,

"(VII) any other office within the Department of Defense for the collection of specialized national intelligence through reconnaissance programs,

"(VIII) any of the intelligence elements of the Army, the Navy, the Air Force, the Marine Corps, the Federal Bureau of Investigation, the Department of Treasury, the Department of Energy, and the Coast Guard,

"(IX) the Bureau of Intelligence and Research of the Department of State, or

"(X) any of the elements of the Department of Homeland Security concerned with the analyses of foreign intelligence information.".

(c) Special Rule.—Subparagraph (C) of section 121(d)(9), as amended by subsection (b), is amended by adding at the end the following new clause:

"(vi) Special rule relating to intelligence community.—An employee of the intelligence community shall not be treated as serving on qualified extended duty unless—

"(I) for purposes of such duty such employee has moved from 1 duty station to another, and

"(II) at least 1 of such duty stations is located outside of the Washington, District of Columbia, and Baltimore metropolitan statistical areas (as defined by the Secretary of Commerce).".

(d) Conforming Amendment.—The heading for section 121(d)(9) is amended to read as follows: "Uniformed services, foreign service, and intelligence community".

(e) Effective Date; Special Rule.—

(1) Effective date.—The amendments made by this section shall take effect as if included in the amendments made by section 312 of the Taxpayer Relief Act of 1997.

(2) Waiver of limitations.—If refund or credit of any overpayment of tax resulting from the amendments made by this section is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this Act by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

SA 2658. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; as follows:

At the end of the bill add the following.

SECTION 1. VALUATION OF EMPLOYEE PERSONAL USE OF NONCOMMERCIAL AIRCRAFT.

(a) In General.—For purposes of Federal income tax inclusion, the value of any employee personal use of noncommercial aircraft shall equal the excess (if any) of—

(1) greater of—

(A) the fair market value of such use, or

(B) the actual cost of such use (including all fixed and variable costs), over

(2) any amount paid by or on behalf of such employee for such use.

(b) Effective Date.—Subsection (a) shall apply to * * *

SA 2659. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING TESTIMONY OF CERTAIN OIL COMPANY EXECUTIVES.

(a) Findings.—The Senate makes the following findings:

(1) On November 9, 2005, the Senate Committee on Energy and Natural Resources and the Senate Committee on Commerce, Science and Transportation held a joint hearing on "Energy Pricing and Profits".

(2) The chief executive officers of the 5 largest oil companies appeared as witnesses at the joint hearing on "Energy Prices and Profits".

(3) Section 1001 of title 18, United States Code, prohibits any "materially false, fictitious, or fraudulent statement or representation" at a Senate hearing.

(4) A White House document obtained by The Washington Post contradicts the testimony of some of these witnesses.

(b) Sense of the Senate.—It is the sense of the Senate that the Attorney General of the United States should promptly begin an investigation to determine whether the testimony given by any of the oil company executives at the November 9, 2005, joint hearing (referred to in subsection (a)(1)) violated section 1001 of title 18, United States Code, or other applicable statutes.

SA 2660. Mr. DODD (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

SEC. 405. MODIFICATION OF TAX RATES ON CAPITAL GAINS AND DIVIDENDS FOR INDIVIDUALS WITH $1,000,000 OR MORE OF TAXABLE INCOME.

(a) Modification of Tax Rates on Capital Gains and Dividends for Individuals With $1,000,000 or More of Taxable Income.—

(1) In general.—Section 1(h) is amended by adding at the end the following new paragraph:

"(12) Modified rates for individuals with $1,000,000 or more of taxable income.—If a taxpayer has taxable income of $1.000.000 or more for any taxable year—

"(A) paragraph (11) (relating to dividends taxed as capital gain) shall not apply to any qualified dividend income of the taxpayer for the taxable year, and

"(B) paragraph (1)(C) shall be applied by substituting '20 percent' for '15 percent' with respect to the adjusted net capital gain of the taxpayer for the taxable year, determined by only taking into account gain or loss properly allocable to the portion of the taxable year after December 31, 2005."

(2) Application to minimum tax.—Section 55(b)(3) is amended by adding at the end the following new sentence: "In the case of a taxpayer with alternative minimum taxable income of $1,000,000 or more for any taxable year, the rules of section 1(h)(12) shall apply for purposes of this paragraph."

(3) Effective dates.—

(A) Capital gains.—Section 1(h)(12)(B) of the Internal Revenue Code of 1986 (as added by paragraph (1)) shall apply to taxable years beginning after December 31, 2005.

(B) Dividend rates.—Section 1(h)(12)(A) of such Code (as added by paragraph (1)) shall apply to dividends received after December 31, 2005.

(4) Application of JGTRRA sunset.—The amendment made by this subsection shall be subject to section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 to the same extent and in the same manner as the provision of such Act to which such amendment relates.

(b) Dedication of Resulting Revenues.—

(1) No child left behind trust fund.—Subchapter A of chapter 98 (relating to trust fund code) is amended by adding at the end the following new section:

"SEC. 9511. NO CHILD LEFT BEHIND TRUST FUND.

"(a) Creation of Trust Fund.—There is established in the Treasury of the United States a trust fund to be known as the 'No Child Left Behind Trust Fund', consisting of any amount appropriated or credited to the Trust Fund as provided in this section or section 9602(b).

"(b) Transfers to Trust Fund.—There are hereby appropriated to the No Child Left Behind Trust Fund the following amounts equivalent to the increased revenues received in the Treasury as the result of the amendment made by section 405(a) of the Tax Relief Act of 2005:

"(1) In the case of fiscal year 2006, $4,085,000,000.

"(2) In the case of fiscal year 2007, $4,543,000,000.

"(3) In the case of fiscal year 2008, $4,725,000,000.

"(c) Expenditures From Trust Fund.—Amounts in the No Child Left Behind Trust Fund shall be available for fiscal years beginning after 2005, as provided by appropriation Acts, to carry out programs under the Elementary and Secondary Education Act of 1965 in accordance with the provisions of, and amendments made by, the No Child Left Behind Act of 2001.".

(2) Military restoration trust fund.—Subchapter A of chapter 98 (relating to trust fund code), as amended by paragraph (1), is amended by adding at the end the following new section:

"SEC. 9512. MILITARY RESTORATION TRUST FUND.

"(a) Creation of Trust Fund.—There is established in the Treasury of the United

States a trust fund to be known as the 'Military Restoration Trust Fund', consisting of any amount appropriated or credited to the Trust Fund as provided in this section or section 9602(b).

"(b) Transfers to Trust Fund.—There are hereby appropriated to the Military Restoration Trust Fund the following amounts equivalent to the increased revenues received in the Treasury as the result of the amendment made by section 405(a) of the Tax Relief Act of 2005:

"(1) In the case of fiscal year 2006, $4,085,000,000.

"(2) In the case of fiscal year 2007, $4,543,000,000.

"(3) In the case of fiscal year 2008, $4,725,000,000.

"(c) Expenditures From Trust Fund.—Amounts in the Military Restoration Trust Fund shall be available for fiscal years beginning after 2005, as provided by appropriation Acts, to replenish equipment and vehicle stocks of the Marine Corps and the Army (including the National Guard and Reserve) that have been damaged or destroyed as a result of Operation Iraqi Freedom and Operation Enduring Freedom.".

(3) Clerical amendments.—The table of sections for such subchapter is amended by adding at the end the following new items:

"Sec. 9511. No Child Left Behind Trust Fund.

"Sec. 9512. Military Restoration Trust Fund.".

SA 2661. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; which was ordered to lie on the table; as follows:

On page 235, between lines 13 and 14, insert the following:

SEC. ___. VALUATION OF EMPLOYEE PERSONAL USE OF NONCOMMERCIAL AIRCRAFT.

(a) In General.—For purposes of Federal income tax inclusion, the value of any employee personal use of noncommercial aircraft shall equal the excess (if any) of—

(1) greater of—

(A) the fair market value of such use, or

(B) the actual cost of such use (including all fixed and variable costs), over

(2) any amount paid by or on behalf of such employee for such use.

(b) Effective Date.—Subsection (a) shall apply to use after the date of the enactment of this Act.

SA 2662. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; which was ordered to lie on the table; as follows:

At the end of title IV, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING THE DEDICATION OF EXCESS FUNDS

It is the sense of the Senate that any increases in revenues to the Treasury as a result of this Act and the amendments made by this Act that exceed the amounts specified in the reconciliation instructions shall be dedicated to the Low-Income Home Energy Assistance Program, in an amount not to exceed the amount which is $2,900,000,000 more than the funding levels established for such Program for fiscal year 2005.

SA 2663. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; which was ordered to lie on the table; as follows:

On page 84, strike lines 20 through 25, and on page 85, strike lines 1 through 5.

SA 2664. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; which was ordered to lie on the table; as follows:

At the end of subtitle A of title V, add the following:

SEC. 504. PENALTY FOR PROMOTING ABUSIVE TAX SHELTERS.

(a) Penalty for Promoting Abusive Tax Shelters.—Section 6700 (relating to promoting abusive tax shelters, etc.) is amended—

(1) by redesignating subsections (b) and (c) as subsections (d) and (e), respectively,

(2) by striking "a penalty" and all that follows through the period in the first sentence of subsection (a) and inserting "a penalty determined under subsection (b)", and

(3) by inserting after subsection (a) the following new subsections:

"(b) Amount of Penalty; Calculation of Penalty; Liability for Penalty.—

"(1) Amount of penalty.—The amount of the penalty imposed by subsection (a) shall not exceed the greater of—

"(A) 100 percent of the gross income derived (or to be derived) from such activity by the person or persons subject to such penalty, and

"(B) if readily subject to calculation, the total amount of underpayment by the taxpayer (including penalties, interest, and taxes) in connection with such activity.

"(2) Calculation of penalty.—The penalty amount determined under paragraph (1) shall be calculated with respect to each instance of an activity described in subsection (a), each instance in which income was derived by the person or persons subject to such penalty, and each person who participated in such an activity.

"(3) Liability for penalty.—If more than 1 person is liable under subsection (a) with respect to such activity, all such persons shall be jointly and severally liable for the penalty under such subsection.

"(c) Penalty Not Deductible.—The payment of any penalty imposed under this section or the payment of any amount to settle or avoid the imposition of such penalty shall not be considered an ordinary and necessary expense in carrying on a trade or business for purposes of this title and shall not be deductible by the person who is subject to such penalty or who makes such payment.".

(b) Conforming Amendment.—Section 6700(a) is amended by striking the last sentence.

(c) Effective Date.—The amendments made by this section shall apply to activities after the date of the enactment of this Act.

SEC. 505. PENALTY FOR AIDING AND ABETTING THE UNDERSTATEMENT OF TAX LIABILITY.

(a) In General.—Section 6701(a) (relating to imposition of penalty) is amended—

(1) by striking "preparation or presentation of" and inserting "tax liability reflected in" in paragraph (1),

(2) by inserting "aid, assistance, procurement, or advice with respect to such" before "portion" both places it appears in paragraphs (2) and (3), and

(3) by inserting "instance of aid, assistance, procurement, or advice or each such" before "document" in the matter following paragraph (3).

(b) Amount of Penalty.—Subsection (b) of section 6701 (relating to penalties for aiding and abetting understatement of tax liability) is amended to read as follows:

"(b) Amount of Penalty; Calculation of Penalty; Liability for Penalty.—

"(1) Amount of penalty.—The amount of the penalty imposed by subsection (a) shall not exceed the greater of—

"(A) 100 percent of the gross income derived (or to be derived) from such aid, assistance, procurement, or advice provided by the person or persons subject to such penalty, and

"(B) if readily subject to calculation, the total amount of underpayment by the taxpayer (including penalties, interest, and taxes) in connection with the understatement of the liability for tax.

"(2) Calculation of penalty.—The penalty amount determined under paragraph (1) shall be calculated with respect to each instance of aid, assistance, procurement, or advice described in subsection (a), each instance in which income was derived by the person or persons subject to such penalty, and each person who made such an understatement of the liability for tax.

"(3) Liability for penalty.—If more than 1 person is liable under subsection (a) with respect to providing such aid, assistance, procurement, or advice, all such persons shall be jointly and severally liable for the penalty under such subsection.".

(c) Penalty Not Deductible.—Section 6701 is amended by adding at the end the following new subsection:

"(g) Penalty Not Deductible.—The payment of any penalty imposed under this section or the payment of any amount to settle or avoid the imposition of such penalty shall not be considered an ordinary and necessary expense in carrying on a trade or business for purposes of this title and shall not be deductible by the person who is subject to such penalty or who makes such payment.".

(d) Effective Date.—The amendments made by this section shall apply to activities after the date of the enactment of this Act.

SA 2665. Mr. HARKIN (for himself and Mr. Obama) submitted an amendment intended to be proposed by him to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; as follows:

At the end of title IV, add the following:

SEC. ___. RESTORATION OF THE PHASEOUT OF PERSONAL EXEMPTIONS AND THE OVERALL LIMITATION ON ITEMIZED DEDUCTION; REDUCTION IN INCOME THRESHOLD USED TO CALCULATE REFUNDABLE PORTION OF CHILD TAX CREDIT.

(a) Restoration of the Phaseout of Personal Exemptions and the Overall Limitation on Itemized Deductions.—

(1) RESTORATION OF PHASEOUT OF PERSONAL EXEMPTIONS.—

(A) IN GENERAL.—Paragraph (3) of section 151(d) (relating to exemption amount) is amended by striking subparagraphs (E) and (F).

(B) EFFECTIVE DATE.—The amendment made by this paragraph shall apply to taxable years beginning after December 31, 2005.

(2) RESTORATION OF PHASEOUT OF OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.—

(A) IN GENERAL.—Section 68 is amended by striking subsections (f) and (g).

(B) EFFECTIVE DATE.—The amendment made by this paragraph shall apply to taxable years beginning after December 31, 2005.

(b) REDUCTION IN INCOME THRESHOLD USED TO CALCULATE REFUNDABLE PORTION OF CHILD TAX CREDIT.—

(1) IN GENERAL.—Section 24(d) (relating to portion of credit refundable) is amended—

(A) by striking "as exceeds" and all that follows through ", or" in paragraph (1)(B)(i) and inserting "as exceeds $9,000 (or $10,000 in the case of taxable years beginning in 2006), or",

(B) by striking "2001, the $10,000 amount" in paragraph (3) and inserting "2006, the $9,000 amount", and

(C) by striking "2000" in paragraph (3)(B) and inserting "2005".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2005.

(3) APPLICATION OF SUNSET TO THIS SECTION.—Each amendment made by this subsection shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as the provision of such Act to which such amendment relates.

SA 2666. Mr. PRYOR (for himself and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . CREDIT TO HOLDERS OF RURAL RENAISSANCE BONDS.

(a) IN GENERAL.—Subpart H of part IV of subchapter A of chapter 1 (relating to credits against tax) is amended by adding at the end the following new section:

"SEC. 54A. CREDIT TO HOLDERS OF RURAL RENAISSANCE BONDS.

"(a) ALLOWANCE OF CREDIT.—In the case of a taxpayer who holds a rural renaissance bond on a credit allowance date of such bond, which occurs during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to credit allowance dates during such year on which the taxpayer holds such bond.

"(b) AMOUNT OF CREDIT.—

"(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a rural renaissance bond is 25 percent of the annual credit determined with respect to such bond.

"(2) ANNUAL CREDIT.—The annual credit determined with respect to any rural renaissance bond is the product of—

"(A) the credit rate determined by the Secretary under paragraph (3) for the day on which such bond was sold, multiplied by

"(B) the outstanding face amount of the bond.

"(3) DETERMINATION.—For purposes of paragraph (2), with respect to any rural renaissance bond, the Secretary shall determine daily or caused to be determined daily a credit rate which shall apply to the first day on which there is a binding, written contract for the sale or exchange of the bond. The credit rate for any day is the credit rate which the Secretary or the Secretary's designee estimates will permit the issuance of rural renaissance bonds with a specified maturity or redemption date without discount and without interest cost to the qualified issuer.

"(4) CREDIT ALLOWANCE DATE.—For purposes of this section, the term 'credit allowance date' means—

"(A) March 15,

"(B) June 15,

"(C) September 15, and

"(D) December 15.

Such term also includes the last day on which the bond is outstanding.

"(5) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed or matures.

"(c) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

"(1) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(2) the sum of the credits allowable under this part (other than subpart C thereof, relating to refundable credits).

"(d) RURAL RENAISSANCE BOND.—For purposes of this section—

"(1) IN GENERAL.—The term 'rural renaissance bond' means any bond issued as part of an issue if—

"(A) the bond is issued by a qualified issuer,

"(B) 95 percent or more of the proceeds from the sale of such issue are to be used for capital expenditures incurred for 1 or more qualified projects,

"(C) the qualified issuer designates such bond for purposes of this section and the bond is in registered form, and

"(D) the issue meets the requirements of subsections (e) and (h).

"(2) QUALIFIED PROJECT; SPECIAL USE RULES.—

"(A) IN GENERAL.—The term 'qualified project' means 1 or more projects described in subparagraph (B) located in a rural area.

"(B) PROJECTS DESCRIBED.—A project described in this subparagraph is—

"(i) a water or waste treatment project,

"(ii) an affordable housing project,

"(iii) a community facility project, including hospitals, fire and police stations, and nursing and assisted-living facilities,

"(iv) a value-added agriculture or renewable energy facility project for agricultural producers or farmer-owned entities, including any project to promote the production, processing, or retail sale of ethanol (including fuel at least 85 percent of the volume of which consists of ethanol), biodiesel, animal waste, biomass, raw commodities, or wind as a fuel,

"(v) a distance learning or telemedicine project,

"(vi) a rural utility infrastructure project, including any electric or telephone system,

"(vii) a project to expand broadband technology,

"(viii) a rural teleworks project, and

"(ix) any project described in any preceding clause carried out by the Delta Regional Authority.

"(C) SPECIAL RULES.—For purposes of this paragraph—

"(i) any project described in subparagraph (B)(iv) for a farmer-owned entity may be considered a qualified project if such entity is located in a rural area, or in the case of a farmer-owned entity the headquarters of which are located in a nonrural area, if the project is located in a rural area, and

"(ii) any project for a farmer-owned entity which is a facility described in subparagraph (B)(iv) for agricultural producers may be considered a qualified project regardless of whether the facility is located in a rural or nonrural area.

"(3) SPECIAL USE RULES.—

"(A) REFINANCING RULES.—For purposes of paragraph (1)(B), a qualified project may be refinanced with proceeds of a rural renaissance bond only if the indebtedness being refinanced (including any obligation directly or indirectly refinanced by such indebtedness) was originally incurred after the date of the enactment of this section.

"(B) REIMBURSEMENT.—For purposes of paragraph (1)(B), a rural renaissance bond may be issued to reimburse a borrower for amounts paid after the date of the enactment of this section with respect to a qualified project, but only if—

"(i) prior to the payment of the original expenditure, the borrower declared its intent to reimburse such expenditure with the proceeds of a rural renaissance bond,

"(ii) not later than 60 days after payment of the original expenditure, the qualified issuer adopts an official intent to reimburse the original expenditure with such proceeds, and

"(iii) the reimbursement is made not later than 18 months after the date the original expenditure is paid.

"(C) TREATMENT OF CHANGES IN USE.—For purposes of paragraph (1)(B), the proceeds of an issue shall not be treated as used for a qualified project to the extent that a borrower takes any action within its control which causes such proceeds not to be used for a qualified project. The Secretary shall prescribe regulations specifying remedial actions that may be taken (including conditions to taking such remedial actions) to prevent an action described in the preceding sentence from causing a bond to fail to be a rural renaissance bond.

"(e) MATURITY LIMITATIONS.—

"(1) DURATION OF TERM.—A bond shall not be treated as a rural renaissance bond if the maturity of such bond exceeds the maximum term determined by the Secretary under paragraph (2) with respect to such bond.

"(2) MAXIMUM TERM.—During each calendar month, the Secretary shall determine the maximum term permitted under this paragraph for bonds issued during the following calendar month. Such maximum term shall be the term which the Secretary estimates will result in the present value of the obligation to repay the principal on the bond being equal to 50 percent of the face amount of such bond. Such present value shall be determined without regard to the requirements of subsection (f)(3) and using as a discount rate the average annual interest rate of tax-exempt obligations having a term of 10 years or more which are issued during the month. If the term as so determined is not a multiple of a whole year, such term shall be rounded to the next highest whole year.

"(3) RATABLE PRINCIPAL AMORTIZATION REQUIRED.—A bond shall not be treated as a rural renaissance bond unless it is part of an issue which provides for an equal amount of principal to be paid by the qualified issuer during each calendar year that the issue is outstanding.

"(f) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

"(1) NATIONAL LIMITATION.—There is a rural renaissance bond limitation of $200,000,000.

"(2) ALLOCATION BY SECRETARY.—The Secretary shall allocate the amount described in paragraph (1) among qualified issuers in such manner as the Secretary determines appropriate.

"(g) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this section (determined without regard to subsection (c)) and the amount so included shall be treated as interest income.

"(h) SPECIAL RULES RELATING TO EXPENDITURES.—

"(1) IN GENERAL.—An issue shall be treated as meeting the requirements of this subsection if, as of the date of issuance, the qualified issuer reasonably expects—

"(A) at least 95 percent of the proceeds from the sale of the issue are to be spent for 1 or more qualified projects within the 5-year period beginning on the date of issuance of the rural renaissance bond,

"(B) a binding commitment with a third party to spend at least 10 percent of the proceeds from the sale of the issue will be incurred within the 6-month period beginning on the date of issuance of the rural renaissance bond or, in the case of a rural renaissance bond, the proceeds of which are to be loaned to 2 or more borrowers, such binding commitment will be incurred within the 6-month period beginning on the date of the loan of such proceeds to a borrower, and

"(C) such projects will be completed with due diligence and the proceeds from the sale of the issue will be spent with due diligence.

"(2) EXTENSION OF PERIOD.—Upon submission of a request prior to the expiration of the period described in paragraph (1)(A), the Secretary may extend such period if the qualified issuer establishes that the failure to satisfy the 5-year requirement is due to reasonable cause and the related projects will continue to proceed with due diligence.

"(3) FAILURE TO SPEND REQUIRED AMOUNT OF BOND PROCEEDS WITHIN 5 YEARS.—To the extent that less than 95 percent of the proceeds of such issue are expended by the close of the 5-year period beginning on the date of issuance (or if an extension has been obtained under paragraph (2), by the close of the extended period), the qualified issuer shall redeem all of the nonqualified bonds within 90 days after the end of such period. For purposes of this paragraph, the amount of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

"(i) SPECIAL RULES RELATING TO ARBITRAGE.—A bond which is part of an issue shall not be treated as a rural renaissance bond unless, with respect to the issue of which the bond is a part, the qualified issuer satisfies the arbitrage requirements of section 148 with respect to proceeds of the issue.

"(j) QUALIFIED ISSUER.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified issuer' means any not-for-profit cooperative lender which has as of the date of the enactment of this section received a guarantee under section 306 of the Rural Electrification Act and which meets the requirement of paragraph (2).

"(2) USER FEE REQUIREMENT.—The requirement of this paragraph is met if the issuer of any rural rennaissance bond makes grants for qualified projects as defined under subsection (d)(2) on a semi-annual basis every year that such bond is outstanding in an annual amount equal to one-half of the rate on United States Treasury Bills of the same maturity multiplied by the outstanding principle balance of rural rennaissance bonds issued by such issuer.

"(k) SPECIAL RULES RELATING TO POOL BONDS.—No portion of a pooled financing bond may be allocable to loan unless the borrower has entered into a written loan commitment for such portion prior to the issue date of such issue.

"(l) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) BOND.—The term 'bond' includes any obligation.

"(2) POOLED FINANCING BOND.—The term 'pooled financing bond' shall have the meaning given such term by section 149(f)(4)(A).

"(3) RURAL AREA.—The term 'rural area' means any area other than—

"(A) a city or town which has a population of greater than 50,000 inhabitants, or

"(B) the urbanized area contiguous and adjacent to such a city or town.

"(4) PARTNERSHIP; S CORPORATION; AND OTHER PASS-THRU ENTITIES.—

"(A) IN GENERAL.—Under regulations prescribed by the Secretary, in the case of a partnership, trust, S corporation, or other pass-thru entity, rules similar to the rules of section 41(g) shall apply with respect to the credit allowable under subsection (a).

"(B) NO BASIS ADJUSTMENT.—In the case of a bond held by a partnership or an S corporation, rules similar to the rules under section 1397E(i) shall apply.

"(5) BONDS HELD BY REGULATED INVESTMENT COMPANIES.—If any rural renaissance bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

"(6) REPORTING.—Issuers of rural renaissance bonds shall submit reports similar to the reports required under section 149(e).".

(b) REPORTING.—Subsection (d) of section 6049 (relating to returns regarding payments of interest) is amended by adding at the end the following new paragraph:

"(9) REPORTING OF CREDIT ON RURAL RENAISSANCE BONDS.—

SA 2667. Ms. SNOWE (for herself, Mr. BINGAMAN, Ms. COLLINS, and Mr. REED) proposed an amendment to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; as follows:

At the end of title IV add the following:

SEC. ___. IMPOSITION OF WITHHOLDING ON CERTAIN PAYMENTS MADE BY GOVERNMENT ENTITIES AND FUNDING OF LIHEAP TRUST FUND.

(a) IMPOSITION OF WITHHOLDING ON CERTAIN PAYMENTS MADE BY GOVERNMENT ENTITIES.—

(1) IN GENERAL.—Section 3402 is amended by adding at the end the following new subsection:

"(t) EXTENSION OF WITHHOLDING TO CERTAIN PAYMENTS MADE BY GOVERNMENT ENTITIES.—

"(1) GENERAL RULE.—The Government of the United States, every State, every political subdivision thereof, and every instrumentality of the foregoing (including multi-State agencies) making any payment for goods and services which is subject to withholding shall deduct and withhold form such payment a tax in an amount equal to 1.75 percent of such payment.

"(2) EXCEPTIONS.—Paragraph (1) shall not apply to any payment—

"(A) except as provided in subparagraph (B), which is subject to withholding under any other provision of this chapter or chapter 3,

"(B) which is subject to withholding under section 3406 and from which amounts are being withheld under such section,

"(C) of interest,

"(D) for real property,

"(E) to any tax-exempt entity, foreign government, or other entity subject to the requirements of paragraph (1),

"(F) made pursuant to a classified or confidential contract (as defined in section 6050M(e)(3)), and

"(G) made by a political subdivision of a State (or any instrumentality thereof) which makes less than $100,000,000 of such payments annually.

"(3) COORDINATION WITH OTHER SECTIONS.—For purposes of sections 3403 and 3404 and for purposes of so much of subtitle F (except section 7205) as relates to this chapter, payments to any person of any payment for goods and services which is subject to withholding shall be treated as if such payments were wages paid by an employer to an employee.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to payments made after December 31, 2005.

(b) LOW INCOME HOME ENERGY ASSISTANCE TRUST FUND.—

(1) IN GENERAL.—Subchapter A of chapter 98 (relating to trust fund code) is amended by adding at the end the following new section:

"SEC. 9511. LOW-INCOME HOME ENERGY ASSISTANCE TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Low-Income Home Energy Assistance Trust Fund', consisting of any amount appropriated or credited to the Trust Fund as provided in this section or section 9602(b).

"(b) TRANSFERS TO TRUST FUND.—There are hereby appropriated to the Low-Income Home Energy Assistance Trust Fund amounts equivalent to the increased revenues received in the Treasury as the result of the amendment made by section 410(a) of the Tax Relief Act of 2005.

"(c) EXPENDITURES FROM TRUST FUND.—Amounts in the Low Income Home Energy Assistance Trust Fund not to exceed $2,920,000,000 shall be available for fiscal year 2006, as provided by appropriation Acts, to carry out the program under the Low-Income Home Energy Assistance Act of 1981 through the distribution of funds to all the States in accordance with section 2604 of that Act (42 U.S.C. 8623) (other than subsection (e) of such section), but only if not less than $1,880,000,000 has been appropriated for such program for such fiscal year.".

(2) CLERICAL AMENDMENT.—The table of sections for such subchapter is amended by adding at the end the following new item:

"Sec. 9511. Low-Income Home Energy Assistance Trust Fund.".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect as if included in the enactment of the American Jobs Creation Act of 2004.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall take effect on the date of the enactment of this Act.

SA 2668. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; which was ordered to lie on the table; as follows:

At the end of title IV, insert the following:

SEC. . REPEAL OF REDUCTION IN CREDIT FOR QUALIFIED ELECTRIC VEHICLES.

(a) In General.—Section 30(b) (relating to limitations on credit for qualified electric vehicles) is amended by striking paragraph (2) and by redesignating paragraph (3) as paragraph (2).

(b) Effective Date.—The amendments made by this section shall apply to vehicles placed in service after December 31, 2005.

SA 2669. Ms. LANDRIEU (for herself and Mr. VITTER) proposed an amendment to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; as follows:

On page 35, between lines 16 and 17, insert the following:

SEC. 104. HOUSING RELIEF FOR INDIVIDUALS AFFECTED BY HURRICANE KATRINA.

(a) Exclusion of Employer Provided Housing for Individual Affected by Hurricane Katrina.—

(1) In general.—For purposes of the Internal Revenue Code of 1986, gross income of a qualified employee shall not include the value of any lodging furnished to such employee, such employee's spouse, or any of such employee's dependents by or on behalf of a qualified employer for any month during the taxable year.

(2) Limitation.—The amount which may be excluded under subsection (a) for any month for which lodging is furnished during the taxable year shall not exceed $600.

(3) Treatment of exclusion.—For purposes of the Internal Revenue Code of 1986 (other than sections 3121(a)(19) and 3306(b)(14), an exclusion under subsection (a) shall be treated as an exclusion under section 119 of such Code.

(b) Employer Credit for Housing Employees Affected by Hurricane Katrina.—

(1) In general.—In the case of a qualified employer, there shall be allowed as a credit against the tax imposed by chapter 1 of the Internal Revenue Code of 1986 for any month during the taxable year an amount equal to 30 percent of any amount which is excludable from the gross income of a qualified employee of such employer under subsection (a).

(2) Certain rules to apply.—For purposes of this section, rules similar to the rules of section 280C(a) of such Code shall apply.

(3) Credit to be part of general business credit.—The credit allowed under this section shall be added to the current year business credit under section 38(b) of such Code and shall be treated as a credit allowed under subpart D of part IV of subchapter A of such Code.

(c) Qualified Employee.—For purposes of this section, the term "qualified employee" means, with respect to any month, an individual—

(1) who had a principal residence (as defined in section 121 of the Internal Revenue Code of 1986) in the go zone (as defined in section 1400N(1) of such Code) on August 28, 2005, and

(2) who performs not less than 80 percent of the employment services for a qualified employer in the Hurricane Katrina disaster area (as so defined).

(d) Qualified Employer.—For purposes of this section, the term "qualified employer" means any employer with a trade or business located in the Hurricane Katrina disaster area (as so defined).

(e) Application of Section.—This section shall apply to lodging provided—

(1) after the date of the enactment of this Act, and

(2) before the date which is 6 months after the date of the enactment of this Act, and

(3) no credit with respect to such lodging shall be claimed before October 1, 2006.

SA 2670. Mr. GRASSLEY (for himself and Mr. BAUCUS) proposed an amendment to the bill S. 2020, to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006; as follows:

On page 82, between lines 20 and 21, insert the following:

SEC. 224. EXTENSION OF FULL CREDIT FOR QUALIFIED ELECTRIC VEHICLES.

(a) In General.—Section 30(b) (relating to limitations) is amended by striking paragraph (2) and by redesignating paragraph (3) as paragraph (2).

(b) Effective Date.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2005.

On page 107, between lines 4 and 5, insert the following:

SEC. 307. ENCOURAGEMENT OF CONTRIBUTIONS OF CAPITAL GAIN REAL PROPERTY MADE FOR CONSERVATION PURPOSES.

(a) In General.—

(1) Individuals.—Paragraph (1) of subsection 170(b) (relating to percentage limitations) is amended by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively, and by inserting after subparagraph (D) the following new subparagraph:

"(E) Contributions of qualified conservation contributions.—

"(i) In general.—Any qualified conservation contribution (as defined in subsection (h)(1)) to an organization described in subparagraph (A) shall be allowed to the extent the aggregate of such contributions does not exceed the excess of 50 percent of the taxpayer's contribution base over the amount of all other charitable contributions allowable under this paragraph.

"(ii) Carryover.—If the aggregate amount of contributions described in clause (i) exceeds the limitation of clause (i), such excess shall be treated (in a manner consistent with the rules of subsection (d)(1)) as a charitable contribution to which clause (i) applies in each of the 15 succeeding years in order of time.

"(iii) Coordination with other subparagraphs.—For purposes of applying this subsection and subsection (d)(1), contributions described in clause (i) shall not be treated as described in subparagraph (A), (B), (C), or (D).

"(iv) Qualified farmer or rancher.—

"(I) In general.—If the individual is a qualified farmer or rancher for the taxable year in which the contribution is made, clause (i) shall be applied by substituting '100 percent' for '50 percent'.

"(II) Definition.—For purposes of subclause (I), the term 'qualified farmer or rancher' means a taxpayer whose gross income from the trade or business of farming (within the meaning of section 2032A(e)(5)) is greater than 50 percent of the taxpayer's gross income for the taxable year.".

(2) Corporations.—Paragraph (2) of section 170(b) is amended to read as follows:

"(2) Corporations.—In the case of a corporation—

"(A) In general.—The total deductions under subsection (a) for any taxable year (other than for contributions to which subparagraph (B) applies) shall not exceed 10 percent of the taxpayer's taxable income.

"(B) Qualified conservation contributions by certain corporate farmers and ranchers.—

"(i) In general.—Any qualified conservation contribution (as defined in subsection (h)(1)) made—

"(I) by a corporation which, for the taxable year during which the contribution is made, is a qualified farmer or rancher (as defined in paragraph (1)(E)(iv)(II)) and the stock of which is not readily tradable on an established securities market at any time during such year, and

"(II) to an organization described in paragraph (1)(A),

shall be allowed to the extent the aggregate of such contributions does not exceed the excess of the taxpayer's taxable income over the amount of charitable contributions allowable under subparagraph (A).

"(ii) Carryover.—If the aggregate amount of contributions described in clause (i) exceeds the limitation of clause (i), such excess shall be treated (in a manner consistent with the rules of subsection (d)(2)) as a charitable contribution to which clause (i) applies in each of the 15 succeeding years in order of time.

"(C) Taxable income.—For purposes of this paragraph, taxable income shall be computed without regard to—

"(i) this section,

"(ii) part VIII (except section 248),

"(iii) any net operating loss carryback to the taxable year under section 172,

"(iv) section 199, and

"(v) any capital loss carryback to the taxable year under section 1212(a)(1).".

(b) Conforming Amendments.—

(1) The second sentence of clause (i) of section 170(b)(1)(C) is amended by striking "subparagraph (D)" and inserting "subparagraph (D) or (E)".

(2) Clause (i) of section 170(b)(1)(D) is amended by striking "subparagraph (A)" and inserting "subparagraphs (A) or (E)".

(3) Paragraph (2) of section 170(d) is amended by striking "subsection (b)(2)" each place it appears and inserting "subsection (b)(2)(A)".

(4) Section 545(b)(2) is amended by striking "and (D)" and inserting "(D), and (E)".

(c) Effective Date.—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2005, and before January 1, 2008.

SEC. 308. ENHANCED DEDUCTION FOR CHARITABLE CONTRIBUTION OF LITERARY, MUSICAL, ARTISTIC, AND SCHOLARLY COMPOSITIONS.

(a) In General.—Subsection (e) of section 170 (relating to certain contributions of ordinary income and capital gain property), as amended by this section 33 of this Act, is amended by adding at the end the following new paragraph:

"(18) Special rule for certain contributions of literary, musical, artistic, or scholarly compositions.—

"(A) In general.—In the case of a qualified artistic charitable contribution—

"(i) the amount of such contribution taken into account under this section shall be the fair market value of the property contributed (determined at the time of such contribution), and

"(ii) no reduction in the amount of such contribution shall be made under paragraph (1).

"(B) QUALIFIED ARTISTIC CHARITABLE CONTRIBUTION.—For purposes of this paragraph, the term 'qualified artistic charitable contribution' means a charitable contribution of any literary, musical, artistic, or scholarly composition, or similar property, or the copyright thereon (or both), but only if—

"(i) such property was created by the personal efforts of the taxpayer making such contribution no less than 18 months prior to such contribution,

"(ii) the taxpayer—

"(I) has received a qualified appraisal of the fair market value of such property in accordance with the regulations under this section, and

"(II) attaches to the taxpayer's income tax return for the taxable year in which such contribution was made a copy of such appraisal,

"(iii) the donee is an organization described in subsection (b)(1)(A),

"(iv) the use of such property by the donee is related to the purpose or function constituting the basis for the donee's exemption under section 501 (or, in the case of a governmental unit, to any purpose or function described under section 501(c)),

"(v) the taxpayer receives from the donee a written statement representing that the donee's use of the property will be in accordance with the provisions of clause (iv), and

"(vi) the written appraisal referred to in clause (ii) includes evidence of the extent (if any) to which property created by the personal efforts of the taxpayer and of the same type as the donated property is or has been—

"(I) owned, maintained, and displayed by organizations described in subsection (b)(1)(A), and

"(II) sold to or exchanged by persons other than the taxpayer, donee, or any related person (as defined in section 465(b)(3)(C)).

"(C) MAXIMUM DOLLAR LIMITATION; NO CARRYOVER OF INCREASED DEDUCTION.—The increase in the deduction under this section by reason of this paragraph for any taxable year—

"(i) shall not exceed the artistic adjusted gross income of the taxpayer for such taxable year, and

"(ii) shall not be taken into account in determining the amount which may be carried from such taxable year under subsection (d).

"(D) ARTISTIC ADJUSTED GROSS INCOME.—For purposes of this paragraph, the term 'artistic adjusted gross income' means that portion of the adjusted gross income of the taxpayer for the taxable year attributable to—

"(i) income from the sale or use of property created by the personal efforts of the taxpayer which is of the same type as the donated property, and

"(ii) income from teaching, lecturing, performing, or similar activity with respect to property described in clause (i).

"(E) PARAGRAPH NOT TO APPLY TO CERTAIN CONTRIBUTIONS.—Subparagraph (A) shall not apply to any charitable contribution of any letter, memorandum, or similar property which was written, prepared, or produced by or for an individual while the individual is an officer or employee of any person (including any government agency or instrumentality) unless such letter, memorandum, or similar property is entirely personal.

"(F) COPYRIGHT TREATED AS SEPARATE PROPERTY FOR PARTIAL INTEREST RULE.—In the case of a qualified artistic charitable contribution, the tangible literary, musical, artistic, or scholarly composition, or similar property and the copyright on such work shall be treated as separate properties for purposes of this paragraph and subsection (f)(3).

"(G) TERMINATION.—This paragraph shall not apply to contributions made after December 31, 2007.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2005.

SEC. 309. MILEAGE REIMBURSEMENTS TO CHARITABLE VOLUNTEERS EXCLUDED FROM GROSS INCOME.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 is amended by inserting after section 139A the following new section:

"SEC. 139B. MILEAGE REIMBURSEMENTS TO CHARITABLE VOLUNTEERS.

"(a) IN GENERAL.—Gross income of an individual does not include amounts received, from an organization described in section 170(c), as reimbursement of operating expenses with respect to use of a passenger automobile for the benefit of such organization. The preceding sentence shall apply only to the extent that the expenses which are reimbursed would be deductible under this chapter if section 274(d) were applied—

"(1) by using the standard business mileage rate established under such section, and

"(2) as if the individual were an employee of an organization not described in section 170(c).

"(b) APPLICATION TO VOLUNTEER SERVICES ONLY.—Subsection (a) shall not apply with respect to any expenses relating to the performance of services for compensation.

"(c) NO DOUBLE BENEFIT.—A taxpayer may not claim a deduction or credit under any other provision of this title with respect to the expenses under subsection (a).

"(d) EXEMPTION FROM REPORTING REQUIREMENTS.—Section 6041 shall not apply with respect to reimbursements excluded from income under subsection (a).

"(e) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 2007.".

(b) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 is amended by inserting after the item relating to section 139 the following new item:

"Sec. 139A. Mileage reimbursements to charitable volunteers".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 310. ALTERNATIVE PERCENTAGE LIMITATION FOR CORPORATE CHARITABLE CONTRIBUTIONS TO THE MATHEMATICS AND SCIENCE PARTNERSHIP PROGRAM.

(a) IN GENERAL.—Section 170(b) (related to percentage limitations) is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULE FOR CORPORATE CONTRIBUTIONS TO THE MATHEMATICS AND SCIENCE PARTNERSHIP PROGRAM.—

"(A) IN GENERAL.—In the case of a corporation which makes an eligible mathematics and science contribution—

"(i) the limitation under paragraph (2) shall apply separately with respect to all such contributions and all other charitable contributions, and

"(ii) paragraph (2) shall be applied with respect to all eligible mathematics and science contributions by substituting '15 percent' for '10 percent'.

"(B) ELIGIBLE MATHEMATICS AND SCIENCE CONTRIBUTION.—

"(i) IN GENERAL.—For purposes of this paragraph, the term 'eligible mathematics and science contribution' means a charitable contribution (other than a contribution of used equipment) to a qualified partnership for the purpose of an activity described in section 2202(c) of the Elementary and Secondary Education Act of 1965.

"(ii) QUALIFIED PARTNERSHIP.—The term 'qualified partnership' means an eligible partnership (within the meaning of section 2201(b)(1) of the Elementary and Secondary Education Act of 1965), but only to the extent that such partnership does not include a person other than a person described in paragraph (1)(A).

"(C) TERMINATION.—This paragraph shall not apply to any contributions made in taxable years beginning after December 31, 2006.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2005.

On page 149, line 7, strike "$100" and insert "$250".

Beginning on page 150, line 4, strike all through page 151, line 2 and insert the following:

SEC. 318. MODIFICATION OF RECORDKEEPING REQUIREMENTS FOR CERTAIN CHARITABLE CONTRIBUTIONS.

(a) RECORDKEEPING REQUIREMENT.—Subsection (f) of section 170, as amended by section 317 of this Act, is amended by adding at the end the following new paragraph:

"(16) RECORDKEEPING.—No deduction shall be allowed under subsection (a) for any contribution of a cash, check, or other monetary gift unless the donor maintains as a record of such contribution—

"(A) a cancelled check, or

"(B) a receipt or a letter or other written communication from the donee showing the name of the donee organization, the date of the contribution, and the amount of the contribution.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after the date of the enactment of this Act.

On page 172, after line 21, add the following:

SEC. 322. EXPANSION OF THE BASE OF TAX ON PRIVATE FOUNDATION NET INVESTMENT INCOME.

(a) GROSS INVESTMENT INCOME.—

(1) IN GENERAL.—Paragraph (2) of section 4940(c) (relating to gross investment income) is amended by adding at the end the following new sentence: "Such term shall also include income from sources similar to those in the preceding sentence.".

(2) CONFORMING AMENDMENT.—Subsection (e) of section 509 (relating to gross investment income) is amended by adding at the end the following new sentence: "Such term shall also include income from sources similar to those in the preceding sentence.".

(b) CAPITAL GAIN NET INCOME.—Paragraph (4) of section 4940(c) (relating to capital gains and losses) is amended—

(1) in subparagraph (A), by striking "used for the production of interest, dividends, rents, and royalties" and inserting "used for the production of gross investment income (as defined in paragraph (2))", and

(2) in subparagraph (C), by inserting "or carrybacks" after "carryovers".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 323. DEFINITION OF CONVENTION OR ASSOCIATION OF CHURCHES.

Section 7701 (relating to definitions) is amended by redesignating subsection(o) as subsection (p) and by inserting after subsection (n) the following new subsection:

"(o) CONVENTION OR ASSOCIATION OF CHURCHES.—For purposes of this title, any organization which is otherwise a convention or association of churches shall not fail to so qualify merely because the membership of such organization includes individuals as well as churches or because individuals have voting rights in such organization.".

SEC. 324. NOTIFICATION REQUIREMENT FOR ENTITIES NOT CURRENTLY REQUIRED TO FILE.

(a) IN GENERAL.—Section 6033 (relating to returns by exempt organizations), as amended by section 346 of this Act, is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

"(j) ADDITIONAL NOTIFICATION REQUIREMENTS.—Any organization the gross receipts of which in any taxable year result in such organization being referred to in subsection (a)(3)(A)(ii) or (a)(3)(B)—

"(1) shall furnish annually, at such time and in such manner as the Secretary may by forms or regulations prescribe, information setting forth—

"(A) the legal name of the organization,

"(B) any name under which such organization operates or does business,

"(C) the organization's mailing address and Internet web site address (if any),

"(D) the organization's taxpayer identification number,

"(E) the name and address of a principal officer, and

"(F) evidence of the continuing basis for the organization's exemption from the filing requirements under subsection (a)(1), and

"(2) upon the termination of the existence of the organization, shall furnish notice of such termination.".

(b) LOSS OF EXEMPT STATUS FOR FAILURE TO FILE RETURN OR NOTICE.—Section 6033 (relating to returns by exempt organizations), as amended by subsection (a), is amended by redesignating subsection (k) as subsection (l) and by inserting after subsection (j) the following new subsection:

"(k) LOSS OF EXEMPT STATUS FOR FAILURE TO FILE RETURN OR NOTICE.—

"(1) IN GENERAL.—If an organization described in subsection (a)(1) or (i) fails to file an annual return or notice required under either subsection for 3 consecutive years, such organization's status as an organization exempt from tax under section 501(a) shall be considered revoked on and after the date set by the Secretary for the filing of the third annual return or notice. The Secretary shall publish and maintain a list of any organization the status of which is so revoked.

"(2) APPLICATION NECESSARY FOR REINSTATEMENT.—Any organization the tax-exempt status of which is revoked under paragraph (1) must apply in order to obtain reinstatement of such status regardless of whether such organization was originally required to make such an application.

"(3) RETROACTIVE REINSTATEMENT IF REASONABLE CAUSE SHOWN FOR FAILURE.—If upon application for reinstatement of status as an organization exempt from tax under section 501(a), an organization described in paragraph (1) can show to the satisfaction of the Secretary evidence of reasonable cause for the failure described in such paragraph, the organization's exempt status may, in the discretion of the Secretary, be reinstated effective from the date of the revocation under such paragraph.".

(c) NO DECLARATORY JUDGMENT RELIEF.—Section 7428(b) (relating to limitations) is amended by adding at the end the following new paragraph:

"(4) NONAPPLICATION FOR CERTAIN REVOCATIONS.—No action may be brought under this section with respect to any revocation of status described in section 6033(k)(1).".

(d) NO INSPECTION REQUIREMENT.—Section 6104(b) (relating to inspection of annual information returns) is amended by inserting "(other than subsection (j) thereof)" after "6033".

(e) NO DISCLOSURE REQUIREMENT.—Section 6104(d)(3) (relating to exceptions from disclosure requirements) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

"(B) NONDISCLOSURE OF ANNUAL NOTICES.—Paragraph (1) shall not require the disclosure of any notice required under section 6033(j).".

(f) NO MONETARY PENALTY FOR FAILURE TO NOTIFY.—Section 6652(c)(1) (relating to annual returns under section 6033 or 6012(a)(6)) is amended by adding at the end the following new subparagraph:

"(E) NO PENALTY FOR CERTAIN ANNUAL NOTICES.—This paragraph shall not apply with respect to any notice required under section 6033(j).".

(g) SECRETARIAL OUTREACH REQUIREMENTS.—

(1) NOTICE REQUIREMENT.—The Secretary of the Treasury shall notify in a timely manner every organization described in section 6033(j) of the Internal Revenue Code of 1986 (as added by this section) of the requirement under such section 6033(j) and of the penalty established under section 6033(k)—

(A) by mail, in the case of any organization the identity and address of which is included in the list of exempt organizations maintained by the Secretary, and

(B) by Internet or other means of outreach, in the case of any other organization.

(2) LOSS OF STATUS PENALTY FOR FAILURE TO FILE RETURN.—The Secretary of the Treasury shall publicize in a timely manner in appropriate forms and instructions and through other appropriate means, the penalty established under section 6033(k) of such Code for the failure to file a return under section 6033(a)(1) of such Code.

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to notices and returns with respect to annual periods beginning after 2005

SEC. 325. DISCLOSURE TO STATE OFFICIALS OF PROPOSED ACTIONS RELATED TO EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Subsection (c) of section 6104 is amended by striking paragraph (2) and inserting the following new paragraphs:

"(2) DISCLOSURE OF PROPOSED ACTIONS RELATED TO CHARITABLE ORGANIZATIONS.—

"(A) SPECIFIC NOTIFICATIONS.—In the case of an organization to which paragraph (1) applies, the Secretary may disclose to the appropriate State officer—

"(i) a notice of proposed refusal to recognize such organization as an organization described in section 501(c)(3) or a notice of proposed revocation of such organization's recognition as an organization exempt from taxation,

"(ii) the issuance of a letter of proposed deficiency of tax imposed under section 507 or chapter 41 or 42, and

"(iii) the names, addresses, and taxpayer identification numbers of organizations which have applied for recognition as organizations described in section 501(c)(3).

"(B) ADDITIONAL DISCLOSURES.—Returns and return information of organizations with respect to which information is disclosed under subparagraph (A) may be made available for inspection by or disclosed to an appropriate State officer.

"(C) PROCEDURES FOR DISCLOSURE.—Information may be inspected or disclosed under subparagraph (A) or (B) only—

"(i) upon written request by an appropriate State officer, and

"(ii) for the purpose of, and only to the extent necessary in, the administration of State laws regulating such organizations.

Such information may only be inspected by or disclosed to representatives of the appropriate State officer designated as the individuals who are to inspect or to receive the returns or return information under this paragraph on behalf of such officer. Such representatives shall not include any contractor or agent.

"(D) DISCLOSURES OTHER THAN BY REQUEST.—The Secretary may make available for inspection or disclose returns and return information of an organization to which paragraph (1) applies to an appropriate State officer of any State if the Secretary determines that such inspection or disclosure may facilitate the resolution of Federal or State issues relating to the tax-exempt status of such organization.

"(3) DISCLOSURE WITH RESPECT TO CERTAIN OTHER EXEMPT ORGANIZATIONS.—Upon written request by an appropriate State officer, the Secretary may make available for inspection or disclosure returns and return information of an organization described in paragraph (2), (4), (6), (7), (8), (10), or (13) of section 501(c) for the purpose of, and to the extent necessary in, the administration of State laws regulating the solicitation or administration of the charitable funds or charitable assets of such organizations. Such information may be inspected only by or disclosed only to representatives of the appropriate State officer designated as the individuals who are to inspect or to receive the returns or return information under this paragraph on behalf of such officer. Such representatives shall not include any contractor or agent.

"(4) USE IN CIVIL JUDICIAL AND ADMINISTRATIVE PROCEEDINGS.—Returns and return information disclosed pursuant to this subsection may be disclosed in civil administrative and civil judicial proceedings pertaining to the enforcement of State laws regulating such organizations in a manner prescribed by the Secretary similar to that for tax administration proceedings under section 6103(h)(4).

"(5) NO DISCLOSURE IF IMPAIRMENT.—Returns and return information shall not be disclosed under this subsection, or in any proceeding described in paragraph (4), to the extent that the Secretary determines that such disclosure would seriously impair Federal tax administration.

"(6) DEFINITIONS.—For purposes of this subsection—

"(A) RETURN AND RETURN INFORMATION.—The terms 'return' and 'return information' have the respective meanings given to such terms by section 6103(b).

"(B) APPROPRIATE STATE OFFICER.—The term 'appropriate State officer' means—

"(i) the State attorney general,

"(ii) the State tax officer,

"(iii) in the case of an organization to which paragraph (1) applies, any other State official charged with overseeing organizations of the type described in section 501(c)(3), and

"(iv) in the case of an organization to which paragraph (3) applies, the head of an agency designated by the State attorney general as having primary responsibility for overseeing the solicitation of funds for charitable purposes.".

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (A) of section 6103(p)(3) is amended by inserting "an section 6104(c)" after "section" in the first sentence.

(2) Paragraph (4) of section 6103(p) is amended—

(A) in the matter preceding subparagraph (A), by inserting ", or any appropriate State officer (as defined in section 6104(c))," before "or any other person",

(B) in subparagraph (F)(i), by inserting "or any appropriate State officer (as defined in section 6104(c))," before "or any other person", and

(C) in the matter following subparagraph (F), by inserting ", an appropriate State officer (as defined in section 6104(c))," after "including an agency" each place it appear.

(3) The heading for paragraph (1) of section 6104(c) is amended by inserting "FOR CHARITABLE ORGANIZATIONS" after "RULE".

(4) Paragraph (2) of section 7213(a) is amended by inserting "or under section 6104(c)" after "6103".

(5) Paragraph (2) of section 7213A(a) is amended by inserting "or 6104(c)" after "6103".

(6) Paragraph (2) of section 7431(a) is amended by inserting "(including any disclosure in violation of section 6014(c)" after "6103".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act but shall not apply to requests made before such date.

On page 174, line 4, strike "121st day" and insert "181st day".

On page 174, line 6, strike "121st day" and insert "181st day".

On page 174, line 10, strike "121st day" and insert "181st day".

On page 174, line 12, strike "121st day" and insert "181st day".

On page 176, line 25, strike "5" and insert "the applicable percentage".

On page 177, line 1, strike "percent".

On page 178, line 2, strike "5 percent" and insert "the applicable percentage".

On page 178, between lines 4 and 5, insert the following:

"(4) APPLICABLE PERCENTAGE.—For purposes of paragraphs (1) and (3), the applicable percentage is—

"(A) 3 percent for the first taxable year beginning after the date of the enactment of this section,

"(B) 4 percent for the second taxable year beginning after such date, and

"(C) 5 percent for any taxable year beginning after the second taxable year beginning after such date.

On page 178, strike lines 9 through 15 and insert the following:

"(A) any amount paid by the sponsoring organization from a donor advised fund—

"(i) to any organization described in section 170(b)(1)(A) (other than any organization described in section 509(a)(3)) or any sponsoring organization if such amount is for maintenance in a donor advised fund), and

"(ii) notwithstanding clause (i), to any organization described section 170(f)(17)(B)(ii), but only to the extent not prohibited by regulations, and

On page 179, strike lines 1 through 3 and insert the following:

"(2) DISTRIBUTIONS TO SPONSORING ORGANIZATIONS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), such term shall include any distribution to a sponsoring organization.

"(B) ORGANIZATION LEVEL DISTRIBUTIONS.—For purposes of subsection (c)(1)(B), such term shall not include any distribution to a sponsoring organization unless such distribution is designated for use in connection with a charitable program of such organization.

On page 185, line 9, strike "section 4967(g)(2)(C)" and insert "section 4967(g)(2)(A)(iii)".

On page 186, strike lines 7 through 14 and insert the following:

"(c) TAXABLE DISTRIBUTION.—For purposes of this subsection—

"(1) IN GENERAL.—The term 'taxable distribution' means any distribution from a donor advised fund to any person other than the sponsoring organization's non donor advised funds or accounts or organizations described in section 170(b)(1)(A) (other than any organization described in section 509(a)(3) or any sponsoring organization if such amount is for maintenance in a donor advised fund).

"(2) EXCEPTION.—Notwithstanding paragraph (1), such term shall not include any distribution from a donor advised fund to any organization described section 170(f)(17)(B)(ii) to the extent such distribution is not prohibited under regulations.

On page 189, line 17, strike "121st day" and insert "181st day".

On page 190, line 22, strike "4967(g)(2)(C)" and insert "4967(g)(2)(A)(iii)".

On page 192, lines 18 and 19, strike "provided by the sponsoring organization in connection with" and insert "from".

Beginning on page 193, line 17 strike all through page 196, line 4 and insert the following:

SEC. 333. TREATMENT OF CHARITABLE CONTRIBUTION DEDUCTIONS TO DONOR ADVISED FUNDS.

(a) INCOME.—Section 170(f) (relating to disallowance of deduction in certain cases and special rules), as amended by section 318 of this Act, is amended by adding at the end the following new paragraph:

"(17) CONTRIBUTIONS TO DONOR ADVISED FUNDS.—

"(A) IN GENERAL.—A deduction otherwise allowed under subsection (a) for any contribution to a sponsoring organization (as defined in section 4967(g)(1)) to be maintained in any donor advised fund (as defined in section 4967(g)(2)) of such organization shall only be allowed if—

"(i) such sponsoring organization is not described in paragraph (3), (4), or (5) of subsection (c) or section 509(a)(3), and

"(ii) the taxpayer obtains a contemporaneous written acknowledgment (determined under rules similar to the rules of paragraph (8)(C) from the sponsoring organization that such organization has exclusive legal control over the assets contributed.

"(B) CONTRIBUTIONS TO TYPE I OR TYPE II SUPPORTING ORGANIZATIONS.—

"(i) IN GENERAL.—Notwithstanding subparagraph (A)(i), a contribution to a sponsoring organization (as so defined) described in clause (ii) to be maintained in any donor advised fund (as so defined) of such organization shall be allowed to the extent not prohibited by regulations.

"(ii) ORGANIZATION DESCRIBED.—An organization is described in this clause if the organization meets the requirements of subparagraphs (A) and (C) of section 509(a)(3) and is—

"(I) operated, supervised, or controlled by one or more organizations described in paragraph (1) or (2) of section 509(a), or

"(II) supervised or controlled in connection with one or more such organizations.".

(b) ESTATE.—Section 2055(e) is amended by adding at the end the following new paragraph:

"(5) CONTRIBUTIONS TO DONOR ADVISED FUNDS.—

"(A) IN GENERAL.—A deduction otherwise allowed under subsection (a) for any contribution to a sponsoring organization (as defined in section 4967(g)(1)) to be maintained in any donor advised fund (as defined in section 4967(g)(2)) of such organization shall only be allowed if—

"(i) such sponsoring organization is not described in paragraph (3) or(4) of subsection (a) or section 509(a)(3), and

"(ii) the taxpayer obtains a contemporaneous written acknowledgment (determined under rules similar to the rules of section 170(f)(8)(C)) from the sponsoring organization that such organization has exclusive legal control over the assets contributed.

"(B) CONTRIBUTIONS TO TYPE I OR TYPE II SUPPORTING ORGANIZATIONS.—

"(i) IN GENERAL.—Notwithstanding subparagraph (A)(i), a contribution to a sponsoring organization (as so defined) described in clause (ii) to be maintained in any donor advised fund (as so defined) of such organization shall be allowed to the extent not prohibited by regulations.

"(ii) ORGANIZATION DESCRIBED.—An organization is described in this clause if the organization meets the requirements of subparagraphs (A) and (C) of section 509(a)(3) and is—

"(I) operated, supervised, or controlled by one or more organizations described in paragraph (1) or (2) of section 509(a), or

"(II) supervised or controlled in connection with one or more such organizations.".

(c) GIFT.—Section 2522(c) is amended by adding at the end the following new paragraph:

"(13) CONTRIBUTIONS TO DONOR ADVISED FUNDS.—

"(A) IN GENERAL.—A deduction otherwise allowed under subsection (a) for any contribution to a sponsoring organization (as defined in section 4967(g)(1)) to be maintained in any donor advised fund (as defined in section 4967(g)(2)) of such organization shall only be allowed if—

"(i) such sponsoring organization is not described in paragraph (3) or (4) of subsection (a) or section 509(a)(3), and

"(ii) the taxpayer obtains a contemporaneous written acknowledgment (determined under rules similar to the rules of section 170(f)(8)(C)) from the sponsoring organization that such organization has exclusive legal control over the assets contributed.

"(B) CONTRIBUTIONS TO TYPE I OR TYPE II SUPPORTING ORGANIZATIONS.—

"(i) IN GENERAL.—Notwithstanding subparagraph (A)(i), a contribution to a sponsoring organization (as so defined) described in clause (ii) to be maintained in any donor advised fund (as so defined) of such organization shall be allowed to the extent not prohibited by regulations.

"(ii) ORGANIZATION DESCRIBED.—An organization is described in this clause if the organization meets the requirements of subparagraphs (A) and (C) of section 509(a)(3) and is—

"(I) operated, supervised, or controlled by one or more organizations described in paragraph (1) or (2) of section 509(a), or

"(II) supervised or controlled in connection with one or more such organizations.".

(d) REGULATIONS.—The regulations prescribed under sections 170(f)(17)(B)(i), 2055(e)(5)(B)(i), 2522(c)(13)(B)(i), 4967(e)(i)(A)(ii), and 4968(c)(2) of the Internal Revenue Code of 1986 shall deny a deduction for contributions to sponsoring organizations (as defined in section 4967(g)(1) of such Code) which are described in section 170(f)(17)(B)(ii) of such Code and shall apply excise taxes to distributions from donor advised funds (as defined in section 4967(g)(2) of such Code) and sponsoring organizations (as so defined) to organizations so described in cases where the donor of the contributions or the donor or donor advisor of the amounts distributed directly or indirectly controls a supported organization (as defined in section 509(f)(3) of such Code) of such organization.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after the date which is 180 days after the date of the enactment of this Act.

On page 205, line 16, strike "5 percent" and insert "the applicable percentage".

On page 206, between lines 11 and 12, insert the following:

"(3) APPLICABLE PERCENTAGE.—For purposes of paragraph (1)(A)(ii), the applicable percentage is—

"(A) 3 percent for the first taxable year beginning after the date of the enactment of this section,

"(B) 4 percent for the second taxable year beginning after such date, and

"(C) 5 percent for any taxable year beginning after the second taxable year beginning after such date.

On page 206, strike lines 18 through 22 and insert the following:

"(2) ADMINISTRATIVE AND OPERATING EXPENSES.—Reasonable and necessary administrative expenses of a type III supporting organization shall be treated as a qualifying distribution to a supported organization.

On page 214, line 6, strike "any".

On page 216, strike line 24 and insert the following:

"(5) SPECIAL RULE FOR CERTAIN HOLDINGS OF TYPE III SUPPORTING ORGANIZATIONS.—For purposes of this subsection, the term 'excess business holdings' shall not include any holdings of a type III supporting organization (as defined in section 4959(h)(2)) in any business enterprise if the holdings are held for the benefit of the community pursuant to the direction of a State attorney general or a State official with jurisdiction over the type III supporting organization.

"(6) PRESENT HOLDINGS.—For purposes of

On page 219, strike lines 5 through 9 and insert the following:

(a) REQUIREMENT TO FILE RETURN.—Subparagraph (B) of section 6033(a)(3), as redesignated by section 311, is amended by inserting "(other than an organization described in section 509(a)(3))" after "paragraph (1)".

Beginning on page 225, line 9, strike all through page 230, line 21 and insert the following:

SEC. 402. MODIFICATION TO S CORPORATION PASSIVE INVESTMENT INCOME RULES.

(a) INCREASED PERCENTAGE LIMIT.—Paragraph (2) of section 1375(a) is amended by striking "**25 PERCENT**" and inserting "**60 PERCENT**".

(b) REPEAL OF EXCESSIVE PASSIVE INCOME AS A TERMINATION EVENT.—

(1) IN GENERAL.—Section 1362(d) is amended by striking paragraph (3).

(2) CONFORMING AMENDMENT.—Subsection (b) of section 1375 is amended by striking paragraphs (3) and (4) and inserting the following new paragraph:

"(3) PASSIVE INVESTMENT INCOME DEFINED.—

"(A) Except as otherwise provided in this paragraph, the term 'passive investment income' means gross receipts derived from royalties, rents, dividends, interest, and annuities.

"(B) EXCEPTION FOR INTEREST ON NOTES FROM SALES OF INVENTORY.—The term 'passive investment income' shall not include interest on any obligation acquired in the ordinary course of the corporation's trade or business from its sale of property described in section 1221(a)(1).

"(C) TREATMENT OF CERTAIN LENDING OR FINANCE COMPANIES.—If the S corporation meets the requirements of section 542(c)(6) for the taxable year, the term 'passive investment income' shall not include gross receipts for the taxable year which are derived directly from the active and regular conduct of a lending or finance business (as defined in section 542(d)(1)).

"(D) TREATMENT OF CERTAIN DIVIDENDS.—If an S corporation holds stock in a C corporation meeting the requirements of section 1504(a)(2), the term 'passive investment income' shall not include dividends from such C corporation to the extent such dividends are attributable to the earnings and profits of such C corporation derived from the active conduct of a trade or business.

"(E) EXCEPTION FOR BANKS, ETC.—In the case of a bank (as defined in section 581), a bank holding company (within the meaning of section 2(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(a))), or a financial holding company (within the meaning of section 2(p) of such Act), the term 'passive investment income' shall not include—

"(i) interest income earned by such bank or company, or

"(ii) dividends on assets required to be held by such bank or company, including stock in the Federal Reserve Bank, the Federal Home Loan Bank, or the Federal Agricultural Mortgage Bank or participation certificates issued by a Federal Intermediate Credit Bank.

"(F) COORDINATION WITH SECTION 1374.—The amount of passive investment income shall be determined by not taking into account any recognized built-in gain or loss of the S corporation for any taxable year in the recognition period. Terms used in the preceding sentence shall have the same respective meanings as when used in section 1374.".

(c) CONFORMING AMENDMENTS.—

(1) Subparagraph (J) of section 26(b)(2) is amended by striking "25 percent" and inserting "60 percent".

(2) Clause (i) of section 1042(c)(4)(A) is amended by striking "section 1362(d)(3)(C)" and inserting "section 1375(b)(3)".

(3) Subparagraph (B) of section 1362(f)(1) is amended by striking "or (3)".

(4) Clause (i) of section 1375(b)(1)(A) is amended by striking "25 percent" and inserting "60 percent".

(5) Subsection (d) of section 1375 is amended by striking "subchapter C" both places it appears and inserting "accumulated".

(6) The heading for section 1375 is amended by striking "**25 PERCENT**" and inserting "**60 PERCENT**".

(7) The item relating to section 1375 in the table of sections for part III of subchapter S of chapter 1 is amended by striking "25 percent" and inserting "60 percent".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

On page 235, in between lines 13 and 14, insert the following:

SEC. 405. MODIFICATION OF BOND RULE.

In the case of bonds issued after the date of the enactment of this Act and before August 31, 2009—

(1) the requirement of paragraph (1) of section 648 of the Deficit Reduction Act of 1984 (98 Stat. 941) shall be treated as met with respect to the securities or obligations referred to in such section if such securities or obligations are held in a fund the annual distributions from which cannot exceed 7 percent of the average fair market value of the assets held in such fund except to the extent distributions are necessary to pay debt service on the bond issue,

(2) paragraph (3) of such section shall be applied by substituting "distributions from" for "the investment earnings of" both places it appears, and

(3) Paragraph (4) of such section shall be applied by substituting "March 1, 1985" for "October 9, 1969".

SEC. 406. TREATMENT OF CERTAIN STOCK OPTION PLANS UNDER NONQUALIFIED DEFERRED COMPENSATION RULES.

(a) IN GENERAL.—The Secretary of the Treasury shall modify the regulations under section 409A of the Internal Revenue Code of 1986 to extend to applicable foreign option plans the exception under such section for incentive stock options under section 422 of such Code and options granted under an employee stock purchase plan meeting the requirements of section 423 of such Code. Such extension shall be subject to such terms and conditions as may be prescribed in such regulations.

(b) APPLICABLE FOREIGN OPTION PLANS.—For purposes of subsection (a)—

(1) IN GENERAL.—The term "applicable foreign option plan" means a plan providing for the issuance of employee stock options—

(A) which is established under the laws of a foreign jurisdiction, and

(B) which, under such laws or the terms of the plan (or both), is subject to requirements substantially similar to the requirements under section 422 or 423 of such Code.

(2) SUBSTANTIALLY SIMILAR.—A plan shall not be treated as subject to substantially similar requirements under paragraph (1)(B) unless—

(A) the plan is required to cover substantially all employees,

(B) in the case of an option under an employee stock purchase plan, the plan is required to provide an option price which is not less than the amount specified in section 423(b)(6) of such Code, except that such section shall be applied by substituting "80 percent" for "85 percent" each place it appears,

(C) the plan is required to provide coverage of individuals who, but for the exception of the application of section 409A of such Code by reason of this section, would be subject to tax under such section with respect to the plan, and

(D) the plan meets such other requirements as the Secretary of the Treasury prescribes in the regulations under subsection (a).

SEC. 407. SENSE OF THE SENATE REGARDING THE DEDICATION OF EXCESS FUNDS.

It is the sense of the Senate that any increases in revenues to the Treasury as a result of this Act and the amendments made by this Act that exceed the amounts specified in the reconciliation instructions shall be dedicated to the Low-Income Home Energy Assistance Program, in an amount not to exceed the amount which is $2,900,000,000 more than the funding levels established for such Program for fiscal year 2005.

Beginning on page 236, line 17, strike all through page 239, line 6 and insert the following:

SEC. 502. MODIFICATION OF EFFECTIVE DATE OF EXCEPTION FROM SUSPENSION RULES FOR CERTAIN LISTED AND REPORTABLE TRANSACTIONS.

(a) EFFECTIVE DATE MODIFICATION.—

(1) IN GENERAL.—Paragraph (2) of section 903(d) of the American Jobs Creation Act of 2004 is amended to read as follows:

"(2) EXCEPTION FOR REPORTABLE OR LISTED TRANSACTIONS.—

"(A) IN GENERAL.—The amendments made by subsection (c) shall apply with respect to interest accruing after October 3, 2004.

"(B) SPECIAL RULE FOR CERTAIN LISTED AND REPORTABLE TRANSACTIONS.—

"(i) IN GENERAL.—Except as provided in clause (ii), the amendments made by subsection (c) shall also apply with respect to interest accruing on or before October 3, 2004.

"(ii) PARTICIPANTS IN SETTLEMENT INITIATIVES.—Clause (i) shall not apply to any transaction if, as of January 23, 2006—

"(I) the taxpayer is participating in a settlement initiative described in Internal Revenue Service Announcement 2005-80 with respect to such transaction, or

"(II) the taxpayer has entered into a settlement agreement pursuant to such an initiative.

"(iii) TERMINATION OF EXCEPTION.—Clause (ii)(I) shall not apply to any taxpayer if, after January 23, 2006, the taxpayer withdraws from, or terminates, participation in the initiative or the Secretary of the Treasury or the Secretary's delegate determines that a settlement agreement will not be reached pursuant to the initiative within a reasonable period of time.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which it relates.

(b) TREATMENT OF AMENDED RETURNS AND OTHER SIMILAR NOTICES OF ADDITIONAL TAX OWED.—

(1) IN GENERAL.—Section 6404(g)(1) (relating to suspension) is amended by adding at the end the following new sentence: "If, after the return for a taxable year is filed, the taxpayer provides to the Secretary 1 or more signed written documents showing that the taxpayer owes an additional amount of tax for the taxable year, clause (i) shall be applied by substituting the date the last of the documents was provided for the date on which the return is filed.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to documents provided on or after the date of the enactment of this Act.

On page 244, after line 24, insert the following:

SEC. 504. PENALTY FOR PROMOTING ABUSIVE TAX SHELTERS.

(a) PENALTY FOR PROMOTING ABUSIVE TAX SHELTERS.—Section 6700 (relating to promoting abusive tax shelters, etc.) is amended—

(1) by redesignating subsections (b) and (c) as subsections (d) and (e), respectively,

(2) by striking "a penalty" and all that follows through the period in the first sentence of subsection (a) and inserting "a penalty determined under subsection (b)", and

(3) by inserting after subsection (a) the following new subsections:

"(b) AMOUNT OF PENALTY; CALCULATION OF PENALTY; LIABILITY FOR PENALTY.—

"(1) AMOUNT OF PENALTY.—The amount of the penalty imposed by subsection (a) shall be 100 percent of the gross income derived (or to be derived) from such activity by the person or persons subject to such penalty.

"(2) CALCULATION OF PENALTY.—The penalty amount determined under paragraph (1) shall be calculated with respect to each instance of an activity described in subsection (a), each instance in which income was derived by the person or persons subject to such penalty, and each person who participated in such an activity.

"(3) LIABILITY FOR PENALTY.—If more than 1 person is liable under subsection (a) with respect to such activity, all such persons shall be jointly and severally liable for the penalty under such subsection.

"(c) PENALTY NOT DEDUCTIBLE.—The payment of any penalty imposed under this section or the payment of any amount to settle or avoid the imposition of such penalty shall not be considered an ordinary and necessary expense in carrying on a trade or business for purposes of this title and shall not be deductible by the person who is subject to such penalty or who makes such payment.".

(b) CONFORMING AMENDMENT.—Section 6700(a) is amended by striking the last sentence.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to the activities described in paragraphs (1) and (2) of section 6700(a) of the Internal Revenue Code of 1986 and after the date of the enactment of this Act.

SEC. 505. PENALTY FOR AIDING AND ABETTING THE UNDERSTATEMENT OF TAX LIABILITY.

(a) IN GENERAL.—Section 6701(a) (relating to imposition of penalty) is amended—

(1) by inserting ", or tax liability reflected in," after "the preparation or presentation of" in paragraph (1),

(2) by inserting "aid, assistance, procurement, or advice with respect to such" before "portion" both places it appears in paragraphs (2) and (3), and

(3) by inserting "instance of aid, assistance, procurement, or advice or each such" before "document" in the matter following paragraph (3).

(b) AMOUNT OF PENALTY.—Subsection (b) of section 6701 (relating to penalties for aiding and abetting understatement of tax liability) is amended to read as follows:

"(b) AMOUNT OF PENALTY; CALCULATION OF PENALTY; LIABILITY FOR PENALTY.—

"(1) AMOUNT OF PENALTY.—The amount of the penalty imposed by subsection (a) shall be 100 percent of the gross income derived (or to be derived) from such aid, assistance, procurement, or advice provided by the person or persons subject to such penalty.

"(2) CALCULATION OF PENALTY.—The penalty amount determined under paragraph (1) shall be calculated with respect to each instance of aid, assistance, procurement, or advice described in subsection (a), each instance in which income was derived by the person or persons subject to such penalty, and each person who made such an understatement of the liability for tax.

"(3) LIABILITY FOR PENALTY.—If more than 1 person is liable under subsection (a) with respect to providing such aid, assistance, procurement, or advice, all such persons shall be jointly and severally liable for the penalty under such subsection.".

(c) PENALTY NOT DEDUCTIBLE.—Section 6701 is amended by adding at the end the following new subsection:

"(g) PENALTY NOT DEDUCTIBLE.—The payment of any penalty imposed under this section or the payment of any amount to settle or avoid the imposition of such penalty shall not be considered an ordinary and necessary expense in carrying on a trade or business for purposes of this title and shall not be deductible by the person who is subject to such penalty or who makes such payment.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to the activities described in section 6701(a) of the Internal Revenue Code of 1986 after the date of the enactment of this Act.

Beginning on page 261, line 20, strike all through page 264, line 14, and insert the following:

SEC. 531. INCREASE IN CRIMINAL MONETARY PENALTY LIMITATION FOR THE UNDERPAYMENT OR OVERPAYMENT OF TAX DUE TO FRAUD.

(a) IN GENERAL.—Section 7206 (relating to fraud and false statements) is amended—

(1) by striking "Any person who—" and inserting "(a) IN GENERAL.—Any person who—", and

(2) by adding at the end the following new subsection:

"(b) INCREASE IN MONETARY LIMITATION FOR UNDERPAYMENT OR OVERPAYMENT OF TAX DUE TO FRAUD.—If any portion of any underpayment (as defined in section 6664(a)) or overpayment (as defined in section 6401(a)) of tax required to be shown on a return is attributable to fraudulent action described in subsection (a), the applicable dollar amount under subsection (a) shall in no event be less than an amount equal to such portion. A rule similar to the rule under section 6663(b) shall apply for purposes of determining the portion so attributable.".

(b) INCREASE IN PENALTIES.—

(1) ATTEMPT TO EVADE OR DEFEAT TAX.—Section 7201 is amended—

(A) by striking "$100,000" and inserting "$500,000",

(B) by striking "$500,000" and inserting "$1,000,000", and

(C) by striking "5 years" and inserting "10 years".

(2) WILLFUL FAILURE TO FILE RETURN, SUPPLY INFORMATION, OR PAY TAX.—Section 7203 is amended—

(A) in the first sentence—

(i) by striking "Any person" and inserting the following:

"(a) IN GENERAL.—Any person", and

(ii) by striking "$25,000" and inserting "$50,000",

(B) in the third sentence, by striking "section" and inserting "subsection", and

(C) by adding at the end the following new subsection:

"(b) AGGRAVATED FAILURE TO FILE.—

"(1) IN GENERAL.—In the case of any failure described in paragraph (2), the first sentence of subsection (a) shall be applied by substituting—

"(A) 'felony' for 'misdemeanor',

"(B) '$500,000 ($1,000,000' for '$25,000 ($100,000', and

"(C) '10 years' for '1 year'.

"(2) FAILURE DESCRIBED.—A failure described in this paragraph is a failure to make a return described in subsection (a) for a period of 3 or more consecutive taxable years.".

(3) FRAUD AND FALSE STATEMENTS.—Section 7206(a) (as redesignated by subsection (a)) is amended—

(A) by striking "$100,000" and inserting "$500,000",

(B) by striking "$500,000" and inserting "$1,000,000", and

(C) by striking "3 years" and inserting "5 years".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to actions, and failures to act, occurring after the date of the enactment of this Act.

On page 276, line 20, strike "$1,250" and insert "$2,000".

On page 276, line 22, strike "$25" and insert "$40".

On page 323, after line 20, insert the following:

SEC. 563. APPLICATION OF FIRPTA TO REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Subclause (II) of section 897(h)(4)(A)(i) (defining qualified investment entity) is amended by inserting "which is a United States real property holding corporation or which would be a United States real property holding corporation if the exceptions provided in subsections (c)(3) and (h)(2) did not apply to interests in any real estate investment trust or regulated investment company" after "regulated investment company".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions with respect to taxable years beginning after December 31, 2004.

SEC. 564. TREATMENT OF DISTRIBUTIONS ATTRIBUTABLE TO FIRPTA GAINS.

(a) QUALIFIED INVESTMENT ENTITY.—

(1) IN GENERAL.—Section 897(h)(1) is amended—

(A) by striking "a nonresident alien individual or a foreign corporation" in the first sentence and inserting "a nonresident alien individual, a foreign corporation, or other qualified investment entity",

(B) by striking "such nonresident alien individual or foreign corporation" in the first sentence and inserting "such nonresident alien individual, foreign corporation, or other qualified investment entity", and

(C) by striking the second sentence and inserting the following new sentence: "Notwithstanding the preceding sentence, any distribution by a qualified investment entity to a nonresident alien, a foreign corporation, or other qualified investment entity with respect to any class of stock which is regularly traded on an established securities market located in the United States shall not be treated as gain recognized from the sale or exchange of a United States real property interest if the shareholder did not own more than 5 percent of such class of stock at any time during the 1 year period ending on the date of such distribution.".

(2) APPLICATION AFTER 2007.—Clause (ii) of section 897(h)(4)(A) is amended by adding at the end the following new sentence: "Notwithstanding the preceding sentence, an entity described in clause (i)(II) shall be treated as a qualified investment entity for purposes of applying paragraph (1) in any case in which a real estate investment trust makes a distribution to an entity described in clause (i)(II).".

(b) TREATMENT OF CERTAIN DISTRIBUTIONS AS DIVIDENDS.—

(1) IN GENERAL.—Section 852(b)(3) (relating to capital gains) is amended by adding at the end the following new subparagraph:

"(E) CERTAIN DISTRIBUTIONS.—In the case of a distribution to which section 897 does not apply by reason of the second sentence of section 897(h)(1), the amount of such distribution which would be included in computing long-term capital gains for the shareholder under subparagraph (B) or (D) (without regard to this subparagraph)—

"(i) shall not be included in computing such shareholder's long-term capital gains, and

"(ii) shall be included in such shareholder's gross income as a dividend from the regulated investment company.".

(2) CONFORMING AMENDMENT.—Section 871(k)(2) (relating to short-term capital gain dividends) is amended by adding at the end the following new subparagraph:

"(E) CERTAIN DISTRIBUTIONS.—In the case of a distribution to which section 897 does not apply by reason of the second sentence of section 897(h)(1), the amount which would be treated as a short-term capital gain dividend to the shareholder (without regard to this subparagraph)—

"(i) shall not be treated as a short-term capital gain dividend, and

"(ii) shall be included in such shareholder's gross income as a dividend from the regulated investment company.".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years of qualified investment entities beginning after the date of the enactment of this Act.

(2) DIVIDENDS.—The amendments made by subsection (b) shall apply to dividends with respect to taxable years of regulated investment companies beginning after December 31, 2004.

SEC. 565. PREVENTION OF AVOIDANCE OF TAX ON INVESTMENTS OF FOREIGN PERSONS IN UNITED STATES REAL PROPERTY THROUGH WASH SALE TRANSACTIONS.

(a) IN GENERAL.—Section 897(h) of the Internal Revenue Code of 1986 (relating to special rules in certain investment entities) is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

"(4) TREATMENT OF CERTAIN WASH SALE TRANSACTIONS.—

"(A) IN GENERAL.—If an interest in a domestically controlled qualified investment entity is disposed of in an applicable wash sale transaction, the taxpayer shall, for purposes of this section, be treated as having gain from the sale or exchange of a United States real property interest in an amount equal to the portion of the distribution described in subparagraph (B) with respect to such interest which, but for the disposition, would have been treated by the taxpayer as gain from the sale or exchange of a United States real property interest under paragraph (1).

"(B) APPLICABLE WASH SALES TRANSACTION.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'applicable wash sales transaction' means any transaction (or series of transactions) under which a nonresident alien individual or foreign corporation—

"(I) disposes of an interest in a domestically controlled qualified investment entity during the 30-day period preceding a distribution which is to be made with respect to the interest and any portion of which, but for the disposition, would have been treated by the taxpayer as gain from the sale or exchange of a United States real property interest under paragraph (1), and

"(II) acquires an identical interest in such entity during the 60-day period beginning with the 1st day of the 30-day period described in subclause (I).

For purposes of subclause (II), a nonresident alien individual or foreign corporation shall be treated as having acquired any interest acquired by a person related (within the meaning of section 465(b)(3)(C)) to the individual or corporation.

"(ii) EXCEPTION WHERE DISTRIBUTION ACTUALLY RECEIVED.—A transaction shall not be treated as an applicable wash sales transaction if the nonresident alien individual or foreign corporation receives the distribution described in clause (i)(I) with respect to either the interest which was disposed of, or acquired, in the transaction.

"(iii) EXCEPTION FOR CERTAIN PUBLICLY TRADED STOCK.—A transaction shall not be treated as an applicable wash sales transaction if it involves the disposition of any class of stock in a qualified investment entity which is regularly traded on an established securities market within the United States but only if the nonresident alien individual or foreign corporation did not own more than 5 percent of such class of stock at any time during the 1-year period ending on the date of the distribution described in clause (i)(I).".

(b) NO WITHHOLDING REQUIRED.—Section 1445(b) of the Internal Revenue Code of 1986 (relating to exemptions) is amended by adding at the end the following new paragraph:

"(8) APPLICABLE WASH SALES TRANSACTIONS.—No person shall be required to deduct and withhold any amount under subsection (a) with respect to a disposition which is treated as a disposition of a United States real property interest solely by reason of section 897(h)(4).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to dispositions after December 31, 2005, in taxable years ending after such date.

SEC. 566. MODIFICATIONS TO RULES RELATING TO TAXATION OF DISTRIBUTIONS OF STOCK AND SECURITIES OF A CONTROLLED CORPORATION.

(a) MODIFICATION OF ACTIVE BUSINESS DEFINITION UNDER SECTION 355.—

(1) IN GENERAL.—Section 355(b) (defining active conduct of a trade or business) is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULES RELATING TO ACTIVE BUSINESS REQUIREMENT.—

"(A) IN GENERAL.—For purposes of determining whether a corporation meets the requirement of paragraph (2)(A), all members of such corporation's separate affiliated group shall be treated as 1 corporation. For purposes of the preceding sentence, the term 'separate affiliated group' means, with respect to any corporation, the affiliated group which would be determined under section 1504(a) if such corporation were the common parent and section 1504(b) did not apply.

"(B) CONTROL.—For purposes of paragraph (2)(D), all distributee corporations which are members of the same affiliated group (as defined in section 1504(a) without regard to section 1504(b)) shall be treated as 1 distributee corporation.".

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (A) of section 355(b)(2) is amended to read as follows:

"(A) it is engaged in the active conduct of a trade or business,".

(B) Section 355(b)(2) of such Code is amended by striking the last sentence.

(3) EFFECTIVE DATES.—

(A) IN GENERAL.—The amendments made by this subsection shall apply—

(i) to distributions after the date of the enactment of this Act, and before January 1, 2010, and

(ii) for purposes of determining the continued qualification under section 355(b)(2)(A) of the Internal Revenue Code of 1986 (as amended by paragraph (2)(A)) of distributions made before such date, as a result of an acquisition, disposition, or other restructuring after such date and before January 1, 2010.

(B) TRANSITION RULE.—The amendments made by this subsection shall not apply to any distribution pursuant to a transaction which is—

(i) made pursuant to an agreement which was binding on such date of enactment and at all times thereafter,

(ii) described in a ruling request submitted to the Internal Revenue Service on or before such date, or

(iii) described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission.

(C) ELECTIONS.—

(i) OUT OF TRANSITION RELIEF.—Subparagraph (B) shall not apply if the distributing corporation elects not to have such subparagraph apply to distributions of such corporation. Any such election, once made, shall be irrevocable.

(ii) APPLICATION TO PRIOR DISTRIBUTIONS.—Subparagraph (A)(ii) shall not apply to a distributing or controlled corporation if the corporation elects not to have such subparagraph apply to such corporation. Any such election, once made, shall be irrevocable.

(b) SECTION 355 NOT TO APPLY TO DISTRIBUTIONS IF THE DISTRIBUTING OR CONTROLLED CORPORATION IS A DISQUALIFIED INVESTMENT CORPORATION.—

(1) IN GENERAL.—Section 355 (relating to distributions of stock and securities of a controlled corporation) is amended by adding at the end the following new subsection:

"(g) SECTION NOT TO APPLY TO DISTRIBUTIONS INVOLVING DISQUALIFIED INVESTMENT CORPORATIONS.—

"(1) IN GENERAL.—This section (and so much of section 356 as relates to this section) shall not apply to any distribution which is part of a transaction if—

"(A) either the distributing corporation or controlled corporation is, immediately after the transaction, a disqualified investment corporation, and

"(B) any person holds, immediately after the transaction, a 50-percent or greater interest in any disqualified investment corporation, but only if such person did not hold such an interest in such corporation immediately before the transaction.

"(2) DISQUALIFIED INVESTMENT CORPORATION.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'disqualified investment corporation' means any distributing or controlled corporation if the fair market value of the investment assets of the corporation is 75 percent or more of the fair market value of all assets of the corporation.

"(B) INVESTMENT ASSETS.—

"(i) IN GENERAL.—Except as otherwise provided in this subparagraph, the term 'investment assets' means—

"(I) cash,

"(II) any stock or securities in a corporation,

"(III) any interest in a partnership,

"(IV) any debt instrument or other evidence of indebtedness,

"(V) any option, forward or futures contract, notional principal contract, or derivative,

"(VI) foreign currency, or

"(VII) any similar asset.

"(ii) EXCEPTION FOR ASSETS USED IN ACTIVE CONDUCT OF CERTAIN FINANCIAL TRADES OR BUSINESSES.—Such term shall not include any asset which is held for use in the active and regular conduct of—

"(I) a lending or finance business (within the meaning of section 954(h)(4)),

"(II) a banking business through a bank (as defined in section 581), a domestic building and loan association (within the meaning of section 7701(a)(19)), or any similar institution specified by the Secretary, or

"(III) an insurance business if the conduct of the business is licensed, authorized, or regulated by an applicable insurance regulatory body.

This clause shall only apply with respect to any business if substantially all of the income of the business is derived from persons who are not related (within the meaning of section 267(b) or 707(b)(1)) to the person conducting the business.

"(iii) EXCEPTION FOR SECURITIES MARKED TO MARKET.—Such term shall not include any security (as defined in section 475(c)(2)) which is held by a dealer in securities and to which section 475(a) applies.

"(iv) STOCK OR SECURITIES IN A 25-PERCENT CONTROLLED ENTITY.—

"(I) IN GENERAL.—Such term shall not include any stock and securities in, or any asset described in subclause (IV) or (V) of clause (i) issued by, a corporation which is a 25-percent controlled entity with respect to the distributing or controlled corporation.

"(II) LOOK-THRU RULE.—The distributing or controlled corporation shall, for purposes of applying this subsection, be treated as owning its ratable share of the assets of any 25-percent controlled entity.

"(III) 25-PERCENT CONTROLLED ENTITY.—For purposes of this clause, the term '25-percent controlled entity' means, with respect to any distributing or controlled corporation, any corporation with respect to which the distributing or controlled corporation owns directly or indirectly stock meeting the requirements of section 1504(a)(2), except that such section shall be applied by substituting '25 percent' for '80 percent' and without regard to stock described in section 1504(a)(4).

"(v) INTERESTS IN CERTAIN PARTNERSHIPS.—

"(I) IN GENERAL.—Such term shall not include any interest in a partnership, or any debt instrument or other evidence of indebtedness, issued by the partnership, if 1 or more of the trades or businesses of the partnership are (or, without regard to the 5-year requirement under subsection (b)(2)(B), would be) taken into account by the distributing or controlled corporation, as the case may be, in determining whether the requirements of subsection (b) are met with respect to the distribution.

"(II) LOOK-THRU RULE.—The distributing or controlled corporation shall, for purposes of applying this subsection, be treated as owning its ratable share of the assets of any partnership described in subclause (I).

"(3) 50-PERCENT OR GREATER INTEREST.—For purposes of this subsection—

"(A) IN GENERAL.—The term '50-percent or greater interest' has the meaning given such term by subsection (d)(4).

"(B) ATTRIBUTION RULES.—The rules of section 318 shall apply for purposes of determining ownership of stock for purposes of this paragraph.

"(4) TRANSACTION.—For purposes of this subsection, the term 'transaction' includes a series of transactions.

"(5) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out, or prevent the avoidance of, the purposes of this subsection, including regulations—

"(A) to carry out, or prevent the avoidance of, the purposes of this subsection in cases involving—

"(i) the use of related persons, intermediaries, pass-thru entities, options, or other arrangements, and

"(ii) the treatment of assets unrelated to the trade or business of a corporation as investment assets if, prior to the distribution, investment assets were used to acquire such unrelated assets,

"(B) which in appropriate cases exclude from the application of this subsection a distribution which does not have the character of a redemption which would be treated as a sale or exchange under section 302, and

"(C) which modify the application of the attribution rules applied for purposes of this subsection.".

(2) EFFECTIVE DATES.—

(A) IN GENERAL.—The amendments made by this subsection shall apply to distributions after the date of the enactment of this Act.

(B) TRANSITION RULE.—The amendments made by this subsection shall not apply to any distribution pursuant to a transaction which is—

(i) made pursuant to an agreement which was binding on such date of enactment and at all times thereafter,

(ii) described in a ruling request submitted to the Internal Revenue Service on or before such date, or

(iii) described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission.

SEC. 567. AMORTIZATION OF EXPENSES INCURRED IN CREATING OR ACQUIRING MUSIC OR MUSIC COPYRIGHTS.

(a) IN GENERAL.—Section 263A (relating to capitalization and inclusion in inventory costs of certain expenses) is amended by redesignating subsection (i) as subsection (j) and by adding after subsection (h) the following new subsection:

"(i) SPECIAL RULES FOR CERTAIN MUSICAL WORKS AND COPYRIGHTS.—

"(1) IN GENERAL.—If—

"(A) any expense is paid or incurred by the taxpayer in creating or acquiring any musical composition (including any accompanying words) or any copyright with respect to a musical composition, and

"(B) such expense is required to be capitalized under this section,

then, notwithstanding section 167(g), the amount capitalized shall be amortized ratably over the 5-year period beginning with the month in which the composition or copyright was acquired (or, in the case of expenses paid or incurred in connection with the creation of a musical composition, the 5-taxable-year period beginning with the taxable year in which the expenses were paid or incurred).

"(2) EXCEPTIONS.—Paragraph (1) shall not apply to any expense—

"(A) which is a qualified creative expense under subsection (h),

"(B) to which a simplified procedure established under subsection (j)(2) applies,

"(C) which is an amortizable section 197 intangible (as defined in section 197(c)), or

"(D) which, without regard to this section, would not be allowable as a deduction."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to expenses paid or incurred after December 31, 2005, in taxable years ending after such date.

SEC. 568. CREDIT TO HOLDERS OF RURAL RENAISSANCE BONDS.

(a) IN GENERAL.—Subpart H of part IV of subchapter A of chapter 1 (relating to credits against tax) is amended by adding at the end the following new section:

"SEC. 54A. CREDIT TO HOLDERS OF RURAL RENAISSANCE BONDS.

"(a) ALLOWANCE OF CREDIT.—In the case of a taxpayer who holds a rural renaissance bond on a credit allowance date of such bond, which occurs during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to credit allowance dates during such year on which the taxpayer holds such bond.

"(b) AMOUNT OF CREDIT.—

"(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a rural renaissance bond is 25 percent of the annual credit determined with respect to such bond.

"(2) ANNUAL CREDIT.—The annual credit determined with respect to any rural renaissance bond is the product of—

"(A) the credit rate determined by the Secretary under paragraph (3) for the day on which such bond was sold, multiplied by

"(B) the outstanding face amount of the bond.

"(3) DETERMINATION.—For purposes of paragraph (2), with respect to any rural renaissance bond, the Secretary shall determine daily or caused to be determined daily a credit rate which shall apply to the first day on which there is a binding, written contract for the sale or exchange of the bond. The credit rate for any day is the credit rate which the Secretary or the Secretary's designee estimates will permit the issuance of rural renaissance bonds with a specified maturity or redemption date without discount and without interest cost to the qualified issuer.

"(4) CREDIT ALLOWANCE DATE.—For purposes of this section, the term 'credit allowance date' means—

"(A) March 15,

"(B) June 15,

"(C) September 15, and

"(D) December 15.

Such term also includes the last day on which the bond is outstanding.

"(5) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed or matures.

"(c) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

"(1) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(2) the sum of the credits allowable under this part (other than subpart C thereof, relating to refundable credits).

"(d) RURAL RENAISSANCE BOND.—For purposes of this section—

"(1) IN GENERAL.—The term 'rural renaissance bond' means any bond issued as part of an issue if—

"(A) the bond is issued by a qualified issuer,

"(B) 95 percent or more of the proceeds from the sale of such issue are to be used for capital expenditures incurred for 1 or more qualified projects,

"(C) the qualified issuer designates such bond for purposes of this section and the bond is in registered form, and

"(D) the issue meets the requirements of subsections (e) and (h).

"(2) QUALIFIED PROJECT; SPECIAL USE RULES.—

"(A) IN GENERAL.—The term 'qualified project' means 1 or more projects described in subparagraph (B) located in a rural area.

"(B) PROJECTS DESCRIBED.—A project described in this subparagraph is—

"(i) a water or waste treatment project,

"(ii) an affordable housing project,

"(iii) a community facility project, including hospitals, fire and police stations, and nursing and assisted-living facilities,

"(iv) a value-added agriculture or renewable energy facility project for agricultural producers or farmer-owned entities, including any project to promote the production, processing, or retail sale of ethanol (including fuel at least 85 percent of the volume of which consists of ethanol), biodiesel, animal waste, biomass, raw commodities, or wind as a fuel,

"(v) a distance learning or telemedicine project,

"(vi) a rural utility infrastructure project, including any electric or telephone system,

"(vii) a project to expand broadband technology,

"(viii) a rural teleworks project, and

"(ix) any project described in any preceding clause carried out by the Delta Regional Authority.

"(C) SPECIAL RULES.—For purposes of this paragraph—

"(i) any project described in subparagraph (B)(iv) for a farmer-owned entity may be considered a qualified project if such entity is located in a rural area, or in the case of a farmer-owned entity the headquarters of which are located in a nonrural area, if the project is located in a rural area, and

"(ii) any project for a farmer-owned entity which is a facility described in subparagraph (B)(iv) for agricultural producers may be considered a qualified project regardless of whether the facility is located in a rural or nonrural area.

"(3) SPECIAL USE RULES.—

"(A) REFINANCING RULES.—For purposes of paragraph (1)(B), a qualified project may be refinanced with proceeds of a rural renaissance bond only if the indebtedness being refinanced (including any obligation directly or indirectly refinanced by such indebtedness) was originally incurred after the date of the enactment of this section.

"(B) REIMBURSEMENT.—For purposes of paragraph (1)(B), a rural renaissance bond may be issued to reimburse a borrower for amounts paid after the date of the enactment of this section with respect to a qualified project, but only if—

"(i) prior to the payment of the original expenditure, the borrower declared its intent to reimburse such expenditure with the proceeds of a rural renaissance bond,

"(ii) not later than 60 days after payment of the original expenditure, the qualified issuer adopts an official intent to reimburse the original expenditure with such proceeds, and

"(iii) the reimbursement is made not later than 18 months after the date the original expenditure is paid.

"(C) TREATMENT OF CHANGES IN USE.—For purposes of paragraph (1)(B), the proceeds of an issue shall not be treated as used for a qualified project to the extent that a borrower takes any action within its control which causes such proceeds not to be used for a qualified project. The Secretary shall prescribe regulations specifying remedial actions that may be taken (including conditions to taking such remedial actions) to prevent an action described in the preceding sentence from causing a bond to fail to be a rural renaissance bond.

"(e) MATURITY LIMITATIONS.—

"(1) DURATION OF TERM.—A bond shall not be treated as a rural renaissance bond if the maturity of such bond exceeds the maximum term determined by the Secretary under paragraph (2) with respect to such bond.

"(2) MAXIMUM TERM.—During each calendar month, the Secretary shall determine the maximum term permitted under this paragraph for bonds issued during the following calendar month. Such maximum term shall be the term which the Secretary estimates will result in the present value of the obligation to repay the principal on the bond being equal to 50 percent of the face amount of such bond. Such present value shall be determined without regard to the requirements of subsection (f)(3) and using as a discount rate the average annual interest rate of tax-exempt obligations having a term of 10 years or more which are issued during the month. If the term as so determined is not a multiple of a whole year, such term shall be rounded to the next highest whole year.

"(3) RATABLE PRINCIPAL AMORTIZATION REQUIRED.—A bond shall not be treated as a rural renaissance bond unless it is part of an issue which provides for an equal amount of principal to be paid by the qualified issuer during each calendar year that the issue is outstanding.

"(f) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

"(1) NATIONAL LIMITATION.—There is a rural renaissance bond limitation of $200,000,000.

"(2) ALLOCATION BY SECRETARY.—The Secretary shall allocate the amount described in paragraph (1) among qualified projects in such manner as the Secretary determines appropriate.

"(g) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this section (determined without regard to subsection (c)) and the amount so included shall be treated as interest income.

"(h) SPECIAL RULES RELATING TO EXPENDITURES.—

"(1) IN GENERAL.—An issue shall be treated as meeting the requirements of this subsection if, as of the date of issuance, the qualified issuer reasonably expects—

"(A) at least 95 percent of the proceeds from the sale of the issue are to be spent for 1 or more qualified projects within the 5-year period beginning on the date of issuance of the rural renaissance bond,

"(B) a binding commitment with a third party to spend at least 10 percent of the proceeds from the sale of the issue will be incurred within the 6-month period beginning on the date of issuance of the rural renaissance bond or, in the case of a rural renaissance bond, the proceeds of which are to be loaned to 2 or more borrowers, such binding commitment will be incurred within the 6-month period beginning on the date of the loan of such proceeds to a borrower, and

"(C) such projects will be completed with due diligence and the proceeds from the sale of the issue will be spent with due diligence.

"(2) EXTENSION OF PERIOD.—Upon submission of a request prior to the expiration of the period described in paragraph (1)(A), the Secretary may extend such period if the qualified issuer establishes that the failure to satisfy the 5-year requirement is due to reasonable cause and the related projects will continue to proceed with due diligence.

"(3) FAILURE TO SPEND REQUIRED AMOUNT OF BOND PROCEEDS WITHIN 5 YEARS.—To the extent that less than 95 percent of the proceeds of such issue are expended by the close of the 5-year period beginning on the date of issuance (or if an extension has been obtained under paragraph (2), by the close of the extended period), the qualified issuer shall redeem all of the nonqualified bonds within 90 days after the end of such period. For purposes of this paragraph, the amount of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

"(i) SPECIAL RULES RELATING TO ARBITRAGE.—A bond which is part of an issue shall not be treated as a rural renaissance bond unless, with respect to the issue of which the bond is a part, the qualified issuer satisfies the arbitrage requirements of section 148 with respect to proceeds of the issue.

"(j) QUALIFIED ISSUER.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified issuer' means any not-for-profit cooperative lender which has as of the date of the enactment of this section received a guarantee under section 306 of the Rural Electrification Act and which meets the requirement of paragraph (2).

"(2) USER FEE REQUIREMENT.—The requirement of this paragraph is met if the issuer of any rural renaissance bond makes grants for qualified projects as defined under subsection (d)(2) on a semi-annual basis every year that such bond is outstanding in an annual amount equal to one-half of the rate on United States Treasury Bills of the same maturity multiplied by the outstanding principle balance of rural renaissance bonds issued by such issuer.

"(k) SPECIAL RULES RELATING TO POOL BONDS.—No portion of a pooled financing bond may be allocable to loan unless the borrower has entered into a written loan commitment for such portion prior to the issue date of such issue.

"(l) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) BOND.—The term 'bond' includes any obligation.

"(2) POOLED FINANCING BOND.—The term 'pooled financing bond' shall have the meaning given such term by section 149(f)(4)(A).

"(3) RURAL AREA.—The term 'rural area' means any area other than—

"(A) a city or town which has a population of greater than 50,000 inhabitants, or

"(B) the urbanized area contiguous and adjacent to such a city or town.

"(4) PARTNERSHIP; S CORPORATION; AND OTHER PASS-THRU ENTITIES.—

"(A) IN GENERAL.—Under regulations prescribed by the Secretary, in the case of a partnership, trust, S corporation, or other pass-thru entity, rules similar to the rules of section 41(g) shall apply with respect to the credit allowable under subsection (a).

"(B) NO BASIS ADJUSTMENT.—In the case of a bond held by a partnership or an S corporation, rules similar to the rules under section 1397E(i) shall apply.

"(5) BONDS HELD BY REGULATED INVESTMENT COMPANIES.—If any rural renaissance bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

"(6) REPORTING.—Issuers of rural renaissance bonds shall submit reports similar to the reports required under section 149(e).".

(b) REPORTING.—Subsection (d) of section 6049 (relating to returns regarding payments of interest) is amended by adding at the end the following new paragraph:

"(9) REPORTING OF CREDIT ON RURAL RENAISSANCE BONDS.—

"(A) IN GENERAL.—For purposes of subsection (a), the term 'interest' includes amounts includible in gross income under section 54(f) and such amounts shall be treated as paid on the credit allowance date (as defined in section 54(b)(4)).

"(B) REPORTING TO CORPORATIONS, ETC.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A), subsection (b)(4) shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i) of such subsection.

"(C) REGULATORY AUTHORITY.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting.".

(c) CONFORMING AMENDMENT.—The table of sections for subpart H of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 54A. Credit to holders of rural renaissance bonds.".

(d) ISSUANCE OF REGULATIONS.—The Secretary of Treasury shall issue regulations required under section 54A of the Internal Revenue Code of 1986 (as added by this section) not later than 120 days after the date of the enactment of this Act.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act and before January 1, 2010.

SEC. 569. MODIFICATION OF TREATMENT OF LOANS TO QUALIFIED CONTINUING CARE FACILITIES.

(a) IN GENERAL.—Subsection (g) of section 7872 is amended to read as follows:

"(g) EXCEPTION FOR LOANS TO QUALIFIED CONTINUING CARE FACILITIES.—

"(1) IN GENERAL.—This section shall not apply for any calendar year to any below-market loan owed by a facility which on the last day of such year is a continuing care facility, if such loan was made pursuant to a continuing care contract and if the lender (or the lender's spouse) attains age 62 before the close of such year.

"(2) CONTINUING CARE CONTRACT.—For purposes of this section, the term 'continuing care contract' means a written contract between an individual and a qualified continuing care facility under which—

"(A) the individual or individual's spouse may use a qualified continuing care facility for their life or lives,

"(B) the individual or individual's spouse will be provided with housing in an independent living unit (which has additional available facilities outside such unit for the provision of meals and other personal care), an assisted living facility or a nursing facility, as is available in the continuing care facility, as appropriate for the health of such individual or individual's spouse, and

"(C) the individual or individual's spouse will be provided assisted living or nursing care as the health of such individual or individual's spouse requires, and as is available in the continuing care facility.

"(3) QUALIFIED CONTINUING CARE FACILITY.—

"(A) IN GENERAL.—For purposes of this section, the term 'qualified continuing care facility' means 1 or more facilities—

"(i) which are designed to provide services under continuing care contracts,

"(ii) that include an independent living unit, plus an assisted living or nursing facility, or both, and

"(iii) substantially all of the independent living unit residents of which are covered by continuing care contracts.

"(B) NURSING HOMES EXCLUDED.—The term 'qualified continuing care facility' shall not include any facility which is of a type which is traditionally considered a nursing home.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to loans made after December 31, 2005.

SEC. 570. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO LARGE INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.

(a) IN GENERAL.—Section 901 (relating to credit for taxes of foreign countries and of possessions of the United States), as amended by this Act, is amended by redesignating subsections (m) and (n) as subsections (n) and (o), respectively, and by inserting after subsection (l) the following new subsection:

"(m) SPECIAL RULES RELATING TO LARGE INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.—

"(1) GENERAL RULE.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer which is a large integrated oil company to a foreign country or possession of the United States for any period shall not be considered a tax—

"(A) if, for such period, the foreign country or possession does not impose a generally applicable income tax, or

"(B) to the extent such amount exceeds the amount (determined in accordance with regulations) which—

"(i) is paid by such dual capacity taxpayer pursuant to the generally applicable income tax imposed by the country or possession, or

"(ii) would be paid if the generally applicable income tax imposed by the country or possession were applicable to such dual capacity taxpayer.

Nothing in this paragraph shall be construed to imply the proper treatment of any such amount not in excess of the amount determined under subparagraph (B).

"(2) DUAL CAPACITY TAXPAYER.—For purposes of this subsection, the term 'dual capacity taxpayer' means, with respect to any foreign country or possession of the United States, a person who—

"(A) is subject to a levy of such country or possession, and

"(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.

"(3) GENERALLY APPLICABLE INCOME TAX.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'generally applicable income tax' means an income tax (or a series of income taxes) which is generally imposed under the laws of a foreign country or possession on income derived from the conduct of a trade or business within such country or possession.

"(B) EXCEPTIONS.—Such term shall not include a tax unless it has substantial application, by its terms and in practice, to—

"(i) persons who are not dual capacity taxpayers, and

"(ii) persons who are citizens or residents of the foreign country or possession.

"(4) LARGE INTEGRATED OIL COMPANY.—For purposes of this subsection, the term 'large integrated oil company' means, with respect to any taxable year, an integrated oil company (as defined in section 291(b)(4)) which—

"(A) had gross receipts in excess of $1,000,000,000 for such taxable year, and

"(B) has an average daily worldwide production of crude oil of at least 500,000 barrels for such taxable year."

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after the date of the enactment of this Act.

(2) CONTRARY TREATY OBLIGATIONS UPHELD.—The amendments made by this section shall not apply to the extent contrary to any treaty obligation of the United States.

SEC. 571. EXCLUSION OF GAIN FROM SALE OF A PRINCIPAL RESIDENCE BY CERTAIN EMPLOYEES OF THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Subparagraph (A) of section 121(d)(9) (relating to exclusion of gain from sale of principal residence) is amended by striking "duty" and all that follows and inserting "duty—

"(i) as a member of the uniformed services,

"(ii) as a member of the Foreign Service of the United States, or

"(iii) as an employee of the intelligence community.".

(b) EMPLOYEE OF INTELLIGENCE COMMUNITY DEFINED.—Subparagraph (C) of section 121(d)(9) is amended by redesignating clause (iv) as clause (v) and by inserting after clause (iii) the following new clause:

"(iv) EMPLOYEE OF INTELLIGENCE COMMUNITY.—The term 'employee of the intelligence community' means an employee (as defined by section 2105 of title 5, United States Code) of—

"(I) the Office of the Director of National Intelligence,

"(II) the Central Intelligence Agency,

"(III) the National Security Agency,

"(IV) the Defense Intelligence Agency,

"(V) the National Geospatial-Intelligence Agency,

"(VI) the National Reconnaissance Office,

"(VII) any other office within the Department of Defense for the collection of specialized national intelligence through reconnaissance programs,

"(VIII) any of the intelligence elements of the Army, the Navy, the Air Force, the Marine Corps, the Federal Bureau of Investigation, the Department of Treasury, the Department of Energy, and the Coast Guard,

"(IX) the Bureau of Intelligence and Research of the Department of State, or

"(X) any of the elements of the Department of Homeland Security concerned with the analyses of foreign intelligence information.".

(c) SPECIAL RULE.—Subparagraph (C) of section 121(d)(9), as amended by subsection (b), is amended by adding at the end the following new clause:

"(vi) SPECIAL RULE RELATING TO INTELLIGENCE COMMUNITY.—An employee of the intelligence community shall not be treated as serving on qualified extended duty unless—

"(I) for purposes of such duty such employee has moved from 1 duty station to another, and

"(II) at least 1 of such duty stations is located outside of the Washington, District of Columbia, and Baltimore metropolitan statistical areas (as defined by the Secretary of Commerce).".

(d) CONFORMING AMENDMENT.—The heading for section 121(d)(9) is amended to read as follows: "UNIFORMED SERVICES, FOREIGN SERVICE, AND INTELLIGENCE COMMUNITY".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to sales or exchanges after the date of the enactment of this Act.

SEC. 572. DISABILITY PREFERENCE PROGRAM FOR TAX COLLECTION CONTRACTS.

(a) IN GENERAL.—The Secretary of the Treasury shall not enter into any qualified tax collection contract after April 1, 2006, until the Secretary implements a disability preference program that meets the requirements of subsection (b).

(b) DISABILITY PREFERENCE PROGRAM REQUIREMENTS.—

(1) IN GENERAL.—A disability preference program meets the requirements of this subsection if such program requires that not less than 10 percent of the accounts of each dollar value category are awarded to persons described in paragraph (2).

(2) PERSON DESCRIBED.—For purposes of paragraph (1), a person is described in this paragraph if—

(A) as of the date any qualified tax collection contract is awarded—

(i) such person employs not less than 50 severely disabled individuals within the United States; or

(ii) not less than 30 percent of the employees of such person within the United States are severely disabled individuals;

(B) such person agrees as a condition of the qualified tax collection contract that not more than 90 days after the date such contract is awarded, not less than 35 percent of the employees of such person employed in connection with providing services under such contract shall—

(i) be hired after the date such contract is awarded; and

(ii) be severely disabled individuals; and

(C) such person is otherwise qualified to perform the services required.

(c) DEFINITIONS.—For purposes of this section—

(1) QUALIFIED TAX COLLECTION CONTRACT.—The term "qualified tax collection contract" shall have the meaning given such term under section 6306(b) of the Internal Revenue Code of 1986.

(2) DOLLAR VALUE CATEGORY.—The term "dollar value category" means the dollar ranges of accounts for collection as determined and assigned by the Secretary under section 6306(b)(1)(B) of the Internal Revenue Code of 1986 with respect to a qualified tax collection contract.

(3) SEVERELY DISABLED INDIVIDUAL.—The term "severely disabled individual" means—

(A) a veteran of the United States armed forces with a disability of 50 percent or greater—

(i) determined by the Secretary of Veterans Affairs to be service-connected; or

(ii) deemed by law to be service-connected; or

(B) any individual who is a disabled beneficiary (as defined in section 1148(k)(2) of the Social Security Act (42 U.S.C. 1320b-19(k)(2))) or who would be considered to be such a disabled beneficiary but for having income or resources in excess of the income or resources eligibility limits established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), respectively.

TITLE VI—COMPLIANCE WITH CONGRESSIONAL BUDGET ACT

SEC. 601. SUNSET OF CERTAIN PROVISIONS AND AMENDMENTS.

The provisions of, and amendments made by, title I, title II, subtitle A of title III, and title IV shall not apply to taxable years beginning after September 30, 2010, and the Internal Revenue Code of 1986 shall be applied and administered to such years as if such provisions and amendments had never been enacted.

SA 2671. Mr. FRIST (for Mr. ENZI) proposed an amendment to the bill S. 1418, to enhance the adoption of a nationwide interoperable health information technology system and to improve the quality and reduce the costs of health care in the United States; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wired for Health Care Quality Act".

SEC. 2. IMPROVING HEALTH CARE QUALITY, SAFETY, AND EFFICIENCY.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end the following:

"TITLE XXIX—HEALTH INFORMATION TECHNOLOGY AND QUALITY

"SEC. 2901. DEFINITIONS.

"In this title:

"(1) HEALTH CARE PROVIDER.—The term 'health care provider' means a hospital, skilled nursing facility, home health entity, health care clinic, federally qualified health center, group practice (as defined in section 1877(h)(4) of the Social Security Act), a pharmacist, a pharmacy, a laboratory, a physician (as defined in section 1861(r) of the Social Security Act), a practitioner (as defined in section 1842(b)(18)(CC) of the Social Security Act), a health facility operated by or pursuant to a contract with the Indian Health Service, a rural health clinic, and any other category of facility or clinician determined appropriate by the Secretary.

"(2) HEALTH INFORMATION.—The term 'health information' has the meaning given such term in section 1171(4) of the Social Security Act.

"(3) HEALTH INSURANCE PLAN.—The term 'health insurance plan' means—

"(A) a health insurance issuer (as defined in section 2791(b)(2));

"(B) a group health plan (as defined in section 2791(a)(1)); and

"(C) a health maintenance organization (as defined in section 2791(b)(3)).

"(4) INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION.—The term 'individually identifiable health information' has the meaning given such term in section 1171 of the Social Security Act.

"(5) LABORATORY.—The term 'laboratory' has the meaning given that term in section 353.

"(6) PHARMACIST.—The term 'pharmacist' has the meaning given that term in section 804 of the Federal Food, Drug, and Cosmetic Act.

"(7) QUALIFIED HEALTH INFORMATION TECHNOLOGY.—The term 'qualified health information technology' means a computerized system (including hardware and software) that—

"(A) protects the privacy and security of health information;

"(B) maintains and provides permitted access to health information in an electronic format;

"(C) incorporates decision support to reduce medical errors and enhance health care quality;

"(D) complies with the standards adopted by the Federal Government under section 2903; and

"(E) allows for the reporting of quality measures under section 2907.

"(8) STATE.—The term 'State' means each of the several States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

"SEC. 2902. OFFICE OF THE NATIONAL COORDINATOR OF HEALTH INFORMATION TECHNOLOGY.

"(a) OFFICE OF NATIONAL HEALTH INFORMATION TECHNOLOGY.—There is established within the Office of the Secretary an Office of the National Coordinator of Health Information Technology (referred to in this section as the 'Office'). The Office shall be headed by a National Coordinator who shall be appointed by the Secretary and shall report directly to the Secretary.

"(b) PURPOSE.—It shall be the purpose of the Office to coordinate with relevant Federal agencies and private entities and oversee programs and activities to develop a nationwide interoperable health information technology infrastructure that—

"(1) ensures that patients' individually identifiable health information is secure and protected;

"(2) improves health care quality, reduces medical errors, and advances the delivery of patient-centered medical care;

"(3) reduces health care costs resulting from inefficiency, medical errors, inappropriate care, and incomplete information;

"(4) ensures that appropriate information to help guide medical decisions is available at the time and place of care;

"(5) promotes a more effective marketplace, greater competition, and increased choice through the wider availability of accurate information on health care costs, quality, and outcomes;

"(6) improves the coordination of care and information among hospitals, laboratories, physician offices, and other entities through an effective infrastructure for the secure and authorized exchange of health care information;

"(7) improves public health reporting and facilitates the early identification and rapid response to public health threats and emergencies, including bioterror events and infectious disease outbreaks;

"(8) facilitates health research; and

"(9) promotes prevention of chronic diseases.

"(c) Duties of the National Coordinator.—The National Coordinator shall—

"(1) serve as the principal advisor to the Secretary concerning the development, application, and use of health information technology, and coordinate and oversee the health information technology programs of the Department;

"(2) facilitate the adoption of a nationwide, interoperable system for the electronic exchange of health information;

"(3) ensure the adoption and implementation of standards for the electronic exchange of health information to reduce cost and improve health care quality;

"(4) ensure that health information technology policy and programs of the Department are coordinated with those of relevant executive branch agencies (including Federal commissions) with a goal of avoiding duplication of efforts and of helping to ensure that each agency undertakes health information technology activities primarily within the areas of its greatest expertise and technical capability;

"(5) to the extent permitted by law, coordinate outreach and consultation by the relevant executive branch agencies (including Federal commissions) with public and private parties of interest, including consumers, payers, employers, hospitals and other health care providers, physicians, community health centers, laboratories, vendors and other stakeholders;

"(6) advise the President regarding specific Federal health information technology programs; and

"(7) prepare the reports described under section 2903(i) (excluding paragraph (4) of such section).

"(d) Detail of Federal Employees.—

"(1) In general.—Upon the request of the National Coordinator, the head of any Federal agency is authorized to detail, with or without reimbursement from the Office, any of the personnel of such agency to the Office to assist it in carrying out its duties under this section.

"(2) Effect of detail.—Any detail of personnel under paragraph (1) shall—

"(A) not interrupt or otherwise affect the civil service status or privileges of the Federal employee; and

"(B) be in addition to any other staff of the Department employed by the National Coordinator.

"(3) Acceptance of detailees.—Notwithstanding any other provision of law, the Office may accept detailed personnel from other Federal agencies without regard to whether the agency described under paragraph (1) is reimbursed.

"(e) Rule of Construction.—Nothing in this section shall be construed to require the duplication of Federal efforts with respect to the establishment of the Office, regardless of whether such efforts were carried out prior to or after the enactment of this title.

"(f) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section, $5,000,000 for fiscal year 2006, $5,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2010.

"SEC. 2903. AMERICAN HEALTH INFORMATION COLLABORATIVE.

"(a) Purpose.—The Secretary shall establish the public-private American Health Information Collaborative (referred to in this section as the 'Collaborative') to—

"(1) advise the Secretary and recommend specific actions to achieve a nationwide interoperable health information technology infrastructure;

"(2) serve as a forum for the participation of a broad range of stakeholders to provide input on achieving the interoperability of health information technology; and

"(3) recommend standards (including content, communication, and security standards) for the electronic exchange of health information (including for the reporting of quality data under section 2907) for adoption by the Federal Government and voluntary adoption by private entities.

"(b) Composition.—

"(1) In general.—The Collaborative shall be composed of members of the public and private sectors to be appointed by the Secretary, including representatives from—

"(A) consumer or patient organizations;

"(B) organizations with expertise in privacy and security;

"(C) health care providers;

"(D) health insurance plans or other third party payors;

"(E) information technology vendors; and

"(F) purchasers or employers.

"(2) Participation.—In appointing members under paragraph (1), and in developing the procedures for conducting the activities of the Collaborative, the Secretary shall ensure a balance among various sectors of the health care system so that no single sector unduly influences the recommendations of the Collaborative.

"(3) Terms.—Members appointed under paragraph (1) shall serve for 2 year terms, except that any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term. A member may serve for not to exceed 180 days after the expiration of such member's term or until a successor has been appointed.

"(4) Outside involvement.—With respect to the functions of the Collaborative, the Secretary shall ensure an adequate opportunity for the participation of outside advisors, including individuals with expertise in—

"(A) health information privacy;

"(B) health information security;

"(C) health care quality and patient safety, including individuals with expertise in utilizing health information technology to improve health care quality and patient safety;

"(D) data exchange; and

"(E) developing health information technology standards and new health information technology.

"(c) Recommendations and Policies.—Not later than 1 year after the date of enactment of this title, and annually thereafter, the Collaborative shall recommend to the Secretary uniform national policies for adoption by the Federal Government and voluntary adoption by private entities to support the widespread adoption of health information technology, including—

"(1) protection of individually identifiable health information through privacy and security practices;

"(2) measures to prevent unauthorized access to health information, including unauthorized access through the use of certain peer-to-peer file-sharing applications;

"(3) methods to notify patients if their individually identifiable health information is wrongfully disclosed;

"(4) methods to facilitate secure patient access to health information;

"(5) fostering the public understanding of health information technology;

"(6) the ongoing harmonization of industry-wide health information technology standards;

"(7) recommendations for a nationwide interoperable health information technology infrastructure;

"(8) the identification and prioritization of specific use cases for which health information technology is valuable, beneficial, and feasible;

"(9) recommendations for the establishment of an entity to ensure the continuation of the functions of the Collaborative; and

"(10) other policies (including recommendations for incorporating health information technology into the provision of care and the organization of the health care workplace) determined to be necessary by the Collaborative.

"(d) Standards.—

"(1) Existing standards.—The standards adopted by the Consolidated Health Informatics Initiative shall be deemed to have been recommended by the Collaborative under this section.

"(2) First year review.—Not later than 1 year after the date of enactment of this title, the Collaborative shall—

"(A) review existing standards (including content, communication, and security standards) for the electronic exchange of health information;

"(B) identify deficiencies and omissions in such existing standards; and

"(C) identify duplication and overlap in such existing standards;

and recommend new standards and modifications to such existing standards as necessary.

"(3) Ongoing review.—Beginning 1 year after the date of enactment of this title, and annually thereafter, the Collaborative shall—

"(A) review existing standards (including content, communication, and security standards) for the electronic exchange of health information;

"(B) identify deficiencies and omissions in such existing standards; and

"(C) identify duplication and overlap in such existing standards;

and recommend new standards and modifications to such existing standards as necessary.

"(4) Limitation.—The standards and timeframe for adoption described in this section shall be consistent with any standards developed pursuant to the Health Insurance Portability and Accountability Act of 1996.

"(e) Federal Action.—Not later than 90 days after the issuance of a recommendation from the Collaborative under subsection (d)(2), the Secretary of Health and Human Services, the Secretary of Veterans Affairs, and the Secretary of Defense, in collaboration with representatives of other relevant Federal agencies, as determined appropriate by the Secretary, shall jointly review such recommendations. If appropriate, the Secretary shall provide for the adoption by the

Federal Government of any standard or standards contained in such recommendation.

"(f) Coordination of Federal Spending.—

"(1) In general.—Not later than 1 year after the adoption by the Federal Government of a recommendation as provided for in subsection (e), and in compliance with chapter 113 of title 40, United States Code, no Federal agency shall expend Federal funds for the purchase of any new health information technology or health information technology system for clinical care or for the electronic retrieval, storage, or exchange of health information that is not consistent with applicable standards adopted by the Federal Government under subsection (e).

"(2) Rule of construction.—Nothing in paragraph (1) shall be construed to restrict the purchase of minor (as determined by the Secretary) hardware or software components in order to modify, correct a deficiency in, or extend the life of existing hardware or software.

"(g) Coordination of Federal Data Collection.—Not later than 3 years after the adoption by the Federal Government of a recommendation as provided for in subsection (e), all Federal agencies collecting health data for the purposes of quality reporting, surveillance, epidemiology, adverse event reporting, research, or for other purposes determined appropriate by the Secretary, shall comply with standards adopted under subsection (e).

"(h) Voluntary Adoption.—

"(1) In general.—Any standards adopted by the Federal Government under subsection (e) shall be voluntary with respect to private entities.

"(2) Rule of construction.—Nothing in this section shall be construed to require that a private entity that enters into a contract with the Federal Government adopt the standards adopted by the Federal Government under this section with respect to activities not related to the contract.

"(3) Limitation.—Private entities that enter into a contract with the Federal Government shall adopt the standards adopted by the Federal Government under this section for the purpose of activities under such Federal contract.

"(i) Reports.—The Secretary shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate and the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives, on an annual basis, a report that—

"(1) describes the specific actions that have been taken by the Federal Government and private entities to facilitate the adoption of an interoperable nationwide system for the electronic exchange of health information;

"(2) describes barriers to the adoption of such a nationwide system;

"(3) contains recommendations to achieve full implementation of such a nationwide system; and

"(4) contains a plan and progress toward the establishment of an entity to ensure the continuation of the functions of the Collaborative.

"(j) Application of FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Collaborative, except that the term provided for under section 14(a)(2) shall be 5 years.

"(k) Rule of Construction.—Nothing in this section shall be construed to require the duplication of Federal efforts with respect to the establishment of the Collaborative, regardless of whether such efforts were carried out prior to or after the enactment of this title.

"(l) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section, $4,000,000 for fiscal year 2006, $4,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2010.

"SEC. 2904. IMPLEMENTATION AND CERTIFICATION OF HEALTH INFORMATION STANDARDS.

"(a) Implementation.—

"(1) In general.—The Secretary, based upon the recommendations of the Collaborative, shall develop criteria to ensure uniform and consistent implementation of any standards for the electronic exchange of health information voluntarily adopted by private entities in technical conformance with such standards adopted under this title.

"(2) Implementation assistance.—The Secretary may recognize a private entity or entities to assist private entities in the implementation of the standards adopted under this title using the criteria developed by the Secretary under this section.

"(b) Certification.—

"(1) In general.—The Secretary, based upon the recommendations of the Collaborative, shall develop criteria to ensure and certify that hardware and software that claim to be in compliance with applicable standards for the electronic exchange of health information adopted under this title have established and maintained such compliance in technical conformance with such standards.

"(2) Certification assistance.—The Secretary may recognize a private entity or entities to assist in the certification described under paragraph (1) using the criteria developed by the Secretary under this section.

"(c) Outside Involvement.—The Secretary, through consultation with the Collaborative, may accept recommendations on the development of the criteria under subsections (a) and (b) from a Federal agency or private entity.

"SEC. 2905. GRANTS TO FACILITATE THE WIDESPREAD ADOPTION OF INTEROPERABLE HEALTH INFORMATION TECHNOLOGY.

"(a) Competitive Grants to Facilitate the Widespread Adoption of Health Information Technology.—

"(1) In general.—The Secretary may award competitive grants to eligible entities to facilitate the purchase and enhance the utilization of qualified health information technology systems to improve the quality and efficiency of health care.

"(2) Eligibility.—To be eligible to receive a grant under paragraph (1) an entity shall—

"(A) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require;

"(B) submit to the Secretary a strategic plan for the implementation of data sharing and interoperability measures;

"(C) be a—

"(i) not for profit hospital, including a federally qualified health center (as defined in section 1861(aa)(4) of the Social Security Act);

"(ii) individual or group practice; or

"(iii) another health care provider not described in clause (i) or (ii);

"(D) adopt the standards adopted by the Federal Government under section 2903;

"(E) implement the measures adopted under section 2907 and report to the Secretary on such measures;

"(F) agree to notify patients if their individually identifiable health information is wrongfully disclosed;

"(G) demonstrate significant financial need; and

"(H) provide matching funds in accordance with paragraph (4).

"(3) Use of funds.—Amounts received under a grant under this subsection shall be used to facilitate the purchase and enhance the utilization of qualified health information technology systems and training personnel in the use of such technology.

"(4) Matching requirement.—To be eligible for a grant under this subsection an entity shall contribute non-Federal contributions to the costs of carrying out the activities for which the grant is awarded in an amount equal to $1 for each $3 of Federal funds provided under the grant.

"(5) Preference in awarding grants.—In awarding grants under this subsection the Secretary shall give preference to—

"(A) eligible entities that are located in rural, frontier, and other underserved areas as determined by the Secretary;

"(B) eligible entities that will link, to the extent practicable, the qualified health information system to local or regional health information plan or plans; and

"(C) with respect to an entity described in subsection (a)(2)(C)(iii), a nonprofit health care provider.

"(b) Competitive Grants to States for the Development of State Loan Programs to Facilitate the Widespread Adoption of Health Information Technology.—

"(1) In general.—The Secretary may award competitive grants to States for the establishment of State programs for loans to health care providers to facilitate the purchase and enhance the utilization of qualified health information technology.

"(2) Establishment of fund.—To be eligible to receive a competitive grant under this subsection, a State shall establish a qualified health information technology loan fund (referred to in this subsection as a 'State loan fund') and comply with the other requirements contained in this section. A grant to a State under this subsection shall be deposited in the State loan fund established by the State. No funds authorized by other provisions of this title to be used for other purposes specified in this title shall be deposited in any State loan fund.

"(3) Eligibility.—To be eligible to receive a grant under paragraph (1) a State shall—

"(A) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require;

"(B) submit to the Secretary a strategic plan in accordance with paragraph (4);

"(C) establish a qualified health information technology loan fund in accordance with paragraph (2);

"(D) require that health care providers receiving such loans—

"(i) link, to the extent practicable, the qualified health information system to a local or regional health information network;

"(ii) consult with the Health Information Technology Resource Center established in section 914(d) to access the knowledge and experience of existing initiatives regarding the successful implementation and effective use of health information technology; and

"(iii) agree to notify patients if their individually identifiable health information is wrongfully disclosed;

"(E) require that health care providers receiving such loans adopt the standards adopted by the Federal Government under section 2903;

"(F) require that health care providers receiving such loans implement the measures adopted under section 2907 and report to the Secretary on such measures; and

"(G) provide matching funds in accordance with paragraph (8).

"(4) STRATEGIC PLAN.—

"(A) IN GENERAL.—A State that receives a grant under this subsection shall annually prepare a strategic plan that identifies the intended uses of amounts available to the State loan fund of the State.

"(B) CONTENTS.—A strategic plan under subparagraph (A) shall include—

"(i) a list of the projects to be assisted through the State loan fund in the first fiscal year that begins after the date on which the plan is submitted;

"(ii) a description of the criteria and methods established for the distribution of funds from the State loan fund; and

"(iii) a description of the financial status of the State loan fund and the short-term and long-term goals of the State loan fund.

"(5) USE OF FUNDS.—

"(A) IN GENERAL.—Amounts deposited in a State loan fund, including loan repayments and interest earned on such amounts, shall be used only for awarding loans or loan guarantees, or as a source of reserve and security for leveraged loans, the proceeds of which are deposited in the State loan fund established under paragraph (1). Loans under this section may be used by a health care provider to facilitate the purchase and enhance the utilization of qualified health information technology and training of personnel in the use of such technology.

"(B) LIMITATION.—Amounts received by a State under this subsection may not be used—

"(i) for the purchase or other acquisition of any health information technology system that is not a qualified health information technology system;

"(ii) to conduct activities for which Federal funds are expended under this title, or the amendments made by the Wired for Health Care Quality Act; or

"(iii) for any purpose other than making loans to eligible entities under this section.

"(6) TYPES OF ASSISTANCE.—Except as otherwise limited by applicable State law, amounts deposited into a State loan fund under this subsection may only be used for the following:

"(A) To award loans that comply with the following:

"(i) The interest rate for each loan shall be less than or equal to the market interest rate.

"(ii) The principal and interest payments on each loan shall commence not later than 1 year after the loan was awarded, and each loan shall be fully amortized not later than 10 years after the date of the loan.

"(iii) The State loan fund shall be credited with all payments of principal and interest on each loan awarded from the fund.

"(B) To guarantee, or purchase insurance for, a local obligation (all of the proceeds of which finance a project eligible for assistance under this subsection) if the guarantee or purchase would improve credit market access or reduce the interest rate applicable to the obligation involved.

"(C) As a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the State if the proceeds of the sale of the bonds will be deposited into the State loan fund.

"(D) To earn interest on the amounts deposited into the State loan fund.

"(7) ADMINISTRATION OF STATE LOAN FUNDS.—

"(A) COMBINED FINANCIAL ADMINISTRATION.—A State may (as a convenience and to avoid unnecessary administrative costs) combine, in accordance with State law, the financial administration of a State loan fund established under this subsection with the financial administration of any other revolving fund established by the State if otherwise not prohibited by the law under which the State loan fund was established.

"(B) COST OF ADMINISTERING FUND.—Each State may annually use not to exceed 4 percent of the funds provided to the State under a grant under this subsection to pay the reasonable costs of the administration of the programs under this section, including the recovery of reasonable costs expended to establish a State loan fund which are incurred after the date of enactment of this title.

"(C) GUIDANCE AND REGULATIONS.—The Secretary shall publish guidance and promulgate regulations as may be necessary to carry out the provisions of this subsection, including—

"(i) provisions to ensure that each State commits and expends funds allotted to the State under this subsection as efficiently as possible in accordance with this title and applicable State laws; and

"(ii) guidance to prevent waste, fraud, and abuse.

"(D) PRIVATE SECTOR CONTRIBUTIONS.—

"(i) IN GENERAL.—A State loan fund established under this subsection may accept contributions from private sector entities, except that such entities may not specify the recipient or recipients of any loan issued under this subsection.

"(ii) AVAILABILITY OF INFORMATION.—A State shall make publicly available the identity of, and amount contributed by, any private sector entity under clause (i) and may issue letters of commendation or make other awards (that have no financial value) to any such entity.

"(8) MATCHING REQUIREMENTS.—

"(A) IN GENERAL.—The Secretary may not make a grant under paragraph (1) to a State unless the State agrees to make available (directly or through donations from public or private entities) non-Federal contributions in cash toward the costs of the State program to be implemented under the grant in an amount equal to not less than $1 for each $1 of Federal funds provided under the grant.

"(B) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.—In determining the amount of non-Federal contributions that a State has provided pursuant to subparagraph (A), the Secretary may not include any amounts provided to the State by the Federal Government.

"(9) PREFERENCE IN AWARDING GRANTS.—The Secretary may give a preference in awarding grants under this subsection to States that adopt value-based purchasing programs to improve health care quality.

"(10) REPORTS.—The Secretary shall annually submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate, and the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives, a report summarizing the reports received by the Secretary from each State that receives a grant under this subsection.

"(c) COMPETITIVE GRANTS FOR THE IMPLEMENTATION OF REGIONAL OR LOCAL HEALTH INFORMATION TECHNOLOGY PLANS.—

"(1) IN GENERAL.—The Secretary may award competitive grants to eligible entities to implement regional or local health information plans to improve health care quality and efficiency through the electronic exchange of health information pursuant to the standards, protocols, and other requirements adopted by the Secretary under sections 2903 and 2907.

"(2) ELIGIBILITY.—To be eligible to receive a grant under paragraph (1) an entity shall—

"(A) demonstrate financial need to the Secretary;

"(B) demonstrate that one of its principal missions or purposes is to use information technology to improve health care quality and efficiency;

"(C) adopt bylaws, memoranda of understanding, or other charter documents that demonstrate that the governance structure and decisionmaking processes of such entity allow for participation on an ongoing basis by multiple stakeholders within a community, including—

"(i) physicians (as defined in section 1861(r) of the Social Security Act), including physicians that provide services to low income and underserved populations;

"(ii) hospitals (including hospitals that provide services to low income and underserved populations);

"(iii) pharmacists or pharmacies;

"(iv) health insurance plans;

"(v) health centers (as defined in section 330(b)) and Federally qualified health centers (as defined in section 1861(aa)(4) of the Social Security Act);

"(vi) rural health clinics (as defined in section 1861(aa) of the Social Security Act);

"(vii) patient or consumer organizations;

"(viii) employers; and

"(ix) any other health care providers or other entities, as determined appropriate by the Secretary;

"(D) demonstrate the participation, to the extent practicable, of stakeholders in the electronic exchange of health information within the local or regional plan pursuant to paragraph (2)(C);

"(E) adopt nondiscrimination and conflict of interest policies that demonstrate a commitment to open, fair, and nondiscriminatory participation in the health information plan by all stakeholders;

"(F) adopt the standards adopted by the Secretary under section 2903;

"(G) require that health care providers receiving such grants implement the measures adopted under section 2907 and report to the Secretary on such measures;

"(H) agree to notify patients if their individually identifiable health information is wrongfully disclosed;

"(I) facilitate the electronic exchange of health information within the local or regional area and among local and regional areas;

"(J) prepare and submit to the Secretary an application in accordance with paragraph (3); and

"(K) agree to provide matching funds in accordance with paragraph (5).

"(3) APPLICATION.—

"(A) IN GENERAL.—To be eligible to receive a grant under paragraph (1), an entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(B) REQUIRED INFORMATION.—At a minimum, an application submitted under this paragraph shall include—

"(i) clearly identified short-term and long-term objectives of the regional or local health information plan;

“(ii) a technology plan that complies with the standards adopted under section 2903 and that includes a descriptive and reasoned estimate of costs of the hardware, software, training, and consulting services necessary to implement the regional or local health information plan;

“(iii) a strategy that includes initiatives to improve health care quality and efficiency, including the use and reporting of health care quality measures adopted under section 2907;

“(iv) a plan that describes provisions to encourage the implementation of the electronic exchange of health information by all physicians, including single physician practices and small physician groups participating in the health information plan;

“(v) a plan to ensure the privacy and security of personal health information that is consistent with Federal and State law;

“(vi) a governance plan that defines the manner in which the stakeholders shall jointly make policy and operational decisions on an ongoing basis;

“(vii) a financial or business plan that describes—

“(I) the sustainability of the plan;

“(II) the financial costs and benefits of the plan; and

“(III) the entities to which such costs and benefits will accrue; and

“(viii) in the case of an applicant entity that is unable to demonstrate the participation of all stakeholders pursuant to paragraph (2)(C), the justification from the entity for any such nonparticipation.

“(4) USE OF FUNDS.—Amounts received under a grant under paragraph (1) shall be used to establish and implement a regional or local health information plan in accordance with this subsection.

“(5) MATCHING REQUIREMENT.—

“(A) IN GENERAL.—The Secretary may not make a grant under this subsection to an entity unless the entity agrees that, with respect to the costs to be incurred by the entity in carrying out the infrastructure program for which the grant was awarded, the entity will make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount equal to not less than 50 percent of such costs ($1 for each $2 of Federal funds provided under the grant).

“(B) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required under subparagraph (A) may be in cash or in kind, fairly evaluated, including equipment, technology, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

“(d) REPORTS.—Not later than 1 year after the date on which the first grant is awarded under this section, and annually thereafter during the grant period, an entity that receives a grant under this section shall submit to the Secretary a report on the activities carried out under the grant involved. Each such report shall include—

“(1) a description of the financial costs and benefits of the project involved and of the entities to which such costs and benefits accrue;

“(2) an analysis of the impact of the project on health care quality and safety;

“(3) a description of any reduction in duplicative or unnecessary care as a result of the project involved;

“(4) a description of the efforts of recipients under this section to facilitate secure patient access to health information; and

“(5) other information as required by the Secretary.

“(e) REQUIREMENT TO ACHIEVE QUALITY IMPROVEMENT.—The Secretary shall annually evaluate the activities conducted under this section and shall, in awarding grants, implement the lessons learned from such evaluation in a manner so that awards made subsequent to each such evaluation are made in a manner that, in the determination of the Secretary, will result in the greatest improvement in quality measures under section 2907.

“(f) LIMITATION.—An eligible entity may only receive one non-renewable grant under subsection (a), one non-renewable grant under subsection (b), and one non-renewable grant under subsection (c).

“(g) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—For the purpose of carrying out this section, there is authorized to be appropriated $116,000,000 for fiscal year 2006, $141,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2010.

“(2) AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available through fiscal year 2010.

“SEC. 2906. DEMONSTRATION PROGRAM TO INTEGRATE INFORMATION TECHNOLOGY INTO CLINICAL EDUCATION.

“(a) IN GENERAL.—The Secretary may award grants under this section to carry out demonstration projects to develop academic curricula integrating qualified health information technology systems in the clinical education of health professionals. Such awards shall be made on a competitive basis and pursuant to peer review.

“(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall—

“(1) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require;

“(2) submit to the Secretary a strategic plan for integrating qualified health information technology in the clinical education of health professionals and for ensuring the consistent utilization of decision support software to reduce medical errors and enhance health care quality;

“(3) be—

“(A) a health professions school;

“(B) a school of nursing; or

“(C) an institution with a graduate medical education program;

“(4) provide for the collection of data regarding the effectiveness of the demonstration project to be funded under the grant in improving the safety of patients, the efficiency of health care delivery, and in increasing the likelihood that graduates of the grantee will adopt and incorporate health information technology, and implement the quality measures adopted under section 2907, in the delivery of health care services; and

“(5) provide matching funds in accordance with subsection (c).

“(c) USE OF FUNDS.—

“(1) IN GENERAL.—With respect to a grant under subsection (a), an eligible entity shall—

“(A) use grant funds in collaboration with 2 or more disciplines; and

“(B) use grant funds to integrate qualified health information technology into community-based clinical education.

“(2) LIMITATION.—An eligible entity shall not use amounts received under a grant under subsection (a) to purchase hardware, software, or services.

“(d) MATCHING FUNDS.—

“(1) IN GENERAL.—The Secretary may award a grant to an entity under this section only if the entity agrees to make available non-Federal contributions toward the costs of the program to be funded under the grant in an amount that is not less than $1 for each $2 of Federal funds provided under the grant.

“(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions under paragraph (1) may be in cash or in kind, fairly evaluated, including equipment or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such contributions.

“(e) EVALUATION.—The Secretary shall take such action as may be necessary to evaluate the projects funded under this section and publish, make available, and disseminate the results of such evaluations on as wide a basis as is practicable.

“(f) REPORTS.—Not later than 1 year after the date of enactment of this title, and annually thereafter, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate, and the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives a report that—

“(1) describes the specific projects established under this section; and

“(2) contains recommendations for Congress based on the evaluation conducted under subsection (e).

“(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $5,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2010.

“(h) SUNSET.—This section shall not apply after September 30, 2010.

“SEC. 2907. QUALITY MEASURES.

“(a) IN GENERAL.—The Secretary shall develop quality measures, including measures to assess the effectiveness, timeliness, patient self-management, patient centeredness, efficiency, and safety, for the purpose of measuring the quality of care patients receive.

“(b) REQUIREMENTS.—The Secretary shall ensure that the quality measures developed under this section comply with the following:

“(1) MEASURES.—

“(A) REQUIREMENTS.—In developing the quality measures under this section, the Secretary shall, to the extent feasible, ensure that—

“(i) such measures are evidence based, reliable, and valid;

“(ii) such measures are consistent with the purposes described in section 2902(b);

“(iii) such measures include measures of clinical processes and outcomes, patient experience, efficiency, and equity; and

“(iv) such measures include measures of overuse and underuse of health care items and services.

“(2) PRIORITIES.—In developing the quality measures under this section, the Secretary shall ensure that priority is given to—

“(A) measures with the greatest potential impact for improving the quality and efficiency of care provided under this Act;

“(B) measures that may be rapidly implemented by group health plans, health insurance issuers, physicians, hospitals, nursing homes, long-term care providers, and other providers; and

“(C) measures which may inform health care decisions made by consumers and patients.

“(3) RISK ADJUSTMENT.—The Secretary shall establish procedures to account for differences in patient health status, patient characteristics, and geographic location. To the extent practicable, such procedures shall recognize existing procedures.

“(4) MAINTENANCE.—The Secretary shall, as determined appropriate, but in no case more often than once during each 12-month period, update the quality measures, including through the addition of more accurate and precise measures and the retirement of existing outdated measures.

“(5) RELATIONSHIP WITH PROGRAMS UNDER THE SOCIAL SECURITY ACT.—The Secretary shall ensure that the quality measures developed under this section—

“(A) complement quality measures developed by the Secretary under programs administered by the Secretary under the Social Security Act, including programs under titles XVIII, XIX, and XXI of such Act; and

“(B) do not conflict with the needs and priorities of the programs under titles XVIII, XIX, and XXI of such Act, as set forth by the Administrator of the Centers for Medicare & Medicaid Services.

“(c) REQUIRED CONSIDERATIONS IN DEVELOPING AND UPDATING THE MEASURES.—In developing and updating the quality measures under this section, the Secretary may take into account—

“(1) any demonstration or pilot program conducted by the Secretary relating to measuring and rewarding quality and efficiency of care;

“(2) any existing activities conducted by the Secretary relating to measuring and rewarding quality and efficiency;

“(3) any existing activities conducted by private entities, including health insurance plans and payors;

“(4) the report by the Institute of Medicine of the National Academy of Sciences under section 238(b) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003; and

“(5) issues of data collection and reporting, including the feasibility of collecting and reporting data on measures.

“(d) SOLICITATION OF ADVICE AND RECOMMENDATIONS.—On and after July 1, 2006, the Secretary shall consult with the following regarding the development, updating, and use of quality measures developed under this section:

“(1) Health insurance plans and health care providers, including such plans and providers with experience in the care of the frail elderly and individuals with multiple complex chronic conditions, or groups representing such health insurance plans and providers.

“(2) Groups representing patients and consumers.

“(3) Purchasers and employers or groups representing purchasers or employers.

“(4) Organizations that focus on quality improvement as well as the measurement and reporting of quality measures.

“(5) Organizations that certify and license health care providers.

“(6) State government public health programs.

“(7) Individuals or entities skilled in the conduct and interpretation of biomedical, health services, and health economics research and with expertise in outcomes and effectiveness research and technology assessment.

“(8) Individuals or entities involved in the development and establishment of standards and certification for health information technology systems and clinical data.

“(9) Individuals or entities with experience with—

“(A) urban health care issues;

“(B) safety net health care issues; and

“(C) rural and frontier health care issues.

“(e) USE OF QUALITY MEASURES.—

“(1) IN GENERAL.—For purposes of activities conducted or supported by the Secretary under this Act, the Secretary shall, to the extent practicable, adopt and utilize the quality measures developed under this section.

“(2) COLLABORATIVE AGREEMENTS.—With respect to activities conducted or supported by the Secretary under this Act, the Secretary may establish collaborative agreements with private entities, including group health plans and health insurance issuers, providers, purchasers, consumer organizations, and entities receiving a grant under section 2905, to—

“(A) encourage the use of the quality measures adopted by the Secretary under this section; and

“(B) foster uniformity between the health care quality measures utilized by private entities.

“(3) REPORTING.—The Secretary shall implement procedures to enable the Department of Health and Human Services to accept the electronic submission of data for purposes of—

“(A) quality measurement using the quality measures developed under this section and using the standards adopted by the Federal Government under section 2903; and

“(B) for reporting measures used to make value-based payments under programs under the Social Security Act.

“(f) DISSEMINATION OF INFORMATION.—Beginning on January 1, 2008, in order to make comparative quality information available to health care consumers, health professionals, public health officials, researchers, and other appropriate individuals and entities, the Secretary shall provide for the dissemination, aggregation, and analysis of quality measures collected under section 2905 and the dissemination of recommendations and best practices derived in part from such analysis.

“(g) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to public and private entities to enable such entities to—

“(1) implement and use evidence-based guidelines with the greatest potential to improve health care quality, efficiency, and patient safety; and

“(2) establish mechanisms for the rapid dissemination of information regarding evidence-based guidelines with the greatest potential to improve health care quality, efficiency, and patient safety.

“(h) RULE OF CONSTRUCTION.—Nothing in this title shall be construed as prohibiting the Secretary, acting through the Administrator of the Centers for Medicare & Medicaid Services, from developing quality measures (and timing requirements for reporting such measures) for use under programs administered by the Secretary under the Social Security Act, including programs under titles XVIII, XIX, and XXI of such Act.”.

SEC. 3. LICENSURE AND THE ELECTRONIC EXCHANGE OF HEALTH INFORMATION.

(a) IN GENERAL.—The Secretary of Health and Human Services shall carry out, or contract with a private entity to carry out, a study that examines—

(1) the variation among State laws that relate to the licensure, registration, and certification of medical professionals; and

(2) how such variation among State laws impacts the secure electronic exchange of health information—

(A) among the States; and

(B) between the States and the Federal Government.

(b) REPORT AND RECOMMENDATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall publish a report that—

(1) describes the results of the study carried out under subsection (a); and

(2) makes recommendations to States regarding the harmonization of State laws based on the results of such study.

SEC. 4. ENSURING PRIVACY AND SECURITY.

Nothing in this Act (or the amendments made by this Act) shall be construed to affect the scope, substance, or applicability of—

(1) section 264 of the Health Insurance Portability and Accountability Act of 1996;

(2) sections 1171 through 1179 of the Social Security Act; and

(3) any regulation issued pursuant to any such section.

SEC. 5. GAO STUDY.

Not later than 6 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the necessity and workability of requiring health plans (as defined in section 1171 of the Social Security Act (42 U.S.C. 1320d)), health care clearinghouses (as defined in such section 1171), and health care providers (as defined in such section 1171) who transmit health information in electronic form, to notify patients if their individually identifiable health information (as defined in such section 1171) is wrongfully disclosed.

SEC. 6. STUDY OF REIMBURSEMENT INCENTIVES.

The Secretary of Health and Human Services shall carry out, or contract with a private entity to carry out, a study that examines methods to create efficient reimbursement incentives for improving health care quality in Federally qualified health centers, rural health clinics, and free clinics.

SEC. 7. HEALTH INFORMATION TECHNOLOGY RESOURCE CENTER.

Section 914 of the Public Health Service Act (42 U.S.C. 299b–3) is amended by adding at the end the following:

“(d) HEALTH INFORMATION TECHNOLOGY RESOURCE CENTER.—

“(1) IN GENERAL.—The Secretary, acting through the Director, shall develop a Health Information Technology Resource Center to provide technical assistance and develop best practices to support and accelerate efforts to adopt, implement, and effectively use interoperable health information technology in compliance with section 2903 and 2907.

“(2) PURPOSES.—The purpose of the Center is to—

“(A) provide a forum for the exchange of knowledge and experience;

“(B) accelerate the transfer of lessons learned from existing public and private sector initiatives, including those currently receiving Federal financial support;

“(C) assemble, analyze, and widely disseminate evidence and experience related to the adoption, implementation, and effective use of interoperable health information technology.

“(D) provide for the establishment of regional and local health information networks to facilitate the development of interoperability across health care settings and improve the quality of health care;

“(E) provide for the development of solutions to barriers to the exchange of electronic health information; and

“(F) conduct other activities identified by the States, local or regional health information networks, or health care stakeholders as a focus for developing and sharing best practices.

"(3) SUPPORT FOR ACTIVITIES.—To provide support for the activities of the Center, the Director shall modify the requirements, if necessary, that apply to the National Resource Center for Health Information Technology to provide the necessary infrastructure to support the duties and activities of the Center and facilitate information exchange across the public and private sectors.

"(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to require the duplication of Federal efforts with respect to the establishment of the Center, regardless of whether such efforts were carried out prior to or after the enactment of this subsection.

"(e) TECHNICAL ASSISTANCE TELEPHONE NUMBER OR WEBSITE.—The Secretary shall establish a toll-free telephone number or Internet website to provide health care providers and patients with a single point of contact to—

"(1) learn about Federal grants and technical assistance services related to interoperable health information technology;

"(2) learn about qualified health information technology and the quality measures adopted by the Federal Government under sections 2903 and 2907;

"(3) learn about regional and local health information networks for assistance with health information technology; and

"(4) disseminate additional information determined by the Secretary.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, such sums as may be necessary for each of fiscal years 2006 and 2007 to carry out this subsection.".

SEC. 8. REAUTHORIZATION OF INCENTIVE GRANTS REGARDING TELEMEDICINE.

Section 330L(b) of the Public Health Service Act (42 U.S.C. 254c-18(b)) is amended by striking "2002 through 2006" and inserting "2006 through 2010".

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. McCAIN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, November 17, 2005, at 10 a.m. in Room 216 of the Hart Senate Office Building to conduct an oversight hearing on the In Re Tribal Lobbying Matters, Et Al. Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

AUTHORITIES FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to conduct a hearing during the session of the Senate on Thursday, November 17, 2005 at 10 a.m. in 328A, Senate Russell Office Building. The purpose of this Committee hearing will be to consider the role of U.S. agriculture in the control and eradication of avian influenza.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on November 17, 2005, at 10 a.m., to conduct a hearing on "A Review of the GAO Report on the Sale of Financial Products to Military Personnel."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, November 17, 2005, at 2:30 p.m., on pending Committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to hold a business meeting on November 17, 2005 at 9:30 a.m. to consider the following agenda:

S. 1708 "Emergency Lease Requirements Act of 2005."

S. 1496 "Electronic Duck Stamp Act of 2005."

S. 1165 "James Campbell National Wildlife Refuge Expansion Act of 2005."

S. "Army Corps Assessment Authorization for the State of Louisiana."

Eight Committee resolutions to authorize the remainder of GSA's FY06 Capital Investment and Leasing Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to hold a hearing on November 17, 2005 at 9:35 a.m. to evaluate the degree to which the preliminary findings on the failure of the levees are being incorporated into the restoration of hurricane protection.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Thursday, November 17, 2005, at 10 a.m. for a hearing titled, "From Proposed to Final: Evaluating Regulations for the National Security Personnel System."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, November 17, 2005, at 10 a.m. in Room 216 of the Hart Senate Office Building to conduct an oversight hearing on the In Re Tribal Lobbying Matters, et al.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, November 17, 2005 at 9:30 a.m. in Senate Dirksen Office Building Room 226.

Agenda

I. Nominations

Joseph Frank Bianco, to be U.S. District Judge for the Eastern District of New York; Timothy Mark Burgess, to be U.S. District Judge for the District of Alaska; Gregory F. Van Tatenhove, to be U.S. District Judge for the Eastern District of Kentucky; Eric Nicholas Vitaliano, to be U.S. District Judge for the Eastern District of New York; James O'Gara, to be Deputy Director for Supply Reduction, Office of National Drug Control Policy; Emilio Gonzalez, to be Director of the Bureau of Citizenship and Immigration Services, Department of Homeland Security; Catherine Lucille Hanaway, to be U.S. Attorney for the Eastern District of Missouri; Carol E. Dinkins, to be Chairman of the Privacy and Civil Liberties Oversight Board; Alan Charles Raul, to be Vice Chairman of the Privacy and Civil Liberties Oversight Board.

II. Bills

S. 1088, Streamlined Procedures Act of 2005, Kyl, Cornyn, Grassley, Hatch;

S. 1789, Personal Data Privacy and Security Act of 2005, Specter, Leahy, Feinstein, Feingold;

S. 751, Notification of Risk to Personal Data Act, Feinstein, Kyl;

H.R. 683, Trademark Dilution Revision Act of 2005, Smith-TX;

S. 1967, A bill to amend title 18, United States Code, with respect to certain activities of the Secret Service, and for other purposes, Specter;

S. 1961, Extending the Child Safety Pilot Program Act of 2005, Biden, Hatch, Cornyn;

S. 1354, Wartime Treatment Study Act, Feingold, Grassley, Kennedy;

S. ———, Comprehensive Immigration Reform, Chairman's Mark.

III. Matters

S.J. Res. 1, Marriage Protection Amendment, Allard, Sessions, Kyl, Hatch, Cornyn, Coburn, Brownback.

COMMITTEE ON THE JUDICIARY

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to meet to conduct a hearing on "Recent Developments in Assessing

Future Asbestos Claims Under the FAIR Act" on Thursday, November 17, 2005 at 2 p.m. in the Dirksen Senate Office Building Room 226.

Panel I: Douglas Holtz-Eakin, Ph.D., Director, Congressional Budget Office, Washington, DC.

Panel II: Charles Bates, Ph.D., Chairman, Bates White LLC, Washington, DC; Laura Welch, M.D., Medical Director, Center to Protect Workers Rights, Washington, DC; Mark Peterson, Ph.D., President, Legal Analysis Systems, Thousand Oaks, CA; Mark Lederer, Chief Financial Officer, Claims Resolution Management Corporation (aka The Manville Trust), Katonah, NY; Denise Martin, Ph.D., Sr. Vice President, National Economic Research Associates, New York, NY.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 17, 2005 at 10:30 a.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 17, 2005 at 2:30 p.m. to hold a closed business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AFRICAN AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on African Affairs be authorized to meet during the session of the Senate on Thursday, November 17, 2005, at 2:30 p.m. to hold a hearing on African Organizations and Institutions: Cross-Continental Progress.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on Aviation be authorized to meet on Thursday, November 17, 2005, at 10 a.m., on Aviation Safety.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. LEAHY. Mr. President, I ask unanimous consent that Priya Narasimhan be granted the privilege of the floor during votes and throughout the debate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEETING THE HOUSING AND SERVICE NEEDS OF SENIORS ACT OF 2005

Mr. GRASSLEY. Mr. President, for the leader I have a unanimous consent request that the Senate proceed to the immediate consideration of Calendar No. 285, S. 705.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 705) to establish the Interagency Council on Meeting the Housing and Service Needs of Seniors, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Banking, Housing, and Urban Affairs, with an amendment, as follows:

[Strike out all after the enacting clause and insert the part printed in italic.]

S. 705

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "Meeting the Housing and Service Needs of Seniors Act of 2005".

[SEC. 2. FINDINGS.

[Congress finds the following:

[(1) The senior population (persons 65 or older) in this country is rapidly growing, and is expected to increase from 34,700,000 in 2000 to nearly 40,000,000 by 2010, and then will dramatically increase to over 50,000,000 by 2020.

[(2) By 2020, the population of "older" seniors, those over age 85, is expected to double to 7,000,000, and then double again to 14,000,000 by 2040.

[(3) As the senior population increases, so does the need for additional safe, decent, affordable, and suitable housing that meets their unique needs.

[(4) Due to the health care, transportation, and service needs of seniors, issues of providing suitable and affordable housing opportunities differ significantly from the housing needs of other families.

[(5) Seniors need access to a wide array of housing options, such as affordable assisted living, in-home care, supportive or service-enriched housing, and retrofitted homes and apartments to allow seniors to age in place and to avoid premature placement in institutional settings.

[(6) While there are many programs in place to assist seniors in finding and affording suitable housing and accessing needed services, these programs are fragmented and spread across many agencies, making it difficult for seniors to access assistance or to receive comprehensive information.

[(7) Better coordination among Federal agencies is needed, as is better coordination at State and local levels, to ensure that seniors can access government activities, programs, services, and benefits in an effective and efficient manner.

[(8) Up to date, accurate, and accessible statistics on key characteristics of seniors, including conditions, behaviors, and needs, are required to accurately identify the housing and service needs of seniors.

[SEC. 3. DEFINITIONS.

[In this Act:

[(1) The term "housing" means any form of residence, including rental housing, homeownership, assisted living, group home, supportive housing arrangement, nursing facility, or any other physical location where a person can live.

[(2) The term "service" includes transportation, health care, nursing assistance, meal, personal care and chore services, assistance with daily activities, mental health care, physical therapy, case management, and any other services needed by seniors to allow them to stay in their housing or find alternative housing that meets their needs.

[(3) The term "program" includes any Federal or State program providing income support, health benefits or other benefits to seniors, housing assistance, mortgages, mortgage or loan insurance or guarantees, housing counseling, supportive services, assistance with daily activities, or other assistance for seniors.

[(4) The term "Council" means the Interagency Council on Meeting the Housing and Service Needs of Seniors.

[(5) The term "senior" means any individual 65 years of age or older.

[SEC. 4. INTERAGENCY COUNCIL ON MEETING THE HOUSING AND SERVICE NEEDS OF SENIORS.

[(a) ESTABLISHMENT.—There is established in the executive branch an independent council to be known as the Interagency Council on Meeting the Housing and Service Needs of Seniors.

[(b) OBJECTIVES.—The objectives of the Council are as follows:

[(1) To promote coordination and collaboration among the Federal departments and agencies involved with housing, health care, and service needs of seniors in order to better meet the needs of senior citizens.

[(2) To identify the unique housing and service needs faced by seniors around the country and to recommend ways that the Federal Government, States, State and local governments, and others can better meet those needs, including how to ensure that seniors can find and afford housing that allows them to access health care, transportation, nursing assistance, and assistance with daily activities where they live or in their communities.

[(3) To facilitate the aging in place of seniors, by identifying and making available the programs and services necessary to enable seniors to remain in their homes as they age.

[(4) To improve coordination among the housing and service related programs and services of Federal agencies for seniors and to make recommendations about needed changes with an emphasis on—

[(A) maximizing the impact of existing programs and services;

[(B) reducing or eliminating areas of overlap and duplication in the provision and accessibility of such programs and services; and

[(C) making access to programs and services easier for seniors around the country.

[(5) To increase the efficiency and effectiveness of existing housing and service related programs and services which serve seniors.

[(6) To establish an ongoing system of coordination among and within such agencies or organizations so that the housing and service needs of seniors are met in a more efficient manner.

[(c) MEMBERSHIP.—The Council shall be composed of the following:

[(1) The Secretary of Housing and Urban Development or a designee of the Secretary.

[(2) The Secretary of Health and Human Services or a designee of the Secretary.

[(3) The Secretary of Agriculture or a designee of the Secretary.

[(4) The Secretary of Transportation or a designee of the Secretary.

[(5) The Secretary of Labor or a designee of the Secretary.

[(6) The Secretary of Veterans Affairs or a designee of the Secretary.

[(7) The Secretary of the Treasury or a designee of the Secretary.

[(8) The Commissioner of the Social Security Administration or a designee of the Commissioner.

[(9) The Administrator of the Centers for Medicare and Medicaid Services or a designee of the Administrator.

[(10) The Administrator of the Administration on Aging or a designee of the Administrator.

[(11) The head (or designee) of any other Federal agency as the Council considers appropriate.

[(12) State and local representatives knowledgeable about the needs of seniors as chosen by the Council members described in paragraphs (1) through (11).

[(d) CHAIRPERSON.—The Chairperson of the Council shall alternate between the Secretary of Housing and Urban Development and the Secretary of Health and Human Services on an annual basis.

[(e) VICE CHAIR.—Each year, the Council shall elect a Vice Chair from among its members.

[(f) MEETINGS.—The Council shall meet at the call of its Chairperson or a majority of its members at any time, and no less often than quarterly. The Council shall hold meetings with stakeholders and other interested parties at least twice a year, so that the opinions of such parties can be taken into account and so that outside groups can learn of the Council's activities and plans.

[SEC. 5. FUNCTIONS OF THE COUNCIL.

[(a) RELEVANT ACTIVITIES.—In carrying out its objectives, the Council shall—

[(1) review all Federal programs and services that assist seniors in finding, affording, and rehabilitating housing, including those that assist seniors in accessing health care, transportation, supportive services, and assistance with daily activities, where or close to where seniors live;

[(2) monitor, evaluate, and recommend improvements in existing programs and services administered, funded, or financed by Federal, State, and local agencies to assist seniors in meeting their housing and service needs and make any recommendations about how agencies can better work to house and serve seniors; and

[(3) recommend ways—

[(A) to reduce duplication among programs and services by Federal agencies that assist seniors in meeting their housing and service needs;

[(B) to ensure collaboration among and within agencies in the provision and availability of programs and services so that seniors are able to easily access needed programs and services;

[(C) to work with States to better provide housing and services to seniors by—

[(i) holding individual meetings with State representatives;

[(ii) providing ongoing technical assistance to States in better meeting the needs of seniors; and

[(iii) working with States to designate State liaisons to the Council;

[(D) to identify best practices for programs and services that assist seniors in meeting their housing and service needs, including model—

[(i) programs linking housing and services;

[(ii) financing products offered by government, quasi-government, and private sector entities;

[(iii) land use, zoning, and regulatory practices; and

[(iv) innovations in technology applications that give seniors access to information on available services;

[(E) to collect and disseminate information about seniors and the programs and services available to them to ensure that seniors can access comprehensive information;

[(F) to hold biannual meetings with stakeholders and other interested parties (or to hold open Council meetings) to receive input and ideas about how to best meet the housing and service needs of seniors;

[(G) to maintain an updated website of policies, meetings, best practices, programs, services, and any other helpful information to keep people informed of the Council's activities; and

[(H) to work with the Federal Interagency Forum on Aging Statistics, the Census Bureau, and member agencies to collect and maintain data relating to the housing and service needs of seniors so that all data can be accessed in one place and to identify and address unmet data needs.

[(b) REPORTS.—

[(1) BY MEMBERS.—Each year, the head of each agency that is a member of the Council shall prepare and transmit to the Council a report that describes—

[(A) each program and service administered by the agency that serves seniors and the number of seniors served by each program or service, the resources available in each, as well as a breakdown of where each program and service can be accessed;

[(B) the barriers and impediments, including statutory or regulatory, to the access and use of such programs and services by seniors;

[(C) the efforts made by each agency to increase opportunities for seniors to find and afford housing that meet their needs, including how the agency is working with other agencies to better coordinate programs and services; and

[(D) any new data collected by each agency relating to the housing and service needs of seniors.

[(2) BY THE COUNCIL.—Each year, the Council shall prepare and transmit to the President, the Senate Committee on Banking, Housing, and Urban Affairs, the Senate Committee on Health, Education, Labor, and Pensions, the House Financial Services Committee, and the House Committee on Education and the Workforce a report that—

[(A) summarizes the reports required in paragraph (1);

[(B) utilizes recent data to assess the nature of the problems faced by seniors in meeting their unique housing and service needs;

[(C) provides a comprehensive and detailed description of the programs and services of the Federal Government in meeting the needs and problems described in subparagraph (B);

[(D) describes the activities and accomplishments of the Council in working with Federal, State, and local governments, and private organizations in coordinating programs and services to meet the needs described in subparagraph (B) and the resources available to meet those needs;

[(E) assesses the level of Federal assistance required to meet the needs described in subparagraph (B); and

[(F) makes recommendations for appropriate legislative and administrative actions to meet the needs described in subparagraph (B) and for coordinating programs and services designed to meet those needs.

[SEC. 6. POWERS OF THE COUNCIL.

[(a) HEARINGS.—The Council may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Council considers advisable to carry out the purposes of this Act.

[(b) INFORMATION FROM AGENCIES.—Agencies which are members of the Council shall provide all requested information and data to the Council as requested.

[(c) POSTAL SERVICES.—The Council may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

[(d) GIFTS.—The Council may accept, use, and dispose of gifts or donations of services or property.

[SEC. 7. COUNCIL PERSONNEL MATTERS.

[(a) COMPENSATION OF MEMBERS.—All members of the Council who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

[(b) TRAVEL EXPENSES.—The members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council.

[(c) STAFF.—

[(1) IN GENERAL.—The Council shall, without regard to civil service laws and regulations, appoint and terminate an Executive Director and such other additional personnel as may be necessary to enable the Council to perform its duties.

[(2) EXECUTIVE DIRECTOR.—The Council shall appoint an Executive Director at its initial meeting. The Executive Director shall be compensated at a rate not to exceed the rate of pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

[(3) COMPENSATION.—With the approval of the Council, the Executive Director may appoint and fix the compensation of such additional personnel as necessary to carry out the duties of the Council. The rate of compensation may be set without regard to the provisions of chapter 51 and subchapter II of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

[(d) TEMPORARY AND INTERMITTENT SERVICES.—In carrying out its objectives, the Council may procure temporary and intermittent services of consultants and experts under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

[(e) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Council, any Federal Government employee may be detailed to the Council without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

[(f) ADMINISTRATIVE SUPPORT.—The Secretary of Housing Urban Development and the Secretary of Health and Human Services shall provide the Council with such administrative and supportive services as are necessary to ensure that the Council can carry out its functions.

[SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

[There are authorized to be appropriated to carry out this Act, $1,500,000 for each of fiscal years 2005 through 2010.]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Meeting the Housing and Service Needs of Seniors Act of 2005".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The senior population (persons 65 or older) in this country is rapidly growing, and is expected to increase from 34,700,000 in 2000 to nearly 40,000,000 by 2010, and then will dramatically increase to over 50,000,000 by 2020.

(2) By 2020, the population of "older" seniors, those over age 85, is expected to double to 7,000,000, and then double again to 14,000,000 by 2040.

(3) As the senior population increases, so does the need for additional safe, decent, affordable, and suitable housing that meets their unique needs.

(4) Due to the health care, transportation, and service needs of seniors, issues of providing suitable and affordable housing opportunities differ significantly from the housing needs of other families.

(5) Seniors need access to a wide array of housing options, such as affordable assisted living, in-home care, supportive or service-enriched housing, and retrofitted homes and apartments to allow seniors to age in place and to avoid premature placement in institutional settings.

(6) While there are many programs in place to assist seniors in finding and affording suitable housing and accessing needed services, these programs are fragmented and spread across many agencies, making it difficult for seniors to access assistance or to receive comprehensive information.

(7) Better coordination among Federal agencies is needed, as is better coordination at State and local levels, to ensure that seniors can access government activities, programs, services, and benefits in an effective and efficient manner.

(8) Up to date, accurate, and accessible statistics on key characteristics of seniors, including conditions, behaviors, and needs, are required to accurately identify the housing and service needs of seniors.

SEC. 3. DEFINITIONS.

In this Act:

(1) HOUSING.—The term "housing" means any form of residence, including rental housing, homeownership, assisted living, group home, supportive housing arrangement, nursing facility, or any other physical location where a person can live.

(2) SERVICE.—The term "service" includes transportation, health care, nursing assistance, meal, personal care and chore services, assistance with daily activities, mental health care, physical therapy, case management, and any other services needed by seniors to allow them to stay in their housing or find alternative housing that meets their needs.

(3) PROGRAM.—The term "program" includes any Federal or State program providing income support, health benefits or other benefits to seniors, housing assistance, mortgages, mortgage or loan insurance or guarantees, housing counseling, supportive services, assistance with daily activities, or other assistance for seniors.

(4) COUNCIL.—The term "Council" means the Interagency Council on Meeting the Housing and Service Needs of Seniors.

(5) SENIOR.—The term "senior" means any individual 65 years of age or older.

SEC. 4. INTERAGENCY COUNCIL ON MEETING THE HOUSING AND SERVICE NEEDS OF SENIORS.

(a) ESTABLISHMENT.—There is established in the executive branch an independent council to be known as the Interagency Council on Meeting the Housing and Service Needs of Seniors.

(b) OBJECTIVES.—The objectives of the Council are as follows:

(1) To promote coordination and collaboration among the Federal departments and agencies involved with housing, health care, and service needs of seniors in order to better meet the needs of senior citizens.

(2) To identify the unique housing and service needs faced by seniors around the country and to recommend ways that the Federal Government, States, State and local governments, and others can better meet those needs, including how to ensure that seniors can find and afford housing that allows them to access health care, transportation, nursing assistance, and assistance with daily activities where they live or in their communities.

(3) To facilitate the aging in place of seniors, by identifying and making available information related to the programs and services necessary to enable seniors to remain in their homes as they age.

(4) To improve coordination among the housing and service related programs and services of Federal agencies for seniors and to make recommendations about needed changes with an emphasis on—

(A) maximizing the impact of existing programs and services;

(B) reducing or eliminating areas of overlap and duplication in the provision and accessibility of such programs and services; and

(C) making access to programs and services easier for seniors around the country.

(5) To increase the efficiency and effectiveness of existing housing and service related programs and services which serve seniors.

(6) To establish an ongoing system of coordination among and within such agencies or organizations so that the housing and service needs of seniors are met in a more efficient manner.

(c) MEMBERSHIP.—The Council shall be composed of the following:

(1) The Secretary of Housing and Urban Development.

(2) The Secretary of Health and Human Services.

(3) The Secretary of Agriculture or a designee of the Secretary.

(4) The Secretary of Transportation or a designee of the Secretary.

(5) The Secretary of Labor or a designee of the Secretary.

(6) The Secretary of Veterans Affairs or a designee of the Secretary.

(7) The Secretary of the Treasury or a designee of the Secretary.

(8) The Commissioner of the Social Security Administration or a designee of the Commissioner.

(9) The Administrator of the Centers for Medicare and Medicaid Services or a designee of the Administrator.

(10) The Administrator of the Administration on Aging or a designee of the Administrator.

(11) The head (or designee) of any other Federal agency as the Council considers appropriate.

(12)(A) 3 additional members, as appointed by the President to serve terms not to exceed 4 years, of whom—

(i) one shall be a Governor of a State;

(ii) one shall be a Mayor of a political subdivision of a State;

(iii) one shall be a county, town, township, parish, village, hamlet, or other general purpose local official of a political subdivision of a State.

(B) Of the members appointed by the President under subparagraph (A)—

(i) no more than 2 members may be affiliated with the same political party; and

(ii) none shall be considered a Federal employee.

(d) CHAIRPERSON.—The Chairperson of the Council shall alternate between the Secretary of Housing and Urban Development and the Secretary of Health and Human Services every 2 years.

(e) VICE CHAIR.—Every 2 years, the Council shall elect a Vice Chair from among its members.

(f) MEETINGS.—The Council shall meet at the call of its Chairperson or a majority of its members at any time, and no less often than quarterly. The Council shall hold meetings with stakeholders and other interested parties at least twice a year, so that the opinions of such parties can be taken into account and so that outside groups can learn of the Council's activities and plans.

SEC. 5. FUNCTIONS OF THE COUNCIL.

(a) RELEVANT ACTIVITIES.—In carrying out its objectives, the Council shall—

(1) review all Federal programs and services that assist seniors in finding, affording, and rehabilitating housing, including those that assist seniors in accessing health care, transportation, supportive services, and assistance with daily activities, where or close to where seniors live;

(2) monitor, evaluate, and recommend improvements in existing programs and services administered, funded, or financed by Federal, State, and local agencies to assist seniors in meeting their housing and service needs and make any recommendations about how agencies can better work to house and serve seniors; and

(3) recommend ways to—

(A) reduce duplication among programs and services by Federal agencies that assist seniors in meeting their housing and service needs;

(B) ensure collaboration among and within agencies in the provision and availability of programs and services so that seniors are able to easily access needed programs and services;

(C) work with States to better provide housing and services to seniors by—

(i) holding individual meetings with State representatives;

(ii) providing ongoing technical assistance to States in better meeting the needs of seniors; and

(iii) working with States to designate State liaisons to the Council;

(D) identify best practices for programs and services that assist seniors in meeting their housing and service needs, including model—

(i) programs linking housing and services;

(ii) financing products offered by government, quasi-government, and private sector entities;

(iii) land use, zoning, and regulatory practices; and

(iv) innovations in technology applications that give seniors access to information on available services or that help in providing services to seniors;

(E) collect and disseminate information about seniors and the programs and services available to them to ensure that seniors can access comprehensive information;

(F) hold biannual meetings with stakeholders and other interested parties (or to hold open Council meetings) to receive input and ideas about how to best meet the housing and service needs of seniors;

(G) maintain an updated website of policies, meetings, best practices, programs, services, and any other helpful information to keep people informed of the Council's activities; and

(H) work with the Federal Interagency Forum on Aging Statistics, the Census Bureau, and member agencies to collect and maintain data relating to the housing and service needs of seniors so that all data can be accessed in one place and to identify and address unmet data needs.

(b) REPORTS.—

(1) BY MEMBERS.—Each year, the head of each agency who is a member of the Council shall prepare and transmit to the Council a report that describes—

(A) each program and service administered by the agency that serves a substantial number of

seniors and the number of seniors served by each program or service, the resources available in each, as well as a breakdown of where each program and service can be accessed;

(B) the barriers and impediments, including statutory or regulatory, to the access and use of such programs and services by seniors;

(C) the efforts made by each agency to increase opportunities for seniors to find and afford housing that meet their needs, including how the agency is working with other agencies to better coordinate programs and services; and

(D) any new data collected by each agency relating to the housing and service needs of seniors.

(2) BY THE COUNCIL.—Each year, the Council shall prepare and transmit to the President, the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Health, Education, Labor, and Pensions of the Senate, the Special Committee on Aging of the Senate, the Financial Services Committee of the House of Representatives, the Committee on Education and the Workforce of the House of Representatives, a report that—

(A) summarizes the reports required in paragraph (1);

(B) utilizes recent data to assess the nature of the problems faced by seniors in meeting their unique housing and service needs;

(C) provides a comprehensive and detailed description of the programs and services of the Federal Government in meeting the needs and problems described in subparagraph (B);

(D) describes the activities and accomplishments of the Council in working with Federal, State, and local governments, and private organizations in coordinating programs and services to meet the needs described in subparagraph (B) and the resources available to meet those needs;

(E) assesses the level of Federal assistance required to meet the needs described in subparagraph (B); and

(F) makes recommendations for appropriate legislative and administrative actions to meet the needs described in subparagraph (B) and for coordinating programs and services designed to meet those needs.

SEC. 6. POWERS OF THE COUNCIL.

(a) HEARINGS.—The Council may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Council considers advisable to carry out the purposes of this Act.

(b) INFORMATION FROM AGENCIES.—Agencies which are represented on the Council shall provide all requested information and data to the Council as requested.

(c) POSTAL SERVICES.—The Council may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—

(1) IN GENERAL.—The Council may accept, use, and dispose of gifts or donations of services or property.

(2) REGULATIONS REQUIRED.—The Council shall adopt internal regulations governing the receipt of gifts or donations of services or property similar to those described in part 2601 of title 5, Code of Federal Regulations.

SEC. 7. COUNCIL PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—

(1) NON-FEDERAL EMPLOYEES.—A member of the Council who is not an officer or employee of the Federal Government shall serve without compensation.

(2) FEDERAL EMPLOYEES.—A member of the Council who is an officer or employee of the United States shall serve without compensation in addition to the compensation received for services of the member as an officer or employee of the Federal Government.

(b) TRAVEL EXPENSES.—The members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council.

(c) STAFF.—

(1) EXECUTIVE DIRECTOR.—The Council shall appoint an Executive Director at its initial meeting. The Executive Director shall be compensated at a rate not to exceed the rate of pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) COMPENSATION.—With the approval of the Council, the Executive Director may appoint and fix the compensation of such additional personnel as necessary to carry out the duties of the Council. The rate of compensation may be set without regard to the provisions of chapter 51 and subchapter II of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) TEMPORARY AND INTERMITTENT SERVICES.—In carrying out its objectives, the Council may procure temporary and intermittent services of consultants and experts under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(e) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Council, any Federal Government employee may be detailed to the Council without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(f) ADMINISTRATIVE SUPPORT.—The Secretary of Housing Urban Development and the Secretary of Health and Human Services shall provide the Council with such administrative (including office space), supportive services, and technical supports as are necessary to ensure that the Council can carry out its functions.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act, $1,500,000 for each of fiscal years 2005 through 2010.

Mr. SARBANES. Mr. President, I rise today to urge my colleagues to support passage of S. 705, legislation to establish an Interagency Council on Meeting the Housing and Service Needs of Seniors. This legislation will help the Federal Government work with its partners to meet the growing housing and related needs of senior citizens around the country. The Interagency Council will work to better coordinate Federal programs so that seniors and their families can access the programs and the services necessary to allow them to age in place or find suitable housing alternatives.

The challenges that confront us are growing more urgent as our population ages. Data from the 2000 census show that the population over 65 years of age was 34.7 million. This number is expected to grow to over 50 million by 2020. It is projected that by 2030 nearly 20 percent of our population will be over 65. That is, almost one American in every five will be elderly.

As our senior population continues to increase, so will the demand for affordable housing and service options. This is a matter of concern not only for those who will need the services but for families—children along with spouses. It concerns communities all around the country, as productive and responsible citizens grow older and need help. It is a matter of deep concern for us all, because it will affect the well-being of our entire society.

In order for seniors to age in place, or find alternative housing arrangements, services must be linked with housing. Seniors must be able to access needed health supports, transportation, meal and chore services, and assistance with daily tasks in or close to their homes. Without needed supports, seniors and their families face difficult and even daunting decisions.

The Commission on Affordable Housing and Health Facility Needs for Seniors—"Seniors Commission"—established by Congress in 1999 found that too often, seniors face premature institutionalization because housing and services are not linked. According to the Commission's report, "the very heart" of its work "is the recognition that the housing and service needs of seniors traditionally have been addressed in different 'worlds' that often fail to recognize or communicate with each other." The Commission concluded that: "the most striking characteristic of seniors" housing and health care in this country is the disconnection of one field from another."

If left unattended, the problem of lack of coordination will increasingly undermine all of our efforts to assure that Americans, as they age, have access to the services they need. The Interagency Council on the Housing and Service Needs of Seniors will increase coordination and will serve as a permanent national platform to address the needs and issues of our aging population.

The Interagency Council will help to improve collaboration and coordination among the Federal agencies and our State and local partners, to ensure that seniors are better able to access housing and services. This Council will work to find new ways to link housing programs and needed supportive services to increase their efficiency, to make them more accessible, and to strengthen their capacity.

The decisions that our seniors and their families must make are difficult enough. They should not be made more painful and burdensome by having to negotiate a confusing maze of programs and services and a multiplicity of administrative procedures. I am hopeful that the Interagency Council on Meeting the Housing and Service Needs of Seniors will be able to focus attention on this problem, while working towards solutions.

This bill has wide support from a diverse array of groups, ranging from senior advocates to faith-based organizations and direct service providers.

The diversity of groups that have worked together in support of this legislation is indicative of the great need for such coordination. If we are to successfully address the growing needs of seniors, it is clear that much work must be done. The establishment of an Interagency Council on Meeting the Housing and Service Needs of Seniors is a critical first step in this endeavor. I urge my colleagues to vote in favor of this important legislation. I ask unanimous consent that the legislation as reported from Committee be printed immediately following this statement. I also ask unanimous consent that the attached letters of support, section-by-section analysis of the bill, and relevant fact sheet be printed in the RECORD.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. SARBANES. Finally, I want to thank Chairman SHELBY for his leadership and assistance in moving this legislation. I also want to acknowledge the excellent work of the staff on this bill, especially that of Jennifer Fogel-Bublick, as well as Sarah Garrett, Mark Calabria, and Tewana Wilkerson. In addition, we could not have done this without the active support of Kathy Casey, Chairman SHELBY's Staff Director.

EXHIBIT 1

AARP,
Washington, DC, April 15, 2005.

Hon. PAUL SARBANES,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR SARBANES: On behalf of AARP, thank you for introducing S. 705, the "Meeting the Housing and Service Needs of Seniors Act of 2005," a bill to establish an Interagency Council to improve coordination in service delivery. As proposed, the Interagency Council would not only coordinate, but also monitor, evaluate, and recommend improvements in existing programs and services that assist seniors in meeting their housing and service needs at the federal, state, and local level. And, the Council would collect and disseminate information about seniors along with these programs and services.

Better coordination of housing programs is needed for a variety of reasons. In many instances, multiple program requirements and paperwork may become duplicative and burdensome. Resident means testing and qualifications may also be slightly different across programs. And, different methods of establishing rent levels and defining market areas for comparison are used by different programs. Lastly, different housing sponsors and agencies may have different waiting lists that can overlap for a population at need.

The need for greater coordination is particularly apparent when trying to put together the housing, health, and social services programs at all levels of government that are critical to successfully serving persons with disabilities of all ages. Research has shown that federal housing programs have very efficiently, if inadvertently, targeted those who are at high risk of needing supportive services to remain independent. Analysis by AARP's Public Policy Institute of data from the 2002 American Communities Survey found that, compared to older homeowners, older renters in subsidized housing were:

Much older—half of the older renters in subsidized housing were 75 or older compared to just over a third of older homeowners;

Twice as likely to experience physical and cognitive limitations that threaten their ability to live independently;

More than three times as likely to live alone and have weak informal supports from family; and

Roughly three times as likely to be at high risk of needing Medicaid assistance due to low incomes and high levels of disability.

Better coordination of housing, health, and social services programs would serve a variety of purposes. Housing managers need reliable partners from health and social services agencies to serve the large and growing number of frail older people in their buildings. Social services agencies could benefit from the greater efficiencies of serving concentrations of older people with supportive services needs. But the most compelling case for better coordination comes from the lives of the older people who need assistance—the older woman who is desperately clinging to independence in her apartment; the older man who is told he must move to a nursing home to get needed services; or the older resident in a nursing home who might have been able to leave if suitable housing and services were available.

AARP actively participated in the Seniors Housing Commission whose 2002 report called attention to many of these issues. We have supported efforts to expand the mission of housing programs and to provide the needed tools for serving older persons with disabilities through building features that accommodate service needs, staffing that includes trained service coordinators, and retrofitting dollars to convert buildings to assisted living. AARP is co-chairing a process, along with the National Cooperative Bank Development Corporation, Fannie Mae, and the National Council of State Housing Finance Agencies, to develop recommendations on how housing finance programs could be better structured to promote affordable assisted living. While these efforts have been important, they do not yet approach the scale of what is needed to serve the frail older people who need help. Only a concerted effort by all agencies at all levels of government can adequately address these needs.

We urge Congress and the Administration to work together to expedite the passage of this legislation and subsequent establishment of the Interagency Council. AARP again thanks you for your attention to the needs of American seniors, and stands ready to assist you to enact this important legislation. If you have any further questions, feel free to contact me, or have your staff contact Tim Gearan of our Federal Affairs staff.

Sincerely,

DAVID CERTNER,
Director, Federal Affairs.

ELDERLY HOUSING COALITION,
April 5, 2005.

Re support for Interagency Council on Housing and Service Needs of Seniors.

Hon. PAUL SARBANES,
Committee on Banking, Housing and Urban Affairs Committee, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR SARBANES, The Elderly Housing Coalition (EHC) is comprised of organizations that represent providers of affordable housing and supportive service for the elderly. We are writing in enthusiastic support of your legislation that would establish the Interagency Council on Housing and Service Needs of Seniors. This Council is desperately needed and will help federal, state and local governments better serve the housing and service needs of our elderly population.

According to the Congressional Commission on Affordable Housing and Health Facility Needs for Seniors in the 21st Century, we must integrate our current fragmented system of programs that seniors rely on to find the housing and services they need. As the number of seniors grows exponentially and will, in fact, have doubled by 2030, we must find a way to use our resources more effectively.

Your bill will be a great first step to bringing the key governmental agencies together to identify how they can best work to maximize program efficiency and streamline access. Again, we are pleased to offer our support for this legislation establishing an interagency council and thank you for your leadership on this issue.

If there is anything that the Elderly Housing Coalition can do to help or if you have any questions about the EHC please contact Nancy Libson or Alayna Waldrum.

Sincerely,

Alliance for Retired Americans, American Association of Homes and Services for the Aging, American Association of Service Coordinators, Association of Jewish Aging Services of North America, B'nai B'rith International, Catholic Charities USA, Catholic Health Association of the United States, Council of Large Public Housing Authorities, Elderly Housing Development and Operations Corporation.

Kinship Caregiver Resources/Intergenerational Village Project, Local Initiatives Support Corporation, National Association of Housing Cooperatives, National Association of Housing and Redevelopment Officials, National Housing Conference, National Low Income Housing Coalition, National PACE Association, Stewards of Affordable Housing for the Future, Volunteers of America.

AMERICAN ASSOCIATION OF
SERVICE COORDINATORS,
Columbus, OH, April 5, 2005.

Hon. PAUL SARBANES,
Washington, DC.

DEAR SENATOR SARBANES: On behalf of the 1,600 members of the American Association of Service Coordinators (AASC), I want to express our support for your proposed legislation to establish an Interagency Council on Housing and Service Needs of Seniors. AASC believes that this bill is urgently needed to assist service coordinators and others seeking to bring together the various federal and other programs needed by older persons and other special populations.

In my testimony, before the Commission on Affordable Housing and Health Facility describing the present fragmented system, I stated that "even for long-time professionals, the current 'crazy-quilt' tapestry of services and shelter options make it difficult to fully grasp their complexities, let alone try to access them. The results are confusion among consumers, duplication of service delivery, government agencies not knowing who supplies what service or that some services even exist, reduction in qualified service workers, regulations that impede dedicated service providers from providing the service they were hired and want to perform."

One of AASC recommendations to the Commission was the establishment of a cabinet-level department that would encompass in one entity housing, health care and other federal support programs serving the elderly to better focus federal policy and regulatory efforts, in conjunction with states and communities. AASC believes that your bill is an important step to establish a permanent national platform to address many of the cross-cutting needs and issues confronting increasing numbers of frail and vulnerable older persons.

As you may know, AASC is a national, nonprofit organization representing professional service coordinators who serve low-income older persons and other special populations living in federally assisted and public housing facilities nationwide, their caregivers, and others in their local community. Our dedicated membership consists of service coordinators, case managers and social workers, housing managers and administrators, housing management companies, public housing authorities, state housing finance agencies, state and local area agencies on aging and a broad range of national and state organizations and professionals involved in affordable, service-enhanced housing. Background information on AASC is available on our website: www.servicercoordinators.org.

We are grateful for your leadership on the vital issue. Please let me know how AASC can assist you to expedite enactment of this important legislation.

Sincerely,

JANICE MONKS,
President.

AMERICAN ASSOCIATION OF HOMES
AND SERVICES FOR THE AGING,
Washington, DC, April 5, 2005.

Re Interagency Council on Housing and Service Needs of Seniors legislation.

Hon. PAUL SARBANES,
Committee on Banking, Housing and Urban Affairs Committee, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR SARBANES: On behalf of AAHSA, I am writing to thank you for introducing legislation to establish an Interagency Council on Housing and Service Needs of Seniors. AAHSA members serve two million people every day through mission-driven, not-for-profit organizations dedicated to providing the services people need, when they need them, in the place they call home. Our members offer the continuum of aging services: assisted living residences, continuing care retirement communities, nursing homes, senior housing facilities, and outreach services. AAHSA's mission is to create the future of aging services through quality the public can trust.

Half of our members own or operate federally subsidized senior apartment buildings and work collaboratively with home and community based service providers that operate programs governed by a maze of departmental regulations. This unique perspective gives us and our members a bird's eye view of how important it is for the various federal agencies to work together to ensure the best care in the most responsive and efficient manner possible.

In 2002 the Commission on Affordable Housing and Health Facility Needs for Seniors in the 21st Century reported to Congress that a top priority for the federal government should be integrating the existing fragmented system of programs that seniors rely on to piece together the housing and services they need. Time is precious—the United States is facing exponential growth in our senior population, which will double by 2030. AAHSA members have created a number of successful models for combining services and senior housing. Unfortunately these are limited and difficult to replicate because of the programmatic barriers. Now is the time to get the policymakers to the table to address the barriers and opportunities that exist in our federal programs and how to make them work.

We know that this can be done. AAHSA strongly supports your bill, which will help the Executive branch and Federal agencies better coordinate the successful aging programs, as an important first step. Thank you for your leadership. If there is anything that AAHSA or my staff can do to support you, please do not hesitate to let me know.

Sincerely,

LARRY MINNIX,
President and CEO.

UNITED JEWISH COMMUNITIES,
Washington, DC, May 12, 2005.

Hon. PAUL SARBANES,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR SARBANES: On behalf of United Jewish Communities, I am pleased to offer our support for your efforts to establish an Interagency Council on Housing and Service Needs for Seniors through your introduction of S. 705, the Meeting the Housing and Service Needs of Seniors Act of 2005. As proposed, the executive level Interagency Council will provide crucial coordination of housing, health and social services for seniors. The Interagency Council will also make possible greater cooperation between the federal agencies involved with these programs, including HUD, HHS, DOT and AOA.

As you may know, UJC represents and serves 155 Jewish Federations and 400 independent Jewish communities across North America—one of the world's largest and most effective networks of social service providers and programs, meeting the needs of all people, Jews and non-Jews, wherever they live. More importantly, the American Jewish population is aging faster than the general population. More than a million Jews are over 65; more than 318,000 live alone. Federation-supported programs, transportation assistance, home-delivered meals and a myriad of other services help ensure that our seniors are cared for with dignity and loving-kindness. It is critical that we maximize program efficiency and streamline access.

United Jewish Communities strongly supports your bill, which will better help key governmental agencies coordinate aging programs. We urge Congress and the Administration to work together to pass this legislation. Thank you for your leadership on this initiative. If there is anything that UJC can do to be of further assistance, please do not hesitate to let us know.

Sincerely,

STEPHAN O. KLINE,
Director, Government Affairs.

THE ENTERPRISE FOUNDATION,
Columbia, MD, May 20, 2005.

Hon. PAUL S. SARBANES,
Ranking Member, Senate Committee on Banking, Housing and Urban Affairs, Hart Senate Office Building, Washington, DC.

DEAR SENATOR SARBANES: The Enterprise Foundation strongly supports your bill to establish an Interagency Council on Housing and Service Needs of Seniors (S. 705). Developing effective and efficient coordination among the various federal agencies that are involved in providing housing, health care and supportive services to seniors is critical to meeting the needs of elderly low-income Americans and their families.

The Enterprise Foundation and our subsidiary organization, the Enterprise Social Investment Corporation, certainly recognize that providing decent, affordable housing for low-income seniors requires effective linkages between housing and services to enable seniors to remain in their homes and communities. To date, ESIC has completed 212 elderly housing projects, representing an invetment of more than $729 million. Of the 68,727 affordable housing units ESIC has produced, 20,005 include support services for elderly and disabled residents as well as families.

In recognition of the need for collaboration, The Foundation, ESIC and the Corporation for Supportive Housing have recently embarked on a new Supportive Housing Investment Partnership that is the nation's largest, most ambitious initiative focused on leveraging private capital investments to significantly increase the production of supportive housing across the country. This partnership will enable nonprofit developers to build more than 3,000 new supportive housing units over the next two years. This partnership is designed to expand the impact of all of the partners, to be flexible in adapting to local needs and environments, and also to support the established relationships and the significant efforts to date of each partner.

Similar collaboration at the federal level among and within agencies providing programs and services for seniors would maximize the impact of . . . seniors receive the assistance they need.

The Enterprise Foundation commends you for your leadership on this and other housing issues and urges Congress to expedite the passage of this critical legislation. Please call upon us if we can provide additional information or assistance.,

Sincerely,

F. BARTON HARVEY III,
Chairman of the Board
and Chief Executive Officer.

ELDERLY HOUSING DEVELOPMENT
& OPERATIONS CORPORATION,
Fort Lauderdale, FL, April 15, 2005.

Hon. PAUL SARBANES,
U.S. Senate,
Washington, DC.

DEAR SENATOR SARBANES: I am pleased that Elderly Housing Development and Operations Corporation (EHDOC) representing over 40 senior housing facilities in 14 states, is joining with other non-profit organizations involved with federally assisted senior housing to strongly support your bill to establish an Interagency Council on Housing and Service Needs of Seniors. We believe that the establishment of this Interagency Council will provide a cost-effective and efficient means to promote coordination between the various federal agencies involved with senior housing and services, particularly HUD and HHS.

EHDOC is well aware of the need to improve collaboration between the various federal agencies based on our efforts to assist low-income, frail elderly in Council House in Suitland, MD. Unfortunately, it is often difficult to link the various services needed to enable many frail elderly to remain in their homes as they age due to the existing fragmentation of federal housing, services and health care policies and programs.

The difficulty experienced by EHDOC with linking housing and services is repeated by many nonprofit sponsors of federally assisted senior housing throughout the country. As you know, I was honored to serve as your appointee to the recent Commission on Affordable Housing and Health Care Facilities Needs of Older Persons. We repeatedly heard testimony from public and private agencies involved with senior housing, supportive services and health care, older persons and others, of their difficulties in bringing together these services to meet the needs of older persons.

As stated in the Senior Commissions' final report, "the very heart of this Commission's work is the recognition that the housing and service needs of seniors traditionally have been addressed in different 'worlds' that often fail to recognize or communicate with each other." Findings of the Commission concluded "while policymakers have struggled to be responsive to the needs of seniors, the very structure of Congressional committees and Federal agencies often makes it difficult to address complex needs in a comprehensive and coordinated fashion. For example: medical needs of seniors are addressed by Medicare and Medicaid; social service needs are addressed by Medicaid, the OAA, and other block grant programs; housing programs are administered by HUD and the Department of Agriculture's RHS; and transportation programs are administered by the U.S. Department of Trsportation (DOT)."

We commend you for your leadership in addressing this critical need to effectively bring together the various federal agencies and others involved with affordable housing and service needs of older persons through the establishment of an Interagency Council on Senior Housing. Please let me if you have any questions or how EHDOC can assist you with the enactment of this important legislation.

Sincerely,

STEVE PROTULIS,
Executive Director.

S. 705—SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section establishes the title of the bill, the "Meeting the Housing and Service Needs of Seniors Act of 2005"

Section 2. Congressional findings

This section states Congressional Findings, including:

(1) The senior population (persons 65 or older) in this country is rapidly growing, and is expected to increase from 34,700,000 in 2000 to nearly 40,000,000 by 2010, and then will dramatically increase to over 50,000,000 by 2020.

(2) Seniors need access to a wide array of housing options, such as affordable assisted living, in home care, supportive or service-enriched housing, and retrofitted homes and apartments to allow seniors to age in place and to avoid premature placement in institutional settings.

(3) While there are many programs in place to assist seniors in finding and affording suitable housing and accessing needed services, these programs are fragmented and spread across many agencies, making it difficult for seniors to access assistance or to receive comprehensive information.

(4) Better coordination among Federal agencies is needed, as is better coordination at State and local levels, to ensure that seniors can access government activities, programs, services, and benefits in an effective and efficient manner.

Section 3. Definitions

This section provides definitions of the following terms: "housing," "service," "program," "Council," and "senior."

Section 4. Interagency Council on Meeting the Housing and Service Needs of Seniors

This section establishes a high level executive branch Interagency Council on Meeting the Housing and Service Needs of Seniors.

This section also lays out the objectives of the Council, including promoting coordination and collaboration among the federal agencies and departments which serve seniors; identifying housing and service needs of seniors; facilitating the aging in place of seniors; and making recommendations about needed changes to maximize the impact of existing programs, reduce duplication and increase access to programs and services.

This section details the Council membership—the Secretaries of HUD and HHS, as well as the Secretaries or designees of the Department of Agriculture, Labor, Transportation, Veterans Affairs, and the Treasury. Also serving on the Council will be the following (or their designees): the Commissioner of the Social Security Administration, the Administrator of the Centers for Medicare and Medicaid Services and the Administrator of the Administration on Aging. The Council will also have three additional members- a Governor, a Mayor and a local official, as appointed by the President. This section establishes that the Secretaries of HUD and HHS will chair the Council in rotating 2-year terms. Under this section, the Council is required to meet quarterly, and must hold at least 2 meetings a year with stakeholders and interested parties. This requirement can be met by opening at least two of the quarterly meetings to the public.

Section 5. Functions of the council

This section lists the activities that the Council will undertake in meeting its objectives. In meeting its objectives, the Council will: review all federal programs and services that assist seniors; monitor, evaluate and recommend improvements in existing programs, and how programs can be better coordinated: recommend ways to reduce duplication and ensure greater collaboration; work to facilitate the aging in place of seniors; work with states to ensure programs and services are coordinated at state and local levels; identify best practices for meeting the needs of seniors; ensure seniors have access to information about programs and services, including the establishment of a website; and maintain updated data sources on seniors and their needs.

This section also requires that each agency or department that is a member of the Council provide a report to the Council that describes: each program in the agency or department that serves a substantial number of seniors; any barriers to the access and use of such programs; the efforts made by the agency in increasing service enriched housing opportunities for seniors; and any new data relating to housing and service needs of seniors.

Based on the information provided by each member agency, the Council is required to prepare and transmit a report to Congress and the President that summarizes the agency information; assesses the needs of seniors; provides a comprehensive description of the programs and services that exist for seniors; describes how the agencies and Council are working with state and local governments and private organizations to better coordinate senior programs; and makes recommendations for legislative and administrative changes needed to better meet the needs of seniors.

Section 6. Powers of the council

This section details how the Council will work, including granting the Council the power to hold hearings and take testimony as needed. In addition, this section provides that member agencies must provide the Council with all requested information. This section also requires the Council to adopt internal ethics guidelines.

Section 7. Council personnel matters

This section clarifies that Council members shall not be compensated for their service on the Council. Under this section, the Council must appoint an Executive Director at its initial meeting, and the Executive Director, with the approval of the Council may hire staff.

This section also requires the Secretaries of the U.S. Department of Housing and Urban Development and the U.S. Department of Health and Human Services to provide all necessary administrative support including office space and computer/internet access.

Section 8. Authorization of appropriations

This section authorizes $1.5 million per year for 5 years for the Council.

SUMMARY OF LEGISLATION TO ESTABLISH AN INTERAGENCY COUNCIL ON MEETING THE HOUSING AND SERVICE NEEDS OF SENIORS

This legislation will create an executive level Interagency Council to better coordinate housing programs and related services so that senior citizens can age in place and access needed services. Unfortunately, the current programs and services that assist the elderly in meeting their needs are spread across numerous federal agencies, making it difficult for seniors to understand and access needed services.

The senior population (persons 65 or older) in this country is rapidly growing, and is expected to increase from 34.7 million in 2000 to nearly 40 million by 2010, and then will dramatically increase to over 50 million by 2020. By the year 2030, nearly one-fifth of the United States population will be above 65 years of age. As the senior population increases, so does the need for additional safe, decent, affordable, and suitable housing that meets their unique needs.

The Council will undertake a number of activities to help coordinate housing programs and services for seniors:

Conduct a thorough review of all federal programs and services designed to assist seniors with their housing needs

Facilitate the "aging in place" of seniors

Make recommendations about how to reduce duplication among programs and how to more effectively coordinate programs and services

Collect and disseminate data and information on seniors and their needs

Maintain an updated website with information on how seniors can access housing and services that fit their needs

Work with States to coordinate programs and services at the State and local level

Implement the recommendation of the 1999 Congressionally established Seniors Commission that the federal government streamline and consolidate its programs and services for seniors

This Interagency Council will be comprised of the Secretaries (or designees) of the agencies which operate programs for seniors: HUD, HHS, DOT, Agriculture, Treasury, Labor, Veterans Affairs, as well as the Commissioner of the Social Security Administration, the Administrator of the Centers for Medicare and Medicaid Services and the Administrator of the Administration on Aging.

The legislation authorizes $1.5 million per year for 5 years to pay for staff and other expenses.

The legislation is supported by many organizations involved in housing and services for seniors, including: AARP (American Association of Retired Persons), NAHRO (the National Association of Housing and Redevelopment Officials), AAHSA (American Association of Homes and Services for the Aging), the Elderly Housing Coalition, and the National Low Income Housing Coalition.

AGING NEEDS IN THE UNITED STATES

Our Nation's Senior Population is Rapidly Growing, and Americans are Living Longer Than Ever Before.

The senior population (age 65 and older) is expected to double by 2030, from 36 million to 70 million, one-fifth of the Nation's population.

By 2050 there will be over 86 million seniors, an increase of 147% since 2000.

The average American life expectancy is anticipated to increase from 76 to 81 by 2060.

By 2020 the number of seniors over age 85 is expected to double to 7 million and then double again to 14 million by 2040.

Seniors Want to Age in Place.

82% of Americans age 45 and older say that even if they need help caring for themselves, they prefer receiving services that allow them to stay in their current home.

89% of those 55 and older desire to age in place, up from 84% in 1992.

To Facilitate Aging in Place, Services Must Be Connected to Housing.

While many seniors want to remain at home, over 18% of seniors (over 5.8 million) who do not reside in nursing facilities have difficulty performing their daily activities without assistance, and over one million of these seniors are severely impaired, requiring assistance with many of their basic tasks.

Many other seniors, those that can perform their daily functions, still require access to health care, transportation and other services.

In fact, nearly 20% of seniors have significant long-term care needs.

It is predicted that both shrinking family size and increasing workforce participation by women could make informal care less available (women currently provide the majority of such care), leading to a greater reliance on care from other sources.

In 2005, $129 billion will be spent on paid care for seniors; roughly $15,000 per senior.

To pay for long-term care, many seniors rely on government funding—Medicaid (39%) and Medicare (20%), while 36% of seniors pay out-of-pocket expenses.

Today, approximately one-third of all Medicaid spending pays for long-term care, making Medicaid our Nation's largest source of payment for such services and supports.

Medicaid spent a total of $83.8 billion for long-term care services in 2003.

Of those over age 85, roughly 55% are impaired and require long-term care.

A Florida study showed that more than 34% of seniors in government-assisted housing have no family to turn to if sick or disabled.

Many Seniors Are Not in a Financial Position to Pay for the Housing and/or Services They Need.

There are nearly six times as many seniors in need of affordable housing as are currently served in rent-assisted housing.

81% of seniors are homeowners, but: 44% of those have incomes of less than 50% of Area Median Income; 40% have no savings; 26% have less than $25,000 saved.

35% of senior renters are severely rent burdened and pay more than 50% of their income for rent.

The median income of older persons in 2002 was $19,436 for males and $11,406 for females.

In home support services are expensive and can cost from $140-$200 per day, or up to $73,000 per year.

Roughly one-third of seniors who enter a nursing home are eligible for Medicaid upon admission; another third deplete their assets paying for care and then turn to Medicaid to pay for the portion of care that exceeds their income.

Nuring Homes: Without services, seniors find it difficult to remain outside of nursing homes or other institutional settings.

One third of seniors leave their homes to go to nursing homes.

Nursing home costs average $60,000 per year; these costs are expected to rise at least 5% annually.

Almost 20% of seniors over age 85 live in nursing homes, compared with less than 2% of seniors age 65-84.

65% of nursing home admissions are directly from hospitals, giving families little time to explore other options.

The Congressionally established Seniors Commission found in their 2002 report that the unsynchronized federal housing and health policies often lead to premature institutionalization.

Assisted Living Facilities: Many seniors could be well served in assisted living facilities, an immediate step between aging in place and nursing homes.

Assisted living is the fastest growing type of senior housing in the United States, accounting for roughly 75% of all new senior housing produced in recent years.

The typical assisted living resident is a widowed White woman, age 85.

Roughly 50% of assisted living residents have Alzheimer's disease or other cognitive impairment.

In 2002, over 36,000 assisted living facilities served approximately 910,000 residents.

Assisted living costs between $2,100 and $2,900 a month, and is primarily private pay. Few people have private insurance coverage, and public subsidies are limited.

In 2002, 41 states provided at least some Medicaid coverage for assisted living (serving about 102,000 elderly Medicaid beneficiaries), but this covered personal care services, not room and board.

Programs and Services for Seniors are Fragmented: Regardless of where seniors live, it is clear that housing and services must be linked.

The 1999 Congressionally established Seniors Commission found that "the most striking characteristic of seniors' housing and health care in this country is the disconnection of one field from another."

The Seniors Commission also found that "the time has come for coordination among Federal and State agencies and administrators."

What these facts illustrate is that there is tremendous stress on seniors and on their families to find, maintain and afford housing; to acquire and pay for personal care assistance or long term care; and to access other needed services that can keep them independent and enable them to stay connected to their communities and age in place.

Senator Sarbanes has introduced an Interagency Council on Meeting the Housing and Service Needs of Seniors, to better coordinate housing programs and related services so that seniors can age in place and access needed services.

Mr. GRASSLEY. I ask unanimous consent that the committee-reported amendment be agreed to, the bill as amended be read a third time and passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 705), as amended, was read the third time and passed.

UNANIMOUS CONSENT AGREEMENT—H.J. RES. 72

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate proceeds to H.J. Res. 72 on Friday, that Senator HARKIN be recognized in order to offer an amendment related to CSBG, which is at the desk. I further ask consent that there be 20 minutes for debate in relation to the amendment, no other amendments be in order, and that following that debate the Senate proceed to a vote in relation to the Harkin amendment; further, that following that vote, the joint resolution be read a third time and the Senate proceed to a vote on the joint resolution, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

WIRED FOR HEALTH CARE QUALITY ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 178, S. 1418.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1418) to enhance the adoption of a nationwide interoperable health information technology system and to improve the quality and reduce the costs of health care in the United States.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment.

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 1418

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "Wired for Health Care Quality Act".

[SEC. 2. IMPROVING HEALTH CARE, QUALITY, SAFETY, AND EFFICIENCY.

[The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end the following:

"TITLE XXIX—HEALTH INFORMATION TECHNOLOGY

["SEC. 2901. DEFINITIONS.

["In this title:

["(1) HEALTH CARE PROVIDER.—The term 'health care provider' means a hospital, skilled nursing facility, home health entity, health care clinic, federally qualified health center, group practice (as defined in section 1877(h)(4) of the Social Security Act), a pharmacist, a pharmacy, a laboratory, a physician (as defined in section 1861(r) of the Social Security Act), a health facility operated by or pursuant to a contract with the Indian Health Service, a rural health clinic, and any other category of facility or clinician determined appropriate by the Secretary.

[“(2) Health information.—The term ‘health information’ has the meaning given such term in section 1171(4) of the Social Security Act.

[“(3) Health insurance plan.—The term ‘health insurance plan’ means—

[“(A) a health insurance issuer (as defined in section 2791(b)(2));

[“(B) a group health plan (as defined in section 2791(a)(1)); and

[“(C) a health maintenance organization (as defined in section 2791(b)(3)).

[“(4) Laboratory.—The term ‘laboratory’ has the meaning given that term in section 353.

[“(5) Pharmacist.—The term ‘pharmacist’ has the meaning given that term in section 804 of the Federal Food, Drug, and Cosmetic Act.

[“(6) Qualified health information technology.—The term ‘qualified health information technology’ means a computerized system (including hardware, software, and training) that—

[“(A) protects the privacy and security of health information;

[“(B) maintains and provides permitted access to health information in an electronic format;

[“(C) incorporates decision support to reduce medical errors and enhance health care quality;

[“(D) complies with the standards adopted by the Federal Government under section 2903; and

[“(E) allows for the reporting of quality measures under section 2908.

[“(7) State.—The term ‘State’ means each of the several States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

[“SEC. 2902. OFFICE OF THE NATIONAL COORDINATOR OF HEALTH INFORMATION TECHNOLOGY.

[“(a) Office of National Health Information Technology.—There is established within the Office of the Secretary an Office of the National Coordinator of Health Information Technology (referred to in this section as the ‘Office’). The Office shall be headed by a National Coordinator who shall be appointed by the President, in consultation with the Secretary, and shall report directly to the Secretary.

[“(b) Purpose.—It shall be the purpose of the Office to carry out programs and activities to develop a nationwide interoperable health information technology infrastructure that—

[“(1) ensures that patients' health information is secure and protected;

[“(2) improves health care quality, reduces medical errors, and advances the delivery of patient-centered medical care;

[“(3) reduces health care costs resulting from inefficiency, medical errors, inappropriate care, and incomplete information;

[“(4) ensures that appropriate information to help guide medical decisions is available at the time and place of care;

[“(5) promotes a more effective marketplace, greater competition, and increased choice through the wider availability of accurate information on health care costs, quality, and outcomes;

[“(6) improves the coordination of care and information among hospitals, laboratories, physician offices, and other entities through an effective infrastructure for the secure and authorized exchange of health care information;

[“(7) improves public health reporting and facilitates the early identification and rapid response to public health threats and emergencies, including bioterror events and infectious disease outbreaks;

[“(8) facilitates health research; and

[“(9) promotes prevention of chronic diseases.

[“(c) Duties of the National Coordinator.—The National Coordinator shall—

[“(1) serve as a member of the public-private American Health Information Collaborative established under section 2903;

[“(2) serve as the principal advisor to the Secretary concerning the development, application, and use of health information technology, and coordinate and oversee the health information technology programs of the Department;

[“(3) facilitate the adoption of a nationwide, interoperable system for the electronic exchange of health information;

[“(4) ensure the adoption and implementation of standards for the electronic exchange of health information to reduce cost and improve health care quality;

[“(5) ensure that health information technology policy and programs of the Department are coordinated with those of relevant executive branch agencies (including Federal commissions) with a goal of avoiding duplication of efforts and of helping to ensure that each agency undertakes health information technology activities primarily within the areas of its greatest expertise and technical capability;

[“(6) to the extent permitted by law, coordinate outreach and consultation by the relevant executive branch agencies (including Federal commissions) with public and private parties of interest, including consumers, payers, employers, hospitals and other health care providers, physicians, community health centers, laboratories, vendors and other stakeholders;

[“(7) advise the President regarding specific Federal health information technology programs; and

[“(8) submit the reports described under section 2903(i) (excluding paragraph (4) of such section).

[“(d) Detail of Federal Employees.—

[“(1) In general.—Upon the request of the National Coordinator, the head of any Federal agency is authorized to detail, with or without reimbursement from the Office, any of the personnel of such agency to the Office to assist it in carrying out its duties under this section.

[“(2) Effect of detail.—Any detail of personnel under paragraph (1) shall—

[“(A) not interrupt or otherwise affect the civil service status or privileges of the Federal employee; and

[“(B) be in addition to any other staff of the Department employed by the National Coordinator.

[“(3) Acceptance of detailees.—Notwithstanding any other provision of law, the Office may accept detailed personnel from other Federal agencies without regard to whether the agency described under paragraph (1) is reimbursed.

[“(e) Rule of Construction.—Nothing in this section shall be construed to require the duplication of Federal efforts with respect to the establishment of the Office, regardless of whether such efforts were carried out prior to or after the enactment of this title.

[“(f) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out the activities of the Office under this section for each of fiscal years 2006 through 2010.

[“SEC. 2903. AMERICAN HEALTH INFORMATION COLLABORATIVE.

[“(a) Purpose.—The Secretary shall establish the public-private American Health Information Collaborative (referred to in this section as the ‘Collaborative’) to—

[“(1) advise the Secretary and recommend specific actions to achieve a nationwide interoperable health information technology infrastructure;

[“(2) serve as a forum for the participation of a broad range of stakeholders to provide input on achieving the interoperability of health information technology; and

[“(3) recommend standards (including content, communication, and security standards) for the electronic exchange of health information for adoption by the Federal Government and voluntary adoption by private entities.

[“(b) Composition.—

[“(1) In general.—The Collaborative shall be composed of—

[“(A) the Secretary, who shall serve as the chairperson of the Collaborative;

[“(B) the Secretary of Defense, or his or her designee;

[“(C) the Secretary of Veterans Affairs, or his or her designee;

[“(D) the Secretary of Commerce, or his or her designee;

[“(E) the National Coordinator for Health Information Technology;

[“(F) representatives of other relevant Federal agencies, as determined appropriate by the Secretary; and

[“(G) representatives from each of the following categories to be appointed by the Secretary from nominations submitted by the public—

[“(i) consumer and patient organizations;

[“(ii) experts in health information privacy and security;

[“(iii) health care providers;

[“(iv) health insurance plans or other third party payors;

[“(v) standards development organizations;

[“(vi) information technology vendors;

[“(vii) purchasers or employers; and

[“(viii) State or local government agencies or Indian tribe or tribal organizations.

[“(2) Considerations.—In appointing members under paragraph (1)(G), the Secretary shall select individuals with expertise in—

[“(A) health information privacy;

[“(B) health information security;

[“(C) health care quality and patient safety, including those individuals with experience in utilizing health information technology to improve health care quality and patient safety;

[“(D) data exchange; and

[“(E) developing health information technology standards and new health information technology.

[“(3) Terms.—Members appointed under paragraph (1)(G) shall serve for 2 year terms, except that any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term. A member may serve for not to exceed 180 days after the expiration of such member's term or until a successor has been appointed.

[“(c) RECOMMENDATIONS AND POLICIES.—The Collaborative shall make recommendations to identify uniform national policies for adoption by the Federal Government and voluntary adoption by private entities to support the widespread adoption of health information technology, including—

[“(1) protection of health information through privacy and security practices;

[“(2) measures to prevent unauthorized access to health information;

[“(3) methods to facilitate secure patient access to health information;

[“(4) the ongoing harmonization of industry-wide health information technology standards;

[“(5) recommendations for a nationwide interoperable health information technology infrastructure;

[“(6) the identification and prioritization of specific use cases for which heath information technology is valuable, beneficial, and feasible;

[“(7) recommendations for the establishment of an entity to ensure the continuation of the functions of the Collaborative; and

[“(8) other policies determined to be necessary by the Collaborative.

[“(d) STANDARDS.—

[“(1) EXISTING STANDARDS.—The standards adopted by the Consolidated Health Informatics Initiative shall be deemed to have been recommended by the Collaborative under this section.

[“(2) FIRST YEAR REVIEW.—Not later than 1 year after the date of enactment of this title, the Collaborative shall—

[“(A) review existing standards (including content, communication, and security standards) for the electronic exchange of health information, including such standards adopted by the Secretary under paragraph (2)(A);

[“(B) identify deficiencies and omissions in such existing standards; and

[“(C) identify duplication and overlap in such existing standards;

and recommend modifications to such standards as necessary.

[“(3) ONGOING REVIEW.—Beginning 1 year after the date of enactment of this title, and annually thereafter, the Collaborative shall—

[“(A) review existing standards (including content, communication, and security standards) for the electronic exchange of health information, including such standards adopted by the Secretary under paragraph (2)(A);

[“(B) identify deficiencies and omissions in such existing standards; and

[“(C) identify duplication and overlap in such existing standards;

and recommend modifications to such standards as necessary.

[“(4) LIMITATION.—The standards described in this section shall be consistent with any standards developed pursuant to the Health Insurance Portability and Accountability Act of 1996.

[“(e) FEDERAL ACTION.—Not later than 60 days after the issuance of a recommendation from the Collaborative under subsection (d)(2), the Secretary of Health and Human Services, the Secretary of Veterans Affairs, and the Secretary of Defense, in collaboration with representatives of other relevant Federal agencies, as determined appropriate by the Secretary, shall jointly review such recommendations. The Secretary shall provide for the adoption by the Federal Government of any standard or standards contained in such recommendation.

[“(f) COORDINATION OF FEDERAL SPENDING.—Not later than 1 year after the adoption by the Federal Government of a recommendation as provided for in subsection (e), and in compliance with chapter 113 of title 40, United States Code, no Federal agency shall expend Federal funds for the purchase of any form of health information technology or health information technology system for clinical care or for the electronic retrieval, storage, or exchange of health information that is not consistent with applicable standards adopted by the Federal Government under subsection (e).

[“(g) COORDINATION OF FEDERAL DATA COLLECTION.—Not later than 3 years after the adoption by the Federal Government of a recommendation as provided for in subsection (e), all Federal agencies collecting health data for the purposes of surveillance, epidemiology, adverse event reporting, research, or for other purposes determined appropriate by the Secretary shall comply with standards adopted under subsection (e).

[“(h) VOLUNTARY ADOPTION.—Any standards adopted by the Federal Government under subsection (e) shall be voluntary with respect to private entities.

[“(i) REPORTS.—The Secretary shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate and the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives, on an annual basis, a report that—

[“(1) describes the specific actions that have been taken by the Federal Government and private entities to facilitate the adoption of an interoperable nationwide system for the electronic exchange of health information;

[“(2) describes barriers to the adoption of such a nationwide system;

[“(3) contains recommendations to achieve full implementation of such a nationwide system; and

[“(4) contains a plan and progress toward the establishment of an entity to ensure the continuation of the functions of the Collaborative.

[“(j) APPLICATION OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Collaborative, except that the term provided for under section 14(a)(2) shall be 5 years.

[“(k) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the duplication of Federal efforts with respect to the establishment of the Collaborative, regardless of whether such efforts were carried out prior to or after the enactment of this title.

[“(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section for each of fiscal years 2006 through 2010.

[“SEC. 2904. IMPLEMENTATION AND CERTIFICATION OF HEALTH INFORMATION STANDARDS.

[“(a) IMPLEMENTATION.—

[“(1) IN GENERAL.—The Secretary, based upon the recommendations of the Collaborative, shall develop criteria to ensure uniform and consistent implementation of any standards for the electronic exchange of health information voluntarily adopted by private entities in technical conformance with such standards adopted under this title.

[“(2) IMPLEMENTATION ASSISTANCE.—The Secretary may recognize a private entity or entities to assist private entities in the implementation of the standards adopted under this title using the criteria developed by the Secretary under this section.

[“(b) CERTIFICATION.—

[“(1) IN GENERAL.—The Secretary, based upon the recommendations of the Collaborative, shall develop criteria to ensure and certify that hardware, software, and support services that claim to be in compliance with any standard for the electronic exchange of health information adopted under this title have established and maintained such compliance in technical conformance with such standards.

[“(2) CERTIFICATION ASSISTANCE.—The Secretary may recognize a private entity or entities to assist in the certification described under paragraph (1) using the criteria developed by the Secretary under this section.

[“(c) DELEGATION AUTHORITY.—The Secretary, through consultation with the Collaborative, may delegate the development of the criteria under subsections (a) and (b) to a private entity.

[“SEC. 2905. GRANTS TO FACILITATE THE WIDESPREAD ADOPTION OF INTEROPERABLE HEALTH INFORMATION TECHNOLOGY.

[“(a) COMPETITIVE GRANTS TO FACILITATE THE WIDESPREAD ADOPTION OF HEALTH INFORMATION TECHNOLOGY.—

[“(1) IN GENERAL.—The Secretary may award competitive grants to eligible entities to facilitate the purchase and enhance the utilization of qualified health information technology systems to improve the quality and efficiency of health care.

[“(2) ELIGIBILITY.—To be eligible to receive a grant under paragraph (1) an entity shall—

[“(A) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require;

[“(B) submit to the Secretary a strategic plan for the implementation of data sharing and interoperability measures;

[“(C) be a—

[“(i) not for profit hospital;

[“(ii) group practice (including a single physician); or

[“(iii) another health care provider not described in clause (i) or (ii);

[“(D) adopt the standards adopted by the Federal Government under section 2903;

[“(E) require that health care providers receiving such grants implement the measurement system adopted under section 2908 and report to the Secretary on such measures;

[“(F) demonstrate significant financial need; and

[“(G) provide matching funds in accordance with paragraph (4).

[“(3) USE OF FUNDS.—Amounts received under a grant under this subsection shall be used to facilitate the purchase and enhance the utilization of qualified health information technology systems.

[“(4) MATCHING REQUIREMENT.—To be eligible for a grant under this subsection an entity shall contribute non-Federal contributions to the costs of carrying out the activities for which the grant is awarded in an amount equal to $1 for each $3 of Federal funds provided under the grant.

[“(5) PREFERENCE IN AWARDING GRANTS.—In awarding grants under this subsection the Secretary shall give preference to—

[“(A) eligible entities that are located in rural, frontier, and other underserved areas as determined by the Secretary; and

[“(B) eligible entities that will link, to the extent practicable, the qualified health information system to local or regional health information networks.

[“(b) COMPETITIVE GRANTS TO STATES FOR THE DEVELOPMENT OF STATE LOAN PROGRAMS TO FACILITATE THE WIDESPREAD ADOPTION OF HEALTH INFORMATION TECHNOLOGY.—

[“(1) IN GENERAL.—The Secretary may award competitive grants to States for the establishment of State programs for loans to health care providers to facilitate the purchase and enhance the utilization of qualified health information technology.

[“(2) ESTABLISHMENT OF FUND.—To be eligible to receive a competitive grant under this subsection, a State shall establish a qualified health information technology loan fund (referred to in this subsection as a ‘State loan fund’) and comply with the other requirements contained in this section. A grant to a State under this subsection shall be deposited in the State loan fund established by the State. No funds authorized by other provisions of this title to be used for other purposes specified in this title shall be deposited in any State loan fund.

[“(3) ELIGIBILITY.—To be eligible to receive a grant under paragraph (1) a State shall—

[“(A) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require;

[“(B) submit to the Secretary a strategic plan in accordance with paragraph (4);

[“(C) establish a qualified health information technology loan fund in accordance with paragraph (2);

[“(D) require that health care providers receiving such loans—

[“(i) link, to the extent practicable, the qualified health information system to a local or regional health information network; and

[“(ii) consult with the Center for Best Practices established in section 914(d) to access the knowledge and experience of existing initiatives regarding the successful implementation and effective use of health information technology;

[“(E) require that health care providers receiving such loans adopt the standards adopted by the Federal Government under section 2903(d);

[“(F) require that health care providers receiving such loans implement the measurement system adopted under section 2908 and report to the Secretary on such measures; and

[“(G) provide matching funds in accordance with paragraph (8).

[“(4) STRATEGIC PLAN.—

[“(A) IN GENERAL.—A State that receives a grant under this subsection shall annually prepare a strategic plan that identifies the intended uses of amounts available to the State loan fund of the State.

[“(B) CONTENTS.—A strategic plan under subparagraph (A) shall include—

[“(i) a list of the projects to be assisted through the State loan fund in the first fiscal year that begins after the date on which the plan is submitted;

[“(ii) a description of the criteria and methods established for the distribution of funds from the State loan fund; and

[“(iii) a description of the financial status of the State loan fund and the short-term and long-term goals of the State loan fund.

[“(5) USE OF FUNDS.—

[“(A) IN GENERAL.—Amounts deposited in a State loan fund, including loan repayments and interest earned on such amounts, shall be used only for awarding loans or loan guarantees, or as a source of reserve and security for leveraged loans, the proceeds of which are deposited in the State loan fund established under paragraph (1). Loans under this section may be used by a health care provider to facilitate the purchase and enhance the utilization of qualified health information technology.

[“(B) LIMITATION.—Amounts received by a State under this subsection may not be used—

[“(i) for the purchase or other acquisition of any health information technology system that is not a qualified health information technology system;

[“(ii) to conduct activities for which Federal funds are expended under this title, or the amendments made by the Wired for Health Care Quality Act; or

[“(iii) for any purpose other than making loans to eligible entities under this section.

[“(6) TYPES OF ASSISTANCE.—Except as otherwise limited by applicable State law, amounts deposited into a State loan fund under this subsection may only be used for the following:

[“(A) To award loans that comply with the following:

[“(i) The interest rate for each loan shall be less than or equal to the market interest rate.

[“(ii) The principal and interest payments on each loan shall commence not later than 1 year after the loan was awarded, and each loan shall be fully amortized not later than 10 years after the date of the loan.

[“(iii) The State loan fund shall be credited with all payments of principal and interest on each loan awarded from the fund.

[“(B) To guarantee, or purchase insurance for, a local obligation (all of the proceeds of which finance a project eligible for assistance under this subsection) if the guarantee or purchase would improve credit market access or reduce the interest rate applicable to the obligation involved.

[“(C) As a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the State if the proceeds of the sale of the bonds will be deposited into the State loan fund.

[“(D) To earn interest on the amounts deposited into the State loan fund.

[“(7) ADMINISTRATION OF STATE LOAN FUNDS.—

[“(A) COMBINED FINANCIAL ADMINISTRATION.—A State may (as a convenience and to avoid unnecessary administrative costs) combine, in accordance with State law, the financial administration of a State loan fund established under this subsection with the financial administration of any other revolving fund established by the State if otherwise not prohibited by the law under which the State loan fund was established.

[“(B) COST OF ADMINISTERING FUND.—Each State may annually use not to exceed 4 percent of the funds provided to the State under a grant under this subsection to pay the reasonable costs of the administration of the programs under this section, including the recovery of reasonable costs expended to establish a State loan fund which are incurred after the date of enactment of this title.

[“(C) GUIDANCE AND REGULATIONS.—The Secretary shall publish guidance and promulgate regulations as may be necessary to carry out the provisions of this subsection, including—

[“(i) provisions to ensure that each State commits and expends funds allotted to the State under this subsection as efficiently as possible in accordance with this title and applicable State laws; and

[“(ii) guidance to prevent waste, fraud, and abuse.

[“(D) PRIVATE SECTOR CONTRIBUTIONS.—

[“(i) IN GENERAL.—A State loan fund established under this subsection may accept contributions from private sector entities, except that such entities may not specify the recipient or recipients of any loan issued under this subsection.

[“(ii) AVAILABILITY OF INFORMATION.—A State shall make publically available the identity of, and amount contributed by, any private sector entity under clause (i) and may issue letters of commendation or make other awards (that have no financial value) to any such entity.

[“(8) MATCHING REQUIREMENTS.—

[“(A) IN GENERAL.—The Secretary may not make a grant under paragraph (1) to a State unless the State agrees to make available (directly or through donations from public or private entities) non-Federal contributions in cash toward the costs of the State program to be implemented under the grant in an amount equal to not less than $1 for each $1 of Federal funds provided under the grant.

[“(B) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.—In determining the amount of non-Federal contributions that a State has provided pursuant to subparagraph (A), the Secretary may not include any amounts provided to the State by the Federal Government.

[“(9) PREFERENCE IN AWARDING GRANTS.—The Secretary may give a preference in awarding grants under this subsection to States that adopt value-based purchasing programs to improve health care quality.

[“(10) REPORTS.—The Secretary shall annually submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate, and the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives, a report summarizing the reports received by the Secretary from each State that receives a grant under this subsection.

[“(c) GRANTS FOR THE IMPLEMENTATION OF REGIONAL OR LOCAL HEALTH INFORMATION TECHNOLOGY PLANS.—

[“(1) IN GENERAL.—The Secretary may award competitive grants to eligible entities to implement regional or local health information plans to improve health care quality and efficiency through the electronic exchange of health information pursuant to the standards, protocols, and other requirements adopted by the Secretary under sections 2903 and 2908.

[“(2) ELIGIBILITY.—To be eligible to receive a grant under paragraph (1) an entity shall—

[“(A) demonstrate financial need to the Secretary;

[“(B) demonstrate that one of its principal missions or purposes is to use information technology to improve health care quality and efficiency;

[“(C) adopt bylaws, memoranda of understanding, or other charter documents that demonstrate that the governance structure and decisionmaking processes of such entity allow for participation on an ongoing basis by multiple stakeholders within a community, including—

[“(i) physicians (as defined in section 1861(r) of the Social Security Act), including physicians that provide services to low income and underserved populations;

[“(ii) hospitals (including hospitals that provide services to low income and underserved populations);

[“(iii) pharmacists or pharmacies;

[“(iv) health insurance plans;

[“(v) health centers (as defined in section 330(b)) and Federally qualified health centers (as defined in section 1861(aa)(4) of the Social Security Act);

[“(vi) rural health clinics (as defined in section 1861(aa) of the Social Security Act);

[“(vii) patient or consumer organizations;

[“(viii) employers; and

[“(ix) any other health care providers or other entities, as determined appropriate by the Secretary;

[“(D) adopt nondiscrimination and conflict of interest policies that demonstrate a commitment to open, fair, and nondiscriminatory participation in the health information plan by all stakeholders;

[“(E) adopt the standards adopted by the Secretary under section 2903;

[“(F) require that health care providers receiving such loans implement the measurement system adopted under section 2908 and report to the Secretary on such measures;

[“(G) facilitate the electronic exchange of health information within the local or regional area and among local and regional areas;

[“(H) prepare and submit to the Secretary an application in accordance with paragraph (3); and

[“(I) agree to provide matching funds in accordance with paragraph (5).

[“(3) APPLICATION.—

[“(A) IN GENERAL.—To be eligible to receive a grant under paragraph (1), an entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

[“(B) REQUIRED INFORMATION.—At a minimum, an application submitted under this paragraph shall include—

[“(i) clearly identified short-term and long-term objectives of the regional or local health information plan;

[“(ii) a technology plan that complies with the standards adopted under section 2903 and that includes a descriptive and reasoned estimate of costs of the hardware, software, training, and consulting services necessary to implement the regional or local health information plan;

[“(iii) a strategy that includes initiatives to improve health care quality and efficiency, including the use and reporting of health care quality measures adopted under section 2908;

[“(iv) a plan that describes provisions to encourage the implementation of the electronic exchange of health information by all physicians, including single physician practices and small physician groups participating in the health information plan;

[“(v) a plan to ensure the privacy and security of personal health information that is consistent with Federal and State law;

[“(vi) a governance plan that defines the manner in which the stakeholders shall jointly make policy and operational decisions on an ongoing basis; and

[“(vii) a financial or business plan that describes—

[“‘(I) the sustainability of the plan;

[“‘(II) the financial costs and benefits of the plan; and

[“‘(III) the entities to which such costs and benefits will accrue.

[“(4) USE OF FUNDS.—Amounts received under a grant under paragraph (1) shall be used to establish and implement a regional or local health information plan in accordance with this subsection.

[“(5) MATCHING REQUIREMENT.—

[“(A) IN GENERAL.—The Secretary may not make a grant under this subsection to an entity unless the entity agrees that, with respect to the costs to be incurred by the entity in carrying out the infrastructure program for which the grant was awarded, the entity will make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount equal to not less than 50 percent of such costs ($1 for each $2 of Federal funds provided under the grant).

[“(B) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required under subparagraph (A) may be in cash or in kind, fairly evaluated, including equipment, technology, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

[“(d) REPORTS.—Not later than 1 year after the date on which the first grant is awarded under this section, and annually thereafter during the grant period, an entity that receives a grant under this section shall submit to the Secretary a report on the activities carried out under the grant involved. Each such report shall include—

[“(1) a description of the financial costs and benefits of the project involved and of the entities to which such costs and benefits accrue;

[“(2) an analysis of the impact of the project on health care quality and safety;

[“(3) a description of any reduction in duplicative or unnecessary care as a result of the project involved;

[“(4) a description of the efforts of recipients under this section to facilitate secure patient access to health information; and

[“(5) other information as required by the Secretary.

[“(e) AUTHORIZATION OF APPROPRIATIONS.—

[“(1) IN GENERAL.—For the purpose of carrying out this section, there is authorized to be appropriated $125,000,000 for fiscal year 2006, $150,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2010.

[“(2) AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available through fiscal year 2010.

[“SEC. 2906. DEMONSTRATION PROGRAM TO INTEGRATE INFORMATION TECHNOLOGY INTO CLINICAL EDUCATION.

[“(a) IN GENERAL.—The Secretary may award grants under this section to carry out demonstration projects to develop academic curricula integrating qualified health information technology systems in the clinical education of health professionals. Such awards shall be made on a competitive basis and pursuant to peer review.

[“(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall—

[“(1) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require;

[“(2) submit to the Secretary a strategic plan for integrating qualified health information technology in the clinical education of health professionals and for ensuring the consistent utilization of decision support software to reduce medical errors and enhance health care quality;

[“(3) be—

[“(A) a health professions school;

[“(B) a school of nursing; or

[“(C) a graduate medical education program;

[“(4) provide for the collection of data regarding the effectiveness of the demonstration project to be funded under the grant in improving the safety of patients, the efficiency of health care delivery, and in increasing the likelihood that graduates of the grantee will adopt and incorporate health information technology in the delivery of health care services; and

[“(5) provide matching funds in accordance with subsection (c).

[“(c) USE OF FUNDS.—

[“(1) IN GENERAL.—With respect to a grant under subsection (a), an eligible entity shall—

[“(A) use grant funds in collaboration with 2 or more disciplines; and

[“(B) use grant funds to integrate qualified health information technology into community-based clinical education.

[“(2) LIMITATION.—An eligible entity shall not use amounts received under a grant under subsection (a) to purchase hardware, software, or services.

[“(d) MATCHING FUNDS.—

[“(1) IN GENERAL.—The Secretary may award a grant to an entity under this section only if the entity agrees to make available non-Federal contributions toward the costs of the program to be funded under the grant in an amount that is not less than $1 for each $2 of Federal funds provided under the grant.

[“(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions under paragraph (1) may be in cash or in kind, fairly evaluated, including equipment or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such contributions.

[“(e) EVALUATION.—The Secretary shall take such action as may be necessary to evaluate the projects funded under this section and publish, make available, and disseminate the results of such evaluations on as wide a basis as is practicable.

[“(f) REPORTS.—Not later than 1 year after the date of enactment of this title, and annually thereafter, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate, and the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives a report that—

[“(1) describes the specific projects established under this section; and

[“(2) contains recommendations for Congress based on the evaluation conducted under subsection (e).

[“(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $5,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2010.

[“(h) SUNSET.—This section shall not apply after September 30, 2010.

[“SEC. 2907. LICENSURE AND THE ELECTRONIC EXCHANGE OF HEALTH INFORMATION.

[“(a) IN GENERAL.—The Secretary shall carry out, or contract with a private entity to carry out, a study that examines—

[“(1) the variation among State laws that relate to the licensure, registration, and certification of medical professionals; and

[“(2) how such variation among State laws impacts the secure electronic exchange of health information—

[“(A) among the States; and

[“(B) between the States and the Federal Government.

[“(b) REPORT AND RECOMMENDATIONS.—Not later than 1 year after the date of enactment of this title, the Secretary shall publish a report that—

[“(1) describes the results of the study carried out under subsection (a); and

[“(2) makes recommendations to States regarding the harmonization of State laws based on the results of such study.

[“SEC. 2908. QUALITY MEASUREMENT SYSTEMS.

[“(a) IN GENERAL.—The Secretary of Health and Human Services, the Secretary of Veterans Affairs, the Secretary of Defense, and representatives of other relevant Federal agencies, as determined appropriate by the Secretary, (referred to in the section as the ‘Secretaries’) shall jointly develop a quality measurement system for the purpose of measuring the quality of care patients receive.

[“(b) REQUIREMENTS.—The Secretaries shall ensure that the quality measurement system developed under subsection (a) comply with the following:

[“(1) MEASURES.—

[“(A) IN GENERAL.—Subject to subparagraph (B), the Secretaries shall select measures of quality to be used by the Secretaries under the systems.

[“(B) REQUIREMENTS.—In selecting the measures to be used under each system pursuant to subparagraph (A), the Secretaries shall, to the extent feasible, ensure that—

[“(i) such measures are evidence based, reliable and valid;

[“(ii) such measures include measures of process, structure, patient experience, efficiency, and equity; and

[“(iii) such measures include measures of overuse, underuse, and misuse of health care items and services.

[“(2) PRIORITIES.—In developing the system under subsection (a), the Secretaries shall ensure that priority is given to—

[“(A) measures with the greatest potential impact for improving the quality and efficiency of care provided under Federal programs;

[“(B) measures that may be rapidly implemented by group health plans, health insurance issuers, physicians, hospitals, nursing homes, long-term care providers, and other providers; and

[“(C) measures which may inform health care decisions made by consumers and patients.

[“(3) WEIGHTS OF MEASURES.—The Secretaries shall assign weights to the measures used by the Secretaries under each system established under subsection (a).

[“(4) RISK ADJUSTMENT.—The Secretaries shall establish procedures to account for differences in patient health status, patient characteristics, and geographic location. To the extent practicable, such procedures shall recognize existing procedures.

[“(5) MAINTENANCE.—The Secretaries shall, as determined appropriate, but in no case more often than once during each 12-month period, update the quality measurement systems developed under subsection (a), including through—

[“(A) the addition of more accurate and precise measures under the systems and the retirement of existing outdated measures under the systems; and

[“(B) the refinement of the weights assigned to measures under the systems.

[“(c) REQUIRED CONSIDERATIONS IN DEVELOPING AND UPDATING THE SYSTEMS.—In developing and updating the quality measurement systems under this section, the Secretaries shall—

[“(1) consult with, and take into account the recommendations of, the entity that the Secretaries has an arrangement with under subsection (e);

[“(2) consult with representatives of health care providers, consumers, employers, and other individuals and groups that are interested in the quality of health care; and

[“(3) take into account—

[“(A) any demonstration or pilot program conducted by the Secretaries relating to measuring and rewarding quality and efficiency of care;

[“(B) any existing activities conducted by the Secretaries relating to measuring and rewarding quality and efficiency;

[“(C) any existing activities conducted by private entities including health insurance plans and payors; and

[“(D) the report by the Institute of Medicine of the National Academy of Sciences under section 238(b) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

[“(d) REQUIRED CONSIDERATIONS IN IMPLEMENTING THE SYSTEMS.—In implementing the quality measurement systems under this section, the Secretaries shall take into account the recommendations of public-private entities—

[“(1) that are established to examine issues of data collection and reporting, including the feasibility of collecting and reporting data on measures; and

[“(2) that involve representatives of health care providers, consumers, employers, and other individuals and groups that are interested in quality of care.

[“(e) ARRANGEMENT WITH AN ENTITY TO PROVIDE ADVICE AND RECOMMENDATIONS.—

[“(1) ARRANGEMENT.—On and after July 1, 2006, the Secretaries shall have in place an arrangement with an entity that meets the requirements described in paragraph (2) under which such entity provides the Secretaries with advice on, and recommendations with respect to, the development and updating of the quality measurement systems under this section, including the assigning of weights to the measures under subsection (b)(2).

[“(2) REQUIREMENTS DESCRIBED.—The requirements described in this paragraph are the following:

[“(A) The entity is a private nonprofit entity governed by an executive director and a board.

[“(B) The members of the entity include representatives of—

[“(i) health insurance plans and providers with experience in the care of individuals with multiple complex chronic conditions or groups representing such health insurance plans and providers;

[“(ii) groups representing patients and consumers;

[“(iii) purchasers and employers or groups representing purchasers or employers;

[“(iv) organizations that focus on quality improvement as well as the measurement and reporting of quality measures;

[“(v) State government health programs;

[“(vi) individuals or entities skilled in the conduct and interpretation of biomedical, health services, and health economics research and with expertise in outcomes and effectiveness research and technology assessment; and

[“(vii) individuals or entities involved in the development and establishment of standards and certification for health information technology systems and clinical data.

[“(C) The membership of the entity is representative of individuals with experience with urban health care issues and individuals with experience with rural and frontier health care issues.

[“(D) If the entity requires a fee for membership, the entity shall provide assurances to the Secretaries that such fees are not a substantial barrier to participation in the entity's activities related to the arrangement with the Secretaries.

[“(E) The entity—

[“(i) permits any member described in subparagraph (B) to vote on matters of the entity related to the arrangement with the Secretary under paragraph (1); and

[“(ii) ensures that member voting provides a balance among disparate stakeholders, so that no member organization described in subparagraph (B) unduly influences the outcome.

[“(F) With respect to matters related to the arrangement with the Secretary under paragraph (1), the entity conducts its business in an open and transparent manner and provides the opportunity for public comment.

[“(G) The entity operates as a voluntary consensus standards setting organization as defined for purposes of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (Public Law 104–113) and Office of Management and Budget Revised Circular A-119 (published in the Federal Register on February 10, 1998).

[“(f) USE OF QUALITY MEASUREMENT SYSTEM.—

[“(1) IN GENERAL.—For purposes of activities conducted or supported by the Secretary under this Act, the Secretary shall, to the extent practicable, adopt and utilize the measurement system developed under this section.

[“(2) COLLABORATIVE AGREEMENTS.—With respect to activities conducted or supported by the Secretary under this Act, the Secretary may establish collaborative agreements with private entities, including group health plans and health insurance issuers, providers, purchasers, consumer organizations, and entities receiving a grant under section 2908, to—

[“(A) encourage the use of the health care quality measures adopted by the Secretary under this section; and

[“(B) foster uniformity between the health care quality measures utilized by private entities.

[“(g) DISSEMINATION OF INFORMATION.—Beginning on January 1, 2008, in order to make comparative quality information available to health care consumers, health professionals, public health officials, researchers, and other appropriate individuals and entities, the Secretary shall provide for the aggregation and analysis of quality measures collected under section 2905 and the dissemination of recommendations and best practices derived in part from such analysis.

[“(h) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to public and private entities to enable such entities to—

[“(1) implement and use evidence-based guidelines with the greatest potential to improve health care quality, efficiency, and patient safety; and

[“(2) establish mechanisms for the rapid dissemination of information regarding evidence-based guidelines with the greatest potential to improve health care quality, efficiency, and patient safety.

[“SEC. 2909. APPLICABILITY OF PRIVACY AND SECURITY REGULATIONS.

[“The regulations promulgated by the Secretary under part C of title XI of the Social Security Act and sections 261, 262, 263, and 264 of the Health Insurance Portability and Accountability Act of 1996 with respect to the privacy, confidentiality, and security of health information shall—

[“(1) apply to any health information stored or transmitted in an electronic format on or after the date of enactment of this title; and

[“(2) apply to the implementation of standards, programs, and activities under this title.

["SEC. 2910. STUDY OF REIMBURSEMENT INCENTIVES.

["The Secretary shall carry out, or contract with a private entity to carry out, a study that examines methods to create efficient reimbursement incentives for improving health care quality in Federally qualified health centers, rural health clinics, and free clinics.".

[SEC. 3. HEALTH INFORMATION TECHNOLOGY RESOURCE CENTER.

[Section 914 of the Public Health Service Act (42 U.S.C. 299b–3) is amended by adding at the end the following:

["(d) CENTER FOR BEST PRACTICES.—

["(1) IN GENERAL.—The Secretary, acting through the Director, shall develop a Center for Best Practices to provide technical assistance and develop best practices to support and accelerate efforts to adopt, implement, and effectively use interoperable health information technology in compliance with section 2903 and 2908.

["(2) CENTER FOR BEST PRACTICES.—

["(A) IN GENERAL.—The Center shall support activities to meet goals, including—

["(i) providing for the widespread adoption of interoperable health information technology;

["(ii) providing for the establishment of regional and local health information networks to facilitate the development of interoperability across health care settings and improve the quality of health care;

["(iii) the development of solutions to barriers to the exchange of electronic health information; or

["(iv) other activities identified by the States, local or regional health information networks, or health care stakeholders as a focus for developing and sharing best practices.

["(B) PURPOSES.—The purpose of the Center is to—

["(i) provide a forum for the exchange of knowledge and experience;

["(ii) accelerate the transfer of lessons learned from existing public and private sector initiatives, including those currently receiving Federal financial support;

["(iii) assemble, analyze, and widely disseminate evidence and experience related to the adoption, implementation, and effective use of interoperable health information technology; and

["(iv) assure the timely provision of technical and expert assistance from the Agency and its contractors.

["(C) SUPPORT FOR ACTIVITIES.—To provide support for the activities of the Center, the Director shall modify the requirements, if necessary, that apply to the National Resource Center for Health Information Technology to provide the necessary infrastructure to support the duties and activities of the Center and facilitate information exchange across the public and private sectors.

["(3) TECHNICAL ASSISTANCE TELEPHONE NUMBER OR WEBSITE.—The Secretary shall establish a toll-free telephone number or Internet website to provide health care providers and patients with a single point of contact to—

["(A) learn about Federal grants and technical assistance services related to interoperable health information technology;

["(B) learn about qualified health information technology and the quality measurement system adopted by the Federal Government under sections 2903 and 2908;

["(C) learn about regional and local health information networks for assistance with health information technology; and

["(D) disseminate additional information determined by the Secretary.

["(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2006 through 2010.".

[SEC. 4. REAUTHORIZATION OF INCENTIVE GRANTS REGARDING TELEMEDICINE.

[Section 330L(b) of the Public Health Service Act (42 U.S.C. 254c–18(b)) is amended by striking "2002 through 2006" and inserting "2006 through 2010".]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wired for Health Care Quality Act".

SEC. 2. IMPROVING HEALTH CARE QUALITY, SAFETY, AND EFFICIENCY.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end the following:

"TITLE XXIX—HEALTH INFORMATION TECHNOLOGY AND QUALITY

"SEC. 2901. DEFINITIONS.

"In this title:

"(1) HEALTH CARE PROVIDER.—The term 'health care provider' means a hospital, skilled nursing facility, home health entity, health care clinic, federally qualified health center, group practice (as defined in section 1877(h)(4) of the Social Security Act), a pharmacist, a pharmacy, a laboratory, a physician (as defined in section 1861(r) of the Social Security Act), a health facility operated by or pursuant to a contract with the Indian Health Service, a rural health clinic, and any other category of facility or clinician determined appropriate by the Secretary.

"(2) HEALTH INFORMATION.—The term 'health information' has the meaning given such term in section 1171(4) of the Social Security Act.

"(3) HEALTH INSURANCE PLAN.—The term 'health insurance plan' means—

"(A) a health insurance issuer (as defined in section 2791(b)(2));

"(B) a group health plan (as defined in section 2791(a)(1)); and

"(C) a health maintenance organization (as defined in section 2791(b)(3)).

"(4) LABORATORY.—The term 'laboratory' has the meaning given that term in section 353.

"(5) PHARMACIST.—The term 'pharmacist' has the meaning given that term in section 804 of the Federal Food, Drug, and Cosmetic Act.

"(6) QUALIFIED HEALTH INFORMATION TECHNOLOGY.—The term 'qualified health information technology' means a computerized system (including hardware and software) that—

"(A) protects the privacy and security of health information;

"(B) maintains and provides permitted access to health information in an electronic format;

"(C) incorporates decision support to reduce medical errors and enhance health care quality;

"(D) complies with the standards adopted by the Federal Government under section 2903; and

"(E) allows for the reporting of quality measures under section 2908.

"(7) STATE.—The term 'State' means each of the several States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

"SEC. 2902. OFFICE OF THE NATIONAL COORDINATOR OF HEALTH INFORMATION TECHNOLOGY.

"(a) OFFICE OF NATIONAL HEALTH INFORMATION TECHNOLOGY.—There is established within the Office of the Secretary an Office of the National Coordinator of Health Information Technology (referred to in this section as the 'Office'). The Office shall be headed by a National Coordinator who shall be appointed by the President, in consultation with the Secretary, and shall report directly to the Secretary.

"(b) PURPOSE.—It shall be the purpose of the Office to coordinate and oversee programs and activities to develop a nationwide interoperable health information technology infrastructure that—

"(1) ensures that patients' health information is secure and protected;

"(2) improves health care quality, reduces medical errors, and advances the delivery of patient-centered medical care;

"(3) reduces health care costs resulting from inefficiency, medical errors, inappropriate care, and incomplete information;

"(4) ensures that appropriate information to help guide medical decisions is available at the time and place of care;

"(5) promotes a more effective marketplace, greater competition, and increased choice through the wider availability of accurate information on health care costs, quality, and outcomes;

"(6) improves the coordination of care and information among hospitals, laboratories, physician offices, and other entities through an effective infrastructure for the secure and authorized exchange of health care information;

"(7) improves public health reporting and facilitates the early identification and rapid response to public health threats and emergencies, including bioterror events and infectious disease outbreaks;

"(8) facilitates health research; and

"(9) promotes prevention of chronic diseases.

"(c) DUTIES OF THE NATIONAL COORDINATOR.—The National Coordinator shall—

"(1) serve as a member of the public-private American Health Information Collaborative established under section 2903;

"(2) serve as the principal advisor to the Secretary concerning the development, application, and use of health information technology, and coordinate and oversee the health information technology programs of the Department;

"(3) facilitate the adoption of a nationwide, interoperable system for the electronic exchange of health information;

"(4) ensure the adoption and implementation of standards for the electronic exchange of health information to reduce cost and improve health care quality;

"(5) ensure that health information technology policy and programs of the Department are coordinated with those of relevant executive branch agencies (including Federal commissions) with a goal of avoiding duplication of efforts and of helping to ensure that each agency undertakes health information technology activities primarily within the areas of its greatest expertise and technical capability;

"(6) to the extent permitted by law, coordinate outreach and consultation by the relevant executive branch agencies (including Federal commissions) with public and private parties of interest, including consumers, payers, employers, hospitals and other health care providers, physicians, community health centers, laboratories, vendors and other stakeholders;

"(7) advise the President regarding specific Federal health information technology programs; and

"(8) submit the reports described under section 2903(i) (excluding paragraph (4) of such section).

"(d) DETAIL OF FEDERAL EMPLOYEES.—

"(1) IN GENERAL.—Upon the request of the National Coordinator, the head of any Federal agency is authorized to detail, with or without reimbursement from the Office, any of the personnel of such agency to the Office to assist it in carrying out its duties under this section.

"(2) EFFECT OF DETAIL.—Any detail of personnel under paragraph (1) shall—

"(A) not interrupt or otherwise affect the civil service status or privileges of the Federal employee; and

"(B) be in addition to any other staff of the Department employed by the National Coordinator.

"(3) Acceptance of Detailees.—Notwithstanding any other provision of law, the Office may accept detailed personnel from other Federal agencies without regard to whether the agency described under paragraph (1) is reimbursed.

"(e) Rule of Construction.—Nothing in this section shall be construed to require the duplication of Federal efforts with respect to the establishment of the Office, regardless of whether such efforts were carried out prior to or after the enactment of this title.

"(f) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section, $5,000,000 for fiscal year 2006, $5,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2010.

"SEC. 2903. AMERICAN HEALTH INFORMATION COLLABORATIVE.

"(a) Purpose.—The Secretary shall establish the public-private American Health Information Collaborative (referred to in this section as the 'Collaborative') to—

"(1) advise the Secretary and recommend specific actions to achieve a nationwide interoperable health information technology infrastructure;

"(2) serve as a forum for the participation of a broad range of stakeholders to provide input on achieving the interoperability of health information technology; and

"(3) recommend standards (including content, communication, and security standards) for the electronic exchange of health information (including for the reporting of quality data under section 2908) for adoption by the Federal Government and voluntary adoption by private entities.

"(b) Composition.—

"(1) In general.—The Collaborative shall be composed of—

"(A) the Secretary, who shall serve as the chairperson of the Collaborative;

"(B) the Secretary of Defense, or his or her designee;

"(C) the Secretary of Veterans Affairs, or his or her designee;

"(D) the Secretary of Commerce, or his or her designee;

"(E) the National Coordinator for Health Information Technology;

"(F) representatives of other relevant Federal agencies, as determined appropriate by the Secretary; and

"(G) representatives from each of the following categories to be appointed by the Secretary from nominations submitted by the public—

"(i) consumer and patient organizations;

"(ii) experts in health information privacy and security;

"(iii) health care providers;

"(iv) health insurance plans or other third party payors;

"(v) standards development organizations;

"(vi) information technology vendors;

"(vii) purchasers or employers; and

"(viii) State or local government agencies or Indian tribe or tribal organizations.

"(2) Considerations.—In appointing members under paragraph (1)(G), the Secretary shall select individuals with expertise in—

"(A) health information privacy;

"(B) health information security;

"(C) health care quality and patient safety, including those individuals with expertise in utilizing health information technology to improve health care quality and patient safety;

"(D) data exchange; and

"(E) developing health information technology standards and new health information technology.

"(3) Participation.—Membership and procedures of the Collaborative shall ensure a balance among various sectors of the healthcare system so that no single sector unduly influences the recommendations of the Collaborative.

"(4) Terms.—Members appointed under paragraph (1)(G) shall serve for 2 year terms, except that any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term. A member may serve for not to exceed 180 days after the expiration of such member's term or until a successor has been appointed.

"(c) Recommendations and Policies.—Not later than 1 year after the date of enactment of this title, and annually thereafter, the Collaborative shall recommend to the Secretary uniform national policies for adoption by the Federal Government and voluntary adoption by private entities to support the widespread adoption of health information technology, including—

"(1) protection of health information through privacy and security practices;

"(2) measures to prevent unauthorized access to health information;

"(3) methods to facilitate secure patient access to health information;

"(4) fostering the public understanding of health information technology;

"(5) the ongoing harmonization of industry-wide health information technology standards;

"(6) recommendations for a nationwide interoperable health information technology infrastructure;

"(7) the identification and prioritization of specific use cases for which health information technology is valuable, beneficial, and feasible;

"(8) recommendations for the establishment of an entity to ensure the continuation of the functions of the Collaborative; and

"(9) other policies (including recommendations for incorporating health information technology into the provision of care and the organization of the health care workplace) determined to be necessary by the Collaborative.

"(d) Standards.—

"(1) Existing standards.—The standards adopted by the Consolidated Health Informatics Initiative shall be deemed to have been recommended by the Collaborative under this section.

"(2) First year review.—Not later than 1 year after the date of enactment of this title, the Collaborative shall—

"(A) review existing standards (including content, communication, and security standards) for the electronic exchange of health information, including such standards adopted by the Secretary under paragraph (2)(A);

"(B) identify deficiencies and omissions in such existing standards; and

"(C) identify duplication and overlap in such existing standards;

and recommend new standards and modifications to such existing standards as necessary.

"(3) Ongoing review.—Beginning 1 year after the date of enactment of this title, and annually thereafter, the Collaborative shall—

"(A) review existing standards (including content, communication, and security standards) for the electronic exchange of health information, including such standards adopted by the Secretary under paragraph (2)(A);

"(B) identify deficiencies and omissions in such existing standards; and

"(C) identify duplication and overlap in such existing standards;

and recommend new standards and modifications to such existing standards as necessary.

"(4) Limitation.—The standards and timeframe for adoption described in this section shall be consistent with any standards developed pursuant to the Health Insurance Portability and Accountability Act of 1996.

"(e) Federal Action.—Not later than 60 days after the issuance of a recommendation from the Collaborative under subsection (d)(2), the Secretary of Health and Human Services, the Secretary of Veterans Affairs, and the Secretary of Defense, in collaboration with representatives of other relevant Federal agencies, as determined appropriate by the Secretary, shall jointly review such recommendations. The Secretary shall provide for the adoption by the Federal Government of any standard or standards contained in such recommendation.

"(f) Coordination of Federal Spending.—Not later than 1 year after the adoption by the Federal Government of a recommendation as provided for in subsection (e), and in compliance with chapter 113 of title 40, United States Code, no Federal agency shall expend Federal funds for the purchase of any form of health information technology or health information technology system for clinical care or for the electronic retrieval, storage, or exchange of health information that is not consistent with applicable standards adopted by the Federal Government under subsection (e).

"(g) Coordination of Federal Data Collection.—Not later than 3 years after the adoption by the Federal Government of a recommendation as provided for in subsection (e), all Federal agencies collecting health data for the purposes of quality reporting, surveillance, epidemiology, adverse event reporting, research, or for other purposes determined appropriate by the Secretary, shall comply with standards adopted under subsection (e).

"(h) Voluntary Adoption.—

"(1) In general.—Any standards adopted by the Federal Government under subsection (e) shall be voluntary with respect to private entities.

"(2) Rule of construction.—Nothing in this section shall be construed to require that a private entity that enters into a contract with the Federal Government adopt the standards adopted by the Federal Government under section 2903 with respect to activities not related to the contract.

"(3) Limitation.—Private entities that enter into a contract with the Federal Government shall adopt the standards adopted by the Federal Government under section 2903 for the purpose of activities under such Federal contract.

"(i) Reports.—The Secretary shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate and the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives, on an annual basis, a report that—

"(1) describes the specific actions that have been taken by the Federal Government and private entities to facilitate the adoption of an interoperable nationwide system for the electronic exchange of health information;

"(2) describes barriers to the adoption of such a nationwide system;

"(3) contains recommendations to achieve full implementation of such a nationwide system; and

"(4) contains a plan and progress toward the establishment of an entity to ensure the continuation of the functions of the Collaborative.

"(j) Application of FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Collaborative, except that the term provided for under section 14(a)(2) shall be 5 years.

"(k) Rule of Construction.—Nothing in this section shall be construed to require the duplication of Federal efforts with respect to the establishment of the Collaborative, regardless of whether such efforts were carried out prior to or after the enactment of this title.

"(l) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section, $4,000,000 for fiscal year 2006,

$4,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2010.

"SEC. 2904. IMPLEMENTATION AND CERTIFICATION OF HEALTH INFORMATION STANDARDS.

"(a) IMPLEMENTATION.—

"(1) IN GENERAL.—The Secretary, based upon the recommendations of the Collaborative, shall develop criteria to ensure uniform and consistent implementation of any standards for the electronic exchange of health information voluntarily adopted by private entities in technical conformance with such standards adopted under this title.

"(2) IMPLEMENTATION ASSISTANCE.—The Secretary may recognize a private entity or entities to assist private entities in the implementation of the standards adopted under this title using the criteria developed by the Secretary under this section.

"(b) CERTIFICATION.—

"(1) IN GENERAL.—The Secretary, based upon the recommendations of the Collaborative, shall develop criteria to ensure and certify that hardware and software that claim to be in compliance with any standard for the electronic exchange of health information adopted under this title have established and maintained such compliance in technical conformance with such standards.

"(2) CERTIFICATION ASSISTANCE.—The Secretary may recognize a private entity or entities to assist in the certification described under paragraph (1) using the criteria developed by the Secretary under this section.

"(c) DELEGATION AUTHORITY.—The Secretary, through consultation with the Collaborative, may accept recommendations on the development of the criteria under subsections (a) and (b) from a Federal agency or private entity.

"SEC. 2905. GRANTS TO FACILITATE THE WIDESPREAD ADOPTION OF INTEROPERABLE HEALTH INFORMATION TECHNOLOGY.

"(a) COMPETITIVE GRANTS TO FACILITATE THE WIDESPREAD ADOPTION OF HEALTH INFORMATION TECHNOLOGY.—

"(1) IN GENERAL.—The Secretary may award competitive grants to eligible entities to facilitate the purchase and enhance the utilization of qualified health information technology systems to improve the quality and efficiency of health care.

"(2) ELIGIBILITY.—To be eligible to receive a grant under paragraph (1) an entity shall—

"(A) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require;

"(B) submit to the Secretary a strategic plan for the implementation of data sharing and interoperability measures;

"(C) be a—

"(i) not for profit hospital;

"(ii) individual or group practice; or

"(iii) another health care provider not described in clause (i) or (ii);

"(D) adopt the standards adopted by the Federal Government under section 2903;

"(E) implement the measurement system adopted under section 2908 and report to the Secretary on such measures;

"(F) demonstrate significant financial need; and

"(G) provide matching funds in accordance with paragraph (4).

"(3) USE OF FUNDS.—Amounts received under a grant under this subsection shall be used to facilitate the purchase and enhance the utilization of qualified health information technology systems and training personnel in the use of such technology.

"(4) MATCHING REQUIREMENT.—To be eligible for a grant under this subsection an entity shall contribute non-Federal contributions to the costs of carrying out the activities for which the grant is awarded in an amount equal to $1 for each $3 of Federal funds provided under the grant.

"(5) PREFERENCE IN AWARDING GRANTS.—In awarding grants under this subsection the Secretary shall give preference to—

"(A) eligible entities that are located in rural, frontier, and other underserved areas as determined by the Secretary;

"(B) eligible entities that will link, to the extent practicable, the qualified health information system to local or regional health information plan or plans; and

"(C) with respect to an entity described in subsection (a)(2)(C)(iii), a nonprofit health care provider.

"(b) COMPETITIVE GRANTS TO STATES FOR THE DEVELOPMENT OF STATE LOAN PROGRAMS TO FACILITATE THE WIDESPREAD ADOPTION OF HEALTH INFORMATION TECHNOLOGY.—

"(1) IN GENERAL.—The Secretary may award competitive grants to States for the establishment of State programs for loans to health care providers to facilitate the purchase and enhance the utilization of qualified health information technology.

"(2) ESTABLISHMENT OF FUND.—To be eligible to receive a competitive grant under this subsection, a State shall establish a qualified health information technology loan fund (referred to in this subsection as a 'State loan fund') and comply with the other requirements contained in this section. A grant to a State under this subsection shall be deposited in the State loan fund established by the State. No funds authorized by other provisions of this title to be used for other purposes specified in this title shall be deposited in any State loan fund.

"(3) ELIGIBILITY.—To be eligible to receive a grant under paragraph (1) a State shall—

"(A) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require;

"(B) submit to the Secretary a strategic plan in accordance with paragraph (4);

"(C) establish a qualified health information technology loan fund in accordance with paragraph (2);

"(D) require that health care providers receiving such loans—

"(i) link, to the extent practicable, the qualified health information system to a local or regional health information network; and

"(ii) consult with the Health Information Technology Resource Center established in section 914(d) to access the knowledge and experience of existing initiatives regarding the successful implementation and effective use of health information technology;

"(E) require that health care providers receiving such loans adopt the standards adopted by the Federal Government under section 2903;

"(F) require that health care providers receiving such loans implement the measurement system adopted under section 2908 and report to the Secretary on such measures; and

"(G) provide matching funds in accordance with paragraph (8).

"(4) STRATEGIC PLAN.—

"(A) IN GENERAL.—A State that receives a grant under this subsection shall annually prepare a strategic plan that identifies the intended uses of amounts available to the State loan fund of the State.

"(B) CONTENTS.—A strategic plan under subparagraph (A) shall include—

"(i) a list of the projects to be assisted through the State loan fund in the first fiscal year that begins after the date on which the plan is submitted;

"(ii) a description of the criteria and methods established for the distribution of funds from the State loan fund; and

"(iii) a description of the financial status of the State loan fund and the short-term and long-term goals of the State loan fund.

"(5) USE OF FUNDS.—

"(A) IN GENERAL.—Amounts deposited in a State loan fund, including loan repayments and interest earned on such amounts, shall be used only for awarding loans or loan guarantees, or as a source of reserve and security for leveraged loans, the proceeds of which are deposited in the State loan fund established under paragraph (1). Loans under this section may be used by a health care provider to facilitate the purchase and enhance the utilization of qualified health information technology and training of personnel in the use of such technology.

"(B) LIMITATION.—Amounts received by a State under this subsection may not be used—

"(i) for the purchase or other acquisition of any health information technology system that is not a qualified health information technology system;

"(ii) to conduct activities for which Federal funds are expended under this title, or the amendments made by the Wired for Health Care Quality Act; or

"(iii) for any purpose other than making loans to eligible entities under this section.

"(6) TYPES OF ASSISTANCE.—Except as otherwise limited by applicable State law, amounts deposited into a State loan fund under this subsection may only be used for the following:

"(A) To award loans that comply with the following:

"(i) The interest rate for each loan shall be less than or equal to the market interest rate.

"(ii) The principal and interest payments on each loan shall commence not later than 1 year after the loan was awarded, and each loan shall be fully amortized not later than 10 years after the date of the loan.

"(iii) The State loan fund shall be credited with all payments of principal and interest on each loan awarded from the fund.

"(B) To guarantee, or purchase insurance for, a local obligation (all of the proceeds of which finance a project eligible for assistance under this subsection) if the guarantee or purchase would improve credit market access or reduce the interest rate applicable to the obligation involved.

"(C) As a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the State if the proceeds of the sale of the bonds will be deposited into the State loan fund.

"(D) To earn interest on the amounts deposited into the State loan fund.

"(7) ADMINISTRATION OF STATE LOAN FUNDS.—

"(A) COMBINED FINANCIAL ADMINISTRATION.—A State may (as a convenience and to avoid unnecessary administrative costs) combine, in accordance with State law, the financial administration of a State loan fund established under this subsection with the financial administration of any other revolving fund established by the State if otherwise not prohibited by the law under which the State loan fund was established.

"(B) COST OF ADMINISTERING FUND.—Each State may annually use not to exceed 4 percent of the funds provided to the State under a grant under this subsection to pay the reasonable costs of the administration of the programs under this section, including the recovery of reasonable costs expended to establish a State loan fund which are incurred after the date of enactment of this title.

"(C) GUIDANCE AND REGULATIONS.—The Secretary shall publish guidance and promulgate regulations as may be necessary to carry out the provisions of this subsection, including—

"(i) provisions to ensure that each State commits and expends funds allotted to the State

under this subsection as efficiently as possible in accordance with this title and applicable State laws; and

"(ii) guidance to prevent waste, fraud, and abuse.

"(D) PRIVATE SECTOR CONTRIBUTIONS.—

"(i) IN GENERAL.—A State loan fund established under this subsection may accept contributions from private sector entities, except that such entities may not specify the recipient or recipients of any loan issued under this subsection.

"(ii) AVAILABILITY OF INFORMATION.—A State shall make publicly available the identity of, and amount contributed by, any private sector entity under clause (i) and may issue letters of commendation or make other awards (that have no financial value) to any such entity.

"(8) MATCHING REQUIREMENTS.—

"(A) IN GENERAL.—The Secretary may not make a grant under paragraph (1) to a State unless the State agrees to make available (directly or through donations from public or private entities) non-Federal contributions in cash toward the costs of the State program to be implemented under the grant in an amount equal to not less than $1 for each $1 of Federal funds provided under the grant.

"(B) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.—In determining the amount of non-Federal contributions that a State has provided pursuant to subparagraph (A), the Secretary may not include any amounts provided to the State by the Federal Government.

"(9) PREFERENCE IN AWARDING GRANTS.—The Secretary may give a preference in awarding grants under this subsection to States that adopt value-based purchasing programs to improve health care quality.

"(10) REPORTS.—The Secretary shall annually submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate, and the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives, a report summarizing the reports received by the Secretary from each State that receives a grant under this subsection.

"(c) COMPETITIVE GRANTS FOR THE IMPLEMENTATION OF REGIONAL OR LOCAL HEALTH INFORMATION TECHNOLOGY PLANS.—

"(1) IN GENERAL.—The Secretary may award competitive grants to eligible entities to implement regional or local health information plans to improve health care quality and efficiency through the electronic exchange of health information pursuant to the standards, protocols, and other requirements adopted by the Secretary under sections 2903 and 2908.

"(2) ELIGIBILITY.—To be eligible to receive a grant under paragraph (1) an entity shall—

"(A) demonstrate financial need to the Secretary;

"(B) demonstrate that one of its principal missions or purposes is to use information technology to improve health care quality and efficiency;

"(C) adopt bylaws, memoranda of understanding, or other charter documents that demonstrate that the governance structure and decisionmaking processes of such entity allow for participation on an ongoing basis by multiple stakeholders within a community, including—

"(i) physicians (as defined in section 1861(r) of the Social Security Act), including physicians that provide services to low income and underserved populations;

"(ii) hospitals (including hospitals that provide services to low income and underserved populations);

"(iii) pharmacists or pharmacies;

"(iv) health insurance plans;

"(v) health centers (as defined in section 330(b)) and Federally qualified health centers (as defined in section 1861(aa)(4) of the Social Security Act);

"(vi) rural health clinics (as defined in section 1861(aa) of the Social Security Act);

"(vii) patient or consumer organizations;

"(viii) employers; and

"(ix) any other health care providers or other entities, as determined appropriate by the Secretary;

"(D) demonstrate the participation, to the extent practicable, of stakeholders in the electronic exchange of health information within the local or regional plan pursuant to paragraph (2)(C);

"(E) adopt nondiscrimination and conflict of interest policies that demonstrate a commitment to open, fair, and nondiscriminatory participation in the health information plan by all stakeholders;

"(F) adopt the standards adopted by the Secretary under section 2903;

"(G) require that health care providers receiving such grants implement the measurement system adopted under section 2908 and report to the Secretary on such measures;

"(H) facilitate the electronic exchange of health information within the local or regional area and among local and regional areas;

"(I) prepare and submit to the Secretary an application in accordance with paragraph (3); and

"(J) agree to provide matching funds in accordance with paragraph (5).

"(3) APPLICATION.—

"(A) IN GENERAL.—To be eligible to receive a grant under paragraph (1), an entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(B) REQUIRED INFORMATION.—At a minimum, an application submitted under this paragraph shall include—

"(i) clearly identified short-term and long-term objectives of the regional or local health information plan;

"(ii) a technology plan that complies with the standards adopted under section 2903 and that includes a descriptive and reasoned estimate of costs of the hardware, software, training, and consulting services necessary to implement the regional or local health information plan;

"(iii) a strategy that includes initiatives to improve health care quality and efficiency, including the use and reporting of health care quality measures adopted under section 2908;

"(iv) a plan that describes provisions to encourage the implementation of the electronic exchange of health information by all physicians, including single physician practices and small physician groups participating in the health information plan;

"(v) a plan to ensure the privacy and security of personal health information that is consistent with Federal and State law;

"(vi) a governance plan that defines the manner in which the stakeholders shall jointly make policy and operational decisions on an ongoing basis;

"(vii) a financial or business plan that describes—

"(I) the sustainability of the plan;

"(II) the financial costs and benefits of the plan; and

"(III) the entities to which such costs and benefits will accrue; and

"(viii) if the case of an applicant entity that is unable to demonstrate the participation of all stakeholders pursuant to paragraph (2)(C), the justification from the entity for any such nonparticipation.

"(4) USE OF FUNDS.—Amounts received under a grant under paragraph (1) shall be used to establish and implement a regional or local health information plan in accordance with this subsection.

"(5) MATCHING REQUIREMENT.—

"(A) IN GENERAL.—The Secretary may not make a grant under this subsection to an entity unless the entity agrees that, with respect to the costs to be incurred by the entity in carrying out the infrastructure program for which the grant was awarded, the entity will make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount equal to not less than 50 percent of such costs ($1 for each $2 of Federal funds provided under the grant).

"(B) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required under subparagraph (A) may be in cash or in kind, fairly evaluated, including equipment, technology, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

"(d) REPORTS.—Not later than 1 year after the date on which the first grant is awarded under this section, and annually thereafter during the grant period, an entity that receives a grant under this section shall submit to the Secretary a report on the activities carried out under the grant involved. Each such report shall include—

"(1) a description of the financial costs and benefits of the project involved and of the entities to which such costs and benefits accrue;

"(2) an analysis of the impact of the project on health care quality and safety;

"(3) a description of any reduction in duplicative or unnecessary care as a result of the project involved;

"(4) a description of the efforts of recipients under this section to facilitate secure patient access to health information; and

"(5) other information as required by the Secretary.

"(e) REQUIREMENT TO ACHIEVE QUALITY IMPROVEMENT.—The Secretary shall annually evaluate the activities conducted under this section and shall, in awarding grants, implement the lessons learned from such evaluation in a manner so that awards made subsequent to each such evaluation are made in a manner that, in the determination of the Secretary, will result in the greatest improvement in quality measurement systems under section 2908.

"(f) LIMITATION.—An eligible entity may only receive one non-renewable grant under subsection (a), one non-renewable grant under subsection (b), and one non-renewable grant under subsection (c).

"(g) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—For the purpose of carrying out this section, there is authorized to be appropriated $116,000,000 for fiscal year 2006, $141,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2010.

"(2) AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available through fiscal year 2010.

"SEC. 2906. DEMONSTRATION PROGRAM TO INTEGRATE INFORMATION TECHNOLOGY INTO CLINICAL EDUCATION.

"(a) IN GENERAL.—The Secretary may award grants under this section to carry out demonstration projects to develop academic curricula integrating qualified health information technology systems in the clinical education of health professionals. Such awards shall be made on a competitive basis and pursuant to peer review.

"(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall—

"(1) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require;

"(2) submit to the Secretary a strategic plan for integrating qualified health information

technology in the clinical education of health professionals and for ensuring the consistent utilization of decision support software to reduce medical errors and enhance health care quality;

"(3) be—

"(A) a health professions school;

"(B) a school of nursing; or

"(C) an institution with a graduate medical education program;

"(4) provide for the collection of data regarding the effectiveness of the demonstration project to be funded under the grant in improving the safety of patients, the efficiency of health care delivery, and in increasing the likelihood that graduates of the grantee will adopt and incorporate health information technology, and implement the quality measurement system adopted under section 2908, in the delivery of health care services; and

"(5) provide matching funds in accordance with subsection (c).

"(c) USE OF FUNDS.—

"(1) IN GENERAL.—With respect to a grant under subsection (a), an eligible entity shall—

"(A) use grant funds in collaboration with 2 or more disciplines; and

"(B) use grant funds to integrate qualified health information technology into community-based clinical education.

"(2) LIMITATION.—An eligible entity shall not use amounts received under a grant under subsection (a) to purchase hardware, software, or services.

"(d) MATCHING FUNDS.—

"(1) IN GENERAL.—The Secretary may award a grant to an entity under this section only if the entity agrees to make available non-Federal contributions toward the costs of the program to be funded under the grant in an amount that is not less than $1 for each $2 of Federal funds provided under the grant.

"(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions under paragraph (1) may be in cash or in kind, fairly evaluated, including equipment or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such contributions.

"(e) EVALUATION.—The Secretary shall take such action as may be necessary to evaluate the projects funded under this section and publish, make available, and disseminate the results of such evaluations on as wide a basis as is practicable.

"(f) REPORTS.—Not later than 1 year after the date of enactment of this title, and annually thereafter, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate, and the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives a report that—

"(1) describes the specific projects established under this section; and

"(2) contains recommendations for Congress based on the evaluation conducted under subsection (e).

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $5,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2010.

"(h) SUNSET.—This section shall not apply after September 30, 2010.

"SEC. 2907. LICENSURE AND THE ELECTRONIC EXCHANGE OF HEALTH INFORMATION.

"(a) IN GENERAL.—The Secretary shall carry out, or contract with a private entity to carry out, a study that examines—

"(1) the variation among State laws that relate to the licensure, registration, and certification of medical professionals; and

"(2) how such variation among State laws impacts the secure electronic exchange of health information—

"(A) among the States; and

"(B) between the States and the Federal Government.

"(b) REPORT AND RECOMMENDATIONS.—Not later than 1 year after the date of enactment of this title, the Secretary shall publish a report that—

"(1) describes the results of the study carried out under subsection (a); and

"(2) makes recommendations to States regarding the harmonization of State laws based on the results of such study.

"SEC. 2908. QUALITY MEASUREMENT SYSTEM.

"(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Veterans Affairs, the Secretary of Defense, and representatives of other relevant Federal agencies, as determined appropriate by the Secretary, shall develop or adopt a quality measurement system, including measures to assess that effectiveness, timeliness, patient self-management, patient centeredness, efficiency, and safety, for the purpose of measuring the quality of care patients receive.

"(b) REQUIREMENTS.—The Secretary shall ensure that the quality measurement system developed under subsection (a) comply with the following:

"(1) MEASURES.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall select measures of quality to be used by the Secretary under the systems.

"(B) REQUIREMENTS.—In selecting the measures to be used under each system pursuant to subparagraph (A), the Secretary shall, to the extent feasible, ensure that—

"(i) such measures are evidence based, reliable and valid;

"(ii) such measures include measures of clinical processes and outcomes, patient experience, efficiency, and equity; and

"(iii) such measures include measures of overuse and underuse of health care items and services.

"(2) PRIORITIES.—In developing the system under subsection (a), the Secretary shall ensure that priority is given to—

"(A) measures with the greatest potential impact for improving the quality and efficiency of care provided under Federal programs;

"(B) measures that may be rapidly implemented by group health plans, health insurance issuers, physicians, hospitals, nursing homes, long-term care providers, and other providers; and

"(C) measures which may inform health care decisions made by consumers and patients.

"(3) WEIGHTS OF MEASURES.—The Secretary shall assign weights to the measures used by the Secretary under each system established under subsection (a).

"(4) RISK ADJUSTMENT.—The Secretary shall establish procedures to account for differences in patient health status, patient characteristics, and geographic location. To the extent practicable, such procedures shall recognize existing procedures.

"(5) MAINTENANCE.—The Secretary shall, as determined appropriate, but in no case more often than once during each 12-month period, update the quality measurement systems developed under subsection (a), including through—

"(A) the addition of more accurate and precise measures under the systems and the retirement of existing outdated measures under the systems; and

"(B) the refinement of the weights assigned to measures under the systems.

"(c) REQUIRED CONSIDERATIONS IN DEVELOPING AND UPDATING THE SYSTEMS.—In developing and updating the quality measurement systems under this section, the Secretary shall—

"(1) consult with, and take into account the recommendations of, the entity that the Secretary has an arrangement with under subsection (e);

"(2) consult with representatives of health care providers (including physicians, pharmacists, nurses, and other health care professionals), consumers, employers, and other individuals and groups that are interested in the quality of health care; and

"(3) take into account—

"(A) any demonstration or pilot program conducted by the Secretary relating to measuring and rewarding quality and efficiency of care;

"(B) any existing activities conducted by the Secretary relating to measuring and rewarding quality and efficiency;

"(C) any existing activities conducted by private entities including health insurance plans and payors; and

"(D) the report by the Institute of Medicine of the National Academy of Sciences under section 238(b) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

"(d) REQUIRED CONSIDERATIONS IN IMPLEMENTING THE SYSTEMS.—In implementing the quality measurement systems under this section, the Secretary shall take into account the recommendations of public-private entities—

"(1) that are established to examine issues of data collection and reporting, including the feasibility of collecting and reporting data on measures; and

"(2) that involve representatives of health care providers (including physicians, pharmacists, nurses, and other health care professionals), consumers, employers, and other individuals and groups that are interested in quality of care.

"(e) ARRANGEMENT WITH AN ENTITY TO PROVIDE ADVICE AND RECOMMENDATIONS.—

"(1) ARRANGEMENT.—On and after July 1, 2006, the Secretary shall have in place an arrangement with an entity that meets the requirements described in paragraph (2) under which such entity provides the Secretary with advice on, and recommendations with respect to, the development and updating of the quality measurement systems under this section, including the assigning of weights to the measures under subsection (b)(2).

"(2) REQUIREMENTS DESCRIBED.—The requirements described in this paragraph are the following:

"(A) The entity is a private nonprofit entity governed by an executive director and a board.

"(B) The members of the entity include representatives of—

"(i) health insurance plans and health care providers with experience in the care of individuals with multiple complex chronic conditions or groups representing such health insurance plans and providers;

"(ii) groups representing patients and consumers;

"(iii) purchasers and employers or groups representing purchasers or employers;

"(iv) organizations that focus on quality improvement as well as the measurement and reporting of quality measures;

"(v) State government health programs;

"(vi) individuals or entities skilled in the conduct and interpretation of biomedical, health services, and health economics research and with expertise in outcomes and effectiveness research and technology assessment; and

"(vii) individuals or entities involved in the development and establishment of standards and certification for health information technology systems and clinical data.

"(C) The membership of the entity is representative of individuals with experience with urban health care issues and individuals with experience with rural and frontier health care issues.

"(D) If the entity requires a fee for membership, the entity shall provide assurances to the Secretary that such fees are not a substantial barrier to participation in the entity's activities related to the arrangement with the Secretary.

"(E) The entity—

"(i) permits any member described in subparagraph (B) to vote on matters of the entity related to the arrangement with the Secretary under paragraph (1); and

"(ii) ensures that member voting provides a balance among disparate stakeholders, so that no member organization described in subparagraph (B) unduly influences the outcome.

"(F) With respect to matters related to the arrangement with the Secretary under paragraph (1), the entity conducts its business in an open and transparent manner and provides the opportunity for public comment.

"(G) The entity operates as a voluntary consensus standards setting organization as defined for purposes of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (Public Law 104–113) and Office of Management and Budget Revised Circular A–119 (published in the Federal Register on February 10, 1998).

"(f) USE OF QUALITY MEASUREMENT SYSTEM.—

"(1) IN GENERAL.—For purposes of activities conducted or supported by the Secretary under this Act, the Secretary shall, to the extent practicable, adopt and utilize the measurement system developed under this section.

"(2) COLLABORATIVE AGREEMENTS.—With respect to activities conducted or supported by the Secretary under this Act, the Secretary may establish collaborative agreements with private entities, including group health plans and health insurance issuers, providers, purchasers, consumer organizations, and entities receiving a grant under section 2905, to—

"(A) encourage the use of the health care quality measures adopted by the Secretary under this section; and

"(B) foster uniformity between the health care quality measures utilized by private entities.

"(3) REPORTING.—The Secretary shall implement procedures to enable the Department of Health and Human Services to accept the electronic submission of data for purposes of quality measurement using the quality measurement system adopted under this section and using the standards adopted by the Federal Government under section 2903.

"(g) DISSEMINATION OF INFORMATION.—Beginning on January 1, 2008, in order to make comparative quality information available to health care consumers, health professionals, public health officials, researchers, and other appropriate individuals and entities, the Secretary shall provide for the dissemination, aggregation, and analysis of quality measures collected under section 2905 and the dissemination of recommendations and best practices derived in part from such analysis.

"(h) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to public and private entities to enable such entities to—

"(1) implement and use evidence-based guidelines with the greatest potential to improve health care quality, efficiency, and patient safety; and

"(2) establish mechanisms for the rapid dissemination of information regarding evidence-based guidelines with the greatest potential to improve health care quality, efficiency, and patient safety.

"SEC. 2909. ENSURING PRIVACY AND SECURITY.

"Nothing in this title shall be construed to affect the scope or substance of—

"(1) section 264 of the Health Insurance Portability and Accountability Act of 1996;

"(2) sections 1171 through 1179 of the Social Security Act; and

"(3) any regulation issued pursuant to any such section;

and such sections shall remain in effect.

"SEC. 2910. STUDY OF REIMBURSEMENT INCENTIVES.

"The Secretary shall carry out, or contract with a private entity to carry out, a study that examines methods to create efficient reimbursement incentives for improving health care quality in Federally qualified health centers, rural health clinics, and free clinics.".

SEC. 3. HEALTH INFORMATION TECHNOLOGY RESOURCE CENTER.

Section 914 of the Public Health Service Act (42 U.S.C. 299b–3) is amended by adding at the end the following:

"(d) HEALTH INFORMATION TECHNOLOGY RESOURCE CENTER.—

"(1) IN GENERAL.—The Secretary, acting through the Director, shall develop a Health Information Technology Resource Center to provide technical assistance and develop best practices to support and accelerate efforts to adopt, implement, and effectively use interoperable health information technology in compliance with section 2903 and 2908.

"(2) HEALTH INFORMATION TECHNOLOGY RESOURCE CENTER.—

"(A) IN GENERAL.—The Center shall support activities to meet goals, including—

"(i) providing for the widespread adoption of interoperable health information technology;

"(ii) providing for the establishment of regional and local health information networks to facilitate the development of interoperability across health care settings and improve the quality of health care;

"(iii) the development of solutions to barriers to the exchange of electronic health information; or

"(iv) other activities identified by the States, local or regional health information networks, or health care stakeholders as a focus for developing and sharing best practices.

"(B) PURPOSES.—The purpose of the Center is to—

"(i) provide a forum for the exchange of knowledge and experience;

"(ii) accelerate the transfer of lessons learned from existing public and private sector initiatives, including those currently receiving Federal financial support; and

"(iii) assemble, analyze, and widely disseminate evidence and experience related to the adoption, implementation, and effective use of interoperable health information technology.

"(C) SUPPORT FOR ACTIVITIES.—To provide support for the activities of the Center, the Director shall modify the requirements, if necessary, that apply to the National Resource Center for Health Information Technology to provide the necessary infrastructure to support the duties and activities of the Center and facilitate information exchange across the public and private sectors.

"(3) TECHNICAL ASSISTANCE TELEPHONE NUMBER OR WEBSITE.—The Secretary shall establish a toll-free telephone number or Internet website to provide health care providers and patients with a single point of contact to—

"(A) learn about Federal grants and technical assistance services related to interoperable health information technology;

"(B) learn about qualified health information technology and the quality measurement system adopted by the Federal Government under sections 2903 and 2908;

"(C) learn about regional and local health information networks for assistance with health information technology; and

"(D) disseminate additional information determined by the Secretary.

"(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to require the duplication of Federal efforts with respect to the establishment of the Center, regardless of whether such efforts were carried out prior to or after the enactment of this subsection.".

SEC. 4. REAUTHORIZATION OF INCENTIVE GRANTS REGARDING TELEMEDICINE.

Section 330L(b) of the Public Health Service Act (42 U.S.C. 254c–18(b)) is amended by striking "2002 through 2006" and inserting "2006 through 2010".

Mr. FRIST. Mr. President, I ask unanimous consent that the Enzi substitute at the desk be agreed to, the committee-reported amendment, as amended, be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2671) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 1418), as amended, was read the third time and passed.

Mr. FRIST. Mr. President, the Senate just passed a bill that takes a major step—major step—to bringing health care into the information age, finally. This bill, the Wired for Health Care Quality Act, reflects the hard work by Senator ENZI, to whom I will turn the floor over shortly, myself, Senator KENNEDY, Senator CLINTON, and many others.

This bill will do as much as anything we have done in this Congress and the last Congress and the Congress before that to cut waste and inefficiency out of our health care system. What the bill does is encourage the use of secure and interoperable health care records, electronic records, electronic medical records.

This has a huge benefit for every American. It reduces waste and inefficiency. It reduces medical errors. It improves the quality of health care. It reduces health care costs throughout the system, raising quality. When you lower costs and you raise quality, by definition, you improve access as well.

This bill will help empower patients to become full partners in what we all have as a vision; and that is, a patient-centered, provider-friendly, consumer-driven system that will be driven by information, and be driven by choice, and be driven by control.

Patient privacy is protected. This secure exchange of lifesaving information improves efficiency throughout the system. It will allow, for the first time, because there are interoperable standards that are set, the exchange of information, which will seamlessly help integrate health care delivery from the time a patient first presents to see a physician or a nurse to ultimate discharge and treatment.

So this really is a pivotal moment. I encourage the House to act quickly on the legislation.

Again, I thank Senator ENZI for his leadership. Without it, this moment simply would not be possible. I thank Senator CLINTON who has stressed, from day one, the importance of having quality injected into this bill, and Senator KENNEDY. I thank them all for their commitment to this effort.

I thank the staff who have worked many hours: Andrea Palm, Katy Barr, Steve Northrup, and David Bowen, and many others.

Mr. President, I do want to at least turn to my colleague to thank him and so he can make a few comments because this is truly historic legislation. And although it is mighty early in the morning now—late at night or early in the morning—this really is a historic time for health care and health care delivery.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I thank the leader for his kind comments but much more so for his diligent work and leadership on this issue. As the heart doctor of the Senate, and the doctor with a lot of heart, he understands the need for health information technology and worked in a very bipartisan way with Senator CLINTON to come up with some of the precepts we have in this bill. Senator KENNEDY and I were working on some other aspects of it. And we merged those two to come up with a much more comprehensive health IT bill.

This will make a huge difference in the country. A RAND study that was recently released said this will save about $162 billion a year in medical costs. In my opinion, that is not even going to be the biggest benefit. The biggest benefit is that it is going to allow medical data to move with the people as they move.

When they go to the doctor's office, they will not have to take that little clipboard and fill out whatever it is they can remember about their health. And it will not matter because a lot more information will be available to the doctor so he can make the right kinds of decisions and choices.

It will also benefit travelers. If a tourist is out on the road and has a wreck and has to see a doctor, they will have their information with them. They will have access to it so the doctor will know what medications they are on, even if they are in a coma, and can make sure they are taken care of properly. And yes, it will reduce medical errors and eliminate some adverse reactions from medications or even missed medications.

So this will make a huge difference to the people of this country. The difficulty with doing something by unanimous consent is that a lot of times people think there is not much to it, or if there wasn't much controversy, that nothing really happened. But there has been controversy that has been taken care of behind the scenes, where people got together and actually realized how important this was. So they worked together to come up with solutions, and came up with a truly bipartisan solution in this instance.

So it is almost too bad that it has to go through unanimous consent, that we cannot have some very heated debates on the floor so people will realize the intensity and the interest in the bill.

But there is not anything bad about the bill. This was a teamwork effort from both sides of the aisle. I appreciate the leader mentioning a number of the people who were involved in this bill. This is a truly monumental piece of legislation we just passed, and I add the encouragement to have the House act on it quickly.

Mr. President, I rise today to applaud the Senate passage of S. 1418, the Wired for Health Care Quality Act. As chairman of the Committee on Health, Education, Labor, and Pensions, I have been working to improve the quality and reduce the cost of health care in this Nation.

Some of the most serious challenges facing health care today—medical errors, inconsistent quality, and rising costs—can be addressed through the effective application of available health information technology linking all elements of the health care system. Information-sharing networks have the potential to enable decision support anywhere at any time, thus improving the quality of health care and reducing costs.

Health IT allows medical data to move with people as they move. When they go to the doctor's office they won't have to take the clipboard and write down everything they can remember about themselves. This system also benefits travelers. If a tourist were to get in a car wreck or hurt in some other way, the doctor would be able to find out everything he or she needs to know. If in a coma this technology could save a person's life and if they happen to be on medications, it could prevent adverse drug reactions. This system could also cut down on medical errors with prescriptions—instead of deciphering the doctor's handwriting, the information could be given to the pharmacist electronically.

A RAND study recently released suggested that health IT has the potential to save $162 billion a year. In order for these savings to be realized, we must create an infrastructure for interoperability. S. 1418 is the first step in building that infrastructure.

Most folks agree that there are significant barriers to widespread adoption of interoperable health information technology. One of the primary barriers is the current lack of agreed-upon standards and common implementation guides and a certification process. This bill addresses those factors in a way that appropriately incorporates involvement of both the public and private sectors.

This legislation brings the government and the private sector together to make health care better, safer and more efficient by accelerating the widespread adoption of interoperable health information technology and quality measurement across our health care system. The legislation formalizes involvement of private entities in the standards and policy-setting process by directing the Secretary to establish and chair the public-private American Health Information Collaborative, which shall be composed of representatives of the public and private sectors. S. 1418 also codifies the Office of the National Coordinator for Health Information Technology. President Bush, Secretary Leavitt, and Dr. Brailer have done a lot to advance the health IT infrastructure, and I am glad that Congress is finally stepping up to the plate.

In order to address the health information technology "adoption gap" in the United States, S. 1418 authorizes three grant programs that will carefully target financial support to health care providers and consortia for the purpose of facilitating the adoption of interoperable health information technology. To maximize the Secretary of Health and Human Service's flexibility, the bill leaves to the discretion of the Secretary the allocation of the authorization among the three programs.

In addition, the greatest improvements in quality of health care and cost savings will be realized when all elements of the health care system are electronically connected and speak a common technical language—that is they are interoperable. For this reason, each grant program requires that each grant recipient acquire only qualified health information technology systems that are capable of supporting common technical standards adopted by the Federal Government.

Another barrier to widespread adoption of interoperable health information is cultural. I recognize that many physicians and hospitals are hesitant to move from paper-based systems to electronic systems. Some physicians have been writing prescriptions by hand for many years and may resist changing to electronic prescribing. One way to address this cultural barrier to the widespread adoption of health information technology is to support teaching hospitals and continuing education programs that integrate health information technology in the clinical education of health care professionals. Exposing students and residents to effective everyday uses of health IT will lead to a greater adoption by these students and residents when they graduate and begin practicing on their own.

The bill authorizes the Secretary to award demonstration grants to health professions centers and academic health centers to integrate health IT into clinical education in community settings.

The issue of health IT is also critical for effective response in public health emergencies. Interoperable health IT systems will help to track infectious disease outbreaks and increase the Federal Government's rapid response in emergency situations.

I thank all of my Senate colleagues for their support of this very important legislation, which will help facilitate the widespread adoption of electronic health records to ultimately result in fewer mistakes, lower costs, better care, and greater patient participation in their health and well-being. This is a great stride forward in the journey to improve our Nation's health care system. I look forward to seeing meaningful health information technology legislation signed into law this Congress.

I would like to commend various staff for the hard work they did in bringing this bill to fruition. First, I want to recognize my fine staff from the Senate HELP Committee, who have doggedly worked with many interested parties over many months—Stephen Northrup and Katy Barr. I would also like to recognize David Bowen from Senator KENNEDY's office for his dedication to this legislation. Elizabeth Hall of Senator FRIST's office did a good job providing leadership support throughout the process. I should also mention Andrea Palm from Senator CLINTON's office and Michelle Spence with Senator ENSIGN's office for ensuring that the health care quality provisions stayed strong. Secondly, I want to recognize the work of the Senate Finance Committee and the complementary bill supporting improvements in health care quality in the Medicaid and Medicare programs that has contributed to our success today. Mark Hayes and Ted Totman from the Senate Finance Committee were very dedicated to seeing this bill pass. And finally, without the dedication and patience of Bill Baird of Senate Legislative Counsel, we would not have the bill that will pass here today.

Mr. KENNEDY. Mr. President, today the Senate has passed legislation that can help transform our health care system and save lives. The Wired for Health Care Quality Act will improve the use of lifesaving health information technology in hospitals and doctors' offices across the country. In so doing, we will improve the quality of care, lower administrative costs, and reduce medical errors.

This legislation is being considered by the Senate because of the leadership and commitment of the chairman of our Health Committee, Senator ENZI. He made health information technology a priority for our committee, and he has guided this legislation to the Senate floor. Successful legislation takes creative thinking and hard work—and Senator ENZI has supplied an abundance of both to this measure.

I also thank our partners in this legislation, Senator FRIST and Senator CLINTON. As a surgeon, Senator FRIST knows firsthand the importance of making sure that doctors have the information they need to provide the best possible care for patients—and that they get that information in time for it to be of value. It is inconceivable that in the 21st century, doctors are asked to treat patients in life or death situations without knowing their medical histories or even the medications they are taking—but that happens every hour of every day in hospitals and emergency rooms around the country. Senator FRIST has been tireless in his commitment to correcting this unacceptable situation.

Senator CLINTON has done an excellent job as well. She has championed better studies of the comparative effectiveness of medications, she is dedicated to improving the quality of care for every patient, and this legislation owes much to her ability and commitment.

This legislation is urgently needed, because we live in a new era of medical miracles and rapid changes in medicine.

Modern electronics have given doctors implantable pacemakers to save patients from sudden cardiac failure.

The sequencing of the human genome offers extraordinary opportunities for new cures and better treatments.

But there is another medical miracle to add to the list.

Modern information technology can transform health care as profoundly as any of these discoveries.

We have a moral responsibility to make the miracles of modern medicine available to every American—but we have failed to meet that responsibility. Costs are crushing our health care system. Premiums are going through the roof. The ranks of the uninsured grow every day. Families are forced to choose between paying the cost of health care or paying for food, rent, and college tuition. That is not the American dream.

Information technology alone can't solve these problems, but it can help substantially. Electronic medical records. Software to warn if a treatment could harm a patient. Computer prescribing. These and many other applications of information technology can save lives and dramatically reduce costs.

Despite the wonders of modern medicine, too many patients today are harmed by preventable mishaps. They waste hours and face new risk when tests must be duplicated, because a crucial record is locked in another archive. Too many doctors only guess at the right course of treatment, because they don't know a patient's medical history. Millions of patients are needlessly put at risk, and billions of dollars are wasted.

When so many Americans are already struggling to afford health care for their families, it is profoundly wrong to squander more than half a trillion dollars each year on administrative expenses.

The Department of Health and Human Services estimates that better use of information technology will save $140 billion every year. Such savings would produce a technology dividend worth over $700 on the cost of an average family's insurance policy. That is like getting 1 month free every year.

Other nations are already using this extraordinary technology to cut costs and save lives—but America lags behind. We can't continue to allow the high cost of health care to price American goods and services out of the global marketplace.

The need to invest in this technology is urgent. In the words of Secretary Leavitt, "Every day that we delay, lives are lost." The time to act is now. The bill before us will improve care, save lives and make health care more affordable for every American.

The need to reduce medical errors is especially urgent. It is already 6 years since the Institute of Medicine reported that medical errors cause 98,000 deaths every year. According to the National Patient Safety Foundation, 42 percent of Americans have been affected by a medical error, either personally or through a friend or relative. One out of every three of those affected said that the error had a permanent negative effect on the patient's health. The exact figures may be the subject of debate, but it is undeniable that preventable deaths occur in our health care system all too often. For even one patient to die needlessly in our health care system ought to be unacceptable.

Our response should be broad based. New technology, new ideas, and new ways of practicing medicine all have a role in improving the quality of care and saving lives. We no longer expect airline pilots to navigate by looking at the stars or local landmarks. Engineers no longer rely on slide rules to design strong buildings. In virtually every field except medicine, professionals use computers to expand their skills. Yet in medicine, we expect doctors to keep in their heads the possible interactions of the dozens of medications that a patient may be receiving. Under these circumstances, the wonder is not that errors occur, but that they don't occur even more frequently.

The evidence that information technology can save lives is undeniable. In terms of drug safety alone, a recent analysis by the RAND Corporation estimates that by using computerized data, the nation could prevent 2.2 million adverse drug events, and 1 million additional days in the hospital.

What we have today, in the words of the Institute of Medicine, is a "quality chasm." Doctors repeat tests that have already been performed. Residents take medical histories that have already been taken. Patients show up for doctor's appointments that are essentially a waste of time because the tests have been performed but the results have not yet been delivered.

Information technology can help close this gap by improving the coordination of care, providing guidance on the best methods of care and reminding busy physicians when it's time to schedule preventive screenings. The Veterans Administration is a national leader in using IT to improve quality, and patients get better preventive services there than almost any other patient group in America gets, especially in areas such as proper cholesterol screening, eye exams for diabetic patients, and proper immunization against pneumonia.

Electronic medical records improve the quality of care, and can also improve our ability to monitor drug safety, detect outbreaks of disease before they become epidemics and decide which treatments are most effective for patients.

Electronic medical records can be critical in a natural disaster. The devastation of Hurricane Katrina was compounded because most hospitals kept their records on paper. As a result, medical histories of tens of thousands of hurricane survivors were irretrievably lost. It would be inexcusable if we didn't make the investments needed for the nation to benefit from these innovations.

Information technology doesn't simply improve the quality of care—it reduces costs as well. According to the Institute of Medicine, each prescription error that is prevented saves $4,000 in additional care. This isn't just a theory. Since 1996, when the Veterans Administration began investing significantly in information technology, its costs per patient have actually decreased by 7 percent while private sector costs per patient have increased by 62 percent.

Excessive administrative costs are weighing down our health care system. We are spending over $500 billion a year on such costs—nearly 33 cents out of every health care dollar. These already high costs are also growing 50 percent faster than other health costs. It can cost as much as $20 to process a single insurance claim using antiquated paper records—and nearly half the 18 billion insurance claims in America are still settled in this old-fashioned way every year. We know that paper-based records are prone to error. About one in four health insurance claims is initially rejected because of errors. By contrast, in the financial industry, only 1 in 10,000 ATM transactions has an error.

Despite clear evidence that health IT saves lives and cuts costs, its use is still scandalously low. Our health care system should be the envy of the world, but nations from Australia to Scandinavia are outpacing us in this technology. In Sweden and Holland, nine out of ten primary care physicians use electronic medical records. In Britain, Austria, Finland and many other nations, it is over half. But in the United States, less than a quarter of all doctors use electronic medical records.

Obviously, there are significant barriers to the adoption of health information technology that Congress should also address. Many providers don't have the financial ability to absorb the costs of buying the equipment, making the transition to computer systems, and training staff. It costs a physician's office $30,000 and significant aggravation to install the system. The savings from its use tend to come over the longer term, while the costs are immediate, which is a major financial barrier to hospitals, physicians, and nursing homes already drowning in red ink. Providers get savings over the long run, but the largest share of the savings goes to payers, not providers. If a diabetic is kept out of the hospital by better management of his condition as the result of information technology, that's a loss of revenue to the hospital.

This bipartisan legislation will help overcome these barriers. It requires the development of standards on interoperability and other technical measures for health information technology, and it establishes a public-private consultation to develop those standards.

But standards without Federal resources are not enough to achieve the goal of a modern health care system that we all share. That is why the legislation includes financial assistance to hard pressed providers to meet the technical standards. It provides this assistance in three ways in recognizing the fact that different health care providers and different communities will have different needs. It authorizes direct grants to needy providers. It authorizes financial assistance to establish regional networks. And it creates an innovative Federal-State, public-private partnership to modernize health care by enabling states to fund low interest loans to help health professionals in financial need to acquire the technology to improve the quality and efficiency of health care.

Getting the right hardware and software into the hands of doctors is only half the battle. It is also essential to see that doctors have access to the knowledge necessary to make the technology a success. The legislation establishes a Best Practices Center where technology users can learn from the experience of others who have established such networks. It sets up a Help line at the Department of Health and Human Services to answer technical questions and help meet technical requirements. To assist doctors in sorting through the confusing array of options for this technology, the legislation establishes a certification program, so that providers can quickly determine whether particular systems meet the applicable technical standards.

There are many Senate colleagues who deserve great credit for their thoughtful contributions to this legislation and for their leadership in getting to this moment.

Again, I commend the chairman of our Health Committee, Senator ENZI, for his impressive leadership on this issue. It has been a privilege to work closely with him and his staff since the beginning of this year and to deal with this priority.

The pending legislation combines the bill that Chairman ENZI and I introduced and the bill that Senator FRIST and Senator CLINTON introduced. We have also had broad input from many other committee members, and we have produced a better bill because of it.

Senator DODD was a leader on the issue in the last Congress as well, and our bill includes many of his ideas, especially on making sure that standards are widely available.

Senator ENSIGN made sure that best practices are front and center in implementing this technology.

Our subcommittee chairman, Senator BURR, has a strong interest in using information technology to improve our ability to respond to bioterrorist attacks or other disease emergencies, when lost hours can mean countless lost lives.

Senator REED of Rhode Island had the innovative idea of including a 1-800 number to help providers on technical questions. Senator HARKIN contributed important proposals to use the technology to improve the treatment of chronic diseases.

Senator REID of Nevada has shown impressive leadership in making sure technology improves the lives of American families, and I thank him for his strong support.

Senator SNOWE and Senator STABENOW have a major commitment to effective funding for this technology, and I look forward to working with them on this issue in the days to come. I also commend Senator SNOWE for her strong commitment to protecting the privacy of electronic medical data.

I also commend Steve Northrup and Katy Barr of Senator ENZI's staff, Andrea Palm of Senator CLINTON's staff, Liz Hall of Senator FRIST's staff, and my own health staff, for their effective work on this issue for so many months.

I thank these and all our Senate colleagues who contributed to the legislation we consider today. I look forward to working with all of you and with our colleagues in the House to see this needed measure signed into law as soon as possible.

Mr. ENZI. Mr. President, I rise today to speak about the passage of 1418, the Wired for Health Care Quality Act. As chairman of the Committee on Health, Education, Labor, and Pensions, I have been working to improve the quality and reduce the cost of health care in this Nation. I commend the ranking member of my committee for his dedication to this great cause.

I want to commend my colleague from Maine, Senator SNOWE, and my colleague from Michigan, Senator STABENOW, for their leadership on the issue of health information technology. They have made a major contribution to the debate, and I look forward to working with them as we continue to consider this important issue.

I see the legislation we consider today as the first step toward more effective use of information technology in health care. This proposal will provide the framework to improve the use of health IT. Senator SNOWE and Senator STABENOW have several thoughtful proposals on providing additional financial incentives through Medicare for the use of health information technology.

Providing adequate funding for health IT is a critically important issue, and I believe that it should be carefully considered in our committee and by the Senate. I look forward to working with my colleagues on the committee and with Senator SNOWE and Senator STABENOW to see that health IT receives an appropriate level of funding.

I also believe it is important to examine carefully the privacy protections that apply to individually identifiable health information maintained in electronic databases. The manager's amendment to S. 1418 contains several important provisions relating to privacy, including a GAO investigation on methods to enhance privacy protections for electronically stored and transmitted health information.

I believe it is important to examine the issues surrounding implementation and adoption of health IT systems carefully. To that end, I intend to hold a hearing by the Memorial Day recess next year on the essential issue of funding to promote wide adoption of health information technology. We will also examine the report of the GAO to address the critical issue of protections for the privacy of health information that must be part of health IT systems and practices. I will work closely with my colleagues, Senator SNOWE and Senator STABENOW, as well as with the ranking member on this hearing.

I will also work with the Finance Committee, the committee with jurisdiction over Medicare, and with Senators STABENOW and SNOWE on legislation to spur the widespread adoption of interoperable health information technology through such innovative financing mechanisms, and we will work to achieve passage of that legislation before the end of this Congress.

I happen to be an original sponsor of legislation in the Finance Committee to reward high-quality health care through value based purchasing under Medicare. By rewarding doctors and hospitals for the quality of care they provide, not just the quantity of care, we can improve health care quality in a fiscally responsible way.

I look forward to working with Senators KENNEDY, GRASSLEY, BAUCUS, SNOWE, STABENOW, FRIST, and CLINTON on these important proposals, and I commend them for their leadership on this important field of health IT.

Mr. KENNEDY. I thank the distinguished chairman of our Health Committee for his impressive leadership on the issue of health information technology. Health information technology can revolutionize health care, with lasting benefits in areas from improving quality to better detection of bioterrorist attacks and epidemics.

I also commend my colleagues, Senator STABENOW and Senator SNOWE, for their commitment to seeing that we provide adequate financial support for doctors and hospitals to use health information technology systems. I will work closely with them, and with our chairman and our colleagues on the health committee, to see that we build on the legislation under consideration today in order to assist health care providers to meet the cost of acquiring health IT.

Senator SNOWE and Senator STABENOW have made a major contribution to our debate, and I look forward to working with them on additional proposals on this important issue in the very near future.

Ms. SNOWE. Mr. President, I want to commend Senators ENZI, KENNEDY, FRIST, and CLINTON for their work in addressing the inadequate state of our individual health records today. The Wired for Health Care Quality Act will accelerate the development of essential standards to protect investment in health information technology. Very soon the Federal Government will require compliance with these standards for its purchases—a long overdue step in modernizing health care information management.

I began work with on this issue in the last Congress when we learned from the Institute of Medicine that an estimated 98,000 Americans die each year as a result of medical errors. Technology can help us prevent these deaths and injuries from medical mistakes. That is one reason I joined with Senator STABENOW to assure that we implement live saving technology.

A second reason for our work is that information technology, IT, will help us reduce the cost of health care. As health care costs increase far more rapidly than inflation, care becomes less affordable and the ranks of the uninsured grow. Each of us appreciates that technology will help us reduce that unsustainable trend. Recent reports demonstrate that the cost of implementing health IT is exceeded by a single year of savings. That is a remarkable return on investment, but since an estimated 89 percent of savings accrues to payers, not providers, standards alone will not spur adoption.

Since the rewards for adoption primarily accrue to payers and patients, it is wholly appropriate that payers—including the Federal Government—act in their best interest to reduce costs. That means we must ensure adoption not just by those providers for whom investment is relatively easy, but by those with lesser resources, such as the many who provide care for our Medicare, Medicaid, and SCHIP beneficiaries. I look forward to working with my colleagues to see that we implement financing—including grants and tax incentives—to allow all providers to adopt this promising technology. Otherwise we will see a two-tiered system develop.

If some patients do not receive the benefits of the electronic health record the President has set as a goal, their care will suffer. In fact, if their providers cannot adopt technology, their clinical data may not be not properly integrated in pay-for-performance methodologies. If the resulting criteria don't account for such patients, they then pose the risk of inadequate compensation to providers, and many may decline to serve them. So it is critical that we assure all providers can adopt health IT.

I thank Chairman ENZI and the Senator KENNEDY for their commitment to a hearing next spring on the adoption and financing issue. I also thank the majority leader for his assistance. The issue of adoption certainly multiple committees, and we appreciate his efforts in helping the full Senate to consider promising financing proposals to assure broad adoption.

As we move forward together, we should also remember to follow the physician's adage—certainly one the leader knows so well—to "first do no harm". We are all agreed that genetic information, which may indicate probability of disease, must be protected. One's medical record includes even more than probability—it is indisputable evidence of the presence of disease, the drugs one uses, your full physical and mental health history. Consequently, Americans are worried about their health records. A recent survey demonstrates that two-thirds of all consumers have substantial concerns about the privacy of their medical records. The same proportion say that recent reports of privacy breaches have actually increased these concerns. So it comes as no surprise that consumers engage in behaviors to avoid such data from even being created—such as paying out-of-pocket for medical expenses, using a different physician on occasion, or simply asking that vital information not be included in their chart. Patients even forgo treatment altogether in fear of disclosure. This compromises health, so we simply must provide Americans with confidence in the security of their health record.

We simply must have the highest levels of data security. So first we must see procedures established to assure that inappropriate disclosure does not occur. Next, if a data breach does occur, the patient must be informed. To do otherwise is unconscionable.

I am pleased to see that the managers amendment requires such notification for those handling data under the programs established by this legislation, and the bill also establishes a process to address concerns on medical data privacy by directing a GAO study to guide us in providing the assurance all Americans must have that their medical data is protected. I thank my colleagues for including these essential provisions.

Today marks the beginning of a process to offer all Americans a safer, more affordable system of health care. I look forward with Senator STABENOW to working with the majority leader and Senators ENZI, KENNEDY, and CLINTON, as well as Senators GRASSLEY and BAUCUS, as we move forward to realizing the full potential of health IT become reality for our constituents. The rewards in lives and dollars saved compels us to act promptly.

Ms. STABENOW. Mr. President, I want to commend the leadership of Senators ENZI, KENNEDY, FRIST, and CLINTON in this critically important arena. Their diligent work in introducing and passing S. 1418 establishes the groundwork necessary to begin to realize the promises of health information technology, IT.

The evidence showing the ability of health IT to reduce costs and improve quality of care is simply overwhelming. Dr. David Brailer's office attributes savings from widespread adoption of electronic health records in the range of 7.5 percent to 30 percent of annual health care spending that is between $135 and $540 billion annually.

Manufacturers in Michigan and across the country are struggling to remain competitive in a global market with skyrocketing health care costs. Health IT can, and should, play a key role in managing these costs.

Equally compelling is the promise health IT holds for improving the quality of our health care system by ensuring that patients get the care they need, at the right time, and in the best setting.

To realize these promises, however, Congress must enact legislation providing meaningful resources through Federal financial incentives, both mandatory grants and tax incentives, to physicians, hospitals, skilled nursing facilities, and community health and mental health centers for health information technology.

Health care providers are struggling to keep up with their daily needs at the same time they are anticipating cuts in their rates. A major barrier to widespread use of IT is the initial investment cost: the costs of procuring and implementing health IT can be staggering.

Every day we delay providing Federal seed money through a grant program and accelerated depreciation of health information technology expenses, we delay getting health information technology systems in place, and businesses, taxpayers and patients pay in both dollars and lives.

I appreciate the majority leader's commitment to encourage the chairman and ranking member of the Finance Committee and the chairman and ranking member of the HELP Committee to schedule, at the earliest opportunity, consideration of legislative proposals to ensure federal funding to accelerate adoption of health IT.

A meaning Federal investment must be robust, funded with mandatory, rather than discretionary, dollars, and available to individual providers and health care systems.

This is not the place to skimp on dollars; we know every dollar we spend will come back to us many times over. Federal investments, through grants and tax incentives, in health information technology will result in lower Medicare, Medicaid and SCHIP spending, reduced medical errors, and greater quality and efficiency in our health care system. We must provide a level of funding that will allow a significant percentage of our health care providers to adopt and use health IT systems. Additionally, funding must not be limited to authorizations of appropriations. We must actually provide the dollars needed to begin realizing the benefits of health IT.

Nor should we limit funds to providers in networks. We should work towards a system where all health care providers are linked, but we do not need to wait for those networks to be formed to see the benefits of health IT. Standalone e-prescribing systems could reduce medication errors by 50 percent; there is no reason to delay the quality, safety, and financial savings possible through immediate health IT adoption by individual providers.

In addition to funding, we must pay careful attention to privacy and confidentiality rights and concerns. A patient's right to health information privacy is paramount, and an essential component of the health care provider-patient relationship. According to a survey recently released by the California HealthCare Foundation, CHCF, 67 percent of Americans remain concerned about the privacy of their personal health information. The survey also reports that many consumers may be putting their health at risk by avoiding their regular doctor or forgoing needed tests over privacy concerns. Apprehension over privacy and confidentiality, if not addressed thoughtfully, could pose enormous barriers to the savings and health care improvements possible through adoption of health information technologies. Strong, enforceable privacy safeguards based on a patient's right to health information privacy are absolutely critical as we move towards a nationwide, interoperable electronic health care system.

I appreciate provisions included in the managers' amendment addressing the need for patients to be notified if their individually identifiable health information is wrongfully disclosed and a study by the General Accounting Office examining the issue as it relates to all Americans.

I look forward to working with the majority leader, and Senators SNOWE, ENZI, KENNEDY, and CLINTON, as well as Senator GRASSLEY and BAUCUS to ensure passage of legislation this Congress providing meaningful, substantial Federal financial incentives to accelerate adoption of life and dollar saving health information technologies.

Mr. FRIST. Mr. President, I am pleased to speak in support of S. 1418. I share an important goal with Senators ENZI, KENNEDY, SNOWE, STABENOW, and CLINTON—to improve health care quality and reduce costs through the use of health information technology tools.

I spent 20 years as a physician and heart surgeon before coming to the Senate. Like most physicians, I wanted the latest and best medical technology, anything that could make my patients healthier or more comfortable, while reducing health care costs and increasing efficiency.

But amidst the artificial heart assist devices, lasers, CT Scan machines, endoscopic devices, digital X-Rays, and digital thermometers, doctors today keep patient records the same way I did and the way my father did 50 years ago: on paper, in manila folders in file cabinets, in the basements of clinics and hospitals. Yet computers, and computer technology, is everywhere, both inside and outside the hospitals and clinics. From bedside monitors to massive MRI machines, computers power almost all of the diagnostic devices we rely on.

S. 1418 represents an important and crucial first step towards recognizing the importance of computers and the electronic medical record in contemporary health care. Establishing interoperability of the electronic medical record, an essential hurdle towards effective use of health information technology, is a priority. Proposals for providing Federal financial incentives for physicians, community health centers, community mental health centers, hospitals and skilled nursing facilities like that introduced by Senator SNOWE and Senator STABENOW need to be considered.

Assuring proper funding of health IT is an issue of major importance for the Senate to consider in the coming congressional session. I will work with the chairman and ranking member of the Finance Committee and the chairman and ranking member of the HELP committee as well as Senators SNOWE and STABENOW to encourage these committees to schedule, at the earliest opportunity, consideration of legislative proposals to ensure creative and reasonable Federal funding for such an important and relevant mission. I will also work with relevant committees to encourage consideration of legislation that would enable providers to connect to a secure, interoperable network for the electronic exchange of health information.

Mrs. CLINTON. I would like to commend Chairman ENZI and Senator KENNEDY for all of their work on this legislation. I would also like to recognize the commitment and leadership of the majority leader, who I have been working closely with on this issue. Today's passage of S. 1418, the Wired for Health Care Quality Act, is a fundamental first step in establishing a nationwide, interoperable health IT infrastructure.

Our legislation provides the framework and authorizes several grant programs to begin the process of funding health IT projects that are compliant with the framework established in the bill. The legislation introduced by Senators SNOWE and STABENOW and their work more broadly on this issue will be critical as we work on additional financing mechanisms. I am anxious to begin that work and am committed to working closely with them, and my colleagues on the HELP and Finance committees to ensure that physicians and hospitals are able to afford to participate in a 21st century health care system.

Mr. ENZI. I see this bill as the first step of many in improving the health care in the United States. I look forward to working with my friends on the Finance Committee as well as working with Senators SNOWE and STABENOW to look at creative financing mechanisms to help doctors and hospitals go on line.

Mr. FRIST. Mr. President, in closing our comments on this bill, I also thank my staff who have been shepherding this for me for the last 3 years, Liz Hall, Jennifer Romans, and many others. The real significance is that patient care will be improved. It will get the waste and abuse out of the system. It makes the health care system more efficient. I am excited about it. Having interoperable standards that people begin to agree with means you will have an influx of private capital which will help with the spreading of this information technology infrastructure over time.

TERRORISM RISK INSURANCE EXTENSION ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 287, S. 467.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 467) to extend the applicability of the Terrorism Risk Insurance Act of 2002.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Banking, Housing, and Urban Affairs with an amendment, as follows:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 467

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "Terrorism Risk Insurance Extension Act of 2005.".

[SEC. 2. EXTENSION OF TERRORISM RISK INSURANCE PROGRAM.

[(a) EXTENSION OF PROGRAM YEARS.—Section 108(a) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note, 116 Stat. 2336) is amended by striking "2005" and inserting "2007".

[(b) CONTINUING AUTHORITY OF THE SECRETARY.—Section 108(b) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note, 116 Stat. 2336) is amended by striking "arising out of" and all that follows through "this title".

[SEC. 3. CONFORMING AMENDMENTS.

[(a) DEFINITIONS.—

[(1) PROGRAM YEARS.—Section 102(11) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note, 116 Stat. 2326) is amended by adding at the end the following:

"[(E) PROGRAM YEAR 4.—The term 'Program Year 4' means the period beginning on January 1, 2006 and ending on December 31, 2006.

"[(F) PROGRAM YEAR 5.—The term 'Program Year 5' means the period beginning on January 1, 2007 and ending on December 31, 2007.

"[(G) OTHER PROGRAM YEARS.—Except when used as provided in subparagraphs (B) through (F), the term 'Program Year' means, as the context requires, any of Program Year 1, Program Year 2, Program Year 3, Program Year 4, or Program Year 5.".

[(2) INSURED LOSSES.—Section 102(5) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note, 116 Stat. 2324) is amended—

[(A) by inserting "on or before December 31, 2007, as required by this title," before "if such loss";

[(B) by striking "(A) occurs within" and inserting the following:

"[(A) occurs on or before the earlier of the expiration date of the insurance policy or December 31, 2008; and

"[(B) occurs—

"[(i) within"; and

[(C) by striking "occurs to an air carrier" and inserting the following:

"[(ii) to an air carrier".

[(3) CONFORMING AMENDMENTS.—Section 102 of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note, 116 Stat. 2323) is amended—

[(A) in paragraph (1)(A)(iii)(I), by striking "(5)(B)" and inserting "(5)(B)(ii)"; and

[(B) in paragraph (4), by striking "subparagraphs (A) and (B)" and inserting "subparagraph (B)".

[(b) APPLICABLE INSURER DEDUCTIBLES.—Section 102(7) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note, 116 Stat. 2325) is amended—

[(1) in subparagraph (D)—

[(A) by inserting "and each Program Year thereafter" before ", the value"; and

[(B) by striking "preceding Program Year 3" and inserting "preceding that Program Year"; and

[(2) in subparagraph (E), by striking "for the Transition" and all that follows through "Program Year 3" and inserting the following: "for the Transition Period or any Program Year".

[(c) CONTINUATION OF MANDATORY AVAILABILITY.—Section 103(c)(1) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note, 116 Stat. 2327) is amended—

[(1) by striking "last day of Program Year 2" and inserting "termination date established under section 108(a)"; and

[(2) by striking the paragraph heading and inserting "IN GENERAL.—".

[(d) DURATION OF POLICIES.—Section 103(c) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note, 116 Stat. 2327) is amended—

[(1) by redesignating paragraph (2) as paragraph (3); and

[(2) by inserting after paragraph (1) the following:

"[(2) MANDATORY DURATION.—Coverage for insured losses required by paragraph (1) under a policy issued at any time during Program Year 5 shall remain in effect for not less than 1 year following the date of issuance of the policy, except that no loss occurring after the earlier of the expiration date of the subject insurance policy or December 31, 2008, shall be considered to be an insured loss for purposes of this title.".

[(e) INSURED LOSS SHARED COMPENSATION.—Section 103(e) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note, 116 Stat. 2328) is amended—

[(1) in paragraph (2)(A), by striking "ending on" and all that follows through "Program Year 3" and inserting "ending on the termination date established under section 108(a)"; and

[(2) in paragraph (3), by striking "ending on" and all that follows through "Program Year 3" and inserting "ending on the termination date established under section 108(a)".

[(f) AGGREGATE RETENTION AMOUNT.—Section 103(e)(6) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note, 116 Stat. 2328) is amended—

[(1) in subparagraph (B), by striking "and" at the end;

[(2) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

[(3) by adding at the end the following:

"[(D) for Program Year 4, the lesser of—

"[(i) $17,500,000,000; and

"[(ii) the aggregate amount, for all insurers, of insured losses during such Program Year; and

"[(E) for Program Year 5, the lesser of—

"[(i) $20,000,000,000; and

"[(ii) the aggregate amount, for all insurers, of insured losses during such Program Year.".

[SEC. 4. COVERAGE OF GROUP LIFE INSURANCE.

[Section 103 of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note, 116 Stat. 2327) is amended by striking subsection (h) and inserting the following:

["(h) APPLICABILITY TO GROUP LIFE INSURANCE.—

["(1) IN GENERAL.—The Secretary shall, by rule, apply the provisions of this title to providers of group life insurance, in the manner determined appropriate by the Secretary, consistent with the purposes of this title.

["(2) CONSISTENT APPLICATION.—The rules of the Secretary under this subsection shall, to the extent practicable, apply the provisions of this title to providers of group life insurance in a similar manner as those provisions apply to an insurer otherwise under this title.

["(3) CONSIDERATIONS.—In determining the applicability of this title to providers of group life insurance, and the manner of such application, the Secretary shall consider the overall group life insurance market size, and shall consider the establishment of separate retention amounts for such providers.

["(4) RULEMAKING REQUIRED.—Not later than 90 days after the date of enactment of the Terrorism Risk Insurance Extension Act of 2005, the Secretary shall issue final regulations to carry out this subsection.

["(5) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to affect or otherwise alter the applicability of this title to any insurer, as defined in section 102.

["(6) DEFINITION.—As used in this subsection, the term 'group life insurance' means an insurance contract that provides term life insurance coverage, accidental death coverage, or a combination thereof, for a number of persons under a single contract, on the basis of a group selection of risks.".

[SEC. 5. RECOMMENDATIONS FOR LONG-TERM SOLUTIONS.

[Section 108 of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note, 116 Stat. 2328) is amended by adding at the end the following:

["(e) RECOMMENDATIONS FOR LONG-TERM SOLUTIONS.—The Presidential Working Group on Financial Markets shall, in consultation with the NAIC, representatives of the insurance industry, and representatives of policy holders, not later than June 30, 2006, submit a report to Congress containing recommendations for legislation to address the long-term availability and affordability of insurance for terrorism risk.".

SECTION 1. SHORT TITLE.

This Act may be cited as the "Terrorism Risk Insurance Extension Act of 2005".

SEC. 2. EXTENSION OF TERRORISM RISK INSURANCE PROGRAM.

(a) PROGRAM EXTENSION.—Section 108(a) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2336) is amended by striking "2005" and inserting "2007".

(b) MANDATORY AVAILABILITY.—Section 103(c) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2327) is amended--

(1) by striking paragraph (2);

(2) by striking "AVAILABILITY.—" and all that follows through "each entity" and inserting "AVAILABILITY.—During each Program Year, each entity"; and

(3) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and moving the margins 2 ems to the left.

SEC. 3. AMENDMENTS TO DEFINED TERMS.

(a) COVERED ACTS OF TERRORISM.—Section 102(1)(B)(ii) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2324) is amended by inserting before the period ", with respect to an act occurring before Program Year 4, $50,000,000 with respect to an act occurring in Program Year 4, or $100,000,000 with respect to an act occurring in Program Year 5".

(b) PROGRAM YEARS.—Section 102(11) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2326) is amended by adding at the end the following:

"(E) PROGRAM YEAR 4.—The term 'Program Year 4' means the period beginning on January 1, 2006 and ending on December 31, 2006.

"(F) PROGRAM YEAR 5.—The term 'Program Year 5' means the period beginning on January 1, 2007 and ending on December 31, 2007.".

(c) EXCLUSIONS FROM COVERED LINES.—

(1) IN GENERAL.—Section 102(12)(B) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2326) is amended—

(A) in clause (vi), by striking "or" at the end;

(B) in clause (vii), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(viii) commercial automobile insurance;

"(ix) burglary and theft insurance;

"(x) surety insurance;

"(xi) professional liability insurance; or

"(xii) farm owners multiple peril insurance.".

(2) CONFORMING AMENDMENTS.—Section 102(12)(A) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2326) is amended—

(A) by striking ", and surety insurance"; and

(B) by striking ", worker's" and inserting "and worker's".

(d) INSURER DEDUCTIBLES.—Section 102(7) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2325) is amended—

(1) in subparagraph (D), by striking "and" at the end;

(2) by redesignating subparagraph (E) as subparagraph (G);

(3) by inserting after subparagraph (D), the following:

"(E) for Program Year 4, the value of an insurer's direct earned premiums over the calendar year immediately preceding Program Year 4, multiplied by 17.5 percent;

"(F) for Program Year 5, the value of an insurer's direct earned premiums over the calendar year immediately preceding Program Year 5, multiplied by 20 percent; and"; and

(4) in subparagraph (G), as so redesignated, by striking "through (D)" and all that follows through "Year 3"and inserting the following: "through (F), for the Transition Period or any Program Year".

SEC. 4. INSURED LOSS SHARED COMPENSATION.

Section 103(e) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2328) is amended—

(1) in paragraph (1)—

(A) by inserting "through Program Year 4" before "shall be equal"; and

(B) by inserting ", and during Program Year 5 shall be equal to 85 percent," after "90 percent"; and

(2) in each of paragraphs (2) and (3), by striking "Program Year 2 or Program Year 3" each place that term appears and inserting "any of Program Years 2 through 5".

SEC. 5. AGGREGATE RETENTION AMOUNTS AND RECOUPMENT OF FEDERAL SHARE.

(a) AGGREGATE RETENTION AMOUNTS.—Section 103(e)(6) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2329) is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(D) for Program Year 4, the lesser of—

"(i) $17,500,000,000; and

"(ii) the aggregate amount, for all insurers, of insured losses during such Program Year; and

"(E) for Program Year 5, the lesser of—

"(i) $20,000,000,000; and

"(ii) the aggregate amount, for all insurers, of insured losses during such Program Year.".

(b) RECOUPMENT OF FEDERAL SHARE.—Section 103(e)(7) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2329) is amended—

(1) in subparagraph (A), by striking ", (B), and (C)" and inserting "through (E)"; and

(2) in each of subparagraphs (B) and (C), by striking "subparagraph (A), (B), or (C)" each place that term appears and inserting "any of subparagraphs (A) through (E)".

SEC. 6. LITIGATION MANAGEMENT.

Section 107(a) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2335) is amended by adding at the end the following:

"(6) AUTHORITY OF THE SECRETARY.—Procedures and requirements established by the Secretary under section 50.82 of part 50 of title 31 of the Code of Federal Regulations (as in effect on the date of issuance of that section in final form) shall apply to any cause of action described in paragraph (1) of this subsection.".

SEC. 7. ANALYSIS AND REPORT ON TERRORISM RISK COVERAGE CONDITIONS AND SOLUTIONS.

Section 108 of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2336) is amended by adding at the end the following:

"(e) ANALYSIS OF MARKET CONDITIONS FOR TERRORISM RISK INSURANCE.—

"(1) IN GENERAL.—The President's Working Group on Financial Markets, in consultation with the National Association of Insurance Commissioners, representatives of the insurance industry, representatives of the securities industry, and representatives of policy holders, shall perform an analysis regarding the long-term availability and affordability of insurance for terrorism risk, including—

"(A) group life coverage; and

"(B) coverage for chemical, nuclear, biological, and radiological events.

"(2) REPORT.—Not later than September 30, 2006, the President's Working Group on Financial Markets shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on its findings pursuant to the analysis conducted under subsection (a).".

Mr. SHELBY. Mr. President, I rise today in support of S. 467, the Terrorism Risk Insurance Extension Act of 2005, introduced by my colleagues on the Banking Committee, Senators DODD and BENNETT and reported out unanimously by the Banking Committee.

In the wake of the events of September 11, Congress passed the Terrorism Risk Insurance Act, also known as "TRIA." The law was intended to ensure the continued availability and affordability of property and casualty insurance for terrorism risk, and to provide for a transitional period to allow private markets to stabilize.

At this point in time, it seems that this program has largely achieved both of its stated objectives. Over the last 3 years, the property and casualty insurance market has rebounded and is now far more profitable and competitive.

Indeed, despite the enormous losses incurred as a result of the hurricanes, insurer capital has grown tremendously and now greatly exceeds pre-September 11 levels.

While the private insurance markets have made tremendous strides during the course of the TRIA program, however, the private insurance marketplace has not yet entirely stabilized.

As a result, without some form of backstop, it is very likely that there would be gaps in some terrorism insurance coverage.

S. 467 extends the TRIA program and addresses this market dysfunction. Additionally and importantly, it also recognizes the positive developments in the insurance markets and contains reforms to the original law intended to require more private sector responsibility and to facilitate further recovery in the insurance markets. It strikes the proper balance between ensuring that terrorism insurance remains available and affordable, while also protecting the American taxpayer.

I note that I did not support enactment of TRIA when it was first considered 4 years ago. My reservations were based on concerns about the Government intruding into private markets. While my concerns are not entirely diminished, I believe that the Banking Committee has produced a responsible, targeted product that will help the marketplace smoothly transition to efficient function.

This bill, this bipartisan compromise package, could never have been achieved without the cooperation and commitment of the members of the Banking Committee. Specifically, I commend Senators DODD and BENNETT, the original cosponsors of this bill, for their leadership, their effort and their willingness to work together. I also thank Senator SARBANES, who, in his usual manner, was extremely helpful to achieving this result.

Additionally, I thank the various staffers whose hard work behind the scenes helped get this bill done. Particularly, I want to commend the efforts of Alex Sternhell from Senator DODD's staff, Sarah Kline and Steve Harris from Senator SARBANES's staff, Mike Nielsen from Senator BENNETT's staff, and Jim Johnson, Andrew Olmem, Mark Oesterle and Kathy Casey from my staff.

Mr. SARBANES. Mr. President, I join my colleagues in support of the Terrorism Risk Insurance Extension Act of 2005. Three years ago, we passed the Terrorism Risk Insurance Act to stabilize the insurance marketplace after the shock of the September 11 attacks. TRIA, as that Act became known, established a partnership between the insurance industry and the Federal Government to share the risk of significant losses from terrorism. TRIA is scheduled to expire at the end of this year. The bill that is now pending before the Senate would extend TRIA for an additional 2 years while requiring the insurance industry to take on progressively more of the terrorism risk.

This bill is the product of a great deal of effort by the Banking Committee to accommodate the widely differing views of many members on the structure of a TRIA extension. I thank the chairman of the Committee, Senator SHELBY, for his willingness to reach across the aisle in developing this bill. Under his skillful guidance, we have been able to develop a product that has won unanimous support in the Banking Committee. I also want to recognize Senator DODD for his dedication to this issue. He was instrumental in 2002 in the development and passage of the original TRIA legislation, and he has been a strong and effective leader this year as well.

The original TRIA was designed to address the adverse impact on the terrorism insurance marketplace of the sudden lack of terrorism reinsurance after the September 11 attacks. Reinsurance is a mechanism by which insurance companies spread their own risks, allowing them to write more policies. Without it, insurers' capacity to offer coverage for losses due to terrorism shrank considerably. By all accounts, the Federal backstop provided by TRIA achieved its goal of making terrorism insurance coverage available and affordable once again. The Treasury Department reported this summer, "TRIA was effective in terms of the purposes it was designed to achieve. TRIA provided a transitional period during which insurers had enhanced financial capacity to write terrorism risk insurance coverage. . . . More generally, TRIA provided an adjustment period allowing both insurers and policyholders to adjust to the post-September 11th view of terrorism risk."

As discussions began over a possible extension of TRIA, it became clear that there are serious disagreements as to what would be the most efficient, effective, and equitable way to assure the continued availability of terrorism insurance. A number of studies have concluded that the reinsurance market has not rebounded to any great extent since the attacks of 2001. These studies conclude that if the backstop provided by the Federal Government does not continue, insurers will write fewer terrorism policies or charge much higher prices for them, creating a drag on our nation's economy and leaving companies uninsured against a terrorist attack. On the other hand, the administration and others argue that the insurance industry is now better prepared to handle the risk of terrorism than it was three years ago, and that any extension of TRIA should therefore be significantly narrower than the current program to avoid crowding out additional private sector activity.

These are issues that deserve careful analysis, which is why this extension bill contains a requirement for a study by the President's Working Group on Financial Markets on the long-term availability and affordability of terrorism risk insurance. I hope that this requirement will result in a thorough examination of the issues which will help us answer the question of how to insure against terrorism over the longterm.

To allow time for that examination to take place, the pending legislation continues the TRIA program for two additional years, with certain modifications, which I will briefly summarize.

This bill narrows the scope of the TRIA program, further targeting the program toward the types of terrorism insurance that are the most difficult to provide. Under the terms of the extension, the Federal backstop will no longer be available for insurance policies covering commercial automobiles, professional liability, burglary and theft, farmowners' multiple peril, and surety.

Just as the original TRIA did, this extension places more of the risk on the insurance industry, and correspondingly less on the federal government, in each year. For example, in 2005, under the current program, the amount of terrorism losses that an insurer must cover before Federal assistance becomes available is 15 percent of the premiums collected by that insurer in lines covered by the TRIA program. Under this extension, this "insurance company deductible" will rise to 17.5 percent of premiums in 2006, and 20 percent of premiums in 2007. Moreover, the amount that insurers must pay above their deductible also increases, rising from 10 percent of losses in 2006, to 15 percent of losses in 2007.

In addition to the individual insurance companies' deductible, the insurance industry as a whole must cover a certain amount of losses before federal assistance becomes available. In 2005, the last year of the current TRIA program, that amount is $15 billion. Under this legislation, that will rise to $17.5 billion in 2006, and $20 billion in 2007.

Also, starting in 2006, no Federal assistance will be available at all under the program for a terrorist attack in which total losses do not exceed $50 million, a level which rises to $100 million in 2007.

Finally, I want to emphasize that the extension retains a critically important piece of the current TRIA program: the requirement that insurers make terrorism coverage available to policyholders in all of the lines covered by TRIA.

These provisions follow the framework of the existing TRIA program, keeping the Federal backstop in place so that insurers will continue writing terrorism policies, while placing progressively more of the costs onto the industry itself. I want to take just a moment to acknowledge the hard work that the staff has put into this bill, particularly Sarah Kline from my Banking Committee staff, Alex Sternhell with Senator DODD, Kathy Casey and Mark Oesterle with Chairman SHELBY, and Mike Nielson with Senator BENNETT. As with any compromise product, no one would say that the legislation is perfect. But it is a serious effort to address the concerns we have heard raised regarding TRIA and the potential effects of its expiration, and I urge my colleagues to join me in supporting it.

Mr. REID. Mr. President, yesterday the Senate Banking Committee reported the Terrorism Risk Insurance Extension Act of 2005, and I look forward to the full Senate passing this legislation that is so vital to the economic well-being of this country.

In 2002 I cosponsored, and Congress passed, the Terrorism Risk Insurance Act, commonly referred to as TRIA. This important legislation provided a Government backstop for the terrorism insurance market that disappeared after the attacks of September 11.

The primary purpose behind TRIA, and the reason it needs to be extended, is to make sure that the American economy and markets function in the face of a terrorist threat. September 11 proved that there needs to be a mechanism in place to allow the economy to rebound more quickly and to protect American jobs in the unfortunate event of another terrorist attack here in the United States. Since it became law, TRIA has proven to be an effective program that has made terrorism risk insurance available and provided businesses meaningful access to coverage in a post-9/11 world.

TRIA is a temporary program set to expire at the end of this year, which created significant uncertainty in the terrorism insurance market and threatened to stall construction and building projects across the country. Most lenders who finance these projects require borrowers to have terrorism risk coverage, but in the face of TRIA's looming expiration, that coverage became more difficult and expensive to get, making those projects infeasible. Recognizing these problems early in the year, Senator DODD and Senator BENNETT drafted TRIA extension legislation, which I cosponsored.

Mr. President, although slightly different from the bill that Senator DODD introduced earlier this Congress, and that I and other Democrats cosponsored, the legislation that passed out of the committee yesterday essentially maintains the structure of TRIA and extends the program through the end of 2007. I am disappointed that group life insurance will not be covered under the program and that other lines originally covered have been excluded. But my colleagues, Senators DODD, SARBANES, SHELBY, and BENNETT, worked closely with others on the Banking Committee to construct a product that all of us in the Senate should be able to support. I am hopeful the Senate action on this bill today will break the logjam over this legislation so it can be signed into law before the Congress adjourns this year.

Mr. DODD. Mr President, I rise to lend my strong support for S. 467, the Terrorism Risk Insurance Extension Act of 2005, which I originally introduced with Senator BENNETT and 34 cosponsors earlier this year. Our legislation was amended in committee with the hard work and leadership of Banking Committee Chairman SHELBY and Ranking Member SARBANES to develop the product before the Senate today.

I would like to commend the members on the Banking Committee: Senators JOHNSON, REED, SCHUMER, BAYH, CARPER, STABENOW, CORZINE, HAGEL, BUNNING, and DOLE as well as the other cosponsors of the legislation for recognizing—very early on—how important extending the Terrorism Risk Insurance Act, TRIA, was to our Nation's economy and for their efforts on this legislation.

I would especially like to commend Chairman SHELBY for his work on this legislation. This is not the bill I would have written, nor is it the bill that he would have written. For example, it was my hope that we could have included group life as a covered line in this legislation. However, I am acutely aware that the chairman has had concerns about the TRIA program and what the role of the Federal Government should be in this area—and I would like to thank him and his staff for helping to craft a compromise that not only adheres to his principles but also satisfies the concerns of so many Members of this body who believe it is imperative to pass an extension of TRIA.

Like many bills, this legislation is a document of compromise. We have carefully taken into consideration the recommendations of policyholders, insurers, consumers, academics, think-tanks, the Treasury Department and others to craft this important extension legislation.

And I think that this product is very good one.

Let me take a few brief moments to provide my colleagues with a little background on TRIA and why it needs to be extended today.

As a result of the tragic terrorist acts of 9/11, we repeatedly heard from businesses, large and small, from labor unions and manufacturers, from hospitals to hotels, from professional sports teams to utility companies, from insurers and the insured about the need for the Federal Government to act to help them receive financial protection from future terrorist attacks.

Congress listened, and we acted—creating the Terrorism Risk Insurance Act—TRIA.

In November 2002, TRIA was passed by both the House and Senate by significant margins and was signed into law. It created 3-year program establishing a Federal backstop against catastrophic losses in the property and casualty insurance marketplace.

And we heard an overwhelming response from policyholders across the country—TRIA has worked. It has achieved its primary goal—continued availability and affordability of insurance against future terrorist attacks.

Industries as diverse as commercial real estate, shipping, construction, manufacturing, and even "mom and pop" retailers require insurance to obtain credit, loans, and investments necessary for their normal business operations. TRIA was designed to do just that—restore "business as usual" in every State across our Nation.

I believe that the greatest indicator of the success of TRIA is what we have not heard over the past 3 years since the enactment of TRIA public outcry from businesses and workers whose livelihoods are threatened by their inability to purchase coverage against acts of terror.

Construction projects are no longer stalled, mortgages are no longer in doubt, and jobs are no longer in jeopardy as a result of the inability to receive terrorism insurance.

Insurance isn't something we think about every day, yet it is vital to the overall health of our economy. By protecting people and property, goods and services in every sector of America's $10 trillion-plus economy, insurance provides the stability and certainty required to keep our economic engine humming. Every prospective homeowner needs insurance to obtain a mortgage from a bank. Insurance of all types is a critical component of our capital markets.

Not only has TRIA been effective in ensuring that terrorism is available and affordable, and that our economy remains vibrant, it is also an incredibly important taxpayer protection law. With relatively little money necessary to fund the administration of the TRIA program, we have ensured that insurers and policyholders take the first $30 to $40 billion of losses of a potential terrorist attack.

According to a recent study conducted by the RAND Institute, "Based on our analysis (of TRIA), the role of taxpayers is expected to be minimal, unless there is are several large events in a single year."

TRIA has essentially provided that in the unfortunate event of a future terrorist attack a $30 to $40 billion check is written to U.S. taxpayers. TRIA has not only worked to help provide available and affordable terrorism risk insurance, it has also protected our Nation's taxpayers.

With the expiration of TRIA in less than 45 days, and this session near completion, it is essential that Congress extend TRIA immediately.

I would like to bring to your attention a letter from 28 Governors across the Nation urging us to extend the TRIA program.

There is one provision in this legislation that I believe is an important component—the mandate for the President's Working Group—our Nation's Federal financial regulators—to do an analysis of the long-term availability and affordability of terrorism risk insurance.

This legislation provides for a 2-year extension of TRIA—and in these next 2 years we need to find a long-term solution to this issue. It may be determined that this is an unwritable risk for the private sector, and that a continued Federal role is needed or we may find that insurers are able to return to underwriting this risk without a Federal backstop. But we need to start work on developing this information and potential solutions as soon as possible.

Since the enactment of TRIA, our Nation has been fortunate enough not to suffer the tremendous loss of life or destruction of property that we endured on September 11, 2001. But by no means has the political climate, either domestically or abroad, returned to a sense of normalcy. We are engaged in a violent conflict in Iraq and we have seen despicable terrorist attacks abroad in Europe and elsewhere.

We have heard repeated dire warnings that terrorism will return to U.S. soil. We must be prepared against this threat. Providing insurance against terrorist attacks, which allows our economy to function, is a critical part of our preparedness.

But we cannot fail to extend TRIA. We cannot afford—and we should do everything in our power to avoid—restoring the tremendous uncertainty and instability to businesses and workers and our economy as a whole.

The enactment of this legislation will ensure that our Nation and its economy are best prepared to deal with a future terrorist attack. I urge the my colleagues to support this legislation.

Mr. REED. Mr. President, the Senate is undertaking a long awaited debate on S. 467, Terrorism Risk Insurance Extension Act of 2005. This bill extends the important program that allows for the Federal Government to share the risk of loss from future terrorist attacks with the insurance industry for 2 more years, to 2007.

As we all know, terrorism remains a clear and present danger. The need for terrorism insurance is real, pressing, and a long-term issue. In the post-9/11 world, it is important to keep the existing TRIA program in place, while continuing to work with the private sector—both policyholders and insurers—to craft a longer term program that addresses all the needs of policyholders.

I want to particularly commend Minority Leader REID, Chairman SHELBY, Senators SARBANES, DODD, BENNETT, and their staffs for their tireless efforts in bringing this issue to the forefront of the Senate's legislative agenda.

The need for terrorism insurance coverage has been widely established as an economic issue, rather than just simply an insurance issue. In the past year, we have heard that many American businesses—policyholders—are already receiving exclusion notices from insurers informing them that they will not be covered on policies beyond TRIA's sunset date. As a result, there has been increasing uncertainty about the availability of adequate terrorism coverage beyond 2005. Clearly, a Federal backstop is vital to ensuring the ongoing availability of terrorism risk coverage.

The other key reason to act on this issue is the fact that should another catastrophic event occur, the Federal Government will likely be on the hook for the total amount of the damage.

An important aspect of this debate is making certain that terrorism insurance coverage is available in the workers' compensation market. Workers' compensation is unique insurance coverage in that law requires that it cover acts of terrorism and war. For close to a century now, workers' compensation has been a safety net available to all workers and their families, replacing lost wages, and paying for medical needs and death benefits regardless of the cause of the workplace injury or death. A strong workers' compensation system is integral to helping victims and their families rebuild their lives.

In my State of Rhode Island, the burden of providing workers' compensation falls to one mutual insurance compan. Beacon Mutual, which was created by the State to ensure that there will always be workers' compensation available to companies in the State. With less availability of reinsurance, the concern for one company conceivably underwriting the entire market for workers' compensation was significant and would have created a very tenuous situation for the company, the State, and its residents. Extending TRIA will address the various problems that employers, insurance companies, and State workers compensation pools alike have had to endure in the absence of a Federal backstop.

I would note, however, that although S. 467 is an improvement on the administration's proposal for the trigger for a terrorist incident—$50 million in the first year of the extension and $100 million in the last, down from $500 million, I remain concerned that because of the concentration of risk and their small capitalization, a higher trigger level for State fund companies put these funds uniquely at risk. A number of terrorist targets could create a result where workers' compensation losses could exceed property losses, but still not reach the proposed higher trigger. As we move towards finding a long-term solution to terrorism insurance coverage, I hope we can work to better address this issue.

There remains a great need to do something because, as it has been stated very plainly during this debate, the situation without a Federal terrorism risk insurance program could be very dire. Extending TRIA is absolutely the right thing to do to protect the economic security of our country. I urge my colleagues to support this bill, and I look forward to its speedy adoption and signature into law.

Mr. SCHUMER. Mr. President, I rise today to express my unwavering support for S. 467, the Terrorism Risk Insurance Extension Act of 2005, introduced by my friend, Senator DODD of Connecticut.

I would like to commend Senators DODD, BENNETT, SHELBY and SARBANES for getting a bill done that we can all stand here and be proud to support. A bill that is good for this country and good for the State of New York.

We still live in America, and particularly in my city of New York, in the shadow of 9/11, of the terrorism that occurred. Obviously, the thousands of families who have had a loved one taken from their midst live with it every moment of their remaining lives, but the rest of us live with it, too, not only in empathy for them but also in terms of the economic consequences of terrorism.

The bottom line is very simple, and that is, because of terrorism, the insurance industry, in terms of insuring risk of large structures in America—whether it be large buildings that make us so proud of the Manhattan skyline or large arenas such as the football stadiums that dot America or larger facilities such as Disneyland, Disney World, and amusement parks—all have difficulty getting insurance.

Insurers are worried that if, God forbid, another terrorist act occurs, it will be so devastating that it will put them out of business.

So 2 years ago, the Senate, House, and the President got together at sort of the end of the day, just like today, and passed terrorism risk insurance.

It has been a large success. That, no one can dispute.

Insurance rates have come down, terrorism insurance is available, and insurance companies know, if, God forbid, the worst happens, there will be a backstop, and they are willing to issue policies.

In turn, that meant developers, builders who wanted to build new large structures in America, did so, employing thousands and thousands of people, creating profits and new businesses as well.

Well, today we are all here to do the right thing. Yesterday, the Banking Committee, of which I am member, passed unanimously a bill to extend the TRIA. In this bill, we have kept the trigger levels manageable for the policyholder community. We kept the retention levels at a responsible level for the private market, retaining the public/private nature of the program.

The bottom line is that we have made some necessary modifications to the program without losing the major protections. We did not all agree what should have been in the bill. Many of us felt strongly about including group life and protections against nuclear, biological, chemical and radiological attacks. But the beauty of the process is that it is a negotiation where we all give and take.

This bill is a good compromise.

The continuation of this program is vital to our Nation's economic stability. By passing this bill on the floor today, we will be sending a message to the world that our financial markets will be protected, that our country will be able to bounce back in the event of any disruptions or financial dislocation caused by another possible terrorist attack.

It is still my strong belief that there needs to be a long-term solution—a permanent program. The President has continued to say that we are fighting a war on terrorism.

The bombing in Jordan last week, the London bombings this past July, and the recent threat to the New York subway system are a few examples of why we must continue fighting this war on terrorism.

So it would have been my preference to get a bill that extended beyond 2 years. But I am at least pleased to know that there was a serious effort to address this concern by including a provision to create a commission that would begin to analyze the long-term availability and affordability of insurance for terrorism risk.

I would particularly like to thank Chairman DODD and SHELBY for specifically including the language I requested which directs the President's working group to analyze the long-term affordability and availability of coverage for chemical, nuclear, biological, and radiological events.

This is an issue of great importance to many New Yorkers. Many retailers and business owners in Lower Manhattan are afraid of a possible dirty bombs attack and the availability of insurance for such an event. This must be addressed and right away.

The bottom line is that financial dislocation caused by another possible terrorist attack—God forbid—is too much for our country to risk. I urge the entire Senate to pass this legislation today. It is only right that we let the markets, let the insurance world, and, most of all, let jobs and construction go forth.

Mr. FRIST. Mr. President, very briefly, I want to comment on this bill as well. This is the Terrorism Risk Insurance Extension Act of 2005. We are doing this by unanimous consent which reflects a tremendous amount of work by a range of Senators over the course of the last several months, weeks, days, and especially over the last few hours. This is a bill that has been subjected to a lot of debate, and that debate has culminated in a lot of agreement. I appreciate the great work of Senator SHELBY, Senator DODD, and so many others. The House hopefully will act on terrorism risk insurance shortly. It is a very important bill to our economy.

I ask unanimous consent that the amendment at the desk be agreed to; the committee reported amendment, as amended, be agreed to; the bill, as amended, be read a third time and passed; the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2600) was agreed to as follows:

Modify section 3(c)(2) of the bill to read as follows:

(2) CONFORMING AMENDMENT.—Section 102(12)(A) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note; 116 Stat. 2326) is amended by striking "surety insurance" and inserting "directors and officers liability insurance".

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 467), as amended, was read the third time and passed.

(The bill will be printed in a future edition of the RECORD.)

U.S.S. "CARL VINSON"

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4326, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4326) to authorize the Secretary of the Navy to enter into a contract for the nuclear refueling and complex overhaul of the U.S.S. Carl Vinson.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4326) was read the third time and passed.

EXECUTIVE SESSION

AGREEMENT WITH CANADA ON PACIFIC HAKE/WHITING

CONVENTION STRENGTHENING INTER-AMERICAN TUNA COMMISSION

CONVENTION CONCERNING MIGRATORY FISH STOCK IN THE PACIFIC OCEAN

Mr. FRIST. I ask unanimous consent the Senate proceed to executive session to consider the following treaties on today's executive calendar: Nos. 4, 6 and 7. I further ask unanimous consent that the treaties be considered as having passed through their various parliamentary stages up to and including the presentation of the resolutions of ratification; that any committee conditions, declarations, or reservations be agreed to as applicable; that any statements be inserted in the RECORD as if read; and that the Senate take one vote on the resolutions of ratification to be considered as separate votes; further, that when the resolutions of ratification are voted upon, the motion to reconsider be laid upon the table, the President be notified of the Senate's action; and that following disposition of the treaties the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. I ask for a division vote on the resolutions of ratification.

The PRESIDING OFFICER. A division vote is requested. Senators in favor of the resolutions of ratification please stand and be counted.

Those opposed to the resolutions of ratification please stand and be counted.

On this vote, two-thirds of the Senators present having voted in the affirmative, the resolutions of ratification are agreed to.

The resolutions of ratification agreed to are as follows:

AGREEMENT WITH CANADA ON PACIFIC HAKE/WHITING (TREATY DOC. 108-24)

Resolved (two-thirds of the Senators present concurring therein), That the Senate advises and consents to the ratification of the Agreement between the Government of the United States of America and the Government of Canada on Pacific Hake/Whiting, done at Seattle, November 21, 2003 (Treaty Doc. 108-24).

CONVENTION STRENGTHENING INTER-AMERICAN TUNA COMMISSION (TREATY DOC. 109-2)

Resolved (two-thirds of the Senators present concurring therein), That the Senate advises and consents to the ratification of the Convention for the Strengthening of the Inter-American Tropical Tuna Commission Established by the 1949 Convention Between the United States of America and the Republic of Costa Rica, with Annexes, adopted on June 27, 2003, in Antigua, Guatemala, and signed by the United States on November 14, 2003 (Treaty Doc. 109-2).

CONVENTION CONCERNING MIGRATORY FISH STOCK IN THE PACIFIC OCEAN (TREATY DOC. 109–1)

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advises and consents to the ratification of the Convention on the Conservation and Management of the Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, with Annexes, adopted at Honolulu on September 5, 2000, by the Multilateral High Level Conference on the Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, and signed by the United States on that date (Treaty Doc. 109–1).

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

ORDERS FOR FRIDAY, NOVEMBER 18, 2005

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 a.m. on Friday, November 18. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, tomorrow morning after we convene, we will immediately proceed to the continuing resolution. Senator HARKIN will have an amendment which will require a vote. Therefore, Senators should expect a couple votes early in the morning. Those votes will occur at approximately 9:30 in the morning.

Following those votes, we expect to have a better idea of what additional business will be available on Friday. There are a couple of appropriations conference reports that will likely be available, the PATRIOT conference report, the House message on the spending reconciliation bill, as well as other legislative and executive items we are trying to clear. Therefore, additional votes may occur and will occur, and we will try to clarify Friday's schedule as early as possible.

I remind everyone that a weekend session is expected and Senators should remain available Friday and Saturday and beyond until we finish our remaining work. I will have to say, starting now about 3 weeks ago we set out a very aggressive agenda, and to date we have stayed right on target to accomplish that agenda. The House is in session right now and is voting actually right now, and I understand they will be conducting more business tonight and in the morning that we will have to act on after they act on much of the legislation they are considering. So it will be a full day tomorrow. I expect to have a number of votes over the course of tomorrow. And again, as we have said for the last 3 weeks, it will be important for our colleagues to keep their schedules flexible through tomorrow and Saturday, Sunday, and possibly beyond that.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 12:58 p.m., adjourned until Friday, November 18, 2005 at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate November 17, 2005.

TENNESSEE VALLEY AUTHORITY

DENNIS BOTTORFF, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2011. (NEW POSITION)

ROBERT M. DUNCAN, OF KENTUCKY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2011. (NEW POSITION)

WILLIAM B. SANSOM, OF TENNESSEE TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2009. (NEW POSITION)

HOWARD A. THRAILKILL, OF ALABAMA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2007. (NEW POSITION)

SUSAN RICHARDSON WILLIAMS, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR THE A TERM PRESCRIBED BY LAW, VICE GLENN L. MCCULLOUGH, JR., TERM EXPIRED.

EXTENSIONS OF REMARKS

IN MEMORY OF JOHN DOMINICK BENEDETTO: HE SHARED HIS FAITH IN ETHICS AND FAIRNESS TOWARD HIS FELLOW MAN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2005

Mr. RANGEL. Mr. Speaker, I rise today to pay special tribute to my friend, John Dominick Benedetto, who died August 29, 2005, in Jupiter, Florida. His memory lives on in the loving embrace of his family and many friends.

John brought a breath of love and beauty to everything he touched, whether in music, the arts, in the preparation of foods, or in his creativity as an entrepreneur.

In World War II, he served his country in the U.S. Air Force. But his appreciation for this land was manifest most deeply in his heartfelt concern for all of its people. He truly believed that every man, woman and child was due—without distinction—the fairness and justice that are America's promise.

In his unassuming way, John personified for me the great Godly virtue taught to us in the Gospel of Matthew: As you have done it unto one of the least of these, you have done it unto me.

My love and condolences go out to Patricia, his faithful and loving wife of 28 years, their five daughters and two sons, their seven grandchildren, and of course, his brother, Tony.

For the information of my colleagues I submit the following obituary which was published in the South Florida Sun-Sentinel on August 30, 2005.

Benedetto, John Dominick, was born on March 18, 1923 in New York City, died August 29, 2005 in Jupiter, FL. He is survived by his loving wife of 28 years Patricia, his brother Tony, five daughters, two sons and seven grandchildren. As a young boy, John sang with the Metropolitan Opera Company, where his beautiful tenor voice resonated through the hills of Italy. His talent and creativity was a mainstay throughout his life, and manifested through his passion for music, life, art, and family. After returning from his tour with the U.S. Air Force during WWII, John became an entrepreneur whose passion for invention was nurtured through the development of many ideas and opportunities. As an innovative thinker, John thought about ways to make the world a better place to live and to foster positive social change. John loved to bring people together, whether it was for a small family gathering where he would create amazing meals with love, or simply sitting on his dock and fishing with a friend or relative. His travels and life's path brought him many experiences that were colorfully shared in anecdotes over a card game or an expertly mixed drink. John's charm and charisma attracted many friends, and allowed him to touch many people. John will be greatly missed. A private service will be arranged by the family for a future date. In lieu of flowers, the family thanks all who can please donate to the TRIPPS organization: 263 Shamey Lane Kennesaw, GA 30144 http://www.tripps.org/.

JIMMY BRESLIN GETS IT RIGHT: THE IRAQ WAR IS A LOCAL ISSUE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2005

Mr. RANGEL. Mr. Speaker, I rise to introduce into the RECORD the commentary entitled "War must be a local issue", written by Jimmy Breslin in the November 9, 2005 issue of Newsday.

Jimmy Breslin's writing cuts to the heart of an issue and this article does just that. He focuses on how the President's lies are perpetuated at the local level, in this case by Mayor Michael Bloomberg; and how some in the Congress and we as citizens accept those lies because we are living "in a time of National Alzheimer's."

Mr. Breslin wrote of the funeral of a 26-year-old marine, Riayan A. Teheda at which Mayor Bloomberg spoke two years ago. According to Mr. Breslin, the Mayor pronounced of the marine killed in Iraq: "He died to keep the weapons of mass destruction out of the hands of . . ." After those words, Mr. Breslin said "you heard no more." Speaking of Mayor Bloomberg, Mr. Breslin wrote: "He was up there in the presence of a gallant New Yorker and he spread a lie and for me it was the start of his campaign and it ended with me not voting for him . . ."

The funeral of Riayan A. Teheda was at St. Elizabeth's Catholic Church on Wadsworth Avenue in Washington Heights, which to Mr. Breslin was "more than somewhat local." He reports that he had been to the funerals of other kids in the Bronx, Ridgewood and in Brooklyn. Mr. Breslin concluded: "If a kid who gets killed is local, then—the war is local."

When President Bush "comforts" the families who have lost their sons, daughters, sisters, brothers, fathers and mothers by telling them the deaths of their loved ones honors those have died before them, he cannot really provide comfort. The parents of a fallen soldier would never ask that another family suffer what they have suffered. The parents I have met don't believe their sons and daughters need the deaths of other sons and daughters to prove their children have died honorably. They believe their children died for their country. They have died for their country.

To quote Mr. Breslin again: "They die in the splendor of bravery, the prayer of valor. And fall in vain because the government causes them to die in vain."

What Mr. Breslin identifies is national leadership that is, "a fake and a fraud and a shill and a sham" who has now, unwittingly perhaps, admitted he was wrong but blames the Democrats who voted to go to war because they made the mistake of believing what he told them.

American soldiers and Iraqis are still dying. The President has still not told anyone the real reason we are in Iraq. He has not told the truth about the intelligence he and a chosen few had when he took this country to war.

Jimmy Breslin is one of New York's most talented writers. His description of New York and of the Nation as having Alzheimer's is strong but descriptive in a way hard to put in to other words and have the same effect. The people in this country do not know there are two wars being fought by a tiny fraction of this population and that their sacrifice is being inflicted and endured out of the sight of the Media and the American public.

[From Newsday, Nov. 9, 2005]

WAR MUST BE A LOCAL ISSUE

(By Jimmy Breslin)

The church was empty at dusk. You stood in the stillness and looked at the place, right there on the side of the altar, where Michael Bloomberg spoke over the casket of a fallen aristocrat of the city, Riayan A. Tejeda, Marine, dead in Iraq at age 26.

Bloomberg pronounced, "He died to keep the weapons of mass destruction out of the hands of . . ."

You heard no more. He was up there in the presence of a gallant New Yorker and he spread a lie and for me it was the start of his campaign and it ended with me not voting for him last night.

He says of Iraq, "It is not a local issue."

This was almost 2 years ago at St. Elizabeth's Catholic Church on Wadsworth Avenue in Washington Heights, which is more than somewhat local.

By myself, I have been at the deep grief of another soldier's funeral in the Bronx, one in Ridgewood, another in Brooklyn.

If the kid who gets killed is local, then—the war is local.

This war continues without an official protest that would call out the will of the people of the City of New York and might count in a Nation that by now realizes it has been the victim of a president who is a fake and a fraud and a shill and a sham and now is going around with the blind staggers.

Only the other night, in a television appearance with the opponent, Ferrer, Bloomberg was asked about withdrawing troops from Iraq and—heavens!—you can't do that. Why, that would mean that New York's fallen military would have died in vain. And why you could never say that about the three or four who would be killed on the day after that, and tomorrow and tomorrow.

They die in the splendor of bravery, the prayer of valor. And fall in vain because the government causes them to die in vain.

Around this great city yesterday, the day went into the heart of the night without excitement. There was an election for mayor and the streets should have been loud with the shrieks of people crying for your vote. Bloomberg last night finished spending at least $70 million to get re-elected and the money suffocated the election. That is not democracy. Every one of those dollars should form the seeds of a revolt.

He is the mayor in a time of National Alzheimer's, and New York, too, is stricken. We have Bloomberg silent on a war. And once in this State we had as senators at the same time, Robert F. Kennedy and Jacob Javits. Look at the citizenry here accepting as United States senators, Clinton and Schumer, who both supported the war. The coin has cheapened and no outcry is heard.

How can Mike Bloomberg be the mayor of this city and not try to put his voice and weight into saving lives?

Bloomberg follows the smirking, deadly lies of a president who had people getting killed for what? For oil, for Dear Old Dad, for a racist disdain for a guy in an alley with a rag on his head. Bush saw the rag but never noticed the gun the guy carried.

Last night, Julio Cesar Tejada, the dead Marine's father, stood in the swarms of people going past his building at 602 W. 180th St. He is 53 and stocky, with short black hair and a pleasant face. On the sidewalk next to him was the small, permanent grotto to his son. A photo. Flowers. Candles. Prayers in Spanish and English.

"How has it been?" he said. He patted his chest. "My heart fell apart. I cannot work. I spend all the days going to the doctor."

"The wife?"

He shook his head. "It is very bad for her."

He said he had to get the Con Edison bill paid. "They turn off the lights if you don't."

At the corner, a young woman, a college student, asked him about Bloomberg clinging to the war. Now I mentioned the speech at his son's funeral.

Julio shook his head. "I was too mixed up at the funeral."

He said then he was going to vote.

"For whom?"

He shook his head. "I don't know 'til I get there."

TORTURE SHATTERS AND DEFILES GOD'S IMAGE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2005

Mr. RANGEL. Mr. Speaker, I rise today to ask that we enter into the Congressional Record a letter written under the auspices of Rabbis for Human Rights North America in February 2005 (corresponding to the Hebrew Year Adar 5765) to President Bush and Members of Congress entitled: Rabbinic Letter Against Torture and Other Cruel, Inhuman, and Degrading Treatment of Detainees. I wish to enter into the Record as well the names of all the signatories to the letter.

This letter was written of behalf of Rabbis for Human Rights of North America and was written "out of a deep sense of concern about the erosion of American's longstanding commitment that torture is absolutely reprehensible."

"We understand that the most fundamental ethical principle, which results from our belief in God as Creator of the World and Parent of all humanity, is that every human being is seen as reflecting the Image of God. Torture shatters and defiles God's Image. The purpose of torture is to remove a person's pride, humiliate that person, or make his or her life so painful that the person does or says whatever the interrogator wants. Torture 'works' by attempting to deprive a human being of will, spirit and personal dignity. The humanity of the perpetrators, as well as the victims, is inevitably compromised by the use of torture."

"We are particularly appalled by the infliction of sexual humiliation on prisoners under United States custody. Jewish tradition upholds a high standard of personal modesty. Indeed the Bible's term for prohibited sexual behavior is to 'uncover the nakedness' of another. However, even non-sexual acts that overpower people and attempt to break their will and diminish their dignity are acts of humiliation that Jewish tradition abhors."

The Rabbinic Letter specifically calls on the U.S. Government to state in unequivocal terms that the use of any tactics of physical abuse, the deprivation of food, water, sleep, disorientation, religious degradation or purposive humiliations of a prisoner is prohibited. This must be the basis understanding for the treatment of any captive, whether or not he or she originates from a country or belongs to a group that is a signatory to the Geneva conventions."

Despite the statements of President Bush that "We don't torture," the American People know that we do. Not only have we seen the pictures of the handcuffed, naked prisoners at Abu Ghraib and male prisoners being sexually humiliated; not only have we been stained by the image of the Hooded Man attached to wires at Guantanamo; not only has the International Committee of the Red Cross reported that we subject detainees to torture; now we learn we have a system of secret prisons run by the F.B.I. in which we keep detainees that have been disappeared. We don't know who they are or what has been done to them.

An article by M. Gregg Bloche, a law professor at Georgetown University who is also a visiting fellow at the Brookings Institution and Jonathan H. Marks, a barrister in London, as well as a bioethics fellow at Georgetown and Johns Hopkins, revealed that mostly unredacted F.B.I. email shows that interrogation techniques used on detainees at Abu Ghraib and Guantanamo were from the SAVE program invented by the Red Army and used on Americans captured in Korea and in Vietnam. These interrogation techniques are used only to break the will and spirit of a prisoner so as to get false confessions from them. In these techniques, truth is beside the point.

I support the McCain amendment. That amendment embodies everything the Rabbinic Letter calls for and everything that people of faith everywhere call for. It calls for America to renew its character and banish the stain caused by the Bush embrace of torture.

February 2005.

Dear President Bush and Members of Congress: On behalf of Rabbis for Human Rights North America, we write out of a deep sense of concern about the erosion of America's longstanding commitment that torture is absolutely reprehensible.

All of us have been shocked by the published pictures of the behavior of some American soldiers at Abu Ghraib. We applaud the fact that this administration is prosecuting some of the worst offenders there as well as several soldiers who were responsible for the deaths of Afghani prisoners under their protection in that other theater of war.

What is most disturbing, though, is that the documents that have been made public as these cases move forward demonstrate that the use of torture and other cruel, inhuman and degrading treatment had been approved at the highest levels of the Administration, that commanders in the field have permitted much of this behavior, that directives from the Department of Defense appear to advocate the use of torture and other abuses, and that even today the position of the Administration is that the members of Al-Qaeda and other terrorist groups are not covered by the Geneva Conventions. Recent reports from the Red Cross and from FBI agents, for example, raise new concerns about American treatment of detainees at Guantanamo.

We are not addressing the technical legal arguments that characterize this discussion. Rather, we want to express our moral concerns about the human situation—concerns that stem from the heart of America's values, the essence of democracy, and the soul of Jewish tradition.

We understand that the most fundamental ethical principle, which results from our belief in God as Creator of the world and Parent of all humanity, is that every human being is seen as reflecting the Image of God. Torture shatters and defiles God's Image. The purpose of torture is to remove a person's pride, humiliate that person, or make his or her life so painful that the person does or says whatever the interrogator wants. Torture "works" by attempting to deprive a human being of will, spirit, and personal dignity. The humanity of the perpetrators, as well as the victims, is inevitably compromised by the use of torture.

Jewish tradition calls for humane treatment even of one's adversaries. In the Book of Exodus (23:4), the Bible teaches, "When you encounter an enemy's ox or donkey, you must take it back to him." Here the religious test is, strikingly, not how one would treat a friend, but how one relates to one's enemy.

Classical Rabbinic texts are rigorous in prohibiting acts of humiliation. In Jewish tort law, an additional penalty is assessed against one who has physically injured another person when it is found that the victim also suffered, humiliation (boshet), while being wounded. Even verbal humiliation is said to be the equivalent of shedding blood. We are particularly appalled by the infliction of sexual humiliation on prisoners under United States custody. Jewish tradition upholds a high standard of personal modesty. Indeed the Bible's term for prohibited sexual behavior is to "uncover the nakedness" of another. However, even non-sexual acts that overpower people and attempt to break their will and diminish their dignity are acts of humiliation that Jewish tradition abhors. It is significant that nowhere in the 3000-year long corpus of Jewish law is there any allowance for acts of physical coercion in interrogations.

Consider the ruling of the Supreme Court of Israel, which outlawed the use of torture in interrogations, despite the fact that terrorist organizations have Israel's annihilation as their express goal, carry out attacks that murder scores of men, women, and children, and do not distinguish between civilian and military targets. Despite this constant reality of cruelty and merciless savagery, the Supreme Court of Israel found no reason why tactics other than face-to-face interrogation should be allowed against any prisoner. After the. fact. if/when an interrogator is charged with a violation. he is permitted to raise a defense of necessity—i.e., his actions were necessary to prevent an imminent attack endangering human life; but no permission is given before the fact. even in a country facing life-threatening terror.

At the conclusion of their decision, the Israeli jurists acknowledge that forswearing inhumane means such as torture, even for honorable ends.

"* * * is the destiny of democracy, as not all means are acceptable to it. and not all practices employed by its enemies are open before it. Although a democracy must fight with one hand tied behind its back, it nonetheless has the upper hand. Preserving the rule of law and recognition of an individual's liberty constitutes an important component in its understanding of security. At the end of the day, they strengthen its spirit and its strength and allow it to overcome its difficulties."

First, as Jewish leaders representing all the movements of our Jewish community, in consonance with world consensus and with the teachings of Jewish tradition in every age, we call for a complete repudiation and prohibition of torture and other cruel, inhuman or degrading treatment for any purpose, in any instance. We call on the U.S. government to state in unequivocal terms that the use of any tactics of physical abuse, the deprivation of food, water, sleep, disorientation, religious degradation or purposive humiliation of a prisoner is prohibited. This must be a basic understanding for the treatment of any captive, whether or not he or she originates from a country or belongs to a group that is a signatory to the Geneva conventions. All those in the custody of U.S. military, military contractors, or intelligence officials must be provided with visits by the International Committee of the Red Cross, in accordance with U.S. obligations under international law.

Secondly, we note that in the trial of Specialist Charles A. Graner, Jr., his defense lawyers argued that he was simply following the lessons he had learned in civilian life as a prison guard. It is shocking to think that the prelude to Abu Ghraib may have been the treatment of our people in our own prisons. The demonstration of the administration's commitment to human dignity must begin at home, to insure that the same principles of human dignity we are urging the administration to adopt regarding foreign captives be equally applied to American prison inmates. Otherwise, we become what we claim to abhor.

Lastly, we call for full investigation of all allegations of torture and other cruel, inhuman or degrading treatment committed in settings under United States control or direction and for proper legal sanctions to be applied against individuals who are found to have committed acts of torture. We support the creation of a bipartisan commission to investigate and report on the detention and interrogation procedures of U.S. military and intelligence agencies and to set a course of corrective action.

We look forward to hearing your views on this question and hope that you will provide much needed moral leadership for our nation.

With blessings of Shalom.

RABBI GERRY SEROTTA,
Chair.
RABBI BRIAN WALT,
Executive Director

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Rabbi Dan Shevitz, Congregation Mishkon Tephilo, Venice; Rabbi David Shneyer, Am Kolel, Rockville; Rabbi Stephen Shulman, Bronx; Rabbi Sheila Shulman, Beit Klal Yisrael, London; Rabbi Hanna Tiferet Siegel, B'nai Or, Boston, W. Roxbury; Rabbi Jodie Siff, RSNS, Plandome; Rabbi Reuven Silverman, Manchester Reform Synagogue, Manchester; Rabbi David Wolf Silverman, Princeton Jewish Center, Princeton; Rabbi Suzanne Singer, Temple Sinai, Oakland; Rabbi Steven Sirbu, Temple Emeth, Teaneck; Rabbi Scott Slarskey, Jewish Community Center of San Francisco, San Francisco; Rabbi Jonathan Slater, Institute for Jewish Spirituality, Hastings On Hudson; Rabbi Eric Slaton, Beth Israel Synagogue, Toms River; Rabbi Amy Small, Congregation Beth Hatikvah, Chatham; Rabbi Joel Soffin, Temple Shalom, Succasunna; Rabbi Ruth H. Sohn, Milken Community High School, Los Angeles; Rabbi Myra Soifer, Temple Sinai, Reno; Rabbi Felicia L. Sol, Congregation B'nai Jeshurun, New York; Rabbi Rav A. Soloff, Lansdale; Rabbi Eric M. Solomon, Congregation Tehillah, New York; Rabbi Mark Solomon, Liberal Jewish Synagogue, The, London; Rabbi Marc Soloway, Bonai Shalom, Scarsdale; Rabbi Hesch Sommer; Rabbi Scott Sperling; Rabbi Aaron Spiegel, Indianapolis Center for Congregations, Indianapolis.

Rabbi Adam Spilker, Mount Zion, St. Paul; Rabbi Jonathan Spira-Savett, Forest Hills; Rabbi Toba Spitzer, Congregation Dorshei Tzedek, Lexington; Rabbi Sonya Starr, Columbia Jewish Congregation, Columbia; Rabbi Howard Stecker, Temple Israel, Great Neck; Rabbi Margot Stein, Bala, Cynwyd; Rabbi Peter Stein, Temple Sinai, Cranston; Rabbi David Steinberg, Temple Beth Israel, Plattsburgh; Rabbi Naomi Steinberg, Temple Beth El, Eureka; Rabbi George M. Stern, Northwest Interfaith Movement, Philadelphia; Rabbi Benjamin Sternman, Congregation Beth Israel, Austin; Rabbi Jeffrey B. Stiffman, Congregation Shaare Emeth, St. Louis; Rabbi Ira Stone, Rabbi Ariel Stone-Halpern, Congregation Shir Tikvah, Portland; Rabbi Michael Strassfeld, Society for the Advancement, New York; Rabbi Andrew F. Straus, Temple Emanuel of Tempe, Tempe; Rabbi David Straus, Rabbi David Straus, Main Line Reform Temple Beth Elohim, Wynnewood; Rabbi William Strongin, Kehillat Ahavat Achim, New Paltz; Rabbi Leah Kurtz Sudran, Congregation B'nai Israel, Petaluma; Rabbi Alvin M. Sugarman, The Temple, Atlanta; Rabbi Yaaffa-Shira Sultan, Reconstructionist Rabbinical College; Rabbi Jeff Sultar, Mishkan Shalom, Philadelphia; Rabbi Alana Suskin, Adas Israel Congregation, Washington; Rabbi Daniel Swartz, Greater Washington Interfaith Power and Light, Takoma Park.

Rabbi Robert Tabak, Hospital of The University of Pennsylvania, Philadelphia; Rabbi Joshua Taub, Temple Emanuel, St. Louis; Rabbi Dov Taylor, Congregation Solel, Highland Park; Rabbi Elliott Tepperman, Bnai Keshet, Montclair; Rabbi David Teutsch, Reconstructionist Rabbinical College, Wyncote; Rabbi Carla Theodore, Witnesses for a Sustainable Economy, Sperryville; Rabbi Robert Traer, Dominican University of California; Rabbi Lawrence Troster, Coalition on the Environment and Jewish Life, Teaneck; Rabbi Theodore Tsuruoka, Temple Isaiah of Great Neck, Great Neck; Rabbi Gordon Tucker, Temple Israel Center, White Plains; Rabbi Jason Van Leeuwen, B'nai Tikvah Congregation, Los Angeles; Rabbi Burton L. Visotzky, New York; Rabbi Andrew D. Vogel, Temple Sinai, Brookline; Rabbi David

Vorspan, Conregation Shir Ami, Woodland Hills; Rabbi Moshe Waldoks, Temple Beth Zion, Brookline; Rabbi Brian Walt, Rabbis for Human Rights-N.A., West Tisbury; Rabbi Philip Warmflash, Jewish Outreach Partnership of Philadelphia, Melrose Park; Rabbi Andrew Warmflash; Rabbi Arthur Waskow, The Shalom Center, Philadelphia; Rabbi Michael Wasserman, The New Shul, Scottsdale; Rabbi Mira Wasserman, Congregation Beth Shalom, Bloomington; Rabbi Pamela Wax, Kehillat Chaverim, White Plains; Rabbi Deborah Waxman, Reconstructionist Rabbinical College, Wyncote; Rabbi Joshua Waxman, Or Hadash, Philadelphia; Rabbi Nancy Wechsler-Azen, Congregation Beth Shalom, Carmichael; Rabbi Elyse Wechterman, Congregation Agudas Achim, Attleboro; Rabbi Sheila Weinberg, Amherst; Rabbi Daniel A. Weiner, Temple De Hirsch Sinai, Seattle.

Rabbi Simkha Weintraub, The National Center for Jewish Healing, New York; Rabbi Samuel Weintraub, Kane Street Synagogue, Brooklyn; Rabbi Mimi Weisel, Jewish Community High School of the Bay, San Francisco; Rabbi Lew Weiss, IHC, Indianapolis; Rabbi Zari Weiss, Rodef Tzedek, Seattle; Rabbi Michael White, Temple Sinai of Roslyn, Roslyn; Rabbi Nancy Wiener, Hebrew Union College-Jewish Institute of Religion, New York City; Rabbi Dan Wigodsky, Riverdale; Rabbi Jeffrey Wildstein, Temple Israel, Minneapolis; Rabbi Avi Winokur, Society Hill Synagogue, Philadelphia; Rabbi Irvin Wise, Adath Israel Synagogue, Boulder; Rabbi Jonathan Wittenberg, The New North Masorti London Synagogue, London; Rabbi Jeffrey Wohlberg, Adas Israel Congregation, Washington; Rabbi Arnold Jacob Wolf, Rabbi Emeritus, K.A.M. Isaiah Israel Congregation, Chicago; Rabbi Joseph Wolf, Havurah Shalom, Portland; Rabbi Peretz Wolf-Prusan, Congregation Emanu-El, San Francisco; Rabbi Bridget Wynne, Kehilla Community Synagogue, Berkeley; Rabbi Moshe Yehudai; Rabbi Daniel G. Zemel, Temple Micah, Washington; Rabbi Moshe Zemer, Director, Institute of Progressive Halakhah, Tel Aviv Israel; Rabbi Irwin Zeplowitz, The Community Synagogue, Port Washington; Rabbi Shawn Zevit, Jewish Reconstructionist Federation, Elkins Park; Rabbi Laurie Zimmerman, Congregation Shaarei Shamayim, Madison; Rabbi Michael Zimmerman, Congregation Kehillat Israel, Lansing; Rabbi Henry Zoob, Temple Beth David, Westwood; Rabbi David J. Zucker, Shalom Park, Aurora.

Cantors

Cantor Shoshana Lash, Temple Ner Tamid, Bloomfield; Cantor Barbara Ostfeld, American Conference of Cantors, Williamsville; Cantor Jodi Schechtman, Temple Beth Am, Framingham; Cantor Kerith Spencer-Shapiro, Congregation Adas Emuno, Leonia; Cantor Iris Beth Weiner, Kehillat Mevakshei Derech, Jerusalem.

Rabbinical Students

Student Susan Averbach, Kol Hadash—Society for Humanistic Judaism, San Francisco; Student Leah Doberne-Schor, Hebrew Union College—Jewish Institute of Religion, Brooklyn; Student Joshua Feigelson, Riverdale; Student Daniel Friedman, Yeshivat Chovevai Torah, New York; Student Will Friedman, Yeshivat Chovevei Torah, Rego Park; Student Alexandria Shuval-Weiner, Hebrew Union College—Jewish Institute of Religion, Manhattan Beach.

SALUTING MEG McCRUMMEN AND THE STUDENT BODY OF ST. PAUL'S EPISCOPAL SCHOOL IN MOBILE, ALABAMA

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. BONNER. Mr. Speaker, last Friday, Americans from all walks of life—and from all corners of this great country—celebrated Veterans Day 2005.

In our largest cities and our smallest towns alike, people paused, even if for just a moment, to say thank you to the men and women who over the years have helped to keep America free and strong.

Some communities held parades; others held rallies or prayer vigils, especially for the men and women who are currently fighting for freedom in places like Iraq and Afghanistan.

And true to what living in a free country is all about, there were also the occasional signs of protests from people in some parts of the country who oppose our current involvement in the global war on terrorism or, for that matter, oppose anything the majority of Americans support.

At St. Paul's Episcopal School in Mobile, I had the opportunity to wear the hat of a proud parent as the student body held what has become a tradition, the annual St. Paul's schoolwide assembly. This year's assembly focused on the meaning of patriotism, as well as a salute to our veterans, a number of whom were in attendance.

Mr. Speaker, last Friday was a beautiful day in Mobile and everyone in attendance witnessed a wonderful tribute to our country, led entirely by the student body. The presentation by the music department set the tone early on with patriotic songs filling the air. It was truly a "Kodak moment" of pride in America.

Naturally, Janée and I were especially proud when it came time for our own 4th grader to represent her class and tell about what patriotism means to her. While admitting some degree of prejudice, we were especially proud because Lee wrote her paper on her own, without either her mother or daddy's input. That seemed to make her teacher, Mr. Fricke, pleased as well.

All of the students who took part in Friday's tribute did a great job. Every parent, grandparent, teacher and friend had to be full of pride as the words of more than a dozen young people were somehow woven together to make a beautiful quilt of patriotism and love of country.

While everyone did a superb job, one young lady, Meg McCrummen, a St. Paul's junior who is secretary of the Student Government Association, perhaps captured the moment as well as any I have ever heard with her essay on patriotism. It is as follows:

"For the love of her country, Rosa Parks endangered her life for freedom; for the love of his country, George Washington turned down a real chance for great power because he knew America didn't need a king; for the love of his country, Jeremiah Denton endured torture in the Vietnam War, saying he was 'honored to have had the opportunity to serve [his] country,' for the love of their country, people from all over America have come to the Gulf Coast to help clean up the mess left from hurricanes; for the love of their country, individuals support candidates whom they believe will lead America well.

"Patriotism goes far beyond wearing red, white and blue on the Fourth of July; it is a very personal response of gratitude to America. Loving America doesn't at all mean blindly agreeing with leaders. Patriots often speak out against the government they believe is wrong—but it means acknowledging the tremendous gift of being American.

"Every person here is blessed by the fact that we are American. There is a contagious spirit of justice and goodwill that is evident throughout our history of dealing with people. Our country is the envy of many others, and we know freedoms that some foreigners only dream of.

"But where does that leave us, here at St. Paul's? When asked by his wife on Election Day who she should vote for, a soldier on active duty in Iraq replied, 'You vote for whomever you want to . . . that's why I'm over here fighting.'

"Is there something worth fighting for? He believes so. I believe so.

"If not with guns, fight with service to our community. If not in Iraq, then fight injustice in Mobile. And so, I challenge you to pray for our leaders, love America actively, and be thankful for the men and women that saw fit to sacrifice their lives for her freedom."

Well said, Meg. Well said.

A TRIBUTE TO LOUISE WILLIAMS BISHOP

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor my State Representative, Louise Williams Bishop upon her receipt of the Outstanding Community Leader award from the Friends of Labor Committee of Laborers' Local 332. This amazing woman has simultaneously distinguished herself in three separate careers: as a broadcaster, a Baptist minister, and a State Representative. It defies the imagination even further to realize that she achieved all of this while raising four children.

Within a few years of graduating from high school, Louise Bishop was named the 'Youngest Voice in Radio,' earned a degree from the American Foundation of Dramatic Arts, and later was awarded both an Honorary Doctorate of Humanities from Monrovia College and an Honorary Doctorate of Law from Eastern University. From the success of her own career, Louise has nurtured the careers of world-famous recording artists, including stars such as Aretha Franklin.

Called to the ministry early in life, Louise was ordained as a Baptist minister in 1978. A similar inspiration to benefit the community at large later led her to run for public office, and she was elected to the Pennsylvania State House of Representatives in 1988. The voting public already knew her for her good works as a broadcaster and a minister, and has not been disappointed by her record in office. In addition to her other roles, she is now a highly sought after public speaker, as admiration for her strength, character, and accomplishments has spread far and wide.

Today, Mr. Speaker, I wish to extend my warmest congratulations to Louise Bishop upon her receipt of this award that she so richly deserves. I ask that you and my other distinguished colleagues rise to recognize her for her many accomplishments.

RECOGNITION OF MICHAEL LUSSIER

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. CAPUANO. Mr. Speaker, it is with great pleasure that I rise today to recognize Michael Lussier, the President and CEO of Webster First Federal Credit Union, headquartered in Webster, MA, on his recent election to the Board of Directors of the National Association of Federal Credit Unions (NAFCU). As a Member of the Financial Services Committee, I have enjoyed working with NAFCU to address the needs of our nation's federal credit unions. Mr. Lussier has been a vocal supporter of credit union issues at both the state and national levels and I know he will be an asset to the NAFCU Board.

Mr. Lussier's election to the NAFCU Board is just one more in a long list of accomplishments that has spanned his 19 years with credit unions. He has served as the Chairman, and is currently a Board Member, of the Massachusetts Share Insurance Corporation (MSIC). His illustrious experience further includes service as the Credit Union Ambassador for the United States for Australia and New Zealand and he is a former Director of the Credit Union League of Massachusetts Insurance Agency.

As the President and CEO of Webster First, Mr. Lussier has focused on ensuring his members receive helpful, personal service that caters to the needs of his members and their financial goals. Through his credit union, he is teaching kids necessary life skills by fostering a "Credit Union at School" program to teach the importance of savings to elementary aged children.

Mr. Lussier's involvement to improve the lives of others can be further illustrated in his commitment to the American Red Cross where he presides as a local Board Member. He spearheaded an effort to build a much needed Red Cross facility in Worcester, MA, by coordinating area credit unions to donate funds to pay for the facility.

It is because of the good work of Mr. Lussier, and others like him, that the credit union movement enjoys the success it has today. Such service is the hallmark of the credit union movement and I wish him the best of luck in his new role as a member of the NAFCU Board of Directors and look forward to working with him in that role.

TRIBUTE TO CONGRESSMAN ED ROYBAL

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. SCHIFF. Mr. Speaker, I rise to mourn the passing and celebrate the life of former Congressman Ed Roybal, an individual who had an extraordinary and inspiring dedication to public service. Ed Roybal's fight for social justice and the rights of the underserved mark him as a true American patriot.

Congressman Roybal's lifelong commitment to public service began at the California Tuberculosis Association, where he eventually became the Director of Health Education. He served in the U.S. Army during World War II, and then returned to Southern California to found the Los Angeles Community Service Organization, an agency dedicated to mobilizing Los Angeles' Mexican-Americans against discrimination. He was the first Hispanic to serve on the Los Angeles City Council. Representative Roybal was also the first Hispanic from California to serve in the United States Congress in nearly one hundred years. During his 30 years of service, Representative Roybal sat on the Appropriations Committee and chaired the Treasury, Postal Service General Government Subcommittee.

Representative Roybal spent his career fighting for and protecting the rights of the underprivileged. Through his leadership in Los Angeles, he advocated for an end to discrimination against Mexican-Americans in housing, employment, and education. On the national level, Representative Roybal fought for funding for civil rights, health programs, and education initiatives. In 1967, he introduced and won approval for the first federal bilingual education law, which established English classes for migrant children and others. Representative Roybal was also one of the first members of Congress to press for HIV/AIDS research funding. In addition, he fought for the elderly, campaigning for funding for senior programs and successfully maintaining Meals on Wheels. In 1993, the retired congressman founded a non-profit agency dedicated to improving the quality and effectiveness of health and human services for older persons.

Representative Roybal will be remembered for his distinguished service and his remarkable leadership in the fight for civil rights and justice. His work is a legacy that serves as an important example for all of us about the immense good that a dedicated and committed public servant can accomplish. I am proud to serve with Representative Roybal's daughter, Representative LUCILLE ROYBAL-ALLARD, who continues the legacy of her father with honor and distinction.

HONORING THE FRANK AND OCLLO BOYKIN HUNTING LODGE ON THE OCCASION OF ITS 100TH YEAR

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. BONNER. Mr. Speaker, today I rise to pay tribute to the Frank and Ocllo Boykin Hunting Lodge on the occasion of its 100th year.

Stories of Congressman Frank Boykin are certainly not unfamiliar to many in this chamber. For nearly three decades, spanning much of the Depression, World War II, the Korean War, and the space exploration and civil rights eras, Congressman Boykin tirelessly served as the representative of Alabama's First Congressional District.

During this time, "Mr. Frank" invited some of the most prominent government, military and business leaders to his hunting lodge in Washington County, Alabama. He worked tirelessly on behalf of the residents of southwest Alabama, ensuring that their needs and concerns were always heard and that their individual problems received the attention they deserved over the course of his 14 terms in the House of Representatives. To say that he loved the people of his district would be an understatement; even the sign at the Boykin Lodge underscored his very love of life . . . "Where everything is made for love."

Starting with his first year in Congress, Congressman Boykin would bring congressional colleagues and other officials to his hunting lodge on a chartered Pullman car. Guests of the Boykin Lodge included three different Speakers of the House and almost every Alabama governor during the congressman's career. The hunts are held a few days after Thanksgiving every year and are attended, even to this day, by local and statewide officials.

Stories of a Boykin hunt weekend almost always included hound dogs, barbecue, cold "adult beverages," a game or two of cards and shotguns. In addition to the hunting stories, the lodge also served as a place for colleagues to relax, enjoy being away from Washington, D.C., and to bond with one another. Many of the friendships fostered at the Boykin Lodge extended far beyond the boundaries of this rural part of Washington County.

It is my sincere hope that the Frank and Ocllo Boykin Hunting Lodge will continue to be such a source of relaxation, good fellowship and camaraderie for another 100 years, and I rise today to salute this proud family and the many contributions they have made toward the betterment of south Alabama.

A TRIBUTE TO JAMES HARPER

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to honor James Harper upon his receipt of the Outstanding Labor Leader award from the Friends of Labor Committee of Laborers' Local 332. Jim Harper has filled the position of Business Manager of Laborers' Local No. 413 since 1977, where he has earned great respect within the Local and in the community at large.

Jim first joined Local 413 in June of 1960, after graduating from Upper Darby High School. Following graduation, Jim put himself through school at West Virginia State College, by using the union dollars he earned from summer employment. A hardworking student, Jim was also very active in the community, where he taught neighborhood children reading and writing skills and developed a college open-house program for students, parents, and school administrators. He also led civil rights demonstrations and participated in the ROTC program.

After college, Jim continued to add to his already impressive record. He attended Penn State University Graduate School, where he balanced his publications on Black History with crucial practical contributions to the community, such as mentoring youth and working to reduce street gang tensions. Jim later served in Vietnam, attaining the rank of captain and receiving several Medals of Honor before returning to teach at Penn State. Throughout his career, Jim has constantly demonstrated his dedication to the union's commitments to unity, education, safety, and community.

Today, Mr. Speaker, I wish to express my gratitude for Jim Harper's years of service to the community, and I extend my warmest congratulations to him upon his receipt of this award. I ask that you and my other distinguished colleagues rise to congratulate him on all of his accomplishments.

HONORING ROBERT B. (R.B.) EHLEN

HON. MARK R. KENNEDY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise today to call attention to the accomplishments of a great man and a great Minnesotan, Robert B. Ehlen, on the anniversary of his 100th birthday.

R.B. Ehlen was a true pillar of his community. As a leader in business as well as local politics, R.B. was a real example of the values held dear by Minnesotans—hard work, perseverance, and dedication.

R.B. Ehlen began his work experience when he was five years old—running errands for local merchants, setting pins in a bowling alley, and other odd jobs. When he was sixteen, he was hired on at the Federal Cartridge Corporation (FCC), working as a mail boy and lawn raker. He was an enthusiastic employee—working at least ten-hour days, for 22½ cents an hour.

From this beginning, R.B. moved up quickly at FCC—working in all stages of production, and eventually becoming plant manager. At this time, R.B.'s employees began to recognize his knack for working with people, and they organized a write-in campaign to elect him to the local school board. He won the election, and his lifelong interest in public service was born, culminating in a 12-year term as mayor of Anoka.

R.B. continued to move up the ranks at FCC, drawing praise from coworkers and onlookers for his fair treatment of his workers and his general compassion for all people. At the time of his retirement, R.B., then the Chairman of the Board of Directors, had served 57 years at FCC, which had grown from just a small company to a nationwide industry leader under his watch.

Mr. Speaker, R.B. Ehlen was a true American leader. A successful businessman and public servant who worked tirelessly for so many years, Ehlen will long be remembered in Anoka and throughout Minnesota as a leader and role model for many.

U.N. INTERVENTION

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. STEARNS. Mr. Speaker, the Internet is a truly American invention. As such, it is imbued with the American values of openness, freedom and democracy. It enables information and commerce to flow freely across oceans and political boundaries. The freedom of expression it creates has made censorship and information control futile, forcing governments to sell their ideologies and policies in an open market of ideas.

Because of the freedom embodied by the Internet, it is no surprise that the world's dictatorial regimes would love to control and repress it. Therefore, it is no surprise that representatives from Iran, North Korea and China are conspiring to radically change the way the Internet is run. While they claim to be concerned about the level of control America has over the Internet, their real concern is their own lack of control!

That is why many of these nations had proposed to install a new international government bureaucracy to dictate Internet policy for the world. This new bureaucracy would not only have removed industry and civil society groups from decisions about Internet management, but also threatened the stability of the network and the future of Internet innovation.

But those are unimportant issues to nations that want to rein in dissidents and civil society groups that are using the Internet to spread democracy and freedom in their countries. They don't care about the stability of the Internet; they care about the stability of their morally bankrupt regimes.

Fortunately, our United States negotiators have successfully beat back this lunge for control by the United Nations. But let there be no doubt about it—the desires of these foreign nations and international organizations to control the Internet for their own purposes is still strong, and they will try again and again until they succeed. That is why we must pass H. Con. Res. 268, which reconfirms America's commitment to ensuring the stability and openness of the Internet. It is critically important that the world knows that the United States Congress stands solidly behind its delegation debating this issue, and behind the freedom of the Internet. More than a billion people rely on the Internet, so we must not compromise on the values of democracy and freedom that have made this engine of information so successful throughout the world. I urge all of my colleagues to vote in favor of this important resolution.

THE GREAT AMERICAN SMOKEOUT

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. PLATTS. Mr. Speaker, I rise to acknowledge today, November 17, 2005, as the Great American Smokeout. For nearly three decades, the American Cancer Society has designated the third Thursday of each November as a day for smokers nationwide to unite and kick the deadly habit of smoking.

Today, smoking remains the leading preventable cause of death in the United States. It is a major cause of not only lung cancer, but cancers of the mouth, larynx, pharynx, esophagus, kidney, bladder, pancreas, cervix, and has most recently been associated with acute leukemia and cancers of the stomach. Yet, over 45.4 million Americans are addicted to tobacco.

Mr. Speaker, due to the commendable efforts of organizations such as the American Cancer Society, 46 million Americans have thankfully already quit smoking. The American Cancer Society will be conducting activities today throughout the United States to celebrate the Great American Smokeout. I encourage all smokers to take part in this critically important endeavor.

COMMENDING PROFESSOR KYLE D. SMITH

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Ms. BORDALLO. Mr. Speaker, I rise today to recognize the contributions and research of Dr. Kyle D. Smith, a Professor of Psychology at the University of Guam. Today, Dr. Smith will be honored as the "Professor of the Year" from Guam at an awards ceremony here in Washington, DC, sponsored by the Council for Advancement and Support of Education and The Carnegie Foundation for the Advancement of Teaching. Dr. Smith has devoted his academic career to undergraduate teaching, and his contributions in the field of psychology and his innovative teaching techniques, have earned him the selection as Guam "Professor of the Year" for 2005.

In 1981, Professor Smith graduated summa cum laude in psychology at the University of Tulsa. He received both a Master of Science degree in psychology and a Ph.D. in social psychology from the University of Washington, Seattle, in 1984 and 1987, respectively. Professor Smith has served on the faculty at the

University of Washington, Seattle, the University of Washington at Bothell, and Marmara University in Istanbul, Turkey. He currently is a Professor of Psychology in the Division of Social and Behavioral Sciences at the University of Guam.

Professor Smith is a respected academician and is recognized by his colleagues for his outstanding research and teaching ability. Professor Smith has focused his recent research on cultural factors in emotions and moral concepts. He has contributed to national dialogue on important issues currently facing academia, including most especially contributions in the areas of minority education and published research with respect to the learning environment for international students. His research has focused on the incorporation of culture, ethnicity, and diversity in teaching methodology and in the curriculum. In a joint research endeavor with colleagues, Professor Smith has designed a new undergraduate degree program in Interdisciplinary Arts and Sciences. Professor Smith is widely recognized for his interactive classes in general psychology, social psychology, and cross-cultural psychology, where he emphasizes innovation, cultural relevance, and leadership. He applies theory to real world situations and promotes critical thinking development.

His commitment to teaching and his research in the field of psychology has contributed to the mission and growth of the University of Guam. Our island community recognizes his accomplishments and his selection as the "Professor of the Year" for 2005. Our Nation needs professors like Dr. Smith who are committed to teaching and who educate the leaders of tomorrow. Great educators should be commended for their contributions to society. The U.S. Professors of the Year Awards sponsored by the Council for Advancement and Support of Education and The Carnegie Foundation for the Advancement of Teaching help sustain the national commitment to undergraduate education. I join with the people of Guam in commending Professor Kyle D. Smith upon receiving this award and in honoring his accomplishments.

IN RECOGNITION OF PAT AND JERRY JAMBAZIAN ON THE 50TH ANNIVERSARY OF WONDER CLEANERS & DRAPERY IN TEMPLE CITY

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. SCHIFF. Mr. Speaker, I rise today to recognize Pat and Jerry Jambazian on the 50th anniversary of Wonder Cleaners & Drapery in Temple City. The Jambazian family has been providing their excellent services to the community since 1955. Jerry Jambazian's parents, Andrew and Rose Jambazian, first started the family business in San Gabriel in 1947, and in 1955 the Jambazian family moved to Temple City, where they have been giving back to the community ever since.

The Jambazians' Wonder Cleaners & Drapery is the oldest family-owned business in Temple City. Over the many years they have spent in Temple City, the Jambazians have shown themselves to be both excellent entrepreneurs and good neighbors. Throughout the past 50 years, their passion for providing conscientious, caring service to their customers has not waned, and they remain committed to making everyone feel well taken care of and welcome. It is this level of personal care and dedication that has allowed Wonder Cleaners & Drapery to grow steadily through the years.

Even while running a successful family-owned business, the Jambazians have also managed to remain deeply involved in the community. In addition to his duties and responsibilities as a proprietor, Jerry Jambazian has been involved in numerous different civic organizations, ranging from the Kiwanis Club to the Temple City Chamber of Commerce. Mr. Jambazian supports our local schools by organizing the Student of the Month program and working closely with students, teachers, and the community to encourage a greater appreciation of education. Jerry Jambazian also serves on the boards of many different nonprofit organizations, and his leadership efforts in constructing the Outdoor Performance Pavilion have contributed to the completion of that beautiful venue in Temple City. Jerry Jambazian has further contributed to Temple City through his excellent photography skills; his photos are beautiful mementos of special community moments. Without Jerry Jambazian's leadership skills, enthusiasm, and passion for helping others and serving the community, Temple City would not be what it is today.

I am proud to congratulate the Jambazian family on the occasion of the 50th anniversary of their family-owned business, Wonder Cleaners & Drapery. I ask all Members of Congress to join me in honoring the Jambazians for their dedication to making our community a better place to live.

RECOGNITION OF THE TIME TO READ LITERACY PROGRAM

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. FORD. Mr. Speaker, I rise today to recognize the important work and mission of the Time to Read literacy program.

Since 1985, Time Warner, Inc.'s Time to Read program has worked to address the crisis of illiteracy among American children and adults.

Today, Time to Read is the nation's largest corporate-sponsored volunteer literacy program. I am particularly proud that the Mid-South chapter, which includes Memphis, Tennessee, is the largest Time to Read program in the nation, helping more than 6,000 children and adults every year.

Each week, Time to Read's 33,000 participants meet at more than 550 schools, adult-education centers, prisons, libraries, churches, community centers, clinics and homeless shelters across the nation to learn together how to read.

Time to Read students are matched with reading mentors who use real-life learning materials, magazines and other publications as teaching tools to help inform new readers about everyday culture, life and current events. These reading mentors serve as tutors and role models, giving children the confidence to succeed in school and adults the tools necessary to compete in the workplace.

However, these tireless mentors do much more than help kids and adults learn to read. Together, they give Time to Read participants hope and an opportunity for a better future.

Time and again, this program has demonstrated its ability to take on this important challenge of raising America's literacy rates. With quiet determination and steadfast commitment, Time to Read volunteers make a difference in the lives of thousands of kids and adults each year.

For this reason, Mr. Speaker, I ask my colleagues to join with me in honoring the purpose and spirit of the Time to Read Literacy Program, its volunteers and participants.

TRIBUTE TO E.G. "JERRY" GLADBACH

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. MCKEON. Mr. Speaker, the end of 2005 will mark the conclusion of E.G. "Jerry" Gladbach's term as President of the Association of California Water Agencies (ACWA). His tenure has been marked by several successes on behalf of ACWA and the California water community.

A resident of Valencia together with his wife Donna, Jerry has served as president of ACWA since January of 2004, after having served as ACWA Vice-President since January of 2002. He has served as a director of Castaic Lake Water Agency in Santa Clarita since 1985, and has served as President of Castaic Lake's Board of Directors and is currently the Chair of the Water Resources Committee of that Agency.

Mr. Gladbach has been involved in water and energy issues for the past forty-two years and active with ACWA since 1973. As President of ACWA, Jerry has led the association in fighting to maintain water quality, protect communities from disastrous floods, and ensure that California has the water needed for people, agriculture and the environment.

He appointed the task force that created No Time to Waste: A Blueprint for California Water, a policy document that serves as a common vision for the many diverse interests of California's water community, and has drawn headlines statewide.

Mr. Gladbach served as a manager with the Los Angeles Department of Water and Power and retired after 35 years of service. At LADWP he provided critical leadership on developing alternative energy supplies, environmental and governmental affairs, and design of hydroelectric power plants and transmission lines.

Jerry is first vice-chair of the Los Angeles Local Agency Formation Commission (LAFCO) and is on the Executive Board of the California Association of LAFCOs. He was recently granted lifetime membership with the American Society of Professional Engineers.

He earned an undergraduate degree from the University of Missouri at Colombia in 1961, and returned in 1963, earning his Master's degree at the same institution in 1964.

Our thanks to Jerry for a lifetime of continuing service to California.

PERSONAL EXPLANATION

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Ms. SLAUGHTER. Mr. Speaker, due to an error, my vote for rollcall No. 580, on H.R. 2419, on agreeing to the conference report was not recorded. I voted "yes" on this rollcall.

RECOGNIZING THE CITY OF LAPORTE, INDIANA, AS BEING NAMED THE INDIANA CHAMBER OF COMMERCE 2005 COMMUNITY OF THE YEAR

HON. CHRIS CHOCOLA

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. CHOCOLA. Mr. Speaker, it should come as no surprise to anyone who has recently visited LaPorte, Indiana that the Indiana Chamber of Commerce named the city its "2005 Community of the Year.".

The honor was bestowed on LaPorte at the Chamber's 16th Annual Awards Dinner, held in Indianapolis, Indiana on November 10, 2005.

More than 1,400 members of the Hoosier state business community gathered for the annual awards banquet, including a delegation of over 50 LaPorte Chamber of Commerce members, which, I am told, is the largest group ever from a community receiving the award during its 16-year existence.

The state Chamber noted that LaPorte received this distinction largely because it has "enjoyed an economic revival under [LaPorte Mayor Leigh Morris] and the businesslike approach he implemented at City Hall."

Mr. Speaker, I would have to agree with the Chamber's conclusion.

In the past year, LaPorte has seen their business environment thrive. Three businesses have started new operations in the area, and 4 existing businesses continued their growth, adding over 100 new jobs between them.

Mayor Morris has had help in his efforts to bring new and grow existing businesses in LaPorte County. He formed a cooperative, bipartisan effort between himself, Michigan City Mayor Chuck Oberlie, the LaPorte County commissioners, and Purdue-North Central University. This coalition is committed to seeing continued economic growth in LaPorte County.

I would also like to acknowledge the efforts of LaPorte Chamber of Commerce President Mike Seitz and the Greater LaPorte Economic Development Corporation Executive Director Owen Rock. They have worked together with Mayor Morris to help move LaPorte forward.

Mr. Speaker, LaPorte is clearly a community on the rise, and I congratulate Mayor Morris and the entire community on being named the Indiana Chamber of Commerce's "2005 Community of the Year."

CONCERN OVER THE KASHMIR EARTHQUAKE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. CONYERS. Mr. Speaker, today I rise to speak on behalf of the earthquake which occurred in Kashmir. On October 8th, a magnitude 7.6 earthquake hit Pakistan, India, Afghanistan. So far, Over 80,000 have perished and three million are homeless. Over half of those who lost their lives were school aged children who were attending school. It is evident a generation of Pakistani's no longer exist. I am concerned that tens of thousands will also soon perish from weather, disease, and malnutrition.

Our President, who campaigned as a compassionate conservative, has been wholly inadequate in his response to the crisis in Pakistan. The United Nations has asked for $550 million in emergency aid. Although, we have given only $40 million while our generous citizens have given more than $50 million in relief aid. To date, we have only pledged $150 million for reconstruction when the World Bank estimates Pakistan needs $5.2 Billion. Our government can do much better.

Last week, the President instructed 5 Fortune 500 CEOs to fundraise for the disaster. This should help. However, we need to show our allies that the U.S. will help them in their time of need. If we are serious about the welfare of the Muslim world and our ally, Pakistan; then we will pledge significantly in the upcoming donor conference this weekend in Islamabad, Pakistan. We proved our great generosity after Tsunami; we need to show it again.

IN RECOGNITION OF THE 40TH ANNIVERSARY OF THE AMERICAN COMMUNITY HEALTH CENTER MOVEMENT

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. LYNCH. Mr. Speaker, I rise today in honor of the 40th Anniversary of the American Community Health Center Movement which began in Dorchester, Massachusetts in my home district with the founding of the Columbia Point Community Health Center in 1965.

Development of health centers in the mid 1960s was fueled by the lack of primary care doctors practicing in urban and rural areas across the country. In 1961 more than 60 percent of Boston physicians had their offices located in hospitals. As a result, two Boston-based physician-activists, H. Jack Geiger and Count Gibson of Tufts Medical School, were determined to address both the lack and nature of primary care in Boston's neighborhoods. Working with residents in the Columbia Point neighborhood of Dorchester, these pioneering physicians helped to organize a new community-based model of primary care. Today this site is known as the Geiger-Gibson Community Health Center and still provides over 6,000 residents of Harbor Point and Dorchester with access to world-class health care.

Since the 1960s, community health centers have grown into the largest unified primary care network in the United States. Today, we have over 1,000 community health centers nation-wide, with a total of 53 in Massachusetts alone. In my own district, I am honored to represent 12 community health centers that ably serve the families of the Ninth Congressional District of Massachusetts.

Mr. Speaker, community health centers are pioneers in working to reduce health disparities among racial minorities and in recognizing the primary socio-economic factors that help determine health status: the lack of educational and economic opportunity, and substandard housing. They continue this work today, serving 677,000 patients in Massachusetts and 15 million nationally.

The community health center model was revolutionary in another aspect of its mission: community governance. The belief that community members could play a direct role in improving their life circumstances, including health status, was the basis of what we call the "American Community Health Center Movement." The early health centers sprung from "kitchen table discussions" among mothers and fathers and community members about the need for primary care in their neighborhoods. In 2005, health center boards of directors continue to be driven by community members who use their local community health center.

Mr. Speaker, today in this country, we have over 45 million individuals without any sort of health insurance living in both rural and urban areas; accordingly, we need Community Health Centers and the essential services they provide now more than ever. I ask that my Colleagues in the House of Representatives join me in congratulating the entire Community Health Center Movement on 40 years of helping to reduce health disparities among our most vulnerable populations through the provision of high quality, compassionate and cost-effective primary health care.

CONGRATULATING ROBERT FRAGASSO

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate Robert Fragasso for all of the great work he has done as the President of the Amen Corner.

Over the past 150 years the Amen Corner has been a well known social club for businessmen and now women in Pittsburgh, Pennsylvania. The club is known for its service to help better the community and for the events for its members. There is an annual dinner held to honor the outgoing president. This year's dinner will take place on December 14, 2005 and will honor the outgoing president, Robert Fragasso.

Robert Fragasso, the president of The Fragasso Group, is a certified financial planner. He served in the U.S. Marine Corps, graduated from Duquesne University, and did postgraduate work at Carnegie Mellon University and The University of Pittsburgh. He has recently written a book titled, Starting Your Own Practice, which has reached national recognition.

I ask my colleagues in the United States House of Representatives to join me in honoring Robert Fragasso for all of the work he has done for the Amen Corner. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute such a dedicated individual such as Mr. Fragasso.

IN HONOR OF ELIZABETH ANN LEEPER

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. FARR. Mr. Speaker, I rise today to honor the memory of Elizabeth Ann Leeper who passed from this life on November 5, 2005.

She was a fearless and tireless community activist, who taught her children and grandchildren to always question authority and not be afraid to fight for what they believe in. Known as a political radical, Liz said, "Troublemakers have more fun."

Liz was deeply involved in the local political scene, often being referred to as "The Mayor of New Monterey." She was a charter member of the American Civil Liberties Union and was active in women's issues, the peace movement, and the Democratic Party.

Liz graduated from the University of California Berkeley with a degree in social work and education. She taught elementary and middle school on the Monterey Peninsula for 20 years. After her retirement she continued to be a mentor to anyone seeking advice, especially helping women become aware of their own potentials.

Family was of prime importance to Liz, with three husbands, Norman Godbe, Bruce Harris, and Ed Leeper; two daughters, Kira Godbe and Dana Carnazzo; and four grandchildren, Arye and Blaise Lipman and Alonzo and Tessa Camazzo. Liz adored her grandchildren and was present at each birth. One of their favorite memories of her will be the smells and sounds of grandma making pancakes for them.

The community will miss her greatly, but we know her life will continue to inspire those she touched.

HONORING RICHARD WITTEN

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mrs. LOWEY. Mr. Speaker, I rise today to honor Richard Witten, this year's recipient of Columbia University's Alexander Hamilton Medal. This honor is considered the highest tribute an individual in the Columbia College community may receive from the alumni association.

Richard is a proud alumnus, established businessman, published author, generous philanthropist and distinguished member of the Columbia University administration. Richard currently serves as a member of the Executive Committee of the Columbia University Board of Trustees; chairs the Trustees' Committee on Alumni Relations and Development; and is a member of the board of the Columbia University Investment Management Company. Additionally, Richard is the former chair of the Columbia College Board of Visitors.

Professionally, Richard has achieved significant success. Currently he is the senior managing director of the investment firm The Orienta Group. Prior to its formation, Richard began a long and successful career with Goldman, Sachs & Co. in 1981 and proudly served as a partner and managing director from 1990 to 2002. During his tenure with Goldman Sachs, Richard led numerous committees including the Fixed Income, Currency and Commodities Division Sales Force for the Americas and the Investment Grade Debt Business Unit.

Beyond his professional and alumni activities, Richard is also an author. His first novel, Divided Loyalties, was published in 2005 and is based on the World War II experiences of his father-in-law. His second novel, Filmore East, is due in 2006 and follows the turbulent events of 1968–1971 through a college student's eyes.

Richard also makes contributions of his time, energy, and money to better our community. He has provided significant funds to renovate Hamilton Hall at Columbia, is a member of the board of directors at the National Museum of American Jewish History, and is a director emeritus of the Mamaroneck Schools Foundation.

Richard is a dedicated husband to his wife Lisa and a devoted father to his children Anne and Alexander. I am proud to call him both my constituent and my friend.

Mr. Speaker, I ask my colleagues to join me in honoring Richard Witten as he receives the Alexander Hamilton Medal.

HONORING RETIRING ERIE COUNTY LEGISLATOR DENISE MARSHALL

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. HIGGINS. Mr. Speaker, today I rise to honor retiring Erie County Legislator Denise Marshall for her 2 years of service to the residents of the towns of Alden, Elma, Holland, Lancaster, Marilla, Sardinia and Wales.

A life-long resident of Erie County, Denise Marshall was born and raised in Cheektowaga, NY. Graduating in 1986 from Cheektowaga Central High School, Denise attended both Erie Community College and the State University of New York at Buffalo, majoring in Business Administration.

Professionally, Legislator Marshall is founder and president of Marshall Data Solutions, a computer consulting firm specializing in office automation, training and database application development for both business and governmental clients. Beginning her career as a project manager and support representative for KVS Information Systems in Amherst, NY she designed and helped support accounting applications for municipal government clients, traveling throughout the northeastern United States to implement these new technologies and provide training for office personnel.

Legislator Marshall's service, while only 2 years in length, was eventful; her service was perhaps most noteworthy for her desire to effectively serve the residents of her district. Given that her district covered a geographic area which traverses the whole of Erie County's eastern side nearly from its northern border to its border in the south, there can be no doubt that this is a challenging task indeed.

During my initial years as a member of the New York State Legislature, I too represented a number of the same towns Legislator Marshall would later represent in the County Legislature. While Legislator Marshall, as a resident of the town of Lancaster, is not a constituent of mine, she did faithfully serve several towns that are within the confines of the 27th Congressional District, including the towns of Alden, Marilla, Holland, Sardinia and Wales. Her office's cooperation with mine was universally professional.

Mr. Speaker, I thank you for the opportunity to honor Legislator Denise Marshall upon the occasion of her retirement as a member of the Erie County Legislature, and I want to wish to her and to her family the best of luck and Godspeed.

HONORING THE VERY REVEREND JOSEPH MARTIN OF WILKES-BARRE, PENNSYLVANIA. AS HE CELEBRATES THE 40TH ANNIVERSARY OF HIS ORDINATION

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. KANJORSKI, Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representative to pay tribute to Very Rev. Joseph Martin of Wilkes-Barre, Pennsylvania, who is celebrating the 40th anniversary of his ordination to the priesthood.

Father Martin was born in Frackville, a son of the late Joseph P. Martin and Anna Martin. He was the eldest of five brothers.

He married the former Glora Matechak of Old Forge and the couple are the parents to four daughters. They also have eight grandchildren.

Father Martin was ordained by HIS Eminence Archbishop Kiprian on November 7, 1965 at St. Tikhon's Monastery in South Canaan, Pennsylvania.

He was assigned to Holy Trinity Orthodox Church in McAdoo where he served for 30 years. He was awarded the Hold Cross, Jeweled Cross and the St. Innocent Bronze Medal. He was also elevated to Archpriest.

While at Holy Trinity Orthodox Church, he also served as acting rector of Holy Ghost Orthodox Church, Shenandoah; St. Mary's Orthodox Church, St. Clair; Ss. Peter and Paul Orthodox Church, Minersville and St. Michael's Orthodox Church, Mt. Carmel.

He served on the Diocesan Council for the Diocese of Philadelphia and Eastern Pennsylvania and the Metropolitan Council for the Orthodox Church in America. He was a past spiritual advisor for the Central Pennsylvania District Federated Orthodox Clubs of America and national spiritual advisor for eight years for FOCA.

He served on the board of directors of the Hazleton chapter of the American Automobile Association, Hazleton Chapter American Red Cross and he is still a board member for Mid-Atlantic AAA.

Father Martin has always been very active in community projects. He was a member and trustee of the McAdoo Fire Company where he is still remembered as "Padre." He helped coordinate the borough food pantry, was a member and past president of the McAdoo Lions Club and he served as District Governor of the Lions District 14U.

In 1995, Father Martin was assigned to Holy Resurrection Orthodox Cathedral in Wilkes-Barre. Since then, he was instrumental in helping reorganize the Wilkes-Barre Lions Club and he served as its charter president. He is a Melvin Jones Fellow, a Lions International award, and is currently chaplain of the Lions District 14W.

He serves as chief of chaplains at the Wilkes-Barre V A Medical Center, is president of the Wyoming Valley Council of Churches, serves on the pastoral advisory board of the John Heinz Rehabilitation Center, is a member of the board of trustees of St. Tikhon's Monastery, is a member of the Diocesan Council, St. Tikhon's Alumni Association, St. Tikhon's Century Association and the Fellowship of Orthodox Stewards.

And while he remains an extremely active person in the community, he still finds time to cook and bake for parish dinners because no job is too big or small for "Father Joe."

Mr. Speaker, please join me in congratulating Father Martin on this milestone in his life. Father Martin has enriched the lives of so many by demonstrating selfless and humble service to his fellow man in the manner that his Lord and Savior did 2,000 years ago.

HONORING STEVE FURLONG

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to pay public tribute to a remarkable public servant and citizen from my congressional district. Steve Furlong recently announced his retirement from the U.S. Army Corps of Engineers, bringing to a close 35 years of achievement and success managing lake projects in Central Kentucky.

Raised on a farm near the Mammoth Cave National Park, Steve's career with the U.S. Army Corps of Engineers began in 1970 at nearby Barren River Lake where he worked as a Temporary Laborer. Within a year, he was selected as a permanent Park Ranger at Green River Lake. Steve returned to Barren River Lake in 1974 to continue work as a Park Ranger. Three years later, he was assigned to oversee the construction of the project office at Rough River Lake. Due to his outstanding performance, he was selected soon thereafter to be the permanent Park Manager at Rough River Lake.

Under Steve's management, Rough River Lake was named the 1980 National Project of the Year, among 400 Corps projects across the country. Steve was recognized for his efforts that year with receipt of both the Louisville District and the Ohio River Division Achievement Awards, along with the Commander's Award for the Louisville District. Steve was installed as Operations Manager of the Green River Area, with oversight of four regional lake projects, later that same year.

Throughout the last 25 years, Steve's adept management and work ethic on behalf of the U.S. Corps of Army Engineers has established four nationally recognized recreational sites that will be enjoyed by many for generations to come. During his tenure, lake facilities have been upgraded and improved to meet changing demands, supporting high quality outdoor recreational experiences for over six million people each year. Combined, the Green River Area now contributes an estimated annual $1.7 million to the regional economy.

In addition to his professional responsibilities, Steve Furlong has built a legacy as a model citizen and community leader, volunteering for a variety of local organizations including Meals on Wheels, Habitat for Humanity, the Board of Hospice, Boy Scouts of America, and Youth League Baseball.

It is my great privilege to recognize Steve Furlong today, before the entire U.S. House of Representatives, for his leadership and service. His unique achievements and unwavering dedication to the communities of the Green River Area make him an outstanding American worthy of our collective honor and appreciation.

HONORING THE LIFE OF ZOYA ROISMAN STEINBERG

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mrs. MALONEY. Mr. Speaker, I rise today to pay tribute to a remarkable woman, Zoya Roisman Steinberg, whose son, Moshe Steinberg is a constituent.

Zoya Roisman Steinberg, who survived the Holocaust and was a pioneer of the State of Israel with her husband Jacob Steinberg, died on October 23, 2005, at nearly 100 years of age. After VE Day, Zoya joined the exodus of Jewish survivors en route from Eastern Europe to Palestine. Her guide was a decorated Russian officer, named Jacob Steinberg, who had fought with the Allies from Stalingrad to Berlin after his family was killed by Nazis in their Odessa home. Zoya and Jacob navigated through treacherous post-war Eastern Europe and endured two years in a Cyprus detention center for Jewish immigrants to Palestine before Israel's recognition as a State in 1948. They then entered Israel and built there a home, a family with their cherished son Moshe, and a country out of the desert and the ashes of war.

HONORING RETIRING ERIE COUNTY LEGISLATOR ALBERT DEBENEDETTI

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. HIGGINS. Mr. Speaker, today I rise to honor a friend and fellow public official whose unique and energetic service to the residents of Erie County will long be remembered. I rise to commemorate and honor the service of Erie County Legislator Albert DeBenedetti.

Serving as a legislator since his initial appointment in 1991, Al DeBenedetti brought a quick wit and a keen intellect to the deliberations of the Erie County Legislature. Often contentious and pugnacious, few Erie County Legislators in history have cared more for the communities they represent, and about the actions of government in service to those people than has Al DeBenedetti.

Now, I tell you Mr. Speaker, Al is a unique individual indeed. Al comes from proud and deeply rooted Italian and Polish stock, and his father was a renowned professional wrestler. One thing is certain—it is a good thing for his opponents that Al's weapon of choice was his mind and not his fists, because Al always fought, and fought hard, for the people he represented in Buffalo's Black Rock, Riverside and west side neighborhoods.

Prior to his service in the Erie County Legislature's 6th District, Al was Assistant Deputy Commissioner to the Erie County Board of Elections and also served on the Administrative Staff of former Erie County Executive Dennis Gorski. Upon the election of then-Legislator David Manz to Buffalo City Court in 1991, Al took office as his successor, and has served in this capacity ever since.

Al rose quickly through the Legislature's ranks. In only his third term of office, Al was elected Majority Leader and was appointed Chairman of the Legislature's Finance and Management Committee. In that capacity, Al worked with legislators and with then-County Executive Dennis Gorski to steer a clean and effective financial ship for Erie County.

In 2002, Al was elected Chairman of the Erie County Legislature, a position he held for one year. During his Chairmanship, the Legislature began the process of moving its offices from the Erie County Hall Annex back to its original home in Old County Hall, the historical site where United States President Grover Cleveland once held court as Mayor of Buffalo.

Al DeBenedetti rarely saw an election day without a vigorous fight, but was always successful. I have always chalked that success up to his personality and his unwillingness to give up on a fight. I had a nickname for Al—I always called him "Alley Cat." I think I did this because Al was always a scrapper, and invariably, his fight was an independent one, and was conducted on the behalf of Erie County's taxpayers.

Mr. Speaker, I am grateful to you for allowing me an opportunity to commemorate the service of my friend and colleague, Erie County Legislator Al DeBenedetti, on the occasion of his retirement as a member of the Erie County Legislature. Al's service on the Legislature was honorable and unique, and his history as a member of this august body will carry on for many years to come.

HONORING FRANCIS BONNER OF HAZLETON, PENNSYLVANIA, ON THE OCCASION OF HIS 70TH BIRTHDAY CELEBRATION

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to my very good friend Mr. Francis Bonner, of Hazleton, Pennsylvania, on the occasion of his 70th birthday celebration.

Mr. Bonner has enjoyed an exceptional career in public service and in the advancement of the anthracite coal industry. He has been married to Marie (Clatch) Bonner for more than 40 years. They are the parents of Mary Pat Bonner, whose career in Democratic politics was inspired by her father's lifelong dedication to the Democratic party.

Born in Hazleton, Mr. Bonner was a son of Miles and Mary Hannigan Bonner. He graduated from St. Gabriel's High school in Hazleton and Villanova University where he also pursued graduate studies. He also attended Clarion State College Coal Institute, the University of Pittsburgh Coal Gasification Liquefaction and Conversion to Electricity Conference and the Penn State University Coal Combustion Technology Seminar.

From 1954 to 1960, he served as International Representative for District 50, United Mine Workers of America.

He later served as a field investigator for the Pennsylvania Department of Labor and Industry.

In the early to mid 1960s, he served as Eastern Regional Administrator for the Pennsylvania Human Relations Commission. In that position, he conducted investigations and educational functions to insure compliance with legislation guaranteeing equal opportunity in employment, housing, education and public accommodations.

He then worked for the U.S. Department of Housing and Urban Development as an administrator for federal equal opportunity executive orders.

From 1971 to 1979, he served as special personal assistant to Pennsylvania Governor Milton Shapp. In that capacity, he was directly responsible for the administration's energy and fuel development programs; industrial development programs; liaison for labor management relations; liaison to the state House and Senate on matters concerning energy and labor relations; disaster control and relief and industrial development.

He later worked for the Pennsylvania Public Utility Commission as a fossil fuels coordinator, developing programs to encourage the use of coal in the generation of electric power.

From 1982 to the present, he has been president of Bonner Associates of Pennsylvania, a firm that serves as a consultant on governmental affairs with special emphasis on energy, particularly coal use and development, health care, labor management relations and waste disposal and recovery.

Honored by the Greater Hazleton Chamber of Commerce and the economic development group, CAN–DO, as "Hazletonian of the Year," Mr. Bonner has served his community in numerous ways, including as assistant director of the Villanova Urban Studies Program, Deputy state chairman of the Pennsylvania Democratic State Committee, member of the Hazleton City Planning and Zoning Board of Adjustment, member of the Philadelphia Fellowship Commission, member of the Pennsylvania Industrial Development Authority, Governor's Energy Council, United States Department of Energy Anthracite Task Force, Governor's Coal Conference, White House ad hoc Anthracite Task Force, chairman and member of the board of directors of St. Joseph's Hospital, Hazleton; chairman of the Anthracite Health and Welfare Fund and member of the Pennsylvania Unemployment Compensation Board of Review.

On a personal level, Fran has been an astute political observer and a trusted advisor to me during my tenure in Congress. I have always valued his insight into the political atmosphere of Northeastern Pennsylvania and I treasure his friendship.

Mr. Chairman, please join me in congratulating Mr. Bonner on this special occasion. His achievements reflect a devotion to his community in northeastern Pennsylvania where he has contributed to enriching the quality of life.

GRADUATE MEDICAL EDUCATION

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. LEWIS of Kentucky. Mr. Speaker, I am introducing today legislation to address longstanding inequities in Medicare's payments for graduate medical education.

More than 600 hospitals across the country, many in my home state of Kentucky, receive less than the national average from Medicare to train and educate physicians. Medicare's formula for paying hospitals that operate teaching programs is based on costs reported in the early 1980s, significantly below current costs and expanded needs. This limits the ability for many hospitals to train a workforce sufficient to care for the growing Medicare population.

In my state, teaching hospitals lose more than 2 million dollars a year as a result of Medicare's dated policy. In neighboring Ohio, Medicare's policy shortchanges hospitals more than $10 million each year. My bill will increase Medicare's Direct Graduate Medical Education (DGME) payments to hospitals to 100 percent of the national average per resident amount for facilities whose historical costs are less than the national average.

Congress has made incremental improvements to DGME payments throughout the past 6 years. This began in 1999 with the implantation of a 70 percent minimum payment. In 2001, payments were raised to 85 percent of the national average. In the Medicare Modernization Act of 2003, Congress again recognized the flaws in Medicare's payments to teaching hospitals by including a provision requiring that any resident positions redistributed to other hospitals be reimbursed at 100 percent of the national average. My bill continues this work by requiring Medicare to at least pay the average cost of operating a training program.

Medicare's Direct Graduate Medical Education payments should be increased to the national average so no hospitals receive less than Medicare's fair share of the costs of operating a medical education program.

HONORING RETIRING ERIE COUNTY LEGISLATOR EDWARD J. KUWIK

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. HIGGINS. Mr. Speaker, I rise to honor a great son of the city of Lackawanna, New York, and a longtime public servant whose retirement at the end of this year will mark the close of a career in elective office that has spanned nearly four decades. Today, I want to honor the career in public service of Erie County Legislator Edward J. Kuwik.

Ed Kuwik is a special kind of public servant and leader. Born and raised in gritty Lackawanna, Ed was educated at local schools, and earned a Bachelor's degree in mechanical engineering from the University at Buffalo, and a Master's degree in education from Niagara University.

Ed began his public service as a mathematics teacher in the Lackawanna city school system. Later, after serving a stint as Lackawanna's City Engineer, Ed was elected to the first of two four-year terms as Mayor of Lackawanna.

In 1983, a vacancy occurred in the 1st district seat in the Erie County Legislature, and Ed sets his sights on filling it. Fighting an uphill battle for the appointment with a candidate supported by the party leadership, Ed won the appointment and was in November 1983 elected to the Legislature in his own right. Aside from a primary election in 1987, Ed Kuwik was never seriously challenged for election again.

Throughout his many years of service to his constituents, public safety has been a hallmark issue for Ed Kuwik. From 1984 to 2001, and from 2004 to today, Ed Kuwik has served as Chairman of the Legislature's Public Safety Committee, overseeing the operations of the county's Correctional Facility, Department of Central Police Services, STOP DWI Division, Department of Emergency Services, and worked closely with the county District Attorney's Office and the county Sheriffs Office. Ed has always been a fighter for additional resources to fight crime, adding prosecutorial positions in the District Attorney's Office, civil and criminal deputy positions in the Sheriff's Office and probation officers in the Division of Probation.

In 1993, Ed began a stint as a member of the Legislature's formal leadership, and was unanimously selected as Majority Leader, a position he held until 1996. After finishing his service as Majority Leader, Ed returned to focus his attention on his continued leadership of the Public Safety Committee and on an unparalleled reputation for constituent service.

Ed Kuwik is a full time public official, and when he says full time, he means it. Until January of 2003, when Ed was unexpectedly hospitalized for several days, Ed Kuwik had attended every single legislative session since his initial appointment to the Legislature in 1983—543 consecutive legislative sessions. Ed has also attended every scheduled committee meeting that has been held since that time. No other member in the nearly four decade history of Erie County Legislature has a record to match.

Ed is also a forceful and effective member of his local Democratic Party. Ed is a former Chairman of the Lackawanna Democratic Committee and has been a force in Lackawanna city politics for more than 30 years.

Ed Kuwik has enjoyed many successes as a public official. However, his greatest success has been as a devoted husband and father. Ed is married to the former Karen Moore, a public school teacher in the Lackawanna City school system. Ed is the father of three sons, Kevin, Keith and Mark, all of whom have collectively made their mark academically, militarily and professionally in their respective fields of study and service.

In 2005, Ed Kuwik chose not to run for reelection, and although he will be succeeded in the Legislature by another fine public official, the Legislature and his district will each be poorer for his absence. It is my fervent hope and belief that Ed Kuwik will remain an active member of his community, and allow us to work together to make his city and our region a better place to live, work and raise a family. I am proud to call Ed Kuwik my colleague and my friend, and I am grateful, Mr. Speaker, that you have allowed me this opportunity to commemorate his service here today.

HONORING DR. M. VALI SIADAT, ILLINOIS PROFESSOR OF THE YEAR

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. LIPINSKI. Mr. Speaker, I rise today to honor Dr. M. Vali Siadat, Professor at Richard J. Daley College and recipient of the Illinois Professor of the Year Award.

The U.S. Professors of the Year Award Program was created in 1981 to increase awareness of the importance of undergraduate instruction at all types of higher education institutions. This program recognizes faculty members for their achievement as undergraduate professors. The State Professors of the Year Award Program selects outstanding educators in all 50 states, the District of Columbia, Guam, Puerto Rico and the U.S. Virgin Islands and this year Dr. M. Vali Siadat of Richard J. Daley College in Chicago was chosen as the 2005 Illinois Professor of the Year.

Richard J. Daley College located on the southwest side of Chicago has been offering university-bound students a solid liberal arts education in their own neighborhoods since 1981. Richard J. Daley College has a full-time faculty of 81 members and a student body of 4,500.

Dr. M. Vali Siadat has been valuable asset to the success of Richard J. Daley College. Dr. Siadat received his bachelor's degree in Electrical Engineering and Computer Science and after working in the engineering field, he began teaching at the Chicago Technical College and later at various schools in California. In the early 90s, Dr. Siadat started teaching at Richard J. Daley College as a Mathematics Professor in 1982. The Keystone Project which was pioneered by Dr. Siadat is a method of learning basic mathematics. The Keystone Project shows students how to concentrate through cooperative learning, precision teaching, and dynamic assessment of the student. Besides for this project, Dr. Siadat is the director of Chicago PREP (Proyecto Access Chicago), which is an intensive mathematics-based academic summer program targeting low income and minority students.

It is my honor to recognize Dr. M. Vali Siadat who serves as an outstanding example in school leadership and continues to exemplify excellence in education.

SANGRE DE CRISTO NATIONAL HERITAGE AREA

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. SALAZAR. Mr. Speaker, today I am introducing legislation to designate part of the San Luis Valley in Colorado as the Sangre de Cristo National Heritage Area. In the 19th Century, the San Luis Valley was at the crossroads of cultures. As America spread west, Spanish, Anglo, and Native Americans converged to create a unique cultural experience.

A National Heritage Area designation will help increase local tourism, which currently represents less than 9 percent of the basic income of the affected counties. As tourism grows in this area, it will provide economic benefits to a rural region with a rich history.

Heritage designation also brings with it tangible financial support to restore historic buildings and sites; develop interpretive programs and museums; build regional trail systems and fund other improvements and enhancements.

Private participation and oversight is the cornerstone of the heritage concept. I believe this will also create opportunities and benefits for private landowners who contribute in the planning and demonstrate best practices management of their properties.

The activities of a functional heritage area will be able to tie-in and stimulate wider interest in attractions throughout the valley. This includes outdoor recreation activities on the extensive National Forest and other federal, state, and private lands, and increase visitation at museums, historic sites, and commercial attractions located in other counties bordering the heritage area.

Congress must act quickly to ensure the heritage elements preserved continue to have relevance for the people of the San Luis Valley and for the nation for generations to come. I urge my colleagues to support me in this legislation.

HONORING THE 100TH ANNIVERSARY KNIGHTS OF COLUMBUS, EUREKA COUNCIL NO. 1067

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. THOMPSON of California. Mr. Speaker, I rise today in recognition of the Centennial Anniversary of the Knights of Columbus, Eureka Council, No. 1067, chartered in Eureka, California on December 3, 1905. Over the past ten decades, this fraternal and spiritual organization has had a proud and distinguished record of public service in Humboldt County and is deserving of our recognition.

Through charity, fellowship and hard work, the Eureka Knights of Columbus have reached out to thousands of families and children to establish important community institutions of compassion and caring.

Among other endeavors, the Eureka Knights of Columbus helped establish St. Joseph Hospital in Eureka, which serves the sick and the poor from across the region. They initiated efforts to found the local St. Vincent DePaul of Eureka, Arcata and Fortuna, communities within Humboldt County. The club also worked to bring about educational opportunities for youth through the establishment of St. Bernard's Catholic Schools, Camp St. Michaels and the Boy Scouts of America, Troop 54.

On this occasion, the Eureka Council of the Knights of Columbus will honor Anthony Gosselin, Sr. as the Knight of the Century. This distinguished honor is bestowed upon the late Mr. Gosselin, who led the Knights of Columbus as a founding board member of St. Vincent de Paul, served as a volunteer fire chief for the City of Eureka and as a member of the Humboldt County Water District board for fifteen years.

Mr. Gosselin served in World War I, married Eva Dandurand and had two children, Anthony Joseph Gosselin, Jr. and Beverly Gosselin Inskip. Mr. Gosselin was a tireless volunteer and devotee of the Knights of Columbus for over 65 years.

Mr. Speaker, it is appropriate at this time that we recognize the Knights of Columbus, Eureka Council 1067 and the Knight of the Century, Anthony Joseph Gosselin, Sr., for distinguished and extraordinary service to the community.

A TRIBUTE TO MR. JAMES EDWARD ODOM. TRULY AN OUTSTANDING CITIZEN

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. BUTTERFIELD. Mr. Speaker, I rise and ask my Colleagues to join me in paying tribute to Mr. James Edward Odom, constituent and friend who recently passed away at the blessed age of 87 years old.

Mr. Speaker, Mr. Odom enjoyed a very full life. He was first and foremost a Christian and dedicated much time as a member of St. Mark A.M.E. Church severing in several capacities. Mr. Odom always made it known that his parents taught him to first acknowledge our Creator in all things; and that is the principle by which he lived his life.

Mr. Odom attributed the many successes in life to his Christian faith. He graduated from Nash Central High School and conducted his undergraduate studies at Shaw University in Raleigh, North Carolina. He continued his studies at Eckles College of Mortuary Science in Philadelphia, Pennsylvania, and later graduated from Cortez Peters School of Business Administration in Washington, DC. Mr. Odom went further to study Standard Accounting and Management at George Washington University in Washington, DC.

Mr. Speaker, Mr. Odom believed in using each of his many talents as evidenced by his significant involvement and active membership in countless organizations. The list is exhaustive with one affiliation just as impressive and important as the next. Mr. Speaker, Mr. Odom has indeed left an impression in the Nash County, Rocky Mount area where he served as Chairman of the Human Relations Commission; the First Black County Commissioner of the Nash County Board of Commissioners where he was elected to a four-year term in 1986 following a lawsuit under the Voting Rights Act; member of Unity Lodge #64; member of the Trustee Board of St. Marks A.M.E. Church; member of the Little Raleigh Independent Club of Rocky Mount; member of the Helping Hand Club of Little Easonburg, Rocky Mount; past President of the Lay Organization of St. Mark A.M.E. Church and the list is perpetual. Further, Mr. Speaker, Mr. Odom served on the Board of Directors of the Rocky Mount Area Chamber of Commerce; Triangle East; Cities In Schools of Rocky Mount; The Salvation Army; First Union Bank of Rocky Mount; the Rocky Mount Branch of the NAACP; Nash Central Senior Alumni Association; the National Federation of Independent Business and he held countless other posts too numerous to mention.

Mr. Speaker, I learned that in 1980, Mr. James Edward Odom and his loving wife Erma embarked upon one of the most significant and important ventures in their lives; they became the proud owners of Hunter-Odom Funeral Services. I am sure that I speak on behalf of many of my 660,000 constituents whose lives Hunter-Odom Funeral Services touched in the sincere, compassionate and sensitive manner in which they handled bereaved families as they put loved ones to rest.

Mr. Speaker, I am so pleased and proud to pay tribute to such an outstanding pillar of the Nash County community. It is my wish that God will continue to bless and keep each member of Mr. James Edward Odom's family.

THE IMPORTANCE OF THE CORPORATION FOR PUBLIC BROADCASTING'S OVERSIGHT OBLIGATION

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. ROTHMAN. Mr. Speaker, during this debate on the Conference Report for the Fiscal Year 2006 Labor, Health and Human Services, Education and Related Agencies Appropriations bill, I want to call attention to the Corporation for Public Broadcasting's (CPB) obligation to ensure unbiased and objective programming.

The U.S. Congress provides the CPB with approximately $400 million each year. CPB then allocates these funds to the Public Broadcasting Service, National Public Radio, and other recipients. It does so, as the Telecommunications Act makes clear, with the responsibility to ensure that recipients demonstrate "strict adherence to objectivity and balance in all programs or series of programs of a controversial nature." CPB also must see to "maximum freedom of the public telecommunications entities and system from interference with, or control of, program content or other activities."

These two obligations do not contradict each other. Rather, together they circumscribe the lawful activity of tax-supported public broadcasting programmers and program providers. Public broadcasting should enjoy "maximum freedom" from outside "interference or control" so long as it simultaneously demonstrates "strict adherence to objectivity and balance in all programs or series of programs of a controversial nature."

Mr. Speaker, there should be no confusion. These obligations reinforce each other. The Corporation for Public Broadcasting must implement both on behalf of Congress and the taxpayers.

I commend CPB for creating a new unique office, the Office of Ombudsmen, as a step towards ensuring that these standards of fairness and independent reporting are upheld. Guaranteeing that basic journalistic requirements of objectivity and balance are maintained in public programming is hardly interference. In fact, I strongly believe that the public's trust in public broadcasting rests on just such standards and I will continue to fight to see that they are maintained.

RECOGNIZING SOUTH KOREA'S EFFORTS ON NORTH KOREAN REFUGEES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. TOWNS. Mr. Speaker, I rise today to recognize the tangible, but often under-appreciated efforts the part of South Korea to address an important and urgent humanitarian concern—the resettlement of North Korean refugees.

South Korea has consistently maintained a policy to accommodate all North Korean refugees who have found safe haven abroad by permitting them to resettle in South Korea. The South Korean government also provides necessary cooperation, if the refugees wish to remain in another country, to avoid the forcible repatriation to North Korea against their will.

In the past 50 years, South Korea has resettled more than 7,100 North Korean refugees, an average of 20 persons per year between 1954 and 1997 (878 total), but at an accelerating rate since then: 72 in 1998, 148 in 1999, 312 in 2000, 583 in 2001, 1,141 in 2002, 1,281 in 2003, 1,894 in 2004, and 882 to date in 2005, with an expectation of a total refugee population of 10,000 by the end of 2006.

When North Korean refugees arrive in South Korea, they spend their first 3 months at Hanawon, a facility run by the Ministry of Unification, to receive education, orientation and basic vocational training. They also participate in social adjustment and cultural assimilation programs.

Following their orientation, the refugees are then provided with a variety of resources by the South Korean government that include assistance in finding meaningful employment for 5 years and a permanent residence in cooperation with local municipalities. They also receive general health insurance coverage and seed money to help sustain independent living.

For women refugees—which accounted for 68 percent of all North Korean refugees this year—the South Korean government additionally provides specific female vocational training and assistance with child-rearing and home protection.

For younger refugees, the South Korean government fully subsidizes all education fees through high school. If accepted into public universities, the refugees will receive full tuition including room-and-board. Should a North Korean refugee seek to study at a private university, the related costs will be covered jointly between the government and the designated institution.

It is important to note that South Korea, for some time, has been working diligently, behind the scenes, without much publicity or due recognition, in order to enhance the security of the North Korean refugees it is seeking to assist.

The aim is to make all refugees and their families self-sufficient within the context of democracy and free enterprise, so that they can be full contributors to South Korean society. In this regard, the South Korean government also works in collaboration with many civic, religious, and non-governmental (charitable) organizations in a comprehensive and coordinated effort to provide a variety of resources and a strong social safety net.

For these reasons, Mr. Speaker, I wish to express my personal appreciation to the government and people of South Korea for their important contributions to help address the urgent humanitarian crisis in North Korea through the "firm resettlement" policy. As a staunch ally of the United States with a mutually comprehensive alliance partnership, South Korea deserves our recognition and expression of support.

HONORING DR. ANA CRUZ

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to take this opportunity to congratulate my constituent, Dr. Ana Margarita Cruz on having been named Florida Professor of the Year by the Council for Advancement and Support of Education. I would like to thank her for all the hard work it took to receive this prestigious honor. Dr. Cruz's commitment to education, specifically higher education is very commendable.

Dr. Cruz's area of expertise lies in area of business management, accounting and taxes. She has a diverse background and has been employed in both the private and public sector. Dr. Cruz's extensive experience and qualifications in the field of business have been recognized, as she is currently the Interim Chair for the School of Business at Miami-Dade College for the Wolfson Campus.

As a former educator I understand the importance of an education and the impact a teacher can have on a student's life. I am pleased Dr. Cruz chose such a noble profession, shaping the vision and spirit of the leaders of tomorrow. Once again I would like to offer my warmest congratulations on this tremendous accomplishment. I would encourage Dr. Cruz to continue the efforts that have brought her so far and allowed her to touch the lives of so many.

MEDICARE MODERNIZATION ACT

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, as I am sure you are aware, this week kicks-off the enrollment period for the newest benefit available to Medicare recipients, the Prescription Drug Benefit Plan. This benefit allows seniors to continue to purchase their prescriptions, but at a major cost savings. For those seniors currently without drug coverage, or looking for better coverage, this option will be a welcome help in addressing their rising pharmaceutical costs. Extra help will be available for those who need it, and a choice of plans will be available for seniors to pick the one that best meets their needs. The new plans will cover both brand name and generic drugs at participating pharmacies. I encourage all Medicare recipients to take time to learn about the new benefit, talk it over with family and friends, and consider how it can help them pay for their prescription drug needs.

Beginning January 1, 2006, Medicare eligible seniors will be able to begin benefiting from the optional drug benefit program in which they will receive prescription drugs at a 75 percent discount. Once they spend $3,600 annually, they will save 95 percent on all drug costs. Economically needy seniors will be eligible for additional assistance. Medicaid recipients will begin to receive drugs through Medicare.

Medicare recipients should review available drug plans as soon as possible. With a broad selection of plans available, seniors are encouraged to review and pick a plan that best suits their needs. In order to assist seniors make this important decision, Medicare has created a call line and website. Seniors should feel free to contact Medicare at 1–800–MEDICARE or www.medicare.gov in order to aid them in making the best possible choice.

Another great new feature of the Medicare Modernization Act, which included the Prescription Drug Benefit, is the new preventative services offered to all Medicare recipients. Medicare now covers a free initial physical exam for all new beneficiaries. Beneficiaries are also encouraged to partake in the free glaucoma, breast, cervical, colorectal, and prostate cancer screening, as well as cholesterol, blood lipid, diabetes, and osteoporosis screenings. The preventative screenings and new disease management programs are a way for seniors to be proactive in their healthcare, so as to maintain a high quality of life throughout retirement.

The Prescription Drug Benefit and the preventative services program are important steps in realizing the government's 40-year-old promise to make quality health care available to every eligible senior in the United States. I am proud to have voted for the Medicare Modernization Act in 2003, and am proud of the cost savings it will provide for all Seniors.

RECOGNIZING THE TITAN ROCKET

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to recognize the service of those individuals that developed and built on an exemplarily piece of American ingenuity and technological achievement, the Titan rocket.

For nearly fifty years the Titan rocket system has been serving this country, first as a multi-stage intercontinental ballistic missile system, and second as a launch vehicle for satellites, and space probes bound for the far reaches of our solar system.

In 1955 Martin Marietta, now Lockheed Martin, was awarded a contract by the Air Force to build an intercontinental ballistic missile that became known as Titan I. Since then, the people of Lockheed Martin have produced successive generations of Titan rockets to serve national needs.

On Wednesday, October 19, 2005, the last Titan rocket was successfully launched from Vandenberg Air Force Base, California. From its early beginnings as an intercontinental ballistic missile, to its recent role as a launch vehicle for the satellites of the U.S. National Reconnaissance Office, the Titan rocket has played a vital role in the security of our Nation.

The Titan family of rockets also played a pivotal role in the Nation's space program, allowing the early Gemini astronauts to break free of the earth's gravitational hold and launching many deep space probes that have furthered understanding of our solar system.

Mr. Speaker, the longevity of the Titan's service is a testament to the quality of the employees at Lockheed Martin. Thousands of workers have had a hand in producing the rockets, including many second generation family members located in my district. To honor their dedication and superb accomplishments I rise to recognize the fifty years of service the Titan rockets and the employees that built them have given our Nation.

SENATE—*Friday, November 18, 2005*

The Senate met at 9 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, our Father, fountain of every blessing, during this season of gratitude we pause to thank You for the gifts You have given us and all humanity. Thank You for all the beauty You have placed in our world, for the loveliness of the Earth, sea, and sky. Thank You for great art to see, great music to hear, great books of prose and poetry to read. Thank You for the nimbleness of minds and hands that enable people to find ways of defeating diseases and easing pain. Thank You for generous hearts that give to help the less fortunate. Thank You for our power to love and for the opportunities to lose ourselves in a great cause. Thank You for the ability to harness nature's forces and to make fertile the desert. Thank You for our Senators and for all who labor many hours with them for a world at peace. Thank You for our military and the courageous sacrifices of our men and women in harm's way.

Above all else, we thank You for saving us by giving us Yourself. Accept this, our sacrifice of thanksgiving and of praise.

Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today we will get off to a quick start in the Senate. We actually left not that many hours ago, and we are making real progress in terms of moving the Nation's business forward. This will be a very busy day.

In a moment I will call up the continuing resolution which will keep Government operations funded beyond midnight tonight. We are starting that early. We are voting early this morning, in large part to get it completed here and sent to the President so it can be signed by midnight tonight.

Senator HARKIN will have an amendment which we expect to vote on at or around 9:30. After that, I will have more to say on the schedule itself. But we do have the continuing resolution, we will have the Harkin amendment, we are waiting for several pieces of legislation from the House of Representatives and several conference reports: MilCon or Military Quality of Life, Transportation TTHUD bills, the PATRIOT Act. We also have an adjournment resolution we must pass later today and several other conference-related matters.

It is going to be a very busy day. I do ask for the cooperation and patience of all Senators as we cover a lot and have a number of rollcall votes over the course of the day.

In terms of the schedule for tomorrow, or Sunday, or Monday—as the day proceeds, as soon as I have information brought to me and we determine the best way to handle that on the floor, I will be making those announcements over the course of the day.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2006

Mr. FRIST. I now ask unanimous consent the Senate begin consideration of H.J. Res. 72, which is at the desk.

The PRESIDING OFFICER (Mr. ISAKSON). Is there objection?

The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I am reserving the right to object, to speak with the leader for a moment about a situation that is developing at home and one of which he is certainly aware.

I understand that the motion that has been put forward would allow the Congress to go home for approximately 30 days and to come back in the middle of December to finish our business. I wanted to ask the leader if it is his intention when we come back to press forward for the supplemental bill that the senior Senator from Mississippi, Senator COCHRAN, and others have been working on for relief for the gulf coast. It is a very important piece of legislation, and many people, individuals and businesses, large and small, have been waiting for some direct, significant funding. I wanted to ask the leader from Tennessee what his intentions are when we get back, at least as he can press the Senate and press our colleagues in the House to move that piece of legislation.

Mr. FRIST. Mr. President, the issues the distinguished Senator from Louisiana comments on and mentions are something we take very seriously here. As she well knows, my personal commitment, the commitment of leadership on both sides of the aisle, is to address the issues. We have worked very hard, both in a personal sense and in an institutional sense. With regard to the latter, we passed 21 separate pieces of legislation that have responded to many of the immediate needs. I well recognize these needs are ongoing. We are going to need to stay on top of them, which I pledge and leadership pledges to continue to do.

We will be coming back in December, depending on the outcome of today, in all likelihood, and we will continue to address these very important issues. Several issues we will be addressing over the course of the day as well.

Ms. LANDRIEU. I ask the leader, if I could, please, I understand, I want the leader to know, we have passed 21 pieces of legislation. I take him at his word. It has been very hard to follow as these things have moved so quickly, in some cases, and not so quickly in others. But I want to make a point and ask the leader that. Because we pass legislation does not necessarily mean it has been effective. Sometimes Congress has a way of passing legislation, but that is not any guarantee it is actually working.

As the Senator from Tennessee knows, the members of the Louisiana delegation, joined at times by members of the Mississippi delegation, have consistently said that money given to FEMA is not making its way to the hands of people in businesses. As the leader knows, the housing money has been very difficult for people to get. Shelter has been very difficult to get, housing has been very difficult to get. Many of our businesses that have applied for loans that are authorized have not yet received a response from FEMA or the Small Business Administration.

For the record, I say it is not the quantity of legislation but the quality of legislation, and that is why this supplemental Senator COCHRAN has been crafting is so important. We think this may be the first major piece of legislation that actually gets money into the hands of people who can do something with it other than having it sit in bank accounts while people are suffering and trying to get their lives back together.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

I understand the Senator from Tennessee is aware of these great needs. He himself has been down to our State, and we are appreciative of that. But that is the point. If I could get a comment about the importance of the supplemental, that would be of some comfort to the people of the gulf coast.

Mr. FRIST. Mr. President, I obviously am committed not only to what is in the supplemental, but I think we need to make it very clear to our colleagues and to the people in Louisiana, Mississippi, and Alabama, where I have personally visited very early on and have visited after that again and again, that in terms of responsiveness, we have been responsive in many ways. When I say 21 pieces of legislation, people say, What does that mean? Let me give examples. In terms of things that have been enacted or cleared for the President, we have passed the emergency supplemental, No. 1, which was $10.5 billion in Public Law 10961. We passed another emergency supplemental for $51.8 billion. We passed a Katrina short-term tax relief bill for $6.1 billion; flood insurance borrowing authority, H.R. 3669, for $2 billion; the TANF disaster relief bill for $.3 billion; the unemployed insurance provisions for $.16 billion. We passed a bill for redistribution of campus student aid, another bill for Pell grant relief, another bill for the Community Disaster Loan Act, for a total of $70.9 billion.

Those are the things that have passed the Senate and the House. If you look at the things passed by the Senate, there are another nine bills for $9 billion: the Deficit Reduction Act, Sarbanes housing amendment, the Snowe small business amendment, the Katrina education reimbursement bill, the Baucus economic development amendment, the Byrd unemployment HHS IG amendment, the Harkin legal services amendment—all of which have been passed by the Senate, this body.

I want my colleagues and the American people to understand we are acting and we are moving. We have a lot more to do, which I think is the importance of the supplemental. The distinguished chairman, who is here on the floor, knows we are focused on it and there is going to need to be more assistance there in order to renew and rebuild and respond. This body understands the importance. We are absolutely committed to that continued support for our appropriate renewal.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. The Senator has been very patient. I realize we have to move forward. But if he would grant me a few more questions—one or two.

I understand those pieces and those packages, because of course we are following them very carefully. But I want the record to reflect that this morning, as we break, there was $70.9 billion appropriated and $30 billion is still sitting in a bank somewhere in a FEMA account. So we have allocated $40 billion. I would judge from the controversies and reports that much of that money was squandered in many ways that we know, and used in an inefficient manner. But I would call to the attention of the leader that we have not passed an emergency education bill which would cover tuition for children, 370,000 children who are today displaced from the school they were in the week before Katrina and Rita. Those 370,000 children have not yet received word from this Congress if their tuition will be covered. That is not done yet.

We have not passed a comprehensive health care piece that allows people with no job, no home, no school, and no church to think that they could show up at a hospital over the holidays and get their health care covered. That has not passed yet.

We have not passed any loans to our governments in Louisiana that would allow them to operate and pay for police and fire over the holidays because the loan package we passed was inoperable because they cannot pay the money back in 3 years.

So for the record, we have no real health care relief, no significant elementary and secondary care relief, our universities are teetering on bankruptcy and closure, and our medical schools are having difficulty. The dean of LSU Medical School took a job out of our State. It was announced this week. I don't blame him for leaving because he doesn't see any help on the way. It is one of the great medical schools in the country.

Finally, FEMA—to pour salt on the wound, to make sure we were all having just the very best Thanksgiving we could possibly have—announced that they are going to make us homeless for the holiday and has announced that on December 1, everyone who is in a shelter or a hotel in the country—they do not have an accurate number, so they do not know how many, and if they do not know how many, how are they planning to help them? But believe me, there are thousands who are now going to be put on the streets and will be homeless for the holidays.

I just tell my colleagues as respectfully as I can that when we are sitting around our tables—and I will be at a different table, and many people from Louisiana will not be at the table which they usually are to have Thanksgiving dinner. I will be at a different table. Senator LOTT will be at a different table, and perhaps Senator COCHRAN will be at a different table. But as we sit around our tables, there will be thousands and hundreds of thousands of families who have no table to pull up to. They are in shelters, they are on the street, and they are crowded into apartments that they can barely afford with no hope and no plan.

I will say it for the last time. We are not dealing with a regular hurricane. We are dealing with an unprecedented natural disaster caused by the collapse of a Federal levee system that was not invested in, not maintained, and not funded. It is a disaster for the region and for the Nation. I cannot say this more emphatically or more passionately. I have tried to be a team player. We have tried to be cooperative. We have tried every strategy. We are running out of strategies.

I want my colleagues to know that while I will allow this resolution to go forward today, if we do not come back in December and pass a robust supplemental that reflects the values of this body—not what MARY LANDRIEU wants in it, not what Louisiana thinks it deserves, although we think we are entitled to say what we deserve—that reflects the values of the men and women who serve in this body whom I know so well from having worked with them, if we don't have a supplemental and if we don't get some action on our levee system so people can have confidence to come back, and a few other emergency items that we need, we will not be going home for Christmas.

We are going home for Thanksgiving, but we will not be going home for Christmas until the people of the gulf coast understand they have a home they can go to, if not this Christmas, some Christmas soon.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 72) making further continuing appropriations for the fiscal year 2006, and for other purposes.

There being no objection, the Senate proceeded to consider the joint resolution.

AMENDMENT NO. 2672

Mr. HARKIN. Mr. President, I call up my amendment, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, Mr. JEFFORDS, Mr. KENNEDY, Mr. BINGAMAN, Ms. MIKULSKI, Ms. STABENOW, Mr. LAUTENBERG, Mr. ROCKEFELLER, Mr. AKAKA, Mr. KERRY, Mr. PRYOR, Mr. CARPER, Mr. KOHL, and Mr. LEAHY, proposes an amendment numbered 2672.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase the amount appropriated to carry out under the Community Services Block Grant Act)

At the end of the resolution, insert the following:

SEC. 2. COMMUNITY SERVICES BLOCK GRANT ACT.

Notwithstanding section 101 of Public Law 109–77, for the period beginning on October 1, 2005 and ending on December 17, 2005, the amount appropriated under that Public Law to carry out the Community Services Block Grant Act shall be based on a rate for operations that is not less than the rate for operations for activities carried out under such Act for fiscal year 2005.

Mr. HARKIN. Mr. President, I understand that under the order, I will be recognized for 20 minutes.

The PRESIDING OFFICER. That is correct.

Mr. HARKIN. I might reserve a little bit of time. I may have other colleagues who will come over to speak.

Just to refresh memories, when this continuing resolution was passed at the end of September, I came on the floor and offered an amendment that would have kept whole the Community Services Block Grant program. That is a program that administers the LIHEAP program, administers a lot of Head Start programs, Even Start programs, Older Americans Act programs, elderly transportation programs, emergency shelter programs, weatherization assistance—you get the idea. Most of the programs really help a lot of poor people in this country. Last year's level was $636.8 million.

The amendment I offered in September would have kept the funding of the Community Services Block Grant program at that level. You might say that was a continuing resolution. A continuing resolution keeps things at last year's level. Therein lies the problem.

The House sent us a continuing resolution that said: We will continue programs at last year's level or at the level of the House budget, whichever is less. The House budget cut the Community Services Block Grants Program down to less than $320 million. They cut it in half. That is the level it was in 1986.

I said in September that it was unfair for poor people to have to have theirs cut right away down to that level because winter was coming and you need the heating energy assistance and things like that.

At that time, at the end of September, there was a lot of talk. We couldn't accept this amendment because the House had gone out. As long as the House was out and if we changed the continuing resolution, that meant the entire House of Representatives would have to come back to Washington, DC, and do something about this. I said at the time on the floor, big deal. They came back for a lot of other things; they could come back for this, too.

Obviously, my arguments did not prevail. The amendment was defeated; whereupon, however, the chairman of the Appropriations Defense Subcommittee, the Senator from Alaska, Mr. STEVENS, said that he was going to take my amendment that continues the community services block grants at last year's level and put it on the Defense appropriations bill, which he did and for which I commended him. We all thought that the Defense appropriations bill would zing through here right away. Fine.

Here we are. It is November 18, and the Defense appropriations bill has not been passed—and we don't know when; probably next month, I suppose, before the end of the year.

We have another continuing resolution. The continuing resolution expires today at midnight. We know that. The continuing resolution is the same. It is at either last year's level or the House budget level, whichever is less. That means the Community Services Block Grant program is still cut down to the level it was in 1986.

The amendment I am offering today basically says—it is the same amendment, basically—for the purposes of this continuing resolution, the community services block grant shall be based on the rate that it was last year, which is $636.6 million.

On November 8, barely a week and a half ago, 58 Senators from both sides of the aisle cosigned a letter saying we want to keep the Community Services Block Grant Program at the Senate level, at last year's level. That is what we did in our bill, and 58 Senators a week and a half ago signed this letter to keep it at the same level. Yet today we are going to pass a continuing resolution that cuts it in half. This continuing resolution is until December 18.

There is another unique feature about the Community Services Block Grant Program that I wish to bring to the Senate's attention. Unlike a lot of programs, such as education, for example, wherein the money goes out basically next summer, if we use that language—the lower of the House level—it doesn't mean a lot because the money is not going to go out until next summer, and we probably will fix this prior to going home for Christmas, I think. I don't know. We have had CRs going into January and into February. That is not unusual around here.

So we have a continuing resolution before us today that says until December 18, and we think it will be done by then. It may not be. I don't know how many people around here would like to bet a dollar to a dime on that one. Maybe yes; maybe no; get it done by December 18. It could go into next year.

Here we have a situation, unlike education, where the money goes out next summer, and we will fix it before then, certainly. The Community Services Block Grant program goes out quarterly. Every quarter, the money goes out and is used. That means right now we are about 7 weeks into this quarter, and the entire nationwide Community Services Block Grant program has been operating at the level of $320 million. That is bad enough. If we extend that another month, it could be disastrous, or another 2 months, because it is not like they can draw down some money somewhere and say: We are going to get it next year, we will make up for it. They can't just go to the bank and borrow the money. They do not have it. If they don't have the money for weatherization or for Head Start programs or for low-income energy assistance programs, they just do not do it.

We have had vote after vote here when Members supported the Low-Income Energy Heating Assistance Program. It is vitally needed. But if you do not have the people to administer the program and get the goods and hire the people to administer it, what good does it do? That is what the Community Services Block Grant program does.

You may hear talk that the Community Services Block Grant program is just one part of the picture because there are State and local governments that help. That is true. There are private charities that help. That is true. That is the good thing about this program—it brings a lot of different stakeholders into play. But there is the anchor, there is the anchor of the money. If that is not there, they do not even have the people to go out and do anything.

I ask Senators to think about this. Here is a program that is widely supported: 58 Senators signed a letter a week and a half ago. We passed it in our Labor, Health and Human Services Appropriations Subcommittee when it was on the floor at last year's level, $636.8 million. No one talked against that. It just passed. We all supported it. As a matter of fact, if I am not mistaken, I think it was later supported by the House, even though their numbers were less. The conference report that was rejected by the House at least had this high figure in it.

So we find ourselves in an odd situation with another continuing resolution in the dead of winter when the homeless need a lot of help, when poor people are put to the extreme in terms of buying enough food, energy to heat their homes, get clothes for their kids, finding enough money for rent, going to food banks when the food stamps run out.

Any Senator here who has been to the food banks in their State knows that the food bank demand is up over what it has been in the past because food stamps are running out about the third week of the month, and poor families are going to the food banks to get food. I say to any Senator, go to your food bank—any State, I don't care which State it is—go to your food banks, food pantries, and ask them whether the demand for food is up over what it was last year or just a few months ago. That is the program administered by the Community Services Block Grant program.

The argument that was made in September is we could not do this because the House would have to come back, and they cannot do it, la-de-da, and all that stuff. Well, the House is in session today—they may be in session tomorrow, I don't know. But they are in session today. We could pass this amendment; say, no, the one program we are going to exempt from the 50-percent cut of the House of Representatives is Community Services Block Grant program. Send it back to the House, let them bring it up and pass it and send it to the President. The argument that we could not do it because of the time pressures does not hold any longer.

This is just a matter of simple justice. If this were a program that could make up the money later on next year, it would be different. This is now. People need help now for housing, for rental assistance, food banks, heating energy assistance, Head Start, foster grandparents, rental assistance.

One of the things the Community Services Block Grant program does for people includes if they are evicted and they need someplace to stay. Think of the single mother with two or three children. The husband has left her and gone off someplace. They have been in an apartment, maybe there has been an illness in the family for which they are not covered—who knows what kind of calamities could have hit—and they find themselves evicted. They can go to the local community action agency in their area. One of the things they will do is they will find them a place to live. They will give them rental assistance to get them established and a place to live. That is what this program does. What I just described happens 10 times a day in 1,000 cities across America—100,000 times a day.

I hope we can pass this amendment. It is very simple and straightforward. Leave the Community Services Block Grant program at last year's level. We have all said that is where we want it. We need to get that money out there. The House is in session. They can pass it and send it to the President.

How much time remains?

The PRESIDING OFFICER. The Senator has 6 minutes 14 seconds.

Mr. HARKIN. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Iowa be advised that the time continues to run.

Mr. HARKIN. How much time total?

The PRESIDING OFFICER. Five minutes sixteen seconds. The Senator was originally yielded 20 minutes, and the Senator has used 14 minutes.

Mr. HARKIN. How much time on the other side?

The PRESIDING OFFICER. There is no time on the other side.

Mr. HARKIN. Parliamentary inquiry: I understand I had 20 minutes to speak and there is no time on the other side to speak on this amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. There are a couple of other points.

The amendment is a straight failure. Senators understand it. But I will point out, because of a quirk in the law, there are some States that are cut more than others.

Here is what that means. This gets a little complicated, but I think the States that are going to be voting need to know this. If the total funding for a fiscal year is less than $345 million, then no State shall receive less than one-fourth of 1 percent. Now, last year, since we cut it back to $320.6 million, that means there are 13 States—Alaska, Delaware, Hawaii, Idaho, Maine, Montana, Nevada, New Hampshire, North Dakota, South Dakota, Utah, Vermont, and Wyoming—that are not cut by 50 percent; they are cut by 75 percent. Because of a quirk in the law, 13 of our smallest States have a 75-percent cut. That is what they are operating at right now in those States.

I say to the Senators from those States, this may not be knowledge to a lot of Members. I happen to know about this program because I am on both the committees that administer it, but this is a program that helps the poorest in our country.

I anticipate there may be some other reasons people do not want to vote for this, but as long as 58 Senators signed the letter a week and a half ago, as long as the House is in session, it seems to me we could vote on this and let the House do it.

As I said, this is the dead of winter. We were told at the end of September that the Defense appropriations bill would be acted upon. This amendment was included. But it has not been acted on. We are now told we have a continuing resolution until December 18, but will we really act on it by December 18? As I said, who can bet on that around here?

These are the poorest of our poor people. Can't we at least say we are going to hold them a little bit harmless in this? It is not that we are holding them harmless, we are holding them at last year's level, which means it is cut a little bit simply because of the cost-of-living increase. But to be cut 50 percent, and in 13 States to be cut by 75 percent, is grossly unfair.

Let's do the moral thing. Let's do the right thing. This is a very small matter, a small thing to do, to pass this amendment and send it to the House and have them pass it on.

I ask unanimous consent to have printed in the Record the letter I discussed.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, DC, November 9, 2005.

Hon. Arlen Specter,
Chairman, Senate Subcommittee on Labor, HHS, Education, Appropriations, Washington, DC.

Hon. Tom Harkin,
Ranking Member, Senate Subcommittee on Labor, HHS, Education, Appropriations, Washington, DC.

Dear Senators Specter and Harkin: We applaud the Senate Labor, Health and Human Services, and Education Appropriations Subcommittees (Labor HHS) for restoring funding to the Community Services Block Grant (CSBG). In the face of budget constraints and competing priorities, we urge you to uphold the Senate funding level of $637 million in negotiations with the House on H.R. 3010, the Labor-HHS Appropriations bill.

As you know, CSBG helps to strengthen communities by helping low-income individuals and families to become self-sufficient. Nearly one-fourth of Americans living in poverty receive services from CSBG grantees located in 90 percent of the nation's counties. Please enable these entities to continue their vital assistance to families and communities.

We urge you to insist on the Senate positions in CSBG, $637 million, during final negotiations on H.R. 3010. Thank you for your continued efforts on this issue.

Sincerely,

Charles E. Grassley, Orrin G. Hatch, Olympia J. Snowe, Rick Santorum, Christopher J. Dodd, Edward M. Kennedy, Max Baucus, Jeff Bingaman, Jim Bunning, Lamar Alexander, Richard Burr, Mike DeWine, George Allen, Conrad Burns, Lincoln D. Chafee, Norm Coleman, Susan M. Collins, Hillary Rodham Clinton, Kent Conrad, James M. Jeffords, John F. Kerry, Blanche L. Lincoln, Barbara A. Mikulski, Jack Reed, John D. Rockefeller, Charles Schumer, James M. Talent, John Thune, George V. Voinovich, John W. Warner, Mark Dayton.

Richard J. Durbin, Joseph R. Biden, Jr, Barbara Boxer, Maria Cantwell, Thomas R. Carper, Jon S. Corzine, Byron L. Dorgan, Dianne Feinstein, Frank R. Lautenberg, Joseph I. Lieberman, E. Benjamin Nelson, Barack Obama, Ken Salazar, Debbie Stabenow, Russell D. Feingold, Tim Johnson, Patrick J. Leahy, Carl Levin, Bill Nelson, Mark Pryor, Paul S. Sarbanes.

Mr. HARKIN. I yield back the remainder of my time and ask for the yeas and nays.

The PRESIDING OFFICER. The Senator yields back the remainder of his time.

Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment of the Senator from Iowa.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Oregon (Mr. Smith).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. Corzine), the Senator from Hawaii (Mr. Inouye), and the Senator from Michigan (Ms. Stabenow) are necessarily absent.

I further announce that, if present and voting, the Senator from Michigan (Ms. STABENOW) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 50, as follows:

[Rollcall Vote No. 348 Leg.]

YEAS—46

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Collins
Conrad
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Specter
Wyden

NAYS—50

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Coleman
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—4

Corzine
Inouye
Smith
Stabenow

The amendment (No. 2672) was rejected.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was not agreed to.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the third reading and passage of the joint resolution.

The joint resolution was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, is this the continuing resolution?

The PRESIDING OFFICER. The Senator is correct.

Ms. LANDRIEU. Mr. President, earlier this morning we had a colloquy that expressed concerns.

The PRESIDING OFFICER. The Senator will be advised that all time for debate has expired.

Ms. LANDRIEU. Mr. President, I ask unanimous consent for 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, we had a colloquy this morning with the leader about the need to do more for the victims of Hurricanes Katrina and Rita. I am not going to ask for a record vote, and I am not going to delay the debate, but I do want to be recorded as voting "no" if we have a voice vote. It is very important to let people in this country know that our work is not yet finished. While we are breaking for the holidays, there will be many people who have no holiday table to go home to. Members of this body have worked very hard. I respect the work that each has done. We have worked in a bipartisan way to address some issues of health care, education, and housing. But just because we have done our job doesn't mean the same thing is actually happening on the other side of the Capitol.

There are still more issues that we need to find solutions for. We need to find a solution for the health care crisis along the gulf coast due to the hurricanes and subsequent levee breeches. We need to find a solution for the massive housing shortage throughout the States that Katrina and Rita whipped through. We need to find a solution for the small businesses that have been devastated and the thousands of people who have been left jobless. And we need to find a solution to building Category 5 levees and providing plenty of storm and flood protection which also means restoring our vital coastal wetlands, as they are our first line of defense. Without this protection, all our other efforts will be for naught.

We need solutions, Mr. President. We need real answers, because it is unsettling to know that while we go home to have Thanksgiving with our families, my constituents still have real problems and real needs. And so I thank you, Mr. President, for this time and for allowing me to note for the record, that I am voting no to this continuing resolution because our job is not finished, and these vital concerns are not settled.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall it pass?

The joint resolution (H. J. Res. 72) was passed.

Mr. ENSIGN. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

ORDER OF BUSINESS

Mr. FRIST. Mr. President, in a few moments, I will propound a unanimous consent request. In essence, what we will be doing in about an hour is having another vote on going to conference on the HHS appropriations bill. We will ask unanimous consent for that shortly and divide up the time accordingly. It will be approximately an hour from now that we will have another rollcall vote. As soon as we have the word on the unanimous consent request, I will be propounding that.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT FOR FISCAL YEAR 2006

Mr. FRIST. Mr. President, I ask that the Chair lay before the Senate a message from the House to accompany H. R. 3010, the Labor-HHS appropriations bill; provided further, that the Senate request a conference with the House, and that the Chair be authorized to appoint conferees. I further ask that prior to the Chair appointing the conferees, Senator SPECTER be recognized in order to make a motion to instruct the conferees on the issue of LIHEAP; provided further, that there be debate divided with Senators as follows: 10 minutes for Senator REED, 7 minutes for Senator HARKIN, 5 minutes for Senator SPECTER, 5 minutes for Senator COCHRAN. I further ask that following that time, the motion be temporarily set aside and Senator DURBIN be recognized to make a motion to instruct relating to NIH, and there be 15 minutes for debate for Senator DURBIN on that motion, and that following the use or yielding back of debate time, the Senate vote on the motions to instruct in the order offered, and following those votes, the Chair then immediately appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I ask for one modification, that Chairman SPECTER be given 5 minutes to speak on the motion to instruct relating to NIH following Senator DURBIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER (Mr. ISAKSON) laid before the Senate a message from the House of Representatives, having had under consideration the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3010) entitled "An Act making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes."

Resolved, That the House insist upon its disagreement to the amendment of the Senate.

The PRESIDING OFFICER. The Senator from Pennsylvania.

MOTION TO INSTRUCT

Mr. SPECTER. Mr. President, I move that the managers, on the part of the Senate to the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill, H. R. 3010, be instructed to insist that $2,183,000,000 be available for the Low-Income Home Energy Heating Assistance Program and that such funds shall be designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95, of the 109th Congress, the Concurrent Resolution on the Budget for fiscal year 2006.

The PRESIDING OFFICER. The motion is pending. Who yields time?

The Senator from Rhode Island.

Mr. REED. Mr. President, the instructions that the Senator from Pennsylvania sent to the Chair, in my understanding, would designate the full amount of LIHEAP funding that is currently in the appropriations bill as emergency spending.

I understand the motivation. This bill is underfunded. There are valuable programs that need additional resources. Both the Senator from Pennsylvania and the Senator from Iowa strove mightily to try to provide those resources. They are attempting today to try to free up about $2 billion to classify some money as emergency spending, LIHEAP money. I understand the motivation, but I think it is extremely poor policy.

This LIHEAP program is composed of two components. There is a regular formula program which each and every year every State in this country depends upon to provide heating and cooling assistance to its citizens.

The application process begins before the heating and cooling season. It is usually conducted from community action centers. This whole infrastructure suddenly now is going to be declared an emergency process. That would send a terrible signal throughout this country about our commitment to low-income heating assistance. It would open a situation of uncertainty and a situation that would be counterproductive to helping poor people struggling with heating bills in the winter and cooling bills in the summer.

This would, again, in my view, create a terrible precedent. We have over the last several weeks in this Chamber supported funding of LIHEAP, not on an emergency basis, but on a full authorization basis of $5.1 billion. We did it last evening. Unfortunately, because of procedural obstacles, we needed 60 votes. Last evening, a majority of this Senate voted to increase LIHEAP funding to $5.1 billion, offsetting it by a temporary windfall profits tax. Previously, even a larger majority of the Senate voted simply to appropriate $5.1 billion. Today we are on this floor saying not only are we not talking about $5.1 billion, we are talking about the regular formula money in the regular program suddenly is an emergency. That is not the emergency funding that LIHEAP sometimes gets. This funding supports year in and year out the needs of people who we know have low income. They are seniors, they are disabled, and they are low-income working families, and they will anticipate heating and cooling bills. There is no emergency here.

One of the real problems is, because we call it an emergency, no funds can be disbursed until the President declares an emergency. When will that declaration take place? Will it take place in August so these community action agencies can start requesting applications, processing applications, or will it take place in October or November or January? If it does, then this is going to cause chaos.

We were looking weeks ago at the chaos caused in the wake of Katrina because Federal programs were not realistically grounded in what was happening. This policy is going to throw a monkey wrench into the normal operations of the LIHEAP program.

It also sends a terrible signal, if it is adopted, because we are saying that no longer do we have a regular program committed to helping poor people—seniors, the disabled—with their heating and cooling bills. What we have is something that may or may not exist every year.

I know people will stand up and say, Oh, come on, the reality is they are going to have to declare it this year as an emergency. I do not entirely agree. But more importantly, when next year we are looking, under excruciating budget pressure, for additional resources, there will be the susceptibility to taking this approach, saying we will use this gimmick again. I suspect the administration—I am not the expert in budgets, but I expect the administration will say: This is a great deal they have handed us. We can send up the programs we like in the regular budget and say all of this LIHEAP is just emergency.

I am terribly concerned about this. Again, we have spent the last several weeks in this body, on a bipartisan basis, a majority of our colleagues saying not only is this not an emergency program, this is a program that should be funded even more than $2.1 billion.

So I must express my deep opposition to this proposal. I immensely respect Senator HARKIN and Senator SPECTER. I know they are laboring under excruciating budget constraints that are squeezing out money for programs that are necessary for America's families, America's children, America's health care, America's future. But in this desperate moment, it is not a time to undercut a program that serves every State in this country well and serves people who need help, particularly as this winter approaches. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, first, I thank my colleague from Rhode Island for pointing this out. I cannot find anything about which I disagree with him. I think he is right. This is not the way to do business, normally.

These are not normal times, however. We have a small space in which we might be able to get something done, and we have to take advantage of it. I say to my friend from Rhode Island, I think it is instructive for all of us that there is only one appropriations bill cut from last year's level—one. Not Commerce, State, Justice, not Transportation, not the Housing and Urban Development, not all of the rest—only one appropriations was cut. Guess what it deals with: health; human services; education; labor. That has been cut. What kind of message are we sending to Americans?

We had a vote on whether to continue the Community Services Block Grant program at last year's level. I pointed out a week and a half ago, 58 Senators signed a letter—please keep it at last year's levels. A week and a half ago they vote to cut it, in some cases 75 percent. That is why I put the letter in the RECORD right after the vote. I want people to see the vote and read the letter and see how people signed the letter and then how they voted. It is one thing to sign the letter around here and I guess another thing to vote.

I guess what I am expressing is this is a terrible appropriations bill that we have for the needs of the American people, for education, basic structure of health care and public health, for NIH, for basic medical research. This is the first time since 1970 that we have flat-lined funding for the National Institutes of Health—35 years. That is the bill that Senator SPECTER and I are faced with.

What we are trying to do is find some way of getting some money for health, trauma care, rural emergencies—rural emergency medical services was completely eliminated—health community access program, community health centers—we will not be able to open one new community health center next year under the bill that we go to conference with. No Child Left Behind is underfunded; Pell grants are kept at the same level for the fourth year in a row. For kids with disabilities, IDEA, we are going backward. How many times have we heard, on both sides of the aisle, Republicans and Democrats get out here and say we have to fully fund IDEA. This bill actually goes backward, from 18.6 percent to 18 percent.

That is why Senator SPECTER and I decided to take this step of having a motion to instruct the conferees to take the slightly less than $2.1 billion in LIHEAP and designate it as an emergency for this one time only in order for us to get to conference, to put pressure on the House to come up with some more money.

I am not saying this will stay as an emergency in the final bill. My hope is we will be able to find the money and come up with something so it does not. But if it does, it is only for 1 year. I tell my friend from Rhode Island, I will do everything I can, everything humanly possible in the Senate to ensure that when it comes up next year, we do not have it as an emergency, that we get a better budget allocation.

But again I have to say I do not want anybody around here hiding behind the skirts of the Budget Committee. They say the reason we got a bad bill, the reason our bill, the one that funds Health and Human Services and Education and Labor—the reason it is cut is because the Budget Committee gave us a bad budget.

Fine. But did you vote for it? Did you vote for the budget? If you voted for the budget, you own this bill. Don't hide behind the skirts of the Budget Committee. If you voted for the budget, you own it. You bought it. So anyone who voted for the budget, this is what you got.

I share a little frustration on this, also, as you can probably tell. But I think in this one case we desperately, drastically need to meet the human needs of the people of our country. We are up against almost an intransigent House and an administration I think, quite frankly, that does not care. If they cared, they wouldn't be treating us like this. To them, this is nothing. Community action agencies, LIHEAP? That is just poor people. They don't count because they probably don't vote anyway, and they certainly don't contribute any money, so therefore why even pay attention to them.

I share the frustration of my friend from Rhode Island. Normally, this would not be the way to do it, but as I said, this is an abnormal situation in which we find ourselves. If we have to, as a one-shot deal, push this into the emergency column so we can help kids with disabilities, if we can help getting more health care up for rural emergency medical services, if we can help with Head Start, if we can help with community health centers—then, for one time, I think we ought to do it. That is why I support the Specter motion to instruct the conferees to put LIHEAP on an emergency basis for this one time only.

With that, I yield the floor. I think I had 7 minutes, if I am not mistaken?

The PRESIDING OFFICER. The Senator has consumed his time.

Mr. HARKIN. I yield the floor then.

The PRESIDING OFFICER. Who yields time?

Mr. REED. Mr. President, how much time do I have?

The PRESIDING OFFICER. There remains 5 minutes 42 seconds for the Senator from Rhode Island. Who yields time? Time will be charged proportionately against all Senators controlling time.

The Senator from Arizona.

Mr. MCCAIN. I understand, under the unanimous consent agreement, there are Senators who have been given time prior to the vote. I ask those Senators to come over. Otherwise, under the rules of the Senate, the time is running as we speak.

The PRESIDING OFFICER. The Senator is correct.

Mr. MCCAIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Parliamentary inquiry: Can the Chair state how much time is remaining on all sides?

The PRESIDING OFFICER. The Chair will attempt to determine that number.

At the outset of the subtraction of the proportional time, the Senator from Rhode Island controlled 5 minutes 42 seconds; the Senators from Mississippi and Pennsylvania each controlled 5 minutes; approximately 4 minutes have been consumed, of which 2 will be charged against the Senator from Rhode Island and 1 each to the Senators from Pennsylvania and Mississippi. And the clock continues to run.

The Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent that I be given 2 minutes prior to the completion of the time so I could respond to the comments of the Senator from Pennsylvania and Senator HARKIN. I think it appropriate that I be able to respond to his comments.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SPECTER. Mr. President, the appropriations bill on Labor, Health, Human Services and Education, in my judgment, as I have said repeatedly, is vastly underfunded. The Senate passed a bill within the context of our allocation. Working with my colleague, Senator HARKIN, and our very energetic and devoted staff, we did the very best we could with the limited funding. But there simply wasn't enough money to do the job.

Health is our major capital asset. Without health, we can't function. Education is our major capital asset for the future, to give opportunity for labor and worker training.

We made the allocations as best we could, but the bill was underfunded. I made an effort, joined by Senator HARKIN and by the subcommittee, to put LIHEAP in an emergency classification for $2.183 billion.

I said in the conference that it would enable us to improve the bill—not where it ought to be but improve it substantially.

I conferred with Chairman REGULA and considered the projects—or so-called earmarks—which are $1 billion, where, as a matter of longstanding tradition, the Members in both the House and Senate, Democrats and Republicans, are enabled with an allocation to make designations within their districts or States because we know more about our States and our districts than, in many instances, do the officials who run the bureaucracy of the U.S. Government.

I said if we could not get the $2.183 billion emergency declaration for LIHEAP that it was going to be my position that we ought not to include the earmarks for the projects. When we could not get that emergency declaration, we struck the earmarked projects.

That was a very tough decision. We are paid to make tough decisions around here. I can't think of one in the time I have been here more disappointing to a lot of people in America who are relying on these projects. Although, the $1 billion spread around the country, here and there, is not unsubstantial—a lot of people were disappointed. Many Members were disappointed that the traditional allocations were not made.

It is my hope that we can put the $2.183 billion into LIHEAP. We are facing a drastic situation with fuel costs, as we all know, and as significantly occasioned by Hurricane Katrina, which is an emergency. If there ever was a clear-cut emergency, it is what the consequences of Hurricane Katrina are. The fuel costs are a direct result of that. This is a classical, quintessential emergency.

I think we have the 51 votes to pass it here in the Senate. The difficulty is going to be in getting our House colleagues to agree to it.

But I hope we work our way out of this morass and impasse with approval of this resolution and ultimate approval by both bodies.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I respect immensely the Senator from Pennsylvania and the Senator from Iowa who tried to take a budget that is inadequate and fulfill many programs. But I strenuously object to the classification of LIHEAP in this way as an emergency program.

There are two components of LIHEAP. This is a program that has been appropriated for years and years and has built up a locked-in structure in every State to go ahead and solicit applications and to process the applications. They have to have some sense that this program is going to be in place, not depending upon our Presidential emergency declaration at some time in the year.

There is another component which is emergency. That is additional funds. But we are creating bad policy and bad precedent.

There are a number of programs in this Labor-HHS bill that could also been declared emergencies.

We have a children's vaccination program that provides vaccines. The States have offices that have to deal with it. They have to predictably know they are going to have these funds.

This is bad policy and bad precedent. It is being forced because the budget is inaccurate. I think it is a desperate moment to do this. It would send a terrible signal to people throughout this country and State and local community agencies that are dedicated to this program that they can no longer depend upon the formula for LIHEAP funds which they have been now for almost 20 years.

I hope my colleagues will reject this proposal.

I yield the floor.

MOTION TO INSTRUCT CONFEREES

Mr. DURBIN. Mr. President, I ask unanimous consent that the pending motion be set aside and that I may be permitted to file a motion at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

Mr. DURBIN moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the bill H.R. 3010 (making appropriations for the Departments of Labor, Health, and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes) be instructed to insist on retaining the Senate-passed provisions relating to funding for the National Institutes of Health.

Mr. DURBIN. Mr. President, what I am doing with this motion is making a statement of policy that I think most American families would support. It is this:

In this troubled time, when we are having difficulties with our budget, the one area we absolutely must protect is medical research at the National Institutes of Health.

Over the last 10 years or more, we have made a concerted effort in America to invest more money in medical research, to ultimately double the amount of money going into medical research. It is a heroic effort, and it is the right thing to do under Presidents of both political parties because we understand how vulnerable each and every one of us and every member of our family could be with one diagnosis from a doctor.

I salute the chairman of the committee, Senator SPECTER, and Ranking Member HARKIN of Iowa. I can't find any stronger advocates for medical research than these two Senators.

The bill that we are considering that came to us from conference is a bill which turns its back on all the progress we have made by putting money into medical research. Unfortunately, this bill would result in our funding the National Institutes of Health at a level inconsistent with the pattern of growth that we have seen over the last several years.

Let me be as specific as I can. I have heard from people across Illinois about how important medical research is to them and their families. My family knows that, and the families of everyone watching know it, too.

Eight-year-old Claire Livingston, who is living with type II diabetes, came by my office. More and more children are affected by diabetes. Claire checks her blood glucose level several times a day and adjusts her medication, her diet, her activity levels. She is bright and happy. Her mother wakes her up in the middle of the night to make sure she is going to be alive in the morning.

That is the reality. They only ask one thing of me. Please make sure that we continue the research into diabetes at the National Institutes of Health.

Autism: Are you aware of the fact that 1 out of every 165 children in America now suffers from autism? I don't know why. We are not certain why.

Do we want to stop asking the important questions? You know the struggle these children go through and their families go through to cope with their terrible disease. Why in the world would we step away from medical research funding in this area?

The autism research NIH supports is looking at biological factors that cause autism but also looking at interventions—what works and what doesn't work. We owe it to the NIH to allow them to continue their work. The list goes on and on.

Members of the Senate and the House are visited on a regular basis by individuals and families who are suffering from diseases and maladies. They ask us to do something, please—whether it is cancer or heart research or diabetes or asthma. Please make sure the funding levels continue.

NIH-supported research into muscular dystrophy is promising. Children are living longer. We cannot back off. We cannot lose sight of the enormous role that NIH research plays in the discovery of treatments and cures for the life-threatening illnesses that afflict millions of Americans each year—such as heart disease, cancer, and stroke.

NIH research grants have moved us to the forefront of the world's scientific community. We take a backseat to no one when it comes to medical research. If we pass budgets such as the ones sent to us by the NIH, we will be weakening our commitment.

The bill the House rejected just yesterday includes only a $150 million increase in National Institutes of Health funding, the lowest increase in 36 years. You say to yourself, well, $150 million more in these times cannot hurt. Considering the rate of biomedical inflation, what it costs to do research, this increase represents a cut in funding. Assuming no change in committed resources, it means there will be 505 fewer research projects next year at the National Institutes of Health than there were this year.

Could one of those important projects, projects that have been carefully evaluated, be that critical project for you, your family, your children, or someone you love? If it is, is this not a false economy, to cut this budget at this moment in our history? Can we really afford to shortchange our Nation's premier research institution when illnesses such as heart disease and stroke continue to be leading causes of death? When so many people are afflicted with so many forms of cancer? These diseases will cost our country $394 billion in medical expenses and lost productivity in this year alone.

In simple dollar terms, the amount of money we are alleging we will save by cutting medical research just means more people afflicted with disease, more medical expenses for them and for our Nation.

Increased investment in NIH research can yield extraordinary breakthroughs. We can maintain our leadership role in the world in medical research. We can further the missions we have started at the National Institutes of Health. We need to significantly increase medical research funding, not back off. We need to support our Nation's researchers. They need to know we stand behind them. These men and women working in the laboratories, as I stand and speak in the Senate, need to know this budget process is not going to move from left to right and up and down. They need to know there is continuity and commitment from our Government so they can dedicate their lives to this important work.

I urge my colleagues to join me in charging the conferees to retain the Senate language, which increases the budget of the National Institutes of Health by $1 billion. A billion could not be better spent in this economy. Any who have had the misfortune of learning of a serious illness in the family say a little prayer to God, then try to find the best doctor and hospital we can find. We walk into that doctor's office, frightened with what we are about to hear, hoping that doctor will say there is something we can do. If the doctor says they are not quite there yet, this illness that we are concerned about is one that they do not have a grip on yet, we pray to God that someone somewhere in a laboratory connected with medical research is trying to find that cure to save that person we love so much.

Unlike most people who can just pray for that outcome, we can do something about it in the Senate. We can say that a national priority will be medical research come hell or high water. We can say that we are not going to back out of a 36-year commitment to increase the funding for the National Institutes of Health.

Some will argue there are higher priorities. There are some who believe tax cuts for wealthy Americans are much more important than dealing with medical research. Those ranks do not include this Senator. I believe medical research should be the highest priority. It has no partisan side to it. Republican and Democrats, people who do not vote, we all get sick. We all pray there will be a commitment by this Senate and by this Nation for premier medical research to find cures for those illnesses.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THUNE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I yield back all remaining time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I ask for the yeas and nays on the pending motions.

The PRESIDING OFFICER. Is there objection to requesting the yeas and nays on two motions concurrently?

Without objection, it is so ordered.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SPECTER. Parliamentary inquiry: Do I have 5 minutes on the Durbin motion?

The PRESIDING OFFICER. The time was just yielded back.

Mr. SPECTER. The time was yielded back?

Senator DURBIN did not have the authority to yield back my time.

I understand he did not have that authority. I am obliged it was not Senator DURBIN. It was unnamed conspirators that I will deal with later.

I support the amendment of the Senator from Illinois to reinstate the Senate mark on the National Institutes of Health because the money is needed. When you take in the inflation factor, NIH will be funded at a lower rate this year than last year.

The Senate has taken the lead, initiated by Senator HARKIN and myself and our subcommittee, the full Committee of Appropriations, to more than double NIH funding from $12 billion to $28 billion. The results have been remarkable. We are on the vanguard of enormous advances on some classifications of cancer, on the research on many maladies which confront America.

It is something of sharper focus this year to me than in the past, although I have steadfastly supported NIH during my entire tenure in the Senate. This is a modest addition. I believe this Senate will instruct the conferees, and we will have more than 50 votes. The difficult part is getting it done in conjunction with the House. It is a good amendment. I urge my colleagues to support it.

I yield the floor and yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the motion made by the Senator from Pennsylvania.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Nevada (Mr. ENSIGN).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. CORZINE), the Senator from Hawaii (Mr. INOUYE), the Senator from Nebraska (Mr. NELSON), and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

I further announce that, if present and voting, the Senator from Nebraska (Mr. NELSON) and the Senator from Michigan (Ms. STABENOW) would vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 66, nays 28, as follows:

[Rollcall Vote No. 349 Leg.]

YEAS—66

Akaka
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Burns
Burr
Byrd
Cantwell
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Dayton
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Feingold
Feinstein
Frist
Grassley
Hagel
Harkin
Hatch
Hutchison
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lugar
Martinez
Mikulski
Murkowski
Murray
Nelson (FL)
Obama
Reid
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thune
Voinovich
Warner
Wyden

NAYS—28

Alexander
Allard
Allen
Brownback
Bunning
Carper
Chafee
Chambliss
Cornyn
Craig
Crapo
DeMint
Enzi
Graham
Gregg
Inhofe
Isakson
Kyl
Lincoln
Lott
McCain
McConnell
Pryor
Reed
Roberts
Sessions
Thomas
Vitter

NOT VOTING—6

Biden
Corzine
Ensign
Inouye
Nelson (NE)
Stabenow

The motion was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the motion was agreed to and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the motion to instruct offered by the Senator from Illinois.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Nevada (Mr. ENSIGN).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. CORZINE), the Senator from Hawaii (Mr. INOUYE), the Senator from Nebraska (Mr. NELSON), the Senator from Michigan (Ms. STABENOW), are necessarily absent. I further announce that, if present and voting, the Senator from Nebraska (Mr. NELSON) and the Senator from Michigan (Ms. STABENOW) would each vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 36, as follows:

[Rollcall Vote No. 350 Leg.]

YEAS—58

Akaka
Alexander
Allen
Baucus
Bayh
Bingaman
Boxer
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coleman
Collins
Conrad
Cornyn
Dayton
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Hutchison
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sarbanes
Schumer
Smith
Snowe
Specter
Talent
Warner
Wyden

NAYS—36

Allard
Bennett
Bond
Brownback
Bunning
Burns
Coburn
Cochran
Craig
Crapo
DeMint
Dole
Domenici
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Inhofe
Kyl
Lott
Martinez
McCain
McConnell
Murkowski
Santorum
Sessions
Shelby
Stevens
Sununu
Thomas
Thune
Vitter
Voinovich

NOT VOTING—6

Biden
Corzine
Ensign
Inouye
Nelson (NE)
Stabenow

The motion was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Chair appoints Mr. SPECTER, Mr. COCHRAN, Mr. GREGG, Mr. CRAIG, Mrs. HUTCHISON, Mr. STEVENS, Mr. DEWINE, Mr. SHELBY, Mr. DOMENICI, Mr. HARKIN, Mr. INOUYE, Mr. REID, Mr. KOHL, Mrs. MURRAY, Ms. LANDRIEU, Mr. DURBIN, and Mr. BYRD conferees on the part of the Senate.

The Senator from Idaho.

MORNING BUSINESS

Mr. CRAIG. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER (Mr. MARTINEZ). Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I ask unanimous consent that I be able to proceed for 10 minutes, to be followed by the Senator from Massachusetts, Mr. KERRY, for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Idaho is recognized.

ENERGY CONSERVATION

Mr. CRAIG. Mr. President, for the last several weeks, those of us who serve on the Subcommittee on Health and Human Services have been trying to find adequate resources amongst other resources to fund LIHEAP, the money necessary to help low-income families provide for their comfort this winter. I thought it would be an appropriate time to talk about that for a little bit because I think Americans need to understand they are not without power to do a few simple things over the course of the next several months of this winter to help themselves as it relates to the heating of their own homes.

Americans spend more than $160 billion—that is right, $160 billion—a year on heat, cooling, lights, and living in their homes. That is an awful lot of money. If most Americans are like I am, I would like to know how I can bring that number down a little bit, how I might be able to tighten my belt a little or my family's budget a little bit during this time of extremely high-priced energy.

We hear about record natural gas prices and 30- and 40- and 50-percent increases in heating bills this winter for those who heat with natural gas. We know those who heat with home heating oil in the Northeast are going to pay substantially more. In the West and in the pipelines of the West on which my home is connected, where there is more gas, we are still going to be paying 25 or 30 percent more.

What might we do about it? Let me suggest a couple of things.

Do you know that if you lower your home heating thermostat by 2 degrees—by 2 degrees—for every degree you lower it, you save 1 percent on your heating bill. We were told by experts recently who were testifying before the Energy and Natural Resources Committee, if every American did that this winter, by spring, we could potentially have a surplus in natural gas in the lower 48, and that in itself would drive prices down. Americans have power to help themselves if they simply would turn their thermostats down by 2 degrees.

I am not going to do a "Jimmy Carter" on you by saying put on a sweater, but if you did turn your home heating thermostat down by 2 degrees and if you did put on a sweater and if you are a couple living by yourself in a large home and you turn off the radiators in some of your bedrooms that you are not using and close the doors, there could literally be a dramatic savings across this country.

If you want to change your gas price experience at the pump, instead of driving 70 and 75 or 80 miles per hour on the freeway, why don't you go back to 60 or 65? And if you turned it down and slowed it down, oil consumption could drop in a day—a day—in this country by 1 million barrels of consumption. That is the power of the American consumer if the American consumer wants to do something about it instead of pointing fingers and blaming—and there is plenty of that going around, and we deserve to take some of it. The consumer is not without power.

Let me suggest this in my time remaining. Senator BINGAMAN and I would like to help in that effort. So we are going to provide conservation packages, packets of information to our colleagues' offices that they can send out in their letters to their constituents advising and assisting in this kind of conservation effort. We hope you do it. If every Senator and all Senate staffs turn off their computers when they go home at night—shut them down, hit the off switch, turn out the lights in your office. If that were done across America today, heating bills and energy bills would drop precipitously.

But we are in this mode of everything on, all the lights on, the thermostat turned up because we are still living in the memory of surplus and inexpensive energy. That memory is gone. The reality is that the world has changed significantly, and while we scramble to catch up and provide increased availability of supply in the market—and that is what we are doing and that is what the national energy policy passed in August is attempting to do—while that is happening, you know what we can do: We can help ourselves.

So once again I say to America, turn your thermostat down a few degrees, put on a sweater, shut portions of your house down and take literally tens, if not hundreds, of dollars off your heating bill in the course of a winter. If we do it collectively across America, by spring, natural gas prices could be down dramatically, and we would not see the kind of job loss that is occurring today in the chemical industry as large manufacturing plants are shut down simply because they cannot afford the price of natural gas, and they are moving elsewhere in the world to produce their product.

We are building pipelines, we are drilling for more natural gas out West and in the overthrust belts than we ever have before, and there are trillions of cubic feet available out there if we can get to it. We are making every effort to, and this administration is doing just that. In the interim, in the reality of a cold winter, America, you can help yourself. America, you can drive a little slower, you can turn your thermostats down, and if we were all to do that collectively, it would have a dramatic impact on the marketplace and on consumption.

Does it have to be mandated by law? Need there be a law to tell you that you can save a little money by those actions? I would hope not. I would hope that the wisdom of the pocketbook would suggest that we be prudent as to a procedure to follow.

Senator BINGAMAN and I are going to supply packets to the offices of our colleagues. We hope our colleagues will pass those on. We hope our colleagues might take the time to do a public service announcement over the course of the next month, talking to their folks at home about the opportunity and what is available. I think it is appropriate, and I think it is the right thing to do.

Senator BINGAMAN and I have coalesced with industry to see if they cannot collectively begin to produce a greater message of clarity about the opportunity in the marketplace to conserve and to save and, in so doing, to lower the overall cost of energy and its impact upon the American economy.

Want to give yourself a Christmas gift? Put on a sweater and turn the thermostat down 2 degrees.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I ask unanimous consent I be permitted to proceed for such time as I may consume in order to finish my statement. It will not be much more than 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Subsequently, I ask unanimous consent that the Senator from Arizona, Mr. KYL, be recognized to speak after me.

The PRESIDING OFFICER. Without objection, it is so ordered.

JACK MURTHA, AN AMERICAN PATRIOT

Mr. KERRY. Mr. President, yesterday, as all of us know, JACK MURTHA, one of the most respected Congressmen on military affairs, one of the most respected Congressmen on national security issues, a former marine drill sergeant and a decorated Vietnam veteran, spoke out on our policy in Iraq. Whether one agrees or disagrees with Congressman MURTHA is not the point. He did not come to this moment lightly. Any one of us who knows Congressman MURTHA or anybody who has worked with him over these years, Republican or Democrat, respects this man, respects his personal commitment to our country, respects his understanding of these issues, and understands he did not come to that moment lightly.

He spoke his mind and he spoke his heart out of love for his country and out of absolute and total unconditional support for the troops, of which he was once one.

I do not intend to stand for, nor should any of us in the Congress stand for, another Swiftboat attack on the character of JACK MURTHA. It frankly disgusts me that a bunch of guys who never chose to put on the uniform of their country now choose in the most personal way, in the most venomous, to question the character of a man who did wear the uniform of his country and who bled doing it. It is wrong. He served heroically in uniform. He served heroically for our country.

Have we lost all civility and all common sense in this institution and in this city? No matter what J.D. HAYWORTH says, there is no sterner stuff than the backbone and courage that defines JACK MURTHA's character and his conscience.

DENNIS HASTERT, the Speaker of the House, who never chose to put on the uniform of his country and serve, called JACK MURTHA a coward and accused him of wanting to cut and run. On its face, looking at the record, looking at his life, JACK MURTHA has never cut and run from anything. JACK MURTHA was not a coward when he put himself in harm's way for his country in Vietnam and he earned two Purple Hearts. He was a patriot then and he is a patriot today. He deserves his views to be respected, not vilified.

JACK MURTHA did not cut and run when his courage earned him a Bronze Star, and his voice ought to be heard today, not silenced by those who would actually choose to cut and run from the truth.

Just a day after Vice President DICK CHENEY, who himself had five deferments from service to his country because, as he said, he had other priorities than serving his country, just 1 day after he accused Democrats of being unpatriotic, the White House accused JACK MURTHA of surrendering.

JACK MURTHA served 37 years in the U.S. Marine Corps. JACK MURTHA does not know how to surrender, not to enemy combatants and not to politicians in Washington who say speaking one's conscience is unpatriotic.

The other day we celebrated what would have been the 80th birthday of Robert Kennedy. When Robert Kennedy opposed the war in Vietnam, despite the fact that his brother and the administration he was in had been involved in articulating that policy, he talked about how there was blame enough to go around. He also said the sharpest criticism often goes hand in hand with the deepest idealism and love of country.

CHUCK HAGEL showed that he has not forgotten that when he said: The Bush administration must understand that each American has a right to question our policies in Iraq and should not be demonized for disagreeing with them.

Too many people seem to have forgotten that long ago and too many of our friends on the other side of the aisle somehow think that asking tough questions is pessimism. It is not pessimism. It is patriotism. It is how one lives in a democracy. We are busy trying to take to Iraq and take to Afghanistan and take to the world the democracy we love and we are somehow unwilling to fully practice it at home.

We have seen the politics of fear and smear too many times. Whenever challenged, there are some Republican leaders who engage in the politics of personal destruction rather than debate the issues. It does not matter who one is. When they did it to JOHN MCCAIN, we saw that it does not matter what political party one is in. When they did it to Max Cleland, we saw that it does not matter if one's service put them in a wheelchair. And when they did it to JACK MURTHA yesterday, perhaps the most respected voice on military matters in all of the Congress, we saw that some in this administration and their supporters will go to any lengths to crush any dissent.

Once again, some are engaged in the lowest form of smear-and-fear politics because I guess they are afraid of actually debating a senior Congressman who has advised Presidents of both parties on how to best defend our country. They are afraid to debate the substance with a veteran who lives and breathes the concerns of our troops, not the empty slogans that sent our troops to war without adequate body armor, without adequate planning, without adequate strategy.

Maybe they are terrified of actually leveling with the American people about the way that they did, in fact, mislead the country into war or of admitting that they have no clear plan to finish the job and get our troops home.

Whether one agrees with JACK MURTHA's policy statement yesterday is irrelevant. The truth is there is a better course for our troops and a better course for America in Iraq. The Senate itself went on record this week as saying exactly that. Every Senator in this body voted one way or the other to express their feelings about Iraq.

I intend to keep fighting, along with a lot of other people, to make certain we take that better course for the good of our country.

American families who have lost or who fear the loss of their loved ones plain deserve to know the truth about what we have asked them to do, what we are doing to complete the mission, and what we are doing to prevent our forces from being trapped in an endless quagmire. Our military families understand—I mean, all one has to do is visit with them when they come here and they talk about their sons, their husbands, and their fathers who are over there. They are concerned and want an open debate about what will best support the troops and how to get them home the fastest with the job done the most effectively.

The only way to get it done right in Iraq, the only way to get our sons and daughters home, is for all of us to weigh in on this issue. We also need to be mindful that as the White House yet again engages in a character assassination to stop Americans from listening to the words of a military expert and understanding the consequences, we need to understand the consequences of the road we have already traveled because when one looks at the road we have already traveled, it makes it even more imperative that we have this debate and engage in this dialogue.

It is a stunning and tragic journey that on many different occasions even defies fundamental common sense and leaves a trail of broken promises. From the very start, when we were talking about what it might cost or not cost, when an administration official suggested it would cost $200 billion, he was fired, not listened to. When people wondered how we would pay for the war and we were told the oil will pay for it, while others were saying the oil infrastructure was not sufficient to pay for it, they were not listened to. When the administration could have listened to General Shinseki and actually put in enough troops to maintain order, they chose not to. When they could have learned from George Herbert Walker Bush and built a genuine global coalition so we had the world with us, not most of the world questioning us or against us, they chose not to. When they could have implemented a detailed State Department plan for reconstructing post-Saddam Iraq, they chose not to. When they could have protected American forces and prevented our kids from getting blown up by ammunition that was in the dumps of Saddam Hussein and in the various locations our military were aware of, they chose not to. Instead of guarding those ammunition dumps and armories, they chose not to. When they could have imposed immediate order and structure in Baghdad after the fall of Saddam, Secretary Rumsfeld shrugged his shoulders and said, Baghdad was safer than Washington, DC, and they chose not to take action.

When the administration could have kept an Iraqi army selectively intact, they chose not to. When they could have kept an entire civil structure functioning in order to deliver basic services to Iraqi citizens, they chose not to. When they could have accepted the offers of the nations and individual countries to provide on-the-ground peacekeepers, reconstruction assistance, they chose not to. When they should have leveled with the American people that the insurgency had in fact grown, they chose not to. Vice President CHENEY even absurdly claimed that the insurgency was in its last throes.

All of these mistakes tell us something. They scream out for a debate. They scream out for a dialogue. They scream out for a policy that gets it right.

We are in trouble today precisely because of a policy of cut and run where the administration made the wrong choice to cut and run from established procedures of gathering intelligence and of how it is evaluated and shared with the Congress; to cut and run from the best military advice; to cut and run from sensible wartime planning; to cut and run from their responsibility to properly arm and protect our troops; to cut and run from history's clear lessons about the Middle East and about Iraq itself; to cut and run from common sense. That is the debate some people appear to want to avoid in this country.

Instead of letting his cronies verbally blast away, the President ought to finally find the will to debate the real issue instead of destroying anyone who speaks truth to power as they see it.

It is time for Americans to stand up and fight back against this kind of politics and make it clear that it is unacceptable to do this to any leader of any party anywhere in our country at any time. We can disagree, but we do not have to engage in this kind of personal attack and personal destruction.

I hope my colleagues will come to the floor and engage in this debate. Our country will be stronger for it. That is what we ought to do instead of attacking the character of a man such as JACK MURTHA. Believe me, that is a fight nobody is going to win in our America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. I ask unanimous consent to consume such time as I may take.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I am going to speak in a moment about the PATRIOT Act, but before I do, I want to respond to a couple of comments that were made by the Senator from Massachusetts.

I served with Congressman MURTHA when I was in the House of Representatives, and there is no greater patriot in the United States than Congressman MURTHA. In that, the Senator from Massachusetts and I agree. I disagree with Congressman MURTHA's opinions, but that is a matter of debate and that is one of the reasons we have the kind of open society that we do.

I do not think anyone is trying to crush debate or dissent or prevent questions from being asked. But it is a fact that when the President of the United States is accused of deliberate manipulation of intelligence to bring us into war—some have even said lied in order to bring us into war—that deserves response. That is part of a healthy debate.

When the President spoke in response, I think he was entitled to be listened to and not ridiculed and not condemned for criticizing those who disagreed with him. Neither side need back away from making their arguments and arguing that the other side is wrong. But of course no one should be questioning anyone else's patriotism. It is assumed anyone who serves this Government, and certainly anyone who has put on the uniform of this Government, is a patriot. In the case of Congressman MURTHA, I would be the first to assert that fact.

I think there are two critical facts with respect to this dispute. The first set of facts is that our intelligence, and that of virtually every other nation in the world, believed that Saddam Hussein was a threat to the world and had weapons of mass destruction and in some cases was developing capability for additional weapons of mass destruction, such as nuclear weapons. Some of that intelligence turned out not to be correct. But it does not mean that the people who debated the issues were liars or deliberately misrepresenting the facts. I daresay, if you took comments I made on the floor of the Senate and comments the Senator from Massachusetts made on the floor of the Senate, they would align pretty closely. They were pretty similar because they were based on the same intelligence. The same thing was said by other Democrats and Republicans, by people in the administration, by people in the former administration. I do not think it is appropriate to assign deliberate motives to mislead to any of those people.

I myself believe that the information was not correct with respect to the weapons of mass destruction but that the people who were giving it to us honestly believed it was correct. So I don't even think the people in the CIA were deliberately misleading anyone, though they turned out to be wrong. Can't we agree that people make mistakes, especially with respect to that murky area of intelligence where nothing is ever black and white, where everyone is always gathering bits and pieces of information and trying to construct a jigsaw puzzle out of it when a lot of pieces are missing and where the enemy is deliberately trying to deceive you? It is very difficult business. While I am somewhat critical, as a member of the Intelligence Committee, of the people who were engaged in the activity at the time, I don't question their motives either.

The other fact that I think is true is that it would be wrong for us to leave Iraq now. This is where I would disagree with Congressman MURTHA. I believe the consequences of leaving or setting up a timetable to leave soon, before the job is done, would not only be absolutely devastating for the people in Iraq who have been trying to set up their own government but would also set us back in the war against these terrorists, these evildoers, these radical Islamists who are watching very carefully what we do in Iraq. When you remember what Saddam Hussein said about the weak horse and the strong horse, you know how important it is for the United States to maintain a firm, strong position with respect to completing the job in Iraq.

To the extent that there is a suggestion that we will back out if they keep enough pressure on us, it does play into their hands because they simply play the waiting game in order to wait us out until they can move in and do more evil deeds. That is where I think the debate comes down. It is a legitimate debate to have, but I think the President is on the right side of that debate. We have to finish the job before we withdraw.

Mr. KERRY. Will the Senator yield?

Mr. KYL. I am happy to.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I respect the comments of the Senator and I appreciate the way he has approached it and I am grateful to him and thank him, as I am sure others do, for his comments about Congressman MURTHA. I know he would agree with me that those who suggested what he is saying is cowardly or suggested that is surrender, that those are words probably inappropriate in this debate. I think the Senator would agree with me that those characterizations have no place here. And he is right about the question of how everybody approached the intelligence. We all did have a unified belief about the existence of weapons—most of us.

But I disagree with the Senator. I would ask him if he does not agree that there are legitimate areas of inquiry, which the Intelligence Committee is now pursuing, with respect to what happened to certain intelligence that came to the Congress? For instance—about five areas. One was the speech that was made by the President, where he referenced nuclear materials coming from Africa which, in fact, the CIA on three different occasions, both verbally and in writing, informed the White House: Don't use this. But nevertheless it was used.

Whether that was intentional or inadvertent, all we know is that winds up being misleading because the CIA disagreed with the evidence.

Likewise, telling America they could deliver biological, chemical weapons within the period of 45 minutes, which was disagreed with in the intelligence community, was not signed off within the intelligence community.

Likewise, suggesting Iraq had trained al-Qaida in the creation of bombs, bomb making, and poison creation—not agreed by the intelligence community; in fact, erroneous.

Likewise, as the Vice President said on several occasions, that there was a meeting between Iraq and al-Qaida operatives, a meeting that the intelligence community did not substantiate, which we now know did not take place.

Those are, on their face, misleading representations made to us, which Members of the Congress operated on. I would assume the Senator would agree the mere fact that there were no weapons of mass destruction means we were all misled. Whether it was intentional is the operative question.

I can't tell you whether it was intentional. But I certainly know that when you ignore the CIA's warnings, don't use this intelligence, and nevertheless it winds up in the State of the Union message, there is a disconnect that raises the most serious questions, that leaves a lot of us wondering.

I ask the Senator, does he not agree that those instances where the intelligence community is in disagreement and they don't tell us they are in disagreement and we don't get the same intelligence, provides some serious questions?

Mr. KYL. Mr. President, I was very happy to have the Senator from Massachusetts take a long time to make a lot of points, asking an important question. Therefore, I am happy to engage in what amounts to a debate on the issue. I would be delighted to comment on the specifics that he points out.

I served on the Intelligence Committee for 8 years during this period of time and have a fair degree of information about it. I need to reflect a little bit carefully about what one can now say because, after a while, you realize, when you are on the committee, it is better not to say a lot because it might be one of the things you should not be talking about. But I think I should speak to each of these items.

The last one first. No, I don't agree that being in error is the same as misleading. I don't think that the people in the intelligence agencies were misleading us. They were, in some instances, in error. Frequently, they expressed their views with caveats and degrees of certainty that, frankly, are not reflected in the public debate.

Mr. KERRY. Mr. President, will the Senator yield?

Mr. KYL. Let me make my point here. They have a very careful way of expressing their views. In the public debate, I have noted the political people are not nearly as nuanced and careful in expressing these views as the member of the intelligence community is.

Second, with respect to that, ordinarily the way that views were expressed to us, and specifically in this case, they represented the majority opinion or the consensus within the intelligence community. Where there were significant questions or differences of opinion within the intelligence community, those were noted and sometimes with respect to some issues, there were divisions. Without getting into a lot of detail, there has been a lot of talk about another issue that the Senator did not raise, the so-called aluminum tubes. Without getting into a big debate about it, you had the majority of the intelligence community believing that those were for one purpose related to production of nuclear materials. And you had a couple of other agencies that had expertise in the area saying they didn't think so.

I am not sure that anyone has ever concluded which were actually correct, or not, but a lot of information has been thrown out that clearly the majority opinion was wrong. I don't know that one can say that.

So I think we have to be careful. There are frequently, in intelligence estimates, little caveats: We are not sure how good this particular source is; we are not sure about this particular element.

But usually a consensus is reached. That consensus is what was briefed to us and that is what we were relying on. With respect to the four specific points—with respect to the issue of yellow cake coming from Niger, it was a fact that the intelligence the United States had was not nearly as conclusive as the intelligence from Great Britain, and therefore the President was advised—not the President himself directly but his speechwriters were advised—not to suggest that our intelligence confirmed the attempts of Iraq to acquire this nuclear material from Niger but rather to refer to a different intelligence service which, in fact, had concluded that the attempt had been made. That was the British service and that was the reference in the speech. The British service still stands by its position.

With respect to the bioweapons, there was very good evidence to suggest, prior to the war, that Saddam Hussein not only had a viable bioterrorism program but that he had even mobilized—in one respect, mobilized that program.

I am not certain we can say, from the Senate floor, how we have finally evaluated the intelligence with respect to that. I think it would be probably difficult for any Senator to discuss the issue in great length. I would be willing to acknowledge that, certainly, questions have been raised about whether it turns out that there were mobile units devoted to creation of bioweapons.

Third, with respect to the intelligence that Iraq agents had actually instructed terrorists in bomb making and poison making, that information was very clear. It was issued by CIA Director George Tenet. It was public information, so that can be discussed on the floor of the Senate, and I am aware of nothing that draws any question about that particular evidence. I do not recall whether it specifically related to al-Qaida or terrorists or al-Qaida-connected terrorists. I probably should not speak to that issue because I am not certain how much is classified. But it is absolutely certain in public testimony, and in a letter George Tenet specifically sent to the Congress he discussed the issue of Iraq training terrorist bomb makers in the art of chemical weapon-making.

Finally, in regard to this alleged meeting that never actually occurred, if it is the meeting in Czechoslovakia that the Senator was referring to, that is a matter of dispute. I don't think it has ever been resolved one way or the other.

The point of all of this is it is one thing to say the intelligence was inconclusive and in some cases that there were disputes in the intelligence community and in some cases it was not accurate. It is quite another to allege that the people who used the intelligence were misleading other people.

Certainly, I was not deliberately misleading anyone, and I am certain the Senator from Massachusetts was not deliberately misleading anyone when we said roughly the same thing based upon the same intelligence that suggested that Saddam Hussein was a threat and had weapons of mass destruction.

The final point on this, and then I do want to turn to the PATRIOT Act, there is a bit of a double standard in that critics of the administration are now saying: You can't just look to the consensus opinion, you need to look at some of those within the intelligence community who were dissenting about certain aspects of intelligence, the so-called nuggets. If you look deeply into this report, you will find there was some element of it that did not quite jibe with the rest of the consensus or there was some entity in our Government that didn't totally agree with the consensus opinion. As I said, you are going to see that through any national intelligence estimate or any other description of intelligence analysis.

We encourage that. One of the 9/11 Commission recommendations, and the other commissions that have looked into this, is that there is not enough devil's advocacy going on. There is too much "group think" within the intelligence community. So it is a good thing to have that intelligence questioned.

I remember there was actually criticism of Vice President CHENEY because he went down to the CIA headquarters and had the temerity to ask these agents: Are you sure about this? Are you sure about this intelligence?

They said: What's he doing that for?

He is a so-called consumer of the intelligence. He has every right to say: Are you absolutely sure of this?

People within the administration should be questioning as well. That is why I think it is so unfortunate that there is, literally, a cabal to attack the Defense Department for questioning some of the intelligence community's estimates—not all of which turned out to be right, as we know. But there is an investigation that has been actually formally requested. In order to get it resolved, the Defense Department has agreed to conduct an inspector general's investigation into one of the offices of the Department of Defense, into the question of whether it should have questioned the intelligence of the CIA and taken its analysis and its questions to other people within the Defense Department or the national security apparatus of the administration.

Why not? The whole point of these commission recommendations is people ought to be asking questions. The CIA is not a monastery of monks who get manipulated intelligence that nobody else ever looks at. The whole point of gathering intelligence is so our policymakers can use it and make decisions based upon it. When the policymakers have questions about it, they have every right to ask those questions. And when there is some evidence that suggests the intelligence is not exactly accurate, they have a duty to raise that kind of issue.

There is a bit of a double standard going on that when one wants to criticize the administration and wants to play devil's advocate, there was a little bit of evidence over here that contradicted the consensus in the community, and we should have paid more attention to that. Maybe so. You can't turn around and criticize those, in this case, in the Department of Defense who saw the same infirmities, and who had questions about the CIA intelligence and now are being criticized because they had the temerity to raise those questions. You can't have it both ways.

In reality, intelligence is an imperfect proposition at best, and we ought to be playing devil's advocate and be asking tough questions about it. But I daresay, unless you get very good evidence that someone was deliberately lying or misleading, you shouldn't throw those kinds of words around.

Mr. SESSIONS. Mr. President, will the Senator yield for a question?

Mr. KYL. I would be happy to yield.

Mr. SESSIONS. I hope every Senator was listening to Senator KYL's explanation of the important issues that have been raised. I hope the American people are listening. He served on the Intelligence Committee. He has been through these debates from the very beginning. He is a man of integrity, and he will be responsible in summarizing the matters that came before us.

He indicated that we hear allegations that things were black and white, when those of us who heard the briefings didn't hear them that way. They weren't black and white. The aluminum tubes—I ask the Senator from Arizona, regardless of the detail of it, whether he heard from those who debriefed us and got various opinions about that issue, and we were not misled. We were told there were various ways to interpret that evidence, were we not?

Mr. KYL. Mr. President, I say that is exactly right. In fact, the National Intelligence Estimate itself specifically characterized the dissenting as well as the majority views with respect to what those tubes were for. The majority view was that they were for centrifuge, for weapons material production. The minority view was they might be for artillery shells, or some other kind of projectile. There were two agencies within our government that held that latter view. The majority of the intelligence community held the former view.

But, yes, I remember as a member of the committee being briefed on that and hearing testimony on it numerous times.

Mr. SESSIONS. That was before 78 Members of this body—a majority of the Democratic Members along with a majority and maybe all of the Republicans—voted to authorize hostilities in Iraq.

Mr. KYL. That is true.

Mr. SESSIONS. We knew these subtleties and disagreements, and we were given the best estimate that the intelligence agency was given.

Let me ask the Senator this: The CIA is the Central Intelligence Agency. The Senator talked about the contradiction between saying at one point you should follow one or the other, or the minority opinion. Is one of the responsibilities of the CIA to review all intelligence and help advise the President, as that central agency, what he should take as reliable?

Mr. KYL. Mr. President, the Senator from Alabama is absolutely correct. There is an important factor the American people need to understand. There is not just one intelligence agency, the CIA; there are lots of different elements of our Government gathering information, a lot of it secret information. They meet as a group to try to put this together and to reach a consensus. But when the estimates are briefed to us and to the President, they try to arrive at a consensus. Frequently, that consensus is less certain because there are some dissenting views that characterize the consensus. Doubts are expressed in certain technical ways.

It is one thing for the community to say it is the community's judgment; of course, that is stepping down from saying we know it as a fact. A judgment is not fact, it is an opinion. Then there are further gradations down. We are exposed to those same—these are all footnoted. We all know who believed what. But at the end of the day, in order for us to get good advice, they try to put it together in a form that reaches a conclusion. Sometimes because there are differences within the intelligence community, those conclusions are not as certain or as certainly expressed as they are on other occasions because of that uncertainty.

Mr. SESSIONS. That is beautifully expressed. I think that is so important for us to know.

I want to drive home one point. The Senator from Massachusetts and other Senators have been complaining about these matters. I remember the briefings we attended. Every Senator was invited. Every Senator had the right to ask questions. People stayed late, if they chose to, and asked additional questions. They were given these nuanced opinions. It was only after all that, was it not, that this Senate, after full debate, voted to authorize military actions in Iraq.

Mr. KYL. Mr. President, the Senator from Alabama is correct. I would say that we should not make too much of these nuance opinions and disagreements. In one sense, they are important; but in another sense, you have to balance that against the fact that there was a mountain of evidence in different areas that all add up to the same proposition. And add to that—some of that turned out not to be correct—but add to that the element of judgment.

This can't be overemphasized. Intelligence analysts apply judgments and common sense to the evidence that they have. Because the evidence is rarely black and white, you very rarely get the bad guy to say, I will tell you everything I know, and it is everything you need to know about this. So you have to exercise judgment.

After the first gulf war, we later learned that Saddam Hussein was about 6 months away from having a nuclear weapon program. That is fact No. 1.

Fact No. 2: Throughout the ensuing decade, he hid his programs. He tried to deceive the inspectors. He refused to comply with U.N. resolutions to release information. One could, therefore, surmise—or at least it would not be a bad presumption to engage in—that if he had it at one point, or almost had it, we had evidence he was trying to get it. Again, he was hiding the ball at every opportunity. The intelligence analysts have to say, Which way am I going to presume this, that he does or that he doesn't? They concluded that there is every indication that we had better assume that he does.

The policymakers have to take that a step further. We say they are not absolutely certain; they are pretty sure, but they are not absolutely certain which way we should flop on this. Should we flop to the direction of inaction? Let's wait until we have absolute proof before we do anything, or go the other way? This is pretty dangerous business. If, in fact, he has, we had better act now before it is too late.

We think we will take the action that is based upon the proposition that he will have it. That is a judgment that we engaged in.

As my colleague, the Senator from Arizona, so eloquently has pointed out, the choice was when, not if, we would face Saddam Hussein. The question was, would we do it on his terms or on ours? We chose to do it on ours. The result is Saddam Hussein today stands trial for mass murder. The Iraqi people have an opportunity for freedom, and we have an opportunity to transform that region of the world into one that supports peace and opposes evildoers and terrorists as opposed to one which was a hot bed when Saddam Hussein was in charge.

Mr. SESSIONS. Mr. President, again, I thank the Senator for his thoughtful and thorough analysis of how we came to know what we knew and how we came to make the decisions about matters that came before us. We think there is no doubt that Saddam Hussein used weapons of mass destruction against his own people. We know that. That is indisputable. Where it went subsequently I don't know, and people are shocked that we have not found them. We know that the French intelligence agency—the French Government opposed our entry into the war—believed he had weapons of mass destruction.

Those matters were very important. And what I am so glad about is people have heard what Senator KYL said and discussed, which is relevant to this Senate. We knew these things, fellow Senators. We discussed these things. Grown people make decisions based on the best evidence they have.

We had many hearings, top secret briefings, and every Senator could go. We heard the argument. We heard the evidence. We cross-examined, and we heard the uncertainties and certain levels expressed by the authorities that came before us. Then we came into this body and we voted to send our soldiers to execute our policy in harm's way. And we owe those soldiers our support. We don't need to be undermining the President, or even ourselves and our system, as in this circumstance making the policy. We voted by a 78-to-22 vote to make it more difficult to achieve and to place our soldiers at greater risk.

I thank the Senator for his wonderful comments.

THE PATRIOT ACT

Mr. KYL. Mr. President, I want to get to the matter I came to speak on, the PATRIOT Act.

The Senator from Massachusetts spoke to us about having respect for one of our colleagues in the other body who is, in fact, a patriot and who certainly should never be called a coward.

I also want to ask that same deference to those in the Defense Department and others who were doing their duty for our country, who could have been in the private sector making a lot of money and taking care of their families but chose to serve their country in another way in later life by acting on behalf of all of us in matters of national security. The Secretary of Defense, Don Rumsfeld, Paul Wolfowitz, Doug Fife, who headed the office I spoke of, these are patriots. And for anyone to suggest that someone like Doug Fife or Don Rumsfeld or Paul Wolfowitz were misleading anyone is, frankly, about as low as you can get. And even loose words such as "unlawful" have been thrown about.

This is a very bad state of affairs that we have come to when that is the kind of discourse we have in talking about people who have served our country honorably. I hope my colleagues will join me in trying to elevate the rhetoric rather than taking it down further. And that applies to everybody—Democrat and Republican Members of Congress, or the administration.

I came to talk about the PATRIOT Act. I would like to make some comments because we are in the middle of a big debate in the Senate and House about the reauthorization of the PATRIOT Act. If we don't reauthorize the PATRIOT Act, all of the tools that we have given to our law enforcement and intelligence community to help us win the war on terror are going to—not quite, but most of those tools will cease to exist. They will expire. That is why we have to reauthorize it.

Just as it is important for us to give the men and women in the military the tools they need in the missions we send them on, the war on terror, so, too, it is for us to ensure our law enforcement and our intelligence people have the tools they need to carry out the mission that we ask of them.

In the war on terror, intelligence and the ability to use it in the law enforcement community are critical to our success.

One of the greatest things we accomplished after 9/11 in passing the PATRIOT Act was to tear down the wall that had been created between our intelligence-gathering organizations and law enforcement. They couldn't talk to each other. One could gather information, but they couldn't give it to the other, and vice versa.

As a result, neither were able to do their job in getting information about terrorists and putting out that information to proper and good use.

There is virtually no disagreement that I know of that this part of the PATRIOT Act has been critical to our success since 9/11. Yet there are those on both sides of the aisle in this body who are threatening to hold up the reauthorization of the PATRIOT Act because they haven't gotten their way on every little thing that they want, and some of them don't even know what the conference committee has been negotiating. I am on that conference committee and I know what we have discussed, and I know what is still a matter of issue out there.

I want to talk a little bit about the PATRIOT Act because there is a great deal of ignorance about what this important tool does for our war on terror. And we cannot be ignorant, even though it is a matter of law and a little bit complicated. We don't have the luxury of being ignorant about this. We have to understand it to appreciate it.

I will speak to that for a little bit.

I believe, like some great controversies of the time, history books will record that the controversy over the PATRIOT Act was actually something we will look back on and say, What was all the fuss about? It is a little bit like when President Reagan talked about tearing down the wall and calling the Soviets the "Evil Empire." There was great handwringing. This was not going to be good for our foreign policy. We look back on it now and say, What was all the fuss about? He was right. It was a good thing.

Those who are threatening to hold up the reauthorization of the PATRIOT Act should have pretty much the same words spoken to them about the wall. This time we are talking about the wall between intelligence and law enforcement. I say to them, "Tear down this wall." We did it in the PATRIOT Act. They are about to let the PATRIOT Act expire because they have some view that every little thing they want has not gotten accomplished in the PATRIOT Act.

This is important business. For those who are threatening to prevent the reauthorization of the PATRIOT Act, I challenge them to come to the Senate today, tomorrow. I will be here. Let's have the debate.

What are the big deals in the PATRIOT Act? The biggest is the wall coming down, as I said. There is no disagreement about that. Yet, it is going to go right back up if we do not act.

The second provision in the PATRIOT Act that people have focused on is the so-called section 215 which allows a FISC, Foreign Intelligence Surveillance Court, to issue subpoenas to produce business records. That authority has been in the law for a long time. But we added it to the PATRIOT Act in order to allow the FBI to seek an order from this special court that was created for:

> . . . the production of tangible things (including books, records, papers, documents, and other items) for an investigation to obtain foreign intelligence information.

Not to obtain foreign intelligence information. And FISC defines "foreign intelligence" as information relating to foreign espionage, foreign sabotage, or international terrorism.

Section 215 is basically a form of subpoena authority, such as that allowed for numerous other types of investigation. A subpoena is merely a request for particular information. Unlike a warrant—and this is important—a subpoena does not allow a government agent to enter somebody's property and take things. It is only a request. If the recipient objects, the Government must go to court and defend the subpoena and seek an order for its enforcement. Most Federal agencies have the authority to issue subpoenas, and many agencies have multiple subpoena authorities.

The Justice Department has identified over 335 different subpoena authorities in the United States Code. One can hardly contend that although the Federal Government can use subpoenas to investigate Mohammed Atta if it suspects he is committing Medicare fraud that it should not be allowed to use the same powers if it suspects he is planning to fly airplanes into buildings. What sense would that make?

Some critics argue that most of the existing authorities are different because section 215 subpoenas do not relate to heavily regulated industries like some of the other subpoenas. But even subpoenas issued to investigate the industries are used to request information from persons outside the industry. For example, the Small Business Administration is authorized to use subpoenas to aid its fraud investigations. When it uses that subpoena, it can and often does request information from others doing business—from anyone doing business—with the recipient of the SBA loan.

In one important way, the authority in section 215 of the PATRIOT Act is even narrower than the authority given by most subpoena statutes. This is critical. Unlike these other authorities, a section 215 order must be preapproved by a judge. Many people who debate the PATRIOT Act ignore this or do not know it. They say, you do not even have to get a court order. It must be preapproved by a judge. Even grand jury subpoenas, despite their name, are simply issued by a prosecutor conducting a grand jury investigation with no judicial review prior to their issuance.

Chief among the complaints made by critics of this section is that it could be used to obtain records from bookstores or libraries. Some of these critics have even alleged that section 215 would allow the FBI to investigate someone simply because of the book he borrows from the library. Section 215 could, in fact, be used to obtain library records, though neither it nor any other provision of the PATRIOT Act specifically mentioned libraries or in any way is directed at libraries. Section 215 does authorize court orders to produce tangible records and that could theoretically include library records.

Where the critics are wrong is in suggesting a section 215 order could be obtained because of the books that someone reads or Web sites he visits. Section 215 allows no such thing. Instead, it allows an order to obtain tangible things as part of an investigation to obtain foreign intelligence information, information relating to foreign espionage or terrorism or relating to a foreign government or group and national security.

By requiring a judge to approve such an order, section 215 assures these orders will not be used for an improper purpose. And as an added protection against abuse, the PATRIOT Act also requires that the FBI fully inform the House of Representatives and the Senate every 6 months. These checks and safeguards leave FBI agents little room for the types of witch hunts the PATRIOT Act critics conjure up. Any use of the subpoenas, in other words, must be reported to us.

Further, and I ask Members to think about this for a moment, especially in view of some of the criticism that has been leveled at the act, I would like to emphasize there are very good and legitimate reasons why an intelligence or criminal investigation might extend to a bookstore or a library. One example former Deputy Attorney General Comey has cited is the investigation of the Unabomber, Ted Kaczynski. Remember that the Unabomber's brother had relayed to Federal agents his suspicion that Ted Kaczynski was behind this decades-long string of mail bomb attacks. At the time, the Unabomber had recently published this manifesto which cited several obscure and ancient texts. In order to confirm the brother's suspicions, Federal agents subpoenaed Ted Kaczynski's library records and discovered that, in fact, he had checked out these same obscure texts cited in the manifesto.

Section 215 also could have been used directly to investigate the perpetrators of the September 11 attacks. How so? We now know that in August of 2001 individuals using Internet accounts registered to Nawaf al Hazmi and Khalid al Midhar used public access to computers in the library of a State college in New Jersey. The computers in the library were used to shop for and review airline tickets on an Internet travel reservation site. Al Hazmi and Al Midhar were hijackers aboard American Airlines flight 77 which took off from Dulles Airport and crashed into the Pentagon.

The last documented visit to the library occurred on August 20, 2001. On that occasion, records indicate that a person using Al Hazmi's account used the library's computer to review September 11 reservations he had previously booked.

In August of 2001, Federal agents knew that al Midhar and al Hazmi had entered the United States. They initiated a search for these individuals because they knew they were associated with al-Qaida. Had the investigators caught the trail of these individuals—and by the way, one of the criticisms in the 9/11 Commission Report was that our Government did not adequately pursue these two individuals; that there was a lot of evidence they could have pieced together. They didn't follow it. They let them out of their sights, at which point they were gone. They knew they were here, but they could not find them. Had they followed the trail of the individual and had the PATRIOT Act already been law, the investigators would have likely used a section 215 to use the library records to see the Internet trail, and history might well be different.

Finally, over half a dozen reports submitted by the Inspector General of the Department of Justice have uncovered no instances of abuse involving section 215. The latest public report indicates this authority has been used approximately three dozen times—not all related to libraries, of course. Section 215 is not used very often. But we know that when Federal agents do use it, it is for an important purpose. I cannot imagine that any one of us would want to stop Federal agents from using section 215 in the way it has been used.

There were those who said we should have some additional restrictions on section 215; even though it is an important tool, we need it further restricted. So the conference committee said, all right, let's first make sure we have a new statutory relevance standard so there is no question the information obtained has got to be relevant to the foreign intelligence investigation.

Another concession made was that there would be a three-part additional test which would be put in place to presume relevancy if you can satisfy this three-part test. It is going to further complicate things, further delay things. It is not going to be easy for the Justice Department to prove.

Moreover, another layer of bureaucracy was imposed with so-called minimization standards. The Department of Justice would be required to put into regulation limits on how long the material could be kept, who it could be given to, and so on and so on.

Those who had concerns about section 215 brought those concerns forward and those have been negotiated. I know of no further issue relating to section 215 in the conference that Members of either side of the aisle have brought forward. So those of my colleagues who have said we are going to filibuster the conference report on the PATRIOT Act because, among other things, it has this section about library records. They ought to get informed about the section, and they also ought to appreciate the fact that the people who have negotiated this on both sides of the aisle, on both sides of the Capitol, have concluded they are now done with this section. We have put everything in there we need to to further ensure it can never be abused, but we want to retain it as an important part of our tools in fighting terrorism.

The second of the three sections I discuss is section 213, the delayed notice searches. This is the so-called "sneak and peek" search. It is an unfortunate name. Section 213 of the act merely codifies judicial common law, allowing investigators to delay giving notice to the target of a search that a search warrant has been executed against him. Section 213 allows delayed notice of a search for evidence of any Federal criminal offense if a Federal court finds reasonable cause to believe that immediate notice may result in endangering the life or physical safety of an individual, flight from prosecution, destruction, or tampering with evidence, intimidation of potential witnesses, or would otherwise seriously jeopardize the investigation. Notice still must be provided within a reasonable period of the warrant's execution, though this period may be extended for good cause.

The ACLU, in particular, has been critical of section 213. One might think an organization seeking to find fault with this section that deals with the war on terrorism might focus on something other than this particular PATRIOT provision because all it does is codify authority that has been allowed by the Federal courts for several decades. This is not new. The ACLU alleges that section 213 expands the Government's ability to search private property without notice to the owner. It also states that section 213:

> . . . mark[s] a sea of change in the way search warrants are executed in the United States.

And it finally has charged that as a result of the section 213 authorization of delayed notice, "you may never know what the government has done."

None of these allegations is true. First, the target of a delayed notice search will always eventually "know what the government has done" because section 213 expressly requires that the Government give the target notice of the execution of the warrant "within a reasonable period of its execution." Section 213 clearly and explicitly authorized only delayed notice, not no notice.

Further, section 213 neither "expands the government's ability" to delay notice nor can it even remotely be described as a "sea change" in the law. Twenty-five years ago the U.S. Supreme Court established that "covert entries are constitutional in some circumstances, at least if they are made pursuant to a warrant." That citation is Dalia v. U.S. Congress first authorized delayed notice searches 35 years ago in the 1968 Omnibus Crime Control Act. These searches repeatedly have been upheld as constitutional.

In 1990, the U.S. Court of Appeals for the Second Circuit held:

> Certain times of searching or surveillance depend for their success on the absence of premature disclosure. The use of a wiretap, or a "bug," or a pen register, or a video camera would likely produce little evidence of wrongdoing if the wrongdoers knew in advance that their conversation or actions would be monitored. When nondisclosure of the authorized search is essential to its success, neither Rule 41 nor the Fourth Amendment prohibits covert entry.

You can see why this is so. There are certain circumstances where you cannot let the "bad guy" know you are listening in on his conversations.

To the extent the ACLU intends to suggest that delayed notice searches are unconstitutional, it bears mention that the U.S. Supreme Court has already addressed that view. I mentioned the 1979 Dalia case in which the Supreme Court described that argument as "frivolous."

If anyone would still wish to argue that section 213 is controversial, I would note that on this point, too, the conference committee has resolved the only issue that was in contention. The Senate passed a bill that substantially reenacted section 213 with no restrictions on authority. The bill was, by the way, reported out of the Judiciary Committee on a unanimous rollcall vote, which means even the most vocal critics agreed to it, and it later passed the full Senate by unanimous consent. The only debate in the conference over section 213 is what the presumptive time limit should be for investigators to return to court to renew the delay-in-notice provision.

The Senate bill included a presumptive delay of 7 days, the House bill a presumptive delay of 180 days, with no provision for longer delay in particular cases. The conference committee has agreed to 30 days. I suggest that is an eminently reasonable compromise. And for all the huffing and puffing about so-called "sneak and peek," this is what the real debate has come down to.

I have one more matter, and I will conclude very quickly, Mr. President.

The other section, the third section, is this one on roving wiretaps. It simply allows terrorism investigators to obtain a wiretap for any phone that a suspect uses rather than limiting the wiretap to a particular phone. Criminal investigations already have this authority. The PATRIOT Act simply updates the law to give terror investigators the same authority. As I said, this particular section is no longer in controversy. To my knowledge, all questions have been resolved in the conference committee on this.

Mr. President, I conclude by noting that the conferees have made a very good-faith effort to iron out differences, to add additional protections, preventions of abuse. What it boils down to is we have a law that finally gives law enforcement and the intelligence community the tools they need to fight terrorism. It brings down the wall that prevented them from cooperating in the past. It provides adequate safeguards to ensure that no liberties are being diminished. It applies only to the investigation of terrorism and crimes by terrorists against the citizens of the United States. It would be a pity if we did not move forward to reauthorize this important piece of legislation before it expires.

I renew my challenge to my colleagues. If anyone wants to discuss this, or debate it, I will be here today. I will be here tomorrow. For that matter, I will be here Monday if they want to do it. It is important we get this done and not leave here until we have given our law enforcement officials the tools they need to protect us.

Mr. LEAHY. Mr. President, the current consideration by the Congress of a rewrite of the USA PATRIOT Act is a significant event. These are important issues, and they have become increasingly important to the American people.

This bill, more than any other, must have the confidence of the American people. I understand that and Chairman SPECTER understands that. I commend the chairman for his commitment to work in a bipartisan manner, both during the committee process and throughout the House-Senate conference. He and I agree with the vast majority of Americans that a reauthorization of the PATRIOT Act's expiring provisions must be accomplished in a bipartisan process, not in a bitter, partisan battle.

The PATRIOT Act suffers from an image problem. This perception problem stems in large measure because of the rhetoric, practices and secrecy of the Bush administration and the Ashcroft Justice Department. The antidote is clear and it is simple—less secrecy, more congressional oversight, more judicial review and an adjusted balance that better protects the rights and liberties of all Americans.

That is what we produced here in the Senate when first the Senate Judiciary Committee and then the Senate unanimously adopted our PATRIOT Act reauthorization bill. We worked together and we did so in a timely manner, completing our work in July. The Senate appointed conferees immediately. Regrettably, the House did not follow suit. They delayed more than 3 months until November 9, just last week and just a week before Congress was scheduled to recess. We lost 3 months that we could have used to find common ground and create a better bill. Unfortunately, the House Republican leadership played games with the PATRIOT Act while the clock was ticking.

Even last week, with conferees newly appointed by the House, I was hopeful that in our limited time, we could negotiate in good faith and reach a bipartisan, bicameral agreement. We made some progress over the weekend on important issues, reaching a tentative agreement on improved reporting requirements that would shine some light on the use of certain surveillance techniques. I believed that we were close to striking a reasonable balance on the core civil liberties issues raised by the PATRIOT Act.

But on Sunday, the Bush administration stepped in and, with the acquiescence of congressional Republicans, the bipartisan negotiations were abruptly ended. The curtain came down. Democratic participation was excluded from the process. As a result the tentative agreements were scuttled based on Bush administration demands.

Further impeding bipartisan progress, the conference report was being loaded up with controversial provisions that had nothing to do with the PATRIOT Act, terrorism, or anything in either the House or Senate-passed bills. The PATRIOT Act suddenly was being used as a vehicle of convenience to pass laws that could not be passed on their own merit. This overreaching by the House Republican conferees caused more time to be lost, and because of the ill-advised choices that were made late in this process, the conference report is not what it should be.

The needless and divisive chapter in the late stages of what should have been—can what could have been—an open and bipartisan conference threatens to undermine national consensus on this bill. Sadly, it also threatens national confidence in how we as a Congress can best address these important issues. Before the Bush administration butted in and grabbed the reins, we were close to a compromise that could have been acceptable to almost all members of Congress and to the American public. This is not that conference report. I am not sure that this conference report can win the confidence of the American people. Rather than seek common ground with the Congress and with the American people that we represent, the Bush administration and Republican conferees have taken and abused their power and taken terrible advantage.

Just 2 months ago, we observed the fourth anniversary of the horrific attacks of September 11, 2001. In the aftermath of the attacks, Congress moved quickly to pass anti-terrorism legislation. The fires were still smoldering at Ground Zero when the USA PATRIOT Act became law on October 30, 2001, just 6 weeks after the attacks.

Many of us here today worked together in a spirit of bipartisan unity and resolve to craft a bill that we had hoped would make us safer as a nation. Freedom and security are always in tension in our society, and especially so in those somber weeks after the attacks, but we tried our best to strike the right balance. One of the fruits of that bipartisanship was the sunset provisions contained in the PATRIOT Act. These sunsets have allowed us some opportunity to obtain key information Americans have a right to know, and to revisit these matters to add more sunshine and oversight. Those sunsets were supported by Dick Armey, the Republican House majority leader and by me in the Senate an unlikely duo I concede, but in this case, a successful and productive alliance that proved to benefit the American people. We prevailed, thank goodness.

Sadly, the Bush administration and Republican congressional leadership has largely squandered this opportunity to refine the PATRIOT Act. Instead, they are insisting on a continuing assault on habeas corpus rights and adding other extraneous matters. Working with Chairman SPECTER, we are insisting on modifications to the conference report that will make it more protective of civil liberties and increase opportunities for oversight, including a 4-year sunset.

I thank Senators KENNEDY, ROCKEFELLER and LEVIN for their efforts to improve the draft circulated to us this week. I know that some Senate Republican conferees were not satisfied that the draft fully protected Americans' civil liberties and thank them for working to improve this important measure. I hope that the other conferees will work with us to arrive at a conference report that we all can support and that we can take to the American people together.

If the Bush administration would cooperate with us—the people's representatives—we will be better able to refine the authorities and uses of national security letters and the other tools provided in the law. Without that cooperation, with the veil of secrecy cloaking so much activity, neither Congress nor the American people will know or trust what the government is doing.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Arizona for the passion and commitment he has to the protection of our law enforcement officers, who are doing a great job for us. I appreciate what he is saying and doing.

UNANIMOUS CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 2528

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that there be 1 hour of debate equally divided between the two managers in relation to the conference report to accompany H.R. 2528, the Military Quality of Life and Veterans Affairs appropriations bill. I further ask consent that following the use or yielding back of time, and when the Senate then receives the conference report, it be immediately considered, and the conference report be adopted, with the motion to reconsider laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I believe what we bring before the Senate today is a product worthy of our support. The conference report has been crafted under two different approaches. What I believe has emerged is not only a good compromise but also makes strides in both oversight and policy. What has emerged is a solid recommendation.

I thank my chairman, Senator COCHRAN, for his leadership. This subcommittee faced some extreme budgetary shortfalls, and without his leadership, and basically allocating more resources to this committee, we would not be able to bring this conference report to the Senate today.

I also especially thank my ranking member, Senator FEINSTEIN, for her constant support and willingness to work together. I thank her staff as well: Christian Evans, B.G. Wright, and Chad Schulken for their hard work and professionalism, along with my great staff, Tammy Cameron, Dennis Balkham, and Sean Knowles. It has been a team effort and I appreciate that so much.

The military construction portion of our bill provides $6.2 billion for military construction, $5.1 billion of which is for Active Component construction, and $1.1 billion for Reserve Component construction. It also includes $4 billion for family housing. There is $1.75 billion for BRAC implementation and cleanup for both 2005 and prior rounds. The conference agreement also provides necessary services for our service men and women and their families, not only enabling them to effectively do their jobs, but also providing an improved quality of life in our military communities. This is important for many reasons. Of course, it is the right thing to do for our military. It is also the smart thing to do with our tax dollars. In this time of war and frequent deployments, recruiting and retention, maintaining a ready and available workforce is very much on the minds of our military leaders. We often say, in this era of an All Volunteer Force: You recruit individuals, but you retain families. The quality-of-life improvements that make our military communities great places to live are crucial in the retention of military families. Within this conference report before you, we fund projects that will improve the lives of those families. We fund 11 family housing privatization projects, which will provide high-quality, market-standard housing for nearly 15,000 military families; 39 barracks projects that will get our single soldiers, sailors, airmen, and marines out of substandard living conditions, or, in some cases, off ships and into first-rate facilities; and schools, child development centers, and family support centers that will ensure our servicemembers' children and spouses are cared for, are included in this bill.

These improvements make it easier for troops to deploy, to focus on their day-to-day jobs, while giving them the peace of mind that comes with knowing their families and homes are taken care of, so they can give their attention to the job we are asking them to do—protecting America. The conference report provides the first piece to the most recent BRAC round. With the funds provided, it places priority on those funds which are critical to carrying out BRAC, while providing the necessary financial oversight of the resources provided.

For our veterans, we have fully funded the President's request for veterans benefits and health care. This has not been easy. House and Senate conferees have provided $22.547 billion for medical services, which includes $1.225 billion in emergency funding to fully meet the President's amended request for medical care for the country's veterans. This conference has strongly responded to the VA's recent budgetary shortfall by putting in place stringent financial reporting requirements in an effort to avoid the repeat of budget crises witnessed this summer in VA health care.

We have fully funded the request for medical facilities and infrastructure, totaling $3.3 billion for fiscal year 2006. We have created three Centers of Excellence for mental health care, while at the same time fully funding health care for post traumatic stress disorder and other mental health care throughout the VA.

The conference has funded medical and prosthetic research at $412 million, which is $19 million more than the President's request. This is important because we know many of our troops coming home from Iraq and Afghanistan are suffering from loss of limbs, to a greater extent than we have seen before. So we want the research to make sure the prostheses they have make them fully ambulatory and able to function in the rest of their lives.

The conference takes the unprecedented step of providing $15 million specifically dedicated to Gulf War Illness research for this year and the next 4 fiscal years, fulfilling the Research Advisory Commission's recommendations on Gulf War Illness. This is a disease for which we must determine the cause so we can treat the one in six who returned from the Gulf War with these symptoms and protect future service men and women from contracting this disorder.

The conference report before you today establishes a new account within the VA dedicated to information technology systems. Not only does this new account provide for increased oversight and consolidated information technology efforts within the VA, it codifies the new position of a VA Chief Information Officer and subsequent reorganization. I believe this is a critical step toward helping the VA achieve success in medical recordkeeping and medical record availability. Its HealtheVet-electronic patient records project paid great dividends during the recent hurricanes.

In fact, the conference report has also responded to the recent hurricanes by providing the VA authority to establish an Assistant Secretary for Disaster Preparedness, something which will enable the VA to better respond to future disaster situations.

Finally, we have provided $1 million over the President's request for the American Battle Monuments Commission for an environmental study to save the eroding monument at Normandy Cemetery.

All in all, I believe the conference report before the Senate provides much-needed resources and does so while maximizing our limited resources in meeting the greatest needs of our military, their families, and our veterans.

On a personal note, I want to say I have worked very closely with Secretary Jim Nicholson of the VA, and I know of his dedication to doing what is right for our veterans, something we all wish to do. I appreciate his leadership. We owe our active-duty military, our Guard and Reserves, who stand ready to serve, and our veterans, who have served, the care of our country. We have achieved these goals in the conference report today.

Therefore, I urge my colleagues to vote in favor of this conference report.

Mr. President, I yield to my ranking member, Senator FEINSTEIN.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I am very pleased to join my chairman, Senator HUTCHISON, in recommending this 2006 Military Construction, Veterans Affairs, and Related Agencies appropriations conference report to the Senate. This is the first year that MILCON has added dramatically to its portfolio, and I want to compliment the chairman of our committee, and I want to compliment her staff for what has been, I think—on what could have been a very difficult bill—a very bipartisan, constructive, team-like, problem-solving effort. I only wish we had more of it in the Senate. But I want the chairman to know how much I am grateful to her for her leadership, and I want her staff to know that as well.

I also thank Chairman COCHRAN—what Senator HUTCHISON said was right about the amount of money—and also Senator BYRD for their leadership and diligence in getting this bill through conference and to the Senate floor.

As the chairman said, the conference report before us today is a first. It provides for the infrastructure needs of our military and the health care and other needs of our veterans.

The bill is a big one. It is an $82.57 billion bill. It includes $12.167 billion for MILCON, family housing, environmental cleanup; $70.25 billion for veterans' benefits and health care—that is the big addition—and $157.6 million for several related agencies.

Of the many vital programs the Senator elucidated as funded in this conference report, none is more important than the funding we provide to meet the medical needs of our Nation's veterans. As a Senator from a State with the largest population of veterans in the Nation, I cannot overstate the importance of this issue. We have to support our veterans to the fullest extent possible.

The conference report before us today provides $22.547 billion for veterans medical services. Included in that level is $1.225 billion in contingent emergency funding to make up the projected shortfall in the President's original budget request. The Senate had sought a higher level of funding, and it was my sincere hope that the House, which had zero emergency funding for veterans in its version of the bill, would have agreed to our position and accepted the full amount provided in the Senate bill. That did not happen. But given the huge disparity between the House and Senate funding proposals, the level of funding provided in the conference report is a good start. I commend, again, the chairman for her hard work—for the cooperation of Senator COCHRAN, chairman of the Appropriations Committee—in bridging the enormous gap between the two bills and ensuring that the conference report did not shortchange our veterans. I do not believe it does shortchange our veterans.

The proposed funding for VA medical services is equal to the level of funding the administration has said it needs for fiscal year 2006. That is clearly a good start. But it offers—and it has to be pointed out—no safety net to our veterans, should the VA's budget once again prove to be wrong. This is a worrisome prospect. Hopefully, the administration got it right this time and the funding will be sufficient, but everyone should know that we will be watching. Additionally, there is much talk floating around the Capitol of an across-the-board cut to discretionary programs. I would like to be clear to everyone, any across-the-board cut to VA medical services will mean cuts in health care for veterans. There is no other way around it. We can't allow it to happen.

As I noted earlier, the medical services proposal includes the $1.225 billion in contingent emergency funding. This means the administration will have to designate the funding as an emergency before it is apportioned to the VA. I want to send this message loud and clear to the administration: Do not sit on this funding and force the VA to have to begin rationing health care. We will not stand for that.

The MILCON portion of the report provides $12.17 billion to fund state-of-the-art facilities. The Senator has mentioned some of them—barracks, housing for military families, and other vital infrastructure for servicemembers around the world.

Army projects were increased by 19 percent; Air Force, by 18 percent; and the Navy, by nearly 8 percent. When enacted, this bill will fund Active-component MILCON at $5.1 billion. We were also able to provide significant increases in funding for Reserve-component MILCON. This is important at a time when our Reserve Forces are being asked to do more than ever before and, in many cases, are being deployed to combat zones overseas multiple times. Ensuring that these troops have adequate facilities in which to train and maintain their equipment is crucial to the success of their mission. To that end, the conferees agreed to increase funding for Army Guard projects by 60 percent, a substantial amount; for Air Guard projects by 83 percent over the President's budget request. In fact, overall funding for Reserve components was increased by 52 percent over the President's budget request, dedicating $1.1 billion for new facilities for our Reserve bases. That is important, and it means that this committee has done an excellent job in recognizing the need.

In summary, I once again thank my chairman, Senator HUTCHISON. I not only enjoy her collegiality but her friendship as well. I want her to know that that means a great deal to me. I thank Chairman COCHRAN and Senator BYRD for their leadership. And I would like to thank our staffs who really worked in what I like to believe is a hallmark, sometimes, of this great body, which is bipartisanship. They have shown an unfailing spirit of cooperation. So thank you, Tammy Cameron, Sean Knowles, and Dennis Balkham for Senator HUTCHISON, and Christine Evans, B. G. Wright, Chad Schulken, and Chris Thompson of my staff.

I yield the floor.

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, collegiality and bipartisanship is a two-way street. You can't do it if only one person wants to do the right thing. I have worked with Senator FEINSTEIN. She has been chairman of our committee, and I have been ranking member. I have been chairman, and she has been ranking member. We have always come together to do what is right for the military personnel who are defending our country as we speak today. We both believe in quality of life, good housing, good health care facilities, good childcare facilities, and all the things that we can provide in the purview of our bill. And now we have the veterans, which has been added to our bill this year, which is a great opportunity for us to continue to say thank you to those who have preserved the freedom for our generation.

We have come together on the goals, and I could not ask for a better partner.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from Texas.

Mrs. HUTCHISON. I so appreciate that we can do this in the Senate, which is what we ought to be doing in every committee. I hope by our ability to do this—frankly, the Appropriations Committee, in general, does so—we will be able to create a better America for all of our constituents.

I thank the Chair and yield back all of my time.

Mrs. FEINSTEIN. I do, as well, Mr. President.

Mrs. HUTCHISON. Mr. President, we have already passed the resolution. When it comes from the House, we have deemed that it would be passed here.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PATRIOT ACT

Mr. SESSIONS. Mr. President, I would like to share some thoughts on the PATRIOT Act which, unfortunately, seems to have reached an impasse. That is distressing to me. I can't imagine that we have allowed this to happen. It is very disappointing. The American people need to understand how important the act is and how little it impacts the liberties which we cherish and how carefully it was crafted so as to not impact our liberties. I would like to share a few thoughts about that.

Many of the key provisions of the act are scheduled to sunset at the end of this year. We will now presumably have to try to come back, in the few days we have in December, to complete the work. That is a very risky thing. We should complete this work today. Remember, those who do not sign up for this legislation, this conference report, or support it and do it today, giving us time to vote on it before we leave for the year, are risking letting the PATRIOT Act expire. And with its expiration, the walls that prohibited our governmental agencies from sharing critical intelligence information will go back up. Those are the very walls that were structured between the FBI and the CIA and other agencies that blocked the sharing of intelligence information that, in retrospect, we believe could possibly have allowed us to find out about and stop the 9/11 attacks. Perhaps not, but those walls, those failures to be able to share intelligence between those agencies were a critical factor in our lack of cooperation prior to 9/11.

We passed the PATRIOT Act to fix that. It has worked extremely well. We should not go back to that time of the great walls.

The PATRIOT Act has, without doubt, made us immeasurably safer. I fully support the act's provisions as originally passed. The main goal of the act was then, and remains today, very simple: to give Federal law enforcement officers, the FBI, and other agencies the same tools to fight terrorists and agents of foreign powers as the tools they have—and virtually every law enforcement officer at the county, city and State level have—to fight other type criminals, drug lords, murderers, and even white collar tax evaders.

I do not believe we acted too hastily in passing the PATRIOT Act. We were focused on this act. We made a commitment not to alter any of the great protections that we had. We negotiated it intentionally. People made the most outrageous allegations and had the most incredible misinformation about what was in it. By the time we completed the intense negotiations and debate for weeks, it was voted for in the Senate by an overwhelming bipartisan majority of 98 to 1. The House voted it with a huge majority also, 357 to 66. This year we passed the bill unanimously out of the Senate Judiciary Committee, a contentious committee, a committee which has civil libertarians on the right and the left. We voted it unanimously out of that committee, and the Senate passed it by unanimous consent. As originally drafted, the PATRIOT Act does nothing to harm the civil rights and liberties of Americans.

I want to talk about that just a little. The Department of Justice inspector general, Glenn Fine, an appointee of President Clinton, has investigated all of the claims of civil rights and civil liberties violations received by the Department of Justice under the act. The independent inspector general found no incident in which the PATRIOT Act was used to abuse the civil rights or civil liberties of American citizens or anyone else.

I do not believe portions of this act must be significantly revised, or have additional so-called protections added. And, I do not believe that sections of this act should be sunsetted. I will share with my colleagues the words of Attorney General Gonzales which he gave in a letter to our conferees as we tried to work out the final words for this act. He wrote to us and said—and no truer words have been spoken:

> The terrorist threat against this country will not sunset, and neither should the tools we use to combat terrorism.

Let me mention a few of the provisions of the act that give us the tools that are so important. One is the roving wiretap provision. Roving or multipoint wiretaps have been available to criminal investigators for many years. But section 206 of the PATRIOT Act made sure that this tool was also available for fighting terrorism. It allows the FISA court, the special foreign intelligence court, to authorize a wiretap to move from device to device as the target of the wiretap, the target of the foreign intelligence investigation, changes modes of communication.

So let me tell you, though this has been approved as a legitimate law enforcement tool, and should continue to be a law enforcement tool, it is not that easy to obtain, you really have to prove you need a roving wiretap. I was a Federal prosecutor for over 15 years, a U.S. attorney, and I personally supervised and prosecuted a lot of cases. Let me just tell you how it works.

In my 12 years as U.S. attorney for the Southern District of Alabama, I think maybe we had two wiretaps. These are very difficult to obtain. You have to have probable cause to believe that a person is involved in criminal activity. You have to identify how he is using communication devices and then submit to the court a memorandum—and the ones that I have seen were 60 to 100 pages of facts—to prove to the judge's satisfaction that we are not snooping on somebody who is innocent, but we are actually attempting to understand the scope of major criminal activity.

The way it is monitored and managed is incredibly important because you have to listen to it constantly. If they talk about their family, you are supposed to turn it off. You have to have people listening all the time so that you can catch the evidence you are seeking. It is very expensive. You don't do it unless it is very important.

So I have to say, Mr. President, it is so important in a terrorism investigation that agents have this tool when they are on to a group or entity that is not just selling drugs, as bad as that is, but are intent on blowing up and killing thousands of American citizens. And when you are on to them and they start using this phone and that phone and that phone and you have run back to court with your 60-page memorandum and find a judge and set up a hearing date and all that, by that time he has maybe gone to another phone, a cell phone, a pay phone, a phone in a motel, wherever he moves.

So it is perfectly appropriate to have a wiretap if it is approved by a court upon sufficient showing of probable cause. That is no doubt. All this does is to say that you can get the ability to intercept communications on that individual and then can use whatever phone he is using. Previously, the tradition was that you would have the wiretap on a single telephone number. This makes it clear that the court decisions allowing roving wiretaps are the law of the land, and it also creates a standard as to how they should be approved and utilized.

So I think that is an important tool for investigators. Can you imagine how important that is to an investigative team that may be working on a dangerous terrorist cell? It could be the difference of life and death for thousands of American citizens.

Let me mention another provision of the act. The objections to this one are so amazing to me. It just breaks my heart that people seem to have as much confusion about it as they do. This is the delayed notice search warrant. Under section 213, the PATRIOT Act created a nationally uniform process and standard for obtaining delayed notice search warrants. The act's standard applies to delayed notice warrants sought in any type of investigation, not just terrorism investigations. Delayed notice warrants are explained by the August 29, 2005 letter from the Department of Justice. They said:

> A delayed-notice warrant differs from an ordinary warrant only in that the judge authorizes the officer executing the warrant to wait for a limited period of time before notifying the subject of the warrant because immediate notice would have an adverse result as defined by statute.

We must remember that delayed notice search warrants have been around for decades. As a matter of fact, I was reading a book not long ago about an organized crime matter that occurred years ago and they referred to a delayed notice search warrant. They didn't have any statutory standards for it at that time, but they asked the judge to allow them to delay notice, and the judge allowed it, and that process has been approved constitutionally.

The PATRIOT Act did not create any new authority or close any gap in delayed notice law because there was really no gap to close. It simply set a uniform statutory standard for getting permission to delay notice.

It is absolutely false to imply, as many have done, that these warrants are a way for the Government to "sneak and peak" into a civilian's home, papers, or effects without ever telling them. The truth is that they have to be told, but there is a delay between the search and when they are told. The critics have continued to suggest that these warrants are done without approval of a court, they want you to believe that because of the PATRIOT Act, the government can go into your house without a warrant and see what you have and never tell anybody that they have been there.

Nothing could be further from the truth. That is why this bill passed 98 to 1. We didn't write those kinds of broad provisions in this bill. We maintained the classic standard of approval of a search warrant, the probable cause standard and all that goes with it. The PATRIOT Act simply set an objective uniform standard for delayed notice.

Why is this important? Well, I could go into detail, but I would just ask you to imagine that one is surveiling a group that you have probable cause to believe is going to try to blow up an area of the United States and that you have probable cause to believe that they have planned to make a bomb. You could go in this residence while nobody is there pursuant to a search warrant on probable cause issued by a Federal judge and conduct a search. Normally, the only difference in these warrants is that you would normally tell the person whose house is searched immediately, and immediately report back to the Court. Here you have make a report but you don't have to tell the person you have searched their house until a later date set by the judge.

You may find in their house bomb-making materials papers on how to make a bomb, explosive devices, triggers, and those kinds of things. And it may be that from that you could obtain information from their house on who else was involved in the cell, to identify the entire ring, the entire cell, and arrest them all at once at an appropriate time. If you have to tell the person immediately, in some cases you risk tipping the whole group off and having them spread out like a covey of quail. That is what too often happens if you don't have this kind of tool. It is critically important to investigators trying to protect the United States of America that we preserve this section of the PATRIOT Act.

Section 215 of the PATRIOT Act allows the FBI to seek an order for the production of tangible things—books, records, papers, documents, and other items for an investigation to obtain foreign intelligence information. Basically, they are a form of subpoena authority. Section 215 orders must be preapproved by a judge and cannot be used to investigate ordinary crimes or even domestic terrorism. Opponents of section 215 have tried to create the impression that the FBI is using 215 to visit libraries nationwide in some sort of dragnet to check the reading records of everyday American citizens.

That is just not so. They have no interest in that whatsoever. Why would they? They are not doing that. I did get a letter from Rebecca Mitchell, director of the Alabama Public Library Service, who was critical of some of her colleagues who have been objecting to these provisions in the act. Her August 15 letter to me stated:

> I want to personally thank up for your strong leadership stand on the PATRIOT Act. Our libraries should not be a tool for terrorism. I know you have received negative comments from the American library association on your stand but this is not the opinion of most librarians in our State. Please continue to fight to keep our Nation safe.

Please understand that no provision of the PATRIOT Act, including section 215, even mentions libraries or is directed at libraries. Nevertheless, as Director Mitchell points out, it is important that library records remain obtainable as one of the tangible records that section 215 can reach. Intelligence or criminal investigators may have very good and legitimate reasons for extending to library or bookstore records. For example, investigators may need to show that a suspect has purchased a book giving instructions on how to build a bomb.

I prosecuted a guy who had already had one book written about him, and after the prosecution, they made a second movie about him. We conducted a search warrant, a lawful search warrant that was upheld. We found a book called "Death Dealers Manual," describing how to kill people; and a book called "Deadly Poison," describing how to make deadly poison. That was great evidence to use to show that he was more than casually interested in murdering people.

Andrew McCarthy, a former Federal prosecutor who led the 1995 terrorism case against Sheik Omar Abdel Rahman, recently elaborated on this point in an article in National Review Online. This is what he said:

> Hard experience—won in the course of a string of terrorism trials since 1993 [that he had personally been involved in] instructs us that it would be folly to preclude the Government a priori from access to any broad categories of business records. Reading material, we now know, can be highly relevant in terrorism cases. People who build bombs tend to have booklets and pamphlets on bomb making.

For heavens' sake, I would add, of course they do.

> Terrorist leaders often possess literature announcing the animating principles of their organizations in a tone tailored to potential recruits. This type of evidence is a staple of virtually every terrorism investigation—both for what it suggests on its face and for the forensic significance of whose fingerprints that may be on it. . . . If he [a defendant] claims unfamiliarity with the tenets of violent jihad, should a jury be barred from learning that his paws have yellowed numerous publications on the subject? Such evidence was standard fare throughout Janet Reno's tenure—and rightly so.

Of course, she was Attorney General under President Clinton.

So this occurs in every courtroom in America. Documents are obtained through subpoena. It is stunningly dangerous that we would not understand this concept and why it is needed in the context of terrorism investigations.

I will add just a few additional thoughts on obtaining records and documents. An American citizen has an expectation of privacy and it is the right of an American under the Constitution to be free from unreasonable—unreasonable—search and seizures is guaranteed by our Constitution.

Where do you have privacy rights? If you give someone your personal papers, you turn them over to them, do you still have privacy rights if they were to read them? Certainly not. So the law has developed many years in this fashion. You have an expectation of privacy in those areas of your life where you have control—the inside of your automobile, the trunk of your car, the glove compartment of your car, your desk at your office, any part of your house, your garage, an outbuilding around your house that you have exclusive control over. Those are areas over which you have exclusive control, and you have an expectation of privacy. People cannot go into those places and seize anything you have there without probable cause or else it would be an unreasonable search and seizure.

But if you go to a motel and fill out a motel receipt and give it to the motel operator, it is not yours. It is the motel's document, it is a business record. If you go to a bank and you open an account and they keep all kinds of records of that account, they are the bank's records, not yours. Every person in that bank has access to those documents and records. If you make a telephone call, the words you use are yours, and you have an expectation of privacy between you and the person who receives the call. But the fact that you make a telephone call and the telephone company prints out a billing statement that has telephone numbers on it, that is available to anybody who works in the telephone company. That is not your record, it is their record. So you do not have the same privacy expectations, that is all.

The court has always understood that. This has never been in dispute. Every district attorney in America, all kinds of law enforcement officers, State and Federal, through subpoenas, without court approval, have been able to obtain those kinds of documents if the documents are relevant to an investigation they are undertaking.

I received telephone toll records in drug cases I prosecuted. These kinds of records could be relevant in a terrorist case, make no mistake about it. You check the telephone numbers they call, and they are calling a certain number in New York City. Maybe you have records from another person, and they are calling that same number at various times of the day, and maybe right before a terrorist attack occurred or right after an attack occurred, phone calls are going back and forth. That is real evidence of who may be involved in a terrorist cell or criminal drug enterprise. That is how investigators work every day. That is what juries expect to see when cases are prosecuted. To have this great fear that there is something in this act that in a significant way alters those classical powers of investigators to find out those who may be trying to kill us—it is just not true. It is an exaggeration. It is a concern that is not real.

This PATRIOT Act is about to expire. It would be an abdication of our responsibility as the Senate not to move this bill forward before the end of the year. Let's move it now. If we need to stay over the weekend, I am willing to do so. We can stay next week: I am willing to do so. It is important that we not allow this legislation to fail. I encourage the leaders on both sides to work toward achieving that goal.

TRIBUTE TO WILLIAM SMITH

Mr. SESSIONS. Mr. President, I wish to take a personal minute to share some thoughts and to bid farewell to my chief counsel on the Judiciary Committee, William Smith, who is sitting beside me. I know the Presiding Officer, the Senator from Georgia, knows Mr. Smith and admires him. He has been a great friend and a tremendous asset to this Senate. He will be returning to Alabama to practice at one of our State's most outstanding and prestigious law firms, Starnes & Atchison. Even more importantly, he will return to Alabama, accompanied by his soon-to-be bride, Diamond, to whom he will be married in early January.

But I am going to feel a great loss. The things he has done for me are innumerable, including helping us to prepare and pass this great act, the PATRIOT Act. Each day we have worked together, William has shown an unwavering dedication to his State, to his country, to me, and to the values we share. His passion for the law is unmatched, and his commitment to the rule of law is unwavering. I trust his judgment, and I have relied on him to manage our staff and our issues, confident that his work ethic and his ideals are beyond reproach.

Before joining the Senate, William had a distinguished legal career, having served as staff attorney on the Alabama Supreme Court and having taught at both Duke University School of Law and the University of Southern California School of Law.

In 2001, he moved to Washington, DC, to be my deputy chief counsel on the Subcommittee on Administrative Oversight and the Courts. He became my chief counsel the following year.

When William leaves the Senate at the end of this session, he will begin a practice focusing primarily on medical malpractice defense and commercial litigation. I have no doubt he will do well in this next venture of his life, and I have no doubt his principled approach, work ethic, and dedication are going to be difficult for this Senate to replace.

It is obvious my loss will be the State's gain. His presence in Washington was all our gain. William's work on the Senate Judiciary Committee is almost legendary. The Judiciary Committee takes an enormous number and wide variety of complex and sometimes controversial issues. It is one of the most demanding committees in the Senate.

To be successful as an attorney on that committee, you must not only be hard working and intelligent, but a public servant who routinely works long hours. You must also be a tough negotiator, able to frame your arguments in a strong but respectful and intellectually honest way. William does all of this with seemingly effortless skill.

Evidence of William's dedication to and influence on the committee and its staff can most clearly be seen by simply looking at what his colleagues say about him.

Ed Haden, my former chief counsel of the Courts Subcommittee and currently a lawyer with Balch & Bingham in Birmingham, says:

> William Smith is an example of a man who walks his principles. He is a Christian who lives it. He is a conservative who means it. He is a friend who is there for you. In a legislative body that fosters compromise, he will compromise on details, but not on his principle. How fortunate the United States Senate, the Judiciary Committee, and all of us who have worked for Senator SESSIONS have been to know and love this man.

Rita Lari Jochum, chief counsel for Senator GRASSLEY, says this:

> William Smith is a smart lawyer, a shrewd strategist, a dedicated public servant, and an all around great guy. He sticks to his principles and values, and has been a rock solid role model for many of us. The Senate will miss a much respected colleague, and I will miss a true friend. Even though he will no longer be walking the halls of the Capitol, he will not be forgotten.

Stephen Higgins, chief counsel of the Judiciary Subcommittee on Terrorism, Technology and Homeland Security, chaired by Senator JON KYL, says this:

> William Smith has an incredible love for this country and a great passion for his job. He is a devoted public servant and a forceful advocate for Senator Sessions.

Mary Chesser, chief counsel of the Judiciary Subcommittee on Corrections and Rehabilitation, chaired by Senator TOM COBURN, says this:

> William is a great American, leader, mentor, and friend. His diligent work on the committee constantly inspires his colleagues. I feel honored to have worked with him. He has always represented Senator Sessions and the people of Alabama with impeccable character, wisdom, and insight. He will be missed.

Chip Roy, senior counsel for the Senate Judiciary Subcommittee on Immigration, Border Security and Citizenship, chaired by Senator JOHN CORNYN, says this:

> William Smith has served the U.S. Senate admirably and with conviction. He personifies conservativism and the simple idea that there ought to be a limit to what we do here in Washington. While many staffers and members alike, Democrat and Republican, seem to succumb to the misguided notion that more government is better, William stands solidly on his strongly held belief that this simply is not the case. I will miss his strong sense of patriotism and his strong Christian faith, each of which serve as an example for all.

James Galyean, chief counsel on the Judiciary Subcommittee on Crime and Drugs, chaired by Senator LINDSEY GRAHAM, says this:

> William Smith is a man of sterling character, devout faith, and unwavering integrity. Senator Sessions, Alabama, and the Nation have been well served during his time on the Committee. And while his presence and influence will be missed, we look forward to great things from him in the future.

And indeed we do.

Ajit Pai, chief counsel on the Judiciary Subcommittee on the Constitution and Civil Rights, chaired by Senator SAM BROWNBACK, says this:

> William Smith is a tenacious advocate, a firm defender of principle, and an expert on the many rules of this institution. To me and others fortunate to know him well, he is also known as a good man and a great friend. He leaves the Judiciary Committee with a solid professional and personal record, and I wish him all the best as he makes a well-deserved return home.

Amy Blankenship, legislative counsel to Senator SAM BROWNBACK, says this:

> Perhaps William's greatest gift is teaching. He exemplifies the kind of staffer we all want to be—thorough, prepared, and committed. Though some may disagree with his views, no one can question his commitment to uphold the principles he believes in.

The respect, loyalty, and friendship William has won from his colleagues extend well beyond the Senate Judiciary Committee and its staff.

Alan Hanson, my legislative director, says this:

> Exceeding his commitment to the United States and its Constitution, which is indeed great, William Smith is a committed Christian and friend—both of which are in far too short supply in this day and age. His happy departure is the United States Senate's unfortunate loss.

Steven Duffield of the Senate Republican Policy Committee says this:

> William is a real American who loves his country and cherishes the Constitution. He never hesitates to stick his neck out to defend both.

Allen Hicks, chief counsel for Senate Majority Leader BILL FRIST, says:

> William is an anchor for conservative principles in the midst of shifting political winds. In leadership, we could count on him to represent views on issues clearly and articulately, without hesitation or equivocation. The Senate will miss his candor and his passion, and we wish him and his future bride all the best.

Ed Corrigan, executive director of the Senate Steering Committee, says this:

> William Smith is known on Capitol Hill for his wisdom, cheerful banter, and an unflinching commitment to principle. Even his political adversaries have come to respect and admire him. The Senate will miss William, as will the countless number of us who are fortunate to call him friend.

John Abegg, legal counsel for Majority Whip MITCH MCCONNELL, whom I see on the floor, said:

> I have enjoyed working with William very much. William is a man of high principle. He is devoted to the Constitution and to his country. He is an excellent lawyer, a straight shooter, and a real leader. He will be missed.

Mr. MCCONNELL. Mr. President, will the Senator from Alabama yield?

Mr. SESSIONS. I will be pleased to yield.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that I be allowed to make an observation rather than ask a question.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, William has many friends in the Senate, both Senate staffers and Members of the Senate. I was listening to my friend from Alabama discuss William's distinguished career on my television monitor, and I decided to come over and make an observation, if it is appropriate.

I remember running into William one time. I said:

> What is your principal duty with Senator Sessions?

He said:

> Well, it's to keep him from drifting off to the left.

I say to our friend William: You have done a good job of keeping Senator SESSIONS from drifting off to the left. You have had a distinguished run here in the U.S. Senate, and I am sure I am not the only Member of the Senate who hopes we will see you again in public service some day. I wish you well in your new endeavor.

Mr. President, I yield the floor.

Mr. SESSIONS. I thank the Senator from Kentucky for his remarks. So many of the Senators whom I have talked to feel the same way. Many have come by, Chairman SPECTER, Senator DOMENICI, and others to speak to William.

He will be here a few more weeks, but we will be out most of that time so this is probably our last time to get together.

Let me keep reading what William's colleagues have told me about him.

Wendy Fleming, legislative counsel to Senator DAVID VITTER, says this:

> William Smith is truly a great American. He has a tremendous respect for the Constitution and the courage to stand-up for his core values. It was an honor to work for him.

William Henderson, counsel for Senator JIM BUNNING, says this:

> Three of the things Americans cherish the most are God, country, and family. That is as true for William as anyone. Every day he lives his Christian faith. He works with a love of this country and defends the Constitution. Now he is leaving to start a family. William has been a great friend and teacher to me, and I am better for knowing him.

Chris Jaarda, legislative assistant for Senator JOHN ENSIGN, says this:

> Every American should know the name William Smith and the character that he possesses while working on their behalf. His commitment to principle and respect for the rule of law, is unquestioned. Were William your lawyer, you would be served by a skilled advocate, committed to the highest standard of ethics and professionalism. Were William your judge, you would observe someone with the utmost respect for the Constitution and our laws. Were William your friend, as he is mine and countless others who serve in the Senate, you would be blessed: better for knowing him.

Chad Groover, counsel to Senator CHUCK GRASSLEY, says this:

> William and I came to the Senate Judiciary Committee the same day, April 16, 2001. From that day on, William has been a close friend, mentor, and encourager. His strong Christian faith and unwavering commitment to conservative principles have been an example to me. The American people are truly better off because of William's service. He took to heart the adage that "the government is best that governs least" and, consequently, never let a bad bill go unchallenged. William represents the best there is in public service. I'll miss working with him on the Judiciary Committee, but I know that in Alabama he will continue to serve his Country and his Savior with the utmost distinction and fervor.

Drew Ryan, director of Government Affairs for The American Center for Law and Justice, says this:

> William Smith is a man of character, a man of vision, and best of all, a man strong in his faith.

Tim Chapman, senior congressional liaison and national political writer for Townhall.com, says this:

> William Smith's steadfast adherence to conservative principle has been an inspiration to me both personally and professionally. He is a man of character who our organization could always count on to put principle ahead of politics. His absence from the United States Senate and from the Judiciary Committee in particular, will not to without notice.

It is clear that William has influenced a great number of his colleagues and leaves behind a committed group of friends dedicated to advancing this great Republic's founding principles of federalism, liberty, and democracy. He will undoubtedly be missed by them, as he will be missed by me. He has served me and our State faithfully and tirelessly and in doing so has served our great Nation immeasurably.

Let me say I am already looking forward to working with him again after he goes back to the great State of Alabama. I have no doubt that he will continue to work toward the greater cause of service to his fellow man.

William, we appreciate you. No one has given more to this country. From the time you get up in the morning until the time you go to bed at night, you are committed to doing the right thing for this country. I love you for it. Your friends love you for it. God bless you in your future endeavors.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I have been recognized. I notice that Senator HARKIN is in the Chamber. How much time would the Senator like?

Mr. HARKIN. About 15 minutes.

Mr. DOMENICI. Mr. President, am I recognized?

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, does the Senator from Alaska have a question? I understand it is her time to take the chair and preside. I ask the Senator if there is something this Senator from New Mexico could do for her? What is going on?

Ms. MURKOWSKI. Through the Chair, to the Senator from New Mexico, I have about a 3-minute statement. If I could have the indulgence of doing that before I serve as the Presiding Officer, I would appreciate that from the Senator.

Mr. DOMENICI. Obviously, we have to get consent because I am next.

I ask unanimous consent that Senator MURKOWSKI be given 3 minutes at this point and then the Senator from New Mexico be recognized for up to 10 minutes, followed by Senator HARKIN. Is that correct, the Senator wants to be next after the Senator from New Mexico?

Mr. HARKIN. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

RURAL TEACHER HOUSING ACT OF 2005

Ms. MURKOWSKI. Mr. President, I appreciate the indulgence of my colleagues this afternoon.

I rise today to talk about a bill that I introduced last week that will have a profound effect on the retention of teachers, administrators, and other school staff in remote and rural areas of Alaska. This bill is the Rural Teacher Housing Act of 2005.

In rural areas of Alaska, we have school districts that face enormous challenges of recruiting and retaining teachers, administrators, and other school staff. The challenges lie primarily in the lack of housing. In one particular year, in the Lower Kuskokwim School District in western Alaska, they hired one teacher for every six who decided not to accept job offers. Half of those applicants who did not accept a teaching position in that district indicated that their decision was related to the lack of housing. When we talk about lack of housing, it is not they cannot find an apartment that is to their suiting or to their liking, the fact of the matter is there is no housing available.

In 2003, I had the opportunity to travel through rural Alaska with then-Secretary of Education Rod Paige. I took him there because I wanted him to see the challenges of educating children in such a remote and rural environment. We went to the village school in Savoonga. We met the principal there. Secretary Paige was overwhelmed when the principal showed him the broom closet in the school, not to show him the school supplies but to let him know that this is where the principal of the school lived, in the broom closet in the school. This was because there was no housing in Savoonga for the teachers.

We met the special education teacher at the school, and she brought out the mattress that she sleeps on in her classroom every night. She does not have a home to go to. She does not have a space to call her own. Her classroom is her room, her house, her bed. The other teachers at the school shared housing in a single home.

When one thinks about that in terms of what the teachers do, needless to say there is no place for their spouse, so these teachers who are married—the teachers might be married, but the spouse might be living in another part of the State or, in the principal's case, his wife lived out of State.

Unfortunately, Savoonga is not an isolated example of the teacher housing situation in rural Alaska. Rural Alaska school districts experience a high rate of teacher turnover due primarily to the lack of housing. Turnover is as high as 30 percent each year in some of the rural areas with housing issues being a major factor.

So the question is. How can we expect our kids to receive a quality education when we cannot get good teachers to stay? How can we meet the mandates of No Child Left Behind in such an educational environment?

Clearly, the lack of teacher housing in rural Alaska is an issue that must be addressed in order to ensure that children in the rural parts of the State receive the same level of education as their peers in more urban settings.

My bill authorizes the Department of Housing and Urban Development to provide teacher housing funds to the Alaska Housing Finance Corporation, which is the State of Alaska's public housing agency. In turn, the corporation is authorized to provide grant and loan funds to rural school districts in Alaska for teaching housing projects. This legislation will allow the school districts in rural Alaska to address the housing shortage in the following ways: They can construct housing units, purchase housing units, lease housing units, rehabilitate, purchase or lease property on which the units can be constructed. They can repay loans secured for teacher housing projects and conduct other activities normally related to the construction, purchase, and rehabilitation of the teacher housing projects.

This also includes transporting construction equipment and materials to and from the communities in which these projects occur, which in the State is a particular concern because most of these communities are accessible only by air or water. Eligible school districts that accept funds under this legislation will be required to provide the housing to teachers, administrators, other school staffs, and members of their households. It is imperative that we address this important issue and allow the disbursement of funds to be handled at the State level. The quality of the education of our rural students is at stake.

I thank my colleagues and I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico is recognized.

SENATE MAJORITY LEADER

Mr. DOMENICI. Mr. President, I rise to congratulate the majority leader of the Senate, BILL FRIST. I do not do this because he is my good friend but because I want to make sure that we all understand that we have had an exceptionally productive legislative year. I thank him especially for his critical help in passing legislation in areas where I have been primarily responsible. In addition to that, I want to summarize the things that have been done this year under his leadership.

The reason I came to talk about this is because there is such an overwhelming, high-octane negativism in the air that one would hardly know the Senate was at work. There is so much politics going on that one would wonder whether the Senate is even functioning. Even on the floor there is an awful lot of polarization that has occurred. I do not say this in any real accusatory sense. It is true.

In spite of that, in his own way, the majority leader has very quietly and with very mature feelings and inordinate ability grasped details of legislation and has contributed immensely to a success story.

I would like to start by talking about matters that this Senator has particularly been involved in. We were able to pass in this body an Energy Policy Act. We have been working at that for almost a decade, but for the last 3 years we have tried each year and failed. This year, we got it done.

Obviously, something was done differently. That is, we attempted to create a bipartisan bill in the committee under my chairmanship, with the help of Senator BINGAMAN, and the majority leader, as leader in the Senate, should take great pride in that accomplishment, and we should as a Senate.

In addition, as it pertains to things the Senator from New Mexico works on, we sent to the President for his signature an appropriations bill that is called Energy and Water appropriations. That bill contained hundreds of millions of dollars that go to the storm-ravaged gulf coast. It is there to continue critical projects that are already started and moving along. They are projects that are needed. They are not part of the great concern about how much may be spent or should not be spent. These are public works projects in that four-State area that are important. I think that is very good.

In that bill, the nuclear armament programs of the United States went through to the President of the United States and also some very important nuclear nonproliferation activities.

In addition, the Energy and Natural Resources Committee was part of a reconciliation bill—let us call that the deficit reduction bill—that passed. The occupant of the chair in the committee that we served on contributed a piece of that. For the first time, we sent in such a bill for the start-up of the Alaska National Wildlife Refuge activity where we will be starting to find out what is up there in terms of producing oil for the United States. That bill was a big achievement, $36 billion in deficit reduction. I guarantee that could not have been done without the help of the majority leader. So we got that done also with his very exceptional attention, his enlightened approach to getting people together. We barely did that, and without his help it would not have happened.

Finally, literally scores of small bills that are part of the Energy and Natural Resources Committee have passed the Senate within the last 2 days, for various things around the country. We thank him for getting that done. Yesterday, we passed big legislation and who would have thought 6 weeks ago we could pass it. It is the tax provisions of the Budget Act. We all know that that was hard. That extended the alternative minimum tax so it affects far less Americans in a negative way on the amount they owe to the Government. It extended research and development tax credits for American business so they can continue to invest in research. That whole bill had many items in it that are good for America's future. We got it passed. There are some things in it, obviously, that I do not like, and I hope some of those are not continued, because I think some of them are negative to the production of oil in the future, but overall, by an overwhelming vote, we passed a tax measure that moves us ahead. That was the strategy, for all of that was worked out with the help of our leader and the help of other distinguished Senators, including the chairman and ranking member of that committee.

I mentioned the Energy Policy Act, but let me back up to some other things people take for granted. They say, "So what?" We know our Founding Fathers said, with reference to bankruptcy in our country, the U.S. Government would have exclusive authority. For years we know the bankruptcy law of the Nation needed reform. How many times have we had bankruptcy reform on the floor only to see it fail? This year it finally passed. It will make those who file for bankruptcy slightly more responsible. That is, after they are finished, if they can by way of their job pay a small portion of what they owed, they will. That is all subject to criteria which the judges will administer so we are sure we are asking only those who can afford it to pay some. Finally, it was passed.

I say to the Senate that was a great credit to all of the Senate, but also to the distinguished majority leader for pushing, for exercising the dedication, and most of all, there is a certain steadfastness about this leader. He doesn't give up. He says what he is going to do. He stays right on it, and this is another example.

In addition, we have had the issue of excessive litigation. It still hangs over us like something we cannot quite fathom, but it is rampant. We were told the other day that American companies spend more on litigation than they do on research when you add it all up. That is a rather startling thing. This bill we passed will not fix that. Hopefully, sometime we will address it even more broadly. But we did pass a class action reform piece of legislation. We had only one part of that pass about 8 years ago. But this one makes it more difficult to abuse the class action litigation part of the Federal jurisdiction, where we use our Federal courts to accomplish class action suits. That is a great feather in the hat of the Senate because it has taken so long to get there. For that, we have to say to our majority leader: Thank you for your leadership. It is terrific.

The highway bill—let's leave aside the pieces of the highway bill. Let's talk about the overall funding of the highway system of America by the gasoline tax imposed on our citizens. That was tied up. It was supposed to have been passed 3 years ago. It got passed after that period of time. I think the absolute commitment it would get done, and the power of a majority leader's office, got us there. That is very important.

The Senate has passed all of its appropriation bills. It looks as though we may have been able to avoid an omnibus appropriation bill—or we are going to. Let's hope so. If we do, that will be a very big credit. But at least we are on the way. We have not gotten them all passed in both Houses, but they have all cleared this institution, which is a credit at this time of year. We don't do that very often. So that is another thing we can say that demonstrates we have had good leadership, good direction, and good pressure, the kind of positive pressure the Republican leader brings.

I am going to wrap up by talking about judicial appointments. I would be remiss if I did not mention that the United States of America has a new Chief Justice. It is pretty fair to say that the extraordinary patience and persistence of the majority leader got us to this place. The country is pleased with it. That is obvious. While they do not know everything about these nominees, they learn about our Supreme Court nominees because there is much openness. This man is ultimately a credit to the President for nominating him, the Senate for finally doing what they should, and to our majority leader for pushing it as he did.

Everybody has to acknowledge there are three or four things we must get done. They, too, are being looked at with the precision and the dedication and stick-to-it-iveness of our leader. They are right there on the horizon for next year.

I understand the asbestos quagmire is something people wouldn't think is big enough to be listed among the most important pieces of pending legislation. Let me say there is no question it is. Asbestos liability, for better or for worse, the reality of it, brings to the American economic system a chance, an opportunity, a probability of real job loss, fantastic economic degradation, and it must be resolved.

The leader has played a big role. Two Senators have been working on it on the majority side for years. Senator SPECTER is very close, with the help of our majority leader, to getting a package that can be bipartisan. That is next.

We know broad immigration reform is right up on the screen. That is very difficult. I say, and predict, since the majority leader says it is going to get done this coming year, I believe those who have been waiting are going to be able to say it will be done. I believe so.

Obviously, much more must be done. Other things we have passed are not very publicly known yet, and should be. I can't do much about it. But essentially, a bill on health technology passed last night without much ado. I say it is a giant step.

I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

Mr. DOMENICI. It is a giant step in the modernization of the delivery system, which will save money. I won't take much time, except to say the majority leader had a lot to do with that.

I failed to mention that while all of this was going on, that I mentioned the Senate passed an important bill, the free trade agreement, the Central American Free Trade Agreement. Who would have thought 6 months ago that this, too, would be in this litany of successes? But it is.

All in all, in spite of all the noise, in spite of all the bickering, in spite of everything that seems to be moving toward polarization and politicization in the Senate, we did get a lot done. I particularly think much of that is attributable to the distinguished majority leader, Senator BILL FRIST. I want to again indicate to him, from this Senator, my great appreciation for his work and my admiration for how he does that.

PROVIDING FOR ADJOURNMENT

Mr. DOMENICI. Madam President, I ask unanimous consent the Senate now proceed to the consideration of H. Con. Res. 307, the adjournment resolution, provided that the concurrent resolution be agreed to and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 307) was agreed to, as follows:

H. CON. RES. 307

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Friday, November 18, 2005, or Saturday, November 19, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, December 6, 2005, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Friday, November 18, 2005, through Wednesday, November 23, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, December 12, 2005, or Tuesday, December 13, 2005, or until such other time on either of those days, as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

Mr. DOMENICI. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

PAKISTAN'S RECOVERY FROM EARTHQUAKES

Mr. HARKIN. Madam President, it has been nearly 6 weeks since Pakistan was devastated by one of the most powerful and deadly earthquakes in modern times. More than 140,000 people were killed or injured in the disaster. The earthquake left 3 million people homeless; hundreds of thousands of children were left without schools. More than a million jobs were wiped out.

I have come to the floor this afternoon to remind my colleagues that as we are prepared to leave town to spend the holidays with our families, to enjoy a wonderful Thanksgiving meal with turkey and all the trimmings, as we sit around our dining tables and warm houses with family and friends close by, and we give thanks for all our blessings, let's also pause and remember those halfway around the world who will not even have enough to eat that day, will not have a warm house, and who are facing a winter ahead of cold and deprivation. These are the people of Pakistan, one of our most important strategic allies in Asia, especially in the war against terrorism.

There are many difficult months and years ahead for the Pakistani people and the immediate danger is that the winter snows will now soon make relief efforts in Kashmir difficult and in some places all but impossible, even by helicopter. Americans can be very proud of the role our Armed Forces have played in relief operations in the earthquake zone. Immediately after the disaster struck, the United States offered Pakistan $156 million in aid. We deployed 950 soldiers as well as 24 helicopters. As I speak, a U.S. Army mobile surgical hospital is operating in Muzzafarabad, providing medical care to thousands of quake victims.

To give our colleagues and viewers watching on C-SPAN a better idea of the devastation in Pakistan, I share several photographs taken by a former member of my staff, Mr. Sam Afridi, who now works for the International Labor Organization in Geneva. Earlier this month he visited some of the most hard-hit areas, including Muzzafarabad, and Balakot. These pictures speak for themselves.

Here is Balakot police station with hardly a stone standing on top of another stone.

Here is another—devastation in the local neighborhood. As you can see, the resilience of the people—they are already setting up their fruit and vegetable stands to help out one another.

This is another indication of the devastation. Here you can see the U.S. Army Chinooks flying overhead in this picture.

Here is a picture of the Hizwan public high school. The earthquake killed 50 students, including the principal's son. You see all the clothes and the backpacks still left there.

Here is a project Mr. Afridi was involved in, the International Labor Organization Emergency Employment. They are hiring people to clean up the debris and move the debris out of the roads. They are working to clean up the devastation.

Here is a young child caught in the rubble in a full body cast. We hope he is going to be all right, but the child may be disabled for the rest of his life.

Here is a young boy, showing the crutches and the fact that, while we hope he can walk again, we don't know if he will ever walk again.

These are some of the images from a country that has been a great friend of ours and a great ally of ours for a long time. Even back during all of the years of the Cold War, Pakistan we could always reply on—always. They have fought beside us, side by side, in every war we have had, from the Korean war on.

We have done some things, as I mentioned, but we must do more. The Washington Post editorial pointed out this morning that, after the Indian Ocean tsunami that killed 200,000 people, the United States sent nearly $1 billion in government aid, 16,000 soldiers, 57 helicopters, 42 aircraft, and 25 ships—$1 billion. Thus far we have offered Pakistan $156 million.

We sent 16,000 soldiers after the tsunami. In Pakistan we deployed 950. After the tsunami, 57 helicopters, Pakistan 24.

While I am sure that aid is welcomed, what I am trying to point out is the devastation here was every bit as devastating; there were 140,000 Pakistanis killed in the earthquake.

Half that many are now homeless and facing a desperate winter without even as much as a tent.

The assistance we have offered Pakistan—one of our best friends and longtime allies, a crucial ally in our war on terror has been way too modest.

I ask unanimous consent to have the editorial from this morning's Washington Post printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 18, 2005]

WINTER IN KASHMIR

It takes advanced seismographs to anticipate earthquakes and computerized weather models to predict hurricanes. It doesn't take sophisticated technology to predict that leaving thousands without shelter in the freezing Himalayas will be disastrous. Unfortunately, however, predictability is not a predictor of action. With perhaps two weeks to go before snows close down the relief efforts that followed the Kashmir earthquake, it's not clear that enough has been done to avert a horrific secondary disaster.

Last month's earthquake caused an initial death toll of at least 74,000 and left perhaps 3 million people homeless. But so far only about 340,000 tents have been distributed. Doctors are trying to immunize 1.2 million children put at risk by bad shelter, diet and sanitation. But the immunization drive has only half the $8 million that it needs. Relief teams are trying to position stocks of food in remote villages before the snows come. But the food lift got underway belatedly, although donors led by the United States have provided helicopters.

As The Post's John Lancaster described it Sunday, the contrast with the Indian Ocean tsunami is distressing. After the tsunami, the United States sent nearly $1 billion in government aid, 16,000 soldiers, 57 helicopters, 42 other aircraft and 25 ships. After the Kashmir quake, the United States has offered Pakistan $156 million in aid, including military equipment; deployed 950 soldiers; and sent 24 helicopters. Aid that's available for immediate relief needs has been especially slow in coming. The United Nations has appealed for $550 million in emergency aid, but donors have pledged only $159 million.

The tsunami triggered a tsunami of generosity because it hit during the holiday season and because Western tourists were affected. But the logistics of getting relief into the Himalayas are more daunting; the weather is more punishing. While no deaths were linked to disease and hunger following the tsunami, the risk of an after-disaster in Kashmir is real. Add in Pakistan's two-headed role as an ally in the war on terrorism and an incubator of terrorists, and the case for scoring a combined humanitarian-foreign policy success by delivering more relief faster should be obvious. President Bush has sent Karen Hughes, his chief of public diplomacy, to Pakistan. But sending another fleet of helicopters would be even more helpful.

Mr. HARKIN. Madam President, as the editorial points out, we have a big stake in delivering much more generous relief to Pakistan. Largely because of the war in Iraq, America's standing in the Muslim world has fallen dramatically in recent years.

According to a recent Pew Center poll, only 22 percent of Pakistanis expressed a favorable view of the American people.

So clearly the aftermath of the earthquake is a chance for us to put our best foot forward, demonstrating our compassion, generosity, our friendship for the Pakistani people.

By reaching out to them in their hour of need, we can show the people of Pakistan that we see their country as more than a base for operations against terrorists.

To that end, I urge President Bush, Secretary of State Rice, and the Government to take a more assertive leadership role in rallying the international community to assist Pakistan. We can begin tomorrow at the International Donors' Conference in Islamabad. To date, the international community has only provided a quarter of the emergency relief that the United Nations requested for earthquake assistance in Pakistan.

Let me repeat that. The United Nations has appealed for $550 million in assistance for Pakistan, but donor nations have pledged only one-fourth of that amount.

In contrast, 1 month after the Indian Ocean tsunami, the U.N.'s emergency appeal was 99 percent filled. Now it is only a quarter filled.

Some good things are happening. For example, as I pointed out, the International Labor Organization has set up an emergency cash-for-work program in the earthquake region. People are being put to work making infrastructure repairs, removing debris, improving sanitation.

This is a picture of the International Labor Organization and their emergency employment and what they are doing.

The aim of this program is to inject cash back into the local economy, while helping people get back to work to support themselves.

According to my former staff member, Mr. Afribi, one of the participants in this program said to him, "For every rupee we get for this work, it feels like 10 because we have earned it."

So clearly these are people of pride and dignity and they are willing to work hard. They are looking for a handup, not a handout. It behooves us to be more generous and forthcoming than we have been to date. We need to continue to provide immediate emergency humanitarian relief. But we also need to tend to the longer term needs of the survivors.

Many children, as I have shown, have had amputations. They need to be cared for. Safeguards need to be put in place to ensure that their disabilities do not get in the way of their education. Past experience tells us that such children are vulnerable to being exploited in the workplace. In closing, we have an important mission here—to come to the aid of the Pakistani people in their moment of maximum need.

I have many good friends in the Pakistani-American communities. I have many good friends in Pakistan. I was privileged to visit there this September, the third time I have been to Pakistan. I traveled quite extensively in the country. The Pakistani people are wonderful. They are highly educated and skilled. The Pakistanis in America, who have come to make a better life for themselves, are doctors, surgeons, engineers, and so on. Many of them have called me, eager to get involved in the relief in Pakistan.

We ought to be looking for ways for the USAID to provide a way for these people to go to Pakistan, under the American flag, for a period of weeks or months so they can put their talents to use in assisting the earthquake victims.

This would send a powerful message of friendship and good will of the American people to the Pakistani people.

I urge my colleagues to remember the pictures I have shown and to remember, this Thanksgiving week coming up, the millions of poor people in Pakistan whose lives were shattered in only a few minutes, one of the most devastating earthquakes to ever hit our planet. They are struggling to put their lives back together. We need to do more—again, both in terms of short-term relief and long-term reconstruction. Time and again, Pakistan has been there for us. Time and time again, from the beginning of the Cold War, when they allowed our U-2 flights to fly from Peshawar over the Soviet Union, all through the Cold War, the Korean war, the Vietnam war, Haiti, everywhere we have been, the Pakistanis have been by our side. Now it is our turn to be there for the people of Pakistan in their hour of need. During this Thanksgiving week, let us resolve to do better than we have done in the past.

I urge the President and the Secretary of State at the Donors' Conference tomorrow in Islamabad to step forward to lead the international community to do better than they have done in the past.

I yield the floor.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the Chair.

IRAQ

Mr. BYRD. Mr. President, as we look out the window in most of our great country, we can witness the season change, the change in the season, and we can feel it. The air has become crisp with autumnal chill. The leaves on the trees change their color; from the exuberant, green lushness of the summer months to the tired, brown, yellow, and red of the autumn, much like the graying hair of a man advancing in age.

Nature can sometimes mimic human events with a subtlety that no words can quite convey. As our country heads into the season that is celebrated with the love of family and the love of home, Americans should also look across the landscape of America and reflect upon the loss of so many young Americans in the 12 months since autumn last fell upon us.

Think about it. In the past year, more than 820 servicemembers have lost their lives in Iraq.

The evening news features pictures of American troops who have perished in service to our flag, in service to our country. I am struck by these colorful mosaics of these troops, amen: the green and blue of their uniforms set against the background of the bold colors of our flag, Old Glory, Old Glory. Each of these proud troops holds an expression of pride and courage, even though many of them appear to be so young. Note their ages—18, 19, 20, 21—just starting out in life, having one full glance of what is around them.

I can only imagine the grief of their loving families during this time of the year, as the somber tones of fall contrast with the joy of being with family during the upcoming holidays. I pray that God, Almighty God, will comfort those who have suffered losses, that He will bless the fallen in their everlasting life, and that His hand will protect those who still serve in harm's way.

That so many have sacrificed during this war in Iraq is reason enough to ask questions about our Government and about our Government's policy in that faraway land. Our troops continue to shed their blood, and our Nation continues to devote enormous sums of our national wealth to continue that war.

The Constitution protects the American people from unjust laws that seek to stifle the patriotic duty to question those who are in power. But it is the courage of the American people that compels them to actually speak out when those in power call for silence. If anything, attacks on patriotism of freedom-loving Americans may result in even more Americans fighting against attempts to squelch the constitutional protections of freedom.

Since our country was sent to war on March 19, 2003, 2,073 American men and women have been killed. Yes, 2,073 Americans have died. Nearly 16,000 troops have been wounded.

Our military is straining under the repeated deployment of our troops, including the members of the National Guard. They come from all walks of life. They are lawyers. They are teachers. They are preachers. They are coal miners. They are farmers. More than $214 billion has been spent in Iraq and the end is not in sight. More than $214 billion spent in Iraq and the end is not in sight. Urban combat takes place each day, every day, in Baghdad, all day long. Every day and night.

Veterans hospitals in our own country are threatened by budget shortfalls, and yet Americans are still left to wonder, when will our brave troops be coming home? When?

I opposed this war in Iraq from the outset. From the beginning I spoke out against our entry into this war. I pleaded with my colleagues. I pleaded with the White House. I asked questions that have not been answered. I spoke out against the invasion of a country which did not pose an imminent threat to our national security. I said so then—and I was right. I opposed the war in Iraq from the outset. From the word go, I opposed it. But our troops were ordered to go to Iraq and they went.

The question is, now, when will they come home? The administration has so far laid out only a vague policy, saying our troops will come home when the Iraqi Government is ready to take responsibility for its country. When our troops are no longer needed, when the job is done, they will come home. We will not stay a day longer than we are needed.

That sort of political doublespeak is small comfort to the mothers and the fathers of our fighting men and women, the mothers and fathers who turn and toss upon their pillows, whose tears wet the pillows, whose prayers break the silence of night. Oh, when will they come home? Bring my boy home. Oh, God, this awful war.

Wednesday evening the Vice President of the United States, even claimed that criticism of the administration's war in Iraq was dishonest and reprehensible. Did you hear that? Hear me, now; let me say that again: On Wednesday evening the Vice President of the United States, the man who is within a heartbeat of being the President of the United States, the Vice President of the United States, even claimed that criticism of the administration's war in Iraq was "dishonest and reprehensible."

Since when are we not to lift our voices? Are the American people not to lift their voices in criticism of the administration's war in Iraq? Is it dishonest on the part of the American people to do that? Is it reprehensible on the part of mothers and fathers of sons and daughters who were sent to that most dangerous country in the world? Is it reprehensible? Did the Vice President measure his words? The Vice President's comments come on the heels of comments from President Bush, who said:

> What bothers me is when people are irresponsibly using their positions and playing politics. That's exactly what is taking place in America.

Listen to that. The President and the Vice President need to reread the Constitution, take another look at that inimitable document. Asking questions, seeking honesty and truth, and pressing for accountability is exactly what the Framers had in mind. What would George Washington say? What would Alexander Hamilton say? What would James Madison say? What would

Gouverneur Morris say? What would James Wilson say?

Questioning policies and practices, especially ones that have cost this Nation more than 2,000 of her bravest sons and daughters, is the responsibility of every American and is also a central role of Congress as our duty as the elected representatives of a free people. We—you, you, you and I—we are the elected representatives of the American people, the people all over this vast land, its plains, its prairies, its mountains, it valleys, its lakes, its rivers, its seas. Yes, we are the men and women who are tasked with seeking the truth. Is that irresponsible to seek the truth?

But instead of working with the Congress, instead of clearing the air, the White House falls back to the irksome practice of attack, attack, attack; obscure, obscure, obscure; attack. The American people are tired of these reprehensible tactics. If anything is reprehensible, it is these tactics.

Circling the wagons will not serve this administration well. What the people demand are the facts. They want the truth. They want their elected leaders to level with them. And when it comes to the war in Iraq, this administration seems willing to do anything it can do to avoid the truth, a truth I believe will reveal that the Bush administration did, indeed, manipulate the facts in order to lead this Nation down the road to war. War. War.

The administration claims that the Congress had the same intelligence as the President before the war and that independent commissions have determined there was no misrepresentation of the intelligence. But neither claim is true. The intelligence agencies are under the control of the White House. All information given to the Congress was cleared through the White House. And the President had access to an enormous amount of data never shared with the Congress. There was a filter over the intelligence information the Congress received. That filter was the administration, which is actively engaged in hyping the danger and lusting after this war, this terrible war in Iraq.

Remember the talk of weapons of mass destruction? Remember the talk of mushroom clouds? Remember? Remember the talk of unmanned drones? The so-called proof for war was massaged before it was sent to Congress, to scare Members, and leaked to reporters to scare people.

No independent commission has stated that the case for war was indisputable. Commissions have looked at how the intelligence fell short, but none have yet examined possible political manipulation.

Even the Senate Select Committee on Intelligence slowed its examination, stalled its examination of possible White House manipulation. My colleague from West Virginia, the ranking member of the Intelligence Committee, Senator Jay Rockefeller, is rightly pressing for answers.

Right now we are engaged in a mission with no definition. That is troubling because without a clearly defined mission, it is impossible to determine when our effort is truly accomplished.

This week, the Senate had the opportunity to establish some very basic benchmarks for progress in Iraq, benchmarks that would have clearly outlined goals and provided accountability in meeting those goals. The proposal, offered by the senior Senator from Michigan, Senator Carl Levin, was a modest, flexible approach that would have given our troops, their families, the American people, and the Iraqi people some basic guidepost. Unfortunately, the Senate turned its back. It could not see the wisdom of this approach. It could not bring itself to see the wisdom of the approach.

So, my fellow Senators, it is vital that we have benchmarks against which to gauge our progress. That is how we can measure effectiveness and, most importantly, how we know when the job is done. The administration's strategy of keeping our troops in Iraq for as long as it takes—have you heard that before? Keeping our troops in Iraq for as long as it takes?—that is the wrong strategy. Who knows how long it will take for the Iraqi Government to institute order in that fractured, unhappy, miserable country?

Unfortunately, the questions that the American people are asking about the missteps and the mistakes in the war in Iraq are not being answered by this White House, not being answered by the administration. Vice President CHENEY has dismissed these important questions as "making a play for political advantage in the middle of a war."

Now, listen to that. The Vice President of the United States has dismissed these important questions as "making a play for political advantage in the middle of a war." How about that?

Perhaps the Vice President should question White House aides about using war for political advantage. For example, on January 19, 2002, the Washington Post reported that Karl Rove—get this—advised Republicans to "make the president's handling of the war on terrorism the centerpiece of their strategy to win back the Senate and keep control of the House in this year's midterm elections." Does the Vice President have anything to say about that?

Let me say that again. On January 19, 2002—I read about it at the time; I did not miss it—the Washington Post reported that Karl Rove advised Republicans to "make the president's handling of the war on terrorism the centerpiece of their strategy to win back the Senate and keep control of the House in this year's midterm elections." That was said on January 19, 2002. That was quoted in the Post on that date. Yes, does the Vice President have anything to say about that?

The Vice President also lashed out at those who might deceive our troops:

> The saddest part is that our people in uniform have been subjected to these cynical and pernicious falsehoods day in and day out.

Now, listen to that. Was the Vice President trying to clarify some of his past statements on Iraq? Was he?

On March 24, 2002, the Vice President said that Iraq "is actively pursuing nuclear weapons at this time." There was no doubt about it, to listen to the Vice President—no doubt.

On August 26, 2002, the Vice President said:

> Simply stated, there is no doubt that Saddam Hussein now has weapons of mass destruction. There is no doubt that he is amassing them to use against our friends, against our allies, and against us.

Let me go back and read the quote. Let me repeat it.

On August 26, 2002, here is what the Vice President said:

> Simply stated, there is no doubt—

Get that—

> Simply stated, there is no doubt that Saddam Hussein now has weapons of mass destruction. There is no doubt that he is amassing them to use against our friends, against our allies, and against us.

That is the end of the quotation.

On March 16, 2003, the Vice President said:

> We will, in fact, be greeted as liberators.

Do you remember that?

On March 16, 2003, there it is, the Vice President said:

> We will, in fact, be greeted as liberators.

Are these the "pernicious falsehoods" that the Vice President believes our troops have been subjected to? That is, of course, a rhetorical question. Far from questioning his own statements about the war in Iraq, the Vice President's comments are a ham-handed attempt to squelch the questions that the American people out there are asking about the administration's policies in Iraq. The American people should not be cowed. They should not be intimidated. And Senators should not be intimidated by these attempts to intimidate. The American people should not allow the subject to be changed from the war in Iraq to partisan sniping in Washington.

Instead, the American people must raise their voices—hear us—the American people should raise their voices—hear us, listen to us—the American people must raise their voices even louder to ask the administration the same simple questions: What is your policy for Iraq? Answer that. What is your policy? Is it stay the course? When will the war be over? How many more lives will this war cost? When will our troops return home?

Mr. President, the holiday season is almost upon us. Americans will soon sit down at their Thanksgiving tables. They will gather together to give thanks to Almighty God, give thanks to Him for the blessings that have been bestowed upon America's families. As we gather, there will be an empty seat at many tables. Some chairs will be empty because a service member is serving his or her country in a faraway land. Other seats will be empty as a silent tribute to those who will never, never return.

Each of these troops has fought to protect our freedoms, including the freedom of Americans to ask questions—yes, the freedom to ask questions. Our troops have fought for that freedom—people back home, their families, might ask questions, their friends might ask questions—the freedom to ask questions of their Government, the people's Government.

The whole picture, the truth is that the continued occupation of Iraq only serves to drive that country closer to civil war. They do not want us there. They do not want us there.

How would you feel, Senators, how would you feel if our country were invaded by another country? You would want them out. You would do anything you could to get them out. American troops are now perceived as occupiers, not as liberators. The longer we stay, the more dangerous Iraq becomes, and the more likely it is we will drive the future government further from a democratic republic and closer to religious fundamentalism and, not insignificantly, the more American and Iraqi lives will be lost—forever.

I, for one, believe that it is time to say "well done"—"well done"—to our brave fighting men and women. May God bless them one and all. Let us say, job well done, and start to bring the troops home.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURNS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO LILY STEVENS

Mr. BYRD. Mr. President, last night, as the Senate was working into the late hours of the night and tensions were running high, our esteemed and beloved colleague, the former chairman of the Senate Appropriations Committee, took me by the arm and pulled me aside. There was something he wanted to show me. There was something that my esteemed and beloved colleague, TED STEVENS, wanted to say to me and wanted to show me. There was something he wanted to show me. It was an article that his daughter Lily Stevens had written about the U.S. Capitol, and he wanted to share it with me.

I was touched by this. I know Lily. What a prodigious memory she has. Ah, what a rose in full bloom, what a lovely woman, Lily. She adores her father. He adores her.

With everything that was going on in the Senate at the time, Senator STEVENS was showing a father's pride in his daughter's accomplishment.

I have literally watched Lily grow up. In her article, she points out that her father was already a Senator when she was born, and while she was a baby, her father would bring her to the Capitol—I have seen him many times—and carry her around in a basket. I remember that, just as I remember how she attended a number of my parties, and I attended a number of hers.

I watched her grow into the remarkably—talented person she is today. She is a graduate of Stanford University and is currently a law student at the University of California at Berkeley. Lily is not only prodigious and intelligent, but she also is a polite, courteous, gracious, and charming young lady. Senator STEVENS is so proud of her, and he has a right to be.

The article his daughter wrote is an outgrowth of her senior thesis at Stanford University, and as I read it, I understood why Senator STEVENS was so excited about it and why he wanted to share it with me. Titled, "The Message of the Dome: The United States Capitol in the Popular Media," the article explores the ways in which the Capitol has served and communicated with the general American public over the years. It discusses the Capitol as a symbol to the American people and how the meaning of that symbol has changed over time.

This beautifully written article skillfully conveys the sense of wonder that awaits every first-time visitor to Capitol Hill. With a trip to the Capitol, Lily points out, a visit to Washington goes well beyond "a vacation in the leisure sense." It becomes "an education journey, one in which the visitor can learn more about the government and the history of the United States."

And Lily's article makes fascinating and intriguing points about this building in which her father, Senator TED STEVENS, and I work. Visitors to the Capitol, Lily Stevens writes, while sharing certain common experiences, still find their own individual interests. As she quotes one author: "The Capitol means many things to many people."

Lily Stevens makes the point about how the Capitol functions as a "national shrine," a place for appreciating our democratic form of government and for praising our Nation, our history, and our national leaders. And she explains how, over the years, the Capitol has functioned as a church. Indeed, religious services were once held in this building. And the Capitol still performs many functions that are religious in nature, like funeral services for certain national leaders. Statuary Hall, she points out, can be seen and interpreted as "an American Westminster Abbey." How about that?

There is so much fascinating reading in this article. I could speak long about it. I am asking that it be printed in the CONGRESSIONAL RECORD, and I urge all my colleagues to read it. I promise you, you will enjoy it.

Senator TED STEVENS is also entitled today to his own personal congratulations. Why? Today, November 18, is Senator STEVENS' birthday. How about that? Senator STEVENS' birthday, today. A wonderful man, a great legislator. Today Senator STEVENS is 82 years young. Oh, to be 82 again. Just to be 82 again, oh, my. I said to TED: "The next 5 years are going to be the heaviest, TED." I know. Five years ago I didn't need those canes, no. My feet and legs were still good.

Senator STEVENS and I have worked together in the Senate since 1968, and we have been on the Senate Appropriations Committee together since 1972. In all this time together, I have always known Senator TED STEVENS to be an outstanding Senator, a great colleague, and a trusted friend. Oh, I realize he may grumble every now and then. He is getting a little bit grumbly. But you can forgive him for that.

You never have to be concerned about turning your back on him. He is honest. He is straightforward. And his word is his bond. Over the years we have had our spats, but never once did I doubt our friendship, our admiration for this country, its flag, each other, and our ability to work together.

So today, TED, I say in the words of the poet:

Count your garden by the flowers,
Never by the leaves that fall.
Count your days by the sunny hours,
And not remembering clouds at all.
Count your nights by stars, not shadows,
Count your life by smiles, not tears.
And on this beautiful November afternoon,
Senator STEVENS, count your age by friends,
    not years.

I conclude my remarks by again congratulating Senator STEVENS on his 82nd birthday and on his beautiful daughter's marvelous work. I thank TED STEVENS for being a superb colleague and a great friend, a great servant of his people in Alaska, and for sharing Lily's article with me.

I ask unanimous consent to print the article in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

"THE MESSAGE OF THE DOME:" THE UNITED STATES CAPITOL IN THE POPULAR MEDIA, 1865–1946

(By Lily Stevens)

Anyone who has spent a considerable amount of time in the nation's capital has a particular experience with the white building on the Hill. Growing up in Washington D.C., I never lost the wonder and excitement of visiting the Capitol. I cannot remember the first time I entered the building, as it was in a small basket carried by my father. He was elected to represent the state of Alaska in the Senate before I was born. As a little girl, I loved walking up the marble stairs within the building, feeling the grooves worn into the center of each step. I would run my hand up the shiny round banisters attached to the wall and shuffle my feet along step after step. The Capitol was a wondrous place that always seemed to be changing. I could have run for hours around the big tile circles on the floor, following one pattern until it made me so dizzy that I lay on the ground laughing, staring at the tall ceiling, until I got up to start my game again.

There were just so many things to look at: the marble heads on stands that towered above me, the paintings on the walls and ceilings, the many people who crowded the halls. Every time I walked into the Rotunda, I would lay my head down on the white circle that represents the center of Washington so that I could see all of the figures on the ceiling. My next stop in the Rotunda would be my favorite painting so that I could count the eleven toes on one barefooted man. In Statuary Hall, I would look for King Kamehameha, with his brilliant gold clothes. When I left the room, my neck would hurt from looking up at his enormous face, looming over six feet above mine. As I grew older, I knew every ghost story, and loved to tell the tales of Lincoln being spotted in his tall hat before stepping through walls, of the large cat that would appear in the Rotunda and continually grow larger until it would finally disappear. I knew where alcohol was hidden during Prohibition, where the bomb had gone off in the early 1980s, and where to stand to hear the whispering secrets of Statuary Hall.

My fascination with the Capitol led me to this project for my undergraduate honors thesis at Stanford University. I wanted to explore the ways in which the Capitol has served and communicated with the general American public. I wondered why so many visitors had entered the Capitol, and what they were looking to find. In my thesis, I explored what the Capitol had symbolized to Americans and whether its meaning had changed over time. I thought of the many images and references to the Capitol that I had seen in the popular media and wondered how the building had been shown and described since its construction. In this excerpt, which include the first chapter, "All Roads Lead to Washington," we will look at Washington as a figurative center of the country, as the destination for anyone interested in learning more about the government and the nation.

Authors throughout the early part of the twentieth century described Washington as a natural destination for any traveler. In 1940, Marion Burt Sanford offered advice for a trip to the nation's capital to readers of Woman's Home Companion. She declared the city to be the country's focal point: "In front of the White House is the zero milestone from which all distances in the country are measured, so all roads lead to Washington." Her article rested on a puzzling premise. She claimed that Washington was a "zero milestone," and yet the nations's capital was certainly not at the geographical center of the country. Some capitals sit at a central location, convenient to every part of the country: Paris, France and Madrid, Spain for example. Washington, D.C., however, is on the eastern seaboard, and certainly not accessible for the western portion of the country. Yet taken in a figurative sense, Washington D.C. is a location that draws many visitors. As the federal capital, it is a destination for politicians, lobbyists, tourists, school groups, and others. Every person in the United States has a tie to the city, as the place where the laws are made and enforced and where the country is governed. Therefore, though Sanford's claim that "all roads lead to Washington" is, in the literal sense, a misstatement, it does offer an interesting way of looking a the nation's capital as a magnet for many types of people.

While the White House was the "zero milestone," Sanford suggested that the first stop for any traveler must be the Capitol. Even before any organized visits, the Capitol was a starting point for a memorable walk in the city: "If you arrive at night and are not too weary take the taxi to the Grant Statue below the Capitol and walk a mile down the wide silent Mall to the illuminated Washington Monument and the Lincoln Memorial. You will never forget it." Making a memory of visiting the monuments at night was the first on her list for a woman to do when coming to the city. The reader she addressed was a casual visitor, one who would be interested in seeing the major monuments as well as in experiencing the social side of the city. Sanford advised her readers: "The first day in Washington should be given to the Capitol and the surrounding buildings." She warned that in order to have a successful trip to the nation's capital, the visit must not be too hasty: "You can't see the House and Senate in action, or the rare private collections in the vast Library of Congress, or saunter past the embassies on Massachusetts Avenue on a hurried bus tour." Her proposed tour was a casual one in which women, their husbands, and perphaps their families could enjoy as much time as possible at different points of interest.

Sanford's article reflected a common practice of any Americans, that of a short journey to Washington to visit and experience the monuments and nation's government. Central to this journey was a trip to the U.S. Capitol, for the visitor to wander the halls, see the building, and watch Congress in action. Many articles such as Sanford's described in detail the functions of the Capitol, the sculptures of Statutory Hall and the paintings of the Rotunda. All offered a virtual paper tour of the pubic monuments. These articles suggested that the Capitol and Washington D.C. were a major point of interest to Americans. Authors like Sanford encouraged a trip Washington. But what did the travelers hope to learn or find in the Capitol, and what types of visitors came? Why, in particular, was the Capitol such a popular destination for the traveler?

A trip to Washington was not usually a vacation in the leisure sense; rather, it was an educational journey, one in which the visitor could learn more about the government and the history of the United States. Some articles focusing on the Capitol or Washington referred to travelers as "pilgrims." This term for visitors to the Capitol evoked both a religious tone and a reminder of the country's history. In one definition of the word, pilgrims are religious devotees, often covering large distances to reach a particular sacred spot. In his essay on "Geography and Pilgrimage," Surinder Bhardwaj defined the religious pilgrim in terms of three characteristics: ". . . the religiously motivated individual, the intended sacred goal or place, and the act of making the spatial effort to bring about their conjunction." Pilgrims can also be travelers in search of a spiritual revelation or enlightenment, wanderers without a concrete destination. One dictionary entry for "pilgrim" declares that the word is applicable to any traveler, whether on a religious mission or not. A pilgrim can be anyone who leaves home behind to make a journey. In another definition, the term "pilgrim" labels the early European settlers of the United States who fled their countries, suffering hardships on their trip across the ocean to be able to practice religious freedom and develop their own communities. This definition is perhaps not as relevant to the idea of visitors to the Capitol, but the reference to the founding of the United States is poignant and instructive—and would not have been lost on American readers.

What constituted a "pilgrimage" to the Capitol, and who were these "pilgrims"? They all came to the nation's capital to see the workings of the government and the history of the buildings, but pilgrims were may different types of people. They were schoolchildren brought to the building by their teachers to learn a civics lesson. They were historians on a pilgrimage to see the sites where certain senators sat and certain documents were signed. They were mourners who came to pay last respects to assassinated presidents and unknown soldiers. They were also women like Clara Bird Kopp, who wrote an article for the National Republic describing her daylong journey around the Capitol. Entitle "A Pilgrimage to the Capitol," her article showed ways in which an everyday person could make a casual pilgrimage to the Capitol, see their senator or congressman and make a connection with the building. Pilgrims, therefore, could come with a specific interest, could be on a trip to learn something new about the government, or could just come to experience the Capitol.

What did these pilgrims hope to find? Certainly not on a religious mission, they went to Washington in search of knowledge about the government. The idea behind many of these trips was that the complex structure of the United States Government and its three branches could somehow be slightly decoded, slightly more understood if one traveled to Washington. Seeing parts of the government in action, whether Justices presiding in the Supreme Court or Senators arguing on the floor, would lead to a deeper understanding of the functions of the government. Along with the live experience of viewing the Congress within the Capitol came the opportunity to peruse the architectural, artistic, and historic elements of the building. Not only did the Capitol present highlights of the country's history through artwork, it also held memories of great events that took place within its walls, whether joyful or sorrowful. While some who entered the Capitol and wrote about their experience saw themselves as pilgrims of democracy, others were casual visitors. Still others were professionals in search of a certain statute or room. Some were visitors on a mission, at the Capitol to lobby, protest, or otherwise participate in the process of democracy.

One of the most visible and common groups of "pilgrims" in the Capitol was schoolchildren. Every American education included an exploration of the federal government, and often a trip to Washington accompanied this lesson. In an article for National Geographic Magazine, Gilbert Grosvenor included a picture of group of young Americans, with a caption that read: "A group of proud pilgrims on the steps of the

Capitol." The paragraph of explanation below the image spoke of the phenomenon of pilgrims, of visitors to the Capitol:

"Tens of thousands of Americans take a short course in patriotism and government annually by making a pilgrimage to Washington; but none of them get more of happiness and inspiration out of it than the members of the boys' and girls' clubs of the rural high schools. The boys and girls in this picture hail from the parishes of Louisiana and won a national poultry judging contest. They are seeing Washington under the guidance of one of their Senators and the Secretary of Agriculture."

For the students and their companions, presumably their teachers or guardians, the trip to Washington was a special honor. Grosvenor used them as models for his idea of the pilgrimage, which he described as "a short course in patriotism and government." These pilgrims were becoming better, more faithful citizens through their trip to the Capitol and Washington. Grosvenor equated enhanced patriotism with a first-hand experience in Washington, as though visiting national buildings like the Capitol would naturally inspire feelings of pride in the government and in the country. While most visitors did, in effect, take "a short course in . . . government," not all necessarily left the Capitol with patriotic feelings, as we will later discuss.

Several articles in education periodicals complemented Grosvenor's positive view of the school-age child's reaction to a pilgrimage to Washington by suggesting knowledge of the Capitol should be basic like reading, writing, and arithmetic. In the National Education Association Journal as well as in School Life, articles highlighted the Capitol and suggested reasons why a visitor might be interested in the building. One unidentified author of such an article spoke of the general visitor to Washington: "Next to himself and his home town or city, the average citizen is interested in his country, its laws and lawmakers, its seat of government. In April and May . . . Washington's parks and drives reflect the lavish mood of nature and countless visitors climb the steps leading to the Capitol." The author boldly stated that any "average citizen" has a natural interest in the government and that the trip to Washington, DC was a trend of "countless visitors." Most of the articles in education magazines took this interest of the "average citizen" as a given, and described aspects of the Capitol or Washington for the pilgrim. Behind all of these articles was the idea that children and adults alike would become better, more knowledgeable citizens by being pilgrims, thus partaking in a common experience with many other Americans.

Although many shared in the common experience of visiting the Capitol, each individual might have found a different interest. Writing in the National Education Association Journal, Mildred Sandison Fenner suggested: "The Capitol means many things to many people." Her article appeared during World War II, at a time when Washington had become a center of focus for the world. She used the Capitol, as a house of government and a national monument, to reach out to many types of Americans and world citizens. She divided people into seven categories and addressed a section to each, explaining what aspects of the U.S. Capitol would be of interest to those people. Her categories: travelers, architects, artists, historians, teachers, "all American citizens," and "all Citizens of the world who believe in the four freedoms." By commenting on all of these specific interests, she was able to describe almost every intrigue about the Capitol, as well as explain her ideas about what it meant to all people. Travelers, she said, would remember the Capitol as their first sight if they arrived at Union Station. Speaking of the architects' interests, she was able to describe the basic appearance and dimensions of the Capitol, as well as speak of the architects who contributed to the building. Artists, she said, would be interested in the "paintings and sculptures of great historic and patriotic interest." Her passage "to Historians" was the longest, mentioning several moments in the Capitol's history. She wrote of the laying of the cornerstone, the move of the national capital to Washington, the burning of the Capitol in 1814 by the British, the completion of the dome during the Civil War, and more.

According to Fenner, the Capitol embodied a variety of meanings for the various visitors. For those who led the school trips to Washington, the Capitol could be seen as a key to a broad history. "To teachers," she wrote, "the story of the capitol is an even broader one, embracing the history of the country itself." Of course, she also admitted that "[t]o all American citizens," the Capitol represented the basic actions of government, the legislative body and the basic process of democracy. She expanded this idea in her last section, addressing "all citizens of the world who believe in the four freedoms." To these people, Fenner claimed, "the Capitol of the United States is the 'arsenal of democracy.' To these millions it is a symbol of hope and a prophecy of the future."

As a symbol of hope and prophecy, the Capitol became a "national shrine," a term that appeared in a 1947 article in the Saturday Evening Post. Author Beverly Smith remarked upon the ways in which the building served as a center for praising the government, for remembering the past: "The Capitol is part shrine, part hangout. It has been called 'the Caaba (holy of holies) of Liberty,' . . . Rufus Choate said, 'We have built no temple but the Capitol.'" The Capitol served as a national shrine, or civic temple, in a variety of ways. As a mostly secular shrine, the Capitol assumed a role of a place for worshipping democracy, for praising the nation, its history, and its leaders. In addition to the artistic remembrances of great moments past, it embodied a certain history of its own, from the burning of the Capitol during the War of 1812, to the memories of documents signed, deals arranged, and people who visited. It was a shrine that celebrated the past, present, and future of the country.

Like the idea of a "pilgrim," the use of the word "shrine" to describe the Capitol conveyed religious connotations. Though it did not function as a religious shrine, and though the United States on principle supported a separation of church and state, the Capitol did have some involvement with religion. Gilbert Grosvenor described one way in which the Capitol functioned almost like a church: "For some years religious services were held in the old Hall of Representatives on Sunday afternoons; Lincoln attended them during the war period, when the hall was crowded because many churches had been converted into barracks." The national shrine also held funeral services for leaders, in addition to the national tradition of leaders laying in state within the rotunda. Grosvenor also commented that the placing of statues in that "old Hall of Representatives," transformed the room into more than just Statuary Hall: "The floor of this room was raised to its present level when the hall was converted into an American Westminster Abbey." Relating the room to an American Westminster Abbey certainly had religious overtones, but he was most likely referring to the memorializing of leaders and notables that took place in the room through sculpture.

Aside from memorializing American history through art, the history of events within the Capitol itself reflected important moments in the development of the United States. As the National Education Association Journal declared, "The history of the Capitol is the history of our country." Memories of the great and disappointing moments of the past that occurred in the building illustrated various times in the country's history. "If you study this building long enough," Beverly Smith wrote for the *Saturday Evening Post*,

". . . you can learn America's history since Washington's day. In the very first Congress which sat here, Jefferson was elected over the devious Burr on the thirty-sixth ballot, saving the young republic from who knows what oblique destiny. Here Andrew Jackson escaped assassination when two pistols missed fire. Here Representative—formerly President—John Quincy Adams died, on that couch now in South Trimble's office. In this building were voted all our wars since 1800. Lincoln worked here as a congressman. Here Woodrow Wilson pleaded, and Franklin Roosevelt spoke, tired and tense in his chair, after his return from Yalta."

Her readers received a crash course in some highlights and low points of American history and pride. Notable events include the deaths of officials within the building, the actions of the Congress, and the presence of great leaders. These events were not readily apparent to the tourist. In order for a visitor to appreciate what history the building held, they had to have a tour guide, or a literary tour guide such as Smith, explain these moments.

Many of these articles gave an insider's account of the past, including both popular and little-known stories of the Capitol's history, for it was not through the casual pilgrimage that a person could notice these spots and instinctively know what happened in the past. Gilbert Grosvenor also included some stories of moments past in "The Wonder Building of the World." He wrote of Statuary Hall, the former chamber of the House of Representatives: "Here Lincoln, John Quincy Adams, Horace Greeley and Andrew Johnson served in the same Congress. Here Henry Clay welcomed Lafayette, who replied in a speech said to have been written by Clay. Here John Marshall administered the oath of office to Madison and Monroe." The preservation of the country's history through memories such as those Smith, Grosvenor, and Fenner described was an essential element to the appreciation of the shrine.

In addition to holding stories, the national shrine preserved key moments in American history through art. For the artistic "pilgrim," the halls of the Capitol were filled with visual history. Visitors could peruse the art within the Capitol and learn something about the past entirely on their own. Fenner mentioned her own preference for some of the works: "Among the better oil paintings are those of Stuart, Peale, and Trumbull." Congress had commissioned Trumbull's paintings in the early nineteenth century to commemorate scenes of the American Revolution. Throughout the Capitol, frescoes offered allegories of great leaders or of basic principles of the republic. Works of art hung on walls in offices and hallways, all portraying different moments in America's past.

However, the paintings that hung in the Rotunda were not of particular interest to authors, perhaps because any visitor to the Capitol could observe them. More important to these literary pilgrimages were little known stories and facts about the national "shrine."

Both preserving a memory of the past and praising great leaders through sculpture, Statuary Hall was the center of much debate on the early twentieth century, and a common destination for the "pilgrim" especially interested in the arts. Dedicated by the House and Senate to be a place where each State could send sculptures of two people of accomplishment, the Hall became a source of many extreme opinions. While some people enjoyed the sculptures and admired the idea of placing leaders from each State within the Capitol, many others described it as a " chamber of horrors," due to the poor quality of the sculptures and the bad arrangement of figures. Gilbert Grosvenor was of the former opinion, and gave a positive view of Statuary Hall. "An unwarranted phrase," he wrote, "has made it popular to call Statuary Hall a chamber of artistic horrors. Such designation does injustice to the art and the history of the room where the House of Representatives met for 40 years and which now exemplifies a really fine memorial idea. Setting clear his feelings about the hall in the beginning, he continued on to explain how it came to be. A law was passed in 1864 to create Statuary Hall, which he said was so that: "the States could use it as a place to do national honor to the memory of their sons and daughters renowned for civil and military service, each State being entitled to place two statues here." At the time that most of these articles were being written, there was but one woman among the collection of statues, Frances E. Willard. Statuary Hall attracted many visitors who came to gaze at the statues as well as to experience the "whispering" phenomenon of the elliptical room: a person standing at one focus of the room could hear a person whispering at the other.

Many authors, artists, and other citizens did not view Statuary Hall in so pleasing a light as Gorsvenor. Lambert St. Clair wrote an article for Collier's, "The Nation's Mirth-Provoking Pantheon," in which he described the Hall in detail, attacking it artistically. Not only were the sculptures themselves terrible, but their placement around the room also left much desired: "The arrangement obviously is bad. Forty-one statues are crowded into a space which might accommodate ten artistically . . . Guides expect to grow wealthy rescuing lost tourists when the entire ninety-six are placed." He did not merely dislike the positioning of the statues, but also the statues themselves. He explained that they had no artistic continuity, as a wide variety of artists had completed them, and that State Legislatures had often favored cheaper statues over ones that were more aesthetically pleasing:

"Zachariah Chandler, the latest addition to the hall, wears neatly creased trousers and a new white topcoat with fashionable roll lapels. Lewis Cass, who stands beside him, is clothed in a suit so badly wrinkled that one look will make a tailor's hands twitch. General Lew Wallace's right coat sleeve is laid open halfway to his elbow and rolled back while his left sleeve is drawn tightly about the wrist. Daniel Webster's coat is woefully in need of pressing. The dress worn by Miss Frances E. Willard, the only woman in the group, appears to have been slept in."

St. Clair maintained that he was not alone in his opinion, and related the story of a "merry war" that was ensuing at the time. The conflict arose between the lieutenant governor of Kansas, Sheffield Ingalls, and an artist who had completed one of the statues. St. Clair explained that Ingalls was attempting to have the statue of his late father, Senator John J. Ingalls, removed from Statuary Hall. Ingalls' motivations reflected his worry about the sensation surrounding the room: "Reverence for his parent made such action imperative, the son said, inasmuch as the entire collection of statues had, due to their poor arrangement and, in many cases, inartistic execution, become ridiculous and mirth-provoking curiosities to tourists." Ingalls' concern that his father would become the source of ridicule and mocking shows the impact that the phrase "chamber of artistic horrors" had on how Americans thought about Statuary Hall. Though it originally was intended to honor great leaders, the artistic failings made it a controversial room.

Former leaders were also honored in the "national shrine" through the tradition of laying-in-state. On these occasions, the Rotunda was turned almost into a funeral home or church as Americans came to pay last respects to the deceased. Many presidents have lain in the center of the Rotunda, mostly those who died in office. The ceremony had a strong impact on the participants, as Catherine Cavanagh described in an article for Bookman:

"The solemn Rotunda of the Capitol has been made almost unbearably solemn by funeral services which have been held there—notably those of the three presidents who died by the hands of assassins—Lincoln, Garfield and McKinley. And one who has looked upon the silent form of one of our rulers lying under the lofty canopy of the dome can never forget the awe of the occasion. The long black line in front, and the long black line behind, in the procession of reviewers are forgotten—one seemed alone with the august dead in the vast grandeur of the chamber typifying the core of the Nation."

To Cavanagh, visiting a leader lying in state not only was a solemn occasion, but also was an opportunity to have solitary time within what she sees as the Nation's figurative heart. As one waited in line to visit the coffin, it was an occasion to ponder all of those who have passed. Authors strongly associated the Rotunda with these services: to the National Education Association Journal, mentioning the tradition of laying in state was a natural part of a description of the rotunda. A general explanation of the size and shape of the Rotunda was accompanied by a reminder of several services that had taken place within the room: "Here Lincoln's body lay in state; here multitudes passed before the flower-laden catafalque of the unknown soldier prior to interment at Arlington." The ritual of paying respects to the unknown soldier began after World War I, and has continued to be a part of the post-war tradition for all major conflicts. By placing the coffin of the Unknown Soldier in the Rotunda before it is interred at Arlington Cemetery, the country has been able to symbolically mourn for all those who died in war. At the same time, this tradition makes the statement that deceased presidents as well as those who die fighting for the United States deserve the same respect and honors.

The national shrine did not only praise those leaders and notables of the past. As a way of honoring the nation and democracy, some revered the leaders who worked within the Capitol at the time. Grosvenor concluded his long article on the Capitol by saying that the present deserved as much attention and commendation as the past. He included members of the House, Senate, and Supreme Court in his praise. He began by stating a common practice of people to overlook the present: "Amid the glamour of history, some are prone to discount the achievement of the present and the abilities of those to whom have been entrusted the duties of lawmaking and law-administering. But the student of the past knows that the wail of the 'decadence of the times' is one which has gone forth in every age." Grosvenor concluded his article by reminding the reader that those current leaders could some day be given great honor: "The men of to-day who are making the history of America will, in turn, have their meed [sic] of recognition, and in some future time their effigies in bronze and marble will be placed in Statuary Hall as comrades in glory with the Founders and Preservers of the Republic." In some ways, Americans paid tribute to the actions of their leaders every day by listening to debates on the floor of the House and Senate and by visiting their delegations' offices.

However, not all who came to the "national shrine" found people, or actions, worth praising. In one book, *Historic Buildings of America*, "famous authors" took a critical look at American institutions and traditions that were generally accepted and praised. A chapter by Charles Dickens, "Within the Capitol," attacked the motivations of all politicians within the chambers. Though Dickens' excerpt was likely written during the early 19th century, its inclusion in this early 20th century book suggests its message resounded with readers years later. Dickens wrote:

"I saw in them the wheels that move the meanest perversion of virtuous Political Machinery that the worst tools ever wrought. Despicable trickery at elections; underhanded tamperings with public officers; cowardly attacks upon opponents, with scurrilous newspapers for shields, and hired pens for daggers; shameful trucklings to mercenary knaves whose claim to be considered, is, that every day and week they sow new crops of ruin with their venal types, which are the dragon's teeth of yore, in everything but sharpness; aidings and abettings of every bad inclination in the popular mind, and artful suppressions of all its good influences: such things as these, and in a word, Dishonest Faction in its most depraved and most unblushing form, stare out from every corner of the crowded hall."

Dickens would have been one of the critics who Grosvenor attacked in the conclusion to this article. Writing an impassioned account of the characters of leaders within the building, Dickens was far from praising those who made or enforced the laws. Though Dickens was not praising the actions of those politicians within the shrine, he was exercising the right of free speech, a basic principle on which the democracy was founded. As a British citizen, he brought a slightly different perspective to his view of the Congress, but his attack reflects the basic right to offer criticism. Therefore, though he did not admire the actions of these particular leaders, he was valuing an ideal that the "national shrine" was intended to represent.

Just as Dickens criticized the government openly and thereby enjoyed one of the privileges of democracy, so have millions of Americans come to the Capitol in order to express their grievances. Their roads led to Washington for a different purpose: for a pilgrimage of protest. These protests could easily be the subject of an entire paper, and so

I will just take a look at one of the protests as an example of the many that have occurred. In an article for *New Republic* in 1931, John Dos Passos described a "hunger march" that took place at the Capitol. The situation was tense as a group of men proceeded up Constitution Avenue to the expanse between the Capitol and the Library of Congress. Dos Passos gave a picture of the scene to the reader:

"The marchers fill the broad semicircle in front of the Capitol, each group taking up its position in perfect order, as if the show had been rehearsed . . . Above the heads of the marchers are banners with slogans printed out: 'in the last war we fought for the bosses: in the next war we'll fight for the workers . . . $150 cash . . . full pay for unemployed insurance."

These men had come to the Capitol to seek government aid during the Great Depression, and though the banners may have changed for each different group that came to protest, the general process of a protest pilgrimage was familiar. This group had come to Washington, like many, to raise awareness about their plight and to get the attention of lawmakers within the Capitol. In his article, Dos Passos took a highly cynical tone, describing the dome of the Capitol that "bulges smugly" and the Senate Chamber as a "termite nest under glass." He also suggested that the Capitol building itself played an active role in the protest, for as the men shouted their demands, Dos Passos claimed that "a deep-throated echo comes back from the Capitol facade a few beats later than each shout. It's as if the status and the classical-revival republican ornaments in the pediment were shouting too." For Dos Passos, the Capitol took on a human quality, with the status seeming to participate in the march as well. The pilgrimage of protest such as this "hunger march" was but another way that the ideals embodied in the Capitol, the "national shrine," could be expressed.

Underlying many of the articles that discussed the Capitol as a pilgrim's destination was the idea that the building belonged to the American public. These articles attempted to relate a more human side to the Capitol, one that could describe the formal white building as a familiar place. The American public should think of the building as theirs. Beverly Smith suggested throughout her article that though the Capitol was a shrine, it should also be thought of as accessible, even as "a friend." She quoted a fellow journalist: "'I am not one of those who can sneer at the Capitol,' wrote Mary Clemmer Ames, a lady correspondent in Washington 70 years ago. 'Its faults, like the faults of a friend, are sacred.'" Her entire article contrasted the Capitol as shrine with the Capitol as a hangout, which created a picture of the building as a national space that should be a comfortable place for pilgrims. She declared that the building was a friendlier place than its image suggested, an idea that appeared in other representations of Washington from the time. Similarly, in an article entitled "Nerve Center of the World," Albert Parry wrote that Washington could still be thought of as a small town, even though its importance was growing on the national and international scene. "If anything," he wrote, "Washington is a charming Southern town which has grown large and cosmopolitan without losing its drawl." In these and other articles on the Capitol and Washington, journalists were demystifying the formal ideal of the Capitol, making it a more accessible place.

Smith in particular wanted Americans to see ways in which the Capitol belonged to them. In one story she related a physical way in which everyday Americans left their mark on the building:

> By day in the sunshine or at night under its floodlights, the great dome looms white and pure. But, if you climb the long spiral stairs to the little galleries around the dome, you see that every inch of the surface within human reach is covered with writing, in pencil, ink, crayon and lipstick—all the small familiar chirography of the American people: Jimmy loves Marge . . . Kilroy was here . . . Mr. and Mrs. G. Wallace Shiffbaur, of Minesota . . . Hubba, hubba. Hearts and arrows. Periodically the writing is painted out, but a new swarm of tourists and honeymooners covers it up again, quick as magic. "What can you do?" says a guard. "It's their Capitol, ain't it?"

Though the dome appeared to be completely "white and pure," she informed her readers that upon closer look, it was filled with graffiti, the kind that normally covered bathrooms and college hangouts. It was quite an image that she presented; as a whole, the Capitol seemed formal, pure, and stately, and yet on close inspection, it was partially made up of the marks of everyday Americans. The guard who watched people daily write upon the dome merely shrugged his shoulders at the practice. He saw no problem with the signatures, as he believed the building upon which they were writing was their property as citizens of the country.

The Capitol as a destination and a place for pilgrimage drew countless number of Americans to its step. The roads and paths of many different types of pilgrims led to Washington and to the United States Capitol. Pilgrims to the Capitol were sometimes eager, sometimes critical. They came to see their leaders in action, to wander the halls, to view the places where certain events occurred, and to participate in the democratic process. They encountered or red about a space that could become as familiar to them as an "old comfortable home." By appealing to different interest, these journalists made the building understandable and intriguing to all types of readers and visitors. The Woman's Home Companion offered advice on how to organize a trip to Washington and the best times to visit the Capitol; the Saturday Evening Post wrote stores full of human interest, including both formal descriptions and little-known facts. Besides the stories of contemporary life, articles focused on the Capitol's interior: paintings and sculptures that celebrated great moments in the history of the United States and great leaders past. Mentor published articles specific to its readers, focusing on the art within the Capitol. Through these articles, authors reached out to readers to make the Capitol more accessible to all. The civic space, the "shrine," offered visitors and readers alike a glimpse of the past, the present, and the future. Authors invited readers to consider the building as belonging to all Americans, and not as an untouchable place. While Americans no longer participate in the ritual of signing their name on the dome, they still come to experience the Capitol as countless have done before them. The Capitol remains a central destination for all who find themselves on a road that leads to Washington.

IN THANKSGIVING

Mr. BYRD. Mr. President, as the City of New Orleans and countless other communities along the U.S. gulf coast continue to clean up from the twin disasters that were Hurricanes Katrina and Rita, as Florida reels from yet another major hurricane there, as U.S. casualties in the Iraq and Afghanistan conflicts soar above 2,000, and as scandal engulfs the White House itself, it might seem difficult to find anything to be thankful for on this Thanksgiving.

For many families in the United States this holiday season, the tables, if tables they can find to set, will be set with fewer plates than usual, and the fare might be somewhat skimpier than in years past. Their homes are in ruins, their jobs lost, their friends and family members scattered, and their prospects for rebuilding the lives they once knew are uncertain. It can be difficult to take the long view in the face of such circumstances, or to reflect on history with any equanimity, even though history is replete with examples of recoveries from terrible disasters. One has only to think of Hurricane Camille, or the Great Depression, or World War II, or the San Francisco earthquake, the great Chicago fire, to find evidence that out of the ashes of war and devastation can come the rebirth of cities, communities, and economies. There is hope.

There is also much worth celebrating as families sit down to their Thanksgiving tables. We may be grateful that the loss of life to the hurricanes was not greater. We can all celebrate the tremendous outpouring of support that spontaneously erupted from the hearts, hands, and wallets of Americans outside the gulf coast disaster zone and from friends around the world who were glad to come in their turn to our assistance as the United States has in the past come to theirs. Communities all along the periphery opened their doors to welcome refugees from the storms, and volunteers flooded into the area in such force that relief organizations were overwhelmed. The public response to the gulf coast disasters was truly inspiring and heartwarming. It proved that a core value of this Nation, its sense of community, remains strong and vital.

We can also celebrate the ability of our Nation's first responders to learn from their mistakes. While the planning and response to Hurricane Katrina was in most people's estimates pretty abysmal, the preparation for and response to Hurricane Rita was a little better. And, unfortunately for the people of Florida, they have gotten a lot of practice in the last couple of years, and their preparations for and response to hurricanes is well rehearsed. There is much we can learn from these terrible events, and hope that we take those lessons to heart.

The brightest spot in the war in Iraq is the performance of our troops. Day after dangerous day, they do their duty. They patrol, they seek out insurgents, they struggle to provide a secure environment for the rebuilding of that nation. Day after day, they face down their own fears and travel those lethal roads to take the battle to the enemy. However one may feel about the path that led us to Iraq, we can feel nothing but love, pride, and respect for our men and women in uniform. Whatever the circumstances under which we sent them there, through misread intelligence or misleading rhetoric, the U.S. military has gone, and gone again and again, and performed their duties with courage and dedication.

Even the scandal that now haunts the White House, and which is beginning to wash over the President's closest advisors, may give us cause for celebration, and not for any partisan reasons. As Americans, we may be thankful for living in a nation in which no man is king, to rule at his own whim and to undermine his detractors at will and without consequence. We may be thankful for our system of government, with its checks and balances between the three branches of government firmly established in our Constitution. And we may celebrate the wisdom of guaranteeing freedom of expression and the existence of a free press.

Though the wheels of government may sometimes grind exceedingly slowly, we can be grateful that they still can be pushed and cajoled into conducting their oversight functions and asserting those checks and balances. That is what keeps this country strong. President Abraham Lincoln said "Let the people know the truth and the country is safe." Whatever may be the final outcome of the investigation into possible retribution by the White House against Ambassador Wilson and his wife for Wilson's role in unmasking a fraud in the government's case for going to war in Iraq, the Nation is safer and better off for having the means for citizens, acting through their elected officials and their legal system, to challenge possible abuses of power.

So even in these dark days, there is cause for thanksgiving. I hope that the recent dip in gasoline prices will allow families to come together, pull out the good china and set a beautiful table overflowing with all the dishes that make this feast so memorable and so mouthwatering: turkey, roasted, grilled, smoked, barbequed or deep fried; stuffing in all its regional variations with herbs or oysters or sausage or cornbread; hams coated in pineapples and cloves or cured with smoke or sugar; cranberries served jellied or chopped, with oranges or not; green bean casserole with a crown of fried onions; yeast rolls or biscuits dripping with butter or gravy; sweet potatoes in casseroles or with marshmallows and brown sugar; and pies—glorious pies with spicy pumpkin topped with whipped cream, and fruit pies in flaky shells, topped with cheese or ice cream. Americans know how to cook, and all the variations on our traditional Thanksgiving meal surely mean that this feast will never settle into routine.

Thanksgiving. Can there be a better day? It starts with parades to watch for the youngsters. Then the action in the kitchen heats up, competing with football games and the happy arrival of guests for our attention with a whole array of enticing aromas and clattering noises. The meal itself is wonderful, with family and friends around the table giving thanks and meaning it. And after the meal, in the warm glow of a full stomach, there is time for companionship as the leftovers are put away and the dishes are washed. The evenings are primed for walks in the cool weather, or short naps, or other sports, before the leftovers make their first reappearance. There are few days like this, devoted entirely to family without the distraction of, say presents at Christmas or Easter egg hunts. Thanksgiving is the one time we can really focus on all that we have to be thankful for just by looking around that table. My wife Erma and I have so much to be thankful for, and I know that she joins me in wishing a very happy thanksgiving to all Americans. May each of you, no matter how desperate your present circumstances may be, be blessed and see all that you have to be thankful for.

Mr. President, I wish you a happy Thanksgiving. I would like to close with a poem by Charles Frederick White, written in November 1895. His words serve to remind us that Thanksgivings past were not very different than today.

THOUGHTS OF THANKSGIVING

Thanksgiving Day is coming soon,
That long remembered day
When nature gives her blessed boon
To all America.

On that glad day, in all our land,
The people, in their wake,
Give thanks to God, whose mighty hand
Deals blessings good and great.

The roast goose, steaming on the plate,
The sweet potato cobbler,
The cranberry sauce, the pudding baked,
The seasoned turkey gobbler,

All these delights and many more,
From north, south, west and east,
Do all the nation keep in store
For this Thanksgiving feast.

Alas, for those who are denied
This blessed boon of God!
May all the needy be supplied
Like Israel by the rod.

The PRESIDING OFFICER. The Senator from Kentucky.

TRIBUTE TO SENATOR SUSAN COLLINS

Mr. McCONNELL. Mr. President, I rise this afternoon to pay tribute to one of the most effective and outstanding Members of the Senate, Senator SUSAN COLLINS of Maine. Today, Senator COLLINS cast her 2,942nd consecutive vote as a Senator, breaking the record of the former Senator from Maine, Margaret Chase Smith. In doing this, Senator COLLINS has maintained a perfect voting record since she was sworn in to the Senate in January 1997.

Senator COLLINS recently honored Margaret Chase Smith just a few weeks ago during a ceremony to unveil an official portrait of Senator Smith, a portrait entitled "The Great Lady From Maine" which now hangs proudly in the U.S. Capitol. As Senator COLLINS said in a tribute to Senator Smith at that unveiling:

> For every woman serving in the Senate, Margaret Chase Smith blazed the path, but she was a special inspiration to me.

Senator COLLINS met Margaret Chase Smith as a senior in high school, participating in a Senate youth conference here in Washington. She remembers Senator Smith telling her to "stand tall for what I believed." Senator COLLINS continues to use this advice today as she chairs the Homeland Security and Government Affairs Committee and working for the people of Maine.

I know I speak for all of my colleagues in the Senate when I congratulate her on this truly remarkable accomplishment.

AFGHANISTAN

Mr. McCONNELL. Mr. President, freedom continues to advance in Afghanistan. Of course, they are a great ally in the war on terror. In fact, I recall visiting Afghanistan just a little over 2 years ago with the current occupant of the Chair, and we had an opportunity to see firsthand the progress they had made at that time, not to mention how far they have come since.

A few days ago the results of that country's historic parliamentary elections, held in mid-September, were officially certified. At the time that Senator BURNS and I were there, they had not yet had the election of the President, not officially. They have since had that election. Now they have had a parliamentary election. Those results are now certified. A joint Afghan and United Nations election commission has declared the winners in races for 249 seats in the lower parliamentary house, as well as members of 34 provincial councils around the country.

Afghanistan's continued progress toward democracy is obviously a victory in the war on terror. Four years ago, the ruthless Taliban regime ruled Afghanistan with an unyielding, murderous intolerance, and they laid down that country's welcome mat to all the terrorists to "come on in." I would like to remind my colleagues that 4 short years ago Afghanistan was ruled by a regime so intolerant that as part of an effort to erase any trace of Afghanistan's history before the rise of Islam in the seventh century, the Taliban destroyed two priceless Buddhist statues. These statues had been carved into the face of a cliff outside the Afghan city of Bamiyan. These ancient wonders that had endured for centuries were instantly turned into dust. The Taliban was literally trying to erase history. But now the Taliban itself is history.

America's quick defeat of the Taliban, the rescue of the Afghan people out from under their wicked thumb and the quick transformation of Afghanistan into a burgeoning democracy in just 4 years is nothing short of amazing.

Today, a democratically elected parliament and a democratically elected, President Hamid Karzai, are charting a new course for their country. I am proud to say that a new day has dawned in Afghanistan. Where there was repression, now there is liberty.

For instance, reports indicate that 68 of the new legislators are women. Four years ago little girls weren't allowed to go to school, and women had no rights whatsoever. Four years ago women were second-class citizens, blocked from jobs and educational opportunities by the Taliban. These 68 women legislators make up over a quarter of their chamber. That is significantly higher than the proportion of women in our Congress in the United States.

Afghanistan will continue to make progress toward freedom and democracy. The provincial councils are now in the process of selecting 68 members of the House of Elders, which is the upper parliamentary house. Those selections will be completed soon. Then with President Karzai's selection of an additional 34 members to the upper house, the full Afghan Parliament is scheduled to convene for the first time in the third week of December.

I ask my colleagues to join me in saluting the people of Afghanistan as they move forward toward freedom and democracy. I ask all of us to join in pledging the full support of the United States as the people of Afghanistan continue to fight the last vestiges of an extreme terrorist element, and as they continue to stand with the grand coalition of free nations who are waging the war on terror.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

TRANSPORTATION, TREASURY, HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY, THE DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2006—CONFERENCE REPORT

Mr. BOND. Mr. President, I ask unanimous consent that the Senate proceed to 1 hour of debate in relation to the conference report to accompany H.R. 3058, the Transportation-Treasury-HUD bill; provided further that Senator COBURN be in control of up to 30 minutes of debate; I further ask consent that the two managers have up to 15 minutes each and that following the use or yielding back of the time, and when the Senate has received the conference report, it then be agreed to, with the motion to reconsider laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The conference report is printed in the House proceedings of the RECORD of today, November 18, 2005.)

Mr. BOND. Mr. President, I thank all or our colleagues. This has been a long and interesting path that we have trod.

Today I stand in support of the Transportation, Treasury, HUD, Judiciary, and Independent Agencies fiscal year 2006 appropriations bill. This bill also includes the District of Columbia fiscal year 2006 appropriations act. Before getting into the details of the bill, I thank Chairman KNOLLENBERG and his ranking member, Mr. OLVER, on the House side. Particularly, I express my sincere appreciation to my ranking member, Senator MURRAY, for her hard work, thoughtful and bipartisan approach to crafting a good bill, and her unwavering commitment to getting the bill done on an expedited schedule as mandated by the leadership. As all who follow this place know, we have had some bumps on the road over the last several days which forced both House and Senate staff to work throughout a number of nights this week while completing a blitzkrieg schedule in order for us to be able to vote on this measure today. Despite these bumps, we have completed our work, and I compliment Congressman KNOLLENBERG on his commitment and perseverance to work with me to overcome these problems.

I do express my sincerest gratitude and thanks to our excellent staffs: on the Senate side, on the subcommittee, on my side, Jon Kamarck, Paul Doerrer, Cheh Kim, Lula Edwards, Josh Manley, and Matt McCardle; on Senator MURRAY's side, Peter Rogoff, Kate Hallahan, William Simpson, Diana Hamilton, and Meaghan McCarthy.

Obviously, we extend our thanks as well to the House side staffers.

Now, Mr. President, the staff had to work extremely hard, in a bipartisan manner, to make our recommendations and instructions a reality. This is not a simple bill. Yet it is likely a Rube Goldberg machine with many complex moving parts.

This bill is the first real appropriations product of a new subcommittee that grew out of the reorganization of the Senate Appropriations Committee earlier this year. It is a substantial and complex bill that will have a significant and positive impact on every State and community in the Nation as it covers, among other things, every mode of transportation, financial services, and IRS requirements as guided by the Department of Treasury; it funds the Federal Government's role in housing and economic role under HUD; it funds the Executive Office of the President, Federal judicial system, and funds other related agencies such as the General Services Administration, Office of Personnel Management, and the Postal Service.

I believe that given the circumstances and our budget allocation, this is a good bill. We started with a budget that was severely underfunded in many of the important programs in the bill. These are programs which historically have been strongly supported by Members of this body. Thankfully, in most cases we have been able to restore many of the cuts and shortfalls, perhaps not as much as some Members would want and certainly some areas not as much as I want. But I think all Members will understand and appreciate our efforts to fund the programs and activities that enjoy the greatest support.

I wish to express a very special thanks to our chairman, Senator COCHRAN, who demonstrated his understanding and sensitivity to the needs of the Transportation-Treasury Appropriations Subcommittee.

While we received significantly less budget authority for the conference, without Chairman COCHRAN's help the House would have demanded a much harsher and unrealistic reduction in our allocation, with the results we saw that happened in regard to the Labor-HHS fiscal year 2006 funding bill yesterday in the House.

In particular, despite our fiscal limitations, we have worked diligently to ensure the transportation programs in this bill are adequately funded. One of my highest priorities in fashioning this bill was to provide the needed funding for the safety, construction, and maintenance of our highways, transit systems, and airports. Funding for our Nation's transportation infrastructure, and especially for our highways and road network, creates jobs and promotes economic growth. More importantly, it continues the continued maintenance and growth of our economic infrastructure by which we serve markets throughout the Nation and ultimately the world. The transportation system is the heart and arteries by which we pump our goods and products which guarantee our current and future prosperity in the national and international marketplace, and we cannot afford to shortchange this system.

We also removed the designation on the Alaskan bridges. The funds remain with Alaska to meet their priority needs. These bridges were grabbing unreasonable and unwarranted attention which was beginning, in many ways, to undermine the very good work and the very necessary projects in this highway bill.

In addition, this bill provides $14.4 billion for the Federal Aviation Administration, which is approximately $400 million more than the request. This recommendation includes $14.3 million to hire safety inspectors and restore inspector staffing levels on an accelerated basis. It also adds $4 million to restore engineering and inspector staffing at the Office of Certification so that new equipment and technologies can be approved for use in aviation and our Nation can retain its leadership in aviation. I am pleased also to announce that the bill does not cut the Airport Improvement Program, as proposed in the budget request.

I am also happy to report we have been able to fund Amtrak at $1.315 billion, while making some incremental steps to reforming how Amtrak conducts its business. These reforms are critical, and it is my hope that these improvements will move to jump-start the efforts of Senator LOTT, Senator STEVENS, and others to pass a truly comprehensive reform package.

Mr. President, I was troubled by the administration's demand of Amtrak reform with a budget request of $360 million. A $360 million-a-year appropriation would likely jolt Amtrak directly into bankruptcy, a costly financial and emotional blow to the Nation and send Amtrak into chaos. Many Members, including the occupant of the chair, our distinguished Senator from West Virginia, and Members throughout the Senate asked us to take strong action to avoid that problem. Thankfully, we were able to scrape enough funds together to ensure the continued existence of Amtrak, although it meant a number of other programs were underfunded, and when we received finally the recommended reforms at Amtrak from the administration, we were able to include them.

Mr. President, I also should touch on another issue in the conference report, and that is the ongoing efforts to improve protection consumers have from being preyed upon by rogue household movers. I think we all know they are a small group of fly-by-night companies that purport to pack and transport family household possessions and then stealing them and holding them hostage for exorbitant fees or make unreasonable demands. This could be a devastating blow.

In this past year's highway bill, additional requirements on movers were included, along with new provisions granting State officials, particularly attorneys general, new authority to help police the Federal law. Part of the problem has been the lack of the Federal enforcement. The Federal agency, the Federal Motor Carrier Safety Administration, has not had sufficient resources, and the U.S. attorneys, with the notable exceptions of the Miami and New York-New Jersey agencies, have also not made these crimes a priority; thus, the ideas of expanding cops on the beat by giving authority to State agencies and, thus, my work to make sure that while we expanded responsibilities, we did so in a reasonable and consistent way.

First, we provided additional resources to the Federal Motor Carrier Safety Administration to help them do their job better. We restored $1 million to the Education and Outreach Program in order to help them train State officials as to how to look and find the risky carriers. We also reiterated our support for the strong State-Federal partnership which had been included in the highway bill to ensure effective Federal-State cooperation.

Where we and some of our colleagues part company is on the scope and the venue. I strongly believe that Federal law should be enforced in Federal court, and thus the key provisions in the conference report will ensure that that will occur. There will be Federal enforcement on the major interstate activities. State law violations will continue to be enforced in State court. Federal law violations will continue to be enforced in Federal court.

In order to ensure that the States target those typical rogue movers who seem to be too small for U.S. attorneys and thus are slipping through the cracks, the language makes clear that the responsibilities of the State agencies are focused on what carriers they have jurisdiction over. Namely, these are the highest risk, fly-by-night carriers or carriers who meet one or more of the following: The carrier is unregistered; or the license of the carrier or broker has been revoked for safety or lack of insurance; three, the carrier is unrated or received a conditional or unsatisfactory safety rating by DOT; or the carrier has been licensed for less than 5 years.

This then accomplishes all the goals we have been discussing—tougher Federal law, additional consumer protections, State attorneys general and other State agencies have been granted the authority to be a cop on the beat to help enforce the Federal law. Their targets are the fly-by-night rogues and their venue is the Federal court and they are being asked to help enforce Federal law.

Now, Mr. President, moving on to some of the other areas in the bill, for the Department of the Treasury, this bill provides $11.7 billion for 2006. This amount is about $50 million above the budget request and some $475 million above the fiscal year 2005 enacted level. We think it is very important to provide resources for Treasury's efforts to fight the war on terrorism, and we provided full funding for the Treasury's Office of Terrorism and Financial intelligence. I know how important the Treasury's Antiterrorism efforts are, and I strongly believe they play a vital and unique role in cutting off financial assistance to terrorist organizations.

Next, to help close the so-called tax gap, where those people who pay taxes as they should voluntarily have to carry a heavy burden for the small percentage who do not, we have provided $10.7 billion for the IRS, including $6.9 billion for tax enforcement. This amount is $443 million above the fiscal year 2005 enacted level. These additional funds will help ensure there will be less fraud and that honest taxpayers will have a greater level of confidence in our tax system.

We also have provided full funding for IRS's modernization efforts through their Business Systems Modernization Program. This program is correctly IRS's highest management and administrative priority.

For the Federal judiciary, the bill includes a total appropriation of $5.7 billion, a 6-percent increase over the previous year, and this represents the funding necessary to meet the judiciary fiscal year 2006 funding needs.

For HUD, the bill provides some $38.2 billion for fiscal year 2006, an increase of $2.1 billion over the request. These additional funds include almost $4.22 billion for the Community Development Fund and CDBG, which was slated for elimination through a reduction of over 30 percent of its funding and a consolidation of its activities along with other programs into a new grant program within the Department of Commerce.

The bill also increased the Senate-proposed rescission of "excess" section 8 funds from $1.5 billion to $2.05 billion. After further review of the account, we firmly believe we have identified a one-time savings from section 8 that allowed us to increase the rescission to $2.05 billion.

In addition, I am happy to report we have adequately funded HUD programs at a minimum of last year's level which is generally higher than the request.

The bill basically funds the Executive Office of the President at the requested level. We have fully funded the High Intensity Drug Program at $127 million; whereas, the budget would have funded it at 100 million in the Department of Justice. This is a critically important program that has been successful throughout the Nation at helping to root out and eradicate methamphetamine production, marijuana, and ecstasy use, as well as heroin and cocaine importation. This program has been especially important in Missouri, where methamphetamine production and use have reached almost epidemic proportions.

Mr. President, as I prepare to close, I wish to express my sincerest thanks to the ranking member of the full committee who has been a great friend and mentor of mine and who has helped Senator MURRAY and me as we have worked through this by gaining the necessary funds.

I also thank—I feel his presence immediately behind me—the chairman emeritus of the Appropriations Committee whose birthday we celebrate, with very best wishes and, fortunately, no songs on the Senate floor. He has been of great assistance to us.

I must say, one of my last thank yous is to my chief of staff, Julie Dammann, who has served me since I arrived in this body. I was going to say in 1897 but it was 1987. She has been with me for these years and has become very well known and respected. This will be her last bill and, as on all the other bills, not only was the appropriations staff working day and night, but we were communicating by BlackBerry in the middle of the night. She was working on the details with the appropriations staff and others. She was communicating with Senators' offices. We only came to the floor today because she had worked with other Senate offices, as Senator MURRAY and her staff had, to clear away objections which might be raised.

So it is with great thanks that I note the contributions to this, her last appropriations bill, of Julie Dammann and wish her all the best.

I also note that my partner, the Senator from Washington, Mrs. MURRAY, has been working extremely hard on this. She helped clear the way of the remaining problems. I cannot think of how she could have been more helpful or more productive in this effort.

The PRESIDING OFFICER. The Senator has used 15 minutes.

Mr. BOND. I thank the Chair. I yield the floor.

Mrs. MURRAY. Mr. President, I am pleased to join my colleague, Senator BOND, in supporting the conference report on the Transportation, Treasury, Housing and Urban Development, the Judiciary and Independent Agencies Appropriations for fiscal year 2006.

This bill is the product of many hours of hard work since the Senate passed the bill on October 20. First, I want to express my sincere gratitude for the cooperative spirit that my colleague, Chairman BOND, along with our House colleagues, Chairman KNOLLENBERG and Congressman OLVER, brought to bear during our conference negotiations.

I am pleased to say that the conference agreement, like the Senate-passed bill, restores many of the more punitive cuts that were included in the President's budget for transportation, housing and drug law enforcement.

We have funded airport grants at $3.55 billion rather than accept the President's proposal to cut this program by half a billion dollars.

While the President sought to move the Community Development Block Grant program to another department and cut it by more than a third, this bill restores most, but not all of the annual funding for CDBG.

While the President's budget effectively zeroed out Amtrak and proposed to eliminate rail service in our country, this conference agreement provides Amtrak with a $100 million increase and includes many of the reforms that were agreed to and included the bill reported by the Senate committee.

This is a good bill that addresses many of the urgent needs facing our country. It includes critical investments in our Nation's transportation infrastructure and provides much needed housing assistance to our most vulnerable.

Mr. THUNE. Mr. President, I recently announced a major railroad initiative in three different cities in my home State of South Dakota—Sioux Falls, Huron, and Rapid City. This particular project is the result of legislation I authored as part of the recently enacted Transportation reauthorization bill. My amendment was improved and incorporated in large part through work with Senator LOTT, who chairs the Senate Commerce Committee's Surface Transportation and Merchant Marine Subcommittee. I believe the changes that Senator LOTT and I made, both during Senate consideration as well as conference deliberations, will have a major positive impact on my State's rail infrastructure needs and I think significantly alleviate some of our Nation's rail infrastructure problems.

Much of the language that ended up in the final Railroad Rehabilitation Improvement Financing—or RRIF—program originated from past legislation that Representative DON YOUNG introduced. Building on Representative YOUNG's bill language, Senator LOTT and I made a number of changes to that legislation, but it provided a very solid foundation upon which to build.

The South Dakota project itself actually involves a major national initiative to build a second rail line into the capacity-strapped Powder River Basin, PRB, of Wyoming. The Dakota, Minnesota & Eastern Railroad DM&E, announced this project in 1997 and filed an application with the Surface Transportation Board, STB, in February 1998 to obtain regulatory approval. That process will be concluded in the near future, which I hope will allow the DM&E railroad to apply for a RRIF loan to finance construction of the project.

This project is strongly supported by virtually all of South Dakota's existing rail shippers and by the agriculture and economic development organizations throughout the State. It is also supported by the vast majority of communities served. And at the press events I participated in earlier this month—as noted in the *Rapid City Journal* article that I will later ask to be made part of the RECORD—even many of the landowners directly affected by the construction support it. I have supported this project since it was first announced in 1997, when I was serving in the House of Representatives, and have supported the project ever since in both the public and private sectors. It is incredibly important to the future of my State.

But on a national scale, it is also extremely important to our country's entire capacity-constrained rail system and to our national energy policy in particular.

Our national energy policy specifically states that:

> [d]emand for clean coal from Wyoming's Powder River Basin is expected to increase because of its environmental benefits. However, rail capacity problems in the Powder River Basin have created a bottleneck in the coal transportation system . . . There is a need to eliminate bottlenecks in the coal transportation system.

The new RRIF legislation requires the Secretary to prioritize projects that:

> (8) would materially alleviate rail capacity problems which degrade provision of service to shippers and fulfill a need in the national rail system.

The national "need" criteria of the legislation was written specifically with this nationally articulated energy policy "need" in mind.

The new RRIF legislation also requires the Secretary to prioritize projects that:

> (7) enhance service and capacity in the national rail system.

Mr. President, as the National Energy Policy clearly notes, there is an overwhelming rail capacity problem in Wyoming's PRB. The Powder River Basin corridor is one of the most heavily traveled rail corridors in the world. Over 400 million tons of coal per year are shipped out, virtually all of it by rail. That number is expected to exceed 500 million tons soon, and to grow beyond that if capacity allows. It is therefore clear that, if completed, this 1,300-mile project in the West and Midwest would have a material impact on rail capacity in this region and throughout the country.

We also have a critical rail capacity problem throughout the entire United States. What happens in the PRB profoundly affects capacity elsewhere. It also affects the movement of grain and industrial commodities and general merchandise intermodal traffic. When this incredible flow of coal traffic increasingly merges with all this other rail traffic as it continues its flow eastward, it has a big impact. First and foremost, immediate and obvious traffic congestion occurs the further "downstream" into the traffic flow you go. The train of merchandise goods making its way from the west coast to Chicago has to pull off to the siding to allow another train to pass. Or less obvious, perhaps because of a crew or locomotive power shortage, the railroad will have to dedicate limited and locally available resources to one train over the other. This has a cascading effect because it makes it hard to recover when too many of your sidings are being used to park trains instead of being used for a quick meeting point so they can pass in the opposite direction.

A less obvious problem is the drain on resources from other regions to accommodate spot problems. Right now, for example, we are seeing a rail capacity shortage across the board. In addition to the long haul traffic that is mixed into these heavy haul coal lines, areas of the country that never come into direct physical contact with these lines are affected by their congestion problems. When those lines "bottle up" as they are doing now, it takes more locomotive power and more people to move trains. So resources are shifted. For example, we have dozens of loaded grain trains standing today with no power to move them. Grain orders are a month or more behind in my State and throughout the Midwest today. Locomotive power and other resources are being diverted to the PRB and elsewhere to address problems there, and our farmers are suffering as a result. The same can be said for virtually every traffic commodity out there today—including coal and general merchandise traffic.

With the completion of this new rail line to serve a heavy traffic area, it will relieve pressure on one of the biggest problem spots, which in turn relieves pressure on the system throughout the country. This project will not only add more physical track to our system and greatly improve existing track, it will also result in more locomotives and equipment and people. Across the board, this project will relieve pressure on the rail system from northeast corridor to the southwest reaches of the United States.

In a very basic sense, the national railroad system is well beyond its capacity today. There is not a railroad in this country that is not backed up on its orders. We have more traffic to move than the system can handle. And, adding to that, the U.S. Department of Transportation projects that railroad freight traffic demand generally will rise 55 percent by the year 2020. We need to add capacity. That requires major investments of the kind envisioned in our new RRIF legislation.

The changes made to that program did more than authorize the amount that can be loaned. The improvements were specifically tailored to encourage large-scale investment of the type envisioned by the DM&E project. After all, a large-scale investment is needed if we want to have a material impact on the national capacity problem. For that reason, I think this project is critically important to the country. I hope others will follow suit and develop projects that are national in scope. Nothing is more important to our national rail system in my view than this basic need for capacity.

On a related issue, the rail industry has gone through a massive consolidation on a national scale. Thousands of miles have been torn up in recent decades and are never to be recovered. This has certainly increased efficiency on single line segments up to this point. But in the process, at least from a national rail system perspective, we have lost important redundancy in the system. If we have a problem in one area, it quickly ripples through the rest of the country because of traffic backups that have nowhere else to go. We need more pressure relief valves, and more alternatives that allow the national system a little more flexibility to recover from spot problems. We have seen melt down after melt down in the national rail system. That problem is never going to get better unless we have some alternative emergency routings developed. The DM&E project will also be of great help in providing a fairly dramatic pressure relief valve for this critical part of the national rail system. So on many levels, from a national rail system perspective, this project reaches well beyond its immediate track geography.

Going on to other aspects of the new RRIF program, perhaps the most significant change we made was in regard to the valuation and treatment of collateral. This legislation requires the Secretary to use the more realistic "going concern" valuation instead of "net liquidation" value the Secretary has used in the past in relation to collateral. This is important because collateral value is a critical component of the credit risk premium calculation. This language is intended to ensure that the Secretary applies a "going concern," or market value, to the collateral when determining whether and to what extent a credit risk premium is required. In short, the question becomes, what could the government reasonably expect to get for the value of the collateral if it were sold as a 'going concern' business? In the past, the Secretary has used a "net liquidation" or "scrap" valuation approach. But in the real world if we are facing a default situation under the RRIF Program, the Secretary is not going to "scrap" the collateral. He is going to sell it for its highest and best use value. So that is the way it should be valued when considering collateral during the application process. This is consistent with private sector lending practices. It provides protection for the Government, and also encourages greater rail infrastructure investment by avoiding artificial credit risk premium payments when they are not necessary. It also requires the Secretary to take into consideration what the value will be after giving effect to the improvements that will be made with the loan. That of course will be discounted based on the overall cost of capital for the project.

Along those same lines, another feature that was added to the original Young RRIF language was to provide for the loan repayment schedule "to commence not later than the sixth anniversary date of the original loan disbursement." The intent was that this discretion should be used for those large-scale projects that require several years of construction before revenues are generated and where the revenue "ramp up" may be gradual. This is a pretty standard feature in large private sector loans, but under the former law the Secretary did not have any flexibility to do that. Under the new law, interest would accrue and compound during this period. It was primarily my intent to provide a reasonable breathing period so that a solid revenue flow would be established before payments would be required.

Senator LOTT and I also added a provision to the RRIF improvements to allow the Secretary to charge, and for the FRA to collect and retain, a fee to evaluate loans. This provision was included because we want the process to be efficient, and not be a drain on the government. The best solution was to allow the Secretary to hire help and charge the cost to the applicant. It is hoped that this will make it easier to expedite these loans, and the expectation is that FRA will undertake best efforts to keep these fees to a minimum. The point here is to help expedite the process and give FRA a little more flexibility to get the job done quicker. The former RRIF Program was notorious for the amount of time it took to process. There was a particularly bad history there, which I think the FRA has already improved substantially. This, hopefully, will give them the tools they need to take the next step.

The $35 billion authorization level was in Representative YOUNG's original legislation, as was the provision that prohibited the Secretary from limiting the size of a single loan, and the 90-day review period. Those were important provisions that we wanted to retain because they all go to this concept of encouraging major new rail infrastructure investment in this country, and I appreciate the efforts by the Senator from Mississippi and his staff to retain them and add my language to them.

In closing, the original RRIF Program got off to a very slow start, owing in large part I think to a certain degree of resistance from OMB. I am very hopeful that everyone recognizes this effort as a good faith attempt by Congress to send a clear message that we are trying to encourage major rail infrastructure investment in the United States rather than think up reasons to not do it. This is a program that is very much in the national interest. As former director of the South

Dakota Rail Division, I believe strongly in the importance of and urgent need for major rail infrastructure investment in this country. I think most Members of Congress feel the same way, and I hope our colleagues in the administration receive this message and will support our recent action to strengthen the RRIF Program. I hope they will now join in the effort to make RRIF a strong engine for rail infrastructure investment as was originally intended and as we directed in the recently enacted legislation.

Mr. President, I ask unanimous consent that articles describing the proposed rail project—which appeared in the November 6, 2005 editions of the Sioux Falls Argus Leader, and the Huron Daily Plainsman, and the Rapid City Journal—be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Argus Leader, Nov. 6, 2005]

IN DM&E, BACKERS SEE JOBS, PROSPERITY

(By Peter Harriman)

Rail boss Kevin Schieffer and Sen. John Thune toured South Dakota on Saturday announcing a plan to seek a $2.5 billion federal loan to reconstruct 1,300 miles of line in three states and reach Wyoming's Powder River Basin coal fields.

The reaction in their wake ranged from the dogged determination of opponents to continue fighting the scheme to the ecstatic embrace of shippers and communities that foresee an economic development bonanza.

"This is huge for us, huge for us," said Lisa Richardson, executive director of the South Dakota Corn Utilization Council and South Dakota Corn Growers Association.

Having clearance to seek the loan is a quantum leap for the Dakota, Minnesota and Eastern Railroad and Schieffer, its chief executive officer. Yet it's seen as a smaller piece of a bigger puzzle. At a Sioux Falls news conference Saturday, Schieffer developed that theme.

"The end game is not building a railroad," he said. "The railroad is the means to an end."

The project would create 3,000 construction jobs over three years and permanently employ 2,000 new DM&E workers and create as many new jobs for contractors working for the railroad.

But Schieffer said: "The direct jobs here are the tip of the iceberg. The real action is in the economic development."

Schieffer said the railroad's presence already has attracted new businesses. The DM&E's presence in Brookings brought Rainbow Play Stations and 500 jobs to that community. If the railroad can transform itself into the nation's newest, most technologically advanced Class I carrier, "I see dozens and dozens if not hundreds of Rainbow Play Stations springing up along the line," he said.

$286.4M PROJECTED IN REVENUE FIRST YEAR

With a $2.5 billion capital investment, the DM&E will create for itself a railroad with metaphors at both ends of the line. In recounting the railroad's history, Schieffer said the DM&E's acquisition of a sister line several years ago gave it an eastern terminus at railroading's Rome. "For railroads, Chicago is Rome. All roads lead there," he said.

He also called the Powder River Basin coal fields "the Holy Grail" of railroading.

Pursuit of the Holy Grail has kept the DM&E project wrapped in controversy. The goal of expanding to Wyoming is to let the DM&E grow beyond its status as the country's largest Class II regional carrier and join the Union Pacific and BNSF railroads in hauling vast quantities of low sulfur coal to power plants in the Midwest and East. North America has seven Class I railroads, based on annual revenue of $200 million. When the project is complete "absolutely and immediately we will become the first Class I that has built itself into a Class I since the classes were established," Schieffer said. In asking the federal Surface Transportation Board for a permit to become the third carrier into the Wyoming fields, the DM&E projects coal hauling revenue of $286.4 million in the first year alone.

CRITICS OBSERVE ABSENCE OF PRIVATE INVESTMENT

But spirited opposition has formed in places such as Brookings and Pierre, along with Rochester in southeastern Minnesota. Critics there don't want to see mile-long coal trains traveling through their towns. Some landowners in West River South Dakota and in Wyoming don't want 280 miles of new rail bisecting their ranches. Other criticism rises from the Oglala Sioux Tribe that worries rail construction will threaten culturally sensitive sites.

Environmentalists fear noise and air pollution from the coal trains and additional air pollution in the East from the increased use of coal to generate electricity.

The announcement that the DM&E is seeking the huge federal loan that it thinks it is uniquely qualified to get didn't weaken the resolve of prominent longtime opponents nor prompt them to view the project more kindly.

"It doesn't change the fact that's not a viable coal line," said Nancy Darnell of Newcastle, Wyo. She is a member of the Mid States Coalition for Progress that sued the Surface Transportation Board over its decision to allow the DM&E expansion. The DM&E applied for the permit in 1998.

"Schieffer had seven years to get financing in a vibrant economy from an industry with a lot of money floating around, and basically nobody was willing to invest in it," Darnell said.

"Private industry was not willing to put any money into it. Nothing but stupid money would put money into the DM&E, and the federal government tends to be incredibly stupid. That's why it's the financing of last resort," she said. "Rebuilding the railroad in South Dakota for hauling grain, that might have been something different. But to build the PRB project and expect to haul coal is totally stupid."

On Saturday, Thune and Schieffer said the Powder River Basin project would address a transportation bottleneck identified in the 2001 U.S. energy plan. The plan states there is not enough rail capacity to move Wyoming coal to power plants farther east at the rate it is needed. Because it deals with that need, the DM&E's $2.5 billion loan request to the Federal Railroad Administration's Railroad Rehabilitation and Improvement Financing Program would be given high priority, Thune and Schieffer said.

This will not stop the Mid State's Coalition from trying to block the loan, Darnell promised.

"We'll certainly look into it. That will be a stone that will not be left unturned," she said.

LAWSUITS, OTHER BARRIERS COULD DELAY START

The news the DM&E might have broken the longstanding logjam on project funding left some opponents scrambling. Raymond Schmitz is the attorney for Minnesota's Olmstead County. The county, city of Rochester and the Mayo Clinic there all have opposed the DM&E's effort to haul coal through Rochester.

"It is my understanding the city and Mayo Clinic will be taking whatever steps they can to continue their opposition," Schmitz said Saturday. "Whether the county board elects to do anything actively at this point is a decision they have to make. The county's position to this all along has been the impact of this on the county was way out of proportion to any benefit the county might realize."

Schieffer praised Thune for including in the 2005 federal transportation bill provisions that make it possible for the DM&E to get a federal loan for its reconstruction and expansion.

"Obviously, at this point, we don't know what that legislation says," Schmitz acknowledged. "It was carefully buried in the transportation bill. Whether there is a vehicle to raise the issue is something that is going to have to be explored."

When the Surface Transportation Board approved the DM&E project in 2002, the Mid States Coalition sued the STB, claiming its decision was flawed. The U.S. 8th Circuit Court ruled the STB decision was essentially sound. The court did, however, require the board to further analyze the environmental effects of rail vibration and horn noise, and of potential increased coal consumption, before drafting a final environmental impact statement and issuing a final decision of approval. That review is ongoing. It might allow opponents to at least slow the railroad's progress toward securing a loan, since regulatory issues must be resolved before the Federal Railroad Administration can consider a DM&E loan application.

"I don't see where they can do anything until they finish that EIS process," said Sam Clauson, a South Dakota Sierra Club delegate in Rapid City. "The final EIS is due out this fall. There's an appeal period on that We're going to probably appeal it."

Schieffer said he hoped to complete the loan application this year or early next and have a decision from the rail administration on the loan by next spring. That would let construction begin next year.

Even as they laid out a future for South Dakota as an El Dorado of economic development spinning off the DM&E's ambitious project, Thune and Schieffer acknowledged the ongoing controversies and promised to resolve them.

"Those are legitimate concerns. This is a small state. We're neighbors," Schieffer said. 'We need to work these things out, and we will."

Thune said of the project: "Yes, it's great for South Dakota. But it is not unanimously supported. There is some work to do, there are some issues to address."

Issues indeed. Fred Seymour lives on Derdall Drive near the DM&E tracks in Brookings.

"Nobody has a keener idea of the situation than me. I expect if the railroad comes through town you will see property values drop by 40 percent," he said. Seymour was one of the earliest to call for the railroad to bypass Brookings with its coal trains. But as the project has dragged on, the momentum of opposition has slowed, he said.

"In my view, the people who opposed the railroad have gotten older and gotten crankier and have perhaps not promoted their own interests too well," he said. He anticipates within a month Brookings will resolve its differences with the DM&E, and from his vantage near the tracks he predicts with what sounds like cynical satisfaction "I would expect the DM&E is coming right through here."

Opponents did not rule the day as Schieffer and Thune made their way to news conferences in Sioux Falls, Huron and Rapid City.

POTENTIAL WINDFALL FOR ETHANOL AND FARMERS

News that the DM&E project has taken a long step toward becoming real also was widely praised Saturday. Schieffer said the railroad will build an operations center in Huron, which has struggled to attract new business. Huron lawyer Ron Volesky said Friday he is seeking the Democratic nomination for governor, and he hailed the DM&E announcement that it has potential financing for the Powder River Basin project.

"That is terrific news for Huron," he said. "I have always been a big supporter of the expansion project, and I am very pleased to see these positive developments come about."

At the same time, Volesky said, as governor he would try to broker compromise between the DM&E and its opponents. "The governor has responsibility as the political leader of the state to help where he can to bring about as much consensus as possible," he said.

Gov. Mike Rounds could not be reached for comment Saturday. But he endorsed the DM&E project Friday and said: "I will continue to work with the DM&E to help make this proposal a reality and address outstanding concerns at the state level."

The state's burgeoning ethanol industry has almost swamped its existing rail facilities, which lends urgency to a DM&E expansion, according to Ron Lamberty, vice president for market development for the American Coalition for Ethanol.

"What we had was not built for this," he said. A project such as the DM&E's "is probably something that's a necessity in the long term," he said.

Richardson of the corn growers association peers toward the horizon Lamberty identified and sees an even brighter future. A rebuilt DM&E will aggressively compete with the state's dominant commodity carrier, the Burlington Northern Santa Fe, and will result in lower shipping rates for farmers, she said.

And there is this: "I was visiting with some people in the ethanol industry who said we will see coal-fired plants in the next 18 months," Richardson said. At some point, Wyoming coal hauled by the DM&E could provide the energy to distill ethanol from South Dakota corn at new ethanol plants built here, she suggested.

"It's huge. Huge," Richardson said of the DM&E's improved prospects for securing money for its Powder River Basin project. "We really hope it happens."

[From the Rapid City Journal, Nov. 6, 2005]

DM&E LOAN COULD HELP S.D. ECONOMY

(By Jan Kaus)

RAPID CITY.—If a $2.5 billion federal loan request by the Dakota, Minnesota & Eastern Railroad is approved, construction on South Dakota's largest railroad project could begin as early as next year, according to DM&E president Kevin Schieffer.

That announcement came in a news conference Saturday at Rushmore Plaza Holiday Inn, where Schieffer and Sen. John Thune, R-S.D., spoke to a group of several dozen people about the financing that only recently became an option—in a transportation bill that expands railroad rehabilitation funding.

The plan would allow DM&E to build or rehabilitate more than 1,300 miles of rail, the majority of which would be in South Dakota.

"The impact it could have on the whole state is huge," Thune said Saturday, calling the railroad infrastructure "an economic development magnet."

"Who even knows the kinds of industry we could bring in? Literally, the sky is the limit in terms of what this could mean," Thune said.

He said that it would not only provide thousands of jobs in South Dakota, but would also address a pressing national need—affordable and abundant energy.

"Forty percent of the country's electricity is fueled by coal," Thune said.

Schieffer added: "And it's not just about coal. This is about wheat, cement, clay out of Belle Fourche, timber and a lot of other things."

Although most who spoke Saturday were in support of the railroad, property owner Veronica Edoff said she doesn't see where the proposal is going to be fair to people who, she said, are giving up everything to put money in DM&E pockets.

Other landowners, including Leonard Benson and Richard Papousek said the company has been more than willing to negotiate and work with the ranchers.

Wall Mayor Dave Hahn thanked Thune and Schieffer for what the railroad could do for the state and its people, drawing the only applause of the evening.

Thune said it would enable South Dakota to diversify and grow the economy in a way no single industry can. After the recent battle to save Ellsworth Air Force Base, he said, that need is more obvious than ever.

"There's a lot of work ahead of us yet, but I can tell you, it's a lot further along that it was yesterday," Schieffer said.

Schieffer emphasized that the funding is a loan—not a grant or taxpayer-funded program.

"We would have to pay it back, but the key thing is that it would be stretched over a longer period of time."

Thune called the project "hands-down the biggest single investment ever made in South Dakota."

The Federal Railroad Administration has 90 days to decide whether to approve the loan after the application is filed. The project would likely take about three years to build, Schieffer said.

[From the Huron Daily Plainsman, Nov. 6, 2005]

COMMITTED TO HURON

(By Roger Larsen)

They came to hear when seven long years of waiting for the start of a project unprecedented in state history in terms of scope and jobcreating significance would be over.

Dakota, Minnesota & Eastern Railroad President Kevin Schieffer couldn't specifically say when the first spike in the $2.5 billion expansion and reconstruction project will be driven into the ground.

But he could tell them something nearly as promising.

"We feel very good about where things are right now," Schieffer told a Huron crowd estimated at 250 on Saturday.

And for the first time since the project to access the Powder River Basin coal fields in eastern Wyoming was proposed in 1998 there is also this:

Thanks to a change in the law that now allows the DM&E to seek the $2.5 billion in federal loans, Schieffer is in a position to say that if the application is approved some construction would start in 2006.

Until now, there has been no specific timetable. As each year has passed, there has been hope the next one would bring construction crews to the region. But the largest hurdle has been a lack of private financing, and that is no longer the problem.

Sen. John Thune, R–S.D., authored a provision in the recently passed highway bill that expands the Railroad Rehabilitation Infrastructure Financing program from $3.5 billion to $35 billion.

Of that, $7 billion is set aside for Class II and Class III railroads.

Based on the traffic load, DM&E is one of 50 Class II railroads in the country.

Project completion would make it the sixth Class I railroad.

While financing can now be sought in terms of a loan, "it doesn't mean it's going to get done, doesn't mean it's approved, doesn't mean it's a done deal," Thune cautioned.

"But it does provide a financing option that was not available prior to the passage of that legislation which works for this project," he said. A federal funding source means the project has expanded from a $1.4 billion pricetag to $2.5 billion, with new west and east branches, Schieffer said.

Huron would be home to an operations center, where cars and locomotives are fueled and serviced. The area would see 300 to 500 new railroad jobs, based on traffic loads, and there would be 3,000 to 5,000 construction jobs over three years in three states.

Other servicing facilities would likely be near Wall, the Wyoming border and New Ulm, Minn.

"There's a lot of moving parts to this thing," Schieffer said.

"Facilities will change and move as time goes forward so its hard to pin anything down with any certainty but one thing isn't going to change.

"Huron, South Dakota is going to be the operational heartbeat of this enterprise when it's done and that is something that's not going to change."

He said that decision is based on personal and political commitments.

An enthusiastic crowd of 250 at Saturday's presentation one of three Thune and Schieffer hosted in the state will keep the project on track.

"There's a lot of incentive to keep this thing going, but just remembering pictures like this provides more incentive than I can ever convey to you," Schieffer said.

Throughout seven years of ups and downs, "Huron has been a steady rock of support," he said.

Thune's background and knowledge of railroad issues put him in a unique position to understand DM&E's needs. He served as South Dakota Railroad Authority director and worked on railroad issues while on former Sen. Jim Abdnor's staff.

Thune has also been on board since the early days, Schieffer said. "It's easy for him and it's easy for me to stand in front of this crowd today because there's such enthusiastic support for it," he said. "Seven years ago, that man stood in front of a crowd about this big, but most of them were angry landowners who were opposed to the project," Schieffer said.

He said Thune listened to them, empathized with them and pledged to make sure the DM&E acted responsibly. But he also told them they must understand the project is too important to the state not to be built.

"That took courage and some leadership. That's the kind of thing that's always been there, just like Huron," Schieffer said.

There are still hurdles to overcome. Opposition still exists west of the Missouri River, as well as in Pierre and Brookings.

"We've got issues still to address up and down the line," Schieffer said. "I think some of them will be successful and we'll still be able to do things and some we won't."

The regulatory issues are pretty much over and don't have to be revisited with the new application for funding.

Schieffer said he doesn't want to raise false expectations, "but this legislation is very potent stuff."

Railroads like the Union Pacific and Burlington Northern had made use of federal funds in the past, but the law had expired and when it was renewed the rules were changed so DM&041E didn't qualify.

Not only does the Thune provision set the clock back so the railroad qualifies, if it meets the criteria the secretary of transportation must give it priority and preference to make the project happen.

Instead of an open-ended time frame, the government must make a decision on the loan application within 90 days of its filing, which is expected in a couple months. Sometime in the second quarter of next year, the fate of the project should be known.

Schieffer said he thinks the DM&E project is the only one in the country that fits the criteria. Applicants must be able to prove their projects will have a material impact on rail capacity in the country and will serve a compelling national need.

"This is the only rail project I know about out there that will have a material impact on the rail capacity in this country and there is a very clear national need in the federal energy policy.

"We have a very strong case to make," Schieffer said. "We still have to make it, we still have to get it through" But the legislation gives the railroad a great advantage.

"It is absolutely everything we have hoped for," he said.

Debate in the country has been raging about not having enough energy, generation and transmission, Thune said.

"We would be prime positioned to benefit from some utility plants and additional power generation that could result if this railroad project is built," he said.

The project would create a synergy between transportation and energy, he said. Low sulfur coal is in great demand because of the environmental benefits.

"We get 40 percent of our electricity from coal," Thune said. "The Powder River Basin has literally unlimited reserves of coal resources." Competition in the basin would also relieve bottlenecks, he said. By 2020, it's estimated there will be a 55 percent increase in rail traffic in the country.

In answer to a question, Schieffer said without the need for private investors "this gives us control of our destiny much more."

He said greater independence would mean the DM&E could become a publicly traded company.

There has also been concern that the DM&E will forget its ag producers and shippers. But the project has strong support from commodity groups, and service will not only improve, but will expand.

"They know what it means to them," Schieffer said. "It's going to be a huge benefit."

Mr. COBURN. Mr. President, Congress has a moral obligation to make difficult decisions about spending priorities as we fight the war on terror, recover from natural disasters, and struggle to shore up Medicare and Social Security. Last year in fiscal year 2005 our national debt increased by $538 billion, or $1,738 per man, woman and child in this country.

The American people, therefore, are justifiably outraged when Congress engages in an earmark spending free-for-all. Pork projects tend to be allocated outside of the regular priority-setting debate that governs the rest of the budget process. This is wrong. Members of this body should not be asking what right one Senator might have to question another Senator's projects. Instead, we should be listening to the American people who are asking what right we have to force them to finance questionable projects in all 50 States. Every pork project should be balanced against other national priorities. Pork is not a civil right for politicians.

This bill contains more than 1,100 earmarks. Some of those earmarks include: $150,000 for the Alaska Botanical Garden in Anchorage, Alaska for expansion and renovation of its infrastructure; $750,000 for the construction of the Tongass Coast Aquarium; $100,000 to the city of Guntersville, for renovations to the Whole Backstage Theater: $250,000 for the Greenville Family YMCA for child care facility acquisition, renovation, and construction in Greenville, Alabama; $200,000 for the Hayneville Lowndes County Library Foundation for construction of a new library in Hayneville, Alabama; $250,000 for the Cleveland Avenue YMCA for facility expansion in Montgomery, Alabama; $150,000 to the El Dorado Public Schools in El Dorado, Arkansas for the expansion of a recreational field; $200,000 for Audubon Arkansas for the development of the Audubon Nature Center at Gillam Park in Little Rock, Arkansas; $350,000 to the City of Douglas, Arizona for facilities renovation of the Grand Theater; $350,000 to Valley of the Sun YMCA in Phoenix, Arizona for facilities construction of a YMCA; $250,000 to the City of Banning, CA for city pool improvements; $350,000 to the City of Beaumont, CA for the construction of the Beaumont Sports Park; $350,000 to the City of El Monte, California for construction of a community gymnasium; $250,000 to the City of Lancaster, California for installations related to the baseball complex; $150,000 to the City of Long Beach, California to develop an exhibit to educate the public on the importance of ports; $200,000 to the City of Placerville, California for Gold Bug Park renovations; $100,000 to the City of San Bernardino, California for Renovations to National Orange Show stadium; $125,000 to the City of Tehachapi, California for design and construction of a performing arts center; $350,000 to the City of Yucaipa, California for development of the Yucaipa Valley Regional Sports Complex; $250,000 to the Lake County Arts Council in Lakeport, California for renovation of the Lakeport Cinema to a Performing Arts Center; $175,000 for the San Francisco Fine Arts Museums, CAY for M.H. de Young Memorial Museum construction: $350,000 to the City of Bridgeport, Connecticut for relocation of the Music and Arts Center for the Humanities to a now-vacant department store: $300,000 to the University of Hartford in Hartford, Connecticut for facilities construction and renovation of the Hartt Performing Arts Center: $250,000 for the Town of Southbury, CT, for renovations to the Bent of the River Audubon Center; $200,000 to Lake County, FL for construction of a library: $96,300 to the City of Coral Gables, Florida for the renovation of historic Biltmore Hotel; $200,000 to the City of Ft. Myers, Florida for the redevelopment of Edson & Ford Estates; $200,000 to the City of Hollywood, Florida for the construction and development of the Young Circle Arts Park project; $100,000 to the City of Pensacola, Florida for construction of the YMCA of Greater Pensacola; $125,000 to the City of Treasure Island, Florida for construction of beach walkovers: $250,000 for Miami Dade County, Florida for the Miami Performing Arts Center: $75,000 to the City of Tybee Island, Georgia for a new facility for the Georgia 4-H Foundation; $300,000 for the Kauai YMCA to construct facilities; $150,000 to Seguin Services in Cicero, Illinois for construction of a garden center; $80,000 to the City of Beardstown, Illinois for construction of the Grand Opera House Beardstown Historical Society; $250,000 to the City of Joliet, Illinois for repairs to Rialto Square Theater; $250,000 to the City of Peoria, Illinois for design and construction of Africa exhibit at Glen Oak Zoo; $500,000 for the City of Muncie, Indiana to revitalize the downtown urban park; $250,000 for the Learning Collaborative to implement the Web Portal Technology Development Initiative in Daviess County, IN; $150,000 to Hardin County, Kentucky for renovation of an historic state theater; $150,000 to Powell County Fiscal Court in Powell County, Kentucky for the construction and development of a park; $100,000 to the City of Louisville, Kentucky for construction of a playground in Shawnee Park; $600,000 for the Kentucky Commerce Cabinet to develop a visitor center at the Big Bone Lick State Park; $500,000 for the Audubon Nature Institute for the Audubon Living Science Museum and Wetlands Center in New Orleans, Louisiana; $100,000 to Greenfield Community College in Greenfield, Massachusetts for a feasibility study; $280,000 for the City of North Adams, MA for the renovation of the historic Mohawk Theater; $260,000 for the City of Lawrence, MA for the redevelopment of the Lawrence In-Town Mall site; $200,000 for the American Visionary Arts Museum, Maryland $350,000 to the City of Saginaw, Michigan for renovation of the YMCA of Saginaw; $250,000 to Walsh College in the City of Troy, Michigan for a library expansion; $500,000 to the City of Cape Girardeau, Missouri for the construction of a new school for visual and performing arts at Southeast Missouri State University; $200,000 to the City of Meridian, Mississippi for the construction of the Mississippi Arts and Entertainment Center; and $750,000 to the City of Pontotoc, Mississippi for construction of the Pontotoc County Sportsplex.

Mr. SARBANES. Mr. President, I want to congratulate subcommittee Chairman BOND and Ranking Member MURRAY for successfully concluding this conference report. I would like to note that this is the first time this subcommittee, as currently constituted, has brought a conference report to the Senate and, in my view, this report is a worthy achievement and I intend to support it.

I note, in particular, the strong title on Transportation funding in the report. We all worked very hard to pass a Transportation authorization bill earlier this year that maintains a balanced transportation program, ensuring adequate funding for both our Nation's highways and transit programs. In my view, both of these components are extremely important to the future economic growth of our country, and I am happy to note that the conference report being brought to us this afternoon is largely faithful to the provisions included in SAFETEA–LU.

The report's provisions regarding Federal employees are also to be commended. The report includes language that will help Federal employees to compete on a more level playing field with contractors in cases where Federal agencies decide to consider contracting out jobs. The report ensures pay parity for all Federal employees—military and civilian alike. It also provides over $125 million to consolidate the FDA at White Oak, and ensures that 68 Taxpayer Assistance Centers, including 4 in Maryland, will remain open until after the inspector general completes a report to determine the impact proposed closures would have on both employees and clients. I thank the managers of the bill for their hard work on these important issues.

I also want to talk about the appropriation for the Department of Housing and Urban Development, HUD. At the outset, I want to express my appreciation to Senator BOND for his commitment over many years to maintaining strong and effective housing programs. Senator MURRAY, who has not served as Ranking Member on the Subcommittee dealing with HUD issues until this year, has proven to be a very valuable addition to this effort and has shown a deep understanding of, and commitment to, these important programs.

The key problem that the Conferees faced in putting together this report is that they were not given enough money to fund the housing programs at a fully adequate level. For example, the HOME and CDBG program, both very flexible programs, used to build and rehabilitate housing, create new homeowners, and create new jobs, suffer modest cuts in the report.

Public Housing, the Nation's basic housing program for the poor, is inadequately funded as to both its day-to-day operations, and its long-term capital needs. The funding figures are very close to last year's appropriations—and I recognize that this was no easy task for the conferees—but we need more to maintain our basic investment in this fundamental program. HOPE VI is cut by nearly one-third, though I commend the managers for getting this much, given the administration's repeated efforts to kill the program altogether.

Finally, I want to express my deep disappointment that the conference report adopts the funding formula for renewal of section 8 vouchers put forward by the House instead of the far more effective formula adopted by the Senate in the bill we passed earlier this year.

Section 8 is the largest housing program funded the Federal Government, serving over 2 million low-income people. On the positive side, the conference report we are considering today does provide an increase in funds over last year that will help to restore at least some of the vouchers that were lost.

On the other hand, by adopting the House formula voucher renewals, we are likely to see the loss of thousands of valuable housing vouchers in fiscal year 2006. For several years, voucher funding for each housing authority has been allocated based on the prior year's cost and utilization of vouchers at each housing authority around the country. The Senate would have used as a base for this calculation the most recent 12-month period. By contrast, the House formula, which has been adopted by this report, uses only a 3-month snapshot. As you might expect, the Senate provision gives a much more accurate picture of both the housing authority's voucher utilization and costs by taking a broader picture of the data. In addition, the data that would be used under the Senate provision would be more up to date, ensuring a more accurate outcome.

Projections based on data from HUD confirm this view. Under the House formula, some housing authorities will get millions of dollars of voucher funds beyond what they can legally use, while others will not get enough to fund even vouchers that are currently in use. At a time of such tight resources, this kind of planned waste is simply inexcusable.

I want to emphasize that the Senate managers fought for the more sensible Senate language. It is unfortunate that the House, with the strong support of HUD, prevailed in this case. Earlier this week, a senior official at HUD said in the New York Times, "Lack of Section 8 Vouchers for Storm Evacuees Highlights Rift Over Housing Program," November 8, 2005, "The housing voucher program is something we believe in. But we have to make sure the money's well spent."

I regret to say that HUD objected to the Senate provision which would have produced a demonstrably more effective and efficient allocation of section 8 funds. In the end, despite the efforts of the chairman and ranking member, HUD and the House prevailed. This concerns me greatly. I certainly hope that HUD does not come back next year and use the wasteful results of this ineffective system for which they advocated, as a rationale to provide less funding for fiscal year 2007.

Despite this significant disappointment, I want to, again, indicate my support for the overall package.

Mr. LOTT. Mr. President, we will hear plenty of self-congratulatory statements on this floor today about this conference report. And I am sure that there are probably many provisions that in fact have merit.

I cannot let the Senate consider this conference report, however, without highlighting some particularly egregious provisions which were literally inserted at midnight. These specific provisions were not included in either the House or Senate appropriations bills, they were never discussed during any of the meetings of the Conference Committee, nor were they subject to hearings by either the authorizing committees with jurisdiction, nor by appropriations committees.

I think we should call these provisions the "Leave the Victims of Unscrupulous Moving Companies Behind Act."

Consumers have fewer rights in trying to seek recourse when they are victims of fraud or outright theft than when they deal with a dishonest interstate moving company. The consumer has no ability to use State or local laws or consumer protection regulations. That is because Federal law preempts State and local action in this area. The only recourse a defrauded consumer has is to try to enforce the Federal regulations by going to Federal or State court. This is expensive and in most cases extremely impractical. Let me explain.

One of the most common forms of abuse is what is commonly called "hostage goods." This abuse was described by the Department of Transportation's Inspector General at a hearing I held in the Commerce Committee to look at this problem. Let me quote from his testimony:

> . . . household goods moving fraud is a serious problem, with thousand of victims who have fallen prey to these scams across the county. Typically, an unscrupulous operator will offer a low-ball estimate and then refuse to deliver or release the household goods unless the consumer pays an exorbitant sum, often several times the original estimate. In one case, for example, a New York husband and wife in their seventies were quoted a price of $2,800 to move their household goods to Florida. Once the movers had loaded about half of the goods, the foreman advised the couple that unless they paid the new price of $9,800 they would never see their property again. Fearing that the moving crew might physically hurt them, the couple paid the vastly inflated fee.

In such a case, trying to find an attorney and then proceed to courts while all your worldly possessions are on a truck heading to Florida is not especially practical.

This is not an isolated incident. Since 2001, consumers have filed over 10,000 official complaints with the Department of Transportation. Since 2000, the Inspector General has investigated allegations of fraud associated with approximately 8,000 victims.

In the recently completed highway bill, Congress included provisions to try to tip the scale back a little bit to the side of the consumer. The provisions that were included in the highway bill conference report were almost identical to the provisions in the Senate passed bill and to the provisions that were included in the highway bill that passed the Senate in the last Congress. The basic point of these provisions was to allow State attorneys general and State consumer protection officials to intercede on behalf of consumers and enforce Federal law and regulations dealing with moving companies.

The appropriations conference report we are considering today basically puts these proconsumer provisions on a hold for a year, and allows State officials to intervene in only the most limited of circumstances.

Finally, let me be clear. Most of the companies and individuals engaged in the moving industry are hard-working and honest. It is a small minority of companies that engages in unscrupulous behavior and it is these companies that need to be reined in.

Unfortunately, this conference report allows unscrupulous movers to continue to defraud consumers with little practical recourse for our constituents that have been mistreated.

Mr. PRYOR. Mr. President, I rise today to voice my disappointment and frustration with provisions included in this conference report that severely weaken critical consumer protection law for those that ship household goods using commercial movers.

As the ranking member of the Commerce Committee's Consumer Affairs, Product Safety, and Insurance Subcommittee, as a former State attorney general, and as a leading member of the Committee's Surface Transportation Subcommittee for motor carrier issues, I must express my outrage that this conference report undermines the consumer protections for victims of unscrupulous movers that were part of the transportation bill, known as SAFETEA-LU, signed into law less than 4 months ago.

These provisions were inserted despite commitments I received to the contrary. We had an agreement that we would not seek to modify the household goods consumer protection language within the Commerce Committee's jurisdiction beyond an amendment that was offered as part of the floor consideration of this appropriations bill in the Senate.

Instead, over the objections of myself, Senator INOUYE, Senator STEVENS, Senator LOTT, and the leadership of the House Transportation and Infrastructure Committee, this new language was forced into the conference report in order to protect a few big moving companies from increased public accountability.

Adding insult to injury, provisions that were specifically rejected during the conference on the transportation bill this summer were included in addition to language that goes well beyond those items and further undercuts the work Congress did to aid consumers who face fraud, extortion, and abuse at the hands of unregulated moving companies.

As a former State attorney general, I know the public benefits from local and State officials who are dedicated to protecting consumers. Over the past year, picking up on work begun by Senator MCCAIN, and working with Senators LOTT, INOUYE, and STEVENS, I have tried to find ways to assist the many citizens from all across this country who have been victimized by moving companies and have nowhere to turn.

The most outrageous situation is when a moving company holds all of a consumer's possessions until they pay thousands of dollars in excess of the original estimate for the move. This practice, known as "hostage goods," is extortion, plain and simple. And it leaves consumers helpless in a strange city, with none of their possessions and no recourse.

I say helpless because, although there are some Federal laws to protect consumers when shipping their goods in interstate commerce—protections we enhanced with the passage of SAFETEA-LU—the Department of Transportation, DOT, is simply not suited to police the 1.5 million interstate moves that occur each year.

In 1995, the predecessor of the Federal Motor Carrier Safety Administration, FMCSA, assumed the regulatory duties of the household goods moving industry previously carried out by the Interstate Commerce Commission. Until recently, FMCSA had a total of 3 personnel assigned to handle all of the consumer complaints for the entire Nation and could do little about them. I understand that FMCSA has received nearly 20,000 consumer complaints since January 2001. They have taken little action in this area because FMCSA contends that its limited resources must be focused on truck safety, the agency's primary mission.

States, which want to get involved and already oversee consumer protections for the intrastate movement of household goods with little controversy, have been told by the courts that they have no jurisdiction in this area, since it involves interstate commerce. The net result is that moving companies operating in interstate commerce face no regulation of their commercial behavior, and therefore, continue to take advantage of consumers.

To address this glaring problem, SAFETEA-LU created a partnership with the states by allowing them to enforce certain Federal consumer protections rules as determined by the Secretary of Transportation—a model that works well in other areas.

It is so disheartening that only a few months after these new authorities were put in place—before they could even take effect and be put to use to protect consumers—these provisions have been reopened and basically gutted on behalf of a few big moving companies that want to keep operating without real oversight.

The household goods provisions added to this conference report will: limit a State attorneys general's ability to initiate an action to enforce Federal household goods consumer protection law to only cases involving new moving companies or those who egregiously violate Federal motor carrier safety regulations. The effect of this provision is to totally insulate most movers, particularly larger and more-established moving companies, from even the threat of action by a State, regardless of how outrageous their violation of Federal consumer protection law may be.

Further, the provisions will: apply these same enforcement limitations to State authorities that already regulate intrastate movers and require that the State consumer agencies enforcing Federal household goods consumer laws bring their cases in Federal courts only, where they would languish on average for 3 more years. What are consumers supposed to do while everything they own is being held hostage by a mover during those 3 years?

I believe these provisions go well beyond anything the Commerce Committee would ever have agreed to, had we the opportunity to consider these directly. The only thing positive I can say about them is that they are set to end after Fiscal Year 2006.

This language is an affront to all authorizing committees that—after years of discussion—agreed upon these provisions. It is wrong that those who did not get what they wanted—were rejected both in the Senate and in conference—can then hijack the consumer protection provisions that this Congress approved in July.

The passage of the SAFETEA-LU household goods language signaled Congress's willingness to stand up for the consumer and correct an injustice that occurs far too often. It is sad that this conference report seeks to undo this achievement and make it significantly more difficult for our citizens to get the recourse they deserve.

State attorneys general and State consumer protection agencies are much more likely than the Federal Government to doggedly pursue justice for their citizens in these cases. A letter from the National Association of Attorneys General on January 21, 2004, proves this point, by indicating the association's full support for State enforcement of Federal household goods consumer protections. The letter, signed 48 State attorneys general, specifically rejects complaints from the moving industry against this new authority.

In conclusion, let me say that I appreciate the work of the other House and Senate appropriations conferees and my colleagues on the Senate Commerce Committee for trying to keep these provisions out of their bill. It is unfortunate that they ended up being included, and I plan to work to see that they are overturned.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I ask that I be recognized for a few minutes and that the time not come out of the time that is currently allotted on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

THANKING THE SENATOR FROM WEST VIRGINIA

Mr. STEVENS. Mr. President, I regret seriously that I was not here at the beginning of the statement made by the distinguished Senator from West Virginia, Senator BYRD. I was in an interview, as a matter of fact. My staff came to tell me the Senator was speaking about the article I gave to him that my daughter Lily wrote. I have come to the floor to thank him for his courtesy and generosity in speaking about that article.

Lily is one of my six children, the last of my children. As the Senator from West Virginia indicated, she is in law school at Boalt Hall. She wrote her thesis at Stanford about the history of this Capitol. I gave a copy of that thesis to the Librarian of Congress, James Billington, and he passed it on to the National Capitol Historical Society. They determined they would print part of it in their current bulletin, which pleased me very much.

I shared that with the Senator from West Virginia, as any proud father would, particularly with the Senator from West Virginia because of our great friendship and the time we have been here together. He is the senior Senator on his side of the aisle, and I am now the senior Senator on this side of the aisle. I will forever be his junior in terms of not only age but service and the admiration I have for him.

I knew Senator BYRD would be interested in the way Lily described this Capitol, its history, and its importance to this country. It is a beautiful article, I think, and I am doubly proud of her and extremely pleased that he would take the time and do us both the honor of putting that article in the RECORD.

I invite my friends and colleagues to read that article. Lily had a different life than most of my other five children. She literally grew up here from the time she was a very small baby, and came to the Senate quite often and sat on my shoulder when we were in conference meetings.

Senator BYRD has always been very gracious about coming to her birthday parties which we held here during the 8 years I was the whip on this side of the aisle. All of our family has such a great admiration for the Senator and for his great history.

I think many people do not realize that he is not only the most senior Senator, but he is the only Senator who went through both the university level and law school level while serving in the Congress. He has a prodigious memory. I think of times when, for instance, we were at the U.S.-British Parliamentary Conference when I encouraged the Senator to tell us some of his memories of serving in the Capitol when we were with our fellow legislators from the Parliament of Britain. We have great memories of that.

I also have a memory of the time when we were in West Virginia when one member of the Parliament made the mistake of saying that Americans didn't know much about the history of our mother country and those who have served Britain and their monarchy. Senator BYRD proceeded to tell us in detail about every single person who ever served in that position, including the husbands and wives of the monarchs of Britain.

I have so many great memories of service with Senator BYRD. I have already ordered a copy of the transcript and the tape of this presentation to send to Lily. I can think of no nicer birthday present to me than that the Senator from West Virginia would honor my daughter and the article she has written about the place we both love, the Capitol of the United States.

I thank the Senator very much for his courtesy.

Mr. BYRD. Mr. President, if the distinguished Senator will yield briefly—and I am not going to keep my friend from Texas waiting. He has been standing and waiting to be recognized.

It was a pleasure, may I say to my friend, to call to the attention of Senators this beautiful article written by Senator STEVENS' daughter Lily. She is a really precocious child. I have watched her from almost day one. I admire her. She is a well-bred woman. She is the flower of womanhood. She is seeking always to enlarge her mind and doing a great job of it.

I am pleased the Senator feels that he rejoices that her article has been mentioned by me. I want to assure him that he is entitled to every plaudit I can bring to bear on this subject. I hope he conveys my love and my admiration to his daughter Lily.

And may I say to the Senator, "Thou art my guide, philosopher, and friend," as the Pope once said. I mean every word of that. I treasure our friendship. I say to Senator STEVENS, and may his beautiful daughter continue to do her work and complete her studies and go on to higher things. She is a fine model, and many of us can learn from her efforts to improve herself. I will certainly do that myself. I thank the Senator. I thank him very much.

Mr. STEVENS. Mr. President, the Senator twice honors me. I do thank the Senator very much. Those of us who have had the privilege of serving here more than a short time develop relationships that I think the rest of the body and perhaps the country don't understand. Very clearly my commitment in terms of friendship and devotion to my friend from West Virginia is equal to his for me. I am very pleased and proud to have that relationship with him.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I also ask unanimous consent that after I am recognized, Senator COBURN and Senator DEWINE be recognized for up to 30 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. I thank the Chair.

CHILD SUPPORT ENFORCEMENT

Mr. CORNYN. Mr. President, I talk about two subjects that are very near and dear to my heart. The first is the matter of child support enforcement. My colleagues might wonder how does that issue arise. The fact is, last night, the House of Representatives passed their version of the Deficit Reduction Act of 2005. As each of us knows, the purpose of that Deficit Reduction Act of 2005 is to actually bring down the Federal deficit by finding cuts in the Federal budget, the Federal budget that currently comprises something in excess of $2.5 trillion a year.

This is a very important exercise. This represents the first time, I believe, since 1997 when we have seen real and meaningful cuts in Federal spending. The challenge, of course, is that about a third of the money the Congress spends is discretionary spending. Half of that third is defense spending, and the rest of it is homeland security and other discretionary programs. But some of that you can tell by the mere description is hardly discretionary because it is important to our national security.

My point is that two-thirds of the Federal budget is not, even under any conception or definition, discretionary spending. It is Medicaid, Medicare, and Social Security, and we simply have to come to grips with that so-called entitlement or nondiscretionary spending in order to draw the reins in on a Federal Government that continues to grow day by day in its scope and size and expense.

I am here to say I think there are some cuts that make more sense than others and some cuts make no sense whatsoever. I consider child support money that goes to assist the States in collecting child support to fall into that last category—cuts that make no sense whatsoever. Let me explain.

The House bill will cut $5 billion in Federal funds from the child support program over 5 years—$5 billion over 5 years. It will cut $15.8 billion, almost $16 billion, over 10 years. This translates into a 40-percent reduction in Federal spending for the child support program. My State of Texas would lose $258 million over 5 years and $824 million over 10 years.

I ask unanimous consent that a chart prepared by the Center for Law and Social Policy which lays out the proposed cut to Federal child support funding State by State be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TABLE 2.—PROPOSED CUTS TO FEDERAL CHILD SUPPORT FUNDING

[$ millions]

State	5-year Cut 2006–2010	10-Year Cut, 2006–2015
Alabama	−187	−59
Arizona	−188	−59
California	−1,006	−3,211
Connecticut	−71	−228
Dist. Columbia	−15	−49
Georgia	−105	−334
Idaho	−19	−61
Illinois	−161	−514
Indiana	−61	−194
Iowa	−49	−157
Kansas	−47	−151
Louisiana	−55	−176
Maine	−22	−72
Maryland	−94	−299
Massachusetts	−88	−282
Michigan	−249	−795
Minnesota	−133	−425
Mississippi	−23	−72
Missouri	−82	−261
Montana	−12	−40
Nebraska	−42	−134
Nevada	−38	−121
N. Hampshire	−15	−48
New Jersey	−173	−554
New Mexico	−37	−119
New York	−303	−967
North Carolina	−106	−339
North Dakota	−11	−35
Ohio	−288	−918
Oklahoma	−44	−139
Oregon	−49	−156
Pennsylvania	−188	−602
Rhode Island	−11	−35
South Carolina	−33	−105
South Dakota	−8	−25
Tennessee	−75	−238
Texas	−258	−824
Utah	−34	−110
Vermont	−11	−36
Virginia	−80	−256
Washington	−130	−415
West Virginia	−36	−114
Wisconsin	−96	−308
Wyoming	−10	−31
Nationwide	−$4,962	−$15,846

CLASP calculations based on preliminary estimates by the Congressional Budget Office of the total cut in federal child support funding under the House Ways and Means Committee budget reconciliation chairman's "mark," The total cut was distributed by state based on each state's share of total child support administrative expenditures in 2004, as reported by the federal Office of Child Support Enforcement Preliminary Report FY 2004, table 7.

Mr. CORNYN. Mr. President, those are the cuts, $5 billion over 5 years, $16 billion roughly over 10 years.

What is the impact of these cuts on child support collected? This will reduce child support collections by $7.9 billion over 5 years and $24.1 billion over 10 years.

That is right, for a $5 billion cut, it eliminates $7.9 billion in child support collections. For a $16 billion cut, it eliminates $24.1 billion in collections over 10 years. In my State of Texas these cuts will reduce child support collections by $411 million over 5 years and $1.25 billion over 10 years.

At this point, I ask unanimous consent that a chart also prepared by the Center for Law and Social Policy, which states the projected impact on child support collections State by State, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TABLE 3.—PROJECTED IMPACT ON CHILD SUPPORT COLLECTIONS

[$ millions]

State	5-year Cut 2006–2010	10-Year Cut, 2006–2015
Alabama	−93	−285
Alaska	−31	−95
Arizona	−94	−286
Arkansas	−61	−185
California	−1,601	−4,884
Colorado	−104	−316
Connecticut	−113	−346
Delaware	−35	−108
Dist. Columbia	−24	−74
Florida	−366	−1,115
Georgia	−166	−508
Hawaii	−15	−45
Idaho	−30	−92
Illinois	−256	−782
Indiana	−97	−295
Iowa	−78	−239
Kansas	−75	−230
Kentucky	−85	−258
Louisiana	−88	−268
Maine	−36	−109
Maryland	−149	−454
Massachusetts	−140	−428
Michigan	−397	−1,210
Minnesota	−212	−647
Mississippi	−36	−110
Missouri	−130	−397
Montana	−20	−61
Nebraska	−67	−204
Nevada	−60	−183
N. Hampshire	−24	−74
New Jersey	−276	−842
New Mexico	−59	−181
New York	−482	−1,470
North Carolina	−169	−516
North Dakota	−18	−54
Ohio	−458	−1,396
Oklahoma	−69	−211
Oregon	−78	−237
Pennsylvania	−300	−915
Rhode Island	−18	−54
South Carolina	−53	−160
South Dakota	−12	−37
Tennessee	−119	−363
Texas	−411	−1,253
Utah	−55	−167
Vermont	−18	−55
Virginia	−128	−390
Washington	−207	−631
West Virginia	−57	−173
Wisconsin	−153	−468
Wyoming	−15	−47
Nationwide	−$7,900	−$24,100

CLASP calculations based on preliminary estimates by the Congressional Budget Office of the projected effect of funding cuts on collections under the House Ways and Means Committee budget reconciliation chairman's "mark." The total cut was distributed by state based on each state's share of total child support distributed collections in 2004, as reported by the federal Office of Child Support Enforcement Preliminary Report FY 2004, table 7.

Mr. CORNYN. Mr. President, in the year 2004, the child support program collected $ 21.9 billion, while the program costs were $5.3 billion. Let me make this clear for my colleagues. In other words, for every $1 spent by the Federal taxpayer $4.38 in child support was collected for the children who need it. This is not the typical Federal program. This is not money that once spent we see no real benefit from. Rather, this is one that for every dollar that is invested $4.38 in child support is collected for the children who need it and who are legally entitled to it.

The President's 2006 budget cites the child support program as "one of the highest rated block formula grants of all reviewed programs Government-wide." This high rating is due to its strong mission, effective management, and demonstration of measurable progress toward meeting annual and long-term performance measures.

Even there, the numbers and these sort of accolades about this program do not tell the whole story. The story is completed by the fact that many children who receive child support are thereby prevented from drawing down other Government programs. For example, child support enforcement reduces reliance on Medicaid, temporary assistance to needy families, and other social service programs. It is estimated that more than 1 million Americans were lifted out of poverty through child support programs in the year 2002 alone.

So in addition to money that is a good return on investment, $4.38 for every dollar, this money actually avoids additional expenditures of tax dollars by creating individuals who are qualified for other Government programs at a lot more expense to the Federal taxpayer.

The problem with these cuts is that they are likely to reverse dramatic improvements in the child support program's performance over the past decade, and they may well force many families back on the welfare caseload. This means former welfare families and working families of modest income will lose an important source of income that now enables them to maintain financial self-sufficiency and thereby having to draw on Government resources through public assistance programs.

The reason I feel so passionately about these particular cuts and the effectiveness of the child support enforcement program is that for 4 years before I came to the Senate I served as attorney general of Texas. It was my job, on behalf of approximately 1.2 million children, to see that they got the child support that they deserved, that they needed, and that they were legally entitled to.

I am proud to say that my State ranks second in the Nation in terms of total collections, collections of about $1.8 billion in fiscal year 2005, and an increase of 83 percent of collections since fiscal year 2000.

Now, that did not happen by accident. The reason it did happen is because of the great work being done by the men and women in the child support enforcement division of the State of Texas. It also happened because of the money that is provided by the Federal Government to help fund this necessary function. Due to the good work of these hard working men and women in the child support division, obligations, that is court orders, establishing support have risen from 55 to 82 percent of the qualifying population, and the cost-effectiveness in Texas has gone from $4.96 to $6.81.

I mentioned the national average of $4.38 for every dollar spent. In Texas, we now collect $6.81 for every dollar spent.

If the financial benefits, if the cost-effectiveness of this program, and if the avoidance of other costs to the Federal taxpayer were not enough, there are other intangible benefits to a strong and effective child support enforcement program. I have seen with my own eyes that too many families, when they divorce, reach a tacit agreement with regard to their children. Moms who frequently are the ones who have custody of the children sometimes reach a tacit agreement with their ex-spouse, typically the father, that if they do not exercise their visitation rights that the mother will not press the father for the financial support to which their children are legally entitled.

What happens is that these children become two-time losers. Not only are they denied the financial benefits that the law says they are entitled to, they are denied contact with both parents that every child needs in order to have the best chance of success.

Indeed, one of the intangible benefits of an effective child support program is not just the money collected, it is not just lifting children who would otherwise be in poverty out of poverty, it is not just avoiding the additional expenses of Government programs that would otherwise be invoked if that support was not there, it is literally the benefit of having a mother and a father both engaged, involved, and committed to the welfare of their children.

I can think of no more important purpose that our efforts could serve than to reunite mothers, fathers, and children in a collective effort to improve the status of our children and their prospects for a bright future.

So I hope in the conference on the Deficit Reduction Act of 2005 our colleagues in the House will reconsider, and I hope our colleagues in the Senate will persuade them that of all the cuts they might have chosen these were the least deserving and that the money should be reinstated. I am confident throughout the $2.5 trillion Federal budget that there are other programs, other waste, other fat, other ineffective programs that could be more effectively cut and with far less damage to the most vulnerable among us.

PATRIOT ACT

Finally, just for a couple of minutes, maybe 5, I want to speak about another subject, and that is the USA PATRIOT Act. It has been more than 4 years since our country was hit on September 11 by terrorists who care nothing for our way of life and nothing for the laws of war. They have attacked, because they could, innocent civilians in their jihad against those who have different ways of life and different views.

We know the PATRIOT Act has been largely responsible for making America safer by bringing down the wall that prevented the sharing of information between law enforcement and intelligence agencies, by making available to our FBI and other intelligence-gathering bodies the same sort of techniques that are currently used against organized crime members and other criminals. Simply, what this body did in the PATRIOT Act was make sure that we used every legal and reasonable means to root out terrorism, to investigate it, and to stop it before it killed other innocent Americans.

The PATRIOT Act was passed shortly after September 11 by a strong bipartisan vote of 98 to 1 in the Senate and 357 to 66 in the House. As I said, the PATRIOT Act enhanced law enforcement and intelligence agencies' ability to gather and analyze intelligence information and to use the most modern communications technologies, such as e-mail, cellular telephones, and the Internet, and it strengthened criminal laws and penalties against terrorists.

As always, we must be concerned with the right balance between the need to protect innocent American lives and the need to preserve our civil liberties. Despite the dire predictions of some groups, the PATRIOT Act has not eroded any of our rights that we hold near and dear as Americans. To the contrary, the PATRIOT Act has enabled the Justice Department, the FBI, and the CIA and other Federal, State, and local law enforcement agencies to cooperate and to share information and thereby save American lives and protect what is perhaps the most important civil liberty of all, and that is freedom from future terrorist attacks.

I serve on the Judiciary Committee, and we have held 25 oversight hearings to date within the Judiciary Committee to ensure that we have both the tools we need and that we struck the right balance between civil liberties and our need to be secure. As all of our colleagues know, several sections of the PATRIOT Act are set to expire, sections 203 and 218, on December 31, 2005. These are the very provisions that have been instrumental in bringing down this wall that has previously separated different agencies of the Federal Government in getting information that is needed in order to save American lives and to stop terrorist attacks.

I would just read briefly from recent testimony before the Senate Judiciary Committee by Peter Fitzgerald, the U.S. attorney for the Northern District of Illinois, who has recently been in the news. He has recounted from personal experience how this wall between law enforcement and intelligence personnel have operated in practice. He said:

> I was on a prosecution team in New York that began a criminal investigation of Usama Bin Laden in early 1996. The team—prosecutors and FBI agents assigned to the criminal case—had access to a number of sources. We could talk to citizens. We could talk to local police officers. We could talk to other U.S. Government agencies. We could talk to foreign police officers. Even foreign intelligence personnel. And foreign citizens. And we did all those things as often as we could. We could even talk to al Qaeda members—and we did. We actually called several members and associates of al Qaeda to testify before a grand jury in New York. And we even debriefed al Qaeda members overseas who agreed to become cooperating witnesses. But there was one group of people we were not permitted to talk to. Who? The FBI agents across the street from us in lower Manhattan assigned to a parallel intelligence investigation of Usama Bin Laden and al Qaeda. We could not learn what information they had gathered. That was "the wall."

Well, people who remember the hearings before the 9/11 Commission will remember that there were a number of high-profile witnesses from Janet Reno, the former Attorney General of the United States, to former Attorney General John Ashcroft, who served during the first term of the Bush administration, and FBI Director Mueller. Witness after witness testified that that wall between criminal investigators and our intelligence-gathering communication prevented the sharing of information that has been absolutely critical in protecting innocent American lives and preventing future terrorist attacks.

It is that same wall that will be resurrected on December 31, 2005, unless the U.S. Congress acts. It is absolutely critical that we look at this with cold-eyed clarity and not be swayed by scare tactics or emotional appeals.

I am astonished, when I look at the reality of how the PATRIOT Act has made our Nation safer, that there are those who would use scare tactics to try to convince them that America's civil liberties are somehow imperiled. In fact, the American Civil Liberties Union, time and time again, through fundraising appeals and elsewhere, has misrepresented the PATRIOT Act in a way that I believe has frightened the American people. They happen to use it to raise money in their direct mail campaign, but it has had the disservice of breaking American resolve and confusing the American people about exactly what is at stake and what the benefits of the PATRIOT Act are.

Perhaps the most telling manifestation of the effectiveness of their scare tactics and their misinformation campaign is that approximately 300 different municipalities across America have passed resolutions calling for the repeal of the PATRIOT Act. I think we have to mark that off to a lack of good information, or perhaps the gullibility on the part of some of these city councils and others. Because, as the Senate Judiciary Committee has found out, when you ask the American Civil Liberties Union to detail a single violation of American civil liberties as a result of the passage and implementation of the PATRIOT Act, they have been able to come up with none, zero, zilch, nada.

Senator DIANNE FEINSTEIN, with whom I am honored to serve on the Senate Judiciary Committee, who always does a very diligent job on behalf of her constituents and on behalf of the Senate, asked the ACLU to search the records and come up with a single instance that they believe demonstrated or proved that the PATRIOT Act imperiled the civil liberties of the American people, and they did not come up with a single example.

I hope, as we continue to work on a conference report to reauthorize the PATRIOT Act, that the Members of the Senate will do our jobs with a clarity of mind based upon evidence and not yield to the scare tactics by those who want to create a disinformation campaign and perhaps confuse the American people about the importance of the PATRIOT Act. It is absolutely critical that we reauthorize this act, that we not allow that wall to be resurrected because the truth is, we owe it to the American people and we owe it to those whose lives will literally be lost unless we do our job and reauthorize the PATRIOT Act before provisions of that act expire on December 31, 2005.

Mr. President, I yield the floor.

MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The PRESIDING OFFICER (Mr. DEMINT). Under the previous order, the Senate having received a conference report on H.R. 2528, that report is considered agreed to and the motion to reconsider that act is laid on the table.

Mr. ROBERTS. Mr. President, at this time, under the regular order and a unanimous consent request, the distinguished Senator from Ohio was to be recognized. He has acquiesced in my behalf that I may be recognized for 15 minutes. I ask unanimous consent that I may speak as in morning business for 15 minutes, to be followed by the Senator from Ohio, and that the Senator from Colorado will be recognized after the Senator from Ohio.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. ROBERTS pertaining to the introduction of S. Res. 329 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DEWINE. I thank the Chair.

(The remarks of Mr. DEWINE pertaining to the submission of S. Res. 321 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

HONORING OUR ARMED FORCES

ARMY PRIVATE FIRST CLASS HARRISON J. MEYER

Mr. DeWINE. Mr. President, I rise this evening on the floor of the U.S. Senate to pay tribute to a brave, young Ohioan, who lost his life while serving in Operation Iraqi Freedom. Army Private First Class Harrison J. Meyer, a combat medic from Worthington, OH, was killed on November 26, 2004, while attempting to rescue a wounded comrade during a firefight. Born on Veterans Day—November 11, 1984—he was barely 20 years old at the time of his death.

When I think about the sacrifices of our men and women in uniform, I am reminded of something President Ronald Reagan said about the strength of the American people. He said this:

> Putting people first has always been America's secret weapon. It's the way we've kept the spirit of our revolutions alive—a spirit that drives us to dream and dare, and take risks for the greater good.

Harrison Meyer was always taking risks for the greater good—always putting others first and selflessly giving of himself for his fellow man. According to Medical Platoon Sergeant Randolph L. Nutt:

> [Private First Class Meyer] fully knew what the dangers were and willingly accepted them as a risk to save others' lives. He made the ultimate sacrifice so that others may live. Six other soldiers are still alive directly due to his actions.

Indeed, Mr. President, Harrison Meyer—Harry to his friends and family—embodied the true American spirit that President Reagan described.

> Harry grew up in Worthington and attended Thomas Worthington High School. He graduated in 2003. While in high school, Harry belonged to the track team for 3 years. He competed as a pole-vaulter. Andy Cox, a U.S. history teacher and track coach at Thomas Worthington, remembers Harry as a "teddy bear who made everybody laugh. He was a real team player—always wanting to help people." Coach Cox went on to say that "Harry was the kid who was trying to make all the other kids relax, feel good about competing."

Harry often brought homemade treats to the track meets for the entire team. Coach Cox emphasized the popularity of his cheesecake. As he affectionately recalls, "[Harry] was a great cook!"

Harry did not join the track team during his senior year because he wanted to focus his attention on his upcoming military career. Still, however, he attended all of the school's track meets, and, according to Coach Cox "he'd always bring something homemade for the team."

Harry was also a member of the school's choir, and for four summers, Harry worked at the Worthington municipal pool doing various jobs, including serving as a lifeguard.

According to his mother, Harry was deeply affected by the September 11th terrorist attacks. He enlisted in the Army's pre-graduation program, and shortly after his high school graduation, he was inducted. He was stationed in Korea and assigned to Headquarters and Headquarters Company, 1st Battalion, 503rd Infantry Regiment, 2nd Infantry Division, Camp Howze, before leaving in August 2004, for Iraq. His mom said that Harry's selflessness was one of the reasons he decided to become a medic after joining the Army.

In fact, according to Chris Begin, a good friend of Harry's, Harry wanted to go on to medical school after returning from Iraq.

While in Iraq, Harry and his comrades faced danger daily. Harry's mom recalls that before he was killed, Harry had treated a dozen seriously wounded soldiers. She said that "he knew (insurgents) were targeting medics. He indicated it was a very dangerous place.

But, he always told me—'Don't worry, Mom.'"

The dangers became too grave on November 26, 2004 near Ar Ramadi. Harry was killed the day after Thanksgiving, while trying to pull a wounded comrade to safety during an insurgent attack on his unit.

At the services held in Harry's honor after his death, friends and family recalled Harry's heroism and generosity, saying that the cause of his death reflected how he had lived. According to his mom, "Harry had always wanted to help people. He didn't think about his own welfare. He'd give you anything he had."

I recently came across a touching reminder of Harry's lasting impact on others. It is a posting on an Internet tribute for service members who have been killed in either Operation Iraqi Freedom or Operation Enduring Freedom. A friend of Harry's—Pamela Moorehead from Worthington—posted the following e-ail message:

> Harry, I was thinking about you today. I'm not sure what made me think of you. I think I was just reminded by something someone said. It's September 26, 2005, so in one month you will have been gone for a year. Everyone still misses you. The memories from pole vaulting with you and hanging out with you and Brandon make me both happy and sad. To your family—Harry is one of my heroes, and we all still think about him. We miss him and continue to keep him and all of you in our thoughts and prayers.

Harrison Meyer was a kind soul, with a warmth that touched many people. My wife Fran and I keep Harry's family—his parents Deborah and William; and his three sisters—Lynn, Bronwyn, and Kelley, in our prayers.

I would like to conclude my remarks with an excerpt from a poem titled "American Hero, written by Harry's cousin Jordan Michael Meyer. The poem is in remembrance of Harry:

He is out there on the front lines.
He knows the risk.
He knows the sacrifice.
He is going to put it all on the line and role the dice.
The man is fighting for a better life.
The American soldier found his home after this brutal fight.
Now looking down upon us he sets flight.
Always keeping us in sight.
He won't stop protecting us, day and night.
He is an American soldier, brought up on love, alone, feeling so far from home.
He hides his fear, doing anything to protect those who are dear, knowing death is near.
He is a young man taking upon the sacrifice of a nation he holds dear.

Harrison Meyer held his Nation dear, and we hold dear his memory. We will never forget him.

MARINE CORPORAL NATHAN R. ANDERSON

Mr. DeWINE. Mr. President, while deployed in Iraq, Marine Corporal Nathan "Nate" Anderson made sure to write his family back home in Howard, OH, as often as he could. After witnessing the death of a good friend, Nate wrote that "the service of freedom demands sacrifice." He tried to calm his family's fears as he continued, "No worries. I will be fine wherever I end up. I have the Lord on my side and guardian angels on both shoulders. I am good to go."

I rise today on the floor of the United States Senate to pay tribute to this brave Marine. With the Lord on his side, Nate left this Earth on November 12, 2004, as he was killed while fighting insurgents in Al Anbar province in Iraq. He was 22 years-old.

Nate gave his life the day after Veterans Day, just over a year ago now. It is fitting in a sense, given his deep devotion to protection our Nation. When I think about Nate and the dedication of all our men and women in uniform, I am reminded of something President Ronald Reagan once said about freedom. He said that "the task that has fallen to us as Americans is . . . to keep alive the hope and dream of freedom."

Nate Anderson accepted this task wholeheartedly. He believed in freedom. And he believed that he had a mission to protect it and promote it around the world.

Nathan Anderson was born in Zanesville, OH on May 22, 1982. Growing up in Apple Valley, Nate enjoyed hunting, fishing, snowboarding, and bull riding. Older sister, Meg, remembers her brother as a "happy and good spirited" kid who liked swimming, making mud pies, and riding roller coasters at Cedar Point amusement park. She said that Nate was "the life of the party." He had a real zest for life. He loved country music, rodeos, and the military. Even at the young age of 10, Nate dreamed of someday becoming a Marine.

Nate attended East Knox High School, where he was both a dedicated student and gifted athlete. Karen Smith, a guidance counselor and teacher, described him as "a very likable, well-rounded young man" who had a lot of friends. Nate's football coach, Chet Looney, said that Nate's "contribution to the team was outstanding. He was one of those guys you need because he was a great team player. He was kind of fiery at times and then other times he was a jokester." Kathy Frere, an English teacher at East Knox High, fondly remembers Nate. "He was just a special student," she said. "He was so enduring. To know him is to love him—it's an old saying, but it's true."

Following his high school graduation in June 2001, Nate's dream of joining the Marines became a reality. He was assigned to the 1st Battalion, 8th Marine Regiment, 2nd Marine Division, 2nd Marine Expeditionary Force, based in Camp Lejeune, NC. In 3 short years, Nate's service took him to over ten countries, including his final deployment in 2004 to Iraq in 2004.

Nate's family recalled the pride that Nate displayed as a result of serving his country and his desire to be the best Marine and the best son, brother, and friend he could be.

April Buckingham, Nate's close friend and former high school classmate, described his outgoing and compassionate personality as always uplifting others. She recalls gathering around the campfires that Nate often built, with the help of friends, in his parent's backyard. She said that "Nate was an honest guy—the heart and soul of all our friends. He was the one who tried to keep us all together after graduation. He was an amazing person. We all loved him, and will miss him very much."

Nate's sisters remember him with great love, affection, and respect. His sister Traci describes her brother as "soaring on wings like eagles. I salute you, my brother. I salute the way you lived. I salute your sacrifice. I will always be in your debt."

Nate's sister Meg said that he was her best friend. She last spoke to him on the phone 2 weeks before his death, when he told her that they would be on a special mission. Meg said that Nate told here "it'd be two weeks and not to worry. He said he loves me. He said he'll be home soon."

At Nate's funeral service, held at North Bend Church of the Brethren, 400 mourners gathered to say goodbye. As the Reverend Patrick Bailey said, "They had come to honor a great son, an awesome brother, a great friend, a fellow [marine] and hero."

Nate was all of those things and more. He loved his family. He loved his country. He fought for freedom. And, we will never forget him. His parents, Mary and Neil Shaw and Richard Anderson; sisters Meg, Traci, and Kelly; and his brother Adam all remain in our thoughts and in our prayers.

I would like to conclude my remarks by reciting an e-mail message that was posted on an Internet tribute to Nate. Someone who just signed her e-mail as "Amy of Ohio" wrote the following:

> Thank you Nate for your sacrifice—for protecting me and my children and for being our hero. We hope and pray that your reward will be great in Heaven. To Nate's family—we pray for you and will never forget your son's courage or the price he paid for our great country. May you find peace in God's love and know your son will always be with you, and you will one day be reunited. I hope and pray that all Americans are grateful of our men and women, sons, daughters, moms, dads, brothers, sisters, husbands, wives, and grandchildren who are fighting for our freedom while we enjoy our lives in the comfort of our own homes. Nate, you will never be forgotten and will be our hero forever and always. God bless you and your family and God bless America.

The PRESIDING OFFICER (Mr. VITTER). The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, I rise to discuss the situation in Iraq.

Critics of the Bush administration have recently gone out of their way to try to convince the American people that the President misled our nation about Iraq. Some are arguing most vociferously that President Bush purposely withheld intelligence information from Congress. Others accuse the President of deliberately fashioning U.S. intelligence to fit his own agenda. A few even suggest that the President had some kind of personal vendetta against Saddam Hussein and was willing to do whatever it took to remove him from power.

I can accept criticism leveled at our intelligence agencies for providing inaccurate intelligence. I can accept criticism lodged against the Department of Defense for not sufficiently preparing for an Iraqi insurgency.

I can even accept criticism that the Bush administration did not appropriately prepare the American people for the cost of the war in Iraq.

What I cannot accept, what I feel is so irresponsible, and what is so damaging to our nation are accusations that suggest that President Bush deliberately lied to the American people about either the intelligence or about his reasons for going to war.

I was a member of the Senate Armed Services Committee when the President requested Congressional authorization for the use of force against Iraq in 2002. I participated in numerous open and classified, bipartisan hearings and briefings on our intelligence regarding Iraq's weapons of mass destruction. The conclusions that I reached, that President Bush reached, and that many Democrats reached, were the same.

We all agreed that Saddam Hussein had weapons of mass destruction. We all agreed that he had used such weapons in the past against Iran and Iraq's Kurdish populations. And, we all agreed that he would not hesitate to use them against the United States in the future.

The U.S. Congress and President Bush were not alone in this assessment. The intelligence agencies of Britain, Germany, Russia, China, and even France all believed Saddam Hussein had weapons of mass destruction. The entire international community watched as Saddam used these weapons to murder thousands of his own people. Even the Chief United Nations weapons inspector, Han Blix, thought the chemical weapons he discovered prior to the war in Iraq were the "tip of a submerged iceberg".

The fact is that the debate in Congress over whether to authorize the use of force was never about Iraq's weapons of mass destruction. Everyone thought Saddam Hussein had them. In fact, even those who voted against the use of force in Congress never questioned the veracity of our intelligence information.

That is not because the Bush administration manipulated the intelligence that was presented to Congress, as some have alleged. Indeed, a number of independent commissions since the war began have investigated this issue and found the Bush administration did not distort intelligence information. The best known investigation was the bipartisan Senate Select Committee on Intelligence, which stated unequivocally in its report that, "the Committee did not find any evidence that Administration officials attempted to coerce, influence or pressure analysts to change their judgments related to Iraqi weapons of mass destruction capabilities."

Therefore, if we agree that the President did not lie about our intelligence on Iraq's WMD programs, then the critics can only argue that the President Bush's rationale for going to war at the time of the Congressional debate was somehow flawed and unjustifiable. Here I would again disagree.

During the debate, I joined with a large majority of the Members of Congress on both sides of the aisle who voted to authorize force. We did so because of two important facts—the same two facts offered by the President.

First, Saddam Hussein was in breach of more than a dozen United Nations Security Council resolutions. He continued to refuse to cooperate with U.N. weapons inspectors even after a decade of sanctions. He rejected proposal after proposal to conduct fair and transparent inspections.

When he finally allowed inspections, Saddam did everything he could to undermine, cajole, and otherwise manipulate the inspections process. He gave every appearance of hiding large stockpiles of weapons of mass destruction.

Second, a large bipartisan majority of Members of Congress, including nearly 30 Senate Democrats and 81 House Democrats, voted to authorize the use of force against Iraq because, after September 11, it was clear that America could no longer afford to allow imminent threats to our nation go unhindered and unopposed. In most minds, Iraq represented a highly dangerous nexus between terrorism and weapons of mass destruction. In the context of Saddam's decade-long defiance, it was a nexus that Members of both sides of the aisle in both the Senate and the House was no longer willing to ignore.

When critics try to cover up their vote in support of the use of force against Iraq, they damage the credibility of our government overseas and send a disheartening message to our soldiers, sailors, airmen, and marines who are bravely defending freedom in Iraq and Afghanistan.

When they falsely accuse the President of misleading the American people, they encourage the enemy who believes America will throw in the towel and give up when the fighting gets tough.

It is time for the President's critics in Congress to remember why they voted to authorize force against Iraq in 2002. It is time for them to acknowledge the progress our soldiers are making now in Iraq and Afghanistan. It is time for them to recognize the success we have had against global networks of terror.

And most of all, it is time for these critics to lay aside their own political ambitions and do what is right for America. It is time for them join our Commander-in-Chief in the fight against those who wish to destroy our Nation.

An agenda of disunity and surrender will never lead to victory. We need to unite behind our Commander-in-Chief if we are to defeat this enemy. It is my hope that the President's critics will see this imperative and finally do what is best for our Nation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. TALENT. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEFENSE BUDGET

Mr. TALENT. Mr. President, I decided to come to the Senate for a few minutes this evening to speak to the Senate because of growing concern over the defense budget and, in particular, the growing likelihood that we are going to see cuts in the defense budget so that next year's budget is lower than what the President had proposed for fiscal year 2007.

I am moved especially by a recent "Inside Defense" column which reports that because of pressure from the Office of Management and Budget, the Deputy Secretary of Defense may well require that the service chiefs take $7.5 billion out of next year's budget and $32 billion in cuts over the next 5 years—this at the end of the budget cycle, not as a result of an assessment of military need or necessity. As I will show in a minute, one could hardly in any dispassionate view of our military needs believe we could absorb $7.5 billion in cuts next year because of procedure that is budget driven. When I see that, it reminds me of other things I have been hearing lately. I felt it was deja vu all over again, as Yogi Berra might have said.

I remember the days in the 1990s when military needs were determined by the budget rather than the budget being determined by military needs. When the Berlin Wall fell and the Cold War ended, our country was justifiably pleased. We believed there was a peace dividend available. The Clinton Administration took a lot of money out of the defense budget. I will go into that in a minute. They took too much out of the defense budget, and left a force that by the end of the 1990s was hollowing out. Our military was not as prepared as it should have been. We have been doing the best we can in the last few years to reconstitute that force, but now we may be headed in the wrong direction.

I emphasize, this pressure is not from within the Department of Defense. It is not what the Department wants to do. It is what the Department may be forced into as a matter of false economy. There is no economy more false than depriving our military and our men and women of what they need to defend us.

Let me go over a little bit more of a history lesson in some depth. Defense spending actually decreased in real terms every year from 1990 through 1999. In fact, during 3 years in that period, it decreased in nominal terms by almost $50 billion.

Actual dollars, or nominal dollars, went down in the defense budget over 3 years during that period by $50 billion, and in every year during that period military spending decreased in real terms.

The reason was, some people thought with the fall of the Soviet Union we would need the military less. That was true for the nuclear arsenal, but not true for the people in the military. It turned out we needed conventional forces actually more than we needed them before the fall of the Soviet Union because deployments went up. We found, in the post-Cold War era, that regional conflicts around the world, the ethnic and religious and regional conflicts that had been suppressed by the bipolar nature of world competition, rose to the surface.

I remember reading what former CIA Director Gates said about it. He said: History had not ended with the fall of the Soviet Union. It had just been frozen before that. And he said: "Now it is thawing out with a vengeance."

Well, when you spend less and less overall, at least as against inflation, and you have to spend more and more on operations and maintenance, on readiness, because you are actually using the troops more and more, something has to give. You cannot take more and more of a percentage for operations and maintenance out of a budget which is less and less, at least as adjusted against inflation, without something giving. And what gave was procurement.

We took basically a decade-long "procurement holiday." By the last few years of the 1990s most people realized what was happening and we were able to push more money back into the defense budget, but it was not enough to make up for what had happened before.

From 1975 through 1990, we purchased, on average every year, 78 scout and attack helicopters. From 1991 through the year 2000, we purchased 7 per year on average. For battle force ships from 1975 through 1990, it was 19 a year; 7 a year from 1991 to the year 2000. For fighter aircraft for the Navy, we purchased 111 per year from 1975 through 1990. We purchased 42 per year on average in the decade of the 1990s. I could go on and on.

For tankers, we purchased 5 per year on average during the 15-year period from the mid-1970s to 1990. In the mid 1990s, we purchased one per year. For tanks, artillery, and other armored vehicles listen to this, the basic platforms the Army uses; tanks, artillery and other armored vehicles—we purchased 2,083 on average every year from 1975 to 1990. But we purchased 145 on average every year from 1991 through the year 2000.

What happened is what you would have expected. The average age of the force and the equipment in the force grew. Look at legacy aircraft, the A–10, the "Warthog," 24 year old; the B–52 bomber, 44 years old; the C–130 transport, 33 years old; the KC–135 tanker, 43 years old. The procurement holiday left us with equipment that was too old.

Well, what happened? Beginning at the end of the 1990s, Congress and the President at the end of the Clinton administration, and especially with the beginning of the Bush administration—began to respond. The Chiefs complained to the point where people who didn't get it earlier finally saw what we were talking about. The decision was made to increase spending enough to sustain the volunteer force, to recapitalize the basic equipment that we had not bought in the 1990s, and to begin designing and producing the new generation of systems that the men and women in our military would use for decades to come.

The plan was to increase defense spending by a modest amount above inflation, beginning around the year 2001, so that these needs could be met. There were many of us who were concerned that was not enough money. The Department of Defense has traditionally been rather optimistic in its estimation of costs. The CBO traditionally has claimed we needed between $20 billion and $30 billion more than even was estimated at that time. But at least we had a plan. It was a beginning. It was based on an actual if perhaps optimistic estimate of need.

Unfortunately, the plan has not been as effective as we hoped in achieving its goals, and particularly in recapitalizing the force. There are a lot of reasons for that. One is that op tempo, operational tempo, has been even higher than we expected after what we experienced in the 1990s. It is what the military calls "mission creep," a significantly expanded number and variety of missions that drive up defense costs because they stress the force. Operations and maintenance costs go up, readiness costs go up. Just staying in place, just keeping the force you have and the equipment you have maintained and ready becomes more difficult.

But what was the mission creep? The September 11th attacks had something to do with that, and then Afghanistan and Iraq. Our Armed Forces have become global first responders. We have homeland security missions now that we never anticipated. Contingency peace enforcement missions around the world, special ops, and ongoing training operations. Operational tempo is at a historic high. It is likely to remain so.

This means not only that we are sucking up more money in operations and maintenance, it means the equipment we have is being used up even faster. Even if you maintain it properly, if you are using it at a greater rate than you anticipated, it is not going to last as long. We face a situation where we are going to have to reset or reconstitute the basic equipment in the force.

In addition, personnel costs have been higher than we anticipated because we wanted to do right by the men and women in America's military. We voted for pay raises. And we should have. We have increased housing allotments. We have met the obligations we promised our retirees regarding health care. Those were good things. I supported them. But adjusted for inflation, personnel costs have increased from 1999 to 2006 from $92 billion to $109 billion annually. That alone would eat up any of the real increases we had planned and have been able to give the military in the last 5 years.

In addition, we are facing a threat, at least sooner, and certainly more seriously—or a potential threat—than we thought we would have to face: and that is, the rising military power of China. China is engaged in a comprehensive effort to profoundly improve its ability to project naval power and to develop a comprehensive anti-access capability in order to prevent the American military from having access into the western Pacific.

I am not saying that China is going to become, or need become, an enemy of the United States. I am saying that China is rising as a world power. It is very deliberately, according to plan, increasing in particular its naval strength. If we are to deter some kind of aggression or conflict, we need to be strong—not provocative, but we need to be strong in response. We did not anticipate, 5 or 6 years ago, that they would grow so strong so quickly.

Their most significant advances are in submarines. China will take delivery of 11 submarines in 2005. We are going to buy one. Its fleet includes an increasing number of the following vessels: the Type 93 nuclear-powered attack submarine; Type 94 nuclear-powered ballistic missile submarine, which carries an ICBM with a range of more than 5,000 miles; and Russian-built "Kilo"-class diesel electric attack submarines.

By the year 2010, they may be able to deploy a fleet of up to 50 modern submarines to confront us, should they choose to do so. Remember, they can concentrate that power in the Western Pacific.

Among China's surface combat vessels, the most notable is the growing number of Russian-built missile destroyers which carry the SS-22 "Sunburn" anti-ship missile, and the Type 72 large amphibious assault ship. In addition, China is developing and producing its own advanced fighter aircraft. It is procuring hundreds of advanced Russian-built Sukhoi fighters. China has deployed over 700 land-attack ballistic missiles opposite Taiwan. It is adding over 100 new missiles each year.

I could go on for a considerable period of time. The upshot of that is, by the end of the decade, China may be able to field, as I said before, 50 submarines, all concentrated in the Western Pacific. They are closing the technology gap and working steadily to develop an area denial capability which is aimed directly at American strength.

I am not saying they are going to use it. I do believe strongly that the more they believe we are going to be prepared and ready, the more likely they will be to seek peaceful redress of whatever concerns they may have, the more likely it is we are going to be able to avoid developing a confrontational relationship with them.

For all these reasons, we have not completed the task of redressing procurement shortfalls from the 1990s. We need 160 aircraft per year to keep the average age in the inventory stable. Instead, we are purchasing 80 aircraft. The current plan is to purchase less than one-half the number of new F/A-22s the Air Force says it needs. This is the superior air-to-air fighter. The Navy is at 283 ships, and that number is going down. We purchased an average of 5.6 ships per year over the past 10 years. You assume a 30-year service life. At that rate, it is eventually going to give us a fleet of 170 ships.

The last time the Department of Defense estimated the number of ships we needed to be secure, it was 375. I expect that a reasonable Quadrennial Defense Review, looking at this, will produce a number no lower than 300. We are not purchasing ships at anywhere near the rate we have to in order to sustain the Navy at that level. At that rate, our submarine force will drop below 40 in the next decade. Every recent study identifies the need for 55 to 76 submarines at a minimum. We need to get the shipbuilding budget up, and estimates range from $14 billion to $18 billion a year to maintain a Navy at approximately 300 ships. We are not there yet.

Now, additional reductions are being proposed. Those reductions, if implemented, will mean the defense budget again will not grow, at least in real terms. Most of the Department's budget is basically committed. You cannot short operations and maintenance. You cannot short readiness. You must pay your people. You must provide the benefits you have committed to provide. That means any budget cuts must come almost entirely out of exactly the platforms, the ships and planes and tanks and vehicles that we have been designing and developing to provide the new generation of capabilities that our men and women need to be able to defend us.

So proposals are afoot and rumors are out that the Army is going to cancel the Future Combat System. That is the Army's system to replace the older tanks, the Bradley fighting vehicles, to make sure the technology is adequate, the information technology is networked together. FCS is the system designed to give us the most modern ground combat capabilities. All of this is potentially on the chopping block. The next generation destroyer, the DD(X), may not get built. That is the ship that is going to provide naval surface fire to support troops going ashore. The Joint Strike Fighter, our stealthy air-to-ground strike fighter, which we have been developing for years, is on the chopping block. The new tanker is imperiled. The need for additional airlift is imperiled. This situation is serious.

What do we need to do? The Department is engaged right now in a Quadrennial Defense Review. Every 4 years the Department looks at its needs and is supposed to analyze what it needs to defend us and analyze that in terms of military needs, not fiscal constraints. In other words, the way the law reads, they look at what structure of forces, what package of capabilities they need to defend the United States, and then we try to come up with the money to pay for that.

Well, I am concerned that the analysis may be the other way around. They may be given a figure, a budget number, and told to come up with a force structure and a package of capabilities that meet that budget number. They must be allowed to assume reasonable inflation-adjusted increases in the defense budget for the future and then be allowed to build the package of capabilities and force structure needed to defend the United States.

That Quadrennial Defense Review needs to be military driven, not budget driven. Then, in the meantime, while we wait for that review, we should stick with the planned figure for fiscal 2007. Every year, the Department sends its budget here. And, of course, the key number is the number for the upcoming fiscal year, but it is always a 5-year defense plan. In the first few years of the Bush administration, to the credit of the Department and the administration, they have basically stuck to their projections year by year, with fairly minor deviations.

The figure for fiscal 2007 that we were given last year is $443 billion, and that is the figure that should come over. We should not sacrifice our defense requirements for deficit concerns. Whatever your feelings about the deficit and about how we ought to resolve the deficit, it is not caused by the defense budget.

The defense budget is 48 percent of discretionary spending. It was just about the same in the Carter era. The defense budget as a percentage of the total budget is 17 percent, which is 6 percent less than it was in the Carter era. As a percentage of gross domestic product, it is 3.6 percent which, again, is less than it was in the Carter era. The military budget has not caused the deficit that we are dealing with today. In fact, if we could just sustain defense spending at 4 percent of the gross domestic product, which would be an historic low, that would be more than adequate for us to build the kind of force structure that we need to defend our country. That is not too big a sacrifice to pay for this Nation's security.

I said at the beginning of my remarks that reducing the defense budget in the name of reducing the deficit is a false economy. I ask Senators to consider the world situation today. The stability of the international order in the world depends on the reality and the perception of American military power. The more stable the world is, the more hospitable it is to freedom and to our interests, the faster our economy will grow, and the more money we will have available, not just for defense spending but, indeed, for all other obligations of the Government. That is something President Reagan understood. When he became President in 1981, he began building up America's defenses. He had double-digit spending increases in the military budget. He knew that was a key aspect of winning the Cold War. He got the attention of the Soviets. After a few years, they decided it was not worth it to try to compete with the United States in that arena. That was one of the key factors that led to the fall of the Soviet Union. And the freedom that resulted from that, the end of the isolation of Eastern Europe, the opportunities that were unleashed on the world are one of the reasons that we had unparalleled economic growth all throughout the 1990s, which then enabled us to balance the budget and eventually get to a surplus.

If, as a result of budget-driven decisions, we reduce the defense budget beneath what is minimally adequate, we create a sense of instability in the world, a doubt about our resolution to maintain our obligations and to protect our freedom. If that even minimally increases the possibility of a confrontation somewhere in the world, it will affect our economic opportunities and our economic growth far more than anything we could possibly save by reducing the defense budget, to put it on just as low and cold a level as possible. A strong defense, the perception of American will and resolution is good for the economy. It is necessary if we are going to grow as a country, create jobs, and generate the kind of revenue that will allow us to address the deficit.

I offer a personal note on behalf of this issue. The men and women who defend us in our military are the finest people who have ever served in any military service at any time in the Nation's history. They know the obligation that they are undertaking. They undertake it willingly. Over Veterans Day, I attended a few rallies around Missouri. I like to do that in commemoration of the men and women who have served. I was in Lebanon, MO, and met a number of our service personnel who were there. One of them was a recent enlistee in the National Guard, a young man who was proud to wear his country's uniform, proud at the prospect that he might be actively involved, as I am sure he will be, in helping our Nation win the war against terror.

We had an opportunity to visit. He understood that in doing that, he was doing something very important, very large. He was sacrificing, and his sacrifice was a measure of the value he placed on the freedom of his country and the security of his family.

Those young men and women in America's military will keep faith with us. They are going to do what we ask and expect them to do to protect us. We owe it to them, particularly in the Congress. We owe it to them, to keep faith with them. They protect us. They count on us to protect them, to do what we know is necessary to provide them with what they need to do their jobs.

Let's live up to that. Let's have confidence that doing the right thing, meeting our obligations with regard to the national defense, is the best way to approach the future, both economically and as a matter of foreign policy and as a matter of the Nation's security.

I yield the floor.

FOREIGN OPERATIONS APPROPRIATIONS

Mr. FRIST. Mr. President, Thursday night, on the eve of Veterans Day, we passed the Foreign Operations appropriations bill with near unanimous, bipartisan support. I commend my colleagues for their cooperation on this bill which is so critical to America's security.

I especially recognize Senator MITCH MCCONNELL for his steady leadership.

Diplomacy and foreign policy are essential pillars of our national security. They reflect America's values, principles, and vital interests.

This $21 billion appropriations bill promises to promote democracy, stability, and prosperity, and strengthen America's security here at home and around the world.

It also promotes America's leadership in the arena of international aid. Targeted foreign assistance is an invaluable instrument for spreading democratic values, and improving the health and welfare of our neighbors close to home and around the world. It can promote economic growth and opportunity in even the poorest of nations.

The Foreign Operations appropriations bill includes several provisions that advance these efforts. I would like to take a moment to share some of them.

The defeat of Global HIV/AIDS is one of the world's greatest humanitarian challenges. In many countries, an entire generation of productive adults has been wiped out by this one, tiny, malicious virus. The funds set aside to battle the HIV/AIDS virus target relief where it can do the most good and make the biggest difference.

Under this legislation, America is committed to providing $2.82 billion for Global HIV/AIDS relief. That includes: $2 billion for the Global HIV/AIDS Initiative; $250 million for HIV/AIDS from the Child Survival and Health Programs Fund; and a $450 million contribution to the Global Fund to Fight AIDS, tuberculosis, and malaria.

By providing this desperately needed help, we save lies, strengthen alliances, and promote peace and stability.

I have often talked about humanitarian aid as a currency for peace. The Foreign Operations appropriations bill wisely sets aside targeted funding for global health programs to advance that cause.

Along with tackling the Global HIV/Aids crisis, the Foreign Operations appropriations bill supports the Child Survival and Health Programs Fund. These funds help reduce child mortality and morbidity, and combat other, serious public health problems.

One of the most important public health crises this bill addresses is the lack of clean, drinkable water in many regions of the world.

Every 15 seconds a child dies because of a disease contracted from unclean water. Fully, 90 percent of infant deaths can be attributed to this one, basic cause.

In total, water-related disease kills 14,000 people a day. That is over 5 million people a year, not counting the millions who are debilitated and prevented from leading healthy lives.

Cholera, typhoid, dysentery, dengue fever, trachoma, intestinal helminth infection, and schistosomiasis can all be prevented by simply providing clean, drinkable water and proper sanitation.

Funding for the Safe Water: Currency for Peace Act, which I cosponsored earlier this year, will go a long way to providing this simple, but profound necessity.

In addition to providing Foreign Operations needed and targeted humanitarian aid, the Foreign Operations appropriations bill advances the critical work of stopping the spread of WMD.

We are working closely with our friends and allies to secure stockpiles of WMD-related materials and technology and to make sure our allies have the ability to protect these sensitive materials.

The Foreign Operations appropriations bill provides over $410 million toward our nonproliferation, antiterrorism, and demining efforts.

One of the gravest threats we face is the threat of WMD falling into our enemy's hands.

We cannot, we must not, let this happen.

Ultimately, the goal of each and every one of our foreign operations programs must be to promote America's security and America's values. And as the last century taught us, our security and our values must go hand in hand.

Whether for humanitarian, diplomatic or security purposes, effective foreign assistance advances our vital interests and protects the homeland.

The United States remains committed to eliminating poverty, expanding prosperity, and strengthening domestic institutions abroad.

And by doing so, we advance our security and prosperity right here at home.

TRIBUTE TO MR. BEN WORTHINGTON

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a dedicated steward of our national forests, Mr. Ben Worthington. Last month, Ben retired from the National Forest Service after 32 years of service. For the last 10 of these years, my home State of Kentucky was fortunate to have him serve as forest supervisor of the Daniel Boone National Forest.

Ben began his forestry career at Washington State University, where he earned a degree in forest management. After graduating, he joined the Peace Corps and was relocated to Costa Rica for 2 years. Upon his return, he worked for the Forest Service in his home State of Oregon and eventually in Washington State and California. Before moving to Kentucky, he was the deputy forest supervisor at Bridger Teton National Forest in Wyoming.

As forest supervisor of the Daniel Boone National Forest, Ben oversaw the day-to-day operation and preservation of Kentucky's only national forest. The Daniel Boone National Forest covers over 700,000 acres of land from the northeastern part of the Commonwealth of Kentucky all the way to the Tennessee State line, and also includes some noncontiguous counties in eastern Kentucky. This Kentucky treasure has something for every outdoor enthusiast. With over 600 miles of trails, it can be hiked, biked, and explored on horseback. Visitors may also fish, hunt, and camp in the forest, making it a popular weekend getaway or vacation destination.

I had the privilege to team up with Ben by securing funds over the years to help with the marijuana eradication operations on or near the national forest land. Ben and his staff have worked in lockstep with the local sheriff's departments, the Kentucky State Police, and the Kentucky National Guard to identify and destroy marijuana plants. They have done a terrific job, and I know that Ben's success will be carried on by his successor.

After working for 32 years in the Forest Service, Ben plans to remain in Kentucky. His wife is active in their local community of Winchester, his mother now calls Kentucky home, and his two children attend Western Kentucky University. Ben's work ethic, dedication, and love of the land will be greatly missed, but it is time for him to start a new chapter, and I wish Ben the best in his retirement.

HONORING SGT. JOHN BASILONE, "A PLAIN SOLDIER" AND THREE OTHER MARINE LEGENDS

Mr. DURBIN. Mr. President, last week, on the 230th anniversary of the U.S. Marine corps, the U.S. Postal Service unveiled a long-awaited set of postage stamps honoring four of the corps' greatest heroes.

Today, a new generation of Americans are risking their lives to serve this Nation. Nearly 2,100 Americans have died in Iraq, and more than 15,000 others have been injured. It is important that we honor their sacrifices and the sacrifices of those who came before them. I would like to take a few moments to talk about the four legendary marines commemorated on the new stamps.

LTG John A. Lejeune is probably the best known of this fabled four. Regarded as "the greatest of all leathernecks," Lieutenant General Lejeune made history in World War I as the first marine to lead what was predominantly an Army division. He was awarded the Distinguished Service Medal from both the Army and the Navy, as well as the French Legion of Honor and the Croix de Guerre with Palm for his service during World War I. He is best known, however, for his foresight and determination to enhance the Marine Corps by introducing specialized amphibious assault capabilities into Marine Corps training. Marines today annually read his 1921 Birthday Message Order that summarizes the history, mission, and traditions of the Marine Corps.

LTG Lewis B. "Chesty" Puller rose through the ranks from private to become one of the Marine Corps' most celebrated leathernecks. His distinguished service and leadership during critical battles in the " Banana Wars," World War II, and the Korean War earned him five Navy Crosses and made him one of the most decorated marines ever. He led marines in two of the Corps' most daring assaults: at Guadalcanal in World War II; and at Inchon in the Korean Conflict. He died in 1971 and is still revered in the Corps today for his courage in combat and his ability to inspire confidence and loyalty and for the attention and respect he showed to those under his command.

SGM Daniel J. Daly is one of only two marines to be awarded two Medals of Honor for separate acts of heroism. According to the "Historical Dictionary of the United States Marine Corps", his "record as a fighting man remains unequalled in the annals of Marine Corps history" nearly 70 years after his death. In 1900, Sergeant Major Daly was sent to China, where he earned his first Medal of Honor during the Boxer Rebellion. In 1915, he was sent to Haiti, where he earned his second Medal of Honor fighting off nearly 400 bandits. He saw combat as a gunnery sergeant in France during World War I and was awarded the Distinguished Service Cross and the French Government's Croix de Guerre with Palm. He retired in 1929 and died in 1937, and remains a legend to all marines.

The fourth of the legendary marines honored on the new postage stamps is the only one the four killed in combat. One writer described him as a "big, handsome Marine with jug ears and a smile like a neon sign." GEN Douglas MacArthur called him "a one-man Army."

Marine GySgt John Basilone was 1 of 10 children of an Italian-born tailor, Salvatore Basilone, and his wife Dora. He was born in Buffalo, NY and raised in Raritan, NJ.

He enlisted in the Army when he was 18 and served in the Philippines, where he picked up the nickname "Manila John." He fought as a light heavyweight prizefighter in the Army, going undefeated in 19 fights. He received an honorable discharge after completing his 3-year enlistment, returned home, and worked briefly as a truckdriver.

In July 1940, sensing war clouds on the horizon, John Basilone enlisted in the Marine Corps. In October 1942, he was serving with the 1st Battalion, 7th Marines, 1st Marine Division, on Guadalcanal. For 6 months, the Army and Marines had fought a bloody battle to hold a critical airfield on that island. On October 24, GySgt John Basilone and 14 other marines were ordered to hold back many times that number of elite Japanese troops.

A private first class serving under him would later recall that, "Basilone had a machine gun on the go for three days and three nights without sleep." He fired machine guns, fixed guns, and crawled repeatedly through Japanese lines to get more ammunition. When the sun rose the next morning, the marines still held the airfield, and John Basilone was credited by his men with giving them the will to fight on the most terrifying night of their lives.

For his heroism at Guadalcanal, John Basilone was awarded the Congressional Medal of Honor and ordered home to take part in a war bonds tour. The tour brought in $1.4 million in pledges. He crisscrossed the country, met Hollywood startlets, and even met his wife, another marine, at Camp Pendleton. He could have remained stateside for the remainder of the war but, he turned down the bars of a second lieutenant because, he said, he didn't want to become "a museum piece." In his words, "I'm a plain soldier, and I want to stay one." So just before Christmas 1944, he kissed his new wife goodbye and rejoined his "boys" in the Pacific.

On February 19, 1945, SGT John Basilone was serving with the 1st Battalion, 7th Marines, 5th Marine Division during the first day of the invasion of Iwo Jima. He was on the island less than 2 hours when an enemy artillery round exploded, killing Basilone and four members of his platoon. He had just destroyed an enemy blockhouse, enabling the marines to capture another critical airfield. On his left arm were tattooed the words "Death before Dishonor." John Basilone was 27 years old.

He was awarded the Navy Cross and Purple Heart posthumously, making him the only enlisted marine in World War II to be awarded the Congressional Medal of Honor, the Navy Cross, and the Purple Heart. He was also awarded the American Defense Service Medal, American Campaign Medal, Asiatic-Pacific Campaign Medal, World War II Victory Medal, Presidential Unit Citation with Star, and Presidential Unit Citation with Bar.

After the war, John Basilone was reburied at Arlington National Cemetery. In 1949, the USS *Basilone*, a destroyer, was commissioned in his honor. Today, a life-sized bronze statue of him watches over his hometown of Raritan, NJ, and in 1981, Raritan began a parade in his honor. It remains the only parade in the Nation dedicated to the memory of one veteran.

The National Italian American Foundation, the Order of the Sons of Italy of

America, the Sergeant John Basilone Foundation, and veterans and marines organizations worked long and hard to see this "plain soldier," as John Basilone called himself, included among the marine heroes honored on the new stamps. We thank them for helping to make a new generation of Americans aware of the service and sacrifices of this son of an Italian immigrant, a true American hero.

When he died, The New York Times noted in an editorial that there always had been Americans like John Basilone, willing to fight for their country even when they knew their luck wouldn't last. "The finest monument they could have," the newspaper said, "would be an enduring resolve by all of us to this time fashion an enduring peace."

Let us never forget how much we owe John Basilone and all those who have given so much, over so many generations, so that we can live free.

HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS DUSTIN YANCEY

Mr. GRASSLEY. Mr. President, today I address the Senate in tribute to PFC Dustin Yancey, originally from Cedar Rapids, IA and more recently from Goose Creek, SC. Private First Class Yancey was tragically killed on November 7, 2005 during Operation Iraqi Freedom. His Humvee was struck by an improvised explosive device and both Private First Class Dustin Yancey and Captain James M. Gurbisz were killed. Private First Class Yancey served with the 26th Forward Support Battalion, 2nd Brigade, 3rd Infantry Division based in Fort Stewart, GA. He was only 22 years old.

I ask that the Senate, the people of Iowa, and all Americans stand today and recognize the sacrifice that Private First Class Yancey made yearlier this month. Our country has survived throughout the centuries due to the brave men and women who have composed our Armed Forces, and I am saddened to announce to the Senate that another of our bravest will be buried in Arlington National Cemetery.

We could all learn from the patriotism and spirit of Private First Class Yancey. His cousin, Brian Yancey of Cedar Rapids, IA, remembered that Private First Class Yancey "was very much a patriot, very much a military man. He was a person who wanted to do what he could for his country."

We must remember Private First Class Yancey's family, in both Georgia and Iowa, and stand with them during this time of loss and grief. The thoughts and prayers of countless Americans go out to Private First Class Yancey's family and friends. He did not die in vain, but rather gave his life for the promotion of freedom and security around the world. He will be sorely missed, but will also be an inspiration for future brave Americans for years to come.

U.S. MILITARY PERSONNEL SERVING IN IRAQ

Mr. SANTORUM. Mr. President, I rise today to share with my colleagues another positive story from a member of the U.S. Armed Forces currently serving in Iraq. His story, once again, depicts the frustration that so many of our servicemembers have with the lack of public attention in the U.S. to the humanitarian and military successes of their work in Iraq.

I recently received a letter in the mail from Ms. Ann Sensenich of Boiling Springs, PA. Ms. Sensenich wrote to me:

> DEAR MR. SANTORUM: Enclosed is a copy of a letter I received from one of our soldiers serving our country in Iraq. I am forwarding this to you as I feel this is a letter that should not be viewed by only my eyes.
>
> I have been sending packages to my employer's son in Iraq and he forwards them on to his soldiers and this is one of the responses I received.
>
> Please share this letter with anyone you feel would appreciate the service of this and all our U.S. soldiers defending our country and keep in mind he indicated he would go back seven times before he would let terrorists on our soil.
>
> Thank you for reading this and please share his words with others.
>
> Sincerely,
>
> ANN B. SENSENICH.

Attached to Ms. Sensenich's correspondence is the letter that a deployed servicemember wrote to her when her package was shared with fellow servicemembers. He wrote:

> DEAR ANN SENSENICH, I am deployed with the 3/3 ACR. We received your package, and I just wanted to take a little bit of my time to say thanks.
>
> Your package helped with the morale of a lot of soldiers. Due to the negative feedback we get from the media and people back home, it is nice to receive a package from someone who supports us and what we do.
>
> People like you are the reason why we fight this war. We sit over here day to day risk getting shot at or having mortar rounds dropped in on us so that the people back home (like yourself) can keep on enjoying the freedoms that a lot of people take for granted everyday. I, myself used to take those things for granted also until I was deployed to fight for our freedom. This is my second deployment, and this is the first time that we have received a package from someone in the states. So, thank you for your unselfishness, and don't ever feel bad for the soldiers that are over here fighting this war. This is our job! This is what we were trained to do. I would come back over here seven more times before I let these terrorists on our soil. You can sleep safe in your home tonight, enjoy every warm meal you have, enjoy your warm shower tonight, and wake up to a free world tomorrow because we are over here fighting for you and your family.
>
> Once again—Thanks! I just wanted you to know that your package that you sent did not go unnoticed.

Mr. President, these stories need to be told. Our soldiers are sacrificing their lives for us; they are putting themselves in harm's way each and every day over there, and missing valuable time with their families and loved ones. They need to know that we support them, and that their bravery and hard work is not going unnoticed.

We cannot allow critics here in the United States to influence the mentality of our troops. They need to know that we stand with them and that we support their invaluable mission.

WHAT'S AT STAKE FOR U.S. AGRICULTURE IN THE NEXT TWO MONTHS?

Mr. SANTORUM. Mr. President, our top U.S. trade negotiators traveled this week and last in Europe, Africa, and Asia. They are making a concerted effort to encourage certain influential countries among our 148 trading partners in the World Trade Organization to put meaningful agricultural offers on the table in Geneva. We are coming down to the wire in the most recent round of multilateral trade negotiations, referred to as the Doha Development Round. The offers that our trading partners put on the table in the next month or two are the starting point for agricultural negotiators. That deal in agriculture will be combined with the results of similar negotiations in the manufacturing and services sectors of the economy. Together, they constitute the outcome of the round that has been going on for the last 4 years. Without a deal in agriculture, however, the Doha Development Round will falter.

While bilateral trade agreements are beneficial to U.S. exporters, it is through multilateral negotiations that across-the-board tariff reductions can be achieved. That is why the Doha Development Round is so crucial.

The agricultural negotiations are significant to all of us representing states with agricultural constituencies. In the case of Pennsylvania, production agriculture generated $4 billion in cash receipts in 2003, according to USDA statistics. That's $4 billion for the producers of livestock and commodities in my State. Pennsylvania generates only 2 percent of agricultural cash receipts received by producers nationwide, so you can imagine how important agriculture is to the 31 States with larger agricultural economies. Then there is the added value to the Pennsylvania economy of further processing and manufacture of food products and their export. Virtually every State has a stake in these negotiations.

The producers of U.S. food and fiber no longer are producing for the U.S. market alone. Those days are gone forever. Our farmers are part of the global economy. In fact, because they are so efficient, they produce in excess of what the U.S. can consume and must gain access to global markets to expand sales opportunities.

Yet many markets overseas remain closed to U.S. producers because of high tariffs applied against U.S. exports. Particularly egregious are the tariffs imposed by the European Union and Japan among developed economies and by certain developing countries such as India and Brazil, where they continue to claim developing status despite making major advances in certain sectors of their economies.

These issues have been discussed at the WTO during the past 4 years of the current Doha Development Round, with little movement in agriculture. In an effort to move the round forward, the U.S. last month put forth in Geneva an aggressive proposal to jumpstart the stalled negotiations. Since U.S. tariffs already are low compared to our trading partners, there was little the U.S. could offer in market access to encourage comparable reductions. So the U.S. proposed to pull back its own domestic subsidies in exchange for significant cuts by our trading partners in the tariffs protecting their market access.

The rationale behind the offer is that U.S. producers are so efficient that they require minimal domestic subsidies, as long as they have unfettered access to expanding markets. Those markets increasingly are found overseas where the increased prosperity of growing middle classes demands the kind of dietary diversity and convenience we have long enjoyed. U.S. producers and food manufacturers can supply both that diversity and convenience and supply it year in and year out.

But not all agriculture is as efficient as that in the U.S. Rather than improve efficiency, some countries protect producers excessively with high tariff barriers to market access. And they are not forthcoming with offers of significance to begin the process of reducing those barriers. Frankly, there isn't much time left. The round ends at the end of 2006, and the initial offers for negotiation should be on the table this December at the Hong Kong ministerial meeting so negotiators are able to assemble the final package of tariff reductions and subsidy cuts in the next year. They will need every minute to do so.

After last week in Europe, the Secretary of Agriculture and the U.S. Trade Representative were far from optimistic that the Hong Kong ministerial meeting would grapple with the type of formulas to be used in cutting tariffs or with the number of "sensitive" products that countries could declare protected behind a high tariff.

And what happens if there is no agreement or a face saving agreement with minimal substance? That's what worries me and should worry American farmers. U.S. production agriculture has been a partner in the international effort of our trade negotiators to gain market access. But how long can the partnership last if the round fails? Where do farmers and ranchers put their efforts if the latest round of negotiations fails to live up to its promise?

The European Union, for example, insists that dairy is sensitive and deserves special protection. How can the dairy farmers of the U.S. be convinced that overseas market access is the key to increased profitability if the European market remains unavailable behind high tariff walls? I am concerned that agriculture will lose patience with the trade negotiation process and return to familiar domestic farm programs to augment its income because the world market could not. What do responsible Members of Congress do then, facing the kind of fiscal constraints we do in 2006, just as existing farm programs expire?

There is real potential under those circumstances for backlash. Testimony by commodity groups earlier this month in the House has telegraphed that already. Wheat, corn, and soy producers all expressed reservations at the degree of ambition and commitment to trade liberalization shown by U.S. trading partners, particularly the European Union and the G–20 group of developing nations, as evidenced by their counter proposals to the U.S. proposal in the WTO. U.S. producers are savvy. They see the inadequacy of those offers by our trading partners and have no intention of venturing too far in the direction of liberalized trade alone without a very strong safety net. The weaker the commitment to reform among our trading partners, as evidenced by the degree of success in the Doha Development Round, the more expensive will be the net required by our producers. That's bad news for those in Congress wishing to lead their agricultural producers toward a more productive and profitable model based on increased markets overseas, where 95 percent of the world's consumers live.

A recent study by Australia, a leading member of the Cairns Group of trade-liberalizing nations within the WTO, underscores the potential loss if the more robust proposal of the U.S. in the WTO is not realized. Australia's agricultural economics bureau, ABARE, estimates the U.S. proposal would deliver an extra $17.5 billion in gross income per year to U.S. farmers from increased exports. Much of that increase would flow to producers of meat and fruit and vegetables, who would benefit from increased market access. In fact, the U.S. proposal would benefit all efficient producers in the world, according to ABARE.

This is not the time to accept less than the U.S. proposal in the negotiations. ABARE estimates the European Union proposal would yield only about $3 billion, barely enough to account for assumption variables in the study, and it would continue to protect a number of its product lines where the U.S. stands to gain the most from market access. The proposal of the G–20 group would yield an extra $7.5 billion per year, a bare minimum.

Moreover, the benefit to U.S. production agriculture from increased earnings under the U.S. proposal would provide latitude for writers of the next farm bill to adjust domestic programs to accommodate two important realities. Some of our domestic programs have been ruled trade-distorting under the WTO. Ultimately we will have to reform these programs. Either we change our farm programs now by negotiation in the WTO where we can get something in return for them, or we will be forced to change them by litigation by which we don't get anything for them. Here is the perfect opportunity, where we can gain market access and income to offset changes made domestically.

The second reality is the cost of farm programs. That cost may not seem like much in years of little budget competition. But today we are in a budgetary climate where any policy that depends on government financing is subject for review. There is strong competition for public outlays, and an effort to reduce the deficit places new scrutiny on all programs.

We all have just experienced the budget reconciliation process in Congress. In agriculture, we were obligated to find $3 billion worth of savings to accommodate budget targets. That is just the beginning, and we are well advised to know the alternatives available to us to make adjustments in important programs in advance of the need. This WTO negotiation provides the U.S. with the opportunity to convert its aggressive proposal for reform into real income for farmers and agribusiness. For instance, if the U.S. program crops like wheat, corn, rice, and soybeans continue to be under pressure in the WTO for the portions of their domestic subsidy programs that "distort" trade, the advent of the next farm bill provides us a chance to convert supports for those crops into a format that conforms to WTO guidelines. In return, we gain the market access from our trading partners to sell them U.S. fruit and vegetables, meat and dairy products, and other specialty crops not previously allowed into their markets in sufficient quantity.

If we don't succeed in opening those opportunities for U.S. agriculture, we will have nothing with which to persuade our producers to give up the expensive domestic subsidies to which they have become accustomed. Another expensive, non-innovative, and divisive farm bill might unfortunately be the result. Mr. President, a great deal is riding on the success of the Doha Round.

REPRESENTATIVE JOHN MURTHA'S SPEECH

Mr. AKAKA. Mr. President, I rise today to talk about Representative JOHN MURTHA's statement on Iraq. JOHN MURTHA is right. We need an exit strategy from Iraq. The administration should have had one before the war.

As I and other Members of Congress consistently requested before Operation Iraqi Freedom, OIF, began, it was imperative for the administration to have a plan for both entering and, now more importantly, for exiting Iraq. We are 2 years into OIF with no clear end in sight. There is no excuse for not having one now.

We must provide the Iraqi people with the tools necessary to stand on their own. Only the Iraqi people can rebuild Iraq. Only the Iraqi people can defend Iraq. We cannot do it for them. We cannot want it more than they want it. What we must do is provide them with the means to accomplish this, but what we are unable to do is to give them the will.

Whether we leave Iraq tomorrow, or in 6 months, or longer, the President needs to tell the American people when and how we will be able to withdraw our troops. We cannot afford to lose more Americans in Iraq.

JOHN MURTHA is a great patriotic American. His service in the military and in the U.S. Congress cannot be measured. Those who disparage him tarnish only themselves.

Everyone who knows JOHN MURTHA knows that he believes in his heart and soul in the American military and he will do everything he can to help them. He should be listened to for what he has done, for who he is, and because he is right.

NATIONAL SECURITY PERSONNEL SYSTEM REGULATIONS

Mr. INOUYE. Mr. President, I am very disappointed with the U.S. Department of Defense and Office of Personnel Management's final regulations for the National Security Personnel System, NSPS, that will affect more than 350,000 defense civil service employees throughout our Nation. What makes the new system dangerous is that upon a cursory glance, it would almost appear "acceptable" in the name of national security. Scratch the surface, however, and it becomes very alarming.

The rhetoric does not match reality. U.S. Defense Secretary Donald Rumsfeld in public testimony stated that these new regulations "would not end collective bargaining," but, rather, would "bring collective bargaining to the national level" to avoid duplication and inefficiency. This has not occurred, nor do I believe there is a sincere interest in the Pentagon to pursue national collective bargaining. In fact, I would suspect that the Pentagon's plan is just the opposite—to substantially remove from the table the number of subjects for good faith collective bargaining.

For this reason, I am pleased that the employee unions have gone to Federal court to challenge the regulations, in the same fashion that they challenged the Department of Homeland Security regulations. I hope they will prevail in their call for injunctive relief, as they did in the Homeland Security case, as well as to prevail in the final disposition of both cases.

While I would be the first to say that the Federal civil service system is not perfect, it is a system that has withstood the test of time as fair and impartial. To overhaul it in favor of vesting the subjective power to hire, fire, discipline and promote in the hands of a few political appointees is very dangerous. At this point, the "seemingly acceptable" national security rationale for the wholesale stripping of employees' rights fast begins to lose its luster. It is no longer reasonable. There seems to me to be an inherent conflict. In the name of national security, this administration is willing to deny its own workers a small modicum of security—employment and family security—especially when I do not believe it is necessary to achieve our goal of national security. I call into question the motivations behind their actions.

My position on the Pentagon's issuance of the NSPS regulations is what I believe any decent fellow would say: Now is the time for our Nation to come together in support of our armed services abroad. To do so, we must stand behind our civilian defense workforce from whom we are demanding great productivity in support of our troops.

Now is not the time to be divisive and punitive of our Federal workforce. It creates low morale, mistrust, and a decreasing level of respect between worker and management. The consequences stemming from such instability, could be dire. For me, the stakes in terms of human lives are too high to be taking such a gamble. United we stand—civilian and military together. Divided we could fail.

NATIONAL DEFENSE AUTHORIZATION ACT

Ms. SNOWE. Mr. President, I rise to speak in favor of my amendment No. 2528, unanimously adopted into the National Defense Authorization Act for fiscal year 2006, to provide targeted size standard relief for small U.S. contractors incurring extraordinary security and protection costs on foreign battlefields in the global war on terror.

Right now, in Iraq and Afghanistan, there are many brave, small contracting businesses working alongside our uniformed soldiers in many cases. Employees of these small contracting firms get shot at and encounter roadside bombs, suicide attacks, ambushes, and kidnapings. Yet, in order to provide our military with desperately needed goods and services, these small battlefield firms diligently endure these daily risks.

These daily dangers force small conflict zone firms to hire well armed, private security guards, and to incur extraordinary security expenses in order to protect their employees. The violence towards civilian contractors in Iraq and Afghanistan has become so prevalent that the government often requires companies to provide security services, and treats these extraordinary security costs as reimbursable contractor expenses. These security expense reimbursements do not increase or expand small contracting firms' core business capabilities. Instead the money the government pays to small battlefield contractors for security expenses is passed directly through to the security subcontractor providing protection to the small firms' employees.

Unfortunately, the Government's valid reimbursement of conflict-zone security expenses artificially inflates the size of many small battlefield firms causing them to out grow the Small Business Administration's small businesses size standards. It is important to understand that the SBA size standards were established on the basis of normal revenues for small businesses operating in North America. But, currently, these domestic size standards are penalizing our small contractors operating outside the U.S. and in war zones by eliminating their ability to obtain crucial small business contracts and loans once they exceed the domestic standards.

Our most reliable and dependable small battlefield firms, because they operate overseas, are.in danger of artificially outgrowing the SBA's domestic size standards. Not only does this artificial growth hurt small business ability to survive, it also harms the U.S. Government's ability to secure contracts for much needed goods and services that are used to support our troops in war zones. This ultimately reduces the Federal Government's access to experienced small contractors and hampers the Government's efforts to comply with the Government's annual statutory small business contracting goals.

My amendment directs the SBA to conduct a study and provide a report to Congress on the fairness of exempting reimbursement for subcontracts for private security services from the size standards caps applicable to small firms that perform contracts and subcontracts on overseas battlefields. I urge my colleagues to support our small battlefield contractors currently in harms' way by retaining this important amendment in the Defense authorization conference report.

SCIENCE, STATE, JUSTICE, AND COMMERCE APPROPRIATIONS

Ms. MIKULSKI. Mr. President, earlier this week the Senate passed the conference report accompanying H.R. 2862, the Science, State, Justice and Commerce Appropriations Act for fiscal year 2006.

As the ranking member on the Appropriations Subcommittee on Commerce, Justice, and Science, I rise today to explain how this legislation is critical to spurring economic innovation in our Nation and how the bill protects communities and saves lives and livelihoods.

I believe this appropriations bill is an important step in making our country more competitive in the global economy. The future of our economic security as well as our national security will depend upon our ability to innovate. This bill is a major Federal investment in innovation through science and technology, and it will help make America stronger by investing in our future.

Innovation begins with basic research. H.R. 2862 funds the National Science Foundation, NSF, at $5.6 billion, a $180 million increase over last year.

The key to innovation is investing in basic research in the physical sciences-biology, chemistry, physics and the cutting edge interdisciplinary initiatives in nanotechnology, biotechnology and information technology. The National Academy of Sciences, the Council on Competitiveness, and numerous other organizations have all called for a substantial increase in our investment in basic scientific research. This bill makes a downpayment on that investment.

The technology of tomorrow will create the jobs of tomorrow. But if we don't invest in research, the technology and the jobs will go overseas.

But it is not just about investing in research, we also have to invest in education. This bill preserves funding for graduate student stipends at $30,000 per year. NSF funds critical programs to improve the teaching of math and science and to improve science and math curriculum in our schools. We must increase the number of math and science teachers as well as the number of math and science students.

In addition, government and the private sector must work together to spur innovation in our economy. That is where the National Institute of Standards and Technology, NIST, comes into play. NIST invests in new technologies that lead to new breakthroughs that create jobs to make our nation more competitive. NIST also sets industry standards so that American business can be competitive abroad. H.R. 2862 funds NIST at $761 million, a $62 million increase over last year.

This legislation also funds other important agencies that are on the cutting edge of science and technology that can save lives and communities.

The National Oceanic and Atmospheric Administration, NOAA, is responsible for the National Weather Service as well as critical research into oceans, fisheries and the Earth's atmosphere.

For NOAA, we have provided $3.9 billion, a $20 million increase over last year. Whether it is warning us about severe weather so we can secure our property and get out of harm's way, or helping to restore our fisheries that are so critical to our economy, NOAA saves lives and communities every day.

In space, this appropriations bill fully funds the National Aeronautics and Space Administration, NASA, and the cutting edge scientific and technological research that only NASA can do.

For NASA, we have provided $16.4 billion, which is a $260 million increase over last year. This includes $271 million for the Hubble Space Telescope, $50 million over the President's budget request to accommodate a servicing mission to Hubble, should the Administrator determine that the space shuttle is safe to use.

The servicing of Hubble will involve replacing batteries, gyroscopes and installing new scientific instruments to make Hubble more powerful than ever. Hubble is the very symbol of innovation and discovery that are hallmarks of America's space program.

We continue our investment in the Mars program and fully fund the next generation of launch vehicles to replace the space shuttle.

All major science programs are funded at the President's request level or higher including the Living With A Star program which is crucial to understanding the Sun's effects on the Earth.

While NSF, NOAA, NIST and NASA are all integral to our nation's ability to innovate, along with our other federal agencies, it is the private sector that is responsible for most of the innovation that drives our economy.

The Patent and Trademark Office, PTO, plays a central role in protecting our nation's valuable intellectual property. The PTO has a backlog of applications waiting to be processed. H.R. 2862 funds the PTO at a record $1.7 billion, a 30 percent increase over last year.

This record increase will go a long way towards helping the PTO reduce the backlog of patent applications so we can properly protect our intellectual property and maintain our competitiveness.

But as we invest in our future, this legislation also takes care of our day-to-day needs especially when it comes to protecting our neighborhoods and communities

In making our country safer, the Department of Justice is our front line. This bill provides $21 billion to the Justice Department, $800 million more than last year. The Justice Department accounts for almost 50% of the entire bill. This includes funding for the FBI, DEA, ATF, U.S. Marshals, U.S Attorneys as well as the Federal Prison System.

The Justice Department provides assistance to our state and local law enforcement and help communities fight gang violence. It also protects us from terrorists and protects our neighborhoods and communities. Specifically, the FBI will receive $5.7 billion in 2006, a $500 million increase over last year. Most of this increase has been devoted to counterterrorism.

H.R. 2862 also increases funding to fight sexual predators who prey upon our children. The bill provides $48 million to continue and expand the Missing and Exploited Children Program. It also funds a Cyber-Tipline, an online resource where people can report leads and tips about child sexual exploitation.

Finally, the bill provides $2.7 million for the FBI's innocent images program to investigate and capture child pornographers who use the Internet to prey on children.

In addition to sexual predators, gangs are becoming a growing local, regional, and national problem. We have provided increases to the ATF, U.S Attorneys and the FBI to help fight against gangs in our schools and communities.

Any anti-gang strategy must focus on three principles: prevention, intervention and suppression. In my own State of Maryland, in Montgomery and Prince George's Counties, and around the State, gangs are a growing problem.

This bill provides $2 million for Montgomery and Prince George's Counties to deal with gang violence and fund prevention programs. It also provides another $2 million to combat gang violence and gang prevention programs around the State of Maryland. The purpose of this funding is to bring federal resources to the local level to help stop and prevent further gang violence from afflicting our neighborhoods and communities.

Mr. President, the President's budget cut state and local law enforcement by $1.4 billion. We were able to restore $1.1 billion of that cut in this bill.

I know how important our local police are to fighting crime and gangs. Our local police are the first responders. If we were not subjected to strict limits on spending that were imposed on us by the Budget Resolution, we would have provided additional funding for state and local law enforcement.

But with the need to increase funding for counterterrorism and counterintelligence, plus the need to address the growing problems of both methamphetamine abuse and regional and even international gang violence, we had to make difficult choices, under very difficult circumstances.

Mr. President, the Science, State, Justice, and Commerce Appropriations bill is about investing in science and technology to spur innovation in our economy, protecting our Nation, and saving communities, lives, and livelihoods.

Investments in innovation are critical so America will retain its competitiveness as well as its economic and national security. Through the Department of Justice and its major law enforcement bureaus, we are increasing our commitment to protecting children from sexual predators and making our neighborhoods and communities safer from gang violence and street crime.

I look forward to working with my colleagues next year to continue the progress we have made and increase our commitment to innovation, science and technology.

LIHEAP

Mr. KENNEDY. Mr. President, winter is coming, and it could easily become a perfect storm of high energy prices, bitter cold, and too little heat for those in need.

Households heating primarily with natural gas will pay an average of $306 more this winter for heat, an increase of an incredible 41 percent over last year. Those relying primarily on oil for heat will pay $325 more, an increase of 27 percent.

The poor, the elderly, and the disabled need our help and they need it now.

Wilhelmina Mathis is one example of what is happening to the most vulnerable in our society. Wilhelmina is 71 years old and lives alone. All last winter she kept her thermostat set at 60 degrees to save money. She hopes the Federal Government will come through with more LIHEAP money. She says: "I turn down the thermostat as low as I can and sometimes I turn it off and put on extra sweaters. I don't know how much longer I can keep doing this."

We have tried four times this year to increase funds for LIHEAP, and all four times we were defeated by the overwhelming Republican majority who voted in lock-step to reject it.

The failure of the Republican Congress to increase LIHEAP funds continues to put millions of our fellow citizens at risk. But the Bush administration and the Republican Congress are telling the elderly, the disabled, and children across America that it doesn't matter if they have no heat this winter—they aren't a priority.

In fact, the Republican leadership is forcing us to make impossible choices. Look at the Labor-HHS bill. The Republican leadership is telling us that if we fund LIHEAP, we must cut health care for seniors, cut education for our children, cut essential job training funds for people trying desperately to enter the workforce and attain a level of self-sufficiency.

It is unconscionable. Why are we being forced to help one family at the expense of another? We must increase LIHEAP funds and fight against cuts to other essential health, education, and labor programs. It is time for Congress to stand up for the American people. We tell them we hear them and understand their struggle, now it is time to put our money where our mouth is. We need to stop the rhetoric and take action. The American people deserve nothing less.

Mr. KOHL. Mr. President, I rise as a cosponsor of the amendment offered yesterday by the Senator from Rhode Island to the tax reconciliation bill. This amendment addresses a concern that is on the mind of many Wisconsinites as winter quickly approaches—the increased cost of home heating.

The timing of this amendment could not be more relevant. Last week, executives from several major oil companies attempted to defend their record-breaking profits over the last quarter, in a hearing before the Senate Commerce and Energy Committees. Despite their efforts, they were unable to provide adequate answers. More importantly, they were unable, or unwilling, to provide solutions that would ease the burden on American consumers.

I would like to remind my colleagues that while prices at the pump have declined slightly, we are not yet in the clear. Winter is just around the corner, and with colder temperatures comes higher heating bills. I know my constituents in Wisconsin are worried not only about the costs of filling their cars, but also the costs of heating their homes. As the profits of these oil companies continue, what answers can I provide to these constituents, these hard-working Americans, about how they will pay their heating bills?

I believe the amendment of the Senator from Rhode Island was a first step towards offering my constituents some piece of mind when it comes to heating their homes. This amendment would have created a temporary, 1-year levy on the excess profits of U.S. oil companies to provide $2.92 billion for the Low-Income Home Energy Assistance Program. Because this would only be in place for 1 year, and only effect profits made in 2005, this amendment would have no effect on gas prices or do anything to increase dependence on foreign oil. The amendment offered a simple, short-term solution that would provide real help to those who will need it most, when the temperature starts to drop.

The Energy Information Administration has forecasted significantly increased home heating costs this winter. For those using home heating oil, the average increase in price will be $325 over last year. While that might not be much to the oil executives, I can assure you that it could mean going without heat for some families in Wisconsin. I believe it is the responsibility of the Federal Government to protect consumers when the market fails to do so.

I am deeply disappointed that the amendment failed in last night's vote. I assure my constituents that I will continue to work towards a comprehensive solution to high heating costs.

Mr. CARPER. Mr. President, I am pleased to voice my support for the Low-Income Home Energy Assistance Program and for the Reed amendment that I cosponsored to S.2020, the tax reconciliation bill. The Reed amendment would have fully funded LIHEAP in fiscal year 2006 and would have paid for the increased funding with a temporary tax on the windfall profits of major oil companies.

The Senate fiscal year 2006 Labor, Health and Human Services, and Education Appropriations bill took an important first step toward providing adequate LIHEAP funds by including $2.183 billion for the program for next fiscal year. This is a good starting point.

However, $2.183 billion represents only a very slight increase over fiscal year 2005 levels and is likely not enough to meet the needs of LIHEAP beneficiaries in the coming winter.

For this reason, I have worked to find ways to increase funding for the LIHEAP program and to do so in a manner that is fiscally responsible. The Reed amendment would have added $2.92 billion to the LIHEAP program and paid for this increase by taxing the windfall profits of major oil companies.

Some have criticized this windfall profits tax. Yet I believe that a temporary, limited tax on the windfall profits of energy companies is a reasonable way to help the least fortunate among us pay for their home energy needs.

Indeed, I believe that the country's oil producers can afford to help pay for LIHEAP. Last month they posted record profits. ExxonMobil reported that their profits rose 75 percent, and in just 3 months they made $9.92 billion in profit. Similar record profits have been reported by all of the major integrated oil companies. Some of this increase in profit is due to oil prices that started to rise this summer even before Hurricanes Katrina and Rita struck the gulf coast. After the hurricanes, though, the price of gasoline, diesel, jet fuel and other refined oil products soared.

Our Nation is still struggling to recover from the disasters along the gulf coast. All Americans have had to make sacrifices as a result. This winter the country is facing another crisis, record energy prices and associated increased household heating bills.

According to the U.S. Energy Information Administration, consumers who heat their homes with natural gas prices—about 55 percent of U.S. households—are expected to see their heating bills rise by 48 percent this winter. Those who heat with oil will pay 32 percent more, those who heat with propane will pay 30 percent more, and those who heat with electricity will pay 5 percent more.

These increases will take the greatest toll on the least fortunate among us. Low-income Americans will have a harder time heating their homes and may turn their heat down dangerously low in hopes of being able to pay their monthly bills.

That is why the LIHEAP program is so important. LIHEAP provides vital home energy assistance to low-income families to help them weatherize their homes and pay their energy bills.

The Reed amendment would have asked the oil companies that have profited so much from recent rising energy prices to help ease the burden of this winter's high prices.

I am pleased with the approach taken by the Reed amendment because I believe that we should try to pay for increases in spending. I have been uncomfortable supporting some previous amendments to increase funding for the LIHEAP program because they did not find a way to pay for the increased spending.

Senator REED has found a way not only to fully fund this vital program, but to pay for it as well.

Unfortunately, Senator REED's amendment was not accepted by the full Senate during consideration of the tax reconciliation bill. The amendment needed 60 votes to overcome a point of order and received only 50.

We will keep trying though.

The LIHEAP program serves a vital function in helping as many as 5 million low-income households who need a bit of help paying their energy bills or weatherizing their homes. I'm pleased to have been a cosponsor of the Reed amendment and I will continue to look for ways to increase funding for the LIHEAP program.

INTERNET GOVERNANCE

Mr. BURNS. Mr. President, I rise to say a few words about the resolution I submitted and which was approved by unanimous consent on the Senate floor this week, in support of the President's position on Internet governance at the U.N. Summit on the Information Society. I thank the cosponsors on this resolution: Senators STEVENS, INOUYE, LEAHY, SMITH, SUNUNU, BILL NELSON, HUTCHISON, INHOFE and CRAIG. And I also acknowledge Senator COLEMAN for all his good work on this issue.

No one can really control the Internet. It is not supposed to be controlled. It is an architecture, literally and figuratively, of freedom—freedom of information, of speech, of interconnection, of religion. Because the Internet was developed and commercialized in the United States, it reflects those core American values, and boosts them all around the world. And the United States should be proud of the way it has handled the growth of the Internet—particularly in the way it has kept the private sector experts in charge, and government bureaucrats out.

I have been particularly concerned the status of the Internet Corporation for Assigned Names and Numbers, ICANN, the private, expert body that oversees and manages the Internet's Domam Name System. This is the "plumbing" that makes each Internet site unique and keeps the Internet a global unitary network. The United States created ICANN and its unique model of oversight, with the input of international stakeholders. And U.S. Government oversight of ICANN has been critical in making ICANN more responsive and more capable of carrying out its important technical mission. ICANN is not perfect. I have been critical of its shortcomings in the past, and will continue to do so in the future. But I strongly support its model of governance that leaves the private-sector experts in charge.

The preliminary news from the U.N. conference seems to be good. Some of the worst ideas, such as creating a new U.N. bureaucracy instead of ICANN, or to direct ICANN, seem to have been avoided. But I will look closely at the final results and make sure that nothing has been agreed to that could damage the Internet. I hope to hold a hearing in the Commerce Committee early next year about this, and I look forward to hearing the testimony of the key stakeholders at that time.

THE SUCCESS OF THE 1994 BRADY ACT

Mr. LEVIN. Mr. President, statistics released last month by the Department of Justice indicate that the 1994 Brady Act has had a meaningful impact on keeping firearms out of the hands of criminals. The annual Bureau of Justice Statistics bulletin titled "Background Checks for Firearms Transfers" reveals that nearly 126,000 firearm transactions to prohibited individuals were prevented in 2004 alone.

As my colleagues know, the 1994 Brady Act requires individuals seeking to acquire guns from a federally licensed firearms dealer to undergo a background check. This process requires the applicant to provide a variety of personal information, which is not retained longer than 4 days unless the person is prohibited by law from receiving or possessing firearms. The primary factors that disqualify individuals from receiving firearms include felony or domestic violence convictions, identification as a fugitive or illegal alien, substance abuse, and serious mental illness. Unfortunately, membership in a known terrorist organization does not automatically disqualify an applicant from receiving or possessing a firearm under current law. This is one of the loopholes in our gun safety laws that should be addressed by Congress.

The Department of Justice reports that since enactment of the 1994 Brady Act, more than 1.2 million applications for firearms transfers have been rejected because disqualifying information was uncovered during a background check of the applicant. Of the applications that were rejected in 2004, 44 percent were rejected because the applicant had been convicted of or was under indictment for a felony offense. In addition, 16 percent were rejected because of domestic violence convictions or a related restraining order.

According to the Department of Justice statistics, almost 80 percent of the rejected applicants in 2004 had a serious criminal history, had been involved in domestic violence, or were identified as a fugitive. This means that nearly 100,000 times last year, criminals and known domestic abusers were denied access to dangerous firearms because of background checks required by the 1994 Brady Act.

Unfortunately, not all firearms transactions are subject to a background check. The law requires background checks only for those transactions that involve a federally licensed firearms dealer. According to the Coalition to Stop Gun Violence "two out of every five guns acquired in the United States; including guns bought at gun shows, through classified ads, and between individuals; change hands without a background check." The Coalition to Stop Gun Violence also estimates that "extending criminal background checks to all gun transactions in the United States could prevent nearly 120,000 additional illegal gun sales every year."

It is important that we do not infringe on the rights of law-abiding citizens. However, with those rights in mind and protected, we should not allow those with a violent or serious criminal record to acquire dangerous firearms. I urge my colleagues to join me in support of commonsense gun safety legislation, such as the 1994 Brady Act, that will make our nation safer.

AIR FORCE ACADEMY

Mr. ALLARD. Mr. President, in an era when college football players are almost universally derided as troublemakers, stories about football players who become leaders and role models off the field are indeed hard to find. One such leader currently exists at the U.S. Air Force Academy.

Earlier this week the Air Force Academy announced that Andy Gray, a senior cadet, has been selected to take over as the commander of the entire 4,000-strong cadet wing next semester. In this position, Andy will serve as the chief liaison between the academy's leadership and the cadet student body, akin to a student body president.

However, Andy is different than the average student body president. He has received extensive leadership training along with his fellow cadets. He has endured the rigorous cadet schedule of academics and military training. And, he has done it all while excelling as a member of the NCAA Division One Air Force Academy Falcon football team.

Andy is only the sixth football player to be chosen for this leadership role, and the first in 16 years. The last academy athlete to serve as the cadet wing commander was Delavane Diaz who played volleyball for the Falcons in 2003.

Andy Gray entered the academy in 2000 and played quarterback and defensive safety for much of his cadet career. In the fall of 2004, he was No. 1 on the depth chart as quarterback for the Falcons. This past season he played safety and had a big interception in the Air Force Academy's victory over UNLV.

Becoming a cadet wing commander is not easy and requires candidates to go through a rigorous screening process. Only the top two cadets from each of the academy's 35 squadrons are nominated to be considered. Then the pool is narrowed to 20. Each of the surviving candidates is closely interviewed by a board that includes members of the academy's leadership.

I commend Andy for his selection to be the academy's cadet wing commander. This selection is a real honor for him, and I know he will not take his new responsibilities lightly. I wish Andy the best as he takes up this important leadership position.

I also applaud the academy's football coach, Fisher DeBerry, for being such an outstanding role model for cadets like Andy. Coach DeBerry is a man of character who, for over 22 years, has turned hundreds of cadets into leaders while running a top-notch football program. I look forward to seeing in the future many more Academy football players become leaders in our Air Force.

THE SITUATION IN NEPAL

Mr. LEAHY. It may seem strange that on a day when the Congress is debating the budget resolution, I would be asking the Senate to turn its attention for a moment to the remote and tiny nation of Nepal.

I do so because for the past several years, a ruthless Maoist insurgency and a corrupt, repressive monarchy have brought that impoverished but breathtakingly beautiful country to the brink of disaster. It is important for the Nepalese people to know that while they may live half a world away, the difficulties they are facing have not gone unnoticed by the U.S. Congress.

It has been almost 9 months since Nepal's King Gyanendra dismissed the multiparty government, suspended civil liberties, and arrested the prime minister along with other opposition political leaders, human rights defenders, prodemocracy student activists, and journalists.

The king's explanation was that democracy had failed to solve the Maoist problem. He said that he would take care of it himself and then restore democracy after 3 years.

It is true that Nepal's nascent democracy had not solved the Maoist problem. Neither had the king. In the 4½ years since King Gyanendra assumed the throne and became commander in chief of the Nepalese army, the Maoists have grown from a minor irritant to a national menace. While the Maoists use threats and violence to extort money and property and they abduct children from poor Nepalese villagers, the army often brutalizes those same people for suspicion of supporting the Maoists. Like most armed conflicts, defenseless civilians are caught in the middle.

What the Nepalese people desire most is peace. Despite the king's autocratic maneuvers on February 1, many would have given him the benefit of the doubt if he had a workable plan to quickly end the conflict. Nine months later, it is clear that he does not. One can only wonder why King Gyanendra thought that he could defeat the Maoists by dissolving the government, curtailing civil liberties, and surrounding himself with a clique of elderly advisers from the discredited, feudalistic Panchayat era.

The United States, Great Britain, and India criticized the king's actions and have urged him to negotiate with Nepal's political parties to restore democratic government. Unfortunately, although he has released most political prisoners and reinstated some civil liberties, the king has increasingly behaved like a despot who is determined to consolidate his own power.

In the meantime, the Maoists declared a ceasefire. The violence has reportedly decreased, although abductions and extortions have continued apace. Whether the ceasefire is a sinister ploy or a sincere overture for peace may never be known, however, because it is due to expire next month and neither the king nor the army has indicated a willingness to reciprocate.

Against this disheartening backdrop, the Congress, on November 10, 2005, approved my amendment to impose new restrictions on military aid for Nepal. On November 14, President Bush signed it into law. I want to briefly review what we did, and why.

The amendment says that before the Nepalese army can receive U.S. aid, the Secretary of State must certify that the Government of Nepal has "restored civil liberties, is protecting human rights, and has demonstrated, through dialogue with Nepal's political parties, a commitment to a clear timetable to restore multi-part democratic government consistent with the 1990 Nepalese Constitution."

This builds on an amendment that was adopted last year, which required the Secretary of State to certify that the Nepalese army was providing unimpeded access to places of detention and cooperating with the National Human Rights Commission, NHRC, to resolve security related cases of people in custody. Unfortunately, the Secretary was not able to make the certification. Not only were the NHRC's members replaced through a process that was contrary to Nepal's constitution, the International Committee of the Red Cross suspended its visits to military detention centers because it was denied the free access it requires.

The Nepalese Government objects to any conditions on U.S. aid, arguing that the army needs help to fight the Maoists. The army does need help, but it also needs to respect the law and the rights of the Nepalese people. The Congress took this action only after it could no longer ignore the pattern of arbitrary arrests, disappearances, torture and extrajudicial killings by the army. The army's abusive conduct, coupled with the king's repressive actions since February 1, have contributed to a political crisis that threatens not only the future of democracy but the monarchy itself.

Economic aid to support health, agriculture, hydropower, and other programs through nongovernmental organizations is not affected by my amendment. If the situation changes and the Secretary of State certifies that the conditions in U.S. law have been met, military aid can resume. But that alone will not solve the Maoist problem. The Maoists are expert at intimidating the civilian population and carrying out surprise attacks and melting back into the mountains. While they do not have the strength to defeat the army, neither can they be defeated militarily.

The only feasible solution is through a democratic political process that has the broad support of the Nepalese people. Perhaps seeking to placate his critics, the king, without consulting the political opposition parties, announced municipal elections for February 8, 2006. Not surprisingly, the parties say they will not participate in an electoral process dictated by the palace and when the army and the king's handpicked representatives have taken control of local affairs and are unlikely to relinquish power.

The U.S. Embassy is skeptical of the Maoists' intentions and has publicly discouraged the political parties from forging an agreement with the Maoists. This is understandable, since the Maoists have used barbaric tactics that should be universally condemned. But this conflict cannot be won militarily and the king has rejected a political accommodation with the country's democratic forces. He is imposing new restrictions on the media and civil society, and he has spurned offers by the international community to mediate. Nepal's younger generation, who see no role for the monarchy in Nepal's future, are taking to the streets. It may not be long before the army is faced with a fateful choice. Will it continue to side with the palace even if it means turning its weapons on prodemocracy protesters and facing international censure, or will it cast its lot with the people?

It is a choice that we may also have to make. For the better part of a year, the United States and others friends of Nepal, as well as many brave Nepalese citizens, have tried to nudge the king back toward democracy. It has not worked. With the king increasingly imperious and isolated and the political parties already making overtures to the Maoists, what is to be lost by calling for the Maoists to extend the ceasefire, for the army to reciprocate, for international monitors to verify compliance, and for representatives of all sectors of society who support a democratic, peaceful Nepal to sit down at the negotiating table?

There are no guarantees, but it would test the Maoists' intentions and it might create an opening for agreement on a democratic process, with the support of international mediation, that can finally begin to address the poverty, corruption, discrimination and other social ills that have fueled the conflict. The people of Nepal, who for generations have suffered far more than their share of hardship and injustice, deserve no less.

MEDICARE PRESCRIPTION DRUG BENEFIT

Mrs. BOXER. Mr. President, last Tuesday the open enrollment period for the Medicare Part D prescription drug program began. This program has been praised by the administration as a great benefit for seniors, but I can tell you that seniors are not so sure. According to a survey conducted by the Kaiser Family Foundation, only 20 percent say they will sign up. Over one-third say they won't, and the rest don't know what they are going to do.

One thing we do know for sure is that seniors are confused and scared. I have received over 4,000 letters from them telling me so. And why wouldn't they be. They have a series of complicated decisions to make.

First, they have to decide whether they want drug coverage. Do they already have drug coverage that is better or just as good as what is offered under the plan? And if they don't, do the costs of the plan exceed the benefits? And what will happen in the future? Should they sign up now to avoid the penalty for signing up late?

Second, if they do decide to join the program, what plan do they choose? In California, 18 companies are providing 47 stand-alone prescription drug plans. These plans all have different premiums, copays, and lists of drugs they will cover. For those in managed care plans, if they choose one of the stand-alone drug plans instead of their managed care plan, they will lose their health coverage.

In addition, seniors must make sure that their neighborhood pharmacy accepts the plan. Otherwise, they will end up having to find a new pharmacy that is probably less convenient. And after all that, any plan can—on 60 days notice—change the list of drugs it covers. Seniors, however, can change their plans only once a year.

If seniors do choose to participate, the benefit itself is meager. There is a large coverage gap—the so-called donut hole—so seniors must pay 100 percent of drug costs once they spend $2,250 and before they spend $5,100. Moreover, there is nothing in the program that will actually lower the cost of prescription drugs, and, in fact, Medicare is expressly prohibited from negotiating for lower prices.

Mr. President, the seniors who are the sickest and poorest have the most to lose with this new program. Those 6.1 million seniors are eligible for both Medicaid and Medicare. They are known as dual eligibles. Currently, State Medicaid programs cover their drug costs, but as of January 1, they will be switched to the less generous Medicare program, and the States will be prohibited from using Medicaid to provide better coverage.

We need to make changes to the program now so that our seniors do not suffer. That is why I am a proud cosponsor of several bills that will change the harshest parts of this program. We must allow Medicare to negotiate on behalf of seniors for lower drug prices. We must allow States to use Medicaid to improve the drug coverage of the sickest and poorest seniors. We must end the coverage gap for all seniors. We must allow seniors more time to understand the program before they are required to enroll.

Mr. President, these changes are needed—and needed now. Without them, the promise of a Medicare prescription drug benefit may turn out to be a hollow one.

THE 30TH ANNIVERSARY OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT

Mr. KENNEDY. Mr. Chairman, I was proud to serve on the Education Committee when it recommended the original Education for the All Handicapped Children Act in 1975, and I am proud to join Senator ENZI today as a sponsor of this resolution, which recognizes the major impact of the law on the lives of disabled children and their families across the Nation, by guaranteeing the right of every disabled child to a free public education.

We know that disabled does not mean unable. Children with disabilities have the same dreams as every other child in America to grow up and lead a happy and productive life. We know that IDEA helps them fulfill that dream.

It says children cannot be cast aside or locked away because they have a disability. Those days are gone in America—hopefully forever.

Children with disabilities have rights like every other child in America, including the right to learn with other children in public schools and prepare themselves for the future.

But even as we celebrate 30 years of continuing success in the education of disabled children, we continue to hear objections to the act's high cost, its paperwork, and the burden of litigation. Those are important considerations, but we can't let them overwhelm the vast benefit of IDEA.

The act is about disabled children and their rights. It is about their hopes and dreams of living independent and productive lives. It is about parents who love their children and struggle for them every day against a world that is too often inflexible and unwilling to meet their needs. It is about teachers who see the potential inside a disabled child, but don't have the support or training they need to fulfill it.

IDEA is our declaration as a nation that these children matter and that we will do all we can to help their parents and teachers and communities achieve their education goals. That is why the government should make a clear commitment to provide adequate funds for special education. What is needed is a solid education plan for each child, a way to chart the child's progress, and a way to hold schools accountable if they fall short. That is not placing an unfair burden on schools. It is the correct expectation of a decent school system in America.

Brown v. the Board of Education struck down school segregation by race and said that all children deserve equal access to education under the Constitution. But it wasn't until the passage of the Education for the Handicapped Act in 1975 that the Brown decision had real meaning for children with disabilities.

Only then did we finally end school segregation by disability and open the doors of public schools to disabled children. Only then did the Nation's 4 million disabled children begin to have the same opportunities as other children to develop their talents, share their gifts, and lead productive lives.

We must never go back to the days when disabled children were denied public education, when few if any preschool children with disabilities received services, and when the disabled were passed off to institutions and substandard schools to be kept out of sight and out of mind.

We have made immense progress since those days. Six and a half million children with disabilities now receive special education services. Almost all of them—96 percent—are learning alongside their nondisabled fellow students.

The number of young children with early development problems who receive childhood services has tripled in the past 30 years. More disabled students are participating in State and national testing programs. Graduation rates and college enrollment rates for disabled students are steadily rising.

The opportunities for further progress are boundless. We know far more about disability today than a quarter century ago. We have much greater understanding of childhood disabilities, and how to help all such children to learn and achieve. We are finding out more and more each year about the power of technology to enable these children to lead independent lives. It means they can communicate with others, explore the world on the Internet, and move in ways we couldn't have imagined 5 years ago, much less in 1975 when the law was first enacted.

I hope all our colleagues will join us in recognizing the extraordinary role of IDEA in protecting the rights and broadening the opportunities available to children with disabilities. Let's work together to renew our commitment to IDEA and fulfill its great promise of hope for the future.

50TH ANNIVERSARY OF THE DEDICATION AND OPERATION OF THE U.S. AIR FORCE ACADEMY

Mr. ALLARD. I rise today to celebrate the 50th anniversary of the dedication and operation of the U.S. Air Force Academy, located in my home State of Colorado. It has been a privilege for Colorado to host the Academy for more than five decades. The Academy's outstanding record of turning cadets into officers of integrity and honor is a source of pride for many in Colorado.

Yet sometimes when we drive on I-25 and pass the Air Force Academy's beautiful campus, we assume that Academy has always been there. It is easy to forget the hard work it took to get the Academy to Colorado in the first place.

It all began in May of 1949 when then-Secretary of Defense James Forrestal appointed a commission to evaluate the general education for each military service. This commission was chaired by Robert L. Stearns, president of the University of Colorado and father-in-law of Supreme Court Justice Byron "Whizzer" White. The commission also included other notables such as GEN. Dwight D. Eisenhower, who was then president of Colombia University. The Stearns Board quickly agreed that the U.S. Air Force needed an academic institution of excellence and that such an Academy should be established without delay.

Congress authorized the creation of the Air Force Academy in 1954. To determine a site for the new institution, then-Secretary of the Air Force Harold E. Talbott, appointed a team of individuals to assist him. The Air Force Academy Site Selection Board, as it was called, reviewed more than 580 locations in 34 States, and narrowed the field down to 7, 1 of which was Colorado Springs, CO. A year later, the majestic 14,000 acre area in the foothills of the Rocky Mountains near Colorado Springs was chosen by Secretary Talbott to be the site for the new U.S. Air Force Academy.

The selection of the site, however, would prove to be easy part. The design and construction of the permanent location would take years to complete. In the meantime, the Air Force had to find an alternate site so classes and training could begin. Lowry Air Force Base in Denver took on this mission and hosted the Academy until permanent buildings could be constructed.

The Academy staff was activated in the summer of 1954 when LTG Hubert Harmon, who had previously served as special assistant for Air Force Academy matters and was a member of the 1949 Air Academy Site Selection Board, assumed command. President Eisenhower, a West Point classmate and close personal friend of General Harmon, personally selected him as the first superintendent, stating "Doodles" Harmon would be the best man for the job.

The staff had only 11 months to prepare for the arrival of the first class in the summer of 1955. Due to space limitations, only 306 young men were admitted into the first class, the class of 1959. Thousands of applications were reduced to a few hundred, and those selected were truly America's "cream of the crop".

Dedication Day began with the arrival of 306 young men on July 11, 1955. The morning was spent processing such as fitting uniforms and getting haircuts. By 11 a.m. they were all lined up for intensive drill instruction. That afternoon, the stands were filled with over 4,000 military and civilian dignitaries, public officials, foreign attaches, cadets from West Point and Annapolis, press, and parents. With a flight of B-36 bombers flying overhead and the USAF band playing, the 306 cadets marched on the field in a near perfect formation.

At the time no one could have predicted that this small class would turn out Rhodes Scholars, numerous general officers and even All-American football players. Surprisingly, before they were to graduate, they would lead their football team to an undefeated season and a tie in the 1959 Cotton Bowl, one of the most underrated achievements in the history of major college sports.

LTG Hubert Harmon retired with lung cancer before the first class graduated in 1959. He will be remembered for his tireless work and dedication to the establishment of the Academy. He was the first person interred at the Air Force Academy Cemetery and is recognized by many as the "Father of the Air Force Academy."

Major General Briggs took over as the Academy's second superintendent, and during his tour of duty there, in 1958, the wing of 1,145 cadets moved to its present site from Denver. A year later, the Academy received its accreditation, and on March 3, 1964, the authorized strength of the cadet wing was increased to 4,417. In 1976, women were admitted for the first time into the Academy. The first class of women graduated in May 1980.

To date, more than 35,000 cadets have graduated from the Academy. The achievements of those who have graduated from the Academy have been many: 315 of these graduates have become general officers, to include former Chiefs of Staff of the Air Force, Generals Ronald Fogelman and Mike Ryan. 32 cadets have been selected as Rhodes Scholars, and 539 have entered medical school.

Even more important, 128 graduates have given their lives in the defense of our Nation, and 36 have been prisoners of war. We honor those who have served our Nation with such sacrifice and patriotism.

Over the years, the Air Force Academy has had to confront several difficult challenges. The institution has risen above these challenges and, in its quest for excellence, has become a model for other academic institutions to follow. The Air Force Academy continues to be recognized as an invaluable proving ground for tomorrow's military leaders.

As we look back at the establishment of the Academy, we cannot help but be thankful to those who worked so hard to establish the Academy in Colorado. The citizens of Colorado are indeed honored to have this institution in our beloved State. We have stood by the Academy through both the good and tough times. We in Colorado continue to believe in the Academy's mission and support the institution's effort to train officers of integrity and honor.

We salute the Air Force Academy's 50 years of success and look forward to many more decades to come.

PREVENTING TAX INCREASES

Mr. KYL. Mr. President, I want to take some time to discuss the importance of preventing tax increases that are scheduled to occur over the next several years.

The budget resolution conference agreement reached in April provides reconciliation protection for $70 billion of tax reductions over 5 years, with the direction that the allocation be used to prevent tax increases during the budget window. This sent a signal to investors that capital gains and dividends tax rates would be extended through 2010. I am disappointed that the legislation approved by the Senate does not meet that expectation. Fortunately, the bill approved by the Ways and Means Committee in the other body does, and I pledge to all investors that I will continue to work for that outcome. Indeed, the Senate majority leader pledged that he would not bring the bill back from conference without an extension of these investment tax rates. Similarly, the administration released its Statement of Administration Policy on the bill, which urged Congress to extend the lower rates for capital gains and dividends, noting, "These extensions are necessary to provide certainty for investors and businesses and are essential to sustaining long-term economic growth."

The tax reconciliation bill is intended to prevent tax increases by extending "widely applicable" tax provisions. My colleagues might find it interesting that more taxpayers benefit from the lower rates on dividends and capital gains than benefit from any of the provisions included in the tax reconciliation bill approved by the Senate. For example, nationwide, fewer than 8 million filers were helped by the AMT hold-harmless provisions in 2003, while more than 30 million filers reported dividend income and more than 22 million reported capital gains Income.

Nationwide, 17 percent of all tax filers reported capital gains in 2003, the most recent year for which statistics are available. Of all filers reporting capital gains income in 2003, 30.1 percent had adjusted gross income under $30,000 compared to just 8.7 percent who had AGI of $200,000 or more. In Arizona, 18 percent of all filers reported capital gains income, and of those reporting capital gains income, 32 percent had AGI under $30,000.

The story is similar for tax filers reporting dividend income. Nationwide, 23 percent of all filers reported dividend income in 2003. Of all filers reporting dividend income in 2003, 30.6 percent had AGI under $30,000 compared to 6.9 percent who had AGI of $200,000 or more. In Arizona, 22 percent of all filers reported dividend income and, of those filers reporting dividend income, 32 percent had AGI under $30,000.

But beyond the number of taxpayers who have benefited directly, the most important thing to know about these lower rates that were enacted in 2003 is that they are working. At the lower rates, the tax penalty imposed on the additional investment earnings—the reward from taking on additional risk—is smaller, and thus makes the risk more attractive. When investors get to keep more of their reward, they are encouraged to invest more; with more investment, businesses have an easier time attracting the capital they need to expand, create new goods and services, and also create more jobs. It is all of this additional economic activity that creates economic growth.

All Americans have benefited as the economy has rebounded with the help of these tax policies. Whether you embraced these lower rates at the time or not, everyone must now acknowledge that since the 2003 tax relief legislation was signed into law, gross domestic product has grown by more than 3 percent for 10 straight quarters, most recently expanding at a 3.8-percent annual rate in the third quarter. The United States remains the fastest growing major industrialized country in the world. Business investment had fallen in nine consecutive quarters before the 2003 bill's passage, but cutting taxes on capital helped reverse that decline. In the last nine consecutive quarters, business investment increased at a 6.9-percent annual rate.

The strong economy has had a very positive effect on the Government's finances, as more revenue is flowing into the Treasury even at the lower tax rates. As a share of the Nation's GDP, the 2005 deficit was 2.6-percent—down from the 3.6-percent share in 2004. In fiscal year 2005, taxpayers sent $274 billion more in revenue to Washington than the year before and $100 billion more than the Congressional Budget Office predicted. Clearly the American taxpayers are doing their part.

Yet some of my colleagues claim that we cannot afford to keep these lower rates, even though they have spurred economic growth, because we are still running a deficit. If We are to keep these tax rates, they argue, we must raise taxes someplace else. What they are seeking is a flawed form of budget discipline called paygo or pay-as-you-go. I am consistently rated one of the most fiscally responsible Senators by nonpartisan watchdog groups, but I don't support paygo because it has nothing to do with budget discipline when applied to taxes. The fact is, paygo simply does not work. Americans are not undertaxed; our problem is that Congress spends too much, and paygo will do nothing to control the fastest growing part of the Federal budget: mandatory spending. Paygo only applies to new spending or tax cuts: it does not apply to existing mandatory programs that grow unchecked year after year without Congress acting. Mandatory spending will grow from just over half of total Federal spending this year to two-thirds of total Federal spending by 2015, and paygo will do nothing to control it. So paygo is a false solution that is designed to prevent us from extending tax cuts—from making sure tax rates do not increase automatically—but that does nothing to prevent spending from increasing automatically.

I talked earlier about the extension of the dividend and capital gains tax rates that I expect to be added to the reconciliation bill in conference. I also want to mention some of the provisions that are already in the bill. It extends for 1 more year the increased exemption amounts for the alternative minimum tax that are scheduled to expire at the end of the year. Clearly, Congress must address the problem of the AMI in a comprehensive way, but until we can agree on a solution we must not allow the increased exemption amounts to expire. If we allow these exemption amounts to fall back to their pre-2001 levels, millions of middle-income American families will get hit by the AMT. The bill also prevents the AMT from eroding certain credits.

The tax reconciliation bill also includes an extension of the increased small business expensing amounts. Under current law, small businesses can deduct the cost of qualified investments in the first year they are made, up to $100,000 indexed for inflation. After 2007, this amount will drop back to $25,000. The bill extends the increased amount through 2009. Allowing them to expense a greater portion of their investments enables small businesses, which create most new jobs, to invest and grow.

The bill also includes an extension of the saver's credit. The saver's credit is a nonrefundable tax credit that encourages low-income taxpayers to make contributions to an employer-provided retirement savings plan or an IRA. The tax reconciliation bill extends the credit through 2009; it is currently scheduled to expire at the end of 2006.

The bill also extends the above-the-line deduction for college-tuition expenses. Under current law, the provision that allows a taxpayer to take an above-the-line deduction for the cost of college tuition expires at the end of 2005. The tax reconciliation bill would extend it through 2009, which will make it easier for families and students to plan for their educational expenses.

The bill extends for an additional year an entire group of business tax incentives that generally expire on a yearly basis. Many of these provisions should be made permanent, and some others probably could be allowed to expire. Some of the provisions that I strongly support include the 15-year depreciation-recovery period for restaurant improvements, the 15-year depreciation-recovery period for leasehold improvements, and the extension and improvement of the research and development tax credit.

Finally, the Senate-passed tax reconciliation bill includes several business tax incentives designed to encourage investment in the hurricane-ravaged area of the southeastern United States. These include financing incentives and depreciation provisions to encourage business investment, and are very time-sensitive. We must encourage businesses to rebuild in the gulf coast area; these particular incentives have proven successful in other areas and I expect they will be successful in the Gulf region as well.

So, Mr. President, this tax reconciliation bill is not perfect, but it does include several very important provisions. I am confident we will make the necessary improvements by adding an extension of the lower rates for dividends and capital gains once we get the bill into conference with the House.

BUDGET SCOREKEEPING REPORT

Mr. GREGG. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under Section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of S. Con. Res. 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the 2006 budget through November 16, 2005. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 2006 concurrent resolution on the budget, H. Con. Res. 95. Pursuant to section 402 of that resolution, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the attached report excludes these amounts.

The estimates show that current level spending is under the budget resolution by $26.874 billion in budget authority and by $10.974 billion in outlays in 2006. Current level for revenues is $17.308 billion above the budget resolution in 2006.

Since my last report, dated September 26, 2005, the Congress has cleared and the President has signed the following acts that changed budget authority, outlays, or revenues: An act making continuing appropriations for Fiscal Year 2006, P.L. 109–77; Natural Disaster Student Aid Fairness Act, P.L. 109–86; Community Disaster Loan Act of 2005, P.L. 109–88; Homeland Security Appropriations Act, 2006, P.L. 109–90; Medicare Cost Sharing and Welfare Extension Act of 2005, P.L. 109–91; Agriculture Appropriations Act, 2006, P.L. 109–97; An act to extend the special postage stamp for breast cancer research for 2 years, P.L. 109–100; and, Foreign Operations Appropriations Act, 2006, P.L. 109–102. In addition, the Congress has cleared the Energy and Water Appropriations Act, 2006, H.R. 2419, and the State, Justice, and Commerce Appropriations Act, 2006, H.R. 2862.

I ask unanimous comment that the report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 17, 2005.

Hon. JUDD GREGG,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed tables below show the effects of Congressional action on 2006 budget and are current through November 16, 2005. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions for fiscal year 2006 that underlie H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006. Pursuant to section 402 of that resolution, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 1 on Table 2).

Since my last letter, dated September 22, 2005, the Congress has cleared and the President has signed the following acts that changed budget authority, outlays, or revenues:

An act making continuing appropriations for Fiscal Year 2006 (Public Law 109–77);

Natural Disaster Student Aid Fairness Act (P.L. 109–86);

Community Disaster Loan Act of 2005 (Public Law 109–88);

Homeland Security Appropriations Act, 2006 (Public Law 109–90);

Medicare Cost Sharing and Welfare Extension Act of 2005 (Public Law 109–91);

Agriculture Appropriations Act, 2006 (Public Law 109–97);

An act to extend the special postage stamp for breast cancer research for two years (Public Law 109–100); and

Foreign Operations Appropriations Act, 2006 (Public Law 109–102).

In addition, Congress cleared, and sent to the President for his signature, the Energy and Water Appropriations Act, 2006 (H.R. 2419) and the State, Justice, and Commerce Appropriations Act, 2006 (H.R. 2862).

The effects of the actions listed above are detailed in the enclosed tables. The tables also reflect an adjustment to exclude administrative expenses of the Social Security administration, which are off-budget.

Sincerely,

DONALD B. MARRON
(For Douglas Holtz-Eakin, *Director*).

TABLE 1.—SENATE CURRENT-LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2006, AS OF NOVEMBER 16, 2005

[In billions of dollars]

	Budget resolution[1]	Current level[2]	Current level over/ under(-) resolution
ON-BUDGET:			
Budget Authority	2,094.4	2,067.5	−26.9
Outlays	2,099.0	2,088.0	−11.0
Revenues	1,589.9	1,607.2	17.3
OFF-BUDGET:			
Social Security Outlays[3]	416.0	416.0	0
Social Security Revenues	604.8	604.8	0

SOURCE: Congressional Budget Office.

[1] H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, assumed the enactment of emergency supplemental appropriations for fiscal year 2006, in the amount of $50 billion in budget authority and approximately $62.4 billion in outlays, which would be exempt from the enforcement of the budget resolution. Since the current level totals exclude the emergency appropriations in Public Laws 109–13, 109–61, 109–62, 109–268, 109–73, 109–77 and 109–88 (see footnote 1 on Table 2), the budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

[2] Current level is the estimated effect on revenue and spending of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made.

[3] Excludes administrative expenses of the Social Security Administration which are off-budget.

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT-LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2006, AS OF NOVEMBER 16, 2005

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in Previous Sessions:			
Revenues	n.a.	n.a.	1,607,650
Permanents and other spending legislation	1,293,011	1,250,287	n.a.
Appropriation legislation	0	382,272	n.a.
Offsetting receipts	−479,872	−479,872	n.a.
Total, enacted in previous sessions:	813,139	1,152,687	1,607,650
Enacted This Session:			
Authorizing Legislation:			
TANF Extension Act of 2005 (P.L. 109–19)	148	165	0
An act approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2005 (P.L. 109–39)	0	0	−1
Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (P.L. 109–53)	27	27	−3
Energy Policy Act of 2005 (P.L. 109–58)	141	231	−588
Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (P.L. 109–59)	3,444	36	9
National Flood Insurance Program Enhanced Borrowing Authority Act of 2005 (P.L. 109–65)	2,000	2,000	0
Pell Grant Hurricane and Disaster Relief Act (P.L. 109–66)	2	2	0

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT-LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2006, AS OF NOVEMBER 16, 2005—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
TANF Emergency Response and Recovery Act of 2005 P.L. 109–68)	−4,965	105	0
Natural Disaster Student Aid Fairness Act (P.L. 109–86)	36	18	0
Community Disaster Loan Act of 2005 (P.L. 109–88)	751	376	0
Medicare Cost Sharing and Welfare Extension Act of 2005 (P.L. 109–91)	354	341	0
An act to extend the special postage stamp for breast cancer research for two years (P.L. 109–100)	−1	−1	0
Appropriation Acts:			
Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (P.L. 109–13)	−39	−21	11
Interior Appropriations Act, 2006 (P.L. 109–54)	26,211	17,301	122
Legislative Branch Appropriations Act, 2006 (P.L. 109–55)	3,804	3,185	0
Homeland Security Appropriations Act, 2006 (P.L. 109–90)	31,860	19,306	0
Agriculture Appropriations Act, 2006 (P.L. 109–97)	99,333	57,310	0
Foreign Operations Appropriations Act, 2006 (P.L 109–102)	20,979	8,164	0
Total enacted this session	184,085	108,545	−450
Continuing Resolution Authority:			
Continuing Resolution, 2006 (P.L. 109–77)	615,060	392,014	0
Passed pending signature:			
Energy and Water Appropriations Act, 2006 (H.R. 2419)	30,459	19,604	0
State, Justice, and Commerce Appropriations Act, 2006 (H.R. 2862)	58,2190	35,763	0
Total, passed pending signature	88,669	55,367	0
Entitlements and mandatories:			
Difference between enacted levels and budget resolution estimates for appropriated entitlements and other mandatory programs	366,557	379,409	n.a.
Total Current Level 1,2/	2,067,510	2,088,022	1,607,200
Total Budget Resolution	2,144,384	2,161,420	1,589,892
Adjustment to budget resolution for emergency requirements 3/	−50,000	−62,424	n.a.
Adjusted Budget Resolution	2,094,384	2,098,996	n.a
Current Level Over Adjusted Budget Resolution	n.a.	n.a.	17,308
Current level Under Adjusted Budget Resolution	26,874	10,974	n.a.

[1] Pursuant to section 402 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the current level totals exclude: $30,757 million in outlays from the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (P.L. 109–13); $7,750 million in outlays from the Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005 (P.L. 109–61); $21,841 million in outlays from the Second Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005 (P.L. 109–62); $200 million in budget authority and $245 million in outlays from the TANF Emergency Response and Recovery Act of 2005 (P.L. 109–68); −$3,191 million in revenues and $128 million in budget authority and outlays from the Katrina Emergency Tax Relief Act of 2005 (P.L. 109–73), $47,743 million in budget authority and $26,543 million in outlays from the Continuing Resolution (P.L. 109–77) and −$751 million in budget authority from the Community Disaster Loan Act of 2005 (P.L. 109–88).

[2] Excludes administrative expenses of the Social Security Administration, which are off-budget.

[3] H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, assumed the enactment of emergency supplemental appropriations for fiscal year 2006, in the amount of $50,000 million in budget authority and $62,424 million in outlays, which would be exempt from the enforcement of the budget resolution. Since the current level totals exclude the emergency appropriations in P.L. 10–13, P.L. 109–61, and P.L. 109–62 (see footnote 1 above), the budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

Notes: n.a. = not applicable; P.L. = Public Law.

Source: Congressional Budget Office.

NOMINATIONS OF WILLIAM KOVACIC AND THOMAS ROUSCH

Mr. WYDEN. Mr. President, when it comes to energy, the Federal Trade Commission, FTC, is basically out of the consumer protection business.

Well over a year ago, I released a report documenting the Federal Trade Commission's campaign of inaction when it comes to protecting consumers at the gas pump. My report documented how the FTC has refused to challenge oil industry mergers that the Government Accountability Office says have raised gas prices at the pump by 7 cents a gallon on the West Coast. My report also documented how the FTC failed to act when refineries have been shut down or to stop anti-competitive practices like redlining and zone pricing.

Since then, nothing has changed.

Despite the recent record-high prices for consumers and record profits by big oil companies, we are seeing a record level of inaction by the Federal Trade Commission, FTC, on behalf of energy consumers.

In the last few months, when the price of gasoline soared to an all-time record-high level, the FTC has been invisible. As far as I can tell, the FTC failed to take any action at all in the wake of hurricanes in the gulf that sent the price of gasoline skyrocketing to over $3 a gallon nationwide.

If you do a Google search on the "FTC and gasoline prices," nothing comes up that shows the FTC is taking any action on behalf of energy consumers.

What you will find are statements by the Chairman of the Federal Trade Commission arguing against giving the agency additional authority to protect consumers against price gouging at the gas pump. For example, the FTC Chairman recently made statements opposing Federal price gouging laws, because "they are not simple to enforce" and that they could do more harm to consumers.

But 28 States already have price gouging laws on their books and two state attorney General testified at last week's joint hearing by the Senate Energy and Commerce Committees that these laws are more beneficial than harmful to consumers.

In her testimony before the joint Senate hearing last week, FTC Chairman Majoras described what I consider to be an astounding theory of consumer protection when she essentially said there is no need for Federal price gouging laws no matter how high the price goes. She argued that gasoline price gouging was a "local issue" even if the price gouger was a multinational oil company.

FTC officials also recently testified before Congress that the agency has no authority to stop price gouging by individual oil companies. Despite this clear gap in the agency's authority, the FTC has refused to say what additional authority it needs to go after price gouging, as I have pressed them to do for years.

Mr. President and colleagues, there is gasoline price gouging going on today and it didn't start with Hurricane Katrina. As The Wall Street Journal documented in September, gasoline prices have increased twice as fast as crude oil price during the past year. Clearly, the oil companies are not simply passing on higher crude oil costs but are also adding on substantial increases to the cost of gasoline above and beyond the higher crude costs.

Since the early 1970s, there has never been the kind of disparity between increases in the price of gasoline and the increase in the price of crude oil that we are seeing today. We didn't see this great of a price difference even in the days of the longest gas lines following the OPEC embargo.

Over the past 30 years, gasoline prices never rose more than 5 percent higher in a year than the cost of crude increased. But in the past year, gas price increases outpaced crude by 36 percent. And since Hurricane Katrina, the price difference has soared even higher to 68 percent.

Further evidence of price gouging can be found in what happened on the west coast immediately following Hurricane Katrina when prices surged 15 cents per gallon overnight. For years, oil industry officials, the Federal Trade Commission and other government agencies have maintained that the west coast is an isolated gasoline market from the rest of the country.

West coast supplies were not affected by the hurricane. The west coast gets almost none of its gasoline from the gulf. If the west coast is an isolated market as the oil industry has claimed for years, then Katrina is no justification for jacking up gas prices on the west coast immediately after the hurricane hit.

The FTC is the principal consumer protection agency in the Federal Government. It is the Federal agency that can and should take action when gasoline markets are going haywire as they have both before and since Hurricane Katrina.

But instead of action, we have excuses. In the past, the FTC often claimed that it was studying the problem or monitoring gasoline markets as an excuse for its inaction on gas pricing.

Recently, the FTC's campaign of inaction has even extended to its studies. The FTC Chairman testified last week that a study of gas price gouging that Congress required the FTC to complete by this month would not be ready until next spring.

Mr. President, the FTC's campaign of inaction is approaching the point of paralysis!

The FTC has continued its program of inaction on behalf of gasoline consumers despite findings by the U.S. Government Accountability Office, GAO, that the FTC's policies are raising prices at the gas pump.

In May 2004, GAO released a major study showing how oil industry mergers the FTC allowed to go through during the 1990's substantially increased concentration in the oil industry and increased gasoline prices for consumers by as much as seven cents per gallon on the West Coast.

Specifically, GAO found that during the 1990's the FTC allowed a wave of oil industry mergers to proceed, that these mergers had substantially increased concentration in the oil industry and that almost all of the largest of the oil industry mega-mergers examined by GAO each had increased gasoline prices by one to two cents per gallon. Essentially, the GAO found that the FTC's oil merger policies during the 1990's had permitted serial price gouging.

Two years ago, when the current FTC Chairman, Deborah Majoras, came before the Senate for confirmation, I asked her to respond to the GAO's report. Despite her promise to do so, I have yet to receive any response from Chairman Majoras.

The GAO is not alone in documenting how FTC regulators have been missing in action when it comes to protecting consumers at the gas pump. Since 2001, oil industry mergers totaling $19.5 billion have been unchallenged by the FTC, according to an article in Bloomberg News. The article also reported that these unchecked mergers may have contributed to the highest gasoline prices in the past 20 years.

According to the FTC's own records, the agency imposed no conditions on 28 of 33 oil mergers since 2001.

You can see the results of the FTC's inaction at gas stations in Oregon and all across America. Nationwide, the GAO found that between 1994 and 2002, gasoline market concentration increased in all but four states. As a result of FTC merger policies, 46 States' gasoline markets are now moderately or highly concentrated, compared to 27 States in 1994.

The FTC, oil industry officials and consumer groups all agree that in these concentrated markets, oil companies don't need to collude in order to raise prices. The FTC's former General Counsel William Kovacic has said that "It may be possible in selected markets for individual firms to unilaterally increase prices." In other words, the FTC General Counsel basically admitted that oil companies in these markets can price gouge with impunity. Mr. Kovacis is one of the two nominees for FTC Commissioner who is now before the Senate.

Despite all this evidence that gasoline markets around the country have become more concentrated and, in these concentrated markets, individual firms can raise prices and extract monopoly profits, the FTC has failed to take effective action to check oil industry mergers. In the vast majority of cases, the FTC took no action at all.

In addition to its inaction in merger cases, the FTC has also failed to act against proven areas of anti-competitive activity.

Major oil companies are charging dealers discriminatory "Azone prices" that make it impossible for dealers to compete fairly with company-owned stations or even other dealers in the same geographic area. With zone pricing, one oil company sells the same gasoline to its own brand service stations at different prices. The cost to the oil company of making the gasoline is the same. In many cases, the cost of delivering that gasoline to the service stations is the same, but the price the service stations pay is not the same. And the station that pays the higher price is not able to compete.

Another example of anticompetitive practices now occurring in gasoline markets is a practice known as "redlining." This involves oil companies making certain areas off-limits to independent gasoline distributors known as jobbers who could bring competition to the area.

The Federal Trade Commission's own investigation of west coast gasoline markets found that the practice of redlining was rampant in west coast markets and that it hurt consumers. But the FTC concluded it could only take action to stop this anti-competitive practice if the redlining was the result of out-and-out collusion, a standard that is almost impossible to prove in court.

In my home State of Oregon, one courageous gasoline dealer took on the big oil companies and won a multi-million dollar court judgment in a case that involved redlining. This dealer gave the evidence he used to win his case in court to the Federal Trade Commission. But the Federal Trade Commission the preeminent consumer protection agency in the Federal Government failed to do anything to help this dealer or reign in the anti-competitive practices at issue in his case.

In areas other than energy, the Federal Trade Commission has been a great consumer protection agency. It has not hesitated to move aggressively to act on behalf of consumers.

To give one example, the FTC created a "Do Not Call" program to prevent consumers from being hassled at home by telemarketers. With its "Do Not Call" program, the agency pushed to protect consumers to the limits of its authority and even went beyond what the courts said it had authority to do.

But in the case of energy, the FTC has a regulatory blind spot. And this has been true in both Democratic and Republican administrations. It's been a bipartisan blind spot that keeps the agency from looking out for gasoline consumers.

The FTC won't even speak out on behalf of consumers getting gouged at the gas pump. The agency won't use its bully pulpit to even say that record-high gasoline prices are an issue of concern, that they will be looking at closely.

The FTC's approach on gas prices has got to change. I'm not going to support the business as usual approach on energy we've seen for too long at the FTC. So, I have asked the Senate leadership for additional time to study the views of the two nominees to the Federal Trade Commission, Mr. William Kovacic and Mr. THOMAS Rousch. I just received detailed letters and other documents from each of them.

I have asked the leadership for time for consultation on these two nominations, as it is not my intent at this time to lodge a formal objection to a unanimous consent request to consider them. I will use the time between now and when the Senate returns in December to examine their records more carefully and reach a decision as to whether these individuals are committed to and will in fact work aggressively toward changing the culture of inaction at the FTC regarding consumer protection in the energy field.

TRIBUTE TO EARL LEE MONHOLLAND

Mr. GRASSLEY. Mr. President, I rise today to mark the loss of one of my staff members and to make a statement for The Congressional Record about the good work of this individual for the people of Iowa. Earl Lee Monholland died at home on October 31, 2005, due to heart illness, at the age of 37. Earl worked on my staff for 12 years as a constituent services specialist in Davenport, Cedar Rapids, and Washington, DC. He was a dedicated public servant who thoroughly enjoyed helping Iowans. He was committed to providing assistance in a responsive and timely manner and to making sure that whatever could be done got done behalf of a constituent having problems with the Federal bureaucracy. Earl also was an outstanding colleague to his fellow staff members, going out of his way to make things work for the entire team, especially with the computer systems. I greatly appreciate the fine work that Earl did during the last 12 years and the unassuming way he got the job done. There is no doubt that Earl Monholland will be missed by his friends and colleagues on the Grassley staff.

100TH ANNIVERSARY OF THE BIRTH OF J. WILLIAM FULBRIGHT

Mr. LEAHY. Mr. President, Dr. Allan Goodman, President of the Institute for International Education, recently passed along a speech that Senator Dick Lugar gave at Pembroke College in Oxford, England commemorating the 100th Anniversary of the Birth of J. William Fulbright.

Senator Lugar is one of the finest statesmen in the Senate, and I have enjoyed working closely with him on a number of issues. His speech at Pembroke College highlights his leadership and insight on U.S. foreign policy.

I ask unanimous consent that his statement be printed in the Congressional Record so that all Senators can see these thoughtful remarks.

There being no objection, the material was ordered to be printed in the Record, as follows:

The 100th Anniversary of the Birth of J. William Fulbright

My Lords, Ladies, and Gentlemen, it is an honor to have the opportunity to deliver this address as we commemorate the 100th anniversary of Senator J. William Fulbright's birth and celebrate the achievements of a visionary statesman, humanitarian, and son of Pembroke College. It is particularly moving to be here in a place that meant so much to Senator Fulbright and means so much to me.

Last year, I joined 25 of my classmates for the 50th reunion of the entering Class of 1954 at Pembroke College, and we have continued that reunion through our correspondence. I was the only American in the College in 1954, but was elected President of the JCR the following year in a most generous spirit of Trans-Atlantic cooperation. The election provided a spur to my vivid imagination of what might happen in years to come.

THE EXAMPLE OF SENATOR FULBRIGHT

Soon after I arrived at Pembroke, my tutor in politics, Master R.B. McCallum, told me about his tutorial work with Senator William Fulbright of Arkansas. I did not have the pleasure of serving with Senator Fulbright in the Senate. He left office in 1974, two years before I was elected to represent Indiana. But his influence on my career and development was profound and permanent.

Senator Fulbright and I shared a remarkable number of common experiences, though generally these. occurred decades apart. Both Senator Fulbright and I won Rhodes Scholarships after earning our bachelor's degrees. Both of us chose to study at Pembroke College. Both of us focused much attention on government and economics while at Oxford. And both of us were blessed with the same tutor, R. B. McCallum. Senator Fulbright studied under the Master near the beginning of his career, while I was tutored much later.

Both of us were elected to the Senate from our home states—Arkansas in his case, and Indiana in mine. Both of these states are in the interior of the United States and neither was typically associated with international interests a half-century ago. But both of us sought a seat on the Senate Foreign Relations Committee, which has oversight of US. foreign policy and diplomacy. Both of us, ascended to the chairmanship of this Committee. Senator Fulbright, in fact, holds he record as the longest serving chairman of the Foreign Relations Committee, a remarkable tenure from 1959 to 1974.

Since the beginning of the United States Senate, there have been only 1884 Senators. Of these, only 48 have served five complete six-year terms. Senator Fulbright is a member of this exclusive club, having served from 1945 through 1974. At the end of next year, I would join this group of Senators who have served at least 30 years in the Senate.

Like Senator Fulbright, I discovered the extraordinary challenges and opportunities of international education at Pembroke College—my first trip outside of the United States. The parameters of my imagination expanded enormously during this time, as I gained a sense of how large the world was, how many talented people there were, and how many opportunities one could embrace.

In my first year of residence at Pembroke College, emboldened by Master McCallum's Fulbright stories, I decided to write to Senator Fulbright. He was in the midst of an embattled relationship with Senator Joseph McCarthy of Wisconsin, and he shared with me his thoughts about the McCarthy era in a series of letters as our correspondence expanded. I was deeply moved that he took the time to write to me and even more astonished to learn, years later, that he had kept my letters.

He was especially generous to me when I became chairman of the Foreign Relations Committee in 1985 for the first time. He wrote: "It is an unusual coincidence that two Rhodes men from Pembroke should be Chairmen of the Committee. I think Cecil Rhodes would be as pleased as the two Masters of Pembroke would be." He continued to offer encouragement during visits that we enjoyed at Senate receptions and reunions. In September 1986, I had the great pleasure to join Senator Fulbright at the University of Arkansas, where he had served as President, for a celebration of the Fulbright Scholarship Program.

THE FULBRIGHT PROGRAM AT WORK

Senator Fulbright is known throughout the world for the educational exchange program that bears his name. Each year, approximately 2,600 international students receive scholarships to study in the United States through the Fulbright program. Simultaneously, it provides about 1,200 American students the opportunity to study overseas. In addition, 1,000 American scholars and 700 international scholars teach and perform research each year under Fulbright grants. Since Senator Fulbright's legislation passed in 1946, the program has provided more than 290,000 participants the chance to study, teach, and conduct research in a foreign country. As Master McCallum declared in 1963, "Fulbright is responsible for the greatest movement of scholars across the face of the earth since the fall of Constantinople in 1453."

Fulbright students and scholars are selected according to academic achievement and leadership potential. Alumni of the program have received 35 Nobel Prizes, 65 Pulitzer Prizes, 22 MacArthur Foundation "genius" awards, and 15 U.S. Presidential Medals of Freedom.

The Fulbright Program's remarkable contributions to the development of the 290,000 participants provide ample justification for the program. But Senator Fulbright expected much more. He always was unabashed in his advocacy of the program as a foreign policy tool. For him, the Fulbright Program was not intended merely to benefit individual scholars, or more generally to advance human knowledge—though those goals have been fulfilled beyond his original expectations. The program was meant to expand ties between nations, improve international commerce, encourage cooperative solutions to global problems, and prevent war. In his book, The Price of Empire, he wrote: "Educational exchange is not merely one of those nice but marginal activities in which we engage in international affairs, but rather, from the standpoint of future world peace and order, probably the most important and potentially rewarding of our foreign policy activities." He called the Fulbright Scholarship Program, "a modest program with an immodest aim—the achievement in international affairs of a regime more civilized, rational, and humane than the empty system of power of the past."

For Senator Fulbright, the program also was intended to give participants a chance to develop a sense of global service and responsibility. Alumni of the program are among the most visible leaders in their respective countries. Over the decades, they have explained to their fellow citizens why diplomacy and international cooperation are important. They have been advocates of international engagement within governments, corporations, schools, and communities that do not always recognize the urgency of solving global problems.

In August of this year, I traveled to Morocco, a key U.S. ally and a lynchpin in the development of democracy and liberalism in the Arab world. I was there following a humanitarian mission to finalize the release of the last 404 Moroccan POWs held by the Polisario Front since the Algerian-Moroccan conflict over the Western Sahara. While in Morocco, I asked our Embassy in Rabat to set up a meeting with Moroccan opinion leaders to discuss bilateral ties and regional issues. It has been my experience that in most nations, such groups of opinion leaders will contain Fulbright alumni. Sure enough, two of the seven guests had benefited from study in the United States through the Fulbright program—a college President who had done research at Princeton University and a law professor who had done research at George Washington University.

In my judgment, the impact of the Fulbright program as a foreign policy tool has extended well beyond the accomplishments and understanding of its own participants. It has been the most influential large-scale model for promoting the concept of international education, and it has been the primary validation of the American university system to the rest of the world.

In the United States, we have critiqued and even lamented some aspects of our public diplomacy since the end of the Cold War. But hosting foreign students has been an unqualified public diplomacy success. In numerous hearings and discussions on public diplomacy, the Foreign Relations Committee has heard reports of the impact of foreign exchanges. Of the 12.8 million students enrolled in higher education in the United States during the last academic year, almost 600,000—some 4.6 percent—were foreign undergraduate and graduate students. My home state of Indiana currently is the temporary home of about 13,500 foreign students. The success of American universities with foreign students would not have been as profound without the stimulation of foreign interest in American higher education provided by the Fulbright program.

Last year, I traveled to Georgia and met with its new president, Mikhail Saakashvili. President Saakashvili received his law degree from Columbia University, where he studied under the Muskie Fellowship program. In fact, almost every member of his cabinet had attended an American college or university during their academic careers. The result was that the leadership of an important country had a personal understanding of the core elements of American society and governance. Perhaps more importantly, they had an understanding and appreciation of Americans themselves. These individuals were key participants in the "Rose Revolution" in Georgia, which is transforming that country.

NATIONAL PRIDE AND NATIONAL HUMILITY

Funding a great foreign exchange program is a sign of both national pride and national humility. Implicit in such a program is the audacious view that people from other nations view one's country and educational system as a beacon of knowledge—as a place where thousands of top international scholars would want to study and live. But it is also an admission that a nation does not have all the answers—that our national understanding of the world is incomplete. It is an admission that we are just a part of a much larger world that has intellectual, scientific, and moral wisdom that we need to learn.

In a speech on the Senate floor in 1966, during the Vietnam War, Senator Fulbright underscored his concern about our national humility by saying: "Power tends to confuse itself with virtue and a great nation is particularly susceptible to the idea that its power is a sign of God's favor."

Senator Fulbright understood that a great nation must continue to invest in its own wisdom and capabilities for human interaction. He understood that no amount of military strength or even skillful decision-making could make up for a lack of alliances, trading partners, diplomatic capabilities, and international respect. Maintaining alliances and friendships between nations is hard work. No matter how close allies become, centrifugal forces generated by basic differences in the size, location, wealth, histories, and political systems of nations tend to pull nations apart. Alliances work over long periods of time only when leaders and citizens continually reinvigorate the union and its purposes.

THE BUILDING BLOCKS OF FOREIGN POLICY

Often we need to pause to remember that the practice of foreign policy is not defined by a set of decisions. Unfortunately, reporters, politicians, and even most historians portray foreign policy as a geopolitical chess game or a series of great diplomatic events. This perception is reinforced by books and movies about dramatic moments in diplomatic history, like the Cuban Missile Crisis. These events capture our imagination, because we relive the struggles of leaders during times of great risk as they weigh the potential consequences of their actions. We ask whether Presidents and Prime Ministers were right or wrong in adopting a particular strategy.

But Senator Fulbright understood that crisis decision-making is a very small slice of a nation's foreign policy. He understood that a successful foreign policy depends much more on how well a nation prepares to avoid a crisis.

When a nation gets to the point of having to make tactical choices in a time of crisis—it almost always is choosing between a bad option and a worse option. Crisis decision-making is to foreign policy what a surgeon is to personal health. Whether a body will resist disease depends on good nutrition, consistent exercise, and other healthy preparations much more than the skill of a surgeon employed as a last resort after the body has broken down. The preparation for good health and for a strong foreign policy is the part that we can best control, and it is the part that must receive most of our energies and resources.

Earlier this week, I presided over a hearing of the Senate Foreign Relations Committee that was concerned with the potential threat from avian influenza. If the H5 N1 virus develops in a way that allows it to be efficiently transmissible between humans, tens of millions of lives worldwide will be at risk. No nation is likely to be spared the effects of such a pandemic. However, nations working together to detect the emergence of new strains and to contain quickly an outbreak could greatly mitigate the risk. In a very real and discernible way, our ability to communicate and work with each other across borders may well determine the fate of millions of people. The effectiveness of our response will depend on the investments we have made in knowledge, relationships, and communications.

The same can be said for cooperation in the disarmament arena. For fourteen years, I have been engaged in overseeing and expanding the Nunn- Lugar Cooperative Threat Reduction program. This is the U.S. effort to help the states of the former Soviet Union safeguard and destroy their vast stockpiles of nuclear, chemical, and biological weapons, so that they do not fall into the hands of terrorists. Just as Senator Fulbright counted scholars who benefited from his program, I have made a point of counting the weapons eliminated by the Nunn-Lugar program. Currently, almost 7,000 nuclear warheads have been safely dismantled, along with hundreds of missiles and bombers. We are in the process of destroying vast stockpiles of chemical weapons, safeguarding numerous biological weapons facilities, and providing employment to tens of thousands of weapons scientists. Each weapon that is disabled represents a small step toward security.

Explaining and promoting the Nunn-Lugar program has been complicated by the fact that most of its accomplishments have occurred outside the attention of the media. Although progress is measurable, it does not occur as dramatic events that make good news stories. At Surovatikha, for example, Russian solid fuel SS–18 and SS–19 missiles are being dismantled at a rate of four per month. This facility will grind on for years, until all the designated missiles are destroyed. At Shchuchye, the United States and Russia are building a chemical weapons destruction facility that will become operational in 2007. It will destroy about 4½ percent of Russia's currently declared chemical weapons stockpile per year. This is a painstaking business conducted far away from our shores outside the light of media interest.

The destruction of a decaying nuclear warhead, the links between international epidemiologists, and the training of an individual scholar appear to be small matters in the context of global affairs. But these are exactly the kinds of building blocks on which international security and human progress depend.

THE SOURCE OF NATIONAL POWER

Since September 11, 2001, the United States has been engaged in a debate over how to apply national power and resources most effectively to achieve the maximum degree of security. Recent foreign policy discussions have often focused on whether to make concessions to world opinion or whether to pursue perceived national security interests unencumbered by the need to seek the counsel and support of the international community. But this is a false choice. National security can rarely be separated from the support of the international community, if only because American resources and influence are finite.

Throughout this process, I have been making the point that we are not placing sufficient weight on the diplomatic and economic tools of national power. Even as we seek to capture key terrorists and destroy terrorist cells, we must be working with many nations to perfect a longer term strategy that reshapes the world in ways that are not conducive to terrorist recruitment and influence.

To survive and to prosper in this century, the United States must assign U.S. economic and diplomatic capabilities the same strategic priority that we assign to military capabilities. We must commit ourselves to the painstaking work of foreign policy day by day and year by year. We must commit ourselves to a sustained program of repairing and building alliances, expanding trade, fighting disease, pursuing resolutions to regional conflicts, fostering and supporting democracy and development worldwide, controlling weapons of mass destruction, and explaining ourselves to the world.

Very fortunately, leaders of the United Kingdom have been thinking with us and working with us during these years of worldwide terrorist threats and severe challenges to human values. Earlier this year, I enjoyed a breakfast meeting with Prime Minister Tony Blair at the British Embassy in Washington and later a second visit with him in his offices at 10 Downing Street. We discussed development assistance and debt forgiveness in Africa; democracy building in Iraq and the wider Middle East; terrorist threats to the United States, Great Britain, and many other places; and how to maintain U.S.-UK. solidarity, even in the midst of political partisanship in both the House of Commons and the U.S. Congress. Foreign Minister Jack Straw has been a frequent visitor to my Senate office, and I will enjoy additional visits with British officials in London in the next few days.

In addition to the vision of William Fulbright, which we celebrate today, I am certain he would join me in celebrating, again, the vision of Cecil Rhodes as he established the Rhodes scholarships, which brought us to Pembroke. In the years of our selection, Senator Fulbright and I were one of 32 young Americans who were given an extraordinary opportunity through the generosity of the Rhodes Trust to come to Oxford University.

We both chose Pembroke College and were admitted to this College. That opportunity changed the horizons of our lives, our expectations of what we might achieve, and our obligations to assume more risks and to undertake more challenges in the service of others.

One of my Rhodes Scholar selectors put it very bluntly when he asked, "Why should we put Rhodes Trust money on you as opposed to any of the thousands of talented young Americans we could choose?

A host of circumstances finally made it possible for both of us to serve as a U.S. Senator and as Chairman of the Senate Foreign Relations Committee. In my case, I sincerely doubt that I would have enjoyed these opportunities without those remarkably formative two years at Pembroke College. I feel safe in saying that neither Senator Fulbright nor I would have approached international scholarships, international diplomacy, and a passionate quest for world peace with the same inspiration and tenacity without our Rhodes Scholar experiences at Pembroke College, Oxford University.

As Senator Fulbright explained in a 1945 Senate speech, just before the end of the war in Europe, "Peace does not consist merely of a solemn declaration or a well-drafted Constitution. The making of peace is a continuing process that must go on from day to day, from year to year, so long as our civilization shall last."

The success of such peacemaking will depend on our willingness to prepare for the long-term future as Senator Fulbright did—through enlightened investments in people and relationships. And it will depend upon our devotion to movements exemplified by the Fulbright Program and the Rhodes Trust that reach out to the world with both pride and humility.

SOMALIA

Mr. FEINGOLD. Mr. President, I wish to express my deep concern regarding recent news reports about piracy off the coast of Somalia. As we all know, Somalia has been without a central, recognized government for well over a decade. It has been over 3 years since I chaired a series of hearings in the Foreign Relations African Affairs Subcommittee on weak and failing states in Africa, one of which focused on the dire situation in Somalia and inadequate U.S. policy there. Years later, U.S. policy is still stagnant, I am sorry to report, and the danger persists, as these news reports indicate. The time is long overdue for the U.S. to make a long-term commitment to addressing this potential trouble spot.

I have consistently urged the Administration to be vigilant in focusing on weak states as part of the global fight against terrorism. All the characteristics of some of Africa's weakest states—manifestations of lawlessness such as piracy, illicit air transport networks, and traffic in arms and gemstones and people—can make the region attractive to terrorists and international criminals. Regrettably, Somalia is still not on the administration's radar.

According to recent press reports, pirates off the coast of Somalia are building strength and growing comfortable in expanding their attacks. Despite a lull in pirate attacks over the last 2 years, in just the last 6 months there have been 25 attacks off the coast of Somalia, according to the International Maritime Bureau. Attacks are no longer confined to the coast but reportedly include raids on ships hundreds of miles from the coast of the Indian Ocean. The resources and the audacity of the pirates appear to be growing. The attacks pose a tremendous threat to stability and economic development in the region, including neighboring countries such as Kenya and Djibouti that rely on maritime trade and tourism. The more organized the pirates become, and the more lucrative their crimes, the more we are faced with another potential front in the fight against terrorism, one involving a state-less network of some of the worst international actors.

The State Department 2004 report on counter terrorism in Africa states that the Somalia-based al-Ittihad al-Islami, AIAI, "has become highly factionalized and diffuse, and its membership is difficult to define" and that "some members are sympathetic to and maintain ties" with al-Qaida. State Department officials also acknowledge that AIAI is financing basic civil society needs in Somalia, including schools and basic health care. The international community is failing to empower Somali civil society. Without our attention and support, how long do we expect this community to refuse basic human needs funded by terrorist organizations? And what are the consequences of groups like AIAI being perceived by the Somali people as generous benefactors? The U.S. must work harder at providing an alternative to such extremist influences in Somalia.

We can no longer insulate ourselves from weak states. We must engage. It is in our own national security interests that we work to strengthen institutions and empower civil society in weak and failing states in Africa in order to curtail opportunities for terrorists and other international criminals.

A multifaceted approach is necessary for the future of Somalia and for the future of our own campaign against terrorism. We cannot stand by as terrorist threats cross borders and destabilize the Horn of Africa. The international community must intensify its maritime vigilance. The U.S. long-term policy should include coordinating with regional actors in Africa and the international community to aid positive actors working in Somalia, build institutional capacity and legitimacy, promote national reconciliation, and sever community dependency on terrorist funding for basic services. These are difficult challenges, but Somalia is not hopeless. A transition government and opposing factions are requesting international mediation and attention. They are asking us to act, and we must answer the call, for their sake as well as ours.

CSBG

Mr. GRASSLEY. Mr. President, no one is more committed to the Community Services Block Grant than I am. The Community Services Block Grant program helps to strengthen communities through services for poor individuals and families, assisting these low-income individuals to become self-sufficient.

CSBG provides critical services to poor families throughout the country. Services offered by CSBG entities can help support these important social services programs such as: Head Start, Low Income Home Energy Assistance Programs, LIHEAP, weatherization, literacy and job training programs, child health care, after-school programs, housing and homeownership services, financial literacy and asset development, and food pantries and meal programs. In FY 2002, the 1,100 community action network served more than 13 million individuals in more than 4 million families nationwide.

Over the past few months, I have received dozens of letters from Community Action Agencies from across the country, thanking me for my efforts on behalf on the Community Services Block Grant. I, along with Senator Chris Dodd, spearheaded a letter, signed by 56 of our colleagues, Republicans and Democrats alike, urging Senate conferees to the Labor/HHS/Education Appropriations bill to uphold the Senate funding level of $637 million. I understand that the conference report on the Labor/HHS/Education Appropriations bill includes $637 million for CSBG.

I hope that the conference report on the Labor/HHS/Education Appropriations bill will be enacted soon and that these vital resources will be directed to important services for low income individuals.

However, I cannot support the Harkin amendment because if that amendment passed, it would result in an interruption of funding not only for CSBG, but for all the social spending programs that low income individuals depend upon. That is not a responsible course of action.

We should not make support for CSBG a partisan issue—we should work together to enact the Labor/HHS/Education Appropriations Conference Report so that money can be appropriately directed to fund these important services.

COMMERCE-JUSTICE-SCIENCE APPROPRIATIONS

Mr. FEINGOLD. Mr. President, I want to express my disappointment in the cuts that the conference report for H.R. 2862, the Departments of Commerce and Justice, Science, and Related Agencies Appropriations Act of 2006, made to important grant programs that assist State and local law enforcement agencies. I voted in favor of H.R. 2862 because of the other important programs that it funds, but I have grave concerns about these particular grant funding cuts.

I believe that Congress, in partnership with States and local communities, has an obligation to provide the tools, technology, and training that our Nation's law enforcement officers need in order to protect our communities. I have consistently supported a number of Federal grant programs, including the Community Oriented Policing Services, COPS, Program, which is instrumental in providing funding to train new officers and provide crime-fighting technologies. I also have long supported funding for the Byrne Grant Program, which provides funding to help fight violent and drug-related crime, including support to multijurisdictional drug task forces, drug courts, drug education and prevention programs, and many other efforts to reduce drug abuse and prosecute drug offenders. I know how important these programs have been to Wisconsin law enforcement efforts, in particular with regard to fighting the spread of methamphetamine abuse. Both of these programs suffered major funding cuts in the conference report for H.R. 2682, which the Senate passed on November 16, 2005.

Funding for the COPS Program has been reduced dramatically in recent years. In fiscal year 2003 the COPS Program received $929 million in Federal funding. In fiscal year 2004, that level was reduced to $756 million, only to drop again in fiscal year 2005 to $606 million. And now, for fiscal year 2006, the funding level has again been reduced to a mere $487.3 million, a dramatic decrease just over the last 3 fiscal years. This is unacceptable. Funding for these grant programs has continually dropped even as the needs of law enforcement officers, our first responders, grow.

Funding cuts like the ones to the COPS Program have been mirrored in cuts to Byrne grants. For fiscal year 2006, the administration's budget proposal would have completely eliminated this critical law enforcement program in full. Congress rightly rejected the administration's unjustified attempt to entirely do away with this important program, but unfortunately the funding level provided this year is inadequate. In fiscal year 2003, Byrne and the local law enforcement block grants, which have now been merged into one program, received a total of $900 million in Federal funding. By fiscal year 2005, that number was reduced to $634 million. This year, the Byrne program will receive a meager $416 million in Federal funding. It is irresponsible to habitually take the rug out from under our hard-working law enforcement officers by taking away their access to the funding they need to keep our communities across the country safe.

It is my hope that in the next fiscal year, the administration and Congress will work together to repair the damage done and increase critical funding to these and other programs that assist our State and local law enforcement officers on a daily basis.

THE KENNEDY CENTER HONORS TONY BENNETT

Mr. KENNEDY. Mr. President, I welcome the opportunity to join in commending one of America's greatest artists who will receive a Kennedy Center Honors Award next month. Tony Bennett is renowned and revered by millions because of his extraordinary talent and outstanding musical career which spans a half century, and he will always be a part of America's musical legacy. His performances are part of our national songbook—tunes each of us know by heart and love to hear time and again.

His distinctive voice and inspiring interpretations have set the standard for musical artists across the years. His signature song, "I Left My Heart in San Francisco," was released over 40 years ago, but it is as fresh today as it was in 1962, the year it won three Grammy awards.

His album "MTV Unplugged" captured the hearts of a new generation and was awarded a Grammy for Album of the Year in 1994. It was also one of the most successful recordings in a career that includes countless other musical awards and achievements.

He has left his heart in communities far beyond San Francisco. Still today, he remains forever young at heart, as one of America's most beloved musical icons who continues to entertain us and enrich all our lives.

It is gratifying to know that his remarkable career will be recognized in the Honors Awards celebration at the Kennedy Center next month as a tribute to his enduring contributions to our national cultural heritage.

Countless lives have been touched by his artistry. This year at the Kennedy Center Honors, the country will have the opportunity to thank him for all that he has done so well for so long.

KENNEDY CENTER SALUTES ROBERT REDFORD

Mr. KENNEDY. Mr. President, each year the Kennedy Center pays tribute to distinguished artists who have made extraordinary contributions to the American cultural experience. The Nation will be delighted to know that this year Robert Redford will receive one of these prestigious awards.

Mr. Redford exemplifies the record of achievement and accomplishment that define the Kennedy Center Honors Awards. With special grace and great talent, he has become a legend in film. His roles as an actor are among the most memorable ever on screen. He can be charming, as he was in Butch Cassidy and the Sundance Kid, The Sting, and Barefoot in the Park. He can be serious, as he was in The Candidate and All the President's Men. And he is always compelling—never more so than in The Great Gatsby and A River Runs Through It.

Mr. Redford is equally accomplished as a director and producer. But whether he stars, directs, or produces—and sometimes all three—a Redford project is always remarkable for its integrity, beauty, and power.

In 2003, he was in Washington to deliver the annual Nancy Hanks Lecture on the role of the arts in public policy. This lecture is a tribute to the memory of Nancy Hanks, who served as the early chair of the National Endowment for the Arts, and Mr. Redford's lecture was especially fitting, because he believes so deeply in the fundamental importance of the arts in our public policy.

His passionate belief in arts education has been a continuing part of his outstanding career. He founded the Sundance Institute as part of his lifelong commitment to expand opportunities for new works and new artists to ensure a vigorous American cultural legacy for future generations.

I commend all that he has accomplished. It is a privilege to join in congratulating him on this well-deserved award from the Kennedy Center. I am sure my brother would be proud of him.

VOTE EXPLANATION

Mr. SHELBY. Mr. President, on rollcall vote No. 347, I was recorded as not voting. It was my intention to vote "yea."

TERRORISM RISK INSURANCE EXTENSION ACT

Mr. JOHNSON. Mr. President, this week the Senate Banking Committee reported out S. 467, the Terrorism Risk Insurance Extension Act of 2005 which will extend for 2 years the terrorism risk insurance program that is due to expire on December 31. I suspect the insurance industry is breathing a collective sigh of relief that this bill has finally passed in the Senate. All Americans concerned about economic growth should also feel some relief.

This bill represents a compromise between the very strong views of the administration and the approach originally set forth in the bill as introduced. I must commend Senators DODD and BENNETT and their staffs for their tireless work on this legislation, as well as Chairman SHELBY and Ranking Member SARBANES. I understand that getting to this point was not without its challenges. Nevertheless, we arrived at a bipartisan compromise.

There are still some who believe that we do not need a terrorism insurance program with a Federal backstop; that the capacity of the industry to provide this insurance has improved, and the program has achieved its goals. Frankly, I am not convinced. Because of the random and unpredictable nature of terrorism, I am not yet convinced that the private sector can adequately or accurately assess terrorism risk in the absence of a Federal backstop.

It has been 4 years since the September 11 attacks that prompted the passage of the Terrorism Risk Insurance Act. And while we have been fortunate here in the United States that no events have triggered the use of this Federal backstop, the bombings in London this summer, the Madrid train bombing last year, the nightclub bombing in Bali in 2002, and the alarming increase in suicide bombers in the Middle East serve as painful reminders of the reality of the ongoing war on terror, and the fact that attacks can happen anywhere at anytime.

Prior to September 11, the risk of terrorism was not a factor when insurers wrote policies. However, in the post-9/11 environment, the availability of affordable insurance for terrorism risks has become a necessity. The war on terror involves protecting our homeland and protecting our citizens. In light of the current environment, it would be both unrealistic and premature to conclude that a Federal backstop is no longer necessary. I think it was irresponsible for the administration to suggest that it is now appropriate to shift the burden of insuring against the risk of terrorist attacks solely to the private insurance market.

We accepted the recommendations of the administration by dropping several lines of insurance from the program. However, there is one very critical line that has never been included, and one that I am disappointed is not part of this compromise bill, and that is group life. As I have said on numerous occasions, it is critical that we create conditions that permit the private insurance markets to continue to offer group life insurance coverage to employees at high risk of attack.

Since 2002, I have fought to include group life insurance in the Terrorism Risk Insurance Program. I was disappointed, at that time, that the Bush administration chose to focus its efforts on insuring buildings against terrorism but was dismissive of the critical role that group life insurance plays for tens of thousands of families at the highest risk of terrorist attack.

We saw vividly, post-9/11, the suffering of so many families, and while the most immediate grieving was for the loss of human life, the harsh reality is that many families lost their livelihood as well. In a time of loss, a life insurance policy can mean the difference between having to sell the family home, pulling the kids out of college, or even, in some cases, having enough money to put food on the table.

Moreover, the lack of affordable reinsurance for group life products calls into question the administration's position that TRIA is crowding out innovation that would otherwise enable the industry to offer insurance for terrorism risk without a governmental backstop. Reinsurance has essentially evaporated for the group life sector, which Treasury specifically chose not to include in the Terrorism Risk Insurance Program, and thus was not hindered in its pursuit of market innovations. We ought to be working to create a marketplace where reinsurance can reemerge for group life products, rather than jeopardize the TRIA-facilitated appearance of reinsurance for products, like workers compensation, which are comparable to group life.

I certainly appreciate that innovations within the insurance industry may be part of the long-term solution, and we certainly must facilitate that as we go forward. The time has come for Congress to review the current regulatory landscape of the insurance industry to ensure that it does not unnecessarily restrict innovation. I believe that this legislation is consistent with that objective—extending TRIA for a period of time sufficient for Congress to begin looking at modernizing the regulatory scheme for insurance while it also reviews longer term solutions to the challenge of insuring against acts of terror.

I am pleased that this legislation requires the Presidential Working Group to do a study on the long-term viability and affordability of terrorism insurance and the affordability of inclusion of group life insurance. I look forward to reviewing the Presidential Working Group's recommendations, and it is my hope that it recommends inclusion of group life in the program.

Additionally, I am satisfied with the "make available" provisions in this bill. At the end of the day, this program is not about the profits of the insurance industry; it is about the ability of American businesses to have access to insurance protection. That should be the very minimum required of an industry that enjoys the type of protection we have provided.

Estimating the likelihood of attacks or the extent of loss is difficult, if not impossible. Now is not the time for the administration or Congress to leave the private insurers to go it alone. I am pleased that last night the Senate passed this important legislation. Doing nothing would not have been acceptable.

Mr. NELSON of Nebraska. Mr. President, although the Senate's passage of the Terrorism Risk Insurance Extension Act of 2005 is a good start to ensuring continuity within our financial markets in the event they are impacted by another terrorist attack, I am disappointed the Act failed to include group life insurance.

Over 160 million working Americans have coverage through a group life policy. For many, this coverage is their only form of life insurance. Loss of this benefit would threaten their families' financial stability.

Group life insurance poses unique risks to the carriers that provide it. Much like workers' compensation insurance, the high level of risk concentration by employer and worksite makes group life insurance particularly vulnerable to large-scale losses from events such as terrorist attacks.

Before the September 11 tragedy, group life insurers protected against large-scale losses through the purchase of catastrophe reinsurance. Since that time, group life insurers have experienced a decreased availability of catastrophe reinsurance coverage. At the same time, the cost of this limited coverage and its related deductible have increased to the point where the coverage is cost-prohibitive. Additionally, it is not uncommon for catastrophe reinsurers to exclude terrorism on most quotes.

Opponents of group life's inclusion argue that free market participants should be able to reach a price on any commodity. But this mindset ignores the fact that group life insurers do not operate in a truly free market. Even if group life insurers wanted to exclude coverage for terrorist acts—which many, for good public policy reasons, reject as an option—they currently are prohibited from doing so.

Ordinarily, insurers would control their risk exposure through the premiums they charge. However, in the context of terrorism, this mechanism also is no longer available for group life insurers. The lack of historical data on the incidence rate of terrorism in the United States prevents insurers from pricing for this risk. Moreover, the very nature of terrorism—a non natural event—makes it a risk for which actuaries have no basis to price.

The bill's required analysis of the long-term availability and affordability of insurance for terrorism risk, including group life coverage, simply offers the distant hope of a solution for group life insurers. Daily reminders of the continued threat of terrorism require an immediate solution.

For these reasons, I respectfully urge members of the conference committee to look beyond the buildings the act would protect and protect the people inside those buildings by including group life in the extension.

TAX RELIEF ACT OF 2005

Mr. KOHL. Mr. President, they say that timing is everything. And the timing of the Congress's actions these days is indicative of our priorities. Yesterday, the House rightly voted against the Labor, Health and Human Services and Education appropriations bill that under funded job training, education and health care. Last night, the House voted to pass a reconciliation spending package that would cut programs such as child support, food stamps, and Medicaid. Also last night, the Senate passed $60 billion worth of tax cuts.

What does that say to hard working Americans about the priorities of this Government? I want to make it clear to my colleagues that I support many of the provisions that are included in this legislation. I support tax provisions aimed at helping Gulf States recover from Hurricanes Katrina and Rita. I support extending the tuition deduction, the research and development tax credit, and a deduction for teacher expenses, among others. And I strongly support the extension of the increased exemption amounts for the alternative minimum tax.

In fact, I would support much broader reform of the AMT. More and more middle class individuals and families will find themselves impacted by this onerous tax if Congress does not act soon to correct it. I would also support some capital gains and dividend rate reform. I want to make it clear to my constituents that I am not opposed to tax cuts—when the time is right—when we are in surplus. In 2001, I supported the tax cut legislation, based on the fact that we were running a surplus. It stands to reason, then, that during these times of record deficits, that we can ill afford the tax package the Senate approved yesterday.

I want to repeat what I just said—I am not opposed to tax cuts. That is why I supported the alternative package of extensions offered by Senator CONRAD. This amendment contained nearly identical extension provisions. The amendment even went further on the AMT then the underlying bill, ensuring that no more taxpayers pay the tax over 2005. The difference? The alternative was fully paid for, through a series of offsets.

It remains a mystery to me why so many of my colleagues chose to add to the deficit rather than responsibly extend these important provisions. I would have hoped that more of my colleagues that voted against this alternative would have come to the floor to give their reasoning. Adding $60 billion to the deficit is not something any of us should take lightly. When we are cutting fundamental programs in order to reduce the deficit, when we are faced with continued costs associated with rebuilding after the hurricanes, when costs associated with Iraq and Afghanistan continue to mount—is that the time to extend tax cuts without paying for them?

For me, the answer is a resounding no. Timing is everything. When we were in surplus, I supported tax cuts. Times have changed, and we can no longer afford to adopt tax legislation without paying for it. Yesterday, the Senate had a chance to show our constituents that we can make difficult budget decisions, just as so many American families do every month. But instead, the Senate chose to pass the buck on that decision, and add $60 billion to our growing deficit.

Thank you, Mr. President, and I yield the floor.

Mr. INHOFE. With this week's consideration of the tax reconciliation act, the United States Senate engaged in a heated exchange over the reinstatement of the windfall profits tax on American oil. The key question in this debate, which my colleagues have not been able to answer, is how can a tax increase on oil and gas production reduce prices? It can't and history proves it.

First enacted under President Jimmy Carter in 1980, Congress imposed an excise levy on domestic oil production called the windfall profits tax. The result was inevitable. According to a 1990 report by the nonpartisan Congressional Research Service, the results of Carter's WPT were hugely counterproductive: "The WPT reduced domestic oil production between 3 and 6 percent, and increased oil imports from between 8 and 16 percent . . . This made the U.S. more dependent upon imported oil."

The stakes for Oklahoma are huge considering that oil and gas production is our largest single industry. During debate, Democrats filed amendment after amendment, nine in total, to penalize and to increase taxes by billions of dollars on one of America's most vital industries. To Oklahoma's good fortune, and that of the American consumer, each of these amendments was either soundly defeated or withdrawn.

Over the past few months, Democrats have fired a barrage of unfair rhetoric maligning all those who work in the oil and gas business. With one breath they demand Congress reign in the recent high oil prices, with the next they insist on tax increases to punish those who they claim are responsible. With so many friends, acquaintances, and constituents in the business, I find these reckless demands and accusations unfair and dangerous for Oklahoma.

As a teenager, I worked as a tool dresser on a drilling rig for a man by the name of A.W. Swift. Many in Oklahoma know his name, but few in this Chamber would. Like many who have operated in oil and gas, he ran a thrifty and tight operation but was eventually taxed out of business. This same man lost his son, Burt Swift, after a rig explosion claimed his life but spared mine. Sacrifices, such as his, are often a part of the harsh realities faced by many in the oil business.

Oklahoma would be especially hard hit by a WPT. Currently, well over two-thirds of the State's oil production comes from marginal wells. A marginal well is typically defined as one which produces less than 10 barrels of oil or 60 mcf of gas a day. They are called "marginal" because their profitability is at times just at the margin, depending upon production costs and current market prices.

As oil prices decrease many of these wells become uneconomical and are increasingly "shut in" or "plugged and abandoned." However, as oil prices increase, Oklahoma's independents increasingly drill for and produce from marginal wells. The added cost of a windfall profits tax drastically harms the economic viability Oklahoma's marginal wells.

Outside of the damage a WPT would inflict upon Oklahoma, this tax would only further harm our Nation's shrinking energy independence. America's major oil companies already pay the second highest corporate tax rate in the industrialized world. How are they to compete internationally with an additional WPT tax? How could Conoco Phillips or Chevron Texaco compete with Total (French), BP (British), and Royal Dutch Shell (British/Dutch) not to mention government owned and operated oil giants like Saudi Aramco, NIOC (National Iran Oil Company), Petro China, CNOOC (China National Offshore Oil Corporation), Gazprom (Russia), and dozens more. With enactment of a WPT, American companies would be hard pressed to effectively compete in the competitive global market for exploration and production. The WPT gives all foreign owned oil companies a strong competitive advantage.

With more than 2,100 firms and 60,000 people the oil and gas industry is the most critical component of Oklahoma's economy. Many of those in the business have in the past lost their business, their savings and their livelihood. The industry is cyclical with booms followed by busts as we saw most poignantly in the 1980s. For the jobs in Oklahoma and the consumers at the pump, let's reject WPT.

Mrs. MURRAY. Mr. President, I rise to speak about the tax reconciliation bill before the Senate today.

Today, Americans are saddled with more than $8 trillion in national debt, an obligation being passed on to our children and grandchildren. And our Nation's expenditures—because of the War in Iraq, the global war on terrorism, Hurricane Katrina and other natural disasters, and countless other challenges our Nation is confronting are far outstripping our tax receipts.

The current administration has placed passing tax cuts for the few ahead of targeted tax cuts for the middle class and to grow business and has made us less able to address other important priorities, homeland security, paying for the war in Iraq, our nation's infrastructure, health care, and education.

I believe we need a tax system that is fiscally responsible, helps business grow, and provides maximum relief to the middle class. That is why I support tax policies that work to achieve those goals, and that is why I voted for the Conrad substitute amendment, which would have fully paid for the cost of targeted middle class tax relief.

Mr. President, I am deeply concerned about passing a $60 billion tax cut bill at a time when we are cutting Medicaid, food stamps, student loans, and other domestic programs that will spur economic growth and help all Americans. Just 2 weeks ago, the Senate Republican leadership brought a spending cut to the floor to cut $35 billion from areas like healthcare and education. The budget that passed this body contains the wrong priorities. It imposes painful cuts on working families, as I said at the time.

Mr. President, too many working families in American don't feel secure. They are worried about high gas prices and how they are going to heat their homes this winter. They are worried about how they will pay for their health insurance and their prescription drugs. And they are worried they won't be able to afford a home or college tuition for their children.

Given all this, why would the Congress pull the rug from under these working Americans at exactly the time they need our support? The answer is before us today to make room for more tax cuts. Now, some of the tax cuts contained in the tax reconciliation bill are certainly helpful. The research and development tax credit, the deduction of State and local sales tax, and the deduction for teacher's expenses are all important provisions and should be extended. I have voted for and cosponsored bills that extend or make permanent some of these provisions. In fact, I voted to extend these tax provisions and all those expiring at the end of the year when I voted for the Conrad substitute amendment. That amendment fully paid for the tax cut extensions and the Hurricane tax relief over 10 years and did not cost the Federal Treasury a dime.

I oppose cutting critical services to pass unbalanced tax cuts that primarily benefit the wealthy. The capital gains and dividend tax cut extensions, which primarily benefit those making more than $1 million, are not in the current version of this bill. But I know that when the tax reconciliation bill comes back from conference, it will have those provisions. We all heard Senate Majority Leader FRIST when he said, and I quote "I will not bring a conference report to the Senate floor that does not include this extension."

So, Mr. President, we have a choice to make: will we invest in priorities like health care, education, transportation and job training that spur economic growth and keep families out of poverty, or will we continue to conduct business as usual and pass tax cuts in a fiscally irresponsible way? Based on the vote 2 weeks ago to cut $35 billion in critical help for Americans in the most need, it appears that the Republican-controlled Congress has chosen the latter.

I understand the importance of a responsible Federal budget. Our nation's annual deficit is more than $300 billion. Foreign owned debt has increased by more than 100 percent over the last 5 years, and we will soon be asked to increase the country's debt ceiling by another $781 billion. At a time when we are facing such tremendous spending pressures and an increasing deficit, I think it would be wise to heed the words of Federal Reserve Chairman Alan Greenspan, who said during testimony before the Budget Committee last year:

> "If you are going to lower taxes, you should not be borrowing essentially the tax cut. That over the long run is not a stable fiscal situation."

Unfortunately, the tax reconciliation bill before us will increase the deficit and borrow money to do so. The Senate was presented with the option to extend the tax provisions expiring at the end of this year and pass the hurricane tax relief in a fiscally responsible manner. Unfortunately, the sound Democratic alternative we offered failed on a party line vote.

Mr. President, these are very challenging times for our country and our people. Working families don't feel secure about their jobs, their health care, their pensions or their future. Many Americans are making tremendous sacrifices by serving in our military. We need to show that we are on their side. We need to help make America strong again. The way to do that is to invest in our people invest in their education, their job training, and their future. The Republican budget does just the opposite it cuts out those critical investments so that they can reduce taxes for a few at the top. Those are the wrong priorities. I believe America can do better, and America deserves better, and therefore I will vote against this misguided budget.

ADDITIONAL STATEMENTS

PROFESSORS OF THE YEAR

• Mr. BAUCUS. Mr. President, I rise today to congratulate the winners of the United States Professor of the Year Award. Since 1981, this prestigious honor has been awarded to professors who show an exceptional dedication to teaching. This year, professors from 40 States, the District of Columbia, and Guam are being honored with this award. Their disciplines are varied; they come from both private and public institutions. But they have one thing in common, and that is dedication to teaching.

These undergraduate professors do more than teach information. They impact their classes by inspiring students to excel. They think up new and inventive ways for their students to learn. They create programs that allow students to learn through working and teaching experience. Sometimes these professors go as far as establishing new departments in their institutions, broadening academic choices for undergraduates. College professors contribute so much to their institutions and surrounding communities, and often these vast contributions go unnoticed by society. I am proud that we are taking time today to honor these inspiring professors:

2005 U.S. PROFESSORS OF THE YEAR, NATIONAL AND STATE WINNERS

Outstanding Baccalaureate Colleges Professor, W.A. Hayden Schilling, Robert Critchfield Professor of English History, The College of Wooster, Wooster, Ohio.

Outstanding Community Colleges Professor, Katherine R. Rowell, Professor of Sociology, Sinclair Community College, Dayton, Ohio.

Outstanding Doctoral and Research Universities Professor, Buzz Alexander, Professor of English Language and Literature, University of Michigan, Ann Arbor, Michigan.

Outstanding Master's Universities and Colleges Professor, Carlos G. Gutierrez, Professor of Chemistry, California State University, Los Angeles, Los Angeles, California.

STATE WINNERS

Alabama: Guy A. Caldwell, Assistant Professor of Biological Sciences, University of Alabama.

Arkansas: Scott Roulier, Associate Professor of Political Science, Lyon College.

California: Philip R. Kesten, Associate Professor of Physics, Santa Clara University.

Colorado: Daniel J. Pack, Professor of Electrical Engineering, United States Air Force Academy.

Connecticut: Lawrence F. Roberge, Associate Professor & Chair, Department of Science, Goodwin College.

District of Columbia: Matthew O'Gara, Associate Professorial, Lecturer, Elliott School of International Affairs, George Washington University.

Florida: Ana M. Cruz, Professor of Accounting, Miami Dade College, Wolfson Campus.

Georgia: Julie K. Bartley, Associate Professor of Geosciences, University of West Georgia.

Guam: Kyle D. Smith, Professor of Psychology, University of Guam.

Idaho: Rhett Diessner, Professor of Education, Lewis-Clark State College.

Illinois: M. Vali Siadat, Professor & Chair, Department of Mathematics, Richard J. Daley College.

Indiana: John B. Iverson, Professor of Biology, Earlham College.

Iowa: James L. Brimeyer, Instructor of Composition & Literature, Northeast Iowa Community College.

Kansas: Elsie R. Shore, Professor of Psychology, Wichita State University.

Kentucky: Peggy Shadduck Palombi, Associate Professor of Biology, Transylvania University.

Louisiana: Roger White, Associate Professor of Political Science, Loyola University New Orleans.

Maryland: James M. Wallace, Professor of Mechanical Engineering, University of Maryland, College Park.

Massachusetts: Walter H. Johnson, Professor & Chair, Department of Physics, Suffolk University.

Michigan: Gary B. Gagnon, Assistant Professor of Marketing, Central Michigan University.

Minnesota: Mark Wallert, Professor of Biology, Minnesota State University Moorhead.

Missouri: Rebecca Kuntz Willits, Assistant Professor, Biomedical Engineering, Saint Louis University.

Montana: Jakki J. Mohr, Professor of Marketing, University of Montana.

Nebraska: Daniel G. Deffenbaugh, Associate Professor of Religion, Hastings College.

Nevada: Paul F. Starrs, Professor of Geography, University of Nevada, Reno.

New Hampshire: Debra S. Picchi, Professor of Anthropology, Franklin Pierce College.

New Jersey: Phyllis Owens, Associate Professor of Computer Graphics, Camden County College.

New Mexico: Elise Pookie Sautter, Professor of Marketing, New Mexico State University.

New York: Jo Beth Mertens, Assistant Professor of Economics, Hobart and William Smith Colleges.

North Carolina: Cindy C. Combs, Professor of Political Science, University of North Carolina at Charlotte.

North Dakota: Jim Coykendall, Associate Professor of Mathematics, North Dakota State University.

Ohio: Nathan W. Klingbeil, Associate Professor of Mechanical Engineering, Wright State University.

Oregon: Jerry D. Gray, Professor of Economics, Willamette University.

Pennsylvania: Jerome Zurek, Professor & Chair, Department of English & Communication, Cabrini College.

South Carolina: Norman M. Scarborough, Associate Professor of Information Science, Presbyterian College.

Tennessee: Jette Halladay, Professor of Speech and Theatre, Middle Tennessee State University.

Texas: Susan Edwards, Professor of History, Cy-Fair College.

Utah: Yasmen Simonian, Professor & Chair, Department of Clinical Laboratory Sciences, Weber State University.

Vermont: Sunhee Choi, Professor of Chemistry and Biochemistry, Middlebury College.

Virginia: John H. Roper, Professor of History, Emory & Henry College.

Washington: Bruce Palmquist, Associate Professor of Physics & Science Education, Central Washington University.

West Virginia: Carolyn Peluso Atkins, Professor of Speech Pathology & Audiology, West Virginia University.

Wisconsin: Jody M. Roy, Associate Professor & Chair, Department of Communication, Ripon College.●

OF DUTY, HONOR AND SERVICE

● Mr. CRAPO. Mr. President, in the spring of this year, I had the remarkable experience of hosting a recording of a history for the Library of Congress Veterans History Project. A distinguished, elderly Idahoan recounted his experiences as a supply officer during World War II, notably in one of the units that liberated the Nazi concentration camp, Dachau.

Ralph Leseberg is 86 years old and lives in St. Anthony, ID with his beloved wife of 66 years, Wanda. Before visiting my office, he returned to Dachau, Germany on the occasion of the 60th anniversary of the camp's liberation by the Americans. After taking part in the commemoration ceremony, he stopped in Washington, DC to visit the World War II Memorial and pay respects to his fallen comrades.

Ralph was drafted in 1944 when he was a young married man with three children living in Layton, UT. That young man was evident in the wizened gentleman who sat in my office some months ago, his experiences of those difficult times surprisingly vivid in his blue eyes. He spent time in France and then in Germany assigned to the 42nd Quartermaster Company of the Army. He remembers the bombings that cleared Wersberg, Germany, and bringing in supplies of food, clothing and ammunition for the soldiers.

Clearly, his most difficult time was to come, for it was just months later on April 29, 1945, around 6 or 7 p.m. in the evening that his company followed the troops into the liberated camps with two truckloads of food for the survivors. Up to this point in the interview, Ralph had shared his experiences in great detail, telling of dates, places and times with remarkable acuity. When asked about what he saw that night, Ralph paused for a long minute and said, "Well, it's just something you don't like to talk about." At that moment, he was thousands of miles and many years away from my office in the Dirksen Building. His blue eyes, glinting with the shine of old tears, reflected the stark horror of that day, the memory too overwhelming to put to words.

Ralph continued to serve until 1946, when he returned to his wife and children and civilian life. Looking back, he said that he remembered paying attention to the lifestyle of the people in the countries where he served, and remarked that "We are blessed to be in this nation, a nation of human rights and humanitarian service." When asked about serving his country, Ralph said only this: "It wasn't easy to leave my wife and children, but I served my country when I was called, and I knew why I was called." I would like to offer my sincere thanks and gratitude for Ralph and his family for their sacrifice and service so many years ago. It was a tremendous honor for me to have this particular member of "the greatest generation" in my office that day.●

HONORING NATIONAL ADOPTION DAY

● Ms. LANDRIEU. Mr. President, I rise today in honor of National Adoption Day.

If the events of the last few months have done nothing else, they have reminded us of the importance of family, friends, and faith in a time of crisis. Not a moment has gone by without an image of a mother searching for her son or a daughter looking for her grandmother. Families bring people together and make it possible for them to make it through these times of uncertainty and hardship.

Now, more than ever, our focus is on bringing families together: we must rebuild, create, and transform these families. National Adoption Day is a way for this goal to be realized. It is in its sixth year and helps the dream of a permanent family come true through courts, judges, attorneys, and advocates who help to finalize adoptions.

On this day, I would like to paint two pictures for you all: In 227 cities and 45 States, at courthouses, churches, museums, parks, and beautiful public places all over the country, at least 4,000 children will find forever families, and dreams of thousands of adults will be realized. I want you to picture what happens on this fall day, children running, laughing, and playing with their new parent. Think about a girl or boy planning their special outfit and joyously awaiting the family celebration. Imagine the excitement welling up inside of a child as he or she looks into their new parent's eyes and knows they are finally part of a family. They will never dread the sound of a car coming to take them away again or wonder where they will lay their heads or which school they will be moved to. the other picture is dramatically different: In Louisiana alone, there are 4,424 children in foster care and 581,000 children nationwide waiting to be adopted. Only 10 percent of these children will ever be adopted. They have not had the luxury of their own room, a stable school environment, or a constant adult in their lives.

Most of these children entered into State custody because their parents were either unable or unwilling to care for them. What today is all about is transforming barriers into foundations. Tonight they will go home to their forever families. In speaking about forever families, I want to bring your attention to two of the many children in Louisiana that need forever families.

Many children in the foster care system are teenagers and have more difficulty being adopted. These beautiful children are just waiting to flourish with the right parent's guidance. Reva, for example, is a 15-year-old, reserved young woman who loves playing board games. She also is great at basketball and swimming. Reva does have a diagnosis of major depression and postraumatic stress disorder more than likely exacerbated by her time in foster care.

D'Vonte is a 13-year-old vivacious young man who loves to dance and listen to music on his CD player. His favorite activities are working on art projects and going swimming during the summer months. As a true Louisianan, he loves gumbo and is a caring and affectionate child.

I could stand here every day for the next month and talk about each child that needs to be adopted out of foster care. The bottom line is that each of these children, from 1 day old to 22 years old, needs permanency. They all need a loving, nurturing family that will help them to grow, bring out their unique personalities, and transform them into beautiful adults.

Today, on National Adoption Day, I have faith that this can be done and we must continue to be the catalysis. The miracle of adoption cannot be explained, but the loving parents that are holding their children for the first time today are living examples of how dreams can be realized. As an adoptive mother myself, I cannot really explain the miracle of it, but I can only take a moment to offer my most humble thanks, gratitude, and appreciation to all those across the Nation who have given their Saturday to help find waiting children safe and loving homes.

Let us continue to remember, when National Adoption Month and Day ends that there are still thousands of children like D'Vonte and Reva who need that sense of permanency. I challenge Congress to make these children their first priority and to help them to finally realize that dream.●

TRIBUTE TO HILTON A. WICK

● Mr. LEAHY. Mr. President, I rise today to speak about Hilton Wick, a great Vermonter who was recently honored at a dedication ceremony in Burlington, VT. As a token of thanks for his tireless fundraising efforts on behalf of Fletcher Allen Health Care, the plaza in front of Fletcher Allen's Ambulatory Care Center will now bear Hilton's name. For decades, Hilton Wick has committed his talents and energy to improving his community, raising awareness, and inspiring involvement on a wide variety of community development projects. Not only Burlington but all of Vermont can be grateful for his outstanding leadership and enormous generosity.

I would like to share with my colleagues an article from the October 29, 2005, edition of the Burlington Free Press which magnificently describes the contributions of Hilton Wick. I ask that the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Burlington Free Press, Oct. 29, 2005]

HILTON WICK GIVES HIS ALL TO COMMUNITY

It is a fitting tribute to Burlington's Hilton Wick that the plaza in front of Fletcher Allen Health Care's new Ambulatory Care Center is being named after him.

The dedication for the Hilton A. Wick Plaza on Sunday honors a man who has been one of the most generous and steadfast community builders Burlington has known.

When the hospital's Renaissance Project was in its darkest hours, Wick persevered with community fund-raising efforts despite the adversity, convinced that the goal of a better hospital remained sound and that Vernmonters would benefit from it.

Through the years and with a broad array of causes, Wick's message has been "get involved, get committed, do what you can to help achieve success and don't forget that little things do matter," according to his friend, Dan Feeney, who worked with Wick on several capital campaigns.

Burlington, and Vermont, have been the fortunate benefactors of Wick's remarkable ability to rally people around good causes, including the United Way, the American Cancer Society, the Intervale Foundation, the ECHO Center and the Community Health Center.

The health center, which serves underinsured and uninsured Vermonters, recognized Wick at its annual meeting this week as a kind of guru or "professor" of community fund-raisers in Burlington. "To have Hilton as your friend is to have a mentor, a philanthropic advisor, social connector, politician and the best story teller," according to an announcement from the health center.

When people gather Sunday to honor wick, now 85, they will share stories of a man who leads by example, inspiring others to give back to the community—a commitment he has held deeply since escaping death in the South Pacific during World War II.

The son of a railroad worker and homemaker in rural Pennsylvania, Wick came to Vermont in 1949 after graduating from Harvard Law School the previous year. He practiced law and continues the practice with his son Jim at Wick & Maddocks in Burlington; he taught business law at the University of Vermont; and he was president and later chairman of the board of Chittenden Trust Co. He ran for governor in 1984 and served a term as a state senator in 1988.

His friends know him especially for his devotion to his family—his five children and his late wife Barbara, who died of breast cancer in 2001—and his community.

George Little, a former state senator who served with Wick on a number of fund-raising drives, said his longtime friend has raised more money for health care, education and other projects "than I can possibly count.

"Hilton is an extraordinary human being who has made his life an example of thoughtful, unselfish generosity to his community," Little said.

Lois McClure said Wick encouraged her and her late husband, Mac, to give to a number of worthy projects including a building constructed in the 1980s at Fletcher Allen that bears the McClure name. "Mac said, 'When someone like Hilton feels I should do it, I guess I had better do it.'" McClure recalled.

For Wick's daughter, Julia, her father is a kind-hearted role model with a unique sense of humor and a love of story-telling. He is dedicated, she said, to helping those in need, "a quiet and determined leader who imparts his knowledge through inspiration."

Wick, who now lives at Shelburne Bay Senior Living Community, said in an interview Friday that he has enjoyed helping Burlington, "a great place to live"—and particularly the hospital, where "the wonderful medical personnel have kept me alive, when I'm not sure I was entitled to it."

Wick's countless hours of public service have been recognized with numerous accolades over the years, including several "Man of the Year" awards from organizations and "Father of the Year" from the Lund Family Center. But the real benefits are experienced every day in the community, which has been enriched and improved because of him.

Next time you walk across the plaza at Fletcher Allen Health Care, think of Hilton Wick and the many contributions he has made.●

CONGRATULATING SALYERSVILLE GRADE SCHOOL

● Mr. BUNNING. Mr. President, today I rise to congratulate Salyersville Grade School of Salyersville, KY. Salyersville Grade School is recognized as a 2005 No Child Left Behind Blue Ribbon School.

The Blue Ribbon Schools Program has been celebrating high achieving schools for over 20 years. Established in 1982 by the U.S. Department of Education, the program has recognized more than 3,000 schools since its inception. This year, six Kentucky schools join this distinguished list, and I am proud to say that Salyersville Grade School is one of the worthy recipients.

By demanding excellence from each and every student, Salyersville Grade School truly celebrates the blue ribbon standard of excellence that the No Child Left Behind Program strives to achieve. Salyersville Grade School is an example of what our Kentucky schools can achieve when we have enough faith in our students to challenge them to become the leaders this country so desperately needs.

I congratulate Salyersville Grade School on this achievement. The administrators, teachers, parents, and students of this school are an inspiration to the citizens of Kentucky. look forward to all that Salyersville Grade School accomplishes in the future.●

CONGRATULATING SAINT AGNES PARISH SCHOOL

● Mr. BUNNING. Mr. President, today I rise to congratulate Saint Agnes Parish School of Louisville, KY. Saint

Agnes Parish School is recognized as a 2005 No Child Left Behind Blue Ribbon School.

The Blue Ribbon Schools Program has been celebrating high achieving schools for over 20 years. Established in 1982 by the U.S. Department of Education, the program has recognized more than 3,000 schools since its inception. This year, six Kentucky schools. join this distinguished list, and I am proud to say that Saint Agnes Parish School is one of the worthy recipients.

By demanding excellence from each and every student, Saint Agnes Parish School truly celebrates the blue ribbon standard of excellence that the No Child Left Behind Program strives to achieve. Saint Agnes Parish School is an example of how Kentucky's Catholic schools continue to inspire young minds by providing a caring, faith-based learning environment.

I congratulate Saint Agnes Parish School on this achievement. The administrators, teachers, parents, and students of this school are an inspiration to the citizens of Kentucky. look forward to all that Saint Agnes Parish School accomplishes in the future.•

CONGRATULATING CHRIST THE KING SCHOOL

• Mr. BUNNING. Mr. President, today I rise to congratulate Christ the King School of Lexington, KY. Christ the King School is recognized as a 2005 No Child Left Behind Blue Ribbon School.

The Blue Ribbon Schools Program has been celebrating high achieving schools for over 20 years. Established in 1982 by the U.S. Department of Education, the program has recognized more than 3,000 schools since its inception. This year, six Kentucky schools join this distinguished list, and I am proud to say that Christ the King School is one of the worthy recipients.

By demanding excellence from each and every student, Christ the King School truly celebrates the blue ribbon standard of excellence that the No Child Left Behind Program strives to achieve. Christ the King School is an example of how Kentucky's Catholic schools continue to inspire young minds by providing a caring, faith-based learning environment.

I congratulate Christ the King School on this achievement. The administrators, teachers, parents, and students of this school are an inspiration to the citizens of Kentucky. I look forward to all that Christ the King School accomplishes in the future.•

CONGRATULATING BRODHEAD ELEMENTARY SCHOOL

• Mr. BUNNING. Mr. President, today I rise to congratulate Brodhead Elementary School of Brodhead, KY. Brodhead Elementary School is recognized as a 2005 No Child Left Behind Blue Ribbon School.

The Blue Ribbon Schools Program has been celebrating high achieving schools for over 20 years. Established in 1982 by the U.S. Department of Education, the program has recognized more than 3,000 schools since its inception. This year, six Kentucky schools join this distinguished list, and I am proud to say that Brodhead Elementary School is one of the worthy recipients.

By demanding excellence from each and every student, Brodhead Elementary School truly celebrates the blue ribbon standard of excellence that the No Child Left Behind Program strives to achieve. Brodhead Elementary School is an example of what our Kentucky schools can achieve when we have enough faith in our students to challenge them to become the leaders this country so desperately needs.

I congratulate Brodhead Elementary School on this achievement. The administrators, teachers, parents, and students of this school are an inspiration to the citizens of Kentucky. look forward to all that Brodhead Elementary School accomplishes in the future.•

CONGRATULATING SOUTHERN ELEMENTARY SCHOOL

• Mr. BUNNING. Mr. President, today I rise to congratulate Southern Elementary School of Beaver Dam, KY. Southern Elementary School is recognized as a 2005 No Child Left Behind Blue Ribbon School.

The Blue Ribbon Schools Program has been celebrating high achieving schools for over 20 years. Established in 1982 by the U.S. Department of Education, the program has recognized more than 3,000 schools since its inception. This year, six Kentucky schools join this distinguished list, and I am proud to say that Southern Elementary School is one of the worthy recipients.

By demanding excellence from each and every student, Southern Elementary School truly celebrates the blue ribbon standard of excellence that the No Child Left Behind Program strives to achieve. Southern Elementary School is an example of what our Kentucky schools can achieve when we have enough faith in our students to challenge them to become the leaders this country so desperately needs.

I congratulate Southern Elementary School on this achievement. The administrators, teachers, parents, and students of this school are an inspiration to the citizens of Kentucky. look forward to all that Southern Elementary School accomplishes in the future.•

CONGRATULATING LOST RIVER ELEMENTARY SCHOOL

• Mr. BUNNING. Mr. President, today I rise to congratulate Lost River Elementary School of Bowling Green, KY. Lost River Elementary School was recently recognized as a 2005 No Child Left Behind Blue Ribbon School.

The Blue Ribbon Schools Program has been celebrating high achieving schools for over 20 years. Established in 1982 by the U.S. Department of Education, the program has recognized more than 3,000 schools since its inception. This year, six Kentucky schools join this distinguished list, and I am proud to say that Lost River Elementary School is one of the worthy recipients.

By demanding excellence from each and every student, Lost River Elementary School truly celebrates the blue ribbon standard of excellence that the No Child Left Behind Program strives to achieve. Lost River Elementary School is an example of what our Kentucky schools can achieve when we have enough faith in our students to challenge them to become the leaders this country so desperately needs.

I congratulate Lost River Elementary School on this achievement. The administrators, teachers, parents, and students of this school are an inspiration to the citizens of Kentucky. look forward to all that Lost River Elementary School accomplishes in the future.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 9:29 a.m., a message from the House of Representatives, delivered by Ms. Chiappardi, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4145. An act to direct the Joint Committee on the Library to obtain a statue of Rosa Parks and to place the statue in the United States Capitol in National Statuary Hall, and for other purposes.

ENROLLED BILLS SIGNED

At 9:50 a.m., a message from the House of Representatives, delivered by Ms. Chiappardi, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 126. An act to amend Public Law 89–366 to allow for an adjustment in the number of free roaming horses permitted in Cape Lookout National Seashore.

H.R. 539. An act to designate certain National Forest System land in the Commonwealth of Puerto Rico as a component of the National Wilderness Preservation System.

H.R. 584. An act to authorize the Secretary of the Interior to recruit volunteers to assist with, or facilitate, the activities of various agencies and offices of the Department of the Interior.

H.R. 606. An act to authorize appropriations to the Secretary of the Interior for the restoration of the Angel Island Immigration Station in the State of California.

H.R. 1101. An act to revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California.

H.R. 1972. An act to direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including in the National Park System certain sites in Williamson County, Tennessee, relating to the Battle of Franklin.

H.R. 1973. An act to make access to safe water and sanitation for developing countries a specific policy objective of the United States foreign assistance programs, and for other purposes.

S. 1234. An act to increase, effective as of December 1, 2005, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

The enrolled bills were signed subsequently by the President pro tempore (Mr. STEVENS).

At 11:30 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 307. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

At 1:35 p.m., a message from the House of Representatives, delivered by one of its clerks, announced that the Speaker has signed the following enrolled bill and joint resolution:

H.R. 4326. An act to authorize the Secretary of the Navy to enter into a contract for the nuclear refueling and complex overhaul of the U.S.S. Carl Vinson (CVN–70).

H.J. Res. 72. An act making further continuing appropriations for the fiscal year 2006, and for other purposes.

The enrolled bill and joint resolution were signed subsequently by the President pro tempore (Mr. STEVENS).

At 1:56 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 1932: An act to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

At 4:32 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2528) making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

MEASURES ORDERED HELD AT THE DESK

The following bill was discharged from the Committee on Finance, passed without amendment, and ordered held at the desk, by unanimous consent:

S. 632. A bill to authorize the extension of unconditional and permanent nondiscriminatory treatment (permanent normal trade relations treatment) to the products of Ukraine, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, November 18, 2005, she had presented to the President of the United States the following enrolled bill:

S. 1234. An act to increase, effective as of December 1, 2005, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4705. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BURKHART GROB LUFT–UND RAUMFAHRT GmbH and CO KG Models G103 TWIN ASTIR, G103A TWIN II ACRO, and G103C TWIN III ACRO Sailplanes" ((RIN2120–AA64)(2005–0507)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4706. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330–200 and –300 and A340–200 and –300 Series Airplanes" ((RIN2120–AA64)(2005–0508)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4707. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 757–200, –200CB, and –200PF Series Airplanes" ((RIN2120–AA64)(2005–0509)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4708. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737–100, –200, –200C, –300, –400, and –500 Series Airplanes" ((RIN2120–AA64)(2005–0510)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4709. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC–10–10 and DC–10–10F Airplanes; Model DC–10–15 Airplanes; Model DC–10–30 and DC–10–30F Airplanes; Model DC–10–40 and DC–10–40F Airplanes; Model MD–10–10F and MD–10–30F Airplanes; and Model MD–11 and MD–11F Airplanes" ((RIN2120–AA64)(2005–0511)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4710. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747–100, –200B, –200F, –200C, –100B, –300, –100B SUD, –400, –400D, and –400F Series Airplanes; and Model 747 SR Series Airplanes" ((RIN2120–AA64)(2005–0500)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4711. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 757–200, –200PF, and –300 Series Airplanes, Powered by Pratt and Whitney PW2000 Series Engines" ((RIN2120–AA64)(2005–0501)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4712. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model EMB–135BJ, –135ER, –135KE, –135KL, –135LR, –145, –145ER, –145MR, –145LR, –145XR, –145MP, and –145EP Airplanes" ((RIN2120–AA64)(2005–0502)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4713. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce plc RB211 Trent 875, 877, 884, 884B, 892, 892B, and 895 Series Turbofan Engines" ((RIN2120–AA64)(2005–0518)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4714. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A340–211, –212, –311, and –312 Airplanes" ((RIN2120–AA64)(2005–0517)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4715. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Dowty Aerospace Propellers Type R321/4–82–F/8, R324/4–82–F/9, R333/4–82–F/12, and R334/4–82–F/13 Propeller Assemblies" ((RIN2120–AA64)(2005–0516)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4716. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A319–100 Series Airplanes Model A320–111 Airplanes; Model A320–200 Series Airplanes, and Model A321–100 and –200 Series Airplanes" ((RIN2120–AA64)(2005–0515)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4717. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 727 Airplanes" ((RIN2120–AA64)(2005–0514)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4718. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 B4–620, A310–304, A310–324, and A310–325 Airplanes" ((RIN2120–AA64)(2005–0512)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4719. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737–100, –200, and –200C Series Airplanes" ((RIN2120–AA64)(2005–0513)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4720. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC–9–14, DC–9–15, and DC–9–15F Airplanes; and McDonnell Douglas Model DC–9–20, DC–9–30, DC–9–40, and DC–9–50 Series Airplanes" ((RIN2120–AA64)(2005–0522)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4721. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747 Airplanes" ((RIN2120–AA64)(2005–0521)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4722. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace Model HS 748 Airplanes" ((RIN2120–AA64)(2005–0520)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4723. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Cessna Aircraft Company Models 401 401A, 401B, 402, 402A, 402B, 402C, 404, 411, 411A, 414, 414A, 421 421A, 421B, 421C, 425, and 441 Airplanes" ((RIN2120–AA64)(2005–0519)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4724. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce plc RB211 Trent 875, 877, 884, 884B, 892, 892B, and 895 Series Turbofan Engines" ((RIN2120–AA64)(2005–0526)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4725. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Honeywell Flight Management System One Million Word Data Bases as Installed in, but Not Limited to McDonnell Douglas Model MD–11 and MD–11F Airplanes, Boeing Model 747–400 Series Airplanes, and Boeing Model 757 and 767 Airplanes" ((RIN2120–AA64)(2005–0525)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4726. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron Model 212, 412 and 412EP Helicopters" ((RIN2120–AA64)(2005–0523)) received on November 15, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4727. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt and Whitney JT8D–200 Series Turbofan Engines" ((RIN2120–AA64)(2005–0524)) received on November 15, 2005: to the Committee on Commerce, Science, and Transportation.

EC–4728. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; GROB–WERKE Model G120A Airplanes" ((RIN2120–AA64)(2005–0545)) received on November 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4729. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt and Whitney JT8D–200 Series Turbofan Engines" ((RIN2120–AA64)(2005–0546)) received on November 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4730. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company CT7–5, –7, and –9 Series Turboprop Engines" ((RIN2120–AA64)(2005–0547)) received on November 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4731. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Honeywell Flight Management System One Million Word Data Bases as Installed in, but Not Limited to, McDonnell Douglas Model MD–11 and MD–11F Airplanes, Boeing Model 747–400 Series Airplanes, and Boeing Model 757 and 767 Airplanes" ((RIN2120–AA64)(2005–0548)) received on November 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4732. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A320–111 Airplanes, and Model A320–200 Series Airplanes" ((RIN2120–AA64)(2005–0550)) received on November 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4733. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Mitsubishi Model YS–11 Airplanes, and Model YS–11A–200, YS–11A–300, YS–11A–500, and YS–11A–600 Series Airplanes" ((RIN2120–AA64)(2005–0551)) received on November 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4734. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company CF6–80E1 Series Turbofan Engines" ((RIN2120–AA64)(2005–0552)) received on November 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4735. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Area Navigation Instrument Flight Rules Terminal Transition Routes: Jacksonville, FL" ((RIN2120–AA66)(2005–0255)) received on November 18, 2005: to the Committee on Commerce, Science, and Transportation.

EC–4736. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures: Miscellaneous Amendments (73)" ((RIN2120–AA65)(2005–0032)) received on November 18, 2005: to the Committee on Commerce, Science, and Transportation.

EC–4737. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2005: to the Committee on Homeland Security and Governmental Affairs.

EC–4738. A communication from the General Counsel, Office of Government Ethics, transmitting, pursuant to law, the Office's Performance Accountability Report for Fiscal Year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–4739. A communication from the Railroad Retirement Board, transmitting, pursuant to law, the Board's Performance and Accountability Report for Fiscal Year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–4740. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Department's Performance and Accountability report for Fiscal Year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-4741. A communication from the Chairman, International Trade Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for Fiscal Year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-4742. A communication from the Secretary of Transportation transmitting, pursuant to law, the Department's Performance and Accountability Report for Fiscal Year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–4743. A communication from the Secretary of Labor, transmitting, pursuant to law, the Department's Performance and Accountability Report for Fiscal Year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-4744. A communication from the General Counsel, Office of Government Ethics, transmitting, pursuant to law, the report of a rule entitled "Additional Exemption" (RIN3209–AA09) received on November 16, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-4745. A communication from the Secretary of Homeland Security, transmitting, pursuant to law, the Department's Performance and Accountability Report for Fiscal Year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–4746. A communication from the Secretary of Education, transmitting, pursuant to law, the Department's Performance and Accountability Report for Fiscal Year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-4747. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (9)" ((RIN2120–AA65)(2005–0033)) received on November 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4748. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 727 Airplanes" ((RIN2120–AA64)(2005–0549)) received on November 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-4749. A communication from the Acting Chief, Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "CPI Adjustment for Section 1274A for 2006" (Rev. Rul. 2005–76) received on November 18, 2005; to the Committee on Finance.

EC–4750. A communication from the Acting Chief, Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "CPI Adjustment for Section 7872(g) for 2006" (Rev. Rul. 2005–75) received on November 18, 2005; to the Committee on Finance.

EC-4751. A communication from the Acting Chief, Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Bureau of Labor Statistics Price Indexes for Department Stores—September 2005" (Rev. Rul. 2005–73) received on November 18, 2005; to the Committee on Finance.

EC-4752. A communication from the Acting Chief, Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 832 Discount Factors for 2005" (Rev. Proc. 2005–73) received on November 18, 2005; to the Committee on Finance.

EC-4753. A communication from the Acting Chief, Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 846 Discount Factors for 2005" (Rev. Proc. 2005–72) received on November 18, 2005; to the Committee on Finance.

EC–4754. A communication from the United States Trade Representative, Executive Office of the President, transmitting, pursuant to law, documents relating to the United States-Bahrain Free Trade Agreement; to the Committee on Finance.

EC-4755. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad to the United Kingdom; to the Committee on Foreign Relations.

EC–4756. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Kazakhstan; to the Committee on Foreign Relations.

EC–4757. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on the status of petitions for designating class of employees as members of the special cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–4758. A communication from the Attorney, Office of Procurement and Assistance Policy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Assistance Regulations" (RIN1991–AB72) received on November 18, 2005; to the Committee on Energy and Natural Resources.

EC-4759. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law the report of a rule entitled "Civil Penalty Adjustments" (RIN1029–AC48) received on November 17, 2005; to the Committee on Energy and Natural Resources.

EC-4760. A communication from the Director, Office of Hearings and Appeals, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Resource Agency Procedures for Conditions and Prescriptions in Hydropower Licenses" (RIN0596–AC42, RIN1094–AA51, RIN0648–AU01) received on November 18, 2005; to the Committee on Energy and Natural Resources.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM-221. A resolution adopted by the General Court of the Commonwealth of Massachusetts relative to the early termination fees imposed by cellular telephone companies; to the Committee on Commerce, Science, and Transportation.

Whereas, the issue of early termination fees imposed by cellular phone companies is one of great importance to the citizens of the Commonwealth of Massachusetts; and

Whereas, lawsuits by customers adversely affected by early termination fees have been filed in courts in California, Florida and Illinois; and

Whereas, a "petition of the Cellular Telecommunications and Internet Association for an expedited declaratory ruling" has recently been filed with the Federal Communications Commission (FCC); and

Whereas, the major cellular phone companies are now mounting efforts to preempt strong State consumer protection statutes in an effort to circumvent legal challenges in a number of States by their petition to the FCC on March 15, 2005; and

Whereas, this petition from the cellular phone industry requests that early termination fees should not be defined as penalties designed to restrict consumer choice, but rather as part of the rates that the companies charge their customers for cellular phone services; and

Whereas, recent reports dispute the industry's claims and find that 89 per cent of consumers believe that early termination fees are used as penalties to prevent consumers from shopping for better, more fairly-priced service; now therefore be it

Resolved, that the Massachusetts General Court joins and asks the Federal Communications Commission to deny the "petition of the cellular telecommunications and internet association for an expedited declaratory ruling" and that the FCC not recognize early termination fees as part of a company's rate structure and allow for continued State action; and be it further

Resolved, that the Massachusetts Senate memorializes the Federal Communications Commission, the Bush Administration, and Congress of the United States not to take any steps requested by cellular phone companies of their industry representatives that are designed to prevent cellular phone companies from being held legally accountable at the local, State of Federal levels, for the negative impacts of early termination fees; and be it further

Resolved, that a copy of these resolutions be transmitted forthwith by the Clerk of the Senate to the Federal Communications Commission, President George W. Bush, and the members of the United States Congress from the Commonwealth of Massachusetts.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. COCHRAN, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 2006" (Rept. No. 109–185).

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. ENZI for the Committee on Health, Education, Labor, and Pensions.

*Bruce Cole, of Indiana, to be Chairperson of the National Endowment for the Humanities for a term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

DISCHARGED NOMINATIONS

The Senate Committee on Foreign Relations was discharged from further consideration of the following nominations and the nominations were confirmed:

Ronald L. Schlicher, of Tennessee, to be Ambassador to the Republic of Cyprus.

Nominee: Ronald Lewis Schlicher.

Post: Cyprus.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: Not applicable.
3. Children and spouses: Not applicable.
4. Parents: Father, deceased; Mother, Thelma Schlicher, none.
5. Grandparents: Deceased.
6. Brothers and spouses: Brother, Michael Schlicher, none.
7. Sisters and spouses: Sister, Deborah Rankin, none.

Alejandro Daniel Wolff, of California, to be the Deputy Representative of the United States of America to the United Nations, with the rank and status of Ambassador, and the Deputy Representative of the United States of America in the Security Council of the United Nations.

Alejandro Daniel Wolff, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during his tenure of service as Deputy Representative of the United States of America to the United Nations.

Nominee: Alejandro Daniel Wolff.

Post: USUN.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: Alejandro Wolff, none.
2. Spouse: Alexandra Wolff, none.
3. Children and spouses: Philip and Michael Wolff, none.
4. Parents: Gerard and Toni Wolff, none.
5. Grandparents: All deceased in Argentina, none.
6. Brothers and spouses: Claudio and Sarah Wolff, none; Richard and Susan Wolff, none.

Carol van Voorst, of Virginia, to be Ambassador to the Republic of Iceland.

Nominee: Carol van Voorst.

Post: Ambassador to Iceland.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: Carol van Voorst, none.
2. Spouse: William A. Garland, none.
3. Children and spouses (stepchildren): Judith Garland, none; Karen Garland Fructuoso, none; Bernard Fructuoso, none; Maura Garland, none; William Burns Garland, none.
4. Parents: Bruce van Voorst, Barbara van Voorst, (stepmother) (joint contributions): $100, 3/16/05, Friends of Hillary Rodham Clinton; $100, 7/11/05, Bill Nelson for Senate; $100, 2/11/04, Democratic Congressional Campaign Committee; $50, 2/11/04, Nelson for U.S. Senate; $500, 3/12/04, John Kerry for President; $1,000, 7/8/04, Kerry Victory 2004; $200, 6/27/03, Bob Graham for President; $500, 11/12/03, Dean for America; $100, 2/25/02, Democratic Senatorial Campaign Committee; $100, 5/7/01, Democratic Senatorial Campaign Committee; $100, 5/7/01, Democratic Congressional Campaign Committee.

Marilyn van Voorst, deceased.

5. Grandparents: Dorothy van Voorst, deceased; Jacob van Voorst, deceased; Martin Van Hekken, deceased; Minnie Van Hekken, deceased.
6. Brothers and spouses: Mark van Voorst, none; Cindi van Voorst, none.
7. Sisters and spouses: Susan Prins, none; Michael Prins, none.

Kathryn Marchmont Robinson, Hugh Marchmont Robinson (jointly): $300, 2000, Republican National Committee; $150, 2000, Republican National Committee.

Ross Wilson, of Maryland, to be Ambassador to the Republic of Turkey.

Nominee: Ross Wilson.

Post: Ankara

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: none.
2. Spouse: Marguerite H. Squire, none.
3. Children and Spouses: C. Blake Wilson, none; Grady S. Wilson, none.
4. Parents: Winnidell Wilson, John Wilson, deceased.
5. Grandparents: All deceased 1974 or earlier, none.
6. Brothers and Spouses: Murray Wilson, none; Rebecca Wilson, none.
7. Sisters and Spouses: Joanne Lindahl, none; Duane Lindahl, none.

Donald M. Payne, of New Jersey, to be a Representative of the United States of America to the Sixtieth Session of the General Assembly of the United Nations.

Edward Randall Royce, of California, to be a Representative of the United States of America to the Sixtieth Session of the General Assembly of the United Nations.

Foreign Service nominations beginning with R. Nicholas Burns and ending with Charles E. Wright, which nominations were received by the Senate and appeared in the Congressional Record on October 17, 2005.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ROBERTS (for himself, Mr. Nelson of Nebraska, Mr. Isakson, and Mr. Santorum):

S. 2052. A bill to amend the Internal Revenue Code of 1986 to provide a credit to certain agriculture-related businesses for the cost of protecting certain chemicals; to the Committee on Finance.

By Mrs. CLINTON (for herself, Mr. DeWine, Mr. Obama, and Mr. Smith):

S. 2053. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for property owners who remove lead-based paint hazards; to the Committee on Finance.

By Mr. JEFFORDS:

S. 2054. A bill to direct the Secretary of the Interior to conduct a study of water resources in the State of Vermont; to the Committee on Energy and Natural Resources.

By Mr. KERRY:

S. 2055. A bill to amend titles 10 and 14, United States Code to provide for the use of gold in the metal content of the Medal of Honor; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ALLEN (for himself and Mr. Warner):

S. 2056. A bill to require the Secretary of the Treasury to redesign $1 Federal reserve notes so as to incorporate the preamble of the Constitution of the United States, a list describing the Articles of the Constitution, and a list describing the Amendments to the Constitution, on the reverse side of such note; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. CLINTON (for herself, Mr. Harkin, Mr. Durbin, Mr. Kennedy, Mr. Kerry, Ms. Landrieu, Mr. Lautenberg, and Mr. Inouye):

S. 2057. A bill to establish State infrastructure banks for education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD:

S. 2058. A bill to promote transparency and reduce anti-competitive practices in the radio and concert industries; to the Committee on Commerce, Science, and Transportation.

By Mrs. CLINTON (for herself, Mr. Leahy, Mr. Schumer, and Mr. Jeffords):

S. 2059. A bill to establish the Hudson-Fulton-Champlain 400th Commemoration Commission, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. VOINOVICH (for himself and Mr. Akaka):

S. 2060. A bill to extend the District of Columbia College Access Act of 1999 and make certain improvements; to the Committee on Homeland Security and Governmental Affairs.

By Mr. NELSON of Nebraska (for himself, Mr. Sessions, and Mr. Coburn):

S. 2061. A bill to amend the Immigration and Nationality Act and other Act to provide for true enforcement and border security, and for other purposes; to the Committee on the Judiciary.

By Mr. VITTER:

S. 2062. A bill to amend the Internal Revenue Code of 1986 to provide that certain deductions of school bus owner-operators shall be allowable in computing adjusted gross income; to the Committee on Finance.

By Mr. VITTER:

S. 2063. A bill to amend the Higher Education Act of 1965 to require institutions of higher education to preserve the educational status and financial resources of military personnel called to active duty; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LUGAR (for himself and Mr. Bayh):

S. 2064. A bill to designate the facility of the United States Postal Service located at 122 South Bill Street in Francesville, Indiana, as the Malcolm Melville "Mac" Lawrence Post Office; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ENZI (for himself, Mr. Isakson, Mr. Craig, Mr. Burr, Mr. Roberts, Mr. Sessions, Mr. Warner, and Mr. Gregg):

S. 2065. A bill to amend the Occupational Safety and Health Act of 1970 to further improve the safety and health of working environments, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ENZI (for himself, Mr. Isakson, Mr. Craig, Mr. Burr, Mr. Roberts, Mr. Sessions, Mr. Warner, Mr. Gregg, and Mr. DeMint):

S. 2066. A bill to amend the Occupational Safety and Health Act of 1970 to further improve the safety and health of working environments, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ENZI (for himself, Mrs. Murray, Mr. Isakson, Mr. Burr, Mr. Sessions, and Mr. Gregg):

S. 2067. A bill to assist chemical manufacturers and importers in preparing material safety data sheets pursuant to the requirements of the Hazard Communication standard and to establish a Commission to study and make recommendations regarding the implementation of the Globally Harmonized System of Classification and Labeling of Chemicals; to the Committee on Health, Education, Labor, and Pensions.

By Ms. COLLINS (for herself, Mr. Voinovich, and Mr. Akaka):

S. 2068. A bill to preserve existing judgeships on the Superior Court of the District of Columbia; to the Committee on Homeland Security and Governmental Affairs.

By Mr. COLEMAN (for himself, Mr. Dayton, and Mr. DeWine):

S. 2069. A bill to improve the safety of all-terrain vehicles in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SCHUMER:

S. 2070. A bill to provide certain requirements for hydroelectric projects on the Mohawk River in the State of New York; to the Committee on Energy and Natural Resources.

By Ms. SNOWE (for herself, Mr. Bingaman, Ms. Collins, Mr. Dorgan, and Mr. Rockefeller):

S. 2071. A bill to amend title XVIII of the Social Security Act to clarify congressional intent regarding the counting of residents in the nonhospital setting under the medicare program; to the Committee on Finance.

By Mr. REID:

S. 2072. A bill to provide for the conveyance of certain public lands in and around historic mining townsites in Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. CLINTON:

S. 2073. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for property owners who remove lead-based paint hazards; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. Baucus, Mr. Dorgan, Mrs. Murray, Ms. Cantwell, and Mr. Johnson):

S. 2074. A bill to amend title XIX of the Social Security Act to provide for fair treatment of services furnished to Indians under the medicaid program, and for other purposes; to the Committee on Finance.

By Mr. DURBIN (for himself, Mr. Hagel, Mr. Lugar, Mr. Kennedy, Mr. McCain, Mr. Leahy, Mr. Coleman, Mr. Lieberman, Mr. Craig, Mr. Feingold, Mr. DeWine, Mr. Obama, and Mr. Crapo):

S. 2075. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes; to the Committee on the Judiciary.

By Mr. LEAHY (for himself, Mr. Hatch, Ms. Mikulski, Mr. Durbin, Mr. DeWine, Mr. Biden, Mrs. Feinstein, Mr. Feingold, Mr. Smith, Mr. Dodd, Mr. Chambliss, Mr. Rockefeller, Mr. Lieberman, Mrs. Boxer, Mr. Wyden, Mr. Nelson of Florida, and Mr. Corzine):

S. 2076. A bill to amend title 5, United States Code, to provide to assistant United States attorneys the same retirement benefits as are afforded to Federal law enforcement officers; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SESSIONS:

S. 2077. A bill to amend the Internal Revenue Code of 1986 to allow income averaging for private forest landowners; to the Committee on Finance.

By Mr. McCAIN:

S. 2078. A bill to amend the Indian Gaming Regulatory Act to clarify the authority of the National Indian Gaming Commission to regulate class III gaming, to limit the lands eligible for gaming, and for other purposes; to the Committee on Indian Affairs.

By Mr. SMITH (for himself, Mr. Thune, Mr. Allard, Mr. Burns, and Mr. Thomas):

S. 2079. A bill to improve the ability of the Secretary of Agriculture and the Secretary of the Interior to promptly implement recovery treatments in response to catastrophic events affecting the natural resources of Forest Service land and Bureau of Land Management land, respectively, to support the recovery of non-Federal land damaged by catastrophic events, to assist impacted communities, to revitalize Forest Service experimental forests, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ENSIGN (for himself and Mr. Durbin):

S. Res. 320. A resolution calling the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide; to the Committee on Foreign Relations.

By Mr. DEWINE (for himself and Mr. Harkin):

S. Res. 321. A resolution commemorating the life, achievements, and contributions of Alan A. Reich; to the Committee on the Judiciary.

By Mr. BIDEN (for himself, Mr. McCain, and Mr. Obama):

S. Res. 322. A resolution expressing the sense of the Senate on the trial, sentencing and imprisonment of Mikhail Khodorkovsky and Platon Lebedev; considered and agreed to.

By Mr. COLEMAN (for himself, Mr. Warner, Mr. Pryor, Mr. Smith, Mr. DeMint, Mr. Bennett, Mr. Nelson of Florida, Mr. Kyl, Mr. Allen, Mr. Martinez, Mr. Bunning, and Mr. Chambliss):

S. Res. 323. A resolution expressing the sense of the Senate that the United Nations and other international organizations should not be allowed to exercise control over the Internet; considered and agreed to.

By Mr. McCAIN (for himself, Mr. Biden, and Mr. Lugar):

S. Res. 324. A resolution expressing support for the people of Sri Lanka in the wake of the tsunami and the assassination of the Sri Lankan Foreign Minister and urging support and respect for free and fair elections in Sri Lanka; considered and agreed to.

By Mr. LOTT:

S. Res. 325. A resolution to authorize the printing of a revised edition of the Senate Election Law Guidebook; considered and agreed to.

By Mr. CHAMBLISS (for himself, Mr. Isakson, and Mrs. Lincoln):

S. Res. 326. A resolution designating November 27, 2005, as "Drive Safer Sunday."; considered and agreed to.

By Mr. FEINGOLD (for himself, Mr. Dodd, and Mr. Leahy):

S. Res. 327. A resolution remembering and commemorating the lives and work of Maryknoll Sisters Maura Clarke and Ita Ford, Ursuline Sister Dorothy Kazel, and Cleveland Lay Mission Team Member Jean Donovan, who were executed by members of the Armed Forces of El Salvador on December 2, 1980; to the Committee on Foreign Relations.

By Mr. ENZI (for himself, Mr. Kennedy, Mr. Roberts, Mr. Reed, Mr. Burr, Mr. Jeffords, Mr. Gregg, Mrs. Murray, Mr. Hatch, Mrs. Clinton, Mr. DeWine, Mr. Bingaman, Ms. Mikulski, Mr. Harkin, and Mr. Dodd):

S. Res. 328. A resolution recognizing the 30th anniversary of the enactment of the Education for All Handicapped Children Act of 1975 and reaffirming the commitment of Congress to the Individuals with Disabilities Education Act so that all children with disabilities receive a free appropriate public education in the least restrictive environment; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROBERTS (for himself and Mr. Brownback):

S. Res. 329. A resolution congratulating Coach Bill Snyder for his achievements during 17 years as the head football coach of the Kansas State University Wildcats; to the Committee on the Judiciary.

By Mr. COLEMAN:

S. Con. Res. 67. A concurrent resolution urging Japan to honor its commitments under the 1986 Market-Oriented Sector-Selective (MOSS) Agreement on Medical Equipment and Pharmaceuticals, and for other purposes; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 103

At the request of Mrs. Feinstein, the name of the Senator from Ohio (Mr. DeWine) was added as a cosponsor of S. 103, a bill to respond to the illegal production, distribution, and use of methamphetamine in the United States, and for other purposes.

S. 291

At the request of Mr. Ensign, the name of the Senator from Louisiana

(Mr. VITTER) was added as a cosponsor of S. 291, a bill to require the withholding of United States contributions to the United Nations until the President certifies that the United Nations is cooperating in the investigation of the United Nations Oil-for-Food Program.

S. 333

At the request of Mr. SANTORUM, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 333, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

S. 418

At the request of Mr. ENZI, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 418, a bill to protect members of the Armed Forces from unscrupulous practices regarding sales of insurance, financial, and investment products.

S. 453

At the request of Mr. SMITH, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 453, a bill to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide for an extension of eligibility for supplemental security income through fiscal year 2008 for refugees, asylees, and certain other humanitarian immigrants.

S. 633

At the request of Mr. JOHNSON, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 877

At the request of Mr. DOMENICI, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 877, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 1016

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 1016, a bill to direct the Secretary of Energy to make incentive payments to the owners or operators of qualified desalination facilities to partially offset the cost of electrical energy required to operate the facilities, and for other purposes.

S. 1023

At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1023, a bill to provide for the establishment of a Digital Opportunity Investment Trust.

S. 1120

At the request of Mr. DURBIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1120, a bill to reduce hunger in the United States by half by 2010, and for other purposes.

S. 1139

At the request of Mr. SANTORUM, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. DODD) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 1139, a bill to amend the Animal Welfare Act to strengthen the ability of the Secretary of Agriculture to regulate the pet industry.

S. 1151

At the request of Mr. MCCAIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1151, a bill to provide for a program to accelerate the reduction of greenhouse gas emissions in the United States by establishing a market-driven system of greenhouse gas tradeable allowances, to limit greenhouse gas emissions in the United States and reduce dependence upon foreign oil, to support the deployment of new climate change-related technologies, and ensure benefits to consumers.

S. 1264

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 1264, a bill to provide for the provision by hospitals of emergency contraceptives to women, and post-exposure prophylaxis for sexually transmitted disease to individuals, who are survivors of sexual assault.

S. 1272

At the request of Mr. NELSON of Nebraska, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1272, a bill to amend title 46, United States Code, and title II of the Social Security Act to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

At the request of Mrs. CLINTON, her name was added as a cosponsor of S. 1272, supra.

S. 1504

At the request of Mr. ENSIGN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1504, a bill to establish a market driven telecommunications marketplace, to eliminate government managed competition of existing communication service, and to provide parity between functionally equivalent services.

S. 1597

At the request of Mr. ENZI, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1597, a bill to award posthumously a Congressional gold medal to Constantino Brumidi.

S. 1719

At the request of Mr. INOUYE, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1719, a bill to provide for the preservation of the historic confinement sites where Japanese Americans were detained during World War II, and for other purposes.

S. 1779

At the request of Mr. AKAKA, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 1779, a bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes.

S. 1780

At the request of Mr. SANTORUM, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1780, a bill to amend the Internal Revenue Code of 1986 to provide incentives for charitable contributions by individuals and businesses, to improve the public disclosure of activities of exempt organizations, and to enhance the ability of low-income Americans to gain financial security by building assets, and for other purposes.

S. 1841

At the request of Mr. NELSON of Florida, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of S. 1841, a bill to amend title XVIII of the Social Security Act to provide extended and additional protection to Medicare beneficiaries who enroll for the Medicare prescription drug benefit during 2006.

S. 1969

At the request of Mr. BAUCUS, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1969, a bill to express the sense of the Senate regarding Medicaid reconciliation legislation to be reported by a conference committee during the 109th Congress.

S. 2006

At the request of Mr. INHOFE, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 2006, a bill to provide for recovery efforts relating to Hurricanes Katrina and Rita for Corps of Engineers projects.

S. 2019

At the request of Mr. SMITH, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2019, a bill to provide for a research program for remediation of closed methamphetamine production laboratories, and for other purposes.

S. 2046

At the request of Mr. DEWINE, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2046, a bill to establish a National

Methamphetamine Information Clearinghouse to promote sharing information regarding successful law enforcement, treatment, environmental, social services, and other programs related to the production, use, or effects of methamphetamine and grants available for such programs, and for the other purposes.

S. RES. 302

At the request of Mr. BINGAMAN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. Res. 302, a resolution to express the sense of the Senate regarding the impact of medicaid reconciliation legislation on the health and well-being of children.

S. RES. 319

At the request of Ms. MIKULSKI, the names of the Senator from Maryland (Mr. SARBANES), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. Res. 319, a resolution commending relief efforts in response to the earthquake in South Asia and urging a commitment by the United States and the international community to help rebuild critical infrastructure in the affected areas.

AMENDMENT NO. 2365

At the request of Mr. BINGAMAN, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of amendment No. 2365 proposed to S. 1932, an original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95).

AMENDMENT NO. 2601

At the request of Mr. NELSON of Florida, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 2601 proposed to S. 2020, an original bill to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. CLINTON (for herself, Mr. DEWINE, Mr. OBAMA, and Mr. SMITH):

S. 2053. A bill to amend to amend the Internal Revenue Code of 1986 to provide a tax credit for property owners who remove lead-based paint hazards; to the Committee on Finance.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2053

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS; PURPOSE.

(a) SHORT TITLE.—This Act may be cited as the "Home Lead Safety Tax Credit Act of 2005".

(b) FINDINGS.—Congress finds that:

(1) Of the 98,000,000 housing units in the United States, 38,000,000 have lead-based paint.

(2) Of the 38,000,000 housing units with lead-based paint, 25,000,000 pose a hazard, as defined by Environmental Protection Agency and Department of Housing and Urban Development standards, due to conditions such as peeling paint and settled dust on floors and windowsills that contain lead at levels above Federal safety standards.

(3) Though the number of children in the United States ages 1 through 5 with blood levels higher than the Centers for Disease Control action level of 10 micrograms per deciliter has declined to 300,000, lead poisoning remains a serious, entirely preventable threat to a child's intelligence, behavior, and learning.

(4) The Secretary of Health and Human Services has established a national goal of ending childhood lead poisoning by 2010.

(5) Current Federal lead abatement programs, such as the Lead Hazard Control Grant Program of the Department of Housing and Urban Development, only have resources sufficient to make approximately 7,000 homes lead-safe each year. In many cases, when State and local public health departments identify a lead-poisoned child, resources are insufficient to reduce or eliminate the hazards.

(6) Old windows typically pose significant risks because wood trim is more likely to be painted with lead-based paint, moisture causes paint to deteriorate, and friction generates lead dust. The replacement of old windows that contain lead based paint significantly reduces lead poisoning hazards in addition to producing significant energy savings.

(7) Childhood lead poisoning can be dramatically reduced by the abatement or complete removal of all lead-based paint. Empirical studies also have shown substantial reductions in lead poisoning when the affected properties have undergone so-called "interim control measures" that are far less costly than abatement.

(c) PURPOSE.—The purpose of this section is to encourage the safe removal of lead hazards from homes and thereby decrease the number of children who suffer reduced intelligence, learning difficulties, behavioral problems, and other health consequences due to lead-poisoning.

SEC. 2. HOME LEAD HAZARD REDUCTION ACTIVITY TAX CREDIT.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to foreign tax credit, etc.) is amended by adding at the end the following new section:

"SEC. 30D. HOME LEAD HAZARD REDUCTION ACTIVITY.

"(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 50 percent of the lead hazard reduction activity cost paid or incurred by the taxpayer during the taxable year for each eligible dwelling unit.

"(b) LIMITATION.—The amount of the credit allowed under subsection (a) for any eligible dwelling unit for any taxable year shall not exceed—

"(1) either—

"(A) $3,000 in the case of lead hazard reduction activity cost including lead abatement measures described in clauses (i), (ii), (iv) and (v) of subsection (c)(1)(A), or

"(B) $1,000 in the case of lead hazard reduction activity cost including interim lead control measures described in clauses (i), (iii), (iv), and (v) of subsection (c)(1)(A), reduced by

"(2) the aggregate lead hazard reduction activity cost taken into account under subsection (a) with respect to such unit for all preceding taxable years.

"(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section:

"(1) LEAD HAZARD REDUCTION ACTIVITY COST.—

"(A) IN GENERAL.—The term 'lead hazard reduction activity cost' means, with respect to any eligible dwelling unit—

"(i) the cost for a certified risk assessor to conduct an assessment to determine the presence of a lead-based paint hazard,

"(ii) the cost for performing lead abatement measures by a certified lead abatement supervisor, including the removal of paint and dust, the permanent enclosure or encapsulation of lead-based paint, the replacement of painted surfaces, windows, or fixtures, or the removal or permanent covering of soil when lead-based paint hazards are present in such paint, dust, or soil,

"(iii) the cost for performing interim lead control measures to reduce exposure or likely exposure to lead-based paint hazards, including specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of lead-based paint hazards, and the establishment and operation of management and resident education programs, but only if such measures are evaluated and completed by a certified lead abatement supervisor using accepted methods, are conducted by a qualified contractor, and have an expected useful life of more than 10 years,

"(iv) the cost for a certified lead abatement supervisor, those working under the supervision of such supervisor, or a qualified contractor to perform all preparation, cleanup, disposal, and clearance testing activities associated with the lead abatement measures or interim lead control measures, and

"(v) costs incurred by or on behalf of any occupant of such dwelling unit for any relocation which is necessary to achieve occupant protection (as defined under section 35.1345 of title 24, Code of Federal Regulations).

"(B) LIMITATION.—The term 'lead hazard reduction activity cost' does not include any cost to the extent such cost is funded by any grant, contract, or otherwise by another person (or any governmental agency).

"(2) ELIGIBLE DWELLING UNIT.—

"(A) IN GENERAL.—The term 'eligible dwelling unit' means, with respect to any taxable year, any dwelling unit—

"(i) placed in service before 1960,

"(ii) located in the United States,

"(iii) in which resides, for a total period of not less than 50 percent of the taxable year, at least 1 child who has not attained the age of 6 years or 1 woman of child-bearing age, and

"(iv) each of the residents of which during such taxable year has an adjusted gross income of less than 185 percent of the poverty line (as determined for such taxable year in accordance with criteria established by the Director of the Office of Management and Budget).

"(B) DWELLING UNIT.—The term 'dwelling unit' has the meaning given such term by section 280A(f)(1).

"(3) LEAD-BASED PAINT HAZARD.—The term 'lead-based paint hazard' has the meaning given such term by section 745.61 of title 40, Code of Federal Regulations.

"(4) CERTIFIED LEAD ABATEMENT SUPERVISOR.—The term 'certified lead abatement supervisor' means an individual certified by the Environmental Protection Agency pursuant to section 745.226 of title 40, Code of Federal Regulations, or an appropriate State agency pursuant to section 745.325 of title 40, Code of Federal Regulations.

"(5) CERTIFIED INSPECTOR.—The term 'certified inspector' means an inspector certified by the Environmental Protection Agency pursuant to section 745.226 of title 40, Code of Federal Regulations, or an appropriate State agency pursuant to section 745.325 of title 40, Code of Federal Regulations.

"(6) CERTIFIED RISK ASSESSOR.—The term 'certified risk assessor' means a risk assessor certified by the Environmental Protection Agency pursuant to section 745.226 of title 40, Code of Federal Regulations, or an appropriate State agency pursuant to section 745.325 of title 40, Code of Federal Regulations.

"(7) QUALIFIED CONTRACTOR.—The term 'qualified contractor' means any contractor who has successfully completed a training course on lead safe work practices which has been approved by the Department of Housing and Urban Development and the Environmental Protection Agency.

"(8) DOCUMENTATION REQUIRED FOR CREDIT ALLOWANCE.—No credit shall be allowed under subsection (a) with respect to any eligible dwelling unit for any taxable year unless—

"(A) after lead hazard reduction activity is complete, a certified inspector or certified risk assessor provides written documentation to the taxpayer that includes—

"(i) evidence that—

"(I) the eligible dwelling unit passes the clearance examinations required by the Department of Housing and Urban Development under part 35 of title 40, Code of Federal Regulations,

"(II) the eligible dwelling unit does not contain lead dust hazards (as defined by section 745.227(e)(8)(viii) of such title 40), or

"(III) the eligible dwelling unit meets lead hazard evaluation criteria established under an authorized State or local program, and

"(ii) documentation showing that the lead hazard reduction activity meets the requirements of this section, and

"(B) the taxpayer files with the appropriate State agency and attaches to the tax return for the taxable year—

"(i) the documentation described in subparagraph (A),

"(ii) documentation of the lead hazard reduction activity costs paid or incurred during the taxable year with respect to the eligible dwelling unit, and

"(iii) a statement certifying that the dwelling unit qualifies as an eligible dwelling unit for such taxable year.

"(9) BASIS REDUCTION.—The basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit (determined without regard to subsection (d)).

"(10) NO DOUBLE BENEFIT.—Any deduction allowable for costs taken into account in computing the amount of the credit for lead-based paint abatement shall be reduced by the amount of such credit attributable to such costs.

"(d) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

"(1) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(2) the sum of the credits allowable under subpart A and sections 27, 29, 30, 30A, 30B, and 30C for the taxable year.

"(e) CARRYFORWARD ALLOWED.—

"(1) IN GENERAL.—If the credit amount allowable under subsection (a) for a taxable year exceeds the amount of the limitation under subsection (d) for such taxable year (referred to as the 'unused credit year' in this subsection), such excess shall be allowed as a credit carryforward for each of the 20 taxable years following the unused credit year.

"(2) RULES.—Rules similar to the rules of section 39 shall apply with respect to the credit carryforward under paragraph (1).".

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a) of the Internal Revenue Code of 1986 is amended by striking "and" in paragraph (36), by striking the period and inserting ", and" in paragraph (37), and by inserting at the end the following new paragraph:

"(38) in the case of an eligible dwelling unit with respect to which a credit for any lead hazard reduction activity cost was allowed under section 30D, to the extent provided in section 30D(c)(9).".

(2) The table of sections for subpart B of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 30C the following new item:

"Sec. 30D. Home lead hazard reduction activity.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to lead hazard reduction activity costs incurred after December 31, 2005, in taxable years ending after that date.

Mr. OBAMA. Mr. President, today I rise in support of Senator CLINTON's bill which would provide tax credits of $1,000 to $3,000 to property owners who eliminate or contain lead-based paint hazards in homes where low-income young children or women of child-bearing age live.

Children who eat lead paint chips ingest a highly toxic substance that can produce a range of health effects including reduced IQ, reading and learning disabilities, reduced attention spans, kidney damage, and hyperactivity. The sad fact is that there are still over 400,000 children suffering from lead poisoning in this country, many of them poor and many of them minorities. My home State, Illinois, is the State with the highest number of these children.

The loss of IQ and ability to learn affects these children and their families for the rest of their lives and imposes an economic burden on the rest of us because of their reduced productivity.

I urge my colleagues to join Senators CLINTON, SMITH, DEWINE, and me in preventing future lead poisonings by giving property owners a tax incentive to eliminate this problem.

By Mr. KERRY:

S. 2055. A bill to amend titles 10 and 14, United States Code, to provide for the use of gold in the metal content of the Medal of Honor; to the Committee on Banking, Housing, and Urban Affairs.

Mr. KERRY. Mr. President, today I introduce a bill requiring that the Congressional Medal of Honor be made out of 90 percent gold instead of gold-plated brass as is currently the case.

The Congressional Medal of Honor is the highest award our country bestows for valor in action against an enemy force. Its recipients are ordinary Americans who perform extraordinary deeds in battle, often giving their lives.

This is the medal awarded posthumously to Sergeant First Class Paul R. Smith. Under attack at Baghdad International Airport, Sergeant Smith quickly organized the defense of his position, engaging a company-sized enemy force. He showed no concern for his own personal safety when in the face of hostile-fire he mounted an armored personnel carrier and manned a .50 caliber machine gun. As the citations accompanying his award put it, "In total disregard for his own life, he maintained his exposed position in order to engage the attacking enemy force. During this action, he was mortally wounded. His courageous actions helped defeat the enemy attack, and resulted in as many as 50 enemy soldiers killed, while allowing the safe withdrawal of numerous wounded soldiers."

This is the medal won by Captain Humbert Roque Versace. During an intense attack by the Viet Cong in the Xuyen Province, Captain Versace was wounded twice while engaging the enemy but continued to fight until exhaustion and lack of ammunition led to his capture. The citation accompanying his award reads: "Taken prisoner by the Viet Cong, he exemplified the tenets of the Code of Conduct from the time he entered into Prisoner of War status. Captain Versace assumed command of his fellow American soldiers, scorned the enemy's exhaustive interrogation and indoctrination efforts, and made three unsuccessful attempts to escape, despite his weakened condition which was brought about by his wounds and the extreme privation and hardships he was forced to endure. During his captivity, Captain Versace was segregated in an isolated prisoner of war cage, manacled in irons for prolonged periods of time, and placed on extremely reduced ration. The enemy was unable to break his indomitable will, his faith in God, and his trust in the United States of America. Captain Versace, an American fighting man who epitomized the principles of his country and the Code of Conduct, was executed by the Viet Cong on 26 September 1965."

This is the medal won by Marine Corps Second Lieutenant Robert Dale Reem, who on the night of November 6, 1950, after leading three separate assaults on an enemy position in the vicinity of Chinhung-ni, Korea, threw himself on top of an enemy grenade that landed amidst his men.

This is the medal won by Lieutenant, Junior Grade, Donald Gary, who, while serving aboard the U.S.S. *Franklin* on July 23, 1945, calmly led his crewmates to safety after their ship was attacked. His citation reads: "Stationed on the third deck when the ship was rocked by a series of violent explosions set off in her own ready bombs, rockets, and ammunition by the hostile attack, Lt. (j.g.) Gary unhesitatingly risked his life to assist several hundred men trapped in a messing compartment filled with smoke, and with no apparent egress. As the imperiled men below decks became increasingly panic stricken under the raging fury of incessant explosions, he confidently assured them he would find a means of effecting their release and, groping through the dark, debris-filled corridors, ultimately discovered an escapeway. Staunchly determined, he struggled back to the messing compartment three times despite menacing flames, flooding water, and the ominous threat of sudden additional explosions, on each occasion calmly leading his men through the blanketing pall of smoke until the last one had been saved."

As I have said previously, those who earned these medals are the stuff of legend. But they are more than legends. They are actual people whose deeds inspire humility and gratitude in all of us. In bestowing the Congressional Medal of Honor, the president enrolls the recipient in a sacred club of heroes.

The medal itself, however, while invaluable in significance and tribute, does not do enough to show our appreciation. The medal is gold in color but is actually brass plated with gold and only costs approximately $30 to produce. Other Congressional medals given to foreign dignitaries, famous entertainers, and other worthy citizens can cost $30,000 to produce. Now I will be the first to tell you that I believe the value of this medal is found in the deeds of every American who has earned it. But also believe that we can do better.

Put simply, this legislation will forge a medal more worthy of the esteem with which the Nation holds those few who have earned the Congressional Medal of Honor through valor and heroism beyond compare.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2055

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GOLD CONTENT FOR MEDAL OF HONOR.

(a) REQUIREMENT FOR GOLD CONTENT.—Sections 3741, 6241, and 8741 of title 10, United States Code, and section 491 of title 14, United States Code, are each amended by inserting after "appropriate design," the following: "the metal content of which is 90 percent gold and 10 percent alloy and".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to any Medal of Honor awarded after the date of the enactment of this Act.

By Mr. ALLEN (for himself and Mr. WARNER):

S. 2056. A bill to require the Secretary of the Treasury to redesign $1 Federal reserve notes so as to incorporate the preamble of the Constitution of the United States, a list describing the Articles of the Constitution, and a list describing the amendments to the Constitution, on the reverse side of such note; to the Committee on Banking, Housing, and Urban Affairs.

Mr. ALLEN. Mr. President, I rise today to introduce a piece of legislation that is designed to honor the document allows us to all be here today. The document I am referring to is the Constitution of the United States of America, the greatest and longest lasting political document in the history of the world. Drafted in part by the great patriot Thomas Jefferson, this document sets forth both the structure of our government and the fundamental freedoms we enjoy every day. Ingenious by its simplicity, the Constitution is a living breathing document that has allowed our country to evolve from 13 colonies who banded together to win her independence from Great Britain to the most powerful Nation in the world. While this document has created a strong national government that is unrivaled in the world, it has also kept the power in the States to decide how to govern themselves. As governor of the Commonwealth of Virginia and now as United States Senator I have had the unique opportunity to experience how this ingenious system of federalism plays out in every action we take as leaders.

This legislation that I am introducing today will serve to remind all Americans of the freedoms embodied in the Constitution. For many of us, it has been a long time since we have had the opportunity to sit down and actually read this historic document. By placing the headings of the articles and the amendments on the back of the dollar bill, all people will have the chance to look at the provisions. I sincerely hope that when children take a look at the reverse side of a dollar bill, they will take the time to ask their parents about what they are reading so they can gain a better understanding of our great Nation and the principals our country was founded.

By looking at the order of the amendments to the constitution, students can also trace the history of our country. The amendments to the constitution embody the four pillars of a free and just society. The first of these pillars is freedom of religion, this important freedom is protected by the First Amendment which allows all people of all religions to freely practice their chosen religion without fear of government interference. The second pillar is the freedom of expression, which again is protected in the First Amendment. The third pillar is the private ownership of property. This important freedom is protected by the Fifth Amendment which limits the government's power to take private property. This freedom is also protected in the Third. The fourth Amendment which protects citizens from being forced to quarter solders in their homes and protects private property from unreasonable searches and seizures respectively. The fourth pillar is the rule of law. Protection of the rule of law runs throughout the Constitution, most notably in the Sixth Amendment which guarantees the right to a speedy trial and the Fifth and Fourteenth Amendments which require due process of law.

Looking at the remaining amendments one can trace the evolution of the Constitution and the United States from the Thirteenth Amendment prohibiting slavery, to the Fifteenth Amendment providing for the right to vote regardless of race, the Nineteenth Amendment granting women the right to vote and the Twenty Fourth Amendment prohibiting the poll tax.

Throughout our history, hundreds of thousands of brave men and women have laid down their lives protecting the freedoms granted to us in the constitution. Having it been Veterans Day a few days ago, I feel it is high time that we do all we can to publicize what these freedom are that we hold so dearly.

Before I yield the floor I would like to recognize the contributions of one of my constituents, Mr. Randy Wright who teaches at Liberty Middle School in Hanover, VA. Mr. Wright brought this idea to my attention several years ago and he along with his students over the years have been instrumental is providing support for this piece of legislation. I therefore urge my colleagues to join me in support this legislation.

By Mrs. CLINTON (for herself, Mr. HARKIN, Mr. DURBIN, Mr. KENNEDY, Mr. KERRY, Ms. LANDRIEU, Mr. LAUTENBERG, and Mr. INOUYE):

S. 2057. A bill to establish State infrastructure banks for education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I rise today to introduce legislation co-sponsored with Senator HARKIN that would begin to rebuild America's schools. If approved, the Investing for Tomorrow's Schools Act would enable states to develop State Infrastructure Banks—a flexible and inexpensive way to finance school construction and renovation. This approach offers an innovative solution to the urgent problem of fixing deteriorating schools. Every dollar invested to create State Infrastructure Banks would be reused to support project after project in the form of loans and credit support.

According to the National Center for Education Statistics, three in four schools in America need assistance to come into "good overall condition." Repairs and modernizations will cost, according to the National Education Association, $322 billion. New York State has a greater need than any other state—estimated at $51 billion. Just in New York City, schools are estimated to need $21 billion. The city's schools are so old that they would nearly qualify for social security, averaging 61-years-old.

Acute need for school repair and modernization exists nationwide. Need is estimated at $33 billion in California, $25 billion in Ohio, $22 billion in New Jersey, $13 billion in Texas, and $10 billion each in Illinois, Massachusetts, Michigan, Pennsylvania, and Utah. Nation-wide costs add up to $322 billion.

In 2005, an estimated $19.6 billion was spent nation-wide on school construction. At that rate, it will take more than 16 years to modernize school buildings. Last year in New York, $984 million was spent on school construction. At that rate, it will take more than 50 years to modernize New York's schools—and that's assuming that in the meantime we don't need to build more new schools and that no schools fall apart!

When students attend schools in disrepair, the consequences are all too clear.

An article from 2004 in the Poughkeepsie Journal described how, in Hyde Park, New York along the Hudson River, ventilation problems at the 45-year-old Franklin D. Roosevelt High School sickened students and staff causing watery eyes, headaches, nausea, and dizziness. I would like to include this article in the CONGRESSIONAL RECORD. State Infrastructure Banks would make funding available to address environmental hazards including poor ventilation and bad air quality. They would help more schools become healthy and high-performing.

An article in Newsday newspaper described how, in Hempstead New York, on Long Island, Prospect Elementary, a 100-year-old school, was closed in the fall of 2003 after administrators discovered a rodent problem, mold in the cafeteria, and a crumbling chimney in a classroom.

The Marguerite Golden Rhodes Elementary School was closed after state education officials found a gap between where the paint on the walls ended and where the ceiling began—an indication that either the wall or the ceiling was moving.

Hempstead High School was closed for a week, after a blackboard fell off a wall exposing asbestos left over from a botched cleanup in 1990. I'd like to include this article in the CONGRESSIONAL RECORD.

The school closures worsened overcrowding, as parents Celia Ridely and Olive Warner pointed out to Newsday and the New York Times. With schools in such poor condition, is it surprising that just 38 percent of students in Hempstead graduate from high school?

In Washingtonville, 54 miles north of New York City, the roof over a classroom in 44–year-old Taft Elementary collapsed. Fortunately the catastrophic collapse occurred in August of 2004, before the school year began, and no one was injured.

Unfortunately, the U-shaped joist which contributed to the collapse was popular in school construction across New York and throughout America from 1900 to the early 1970s. Many of these schools are still in operation. New York's Department of Education took the precaution of advising school districts to check similar joists to make sure they are in good condition.

The lack of funding for school construction can lead school districts to put off maintenance. Paul Abramson, a consultant based in Westchester County, New York told a school construction website, "What happens, unfortunately, is [that] school districts cut down on maintenance."

Barbara Knisely-Michelman of the American Association of School Administrators said, "It comes down to the issue of resource. If school administrators had unlimited resources, [maintenance] would be at the top of the agenda."

We can do better. Schoolchildren should not have to contend with falling-down schools. The lack of adequate school buildings hampers today' s most promising and innovative efforts to boost student achievement.

Charter schools hold the promise of expanding the supply of high-quality public schools, especially in disadvantaged communities. But most charter schools have limited credit histories and lack access to public school facilities or traditional funding streams such as bonds. One in three charter school operators report that school construction costs are a major obstacle to their schools' success.

The No Child Left Behind Act promised that children in underperforming schools would have the opportunity to transfer to better public schools. But in many communities, more students seek transfers than are spaces available. In New York City last year, 33,000 students applied to transfer out of underperforming schools but only 7,000 could be accommodated.

Charter school operators should have access to affordable financing for school construction. Schoolchildren promised public school choice should be able to exercise that right. Innovative reforms should not be blocked by inadequate school buildings.

In 2004, an editorialist for Newsday newspaper on Long Island wrote, "School construction is one area where the federal government could do more. Little . . . has been heard on the subject since the late 90s—that's a shame. . . . Money must be found to keep schools safe, functional, and welcoming places."

Senator HARKIN and I agree. That's why today we are introducing the Investing for Tomorrow's Schools Act. At the heart of our proposal is the creation of State Infrastructure Banks, which would improve financing for school construction. This financing mechanism has been used since the Reagan Administration to help local communities fund water treatment and clean water facilities and transportation projects. For example, my own State of New York received $2.48 billion in Federal support for its Clean Water State Revolving Fund between 1989 and 2004. It leveraged that money into more than $10 billion of loans to local communities.

For example, State Infrastructure Banks would offer school districts a flexible menu of loan and credit enhancement assistance, such as low interest loans, bond-financing security, loan guarantees, and credit support for financing projects, which result in lower interest rates.

State Infrastructure Banks would not strain Federal Treasury or the American taxpayer. After initial funding, they would require no ongoing federal appropriations. As each loan is repaid, the money can be offered as a new loan.

Passage of this bill would lay the groundwork for a robust system of State Infrastructure Banks that provide immediate aid to the neediest schools and help local communities fund affordable construction far into the future.

This modest proposal is one piece of the school construction solution. I ask my Senate colleagues to join me today to pass this legislation without delay.

Mr. President, I ask unanimous consent that 2 articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From Poughkeepsie Journal, Dec. 9, 2004.]

VENTILATION BLAMED FOR FDR HIGH ILLNESSES

(By John Davis)

Ventilation problems were the cause of a rash of complaints about the air at Franklin D. Roosevelt High School in October and November, according to health officials.

After weeks of testing and monitoring conditions at the Hyde Park high school, Dutchess County Health Commissioner Dr. Michael Caldwell recently relayed his findings in a letter to Hyde Park schools Superintendent Carole Pickering.

"The reported symptoms and effects among students and staff in the school are consistent with those reported in a building with inadequate ventilation," Caldwell wrote.

In response to the complaints by students and staff reporting headaches, dizziness and watery eyes, the county health department considered a number of factors as being the source of the problem.

The health department has ruled out mold, toxic agents or germs as being the culprit.

"Recent modifications made to the school's ventilation system appear to have had a beneficial effect upon the FDR high school community," Caldwell noted in his letter.

Pickering expressed sympathy Wednesday for those who suffered during the period of the air problem.

"I regret that even one single person was ill due to the air quality problems over the last seven weeks," Pickering said in a prepared statement Wednesday. "We will continue to monitor FDR and to proactively assess heating and ventilation systems in all our buildings."

[From Daily News (New York), Nov. 21, 2004.]

It's a Foul School Stew—Firings, Probes and Lawsuits in Hempstead

(By Laura Williams)

It already seemed more than the Hempstead School District could bear. Asbestos and mold forced school closings. The school board abruptly fired the superintendent. Board members were suing each other amid accusations of corruption.

Then last week came word that the State Education Department is launching an investigation into financial hanky-panky by school board members. That revelation, in fact, was welcome news to fed-up parents.

Board members "cannot get through a school board meeting without arguing about which friend is going to benefit and how they're going to get money back from the district," said Ron Mazile, co-chairman of Hempstead Parents Community United.

The investigation will be conducted in addition to an in-depth audit of the district's books being done by State Controller Alan Hevesi.

As if all that weren't enough, a Hempstead High student was stabbed to death near the school Tuesday. A former gang member was arrested, and cops were seeking two more suspects last week.

And there's still more: the school district is facing $100 million worth of lawsuits, included in these are suits filed by school employees making charges of sexual harassment and discrimination. In addition, school board member Thomas Parsley is suing colleague Ralph Schneider over something personal.

Parsley himself was charged in September with stealing an ATM card from a principal, though he has said the charge was politically motivated.

Neither the district superintendent nor any of the five board members returned repeated calls.

The 6,800-student district is struggling with the problems that plague so many financially-strapped communities. Almost three-quarters of the Hempstead district's students qualify for free lunch.

Less than 40% of its high school students graduate, compared to wealthy next-door neighbor Garden City, where 99% graduate. Reading and math scores continue to lag behind the county average.

And school buildings have not been properly maintained.

Prospect Elementary was closed last year after mold was discovered in the cafeteria. Marguerite Golden Rhodes Elementary School also was closed after it appeared the building was shifting dangerously. Both schools' students are attending classes held in trailers.

Last year, a problem with the hot water heater sickened staffers and students at Alverta Bray Schultz Middle School, which also was found to be serving spoiled food in its cafeteria. And Hempstead High was shut down for a week last year after a chalkboard fell, exposing asbestos.

Amid all these problems, the school board last month fired Superintendent Nathaniel Clay, replacing him with Susan Johnson.

Johnson, who was fired as the district's director of personnel just two months before getting the top job, had launched her own lawsuit against the district, charging wrongful termination.

Parents are planning a Dec. 4 rally and march—from Village Hall to school district offices—in an attempt to get local school leaders to perform dutifully.

"Taxpayers, parents and students are fuming," Mazile said. "We're going to hold their feet to fire."

By Mr. FEINGOLD:

S. 2058. A bill to promote transparency and reduce anti-competitive practices in the radio and concert industries; to the Committee on Commerce, Science, and Transportation.

Mr. FEINGOLD. Mr. President, I am pleased to introduce legislation today that will promote openness and fair competition in the radio and concert industries.

I have followed the changes in the radio and concert industries since the 1996 Telecommunication Act with great concern. For years, I have heard complaints from my constituents about the increasing concentration of ownership in the radio and concert industries and, in turn, the increasingly uneven playing field for small radio stations and independent concert promoters. For consumers this has meant less diversity, less local content and growing dissatisfaction with the radio and concerts they are offered.

Most recently in the last Congress, I introduced broad legislation to address ownership consolidation and the anti-competitive practices common in the industry. These practices include tacit or explicit pay-for-play, or "payola," payments, and corporate radio stations putting untoward pressure on artists to play at the same corporation's venues use affiliated concert promoters. While I continue to be concerned by consolidation and believe this centralization exacerbates the potential for abuse, the bill I introduce today focuses instead on the anti-competitive practices, whether they occur at a radio station group of a handful of stations or one that owns thousands of stations.

Some might question why we need added scrutiny and accountability for the radio and concert industries specifically. Besides the unique role radio plays for communication and entertainment in each American's life, radio also is, in a sense, a public-private partnership. With radio's use of the public airwaves, it also has a responsibility to serve the public good.

The abuses within the radio and concert industry are not entirely new. In fact, problems have occasionally sprung up almost throughout the entire history of the medium. There almost seems to be a cyclical pattern as the payola is rooted out and then several years later is reincarnated in slightly different form to grow to become pervasive again. So while the original payola practices predated the recent rapid consolidation in the industry, the concentration of power has made the problem more widespread and its effects possibly more severe on local stations, promoters, artists and consumers.

While paying a radio station or radio station employee to play a certain song without telling the audience has a long history in radio, this does not make the fraud and bribery any more acceptable. In the 1950s, the practice was relatively simple. Artists, their labels or managers would often directly bribe DJs to play their songs either in cash or through other consideration. When this practice became public, there were investigations and Congress and the Federal Communications Commission (FCC) took actions to block this payola.

The most recent incarnation of payola takes a more complicated and sophisticated—corporate, if you will—approach to skirt the current rules that prevent direct pay-for-play. Indirect payments through independent music promoters have been an open secret, as have more direct payments, as the ground-breaking investigation of New York Attorney General Eliot Spitzer demonstrates. While the Spitzer investigation is ongoing, he has already uncovered significant abuses and this summer reached a $10 million settlement with a record label.

While not traditionally considered payola, there are other abuses of power over airplay decisions by radio stations and their corporate parents, especially when the conglomerate also owns concert promoters and venues. This cross-ownership sets up a situation where the same corporation that is negotiating a contract for an artist to perform at its concert also controls the lifeblood of that artist's success—airplay of his or her songs. The result can be intense pressure on artists to play radio station-promoted shows and, often, to do so for less than the normal rate. This practice hurts the artist, hurts competing independent stations and promoters and, ultimately, hurts the listening public, which ends up choosing from songs on the radio that have been selected based on where and for whom the artist is performing a concert, and for the songs' artistic merit. Moreover, for any artist who deigns to refuse the direct or implied extortion from the conglomerate, as Don Henley's courageous testimony in a 2003 Commerce Committee hearing clearly explained, there is the risk of retaliation—either immediately or by boycotting the next single or album the artist produces. And with the consolidation in the industry, that boycott might not just be in one station in one market; it could be forty stations in many markets. Facing this kind of potential threat, you can see why even the most popular acts are afraid to speak publicly.

The bill I introduce today proposes a multi-faceted approach to the various entrenched forms of payola. The bill would simultaneously strengthen the FCC's ability to prove and punish violators, close the loophole allowing indirect payola, prevent cross-ownership from hindering fair competition, and, perhaps most importantly, increase transparency through disclosure of the payments to radio stations from artists, labels, promoters and others who may have an interest in improperly influencing airplay decisions.

The bill improves the FCC's ability to enforce payola violations through several means. It requires radio stations to make transactions with entities like record labels that might have an interest in influencing airplay on an "arm's length basis." Moreover the bill requires record-keeping of such transactions and makes the records available to the FCC in the event of an investigation. In addition, the bill significantly increases penalties for payola violations and allows the FCC to consider revoking a station's license. As we have seen in the realm of indecency, multimillion dollar companies do not blink at the current fines of $10,000 per violation, but the prospect of putting a license in jeopardy will get their attention.

As I've already mentioned, the current payola rules were put in place for an earlier, simpler incarnation of the practice—the direct bribing of DJs and stations. Payola has changed, often going through third parties such as independent music promoters or under the guise of a legitimate transaction. The bill broadens the current rules to include these indirect payments, so no matter what tortured path money or other consideration travels, if it is for airplay and not disclosed, it is payola.

Cross-ownership of radio stations and concert promoters or venues poses a serious problem for fair competition. Without controls, the relationship injects the profitability of a concert and not artistic merit into airplay decisions. The bill would either prohibit this, in the case of cross-ownership, or place controls to ensure fair competition in the concert promotion industry.

The final element of the bill—increased transparency—hopefully will have the biggest impact by deterring payola in all its past, present and future incarnations. The bill requires radio stations to disclose all receipts of payments or consideration that could be used as a front for payola along with a list of the songs played every month, broken down by label and artist. While corporations may not fear the current hard-to-prove $10,000 fines, they do understand public relations. The potential for consumers and the media to use these records to connect the dots should have a chilling effect on the practice and may mean that the FCC Enforcement Bureau will rarely even need to be involved. But if problems persist, this bill will provide the Bureau with better powers and evidence to combat payola in all its forms.

Finally let me put this in context and remind my colleagues that radio stations use a public resource, the airwaves, to reach their listeners. With this use comes a responsibility to the public and an understanding that they accept a degree of increased scrutiny. My legislation strives to ensure that the public knows when it hears a song on the radio that it is because the station, the DJ, the public, or even a focus group, believes it has artistic merit and that it is something the listeners will enjoy. Too often, today's radio listeners are left to wonder whether a song was played because the station manager got a new laptop or because the station's parent company is producing the artist's upcoming concert.

It boils down to choices. This bill will reinstate choices, the fundamental basis of competition; choice for the artists to pick which concerts to play and who they want to promote their concerts; choices for the radio stations to play songs based on merit, or at least not based on narrow financial interests; and ultimately choices for consumers as artistic merit instead of the ability to pay carefully disguised bribes broadens the field of artists who can compete.

I am pleased that my bill has been endorsed by the following groups, and I am grateful for the input they have provided about problems in the radio and concert industries: the American Association of Independent Music/A2IM; the American Federation of Television and Radio Artists; the American Federation of Musicians of the United States and Canada; Consumers Union; Free Press; the Future of Music Coalition; the National Academy of Recording Arts and Sciences, Inc.; and the Recording Artists' Coalition. I urge my colleagues to join me and support this legislation to promote fair competition in the radio and concert industries. I urge my colleagues to join me and support this legislation to promote fair competition in the radio and concert industries.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2058

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Radio and Concert Disclosure and Competition Act of 2005".

SEC. 2. DISCLOSURE REGULATIONS.

(a) Modification of Regulations.—

(1) In general.—Not later than 1 year after the date of the enactment of this Act, the Federal Communications Commission shall modify its regulations under sections 317 and 507 of the Communications Act of 1934 (47 U.S.C. 317 and 508), to prohibit the licensee or permittee of any radio station, including any employee or affiliate of such licensee or permittee, from receiving money, services, or other valuable consideration, whether directly or indirectly, from a record company, recording artist, concert promoter, music promoter, or music publisher, or an agent or representative thereof, unless the licensee or permittee discloses at least monthly the receipt of such money, services, or other consideration to the Federal Communications Commission (in this Act referred to as the "Commission") and the public in a manner that the Commission shall specify.

(2) Exception.—The Commission in modifying its regulations as required under paragraph (1) may create an exception to the prohibition described under paragraph (1) for—

(A) transactions provided at nominal cost; or

(B) paid broadcasting disclosed under section 317 of the Communications Act of 1934 (47 U.S.C. 317), if the monthly disclosure described in paragraph (1) includes the proportion of total airplay considered paid broadcasting.

(b) Playlist.—The monthly disclosure by a radio station licensee or permittee required under subsection (a) shall include a list of songs and musical recordings aired during the disclosure period, indicating the artist, record label, and number of times the song was aired.

SEC. 3. ARM'S LENGTH TRANSACTIONS.

(a) In General.—Not later than 1 year after the date of the enactment of this Act, the Federal Communications Commission shall modify its regulations under sections 317 and 507 of the Communications Act of 1934 (47 U.S.C. 317 and 508), to require that all transactions between a licensee or permittee of any radio station, including any employee or affiliate of such licensee or permittee, and a record company, recording artist, concert promoter, music promoter, or music publisher, or an agent or representative thereof, shall be conducted at an arm's length basis with any such transaction reduced to writing and retained by the licensee or permittee for the period of the license term or 5 years, whichever is greater.

(b) Records.—A record of each transaction described under subsection (a) shall be—

(1) made available upon request to—

(A) the Commission; and

(B) any State enforcement agency; and

(2) subject to a random audit by the Commission to ensure compliance on a basis to be determined by the Commission.

(c) Exemption.—The Commission may create an exemption to the record keeping requirement described in subsection (b)—

(1) for a transaction that is of a nominal value; and

(2) for a radio station that is a small business, as recognized by the Commission and established by the Small Business Administration under section 121 of title 13, Code of Federal Regulations, if the Commission determines that such record keeping poses an undue burden to that small business.

SEC. 4. COMPETITION REGULATIONS.

Not later than 1 year after the date of the enactment of this Act, the Federal Communications Commission shall modify its regulations under sections 317 and 507 of the Communications Act of 1934 (47 U.S.C. 317 and 508), to accomplish the following:

(1) GENERAL PROHIBITION.—To prohibit the licensee of any radio station, including any parent, subsidiary, or affiliated entity of such licensee, from using its control over any non-advertising matter broadcast by such licensee to extract or receive money or any other form of consideration, whether directly or indirectly, from a record company, artist, concert promoter, or any agent or representative thereof.

(2) RADIO STATION CONCERTS.—

(A) IN GENERAL.—To prohibit a licensee or permittee of a commercial radio station, or affiliate thereof, from—

(i) engaging, receiving, making an offer for, or directly profiting from concert services of any musician or recording artist unless the licensee or permittee does not discriminate, in whole or in part, about the broadcast of non-advertising matter, including any sound recording, by that particular artist upon whether or not that artist performs at the radio station affiliated concert; and

(ii) engaging or receiving concert services of any musician or recording artist unless the licensee or permittee provides the musician or recording artist with compensation for such services at the fair market value for the performance.

(B) DEFINITION.—For purposes of subparagraph (A), the term "fair market value" shall include such factors as—

(i) the rate typically charged by the musician or recording artist for a concert of the size being put on for the station;

(ii) the expenses of the musician or recording artist to travel to, and perform at, the concert location; and

(iii) the length of the performance in relation to the standard duration for a concert by the musician or recording artist.

(C) LIMITATIONS AND EXCLUSIONS.—The provisions of this paragraph shall not—

(i) prohibit consideration for the concert services being made in the form of promotional value, cash, or a combination of both; or

(ii) apply to—

(I) a radio station that is a small business, as recognized by the Commission and established by the Small Business Administration under section 121 of title 13, Code of Federal Regulations;

(II) in-studio live interviews and performances; or

(III) concerts whose proceeds are intended and provided for charitable purposes.

(3) RADIO AND CONCERT CROSS-OWNERSHIP.—

(A) IN GENERAL.—To prohibit a licensee or permittee of a radio station, or affiliate thereof, from owning or controlling a concert promoter or venue primarily used for live concert performances.

(B) WAIVER.—The Commission may waive the prohibition required under subparagraph (A) if—

(i) the Commission determines that because of the nature of the cross-ownership and market served—

(I) the affected radio station, concert promoter, or venue would be subjected to undue economic distress or would not be economically viable if such provisions were enforced; and

(II) the anti-competitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the needs of the community to be served; and

(ii) the affected radio station, concert promoter, or venue demonstrates to the Commission that decisions regarding the broadcast of matter, including any sound recording, will be made at arm's length and not based, in whole or in part, upon whether or not the creator, producer, or promoter of such matter engages the services of the licensee or permittee, or an affiliate thereof.

SEC. 5. REVIEW OF TRANSACTIONS.

(a) IN GENERAL.—Upon petition by a musician, recording artist, or interested party, the Commission shall review any transaction entered into under section 3 or section 4.

(b) COPY OF PETITION.—A copy of any petition submitted to Commission under subsection (a) shall be provided by the person filing such petition to the licensee or permittee, or musician or recording artist, as applicable.

(c) PUBLIC DISCLOSURE.—If the Commission, after reviewing a petition submitted under subsection (a) finds a transaction violated any provision of this paragraph or section 3, the Commission shall publicly, after all parties have had a reasonable opportunity to comment, disclose its finding and grant appropriate relief.

SEC. 6. PENALTIES.

The regulations promulgated under sections 2, 3 and 4 shall set forth appropriate penalties for violations including an immediate hearing before the Commission upon the issuance of a notice of apparent liability or violation, with possible penalties to include license revocation.

SEC. 7. REPORT.

Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Commission shall issue a report to Congress and the public that—

(1) summarizes the disclosures made by licensees and permittees as required under section 2;

(2) summarizes the audits conducted by the Commission as required under section 3(b)(2);

(3) summarizes the cross-ownership waivers, if any, awarded by the Commission under section 4(3)(B);

(4) evaluates ownership concentration and market power in the radio industry in a manner similar to the most recent in the discontinued series of FCC reports, "Radio Industry Review 2002: Trends in Ownership, Format, and Finance"; and

(5) describes any violations of section 2, 3, or 4, and penalty proceedings under section 6, and includes recommendations for any additional statutory authority the Commission determines would improve compliance with regulations issued under this Act.

SEC. 8. LICENSE REVOCATION.

Section 312(a) of the Communications Act of 1934 (47 U.S.C. 312) is amended—

(1) in paragraph (6), by striking "; or" and inserting a semicolon;

(2) in paragraph (7), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(8) for violation of or failure to follow any regulation established in accordance with section 2, 3, 4, or 6 of the Radio and Concert Disclosure and Competition Act of 2005.".

SEC. 9. INCREASED MAXIMUM PENALTIES.

(a) PENALTIES FOR DISCLOSURE OF PAYMENTS TO INDIVIDUALS CONNECTED WITH BROADCASTS.—Section 507(g)(1) of the Communications Act of 1934 (47 U.S.C. 508(g)(1)) is amended by striking "$10,000" and inserting "$50,000".

(b) PENALTIES FOR PROHIBITED PRACTICES IN CONTESTS OF KNOWLEDGE, SKILL, OR CHANCE.—Section 508(c)(1) of the Communications Act of 1934 (47 U.S.C. 509(c)(1)) is amended—

(1) by striking "$10,000" and inserting "$50,000"; and

(2) by inserting ", for each violation" before the period.

By Mr. VOINOVICH (for himself and Mr. AKAKA):

S. 2060. A bill to extend the District of Columbia College Access Act of 1999 and make certain improvements; to the Committee on Homeland Security and Governmental Affairs.

Mr. VOINOVICH. Mr. President, today I rise to introduce legislation to reauthorize the District of Columbia Tuition Assistance Grant (D.C. TAG) program for five additional years. This program has had a tremendously beneficial impact on promoting higher education for high school graduates in our Nation's capital.

The aim of this program is to assist District students, who do not have access to state-supported education systems, in attending college. D.C. TAG scholarships are used by District residents to pay the difference between in-State and out-of-State tuition at State universities nationwide, up to $10,000 per student per school year, with a cumulative cap of $50,000 per student. In addition, since March 2002, District students attending private institutions in Maryland and Virginia, as well as Historically Black Colleges and Universities nationwide, started receiving tuition grants under the program of $2,500 per student per school year, with a cumulative cap of $12,500 per student.

Since the first grants were awarded in 2000, the program has dispersed over $98 million to 8,454 District students; many are the first in their family to attend college. Moreover, District high school graduating seniors have seen a 28 percent increase in college attendance. Seventy five percent of District students said that D.C. TAG made a difference in their decision to continue their education beyond high school. Sixty five percent of District students have indicated that D.C. TAG has enabled them to choose a college that best suits their educational needs.

Because of the great success and positive impact of this program, I propose to expand the program to private schools nationwide, thereby creating greater equity between all private colleges, while establishing a cap on program funding at the current appropriation of $33.2 million annually. In addition, this legislation will require the Mayor of the District of Columbia to submit an annual report to Congress on the program's status.

As Chairman of the District of Columbia authorizing subcommittee, leveling the playing field for high school graduates in the District and enhancing their educational opportunities continues to be a top priority. I urge all of my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2060

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. 5-YEAR REAUTHORIZATION OF TUITION ASSISTANCE PROGRAMS.

(a) Public School Program.—Section 3(i) of the District of Columbia College Access Act of 1999 (sec 38–2702(i), D.C. Official Code) is amended by striking "each of the 7 succeeding fiscal years" and inserting "each of the 11 succeeding fiscal years".

(b) Private School Program.—Section 5(f) of such Act (sec. 38–2704(f), D.C. Official Code) is amended by striking "each of the 7 succeeding fiscal years" and inserting "each of the 11 succeeding fiscal years".

SEC. 2. EXPANSION TO PRIVATE SCHOOLS NATIONWIDE.

Section 5(c)(1)(A)(i) of the District of Columbia College Access Act of 1999 (sec. 38–2704(c)(1)(A)(i); D.C. Official Code) is amended by striking "the main campus" through the end and inserting "located in the United States;".

SEC. 3. CAPPED FUNDING.

Section 7 of the District of Columbia College Access Act of 1999 (sec. 38–2706; D.C. Official Code) is amended—

(1) in paragraph (2), by striking "or" after the semicolon;

(2) in paragraph (3), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(4) $33,200,000, in the case of the aggregate amount for fiscal year 2006 and each succeeding fiscal year.".

SEC. 4. MAYOR'S REPORT.

Section 3(g) of the District of Columbia College Access Act of 1999 (sec. 38–2703(g); D.C. Official Code) is amended to read as follows:

"(g) Mayor's Report.—Not later than August 1, the Mayor shall report to Congress annually regarding:

"(1) The number of students applying for the program and the number of students graduating from the program.

"(2) The number of eligible students attending each eligible institution and the amount of the grant awards paid to those institutions on behalf of the eligible students.

"(3) The extent, if any, to which a ratable reduction was made in the amount of tuition and fee payments made on behalf of eligible students.

"(4) The progress in obtaining recognized academic credentials of the cohort of eligible students for each year.".

By Mr. ENZI (for himself, Mr. Isakson, Mr. Craig, Mr. Burr, Mr. Roberts, Mr. Sessions, Mr. Warner, and Mr. Gregg):

S. 2065. A bill to amend the Occupational Safety and Health Act of 1970 to further improve the safety and health of working environments, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ENZI (for himself, Mr. Isakson, Mr. Craig, Mr. Burr, Mr. Roberts, Mr. Sessions, Mr. Gregg, Mr. Warner, and Mr. DeMint):

S. 2066. A bill to amend the Occupational Safety and Health Act of 1970 to further improve the safety and health of working environments, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ENZI (for himself, Mrs. Murray, Mr. Isakson, Mr. Burr, Mr. Sessions, and Mr. Gregg):

S. 2067. A bill to assist chemical manufacturers and importers in preparing material safety data sheets pursuant to the requirements of the Hazard Communication standard and to establish a Commission to study and make recommendations regarding the implementation of the Globally Harmonized System of Classification and Labeling of Chemicals; to the Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, I am pleased today to announce the introduction of legislation designed to improve our workplace health and safety. The Senate Committee on Health, Education, Labor and Pensions, that I Chair, has a broad range of responsibilities. None of them is more important than the oversight of our occupational safety and health laws.

In the past decade or so we have witnessed steady progress toward safer and healthier workplaces. For example, in 1992, approximately 9 out of every 100 American workers suffered a workplace injury. By 2003, that injury rate had been cut nearly in half. Over the same period we have seen more than a 20 percent decline in the annual rate of fatalities from workplace injuries.

As encouraging as this progress is, however, it should not be cause for anyone to become complacent. The number of work-related deaths and injuries remains unacceptably high. For example, last year, despite the efforts of all concerned, some 4.4 million workers suffered work-related injuries, with 1.3 million of those injuries involving lost work days. Such workplace injuries continue to bring hardship to employees and their families and to impose significant burdens on our economy. We need to continue our efforts to improve workplace safety.

If we are to be successful in our efforts we must be prepared to cast aside old assumptions, be willing to embrace new ideas, and be candid enough to agree on some fundamental realities. First among these realities is that the overwhelming number of employers are concerned about the welfare of their employees and are fully prepared to comply with laws aimed at enhancing their safety on the job. The notion that employers care little about worker safety, or are prepared to sacrifice worker health in the pursuit of higher profits is a dangerously inaccurate myth. It is dangerous because it promotes and perpetuates an adversarial relationship between employers and government safety agencies at the very time that we need precisely the opposite. Cooperation, not confrontation is essential in making our workplaces safer.

It is fortunate that most employers want to do the right thing since without the cooperation of the employer community there is little realistic hope of continuing to improve workplace safety. That is the second fundamental reality we must accept. Where the vast majority of employers are committed to establishing and maintaining a safe workplace, it makes little sense to perpetuate a system built largely on a system of inspections and sanctions. Any system aimed at fostering workplace safety that relies principally on such measures is not only improperly focused; it cannot, as a practical matter, even hope to achieve its intended goal.

Simple mathematics makes it clear that we cannot inspect or sanction our way to greater job safety. Today, the total number of OSHA inspectors, including those employed by the states, as well as those employed by the Federal Government, is less than 2,400. Each of these individuals conducts an average of about 40 inspections a year. In other words, there will be less than 100,000 work sites inspected by State and Federal OSHA combined in any given year. At the present time, there are well over seven million worksites in the United States. At current inspection rates, we would need nearly 170,000 OSHA inspectors in order to inspect all U.S. work sites just once a year. In addition, since most industrial accidents occur in a split second, and since many are caused by unsafe acts rather than unsafe conditions, even an army of inspectors could not adequately address the issue.

It is my view that any practical approach to addressing the issue of workplace safety must recognize these realities and be designed to encourage and assist employers in achieving this end—not merely punish them for failing to do so. For these reasons, the legislation that I have introduced today contains a number of provisions designed to enhance voluntary compliance, and to provide technical assistance to the vast majority of employers that strive every day to ensure the health and safety of their employees. Thus, these bills contain provisions that encourage employers to engage the services of highly qualified third-party safety consultants to assist them in creating safer workplaces. The legislation also seeks to extend the benefits of such worthwhile initiatives as the current Voluntary Protection Plan to smaller employers; and it increases the level of government outreach and technical help to employers seeking assistance in making their workplaces safer. It also provides for increased training of OSHA personnel and fosters a greater understanding of specific workplace safety issues through a unique cross-training and exchange program between OSHA and the business community. These last two initiatives are predicated on the common sense notion that the more we know and the more we collaborate toward a common goal, the more likely it is that we will achieve the desired result.

While I believe that the interests of workplace safety compel us to dramatically increase our efforts at encouraging voluntary compliance, we cannot be unmindful that the Occupational Safety and Health Act is a regulatory statute; and that, like all regulation, there are points at which the process becomes adversarial. I certainly believe there should be a less adversarial process, however, when it does occur I believe it needs to be fair and regular. In the regulatory context, the power and resources of the Federal Government can be overwhelming, particularly to small businesses. We need to make sure that the adversarial playing field is a level one, and that the legitimate expectations of fairness and regularity of process are adequately met. For this reason, the bills which I have introduced today contain a number of provisions aimed at ensuring this result. Thus, the bill provides for the recovery of attorney's fees by small businesses that prevail in litigation against the government in an OSHA claim, and codifies procedural flexibility and fairness in the issuance and processing of disputed claims. The legislation also recognizes that no one, least of all employees, are well served by lengthy delays in the resolution of contested claims by increasing the size of the Review Commission and making additional changes designed to insure the issuance of more timely decisions. The legislation also returns the Review Commission to the status of a fully independent adjudicatory body as envisioned in the original OSHA legislation by insuring that its decisions are accorded appropriate legal deference. The legislation also injects some much needed flexibility into the administration and enforcement of the statute by permitting the use of alternative, site-specific compliance methods, giving inspectors a degree of compliance discretion, and encouraging the prompt correction of certain non-serious violations.

In addition to these changes that are based upon procedural and regulatory fairness, the legislation also contains provisions designed to address the root cause of many industrial injuries, and others aimed at bringing a much-needed measure of simplicity and uniformity to our workplace safety laws.

In the first instance, for too long we have held the one-dimensional view that work conditions and employer practices are the principal, if not exclusive, factors in workplace safety. The reality is that unsafe individual behavior also has an extraordinary impact. For example, it is estimated that 47 percent of all serious workplace accidents, and 40 percent of all workplace fatalities involve drugs or alcohol. Some 38 to 50 percent of all workers' compensation claims are related to drug or alcohol abuse in the workplace. An industrial accident typically takes only a split second to occur. The safest conceivable conditions and systems can be rendered useless in that instant by an employee whose judgment or reactions are impaired.

Apart from substance abuse, we also cannot ignore the fact that any employer's safety policies and procedures can be rendered useless whenever someone breaks the rules.

If we are serious about workplace safety we have to understand that the employer is not the only factor in the equation. And, if we propose to achieve workplace safety solely by regulating employer conduct, then we fail to adequately address the entire issue. At a minimum, we need to provide employers some tools and encouragement to control the safety-related behavior of others. We cannot mandate that employers take disciplinary action against their employees who violate safety rules, but we can encourage them to enforce such rules appropriately and consistently. We likewise cannot compel employers to institute drug and alcohol testing programs, but we can remove the legal barriers to their doing so. Today's legislation, by codifying the third party misconduct defense, and authorizing the establishment of substance testing, provides exactly the type of tools and encouragement that are necessary.

It may be the employer's workplace, but workplace safety is everybody's job. We need laws that reflect the fact that a safer workplace is everybody's responsibility. For this reason today's legislation also contains a provision that allows OSHA to issue citations and impose limited fines on employees that violate rules and procedures regarding the use of company-supplied personal protective equipment. As noted, the authority here, although limited, is nonetheless intended to make clear the notion that safety is everybody's responsibility.

Lastly, our current law provides that employers must communicate workplace hazards to their employees. This is an important, and appropriate goal. "Communication," however, requires the delivery of clear, and meaningful information to the recipient. Unfortunately, in many respects our hazard communication efforts have become so complicated that the complexity stands in the way of the original notion that employees need plain information about workplace hazards so that they can take adequate precautions to protect themselves. This process has become even more complicated by the globalization of our economy, and the fact that many hazardous substances routinely in use in our workplaces originate outside our borders. These are likewise realities that we must address, and that the legislation offered today does. Thus, the HazCom Simplification and Modernization Act that is a part of the legislative package introduced today provides for the simplification of current hazard communication standards and it creates a commission designed to review and make recommendations regarding the implementation of the global harmonization of chemical labeling, hazard communication and a variety of related issues. I am particularly proud of the fact that this bill is the product of considerable bi-partisan effort, and I am particularly pleased to have Senator MURRAY as its cosponsor. I am deeply grateful for all her efforts in bringing this legislation to this point.

It is my belief that the three bills introduced today reflect the correct and balanced approach to the goal of increased work place safety that all of us want to achieve.

I ask unanimous consent that the text of the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 2065

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Occupational Safety Partnership Act".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

SEC. 2. PURPOSE.

Section 2(b) of the Act (29 U.S.C. 651(b)) is amended—

(1) in paragraph (13), by striking the period and inserting "; and"; and

(2) by adding at the end the following:

"(14) by increasing the joint cooperation of employers, employees, and the Secretary of Labor in the effort to ensure safe and healthful working conditions for employees.".

SEC. 3. THIRD PARTY CONSULTATION SERVICES PROGRAM.

(a) PROGRAM.—The Act (29 U.S.C. 651 et seq.) is amended by inserting after section 8 the following:

"SEC. 8A. THIRD PARTY CONSULTATION SERVICES PROGRAM.

"(a) PURPOSE.—It is the purpose of this section to encourage employers to conduct voluntary safety and health audits using the expertise of qualified safety and health consultants and to proactively seek individualized solutions to workplace safety and health concerns.

“(b) Establishment of Program.—

“(1) In general.—Not later than 18 months after the date of enactment of this section, the Secretary shall establish and implement, by regulation, a program that qualifies individuals to provide consultation services to employers to assist employers in the identification and correction of safety and health hazards in the workplaces of employers.

“(2) Eligibility.—The following individuals shall be eligible to be qualified under this program as certified safety and health consultants:

“(A) An individual who is licensed by a State authority as a physician, industrial hygienist, professional engineer, safety engineer, safety professional, or registered nurse.

“(B) An individual who has been employed as an inspector for a State plan State or as a Federal occupational safety and health inspector for not less than a 5-year period.

“(C) An individual who is qualified in an occupational health or safety field by an organization whose program has been accredited by a nationally recognized private accreditation organization or by the Secretary.

“(D) An individual who has not less than 10 years experience in workplace safety and health.

“(E) Other individuals determined to be qualified by the Secretary.

“(3) Geographical scope of consultation services.—A consultant qualified under this program may provide consultation services in any State.

“(4) Limitation based on expertise.—A consultant qualified under this program may only provide consultation services to an employer with respect to a worksite if the work performed at that worksite coincides with the particular expertise of the individual.

“(c) Safety and Health Registry.—The Secretary shall develop and maintain a registry that includes all consultants that are qualified under the program under subsection (b)(1) to provide the consultation services described in subsection (b) and shall publish and make such registry readily available to the general public.

“(d) Disciplinary Actions.—The Secretary may revoke the status of a consultant, or the participation of an employer in the third party consultation program, if the Secretary determines that the consultant or employer—

“(1) has failed to meet the requirements of the program; or

“(2) has committed malfeasance, gross negligence, collusion or fraud in connection with any consultation services provided by the qualified consultant.

“(e) Program Requirements.—

“(1) General requirements.—The consultation services described in subsection (b), and provided by a consultant qualified under this program shall, at a minimum, consist of the following elements:

“(A) A comprehensive, on-site, survey and audit of the participating employer's workplace and operations by the consultant.

“(B) The preparation of a consultation report by the consultant.

The Secretary may, by regulation, prescribe additional requirements for qualifying services.

“(2) Consultation report.—

“(A) In general.—Following the consultant's physical survey of the employer's workplace and operations, the consultant shall prepare and deliver to the employer a written report summarizing the consultant's health and safety findings and recommendations. Such consultation report shall, at a minimum, contain the following elements:

“(i) The findings of the consultant's health and safety audit, and, where applicable, appropriate remedial recommendations.

“(ii) A recommended health and safety program and an action plan as described in this paragraph.

The Secretary may, by regulation, prescribe additional required elements for qualifying reports.

“(B) Audit and recommendations.—The consultation report shall include an evaluation of the workplace of the participating employer to determine if the employer is in compliance with the requirements of this Act, including any regulations promulgated pursuant to this Act. The report shall identify any practice or condition the consultant believes to be a violation of this Act, and will set out any appropriate corrective measures to address such identified practice or condition.

“(C) Safety and health program.—The consultation report shall contain a recommended safety and health plan designed to reduce injuries, illness, and fatalities and to otherwise manage workplace health and safety. Such safety and health program shall—

“(i) be appropriate to the conditions of the workplace involved;

“(ii) be in writing, and contain policies, procedures, and practices designed to recognize and protect employees from occupational safety and health hazards, such procedures to include provisions for the identification, evaluation, and prevention or control of workplace hazards;

“(iii) be based upon the professional judgment of the consultant and include such elements as are necessary to the specific worksite involved as determined by the consultant and employer;

“(iv) contain provisions for the periodic review and modification of the program as circumstances warrant;

“(v) be developed and implemented with the participation of affected employees;

“(vi) make provision for the effective safety and health training of all personnel, and the dissemination of appropriate health and safety information to all personnel; and

“(vii) contain appropriate procedures for the reporting of potential hazards, accidents and near accidents

The Secretary may, by regulation, prescribe additional specific elements that may be required for any qualifying program.

“(D) Action plan.—The consultation report shall also contain a written action plan that shall—

“(i) outline the specific steps that must be accomplished by the employer prior to receiving a certificate of compliance;

“(ii) be established in consultation with the employer; and

“(iii) address in detail—

“(I) the employer's correction of all identified safety and health conditions or practices that are in violation of this Act, with applicable timeframes; and

“(II) the steps necessary for the employer to implement an effective safety and health program, with applicable timeframes.

“(3) Certificate of compliance.—Upon completion of the steps described in the Action Plan the qualified consultant shall issue to the employer a Certificate of Compliance in a form prescribed by the Secretary.

“(f) Exemption From Civil Penalties for Compliance.—

“(1) In general.—If an employer receives a certificate of compliance, the employer shall be exempt from the assessment of any civil penalty under section 17 for a period of 2 years after the date on which the employer receives such certificate.

“(2) Exceptions.—An employer shall not be exempt under paragraph (1)—

“(A) if the employer has not made a good faith effort to remain in compliance as required under the certificate of compliance; or

“(B) if there has been a fundamental change in the hazards of the workplace after the issuance of the certificate.

“(g) Right To Inspect.—Nothing in this section shall be construed to affect the rights of the Secretary to inspect and investigate worksites covered by a certificate of compliance.

“(h) Renewal Requirements.—An employer that is granted a certificate of compliance under this section may receive a 2 year renewal of the certificate if a qualified consultant conducts a complete onsite safety and health survey to ensure that the safety and health program has been effectively maintained or improved, workplace hazards are under control, and elements of the safety and health program are operating effectively.

“(i) Non-Fixed Worksites.—With respect to employer worksites that do not have a fixed location, a certificate of compliance shall only apply to that worksite which satisfies the criteria under this section and such certificate shall not be portable to any other worksite. This section shall not apply to employers that perform essentially the same work, utilizing the same equipment, at each non-fixed worksite.

“(j) Access to Records.—Any records relating to consultation services provided by an individual qualified under this program, or records, reports, or other information prepared in connection with safety and health inspections, audits, or reviews conducted by or for an employer and not required under this Act, shall not be admissible in a court of law or administrative proceeding or enforcement proceeding against the employer except that such records may be used as evidence for purposes of a disciplinary action under subsection (d).”.

SEC. 4. PREVENTION OF ALCOHOL AND SUBSTANCE ABUSE.

The Act (29 U.S.C. 651 et seq.) is amended by adding at the end the following:

“SEC. 34. ALCOHOL AND SUBSTANCE ABUSE TESTING.

“(a) Program Purpose.—In order to secure a safe workplace, employers may establish and carry out an alcohol and substance abuse testing program in accordance with subsection (b).

“(b) Federal Guidelines.—

“(1) Requirements.—An alcohol and substance abuse testing program described in subsection (a) shall meet the following requirements:

“(A) Substance abuse.—A substance abuse testing program shall permit the use of onsite or offsite testing.

“(B) Alcohol.—The alcohol testing component of the program shall take the form of alcohol breath analysis and shall conform to any guidelines developed by the Secretary of Transportation for alcohol testing of mass transit employees under the Department of Transportation and Related Agencies Appropriations Act, 1992.

“(2) Definition.—For purposes of this section the term ‘alcohol and substance abuse testing program’ means any program under which test procedures are used to take and analyze blood, breath, hair, urine, saliva, or other body fluids or materials for the purpose of detecting the presence or absence of alcohol or a drug or its metabolites. In the case of urine testing, the confirmation tests must be performed in accordance with the mandatory guidelines for Federal workplace testing programs published by the Secretary of Health and Human Services on April 11, 1988, at section 11979 of title 53, Code of Federal Regulations (including any amendments to such guidelines). Proper laboratory protocols and procedures shall be used to assure accuracy and fairness, and, laboratories must be subject to the requirements of subpart B of the mandatory guidelines, State certification, the Clinical Laboratory Improvements Act of the College of American Pathologists.

"(c) Test Requirements.—This section shall not be construed to prohibit an employer from requiring—

"(1) an applicant for employment to submit to and pass an alcohol or substance abuse test before employment by the employer; or

"(2) an employee, including managerial personnel, to submit to and pass an alcohol or substance abuse test—

"(A) on a for-cause basis or where the employer has reasonable suspicion to believe that such employee is using or is under the influence of alcohol or a controlled substance;

"(B) where such test is administered as part of a scheduled medical examination;

"(C) in the case of an accident or incident, involving the actual or potential loss of human life, bodily injury, or property damage;

"(D) during the participation of an employee in an alcohol or substance abuse treatment program, and for a reasonable period of time (not to exceed 5 years) after the conclusion of such program; or

"(E) on a random selection basis in work units, locations, or facilities.

"(d) Construction.—Nothing in this section shall be construed to require an employer to establish an alcohol and substance abuse testing program for applicants or employees or make employment decisions based on such test results.

"(e) Preemption.—The provisions of this section shall preempt any provision of State law to the extent that such State law is inconsistent with this section.

"(f) Investigations.—The Secretary is authorized to conduct testing of employees (including managerial personnel) of an employer for use of alcohol or controlled substances during any investigations of a work-related fatality or serious injury. Such testing shall be done as soon as practicable after the incident giving rise to such work-related fatality or serious injury.".

SEC. 5. VOLUNTARY PROTECTION PROGRAMS.

(a) Cooperative Agreements.—The Secretary of Labor shall establish cooperative agreements with employers to encourage the establishment of comprehensive safety and health management systems that include—

(1) requirements for systematic assessment of hazards;

(2) comprehensive hazard prevention, mitigation, and control programs;

(3) active and meaningful management and employee participation in the voluntary program described in subsection (b); and

(4) employee safety and health training.

(b) Voluntary Protection Program.—

(1) In general.—The Secretary of Labor shall establish and carry out a voluntary protection program (consistent with subsection (a)) to encourage excellence and recognize the achievement of excellence in both the technical and managerial protection of employees from occupational hazards.

(2) Program requirement.—The voluntary protection program shall include the following:

(A) Application.—Employers who volunteer under the program shall be required to submit an application to the Secretary of Labor demonstrating that the worksite with respect to which the application is made meets such requirements as the Secretary of Labor may require for participation in the program.

(B) Onsite evaluations.—There shall be onsite evaluations by representatives of the Secretary of Labor to ensure a high level of protection of employees. The onsite visits shall not result in enforcement of citations under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

(C) Information.—Employers who are approved by the Secretary of Labor for participation in the program shall assure the Secretary of Labor that information about the safety and health program shall be made readily available to the Secretary of Labor to share with employees.

(D) Reevaluations.—Periodic reevaluations by the Secretary of Labor of the employers shall be required for continued participation in the program.

(3) Exemptions.—A site with respect to which a program has been approved shall, during participation in the program be exempt from inspections or investigations and certain paperwork requirements to be determined by the Secretary of Labor, except that this paragraph shall not apply to inspections or investigations arising from employee complaints, fatalities, catastrophes, or significant toxic releases.

SEC. 6. EXPANDED ACCESS TO VVP FOR SMALL BUSINESSES.

The Secretary of Labor shall establish and implement, by regulation, a program to increase participation by small businesses (as the term is defined by the Administrator of the Small Business Administration) in the voluntary protection program through outreach and assistance initiatives and the development of program requirements that address the needs of small businesses.

SEC. 7. TECHNICAL ASSISTANCE PROGRAM.

(a) In General.—Section 21(c) of the Act (29 U.S.C. 670(c)) is amended—

(1) by striking "(c) The" and inserting "(c)(1) The";

(2) by striking "(1) provide" and inserting "(A) provide";

(3) by striking "(2) consult" and inserting "(B) consult"; and

(4) by adding at the end the following:

"(2)(A) The Secretary shall, through the authority granted under section 7(c) and paragraph (1), enter into cooperative agreements with States for the provision of consultation services by such States to employers concerning the provision of safe and healthful working conditions.

"(B)(i) As provided in clause (ii), the Secretary shall reimburse a State that enters into a cooperative agreement under subparagraph (A) in an amount that equals 90 percent of the costs incurred by the State for the provision of consultation services under such agreement.

"(ii) A State shall be reimbursed by the Secretary for 90 percent of the costs incurred by the State for the provision of—

"(I) training approved by the Secretary for State personnel operating under a cooperative agreement; and

"(II) specified out-of-State travel expenses incurred by such personnel.

"(iii) A reimbursement paid to a State under this subparagraph shall be limited to costs incurred by such State for the provision of consultation services under this paragraph and the costs described in clause (ii).".

(b) Pilot Program.—Section 21 of the Act (29 U.S.C. 670) is amended by adding at the end the following:

"(e)(1) Not later than 90 days after the date of enactment of this subsection, the Secretary shall establish and carry out a pilot program in 3 States to provide expedited consultation services, with respect to the provision of safe and healthful working conditions, to employers that are small businesses (as the term is defined by the Administrator of the Small Business Administration). The Secretary shall carry out the program for a period not to exceed 2 years.

"(2) The Secretary shall provide consultation services under paragraph (1) not later than 4 weeks after the date on which the Secretary receives a request from an employer.

"(3) The Secretary may impose a nominal fee to an employer requesting consultation services under paragraph (1). The fee shall be in an amount determined by the Secretary. Employers paying a fee shall receive priority consultation services by the Secretary.

"(4) In lieu of issuing a citation under section 9 to an employer for a violation found by the Secretary during a consultation under paragraph (1), the Secretary shall permit the employer to carry out corrective measures to correct the conditions causing the violation. The Secretary shall conduct not more than 2 visits to the workplace of the employer to determine if the employer has carried out the corrective measures. The Secretary shall issue a citation as prescribed under section 5 if, after such visits, the employer has failed to carry out the corrective measures.

"(5) Not later than 90 days after the termination of the program under paragraph (1), the Secretary shall prepare and submit a report to the appropriate committees of Congress that contains an evaluation of the implementation of the pilot program.".

SEC. 8. CONTINUING EDUCATION AND PROFESSIONAL CERTIFICATION FOR CERTAIN OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION PERSONNEL.

Section 8 of the Act (29 U.S.C. 657) is amended by adding at the end the following:

"(i) Any Federal employee responsible for enforcing this Act shall, not later than 2 years after the date of enactment of this subsection or 2 years after the initial employment of the employee involved, meet the eligibility requirements prescribed under subsection (b)(2) of section 8A.

"(j) The Secretary shall ensure that any Federal employee responsible for enforcing this Act who carries out inspections or investigations under this section, receive professional education and training at least every 5 years as prescribed by the Secretary.".

SEC. 9. OSHA AND INDUSTRY TRAINING EXCHANGE DEMONSTRATION PROGRAM.

(a) In General.—The Secretary of Labor, acting through the Occupational Safety and Health Administration, is authorized to develop and implement at least one training and educational exchange program with a specialty trade in the construction industry for the purpose of—

(1) facilitating the exchange of expertise and ideas related to the interpretation, application, and implementation of Federal occupational safety and health standards and

regulations applicable to the specialty trade involved (referred to in this section as "OSHA Rules");

(2) improving collaboration and coordination between the Occupational Safety and Health Administration and such specialty trade regarding OSHA Rules;

(3) identifying OSHA Rules which the specialty trade and Occupational Safety and Health Administration compliance officers have repeatedly found to be difficult to interpret, apply, or implement;

(4) allowing qualified safety directors from the specialty trade to train such compliance officers and others within the Administration responsible for writing and interpreting OSHA Rules, both on the jobsite and off, on the unique nature of the specialty trade and the difficulties contractors and safety directors encounter when attempting to comply with OSHA Rules as well as the best practices within the specialty trade;

(5) seeking the means to ensure greater compliance with the identified OSHA Rules, and reducing the number of citations based on any misunderstanding by such compliance officers as to the scope and application of an OSHA Rule or the unique nature of the workplace construction; and

(6) establishing within the Occupational Safety and Health Administration Training Institute a trade-specific curriculum to be taught jointly by qualified trade safety directors and compliance officers.

(b) INITIAL PROGRAM.—The initial training and educational exchange program shall be established under subsection (a) with the masonry construction industry.

(c) REPORTS.—Upon the expiration of the 2-year program under subsection (a), the Administrator of the Occupational Safety and Health Administration, jointly with specialty trades that participate in programs under such subsection, shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Workforce of the House of Representatives a report on the activities and results of the training and educational exchange program.

(d) DEFINITION.—In this section, the term "qualified safety director" means an individual who has, at a minimum, taken the 10-hour Occupational Safety and Health Administration course and been employed a minimum of 5 years as a safety director in the construction industry.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, such sums as may be necessary to carry out this section.

(f) TERMINATION.—The programs established under subsection (a) shall terminate on the date that is 2 years after the date on which the first program is so established.

S. 2066

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Occupational Safety Fairness Act".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

SEC. 2. WORKSITE-SPECIFIC COMPLIANCE METHODS.

Section 9 of the Act (29 U.S.C. 658) is amended by adding at the end the following:

"(d) A citation issued under subsection (a) to an employer who violates section 5, any standard, rule, or order promulgated pursuant to section 6, or any regulation promulgated under this Act shall be vacated if such employer demonstrates that the employees of such employer were protected by alternative methods that are substantially equivalent or more protective of the safety and health of the employees than the methods required by such standard, rule, order, or regulation in the factual circumstances underlying the citation.

"(e) Subsection (d) shall not be construed to eliminate or modify other defenses that may exist to any citation.".

SEC. 3. DISCRETIONARY COMPLIANCE ASSISTANCE.

Subsection (a) of section 9 of the Act (29 U.S.C. 658(a)) is amended—

(1) by striking the last sentence;

(2) by striking "If, upon" and inserting "(1) If, upon"; and

(3) by adding at the end the following:

"(2) Nothing in this Act shall be construed as prohibiting the Secretary or the authorized representative of the Secretary from providing technical or compliance assistance to an employer in correcting a violation discovered during an inspection or investigation under this Act without issuing a citation, as prescribed in this section.

"(3) The Secretary or the authorized representative of the Secretary—

"(A) may issue a warning in lieu of a citation with respect to a violation that has no significant relationship to employee safety or health; and

"(B) may issue a warning in lieu of a citation in cases in which an employer in good faith acts promptly to abate a violation if the violation is not a willful or repeated violation.".

SEC. 4. EXPANDED INSPECTION METHODS.

(a) PURPOSE.—It is the purpose of this section to empower the Secretary of Labor to achieve increased employer compliance by using, at the Secretary's discretion, more efficient and effective means for conducting inspections.

(b) GENERAL.—Section 8(f) of the Act (29 U.S.C. 657(f) is amended—

(1) by adding at the end the following:

"(3) The Secretary or an authorized representative of the Secretary may, as a method of investigating an alleged violation or danger under this subsection, attempt, if feasible, to contact an employer by telephone, facsimile, or other appropriate methods to determine whether—

"(A) the employer has taken corrective actions with respect to the alleged violation or danger; or

"(B) there are reasonable grounds to believe that a hazard exists.

"(4) The Secretary is not required to conduct an inspection under this subsection if the Secretary believes that a request for an inspection was made for reasons other than the safety and health of the employees of an employer or that the employees of an employer are not at risk.".

SEC. 5. OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

(a) INCREASE IN NUMBER OF MEMBERS AND REQUIREMENT FOR MEMBERSHIP.—Section 12 of the Act (29 U.S.C. 661) is amended—

(1) in the second sentence of subsection (a)—

(A) by striking "three members" and inserting "five members"; and

(B) by inserting "legal" before "training";

(2) in the first sentence of subsection (b), by striking "except that" and all that follows through the period and inserting the following: "except that the President may extend the term of a member for no more than 365 consecutive days to allow a continuation in service at the pleasure of the President after the expiration of the term of that member until a successor nominated by the President has been confirmed to serve. Any vacancy caused by the death, resignation, or removal of a member before the expiration of a term for which a member was appointed shall be filled only for the remainder of such term."; and

(3) by striking subsection (f), and inserting the following:

"(f) For purposes of carrying out its functions under this Act, two members of the Commission shall constitute a quorum and official action can be taken only on the affirmative vote of at least a majority of the members participating but in no case fewer than two.".

(b) NEW POSITIONS.—Of the two vacancies for membership on the Occupational Safety and Health Review Commission created by subsection (a)(1)(A), one shall be appointed by the President for a term expiring on April 27, 2009, and the other shall be appointed by the President for a term expiring on April 27, 2011.

(c) EFFECTIVE DATE FOR LEGAL TRAINING REQUIREMENT.—The amendment made by subsection (a)(1)(B), requiring a member of the Commission to be qualified by reason of a background in legal training, shall apply beginning with the two vacancies referred to in subsection (b) and all subsequent appointments to the Commission.

SEC. 6. AWARD OF ATTORNEYS' FEES AND COSTS.

The Act (29 U.S.C. 651 et seq.) is amended by redesignating sections 32, 33, and 34 as sections 33, 34, and 35, respectively, and by inserting after section 31 the following new section:

"AWARD OF ATTORNEYS' FEES AND COSTS

"SEC. 32.

"(a) ADMINISTRATIVE PROCEEDINGS.—An employer who—

"(1) is the prevailing party in any adversary adjudication instituted under this Act, and

"(2) had not more than 100 employees and a net worth of not more than $7,000,000 at the time the adversary adjudication was initiated,

shall be awarded fees and other expenses as a prevailing party under section 504 of title 5, United States Code, in accordance with the provisions of that section, but without regard to whether the position of the Secretary was substantially justified or special circumstances make an award unjust. For purposes of this section the term 'adversary adjudication' has the meaning given that term in section 504(b)(1)(C) of title 5, United States Code.

"(b) PROCEEDINGS.—An employer who—

"(1) is the prevailing party in any proceeding for judicial review of any action instituted under this Act, and

"(2) had not more than 100 employees and a net worth of not more than $7.000.000 at the time the action addressed under subsection (1) was filed,

shall be awarded fees and other expenses as a prevailing party under section 2412(d) of title 28, United States Code, in accordance with the provisions of that section, but without regard to whether the position of the United States was substantially justified or special circumstances make an award unjust. Any appeal of a determination of fees pursuant to subsection (a) of this subsection shall be determined without regard to whether the position of the United States was substantially justified or special circumstances make an award unjust.

"(c) APPLICABILITY.—

"(1) COMMISSION PROCEEDINGS.—Subsection (a) shall apply to proceedings commenced on or after the date of enactment of this section.

"(2) COURT PROCEEDINGS.—Subsection (b) shall apply to proceedings for judicial review commenced on or after the date of enactment of this section.".

SEC. 7. JUDICIAL DEFERENCE.

Section 11(a) of the Act (29 U.S.C. 660(a)) is amended in the sixth sentence by inserting before the period the following: ", and the conclusions of the Commission with respect to questions of law that are subject to agency deference under governing court precedent shall be given deference if reasonable".

SEC. 8. CONTESTING CITATIONS UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970.

(a) IN GENERAL.—Section 10 of the Act (29 U.S.C. 659) is amended—

(1) in the second sentence of subsection (a), by inserting after "assessment of penalty" the following: "(unless such failure results from mistake, inadvertence, surprise, or excusable neglect)"; and

(2) in the second sentence of subsection (b), by inserting after "assessment of penalty" the following: "(unless such failure results from mistake, inadvertence, surprise, or excusable neglect)".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to a citation or proposed assessment of penalty issued by the Occupational Safety and Health Administration that is issued on or after the date of the enactment of this Act.

SEC. 9. RIGHT TO CORRECT VIOLATIVE CONDITION.

Section 9 of the Act (29 U.S.C. 658), as amended by section 2, is amended by adding at the end the following:

"(f) The Commission may not assess a penalty under section 17(c) for a non-serious violation that is not repeated or willful if the employer corrects the violative condition and provides the Secretary an abatement certification within 72 hours.".

SEC. 10. WRITTEN STATEMENT TO EMPLOYER FOLLOWING INSPECTION.

Section 8 of the Act (29 U.S.C. 657) is amended by adding at the end the following:

"(i) At the closing conference after the completion of an inspection, the inspector shall—

"(1) inform the employer or a representative of the employer of the right of such employer to request a written statement described in paragraph (2); and

"(2) provide to the employer or a representative of the employer, upon the request of such employer or representative, with a written statement that clearly and concisely provides the following information:

"(A) The results of the inspection, including each alleged hazard, if any, and each citation that will be issued, if any.

"(B) The right of the employer to contest a citation, a penalty assessment, an amended citation, and an amended penalty assessment.

"(C) An explanation of the procedure to follow in order to contest a citation and a penalty assessment, including when and where to contest a citation and the required contents of the notice of intent to contest.

"(D) The Commission's responsibility to affirm, modify, or vacate the citation and proposed penalty, if any.

"(E) The informal review process.

"(F) The procedures before the Occupational Safety and Health Review Commission.

"(G) The right of the employer to seek judicial review.

"(j) No monetary penalty may be assessed with respect to any violation not identified in the written statement requested under subsection (i).".

SEC. 11. TIME PERIODS FOR ISSUING CITATIONS.

Section—

(1) 9(a) of the Act (29 U.S.C. 658(a)) is amended—

(A) by striking "upon inspection" and inserting "upon the initiation of inspection";

(B) by striking "with reasonable promptness" and inserting "within thirty working days"; and

(C) by inserting after the first sentence, the following: "Such 30 day period may be waived by the Secretary for good cause shown, including, but not limited to, cases involving death, novel issues, large or complex worksites, or pursuant to an agreement by the parties to extend such period."; and

(2) 10(a) of the Act (29 U.S.C. 659(a)) is amended—

(B) by striking "within a reasonable time" and inserting "within thirty days"; and

(C) by inserting after the first sentence, the following: "Such 30 days period may be waived by the Secretary for good cause shown, including, but not limited to, cases involving death, novel issues, large or complex worksites, or pursuant to an agreement by the parties to extend such period.".

SEC. 12. TIME PERIODS FOR CONTESTING CITATIONS.

Section 10 of the Act (29 U.S.C. 659) is amended by striking "fifteen" each place it appears and inserting "thirty".

SEC. 13. PENALTIES.

Section 17 of the Act (29 U.S.C. 666) is amended by inserting the following:

"(m) The Secretary shall not use 'other than serious' citations as a basis for issuing repeat or willful citations.".

SEC. 14. UNANTICIPATED CONDUCT.

Section 9 of the Act (29 U.S.C. 658) is amended by adding at the end the following:

"(d) No citation may be issued under this section for any violation that is the result of actions by any person that are contrary to established, communicated, and enforced work rules that would have prevented the violation. This subsection shall not be construed to eliminate or modify elements of proof currently required to support a citation.".

SEC. 15. ADOPTION OF NON-GOVERNMENTAL STANDARDS.

The Act (29 U.S.C. 651 et seq.) is amended by adding after section 4 the following:

"SEC. 4A. ADOPTION OF NON-GOVERNMENTAL STANDARDS.

"The Secretary shall not promulgate or enforce any finding, guideline, standard, limit, rule, or regulation that is subject to incorporation by reference, or modification, as the result of a determination reached by any organization, unless the Secretary affirmatively finds that the determination has been made by an organization and procedure that complies with the requirements of section 3(9). Such finding and a summary of its basis shall be published in the Federal Register and shall be deemed a final agency action subject to review by a United States District Court in accordance with section 706 of title 5, United States Code.".

SEC. 16. EMPLOYEE RESPONSIBILITY.

The Act (29 U.S.C. 651 et seq.) is amended by adding after section 9 the following:

"SEC. 9A. EMPLOYEE RESPONSIBILITY.

"(a) IN GENERAL.—Notwithstanding any other provision of this Act, an employee who, with respect to employer-provided personal protective equipment, willfully violates any requirement of section 5 or any standard, rule, or order promulgated pursuant to section 6, or any regulation prescribed pursuant to this Act, may be assessed a civil penalty, as determined by the Secretary, but not to exceed $50 for each violation.

"(b) CITATIONS.—If, upon inspection or investigation, the Secretary or the authorized representative of the Secretary believes that an employee of an employer has, with respect to employer-provided personal protective equipment, violated any requirement of section 5 or any standard, rule, or order promulgated pursuant to section 6, or any regulation prescribed pursuant to this Act, the Secretary shall within 30 days issue a citation to the employee. Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the provision of this Act, standard, rule, regulation, or order alleged to have been violated. No citation may be issued under this section after the expiration of 6 months following the occurrence of any violation.

"(c) NOTIFICATION.—

"(1) IN GENERAL.—The Secretary shall notify an employee—

"(A) by certified mail of a citation under subsection (b) and the proposed penalty; and

"(B) that such employee has 30 working days within which to notify the Secretary that the employee wishes to contest the citation or proposed penalty.

"(2) FINAL ORDER.—If an employee does not file a notification described in paragraph (1)(B) with the Secretary within 30 working days, the citation and proposed penalty shall—

"(A) be deemed a final order of the Commission; and

"(B) not be subject to review by any court or agency.

"(d) CONTESTING OF CITATION.—

"(1) IN GENERAL.—If an employee files a notification described in paragraph (1)(B) with the Secretary within 30 working days, the Secretary shall immediately advise the Commission of such notification, and the Commission shall afford the employee an opportunity for a hearing in accordance with section 554 of title 5, United States Code.

"(2) ISSUANCE OF FINAL ORDER.—The Commission, after a hearing described in paragraph (1), shall issue an order, based on findings of fact, affirming, modifying, or vacating the Secretary's citation or proposed penalty, or directing other appropriate relief. Such order shall become final 30 days after issuance of the order.".

S. 2067

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "HazCom Simplification and Modernization Act of 2005".

SEC. 2. PURPOSE.

It is the purpose of this Act to assist chemical manufacturers and importers in preparing material safety data sheets pursuant to the requirements of the Hazard Communication standard published at section 1910.1200 of title 29, Code of Federal Regulations, and the Hazard Communication standard published at part 47 of title 30, Code of Federal Regulations, and to improve the accuracy, consistency, and comprehensibility of such material safety data sheets and to establish a Commission for the purpose of studying and making recommendations regarding the implementation of the United Nations' Globally Harmonized System of Classification and Labeling of Chemicals.

SEC. 3. HAZARD COMMUNICATION.

(a) IN GENERAL.—

(1) MODEL MATERIAL SAFETY DATA SHEETS FOR HIGHLY HAZARDOUS CHEMICALS.—The Secretary of Labor shall develop model material safety data sheets for the list of highly hazardous chemicals contained in Appendix A to the Process Safety Management of Highly Hazardous Chemicals standard published at section 1910.119 of title 29, Code of Federal Regulations. Such model material safety data sheets shall—

(A) comply with the requirements of the Hazard Communication standard published at section 1910.100 of such title 29 and the Hazard Communication standard published at part 47 of title 30, Code of Federal Regulations;

(B) be presented in a consistent format that enhances the reliability and comprehensibility of information about chemical hazards in the workplace and protective measures; and

(C) be made available to the public, including through posting on the Occupational Safety and Health Administration's website and the Mine Safety and Health Administration's website, within 18 months after the date of enactment of this Act.

(2) CONSTRUCTION.—Nothing in this subsection shall be construed to—

(A) modify or amend the Hazard Communication standard published at section 1910.1200 of title 29, Code of Federal Regulations, the Process Safety Management of Highly Hazardous Chemicals standard published at section 1910.119 of such title 29, the Hazard Communication standard published at part 47 of title 30, Code of Federal Regulations, or any other provision of law; and

(B) authorize the Secretary of Labor to include in the model material safety data sheet developed under this subsection any suggestion or recommendation as to permissible or appropriate workplace exposure levels for these chemicals, except as required by the Hazard Communication standard published at section 1910.1200 of such title 29, and the Hazard Communication standard published at part 47 of title 30, Code of Federal Regulations.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Labor such sums as may be necessary to carry out this subsection.

(b) GLOBALLY HARMONIZED SYSTEM COMMISSION.—

(1) ESTABLISHMENT.—Not later than 6 months after the date of enactment of this Act, there shall be established a commission, to be known as the Global Harmonization Commission (referred to in this subsection as the "Commission"), to consider the implementation of the United Nations Globally Harmonized System of Classification and Labeling of Chemicals to improve chemical hazard communication and to make recommendations to Congress.

(2) MEMBERSHIP.—The Commission shall be composed of 17 members of whom—

(A) 1 shall be the Secretary of Labor (referred to in this Act as the "Secretary");

(B) 1 shall be the Secretary of Transportation;

(C) 1 shall be the Secretary of Health and Human Services;

(D) 1 shall be the Administrator of the Environmental Protection Agency;

(E) 1 shall be the Chairman of the Consumer Product Safety Commission;

(F) 1 shall be the Chairman of the Chemical Safety and Hazard Investigation Board (or his or her designee);

(F) 11 shall be appointed by the Secretary of Labor, of whom—

(i) 2 shall be representatives of manufacturers of hazardous chemicals, including a representative of small businesses;

(ii) 2 shall be representatives of employers who are extensive users of hazardous chemicals supplied by others, including a representative of small businesses;

(iii) 2 shall be representatives of labor organizations;

(iv) 2 shall be individuals who are qualified in an occupational health or safety field by an organization whose program has been accredited by a nationally recognized private accreditation organization or by the Secretary, who have expertise in chemical hazard communications;

(v) 1 shall be a representative of mining industry employers;

(vi) 1 shall be a representative of mining industry employees; and

(vii) 1 shall be a safety and health professional with expertise in mining.

(3) CHAIR AND VICE-CHAIR.—The members of the Commission shall select a chair and vice-chair from among its members.

(4) DUTIES.—

(A) STUDY AND RECOMMENDATIONS.—The Commission shall conduct a thorough study of, and shall develop recommendations on, the following issues relating to the global harmonization of hazardous chemical communication:

(i) Whether the United States should adopt any or all of the elements of the United Nation's Globally Harmonized System of Classification and Labeling of Chemicals (referred to in this subsection and the "Globally Harmonized System").

(ii) How the Globally Harmonized System should be implemented by the Federal agencies with relevant jurisdiction, taking into consideration the role of the States acting under delegated authority.

(iii) How the Globally Harmonized System compares to existing chemical hazard communication laws and regulations, including the Hazard Communication standard published at section 1910.1200 of title 29, Code of Federal Regulations and the Hazard Communication standard published at part 47 of title 30, Code of Federal Regulations.

(iv) The impact of adopting the Globally Harmonized System on the consistency, effectiveness, comprehensiveness, timing, accuracy, and comprehensibility of chemical hazard communication in the United States.

(v) The impact of adopting the Globally Harmonized System on occupational safety and health in the United States.

(vi) The impact of adopting the Globally Harmonized System on tort, insurance, and workers compensation laws in the United States.

(vii) The impact of adopting the Globally Harmonized System on the ability to bring new products to the market in the United States.

(viii) The cost and benefits of adopting the Globally Harmonized System to businesses, including small businesses, in the United States.

(ix) How effective compliance assistance, training, and outreach can be used to help chemical manufacturers, importers, and users, particularly small businesses, understand and comply with the Globally Harmonized System.

(B) REPORT.—Not later than 18 months after the date of enactment of this Act, the Commission shall submit to the appropriate committees of Congress a report containing a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation as the Commission considers appropriate.

(5) POWERS.—

(A) HEARINGS.—The Commission shall hold at least one public hearing, and may hold additional hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this section. The Commission shall, to the maximum extent possible, use existing data and research to carry out this section.

(B) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this section. Upon request by the Commission, the head of such department or agency shall promptly furnish such information to the Commission.

(C) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(6) PERSONNEL MATTERS.—

(A) COMPENSATION; TRAVEL EXPENSES.—Each member of the Commission shall serve without compensation but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(B) STAFF AND EQUIPMENT.—The Department of the Labor shall provide all financial, administrative, and staffing requirements for the Commission including—

(i) office space;

(ii) furnishings; and

(iii) equipment.

(7) TERMINATION.—The Commission shall terminate on the date that is 90 days after the date on which the Commission submits the report required under paragraph (3)(B).

(8) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Labor, such sums as may be necessary to carry out this subsection.

(c) HAZARD COMMUNICATION DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—Section 20(a) of the Act (29 U.S.C. 670(a)) is amended by adding at the end the following:

"(8) Subject to the availability of appropriations, the Secretary, after consultation with others, as appropriate, shall award grants to one or more qualified applicants in order to carry out a demonstration project to develop, implement, or evaluate strategies or programs to improve chemical hazard communication in the workplace through the use of technology, which may include electronic or Internet-based hazard communication systems.".

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the amendment made by paragraph (1).

By Ms. COLLINS (for herself, Mr. VOINOVICH, and Mr. AKAKA):

S. 2068. A bill to preserve existing judgeships on the Superior Court of the District of Columbia; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, today I am pleased to introduce legislation that would preserve existing seats on the District of Columbia Superior Court. I am pleased to be joined in this effort by Senators VOINOVICH and AKAKA.

The Superior Court is the trail court of general jurisdiction over local matters in the District of Columbia. The associate judges on the court are selected through a two-step review process. When a vacancy on the court occurs, usually because of a retiring judge, the District of Columbia Judicial Nominations Commission solicits applicants to fill the vacancy. The commission narrows the possible number of candidates to three and sends those three names to the President. The President then selects one of those three candidates and sends the nominee to the Senate for confirmation. Existing law caps the total number of judges on the superior court at 59.

Unfortunately, two nominees currently pending in the Committee on Homeland Security and Governmental Affairs and an additional candidate expected to be nominated in the coming months may not be able to be seated on the court even if they are confirmed by the Senate. The three seats that these candidates are intended to fill were left open by retiring judges, so they are not new seats on the court.

The cause of this unusual problem is the District of Columbia Family Court Act, enacted during the 107th Congress. That act created three new seats for the family court, which is a division of the superior court, but failed to increase the overall cap on the number of judges seated on the court. As a result, the Family Court Act effectively eliminated three existing seats in the other divisions of the court, including the criminal and civil divisions.

As a result of this situation, the Committee on Homeland Security and Governmental Affairs currently has two nominations pending for the superior court but no seats left to fill. I also understand that there is yet another nomination expected in the coming months. Since existing law sets strict requirements on both the DC Judicial Nominations Commission as well as the White House on how quickly they must process potential candidates and make a nomination, it is unclear whether they have legal grounds to halt their processes.

This is a highly unusual situation for this body to have nominations pending before it for which there are no open positions. The bill I introduce today would rectify this problem by amending the District of Columbia Code to increase the cap on the number of associate judges on the superior court. This is not intended to create new seats on the Court; that was already done when the DC Family Court Act was enacted. Instead, this would preserve existing seats on the court and remedy a problem that is affecting not only the court but the Senate as well.

I believe that it is also important to not only remedy the immediate problem before the Senate but also to ensure that all of the divisions of the superior court are fully staffed. This is more than just a procedural issue. It is also important for the citizens of the District of Columbia to know that all of the divisions, including criminal and civil, are operating at full capacity. Eliminating existing seats in the criminal and civil divisions will not improve the administration of justice in the District, but can only result an increased judicial caseload and delays at the courthouse.

The legislation I introduce today is similar to legislation that was favorably reported by the Committee on Governmental Affairs and subsequently passed by the Senate by unanimous consent during the 108th Congress. I hope that my colleagues will join me in supporting this important legislation.

By Ms. SNOWE (for herself, Mr. BINGAMAN, Ms. COLLINS, Mr. DORGAN, and Mr. ROCKEFELLER):

S. 2071. A bill to amend title XVIII of the Social Security Act to clarify congressional intent regarding the counting of residents in the nonhospital setting under the medicare program; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to introduce the Community and Rural Medical Residency Preservation Act of 2005, which will serve to ensure the continued viability of medical residency training programs in our local communities. I am particularly pleased to introduce this bill with several of my colleagues, Senators BINGAMAN, COLLINS, DORGAN, and ROCKEFELLER, who share my concerns about the need to clarify congressional intent so that teaching hospitals will be able to offer these essential residency training programs in the community and so that medical residents, as well as many who live in these communities, will be able to continue to benefit from these programs.

Many medical residency training programs have traditionally operated in sites located outside the hospital setting for their educational programs. These nonhospital settings are, in fact, where most of this type of physician training occurs. The community and rural sites which operate these programs include physician offices, nursing homes, and community health centers—cornerstones of ambulatory training for graduate medical education, GME, programs. These programs often rely upon volunteer physician faculty to provide educational opportunities in practice settings which are similar to those in which these physicians in training will ultimately practice.

Congress clearly stated support for this concept as part of the Balanced Budget Act of 1997, when they reformed the GME funding formulas to allow funding for residents training in nonhospital settings. However, recent rulemaking, agency interpretations, and guidance issued by the Centers for Medicare and Medicaid Services, CMS, are creating a chilling effect on these training programs. Teaching programs across the Nation are facing audits and scrutiny as a result of confusing and unclear CMS policies and guidance on this issue. This has happened in my State, as well as many others, and is posing a serious threat to our future physician workforce and to teaching hospitals and medical schools which offer these programs.

If these agency policies are not halted and reversed, teaching hospitals throughout the country will be forced to train all residents in the hospital setting or potentially eliminate their residency programs. Not only does this do a disservice to medical residents who are able to obtain practical experience and be exposed to settings where they may ultimately practice, but these programs provide individuals living in medically underserved and rural areas with access to health care which might otherwise not be available.

Training medical residents outside the hospital setting is sound educational policy and a worthwhile public policy goal that Congress clearly mandated in 1997. In an effort to preserve the utilization of nonhospital training sites, I am therefore introducing legislation today which would clarify the meaning of the term "all, or substantially all, of the costs for the training program," a phrase which has been subject to differing, and confusing, interpretations by CMS.

My legislation would clarify that, for teaching hospitals and entities operating training programs outside the hospital setting, the teaching hospital shall not be required to pay the entity operating the nonhospital setting any amounts other than those determined by the hospital and the entity for the hospital to be considered to have incurred all, or substantially all, of the costs for the training program. Medical associations, teaching hospitals, and academic medicine all strongly support this legislation.

This language will also make clear that hospitals shall not be required to pay an entity operating a nonhospital setting for any actual or imputed costs of time voluntarily spent supervising interns or residents as a condition for computing residents for purposes of receiving either direct graduate medical education payments or indirect medical education payments.

We have received strong support from a number of organizations who are in the forefront of training America's future physicians and who have confirmed the critical need for this legislation, including the Association of

American Medical Colleges, the Academic Family Medicine Advocacy Alliance, representing the Society of Teachers of Family Medicine, the Association of Departments of Family Medicine, the Association of Family Medicine Residency Directors, and the North American Primary Care Research Group, and the American Osteopathic Association.

I ask unanimous consent that the text of the bill and the letters of support from these organizations printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2071

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Community and Rural Medical Residency Preservation Act of 2005".

SEC. 2. CLARIFICATION OF CONGRESSIONAL INTENT REGARDING THE COUNTING OF RESIDENTS IN A NONHOSPITAL SETTING.

(a) D-GME.—Section 1886(h)(4)(E) (42 U.S.C. 1395ww(h)(4)(E)) is amended by adding at the end the following new sentences: "For purposes of the preceding sentence, the term 'all, or substantially all, of the costs for the training program' means the stipends and benefits provided to the resident and other amounts, if any, as determined by the hospital and the entity operating the nonhospital setting. The hospital is not required to pay the entity any amounts other than those determined by the hospital and the entity in order for the hospital to be considered to have incurred all, or substantially all, of the costs for the training program in that setting.".

(b) IME.—Section 1886(d)(5)(B)(iv) (42 U.S.C. 1395ww(d)(5)(B)(iv)) is amended by adding at the end the following new sentences: "For purposes of the preceding sentence, the term 'all, or substantially all, of the costs for the training program' means the stipends and benefits provided to the resident and other amounts, if any, as determined by the hospital and the entity operating the nonhospital setting. The hospital is not required to pay the entity any amounts other than those determined by the hospital and the entity in order for the hospital to be considered to have incurred all, or substantially all, of the costs for the training program in that setting.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2005.

AMERICAN OSTEOPATHIC ASSOCIATION,
DEPARTMENT OF GOVERNMENT RELATIONS,
Washington, DC, November 2, 2005.

Hon. OLYMPIA J. SNOWE,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR SNOWE: As President of the American Osteopathic Association (AOA), I write to express our strong support for the "Community and Rural Medical Residency Preservation Act of 2005." On behalf of the 56,000 osteopathic physicians represented by the AOA, thank you for your tireless efforts to protect and promote quality graduate medical education.

A majority of osteopathic residency programs, in all specialties, use non-hospital settings in their educational programs. These non-hospital sites, which consist of physician offices, nursing homes, community health centers, and other ambulatory settings, provide resident physicians with valuable educational experiences in settings similar to those in which they ultimately will practice. This concept is a cornerstone of osteopathic graduate medical education.

The training of residents in non-hospital settings is sound educational policy and a worthwhile public policy goal that Congress clearly mandated in 1997. It continues to enjoy strong Congressional support. Congress endorsed this concept as part of the Balanced Budget Act of 1997, when the graduate medical education, GME, funding formulas were reformed to allow funding for residents training in non-hospital settings with volunteer faculty.

However, recent rule-making, agency interpretations, and guidance issued by the Centers for Medicare and Medicaid Services, CMS, create a chilling effect on residency training programs. If CMS policy is not halted, hospitals will be forced to train all residents in the hospital setting or potentially eliminate programs. Teaching programs across the nation face audits and scrutiny as a result of confusing and unclear CMS policy on this issue.

Your legislation establishes, in statute, clear and concise guidance on the use of ambulatory sites in teaching programs. If enacted, it will preserve the quality education of resident physicians originally envisioned by Congress in 1997. The AOA and our members stand ready to use all available resources to ensure enactment of this important legislation.

Sincerely,

PHILIP SHETTLE, D.O.,
President.

ASSOCIATION OF AMERICAN MEDICAL COLLEGES,
Washington, DC, November 18, 2005.

Hon. OLYMPIA SNOWE,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR SNOWE: On behalf of the Association of the American Medical Colleges, AAMC, I write to endorse the "Community and Rural Medical Residency Preservation Act of 2005." The AAMC represents 125 accredited U.S. medical schools; approximately 400 major teaching hospitals and health systems, 94 academic and professional societies, representing 109,000 faculty members; and the nation's 67,000 medical students and 104,000 residents.

Your bill would ensure that CMS regulations and guidance no longer impede the ability of teaching programs to train resident physicians in ambulatory and rural settings. As you know, ambulatory training is a vital aspect of every resident's training and is designed to expose residents to a variety of rural, suburban and urban settings in which they ultimately choose to practice such as physicians offices, nursing homes, and community health centers. Such training is coordinated by program directors at teaching hospitals in conjunction with community physicians—many of whom volunteer their time as a professional commitment to train the next generation of physicians.

Specifically, your bill clarifies that supervising physicians in non-hospital settings would be allowed to volunteer their teaching time. It also ensures that any teaching costs associated with supervising physicians who are not volunteers would be based on negotiations between the hospital and the nonhospital setting, rather than a complicated formula requiring unreasonable administrative burdens on both the teaching programs and nonhospital training settings.

We appreciate your continued interest in this issue and your efforts to ensure the viability of community and rural residency training. The AAMC looks forward to continuing to work with you and your staff to advance this important legislation.

Sincerely,

JORDAN COHEN, M.D.

ACADEMIC FAMILY MEDICINE ADVOCACY ALLIANCE,
November 11, 2005.

Hon. OLYMPIA J. SNOWE,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR SNOWE: On behalf of the undersigned academic family medicine organizations I would like to commend you for introducing the "Community and Rural Medical Residency Preservation Act of 2005", legislation intended to solve a longstanding problem in Medicare regulations that deals with volunteer teachers of residents in nonhospital settings.

We have appreciated your support through the years on this issue, and value your continued efforts to find a solution to the problem. As you know, the Balanced Budget Act, BBA, included a change in statute that allowed forthe counting of training time in non-hospital settings to be included in Medicare cost reports forboth IME and DME FTE counts. As part of that change, the statute, stated that a hospital must incur "all pr substantially all" the costs ofthe training in that setting. In the implementing regulations CMS (then HCFA) added the faculty costs to the already included residents' salary and benefits, and required a written agreement between the hospital and the non hospital site.

This change in regulation, and the interpretations of it that CMS has used during audits have caused many hospitals to lose the ability to count residents that train in non-hospital settings, and required them to refund large sums of IMEand DME money to CMS.

Congress made the change in statute, to encourage training in rural and underserved settings. Unfortunately, CMS's, actions have had just the opposite effect. It has had a dampening effect on training in the non-hospital setting—including rural rotations. It has resulted in much training being brought back into the hospital, ironically both at a time when accrediting bodies are requiring more training outside the hospital, and contrary to the wishes of Congress.

As you are well aware, several of the Family Medicine residency programs in Maine are at risk of closing due to the financial implications of CMS's interpretations. We are also aware of similar situations throughout the United States. For example, if the current situation continues, we have heard that in Iowa, four of the eight Family Medicine training programs are at risk of closing in the next couple of years. In Oregon, several residencies are at risk of losing many FTE's, including Internal Medicine, Surgery, OB-Gyn, and Emergency Medicine. In Montana, the only Family Medicine residency program in the state is in danger of losing funding of all it's outside rotations due to CMS's unreasonable requirements related to non-hospital rotations. Across the country, residency programs are at risk. CMS has had several years to solve the problem. The report of the Office of Inspector General (OIG) that was required by Congress in the MMA has given CMS several options, and yet nothing has been done.

We appreciate your efforts to put an end to this war of attrition. Please count on us to support your efforts at resolving this situation legislatively. Thank you for your help in this area. We look forward to your moving this legislation forward.

Sincerely,

WILLIAM K. MYGDAL, EDD,
President, Society of Teachers of Family Medicine.
PENNY TENZER, MD,
President, Association of Family Practice Residency Directors.
WARREN NEWTON, MD,
President, Association of Departments of Family Medicine.
PERRY DICKINSON, MD,
President, North American Primary Care Research Group.

By Mr. REID:

S. 2072. A bill to provide for the conveyance of certain public lands in and around historic mining townsites in Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I rise today to introduce the Nevada Mining Townsite Conveyance Act, which addresses an important public land issue in rural Nevada. As you may know, the Federal Government controls more than 87 percent of the land in Nevada. That is more than 61 million acres of land. This fact makes it necessary for our State and our communities to pursue Federal remedies for problems that in other States can be handled in a much more expeditious manner.

The residents of Ione and Gold Point in Nevada have asked for our help in settling longstanding trespass issues that affect these historic mining communities. These communities have been continuously occupied for over 100 years. Many residents live on land that their families have ostensibly owned for several decades. These citizens have paid their property taxes and made improvements to their properties, rehabilitated historic structures and built new ones.

The documents by which many of these people claim possession of the properties date back many years. In fact, some of the deeds are historic documents themselves. Yet because many of these documents do not satisfy modern requirements for demonstrating land title, they have been deemed invalid. In other words, the Bureau of Land Management has determined that some of the residents of Ione and Gold Point are trespassing on Federal land. This unfortunate situation puts the BLM at odds with the local residents and county governments and is hampering efforts to improve basic community services such as fire protection, and water supply and treatment facilities.

Nye County, Esmeralda County, and the BLM have worked together for nearly a decade to solve this problem. All of these parties support the legislation that we offer today as a solution to these land ownerships conflicts, and as a means of promoting responsible resource management. All of the land included in this bill has been identified by the BLM for disposal.

This legislation represents the first of a two-part solution. Under this bill, specified lands within the historic mining townsites of Ione and Gold Point would be conveyed to the respective counties. Under the provisions of a State law passed several years ago in Nevada, the counties will then reconvey the land to these people or entities who can demonstrate ownership or longstanding occupancy of specific land parcels.

My bill conveys, for no consideration, approximately 760 acres in the communities of Ione and Gold Point from the BLM to Nye and Esmeralda Counties. As a condition of the conveyance, all historic and cultural resources contained in the townsites shall be preserved and protected under applicable Federal and State law. It should also be noted that approximately 145 acres of the total land conveyed to Nye County will stay in county hands in order to simplify management of a cemetery, a landfill and an airstrip. These conveyances will benefit the agencies that manage Nevada's vast Federal lands as well as the proud citizens of our rural communities.

I sincerely hope that my colleagues will support this legislation. It is a practical solution that deserves swift passage. We salute the Bureau of Land Management, the counties, and the local residents for their cooperation and hard work in crafting a reasonable solution to this problem.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2072

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nevada Mining Townsite Conveyance Act".

SEC. 2. DISPOSAL OF PUBLIC LANDS IN MINING TOWNSITES, ESMERALDA AND NYE COUNTIES, NEVADA.

(a) FINDINGS.—Congress finds the following:

(1) The Federal Government owns real property in and around historic mining townsites in the counties of Esmeralda and Nye in the State of Nevada.

(2) While the real property is under the jurisdiction of the Secretary of the Interior, acting through the Bureau of Land Management, some of the real property land has been occupied for decades by persons who took possession by purchase or other documented and putatively legal transactions, but whose continued occupation of the real property constitutes a "trespass" upon the title held by the Federal Government.

(3) As a result of the confused and conflicting ownership claims, the real property is difficult to manage under multiple use policies and creates a continuing source of friction and unease between the Federal Government and local residents.

(4) All of the real property is appropriate for disposal for the purpose of promoting administrative efficiency and effectiveness, and the Bureau of Land Management has already identified certain parcels of the real property for disposal.

(5) Some of the real property contains historic and cultural values that must be protected.

(6) To promote responsible resource management of the real property, certain parcels should be conveyed to the county in which the property is situated in accordance with land use management plans of the Bureau of Land Management so that the county can, among other things, dispose of the property to persons residing on or otherwise occupying the property.

(b) MINING TOWNSITE DEFINED.—In this section, the term "mining townsite" means real property in the counties of Esmeralda and Nye, Nevada, that is owned by the Federal Government, but upon which improvements were constructed because of a mining operation on or near the property and based upon the belief that—

(1) the property had been or would be acquired from the Federal Government by the entity that operated the mine; or

(2) the person who made the improvement had a valid claim for acquiring the property from the Federal Government.

(c) CONVEYANCE AUTHORITY.—

(1) IN GENERAL.—Notwithstanding sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary of the Interior, acting through the Bureau of Land Management, shall convey, without consideration, all right, title, and interest of the United States in and to mining townsites (including improvements thereon) identified for conveyance on the maps entitled "Original Mining Townsite, Ione, Nevada" and "Original Mining Townsite, Gold Point, Nevada" and dated October 17, 2005.

(2) AVAILABILITY OF MAPS.—The maps referred to in paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Secretary of the Interior, including the office of the Bureau of Land Management located in the State of Nevada.

(d) RECIPIENTS.—

(1) ORIGINAL RECIPIENT.—Subject to paragraph (2), the conveyance of a mining townsite under subsection (c) shall be made to the county in which the mining townsite is situated.

(2) RECONVEYANCE TO OCCUPANTS.—In the case of a mining townsite conveyed under subsection (c) for which a valid interest is proven by one or more persons, under the provisions of Nevada Revised Statutes Chapter 244, the county that received the mining townsite under paragraph (1) shall reconvey the property to that person or persons by appropriate deed or other legal conveyance as provided in that State law. The county is not required to recognize a claim under this paragraph submitted more than 10 years after the date of the enactment of this Act.

(e) Protection of Historic and Cultural Resources.—As a condition on the conveyance or reconveyance of a mining townsite under subsection (c), all historic and cultural resources (including improvements) on the mining townsite shall be preserved and protected in accordance with applicable Federal and State law.

(f) Valid Existing Rights.—The conveyance of a mining townsite under this section shall be subject to valid existing rights, including any easement or other right-of-way or lease in existence as of the date of the conveyance. All valid existing rights and interests of mining claimants shall be maintained, unless those rights or interests are deemed abandoned and void or null and void under—

(1) section 2320 of the Revised Statutes (30 U.S.C. 21 et seq.);

(2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); or

(3) subtitle B of title X of the Omnibus Budget Reconciliation Act of 1993 (30 U.S.C. 28(f)–(k)), including regulations promulgated under section 3833.1 of title 43, Code of Federal Regulations or any successor regulation.

(g) Survey.—A mining townsite to be conveyed by the United States under this section shall be sufficiently surveyed to legally describe the land for patent conveyance.

(h) Release.—On completion of the conveyance of a mining townsite under subsection (c), the United States shall be relieved from liability for, and shall be held harmless from, any and all claims arising from the presence of improvements and materials on the conveyed property.

(i) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary of the Interior such amounts as may be necessary to carry out the conveyances required by this section, including funds to cover the costs of cadastral and mineral surveys, mineral potential reports, hazardous materials, biological, cultural and archaeological clearances, validity examinations and other expenses incidental to the conveyances.

By Mrs. CLINTON:

S. 2073. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for property owners who remove lead-based paint hazards; to the Committee on Finance.

Mrs. CLINTON. Mr. President, I rise today to discuss a serious, persistent, and entirely preventable threat to the health and well-being of our children.

Lead is highly toxic and continues to be a major environmental health problem in the United States, especially for infants, children, and pregnant women. A CDC survey conducted between 1999-2002, estimated that 310,000 American children under 6 were at risk for exposure to harmful lead levels in United States. Childhood lead poisoning has been linked to impaired growth and function of vital organs and problems with intellectual and behavioral development. A study from the New England Journal of Medicine also found that children suffered up to a 7.4-percent decrease in IQ at lead levels that CDC considers safe. At very high levels, lead poisoning can cause seizures, coma, and even death.

The most common source of lead exposure for children today is lead paint in older housing and the contaminated lead dust it generates. Despite a ban on lead paint in 1978, there are still over 24 million housing units in the United States that have lead paint hazards, with about 1.2 million in New York State alone. According to 2000 census data, New York State has over 37 percent of homes that were built prior to 1950 and more pre-1950 housing units available for occupancy than any other State.

Though New York State has made considerable progress in prevention and early identification of childhood lead poisoning, more needs to be done to minimize the risk of lead exposure in the home, by our kids. About 5 percent of New York children screened for lead poisoning at age 2 were found to have elevated levels of lead in the blood, more than twice the national average. Minority and poor children are disproportionately at risk, as these groups are more likely to live in older housing with poor building maintenance, where the risk of lead paint hazards are greater. Low-income children are eight times more likely to develop lead poisoning than more affluent children, and African-American and Mexican-American children are five and two times more likely, respectively, to have toxic blood lead levels than white children. In New York City, about 95 percent of children with elevated blood levels were African American, Hispanic or Asian.

I am glad that the U.S. Department of Health and Human Services considers lead poisoning to be a priority, and established a national goal of ending childhood lead poisoning by 2010. However, Federal programs only have resources to remove lead-based paint hazards from less than 0.1 percent of the 24 million housing units that have these hazards. At this pace, we will not be able to end childhood lead poisoning by 3010, let alone 2010.

We will never stop childhood lead poisoning unless we get lead out of the buildings in which children live, work, and play. In Brooklyn, more than a third of the buildings in one community have a lead-based paint hazard. Parents of children with lead poisoning are being told that nothing can be done until their children's lead poisoning becomes worse. How can we ask parents to watch and wait while their sons and daughters suffer from lead poisoning before we remove the lead from their homes?

That is why today, I am proud to introduce the Home Lead Safety Tax Credit Act of 2005 with my colleagues, Senators DeWine, Obama, and Smith. This legislation would provide a tax credit to aide and encourage homeowners and landlords to engage in the safe removal of lead-based paint hazards from their homes and rental units. Specifically, it would change the IRS Code of 1986 to provide a tax credit for 50 percent of the allowable costs paid by the taxpayer, up to a maximum of $3000 and $1000 for lead abatement and interim control measures, respectively. Interim control measures, which can include replacement of windows, specialized maintenance, safe repainting and renovation work practices to eliminate lead hazards, are a cost-effective means of protecting the largest number of children in the near term. While total elimination of lead paint in housing is the most desirable, interim control measures typically cost three to nine times less and can be equally effective at removing the lead hazard.

The credit is targeted to homes that contain children less than 6 years of age or a woman of childbearing age, low-income residents, and to buildings built before 1960, as these include more than 96 percent of all units where lead-based paint is prevalent. In Massachusetts, a similar tax credit helped reduce the number of new cases of childhood lead poisoning by almost two-thirds in a decade.

The Home Lead Safety Tax Credit Act of 2005 would help homeowners make over 80,000 homes each year safe from lead, which is more than 10 times the number of homes made lead safe by current Federal programs. It would greatly accelerate our progress in ridding our Nation of the significant problem of childhood lead poisoning. I ask my colleagues to join me in supporting this legislation, which will provide needed incentives for property owners to ensure that our homes are safeguarded against environmental hazards that detrimentally affect the health and safety of our children.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2073

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS; PURPOSE.

(a) Short Title.—This Act may be cited as the "Home Lead Safety Tax Credit Act of 2005".

(b) Findings.—Congress finds that:

(1) Of the 98,000,000 housing units in the United States, 38,000,000 have lead-based paint.

(2) Of the 38,000,000 housing units with lead-based paint, 25,000,000 pose a hazard, as defined by Environmental Protection Agency and Department of Housing and Urban Development standards, due to conditions such as peeling paint and settled dust on floors and windowsills that contain lead at levels above Federal safety standards.

(3) Though the number of children in the United States ages 1 through 5 with blood levels higher than the Centers for Disease Control action level of 10 micrograms per deciliter has declined to 300,000, lead poisoning remains a serious, entirely preventable threat to a child's intelligence, behavior, and learning.

(4) The Secretary of Health and Human Services has established a national goal of ending childhood lead poisoning by 2010.

(5) Current Federal lead abatement programs, such as the Lead Hazard Control Grant Program of the Department of Housing and Urban Development, only have resources sufficient to make approximately 7,000 homes lead-safe each year. In many cases, when State and local public health departments identify a lead-poisoned child, resources are insufficient to reduce or eliminate the hazards.

(6) Old windows typically pose significant risks because wood trim is more likely to be painted with lead-based paint, moisture causes paint to deteriorate, and friction generates lead dust. The replacement of old windows that contain lead based paint significantly reduces lead poisoning hazards in addition to producing significant energy savings.

(7) Childhood lead poisoning can be dramatically reduced by the abatement or complete removal of all lead-based paint. Empirical studies also have shown substantial reductions in lead poisoning when the affected properties have undergone so-called "interim control measures" that are far less costly than abatement.

(c) PURPOSE.—The purpose of this section is to encourage the safe removal of lead hazards from homes and thereby decrease the number of children who suffer reduced intelligence, learning difficulties, behavioral problems, and other health consequences due to lead-poisoning.

SEC. 2. HOME LEAD HAZARD REDUCTION ACTIVITY TAX CREDIT.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to foreign tax credit, etc.) is amended by adding at the end the following new section:

"SEC. 30D. HOME LEAD HAZARD REDUCTION ACTIVITY.

"(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 50 percent of the lead hazard reduction activity cost paid or incurred by the taxpayer during the taxable year for each eligible dwelling unit.

"(b) LIMITATION.—The amount of the credit allowed under subsection (a) for any eligible dwelling unit for any taxable year shall not exceed—

"(1) either—

"(A) $3,000 in the case of lead hazard reduction activity cost including lead abatement measures described in clauses (i), (ii), (iv) and (v) of subsection (c)(1)(A), or

"(B) $1,000 in the case of lead hazard reduction activity cost including interim lead control measures described in clauses (i), (iii), (iv), and (v) of subsection (c)(1)(A), reduced by

"(2) the aggregate lead hazard reduction activity cost taken into account under subsection (a) with respect to such unit for all preceding taxable years.

"(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section:

"(1) LEAD HAZARD REDUCTION ACTIVITY COST.—

"(A) IN GENERAL.—The term 'lead hazard reduction activity cost' means, with respect to any eligible dwelling unit—

"(i) the cost for a certified risk assessor to conduct an assessment to determine the presence of a lead-based paint hazard,

"(ii) the cost for performing lead abatement measures by a certified lead abatement supervisor, including the removal of paint and dust, the permanent enclosure or encapsulation of lead-based paint, the replacement of painted surfaces, windows, or fixtures, or the removal or permanent covering of soil when lead-based paint hazards are present in such paint, dust, or soil,

"(iii) the cost for performing interim lead control measures to reduce exposure or likely exposure to lead-based paint hazards, including specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of lead-based paint hazards, and the establishment and operation of management and resident education programs, but only if such measures are evaluated and completed by a certified lead abatement supervisor using accepted methods, are conducted by a qualified contractor, and have an expected useful life of more than 10 years,

"(iv) the cost for a certified lead abatement supervisor, those working under the supervision of such supervisor, or a qualified contractor to perform all preparation, cleanup, disposal, and clearance testing activities associated with the lead abatement measures or interim lead control measures, and

"(v) costs incurred by or on behalf of any occupant of such dwelling unit for any relocation which is necessary to achieve occupant protection (as defined under section 35.1345 of title 24, Code of Federal Regulations).

"(B) LIMITATION.—The term 'lead hazard reduction activity cost' does not include any cost to the extent such cost is funded by any grant, contract, or otherwise by another person (or any governmental agency).

"(2) ELIGIBLE DWELLING UNIT.—

"(A) IN GENERAL.—The term 'eligible dwelling unit' means, with respect to any taxable year, any dwelling unit—

"(i) placed in service before 1960,

"(ii) located in the United States,

"(iii) in which resides, for a total period of not less than 50 percent of the taxable year, at least 1 child who has not attained the age of 6 years or 1 woman of child-bearing age, and

"(iv) each of the residents of which during such taxable year has an adjusted gross income of less than 185 percent of the poverty line (as determined for such taxable year in accordance with criteria established by the Director of the Office of Management and Budget).

"(B) DWELLING UNIT.—The term 'dwelling unit' has the meaning given such term by section 280A(f)(1).

"(3) LEAD-BASED PAINT HAZARD.—The term 'lead-based paint hazard' has the meaning given such term by section 745.61 of title 40, Code of Federal Regulations.

"(4) CERTIFIED LEAD ABATEMENT SUPERVISOR.—The term 'certified lead abatement supervisor' means an individual certified by the Environmental Protection Agency pursuant to section 745.226 of title 40, Code of Federal Regulations, or an appropriate State agency pursuant to section 745.325 of title 40, Code of Federal Regulations.

"(5) CERTIFIED INSPECTOR.—The term 'certified inspector' means an inspector certified by the Environmental Protection Agency pursuant to section 745.226 of title 40, Code of Federal Regulations, or an appropriate State agency pursuant to section 745.325 of title 40, Code of Federal Regulations.

"(6) CERTIFIED RISK ASSESSOR.—The term 'certified risk assessor' means a risk assessor certified by the Environmental Protection Agency pursuant to section 745.226 of title 40, Code of Federal Regulations, or an appropriate State agency pursuant to section 745.325 of title 40, Code of Federal Regulations.

"(7) QUALIFIED CONTRACTOR.—The term 'qualified contractor' means any contractor who has successfully completed a training course on lead safe work practices which has been approved by the Department of Housing and Urban Development and the Environmental Protection Agency.

"(8) DOCUMENTATION REQUIRED FOR CREDIT ALLOWANCE.—No credit shall be allowed under subsection (a) with respect to any eligible dwelling unit for any taxable year unless—

"(A) after lead hazard reduction activity is complete, a certified inspector or certified risk assessor provides written documentation to the taxpayer that includes—

"(i) evidence that—

"(I) the eligible dwelling unit passes the clearance examinations required by the Department of Housing and Urban Development under part 35 of title 40, Code of Federal Regulations,

"(II) the eligible dwelling unit does not contain lead dust hazards (as defined by section 745.227(e)(8)(viii) of such title 40), or

"(III) the eligible dwelling unit meets lead hazard evaluation criteria established under an authorized State or local program, and

"(ii) documentation showing that the lead hazard reduction activity meets the requirements of this section, and

"(B) the taxpayer files with the appropriate State agency and attaches to the tax return for the taxable year—

"(i) the documentation described in subparagraph (A),

"(ii) documentation of the lead hazard reduction activity costs paid or incurred during the taxable year with respect to the eligible dwelling unit, and

"(iii) a statement certifying that the dwelling unit qualifies as an eligible dwelling unit for such taxable year.

"(9) BASIS REDUCTION.—The basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit (determined without regard to subsection (d)).

"(10) NO DOUBLE BENEFIT.—Any deduction allowable for costs taken into account in computing the amount of the credit for lead-based paint abatement shall be reduced by the amount of such credit attributable to such costs.

"(d) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

"(1) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(2) the sum of the credits allowable under subpart A and sections 27, 29, 30, 30A, 30B, and 30C for the taxable year.

"(e) CARRYFORWARD ALLOWED.—

"(1) IN GENERAL.—If the credit amount allowable under subsection (a) for a taxable year exceeds the amount of the limitation under subsection (d) for such taxable year (referred to as the 'unused credit year' in this subsection), such excess shall be allowed as a credit carryforward for each of the 20 taxable years following the unused credit year.

"(2) RULES.—Rules similar to the rules of section 39 shall apply with respect to the credit carryforward under paragraph (1).".

(b) CONFORMING AMENDMENTS.—

(1) Section 1016(a) of the Internal Revenue Code of 1986 is amended by striking "and" in

paragraph (36), by striking the period and inserting ", and" in paragraph (37), and by inserting at the end the following new paragraph:

"(38) in the case of an eligible dwelling unit with respect to which a credit for any lead hazard reduction activity cost was allowed under section 30D, to the extent provided in section 30D(c)(9).".

(2) The table of sections for subpart B of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 30C the following new item:

"Sec. 30D. Home lead hazard reduction activity.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to lead hazard reduction activity costs incurred after December 31, 2005, in taxable years ending after that date.

By Mr. BINGAMAN (for himself, Mr. BAUCUS, Mr. DORGAN, Mrs. MURRAY, Ms. CANTWELL, and Mr. JOHNSON):

S. 2074. A bill to amend title XIX of the Social Security Act to provide for fair treatment of services furnished to Indians under the medicaid program, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I am pleased to be introducing the Indian Medicaid Health Act of 2005 with Senators BAUCUS, DORGAN, MURRAY, CANTWELL and JOHNSON.

This legislation addresses a number of technical but critically important provisions within the Medicaid Program that devote special attention to Native Americans, the Indian Health Service, IHS, tribal health organizations, and urban Indian health organizations. These provisions would:

No. 1, codify protections that American Indians and Alaska Natives have obtained over the years in the Medicaid program, such as the requirement that states consult with tribes and tribal health organizations prior to seeking a federal Medicaid waiver;

No. 2, clarify that American Indians and Alaska Natives are not subject to additional cost sharing or benefit limitations within Medicaid that will result in nothing more than a cost-shift from the Medicaid program to IHS or tribal health providers;

No. 3, codify critically important provisions that provide protections against states or the federal government taking Indian property or tribal lands in exchange for medical services delivered through Medicaid; and,

No. 4, eliminate certain inequities such as the lack of 100 percent federal matching payments within Medicaid for care delivered to Native Americans at urban Indian health clinics.

American Indians and Alaska Natives continue to suffer enormous disparities in the health and medical care they receive. It should not come as a surprise to anyone at the Federal level that health care funding for American Indians and Alaska Natives, AI/AN, is well below what it should be and, consequently, Native Americans received rationed health care services that deny them access to the quality and medically necessary health care services.

However, year after year, budget and appropriations amendments are offered to more fully fund health care for Native Americans but both the administration and Congress routinely fail to provide adequate funding. The result is a continued and growing divide between the health of American Indians and Alaska Natives compared to that of the general population.

The U.S. Commission on Civil Rights, USCCR, held meetings in Albuquerque, NM, and visited the Gallup Indian Medical Center in 2003 as part of a fact-finding mission to review the current disparities in the health status and outcomes of Native Americans. What they found served as a basis for the release of their report in September 2004 entitled Broken Promises: Evaluating the Native American Health Care System. The opening line in that report reads, "Today, in Indian Country, health-related problems and the lack of adequate health care are the enemy."

This is in large part due to the fact that the IHS operates on just 57 percent of the budget it needs and had more than $3 billion in unmet needs in 2003. USCCR cites estimates by the Department of Health and Human Services, HHS, that per capita health spending for all Americans at $4,065, while IHS spent about $1,914 per person and average spending on Navajo patients is just $1,187.

The USCCR adds, "In fact, the federal government spends nearly twice as much money for a federal prisoner's health care than it does for an American Indian or Alaska Native."

Consequently and not surprisingly, this disparity in funding translates into severe health disparities for Native Americans. For example, life expectancy is 6 years less than the rest of the U.S. citizens. Tuberculosis rates are four times the national average. Complications due to diabetes are almost three times the national average and death rates exceed the Healthy People 2010 targets by 233 percent. Infant mortality rates are 1.7 times higher than the rate for white infants.

In recognition of these facts, the National Indian Health Board has said, "The travesty in looking at the deplorable health of American Indians and Alaska Natives is recognizing that the poor health indicators could be improved if funding was available to provide even a basic level of care."

The U.S. Commission on Civil Rights adds, "In this light, this report should be considered a clarion call to those who inexplicably fail to acknowledge the present state of Native American health care and to those who lack a commitment necessary to address the overwhelming need for clear and decisive action. Such a call is certainly appropriate for our political leadership and the message is clear—it is finally time to honor our nation's commitment to protecting the health of Native Americans."

Such an agenda is actually a fairly simple one. It would include:

No. 1, full funding for the Indian Health Service and tribal health organizations, which should include conversion of IHS into an entitlement program;

No. 2, increased numbers and funding of urban Indian health organizations;

No. 3, reauthorization of the Indian Health Care Improvement Act;

No. 4, coverage of as many American Indians and Alaska Natives who qualify for federal health programs, such as Medicare and Medicaid, as possible to ensure they are enrolled and receiving benefits in order to augment funding to IHS facilities; and,

No. 5, targeted efforts to address health disparities in Indian Country, such as diabetes.

For this reason, I strongly support the annual budget and appropriations efforts, which have been led by Senator Daschle in the past and Senator DORGAN this year, to increase funding for the Indian Health Service. Unfortunately, those efforts continue to be voted down in the Congress.

I also strongly support reauthorization of the Indian Health Care Improvement Act, IHCIA, which is led by Senators MCCAIN and DORGAN. This effort has been ongoing for 6 years and it is long past time for the Congress to take up and pass IHCIA. Unfortunately, due to continued opposition to certain provisions by the administration, the legislation continues to be bottled up in the Congress and has not even been reintroduced in the House of Representatives.

As a member of the Senate Finance Committee, one area that I have been able to focus on in recent years is to improve coverage for Native Americans in both Medicare and Medicaid. I was able to pass legislation, the Native American Breast and Cervical Cancer Treatment Technical Amendment Act of 2001 or Public Law 107-121, to correct problems whereby Native American women had previously been wrongly denied coverage under Medicaid's breast and cervical cancer treatment option. After a year of work, we were able to pass legislation to correct that outrageous and discriminatory error.

I was also able to pass two provisions in 2003 from my bill, the Medicare Indian Health Fairness Act of 2003, that expanded reimbursement to IHS and tribal health providers for all Medicare Part B services and limited the amount that providers outside the IHS system can charge for services delivered to Native Americans through the contract health services, CHS, program. As with anything related to Native Americans in this Administration, the Department of Health and Human Services, HHS, continues to fail to publish regulations necessary to implement the latter provision, even though the law required publishing of those regulations in December 2004.

Although most involved in Indian health feel frustrated and argue that we are taking one step forward and two steps back with respect to Indian health care policy, it is in the area of Medicare, Medicaid and the State Children's Health Insurance Program, SCHIP, policy that we have been making some progress. The legislation I am introducing today, the Medicaid Indian Health Care Act of 2005, seeks to protect the gains that have been made and to take another few steps forward.

For one, while IHS funding continues to fall further and further behind what is needed, the one bright spot is that collections from third party payers has increased over time with Medicaid playing a fundamental role in that growth.

IHS was first authorized to seek Medicaid payment for services delivered in Indian health facilities, whether operated by the IHS directly or by tribes as part of the Indian Health Care Improvement Act of 1976 or Public Law 94-437.

As Indian health experts Mim Dixon and Kris Locke said, "This entitlement funding was expected to provide critical resources to improve the quality of health care for AI/AN and to reduce the health status disparities. To support this outcome, there is an additional provision in the IHCIA that Medicaid and Medicare revenues shall not offset Congressional appropriations for the IHS, so that the total amount of funding for Indian health care would increase and not merely be shifted from one funding stream to another."

With regard to that requirement, however, the U.S. Commission on Civil Rights adds, ". . . Congress included language to articulate the express intent that increased collections not be used to justify lower appropriations levels. Congress has failed to abide by this clear mandate. Only enhanced collection efforts have made up for shortfalls created by inflation and population growth, and prevented a continuous decline from 1991 until today."

Growth in Medicaid collections has been used to partially offset the dramatic decline in IHS purchasing power over the years, despite the Federal provision stating that such revenues should not reduce overall IHS spending.

The U.S. Commission on Civil Rights noted that ". . . collections from third parties increased 453 percent from 1991 to 2003." Without that increase, the fate of IHS and health care services for Native Americans would even be more severe.

According to the Government Accountability Office, GAO, in its August 2005 report entitled "Indian Health Service: Health Care Services Are Not Always Available to Native Americans", "In fiscal year 2004, IHS-funded facilities obtained approximately $628 million in reimbursements, with 92 percent collected from Medicare and Medicaid and 8 percent from private insurance."

Medicaid collections, alone, have by 2004 "grown to $446 million, which is 71 percent of the total third party collections reported by IHS In FY 2004. . . . Medicaid collections provided about 16.8 percent of the IHS budget for clinical services," according to Dixon and Locke.

Consequently, the administration's own congressional justification document for its IHS budget proposes just a 2.1-percent increase, or $62.9 million, in additional IHS funding in fiscal year 2006 while noting that the IHS will increase their Medicare and Medicaid collections by another $8.4 million in fiscal year 2006. The Northwest Portland Area Indian Health Board estimates it will take $371 million to maintain current services for IHS and tribally operated health programs. Therefore, the administration's ridiculously low proposed increase for IHS combined with their estimated increase in Medicare and Medicaid collections will still fall $300 million short of providing current services.

Whether intentional or not, as direct IHS funding continues to fail to cover inflation or population growth year after year, Medicaid collections are now a growing and critical component to providing basic health care services by IHS and tribal health organizations. Yet, while Medicaid has become critically important to the health of American Indians and Alaska Natives, Native Americans constitute a small share of overall Medicaid costs. As the Northwest Portland Area Indian Health Board has found, Medicaid accounts for almost 20 percent of the IHS budget but less than 0.5 percent of Medicaid expenditures go to Indian health.

Consequently, the legislation I am introducing today with Senators Baucus, Dorgan, Murray, Cantwell, and Johnson entitled the "Medicaid Indian Health Act of 2005" is primarily an attempt to prevent the Federal Government and States from inflicting harm on the health and well-being of American Indians and Alaska Natives, but it also seeks to take a few steps forward as well.

What is at stake? First, from the "do no harm" prescriptive, both the National Governors' Association, NGA, and the House of Representatives budget reconciliation legislation contemplate major changes to the Medicaid program to achieve $10 billion or more in proposed budget cuts to Medicaid and Medicare. Unfortunately, it is clear that neither the NGA nor the House of Representatives considered the tremendous impact that the cuts they are proposing will have on the health and well-being of Native Americans across this Nation.

For example, both the NGA and the House budget reconciliation package provide for States being able to impose additional premiums, copayments, and other forms of cost-sharing on low-income Medicaid beneficiaries, including Native Americans. Such changes can have enormous consequences for AI/ANs as well as the Indian Health Service, tribal, and urban Indian, I/T/U providers from whom many Native Americans receive health services.

As Andy Schneider of Medicaid Policy, LLC, stated at a meeting in August of this year on Medicaid and Indian health car "Regrettably, the NGA recommendations [which have been adopted as part of the House budget reconciliation package] could well make matters even worse for AI/ANs and the I/T/U providers that serve them. The NGA proposal to increase beneficiary cost-sharing could impose additional financial burdens on IHS and tribal health budgets. The NGA proposal for more benefits package 'flexibility' could result in significant reimbursement losses to I/T/U providers."

How would this occur? With respect to additional cost sharing, evidence shows that additional cost sharing either results in reduced use of medical services, which could result in further a decline in the health status of AI/ANs, or that the I/T/U providers will pick up the added cost sharing burden. As Schneider points out, "These costs include not only the amounts of the copayments and deductibles but also the administrative expense of processing them and tracking the cumulative out-of-pocket payments, particularly if the services subject to cost-sharing are delivered by a non-I/T/U provider."

Even if you subscribe to the ideology that Medicaid beneficiaries should pay more for their health care, as Dixon and Locke point out, "The intended outcome of enrollee cost sharing is not achieved in the Indian health system and actually acts to further deplete funding."

Put simply, added copayments in Medicaid would result in the unintended effect of shifting Medicaid costs directly upon the already horribly underfunded IHS system. In other words, the imposition of consumer cost-sharing provisions by Medicaid on Native American populations would effectively reduce the level and quality of health care services in Indian communities.

With respect to benefit flexibility as proposed by NGA and adopted in the House budget reconciliation package, according to Schneider, "The effect of reducing Medicaid coverage will be to reduce Medicaid revenues to the I/T/U providers that furnish covered services to this population. Services for which the I/T/U could previously collect Medicaid revenues will no longer be reimburseable because the patient is no longer eligible for Medicaid."

To address these concerns, the Northwest Portland Area Indian Health Board has recommended, "The Medicaid program could be a more effective means of financial Indian health programs if it would exempt American Indians and Alaska Natives from cost sharing including co-pays, premiums and any form of cost sharing. It makes little sense to Indian people to sign up for a health program that charges them for health care services that their tribe gave up lands and others considerations to secure for all generations. The practical effect is that they will not sign up for Medicaid and the IHS funded programs will end up paying all the costs of their health care. If this becomes the case, CMS will save the federal government millions of dollars, but renege on rights guaranteed by law and treaties."

In order to address these important points, one need look no further than the State Children's Health Insurance Program, SCHIP, rules and regulations. As Schneider adds, "Federal regulations prohibit states from imposing premiums, deductibles, coinsurance, or copayments or AI/AN children enrolled in their SCHIP programs. There is no comparable regulatory protection for AI/AN children or adults enrolled in Medicaid."

Consequently, to prevent harm to the health and well-being of Native Americans, section 3 of the Medicaid Indian Health Act of 2005 would explicitly prohibit imposing such things as premiums or other forms of cost sharing on Native Americans within Medicaid, just as SCHIP already does. Section 4 adds a prohibition on the recovery of the estates of AI/AN Medicaid beneficiaries or tribal property by States through the Medicaid Program. Furthermore, section 8 of the legislation allows States to include special provisions exempting Native Americans from additional cost sharing or from benefit reductions in recognition of the special circumstances of Native Americans in the Medicaid Program.

In light of the failure of the NGA to consider the special circumstances of American Indians and Alaska Natives with respect to Medicaid policy, section 5 of the legislation recognizes the Federal trust responsibility and requires the Secretary, prior to the approval of any State Medicaid waivers, to assure that there has been consultation with tribes whose members or tribal health programs could be adversely affected by the waiver. Otherwise, the current waiver process can result in the approval of waivers that may include reductions in Medicaid eligibility, benefits and/or reimbursement or increases in cost sharing that can have a negative impact on Native Americans or tribal health programs.

In short, sections 3, 4, 5, and 8 seek to adopt a policy of "do no harm" by preventing changes in Medicaid policy from having negative consequences for Native Americans. Meanwhile, sections 2, 6, and 7 in the bill seek to make some additional progress on behalf of Native Americans through the Medicaid Program.

Foremost among those provisions in section 2, which provides for 100 percent Federal Medicaid matching funds for services delivered to AI/AN Medicaid beneficiaries at urban Indian health programs. Although the Medicaid statute currently provides for 100 percent Federal Medicaid matching funds for Medicaid services delivered to AI/ANs through IHS facilities and a subsequent Memorandum of Agreement, MOA, in 1996 clarified those payments also apply to services provided through tribally owned facilities, the 100 Percent Federal Medical Assistance Percentage, FMAP, does not apply to urban Indian clinics.

In short, if an AI/AN Medicaid beneficiary received services from an IHS or tribal facility, the Federal Government is paying 100 percent of the cost, but if the same individual received the same services from an urban Indian health program funded by the IHS, the Federal Government shifts part of the costs of that care to the State in proportion to the State's share of the FMAP. There is no justification for this cost shift. Just as IHS and tribal facilities are part of the I/T/U delivery system for Native Americans, so are urban Indian health programs and, as part of the "Federal trust responsibility," States should not be required to subsidize any element of this system.

Section 6 of the legislation would simply ensure that I/T/U providers that do not have the status of federally qualified health centers, FQHCs, receive the same level of reimbursement from Medicaid managed care organizations, MCOs, as they would if they were a FQHC. If Medicaid MCOs are continued to be allowed to pay I/T/U providers less for the same services that they pay other network providers, the I/T/U providers will, effectively, be subsidizing the MCO or other network providers, which is not an appropriate use of limited federal IHS resources.

And finally, section 7 of the Medicaid Indian Health Act of 2005 ensures that IHS spending on behalf of a Native American does not disqualify them for Medicaid coverage under the "medically needy option." Current policy prohibits such care from counting toward the "spend down" requirements for qualifying as "medically needy" in Medicaid. Receiving services at an IHS facility should certainly not disqualify anybody from Medicaid coverage and, once again, IHS should not be subsidizing the Medicaid program.

In total, the provisions in the Medicaid Indian Health Act of 2005 might at first glance appear to be a hodge podge set of provisions related to both Medicaid and Indian health. However, they are not. They reflect a concerted effort on behalf of Native American people to protect the gains that have already been made within the Medicaid Program for American Indians and Alaska Natives and the need to make additional strides to improve the delivery of health services throughout to Native people, including those in urban areas, through Medicaid.

Furthermore, this is just the first in a series of bills addressing Indian issues within the Medicaid and Medicare Programs. The next two will focus, respectively, on improving the Medicare Program and fixing problems with respect to the Medicare prescription drug program for Native Americans and Indian health providers.

As part of the Indian Health Care Improvement Act of 1976 report, the Congress said, "The most basic human right must be the right to enjoy decent health. Certainly, any effort to fulfill Federal responsibilities to the Indian people must begin with the provision of health services. In fact, health services must be the cornerstone upon which rest all the other Federal programs for the benefit of Indians. Without a proper health status, the Indian people will be unable to fully avail themselves of the many economic, educational, and social programs already directed to them or which this Congress and future Congresses will provide them."

The Federal Government has a "Federal trust responsibility" to Indian people that it is simple not fulfilling. This administration and this Congress can and simply must do better. Part of that multipronged agenda should include passage of the Medicaid Indian Health Act of 2005.

This could occur in a variety of ways. First, the provision from this bill could be incorporated in any budget reconciliation conference report package. Consequently, during Finance Committee consideration of the Senate's version of the budget reconciliation package on October 25, 2005, I offered an amendment that included a number of the provisions from this bill. Opponents of the amendment, which failed on a 9-to-11 party-line vote with Democrats in favor and Republicans opposing it, argued at the time that the budget reconciliation package was not the right vehicle but that we should look to the reauthorization bill for the Indian Health Care Improvement Act to attach these provisions instead.

Two days later, on October 27, 2005, the Committee on Indian Affairs took up and passed S. 1057, the Indian Health Care Improvement Act Amendments of 2005, but did not include any of the Medicaid provisions I have been discussing as part of this bill. They were told that inclusion of Medicaid provisions within IHCIA was objected to by both the administration and the Senate Finance Committee. However, in light of the Senate Finance Committee's failure to take up the amendment earlier this month, another possible vehicle should be the reauthorization bill for the Indian Health Care Improvement Act when it comes to the Senate floor.

And finally, if we fail to get these provisions included in either of those legislative vehicles, we will push to get the Medicaid Indian Health Act of 2005 passed as a free standing piece of legislation. Medicaid has become such a crucial and necessary piece in maintaining and improving the health and well-being of American Indians and Alaska Natives that it is unacceptable that the various Senate committees point to each other as being in charge while not taking the necessary responsibility to get this important protections for Native Americans passed into law.

The Federal Government and the States also point figures at each other as to who is in charge. As Jim Crouch, executive director of the California Rural Indian Health Board, has said, "The joint operation of the Medicaid program by federal and state authorities often ignores the governmental status of Tribes and the unique needs of Tribal citizens. It is always appropriate for the federal government to establish special provisions that are in the best interest of Tribes and American Indians due to the governmental status of federally recognized tribes."

Mr. President, it is well past time to enact legislative initiatives such as the Medicaid Indian Health Act of 2005 and reauthorization of IHCIA. Years of broken promises to Indian Country must come to an end. Passage of the provisions in both the Medicaid Indian Health Act of 2005 and IHCIA reauthorization are just two of the pieces that the Federal Government must take in order to fulfill the Federal trust responsibility and make real progress at providing the full array of medically necessary health services that have been long promised to American Indians.

I ask unanimous consent that the text of the bill and a fact sheet describing the various provisions in the bill be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 2074

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicaid Indian Health Act of 2005".

SEC. 2. APPLICATION OF 100 PERCENT FMAP FOR SERVICES FURNISHED TO AN INDIAN BY AN URBAN INDIAN HEALTH PROGRAM.

(a) In General.—The third sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)), is amended by inserting before the period at the end the following: ", or through an urban Indian health program receiving funds under title V of the Indian Health Care Improvement Act".

(b) Conforming Amendment.—Section 1911(c) of such Act (42 U.S.C. 1396j(c)), is amended by inserting ", or through an urban Indian health program receiving funds under title V of the Indian Health Care Improvement Act" after "facilities".

SEC. 3. PROHIBITION ON IMPOSITION OF PREMIUMS, DEDUCTIBLES, COPAYMENTS, AND OTHER COST-SHARING ON INDIANS.

Section 1916 of the Social Security Act (42 U.S.C. 1396o) is amended—

(1) in subsection (a)(3), by inserting "(other than such individuals who are Indians (as defined in section 4 of the Indian Health Care Improvement Act)" after "other such individuals";

(2) in subsection (b), in the matter preceding paragraph (1), by inserting "or who are Indians (as defined in section 4 of the Indian Health Care Improvement Act)" after "section 1902(a)(10)"; and

(3) in subsection (c)(1), by inserting "(other than such an individual who is an Indian (as defined in section 4 of the Indian Health Care Improvement Act))" after "section 1902(l)(1)".

SEC. 4. PROHIBITION ON RECOVERY AGAINST ESTATES OF INDIANS.

Section 1917(b)(1) of the Social Security Act (42 U.S.C. 1396p(b)(1)) is amended, in the matter preceding subparagraph (A), by inserting " who is not an Indian (as defined in section 4 of the Indian Health Care Improvement Act)" after "an individual" the second place it appears.

SEC. 5. REQUIREMENT FOR CONSULTATION WITH INDIAN TRIBES PRIOR TO APPROVAL OF SECTION 1115 WAIVERS.

Section 1115 of the Social Security Act (42 U.S.C. 1315) is amended by adding at the end the following:

"(g) In the case of an application for a waiver of compliance with the requirements of section 1902 (or a renewal or extension of such a waiver) that is likely to affect members of an Indian tribe (as defined in section 4 of the Indian Health Care Improvement Act) or a tribal health program (whether operated by an Indian tribe or a tribal organization (as so defined) serving such members, the Secretary shall, prior to granting such a waiver under subsection (a) or renewing or extending such a waiver under subsection (e), consult with each such Indian tribe.".

SEC. 6. REQUIREMENT FOR FAIR PAYMENT BY MEDICAID MANAGED CARE ENTITIES TO INDIAN HEALTH PROGRAM PROVIDERS.

Section 1903(m)(2)(A)(ii) of the Social Security Act (42 U.S.C. 1396b(m)(2)(A)(ii)) is amended to read as follows:

"(ii) such contract provides, in the case of entity that has entered into a contract for the provision of services with a facility or program of the Indian Health Service, whether operated by the Service or an Indian tribe or tribal organization (as defined in section 4 of the Indian Health Care Improvement Act) or an urban Indian health program receiving funds under title V of the Indian Health Care Improvement Act , that is not a Federally-qualified health center or a rural health clinic, that the entity shall provide payment that is not less than the highest level and amount of payment that the entity would make for the services if the services were furnished by a provider that is not a facility or program of the Indian Health Service;".

SEC. 7. TREATMENT OF MEDICAL EXPENSES PAID BY OR ON BEHALF OF AN INDIAN BY AN INDIAN HEALTH PROGRAM AS COSTS INCURRED FOR MEDICAL CARE FOR PURPOSES OF DETERMINING MEDICALLY NEEDY ELIGIBILITY.

Section 1902(a)(17)(D) of the Social Security Act (42 U.S.C. 1396a(a)(17)(D)) is amended by inserting "or by the Indian Health Service or an Indian tribe or tribal organization (as defined in section 4 of the Indian Health Care Improvement Act)" after "political subdivision thereof".

SEC. 8. STATE OPTION TO EXEMPT INDIANS FROM REDUCTIONS IN ELIGIBILITY OR BENEFITS.

Section 1902 of the Social Security Act (42 U.S.C. 1396a)) is amended by inserting after subsection (j) the following:

"(k) The Secretary shall not disapprove a State plan amendment, or deny a State request for a waiver under section 1115 (or a renewal or extension of such a waiver), on the grounds that the amendment or waiver would exempt Indians (as defined in section 4 of the Indian Health Care Improvement Act) eligible for medical assistance from—

"(1) any restriction on eligibility for medical assistance under this title that would otherwise apply under the amendment or waiver;

"(2) any imposition of premiums, deductibles, copayments, or other cost-sharing that would otherwise apply under the amendment or waiver; or

"(3) any reduction in covered services or supplies that would otherwise apply under the amendment or waiver.".

SEC. 9. EFFECTIVE DATE.

(a) In General.—Except as provided in subsection (b), this Act and the amendments made by this Act apply to items or services furnished on or after January 1, 2006.

(b) Extension of Effective Date for State Law Amendment.—In the case of a State plan under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by a provision of this Act, the State plan shall not be regarded as failing to comply with the requirements of this Act solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

Fact Sheet—"Medicaid Indian Health Act of 2005"

Senators Bingaman, Baucus, Dorgan, Murray, Cantwell, and Johnson are introducing legislation entitled the "Medicaid Indian Health Act of 2005" that would make technical but important changes to the Medicaid program to address the unique issues confronting Native Americans and Indian Health Service (IHS) providers within that program.

The provisions within this legislation are as follows:

SEC. 2. 100% FMAP FOR SERVICES TO AI/AN MEDICAID PATIENTS OF URBAN INDIAN HEALTH PROGRAMS

Current Law

The cost of covered services to AI/AN Medicaid beneficiaries is matched by the federal government at a 100% rate if the services are received through an IHS facility, whether operated by the IHS or a tribe or tribal organization. However, the federal government matches the cost of covered services furnished to AI/AN Medicaid beneficiaries by urban Indian health programs funded by the IHS only at a state's regular federal matching rate, which varies from 50% to 77%. Thus, states must pay a share of the cost of Medicaid services furnished to AI/AN beneficiaries by urban Indian health programs.

Proposed Change

Extend the 100% federal matching rate to services received through an urban Indian health program receiving funds under Title V of the Indian Health Care Improvement Act.

Justification

Under current policy, if an AI/AN Medicaid beneficiary receives covered services from an IHS or tribal hospital or clinic, the federal government pays 100% of the cost, but if the same individual receives covered services from an urban Indian health program funded by the IHS, the federal government shifts part of the costs to the state in proportion to the state's share of Medicaid spending generally. There is no principled justification for this cost shift. Just as IHS and tribal facilities receive IHS funds, so do urban Indian health programs. The urban Indian health programs are part of the same "I/T/U" delivery system as are IHS and tribal facilities. States should not be required to subsidize any element of this system.

SEC. 3. PROHIBITING IMPOSITION OF MEDICAID PREMIUMS ON AI/AN MEDICAID BENEFICIARIES

Current Law

State Medicaid programs are allowed to impose premiums only on certain categories of Medicaid beneficiaries—principally those who qualify as "medically needy" by incurring high medical expenses that, when applied against their income, enable them to "spend down" into eligibility. Any premiums imposed on this group must be income-related, as specified in federal regulations. In contrast, State SCHIP programs are prohibited by regulation from imposing premiums on AI/AN beneficiaries.

Proposed Change

Prohibit states from imposing any premiums, enrollment fees, or similar charges in any amount on AI/AN beneficiaries, regardless of the basis of eligibility for Medicaid.

Justification

The Federal government, through the IHS, has the responsibility for providing health care free of charge to AI/ANs eligible for its services. Thus, if a state imposes a premium requirement as a condition of Medicaid enrollment, in the case of an AI/AN the premium must be paid by the IHS or the contracting tribe from the limited federal funds allocated to it. The effect is to reduce the appropriated funds available to the IHS or tribal facility for serving patients who are eligible for IHS services but are not eligible for Medicaid. In this respect, Medicaid policy should be conformed to SCHIP policy.

SEC. 3. PROHIBITING IMPOSITION OF MEDICAID COPAYMENTS OR OTHER COST-SHARING ON AI/AN MEDICAID BENEFICIARIES

Current Law

States Medicaid programs may impose deductibles, copayments, or co-insurance requirements on certain services with respect to certain populations. Any cost-sharing imposed must be "nominal" in amount, as defined in federal regulations. States are prohibited from imposing any cost-sharing, nominal or otherwise, on certain services (e.g., emergency services and family planning services and supplies) and certain populations (e.g., children under 18). In contrast, State SCHIP programs are prohibited by regulation from imposing deductibles, copayments, or co-insurance requirements on AI/AN beneficiaries.

Proposed Change

Prohibit states from imposing deductibles, copayments, or co-insurance requirements in any amount on AI/AN Medicaid beneficiaries.

Justification

The Federal government, through the IHS, has the responsibility for providing health care free of charge to AI/ANs eligible for its services. Thus, if a state imposes deductibles, copayments, or co-insurance requirements, in the case of an AI/AN beneficiary cost-sharing amount must be paid by the IHS or the contracting tribe from the limited federal funds allocated to it. The effect is to reduce the appropriated funds available to the IHS or tribal facility for serving patients who are eligible for IHS services but are not eligible for Medicaid. In this respect, Medicaid policy should be conformed to SCHIP policy.

SEC. 4. PROHIBITING RECOVERY AGAINST THE ESTATES OF AI/AN MEDICAID BENEFICIARIES

Current Law

States are required to recover from the estates of deceased Medicaid beneficiaries the costs of long-term care services (nursing facility services, home and community-based services, and related hospital services and prescription drugs) paid for by Medicaid when the individual was age 55 or over. The state may not recover against an individual's estate until the death of any surviving spouse and so long as there is not a child under 21 or an adult child who is blind or disabled. Under federal administrative guidance, certain AI/AN property is exempt from estate recovery.

Proposed Change

Exempt the property/estates of deceased AI/AN beneficiaries from recovery for costs correctly paid by Medicaid.

Justification

The Federal government, through the IHS, has the responsibility for providing health care to AI/ANs eligible for its services. Because the IHS, due to funding limitations, generally does not have the capacity to furnish long-term care services, low-income AI/ANs who are eligible for IHS services must turn to Medicaid for coverage for this care. To recover Medicaid costs correctly paid from the estates of these individuals violates the Federal government's responsibility to them. Tribal lands and property should not be threatened by federal or state governments.

SEC. 5. REQUIRING TRIBAL CONSULTATION PRIOR TO APPROVAL OF SECTION 1115 WAIVERS

Current Law

Under section 1115 of the Social Security Act, the Secretary of HHS has the authority to waive certain requirements of federal Medicaid law to enable states to conduct demonstrations that, in his judgment, "is likely to assist in promoting the objectives of" the Medicaid program. Section 1115 contains no requirement that the Secretary consult with Indian tribes prior to approval of Medicaid demonstration waivers that may adversely affect their members or their tribal health programs. The January 2005 HHS tribal consultation policy does not specify that consultation is required in these specific circumstances, although the previous July 2001 guidance had.

Proposed Change

Require the Secretary, prior to approval of any new section 1115 waiver or renewal of any existing section 1115 waiver to consult with tribes whose members or tribal health programs could be affected by the waiver.

Justification

Section 1115 waivers are commonly negotiated by the Secretary (acting through CMS) and the Governor of the state seeking the waiver (through his Medicaid or Budget director). Affected Indian tribes have no formal role in these negotiations, even when those negotiations result in reductions in Medicaid eligibility, benefits, and/or reimbursement or increases in premiums and cost-sharing that have an adverse impact on tribal members or tribal health programs.

SEC. 6. REQUIRE FAIR PAYMENT BY MEDICAID MCOS TO I/T/U PROVIDERS

Current Law

Managed care organizations (MCOs) contracting with Medicaid on a risk basis are required to pay health care providers, whether in- or out-of-network, on a timely basis for covered services furnished to Medicaid beneficiaries. Although there are generally no minimum payment requirements, in the case of federally qualified health centers (FQHCs) and rural health clinics (RHCs), MCOs are required to pay the same amount for a covered service as they would if the provider were not an FQHC or RHC. In addition, the State Medicaid agency is required to pay the difference, if any, between: (1) the MCO's payment to the FQHC or RHC; and, (2) the prospective payment amount to which the FQHC or RHC is entitled under Medicaid law. There is no similar protection for I/T/U providers that are not FQHCs or RHCs.

Proposed Change

Require that MCOs to pay I/T/U providers that are not FQHCs or RHCs the same amount that the MCO would pay for the same service to a non-I/T/U provider.

Justification

Current law protects I/T/U providers that are FQHCs or Rural Health Clinics against underpayment by Medicaid MCOs. This provision extends some of these protections to other I/T/U providers. If Medicaid MCOs are allowed to pay I/T/U providers less for the same services than they pay other network providers, the I/T/U providers will, in effect, be subsidizing the MCO or other network providers. This is not an appropriate use of limited federal IHS resources.

SEC. 7. TREATMENT OF IHS OR TRIBAL PAYMENTS AS INCURRED MEDICAL EXPENSES

Current Law

States have the option of extending Medicaid coverage to individuals who are "medically needy"—that is, individuals who "spend-down" by incurring high medical expenses that, when subtracted from their incomes, reduce their incomes to below the state eligibility threshold. If the IHS or a

Tribe pays the health care costs of an AI/AN, that individual is not considered to have "incurred" the cost for purposes of meeting the "spend-down" requirements for qualifying as "medically needy."

Proposal

Allow medical expenses paid by the IHS or a Tribe or tribal organization on behalf of an AI/AN to count as costs "incurred" for medical care for purposes of establishing eligibility for Medicaid in states with "medically needy" programs.

Justification

Current policy has the effect of disqualifying AI/ANs from Medicaid eligibility as "medically needy" individuals. This, in turn, results in IHS, Tribes, and tribal organizations paying for services that Medicaid would otherwise cover once these individuals established "medically needy" eligibility. Subsidizing Medicaid is not an appropriate use of limited IHS and Tribal resources.

SEC. 8. OPTION FOR STATES TO EXEMPT INDIANS FROM REDUCTIONS IN ELIGIBILITY OR BENEFITS

Current Law

CMS policy has been to acknowledge the federal government's unique responsibilities under the trust obligation and to take into account special circumstances of American Indians and Alaska Natives in Medicaid and SCHIP programs. As such, states have historically been allowed to include special provisions with respect to Tribes and Indian people in their Medicaid and SCHIP programs. However, in 2004, CMS informed Oregon and Washington that it would not approve waiver amendments containing special provisions for Indian participation in the Medicaid program.

Proposed Change

Secretary shall not disapprove a state Plan amendment, or deny a state request for a waiver under section 1115, on the grounds that the amendment or waiver would exempt eligible Indians (as defined in section 4 of the Indian Health Care Improvement Act) from:

(1) any restriction on eligibility for medical assistance under this Title that would otherwise apply under the amendment or waiver;

(2) any imposition of premiums, deductibles, copayments or other cost-sharing that would otherwise apply under the amendment or waiver; or

(3) any reduction in covered services or supplies that would otherwise apply under the amendment or waiver."

Justification

The federal government should continue to acknowledge the federal government's unique responsibilities under the trust obligation and to take into account and allow states to take into account the special circumstances of American Indians and Alaska Natives in Medicaid and SCHIP programs.

By Mr. DURBIN (for himself, Mr. HAGEL, Mr. LUGAR, Mr. KENNEDY, Mr. MCCAIN, Mr. LEAHY, Mr. COLEMAN, Mr. LIEBERMAN, Mr. CRAIG, Mr. FEINGOLD, Mr. DEWINE, Mr. OBAMA, and Mr. CRAPO):

S. 2075. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2075

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Development, Relief, and Education for Alien Minors Act of 2005" or the "DREAM Act of 2005".

SEC. 2. DEFINITIONS.

In this Act:

(1) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(2) UNIFORMED SERVICES.—The term "uniformed services" has the meaning given that term in section 101(a) of title 10, United States Code.

SEC. 3. RESTORATION OF STATE OPTION TO DETERMINE RESIDENCY FOR PURPOSES OF HIGHER EDUCATION BENEFITS.

(a) IN GENERAL.—Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1623) is repealed.

(b) EFFECTIVE DATE.—The repeal under subsection (a) shall take effect as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

SEC. 4. CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS OF CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) SPECIAL RULE FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.—

(1) IN GENERAL.—Notwithstanding any other provision of law and except as otherwise provided in this Act, the Secretary of Homeland Security may cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, subject to the conditional basis described in section 5, an alien who is inadmissible or deportable from the United States, if the alien demonstrates that—

(A) the alien has been physically present in the United States for a continuous period of not less than 5 years immediately preceding the date of enactment of this Act, and had not yet reached the age of 16 years at the time of initial entry;

(B) the alien has been a person of good moral character since the time of application;

(C) the alien—

(i) is not inadmissible under paragraph (2), (3), (6)(B), (6)(C), (6)(E), (6)(F), or (6)(G) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), or, if inadmissible solely under subparagraph (C) or (F) of paragraph (6) of such subsection, the alien was under the age of 16 years at the time the violation was committed; and

(ii) is not deportable under paragraph (1)(E), (1)(G), (2), (3)(B), (3)(C), (3)(D), (4), or (6) of section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a)), or, if deportable solely under subparagraphs (C) or (D) of paragraph (3) of such subsection, the alien was under the age of 16 years at the time the violation was committed;

(D) the alien, at the time of application, has been admitted to an institution of higher education in the United States, or has earned a high school diploma or obtained a general education development certificate in the United States; and

(E) the alien has never been under a final administrative or judicial order of exclusion, deportation, or removal, unless the alien has remained in the United States under color of law or received the order before attaining the age of 16 years.

(2) WAIVER.—The Secretary of Homeland Security may waive the grounds of ineligibility under section 212(a)(6) of the Immigration and Nationality Act and the grounds of deportability under paragraphs (1), (3), and (6) of section 237(a) of that Act for humanitarian purposes or family unity or when it is otherwise in the public interest.

(3) PROCEDURES.—The Secretary of Homeland Security shall provide a procedure by regulation allowing eligible individuals to apply affirmatively for the relief available under this subsection without being placed in removal proceedings.

(b) TERMINATION OF CONTINUOUS PERIOD.—For purposes of this section, any period of continuous residence or continuous physical presence in the United States of an alien who applies for cancellation of removal under this section shall not terminate when the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

(c) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—

(1) IN GENERAL.—An alien shall be considered to have failed to maintain continuous physical presence in the United States under subsection (a) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

(2) EXTENSIONS FOR EXCEPTIONAL CIRCUMSTANCES.—The Secretary of Homeland Security may extend the time periods described in paragraph (1) if the alien demonstrates that the failure to timely return to the United States was due to exceptional circumstances. The exceptional circumstances determined sufficient to justify an extension should be no less compelling than serious illness of the alien, or death or serious illness of a parent, grandparent, sibling, or child.

(d) EXEMPTION FROM NUMERICAL LIMITATIONS.—Nothing in this section may be construed to apply a numerical limitation on the number of aliens who may be eligible for cancellation of removal or adjustment of status under this section.

(e) REGULATIONS.—

(1) PROPOSED REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall publish proposed regulations implementing this section. Such regulations shall be effective immediately on an interim basis, but are subject to change and revision after public notice and opportunity for a period for public comment.

(2) INTERIM, FINAL REGULATIONS.—Within a reasonable time after publication of the interim regulations in accordance with paragraph (1), the Secretary of Homeland Security shall publish final regulations implementing this section.

(f) REMOVAL OF ALIEN.—The Secretary of Homeland Security may not remove any alien who has a pending application for conditional status under this Act.

SEC. 5. CONDITIONAL PERMANENT RESIDENT STATUS.

(a) In General.—

(1) Conditional basis for status.—Notwithstanding any other provision of law, and except as provided in section 6, an alien whose status has been adjusted under section 4 to that of an alien lawfully admitted for permanent residence shall be considered to have obtained such status on a conditional basis subject to the provisions of this section. Such conditional permanent resident status shall be valid for a period of 6 years, subject to termination under subsection (b).

(2) Notice of requirements.—

(A) At time of obtaining permanent residence.—At the time an alien obtains permanent resident status on a conditional basis under paragraph (1), the Secretary of Homeland Security shall provide for notice to the alien regarding the provisions of this section and the requirements of subsection (c) to have the conditional basis of such status removed.

(B) Effect of failure to provide notice.—The failure of the Secretary of Homeland Security to provide a notice under this paragraph—

(i) shall not affect the enforcement of the provisions of this Act with respect to the alien; and

(ii) shall not give rise to any private right of action by the alien.

(b) Termination of Status.—

(1) In general.—The Secretary of Homeland Security shall terminate the conditional permanent resident status of any alien who obtained such status under this Act, if the Secretary determines that the alien—

(A) ceases to meet the requirements of subparagraph (B) or (C) of section 4(a)(1);

(B) has become a public charge; or

(C) has received a dishonorable or other than honorable discharge from the uniformed services.

(2) Return to previous immigration status.—Any alien whose conditional permanent resident status is terminated under paragraph (1) shall return to the immigration status the alien had immediately prior to receiving conditional permanent resident status under this Act.

(c) Requirements of Timely Petition for Removal of Condition.—

(1) In general.—In order for the conditional basis of permanent resident status obtained by an alien under subsection (a) to be removed, the alien must file with the Secretary of Homeland Security, in accordance with paragraph (3), a petition which requests the removal of such conditional basis and which provides, under penalty of perjury, the facts and information so that the Secretary may make the determination described in paragraph (2)(A).

(2) Adjudication of petition to remove condition.—

(A) In general.—If a petition is filed in accordance with paragraph (1) for an alien, the Secretary of Homeland Security shall make a determination as to whether the alien meets the requirements set out in subparagraphs (A) through (E) of subsection (d)(1).

(B) Removal of conditional basis if favorable determination.—If the Secretary determines that the alien meets such requirements, the Secretary shall notify the alien of such determination and immediately remove the conditional basis of the status of the alien.

(C) Termination if adverse determination.—If the Secretary determines that the alien does not meet such requirements, the Secretary shall notify the alien of such determination and terminate the conditional permanent resident status of the alien as of the date of the determination.

(3) Time to file petition.—An alien may petition to remove the conditional basis to lawful resident status during the period beginning 180 days before and ending 2 years after either the date that is 6 years after the date of the granting of conditional permanent resident status or any other expiration date of the conditional permanent resident status as extended by the Secretary of Homeland Security in accordance with this Act. The alien shall be deemed in conditional permanent resident status in the United States during the period in which the petition is pending.

(d) Details of Petition.—

(1) Contents of petition.—Each petition for an alien under subsection (c)(1) shall contain information to permit the Secretary of Homeland Security to determine whether each of the following requirements is met:

(A) The alien has demonstrated good moral character during the entire period the alien has been a conditional permanent resident.

(B) The alien is in compliance with section 4(a)(1)(C).

(C) The alien has not abandoned the alien's residence in the United States. The Secretary shall presume that the alien has abandoned such residence if the alien is absent from the United States for more than 365 days, in the aggregate, during the period of conditional residence, unless the alien demonstrates that alien has not abandoned the alien's residence. An alien who is absent from the United States due to active service in the uniformed services has not abandoned the alien's residence in the United States during the period of such service.

(D) The alien has completed at least 1 of the following:

(i) The alien has acquired a degree from an institution of higher education in the United States or has completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States.

(ii) The alien has served in the uniformed services for at least 2 years and, if discharged, has received an honorable discharge.

(E) The alien has provided a list of all of the secondary educational institutions that the alien attended in the United States.

(2) Hardship exception.—

(A) In general.—The Secretary of Homeland Security may, in the Secretary's discretion, remove the conditional status of an alien if the alien—

(i) satisfies the requirements of subparagraphs (A), (B), and (C) of paragraph (1);

(ii) demonstrates compelling circumstances for the inability to complete the requirements described in paragraph (1)(D); and

(iii) demonstrates that the alien's removal from the United States would result in exceptional and extremely unusual hardship to the alien or the alien's spouse, parent, or child who is a citizen or a lawful permanent resident of the United States.

(B) Extension.—Upon a showing of good cause, the Secretary of Homeland Security may extend the period of the conditional resident status for the purpose of completing the requirements described in paragraph (1)(D).

(e) Treatment of Period for Purposes of Naturalization.—For purposes of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.), in the case of an alien who is in the United States as a lawful permanent resident on a conditional basis under this section, the alien shall be considered to have been admitted as an alien lawfully admitted for permanent residence and to be in the United States as an alien lawfully admitted to the United States for permanent residence. However, the conditional basis must be removed before the alien may apply for naturalization.

SEC. 6. RETROACTIVE BENEFITS UNDER THIS ACT.

If, on the date of enactment of this Act, an alien has satisfied all the requirements of subparagraphs (A) through (E) of section 4(a)(1) and section 5(d)(1)(D), the Secretary of Homeland Security may adjust the status of the alien to that of a conditional resident in accordance with section 4. The alien may petition for removal of such condition at the end of the conditional residence period in accordance with section 5(c) if the alien has met the requirements of subparagraphs (A), (B), and (C) of section 5(d)(1) during the entire period of conditional residence.

SEC. 7. EXCLUSIVE JURISDICTION.

(a) In General.—The Secretary of Homeland Security shall have exclusive jurisdiction to determine eligibility for relief under this Act, except where the alien has been placed into deportation, exclusion, or removal proceedings either prior to or after filing an application for relief under this Act, in which case the Attorney General shall have exclusive jurisdiction and shall assume all the powers and duties of the Secretary until proceedings are terminated, or if a final order of deportation, exclusion, or removal is entered the Secretary shall resume all powers and duties delegated to the Secretary under this Act.

(b) Stay of Removal of Certain Aliens Enrolled in Primary or Secondary School.—The Attorney General shall stay the removal proceedings of any alien who—

(1) meets all the requirements of subparagraphs (A), (B), (C), and (E) of section 4(a)(1);

(2) is at least 12 years of age; and

(3) is enrolled full time in a primary or secondary school.

(c) Employment.—An alien whose removal is stayed pursuant to subsection (b) may be engaged in employment in the United States, consistent with the Fair Labor Standards Act (29 U.S.C. 201 et seq.), and State and local laws governing minimum age for employment.

(d) Lift of Stay.—The Attorney General shall lift the stay granted pursuant to subsection (b) if the alien—

(1) is no longer enrolled in a primary or secondary school; or

(2) ceases to meet the requirements of subsection (b)(1).

SEC. 8. PENALTIES FOR FALSE STATEMENTS IN APPLICATION.

Whoever files an application for relief under this Act and willfully and knowingly falsifies, misrepresents, or conceals a material fact or makes any false or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any false or fraudulent statement or entry, shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

SEC. 9. CONFIDENTIALITY OF INFORMATION.

(a) Prohibition.—No officer or employee of the United States may—

(1) use the information furnished by the applicant pursuant to an application filed under this Act to initiate removal proceedings against any persons identified in the application;

(2) make any publication whereby the information furnished by any particular individual pursuant to an application under this Act can be identified; or

(3) permit anyone other than an officer or employee of the United States Government or, in the case of applications filed under this Act with a designated entity, that designated entity, to examine applications filed under this Act.

(b) REQUIRED DISCLOSURE.—The Attorney General or the Secretary of Homeland Security shall provide the information furnished under this section, and any other information derived from such furnished information, to—

(1) a duly recognized law enforcement entity in connection with an investigation or prosecution of an offense described in paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), when such information is requested in writing by such entity; or

(2) an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

(c) PENALTY.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

SEC. 10. EXPEDITED PROCESSING OF APPLICATIONS; PROHIBITION ON FEES.

Regulations promulgated under this Act shall provide that applications under this Act will be considered on an expedited basis and without a requirement for the payment by the applicant of any additional fee for such expedited processing.

SEC. 11. HIGHER EDUCATION ASSISTANCE.

Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), with respect to assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), an alien who adjusts status to that of a lawful permanent resident under this Act shall be eligible only for the following assistance under such title:

(1) Student loans under parts B, D, and E of such title IV (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.), subject to the requirements of such parts.

(2) Federal work-study programs under part C of such title IV (42 U.S.C. 2751 et seq.), subject to the requirements of such part.

(3) Services under such title IV (20 U.S.C. 1070 et seq.), subject to the requirements for such services.

SEC. 12. GAO REPORT.

Seven years after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives setting forth—

(1) the number of aliens who were eligible for cancellation of removal and adjustment of status under section 4(a);

(2) the number of aliens who applied for adjustment of status under section 4(a);

(3) the number of aliens who were granted adjustment of status under section 4(a); and

(4) the number of aliens whose conditional permanent resident status was removed under section 5.

By Mr. LEAHY (for himself, Mr. HATCH, Ms. MIKULSKI, Mr. DURBIN, Mr. DEWINE, Mr. BIDEN, Mrs. FEINSTEIN, Mr. FEINGOLD, Mr. SMITH, Mr. DODD, Mr. CHAMBLISS, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mrs. BOXER, Mr. WYDEN, Mr. NELSON of Florida, and Mr. CORZINE):

S. 2076. A bill to amend title 5, United States Code, to provide to assistant United States attorneys the same retirement benefits as are afforded to Federal law enforcement officers; to the Committee on Homeland Security and Governmental Affairs.

Mr. LEAHY. I am pleased to join with Senator HATCH in introducing the Assistant United States Attorney Retirement Benefit Equity Act of 2005. This bill was previously introduced in the 107th and 108th Congresses. A House companion bill, H.R. 3183, has already been introduced and currently has 43 bipartisan cosponsors.

Fairness is the driving force behind this legislation. The bill would correct an inequity that exists under current law, whereby AUSAs receive substantially less favorable retirement benefits than nearly all other people involved in the Federal criminal justice system. The bill would increase the retirement benefits given to AUSAs, as well as other designated attorneys employed by DOJ who act primarily as criminal prosecutors, by including them in the Civil Service Retirement System. This change would bring their retirement benefits inline with thousands of other employees involved in the Federal criminal justice system.

Enhanced retirement benefits will allow us to attract and retain the best and the brightest for these vital positions in Government. As a former prosecutor, I know that experienced prosecutors are needed to bring ever more sophisticated cases under increasingly complex federal criminal laws. The Government's success in combating the threats posed by organized crime, drug cartels, terrorist groups, and other sophisticated criminals depends upon representation by skilled, experienced litigators.

Because of the lure of higher salaries and benefits, the average assistant U.S. attorney remains with the Department of Justice only 8 years. The hours are long, the pay is low, and they place themselves in harm's way by prosecuting criminals. Surveys of assistant U.S. attorneys have shown that a fair retirement benefit is the foremost incentive that would increase their tenure with the Department of Justice. Creating an enticement for them to remain with the Department of Justice for the length of their careers would be a tremendous victory for the American people. This legislation would improve public safety for us all by ensuring a strong, knowledgeable, and experienced crop of prosecutors at the federal level.

I want to thank Senators HATCH, MIKULSKI, DURBIN, DEWINE, BIDEN, FEINSTEIN, FEINGOLD, SMITH, DODD, CHAMBLISS, ROCKEFELLER, LIEBERMAN, BOXER, WYDEN, NELSON, and CORZINE, for cosponsoring this important legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2076

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Assistant United States Attorney Retirement Benefit Equity Act of 2005".

SEC. 2. RETIREMENT TREATMENT OF ASSISTANT UNITED STATES ATTORNEYS.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—

(1) ASSISTANT UNITED STATES ATTORNEY DEFINED.—Section 8331 of title 5, United States Code, is amended—

(A) in paragraph (28), by striking "and" at the end;

(B) in the first paragraph (29), by striking the period and inserting a semicolon;

(C) in the second paragraph (29)—

(i) by striking "(29)" and inserting "(30)"; and

(ii) by striking the period and inserting "; and"; and

(D) by adding at the end the following:

"(31) 'assistant United States attorney' means—

"(A) an assistant United States attorney under section 542 of title 28; and

"(B) any other attorney employed by the Department of Justice occupying a position designated by the Attorney General upon finding that the position—

"(i) involves routine employee responsibilities that are substantially similar to those of assistant United States attorneys; and

"(ii) is critical to the Department's successful accomplishment of an important mission.".

(2) RETIREMENT TREATMENT.—Chapter 83 of title 5, United States Code, is amended by adding after section 8351 the following:

"§ 8352. Assistant United States attorneys

"Except as provided under the Assistant United States Attorneys Retirement Benefit Equity Act of 2005 (including the provisions relating to the non-applicability of mandatory separation requirements under section 8335(b) and 8425(b) of this title), an assistant United States attorney shall be treated in the same manner and to the same extent as a law enforcement officer for purposes of this chapter.".

(3) TECHNICAL AND CONFORMING AMENDMENTS.—(A) The table of sections for chapter 83 of title 5, United States Code, is amended by inserting after the item relating to section 8351 the following:

"8352. Assistant United States attorneys."

(B) Section 8335(a) of such title is amended by striking "8331(29)(A)" and inserting "8331(30)(A)".

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

(1) ASSISTANT UNITED STATES ATTORNEY DEFINED.—Section 8401 of title 5, United States Code, is amended—

(A) in paragraph (34), by striking "and" at the end;

(B) in paragraph (35), by striking the period and inserting "; and" ; and

(C) by adding at the end the following:

"(36) 'assistant United States attorney' means—

"(A) an assistant United States attorney under section 542 of title 28; and

"(B) any other attorney employed by the Department of Justice occupying a position designated by the Attorney General upon finding that the position—

"(i) involves routine employee responsibilities that are substantially similar to those of assistant United States attorneys; and

"(ii) is critical to the Department's successful accomplishment of an important mission.".

(2) RETIREMENT TREATMENT.—Section 8402 of title 5, United States Code, is amended by adding at the end the following:

"(h) Except as provided under the Assistant United States Attorneys Retirement Benefit Equity Act of 2005 (including the provisions relating to the non-applicability of mandatory separation requirements under section 8335(b) and 8425(b) of this title), an assistant United States attorney shall be treated in the same manner and to the same extent as a law enforcement officer for purposes of this chapter.".

(c) MANDATORY SEPARATION.—Sections 8335(b) and 8425(b) of title 5, United States Code, are amended by adding at the end the following: "The preceding provisions of this subsection shall not apply in the case of an assistant United States attorney as defined under section 8331(31) or 8401(36).".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first applicable pay period beginning on or after 120 days after the date of enactment of this Act.

SEC. 3. PROVISIONS RELATING TO INCUMBENTS.

(a) DEFINITIONS.—In this section—

(1) the term "assistant United States attorney" means—

(A) an assistant United States attorney under section 542 of title 28, United States Code; and

(B) any other attorney employed by the Department of Justice occupying a position designated by the Attorney General upon finding that the position—

(i) involves routine employee responsibilities that are substantially similar to those of assistant United States attorneys; and

(ii) is critical to the Department's successful accomplishment of an important mission; and

(2) the term "incumbent" means an individual who is serving as an assistant United States attorney on the effective date of this section.

(b) DESIGNATED ATTORNEYS.—If the Attorney General makes any designation of an attorney to meet the definition under subsection (a)(1)(B) for purposes of being an incumbent under this section—

(1) such designation shall be made before the effective date of this section; and

(2) the Attorney General shall submit to the Office of Personnel Management before that effective date—

(A) the name of the individual designated; and

(B) the period of service performed by that individual as an assistant United States attorney before that effective date.

(c) NOTICE REQUIREMENT.—Not later than 9 months after the date of enactment of this Act, the Department of Justice shall take measures reasonably designed to provide notice to incumbents on—

(1) their election rights under this Act; and

(2) the effects of making or not making a timely election under this Act.

(d) ELECTION AVAILABLE TO INCUMBENTS.—

(1) IN GENERAL.—An incumbent may elect, for all purposes, to be treated—

(A) in accordance with the amendments made by this Act; or

(B) as if this Act had never been enacted.

(2) FAILURE TO ELECT.—Failure to make a timely election under this subsection shall be treated in the same way as an election under paragraph (1)(A), made on the last day allowable under paragraph (3).

(3) TIME LIMITATION.—An election under this subsection shall not be effective unless the election is made not later than the earlier of—

(A) 120 days after the date on which the notice under subsection (c) is provided; or

(B) the date on which the incumbent involved separates from service.

(e) LIMITED RETROACTIVE EFFECT.—

(1) EFFECT ON RETIREMENT.—In the case of an incumbent who elects (or is deemed to have elected) the option under subsection (d)(1)(A), all service performed by that individual as an assistant United States attorney and, with respect to (B) below, including any service performed by such individual pursuant to an appointment under sections 515, 541, 543, and 546 of title 28, United States Code, shall—

(A) to the extent performed on or after the effective date of that election, be treated in accordance with applicable provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code, as amended by this Act; and

(B) to the extent performed before the effective date of that election, be treated in accordance with applicable provisions of subchapter III of chapter 83 or chapter 84 of such title, as if the amendments made by this Act had then been in effect.

(2) NO OTHER RETROACTIVE EFFECT.—Nothing in this Act (including the amendments made by this Act) shall affect any of the terms or conditions of an individual's employment (apart from those governed by subchapter III of chapter 83 or chapter 84 of title 5, United States Code) with respect to any period of service preceding the date on which such individual's election under subsection (d) is made (or is deemed to have been made).

(f) INDIVIDUAL CONTRIBUTIONS FOR PRIOR SERVICE.—

(1) IN GENERAL.—An individual who makes an election under subsection (d)(1)(A) shall, with respect to prior service performed by such individual, deposit, with interest, to the Civil Service Retirement and Disability Fund the difference between the individual contributions that were actually made for such service and the individual contributions that would have been made for such service if the amendments made by section 2 of this Act had then been in effect.

(2) EFFECT OF NOT CONTRIBUTING.—If the deposit required under paragraph (1) is not paid, all prior service of the incumbent shall remain fully creditable as law enforcement officer service, but the resulting annuity shall be reduced in a manner similar to that described in section 8334(d)(2)(B) of title 5, United States Code. This paragraph shall not apply in the case of a disability annuity.

(3) PRIOR SERVICE DEFINED.—For purposes of this section, the term "prior service" means, with respect to any individual who makes an election (or is deemed to have made an election) under subsection (d)(1)(A), all service performed as an assistant United States attorney, but not exceeding 20 years, performed by such individual before the date as of which applicable retirement deductions begin to be made in accordance with such election.

(g) REGULATIONS.—Except as provided under section 4, the Office of Personnel Management shall prescribe regulations necessary to carry out this Act, including provisions under which any interest due on the amount described under subsection (e) shall be determined.

(h) EFFECTIVE DATE.—This section shall take effect 120 days after the date of enactment of this Act.

SEC. 4. DEPARTMENT OF JUSTICE ADMINISTRATIVE ACTIONS.

(a) REGULATIONS.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Attorney General, in consultation with the Office of Personnel Management, shall promulgate regulations for designating attorneys described under section 3(a)(1)(B).

(2) CONTENTS.—Any regulation promulgated under paragraph (1) shall ensure that attorneys designated as assistant United States attorneys described under section 3(a)(1)(B) have routine employee responsibilities that are substantially similar to those of assistant United States attorneys.

(b) DESIGNATIONS.—The designation of any attorney as an assistant United States attorney described under section 3(a)(1)(B) shall be at the discretion of the Attorney General.

By Mr. McCAIN:

S. 2078. A bill to amend the Indian Gaming Regulatory Act to clarify the authority of the National Indian Gaming Commission to regulate class III gaming, to limit the lands eligible for gaming, and for other purposes; to the Committee on Indian Affairs.

Mr. McCAIN. Mr. President, I am introducing today a bill to amend regulatory provisions of the Indian Gaming Regulatory Act (IGRA). The bill clarifies that the National Indian Gaming Commission (NIGC) has authority to promulgate and enforce Minimum Internal Control Standards as to Class III gaming; grants the NIGC Chairman authority to approve contracts, and expands contract approval to include contracts not only for management contracts but also for gaming operation development contracts and consulting services, as well as for any contract the fees for which are to be paid as a percentage of gaming revenue; tightens restrictions on off-reservation gaming; gives the NIGC authority to issue complaints against any individual or entity, not just against tribes or management contractors, that violate IGRA or federal regulations; and requires all tribes to pay fees to the NIGC.

When IGRA was enacted in 1988, Indian gaming was a $200 million dollar industry. Today, the industry earns $19 billion a year and is spread throughout the nation. The amendments reflect the need to re-evaluate what constitutes appropriate regulation of this vastly changed enterprise. I have always been and continue to be a supporter of the rights of Indian tribes to conduct gaming, a right guaranteed by the Supreme Court in the California v. Cabazon decision and codified in IGRA, but I also continue to believe that effective regulation of these enterprises are critical to tribes' continued success.

Ensuring that the NIGC is able to continue its oversight of Class III gaming is necessary to this effective regulation. On August 24, 2005, the U.S. District Court for the District of Columbia issued its decision in Colorado River Indian Tribes v. NIGC ("CRIT"), ruling that the National Indian Gaming Commission (NIGC) did not have jurisdiction to issue Class III Minimum Internal Controls Standards (MICS). These standards regulate day-to-day operations of gaming operations. Specifically, they provide rules that designate how cash is handled by the gaming operation, prescribe surveillance over game play, and provide auditing procedures.

Until the Court's decision, the NIGC had been regulating Class III gaming through MICS since 1999. The regulations applied both to Class II gaming—that is, bingo and games similar to bingo—and to Class III gaming—including slot machines and table games—which represents the largest source of revenue in Indian gaming. Following to CRIT decision this summer, however, some tribes have challenged NIGC's authority to issue or enforce the MICS. Although without NIGC authority, oversight of Class III gaming may be provided by tribal-State compacts, States' roles in enforcement varies widely and many have left such regulation to NIGC. In a Nationwide industry, uniform federal minimum internal control standards are appropriate. This amendment makes clear that NIGC continues to have the authority it has exercised until now to issue and enforce MICS, including the ability to inspect facilities and audit premises in order to assure compliance.

Protecting the integrity of Indian gaming also requires that the NIGC's authority to review manager contracts be expanded. IGRA originally identified only one kind of contract that was subject to NIGC approval: management contracts. History has shown, however, that in order to avoid NIGC review, some contracts have been fashioned as "consulting" contracts or "development" contracts, i.e., something other than "management" contracts that require NIGC review. In these cases, tribes run the risk that contractors will enforce unfair contract terms, and tribes and patrons run the risk that the tribe will contract with unsuitable partners. This amendment extends NIGC approval to all significant gaming operation related contracts so that the Indian gaming industry remains, as far as possible, free from unscrupulous and unsuitable contractors.

Related to protecting the integrity of Indian gaming is the issue of off-reservation gaming. When enacted in 1988, IGRA generally banned Indian gaming that was not located on reservations, however, in the interest of fairness, several exceptions to this ban were provided. Exploitation of these exceptions, not anticipated at the time IGRA was enacted, has led to a burgeoning practice by unscrupulous developers seeking to profit off Indian tribes desperate for economic development. Predictably, these ill-advised deals have invited a backlash against Indian gaming generally. These amendments to IGRA will put an end to the most troublesome of these proposals by eliminating the authority of the Secretary to take land into trust off-reservation pursuant to the so-called "two-part determination" provisions of Section 20.

In addressing concerns about other exceptions in Section 20 for land claims, initial reservations and restored reservations, these amendments strike a balance by curbing potential abuses of these exceptions, while not unfairly penalizing those who lost their lands through no fault of their own, or even had them taken illegally—often by force. Thus, newly recognized and restored tribes may still obtain lands, and conduct gaming on them, but such lands must be in the area where the particular tribe has its most significant ties. This has been the case for most newly recognized and restored tribes, and surely is not unfair to impose on all similarly situated tribes. For tribes that successfully reclaim lands taken illegally and want to conduct gaming on them, these amendments will require congressional confirmation and the lands must be within the state where the tribe has or had its last reservation. This provision does not impair any tribe's legal rights to reclaim lands, but will discourage attempts by creative non-Indian developers to turn a tribe's legal rights into a form of extortion.

Ensuring that penalties are appropriate and can be brought against the responsible party is another means of protecting the integrity of Indian gaming. To this end the bill clarifies that civil penalties can be imposed on any violator of IGRA, not just Indian tribes or management contractors.

Finally, this bill will ensure fairness in the regulation of Indian gaming by assuring that all tribes bear their appropriate share of the cost of regulation so that the industry, as a whole, continues to prosper. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2078

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Gaming Regulatory Act Amendments of 2005".

SEC. 2. DEFINITIONS.

Section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703) is amended—

(1) in paragraph (7)(E), by striking "of the Indian Gaming Regulatory Act (25 U.S.C. 2710(d)(3))"; and

(2) by adding at the end the following:

"(11) GAMING-RELATED CONTRACT.—The term 'gaming-related contract' means—

"(A) a contract or other agreement relating to the management and operation of an Indian tribal gaming activity, including a contract for services under which the gaming-related contractor—

"(i) exercises material control over the gaming activity (or any part of the gaming activity); or

"(ii) advises or consults with a person that exercises material control over the gaming activity (or any part of the gaming activity);

"(B) an agreement relating to the development or construction of a facility to be used for an Indian tribal gaming activity (including a facility that is ancillary to such an activity) the cost of which is greater than $250,000; or

"(C) an agreement that provides for compensation or fees based on a percentage of the net revenues of an Indian tribal gaming activity.

"(12) GAMING-RELATED CONTRACTOR.—The term 'gaming-related contractor' means an entity or an individual, including an individual who is an officer, or who serves on the board of directors, of an entity, or a stockholder that directly or indirectly holds at least 5 percent of the issued and outstanding stock of an entity, that enters into a gaming-related contract with—

"(A) an Indian tribe; or

"(B) an agent of an Indian tribe.

"(13) MATERIAL CONTROL.—The term 'material control', with respect to a gaming activity, means the exercise of authority or supervision over a matter that substantially affects a financial or management aspect of an Indian tribal gaming activity.".

SEC. 3. NATIONAL INDIAN GAMING COMMISSION.

Section 5 of the Indian Gaming Regulatory Act (25 U.S.C. 2704) is amended—

(1) in subsection (c)—

(A) by striking "(c) Vacancies" and inserting the following:

"(c) VACANCIES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a vacancy";

(B) by striking the second sentence and inserting the following:

"(3) EXPIRATION OF TERM.—Unless a member has been removed for cause under subsection (b)(6), the member may—

"(A) serve after the expiration of the term of office of the member until a successor is appointed; or

"(B) be reappointed to serve on the Commission."; and

(C) by inserting after paragraph (1) (as designated by subparagraph (A)) the following:

"(2) VICE CHAIRMAN.—The Vice Chairman shall act as Chairman in the absence or disability of the Chairman."; and

(2) in subsection (e), in the second sentence, by inserting "or disability" after "in the absence".

SEC. 4. POWERS OF THE CHAIRMAN.

Section 6 of the Indian Gaming Regulatory Act (25 U.S.C. 2705) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by striking "and" at the end;

(B) by striking paragraph (4) and inserting the following:

"(4) approve gaming-related contracts for class II gaming and class III gaming under section 12; and"; and

(C) by adding at the end the following:

"(5) conduct a background investigation and make a determination with respect to the suitability of a gaming-related contractor, as the Chairman determines to be appropriate."; and

(2) by adding at the end the following:

"(c) DELEGATION OF AUTHORITY.—

"(1) IN GENERAL.—The Chairman may delegate any authority under this section to any member of the Commission, as the Chairman determines to be appropriate.

"(2) REQUIREMENT.—In carrying out an activity pursuant to a delegation under paragraph (1), a member of the Commission shall be subject to, and act in accordance with—

"(A) the general policies formally adopted by the Commission; and

"(B) the regulatory decisions, findings, and determinations of the Commission pursuant to Federal law.".

SEC. 5. POWERS OF THE COMMISSION.

Section 7(b) of the Indian Gaming Regulatory Act (25 U.S.C. 2706(b)) is amended—

(1) in paragraphs (1) and (4), by inserting "and class III gaming" after "class II gaming" each place it appears;

(2) in paragraph (2), by inserting "or class III gaming" after "class II gaming"; and

(3) in paragraph (10), by inserting ", including regulations addressing minimum internal control standards for class II gaming and class III gaming activities" before the period at the end.

SEC. 6. COMMISSION STAFFING.

(a) GENERAL COUNSEL.—Section 8(a) of the Indian Gaming Regulatory Act (25 U.S.C. 2707(a)) is amended by striking "basic" and all that follows through the end of the subsection and inserting the following: "pay payable for level IV of the Executive Schedule under chapter 11 of title 2, United States Code, as adjusted by section 5318 of title 5, United States Code.".

(b) OTHER STAFF.—Section 8(b) of the Indian Gaming Regulatory Act (25 U.S.C. 2707(b)) is amended by striking "basic" and all that follows through the end of the subsection and inserting the following: "pay payable for level IV of the Executive Schedule under chapter 11 of title 2, United States Code, as adjusted by section 5318 of title 5, United States Code.".

(c) TEMPORARY AND INTERMITTENT SERVICES.—Section 8(c) of the Indian Gaming Regulatory Act (25 U.S.C. 2707(c)) is amended by striking "basic" and all that follows through the end of the subsection and inserting the following: "pay payable for level IV of the Executive Schedule under chapter 11 of title 2, United States Code, as adjusted by section 5318 of title 5, United States Code.".

SEC. 7. TRIBAL GAMING ORDINANCES.

Section 11 of the Indian Gaming Regulatory Act (25 U.S.C. 2710) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A), by striking ", and" and inserting "; and";

(B) in paragraph (2)(F)—

(i) by striking clause (i) and inserting the following:

"(i) ensures that background investigations and ongoing oversight activities are conducted with respect to—

"(I) tribal gaming commissioners and key tribal gaming commission employees, as determined by the Chairman;

"(II) primary management officials and other key employees of the gaming enterprise, as determined by the Chairman; and

"(III) any person that is a party to a gaming-related contract; and"; and

(ii) in clause (ii)(I), by striking "primary" and all that follows through "with" and inserting "the individuals and entities described in clause (i), including";

(C) in paragraph (3)—

(i) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(ii) by striking subparagraph (B) and inserting the following:

"(B) the plan is approved by the Secretary after the Secretary determines that—

"(i) the plan is consistent with the uses described in paragraph (2)(B);

"(ii) the plan adequately addresses the purposes described in clauses (i) and (iii) of paragraph (2)(B); and

"(iii) a per capita payment is a reasonable method of providing for the general welfare of the Indian tribe and the members of the Indian tribe;

"(C) the Secretary determines that the plan provides an adequate mechanism for the monitoring and enforcement, by the Secretary and the Chairman, of the compliance of the plan (including any amendment, revision, or rescission of any part of the plan);"; and

(D) in paragraph (4)(B)(i)—

(i) in subclause (I), by striking "of the Act," and inserting a semicolon;

(ii) in subclause (II), by striking "of this subsection" and inserting a semicolon;

(iii) in subclause (III), by striking ", and" and inserting "; and"; and

(iv) in subclause (IV), by striking "National Indian Gaming";

(2) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) in clause (i), by striking "lands," and inserting "lands;";

(II) in clause (ii), by striking ", and" and inserting "; and"; and

(III) in clause (iii), by striking the comma at the end and inserting a semicolon; and

(ii) in subparagraph (B), by striking ", and" and inserting "; and";

(B) in paragraph (2)—

(i) in subparagraph (B)(i), by striking ", or" and inserting "; or"; and

(ii) in subparagraph (D)(iii)(I), by striking ", and" and inserting "; and";

(C) in paragraph (7)(B)—

(i) in clause (ii)(I), by striking ", and" and inserting "; and";

(ii) in clause (iii)(I), by striking ", and" and inserting "; and"; and

(iii) in clause (vii)(I), by striking ", and" and inserting "; and";

(D) in paragraph (8)(B)—

(i) in clause (i), by striking the comma at the end and inserting a semicolon; and

(ii) in clause (ii), by striking ", or" and inserting "; or"; and

(E) by striking paragraph (9); and

(3) by adding at the end the following:

"(f) PROVISION OF INFORMATION TO CHAIRMAN.—Immediately after approving a plan (including any amendment, revision, or recision of any part of a plan) under subsection (b)(3), the Secretary shall provide to the Chairman—

"(1) a notice of the approval; and

"(2) any information used by the Secretary in approving the plan.".

SEC. 8. GAMING-RELATED CONTRACTS.

Section 12 of the Indian Gaming Regulatory Act (25 U.S.C. 2711) is amended to read as follows:

"SEC. 12. GAMING-RELATED CONTRACTS.

"(a) IN GENERAL.—To be enforceable under this Act, a gaming-related contract shall be—

"(1) in writing; and

"(2) approved by the Chairman under subsection (c).

"(b) CONTRACT REQUIREMENTS.—

"(1) IN GENERAL.—A gaming-related contract under this Act shall provide for the Indian tribe, at a minimum, provisions relating to—

"(A) accounting and reporting procedures, including, as appropriate, provisions relating to verifiable financial reports;

"(B) the access required to ensure proper performance of the gaming-related contract, including access to, with respect to a gaming activity—

"(i) daily operations;

"(ii) real property;

"(iii) equipment; and

"(iv) any other tangible or intangible property used to carry out the activity;

"(C) assurance of performance of each party to the gaming-related contract, including the provision of bonds under subsection (d), as the Chairman determines to be necessary; and

"(D) the reasons for, and method of, terminating the gaming-related contract.

"(2) TERM.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term of a gaming-related contract shall not exceed 5 years.

"(B) EXCEPTION.—Notwithstanding subparagraph (A), a gaming-related contract may have a term of not to exceed 7 years if—

"(i) the Indian tribal party to the gaming-related contract submits to the Chairman a request for such a term; and

"(ii) the Chairman determines that the term is appropriate, taking into consideration the circumstances of the gaming-related contract.

"(3) FEES.—

"(A) IN GENERAL.—Notwithstanding the payment terms of a gaming-related contract, and except as provided in subparagraph (B), the fee of a gaming-related contractor or beneficiary of a gaming-related contract shall not exceed an amount equal to 30 percent of the net revenues of the gaming operation that is the subject of the gaming-related contract.

"(B) EXCEPTION.—The fee of a gaming-related contractor or beneficiary of a gaming-related contract may be in an amount equal to not more than 40 percent of the net revenues of the gaming operation that is the subject of the gaming-related contract if the Chairman determines that such a fee is appropriate, taking into consideration the circumstances of the gaming-related contract.

"(c) APPROVAL BY CHAIRMAN.—

"(1) GAMING-RELATED CONTRACTS.—

"(A) IN GENERAL.—An Indian tribe shall submit each gaming-related contract of the tribe to the Chairman for approval by not later than the earlier of—

"(i) the date that is 90 days after the date on which the gaming-related contract is executed; or

"(ii) the date that is 90 days before the date on which the gaming-related contract is scheduled to be completed.

"(B) FACTORS FOR CONSIDERATION.—In determining whether to approve a gaming-related contract under this subsection, the Chairman may take into consideration any information relating to the terms, parties, and beneficiaries of—

"(i) the gaming-related contract; and

"(ii) any other agreement relating to the Indian gaming activity, as determined by the Chairman.

"(C) DEADLINE FOR DETERMINATION.—

"(i) IN GENERAL.—The Chairman shall approve or disapprove a gaming-related contract under this subsection by not later than 90 days after the date on which the Chairman makes a determination regarding the suitability of each gaming-related contractor under paragraph (2).

"(ii) EXPEDITED REVIEW.—

"(I) IN GENERAL.—If each gaming-related contractor has been determined by the Chairman to be suitable under paragraph (2) on or before the date on which the gaming-related contract is submitted to the Chairman, the Chairman shall approve or disapprove the gaming-related contract by not later than 30 days after the date on which the gaming-related contract is submitted.

"(II) FAILURE TO DETERMINE.—If the Chairman fails to make a determination by the date described in subclause (I), a gaming-related contract described in that subclause shall be considered to be approved.

"(III) AMENDMENTS.—The Chairman may require the parties to a gaming-related contract considered to be approved under subclause (II) to amend the gaming-related contract, as the Chairman considers to be appropriate to meet the requirements under subsection (b).

"(iii) EARLY OPERATION.—

"(I) IN GENERAL.—On approval of the Chairman under subclause (II), a gaming-related contract may be carried out before the date on which the gaming-related contract is approved by the Chairman under clause (i).

"(II) APPROVAL BY CHAIRMAN.—The Chairman may approve the early operation of a gaming-related contract under subclause (I) if the Chairman determines that—

"(aa) adequate bonds have been provided under paragraph (2)(G)(iii) and subsection (d); and

"(bb) the gaming-related contract will be amended as the Chairman considers to be appropriate to meet the requirements under subsection (b).

"(D) REQUIREMENTS FOR DISAPPROVAL.—The Chairman shall disapprove a gaming-related contract under this subsection if the Chairman determines that—

"(i) the gaming-related contract fails to meet any requirement under subsection (b);

"(ii) a gaming-related contractor is unsuitable under paragraph (2);

"(iii) a gaming-related contractor or beneficiary of the gaming-related contract—

"(I) unduly interfered with or influenced, or attempted to interfere with or influence, a decision or process of an Indian tribal government relating to the gaming activity for the benefit of the gaming-related contractor or beneficiary; or

"(II) deliberately or substantially failed to comply with—

"(aa) the gaming-related contract; or

"(bb) a tribal gaming ordinance or resolution adopted and approved pursuant to this Act;

"(iv) the Indian tribe with jurisdiction over the Indian lands on which the gaming activity is located will not receive the primary benefit as sole proprietor of the gaming activity, taking into consideration any agreement relating to the gaming activity;

"(v) a trustee would disapprove the gaming-related contract, in accordance with the duties of skill and diligence of the trustee, because the compensation or fees under the gaming-related contract do not bear a reasonable relationship to the cost of the goods or the benefit of the services provided under the gaming-related contract; or

"(vi) a person or an Indian tribe would violate this Act—

"(I) on approval of the gaming-related contract; or

"(II) in carrying out the gaming-related contract.

"(2) GAMING-RELATED CONTRACTORS.—

"(A) IN GENERAL.—Not later than 90 days after the date on which the Chairman receives a gaming-related contract, the Chairman shall make a determination regarding the suitability of each gaming-related contractor to carry out any gaming activity that is the subject of the gaming-related contract.

"(B) REQUIREMENTS.—The Chairman shall make a determination under subparagraph (A) that a gaming-related contractor is unsuitable if, as determined by the Chairman—

"(i) the gaming-related contractor—

"(I) is an elected member of the governing body of an Indian tribe that is a party to the gaming-related contract;

"(II) has been convicted of—

"(aa) a felony; or

"(bb) any offense relating to gaming;

"(III)(aa) knowingly and willfully provided any materially important false statement or other information to the Commission or an Indian tribe that is a party to the gaming-related contract; or

"(bb) failed to respond to a request for information under this Act;

"(IV) poses a threat to the public interest or the effective regulation or conduct of gaming under this Act, taking into consideration the behavior, criminal record, reputation, habits, and associations of the gaming-related contractor;

"(V) unduly interfered, or attempted to unduly interfere, with any determination or governing process of the governing body of an Indian tribe relating to a gaming activity, for the benefit of the gaming-related contractor; or

"(VI) deliberately or substantially failed to comply with the terms of—

"(aa) the gaming-related contract; or

"(bb) a tribal gaming ordinance or resolution approved and adopted under this Act; or

"(ii) a trustee would determine that the gaming-related contractor is unsuitable, in accordance with the duties of skill and diligence of the trustee.

"(C) FAILURE TO DETERMINE.—If the Chairman fails to make a suitability determination with respect to a gaming-related contractor by the date described in subparagraph (A), each gaming-related contractor shall be considered to be suitable to carry out the gaming activity that is the subject of the applicable gaming-related contract.

"(D) REVOCATION.—At any time, based on a showing of good cause, the Chairman may—

"(i) make a determination that a gaming-related contractor is unsuitable under this subsection; or

"(ii) revoke a suitability determination under this subsection.

"(E) TEMPORARY SUITABILITY.—

"(i) IN GENERAL.—For purposes of meeting a deadline under paragraph (1)(C), the Chairman may determine that a gaming-related contractor is temporarily suitable if—

"(I) the Chairman determined the gaming-related contractor to be suitable with respect to another gaming-related contract being carried out on the date on which the Chairman makes a determination under this paragraph; and

"(II) the gaming-related contractor has not otherwise been determined to be unsuitable by the Chairman.

"(ii) FINAL DETERMINATION.—The Chairman shall make a suitability determination with respect to a gaming-related contractor that is the subject of a temporary suitability determination under clause (i) by the date described in subparagraph (A), in accordance with subparagraph (F).

"(F) UPDATING DETERMINATIONS.—The Chairman, as the Chairman determines to be appropriate, may limit an investigation of the suitability of a gaming-related contractor that—

"(i) has been determined to be suitable by the Chairman with respect to another gaming-related contract being carried out on the date on which the Chairman makes a determination under this paragraph; and

"(ii) certifies to the Chairman that the information provided during a preceding suitability determination has not materially changed.

"(G) RESPONSIBILITY OF GAMING-RELATED CONTRACTOR.—A gaming-related contractor shall—

"(i) pay the costs of any investigation activity of the Chairman in carrying out this paragraph;

"(ii) provide to the Chairman a notice of any change in information provided during a preceding investigation on discovery of the change; and

"(iii) during an investigation of suitability under this paragraph, provide to the Chairman such bonds under subsection (d) as the Chairman determines to be appropriate to shield an Indian tribe from liability resulting from an action of the gaming-related contractor.

"(H) REGISTRY.—The Chairman shall establish and maintain a registry of each suitability determination made under this paragraph.

"(3) ADDITIONAL REVIEWS.—Notwithstanding an approval under paragraph (1), or a determination of suitability under paragraph (2), if the Chairman determines that a gaming-related contract, or any party to such a contract, is in violation of this Act, the Chairman may—

"(A) suspend performance under the gaming-related contract;

"(B) require the parties to amend the gaming-related contract; or

"(C) revoke a determination of suitability under paragraph (2)(D).

"(4) TERMINATION.—Termination of a gaming-related contract shall not require the approval of the Chairman.

"(d) BONDS.—

"(1) IN GENERAL.—The Chairman may require a gaming-related contractor to provide to the Chairman a bond to ensure the performance of the gaming-related contractor under a gaming-related contract.

"(2) REGULATIONS.—The Chairman, by regulation, shall establish the amount of a bond required under this subsection.

"(3) METHOD OF PAYMENT.—A bond under this subsection may be provided—

"(A) in cash or negotiable securities;

"(B) through a surety bond guaranteed by a guarantor acceptable to the Chairman; or

"(C) through an irrevocable letter of credit issued by a banking institution acceptable to the Chairman.

"(4) USE OF BONDS.—The Chairman shall use a bond provided under this subsection to pay the costs of a failure of the gaming-related contractor that provided the bond to perform under a gaming-related contract.

"(e) APPEAL OF DETERMINATION.—

"(1) IN GENERAL.—An Indian tribe or a gaming-related contractor may submit to the Commission a request for an appeal of a determination of the Chairman under subsection (c) or (d).

"(2) DETERMINATION OF COMMISSION.—

"(A) HEARINGS.—The Commission shall schedule a hearing relating to an appeal under paragraph (1) by not later than 30 days after the date on which a request for the appeal is received.

"(B) DEADLINE FOR DETERMINATION.—The Commission shall make a determination, by majority vote of the Commission, relating to an appeal under this subsection by not later than 5 days after the date of the hearing relating to the appeal under subparagraph (A).

"(C) CONCURRENCE.—If the Commission concurs with a determination of the Chairman under this subsection, the determination shall be considered to be a final agency action.

"(D) Dissent.—

"(i) In general.—If the Commission dissents from a determination of the Chairman under this subsection, the Chairman may—

"(I) rescind the determination of the Chairman; or

"(II) on a finding of immediate and irreparable harm to the Indian tribe that is the subject of the determination, maintain the determination.

"(ii) Final agency action.—A decision by the Chairman to maintain a determination under clause (i)(II) shall be considered to be a final agency action.

"(3) Appeal of commission determination.—An Indian tribe, a gaming-related contractor, or a beneficiary of a gaming-related contract may appeal a determination of the Commission under paragraph (2) to the United States District Court for the District of Columbia.

"(f) Conveyance of Real Property.—No gaming-related contract under this Act shall transfer or otherwise convey any interest in land or other real property unless the transfer or conveyance—

"(1) is authorized under law; and

"(2) is specifically described in the gaming-related contract.

"(g) Contract Authority.—The authority of the Secretary under section 2103 of the Revised Statutes (25 U.S.C. 81) relating to contracts under this Act is transferred to the Commission.

"(h) No Effect on Tribal Authority.—This section does not expand, limit, or otherwise affect the authority of any Indian tribe or any party to a Tribal-State compact to investigate, license, or impose a fee on a gaming-related contractor.".

SEC. 9. CIVIL PENALTIES.

Section 14 of the Indian Gaming Regulatory Act (25 U.S.C. 2713) is amended—

(1) by striking the section designation and heading and all that follows through subsection (a) and inserting the following:

"SEC. 14. CIVIL PENALTIES.

"(a) Penalties.—

"(1) Violation of act.—

"(A) In general.—An Indian tribe, individual, or entity that violates any provision of this Act (including any regulation of the Commission and any Indian tribal regulation, ordinance, or resolution approved under section 11 or 13) in carrying out a gaming-related contract may be subject to, as the Chairman determines to be appropriate—

"(i) an appropriate civil fine, in an amount not to exceed $25,000 per violation per day; or

"(ii) an order of the Chairman for an accounting and disgorgement, including interest.

"(B) Application to indian tribes.—An Indian tribe shall not be subject to disgorgement under subparagraph (A)(ii) unless the Chairman determines that the Indian tribe grossly violated a provision of this Act.

"(2) Appeals.—The Chairman shall provide, by regulation, an opportunity to appeal a determination relating to a violation under paragraph (1).

"(3) Written complaints.—

"(A) In general.—If the Commission has reason to believe that an Indian tribe or a party to a gaming-related contract may be subject to a penalty under paragraph (1), the final closure of an Indian gaming activity, or a modification or termination order relating to the gaming-related contract, the Chairman shall provide to the Indian tribe or party a written complaint, including—

"(i) a description of any act or omission that is the basis of the belief of the Commission; and

"(ii) a description of any action being considered by the Commission relating to the act or omission.

"(B) Requirements.—A written complaint under subparagraph (A)—

"(i) shall be written in common and concise language;

"(ii) shall identify any statutory or regulatory provision relating to an alleged violation by the Indian tribe or party; and

"(iii) shall not be written only in statutory or regulatory language.";

(2) in subsection (b)—

(A) by striking "(b)(1) The Chairman" and inserting the following:

"(b) Temporary Closures.—

"(1) In general.—The Chairman";

(B) in paragraph (1)—

(i) by striking "Indian game" and inserting "Indian gaming activity, or any part of such a gaming activity,"; and

(ii) by striking "section 11 or 13 of this Act" and inserting "section 11 or 13"; and

(C) in paragraph (2)—

(i) by striking "(2) Not later than thirty" and inserting the following:

"(2) Hearings.—

"(A) In general.—Not later than 30";

(ii) in subparagraph (A) (as designating by clause (i))—

(I) by striking "management contractor" and inserting "party to a gaming-related contract"; and

(II) by striking "permanent" and inserting "final"; and

(iii) in the second sentence—

(I) by striking "Not later than sixty" and inserting the following:

"(B) Determination of commission.—Not later than 60"; and

(II) by striking "permanent" and inserting "final";

(3) in subsection (c), by striking "(c) A decision" and inserting the following:

"(c) Appeal of Final Determinations.—A determination"; and

(4) in subsection (d), by striking "(d) Nothing" and inserting the following:

"(d) Effect on Regulatory Authority of Indian Tribes.—Nothing".

SEC. 10. GAMING ON LATER-ACQUIRED LAND.

Section 20(b) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking " (A) the Secretary, after consultation" and inserting the following:

"(A)(i) before November 18, 2005, the Secretary reviewed, or was in the process of reviewing, at the Central Office of the Bureau of Indian Affairs, Washington, DC, the petition of an Indian tribe to have land taken into trust for purposes of gaming under this Act; and

"(ii) the Secretary, after consultation"; and

(B) in subparagraph (B)—

(i) in clause (i), by striking the comma at the end and inserting the following: "under Federal statutory law, if the land is within a State in which is located—

"(I) the reservation of such Indian tribe; or

"(II) the last recognized reservation of such Indian tribe;";

(ii) in clause (ii), by striking ", or" and inserting "if, as determined by the Secretary, the Indian tribe has a temporal, cultural, and geographic nexus to the land; or"; and

(iii) in clause (iii), by inserting before the period at the end the following: "if, as determined by the Secretary, the Indian tribe has a temporal, cultural, and geographic nexus to the land"; and

(2) by adding at the end the following:

"(4) Effect of subsection.—Notwithstanding any other provision of this subsection, land that, before the date of enactment of the Indian Gaming Regulatory Act Amendments of 2005, was determined by the Secretary or the Chairman to be eligible to be used for purposes of gaming shall continue to be eligible for those purposes.".

SEC. 11. CONFORMING AMENDMENT.

(a) In General.—Section 123(a)(2) of the Department of the Interior and Related Agencies Appropriations Act, 1998 (Public Law 105-83; 111 Stat. 1566) is amended—

(1) in subparagraph (A), by adding "and" at the end;

(2) in subparagraph (B), by striking "; and" and inserting a period; and

(3) by striking subparagraph (C).

(b) Applicability.—Notwithstanding any other provision of law, section 18(a) of the Indian Gaming Regulatory Act (25 U.S.C. 2717(a)) shall apply to all Indian tribes.

By Mr. SMITH (for himself, Mr. Thune, Mr. ALLARD, Mr. Burns, and Mr. Thomas):

S. 2079. A bill to improve the ability of the Secretary of Agriculture and the Secretary of the Interior to promptly implement recovery treatments in response to catastrophic events affecting the natural resources of Forest Service land and Bureau of Land Management Land, respectively, to support the recovery of non-Federal land damaged by catastrophic events, to assist impacted communities, to revitalize Forest Service experimental forests, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BURNS. Mr. President, I rise today in support of the Forests for Future Generations Act, because it addresses a very serious problem in our National Forests. I am not sure how many people in this body have witnessed the devastation of a catastrophic wildfire, but I recommend that everyone tour a burned over forest. It is a sobering reality, often resembling a moonscape.

The worst fire year in recent Montana history was the summer of 2000, when we burned 945,000 acres of productive Montana land. After months of smoke-filled air, we were left with decimated wildlife habitat, charred hillsides, sediment-filled streams, and millions of board feet of dead, standing timber. Active forest management would require that restoration of these fragile soils and ecosystems begin as soon as possible, but that is almost never the case on national forest land. Instead, we spend millions of dollars and thousands of hours writing a plan to restore the burned area, which is inevitably appealed, challenged, and litigated by an environmental group. We end up arguing in the courtroom when we should be working in the forest.

I have seen side-by-side sections of land where private landowners or even the State of Montana has taken quick action and removed some dead or dying timber then replanted the forest. News are growing on the private land before any of the Federal timber is even harvested. It is amazing to me, and it makes absolutely no sense. For that reason I am happy to cosponsor this bill, because it is time to reintroduce some common sense into a system that has gone far off the tracks.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 320—CALLING ON THE PRESIDENT TO ENSURE THAT THE FOREIGN POLICY OF THE UNITED STATES REFLECTS APPROPRIATE UNDERSTANDING AND SENSITIVITY CONCERNING ISSUES RELATED TO HUMAN RIGHTS, ETHNIC CLEANSING, AND GENOCIDE DOCUMENTED IN THE UNITED STATES RECORD RELATING TO THE ARMENIAN GENOCIDE

Mr. ENSIGN (for himself and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES 320

Whereas the Armenian Genocide was conceived and carried out by the Ottoman Empire from 1915 to 1923, resulting in the deportation of nearly 2,000,000 Armenians, of whom 1,500,000 men, women, and children were killed, 500,000 survivors were expelled from their homes, and which succeeded in the elimination of more than 2,500-year presence of Armenians in their historic homeland;

Whereas, on May 24, 1915, the Allied Powers issued the joint statement of England, France, and Russia that explicitly charged, for the first time ever, another government of committing "a crime against humanity";

Whereas that joint statement stated "the Allied Governments announce publicly to the Sublime Porte that they will hold personally responsible for these crimes all members of the Ottoman Government, as well as those of their agents who are implicated in such massacres";

Whereas the post-World War I Turkish Government indicted the top leaders involved in the "organization and execution" of the Armenian Genocide and in the "massacre and destruction of the Armenians";

Whereas in a series of courts-martial, officials of the Young Turk Regime were tried and convicted on charges of organizing and executing massacres against the Armenian people;

Whereas the officials who were the chief organizers of the Armenian Genocide, Minister of War Enver, Minister of the Interior Talaat, and Minister of the Navy Jemal, were tried by military tribunals, found guilty, and condemned to death for their crimes, however, the punishments imposed by the tribunals were not enforced;

Whereas the Armenian Genocide and the failure to carry out the death sentence against Enver, Talaat, and Jemal are documented with overwhelming evidence in the national archives of Austria, France, Germany, Russia, the United Kingdom, the United States, the Vatican, and many other countries, and this vast body of evidence attests to the same facts, the same events, and the same consequences;

Whereas the National Archives and Records Administration of the United States holds extensive and thorough documentation on the Armenian Genocide, especially in its holdings for the Department of State under Record Group 59, files 867.00 and 867.40, which are open and widely available to the public and interested institutions;

Whereas the Honorable Henry Morgenthau, United States Ambassador to the Ottoman Empire from 1913 to 1916, organized and led protests by officials of many countries, among them the allies of the Ottoman Empire, against the Armenian Genocide;

Whereas Ambassador Morgenthau explicitly described to the Department of State the policy of the Government of the Ottoman Empire as "a campaign of race extermination", and was instructed on July 16, 1915, by Secretary of State Robert Lansing that the "Department approves your procedure . . . to stop Armenian persecution";

Whereas Senate Concurrent Resolution 12, 64th Congress, agreed to July 18, 1916, resolved that "the President of the United States be respectfully asked to designate a day on which the citizens of this country may give expression to their sympathy by contributing funds now being raised for the relief of the Armenians", who, at that time, were enduring "starvation, disease, and untold suffering";

Whereas President Woodrow Wilson agreed with such Concurrent Resolution and encouraged the formation of the organization known as Near East Relief, which was incorporated by the Act of August 6, 1919, 66th Congress (41 Stat. 273, chapter 32);

Whereas, from 1915 through 1930, Near East Relief contributed approximately $116,000,000 to aid survivors of the Armenian Genocide, including aid to approximately 132,000 Armenian orphans;

Whereas Senate Resolution 359, 66th Congress, agreed to May 11, 1920, stated in part, "the testimony adduced at the hearings conducted by the subcommittee of the Senate Committee on Foreign Relations have clearly established the truth of the reported massacres and other atrocities from which the Armenian people have suffered";

Whereas such Senate Resolution followed the report to the Senate of the American Military Mission to Armenia, which was led by General James Harbord, dated April 13, 1920, that stated "[m]utilation, violation, torture, and death have left their haunting memories in a hundred beautiful Armenian valleys, and the traveler in that region is seldom free from the evidence of this most colossal crime of all the ages";

Whereas, as displayed in the United States Holocaust Memorial Museum, Adolf Hitler, on ordering his military commanders to attack Poland without provocation in 1939, dismissed objections by saying "[w]ho, after all, speaks today of the annihilation of the Armenians?" and thus set the stage for the Holocaust;

Whereas Raphael Lemkin, who coined the term "genocide" in 1944, and who was the earliest proponent of the Convention on the Prevention and Punishment of Genocide, invoked the Armenian case as a definitive example of genocide in the 20th century;

Whereas the first resolution on genocide adopted by the United Nations, United Nations General Assembly Resolution 96(1), dated December 11, 1946, (which was adopted at the urging of Raphael Lemkin), and the Convention on the Prevention and Punishment of Genocide, done at Paris December 9, 1948, recognized the Armenian Genocide as the type of crime the United Nations intended to prevent and punish by codifying existing standards;

Whereas, in 1948, the United Nations War Crimes Commission invoked the Armenian Genocide as "precisely . . . one of the types of acts which the modern term 'crimes against humanity' is intended to cover" and as a precedent for the Nuremberg tribunals;

Whereas such Commission stated that "[t]he provisions of Article 230 of the Peace Treaty of Sevres were obviously intended to cover, in conformity with the Allied note of 1915 . . . offenses which had been committed on Turkish territory against persons of Turkish citizenship, though of Armenian or Greek race. This article constitutes therefore a precedent for Article 6c and 5c of the Nuremberg and Tokyo Charters, and offers an example of one of the categories of 'crimes against humanity' as understood by these enactments";

Whereas House Joint Resolution 148, 94th Congress, adopted by the House of Representatives on April 8, 1975, resolved that "April 24, 1975, is hereby designated as 'National Day of Remembrance of Man's Inhumanity to Man', and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day as a day of remembrance for all the victims of genocide, especially those of Armenian ancestry";

Whereas Proclamation 4838 of April 22, 1981 (95 Stat. 1813) issued by President Ronald Reagan, stated, in part, that "[l]ike the genocide of the Armenians before it, and the genocide of the Cambodians which followed it—and like too many other persecutions of too many other people—the lessons of the Holocaust must never be forgotten";

Whereas House Joint Resolution 247, 98th Congress, adopted by the House of Representatives on September 10, 1984, resolved that "April 24, 1985, is hereby designated as 'National Day of Remembrance of Man's Inhumanity to Man', and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day as a day of remembrance for all the victims of genocide, especially the one and one-half million people of Armenian ancestry";

Whereas, in August 1985, after extensive study and deliberation, the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities voted 14 to 1 to accept a report entitled "Study of the Question of the Prevention and Punishment of the Crime of Genocide", which stated "[t]he Nazi aberration has unfortunately not been the only case of genocide in the 20th century. Among other examples which can be cited as qualifying are . . . the Ottoman massacre of Armenians in 1915–1916";

Whereas such report also explained that "[a]t least 1,000,000, and possibly well over half of the Armenian population, are reliably estimated to have been killed or death marched by independent authorities and eyewitnesses and this is corroborated by reports in United States, German, and British archives and of contemporary diplomats in the Ottoman Empire, including those of its ally Germany";

Whereas the United States Holocaust Memorial Council, an independent Federal agency that serves as the board of trustees of the United States Holocaust Memorial Museum pursuant to section 2302 of title 36, United States Code, unanimously resolved on April 30, 1981, that the Museum would exhibit information regarding the Armenian Genocide and the Museum has since done so;

Whereas, reviewing an aberrant 1982 expression by the Department of State (which was later retracted) that asserted that the facts of the Armenian Genocide may be ambiguous, the United States Court of Appeals for the District of Columbia in 1993, after a review of documents pertaining to the policy record of the United States, noted that the assertion on ambiguity in the United States record about the Armenian Genocide "contradicted longstanding United States policy and was eventually retracted";

Whereas, on June 5, 1996, the House of Representatives adopted an amendment to H.R. 3540, 104th Congress (the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997), to reduce aid to Turkey by $3,000,000 (an estimate of its payment of lobbying fees in the United States) until the Turkish Government acknowledged the Armenian Genocide and took steps to honor the memory of its victims;

Whereas President William Jefferson Clinton, on April 24, 1998, stated, "[t]his year, as in the past, we join with Armenian-Americans throughout the nation in commemorating one of the saddest chapters in the history of this century, the deportations and massacres of a million and a half Armenians in the Ottoman Empire in the years 1915–1923";

Whereas President George W. Bush, on April 24, 2004, stated, "[o]n this day, we pause in remembrance of one of the most horrible tragedies of the 20th century, the annihilation of as many as 1,500,000 Armenians through forced exile and murder at the end of the Ottoman Empire"; and

Whereas, despite the international recognition and affirmation of the Armenian Genocide, the failure of the domestic and international authorities to punish those responsible for the Armenian Genocide is a reason why similar genocides have recurred and may recur in the future, and that a just resolution will help prevent future genocides: Now, therefore, be it

Resolved, That the Senate—

(1) calls on the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide and the consequences of the failure to realize a just resolution; and

(2) calls on the President, in the President's annual message commemorating the Armenian Genocide issued on or about April 24 to accurately characterize the systematic and deliberate annihilation of 1,500,000 Armenians as genocide and to recall the proud history of United States intervention in opposition to the Armenian Genocide.

Mr. DURBIN. Mr. President, I rise today to recall and to honor the 1.5 million Armenians killed by the Ottoman government between 1915 and 1923. Genocides claimed the lives of some 60 million people in the century just past, 16 million after the end of the Second World War, when we told ourselves, "Never again." The Armenian Genocide was the 20th century's first genocide, a vicious, organized crime against humanity that included murder, deportation, torture, and slave labor.

Some would ignore the Armenian victims and forget how they died. We need to fight against such forgetfulness.

An Armenian named Vahram Dadrian was a survivor of the genocide and wrote about his experiences in a moving memoir. But by the 1940s, he had begun to lose hope. "Everything has been forgotten," he wrote, "our . . . dead could never have imagined, even for a fraction of a moment, that they would have been forgotten so soon."

We must restore that lost hope. We must not forget. To do so would dishonor the memories of the dead and send a message to the world that we might tolerate genocide.

We will not tolerate the intolerable. We will remember, and in doing so, cultivate the knowledge—and the wisdom—necessary to act to prevent a repetition of these terrible crimes. Because the problem isn't simply a matter of knowing, but about knowing when and how to act.

Senator ENSIGN and I have submitted a resolution that acknowledges the suffering of those destroyed by the Armenian genocide.

It calls on the President to remember the hard lessons of the Armenian genocide in the conduct of U.S. foreign policy and to assure that our knowledge of this terrible crime informs our human rights policies.

As I said, the Armenian genocide was the first genocide of the 20th century. It was also the first time that the American public found itself confronting such a cruel, man-made catastrophe.

America closely followed the crisis. In 1915, the New York Times alone published 145 articles on the Armenian massacres, roughly one every 2½ days.

Dedicated and courageous American diplomats tried to end the carnage. Our ambassador to Constantinople, Henry Morgenthau, played an important role in bringing the massacres to the attention of the outside world.

Americans, such as Mark Twain, Henry Adams, and Clara Barton, spoke out against the massacres and a broad-based American humanitarian movement sought to provide relief to the desperate Armenians and pushed the U.S. Government to protect the victims from further violence. It was the birth of the American international human rights movement.

The Near East Relief Organization, founded in 1919 to assist Armenian refugees, provided more than $116 million for the cause during its 10-year lifetime—the equivalent of more than $1 billion in today's money.

We need to recapture that energy and determination because the best way to honor those who died is to recognize their suffering and dedicate ourselves to preventing such a destruction of entire communities in the future.

Recognizing the Armenian genocide takes on added importance in the face of the genocide occurring right now in the Darfur region of Sudan. As we pause to reflect upon this grievous example of man's inhumanity to man, let us honor the victims of the Armenian genocide and all crimes against humanity not only by acknowledging their suffering, but also by acting to halt similar atrocities that are occurring now before our very eyes.

SENATE RESOLTUION 321—COMMEMORATING THE LIFE, ACHIEVEMENTS, AND CONTRIBUTIONS OF ALAN A. REICH

Mr. DEWINE (for himself and Mr. HARKIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 321

Whereas Alan Reich devoted his life to civic involvement and efforts to improve the quality of life for individuals with disabilities;

Whereas Alan Reich was born in Pearl River, New York, was a well-respected and beloved member of his family, and served as an inspirational figure in the disability community;

Whereas Alan Reich—

(1) graduated from Dartmouth College in 1952, where he was an all-American track and field athlete;

(2) received a Master's degree in Russian literature from Middlebury College in 1953;

(3) was awarded a diploma in Slavic languages and Eastern European studies from the University of Oxford;

(4) received an M.B.A. from Harvard University in 1959; and

(5) was a brilliant linguist who spoke 5 languages;

Whereas Alan Reich served in the Army from 1953 to 1957 as an infantry officer and Russian language interrogation officer in Germany, and was named as a member of the United States Army Infantry Officer Candidate School Hall of Fame;

Whereas Alan Reich married Gay Forsythe Reich, and shared with her 50 years of marriage and a deep commitment to each other and their three children, James, Jeffery, and Elizabeth;

Whereas from 1960 to 1970, Alan Reich was employed as an executive at Polaroid Corporation when, at age 32, he became a quadriplegic due to a swimming accident, and used a wheelchair as a result of his injury;

Whereas although Alan Reich was told he would not drive or write again, he relearned both skills and returned to work at Polaroid Corporation;

Whereas Alan Reich—

(1) served in the Department of State from 1970 to 1975 as a Deputy Assistant Secretary for Educational and Cultural Affairs;

(2) later served as Director of the Bureau of East-West Trade for the Department of Commerce;

(3) was named the President of the United States Council for the International Year of Disabled Persons in 1978; and

(4) was the first person to address the United Nations General Assembly from a wheelchair when the United Nations opened the International Year of the Disabled in 1981;

Whereas in 1982, Alan Reich transformed the Council for the International Year of Disabled Persons into the National Organization on Disability, an organization that actively seeks on national, State, and local levels full and equal participation for individuals with disabilities in all aspects of life;

Whereas Alan Reich—

(1) founded the Bimillennium Foundation in 1984 to encourage national leaders to set goals aimed at improving the lives of people with disabilities for the year 2000;

(2) served as past Chairman of the People-to-People Committee on Disability; and

(3) worked to advance research in regeneration of the central nervous system as Chairman of the Paralysis Cure Research Foundation and as President of the National Paraplegia Foundation;

Whereas Alan Reich, who used a wheelchair for 43 years, led an effort that raised $1,650,000 to add the statue of Franklin Delano Roosevelt in a wheelchair to the memorial of the former President in Washington, D.C.;

Whereas Alan Reich stated in 2001, "The unveiling is a major national moment, the removal of the shroud of shame that cloaks disability. The statue will become a shrine to people with disabilities, but it will also inspire everyone to overcome obstacles. When you see the memorial that follows the statue, what will be in your mind is that he did all this from a wheelchair.";

Whereas in July 2005, Alan Reich received the George H. W. Bush Medal, an award established to honor outstanding service under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

Whereas Alan Reich is survived by his wife, partner, and best friend, Gay, their 2 sons James and Jeffery, their daughter Elizabeth, and 11 grandchildren; and

Whereas Alan Reich passed away on November 8, 2005, and the contributions he made to his family, his community, and his Nation will not be forgotten: Now, therefore, be it

Resolved, That the Senate—

(1) honors the life, achievements, and contributions of Alan Reich;

(2) extends its deepest sympathies to the family of Alan Reich for their loss of this great and generous man; and

(3) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the family of Alan Reich.

Mr. DEWINE. Mr. President, I am pleased today join with Senator HARKIN to submit a resolution commemorating the many contributions and achievements of Alan Reich, who was an inspirational figure in the disability community. Alan Reich devoted his own life to the improving the quality of life for so many others—especially individuals with disabilities. He recently passed away on November 8, 2005, at the age of 75.

Alan Reich was the founder of the National Organization on Disability. This organization is active on a local, State, and national level in efforts to seek full and equal participation for people with disabilities in all aspects of life. You see, at the young age of 32, Alan became a quadriplegic following a swimming accident. He used a wheelchair as a result of this injury. While Alan was told he would not drive or write again, he relearned both skills and went on to become an inspiration for all those in the disability community. In 1990, he received the George H.W. Bush Medal for outstanding service under the Americans with Disabilities Act.

Alan Reich is probably best known for leading an effort that raised $1.65 million to add the statue of FDR in a wheelchair to the former President's memorial here in Washington, DC. As Alan said in 2001:

> The unveiling is a major national moment, the removal of the shroud of shame that cloaks disability. The statue will become a shrine to people with disabilities, but it will also inspire everyone to overcome obstacles. When you see the memorial that follows the statue, what will be in your mind is that he did all this from a wheelchair.

Alan Reich married his best friend and partner in life, Gay Forsythe Reich. They shared 50 years of marriage and were deeply committed to each other and to their 3 children—James, Jeffery, and Elizabeth—as well as their 11 grandchildren.

Alan Reich's contributions to his family, his community, and to this Nation will never be forgotten. As Chesterton said many years ago, "Great men do great things even when they're gone." That is certainly true of Alan Reich. His legacy will live on always.

My wife Fran and I extend our deepest sympathy to Alan Reich's family for their loss.

Mr. HARKIN. Mr. President, I am honored to be the lead Democratic cosponsor of this resolution to commemorate the life, achievements and contributions of Alan Reich.

I was greatly saddened, last week, to hear about the passing of this great and passionate advocate for the rights of people with disabilities. As many Senators know very well, Alan was the founder and president emeritus of the National Organization on Disability. Over the past 25 years, both he and the National Organization on Disability have been tremendously effective advocates for the full and equal participation of persons with disabilities in all aspects of American life.

The achievements of Alan Reich, and the sheer breadth of his activism and leadership, are simply remarkable. While president of the National Organization on Disability, he built a broad coalition of disability groups that successfully fought for the inclusion of a statue of President Roosevelt in a wheelchair at the FDR Memorial. He spearheaded critical research to track the progress of Americans with disabilities in key areas of life. He founded and chaired the Paralysis Cure Research Foundation; was president of what became the National Spinal Cord Injury Association; and he founded the National Task Force on Disability. Alan also led the way in taking the disability rights movement into the international arena. He chaired the World Committee on Disability, and was the first individual using a wheelchair to address the United Nations General Assembly. For these and many other achievements, Alan was awarded the George Bush Medal this past July.

I want to express my own profound respect for this remarkable individual and for all that he accomplished in his life. He played a pivotal role in the disability rights revolution that has transformed this country in important ways in recent decades. He improved the lives of countless individuals with disabilities, both in this country and throughout the world. And, perhaps best of all, he has left a living legacy in the form of the advocacy organizations he founded, which will now continue his work into the future.

Alan Reich was a wonderful advocate and a great American. He fought with all his heart to win equity, access, and opportunity for people with disabilities. He changed countless lives, and made America a much better and fairer society. For all these reasons, the United States Senate honors Alan Reich, today, with this resolution expressing our respect and appreciation.

SENATE RESOLUTION 322—EXPRESSING THE SENSE OF THE SENATE ON THE TRIAL, SENTENCING, AND IMPRISONMENT OF MIKHAIL KHODORKOVSKY AND PLATON LEBEDEV

Mr. BIDEN (for himself, Mr. MCCAIN, and Mr. OBAMA) submitted the following resolution; which was considered and agreed to:

S. RES. 322

Whereas the United States supports the development of democracy, civil society, and the rule of law in the Russian Federation;

Whereas the rule of law and the guarantee of equal justice under the law are fundamental attributes of democratic societies;

Whereas the trial, sentencing, and imprisonment of Mikhail Khodorkovsky and Platon Lebedev have raised troubling questions about the impartiality and integrity of the judicial system in Russia;

Whereas the Department of State 2004 Country Report on Human Rights Practices in Russia stated that the arrest of Mr. Khodorkovsky was "widely believed to have been prompted, at least in part, by the considerable financial support he provided to opposition groups;"

Whereas Secretary of State Condoleezza Rice has remarked that the arrest of Mr. Khodorkovsky and the dismantling of his company have "raised significant concerns" about the independence of the judiciary in Russia;

Whereas the independent non-governmental organization Freedom House has asserted that the conviction of Mr. Khodorkovsky "underscores the serious erosion of the rule of law and growing intolerance for political dissent in Russia";

Whereas upon concluding an investigation of the facts surrounding the case of Mr. Khodorkovsky and Mr. Lebedev, the Human Rights Committee of the Parliamentary Assembly of the Council of Europe determined that the two men were "arbitrarily singled out" by the Russia authorities, violating the principle of equality before the law;

Whereas in May 2005, a Moscow court sentenced Mr. Khodorkovsky to serve 9 years in prison;

Whereas Article 73 of the Russian Criminal Penitentiary Code stipulates that except under extraordinary circumstances, prisoners serve their terms of deprivation of liberty on the territory of subjects of the Russian Federation where they reside or were convicted;

Whereas on or about October 16, 2005, Mr. Khodorkovsky was sent to prison camp YG 14/10 in the Chita Region of Siberia;

Whereas on or about October 16, 2005, Mr. Lebedev was sent to penal camp number 98/3 in the arctic region of Yamal-Nenets;

Whereas the transfer of Mr. Khodorkovsky and Mr. Lebedev constitutes an apparent violation of Russia law and hearkens back to the worst practices and excesses of the Soviet era;

Whereas a broad coalition of human rights advocates and intellectuals in Russia have appealed to Vladimir Lukin, the Human Rights Commissioner of the Russian Federation, to investigate and rectify any abuse of Russia law associated with the transfer of Mr. Khodorkovsky and Mr. Lebedev; and

Whereas the selective disregard for the rule of law by officials of the Russian Federation further undermines the standing and status of the Russian Federation among the democratic nations of the world: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the criminal justice system in Russia has not accorded Mikhail Khodorkovsky and Platon Lebedev fair, transparent, and impartial treatment under the laws of the Russian Federation;

(2) the standing and status of the Russian Federation among the democratic nations of the world would be greatly enhanced if the authorities of the Russian Federation were to take the necessary actions to dispel widespread concerns that—

(A) the criminal cases against Mr. Khodorkovsky, Mr. Lebedev, and their associates are politically motivated;

(B) the transfer of Mr. Khodorkovsky and Mr. Lebedev to prison camps thousands of kilometers from their homes and families represents a violation of the norms and practices of Russia law; and

(C) in cases dealing with perceived political threats to the authorities, the judiciary of Russia is an instrument of the Kremlin and such judiciary is not truly independent; and

(3) notwithstanding any other disposition of the cases of Mr. Khodorkovsky and Mr. Lebedev, and without prejudice to further disposition of same, Mr. Khodorkovsky and Mr. Lebedev should be transferred to penal facilities with locations that are consonant with the norms and general practices of Russia law.

SENATE RESOLUTION 323—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS SHOULD NOT BE ALLOWED TO EXERCISE CONTROL OVER THE INTERNET

Mr. COLEMAN (for himself, Mr. WARNER, Mr. PRYOR, Mr. SMITH, Mr. DEMINT, Mr. BENNETT, Mr. NELSON of Florida, Mr. KYL, Mr. ALLEN, Mr. MARTINEZ, Mr. BUNNING, and Mr. CHAMBLISS) submitted the following resolution; which was considered and agreed to:

S. RES. 323

Whereas market-based policies and private sector leadership have given the Internet the flexibility to evolve;

Whereas given the importance of the Internet to the global economy, it is essential that the underlying domain name system and technical infrastructure of the Internet remain stable and secure;

Whereas the Internet was created in the United States and has flourished under United States supervision and oversight, and the Federal Government has followed a path of transferring Internet control from the defense sector to the civilian sector, including the Internet Corporation for Assigned Names and Numbers (ICANN) with the goal of full privatization;

Whereas the developing world deserves the access to knowledge, services, commerce, and communication, the accompanying benefits to economic development, education, and health care, and the informed discussion that is the bedrock of democratic self-government that the Internet provides;

Whereas the explosive and hugely beneficial growth of the Internet did not result from increased government involvement but from the opening of the Internet to commerce and private sector innovation;

Whereas on June 30, 2005, President George W. Bush announced that the United States intends to maintain its historic role over the master "root zone" file of the Internet, which lists all authorized top-level Internet domains;

Whereas the recently articulated principles of the United States on the domain name and addressing system of the Internet (DNS) are that—

(1) the Federal Government will—

(A) preserve the security and stability of the DNS;

(B) take no action with the potential to adversely affect the effective and efficient operation of the DNS; and

(C) maintain the historic role of the United States regarding modifications to the root zone file;

(2) governments have a legitimate interest in the management of country code top level domains (ccTLD);

(3) the United States is committed to working with the international community to address the concerns of that community in accordance with the stability and security of the DNS;

(4) ICANN is the appropriate technical manager of the Internet, and the United States will continue to provide oversight so that ICANN maintains focus and meets its core technical mission; and

(5) dialogue relating to Internet governance should continue in multiple relevant fora, and the United States encourages an ongoing dialogue with all stakeholders and will continue to support market-based approaches and private sector leadership;

Whereas the final report issued by the Working Group on Internet Governance (WGIG), established by the United Nations Secretary General in accordance with a mandate given during the first World Summit on the Information Society, and comprised of 40 members from governments, private sector, and civil society, issued 4 possible models, 1 of which envisages a Global Internet Council that would assume international Internet governance;

Whereas that report contains recommendations for relegating the private sector and nongovernmental organizations to an advisory capacity;

Whereas the European Union has also proposed transferring control of the Internet, including the global allocation of Internet Protocol number blocks, procedures for changing the root zone file, and rules applicable to DNS, to a "new model of international cooperation" which could confer significant leverage to the Governments of Iran, Cuba, and China, and could impose an undesirable layer of politicized bureaucracy on the operations of the Internet that could result in an inadequate response to the rapid pace of technological change;

Whereas some nations that advocate radical change in the structure of Internet governance censor the information available to their citizens through the Internet and use the Internet as a tool of surveillance to curtail legitimate political discussion and dissent, and other nations operate telecommunications systems as state-controlled monopolies or highly-regulated and highly-taxed entities;

Whereas some nations in support of transferring Internet governance to an entity affiliated with the United Nations, or another international entity, might seek to have such an entity endorse national policies that block access to information, stifle political dissent, and maintain outmoded communications structures;

Whereas the structure and control of Internet governance has profound implications for homeland security, competition and trade, democratization, free expression, access to information, privacy, and the protection of intellectual property, and the threat of some nations to take unilateral actions that would fracture the root zone file would result in a less functional Internet with diminished benefits for all people;

Whereas in the Declaration of Principles of the First World Summit on the Information Society, held in Geneva in 2003, delegates from 175 nations declared the "common desire and commitment to build a people-centered, inclusive and development oriented Information Society, where everyone can create, access, utilize and share information and knowledge";

Whereas delegates at the First World Summit also reaffirmed, "as an essential foundation of the Information Society, and as outlined in Article 19 of the Universal Declaration of Human Rights, that everyone has the right to freedom of opinion and expression" and that "this right includes freedom to hold opinions without interference and to seek, receive and import information and ideas through any media and regardless of frontiers";

Whereas the United Nations Secretary General has stated the objective of the 2005 World Summit on the Information Society in Tunis is to ensure "benefits that new information and communication technologies, including the Internet, can bring to economic and social development" and that "to defend the Internet is to defend freedom itself"; and

Whereas discussions at the November 2005 World Summit on the Information Society may include discussion of transferring control of the Internet to a new intergovernmental entity, and could be the beginning of a prolonged international debate regarding the future of Internet governance: Now, therefore, be it

Resolved, That the Senate—

(1) calls on the President to continue to oppose any effort to transfer control of the Internet to the United Nations or any other international entity;

(2) applauds the President for—

(A) clearly and forcefully asserting that the United States has no present intention of relinquishing the historic leadership role the United States has played in Internet governance; and

(B) articulating a vision of the future of the Internet that places privatization over politicization with respect to the Internet; and

(3) calls on the President to—

(A) recognize the need for, and pursue a continuing and constructive dialogue with the international community on, the future of Internet governance; and

(B) advance the values of an open Internet in the broader trade and diplomatic conversations of the United States.

SENATE RESOLUTION 324—EXPRESSING SUPPORT FOR THE PEOPLE OF SRI LANKA IN THE WAKE OF THE TSUNAMI AND THE ASSASSINATION OF THE SRI LANKAN FOREIGN MINISTER AND URGING SUPPORT AND RESPECT FOR FREE AND FAIR ELECTIONS IN SRI LANKA

Mr. MCCAIN (for himself, Mr. BIDEN, and Mr. LUGAR) submitted the following resolution; which was considered and agreed to

S. RES. 324

Whereas, on December 26, 2004, Sri Lanka was struck by a tsunami that left some 30,000 dead and hundreds of thousands of people homeless;

Whereas the United States and the world community recognized the global importance of preventing that tragedy from spiraling into an uncontrolled disaster and sent aid to Sri Lanka to provide immediate relief;

Whereas the massive tsunami reconstruction effort in Sri Lanka creates significant challenges for the country;

Whereas the democratic process in Sri Lanka is further challenged by the refusal of the Liberation Tigers of Tamil Eelam, a group that the Secretary of State has designated as a Foreign Terrorist Organization, to renounce violence as a means of effecting political change;

Whereas, on August 12, 2005, the Sri Lankan Foreign Minister Lakhsman Kadirgamar was assassinated at his home in Colombo in a brutal terrorist act that has been widely attributed to the Liberation Tigers of Tamil Eelam by officials in Sri Lanka, the United States, and other countries;

Whereas democratic elections are scheduled to be held in Sri Lanka on November 17, 2005; and

Whereas the United States has an interest in a free and fair democratic process in Sri Lanka, and the peaceful resolution of the insurgency that has afflicted Sri Lanka for more than two decades: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its support for the people of Sri Lanka as they recover from the devastating tsunami that occurred on December 26, 2004, and the assassination of the Sri Lankan Foreign Minister Lakhsman Kadirgamar on August 12, 2005;

(2) expresses its support for the courageous decision by the democratically-elected Government of Sri Lanka, following the assassination of Foreign Minister Kadirgamar, to remain in discussions with the Liberation Tigers of Tamil Eelam in an attempt to resolve peacefully the issues facing the people of Sri Lanka; and

(3) urges all parties in Sri Lanka to remain committed to the negotiating process and to make every possible attempt at national reconciliation.

SENATE RESOLUTION 325—TO AUTHORIZE THE PRINTING OF A REVISED EDITION OF THE SENATE ELECTION LAW GUIDEBOOK

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 325

Resolved, That the Committee on Rules and Administration shall prepare a revised edition of the Senate Election Law Guidebook, Senate Document 106-14 , and that such document shall be printed as a Senate document.

SEC. 2. There shall be printed, beyond the usual number, 500 additional copies of the document specified in the first section for the use of the Committee on Rules and Administration.

SENATE RESOLUTION 326—DESIGNATING NOVEMBER 27, 2005, AS "DRIVE SAFER SUNDAY"

Mr. CHAMBLISS (for himself, Mr. ISAKSON, and Mrs. LINCOLN) submitted the following resolution; which was considered and agreed to:

S. RES. 326

Whereas motor vehicle travel is the primary means of transportation in the United States;

Whereas everyone on the roads and highways needs to drive more safely to reduce deaths and injuries resulting from motor vehicle accidents;

Whereas the death of almost 43,000 people a year in more than 6 million highway crashes in America has been called an epidemic by Transportation Secretary Norman Mineta;

Whereas according to the National Highway Transportation Safety Administration, wearing a seat belt saved 15,434 lives in 2004; and

Whereas the Sunday after Thanksgiving is the busiest highway traffic day of the year: Now, therefore, be it

Resolved, That the Senate—

(1) encourages—

(A) high schools, colleges, universities, administrators, teachers, primary schools, and secondary schools to launch campus-wide educational campaigns to urge students to be careful about safety when driving;

(B) national trucking firms to alert their drivers to be especially focused on driving safely during the heaviest traffic day of the year, and to publicize the importance of the day using Citizen's band (CB) radios and in truck stops across the Nation;

(C) clergy to remind their members to travel safely when attending services and gatherings;

(D) law enforcement personnel to remind drivers and passengers to drive particularly safely on the Sunday after Thanksgiving; and

(E) everyone to use the Sunday after Thanksgiving as an opportunity to educate themselves about highway safety; and

(2) designates November 27, 2005, as "Drive Safer Sunday".

SENATE RESOLUTION 327—REMEMBERING AND COMMEMORATING THE LIVES AND WORK OF MARYKNOLL SISTERS MAURA CLARKE AND ITA FORD, URSULINE SISTER DOROTHY KAZEL, AND CLEVELAND LAY MISSION TEAM MEMBER JEAN DONOVAN, WHO WERE EXECUTED BY MEMBERS OF THE ARMED FORCES OF EL SALVADOR ON DECEMBER 2, 1980

Mr. FEINGOLD (for himself, Mr. DODD, and Mr. LEAHY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 327

Whereas on December 2, 1980, 4 churchwomen from the United States, Maryknoll Sisters Maura Clarke and Ita Ford, Ursuline Sister Dorothy Kazel, and Cleveland Lay Mission Team Member Jean Donovan, were violated and executed by members of the National Guard of El Salvador;

Whereas in 1980, Maryknoll Sisters Maura Clarke and Ita Ford were working in the parish of the Church of San Juan Bautista in Chalatenango, El Salvador, providing food, transportation, and other assistance to refugees and Ursuline Sister Dorothy Kazel and Cleveland Lay Mission Team Member Jean Donovan were working in the parish of the Church of the Immaculate Conception in La Libertad, El Salvador, providing assistance and support to refugees and other victims of violence;

Whereas these 4 churchwomen from the United States dedicated their lives to working with the poor of El Salvador, especially women and children left homeless, displaced, and destitute by the Salvadoran civil war;

Whereas these 4 churchwomen from the United States joined the more than 70,000 civilians who were murdered during the course of the Salvadoran civil war;

Whereas on May 23 and May 24, 1984, 5 members of the National Guard of El Salvador, including Subsergeant Luis Antonio Colindres Aleman, Daniel Canales Ramirez, Carlos Joaquin Contreras Palacios, Francisco Orlando Contreras Recinos, and Jose Roberto Moreno Canjura, were found guilty by the Salvadoran courts of the executions of the churchwomen and were sentenced to 30 years in prison, marking the first case in the history of El Salvador where a member of the Salvadoran Armed Forces was convicted of murder by a Salvadoran judge;

Whereas the United Nations Commission on the Truth for El Salvador was established under the terms of the historic January 1992 Peace Accords that ended El Salvador's 12 years of civil war and was charged to investigate and report to the Salvadoran people on human rights crimes committed by all sides during the course of the civil war;

Whereas in March 1993, the United Nations Commission on the Truth for El Salvador found that the execution of the 4 churchwomen from the United States was planned and that Subsergeant Luis Antonio Colindres Aleman carried out orders from a superior to execute them, and that then Colonel Carlos Eugenio Vides Casanova, then Director-General of the National Guard and his cousin, Lieutenant Colonel Oscar Edgardo Casanova Vejar, then Commander of the Zacatecoluca military detachment where the murders were committed, and other military personnel knew that members of the National

Guard had committed the murders pursuant to orders of a superior and that the subsequent coverup of the facts adversely affected the judicial investigation into the murders of the 4 churchwomen from the United States;

Whereas the United Nations Commission on the Truth for El Salvador determined that General Jose Guillermo Garcia, then Minister of Defense, made no serious effort to conduct a thorough investigation of responsibility for the murders of the churchwomen;

Whereas the families of the 4 churchwomen from the United States continue their efforts to determine the full truth surrounding the murders of their loved ones, appreciate the cooperation of United States Government agencies in disclosing and providing documents relevant to the churchwomen's murders, and pursue requests to release to the family members the few remaining undisclosed documents and reports pertaining to this case;

Whereas the families of the 4 churchwomen from the United States appreciate the ability of those harmed by violence to bring suit against Salvadoran military officers in United States courts under the Torture Victim Protection Act of 1991 (28 U.S.C. 1350 note);

Whereas the lives of these 4 churchwomen from the United States have, for the past 25 years, served as inspiration for and continue to inspire Salvadorans, Americans, and people throughout the world to answer the call to service and to pursue lives dedicated to addressing the needs and aspirations of the poor, the vulnerable, and the disadvantaged, especially among women and children;

Whereas the lives of the 4 churchwomen from the United States have also inspired numerous books, plays, films, music, religious events, and cultural events;

Whereas schools, libraries, research centers, spiritual centers, health clinics, women's and children's programs in the United States and in El Salvador have been named after or dedicated to Sisters Maura Clarke, Ita Ford, Dorothy Kazel, and lay missionary Jean Donovan;

Whereas the Maryknoll Sisters, headquartered in Ossining, New York, the Ursuline Sisters, headquartered in Cleveland, Ohio, numerous religious task forces in the United States, and the Salvadoran and international religious communities based in El Salvador annually commemorate the lives and martyrdom of the 4 churchwomen from the United States;

Whereas the historic January 1992 Peace Accords ended 12 years of civil war and have allowed the Government and the people of El Salvador to achieve significant progress in creating and strengthening democratic, political, economic, and social institutions; and

Whereas December 2, 2005, marks the 25th anniversary of the deaths of these 4 spiritual, courageous, and generous churchwomen from the United States: Now, therefore, be it

Resolved, That the Senate—

(1) remembers and commemorates the lives and work of Sisters Maura Clarke, Ita Ford, and Dorothy Kazel and lay missionary Jean Donovan;

(2) extends sympathy and support for the families, friends, and religious communities of the 4 churchwomen from the United States;

(3) continues to find inspiration in the lives and work of these 4 churchwomen from the United States;

(4) calls upon the people of the United States and religious congregations to participate in local, national, and international events commemorating the 25th anniversary of the martyrdom of the 4 churchwomen from the United States;

(5) recognizes that while progress has been made during the post-war period, the work begun by the 4 churchwomen from the United States remains unfinished and social and economic hardships persist among many sectors of Salvadoran society; and

(6) calls upon the President, the Secretary of State, the Administrator of the United States Agency for International Development, and the heads of other Government departments and agencies to continue to support and collaborate with the Government of El Salvador and with private sector, nongovernmental, and religious organizations in their efforts to reduce poverty and hunger and to promote educational opportunity, health care, and social equity for the people of El Salvador.

SENATE RESOLUTION 328—RECOGNIZING THE 30TH ANNIVERSARY OF THE ENACTMENT OF THE EDUCATION FOR ALL HANDICAPPED CHILDREN ACT OF 1975 AND REAFFIRMING THE COMMITMENT OF CONGRESS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT SO THAT ALL CHILDREN WITH DISABILITIES RECEIVE A FREE APPROPRIATE PUBLIC EDUCATION IN THE LEAST RESTRICTIVE ENVIRONMENT

Mr. ENZI (for himself, Mr. KENNEDY, Mr. ROBERTS, Mr. REED, Mr. BURR, Mr. JEFFORDS, Mr. GREGG, Mrs. MURRAY, Mr. HATCH, Mrs. CLINTON, Mr. DEWINE, Mr. BINGAMAN, Ms. MIKULSKI, Mr. HARKIN, and Mr. DODD) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 328

Whereas the Education for All Handicapped Children Act of 1975 (Public Law 94–142) was signed into law 30 years ago on November 29, 1975, and amended the State grant program under part B of the Education of the Handicapped Act;

Whereas the Education for All Handicapped Children Act of 1975 established the Federal priority of ensuring that all children, regardless of the nature or severity of their disability, have available to them a free appropriate public education in the least restrictive environment;

Whereas the Education of the Handicapped Act was further amended by the Education of the Handicapped Act Amendments of 1986 (Public Law 99–457) to create a preschool grant program for children with disabilities aged 3 through 5 and an early intervention program for infants and toddlers with disabilities under 3 years of age and their families;

Whereas the Education of the Handicapped Act Amendments of 1990 (Public Law 101–476) renamed the Education of the Handicapped Act as the Individuals with Disabilities Education Act (referred to in this resolution as "IDEA") (20 U.S.C. 1400 et seq.);

Whereas IDEA currently serves an estimated 269,000 infants and toddlers, 679,000 preschoolers, and 6,000,000 children aged 6 to 21;

Whereas IDEA has helped reduce the number of children with developmental disabilities who must live in State institutions away from their families;

Whereas the number of children with disabilities who complete high school with standard diplomas has grown significantly since the enactment of IDEA;

Whereas more students with disabilities are participating in national and State testing programs, and graduation rates for students with disabilities are continuously rising, since the enactment of IDEA;

Whereas the number of children with disabilities who enroll in college as freshmen has more than tripled since the enactment of IDEA;

Whereas IDEA promotes partnerships between parents of children with disabilities and education professionals in the design and implementation of the special education and related services provided to children with disabilities;

Whereas the integration of students with disabilities in the classroom, learning alongside their peers without disabilities, has heightened the Nation's awareness of the needs and capabilities of students with disabilities;

Whereas the Individuals with Disabilities Education Improvement Act of 2004 (Public Law 108–446) reauthorizes IDEA and ensures that children with disabilities are guaranteed a quality education based on the high academic standards required under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), as amended by the No Child Left Behind Act of 2001 (Public Law 107–110);

Whereas the Individuals with Disabilities Education Improvement Act of 2004 strengthens IDEA's focus on the educational results of children with disabilities and better prepares those children for further education beyond high school or employment;

Whereas the Individuals with Disabilities Education Improvement Act of 2004 further enables special education teachers, related services providers, other educators, and State and local educational agencies to focus on promoting the academic and functional achievement of children with disabilities;

Whereas the Individuals with Disabilities Education Improvement Act of 2004 places a new priority on providing students with disabilities with positive behavioral supports through school-wide interventions;

Whereas the Individuals with Disabilities Education Improvement Act of 2004 enables students with disabilities, through the power of technology, to achieve better educational outcomes and enhance independent living skills;

Whereas the Individuals with Disabilities Education Improvement Act of 2004 protects the procedural safeguards that guarantee the rights of children with disabilities to a free and appropriate public education while establishing mechanisms for parents and schools to resolve disagreements about educational planning and the implementation of such planning, thus reducing unnecessary litigation;

Whereas the Individuals with Disabilities Education Improvement Act of 2004 continues to ensure that all students with disabilities receive the services and supports necessary in order to achieve positive educational outcomes in both public and private educational settings;

Whereas the Individuals with Disabilities Education Improvement Act of 2004 ensures that the vast majority of IDEA funds will go directly to the classroom and provides States and local educational agencies additional flexibility to provide for the costs of educating high need children with disabilities;

Whereas IDEA has supported, through its discretionary programs, 3 decades of research, demonstration, and personnel preparation in effective practices for educating children with disabilities, enabling teachers, related services providers, and other educators to effectively meet the educational and developmental needs of all children;

Whereas Federal and State governments support effective, research-based practices in the classroom to ensure appropriate services and supports for children with disabilities; and

Whereas IDEA continues to marshal the resources of this Nation to implement the promise of full participation in society for children with disabilities: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 30th anniversary of the enactment of the Education for All Handicapped Children Act of 1975 (Public Law 94-142);

(2) acknowledges the many and varied contributions of children with disabilities and their parents, teachers, related services providers, and other educators; and

(3) reaffirms the commitment of Congress to the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) so that all children with disabilities receive a free appropriate public education.

Mr. ENZI. Mr. President, I rise today to introduce a resolution that recognizes the 30th anniversary of the enactment of the predecessor to the Individuals with Disabilities Education Act, IDEA, to commemorate its passage, commend its many authors, and suggest some actions we should take to protect, preserve, and advance its legacy as a vital component of our laws on education and civil rights.

On November 29, 1975, President Gerald Ford signed into law the Education for All Handicapped Children Act, a landmark piece of legislation that reflected America's fundamental and continuing concern for education and human rights. This legislation reaffirmed the most basic values of our democracy by extending education and civil rights protections to individuals with disabilities. As we celebrate the anniversary of the IDEA's enactment, it is, like all anniversaries, an appropriate time to both recount the past and contemplate the future.

Before 1700 there was little toleration for anyone who was different. Persons with disabilities were often abused, condemned as incapable of being able to participate in social activities, and simply forgotten. In 1817, Thomas Hopkins Gallaudet, a teacher of individuals who are deaf, opened a school for people who are deaf in Connecticut. This was the first school in America designed to serve individuals with disabilities. In 1850, at a time when most caregivers believed that persons with disabilities needed to live in institutions apart from their families, a school for youth with cognitive disabilities was opened in Massachusetts.

In the late 1800s, the number of children with disabilities attending public schools increased dramatically due to education and child labor laws. Many public schools developed special education for children with disabilities, however, this usually involved creating separate classes. In 1899, Michigan was the first State to introduce these classes statewide, and by the 1920s, special education had become well established throughout the Nation.

For the next 50 years, special education took place mostly in isolated classrooms where children with disabilities seldom mixed with their nondisabled peers. It is against this backdrop that advocates in the disability community worked tirelessly to affect the passage of the Individuals with Disabilities Education Act. It is also against this backdrop that this Congress had the wisdom and understanding to fully comprehend the nature of the problem and the resolve and determination to act. Similar to May 17, 1954, when the U.S. Supreme Court announced the Brown v. the Board of Education decision that "separate educational facilities are inherently unequal" with the signing of the Education for All Handicapped Children Act, families, Congress, and the President believed that a segregated form of education for students with disabilities was inappropriate and narrowed what children with disabilities could learn and become in society.

As President Ford noted when he signed the Education for the Handicapped Act into law: "Everyone can agree with the objective stated in the title of this bill—educating all handicapped children in our Nation." IDEA was advanced on the equally simple and equally compelling notion that segregation was not the answer and all people should have the opportunity to receive a free and appropriate public education. It is therefore fitting that we take a moment to remember all those men and women who worked with such purposefulness and passion to ensure that such a simple yet enduring value of our culture was properly reflected in our education laws.

Since the passage of the IDEA, we have seen significant improvements in the educational employment and economic well-being of citizens with disabilities. According to the Department of Education, IDEA currently serves almost 7 million schoolchildren, preschoolers, and infants and toddlers with disabilities along side their counterparts without disabilities. What was unheard of 30 years ago is now a reality for millions of students with disabilities across the Nation: a right to receiving a free and appropriate education in their neighborhood school. Because of IDEA and other similar laws, the education that students with disabilities are receiving is providing such individuals with the skills necessary to succeed in postsecondary environments, work, pay taxes, live independently, and pursue the American dream.

However, anniversaries are not just for looking back, and celebrating the achievements of the past. They must also be an occasion for looking forward in anticipation of the challenges that still lie before us. All involved should be proud of the accomplishments embodied in the Individuals with Disabilities Education Act, but no one should believe our work is done. Indeed, there is still more to do.

A report issued by the Institute for Higher Education Policy in 2004 focusing on the education level of students with disabilities in the United States contains some disturbing data. It notes that while 91 percent of the general adult population has a high school diploma, only 78 percent of adults with disabilities do. Even more disturbing is the fact that only 57 percent of youths with disabilities received standard high school diplomas. Although the 78 percent graduation rate represents a significantly higher rate than 15 years ago, it remains inadequate, and significantly behind the rate for individuals without disabilities.

The National Educational Longitudinal Study reported in 2000 that 73 percent of high school graduates with disabilities enrolled in some form of postsecondary education compared to 84 percent of their peers without disabilities. However, students with disabilities who were highly qualified academically enrolled in 4-year colleges at the same rate, 79 percent, as their peers without disabilities.

The lesson here is a simple one. When we believe in and have high expectations for all Americans, Americans with disabilities can compete at the same level as Americans without disabilities. With the passage of the No Child Left Behind Act, the Individuals with Disabilities Education Act, and possibilities available within the soon to be reauthorized Higher Education Act, we have the opportunity to make significant strides and further level the playing field. As elected officials, it is our responsibility to ensure that students, teachers, school systems, and teacher education programs are all held to high standards, improving the education levels, graduation rates, and postsecondary achievements of all students, including students with disabilities.

It is fitting that today, in this place, we recognize and celebrate the anniversary of legislation that says so much about who we are as a people and what we stand for as a nation when it comes to educating all of our citizens. It is the responsibility of those of us who follow to ensure that the brightness never fades, the promise of opportunity never wanes, and our rights to education, life, liberty, and the pursuit of happiness apply equally and fully to all Americans, including those with disabilities.

SENATE RESOLUTION 329—CONGRATULATING COACH BILL SNYDER FOR HIS ACHIEVEMENTS DURING 17 YEARS AS THE HEAD FOOTBALL COACH OF THE KANSAS STATE UNIVERSITY WILDCATS

Mr. ROBERTS (for himself and Mr. BROWNBACK) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 329

Whereas, on November 30, 1998, Bill Snyder was named as the 32nd football coach at Kansas State University;

Whereas upon his hiring, Kansas State had experienced years of unsuccessful seasons and in the 52 years prior to his hiring, the Kansas State University football team had a combined record of only 134 wins;

Whereas Bill Snyder directed and orchestrated a football program success and turnaround that is now considered by many to be the greatest in the history of collegiate athletics;

Whereas Bill Snyder coached the Kansas State Wildcats to 11 consecutive postseason bowl appearances;

Whereas the teams coached by Bill Snyder became the second program in college football history to win 11 games, 6 times in a 7 year time span;

Whereas the teams coached by Bill Snyder won the Big 12 North Division title on 4 occasions and appeared in 3 Big 12 Championship games;

Whereas the 2003 team coached by Bill Snyder was crowned the Big 12 Champion;

Whereas Bill Snyder coached 42 National Football League draft picks, 45 All-America selections, and 68 first team all-conference honorees at Kansas State University;

Whereas Bill Snyder was named National Coach of the year in 1991, 1994, and 1998;

Whereas Bill Snyder was named the Bear Bryant and Football Writers Association of America National Coach of the year in 1998;

Whereas in the best sense of collegiate athletics, Bill Snyder has been a mentor and, through his own actions, taught leadership and personal responsibility to young men;

Whereas Bill Snyder has changed the course of history at Kansas State University, including contributing to an increased enrollment from 18,120 at his hiring in 1988 to nearly 24,000 in 2005;

Whereas Bill Snyder and his family have given of themselves and contributed numerous hours and resources to charitable causes throughout the State of Kansas to the betterment of numerous individuals and the State as a whole;

Whereas Bill Snyder has instilled a new sense of pride in the State for all current and native Kansans;

Whereas Bill Snyder currently ranks as the most successful coach in Kansas State University history with 135 wins;

Whereas the Kansas State Board of Regents has recognized the contributions of Coach Bill Snyder and his family to the State of Kansas and Kansas State University by renaming the football stadium "Bill Snyder Family Football Stadium"; and

Whereas the contributions of Bill Snyder to Kansas State University, the State of Kansas, and countless young adults are worthy of honor and recognition: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates Coach Bill Snyder and his family upon his planned retirement on November 19, 2005, as the most successful coach in Kansas State University history with a current record of 135 wins;

(2) commends Coach Bill Snyder for his mentoring and teaching of leadership and values to young men;

(3) commends Coach Bill Snyder and his family for their selfless support of Kansas State University and their charitable activities throughout the State of Kansas, while displaying the heartland values of honesty, integrity, and humility; and

(4) respectfully directs the Enrolling Clerk of the Senate to transmit an enrolled copy of this resolution to—

(A) Bill Snyder and his family; and

(B) Kansas State University President Jon Wefald.

Mr. ROBERTS. Mr. President, today I am submitting a Senate Resolution commending the contributions and record of a most unique and deserving man, the retiring football coach of Kansas State University Wildcats, Bill Snyder.

I suppose some, especially non sports fans, might raise an eyebrow or question a Senate Resolution congratulating a football coach, no matter how successful in wins and losses—after all, as some have said, "it's only a game." But in the case of Coach Bill Snyder his contributions transcend his outstanding record of wins and losses; they represent being a mentor and teacher of leadership and values to young men during a time when collegiate athletics and sports in general face challenge after challenge involving unbecoming conduct and worse. Coach Snyder's contribution—football is a game of course but in the case of Bill Snyder one of his greatest contributions has been to enable young men to win in the game of life by being responsible citizens.

And, this unique ability on the athletic field became a catalyst for alumni interest and a renewal of financial support throughout the university enabling all students in all academic fields to benefit.

Much has been said in Kansas and throughout the football sports world about the amazing turnaround Coach Snyder achieved at K-State; directing and orchestrating a football program success story that is now considered by many to be the greatest in the history of collegiate athletics.

The record in the resolution I have introduced speaks for itself: three time national coach of the year, 11 post season bowl games, only the second program in college football history to win 11 games, 6 times in a 7-year time span, 42 NFL draft picks, 45 All America selections, and 68 first team all conference players. That is quite a record.

The coaches that first started their careers at K-State under Coach Snyder now read like a "Who's Who" in college football.

But great as those and the rest of the records are, that does not really tell the Bill Snyder story. Simply put, this is a man who restored and instilled a new sense of pride in a university and throughout our State. This is a man and his family who have given of themselves and contributed countless hours and resources to charitable causes throughout Kansas.

With all of his successes and attributes, this is a man who is humble, self effacing, soft spoken, and who knows you can get a lot more done if you don't care who gets the credit.

In many ways, Bill Snyder is a private man who has God given ability to inspire others in the public arena. He has taught his players that in the games of football and life, success is never final, failure is never fatal and that in the end its courage that counts. By his example, he showed them the attributes of honesty, character and reputation are not old fashioned. On the playing field and in life he instilled the truism that if you don't drop the ball you won't have to complain about the way the ball bounces. The same is true regarding his individual player marching orders, never say bad things about your opponent win or lose, take care of your self, conduct yourself in your best interests and that of your university and teammates. A coach on the field and a coach in life.

I want to get back and emphasize this restoring pride achievement on a more personal basis. I know my example is replete with similar experiences with the thousands of families who make up what is now referred to in the sports pages as the "Wildcat Nation."

My Dad was a proud graduate of Kansas State as I was and my son attended Kansas State—three generations. Sports fans and devoted K-State alumni all, we went through what many loyal K-Stater's call the decades of Death Valley Days, seasons of defeat, seasons of eternal optimism always tempered, if not shattered by the reality of yet another loss. There were some average seasons, a few good seasons, but "depths of despair" would not be an understatement for many of the faithful who endured and endured and endured. And, the defeats somehow became interwoven with the fabric of our alma mater and apologies for psychological exaggeration but even into the psyche of being a K-State graduate and our self worth.

And then came President Jon Wefald and then came Bill Snyder and both men grabbed K-State by the collar and said: Enough, we're going to win both academically and on the athletic field. And, wonder of wonders, they did just that.

Sports writers have called it a miracle. To many diehard K-State fans that was not an understatement. Winning season followed winning season and generations of alumni witnessed this success story took it to heart, loved it and lived it. It has been a grand experience. When K-State goes to a bowl game, 25,000 to 30,000 diehard fans are in attendance, win or lose.

Bill Snyder and his wife Sharon and their family gave K-State their all and Coach Snyder has given us all pride, self esteem, and confidence. It has been one heck of a trail ride for me and my family as I know it has been for countless others.

I just don't know of anyone in their chosen profession who has made more of a difference in so many people's lives than Coach Snyder. Simply put, Bill Snyder has been a class act and then some and collegiate sports. Kansas State University, the State of Kansas and his players and fans have been the beneficiaries.

Thanks Coach. "Every Man A Wildcat!"

SENATE CONCURRENT RESOLUTION 67—URGING JAPAN TO HONOR ITS COMMITMENTS UNDER THE 1986 MARKET-ORIENTED SECTOR-SELECTIVE (MOSS) AGREEMENT ON MEDICAL EQUIPMENT AND PHARMACEUTICALS, AND FOR OTHER PURPOSES

Mr. COLEMAN submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 67

Whereas the revolution in medical technology has improved our ability to respond to emerging threats and prevent, identify, treat, and cure a broad range of diseases and disabilities, and has the proven potential to bring even more valuable advances in the future;

Whereas medical technology has driven dramatic productivity gains for the benefit of patients, providers, employers, and our economy;

Whereas investment from the United States medical technology industry produces the majority of the $220,000,000,000 global business in development of medical devices, diagnostic products, and medical information systems, allowing patients to lead longer, healthier, and more productive lives;

Whereas the United States medical technology industry supports almost 350,000 Americans in high-value jobs located in every State, and was historically a key industry, as it was a net contributor to the United States balance of trade with Japan, which was a trade surplus of over $7,000,000,000 in 2001, and continued to be a surplus until 2005, when the trade balance became a trade deficit of $1,300,000,000, due in part to changes in the policies of Japan that impact medical devices;

Whereas Japan is one of the most important trading partners of the United States;

Whereas United States products account for roughly ½ of the global market, but garner only a ¼ share of Japan's market;

Whereas Japan has made little progress in implementing its commitments to cut product review times and improve their reimbursement system in bilateral consultations on policy changes under the Market-Oriented Sector-Selective (MOSS) Agreement on Medical Equipment and Pharmaceuticals, signed on January 9, 1986, between the United States and Japan;

Whereas, although regulatory reviews in Japan remain among the lengthiest in the world and Japan needs to accelerate patient access to safe and beneficial medical technologies, recently adopted measures actually increase regulatory burdens on manufacturers and delay access without enhancing patient safety;

Whereas the general cost of doing business in Japan is the highest in the world and is driven significantly higher by certain factors in the medical technology sector, and inefficiencies in Japanese distribution networks and hospital payment systems and unique regulatory burdens drive up the cost of bringing innovations to Japanese consumers and impede patient access to life-saving and life-enhancing medical technologies;

Whereas artificial government price caps such as the foreign average price policy adopted by the Government of Japan in 2002 restrict patient access and fail to recognize the value of innovation;

Whereas less than ⅒ of 1 percent of the tens of thousands of medical technologies introduced in Japan in the last 10 years received new product pricing;

Whereas the Government of Japan has adopted artificial price caps that are targeted toward technologies predominately marketed by companies from the United States and is considering further cuts to these products; and

Whereas these discriminatory pricing policies will allow the Japanese Government to take advantage of research and development from the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) urges Japan to honor its commitments under the Market-Oriented Sector-Selective (MOSS) Agreement on Medical Equipment and Pharmaceuticals, signed on January 9, 1986, between the United States and Japan (in this resolution referred to as the "MOSS Agreement"), by—

(A) reducing regulatory barriers to the approval and adoption of new medical technologies; and

(B) meeting or exceeding agency performance goals for premarket approvals and adopting an appropriate, risk-based postmarket system consistent with globally accepted practices;

(2) urges Japan to honor its commitments under the MOSS Agreement to improve the reimbursement environment for medical technologies by actively promoting pricing policies that encourage innovation for the benefit of Japanese patients and the Japanese economy and eliminating reimbursement policies based on inappropriate comparisons to markets outside Japan; and

(3) urges Japan to honor its commitments under the MOSS Agreement by—

(A) implementing fair and open processes and rules that do not disproportionately harm medical technology products from the United States; and

(B) providing opportunities for consultation with trading partners.

Mr. COLEMAN. Mr. President, we share a strategic and important relationship with Japan. A relationship that has proven to be vital for both countries, as we enhance our collaboration on everything from economic pursuits to our joint national security interests. On all of these fronts Japan has demonstrated that it is both a committed partner of the U.S. as well as a global leader in its own right. It is because Japan has demonstrated its leadership on the global stage that I support its bid to become a member of the U.N. Security Council.

As with any partnership, the U.S. and Japan face the occasional challenges to this cooperation. One might argue this is an opportunity for the U.S. and Japan to strengthen their partnership and increase collaboration and trade. The time is now to push this cooperation. However, I am concerned about a threat to our trade relationship with Japan based on our medical technology industry's market access in Japan. It is crucial to my State of Minnesota that we have access to this market and to our country.

Last Congress, I submitted a resolution in the Senate expressing my concern that discriminatory practices and systematic barriers have limited the ability of the U.S. medical device industry to introduce new technologies into the Japanese healthcare system. Today, I am resubmitting similar resolution. I am concerned that insufficient progress has been made by the Japanese to address policies that penalize American companies and ultimately prevent Japanese citizens from receiving the most advanced healthcare.

This resolution recognizes that medical technology has driven dramatic productivity gains for the benefit of patients, providers, employers and our economy. It also states that Japan is one of the most important trading partners of the U.S., and urges Japan to honor its commitments under the Market-Oriented, Sector Specific, MOSS Agreement. This agreement calls on the Japanese to improve the reimbursement environment for medical technologies by actively promoting pricing policies that encourage innovation and eliminating policies based on inappropriate comparisons to markets outside Japan.

Discriminatory practices targeting the medical device industry directly affect my state and many of my constituents. This is due to the fact that Minnesota is the proud home to a thriving medical technology industry. Minnesota's medical alley is a rich corridor of more than 8,000 medical-related companies—12 percent of our workforce—and is home to over 520 FDA-registered medical technology manufacturers. Employment in the industry increased 33 percent from 1991 to 2001, adding over 23,000 jobs to the State of Minnesota. The jobs produced by the medical technology industry represent a lucrative opportunity for my constituents, as the aggregate figure for wages exceeds $1.3 billion an average of over $56,000 per employee.

The benefits that Minnesota has derived from being home to a flourishing medical technology industry are well-deserved and a product of hard work. Minnesota ranks second only to California in device companies, and our State is home to many technology firsts: the first implantable cardiac pacemaker, artificial heart valve, implantable drug transfusion pump, wireless cardiac monitoring system, blood pump, anesthesia monitor and many more examples. The success we have had in Minnesota is also indicative of the positive trends that have been experienced by the entire industry throughout the U.S.

The positive trends of American medical technology companies' performance in domestic and international markets are not reflected in their experience with the Japanese market. The fact of the matter is that U.S. medical technology companies are discriminated by Japanese policies. There are numerous examples cf these policies, but I will only briefly mention a few.

Japan has adopted a foreign reference pricing system to reduce reimbursement prices in Japan's health system, a tool long opposed by the U.S. Government and the medical technology industry. This system calls for the establishment and revision of reimbursement rates on the basis of prices paid for medical technology products in the U.S., France, Germany, and the U.K. This pricing policy therefore fails to account for the high costs of bringing advanced technologies to the Japanese market, and instead bases prices on arbitrary conditions that exist outside of Japan.

In addition, Japan's system for approving the use of new medical technologies is the slowest and most costly in the developed world. The backlog in processing applications for medical technology products is staggering, and may be primarily related to the lack of staff dedicated towards the review of applications. Importantly, the end result has been that the medical technologies used to treat patients in Japan are often several generations behind the products utilized in the U.S.

These and other regulatory hurdles embedded in the Japanese medical technology industry conflict with regulatory commitments made to the U.S. under the MOSS trade agreement. They also contradict the philosophy underpinning the Global Harmonization Task Force, to which the U.S., Europe and Japan are a party. Even our friends need to be held accountable to the agreements they sign, otherwise they become less valuable than the paper they are printed on.

I urge our friends in the Japanese Government to take aggressive action to remedy this clearly unfavorable situation. Non-tariff regulatory and reimbursement policies discriminate U.S. manufacturers. While these policies hurt U.S. manufacturers' economically, ultimately the biggest losers of these policies are Japanese patients. Innovative medical technologies offer the possibility of key health solutions to all nations, including those that face severe health care budget constraints and the demands of aging populations. Past experience has demonstrated that the U.S. and Japan are able to overcome challenges that arise in our relationship, thus making it stronger. I think that both countries stand to gain significantly if the principles of the resolution I am presenting today are upheld.

I urge my fellow colleagues to join me in Japan to honor its commitments under the 1986 Market-Oriented Sector-Selective, MOSS, Agreement on Medical Equipment and Pharmaceuticals by supporting this resolution.

S. Con. Res. 67

Whereas the revolution in medical technology has improved our ability to respond to emerging threats and prevent, identify, treat, and cure a broad range of diseases and disabilities, and has the proven potential to bring even more valuable advances in the future;

Whereas medical technology has driven dramatic productivity gains for the benefit of patients, providers, employers, and our economy;

Whereas investment from the United States medical technology industry produces the majority of the $220,000,000,000 global business in development of medical devices, diagnostic products, and medical information systems, allowing patients to lead longer, healthier, and more productive lives;

Whereas the United States medical technology industry supports almost 350,000 Americans in high-value jobs located in every State, and was historically a key industry, as it was a net contributor to the United States balance of trade with Japan, which was a trade surplus of over $7,000,000,000 in 2001, and continued to be a surplus until 2005, when the trade balance became a trade deficit of $1,300,000,000, due in part to changes in the policies of Japan that impact medical devices;

Whereas Japan is one of the most important trading partners of the United States;

Whereas United States products account for roughly $\frac{1}{2}$ of the global market, but garner only a $\frac{1}{4}$ share of Japan's market;

Whereas Japan has made little progress in implementing its commitments to cut product review times and improve their reimbursement system in bilateral consultations on policy changes under the Market-Oriented Sector-Selective (MOSS) Agreement on Medical Equipment and Pharmaceuticals, signed on January 9, 1986, between the United States and Japan;

Whereas, although regulatory reviews in Japan remain among the lengthiest in the world and Japan needs to accelerate patient access to safe and beneficial medical technologies, recently adopted measures actually increase regulatory burdens on manufacturers and delay access without enhancing patient safety;

Whereas the general cost of doing business in Japan is the highest in the world and is driven significantly higher by certain factors in the medical technology sector, and inefficiencies in Japanese distribution networks and hospital payment systems and unique regulatory burdens drive up the cost of bringing innovations to Japanese consumers and impede patient access to life-saving and life-enhancing medical technologies;

Whereas artificial government price caps such as the foreign average price policy adopted by the Government of Japan in 2002 restrict patient access and fail to recognize the value of innovation;

Whereas less than $\frac{1}{10}$ of 1 percent of the tens of thousands of medical technologies introduced in Japan in the last 10 years received new product pricing;

Whereas the Government of Japan has adopted artificial price caps that are targeted toward technologies predominately marketed by companies from the United States and is considering further cuts to these products; and

Whereas these discriminatory pricing policies will allow the Japanese Government to take advantage of research and development from the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) urges Japan to honor its commitments under the Market-Oriented Sector-Selective (MOSS) Agreement on Medical Equipment and Pharmaceuticals, signed on January 9, 1986, between the United States and Japan (in this resolution referred to as the "MOSS Agreement"), by—

(A) reducing regulatory barriers to the approval and adoption of new medical technologies; and

(B) meeting or exceeding agency performance goals for premarket approvals and adopting an appropriate, risk-based post-market system consistent with globally accepted practices;

(2) urges Japan to honor its commitments under the MOSS Agreement to improve the reimbursement environment for medical technologies by actively promoting pricing policies that encourage innovation for the benefit of Japanese patients and the Japanese economy and eliminating reimbursement policies based on inappropriate comparisons to markets outside Japan; and

(3) urges Japan to honor its commitments under the MOSS Agreement by—

(A) implementing fair and open processes and rules that do not disproportionately harm medical technology products from the United States; and

(B) providing opportunities for consultation with trading partners.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2672. Mr. HARKIN (for himself, Mr. Jeffords, Mr. Kennedy, Mr. Bingaman, Ms. Stabenow, Ms. Mikulski, Mr. Lautenberg, Mr. Rockefeller, Mr. Akaka, Mr. Kerry, Mr. Pryor, Mr. Carper, Mr. Kohl, Mr. Leahy, and Mr. Levin) proposed an amendment to the joint resolution H.J. Res. 72, Official Title Not Available.

SA 2673. Mrs. HUTCHISON (for Mr. Shelby) proposed an amendment to the bill H.R. 4133, to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program.

SA 2674. Mr. McCONNELL (for Mr. Brownback) proposed an amendment to the bill S. 1462, to promote peace and accountability in Sudan, and for other purposes.

SA 2675. Mr. McCONNELL (for Mr. Pryor) proposed an amendment to the bill H.R. 358, to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the desegregation of the Little Rock Central High School in Little Rock, Arkansas, and for other purposes.

SA 2676. Mr. MCCONNELL (for Mr. SUNUNU) proposed an amendment to the bill S. 1047, to require the Secretary of the Treasury to mint coins in commemoration of each of the Nation's past Presidents and their spouses, respectively to improve circulation of the $1 coin, to create a new bullion coin, and for other purposes.

TEXT OF AMENDMENTS

SA 2672. Mr. HARKIN (for himself, Mr. JEFFORDS, Mr. KENNEDY, Mr. BINGAMAN, Ms. STABENOW, Ms. MIKULSKI, Mr. LAUTENBERG, Mr. ROCKEFELLER, Mr. AKAKA, Mr. KERRY, Mr. PRYOR, Mr. CARPER, Mr. KOHL, Mr. LEAHY, and Mr. LEVIN) proposed an amendment to the joint resolution H.J. Res. 72, Official Title Not Available; as follows:

At the end of the resolution, insert the following:

SEC. 2. COMMUNITY SERVICES BLOCK GRANT ACT.

Notwithstanding section 101 of Public Law 109-77, for the period beginning on October 1, 2005 and ending on December 17, 2005, the amount appropriated under that Public Law to carry out the Community Services Block Grant Act shall be based on a rate for operations that is not less than the rate for operations for activities carried out under such Act for fiscal year 2005.

SA 2673. Mrs. HUTCHISON (for Mr. SHELBY) proposed an amendment to the bill H.R. 4133, to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program; as follows:

On page 2 line 12, strike "8,500,000,000" and insert "18,500,000,000".

At the end insert the following:

"SEC. 3 EMERGENCY SPENDING.

"The Amendment made under section 2 is designated as emergency spending, as provided under section 402 of H. Con. Res. 95 (109th Congress)."

SA 2674. Mr. MCCONNELL (for Mr. BROWNBACK) proposed an amendment to the bill S. 1462, to promote peace and accountability in Sudan, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Darfur Peace and Accountability Act of 2005".

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) GOVERNMENT OF SUDAN.—

(A) IN GENERAL.—The term "Government of Sudan" means the National Congress Party, formerly known as the National Islamic Front, government in Khartoum, Sudan, or any successor government formed on or after the date of the enactment of this Act (including the coalition National Unity Government agreed upon in the Comprehensive Peace Agreement for Sudan), except that such term does not include the regional Government of Southern Sudan.

(B) OFFICIALS OF THE GOVERNMENT OF SUDAN.—The term "Government of Sudan", when used with respect to an official of the Government of Sudan, does not include an individual—

(i) who was not a member of such government prior to July 1, 2005; or

(ii) who is a member of the regional Government of Southern Sudan.

(3) COMPREHENSIVE PEACE AGREEMENT FOR SUDAN.—The term "Comprehensive Peace Agreement for Sudan" means the peace agreement signed by the Government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A) in Nairobi, Kenya, on January 9, 2005.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) On July 22, 2004, the House of Representatives and the Senate declared that the atrocities occurring in the Darfur region of Sudan are genocide.

(2) On September 9, 2004, Secretary of State Colin L. Powell stated before the Committee on Foreign Relations of the Senate, "genocide has been committed in Darfur and... the Government of Sudan and the [Janjaweed] bear responsibility—and genocide may still be occurring".

(3) On September 21, 2004, in an address before the United Nations General Assembly, President George W. Bush affirmed the Secretary of State's finding and stated, "[a]t this hour, the world is witnessing terrible suffering and horrible crimes in the Darfur region of Sudan, crimes my government has concluded are genocide".

(4) On July 30, 2004, the United Nations Security Council passed Security Council Resolution 1556, calling upon the Government of Sudan to disarm the Janjaweed militias and to apprehend and bring to justice Janjaweed leaders and their associates who have incited and carried out violations of human rights and international humanitarian law, and establishing a ban on the sale or supply of arms and related materiel of all types, including the provision of related technical training or assistance, to all nongovernmental entities and individuals, including the Janjaweed.

(5) On September 18, 2004, the United Nations Security Council passed Security Council Resolution 1564, determining that the Government of Sudan had failed to meet its obligations under Security Council Resolution 1556, calling for a military flight ban in and over the Darfur region, demanding the names of Janjaweed militiamen disarmed and arrested for verification, establishing an International Commission of Inquiry on Darfur to investigate violations of international humanitarian and human rights laws, and threatening sanctions should the Government of Sudan fail to fully comply with Security Council Resolutions 1556 and 1564, including such actions as to affect Sudan's petroleum sector or individual members of the Government of Sudan.

(6) The Report of the International Commission of Inquiry on Darfur established that the "Government of the Sudan and the Janjaweed are responsible for serious violations of international human rights and humanitarian law amounting to crimes under international law," that "these acts were conducted on a widespread and systematic basis, and therefore may amount to crimes against humanity," and that Sudanese officials and other individuals may have acted with "genocidal intent".

(7) The Report of the International Commission of Inquiry on Darfur further notes that, pursuant to its mandate and in the course of its work, the Commission had collected information relating to individual perpetrators of acts constituting "violations of international human rights law and international humanitarian law, including crimes against humanity and war crimes" and that a sealed file containing the names of those individual perpetrators had been delivered to the United Nations Secretary-General.

(8) On March 24, 2005, the United Nations Security Council passed Security Council Resolution 1590, establishing the United Nations Mission in Sudan (UNMIS), consisting of up to 10,000 military personnel and 715 civilian police and tasked with supporting implementation of the Comprehensive Peace Agreement for Sudan and "closely and continuously liais[ing] and coordinat[ing] at all levels with the African Union Mission in Sudan (AMIS) with a view towards expeditiously reinforcing the effort to foster peace in Darfur".

(9) On March 29, 2005, the United Nations Security Council passed Security Council Resolution 1591, extending the military embargo established by Security Council Resolution 1556 to all the parties to the N'djamena Ceasefire Agreement and any other belligerents in the states of North Darfur, South Darfur, and West Darfur, calling for an asset freeze and travel ban against those individuals who impede the peace process, constitute a threat to stability in Darfur and the region, commit violations of international humanitarian or human rights law or other atrocities, are responsible for offensive military overflights, or violate the military embargo, and establishing a Committee of the Security Council and a Panel of Experts to assist in monitoring compliance with Security Council Resolutions 1556 and 1591.

(10) On March 31, 2005, the United Nations Security Council passed Security Council Resolution 1593, referring the situation in Darfur since July 1, 2002, to the prosecutor of the International Criminal Court and calling on the Government of Sudan and all parties to the conflict to cooperate fully with the Court.

(11) In remarks before the G-8 Summit on June 30, 2005, President Bush reconfirmed that "the violence in Darfur is clearly genocide" and "the human cost is beyond calculation".

(12) On July 30, 2005, Dr. John Garang de Mabior, the newly appointed Vice President of Sudan and the leader of the Sudan People's Liberation Movement/Army (SPLM/A) for the past 21 years, was killed in a tragic helicopter crash in southern Sudan, sparking riots in Khartoum and challenging the commitment of all the people of Sudan to the Comprehensive Peace Agreement for Sudan.

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the genocide unfolding in the Darfur region of Sudan is characterized by atrocities directed against civilians, including mass murder, rape, and sexual violence committed by the Janjaweed and associated militias with the complicity and support of the National Congress Party-led faction of the Government of Sudan;

(2) all parties to the conflict in the Darfur region have continued to violate the N'djamena Ceasefire Agreement of April 8, 2004, and the Abuja Protocols of November 9, 2004, and violence against civilians, humanitarian aid workers, and personnel of the African Union Mission in Sudan (AMIS) is increasing;

(3) the African Union should rapidly expand the size and amend the mandate of the

African Union Mission in Sudan (AMIS) to authorize such action as may be necessary to protect civilians and humanitarian operations, and deter violence in the Darfur region without delay;

(4) the international community, including the United Nations, the North Atlantic Treaty Organization (NATO), the European Union, and the United States, should immediately act to mobilize sufficient political, military, and financial resources to support the expansion of the African Union Mission in Sudan so that it achieves the size, strength, and capacity necessary for protecting civilians and humanitarian operations, and ending the continued violence in the Darfur region;

(5) if an expanded and reinforced African Union Mission in Sudan fails to stop genocide in the Darfur region, the international community should take additional, dispositive measures to prevent and suppress acts of genocide in the Darfur region;

(6) acting under Article 5 of the Charter of the United Nations, the United Nations Security Council should call for suspension of the Government of Sudan's rights and privileges of membership by the General Assembly until such time as the Government of Sudan has honored pledges to cease attacks upon civilians, demobilize the Janjaweed and associated militias, grant free and unfettered access for deliveries of humanitarian assistance in the Darfur region, and allow for safe, unimpeded, and voluntary return of refugees and internally displaced persons;

(7) the President should use all necessary and appropriate diplomatic means to ensure the full discharge of the responsibilities of the Committee of the United Nations Security Council and the Panel of Experts established pursuant to section 3(a) of Security Council Resolution 1591 (March 29, 2005);

(8) the United States should not provide assistance to the Government of Sudan, other than assistance necessary for the implementation of the Comprehensive Peace Agreement for Sudan, the support of the regional Government of Southern Sudan and marginalized areas in northern Sudan (including the Nuba Mountains, Southern Blue Nile, Abyei, Eastern Sudan (Beja), Darfur, and Nubia), as well as marginalized peoples in and around Khartoum, or for humanitarian purposes in Sudan, until such time as the Government of Sudan has honored pledges to cease attacks upon civilians, demobilize the Janjaweed and associated militias, grant free and unfettered access for deliveries of humanitarian assistance in the Darfur region, and allow for safe, unimpeded, and voluntary return of refugees and internally displaced persons;

(9) the President should seek to assist members of the Sudanese diaspora in the United States by establishing a student loan forgiveness program for those individuals who commit to return to southern Sudan for a period of not less than 5 years for the purpose of contributing professional skills needed for the reconstruction of southern Sudan;

(10) the President should appoint a Presidential Envoy for Sudan to provide stewardship of efforts to implement the Comprehensive Peace Agreement for Sudan, seek ways to bring stability and peace to the Darfur region, address instability elsewhere in Sudan and northern Uganda, and pursue a truly comprehensive peace throughout the region;

(11) in order to achieve the goals specified in paragraph (10) and to further promote human rights and civil liberties, build democracy, and strengthen civil society, the Presidential Envoy for Sudan should be empowered to promote and encourage the exchange of individuals pursuant to educational and cultural programs, including programs funded by the United States Government;

(12) the international community should strongly condemn attacks against humanitarian workers and demand that all armed groups in the Darfur region, including the forces of the Government of Sudan, the Janjaweed, associated militias, the Sudan Liberation Movement/Army (SLM/A), the Justice and Equality Movement (JEM), and all other armed groups to refrain from such attacks;

(13) the United States should fully support the Comprehensive Peace Agreement for Sudan and urge rapid implementation of its terms; and

(14) the new leadership of the Sudan People's Liberation Movement (SPLM) should—

(A) seek to transform the SPLM into an inclusive, transparent, and democratic political body;

(B) reaffirm the commitment of the SPLM to bringing peace not only to southern Sudan, but also to the Darfur region, eastern Sudan, and northern Uganda; and

(C) remain united in the face of potential efforts to undermine the SPLM.

SEC. 5. SANCTIONS IN SUPPORT OF PEACE IN DARFUR.

(a) Blocking of Assets and Restriction on Visas.—Section 6 of the Comprehensive Peace in Sudan Act of 2004 (Public Law 108–497; 50 U.S.C. 1701 note) is amended—

(1) in the heading of subsection (b), by inserting "of Appropriate Senior Officials of the Sudanese Government" after "Assets";

(2) by redesignating subsections (c) through (e) as subsections (d) through (f), respectively; and

(3) by inserting after subsection (b) the following new subsection:

"(c) Blocking of Assets and Restriction on Visas of Certain Individuals Identified by the President.—

"(1) Blocking of assets.—Beginning on the date that is 30 days after the date of the enactment of the Darfur Peace and Accountability Act of 2005, and in the interest of contributing to peace in Sudan, the President shall, consistent with the authorities granted in the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block the assets of any individual who the President determines is complicit in, or responsible for, acts of genocide, war crimes, or crimes against humanity in Darfur, including the family members or any associates of such individual to whom assets or property of such individual was transferred on or after July 1, 2002.

"(2) Restriction on visas.—Beginning on the date that is 30 days after the date of the enactment of the Darfur Peace and Accountability Act of 2005, and in the interest of contributing to peace in Sudan, the President shall deny visas and entry to any individual who the President determines is complicit in, or responsible for, acts of genocide, war crimes, or crimes against humanity in Darfur, including the family members or any associates of such individual to whom assets or property of such individual was transferred on or after July 1, 2002.".

(b) Waiver.—Section 6(d) of the Comprehensive Peace in Sudan Act of 2004 (as redesignated by subsection (a)) is amended by adding at the end the following new sentence: "The President may waive the application of paragraph (1) or (2) of subsection (c) with respect to an individual if—

"(1) the President determines that such a waiver is in the national interest of the United States; and

"(2) prior to exercising the waiver, the President transmits to the appropriate congressional committees a notification of the waiver that includes the name of the individual and the reasons for the waiver.".

(c) Sanctions Against Certain Janjaweed Commanders and Coordinators.—The President should immediately consider imposing the sanctions described in section 6(c) of the Comprehensive Peace in Sudan Act of 2004 (as added by subsection (a)) against the Janjaweed commanders and coordinators identified by former United States Ambassador-at-Large for War Crimes before the Subcommittee on Africa of the Committee on International Relations of the House of Representatives on June 24, 2004.

SEC. 6. ADDITIONAL AUTHORITIES TO DETER AND SUPPRESS GENOCIDE IN DARFUR.

(a) United States Assistance to Support AMIS.—Section 7 of the Comprehensive Peace in Sudan Act of 2004 (Public Law 108–497; 50 U.S.C. 1701 note) is amended—

(1) by striking "Notwithstanding" and inserting "(a) General Assistance.—Notwithstanding"; and

(2) by adding at the end the following new subsection:

"(b) Assistance to Support AMIS.—Notwithstanding any other provision of law, the President is authorized to provide assistance, on such terms and conditions as the President may determine and in consultation with the appropriate congressional committees, to reinforce the deployment and operations of an expanded African Union Mission in Sudan (AMIS) with the mandate, size, strength, and capacity to protect civilians and humanitarian operations, stabilize the Darfur region of Sudan and dissuade and deter air attacks directed against civilians and humanitarian workers, including but not limited to providing assistance in the areas of logistics, transport, communications, materiel support, technical assistance, training, command and control, aerial surveillance, and intelligence.".

(b) NATO Assistance to Support AMIS.—The President should instruct the United States Permanent Representative to the North Atlantic Treaty Organization (NATO) to use the voice, vote, and influence of the United States at NATO to advocate NATO reinforcement of the African Union Mission in Sudan (AMIS), upon the request of the African Union, including but not limited to the provision of assets to dissuade and deter offensive air strikes directed against civilians and humanitarian workers in the Darfur region of Sudan and other logistical, transportation, communications, training, technical assistance, command and control, aerial surveillance, and intelligence support.

(c) Denial of Entry at United States Ports to Certain Cargo Ships or Oil Tankers.—

(1) In general.—The President should take all necessary and appropriate steps to deny the Government of Sudan access to oil revenues, including by prohibiting entry at United States ports to cargo ships or oil tankers engaged in business or trade activities in the oil sector of Sudan or involved in the shipment of goods for use by the armed forces of Sudan, until such time as the Government of Sudan has honored its commitments to cease attacks on civilians, demobilize and demilitarize the Janjaweed and associated militias, grant free and unfettered access for deliveries of humanitarian assistance, and allow for the safe and voluntary

return of refugees and internally displaced persons.

(2) EXCEPTION.—Paragraph (1) shall not apply with respect to cargo ships or oil tankers involved in an internationally-recognized demobilization program or the shipment of non-lethal assistance necessary to carry out elements of the Comprehensive Peace Agreement for Sudan.

(d) PROHIBITION ON ASSISTANCE TO COUNTRIES IN VIOLATION OF UNITED NATIONS SECURITY COUNCIL RESOLUTIONS 1556 AND 1591.—

(1) PROHIBITION.—Amounts made available to carry out the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) may not be used to provide assistance to the government of a country that is in violation of the embargo on military assistance with respect to Sudan imposed pursuant to United Nations Security Council Resolutions 1556 (July 30, 2004) and 1591 (March 29, 2005).

(2) WAIVER.—The President may waive the application of paragraph (1) if the President determines and certifies to the appropriate congressional committees that it is in the national interests of the United States to do so.

SEC. 7. MULTILATERAL EFFORTS.

The President shall direct the United States Permanent Representative to the United Nations to use the voice and vote of the United States to urge the adoption of a resolution by the United Nations Security Council which—

(1) supports the expansion of the African Union Mission in Sudan (AMIS) so that it achieves the mandate, size, strength, and capacity needed to protect civilians and humanitarian operations, and dissuade and deter fighting and violence in the Darfur region of Sudan, and urges member states of the United Nations to accelerate political, material, financial, and other assistance to the African Union toward this end;

(2) reinforces efforts of the African Union to negotiate peace talks between the Government of Sudan, the Sudan Liberation Movement/Army (SLM/A), the Justice and Equality Movement (JEM), and associated armed groups in the Darfur region, calls on the Government of Sudan, the SLM/A, and the JEM to abide by their obligations under the N'Djamena Ceasefire Agreement of April 8, 2004 and subsequent agreements, urges all parties to engage in peace talks without preconditions and seek to resolve the conflict, and strongly condemns all attacks against humanitarian workers and African Union personnel in the Darfur region;

(3) imposes sanctions against the Government of Sudan, including sanctions against individual members of the Government of Sudan, and entities controlled or owned by officials of the Government of Sudan or the National Congress Party in Sudan until such time as the Government of Sudan has honored its commitments to cease attacks on civilians, demobilize and demilitarize the Janjaweed and associated militias, grant free and unfettered access for deliveries of humanitarian assistance, and allow for the safe and voluntary return of refugees and internally displaced persons;

(4) extends the military embargo established by United Nations Security Council Resolutions 1556 (July 30, 2004) and 1591 (March 29, 2005) to include a total prohibition on the sale or supply of offensive military equipment to the Government of Sudan, except for use in an internationally-recognized demobilization program or for non-lethal assistance necessary to carry out elements of the Comprehensive Peace Agreement for Sudan;

(5) calls upon those member states of the United Nations that continue to undermine efforts to foster peace in Sudan by providing military assistance and equipment to the Government of Sudan, the SLM/A, the JEM, and associated armed groups in the Darfur region in violation of the embargo on such assistance and equipment, as called for in United Nations Security Council Resolutions 1556 and 1591, to immediately cease and desist; and

(6) acting under Article 5 of the Charter of the United Nations, calls for suspension of the Government of Sudan's rights and privileges of membership by the General Assembly until such time as the Government of Sudan has honored pledges to cease attacks upon civilians, demobilize the Janjaweed and associated militias, grant free and unfettered access for deliveries of humanitarian assistance in the Darfur region, and allow for safe, unimpeded, and voluntary return of refugees and internally displaced persons.

SEC. 8. CONTINUATION OF RESTRICTIONS.

Restrictions against the Government of Sudan that were imposed or are otherwise applicable pursuant to Executive Order 13067 of November 3, 1997 (62 Federal Register 59989), title III and sections 508, 512, 527, and 569 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005 (division D of Public Law 108-447), or any other similar provision of law, should remain in effect and should not be lifted pursuant to such provisions of law until the President transmits to the appropriate congressional committees a certification that the Government of Sudan is acting in good faith—

(1) to peacefully resolve the crisis in the Darfur region of Sudan;

(2) to disarm, demobilize, and demilitarize the Janjaweed and all government-allied militias;

(3) to adhere to United Nations Security Council Resolutions 1556 (2004), 1564 (2004), 1591 (2005), and 1593 (2005);

(4) to negotiate a peaceful resolution to the crisis in eastern Sudan;

(5) to fully cooperate with efforts to disarm, demobilize, and deny safe haven to members of the Lords Resistance Army; and

(6) to fully implement the Comprehensive Peace Agreement for Sudan without manipulation or delay, including by—

(A) implementing the recommendations of the Abyei Commission Report;

(B) establishing other appropriate commissions and implementing and adhering to the recommendations of such commissions consistent with the terms of the Comprehensive Peace Agreement for Sudan;

(C) adhering to the terms of the Wealth Sharing Agreement; and

(D) withdrawing government forces from southern Sudan consistent with the terms of the Comprehensive Peace Agreement for Sudan.

SEC. 9. ASSISTANCE EFFORTS IN SUDAN.

(a) ADDITIONAL AUTHORITIES.—Section 501(a) of the Assistance for International Malaria Control Act (Public Law 106-570; 114 Stat. 350; 50 U.S.C. 1701 note) is amended—

(1) by striking "Notwithstanding any other provision of law" and inserting the following:

"(1) IN GENERAL.—Notwithstanding any other provision of law";

(2) by inserting "civil administrations," after "indigenous groups,";

(3) by striking "areas outside of control of the Government of Sudan" and inserting "southern Sudan, southern Kordofan/Nuba Mountains State, Blue Nile State, and Abyei";

(4) by inserting before the period at the end the following: ", including the Comprehensive Peace Agreement for Sudan"; and

(5) by adding at the end the following new paragraph:

"(2) CONGRESSIONAL NOTIFICATION.—Assistance may not be obligated under this subsection until 15 days after the date on which the President has provided notice thereof to the congressional committees specified in section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1) in accordance with the procedures applicable to reprogramming notifications under such section.".

(b) EXCEPTION TO PROHIBITIONS IN EXECUTIVE ORDER NO. 13067.—Subsection (b) of such section is amended—

(1) in the heading, by striking "EXPORT PROHIBITIONS" and inserting "PROHIBITIONS IN EXECUTIVE ORDER NO. 13067";

(2) by striking "shall not" and inserting "should not";

(3) by striking "any export from an area in Sudan outside of control of the Government of Sudan, or to any necessary transaction directly related to that export" and inserting "activities or related transactions with respect to southern Sudan, southern Kordofan/Nuba Mountains State, Blue Nile State, or Abyei"; and

(4) by striking "the export or related transaction" and all that follows and inserting "such activities or related transactions would directly benefit the economic recovery and development of those areas and people.".

SEC. 10. REPORTS.

(a) REPORT ON AFRICAN UNION MISSION IN SUDAN (AMIS).—Section 8 of the Sudan Peace Act (Public Law 107–245; 50 U.S.C. 1701 note) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

"(c) REPORT ON AFRICAN UNION MISSION IN SUDAN (AMIS).—In conjunction with reports required under subsections (a) and (b) of this section thereafter, the Secretary of State shall submit to the appropriate congressional committees a report, to be prepared in conjunction with the Secretary of Defense, on—

"(1) efforts to fully deploy the African Union Mission in Sudan (AMIS) with the size, strength, and capacity necessary to stabilize the Darfur region of Sudan and protect civilians and humanitarian operations;

"(2) the needs of AMIS to ensure success, including in the areas of housing, transport, communications, equipment, technical assistance, training, command and control, intelligence, and such assistance as is necessary to dissuade and deter attacks, including by air, directed against civilians and humanitarian operations;

"(3) the current level of United States assistance and other assistance provided to AMIS, and a request for additional United States assistance, if necessary;

"(4) the status of North Atlantic Treaty Organization (NATO) plans and assistance to support AMIS; and

"(5) the performance of AMIS in carrying out its mission in the Darfur region.".

(b) REPORT ON SANCTIONS IN SUPPORT OF PEACE IN DARFUR.—Section 8 of the Sudan Peace Act (Public Law 107-245; 50 U.S.C. 1701 note), as amended by subsection (a), is further amended—

(1) by redesignating subsection (d) (as redesignated) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

"(d) Report on Sanctions in Support of Peace in Darfur.—In conjunction with reports required under subsections (a), (b), and (c) of this section thereafter, the Secretary of State shall submit to the appropriate congressional committees a report regarding sanctions imposed under subsections (a) through (d) of section 6 of the Comprehensive Peace in Sudan Act of 2004, including—

"(1) a description of each sanction imposed under such provisions of law; and

"(2) the name of the individual or entity subject to the sanction, if applicable.".

(c) Report on Individuals Identified by the United Nations in Connection With Genocide, War Crimes, and Crimes Against Humanity or Other Violations of International Humanitarian Law in Darfur.—Section 8 of the Sudan Peace Act (Public Law 107–245; 50 U.S.C. 1701 note), as amended by subsections (a) and (b), is further amended—

(1) by redesignating subsection (e) (as redesignated) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection:

"(e) Report on Individuals Identified by the United Nations in Connection With Genocide, War Crimes, and Crimes Against Humanity or Other Violations of International Humanitarian Law in Darfur.—Not later than 30 days after the date on which the United States has access to any of the names of the individuals identified by the International Commission of Inquiry on Darfur (established pursuant to United Nations Security Council Resolution 1564 (2004)), or the names of the individuals designated by the Committee of the United Nations Security Council (established pursuant to United Nations Security Council Resolution 1591 (2005)), the Secretary of State shall submit to the appropriate congressional committees a report containing an assessment as to whether such individuals may be subject to sanctions under section 6 of the Comprehensive Peace in Sudan Act of 2004 (as amended by the Darfur Peace and Accountability Act of 2005) and the reasons for such determination.".

SA 2675. Mr. McCONNELL (for Mr. Pryor) proposed an amendment to the bill H.R. 358, to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the desegregation of the Little Rock Central High School in Little Rock, Arkansas, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Little Rock Central High School Desegregation 50th Anniversary Commemorative Coin Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) September 2007, marks the 50th anniversary of the desegregation of Little Rock Central High School in Little Rock, Arkansas.

(2) In 1957, Little Rock Central High was the site of the first major national test for the implementation of the historic decision of the United States Supreme Court in *Brown, et al. v. Board of Education of Topeka, et al.*, 347 U.S. 483 (1954).

(3) The courage of the "Little Rock Nine" (Ernest Green, Elizabeth Eckford, Melba Pattillo, Jefferson Thomas, Carlotta Walls, Terrence Roberts, Gloria Ray, Thelma Mothershed, and Minnijean Brown) who stood in the face of violence, was influential to the Civil Rights movement and changed American history by providing an example on which to build greater equality.

(4) The desegregation of Little Rock Central High by the 9 African American students was recognized by Dr. Martin Luther King, Jr. as such a significant event in the struggle for civil rights that in May 1958, he attended the graduation of the first African American from Little Rock Central High School.

(5) A commemorative coin will bring national and international attention to the lasting legacy of this important event.

SEC. 3. COIN SPECIFICATIONS.

(a) Denominations.—The Secretary of the Treasury (hereinafter in this Act referred to as the "Secretary") shall mint and issue not more than 500,000 $1 coins each of which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) Legal Tender.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) Numismatic Items.—For purposes of section 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COINS.

(a) Design Requirements.—The design of the coins minted under this Act shall be emblematic of the desegregation of the Little Rock Central High School and its contribution to civil rights in America.

(b) Designation and Inscriptions.—On each coin minted under this Act there shall be—

(1) a designation of the value of the coin;

(2) an inscription of the year "2007"; and

(3) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(c) Selection.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the Commission of Fine Arts; and

(2) reviewed by the Citizens Coinage Advisory Committee established under section 5135 of title 31, United States Code.

SEC. 5. ISSUANCE OF COINS.

(a) Quality of Coins.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) Commencement of Issuance.—The Secretary may issue coins minted under this Act beginning January 1, 2007, except that the Secretary may initiate sales of such coins, without issuance, before such date.

(c) Termination of Minting Authority.—No coins shall be minted under this Act after December 31, 2007.

SEC. 6. SALE OF COINS.

(a) Sale Price.—Notwithstanding any other provision of law, the coins issued under this Act shall be sold by the Secretary at a price equal to the sum of the face value of the coins, the surcharge required under section 7(a) for the coins, and the cost of designing and issuing such coins (including labor, materials, dies, use of machinery, overhead expenses, and marketing).

(b) Bulk Sales.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) Prepaid Orders at a Discount.—

(1) In general.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) Discount.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) Surcharge Required.—All sales shall include a surcharge of $10 per coin.

(b) Distribution.—Subject to section 5134(f) of title 31, United States Code, and subsection (d), all surcharges which are received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the Secretary of the Interior for the protection, preservation, and interpretation of resources and stories associated with Little Rock Central High School National Historic Site, including the following:

(1) Site improvements at Little Rock Central High School National Historic Site.

(2) Development of interpretive and education programs and historic preservation projects.

(3) Establishment of cooperative agreements to preserve or restore the historic character of the Park Street and Daisy L. Gatson Bates Drive corridors adjacent to the site.

(c) Limitation.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

(d) Creditable Funds.—Notwithstanding any other provision of the law and recognizing the unique partnership nature of the Department of Interior and the Little Rock School District at the Little Rock Central High School National Historic Site and the significant contributions made by the Little Rock School District to preserve and maintain the historic character of the high school, any non-Federal funds expended by the school district (regardless of the source of the funds) for improvements at the Little Rock Central High School National Historic Site, to the extent such funds were used for the purposes described in paragraph (1), (2), or (3) of subsection (b), shall be deemed to meet the requirement of funds from private sources of section 5134(f)(1)(A)(ii) of title 31, United States Code, with respect to the Secretary of the Interior.

SA 2676. Mr. McCONNELL (for Mr. Sununu) proposed an amendment to the bill S. 1047, to require the Secretary of the Treasury to mint coins in commemoration of each of the Nation's past Presidents and their spouses, respectively, to improve circulation of the $1 coin, to create a new bullion coin, and for other purposes; as follows:

On page 6, strike lines 6 through 11, and insert the following:

"(B) Continuity provisions.—

"(i) In general.—Notwithstanding subparagraph (A), the Secretary shall continue to mint and issue $1 coins which bear any design in effect before the issuance of coins as required under this subsection (including the so-called 'Sacagawea-design' $1 coins).

"(ii) Circulation quantity.—Beginning January 1, 2007, and ending upon the termination of the program under paragraph (8), the Secretary annually shall mint and issue such 'Sacagawea-design' $1 coins for circulation in quantities of no less than ⅓ of the total $1 coins minted and issued under this subsection.".

On page 17, lines 6 and 7, strike "transportation and".

On page 17, line 7, strike "and entities".

On page 17, line 18, strike "1-year" and insert "2-year".

On page 17, line 24, strike "prominently".

On page 23, line 18, strike "$20" and insert "$50".

On page 24, line 2, strike "$20" and insert "$50".

On page 24, line 3, insert "and proof" after "bullion".

On page 24, line 4, strike "not to exceed 500,000 in any year" and insert "in such quantities, as the Secretary, in the Secretary's discretion, may prescribe".

On page 25, line 23, strike "the face value of the coins; and" and insert "the market value of the bullion at the time of sale; and".

On page 26, between lines 9 and 10, insert the following:

"(8) PROTECTIVE COVERING.—

"(A) IN GENERAL.—Each bullion coin having a metallic content as described in subsection (a)(11) and a design specified in paragraph (2) shall be sold in an inexpensive covering that will protect the coin from damage due to ordinary handling or storage.

"(B) DESIGN.—The protective covering required under subparagraph (A) shall be readily distinguishable from any coin packaging that may be used to protect proof coins minted and issued under this subsection.".

AUTHORITIES FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Friday, November 18, 2005, at 10 a.m., on Future of Science.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open Executive Session during the session on Friday, November 18, 2005, immediately following a vote on the Senate Floor (tentatively scheduled to occur at 9:30 a.m.), in the President's Room, S-216 of the Capitol, to consider favorably reporting S. 2027, the U.S.-Bahrain Free Trade Agreement Implementation Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The minority leader is recognized.

MISPLACED PRIORITIES

Mr. REID. Mr. President, as elected representatives of the American people, we have a responsibility to work with each other and to focus on their needs. This is an obligation that Democratic Senators have not taken lightly.

We have spent the last 11 months trying to make a difference for each American citizen. Democrats fought to protect Social Security when those in the majority, the Republicans, tried to destroy it through their risky privatization scheme. Democrats fought for a budget that honors America's values. When Republicans passed a terrible budget, leading religious leaders called it immoral. They called it immoral because of its deep cuts and irresponsible tax breaks. Why did they do that? One only needs to look at the Old Testament or the New Testament to find why.

In the 112th Psalm we are told that: He hath given to the poor; his righteousness will endure forever. In the New Testament, in the Book of Galatians, second chapter, 10th verse: Only that we should remember the poor. That is why leading religious leaders of this country have called the budget an immoral one.

We moved quickly to help Katrina's victims, when that storm exposed the Bush administration's incompetence. It became clear that Republicans were going to sit on their hands. Democrats tried to help families with energy prices, when prices spiked and congressional Republicans only seemed to care about their friends in the oil industry.

We stood for the troops, veterans, and a success story in Iraq, when it became clear that the White House was more interested in launching vicious attacks than providing the leadership America needs.

Democrats know that we are sent here to do a job on behalf of the American people. We understand that together we can do better. Unfortunately, in most all instances, those in the majority have shunned our efforts. Instead of joining us in helping every American, they have blocked our efforts and decided to focus on the narrow interests of a special few. In fact, if you want to see the misplaced priorities of the Republican Party, look no further than the agenda they set for the Senate.

If the Senate could spend over 30 days debating extreme judges and devote days to the tragic affairs of the Schiavo family, Republicans should have been able to find a few days to help millions of Americans with health care, education, and, of course, the skyrocketing cost of gasoline, heating oil, and natural gas.

While some of the work we have done this year is important, more important is the work that we have missed. Consider the latest example: Katrina relief. Democrats introduced a comprehensive Katrina relief package. It was a good package. It was done hours after the storm had passed. The legislation, S. 1637, included proposals to ensure that displaced families received the health care, housing, and financial relief they needed. Republicans talked a good game about helping victims. Yet over 2 months later, you only have to pick up any newspaper to know that tens of thousands of Americans still need housing, health care, and financial help. Democrats have tried to act on these families' behalf, but every time Republicans have found something better to do.

Of course, this is a pattern all too familiar. When Democrats wanted to discuss health care and education, Republicans decided to debate changing Senate rules so they could pack the courts with some extreme nominees. When Democrats wanted to help families struggling with rising oil prices, Republicans gave billions in tax breaks to oil companies that are already making obscene profits. And when Democrats wanted to help the neediest among us, Republicans decided to make deep cuts to programs working families depend on so they could give tax breaks to special interests and the very elite of our country.

America can do better than these misplaced priorities. Whether it is supporting our troops or providing relief for rising health and energy costs, it is time for the Senate to get its priorities straight. The Democratic agenda is one that deals with health care, energy costs, and, in effect, getting our priorities straight.

When we return next session, we should not waste more time putting the needs of the special few ahead of the priorities of the American people. Let's pass fiscally responsible tax relief to help middle-class families being squeezed between declining wages and rising prices. The rich are getting richer; the poor are getting poorer. The middle class is getting squeezed. Let's move forward on issues like energy dependence, real security, and affordable health care. Let's build on the progress we made on Tuesday with our vote on Iraq.

On Tuesday, Democrats and Republicans voted overwhelmingly to express no confidence in the administration's Iraq policy. We must continue to push the President because it is clear that he has no interest in taking the Senate's advice.

Instead of changing course, as the Senate demanded, the White House has decided to reignite the Cheney-Rove smear machine and attack its critics instead. We saw it yesterday with Congressman JACK MURTHA. While I don't agree with the immediate withdrawal plan Congressman MURTHA proposed, this brave man's patriotism and his commitment to defend our country should never be questioned, especially by this White House, as it was.

Congressman MURTHA served valiantly in Vietnam. He is a highly decorated veteran, someone who knows what it is like to bleed in combat, literally. When he speaks, the White House should listen. They could learn something. Let's remember, Congressman MURTHA isn't the only combat veteran calling for a debate about Iraq. In the Senate, Republican Senator CHUCK HAGEL has also said it is our patriotic duty to question what is going on.

The deceiving, distorting, and divisive political attacks must end. We need an open, honest debate about what is happening in Iraq. Next year I hope Republicans will join with us in this debate. It is easy to attack those who don't agree with you. The hard part is leading and giving our troops the strategy for success.

The days and months ahead should be used to do the people's business. We can't change the past, but we can change the future.

Next year we need to focus on the priorities of American families. Together we can do better and give our citizens a government as good and honest as its people.

The PRESIDING OFFICER (Mr. TALENT). The Senator from Kentucky.

A SUCCESSFUL FIRST SESSION

Mr. McCONNELL. Mr. President, I listened carefully to my good friend, the Democratic leader, give his evaluation of the year that is coming to a conclusion. Let me just suggest that I, not surprisingly, see it somewhat differently. In my couple of decades here in the Senate, this has been quite possibly the most successful first session of a Congress in my time here.

We began the year by passing a much needed class action reform bill that was long overdue to deal with one of the areas of the litigation craze that is bad for American business and bad for our economy. We followed on with the Bankruptcy Reform Act, long in the making, way overdue, to deal with people who have increasingly decided not to accept their responsibilities and pay their debts.

We passed a budget, which is never easy around here, tax cuts, a Central American free-trade agreement, an energy bill, and a highway bill. We confirmed a new Justice to the Supreme Court. We passed a terrorism reinsurance measure and a pension reform bill.

It has been an extraordinarily successful first session of a Congress, and we have much to be proud of as we go toward the Thanksgiving holiday.

Even though my assessment of our accomplishments here differs dramatically from that of the Democratic leader, let me say to all our colleagues, Democrats and Republicans alike, we have much to be thankful for this Thanksgiving. We hope everyone will enjoy the holiday, come back refreshed for what we anticipate will be a very brief session the week of December 12.

I also want to say a word about Iraq. It is much in the news these days. The Senate spoke clearly this week that it is not in favor of cutting and running. On a bipartisan basis, the Senate said we will not cut and run in Iraq. That is the message of the votes that we had earlier this week. We intend to stay the course. We are winning in Iraq, and the policy is to win.

How do you measure success in Iraq? You measure it by the election last January which brought into office a temporary democratic government. Everyone remembers the ink-stained index fingers that were held up proudly by the Iraqis as they, at risk to their own lives, went to the polls and elected an interim government.

Last month on October 15—by the way, back in January, there was a 60-percent turnout, the same as our turnout last November and ours was 60 percent, higher than the turnout of 50 percent before that. The Iraqis turned out the same percentages last January as we did here, and I don't think any Americans were afraid they were going to be shot or blown up by a bomb if they went out to vote.

If that were not good enough, in the constitutional election on October 15, 63 percent of Iraqis turned out, and large numbers of Sunnis who had boycotted the election earlier began to participate.

Clearly, Iraq is heading in the right direction. Surveys taken in September indicate Iraqis are far more optimistic about their future than we are about ours in the United States. They are more optimistic about their future than we are ours here. So the Iraqis feel they are on the right path. They are going to finish the job on December 15 when they elect the first permanent democratic government in Iraqi history, a fairly unusual thing in that part of the world, I think we will all agree.

Next year, that permanent democratic government will increasingly be responsible for its own future and the fate of its own citizens as the Iraqi military improves month after month.

So we do, indeed, have much to be thankful for this Thanksgiving. Most of all, we are grateful for our wonderful troops who have done an astonishing job in Iraq. They are proud of their work. They are somewhat perplexed about the perception that they are failing when they all know they are succeeding dramatically. Hopefully, in the new year, we will be able to do a better job of getting out the entire story in Iraq, which is that dramatic progress is being made. After all, when this democratic government is elected on December 15, it will be less than 3 years from the time Saddam Hussein was toppled to the election of a permanent democratic government in Iraq. It took us 11 years in this country to get from the Declaration of Independence to the writing of the Constitution in our first democratic election.

We are very impatient for immediate success. In fact, the Iraqis have come a long way in a short period of time under very difficult circumstances. We are proud of them and, most of all, we are proud of our troops who made it possible for that to happen.

With that, Mr. President, I think it is time to begin to wrap up in the Senate.

First, I congratulate the House of Representatives and the Senate. We will shortly be passing a bill to honor a great American, Rosa Parks, by placing a statue of her in the Capitol. I am very gratified by the swift action of the House, followed on by the Senate tonight. We have assured that Americans who visit this place 100 years from now will see her statue and reflect on how one woman's courage altered a nation.

I am also pleased and grateful to my colleagues, particularly Senator DODD in the Senate and Representative JESSE JACKSON, Jr., in the House, who took the lead over there for moving quickly to accord Ms. Parks the honor she so richly deserves. I look forward to the day when her statue is unveiled and placed in this historic building alongside other American heroes.

Ms. Parks' passing on October 24, just a few weeks ago, left us with sadness, but also with deep gratitude to the gift she left all of us.

I am reminded of Dr. Martin Luther King's conviction that human progress never rolls in on the wheels of inevitability. It comes through the tireless efforts of men. Today this Congress has taken steps to ensure Parks' achievements will never be forgotten.

RECOGNIZING 50TH ANNIVERSARY OF ROSA LOUISE PARKS' REFUSAL TO GIVE UP HER SEAT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H. Con. Res. 208, and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 208) recognizing the 50th anniversary of Rosa Louise Parks' refusal to give up her seat on the bus and the subsequent desegregation of American society.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statement relating to the concurrent resolution be printed in the RECORD, without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 208) was agreed to.

The preamble was agreed to.

AUTHORIZING EXTENSION OF UNCONDITIONAL AND PERMANENT NONDISCRIMINATORY TREATMENT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Finance be discharged from further consideration of S. 632, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 632) to authorize the extension of unconditional and permanent nondiscriminatory treatment (permanent normal trade relations treatment) to the products of Ukraine, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 632) was read the third time and passed, as follows:

S. 632

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds that Ukraine—

(1) allows its citizens the right and opportunity to emigrate, free of any heavy tax on emigration or on the visas or other documents required for emigration and free of any tax, levy, fine, fee, or other charge on any citizens as a consequence of the desire of such citizens to emigrate to the country of their choice;

(2) has received normal trade relations treatment since concluding a bilateral trade agreement with the United States that entered into force on June 23, 1992, which remains in force and provides the United States with important rights;

(3) has been found to be in full compliance with the freedom of emigration requirements under title IV of the Trade Act of 1974 since 1997;

(4) has committed itself to ensuring freedom of religion and preventing intolerance;

(5) has committed itself to continuing its efforts to return religious property to religious organizations in accordance with existing law;

(6) has taken significant steps demonstrating its intentions to build a friendly and cooperative relationship with the United States including participating in peacekeeping efforts in Europe; and

(7) has made progress toward meeting international commitments and standards in the most recent Presidential runoff elections, including in the implementation of Ukraine's new elections laws.

SEC. 2. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO UKRAINE.

(a) PRESIDENTIAL DETERMINATIONS AND EXTENSION OF UNCONDITIONAL AND PERMANENT NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(1) determine that such title should no longer apply to Ukraine; and

(2) after making a determination under paragraph (1) with respect to Ukraine, proclaim the extension of unconditional and permanent nondiscriminatory treatment (permanent normal trade relations treatment) to the products of that country.

(b) TERMINATION OF APPLICATION OF TITLE IV.—On and after the effective date of the extension under subsection (a)(2) of nondiscriminatory treatment to the products of Ukraine, chapter 1 of title IV of the Trade Act of 1974 shall cease to apply to that country.

Mr. McCONNELL. Mr. President, I further ask that the bill be held at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

DIRECTING THE JOINT COMMITTEE ON THE LIBRARY TO OBTAIN A STATUE OF ROSA PARKS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of H.R. 4145, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H. R. 4145) to direct the Joint Committee on the Library to obtain a statue of Rosa Parks and to place the statue in the United States Capitol in National Statuary Hall, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. KERRY. Mr. President, last night, the House of Representatives passed H.R. 4145, a bill to direct the Architect of the Capitol to obtain a statue of Rosa Parks and to place the statue in the United States Capitol in National Statuary Hall. Today, the Senate unanimously passed this legislation, and I rise to thank my colleagues in this body and in the House of Representatives for their leadership and support for this important legislation, which sends a message of hope and freedom to the American people.

Earlier this week a resolution sponsored by Senator McCONNELL and Senator DODD passed this body to honor Mrs. Parks. I thank Senators McCONNELL and DODD for their leadership on this issue and considering my concerns. I supported Mr. McCONNELL's and Mr. DODD's measure because I believe it is paramount that we honor Rosa Parks in our Capitol. However, I wanted to be clear that her statue should be in Statuary Hall, and I was glad to join Representative JESSE JACKSON Jr. of Illinois in his effort to make that happen.

Largely regarded as the mother of the modern day Civil Rights movement, Mrs. Parks' act of courage on December 1, 1955, inspired a movement that eventually brought about laws to end segregation, ensure voting rights, end discrimination in housing, and create a greater equality throughout this nation. Moreover, it taught us all that one individual can help to change the world from the way things are to the way things ought to be. With the passage of this legislation, we ensure that her memory is enshrined in the most hallowed halls of our Government. On November 3, 2005, I introduced S. 1959, the companion legislation to Representative JACKSON's H.R. 4145, which would also place a statue of Rosa Parks in Statuary Hall in the Capitol. This is a location of great significance, particularly on this occasion and particularly with this individual. While there are memorials for prominent African Americans in the Capitol Collection, none of those are located in the hall that gives a State-by-State account of our country's history.

This week, Representative JACKSON and I began a national week of action to pass our legislation honoring Rosa Parks with a statue in National Statuary Hall. I thank Representative JACKSON for his leadership on this important effort. It was through his vision and dedication that we were able to reach our goal of having this legislation pass Congress by December 1, 2005—the 50th anniversary of Rosa Parks' courageous decision not to move to the back of the bus. I also thank Senators McCONNELL and DODD for helping to make that happen. It could not have been enacted without their support.

Finally, I thank Senator OBAMA, Senator SMITH and my other Senate colleagues who cosponsored S. 1959 for their support in raising the awareness and helping to ensure the passage of this legislation. Mrs. Parks' legacy, and that of the movement she began, has been served well by this bipartisan effort to honor her in Statuary Hall.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, and that any statement relating to the bill be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4145) was read the third time and passed.

EXPRESSING SENSE OF SENATE ON TRIAL, SENTENCING AND IMPRISONMENT OF MICHAEL KHODORKOVSKY AND PLATON LEBEDEV

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 322 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 322) expressing the sense of the Senate on the trial, sentencing and imprisonment of Michael Khodorkovsky and Platon Lebedev.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 322) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 322

Whereas the United States supports the development of democracy, civil society, and the rule of law in the Russian Federation;

Whereas the rule of law and the guarantee of equal justice under the law are fundamental attributes of democratic societies;

Whereas the trial, sentencing, and imprisonment of Mikhail Khodorkovsky and Platon Lebedev have raised troubling questions about the impartiality and integrity of the judicial system in Russia;

Whereas the Department of State 2004 Country Report on Human Rights Practices in Russia stated that the arrest of Mr. Khodorkovsky was "widely believed to have been prompted, at least in part, by the considerable financial support he provided to opposition groups;"

Whereas Secretary of State Condoleezza Rice has remarked that the arrest of Mr. Khodorkovsky and the dismantling of his company have "raised significant concerns" about the independence of the judiciary in Russia;

Whereas the independent non-governmental organization Freedom House has asserted that the conviction of Mr. Khodorkovsky "underscores the serious erosion of the rule of law and growing intolerance for political dissent in Russia";

Whereas upon concluding an investigation of the facts surrounding the case of Mr. Khodorkovsky and Mr. Lebedev, the Human Rights Committee of the Parliamentary Assembly of the Council of Europe determined that the two men were "arbitrarily singled out" by the Russia authorities, violating the principle of equality before the law;

Whereas in May 2005, a Moscow court sentenced Mr. Khodorkovsky to serve 9 years in prison;

Whereas Article 73 of the Russian Criminal Penitentiary Code stipulates that except under extraordinary circumstances, prisoners serve their terms of deprivation of liberty on the territory of subjects of the Russian Federation where they reside or were convicted;

Whereas on or about October 16, 2005, Mr. Khodorkovsky was sent to prison camp YG 14/10 in the Chita Region of Siberia;

Whereas on or about October 16, 2005, Mr. Lebedev was sent to penal camp number 98/3 in the arctic region of Yamal-Nenets;

Whereas the transfer of Mr. Khodorkovsky and Mr. Lebedev constitutes an apparent violation of Russia law and hearkens back to the worst practices and excesses of the Soviet era;

Whereas a broad coalition of human rights advocates and intellectuals in Russia have appealed to Vladimir Lukin, the Human Rights Commissioner of the Russian Federation, to investigate and rectify any abuse of Russia law associated with the transfer of Mr. Khodorkovsky and Mr. Lebedev; and

Whereas the selective disregard for the rule of law by officials of the Russian Federation further undermines the standing and status of the Russian Federation among the democratic nations of the world: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the criminal justice system in Russia has not accorded Mikhail Khodorkovsky and Platon Lebedev fair, transparent, and impartial treatment under the laws of the Russian Federation;

(2) the standing and status of the Russian Federation among the democratic nations of the world would be greatly enhanced if the authorities of the Russian Federation were to take the necessary actions to dispel widespread concerns that—

(A) the criminal cases against Mr. Khodorkovsky, Mr. Lebedev, and their associates are politically motivated;

(B) the transfer of Mr. Khodorkovsky and Mr. Lebedev to prison camps thousands of kilometers from their homes and families represents a violation of the norms and practices of Russia law; and

(C) in cases dealing with perceived political threats to the authorities, the judiciary of Russia is an instrument of the Kremlin and such judiciary is not truly independent; and

(3) notwithstanding any other disposition of the cases of Mr. Khodorkovsky and Mr. Lebedev, and without prejudice to further disposition of same, Mr. Khodorkovsky and Mr. Lebedev should be transferred to penal facilities with locations that are consonant with the norms and general practices of Russia law.

EXPRESSING SENSE OF SENATE THAT UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS NOT BE ALLOWED TO EXERCISE CONTROL OVER INTERNET

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 323, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 323) expressing the sense of the Senate that the United Nations and other international organizations should not be allowed to exercise control over the Internet.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 323) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 323

Whereas market-based policies and private sector leadership have given the Internet the flexibility to evolve;

Whereas given the importance of the Internet to the global economy, it is essential that the underlying domain name system and technical infrastructure of the Internet remain stable and secure;

Whereas the Internet was created in the United States and has flourished under United States supervision and oversight, and the Federal Government has followed a path of transferring Internet control from the defense sector to the civilian sector, including the Internet Corporation for Assigned Names and Numbers (ICANN) with the goal of full privatization;

Whereas the developing world deserves the access to knowledge, services, commerce, and communication, the accompanying benefits to economic development, education, and health care, and the informed discussion that is the bedrock of democratic self-government that the Internet provides;

Whereas the explosive and hugely beneficial growth of the Internet did not result from increased government involvement but from the opening of the Internet to commerce and private sector innovation;

Whereas on June 30, 2005, President George W. Bush announced that the United States intends to maintain its historic role over the master "root zone" file of the Internet, which lists all authorized top-level Internet domains;

Whereas the recently articulated principles of the United States on the domain name and addressing system of the Internet (DNS) are that—

(1) the Federal Government will—

(A) preserve the security and stability of the DNS;

(B) take no action with the potential to adversely affect the effective and efficient operation of the DNS; and

(C) maintain the historic role of the United States regarding modifications to the root zone file;

(2) governments have a legitimate interest in the management of country code top level domains (ccTLD);

(3) the United States is committed to working with the international community to address the concerns of that community in accordance with the stability and security of the DNS;

(4) ICANN is the appropriate technical manager of the Internet, and the United States will continue to provide oversight so that ICANN maintains focus and meets its core technical mission; and

(5) dialogue relating to Internet governance should continue in multiple relevant fora, and the United States encourages an ongoing dialogue with all stakeholders and will continue to support market-based approaches and private sector leadership;

Whereas the final report issued by the Working Group on Internet Governance (WGIG), established by the United Nations Secretary General in accordance with a mandate given during the first World Summit on the Information Society, and comprised of 40 members from governments, private sector, and civil society, issued 4 possible models, 1 of which envisages a Global Internet Council that would assume international Internet governance;

Whereas that report contains recommendations for relegating the private sector and nongovernmental organizations to an advisory capacity;

Whereas the European Union has also proposed transferring control of the Internet, including the global allocation of Internet Protocol number blocks, procedures for changing the root zone file, and rules applicable to DNS, to a "new model of international cooperation" which could confer significant leverage to the Governments of Iran, Cuba, and China, and could impose an undesirable layer of politicized bureaucracy on the operations of the Internet that could result in an inadequate response to the rapid pace of technological change;

Whereas some nations that advocate radical change in the structure of Internet governance censor the information available to their citizens through the Internet and use the Internet as a tool of surveillance to curtail legitimate political discussion and dissent, and other nations operate telecommunications systems as state-controlled monopolies or highly-regulated and highly-taxed entities;

Whereas some nations in support of transferring Internet governance to an entity affiliated with the United Nations, or another international entity, might seek to have such an entity endorse national policies that block access to information, stifle political dissent, and maintain outmoded communications structures;

Whereas the structure and control of Internet governance has profound implications for homeland security, competition and trade, democratization, free expression, access to information, privacy, and the protection of intellectual property, and the threat of some nations to take unilateral actions that would fracture the root zone file would result in a less functional Internet with diminished benefits for all people;

Whereas in the Declaration of Principles of the First World Summit on the Information Society, held in Geneva in 2003, delegates from 175 nations declared the "common desire and commitment to build a people-centered, inclusive and development oriented Information Society, where everyone can create, access, utilize and share information and knowledge";

Whereas delegates at the First World Summit also reaffirmed, "as an essential foundation of the Information Society, and as outlined in Article 19 of the Universal Declaration of Human Rights, that everyone has the right to freedom of opinion and expression" and that "this right includes freedom to hold opinions without interference and to seek, receive and import information and ideas through any media and regardless of frontiers";

Whereas the United Nations Secretary General has stated the objective of the 2005 World Summit on the Information Society in Tunis is to ensure "benefits that new information and communication technologies, including the Internet, can bring to economic and social development" and that "to defend the Internet is to defend freedom itself"; and

Whereas discussions at the November 2005 World Summit on the Information Society may include discussion of transferring control of the Internet to a new intergovernmental entity, and could be the beginning of a prolonged international debate regarding the future of Internet governance: Now, therefore, be it

Resolved, That the Senate—

(1) calls on the President to continue to oppose any effort to transfer control of the Internet to the United Nations or any other international entity;

(2) applauds the President for—

(A) clearly and forcefully asserting that the United States has no present intention of relinquishing the historic leadership role the United States has played in Internet governance; and

(B) articulating a vision of the future of the Internet that places privatization over politicization with respect to the Internet; and

(3) calls on the President to—

(A) recognize the need for, and pursue a continuing and constructive dialogue with the international community on, the future of Internet governance; and

(B) advance the values of an open Internet in the broader trade and diplomatic conversations of the United States.

EXPRESSING SUPPORT FOR PEOPLE OF SRI LANKA

Mr. McCONNELL. I now ask unanimous consent that the Senate proceed to the consideration of S. Res. 324, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 324) expressing support for the people of Sri Lanka in the wake of the tsunami and the assassination of the Sri Lankan Foreign Minister and urging support and respect for free and fair elections in Sri Lanka.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 324) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 324

Whereas, on December 26, 2004, Sri Lanka was struck by a tsunami that left some 30,000 dead and hundreds of thousands of people homeless;

Whereas the United States and the world community recognized the global importance of preventing that tragedy from spiraling into an uncontrolled disaster and sent aid to Sri Lanka to provide immediate relief;

Whereas the massive tsunami reconstruction effort in Sri Lanka creates significant challenges for the country;

Whereas the democratic process in Sri Lanka is further challenged by the refusal of the Liberation Tigers of Tamil Eelam, a group that the Secretary of State has designated as a Foreign Terrorist Organization, to renounce violence as a means of effecting political change;

Whereas, on August 12, 2005, the Sri Lankan Foreign Minister Lakhsman Kadirgamar was assassinated at his home in Colombo in a brutal terrorist act that has been widely attributed to the Liberation Tigers of Tamil Eelam by officials in Sri Lanka, the United States, and other countries;

Whereas democratic elections are scheduled to be held in Sri Lanka on November 17, 2005; and

Whereas the United States has an interest in a free and fair democratic process in Sri Lanka, and the peaceful resolution of the insurgency that has afflicted Sri Lanka for more than two decades: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its support for the people of Sri Lanka as they recover from the devastating tsunami that occurred on December 26, 2004, and the assassination of the Sri Lankan Foreign Minister Lakhsman Kadirgamar on August 12, 2005;

(2) expresses its support for the courageous decision by the democratically-elected Government of Sri Lanka, following the assassination of Foreign Minister Kadirgamar, to remain in discussions with the Liberation Tigers of Tamil Eelam in an attempt to resolve peacefully the issues facing the people of Sri Lanka; and

(3) urges all parties in Sri Lanka to remain committed to the negotiating process and to make every possible attempt at national reconciliation.

AUTHORIZATION FOR PRINTING OF SENATE ELECTION LAW GUIDEBOOK

Mr. McCONNELL. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of S. Res. 325, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 325) to authorize the printing of a revised edition of the Senate Election Law Guidebook.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 325) was agreed to, as follows:

S. RES. 325

Resolved, That the Committee on Rules and Administration shall prepare a revised edition of the Senate Election Law Guidebook, Senate Document 106-14 , and that such document shall be printed as a Senate document.

SEC. 2. There shall be printed, beyond the usual number, 500 additional copies of the document specified in the first section for the use of the Committee on Rules and Administration.

CHILD SAFETY PILOT PROGRAM

Mr. McCONNELL. Mr. President, I now ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 298, S. 1961.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1961) to extend and expand the Child Safety Pilot Program.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCONNELL. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The bill (S. 1961) was read the third time and passed, as follows:

S. 1961

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Extending the Child Safety Pilot Program Act of 2005".

SEC. 2. EXTENSION OF THE CHILD SAFETY PILOT PROGRAM.

Section 108 of the PROTECT Act (42 U.S.C. 5119a note) is amended—

(1) in subsection (a)—

(A) in paragraph (2)(B), by striking "A volunteer organization in a participating State may not submit background check requests under paragraph (3).";

(B) in paragraph (3)—

(i) in subparagraph (A), by striking "a 30-month" and inserting: "a 60-month";

(ii) by striking subparagraph (B) and inserting the following:

"(B) PARTICIPATING ORGANIZATIONS.—

"(i) ELIGIBLE ORGANIZATIONS.—Eligible organizations include—

"(I) the Boys and Girls Clubs of America;

"(II) the MENTOR/National Mentoring Partnership;

"(III) the National Council of Youth Sports; and

"(IV) any nonprofit organization that provides care, as that term is defined in section 5 of the National Child Protection Act of 1993 (42 U.S.C. 5119c), for children.

"(ii) PILOT PROGRAM.—The eligibility of an organization described in clause (i)(IV) to participate in the pilot program established under this section shall be determined by the National Center for Missing and Exploited Children according to criteria established by such Center, including the potential number of applicants and suitability of the organization to the intent of this section.";

(iii) by striking subparagraph (C) and inserting the following:

"(C) APPLICANTS FROM PARTICIPATING ORGANIZATIONS.—Participating organizations may request background checks on applicants for positions as volunteers and employees who will be working with children or supervising volunteers.";

(iv) in subparagraph (D), by striking "the organizations described in subparagraph (C)" and inserting "participating organizations"; and

(v) in subparagraph (F), by striking "14 business days" and inserting "10 business days"; and

(2) in subsection (c)(1), by striking "and 2005" and inserting "through 2008".

VESSEL HULL DESIGN PROTECTION AMENDMENTS of 2005

Mr. MCCONNELL. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of S. 1785 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1785) to amend chapter 13 of title 17, United States Code (relating to the vessel hull design protection), to clarify the distinction between a hull and a deck, to provide factors for the determination of the protectability of a revised design, to provide guidance for assessments of substantial similarity, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, Senator CORNYN and I have already worked together on significant Freedom of Information Act legislation and on counterfeiting legislation during the first session of this Congress. Today, we pass yet another bill and take our partnership to the high seas, or at least to our Nation's boat manufacturing industry, with the Vessel Hull Design Protection Act Amendments of 2005.

Designs of boat vessel hulls are often the result of a great deal of time, effort, and financial investment. They are afforded intellectual property protection under the Vessel Hull Design Protection Act that Congress passed in 1998. This law exists for the same reason that other works enjoy intellectual property rights: to encourage continued innovation, to protect the works that emerge from the creative process, and to reward the creators. Recent courtroom experience has made it clear that the protections Congress passed 7 years ago need some statutory refinement to ensure they meet the purposes we envisioned. The Vessel Hull Design Protection Act Amendments shore up the law, making an important clarification about the scope of the protections available to boat designs.

We continue to be fascinated with, and in so many ways dependent on, bodies of water, both for recreation and commerce. More than 50 percent of Americans live on or near the coastline in this country. We seem always to be drawn to the water, whether it is the beautiful Lake Champlain in my home State of Vermont or the world's large oceans. And as anyone who has visited our seaports can attest, much of our commerce involves sea travel. I would like to thank Senators KOHL and HATCH for cosponsoring this legislation. Protecting boat designs and encouraging innovation in those designs are worthy aims, and I am grateful that we have moved to pass this bipartisan legislation.

Mr. MCCONNELL. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid on the table with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1785) was read the third time and passed, as follows:

S. 1785

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Vessel Hull Design Protection Amendments of 2005".

SEC. 2. DESIGNS PROTECTED.

Section 1301(a) of title 17, United States Code, is amended by striking paragraph (2) and inserting the following:

"(2) VESSEL FEATURES.—The design of a vessel hull or deck, including a plug or mold, is subject to protection under this chapter, notwithstanding section 1302(4).".

SEC. 3. DEFINITIONS.

Section 1301(b) of title 17, United States Code, is amended—

(1) in paragraph (2), by striking "vessel hull, including a plug or mold," and inserting "vessel hull or deck, including a plug or mold,";

(2) by striking paragraph (4) and inserting the following:

"(4) A 'hull' is the exterior frame or body of a vessel, exclusive of the deck, superstructure, masts, sails, yards, rigging, hardware, fixtures, and other attachments."; and

(3) by adding at the end the following:

"(7) A 'deck' is the horizontal surface of a vessel that covers the hull, including exterior cabin and cockpit surfaces, and exclusive of masts, sails, yards, rigging, hardware, fixtures, and other attachments.".

LAND CONVEYANCE IN THE CITY OF RICHFIELD, UTAH

Mr. MCCONNELL. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 282, H.R. 680.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 680) to direct the Secretary of Interior to convey certain land held in trust for the Paiute Indian Tribe of Utah to the City of Richfield, Utah, and for other purposes.

Mr. MCCONNELL. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 680) was read the third time and passed.

DESIGNATING THE HOLLY A. CHARETTE POST OFFICE

DESIGNATING THE RANDALL D. SHUGHART POST OFFICE BUILDING

DESIGNATING THE VINCENT PALLADINO POST OFFICE

DESIGNATING THE WILLIE VAUGHN POST OFFICE

Mr. MCCONNELL. Mr. President, I ask unanimous consent the Homeland Security and Governmental Affairs Committee be discharged from further consideration, and the Senate proceed to the immediate consideration of S. 1989, H.R. 2062, H.R. 2183, and H.R. 3853, all en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senate will proceed to the consideration of the measures en bloc.

Mr. McCONNELL. I ask unanimous consent the bills be read a third time and passed and the motions to reconsider be laid on the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2062) was read the third time and passed.

The bill (H.R. 2183) was read the third time and passed.

The bill (H.R. 3853) was read the third time and passed.

The bill (S. 1989) was read the third time and passed as follows:

S. 1989

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HOLLY A. CHARETTE POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 57 Rolfe Square in Cranston, Rhode Island, shall be known and designated as the "Holly A. Charette Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Holly A. Charette Post Office".

DARFUR PEACE AND ACCOUNTABILITY ACT OF 2005

Mr. McCONNELL. Mr. President, I ask unanimous consent the Committee on Foreign Relations be discharged from further consideration of S. 1462 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1462) to promote peace and accountability in Sudan, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. CORZINE. Mr. President, today the Senate has passed the bipartisan Darfur Peace and Accountability Act introduced by my colleague, Senator BROWNBACK, and myself. This legislation is a critical step in finally stopping the genocide raging in Darfur and bringing lasting peace to the region.

It has been 15 months since the Congress declared the atrocities in Darfur to be genocide, and over a year since the administration made the same declaration. Yet far too little has been done to live up to our moral obligation to actually save lives. Fellow human beings are being mercilessly slaughtered. We have the capacity to protect them. If we do not, history will forever condemn our failure. That is what this bill is about.

This is the second time a version of this bill has passed the Senate. In April, the bill was included as an amendment to the emergency supplement appropriations bill but was stripped out in conference. This time, however, I am hopeful that the bill will be passed into law. A dedicated, bipartisan group of House members, including Congressman PAYNE, have pushed this legislation. Through their efforts and with the support of leadership, we can pass this bill.

That's when the work will really begin. This legislation outlines the policies and provides the authorities necessary to stop the genocide.

First, the bill recognizes that boots on the ground are needed to provide security. It calls for the rapid expansion of the size and mandate of African Union, AU, forces in Darfur. We must, however, provide actual resources to the AU for it to be effective. Just a few weeks ago, a Senate amendment to the Foreign Operations appropriations bill for $50 million was removed in conference, leaving the AU with an ever-increasing shortfall at precisely the worst moment. By passing this legislation, the Senate has once again stressed the need for greater U.S. assistance to the AU. The administration must now follow up by requesting significant funding for the AU in its next supplemental request.

While we must provide all necessary resources to the AU, we should also recognize its limitations. This bill identifies specific areas where NATO should provide assistance, including training, logistics, command and control, and intelligence.

The message is clear: the AU's failure will be ours. And, as the genocide continues to unfold, there will be only one question. Were all available resources expended to stop it?

Second, the bill insists that the United States work to impose sanctions currently available under existing U.N. Security Council resolutions and seek to pass a new, more effective resolution. The U.N. must impose the targeted sanctions promised under previous resolutions. And it must extend the arms embargo to include all of Sudan and thus truly ensure that weapons do not end up in Darfur.

The bill grants the President the authority to impose real sanctions—blocking of assets and denial of visas—to those responsible for genocide, war crimes and crimes against humanity, and requires that he report to Congress any waiver of those sanctions. Individual accountability changes behavior. This is a powerful tool, and I am hopeful that the President will use it to its fullest.

This bill has other critical provisions. It denies entry to our ports to ships working with Sudan's oil sector. It prohibits assistance to countries violating the arms embargo. And it calls for a Presidential envoy to bring the full weight of this administration to bear on stopping the genocide and resolving the crisis engulfing Sudan and the region.

Darfur must be a priority. The United States has faced resistance to multilateral sanctions against Sudan. But the answer is not to give up. The issue should be raised in bilateral and multilateral settings. Countries that do business with Sudan and seek to shield the government from sanctions need to understand that we are absolutely committed to stopping genocide and that our bilateral relations are at stake.

There is no time to lose. The situation in Darfur is deteriorating by the day. AU troops have been attacked, held hostage and killed. IDP camps have been overrun in recent weeks and dozens have been slaughtered. Hundreds of thousands of internally displaced persons can no longer be reached by humanitarian organizations. The conflict has spread into Chad, which already is straining to support 200,000 Darfur refugees. We are looking at the complete meltdown of the region. What positive efforts have been made in the last year and a half, the incredible work of NGOs, the important efforts of a couple thousand AU troops in a region the size of Texas, could soon be reversed.

I am grateful to my colleagues on both sides of the aisle who have supported this bill and have joined me in demanding that we end this genocide. I must also recognize the incredible efforts of civic and student groups, people of faith of all religions and denominations, and Americans from all over the country and from all walks of life who have come together on this issue.

I have visited the IDP camps of Darfur and camps for Darfur refugees in Chad. But in our time, when news of human misery crosses the globe in an instant, none of us can pretend that we don't see. That is why so many of our citizens have risen up and demanded action, not just words.

The American people understand what Elie Wiesel said about Darfur well over a year ago. He asked:

> How can a citizen of a free country not pay attention? How can anyone, anywhere not feel outraged? How can a person, whether religious or secular, not be moved by compassion? And above all, how can anyone who remembers remain silent?

Elie Wiesel was referring of course to the memory of the Holocaust from which the moral imperative of our day was borne: "never again." Never again will we stand by. Never again will we forget our common humanity. Never again will we turn away.

Mr. McCONNELL. I ask unanimous consent that the Brownback amendment at the desk be agreed to, the bill as amended be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2674) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The bill (S. 1462), as amended, was read the third time and passed, as follows:

S. 1462

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Darfur Peace and Accountability Act of 2005".

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) GOVERNMENT OF SUDAN.—

(A) IN GENERAL.—The term "Government of Sudan" means the National Congress Party, formerly known as the National Islamic Front, government in Khartoum, Sudan, or any successor government formed on or after the date of the enactment of this Act (including the coalition National Unity Government agreed upon in the Comprehensive Peace Agreement for Sudan), except that such term does not include the regional Government of Southern Sudan.

(B) OFFICIALS OF THE GOVERNMENT OF SUDAN.—The term "Government of Sudan", when used with respect to an official of the Government of Sudan, does not include an individual—

(i) who was not a member of such government prior to July 1, 2005; or

(ii) who is a member of the regional Government of Southern Sudan.

(3) COMPREHENSIVE PEACE AGREEMENT FOR SUDAN.—The term "Comprehensive Peace Agreement for Sudan" means the peace agreement signed by the Government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A) in Nairobi, Kenya, on January 9, 2005.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) On July 22, 2004, the House of Representatives and the Senate declared that the atrocities occurring in the Darfur region of Sudan are genocide.

(2) On September 9, 2004, Secretary of State Colin L. Powell stated before the Committee on Foreign Relations of the Senate, "genocide has been committed in Darfur and . . . the Government of Sudan and the [Janjaweed] bear responsibility—and genocide may still be occurring".

(3) On September 21, 2004, in an address before the United Nations General Assembly, President George W. Bush affirmed the Secretary of State's finding and stated, "[a]t this hour, the world is witnessing terrible suffering and horrible crimes in the Darfur region of Sudan, crimes my government has concluded are genocide".

(4) On July 30, 2004, the United Nations Security Council passed Security Council Resolution 1556, calling upon the Government of Sudan to disarm the Janjaweed militias and to apprehend and bring to justice Janjaweed leaders and their associates who have incited and carried out violations of human rights and international humanitarian law, and establishing a ban on the sale or supply of arms and related materiel of all types, including the provision of related technical training or assistance, to all nongovernmental entities and individuals, including the Janjaweed.

(5) On September 18, 2004, the United Nations Security Council passed Security Council Resolution 1564, determining that the Government of Sudan had failed to meet its obligations under Security Council Resolution 1556, calling for a military flight ban in and over the Darfur region, demanding the names of Janjaweed militiamen disarmed and arrested for verification, establishing an International Commission of Inquiry on Darfur to investigate violations of international humanitarian and human rights laws, and threatening sanctions should the Government of Sudan fail to fully comply with Security Council Resolutions 1556 and 1564, including such actions as to affect Sudan's petroleum sector or individual members of the Government of Sudan.

(6) The Report of the International Commission of Inquiry on Darfur established that the "Government of the Sudan and the Janjaweed are responsible for serious violations of international human rights and humanitarian law amounting to crimes under international law," that "these acts were conducted on a widespread and systematic basis, and therefore may amount to crimes against humanity," and that Sudanese officials and other individuals may have acted with "genocidal intent".

(7) The Report of the International Commission of Inquiry on Darfur further notes that, pursuant to its mandate and in the course of its work, the Commission had collected information relating to individual perpetrators of acts constituting "violations of international human rights law and international humanitarian law, including crimes against humanity and war crimes" and that a sealed file containing the names of those individual perpetrators had been delivered to the United Nations Secretary-General.

(8) On March 24, 2005, the United Nations Security Council passed Security Council Resolution 1590, establishing the United Nations Mission in Sudan (UNMIS), consisting of up to 10,000 military personnel and 715 civilian police and tasked with supporting implementation of the Comprehensive Peace Agreement for Sudan and "closely and continuously liais[ing] and coordinat[ing] at all levels with the African Union Mission in Sudan (AMIS) with a view towards expeditiously reinforcing the effort to foster peace in Darfur".

(9) On March 29, 2005, the United Nations Security Council passed Security Council Resolution 1591, extending the military embargo established by Security Council Resolution 1556 to all the parties to the N'djamena Ceasefire Agreement and any other belligerents in the states of North Darfur, South Darfur, and West Darfur, calling for an asset freeze and travel ban against those individuals who impede the peace process, constitute a threat to stability in Darfur and the region, commit violations of international humanitarian or human rights law or other atrocities, are responsible for offensive military overflights, or violate the military embargo, and establishing a Committee of the Security Council and a Panel of Experts to assist in monitoring compliance with Security Council Resolutions 1556 and 1591.

(10) On March 31, 2005, the United Nations Security Council passed Security Council Resolution 1593, referring the situation in Darfur since July 1, 2002, to the prosecutor of the International Criminal Court and calling on the Government of Sudan and all parties to the conflict to cooperate fully with the Court.

(11) In remarks before the G–8 Summit on June 30, 2005, President Bush reconfirmed that "the violence in Darfur is clearly genocide" and "the human cost is beyond calculation".

(12) On July 30, 2005, Dr. John Garang de Mabior, the newly appointed Vice President of Sudan and the leader of the Sudan People's Liberation Movement/Army (SPLM/A) for the past 21 years, was killed in a tragic helicopter crash in southern Sudan, sparking riots in Khartoum and challenging the commitment of all the people of Sudan to the Comprehensive Peace Agreement for Sudan.

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the genocide unfolding in the Darfur region of Sudan is characterized by atrocities directed against civilians, including mass murder, rape, and sexual violence committed by the Janjaweed and associated militias with the complicity and support of the National Congress Party-led faction of the Government of Sudan;

(2) all parties to the conflict in the Darfur region have continued to violate the N'djamena Ceasefire Agreement of April 8, 2004, and the Abuja Protocols of November 9, 2004, and violence against civilians, humanitarian aid workers, and personnel of the African Union Mission in Sudan (AMIS) is increasing;

(3) the African Union should rapidly expand the size and amend the mandate of the African Union Mission in Sudan (AMIS) to authorize such action as may be necessary to protect civilians and humanitarian operations, and deter violence in the Darfur region without delay;

(4) the international community, including the United Nations, the North Atlantic Treaty Organization (NATO), the European Union, and the United States, should immediately act to mobilize sufficient political, military, and financial resources to support the expansion of the African Union Mission in Sudan so that it achieves the size, strength, and capacity necessary for protecting civilians and humanitarian operations, and ending the continued violence in the Darfur region;

(5) if an expanded and reinforced African Union Mission in Sudan fails to stop genocide in the Darfur region, the international community should take additional, dispositive measures to prevent and suppress acts of genocide in the Darfur region;

(6) acting under Article 5 of the Charter of the United Nations, the United Nations Security Council should call for suspension of the Government of Sudan's rights and privileges of membership by the General Assembly until such time as the Government of Sudan has honored pledges to cease attacks upon civilians, demobilize the Janjaweed and associated militias, grant free and unfettered access for deliveries of humanitarian assistance in the Darfur region, and allow for safe, unimpeded, and voluntary return of refugees and internally displaced persons;

(7) the President should use all necessary and appropriate diplomatic means to ensure the full discharge of the responsibilities of the Committee of the United Nations Security Council and the Panel of Experts established pursuant to section 3(a) of Security Council Resolution 1591 (March 29, 2005);

(8) the United States should not provide assistance to the Government of Sudan, other

than assistance necessary for the implementation of the Comprehensive Peace Agreement for Sudan, the support of the regional Government of Southern Sudan and marginalized areas in northern Sudan (including the Nuba Mountains, Southern Blue Nile, Abyei, Eastern Sudan (Beja), Darfur, and Nubia), as well as marginalized peoples in and around Khartoum, or for humanitarian purposes in Sudan, until such time as the Government of Sudan has honored pledges to cease attacks upon civilians, demobilize the Janjaweed and associated militias, grant free and unfettered access for deliveries of humanitarian assistance in the Darfur region, and allow for safe, unimpeded, and voluntary return of refugees and internally displaced persons;

(9) the President should seek to assist members of the Sudanese diaspora in the United States by establishing a student loan forgiveness program for those individuals who commit to return to southern Sudan for a period of not less than 5 years for the purpose of contributing professional skills needed for the reconstruction of southern Sudan;

(10) the President should appoint a Presidential Envoy for Sudan to provide stewardship of efforts to implement the Comprehensive Peace Agreement for Sudan, seek ways to bring stability and peace to the Darfur region, address instability elsewhere in Sudan and northern Uganda, and pursue a truly comprehensive peace throughout the region;

(11) in order to achieve the goals specified in paragraph (10) and to further promote human rights and civil liberties, build democracy, and strengthen civil society, the Presidential Envoy for Sudan should be empowered to promote and encourage the exchange of individuals pursuant to educational and cultural programs, including programs funded by the United States Government;

(12) the international community should strongly condemn attacks against humanitarian workers and demand that all armed groups in the Darfur region, including the forces of the Government of Sudan, the Janjaweed, associated militias, the Sudan Liberation Movement/Army (SLM/A), the Justice and Equality Movement (JEM), and all other armed groups to refrain from such attacks;

(13) the United States should fully support the Comprehensive Peace Agreement for Sudan and urge rapid implementation of its terms; and

(14) the new leadership of the Sudan People's Liberation Movement (SPLM) should—

(A) seek to transform the SPLM into an inclusive, transparent, and democratic political body;

(B) reaffirm the commitment of the SPLM to bringing peace not only to southern Sudan, but also to the Darfur region, eastern Sudan, and northern Uganda; and

(C) remain united in the face of potential efforts to undermine the SPLM.

SEC. 5. SANCTIONS IN SUPPORT OF PEACE IN DARFUR.

(a) Blocking of Assets and Restriction on Visas.—Section 6 of the Comprehensive Peace in Sudan Act of 2004 (Public Law 108–497; 50 U.S.C. 1701 note) is amended—

(1) in the heading of subsection (b), by inserting "of Appropriate Senior Officials of the Sudanese Government" after "Assets";

(2) by redesignating subsections (c) through (e) as subsections (d) through (f), respectively; and

(3) by inserting after subsection (b) the following new subsection:

"(c) Blocking of Assets and Restriction on Visas of Certain Individuals Identified by the President.—

"(1) Blocking of assets.—Beginning on the date that is 30 days after the date of the enactment of the Darfur Peace and Accountability Act of 2005, and in the interest of contributing to peace in Sudan, the President shall, consistent with the authorities granted in the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block the assets of any individual who the President determines is complicit in, or responsible for, acts of genocide, war crimes, or crimes against humanity in Darfur, including the family members or any associates of such individual to whom assets or property of such individual was transferred on or after July 1, 2002.

"(2) Restriction on visas.—Beginning on the date that is 30 days after the date of the enactment of the Darfur Peace and Accountability Act of 2005, and in the interest of contributing to peace in Sudan, the President shall deny visas and entry to any individual who the President determines is complicit in, or responsible for, acts of genocide, war crimes, or crimes against humanity in Darfur, including the family members or any associates of such individual to whom assets or property of such individual was transferred on or after July 1, 2002.".

(b) Waiver.—Section 6(d) of the Comprehensive Peace in Sudan Act of 2004 (as redesignated by subsection (a)) is amended by adding at the end the following new sentence: "The President may waive the application of paragraph (1) or (2) of subsection (c) with respect to an individual if—

"(1) the President determines that such a waiver is in the national interest of the United States; and

"(2) prior to exercising the waiver, the President transmits to the appropriate congressional committees a notification of the waiver that includes the name of the individual and the reasons for the waiver.".

(c) Sanctions Against Certain Janjaweed Commanders and Coordinators.—The President should immediately consider imposing the sanctions described in section 6(c) of the Comprehensive Peace in Sudan Act of 2004 (as added by subsection (a)) against the Janjaweed commanders and coordinators identified by former United States Ambassador-at-Large for War Crimes before the Subcommittee on Africa of the Committee on International Relations of the House of Representatives on June 24, 2004.

SEC. 6. ADDITIONAL AUTHORITIES TO DETER AND SUPPRESS GENOCIDE IN DARFUR.

(a) United States Assistance To Support AMIS.—Section 7 of the Comprehensive Peace in Sudan Act of 2004 (Public Law 108–497; 50 U.S.C. 1701 note) is amended—

(1) by striking "Notwithstanding" and inserting "(a) General Assistance.—Notwithstanding"; and

(2) by adding at the end the following new subsection:

"(b) Assistance To Support AMIS.—Notwithstanding any other provision of law, the President is authorized to provide assistance, on such terms and conditions as the President may determine and in consultation with the appropriate congressional committees, to reinforce the deployment and operations of an expanded African Union Mission in Sudan (AMIS) with the mandate, size, strength, and capacity to protect civilians and humanitarian operations, stabilize the Darfur region of Sudan and dissuade and deter air attacks directed against civilians and humanitarian workers, including but not limited to providing assistance in the areas of logistics, transport, communications, materiel support, technical assistance, training, command and control, aerial surveillance, and intelligence.".

(b) NATO Assistance to Support AMIS.—The President should instruct the United States Permanent Representative to the North Atlantic Treaty Organization (NATO) to use the voice, vote, and influence of the United States at NATO to advocate NATO reinforcement of the African Union Mission in Sudan (AMIS), upon the request of the African Union, including but not limited to the provision of assets to dissuade and deter offensive air strikes directed against civilians and humanitarian workers in the Darfur region of Sudan and other logistical, transportation, communications, training, technical assistance, command and control, aerial surveillance, and intelligence support.

(c) Denial of Entry at United States Ports to Certain Cargo Ships or Oil Tankers.—

(1) In general.—The President should take all necessary and appropriate steps to deny the Government of Sudan access to oil revenues, including by prohibiting entry at United States ports to cargo ships or oil tankers engaged in business or trade activities in the oil sector of Sudan or involved in the shipment of goods for use by the armed forces of Sudan, until such time as the Government of Sudan has honored its commitments to cease attacks on civilians, demobilize and demilitarize the Janjaweed and associated militias, grant free and unfettered access for deliveries of humanitarian assistance, and allow for the safe and voluntary return of refugees and internally displaced persons.

(2) Exception.—Paragraph (1) shall not apply with respect to cargo ships or oil tankers involved in an internationally-recognized demobilization program or the shipment of non-lethal assistance necessary to carry out elements of the Comprehensive Peace Agreement for Sudan.

(d) Prohibition on Assistance to Countries in Violation of United Nations Security Council Resolutions 1556 and 1591.—

(1) Prohibition.—Amounts made available to carry out the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) may not be used to provide assistance to the government of a country that is in violation of the embargo on military assistance with respect to Sudan imposed pursuant to United Nations Security Council Resolutions 1556 (July 30, 2004) and 1591 (March 29, 2005).

(2) Waiver.—The President may waive the application of paragraph (1) if the President determines and certifies to the appropriate congressional committees that it is in the national interests of the United States to do so.

SEC. 7. MULTILATERAL EFFORTS.

The President shall direct the United States Permanent Representative to the United Nations to use the voice and vote of the United States to urge the adoption of a resolution by the United Nations Security Council which—

(1) supports the expansion of the African Union Mission in Sudan (AMIS) so that it achieves the mandate, size, strength, and capacity needed to protect civilians and humanitarian operations, and dissuade and deter fighting and violence in the Darfur region of Sudan, and urges member states of the United Nations to accelerate political, material, financial, and other assistance to the African Union toward this end;

(2) reinforces efforts of the African Union to negotiate peace talks between the Government of Sudan, the Sudan Liberation Movement/Army (SLM/A), the Justice and Equality Movement (JEM), and associated armed groups in the Darfur region, calls on the Government of Sudan, the SLM/A, and the JEM to abide by their obligations under the N'Djamena Ceasefire Agreement of April 8, 2004 and subsequent agreements, urges all parties to engage in peace talks without preconditions and seek to resolve the conflict, and strongly condemns all attacks against humanitarian workers and African Union personnel in the Darfur region;

(3) imposes sanctions against the Government of Sudan, including sanctions against individual members of the Government of Sudan, and entities controlled or owned by officials of the Government of Sudan or the National Congress Party in Sudan until such time as the Government of Sudan has honored its commitments to cease attacks on civilians, demobilize and demilitarize the Janjaweed and associated militias, grant free and unfettered access for deliveries of humanitarian assistance, and allow for the safe and voluntary return of refugees and internally displaced persons;

(4) extends the military embargo established by United Nations Security Council Resolutions 1556 (July 30, 2004) and 1591 (March 29, 2005) to include a total prohibition on the sale or supply of offensive military equipment to the Government of Sudan, except for use in an internationally-recognized demobilization program or for non-lethal assistance necessary to carry out elements of the Comprehensive Peace Agreement for Sudan;

(5) calls upon those member states of the United Nations that continue to undermine efforts to foster peace in Sudan by providing military assistance and equipment to the Government of Sudan, the SLM/A, the JEM, and associated armed groups in the Darfur region in violation of the embargo on such assistance and equipment, as called for in United Nations Security Council Resolutions 1556 and 1591, to immediately cease and desist; and

(6) acting under Article 5 of the Charter of the United Nations, calls for suspension of the Government of Sudan's rights and privileges of membership by the General Assembly until such time as the Government of Sudan has honored pledges to cease attacks upon civilians, demobilize the Janjaweed and associated militias, grant free and unfettered access for deliveries of humanitarian assistance in the Darfur region, and allow for safe, unimpeded, and voluntary return of refugees and internally displaced persons.

SEC. 8. CONTINUATION OF RESTRICTIONS.

Restrictions against the Government of Sudan that were imposed or are otherwise applicable pursuant to Executive Order 13067 of November 3, 1997 (62 Federal Register 59989), title III and sections 508, 512, 527, and 569 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005 (division D of Public Law 108-447), or any other similar provision of law, should remain in effect and should not be lifted pursuant to such provisions of law until the President transmits to the appropriate congressional committees a certification that the Government of Sudan is acting in good faith—

(1) to peacefully resolve the crisis in the Darfur region of Sudan;

(2) to disarm, demobilize, and demilitarize the Janjaweed and all government-allied militias;

(3) to adhere to United Nations Security Council Resolutions 1556 (2004), 1564 (2004), 1591 (2005), and 1593 (2005);

(4) to negotiate a peaceful resolution to the crisis in eastern Sudan;

(5) to fully cooperate with efforts to disarm, demobilize, and deny safe haven to members of the Lords Resistance Army; and

(6) to fully implement the Comprehensive Peace Agreement for Sudan without manipulation or delay, including by—

(A) implementing the recommendations of the Abyei Commission Report;

(B) establishing other appropriate commissions and implementing and adhering to the recommendations of such commissions consistent with the terms of the Comprehensive Peace Agreement for Sudan;

(C) adhering to the terms of the Wealth Sharing Agreement; and

(D) withdrawing government forces from southern Sudan consistent with the terms of the Comprehensive Peace Agreement for Sudan.

SEC. 9. ASSISTANCE EFFORTS IN SUDAN.

(a) Additional Authorities.—Section 501(a) of the Assistance for International Malaria Control Act (Public Law 106-570; 114 Stat. 350; 50 U.S.C. 1701 note) is amended—

(1) by striking "Notwithstanding any other provision of law" and inserting the following:

"(1) In general.—Notwithstanding any other provision of law";

(2) by inserting "civil administrations," after "indigenous groups,";

(3) by striking "areas outside of control of the Government of Sudan" and inserting "southern Sudan, southern Kordofan/Nuba Mountains State, Blue Nile State, and Abyei";

(4) by inserting before the period at the end the following: ", including the Comprehensive Peace Agreement for Sudan"; and

(5) by adding at the end the following new paragraph:

"(2) Congressional notification.—Assistance may not be obligated under this subsection until 15 days after the date on which the President has provided notice thereof to the congressional committees specified in section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1) in accordance with the procedures applicable to reprogramming notifications under such section.".

(b) Exception to Prohibitions in Executive Order No. 13067.—Subsection (b) of such section is amended—

(1) in the heading, by striking "Export Prohibitions" and inserting "Prohibitions in Executive Order No. 13067";

(2) by striking "shall not" and inserting "should not";

(3) by striking "any export from an area in Sudan outside of control of the Government of Sudan, or to any necessary transaction directly related to that export" and inserting "activities or related transactions with respect to southern Sudan, southern Kordofan/Nuba Mountains State, Blue Nile State, or Abyei"; and

(4) by striking "the export or related transaction" and all that follows and inserting "such activities or related transactions would directly benefit the economic recovery and development of those areas and people.".

SEC. 10. REPORTS.

(a) Report on African Union Mission in Sudan (AMIS).—Section 8 of the Sudan Peace Act (Public Law 107-245; 50 U.S.C. 1701 note) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

"(c) Report on African Union Mission in Sudan (AMIS).—In conjunction with reports required under subsections (a) and (b) of this section thereafter, the Secretary of State shall submit to the appropriate congressional committees a report, to be prepared in conjunction with the Secretary of Defense, on—

"(1) efforts to fully deploy the African Union Mission in Sudan (AMIS) with the size, strength, and capacity necessary to stabilize the Darfur region of Sudan and protect civilians and humanitarian operations;

"(2) the needs of AMIS to ensure success, including in the areas of housing, transport, communications, equipment, technical assistance, training, command and control, intelligence, and such assistance as is necessary to dissuade and deter attacks, including by air, directed against civilians and humanitarian operations;

"(3) the current level of United States assistance and other assistance provided to AMIS, and a request for additional United States assistance, if necessary;

"(4) the status of North Atlantic Treaty Organization (NATO) plans and assistance to support AMIS; and

"(5) the performance of AMIS in carrying out its mission in the Darfur region.".

(b) Report on Sanctions in Support of Peace in Darfur.—Section 8 of the Sudan Peace Act (Public Law 107-245; 50 U.S.C. 1701 note), as amended by subsection (a), is further amended—

(1) by redesignating subsection (d) (as redesignated) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

"(d) Report on Sanctions in Support of Peace in Darfur.—In conjunction with reports required under subsections (a), (b), and (c) of this section thereafter, the Secretary of State shall submit to the appropriate congressional committees a report regarding sanctions imposed under subsections (a) through (d) of section 6 of the Comprehensive Peace in Sudan Act of 2004, including—

"(1) a description of each sanction imposed under such provisions of law; and

"(2) the name of the individual or entity subject to the sanction, if applicable.".

(c) Report on Individuals Identified by the United Nations in Connection With Genocide, War Crimes, and Crimes Against Humanity or Other Violations of International Humanitarian Law in Darfur.—Section 8 of the Sudan Peace Act (Public Law 107-245; 50 U.S.C. 1701 note), as amended by subsections (a) and (b), is further amended—

(1) by redesignating subsection (e) (as redesignated) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection:

"(e) Report on Individuals Identified by the United Nations in Connection With Genocide, War Crimes, and Crimes Against Humanity or Other Violations of International Humanitarian Law in Darfur.—Not later than 30 days after the date on which the United States has access to any of the names of the individuals identified by the International Commission of Inquiry on Darfur (established pursuant to United Nations Security Council Resolution 1564 (2004)), or the names of the individuals designated by the Committee of the United Nations Security Council (established pursuant to United Nations Security Council Resolution 1591 (2005)), the Secretary of State shall submit to the appropriate congressional committees a report containing an assessment as to whether such individuals may be subject to sanctions under section 6 of the Comprehensive Peace in Sudan Act of 2004 (as amended by the Darfur Peace and Accountability Act of 2005) and the reasons for such determination.”.

Mr. McCONNELL. Mr. President, I suggest we are getting pretty good at this.

The PRESIDING OFFICER. The Chair agrees.

YEAR OF POLIO EDUCATION

Mr. McCONNELL. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration and the Senate now proceed to S. Res. 304.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A resolution (S. Res. 304) to designate the period beginning on November 1, 2005, and ending on October 31, 2006, as the Year of Polio Education.

There being no objection, the Senate proceeded to considerthe resolution.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 304) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 304

Whereas 2005 is the 50th anniversary of the injectable polio vaccine;

Whereas the polio vaccines eliminated naturally occurring polio cases in the United States but have not yet eliminated polio in other parts of the world;

Whereas as few as 57 percent of American children receive all doses of necessary vaccines during childhood, including the polio vaccine;

Whereas the Centers for Disease Control and Prevention recommends that every child in the United States receive all doses of the inactivated polio vaccine;

Whereas the success of the polio vaccines has caused people to forget the 1,630,000 Americans born before the development of the vaccines who had polio during the epidemics in the middle of the 20th century;

Whereas at least 70 percent of paralytic polio survivors and 40 percent of nonparalytic polio survivors are developing post-polio sequelae, which are unexpected and often disabling symptoms that occur about 35 years after the poliovirus attack, including overwhelming fatigue, muscle weakness, muscle and joint pain, sleep disorders, heightened sensitivity to anesthesia, cold pain, and difficulty swallowing and breathing;

Whereas 2005 is the 131st anniversary of the diagnosis of the first case of post-polio sequelae and is the 21st anniversary of the creation of the International Post-Polio Task Force;

Whereas research and clinical work by members of the International Post-Polio Task Force have discovered that post-polio sequelae can be treated, and even prevented, if polio survivors are taught to conserve energy and use assistive devices to stop damaging and killing the reduced number of overworked, poliovirus-damaged neurons in the spinal cord and brain that survived the polio attack;

Whereas many medical professionals, and polio survivors, do not know of the existence of post-polio sequelae, or of the available treatments; and

Whereas the mission of the International Post-Polio Task Force includes educating medical professionals and the world's 20,000,000 polio survivors about post-polio sequelae through the international Post-Polio Letter Campaign, The Post-Polio Institute at New Jersey's Englewood Hospital and Medical Center, the publication of The Polio Paradox, and the television public service announcement provided by the National Broadcasting Company: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the need for every child, in America and throughout the world, to be vaccinated against polio;

(2) recognizes the 1,630,000 Americans who survived polio, their new battle with post-polio sequelae, and the need for education and appropriate medical care;

(3) requests that every State designate the period beginning on November 1, 2005, and ending on October 31, 2006, as the “Year of Polio Education” to promote vaccination and post-polio sequelae education and treatment; and

(4) requests that all appropriate Federal departments and agencies take immediate action to educate—

(A) the people of the United States about the need for polio vaccination; and

(B) polio survivors and medical professionals in the United States about the cause and treatment of post-polio sequelae.

DRIVE SAFER SUNDAY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 326, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 326) designating November 27, 2005 as “Drive Safer Sunday.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 326) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 326

Whereas motor vehicle travel is the primary means of transportation in the United States;

Whereas everyone on the roads and highways needs to drive more safely to reduce deaths and injuries resulting from motor vehicle accidents;

Whereas the death of almost 43,000 people a year in more than 6 million highway crashes in America has been called an epidemic by Transportation Secretary Norman Mineta;

Whereas according to the National Highway Transportation Safety Administration, wearing a seat belt saved 15,434 lives in 2004; and

Whereas the Sunday after Thanksgiving is the busiest highway traffic day of the year: Now, therefore, be it

Resolved, That the Senate—

(1) encourages—

(A) high schools, colleges, universities, administrators, teachers, primary schools, and secondary schools to launch campus-wide educational campaigns to urge students to be careful about safety when driving;

(B) national trucking firms to alert their drivers to be especially focused on driving safely during the heaviest traffic day of the year, and to publicize the importance of the day using Citizen's band (CB) radios and in truck stops across the Nation;

(C) clergy to remind their members to travel safely when attending services and gatherings;

(D) law enforcement personnel to remind drivers and passengers to drive particularly safely on the Sunday after Thanksgiving; and

(E) everyone to use the Sunday after Thanksgiving as an opportunity to educate themselves about highway safety; and

(2) designates November 27, 2005, as “Drive Safer Sunday”.

LITTLE ROCK CENTRAL HIGH SCHOOL DESEGREGATION 50TH ANNIVERSARY COMMEMORATIVE COIN ACT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be discharged from further consideration of H.R. 358, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 358) Little Rock Central High School Desegregation 50th Anniversary Commemorative Coin Act.

There being no objection, the Senate proceeded to considerthe bill.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Pryor amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2675) was agreed to, as follows:

(Purpose: To provide a complete substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Little Rock Central High School Desegregation 50th Anniversary Commemorative Coin Act”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) September 2007, marks the 50th anniversary of the desegregation of Little Rock Central High School in Little Rock, Arkansas.

(2) In 1957, Little Rock Central High was the site of the first major national test for the implementation of the historic decision of the United States Supreme Court in *Brown, et al. v. Board of Education of Topeka, et al.*, 347 U.S. 483 (1954).

(3) The courage of the "Little Rock Nine" (Ernest Green, Elizabeth Eckford, Melba Pattillo, Jefferson Thomas, Carlotta Walls, Terrence Roberts, Gloria Ray, Thelma Mothershed, and Minnijean Brown) who stood in the face of violence, was influential to the Civil Rights movement and changed American history by providing an example on which to build greater equality.

(4) The desegregation of Little Rock Central High by the 9 African American students was recognized by Dr. Martin Luther King, Jr. as such a significant event in the struggle for civil rights that in May 1958, he attended the graduation of the first African American from Little Rock Central High School.

(5) A commemorative coin will bring national and international attention to the lasting legacy of this important event.

SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—The Secretary of the Treasury (hereinafter in this Act referred to as the "Secretary") shall mint and issue not more than 500,000 $1 coins each of which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—The design of the coins minted under this Act shall be emblematic of the desegregation of the Little Rock Central High School and its contribution to civil rights in America.

(b) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(1) a designation of the value of the coin;

(2) an inscription of the year "2007"; and

(3) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(c) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the Commission of Fine Arts; and

(2) reviewed by the Citizens Coinage Advisory Committee established under section 5135 of title 31, United States Code.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) COMMENCEMENT OF ISSUANCE.—The Secretary may issue coins minted under this Act beginning January 1, 2007, except that the Secretary may initiate sales of such coins, without issuance, before such date.

(c) TERMINATION OF MINTING AUTHORITY.—No coins shall be minted under this Act after December 31, 2007.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—Notwithstanding any other provision of law, the coins issued under this Act shall be sold by the Secretary at a price equal to the sum of the face value of the coins, the surcharge required under section 7(a) for the coins, and the cost of designing and issuing such coins (including labor, materials, dies, use of machinery, overhead expenses, and marketing).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS AT A DISCOUNT.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) SURCHARGE REQUIRED.—All sales shall include a surcharge of $10 per coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, and subsection (d), all surcharges which are received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the Secretary of the Interior for the protection, preservation, and interpretation of resources and stories associated with Little Rock Central High School National Historic Site, including the following:

(1) Site improvements at Little Rock Central High School National Historic Site.

(2) Development of interpretive and education programs and historic preservation projects.

(3) Establishment of cooperative agreements to preserve or restore the historic character of the Park Street and Daisy L. Gatson Bates Drive corridors adjacent to the site.

(c) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

(d) CREDITABLE FUNDS.—Notwithstanding any other provision of the law and recognizing the unique partnership nature of the Department of Interior and the Little Rock School District at the Little Rock Central High School National Historic Site and the significant contributions made by the Little Rock School District to preserve and maintain the historic character of the high school, any non-Federal funds expended by the school district (regardless of the source of the funds) for improvements at the Little Rock Central High School National Historic Site, to the extent such funds were used for the purposes described in paragraph (1), (2), or (3) of subsection (b), shall be deemed to meet the requirement of funds from private sources of section 5134(f)(1)(A)(ii) of title 31, United States Code, with respect to the Secretary of the Interior.

The bill (H.R. 358), as amended, was passed.

UNANIMOUS-CONSENT AGREEMENT H. CON. RES. 308

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding the adjournment of the Senate, when the Senate receives from the House a correcting resolution relating to the Treasury-Transportation conference report, the text of which is identical to the concurrent resolution at the desk, the concurrent resolution be considered and agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 3058

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the previous order with respect to the conference report to accompany H.R. 3058 be modified to allow for adoption of the conference report, notwithstanding the adjournment of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION TO SIGN ENROLLED BILLS OR JOINT RESOLUTIONS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that during the adjournment of the Senate, the majority leader, the majority whip, and the senior Senator from Virginia be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR COMMITTEES TO REPORT

Mr. MCCONNELL. Mr. President, I ask unanimous consent, notwithstanding the Senate's adjournment, committees be authorized to report legislative and executive matters on Thursday, December 8, 2005, from 10 a.m. to 12 noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION TO MAKE APPOINTMENTS

Mr. MCCONNELL. Mr. President, I ask unanimous consent, notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar 35, 444, 445. 446. 447. 448, 449, 450, 451. 452. 453, 454, 455, 456, 469, and all nominations on the Secretary's desk.

Further, I ask that the following committees be discharged from further consideration of the listed nominations and the Senate proceed to their consideration en bloc:

Foreign relations, Alejandro Daniel Wolff, Ronald L. Schlicher, Carol van Voorst, Ross Wilson, Donald M. Payne, Edward Randall Royce, Promotion List (pn999).

I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF THE INTERIOR

Patricia Lynn Scarlett, of California, to be Deputy Secretary of the Interior.

IN THE AIR FORCE

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grades indicated under title 10, U.S.C., section 12203.

To be major general

Brigadier General Larita A. Aragon, 1042
Brigadier General Tod M. Bunting, 3552
Brigadier General Craig E. Campbell, 3178
Brigadier General William R. Cotney, 5188
Brigadier General R. Anthony Haynes, 6893
Brigadier General Charles V. Ickes, II, 1323
Brigadier General Robert A. Knauff, 5052
Brigadier General James R. Marshall, 1126
Brigadier General Terry L. Scherling, 2448
Brigadier General Michael J. Shira, 1194
Brigadier General Emmett R. Titshaw, Jr.

To be brigadier general

Colonel David S. Angle, 1866
Colonel Thomas M. Botchie, 1605
Colonel Richard W. Burris, 9523
Colonel Garry C. Dean, 9894
Colonel Michael J. Dornbush, 4994
Colonel Kathleen E. Fick, 3666
Colonel Edward R. Flora, 6867
Colonel James H. Gwin, 5831
Colonel Scott B. Harrison, 3748
Colonel David M. Hopper, 8083
Colonel Howard P. Hunt, III, 2619
Colonel Cynthia N. Kirkland, 3880
Colonel John M. Motley, Jr., 2694
Colonel Gerald C. Olesen, 3432
Colonel Alan W. Palmer, 0889
Colonel Michael L. Peplinski, 9509
Colonel Esther A. Rada, 9001
Colonel Alex D. Roberts, 7680

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grades indicated under title 10, U.S.C., section 12203.

To be brigadier general

Colonel Steven R. Doohen, 8213

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Colonel Daniel R. Eagle, 0734

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. David D. McKiernan, 8864

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Peter W. Chiarelli, 6598

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Keith W. Dayton, 7231

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. John R. Wood, 0518

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. William T. Nesbitt, 8512

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grades indicated under Title 10, U.S.C., Section 12203:

To be major general

Brigadier General Robert P. French, 1355
Brigadier General Donald J. Goldhorn, 3543
Brigadier General Richard B. Moorhead, 6302
Brigadier General Marvin W. Pierson, 3373
Brigadier General Stewart A. Reeve, 3242
Brigadier General Randall E. Sayre, 2290
Brigadier General Theodore G. Shuey, Jr., 4807
Brigadier General Thomas L. Sinclair, 7981
Brigadier General David A. Sprynczynatyk,
Brigadier General Stephen F. Villacorta, 8901
Brigadier General Gregory L. Wayt, 4702
Brigadier General John J. Weeden, 7341
Brigadier General Deborah C. Wheeling, 9217

To be brigadier general

Colonel Ricky G. Adams, 5879
Colonel Stephen E. Bogle, 2137
Colonel Brent M. Boyles, 0459
Colonel Stephen C. Burritt, 5069
Colonel Andrew C. Burton, 2840
Colonel Cameron A. Crawford, 4478
Colonel Joseph G. DePaul, 5800
Colonel Mark C. DoW, 2704
Colonel Douglas B. Earhart, 0425
Colonel William L. Enyart, Jr., 0507
Colonel Glenn C. Hammond, III, 5538
Colonel David L. Harris, 2553
Colonel Robert A. Harris, 5261
Colonel Grant L. Hayden, 6277
Colonel John W. Heltzel, 2860
Colonel Leodis T. Jennings, 0274
Colonel Larry D. Kay, 2871
Colonel Jeff W. Mathis, III, 4869
Colonel Wendell B. McLain, 3449
Colonel Timothy S. Phillips, 8483
Colonel Janet E. Phipps, 7694
Colonel Stanley R. Putnam, 9717
Colonel Ronald J. Randazzo, 1097
Colonel Joseph M. Richie, 7494
Colonel King E. Sidwell, 5791
Colonel Eugene A Stockton, 8157
Colonel Timothy I. Sullivan, 6483
Colonel Richard E. Swan, 7604
Colonel James H. Trogdon, III, 8882
Colonel James D. Tyre, 5914
Colonel Terry L. Wiley, 0089

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Guy L. Sands-Pingot, 0651

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Mitchell L. Brown, 0427

IN THE NAVY

The following named officer fur appointment as Chief of Naval Personnel, United States Navy, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., 601 and 5141:

To be vice admiral

Rear Adm. John C. Harvey, Jr., 4323

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Frank Thorp, IV, 3785

IN THE COAST GUARD

The following named officers for appointment in the United States Coast Guard to the grade indicated under Title 14, U.S.C., Section 271:

To be rear admiral (lower half)

Capt. William D. Baumgartner, 0425
Capt. Manson K. Brown, 6734
Capt. John S. Burhoe, 4205
Capt. Wayne E. Justice, 8632
Capt. Daniel B. Lloyd, 2035
Capt. Robert C. Parker, 1236
Capt. Brian M. Salerno, 5789

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN561 AIR FORCE nominations (2242) beginning BRIAN F. * ABELL, and ending RAY A. * ZUNIGA, which nominations were received by the Senate and appeared in the Congressional Record of May 26, 2005.

PN1070 AIR FORCE nomination of Jon R. Stovall, which was received by the Senate and appeared in the Congressional Record of November 10, 2005.

PN1071 AIR FORCE nomination of Kenneth W. Bullock, which was received by the Senate and appeared in the Congressional Record of November 10, 2005.

PN1072 AIR FORCE nominations (2) beginning RANDALL S. LECHEMINANT, and ending SCOTT H. R. LEE, which nominations were received by the Senate and appeared in the Congressional Record of November 10, 2005.

PN1073 AIR FORCE nomination of Rena A. Nicholas, which was received by the Senate and appeared in the Congressional Record of November 10, 2005.

PN1074 AIR FORCE nomination of Jeffrey S. Brittig, which was received by the Senate and appeared in the Congressional Record of November 10, 2005.

PN1075 AIR FORCE nomination of Albert J. Bainger, which was received by the Senate and appeared in the Congressional Record of November 10, 2005.

IN THE ARMY

PN1009 ARMY nominations (5) beginning ROBINETTE J. AMAKER, and ending JOSEF H. MOORE, which nominations were received by the Senate and appeared in the Congressional Record of October 25, 2005.

PN1010 ARMY nominations (6) beginning TERRY K. BESCH, and ending JOHN R. TABER, which nominations were received by the Senate and appeared in the Congressional Record of October 25, 2005.

PN1011 ARMY nominations (16) beginning KIMBERLY K. ARMSTRONG, and ending KELLY A. WOLGAST, which nominations were received by the Senate and appeared in the Congressional Record of October 25, 2005.

PN1012 ARMY nominations (38) beginning RANDALL G. ANDERSON, and ending JOHN H. TRAKOWSKI JR., which nominations were received by the Senate and appeared in the Congressional Record of October 25, 2005.

PN1016 ARMY nominations (5) beginning ROBERT DEMPSTER, and ending ERROL LADER, which nominations were received by the Senate and appeared in the Congressional Record of October 26, 2005.

PN1017 ARMY nominations (22) beginning MIMMS MABEE, and ending JIMMIE PEREZ, which nominations were received by the Senate and appeared in the Congressional Record of October 26, 2005.

PN1018 ARMY nominations (2) beginning MICHELLE BEACH, and ending HELEN LAQUAY, which nominations were received by the Senate and appeared in the Congressional Record of October 26, 2005.

PN1019 ARMY nominations (4) beginning GREGORY BREWER, and ending TERRELL MORROW, which nominations were received by the Senate and appeared in the Congressional Record of October 26, 2005.

PN1038 ARMY nominations (3) beginning WALTER J. AUSTIN, and ending KEITH C. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of November 4, 2005.

PN1076 ARMY nomination of Jack N. Washburne, which was received by the Senate and appeared in the Congressional Record of November 10, 2005.

PN1077 ARMY nominations (5) beginning BARRY J. BERNSTEIN, and ending JUAN M. VERA, which nominations were received by the Senate and appeared in the Congressional Record of November 10, 2005.

PN1078 ARMY nominations (2) beginning MELVIN S. HOGAN, and ending JOSEPH M. JACKSON, which nominations were received by the Senate and appeared in the Congressional Record of November 10, 2005.

IN THE COAST GUARD

PN843 COAST GUARD nomination of Kathleen M. Donohoe, which was received by the Senate and appeared in the Congressional Record of September 8, 2005.

PN984 Alejandro Daniel Wolff, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during his tenure of service as Deputy Representative of the United States of America to the United Nations.

PN983 Alejandro Daniel Wolff, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be the Deputy Representative of the United States of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the Deputy Representative of the United States of America in the Security Council of the United Nations.

PN982 Ronald L. Schlicher, of Tennessee, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cyprus.

PN1022 Carol van Voorst, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Iceland.

PN1023 Ross Wilson, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Turkey.

PN1065 Donald M. Payne, of New Jersey, to be a Representative of the United States of America to the Sixtieth Session of the General Assembly of the United Nations.

PN1066 Edward Randall Royce, of California, to be a Representative of the United States of America to the Sixtieth Session of the General Assembly of the United Nations.

The following-named Career Members of the Senior Foreign Service of the Department of State for promotion in the Senior Foreign Service to the classes indicated: Career Members of the Senior Foreign Service of the United States of America, Class of Career Minister:

R. Nicholas Burns, of Massachusetts
Eric S. Edelman, of Virginia
James Franklin Jeffrey, of Virginia
Kristie Anne Kenney, of Virginia

Career Members of the Senior Foreign Service of the United States of America, Class of Minister-Counselor:

Kathleen Hatch Allegrone, of Virginia
Jonathan Mark Aloisi, of California
Jay N. Anania, of Connecticut
Alexander A. Arvizu, of Colorado
David L. Ballard, of Texas
William M. Bartlett, of Virginia
Patricia A. Butenis, of Virginia
Frederick Bishop Cook, of Florida
Ernest E. Davis, of Missouri
Kathleen R. Davis, of California
Scott H. Delisi, of Minnesota
David Tannrath Donahue, of Indiana
Edward Kwok Hee Dong, of California
Joseph R. Donovan, Jr., of New York
Patrick D. Donovan, of Virginia
Charles Lewis English, of Florida
Gary M. Gibson, of Maryland
Mary Ellen T. Gilroy, of Virginia
George A. Glass, of New Jersey
Patricia Haslach, of Oregon
William J. Haugh, of Virginia
Eric G. John, of Indiana
John J. Keyes III, of Florida
Michael David Kirby, of Ohio
L.W. Koengeter, of Florida
Alan Bryan Cedric Latimer, of Georgia
Sally Mathiasen Light, of Washington
Hugo L. Lorens, of Florida
Jackson C. McDonald, of Florida
William Joseph McGlynn, Jr., of California
Luis G. Moreno, of Florida
David D. Nelson, of South Dakota
Carol Zelis Perez, of Texas
Roger Dwayne Pierce, of Virginia
Marguerita D. Ragsdale, of Virginia
Charles Aaron Ray, of Texas
James P. Reid, of California
Ronald Sinclair Robinson, of Virginia
Leslie Ventura Rowe, of Washington
Daniel A. Russell, of Maine
John Frederick Sammis, of Virginia
Robin Renee Sanders, of New York
Kyle R. Scott, of Arizona
Daniel Bennett Smith, of Colorado
Douglas Gordon Spelman, of Virginia
Susan H. Swart, of Virginia
Harlan D. Wadley, of Washington
D. Bruce Wharton, of Virginia
James G. Williard, of Florida
Robert T. Yamate, of California

The following-named Career Members of the Foreign Service for promotion into the Senior Foreign Service, and for appointment as Consular officers and Secretaries in the Diplomatic Service, as indicated: Career Members of the Senior Foreign Service of the United States of America, Class of Counselor:

Richard Alan Albright, of Ohio
Gerald C. Anderson, of Illinois
David Egert Appleton, of New Hampshire
Gary G. Bagley, of California
Richard C. Beer, of Virginia
Scott D. Bellard, of the District of Columbia
Eric David Benjaminson, of Oregon
Earle C. Blakeman III, of the District of Columbia
John Brien Brennan, of Virginia
Dolores Marie Brown, of Virginia
Raymond Lewis Brown; of California
Sue Kathrine Brown, of Texas
Lee A. Brudvig, of California
Beatrice A. Camp, of Virginia
Lois Ann Cecsarini, of Connecticut
Judith Beth Cefkin, of Texas
Linda Carol Cheatham, of Texas
Andrew Gilman Chritton, of Texas
John W. Davison, of Pennsylvania
Thomas Lawrence Delare, of Virginia
J. Thomas Dougherty, of Wyoming
Mary Dale Draper, of California
Gordon K. Duguid, of Illinois
Susan M. Elbow, of the District of Columbia
Thomas Scott Engle, of the District of Columbia
Henry S. Ensher, of California
Paul Michael Fitzgerald, of Virginia
William E. Fitzgerald, of New York
Robert Stephen Ford, of Maryland
John Gilmore Fox, of California
Atim Eneida George, of California
Alan Eric Greenfield, of Maine
Jeri S. Guthrie-Corn, of California
Dean J. Haas, of California
Mary E. Hickey, of California
Greta Christine Holtz, of Florida
Jason P. Hyland, of Virginia
Kevin M. Johnson, of New York
Margaret Ellen Keeton, of California
Damaris A. Kirchhofer, of Hawaii
Edward J. Kulakowski, of Virginia
Jerry P. Lanier, of North Carolina
Edward Alex Lee, of Texas
David Erik Lindwall, of Texas
Eric H. Madison, of Virginia
Frank J. Manganiello, of Virginia
Alberta Mayberry, of Virginia
James P. McAnulty, of Virginia
Maria Elizabeth McKay, of Florida
Alan Greeley Misenheimer, of Virginia
Robin Jan Morritz, of Illinois
Christopher W. Murray, of the District of Columbia
Adam E. Namm, of Virginia
Patricia Nelson-Douvelis, of Virginia
Richard Norland, of Missouri
Maureen E. Park, of Virginia
Geeta Pasi, of New York
Lawrence G. Richter, of California
Ferial Ara Saeed, of California

Richard Milton Sanders, of Pennsylvania
Eric T. Schultz, of Colorado
Sandra Jean Shipshock, of Virginia
Gregory S. Stanford, of Florida
David L. Stone, of Louisiana
W. Stuart Symington IV, of Missouri
Lucy Tamlyn, of New York
Douglas B. Wake, of New York
Vivian S. Walker, of California
Charles H. Walsh, Jr., of Oregon
Laurie B. Weitzenkorn, of Florida
Mark A. Wentworth, of Maine
Bruce Williamson, of Virginia
Claud R. Young, Jr., of the District of Columbia

Career Members of the Senior Foreign Service, Class of Counselor, and Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

Randall D. Bennett, of Maryland
David J. Benson, of Florida
Roger N. Cohen, of Florida
James T. Cronin, Jr., of Virginia
Rodney Allen Evans, of Virginia
Walter G. Felt, of Virginia
Lester S. Folensbee, of Virginia
William S. Green, of Ohio
Stephen Richard Hartwell, of New Hampshire
Mark Jeffrey Hipp, of Washington
Mark J. Hunter, of Florida
David G. Kidd, of Virginia
Timothy C. Lawson, of Ohio
Russell G. Le Clair, Jr., of Illinois
Patrick Joseph Meagher, of California
Thomas S. Miller, of Minnesota
Barry M. Moore, of Texas
Claude J. Nebel, Jr., of New Hampshire
Christopher J. Paul, of Florida
Robert G. Reed, of Virginia
Terrence K. Williamson, of Maryland
Jacob M. Wohlman, of Florida
Charles E. Wright, of California

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

PRESIDENTIAL $1 COIN ACT OF 2005

Mr. McCONNELL. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar 190, S. 1047.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1047) to require the Secretary of the Treasury to mint coins in commemoration of each of the Nation's past Presidents and their spouses, respectively to improve circulation of the $1 coin, to create a new bullion coin.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCONNELL. I ask unanimous consent the amendment at the desk be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to be bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2676) was agreed to, as follows:

On page 6, strike lines 6 through 11, and insert the following:

"(B) CONTINUITY PROVISIONS.—

"(i) IN GENERAL.—Notwithstanding subparagraph (A), the Secretary shall continue to mint and issue $1 coins which bear any design in effect before the issuance of coins as required under this subsection (including the so-called 'Sacagawea-design' $1 coins).

"(ii) CIRCULATION QUANTITY.—Beginning January 1, 2007, and ending upon the termination of the program under paragraph (8), the Secretary annually shall mint and issue such 'Sacagawea-design' $1 coins for circulation in quantities of no less than ⅓ of the total $1 coins minted and issued under this subsection.".

On page 17, lines 6 and 7, strike "transportation and".

On page 17, line 7, strike "and entities".

On page 17, line 18, strike "1-year" and insert "2-year".

On page 17, line 24, strike "prominently".

On page 23, line 18, strike "$20" and insert "$50".

On page 24, line 2, strike "$20" and insert "$50".

On page 24, line 3, insert "and proof" after "bullion".

On page 24, line 4, strike "not to exceed 500,000 in any year" and insert "in such quantities, as the Secretary, in the Secretary's discretion, may prescribe".

On page 25, line 23, strike "the face value of the coins; and" and insert "the market value of the bullion at the time of sale; and".

On page 26, between lines 9 and 10, insert the following:

"(8) PROTECTIVE COVERING.—

"(A) IN GENERAL.—Each bullion coin having a metallic content as described in subsection (a)(11) and a design specified in paragraph (2) shall be sold in an inexpensive covering that will protect the coin from damage due to ordinary handling or storage.

"(B) DESIGN.—The protective covering required under subparagraph (A) shall be readily distinguishable from any coin packaging that may be used to protect proof coins minted and issued under this subsection.".

The bill (S. 1047), as amended, was read the third time and passed.

S. 1047

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Presidential $1 Coin Act of 2005".

TITLE I—PRESIDENTIAL $1 COINS

SEC. 101. FINDINGS.

Congress finds the following:

(1) There are sectors of the United States economy, including public transportation, parking meters, vending machines, and low-dollar value transactions, in which the use of a $1 coin is both useful and desirable for keeping costs and prices down.

(2) For a variety of reasons, the new $1 coin introduced in 2000 has not been widely sought-after by the public, leading to higher costs for merchants and thus higher prices for consumers.

(3) The success of the 50 States Commemorative Coin Program (31 U.S.C. 5112(l)) for circulating quarter dollars shows that a design on a United States circulating coin that is regularly changed in a manner similar to the systematic change in designs in such Program radically increases demand for the coin, rapidly pulling it through the economy.

(4) The 50 States Commemorative Coin Program also has been an educational tool, teaching both Americans and visitors something about each State for which a quarter has been issued.

(5) A national survey and study by the Government Accountability Office has indicated that many Americans who do not seek, or who reject, the new $1 coin for use in commerce would actively seek the coin if an attractive, educational rotating design were to be struck on the coin.

(6) The President is the leader of our tripartite government and the President's spouse has often set the social tone for the White House while spear-heading and highlighting important issues for the country.

(7) Sacagawea, as currently represented on the new $1 coin, is an important symbol of American history.

(8) Many people cannot name all of the Presidents, and fewer can name the spouses, nor can many people accurately place each President in the proper time period of American history.

(9) First Spouses have not generally been recognized on American coinage.

(10) In order to revitalize the design of United States coinage and return circulating coinage to its position as not only a necessary means of exchange in commerce, but also as an object of aesthetic beauty in its own right, it is appropriate to move many of the mottos and emblems, the inscription of the year, and the so-called "mint marks" that currently appear on the 2 faces of each circulating coin to the edge of the coin, which would allow larger and more dramatic artwork on the coins reminiscent of the so-called "Golden Age of Coinage" in the United States, at the beginning of the Twentieth Century, initiated by President Theodore Roosevelt, with the assistance of noted sculptors and medallic artists James Earle Fraser and Augustus Saint-Gaudens.

(11) Placing inscriptions on the edge of coins, known as edge-incusing, is a hallmark of modern coinage and is common in large-volume production of coinage elsewhere in the world, such as the 2,700,000,000 2-Euro coins in circulation, but it has not been done on a large scale in United States coinage in recent years.

(12) Although the Congress has authorized the Secretary of the Treasury to issue gold coins with a purity of 99.99 percent, the Secretary has not done so.

(13) Bullion coins are a valuable tool for the investor and, in some cases, an important aspect of coin collecting.

SEC. 102. PRESIDENTIAL $1 COIN PROGRAM.

Section 5112 of title 31, United States Code, is amended by adding at the end the following:

"(n) REDESIGN AND ISSUANCE OF CIRCULATING $1 Coins Honoring Each of the Presidents of the United States.—

"(1) REDESIGN BEGINNING IN 2007.—

"(A) IN GENERAL.—Notwithstanding subsection (d) and in accordance with the provisions of this subsection, $1 coins issued during the period beginning January 1, 2007, and ending upon the termination of the program under paragraph (8), shall—

"(i) have designs on the obverse selected in accordance with paragraph (2)(B) which are emblematic of the Presidents of the United States; and

"(ii) have a design on the reverse selected in accordance with paragraph (2)(A).

"(B) CONTINUITY PROVISIONS.—

"(i) IN GENERAL.—Notwithstanding subparagraph (A), the Secretary shall continue to mint and issue $1 coins which bear any design in effect before the issuance of coins as required under this subsection (including the so-called 'Sacagawea-design' $1 coins).

"(ii) CIRCULATION QUANTITY.—Beginning January 1, 2007, and ending upon the termination of the program under paragraph (8), the Secretary annually shall mint and issue such 'Sacagawea-design' $1 coins for circulation in quantities of no less than ⅓ of the total $1 coins minted and issued under this subsection.".

"(2) DESIGN REQUIREMENTS.—The $1 coins issued in accordance with paragraph (1)(A) shall meet the following design requirements:

"(A) COIN REVERSE.—The design on the reverse shall bear—

"(i) a likeness of the Statue of Liberty extending to the rim of the coin and large enough to provide a dramatic representation of Liberty while not being large enough to create the impression of a '2-headed' coin;

"(ii) the inscription '$1'; and

"(iii) the inscription 'United States of America'.

"(B) COIN OBVERSE.—The design on the obverse shall contain—

"(i) the name and likeness of a President of the United States; and

"(ii) basic information about the President, including—

"(I) the dates or years of the term of office of such President; and

"(II) a number indicating the order of the period of service in which the President served.

"(C) EDGE-INCUSED INSCRIPTIONS.—

"(i) IN GENERAL.—The inscription of the year of minting or issuance of the coin and the inscriptions 'E Pluribus Unum' and 'In God We Trust' shall be edge-incused into the coin.

"(ii) PRESERVATION OF DISTINCTIVE EDGE.—The edge-incusing of the inscriptions under clause (i) on coins issued under this subsection shall be done in a manner that preserves the distinctive edge of the coin so that the denomination of the coin is readily discernible, including by individuals who are blind or visually impaired.

"(D) INSCRIPTIONS OF 'LIBERTY'.—Notwithstanding the second sentence of subsection (d)(1), because the use of a design bearing the likeness of the Statue of Liberty on the reverse of the coins issued under this subsection adequately conveys the concept of Liberty, the inscription of 'Liberty' shall not appear on the coins.

"(E) LIMITATION IN SERIES TO DECEASED PRESIDENTS.—No coin issued under this subsection may bear the image of a living former or current President, or of any deceased former President during the 2-year period following the date of the death of that President.

"(3) ISSUANCE OF COINS COMMEMORATING PRESIDENTS.—

"(A) ORDER OF ISSUANCE.—The coins issued under this subsection commemorating Presidents of the United States shall be issued in the order of the period of service of each President, beginning with President George Washington.

"(B) TREATMENT OF PERIOD OF SERVICE.—

"(i) IN GENERAL.—Subject to clause (ii), only 1 coin design shall be issued for a period of service for any President, no matter how many consecutive terms of office the President served.

"(ii) NONCONSECUTIVE TERMS.—If a President has served during 2 or more nonconsecutive periods of service, a coin shall be issued under this subsection for each such nonconsecutive period of service.

"(4) ISSUANCE OF COINS COMMEMORATING 4 PRESIDENTS DURING EACH YEAR OF THE PERIOD.—

"(A) IN GENERAL.—The designs for the $1 coins issued during each year of the period referred to in paragraph (1) shall be emblematic of 4 Presidents until each President has been so honored, subject to paragraph (2)(E).

"(B) NUMBER OF 4 CIRCULATING COIN DESIGNS IN EACH YEAR.—The Secretary shall prescribe, on the basis of such factors as the Secretary determines to be appropriate, the number of $1 coins that shall be issued with each of the designs selected for each year of the period referred to in paragraph (1).

"(5) LEGAL TENDER.—The coins minted under this title shall be legal tender, as provided in section 5103.

"(6) TREATMENT AS NUMISMATIC ITEMS.—For purposes of section 5134 and 5136, all coins minted under this subsection shall be considered to be numismatic items.

"(7) ISSUANCE OF NUMISMATIC COINS.—The Secretary may mint and issue such number of $1 coins of each design selected under this subsection in uncirculated and proof qualities as the Secretary determines to be appropriate.

"(8) TERMINATION OF PROGRAM.—The issuance of coins under this subsection shall terminate when each President has been so honored, subject to paragraph (2)(E), and may not be resumed except by an Act of Congress.

"(9) REVERSION TO PRECEDING DESIGN.—Upon the termination of the issuance of coins under this subsection, the design of all $1 coins shall revert to the so-called 'Sacagawea-design' $1 coins.".

SEC. 103. FIRST SPOUSE BULLION COIN PROGRAM.

Section 5112 of title 31, United States Code, as amended by section 102, is amended by adding at the end the following:

"(o) FIRST SPOUSE BULLION COIN PROGRAM.—

"(1) IN GENERAL.—During the same period described in subsection (n), the Secretary shall issue bullion coins under this subsection that are emblematic of the spouse of each such President.

"(2) SPECIFICATIONS.—The coins issued under this subsection shall—

"(A) have the same diameter as the $1 coins described in subsection (n);

"(B) weigh 0.5 ounce; and

"(C) contain 99.99 percent pure gold.

"(3) DESIGN REQUIREMENTS.—

"(A) COIN OBVERSE.—The design on the obverse of each coin issued under this subsection shall contain—

"(i) the name and likeness of a person who was a spouse of a President during the President's period of service;

"(ii) an inscription of the years during which such person was the spouse of a President during the President's period of service; and

"(iii) a number indicating the order of the period of service in which such President served.

"(B) COIN REVERSE.—The design on the reverse of each coin issued under this subsection shall bear—

"(i) images emblematic of the life and work of the First Spouse whose image is borne on the obverse; and

"(ii) the inscription 'United States of America'.

"(C) DESIGNATED DENOMINATION.—Each coin issued under this subsection shall bear, on the reverse, an inscription of the nominal denomination of the coin which shall be '$10'.

"(D) DESIGN IN CASE OF NO FIRST SPOUSE.—In the case of any President who served without a spouse—

"(i) the image on the obverse of the bullion coin corresponding to the $1 coin relating to such President shall be an image emblematic of the concept of 'Liberty'—

"(I) as represented on a United States coin issued during the period of service of such President; or

"(II) as represented, in the case of President Chester Alan Arthur, by a design incorporating the name and likeness of Alice Paul, a leading strategist in the suffrage movement, who was instrumental in gaining women the right to vote upon the adoption of the 19th amendment and thus the ability to participate in the election of future Presidents, and who was born on January 11, 1885, during the term of President Arthur; and

"(ii) the reverse of such bullion coin shall be of a design representative of themes of such President, except that in the case of the bullion coin referred to in clause (i)(II) the reverse of such coin shall be representative of the suffrage movement.

"(E) DESIGN AND COIN FOR EACH SPOUSE.—A separate coin shall be designed and issued under this section for each person who was the spouse of a President during any portion of a term of office of such President.

"(F) INSCRIPTIONS.—Each bullion coin issued under this subsection shall bear the inscription of the year of minting or issuance of the coin and such other inscriptions as the Secretary may determine to be appropriate.

"(4) SALE OF BULLION COINS.—Each bullion coin issued under this subsection shall be sold by the Secretary at a price that is equal to or greater than the sum of—

"(A) the face value of the coins; and

"(B) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

"(5) ISSUANCE OF COINS COMMEMORATING FIRST SPOUSES.—

"(A) IN GENERAL.—The bullion coins issued under this subsection with respect to any spouse of a President shall be issued on the same schedule as the $1 coin issued under subsection (n) with respect to each such President.

"(B) MAXIMUM NUMBER OF BULLION COINS FOR EACH DESIGN.—The Secretary shall—

"(i) prescribe, on the basis of such factors as the Secretary determines to be appropriate, the maximum number of bullion coins that shall be issued with each of the designs selected under this subsection; and

"(ii) announce, before the issuance of the bullion coins of each such design, the maximum number of bullion coins of that design that will be issued.

"(C) TERMINATION OF PROGRAM.—No bullion coin may be issued under this subsection after the termination, in accordance with subsection (n)(8), of the $1 coin program established under subsection (n).

"(6) QUALITY OF COINS.—The bullion coins minted under this Act shall be issued in both proof and uncirculated qualities.

"(7) SOURCE OF GOLD BULLION.—

"(A) IN GENERAL.—The Secretary shall acquire gold for the coins issued under this subsection by purchase of gold mined from natural deposits in the United States, or in a territory or possession of the United States, within 1 year after the month in which the ore from which it is derived was mined.

"(B) PRICE OF GOLD.—The Secretary shall pay not more than the average world price for the gold mined under subparagraph (A).

"(8) BRONZE MEDALS.—The Secretary may strike and sell bronze medals that bear the likeness of the bullion coins authorized under this subsection, at a price, size, and weight, and with such inscriptions, as the Secretary determines to be appropriate.

"(9) Legal Tender.—The coins minted under this title shall be legal tender, as provided in section 5103.

"(10) Treatment as Numismatic Items.—For purposes of section 5134 and 5136, all coins minted under this subsection shall be considered to be numismatic items.".

SEC. 104. REMOVAL OF BARRIERS TO CIRCULATION.

Section 5112 of title 31, United States Code, as amended by sections 102 and 103, by adding at the end the following:

"(p) Removal of Barriers to Circulation of $1 Coin.—

"(1) Acceptance by Agencies and Instrumentalities.— Beginning January 1, 2006, all agencies and instrumentalities of the United States, the United States Postal Service, all non-appropriated fund instrumentalities established under title 10, United States Code, all transit systems that receive operational subsidies or any disbursement of funds from the Federal Government, such as funds from the Federal Highway Trust Fund, including the Mass Transit Account, and all entities that operate any business, including vending machines, on any premises owned by the United States or under the control of any agency or instrumentality of the United States, including the legislative and judicial branches of the Federal Government, shall take such action as may be appropriate to ensure that by the end of the 2-year period beginning on such date—

"(A) any business operations conducted by any such agency, instrumentality, system, or entity that involve coins or currency will be fully capable of accepting and dispensing $1 coins in connection with such operations; and

"(B) displays signs and notices denoting such capability on the premises where coins or currency are accepted or dispensed, including on each vending machine.

"(2) Publicity.—The Director of the United States Mint, shall work closely with consumer groups, media outlets, and schools to ensure an adequate amount of news coverage, and other means of increasing public awareness, of the inauguration of the Presidential $1 Coin Program established in subsection (n) to ensure that consumers know of the availability of the coin.

"(3) Coordination.—The Board of Governors of the Federal Reserve System and the Secretary shall take steps to ensure that an adequate supply of $1 coins is available for commerce and collectors at such places and in such quantities as are appropriate by—

"(A) consulting, to accurately gauge demand for coins and to anticipate and eliminate obstacles to the easy and efficient distribution and circulation of $1 coins as well as all other circulating coins, from time to time but no less frequently than annually, with a coin users group, which may include—

"(i) representatives of merchants who would benefit from the increased usage of $1 coins;

"(ii) vending machine and other coin acceptor manufacturers;

"(iii) vending machine owners and operators;

"(iv) transit officials;

"(v) municipal parking officials;

"(vi) depository institutions;

"(vii) coin and currency handlers;

"(viii) armored-car operators;

"(ix) car wash operators; and

"(x) coin collectors and dealers;

"(B) submitting an annual report to the Congress containing—

"(i) an assessment of the remaining obstacles to the efficient and timely circulation of coins, particularly $1 coins;

"(ii) an assessment of the extent to which the goals of subparagraph (C) are being met; and

"(iii) such recommendations for legislative action the Board and the Secretary may determine to be appropriate;

"(C) consulting with industry representatives to encourage operators of vending machines and other automated coin-accepting devices in the United States to accept coins issued under the Presidential $1 Coin Program established under subsection (n) and any coins bearing any design in effect before the issuance of coins required under subsection (n) (including the so-called 'Sacagawea-design' $1 coins), and to include notices on the machines and devices of such acceptability;

"(D) ensuring that—

"(i) during an introductory period, all institutions that want unmixed supplies of each newly-issued design of $1 coins minted under subsections (n) and (o) are able to obtain such unmixed supplies; and

"(ii) circulating coins will be available for ordinary commerce in packaging of sizes and types appropriate for and useful to ordinary commerce, including rolled coins;

"(E) working closely with any agency, instrumentality, system, or entity referred to in paragraph (1) to facilitate compliance with the requirements of such paragraph; and

"(F) identifying, analyzing, and overcoming barriers to the robust circulation of $1 coins minted under subsections (n) and (0), including the use of demand prediction, improved methods of distribution and circulation, and improved public education and awareness campaigns.

"(4) Bullion Dealers.—The Director of the United States Mint shall take all steps necessary to ensure that a maximum number of reputable, reliable, and responsible dealers are qualified to offer for sale all bullion coins struck and issued by the United States Mint.

"(5) Review of Co-circulation.—At such time as the Secretary determines to be appropriate, and after consultation with the Board of Governors of the Federal Reserve System, the Secretary shall notify the Congress of its assessment of issues related to the co-circulation of any circulating $1 coin bearing any design, other than the so-called 'Sacagawea-design' $1 coin, in effect before the issuance of coins required under subsection (n), including the effect of co-circulation on the acceptance and use of $1 coins, and make recommendations to the Congress for improving the circulation of $1 coins.".

SEC. 105. SENSE OF THE CONGRESS.

It is the sense of the Congress that—

(1) the enactment of this Act will serve to increase the use of $1 coins generally, which will increase the circulation of the so-called "Sacagawea- design" $1 coins that have been and will continue to be minted and issued;

(2) the continued minting and issuance of the so-called "Sacagawea-design" $1 coins will serve as a lasting tribute to the role of women and Native Americans in the history of the United States;

(3) the full circulation potential and cost-savings benefit projections for the $1 coins are not likely to be achieved unless the coins are delivered in ways useful to ordinary commerce;

(4) the coins issued in connection with this title should not be introduced with an overly expensive taxpayer-funded public relations campaign;

(5) in order for the circulation of $1 coins to achieve maximum potential—

(A) the coins should be as attractive as possible; and

(B) the Director of the United States Mint should take all reasonable steps to ensure that all $1 coins minted and issued remain tarnish-free for as long as possible without incurring undue expense; and

(6) if the Secretary of the Treasury determines to include on any $1 coin minted under section 102 of this Act a mark denoting the United States Mint facility at which the coin was struck, such mark should be edge-incused.

TITLE II—BUFFALO GOLD BULLION COINS

SEC. 201. GOLD BULLION COINS.

Section 5112 of title 31, United States Code, is amended—

(1) in subsection (a), by adding at the end the following:

"(11) A $50 gold coin that is of an appropriate size and thickness, as determined by the Secretary, weighs 1 ounce, and contains 99.99 percent pure gold."; and

(2) by adding at the end, the following:

"(q) Gold Bullion Coins.—

"(1) In General.—Not later than 6 months after the date of enactment of the Presidential $1 Coin Act of 2005, the Secretary shall commence striking and issuing for sale such number of $50 gold bullion and proof coins as the Secretary may determine to be appropriate, in such quantities, as the Secretary, in the Secretary's discretion, may prescribe.

"(2) Initial Design.—

(A) In General.—Except as provided under subparagraph (B), the obverse and reverse of the gold bullion coins struck under this subsection during the first year of issuance shall bear the original designs by James Earle Fraser, which appear on the 5-cent coin commonly referred to as the 'Buffalo nickel' or the '1913 Type 1'.

"(B) Variations.—The coins referred to in subparagraph (A) shall—

"(i) have inscriptions of the weight of the coin and the nominal denomination of the coin incused in that portion of the design on the reverse of the coin commonly known as the 'grassy mound'; and

"(ii) bear such other inscriptions as the Secretary determines to be appropriate.

"(3) Subsequent Designs.—After the 1-year period described to in paragraph (2), the Secretary may—

"(A) after consulting with the Commission of Fine Arts, and subject to the review of the Citizens Coinage Advisory Committee, change the design on the obverse or reverse of gold bullion coins struck under this subsection; and

"(B) change the maximum number of coins issued in any year.

"(4) Source of Gold Bullion.—

(A) In General.—The Secretary shall acquire gold for the coins issued under this subsection by purchase of gold mined from natural deposits in the United States, or in a territory or possession of the United States, within 1 year after the month in which the ore from which it is derived was mined.

"(B) Price of Gold.—The Secretary shall pay not more than the average world price for the gold mined under subparagraph (A).

"(5) Sale of Coins.—Each gold bullion coin issued under this subsection shall be sold for an amount the Secretary determines to be appropriate, but not less than the sum of—

"(A) the market value of the bullion at the time of sale; and

"(B) the cost of designing and issuing the coins, including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping.

"(6) Legal Tender.—The coins minted under this title shall be legal tender, as provided in section 5103.

"(7) Treatment as Numismatic Items.—For purposes of section 5134 and 5136, all coins minted under this subsection shall be considered to be numismatic items.".

"(8) Protective Covering.—

"(A) In General.—Each bullion coin having a metallic content as described in subsection (a)(11) and a design specified in paragraph (2) shall be sold in an inexpensive covering that will protect the coin from damage due to ordinary handling or storage.

"(B) Design.—The protective covering required under subparagraph (A) shall be readily distinguishable from any coin packaging that may be used to protect proof coins minted and issued under this subsection.".

TITLE III—ABRAHAM LINCOLN BICENTENNIAL 1-CENT COIN REDESIGN

SEC. 301. FINDINGS.

Congress finds the following:

(1) Abraham Lincoln, the 16th President, was one of the Nation's greatest leaders, demonstrating true courage during the Civil War, one of the greatest crises in the Nation's history.

(2) Born of humble roots in Hardin County (present-day LaRue County), Kentucky, on February 12, 1809, Abraham Lincoln rose to the Presidency through a combination of honesty, integrity, intelligence, and commitment to the United States.

(3) With the belief that all men are created equal, Abraham Lincoln led the effort to free all slaves in the United States.

(4) Abraham Lincoln had a generous heart, with malice toward none, and with charity for all.

(5) Abraham Lincoln gave the ultimate sacrifice for the country he loved, dying from an assassin's bullet on April 15, 1865.

(6) All Americans could benefit from studying the life of Abraham Lincoln, for Lincoln's life is a model for accomplishing the "American dream" through honesty, integrity, loyalty, and a lifetime of education.

(7) The year 2009 will be the bicentennial anniversary of the birth of Abraham Lincoln.

(8) Abraham Lincoln was born in Kentucky, grew to adulthood in Indiana, achieved fame in Illinois, and led the nation in Washington, D.C.

(9) The so-called "Lincoln cent" was introduced in 1909 on the 100th anniversary of Lincoln's birth, making the obverse design the most enduring on the nation's coinage.

(10) President Theodore Roosevelt was so impressed by the talent of Victor David Brenner that the sculptor was chosen to design the likeness of President Lincoln for the coin, adapting a design from a plaque Brenner had prepared earlier.

(11) In the nearly 100 years of production of the "Lincoln cent", there have been only 2 designs on the reverse: the original, featuring 2 wheat-heads in memorial style enclosing mottoes, and the current representation of the Lincoln Memorial in Washington, D.C.

(12) On the occasion of the bicentennial of President Lincoln's birth and the 100th anniversary of the production of the Lincoln cent, it is entirely fitting to issue a series of 1-cent coins with designs on the reverse that are emblematic of the 4 major periods of President Lincoln's life.

SEC. 302. REDESIGN OF LINCOLN CENT FOR 2009.

(a) In General.—During the year 2009, the Secretary of the Treasury shall issue 1-cent coins in accordance with the following design specifications:

(1) Obverse.—The obverse of the 1-cent coin shall continue to bear the Victor David Brenner likeness of President Abraham Lincoln.

(2) Reverse.—The reverse of the coins shall bear 4 different designs each representing a different aspect of the life of Abraham Lincoln, such as—

(A) his birth and early childhood in Kentucky;

(B) his formative years in Indiana;

(C) his professional life in Illinois; and

(D) his presidency, in Washington, D.C.

(b) Issuance of Redesigned Lincoln Cents in 2009.—

(1) Order.—The 1-cent coins to which this section applies shall be issued with 1 of the 4 designs referred to in subsection (a)(2) beginning at the start of each calendar quarter of 2009.

(2) Number.—The Secretary shall prescribe, on the basis of such factors as the Secretary determines to be appropriate, the number of 1-cent coins that shall be issued with each of the designs selected for each calendar quarter of 2009.

(c) Design Selection.—The designs for the coins specified in this section shall be chosen by the Secretary—

(1) after consultation with the Abraham Lincoln Bicentennial Commission and the Commission of Fine Arts; and

(2) after review by the Citizens Coinage Advisory Committee.

SEC. 303. REDESIGN OF REVERSE OF 1-CENT COINS AFTER 2009.

The design on the reverse of the 1-cent coins issued after December 31, 2009, shall bear an image emblematic of President Lincoln's preservation of the United States of America as a single and united country.

SEC. 304. NUMISMATIC PENNIES WITH THE SAME METALLIC CONTENT AS THE 1909 PENNY.

The Secretary of the Treasury shall issue 1-cent coins in 2009 with the exact metallic content as the 1-cent coin contained in 1909 in such number as the Secretary determines to be appropriate for numismatic purposes.

SEC. 305. SENSE OF THE CONGRESS.

It is the sense of the Congress that the original Victor David Brenner design for the 1-cent coin was a dramatic departure from previous American coinage that should be reproduced, using the original form and relief of the likeness of Abraham Lincoln, on the 1-cent coins issued in 2009.

NATIONAL FLOOD INSURANCE PROGRAM FURTHER ENHANCED BORROWING AUTHORITY ACT OF 2005

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4133, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4133) to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program.

There being no objection, the Senate proceeded to consider the bill.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2673) was agreed to, as follows:

AMENDMENT NO. 2673

On page 2 line 12 strike "8,500,000,000" and insert "18,500,000,000".

At the end insert the following:

"SEC. 3. EMERGENCY SPENDING.

The amendment made under section 2 is designated as emergency spending, as provided under section 402 of H. Con. Res. 95 (109th Congress)."

The bill (H.R. 4133), as amended, was read the third time and passed.

Mr. McCONNELL. So Mr. President, we are near the end of this session.

ORDERS FOR MONDAY, DECEMBER 12, 2005

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment under the provisions of H. Con. Res. 307 until 2 p.m. on Monday, December 12. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and then the Senate proceed to a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. Mr. President, we have had a busy and productive week, and I believe we are now ready to adjourn for the Thanksgiving break. As I indicated, we will return to business on Monday, December 12. We expect to have some additional conference reports from the House, including the PATRIOT Act conference report. I do not anticipate votes on Monday, December 12 or Tuesday, December 13. However, Senators should be ready for a busy week beginning on Wednesday. That would be December 14. Votes are expected as early as Wednesday morning.

ADJOURNMENT UNTIL MONDAY, DECEMBER 12, 2005, AT 2 P.M.

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the provisions of H. Con. Res. 307.

There being no objection, the Senate, at 6:19 p.m., adjourned until Monday, December 12, 2005, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate November 18, 2005:

DEPARTMENT OF THE INTERIOR

DAVID LONGLY BERNHARDT, OF COLORADO, TO BE SOLICITOR OF THE DEPARTMENT OF THE INTERIOR, VICE SUE ELLEN WOOLDRIDGE.

DEPARTMENT OF STATE

MICHAEL W. MICHALAK, OF MICHIGAN, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS UNITED STATES SENIOR OFFICIAL TO THE ASIA PACIFIC ECONOMIC COOPERATION FORUM.

JAMES D. MCGEE, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNION OF COMOROS.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate Friday, November 18, 2005:

DEPARTMENT OF THE INTERIOR

PATRICIA LYNN SCARLETT, OF CALIFORNIA, TO BE DEPUTY SECRETARY OF THE INTERIOR.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF STATE

RONALD L. SCHLICHER, OF TENNESSEE, TO BE AMBASSADOR TO THE REPUBLIC OF CYPRUS.

CAROL VAN VOORST, OF VIRGINIA, TO BE AMBASSADOR TO THE REPUBLIC OF ICELAND.

ROSS WILSON, OF MARYLAND, TO BE AMBASSADOR TO THE REPUBLIC OF TURKEY.

DONALD M. PAYNE, OF NEW JERSEY, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTIETH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

EDWARD RANDALL ROYCE, OF CALIFORNIA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTIETH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

UNITED NATIONS

ALEJANDRO DANIEL WOLFF, OF CALIFORNIA, TO BE THE DEPUTY REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS, WITH THE RANK AND STATUS OF AMBASSADOR, AND THE DEPUTY REPRESENTATIVE OF THE UNITED STATES OF AMERICA IN THE SECURITY COUNCIL OF THE UNITED NATIONS.

ALEJANDRO DANIEL WOLFF, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS, DURING HIS TENURE OF SERVICE AS DEPUTY REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL LARITA A. ARAGON
BRIGADIER GENERAL TOD M. BUNTING
BRIGADIER GENERAL CRAIG E. CAMPBELL
BRIGADIER GENERAL WILLIAM R. COTNEY
BRIGADIER GENERAL R. ANTHONY HAYNES
BRIGADIER GENERAL CHARLES V. ICKES II
BRIGADIER GENERAL ROBERT A. KNAUFF
BRIGADIER GENERAL JAMES R. MARSHALL
BRIGADIER GENERAL TERRY L. SCHERLING
BRIGADIER GENERAL MICHAEL J. SHIRA
BRIGADIER GENERAL EMMETT R. TITSHAW, JR.

To be brigadier general

COLONEL DAVID S. ANGLE
COLONEL THOMAS M. BOTCHIE
COLONEL RICHARD W. BURRIS
COLONEL GARRY C. DEAN
COLONEL MICHAEL J. DORNBUSH
COLONEL KATHLEEN E. FICK
COLONEL EDWARD R. FLORA
COLONEL JAMES H. GWIN
COLONEL SCOTT B. HARRISON
COLONEL DAVID M. HOPPER
COLONEL HOWARD P. HUNT III
COLONEL CYNTHIA N. KIRKLAND
COLONEL JOHN M. MOTLEY, JR.
COLONEL GERALD C. OLESEN
COLONEL ALAN W. PALMER
COLONEL MICHAEL L. PEPLINSKI
COLONEL ESTHER A. RADA
COLONEL ALEX D. ROBERTS

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COLONEL STEVEN R. DOOHEN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL DANIEL R. EAGLE

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. DAVID D. MCKIERNAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. PETER W. CHIARELLI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. KEITH W. DAYTON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN R. WOOD

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. WILLIAM T. NESBITT

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL ROBERT P. FRENCH
BRIGADIER GENERAL DONALD J. GOLDHORN
BRIGADIER GENERAL RICHARD B. MOORHEAD
BRIGADIER GENERAL MARVIN W. PIERSON
BRIGADIER GENERAL STEWART A. REEVE
BRIGADIER GENERAL RANDALL E. SAYRE
BRIGADIER GENERAL THEODORE G. SHUEY, JR.
BRIGADIER GENERAL THOMAS L. SINCLAIR
BRIGADIER GENERAL DAVID A. SPRYNCZYNATYK
BRIGADIER GENERAL STEPHEN F. VILLACORTA
BRIGADIER GENERAL GREGORY L. WAYT
BRIGADIER GENERAL JOHN J. WEEDEN
BRIGADIER GENERAL DEBORAH C. WHEELING

To be brigadier general

COLONEL RICKY G. ADAMS
COLONEL STEPHEN E. BOGLE
COLONEL BRENT M. BOYLES
COLONEL STEPHEN C. BURRITT
COLONEL ANDREW C. BURTON
COLONEL CAMERON A. CRAWFORD
COLONEL JOSEPH G. DEPAUL
COLONEL MARK C. DOW
COLONEL DOUGLAS B. EARHART
COLONEL WILLIAM L. ENYART, JR.
COLONEL GLENN C. HAMMOND III
COLONEL DAVID L. HARRIS
COLONEL ROBERT A. HARRIS
COLONEL GRANT L. HAYDEN
COLONEL JOHN W. HELTZEL
COLONEL LEODIS T. JENNINGS
COLONEL LARRY D. KAY
COLONEL JEFF W. MATHIS III
COLONEL WENDELL B. MCLAIN
COLONEL TIMOTHY S. PHILLIPS
COLONEL JANET E. PHIPPS
COLONEL STANLEY R. PUTNAM
COLONEL RONALD J. RANDAZZO
COLONEL JOSEPH M. RICHIE
COLONEL KING E. SIDWELL
COLONEL EUGENE A. STOCKTON
COLONEL TIMOTHY I. SULLIVAN
COLONEL RICHARD E. SWAN
COLONEL JAMES H. TROGDON III
COLONEL JAMES D. TYRE
COLONEL TERRY L. WILEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. GUY L. SANDS-PINGOT

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. MITCHELL L. BROWN

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF NAVAL PERSONNEL, UNITED STATES NAVY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., 601 AND 5141:

To be vice admiral

REAR ADM. JOHN C. HARVEY, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. FRANK THORP IV

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral (lower half)

CAPT. WILLIAM D. BAUMGARTNER
CAPT. MANSON K. BROWN
CAPT. JOHN S. BURHOE
CAPT. WAYNE E. JUSTICE
CAPT. DANIEL B. LLOYD
CAPT. ROBERT C. PARKER
CAPT. BRIAN M. SALERNO

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH R. NICHOLAS BURNS AND ENDING WITH CHARLES E. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 17, 2005.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH BRIAN F. ABELL AND ENDING WITH RAY A. ZUNIGA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 26, 2005.

AIR FORCE NOMINATION OF JON R. STOVALL TO BE COLONEL.

AIR FORCE NOMINATION OF KENNETH W. BULLOCK TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH RANDALL S. LECHEMINANT AND ENDING WITH SCOTT H. R. LEE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 10, 2005.

AIR FORCE NOMINATION OF RENA A. NICHOLAS TO BE MAJOR.

AIR FORCE NOMINATION OF JEFFREY S. BRITTIG TO BE MAJOR.

AIR FORCE NOMINATION OF ALBERT J. BAINGER TO BE MAJOR.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH ROBINETTE J. AMAKER AND ENDING WITH JOSEF H. MOORE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 25, 2005.

ARMY NOMINATIONS BEGINNING WITH TERRY K. BESCH AND ENDING WITH JOHN R. TABER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 25, 2005.

ARMY NOMINATIONS BEGINNING WITH KIMBERLY K. ARMSTRONG AND ENDING WITH KELLY A. WOLGAST, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 25 2005.

ARMY NOMINATIONS BEGINNING WITH RANDALL G. ANDERSON AND ENDING WITH JOHN H. TRAKOWSKI, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 25, 2005.

ARMY NOMINATIONS BEGINNING WITH ROBERT DEMPSTER AND ENDING WITH ERROL LADER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 26, 2005.

ARMY NOMINATIONS BEGINNING WITH MIMMS MABEE AND ENDING WITH JIMMIE PEREZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 26, 2005.

ARMY NOMINATIONS BEGINNING WITH MICHELLE BEACH AND ENDING WITH HELEN LAQUAY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 26, 2005.

ARMY NOMINATIONS BEGINNING WITH GREGORY BREWER AND ENDING WITH TERRELL MORROW, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 26, 2005.

ARMY NOMINATIONS BEGINNING WITH WALTER J. AUSTIN AND ENDING WITH KEITH C. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 4, 2005.

ARMY NOMINATION OF JACK N. WASHBURNE TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH BARRY J. BERNSTEIN AND ENDING WITH JUAN M. VERA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 10, 2005.

ARMY NOMINATIONS BEGINNING WITH MELVIN S. HOGAN AND ENDING WITH JOSEPH M. JACKSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 10, 2005.

IN THE COAST GUARD

COAST GUARD NOMINATION OF KATHLEEN M. DONOHOE TO BE CAPTAIN.

HOUSE OF REPRESENTATIVES—*Friday, November 18, 2005*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. SIMPSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 18, 2005.

I hereby appoint the Honorable MICHAEL K. SIMPSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Tomorrow is the anniversary of President Abraham Lincoln's famous Gettysburg Address.

Lord, Lincoln spoke of the "mystic chords of memory." He believed the revered dead make distinct demands on us, the living.

In honoring those who gave their lives to preserve the sacred union of this Nation and to uphold the emancipated freedom of all peoples, Lincoln said, "We take increased devotion to that cause for which they gave the last full measure of devotion."

So at Gettysburg then, so again, now, we the living are obliged to be "highly resolved that the dead shall not have died in vain."

By Your grace, Lord, and only by fulfilling present obligations to strengthen national unity and assure equal justice, will we the living pay fitting tribute to "the honored dead." Each generation of Americans must see to it "that this Nation under God shall have a new birth of freedom."

This must be our resolve, Lord, with Your help now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. POE) come forward and lead the House in the Pledge of Allegiance.

Mr. POE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five 1-minute speeches per side.

DEMOCRATS REFUSE TO SEE PROGRESS IN IRAQ

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, I rise today to talk about something that Democrats lately seem incapable of speaking about, and that is the progress that is being made in Iraq.

As of late last month, 210,400 Iraqi security forces have been trained and equipped. Thirty-six Army battalions and three combat support battalions are leading the fight in their areas, a 71 percent increase since March. More than 50,800 Iraqi police have completed the basic training course.

And, adding to that, the progress of the Iraqi people towards democracy has been tremendous. They are now holding free elections instead of the fake ones that Saddam Hussein forced on them for many years.

Yet, I do not hear many Democrats speak of this progress. All they talk about is how we are in a "quagmire" and that the war has been a "grotesque mistake."

Our men and women are not only fighting terrorists over in Iraq, but they are also setting up roads and schools. But Democrats would rather have us cut and run and, in the process, undo all the good work that has been done.

COURAGE OUTWEIGHS POLITICS

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, yesterday was the most significant day in the war in Iraq since we first began our attack. As President Bush is learning that our few allies are withdrawing their troops, Congressman JACK MURTHA has publicly concluded it is time to bring our troops home.

Despite attacks by some who never had a hint of his military service, whose own mismanagement, not just of the information that got us into this effort, but whose inept mismanagement of the war itself left us with few good options, JACK MURTHA remains the single most knowledgeable and respected Member of this House dealing with military affairs.

I have not seen eye-to-eye with JACK from the beginning, when I opposed attacking Iraq, to a statement I just posted, after weeks of thought, for a more gradual withdrawal. But I and every Member who is thinking honestly about this sad episode will reconsider my conclusion because of JACK MURTHA's courageous and heartfelt statement. He is the only Member of Congress who has earned the right to be listened to . . .

AMERICANS ARE DYING BECAUSE OF FLAWED IMMIGRATION POLICY

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, Officer Brian Jackson loved his job. He had been a member of the Dallas Police Department since 2001. He moved to Dallas from his hometown in Rhode Island because he wanted to "be a big city cop."

But in the early morning hours of last Sunday, the last 15 minutes of his shift, Officer Brian Jackson, 28, responded to one last call. His shift was basically over, but he agreed to answer one more emergency.

It was not only his last call of the night, but it was his last call ever. Officer Jackson was responding to a domestic disturbance call when he was murdered, allegedly by an illegal alien from Mexico named Juan Lizcano.

But this crime could have been avoided. This illegal alien had been arrested twice in the last year, but because of safe haven sanctuary laws in Dallas, he was never deported. Because of these preposterous laws, a dedicated police officer, husband, and friend lost his life.

Officer Jackson and his newlywed wife had just returned from a delayed honeymoon in Hawaii.

Americans are dying because the government does not protect our borders. This is yet another example of our Nation's flawed immigration policy. This ought not to be.

REPUBLICANS CUT CRITICAL PROGRAMS

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. DEFAZIO. Well, the Republicans are preparing for Thanksgiving, like many Americans. But early this morning they slaughtered the turkey. They chopped student loans, school lunch, foster care, long-term care, and Medicaid for struggling families. Now they are preparing to serve a huge portion, with gravy, to Americans with generous new tax breaks and extended tax cuts to those who earn more than $300,000 a year and who clip coupons for a living, hard-working Americans them.

They are a little worried about kind of the mixed metaphor here, whether or not they will be called Scrooge, and some people will confuse Thanksgiving and Christmas. So they might put the bird back in the freezer and wait until closer to Christmas and hope that the struggling students and families forget what was taken from them to help those who earn over $300,000 a year.

So that is the big decision on the Republican side of the aisle today. When does the turkey, composed of benefits that should have gone to struggling families, as a gift to the wealthy, get delivered, Thanksgiving or Christmas? Tough choice. Stay tuned.

WE MUST FINISH OUR MISSION IN IRAQ

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, last month, Ayman Zawahiri, al Qaeda's number two leader, said that the terrorist mission was to "expel the Americans from Iraq." Yesterday, this statement was echoed when Democratic Congressman JOHN MURTHA called for U.S. troops to be withdrawn from Iraq.

Instead of proposing winning solutions for the Global War on Terrorism, some Democrats are throwing up their hands and waving the white flag of surrender. As our brave men and women in uniform continue to protect our country, NANCY PELOSI, JOHN MURTHA, and other Democrats should have learned from last week's mass murders in Jordan that we face a global enemy, following the bus bombings in London and New Delhi.

As a 31-year veteran and the father of a son who served in Iraq, I know our troops and brave Iraqi patriots are making tremendous progress protecting American families. Americans recognize we will face the terrorists on the streets of Iraq or we will face them again in America.

In conclusion, God bless our troops, and we will never forget September 11.

DEMONSTRATING THE COURAGE OF OUR CONVICTIONS

(Mr. MCGOVERN asked and was given permission to address the House for 1 minute.)

Mr. MCGOVERN. Mr. Speaker, the American people want this Congress to debate the war in Iraq. We should have had a debate before we entered into this war. Instead, we rushed into it.

Yesterday, Congressman JACK MURTHA, a man of conscience, a decorated Vietnam veteran, one of the leading advocates for the military here in the United States Congress, stood up and told it like it is, that the situation in Iraq is getting worse, not getting better, and we, our huge U.S. presence, is a major part of the problem. We have become the focus. We have become the people who are being attacked.

Congressman MURTHA deserves credit. Rather than engaging in a debate, what we hear from the other side and from the White House is more and more smear tactics, those who claim they are somehow being unpatriotic. Nothing could be farther from the truth. Dissent in the face of policies that you disagree with is patriotism. To remain silent as you see this country going down the wrong path is not patriotism, it is moral cowardice.

I praise Congressman JACK MURTHA for having the courage of his convictions and standing up and leading the way to get us out of this war in Iraq.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2528, MILITARY QUALITY OF LIFE AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2006

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 564 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 564

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2528) making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. GINGREY) is recognized for 1 hour.

Mr. GINGREY. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

House Resolution 564 waives all points of order against the conference report and against its consideration, and it provides that the conference report shall be considered as read.

Mr. Speaker, I rise today in support of House Resolution 564 and the underlying conference report for H.R. 2528, the Military Construction and Veterans Affairs and Related Agencies Appropriations Act for fiscal year 2006.

Today, this House has the opportunity to pass a conference report that will provide $45.4 billion to fund the very important needs of our servicemen and women, our veterans, and our military infrastructure.

This conference report provides an all-inclusive look at the programs that are related to the quality of life of those who currently serve America in the armed forces, their families, and those men and women who have sacrificed so much for our freedom in the past.

Mr. Speaker, by providing $45.4 billion, this conference report actually marks an increase of $3.1 billion from fiscal year 2005, and it is an increase of $300,000 from the President's request.

The bill funds the Department of Veterans Affairs at $22.5 billion, $1.7 billion above the fiscal year 2005 enacted level, and $575 million above the 2006 budget request by the President. Particularly important is the funding for veterans' medical services that includes for the very first time $2.2 billion strictly allocated for specialty mental health care on top of a doubling for funding of mental health research.

□ 0915

Mr. Speaker, I should note that over the past 2 years, funding for veterans medical care has increased by 18 percent. Let me repeat: Funding for veterans medical care has increased over the past 2 years by 18 percent. The conference provides a particular victory for veterans back home in northwest Georgia, my district, and across the Nation. This bill does not, and I repeat, does not, contain any new fees for veterans medical services or prescription drugs. This conference report provides $6.2 billion for military construction, $5.1 billion for Active Duty construction, and $1.1 billion for Reserve components.

Mr. Speaker, I will conclude my statement by acknowledging Subcommittee Chairman WALSH and Chairman LEWIS for their overall vision and dedication to completing this bill, both here in the House and in the conference, for the sake of our servicemen and women, past and present.

Mr. Speaker, I look forward to this debate. I encourage my colleagues to support the rule and the underlying conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank my friend the gentleman from Georgia (Mr. GINGREY) for yielding me the customary 30 minutes.

Mr. Speaker, this is the first conference report that the House will consider as a military quality of life-VA appropriations bill. As we all know, as a result of the subcommittee realignment adopted earlier this year by the Appropriations Committee, military construction, Defense Department health programs and all veterans programs are now contained in this one appropriations bill. I want to express my respect and voice my praise for the work of Chairman WALSH and Ranking Member EDWARDS for their work on this bipartisan-supported conference report.

This final conference report is a significant improvement over the earlier House-passed bill, especially in the areas of medical care and benefits for our veterans. Veterans medical services are funded at $22.5 billion, which has long been the position on this side of the aisle as the minimum amount of funding required to meet our veterans health needs. This total is $575 million above the President's budget request and $1.7 billion more than last year.

Mr. Speaker, over the last 2 years, the funding amount needed to meet veterans medical care has increased by 18 percent, so while I welcome this increase in veterans medical services, I remain concerned about the total amount of funds that will actually be required over the coming year. I predict that we will still need to find additional funds next year to meet the fiscal year 2006 medical needs of our veterans.

Other important actions taken by the conferees are the specific targeting of $2.2 billion for specialty mental health care for our veterans and fully funding the requested amounts for posttraumatic stress disorders. In addition, this bill creates three Centers of Excellence for mental health and PTSD medical care.

Mr. Speaker, last week I was at a forum in western Massachusetts, and I met a Massachusetts father whose son had served in Iraq. He told me about the difficulty his son had attempting to reintegrate himself back into civilian life following his tour of duty. One night during a conversation, his son broke down in tears and laid his head in his father's lap and cried. The father told me at that forum that the next time he held his son's head in his lap was a couple of weeks later when he cut the rope that his son had used to hang himself in their basement.

Mr. Speaker, we need to recognize the vast need, the urgent and increasing need, for counseling services for the men and women returning from Iraq and Afghanistan. The New England Journal of Medicine reported earlier this year that one in five of the soldiers leaving the Iraq war are suffering from posttraumatic stress disorder and other mental health problems. We have to make their ability to receive counseling and support simple and seamless. We have to make sure that they do not run into bureaucratic walls or receive the runaround just when they need help the most.

I know that this is something that the chairman and ranking member think about a great deal, and I simply want to express my support for their efforts to confront this growing crisis.

Mr. Speaker, this conference report also increases the amount of funding for military construction and housing over the President's request and over the amount in the House-passed bill. Even so, at this level of funding, if will take nearly eight decades to meet the needs currently identified by the Pentagon for military housing and modern basing and training facilities.

Mr. Speaker, everyone in this Congress talks about how we support our troops and how we honor their service and sacrifice, but year after year we fail to meet the needs of our veterans, the old and the new, and we fail to provide the funds to provide our uniformed men and women the housing and training facilities that they need in order to prepare for the deadly duties we demand of them.

This is a matter of priorities. This is a statement of values and principles about whether and how we really do believe our troops and our veterans merit the very best this Nation can provide. We just cannot stand here year after year and praise the conferees for doing the best they could within the budget allocation they were given. It is the Congress that determines the amount of that budget allocation for our veterans, for our military housing and construction, for our military's quality of life. As my good friend and colleague from Illinois JESSE JACKSON, JR., said yesterday on the floor of this House, it's like a farmer saying the summer harvest is bad when he failed to plant seeds in the spring.

Mr. Speaker, like all of my House colleagues, I will be supporting this conference report, but we simply have to do better in the future.

Mr. Speaker, I yield back the balance of my time.

Mr. GINGREY. Mr. Speaker, I would like to close this morning by saluting those men and women who so proudly and bravely serve our country. Their sacrifices and their families' sacrifices are beyond the average American's comprehension. We must acknowledge that without these individuals, the rest of us could not enjoy the freedoms we so often discuss in this Chamber.

The appropriation conference report that will be passed today should stand as a "thank you" to those who have worn the uniform of our Nation. Some will say the bill does not provide enough for those who are veterans of military service. Well, in a way, Mr. Speaker, I would agree with that. I honestly do not believe we can ever do enough to support our military men and women. They deserve so much more than we will ever be able to afford to give. It is truly an unbalanced relationship. They sacrifice everything for our liberties. We can only repay a small portion of that debt.

So, Mr. Speaker, I will finish my remarks simply by saying thank you to our troops, thank you to our veterans, and may God bless you and keep you safe.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 3058, TRANSPORTATION, TREASURY, HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY, THE DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT FOR FISCAL YEAR 2006

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 565 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 565

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 3058) making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 1 hour.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from California (Ms. MATSUI), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 565 is a standard, traditional rule for consideration of the conference report for the fiscal year 2006 Departments of Transportation, Treasury, Housing and Urban Development, the Judiciary, District of Columbia, and Independent Agencies appropriations conference report. The rule waives all points of order against the conference report and against its consideration.

The underlying legislation before us, Mr. Speaker, makes appropriations for the departments that I have mentioned. The bill is fiscally sound. It represents our commitment to provide the necessary resources for programs and projects throughout the Nation ranging from transportation to housing and the judiciary and the Executive Office of the President and the District of Columbia.

It is well-known that our transportation infrastructure is the backbone of the economy. Obviously, its continued strength is essential to economic growth, and the bill ensures that we continue to have a reliable and stable transportation infrastructure that will help the economy continue to grow.

The bill includes almost $37 billion in funds for our highway system, an increase of $1.6 billion. These funds will serve the American people by contributing to a fast, safe, efficient, accessible and convenient highway system that meets the vital national interests and enhances the quality of life.

The underlying legislation includes $13.8 billion for the Federal Aviation Administration. Included in this amount is $25 million to hire and train 595 new air traffic controllers. This is a vitally important aspect of this legislation and is critical as air traffic controllers begin to retire, and, nevertheless, air traffic continues to increase.

Certainly in my district, home to Miami International Airport, the third largest international airport in the country, we are very well aware of how important the air traffic controllers are. Without an increase in the number of air traffic controllers, MIA would not be able to continue its projected growth to serve as really the hub of the Americas.

Housing and Urban Development is funded at $34 billion. That is an increase of $2.1 billion over last year. The funds will permit the Department to administer programs that assist the public with housing needs, economic and community development, fair housing opportunities, and will also empower low- and moderate-income residents toward self-sufficiency. Under HUD, the bill includes funding for such important programs as Tenant Based Rental Assistance, also known as section 8, and other important programs.

H.R. 3058, Mr. Speaker, provides $5.8 billion for the Judiciary. It is an increase of 6 percent. This will fully fund the Judiciary's request for security improvements at Federal facilities and will enable the courts, obviously, to continue to effectively carry out their duties to guarantee the rule of law.

This is a good bill, Mr. Speaker. I think it is essential to our continued commitment to our transportation needs and the needs obviously encompassed, dealt with, by the other departments that we are funding today.

I want to thank Chairman **Lewis**, Chairman **Knollenberg** and everybody who has worked so hard on this legislation. I know it has been a tough, tough bill, and it has required a lot of work. I urge my colleagues to support both the rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. Speaker, I thank the gentleman from Florida for yielding me this time.

Ms. MATSUI. Mr. Speaker, I yeild myself such time as I may consume.

Mr. Speaker, we are considering a rule for H.R. 3058, which will appropriate funding for a broad section of the Federal Government, including the Departments of Transportation, Treasury, Housing and Urban Development, as well as the Federal judiciary and the District of Columbia. I commend all the conferees and particularly Chairman **Knollenberg** and Ranking Member **Olver** for their dedication to completing the conference report on this sprawling piece of legislation. It is a tremendous challenge to achieve consensus on such a broad range of priorities, and I believe this bill reflects outstanding leadership, considering the allotted resources for the job.

I was particularly pleased with the final funding for Amtrak, especially when you consider where we started. While the original House bill provided funds at a level that would have decimated the Nation's passenger rail system, the conference report funding level will allow Amtrak to continue running its current operations. In my hometown of Sacramento, Amtrak is heavily relied upon, and I know my constituents will be relieved that the conferees have provided this funding.

From the housing portion of the bill, I would like to highlight the importance of the Community Development Block Grant Program. CDBG is a highly effective program that provides the resources to improve, energize and revitalize communities across the Nation. Like hundreds of cities across the country, in Sacramento CDBG has enabled transformative improvements to downtown and the rest of the city. I thank the appropriators for recognizing the vital nature of CDBG in providing this funding.

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Another vital community resource funded in this bill is the housing choice voucher program known as section 8. This program allows low-income families, senior citizens and citizens with disabilities to obtain affordable housing.

On several occasions, my constituents have told me that were it not for these vouchers, they would have faced the fear and uncertainty associated with not knowing if tomorrow you have someplace to call home. It is clear that this program makes a difference in people's lives. I hope that when we come back next year and start to put together the FY 2007 budget, we will remember the positive impact that these programs have on the lives of our constituents and all Americans.

Even though we will again face limited resources, I hope that when the time comes to construct the budget, we will begin by determining who truly needs the government's help the most and which programs are most effective at delivering positive results. If we make that our top priority, I am sure this Congress and the Nation will be satisfied with the results.

Again, I thank the appropriators for their hard work and leadership this year on this conference report and throughout the year. I hope my colleagues will support the rule and the underlying bill.

Mr. Speaker, I yield back the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 307) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. Con. Res. 307

Resolved by the House of Representatives (the Senate concurring), that when the House adjourns on the legislative day of Friday, November 18, 2005, or Saturday, November 19, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, December 6, 2005, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Friday, November 18, 2005, through Wednesday, November 23, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, December 12, 2005, or Tuesday, December 13, 2005, or until such other time on either of those days, as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

Sec. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WALSH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include tabular and extraneous material on the conference report to accompany H.R. 2528.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from New York?

There was no objection.

CONFERENCE REPORT ON H.R. 2528, MILITARY QUALITY OF LIFE AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2006

Mr. WALSH. Mr. Speaker, pursuant to House Resolution 564, I call up the conference report on the bill (H.R. 2528) making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 564, the conference report is considered read.

(For conference report and statement, see proceedings of the House of November 17, 2005.)

The SPEAKER pro tempore. The gentleman from New York (Mr. WALSH) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from New York.

Mr. WALSH. Mr. Speaker, I yield myself such time as I may consume. I do intend to be brief, but this is an important bill for our military and I would like to expand a little bit on some of the points within it.

But before I do that, I would like to describe the conference that we had with the Senate as successful. I would like to thank my ranking member, Mr. EDWARDS of Texas, who has been at my shoulder all the way through this process. We worked very, very closely together. We have had the same priorities and we have tried to work out any disagreements that we had along the way.

I would also like to thank Chairman LEWIS for his leadership and his forethought in realigning the jurisdiction of this subcommittee.

The House bill included the accounts for basic allowance for housing, facilities sustainment, restoration and modernization, environmental restoration and the Defense Health Program. This was designed as a first step toward examining military quality of life as a whole, from active duty through retirement.

We have received nothing but positive feedback from the senior non-commissioned officers all the way up to the four-star service chiefs. I would hope that our colleagues in the other body would take a look at what the House has done and follow suit, but for this year, while the subcommittee retains jurisdiction over these four accounts, the conference report before the House today does not contain that funding. The funding will be included in the Defense appropriations bill and will return to the Military Quality of Life and Veterans Affairs bill next year.

The conference report provides $6.2 billion for military construction, including quality of life facilities such as child care centers, medical facilities and training facilities. It also provides $4 billion for family housing construction and maintenance. This funding will continue moving toward the goal to eliminate inadequate family housing for our military, through both the privatization program and traditional construction. In addition, the bill includes $1.7 billion to maintain readiness and transform the military through the base realignment and closure process, the Army's modularity initiative, and the global repositioning of our forces.

For the Department of Veterans Affairs, the agreement provides a total of $22.547 billion for medical services. This amount includes the original budget request, plus $1.1 billion to reverse policy proposals included in the budget request, but not endorsed by the conference. These are $496 million for long-term care; $202 million for pharmacy copays; and $454 million for enrollment fees.

In addition, the agreement provides for workload increases and corrections of errors as identified in the budget amendment submitted on July 14, 2005. A portion of these additional funds are only available upon submission of a revised budget amendment by the President which declares the funding an emergency. This is necessary for us to effectively provide these funds and still remain within our 302(a) allocation from the Budget Committee.

The conference agreement also includes a number of reporting requirements so that the committees will be fully informed about potential problems that the Department may encounter throughout the year of execution before it is too late.

Other significant changes to the budget request include:

The creation of an Information Technology Systems account to allow us to keep track of information technology programs at the Department of Veterans Affairs.

$2.2 billion of medical services funding is fenced to be used only for specialty mental health care, a priority of many members of the committee and the House. We received testimony after testimony encouraging us to make sure that a minimum amount was provided for mental health care, and that is what we have done.

$15 million for research into Gulf War Illness.

$19 million over the President's request for medical and prosthetic research.

$85 million for grants for State Extended Care facilities. This is $85 million above the President's request.

We have fully funded the cost-of-living allowance of 4.1 percent for veterans compensation.

We also provide an increase of $273 million for medical services for veterans returning from Iraq.

$200 million is included to cover workload growth in priority 1-6 veterans.

$600 million is provided to correct errors in the calculation of funding needed for long-term care.

Mr. Speaker, I will close by saying I think we have a good bill to put before the Congress. I am very grateful to our Appropriations Committee staff for their professional work and their patience as we worked through this process and for the late hours that they spent preparing the bill. I believe it is a bill everyone can support.

MILITARY QUALITY OF LIFE - VETERANS AFFAIRS APPROPRIATIONS BILL - FY 2006 (H.R. 2528)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I - DEPARTMENT OF DEFENSE						
Military construction, Army	1,981,084	1,479,841	1,652,552	1,640,641	1,775,260	-205,824
Rescissions	-18,976	---	---	---	-19,746	-770
Emergency appropriations (P.L. 109-13)	847,191	---	---	---	---	-847,191
Total	2,809,299	1,479,841	1,652,552	1,640,641	1,755,514	-1,053,785
Military construction, Navy and Marine Corps	1,069,947	1,029,249	1,109,177	1,045,882	1,157,141	+87,194
Rescissions	-24,000	---	---	-92,354	-50,037	-26,037
Emergency appropriations (P.L. 108-324)	138,800	---	---	---	---	-138,800
Additional appropriations (Div. J) (P.L. 108-447)	-4,350	---	---	---	---	+4,350
Emergency appropriations (P.L. 109-13)	139,880	---	---	---	---	-139,880
Total	1,320,277	1,029,249	1,109,177	953,528	1,107,104	-213,173
Military construction, Air Force	866,331	1,069,640	1,171,338	1,209,128	1,288,530	+422,199
Rescission	-21,800	---	---	---	-29,100	-7,300
Emergency appropriations (P.L. 109-13)	140,983	---	---	---	---	-140,983
Total	985,514	1,069,640	1,171,338	1,209,128	1,259,430	+273,916
Military construction, Defense-wide	686,055	1,042,730	976,664	1,072,165	1,008,855	+322,800
Rescission	-22,737	---	---	---	-20,000	+2,737
Total	663,318	1,042,730	976,664	1,072,165	988,855	+325,537
Total, Active components	5,778,408	4,621,460	4,909,731	4,875,462	5,110,903	-667,505
Military construction, Army National Guard	446,748	327,012	410,624	467,146	523,151	+76,403
Military construction, Air National Guard	243,043	165,256	225,727	279,156	316,117	+73,074
Rescission	-5,000	---	---	---	-13,700	-8,700
Total	238,043	165,256	225,727	279,156	302,417	+64,374
Military construction, Army Reserve	92,377	106,077	138,425	136,077	152,569	+60,192
Emergency appropriations (P.L. 108-324)	8,700	---	---	---	---	-8,700
Total	101,077	106,077	138,425	136,077	152,569	+51,492
Military construction, Naval Reserve	44,246	45,226	45,226	46,676	46,864	+2,618
Rescission	---	---	---	---	-16,560	-16,560
Additional appropriations (Div. J) (P.L. 108-447)	4,350	---	---	---	---	-4,350
Total	48,596	45,226	45,226	46,676	30,304	-18,292
Military construction, Air Force Reserve	123,977	79,260	110,847	89,260	105,883	-18,094
Rescission	---	---	---	---	-13,815	-13,815
Total, Reserve components	958,441	722,831	930,849	1,018,315	1,100,509	+142,068
Total, Military construction	6,736,849	5,344,291	5,840,580	5,893,777	6,211,412	-525,437
Appropriations	(5,553,808)	(5,344,291)	(5,840,580)	(5,986,131)	(6,374,370)	(+820,562)
Emergency appropriations	(1,275,554)	---	---	---	---	(-1,275,554)
Rescissions	(-92,513)	---	---	(-92,354)	(-162,958)	(-70,445)
North Atlantic Treaty Organization Security Investment Program	165,800	206,858	206,858	206,858	206,858	+41,058
Rescission	-5,000	---	---	---	-30,000	-25,000
Total	160,800	206,858	206,858	206,858	176,858	+16,058
Family housing construction, Army	636,099	549,636	549,636	549,636	549,636	-86,463
Rescission	-21,000	---	---	---	-16,000	+5,000
Total	615,099	549,636	549,636	549,636	533,636	-81,463

MILITARY QUALITY OF LIFE - VETERANS AFFAIRS APPROPRIATIONS BILL - FY 2006 (H.R. 2528)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	Conference vs. Enacted
Family housing operation and maintenance, Army	926,507	812,993	803,993	812,993	803,993	-122,514
Emergency appropriations (P.L. 108-324)	1,200	---	---	---	---	-1,200
Total	927,707	812,993	803,993	812,993	803,993	-123,714
Family housing construction, Navy and Marine Corps	139,107	218,942	218,942	218,942	218,942	+79,835
Rescission	-12,301	---	---	---	---	+12,301
Total	126,806	218,942	218,942	218,942	218,942	+92,136
Family housing operation and maintenance, Navy and Marine Corps	696,304	593,660	588,660	593,660	588,660	-107,644
Emergency appropriations (P.L. 108-324)	9,100	---	---	---	---	-9,100
Total	705,404	593,660	588,660	593,660	588,660	-116,744
Family housing construction, Air Force	846,959	1,251,108	1,236,220	1,142,622	1,101,887	+254,928
Rescission	-45,171	---	---	---	-43,900	+1,271
Total	801,788	1,251,108	1,236,220	1,142,622	1,057,987	+256,199
Family housing operation and maintenance, Air Force	853,384	766,939	755,319	766,939	766,939	-86,445
Emergency appropriations (P.L. 108-324)	11,400	---	---	---	---	-11,400
Total	864,784	766,939	755,319	766,939	766,939	-97,845
Family housing construction, Defense-wide	49	---	---	---	---	-49
Family housing operation and maintenance, Defense-wide	49,575	46,391	46,391	46,391	46,391	-3,184
Department of Defense Family Housing Improvement Fund	2,500	2,500	2,500	2,500	2,500	---
Rescission	-19,109	---	---	---	---	+19,109
Total	-16,609	2,500	2,500	2,500	2,500	+19,109
Total, Family housing	4,074,603	4,242,169	4,201,661	4,133,683	4,019,048	-55,555
Appropriations	(4,150,484)	(4,242,169)	(4,201,661)	(4,133,683)	(4,078,948)	(-71,536)
Emergency appropriations	(21,700)	---	---	---	---	(-21,700)
Rescissions	(-97,581)	---	---	---	(-59,900)	(+37,681)
Chemical demilitarization construction, Defense-wide	81,886	---	---	---	---	-81,886
Base realignment and closure:						
Base realignment and closure account, 1990	246,116	377,827	377,827	402,827	254,827	+8,711
Base realignment and closure account, 2005	---	1,880,466	1,570,466	1,479,466	1,504,466	+1,504,466
Emergency appropriations (P.L. 108-324)	50	---	---	---	---	-50
Total, Base realignment and closure	246,166	2,258,293	1,948,293	1,882,293	1,759,293	+1,513,127
General provision (sec. 128)	---	65,000	65,000	---	---	---
Total, title I:						
New budget (obligational) authority	11,300,304	12,116,611	12,262,392	12,116,611	12,166,611	+866 307
Appropriations	(10,198,094)	(12,116,611)	(12,262,392)	(12,208,965)	(12,419,469)	(+2,221 375)
Emergency appropriations	(1,297,304)	---	---	---	---	(-1,297 304)
Rescissions	(-195,094)	---	---	(-92,354)	(-252,858)	(-57,764)
TITLE II - DEPARTMENT OF VETERANS AFFAIRS						
Veterans Benefits Administration						
Compensation and pensions	32,607,688	33,412,879	33,412,879	33,412,879	33,897,787	+1,290,099
Readjustment benefits	2,556,232	3,214,246	3,214,246	3,214,246	3,309,234	+753,002
Veterans insurance and indemnities	44,380	45,907	45,907	45,907	45,907	+1,527
Veterans housing benefit program fund program account (indefinite)	43,784	64,586	64,586	64,586	64,586	+20,802
(Limitation on direct loans)	(500)	(500)	(500)	(500)	(500)	---
Credit subsidy	-144,000	-112,000	-112,000	-112,000	-112,000	+32,000
Administrative expenses	152,842	153,575	153,575	153,575	153,575	+733
Vocational rehabilitation loans program account	47	53	53	53	53	+6
(Limitation on direct loans)	(4,108)	(4 242)	(4,242)	(4,242)	(4,242)	(+134)
Administrative expenses	309	305	[illegible]	305	[illegible]	

MILITARY QUALITY OF LIFE - VETERANS AFFAIRS APPROPRIATIONS BILL - FY 2006 (H.R. 2528)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	Conference vs. Enacted
Native American veteran housing loan program account	566	580	580	580	580	+14
(Limitation on direct loans)	(50,000)	(30,000)	(30,000)	(30,000)	(30,000)	(-20,000)
Total, Veterans Benefits Administration	35,261,848	36,780,131	36,780,131	36,780,131	37,360,027	+2,098,179
Veterans Health Administration						
Medical services	19,316,995	19,995,141	20,995,141	21,331,011	21,322,141	+2,005,146
Emergency appropriations	---	---	---	1,977,000	1,225,000	+1,225,000
Emergency appropriations (P.L.108-324)	38,283	---	---	---	---	-38,283
FY 2006 amendment (H. Doc. 109-46, July 18, 2005)	---	1,977,000	---	---	---	---
Supplemental appropriations (P.L. 109-54)	1,500,000	---	---	---	---	-1,500,000
Subtotal, Medical Services	20,855,278	21,972,141	20,995,141	23,308,011	22,547,141	+1,691,863
Medical administration	4,667,360	4,517,874	4,134,874	2,858,442	2,858,442	-1,808,918
Emergency appropriations (P.L.108-324)	1,940	---	---	---	---	-1,940
Information technology	---	---	---	1,456,821	---	---
Medical facilities	3,715,040	3,297,669	3,297,669	3,297,669	3,297,669	-417,371
Emergency appropriations (P.L.108-324)	46,909	---	---	---	---	-46,909
Medical and prosthetic research	402,348	393,000	393,000	412,000	412,000	+9,652
Medical care cost recovery collections:						
Offsetting collections	-1,985,984	-2,170,000	-2,170,000	-2,170,000	-2,170,000	-184,016
Appropriations (indefinite)	1,985,984	2,170,000	2,170,000	2,170,000	2,170,000	+184,016
Total, Veterans Health Administration	29,688,875	30,180,684	28,820,684	31,332,943	29,115,252	-573,623
Departmental Administration						
General operating expenses	1,314,155	1,418,827	1,411,827	1,418,827	1,410,520	+96,365
Emergency appropriations (P.L.108-324)	545	---	---	---	---	-545
Information technology systems	---	---	---	---	1,213,820	+1,213,820
National Cemetery Administration	147,734	156,447	156,447	156,447	156,447	+8,713
Emergency appropriations (P.L.108-324)	50	---	---	---	---	-50
Office of Inspector General	69,153	70,174	70,174	70,174	70,174	+1,021
Construction, major projects	455,130	607,100	607,100	607,100	607,100	+151,970
Construction, minor projects	228,933	208,937	208,937	208,937	198,937	-29,996
Emergency appropriations (P.L.108-324)	36,343	---	---	---	---	-36,343
Grants for construction of State extended care facilities	104,322	---	25,000	104,322	85,000	-19,322
Grants for the construction of State veterans cemeteries	31,744	32,000	32,000	32,000	32,000	+256
Total, Departmental Administration	2,388,109	2,493,465	2,511,485	2,597,807	3,773,996	+1,385,889
Total, title II:						
New budget (obligational) authority	67,338,832	69,454,300	68,112,300	70,710,881	70,249,277	+2,910,445
Appropriations	(67,214,762)	(69,454,300)	(68,112,300)	(68,733,881)	(69,024,277)	(+1,809,515)
Emergency appropriations	(124,070)	---	---	(1,977,000)	(1,225,000)	(+1,100,930)
(Limitation on direct loans)	(54,608)	(34,742)	(34,742)	(34,742)	(34,742)	(-19,866)
Discretionary	32,230,748	32,828,682	31,486,682	34,085,263	33,043,763	+813,015
Mandatory	35,108,084	36,625,618	36,625,618	36,625,618	37,205,514	+2,097,430
TITLE III - RELATED AGENCIES						
American Battle Monuments Commission						
Salaries and expenses	40,771	35,250	35,750	36,250	36,250	-4,521
Foreign currency fluctuations account	11,904	15,250	15,250	15,250	15,250	+3,346
Total, American Battle Monuments Commission	52,675	50,500	51,000	51,500	51,500	-1,175
U.S. Court of Appeals for Veterans Claims						
Salaries and expenses	17,112	18,295	18,295	18,795	18,795	+1,683

MILITARY QUALITY OF LIFE - VETERANS AFFAIRS APPROPRIATIONS BILL - FY 2006 (H.R. 2528)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	Conference vs. Enacted
Department of Defense - Civil						
Cemeterial Expenses, Army						
Salaries and expenses	29,363	28,050	29,550	28,550	29,050	-313
Armed Forces Retirement Home						
Operation and maintenance	57,163	57,033	57,033	57,033	57,033	-130
Capital program	3,968	1,248	1,248	1,248	1,248	-2,720
Total, Armed Forces Retirement Home	61,131	58,281	58,281	58,281	58,281	-2,850
Total, title III:						
New budget (obligational) authority	160,281	155,126	157,126	157,126	157,626	-2,655
Grand total, all titles:						
New budget (obligational) authority	78,799,417	81,726,037	80,531,818	82,984,618	82,573,514	+3,774,097
Appropriations	(77,573,137)	(81,726,037)	(80,531,818)	(81,099,972)	(81,601,372)	(+4,028,235)
Emergency appropriations	(1,421,374)	---	---	(1,977,000)	(1,225,000)	(-196,374)
Rescissions	(-195,094)	---	---	(-92,354)	(-252,858)	(-57,764)

MILITARY QUALITY OF LIFE - VETERANS AFFAIRS APPROPRIATIONS BILL - FY 2006 (H.R. 2528)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	Conference vs. Enacted
CONGRESSIONAL BUDGET RECAP						
Scorekeeping adjustments:						
Emergency appropriations defense	-1,297,304	---	---	---	---	+1,297,304
Emergency appropriations non-defense	-124,070	---	---	-1,977,000	-1,225,000	-1,100,930
Senate Defense items	---	---	---	-41,430,750	---	---
Total, adjustments	-1,421,374	---	---	-43,407,750	-1,225,000	+196,374
Total (including adjustments)	77,378,043	81,726,037	80,531,818	39,576,868	81,348,514	+3,970,471
Amounts in this bill	(78,799,417)	(81,726,037)	(80,531,818)	(82,984,618)	(82,573,514)	(+3,774,097)
Scorekeeping adjustments	(-1,421,374)	---	---	(-43,407,750)	(-1,225,000)	(+196,374)
Prior year outlays	---	---	---	---	---	---
Total mandatory and discretionary	77,378,043	81,726,037	80,531,818	39,576,868	81,348,514	+3,970,471
Mandatory	(35,108,084)	(36,625,618)	(36,625,618)	(36,625,618)	(37,205,514)	(+2,097,430)
Mandatory (prior year)	---	---	---	---	---	---
Mandatory (total)	(35,108,084)	(36,625,618)	(36,625,618)	(36,625,618)	(37,205,514)	(+2,097,430)
Discretionary	(42,269,959)	(45,100,419)	(43,906,200)	(2,951,250)	(44,143,000)	(+1,873,041)
Discretionary (prior year)	---	---	---	---	---	---
Discretionary (total)	(42,269,959)	(45,100,419)	(43,906,200)	(2,951,250)	(44,143,000)	(+1,873,041)
RECAP BY FUNCTION						
Mandatory	35,108,084	36,625,618	36,625,618	36,625,618	37,205,514	+2,097,430
Prior year outlays	---	---	---	---	---	---
Total, Mandatory	35,108,084	36,625,618	36,625,618	36,625,618	37,205,514	+2,097,430
General purpose discretionary:						
Defense	10,003,000	12,116,611	12,262,392	-29,314,139	12,166,611	+2,163,611
Prior year outlays	---	---	---	---	---	---
Total, Defense	10,003,000	12,116,611	12,262,392	-29,314,139	12,166,611	+2,163,611
Nondefense	32,266,959	32,983,808	31,643,808	32,265,389	31,976,389	-290,570
Prior year outlays	---	---	---	---	---	---
Total, Nondefense	32,266,959	32,983,808	31,643,808	32,265,389	31,976,389	-290,570
Subtotal, General purpose discretionary	42,269,959	45,100,419	43,906,200	2,951,250	44,143,000	+1,873,041
Prior year outlays	---	---	---	---	---	---
Total General purpose discretionary	42,269,959	45,100,419	43,906,200	2,951,250	44,143,000	+1,873,041
Grand total, Mandatory and Discretionary	77,378,043	81,726,037	80,531,818	39,576,868	81,348,514	+3,970,471
DISCRETIONARY 302B ALLOCATION						
GENERAL PURPOSE	42,269,959	45,100,419	43,906,200	2,951,250	44,143,000	+1,873,041
302B ALLOCATION	---	---	85,158,000	41,962,000	44,143,000	+44,143,000
OVER/UNDER	42,269,959	45,100,419	-41,251,800	-39,010,750	---	-42,269,959

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, let me say, first of all, I want to congratulate the gentleman from New York. He always does a fine job. On this bill, he has not only done a good job on substance, he has dealt with the ranking minority member, Mr. EDWARDS, with fairness and openness and we appreciate it.

In contrast to the Labor-Health-Education bill which caused so much trouble yesterday, I am happy to support this bill today, and I know Mr. EDWARDS will be, too. But before we vote, I would simply like to recite some facts about the history of veterans health care, because I think it is important that no matter how divided we might be on any given military action, whether it be Vietnam in the past or Iraq in the present, we should not be divided on the question of what we owe to each and every person who has worn the uniform of the United States and defended the national interests of the United States, often at great risk to their own lives and at great risk to the future economic security of their own families. That is why this bill is so important.

I want to recite what has happened on veterans health care in the hopes that the divisions which we have had over the level of funding for veterans health care in the past will not be repeated in the future. Here is that history.

In March of 2003, House Republicans voted for a budget resolution that called for cutting veterans health care by $14 billion over 10 years.

In July 2003, after agreeing to reduce some of those budget cuts in the House, the GOP reneged on its promise to increase funding for VA health care and passed an appropriation bill providing $1.8 billion less than what was called for in their fiscal 2004 budget. Mr. EDWARDS tried to offer an amendment to that bill to add $2.2 billion for veterans health care, but he was blocked.

In October 2003, I offered a motion to recommit on the Iraqi supplemental that called for an additional $1.3 billion for veterans health care. The majority rejected it.

We continued to push for veterans in fiscal 2005. For 2005, the administration requested $18.3 billion for veterans medical services. In subcommittee, the House recommended $19.5 billion. At that time, veterans groups and many Members on this side of the aisle indicated we felt that those numbers fell far short. The Republican chairman of the Veterans Committee agreed. Unfortunately for him, a year later, he was removed from his position as chairman and he was removed from the committee by the Republican leadership because he had the temerity to agree with us and with veterans groups that more funding was needed in order to meet our obligations to veterans on the health care front.

In full committee, Mr. EDWARDS in July 2004 offered an amendment to try to do the right thing and bring the VA medical services account up another $1.3 billion. He was defeated on a party-line vote. Of course, the bill had so many problems that the majority could not even bring it to the House floor. It ended up getting wrapped up into the omnibus.

On September 29, 2004, I again offered a motion to recommit on the first CR, trying to add $1.3 billion for veterans health care, and that effort was rejected.

On June 23, 2005, we learned how wrong that original mark had been. The administration admitted they were a billion dollars short and even admitted that they had known about it for months. The next day, Mr. EDWARDS tried to offer an amendment to the Labor-Health bill on the House floor to try to use that vehicle to make up the $1 billion shortfall in VA health care, but again we were blocked by the majority.

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After that failed, I offered a motion to recommit with instructions to include the $1 billion for veterans. Again, I was blocked.

On June 29, the gentleman from Texas (Mr. EDWARDS) was blocked again from bringing up an amendment to add to the veterans budget $1 billion. This time we tried to use the transportation appropriation bill as the vehicle. And now we come to the subject of this conference for 2006.

When the request came at the beginning of the year, the administration was only asking for $20 billion for medical services. On the other hand, veterans organizations' independent budgets said that $22.5 billion would be needed.

In May 2005, the subcommittee increased the medical care account to $21 billion, a half step in the right direction. In full committee, I offered an amendment that would have added $1.5 billion to this medical care account, plus increased funding to some other areas. That would have brought us pretty much to where we are today, except that my amendment would have been paid for because I proposed reducing somewhat the tax cut that was scheduled for the wealthiest of Americans, those making over $400,000 a year. This agreement before us uses an emergency designation so the costs will go directly to the deficit. The majority defeated my amendment.

Then, in July of this year, the administration finally admitted that the 2006 bill was short as well. They amended the VA budget request, asking for an additional $2 billion.

Some of the carryover funds from the additional $1.5 billion that was provided last summer is being used, and the conference agreement before us includes, guess what, $22.5 billion for VA medical services. I hope that number sounds familiar. I will repeat it, $22.5 billion in medical services. That is what the veterans organizations said they needed. It is what we were trying to get on this side of the aisle. I simply say "Welcome Aboard" to our friends on the majority side.

I want to make clear, I believe every Member of this House, regardless of party, recognizes their commitment to the veterans. The problem is that all too often in this place we wind up with pressures of party or party program getting in the way of our better judgment and making choices that really do not measure up to the facts.

I believe that was the case over the past 3 years, because I believe that fealty to the Republican budget resolution and to the Republican leadership's desire for tax cuts, especially tax cuts that were aimed at the very high-income people, I believe that that fealty prevented the House from doing what it really knew needed to be done on both sides of the aisle, or at least had a strong suspicion needed to be done, and when the numbers finally were revealed, it has become difficult for people to avoid reality, and so I think this bill reflects reality.

I will say that with one caveat. I hope that we can count on the numbers that are coming from OMB and the Veterans Administration on this bill. I hope we can count on them, because if we cannot, then we will have to be back here again asking for yet more money. It is not enough for us to applaud the troops when they are leaving to go to war, when the bands are playing, when everyone's blood is up. What we have to be willing to do is to remember our fundamental obligation to those troops when they return.

I do not believe that we are doing enough to meet our obligations to those troops, but this bill is certainly a good-faith effort, and I congratulate the gentleman from New York for the role he has played in trying to get here.

I most especially want to congratulate the gentleman from Texas (Mr. EDWARDS), the subcommittee ranking member. There is no one in this House who has had a more dedicated history of fighting for the needs of veterans on the health care front and on so many other fronts than has the gentleman from Texas (Mr. EDWARDS), and I am pleased to stand in for him temporarily this morning.

Mr. Speaker, I reserve the balance of my time.

Mr. WALSH. Mr. Speaker, I yield myself such time as I may consume.

I appreciate very much the kind comments of the ranking member of the Appropriations Committee regarding our work product today, and I note that the gentleman from Texas (Mr. EDWARDS), my colleague, has joined us, and I look forward to his comments also.

I think that the gentleman from Wisconsin made some points that I would like to give my reflection on.

First of all, we agree. Both parties and every individual Member of the House holds our veterans in the highest regard, and the House, having the power of the purse, establishes its priorities by setting funding levels. Clearly, there is no budget within the Federal Government which has grown faster or been more plentifully supplied with funds than the Veterans' Affairs health care budget.

It is the fastest growing budget, I believe, within the entire Federal budget, and that is as it should be because we have a growing number of veterans from the Iraq War. We have a number of aging veterans whose health care becomes more and more expensive, and we have struggled every year to meet those needs.

Now, the gentleman from Wisconsin (Mr. OBEY) pointed out that within the last year and a half or so there have been some disagreements about the dollar amount required to meet those needs, and he is right about that. What we found was that the model that was being used by the Veterans Administration was wrong. It was inaccurate, and the resultant changes in the budget, the funding level over that period reflect that, but I would like to add that each and every year that I have chaired this appropriations bill for veterans, we have had similar disagreements about how much money is actually needed to meet the needs of the Veterans Health Administration.

I can cite year after year when the gentleman from California (Mr. FILNER) and others came to the floor and said there is just not enough money for the veterans budget, for veterans health care, and I remember saying over and over and over we are providing record increases for the Veterans Health Administration.

I think out of this 6, I believe now 7, years that I have chaired this subcommittee, we have had that debate every time, and other than this year, I think it is pretty clearly documented that we have been right, that the dollar amounts that we have provided have been sufficient, in some cases more than sufficient, to meet the needs of our veterans health care.

So while we did have a glitch in the model, we have actually put language in the bill and provided resources to try to remedy that situation so that does not happen again. That was an aberration. We have been very solid in our estimates and very supportive of it through our budgeting of the Veterans Health Administration, and that always is the key aspect of this budget because of our concern about keeping the commitments that this Nation has made to our veterans.

So, I do not think the gentleman from Wisconsin (Mr. OBEY) was saying that we do not care enough about our veterans to provide those resources. I do not think he was saying that the White House does not care enough. I think he is saying, quite to the contrary, bipartisanly, bicamerally, and compared by the differences between the executive branch and legislative branch, we are all in agreement: Our veterans are our highest priority, and we have funded our veterans benefits and our veterans health care accordingly.

There have been disagreements in the past. There will be disagreements in the future, but not over our commitment to keeping our commitments to our veterans.

Mr. Speaker, I reserve the balance of my time.

Mr. EDWARDS. Mr. Speaker, I ask unanimous consent to claim the time controlled by the gentleman from Wisconsin (Mr. OBEY).

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. EDWARDS. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, at long last we are supporting America's veterans with our deeds and not just with our words, and in that process, I want to salute the gentleman from New York (Mr. WALSH), my colleague, friend and chairman of the Veterans' Affairs, Military Quality of Life Subcommittee in that effort.

This is a good bill that takes positive steps to redress the wrongs done to veterans over the last several years when, in fact, we were cutting veterans services during a time of war, something that many of us on the floor of this House time and again said was immoral.

This bill increases VA medical services by $2.5 billion over the President's original request. I salute this committee and the House and its leadership for doing that. I also would point out that that itself suggests that the administration has woefully underfunded veterans health care needs during a time of war. Never again should our country send young Americans into war and then scrimp on supporting those who have sacrificed the most to their service during that war.

This bill specifically sets aside $2.2 billion for VA mental health care medical services, and on that particular point, the gentleman from New York (Mr. WALSH) deserves special recognition for taking the initiative to see that the VA does put more resources into helping those young Americans, men and women alike, who have paid a serious mental health care price for their love of country and service to country. The fact is that we have and the VA has been underfunding mental health care services to our veterans.

Third, this bill restores funding of $85 million for State nursing home construction. We have an aging of the veterans population. I guess I had a great difference with the administration in its original proposal to cut by as much as two-thirds the number of veterans that we provide for in long-term nursing home care. This bill corrects that mistake of the administration.

I salute the bipartisan effort in this bill to reject the administration's proposal to have a $250 enrollment fee for every veteran wanting to sign up for VA health care services. Many of us have long felt that our veterans have paid their enrollment fee when they put on our country's uniform and went into harm's way in protection of all of us. I am glad this committee rejected the administration proposal to double prescription copays for veterans, veterans who are struggling every month to make ends meet.

I think a very important part of this bill that was put together somewhat at my urging, but truly on a bipartisan basis, and that is, that no longer are we going to be just completely dependent upon the VA Secretary or OMB to tell us whether we are cutting veterans services during a time of war. This bill has some very stringent reporting requirements to be done on a quarterly basis, where the VA must provide this Congress with information about whether we are reducing staff, cutting services, underfunding health care for veterans, especially during a time of war. I think this Congress has a moral responsibility to make its own independent judgment about whether we are adequately supporting our veterans and not have to be completely dependent upon what the Director of OMB or the Secretary of the VA have said.

Having said all of that about the very positive things in this bill for veterans, I must just for a brief moment add to what the gentleman from Wisconsin (Mr. OBEY) said about this process.

I hope this step forward for America's veterans in a tangible way ends what I think has been a sad chapter over the last 2 years. How ironic it is that the funding for veterans health care in this bill is equivalent to the funding called for over 2 years ago by Republican Congressman CHRIS SMITH of New Jersey who chaired the Veterans' Affairs Committee. How did the House Republican leadership, not this committee, how did the House Republican leadership respond to the gentleman from New Jersey's call to adequately support veterans health care? Did they thank him? Did they salute him? Did they award him? No. They fired him. They took away his chairmanship of the Veterans' Affairs Committee and even took him off the committee itself. That was a sad moment in the history of this House in our service to veterans, and I hope never again will a chairman of the Veterans' Affairs Committee be fired for standing up for veterans and putting his commitment to veterans above his commitment to partisan loyalty.

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I salute this bill and the chairman of this subcommittee for the step forward in military construction. It provides about $2 billion more than we spent on military construction last year. These are training ranges. These are houses and barracks and much-needed quality-of-life improvements for our service men and women.

I am proud of what this committee has done under the leadership of the chairman and on a bipartisan basis for military construction commitments and improving the quality of life for Americans who are sacrificing so very much every day for our Nation.

Finally, Mr. Speaker, I would just express two concerns, not about this committee's work, but about the future for veterans and our military. One is the VA is still grossly underestimating the net number of new veterans coming into the VA health care system. The latest numbers I saw said they projected 84,000 net new veterans this year in the VA medical system. That is in total contrast to a net increase of about 250,000 each year for the last 2, 3, or 4 years. I think it is going to be important for our subcommittee and for the full Appropriations Committee in this House to monitor every month in the months ahead whether the increase in the number of veterans into the VA medical care system makes even this substantially improved medical budget inadequate. I look forward to carrying out that responsibility on a bipartisan basis.

Finally, in terms of military construction, I am not sure we yet have from the administration or the Department of Defense a full cost accounting for the cost of construction, military construction, as a result of the base closing and realignment process and the redeployment of our troops from Germany and South Korea. My own prediction is that the administration has grossly underestimated the actual cost of military construction. So while this bill does have a very significant increase in MILCON projects, and, again, I enthusiastically support that increase, I think it is going to be important for this House to monitor what the true cost of military construction will be so that over the next 12 to 24 months, we are not cutting corners for better housing for our service men and women and their families even as they sacrifice for all of us during time of war.

This is a good bill, Mr. Speaker. I salute the chairman of the committee, Mr. WALSH; the leadership of the full Committee on Appropriations, Mr. LEWIS and Mr. OBEY, for asking the question of what is right for America's veterans. I think this bill is a great step in the right direction, and I urge my colleagues on a bipartisan basis to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. WALSH. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. LEWIS), chairman of the full Appropriations Committee, a gentleman who had the great vision to assemble new jurisdiction for this committee and create this subcommittee and a personal mentor of mine.

Mr. LEWIS of California. Mr. Speaker, to the chairman and to my colleague, Mr. EDWARDS, from beautiful downtown Texas, I want to congratulate both of them for this very fine piece of legislation. It reflects a great deal of the variety of mix that we needed to be able to focus upon in a very special way in the arena that involves not just veterans, certainly our veterans, but beyond that, the families of the men and women who serve us and ofttimes put their lives on the line, questions like their housing, other kinds of benefits that are very important to their being able to have decent lives while they serve us. Focusing on all those issues within one subcommittee, I think, is going to produce real results down the line. The bipartisan spirit that is a part of this committee, and we can see it reflected in the House today, is very much a part of that.

I would like to mention just one thing to my colleagues, an item that has been of concern to me for most of my career here. In the past, Mr. Speaker, I had the privilege of chairing the subcommittee that did the funding for our veterans. One of my concerns during those years was that ofttimes within the community that is Washington, DC, we expressed great support for our veterans, raised funds to try to improve the funding flows, and then did not do very much about following the money when it went down to the communities where veterans are served.

Particularly, I have been concerned over the years with the kind of treatment that ofttimes took place at the hospitals, and I have been urging the veterans service organizations to do more than be proud of the money that is appropriated here, but rather make sure that money is used in a quality way in terms of the service at the other end of the line.

We are beginning to do some things like involving clinics in rural areas where there are open spaces and the hospitals are not close by. All of that, I think, portends well for the future here.

But I would raise just one cautionary note: It is very important that we continue to put pressure on those organizations whose design and purpose is to support our veterans, to help us follow the money down to the local communities, make sure that it is being spent well. It is great to have increased dollar flows, but throwing money at problems is not always the solution. We all know that. So in this instance, I would say to my ranking member, Mr. OBEY, as well as to the chairman and ranking member of the subcommittee, together we ought to form a partnership to make certain every one of those dollars is spent well on behalf of our veterans at the local community.

With that, congratulations on your work. It is a very fine product.

Mr. WALSH. Mr. Speaker, I reserve the balance of my time.

Mr. EDWARDS. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Speaker, I thank the gentleman from Texas (Mr. EDWARDS) for yielding me this time.

When we left here last night, we had spent the evening in bitter rancor over serious political issues, however we arrived this morning, and the first thing we do is take up a bill where we all agree on something. And I think that is the beauty of the United States Congress. We can disagree and we can have partisan fights, but there is one thing we have in common, and that is that we all support the people who volunteer to serve in our United States military and support the veterans who have served in that military, and the benefits that they should receive afterwards. It is sort of promises made and promises kept.

I think, also, that the reason why we do not have any rancor on this legislation is, we have two of the finest Members of Congress, Mr. EDWARDS and Mr. WALSH, Mr. EDWARDS as ranking member and Mr. WALSH as Chair, of a committee where the divergent members come together. We still have strong political differences on either side. We have different backgrounds, life experiences that we bring to the committee. In fact, I think it is kind of ironic that Mr. WALSH and I, who are former Peace Corps volunteers, are now very active in the committee that deals with the quality of life for the military, but I think that the things we have learned in the Peace Corps about service to human beings are very important to the subject matter in this committee.

I also would like to thank the chairman of the committee, Mr. LEWIS, and the ranking member, Mr. OBEY, because they have given us sort of that parental consent to go ahead and do the best we can do with the money allocated.

There are a lot of good things in this bill mainly because we have added money to it, and Congress has been more supportive than the administration to our veterans, and I think that

that ought to be made very clear. We are providing a second increment of $1.5 billion in addition to what Congress has already passed, $1.2 billion in emergency money. But now there is still some talk that there is going to be an across-the-board cut. We cannot provide the services that Mr. LEWIS just talked about one day and then come back here later and provide a cut to those services. That is total hypocrisy, and we do not want to see that across-the-board cut affect our veterans and our active duty members of our services.

This committee has a lot of issues that we have to deal with. Are we providing enough care for our returning service members? I have been out to Bethesda and to Walter Reed Hospital, talking to the people who have been injured. We have seen a difference between the rehabilitation care that is given to spinal cord injury soldiers than that of the ones that are amputees, and we ought to try to bring coordination to one place, that they both get the same kind of rehabilitative care.

Are we doing enough to reduce the waiting period for veterans for health care? Is there enough money to meet the staggering mental health care, something that we have never really put enough focus on? Posttraumatic syndrome, how long does it take sometimes? Veterans and active Reservists and National Guardsmen who have served in Iraq and Afghanistan may not develop their mental problems from serving for many years after they leave the service. Is there going to be adequate mental health care for them?

How about the price tag for prosthetics? Our centers for our wounded military are quality centers of excellence in trying to develop the latest technology in prosthetics. Yet we do not spend enough time looking at it and making sure that those things are funded well, because the private sector just cannot meet that responsibility. This is a responsibility of the United States Congress. And are we hiring enough people to make sure that we can serve those who need that service, whether it be in a health care clinic or whether it be at the military hospitals? These are questions that we have got to address.

We also have got to address the fact that we have closed military bases, and in those bases we have a lot of unexploded ordnance. Those are ordnances that could only be cleaned up by people that have Federal special training, a very limited specialty field, and yet it is one of the lowest priorities of the military. Obviously, their duty is to train people to defend our country, not necessarily to do environmental cleanup, but we cannot turn that real estate over for subsequent use to the community unless there are enough funds to clean it up, and we have been sorely lacking in enough funds. Fortunately, the chairman and ranking member of this committee have really worked with me in trying to get additional funds for cleanup, although we are way short of the billions of dollars that are needed.

So today is the day where we bring together the differences that we had last night and show that Congress can, indeed, unanimously support the needs of the men and women in uniform and all voluntary service.

I am very proud to have served on this committee. I am proud of its leadership, and I would urge that all my colleagues support the men and women in uniform, support the quality of life that we provide for our services, and help the veterans of the United States by approving this appropriations bill. Thank you.

Mr. EDWARDS. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I will conclude with several comments. First, I could not agree more with Mr. LEWIS, the chairman of the full Appropriations Committee, that it would be a positive step for all of us to work in carrying out our responsibility for congressional oversight over VA health care programs, and I would add to that, over military construction programs. I know that is something the chairman of the subcommittee has worked on and actually started the process on, and I look forward to continuing that effort. It is important that we not only adequately fund veterans health care and other veterans programs, the quality-of-life programs for military servicemen and women and their families, we need to be sure those dollars are being spent in the way that Congress intended them to be spent.

I want to thank several groups. First, I want to thank our veterans service organizations, made up of millions of men and women who have served our country proudly in uniform during time of war and peace. And yet like so many veterans, when they take that uniform off, their love of country does not wane, and their continuing commitment to service is an inspiration to all of us.

Without the strong leadership over the last 2 years of the veterans service organizations who have never let up in saying it would be wrong, and it is wrong, to cut veterans health care services during a time of war, I am not sure we would be at this funding level today. So I salute them.

I also want to salute the incredibly able staff of this subcommittee. On the Democratic side: Tom Forhan and Bob Bonner. On the Republican side, hardworking, dedicated employees as well: Carol Murphy, the staff director of this committee; Tim Peterson; Sarah Young; Walter Hearne; and Mary Arnold. What a privilege it is for the chairman and me to be able to work with a staff that at every step of the way is simply asking one question: What is the right thing to do for our servicemen and women and their families and what is the right thing to do for our veterans?

Like so many of our veterans that are not honored with memorials in this Nation's Capitol, this subcommittee staff is working every day behind the scenes to make a positive difference for very, very deserving people, and I want to thank them for all they do, day in and day out, without any expectation of public acclaim.

My final note is left to honor a veteran. As we approach Thanksgiving and in a few minutes pass this bill, I cannot help but think, Mr. Speaker, about a young veteran, 20 years old, that I met at Walter Reed Army Hospital on Thanksgiving morning 2 years ago. He had come back from Iraq with an amputated leg, sitting in his room alone with the exception of being there with his mother. When I walked in and saw his condition, the first thing he said to me was, "Sir, I don't want anyone to feel sorry for me. I'm proud to have served my country, and I would be proud to serve it again."

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I hope we will always remember that is what this bill is all about, standing up for those who have stood up for our Nation and the American family.

Mr. Speaker, I yield back the balance of my time.

Mr. WALSH. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. HEFLEY), chairman of the Subcommittee on Military Construction for the Armed Services Committee.

Mr. HEFLEY. Mr. Speaker, I apologize for interrupting the progress here. I know all of us want to move forward and conclude as early as possible today.

I just wanted to take a moment to say thank you to Mr. WALSH for working with the authorizing committee so well. For years we have established, I think, an example for this House in how the authorizers and appropriators should work together, and the gentleman has followed in that tradition.

If Members remember, when we first began to look at this early in the year, we had those early meetings together, and we thought the outcome, because of the reorganization, might be very, very different than what we have today. The outcome, I think, is a good outcome. I think we are taking care of infrastructure needs that need to be taken care of in an area where so often these kinds of things become billpayers for other things.

Particularly when we are in the midst of a war and there are all kinds of demands, it is awfully easy to say with military construction and these feel-good things for our soldiers that we just put those off another year. We can put them off another year, and then we will do it, and next year maybe we do it and maybe we do not.

In this case all of the way around you have done an excellent job. We have provided for the soldier. We have provided for the infrastructure needs, and I am very, very pleased with the kind of relationship we have had in working with this. Your staff has been just terrific. With that, I will just say thank you and let you get back to your normal schedule here.

Mr. WALSH. Mr. Speaker, I yield myself the balance of my time.

In closing, I would like to associate myself with the remarks of my colleague Mr. EDWARDS, especially regarding our staff who have done a really great job and worked through all of the issues with us. They do so much of the detail work and just leave a few things for us to resolve. We are very grateful for that.

To the veteran service organizations, I have often said pressure is a good thing. We need that. It creates a dynamic tension within this legislative process, and it is always constructive. We may not agree on every single detail, but for the most part we are on the same page.

And lastly to our Nation's soldiers, Active Duty sailors, airmen and to our marines, thank you for your service, God bless you, and come home safe and sound.

Mr. BLUMENAUER. Mr. Speaker, I support this bill which contains critical funding for Oregon veterans and their health programs. In addition, this bill contains funding for the BRAC process and military construction and housing that are important for Department of Defense efficiency and quality of life. I am disappointed that this conference report cut funds from the BRAC 1990 Account which is used to clean up unexploded ordnance and other contamination on closed military bases from a House-passed $378 million to $255 million. I will continue to work with Congress to ensure the military cleans up after itself and returns sites to productive use.

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise in support of the conference report on Military Quality of Life/Veterans Affairs appropriations for Fiscal Year 2006 and to commend the conferees for their hard work on this legislation.

Mr. Speaker, this has been a difficult year for veterans—there has been misrepresentation, confusion, and overall misuse of the funding allocated to the Medical Services Account for the Department of Veterans Affairs. I have heard from veterans in my District, and throughout Minnesota, of their extreme concern regarding funding for the VA. Veterans in Minnesota and this country have told me that they are worried about how the funding shortfall that was revealed over the summer will directly impact their VA benefits.

The good news for veterans today is this bill provides $22.5 billion for Veterans Medical Services for Fiscal Year 2006, $1.7 billion more than the current funding level and 3 percent more than the Administration's request. This conference report also provides $1.2 billion in emergency funding for the Medical Services account. I am pleased to be able to tell Minnesota veterans that Congress heard their concerns, values their service, and will keep our promises regarding their health care.

The mental health and welfare of our returning soldiers, and of our veterans, must be a priority. The agreement also includes $2.2 billion specifically reserved for mental health care, and designates $15 million: for further research into Gulf War Illness. Too many soldiers return and do not have access to proper mental health care. We have an obligation to do all that we can to address these conditions and help these brave men and women rebuild their lives. This bill takes an important step in providing this care.

I am also very pleased that Congress rejected the Administration's proposals for imposing new fees for health care services. When the Administration proposed a $250 enrollment fee for particular veterans without service-connected disabilities, and an increase in drug co-payments to $15, I heard loud and clear from the veterans throughout Minnesota that this would greatly impact their health and well-being.

Veterans' health care should not be cut to solve the budget deficit. Veterans deserve to continue to have access to affordable, quality health care. It is what they were promised and it is our responsibility to ensure that those services remain for today's—and tomorrow's—servicemen and women.

Mr. Speaker, the Americans who have served our country in the Armed Services deserve to return home to a country that values their service. This agreement reflects, in part, the gratitude of Congress for their sacrifices, and I am proud to support it.

Mr. WALSH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. KNOLLENBERG. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include tabular and extraneous material on the conference report to accompany H.R. 3058.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a joint resolution of the House of the following title:

H.J. Res. 72. Joint Resolution making further continuing appropriations for the fiscal year 2006, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which concurrence of the House is requested:

S. 467. An act to extend the applicability of the Terrorism Risk Insurance Act of 2002.

S. 1418. An act to enhance the adoption of a nationwide interoperable health information technology system and to improve the quality and reduce the costs of health care in the United States.

CONFERENCE REPORT ON H.R. 3058, TRANSPORTATION, TREASURY, HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY, THE DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2006

Mr. KNOLLENBERG. Mr. Speaker, pursuant to House Resolution 565, I call up the conference report on the bill (H.R. 3058) making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 565, the conference report is considered read.

(For conference report and statement, see prior proceedings of the House of November 17, 2005.)

The SPEAKER pro tempore. The gentleman from Michigan (Mr. KNOLLENBERG) and the gentleman from Massachusetts (Mr. OLVER) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Speaker, I yield myself such time as I may consume.

I bring to the House the first-ever conference report for Transportation, Treasury, Housing and Urban Development, the Judiciary, the independent agencies, plus the District of Columbia. This is a complex bill, but an important bill, making appropriations for our Nation's important infrastructure: roads, airports and rail, for our Nation's capital, for our Nation's housing needs, and for our Nation's judiciary. We have met the needs for fiscal year 2006, all the while staying within our 302(b) allocation of $65.9 billion, and total spending of $133.4 billion.

I would like to thank my friend and ranking member, the gentleman from Massachusetts (Mr. OLVER), for all of the hard work and the keen interest in the programs in this bill. He has proven to be a valuable partner, and I want to commend him. He has made significant contributions to this bill, and I thank him for his support.

I would also like to thank the members of the subcommittee for their hard work during the hearing process and in creating the bill. I certainly want to mention and point out that this staff, the entire staff, has really done some extraordinary things over the last several days, and they have had some sleepless nights, and so they are prepared to leave here tonight and catch up on some needed sleep.

This is a good bill, a clean bill, and one that I urge a "yes" vote to pass the Transportation, Treasury, Housing and Urban Development, the Judiciary, and the District of Columbia bill.

DEPARTMENTS OF TRANSPORTATION, TREASURY, AND HOUSING AND URBAN DEVELOPMENT,
THE JUDICIARY, DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES, FY 2006 (H.R.3058)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	Conference vs. Enacted
TITLE I - DEPARTMENT OF TRANSPORTATION						
Office of the Secretary						
Salaries and expenses	86,536	87,046	67,824	86,000	84,900	-1,636
Immediate Office of the Secretary	(2,202)	---	(2,198)	(2,198)	(2,198)	(-4)
Immediate Office of the Deputy Secretary	(699)	---	(698)	(698)	(698)	(-1)
Office of the General Counsel	(15,272)	---	(15,433)	(15,183)	(15,183)	(-89)
Office of the Under Secretary of Transportation for Policy	(12,526)	---	(11,680)	(12,650)	(11,650)	(-876)
Office of the Assistant Secretary for Budget and Programs	(8,504)	---	(7,593)	(8,585)	(8,485)	(-19)
Office of the Assistant Secretary for Governmental Affairs	(2,297)	---	---	(2,293)	(2,293)	(-4)
Office of the Assistant Secretary for Administration	(23,249)	---	(23,139)	(22,031)	(22,031)	(-1,218)
Office of Public Affairs	(1,914)	---	---	(1,910)	(1,910)	(-4)
Executive Secretariat	(1,444)	---	(20)	(1,442)	(1,442)	(-2)
Board of Contract Appeals	(698)	---	(697)	(697)	(697)	(-1)
Office of Small and Disadvantaged Business Utilization	(1,268)	---	(1,265)	(1,265)	(1,265)	(-3)
Office of Intelligence and Security	(2,037)	---	(2,033)	(2,033)	(2,033)	(-4)
Office of the Chief Information Officer	(11,301)	---	---	(11,895)	(11,895)	(+594)
Office of emergency transportation	(3,125)	---	(3,128)	(3,120)	(3,120)	(-5)
Undesignated reduction	---	---	(-60)	---	---	---
User fees	(-2,500)	(-2,500)	(-2,500)	(-2,500)	(-2,500)	---
Spending of user fees	(2,500)	(2,500)	(2,500)	(2,500)	(2,500)	---
Subtotal	(86,536)	(87,046)	(67,824)	(86,000)	(84,900)	(-1,636)
Office of Civil Rights	8,630	8,550	8,550	8,550	8,550	-80
Rescission of excess compensation for air carriers	-235,000	---	---	---	---	+235,000
Transportation planning, research, and development	19,840	9,030	9,030	15,000	15,000	-4,840
Working capital fund	(149,846)	---	(120,014)	(120,014)	(118,014)	(-31,832)
Minority business resource center program	893	900	900	900	900	+7
(Limitation on guaranteed loans)	(18,367)	(18,367)	(18,367)	(18,367)	(18,367)	---
Minority business outreach	2,976	3,000	3,000	3,000	3,000	+24
New headquarters building	67,456	100,000	55,000	50,000	50,000	-17,456
Payments to air carriers (Airport & Airway Trust Fund)	51,584	---	54,000	60,000	60,000	+8,416
General Aviation and Fixed Based Operator Reimbursement (sec. 186)	---	---	---	---	17,000	+17,000
Total, Office of the Secretary	237,915	208,526	198,304	223,450	239,350	+1,435
Federal Aviation Administration						
Operations	7,712,800	8,201,000	8,396,920	8,176,000	8,186,000	+473,200
Air traffic organization	---	(6,647,305)	---	(6,627,010)	---	---
Aviation Safety	---	(941,742)	---	(956,242)	---	---
Research and Acquisitions	---	---	---	---	---	---
Commercial Space Transportation	---	(11,759)	---	(11,759)	---	---
Financial Services	---	---	---	(50,983)	---	---
Human Resource Management	---	---	---	(69,943)	---	---
Region and Center Operations	---	---	---	(150,744)	---	---
Staff Offices	---	(450,194)	---	(141,909)	---	---
Information Services	---	---	---	(38,112)	---	---
Flight Service Stations A-76 transition	---	(150,000)	(91,000)	(150,000)	(150,000)	(+150,000)
Undistributed reduction	---	---	---	(-18,702)	---	---
Subtotal	7,712,800	8,201,000	8,396,920	8,176,000	8,186,000	+473,200
Facilities & equipment (Airport & Airway Trust Fund)	2,519,680	2,448,000	3,053,000	2,448,000	2,540,000	+20,320
Emergency appropriations (P.L. 108-324)	5,100	---	---	---	---	-5,100
Research, engineering, and development (Airport and Airway Trust Fund)	129,880	130,000	130,000	134,500	138,000	+8,120
Grants-in-aid for airports (Airport and Airway Trust Fund)(Liquidation of contract authorization)	(2,800,000)	(3,300,000)	(3,600,000)	(3,390,000)	(3,399,000)	(+599,000)
(Limitation on obligations)	(3,472,000)	(3,000,000)	(3,600,000)	(3,500,000)	(3,550,000)	(+78,000)
Small community air service development program	(19,840)	---	(20,000)	(20,000)	(10,000)	(-9,840)
Airport Cooperative Research Program	---	(10,000)	(10,000)	---	(10,000)	(+10,000)
2006 F&E Pop-up contract authority	---	605,000	---	605,000	513,000	+513,000
Rescission of contract authority (2006 F&E Pop-up)	---	-605,000	---	-605,000	-513,000	-513,000
Rescission of contract authority (2006 AIP)	---	-600,000	---	-100,000	-50,000	-50,000
Rescission of contract authority (prior yr Pop-up)	-265,000	-469,000	-469,000	-469,000	-469,000	-204,000
Emergency assistance to airports (Airport and Airway Trust Fund) (P.L. 108-324)	25,000	---	---	---	---	-25,000
Subtotal	(3,232,000)	(1,931,000)	(3,131,000)	(2,931,000)	(3,031,000)	(-201,000)

DEPARTMENTS OF TRANSPORTATION, TREASURY, AND HOUSING AND URBAN DEVELOPMENT,
THE JUDICIARY, DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES, FY 2006 (H.R.3058)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	Conference vs. Enacted
War risk insurance program extension	-50,000	---	-80,000	-80,000	-80,000	-30,000
Total, Federal Aviation Administration	10,342,460	11,384,000	11,499,920	11,283,500	11,297,000	+954,540
(Limitations on obligations)	(3,472,000)	(3,000,000)	(3,600,000)	(3,500,000)	(3,550,000)	(+78,000)
Rescissions of contract authority	-265,000	-1,674,000	-469,000	-1,174,000	-1,032,000	-767,000
Total budgetary resources	(13,549,460)	(12,710,000)	(14,630,920)	(13,609,500)	(13,815,000)	(+265,540)
Federal Highway Administration						
Limitation on administrative expenses	(343,728)	(367,638)	(359,529)	(364,638)	(364,638)	(+20,910)
Federal-aid highways (Highway Trust Fund):						
(Liquidation of contract authorization)	(35,000,000)	(35,000,000)	(36,000,000)	(40,194,259)	(36,032,344)	(+1,032,344)
(Limitation on obligations)	(34,422,400)	(34,700,000)	(36,287,100)	(40,194,259)	(36,032,344)	(+1,609,944)
(Exempt contract authority)	(739,000)	(739,000)	(739,000)	(739,000)	(739,000)	---
(Transfer to NHTSA)	(-156,127)	---	---	---	(-122,457)	(+33,670)
Rescission of contract authority (Highway Trust Fund)	-520,277	---	---	---	---	+520,277
Appalachian development highway system	79,360	---	---	80,000	20,000	-59,360
Emergency relief programs (Highway Trust Fund)	735,072	---	---	---	---	-735,072
Emergency appropriations (P.L. 108-324)	1,202,000	---	---	---	---	-1,202,000
Rescission of contract authority (Hwy Trust Fund)	-741,000	---	---	-2,300,000	-1,999,999	-1,258,999
TIFIA (rescission of contract authority)	-100,000	---	---	---	---	+100,000
Belleair causeway bridge	33,728	---	---	---	---	-33,728
Unobligated balances(rescission of contract authority)	-14,408	---	---	---	---	+14,408
Unobligated balances (rescission)	-2,000	---	---	---	---	+2,000
Total, Federal Highway Administration	2,050,160	---	---	80,000	20,000	-2,030,160
(Limitations on obligations)	(34,422,400)	(34,700,000)	(36,287,100)	(40,194,259)	(36,032,344)	(+1,609,944)
(Transfer out)	-156,127	---	---	---	-122,457	+33,670
(Exempt contract authority)	(739,000)	(739,000)	(739,000)	(739,000)	(739,000)	---
Rescissions	-2,000	---	---	---	---	+2,000
Rescissions of contract authority	-1,375,685	---	---	-2,300,000	-1,999,999	-624,314
Total budgetary resources	(35,677,748)	(35,439,000)	(37,026,100)	(38,713,259)	(34,668,888)	(-1,008,860)
Federal Motor Carrier Safety Administration						
Motor carrier safety (limitation on administrative expenses)(liquidation of contract authorization)	(257,547)	---	---	---	---	(-257,547)
(Limitation on obligations)	(255,487)	---	---	---	---	(-255,487)
Motor carrier safety operations and programs (Highway Trust Fund)(Liquidation of contract authorization)	---	(233,000)	(215,000)	(211,400)	(213,000)	(+213,000)
(Limitation on obligations)	---	(233,000)	(215,000)	(211,400)	(213,000)	(+213,000)
National motor carrier safety program (Highway Trust Fund)(Liquidation of contract authorization)	(190,000)	---	(286,000)	---	---	(-190,000)
(Limitation on obligations)	(188,480)	---	(286,000)	---	---	(-188,480)
Motor carrier safety grants (Highway Trust Fund) (Liquidation of contract authorization)	---	(232,000)	---	(278,620)	(282,000)	(+282,000)
(Limitation on obligations)	---	(232,000)	---	(278,620)	(282,000)	(+282,000)
Total, Federal Motor Carrier Safety Admin	---	---	---	---	---	---
(Limitations on obligations)	(443,967)	(465,000)	(501,000)	(490,020)	(495,000)	(+51,033)
Total budgetary resources	(443,967)	(465,000)	(501,000)	(490,020)	(495,000)	(+51,033)
National Highway Traffic Safety Administration						
Operations and research	---	---	152,367	6,000	---	---
Operations and research (Highway trust fund)						
(Liquidation of contract authorization)	(72,000)	(227,367)	(75,000)	(226,688)	(110,000)	(+38,000)
(Limitation on obligations)	(71,424)	(227,367)	(75,000)	(226,688)	(110,000)	(+38,576)
(Transfer from FHWA)	(156,127)	---	---	---	(122,457)	(-33,670)
National Driver Register (Highway trust fund)						
(Liquidation of contract authorization)	(3,600)	(4,000)	(4,000)	(4,000)	(4,000)	(+400)
(Limitation on obligations)	(3,571)	(4,000)	(4,000)	(4,000)	(4,000)	(+429)

DEPARTMENTS OF TRANSPORTATION, TREASURY, AND HOUSING AND URBAN DEVELOPMENT,
THE JUDICIARY, DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES, FY 2006 (H.R. 3058)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	Conference vs. Enacted
Highway traffic safety grants (Highway Trust Fund)						
(Liquidation of contract authorization)	(225,000)	(465,000)	(551,000)	(548,182)	(578,176)	(+353,176)
(Limitation on obligations):						
Highway safety programs (Sec. 402)	(163,680)	(172,000)	(229,000)	(209,218)	(217,000)	(+53,320)
Formula grants (Sec. 402(k))	---	(183,000)	---	---	---	---
Formula grants (Sec. 402(l))	---	(50,000)	---	---	---	---
Occupant protection incentive grants (Sec. 405)	(19,840)	---	(136,000)	(149,667)	(25,000)	(+5,160)
Safety belt performance grants (Sec. 406)	---	---	---	---	(124,500)	(+124,500)
Demonstration program grants	---	---	---	(7,400)	---	---
Alcohol-impaired driving countermeasures grants (Sec. 410)	(39,680)	---	(129,000)	(115,721)	(120,000)	(+80,320)
Emergency medical services grants (Sec. 407)	---	(10,000)	---	(5,000)	---	---
State traffic safety information system improvement grants (Sec. 412)	---	(50,000)	(30,000)	(45,000)	(34,500)	(+34,500)
High visibility enforcement	---	---	(15,000)	---	(29,000)	(+29,000)
Child safety and booster seat grants	---	---	(6,000)	---	(6,000)	(+6,000)
Motorcyclist safety	---	---	(6,000)	---	(6,000)	(+6,000)
Grant administration	---	---	---	(16,176)	(16,176)	(+16,176)
Subtotal	(223,200)	(465,000)	(551,000)	(548,182)	(578,176)	(+354,976)
Total, National Highway Traffic Safety Admin.	---	---	152,367	6,000	---	---
(Limitations on obligations)	(298,195)	(696,367)	(630,000)	(778,870)	(692,176)	(+393,981)
(By transfer)	156,127	---	---	---	122,457	-33,670
Total budgetary resources	(454,322)	(696,367)	(782,367)	(784,870)	(814,633)	(+360,311)
Federal Railroad Administration						
Safety and operations	138,651	145,949	145,949	146,000	145,949	+7,298
Railroad research and development	35,737	46,325	---	41,000	55,075	+19,338
Railroad rehabilitation and improvement program	6,000	---	---	---	---	-6,000
Next generation high-speed rail	19,493	---	10,165	11,500	---	-19,493
Alaska Railroad rehabilitation	24,800	---	---	20,000	10,000	-14,800
National Railroad Passenger Corporation						
Operating subsidy grants to the National Railroad Passenger Corporation	---	---	---	---	495,000	+495,000
Capital and debt service grants to the National Railroad Passenger Corporation	---	---	---	---	780,000	+780,000
Efficiency incentive grants to National Railroad Passenger Corporation	---	---	---	---	40,000	+40,000
Grants to the National Railroad Passenger Corporation	1,207,264	380,000	1,176,248	1,450,000	---	-1,207,264
Total, National Railroad Passenger Corporation	---	---	---	---	1,315,000	+1,315,000
Total, Federal Railroad Administration	1,431,945	552,274	1,332,362	1,668,500	1,526,024	+94,079
Federal Transit Administration						
Administrative expenses, general fund	---	83,500	---	---	80,000	+80,000
Administrative expenses	9,672	---	12,000	13,411	---	-9,672
Administrative expenses (Highway Trust Fund, Mass Transit Account)(limitation on obligations)	(67,704)	---	(68,000)	(66,133)	---	(-67,704)
Office of the Administrator	(892)	---	(989)	(925)	(925)	(+33)
Office of Chief Counsel	(4,067)	---	(4,140)	(4,200)	(4,058)	(-9)
Office of Civil Rights	(2,989)	---	(3,113)	(3,000)	(3,153)	(+164)
Office of Communications and Congressional Affairs	(1,233)	---	(1,276)	(1,300)	(1,359)	(+126)
Office of Budget and Policy	(6,874)	---	(7,123)	(7,200)	(8,733)	(+1,859)
Office of Planning	(4,138)	---	(4,155)	(4,200)	(4,127)	(-11)
Office of Program Management	(7,337)	---	(7,916)	(7,500)	(7,986)	(+649)
Office of Demonstration and Innovation	(4,608)	---	(4,712)	(4,700)	(4,764)	(+156)
Office of Administration	(6,468)	---	(7,284)	(6,800)	(7,325)	(+857)
Central Account	(16,302)	---	(17,884)	(16,219)	(16,816)	(+514)
Regional offices	(19,988)	---	(21,408)	(21,000)	(20,754)	(+766)
National Transit database	(2,480)	---	---	(2,500)	---	(-2,480)
Subtotal	(77,376)	---	(80,000)	(79,544)	(80,000)	(+2,624)
Formula grants	499,990	---	662,550	734,117	---	-499,990
Formula grants (Highway Trust Fund, Mass Transit Account)(limitation on obligations)	(3,499,928)	---	(3,754,450)	(3,620,074)	---	(-3,499,928)
Subtotal	(3,999,918)	---	(4,417,000)	(4,354,191)	---	(-3,999,918)

DEPARTMENTS OF TRANSPORTATION, TREASURY, AND HOUSING AND URBAN DEVELOPMENT,
THE JUDICIARY, DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES, FY 2006 (H.R.3058)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	Conference vs. Enacted
Formula grants and research (Highway Trust Fund, Mass Transit Account)(limitation on obligations)	---	(6,135,000)	---	---	(6,979,931)	(+6,979,931)
Subtotal	(3,999,918)	(6,135,000)	(4,417,000)	(4,354,191)	(6,979,931)	(+2,980,013)
University transportation research	744	---	1,200	981	---	-744
University transportation research (Highway Trust Fund Mass Transit Account)(limitation on obligations)	(5,208)	---	(6,800)	(4,837)	---	(-5,208)
Subtotal	(5,952)	---	(8,000)	(5,818)	---	(-5,952)
Transit planning and research	15,872	---	24,049	26,350	75,200	+59,328
Transit planning and research (Highway Trust Fund, Mass Transit Account)(limitation on obligations)	(111,104)	---	(136,276)	(129,937)	---	(-111,104)
Rural transportation assistance	(5,208)	---	---	(5,208)	---	(-5,208)
National transit institute	(3,968)	---	---	(3,967)	---	(-3,968)
Transit cooperative research	(8,184)	---	---	(6,992)	---	(-8,184)
Planning (TEA-LU)	---	---	(103,325)	(104,004)	---	---
Research (TEA-LU)	---	---	(57,000)	---	---	---
Metropolitan planning	(59,903)	---	---	---	---	(-59,903)
State planning	(12,513)	---	---	---	---	(-12,513)
National planning and research	(37,200)	---	---	(34,116)	---	(-37,200)
Subtotal	(126,976)	---	(160,325)	(156,287)	---	(-126,976)
Trust fund share of expenses (Highway Trust Fund) (liquidation of contract authorization)	(6,744,500)	(689,700)	(7,209,700)	(6,824,667)	(6,979,931)	(+235,431)
Capital investment grants	414,014	---	546,251	588,578	---	-414,014
Capital investment grants (Highway Trust Fund, Mass Transit Account)(limitation on obligations)	(2,898,100)	---	(3,095,424)	(2,902,394)	---	(-2,898,100)
Major capital investment grants	---	872,800	---	---	1,455,234	+1,455,234
Major capital investment grants (Highway Trust Fund, Mass Transit Account)(limitation on obligations)	---	(689,700)	---	---	---	---
Subtotal	(3,312,114)	(1,562,500)	(3,641,675)	(3,490,972)	(1,455,234)	(-1,856,880)
Fixed guideway modernization	(1,204,684)	(1,531,250)	(1,386,670)	(1,307,473)	---	(-1,204,684)
Buses and bus-related facilities	(669,600)	---	(693,335)	(796,977)	---	(-669,600)
New starts	(1,437,830)	---	(1,561,670)	(1,386,522)	---	(-1,437,830)
Metropolitan and statewide planning activities	---	(31,250)	---	---	---	---
Subtotal	(3,312,114)	(1,562,500)	(3,641,675)	(3,490,972)	---	(-3,312,114)
Job access and reverse commute grants	15,500	---	26,250	20,541	---	-15,500
Job access and reverse commute grants (Hwy Trust Fund, Mass Transit Account)(limitation on obligations)	(108,500)	---	(148,750)	(101,292)	---	(-108,500)
Subtotal	(124,000)	---	(175,000)	(121,833)	---	(-124,000)
Total, Federal Transit Administration	955,792	956,300	1,272,300	1,383,978	1,610,434	+654,642
(Limitations on obligations)	(6,690,544)	(6,824,700)	(7,209,700)	(6,824,667)	(6,979,931)	(+289,387)
Total budgetary resources	(7,646,336)	(7,781,000)	(8,482,000)	(8,208,645)	(8,590,365)	(+944,029)
Saint Lawrence Seaway Development Corporation						
Operations and maintenance (Harbor Maintenance Trust Fund)	15,773	8,000	16,284	16,284	16,284	+511
Spending from proposed mandatory user fee	---	8,284	---	---	---	---
Total, Saint Lawrence Seaway Development Corp.	15,773	16,284	16,284	16,284	16,284	+511
Maritime Administration						
Maritime security program	97,910	156,000	156,000	156,000	156,000	+58,090
Operations and training	108,602	113,650	112,336	118,649	122,249	+13,647
Ship disposal	21,443	21,000	21,000	21,000	21,000	-443
Maritime Guaranteed Loan (Title XI) Program Account: Administrative expenses	4,726	3,526	3,526	4,726	4,126	-600
National defense tank vessel construction program	74,400	---	---	25,000	---	-74,400
Rescission	---	-74,400	---	---	---	---
Ship construction (rescission)	-1,979	---	-2,071	-2,071	-2,071	-92
Total, Maritime Administration	305,102	219,776	290,791	323,304	301,304	-3,798

DEPARTMENTS OF TRANSPORTATION, TREASURY, AND HOUSING AND URBAN DEVELOPMENT,
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(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	Conference vs. Enacted
Pipeline and Hazardous Materials Safety Administration						
Hazardous materials safety	---	26,324	26,183	26,138	26,138	+26,138
Administrative expenses	---	16,382	16,382	16,232	16,232	+16,232
Pipeline Safety Fund	---	645	645	645	645	+645
Subtotal	---	17,027	17,027	16,877	16,877	+16,877
Pipeline safety:						
Pipeline Safety Fund	54,679	54,165	57,860	58,165	58,010	+3,331
Oil Spill Liability Trust Fund	14,882	19,000	15,000	15,000	15,000	+118
Subtotal	69,561	73,165	72,860	73,165	73,010	+3,449
Emergency preparedness grants:						
Emergency preparedness fund	198	200	200	200	200	+2
Limitation on emergency preparedness fund	(14,300)	---	(14,300)	(14,300)	(14,300)	---
Total, Pipeline and Hazardous Materials Safety Administration	69,759	116,716	116,270	116,380	116,225	+46,466
Research and Innovative Technology Administration						
Research and development	---	6,274	4,326	4,326	5,774	+5,774
Research and special programs	46,738	---	---	---	---	-46,738
(By transfer)	(645)	---	---	---	---	(-645)
Total, Research and Innovative Technology Admin.	46,738	6,274	4,326	4,326	5,774	-40,964
Office of Inspector General						
Salaries and expenses	58,528	62,499	62,499	62,499	62,499	+3,971
Surface Transportation Board						
Salaries and expenses	21,080	24,388	26,622	24,388	26,450	+5,370
Offsetting collections	-1,050	-1,250	-1,250	-1,250	-1,250	-200
Total, Surface Transportation Board	20,030	23,138	25,372	23,138	25,200	+5,170
Total, title I, Department of Transportation	13,656,517	11,871,787	14,501,795	11,717,359	12,188,095	-1,468,422
Appropriations	(14,304,081)	(13,620,187)	(14,972,866)	(15,193,430)	(15,222,165)	(+918,084)
Rescissions	(-238,979)	(-74,400)	(-2,071)	(-2,071)	(-2,071)	(+236,908)
Rescission of contract authority	(-1,640,685)	(-1,674,000)	(-469,000)	(-3,474,000)	(-3,031,999)	(-1,391,314)
Emergency appropriations	(1,232,100)	---	---	---	---	(-1,232,100)
Offsetting collections	---	---	---	---	---	---
(Limitations on obligations)	(45,327,106)	(45,686,067)	(48,227,800)	(51,787,816)	(47,749,451)	(+2,422,345)
(Exempt contract authority)	(739,000)	(739,000)	(739,000)	(739,000)	(739,000)	---
(By transfer)	(156,772)	---	---	---	(122,457)	(-34,315)
(Transfer out)	(-156,127)	---	---	---	(-122,457)	(+33,670)
Net total budgetary resources	(59,722,623)	(58,296,854)	(63,468,595)	(64,244,175)	(60,676,546)	(+953,923)
Transportation discretionary total	13,656,517	11,871,787	14,501,795	11,717,359	12,188,095	-1,468,422
TITLE II - DEPARTMENT OF THE TREASURY						
Departmental Offices						
Salaries and expenses	156,299	195,253	157,452	197,591	196,592	+40,293
Executive direction	(7,216)	(16,656)	(7,216)	(8,642)	(8,642)	(+1,426)
General Counsel	(7,142)	---	(7,521)	(7,852)	(7,852)	(+710)
Economic policies and and programs	(31,405)	(32,011)	(32,011)	(32,011)	(32,011)	(+606)
Financial policies and programs	(25,863)	(24,721)	(24,721)	(27,221)	(26,574)	(+711)
Financial crimes	(10,548)	(33,938)	(35,409)	(39,938)	(39,939)	(+29,391)
Treasury wide management	(16,626)	(16,843)	(16,843)	(16,843)	(16,843)	(+217)
Administration	(57,499)	(65,084)	(63,731)	(65,084)	(63,731)	(+6,232)
currency manipul	---	---	---	---	(1,000)	(+1,000)
Undesignated reduction	---	---	(-30,000)	---	---	---
Subtotal	(156,299)	(195,253)	(157,452)	(197,591)	(196,592)	(+40,293)
Office of Foreign Assets Control	22,113	---	---	---	---	-22,113
Department-wide systems and capital investments programs	32,002	24,412	21,412	24,412	24,412	-7,590
Office of Inspector General	16,368	16,722	17,000	16,722	17,000	+632
Treasury Inspector General for Tax Administration	128,093	133,286	133,286	133,286	133,286	+5,193

DEPARTMENTS OF TRANSPORTATION, TREASURY, AND HOUSING AND URBAN DEVELOPMENT,
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(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	Conference vs. Enacted
Air transportation stabilization program account	1,984	2,942	---	2,942	2,750	+766
Community development financial institutions fund program account	55,078	7,900	55,000	55,000	55,000	-78
Treasury building and annex repair and restoration	12,217	10,000	10,000	10,000	10,000	-2,217
Expanded access to financial services (rescission)	-4,000	---	---	---	---	+4,000
Violent crime reduction program (rescission)	-1,200	---	---	---	---	+1,200
Financial Crimes Enforcement Network	71,922	73,630	73,630	73,630	73,630	+1,708
Total, Departmental Offices	490,876	464,145	467,780	513,583	512,670	+21,794
Financial Management Service	229,083	236,243	236,243	236,243	236,243	+7,160
Alcohol and Tobacco Tax and Trade Bureau						
Salaries and expenses	82,336	62,486	91,126	91,126	91,126	+8,790
Spending from proposed mandatory user fees	---	28,640	---	---	---	---
Subtotal	82,336	91,126	91,126	91,126	91,126	+8,790
Bureau of the Public Debt	173,785	176,923	176,923	176,923	176,923	+3,158
Payment of government losses in shipment	1,000	1,000	1,000	1,000	1,000	---
Total, Dept. of Treasury, non-IRS	977,060	969,437	973,072	1,016,875	1,017,962	+40,902
Internal Revenue Service						
Tax administration and operations	---	10,460,051	---	---	---	---
Adjusted appropriation	---	(446,496)	---	(446,000)	---	---
Processing, assistance, and management	4,056,857	---	4,181,520	4,136,578	4,136,578	+79,721
Tax law enforcement	4,363,539	---	4,580,216	4,725,756	4,725,756	+362,217
Information systems	1,577,768	---	1,575,146	1,597,717	1,598,967	+21,199
Subtotal	9,998,164	10,460,051	10,336,882	10,460,051	10,461,301	+463,137
Business systems modernization	203,360	199,000	199,000	199,000	199,000	-4,360
Health Insurance Tax Credit Administration	34,562	20,210	20,210	20,210	20,210	-14,352
Rescission	---	---	---	---	-9,000	-9,000
Total, Internal Revenue Service	10,236,086	10,679,261	10,556,092	10,679,261	10,671,511	+435,425
Total, title II, Department of the Treasury	11,213,146	11,648,698	11,529,164	11,698,136	11,689,473	+476,327
Appropriations	11,218,346	11,648,698	11,529,164	11,698,136	11,698,473	+480,127
Rescissions	-5,200	---	---	---	-9,000	-3,800
TITLE III - DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT						
Public and Indian Housing						
Tenant-based Rental Assistance:						
Direct appropriation	10,599,520	11,645,194	11,431,400	11,436,064	11,373,656	+774,136
Renewals	(13,355,285)	(14,089,756)	(14,189,756)	(14,089,756)	(14,089,756)	(+734,471)
Tenant protection vouchers	(161,696)	(354,081)	(165,700)	(192,000)	(180,000)	(+18,304)
Family self-sufficiency coordinators	(45,632)	(55,000)	(45,000)	(48,000)	(48,000)	(+2,368)
Administrative fees	(1,200,426)	(1,295,408)	(1,225,000)	(1,295,408)	(1,250,000)	(+49,574)
Working capital fund	(2,881)	(5,949)	(5,900)	(5,900)	(5,900)	(+3,019)
Additional rental subsidy	---	(45,000)	---	---	---	---
Technical assistance fund	---	---	---	(5,000)	---	---
Advance appropriations provided in previous acts	4,166,400	4,200,000	4,200,000	4,200,000	4,200,000	+33,600
Subtotal	14,765,920	15,845,194	15,631,356	15,636,064	15,573,656	+807,736
Advance appropriations provided in current year	4,200,000	4,200,000	4,200,000	4,200,000	4,200,000	---
Total, Tenant-based rental assistance	18,965,920	20,045,194	19,831,400	19,836,064	19,773,656	+807,736
Project-based rental assistance	5,298,272	5,072,100	5,088,300	5,072,100	5,088,300	-209,972
Renewals	(5,195,203)	(4,923,100)	(4,940,100)	(4,918,100)	(4,939,700)	(-255,503)
Contract administrators	(101,085)	(147,200)	(147,200)	(147,200)	(147,200)	(+46,115)
Working capital fund	(1,984)	(1,800)	(1,000)	(1,800)	(1,400)	(-584)
Public housing:						
Capital fund	2,579,200	2,327,200	2,600,000	2,327,200	2,463,600	-115,600
Operating fund	2,438,336	3,407,300	3,600,000	3,557,300	3,600,000	+1,161,664
Revitalization of severely distressed public housing	142,848	---	60,000	150,000	100,000	-42,848
Native American housing block grants	621,984	582,600	600,000	622,000	630,000	+8,016
Indian housing loan guarantee fund program account	4,960	2,645	2,645	5,000	4,000	-960
(Limitation on guaranteed loans)	(145,345)	(98,967)	(98,967)	(145,345)	(116,276)	(-29,069)

DEPARTMENTS OF TRANSPORTATION, TREASURY, AND HOUSING AND URBAN DEVELOPMENT,
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(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	Conference vs. Enacted
Native Hawaiian housing:						
Block grant	---	8,815	8,815	---	8,815	+8,815
Loan guarantee fund	992	882	882	1,000	900	-92
(Limitation on guaranteed loans)	(37,403)	(35,000)	(35,000)	(37,403)	(37,403)	---
Total, Public and Indian Housing	30,052,512	31,446,736	31,792,042	31,570,664	31,669,271	+1,616,759
Current year advance appropriations	4,200,000	4,200,000	4,200,000	4,200,000	4,200,000	---
Net Total (excluding current year advances)	25,852,512	27,246,736	27,592,042	27,370,664	27,469,271	+1,616,759
Community Planning and Development						
Housing opportunities for persons with AIDS	281,728	268,000	290,000	287,000	289,000	+7,272
Rural housing and economic development	23,808	---	10,000	24,000	17,000	-6,808
Empowerment zones / enterprise communities	9,920	---	---	---	---	-9,920
Community development fund	4,671,328	---	4,243,000	4,323,610	4,220,000	-451,328
Community development fund (sec. 424)	30,752	---	---	---	---	-30,752
Emergency appropriations (P.L.108-324)	150,000	---	---	---	---	-150,000
Section 108 loan guarantees:						
(Limitation on guaranteed loans)	(275,000)	---	---	(275,000)	(137,500)	(-137,500)
Credit subsidy	5,952	---	---	6,000	3,000	-2,952
Administrative expenses	992	---	---	1,000	750	-242
Brownfields redevelopment	23,808	---	---	15,000	10,000	-13,808
HOME investment partnerships program	1,899,680	1,941,000	1,900,000	1,900,000	1,775,000	-124,680
Homeless assistance grants	1,240,511	1,440,000	1,340,000	1,415,000	1,340,000	+99,489
Self-help homeownership opportunity program	---	30,000	60,800	---	61,000	+61,000
Total, Community Planning and Development	8,338,479	3,679,000	7,843,800	7,971,610	7,715,750	-622,729
Housing Programs						
Housing for the elderly	741,024	741,000	741,000	742,000	742,000	+976
Housing for persons with disabilities	238,080	119,800	238,100	240,000	239,000	+920
Housing counseling assistance	---	39,700	---	---	---	---
Technical assistance (by transfer)	---	---	---	(45,000)	---	---
Manufactured housing fees trust fund	13,000	13,000	12,896	13,000	13,000	---
Offsetting collections	-13,000	-13,000	-12,896	-13,000	-13,000	---
Rental housing assistance	---	26,400	26,400	26,400	26,400	+26,400
Total, Housing Programs	979,104	927,000	1,005,500	1,008,400	1,007,400	+28,296
Federal Housing Administration						
FHA - Mutual mortgage insurance program account:						
(Limitation on guaranteed loans)	(185,000,000)	(185,000,000)	(185,000,000)	(185,000,000)	(185,000,000)	---
(Limitation on direct loans)	(50,000)	(50,000)	(50,000)	(50,000)	(50,000)	---
Administrative expenses	354,051	355,000	355,000	355,000	355,000	+949
Offsetting receipts	-2,234,000	-1,309,000	-1,309,000	-1,309,000	-1,309,000	+925,000
Offsetting receipts (legislative proposal)	---	18,000	---	---	---	---
Administrative contract expenses	77,376	62,600	62,600	62,600	62,600	-14,776
Additional contract expenses	992	1,000	1,000	1,000	1,000	+8
FHA - General and special risk program account:						
(Limitation on guaranteed loans)	(35,000,000)	(35,000,000)	(35,000,000)	(35,000,000)	(35,000,000)	---
(Limitation on direct loans)	(50,000)	(50,000)	(50,000)	(50,000)	(50,000)	---
Administrative expenses	225,945	231,400	231,400	231,400	231,400	+5,455
Offsetting receipts	-248,000	-300,000	-339,000	-339,000	-339,000	-91,000
Credit subsidy	9,920	8,800	8,800	8,800	8,800	-1,120
Non-overhead administrative expenses	85,312	71,900	71,900	71,900	71,900	-13,412
Additional contract expenses	3,968	4,000	4,000	4,000	4,000	+32
Total, Federal Housing Administration	-1,724,436	-856,300	-913,300	-913,300	-913,300	+811,136
Government National Mortgage Association (GNMA)						
Guarantees of mortgage-backed securities loan guarantee program account:						
(Limitation on guaranteed loans)	(200,000,000)	(200,000,000)	(200,000,000)	(200,000,000)	(200,000,000)	---
Administrative expenses	10,609	11,360	10,700	11,360	10,700	+91
Offsetting receipts	-368,000	-368,000	-368,000	-368,000	-368,000	---
Total, Gov't National Mortgage Association	-357,391	-356,640	-357,300	-356,640	-357,300	+91
Policy Development and Research						
Research and technology	45,136	69,736	60,600	48,000	56,350	+11,214
Fair Housing and Equal Opportunity						
Fair housing activities	46,128	38,800	46,500	46,000	46,000	-128
Office of Lead Hazard Control						
Lead hazard reduction	166,656	119,000	166,656	167,000	152,000	-14,656

DEPARTMENTS OF TRANSPORTATION, TREASURY, AND HOUSING AND URBAN DEVELOPMENT,
THE JUDICIARY, DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES, FY 2006 (H.R.3058)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	Conference vs. Enacted
Management and Administration						
Salaries and expenses	542,819	579,000	579,000	570,000	579,000	+36,181
Transfer from:						
Limitation on FHA corporate funds	(560,673)	(562,400)	(562,400)	(562,400)	(562,400)	(+1,727)
GNMA	(10,695)	(10,695)	(10,700)	(11,360)	(10,700)	(+5)
Community Development Loan Guarantees Program	(1,000)	---	---	(1,000)	(750)	(-250)
Native American Housing Block Grants	(150)	(146)	(150)	(150)	(150)	---
Indian Housing Loan Guarantee Fund Program	(250)	(244)	(250)	(250)	(250)	---
Native Hawaiian Housing Loan Guarantees	(35)	(34)	(35)	(35)	(35)	---
Subtotal	(1,115,622)	(1,152,519)	(1,152,535)	(1,145,195)	(1,153,285)	(+37,663)
Working capital fund	267,840	265,000	62,000	265,000	197,000	-70,840
Office of Inspector General	79,360	79,000	79,000	82,000	82,000	+2,640
(By transfer, limitation on FHA corporate funds)	(24,000)	(24,000)	(24,000)	(24,000)	(24,000)	---
Subtotal	(103,360)	(103,000)	(103,000)	(106,000)	(106,000)	(+2,640)
Office of Federal Housing Enterprise Oversight	59,209	60,000	60,000	60,000	60,000	+791
Offsetting receipts	-59,209	-60,000	-60,000	-60,000	-60,000	-791
Total, Management and Administration	890,019	923,000	720,000	917,000	858,000	-32,019
Rescissions:						
Housing certificate fund	-1,557,000	-2,500,000	-2,493,600	-1,500,000	-2,050,000	-493,000
Public housing elimination grants	-5,000	---	---	---	---	+5,000
Revitalization of severely distressed public housing	---	-142,848	---	---	---	---
Title VI credit subsidy	-21,000	---	---	---	---	+21,000
Indian housing credit subsidy	-33,000	---	---	---	---	+33,000
Brownfields Redevelopment	---	---	---	---	-10,000	-10,000
Rental housing assistance	-675,000	---	---	---	---	+675,000
GI/SRI credit subsidy	-30,000	---	---	---	---	+30,000
Subtotal	-2,321,000	-2,642,848	-2,493,600	-1,500,000	-2,060,000	+261,000
Total, title III, Department of Housing and Urban Development	36,115,207	33,347,486	37,870,898	38,958,734	38,174,171	+2,058,964
Current year advance appropriations	4,200,000	4,200,000	4,200,000	4,200,000	4,200,000	---
Net total, excluding current year advance	31,915,207	29,147,486	33,670,898	34,758,734	33,974,171	+2,058,964
Appropriations	(32,842,016)	(29,622,334)	(34,053,394)	(34,147,734)	(33,923,171)	(+1,081,155)
Rescissions	(-2,321,000)	(-2,642,848)	(-2,493,600)	(-1,500,000)	(-2,060,000)	(+261,000)
Emergency appropriations	(150,000)	---	---	---	---	(-150,000)
Offsetting receipts	(-2,850,000)	(-1,959,000)	(-2,016,000)	(-2,016,000)	(-2,016,000)	(+834,000)
Offsetting collections	(-72,209)	(-73,000)	(-72,896)	(-73,000)	(-73,000)	(-791)
Previously enacted advances	(4,166,400)	(4,200,000)	(4,200,000)	(4,200,000)	(4,200,000)	(+33,600)
(By transfer)	---	---	---	45,000	---	---
(Limitation on direct loans)	(100,000)	(100,000)	(100,000)	(100,000)	(100,000)	---
(Limitation on guaranteed loans)	(420,457,748)	(420,133,967)	(420,133,967)	(420,457,748)	(420,291,179)	(-166,569)
(Limitation on corporate funds)	(596,803)	(597,519)	(597,535)	(599,195)	(598,285)	(+1,482)
TITLE IV THE JUDICIARY						
Supreme Court of the United States						
Salaries and expenses:						
Salaries of justices	1,985	2,000	2,000	2,000	2,000	+15
Other salaries and expenses	55,387	58,730	58,730	58,730	58,730	+3,343
Subtotal	57,372	60,730	60,730	60,730	60,730	+3,358
Care of the building and grounds	9,846	5,624	5,624	5,624	5,624	-4,222
Total, Supreme Court of the United States	67,218	66,354	66,354	66,354	66,354	-864
United States Court of Appeals for the Federal Circuit						
Salaries and expenses:						
Salaries of judges	2,257	2,000	2,000	2,000	2,000	-257
Other salaries and expenses	19,263	24,462	22,613	21,489	22,000	+2,737
Total, US Court of Appeals for the Fed Circuit	21,520	26,462	24,613	23,489	24,000	+2,480

DEPARTMENTS OF TRANSPORTATION, TREASURY, AND HOUSING AND URBAN DEVELOPMENT,
THE JUDICIARY, DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES, FY 2006 (H.R.3058)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	Conference vs. Enacted
United States Court of International Trade						
Salaries and expenses:						
Salaries of judges	1,757	2,000	2,000	2,000	2,000	+243
Other salaries and expenses	12,956	13,480	13,480	13,480	13,480	+524
Total, US Court of International Trade	14,713	15,480	15,480	15,480	15,480	+767
Courts of Appeals, District Courts, and Other Judicial Services						
Salaries and expenses:						
Salaries of judges and bankruptcy judges	289,877	305,312	301,000	301,000	305,312	+15,435
Judges COLA	---	5,000	---	5,000	5,000	+5,000
Other salaries and expenses	3,835,444	4,168,432	4,047,780	4,068,959	4,038,468	+203,024
Subtotal, Salaries and expenses	4,125,321	4,478,744	4,348,780	4,374,959	4,348,780	+223,459
Vaccine Injury Compensation Trust Fund	3,254	3,833	3,833	3,833	3,833	+579
Defender services	667,351	768,064	721,919	710,785	717,000	+49,649
Fees of jurors and commissioners	60,713	71,318	60,053	61,318	61,318	+605
Court security	327,565	390,318	379,461	372,426	372,000	+44,435
Total, Courts of Appeals, District Courts, and Other Judicial Services	5,184,204	5,712,275	5,514,046	5,523,321	5,502,931	+318,727
Administrative Office of the United States Courts						
Salaries and expenses	67,289	72,198	70,262	72,198	70,262	+2,973
Federal Judicial Center						
Salaries and expenses	21,447	22,876	22,249	22,350	22,350	+903
Judicial Retirement Funds						
Payment to judiciary trust funds	36,700	40,600	40,600	40,600	40,600	+3,900
United States Sentencing Commission						
Salaries and expenses	13,126	14,700	14,046	14,700	14,400	+1,274
Total, title IV, the Judiciary	5,426,217	5,970,945	5,767,650	5,778,492	5,756,377	+330,160
Mandatory appropriations	332,576	351,912	347,600	347,600	351,912	+19,336
Discretionary appropriations	5,093,641	5,619,033	5,420,050	5,430,892	5,404,465	+310,824
TITLE V - DISTRICT OF COLUMBIA						
FEDERAL FUNDS						
Federal payment for Resident Tuition Support	25,395	33,200	33,200	33,200	33,200	+7,805
Federal payment for Emergency Planning and Security Costs in the District of Columbia	14,880	15,000	15,000	12,000	13,500	-1,380
Federal payment to the District of Columbia Courts	189,274	221,693	221,693	218,912	218,912	+29,638
Defender Services in District of Columbia Courts	38,192	45,000	45,000	45,000	44,000	+5,808
Federal payment to the Court Services and Offender Supervision Agency for the District of Columbia	178,560	203,388	203,388	201,388	201,388	+22,828
Federal payment to the District of Columbia Water and Sewer Authority	4,762	---	10,000	5,000	7,000	+2,238
Federal payment for the Anacostia Waterfront Initiative	2,976	5,000	5,000	3,000	3,000	+24
Federal payment to the Criminal Justice Coordinating Council	1,290	1,300	1,300	1,300	1,300	+10
Federal payment for the Unified Communications Center	5,952	---	---	---	---	-5,952
Federal payment for Public School Libraries	5,952	---	---	---	---	-5,952
Federal payment for the Family Literacy Program	992	---	---	---	---	-992
Federal payment for Transportation Assistance	2,480	---	---	1,000	1,000	-1,480
Federal payment for Foster Care Improvements in the District of Columbia	4,960	---	---	2,000	2,000	-2,960
Federal payment to the Office of the Chief Financial Officer of the District of Columbia	32,240	---	20,000	16,500	29,200	-3,040
Federal payment for School Improvement	39,680	41,616	41,616	40,000	40,000	+320
Federal payment for Bioterrorism and Forensics Labs	7,936	7,200	7,200	5,200	5,000	-2,936
Federal payment for the National Guard Youth Challenge in the District of Columbia	---	---	---	500	500	+500
Federal payment for Marriage Development Accounts	---	---	---	3,000	3,000	+3,000

DEPARTMENTS OF TRANSPORTATION, TREASURY, AND HOUSING AND URBAN DEVELOPMENT,
THE JUDICIARY, DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES FY 2006 (H.R.3058)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	Conference vs. Enacted
Federal payment for Latino youth Initiative	---	---	---	2,000	---	---
Federal payment for Prisoner Reentrant Housing	---	---	---	3,000	---	---
Total, Federal funds to the District of Columbia	555,521	573,397	603,397	593,000	603,000	+47,479
Total, Title V, District of Columbia	555,521	573,397	603,397	593,000	603,000	+47,479
TITLE VI - EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT						
The White House						
Salaries and expenses	---	183,271	---	---	---	---
Compensation of the President and the White House Office:						
Compensation of the President	450	---	450	450	450	---
Salaries and expenses	61,504	---	52,330	56,581	53,830	-7,674
Executive Residence at the White House:						
Operating expenses	12,658	---	12,436	12,436	12,436	-222
White House repair and restoration	1,885	---	1,700	1,700	1,700	-185
Council of Economic Advisers	4,008	---	4,040	4,040	4,040	+32
Office of Policy Development	2,282	---	3,500	---	3,500	+1,218
National Security Council	8,861	---	8,705	8,705	8,705	-156
Privacy and Civil Liberties Board	---	---	1,500	1,500	---	---
Office of Administration	91,531	---	89,322	98,609	89,322	-2,209
Total, The White House	183,179	183,271	173,983	184,021	173,983	-9,196
Office of Management and Budget	67,864	68,411	67,930	68,411	76,930	+9,066
Office of National Drug Control Policy:						
Salaries and expenses	26,784	24,224	26,908	24,224	26,908	+124
Counterdrug Technology Assessment Center	41,664	30,000	30,000	30,000	30,000	-11,664
Total, Office of National Drug Control Policy	68,448	54,224	56,908	54,224	56,908	-11,540
High intensity drug trafficking areas program	226,523	---	236,000	227,000	227,000	+477
Other Federal drug control programs	211,990	213,300	238,292	191,400	194,900	-17,090
Unanticipated needs	992	1,000	1,000	1,000	1,000	+8
Emergency appropriations (P.L. 108-324)	70,000	---	---	---	---	-70,000
Special Assistance to the President	4,534	4,455	4,455	4,455	4,455	-79
Official Residence of the Vice President: Operating expenses	330	325	325	325	325	-5
Total, title VI, Executive Office of the President and Funds Appropriated to the President	833,860	524,986	778,893	730,836	735,501	-98,359
Appropriations	(763,860)	(524,986)	(778,893)	(730,836)	(735,501)	(-28,359)
Emergency appropriations	(70,000)	---	---	---	---	(-70,000)
TITLE VII INDEPENDENT AGENCIES						
Architectural and Transportation Barriers Compliance Board	5,641	5,941	5,941	5,941	5,941	+300
Consumer Product Safety Commission	62,149	62,499	62,449	63,000	63,000	+851
Election Assistance Commission	13,888	17,612	15,877	13,888	14,200	+312
Federal Deposit Insurance Corporation: Office of Inspector General (transfer)	(29,884)	(29,965)	(29,965)	(31,000)	(31,000)	(+1,116)
Federal Election Commission	51,742	54,600	54,700	54,600	54,700	+2,958
Federal Labor Relations Authority	25,468	25,468	25,468	25,468	25,468	---
Rescission	-3,000	---	---	---	---	+3,000
Federal Maritime Commission	19,340	20,499	20,499	20,499	20,499	+1,159
General Services Administration						
Federal Buildings Fund:						
Limitations on availability of revenue:						
Construction and acquisition of facilities	(708,542)	(708,106)	(630,817)	(829,056)	(792,056)	(+83,514)
Repairs and alterations	(980,222)	(961,376)	(392,967)	(961,376)	(861,376)	(-118,846)
Installment acquisition payments	(161,442)	(168,180)	(168,180)	(168,180)	(168,180)	(+6,738)
Rental of space	(3,657,315)	(4,046,031)	(4,033,531)	(4,046,031)	(4,046,031)	(+388,716)
Building operations	(1,709,522)	(1,885,102)	(1,641,602)	(1,885,102)	(1,885,102)	(+175,580)
Subtotal	7,217,043	7,768,795	6,867,097	7,889,745	7,752,745	+535,702
Repayment of debt	(41,000)	(40,000)	(40,000)	(40,000)	(40,000)	(-1,000)

DEPARTMENTS OF TRANSPORTATION, TREASURY, AND HOUSING AND URBAN DEVELOPMENT,
THE JUDICIARY, DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES, FY 2006 (H.R.3058)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	Conference vs Enacted
Government-wide policy	61,603	52,796	52,796	52,796	52,796	-8,807
Operating expenses	91,438	99,890	82,179	99,890	99,890	+8,452
Office of Inspector General	42,012	43,410	43,410	43,410	43,410	+1,398
Electronic Government Fund	2,976	5,000	3,000	5,000	3,000	+24
Allowances and Office Staff for Former Presidents	3,081	2,952	2,952	2,952	2,952	-129
Federal Buildings Fund (rescission)	-106,000	---	---	---	---	+106,000
Federal Citizen Information Center Fund	14,788	15,030	15,030	15,000	15,000	+212
Total, General Services Administration	109,898	219,078	199,367	219,048	217,048	+107,150
Merit Systems Protection Board						
Salaries and expenses	34,400	34,400	35,600	35,600	35,600	+1,200
Limitation on administrative expenses	2,605	2,605	2,605	2,605	2,605	---
Total, Merit Systems Protection Board	37,005	37,005	38,205	38,205	38,205	+1,200
Morris K. Udall Foundation						
Morris K. Udall Trust Fund	1,980	---	2,000	2,000	2,000	+20
Environmental Dispute Resolution Fund	1,299	700	1,900	1,000	1,900	+601
Total, Morris K. Udall Foundation	3,279	700	3,900	3,000	3,900	+621
National Archives and Records Administration						
Operating expenses	264,809	280,975	283,975	280,975	283,045	+18,236
Electronic records archive	35,627	35,914	35,914	38,914	37,914	+2,287
Reduction of debt	-7,810	-8,488	-8,488	-8,488	-8,488	-678
Repairs and restoration	13,325	6,182	6,182	11,682	9,682	-3,643
National Historical Publications and Records Commission: Grants program	4,960	---	7,500	5,000	7,500	+2,540
Total, National Archives and Records Admin	310,911	314,583	325,083	328,083	329,653	+18,742
National Credit Union Administration:						
Central liquidity facility:						
(Limitation on direct loans)	(1,500,000)	(1,500,000)	(1,500,000)	(1,500,000)	(1,500,000)	---
(Limitation on admin expenses, corporate funds)	(310)	(323)	(323)	(323)	(323)	(+13)
Community development revolving loan fund	992	950	950	950	950	-42
National Transportation Safety Board:						
Salaries and expenses	76,086	76,700	76,700	76,700	76,700	+614
Rescission of unobligated balances	-8,000	-1,000	-1,000	-1,000	-1,000	+7,000
Neighborhood Reinvestment Corporation	114,080	118,000	118,000	115,000	118,000	+3,920
Office of Government Ethics	11,148	11,148	11,148	11,148	11,148	---
Office of Personnel Management						
Salaries and expenses	124,496	124,521	119,952	124,521	122,521	-1,975
Limitation on administrative expenses	127,434	100,017	102,679	100,017	100,017	-27,417
Office of Inspector General	1,614	1,614	1,614	1,614	2,071	+457
Limitation on administrative expenses	16,329	16,329	16,786	16,329	16,329	---
Govt Payment for Annuitants, Employees Health Benefits	8,135,000	8,393,000	8,393,000	8,393,000	8,393,000	+258,000
Govt Payment for Annuitants, Employee Life Insurance	35,000	36,000	36,000	36,000	36,000	+1,000
Payment to Civil Svc Retirement and Disability Fund	9,772,000	10,072,000	10,072,000	10,072,000	10,072,000	+300,000
Total, Office of Personnel Management	18,211,873	18,743,481	18,742,031	18,743,481	18,741,938	+530,065
Office of Special Counsel	15,325	15,325	15,325	15,325	15,325	---
Selective Service System	26,090	25,650	24,000	25,650	25,000	-1,090
United States Interagency Council on Homelessness	1,499	1,800	1,499	1,800	1,800	+301
United States Postal Service						
Payment to the Postal Service Fund	28,768	---	43,350	29,000	43,350	+14,582
Advance appropriation provided in previous acts	36,229	61,709	61,709	61,709	61,709	+25,480
Subtotal, FY2006 funding	64,997	61,709	105,059	90,709	105,059	+40,062
Advance appropriation provided in current year	61,709	87,350	73,000	87,350	73,000	+11,291
Emergency preparedness	496,000	---	---	---	---	-496,000
Mail irradiation facility (emergency)	6,944	---	---	---	---	-6,944
Total, United States Postal Service	629,650	149,059	178,059	178,059	178,059	-451,591

DEPARTMENTS OF TRANSPORTATION, TREASURY, AND HOUSING AND URBAN DEVELOPMENT,
THE JUDICIARY, DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES, FY 2006 (H.R 3058)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	House	Senate	Conference	Conference vs. Enacted
United States Tax Court	40,851	48,998	48,998	47,998	47,998	+7,147
Total, title VII, Independent Agencies	19,755,915	19,948,096	19,967,199	19,986,843	19,986,532	+232,617
Appropriations	(19,768,033)	(19,800,037)	(19,833,490)	(19,838,784)	(19,854,823)	(+86,790)
Emergency appropriations	(6,944)	---	---	---	---	(-6,944)
Rescissions	(-117,000)	(-1,000)	(-1,000)	(-1,000)	(-1,000)	(+116,000)
Advance appropriation provided in previous act	(36,229)	(61,709)	(61,709)	(61,709)	(61,709)	(+25,480)
Advance appropriation provided in current year	(61,709)	(87,350)	(73,000)	(87,350)	(73,000)	(+11,291)
(By transfer)	(29,884)	(29,965)	(29,965)	(31,000)	(31,000)	(+1,116)
(Limitation on direct loans)	(1,500,000)	(1,500,000)	(1,500,000)	(1,500,000)	(1,500,000)	---
(Limitation on corporate funds)	(310)	(323)	(323)	(323)	(323)	(+13)
Title VIII - General Provisions, This Bill						
HHS info match- new hires	-125,000	---	---	---	---	+125,000
Total, General provisions, This Bill	-125,000	---	---	---	---	+125,000
Grand total (net)	87,431,383	83,885,395	91,018,996	89,463,400	89,135,149	+1,703,766
Appropriations	(84,753,074)	(81,760,584)	(87,538,854)	(87,980,412)	(87,793,510)	(+3,040,436)
Emergency appropriations	(1,459,044)	---	---	---	---	(-1,459,044)
Offsetting collections	(-72,209)	(-73,000)	(-72,896)	(-73,000)	(-73,000)	(-791)
Rescissions	(-2,682,179)	(-2,718,248)	(-2,496,671)	(-1,503,071)	(-2,072,071)	(+610,108)
Rescission of contract authority	(-1,640,685)	(-1,674,000)	(-469,000)	(-3,474,000)	(-3,031,999)	(-1,391,314)
Negative subsidy receipts	(-2,850,000)	(-1,959,000)	(-2,016,000)	(-2,016,000)	(-2,016,000)	(+834,000)
Advance appropriation provided in previous act	(4,202,629)	(4,261,709)	(4,261,709)	(4,261,709)	(4,261,709)	(+59,080)
Advance appropriation provided in current year	(4,261,709)	(4,287,350)	(4,273,000)	(4,287,350)	(4,273,000)	(+11,291)
(Limitation on obligations)	(45,327,106)	(45,686,067)	(48,227,800)	(51,787,816)	(47,749,451)	(+2,422,345)
(Exempt contract authority)	(739,000)	(739,000)	(739,000)	(739,000)	(739,000)	---
(By transfer)	(186,656)	(29,965)	(29,965)	(76,000)	(153,457)	(-33,199)
(Transfer out)	(-156,127)	---	---	---	(-122,457)	(+33,670)
Net total budgetary resources	(133,497,489)	(130,310,462)	(139,985,796)	(141,990,216)	(137,623,600)	(+4,126,111)

Mr. Speaker, I reserve the balance of my time.

Mr. OLVER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am surprised, I think we must be on the train headed for Turkey or something like that, because I expected to have my chairman to have a good many more comments to say than he has done.

Mr. Speaker, at the outset I would like to thank the staff on both sides for their exceedingly diligent work in putting this conference report together. I want to recognize our committee clerk Dena Baron and her excellent majority staff, including Cheryle Tucker, Dave Gibbons, Steve Crane, Dave Napoliello, Christian Jones and Tammy Hughes.

And for the minority, I thank the committee staff Mike Malone and Michelle Burkett, and Shalanda Young; and from my own staff, Matt Washington and Nora Kaitfors.

All worked under particularly difficult circumstances to complete this bill and deserve our gratitude for a job well done.

I also want to thank Chairman KNOLLENBERG for his hard work and dedication, and for the constructive relationship that we have forged thus far as the chairman and the ranking member of this complicated jurisdiction. I particularly congratulate Chairman KNOLLENBERG for the collaborative way in which the majority and the minority staffs worked to bring this bill forward, and congratulate the chairman because he has not simply allowed, but encouraged that collaboration, and the collaboration has gotten stronger and more effective throughout the workings of the subcommittee in the hearings, then the Appropriations Committee process, then floor consideration, then the conference, and today the conference report. So I am particularly grateful to him for that collaboration.

This is a very complex bill. There are nine titles to this bill really covering two different divisions, because the jurisdiction is a little bit different in the other body than it is in this House. The portion of our jurisdiction which is the District of Columbia makes up a separate subcommittee on the other side.

The allocation for this overall subcommittee was below both the House and the Senate, by more than a billion dollars below the House number and more than a half a billion dollars below the Senate's number. All or part of a billion dollars would have made a great difference where holes remain in this bill. But that was the allocation that we were given, and so we had to deal with it.

With that I want to just point out first that in the matter of the District of Columbia, which is a separate division within this bill, as I mentioned, it is an important and sometimes overlooked portion of the bill, perhaps partly so because of the different jurisdictions in the House and the Senate. It makes up only a small portion of the appropriation in the combined bill, but the value of the initiatives funded through this bill cannot be understated.

I am pleased that we were able to provide valuable funding for important initiatives that include the Anacostia River Trail, the Water and Sewer Authority and for elementary and secondary and postsecondary education. I particularly regret the continuing rider forbidding the use of local funds for needle exchange programs. I think they are an important tool in a city such as our Capital which has a high HIV incidence. But I do commend the chairman for ensuring no new social riders were placed on the District of Columbia.

Mr. Speaker, if one looks at this legislation because of the allocations being low, I think if you have a primary interest in the judiciary, you are going to find good and bad provisions within the title relating to the judiciary. If your primary interest is in housing, you may find good and bad there. If it is in transportation, you may find good and bad there. But I believe that no one can legitimately find the effect of the low and, in my view, inadequate allocation is disproportionately borne by any one title or subtitle within the bill.

In housing, for instance, the sections that were so hotly contested on the floor when the House bill was under consideration here back in July, that section, most of those hotly contested items have been included simply by balancing halfway, reaching halfway between the two branches. One in particular, if I remember in particular, the shop program, it was in the House bill and not in the Senate, and the House number is the one that is used in the final report. So these provisions are fairly dealt with.

In the transportation section, probably the most hotly contested issue was the issue of Amtrak. And in this conference report, we have provided the largest total number of dollars for Amtrak that has ever been provided by going halfway between the House and the Senate numbers.

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But at the same time, we have used what I think are very valuable fire walls between capital spending and debt financing and operating subsidy, and provided also language that should lead to important and significant reforms in the operation of Amtrak. So, I think that too is very fair. In fact, my comments about there being, for those who might be interested in only one title, or primarily in one title, could also apply to the good and bad in the titles which are the part of the 60 or 70 or so outside sections, those sections are included in the two titles that are general provisions for the agencies in this bill alone, and then general provisions that apply to all of government.

I want to mention just a couple of those because in one case, the case of Cuba language, we fought a war in Vietnam against the Communist North Vietnamese, the Viet Cong, in which more than 50,000 American young men and women died. Yet we have normalized relations with Vietnam by following an engagement communication trade and travel policy.

Similarly, we fought a war against China, which is virtually to the day now 55 years ago, started 55 years ago on the Korean peninsula, and we have again followed the engagement communication trade and travel policy with Communist China. And China, it goes so far as to now have China with the largest trade surplus with respect to us. Obviously our largest trade deficit is with Communist China, and China holds the second largest amount of our national debt that is held by a foreign nation.

Again, this year, the House and the Senate passed, by roll call votes in each branch, identical language to bring us to a rational engagement communication trade and travel policy in Cuba, which has been so successful in the case of Vietnam and China. You will not find any such language in this conference report. I regret that deeply because what I think that means is that America will continue its hyperventilated tantrum against Cuba for another year, and that is unfortunate that we are putting off the normalization of our relations with Cuba.

But at the same time, while I regret that, I see elsewhere other provisions that are in the so-called general provisions, which are very good. The conference report includes corporate expatriates language that was in the Senate bill which prohibits Federal agencies which are part of this act from contracting with corporations that located outside the United States to avoid paying corporate taxes. This language has been fought over year after year in this House of Representatives, and I am glad that we have gone along with the Senate's language and included it in this conference report.

This report provides a level playing field for our dedicated Federal employees by including language that deals with the Federal employee contracting out protections often referred to as "A-76." This is the third straight year that conferees negotiated a compromise provision; however, this year the provision remains, and once again the intent of this House is carried out. And I thank Chairman KNOLLENBERG for that.

On balance, I believe that this is a very good bill. Under Chairman KNOLLENBERG's guidance the staff has produced a fair and proportionate bill, and I hope that the conference report will be adopted overwhelmingly.

Mr. Speaker, I reserve the balance of my time.

Mr. KNOLLENBERG. Mr. Speaker, I yield 3½ minutes to the gentleman from Wisconsin (Mr. PETRI), the ranking member on the Transportation and Infrastructure Committee.

Mr. PETRI. Mr. Speaker, I want to express my outrage that this conference report substantially weakens provisions providing greater consumer protection for victims of unscrupulous movers that were part of the transportation bill that was signed into law less than 4 months ago.

Let me first say thank you to Chairman KNOLLENBERG and also to the Speaker. And I want to thank the staff, as well, for the consideration that they have given to the authorizing committees and for providing such strong support for as long as was possible. I appreciate your efforts.

But it is simply wrong that this conference report contains provisions that were specifically rejected by the Senate when it was considering its transportation bill earlier this year and that were rejected during the conference on the transportation bill this past summer.

For years I have worked to provide relief to the many citizens from all across this country who call my office and other offices around here seeking help because they have been victimized and find they have nowhere to turn. The most egregious of these situations is where a moving company holds all of their earthly possessions until they pay thousands of dollars in excess of the original estimate, basically extortion. These people find themselves in a strange city with no goods and no recourse.

The Department of Transportation is simply not suited to police the 1.5 million interstate moves that occur each year. Until recently, a total of three people were assigned to handle complaints, and they could do little about them. States which want to get involved and oversee intrastate moves with little controversy have been told by the courts that they have no jurisdiction since this is interstate commerce. So SAFETEA–LU created a partnership with the States by allowing them to enforce Federal consumer protection rules, a model that works well in other areas.

It is disheartening that only a few months after these new authorities were put in place, before they could really even take effect, some in the Senate have seen fit to reopen these provisions and basically neuter the consumer protection provisions included in SAFETEA–LU. Most shockingly, State authorities will only be able to initiate actions against certain carriers, and all others are protected no matter what their actions may be. We are putting up roadblocks when we should be tearing them down.

Mr. Speaker, inclusion of these provisions is wrong on so many levels. It is an affront to all authorizing committees that language just negotiated after years of discussion can be cast aside and changed in an appropriation bill. It is wrong that those who did not get what they wanted and were rejected both in the Senate and in conference can then get another bite at the apple and basically hijack the consumer protection provisions this Congress approved in July. What we are doing is, once again, leaving the little guy unprotected with nowhere to turn, with no recourse, as their lives are in ruins.

Could we not, for a change, stand up for the consumer against industry and correct the injustice? It is a sad day when we make it more difficult, and not less, for our citizens to get the recourse that they deserve.

This was not a move on the part of this body. Again, thanks to Chairman KNOLLENBERG, the leadership, the Senate Commerce Committee and others who fought this hijacking. It is unfortunate for consumers across the Nation that we were not able to beat back this assault.

Mr. OLVER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Michigan (Ms. KILPATRICK), a member of the subcommittee.

Ms. KILPATRICK of Michigan. Mr. Speaker, I thank my ranking member for yielding. Thank you very much.

I say to the gentleman from Michigan (Mr. KNOLLENBERG), I am so very proud of his leadership, as he has taken this bill, a very difficult bill with many agencies and multimillions of dollars, and am very proud of the gentleman as a Congressman, and certainly for our State, for his leadership.

I thank Ranking Member OLVER for, as well, working to see that we got through this and did our best to fund the roads, the bridges, the transit agencies and all that goes with that. I appreciate how the gentlemen work together and how you allow all of us, the subcommittee members, to participate. I think we were unique in that, and I want to thank the gentlemen.

I want to give special thanks to the staffs on both sides of the aisle. We know how important staff is, and I tell you, from Mike Malone, and I am going to mess up if I start naming names, but I want to name a couple of them. Just thank you very much for all the work that you do. Our staffs, we could not do half the work we do as efficiently if it were not for the staffs on both sides of the aisle, so I thank you for that as well.

I am a little concerned that in the HUD budget we did not assess and continue to work to change what was changed a few years ago, for the snapshot for receiving section 8 vouchers from the 3-month look to a 12-month look. At a time when housing needs are most pressing, i do believe that still we need to be able to take a 12-month snapshot of the housing authorities and then determine what their funding ought to be.

In my own State of Michigan, and my district particularly, we are losing 1,500 slots because we use a 3-month snapshot of expenses rather than a full 12 months. So, as a result, some housing authorities will get more money. Others, like mine, will get less and we will find many, many people out in the cold literally because they do not have adequate housing.

Metro Airport, at our Detroit Metro Airport, it is a brand new airport. FAA is finding, and we had in our report language last year and it did not happen, and we tried to do it again this year, to make it a little stronger. Black mold is in there with the air traffic controllers; we need to alleviate that so that they can be healthy and do their jobs as well, and I hope the FAA will take another look at that. It is most important: a new facility, air traffic controllers are working in black mold, and we all know how toxic black mold can be.

Overall, I love the bill. It is a good bill. I urge my colleagues to support it, with two exceptions. With HUD, I want us to work more on that and I look forward to working with both the chairman and ranking member on better HUD funding and a better snapshot of the expenses so that all the housing authorities can get their equal share of that.

Again, I thank the chairman and the ranking member and your staffs for bringing forth a wonderful transportation bill.

Mr. Speaker, I rise in support of the bill, and I want to commend Chairman KNOLLENBERG, Ranking Member OLVER and the staff of the Transportation, Treasury, Housing and Urban Development, the District of Columbia and Independent Agencies Subcommittee for their hard work in getting this bill to the House floor.

This bill provides a total of $137 billion in total budgetary resources and $65.9 billion in discretionary spending for the Departments of Transportation, Treasury, Housing and Urban Development, the District of Columbia, and Independent Agencies. This is $5.2 billion above the request and $2.7 billion more than the previous year.

SURFACE TRANSPORTATION

Under the bill, highways and transit receive healthy increases under the conference report. The bill follows the guidelines under SAFETEA–LU for surface transportation projects. It provides a $36.0 billion highway obligation limitation, which is a $1.6 billion increase over FY05 and a $1.3 billion increase over the President's request.

Like SAFETEA–LU, the bill provides significant increases in the transit accounts, and funds New Starts programs $1.5 billion.

The increases in transportation will help cities like Detroit to invest in and maintain their transportation infrastructure and enhance the mobility of the traveling public to move to their jobs and make our communities more livable.

SC AMTRAK

Amtrak is funded at $1.313 billion, which will enable the national passenger rail system to maintain current operational requirements. The bill contains a number of mandates on the system: find savings in food and beverage service, first class service, and commuter rail fees. Amtrak also would be barred from marketing ticket discounts of more than 50 percent in peak hours: includes a new discretionary account, the Efficiency Incentive Fund, which the Secretary of Transportation can parse out as grants to fund priority capital improvements that are directly tied to short-term operating savings.

The bill funds the Federal Aviation Administration at $13.8 billion—$276 million above the fiscal year 2005 level and $1.105 billion above the President's request. This includes $3.55 billion for the Airport Improvement Program. The bill includes $25 million to hire and train 595 new air traffic controllers, and an additional $12 million above the request to hire and train safety inspectors in the office of aircraft certification and flight standards.

The House report contained language that requires the FAA to provide the Committee with a report on its effort to remediate a Black Mold problem in the control tower at the Detroit Metropolitan and Wayne County Airport. My colleagues in Southeast Michigan have received complaints from the people who work in the tower that this problem is causing workers to become ill and unfit for work. I am looking forward to receiving FAA's response.

HOUSING AND URBAN DEVELOPMENT

The Department of Housing and Urban Development (HUD) is funded at $34.0 billion; $2.1 billion above last year's level and $4.9 billion above the President's request.

I am disappointed that the conference failed to address the problem of the unfair distribution of renewal funding for the Section 8 Housing Choice Voucher Program.

The trend of the past few years has been to base budget allocations on a 3–month "snapshot." This arbitrary snap-shot creates a disparity where some housing agencies wind up with more money than they need and others have to turn families out into the cold because their under-estimated budgets could no longer support the same number of vouchers.

At a time when rising energy costs are driving utility costs up, and job markets are fluctuating, particularly in areas like Michigan, we cannot ignore the impact of yearly market changes on subsidy needs.

TREASURY

Department of Treasury is funded at $11.7 billion, $400 million above FY05 and $50 million above the President's request.

The Internal Revenue Service is funded at request level of $10.7 billion, $434 million above FY05.

The bulk of the increase is for the tax enforcement activities of the IRS.

Federal Election Commission is funded at the budget request of $55 million, $3 million above FY05 and the Election Assistance Commission is funded at $16 million.

Mr. KNOLLENBERG. Mr. Speaker, I yield as much time as he may consume to the gentleman from California (Mr. LEWIS), the chairman of the full Appropriations Committee.

Mr. LEWIS of California. Mr. Speaker, Chairman KNOLLENBERG, my colleague from Massachusetts (Mr. OLVER) I rise simply to express my deepest appreciation for the work that you have been about on this newly organized subcommittee that has a variety, a mix, of complex issues that can conflict with each other, issues that if taken the wrong way, can cause bills to be stymied and no progress made. You have done a very, very fine job of establishing a tone that says that we can work together. And where Appropriations does its best work is when we reach across the aisle and recognize that while we do not have to agree 100 percent of the time, there is little doubt that a real solution comes when we do think about these alternatives, talking to one another as human beings and people who represent citizens across the country as well.

The bill is a very fine bill, a great job. I want to congratulate the staff, especially, as we have gone through this transition. They have done wonderful work. I congratulate the entire subcommittee.

Mr. OLVER. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK), the ranking member of the Financial Services Committee.

Mr. FRANK of Massachusetts. Mr. Speaker, I appreciate the good work that was done by members of the subcommittee, and I am going to vote for the bill in recognition of the very good efforts. I believe the chairman, operating within the constraints that he had to operate within, did a reasonable job. I very much agree with the gentlewoman from Michigan who lamented some of the decisions that were made with regard to HUD, and I appreciate the work that has been done by my colleague from Massachusetts in a number of areas.

Just briefly, I want to comment on one subject, and that is the question of earmarks in transportation. The Governor of my State put out a transportation plan for the entire State earlier this year. The only two highway projects for the entire region of the State in southeastern Massachusetts that several of us represent came because our colleagues in the committees did what we asked and earmarked some funding.

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That is, not only were those earmarks very important for the local areas, but the State then adopted them as their only projects. So for people who think that earmarks somehow are some excrescence imposed from without, in my judgment, they often reflect better the local priorities; and one of the ones where I have gotten some help from the ranking member and others is to create the first handicapped-accessible commuter rail station on an important commuter route going into Boston from the west. I make no apologies for that earmark.

Unfortunately, this subcommittee, however, had to operate within the constraints of a terrible budget, and while they did the best they could, with one exception, I would join the gentleman from Michigan in regretting the choice that was made about the voucher funding formula; they did not, I think, take the right choice there. They adopted a formula that locks into the past, and let me predict now that Members, once again, are going to start hearing from their local communities as the year goes on about problems with vouchers, about the waiting list being too long, about people being upset; and it is probably because of what we have been coerced into doing here.

The other problem, though, is that in some cases we simply have too little money for the programs. Community Development Block Grants is cut I am told about 9 percent, $362 million. That is a very important program. It is not the fault of the subcommittee. They have been given an allocation. Well, I take it back. It is not the fault of those members of the subcommittee that did not vote for the budget. Members of the subcommittee that voted for the budget I think are hard-pressed to complain about what it did to their allocation. That is a self-inflicted wound.

But we ought to be clear that as a result of the spending constraints, I take it back, not spending constraints, the misallocated priorities, because there is certainly plenty of money being spent elsewhere in this budget that need not have been spent; but because of these terrible priorities, Community Development Block Grants gets about a 9 percent cut, and there is not much money for brownfields.

Hope VI is a very important program. Three years ago it was at $574 million. Today it is at $100 million because we have an administration ideologically opposed to it, despite an overwhelming bipartisan consensus that it is a good way to deal with housing.

Home funds, one of the few sources left now for construction, is cut further.

So I understand that the subcommittee did a good job within the constraints that they were given, although some of them gave themselves those constraints, but the consequence of these spending priorities of this Congress is underfunding of several important housing and community development priorities.

Mr. KNOLLENBERG. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas (Mr. TIAHRT), a member of the subcommittee.

Mr. TIAHRT. Mr. Speaker, I want to bring to light an issue that several of my colleagues on the subcommittee and the gentleman from California (Mr. DOOLITTLE) feel should be a critical concern of the American taxpayer. I want to ensure that the IRS understands the intent of Congress that is stated in the report language of this bill.

Mr. DOOLITTLE. Mr. Speaker, will the gentleman yield?

Mr. TIAHRT. I yield to the gentleman from California.

Mr. DOOLITTLE. Mr. Speaker, I thank the chairman very much; he has been extremely generous in listening to our concerns. I thank the gentleman from Kansas (Mr. TIAHRT) as a member of the subcommittee for working on this and working with me as well.

This "Return-Free" tax filing system, Mr. Speaker, would create a conflict of interest by making the IRS not only the tax collector and the enforcer, but also the tax preparer. The loser in such a scenario would be the American taxpayer. Return-free creates, by definition, a fundamental conflict of interest by making the same agency that collects the taxes, writes the tax regulations, collects the revenues, performs audits, and enforces compliance, now also becomes the tax preparer.

Mr. TIAHRT. Mr. Speaker, reclaiming my time, is it the chairman's understanding that the IRS is bound from setting up tax preparation services, and does the chairman agree that it is the intent of the subcommittee that the Treasury and the IRS must abide by the Free File agreement and not go into the business of preparing taxes for taxpayers?

Mr. KNOLLENBERG. Mr. Speaker, if the gentleman will yield. I do indeed. There is language in the bill addressing the Free File Alliance stating that "the conferees are aware that the IRS and the FFA have signed a new 4-year agreement under which the IRS continues to agree not to enter the tax preparation market."

The conferees direct IRS to abide by the terms and conditions of the agreement.

We believe that this will ensure that the IRS adheres to the agreement and will not enter the tax preparation market.

Mr. TIAHRT. Mr. Speaker, reclaiming my time, I would like to thank the gentleman from California (Mr. DOOLITTLE) for addressing this important issue to the American taxpayer. If the IRS does deviate from this agreement, then we will seek to stop them through statutory language to prevent tax preparation originating within the IRS.

Mr. OLVER. Mr. Speaker, I yield 5 minutes to a member of the subcommittee and the minority whip, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, today we consider the conference report on the Treasury, Transportation, HUD bill. That in and of itself is a remarkable achievement, given that in recent years the tendency has been to circumvent the established appropriation process.

I want to commend Chairman KNOLLENBERG and Ranking Democrat Olver for working diligently and cooperatively on a bill that is profoundly important to every American. We have seen much conflict over the last few days, and it is, I think, a happy event that we can come to the floor and be supportive of a bill that was worked on in a bipartisan, cooperative way; and I think that is a testament to Mr. KNOLLENBERG and to Mr. OLVER, and thanks to them as well.

Now, they would agree, and we all agree, this is not a perfect conference report, hardly any conference report is, and there are limited resources. Critical social programs are hurt. Public housing, Hope VI, people with AIDS, rural housing and economic development, Community Development Block Grants, brownfields, and the HOME program all face, frankly, fewer resources than I would hope they would have. But that is the reality of the dollars that were given to Mr. KNOLLENBERG and Mr. OLVER to deal with.

I am pleased that the transportation bill report includes an adjustment for our Federal civilian employees in their cost of living consistent with the pay adjustment proposed for the military personnel. It is essential that we provide this adjustment as recognition of the contribution made by both Federal civilian employees and military personnel to the safety and security of the Nation. It also allows us to recruit and indeed retain those that we need to carry out important and vital services for our citizens.

I am also pleased that the President's request for the FDA consolidation is in this bill. These funds will go a long way in helping to relocate FDA employees from their current substandard facilities into modern, state-of-the-art facilities.

I am enormously grateful, and I want to say this publicly, I have said it privately, to Chairman KNOLLENBERG for his leadership in making possible reimbursement to small business people who operated small airports and, for security reasons, were shut down by the Federal Government and sustained substantial losses. We have been working on this for many years, and Mr. KNOLLENBERG and Mr. OLVER have now ensured that we resolve this, and I thank the chairman for that. The failure to provide these small businessmen with compensation in the years past has caused great difficulty, and this will be a welcome addition to this bill.

I also want to commend the conferees for withstanding pressure from the White House, including the Bond-Mikulski reform provision, which will correct fundamental flaws in the contracting-out provisions. Simply put, the provision will eliminate waste and save taxpayer money while, at the same time, preserving appropriate competition by employees with the private sector to get the most efficient and effective results for our taxpayers.

I want to close by saying that I am concerned about what I believe to be one very significant provision that is not in this bill, or funding that is not in this bill. As the sponsor of the Help America Vote Act with the gentleman from Ohio (Mr. NEY), and it was overwhelmingly supported on this side, Senator MCCONNELL and Senator DODD on the Senate side, strong support, we promised the States some $3.8 billion in funding. We have given $3 billion to get our technology up to date, to ensure that every voter has access to the polls, that our registration rolls are up to date and accurate, that no American is precluded from voting because of inefficiencies in the registration system, and we required the States to have statewide registration systems, a centralized database so that no Marylander, no Massachusetts resident, no Michigander would be shut out of the process because they were not properly included on the rolls.

That is an expensive process, and the States are required to have it in place by January 1 of 2006. We have shortchanged them to this date $800 million of the promised $3.8 billion. Mr. Speaker, $3 billion is a large sum of money; but when you spread it throughout 50 States, it diminishes.

Mr. Speaker, I would hope that we could work together with the White House that has been helpful in the past and Speaker HASTERT, who has been very helpful in the past; Mr. OBEY and Mr. OLVER have both been helpful in making sure that next year we can work with the administration to try to get this funding at the level that it really ought to be, because that is what we promised the States and, but for that, it will be an unfunded mandate.

So, again, in closing, I thank the chairman, I thank Mr. OLVER, Mr. OBEY and Mr. LEWIS for working together to bring this bill to the floor, and I will certainly be supportive.

Mr. KNOLLENBERG. Mr. Speaker, I reserve the balance of my time.

Mr. OLVER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me thank the distinguished ranking member from Massachusetts for a tough job, a tough task, and very good work. I add my appreciation to the chairman, the gentleman from Michigan (Mr. KNOLLENBERG). I could not imagine a more combined challenge than the appropriations bill that we have before us. Unfortunately, in tough times we have tough choices.

and many times some along the way are affected by those tough choices.

So, Mr. Speaker, I add my appreciation for a number of aspects of this bill. First of all, I want to thank the combined Texas delegation and, as I said, the ranking member and chairman of the subcommittee, and the gentleman from Texas (Mr. CULBERSON) in particular, on at least providing for New Start monies for Metro in Houston.

Mr. OLVER knows that this has been a long journey. We have had discussions on the floor in sessions past when we have not made it. We have had conflicting views coming out of the Houston delegation. But I can stand proudly and say that the Houston money, $12 million for New Starts, will not go unused and unappreciated.

We have a system that is one of the most used New Starts in America, with very large numbers of utilization; and it is important that we get started and continue to commit.

Might I also say, however, it is important for Metro to listen to community input so that we will have light rail and not have BRT. Light rail is what we voted on, and light rail is what we want.

I am gratified that the judiciary, or the Justice Department, has been funded in aspects where the staff has been kept. I do raise a point about an overuse of the national security letters by the FBI and hope that we may look at that in the future.

But the real issue, Mr. Speaker, is to talk about HUD, which really has become a bank for this bill, as hard as my colleagues have worked. The bad news is that CDBG funds have been cut; that is the very heart of many of our communities, and we see that it has been cut by 9 percent.

The voucher question is severe. The section 8 vouchers have been cut. Unfortunately, public housing authorities will come up short this year. Even though we have used the House formula of a snapshot of a few years back, we are going to face a crisis because Houston is an example where we have thousands of Hurricane Katrina survivors and Rita survivors, and we are short of vouchers for housing as we speak. FEMA has shut off the doors for the hotels by December 1. We hope to press them to realize that that is an untenable position.

I also hope the elderly repair housing dollars are protected because the elderly are some of our most vulnerable populations.

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Then we do not even have Section 8 vouchers for the 25,000 backlog list that we already have in Houston.

I am disappointed that the brownfields are effectively zeroed out. That has, of course, been an effort to clean up many of the dastardly conditions in urban and rural areas, particularly some of the chemical plants that have been in our inner cities.

This is a bill that took a lot of choices and I know a lot of hard work. I wish we could have done better the housing area, Mr. Speaker, and I hope we do so in the future.

GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I submit the following: Statement of Managers Correction for H.R. 3058 Relating to the Economic Development Initiative Submitted by the Chairman of the Committee on Appropriations of the House of Representatives November 18, 2005.

The following corrects, and constitutes a complete substitute for, the provisions of the statement of managers of the committee of conference accompanying H.R. 3058 relating to the Economic Development Initiative of the Department of Housing and Urban Development's Community Development Fund.

The conference agreement includes $310,000,000 for the Economic Development Initiative with specific requirements on how these funds can be used. The conference agreement directs HUD to implement the Economic Development Initiatives program as follows:

1. $100,000 to the Salvation Army, City of Anchorage, Alaska for facilities construction associated with the SAFE Center at Chester Creek;

2. $400,000 for Bean's Café, in Anchorage, Alaska for the expansion of its kitchen;

3. $150,000 for the Alaska Botanical Garden in Anchorage, Alaska for expansion and renovation of its infrastructure;

4. $750,000 for the Bering Straits Native Corporation in Nome, Alaska for Cape Nome Quarry upgrades;

5. $950,000 for the Western Alaska Council, Boy Scouts of America in Anchorage, Alaska for construction of the Boy Scouts High Adventure Base Camp near Talkeetna, Alaska;

6. $750,000 for the construction of the Tongass Coast Aquarium;

7. $750,000 for Alaska Pacific University for the construction of a building;

8. $250,000 for the construction of the Alyeska Roundhouse in Girdwood, Alaska;

9. $500,000 for the People's Regional Learning Center in Bethel, Alaska to construct a vocational school and dormitories;

10. $500,000 for the Dillingham City School District in Dillingham, Alaska, to repair the gymnasium in the Dillingham middle/high school;

11. $250,000 to the National Children's Advocacy Center in Huntsville, Alabama for facilities planning and improvements to the advocacy center;

12. $200,000 to Chambers County, Alabama for the development of the Chambers County industrial park;

13. $400,000 to Clarke County Commission, Alabama for an ongoing economic development project by the Clark Co. commission;

14. $150,000 to Jefferson State Community College in Alabama for facilities renovation of an existing building;

15. $200,000 to the City of Ashland, Alabama for the purchase of land for Ashland industrial development;

16. $300,000 to the City of Bear Creek, Alabama for industrial park expansion;

17. $500,000 to the City of Decatur, Alabama for the Ingalls Harbor/Day Park Riverfront Renovation;

18. $200,000 to the city of Fort Payne, Alabama for facilities renovation of a building as part of the downtown revitalization project;

19. $100,000 to the City of Guntersville, Alabama for renovations to the Whole Backstage Theater;

20. $100,000 to the City of Huntsville, Alabama for land acquisition for downtown redevelopment;

21. $100,000 to the City of Montevallo, Alabama for sidewalks, street furniture, and façade improvements;

22. $1,000,000 to the City of Opelika, Alabama for the Northeast Opelika Industrial Park;

23. $150,000 to the City of Prattville, Alabama for the Prattville Waterfront Development Project to provide access to local waterways;

24. $100,000 to the City of Robertsdale, Alabama for upgrades to the PZK Civic Center;

25. $100,000 to the City of Shorter, Alabama for facilities construction and renovation of the Old Shorter School building to a community center;

26. $150,000 to the City of Thomasville, Alabama to construct a worker training center at Alabama Southern Community Center;

27. $100,000 to the Huntsville Museum of Art, Alabama for facility renovations;

28. $75,000 to the Town of Mooresville, Alabama for rehabilitation, facility improvements, and build out of three buildings;

29. $250,000 to the University of Montevallo, Alabama for facilities renovation and expansion of the Ramsay Conference Center at the University of Montevallo in Alabama;

30. $275,000 to Troy University, Alabama for small business training;

31. $400,000 for Construction and outfitting of the University of South Alabama's Mitchell School of Business Library in Mobile, Alabama;

32. $400,000 for construction and outfitting of the New Centurions, Inc. New Life for Women Shelter in Etowah County, Alabama;

33. $250,000 for the Greenville Family YMCA for child care facility acquisition, renovation, and construction in Greenville, Alabama;

34. $300,000 for the City of Evergreen for expansion of the Evergreen Conecuh County Library in Evergreen, Alabama;

35. $400,000 for the Fayette County Commission for the Fayette County Industrial Park in Fayette County, Alabama;

36. $200,000 for the Hayneville/Lowndes County Library Foundation for construction of a new library in Hayneville, Alabama;

37. $350,000 for the Jasper Area Family Services Center for construction of the Center in Jasper, Alabama;

38. $300,000 for the City of Tuskegee for Downtown Revitalization in Tuskegee, Alabama;

39. $400,000 for the Alabama Institute for the Deaf and Blind's Tuscaloosa Regional Center in Tuscaloosa, Alabama;

40. $250,000 for the City of Montgomery to develop the Montgomery Riverwalk in Montgomery, Alabama;

41. $250,000 for the Cleveland Avenue YMCA for facility expansion in Montgomery, Alabama;

42. $200,000 for the Wilcox County Industrial Development Authority for planning and development of its Industrial/Commercial Park;

43. $300,000 for the City of Guin for planning and development of its Industrial/Commercial Park;

44. $150,000 to Grand Prairie Center for the Arts and Allied Health, Phillips County Community College in Stuttgart, Arkansas for facility construction;

45. $150,000 to the City of Little Rock, Arkansas for facilities renovation and improvements to the community center at Granite Mountain;

46. $150,000 to the El Dorado Public Schools in El Dorado, Arkansas for the expansion of a recreational field;

47. $150,000 to the North Arkansas College, Harrison County, Arkansas for renovations to a Conference and Training facility;

48. $250,000 to Vada Sheid Community Development Center, ASU in Mountain Home, Arkansas for the community development center auditorium;

49. $800,000 for the Central Arkansas Resource Conservation and Development Council in Helena, Arkansas for the construction of the Phillips County Agricultural Storage Facility;

50. $200,000 for the Boys and Girls Club of Ouachita County, Arkansas for the construction of recreational facilities;

51. $200,000 for the City of Conway, Arkansas for downtown revitalization;

52. $200,000 for Audubon Arkansas for the development of the Audubon Nature Center at Gillam Park in Little Rock, Arkansas;

53. $600,000 to Chicanos Por La Causa in Phoenix, Arizona for redevelopment of the Nuestro Barrio Community;

54. $250,000 to Chicanos Por La Causa in Phoenix, Arizona for land acquisition and redevelopment of the East Washington Fluff site;

55. $250,000 to Pinal County, Arizona for the renovation and repair of the Pinal County Courthouse;

56. $650,000 to the Boys & Girls Club of Sierra Vista, City of Sierra Vista, Arizona for construction of the Boys & Girls Club in Sierra Vista;

57. $500,000 to the City of Eloy, Arizona for construction of a community center;

58. $250,000 to the City of Globe, Arizona for land acquisition and streetscape improvements;

59. $180,000 to the City of Scottsdale, Arizona for the renovation of the Vista del Camino Community Center;

60. $350,000 to the Douglas Arts and Humanities Association, City of Douglas, Arizona for facilities renovation of the Grand Theater;

61. $150,000 to the Dunbar Coalition in Tucson, Arizona for the Dunbar Project;

62. $350,000 to Valley of the Sun YMCA in Phoenix, Arizona for facilities construction of a YMCA;

63. $500,000 to Camp Ronald McDonald for the Good Times, California for building cabins and dining hall improvements;

64. $150,000 to Chualar, California for construction of a multipurpose cultural room on the Chualar Elementary School campus;

65. $125,000 to Esperanza Mercado Project, California for the Esperanza Community Maple-Mae Project;

66. $1,000,000 to Los Angeles County, California for the ongoing construction of a new library;

67. $50,000 to LOVARC in the City of Lompoc, California for construction of an elevator for a building that serves the disabled;

68. $150,000 to Merced County, California for renovation of the George Washington Carver Community Center in Dos Palos, California;

69. $150,000 to Mono County Library Authority Board/Board of Ed., Mono County, California for the Library Authority Board of Education for construction of a building;

70. $100,000 to San Bernardino County, CA for the development of the Santa Ana River Regional Park;

71. $200,000 to Solano County, California for renovation of two structures used by local veterans groups;

72. $250,000 to SVDP Management-Father Joe's Villages, City of Lake Morena, California for the design of a residential facility for homeless youth;

73. $150,000 to Taylor Yard Park in Los Angeles, California for recreational equipment and other park upgrades that will serve at-risk youth;

74. $100,000 to the Antelope Valley Boys and Girls Club, City of Lancaster, California for improvements to the Boys and Girls Club of Antelope Valley;

75. $150,000 to the Aquarium of the Pacific, City of Long Beach, California to develop an exhibit to educate the public on the importance of ports;

76. $500,000 to the Boys and Girls Club of East County, City of Santee, California for construction of a new facility at East County;

77. $250,000 to the City of Alhambra, California for development and construction of a park;

78. $1,000,000 to the City of Apple Valley, California for Civic Center Park development;

79. $250,000 to the City of Banning, CA for city pool improvements;

80. $350,000 to the City of Beaumont, CA for the construction of the Beaumont Sports Park;

81. $200,000 to the City of Bell Gardens, California for renovation and update of facilities;

82. $100,000 to the City of Bishop, California for improvements to City housing;

83. $150,000 to the City of Chowchilla, California for reconstruction of an industrial park;

84. $80,000 to the City of Colfax, California for an expansion of the Youth Center;

85. $150,000 to the City of Colton, California for improvements to Veterans Park;

86. $100,000 to the City of Corona, California for the renovation of the Old City Hall;

87. $150,000 to the City of East Palo Alto, California for the construction of facilities for community services;

88. $350,000 to the City of El Monte, California for construction of a community gymnasium;

89. $250,000 to the City of Greenfield, California for construction of a multipurpose community facility;

90. $100,000 to the City of Huntington Beach, California for the planning and design phase of a senior center;

91. $200,000 to the City of Huntington Park, California for renovation of a recreation center building;

92. $200,000 to the City of Inglewood, California for construction of a new senior center;

93. $150,000 to the City of La Mirada, California for construction of an aquatic center;

94. $250,000 to the City of Lancaster, California for installations related to the baseball complex;

95. $400,000 to the City of Los Angeles, California for site acquisition and development;

96. $100,000 to the City of Madera, California to construct a youth center for at risk youth;

97. $150,000 to the County of Fresno, California for construction of the Rural Vocational Training Facility (RVTF);

98. $150,000 to the City of Oakland, California for renovation of historic Fruitvale Masonic Temple;

99. $200,000 to the City of Oceanside, California for a Senior Center facility to serve seniors from Oceanside, Vista, Carlsbad and San Marcos;

100. $100,000 to the City of Oroville, California for Vega Center renovations;

101. $200,000 to the City of Pico Rivera, California for the expansion of the California senior center;

102. $200,000 to the City of Placerville, California for Gold Bug Park Renovations;

103. $100,000 to the City of Riverside, California for the development of a Technology Center within University Research Park;

104. $100,000 to the City of Riverside, California for construction of a pedestrian bridge in the California Citrus State Park;

105. $100,000 to the City of San Fernando, California for revitalization of downtown San Fernando;

106. $300,000 to the City of San Jacinto, California for improvements to city musuem Estudillo property;

107. $150,000 to the City of San Jose, California to the construction of a community center in a low and moderate-income area;

108. $350,000 to the City of San Leandro, California for streetscape and pedestrian safety improvements;

109. $150,000 to the City of San Pedro, California for streetscape and other improvements along Gaffey Street;

110. $100,000 to the City of Thousand Oaks, California to construct a community aquatics complex on the campus of California Lutheran University;

111. $250,000 to the City of Twentynine Palms, California for Development of a Visitors Center;

112. $350,000 to the City of Yucaipa, California for development and construction of the Yucaipa/Crafton Hills College Recreational Facility;

113. $350,000 to the City of Yucaipa, California for development of the Yucaipa Valley Regional Sports Complex;

114. $150,000 to the Community Action partnership of Orange County in Garden Grove, California for acquisition, construction, or rehabilitation of a service facility;

115. $200,000 to the Department of Economic Development in Rancho Cordova, California for Cordova Senior Center Expansion;

116. $250,000 to the Department of Parks and Recreation, Encinitas, California for the construction of a visitor center in the San Elijo Lagoon Open Space Preserve;

117. $250,000 to the Diamond Bar High School and Community Sports Field, City of Diamond Bar, California for the renovation of the Diamond Bar High School and Community Sports Field;

118. $250,000 to the Earle Baum Center of the Blind, Inc. in Santa Rosa, California to build a center for the visually impaired;

119. $75,000 to the Hillview Acres Children's Home, City of Chino, California for construction of a facility for the Hillview Acres Children's Home;

120. $100,000 to the International AgriCenter, City of Tulare, California to expand educational activities with the College of Sequoias and the California Polytechnic University;

121. $75,000 to the La Habra Vista Grande Park, City of La Habra, California to rehabilitate the La Habra Vista Grande Park;

122. $250,000 to the Lake County Arts Council in Lakeport, California for renovation of the Lakeport Cinema to a Performing Arts Center;

123. $100,000 to the Lompoc Healthcare District, California for the construction of a new C.N.A. training center;

124. $500,000 to the Museum of Latin American Art in Long Beach, California to complete the renovation of the Museum;

125. $100,000 to the National Orange Show, City of San Bernardino, California for Renovations to National Orange Show stadium;

126. $100,000 to the North County Solutions for Change, City of Vista, California Solutions Family Intake/Access Center for homeless families and their children;

127. $100,000 to the Oasis of Hope Community Development Corporation, City of Stockton, California for the Oasis of Hope Community Development Corporation education project;

128. $200,000 to the Preservation of CA State Mining & Mineral Museum, City of Mariposa, California for preservation of the CA Mining and Mineral Museum;

129. $100,000 to the Riverside Community College, California for facility construction of the School for Nursing;

130. $400,000 to the Sacramento Food Bank, California for construction of the food bank;

131. $150,000 to the San Diego Housing Commission in San Diego, California for the HOPE Village Project to construct a 20-unit housing complex to house homeless individuals;

132. $150,000 to the Santa Barbara County Food bank in Santa Barbara, California for expansion and upgrades to its facility;

133. $550,000 to the Skirball Cultural Center in Los Angeles, California for development and construction of Noah's pArk;

134. $250,000 to the Stillwater Business Park, City of Redding, California to develop the Stillwater business park;

135. $125,000 to the Tehachapi Performing Arts Center Foundation, City of Tehachapi, California for design and construction of a performing arts center;

136. $250,000 to the Town of Yucca Valley, California for development and construction of the South Side Community Center;

137. $40,000 to the Tulare Veterans Memorial District, City of Tulare, California for modernization of the veterans hall;

138. $350,000 to the U of CA's Shafter Research and Extension Center, City of Davis, California; to complete the design and construction of Shafter Research and Extension Center at the University of California, Davis;

139. $200,000 to the Valley Alliance for the Arts in San Fernando Valley, California for construction of a performing arts center;

140. $100,000 to the Visalia Rescue Mission, City of Visalia, California for construction of a new facility to provide shelter for homeless women and children;

141. $200,000 to the Youth Science Institute Center in San Jose, California for building renovations;

142. $50,000 to Ventura County, California for rehabilitation of the multi-purpose room and kitchen of the Oak View Park and Resource Center;

143. $250,000 for the 10th and Mission Affordable Family Housing & Commercial Space Project, for the development of housing units and commercial space, Mercy Housing, San Francisco;

144. $200,000 for the City of Inglewood to construct a Senior Center;

145. $200,000 for the San Francisco Museum and Historical Society Old Mint Restoration Project for planning, design and construction, San Francisco;

146. $150,000 for the Fresno County Economic Opportunities Commission, Fresno, CA, for construction of the Neighborhood Youth Center;

147. $600,000 for the City of Oakland, CA for the Fox Theater Restoration;

148. $200,000 for the City of Redding, CA for the Stillwater Business Park;

149. $200,000 for the West Angeles Community Development Corporation, CA for the development of the West Angeles Plaza;

150. $100,000 to the Housing Trust of Santa Clara County, CA, for the First Time Home Buyer Loan Program;

151. $175,000 for the San Francisco Fine Arts Museums, CA, for M.H. de Young Memorial Museum construction;

152. $175,000 for the Agua Caliente Cultural Museum, Palm Springs, CA for construction;

153. $160,000 to the City of Montrose, Colorado for expansion of a research park for the Mesa State University;

154. $240,000 to the City of Pueblo, Colorado for redevelopment of recreation and park facilities;

155. $150,000 to the Denver Rescue Mission in Denver, Colorado for acquisition and renovation of an emergency shelter;

156. $250,000 to the Denver Rescue Mission, City of Wellington, Colorado for construction and renovation of rehabilitation facilities;

157. $300,000 for the City of Denver, Denver Rescue Mission for the Acquisition and Renovation of Emergency and Transitional Housing for Colorado's Homeless population;

158. $100,000 to the Cardinal Shehan Center, City of Bridgeport, Connecticut to complete the renovation of the former CT state armory facility;

159. $100,000 to the Charles Smith Foundation, City of Bridgeport, Connecticut for planning and implementation of a Neighborhood Revitalization Zone (NRZ);

160. $150,000 to the City of Ansonia, Connecticut for construction of a new community space;

161. $100,000 to the Friendship Service Center of New Britain, City of New Britain, Connecticut for the renovation of 85 Arch Street by the Friendship Service Center of New Britain;

162. $250,000 to the Hill-Stead Museum, City of Farmington, Connecticut for Hill-Stead Museum Renovation and Security Improvements;

163. $100,000 to the Human Services Council, City of Norwalk, Connecticut for the Human Services Council to redevelop facilities for affordable housing;

164. $100,000 to the Mattatuck Museum, City of Waterbury, Connecticut for renovations to the Mattatuck Museum to create an exhibit on the history of Brass Valley;

165. $350,000 to the Music and Arts Center for the Humanities, City of Bridgeport, Connecticut for relocation of the Music and Arts Center for the Humanities to a now-vacant department store;

166. $450,000 to the Naugatuck YMCA in Naugatuck, Connecticut for upgrades and other facilities expansion;

167. $100,000 to the Sherman Library Board of Trustees, Town of Sherman, Connecticut for reconstruction of the Sherman town library;

168. $250,000 to the Stamford Center for the Arts, City of Stamford, Connecticut for renovations to the Palace Theatre;

169. $350,000 to the Town of Stonington, Connecticut for the construction of south pier at Stonington Town Dock Complex;

170. $350,000 to the Town of Willington, Connecticut for the expansion of low-income senior housing;

171. $300,000 to the University of Hartford in Hartford, Connecticut for facilities construction and renovation of the Hartt Performing Arts Center;

172. $100,000 to the Yerwood Community Center, City of Stamford, Connecticut for repairs to the Yerwood Community Center;

173. $100,000 to the YMCA, City of Ellington, Connecticut for construction of a new YMCA in an underserved area;

174. $450,000 for the City of Hartford for the Hartford Homeownership Initiative;

175. $200,000 for the City of Hartford for the renovation of the Mark Twain House Building;

176. $300,000 for the City of Ansonia for the renovation of the Ansonia Armory;

177. $250,000 for the City of West Haven, CT, for the redevelopment of residential housing;

178. $250,000 for the City of Stamford, CT, for renovations to the Yerwood Community Center;

179. $250,000 for the Town of Southbury, CT, for renovations to the Bent of the River Audubon Center;

180. $200,000 for the City of Hartford, CT, for neighborhood restoration activities undertaken by the Southside Institutions Neighborhood Alliance;

181. $250,000 to the African American Civil War Museum in Washington, DC for capital improvements to the facility and visitors center;

182. $250,000 to Beebe Medical Center, Delaware for renovations;

183. $200,000 to the Wilmington Senior Center, Delaware for renovations;

184. $250,000 for the Ministry of Caring, House of Joseph II, in Wilmington, DE for the renovation/operation of the facility;

185. $200,000 to the St. Michaels School and Nursery, Wilmington, DE, for expansion of the school;

186. $200,000 to the Wilmington Senior Center, Wilmington, DE, for the completion of the renovation of the Lafayette Court Senior Apartments project;

187. $250,000 for Easter Seals Delaware & Maryland's Eastern Shore for the construction of the new Easter Seals Facility in Georgetown, Delaware;

188. $200,000 for the Wilmington Music School for the Music School Expansion in Wilmington, Delaware;

189. $200,000 to the City of Lewes for the Lewes Canal front Park in Lewes, Delaware;

190. $75,000 to Crosswinds, Brevard County, Florida for the construction of Crosswinds youth center;

191. $200,000 to Goodwill of North Florida, Inc. in Jacksonville, Florida for the expansion of its facility;

192. $350,000 to Hubbs/Sea World, Brevard County, Florida for construction of a marine and coastal research center at Hubbs/Sea World;

193. $200,000 to Lake County, FL for construction of a library;

194. $100,000 to Little Manatee Housing Corporation, Hillsborough County, FL for construction of an agricultural worker center;

195. $150,000 to Miami-Dade County, Florida for upgrades to the Dade County water and sewer infrastructure;

196. $250,000 to Pinellas County Board of County Commissioners, Pinellas County, Florida for the renovation of Palm Harbor Public Library;

197. $96,300 to the Biltmore Hotel, City of Coral Gables, Florida for the renovation of historic Biltmore Hotel;

198. $250,000 to the Camillus House, Florida to construct a facility;

199. $300,000 to the Central Florida Community College, City of Ocala, Florida for improvements to the Fine Arts Center at Central Florida Community College;

200. $500,000 to the Centro Mater Foundation, Florida for construction of a new building;

201. $25,000 to the City of Alachua, Florida for the construction of the Veterans' Memorial at City Hall;

202. $250,000 to the City of Bartow, Florida for the redevelopment of downtown Bartow;

203. $500,000 to the City of Dunedin, FL construction of a new community center;

204. $200,000 to the City of Ft. Myers, Florida for the redevelopment of Edison & Ford Estates;

205. $400,000 to the City of Gainsville, Florida for renovations and historic preservation of James Norman Hall at the University of Florida, Gainesville;

206. $200,000 to the City of Gulfport, Florida for renovations to City of Gulfport Scout Hall;

207. $200,000 to the City of Hollywood, Florida for the construction and development of the Young Circle Arts Park project;

208. $75,000 to the City of Marathon, Florida for the redevelopment of Boot Key Municipal Harbor;

209. $250,000 to the City of Miami Gardens, Florida for revitalization of the business district;

210. $100,000 to the City of Miami Springs, Florida for the construction of a hurricane shelter;

211. $250,000 to the City of Miami, Florida for the elderly assistance program;

212. $250,000 to the City of Ocoee, Florida for construction of a senior citizens veterans service center;

213. $300,000 to the City of Riviera Beach, Florida for site acquisition and improvements for commercial revitalization;

214. $250,000 to the City of Sarasota, Florida for renovations to the Robert L. Taylor Community Center;

215. $250,000 to the City of St. Petersburg Beach, Florida for construction of a new Community Center;

216. $100,000 to the City of St. Petersburg, Florida for planning and design of Albert Whitted Waterfront Park;

217. $125,000 to the City of Treasure Island, Florida for construction of beach walkovers;

218. $250,000 to the City of Winter Haven, Florida for improvements to the downtown business district;

219. $250,000 to the Community Aging & Retirement Services, Inc., Florida to replace a building;

220. $250,000 to the Good Samaritan Health Clinic of Pasco, Inc., Florida for the renovation of Good Samaritan Health Clinic of Pasco, Inc;

221. $100,000 to the Osceola County Homeless Shelter, City of Osceola County, Florida for the completion of Osceola County Homeless Shelter;

222. $100,000 to the Osceola County Senior Center, City of Osceola County, Florida for the construction of a senior citizen center;

223. $250,000 to the Pearl City Masterplan, City of Boca Raton, Florida for infrastructure improvements for Pearl City;

224. $250,000 to the Pinellas County Board of County Commissioners, City of Pinellas County, Florida for construction of Joe's Creek Greenway Park;

225. $250,000 to the Santa Fe Community College, City of Gainesville, Florida for the expansion of the Fine and Applied Arts Educational Building at Santa Fe Community College;

226. $200,000 to the St. Petersburg College, City of Seminole, Florida for the development of a Science and Nature Park at St. Petersburg College;

227. $150,000 to the Tangerine Avenue Community Redevelopment Area in St. Petersburg, Florida for the redevelopment of the Tangerine Avenue Community Area;

228. $100,000 to the DeBary Art League, City of DeBary, Florida for construction of a Gateway Center for the Arts;

229. $100,000 to the YMCA of Greater Pensacola, City of Pensacola, Florida for construction of the YMCA of Greater Pensacola;

230. $400,000 to Wakulla County, Florida for construction of the multi-purpose community center;

231. $500,000 for Orange County, FL for Central Receiving Center to renovate single occupancy rooms;

232. $500,000 for the Lowry Park Zoological Society, Tampa, FL for business development initiative;

233. $300,000 for the Central Florida YMCA to expand and renovate the Wayne Densch YMCA Family Center;

234. $250,000 for Miami Dade College and the construction of a library at their Hialeah, Florida campus;

235. $250,000 for Nova Southeastern University for the Center for Collaborative Bio-Medical Research;

236. $600,000 for the City of Coral Gables, Florida for the Biltmore Complex Restoration Project;

237. $400,000 for the City of Orlando, Florida for the Parramore Neighborhood Revitalization Project;

238. $250,000 for Miami Dade County, Florida for the Miami Performing Arts Center;

239. $250,000 for the American Beach Property Owners' Association, Fernandina Beach, Florida for the Historic Evans Rendezvous Cultural Center Restoration Project;

240. $200,000 for the City of Gainesville, Florida for the Downtown Revitalization Project;

241. $200,000 for the Florida Memorial University, Miami, Florida: West Augustine Initiative;

242. $200,000 to Clarkston Community Center in Dekalb County, Georgia for renovation of Clarkston Community Center;

243. $150,000 to Clayton County, Georgia for renovation of the Clayton Senior Center;

244. $275,000 to Con-Ed, Inc., City of Savannah, Georgia for the renovation of a building annex to house a library and computer lab;

245. $400,000 to Morehouse School of Medicine in Atlanta, Georgia for land acquisition to revitalize its West End neighborhood;

246. $250,000 to Paulding County, Georgia for site preparations;

247. $175,000 to SOWEGA Council on Aging in Albany, Georgia for facility construction;

248. $100,000 to the City of Covington, Georgia for renovation and construction of a resource center;

249. $75,000 to the Coastal Heritage Society, City of Savannah, Georgia for revitalization of the Central Georgia Railway for Coastal Heritage Society;

250. $250,000 to the Community Service Board of Middle Georgia for construction of a girls crisis center;

251. $100,000 to the George E. Ford Center, in Powder Springs, Georgia to refurbish the Ford Center;

252. $75,000 to the Georgia 4–H Foundation, City of Tybee Island, Georgia for a new facility for the Georgia 4 H Foundation;

253. $150,000 to the Hope House Inc., City of Augusta, Georgia for a Hope House facility for therapeutic childcare;

254. $225,000 to the Infantry Museum and Heritage Park in Columbus, Georgia for construction/development of National Infantry Museum and Heritage Park;

255. $100,000 to the Marietta Growth Fund, Georgia for the city redevelopment of Marietta Growth Fund;

256. $100,000 to the Morehouse School of Medicine, City of Atlanta, Georgia for development of land for Morehouse School of Medicine;

257. $50,000 to the Morehouse School of Medicine, City of Atlanta, Georgia for development of land for Morehouse School of Medicine;

258. $250,000 to the Museum of Aviation, City of Warner Robins, Georgia for the construction of a WWII exhibit and depot flight line for the Museum of Aviation;

259. $200,000 for Mercer University, Macon, Georgia for Critical Personnel Development Program (CPDP);

260. $200,000 Atlanta, Georgia Intergenerational Resource Center for a senior housing project;

261. $200,000 Warner Robins, Georgia Museum of Aviation, expansion of aviation flight and technology center;

262. $200,000 City of Moutri, Georgia for a community and economic development initiative;

263. $200,000 Morehouse School of Medicine for West End Community Development;

264. $500,000 Atlanta Symphony Orchestra, Georgia for the Atlanta Symphony Center expansion;

265. $150,000 to the Children's Justice Center Foundation in Honolulu, Hawaii for renovation of a building to provide services to victims of child abuse and neglect;

266. $150,000 to the County of Hawaii in Kailua-Kona, Hawaii for construction of a homeless shelter;

267. $650,000 for the Boys & Girls Club of Hawaii, Honolulu, HI, for planning, design and construction of the Nanakuli Boys & Girls Club;

268. $300,000 for Pa'a Pono Miloli'I constructs a community and youth center;

269. $300,000 for the Children's Justice Center Foundation to construct and renovate the child counseling center on Oahu;

270. $300,000 for the Maui Economic Development Board to renovate the enterprise building;

271. $300,000 for the Kauai YMCA to construct facilities;

272. $200,000 for the Lanai Youth Center to acquire and construct activity facilities;

273. $200,000 for the County of Hawaii for the renovation of a Caregiver and Senior Resource Center;

274. $300,000 for Hale Mahaolu Ehiku to construct affordable rental housing for senior citizens;

275. $450,000 to Systems Unlimited, Inc., Iowa City, Iowa for the establishment of a service center for Systems Unlimited, Inc to aid disadvantaged families;

276. $450,000 to the city of Cedar Rapids, Iowa for redevelopment of southern Cedar Rapids;

277. $400,000 to the City of Des Moines, Iowa for land acquisition for a technology park;

278. $750,000 for the City of Clinton, Iowa, for redevelopment of Liberty Square;

279. $250,000 for the National Cattle Congress, Waterloo, Iowa, for renovation and construction of facilities;

280. $400,000 for the City of Waterloo, Iowa, for the acquisition and rehabilitation of the Cedar Valley TechWorks facility;

281. $300,000 for the City of Des Moines, Iowa, for the Riverpoint West development;

282. $300,000 for the City of Fort Dodge, Iowa for the Lincoln Neighborhood housing initiative;

283. $1,000,000 to the Iowa Department of Economic Development for the Main Street Iowa program for restoration of structures on main streets throughout the state;

284. $750,000 to Polk County, Iowa for the purchase and rehabilitation of housing for low income people;

285. $200,000 to the Heartland Hill Habitat for Humanity in Brehmer County, Iowa for the renovation of deteriorated housing for low income housing;

286. $300,000 to the City of Council Bluffs, Iowa for downtown historic building renovation;

287. $100,000 Oneida Stake Academy, Franklin County, Idaho for restoration of Oneida Stake Academy for historic renovations;

288. $45,000 to the City of Franklin, Idaho for repairs to historic City Hall;

289. $350,000 to the City of Rexburg, Idaho for construction of recreational facilities and handicap accessibility;

290. $150,000 to the Clearwater Economic Development Association, City of Lewiston, Idaho for completion of the Lewis and Clark Bicentennial Project Planning and Implementation;

291. $100,000 to the Greater Pocatello Senior Center, City of Pocatello, Idaho for renovations to the Greater Pocatello Senior Center;

292. $1,000,000 for Ada County, Idaho for development of the Family Justice Center and the Detox Center;

293. $1,000,000 for the Clearwater Economic Development Association for the implementation of the Lewis and Clark Bicentennial Plan;

294. $1,000,000 for Boise State University for construction of the Center for Environmental Science and Economic Development;

295. $1,000,000 for the Idaho Migrant Council for planning, design, and construction of the Burley Community Center, Burley, Idaho;

296. $250,000 to Western Illinois University Quad City Campus in Moline, Illinois for renovations of facilities;

297. $250,000 to Coles County Council on Aging, Coles County, Illinois for construction of Lifespan Center for seniors;

298. $250,000 to Illinois College, City of Jacksonville, Illinois for renovation to Crampton Hall at Illinois College;

299. $100,000 to Northeastern Illinois University in Chicago, Illinois for a feasibility study on planning and design analysis for a new education building;

300. $75,000 to Our Children's Homestead, Illinois for Our Children's Homestead to construct new foster care homes;

301. $200,000 to Pioneer Center Group Home in McHenry County, Illinois for upgrades at to a group home;

302. $100,000 to Quincy University, City of Quincy, Illinois for the design and construction of an Art and Sciences Center at Quincy University;

303. $150,000 to Seguin Services in Cicero, Illinois for construction of a garden center;

304. $200,000 to the Avalon Park School in Chicago, Illinois for construction of a child-parent center;

305. $80,000 to the Beardstown Historical Society, City of Beardstown, Illinois for construction of the Grand Opera House Beardstown Historical Society;

306. $250,000 to the Bradley University, City of Peoria, Illinois for renovations to Bradley Hall at Bradley University;

307. $150,000 to the Burpee/Discovery Center Museum, City of Rockford, Illinois for the expansion of laboratories and public viewing areas at Burpee/Discovery Center Museum;

308. $250,000 to the Central Illinois Regional Museum, City of Peoria, Illinois for design and construction of Central Illinois Regional Museum;

309. $900,000 to the Chicago Academy High School in Chicago, Illinois for construction of a campus park;

310. $150,000 to the Chicago Children's Advocacy Center in Chicago, Illinois for expansion of its facilities;

311. $150,000 to the Chicago Park District in Chicago, Illinois for land acquisition and facilities improvements to expand a park;

312. $200,000 to the Chicago Park District in Chicago, Illinois for land acquisition and facilities improvements for the expansion of a park;

313. $100,000 to the City of East Moline, Illinois for revitalization of downtown;

314. $225,000 to the City of Harvey, Illinois for demolition and redevelopment of property to aid the community;

315. $500,000 to the City of Yorkville, Illinois for the redevelopment of a Yorkville site;

316. $75,000 to the City of Crest Hill, Illinois for redevelopment of Division Street;

317. $100,000 to the Collins Home Project, City of Collinsville, Illinois for completion of the Collins Home Project;

318. $150,000 to the County of DuPage, Illinois for renovation of a nursing facility to be used for nurses training center;

319. $200,000 to the DuPage Children's Museum, Illinois for the DuPage Children's Museum for building renovations;

320. $250,000 to the Glen Oak Zoo, Peoria Park District, City of Peoria, Illinois for design and construction of Africa exhibit at Glen Oak Zoo;

321. $75,000 to the Home of the Sparrow in Lake, Illinois for the renovation of a homeless shelter;

322. $100,000 to the Horizon House of Illinois Valley, City of Peru, Illinois for construction of the Horizon House;

323. $75,000 to the Inner Voice in Chicago, Illinois for upgrades to homeless shelters on the South Side of Chicago;

324. $100,000 to the Lincoln Christian College, City of Lincoln, Illinois for the restoration of the Earl C. Hargrove Auditorium at Lincoln Christian College;

325. $200,000 to the Marklund Children's Home, City of Bloomingdale, Illinois for the renovation of Marklund Children's Home;

326. $500,000 to the Ray Graham Association for People With Disabilities, City of Downers Grove, Illinois for improvements to Ray Graham Association for People With Disabilities;

327. $250,000 to the Rialto Square Theater, City of Joliet, Illinois for repairs to Rialto Square Theater;

328. $200,000 to the Shawneetown Regional Port District, City of Shawneetown, Illinois for construction of a facility at Shawneetown Regional Port District;

329. $150,000 to the Timber Pointe Outdoor Center, City of Hudson, Illinois for construction of Timber Pointe Outdoor Center;

330. $100,000 to the Village of Hazel Crest in Hazel Crest, Illinois for the redevelopment of the area around Hazel Crest Metra Station;

331. $160,000 to the Village of Orion, Illinois for lead-based paint removal;

332. $75,000 to the Village of South Jacksonville, Illinois for construction of a playground and park for disabled children;

333. $500,000 for the Looking for Lincoln Heritage Coalition in Springfield, IL, for the Looking for Lincoln economic development and tourism initiative;

334. $800,000 for the Peace and Education Coalition in Chicago, IL, for construction of a new facility to serve San Miguel Schools in the City's Back of the Yards neighborhood;

335. $300,000 to the Haymarket Center in Chicago, IL, for construction and establishment of the McDermott Addiction Center;

336. $200,000 for the Quincy Public Library in Quincy, IL, for a newspaper digitization and community education project;

337. $200,000 to the Community Foundation of Decatur/Macon County for construction and rehabilitation of housing facilities for the homeless and disabled;

338. $200,000 to the Heartland Community Health Center for equipment and facilities to expand services;

339. $250,000 to the Chicago Historical Society for construction of a new Chicago History Exhibition and redevelopment of current facilities;

340. $200,000 for Home Sweet Home Ministries—Threshold program located in the City of Bloomington, IL for the construction of an additional housing facility;

341. $250,000 for the Village of Northfield, IL for construction of pedestrian and bicycle paths as well as other infrastructure improvements to the Northfield Park District;

342. $200,000 for the Township of North Hurricane, IL for construction of a multi-purpose building within Precinct 1 of the Township;

343. $100,000 to Crane Technology Park in Martin County, Indiana for improvements to the Park;

344. $500,000 to Memorial Coliseum Redevelopment, Indiana for the renovation of Memorial Coliseum Redevelopment;

345. $250,000 to the African American Achievers Youth Corporation in Gary, Indiana for renovations of the Glen Theater;

346. $250,000 to the City of Muncie, Indiana for enhancements to Urban Park;

347. $150,000 to the Crossroad of Fort Wayne, City of Fort Wayne, Indiana for the construction of a new building for Crossroad;

348. $100,000 to the Easter Seals Arc of NE Indiana, City of Fort Wayne, Indiana for construction of a new facility for Easter Seals Arc of Northeast Indiana;

349. $500,000 to the South Bend Heritage Foundation, Indiana for neighborhood economic development and revitalization;

350. $250,000 to the Studebaker Corridor, Indiana for the redevelopment of a brownfield site;

351. $500,000 to the Town of Cedar Lake, Indiana for downtown streetscape improvements;

352. $500,000 for the City of Muncie, Indiana to revitalize the downtown urban park;

353. $250,000 for the Learning Collaborative to implement the Web Portal Technology Development Initiative in Daviess County;

354. $250,000 for the City of Anderson, Indiana to expand the Fiber Optic Network;

355. $150,000 for the City of Indianapolis, IN for the Link Savoy Housing Development;

356. $100,000 for the City of Evansville, IN for the Center City Industrial Park;

357. $100,000 for the City of Fort Wayne, IN for the Fort Wayne Technology Center;

358. $200,000 to SAFEHOME, Inc. in Overland Park, Kansas for building acquisition;

359. $100,000 to the City of Atchison, Kansas for the redevelopment of a storm water system overflow;

360. $250,000 to the City of Fort Scott, Kansas for restoration of historic buildings and brick streets in the downtown area;

361. $250,000 to the City of Independence, Kansas for renovations to historic Landon House and Booth Theater;

362. $300,000 to the City of Wichita, Kansas for construction of food bank central distribution facility;

363. $250,000 to the City of Wichita, Kansas for the downtown WaterWalk revitalization project;

364. $300,000 to the Lord's Diner, Catholic Diocese of Wichita, City of Wichita, Kansas for expansion of Lord's Diner of Wichita;

365. $200,000 to the World Impact: Morning Star Ranch, City of Florence, Kansas for construction and upgrades of the World Impact Morning Star Ranch;

366. $150,000 to the YWCA of Greater Kansas City in Kansas City, Kansas for expansion of the facility;

367. $1,000,000 for the Boys and Girls Clubs of Greater Kansas City for the construction

of the Heathwood Community Center for Children and Families in Wyandotte County, KS;

368. $500,000 for Sedwick County, KS for the construction of a Technical Education and Training Center;

369. $300,000 for the City of Fort Scott, KS for the redevelopment of underground infrastructure in the Central Business District;

370. $200,000 for the City of Topeka, KS for renovating and updating Heartland Park Topeka;

371. $500,000 for the City of Mission Kansas to ensure the future viability of business and residential districts near the Rock Creek Project;

372. $500,000 for the City of Fairview, Kansas to ensure the future viability of business and residential districts near the Rock Creek Project;

373. $350,000 Mill Springs Battlefield Association, Somerset, KY for construction of the Mill Springs Battlefield Visitors Center;

374. $75,000 to Crittenden County Day Care Center, Crittenden County, Kentucky for expansion of the Crittenden County Day Care Center;

375. $100,000 to LaRue County Fiscal Court, LaRue County, Kentucky for construction of a facility for the Lincoln Bicentennial celebration in 2008;

376. $150,000 to Powell County Fiscal Court in Powell County, Kentucky for the construction and development of a park;

377. $250,000 to the Community Economic Empowerment Corporation, City of Louisville, Kentucky for the construction of an entertainment facility for the Community Economic Empowerment Corporation;

378. $350,000 to the Day Spring Foundation, City of Louisville, Kentucky for construction of a community resource center for Day Spring Foundation;

379. $100,000 to the Dream Foundation, Inc., City of Louisville, Kentucky for construction of a playground in Shawnee Park;

380. $100,000 to the First Gethsemane Center for Family Development, City of Louisville, Kentucky for the renovation of First Gethsemane Center for Family Development;

381. $200,000 to the Fleming County Industrial Authority, Kentucky for construction of a building;

382. $150,000 to the LaRue County Fiscal Court, Hardin County, Kentucky for renovation of an historic state theater;

383. $100,000 to the Louisville Olmsted Parks Conservancy, City of Louisville, Kentucky for construction of a playground in the Louisville Olmsted Parks Conservancy;

384. $100,000 to the New Zion Community Foundation, City of Louisville, Kentucky for renovation of a facility for the New Zion Community Foundation;

385. $500,000 to the Portal 31 Exhibition Mine Site, City of Lynch, Kentucky for historic preservation of the Portal 31 Exhibition Mine Site;

386. $350,000 to the Temple Community Development Corporation, City of Louisville, Kentucky for the renovation of a facility for the Temple Community Development Corporation;

387. $70,000 to the Tompkinsville Senior Citizen Housing Complex, City of Pontotoc, Mississippi for the completion of the Tompkinsville Senior Citizen Housing Complex;

388. $500,000 to the Visions of Eastern Kentucky, City of Manchester, KY for facility construction;

389. $600,000 for the Kentucky Commerce Cabinet to develop a visitor center at the Big Bone Lick State Park;

390. $200,000 for McCracken County Fiscal Court to construct an Emergency Services Building;

391. $200,000 for Clinton County to develop and construct a Welcome Center;

392. $100,000 to Livingston Parish Veterans' Memorial Plaza, Louisiana for construction of Livingston Parish Veterans' Memorial Plaza;

393. $250,000 to Loyola University New Orleans, Louisiana for renovations and upgrades to a facility;

394. $225,000 to the City of Covington, Louisiana to build a trailhead plaza;

395. $250,000 to the City of Grand Isle, Louisiana for construction of a multiplex center;

396. $500,000 to the City of Opelousas, Louisiana for Phase I of recreation improvements;

397. $250,000 to the National Center for Community Renewal (NCCR), City of Shreveport, Louisiana for renovations to a donated building in Shreveport;

398. $180,000 to the Village of Sun, City of St. Tammany, Louisiana for repairs to the Town Hall and Community Center;

399. $250,000 for Alexandria Central Economic Development District, to develop the Alexandria Riverfront Development;

400. $250,000 for Ascension Parish, to develop the Lamar Dixon Exposition Center;

401. $500,000 for the Audubon Nature Institute for the Audubon Living Science Museum and Wetlands Center in New Orleans, Louisiana;

402. $500,000 for Lafourche Parish for waterfront development along Bayou Lafourche in Ascension, Asumption and Lafourche Parishes, Louisiana,

403. $300,000 to American International College in Springfield, Massachusetts for the renovation of Reed Mansion and Breck Hall;

404. $600,000 to Banknorth building in Fitchburg, Massachusetts for renovation and construction;

405. $200,000 to Boston Healthcare for the Homeless in Boston, Massachusetts for renovation of its facility;

406. $300,000 to Edith Wharton Restoration, Inc. in Lenox, Massachusetts for facilities upgrade and build out;

407. $300,000 to Endicott College in Beverly, Massachusetts for construction of a research center;

408. $100,000 to Greenfield Community College in Greenfield, Massachusetts for a feasibility study;

409. $380,000 to Lawrence Community Works in Lawrence, Massachusetts for construction of a design and technology training center;

410. $250,000 to Stetson Town Hall in Randolph, Massachusetts for improvements and renovations of its facility;

411. $200,000 to the City of Holyoke, Massachusetts for renovations of facility for Solutions Development Corporation;

412. $200,000 to the City of Lynn, Massachusetts for the renovation of the City Hall and Auditorium;

413. $500,000 to the City of Medford, Massachusetts for construction and renovation of an outdoor facility;

414. $300,000 to the City of Melrose, Massachusetts for improvements to the Soldiers and Sailors Memorial Hall;

415. $1,000,000 to the City of New Bedford, Massachusetts for design and construction of a community center;

416. $100,000 to the City of Sommerville, Massachusetts for renovations and upgrades to its facility;

417. $100,000 to the Community Art Center, Inc. in Cambridge, Massachusetts for renovation and capital improvements;

418. $300,000 to the Mahaiwae Performing Arts Center, Inc. in Great Barrington, Massachusetts for facilities renovation and improvements;

419. $400,000 to the Main South Community Development Corporation in Worcester, Massachusetts for revitalization of the Gardner-Kilby-Hammond neighborhood;

420. $125,000 to the Mashpee Wampanoq Tribal Council, Inc. in Massachusetts for renovation of a facility;

421. $200,000 to the Merrimack Repertory Theater in Lowell, Massachusetts for renovation of facilities;

422. $100,000 to the Narrows Center in Fall River, Massachusetts for renovations and upgrades to facilities;

423. $400,000 to the Springfield Day Nursery in Springfield, Massachusetts for renovations to the King Street Children's Center;

424. $400,000 to Western Mass Enterprise Fund, Inc. in Greenfield, Massachusetts for capitalization of a loan fund;

425. $200,000 to Whittier Street Community Center in Roxbury, Massachusetts for facilities renovation;

426. $400,000 Walpole, MA for improvements and renovations to town fields;

427. $280,000 for the City of North Adams, MA for the renovation of the historic Mohawk Theater;

428. $280,000 for the City of Holyoke, MA for renovations to the Picknelly Adult and Family Education Center;

429. $200,000 for the City of Medford, MA for the redevelopment of Medford Square;

430. $280,000 for the Main South Community Development Corporation, Worcester, MA for the redevelopment of the Gardner-Kilby-Hammond Neighborhood;

431. $260,000 for the City of Lawrence, MA for the redevelopment of the Lawrence In-Town Mall site;

432. $250,000 for the Bird Street Community Center, Boston, MA for facility renovations;

433. $200,000 for Straight Ahead Ministries of Westboro, MA for the acquisition and renovation of facilities in Hubbardston, MA;

434. $200,000 for Girls Incorporated of Lynn, MA for building renovations;

435. $250,000 to Dawson Safe Haven for Children, Youth, and Families in Baltimore, Maryland for reconstruction of the Dawson Safe Haven facility;

436. $225,000 to St. Mary's College, St. Mary's, Maryland for the renovation and purchasing of technology equipment for Goodpaster Hall;

437. $150,000 to the City of Baltimore, Maryland for revitalization of the East Baltimore Development Project Area;

438. $250,000 to the City of Hyattsville, Maryland for construction of the Renaissance Square Artists' Housing;

439. $250,000 to the City of Takoma Park, Maryland for construction and build out of a community learning center;

440. $500,000 to the Historic St. Mary's City Commission in St. Mary's City, Maryland for construction and renovation of a brick chapel;

441. $275,000 to the Ministers Alliance of Charles County in Waldorf, Maryland for the acquisition, renovation, and construction of a business center;

442. $100,000 to the Towson YMCA Day Care in Towson, Maryland for the renovation and expansion of the Day Care Facility;

443. $300,000 for the Maryland Food Bank in Baltimore for construction and equipping of new food distribution center;

444. $500,000 for the Washington Archdiocese Langley Park Health Clinic and Social Service Center, Maryland;

445. $450,000 for the East Baltimore Development Project, Maryland;

446. $500,000 for Patterson Park/Library Square Revitalization, Maryland;

447. $400,000 for Goucher College, Community Service Center, Maryland;

448. $200,000 for the American Visionary Arts Museum, Maryland;

449. $200,000 for the Our Daily Bread Employment Center, Maryland;

450. $100,000 to Bowdoin College in Brunswick, Maine for site planning and renovation of a building;

451. $200,000 to the Town of Milo, Maine for the development of an industrial park;

452. $325,000 for the City of Brewer Administrative Building Redevelopment;

453. $300,000 for the Franco-American Heritage Center, Renovation Project;

454. $325,000 for the Bangor Waterfront Park on the Penobscot River for the City of Bangor;

455. $350,000 for the Town of Milo, Maine for the development of the Eastern Piscataquis Industrial Park;

456. $350,000 for the Town of Van Buren: Van Buren Regional Business Park;

457. $350,000 for Western Maine Community Action: Keeping Seniors Home program;

458. $300,000 for the University of New England: George and Barbara Bush Cultural Center for construction and equipment;

459. $200,000 for the City of Portland, Portland Public Library Renovation and Expansion Project;

460. $100,000 for the Penobscot Marine Museum Maine-Mawooshen: One Country, Two Worlds Project—Construction of exhibit;

461. $300,000 for the Westbrook Housing Authority: Larrabee Village Supportive Services for construction and design of facilities for the elderly & disabled;

462. $250,000 to Grand Traverse County, Michigan for a homeless shelter to serve five counties;

463. $400,000 to Grand Valley State University in the Town of Allendale, Michigan for renovations to a research and education facility;

464. $150,000 to Northern Michigan University in Marquette, Michigan for construction and facility expansion of the Olympic Village Project;

465. $550,000 to the Arab Community Center for Economic and Social Services in Dearborn, Michigan for construction of a museum;

466. $250,000 to the Boysville Neighborhood Centers, Village of Clinton, Michigan for renovations to the Boysville Neighborhood Centers;

467. $550,000 to the City of Detroit, Michigan for the demolition of unsafe buildings;

468. $500,000 to the City of Detroit, Michigan for demolition of dangerous structures;

469. $300,000 to the City of Detroit, Michigan for revitalization of Eastern Market;

470. $350,000 to the City of East Lansing, Michigan for the construction of housing units for low-income families;

471. $400,000 to the City of Ferndale, Michigan for the expansion of the existing Kulick Community Center;

472. $100,000 to the City of Frankfort, Michigan for mixed-use development;

473. $250,000 to the City of Port Huron, Michigan for the renovation of areas in conjunction with the city revitalization plan;

474. $100,000 to the Detroit Zoo for construction of the Ford Center for Environmental and Conservation Education;

475. $200,000 to the Jewish Vocational Services in the City of Southfield, Michigan for the development of assisted housing;

476. $300,000 to the Labor Museum and Learning Center of Michigan in Flint, Michigan for construction and build out of a museum;

477. $400,000 to the Lighthouse of Oakland County, Michigan for construction of new homes in Unity Park;

478. $475,000 to the Michigan Jewish Institute in West Bloomfield, Michigan for improvements to campus buildings and classrooms;

479. $200,000 to the MotorCities National Heritage Area in Detroit, Michigan for renovations to the historic Piquette Plant;

480. $150,000 to the Municipal Riverfront Park, City of Farmington, Michigan for trail improvements to Shiawassee Park;

481. $350,000 to the Municipal Riverfront Park, City of Farmington, Michigan for ADA compliance of the Municipal Riverfront Park;

482. $700,000 to the National Center for Manufacturing Sciences in the City of Ann Arbor, Michigan for the development of advanced technologies to the manufacturing base;

483. $200,000 to The Oakland Livingston Human Service Agency in Pontiac, Michigan for the purchase of 196 Cesar Chavez Avenue;

484. $250,000 to the Presbyterian Villages of Pontiac, Michigan for improvements to the senior wellness center;

485. $350,000 to the Presbyterian Villages of Redwood, Michigan for construction of green housing;

486. $200,000 to the Recording for the Blind and Dyslexic in the City of Troy, Michigan for material dissemination to homes and classrooms;

487. $250,000 to the Samaritan Center in the City of Detroit, Michigan for renovation of a multipurpose facility;

488. $350,000 to the YMCA of Saginaw, Michigan for renovation of the YMCA of Saginaw;

489. $250,000 to Walsh College in the City of Troy, Michigan for a library expansion;

490. $600,000 for The Enterprise Group of Jackson, MI for the Armory Arts redevelopment project;

491. $600,000 to the Arab Community Center for Economic and Social Services (ACCESS) in Dearborn, MI for expansion of a museum;

492. $600,000 to the City of Detroit, MI for redevelopment of the Far East Side neighborhood;

493. $350,000 to the City of Saginaw, MI to provide for the revitalization of Northeast Saginaw;

494. $300,000 for the State of Michigan for costs associated with the relocation of the A.E. Seaman Mineral Museum;

495. $300,000 for Focus: Hope in Detroit, MI for the upgrades to the cogeneration microgrid;

496. $250,000 for the Goodwill Inn Homeless Shelter in Traverse City, MI for construction of a new shelter;

497. $200,000 to the Harbor Habitat for Humanity in Benton Harbor, MI for costs associated with infrastructure in the construction of new homes;

498. $150,000 to the City of St. Paul, Minnesota for rehabilitation needs at the Ames Lake Neighborhood/Phalen Place Apartments;

499. $500,000 to the Minneapolis American Indian Center in Minneapolis, Minnesota for facilities renovation;

500. $100,000 to the Minnesota Housing Finance Agency, City of St. Paul, Minnesota for the development of supporting housing for homeless youth;

501. $275,000 to the Northside Residents Redevelopment Council in Minneapolis, Minnesota for construction of mixed-use facilities;

502. $550,000 to the Red Lake Band of Chippewa Indians in Red Lake, Minnesota for construction and build out of a multi-purpose complex;

503. $200,000 for the Hmong American Mutual Assistance Association in Minneapolis, Minnesota to complete the HAMAA Community Center;

504. $200,000 for the Red Lake Band of Chippewa Indians in Red Lake, Minnesota to construct criminal justice complex project;

505. $200,000 for the Chicanos Latinos Unidos En Servicio (CLUES) in St. Paul, Minnesota for facility construction;

506. $200,000 for Redwood County, Minnesota for the Material Recovery/Waste to Energy Facility at Lamberton, Minnesota;

507. $300,000 to construct a community, activity center for low-income seniors in Mora, MN;

508. $500,000 to Southeast Missouri State University, Missouri for the construction of a new school for the visual and performing arts;

509. $75,000 to the 3rd Ward Neighborhood Council in St. Louis, Missouri for renovation and preservation of a facility;

510. $150,000 to the Better Family Life Cultural Center & Museum in St. Louis, Missouri for facility construction and renovation;

511. $250,000 to the City of Joplin, Missouri for the renovation of center downtown district;

512. $150,000 to the City of Kansas City, Missouri for project planning and design, demolition, and redevelopment at the Columbus Park Redevelopment Project;

513. $250,000 to the City of Springfield, Missouri for the construction of a multi-purpose community facility;

514. $150,000 to the City of Ste. Genevieve, Missouri for streetscape improvements;

515. $500,000 to the Gillioz/Reagan Theater, Missouri for the renovation of the theater;

516. $250,000 to the Mid-America Research and Development Foundation, Missouri for construction of a Discovery Research Institute;

517. $500,000 for the Liberty Memorial Association in Kansas City, MO for construction and renovation;

518. $250,000 for the St. Louis Bosnian Chamber of Commerce for construction of a community center in St. Louis, MO;

519. $250,000 for the Boys & Girls Clubs of Greater Kansas City, MO for RBI construction;

520. $250,000 for the Winston Churchill Memorial in Fulton, MO for construction and renovation;

521. $250,000 for Covenant House Missouri for construction of homeless youth center in St. Louis, MO;

522. $250,000 for Truman State University for construction of Speech and Hearing Clinic in Kirksville, MO;

523. $250,000 for City of Springfield, MO for renovation of the Springfield Commercial Club Building;

524. $750,000 to the Family Support Services Center for Autistic Children for construction of a Center to serve families with autistic children in St. Charles County, Missouri;

525. $500,000 to the University of Missouri for Hickman House preservation, renovation and improvements projects in Howard County, Missouri;

526. $500,000 to the Salvation Army Northland Community Center, to construct a family center and community room Clay County, Missouri;

527. $1,000,000 to the Kansas City Neighborhood Alliance for capital improvements in Kansas City, Missouri;

528. $1,000,000 to Better Living Communities for capital improvements for Salisbury Park neighborhood housing development in St. Louis, Missouri;

529. $500,000 to the St. Louis Housing Authority for neighborhood housing development of the Cochran Gardens Public Housing Site in St. Louis, Missouri;

530. $620,000 to the City of Kansas City for Swope Community Builders for the Linwood Housing project, Kansas City, Missouri;

531. $500,000 to the Missouri Soybean Association for test plots for the Life Sciences Research Development and Commercialization Project in Boone County, Missouri;

532. $500,000 to the Mark Twain Neighborhood Association for capital improvements in St. Louis, Missouri;

533. $750,000 to the Students in Free Enterprise World Headquarters for capital improvements [equipment] in Greene County, Missouri;

534. $250,000 to the Advanced Technology Center for construction of Laser/photronics lab complex and classroom in Mexico, Missouri;

535. $750,000 to the Youzeum for construction of youth health museum in Boone County, Missouri;

536. $400,000 to City of Kennett for downtown revitalization in Kennett, Missouri;

537. $550,000 City of Moorhead, Sunflower County, Mississippi for streetscape improvements;

538. $300,000 to Panola County Board of Supervisors, Panola County, Mississippi for the construction of a multi-purpose community facility;

539. $750,000 to Pontotoc County, MS for construction of the Pontotoc County Sportsplex;

540. $200,000 to the City of Meridian, Mississippi for the construction of the Mississippi Arts and Entertainment Center;

541. $100,000 to the City of Natchez, Mississippi for a long term master plan for community development;

542. $50,000 to the Mississippi State University, City of Starkville,

Mississippi for improvements to the Cornerstone Industrial Park;

543. $250,000 to the Town of McLain, Mississippi for industrial park development;

544. $500,000 in the City of Oxford, Mississippi for the Innovation and Outreach Center;

545. $500,000 in the City of Madison, Mississippi, for the Historic Madison Gateway Project;

546. $500,000 in the City of Tchula, Mississippi for the Tchula New Town

Infrastructure Project;

547. $1,500,000 for the Mississippi Museum of Art in Jackson, Mississippi, for renovations and improvements;

548. $950,000 for the Education Building for the Jackson Zoo in Jackson, Mississippi, to construct an educational building;

549. $850,000 for the Lafayette County Courthouse in Oxford, Mississippi, to restore and renovate their historic c.1872 courthouse;

550. $800,000 for the Hinds Community College Performing Arts Center in Utica, Mississippi, to construct a performing arts, multi-purpose building;

551. $500,000 for the Mississippi University for Women Facility Restoration in Columbus, Mississippi, for facility improvements and restoration;

552. $500,000 for the Simpson County, Mississippi Courthouse for renovations and improvements;

553. $500,000 for the Jackson Public School-Belhaven College H.T. Newell Field Complex Partnership for facility improvements and construction in Jackson, Mississippi;

554. $600,000 for the City of Collins, Mississippi, to build a multi-purpose civic center;

555. $500,000 for the renovation of the Robert O. Wilder Building at Tougaloo College in Jackson, Mississippi;

556. $500,000 for the St. Ambrose Leadership College in Wesson, Mississippi, for restoration of a historic building for housing;

557. $500,000 for Delta State University for economic development activities and campus and facility improvements;

558. $500,000 for the Historical Preservation at Alcorn State University, Alcorn State, Mississippi, for the restoration project of existing historic buildings;

559. $100,000 to the Child and Family Intervention Center, City of Billings, Montana for the renovation of the Child and Family Intervention Center;

560. $500,000 to the Montana Food Bank Network, City of Missoula, Montana for expansion of the Montana Food Bank Network;

561. $100,000 to the Montana State University-Applied Technology Center, City of Havre, Montana for improvements to the Montana State University Applied Technology Center;

562. $40,000 to the Traveler's Rest Preservation and Heritage Association, City of Lolo, Montana for construction of a pedestrian bridge over Lolo Creek;

563. $200,000 for the Liberty House Foundation, for construction expenses in Ft. Harrison, MT;

564. $350,000 for the Rocky Mountain Development Council, to continue the PenKay Eagles Manor Renovation in Helena, MT;

565. $250,000 for the Rocky Boy Reservation's utilization of Malmstrom Air Force Base's excess housing;

566. $250,000 for the Rocky Mountain Elk Foundation in Missoula, MT for the infrastructure needs of their new headquarters facility;

567. $250,000 for the Center for St. Vincent Healthcare's Center for Healthy Aging in Billings, MT;

568. $200,000 for the Child and Family Intervention Center to renovate the Garfield School Building in Billings, MT;

569. $200,000 for the Yellowstone Boys and Girls Ranch's Education Facilities Expansion in Billings, MT;

570. $200,000 for the Carter County Museum's Highway to Hell Creek project facilities expansion in Ekalaka, MT;

571. $400,000 for the Big Sky Economic Development Corporation for acquisition and rehabilitation for low-income housing in Billings, MT;

572. $200,000 for the Missoula Aging Services building renovation in Missoula, MT;

573. $200,000 to the St. Vincent Center for Healthy Aging for construction in Billings, MT;

574. $300,000 to the Daly Mansion Preservation Trust for the renovation of the Daly Mansion in Hamilton, MT;

575. $250,000 to CommunityWorks for the construction of the ExplorationWorks Museum in Helena, MT;

576. $200,000 to the Montana Technology Enterprise Center for the construction of lab facilities in Missoula, MT;

577. $250,000 Davidson County Community College, North Carolina for facility and equipment upgrades;

578. $150,000 to Columbus County, North Carolina for construction of a center for the Southeast Community College;

579. $200,000 to DHIC, Inc. in Wake County, North Carolina for a revolving loan fund for low-income homebuyers;

580. $200,000 to EmPOWERment, Inc. in Chapel Hill, North Carolina for a revolving loan fund for low-income homebuyers;

581. $150,000 to Gaston County, North Carolina for technology park expansion;

582. $100,000 to Northampton County, North Carolina for planning, design, and construction of a community center;

583. $50,000 to Spring Creek Community Center, Madison County, North Carolina; for restoration of an old school building to be used as the Spring Creek Community Center;

584. $348,700 to the City of Asheville, North Carolina for the renovation of the Asheville Veterans Memorial Stadium;

585. $150,000 to the City of Durham, North Carolina for facilities construction/renovation and streetscape improvements;

586. $150,000 to the City of Fayetteville and Cumberland County, North Carolina for the development of a business park;

587. $250,000 to the City of Laurinburg, North Carolina for the demolition of an old hospital;

588. $250,000 to the City of Monroe, North Carolina for the renovation of Old Armory for neighborhood revitalization;

589. $200,000 to the City of Raeford, North Carolina for improvements to the Raeford downtown streetscape;

590. $250,000 to the City of Troy, North Carolina for the implementation of an affordable housing program;

591. $250,000 to the Graveyard of the Atlantic Museum, City of Hatteras, North Carolina for the construction of the Graveyard of the Atlantic Museum;

592. $250,000 to the Inter-Faith Council for Social Services in Chapel Hill, North Carolina for construction, renovation, and build out of facilities;

593. $200,000 to the Piedmont Environmental Center in High Point, North Carolina for renovation and expansion of the Naturalist Education Center;

594. $250,000 to the Sparta Teapot Museum, North Carolina for construction of the Sparta Teapot Museum;

595. $150,000 to the Central Library of Forsyth County, North Carolina for renovation and expansion of the Central Library;

596. $50,000 to the Town of Dobbins Heights, North Carolina for the redevelopment of downtown;

597. $150,000 to the Town of Zebulon, North Carolina for land acquisition;

598. $250,000 to the UNC Asheville Science and Multimedia Center, City of Asheville, North Carolina; for construction of a new science and multi-media building;

599. $150,000 to the Western Carolina University Center for Engineering Technologies, Town of Cullowhee, North Carolina for interior building renovations to the Center for Engineering Technologies at Western Carolina University;

600. $200,000 to UDI Community Development Corporation in Durham, North Carolina for construction/renovation and build out of an industrial park facility;

601. $400,000 for Renovations to the Core Sound Waterfowl Museum in Harkers Island, NC;

602. $200,000 to the City of Kannapolis, NC for the rehabilitation of the Pillowtex Plant I site;

603. $250,000 for New River Community Partners, Inc., in Sparta, NC for the Sparta Teapot Museum;

604. $200,000 for Catawba Science Museum to renovate and expand exhibitions in Hickory, NC;

605. $200,000 for Military Business Park Development in Fayetteville, NC;

606. $250,000 for the City of Wilmington, NC, for the Downtown Park & Open Space Initiative;

607. $250,000 for the City of Fayetteville, NC, for the Military Business Park;

608. $250,000 for the City of Asheville, NC, for the Veterans Memorial Restoration;

609. $350,000 to the Dakota Boys and Girls Ranch Residential Facilities in North Dakota for construction and renovation of its three facilities;

610. $250,000 for the Northwest Ventures Communities, Minot, ND for the construction of the Northwest Career and Technology Center;

611. $200,000 for the United Tribes Technical College in Bismarck, ND for the construction of family housing;

612. $350,000 for the City of Killdeer, ND to construct a community activity center;

613. $400,000 for the City of Rugby, ND to support construction and other projects within two North Dakota REAP Zones;

614. $300,000 for the Dakota Boys and Girls Ranch, Minot, ND for facilities at their Minot location;

615. $350,000 for the UND Center for Innovation Foundation in Grand Forks, ND for the Ina Mae Rude Entrepreneur Center;

616. $300,000 for the Bismarck-Mandan Development Association, Bismarck, ND for the construction of the National Energy Technology Training and Education Facility;

617. $200,000 for the Minot Area Community Development Foundation, Minot, ND for the Prairie Community Development Center;

618. $200,000 for the Turtle Mountain Community College, Belcourt, ND for the Turtle Mountain Community College Vocational Educational Center;

619. $150,000 to Peru State College, Nebraska for construction of a new technology building;

620. $200,000 to the Boys and Girls Home of Nebraska, Columbus, NE for renovations to the Boys and Girls Home of Nebraska;

621. $400,000 to the City of Lincoln, Nebraska for the revitalization of the Antelope Valley Neighborhood Project;

622. $250,000 to the Girls and Boys Town USA, Nebraska for the national priorities of Girls and Boys Town USA;

623. $100,000 to the Tech Auditorium Restoration Committee, City of Omaha, Nebraska for the restoration of Tech Auditorium;

624. $100,000 to the University of Nebraska, Lincoln for the expansion of rural business enterprise development;

625. $100,000 to the Willa Cather Pioneer Memorial, City of Red Cloud, Nebraska for renovations to the historic Moon Block building;

626. $200,000 to Thurston County, Nebraska for the renovation of the Thurston County Courthouse;

627. $1,000,000 for Metro Community College's Health Careers and Science Building in the City of Omaha;

628. $200,000 for Thurston County Courthouse renovation in the City of Pender;

629. $200,000 for the Boys and Girls Home of Nebraska's Columbus Family Resources Center in the City of Columbus;

630. $200,000 for the Willa Cather Pioneer Memorial and Educational Foundation's Moon Block restoration project in the City of Red Cloud;

631. $200,000 for Clarkson College's Central Student Service Center Facility in the City of Omaha;

632. $200,000 for University of Nebraska-Lincoln's Enterprise Development in Rural Nebraska in the City of Lincoln;

633. $950,000 for a parking facility as part of the Joslyn Art Museum Master Plan, in Omaha, Nebraska;

634. $100,000 to the Bethlehem Redevelopment Association, New Hampshire for the renovation of Main Street performing arts theater;

635. $150,000 to the City of Concord, New Hampshire for site preparation for improvements to White Park;

636. $100,000 to the City of Portsmouth, New Hampshire for construction of an environmentally responsible library;

637. $100,000 to the New Hampshire Community Technical College for construction of an academic learning center at the New Hampshire Community Technical College;

638. $225,000 to the Town of Temple, New Hampshire for restoration of Temple Town Hall;

639. 450,000 for Families in Transition, Manchester, New Hampshire for the Mothers and Children: Staying Together Recovery Center;

640. 350,000 for New Hampshire Community Technical College System, Conway, New Hampshire for the Consortium-Based Academic Center;

641. 200,000 for Gibson Center, Madison, New Hampshire for the preservation of senior housing at Silver Lake Landing;

642. $500,000 for the New Hampshire Community Loan Fund, manufactured housing park program

643. $200,000 for the Monadnock, NH, Township home owner initiative

644. $400,000 for the Derry, NH, Senior Center project

645. $600,000 for the Manchester, NH, YWCA project

646. $400,000 for the Nashua, NH, Downtown Riverfront Opportunity Program

647. $400,000 for the Student Conservation Association service center, New Hampshire

648. $400,000 to 2nd Floor Youth Helpline in Hazlet, New Jersey for construction and renovation of its space;

649. $300,000 to Essex County, New Jersey for economic development;

650. $250,000 to Eva's Kitchen and Sheltering Program in Paterson, New Jersey for renovation and construction of a homeless shelter;

651. $100,000 to Montclair State University, New Jersey for construction of a facility at Montclair State University;

652. $300,000 to Morris County, New Jersey for economic development;

653. $150,000 to Oldwick Village, Hunterdon County, New Jersey for improvements to the Village of Oldwick;

654. $150,000 to Rutgers University in New Jersey for land acquisition for Early Childhood Research Learning Academy;

655. $300,000 to Somerset County, New Jersey for economic development;

656. $300,000 to Sussex County, New Jersey for economic development;

657. $100,000 to the Appel Farm Arts and Music Center, City of Elmer, New Jersey for expansion of Appel Farm Arts and Music Center;

658. $90,000 to the Center for Community Arts, City of Cape May, New Jersey for rehabilitation of a community arts center;

659. $150,000 to the City of Atlantic City, New Jersey for the development of a manufacturers business park;

660. $150,000 to the City of Bridgeton, New Jersey for the revitalization of Southeast Gateway Neighborhood;

661. $350,000 to the City of East Orange, New Jersey for upgrades and improvements to recreation fields;

662. $600,000 to the City of Perth Amboy, New Jersey for rehabilitation and construction of the Jewish Renaissance Medical Center;

663. $50,000 to the Martin House Transitional Housing Program, City of Trenton, New Jersey for the completion of the Martin House Transitional Housing Program;

664. $250,000 to the Monroe Township in Middlesex County, New Jersey for the development of recreation facilities;

665. $250,000 to the School for Children with Hidden Intelligence, City of Lakewood, New Jersey for the construction of a new building for the School for Children with Hidden Intelligence;

666. $200,000 to the Viking Village, City of Barnegat Light, New Jersey for renovations to historic structures;

667. $100,000 to the Westfield YMCA, New Jersey for the renovation of the new East Board Street YMCA;

668. $350,000 to West Milford Township, New Jersey for public commercial improvements;

669. $250,000 for the City of Pleasantville, NJ for the construction and renovation of the Pleasantville Marina;

670. $200,000 for the City of Paterson, NJ for the design and renovation of the Silk City Senior Nutrition Center;

671. $200,000 for the St. Joseph's School of the Blind in Jersey City, NJ for the construction of a new facility;

672. $300,000 for the Rutgers-Camden Business Incubator, Camden, NJ for the expansion of the business incubator;

673. $250,000 to the City of Belen, New Mexico for construction of a multipurpose community center;

674. $150,000 to the City of Carlsbad, New Mexico for construction of the Carlsbad Battered Family Shelter;

675. $20,000 to the East Central Ministries, City of Albuquerque, New Mexico for the East Central Ministries enterprises program;

676. $350,000 to the Placitas Public Library, City of Placitas, New Mexico for the construction of the Placitas Public Library;

677. $200,000 to the Village of Angel Fire in New Mexico for construction and development of a town square;

678. $500,000 to the YMCA of Albuquerque, City of Albuquerque, New Mexico for the construction of the YMCA of Albuquerque;

679. $1,130,000 for Presbyterian Medical Services for their Head Start Facility in Santa Fe, New Mexico;

680. $750,000 for the Albuquerque Mental Health Housing Coalition, Inc. for the renovation of the Support Plaza Apartments in Albuquerque, New Mexico;

681. $620,000 for Eastern New Mexico State University in Portales, New Mexico for scientific instructional equipment;

682. $200,000 Otero County, NM, Veteran's Museum Construction;

683. $350,000 City of Carlsbad, NM, Battered Family Shelter Construction;

684. $250,000 Helping Hands Food Bank of Deming, NM, Construction;

685. $350,000 City of Sunland Park, NM, Community Center Construction;

686. $250,000 Sandoval County, NM, Community Health Alliance, Construction and Equipment;

687. $200,000 City of Portales, NM, Rehabilitation of the Yam Movie Palace;

688. $100,000 to Nevada's Center for Entrepreneurship & Technology in Carson, Nevada for expansion of the center;

689. $150,000 to Nye County, Nevada for the development of multifunctional recreational facilities;

690. $500,000 to the City of Henderson, Nevada for improvements and building renovations;

691. $150,000 to the City of North Las Vegas, Nevada for construction of a recreation center;

692. $350,000 to the WestCare Foundation, City of Las Vegas, Nevada for improvements to WestCare;

693. $300,000 for the Pahrump Senior Center, Pahrump NV, for senior transportation;

694. $500,000 for the Nathan Adelson Hospice, Henderson, NV, for an adult day care center;

695. $200,000 for the Ridge House, Reno, NV, for the purchase or acquisition of facilities for the Reentry Resource Center;

696. $500,000 for the University of Nevada-Reno to provide a Small Business Development Center;

697. $500,000 for the City of Las Vegas, Nevada for the renovation of the Old Post Office;

698. $350,000 for the City of Reno, Nevada to provide Fourth St. Corridor Enhancements;

699. $300,000 for the City of Pahrump/Nye County, Nevada Fairgrounds Project;

700. $500,000 for Wadsworth, Nevada to provide a Community Center;

701. $200,000 for the City of Sparks, Nevada for the Deer Park Facility Renovation Project;

702. $250,000 for the City of Reno, Nevada to provide a Food Bank of Northern Nevada Regional Distribution Facility Project;

703. $350,000 to Amherst Chamber of Commerce Inc., Erie County, New York for the Suburban Solutions Center;

704. $150,000 to Elmcor Youth and Adult Activities in Queens, New York for renovation of economic development facilities;

705. $400,000 to Fordham University in Bronx, New York for the construction of a multipurpose center;

706. $150,000 to Genesee Country Village & Museum, Monroe County, New York for construction of education center classrooms;

707. $150,000 to Greater Brockport Development Corporation, Monroe County, New York for the rehabilitation of historic Whiteside Barnett and Co. Agricultural Works property;

708. $75,000 to Mamaroneck Village, New York for a pedestrian streetscape program;

709. $250,000 to Operation Oswego County, Oswego County, New York, for the development of Riverview Business Park;

710. $250,000 to Proctor's Theatre in Schenectady, New York for facility expansion;

711. $250,000 to Prospect Park Alliance in Brooklyn, New York for construction of a visitor's center and upgrades to its facilities;

712. $350,000 to Shaker Museum and Library, Columbia County, New York for restoration of historic Great Stone Barn;

713. $150,000 to State University of New York College at Brockport, Monroe County, New York for construction of a research and education center at the State University of New York College, Brockport;

714. $150,000 to Sunnyside Community Services in Queens, New York for construction of a senior center;

715. $150,000 to the 39th Street Recreation Center, New York Department of Parks for the renovation of a recreation center;

716. $100,000 to the 86th Street Business Improvement District, New York for streetscape improvements;

717. $100,000 to the Adirondack Champlain Fiber Network (ACFN), City of Plattsburgh, New York for the construction of Adirondack Champlain Fiber Network;

718. $200,000 to the Alfred State College, City of Alfred, New York for construction of a facility at Alfred State College;

719. $200,000 to the Arts Guild of Old Forge, New York for renovations;

720. $250,000 to the Bardavon 1869 Opera House, Inc. in Poughkeepsie, New York for improvements to the Bardavon Opera House;

721. $150,000 to the Beth Gavriel Bukharian Congregation in Queens, New York for planning, design, and construction of a building expansion to serve the Bukharian and Russian populations;

722. $550,000 to the Boricua College in New York, New York for renovation of the Audubon Terrace Building;

723. $250,000 to the Breast Cancer Help, Inc. City of Lindenhurst, New York for construction of a center for Breast Cancer Help, Inc;

724. $250,000 to the Burchfield-Penney Art Center in Buffalo, New York for the construction of an art museum;

725. $250,000 to the Catskill Mountain Foundation, City of Hunter, New York for renovations of the Orpheum Theatre and renovations of the Sugar Maples Center for the Arts;

726. $450,000 to the City College of New York for the planning, design, and construction of the Center for Public Service;

727. $100,000 to the City of Geneva, New York for construction of community recreation center;

728. $100,000 to the City of Rome, New York for the construction of a community recreation center;

729. $250,000 to the Elmira College, City of Elmira, New York for the restoration of Cowles Hall on the Elmira College;

730. $200,000 to the Federation of Italian-American Organization in Brooklyn, New York for facility upgrades;

731. $250,000 to the Houghton College, City of Houghton, New York for the rehabilitation of Paine Science Center at Houghton College;

732. $150,000 to the Huntington Economic Development Corporation in Huntington, New York for planning and design of a public plaza;

733. $550,000 to the Lutheran Medical Center in Brooklyn, New York for renovation and capital improvements;

734. $200,000 to the Mary Mitchell Family and Youth Center in Bronx, New York for the construction of a multipurpose center;

735. $150,000 to the Museum of the Moving Image in Queens, New York for facility expansion;

736. $250,000 to the Neighborhood Initiative, City of Syracuse, New York for the continuation of the Neighborhood Initiative Program;

737. $100,000 to the NI—Metropolitan Development Association, City of Syracuse, New York for the Essential New York Initiative;

738. $100,000 to the North Country Children's Clinic, City of Watertown, New York for renovations to North Country Children's Clinic;

739. $150,000 to the Northwest Family YMCA, Camp Northpoint, City of Rochester, New York for construction to the Northwest Family YMCA, Camp Northpoint;

740. $375,000 to the Old Fort Niagara Gateway to History in Porter, New York for rehabilitation of a visitor's center, and $375,000 to Buffalo Economic Renaissance Corporation for infrastructure improvements in Central Plaza Park;

741. $400,000 to the Orange County Community College in Middletown, New York for construction of a new building;

742. $75,000 to the Pregones Theater in Bronx, New York for renovation of its facility;

743. $75,000 to the Queens Borough Children's Discovery Center, New York City, New York for the construction of a children's discovery center;

744. $300,000 to the Sephardic Community Center, New York for building additions and improvements;

745. $158,000 to the Sugar Hill Industrial Park, City of Alfred, New York for construction of the Sugar Hill Industrial Park;

746. $100,000 to the Town and Village of Fort Ann, New York for construction of the Adirondack Golden Goal complex;

747. $250,000 to the Town of Babylon 911 Hometown Memorial Foundation, City of Babylon, New York for construction of 911 Education Center;

748. $200,000 to the Town of Brookhaven, Farmingville, New York for demolition and construction of a new Senior Citizens Wellness Center;

749. $75,000 to the Town of Eastchester, New York for construction of a youth center;

750. $100,000 to the Town of Lenox, New York for construction of WWI Memorial;

751. $150,000 to the Town of North Hempstead, New York for construction and revitalization in New Cassel;

752. $100,000 to the Town of Ripley, New York for land acquisition;

753. $250,000 to the Utica Public Library, New York for the replacement of windows at the Utica Public Library;

754. $75,000 to the Village of Elmsford, New York for construction of a new senior center;

755. $75,000 to the Village of Pleasantville, New York for a pedestrian streetscape program;

756. $200,000 to the Village of Tuckahoe, New York for streetscape improvements in the Crestwood section;

757. $100,000 to the YMCA at Glen Cove, City of Glen Cove, New York for construction of children's center for the YMCA at Glen Cove;

758. $100,000 to Utica College, New York for the construction and expansion of nursing laboratory;

759. $500,000 to Warren County Economic Development Corporation, Warren County, New York for facilities construction at North Creek Ski Bowl;

760. $200,000 to the YWCA of Niagara, NY for the computer lab expansion;

761. $250,000 to Alianza Dominicana of New York City, NY for expansion of the Triangle building;

762. $200,000 to SUNY Plattsburgh, NY for the expansion of the Adirondack-Champlain Community Fiber Network;

763. $250,000 to the El Museo del Barrio in New York City, NY for capital improvements;

764. $200,000 to the Central New York Community Arts Council of Utica, NY for the expansion of the Stanley Theater;

765. $200,000 to the City of Canandaigua, NY for the construction of a regional tourism center;

766. $200,000 for the Graduate College of Union University, Schenectady, NY to establish a freestanding campus;

767. $200,000 for the Robert H. Jackson Center, Jamestown, NY for auditorium restoration;

768. $200,000 for the Griffiss Local Development Corporation, Rome, NY for development of a multi-tenant technology office complex;

769. $200,000 for the Nassau County Museum of Art, Roslyn Harbor, NY for building restoration;

770. $200,000 for the Veterans Outreach Center, Rochester, NY for renovation and expansion of employment and training facilities;

771. $100,000 to Carroll County, Ohio for the development of a community center;

772. $250,000 to Columbiana County, Ohio for construction of a new community services building;

773. $200,000 to Connecting Point, Inc. in Toledo, Ohio for facility construction;

774. $200,000 to Ross County, Ohio for development of an industrial park;

775. $250,000 to Starr Commonwealth in Van Wert, Ohio for the renovation of a facility;

776. $150,000 to the Champaign County Preservation Alliance, City of Urbana, Ohio for the revitalization of Champaign County heritage sites;

777. $100,000 to the Cincinnati Young People Theater, Ohio for the renovation of Covedale Center for Performing Arts;

778. $100,000 to the City of St. Clairsville, Ohio for the renovation of the Clarendon Hotel;

779. $350,000 to the City of Cincinnati, Ohio for the construction of community education center on grounds of fire training facility;

780. $250,000 to the City of Green, Ohio for the purchase of Southgate Farm;

781. $100,000 to the City of Lima, Ohio for improvements to riverwalk;

782. $150,000 to the City of Lorain, Ohio for planning, design, demolition, and redevelopment of Broadway Avenue;

783. $175,000 to the City of Springfield, Ohio for demolition of a property to be used for a new hospital;

784. $200,000 to the City of St. Marys, Ohio for renovations to the historic Glass Block;

785. $100,000 to the City of Toledo, Ohio for the construction of Ice-Skating Rinks in City Parks;

786. $650,000 to the Community Properties of Ohio, City of Columbus, Ohio for the Campus Partners Neighborhood Initiative;

787. $200,000 to the Depression and Bipolar Support Alliance in Toledo, Ohio for facility construction;

788. $200,000 to the Hocking Athens Perry Community Action, City of Glouster, Ohio for renovations to the Ohio Department of Corrections Facility;

789. $75,000 to the Ohio Glass Museum, City of Lancaster, Ohio for the renovation of a building for the glass-blowing museum;

790. $295,000 to the Ohio Historical Society, City of Peebles, Ohio for improvements to the Serpent Mound State Memorial Visitor Facility;

791. $200,000 to the Ohio Wesleyan University, City of Delaware, Ohio for renovations to the Stand Theater;

792. $1,000,000 to the Springfield-Clark County Community Improvement Corp, City of Springfield, Ohio for the expansion of Applied Research Technology Park (ARTP) in Springfield;

793. $250,000 to the St. Mary Development Corporation, City of Dayton, Ohio for street infrastructure and parking facility improvements;

794. $300,000 to the Main Street Business Association, Inc., City of Columbus, Ohio for mixed-use commercial and residential facilities;

795. $250,000 to the Marsh Foundation in Van Wert, Ohio for renovations to a facility;

796. $750,000 to the Thousand Hills Enterprises, LLC, City of Canton, Ohio for construction of a Community Youth/Recreation Activity Center;

797. $400,000 to the Towpath Trail YMCA Community Center, City of Navarre, Ohio for construction of a library for the Towpath Trail YMCA Community Center;

798. $100,000 to the University of Dayton, City of Dayton, Ohio for redevelopment of Brown and Stewart Street properties at the University of Dayton;

799. $150,000 to the Urban League of Greater Cleveland, Ohio for a multicultural business development center;

800. $200,000 to the Youngstown Ohio Associated Neighborhood Center in Youngstown, Ohio for upgrades to the McGuffey Center;

801. $200,000 for the City of Canton, Ohio for the New Horizons Park land and site acquisition, demolition, or facilities construction;

802. $200,000 for Wright Dunbar, Inc., Dayton, Ohio, to construct the Gateway to Paul Laurence Dunbar Memorial;

803. $200,000 for Daybreak, Inc., Dayton, Ohio, for the Daybreak Opportunity House land and site acquisition, demolition, site preparation and facilities construction;

804. $200,000 for Catholic Charities Services Corporation, Parma, Ohio, for Parmadale's land and site acquisition, demolition, site preparation and facilities construction;

805. $100,000 for Cornerstone of Hope, Independence, OH, to build a facility;

806. $300,000 for The Preston Fund for SMA Research, Beachwood, Ohio, for the construction and development of Preston's H.O.P.E.;

807. $300,000 for the Defiance County Senior Service Center, Defiance, Ohio, for construction;

808. $250,000 for the Ukrainian Museum-Archives, Cleveland, Ohio, for Phase II Development and construction;

809. $250,000 for The Scioto Society, Inc., Chillicothe, Ohio for the "Tecumseh!" Capital Improvement Project;

810. $270,000 for the Lorain County Community College Great Lakes Business Growth and Development Center;

811. $200,000 for the City of Jackson's Day Care Center;

812. $260,000 for Wilberforce University Ohio Private Historically Black University Residence Hall Project;

813. $270,000 for the Solid Waste Authority of Central Ohio (SWACO) Pyramid Resource Center;

814. $300,000 to the City of Pawnee, Oklahoma for the renovation of the Buffalo Theater;

815. $250,000 to the Rural Enterprises of Oklahoma, Inc., City of Durant, Oklahoma for an employer assisted housing initiative;

816. $100,000 to the Tulsa Family and Children's Services, City of Tulsa, Oklahoma for the renovation of a facility to establish a one-stop youth and family service center;

817. $100,000 to the Youth and Family Services, Inc., City of El Reno, Oklahoma for the construction of a facility for Youth and Family Services;

818. $220,000 for the City of Ardmore, OK, to construct the Ardmore Community Resource Center;

819. $220,000 for Norman Economic Development Corporation, Norman, OK, to construct an engineering incubator;

820. $200,000 for the City of Ponca City, OK, to construct a museum building and information center for the statue of Ponca Chief Standing Bear;

821. $220,000 for the United States-Mexico Cultural Education Foundation to establish the Center for North American Sustainable Economic Development at the University of Oklahoma, Norman, OK;

822. $220,000 for the Native American Cultural Center and Museum, Oklahoma City, OK, for construction of the American Indian Cultural Center;

823. $200,000 for the City of Midwest City, OK to construct a community outreach center;

824. $150,000 to the Portland Center Stage Armory Theater in Portland, Oregon for renovations and upgrades to its facility;

825. $150,000 to the Portland Development Commission in Portland, Oregon for urban revitalization of the South Waterfront District;

826. $300,000 to the Richard E. Wildish Community Theater in Springfield, Oregon for the completion of construction of its' facility;

827. $200,000 to the Salem Urban Renewal Agency in Salem, Oregon for rehabilitation of downtown Salem;

828. $200,000 for the City of Lakeview, Oregon to develop geothermal resources;

829. $200,000 for Marion-Polk Food Share in Salem, Oregon to improve and renovate an emergency food distribution center;

830. $200,000 for the City of Pendleton, Oregon to improve and renovate round-up facilities;

831. $500,000 for construction of an education building at the Blue Mountain Community College's Northeastern Oregon Collaborative University Center, Hermiston, Oregon;

832. $250,000 for construction of the Downtown/Riverfront Access Project by the City of The Dalles for the Port of The Dalles, Oregon;

833. $200,000 for construction of a Teen Activity Center at the Santo Community Center in Medford, Oregon;

834. $200,000 SAFE Inc. New Hope Farm, Tunkhannock, Wyoming Co, PA for construction of a community facility for autistic children;

835. $200,000 to Armstrong County, Pennsylvania for rebuilding the Belmont Complex;

836. $500,000 to Bradford County Progress Authority, Bradford County, Pennsylvania for the construction of two business parks;

837. $250,000 to Cabrini College, Pennsylvania for expansion of a community center;

838. $150,000 to Carbon County, Pennsylvania for land acquisition, facilities renovation, and demolition;

839. $200,000 to Greene County, Pennsylvania for revitalization of recreational facilities;

840. $100,000 to Gwen's Girls, Inc. in Pittsburgh, Pennsylvania for construction of a residential facility;

841. $100,000 to KidsPeace, Pennsylvania for the renovation to the Broadway Campus;

842. $47,000 to Liverpool Township, Perry County, Pennsylvania for expansion of the community pool in Liverpool Township;

843. $750,000 to Lower Makefield Township, Pennsylvania for construction of the Lower Makefield 9/11 Memorial Garden;

844. $150,000 to North Central Triangle Revitalization in Philadelphia, Pennsylvania for planning and design of the Triangle Revitalization project;

845. $200,000 to Pine Forge Academy, Pennsylvania for construction of a student center;

846. $100,000 to Point Breeze Performing Arts Center in Philadelphia, Pennsylvania for renovations and upgrades of its facility;

847. $100,000 to the Allentown Art Museum, Pennsylvania for expansion of the museum;

848. $200,000 to the Berks County Community Foundation, Pennsylvania for a Competitive Greater Reading Initiative;

849. $200,000 to the Borough of Mahonoy City, Pennsylvania for improvements to West Market Street;

850. $250,000 to the Boys and Girls Club of Lancaster, Inc., City of Lancaster, Pennsylvania for construction of the Columbia Clubhouse for the Boys and Girls Club of Lancaster;

851. $200,000 to the Brookville YMCA, City of Bradford, Pennsylvania for construction of an aquatic area at Brookville YMCA;

852. $200,000 to the Bucks County Planning Commission, Pennsylvania for the construction of a community center for Freedom Neighborhood;

853. $100,000 to the Carroll Park Neighbors Advisory Council in Philadelphia, Pennsylvania for facility renovations and upgrades;

854. $250,000 to the Chartiers West Council of Governments, City of Carnegie, Pennsylvania for infrastructure improvements;

855. $400,000 to the City of Johnstown, Pennsylvania for construction and improvements to the convention center;

856. $250,000 to the City of Monroeville, Pennsylvania for construction of a new center and park for Monroeville Community Center;

857. $300,000 to the City of Philadelphia, Pennsylvania for streetscape of the vendors mall;

858. $250,000 to the City of Sunbury, Pennsylvania for construction of an amphitheater complex for the Susquehanna Riverfront;

859. $150,000 to the City of York, Pennsylvania for improvements to streetscapes;

860. $200,000 to the Clearfield YMCA, City of Clearfield, Pennsylvania for improvements to the Clearfield YMCA;

861. $60,000 to the Coal Country Hang-out Youth Center, City of Cambria, Pennsylvania for construction of a playground facility for Coal Country Hang-out Youth Center;

862. $200,000 to the Corry Redevelopment Authority, Pennsylvania for the redevelopment of the former Cooper Ajax facility;

863. $100,000 to the Da Vinci Discovery Center of Science & Technology, Pennsylvania for the construction of a new facility for science and technology;

864. $100,000 to the Delaware County Community College, City of Media, Pennsylvania for technology infrastructure at the Delaware County Community College;

865. $100,000 to the Downtown Chambersburg Inc. City of Chambersburg, Pennsylvania for renovations to the Capitol Theater;

866. $25,000 to the Fermanagh Township, Juniata County, City of Mifflintown, Pennsylvania for the development of a playground facility;

867. $100,000 to the Gettysburg Borough, Pennsylvania for the renovation of Gettysburg Railway Station as a visitor's center;

868. $150,000 to the Greenville Area Economic Development Corporation, Pennsylvania for the reconstruction of streetscapes;

869. $50,000 to the Hollidaysburg YMCA, City of Hollidaysburg, Pennsylvania for the renovations to the YMCA in Hollidaysburg;

870. $50,000 to the Homer City School District, City of Homer, Pennsylvania for construction of a new athletic facility;

871. $1,500,000 to the Indiana University, Indiana, Pennsylvania for the development and construction of a Regional Development Center;

872. $1,500,000 to the Indiana University, Indiana, Pennsylvania for the construction of a multiuse training facility in Indiana, Pennsylvania;

873. $250,000 to the Jeanette Downtown Redevelopment Project, City of Jeanette, Pennsylvania for parking improvements to the business district;

874. $150,000 to the Jewish Community Center of Greater Philadelphia, Pennsylvania for facilities construction and improvements;

875. $100,000 to the Lehigh County Historical Society, Pennsylvania for the construction of a center for LeHigh Valley Heritage;

876. $10,000 to the Marysville Borough Council, City of Marysville, Pennsylvania for enhancements to a public playground;

877. $100,000 to the Oil Creek Railway Historic Caboose Project, City of Oil City, Pennsylvania for upgrades to the Oil Creek Railway Historic Caboose;

878. $200,000 to the Pennsylvania Lumber Museum, City of Galeton, Pennsylvania for the expansion of the museum's visitor center;

879. $200,000 to the Sawmill Center for the Arts, City of Clarion, Pennsylvania for improvements to Sawmill Center for the Arts;

880. $15,000 to the Toboyne Township, City of Blaine, Pennsylvania for renovations to the baseball park in Toboyne Township;

881. $250,000 to the YWCA of Chester, City of Chester, Pennsylvania for improving the YWCA of Chester;

882. $200,000 to Waynesburg College Center, Greene County, Pennsylvania for a center for economic development;

883. $200,000 YMCA of Carbondale, Lackawanna County, PA for construction of a new facility for the YMCA of Carbondale;

884. $200,000 for the City of Carbondale, Pennsylvania for the South Main Street Economic Development Initiative which is designed to reduce blight along the City's Main Street Corridor.

885. $200,000 for the Redevelopment Authority of the City of Corry to acquire a brownfield site in downtown Corry, Pennsylvania.

886. $200,000 for Weatherly Borough, Pennsylvania to acquire and redevelop the Lehigh Valley Railroad Shops and Weatherly Steel Plant complex in the heart of Weatherly, PA.

887. $200,000 for Indiana County, Pennsylvania to acquire the Wayne Avenue Property in Indiana.

888. $200,000 for Armstrong County, Pennsylvania for remediation and infrastructure development on a 14.2 acre of brownfield property in Apollo Borough.

889. $200,000 for Perry County, Pennsylvania to develop an industrial park in New Bloomfield.

890. $200,000 for People for People, Inc. for planning and project development efforts for the Triangle redevelopment projects.

891. $200,000 for the Southwestern Pennsylvania Commission, to develop the Alta Vista Business Park, a mixed-use business park on a former strip mine site adjacent to I-70, in Washington County, Pennsylvania.

892. $300,000 for the Allegheny County Airport Authority in Allegheny County, Pennsylvania for site preparation and construction of its North Field Development project;

893. $200,000 for Gaudenzia, Inc. in Norristown, Pennsylvania to renovate and expand its residential facilities;

894. $200,000 for Our City Reading in Reading, Pennsylvania to rehabilitate abandoned houses and provide down payment assistance to home buyers;

895. $200,000 for the City of Lancaster, Pennsylvania for the revitalization and construction of Lancaster Square;

896. $200,000 for the Greater Wilkes-Barre Chamber of Business and Industry in Wilkes-Barre, Pennsylvania for acquisition, planning, and redevelopment of the historic Irem Temple;

897. $200,000 for the Greene County Department of Planning and Economic Development in Greene County, Pennsylvania for construction and site development of a multi-phased business park on the grounds of the Greene County Airport;

898. $200,000 for Impact Services Corporation in Philadelphia, Pennsylvania to renovate, redevelop, and convert an existing building into low-income housing units;

899. $200,000 for the Shippensburg University Foundation in Shippensburg, Pennsylvania for construction of Phase III of the Shippensburg Regional Conference Center;

900. $200,000 for the Partnership CDC in Philadelphia, Pennsylvania for acquisition, renovation and rehabilitation of affordable housing for moderate- and low-income families;

901. $200,000 for the Allentown Art Museum in Allentown, Pennsylvania to expand and modernize its facilities;

902. $200,000 for the Pittsburgh Zoo in Pittsburgh, Pennsylvania for the planning, site development, and construction of Phase I of its expansion project;

903. $200,000 for Universal Community Homes in Philadelphia, Pennsylvania for conversion of parcels of land into housing units for low- and moderate-income families;

904. $150,000 to the Commission of Puerto Rico, Office of Youth affairs for the construction of a youth center;

905. $250,000 to the Sports and Recreation Authority of the Community, Puerto Rico for construction of a little league baseball park at Old Ramey Air Force Base;

906. $200,000 to the City of Central Falls, Rhode Island for construction and renovation of parks facilities;

907. $150,000 to the Providence YMCA in Providence, Rhode Island for the construction of a multipurpose center;

908. $200,000 to the Town of North Smithfield, Rhode Island for economic development initiatives focused on technology improvements;

909. $350,000 for the Cranston Public Library in Cranston, Rhode Island for building renovations;

910. $250,000 for Jamiel Park in Warren, Rhode Island for facility improvements;

911. $200,000 for the Town of West Warwick, Rhode Island for the development and construction of a river walk;

912. $200,000 for Meeting Street School in Providence, Rhode Island for the construction of the Bright Futures Early Learning Center;

913. $200,000 for Sexual Assault and Trauma Resource Center in Providence, Rhode Island for building acquisition and renovations;

914. $200,000 for the Pastime Theatre in Bristol, Rhode Island for building improvements;

915. $200,000 for Family Service of Rhode Island in Providence, Rhode Island for building purchase and renovations;

916. $200,000 for St. Mary's Home for Children in North Providence, Rhode Island for building renovations;

917. $200,000 for Stand Up for Animals in Westerly, Rhode Island for building construction;

918. $300,000 for the acquisition and renovation of the Seniors Helping Others volunteer center in South Kingstown, RI;

919. $300,000 for the expansion and renovation of the Pawtucket Day Child Development Center, Pawtucket, RI;

920. $300,000 for the renovation and expansion of the John E. Fogarty Center to provide services and programs for children and adults with disabilities, North Providence, RI;

921. $200,000 for the City of Woonsocket, RI for the redevelopment of the Hamlet Avenue Mill site;

922. $200,000 to provide for equipment and construction of the Arlington Branch of the Cranston Public Library, Cranston, RI;

923. $1,000,000 Engenuity South Carolina in the City of Columbia for the National Institute of Hydrogen Commercialization;

924. $100,000 to Georgetown County, South Carolina for construction of the Choppee Regional Resource Center;

925. $400,000 to Greenwood Partnership Alliance, South Carolina for the renovation of Old Federal Courthouse;

926. $60,000 to Laurens County, South Carolina for the Hunter Industrial Park improvements;

927. $250,000 to Lee County, South Carolina for construction of a county recreation center;

928. $150,000 to Marion County, South Carolina for constructing of an outdoor wellness facility;

929. $125,000 to the Bible Way Community Development Corporation, Columbia, South Carolina for construction of a multipurpose facility;

930. $100,000 to the Boys and Girls Club of the Pee Dee in Florence, South Carolina for renovation and expansion of Florence and Sumter facilities;

931. $300,000 to the City of Lancaster, South Carolina for renovation of the "Hope on the Hill" adult education and after school center;

932. $300,000 to the City of Walterboro, South Carolina for construction of Great Swamp Sanctuary Discovery Center and associated streetscape;

933. $500,000 to the Clemson University International Center for Automotive Research, City of Greenville, South Carolina for the development of Clemson University International Center for Automotive Research;

934. $200,000 to the National Council of Negro Women, Inc. in Bishopville, South Carolina for construction of the Dr. Mary McLeod Bethune Memorial Park;

935. $200,000 to the Paxville Community Development Center in Paxville, South Carolina for the construction of a multipurpose center;

936. $50,000 to the Progressive Club in John's Island, South Carolina for renovation of a multi-purpose building;

937. $100,000 to the South Carolina School for the Deaf and the Blind, City of Spartanburg, South Carolina for the expansion of dormitories and classrooms at the South Carolina School for the Deaf and the Blind;

938. $400,000 to the Spirit of South Carolina for construction completion;

939. $100,000 to the Town of St. Stephens, South Carolina for renovation of the Berkeley Senior Center;

940. $75,000 to the Williamsburg County Boys and Girls Club in Hemingway, South Carolina for expansion and upgrading of facilities;

941. $280,000 for the South Carolina School for the Deaf and Blind in Spartanburg, SC for dormitory renovation;

942. $220,000 for Crisis Ministries Homeless Shelter in Charleston, SC for facilities renovation;

943. $100,000 to the Children's Home Society of South Dakota in Sioux Falls, South Dakota for construction of facilities;

944. $100,000 to the City of Aberdeen, South Dakota for renovations to the Aberdeen Recreation and Cultural Center;

945. $150,000 to Wakpa Sica Reconciliation Place in Ft. Pierre, South Dakota for construction of the Wakpa Sica Reconciliation Place;

946. $250,000 for the City of Aberdeen, South Dakota to construct a Recreation and Cultural Center;

947. $250,000 for the Children's Home Society in Sioux Falls to expand its at- risk youth facility;

948. $400,000 to the Boys and Girls Club of Brookings, SD for Facilities Expansion;

948. $200,000 to the Children's Home Society of Sioux Falls, SD for At-Risk Youth Facilities Expansion;

949. $200,000 to the City of North Sioux City, SD for Community Library Expansion;

950. $200,000 to the Mammoth Site of Hot Springs, SD for the Theater and Lecture Hall Project;

951. $200,000 to the Wakpa Sica Historical Society of Fort Pierre, SD for the Wakpa Sica Reconciliation Place;

952. $200,000 to the Rapid City Area Economic Development Partnership of Rapid City, SD for the Technology Transfer and Entrepreneur Center Project;

953. $200,000 to Miner County Revitalization of Howard, SD for the Rural Learning Center Project;

954. $100,000 to Clay County, Tennessee for renovation of the Clay County Senior Citizens Center;

955. $100,000 to Cleveland Bradley County Incubator Bradley County, Tennessee for construction of a facility to house small business development;

956. $150,000 to Hamilton County Center for Entrepreneurial Growth, Hamilton County, Tennessee for technology improvements to the Hamilton County Center for Entrepreneurial Growth;

957. $250,000 to The Appalachia Service Project, Johnson City, Tennessee for construction materials for expansion;

958. $250,000 to Knox County, Tennessee for the construction of a senior center;

959. $100,000 to Loudon County Senior Center, Tennessee to complete construction of a senior center;

960. $500,000 to Southeast Local Development Corporation, Polk County, Tennessee for the construction of community projects;

961. $100,000 to the City of Gallatin, Tennessee for construction of facilities;

962. $200,000 to the Cumberland County Playhouse in Crossville, Tennessee for facility renovations;

963. $150,000 to the Second Harvest Food Bank in Middle, Tennessee for facilities renovation and build out;

964. $150,000 to the Second Harvest Food Bank in Nashville, Tennessee for facilities renovation and equipment;

965. $50,000 to the Second Harvest Food Bank of Northeast Tennessee for renovations to the storage warehouse;

966. $150,000 to the Southwest Tennessee Community College in Memphis, Tennessee for construction of a teaching facility;

967. $100,000 to the Tech 2020 East TN Nanoscience Initiative, City of Oak Ridge, Tennessee for the nanoscience research initiative for Tech 2020;

968. $100,000 to the Tennessee River Museum, Tennessee for the expansion of the Tennessee River Museum;

969. $750,000 for the City of Clinton, Tennessee to renovate the Green McAdoo Cultural Center;

970. $400,000 for the Second Harvest Food Bank of Middle Tennessee in Nashville, Tennessee for the expansion of its distribution center;

971. $300,000 for the Chattanooga African American Chamber of Commerce, Tennessee to construct the Martin Luther King Business Solutions Center;

972. $600,000 for the Carroll County Watershed Authority in Carroll County, Tennessee for land acquisition;

973. $200,000 for the Big South Fork Visitors Center in Cumberland County, Tennessee to develop new visitors facilities;

974. $500,000 for Technology 2020 in Oak Ridge, Tennessee to support the East Tennessee Nanotechnology Initiative;

975. $250,000 for Smith County, Tennessee for construction and infrastructure improvements to the Health, Senior, and Education complex;

976. $320,000 to Cameron County, Texas for construction of a Boys and Girls Club in Santa Rosa, Texas;

977. $150,000 to Harris County, Texas for the development of an economic development plan;

978. $150,000 to Harris County, Texas for the construction of a senior education center;

979. $250,000 to the Alabama-Coushatta Tribe of Texas for facility improvements;

980. $500,000 to the Arlington Chamber of Commerce, Texas for construction of an entrepreneur center;

981. $150,000 to the Children's Museum of Houston, Texas for construction of an annex to a Children's Museum;

982. $250,000 to the City of Abilene, Texas for construction of a new hangar at Abilene Regional Airport;

983. $500,000 to the City of Cleburne, Texas for construction of a new East Cleburne Community Center;

984. $150,000 to the City of Dallas, Texas for planning and design of an Afro-Centric cultural district;

985. $650,000 to the City of Fort Worth, Texas for construction of the Trinity River Vision;

986. $350,000 to the City of Fort Worth, Texas for the Central City Revitalization Initiative;

987. $200,000 to the City of Leonard, Texas for streetscape improvements;

988. $100,000 to the City of Madisonville, Texas for upgrades and improvements to its community recreational fields;

989. $250,000 to the City of Midland, Texas for the renovation of downtown Midland;

990. $200,000 to the City of Nacogdoches, Texas for renovations to The Fredonia Hotel and Convention Center;

991. $250,000 to the City of Odessa, Texas for the renovation of Historical Globe Theatre;

992. $250,000 to the City of Rio Bravo, Texas for the construction of a community center;

993. $150,000 to the City of Tilden, Texas for construction of a community center;

994. $250,000 to the Food Bank of the Rio Grande Valley, Inc. in McAllen, Texas for purchase of a facility;

995. $250,000 to the Foundation for Brownsville Sports in Brownsville, Texas for renovation of a site;

996. $150,000 to the San Antonio Food Bank in San Antonio, Texas for construction of a distribution facility;

997. $1,000,000 to the University of Houston Clear Lake, Texas for construction of a facility for the Bay Area Business and Technology Center at the University of Houston Clear Lake;

998. $100,000 to the WCIT 2006, Inc., City of Austin, Texas for construction of International Center of Austin;

999. $400,000 for the Dallas Women's Museum in Dallas, Texas to conduct renovations;

1000. $200,000 for the Houston Hispanic Forum of Houston, Texas to provide the historic preservation and renovation of the Houston Light Guard Armory into the Hispanic Cultural and Educational Center;

1001. $200,000 for Polk County, Texas to restore the Polk County Annex;

1002. $200,000 to the Arlington Chamber of Commerce in Arlington, Texas to establish the Arlington Entrepreneur Center;

1003. $200,000 to the City of Fort Worth, Texas for the Central City revitalization initiative;

1004. $200,000 to the World Congress on Information Technology in Austin, Texas for convention center renovations;

1005. $200,000 to the City of Commerce, Texas for a new city hall facility;

1006. $200,000 to the City of Hillsboro, Texas for the district warehouse development project;

1007. $200,000 to the City of Dallas, Texas for the Dallas Fair Park Commercial District;

1008. $300,000 to the City of Lufkin, Texas for the convention center initiative;

1009. $200,000 for the Los Fresnos Texas Boys and Girls Club, Los Fresnos, TX for planning, design and facility construction;

1010. $200,000 to Sandy City, Utah for streetscape improvements and revitalization efforts;

1011. $250,000 to the City of Riverton, Utah for the construction of Nature Center;

1012. $250,000 to the City of Riverton, Utah for the reconstruction of Old Dome Meeting Hall;

1013. $150,000 to the College of Eastern Utah in Blanding, Utah for construction of a building on its campus;

1014. $600,000 for the City of Provo, Utah to build the Provo Community Arts Center in the City of Provo;

1015. $200,000 for the City of Hyrum, Utah to build the Hyrum Library and Museum Complex in the City of Hyrum;

1016. $1,000,000 for Sandy City, Utah, for the revitalization of the city's original historic district;

1017. $1,200,000 for the City of Blanding's College of Eastern Utah—San Juan Campus, for the construction of a library community multipurpose building;

1018. $800,000 for Summit County, Utah, for improvements to the Utah Olympic Park facilities;

1019. $100,000 to Fairfax County, Virginia for creation of the Housing Counseling Information and Technology Center;

1020. $150,000 to Henrico County, Virginia for site preparation and construction of a war memorial and visitor's center;

1021. $100,000 to Prince William County, Virginia for improvements to the Nokesville streetscape;

1022. $200,000 to the Alexandria Redevelopment Housing Authority in Alexandria, Virginia for renovations of the Family Resource Learning Center;

1023. $50,000 to the American Armoured Foundation, Inc. Tank Museum in Danville, Virginia for development of the museum;

1024. $250,000 to the Barns of Rose Hill, City of Berryville, Virginia for the restoration of Barns of Rose Hill;

1025. $400,000 to the Bayview Citizens for Social Justice Inc., Virginia for construction of a community center;

1026. $250,000 to the Boys and Girls Club of Alexandria in Alexandria, Virginia for renovation and expansion of facilities;

1027. $250,000 to the City of Chesapeake, Virginia for improvements to the Poindexter streetscape;

1028. $150,000 to the City of Staunton, Virginia for building renovations and improvements to downtown buildings;

1029. $250,000 to the County of Northampton, Virginia for the construction of a recreational facility;

1030. $150,000 to the Dabney S. Lancaster Community College in Clifton Forge, Virginia for construction of the Virginia Packaging Applications Center;

1031. $100,000 to the Falls Church Education Foundation in Falls Church, Virginia for planning and expansion of Mt. Daniel Elementary School;

1032. $100,000 to the Harrisonburg Children's Museum, Virginia for renovations to the museum;

1033. $150,000 to the Jubal A. Early Preservation Trust, Virginia for restoration of the Jubal A. Early homeplace;

1034. $100,000 to the National D-Day Memorial Foundation in Bedford County, Virginia for construction of the National D-Day Memorial;

1035. $300,000 to the Northern Virginia Community College, City of Manassas, Virginia for construction of a technology building at the Northern Virginia Community College;

1036. $100,000 to The Prizery in South Boston, Virginia for restoration to the community arts center;

1037. $250,000 to the Southwestern Virginia Food Bank in Roanoke, Virginia for renovations to the food bank;

1038. $75,000 to the Town of Boydton, Virginia for revitalization projects in the central business district;

1039. $50,000 to the Town of Charlotte Court House, Virginia for the revitalization of the historic Charlotte Court House;

1040. $200,000 to the Town of Vienna, Virginia for the Green Project;

1041. $250,000 to the USS Monitor Center at The Mariners' Museum, Virginia for the restoration of USS Monitor artifacts;

1042. $150,000 to the Virginia Historical Society for construction and renovations;

1043. $200,000 to the Virginia Holocaust Museum for construction and renovations to the museum;

1044. $150,000 to the Virginia Museum of Fine Arts for facility expansion;

1045. $300,000 to the Virginia Performing Arts Foundation for the construction of an education center;

1046. $100,000 to the West Piedmont Business Development Center in Martinsville, Virginia for the expansion of the center;

1047. $50,000 to Thyne Institute Memorial Inc. in Chase City, Virginia for the construction of an African-American historic landmark memorial;

1048. $450,000 to Warren County, Virginia for renovations to the county youth center;

1049. $250,000 for the Woodrow Wilson Presidential Library in Staunton, Virginia to continue undertaking initial design of the Library;

1050. $250,000 for the Radford University Business and Technology Park in Radford, Virginia to begin site preparation and schematic design of the Park;

1051. $200,000 for the George L. Carter Home Regional Arts and Crafts Center in Hillville, Virginia to restore the historic home to serve as a regional Appalachian arts and crafts center;

1052. $200,000 for the Suffolk Museum of African-American History in Suffolk, Virginia to renovate the former Phoenix Bank of Nansemond for the Museum of African-American History;

1053. $500,000 for the Christopher Newport News University Real Estate Foundation for the Warwick Boulevard Commercial Corridor Redevelopment Project in Newport News, Virginia;

1054. $200,000 for the Mariners' Museum for the USS *Monitor* Center in Newport News, Virginia;

1055. $200,000 for the Total Action Against Poverty to restore and revitalize the Dumas Center for Artistic and Cultural Development in Roanoke, Virginia;

1056. $200,000 for the Appalachia Service Project for its Home Repair Program in Jonesville, Virginia;

1057. $200,000 to the Northeast Vermont Area Agency on Aging in Vermont for construction and rehabilitation of senior centers;

1058. $750,000 for the Preservation Trust of Vermont, Burlington, VT for the Village Revalorization Initiative;

1059. $750,000 for the Vermont Broadband Council, Waterbury, VT for high speed broadband deployment;

1060. $450,000 for the Vermont Housing and Conservation Board, Montpelier, VT for development of affordable housing in Townsend, VT;

1061. $300,000 for Project Independence, Bennington, VT for renovation of the Harwood Hill Farm Facility;

1062. $250,000 for the Vermont Housing and Conservation Board to build low-income housing and reconstruct downtown Enosburg, VT;

1063. $250,000 for the Vermont Housing and Conservation Board to construct senior housing in South Burlington, VT;

1064. $250,000 for the Visiting Nurse Association of Chittenden and Grand Isle Counties, VT to construct a low-income parent and child center in Burlington, VT;

1065. $200,000 for the Vermont Housing and Conservation Board to rehabilitate and construct affordable rental housing in Bradford, VT;

1066. $150,000 to Kitsap County, Washington for land acquisition for a community center and park utility complex;

1067. $800,000 to Mamma's Hands, City of Bellevue, Washington for the purchase of an additional Safe House for short-term transitional shelter;

1068. $200,000 to Skagit County, Washington for land acquisition to assist in the redevelopment of Hamilton, Washington;

1069. $150,000 to Skamania County Wind River Public Development Authority in Washington for rehabilitation and upgrades to existing buildings;

1070. $350,000 to the Boys and Girls Club of King County in Seattle, Washington for renovation of the Greenbridge Community Center;

1071. $200,000 to the Foss Waterway Development Authority in Tacoma, Washington for redevelopment of its downtown urban core;

1072. $250,000 to the Kent Youth and Family Services, City of Kent, Washington for renovations to the Springwood Community Center;

1073. $550,000 to the Museum of Glass in Tacoma, Washington for construction of facilities;

1074. $225,000 to the Northwest Maritime Center in Port Townsend, Washington for construction of its facility;

1075. $200,000 to the Old North Yakima Historic Restoration Project, City of Yakima, Washington for restoring buildings and improving streetscapes;

1076. $300,000 to the Roslyn City Hall Rehabilitation, Washington for rehabilitation of Roslyn City Hall;

1077. $300,000 for the City of Roslyn, WA, for the Old City Hall and Library Renovation Project;

1078. $325,000 for the Wing Luke Asian Museum in Seattle, WA for an expansion project;

1079. $500,000 for North Helpline in Seattle, WA for new facility site acquisition;

1080. $500,000 for the Fremont Public Association in Seattle, WA for the Housing for the Homeless project;

1081. $500,000 for the Asian Counseling and Referral Service in Seattle, WA for facility construction;

1082. $325,000 for the Urban League in Seattle, WA for construction of the Northwest African American Museum;

1083. $500.000 for the Seattle Art Museum in Seattle. WA for construction of the Olympic Sculpture Park;

1084. $325,000 for the Seattle Aquarium Society in Seattle, WA for the renovation and expansion of the Seattle Aquarium;

1085. $500,000 Northeast Community Center Association in Spokane. WA for a capital improvement project;

1086. $400.000 for Easter Seals Washington in Seattle. WA for construction of a camp and respite lodging facility:

1087. $500.000 for the Boys and Girls Club of King County, WA for renovations to the Greenbridge Community Center;

1088. $325,000 for the Spokane Symphony in Spokane. WA for renovations to the Fox Theater:

1089. $500.000 for Kitsap Community Resources in Bremerton. Washington. for the construction of the Bremerton Community Services Center;

1090. $150,000 to Chippewa Valley Technical College in Eau Claire, Wisconsin for construction of an addition to the Gateway Manufacturing and Technology Center:

1091. $200.000 to Manitowoc County. Wisconsin for reconstruction of the Manitowoc County Courthouse;

1092. $150,000 to Monroe Senior Center in Monroe. Wisconsin for renovation of its facilities;

1093. $100,000 to the City of Cedarburg. Wisconsin for demolition of a facility for future construction:

1094. $300,000 to the Door County Economic Development Corporation, Sturgeon Bay. Wisconsin for the completion of the New Launch System at Sturgeon Bay Shipbuilding Cluster:

1095. $100.000 to the Juneau County Economic Development Corporation in Wisconsin for renovation of a multipurpose facility;

1096. $200.000 to the Milwaukee Public Schools for a demolition project;

1097. $150,000 to the West End Development Corporation in Milwaukee. Wisconsin for revitalization of the city's Near West Side;

1098. $200.000 for the City of LaCrosse. WI to construct the Center for Manufacturing Excellence;

1099. $300,000 for the City of Appleton, WI for construction of affordable housing units at the Appleton Wire Works factory site:

1100. $270,000 for the Redevelopment Authority of the City of Racine. WI to redevelop brownfields space for the Racine Industrial Park;

1101. $200,000 for the Redevelopment Authority of the City of Milwaukee. WI to redevelop a vacant school and provide for the Bronzeville Cultural Center;

1102. $200.000 for the City of Kenosha. WI for construction related to the Columbus Neighborhood Affordable Housing Project;

1103. $200,000 for West End Development Corporation in Milwaukee. WI to rehabilitation a commercial building as part of the North 27th Street Project;

1104. $230.000 for the City of Green Bay. WI. for the Green Bay Waterfront construction and revitalization project:

1105. $200,000 for the City of Milwaukee, WI for construction of the Menomonee Valley Partners Stormwater Park:

1106. $200,000 for City of Necedah. WI to construct a facility for the Juneau County Business Incubator:

1107. $250.000 for the City of Milwaukee. WI for rehabilitation associated with the 30th Street Industrial Corridor-Esser Paint site:

1108. $25,000 Mineral County Historical Foundation for facilities construction;

1109. $2.200.000 to Glenville State College in Glenville. West Virginia for facilities construction;

1110. $550,000 to Greenbrier County, West Virginia for construction of the Greenbrier Valley Welcome and Interpretive Center;

1111. $100,000 to Preston County Commission in West Virginia for construction and renovation:

1112. $25.000 to the Friends of Preston Academy for facilities construction;

1113. $450.000 to the Mid-Atlantic Technology. Research & Innovation Center, West Virginia for a feasibility study for the Mid-Atlantic Technology. Research and Innovation Center;

1114. $300.000 to the West Virginia Technical College for completion of a building for a newspaper publishing program;

1115. $50.000 to Wetzel County Commission for construction and renovation;

1116. $1,000,000 for construction, related activities. and programs at the Scarborough Library at Shepherd University;

1117. $1.000.000 for the Wheeling Park Commission for the development of training facilities at Oglebay Park;

1118. $2.000.000 for West Virginia University for the development of a facility to house forensic science research and academic programs:

1119. $1.000.000 for the Kanawha Institute for Social Research and Action. for renovations to the Empowerment Center in West Dunbar. which will house an array of self-sufficiency programs for low- to moderate-income individuals;

1120. $350,000 to the Ark Regional Services, Wyoming for construction of a National Creative Arts Center facility;

1121. $150.000 to the Dubois Community Project. Wyoming for improvements to the Dubois Community area:

1122. $100,000 to the University of Wyoming for improvements to the Wyoming Technology Business Center;

1123. $900.000 for the Sustainable Agriculture Research & Extension Center (SAREC) in Goshen County Wyoming for construction of a community center building:

1124. $1.100.000 for the Wyoming Substance Abuse Treatment and Recovery Center (WYSTAR) in Sheridan. Wyoming to expand its substance abuse treatment facility for women with children;

1125. $1,000,000 for the Central Wyoming College Foundation in Riverton. Wyoming to construct the Intertribal Education & Community Center.

Mrs. MALONEY. Mr. Speaker, after being derailed for generations, I am delighted to report to New Yorkers that the Second Avenue Subway is on track and moving with real momentum, thanks to hard-fought battles for funding in Washington and an unwavering coalition of support for the project in New York.

In the last two weeks alone, the Second Avenue Subway has taken two giant leaps forward.

First, New Yorkers passed the Transportation Bond Act, putting $450 million towards the project.

Combined with $1.05 billion in subway funds previously authorized by the State, New Yorkers have now put forward nearly half of the financing for the subway's first phase.

New Yorkers did their part, and now the focus has shifted to the Federal government to ante up for its share of the project.

Last night, the Congress said loud and clear that it will stand strong for the Second Avenue Subway: I'm proud to announce that we've secured another $25 million for the project—giving us five straight years of Federal funding for the subway.

Earlier this year, the Federal Transit Administration declared the Second Avenue Subway one of only two "highly recommended" projects in the Nation.

The other project is East Side Access, which also received a boost from the federal government last night—to the tune of $340 million dollars.

For far too long, New York City residents have been riding some of the most overcrowded mass transit lines in the nation.

So, to my fellow New Yorkers, I say: take heart. The Second Avenue Subway is coming.

Mr. BUYER. Mr. Speaker, the completion of the Hoosier Heartland Corridor gets another step closer today with the House passage of the FY 2006 Transportation Appropriations conference report.

For over thirteen years, I have worked with many others in a bipartisan effort across north-central Indiana as this project has developed from a design plan, to the first groundbreaking, to this latest step in bringing efficiency and safety to North Central Indiana. I commend Congressman CHRIS CHOCOLA who has provided leadership in the completion of this project and commend the $1.3 million he secured for the Cass County-Carroll County segment.

Included in this bill is a $1.5 million designation for the Hoosier Heartland's most dangerous segment yet to be completed between Lafayette and Delphi. This project continues to be a priority for me and many other community leaders and elected officials along the route.

Also included in this conference report is $750,000 to continue the Lafayette Bus Replacement plan that I have worked on the past several years with CityBus's Marty Sennett and State Senator Brandt Hershman. Earlier this year the, Transportation Authorization bill included $500,000 for FY 2006 and this appropriation places us on schedule to meet $2.5 million by FY 2009.

Finally, Johnson County is one of the fastest growing counties in the state and significant traffic congestion exists and will only get worse. To assist in local efforts to keep traffic moving and doing so safely, $1 million is included in the conference report to help ease this congestion through a feasibility study for the proposed East/West Corridor. These investments in Indiana's infrastructure will improve safety and efficiency and create opportunity for Hoosiers.

Mr. OBERSTAR. Mr. Speaker, I rise in opposition to the Conference Report on H.R. 3058, the FY2006 Transportation, Treasury, Housing and Urban Development, the Judiciary, District of Columbia, and Independent Agencies Act.

This Conference Report, and the process by which this Body considers it, are another disappointing chapter in the Republican's Leadership's management of this House.

At 5:30 a.m. this morning, the House Appropriations Committee filed this Conference Report. At 8:00 a.m., the Rules Committee met in emergency session to report a rule waiving all points of order against a bill that no one, other than Members of the Appropriations Committee and the Republican Leadership, had seen or read. The Rules Committee waived all points of order against the Conference Report and its consideration. Within hours, the House is now forced to vote on the bill. This process, requiring Members to vote on bills they have never seen nor read, has become the all too common practice of this majority.

The days of filing a conference report, giving Members an opportunity to read it, and allowing the House to consider it without all points of order waived against the bill are a distant memory of a Democratic majority. When Democrats were the majority party of the House, under House Rules, provisions that were beyond the scope of an Appropriations Conference Report were subject to a separate vote. A Member could vote against these types of riders without killing the Conference Report. In the early 1990's, I recall how proud then-Appropriations Committee Chairman Natcher was to bring appropriations bills to the Floor with no authorizing provisions and no points of order waived. Clean bills and transparency are no longer the goal. The new order is to ram through this House the Majority's agenda.

Although there is much in this Conference Report that I support, I regret that the Committee on Appropriations, with no consultation with the Committee on Transportanon and Infrastructure, has made numerous changes to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU), just months after the President signed the Act.

The Conference Report alters the SAFETEA–LU highway formula for distribution of funds to the States to provide more than $600 million in earmarks at 100% federal funding for the chosen few. The Report cuts funding for the National Highway System, Interstate Maintenance, Bridge, Surface Transportation Program, Congestion Mitigation and Air Quality Improvement, Equity Bonus, Appalachian Development Highway System, and Federal Lands programs in order to finance these earmarks. Simply earmarking every available dollar of the Department of Transportation's discretionary funding is apparently not enough—the Appropriators need to skim highway formula dollars too. The earmarks are 100 percent Federally funded and subject to no reduction like other programs and projects. There appears no limit to the majority's insatiable appetite for highway and transit earmarks.

I also regret that the Appropriators, with the concurrence of the Republican Leadership, have enabled Members and Senators to revisit issues that were clearly decided in the Conference on SAFETEA–LU. We appear to be moving from a time when an agreement could be secured with a handshake to a period in which an agreement is only for today: there is always the opportunity, with an appropriations rider, to get another "bite at the apple"—fair compromise be damned.

The Conference Report's household goods appropriations rider provides a telling example. The Report overturns SAFETEA–LU's consumer protection provisions that give States the power to enforce federal consumer laws on interstate moving companies.

Just three months ago, the President signed SAFETEA–LU with important consumer protection provisions to address the serious problem of fraud by unscrupulous moving companies. Fraud in the household goods moving industry affects thousands of victims each year, as documented in hearings of the Surface Transportation Subcommittee. Unscrupulous movers offer low estimates, then later inflate the price of the move and hold the customer's goods hostage until they pay the inflated price.

The frequency of such scams increased after federal authority over these companies was transferred from the Interstate Commerce Commission to the Department of Transportation (DOT) in 1995. These responsibilities fell to the Federal Highway Administration (FHWA) and later to the Federal Motor Carrier Safety Administration (FMCSA). FMCSA's primary mission is safety, and the agency has few resources to focus on consumer protection. Corrupt movers increasingly exploited this regulatory gap.

In March of 2001, the General Accounting Office (GAO) reported that complaints of consumer fraud in the household goods moving industry rose dramatically from 1996 to 1999. Complaints to DOT rose 107 percent and the number of requests for arbitration to the American Moving and Storage Association went up 750 percent.

In response, and after much discussion in the Conference Committee, we included language in SAFETEA–LU that provided greater protection against unscrupulous "rogue" movers. The law authorized state attorneys general and state consumer protection agencies to enforce federal regulations governing the interstate movement of household goods.

Today, the Transportation-Treasury Appropriations Conference Report undoes this protection. The new language prevents state authorities from taking action against established movers, or those who do not egregiously violate federal motor carrier safety regulations, regardless of how flagrantly these companies violate consumer protection laws. It also prevents state consumer protection agencies from taking administrative action against unscrupulous movers, and limits these agencies to filing cases in United States District Courts.

I am disappointed that the Appropriations Committee and the Republican Leadership would not honor the agreements of SAFETEA–LU and allow such a rider to be added.

Although the Conference Report includes dozens of other surface transportation authorizing provisions that were included without the concurrence of the Committee on Transportation and Infrastructure, I will focus on only one other provision—which I find truly indefensible. Section 1926 of SAFETEA–LU requires the Department of Transportation to provide budget justification documents to the Transportation Committee and the Committee on Environment and Public Works of the U.S. Senate with the President's annual budget submission. The budget justification documents provide the line-item detail of the President's Budget that helps the Transportation Committee analyze the programs within our jurisdiction. Although the Transportation Committee routinely receives these budget documents from non-DOT agencies within the Committee's jurisdiction, the Department of Transportation has been reluctant to provide the information without express authorization. Thus, SAFETEA–LU specifically required that DOT provides the documents to the Committee with the President's budget, in February each year.

The Conference Report amends this provision to prevent our Committee from receiving these documents until June, four months after the President's Budget is submitted. Why would the Committee on Appropriations not want an authorizing Committee to have the necessary information to conduct budgetary oversight over the agencies within its jurisdiction? Does the Committee on Appropriations believe that it is the only committee entitled to such budget information? The Conference Report's provision is indefensible and I can assure you that the Committee on Transportation and Infrastructure, which provides the mandatory budget authority for the highway, transit, highway safety, and aviation programs, has every right to this information and will restore the SAFETEA–LU provision.

The Conference Report also disregards the aviation budgetary firewalls established under Vision 100—Century of Aviation Reauthorization Act. The Report cuts the capital investment guaranteed in Vision 100 by more than $500 million.

These cuts, in direct violation of the aviation budgetary firewalls, will directly impact our efforts to address the continued growth of commercial aviation. Commercial aviation is on track to reach 1 billion enplanements by 2015. DOT predicts up to a tripling of passengers, operations, and cargo by 2025. The Commission on the Future of the United States Aerospace Industry reported that consumers could lose as much as $30 billion annually if people and products cannot reach their destinations within the time periods expected today.

Yet, the Conference Report dramatically cuts the Federal Aviation Administration's (FAA) Facilities and Equipment (F&E) capital account—the primary vehicle for modernizing the National Airspace System (NAS)—for the second year in a row. Together, the FY2005 and FY2006 Transportation Appropriations Acts have cut the F&E account by almost $1 billion below the level authorized and guaranteed by Congress in Vision 100. The DOT Inspector General testified before the Subcommittee on Aviation of the Committee on Transportation and Infrastructure that the FAA could not technologically transform the NAS with only the approximate level of F&E funding provided by the Conference Report.

In addition, according to the FAA's own analysis, two thirds of its $30 billion worth of assets is beyond their useful life. Air traffic control towers average 30 years in age. TRACON facilities average 34 years. Primary En Route Radar Systems average 27 years. En Route Control Center facilities average 40 years and are rated by the General Services Administration as being in poor condition and getting worse each year. The cuts to FAA's capital account will make it more difficult for the FAA to maintain its current deteriorating facilities and equipment, much less technologically transform the system to handle the nation's future needs.

The Appropriators, with the concurrence of the House Republican Leadership, include these and dozens of other authorizing provisions in the Conference Report that we consider today. Votes are cast before the Conference Report is even printed. I regret that so few Members know that it needn't be this way. I regret that the Republican rank-and-file Members allow their Leadership to run the House in such a way. I regret that, under this majority, we may never be able to recapture an appropriations process that made Bill Natcher so proud.

Mr. BLUMENAUER. Mr. Speaker, I support the Conference Committee Report on the Transportation, Treasury, HUD, Judiciary Appropriations Act 2006, which provides essential funding for important infrastructure projects in Oregon and the rest of the nation. The bill provides $18 million to complete the Interstate MAX light rail project, which has been an incredible success in North Portland. Additionally, $15 million for a commuter rail project between. Wilsonville and Beaverton will provide further transportation alternatives in the region and anchor important development projects in each of these suburban cities.

I was heartened to see the $1.3 billion set aside for Amtrak. I am concerned, however, that the bill separates Amtrak's operations funding from its capital funding, essentially allowing the Department of Transportation to serve as a steward for Amtrak's capital money, handing out grants for approved projects. I am wary of this being yet another attempt by the administration to dismantle America's passenger rail system.

I am relieved to see that the Conference Committee did not eliminate funding for valuable for HUD programs such as Community Development Block Grants and the HOPE VI program. I am concerned, however, that many of these programs continue to be underfunded. The many individuals and families displaced by Hurricanes Katrina and Rita will increase demand for these valuable programs.

Despite these faults, the bill will fund important infrastructure improvements, create jobs, and make our communities safer, healthier and more economically secure.

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise in support of the Conference Report on Transportation-Treasury-HUD Appropriations for fiscal year 2006.

This legislation provides $60.7 billion to fund the Transportation Department and improve America's transportation infrastructure. I was especially pleased this legislation included $2 million for Central Corridor, an eleven-mile transit corridor that will run from St. Paul to Minneapolis along University Avenue. Building Central Corridor is vital to keeping the Twin Cities competitive in the 21st Century.

The conference report provides $1.3 billion in funding to Amtrak. Maintaining a strong and healthy rail system in America is necessary to reduce our dependency on automotive transportation, reduce ozone emissions, and combat smog in our cities. Furthermore, high-speed rail provides convenience and mobility to travelers, while creating new jobs and economic growth. A diversified transportation system including Amtrak is critical to our Nation's future.

The report also includes $300,000 to address the problem of homelessness among youth, which is a symptom of a larger problem in our community. For many youth, their home situation is violent and unhealthy. These young adults need our partnership, and this funding will help provide the support and opportunity they need to get their lives back on track.

Recognizing the need for every American to have access to affordable housing, this bill funds affordable housing programs above the President's request. Unfortunately, in this Republican bill, funding for critical housing programs, such as Section 8 vouchers, is still not adequate to address the affordable housing crisis occurring in communities in the Fourth District of Minnesota and across the country. The lack of affordable housing is a serious problem for too many Americans, young and old, who are trying to live on less than a living wage. In order to excel at school, hold down a steady job, stay active and healthy, and contribute to our communities, Americans must have access to safe and affordable housing.

For these reasons, I support this bill and encourage my colleagues to vote for this legislation.

Mr. OLVER. Mr. Speaker, I have no further speakers. I urge the adoption of the conference report, and yield the balance of my time.

Mr. KNOLLENBERG. Mr. Speaker, likewise, I urge everyone to support this bill. It is a good bill.

I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 1 minute a.m.), the House stood in recess subject to the call of the Chair.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HASTINGS of Washington) at noon.

CALL OF THE HOUSE

Mr. LATHAM. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER pro tempore. Without objection, this 15-minute call of the House will be followed by a 5-minute vote on H.R. 2528.

There was no objection.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 603]

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berry
Biggert
Billrakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)

Moore (WI)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

□ 1225

The SPEAKER pro tempore (Mr. HASTINGS of Washington). On this rollcall, 417 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call are dispensed with.

CONFERENCE REPORT ON H.R. 2528, MILITARY QUALITY OF LIFE AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore. The pending business is the question on adoption of the conference report on the bill, H.R. 2528, on which the yeas and nays are ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 427, nays 0, not voting 6, as follows:

[Roll No. 604]

YEAS—427

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—6

Berman
Boswell
Fortenberry
Hall
Paul
Towns

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HASTINGS of Washington) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1247

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BERMAN. Mr. Speaker, due to a death in the family, I was unable to vote on the conference report for the fiscal year 2006 Military Quality of Life-Veterans Affairs appropriations act. Had I been present, I would have voted "yea."

CONFERENCE REPORT ON H.R. 3058, TRANSPORTATION, TREASURY, HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY, THE DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore. The pending business is the question on adoption of the conference report on the bill, H.R. 3058, on which the yeas and nays are ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 392, nays 31, not voting 10, as follows:

[Roll No. 605]

YEAS—392

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Becerra
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Carter
Case
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Markey
Marshall
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—31

Barton (TX)
Boustany
Castle
Costello
DeFazio
Duncan
Flake
Franks (AZ)
Green (WI)
Hefley
Johnson, E. B.
Jones (NC)
Kucinich
LaTourette
Marchant
Matheson
McDermott
Miller (FL)
Oberstar
Petri
Poe
Price (GA)
Ryan (WI)
Sensenbrenner
Shadegg
Shuster
Stark
Tancredo
Velázquez
Waters
Young (AK)

NOT VOTING—10

Berman
Boswell
Cardin
Feeney
Fortenberry
Hall
Harris
Holt
Paul
Towns

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HASTINGS of Washington) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1305

Messrs. RYAN of Wisconsin, SHUSTER and DEFAZIO changed their vote from "yea" to "nay."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BERMAN. Mr. Speaker, due to a death in the family, I was unable to vote on the conference report for the fiscal year 2006 Transportation-Treasury-Housing appropriations act. Had I been present, I would have voted "yea."

Mr. HOLT. Mr. Speaker, on rollcall 605 today, the vote on H.R. 3058, Making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes, I was present for the debate but unintentionally did not record my vote. Had my vote been recorded, I would voted "yea."

PERSONAL EXPLANATION

NOVEMBER 18, 2005

Mr. FORTENBERRY. Mr. Speaker, on Friday, November 18, 2005, I was unavoidably detained due to a death in my family and thus missed rollcall votes Nos. 602, 603, 604, and 605. Had I been present, I would have voted "aye' on all four votes.

APPOINTMENT OF MEMBER TO BOARD OF VISITORS TO THE UNITED STATES AIR FORCE ACADEMY

The SPEAKER pro tempore. Pursuant to 10 U.S.C. 9355(a), amended by Public Law 108–375, and the order of the House of January 4, 2005, the Chair announces the Speaker's appointment of the following Member of the House to the Board of Visitors to the United States Air Force Academy:

Mr. HEFLEY of Colorado.

And, in addition, Mr. Hansford T. Johnson of Virginia

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 6 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1610

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 4 o'clock and 10 minutes p.m.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 307. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4133. An act to temporarily increase the borrowing authority of the Federal

Emergency Management Agency for carrying out the national flood insurance program.

The message also announced that the Senate requests a further conference relative to the bill (H.R. 3010) "An Act making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes, and appoints Mr. SPECTER, Mr. COCHRAN, Mr. GREGG, Mr. CRAIG, Mrs. HUTCHISON, Mr. STEVENS, Mr. DEWINE, Mr. SHELBY, Mr. DOMENICI, Mr. HARKIN, Mr. INOUYE, Mr. REID, Mr. KOHL, Mrs. MURRAY, Ms. LANDRIEU, Mr. DURBIN, and Mr. BYRD, to be conferees on the part of the Senate.

WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 563 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 563

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on the legislative day of November 18, 2005, providing for consideration or disposition of any of the following measures:

(1) A bill or joint resolution making general appropriations for the fiscal year ending September 30, 2006, any amendment thereto, or any conference report thereon.

(2) A conference report to accompany the bill (H.R. 3199) to extend and modify authorities needed to combat terrorism, and for other purposes.

(3) A bill or joint resolution relating to flood insurance.

(4) A bill to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2006.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. GINGREY) is recognized for 1 hour.

Mr. GINGREY. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 563 waives clause 6(a) of rule XIII that requires a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee against certain resolutions reported from the Rules Committee; applies a waiver to any special rule reported on the legislative day of November 18, 2005 providing for consideration or disposition of any of the following measures:

First, a bill or a joint resolution making general appropriations for the fiscal year ending September 30, 2006, any amendment thereto, or any conference report thereon; second, a conference report to accompany the bill H.R. 3199, to extend and modify authorities needed to combat terrorism and for other purposes; third, a bill or a joint resolution relating to flood insurance; and finally, fourth, a bill to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2006.

Mr. Speaker, I rise today in support of House Resolution 563 that the Rules Committee reported in order to ensure that we are able to complete the work of the American people in a timely and a proper manner before the Congress adjourns for Thanksgiving. In the following week, Members from both sides of the aisle will return to their districts to spend Thanksgiving with their families and with their constituents. However, before doing so, there remains important work to be done; and, Mr. Speaker, this rule will ensure that it gets done.

From making appropriations that keep this government running to ensuring that law enforcement has the tools it needs to keep this country safe, to insuring Americans against floods, to finally strengthening the economy while cutting the budget, this rule gives the House an opportunity to move forward on an important legislative agenda, though difficult choices have and will continue to have to be made for the sake of the American people, and for the sake of an agenda of which all Americans can be proud. Mr. Speaker, I want to encourage all of my colleagues to support this resolution and the underlying legislation for which it provides.

Mr. Speaker, I reserve the balance of my time.

□ 1615

Mr. MCGOVERN. Mr. Speaker, I yield myself 4 minutes.

I thank my friend the gentleman from Georgia (Mr. GINGREY) for yielding me the customary 30 minutes.

Mr. Speaker, let me, before I begin, let me ask my friend from Georgia, does his leadership plan to amend this martial law rule in any way to add any other issues besides the ones that have been listed?

Mr. GINGREY. Mr. Speaker, will the gentleman yield?

Mr. MCGOVERN. I yield to the gentleman from Georgia.

Mr. GINGREY. Mr. Speaker, in response to the gentleman from Massachusetts, yes, we will have an amendment to the rule, which I will present at the end of the debate.

Mr. MCGOVERN. Could the gentleman just tell me generally what the topic is going to be?

Mr. GINGREY. The amendment would basically say, "A resolution relating to United States forces in Iraq."

Mr. MCGOVERN. Mr. Speaker, reclaiming my time, I thank the gentleman.

Mr. Speaker, this is a very sad day in the House. This House, I think, is about to embark on a process that should dismay every single Member of this House. The only way keeping us from going down this road is I think to vote down this martial law rule.

While I have many strong objections, and many of us on this side have strong objections, to martial rules in general, we have been accommodating in the past when they come to matters like important conference reports or emergency pieces of legislation that we need to get done before the recess. But this matter on Iraq does not qualify in that category. In fact, we just received a copy of the resolution just a couple of minutes ago about what they plan to bring up here.

This is not about a debate on Iraq. This is about politics, clear and simple. I will go further to say that I believe this is a deliberate effort to attack a Member of this House and his views because the majority is afraid of this man and afraid of his views and afraid of his words, so they believe that somehow he has to be attacked, that we need to take some quick action here on the House floor.

Mr. Speaker, we should have a debate on Iraq. We should have had a debate on Iraq a long time ago. But what we are about to have is not a debate on Iraq. This will not be able to be amended, there be a limited amount of time for Members to be able to express their views, and, quite frankly, it is demeaning to this institution, it is demeaning to our soldiers, and it is demeaning to those who have raised questions about the war in Iraq. It is demeaning to the American public who now overwhelmingly have questions about this war in Iraq. They want us to take this issue seriously and not just play politics with it.

The fact of the matter is that from the very beginning, the efforts of this leadership have been geared toward covering up all of the facts about the war in Iraq. We were presented faulty intelligence. When we found out there were no weapons of mass destruction, we wanted a full investigation to figure out what actually went wrong, whether any of that intelligence had been manipulated. We were told we cannot have that investigation, we cannot have that discussion.

The fact of the matter is that we have had no formal investigations and no formal oversight of this war in Iraq. We sent a bunch of our soldiers off to war without proper equipment, without the proper body armor and Humvee protection, and this in spite of the fact that a few months before we went to war, we passed a defense authorization bill which essentially ordered the Pentagon to provide our soldiers with all the necessary equipment that they would need if they should ever go into war. Why did not that materialize? Where was the oversight into that?

Tens of billions of taxpayer dollars have been lost in this war in Iraq. We do not even know where it has gone, and nobody can give us an answer, and there is no investigation, there is no oversight, there is no debate.

The fact of the matter is this Congress has been complicit with the White House in covering up the facts. The situation at Abu Ghraib prison, I would argue that that instance probably more than anything else has been responsible for poisoning the hearts and minds of so many people in Iraq and the region. And rather than getting to the bottom of it, rather than making sure it never happens again, what has this Congress done? Covered up. Sweep it under the rug. Make believe it never happened.

You want a debate on Iraq? We should have a debate on Iraq, but not this bit of political theatrics. There are Members who believe that we should end this war immediately. I am one of those. There are Members who believe we should add more troops to the ones we already have in Iraq over there. All of us should have the opportunity to be able to debate this in a serious way.

Do you want to respect our troops? That is how you do it. You make sure we are doing our job. We have not been doing our job, and there is no objective person in this House, even those of you who staunchly support this war and advocate continuing staying the course, who can tell me things are going the way they were planned.

There are none of us in this Chamber who are going to fight in this that war, none of us are going to put our lives on the line, and, with very few exceptions, none of our kids are going to be fighting in that war. So it takes absolutely no courage for anybody in this chamber to wave the American flag and to say, "Stay the course."

This is not about a debate on Iraq, this is about political cover for you. This is about finding a way to not answer the tough questions. This is about a way to cover the administration's backside at a time when we should be demanding questions.

Congress should be doing its job, and this process, this process is a disgrace. We owe the people of this country, we owe the troops who are fighting bravely at our request over in Iraq, we owe them much more.

So, Mr. Speaker, this martial law rule needs to be defeated.

Mr. GINGREY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this amendment does not attack any Member of this body. This amendment follows the rules of decorum of this body.

The gentleman from the other side just listed a litany of complaints in regard to Iraq. Members on his side of the aisle even have what is known as the "Out of Iraq Caucus." I do not know if the gentleman from Massachusetts is a part of that membership or not, but we have, this side of the aisle, have heard repeatedly from Members on their side of the aisle, and not just one high-profile ranking member with strong defense credentials. Oh, no. No. We have heard every night of the first session of the 109th Congress from the 30-something Group, several Members on their side of the aisle, pounding this President, coming within an inch or less, Mr. Speaker, of accusing the President of lying, of out and out lying, repeatedly accusing the President of misleading the public about Iraq, demanding the immediate pullout of our troops.

Mr. Speaker, they are going to have the opportunity today on the floor of this House to vote yes or no, do they want us to immediately pull our troops out of Iraq, and that is all this amendment is about.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, anybody who believes that what we are doing today is not in response to the comments by one single Member of this Congress, a Member who is highly respected by both sides of the aisle, a Member who is a decorated Vietnam War veteran, a Member who is an expert on military and defense issues, anybody who believes we are not doing this in response to that, quite frankly, defies credibility. This is a personal attack on one of the best Members, one of the most respected Members of this House, and it is outrageous.

Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, how dare you. How dare you. Yesterday, the gentleman from Pennsylvania (Mr. MURTHA), the ranking Democrat on the Defense Appropriations Subcommittee, a 27-year marine, a veteran of, I believe, three tours in Vietnam, a well-known conservative hawk, announced that he was introducing a resolution that was meant to stimulate a thoughtful and profound debate on how we salvage a failed policy in Iraq. That resolution was meant to stimulate the kind of hearings that Bill Fulbright ran during the Vietnam War, hearings which could bring in the best military minds and the best experts on the Middle East to try to help us find a new direction to American policy in Iraq.

The reaction of the Republican leadership of this House is nothing short of disgraceful, and, in my view, that reaction dishonors the traditions of this House and this democracy.

This resolution, which is now going to be offered as an amendment to this rule out of the Rules Committee, is nothing less than an effort to drive a stake through the heart of the Murtha resolution, without any effort to get at the facts with respect to Iraq.

For the House to be asked to vote on whether or not we ought to withdraw immediately from Iraq without having the benefit of those thoughtful hearings is a disgraceful abdication of our responsibility to think this issue through clearly and with judgment. I am absolutely appalled, I am absolutely appalled, at this action. It is a cheap political stunt that does a disservice to every serviceman and woman fighting in Iraq today, and whoever thought up this pipe dream should be ashamed of themselves. It brings incredible shame to this House.

If I have to choose between supporting the Murtha resolution, even without these hearings, and the failed, discredited policy that we are now pursuing in Iraq that dead-end nowhere-going policy, I would happily endorse as an alternative the Murtha amendment.

It is irresponsible of the House to be dealing with this in this manner. What this House ought to do is to set aside the cheap political tricks and to address the thought behind the Murtha proposal. This House, instead of politicizing this issue, ought to try to find a way for once to bring people in this institution together, instead of dividing them by phony, cynical, political, outrageously tricky and sneaky maneuvers like this.

Mr. GINGREY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to reiterate that this amendment to the resolution basically says, "Resolved, that it is the sense of the House of Representatives that the deployment of United States forces in Iraq be terminated immediately." It does not reference any Member whatsoever.

Mr. Speaker, I yield 4 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. I thank the gentleman for yielding me time.

Mr. Speaker, I rise in favor of the rule and in strong opposition to the underlying resolution. Our mission in Iraq is clear: Peace through strength, victory through resolve. Those who would have us retreat immediately have forgotten what appeasement does to the Islamic extremist madmen and murderers. Our goal in Iraq is honorable and wise. We must see this through to our victorious end. The choice is that simple, yet that important.

In his 2005 speech commemorating Veterans Day, President Bush affirmed that it is courage that liberated more than 50 million people from tyranny in the last century, and it is courage that will once again destroy the enemies of freedom.

As the stepmother of a proud Marine, Douglas Lehtinen, who, together with my future daughter-in-law Lindsay, is currently serving our Nation in Iraq, and as the wife of a decorated Vietnam veteran, I have witnessed this courage and this commitment to the mission of liberty.

In one of his e-mails from Iraq, Dougie asked that I remind the American people that it was not the United States who asked for this global struggle against Islamic extremists. It was the Islamic jihadists who targeted the free world and our Nation long before we entered Iraq. We cannot afford to yield the victory to the Islamic extremists by withdrawing now.

Dougie forwarded a piece to me just yesterday by Lieutenant General James T. Conway which best summarizes the opinion of many of our troops about the need to stay the course. Conway states: "Our soldiers, sailors, airmen and marines realize that the biggest threat to mission accomplishment depends on what their fellow Americans do. The insurgents realize full well that the only choice they have of defeating the U.S. military is to weaken the will of the American population."

□ 1630

He adds, The insurgents in Iraq maim and kill the less protected Iraqis, but their real target is that portion of the American public that is shaped by the news media.

Let us heed the message from our men and women in our Armed Forces serving in Iraq. They are in the best position to assess what we need to do, and they are asking us not to pull out of Iraq at this juncture. Iraq is at one of the epicenters of the U.S. comprehensive strategy to fight terrorism worldwide.

Our ability to project major Armed Forces to the very heart of the Middle East provides the United States and our allies in the war against terrorism the ability to directly address the tactical and ideological challenges of Islamic extremists. Through the promotion of an incipient Iraqi democracy, we continue our concerted efforts to counter the root causes of Islamic extremists in the region. These radicals are fully cognizant that the emergence of a new and democratic Iraq will inevitably threaten their very survival because freedom threatens them. Democratic governments deny them the funds, the weapons, and the sanctuary that they need to survive. Democracy denies them the new recruits that they need.

As such, Mr. Speaker, we must continue to support the people of Iraq in their efforts to strengthen their emerging democracies whose pace of development has been astounding. In January, the people of Iraq turned out in droves to vote in their first free democratic elections. In October, they once again voted to approve their Constitution, and today they are busily preparing for elections in December that will continue Iraq in its transition from a brutal totalitarian state to a free democratic nation. It takes time. We will succeed.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, with all due respect to the gentlewoman who just spoke, I have to tell you, I am tired. I think we are all tired, of the rhetoric. You want to discuss this issue seriously, let us have a real debate, not an hour in which we will debate this resolution that cannot be amended. That is ridiculous. That is demeaning to this House of Representatives.

We are not doing our job. This is about war. We have troops in harm's way. We have lost over 2,000 Americans. We have members of our Guard and Reserves on double and triple deployments; and the best you can do to respond to what is going on, all the mess that has been created over there is to bring this up for 1 hour. This is a disgrace.

Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. The gentleman from Pennsylvania (Mr. MURTHA) was a hero in Vietnam. The gentleman is a hero today.

We know that the Bush administration deliberately misled the American public about nuclear weapons in Iraq, about al Qaeda in Iraq. And now out here on the House floor, in a continuation of their deliberate misleading of the American public, they are refusing to have a debate on the Murtha resolution.

The gentleman from Pennsylvania (Mr. MURTHA) has called for a debate on the redeployment of troops consistent with protecting their security and the security of our country and maintaining over the horizon forces to protect our country, to promote democracy and diplomacy that will protect our country.

What this group of Republicans, what the Bush-Cheney White House is doing today is a continuation of the perpetuation of the fraud on the American public. This is not the debate on the Murtha resolution. This is an attempt to undermine the gentleman from Pennsylvania (Mr. MURTHA), to continue their attempt to undermine any critic of their administration rather than having a real debate on the war in Iraq that serves the American people, the American fighting men and women, and every single person in the world.

I have known JACK MURTHA for nearly 30 years and I have enormous respect for his patriotism and his expertise on military matters.

I've heard JACK MURTHA speak about what is going on in Iraq and about the adverse effect that this war is having on our troops and our Nation's security. I agree with him that it is time for us to start bringing our troops home, and I support his proposal to do so.

This is a war that was based on false and misleading intelligence from the Bush Administration about Iraqi nuclear weapons, and which has been bungled at almost every stage by incompetence and mismanagement on the part of the White House and the civilian leadership at the Pentagon. Our brave troops deserve better than to be asked to continue risking their lives for a mistake. At this point it has become clear that our troop presence in Iraq is making the situation over there worse, not better. The Iraqi people need to know that the U.S. is going to end its occupation of their country, and that they need to assume responsibility for their own security.

We should get our troops out of Iraq as soon as possible, consistent with ensuring their safety. Instead of continuing this diversion, which has only harmed America's international reputation, we should refocus our nation's energies on capturing Osama bin Laden and disrupting and destroying the Al Qaeda terrorist organization that was responsible for the September 11th attacks.

Mr. GINGREY. Mr. Speaker, I yield 3 minutes to the gentlewoman from Virginia (Mrs. DRAKE).

Mrs. DRAKE. Mr. Speaker, I thank the gentleman from Georgia (Mr. GINGREY) for yielding me time.

Mr. Speaker, I think this is a perfect time to talk about the very brave acts of our men and women who are serving to defend this Nation. I recently led an armed services trip to Iraq. The very first person that I met looked me in the eye and he said to me, Ma'am, do not worry about me. He said, I know what I am doing. He said I know what the threat to this Nation is: and if I have anything to do with it, we will never have another attack on our Nation. He picked up his gear. He said, So do not worry. Just pray for me. And he walked away.

The thing that I brought back from that trip to Iraq, and I realized it immediately, is that these men and women are true heroes. They volunteered to serve in our military and many of them have volunteered to serve in Iraq because they understand the threat that faces this Nation if we were to fail. But what they want to know, Mr. Speaker, is what is America saying and what is America thinking?

They watch C-SPAN. They watch the words that you say. And I was proud to be able to be there in Iraq and tell them the stories of America, about true Americans who value what they are doing who are at Sea World and stand and clap and cheer, the marines that walked through the airport in Ireland on our way back and everyone stood and everyone clapped for those marines.

The reason we are on this floor today talking about this is because the other side has made this an issue; and for the last several months, all we have heard is that we need to bring our troops home.

I do not know if you have seen the letter that has come from a-Zawahiri to al-Zarqawi. One of the quotes in this letter is: "Things may develop faster than we imagined. The aftermath of the collapse of American power in Vietnam and how they ran and left their agents is noteworthy."

When the speaker of the Iraq General Assembly came to Washington about 6 weeks ago, four of us went to hear him; and he repeatedly said, there is no other option. When Members of this body went on January 30 to the first election in Iraq, there were two things that they said to our Members: one, you cannot have purple ink on your finger because you are not an Iraqi; and, two, do not abandon us.

Mr. Speaker, we are on the brink of a democracy and freedom in Iraq. If we were to cut and run like they expect us to do, then what is going to happen is the 2,000-plus Americans who have died and given their lives for freedom will be for naught.

Mr. Speaker, I hope that we defeat this resolution on the floor today and show those men and women that are watching us on TV that we support what they are doing.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me say to the gentlewoman, if she wants to honor our troops, then give us a real debate. Do not bring this piece of garbage to the floor with an hour left at the end of the day. This is not honoring our troops. We are doing them a disservice. You are politicizing this war, and it is wrong.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, this is a sad day for me as an American, as a Member of Congress, to see that we have reached a point that those who want to be critical of the President's entrance into this war and how it is being conducted now have to be called cowards and we are cutting and running and we are not deserving of being called Americans.

The vicious attacks that are taking place by people who never served their country is really something that is really painful.

The gentleman from Pennsylvania (Mr. MURTHA) has earned the right to have an opinion. The gentleman from Pennsylvania (Mr. MURTHA) has served this country. The gentleman has served not only in the Army but he served right here in this Congress. And what is he up against? Who are these people making these dirty, nasty remarks against his character and those who support him? They are people who say that we are going to stay in this war until we win; that we are going to fight and die in this war until we win; and we are not going to leave until we win and not one day sooner.

Fight who? Who is going to surrender? What are the conditions? If you can be critical of what the gentleman from Pennsylvania (Mr. MURTHA) is going to say, how can you not be critical of the confused way in which we are getting involved in this war where we do not know what the enemy looks like, we do not know what flag they carry, we do not know who is going to surrender.

It is time for us to be civil. If you want to be concerned about our troops, you have to be concerned about why they are there. And for the President of the United States on Veterans Day, the day that all of us veterans hold so true and that brings us together, to attack his political opponents on that day and then to send out with his tuxedo-clad Vice President as someone to attack other people, other Americans, this is a sad day.

But the bottom line is if you love these troops like the gentleman from Pennsylvania (Mr. MURTHA) loves these troops, you will be supporting this legislation.

Mr. GINGREY. Mr. Speaker, I yield myself such time as I may consume.

The gentleman on the other side complained about not having enough time to discuss this resolution. We will have a minimum, Mr. Speaker, of 3 hours. We are debating right now the same-day rule. Then we will debate the rule on House Resolution 571 and then have the debate on the resolution itself. So there will be plenty of time for Members on both sides of the aisle to express their opinions on this hugely important issue.

Mr. Speaker, I yield 3 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, this is an issue that has a lot of passion; and when a lot of passion is embracing an issue, things are said that are very harsh and I think at times untrue.

Earlier we heard that there were quote/unquote dirty, nasty remarks against him, referring to the gentleman from Pennsylvania (Mr. MURTHA). No one is saying that about the gentleman from Pennsylvania (Mr. MURTHA). The gentleman from Pennsylvania (Mr. MURTHA) has a great deal of respect on both sides of the aisle and across the Nation.

This resolution is very simple. It is expressing a sense of the House. It has three lines to it. It says: "Resolved, that it is the sense of the House of Representatives that deployment of United States forces in Iraq be terminated immediately."

We are in a war for the Free World, and I think part of what we have to do and understand is the enemy himself. Al Qaeda is not fighting for a religion. They are fighting for political power by using a religion. Their targets on Americans, Jews, secular Muslims, and other Islamists like Shiites and Sunni Muslims.

They have killed and maimed innocent men and women and children from many faiths and walks of life. Their goals are measured in steps that include Iraq and every country from Spain to the Philippines, all under one theocratic government.

They oppose the freedom of speech, freedom of the press, freedom to vote, women's rights, education for women, religious freedom. They oppose music, movies, even the right to choose your own clothing, your own education, even who gets to drive. They despise who we are and what we stand for as Americans. And it is spelled out on their Web sites, their videos, their cassette tapes. It is written in their material. It is on the laptops that we have captured, and it is undeniable.

Al Qaeda's goals are confirmed in a letter on July 9, 2005, from Ayman al-Zawahiri to Abu Musab Al-Zarqawi. Al-Zawahiri is the number two man in al Qaeda, the spiritual leader of Osama bin Laden, his advisor. Al-Zarqawi is al Qaeda's director of jihadist attacks. He has been in Iraq since before Operation Iraq Freedom.

In this letter from al-Zawahiri to al-Zarqawi, al Qaeda's director of jihadist attacks, al-Zawahiri says, We have four goals. The very first goal is to expel Americans from Iraq.

If this resolution were to pass today, it would be headline news on al Jazeera TV. They would declare victory in al Qaeda, and it would jeopardize every American across the face of the globe. We have to decide where this battle is going to take place. Is it going to be in Iraq where every American carries a gun, or will it be on the streets of New York and Washington, D.C.

I say we vote this resolution down for the safety of our troops and our citizens.

Mr. McGOVERN. Mr. Speaker, if people do not like this resolution, they can vote against the rule.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. HARMAN), the ranking member on the House Intelligence Committee.

Ms. HARMAN. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in strong opposition to this rule.

Earlier today, the Democratic members of the House Intelligence Committee issued a letter to the chairman of our committee protesting his decision to shut down a bipartisan investigation into the intelligence failures that led us into war. Failure to learn from the mistakes of the past is an abdication of our responsibility to the American people and dangerous for our country. If we do not learn lessons, we will repeat mistakes.

It is likewise the responsibility of this House to conduct rigorous oversight over our policy in Iraq. There is now broad consensus in the country that we need to change course.

□ 1645

Many of us have offered thoughtful suggestions to do just that.

Let me be clear, it is not our troops who have failed. They are performing heroically, as are our intelligence personnel. A month ago, on my most recent visit to Iraq, I had dinner with troops from California who are part of Task Force Baghdad. They are doing an outstanding job.

Reasonable people can differ on whether we should redeploy troops in 6 months or 16 months and what events should drive that redeployment, but today we stand united that a change of course is urgently needed. We stand united behind the gentleman from Pennsylvania (Mr. MURTHA), our colleague, a 37-year veteran who has had his patriotism attacked by the White House, but who is not backing down, and we stand united that the Republican leadership should not use a stunt like this to score political points.

In case anyone missed it, the terrorists do not care whether we are Democrats or Republicans. They are not going to check our party registration before they blow us up.

I take a back seat to no one in my efforts to craft bipartisan solutions to problems. Iraq policy is failing, and it is time for this House to be bipartisan as the Senate was earlier this week, and it is way past time for this White House to give us a serious strategy and to clarify its intentions with respect to no permanent bases, no design on Iraqi oil, and a plan to help build true power sharing among the ethnic factions and true operational capability in the Iraqi security forces.

I urge my colleagues to vote "no" on this rule. This resolution is intended to divide us, to put partisanship in the way of patriotism.

Mr. GINGREY. Mr. Speaker I yield 2¾ minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I must say, Scoop Jackson must be spinning in his grave. The late Democrat Senate leader would be shocked to see his party has now been taken over by Michael Moore and Cindy Sheehan and the radical extremists on the left who do not like George Bush so much that now they are going to put danger to our troops by siding with the terrorists that it is time for an immediate pullout.

I plan to vote "no" on the Democrat resolution for immediate pullout. I think it is irresponsible, and it definitely sends the wrong message to our troops.

I represent the 3rd Infantry Division. I am proud to represent the 3rd Infantry Division. I know many of these soldiers. I have dealt with them. I have gone to their funerals. I have gone to their services, and I would like to quote what the leading General said, General Webster, yesterday, who is in charge of the 3rd Infantry, the troops on the ground, and I am proud to say is a friend of mine, and I am proud to say is an extremely thoughtful and patriotic, brave American. General Webster said, in response to the Democrat call for immediate withdrawal, "Setting a date would mean that the 221 soldiers I've lost this year, that their lives would have been lost in vain."

He continued to say that Iraq's armed factions would likely take a cue from a timetable for a U.S. withdrawal to lie low, gathering their strength and laying plans for renewed conflict as soon as Americans leave. In fact, the Democrat Party now seems to be taking their cue from France: Lose, leave and wait.

The Democrats seem to want to cut and run and dishonor the sacrifices of those who are doing such a great job already. The President has said, and as much as the Democrats hate sometimes, it appears, the President's policies, he said, "Our strategy is to clear, hold, and build."

What have we done is we have rounded up 116 al Qaeda rulers. A number of tips from the indigenous folks on the ground have risen from 442 in February to 3,341 today. That is cooperation by the Iraqis themselves. We have trained 210,000 Iraqi security forces, and we have more than 20 operating bases that are ready that they are doing a good job of. We have rebuilt 3,404 schools, 304 water and sewer treatment facilities, 257 fire/police stations, and 149 health services. This is progress.

Mr. Speaker, they just overwhelmingly passed a resolution adopting a new Constitution October 15, and in December, they are going to have their own elections for their own government. That is progress. Do not cut and run. Stand firm with our troops.

PARLIAMENTARY INQUIRY

Mr. McGOVERN. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman may inquire.

Mr. McGOVERN. The gentleman from Georgia just referred to this as a Democratic resolution. I would like to inquire of the Chair if he knows who introduced this legislation.

Mr. KINGSTON. Mr. Speaker, would the gentleman yield?

The SPEAKER pro tempore. The gentleman stated a parliamentary inquiry.

The gentleman will suspend. The gentleman from Massachusetts has stated a parliamentary inquiry. The chair can only identify the Member who introduced the legislation, which was Congressman HUNTER.

Mr. McGOVERN. Congressman HUNTER, a Republican?

The SPEAKER pro tempore. The gentleman from California.

Mr. McGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, I have served in this House for 22 years, all of them on the House Armed Services Committee, and my esteem for the gentleman from Pennsylvania (Mr. MURTHA) and the wisdom he has accrued over defense and military matters has increased every year. He is a real American. He is a patriot. He is a marine. He is the best embodiment of Semper Fidelis that I have ever known.

He made a proposal yesterday that I, myself, do not fully agree, but I have profound respect for the man who made it, and I watched the pain that he experienced as he agonizingly laid out what the conclusions were that he had come to. To take this proposal and trash it, trivialize it is outrageous. To treat JACK MURTHA this way, a great American, a wonderful patriot, is beneath contempt.

This resolution takes a profound issue we face, whether and when we wage war, and makes it another cheap pawn in the political process. You present a resolution that purports to be a facsimile or proxy of JACK MURTHA's resolution when it is nothing of the kind, nothing of the kind, and then you dare to call it something it is not, a Democratic resolution.

This is outrageous, Mr. Speaker, and all I can say is, at long last, have you no shame?

Mr. GINGREY. Mr. Speaker, I am proud to yield 2 minutes to the gentleman from Kentucky (Mr. DAVIS).

Mr. DAVIS of Kentucky. Mr. Speaker, I thank the gentleman for the time.

I believe it is imperative in this body that we have an open and frank dialogue on issues that are of concern to us. I am disturbed and disappointed, frankly, by some of the rhetoric I have heard, because we are judged and we are acquitted and/or we are found guilty by those words, but the luxury we have is they are simply words here.

The impact of those words, though, on the other side of the ocean, in the AOR, in Iraq and Afghanistan, is that in this small world, not only do our friends but also our enemies watch, and they do not understand our concept of openness, of tolerance, of free speech and spirited dialogue.

Indeed, sometimes remarks that have been made in this Chamber have been used for the recruiting of suicide bombers. I think that one thing, and I would have to say quite candidly, is in our oversight: It is also important that we have oversight on our own words.

The comments that were made yesterday by a man with a distinguished military record, who I do not fault one bit, fly in the face of the comments of hundreds of soldiers, ranging from junior enlisted personnel across the AOR to my West Point classmates who are commanding brigades on the ground and disagree categorically, based on the phone calls that I got last night, including one from the commander of

America's premier counterterrorism organization, who asked what in the world was happening here to make those kind of comments to encourage our enemies.

However, remarks irresponsibly given, not based on facts, simply do this: They place policy over politics while our young men and women are on the front line and unwittingly cooperates with and emboldens our enemies.

Liberal leadership has stated that they do not have a policy on Iraq, as one of your leaders said yesterday, but will have one in an appropriate time, I am sure in time for the 2006 election.

Because we are accountable for our words, I urge a yes on this rule to bring this resolution to the floor so the time for tough talking will end, and there will be accountability. If people want to make hard statements, they can be accountable for their words because of this. Because of our words, our troops are going to endure the consequences of those statements, and I urge all of you to be accountable for the statements that have been made.

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in strong opposition to this rule, and I do so because it does not seem to me reasonable to bring us into a debate over a very serious issue where our young men and women are in harm's way without hearings, without giving it any thought, without any careful thinking or examination, but thrusting it, thrusting us into voting on a resolution that is, as the gentleman from Georgia said, three lines long.

In Texas we have saying that "this dog don't hunt," and it does not hunt. This political strategy speaks to an observation that was made to us in a hearing recently by General Kelley from the Army. He said, We are a Nation at war. We are a Nation at war except in Washington, DC. We are not a Nation sharing the sacrifice. Nothing exemplifies his testimony better than the so-called debate here on this rule.

In August, we honored four soldiers that are recipients of Purple Hearts, and one of the sergeants told me, Congressman, does anybody in Washington understand that we have a flawed strategy where we are being subjected to a mentality of "The Charge of The Light Brigade?"

So I went back and I looked up "The Charge of The Light Brigade" by Lord Tennyson, and I will just read a portion of it:

Half a league, half a league,
Half a league onward,
All in the valley of Death
Rode the six hundred.
'Forward, the Light Brigade!
Charge for the guns!' he said:
Into the valley of Death
Rode the six hundred.
'Forward, the Light Brigade!'
Was there a man dismay'd?
Not tho' the soldier knew
Some one had blunder'd:
Their's not to make reply,
Their's not to reason why,
Their's but to do and die:
Into the valley of Death
Rode the six hundred.

Every day our men and women are riding convoys into that valley of death. Shame on us for this resolution. Vote against it.

Mr. GINGREY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, my Democratic colleagues are coming down here and accusing us of slandering our friend and fellow Member, the gentleman from Pennsylvania (Mr. MURTHA), and that is absurd. It is not about him, and it is not about any of us. It is about foreign policy and national security, and, quite frankly, this idea on the left that we can and should immediately withdraw is not only a bad idea, it is dangerous. How do you tell a 19-year-old American, fighting, bleeding for their country, that it is all pointless? How dare you do such a thing?

You may not agree with the way things are being managed, but do not minimize the importance of what we are doing in Iraq. You all on the left opened up this debate. I think they have been itching for a fight for a long time from the way their comments have sounded, and now they would like to sneak out of the room and avoid this topic.

The left in Congress wants a debate on the idea of immediate withdrawal, and since they have been wanting it, we are going to have it. The left wanted to go out. They wanted to talk about this with no regard for the big picture, with no regard for constituents, who have families, who are fighting. Well, now, we are going to have to stand here, they are going to have to stand here. And they are going to take the heat and take the debate.

We are fighting because we do not want our kids living in a world dominated by terrorism. We are fighting for freedom.

□ 1700

The left works real hard to isolate Iraq from the Middle East and from the global war on terrorism. The left actually thinks terrorists separate Iraq from the war on terrorism.

We know that is not true. We know it is not true.

I do not believe America is willing to give up on what is the war for the Free World. I do not think they are willing to give up on the war for the Free World.

The left wanted the debate. Let us have the debate. They are going to lose the debate. The American people have stronger backbones than the radical left.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

The gentlewoman who just spoke keeps on talking about how the Democrats want to call for immediate withdrawal without providing for the safe and orderly withdrawal of our troops and the protection of our troops. Only Mr. HUNTER, the Republican from California, has called for that in his resolution. None of us have called for that.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, yesterday the gentleman from Pennsylvania spoke with courage and conviction about the war in Iraq, and there is no one in this body who knows more about our national defense and has devoted more of his life to our troops and our security than Jack Murtha. But evidently his speech has prompted this stunt that the Republicans are pulling here to force a vote on a resolution never considered by any committee.

Well, I must tell the Members that like the intelligence that led to war, the resolution before this body is a fake. Republicans are describing this resolution as a Murtha resolution, but it is not his language and differs in key ways from his proposal.

One of the points Mr. MURTHA raised yesterday was the misuse of intelligence on Iraq. He called the war a flawed policy wrapped in illusion. Like Mr. MURTHA, I voted for that war. And like him, I have profound concerns about the intelligence, that it was warped and twisted to justify an invasion.

My concerns are deeply personal. I voted for the war resolution because the President said Iraq would soon brandish nuclear bombs: and like millions of Americans, I was misled.

I raised concerns about the nuclear intelligence in a letter to the President on March 17, 2003, before any bullets were fired and before the war started, and I am going to attach this letter to my statement, but I want to read a part of it.

I wrote: "Dear, Mr. President, in the last 10 days, it has become incontrovertibly clear that a key piece of evidence you and others in the administration have cited regarding Iraq's efforts to obtain nuclear weapons is a hoax. The evidence in question is correspondence that indicates that Iraq sought to obtain nuclear material from an African country. For several months this evidence has been a central part of the U.S. case against Iraq. It has now been conceded that this evidence was a forgery. Even more troubling, the CIA, which has been aware of this information since 2001, has never regarded the evidence as reliable.

"The implications of this fact are profound. It means that a key part of the case you have been building against Iraq is evidence that your own intelligence experts do not believe is credible. It is hard to imagine how this situation could have developed. The two most obvious explanations. knowing deception or unfathomable incompetence. both have immediate and serious implications."

I made that request 2½ years ago, and I am still waiting for an answer. The President has never explained how forged evidence could become a cornerstone in the case for the war on Iraq.

Yesterday, the gentleman from Pennsylvania spoke with courage and conviction about the war in Iraq. There is no one in this body who knows more about our national defense—and who has devoted more of his life—to our troops and our security than JACK MURTHA.

His speech has prompted this stunt by the Republicans to force a vote on a resolution never considered by any committee. Like the intelligence that led the Nation to war, the resolution before this body is a fake. Republicans are describing this resolution as the Murtha resolution. But it is not his language and differs in key ways from his proposal.

One of the points Mr. MURTHA raised yesterday was the misuse of the intelligence on Iraq. He called the war "a flawed policy wrapped in illusion."

Like Mr. MURTHA, I voted for the war. And like him, I have profound concerns about how the intelligence was warped and twisted to justify an invasion.

My concerns are deeply personal. I voted for the war resolution because the President said Iraq would soon brandish nuclear bombs. And like millions of Americans, I was misled.

I raised concerns about the nuclear intelligence in a letter to the President on March 17, 2003—before any bullets were fired and before the war started. I ask unanimous consent to introduce this letter into the RECORD.

I wrote:

Dear Mr. President: . . . In the last ten days, it has become incontrovertibly clear that a key piece of evidence you and other Administration officials have cited regarding Iraq's efforts to obtain nuclear weapons is a hoax. . . .

The evidence in question is correspondence that indicates that Iraq sought to obtain nuclear material from an African country. Niger. For several months. this evidence has been a central part of the -U.S. case against Iraq. . . . [I]n your State of the Union address, you stated: "The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa."

It has now been conceded that this evidence was a forgery. . . . Even more troubling, . . . the CIA. which has been aware of this information since 2001, has never regarded the evidence as reliable. The implications of this fact are profound: it means that a key part of the case you have been building against Iraq is evidence that your own intelligence experts . . . do not believe is credible.

It is hard to imagine how this situation could have developed. The two most obvious explanations—knowing deception or unfathomable incompetence—both have immediate and serious implications.

I made that request 2½ years ago. And I am still waiting for an answer. The President has never explained how forged evidence could become a cornerstone of the case for war in Iraq.

And this body has been part of the coverup. We've averted our eyes and shut down our oversight committees. The Washington Republicans who run this body are afraid to ask questions and embarrass the President. They have abrogated their solemn constitutional obligations to hold the executive branch accountable for its abuses.

As the ranking Democrat on the House Committee in charge of oversight and investigations, I have requested hearings to review:

(1) The way intelligence was manipulated by people in this administration. On my website—www.reform.democrats.house.gov—there is a report of 237 misleading and inaccurate statements made by the President, Vice President, Secretary of State and Defense and the National Security Adviser, based on what they knew at the time and not what we learned later.

(2) An investigation of prison treatment by the U.S. after Abu Graib.

(3) An investigation of the outing of CIA agent Valerie Plame for political purposes, even though it jeopardized our national security.

(4) An investigation of the secret meetings Vice President CHENEY had with energy executives regarding our energy policy.

The Republicans should do the work required under our Constitution—do the oversight to provide the checks and balances to avoid a concentration of power in an imperial and out of touch administration.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, March 17, 2003.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I am writing regarding a matter of grave concern. Upon your order, our armed forces will soon initiate the first preemptive war in our nation's history. The most persuasive justification for this war is that we must act to prevent Iraq from developing nuclear weapons.

In the last ten days, however, it has become incontrovertibly clear that a key piece of evidence you and other Administration officials have cited regarding Iraq's efforts to obtain nuclear weapons is a hoax. What's more, the Central Intelligence Agency questioned the veracity of the evidence at the same time you and other Administration officials were citing it in public statements. This is a breach of the highest order, and the American people are entitled to know how it happened.

As you know, I voted for the congressional resolution condemning Iraq and authorizing the use of force. Despite serious misgivings, I supported the resolution because I believed congressional approval would significantly improve the likelihood of effective U.N. action. Equally important, I believed that you had access to reliable intelligence information that merited deference.

Like many other members, I was particularly influenced by your views about Iraq's nuclear intentions. Although chemical and biological weapons can inflict casualties, no argument for attacking Iraq is as compelling as the possibility of Saddam Hussein brandishing nuclear bombs. That, obviously, is why the evidence in this area is so crucial, and why so many have looked to you for honest and credible information on Iraq's nuclear capability.

The evidence in question is correspondence that indicates that Iraq sought to obtain nuclear material from an African country, Niger. For several months, this evidence has been a central part of the U.S. case against Iraq. On December 19, the State Department filed a response to Iraq's disarmament declaration to the U.N. Security Council. The State Department response stated: "The Declaration ignores efforts to procure uranium from Niger." A month later, in your State of the Union address, you stated: "The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa." Defense Secretary Rumsfeld subsequently cited the evidence in briefing reporters.

It has now been conceded that this evidence was a forgery. On March 7, the Director General of the International Atomic Energy Agency, Mohamed ElBaradei, reported that the evidence that Iraq sought nuclear materials from Niger was "not authentic." As subsequent media accounts indicated, the evidence contained "crude errors," such as a "childlike signature" and the use of stationary from a military government in Niger that has been out of power for over a decade.

Even more troubling, however, the CIA, which has been aware of this information since 2001, has never regarded the evidence as reliable. The implications of this fact are profound: it means that a key part of the case you have been building against Iraq is evidence that your own intelligence experts at the Central Intelligence Agency do not believe is credible.

It is hard to imagine how this situation could have developed. The two most obvious explanations—knowing deception or unfathomable incompetence—both have immediate and serious implications. It is thus imperative that you address this matter without delay and provide an alternative explanation, if there is one.

The rest of this letter will explain my concerns in detail.

USE OF THE EVIDENCE BY U.S. OFFICIALS

The evidence that Iraq sought to purchase uranium from an African country was first revealed by the British government on September 24, 2002, when Prime Minister Tony Blair released a 50-page report on Iraqi efforts to acquire weapons of mass destruction. As the New York Times reported in a front-page article, one of the two "chief new elements" in the report was the claim that Iraq had "sought to acquire uranium in Africa that could be used to make nuclear weapons."

This evidence subsequently became a significant part of the U.S. case against Iraq. On December 7, Iraq filed its weapons declaration with the United Nations Security Council. The U.S. response relied heavily on the evidence that Iraq had sought to obtain uranium from Africa.

For example, this is how the New York Times began its front-page article on December 13 describing the U.S. response:

"American intelligence agencies have reached a preliminary conclusion that Iraq's 12,000 page declaration of its weapons program fails to account for chemical and biological agents missing when inspectors left Iraq four years ago, American officials and United Nations diplomats said today.

"In addition, Iraq's declaration on its nuclear program, they say, leaves open a host of questions. Among them is why Iraq was seeking to buy uranium in Africa in recent years."

The official U.S. response was provided on December 19, when Secretary of State Colin Powell appeared before the Security Council. As the Los Angeles Times reported, "A one-page State Department fact sheet . . . lists what Washington considers the key omissions and deceptions in Baghdad's Dec. 7 weapons declaration." One of the eight "key omissions and deceptions" was the failure to explain Iraq's attempts to purchase uranium from an African country.

Specifically, the State Department fact sheet contains the following points under the heading "Nuclear Weapons": "The Declaration ignores efforts to procure uranium from Niger. Why is the Iraqi regime hiding their uranium procurement?" A copy of this fact sheet is enclosed with this letter.

The Iraqi efforts to obtain uranium from Africa were deemed significant enough to be included in your State of the Union address to Congress. You stated: "The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa." As the Washington Post reported the next day, "the president seemed quite specific as he ticked off the allegations last night, including the news that Iraq had secured uranium from Africa for the purpose of making nuclear bombs."

A day later, Defense Secretary Donald Rumsfeld told reporters at a news briefing that Iraq "recently was discovered seeking significant quantities of uranium from Africa."

KNOWLEDGE OF THE UNRELIABILITY OF THE EVIDENCE

The world first learned that the evidence linking Iraq to attempts to purchase uranium from Africa was forged from the Director General of the International Atomic Energy Agency (IAEA), Mohamed ElBaradei. On March 7, Director ElBaradei reported to the U.N. Security Council: "Based on thorough analysis, the IAEA has concluded, with the concurrence of outside experts, that these documents—which formed the basis for reports of recent uranium transactions between Iraq and Niger—are in fact not authentic. We have therefore concluded that these specific allegations are unfounded."

Recent accounts in the news media have provided additional details. According to the Washington Post, the faked evidence included "a series of letters between Iraqi agents and officials in the central African nation of Niger." The article stated that the forgers "made relatively crude errors that eventually gave them away—including names and titles that did not match up with the individuals who held office at the time the letters were purportedly written." CNN reported: "one of the documents purports to be a letter signed by Tandjia Mamadou, the president of Niger, talking about the uranium deal with Iraq. On it [is] a childlike signature that is clearly not his. Another, written on paper from a 1980s military government in Niger, bears the date of October 2000 and the signature of a man who by then had not been foreign minister of Niger for 14 years."

U.S. intelligence officials had doubts about the veracity of the evidence long before Director ElBaradei's report. The Los Angeles Times reported on March 15 that "the CIA first heard allegations that Iraq was seeking uranium from Niger in late 2001" when "the existence of the documents was reported to [the CIA] second- or third-hand." The Los Angeles Times quotes one CIA official as saying: "We included that in some of our reporting, although it was all caveated because we had concerns about the accuracy of that information." The Washington Post reported on March 13: "The CIA . . . had questions about 'whether they were accurate,' said one intelligence official, and it decided not to include them in its file on Iraq's program to procure weapons of mass destruction."

There have been suggestions by some Administration officials that there may be other evidence besides the forged documents that shows Iraq tried to obtain uranium from an African country. For instance, CIA officials recently stated that "U.S. concerns regarding a possible uranium agreement between Niger and Iraq were not based solely on the documents which are now known to be fraudulent." The CIA provided this other information to the IAEA along with the forged documents. After reviewing this complete body of evidence, the IAEA stated: "we have found to date no evidence or plausible indication of the revival of a nuclear weapons programme in Iraq." Ultimately, the IAEA concluded that "these specific allegations are unfounded."

QUESTIONS

These facts raise troubling questions. It appears that at the same time that you, Secretary Rumsfeld, and State Department officials were citing Iraq's efforts to obtain uranium from Africa as a crucial part of the case against Iraq, U.S. intelligence officials regarded this very same evidence as unreliable. If true, this is deeply disturbing: it would mean that your Administration asked the U.N. Security Council, the Congress, and the American people to rely on information that your own experts knew was not credible.

Your statement to Congress during the State of the Union, in particular, raises a host of questions. The statement is worded in a way that suggests it was carefully crafted to be both literally true and deliberately misleading at the same time. The statement itself—"The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa"—may be technically accurate, since this appears to be the British position. But given what the CIA knew at the time, the implication you intended—that there was credible evidence that Iraq sought uranium from Africa—was simply false.

To date, the White House has avoided explaining why the Administration relied on this forged evidence in building its case against Iraq. The first Administration response, which was provided to the Washington Post, was "we fell for it." But this is no longer credible in light of the information from the CIA. Your spokesman, Ari Fleischer, was asked about this issue at a White House news briefing on March 14, but as the following transcript reveals, he claimed ignorance and avoided the question:

Q: Ari, as the president said in his State of the Union address, the British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa. And since then, the IAEA said that those were forged documents——

Mr. Fleischer: I'm sorry, whose statement was that?

Q: The President, in his State of the Union address. Since then, the IAEA has said those were forged documents. Was the administration aware of any doubts about these documents, the authenticity of the documents, from any government agency or department before it was submitted to the IAEA?

Mr. Fleisher: These are matters that are always reviewed with an eye toward the various information that comes in and is analyzed by a variety of different people. The President's concerns about Iraq come from multiple places, involving multiple threats that Iraq can possess, and these are matters that remain discussed.

"Thank you [end of briefing].

Plainly, more explanation is needed. I urge you to provide to me and to the relevant committees of Congress a full accounting of what you knew about the reliability of the evidence linking Iraq to uranium in Africa, when you knew this, and why you and senior officials in the Administration presented the evidence to the U.N. Security Council, the Congress, and the American people without disclosing the doubts of the CIA. In particular, I urge you to address:

(1) Whether CIA officials communicated their doubts about the credibility of the forged evidence to other Administration officials, including officials in the Department of State, the Department of Defense, the National Security Council, and the White House;

(2) Whether the CIA had any input into the "Fact Sheet" distributed by the State Department on December 19, 2002; and

(3) Whether the CIA reviewed your statement in the State of the Union address regarding Iraq's attempts to obtain uranium from Africa and, if so, what the CIA said about the statement.

Given the urgency of the situation, I would appreciate an expeditious response to these questions.

Sincerely,

HENRY A. WAXMAN,
Ranking Minority Member.

ILLUSTRATIVE EXAMPLES OF OMISSIONS FROM THE IRAQI DECLARATION TO THE UNITED NATIONS SECURITY COUNCIL

ANTHRAX AND OTHER UNDECLARED BIOLOGICAL AGENTS

The UN Special Commission concluded that Iraq did not verifiably account for, at a minimum, 2160kg of growth media.

This is enough to produce 26,000 liters of anthrax—3 times the amount Iraq declared; 1200 liters of botulinum toxin; and, 5500 liters of clostridium perfrigens—16 times the amount Iraq declared.

Why does the Iraqi declaration ignore these dangerous agents in its tally?

BALLISTIC MISSILES

Iraq has disclosed manufacturing new energetic fuels suited only to a class of missile to which it does not admit.

Iraq claims that flight-testing of a larger diameter missile fails within the 150km limit. This claim is not credible.

Why is the Iraqi regime manufacturing fuels for missiles it says it does not have?

NUCLEAR WEAPONS

The Declaration ignores efforts to procure uranium from Niger.

Why is the Iraqi regime hiding their uranium procurement?

VX

In 1999, UN Special Commission and international experts concluded that Iraq needed to provide additional, credible information about VX production.

The declaration provides no information to address these concerns.

What is the Iraqi regime trying to hide by not providing this information?

CHEMICAL AND BIOLOGICAL WEAPONS MUNITIONS

In January 1999, the UN Special Commission reported that Iraq failed to provide credible evidence that 550 mustard gas-filled artillery shells and 400 biological weapon-capable aerial bombs had been lost or destroyed.

The Iraqi regime has never adequately accounted for hundreds, possibly thousands, of tons of chemical precursors.

Again, what is the Iraqi regime trying to hide by not providing this information?

EMPTY CHEMICAL MUNITIONS

There is no adequate accounting for nearly 30,000 empty munitions that could be filled with chemical agents.

Where are these munitions?

UNMANNED AERIAL VEHICLES (UAV) PROGRAMS

Iraq denies any connection between UAV programs and chemical or biological agent dispersal. Yet, Iraq admitted in 1995 that a MIG–21 remote-piloted vehicle tested in 1991 was to carry a biological weapon spray system.

Iraq already knows how to put these biological agents into bombs and how to disperse biological agent using aircraft or unmanned aerial vehicles.

Why do they deny what they have already admitted? Why has the Iraqi regime acquired the range and auto-flight capabilities to spray biological weapons?

MOBILE BIOLOGICAL WEAPON AGENT FACILITIES

The Iraqi declaration provides no information about its mobile biological weapon agent facilities. Instead it insists that these are "refrigeration vehicles and food testing laboratories."

What is the Iraqi regime trying to hide about their mobile biological weapon facilities?

SUMMARY

None of these holes and gaps in Iraq's declaration are mere accidents, editing oversights or technical mistakes: they are material omissions.

Mr. GINGREY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. HUNTER), the chairman of the House Armed Services Committee.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding me this time.

Let us make it clear that this is not a stunt. It is not an attack on an individual. It is a very legitimate question. JACK MURTHA is a distinguished veteran. He is a good friend. We have joined together on many more defense issues than we have been apart on, and he has got an excellent background in defense, and he has every right to take the position that he has taken. We are all masters of our own opinion and our own position, and he studied this issue, and that is his position.

The reason I think it is important for this House to speak now before we break for a couple of weeks is because the impression has gone out around the world, carried on international news agencies, U.S. news agencies to friends and foes alike. The impression has gone out that Congress is withdrawing its support of the mission in Iraq. And if we look at the Washington Post and look at the front page, that is precisely what we see. If we looked at the headline on CNN and many other of the electronic news media, that is what we see.

But more importantly, it is not just important as to what our allies think or what our adversaries think. The most important people on this stage are the people wearing the uniform of the United States. And people who are reading the media, watching the media, those 140,000 personnel presently stationed in Iraq are obviously getting an impression about the United States Congress and its position with respect to all of the publicity that has emanated not just from this body and statements that have gone out from this body but also from the other body that happened just a couple of days ago and the headline stories that emanated from that.

Now, all of us, and I can just say as the chairman of my committee, we have held lots of hearings, lots of briefings. We held full House briefings for every Member of the House, Democrat and Republican, where they could ask our intelligence officers, with no handlers from the White House present, every single question that they wanted to have answered. We have had full briefings on armor, on troop deployments, on operations. Everybody here is competent to answer this question: Should we terminate our deployment in Iraq?

Now, of all the issues that we have studied over the last year or so that we have been working on, this is certainly one that we all have a background in now. Nobody can complain now that they have been duped and therefore this is not a real question or a solid question or an important question to answer. So we are going to let every Member answer that, and I hope that the message that goes back to our troops in Iraq, and I know that the message that will go back to our troops in Iraq, is that we do not support a precipitous pullout from Iraq, and that will do more to restore their morale than anything else this Congress could do.

Mr. McGOVERN. Mr. Speaker, I yield myself 10 seconds.

Can I inquire of the gentleman from California how he intends to vote on the resolution that he has introduced that does not provide for the protection of our troops?

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. McGOVERN. I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I am going to vote against a precipitous termination of our deployment in Iraq.

Mr. McGOVERN. You are going to vote against the Hunter amendment. Thank you for voting against your own amendment.

Mr. HUNTER. But I am going to allow you to vote "yes."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would advise Members that it is improper to walk in front of a Member speaking in the well.

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Speaker, the troops in this country are going to be surprised to find out that the Republican chairman of the House Armed Services Committee filed a resolution saying that it is the sense of the House of Representatives, apparently as he sees it, that the deployment of the United States forces in Iraq be terminated immediately. Apparently, the Republican chairman of the House Armed Services Committee thinks that we should not have an orderly withdrawal of the troops, thinks that we should not provide for their safety and protection on the withdrawal, thinks that we should not do the things that Mr. MURTHA suggested that we do.

It is either that, sir, or they are going to think that this is some sort of a trick, that you filed this so that we would have been looking at something that Mr. MURTHA did not want us to look at. Because if you are concerned about what the message is that the troops are getting in Iraq, you would, in fact, have a full-fledged debate here so that Mr. MURTHA and other Members of both parties could express clearly and succinctly what it is they believe ought to happen in terms of policy.

But that is not what we are seeing here. You should have a chance for Mr. MURTHA to discuss his idea on protecting the troops when there is a redeployment or redeploying to over the horizon so that there will not be a spread of terrorism, of making sure that any redeployment is made with the protection and the safety of the troops. But I do not think that is what is going on here.

You talk about your respect for Mr. MURTHA. You talk about his known knowledge for the military, and yet it is you, sir, who comes down here and says that the Republican chairman of the House Armed Services Committee proposes that the House of Representatives put their statement and their resolve that we should deploy immediately from Iraq and not protect our troops, apparently, because it does not say that, and not provide for their safety, not provide for redeployment somewhere over the horizon so that we will be sure that terrorism does not spread there and we will be ready for any emergency.

If instead you want the troops to get the message that that is not what we want, then why did you not work with your delegation over there to make sure that Mr. MURTHA's resolution could be proposed and debated and explained fully and then this country could have the benefit of a full discussion of where the policy is going, because this administration, apparently, has no clue and has no idea. They politicized the lead-up going into the area, and now you are politicizing how it is we are going to get this country back in order and out of there.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would also advise Members to address their remarks to the Chair and not to other Members.

Mr. GINGREY. Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding me this time.

And let me make this point: that the resolution is written in precisely the way that I think describes the essence of the publicity that has emanated from Washington, D.C. This is a message that has been sent to our troops; and if you look at the e-mails coming in, I think the question is well described, and I think that it manifests what a lot of people now think, especially uniformed people in the Iraq theater, and it is precisely the question before the House that the gentleman will have an absolute right to vote on; and I would hope that this is not Mr. MURTHA's position. He will have a chance to vote "no" on it.

Mr. McGOVERN. Mr. Speaker, I yield 10 seconds to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Speaker, I do not understand it to ever be the habit of this institution for a Member on one side taking it upon himself to interpret the meaning of a resolution of a Member on the other side without giving that Member the courtesy and the respect of allowing them to put forward what the meaning and intention of their own resolution is. I think, sir, you are playing games.

Mr. GINGREY. Mr. Speaker, I yield 15 seconds to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, let me just reiterate to my friend, he said this should not be about Mr. MURTHA, and it is not about Mr. MURTHA. It is about the message that has been sent around the world, as evidenced by e-mails coming back in from our troops now who think that the Congress is pulling the rug out from under the mission.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would ask Members to respect the gavel and the time yielded.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not know a single Democrat who supports the Hunter resolution that would basically provide for the immediate withdrawal without the protection for our troops. This is a counterfeit. This is an insult to this institution. And to not allow us to have a real debate, to not allow us to bring up different proposals, I think, undercuts the process.

Mr. Speaker, I yield 15 seconds to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I would like to ask the gentleman from California why he introduced a counterfeit Murtha resolution rather than allowing us to vote on the real Murtha resolution, if he wanted us to vote at all.

Mr. GINGREY. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, let me answer my friend.

This is a letter from an army captain in Iraq. He says in this e-mail: "I am a U.S. Army captain currently serving in Iraq, and I am shocked and appalled by Rep Murtha's call for an immediate withdrawal. Please, please, please convince your colleague to let us finish this critical job. He is correct that the deployments and service and casualties are hard on all of us. He is wrong about what is demoralizing to us. What is demoralizing is a Congress which no longer stands behind our mission."

That is why we are offering this resolution. That is obviously the message that is going out to thousands of servicemen around the world.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

For 24 hours you maligned a great Member of this House, a decorated Vietnam War veteran. You should be ashamed of yourselves.

Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

□ 1715

Mr. DEFAZIO. Mr. Speaker, in response to the speech of one decorated veteran of this institution, the Republican chairman of the Committee on Armed Services has taken this position of that Member, and he has written this abbreviated, interpreted version which mischaracterizes the position of Mr. MURTHA. This is signed by Mr. HUNTER, and it has a number on it. Just think of the mischief al-Zarqawi can do with this when he puts it on the Internet. We have a signed document from the Chair of the—chairman of the Committee on Armed Services asking for immediate withdrawal.

Now, I have an e-mail, too. We all get them. This is from the president of the Oregon War Veterans Association, who did disagree with Mr. MURTHA and knows my position against the war. He said, "I am writing not only to thank you for your service, but also to ask you to be cautious about politicizing the war effort in Iraq. It is our determination to keep our servicemembers safe from injury that may come from pure partisan political sabotage," and if a fabricated document fabricating the position of the chairman of the Armed Services Committee with his signature on it which is now winging its way around the world is not pure partisan political sabotage, I do not know what is.

If you have good sense, you will withdraw this resolution. We will even give you unanimous consent to do it, Mr. HUNTER. But if you will not, maybe you can start doing your job: Hold a few hearings and a little bit of oversight in what is going on in Iraq, and maybe we can even act like the bipartisan Senate and ask that the President report to us on his goals, objectives and progress in Iraq. But none of this has happened in this House. This is the only substantive action you have taken on Iraq since we went in there, and you should be awfully ashamed.

Mr. GINGREY. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. McCOTTER).

Mr. McCOTTER. Mr. Speaker, first, I wish to make it clear on my part that it is impossible to impugn the character of the gentleman from Pennsylvania because we could not do it if we so intended. Like so many of our citizen soldiers, their service did not end with their military career, and they continue to serve our country.

But I would hope that this rule would be adopted because this is a question that we have all had to answer. My constituents have asked it. It is incumbent upon me to respond, and I would think it would be no different today.

But I would hope the consequence of this rule being passed and this resolution being debated with free vote of conscience on either side of the aisle is that should it fail, is that we then strive to find a bipartisan plan for victory in Iraq, and an articulation of our war aims that can motivate the American people to galvanize behind it. For if we do not, whatever happens to this resolution, our resolution to prevail in this cause will be gone, and our cause will be nil, and the sacrifice will be in vain. Vote for adoption of the rule.

Mr. McGOVERN. Mr. Speaker, I yield 10 seconds to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I am confused. When I came here, I was told that the Republicans had put the Murtha resolution on for debate, and then I saw what they put on. I was just wondering and I have a question where they got this. Did they, by any chance, get it from CBS and Dan Rather?

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, today's debate should be about one thing, whether or not we believe that this administration and this President are pursuing sound and competent policy in Iraq. Instead, the Republican leadership has orchestrated a pathetic, partisan political ploy in an effort to distract the American people from this administration's failure in Iraq. The Republican leadership is making a mockery of JACK MURTHA's able and selfless service to his country in a blatant abuse of power.

This leadership has rushed a resolution to the floor that bears no resemblance to JACK MURTHA's considered position on Iraq. The war is a matter of life and death for our servicemen and for the people of Iraq. and this Republican leadership has instead decided to make it a political power play. This is a disgusting offense to JACK MURTHA. to every one of our veterans. and, most importantly. to all of our brave men and women serving today.

Mr. GINGREY. Mr. Speaker. I yield 1 minute to the gentlewoman from Ohio (Mrs. SCHMIDT), our newest Member.

Mrs. SCHMIDT. Mr. Speaker. yesterday I stood at Arlington National Cemetery attending the funeral of a young Marine from my district. He believed what we are doing is the right thing. and had the courage to lay his life on the line to do it.

A few minutes ago I received a call from Colonel Danny Bubp. Ohio Representative from the 88th District in the House of Representatives. He asked me to send Congress a message: "Stay the course." * * *

Mr. SNYDER. Mr. Speaker. I demand that the words of the gentlewoman from Ohio (Mrs. SCHMIDT) be taken down.

The SPEAKER pro tempore (Mr. SIMPSON). The Clerk will report the words.

☐ 1730

Mrs. SCHMIDT. Mr. Speaker, my remarks were not directed at any Member of the House, and I did not intend to suggest that they applied to any Member. most especially the distinguished gentleman from Pennsylvania. I therefore ask for unanimous consent that my words be withdrawn.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentlewoman from Ohio?

Mr. SNYDER. Reserving the right to object, Mr. Speaker. I appreciate the gentlewoman's words. And I accept. as one Member. her offer to have her words withdrawn. But I encourage all of us here tonight to recognize the seriousness of what we are about and to choose our words carefully. Our side is greatly offended by this process. I suspect that you have a fair number of Members that are not very satisfied with it. either. My suggestion would be that the resolution be withdrawn and we come back and discuss it another day.

However. I have no objection. Mr. Speaker.

The SPEAKER pro tempore. Without objection. the gentlewoman's words will be stricken.

There was no objection.

The SPEAKER pro tempore. The gentlewoman has 30 seconds remaining.

Mrs. SCHMIDT. Mr. Speaker. in the heart of the spirit of discussion, I have received many telephone calls and e-mails asking us to show the world that we do support this effort. That is what we are here about. That is the debate that is at hand, whether we support this war or that we do not support this war. My constituents, the world. expect us to stay the course.

The SPEAKER pro tempore. The gentleman from Massachusetts has 3 minutes remaining. The gentleman from Georgia has 1½ minutes remaining.

Mr. MCGOVERN. Mr. Speaker. may I inquire of the gentleman from Georgia how many more speakers he has on his side.

Mr. GINGREY. I have no more speakers. I reserve the balance of my time for the purpose of closing.

Mr. MCGOVERN. Mr. Speaker, let me close for our side here.

Mr. Speaker, sadly, this Republican resolution is consistent with the dishonest political way the Republican leadership has acted over the past 3½ years. This Congress has not served as a check. It has not served as a coequal branch of government. This Republican Congress is only interested in covering up for this administration. We have lost over 2,000 American men and women in Iraq. Thousands more are wounded. We have spent hundreds of billions of dollars in this war effort, our credibility around the world is at an all-time low. and this is the best that you can do for our soldiers. this resolution? This is it? This is our debate on Iraq? This is what the American people get for all of what they have gone through. all the sacrifices they have made?

As for this legislation by the gentleman from California. which hasn't had a hearing and hasn't had a markup. if it comes up, I am going to vote against it. I think all of us are going to vote against it because it does not provide for the safe and the orderly withdrawal of our forces. Nobody on this side has said anything other than that.

Let me close with this: to my Republican friends, JACK MURTHA isn't afraid of you. He has faced down a lot worse than some of the pathetic smears that we have heard from the other side today. And let me be clear to all of you. If you truly oppose this resolution, if you want to honor our soldiers, if you want to do your job and hold this administration accountable, which we are supposed to do, then you should oppose this rule.

If you oppose the rule, we are not going to have to deal with this lousy bill. We will come back and do it right. To vote for this rule is to politicize a war and that is a mistake. All of us whether we are for this war or against this war, whether Republican or Democrat or liberal or conservative, we should not want to politicize this war. To do so is tragic.

Mr. Speaker. by moving ahead with this resolution, we demean the service of our soldiers. We demean the families who have lost loved ones in this war. We demean this institution. We need to do our job. This is not about a game of political gotcha. This is about doing the right thing. making sure we are on the right course, that we can disagree about that. but we can respect each other's opinion without trying to smear one another.

And so I would urge all my colleagues for the sake of collegiality, for the sake of civility in this House. for the sake of doing the right thing for the people of this country and especially for our troops overseas vote down this rule. Vote down this rule. Let's end this right now. and let's come back and let's do it right and let's get the American people what they deserve: a real, thorough. honest debate and discussion on the war in Iraq.

With that. Mr. Speaker, I yield back my time.

Mr. GINGREY. Mr. Speaker. I close this debate by thanking the various Members of this body from the chairmen who have shepherded these legislative initiatives to the conferees whose hard work has given this House the opportunity to move our legislative agenda forward. While this process may not be perfect, Mr. Speaker. it is at the end of the day a process in which Members can work together through compromise and long hours to complete the work of the American people.

This is good governance: and. Mr. Speaker, good governance is never easy, but it never should be. This is serious work and the American people deserve every ounce of our attention and every ounce of our labor to see their agenda realized. Again, I would like to urge my colleagues to join me in supporting this resolution.

Ms. KAPTUR. Mr. Speaker, I rise in opposition to the misguided Hunter troop withdrawal resolution. How irresponsible this is.

Instead, let me thank Congressman and Marine JACK MURTHA.

Thank you for your patriotism.

Thank you for your honorable discernment of duty . . . to America . . . to our troops . . . to the cause of victory and freedom in Iraq. Your judicious resolution deserves hearing by the American people, our troops and this House.

Yesterday, you stood high on this Hill. Your message reached the American people. And it reached our troops and their commanders. Unlike the Bush Administration, you have a plan for Iraq. Your plan is real. It says:

Within six months, redeploy our troops consistent with their safety.

Create a quick reaction force in the region.

Back that up with an over-the-horizon presence of Marines.

Push the diplomacy button hard to secure and stabilize Iraq.

You don't want America's soldiers to be viewed as the enemy of freedom. For indeed they are its champions.

You spoke the truth when you said our soldiers have been made the victims of freedom in a growing counterinsurgency movement inside Iraq caused by the Bush-Cheney Administration's bungling, misleading, distorting and propagandizing of this war.

You were right in letting the American people know that since Abu Gharib the Bush-Cheney Administration has lost U.S. moral authority in the Middle East. Since Abu Gharib, American casualties have doubled. Since last year, insurgent incidents have increased from about 150 per week to over 700 last year.

Yes, winning means winning the hearts and minds of the people, over there, not just here. Victory means political victory as well as military victory. Our military has done everything asked of them. Our diplomats have been missing in action. Our troops were not led to believe that their lives would be lost in a counterinsurgency movement. Our troops are trained to fight force on force. The challenge America faces in the Islamic and Arab world is being made worse every day by the Bush Administration's miscalculations and misreading of the enemy. Every day, we see the Bush Administration wins us fewer friends.

America will win when the people we are trying to liberate believe we are their friends, not their enemies. 80% of Iraqis are strongly opposed to the presence of coalition troops and nearly half of the Iraqi population believe attacks against American troops are justified. This is not a prescription for victory. The time for the Murtha Plan to begin is now.

Thank you JACK MURTHA for placing your life in the line of fire for our troops and for freedom. Your resolution has a right to be heard and debated as a way forward to freedom.

AMENDMENT OFFERED BY MR. GINGREY

Mr. GINGREY. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GINGREY of Georgia:

Add at the end the following:

(5) A resolution relating to U.S. forces in Iraq.

PARLIAMENTARY INQUIRY

Mr. McGOVERN. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. McGOVERN. Mr. Speaker, I think a number of people on this side of the aisle and maybe on the other side of the aisle did not hear what the amendment is. Could it be repeated, please?

The SPEAKER pro tempore. Without objection, the Clerk will re-report the amendment.

There was no objection.

The Clerk re-reported the amendment.

The SPEAKER pro tempore. Without objection, the previous——

Mr. McGOVERN. Mr. Speaker, I reserve the right to object.

The SPEAKER pro tempore. The gentleman has offered an amendment to the resolution. A vote will occur on the amendment to the resolution.

Mr. McGOVERN. I withdraw my reservation of objection, Mr. Speaker.

PARLIAMENTARY INQUIRY

Ms. JACKSON-LEE of Texas. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentlewoman may state her inquiry.

Ms. JACKSON-LEE of Texas. My inquiry is if this amendment is voted on, does this mean that the underlying resolution could not be withdrawn as we would like for it to be so that we can debate in a civil manner the discussion of our troops in Iraq?

The SPEAKER pro tempore. The House is debating a rule that would enable the debate of a resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, if I might restate, if this resolution is voted on and it succeeds, is there then an opportunity to have by unanimous consent the resolution itself withdrawn? Does this block the withdrawal of the resolution?

The SPEAKER pro tempore. The Chair is uncertain what the gentlewoman is asking. The rule is under consideration.

Ms. JACKSON-LEE of Texas. I appreciate the indulgence of the Speaker. We have now had an amended rule. My question is——

The SPEAKER pro tempore. The rule has not yet been amended. An amendment has been proposed.

Ms. JACKSON-LEE of Texas. We may ultimately have it. My question is, if the rule passes, can we still have the opportunity to have the actual bill withdrawn?

The SPEAKER pro tempore. A measure may be withdrawn from consideration at any time before the House has acted thereon by decision or amendment.

Ms. JACKSON-LEE of Texas. Thank you, Mr. Speaker. That is my question.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the amendment and on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Georgia (Mr. GINGREY).

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. GINGREY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 211, nays 204, not voting 18, as follows:

[Roll No. 606]

YEAS—211

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barton (TX)
Bass
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—204

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gilchrest
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch

Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Simpson
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—18

Beauprez
Berman
Boswell
Boyd
Cunningham
Flake
Fossella
Gallegly
Hall
Jindal
Kind
LaHood
Miller, Gary
Moran (KS)
Paul
Peterson (PA)
Shadegg
Towns

☐ 1805

Mr. FORTENBERRY changed his vote from "nay" to "yea."

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. BERMAN. Mr. Speaker, due to a death in the family, I was unable to vote on H. Res. 563. Had I been present, I would have voted "no."

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2005

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1281) to authorize appropriations for the National Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, and for other purposes, for fiscal years 2006, 2007, 2008, 2009, and 2010, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1281

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as "National Aeronautics and Space Administration Authorization Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SUBTITLE A—AUTHORIZATIONS

Sec. 101. Fiscal year 2006.
Sec. 102. Fiscal year 2007.
Sec. 103. Fiscal year 2008.
Sec. 104. Fiscal year 2009.
Sec. 105. Fiscal year 2010.
Sec. 106. Evaluation criteria for budget request.

SUBTITLE B—GENERAL PROVISIONS

Sec. 131. Implementation of a science program that extends human knowledge and understanding of the Earth, sun, solar system, and the universe.
Sec. 132. Biennial reports to Congress on science programs.
Sec. 133. Status report on Hubble Space Telescope servicing mission.
Sec. 134. Develop expanded permanent human presence beyond low-Earth orbit.
Sec. 135. Ground-based analog capabilities.
Sec. 136. Space launch and transportation transition, capabilities, and development.
Sec. 137. Lessons learned and best practices.
Sec. 138. Safety management.
Sec. 139. Creation of a budget structure that aids effective oversight and management.
Sec. 140. Earth observing system.
Sec. 141. NASA healthcare program.
Sec. 142. Assessment of extension of data collection from Ulysses and Voyager spacecraft.
Sec. 143. Program to expand distance learning in rural underserved areas.
Sec. 144. Institutions in NASA'S minority institutions program.
Sec. 145. Aviation safety program.
Sec. 146. Atmospheric, geophysical, and rocket research authorization.
Sec. 147. Orbital debris.
Sec. 148. Continuation of certain educational programs.
Sec. 149. Establishment of the Charles "Pete" Conrad Astronomy Awards Program.
Sec. 150. GAO assessment of feasibility of Moon and Mars exploration missions.
Sec. 151. Workforce.
Sec. 152. Major research equipment and facilities.
Sec. 153. Data on specific fields of study.

SUBTITLE C—LIMITATIONS AND SPECIAL AUTHORITY

Sec. 161. Official representational fund.
Sec. 162. Facilities management.

TITLE II—INTERNATIONAL SPACE STATION

Sec. 201. International Space Station completion.
Sec. 202. Research and support capabilities on international Space Station.
Sec. 263. National laboratory status for International Space Station.
Sec. 204. Commercial support of International Space Station operations and utilization.
Sec. 205. Use of the International Space Station and annual report.

TITLE III—NATIONAL SPACE TRANSPORTATION POLICY

Sec. 301. United States human-rated launch capacity assessment.
Sec. 302. Space Shuttle transition.
Sec. 303. Commercial launch vehicles.
Sec. 304. Secondary payload capability.
Sec. 305. Power and propulsion reporting.
Sec. 306. Utilization of NASA field centers and workforce.

TITLE IV—ENABLING COMMERCIAL ACTIVITY

Sec. 401. Commercialization plan.
Sec. 402. Commercial technology transfer program.
Sec. 403. Authority for competitive prize program to encourage development of advanced space and aeronautical technologies.
Sec. 404. Commercial goods and services.

TITLE V—AERONAUTICS RESEARCH AND DEVELOPMENT

Sec. 501. Governmental interest in aeronautics.
Sec. 502. National policy for aeronautics research and development.
Sec. 503. High priority aeronautics research and development programs.
Sec. 504. Test facilities.
Sec. 505. Miscellaneous provisions.

TITLE VI—MISCELLANEOUS ADMINISTRATIVE IMPROVEMENTS.

Sec. 601. Extension of indemnification authority.
Sec. 602. Intellectual property provisions.
Sec. 603. Retrocession of jurisdiction.
Sec. 604. Recovery and disposition authority.
Sec. 605. Requirement for independent cost analysis.
Sec. 606. Electronic access to business opportunities.
Sec. 607. Reports elimination.
Sec. 608. Small business contracting.
Sec. 609. Government accountability office review and report.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) It is the policy of the United States to advance United States scientific, security, and economic interests through a healthy and active space exploration program.

(2) Basic and applied research in space science, Earth science, and aeronautics remain a significant part of the Nation's goals for the use and development of space. Basic research and development is an important component of NASA's program of exploration and discovery.

(3) Maintaining the capability to safely send humans into space is essential to United States national and economic security, United States preeminence in space, and inspiring the next generation of explorers. Thus, a gap in United States human space flight capability is harmful to the national interest.

(4) The exploration, development, and permanent habitation of the Moon will inspire the Nation, spur commerce, imagination, and excitement around the world, and open the possibility of further exploration of Mars. NASA should return to the Moon within the next decade.

(5) The establishment of the capability for consistent access to and stewardship of the region between the Moon and Earth is in the national security and commercial interests of the United States.

(6) Commercial development of space, including exploration and other lawful uses, is in the interest of the United States and the international community at large.

(7) Research and access to capabilities to support a national laboratory facility within the United States segment of the ISS in low-Earth orbit are in the national policy interests of the United States, including maintenance and development of an active and healthy stream of research from ground to space in areas that can uniquely benefit from access to this facility.

(8) NASA should develop vehicles to replace the Shuttle orbiter's capabilities for transporting crew and heavy cargo while utilizing the current program's resources, including human capital, capabilities, and infrastructure. Using these resources can ease the transition to a new space transportation system, maintain an essential industrial base, and minimize technology and safety risks.

(9) The United States must remain the leader in aeronautics and aviation. Any erosion of this preeminence is not in the Nation's economic or security interest. NASA should align its aerospace leadership to ensure United States leadership. A national effort is needed to ensure that NASA's aeronautics programs are leading contributors to the Nation's civil and military aviation needs, as well as to its exploration capabilities.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the National Aeronautics and Space Administration.

(2) ISS.—The term "ISS" means the International Space Station.

(3) NASA.—The term "NASA" means the National Aeronautics and Space Administration.

(4) SHUTTLE-DERIVED VEHICLE.—The term "shuttle-derived vehicle" means any new space transportation vehicle, piloted or unpiloted, that—

(A) is capable of supporting crew or cargo missions; and

(B) uses a major component of NASA's Space Transportation System, such as the solid rocket booster, external tank, engine, and orbiter.

(5) IN-SITU RESOURCE UTILIZATION.—The term "in-situ resource utilization" means the technology or systems that can convert indigenous or locally-situated substances into useful materials and products.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Subtitle A—Authorizations

SEC. 101. FISCAL YEAR 2006.

There are authorized to be appropriated to the National Aeronautics and Space Administration, for fiscal year 2006, $16,556,400,000, as follows:

(1) For science, aeronautics and exploration, $9,661,000,000 for the following programs (including amounts for construction of facilities).

(2) For exploration capabilities, $6,863,000,000, (including amounts for construction of facilities), which shall be used for space operations, and out of which $100,000,000 shall be used for the purposes of section 202 of this Act.

(3) For the Office of Inspector General, $32,400,000.

SEC. 102. FISCAL YEAR 2007.

There are authorized to be appropriated to the National Aeronautics and Space Administration, for fiscal year 2007, $17,052,900,000, as follows:

(1) $10,549,800,000 for science, aeronautics and exploration (including amounts for construction of facilities).

(2) For exploration capabilities, $6,469,600,000, for the following programs (including amounts for construction of facilities), of which $6,469,600,000 shall be for space operations.

(3) For the Office of Inspector General, $33,500,000.

SEC. 103. FISCAL YEAR 2008.

There are authorized to be appropriated to the National Aeronautics and Space Administration, for fiscal year 2008, $17,470,900,000.

SEC. 104. FISCAL YEAR 2009.

There are authorized to be appropriated to the National Aeronautics and Space Administration, for fiscal year 2009, $17,995,000,000.

SEC. 105. FISCAL YEAR 2010.

There are authorized to be appropriated to the National Aeronautics and Space Administration, for fiscal year 2010, $18,534,900,000.

SEC. 106. EVALUATION CRITERIA FOR BUDGET REQUEST.

It is the sense of the Congress that each budget of the United States submitted to the Congress after the date of enactment of this Act should be evaluated for compliance with the findings and priorities established by this Act and the amendments made by this Act.

Subtitle B—General Provisions

SEC. 131. IMPLEMENTATION OF A SCIENCE PROGRAM THAT EXTENDS HUMAN KNOWLEDGE AND UNDERSTANDING OF THE EARTH, SUN, SOLAR SYSTEM, AND THE UNIVERSE.

The Administrator shall—

(1) conduct a rich and vigorous set of science activities aimed at better comprehension of the universe, solar system, and Earth, and ensure that the various areas within NASA's science portfolio are developed and maintained in a balanced and healthy manner, and, as part of this balanced science research program, provide, to the maximum extent feasible, continued support and funding for the Magnetospheric Multiscale Mission, SIM-Planet Quest, and Future Explorers programs, including determining whether these delayed missions and planned missions can be expedited to meet previous schedules, and may place a greater emphasis on science, including the programs described in this paragraph, throughout the fiscal years for which funds are authorized by this Act (and for this purpose, of the funds authorized by section 101(1) of this Act, no less than $5,341,200,000 shall be for science, and of the funds authorized by section 102(1) of this Act, no less than $5,960,300,000 shall be for science);

(2) plan projected Mars exploration activities in the context of planned lunar robotic precursor missions, ensuring the ability to conduct a broad set of scientific investigations and research around and on the Moon's surface;

(3) upon successful completion of the planned return-to-flight schedule of the Space Shuttle, determine the schedule for a Shuttle servicing mission to the Hubble Space Telescope, unless such a mission would compromise astronaut or safety or the integrity of NASA's other missions;

(4) ensure that, in implementing the provisions of this section, appropriate inter-agency and commercial collaboration opportunities are sought and utilized to the maximum feasible extent;

(5) seek opportunities to diversify the flight opportunities for scientific Earth science instruments and seek innovation in the development of instruments that would enable greater flight opportunities;

(6) develop a long term sustainable relationship with the United States commercial remote sensing industry, and, consistent with applicable policies and law, to the maximum practical extent, rely on their services;

(7) in conjunction with United States industry and universities, develop Earth science applications to enhance Federal, State, local, and tribal governments that use government and commercial remote sensing capabilities and other sources of geospatial information to address their needs;

(8) plan, develop, and implement a near-Earth object survey program to detect, track, catalogue, and characterize the physical characteristics of near-Earth asteroids and comets in order to assess the threat of such near-Earth objects in impacting the Earth; and

(9) ensure that, of the amount expended for aeronautics, a significant portion is directed toward the Vehicle System Program, as much of the basic, long-term, high-risk, and innovative research in aeronautical disciplines is performed within that program.

SEC. 132. BIENNIAL REPORTS TO CONGRESS ON SCIENCE PROGRAMS.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act and every 2 years thereafter, the Administrator shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science setting forth in detail—

(1) the findings and actions taken on NASA's assessment of the balance within its science portfolio and any efforts to adjust that balance among the major program areas, including the areas referred to in section 131;

(2) any activities undertaken by the Administration to conform with the Sun-Earth science and applications direction provided in section 131; and

(3) efforts to enhance near-Earth object detection and observation.

(b) EXTERNAL REVIEW FINDINGS.—The Administrator shall include in each report submitted under this section a summary of findings and recommendations from any external reviews of the Administration's science mission priorities and programs.

SEC. 133. STATUS REPORT ON HUBBLE SPACE TELESCOPE SERVICING MISSION.

Within 60 days after the landing of the second Space Shuttle mission for return-to-flight certification, the Administrator shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science a one-time status report on a Hubble Space Telescope servicing mission.

SEC. 134. DEVELOP EXPANDED PERMANENT HUMAN PRESENCE BEYOND LOW-EARTH ORBIT.

(a) IN GENERAL.—As part of the programs authorized under the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.), the Administrator shall establish a program to develop a permanently sustained human presence on the Moon, in tandem with an extensive precursor program, to support security, commerce, and scientific pursuits, and as a stepping-stone to future exploration of Mars. The Administrator is further authorized to develop and conduct international collaborations in pursuit of these goals, as appropriate.

(b) REQUIREMENTS.—In carrying out this section, the Administrator shall—

(1) implement an effective exploration technology program that is focused around the key needs to support lunar human and robotic operations;

(2) as part of NASA's annual budget submission, submit to the Congress the detailed

mission, schedule, and budget for key lunar mission-enabling technology areas, including areas for possible innovative governmental and commercial activities and partnerships;

(3) as part of NASA's annual budget submission, submit to the Congress a plan for NASA's lunar robotic precursor and technology programs, including current and planned technology investments and scientific research that support the lunar program;

(4) conduct an intensive in-situ resource utilization technology program in order to develop the capability to use space resources to increase independence from Earth, and sustain exploration beyond low-Earth orbit;

(5) conduct a program to assure the health and safety of astronauts during extended space exploration missions which include more effective countermeasures to mitigate deleterious effects of such missions, and the means to provide in-space exploration medical care delivery to crews with little or no real-time support from Earth, relevant issues such as radiation exposure, exercise countermeasures, cardiac health, diagnostic and monitoring devices, and medical imaging;

(6) utilize advanced power and propulsion technologies, including nuclear and electric technologies, to enable or enhance robotic and human exploration missions when feasible; and

(7) develop a robust technology development program to provide surface power for use on the Moon and other locations relevant to NASA space exploration goals which, to the extent feasible, address needs for modular, scalable power sources for a range of applications on the Moon including human and vehicular uses.

SEC. 135. GROUND-BASED ANALOG CAPABILITIES.

(a) In General.—The Administrator shall establish a ground-based analog capability in remote United States locations in order to assist in the development of lunar operations, life support, and in-situ resource utilization experience and capabilities.

(b) Locations.—The Administrator shall select locations for subsection (a) in places that—

(1) are regularly accessible;

(2) have significant temperature extremes and range; and

(3) have access to energy and natural resources (including geothermal, permafrost, volcanic, and other potential resources).

(c) Involvement of Local Populations; Private Sector Partners.—In carrying out this section, the Administrator shall involve local populations, academia, and industrial partners as much as possible to ensure that ground-based benefits and applications are encouraged and developed.

SEC. 136. SPACE LAUNCH AND TRANSPORTATION TRANSITION, CAPABILITIES, AND DEVELOPMENT.

(a) Post-Orbiter Transition.—The Administrator shall develop an implementation plan for the transition to a new crew exploration vehicle and heavy-lift launch vehicle that uses the personnel, capabilities, assets, and infrastructure of the Space Shuttle to the fullest extent possible and addresses how NASA will accommodate the docking of the crew exploration vehicle to the ISS.

(b) Automated Rendezvous and Docking.—The Administrator is directed to pursue aggressively automated rendezvous and docking capabilities that can support ISS and other mission requirements and include these activities, progress reports, and plans in the implementation plan.

(c) Congressional Submission.—Within 120 days after the date of enactment of this Act the Administrator shall submit a copy of the implementation plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science.

SEC 137. LESSONS LEARNED AND BEST PRACTICES.

(a) In General.—The Administrator shall provide an implementation plan describing NASA's approach for obtaining, implementing, and sharing lessons learned and best practices for its major programs and projects within 180 days after the date of enactment of this Act. The implementation plan shall be updated and maintained to assure that it is current and consistent with the burgeoning culture of learning and safety that is emerging at NASA.

(b) Required Content.—The implementation plan shall contain as a minimum the lessons learned and best practices requirements for NASA, the organizations or positions responsible for enforcement of the requirements, the reporting structure, and the objective performance measures indicating the effectiveness of the activity.

(c) Incentives.—The Administrator shall provide incentives to encourage sharing and implementation of lessons learned and best practices by employees, projects, and programs; as well as penalties for programs and projects that are determined not to have demonstrated use of those resources.

SEC. 138. SAFETY MANAGEMENT.

Section 6 of the National Aeronautics and Space Administration Authorization Act, 1968 (42 U.S.C. 2477) is amended—

(1) by inserting "(a) In General.—" before "There";

(2) by striking "to it" and inserting "to it, including evaluating NASA's compliance with the return-to-flight and continue-to-fly recommendations of the Columbia Accident Investigation Board,";

(3) by inserting "and the Congress" after "advise the Administrator";

(4) by striking "and with respect to the adequacy of proposed or existing safety standards and shall" and inserting "with respect to the adequacy of proposed or existing safety standards, and with respect to management and culture. The Panel shall also"; and

(5) by adding at the end the following:

"(b) Annual Report.—The Panel shall submit an annual report to the Administrator and to the Congress. In the first annual report submitted after the date of enactment of the National Aeronautics and Space Administration Authorization Act of 2005, the Panel shall include an evaluation of NASA's safety management culture.

"(c) Sense of the Congress.—It is the sense of the Congress that the Administrator should—

"(1) ensure that NASA employees can raise safety concerns without fear of reprisal;

"(2) continue to follow the recommendations of the Columbia Accident Investigation Board for safely returning and continuing to fly; and

"(3) continue to inform the Congress from time to time of NASA's progress in meeting those recommendations.".

SEC. 139. CREATION OF A BUDGET STRUCTURE THAT AIDS EFFECTIVE OVERSIGHT AND MANAGEMENT.

In developing NASA's budget request for inclusion in the Budget of the United States for fiscal year 2007 and thereafter, the Administrator shall—

(1) include line items for—

(A) science, aeronautics, and exploration;

(B) exploration capabilities; and

(C) the Office of the Inspector General;

(2) enumerate separately, within the science, aeronautics, and exploration account, the requests for—

(A) space science;

(B) Earth science; and

(C) aeronautics;

(3) include, within the exploration capabilities account, the requests for—

(A) the Space Shuttle; and

(B) the ISS; and

(4) enumerate separately the specific request for the independent technical authority within the appropriate account.

SEC. 140. EARTH OBSERVING SYSTEM.

(a) In General.—Within 6 months after the date of enactment of this Act, the Administrator, in consultation with the Administrator of the National Oceanic and Atmospheric Administration and the Director of the United States Geological Survey, shall submit a plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science to ensure the long-term vitality of the earth observing system at NASA.

(b) Plan Requirements.—The plan shall—

(1) address such issues as—

(A) out-year budgetary projections;

(B) technical requirements for the system; and

(C) integration into the Global Earth Observing System of Systems; and

(2) evaluate—

(A) the need to proceed with any NASA missions that have been delayed or canceled;

(B) plans for transferring needed capabilities from some canceled or de-scoped missions to the National Polar-orbiting Environmental Satellite System;

(C) the technical base for exploratory earth observing systems, including new satellite architectures and instruments that enable global coverage, all-weather, day and night imaging of the Earth's surface features;

(D) the need to strengthen research and analysis programs; and

(E) the need to strengthen the approach to obtaining important climate observations and data records.

(c) Earth Observing System Defined.—In this section, the term "earth observing system" means the series of satellites, a science component, and a data system for long-term global observations of the land surface, biosphere, solid Earth, atmosphere, and oceans.

SEC. 141. NASA HEALTHCARE PROGRAM.

The Administrator shall develop policies, procedures, and plans necessary for—

(1) the establishment of a lifetime healthcare program for NASA astronauts and their families; and

(2) the study and analysis of the healthcare data obtained in order to understand the longitudinal health effects of space flight on humans better.

SEC. 142. ASSESSMENT OF EXTENSION OF DATA COLLECTION FROM ULYSSES AND VOYAGER SPACECRAFT.

(a) Assessment.—Not later than 60 days after the date of the enactment of this Act, the Administrator shall carry out an assessment of the costs and benefits of extending, to such date as the Administrator considers appropriate for purposes of the assessment, the date of the termination of data collection from the Ulysses spacecraft and the Voyager spacecraft.

(b) Report.—Not later than 30 days after completing the assessment required by subsection (a), the Administrator shall submit a report on the assessment to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science.

SEC. 143. PROGRAM TO EXPAND DISTANCE LEARNING IN RURAL UNDERSERVED AREAS.

(a) In General.—The Administrator shall develop or expand programs to extend science and space educational outreach to rural communities and schools through video conferencing, interpretive exhibits, teacher education, classroom presentations, and student field trips.

(b) Priorities.—In carrying out subsection (a), the Administrator shall give priority to existing programs, including Challenger Learning Centers—

(1) that utilize community-based partnerships in the field;

(2) that build and maintain video conference and exhibit capacity;

(3) that travel directly to rural communities and serve low-income populations; and

(4) with a special emphasis on increasing the number of women and minorities in the science and engineering professions.

SEC. 144. INSTITUTIONS IN NASA'S MINORITY INSTITUTIONS PROGRAM.

The matter appearing under the heading "SMALL AND DISADVANTAGED BUSINESS" in title III of the Departments of Veterans Affairs and House and Urban Development, and Independent Agencies Appropriations Act, 1990 (42 U.S.C. 2473b; 103 Stat. 863) is amended by striking "Historically Black Colleges and Universities and" and inserting "Historically Black Colleges and Universities that are part B institutions (as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2))), Hispanic-serving institutions (as defined in section 502(a)(5) of that Act (20 U.S.C. 1101a(a)(5)), Tribal Colleges or Universities (as defined in section 316(b)(3) of that Act (20 U.S.C. 1059c(b)(3)), Alaskan Native-serving institutions (as defined in section 317(b)(2) of that Act (20 U.S.C. 1059d)(b)(2)), Native Hawaiian-serving institutions (as defined in section 317(b)(4) of that Act (20 U.S.C. 1059d(b)(4)), and".

SEC. 145. AVIATION SAFETY PROGRAM.

The Administrator shall make available upon request satellite imagery of remote terrain to the Administrator of the Federal Aviation Administration, or the Director of the Five Star Medallion Program, for aviation safety and aerial photography programs to assist and train pilots in navigating challenging topographical features of such terrain.

SEC. 146. ATMOSPHERIC, GEOPHYSICAL, AND ROCKET RESEARCH AUTHORIZATION.

There are authorized to be appropriated to the Administrator for atmospheric, geophysical, or rocket research at the Poker Flat Research Range and the Kodiak Launch Complex, not more than $1,000,000 for each of fiscal years 2006 through 2010.

SEC. 147. ORBITAL DEBRIS.

The Administrator, in conjunction with the heads of other Federal agencies, shall take steps to develop or acquire technologies that will enable NASA to decrease the risks associated with orbital debris.

SEC. 148. CONTINUATION OF CERTAIN EDUCATIONAL PROGRAMS.

From amounts appropriated to NASA for educational programs, the Administrator shall ensure continuation of the Space Grant Program, the Experimental Program to Stimulate Competitive Research, and the NASA Explorer School to motivate and develop the next generation of explorers.

SEC. 149. ESTABLISHMENT OF THE CHARLES "PETE" CONRAD ASTRONOMY AWARDS PROGRAM.

(a) In General.—The Administrator shall establish a program to be known as the Charles "Pete" Conrad Astronomy Awards Program.

(b) Awards.—The Administrator shall make an annual award under the program of—

(1) $3,000 to the amateur astronomer or group of amateur astronomers who in the preceding calendar year discovered the intrinsically brightest near-Earth asteroid among the near-Earth asteroids that were discovered during that year by amateur astronomers or groups of amateur astronomers; and

(2) $3,000 to the amateur astronomer or group of amateur astronomers who made the greatest contribution to the Minor Planet Center's mission of cataloging near-Earth asteroids during the preceding year.

(c) Qualification for Award.—

(1) Recommendation.—These awards shall be made based on the recommendation of the Minor Planet Center of the Smithsonian Astrophysical Observatory.

(2) Limitation.—No individual who is not a citizen or permanent resident of the United States at the time of that individual's discovery or contribution may receive an award under this program.

SEC. 150. GAO ASSESSMENT OF FEASIBILITY OF MOON AND MARS EXPLORATION MISSIONS.

Within 9 months after the date of enactment of this Act, the Comptroller General shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science an assessment of the feasibility of NASA's planning for exploration of the Moon and Mars, giving special consideration to the long-term cost implications of program architecture and schedules. The Comptroller General shall include in this assessment the short- and long-term impact of the exploration program on other NASA program areas, including aeronautics, space science, earth science and NASA's overall research and technology development budget.

SEC. 151. WORKFORCE.

(a) In General.—The Administrator shall develop a human capital strategy to ensure that NASA has a workforce of the appropriate size and with the appropriate skills to carry out the programs of NASA, consistent with the policies and plans developed pursuant to this section. The strategy shall ensure that current personnel are utilized, to the maximum extent feasible, in implementing the vision for space exploration and NASA's other programs. The strategy shall cover the period through fiscal year 2011.

(b) Content.—The strategy shall describe, at a minimum—

(1) any categories of employees NASA intends to reduce, the expected size and timing of those reductions, the methods NASA intends to use to make the reductions, and the reasons NASA no longer needs those employees;

(2) any categories of employees NASA intends to increase, the expected size and timing of those increases, the methods NASA intends to use to recruit the additional employees, and the reasons NASA needs those employees;

(3) the steps NASA will use to retain needed employees; and

(4) the budget assumptions of the strategy, which for fiscal years 2006 and 2007 shall be consistent with the authorizations provided in subtitle A, and any expected additional costs or savings from the strategy by fiscal year.

(c) Schedule.—The Administrator shall transmit the strategy developed under this section to the Senate Committee on Commerce, Science, and Transportation and House of Representatives Committee on Science not later than the date on which the President submits the proposed budget for the Federal Government for fiscal year 2007 to the Congress. At least 60 days before transmitting the strategy, NASA shall provide a draft of the strategy to its Federal Employee Unions for a 30-day consultation period after which NASA shall respond in writing to any written concerns provided by the Unions.

(d) Limitation.—

(1) In general.—NASA may not initiate any buyout offer after the date of enactment of this Act until 60 days after the strategy required by this subsection has been transmitted to the Senate Committee on Commerce, Science, and Transportation and House of Representatives Committee on Science in accordance with subsection (c). NASA may not implement any reduction-in-force or other involuntary separations (except for cause) prior to June 1, 2007, except as provided in paragraph (2).

(2) Exceptions.—

(A) Specific buy-outs.—Notwithstanding paragraph (1), NASA may make exceptions can be made for specific buy-outs on a case-by-case basis, if NASA provides information to the Committees that justifies those specific buy-outs, including why the relevant employees could not be utilized to fulfill other NASA missions.

(B) Emergency reductions-in-force.—NASA may also request an exception for an emergency reduction-in-force of management personnel by transmitting to the Committees—

(i) a detailed rationale for the proposed reduction-in-force;

(ii) an explanation of why the proposed reduction-in-force cannot wait until after the workforce strategy has been transmitted to the Committees in accordance with the requirements of this section; and

(iii) an explanation of why the relevant employees could not be utilized to fulfill other NASA missions.

SEC. 152. MAJOR RESEARCH EQUIPMENT AND FACILITIES.

(a) In General.—Notwithstanding any other provision of law, the National Science Foundation may use funds in the major research equipment and facilities construction account for the design and development of projects that—

(1) have been given a very high rating by relevant scientific peer review panels in the relevant discipline;

(2) have substantial cost-sharing with non-Foundation entities; and

(3) have passed a critical design review.

(b) National Science Board Approval.—Nothing in subsection (a) shall be construed to eliminate the need for approval by the National Science Board before such equipment and facilities are eligible for acquisition, construction, commissioning, or upgrading.

SEC. 153. DATA ON SPECIFIC FIELDS OF STUDY.

(a) In General.—The National Science Foundation shall collect statistically reliable data through the American Community Survey on the field of degree of college-educated individuals.

(b) Additional Census Question.—In order to facilitate the implementation of subsection (a), the Secretary of Commerce shall expand the American Community Survey to include a question to elicit information concerning the field of study in which college-educated individuals received their degrees. The Director of the Bureau of the Census shall consult with the Director of the National Science Foundation concerning the wording of the question or questions to be added to the Survey.

Subtitle C—Limitations and Special Authority

SEC. 161. OFFICIAL REPRESENTATIONAL FUND.

Amounts appropriated pursuant to paragraphs (1) and (2) of section 101 may be used, but not to exceed $70,000, for official reception and representation expenses.

SEC. 162. FACILITIES MANAGEMENT.

NASA shall develop a facilities investment plan through fiscal year 2015 that takes into account uniqueness, mission dependency, and other studies required by this Act.

TITLE II—INTERNATIONAL SPACE STATION

SEC. 201. INTERNATIONAL SPACE STATION COMPLETION.

(a) Elements, Capabilities, and Configuration Criteria.—The Administrator shall ensure that the ISS will be able to—

(1) fulfill international partner agreements and provide a diverse range of research capacity, including a high rate of human biomedical research protocols, countermeasures, applied bio-technologies, technology and exploration research, and other priority areas;

(2) have an ability to support crew size of at least 6 persons;

(3) support crew exploration vehicle docking and automated docking of cargo vehicles or modules launched by either heavy-lift or commercially-developed launch vehicles; and

(4) be operated at an appropriate risk level.

(b) Contingency Plan.—The transportation plan to support ISS shall include contingency options to ensure sufficient logistics and on-orbit capabilities to support any potential hiatus between Space Shuttle availability and follow-on crew and cargo systems, and provide sufficient pre-positioning of spares and other supplies needed to accommodate any such hiatus.

(c) Certification.—Within 60 days after the date of enactment of this Act, and before making any change in the ISS assembly sequence in effect on the date of enactment of this Act, the Administrator shall certify in writing to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science NASA's plan to meet the requirements of subsections (a) and (b).

(d) Cost Limitation for the ISS.—Within 6 months after the date of enactment of this Act, the Administrator shall submit to the Congress information pertaining to the impact of the Columbia accident and the implementation of full cost accounting on the development costs of the International Space Station. The Administrator shall also identify any statutory changes needed to section 202 of the NASA Authorization Act of 2000 to address those impacts.

SEC. 202. RESEARCH AND SUPPORT CAPABILITIES ON INTERNATIONAL SPACE STATION.

(a) In General.—The Administrator shall—

(1) within 60 days after the date of enactment of this Act, provide an assessment of biomedical and life science research planned for implementation aboard the ISS that includes the identification of research which can be performed in ground-based facilities and then, if appropriate, validated in space to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science;

(2) ensure the capacity to support ground-based research leading to spaceflight of scientific research in a variety of disciplines with potential direct national benefits and applications that can advance significantly from the uniqueness of micro-gravity;

(3) restore and protect such potential ISS research activities as molecular crystal growth, animal research, basic fluid physics, combustion research, cellular biotechnology, low temperature physics, and cellular research at a level which will sustain the existing scientific expertise and research capabilities until such time as additional funding or resources from sources other than NASA can be identified to support these activities within the framework of the National Laboratory provided for in section 203 of this Act;

(4) consider the need for a life sciences centrifuge and any associated holding facilities; and

(5) within 1 year after the date of enactment of this Act, develop a research plan that will demonstrate the process by which NASA will evolve the ISS research portfolio in a manner consistent with the planned growth and evolution of ISS on-orbit and transportation capabilities.

(b) Maintenance of On-Orbit Analytical Capabilities.—The Administrator shall ensure that on-orbit analytical capabilities to support diagnostic human research, as well as on-orbit characterization of molecular crystal growth, cellular research, and other research products and results are developed and maintained, as an alternative to Earth-based analysis requiring the capability of returning research products to Earth.

(c) Assessment of Potential Scientific Uses.—The Administrator shall assess further potential possible scientific uses of the ISS for other applications, such as technology development, development of manufacturing processes, Earth observation and characterization, and astronomical observations.

(d) Transition to Public-Private Research Operations.—By no later than the date on which the assembly of the ISS is complete (as determined by the Administrator), the Administrator shall initiate steps to transition research operations on the ISS to a greater private–public operating relationship pursuant to section 203 of this Act.

SEC. 203. NATIONAL LABORATORY STATUS FOR INTERNATIONAL SPACE STATION.

(a) In General.—In order to accomplish the objectives listed in section 202, the United States segment of the ISS is hereby designated a national laboratory facility. The Administrator, after consultation with the Director of the Office of Science and Technology Policy, shall develop the national laboratory facility to oversee scientific utilization of an ISS national laboratory within the organizational structure of NASA.

(b) National Laboratory Functions.—The Administrator shall seek to use the national laboratory to increase the utilization of the ISS by other national and commercial users and to maximize available NASA funding for research through partnerships, cost-sharing agreements, and arrangements with non-NASA entities.

(c) Implementation Plan.—Within 1 year after the date of enactment of this Act, the Administrator shall provide an implementation plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science for establishment of the ISS national laboratory facility which, at a minimum, shall include—

(1) proposed on-orbit laboratory functions;

(2) proposed ground-based laboratory facilities;

(3) detailed laboratory management structure, concept of operations, and operational feasibility;

(4) detailed plans for integration and conduct of ground and space-based research operations;

(5) description of funding and workforce resource requirements necessary to establish and operate the laboratory;

(6) plans for accommodation of existing international partner research obligations and commitments; and

(7) detailed outline of actions and timeline necessary to implement and initiate operations of the laboratory.

(d) U.S. Segment Defined.—In this section the term "United States Segment of the ISS" means those elements of the ISS manufactured—

(1) by the United States; or

(2) for the United States by other nations in exchange for funds or launch services.

SEC. 204. COMMERCIAL SUPPORT OF INTERNATIONAL SPACE STATION OPERATIONS AND UTILIZATION.

The Administrator shall purchase commercial services for support of the ISS for cargo and other needs, and for enhancement of the capabilities of the ISS, to the maximum extent possible, in accordance with Federal procurement law.

SEC. 205. USE OF THE INTERNATIONAL SPACE STATION AND ANNUAL REPORT.

(a) Policy.—It is the policy of the United States—

(1) to ensure diverse and growing utilization of benefits from the ISS; and

(2) to increase commercial operations in low-Earth orbit and beyond that are supported by national and commercial space transportation capabilities.

(b) Use of International Space Station.—The Administrator shall conduct broadly focused scientific and exploration research and development activities using the ISS in a manner consistent with the provisions of this title, and advance the Nation's exploration of the Moon and beyond, using the ISS as a test-bed and outpost for operations, engineering, and scientific research.

(c) Reports.—No later than March 31 of each year the Administrator shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science on the use of the ISS for these purposes, with implementation milestones and associated results.

TITLE III—NATIONAL SPACE TRANSPORTATION POLICY

SEC. 301. UNITED STATES HUMAN-RATED LAUNCH CAPACITY ASSESSMENT.

Notwithstanding any other provision of law, the Administrator shall, within 60 days after the date of enactment of this Act, provide to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science, a full description of the transportation requirements needed to support the space launch and transportation transition implementation plan required by section 136 of this Act, as well as for the ISS, including—

(1) the manner in which the capabilities of any proposed human-rated crew and launch vehicles meet the requirements of the implementation plan under section 136 of this Act;

(2) a retention plan of skilled personnel from the legacy Shuttle program which will sustain the level of safety for that program through the final flight and transition plan

that will ensure that any NASA programs can utilize the human capital resources of the Shuttle program, to the maximum extent practicable;

(3) the implications for and impact on the Nation's aerospace industrial base;

(4) the manner in which the proposed vehicles contribute to a national mixed fleet launch and flight capacity;

(5) the nature and timing of the transition from the Space Shuttle to the workforce, the proposed vehicles, and any related infrastructure;

(6) support for ISS crew transportation, ISS utilization, and lunar exploration architecture;

(7) for any human rated vehicle, a crew escape system, as well as substantial protection against orbital debris strikes that offers a high level of safety;

(8) development risk areas;

(9) the schedule and cost;

(10) the relationship between crew and cargo capabilities; and

(11) the ability to reduce risk through the use of currently qualified hardware.

SEC. 302. SPACE SHUTTLE TRANSITION.

(a) Policy Statement.—It is the policy of the United States to possess the capability for assured human access to space. The Administrator shall act to ensure that the United States retains that capacity on a continuous basis. The Administrator shall conduct the transition from the Space Shuttle orbiter to a replacement capacity in a manner that efficiently uses the personnel, capabilities, and infrastructure that are currently available to the extent feasible.

(b) Progress Report.—Within 180 days after the date of enactment of this Act and annually thereafter, the Administrator shall report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science on the progress and the estimated amount of time before the next generation human-rated NASA spacecraft will demonstrate crewed, orbital spaceflight.

(c) Policy Compliance Report.—If, 1 year before the final flight of the Space Shuttle orbiter, the United States has not demonstrated a replacement human space flight system, the Administrator shall certify that the United States cannot uphold the policy outlined in subsection (a) and shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science describing—

(1) United States strategic risks associated with the hiatus or gap;

(2) the estimated length of time during which the United States will not have independent human access to space;

(3) what steps will be taken to shorten that length of time; and

(4) what other means will be used to allow human access to space during that time.

(d) Transition Plan Report.—After providing the information required by section 301 to the Committees, the Administrator shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science containing a detailed and comprehensive Space Shuttle transition plan that includes any necessary recertification, including requirements, assumptions, and milestones, in order to utilize the Space Shuttle orbiter beyond calendar year 2010.

(e) Contract Terminations; Vendor Replacements.—The Administrator may not terminate any contracts nor replace any vendors associated with the Space Shuttle until the Administrator transmits the report required by subsection (b) to the Committees.

SEC. 303. COMMERCIAL LAUNCH VEHICLES.

It is the sense of Congress that the Administrator should use current and emerging commercial launch vehicles to fulfill appropriate mission needs, including the support of low-Earth orbit and lunar exploration operations.

SEC. 304. SECONDARY PAYLOAD CAPABILITY.

(a) In General.—In order to help develop a cadre of experienced engineers and to provide more routine and affordable access to space, the Administrator shall provide the capabilities to support secondary payloads on United States launch vehicles, including free flyers, for satellites or scientific payloads weighing less than 500 kilograms.

(b) Feasibility Study.—The Administrator shall initiate a feasibility study for establishing a National Free Flyer Launch Center as a means of consolidating and integrating secondary launch capabilities, launch opportunities, and payloads.

(c) Assessment.—The feasibility study required in this section shall include an assessment of the potential utilization of existing launch and launch support facilities and capabilities in the states of Montana and New Mexico and their respective contiguous states, and the state of Alaska, and shall include an assessment of the feasibility of integrating the potential National Free Flyer Launch Center within the operations and facilities of an existing non-profit organization such as the Inland Northwest Space Alliance in Missoula, Montana, or similar entity.

SEC. 305. POWER AND PROPULSION REPORTING.

The Administrator shall, within 180 days after the date of enactment of this Act, provide to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science, a full description of plans to develop and utilize nuclear power and nuclear propulsion capabilities to achieve agency goals and any requirements in this Act, and address how those plans meet the intent of the Vision for Space Exploration and the President's Space Transportation Policy Directive.

SEC. 306. UTILIZATION OF NASA FIELD CENTERS AND WORKFORCE.

(a) In General.—In budgeting for and carrying out elements of this title, the Administrator shall make the most effective use of existing research, development, testing, and space exploration expertise and facilities resident within NASA field centers.

(b) Responsibilities of Field Centers.—The Administrator shall take appropriate action to balance responsibilities between the field centers for leading the development of systems relevant to the Vision for Space Exploration, including systems identified in this title or any architecture studies performed by NASA.

TITLE IV—ENABLING COMMERCIAL ACTIVITY

SEC. 401. COMMERCIALIZATION PLAN.

(a) In General.—The Administrator, in consultation with the Associate Administrator for Space Transportation of the Federal Aviation Administration, the Director of the Office of Space Commercialization of the Department of Commerce, and any other relevant agencies, shall develop a commercialization plan to support the human missions to the Moon and Mars, to support Low-Earth Orbit activities and Earth science mission and applications, and to transfer science research and technology to society. The plan shall identify opportunities for the private sector to participate in the future missions and activities, including opportunities for partnership between NASA and the private sector in the development of technologies and services, shall emphasize the utilization by NASA of advancements made by the private sector in space launch and orbital hardware, and shall include opportunities for innovative collaborations between NASA and the private sector under existing authorities of NASA for reimbursable and non-reimbursable agreements under the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.).

(b) Report.—Within 180 days after the date of enactment of this Act, the Administrator shall submit a copy of the plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science.

SEC. 402. COMMERCIAL TECHNOLOGY TRANSFER PROGRAM.

(a) In General.—The Administrator shall execute a commercial technology transfer program with the goal of facilitating the exchange services, products, and intellectual property between NASA and the private sector. This program shall be maintained in a manner that provides measurable benefits for the agency, the domestic economy, and research communities.

(b) Program Structure.—In carrying out the program described in paragraph (a), the Administrator shall maintain the funding and program structure of NASA's existing technology transfer and commercialization organizations through the end of fiscal year 2006.

SEC. 403. AUTHORITY FOR COMPETITIVE PRIZE PROGRAM TO ENCOURAGE DEVELOPMENT OF ADVANCED SPACE AND AERONAUTICAL TECHNOLOGIES.

Title III of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.) is amended by adding at the end the following:

“SEC. 316. PROGRAM ON COMPETITIVE AWARD OF PRIZES TO ENCOURAGE DEVELOPMENT OF ADVANCED SPACE AND AERONAUTICAL TECHNOLOGIES.

“(a) Program Authorized.—

“(1) In general.—The Administrator may carry out a program to award prizes to stimulate innovation in basic and applied research, technology development, and prototype demonstration that have the potential for application to the performance of the space and aeronautical activities of the Administration.

“(2) Use of prize authority.—In carrying out the program, the Administrator shall seek to develop and support technologies and areas identified in section 134 of this Act or other areas that the Administrator determines to be providing impetus to NASA's overall exploration and science architecture and plans, such as private efforts to detect near Earth objects and, where practicable, utilize the prize winner's technologies in fulfilling NASA's missions. The Administrator shall widely advertise any competitions conducted under the program and must include advertising to research universities.

“(3) Coordination.—The program shall be implemented in compliance with section 138 of the National Aeronautics and Space Administration Authorization Act of 2005.

“(b) Program Requirements.—

“(1) Competitive process.—Recipients of prizes under the program under this section shall be selected through one or more competitions conducted by the Administrator.

“(2) Advertising.—The Administrator shall widely advertise any competitions conducted under the program.

“(c) Registration; Assumption of Risk.—

"(1) Registration.—Each potential recipient of a prize in a competition under the program under this section shall register for the competition.

"(2) Assumption of risk.—In registering for a competition under paragraph (1), a potential recipient of a prize shall assume any and all risks, and waive claims against the United States Government and its related entities, for any injury, death, damage, or loss of property, revenue, or profits, whether direct, indirect, or consequential, arising from participation in the competition, whether such injury, death, damage, or loss arises through negligence or otherwise, except in the case of willful misconduct.

"(3) Related entity defined.—In this subsection, the term 'related entity' includes a contractor or subcontractor at any tier, a supplier, user, customer, cooperating party, grantee, investigator, or detailee.

"(d) Limitations.—

"(1) Total amount.—The total amount of cash prizes available for award in competitions under the program under this section in any fiscal year may not exceed $50,000,000.

"(2) Approval required for large prizes.—No competition under the program may result in the award of more than $1,000,000 in cash prizes without the approval of the Administrator or a designee of the Administrator.

"(e) Relationship to Other Authority.—The Administrator may utilize the authority in this section in conjunction with or in addition to the utilization of any other authority of the Administrator to acquire, support, or stimulate basic and applied research, technology development, or prototype demonstration projects.

"(f) Availability of Funds.—Funds appropriated for the program authorized by this section shall remain available until expended.".

SEC. 404. COMMERCIAL GOODS AND SERVICES.

It is the sense of the Congress that NASA should purchase commercially available space goods and services to the fullest extent feasible in support of the human missions beyond Earth and should encourage commercial use and development of space to the greatest extent practicable.

TITLE V—AERONAUTICS RESEARCH AND DEVELOPMENT

SEC. 501. GOVERNMENTAL INTEREST IN AERONAUTICS.

Congress reaffirms the national commitment to aeronautics research made in the National Aeronautics and Space Act of 1958. Aeronautical research and development remains a core mission of NASA. NASA is the lead agency for civil aeronautics research. NASA shall conduct a robust program of aeronautics research that includes fundamental basic research as well as research in the fields of vehicle systems and of safety and security.

SEC. 502. NATIONAL POLICY FOR AERONAUTICS RESEARCH AND DEVELOPMENT.

(a) In General.—The President shall develop through NASA and other relevant entities, a national aeronautics policy to guide the aeronautics programs of the United States through the year 2020. The development of this policy shall utilize external studies that have been conducted on the state of United States aeronautics and aviation research and have suggested policies to ensure continued competitiveness.

(b) Content.—At a minimum the national aeronautics policy shall describe—

(1) national goals for aeronautics research;

(2) the priority areas of research for aeronautics through fiscal year 2011;

(3) the basis of which and the process by which priorities for ensuing fiscal years will be selected; and

(4) respective roles and responsibilities of various Federal agencies in aeronautics research.

(c) NASA Input.—In providing input to and executing the National Aeronautics Policy, the Administrator, shall consider the following issues:

(1) The established governmental interest in conducting research and development programs for improvement of the usefulness, performance, speed, safety, and efficiency of aeronautical and vehicles, as described in section 102(c)(2) of the National Aeronautics and Space Act of 1958 and reaffirmed in section 501.

(2) The established governmental interest in conducting research and development programs that contribute to preservation of the role of the United States as a global leader in aeronautical technologies and in the application thereof in section 102(c)(5) of the National Aeronautics and Space Act of 1958 and reaffirmed in section 501.

(3) The appropriate balance between long-term, high risk research and shorter, more incremental research, and the expected impact on the United States economy and public good.

(4) The appropriate balance between in-house research and procurement with industry and academia.

(5) The extent to which NASA should address military and commercial aviation needs.

(6) How NASA will coordinate its aeronautics program with other Federal agencies.

(7) Opportunities for partnerships with the private sector.

(d) Schedule.—

(1) No later than 1 year after the date of enactment of this Act, the President shall submit the national aeronautics policy to the Appropriations Committees of the House of Representatives and the Senate, the House Committee on Science, and the Senate Committee on Commerce, Science, and Transportation.

(2) No later than 60 days after the transmittal of the policy, the Administrator shall submit NASA's response to the policy, to the Appropriations Committees of the House of Representatives and the Senate, the House Committee on Science, and the Senate Committee on Commerce, Science and Transportation.

SEC. 503. HIGH PRIORITY AERONAUTICS RESEARCH AND DEVELOPMENT PROGRAMS.

(a) In General.—In its role as lead agency for civil aeronautics research and development, NASA shall develop programs and projects in accordance with the National Aeronautics Policy described in section 502, as well program areas listed in subsection (b). These programs must be driven by scientific merit.

(b) Research and Development.—In executing an aeronautics research and development program, the Administrator shall, at a minimum, within the budgetary and programmatic resources provided, conduct programs in the following areas:

(1) Fundamental research.—The Administrator shall establish a program of long-term fundamental research in aeronautical sciences and technologies that is not tied to specific development projects. The Administrator shall set aside no less than 5 percent of the aeronautics budget for this program. As part of this program, the Administrator is encouraged to make merit-reviewed grants to institutions of higher learning, including such institutions located in states that participate in the Experimental Program to Stimulate Competitive Research.

(2) Vehicle systems research and technology.—In order to maintain United States economic competitiveness and protect the environment, the Administrator shall establish programs in each of the following technology areas:

(A) Environmental aircraft research and development.—The Administrator shall establish an initiative with the objective of developing and demonstrating in a relevant environment, technologies to enable the following commercial aircraft performance characteristics:

(i) Noise.—Noise levels on takeoff and on airport approach and landing that do not exceed ambient noise levels in the absence of flight operations in the vicinity of airports from which such commercial aircraft would normally operate;

(ii) Energy consumption.—Twenty-five percent reduction in the energy required for medium to long range flights, compared to aircraft in commercial service as of the date of enactment of this Act; and

(iii) Emissions.—Nitrogen oxides on takeoff and landing that are significantly reduced, without adversely affecting hydrocarbons and smoke, relative to aircraft in commercial service as of the date of enactment of this Act.

(B) Supersonic transport research and development.—The Administrator shall establish an initiative with the objective of developing and demonstrating in a relevant environment within airframe and propulsion technologies to enable efficient, economical overland flight of supersonic civil transport aircraft with no significant impact on the environment.

(C) Rotorcraft and other runway-independent air vehicles.—The Administrator shall establish a rotorcraft and other runway-independent air vehicles initiative with the objective of developing and demonstrating improved safety, noise, and environmental impact in a relevant environment.

(D) Hypersonics research.—The Administrator shall establish a hypersonics research program whose objective shall be to explore the science and technology of hypersonic flight using air-breathing propulsion concepts, through a mix of theoretical work, basic and applied research, and development of flight research demonstration vehicles. Emphasis in the program shall be given to advancing and demonstrating turbine engine technology in the transition to hypersonic range Mach 3 to Mach 5.

(E) Revolutionary aeronautical concepts.—The Administrator shall establish a research program which covers a unique range of subsonic, fixed wing vehicles and propulsion concepts. This research is intended to push technology barriers beyond current subsonic technology. Propulsion concepts include advanced materials, morphing engines, hybrid engines, and fuel cells.

(F) More electric aircraft initiative.—The Administrator shall establish a program for innovative and focused research and development such as fuel cell technologies.

(3) Airspace systems research.—The Airspace Systems Research program shall pursue research and development to enable revolutionary improvements to and modernization of the National Airspace system, as well as to enable the introduction of new systems for vehicles that can take advantage of an

improved, modern air transportation system. In pursuing research and development in this area, the Administrator shall align the projects of the Airspace Systems Research program so that they directly support the objectives of the Joint Planning and Development Office's Next Generation air Transportation System Integrated Plan.

(4) AVIATION SAFETY AND SECURITY RESEARCH.—The Aviation Safety and Security Research program shall pursue research and development activities that directly address the safety and security needs of the National Airspace System and the aircraft that fly in it.

SEC. 504. TEST FACILITIES.

(a) Prior to completion of the National Aeronautics Policy described in section 502 and transmittal of such policy pursuant to subsection (d) of that section, the Administrator may not close, suspend, or terminate contracts for the operation of major aeronautical test facilities, including wind tunnels, unless the Administrator—

(1) certifies in writing that such closure will not have an adverse impact on NASA's ability to execute the National Policy and achieve the goals described in that Policy; and

(2) provides notification to and receives concurrence from the Appropriations Committees of the House of Representatives and the Senate, the House Committee on Science, and the Senate Committee on Commerce, Science and Transportation 60 days in advance of such action.

SEC. 505. MISCELLANEOUS PROVISIONS.

(a) WORKFORCE DEVELOPMENT.—The Administrator shall encourage the development of a skilled and diverse aeronautics research workforce using appropriate available tools such as grants, scholarships for service, and fellowships.

(b) ALIGNMENT OF PROGRAMS.—Notwithstanding any other provision of this title, the Administrator shall align NASA's aeronautics program with priorities established by the Joint Planning and Development Office and by the National Aeronautics Policy described in section 502 of this Act.

TITLE VI—MISCELLANEOUS ADMINISTRATIVE IMPROVEMENTS

SEC. 601. EXTENSION OF INDEMNIFICATION AUTHORITY.

Section 309 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2458c) is amended by striking "December 31, 2002" and inserting "December 31, 2007", and by striking "September 30, 2005" and inserting "December 31, 2009".

SEC. 602. INTELLECTUAL PROPERTY PROVISIONS.

Section 305 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457) is amended by inserting after subsection (f) the following:

"(g) ASSIGNMENT OF PATENT RIGHTS, ETC.—

"(1) IN GENERAL.—Under agreements entered into pursuant to paragraph (5) or (6) of section 203(c) of this Act (42 U.S.C. 2473(c)(5) or (6)), the Administrator may—

"(A) grant or agree to grant in advance to a participating party, patent licenses or assignments, or options thereto, in any invention made in whole or in part by an Administration employee under the agreement; or

"(B) subject to section 209 of title 35, grant a license to an invention which is Federally owned, for which a patent application was filed before the signing of the agreement, and directly within the scope of the work under the agreement, for reasonable compensation when appropriate.

"(2) EXCLUSIVITY.—The Administrator shall ensure, through such agreement, that the participating party has the option to choose an exclusive license for a pre-negotiated field of use for any such invention under the agreement or, if there is more than 1 participating party, that the participating parties are offered the option to hold licensing rights that collectively encompass the rights that would be held under such an exclusive license by one party.

"(3) CONDITIONS.—In consideration for the Government's contribution under the agreement, grants under this subsection shall be subject to the following explicit conditions:

"(A) A nonexclusive, nontransferable, irrevocable, paid-up license from the participating party to the Administration to practice the invention or have the invention practiced throughout the world by or on behalf of the Government. In the exercise of such license, the Government shall not publicly disclose trade secrets or commercial or financial information that is privileged or confidential within the meaning of section 552 (b)(4) of title 5, United States Code, or which would be considered as such if it had been obtained from a non-Federal party.

"(B) If the Administration assigns title or grants an exclusive license to such an invention, the Government shall retain the right—

"(i) to require the participating party to grant to a responsible applicant a nonexclusive, partially exclusive, or exclusive license to use the invention in the applicant's licensed field of use, on terms that are reasonable under the circumstances; or

"(ii) if the participating party fails to grant such a license, to grant the license itself.

"(C) The Government may exercise its right retained under subparagraph (B) only in exceptional circumstances and only if the Government determines that—

"(i) the action is necessary to meet health or safety needs that are not reasonably satisfied by the participating party;

"(ii) the action is necessary to meet requirements for public use specified by Federal regulations, and such requirements are not reasonably satisfied by the participating party; or

"(iii) the action is necessary to comply with an agreement containing provisions described in section 12(c)(4)(B) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)(4)(B)).

"(4) APPEAL AND REVIEW OF DETERMINATION.—A determination under paragraph (3)(C) is subject to administrative appeal and judicial review under section 203(b) of title 35, United States Code.".

SEC. 603. RETROCESSION OF JURISDICTION.

Title III of the National Aeronautics and Space Act of 1958, as amended by section 602 of this Act, is further amended by adding at the end the following:

"SEC. 317. RETROCESSION OF JURISDICTION.

"Notwithstanding any other provision of law, the Administrator may, whenever the Administrator considers it desirable, relinquish to a State all or part of the legislative jurisdiction of the United States over lands or interests under the Administrator's control in that State. Relinquishment of legislative jurisdiction under this section may be accomplished (1) by filing with the Governor of the State concerned a notice of relinquishment to take effect upon acceptance thereof, or (2) as the laws of the State may otherwise provide.".

SEC. 604. RECOVERY AND DISPOSITION AUTHORITY.

Title III of the National Aeronautics and Space Act of 1958, as amended by section 603 of this Act, is further amended by adding at the end the following:

"SEC. 318. RECOVERY AND DISPOSITION AUTHORITY.

"(a) IN GENERAL.—

"(1) CONTROL OF REMAINS.—Subject to paragraph (2), when there is an accident or mishap resulting in the death of a crewmember of a NASA human space flight vehicle, the Administrator may take control over the remains of the crewmember and order autopsies and other scientific or medical tests.

"(2) TREATMENT.—Each crewmember shall provide the Administrator with his or her preferences regarding the treatment accorded to his or her remains and the Administrator shall, to the extent possible, respect those stated preferences.

"(b) DEFINITIONS.—In this section:

"(1) CREWMEMBER.—The term 'crewmember' means an astronaut or other person assigned to a NASA human space flight vehicle.

"(2) NASA HUMAN SPACE FLIGHT VEHICLE.—The term 'NASA human space flight vehicle' means a space vehicle, as defined in section 308(f)(1), that—

"(A) is intended to transport 1 or more persons;

"(B) designed to operate in outer space; and

"(C) is either owned by NASA, or owned by a NASA contractor or cooperating party and operated as part of a NASA mission or a joint mission with NASA.".

SEC. 605. REQUIREMENT FOR INDEPENDENT COST ANALYSIS.

Section 301 of the National Aeronautics and Space Administration Authorization Act of 2000 (42 U.S.C. 2459g) amended—

(1) by striking "Phase B" in subsection (a) and inserting "implementation";

(2) by striking "Chief Financial Officer" each place it appears in subsection (a) and inserting "Administrator";

(3) by inserting "and consider" in subsection (a) after "shall conduct"; and

(4) by striking subsection (b) and inserting the following:

"(b) IMPLEMENTATION DEFINED.—In this section, the term 'implementation' means all activity in the life cycle of a program or project after preliminary design, independent assessment of the preliminary design, and approval to proceed into implementation, including critical design, development, certification, launch, operations, disposal of assets, and, for technology programs, development, testing, analysis and communication of the results to the customers.".

SEC. 606. ELECTRONIC ACCESS TO BUSINESS OPPORTUNITIES.

Title III of the National Aeronautics and Space Act of 1958, as amended by section 604 of this Act, is further amended by adding at the end the following:

"SEC. 319. ELECTRONIC ACCESS TO BUSINESS OPPORTUNITIES.

"(a) IN GENERAL.—The Administrator may implement a pilot program providing for reduction in the waiting period between publication of notice of a proposed contract action and release of the solicitation for procurements conducted by the National Aeronautics and Space Administration.

"(b) APPLICABILITY.—The program implemented under subsection (a) shall apply to non-commercial acquisitions—

"(1) with a total value in excess of $100,000 but not more than $5,000,000, including options;

"(2) that do not involve bundling of contract requirements as defined in section 3(o) of the Small Business Act (15 U.S.C. 632(o)); and

"(3) for which a notice is required by section 8(e) of the Small Business Act (15 U.S.C. 637(e)) and section 18(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)).

"(c) NOTICE.—

"(1) Notice of acquisitions subject to the program authorized by this section shall be made accessible through the single Government-wide point of entry designated in the Federal Acquisition Regulation, consistent with section 30(c)(4) of the Office of Federal Procurement Policy Act (41 U.S.C. 426(c)(4)).

"(2) Providing access to notice in accordance with paragraph (1) satisfies the publication requirements of section 8(e) of the Small Business Act (15 U.S.C. 637(e)) and section 18(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)).

"(d) SOLICITATION.—Solicitations subject to the program authorized by this section shall be made accessible through the Government-wide point of entry, consistent with requirements set forth in the Federal Acquisition Regulation, except for adjustments to the wait periods as provided in subsection (e).

"(e) WAIT PERIOD.—

"(1) Whenever a notice required by section 8(e)(1)(A) of the Small Business Act (15 U.S.C. 637(e)(1)(A)) and section 18(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)) is made accessible in accordance with subsection (c) of this section, the wait period set forth in section 8(e)(3)(A) of the Small Business Act (15 U.S.C. 637(e)(3)(A)) and section 18(a)(3)(A) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)(3)(A)), shall be reduced by 5 days. If the solicitation applying to that notice is accessible electronically in accordance with subsection (d) simultaneously with issuance of the notice, the wait period set forth in section 8(e)(3)(A) of the Small Business Act (15 U.S.C. 637(e)(3)(A)) and section 18(a)(3)(A) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)(3)(A)) shall not apply and the period specified in section 8(e)(3)(B) of the Small Business Act and section 18(a)(3)(B) of the Office of Federal Procurement Policy Act for submission of bids or proposals shall begin to run from the date the solicitation is electronically accessible.

"(2) When a notice and solicitation are made accessible simultaneously and the wait period is waived pursuant to paragraph (1), the deadline for the submission of bids or proposals shall be not less than 5 days greater than the minimum deadline set forth in section 8(e)(3)(B) of the Small Business Act (15 U.S.C. 637(e)(3)(B)) and section 18(a)(3)(B) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)(3)(B)).

"(f) IMPLEMENTATION.—

"(1) Nothing in this section shall be construed as modifying regulatory requirements set forth in the Federal Acquisition Regulation, except with respect to—

"(A) the applicable wait period between publication of notice of a proposed contract action and release of the solicitation; and

"(B) the deadline for submission of bids or proposals for procurements conducted in accordance with the terms of this pilot program.

"(2) This section shall not apply to the extent the President determines it is inconsistent with any international agreement to which the United States is a party.

"(g) STUDY.—Within 18 months after the effective date of the program, NASA, in coordination with the Small Business Administration, the General Services Administration, and the Office of Management and Budget, shall evaluate the impact of the pilot program and submit to Congress a report that—

"(1) sets forth in detail the results of the test, including the impact on competition and small business participation; and

"(2) addresses whether the pilot program should be made permanent, continued as a test program, or allowed to expire.

"(h) REGULATIONS.—The Administrator shall publish proposed revisions to the NASA Federal Acquisition Regulation Supplement necessary to implement this section in the Federal Register not later than 120 days after the date of enactment of the National Aeronautics and Space Administration Authorization Act of 2005. The Administrator shall—

"(1) make the proposed regulations available for public comment for a period of not less than 60 days; and

"(2) publish final regulations in the Federal Register not later than 240 days after the date of enactment of that Act.

"(i) EFFECTIVE DATE.—

"(1) IN GENERAL.—The pilot program authorized by this section shall take effect on the date specified in the final regulations promulgated pursuant to subsection (h)(2).

"(2) LIMITATION.—The date so specified shall be no less than 30 days after the date on which the final regulation is published.

"(j) EXPIRATION OF AUTHORITY.—The authority to conduct the pilot program under subsection (a) and to award contracts under such program shall expire 2 years after the effective date established in the final regulations published in the Federal Register under subsection (h)(2).".

SEC. 607. REPORTS ELIMINATION.

(a) REPEALS.—The following provisions of law are repealed:

(1) Section 201 of the National Aeronautics and Space Administration Authorization Act of 2000 (42 U.S.C. 2451 note).

(2) Section 304(d) of the Federal Aviation Administration Research, Engineering, and Development Authorization Act of 1992 (49 U.S.C. 47508 note).

(b) AMENDMENTS.—

(1) Section 315 of the National Aeronautics and Space Administration Act of 1958 (42 U.S.C. 2459j) is amended by striking subsection (a) and redesignating subsections (b) through (f) as subsections (a) through (e).

(2) Section 315(a) of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1993 (42 U.S.C. 2487a(c)) is amended by striking subsection (c) and redesignating subsection (d) as subsection (c).

(3) Section 323 of the National Aeronautics and Space Administration Authorization Act of 2000 is amended by striking subsection (a).

SEC. 608. SMALL BUSINESS CONTRACTING.

(a) PLAN.—In consultation with the Small Business Administration, the Administrator shall develop a plan to maximize the number and amount of contracts awarded to small business concerns (within the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632) and to meet established contracting goals for such concerns.

(b) PRIORITY.—The Administrator shall establish, as a priority, meeting the contracting goals developed in conjunction with the Small Business Administration to maximize the amount of prime contracts, as measured in dollars, awarded in each fiscal year by NASA to small business concerns (within the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632)).

SEC. 609. GOVERNMENT ACCOUNTABILITY OFFICE REVIEW AND REPORT.

(a) REVIEW.—The Comptroller General of the United States shall conduct a review of NASA's policies, processes, and procedures in the planning and management of applications research and development implemented in calendar years 2001 to 2005 within the Applied Sciences Directorate and former Earth Science Applications Program. A formal and transparent peer review process that instills public and stakeholder confidence in NASA's sponsored applications research and development programs is important and the process by which this program defines requirements, scopes programs, selects peer reviewers, manages the research competition, and selects proposals is of concern. The review shall include—

(1) the program planning and analysis process used to formulate applied science research and development requirements, priorities, and solicitation schedules, including changes to the process within the period under review, and the effects of such planning on the quality and clarity of applied sciences research announcements;

(2) the peer review process including—

(A) membership selection, determination of qualifications and use of NASA and non-NASA reviewers;

(B) management of conflicts of interest, including reviewers funded by the program with a significant consulting or contractual relationship with NASA, and individuals who both review proposals and participate in the submission of proposals under the same solicitation announcement;

(C) compensation of non-NASA proposal reviewers;

(3) the process for assigning or allocating applied research to NASA researchers and to non-NASA researchers; and

(4) alternative models for NASA planning and management of applied science and applications research, including an evaluation of—

(A) the National Institutes of Health's intramural and extramural research program structure, peer review process, management of conflicts of interests, compensation of reviewers, and the effects of compensation on reviewer efficiency and quality;

(B) the Department of Agriculture's research programs and structure, peer review process, management of conflicts of interest, compensation of reviewers, and the effects of compensation on reviewer efficiency and quality; and

(C) the "best practices" of both in the planning, selection, and management of applied sciences research and development.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science describing the results of the review conducted under subsection (a), including recommendations for NASA best practices.

(c) IMPLEMENTATION.—Not later than 90 days after receipt of the report, NASA shall provide the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science a plan describing the implementation of those recommendations.

MOTION OFFERED BY MR. BOEHLERT

Mr. BOEHLERT. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOEHLERT of New York moves to strike all after the enacting clause of S. 1281 and insert in lieu thereof the text of H.R. 3070 as passed by the House, as follows:

S. 1281

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Aeronautics and Space Administration Authorization Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—GENERAL PRINCIPLES AND REPORTS

Sec. 101. Responsibilities, policies, and plans.
Sec. 102. Reports.
Sec. 103. Baselines and cost controls.
Sec. 104. Prize authority.
Sec. 105. Foreign launch vehicles.
Sec. 106. Safety management.
Sec. 107. Lessons learned and best practices.
Sec. 108. Commercialization plan.
Sec. 109. Study on the feasibility of use of ground source heat pumps.
Sec. 110. Space shuttle return to flight.
Sec. 111. Whistleblower protection.

TITLE II—AUTHORIZATION OF APPROPRIATIONS

Sec. 201. Structure of budgetary accounts.
Sec. 202. Fiscal year 2006.
Sec. 203. Fiscal year 2007.
Sec. 204. ISS research.
Sec. 205. Test facilities.
Sec. 206. Proportionality.
Sec. 207. Limitations on authority.
Sec. 208. Notice of reprogramming.
Sec. 209. Cost overruns.
Sec. 210. Official representational fund.
Sec. 211. International Space Station cost cap.

TITLE III—SCIENCE

Subtitle A—General Provisions

Sec. 301. Performance assessments.
Sec. 302. Status report on Hubble Space Telescope servicing mission.
Sec. 303. Independent assessment of Landsat-NPOESS integrated mission.
Sec. 304. Assessment of science mission extensions.
Sec. 305. Microgravity research.
Sec. 306. Coordination with the National Oceanic and Atmospheric Administration.

Subtitle B—Remote Sensing

Sec. 311. Definitions.
Sec. 312. Pilot projects to encourage public sector applications.
Sec. 313. Program evaluation.
Sec. 314. Data availability.
Sec. 315. Education.

Subtitle C—George E. Brown, Jr. Near-Earth Object Survey

Sec. 321. George E. Brown, Jr. Near-Earth Object Survey.

TITLE IV—AERONAUTICS

Sec. 401. Definition.

Subtitle A—National Policy for Aeronautics Research and Development

Sec. 411. Policy.

Subtitle B—NASA Aeronautics Breakthrough Research Initiatives

Sec. 421. Environmental aircraft research and development initiative.
Sec. 422. Civil supersonic transport research and development initiative.
Sec. 423. Rotorcraft and other runway-independent air vehicles research and development initiative.

Subtitle C—Other NASA Aeronautics Research and Development Activities

Sec. 431. Fundamental research and technology base program.
Sec. 432. Airspace systems research.
Sec. 433. Aviation safety and security research.
Sec. 434. Zero-emissions aircraft research.
Sec. 435. Mars aircraft research.
Sec. 436. Hypersonics research.
Sec. 437. NASA aeronautics scholarships.
Sec. 438. Aviation weather research.
Sec. 439. Assessment of wake turbulence research and development program.
Sec. 440. University-based centers.

TITLE V—HUMAN SPACE FLIGHT

Sec. 501. International Space Station completion.
Sec. 502. Human exploration priorities.
Sec. 503. GAO assessment.

TITLE VI—OTHER PROGRAM AREAS

Subtitle A—Space and Flight Support

Sec. 601. Orbital debris.
Sec. 602. Secondary payload capability.

Subtitle B—Education

Sec. 611. Institutions in NASA's minority institutions program.
Sec. 612. Program to expand distance learning in rural underserved areas.
Sec. 613. Charles "Pete" Conrad Astronomy Awards.
Sec. 614. Review of education programs.
Sec. 615. Equal access to NASA's education programs.
Sec. 616. Museums.
Sec. 617. Review of MUST program.

TITLE VII—MISCELLANEOUS AMENDMENTS

Sec. 701. Retrocession of jurisdiction.
Sec. 702. Extension of indemnification.
Sec. 703. NASA scholarships.
Sec. 704. Independent cost analysis.
Sec. 705. Limitations on off-shore performance of contracts for the procurement of goods and services.
Sec. 706. Long duration flight.

TITLE VIII—INDEPENDENT COMMISSIONS

Sec. 801. Definitions.

Subtitle A—International Space Station Independent Safety Commission

Sec. 811. Establishment of Commission.
Sec. 812. Tasks of the Commission.
Sec. 813. Sunset.

Subtitle B—Human Space Flight Independent Investigation Commission

Sec. 821. Establishment of Commission.
Sec. 822. Tasks of the Commission.

Subtitle C—Organization and Operation of Commissions

Sec. 831. Composition of Commissions.
Sec. 832. Powers of Commission.
Sec. 833. Public meetings, information, and hearings.
Sec. 834. Staff of Commission.
Sec. 835. Compensation and travel expenses.
Sec. 836. Security clearances for Commission members and staff.
Sec. 837. Reporting requirements and termination.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) On January 14, 2004, the President unveiled the Vision for Space Exploration to guide United States policy on human space exploration.

(2) The President's vision of returning humans to the Moon and working toward a sustainable human presence there and then venturing further into the solar system provides a sustainable rationale for the United States human space flight program.

(3) As we enter the Second Space Age, the National Aeronautics and Space Administration should continue to support robust programs in space science, aeronautics, and earth science as it moves forward with plans to send Americans to the Moon, Mars, and worlds beyond.

(4) The National Aeronautics and Space Administration's programs can advance the frontiers of science, expanding understanding of our planet and of the universe, and contribute to American prosperity.

(5) The United States should honor its international commitments to the International Space Station program.

(6) The United States must remain the leader in aeronautics and aviation. Any erosion of this preeminence is not in the Nation's economic or security interests. Past Federal investments in aeronautics research and development have benefited the economy and national security of the United States and improved the quality of life of its citizens.

(7) Long-term progress in aeronautics and space requires continued Federal investment in fundamental research, test facilities, and maintenance of a skilled civil service workforce at NASA's Centers.

(8) An important part of NASA's mission is education and outreach.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the National Aeronautics and Space Administration.

(2) ISS.—The term "ISS" means the International Space Station.

(3) NASA.—The term "NASA" means the National Aeronautics and Space Administration.

TITLE I—GENERAL PRINCIPLES AND REPORTS

SEC. 101. RESPONSIBILITIES, POLICIES, AND PLANS.

(a) GENERAL RESPONSIBILITIES.—

(1) PROGRAMS.—The Administrator shall ensure that NASA carries out a balanced set of programs that shall include, at a minimum, programs in—

(A) human space flight, in accordance with subsection (b);

(B) aeronautics research and development; and

(C) scientific research, which shall include, at a minimum—

(i) robotic missions to study planets, and to deepen understanding of astronomy, astrophysics, and other areas of science that can be productively studied from space;

(ii) earth science research and research on the Sun-Earth connection through the development and operation of research satellites and other means;

(iii) support of university research in space science, earth science and microgravity science.

(iv) research on microgravity, including research that is not directly related to human exploration.

(2) CONSULTATION AND COORDINATION.—In carrying out the programs of NASA, the Administrator shall—

(A) consult and coordinate to the extent appropriate with other relevant Federal agencies, including through the National Science and Technology Council;

(B) work closely with the private sector, including by—

(i) encouraging the work of entrepreneurs who are seeking to develop new means to launch satellites, crew, or cargo;

(ii) contracting with the private sector for crew and cargo services to the extent practicable; and

(iii) using commercially available products (including software) and services to the extent practicable to support all NASA activities; and

(C) involve other nations to the extent appropriate.

(b) VISION FOR SPACE EXPLORATION.—The Administrator shall manage human space flight programs to strive to achieve the following goals:

(1) Returning Americans to the Moon no later than 2020.

(2) Launching the Crew Exploration Vehicle as close to 2010 as possible.

(3) Increasing knowledge of the impacts of long duration stays in space on the human body using the most appropriate facilities available.

(4) Enabling humans to land on and return from Mars and other destinations on a timetable that is technically and fiscally possible.

(c) AERONAUTICS.—

(1) IN GENERAL.—The President of the United States, through the Administrator, and in consultation with other Federal agencies, shall develop a national aeronautics policy to guide the aeronautics programs of NASA through 2020.

(2) CONTENT.—At a minimum, the national aeronautics policy shall describe for NASA—

(A) the priority areas of research for aeronautics through fiscal year 2011;

(B) the basis on which and the process by which priorities for ensuing fiscal years will be selected;

(C) the facilities and personnel needed to carry out the aeronautics program through fiscal year 2011; and

(D) the budget assumptions on which the national aeronautics policy is based, which for fiscal years 2006 and 2007 shall be the authorized level for aeronautics provided in title II of this Act.

(3) CONSIDERATIONS.—In developing the national aeronautics policy, the President shall consider the following issues, which shall be discussed in the transmittal under paragraph (5):

(A) The extent to which NASA should focus on long-term, high-risk research or more incremental research, and the expected impact on the United States aircraft and airline industries of that decision.

(B) The extent to which NASA should address military and commercial needs.

(C) How NASA will coordinate its aeronautics program with other Federal agencies.

(D) The extent to which NASA will fund university research, and the expected impact of that funding on the supply of United States workers for the aeronautics industry.

(E) The extent to which the priority areas of research listed pursuant to paragraph (2)(A) should include the activities authorized by title IV of this Act, the discussion of which shall include a priority ranking of all of the activities authorized in title IV and an explanation for that ranking.

(4) CONSULTATION.—In the development of the national aeronautics policy, the Administrator shall consult widely with academic and industry experts and with other Federal agencies. The Administrator may enter into an arrangement with the National Academy of Sciences to help develop the national aeronautics policy.

(5) SCHEDULE.—The Administrator shall transmit the national aeronautics policy to the Committee on Appropriations and the Committee on Science of the House of Representatives, and to the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate, not later than the date on which the President submits the proposed budget for the Federal Government for fiscal year 2007 to the Congress. The Administrator shall make available to those committees any study done by a nongovernmental entity that was used in the development of the national aeronautics policy.

(d) SCIENCE.—

(1) IN GENERAL.—The Administrator shall develop a policy to guide the science programs of NASA through 2016.

(2) CONTENT.—At a minimum, the policy shall describe—

(A) the missions NASA will initiate, design, develop, launch, or operate in space science and earth science through fiscal year 2016, including launch dates;

(B) a priority ranking of all of the missions listed under subparagraph (A), and the rationale for the ranking;

(C) the budget assumptions on which the policy is based, which for fiscal years 2006 and 2007 shall be consistent with the authorizations provided in title II of this Act; and

(D) the facilities and personnel needed to carry out the policy through fiscal year 2016.

(3) CONSIDERATIONS.—In developing the science policy under this subsection, the Administrator shall consider the following issues, which shall be discussed in the transmittal under paragraph (6):

(A) What the most important scientific questions in space science and earth science are.

(B) The relationship between NASA's space and earth science activities and those of other Federal agencies.

(4) CONSULTATION.—In developing the policy under this subsection, the Administrator shall draw on decadal surveys and other reports in planetary science, astronomy, solar and space physics, earth science, and any other relevant fields developed by the National Academy of Sciences. The Administrator shall also consult widely with academic and industry experts and with other Federal agencies.

(5) HUBBLE SPACE TELESCOPE.—The policy developed under this subsection shall address plans for a human mission to repair the Hubble Space Telescope consistent with section 302 of this Act.

(6) SCHEDULE.—The Administrator shall transmit the policy developed under this subsection to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than the date on which the President submits the proposed budget for the Federal Government for fiscal year 2007 to the Congress. The Administrator shall make available to those committees any study done by a nongovernmental entity that was used in the development of the policy.

(e) FACILITIES.—

(1) IN GENERAL.—The Administrator shall develop a plan for managing NASA's facilities through fiscal year 2015. The plan shall be consistent with the policies and plans developed pursuant to this section.

(2) CONTENT.—At a minimum, the plan shall describe—

(A) any new facilities NASA intends to acquire, whether through construction, purchase, or lease, and the expected dates for doing so;

(B) any facilities NASA intends to significantly modify, and the expected dates for doing so;

(C) any facilities NASA intends to close, and the expected dates for doing so;

(D) any transaction NASA intends to conduct to sell, lease, or otherwise transfer the ownership of a facility, and the expected dates for doing so;

(E) how each of the actions described in subparagraphs (A), (B), (C), and (D) will enhance the ability of NASA to carry out its programs;

(F) the expected costs or savings expected from each of the actions described in subparagraphs (A), (B), (C), and (D);

(G) the priority order of the actions described in subparagraphs (A), (B), (C), and (D);

(H) the budget assumptions of the plan, which for fiscal years 2006 and 2007 shall be consistent with the authorizations provided in title II of this Act; and

(I) how facilities were evaluated in developing the plan.

(3) SCHEDULE.—The Administrator shall transmit the plan developed under this subsection to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than the date on which the President submits the proposed budget for the Federal Government for fiscal year 2008 to the Congress.

(f) WORKFORCE.—

(1) IN GENERAL.—The Administrator shall develop a human capital strategy to ensure that NASA has a workforce of the appropriate size and with the appropriate skills to carry out the programs of NASA, consistent with the policies and plans developed pursuant to this section. The strategy shall cover the period through fiscal year 2011.

(2) CONTENT.—The strategy shall describe, at a minimum—

(A) any categories of employees NASA intends to reduce, the expected size and timing of those reductions, the methods NASA intends to use to make the reductions, and the reasons NASA no longer needs those employees;

(B) any categories of employees NASA intends to increase, the expected size and timing of those increases, the methods NASA intends to use to recruit the additional employees, and the reasons NASA needs those employees;

(C) the steps NASA will use to retain needed employees; and

(D) the budget assumptions of the strategy, which for fiscal years 2006 and 2007 shall be consistent with the authorizations provided in title II of this Act, and any expected additional costs or savings from the strategy by fiscal year.

(3) SCHEDULE.—The Administrator shall transmit the strategy developed under this subsection to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than the date on which the President submits the proposed budget for the Federal Government for fiscal year 2007 to the Congress. At least 60 days before transmitting the strategy, NASA shall provide a draft of the strategy to its Federal Employee Unions for a 30-day consultation period after which NASA shall respond in writing to any written concerns provided by the Unions.

(4) LIMITATION.—NASA may not initiate any buyout offer until 60 days after the strategy required by this subsection has been transmitted to the Congress in accordance with paragraph (3). NASA may not implement any Reduction in Force or other involuntary separations (except for cause) prior to February 16, 2007.

(g) CENTER MANAGEMENT.—

(1) IN GENERAL.—The Administrator shall conduct a study to determine whether any of NASA's centers should be operated by or with the private sector by converting a center to a Federally Funded Research and Development Center or through any other mechanism.

(2) CONTENT.—The study shall, at a minimum—

(A) make a recommendation for the operation of each center and provide reasons for that recommendation; and

(B) describe the advantages and disadvantages of each mode of operation considered in the study.

(3) CONSIDERATIONS.—In conducting the study, the Administrator shall take into consideration the experiences of other relevant Federal agencies in operating laboratories and centers and any reports that have reviewed the mode of operation of those laboratories and centers, as well as any reports that have reviewed NASA's centers.

(4) SCHEDULE.—The Administrator shall transmit the study conducted under this subsection to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than May 31, 2006.

(h) BUDGETS.—The proposed budget for NASA submitted by the President for each fiscal year shall be accompanied by documents showing—

(1) the budget for each element of the human space flight program;

(2) the budget for aeronautics;

(3) the budget for space science;

(4) the budget for earth science;

(5) the budget for microgravity science;

(6) the budget for education;

(7) the budget for technology transfer programs;

(8) the budget for the Integrated Financial Management Program, by individual element;

(9) the budget for the Independent Technical Authority, both total and by center;

(10) the budget for public relations, by program;

(11) the comparable figures for at least the 2 previous fiscal years for each item in the proposed budget;

(12) the amount of unobligated funds and unexpended funds, by appropriations account—

(A) that remained at the end of the fiscal year prior to the fiscal year in which the budget is being presented that were carried over into the fiscal year in which the budget is being presented;

(B) that are estimated will remain at the end of the fiscal year in which the budget is being presented that are proposed to be carried over into the fiscal year for which the budget is being presented; and

(C) that are estimated will remain at the end of the fiscal year for which the budget is being presented; and

(13) the budget for safety, by program.

(i) GENERAL AND ADMINISTRATIVE EXPENSES.—NASA shall make available, upon request from the Committee on Science of the House of Representatives or the Committee on Commerce, Science, and Transportation of the Senate, information on Corporate and Center General and Administrative Costs and Service Pool costs, including—

(1) the total amount of funds being allocated for those purposes for any fiscal year for which the President has submitted an annual budget request to Congress;

(2) the amount of funds being allocated for those purposes for each center, for headquarters, and for each directorate; and

(3) the major activities included in each cost category.

(j) NASA TEST FACILITIES.—

(1) REVIEW.—The Director of the Office of Science and Technology Policy shall commission an independent review of the Nation's long-term strategic needs for test facilities and shall submit the review to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate. The review shall include an evaluation of the facility needs described pursuant to subsection (c)(2)(C).

(2) LIMITATION.—The Administrator shall not close or mothball any aeronautical test facilities identified in the 2003 independent assessment by the RAND Corporation, entitled "Wind Tunnel and Propulsion Test Facilities: An Assessment of NASA's Capabilities to Serve National Needs" as being part of the minimum set of those facilities necessary to retain and manage to serve national needs, as well as any other non-aeronautical NASA test facilities that were in use as of January 1, 2004, until the review conducted under paragraph (1) has been transmitted to the Congress.

SEC. 102. REPORTS.

(a) IMMEDIATE ISSUES.—Not later than September 30, 2005, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on each of the following items:

(1) The research agenda for the ISS and its proposed final configuration.

(2) The number of flights the Space Shuttle will make before its retirement, the purpose of those flights, and the expected date of the final flight.

(3) A description of the means, other than the Space Shuttle, that may be used to ferry crew and cargo to and from the ISS.

(4) A plan for the operation of the ISS in the event that the Iran Nonproliferation Act of 2000 is not amended.

(5) A description of the launch vehicle for the Crew Exploration Vehicle.

(6) A description of any heavy lift vehicle NASA intends to develop, the intended uses of that vehicle, and whether the decision to develop that vehicle has undergone an interagency review.

(7) A description of the intended purpose of lunar missions and the architecture for those missions.

(8) The program goals for Project Prometheus.

(9) A plan for managing the cost increase for the James Webb Space Telescope.

(b) CREW EXPLORATION VEHICLE.—The Administrator shall not enter into a development contract for the Crew Exploration Vehicle until at least 30 days after the Administrator has transmitted to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing—

(1) the expected cost of the Crew Exploration Vehicle through fiscal year 2020, based on the specifications for that development contract;

(2) the expected budgets for each fiscal year through fiscal year 2020 for human space flight, aeronautics, space science, and earth science—

(A) first assuming inflationary growth for the budget of NASA as a whole and including costs for the Crew Exploration Vehicle as projected under paragraph (1); and

(B) then assuming inflationary growth for the budget of NASA as a whole and including at least two cost estimates for the Crew Exploration Vehicle that are higher than those projected under paragraph (1), based on NASA's past experience with cost increases for similar programs, along with a description of the reasons for selecting the cost estimates used for the calculations under this subparagraph and the probability that the cost of the Crew Exploration Vehicle will reach those estimated amounts; and

(3) the extent to which the Crew Exploration Vehicle will allow for the escape of the crew in the event of an emergency.

(c) SPACE COMMUNICATIONS STUDY.—

(1) STUDY.—The Administrator shall develop a plan for updating NASA's space communications architecture for both low-Earth orbital operations and deep space exploration so that it is capable of meeting NASA's needs over the next 20 years. The plan shall also include life-cycle cost estimates, milestones, estimated performance capabilities, and 5-year funding profiles. The plan shall also include an estimate of the amounts of any reimbursements NASA is likely to receive from other Federal agencies during the expected life of the upgrades described in the plan. The plan shall include a description of the following:

(A) Projected Deep Space Network requirements for the next decade, including those in support of human space exploration missions.

(B) Upgrades needed to support Deep Space Network requirements.

(C) Cost estimates for the maintenance of existing Deep Space Network capabilities.

(D) Cost estimates and schedules for the upgrades described in subparagraph (B).

(2) CONSULTATIONS.—The Administrator shall consult with other relevant Federal agencies in developing the plan under this subsection.

(3) REPORT.—The Administrator shall transmit the plan under this subsection to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than February 17, 2007.

(d) PUBLIC RELATIONS.—Not later than December 31, 2005, the Administrator shall transmit a plan to the Committee on Appropriations and the Committee on Science of the House of Representatives, and to the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate, describing the activities that will be undertaken as part of the national awareness campaign required by the report of the Committee on Appropriations of the House of Representatives accompanying the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006, and the expected cost of those activities. NASA may undertake activities as part of the national awareness campaign prior to the transmittal of the plan required by this subsection, but not until 15 days after notifying the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of any activity. The plan required by this subsection shall include the estimated costs of any activities undertaken pursuant to notice under the preceding sentence.

(e) Joint Dark Energy Mission.—The Administrator and the Director of the Department of Energy Office of Science shall jointly transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, not later than the date on which the President submits the proposed budget for the Federal Government for fiscal year 2007, a report on plans for a Joint Dark Energy Mission. The report shall include the amount of funds each agency intends to expend on the Joint Dark Energy Mission for each of the fiscal years 2007 through 2011, and any specific milestones for the development and launch of the Mission.

(f) Shuttle Employee Transition.—The Administrator shall consult with other appropriate Federal agencies and with NASA contractors and employees to develop a transition plan for Federal and contractor personnel engaged in the Space Shuttle program. The plan shall include actions to assist Federal and contractor personnel to take advantage of training, retraining, job placement, and relocation programs, and any other actions that NASA will take to assist the employees. The plan shall also describe how the Administrator will ensure that NASA and its contractors will have an appropriate complement of employees to allow for the safest possible use of the Space Shuttle through its final flight. The Administrator shall transmit the plan to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than February 1, 2006.

(g) Office of Science and Technology Policy.—

(1) Study.—The Director of the Office of Science and Technology Policy shall conduct a study to determine—

(A) if any research and development programs of NASA are unnecessarily duplicating aspects of programs of other Federal agencies; and

(B) if any research and development programs of NASA are neglecting any topics of national interest that are related to the mission of NASA.

(2) Report.—Not later than March 1, 2006, the Director of the Office of Science and Technology Policy shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that—

(A) describes the results of the study under paragraph (1);

(B) lists the research and development programs of Federal agencies other than NASA that were reviewed as part of the study, which shall include any program supporting research and development in an area related to the programs of NASA, and the most recent budget figures for those programs of other agencies;

(C) recommends any changes to the research and development programs of NASA that should be made to eliminate unnecessary duplication or address topics of national interest; and

(D) describes mechanisms the Office of Science and Technology Policy will use to ensure adequate coordination between NASA and Federal agencies that operate related programs.

(h) Office of Small and Disadvantaged Business Utilization.—The Administrator shall transmit to the Committee on Science and the Committee on Small Business of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Small Business and Entrepreneurship of the Senate a quarterly report on the NASA Office of Small and Disadvantaged Business Utilization, which shall include a description of the outreach activities of the Office and the impact of such activities on the participation of small businesses, including small businesses owned by women and minorities, in NASA contracts.

SEC. 103. BASELINES AND COST CONTROLS.

(a) Conditions for Development.—

(1) In general.—NASA shall not enter into a contract for the development phase of a major program unless the Administrator determines that—

(A) the technical, cost, and schedule risks of the program are clearly identified and the program has developed a plan to manage those risks; and

(B) the program complies with all relevant policies, regulations, and directives of NASA.

(2) Report.—The Administrator shall transmit a report describing the basis for the determination required under paragraph (1) to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate at least 30 days before entering into a contract for development under a major program.

(3) Nondelegation.—The Administrator may not delegate the determination requirement under this subsection, except in cases in which the Administrator has a conflict of interest.

(b) Major Program Annual Reports.—

(1) Requirement.—Not later than February 15 of each year following the date of enactment of this Act, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on each major program for which NASA proposes to expend funds in the subsequent fiscal year. Reports under this section shall be known as Major Program Annual Reports.

(2) Baseline report.—The first Major Program Annual Report for each major program shall include a Baseline Report that shall, at a minimum, include—

(A) the purposes of the program and key technical characteristics necessary to fulfill those purposes;

(B) an estimate of the life-cycle cost for the program, with a detailed breakout of the development cost, program reserves, and an estimate of the annual costs until the development is completed;

(C) the schedule for the development, including key program milestones;

(D) the plan for mitigating technical, schedule, and cost risks prepared in accordance with subsection (a)(1)(A); and

(E) the name of the person responsible for making notifications under subsection (c), who shall be an individual whose primary responsibility is overseeing the program.

(3) Information updates.—For major programs with respect to which a Baseline Report has been previously submitted, each subsequent Major Program Annual Report shall describe any changes to the information that had been provided in the Baseline Report, and the reasons for those changes.

(c) Notification.—

(1) Requirement.—The individual identified under subsection (b)(2)(D) shall immediately notify the Administrator any time that individual has reasonable cause to believe that, for the major program for which he or she is responsible—

(A) the development cost of the program is likely to exceed the estimate provided in the Baseline Report of the program by 15 percent or more; or

(B) a milestone of the program is likely to be delayed by 6 months or more from the date provided for it in the Baseline Report of the program.

(2) Reasons.—Not later than 7 days after the notification required under paragraph (1), the individual identified under subsection (b)(2)(D) shall transmit to the Administrator a written notification explaining the reasons for the change in the cost or milestone of the program for which notification was provided under paragraph (1).

(3) Notification of congress.—Not later than 5 days after the Administrator receives a written notification under paragraph (2), the Administrator shall transmit the notification to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(d) Fifteen Percent Threshold.—Not later than 30 days after receiving a written notification under subsection (c)(2), the Administrator shall determine whether the development cost of the program is likely to exceed the estimate provided in the Baseline Report of the program by 15 percent or more, or whether a milestone is likely to be delayed by 6 months or more. If the determination is affirmative, the Administrator shall—

(1) transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, not later than 14 days after making the determination, a report that includes—

(A) a description of the increase in cost or delay in schedule and a detailed explanation for the increase or delay;

(B) a description of actions taken or proposed to be taken in response to the cost increase or delay; and

(C) a description of any impacts the cost increase or schedule delay will have on any other program within NASA; and

(2) if the Administrator intends to continue with the program, promptly initiate an analysis of the program, which shall include, at a minimum—

(A) the projected cost and schedule for completing the program if current requirements of the program are not modified;

(B) the projected cost and the schedule for completing the program after instituting the actions described under paragraph (1)(B); and

(C) a description of, and the projected cost and schedule for, a broad range of alternatives to the program.

NASA shall complete an analysis initiated under paragraph (2) not later than 6 months after the Administrator makes a determination under this subsection. The Administrator shall transmit the analysis to the Committee on Science of the House of Representatives and Committee on Commerce, Science, and Transportation of the Senate not later than 30 days after its completion.

(e) Thirty Percent Threshold.—If the Administrator determines under subsection (d) that the development cost of a program will exceed the estimate provided in the Baseline Report of the program by more than the lower of 30 percent or $1,000,000,000, then, beginning 18 months after the date the Administrator transmits a report under subsection (d)(1), the Administrator shall not expend any additional funds on the program, other than termination costs, unless the Congress has subsequently authorized continuation of the program by law. An appropriation for the program enacted subsequent to a report being transmitted shall be considered an authorization for purposes of this subsection. If the program is continued, the Administrator shall submit a new Baseline Report for the program no later than 90 days after the date of enactment of the Act under which Congress has authorized continuation of the program.

(f) DEFINITIONS.—For the purposes of this section—

(1) the term "development" means the phase of a program following the formulation phase and beginning with the approval to proceed to implementation, as defined in NASA's Procedural Requirements 7120.5c, dated March 22, 2005;

(2) the term "development cost" means the total of all costs, including construction of facilities and civil servant costs, from the period beginning with the approval to proceed to implementation through the achievement of operational readiness, without regard to funding source or management control, for the life of the program;

(3) the term "life-cycle cost" means the total of the direct, indirect, recurring, and nonrecurring costs, including the construction of facilities and civil servant costs, and other related expenses incurred or estimated to be incurred in the design, development, verification, production, operation, maintenance, support, and retirement of a program over its planned lifespan, without regard to funding source or management control; and

(4) the term "major program" means an activity approved to proceed to implementation that has an estimated life-cycle cost of more than $150,000,000.

SEC. 104. PRIZE AUTHORITY.

The National Aeronautics and Space Act of 1958 (42 U.S.C. 2451, et seq.) is amended by inserting after section 313 the following new section:

"PRIZE AUTHORITY

"SEC. 314. (a) IN GENERAL.—The Administration may carry out a program to competitively award cash prizes to stimulate innovation in basic and applied research, technology development, and prototype demonstration that have the potential for application to the performance of the space and aeronautical activities of the Administration. The Administration may carry out a program to award prizes only in conformity with this section.

"(b) TOPICS.—In selecting topics for prize competitions, the Administrator shall consult widely both within and outside the Federal Government, and may empanel advisory committees.

"(c) ADVERTISING.—The Administrator shall widely advertise prize competitions to encourage participation.

"(d) REQUIREMENTS AND REGISTRATION.—For each prize competition, the Administrator shall publish a notice in the Federal Register announcing the subject of the competition, the rules for being eligible to participate in the competition, the amount of the prize, and the basis on which a winner will be selected.

"(e) ELIGIBILITY.—To be eligible to win a prize under this section, an individual or entity—

"(1) shall have registered to participate in the competition pursuant to any rules promulgated by the Administrator under subsection (d);

"(2) shall have complied with all the requirements under this section;

"(3) in the case of a private entity, shall be incorporated in and maintain a primary place of business in the United States, and in the case of an individual, whether participating singly or in a group, shall be a citizen or permanent resident of the United States; and

"(4) shall not be a Federal entity or Federal employee acting within the scope of their employment.

"(f) LIABILITY.—(1) Registered participants must agree to assume any and all risks and waive claims against the United States Government and its related entities, except in the case of willful misconduct, for any injury, death, damage, or loss of property, revenue, or profits, whether direct, indirect, or consequential, arising from their participation in a competition, whether such injury, death, damage, or loss arises through negligence or otherwise. For the purposes of this paragraph, the term 'related entity' means a contractor or subcontractor at any tier, and a supplier, user, customer, cooperating party, grantee, investigator, or detailee.

"(2) Participants must obtain liability insurance or demonstrate financial responsibility in amounts determined by the Administrator, from claims by—

"(A) a third party for death, bodily injury, or property damage, or loss resulting from an activity carried out in connection with participation in a competition, with the Federal Government named as an additional insured under the registered participant's insurance policy and registered participants agreeing to indemnify the Federal Government against third party claims for damages arising from or related to competition activities; and

"(B) the United States Government for damage or loss to Government property resulting from such an activity.

"(g) JUDGES.—For each competition, the Administration, either directly or through a contract under subsection (h), shall assemble a panel of qualified judges to select the winner or winners of the prize competition on the basis described pursuant to subsection (d). Judges for each competition shall include individuals from outside the Administration, including from the private sector. A judge may not—

"(1) have personal or financial interests in, or be an employee, officer, director, or agent of any entity that is a registered participant in a competition; or

"(2) have a familial or financial relationship with an individual who is a registered participant.

"(h) ADMINISTERING THE COMPETITION.—The Administrator may enter into an agreement with a private, nonprofit entity to administer the prize competition, subject to the provisions of this section.

"(i) FUNDING.—(1) The Administrator may accept funds from other Federal agencies and from the private sector for cash prizes under this section. The Administrator may not give any special consideration to any private sector entity in return for a donation.

"(2) Notwithstanding any other provision of law, funds appropriated for prize awards under this section shall remain available until expended, and may be transferred, reprogrammed, or expended for other purposes only after the expiration of 10 fiscal years after the fiscal year for which the funds were originally appropriated. No provision in this section permits obligation or payment of funds in violation of the Anti-Deficiency Act (31 U.S.C. 1341).

"(3) No prize may be announced under subsection (d) until all the funds needed to pay out the announced amount of the prize have been appropriated or committed in writing by a private source. The Administrator may increase the amount of a prize after an initial announcement is made under subsection (d) if—

(A) notice of the increase is provided in the same manner as the initial notice of the prize; and

(B) the funds needed to pay out the announced amount of the increase have been appropriated or committed in writing by a private source.

"(4) No prize competition under this section may offer a prize in an amount greater than $10,000,000 unless 30 days have elapsed after written notice has been provided to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

"(j) USE OF NASA NAME AND INSIGNIA.—A registered participant in a competition under this section may use the Administration's name, initials, or insignia only after prior review and written approval by the Administration.

"(k) COMPLIANCE WITH EXISTING LAW.—The Federal Government shall not, by virtue of offering or providing a prize under this section, be responsible for compliance by registered participants in a prize competition with Federal law, including licensing, export control, and nonproliferation laws, and related regulations.".

SEC. 105. FOREIGN LAUNCH VEHICLES.

(a) ACCORD WITH SPACE TRANSPORTATION POLICY.—NASA shall not launch a mission on a foreign launch vehicle except in accordance with the Space Transportation Policy announced by the President on December 21, 2004.

(b) INTERAGENCY COORDINATION.—NASA shall not launch a mission on a foreign launch vehicle unless NASA commenced the interagency coordination required by the Space Transportation Policy announced by the President on December 21, 2004, at least 90 days before entering into a development contract for the mission.

(c) APPLICATION.—This section shall not apply to any mission for which development has begun prior to the date of enactment of this Act, including the James Webb Space Telescope.

SEC. 106. SAFETY MANAGEMENT.

Section 6 of the National Aeronautics and Space Administration Authorization Act, 1968 (42 U.S.C. 2477) is amended—

(1) by inserting "(a) IN GENERAL.—" before "There is hereby";

(2) by striking "plans referred to it" and inserting "plans referred to it, including evaluating the National Aeronautics and Space Administration's compliance with the return-to-flight and continue-to-fly recommendations of the Columbia Accident Investigation Board,";

(3) by inserting "and the Congress" after "advise the Administrator";

(4) by striking "and with respect to the adequacy of proposed or existing safety standards and shall" and inserting ", with respect to the adequacy of proposed or existing safety standards, and with respect to management and culture. The Panel shall also"; and

(5) by adding at the end the following:

"(b) ANNUAL REPORT.—The Panel shall submit an annual report to the Administrator and to the Congress. In the first annual report submitted after the date of enactment of the National Aeronautics and Space Administration Authorization Act of 2005, the Panel shall include an evaluation of the Administration's safety management culture. Each annual report shall include an evaluation of the Administration's compliance with the recommendations of the Columbia Accident Investigation Board.".

SEC. 107. LESSONS LEARNED AND BEST PRACTICES.

(a) In General.—The Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an implementation plan describing NASA's approach for obtaining, implementing, and sharing lessons learned and best practices for its major programs and projects not later than 180 days after the date of enactment of this Act. The implementation plan shall be updated and maintained to ensure that it is current and consistent with the burgeoning culture of learning and safety that is emerging at NASA.

(b) Required Content.—The implementation plan shall contain at a minimum the lessons learned and best practices requirements for NASA, the organizations or positions responsible for enforcement of the requirements, the reporting structure, and the objective performance measures indicating the effectiveness of the activity.

(c) Incentives.—The Administrator shall provide incentives to encourage sharing and implementation of lessons learned and best practices by employees, projects, and programs, as well as penalties for programs and projects that are determined not to have demonstrated use of those resources.

SEC. 108. COMMERCIALIZATION PLAN.

(a) In General.—The Administrator, in consultation with other relevant agencies, shall develop a commercialization plan to support the human missions to the Moon and Mars, to support Low-Earth Orbit activities and Earth science missions and applications, and to transfer science research and technology to society. The plan shall identify opportunities for the private sector to participate in the future missions and activities, including opportunities for partnership between NASA and the private sector in conducting research and the development of technologies and services. The plan shall include provisions for developing and funding sustained university and industry partnerships to conduct commercial research and technology development, to proactively translate results of space research to Earth benefits, to advance United States economic interests, and to support the vision for exploration.

(b) Report.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit a copy of the plan to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 109. STUDY ON THE FEASIBILITY OF USE OF GROUND SOURCE HEAT PUMPS.

(a) In General.—The Administrator shall conduct a feasibility study on the use of ground source heat pumps in future NASA facilities or substantial renovation of existing NASA facilities involving the installation of heating, ventilating, and air conditioning systems. Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit the study to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) Contents.—The study shall examine—

(1) the life-cycle costs, including maintenance costs, of the operation of such heat pumps compared to generally available heating, cooling, and water heating equipment;

(2) barriers to installation, such as availability and suitability of terrain; and

(3) such other issues as the Administrator considers appropriate.

(c) Definition.—In this section, the term "ground source heat pump" means an electric-powered system that uses the Earth's relatively constant temperature to provide heating, cooling, or hot water.

SEC. 110. SPACE SHUTTLE RETURN TO FLIGHT.

It is the sense of Congress that, in keeping with the President's Vision for Space Exploration, the Space Shuttle should return to flight as soon as the Administrator determines that a flight can be accomplished with an acceptable level of safety.

SEC. 111. WHISTLEBLOWER PROTECTION.

Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate a plan describing steps to be taken by NASA to protect the employment status of NASA employees who raise or have raised concerns about a potentially catastrophic risk to health or safety.

TITLE II—AUTHORIZATION OF APPROPRIATIONS

SEC. 201. STRUCTURE OF BUDGETARY ACCOUNTS.

Section 313 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2459f) is amended to read as follows:

"SEC. 313. BUDGETARY ACCOUNTS.

"Appropriations for the Administration for fiscal year 2007 and thereafter shall be made in four accounts, 'Science, Aeronautics, and Education', 'Exploration Systems', 'Space Operations', and an account for amounts appropriated for the necessary expenses of the Office of the Inspector General. Appropriations shall remain available for two fiscal years, unless otherwise specified in law. Each account shall include the planned full costs of Administration activities.".

SEC. 202. FISCAL YEAR 2006.

There are authorized to be appropriated to NASA for fiscal year 2006 $16,965,650,000, as follows:

(1) For Science, Aeronautics and Education (including amounts for construction of facilities), $6,870,250,000 of which—

(A) $962,000,000 shall be for Aeronautics;

(B) $150,000,000 shall be for a Hubble Space Telescope servicing mission;

(C) $21,000,000 shall be for the National Space Grant College and Fellowship Program; and

(D) $8,900,000 for the Science and Technology Scholarship Program.

(2) For Exploration Systems (including amounts for construction of facilities), $3,844,100,000.

(3) For Space Operations (including amounts for construction of facilities), $6,218,900,000.

(4) For the Office of Inspector General, $32,400,000.

SEC. 203. FISCAL YEAR 2007.

There are authorized to be appropriated to NASA for fiscal year 2007 $17,726,800,000, as follows:

(1) For Science, Aeronautics and Education (including amounts for construction of facilities), $7,331,600,000 of which—

(A) $990,000,000 shall be for Aeronautics; and

(B) $24,000,000 shall be for the National Space Grant College and Fellowship Program.

(2) For Exploration Systems (including amounts for construction of facilities), $4,514,000,000.

(3) For Space Operations (including amounts for construction of facilities), $5,847,700,000.

(4) For the Office of Inspector General, $33,500,000.

SEC. 204. ISS RESEARCH.

The Administrator shall allocate at least 15 percent of the funds budgeted for ISS research to research that is not directly related to supporting the human exploration program.

SEC. 205. TEST FACILITIES.

(a) Charges.—The Administrator shall establish a policy of charging users of NASA's test facilities for the costs associated with their tests at a level that is competitive with alternative test facilities. As a general principle, NASA shall not seek to recover the full costs of the operation of those facilities from the users. The Administrator shall not implement a policy of seeking full cost recovery for a facility until at least 30 days after transmitting a notice to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) Funding Account.—The Administrator shall establish a funding account that shall be used for all test facilities. The account shall be sufficient to maintain the viability of test facilities during periods of low utilization.

SEC. 206. PROPORTIONALITY.

If the total amount appropriated for NASA pursuant to section 202 or 203 is less than the amount authorized under such section, the amounts authorized under each of the accounts specified in such section shall be reduced proportionately.

SEC. 207. LIMITATIONS ON AUTHORITY.

Notwithstanding any other provision of this Act, no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for the particular program by section 202 or 203, unless a period of 30 days has passed after the receipt, by the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, of notice given by the Administrator containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such a proposed action. NASA shall keep the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate fully and currently informed with respect to all activities and responsibilities within the jurisdiction of those Committees.

SEC. 208. NOTICE OF REPROGRAMMING.

If any funds authorized by this Act are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 209. COST OVERRUNS.

When reprogramming funds to cover unexpected cost growth within a program, the Administrator shall, to the maximum extent practicable, protect funds intended for fundamental and applied Research and Analysis.

SEC. 210. OFFICIAL REPRESENTATIONAL FUND.

Amounts appropriated pursuant to this Act may be used, but not to exceed a total of $35,000 in any fiscal year, for official reception and representation expenses.

SEC. 211. INTERNATIONAL SPACE STATION COST CAP.

Section 202 of the National Aeronautics and Space Administration Authorization Act of 2000 (42 U.S.C. 2451 note) is repealed.

TITLE III—SCIENCE

Subtitle A—General Provisions

SEC. 301. PERFORMANCE ASSESSMENTS.

(a) In General.—Performance of each discipline in the Science account of NASA shall be reviewed and assessed by the National Academy of Sciences at 5-year intervals.

(b) Timing.—Beginning with the first fiscal year following the date of enactment of this Act, the Administrator shall select at least one discipline for review under this section. The Administrator shall select disciplines so that all disciplines will have received their first review within six fiscal years of the date of enactment of this Act.

(c) Reports.—Not later than March 1 of each year, beginning with the first fiscal year after the date of enactment of this Act, the Administrator shall transmit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

(1) setting forth in detail the results of any external review under subsection (a);

(2) setting forth in detail actions taken by NASA in response to any external review; and

(3) including a summary of findings and recommendations from any other relevant external reviews of NASA's science mission priorities and programs.

SEC. 302. STATUS REPORT ON HUBBLE SPACE TELESCOPE SERVICING MISSION.

It is the sense of the Congress that the Hubble Space Telescope is an extraordinary instrument that has provided, and should continue to provide, answers to profound scientific questions. In accordance with the recommendations of the National Academy of Sciences study titled "Assessment of Options for Extending the Life of the Hubble Space Telescope", all appropriate efforts should be expended to complete the Space Shuttle servicing mission. Upon successful completion of the planned return-to-flight schedule of the Space Shuttle, the Administrator shall determine the schedule for a Space Shuttle servicing mission to the Hubble Space Telescope, unless such a mission would compromise astronaut safety. Not later than 60 days after the landing of the second Space Shuttle mission for return-to-flight certification, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a status report on plans for a Hubble Space Telescope servicing mission.

SEC. 303. INDEPENDENT ASSESSMENT OF LANDSAT-NPOESS INTEGRATED MISSION.

(a) Assessment.—In view of the importance of ensuring continuity of Landsat data and in view of the challenges facing the National Polar-Orbiting Environmental Satellite System program, the Administrator shall seek an independent assessment of the costs as well as the technical, cost, and schedule risks associated with incorporating the Landsat instrument on the first National Polar-Orbiting Environmental Satellite System spacecraft versus undertaking a dedicated Landsat data "gap-filler" mission followed by the incorporation of the Landsat instrument on the second National Polar-Orbiting Environmental Satellite System spacecraft. The assessment shall also include an evaluation of the budgetary requirements of each of the options under consideration.

(b) Report.—The Administrator shall transmit the independent assessment to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 180 days after the date of enactment of this Act.

SEC. 304. ASSESSMENT OF SCIENCE MISSION EXTENSIONS.

(a) Assessment.—The Administrator shall carry out annual termination reviews within each of the Science disciplines to assess the cost and benefits of extending the date of the termination of data collection for those missions which are beyond their primary goals. In addition:

(1) Not later than 60 days after the date of enactment of this Act, the Administrator shall carry out such an assessment for the following missions: FAST, TIMED, Cluster, Wind, Geotail, Polar, TRACE, Ulysses, and Voyager.

(2) For those missions that have an operational component, the National Oceanic and Atmospheric Administration shall be consulted and the potential benefits of instruments on missions which are beyond their primary goals taken into account.

(b) Report.—Not later than 30 days after completing the assessments required by subsection (a)(1), the Administrator shall transmit a report on the assessment to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 305. MICROGRAVITY RESEARCH.

(a) In General.—The Administrator shall—

(1) not later than 60 days after the date of enactment of this Act, provide to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an assessment of microgravity research planned for implementation aboard the ISS that includes the identification of research which can be performed in ground-based facilities and then validated in space;

(2) ensure the capacity to support ground-based research leading to space-based basic and applied scientific research in a variety of disciplines with potential direct national benefits and applications that can advance significantly from the uniqueness of microgravity and the space environment; and

(3) carry out, to the maximum extent practicable basic, applied, and commercial ISS research activities such as molecular crystal growth, animal research, basic fluid physics, combustion research, cellular biotechnology, low temperature physics, and cellular research at a level which will sustain the existing scientific expertise and research capabilities.

(b) On-Orbit Capabilities.—The Administrator shall ensure that the on-orbit analytical capabilities of the ISS are sufficient to support any diagnostic human research and on-orbit characterization of molecular crystal growth, cellular research, and other research that NASA believes is necessary to conduct, but for which NASA lacks the capacity to return the materials that need to be analyzed to Earth.

(c) Assessment of Potential Scientific Uses.—The Administrator shall assess further potential scientific uses of the ISS for other applications, such as technology development, development of manufacturing processes, Earth observation and characterization, and astronomical observations.

SEC. 306. COORDINATION WITH THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) Joint Working Group.—The Administrator and the Administrator of the National Oceanic and Atmospheric Administration shall appoint a Joint Working Group, which shall review and monitor missions of the two agencies to ensure maximum coordination in the design, operation, and transition of missions. The Joint Working Group shall also prepare the transition plans required by subsection (c).

(b) Coordination Report.—Not later than February 15 of each year, the Administrator and the Administrator of the National Oceanic and Atmospheric Administration shall jointly transmit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on how the earth science programs of the National Oceanic and Atmospheric Administration and NASA will be coordinated during the fiscal year following the fiscal year in which the report is transmitted.

(c) Coordination of Transition Planning and Reporting.—The Administrator, in conjunction with the Administrator of the National Oceanic and Atmospheric Administration, shall evaluate all NASA missions for their potential operational capabilities and shall prepare transition plans for all existing and future Earth observing systems found to have potential operational capabilities and all National Oceanic and Atmospheric Administration operational space-based systems.

(d) Limitation.—The Administrator shall not transfer any NASA earth science mission or Earth observing system to the National Oceanic and Atmospheric Administration until the transition plan required under subsection (c) has been approved by the Administrator and the Administrator of the National Oceanic and Atmospheric Administration and until financial resources have been identified to support the transition or transfer in the President's budget request for the National Oceanic and Atmospheric Administration.

Subtitle B—Remote Sensing

SEC. 311. DEFINITIONS.

In this subtitle—

(1) the term "geospatial information" means knowledge of the nature and distribution of physical and cultural features on the landscape based on analysis of data from airborne or spaceborne platforms or other types and sources of data;

(2) the term "high resolution" means resolution better than five meters; and

(3) the term "institution of higher education" has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

SEC. 312. PILOT PROJECTS TO ENCOURAGE PUBLIC SECTOR APPLICATIONS.

(a) In General.—The Administrator shall establish a program of grants for competitively awarded pilot projects to explore the integrated use of sources of remote sensing and other geospatial information to address State, local, regional, and tribal agency needs.

(b) Preferred Projects.—In awarding grants under this section, the Administrator shall give preference to projects that—

(1) make use of commercial data sets, including high resolution commercial satellite imagery and derived satellite data products, existing public data sets where commercial data sets are not available or applicable, or the fusion of such data sets;

(2) integrate multiple sources of geospatial information, such as geographic information system data, satellite-provided positioning data, and remotely sensed data, in innovative ways;

(3) include funds or in-kind contributions from non-Federal sources;

(4) involve the participation of commercial entities that process raw or lightly processed data, often merging that data with other geospatial information, to create data products that have significant value added to the original data; and

(5) taken together demonstrate as diverse a set of public sector applications as possible.

(c) Opportunities.—In carrying out this section, the Administrator shall seek opportunities to assist—

(1) in the development of commercial applications potentially available from the remote sensing industry; and

(2) State, local, regional, and tribal agencies in applying remote sensing and other geospatial information technologies for growth management.

(d) Duration.—Assistance for a pilot project under subsection (a) shall be provided for a period not to exceed 3 years.

(e) Report.—Each recipient of a grant under subsection (a) shall transmit a report to the Administrator on the results of the pilot project within 180 days of the completion of that project.

(f) Workshop.—Each recipient of a grant under subsection (a) shall, not later than 180 days after the completion of the pilot project, conduct at least one workshop for potential users to disseminate the lessons learned from the pilot project as widely as feasible.

(g) Regulations.—The Administrator shall issue regulations establishing application, selection, and implementation procedures for pilot projects, and guidelines for reports and workshops required by this section.

SEC. 313. PROGRAM EVALUATION.

(a) Advisory Committee.—The Administrator shall establish an advisory committee, consisting of individuals with appropriate expertise in State, local, regional, and tribal agencies, the university research community, and the remote sensing and other geospatial information industry, to monitor the program established under section 312. The advisory committee shall consult with the Federal Geographic Data Committee and other appropriate industry representatives and organizations. Notwithstanding section 14 of the Federal Advisory Committee Act, the advisory committee established under this subsection shall remain in effect until the termination of the program under section 312.

(b) Effectiveness Evaluation.—Not later than December 31, 2009, the Administrator shall transmit to the Congress an evaluation of the effectiveness of the program established under section 312 in exploring and promoting the integrated use of sources of remote sensing and other geospatial information to address State, local, regional, and tribal agency needs. Such evaluation shall have been conducted by an independent entity.

SEC. 314. DATA AVAILABILITY.

The Administrator shall ensure that the results of each of the pilot projects completed under section 312 shall be retrievable through an electronic, Internet-accessible database.

SEC. 315. EDUCATION.

The Administrator shall establish an educational outreach program to increase awareness at institutions of higher education and State, local, regional, and tribal agencies of the potential applications of remote sensing and other geospatial information.

Subtitle C—George E. Brown, Jr. Near-Earth Object Survey

SEC. 321. GEORGE E. BROWN, JR. NEAR-EARTH OBJECT SURVEY.

(a) Short Title.—This section may be cited as the "George E. Brown, Jr. Near-Earth Object Survey Act".

(b) Findings.—The Congress makes the following findings:

(1) Near-Earth objects pose a serious and credible threat to humankind, as many scientists believe that a major asteroid or comet was responsible for the mass extinction of the majority of the Earth's species, including the dinosaurs, nearly 65,000,000 years ago.

(2) Similar objects have struck the Earth or passed through the Earth's atmosphere several times in the Earth's history and pose a similar threat in the future.

(3) Several such near-Earth objects have only been discovered within days of the objects' closest approach to Earth, and recent discoveries of such large objects indicate that many large near-Earth objects remain undiscovered.

(4) The efforts taken to date by NASA for detecting and characterizing the hazards of near-Earth objects are not sufficient to fully determine the threat posed by such objects to cause widespread destruction and loss of life.

(c) Definitions.—For purposes of this section the term "near-Earth object" means an asteroid or comet with a perihelion distance of less that 1.3 Astronomical Units from the Sun.

(d) Near-Earth Object Survey.—

(1) Survey program.—The Administrator shall plan, develop, and implement a Near-Earth Object Survey program to detect, track, catalogue, and characterize the physical characteristics of near-Earth objects equal to or greater than 100 meters in diameter in order to assess the threat of such near-Earth objects to the Earth. It shall be the goal of the Survey program to achieve 90 percent completion of its near-Earth object catalogue (based on statistically predicted populations of near-Earth objects) within 15 years after the date of enactment of this Act.

(2) Amendments.—Section 102 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451) is amended—

(A) by redesignating subsection (g) as subsection (h);

(B) by inserting after subsection (f) the following new subsection:

"(g) The Congress declares that the general welfare and security of the United States require that the unique competence of the National Aeronautics and Space Administration be directed to detecting, tracking, cataloguing, and characterizing near-Earth asteroids and comets in order to provide warning and mitigation of the potential hazard of such near-Earth objects to the Earth."; and

(C) in subsection (h), as so redesignated by subparagraph (A) of this paragraph, by striking "and (f)" and inserting "(f), and (g)".

(3) Annual report.—The Administrator shall transmit to the Congress, not later than February 28 of each of the next 5 years beginning after the date of enactment of this Act, a report that provides the following:

(A) A summary of all activities taken pursuant to paragraph (1) for the previous fiscal year.

(B) A summary of expenditures for all activities pursuant to paragraph (1) for the previous fiscal year.

(4) Initial report.—The Administrator shall transmit to Congress not later than 1 year after the date of enactment of this Act an initial report that provides the following:

(A) An analysis of possible alternatives that NASA may employ to carry out the Survey program, including ground-based and space-based alternatives with technical descriptions.

(B) A recommended option and proposed budget to carry out the Survey program pursuant to the recommended option.

(C) An analysis of possible alternatives that NASA could employ to divert an object on a likely collision course with Earth.

TITLE IV—AERONAUTICS

SEC. 401. DEFINITION.

For purposes of this title, the term "institution of higher education" has the meaning given that term by section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

Subtitle A—National Policy for Aeronautics Research and Development

SEC. 411. POLICY.

It shall be the policy of the United States to reaffirm the National Aeronautics and Space Act of 1958 and its identification of aeronautical research and development as a core mission of NASA. Further, it shall be the policy of the United States to promote aeronautical research and development that will expand the capacity, ensure the safety, and increase the efficiency of the Nation's air transportation system, promote the security of the Nation, protect the environment, and retain the leadership of the United States in global aviation.

Subtitle B—NASA Aeronautics Breakthrough Research Initiatives

SEC. 421. ENVIRONMENTAL AIRCRAFT RESEARCH AND DEVELOPMENT INITIATIVE.

(a) Objective.—The Administrator may establish an initiative with the objective of developing, and demonstrating in a relevant environment, within 10 years after the date of enactment of this Act, technologies to enable the following commercial aircraft performance characteristics:

(1) Noise.—Noise levels on takeoff and on airport approach and landing that do not exceed ambient noise levels in the absence of flight operations in the vicinity of airports from which such commercial aircraft would normally operate.

(2) Energy consumption.—Twenty-five percent reduction in the energy required for medium to long range flights, compared to aircraft in commercial service as of the date of enactment of this Act. This reduction may be achieved by a combination of improvements to—

(A) specific fuel consumption;

(B) lift-to-drag ratio; and

(C) structural weight fraction.

(3) Emissions.—Nitrogen oxides on take-off and landing that are reduced by 50 percent relative to aircraft in commercial service as of the date of enactment of this Act.

(b) Study.—

(1) Requirement.—The Administrator shall enter into an arrangement for the National Research Council to conduct a study to identify and quantify new markets that would be created, as well as existing markets that would be expanded, by the incorporation of the technologies developed pursuant to this section into future commercial aircraft. The study shall identify whether any of the performance characteristics specified in subsection (a) would need to be made more

stringent in order to create new markets or expand existing markets. The National Research Council shall seek input from at least the aircraft manufacturing industry, academia, and the airlines in carrying out the study.

(2) REPORT.—A report containing the results of the study conducted under paragraph (1) shall be provided to Congress not later than 18 months after the date of enactment of this Act.

SEC. 422. CIVIL SUPERSONIC TRANSPORT RESEARCH AND DEVELOPMENT INITIATIVE.

The Administrator may establish an initiative with the objective of developing, and demonstrating in a relevant environment, within 20 years after the date of enactment of this Act, technologies to enable overland flight of supersonic civil transport aircraft with at least the following performance characteristics:

(1) Mach number of at least 1.4.

(2) Range of at least 4,000 nautical miles.

(3) Payload of at least 24 passengers.

(4) Noise levels on takeoff and on airport approach and landing that meet community noise standards in place at airports from which such commercial supersonic aircraft would normally operate at the time the aircraft would enter commercial service.

(5) Shaped sonic boom signatures sufficiently low to permit overland flight over populated areas.

(6) Nitrogen oxide, carbon dioxide, and water vapor emissions consistent with regulations likely to be in effect at the time of this aircraft's introduction.

SEC. 423. ROTORCRAFT AND OTHER RUNWAY-INDEPENDENT AIR VEHICLES RESEARCH AND DEVELOPMENT INITIATIVE.

The Administrator may establish a rotorcraft and other runway-independent air vehicles initiative with the objective of developing and demonstrating in a relevant environment, within 10 years after the date of enactment of this Act, technologies to enable significantly safer, quieter, and more environmentally compatible operation from a wider range of airports under a wider range of weather conditions than is the case for rotorcraft and other runway-independent air vehicles in service as of the date of enactment of this Act.

Subtitle C—Other NASA Aeronautics Research and Development Activities

SEC. 431. FUNDAMENTAL RESEARCH AND TECHNOLOGY BASE PROGRAM.

(a) OBJECTIVE.—In order to ensure that the Nation maintains needed capabilities in fundamental areas of aeronautical research, the Administrator shall establish a program of long-term fundamental research in aeronautical sciences and technologies that is not tied to specific development projects.

(b) ASSESSMENT.—The Administrator shall enter into an arrangement with the National Research Council for an assessment of the Nation's future requirements for fundamental aeronautics research and whether the Nation will have a skilled research workforce and research facilities commensurate with those requirements. The assessment shall include an identification of any projected gaps, and recommendations for what steps should be taken by the Federal Government to eliminate those gaps.

(c) REPORT.—The Administrator shall transmit the assessment, along with NASA's response to the assessment, to Congress not later than 2 years after the date of enactment of this Act.

SEC. 432. AIRSPACE SYSTEMS RESEARCH.

(a) OBJECTIVE.—The Airspace Systems Research program shall pursue research and development to enable revolutionary improvements to and modernization of the National Airspace System, as well as to enable the introduction of new systems for vehicles that can take advantage of an improved, modern air transportation system.

(b) ALIGNMENT.—Not later than 2 years after the date of enactment of this Act, the Administrator shall align the projects of the Airspace Systems Research program so that they directly support the objectives of the Joint Planning and Development Office's Next Generation Air Transportation System Integrated Plan.

SEC. 433. AVIATION SAFETY AND SECURITY RESEARCH.

(a) OBJECTIVE.—The Aviation Safety and Security Research program shall pursue research and development activities that directly address the safety and security needs of the National Airspace System and the aircraft that fly in it. The program shall develop prevention, intervention, and mitigation technologies aimed at causal, contributory, or circumstantial factors of aviation accidents.

(b) PLAN.—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to Congress a 5-year prioritized plan for the research to be conducted within the Aviation Safety and Security Research program. The plan shall be aligned with the objectives of the Joint Planning and Development Office's Next Generation Air Transportation System Integrated Plan.

SEC. 434. ZERO-EMISSIONS AIRCRAFT RESEARCH.

(a) OBJECTIVE.—The Administrator may establish a zero-emissions aircraft research program whose objective shall be to develop and test concepts to enable a hydrogen fuel cell-powered aircraft that would have no hydrocarbon or nitrogen oxide emissions into the environment.

(b) APPROACH.—The Administrator may establish a program of competitively awarded grants available to teams of researchers that may include the participation of individuals from universities, industry, and government for the conduct of this research.

SEC. 435. MARS AIRCRAFT RESEARCH.

(a) OBJECTIVE.—The Administrator may establish a Mars Aircraft project whose objective shall be to develop and test concepts for an uncrewed aircraft that could operate for sustained periods in the atmosphere of Mars.

(b) APPROACH.—The Administrator may establish a program of competitively awarded grants available to teams of researchers that may include the participation of individuals from universities, industry, and government for the conduct of this research.

SEC. 436. HYPERSONICS RESEARCH.

The Administrator may establish a hypersonics research program whose objective shall be to explore the science and technology of hypersonic flight using air-breathing propulsion concepts, through a mix of theoretical work, basic and applied research, and development of flight research demonstration vehicles.

SEC. 437. NASA AERONAUTICS SCHOLARSHIPS.

(a) ESTABLISHMENT.—The Administrator shall establish a program of scholarships for full-time graduate students who are United States citizens and are enrolled in, or have been accepted by and have indicated their intention to enroll in, accredited Masters degree programs in aeronautical engineering at institutions of higher education. Each such scholarship shall cover the costs of room, board, tuition, and fees, and may be provided for a maximum of 2 years.

(b) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this Act, the Administrator shall publish regulations governing the scholarship program under this section.

(c) COOPERATIVE TRAINING OPPORTUNITIES.—Students who have been awarded a scholarship under this section shall have the opportunity for paid employment at one of the NASA Centers engaged in aeronautics research and development during the summer prior to the first year of the student's Masters program, and between the first and second year, if applicable.

SEC. 438. AVIATION WEATHER RESEARCH.

The Administrator may carry out a program of collaborative research with the National Oceanic and Atmospheric Administration on convective weather events, with the goal of significantly improving the reliability of 2-hour to 6-hour aviation weather forecasts.

SEC. 439. ASSESSMENT OF WAKE TURBULENCE RESEARCH AND DEVELOPMENT PROGRAM.

(a) ASSESSMENT.—The Administrator may enter into an arrangement with the National Research Council for an assessment of Federal wake turbulence research and development programs. The assessment shall address at least the following questions:

(1) Are the Federal research and development goals and objectives well defined?

(2) Are there any deficiencies in the Federal research and development goals and objectives?

(3) What roles should be played by each of the relevant Federal agencies, such as NASA, the Federal Aviation Administration, and the National Oceanic and Atmospheric Administration, in wake turbulence research and development?

(b) REPORT.—A report containing the results of the assessment conducted pursuant to subsection (a) shall be provided to Congress not later than 1 year after the date of enactment of this Act.

SEC. 440. UNIVERSITY-BASED CENTERS.

(a) IN GENERAL.—The Administrator may award grants to institutions of higher education (or consortia thereof) to establish one or more centers for the purpose described in subsection (b).

(b) PURPOSE.—The purpose of the centers is to conduct basic and applied research on the impact of new technologies and procedures, particularly those related to aeronautical navigation and control.

(c) APPLICATION.—An institution of higher education (or a consortium of such institutions) seeking funding under this section shall submit an application to the Administrator at such time, in such manner, and containing such information as the Administrator may require, including, at a minimum, a 5-year research plan.

(d) AWARD DURATION.—An award made by the Administrator under this section shall be for a period of 5 years and may be renewed on the basis of—

(1) satisfactory performance in meeting the goals of the research plan proposed by the Center in its application under subsection (c); and

(2) other requirements as specified by the Administrator.

TITLE V—HUMAN SPACE FLIGHT

SEC. 501. INTERNATIONAL SPACE STATION COMPLETION.

(a) ELEMENTS, CAPABILITIES, AND CONFIGURATION CRITERIA.—The Administrator shall ensure that the ISS will be able to—

(1) be used for a diverse range of microgravity research, including fundamental, applied, and commercial research;

(2) have an ability to support crew size of at least 6 persons, unless the Administrator transmits a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate prior to awarding a development contract for the Crew Exploration Vehicle, explaining why such a requirement should not be met and the impact of not meeting the requirement on the ISS research agenda and operations;

(3) support Crew Exploration Vehicle docking and automated docking of cargo vehicles or modules launched by either heavy-lift or commercially-developed launch vehicles; and

(4) be operated at an appropriate risk level.

(b) CONTINGENCY PLAN.—The transportation plan to support ISS shall include contingency options to ensure sufficient logistics and on-orbit capabilities to support any potential period during which the Space Shuttle or its follow-on crew and cargo systems is unavailable, and require sufficient surge delivery capability or prepositioning of spares and other supplies needed to accommodate any such hiatus.

(c) CERTIFICATION.—Not later than 60 days after the date of enactment of this Act, and before making any change in the ISS assembly sequence in effect on the date of enactment of this Act, the Administrator shall certify in writing to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate NASA's plan to meet the requirements of subsections (a) and (b).

(d) CENTRIFUGE.—Nothing in this Act shall be construed to prohibit the installation of the centrifuge on the ISS.

SEC. 502. HUMAN EXPLORATION PRIORITIES.

(a) IN GENERAL.—The Administrator shall—

(1) construct an architecture and implementation plan for NASA's human exploration program that is not critically dependent on the achievement of milestones by fixed dates; and

(2) determine the relative priority of each of the potential elements of NASA's implementation plan for its human exploration program in case funding shortfalls or cost growth necessitate the adjustment of NASA's implementation plan.

(b) PRIORITIES.—Development of a Crew Exploration Vehicle with a robust crew escape system, development of a launch system for the Crew Exploration Vehicle, and definition of an overall architecture and prioritized implementation plan shall be the highest priorities of the human exploration program over the period governed by this Act.

SEC. 503. GAO ASSESSMENT.

Not later than 9 months after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an assessment of the milestones and estimated costs of the plans submitted under section 102(a)(7).

TITLE VI—OTHER PROGRAM AREAS

Subtitle A—Space and Flight Support

SEC. 601. ORBITAL DEBRIS.

The Administrator, in conjunction with the heads of other Federal agencies, shall take steps to develop or acquire technologies that will enable NASA to decrease the risks associated with orbital debris.

SEC. 602. SECONDARY PAYLOAD CAPABILITY.

The Administrator is encouraged to provide the capabilities to support secondary payloads on United States launch vehicles, including freeflyers, for satellites or scientific payloads.

Subtitle B—Education

SEC. 611. INSTITUTIONS IN NASA'S MINORITY INSTITUTIONS PROGRAM.

The matter appearing under the heading "NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, SMALL AND DISADVANTAGED BUSINESS" in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1990 (42 U.S.C. 2473b; 103 Stat. 863) is amended by striking "Historically Black Colleges and Universities and" and inserting "Historically Black Colleges and Universities that are part B institutions (as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2))), Hispanic-serving institutions (as defined in section 502(a)(5) of that Act (20 U.S.C. 1101a(a)(5))), Tribal Colleges or Universities (as defined in section 316(b)(3) of that Act (20 U.S.C. 1059c(b)(3))), Alaskan Native-serving institutions (as defined in section 317(b)(2) of that Act (20 U.S.C. 1059d)(b)(2))), Native Hawaiian-serving institutions (as defined in section 317(b)(4) of that Act (20 U.S.C. 1059d(b)(4))), and".

SEC. 612. PROGRAM TO EXPAND DISTANCE LEARNING IN RURAL UNDERSERVED AREAS.

(a) IN GENERAL.—The Administrator shall develop or expand programs to extend science and space educational outreach to rural communities and schools through video conferencing, interpretive exhibits, teacher education, classroom presentations, and student field trips.

(b) PRIORITIES.—In carrying out subsection (a), the Administrator shall give priority to existing programs—

(1) that utilize community-based partnerships in the field;

(2) that build and maintain video conference and exhibit capacity;

(3) that travel directly to rural communities and serve low-income populations; and

(4) with a special emphasis on increasing the number of women and minorities in the science and engineering professions.

SEC. 613. CHARLES "PETE" CONRAD ASTRONOMY AWARDS.

(a) SHORT TITLE.—This section may be cited as the "Charles 'Pete' Conrad Astronomy Awards Act".

(b) DEFINITIONS.—For the purposes of this section—

(1) the term "amateur astronomer" means an individual whose employer does not provide any funding, payment, or compensation to the individual for the observation of asteroids and other celestial bodies, and does not include any individual employed as a professional astronomer;

(2) the term "Minor Planet Center" means the Minor Planet Center of the Smithsonian Astrophysical Observatory;

(3) the term "near-Earth asteroid" means an asteroid with a perihelion distance of less than 1.3 Astronomical Units from the Sun; and

(4) the term "Program" means the Charles "Pete" Conrad Astronomy Awards Program established under subsection (c).

(c) PETE CONRAD ASTRONOMY AWARD PROGRAM.—

(1) IN GENERAL.—The Administrator shall establish the Charles "Pete" Conrad Astronomy Awards Program.

(2) AWARDS.—The Administrator shall make awards under the Program based on the recommendations of the Minor Planet Center.

(3) AWARD CATEGORIES.—The Administrator shall make one annual award, unless there are no eligible discoveries or contributions, for each of the following categories:

(A) The amateur astronomer or group of amateur astronomers who in the preceding calendar year discovered the intrinsically brightest near-Earth asteroid among the near-Earth asteroids that were discovered during that year by amateur astronomers or groups of amateur astronomers.

(B) The amateur astronomer or group of amateur astronomers who made the greatest contribution to the Minor Planet Center's mission of cataloguing near-Earth asteroids during the preceding year.

(4) AWARD AMOUNT.—An award under the Program shall be in the amount of $3,000.

(5) GUIDELINES.—(A) No individual who is not a citizen or permanent resident of the United States at the time of his discovery or contribution may receive an award under this section.

(B) The decisions of the Administrator in making awards under this section are final.

SEC. 614. REVIEW OF EDUCATION PROGRAMS.

(a) IN GENERAL.—The Administrator shall enter into an arrangement with the National Research Council of the National Academy of Sciences to conduct a review and evaluation of NASA's science, technology, engineering, and mathematics education program. The review and evaluation shall be documented in a report to the Administrator and shall include such recommendations as the National Research Council determines will improve the effectiveness of the program.

(b) REVIEW.—The review and evaluation under subsection (a) shall include—

(1) an evaluation of the effectiveness of the overall program in meeting its defined goals and objectives;

(2) an assessment of the quality and educational effectiveness of the major components of the program, including an evaluation of the adequacy of assessment metrics and data collection requirements available for determining the effectiveness of individual projects;

(3) an evaluation of the funding priorities in the program, including a review of the funding level and funding trend for each major component of the program and an assessment of whether the resources made available are consistent with meeting identified goals and priorities; and

(4) a determination of the extent and the effectiveness of coordination and collaboration between NASA and other Federal agencies that sponsor science, technology, engineering, and mathematics education activities.

(c) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the report required under subsection (a).

SEC. 615. EQUAL ACCESS TO NASA'S EDUCATION PROGRAMS.

The Administrator shall strive to ensure equal access for minority and economically disadvantaged students to NASA's Education programs. Not later than 1 year after the date of enactment of this Act, and every 2 years thereafter, the Administrator shall submit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and

Transportation of the Senate describing the efforts by the Administrator to ensure equal access for minority and economically disadvantaged students under this section, and the results of such efforts. As part of the report, the Administrator shall provide data on minority participation in NASA's education programs, at a minimum in the following categories: elementary and secondary education, undergraduate education, and graduate education.

SEC. 616. MUSEUMS.

The Administrator may provide grants to, and enter into cooperative agreements with museums and planetariums to enable them to enhance programs related to space exploration, aeronautics, space science, earth science, or microgravity.

SEC. 617. REVIEW OF MUST PROGRAM.

Not later than 60 days after the date of enactment of this Act, the Administrator shall transmit a report to Congress on the legal status of the Motivating Undergraduates in Science and Technology program. If the report concludes that the program is in compliance with the laws of the United States, NASA shall implement the program, as planned in the July 5, 2005 National Research Announcement.

TITLE VII—MISCELLANEOUS AMENDMENTS

SEC. 701. RETROCESSION OF JURISDICTION.

The National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.) is amended by adding at the end of title III the following new section:

"RETROCESSION OF JURISDICTION

"SEC. 316. (a) Notwithstanding any other provision of law, the Administrator may relinquish to a State all or part of the legislative jurisdiction of the United States over lands or interests under the control of the Administrator in that State.

"(b) For purposes of this section, the term 'State' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States.".

SEC. 702. EXTENSION OF INDEMNIFICATION.

Section 309 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2458c) is amended in subsection (f)(1) by striking "December 31, 2002" through "September 30, 2005" and inserting, "December 31, 2010, except that the Administrator may extend the termination date to a date not later than September 30, 2015, if the Administrator has entered into an arrangement with the National Academy of Public Administration to determine the impact on private parties and the Federal Government of eliminating this section".

SEC. 703. NASA SCHOLARSHIPS.

(a) AMENDMENTS.—Section 9809 of title 5, United States Code, is amended—

(1) in subsection (a)(2) by striking "Act." and inserting "Act (42 U.S.C. 1885a or 1885b).";

(2) in subsection (c) by striking "require." and inserting "require to carry out this section.";

(3) in subsection (f)(1) by striking the last sentence; and

(4) in subsection (g)(2) by striking "Treasurer of the" and all that follows through "by 3" and inserting "Treasurer of the United States".

(b) REPEAL.—The Vision 100—Century of Aviation Reauthorization Act is amended by striking section 703 (42 U.S.C. 2473e).

SEC. 704. INDEPENDENT COST ANALYSIS.

Section 301 of the National Aeronautics and Space Administration Authorization Act of 2000 (42 U.S.C. 2459g) is amended—

(1) by striking "Phase B" in subsection (a) and inserting "implementation";

(2) by striking "Chief Financial Officer" each place it appears in subsection (a) and inserting "Administrator";

(3) by inserting "and consider" in subsection (a) after "shall conduct"; and

(4) by striking subsection (b) and inserting the following:

"(b) IMPLEMENTATION DEFINED.—In this section, the term 'implementation' means all activity in the life cycle of a project after preliminary design, independent assessment of the preliminary design, and approval to proceed into implementation, including critical design, development, certification, launch, operations, disposal of assets, and, for technology programs, development, testing, analysis and communication of the results.".

SEC. 705. LIMITATIONS ON OFF-SHORE PERFORMANCE OF CONTRACTS FOR THE PROCUREMENT OF GOODS AND SERVICES.

(a) CONVERSIONS TO CONTRACTOR PERFORMANCE OF ADMINISTRATION ACTIVITIES.—Except as provided in subsection (c), an activity or function of the Administration that is converted to contractor performance under Office of Management and Budget Circular A-76 may not be performed by the contractor or any subcontractor at a location outside the United States.

(b) CONTRACTS FOR THE PROCUREMENT OF SERVICES.—(1) Except as provided in subsection (c), a contract for the procurement of goods or services that is entered into by the Administrator may not be performed outside the United States unless it is to meet a requirement of the Administration for goods or services specifically at a location outside the United States.

(2) The President may waive the prohibition in paragraph (1) in the case of any contract for which the President determines in writing that it is necessary in the national security interests of the United States for goods or services under the contract to be performed outside the United States.

(3) The Administrator may waive the prohibition in paragraph (1) in the case of any contract for which the Administrator determines in writing that essential goods or services under the contract are only available from a source outside the United States.

(c) EXCEPTION.—Subsections (a) and (b)(1) shall not apply to the extent that the activity or function under the contract was previously performed by Federal Government employees outside the United States.

(d) CONSISTENCY WITH INTERNATIONAL AGREEMENTS.—The provisions of this section shall not apply to the extent that they are inconsistent with obligations of the United States under international agreements.

(e) ANNUAL REPORT.—The Administrator shall submit to Congress, not later than 120 days after the end of each fiscal year, a report on the contracts performed overseas and amount of purchases by NASA from foreign entities in that fiscal year. Such report shall separately indicate the dollar value of contracts for which the provisions of this section were waived and the dollar value of items for which the Buy American Act was waived pursuant to obligations of the United States under international agreements.

SEC. 706. LONG DURATION FLIGHT.

No provision of this or any other Act shall be construed to prohibit NASA from accommodating the exercise of religion by astronauts engaged in long duration space flight missions.

TITLE VIII—INDEPENDENT COMMISSIONS

SEC. 801. DEFINITIONS.

For purposes of this title—

(1) the term "Commission" means a Commission established under this title; and

(2) the term "incident" means either an accident or a deliberate act.

Subtitle A—International Space Station Independent Safety Commission

SEC. 811. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—The President shall establish an independent, nonpartisan Commission within the executive branch to discover and assess any vulnerabilities of the International Space Station that could lead to its destruction, compromise the health of its crew, or necessitate its premature abandonment.

(b) DEADLINE FOR ESTABLISHMENT.—The President shall issue an executive order establishing a Commission within 30 days after the date of enactment of this Act.

SEC. 812. TASKS OF THE COMMISSION.

The Commission established under section 811 shall, to the extent possible, undertake the following tasks:

(1) Catalog threats to and vulnerabilities of the ISS, including design flaws, natural phenomena, computer software or hardware flaws, sabotage or terrorist attack, number of crewmembers, and inability to adequately deliver replacement parts and supplies, and management or procedural deficiencies.

(2) Make recommendations for corrective actions.

(3) Provide any additional findings or recommendations related to ISS safety.

(4) Prepare a report to Congress, the President, and the public.

SEC. 813. SUNSET.

The Commission established under this subtitle shall transmit its final report not later than 1 year after the date on which the full Commission membership is appointed.

Subtitle B—Human Space Flight Independent Investigation Commission

SEC. 821. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—The President shall establish an independent, nonpartisan Commission within the executive branch to investigate any incident that results in the loss of—

(1) a Space Shuttle;

(2) the International Space Station or its operational viability;

(3) any other United States space vehicle carrying humans that is owned by the Federal Government or that is being used pursuant to a contract with the Federal Government; or

(4) a crew member or passenger of any space vehicle described in this subsection.

(b) DEADLINE FOR ESTABLISHMENT.—The President shall issue an executive order establishing a Commission within 7 days after an incident specified in subsection (a).

SEC. 822. TASKS OF THE COMMISSION.

A Commission established pursuant to this subtitle shall, to the extent possible, undertake the following tasks:

(1) Investigate the incident.

(2) Determine the cause of the incident.

(3) Identify all contributing factors to the cause of the incident.

(4) Make recommendations for corrective actions.

(5) Provide any additional findings or recommendations deemed by the Commission to be important, whether or not they are related to the specific incident under investigation.

(6) Prepare a report to Congress, the President, and the public.

Subtitle C—Organization and Operation of Commissions

SEC. 831. COMPOSITION OF COMMISSIONS.

(a) Number of Commissioners.—A Commission established pursuant to this title shall consist of 15 members.

(b) Selection.—The members of a Commission shall be chosen in the following manner:

(1) The President shall appoint the members, and shall designate the Chairman and Vice Chairman of the Commission from among its members.

(2) Four of the 15 members appointed by the President shall be selected by the President in the following manner:

(A) The majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives shall each provide to the President a list of candidates for membership on the Commission.

(B) The President shall select one of the candidates from each of the 4 lists for membership on the Commission.

(3) In the case of a Commission established under subtitle A, the President shall select one candidate from a list of candidates for membership on the Commission provided by the President of the collective-bargaining organization including the largest number of NASA engineers.

(4) No officer or employee of the Federal Government shall serve as a member of the Commission.

(5) No member of the Commission shall have, or have pending, a contractual relationship with NASA.

(6) The President shall not appoint any individual as a member of a Commission under this section who has a current or former relationship with the Administrator that the President determines would constitute a conflict of interest.

(7) To the extent practicable, the President shall ensure that the members of the Commission include some individuals with experience relative to human carrying spacecraft, as well as some individuals with investigative experience and some individuals with legal experience.

(8) To the extent practicable, the President shall seek diversity in the membership of the Commission.

(9) The President may waive the prohibitions in paragraphs (5) and (6) with respect to the selection of not more than two members of a Commission established under subtitle A.

(c) Deadline for Appointment.—All members of a Commission established under subtitle A shall be appointed no later than 60 days after issuance of the executive order establishing the Commission. All members of a Commission established under subtitle B shall be appointed no later than 30 days after the incident.

(d) Initial Meeting.—A Commission shall meet and begin operations as soon as practicable.

(e) Quorum; Vacancies.—After its initial meeting, a Commission shall meet upon the call of the Chairman or a majority of its members. Eight members of a Commission shall constitute a quorum. Any vacancy in a Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

SEC. 832. POWERS OF COMMISSION.

(a) Hearings and Evidence.—A Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this title—

(1) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents,

as the Commission or such designated subcommittee or designated member may determine advisable.

(b) Contracting.—A Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this title.

(c) Information From Federal Agencies.—

(1) In general.—A Commission may secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this title. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman, the chairman of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(2) Receipt, handling, storage, and dissemination.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(d) Assistance From Federal Agencies.—

(1) General services administration.—The Administrator of General Services shall provide to a Commission on a reimbursable basis administrative support and other services for the performance of the Commission's tasks.

(2) Other departments and agencies.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(3) NASA engineering and safety center.—The NASA Engineering and Safety Center shall provide data and technical support as requested by a Commission.

SEC. 833. PUBLIC MEETINGS, INFORMATION, AND HEARINGS.

(a) Public Meetings and Release of Public Versions of Reports.—A Commission shall—

(1) hold public hearings and meetings to the extent appropriate; and

(2) release public versions of the reports required under this Act.

(b) Public Hearings.—Any public hearings of a Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive order.

SEC. 834. STAFF OF COMMISSION.

(a) Appointment and Compensation.—The Chairman, in consultation with Vice Chairman, in accordance with rules agreed upon by a Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions.

(b) Detailees.—Any Federal Government employee, except for an employee of NASA, may be detailed to a Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(c) Consultant Services.—A Commission may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code. Any consultant or expert whose services are procured under this subsection shall disclose any contract or association it has with NASA or any NASA contractor.

SEC. 835. COMPENSATION AND TRAVEL EXPENSES.

(a) Compensation.—Each member of a Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(b) Travel Expenses.—While away from their homes or regular places of business in the performance of services for the Commission, members of a Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

SEC. 836. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate Federal agencies or departments shall cooperate with a Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements. No person shall be provided with access to classified information under this title without the appropriate security clearances.

SEC. 837. REPORTING REQUIREMENTS AND TERMINATION.

(a) Interim Reports.—A Commission may submit to the President and Congress interim reports containing such findings, conclusions, and recommendations for corrective actions as have been agreed to by a majority of Commission members.

(b) Final Report.—A Commission shall submit to the President and Congress, and make concurrently available to the public, a final report containing such findings, conclusions, and recommendations for corrective actions as have been agreed to by a majority of Commission members. Such report shall include any minority views or opinions not reflected in the majority report.

(c) Termination.—

(1) In general.—A Commission, and all the authorities of this title with respect to that Commission, shall terminate 60 days after the date on which the final report is submitted under subsection (b).

(2) Administrative activities before termination.—A Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the final report.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to S. 1281, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York? The Chair hears none, and without objection, appoints the following conferees:

From the Committee on Science, for consideration of the Senate bill and the House amendment, and modifications committed to conference: Messrs. BOEHLERT, CALVERT, HALL, SMITH of Texas, GORDON, UDALL of Colorado, and HONDA.

Provided, that Ms. JACKSON-LEE of Texas is appointed in lieu of Mr. HONDA for consideration of sections 111 and 615 of the House amendment, and modifications committed to conference.

From the Committee on Government Reform, for consideration of sections 153 and 606 of the Senate bill, and section 703 of the House amendment, and modifications committed to conference: Messrs. TOM DAVIS of Virginia, TURNER, and WAXMAN.

For consideration of the Senate bill and House amendment, and modifications committed to conference: Mr. DELAY.

BETTY DICK RESIDENCE PROTECTION ACT

Mrs. MUSGRAVE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 584) to require the Secretary of the Interior to allow the continued occupancy and use of certain land and improvements within Rocky Mountain National Park, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Colorado?

Mr. KANJORSKI. Objection.

The SPEAKER pro tempore. Objection is heard.

PREDISASTER MITIGATION PROGRAM REAUTHORIZATION ACT OF 2005

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure be discharged from further consideration of the bill (H.R. 4324) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the predisaster mitigation program, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. KANJORSKI. Objection.

The SPEAKER pro tempore. Objection is heard.

NATIONAL FLOOD INSURANCE PROGRAM FURTHER ENHANCED BORROWING AUTHORITY ACT OF 2005

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that it be in order to consider a motion to take from the Speaker's table the bill (H.R. 4133) to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program, with Senate amendments thereto, and concur therein, and that the motion be debatable for not to exceed 20 minutes, equally divided between myself and the gentleman from Massachusetts (Mr. FRANK).

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments:

On page 2, line 12, strike "8,500,000,000" and insert "18,500,000,000".

On page 2, after line 12, insert:

SEC. 3. EMERGENCY SPENDING.

The amendment made under section 2 is designated as emergency spending, as provided under section 402 of H. Con. Res. 95 (109th Congress).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. OXLEY) and the gentleman from Massachusetts (Mr. FRANK) each will control 10 minutes.

The Chair recognizes the gentleman from Ohio (Mr. OXLEY.)

☐ 1815

Mr. OXLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 4133, a bill that would temporarily increase the borrowing authority of the Federal Emergency Management Agency National Flood Insurance Program.

This bill was introduced by our friend and colleague from Pennsylvania (Mr. FITZPATRICK) in response to the terrible destruction that has resulted from Hurricane Katrina. The original version of this bill increased the borrowing authority of the National Flood Insurance Program from $3.5 billion to $8.5 billion. However, the extra $5 billion would have only allowed FEMA to make claims and payments through next week.

The Senate amended the bill to increase the borrowing authority to $18.5 billion and designate the funds as emergency spending. That amended version is now before us for consideration.

FEMA has run out of money to pay claims arising from Hurricanes Katrina and Rita and has directed the insurance companies to stop paying the estimated 225,000 Katrina and Rita policyholders who have already filed a claim. These homeowners who have a contract with the NFIP to cover flood events could initiate legal action against FEMA and the U.S. Government if we do not act now.

I remain committed to seeing the National Flood Insurance Program implement the reforms begun last year when we passed the Bunning-Bereuter-Blumenauer Act, and I look forward to working during the coming months to ensure greater accountability of the flood insurance program.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, along with the chairman, I have a sense of deja vu. A couple of years ago we agreed, the chairman and I and members of our committee, to support the efforts of our former colleague from Nebraska, Mr. Bereuter, our current colleague from Oregon (Mr. BLUMENAUER), to reform the flood insurance program. We made substantial progress. We did not get everything we wanted; there was some resistance.

Then came Katrina, and suddenly the point we were making about the need both to compensate people but also to be environmentally and fiscally responsible in what we promised became somewhat relevant. Our committee had a good mark-up earlier this week and passed out a bill, not a perfect bill from any one standpoint, but which would continue the process of reforms along with the money. And then the Senate, as it did last time, showed a certain reluctance to go along with the reforms. They sent us a bill which is simply the additional money.

The additional money is needed and the additional money is to compensate people who have already been flooded, so there is no necessary connection between that and going forward. I, therefore, did not object to the request, and I hope we will vote the money that has been asked to compensate the people already hurt.

But it is also important that we reform the program. I appreciate the commitment which the gentleman from Ohio has freely given the House, that we are both going to work hard to try to bring the reform package up early next year.

So we will acknowledge the importance of getting the money in the hands of the people who need it, and I will be yielding to some of my colleagues from the area; but we do want to note that we will go forward with the money now, but we have not lost our interest in further reforming the program; and we will be back on the floor I hope, and I know the gentleman from Ohio will be working diligently on that in the future.

Mr. Speaker, I reserve the balance of my time.

Mr. OXLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to thank my good friend and ranking member, the gentleman from Massachusetts (Mr. FRANK), for his support on this. This is critically important for the folks down in the gulf region that they get compensated under their insurance program that they paid premiums into FEMA for. This is an obligation by the Federal Government to make sure that those people are paid. FEMA is out of money as I speak. We need to get this done. I would ask the House's cooperation in this effort.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I do not want to impose on the House's time except we are killing time anyway while you try to figure out what you are going to do with that foolish resolution of yours.

Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. JEFFERSON), who has been at the center of the effort to deal with this tragedy. I will say as the ranking member on our side on the committee, he has been constantly in touch with us and has advised us and impressed us on the importance of action, and I am very grateful for his willingness to work with us in the midst of all the stress that has accrued to his district.

Mr. JEFFERSON. Mr. Speaker, I thank the gentleman from Ohio (Mr. OXLEY) for the work that he has done on the bill and for the entire committee and all who have had a hand in it.

Like the gentleman from Massachusetts (Mr. FRANK), I would liked to have seen this bill involve the reforms we have talked about to make it easier for people to make claims once they have them. We have had the unprecedented flooding in our area, which is the reason why this bill is needed. FEMA is out of money for the very clear reason that we have had flooding that nobody could have possibly anticipated. We have claims far beyond what anyone had imagined. There have been 220,000 homes, just homes in our area, that have been affected by flooding: 108,000 of these have been rental units, and the rest are single residences. It is unheard of.

Sixty thousand of these will probably have to be gotten rid of because they cannot be cleaned up and put back into commerce. We have had the insurance companies take the position that every instance of damage was caused by flooding as opposed to the wind-driven rain that would cover them under their homeowners insurance, consequently creating more pressure to pay on the flood insurance than ever before.

For these two reasons, I would urge that we adopt this provision because it is much needed by the people back home both because we have had an unprecedented level of loss in flooding and because insurance companies have pushed all the emphasis down on the flood insurance program and made it very difficult for people to recover otherwise.

I urge the House to adopt this because we need it so much in our area.

Mr. OXLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. FITZPATRICK).

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, I thank the gentleman from Ohio (Mr. OXLEY) for his leadership on issues regarding the National Flood Insurance Program.

Mr. Speaker, on Wednesday of this week, the House passed by voice vote H.R. 4133, the National Flood Insurance Program Further Enhanced Borrowing Act of 2005. This important piece of legislation will empower residents of the gulf coast by increasing the National Flood Insurance Program's ability to borrow $5 billion in additional funds from the United States Treasury to cover claims resulting from the recent devastating hurricanes of Katrina and Rita.

Today, the Senate amended and passed H.R. 4133, raising the amount the NFIP can borrow from the Treasury from $8.5 billion to $18.5 billion, an increase that will remain in place until our return after the December recess.

Mr. Speaker, this legislation is a necessary stop-gap measure to ensure the solvency of the National Flood Insurance Program. For this hurricane season alone, FEMA estimates that more than 225,000 Katrina and Rita claims will be filed with a total cost exceeding $22 billion. This total for one hurricane season, Mr. Speaker, will surpass the total amount paid by the National Flood Insurance Program since its inception in 1965.

Mr. Speaker, I represent a section of Philadelphia, Bucks County, Pennsylvania, that has sustained two floods during the last year. In each of those occasions, FEMA and the National Flood Insurance Program administrators have been there, paid the claims that they are obligated to pay. The residents of the gulf coast area and region deserve no less.

FEMA is quickly running out of money. The flood insurance program must be able to handle the claims resulting from the catastrophic losses. Historically, whenever the National Flood Insurance Program has borrowed from the Treasury, it has been paid back in full. We need to act to enable this stop-gap measure to cover claims from the gulf coast. We should not think of this as a new obligation. Instead, it is a necessary step to keep a legal promise that Congress has made to homeowners and business owners when Congress passed the National Flood Insurance Act.

We have a moral obligation to honor our commitments, Mr. Speaker, and to provide the coverage we promised to provide, to help victims. They need help to rebuild their homes and their lives. I ask my colleagues for their support and seek adoption of the Senate language in this bill.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I rise troubled, I must say, by this legislation. I appreciate the chairman's commitment to reform and also the ranking member. They have been steering, I think, a good course with Financial Services, and I am encouraged by their words that we are going to go ahead and attempt to continue the process of reforming the flood insurance program.

But today in signing off on $22 billion that cannot be supported simply by the premiums by the individuals that are covered right now, I personally think is a tremendous lost opportunity.

We heard a lot of rhetoric the last couple of days. People come to the floor talking about how to save taxpayer dollars, but we have not undertaken to make reforms that would protect taxpayers in the first place.

Our colleague from Mississippi has been focusing on the problem with flood insurance not being available to a whole range of people. No expectation they should have it. People behind levees are not required to have flood insurance. We have not dealt with subsidized insurance for areas that are vacation homes, second homes.

I am concerned that there is never really a good time to be able for us to seize this opportunity. While I say I am heartened by what I have heard from the ranking member and the gentleman from Ohio (Mr. OXLEY), and certainly they steered a difficult course last time in being able to make some of these incremental achievements, but if there was ever a time that the attention of this Congress should be on the dangers of the way that the program works now and the people that are in harm's way, the opportunity to not just save money but save lives by these reforms.

Nonetheless, I look forward to working with the ranking member and the Chair, and I will do anything in my power, but I would hope the House does not ever again allow something like this to come forward and miss such an opportunity.

Mr. FRANK of Massachusetts. Mr. Speaker, I would say to the gentleman I agree with him this is a lost opportunity, but like the book "I Lost It At The Movies," we lost it at the Senate. So we are doing the best we can.

Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi (Mr. TAYLOR), who has worked harder in the aftermath of this than I have ever seen any Member work in trying to deal with the desperate situation imposed on the people he represents.

Mr. TAYLOR of Mississippi. Mr. Speaker, as I speak, one of the greatest legal scams in American history is being perpetrated on the people of Louisiana, Mississippi, and Alabama, honest Americans who purchased insurance policies to protect their families in time of a hurricane. They paid their premiums for decades. They are being told one by one "we are not going to pay your claim."

See, in a typical insurance policy known as a "wind policy," you would think it would protect you from the 140- to 160-knot breezes of Hurricane Katrina; but somehow buried in that policy is small language that says they are not going to pay for wind-driven water.

Now, for most of us, you would think of wind-driven water as maybe the water driven under the stoop of your door in a rain storm, or if you have an older house like I had, under the windows, maybe get some curtains wet or the sheet rock under that window.

So if the wind blew a tree into your house, you could file a claim. If the wind blew a car into your house, you could file a claim. But if the wind generates a 30-foot wall of water, well, then the American insurance industry en mass is telling those people in Mississippi, Louisiana, Texas, and the Alabama gulf coast, You're out of luck. We took your money. You're a chump.

Our Nation has a flood insurance policy separate from that where the credibility of this Nation is at stake. I have already told you what I have thought the private sector is doing to my people. But this is us. We also collected people's money in good faith that when there was a flood of their homes that would be paid. We had an unprecedented natural disaster.

Now, two things can happen. We can go the way of the private sector which is doing everything they can to scam my constituents, and please use that word, or we can honor our claims. Because a person or a nation is only as good as its word. Our Nation gave our word that we would pay these claims if substantiated. Those claims have been substantiated. Let us set a precedent that hopefully the insurance industry will follow and pay our claims.

□ 1830

I want to commend Chairman OXLEY. I want to commend Ranking Member FRANK for bringing this to the floor in a timely manner. I very much want to commend the other body for plussing this up so that we can fulfill our obligation as a Nation for those people who had flood insurance policies, that we will pay those claims in a timely manner.

At the same time I want to go on record as saying that I think there ought to be a national registry of child molesters and, at the moment, insurance industry executives because I think Americans ought to know if they live near one.

Mr. FRANK of Massachusetts. Mr. Speaker, for my remaining 30 seconds, I want to send a message to FEMA.

The gentleman from Louisiana (Mr. MELANCON) has called to our attention a delay on the part of FEMA in telling people what elevations are required for new construction or replacement construction in the flooded areas. Until they have those elevations, they cannot proceed with the construction, and the gentleman told me we have been told there is a delay of perhaps up to 2 years. That is clearly unacceptable. So had we been able to bring a substitute bill to the floor, we were going to address that issue.

I hope FEMA will listen. I think I speak for both sides. I know the gentleman from Louisiana (Mr. BAKER) agreed with this when we raised it in committee that FEMA will promptly do the elevations necessary so that construction can proceed.

Mr. OXLEY. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

The motion was agreed to.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 6 o'clock and 31 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1957

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. TERRY) at 7 o'clock and 57 minutes p.m.

PROVIDING FOR CONSIDERATION OF H. RES. 571, EXPRESSING SENSE OF HOUSE THAT DEPLOYMENT OF FORCES IN IRAQ BE TERMINATED IMMEDIATELY

Mr. GINGREY, from the Committee on Rules, submitted a privileged report (Rept. No. 109-312) on the resolution (H. Res. 572) providing for consideration of the resolution (H. Res. 571) expressing the sense of the House of Representatives that the deployment of United States forces in Iraq be terminated immediately and providing for consideration of the concurrent resolution (H. Con. Res. 308) directing the Clerk of the House of Representatives to make a technical correction in the enrollment of H.R. 3058, which was referred to the House Calendar and ordered to be printed.

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 572 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 572

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 571) expressing the sense of the House of Representatives that the deployment of United States forces in Iraq be terminated immediately. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations; and (2) one motion to recommit which may not contain instructions.

SEC. 2. Upon adoption of this resolution, House Concurrent Resolution 308 is hereby adopted.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. GINGREY) is recognized for 1 hour.

PARLIAMENTARY INQUIRY

Mr. EDWARDS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. EDWARDS. Mr. Speaker, given that the subject of this issue deals with the solemn subject of war, my question is, would I be in order to ask for unanimous consent that each Member of the House be allowed up to 5 minutes to speak his or her conscience on this war-related resolution?

□ 2000

The SPEAKER pro tempore (Mr. TERRY). The Chair has recognized the gentleman from Georgia (Mr. GINGREY) for 1 hour. He controls the time. He may yield for a unanimous consent request if he so chooses.

Mr. GINGREY. Mr. Speaker, for the purposes of debate only, I yield 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 572 provides for the consideration of House Resolution 571, expressing the sense of the House of Representatives that the deployment of the United States forces in Iraq be terminated immediately. Section 2 of the rule provides that upon adoption of the rule House Concurrent Resolution 308 is hereby adopted.

Tonight, Mr. Speaker, this House, the people's House, stands at a crossroads. In one direction lies the forced retreat and dishonor for our troops who have placed their lives on the line for the defense of this country; and in the other direction, Mr. Speaker, we can stand together as one Nation, as one

Congress, in celebration of those who have made an unparalleled commitment to their country.

For this Member of Congress who represents the eleventh district of Georgia, I know which direction I will choose. I know which course I will take. I will stand here tonight with our servicemen and -women who spend their days and nights fighting in the desert of Iraq to secure the freedom of a new democracy. Their Nation called them to arms. Their Nation called upon them for help in time of war. And, Mr. Speaker, they answered that call. They departed their country. They left their homes, their families to fight a war on foreign soil against an enemy that despises everything they and everything their country stands for.

They went to fight a tyrant by the name of Saddam Hussein who had murdered his own people, sought to conquer the Middle East for his own empire, and would have sought the destruction of the West and the values that we hold so dear. This tyrant was and is an enemy of liberty, and he had to be stopped.

Mr. Speaker, nightly on the floor of this House, some Members imply that the President misled our Nation, and they demand an immediate withdrawal of troops from Iraq, ceding victory to the enemy. And now we have to answer the call of those who would besmirch their mission, who would besmirch their sacrifice.

Mr. Speaker, I stand prepared, along with my colleagues, to debate this rule and the underlying resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Ms. SLAUGHTER. Mr. Speaker, the speed with which the majority has sought to challenge the frank and honest appraisal of the war in Iraq offered yesterday by my friend, the gentleman from Pennsylvania (Mr. MURTHA), proves that what he said resonated with the American people.

Over 60 percent of our Nation no longer believes that we are headed in the right direction in Iraq. When Mr. MURTHA spoke yesterday, he spoke for the majority of our country. Concerns such as those voiced by Mr. MURTHA are not a sign of weakness, nor are they the product of a failure of resolve or willingness to cower before adversity as many administration apologists have suggested.

Rather, they follow from a logical assessment of one of the most respected military affairs in international relations experts that we have in all of these United States, and that is exactly what has this congressional leadership and this White House so concerned.

That is why they have gone out of their way in the last 24 hours to attack the gentleman from Pennsylvania (Mr. MURTHA). It amounts to nothing more than another swift boat attack on an American hero.

After all, attacking those who have the temerity to challenge this White House is what Republicans in Congress do best. But they have chosen a formidable target in JACK MURTHA.

Unlike our President, our Vice President, our Secretary of Defense, the Secretary of State or the vast, vast majority of the Members in this House, JACK MURTHA knows combat. At the age of 34, he did not have to go and fight in Vietnam, but he did. He is a decorated veteran and an American hero at a time when many others were shirking any possibility of going to Vietnam.

He knows our troops and he cares for them deeply and he has regularly visited them in the hospitals. There he has seen their wounds. He has stood by them during their time of need and listened to their hopes and fears. He has been to Iraq and seen the state of the nation with his own eyes. He is a true patriot and wants only the success of the United States and the Iraqi people, and that is why he spoke with such passion yesterday.

Representative MURTHA spoke for the American people when he said that the time has come for a change in direction, and everyone in this Chamber knows that because JACK MURTHA is one of the most widely respected Members in this House. No matter the attack that this majority chooses to employ against those who would question them, the reality on the ground is obvious to all who wish to see it.

America's continued military occupation of that nation will not bring stability. Our forces are drawing fire, not suppressing it; and their presence on foreign soil is serving as a catalyst for all of those who wish to do us and Iraq harm. Insurgent attacks are on the rise, and more American and Iraqi lives are lost every single day. We can no longer continue on this failing path, unwavering with no end in sight.

We can no longer ask Americans and Iraqis to give up their lives for a goal which we are making less sustainable by the hour. We must chart a new course.

Mr. MURTHA's redeployment plan comes from an experienced statesman and soldier who has and will continue to do whatever he thinks is best for this Nation.

I implore my colleagues across this aisle to realize that continued Republican attacks which seek to dismiss and to discredit the valuable critiques of knowledgeable legislators, as well as the heartfelt will of the American people, will succeed in silencing neither. Nor will they change the reality on the ground in Iraq.

More Republican assaults will not hide the gross management and corruption which has plagued the administration's attempt to prosecute the war, and they will not mollify America's growing concerns over flawed intelligence, broken trust, subverted values, and shameful acts of torture, all forced by the hand of an administration that answers in half-truths and obfuscations.

These cynical and all-too-typical Republican attempts to silence dissension, stifle debate, and discredit those who would dare to hold them accountable will only serve to elevate the power of the message that Mr. MURTHA is delivering to this government and to the American people and to our troops. The Republicans today by attacking him succeed only in betraying themselves.

The dramatic nature of their panicked response has clearly demonstrated how incredibly valued Mr. MURTHA's judgement is to military experts at the Pentagon, to Members of Congress, and to the American intelligence community.

And the strangest thing that I shall ever see is the people who believed that they were rewriting Mr. MURTHA's resolution. Mr. MURTHA, with a reasoned withdrawal, had nothing even remotely like the resolution we are debating this evening, which is the Republican resolution written by the gentleman from California (Mr. HUNTER) which calls for the immediate withdrawal of the troops in Iraq.

I believe they have got some explaining to do.

Mr. Speaker, I reserve the balance of my time.

Mr. GINGREY. Mr. Speaker, I yield 1¼ minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, I rise in support of the rule and in strong opposition to the underlying resolution.

I too am a Vietnam veteran. I flew 116 combat missions in B-52s in Vietnam, and I was deeply troubled to hear my colleague from Pennsylvania, a fellow Vietnam veteran, yesterday call for the immediate withdrawal of our troops from Iraq. It brought to my mind the outrage that I and so many of my fellow veterans felt so many years ago as a young Air Force officer in Vietnam when we would hear the politicians in Washington undermining the war effort for political purposes.

For the past few weeks, much of the criticism of the war in Iraq, Mr. Speaker, has been nothing more than an attempt to undermine our Commander in Chief. Unfortunately, this comes at the expense of our troops in the field. How do you think this call to immediately withdraw will affect our brave soldiers fighting on the ground overseas and their families at home awaiting their return?

I will just say it is demoralizing and insulting to them. It emboldens the terrorists.

We should not misrepresent the mission in Iraq. Our troops are not occupiers. They are liberators. They are there serving the cause of freedom and freedom is not free. It is costly.

Mr. Speaker, I rise in strong support of the rule and opposition to the underlying resolution.

I am a Vietnam veteran. I flew 116 combat missions in B–52's in Vietnam. I was deeply troubled to hear my colleague from Pennsylvania, a fellow Vietnam veteran, yesterday call for our immediate withdrawal from Iraq.

It brought to mind the outrage I, and so many of my fellow veterans, felt so many years ago, as a young Air Force Officer in Vietnam, when we would hear the politicians in Washington undermining the war effort for political purposes.

For the past few weeks, much of the criticism of the war in Iraq, Mr. Speaker, has been nothing more than an attempt to undermine our Commander in Chief.

Unfortunately, this comes at the expense of our troops in the field.

How do you think this call to immediately withdraw will affect our brave soldiers fighting on the ground overseas and their families at home awaiting their return? It is demoralizing and insulting to them.

And what do you think such comments like those made yesterday do for our terrorist enemies in Iraq? It emboldens them and puts our troops at greater risk, Mr. Speaker.

How dare some of my colleagues on the left misrepresent our mission in Iraq. They call our troops occupiers rather than liberators, and it seems they're more interested in demonizing Bush than defeating terrorists and defending freedom.

History has some lessons to teach us. One is written in words on the mall. It says "freedom is not free."

While we respect those who disagree with us and who may even protest, we should always remember that our freedoms were not won with poster paint. They were won by the blood of patriots.

Winning and protecting freedom is costly. That's what our troops are doing in Iraq.

As a combat veteran who served in an unpopular conflict during another painful time in our history, I can tell you that our troops will always remember which politicians supported them, and which undermined their efforts.

Walking away from Iraq before the job is done would be surrendering Iraq to terrorism and an incredible insult to the many brave men and women who have sacrificed so much.

If the war against terrorism is lost, it will not be lost by our magnificent troops on the battlefield. It will be lost right here at home in the halls of Congress by politicians who lose their resolve.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Speaker, I thank the gentlewoman for yielding me time.

In the rush to the floor, the resolution before us, any country lawyer across the country could say it is flawed in the way it is written. It makes no reference whatsoever to the redeployment. It is a sad mistake when you rush to judgment to get something to the floor.

One thing that really concerns me a great deal is our friend, our colleague, the recipient of the Bronze Star, two Purple Hearts from Vietnam, the gentleman from Pennsylvania (Mr. MURTHA) being attacked as he has.

I remember in 1978 Congressman Sonny Montgomery who led a group of us to Vietnam to bring back remains of those who had died in combat. I remember the reverence with which the gentleman from Pennsylvania (Mr. MURTHA) treated those 14 coffins of his former colleagues who were killed in action in Vietnam.

I have seen in the 29 years I have been in Congress his supporting our troops, supporting under the Constitution our duty to raise and maintain those wonderful young people who protect our freedoms. He has a resolution. He introduced it. He represents the people of Pennsylvania.

I admire his assessment of the war. We disagree on the outcome. I have a proposal myself. I sent a letter to the President on October 20 setting forth, the only person that has set a formula, for three Iraqi brigades of level number one, one American brigade may be redeployed.

It is interesting to note that there has been no hearing on this resolution, no hearing on similar issues that are of utmost importance to our country. Now, though mistakes have been made, and they have, such as allowing the looting and disbanding the Iraqi Army rather than giving them a pick and shovel and a small paycheck, and as a result many of them became insurgents against the Americans, no one here as spoken of the success that is needed in Iraq.

If we are not successful, if the Iraqi military is not successful, Iraq will be a snake pit for terrorists, every bit as bad as the Taliban had in Afghanistan, and lo and behold the problems it may raise in stability for Jordan and Saudi Arabia. It is important that we have success.

But it is also important that we have fair and full debate. It is important that we have hearings in the Committee on Armed Services on issues such as this, which we have not had. Hearings yes, but not on the war issues as we need them discussed in a full hearing with proper witnesses as we can ask questions of them.

At least, Mr. Speaker, let me say that we have wonderful young people in uniform representing us in Iraq and Afghanistan and across the globe. I am so proud of them. I am so proud of what they do in bringing the fight to a successful conclusion.

And the issue of redeployment, whether I agree with the gentleman from Pennsylvania (Mr. MURTHA) or not, and I do not, because my formula I think is the best and I have had positive results in my home State with positive unsolicited newspaper articles saying that it was a good and reasonable method of redeployment, we must do our best to have success there and proper redeployment of our troops from Iraq.

☐ 2015

Mr. GINGREY. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. BARRETT).

Mr. BARRETT of South Carolina. Mr. Speaker, I rise in support of the rule, H. Res. 572, and we have talked a lot about exit strategy, about withdrawal. If I can say one thing tonight, Mr. Speaker, I want to say do not believe all the crap that you see on the TV. Do not believe all the crap that you hear in the news.

I have had an opportunity to go to Iraq. I have seen the soldiers. I have seen the leaders. I have seen the people, and I look at the faces out here tonight, Mr. Speaker, and the faces that I see, the biggest majority, are not the faces like myself, gray-haired and receding hairline.

They are 18- and 19- and 20-year-old heroes a couple of years older than my oldest son; soldiers that are getting on Blackhawks with faces painted and M-16s getting ready to go on a mission at 120 knots above the tree level, 18- and 19- and 20-year-old heroes; soldiers that are kicking in doors with NVGs, and scared to death, but they are rooting out terrorists, 18- and 19- and 20-year-old heroes; guys that are humping rucks. They are tired, and they are cold, and they miss their mama and their wife and their family and everything they know and everything they love, 18- and 19- and 20-year-old heroes.

When I was sworn in as a United States Congressman, I raised my right hand, put my left hand on the Bible and said I would support and defend the Constitution of the United States. I will support and defend this country. I will support and defend my soldiers. As long as I am a United States Congressman, I will not cut and run on the people of Iraq. I will not cut and run on the soldiers fighting the battle. I will not cut and run on the United States of America.

Let us not talk about an exit strategy. Let us talk about freedom. Let us talk about democracy. Let us talk about victory.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. WATT), the chairman of the Congressional Black Caucus.

Mr. WATT. Mr. Speaker, I rise tonight to speak on behalf of the 42 members of the Congressional Black Caucus. By doing so, we wish to make clear positions the Congressional Black Caucus has consistently taken from before the time the war in Iraq commenced and to put those positions in the RECORD. Our votes tonight will not be misinterpreted or mischaracterized.

As early as July 27, 2005, the top United States commander in Iraq stated that a transition of U.S. troops from Iraq could begin as early as this spring. Iraq's interim Prime Minister echoed General Casey's sentiments and added that "the time has arrived to plan a coordinated transition from American to Iraqi military control throughout the country."

The members of the Congressional Black Caucus reaffirm our Statement of Principles as to War against Iraq, issued in October 2002, which I would place in the RECORD at this point.

CONGRESSIONAL BLACK CAUCUS STATEMENT OF PRINCIPLES AS TO WAR AGAINST IRAQ, OCTOBER 2002

We oppose a unilateral, first-strike action by the United States without a clearly demonstrated and imminent threat of attack on the United States.

Only Congress has the authority to declare war.

Every conceivable diplomatic option must be exhausted.

A unilateral first strike would undermine the moral authority of the United States, destabilize the Middle East region and undermine the ability of our Nation to address unmet domestic priorities.

Further, any post-strike plan for maintaining stability in the region would be costly and require a long-term commitment.

Mr. Speaker, we reaffirm our Further Statement of Principles as to President's Request for Appropriations for Efforts in Iraq issued in September 2003, which I ask to insert into the RECORD at this point.

CONGRESSIONAL BLACK CAUCUS FURTHER STATEMENT OF PRINCIPLES AS TO PRESIDENT'S REQUEST FOR APPROPRIATIONS FOR EFFORTS IN IRAQ, SEPTEMBER 2003

In October 2002, before the President made the decision to proceed to war, the Congressional Black Caucus (CBC) issued a "Statement of Principles as to the War Against Iraq."

In light of the President's request for $87 billion to pursue continuing operations in Iraq, the CBC believes that it is desirable to issue these Further Principles that will guide our evaluation of the President's request for additional funding:

1. We reaffirm our Statement of Principles issued in October 2002 (copy attached).

2. Despite the President's failure to follow our original Statement of Principles in his decisions leading to the war, we express our full resolve to support and protect our troops and their families.

3. The Administration should provide an accounting of all funds expended to date that were previously appropriated by the Congress, including details about all contracts for work in or related to Iraq.

4. The President should provide sufficient details about how the proposed funding will be spent to enable Congress and its Committees to evaluate separately funding proposed for the protection and maintenance of our troops and funding proposed for rebuilding Iraq. Congress should vote on these funding proposals separately.

5. The President should provide full details about how the efforts will be paid for, including a full accounting of Iraqi resources (recovered and anticipated) and how the President proposes to use those resources to reduce or reimburse the U.S. obligation.

6. The President should provide full details about the future obligations of the United States (personnel, funding and decision making) and about how responsibility and authority for these obligations will be shared with the United Nations and/or other nations going forward.

7. The Administration should provide to Congress full details of information relied on by the President in his decision to go to war.

8. The President should provide details of the criteria he will expect to be met before bringing U.S. troops home and of his exit strategy.

The members of the Congressional Black Caucus further urge President Bush to end the deployment of U.S. Armed Forces in Iraq expeditiously by submitting to Congress a detailed plan to withdraw U.S. forces from Iraq and redeploy those forces at the earliest practicable date;

To accelerate the training of Iraqi security forces to prepare them to accept full responsibility for maintaining internal security in Iraq and transfer responsibility for internal security to the Iraqi Government;

To incorporate the United Nations and other international organizations in the transition and reconstruction process;

To pursue security and stability in Iraq through diplomatic and economic means;

To assure that there will be no permanent military bases in Iraq;

And to ensure full support of our military families and our veterans, particularly with respect to service benefits and health care.

Our vote tonight, our votes, 42 of us, will not be misinterpreted and not be mischaracterized. This is our position. We have submitted it for the RECORD. That is what we stand on, and that is what we say to this House and to the President of the United States of America.

Mr. GINGREY. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), the distinguished vice chairman of the Rules Committee.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank the gentleman for the time.

Sometimes subtleties are lost, especially when we are dealing with very difficult, critical issues, such as war and peace, and unfortunately, the message has gone out quite clearly to the world press, as recorded throughout the world today by the media, that there is a serious diminution in support for the mission that the United States of America is engaged in in Iraq here in Congress.

So I think that this resolution today is very important to eliminate any confusion that may exist by virtue of a very clear message that has spread around the world today of a serious diminution of the mission of our troops, and that this resolution will clear up that confusion.

Let us say very clearly with this resolution, with the overwhelming defeat of the message of diminution of support, that we stand with the troops and that we stand with the mission of the troops; of being in Iraq until there is a stable, democratic government there. That is critical for the security not only of the Iraqi people, but of all of the neighborhood in that area and of the United States.

Ms. SLAUGHTER. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I thank my friend and colleague from New York for yielding me time.

Mr. Speaker, bringing this resolution to the floor this evening, it is not about the withdrawal of our troops from Iraq. It is about the Republicans playing politics and questioning the patriotism of one of Congress' most decorated veterans.

The Republicans are doing what they do best, creating a smoke screen to hide the fact that this administration has misled our country into war.

This resolution was rushed to the floor in the Republicans' hopes of dividing Democrats, but unfortunately, Mr. Speaker, what it has proven to be is a device to divide Americans.

I will not stand here and let Republicans question the patriotism of Mr. MURTHA or any Democrat.

In America, it is not unpatriotic to question a war in which almost 2,100 Americans have lost their lives and some 25,000 Americans have been gravely injured.

When a mother who has lost her son camps out in Crawford, Texas, wanting only to speak to the President, she was called unpatriotic. When a POW GOP Senator offered an amendment to ban the use of torture, he was called unpatriotic. Now, when one of the most decorated veterans in America questions the planning and the direction of this war, what is he called? Unpatriotic.

I do not believe the Republican Caucus is unpatriotic, but I do believe this evening they are pathetic. Our country demands answers about how to win this war and to get our troops home safely.

Mr. GINGREY. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, what we have before us tonight is not an attack on any one Member. It is not about politics, but it is about whether or not you support our troops who are in harm's way.

When I was in Iraq, I will never forget a nurse coming up to me in a hospital that had been pretty darn damaged and neglected by Saddam Hussein, and she said, please do not leave. I thought she was talking about me not leaving the hospital, and I said to her, I have to go. She said, no, I do not mean you; I want your troops to stay until our country is safe, until our country is secure. I will never forget that woman.

That message has been relayed time and time again from the troops who come home, who say we cannot leave prematurely. We do have an exit strategy. It is when the Iraqi people can control their own country. When the Iraqi people stand up, we will stand down. That nurse I will never disappoint.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I spent 3 years making the case against the war in Iraq, working with other Members leading a nationwide opposition to the war, developing an exit strategy once we got in, working with colleagues on both sides of the aisle on plans to withdraw from Iraq, to bring our troops home, but I will vote against this resolution because it is a fraud.

What more does anyone need to know but that the sponsor himself has called for defeat of his own proposition? If his real intention is to bring the troops home right now, why would he vote against his own resolution?

Wake up, America. The American people are fed up with politicians who say one thing and do another. Everyone of conscience and intelligence knows the magnitude of withdrawing 150,000 troops requires a plan.

The American people deserve a real debate on Iraq. Where are the WMDs? Where is Osama bin Laden? What did Iraq have to do with 9/11?

This Congress, which is a coequal branch of government, which has the war power, has the oversight responsibility and has a moral obligation to find out why almost everything of significance we were told about the war turned out to be false. Instead, those who raise questions have their military service or their honor impugned.

They took JOHN KERRY on a swift boat. We are not going to let them take JACK MURTHA on a swift boat, nor are the American people. We have to stand up and expose the fakery when we see it.

ANALYSIS OF JOINT RESOLUTION ON IRAQ BY DENNIS J. KUCINICH

The following is an analysis of the resolution which took America to war in Iraq.

October 2, 2002. Whereas in 1990 in response to Iraq's war of aggression against an illegal occupation of Kuwait, the United States forged a coalition of nations to liberate Kuwait and its people in order to defend the national security of the United States and enforce United Nations Security Council resolutions relating to Iraq;

Key issue: In the Persian Gulf war there was an international coalition. World support was for protecting Kuwait. There is no world support for invading Iraq.

Whereas after the liberation of Kuwait in 1991, Iraq entered into a United Nations sponsored cease-fire agreement pursuant to which Iraq unequivocally agreed, among other things, to eliminate its nuclear, biological, and chemical weapons programs and the means to deliver and develop them, and to end its support for international terrorism;

Whereas the efforts of international weapons inspectors, United States intelligence agencies, and Iraqi defectors led to the discovery that Iraq had large stockpiles of chemical weapons and a large scale biological weapons program, and that Iraq had an advanced nuclear weapons development program that was much closer to producing a nuclear weapon than intelligence reporting had previously indicated;

Key issue: UN inspection teams identified and destroyed nearly all such weapons. A lead inspector, Scott Ritter, said that he believes that nearly all other weapons not found were destroyed in the Gulf War. Furthermore, according to a published report in the Washington Post, the Central Intelligence Agency has no up to date accurate report on Iraq's WMD capabilities.

Whereas Iraq, in direct and flagrant violation of the cease-fire, attempted to thwart the efforts of weapons inspectors to identify and destroy Iraq's weapons of mass destruction stockpiles and development capabilities, which finally resulted in the withdrawal of inspectors from Iraq on October 31, 1998;

Key issues: Iraqi deceptions always failed. The inspectors always figured out what Iraq was doing. It was the United States that withdrew from the inspections in 1998. And the United States then launched a cruise missile attack against Iraq 48 hours after the inspectors left. In advance of a military strike, the U.S. continues to thwart (the Administration's word) weapons inspections.

Whereas in 1998 Congress concluded that Iraq's continuing weapons of mass destruction programs threatened vital United States interests and international peace and security, declared Iraq to be in "material and unacceptable breach of its international obligations" and urged the President "to take appropriate action, in accordance with the Constitution and relevant laws of the United States, to bring Iraq into compliance with its international obligations" (Public Law 105–235);

Whereas Iraq both poses a continuing threat to the national security of the United States and international peace and security in the Persian Gulf region and remains in material and unacceptable breach of its international obligations by, among other things, continuing to possess and develop a significant chemical and biological weapons capability, actively seeking a nuclear weapons capability, and supporting and harboring terrorist organizations;

Key issues: There is no proof that Iraq represents an imminent or immediate threat to the United States. A "continuing" threat does not constitute a sufficient cause for war. The Administration has refused to provide the Congress with credible intelligence that proves that Iraq is a serious threat to the United States and is continuing to possess and develop chemical and biological and nuclear weapons. Furthermore there is no credible intelligence connecting Iraq to Al Qaida and 9/11.

Whereas Iraq persists in violating resolutions of the United Nations Security Council by continuing to engage in brutal repression of its civilian population thereby threatening international peace and security in the region, by refusing to release, repatriate, or account for non-Iraqi citizens wrongfully detained by Iraq, including an American serviceman, and by failing to return property wrongfully seized by Iraq from Kuwait;

Key issues: This language is so broad that it would allow the President to order an attack against Iraq even when there is no material threat to the United States. Since this resolution authorizes the use of force for all Iraq related violations of the UN Security Council directives, and since the resolution cites Iraq's imprisonment of non-Iraqi prisoners, this resolution would authorize the President to attack Iraq in order to liberate Kuwaiti citizens who may or may not be in Iraqi prisons, even if Iraq met compliance with all requests to destroy any weapons of mass destruction. Though in 2002 at the Arab Summit, Iraq and Kuwait agreed to bilateral negotiations to work out all claims relating to stolen property and prisoners of war. This use-of-force resolution enables the President to commit U.S. troops to recover Kuwaiti property.

Whereas the current Iraqi regime has demonstrated its capability and willingness to use weapons of mass destruction against other nations and its own people;

Whereas the current Iraqi regime has demonstrated its continuing hostility toward, and willingness to attack, the United States, including by attempting in 1993 to assassinate former President Bush and by firing on many thousands of occasions on United States and Coalition Armed Forces engaged in enforcing the resolutions of the United Nations Security Council;

Key issue: The Iraqi regime has never attacked nor does it have the capability to attack the United States. The "no fly" zone was not the result of a UN Security Council directive. It was illegally imposed by the United States, Great Britain and France and is not specifically sanctioned by any Security Council resolution.

Whereas members of al Qaida, an organization bearing responsibility for attacks on the United States, its citizens, and interests, including the attacks that occurred on September 11, 2001, are known to be in Iraq;

Key issue: There is no credible intelligence that connects Iraq to the events of 9/11 or to participation in those events by assisting Al Qaida.

Whereas Iraq continues to aid and harbor other international terrorist organizations, including organizations that threaten the lives and safety of American citizens;

Key issue: Any connection between Iraq support of terrorist groups in Middle East, is an argument for focusing great resources on resolving the conflict between Israel and the Palestinians. It is not sufficient reason for the U.S. to launch a unilateral preemptive strike against Iraq.

Whereas the attacks on the United States of September 11, 2001 underscored the gravity of the threat posed by the acquisition of weapons of mass destruction by international terrorist organizations;

Key issue: There is no connection between Iraq and the events of 9/11.

Whereas Iraq's demonstrated capability and willingness to use weapons of mass destruction, the risk that the current Iraqi regime will either employ those weapons to launch a surprise attack against the United States or its Armed Forces or provide them to international terrorists who would do so, and the extreme magnitude of harm that would result to the United States and its citizens from such an attack, combine to justify action by the United States to defend itself;

Key issue: There is no credible evidence that Iraq possesses weapons of mass destruction. If Iraq has successfully concealed the production of such weapons since 1998, there is no credible evidence that Iraq has the capability to reach the United States with such weapons. In the 1991 Gulf War, Iraq had a demonstrated capability of biological and chemical weapons, but did not have the willingness to use them against the United States Armed Forces. Congress has not been provided with any credible information, which proves that Iraq has provided international terrorists with weapons of mass destruction.

Whereas United Nations Security Council Resolution 678 authorizes the use of all necessary means to enforce United Nations Security Council Resolution 660 and subsequent relevant resolutions and to compel Iraq to cease certain activities that threaten international peace and security, including the development of weapons of mass destruction and refusal or obstruction of United Nations weapons inspections in violation of United Nations Security Council Resolution 687, repression of its civilian population in violation of United Nations Security Council Resolution 688, and threatening its neighbors or United Nations operations in Iraq in violation of United Nations Security Council Resolution 949;

Key issue: The UN Charter forbids all member nations, including the United States, from unilaterally enforcing UN resolutions.

Whereas Congress in the Authorization for Use of Military Force Against Iraq Resolution (Public Law 102-1) has authorized the President "to use United States Armed Forces pursuant to United Nations Security Council Resolution 678 (1990) in order to achieve implementation of Security Council Resolutions 660, 661, 662, 664, 665, 666, 667, 669, 670, 674, and 677";

Key issue: The UN Charter forbids all member nations, including the United States, from unilaterally enforcing UN resolutions with military force.

Whereas in December 1991, Congress expressed its sense that it "supports the use of all necessary means to achieve the goals of United Nations Security Council Resolution 687 as being consistent with the Authorization of Use of Military Force Against Iraq Resolution (Public Law 102-1), " that Iraq's repression of its civilian population violates United Nations Security Council Resolution 688 and "constitutes a continuing threat to the peace, security, and stability of the Persian Gulf region," and that Congress, "supports the use of all necessary means to achieve the goals of United Nations Security Council Resolution 688";

Key issue: This clause demonstrates the proper chronology of the international process, and contrasts the current march to war. In 1991, the UN Security Council passed a resolution asking for enforcement of its resolution. Member countries authorized their troops to participate in a UN-led coalition to enforce the UN resolutions. Now the President is asking Congress to authorize a unilateral first strike before the UN Security Council has asked its member states to enforce UN resolutions.

Whereas the Iraq Liberation Act (Public Law 105-338) expressed the sense of Congress that it should be the policy of the United States to support efforts to remove from power the current Iraqi regime and promote the emergence of a democratic government to replace that regime;

Key issue: This "Sense of Congress" resolution was not binding. Furthermore, while Congress supported democratic means of removing Saddam Hussein it clearly did not endorse the use of force contemplated in this resolution, nor did it endorse assassination as a policy.

Whereas on September 12, 2002, President Bush committed the United States to "work with the United Nations Security Council to meet our common challenge" posed by Iraq and to "work for the necessary resolutions," while also making clear that "the Security Council resolutions will be enforced, and the just demands of peace and security will be met, or action will be unavoidable";

Whereas the United States is determined to prosecute the war on terrorism and Iraq's ongoing support for international terrorist groups combined with its development of weapons of mass destruction in direct violation of its obligations under the 1991 ceasefire and other United Nations Security Council resolutions make clear that it is in the national security interests of the United States and in furtherance of the war on terrorism that all relevant United Nations Security Council resolutions be enforced, including through the use of force if necessary;

Key issue: Unilateral action against Iraq will cost the United States the support of the world community, adversely affecting the war on terrorism. No credible intelligence exists which connects Iraq to the events of 9/11 or to those terrorists who perpetrated 9/11. Under international law, the United States does not have the authority to unilaterally order military action to enforce UN Security Council resolutions.

Whereas Congress has taken steps to pursue vigorously the war on terrorism through the provision of authorities and funding requested by the President to take the necessary actions against international terrorists and terrorist organizations, including those nations, organizations or persons who planned, authorized, committed or aided the terrorist attacks that occurred on September 11, 2001 or harbored such persons or organizations;

Key issue: The Administration has not provided Congress with any proof that Iraq is in any way connected to the events of 9/11.

Whereas the President and Congress are determined to continue to take all appropriate actions against international terrorists and terrorist organizations, including those nations, organizations or persons who planned, authorized, committed or aided the terrorist attacks that occurred on September 11, 2001, or harbored such persons or organizations;

Key issue: The Administration has not provided Congress with any proof that Iraq is in any way connected to the events of 9/11. Furthermore, there is no credible evidence that Iraq has harbored those who were responsible for planning, authorizing or committing the attacks of 9/11.

Whereas the President has authority under the Constitution to take action in order to deter and prevent acts of international terrorism against the United States, as Congress recognized in the joint resolution on Authorization for Use of Military Force (Public Law 107-40); and

Key issue: This resolution was specific to 9/11. It was limited to a response to 9/11.

Whereas it is in the national security of the United States to restore international peace and security to the Persian Gulf region;

Key issue: If by the "national security interests" of the United States, the Administration means oil, it ought to communicate such to the Congress. A unilateral attack on Iraq by the United States will cause instability and chaos in the region and sow the seeds of future conflicts all other the world.

Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.

This joint resolution may be cited as the "*Authorization for the Use of Military Force Against Iraq*".

SEC. 2. SUPPORT FOR UNITED STATES DIPLOMATIC EFFORTS

The Congress of the United States supports the efforts by the President to—

(a) strictly enforce through the United Nations Security Council all relevant Security Council resolutions applicable to Iraq and encourages him in those efforts; and

(b) obtain prompt and decisive action by the Security Council to ensure that Iraq abandons its strategy of delay, evasion and noncompliance and promptly and strictly complies with all relevant Security Council resolutions.

Key issue: Congress can and should support this clause. However Section 3 (which follows) undermines the effectiveness of this section. Any peaceful settlement requires Iraq compliance. The totality of this resolution indicates the Administration will wage war against Iraq no matter what. This undermines negotiations.

SEC. 3. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

AUTHORIZATION.—The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to—

(1) defend the national security of the United States against the continuing threat posed by Iraq; and

(2) enforce all relevant United Nations Security Council Resolutions regarding Iraq.

Key issue: This clause is substantially similar to the authorization that the President originally sought.

It gives authority to the President to act prior to and even without a UN resolution, and it authorizes the President to use U.S. troops to enforce UN resolutions even without UN request for it. This is a violation of Chapter VII of the UN Charter, which reserves the ability to authorize force for that purpose to the Security Council, alone.

Under Chapter VII of the Charter of the United Nations, "The Security Council shall determine the existence of any threat to the peace . . . and shall make recommendations to maintain or restore international peace and security." (Article 39). Only the Security Council can decide that military force would be necessary. "The Security Council may decide what measures . . . are to be employed to give effect to its decisions (Article 41) . . . [and] it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security." (Article 43). Furthermore, the resolution authorizes use of force illegally, since the UN Security Council has not requested it. According to the UN Charter, members of the UN, such as the US, are required to "make available to the Security Council, *on its call* and in accordance with a special agreement or agreements, armed forces . . ." (Article 43, emphasis added). The UN Security Council has not called upon its members to use military force against Iraq at the current time.

Furthermore, changes to the language of the previous use-of-force resolution, drafted by the White House and objected to by many members of Congress, are cosmetic:

In section (1), the word "continuing" was added to "the threat posed by Iraq".

In section (2), the word "relevant" is added to "United Nations Security Council Resolutions" and the words "regarding "Iraq" were added to the end.

While these changes are represented as a compromise or a new material development, the effects of this resolution are largely the same as the previous White House proposal.

The UN resolutions, which could be cited by the President to justify sending U.S. troops to Iraq, go far beyond addressing weapons of mass destruction. These could include, at the President's discretion, such "relevant" resolutions "regarding Iraq" including resolutions to enforce human rights and the recovery of Kuwaiti property.

PRESIDENTIAL DETERMINATION.—

In connection with the exercise of the authority granted in subsection (a) to use force the President shall, prior to such exercise or as soon there after as may be feasible, but no later than 48 hours after exercising such authority, make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that—

(1) reliance by the United States on further diplomatic or other peaceful means alone either (A) will not adequately protect the national security of the United States against the continuing threat posed by Iraq or (B) is not likely to lead to enforcement of all relevant United Nations Security Council resolutions regarding Iraq, and

(2) acting pursuant to this resolution is consistent with the United States and other countries continuing to take the necessary actions against international terrorists and terrorist organizations, including those nations, organizations or persons who planned, authorized, committed or aided the terrorists attacks that occurred on September 11, 2001.

(c) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5 (b) of the War Powers Resolution.

(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this resolution supersedes any requirement of the War Powers Resolution.

SEC. 4. REPORTS TO CONGRESS.

(a) The President shall, at least once every 60 days, submit to the Congress a report on matters relevant to this joint resolution, including actions taken pursuant to the exercise of authority granted in section 2 and the status of planning for efforts that are expected to be required after such actions are completed, including those actions described in section 7 of Public Law 105–338 (the Iraq Liberation Act of 1998).

(b) To the extent that the submission of any report described in subsection (a) coincides with the submission of any other report on matters relevant to this joint resolution otherwise required to be submitted to Congress pursuant to the reporting requirements of Public Law 93-148 (the War Powers Resolution), all such reports may be submitted as a single consolidated report to the Congress.

(c) To the extent that the information required by section 3 of Public Law 102-1 is included in the report required by this section, such report shall be considered as meeting the requirements of section 3 of Public Law 102–1.

Mr. GINGREY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, I certainly thank the gentleman for yielding me time.

Mr. Speaker, since the start of Operation Iraqi Freedom, the goal of this Nation has been the same, to topple the dictatorship of Saddam Hussein and to bring freedom to the Iraqi people.

Our coalition forces were successful in bringing down Saddam, and today he is facing the justice of the Iraqi people in a country that is beginning to understand and to live under the rule of law, not the rule of a barbaric and brutal dictator.

Today the people of Iraq have elected an interim government that drafted a Constitution, subsequently approved by the Iraqi people, and on December 15 they will again go to the polls to elect a permanent Parliament. None of this could have been achieved without the sacrifice of the brave men and women who serve in our armed services.

While we have been working to establish a democratic government, we have also been working to reestablish the Iraqi Army and security forces, and when the Iraqi forces are ready, our troops will come home, their mission accomplished.

The question before the Congress today is shall we pull our troops out now before their mission is complete. Let us examine just for a second the consequences of such action.

If our forces leave now, we would empower terrorists such as Zarqawi to spread violence against innocent civilians, unchecked. Iraq could then devolve into anarchy and become a base of terror operations. That is the question, and that is the risk, and I believe we must fight the terrorists at the heart of their power, not in the streets of America.

Mr. Speaker, many of the same Members who voted in 2002 to support this effort now say that the President misled them. If they actually believe such an outrageous allegation, why did the President not just simply plant weapons of mass destruction in Iraq while he was at it? This whole train of thought is absolutely nuts. They just looked at the same intelligence, and they cannot simply rewrite history.

Mr. Speaker, with our assistance Iraq is making remarkable progress, and when our American forces do come home, they will come home as heroes, and our Nation will be more secure. I urge my colleagues to support this rule.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I represent over 40,000 patriotic Americans who have served in Iraq. Over 200 Army soldiers have given their lives there. I revere them, their service and their sacrifice, and that is exactly why I believe a vote on war is the single most solemn responsibility we ever have as a Member of Congress.

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Yet tonight the House leadership, on a partisan basis, has given each Member of Congress on average 7.8 seconds. That is right, 7.8 seconds to speak his or her conscience on whether or not we should keep or remove our troops from Iraq.

This process, especially without a single hearing, a single witness, on a resolution just introduced a few hours ago, does a disservice to the enormity of the issue of war and peace before us, to the integrity of this House, and to the sacrifice of our service men and women now in harm's way.

In 1991, when this House debated whether to go to war in Iraq, and I was in that debate, Speaker Foley gave each Member of the House 5 minutes, and the country was mesmerized by the voices of conscience on each side. What was the result? When the vote was cast, the country was united and the troops I represented knew their Nation was behind them.

But this partisan process tonight does a disservice to our troops. It divides our Nation, and it divides this Congress. If we are going to debate the issue, the solemn issue of war and peace, let us do it the right way. Vote "no" on this resolution and let every Member of the House have the right to voice his or her conscience.

Mr. GINGREY. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. RENZI), a proud veteran.

Mr. RENZI. Mr. Speaker, I thank the gentleman from Georgia for yielding me this time.

I want to be honest with a lot of people in this House. My father served this Nation for 34 years. He has been friends with JACK MURTHA for 20 years. Our families have known each other for over 20 years.

JACK MURTHA's resolution calls for a redeployment. JACK MURTHA's Web site talks about redeployment. DUNCAN HUNTER's resolution talks about immediate withdrawal. They are two separate issues. Both men do not impugn each other's character.

The media may have taken Mr. MURTHA's idea and spun it into immediate withdrawal, and that message may not be the message that our troops need to hear from this Congress. We need to be straight, and we need to be honest with each other.

Leading up to this, there have been individuals who have come down here and have been insightful. We have got some tough guys in the House who want to say that this President manipulated prewar intelligence. Sandy Berger said, Saddam Hussein will use his weapons of mass destruction and he will use them again probably 10 times. Madeleine Albright said. He jeopardizes stability in the region with weapons of mass destruction. The WMD Commission said they found no evidence of manipulation. and the 9/11 Commission said they found no evidence of manipulation. Those are facts.

JACK MURTHA is a great man and a patriot. DUNCAN HUNTER wants to send a message to our troops that says we are not saying we have to immediately withdraw. We need to come back after Thanksgiving, we need to think about it and go through what our strategy is in Iraq to best protect our boys and girls and to bring peace and stability to the region. And it needs to be thoughtful.

But tough guys coming down here saying that this President manipulated evidence is a bald-faced deception.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, in the last week, two Vietnam veterans, one Democrat, one Republican, one in the House, one in the Senate, came to the same conclusion: the present course is not succeeding and is not working. Both have different solutions and different recommendations. Senator HAGEL has his. Congressman MURTHA has his. Senator MCCAIN has his. Congressman SKELTON has his. But what all of them have in common is that the present course is not succeeding. Doing more of the same and expecting a different result is failing our troops and failing our country.

These policies and the policies the President has are not succeeding. But the reason each of these men has come forward with a recommendation is because all we are offered is more of the same. It is a policy void of leading us to a strategy of success and victory and departure. This is not a discussion about relitigating the past. It is a debate about how we succeed and exit, not about how we got in, but how we get out with victory.

Now, I would think that after a series of the last 2½ years, what we can be criticized for here in this House is not for raising questions but for not having raised questions. We have given the administration an appropriated $450 billion, everything they have asked for. They have gotten everything from this Congress. Our role is to appropriate. We have appropriated. What we have not done is ask the questions, and we deserve criticism for not having had oversight, not having asked questions. That is where the fault lies in this House, because we did not ask the questions.

What do we have? We appropriated $450 billion, 2,000 troops in Iraq, 200 or more in Afghanistan, 15,000 fellow citizens wounded, and we have a single Iraqi battalion to show for it?

We have a job to ask the questions in oversight. We abdicated our response. This is a course tonight to begin to ask and to begin debate because for 2½ years this Congress was silent in its role and the American people have asked us and demanded of us to speak up to the responsibility in our sworn oath and responsibilities.

Whether it is Kevlar vests; whether it is Humvees; whether it is the Secretary of Defense, who originally said only 75,000 troops were needed; whether it was the Deputy Secretary of Defense, who said this would be 7 days and a short war, our men and women deserve a policy of success and victory and exit so they can come home to their families. And tonight we are having, finally, some debate, but we also need an overture of our responsibility and some oversight of what goes on. After $450 billion, 2,000 American lives, we have a responsibility.

Mr. GINGREY. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Mr. Speaker, I thank my colleague from Georgia for yielding me this time.

Mr. Speaker, I am here in the role of a parent. I am very proud that my oldest son served in the field artillery of the Army National Guard for a year in Iraq. He saw the progress of building a civil society in Iraq to protect American families. I am also grateful my second son is a doctor in the Navy, graduated from medical school this year. My third son graduated from signal school this year, just got back from serving a month in Egypt, again promoting democracy and freedom. My fourth son has indicated that next year he will be enlisting in the marines.

My four sons understand September 11 was the beginning of a war, a global war against terrorism. I am very proud of their participation. We understand that we must face the enemy overseas, or we will be facing them here on the streets of America.

Ms. SLAUGHTER. Mr. Speaker, I reserve the balance of my time.

Mr. GINGREY. Mr. Speaker, I yield 1½ minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Georgia for yielding me this time. I appreciate the opportunity to address this House and the opportunity for us all to sit and listen to this debate.

I hear a couple of different numbers, 25,000 wounded but 15,000 wounded coming from the same side of the aisle. I am wondering if that is indicative of some of the other statistics that we have heard.

But I ask this question: Why have I not heard any objections to our operations in Afghanistan? Twenty-five million people liberated and freed and standing on free soil, voting for their own freedom and their own national destiny, a cost of 200 American lives. Nobody set a value on that. How many is too many in Afghanistan?

Twenty-five million Iraqis free, voting on free soil for the first time in their real lives, and what does this mean to America? It means that we have erased some of the habitat that breeds terror. Do we not understand this greater mission here is to eradicate that habitat so Arab people can breathe free and that free people do not go to war against free people? Could we look at this broader mission of 50 million people freed? 2,200 American lives, tens of thousands of other lives. We have not been attacked in this country since that date for a lot of good reasons.

You cannot separate the mission from the troops. You cannot sit here and say, I support the troops. Mr. President, we ought to bring the troops home. I do not support their mission. You cannot ask somebody to put their life on the line for your freedom and not support their mission, but tell them that you support the troops.

Further more, I sat in Kuwait City and watched on television as Moqtada al-Sadr said, "They will go home the same way they did from Vietnam, Lebanon, and Mogadishu."

We must stay the course.

Ms. SLAUGHTER. Mr. Speaker, I reserve the balance of my time.

Mr. GINGREY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of this rule for the consideration of House Resolution 571.

But first I want to state for the record that I have a great deal of respect for the gentleman from Pennsylvania. I do not believe that this resolution is about him or anyone else in this Chamber. This resolution is about our troops, our mission, and our commitment to finishing the job in Iraq. It is about communicating to the world where the Members of this Chamber stand on immediate withdrawal of our troops from Iraq.

A number of my colleagues and I visited Iraq several times and met with the women who had run for office in elections there. These women, Sunnis, Shiites, Kurds, risked their lives to help build a better Iraq. One woman lost her son and her bodyguard to assassins. Another was kidnapped and finally returned after a ransom was paid for her. Still others told harrowing stories about the pressures brought upon them simply because they were exercising the kind of rights that we take for granted.

Mr. Speaker, the one thing that these brave women told us repeatedly was this: do not leave us. Do not leave us until we have a stable government. Do not leave us like you did before in 1990 after the gulf war, and do not leave us until we have the security that a stable government will provide.

Let us honor this commitment. Let us honor our troops. Let us be clear of our intentions. I urge my colleagues to support the rule and reject the underlying resolution.

Ms. SLAUGHTER. Mr. Speaker, I reserve the balance of my time.

Mr. GINGREY. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Speaker, please let us tonight think about what we have accomplished, not in terms of what we have up in front of us, but what we have accomplished so far.

Did the Members know that 47 countries have reestablished embassies in Iraq? Did the Members know that 3,100 schools have been renovated? Did the Members know that Iraq's higher education structure consists of 20 universities, 46 institutes or colleges, and four research centers, all operating? Did the Members know that 25 Iraq students departed for the United States in January to reestablish the Fulbright program? Did the Members know that the Iraqi Navy is operational? Did the Members know that the Iraqi Air Force consists of three operational squadrons? Did the Members know that Iraq has a counterterrorist unit and a commando battalion?

Did the Members know that the Iraqi police service has over 55,000 fully trained and equipped police officers? Did the Members know that there are five police academies in Iraq that produce over 3,500 new officers every 8 weeks? Did the Members know that Iraq has an independent media that consists of 75 radio stations, 180 newspapers, 10 television stations? Did the Members know that two candidates in the Iraq presidential election had a televised debate recently?

We have accomplished a great deal. We are on the road to success.

I, like every other American, I am sure everybody in this room, want every American home tomorrow. I want them home and safe. I voted for the resolution to put these people in harm's way; and, therefore, like everybody here who did the same thing, I know that you feel as I do, a knife goes through your heart every time you see something on television, every time you read a report of another American being killed in Iraq. I want them home.

□ 2045

I want them home as soon as that mission is completed, the mission we sent them on, and a mission that I do not want extended by 1 hour or 1 minute because of what we may do here.

Now, Mr. Speaker, I will tell you, it is not a secret to anybody in this body, I am not on the best terms with the President and the White House. Certainly I do not get invited over there any more than my colleagues on the other side of the aisle because I have been in opposition to many of his plans and proposals. However, I ask my friends on the other side of the aisle to do this, and I beg them to do this: Please do not let your hatred for the President of the United States get in the way of what I know is your basic love for this country.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, today my heart has ached more than it has in 12 years in being in the United States Congress. It has ached not because of this debate, because we should be having this debate, but not at this time of day, it should happen after the recess, but because the gentleman from Pennsylvania who I think is a great American, and it has hurt my heart that he has been under attack unfairly.

Surely anyone who has ever worn the uniform for this Nation should be able to express themselves. And if you have not worn the uniform, you should be able to express yourself. Our Armed Forces are in Iraq and Afghanistan tonight fighting for freedom.

Let me share with Members what James Webb, Secretary of Navy under Ronald Reagan and Vietnam veteran, wrote me when I joined my colleagues on the other side and the Republican side in voting for the House Resolution 55, bipartisan, he wrote me this letter, and I will read three sentences. "When American citizens are being asked to war, it is their most basic right that the strategic issues be explained in clearly understandable terms. And if the endpoint cannot be clearly explained, there is, in fact, no really strategy."

That is what Mr. MURTHA is asking for. That is what Senator FEINGOLD is asking for. That is what WALTER JONES and RON PAUL and DENNIS KUCINICH and NEIL ABERCROMBIE are asking: Tell us what the strategy is.

I close with this. It is so ironic that we are having this debate tonight because on April 9, 1999, Governor Bush criticized President Clinton for not having a strategy. This is his quote in the Houston Chronicle: "Victory means exit strategy, and it is important for the President to explain to us what the exit strategy is." That is all we are asking for.

My last quote is from the New York Times on June 6, 1999. "I think it is also important for the President to lay out a timetable as to how long they will be involved and when they will be withdrawn." That is Governor Bush asking President Clinton. Tonight we are asking President Bush the same thing he asked President Clinton.

God, please bless our men and women in uniform; and please, God, bless America.

Mr. GINGREY. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, I remind the gentleman from North Carolina that this resolution is not an attack on any Member of this body. This resolution is about an attack on those Islamic Fascist terrorists who would destroy the men and women who are defending this country.

Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Speaker, calling for the immediate withdrawal or even a phased, detailed plan for withdrawal from Iraq is a recipe for absolute disaster. It is the wrong message for our soldiers and marines who are truly doing the work of freedom in Iraq and Afghanistan.

Frankly, I am concerned, as we all should be, that such talk will only embolden the terrorists and demoralize our warfighters, those who literally put their lives on the line each and every day. Domestic politics should not trump our promises to the people of Iraq and Afghanistan that we would be loyal to their aspirations for freedom, that we would see them through the difficult steps of constituting new governments and laying the groundwork for free elections.

Our only exit strategy from Iraq should be victory. Anything less than that virtually guarantees the next battleground may be closer to home. We need to support our troops, these young troops. We cannot cut their feet out from underneath them. They need our support, and they need it tonight.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Speaker, JACK MURTHA is a decorated Vietnam war veteran. He is a United States Marine, retired colonel. This debate is not about the Iraq war, it is about silencing the opinion of a respected veteran marine and Member of Congress.

I supported the Iraq war resolution and voted for every defense appropriation for that effort, and I am voting against this resolution. But we know with each casualty from Iraq that something is wrong. Our men and women in uniform are fighting heroically, and I honor them and their families for their sacrifice.

It is civilian leadership and this administration and the Department of Defense that did not prepare to fight this war with either material or enough troops. I may not totally agree with my colleague from Pennsylvania, but I know him as a respected, decorated war veteran and a Member of Congress, and he has earned that right to be able to give his opinion without having a resolution attack him or have the Members attack him personally.

Mr. GINGREY. Mr. Speaker, I yield 1 minute to the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, as a veteran of two wars, I know that our military men and women fighting overseas watch what we do right here all the time. They see this on TV, they hear it on the radio, and they read our words in the newspapers. I know our brave men and women want to see their brave leaders, us, those of us in Congress here at home, have the political fortitude, yes, indeed the political stomach, to support their actions abroad.

Like many in this Chamber from both sides of the aisle, I have been to Iraq, I have been to Afghanistan. I have met with our troops there, and I have met with them as they have returned home to Nevada. They know, they see, and they hear. They read what we are doing in Congress, and they listen, and they are listening to us today.

What message do you want to send to these soldiers on the front line, a message of surrender, or do you want to send a message of support, a message that we will bring them to victory?

Some will call this vote symbolic or political. Well, call it what you want, but I want our troops overseas to read about this vote, and I want them to know that we support them.

As a veteran of two wars, I know first hand that our military men and women fighting for our freedoms overseas watch our actions at home.

They see this on TV, they hear it on radio, and they read it in the newspapers.

I know our brave men and women watch to see whether their leaders at home have the political fortitude, and the stomach to support their actions abroad.

Like many in this Chamber, from both sides of the aisle, I have been to Iraq.

I have been to Afghanistan.

I have met with our troops there, and I have met with them as they have returned home to Nevada.

They know, see, hear and read what we are doing in Congress, and they are listening to us today.

What message do you want to send these soldiers on the front line?

A message of surrender or a message of strength and support, that will bring us victory.

Some call this vote simply symbolic or political.

Well, you call it what you want, but I want our troops overseas to read about this vote.

To hear about this vote.

And I hope we can demonstrate not through just words, but our actions, that we are with them in this hour.

We will remain with them, and supply them, and support them, until the job is done, until we are victorious, and until we can proudly bring them home and applaud their victory.

Ms. SLAUGHTER. Mr. Speaker, I reserve the balance of my time.

Mr. GINGREY. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky (Mr. LEWIS).

Mr. LEWIS of Kentucky. Mr. Speaker, how do you withdraw from the war on terror when we have been attacked over and over and over again? We were attacked at the World Trade Centers, the first time by a bomb. Then our African embassies were attacked; the Khobar Towers in Saudi Arabia where our young men and women were killed; the Cole naval vessel; and then 9/11.

How do you tell Osama bin Laden and Zarqawi that we do not want to participate, we do not want to fool with fighting against terror?

The last administration tried that, and we felt the pain of death and destruction on 9/11 from terrorist murderers' hands. We have to win in Iraq. By the way, we won the war in Iraq. Now we are fighting with our allies in Iraq to defeat terror. If we do not win in Iraq, we will fail in the greater Middle East, and what happens if Pakistan falls? What happens if Saudi Arabia falls? Weapons of mass destruction in the hands of Islamic extremists will be a disaster for the world.

Ms. SLAUGHTER. Mr. Speaker, I reserve the balance of my time.

Mr. GINGREY. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Speaker, I would like to remind the Member what the focus of our attention should be: David Branning, Dale Burger, Robert Guy, Jason Mileo, Adam Mooney, Bryan Nicholas Spry, William Allers, Samuel Bowen, Jarrett Thompson, Patrick Adle, Neil Prince, and Keith Mariotti.

They are the dead.
short days ago they lived,
felt dawn, saw sunset glow,
and now they lie in Flanders Field,
from my district.

What are they asking us with a sense of urgency for the living? What are the quick and the dead asking us to do: Know more than they did.

Why are our troops successful in harm's way? Because our troops bond together with an integration of integrity bound with trust.

Let us debate how to finish the war, not how to continue to fight the war.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, a little over 24 hours ago, an American military hero suggested to this country that this Congress should debate the policy, the current policy in Iraq. He had some suggestions on how that policy should be changed. He believed, as we believe him, that he was doing this for the sake of our troops, for the sake of our country, for security in the Middle East, and the security of this country.

In those 24 hours, he has come under unrelenting attack, characterizing him as an individual, as a Member of Congress, as to his motives, as to what he proposed, as opposed to what he said he proposed. Those attacks came from the President of the United States, from the Vice President of the United States, from the Speaker of the House, and from so many Members of this body who challenged his patriotism, challenged his character and challenged his integrity because he simply dared to kick open the doors of Congress and suggest that we debate the pressing question of this Nation that the people of this Nation want us to debate. Not that he would win that debate, but that he wanted that debate to take place, and that for that, all of his years of service to this country were openly challenged and mischaracterized and slandered.

I do not know where we went wrong. I do not know where we went wrong because I went through the debates in this Congress in Vietnam and Central America, and Mr. MURTHA and I could not be on more opposite sides of those issues. And many people I served with in the history of this Congress, but never in those debates did people assassinate the character of one another. We challenged the evidence, we challenged the assumptions. We challenged what was said, but we never ever, ever, did this to one another because we respected one another, having differing views coming from different parts of the country with different backgrounds.

☐ 2100

Where did we go wrong? Maybe tonight Mr. MURTHA gave us another gift. Sometimes when you hit bottom, you change the ways you do business. Maybe Mr. MURTHA gave us this. After all that he suffered over this last 48 hours, maybe this Congress will be a better place, because everyone sitting in this Congress knows who knows JACK MURTHA what has been said about him in the last 24 hours could not be further from the truth. That man is a hero. That man is a hero to this Nation. You know it and the whole Nation knows it.

Mr. GINGREY. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. With all due respect to my friends on the other side of the aisle, especially my friend who just finished, this is selective memory at its worst. I can remember the very people now crying these crocodile tears and the vilification that they put forward on Ronald Reagan for trying to stop the Communists in Latin America, trying to end the Cold War. He was vilified as a warmonger, et cetera, by the very people who now are making these statements.

Let me note JACK MURTHA. I have the greatest respect for him. He is a patriot. But let me thus note that how many times have the people who are saying this have been down here calling our President a liar and vilifying the President of the United States. Come on. Let's be fair to one another here. The fact is there is a disagreement on the character. Our hearts break when we see in the newspaper that four or five more Americans have lost their lives. That does not mean the cause that they are fighting for is unjust.

You had an opportunity tonight to discuss that cause if you were opposed to the war. But instead what we have heard is this type of rhetoric, getting around the issue of the discussion that we should be talking about, the war, and then, in partisan terms, trying to make it partisan saying that we are being personal. No, let's discuss the war, let's discuss it honestly, and let's not obfuscate the issue.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. HOYER), the minority whip.

Mr. HOYER. Mr. Speaker, the most profound issue that this Congress must consider is whether or not to declare and prosecute war, whether or not to send our Nation's sons and daughters into harm's way. A serious proposal has been made by the senior Member of this body, a Member who honorably served in the United States Marine Corps for nearly four decades, a Member who has served here for more than three decades, and a Member who has been one of our Nation's leaders on making our defenses the strongest they could be. That proposal raises legitimate and critical questions as to the prosecution of our Nation's war efforts in Iraq, efforts that I have always supported. It suggests an alternative course of action that deserves serious consideration and a full and fair debate. However, his proposal is not before us tonight. The Republican chairman of the Armed Services Committee offers a resolution to immediately withdraw our troops from Iraq. I don't support that. Mr. HUNTER does not support it. He offers it to avoid serious consideration of the policy our country is pursuing and proposals for possible alternatives. The majority party's response seeks to deal with this issue in a way that trivializes our consideration of how to conduct this war effort in a manner best designed to attain success. As such, this resolution is beneath the dignity and responsibility of this institution and the Members of this body.

All of us have sworn to defend the Constitution and protect this Nation and the American people. All of us, all 435, support our troops. This resolution is unworthy of our responsibility to our men and women who are now serving our Nation and who are deployed in harm's way. Unfortunately, today's process mirrors, I say to you, the superficial consideration of serious policy issues in this Congress and demonstrates a continuing unwillingness to subject policy proposals to oversight and serious and thoughtful deliberation.

Mr. Speaker, I regret that I do not possess the eloquence or the vocabulary to express the magnitude of my contempt with which I view this shabby, petty political maneuver. Our responsibilities to our country and to our men and women in harm's way in the defense of freedom demands more of us. The majority leadership demonstrates today, I fear, its lack of respect for this institution and for its great responsibilities to our democracy. The American people will see this day's proceedings for what they are, the rankest of politics and the absence of a sense of shame.

I hope that we reject this rule and this resolution.

Mr. GINGREY. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. John Adams wrote to Abigail back in the summer of 1776, "The thing that philosophers up to now have only dreamed about is within our grasp, the concept of self-government."

And, folks, in the cradle of mankind there in Iraq, there is within their grasp because of what we have done in the name of liberty and destroying terrorism, it is so close. This is not about one Member of Congress who was a hero in Vietnam. This is about a message that is being sent to the world. Right after the minority leader's district that she represents and leads told the world, The military is beneath us. Mamas, don't let your babies grow up to defend this Nation and the liberty. San Francisco said no recruiters in our city, a terrible message. Followed by, let's get our troops out and not support them.

Join with us as you did in singing a prayer, God Bless America. Let the terrorists know. We don't want to divide you. We want to unite you with us.

Ms. SLAUGHTER. Mr. Speaker, I reserve the balance of my time.

Mr. GINGREY. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. I thank the gentleman for yielding.

Mr. Speaker, I remember roughly 4 years ago after 9/11 what the feeling was in this Chamber. Everyone was united. We had a common purpose. And it was truly a great time to be here. The other night we went out and rolled around in the mud together for a little bit, and we were united. We had a common purpose. We wanted to have a great team.

As I listen to what is going on here tonight, I am really concerned about the acrimony and the general tenor of the discussion. I realize that there is plenty of blame to be laid at everyone's feet. I with many others am concerned about what the American public perceives and what our troops perceive in regard to this discussion tonight. We can do better. We are better than this.

Mr. GINGREY. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentleman for yielding. Many people have said tonight, this is not the Murtha resolution. I agree. It is not the Murtha resolution. Unfortunately, it is my friend JACK MURTHA's headline. In fact, Al-Jazeera today was what our troops, our constituents in Iraq woke up to today saying that a leading Member of Congress has called for the immediate withdrawal. That is what Al-Jazeera said. That is why sometimes the media that gets in the way injects itself and it brings down the morale of our troops. That is why I am going to vote "no" on this resolution tonight, because I think it is important to send them another message and a very clear message that we do not support immediate withdrawal.

My friend, General Webster, who leads the Third Infantry Division over there, spoke very strongly about it. He said, "Setting a date would mean the 221 soldiers I've lost this year, that their lives will have been lost in vain. I think it's a recipe for disaster. Setting a date is a loser." General Webster is a soldier, not a politician. I think he would appreciate tomorrow morning reading in the paper that Congress clearly rejected an immediate withdrawal.

Mr. GINGREY. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska (Mr. FORTENBERRY).

Mr. FORTENBERRY. Army Captain Joel Cahill was buried in Arlington Cemetery today. Captain Cahill was killed in Iraq by an improvised explosive device. He grew up near Omaha. He leaves behind Mary his wife and their two little girls.

Army Specialist Darren Howe was laid to rest in Beatrice, Nebraska last week. He died of wounds from an explosive device that hit his personnel carrier. Badly burned, Specialist Howe drove to safety, then helped his men out of the rear. He was 21 and left behind his wife Nakia and their two small children.

I spoke with JoDee, Darren's mom, in what had to be some of her most difficult hours following Darren's death. She had the gentleness of spirit, humility of heart and pride of her son's work to thank me and the Congress for the decisions that have been made, saying: We support what you are doing. Iraq is a faraway land remote from the traditions and culture of the Great Plains, the boyhood homes of Joel and Darren. Yet I am certain that in that isolated place where they gave their lives, these men understood what was at stake. That they fought for something bigger than themselves, something that transcends the snapshot of a political debate. They fought out of duty to country, they fought to defend, they fought for the soul of the free world.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield the balance of my time to the minority leader the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, as the very proud representative of the city of San Francisco in the Congress of the United States, from northern California where we have more veterans than any other part of the country per capita and we treat them with respect as the gentleman from Pennsylvania is not being treated as a distinguished veteran with respect here.

Mr. Speaker, this is a very sad day for the House of Representatives. Just when you think you have seen it all, the Republicans have stooped to a new low, even for them. They have engaged in an act of deception that undermines any shred of dignity that might be left in this Republican Congress. But deception has been the order of the day throughout the entire Iraq engagement.

□ 2115

Mr. HUNTER's resolution is a continuation of that deception. It is a political stunt, and it should be rejected by this House.

The Republican deception today is a disgrace. It is a disservice to our country and to our men and women in uniform. They and the American people deserve better. It is an insult to the integrity of JACK MURTHA, one of the most distinguished Members to ever serve in this House of Representatives.

As has been said, JACK MURTHA is a decorated war veteran: two Purple Hearts, the Bronze Star for his combat service, the Vietnam Cross of Gallantry, 37 years of active and reserve duty in the marines. His lifetime motto has been Semper Fi; and yet our Republican colleagues call him a coward and accuse him of cooperating with the enemy.

As a senior Democrat on the Defense Appropriations Committee, he is known and respected for his bipartisanship. That is why this Republican attack on him is so dishonest.

Mr. MURTHA has dealt the mighty blow of truth to the President's failed Iraq policy. The American people have rallied to JACK MURTHA's message of truth. But you cannot handle the truth. Why are the Republicans so afraid of the facts?

Mr. Speaker, the Republican Senator from Ohio, Robert Taft, who would become the Republican leader of the Senate said, "Criticism in a time of war is essential to the maintenance of any democratic government." Indeed, Mr. MURTHA's courageous action to speak truth to power is a great act of patriotism.

As one who has always had the interests of America's men and women in uniform as his top priority, Mr. MURTHA has acted as he always does: in their interests. Let us all join him in saluting our troops for their courage, their patriotism, and the sacrifice that they are willing to make, and thank JACK MURTHA for his loyalty to them.

Mr. GINGREY. Mr. Speaker, in closing, it is important to restate for the morale of our troops that this Congress and this country remain resolved in the war against terrorism. From the streets of Iraq to the mountains of Afghanistan, America will leave no spider hole, no palace, no bunker overlooked as we help freedom-loving people fight the terrorist insurgencies of Islamofascists and protect democracy worldwide.

Our greatest loss would be to withdraw our troops, thereby ceding victory to cowardly terrorists who murder and hide under the cover of shadows.

Mr. Speaker, over 2,000 of our best and bravest have fought and sacrificed their lives in defense of democracy and in the face of these terrorists. These individuals deserve our thanks and their families need to know that they did not die in vain.

Mr. Speaker, a lot of words have been thrown about in this Chamber tonight, but talk is often cheap. And while cheap talk abounds, unfortunately, cheap talk is not bounded, it is not insulated by oceans or mountains, and certainly not by the media.

The words of this Congress and its Members echo out beyond this hallowed Chamber, beyond these hallowed Halls to every household and to every foreign shore.

Our troops are listening, Mr. Speaker. They hear those who denigrate their mission. They hear those who rely on the false pillar of semantics, seeking to divide the American people.

Well, Mr. Speaker, our troops are listening tonight, and while talk is cheap, our vote is sacrosanct. So I call on my colleagues on both sides of the aisle to put their vote on the RECORD and put the rhetoric aside.

Mr. Speaker, I urge my colleagues to support the rule. Let us have this debate for the sake of our troops.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. TERRY). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 210, nays 202, not voting 22, as follows:

[Roll No. 607]

YEAS—210

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NAYS—202

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gilchrest
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur

Kennedy (RI)
Kildee
Kilpatrick (MI)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Simpson
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—22

Beauprez
Berman
Boswell
Boyd
Camp
Cunningham
Davis (AL)
Flake
Fossella
Gallegly
Hall
Jindal
Kind
LaHood
Miller, Gary
Moran (KS)
Northup
Paul
Peterson (PA)
Shadegg
Towns
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TERRY). Members are advised there are 2 minutes left in this vote.

☐ 2150

Mr. SIMMONS, Mrs. MUSGRAVE, and Mr. JOHNSON of Illinois changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 572, House Concurrent Resolution 308 is adopted.

The text of the concurrent resolution is as follows:

H. CON. RES. 308

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill (H.R. 3058) making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes, the Clerk of the House of Representatives shall make the following correction:

In the second paragraph (relating to the Economic Development Initiative) under the heading "Community Development Fund" in title III of division A, strike "statement of managers accompanying this Act" and insert "statement of managers correction relating to the Economic Development Initiative, dated November 18, 2005, and submitted by the Chairman of the Committee on Appropriations of the House of Representatives for printing in the House section of the Congressional Record on such date".

GENERAL LEAVE

Mr. GINGREY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 572.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed bills of the House and a concurrent resolution of the following titles:

H.R. 680. An act to direct the Secretary of Interior to convey certain land held in trust for the Paiute Indian Tribe of Utah to the City of Richfield, Utah, and for other purposes.

H.R. 2062. An act to designate the facility of the United States Postal Service located at 57 West Street in Newville, Pennsylvania, as the "Randall D. Shughart Post Office Building".

H.R. 2183. An act to designate the facility of the United States Postal Service located at 567 Tompkins Avenue in Staten Island, New York, as the "Vincent Palladino Post Office".

H.R. 3853. An act to designate the facility of the United States Postal Service located at 208 South Main Street in Parkdale, Arkansas, as the Willie Vaughn Post Office.

H.R. 4145. An act to direct the Joint Committee on the Library to obtain a statue of Rosa Parks and to place the statue in the United States Capitol in National Statuary Hall, and for other purposes.

H. Con. Res. 208. Concurrent resolution recognizing the 50th anniversary of Rosa Louise Parks' refusal to give up her seat on the bus and the subsequent desegregation of American society.

The message also announced that the Senate passed a bill of the House with an amendment of the following title:

H.R. 358. An act to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the desegregation of the Little Rock Central High School in Little Rock, Arkansas, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which concurrence of the House is requested.

S. 1047. An act to require the Secretary of the Treasury to mint coins in commemoration of each of the Nation's past Presidents and their spouses, respectively, to improve circulation of the $1 coin, to create a new bullion coin, and for other purposes.

S. 1462. An act to promote peace and accountability in Sudan, and for other purposes.

S. 1785. An act to amend chapter 13 of title 17, United States Code (relating to the vessel hull design protection), to clarify the distinction between a hull and a deck, to provide factors for the determination of the protectability of a revised design, to provide guidance for assessments of substantial similarity, and for other purposes.

S. 1961. An act to extend and expand the Child Safety Pilot Program.

S. 1989. An act to designate the facility of the United States Postal Service located at 57 Rolfe Square in Cranston, Rhode Island, shall be known and designated as the "Holly A. Charette Post Office".

The message also announced that the Senate agrees to that report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2528) "An Act making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.".

EXPRESSING SENSE OF HOUSE THAT DEPLOYMENT OF FORCES IN IRAQ BE TERMINATED IMMEDIATELY

Mr. HYDE. Mr. Speaker, pursuant to the rule, I call up the resolution (H. Res. 571) expressing the sense of the House of Representatives that the deployment of United States forces in Iraq be terminated immediately, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 571

Resolved, That it is the sense of the House of Representatives that the deployment of United States forces in Iraq be terminated immediately.

The SPEAKER pro tempore. Pursuant to House Resolution 572, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

On October 15 of this year, 63 percent of Iraq's eligible voters stood in the suffocating heat for hours risking their lives to suicide bombers and guns. And why? Because they dared to vote.

Do we honor their bravery by abandoning them?

Nobody wants war. War has been truly described as hell. But at the same time, things are worth fighting for and even dying for. And among those things is precious freedom. Our own freedom was born in the crucible of a 9-year war to the sounds of muskets well described as the "shots heard round the world."

We can argue endlessly about the wisdom of getting into this war, but there should be no argument about how this war should end. The consequences of our retreat have not been discussed here tonight. but they deserve consideration.

This debate has been a report card on JACK MURTHA, and I give him an A-plus as a truly great American. But among his many fine qualities. infallibility is not one. And on Iraq I prefer my country not to retreat. not to run to the high grass.

I prefer the counsel of JOHN MCCAIN who said last week, "If we leave Iraq prematurely. the jihadists will interpret the withdrawal as their great victory against our great power. Osama bin Laden and his followers believe that America is weak, unwilling to suffer casualties in battle. They drew this lesson from Lebanon in the 1980s and Somalia in the 1990s. and today they have their sights set squarely on Iraq."

The recently released letter from Ayman al-Zawahiri, bin Laden's lieutenant, to Abu Musab al-Zarqawi, draws out the implications.

The Zawahiri letter is predicated on the assumption that the United States will leave Iraq and that al Qaeda's real game begins as soon as we abandon the country.

In his missive, Zawahiri lays out a four-stage plan: establish a caliphate in Iraq. extend the "jihad wave" to the secular countries neighboring Iraq, clash with Israel, none of which shall commence until the completion of stage one: expel the Americans from Iraq.

Zawahiri observes that the collapse of American power in Vietnam "and how they ran and left their agents," suggests that "we must be ready starting now."

We cannot let them start. now or ever.

We must stay in Iraq until the government there has a fully functioning security apparatus that can keep Zarqawi and his terrorists at bay and ultimately defeat them.

I prefer the counsel of another war hero, my personal hero, the gentleman from Texas (Mr. SAM JOHNSON), who stands with the President. the Iraqi people, and freedom fighters everywhere.

Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentleman from California (Mr. HUNTER) for purposes of control.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong opposition to this resolution and in defense of a military hero of this Nation, our distinguished colleague, the gentleman from Pennsylvania (Mr. MURTHA).

In a few moments I will ask unanimous consent to yield to the gentleman from Pennsylvania (Mr. MURTHA) the balance of the time on the Democratic side, but I would like to put this debate in its proper framework.

This is not the finest moment of the House of Representatives. We have all sat through interminable debates on inconsequential issues, but tonight we are talking about war and peace.

Fifteen years ago when we debated the first gulf war, every single Member of this body got 5 minutes to present his views. This time we are getting less than 8 seconds. What we are debating is not a serious proposal. but a cheap political ploy beneath the dignity of this body.

□ 2200

The subject of the war in Iraq deserves serious and thoughtful discussion and debate. and we are surely not having it tonight. There is no Member of this House for whom I have more respect and affection than the gentleman from Pennsylvania, the epitome of patriotism, not of the oratorical type, but patriotism on the field of battle.

Mr. Speaker, I ask unanimous consent to yield to the gentleman from Pennsylvania (Mr. MURTHA) the balance of the time for him to control.

The SPEAKER pro tempore (Mr. TERRY). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think what we are doing tonight is sending a very valuable message. It is not necessarily a message to diplomats or to the President or even to our adversaries; although I am sure that they will read about it. But it is a message to that specialist in Tikrit, to that lance corporal in Fallujah, to that sergeant in Baghdad who feels by looking at the mass of press over the last several days that somehow we are slipping away from our warfighters.

We have an opportunity to do something tonight by very simply voting "no" on this question of whether we should leave Iraq immediately to at least cut through that ambiguity, to at least cut through that confusion, and you know, words mean something. Wars have been started because we said the wrong words. Confusion is not something that is good to sow among your enemy or your friends.

In this case, even those who may feel that somehow the troops are not confused by this mixed message that is coming out of the United States must agree that it is right now to send that specialist in Tikrit or that lance corporal in Fallujah or that sergeant in Baghdad a clear and convincing "no" vote on the question of whether we leave Iraq immediately.

Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise to oppose this resolution. I have been in this body 19 years, and I did not support setting artificial dates to remove our troops from Bosnia, Somalia, Kosovo, East Timor, Macedonia and all the other times that we have deployed our troops.

In fact, even when we were told back in 1997. the year after we entered Bosnia, that our troops would be home by Christmas, I did not rise to bring them home. We were told in Christmas of 1998 they would be home and Christmas of 1999. The fact is we still have troops in the Balkans. They have been there 10 years, even though it was not part of the original plan.

Mr. Speaker, all of us support our troops, but I want to tell my colleagues, in my 19 years I learned a lesson of supporting the troops from the gentleman from Pennsylvania. He took me under his wing when I came here as a freshman 19 years ago. I have traveled with him around the world. I have seen his personal dedication to the men and women who serve.

Now, there are many others in this body on both sides of the aisle that we can say the same thing about, but I want to stand up as a Representative from the other side of Pennsylvania and tell the story of JACK MURTHA who epitomizes what our military's all about. I wish I could say I have been to Landstuhl, a medical facility in Germany, as many times as JACK MURTHA has been there.

I wish I could say that weekly I would go over to Walter Reed Hospital and meet with the troops as JACK MURTHA has done week after week after week.

I wish I could say I have gone and held the hands of the wives and the children of the sailors at Bethesda as JACK MURTHA has done.

Mr. Speaker, I wish I could say that I have done all that, but I cannot. JACK MURTHA is one of a kind. He is an example for all of us in this body, and none of us should ever think of questioning his motives, his desires or support for our American troops.

Mr. Speaker, I also want to say I have been here 19 years. I have been here with Republican and Democrat Presidents. Yes, JACK MURTHA's been there. He stood up when Bill Clinton tried to cut the funding for our troops, and he stood with us on some very tough votes. He stood up with us on the tough policy questions. He was with us on missile defense. He was with us when others in his party would not be with us on defense and security issues. On some very tough leadership spots JACK MURTHA was there, and for the 5 years that President Bush has been President, I cannot count on my hands the number of times JACK MURTHA has stood with our President in supporting our troops in supporting more money, in supporting the policies that give us the kind of capability that we need.

Mr. Speaker, we are in a sad state today. We are in a tough time with our troops. They are wondering what is going on back here. It is not about JACK MURTHA trying to undermine anyone, just as I and others would not have tried to do that in the other 40 deployments in the 19 years that I have been here, but it is wrong, Mr. Speaker, that a gentleman with the reputation and leadership of JACK MURTHA should have to wait 5 months to get a response to a letter expressing his concerns to the administration. That is not right.

So, Mr. Speaker, I would hope we would all come together, and I would hope that our Commander in Chief would invite the good gentleman from Pennsylvania down to the White House to have a discussion about how we can move forward together to support the troops and win the day in Iraq and Afghanistan.

Mr. MURTHA. Mr. Speaker, I yield myself such time as I may consume.

Somebody walked by not long ago, and they said, I do not have to go to your funeral because I paid my dues today with all these people giving these accolades.

I have to tell you this story. When you start getting all these accolades, you think you are a big shot. I remember one time President Carter asked me to go to the seventh game of the World Series with him. Tip O'Neill and I went down, and there were only 4 of us and 15 Secret Service people in the plane.

We got in this helicopter and, of course, flew over all these other people going to the ballgame. Well, Carter was not the most pleasant guy to be with. He wanted to talk all business, and Tip O'Neill wanted to talk nothing but baseball.

So we get about halfway there, and it is not a very long trip to Baltimore. Tip finally got him warmed up. We land, and we only land a block away from the stadium, but we had to have an armored car drive us in. So the President said, you sit in the middle there, Murtha, and Tip sat on the left side, and the President sat on the right side. Some guy yelled out some obscenities. He said, My God, they must have recognized Murtha in the car.

Let me say, this resolution today is not what I envisioned, not what I introduced, and let me read what I introduced on November 17.

"Whereas Congress and the American people have not been shown clear, measurable progress toward establishment of stable and improving security in Iraq or of a stable and improving economy in Iraq, both of which are essential to 'promote the emergence of a democratic government';

"Whereas additional stabilization in Iraq by U.S. military forces cannot be achieved without the deployment of hundreds of thousands of additional U.S. troops, which in turn cannot be achieved without a military draft."

Now, let me say this. There were two of us who voted for a military draft, so I do not think that is an option. When you go to the high schools, they say, you are for a draft. I said, yes, but there is not too many of us, and I do not think you have to worry about it.

"Whereas more than $277 billion has been appropriated by the United States Congress to prosecute U.S. military action in Iraq and Afghanistan;

"Whereas, as of the drafting of this resolution, 2,079 U.S. troops have been killed in Operation Iraqi Freedom;

"Whereas U.S. forces become the target of the insurgency;

"Whereas, according to recent polls, over 80 percent of the Iraqi people want the U.S. forces out of Iraq;

"Whereas polls also indicate that 45 percent," this is a British poll, but the Defense Department support this British poll or confirm this British poll, "of the Iraqi people feel that the attacks on U.S. forces are justified."

Hear what I am saying. Forty-five percent of the Iraqi people feel it is justified to attack Americans.

"Whereas, due to the foregoing, Congress finds it evident that continuing U.S. military action in Iraq is not in the best interests of the United States of America, the people of Iraq, or the Persian Gulf Region, which were cited in Public Law 107-243 as justification for undertaking such action."

I did not say anything about intelligence. I did not say anything about the President. All these statements that have been made vilifying me today did not say anything like that.

"Therefore be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that the deployment of United States forces in Iraq, by direction of Congress, is hereby terminated and the forces involved are to be redeployed at the earliest practicable date.

"Section 2. A quick-reaction U.S. force and an over-the-horizon presence of U.S. Marines shall be deployed in the region.

"The United States of America shall pursue security and stability in Iraq through diplomacy."

That is what I said. I have never had in the 32 years that I have been in Congress such an outpouring from this country, four to one in my office. You cannot even call my office if you tried, an outpouring of people crying. People are thirsting for some direction. They are thirsting for a solution to this problem. They want to support the President. I want to support the President. Everybody does.

We put into place in the Appropriations Committee a criteria for success because we were so unhappy. This was in May. The gentleman from Florida (Mr. YOUNG) and I put a criteria for success in the bill, it was a Moran amendment, because we were not happy with the results. Nobody was talking to us. Nobody would tell us what was going on, and we felt it was absolutely necessary that we put this into writing.

I went to Iraq about 2 months ago, and I talked to the commanders, and all of you know the commanders are very hesitant to say anything that is not in the policy of the White House, and I agree, that is the way it is run by the civilians. That is the way it should be, but I could tell how discouraged the commanders were.

The one Marine commander said, I do not have troops to put on the border, the Syrian border. Now, why did they not have enough troops? Because of the deployment, because of the small number of people that are serving in our Armed Forces today.

We told them, the Armed Services Committee, under DUNCAN HUNTER's leadership, said you can take 30,000 more people. They cannot recruit to that. They have fallen 10,000 short; and not only have they fallen 10,000 short, they are now taking 20 percent category 4s, which they said in the voluntary Army would never happen.

The war's not going as advertised. The American public is way ahead of us. If you heard the World War II veterans, if you heard the Vietnam veterans, the wives and the widows on the phone crying to my staff and myself when I am talking to them, if you heard them reaching out and asking for a policy, a bipartisan policy. When I introduced this resolution, I did not introduce this as a partisan resolution.

I go by Arlington Cemetery every day, and the Vice President, he criticizes Democrats. Let me tell you, those gravestones do not say Democrat or Republican. They say American, and DICK CHENEY's a good friend of mine. He was a good Secretary of Defense.

Our military is suffering. The future of our country is at risk. We cannot continue on the present course. It is evident that continued military action in Iraq is not in the best interests of the United States of America, the Iraqi people and the Persian Gulf region. That is my opinion.

General Casey said in a September 2005 hearing, the perception of occupation in Iraq is a major driving force behind the insurgency. Hear what I am saying. General Abizaid said on the same date, reducing the size of visibility of the coalition forces in Iraq is part of our counterinsurgency strategy.

For 2½ years I have been concerned about our policy and the plan in Iraq. I have addressed my concerns to the administration and the Pentagon.

□ 2215

I have spoken out in public about my concerns in going to war.

A few days before the start of the war, I was in Kuwait. They drew a red line around Baghdad; and they said when the American forces cross the red line, they will attack us with weapons of mass destruction, meaning biological and chemical weapons. I believed that. They believed it. The military commanders believed it. And when they went in, though, they felt they had sufficient protective gear that they could overcome it. The heat would dissipate some of the gas and so forth, and it would be no problem for our forces, they felt. They even thought they had cell phones monitored so they could tell that it was there. It turned out not to be true.

Let me tell the Members this: BILL YOUNG and I have been on the Defense Subcommittee for 25 years. We spend more money on intelligence than all the countries in the world put together and more on intelligence than most countries' GDP. But the intelligence concerning Iraq was wrong. It is not a world intelligence failure. It is a U.S. intelligence failure.

I have been visiting our wounded troops at Bethesda, and only two people, I think, visit any more than I do, and that is BILL YOUNG's wife and BILL YOUNG. They go there as often as I do, and Beverly goes more often.

Now, let me tell the Members what demoralizes the troops. Going to war with not enough troops and equipment to make the transition to peace, the devastation caused by IEDs, being deployed to Iraq when their homes have been ravaged by hurricanes, being under second and third deployment and leaving their families behind without a network of support.

The threat posed by terrorism is real, but we have other threats that cannot be ignored. We must be prepared to meet all these threats. The future of our military is at risk. Our military and their families are stretched thin. A very small percentage of people in this country are serving this country at this stage in this war. Many say the Army is broken. Some of our troops are on their third deployment. Recruitment is down. Defense budgets are being cut, $5 billion this year, $5 billion cut from the defense budget; and the chairman and I are concerned they are going to cut another percentage point, which is $4 billion more, from the defense budget.

Personnel costs are skyrocketing, particularly in health care. And choices have to be made. We cannot allow a promise that we have made to our military families in terms of service benefits, in terms of their health care to be negotiated away. Procurement programs that ensure our military dominance cannot be negotiated away. We must be prepared.

The war in Iraq has caused huge shortfalls in our bases in the United States. I visited four bases, four Southern bases, premier bases. Every one of them was short, short radios, short mortars, short ammunition even. Our troops were C–4, which means the lowest state of readiness, because they did not have the equipment to train right before they are deployed to Iraq. And much of our ground equipment is worn out and in need of serious overhaul.

I have said to all these CEOs that come to see me, Folks, do not think about procurement. We about bought, what, five or six ships this year, something like that. They said they are going to build 12 next year. Do not believe that. But I will tell the Members one thing we have to do is rehabilitate this equipment. A $50 billion bill, in my estimation, and I do not know where the money is going to come from.

George Washington said: "To be prepared for war is one of the most effective means of preserving peace." I do not know what the threat is, but I will tell you it takes 18 years to get a weapons system out there, and we had better well get those systems put together now. We had better start them right now because we do not have them. They have a system right now they are thinking of cutting back. The Europeans invested a lot of money in it. Billions of dollars have been invested in this weapon system, JSF. If they cut back the buy, the cost to increase, the Europeans will cut back on their buy, and it will skyrocket the price; and we will have to reduce the number of airplanes that we buy. We must rebuild our Army.

Our deficit is growing out of control. The Director of the Congressional Budget Office recently admitted to being "terrified" about the budget deficit in the coming decades. This is the first prolonged war we have fought with 3 years of tax cuts, without full mobilization of American industry, and without a draft. The burden of war has not been shared equally, and the military and their families are shouldering this burden.

Our military has been fighting a war in Iraq for over 2½ years. Our military has accomplished its mission and done its duty. Our military captured Saddam Hussein, captured or killed his closest associates. But the war continues to intensify. And you know the deaths and you know they estimate that not only do we have 15,500 that have been wounded, but we have 50,000 that we think may suffer from what I call battle fatigue.

I just recently visited Anbar Province, as I said, and I became convinced that we had to take some action. I became convinced that I needed to say something about what was going on. I needed to introduce a resolution which would bring this to a head so we could come to a bipartisan resolution to fight this war together, to show our troops how we support them, and that resolution calls for a redeployment of our troops. I said over a year ago now, the military and the administration agree, Iraq cannot be won militarily.

We can say it here in these air conditioned offices, but let me tell you something. It cannot be won militarily. It has got to be won politically, and we have to turn it over to the Iraqis and give them the incentive to take back their own country.

Our troops have become the primary target of the insurgency. They are united against U.S. forces. We have become the catalyst for violence. U.S. troops are the common enemy of the Sunnis, the Saddamists, and the foreign jihadists. I believe with U.S. troop redeployment, the Iraqi security forces will be incentivized to take control. A poll recently conducted shows 80 percent of the Iraqis oppose the presence of coalition troops. I believe we need to turn Iraq over to the Iraqis. I believe the Iraqi election scheduled for mid-December, the Iraqi people in the emerging government must be put on notice: the United States will immediately redeploy. All of Iraq must know that Iraq is free, free from United States occupation. I believe this will send a signal to the Sunnis to join the political process for a good and free Iraq.

Mr. Speaker, I reserve the balance of my time.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for his comments.

Mr. Speaker, I yield 6 minutes to the gentleman from Florida (Mr. YOUNG), chairman of the Defense Appropriations Subcommittee, the gentleman who spends so much of his time with our Nation's wounded.

Mr. YOUNG of Florida. Mr. Speaker, Americans can sleep well tonight because our soldiers are out there on the front line against terror making sure that we can do that. And we owe them a lot. We owe them our thanks. We owe them our appreciation. We owe them the necessary equipment to carry out their mission, to protect themselves while they are doing that, and we owe them our support. And it is important that we let them know without any doubt that we support them, that this Congress supports them. And that is why, in case there is any confusion about how we would like Members to vote on this resolution tonight, we want them to vote "no." This is not a good resolution.

Incidentally, in case the Members have not noticed, JACK MURTHA spent more time tonight speaking on the floor than he has in the last 20 years combined presenting the appropriations bills.

JACK and I have been friends for a long time, as he suggested, and we have worked together. He was my chairman for a long time. I have been his chairman for a long time. We work together for the best interest of our Nation and for those who protect our Nation. And he has received many accolades tonight and properly so.

Chairman HUNTER, the chairman of the Armed Services Committee, also deserves accolades. He was willing to offer this resolution, which we all are going to vote against, I hope. Chairman HUNTER was an airborne soldier in Vietnam, and he led a platoon of Rangers in Vietnam. Chairman HUNTER deserves an awful lot of thanks and appreciation for the work that he did then and the work that he is doing tonight here on the floor.

Mr. Speaker, this is not about JACK MURTHA tonight, and it is not about DUNCAN HUNTER. This is about 296 of us who voted to support the President going into Iraq to fight terror, to fight Saddam Hussein and his vicious armies. Once you have committed to a war or to a battle, it is like some other things in life, once you are committed, you are committed, like it or not. And we got committed when we voted to send troops to Iraq.

Now, how do you get out of a commitment like that? Well, you can win. That is the preferred way. Or you can lose. We do not like that. You could retreat, or you could surrender. I do not think we like either one of those two.

Or there is another way: we could negotiate our way out. But in a case of global terrorists, whom do you negotiate with? They hide. They sneak. Would you negotiate with Osama bin Laden, Saddam Hussein, Al-Zarqawi? Whom do you negotiate with? You do not have anybody to negotiate with because they are pure and simple terrorists.

Mr. Speaker, there are many things that have been said tonight on both sides of the aisle that are very important. There has been a little bit of spin here and there, but that is not unusual for a legislative body like this. But, Mr. Speaker, there is no place, when we are dealing with the security of our Nation and the security of the American people, there is no place for politics on either side.

So tonight, Mr. Speaker, we need to send a strong message to our troops and to their families. For those families who are dealing with the loss of a loved one, for those families who are dealing with a seriously wounded soldier or marine who might be at Walter Reed Hospital or at Bethesda Hospital or at Landsthul in Germany, we need to let them know that we are here to support them.

In a few short days when we will be back to legislative business, there is another issue that we have to deal with, and I am going to take advantage of this extra minute to tell the Members what it is. Somebody in the Pentagon has ruled that if JACK MURTHA and I go to hospital with my wife, Beverly, which we do on occasion, and she makes us empty our wallets to help a family that is struggling to meet their expenses, some regulation at the Pentagon says that is illegal, that is bribery. What can I bribe a wounded soldier to do? He has already done everything that he can do for me. So we need to change that.

□ 2230

So we need to change that. Chairman HUNTER and I and Mr. MURTHA and I have worked together with our counterparts in the Senate, and we intend to fix this on the first legislative or appropriations bills we have access to. So that is what this is about tonight, to let our soldiers win this war against terror not only in Iraq, but in Afghanistan and anywhere else that terrorists raise their ugly heads. This is not limited to Iraq. Iraq is one of the major battlefields. Afghanistan is one of the major battlefields.

My friends, we are in it for the long haul against the threat of terrorism, and it is important that we prevail and support those on the front line against terror and vote "no" tonight on this resolution that does not do any of what I just said.

Mr. HUNTER. Mr. Speaker, I yield 2¼ minutes to the gentleman from Colorado (Mr. HEFLEY), the chairman of the Readiness Subcommittee and does so much for the quality of life for our troops.

Mr. HEFLEY. Mr. Speaker, we have just heard from two giants of this body, men that we are all very, very proud of. If we had any sense, we would all sit down right now and take the vote; and I will give up my time if everybody else will give up theirs, and we will vote. I am told no, that is not going to work.

So let me try to be brief. Both of these gentlemen expressed the conflicting views in a most sincere way, and I think we respect both of them.

But, Mr. Speaker, I do rise today in opposition to H. Res. 571. I want us to withdraw the moment the job is done, and that is what our troops are telling us, too. They want to stay there until it is done. That is what most of the Iraqi people tell us, do not leave us until it is done.

Mr. Speaker, there are some out there insisting that the mission on Iraq has been a failure, and our presence in Iraq has not been properly run, and we are not winning the peace. Frankly, I do not think that is true, and it only serves to lower the morale of the men and women fighting in Iraq while encouraging the terrorists who hate America.

The fact is those who assert that the Iraq policy is failing frankly fail to recognize the many successes that have occurred on a daily basis over there. What we are talking about is fighting terror and liberating a people. Look at just the political successes. They have had two elections, and those two elections, most of those people had never voted in a free election in their entire lives. On October 15, they adopted a Constitution. They did not know what a Constitution was, and 78 percent of the voters backed the charter of the Constitution.

We are making enormous progress toward liberty and democracy for the Iraqi people, and by extension the people of the Middle East. I say thank you, troops, for what you are doing. We love you, and we are going to be with you until the job is done.

Mr. MURTHA. Mr. Speaker, I yield myself such time as I may consume.

Normally the soldiers cannot speak for themselves. I do not believe we are making the progress that is articulated in many cases. Everything I see, oil production is below prewar level; electricity production is below prewar level; incidents have increased from 150 a week to 770 a week in Iraq.

But let me read a letter from a young soldier at Walter Reed. Everybody says when you go to Walter Reed, they all want to go right back, and they usually do not complain. Let me read this letter.

"I am sure you are extremely busy today with the announcement of your support for the withdrawal of troops from Iraq. We have been trying unsuccessfully to reach you by phone.

"My husband is an injured Iraq soldier who so highly commends you for speaking out about this disastrous war and its aftermath on U.S. troops. Though we are now living in Washington, D.C., on the Walter Reed campus, we are originally from your 12th District in Pennsylvania.

"Congressman Murtha actually pinned my husband's Purple Heart. We are so proud that he was the man to honor my husband for what he did in Iraq. It may serve Mr. Murtha more to remind him that my husband is the 24-year-old guardsman who lost part of a leg in a suicide car bomb attack in April of this year.

"We were shocked and overjoyed that Murtha spoke out against the Bush administration's handling of the war. Unlike what many say is a blow to troop morale by questioning the war, his frank call for attention to the subject brought nods and applause from the injured soldiers at Walter Reed's Mologne House. It is the first that my husband and I feel that a politician has truly stuck up for the soldiers most personally affected by the war in Iraq."

We send the soldiers to the war. We are the ones that make that decision. We also have to speak out when we do not think the war is going in the right direction.

Mr. Speaker, I reserve the balance of my time.

Mr. HUNTER. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. SIMMONS), who served multiple tours in Vietnam.

Mr. SIMMONS. Mr. Speaker, I rise in opposition to the resolution. I am proud to be a Vietnam veteran. I am proud to have spent almost 4 years in that country with the U.S. Army and the Central Intelligence Agency, but I was not proud when Members of Congress, Members of this body, criticized us in the course of that war publicly back here at home. Their critical comments were demoralizing and undercut our efforts. It encouraged our enemy, and it placed us at risk.

At some point in the 1970s, our national will broke down, we cut and ran. We left our friends behind, my colleagues, my counterparts. And we abandoned Southeast Asia to unprecedented slaughter and destruction.

Now 30 years later I find myself on this same floor talking about the "immediate redeployment" of our troops from a foreign battlefield where they are fully engaged in a difficult and dangerous mission.

More than anyone else, this Vietnam veteran wants to see our troops come home safely, successfully and soon. But now is not the time for immediate withdrawal. Now is the time to support our troops and the values they fight for.

Mr. MURTHA. Mr. Speaker, I yield myself such time as I may consume.

Let me read another letter.

"We are Gold Star parents. Our son was killed October 18, 2003, south of Kirkuk with the 173rd Airborne Brigade. You and I talked for about 90 minutes on the phone in early 2004. I have spent the better part of 2 years lobbying for improved body armor."

Do Members remember, we sent the troops to war without body armor? We found the body armor. We found the shortage and up-armored the Humvees. Congress found it, and we put the money in the bill.

"We believe the best way to support the troops is through a responsible and well-thought-out foreign policy."

Not stay the course, but a thought out, and this is from a woman whose son was killed.

"We do not have that policy today in Iraq. By staying in Iraq, we have become occupiers instead of liberators." And 80 percent of the Iraqis think that.

"Today we are called un-American because we are obligated to disagree with the President. We want better for our son's comrades. It is our obligation to stand up and be counted to support the troops, to speak for those that are not free to speak for themselves, to use their bravery and sacrifice wisely. You, sir, are a man of our heart. God knows why the rest of the Democratic Party is not rallying around you, but we are. Even as we stand alone, it is the right thing to do. Our support is unequivocal for you on matter in this dangerous and lonely time."

Mr. HUNTER. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. BUYER), chairman of the Veterans' Affairs Committee, and who is a colonel in the Army Reserve and a Gulf War veteran.

Mr. BUYER. Mr. Speaker, I have great respect for Mr. MURTHA and Mr. HUNTER. And I am uncomfortable when Mr. MURTHA talks about one political party rallying round something. I do not want Republicans or Democrats rallying around anything. You moved me when I was in my office and you talked about going to Arlington. All of us have been there; all of us have been to our Nation's cemeteries and seen the white crosses and Stars of David.

The gentleman from South Carolina (Mr. BROWN) and I were privileged to represent our country this past May, and I am sure Mr. MURTHA has been there, standing on the cliffs of Normandy at Omaha. We gave the Memorial Day address representing our Nation. I was there with my 20-year-old son, and I could feel the envy of souls because I thought about what their last thoughts may have been. And then as I strained among these thousands of graves, if I permitted the eyes of my mind to have a vision I could actually see, if I permitted the ears of my heart to listen, I could hear.

And what did they say? They said, What we did on this day was worthy. You see, they came to a continent to free it from tyranny on that day. They came to a land where they had never been to fight for a people they had never met. Does that not yet sound familiar?

And we speak of the sacrifice of what we refer to as the greatest generation. How are we now yet defining ourselves when our men and women are faced with something very similar.

We should be here tonight talking of our strategy of victory, defined by our perseverance to an enduring freedom throughout the world. To discuss withdrawal from Iraq tonight before our mission is complete is the wrong strategy at the wrong time. Why? Because freedom is on the move.

We, the people of the United States, we are a great Nation with a great vision. We seek to preserve the blessings of liberty for our citizens and for all those around the world who recognize the God-given right of freedom.

Today our Nation is truly engaged in an epic struggle for freedom in Iraq. Whether you believe how we got there is true, the struggle among us is evident here tonight. What we do not want is what Mr. HYDE referred to as our enemies to take advantage of our weaknesses. The painful lessons, whether it was Vietnam or Lebanon or Somalia, North Korea, Iran, al Qaeda, they watch, and it is part of what they want to do to envelope our weakness.

You see, Clausewitz had it right. He said, The use of our military force is the instrumentality of a political decision. We then expect our military to act on the field of battle with great valor, courage and commitment. You see, they are an extension of us. And in return, our soldiers ask what of us? Loyalty. And they expect us to have the very same resolve that we expect of them: that in battle, they look at us and say, when it gets hard, when it gets tough, can you hang with us, Congress? That is a very pertinent question for a soldier to ask of us.

So I respect Mr. MURTHA, but this is the wrong time for your resolution, sir.

PARLIAMENTARY INQUIRY

Mr. LANTOS. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore (Mr. TERRY). The gentleman may state his parliamentary inquiry.

Mr. LANTOS. Do I understand, Mr. Speaker, that we are debating Mr. MURTHA's resolution or Mr. HUNTER's resolution?

The SPEAKER pro tempore. Pending is House Resolution 571.

Mr. LANTOS. The previous speaker referred to Mr. MURTHA's resolution. That is not before the House.

The SPEAKER pro tempore. That is a matter for debate—a matter that may be addressed by debate.

☐ 2245

Mr. LANTOS. Mr. Speaker, I have a further parliamentary inquiry.

The SPEAKER pro tempore. Please state your parliamentary inquiry.

Mr. LANTOS. We on this side of the House are under the impression that we are debating the Hunter resolution. Please correct us if we are wrong.

The SPEAKER pro tempore. The gentleman is correct and he may make that point by debate.

Mr. MURTHA. I yield to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. MURTHA, I apologize to you. I know you have a resolution. That is what I was referring to. I recognize we are debating Hunter, and I apologize to you, Mr. MURTHA.

Mr. MURTHA. Let me read another letter.

"In 2004, my youngest son graduated from college and was already enrolled in the Marines. He was ready to help our country and others in whatever was asked of him. It was with great distress that we have watched the administration mishandle this war. There was no plan."

What the gentleman from Indiana said about World War II, there was a plan. There was a plan when we went into Normandy. We landed 150,000 people in 24 hours. There is the conception at home that there is no plan. I hear this over and over again. That is why there was such an outpouring when I offered a plan, when people called me and said they wanted a plan.

"It was with great distress that we have watched the administration mishandle this war. There was no plan, no push to go in and win the war in total. Mission Accomplished was a joke, and even we the uniformed knew then that it was a misnomer. Losing Colin Powell from the administration was a deep blow to us. We respected his honor and his professionalism. His soldier inside.

Our son has had one deployment to Iraq. He came home safely this time, and awaits his second deployment in July. Congressman MURTHA, we are a patriotic family, but I cannot abide by sending my son back into a war where there is no goal, no plan, and a war being planned by Donald Rumsfeld and Vice President CHENEY. We would feel differently if we felt our son was being used in the proper manner, and for a valiant effort. But we feel that they are clay pigeons in a carnival, just waiting for the next suicide bomber or IED. My husband and I did not feel this way 6 months ago. We thought the administration had realized their inadequacy and were making changes, and that we should stay the course. That has not happened. Things continue in disarray. This is not the best use of our military, nor respectful of the values and ideals of the servicemen and women within it. We support your views and we feel that there is a need for change."

That is what I am saying. We need to change direction in Iraq.

Mr. HUNTER. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky (Mr. DAVIS) who served as an Army officer in the U.S. Airborne.

Mr. DAVIS of Kentucky. Mr. Speaker, I would point out first that the childish shouting from many who have not served dishonor those who serve on the front lines with quiet resolve at this time while we have a necessary debate on this war.

I am here to represent some folks who cannot speak because they are serving on the front lines right now. I received a phone call in the well of the House this evening from one of the commanders of America's premier counterterrorism organization. He shared with me his great dismay at much of the rhetoric that had emanated from this body today, making them the pawns in a political battle over what they clearly see as they are making success on the front lines. Please, your shouting and your rhetoric sends echoes to our enemies as well as to our soldiers and our friends.

It is honest to have a debate, my friends, but when I am asked on the floor of this house, why are you doing to us what was done to so many veterans here by Members of this body during Vietnam, when I am told repeatedly of their successes, my friends who I served with over nearly 30 years ago and who are serving now on the front lines commanding the units, leading the units and who are serving as junior enlisted soldiers, hundreds of soldiers whose opinions fly in the face of the rhetoric shared tonight.

Mr. MURTHA. Mr. Speaker, I reserve the balance of my time.

Mr. HUNTER. Mr. Speaker, I yield 1½ minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, my colleagues, here we are in America's House, having a debate that is altogether appropriate, because as our founders stated the goal, it was to form a more perfect union. And because we are human beings, there is always a gulf between the real and the ideal. This is not a personal debate to be personalized about the gentleman from Pennsylvania. He offered a point of view yesterday. Whatever his intent, here is how it was reported. The Washington Post called it immediate withdrawal. The New York Times called it immediate withdrawal. More ominously and sadly, Al-Jazeera called it immediate withdrawal.

The problem is this, ladies and gentlemen, as has been articulated. Another e-mail, my colleagues:

"I am a U.S. Army captain currently serving in Iraq and I am shocked and appalled by Representative Murtha's call for immediate withdrawal. Please, please, please convince your colleagues to let us finish this critical job."

That is what is at stake. Vote "no" on immediate withdrawal.

Mr. HUNTER. Let me ask, Mr. Speaker, we have the right to close on this side?

The SPEAKER pro tempore (Mr. TERRY). Yes.

Mr. HUNTER. We have got only one speaker left, so I would ask my colleague from Pennsylvania to close on his side if he could.

Mr. MURTHA. Who has the right to close?

The SPEAKER pro tempore. The gentleman from California has the right to close.

Mr. MURTHA. This is his resolution.

The first encounter with the casualties in this war, I had two young widows come to my office. They wanted to go to Walter Reed because they had lost their husband and they wanted to talk to the soldiers and tell them how lucky they were that they were still alive. One was 23 with two children. One was 19 without any children. I thought how proud I was of them. Another young man from my district was blinded and lost his foot. They did everything they could do for him in Walter Reed. And then he went home and his father was in jail. His mother had not seen him. There was no one at home and he was by himself. The VA has done everything they could to help him. They sent him to Johns Hopkins to see if there is a possibility for him to see and found out that he could not see. And then they started sending bills. Collection agencies sent him bills. Imagine. He is by himself in his own home and a collection agency from Johns Hopkins sends him a bill. Obviously we straightened it out, but that is the kind of thing that happens when you forget about the veteran.

I had a soldier that lost both legs and an arm. BILL has seen the young fellow from Micronesia. We visited a mental health ward. You know what they said to me? Fifty thousand of them are going to have some kind of battle fatigue. They said that we don't get Purple Hearts. We don't get any recognition at all. We get shunned aside as if we were cowards.

A young woman from Notre Dame lost her arm and she was worried about her husband losing weight. She was the one that lost her arm. It makes me so proud. A Seabee was lying in intensive care with his three children and his mother and his wife in tears because he was paralyzed from the neck down. This young Marine, his father had been a Marine. His father was there. His father was rubbing his hand. He says, please get my son's brother home. He wants to see his brother. I called the Marine Corps. The Marine Corps said, he doesn't want to come home. So I went back and told his father. He said, please get him home. So I told the Marine Corps and they got him home. I said, you get him out of that country blank-blank right now, and they did.

Another Marine lost both his hands, blinded. I went to the hospital. After I talked to him, I said how proud, as I do to all of them, how proud I was of them. Is there anything you can do for them, I said? He said, yeah, get him a Purple Heart. Why wouldn't he get a Purple Heart? Because he was demobilizing from the friendly bomblets that had been dropped and hadn't exploded, thousands of them. Finally one of them blew up, blew his hands off and killed the guy behind him and blinded him. The Marine Corps said, we have regulations about Purple Hearts. It was friendly fire so he can't get a Purple Heart.

I told the commandant, If you don't give him the Purple Heart, I'm going to give him one of mine. I was going to go out on Thursday, the commandant went out on Wednesday and he got his Purple Heart. Our troops have become the enemy.

Folks, it is easy to sit here in your air-conditioned offices and say, send them into battle. It is easy to sit here in the Capitol of the United States and say, stay the course. But when there is not a plan, when the families write to me and say there is not a plan, when they don't understand, when they believe that Captain Fishback came to see me, he says, You're complicit with the administration in torture, Congress is, because you're looking the other way. I said, We didn't know a thing about it.

And one of the things that turned the Iraqis against us was the tragedy that happened at Abu Ghraib. Because we in Congress are charged with sending our sons and daughters into battle, it is our responsibility, our obligation to speak out for them and that is why I am speaking out.

Mr. Speaker, I yield back the balance of my time.

Mr. HUNTER. Mr. Speaker, in a few minutes we are going to send a message to our troops. And for our last speaker, we have a gentleman who knows a lot about freedom. He knows a lot about a lack of freedom. He knows a lot about American resolve and sometimes the lack of American resolve. He has been awarded two Silver Stars, two Legions of Merit, the Distinguished Flying Cross, the Bronze Star with valor, two Purple Hearts, four air medals and three outstanding unit awards. He is one of our real heroes, SAM JOHNSON of Texas.

Mr. SAM JOHNSON of Texas. Thank you, Mr. HUNTER. You are a great man yourself.

Mr. Speaker, I rise today on behalf of the American men and women in uniform and their families. I did spend 29 years in the Air Force, and I served in Korea and Vietnam and spent 7 years as a POW in Vietnam and more than half of that in solitary confinement. I know what it is like to be far from home, serving your country, risking your life, hearing that America doesn't care about you as happened in Vietnam.

☐ 2300

Your Congress does not care about you. Your Congress just cut off all the funding for your war. They are packing up, going home, and leaving you here.

When I was a POW, I was scared to death when our Congress talked about pulling the plug that I would be left there forever. I know what it does to morale, I know what it does to the mission, and so help me God, I will never, ever let our Nation make that mistake again.

Our men and women in uniform need our full support. They need to know that when they are in Iraq driving from Camp Blue Diamond to Camp Victory that the Congress is behind them, to give them the best armored trucks they can drive, the best weapons they can fire, and the best ammunition they can use. They need to have full faith that a few nay-sayers in Washington will not cut and run and leave them high and dry. They need to know these things because that is mandatory for mission success and troop morale.

America, and the Congress, must stand behind our men and women in uniform because they stand up for us every minute of every day.

Any talk, even so much as a murmur, of leaving now just emboldens the enemy and weakens the resolve of our troops in the field. That is dangerous. If you do not believe me, check out al Jazeera. The withdrawal story is on the front page. We cannot do that to our fellow Americans over there.

Mr. Speaker, we are making great progress in Iraq. Remember in January how we saw pictures from Iraq of that first election. For weeks, the media predicted gloom and doom. Remember that? What did we see? We watched people as they waited in line for hours, defying death threats just to cast their vote for democracy.

Remember the picture of the woman in the black hair cover flashing her purple finger in the "V" after voting in the first Iraqi elections? It was a breakthrough for democracy, and it was just the beginning.

Remember the recent vote on the referendum when people came out in droves to make their voices heard? You would not have known about it because there was so little mention of it in our press, but the people got out there and they voted and they showed their support for democracy, a new government, hope, and a future.

These people are thirsting for something more. They are risking their lives in the name of a new government, and we must stay the course if we want to foster a stable Iraq and create hope for millions in the Middle East.

Our work is paying off, not just at the ballot box. Remember when we were waking up that Sunday morning in shock as we caught Saddam Hussein cowering in a rathole? He is gone. And you know what? At least 46 of Hussein's 55 most-wanted regime members are either dead or incarcerated. Nationwide, thousands and thousands of police officers have been hired, and nearly 200,000 Iraqi soldiers are trained and serving their country. It is going to take time, but our guys on the ground are working with other nations to make inroads to create leadership and inspire democracy in a country that has only known hate, fear, and death from a ruler.

However, sadly, some here want to embolden the enemy by saying we just cut and run. That is just irresponsible and unconscionable.

I have to ask, what would Iraq be like if the United States pulled out, allowing dangerous people like the head of al Qaeda, Zarqawi, to run the country? What would that mean for the region, the world? Al Qaeda rules with death, fear, terror, and blood. Al Qaeda takes innocent people hostage, and then beheads them, and then brags about it on the Internet. Al Qaeda has no respect for human life. They prey on innocent people to do their dirty work, because they know we do not target schools and hospitals and mosques; yet those are the exact places they run for cover.

Al Qaeda will kidnap loved ones, especially very young children, of people trying to build democracy, to scare them out of helping the country. They are taking kids hostage because parents want a new life and a better life for their children.

The SPEAKER pro tempore (Mr. TERRY). The gentleman's time has expired.

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that the gentleman from Texas (Mr. SAM JOHNSON) be allowed to have 3 more minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas (Mr. JOHNSON) is recognized for 3 additional minutes.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I ask, What part of al Qaeda do you want operating here in America? Al Qaeda is a worldwide organization and a worldwide threat. I do not want any part of this. Americans do not want, need, or deserve al Qaeda. Our troops are over in Iraq fighting not just for our freedom and protection, but the freedom of the world.

We must fight the bad guys over there, not over here. We must support our troops to the hilt so they do not go to bed at night covered in talcum-powder-thin white sand wondering, Does America really support me?

In case people have forgotten, this is the same thing that happened in Vietnam. Peaceniks and people in Congress, and America, started saying bad things about what was going on in Vietnam, and it did a terrible thing to troop morale.

I just pray that our troops and their families can block this noise out and know that we will all fight like mad to make sure our troops have everything they need for as long as they need it to win the global war on terrorism.

Withdrawal is not an option. To our men and women in uniform, I simply say, God bless you. I salute you. All of America salutes our troops.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I stand today in support of H.J. Res. 73, To Redeploy U.S. Forces from Iraq. However, I must also speak to and oppose the cynical resolution offered by Mr. HUNTER. Mr. HUNTER's resolution calling for an immediate withdrawal from Iraq is a political stunt and an outrageous politicization of a serious proposal offered by Congressman JACK MURTHA, a respected leader in the Congress. Mr. HUNTER's resolution shows great disrespect to someone of Mr. MURTHA's stature and is a discredit to his years of service.

From the beginning, this war has been conducted without oversight. Democrats have repeatedly asked for substantive hearings on the war in Iraq. In addition, we have requested investigations on the misuse of intelligence by the Bush administration. War is too important of an issue to politicize the lives of our soldiers. Despite Democrats request for hearings on torture, contract fraud, and the leak of confidential national security information.

It goes without saying that the war in Iraq is not going as advertised. Our troops have become the primary target of the insurgency. They are united against U.S. forces and we have become a catalyst for violence. U.S. troops are the common enemy of the Sunnis, Saddamists and foreign jihadists. I believe with U.S. troop redeployment, the Iraq security forces will be incentivized to take control. A poll recently conducted shows that over 80 percent of Iraqis are strongly opposed to the presence of coalition troops, about 45 percent of the Iraqi population believe attacks against American troops are justified. I believe we need to turn Iraq over to the Iraqis. I believe before the Iraqi elections, scheduled for mid December, the Iraqi people and the emerging government must be put on notice that the United States will immediately redeploy. All of Iraq must know that Iraq is free. Free from United States occupation. I believe this will send a signal to the Sunnis to join the political process for the good of a "free" Iraq.

The U.S. needs to vacate Iraq both to splinter the insurgent factions that have united against us and to create incentives for the Iraqis to take on their own security. Not surprising is the fact that the American people have realized this for months. It is just now that some Democrats and Republicans alike are beginning to express grave concerns about the need for a course change in Iraq. With the administration so unwilling to reconsider its disastrous policies in Iraq, it was only a matter of time that Congress would begin to assert itself. Sadly, in the past week the President and the Vice President have restored to questioning people's patriotism to hide their own mistakes. The administration has no idea as to how to proceed in Iraq and they are wrong to use these "McCarthy-type" tactics.

I strongly support the Murtha Resolution. H.J. Res. 73 gives Americans a moment to pause so we can seriously discuss the future of America and our troops. This is what a democracy stands for. In addition, H.J. Res 73 calls for the:

Immediate redeployment of U.S. troops consistent with the safety of U.S. forces, creation of a quick reaction force in the region, creation of an over-the-horizon presence of marines, diplomatic pursuit of security and stability in Iraq.

Let me close by saying that the Republican cover-up Congress has refused to exercise its oversight responsibilities to protect our troops, the American taxpayers and our national security H. Res. 571 is not a serious response to the serious question of saving the lives of our soldiers. It is time to get serious and support Mr. MURTHA's proposal now for disengagement in Iraq.

Ms. McKINNEY. Mr. Speaker, the Republicans in this House have done a heinous thing: they have insulted one of the deans of this House in an unthinkable and unconscionable way.

They took his words and contorted them; they took his heartfelt sentiments and spun them. They took his resolution and deformed it: in a cheap effort to silence dissent in the House of Representatives.

The Republicans should be roundly criticized for this reprehensible act. They have perpetrated a fraud on the House of Representatives just as they have defrauded the American people.

By twisting the issue around, the Republicans are trying to set a trap for the Democrats. A "no" vote for this Resolution will obscure the fact that there is strong support for withdrawal of U.S. forces from Iraq. I am voting "yes" on this Resolution for an orderly withdrawal of U.S. forces from Iraq despite the convoluted motives behind the Republican Resolution. I am voting to support our troops by bringing them home now in an orderly withdrawal.

Sadly, If we call for an end to the occupation, some say that we have no love for the Iraqi people, that we would abandon them to tyrants and thugs.

Let us consider some history. The Republicans make great hay about Saddam Hussein's use of chemical weapons against the Iranians and the Kurds. But when that attack was made in 1988, it was Democrats who moved a resolution to condemn those attacks, and the Reagan White House quashed the bill in the Senate, because at that time the Republicans considered Saddam one of our own. So in 1988, who abandoned the Iraqi people to tyrants and thugs?

In voting for this bill, let me be perfectly clear that I am not saying the United States should exit Iraq without a plan. I agree with Mr. MURTHA that security and stability in Iraq should be pursued through diplomacy. I simply want to vote yes to an orderly withdrawal from Iraq. And let me explain why.

Prior to its invasion, Iraq had not one (not one!) instance of suicide attacks in its history. Research shows a 100 percent correlation between suicide attacks and the presence of foreign combat troops in a host country. And experience also shows that suicide attacks abate when foreign occupation troops are withdrawn. The U.S. invasion and occupation has destabilized Iraq and Iraq will only return to stability once this occupation ends.

We must be willing to face the fact that the presence of U.S. combat troops is itself a major inspiration to the forces attacking our troops. Moreover, we must be willing to acknowledge that the forces attacking our troops are able to recruit suicide attackers because suicide attacks are largely motivated by revenge for the loss of loved ones. And Iraqis have lost so many loved ones as a result of America's two wars against Iraq.

In 1996, Secretary of State Madeleine Albright said on CBS that the lives of 500,000 children dead from sanctions were "worth the price" of containing Saddam Hussein. When pressed to defend this reprehensible position she went on to explain that she did not want U.S. Troops to have to fight the Gulf War again. Nor did I. But what happened? We fought a second Gulf War. And now over 2,000 American soldiers lie dead. And I expect the voices of concern for Iraqi civilian casualties, whose deaths the Pentagon likes to brush aside as "collateral damage" are too few, indeed. A report from Johns Hopkins suggests that over 100,000 civilians have died in Iraq since the March 2003 invasion, most of them violent deaths and most as "collateral damage" from U.S. forces. The accuracy of the 100,000 can and should be debated. Yet our media, while quick to cover attacks on civilians by insurgent forces in Iraq, have given us a blackout on Iraqi civilian deaths at the hands of U.S. combat forces.

Yet let us remember that the United States and its allies imposed a severe policy of sanctions on the people of Iraq from 1990 to 2003. UNICEF and World Health Organization studies based on infant mortality studies showed a 500,000 increase in mortality of Iraqi children under 5 over trends that existed before sanctions. From this, it was widely assumed that over 1 million Iraqi deaths for all age groups could be attributed to sanctions between 1990 and 1998. And not only were there 5 more years of sanctions before the invasion, but the war since the invasion caused most aid groups to leave Iraq. So for areas not touched by reconstruction efforts, the humanitarian situation has deteriorated further. How many more Iraqi lives have been lost through hunger and deprivation since the occupation?

And what kind of an occupier have we been? We have all seen the photos of victims of U.S. torture in Abu Ghraib prison. That's where Saddam used to send his political enemies to be tortured, and now many Iraqis quietly, cautiously ask: "So what has changed?"

A recent video documentary confirms that U.S. forces used white phosphorous against civilian neighborhoods in the U.S. attack on Fallujah. Civilians and insurgents were burned alive by these weapons. We also now know that U.S. forces have used MK77, a napalm-like incendiary weapon, even though napalm has been outlawed by the United Nations.

With the images of tortured detainees, and the images of Iraqi civilians burned alive by U.S. incendiary weapons now circulating the globe, our reputation on the world stage has been severely damaged.

If America wants to win the hearts and minds of the Iraqi people, we as a people must be willing to face the pain and death and suffering we have brought to the Iraqi people with bombs, sanctions and occupation, even if we believe our actions were driven by the most altruistic of reasons. We must acknowledge our role in enforcing the policy of sanctions for 12 years after the extensive 1991 bombing in which we bombed infrastructure targets in direct violation of the Geneva Conventions.

We must also be ready to face the fact that the United States once provided support for the tyrant we deposed in the name of liberating the Iraqi people. These are events that our soldiers are too young to remember. I believe our young men and women in uniform are very sincere in their belief that their sacrifice is made in the name of helping the Iraqi people. But it is not they who set the policy. They take orders from the Commander-in-Chief and the Congress. It is we who bear the responsibility of weighing our decisions in a historical context, and it is we who must consider the gravest decision of whether or not to go to war based upon the history, the facts, and the truth.

Sadly, however, our country is at war in Iraq based on a lie told to the American people. The entire war was based premised on a sales pitch—that Iraq had weapons of mass destruction menacing the United States—that turned out to be a lie.

I have too many dead soldiers in my district; too many from my home state. Too many homeless veterans on our streets and in our neighborhoods.

America has sacrificed too many young soldiers' lives, too many young soldiers' mangled bodies, to the Bush war machine.

I will not vote to give one more soldier to the George W. Bush/DICK CHENEY war machine. I will not give one more dollar for a war riddled with conspicuous profiteering.

Tonight I speak as one who has at times been the only Member of this Body at antiwar demonstrations calling for withdrawal. And I won't stop calling for withdrawal.

I was opposed to this war before there was a war; I was opposed to the war during the war; and I am opposed to this war now—even though it's supposed to be over.

A vote on war is the single most important vote we can make in this House. I understand the feelings of my colleagues on both sides of the aisle who might be severely conflicted by the decision we have to make here tonight. But the facts of U.S. occupation of Iraq are also very clear. The occupation is headed down a dead end because so long as U.S. combat forces patrol Iraq, there will be an Iraqi insurgency against it.

I urge that we pursue an orderly withdrawal from Iraq and pursue, along with our allies, a diplomatic solution to the situation in Iraq, supporting the aspirations of the Iraqi people through support for democratic processes.

Mr. SHAYS. Mr. Speaker, there is concern on the floor tonight about the way in which this resolution was brought up. The gentleman from Pennsylvania, Mr. MURTHA, is one of the finest members of this body and has given his heart to our nation and his wisdom to this Congress. But underlying concerns about the process tonight, is the critically important issue regarding the future of U.S. involvement in Iraq. The United States' commitment to a stable and democratic Iraq is essential for the future of the region, for the larger war on terrorism and for the Iraqi people.

In my ten trips to Iraq, four times outside the umbrella of the military, I've had the opportunity to speak with hundreds of Iraqis and can tell you with some certainty about their greatest fear . . . It is not the suicide bombs and other terrorist attacks brought against their countrymen. It is the concern that the United States, which has helped give them a taste of freedom and democracy, will leave them before they are ready to fend for themselves.

Tonight we have the opportunity to proclaim, "We will not leave you." When I hear the critics on this floor or in the news media say our policy is a disaster, that we are in a mess in Iraq, I think of the transfer of power in June 2004, the election in January 2005, the referendum this past October and what I believe will be a huge success in December with the election of a permanent Iraqi government. I am in awe of what the Iraqis have accomplished in such a short period of time.

Regretfully, the administration has done a very poor job explaining to the American people why we are there and when and how we intend to leave, but this does not mean we don't have an exit strategy. We have a strategy but regretfully it has had to be amended more than once.

The United States' strategy is to assist the Iraqis in creating a secure environment so they can develop their new democratic government with a competent police, border patrol and army to defend that government. American forces will be reduced when enough Iraqi security forces can take our place and their new government is fully functioning.

Haven't we learned from the 1983 bombing of the marine barracks in Beirut that if we leave without finishing the job those that wish us harm will come at us again?

Didn't we learn any lessons from the attacks against our military personnel in Saudi Arabia and our diplomats in Africa and our sailors on the USS Cole? And didn't we learn that the Islamist extremists would come at us again when they attacked the Twin Towers, the Pentagon and attempted to attack our Capitol on September 11, 2001 ?

Yes they will be back again and again and again.

If we leave Iraq without completing our mission, what type of message will this send to the people who need our help? To them and the rest of the world the message will be clear . . . if you put up a strong enough resistance, the United States will eventually tire of its efforts and leave before its mission is accomplished.

JOHN MCCAIN was correct when he asked the same questions during debate of the Defense Authorization bill: "Are these the messages we wish to send? Do we wish to respond to the millions who braved bombs and threats to vote, who have put their faith and trust in American and the Iraqi Government, that our number one priority is now bringing our people home?"

Mr. Speaker, although some may feel otherwise, this is a serious debate about a serious issue. I strongly urge all members to vote against this resolution and against the premature withdrawal of our troops from Iraq.

Mr. LEACH. Mr. Speaker, today's debate should not be about the character of the gentleman from Pennsylvania, Mr. MURTHA, whose service to his country is above reproach. It should also not be about a resolution introduced by one member ascribing it to the position of another. It should be about the profoundness of the dilemma we face in our Iraqi policy.

All wars evoke analogies to prior conflicts. Vietnam is on everyone's mind. My sense is that references to our Southeast Asian experience are somewhat oblique, but important to ponder. Of particular relevance is the advice of a former Vermont Senator, George Aiken, who suggested we just declare victory and get out of Vietnam. Aiken's advice was rooted in frustration, but wise as it was, represented more spin than reality. Given the strategies in play, victory wasn't close at hand.

For may Americans, including me, the war in Iraq has been difficult to justify. But all Americans, except perhaps a few who may be partisanly vindictive, should want as positive a result as possible, given the circumstances we now face. The decision to go to war may have been misguided and strategies involved in conducting it mistake-ridden; nonetheless there should be clarity of purpose in ending the conflict, with the goal neither to cut and run, nor simply to cut losses. At this junction of involvement we should define cogently our purposes and by so doing create a basis both for a viable future for Iraq and for a U.S. disengagement that respects the sacrifices of those who have served so valiantly in our armed forces and those of our coalition allies.

The key at this point is to recognize the WMD threat proved not to be a compelling rationalization for the war and emphasize instead the moral and philosophical case for overturning a repressive and cruel regime and replacing it with a constitutional democracy. This latter emphasis need not suggest or imply that all repressive regimes are fair game for intervention, nor that regime change is the principal American way, nor that other rationales for intervention don't exist. But it is the case for intervention that shows the most concern for the Iraqi people as they look both to their past and to the new challenges of Al Qaeda.

Accordingly, in today's circumstances, my advice, as one who voted against authorizing military intervention in Iraq, is for the Administration to emphasize its commentment to democracy, not as a rationale for continuing the war, but as the reason for disengagement.

Let me amplify.

All Americans, however wary they may be of the political judgments that have to date been made, should concur that the world is better off without Saddam Hussein and that it is positive that a dictatorial regime is being replaced with a democratically elected government. The cost of the undertaking may have been too high and the results counter-productive in many ways, but before the international situation worsens further, the administration would be wise, perhaps noting with pride the elections to be held under a constitution this December, to announce that a new sovereign circumstance allows for comprehensive troop drawdowns next year. The more definitive and forthright the plan the better, but announcing a precise time table is less important than making a firm commitment to leave, with articulation of a clear rationale for so doing. If we don't get out of Iraq at a time of our own choosing and on our own terms, we will eventually be asked to leave, possibly ignominiously, by the Iraqi government, or be seen as forced to leave because of terrorist acts, which can be expected to continue as long as we maintain a military presence in the heart of the Muslim world. The key is that we must control and be seen as controlling our own fate.

All Americans should be respectful of the sacrifices of our men and women in uniform. They have been placed in an untenable situation. If they had not been so heroic and in many cases so helpful in rebuilding neighborhoods and schools, the U.S. would face a far more difficult dilemma today.

But we have no choice except to assess whether Osama Bin Laden and his movement have not been given added momentum by our intervention in Iraq, and whether the ideologically advocated policy of establishing long-term bases or one of returning our troops home is likely to be the more effective strategy in prevailing in the world-wide war on terror.

Here, it should not be hard to understand that prolonged occupation of a country which encompasses an area of land where one of the world's oldest civilizations prospered is humiliating to a proud people and those elsewhere who share its great religion. It should also not be hard to understand that the neocon strategy of establishing a long-term military presence in Iraq with semi-permanent bases raises the risk of retaliatory terrorist attacks at home and abroad.

Indeed, according to the University of Chicago scholar, Robert Pape, in his definitive book on suicide bombers, Dying to Win, the principal reason anarchists choose to wrap themselves in explosives and kill innocent civilians is to register martyred objection to the occupation of countries or territories by the armed forces of Western or other Democratic governments. Suicide bombing, by implication, will exist as long as occupations continue.

In this regard, a note about Al Qaeda is in order. Just as neither Iraq with its secular leanings nor any Iraqis were responsible for 9/11, so Saddam Hussein apparently considered Osama Bin Laden as much a rival as a soul brother. It is Western military intervention that has precipitated Al Qaeda's rapid growth in Iraq and elsewhere, creating a "cause celebre" for its singularly malevolent actions. If American withdrawal policy comes to turn on the question of anarchy—i.e., troops can't be drawn down as long as suicide bombers continue to wreak havoc—we place ourselves in a catch 22 and, in effect, hand over decision-making discretion to those who wantonly kill. We allow the radical few to use our presence as the reason for their actions and at the same time cause our involvement to be held hostage to their villainy. The irony is that as conflicted as the Iraqi police and army appear to be, we are fast reaching a stage where the anarchists may be more credibly dealth with by Iraqis themselves, particularly if the principal rationale for violence—i.e., the American presence—disappears.

Hence, the case for a change in strategy is compelling, not as the resolution under consideration tonight envisions, but in an orderly manner, protecting our troops, our values and the gains we have helped make for the Iraqi people.

Sometimes it is as difficult to know when to end as it is when to start a war. In this context I am hard pressed to believe anything except that a mistake of historical proportions will occur if the administration fails to recognize the opportunity presented by next month's elections to effectively bring our involvement in this war to a close. It may be true as the Secretary of State told the Senate several weeks ago, that democratic elections alone don't create a viable government. But the assertion of the Secretary, however valid, should not be used as a rationale for an unending American occupation.

It is possible, of course that civil strife will ensue when we withdraw, but this is just as likely to be the case in 2026 as 2006. In any regard, civil union is for the Iraqi people to manage. It's not for American troops to sustain. The authorization this Congress gave to the Executive to use force contemplated the clear prospect of military intervention in Iraq. It did not, however, contemplate prolonged occupation. If this is not understood by the Executive branch, the current overwhelming Iraqi polling sentiment favoring American troop withdrawal will be more than matched by shared American sentiment. In a democracy no one can be a leader without followers.

The issue is no longer, as is so frequently asserted, the need "to stay the course;" it is to avoid "overstaying" our presence.

Mrs. WILSON of New Mexico. Mr. Speaker, just last month, the Iraqi people, including large numbers of Sunni Iraqis, voted in a referendum on their Constitution. The Iraqi people are choosing to participate in the political process that can eventually undermine support for the indigenous insurgency in Iraq.

The next step in building Iraq's political future is elections in December under this new, completely Iraqi Constitution. Broad participation in these elections will continue to build political momentum for a new self-governing Iraq at peace with its neighbors.

While the political process moves forward, the United States and its allies must continue to train Iraqi police and security forces so that week by week, month by month, more neighborhoods, towns and provinces are patrolled and controlled by Iraqis.

We must also continue to conduct military operations against insurgents and foreign fighters in Iraq, particularly al Qaeda in Iraq. There are still difficult days ahead and much work to be done—much of it done by our men and women in the military.

I expect U.S. forces will continue to stay in Iraq through December's elections at roughly their current level. But as I've said, if political and security progress continues on roughly the course we are on, American forces should be able to start being drawn down in significant numbers during the course of next year. These redeployments should be based on conditions in the field. As the Iraqis stand up, we can stand down.

After September 11, 2001, we made a decision to play offense in fighting the war on terror, to track down enemies who would kill Americans and give them no place to hide. Our troops are doing a fantastic job, and terrorists know they have no hope of defeating our troops in the field. They know that the center of gravity in their fight is to undermine the will of the American people.

I would rather have American soldiers hunting down terrorists over there, than have American firefighters and police officers responding to attacks here at home.

Mr. RYAN of Wisconsin. Mr. Speaker, our military men and women are doing a tremendous job in Iraq, as they work with Iraqis to secure their country and combat the terrorists who want so desperately to prevent freedom from taking root there. Our troops deserve to hear messages of strong support and thanks from us—not calls for withdrawal that merely give hope to the enemy. Given a chance, the Iraqi military and political system will become strong enough to defend the Iraqi people on its own. But pulling our troops out now would undermine this goal and provide an opening for al Qaeda and its terrorist brethren.

I disagree wholeheartedly with those who claim our presence there is counterproductive and those who argue that it would be best to bring America's troops home before their mission is completed. Iraq and its people have made great strides, most recently with their free vote on a constitution. But all their progress and our troops' blood and sweat will be for nothing if our forces withdrawal before Iraq's own forces are ready to defend the country.

All of us want to see our soldiers come home, but it would be a huge mistake to make their withdrawal based on an arbitrary date, rather than conditions-based. So many of our servicemen and women have sacrificed so much to ensure that Iraq does not become a haven for terrorists, and we have to make sure that mission is accomplished and that their sacrifice has not been in vain. Pulling our troops out now is akin to surrender and would be a fateful blunder.

Mr. DICKS. Mr. Speaker, the debate over this fraudulent resolution is a sad comment on the level of debate in the House of Representatives and an insult to a colleague of ours who has dedicated his career in the House to improving our national defense and supporting American soldiers, sailors and Air Force personnel. No one in this body can or should challenge the patriotism of Congressman JACK MURTHA, who is a decorated veteran who spent 37 years in the United States Marine Corps and whose experience in uniform has helped to shape his informed views on national security here in Congress. When he expressed his personal and thoughtful views on the future of our Nation's involvement in the war in Iraq he was subjected to a barrage of personal criticism that was truly excessive, including an official statement from the President's Press Secretary that trivialized the very nature of our congressional debate over a very important subject.

Today the Chairman of the House Armed Services Committee, usually a thoughtful Member himself, took it upon himself to introduce a caricature of a resolution that totally ignores many of the important points that Mr. MURTHA originally suggested, and it makes a mockery of the process of honest and open debate in the House of Representatives. It is difficult for me to remember a time when serious issues of national security have ever been treated with such disdain here in the House, and I am extremely disappointed in the Republican leadership of the House that has allowed this circus atmosphere to take place today.

Even more astounding to me is that the House is rushing through a rule to consider this Resolution today with the explanation that it is ostensibly a debate over the war in Iraq. Nothing could be further from the truth. We have not had an honest debate on the war in Iraq here in the House even as we have seen more than 2,000 young American die in battle. We have not had an honest debate over the quality of information that we were given before the start of the war, or about the inability of Secretary Rumsfeld and the Bush Administration to give us any serious indication of our current objectives or a time line for the ultimate re-deployment of American troops out of Iraq. I would welcome such an honest and thorough debate, as I am sure all of my colleagues in the Democratic party would. But what we are doing today is a politically motivated exercise that insults that integrity and cheapens the reputation of the House itself.

There are many troubling aspects of our involvement in Iraq that we should be debating, including the discovery just this week that some of the Iraqi security forces that we are training—paying for—were engaged in the same type of torture of Iraqi citizens that characterized the reign of Saddam Hussein himself.

What we should not be doing is considering a disingenuous resolution that is merely intended to elicit sound bites for conservative talk radio shows and which is a thinly-veiled attempt to insult one of the most courageous and dedicated members of the House, Mr. MURTHA. We can do better, Mr. Speaker, and we should resoundingly reject this measure.

Mr. STEARNS. Mr. Speaker, my colleague from Pennsylvania, Mr. MURTHA said yesterday that "our military has done everything that has been asked of them, the U.S. cannot accomplish anything further in Iraq militarily. It is time to bring them home." I know Mr. MURTHA to be a man of honor and integrity and I am sure he is sincere in his belief that there is not more to accomplish and we must immediately withdraw our troops. I could not disagree more with his assessment.

We must stay in Iraq to finish the job and leave with honor. To cut and run now and leave with our tail between our legs would send the message to terrorists around the world that America has lost its will to win the War on Terrorism. This would merely embolden our terrorist enemies and lead to open season on America and our allies. We cannot allow this to happen. We must stay the course in Iraq and finish the job. The stakes are too high to fail.

Throughout American history, we have been tested in times of war many times. But virtually every time, we stayed the course and prevailed.

We did not experience quick victory in the American Revolution. In fact, it took our Founding Fathers years to win our hard-fought independence. We were defeated at the Battles of Long Island, Harlem Heights, White Plains and others, and we will never forget the dark days at Valley Forge, yet we did not give up our desire for freedom.

And let's not forget in World War II, where we suffered rapid and repeated defeats at Guam, Wake Island, the Philippines and Kasserine Pass.

But when General Douglas Macarthur was forced to leave the Philippines, he did not say, "We should have an immediate withdraw of all American troops." Instead, he uttered the immortal words: "I shall return."

And we aren't even losing in Iraq! We are winning, and making a difference. Because of our intervention in Iraq, a murderous dictator and a totalitarian regime have been overthrown, free elections have been held, and a new constitution has been drafted and ratified.

This is an important and emotional debate. When to send our servicemen and women to war and when to bring them home is perhaps the most difficult decision we as Member face. I have been to Iraq and everybody I met was enthusiastic, about doing their job and helping the Iraqi people.

We must fight this temptation to set an artificial timetable as to when we bring our troops home. All this will do is allow the terrorists time to regroup and lay in wait until we leave. But do not take my word for it. Take the word of a top American commander in Iraq who called setting a deadline for troop withdrawal "a recipe for disaster."

Army Maj. Gen. William Webster, whose 3rd Infantry Division is responsible for security in three-fourths of Iraq's capital said "Setting a date would mean that the 221 soldiers I've lost this year, that their lives will have been lost in vain. Iraq's armed factions would likely take a cue from a timetable for a U.S. withdrawal to lie low, gathering their strength and laying plans for renewed conflict when the Americans leave."

Gen. Webster went on to say "They believe they're doing the right thing. The soldiers believe they're helping."

My colleagues on the other side of the aisle have been saying that the war in Iraq has been a dismal failure and a mistake. Let me ask them, is it a sign failure that our troops have vaccinated over 3 million children under 5 to help these children fight polio. Or that we screened more than 1.3 million children under age 5 for malnutrition.

Was it a mistake to rehabilitate almost 3,000 schools? What about the 36,000 secondary school teachers and administrators, including 1000 master trainers, that have been trained by the Iraqis with the United States' help? These teachers are going to start teaching in a way that gives freedom to the children.

I ask my friends on the other side of the aisle once again, would you say accomplishing all of this constitutes failure? The millions of Iraqi men, women and children who no longer live under a brutal dictator would not think so.

We must continue to fight the terrorists and secure Iraq as a stable, secure democracy. We are making a great deal of progress on the democracy front as well. The approval of Iraq's constitution on October 15 was a historic day for Iraq and a bad day for terrorists. Millions of Iraqis turned out to vote, embracing the democratic process. Iraq now has a constitution.

On the day of the referendum, there were no suicide bombings, and attacks on polling stations were down from 108 in January to 19 in October. Sixty percent of registered voters took part in the referendum. Significantly higher turnout in Sunni a further indication that Sunnis are joining the political process.

Mr. Speaker, we are at a crossroads in Iraq. Do we cut and run or do we stay and finish the job? There is too much at stake to immediately pull out. All we would be doing is strengthening the terrorists. We must finish the job. We must stay the course and leave with honor. I urge a "no" vote on this resolution.

Mr. MORAN of Virginia. Mr. Speaker, the unspoken inevitability we face is that U.S. troops will eventually leave Iraq.

Eighty percent of Iraqis want us to leave now. They now see us as occupiers, not liberators.

American politicians say we must save Iraqis from an even more violent civil war.

But that civil war is underway because of the American presence. It is fueling Sunni hostility toward Shia collaborators.

If the American forces weren't there, Iraqi Shia security forces would no longer be serving the interests of foreign infidels against other fellow Iraqis. It would open the door to the reenlistments of many of the best trained and experienced former Iraqi military and police professionals.

The preponderance of power now lies with the Shia and the Kurds. The Sunni fighters have only small arms and make-shift explosive devices. The insurgents don't have access to Saddam's tanks and helicopters.

Furthermore, we have equipped the Shia and Kurds with much superior weaponry and they are vastly superior in number.

If the Americans end their occupation, the insurgents' resistance will lose its purpose.

The foreign jihadi element in Iraq is numerically insignificant. The vast bulk of the resistance has little connection to al-Qaeda or its offshoots. The colonel in charge of cleaning out the insurgency in Tall Afar said they were fighting foreign jihadi fighters coming in from Syria. Yet, when they interrogated the more than a thousand captives, not one—not one was a foreigner—all were native Iraqi insurgents.

But al Zarqawi and his followers have benefited mightily from this misguided war because he is being given credit by American politicians for heading the resistance. We, in America, have been his best recruiting aid.

But what Zarqawi and al-Qaeda want is wholly different from what the Sunni insurgents want. Zarqawi wants to see a Muslim caliphate and a violent struggle against Christian and Jewish infidels around the world until Judgment Day.

The Sunni insurgents want an independent Iraq that will enable them to regain the wealth and power they experienced under Saddam.

Foreign fighters will be harshly treated by Iraqis once American troops leave. The jihadists need a failed state to function. That's why they were not in Iraq until we entered Iraq and broke up the effective, albeit horribly repressive government of Saddam Hussein.

Mr. KOLBE. Mr. Speaker, I rise today to speak in opposition to H. Res. 571, and to urge my colleagues—in the strongest possible terms—to vote against this resolution. As with other members who have risen here today, I also served in our military. I'm a veteran of the United States Navy, and served one year in the Vietnam War on swift boats. But, Mr. Speaker, I do not stand before you tonight and suggest that past military service is a requirement for one to have a credible opinion on this important issue. All Americans have a right to be heard on this matter—and should be heard.

Mr. Speaker, with all my heart and with all my mind, I believe that to pull our troops from Iraq immediately would send a clear and unmistakable message to every potential enemy worldwide that the United States has no backbone, no willingness to see a tough struggle through to the end. It would be a message to our allies that the United States does not honor its commitments. And it would send a message to the families of every member of the armed forces selflessly serving to defend our liberties, especially those who have paid the ultimate sacrifice that their service, their sacrifice, has been in vain.

Look to our past history: In the face of relentless opposition from abroad and ever here at home, the United States honored its commitments to Germany, Japan, and South Korea after World War II and the Korean War. Today they are our strongest allies. On the other hand, Osama bin Laden himself wrote that evidence of the United States' weakness could be found in our departures from Vietnam, Beirut, and Mogadishu. "The United States is a paper tiger," he was saying. "Smack them in the face and they run."

To pull our troops from Iraq immediately would be an abrogation of our responsibilities in the world.

History will not define this great nation by our decision to enter Iraq—it will define us by how we leave Iraq.

Whether or not you supported the decision to go to war against Iraq in the first place, we have an obligation to leave Iraq a safer, freer country than it was under Sadam Hussein. Spreading freedom and liberty is not something America has ever avoided, nor should it.

I urge my colleagues to vote against this resolution.

Mr. OWENS. Mr. Speaker, the definition of "immediate termination of United States forces in Iraq" must mean the following as set forth by Representative JOHN MURTHA:

> "My plan calls:
>
> —To immediately redeploy U.S. troops consistent with the safety of U.S. forces.
>
> —To create a quick reaction force in the region.
>
> —To create over-the-horizon presence of Marines.
>
> —To diplomatically pursue security and stability in Iraq.

You may call this a position, a program, or an exit strategy but this is the Murtha message which set in motion the current proceedings on the floor of the House of Representatives. This is the declaration heard from Representative MURTHA by the American people and around the world. By all standards of decency and by popular decree the Republican leadership is mandated to respect the precedent setting language of this most detailed of all proposals for new and creative action in Iraq.

For this reason I urge all of my colleagues to examine closely the resolution before us. "That the deployment of United States forces in Iraq be terminated immediately." In view of the fact that the wording of this resolution distorts the plan set forth by Congressman MURTHA, I urge all Members to condemn this dirty trick by voting "present."

Ms. SCHAKOWSKY. Mr. Speaker, my colleagues, there is nothing—nothing—more serious that we will do in our lives as well as our careers than to send young American men and women to war. And there is no one in this body who understands the consequences of that decision more than JACK MURTHA who served 37 years in the Marines, won two Purple Hearts in battle, and loves without reservation our soldiers in uniform.

Over 2,070 Americans and tens of thousands of civilian Iraqis are dead, thousands more are horribly injured in this war that many of us believe to be completely unjustified. Yet the House Republicans are so morally bankrupt that they would turn to cheap political stunts in order to undercut Congressman MURTHA's conscience-driven call for an end to the Iraq war, which he calls "a flawed policy wrapped in illusion."

But there is not a person in this House who is man or woman enough to ever undercut the credibility of JACK MURTHA, no matter how many accusations they may throw at him, no matter how many names they call him, and no matter how many "clever" tactics they try.

Shame on the Republican leaders for thinking it's ok to turn this war into a game and Representative MURTHA into a political football. Shame on the Speaker for accusing JACK MURTHA of insulting and demoralizing our troops. Mr. MURTHA, this decorated war hero, is right when he says "what demoralizes them is going to war with not enough troops and equipment to make the transition to peace; the devastation caused by IEDs; being deployed to Iraq when their homes have been ravaged by hurricanes; being on their second or third deployment and leaving their families behind without a network of support."

The Republicans don't demean Mr. MURTHA, can't begin to demean Mr. MURTHA, when they make baseless allegations and engage in pointless political stunts. They demean themselves and they demean the integrity of this House of Representatives. Shame on you.

I support JACK MURTHA's resolution to stop sending our soldiers to die in Iraq. I support him when he says, "It is time to bring them home." The proper response from those who disagree with this revered Marine would be to have a serious discussion about how we got into Iraq, about the conduct of the war, and about how we get out. Instead we see the typical slash-and-burn personal attacks that are the mainstay of the Republicans, especially when they know they are wrong. And you are wrong.

But you are no longer fooling the American people. In overwhelming numbers they think it was a mistake to go to war in Iraq; they think the Bush Administration mishandled the war; they don't trust the President to tell the truth; and they don't support this war. On the eve of Thanksgiving, even as our troops are doing their very best far from home and family, the Republicans have chosen to pull a cheap, demeaning political stunt. Shame on you.

Mr. VAN HOLLEN. Mr. Speaker, we went to war in Iraq in an irresponsible way; we should leave Iraq in a responsible way.

The Administration's slogan of "stay the course" is not a strategy. More of the same is unacceptable. We must change course. The Bush Administration has tried to stifle debate here at home by shamelessly challenging the patriotism of those who question their approach. The time has come for a serious debate on this issue of utmost importance to the American people. We should bring our troops home as quickly and safely as possible. But bringing our troops home is only part of a successful strategy for leaving Iraq. We must redeploy our troops in a way that does not unleash even more bloodshed and killing in Iraq, and does not create a vacuum that will be exploited by Al Queda and terrorist elements.

Our nation went to war in Iraq based on false information and gross distortions of the facts made by President Bush and others in his Administration. Before the invasion, a number of us gave speeches on the floor of this House outlining the dangers of going to war in Iraq. The Bush Administration and the Congress chose to disregard the warnings that were raised by many people who had experience on foreign policy issues regarding the Persian Gulf region.

We have made many mistakes during the war, but many of the results of our invasion were predictable. As I said on this floor prior to the war:

"The President has presented a utopian vision of democracy breaking out in the Middle East after we invade Iraq. It is just as easy to imagine a scenario where difficulties in Iraq and the American action there fuel resentment toward occupying American troops and inflame the region against us, strengthening the hands of radical Islamic fundamentalists and making it more difficult to promote democracy and other U.S. goals in the region."

Now, more than two and half years after the invasion of Iraq, those predictions have unfortunately proved true. The Administration utterly failed to understand the dynamics and history of Iraq. They failed to understand the opening that Sunni grievances and old rivalries would give to our enemies, to Al Queda and others. The Administration built its actions on a foundation of sand—on rosy scenarios and wishful thinking. We never had a plan to deal with the forces we were unleashing in Iraq and we are dealing with the consequences now. There have been over 2,079 confirmed American deaths in Iraq. Over 15,500 have been seriously injured. There have been reports of at least 30,000 Iraqi civilian deaths.

Having invaded Iraq, the United States has a moral and national security obligation to do everything possible to prevent the situation from spiraling even farther out of control. We must devise a plan to leave Iraq in a way that maximizes the chances for stability and minimizes the possibilities of a full scale civil war erupting.

The insurgency today consists primarily of former Baathists who lost their grip on power and who fear for their future security in a country dominated by the Shia. They have resorted to a bloody campaign of terrorist attacks to prevent the establishment of a central government. The Bush Administration has failed to develop a political strategy that will end the violence.

This conflict will not be resolved by military force. It requires a diplomatic and political solution. Any resolution must address the Sunni fears that are feeding much of the violence. At the same time, any resolution must recognize the facts on the ground—the Kurds will never again allow themselves to be victimized by a central government in Bagdhad and the Shia, by virtue of their majority status, will never again allow themselves to be dominated by others.

The Bush Administration's efforts to achieve a political solution have been grossly inadequate. However, the prospects for a political and diplomatic resolution are less likely in the face of a total immediate withdrawal of U.S. forces from Iraq. The more likely result would be a surge in killings of innocent Iraqis as different groups compete for power in the vacuum left by the immediate and total departure of American forces. That bloodshed would be a great stain on our nation and a terrible blow to our already shattered credibility. Moreover, just as the precipitous U.S. disengagement from Afghanistan following the Soviet withdrawal from that country opened the door to the Taliban regime, the immediate and total withdrawal of U.S. forces from Iraq—without a political plan in place—would most benefit extremist and terrorist groups.

Our strategy for leaving Iraq must also recognize that Iraq's neighbors—Iran, Turkey and Syria—all have strong interests in the future of Iraq. Our plan must ensure that the United Nations and the international community will work to prevent others from exploiting the situation in Iraq at the expense of the Iraqi people and the security of the region and the United States.

The Senate Democrats, under the leadership of Senators HARRY REID and CARL LEVIN have proposed a path for bringing our troops home in an orderly way that minimizes the likelihood of an outbreak of a full scale civil war in Iraq.

In the aftermath of the terrible attacks of September 11, 2001, the world rallied to our side. The international community supported our decision to go into Afghanistan to root out Al Queda. The Bush Administration squandered that international good will. Instead, it began a war of choice against Iraq. As many predicted before the invasion, that war has fueled the ranks of Al Queda and strengthened the jihadists. We must not compound the blunders of the Bush Administration by creating the conditions for even more bloodshed in Iraq and allowing it to become a haven and launching pad for terrorist activities.

This Congress has not had a serious debate on Iraq. Instead, the Republican leadership in this House has worked to hide from the American people the gross incompetence of the Bush Administration's policies on Iraq. The time is long overdue for us to have a serious discussion on this issue of the greatest importance to the American people. Our troops and their families deserve no less.

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise in support of a colleague, a friend and someone whose judgment I respect. JOHN MURTHA had seen a lot of battles before he came to Congress. A decorated Vietnam Veteran with two Purple Hearts, a Bronze Star in 37 years of service in the Marines.

I did not know him then, but I know him now. He is a Member who carries with him a full life lived, a perspective shaped by experience and understanding. He has accrued wisdom, which is seldom seen in a person who carries it in such a dignified and unassuming manner.

He was one of the first gentlemen of the House to support the "Women In Military Service For America Memorial." I asked him for his support on this project, but I did not have to explain it. He understood the contributions women and other minorities have made in the military. He takes a comprehensive and inclusive view of situations. This man's actions define who he is. I find this refreshing. He speaks from a position of knowledge. I say this because tonight we are debating a severely amended version of the Murtha Resolution.

If we are going to seriously debate the war in Iraq, we must do so in the scope that represents the full spectrum of the American people. This resolution tonight is not the debate the American people have asked for or need to hear. The American people want a comprehensive and inclusive debate that reflects the complexity of the situation our country finds itself in.

While agreeing with the Murtha Resolution, I do so primarily because he has given this situation great thought and because I trust that the author had every intent of fully debating his resolution whether members agreed to it or not—and is willing to listen constructively. We should follow his lead on opening up this debate—not smothering it. Mr. Speaker, I ask that on this Friday night before we adjourn for the Thanksgiving season to be with family and mends to give thanks, let us give dignity to a true debate about this war in Iraq.

The American people deserve better.

Mr. RANGEL. Mr. Speaker, I rise today with a heavy heart to enter into the CONGRESSIONAL RECORD my observations regarding the shameless acts of the Republicans who have hijacked the House of Representatives and have become so arrogant, so deaf to any voices but their own they do not hear the voices of the American people. My friend and colleague, JOHN MURTHA, a true American patriot and decorated Marine Corps veteran of Vietnam combat, spoke from his heart yesterday on behalf of those he cares most about: the men and women wearing the uniform of the United States of America and the people of this country he has served all his life.

Congressman JOHN MURTHA, the leading Democrat on the House Appropriations Committee's defense committee, reached a point where he felt this country's continued occupation of Iraq was a source of the violence in Iraq. Congressman MURTHA had the courage to do what few have been able to do. He faced the people at a press conference and described how he had come to the conclusion that: "The United States and coalition troops have done all they can in Iraq, but it is time for a change in direction. Our military is suffering. The future of our country is at risk. We can not continue on the present course. It is evident that continued military action in Iraq is not in the best interests of the United States of America, the Iraqi people or the Persian Gulf Region."

Congressman MURTHA supported his conclusions by the now familiar truths we know. The reasons we were given for going to war were all false. There were no weapons of mass destruction and no nuclear weapons; there was no imminent danger. We were not welcomed by flowers in Baghdad. We had not brought Democracy in Iraq. Congressman MURTHA cited the key indicators in order to assess the "progress" of Iraq. According to reports recently submitted to his committee by the Secretary of Defense, Congressman MURTHA learned some disturbing news. "Oil production and energy in Iraq are below prewar levels. Our reconstruction efforts have been crippled by the security situation. Only $9 billion appropriated for reconstruction has been spent. Unemployment remains at about 60 percent. Clean water is scarce. Only $500 million of the $2.2 billion appropriated for water projects has been spent. And most importantly, insurgent incidents have increased from about 150 per week to over 700 per week in the last year."

Congressman MURTHA pointed out that the American people do not want us in Iraq. A British poll found that 80 percent of Iraqis do not want us occupying their country. Of the 80 percent of the Iraqis who don't want us in Iraq, 44 percent felt attacks on Americans were justified. Drawing on his experience in Vietnam, Congressman MURTHA said there is no way to win a war with insurgents when the people tell the insurgents what moves you are going to take.

Congressman MURTHA repeated what he has been saying. The war in Iraq cannot be won militarily. The administration is now saying the same thing. Congressman MURTHA stated that our military has done its duty, but the war continues to intensify.

Congressman MURTHA'S proposal was not to "cut and run" as the Republicans have said. His proposal provides for re-deployment from Iraq, the safety of our troops, and a rapid deployment force to deal with any genuine terrorist threat in the region.

To equate a criticism of the President's failed policy with a lack of support of our troops is beneath contempt. It is appalling to see the President, the Vice President, and Secretary Rumsfeld smear JOHN MURTHA with accusations of cowardice.

I think Congressman MURTHA said it just right when he was asked at his press conference yesterday how he felt about Vice President CHENEY'S attempt to tell him what was good for the troops. He said he welcomed a man with five deferments attempting to tell him what was good for troops in battle. It was easy, MURTHA said, to sit in air-conditioned offices, and decide what the troops were going to do, but our soldiers have it very hard in Iraq. Very hard. When a man with the combat record of Congressman MURTHA talks about men and women in battle, I think he deserves to be heard.

Instead, the President blasted him from as far away as China. And today, the Republican House leadership pulled one of their dirtiest tricks. The Republicans introduced and put up for a vote a mockery of the Murtha Resolution, with no discussion, no consideration in committee and no input from the American people. It was a calculated move by Republicans designed to make it appear to the American people that MURTHA'S reasonable resolution was a proposal to undermine the troops.

With this move, Republicans made a mockery of the people's House and the people's wishes. They smeared an American hero and a man who cares about the military and his country. The leadership of the Republican House of Representatives, acting in lock step with a failed President is perpetuating, in JOHN MURTHA'S words, a "failed policy wrapped in an illusion."

Mr. LANGEVIN. Mr. Speaker, I rise this evening in opposition to this resolution calling for an immediate withdrawal of U.S. troops from Iraq. It is a shame that some members of the House leadership have decided to turn one of the most pressing issues facing our Nation into a political stunt.

This resolution is not offered in good faith; it is a blatant effort to confront, to embarrass, and to chide anyone who has legitimate questions about how this war is being prosecuted. It is cynical and mean-spirited, and most tragically, it is a disservice to our troops who are serving valiantly and sacrificing their lives every day to accomplish the mission they were given.

Our Nation's future role in Iraq is a serious matter that affects the lives of all Americans. Consequently, the American public have legitimate questions—not necessarily about the value of our mission there, but about how we expect to achieve our goals. They want to know what victory will look like, the steps we will take to get there, and the appropriate time for our forces to leave safely. Our soldiers, sailors, airmen and marines, their families here at home, and all Americans deserve those answers.

Yesterday, my friend and colleague, JACK MURTHA, a patriot and a decorated veteran, attempted to start that dialogue. However, instead of having a frank discussion about the potential consequences of immediate troop withdrawal or addressing the burning questions in the minds of most Americans, the Republican leadership disingenuously twisted Mr. MURTHA's words, making a mockery of the democratic principles that we hope to instill throughout the world.

Article I, Section 8 of the Constitution grants Congress the right to oversee the operations of the military. As a member of the House Armed Services Committee, it is a responsibility I take very seriously. Instead of seeking a plan for victory, the Republican leadership has given the American people silence and the status quo. If we do not endeavor to provide the answers that so many demand, we will have failed in our responsibilities.

I urge my colleagues to vote against this resolution and to demonstrate that we will not play politics on an issue of such magnitude.

Mr. DEFAZIO. Mr. Speaker, I have been in Congress for nearly 20 years. And in all that tie, I don't think I have ever been more ashamed of the House of Representatives than I am today.

Deciding issues of war and peace should be one of the most solemn obligations we confront in Congress. Instead, what is going on today is pure political gamesmanship. Such gamesmanship demeans the sacrifice of our men and women in uniform, demeans our country's tradition of democratic debate, and is a total abdication of our responsibilities as Members of Congress. Rather than holding vigorous oversight hearings and having a full, open and honest discussion about the future of U.S. involvement in Iraq, the Republican leadership has rushed a resolution to the floor today that deliberately mischaracterizes the views of many Democrats, including the honorable Representative JACK MURTHA, a decorated marine who served in both Korea and Vietnam, who have called for a safe and orderly withdrawal of U.S. troops over the next six months to a year.

Instead of debating the merits of the ongoing occupation of Iraq and the White House's lack of an exit strategy, the White House and the Republican leadership in Congress have viciously attacked the integrity of both Republican and Democratic critics of the administration's Iraq war policies. Senator HAGEL, a Republican from Nebraska, was so outraged by such character assassination that he said recently, "The Bush administration must understand that each American has a right to question our policies in Iraq and should not be demonized for disagreeing with them. Suggesting that to challenge or criticize policy is undermining and hurting our troops is not democracy nor what this country has stood for, for over 200 years . . . Vietnam was a national tragedy partly because Members of Congress failed their country, remained silent and lacked the courage to challenge the Administrations in power until it was too late . . . To question your government is not unpatriotic—to not question your government is unpatriotic."

It is particularly galling when individuals like DICK CHENEY, who has never served a day in the military, let alone been shot at by enemy soldiers on behalf of our country, questions the integrity of genuine heroes like Representative MURTHA.

Let me be clear, I have not supported an immediate withdrawal from Iraq. But, I do believe that in the wake of the December parliamentary elections in Iraq that the U.S. should negotiate a timeline with the new Iraqi government for the withdrawal of U.S. troops next year.

I was heartened when millions of Iraqis, even at risk of life and limb, voted in late January to establish an interim government and constitutional assembly and again in October in support of a new Constitution. I wrote to President Bush just after the January election, suggesting that the U.S. negotiate a timeline for a phased withdrawal of U.S. troops with the newly elected government. I felt it would be an ideal time to signal to the Iraqi people in a concrete way that the U.S. has no long-term designs on their country. While the President ignored my advice earlier this year, I renew my call and ask that following the December elections in Iraq, the U.S. negotiate a timeline to withdraw from Iraq next year.

While some have argued that announcing a timeline for withdrawal would undermine our troops and allow the insurgents to wait us out, I disagree.

Negotiating a timeline for withdrawal with the Iraqi government elected next month would show that democracy ended the U.S. occupation of Iraq, not terrorist or insurgent violence, and would allow our troops to come home with honor.

Announcing the termination of the open-ended U.S. military commitment in Iraq and providing a concrete plan, including a timeline negotiated with the Iraqi government, for withdrawal could also undermine support for insurgents who have stoked the wide variety of grievances of ordinary Iraqis arising from the occupation to generate popular support for their cause. Most importantly, establishing a withdrawal plan and timeline would remove one of the chief causes of instability in Iraq, the occupation itself, by separating nationalist Iraqi insurgents trying to end the occupation, both Sunni and Shia, from foreign elements in Iraq for their own reasons. To the extent that a specific withdrawal plan, with benchmarks for measuring success in stabilizing Iraq, would turn Iraqis, both Sunni and Shia, against the foreign terrorists operating in Iraq, it could be a key turning point in stabilizing the country. Remember, the insurgency is made up of two primary camps—nationalist Sunnis and foreign terrorists. These two camps have different motivations and different goals.

A timeline and withdrawal plan negotiated with the Iraqi government would also boost the Iraqi government's legitimacy and claim to self-rule and would force the Iraqi government to take responsibility for itself and its citizens.

Just as importantly, a specific plan and timeline for withdrawal would provide much needed relief to over-burdened military personnel and their families and provide some certainty to U.S. taxpayers regarding the ultimate financial burden they'll be forced to bear.

A plan for withdrawal could also help the United States in our broader fight against Islamic extremists with global ambitions, most notably al-Qaeda, by taking away a recruiting tool and training ground. Porter Goss, the Director of the Central Intelligence Agency, testified to Congress earlier this year that, "Islamic extremists are exploiting the Iraqi conflict to recruit new anti-U.S. jihadists. These jihadists who survive will leave Iraq experienced and focused on acts of urban terrorism." He went on to say, "The Iraq conflict, while not a cause of extremism, has become a cause for extremists." And, the Commander of U.S. forces in Iraq, General George Casey, testified to Congress earlier this year that "the perception of occupation in Iraq is a major driving force behind the insurgency. "

Finally, establishing a firm timeline for withdrawal could accelerate the development of Iraqi security forces and deepen their commitment to defending their own country and their own government by eliminating the conflicted feelings they now feel by working with an occupying force. It would allow them to be defending a sovereign Iraqi government, rather than fighting on the side of an occupation force.

The House should be debating this important issue and strategies for moving forward in Iraq instead of politically motivated straw man resolutions.

Mr. CANTOR. Mr. Speaker, I want our troops home as soon as anyone here, but I will not let the sacrifices of those who will never come home from Iraq and Afghanistan be wasted or forgotten.

Our brave men and women went to battle to bring freedom to Iraq and Afghanistan, and to take the fight to the terrorists so that we do not have to fight them here at home. This is a fight for the free world. It is a fight that we must win, and it is a fight that we will win only when we support our troops.

Let us work across the aisle to help them succeed and get them home safely, and let us honor their sacrifice by continuing to support their vital mission.

Mrs. CAPPS. Mr. Speaker, I rise in disgust at the level of cynicism that is represented by this resolution.

This exercise by the House Republican leadership is about as un-American and contemptuous as it gets.

I support Mr. MURTHA's resolution to bring about an end to U.S. operations in Iraq in—and I quote—"at the earliest practicable date."

The resolution before us is not about that.

This resolution is a blatant political effort to make it look like the President's Iraq policy has broad support in Congress and among the public—which it obviously does not.

Worse, it transforms the sacrifice of our brave troops into crass political exercise.

Mr. Speaker, I have opposed this war from the beginning.

I wasn't convinced of the need for it and deeply concerned about the potential fallout that it could precipitate.

Sadly, many of my concerns have been borne out, as nearly 2,100 brave Americans have lost their lives and many thousands more have been wounded.

Today, the insurgency continues unabated and now Iraq is a hotbed of terrorist activity.

We are less secure today than before we invaded.

As a result, America's position and influence in the world have suffered greatly in the process.

I believe it is long past time that the administration produce an exit strategy for Iraq and am deeply disappointed that all we have seen is more of the same arrogance and incompetence that got us here in the first place.

I am not surprised by Representative MURTHA's statement yesterday.

Mr. MURTHA's distinguished military career, and his decades of public service, have given him a level of expertise on defense issues virtually unparalleled in today's Congress.

He understands the troops and their leadership, and the challenges faced by the military in times of war and peace far better than most.

I am sure his announcement is the result of long and careful consideration and demands the attention of all thinking Americans.

I am shocked, but not surprised, by the shameful response of some of my Republican colleagues in Congress and by officials in the White House who have sought to besmirch Mr. MURTHA's motivations and accumen.

Today's action by the House leadership is more of the same—an attempt to smear a man of honor who commits the unpardonable sin of disagreeing with them.

Fortunately, I know that as time goes on Mr. MURTHA's call for a serious reassessment of our position in Iraq will be recognized as thoughtful analysis of a policy in deep trouble and need for change.

I only hope that President Bush and his administration will discover that truth before more lives are lost in this very tragic situation.

Speaker J. DENNIS HASTERT declared: "MURTHA and Democratic leaders have adopted a policy of cut and run. They would prefer that the United States surrender to the terrorists who would harm innocent Americans. To add insult to injury, this is done while the President is on foreign soil."

Majority Leader ROY BLUNT informed MURTHA that his views "only embolden our enemies" and lamented that "Democrats undermine our troops in Iraq from the security of their Washington, DC, offices."

At a rival news conference called four hours after MURTHA's appearance, Representative J.D. HAYWORTH, who like HASTERT and BLUNT does not have military service on his résumé, alerted the 73-year-old MURTHA that "the American people are made of sterner stuff." And Representative JOHN CARTER said the likes of MURTHA want to take "the cowardly way out and say, 'We're going to surrender.'"

The White House accused a senior House Democrat—and a decorated Vietnam veteran—who called for a swift withdrawal from Iraq of advocating surrender, comparing him to anti-war filmmaker Michael Moore.

In a broadside issued Thursday night, Bush spokesman Scott McClellan said that it is "baffling that [Pennsylvania Representative JOHN MURTHA] is endorsing the policy positions of Michael Moore and the extreme liberal wing of the Democratic party."

MURTHA, whose brand of hawkishness has never been qualified by the word "chicken," was expecting the attacks. "I like guys who've never been there to criticize us who've been there. I like that," the burly old marine said, hands in pocket. Referring to Vice President CHENEY, he continued: "I like guys who got five deferments and never been there, and send people to war, and then don't like to hear suggestions about what needs to be done."

Mr. CARDIN. Mr. Speaker, tonight I am disappointed by the limitation placed on debate on the U.S. role in Iraq.

Congress needs to have a real and meaningful debate on the future role of the U.S. military in Iraq as we approach the third anniversary of our invasion of Iraq. Congress should take seriously its obligation to oversee our military forces.

I voted against giving the President the authority to go to war in Iraq. I have been an outspoken critic of the President's handling and planning for the Iraq War, and have criticized both the pre-war intelligence used by the President and the failure of the President to plan a realistic transition from a dictatorship to a democracy in Iraq with our allies.

I commend the Senate for the debate it had this week in which real policy options were reviewed in a serious and responsible manner. I agree that 2006 should be a period of significant transition to full Iraqi sovereignty, and that Iraqi security forces must take the lead in protecting its citizens. U.S. military forces should not stay in Iraq any longer than required, and Congress must insist on measurable benchmarks for bringing our troops home.

Our soldiers have paid the heaviest price in Iraq: thousands are dead, and tens of thousands are wounded. The American taxpayer has already invested hundreds of billions of dollars. Mr. Speaker, our soldiers deserve better than the resolution we are considering this evening. The American people deserve a Congress that will give serious consideration to how we can safely bring our soldiers home.

Mrs. LOWEY. Mr. Speaker, I rise in opposition to this resolution, which is nothing more than an effort to politicize one of the most serious policy issues facing the United States today. It is nothing more than an effort to disguise—in a cloak of partisan rhetoric—the fact that our Iraq policy is failing.

The facts are clear: Even as our brave men and women in uniform have done their best, the Administration has failed at every turn to execute the war in Iraq competently. The President rushed to war based on false and faulty intelligence against the protests of the vast majority of our allies. Warnings from U.S. commanders about troop levels and equipment went unheeded, haphazard decisions were made at the earliest stages which seriously damaged our efforts to restore peace and security in Iraq. Our troops have become targets of an ever-strengthening insurgency. This Administration's horrendous judgment has put us in an untenable situation—damaging our ability to deal with other emerging threats around the world and threatening the stability of the Middle East.

The solution to Iraq's problems will be political in nature, not military. The various factions in Iraq need to come together to decide what shape the future of their country will take and to execute that decision. Every diplomatic avenue must be pursued to engage the international community in bringing stability and security to Iraq and reconstructing critical infrastructure. We must assure the Iraqi people that we do not intend to stay in Iraq indefinitely, and that we will redeploy troops in a way that assures their safety and on a schedule pegged to successes in security force training and other criteria. Iraqi security forces must take control of their own country as soon as they are able.

This redeployment must be carried out in a way that does not leave Iraq as a playground for Iran, Syria, and al-Qaeda. It must be carried out at the earliest possible time we are reasonably assured that the conditions exist to ensure redeployment will leave U.S. interests in the Middle East and around the world more, rather than less, secure.

Mr. Speaker, hasty decision-making is what got us into this mess in the first place. The war in Iraq, and the men and women in uniform who are fighting the war, deserve more than ad hoc, 11th-hour debates over political power plays. I urge my colleagues to oppose the resolution.

Mrs. DAVIS of California. Mr. Speaker, this Republican withdrawal resolution was drafted in haste.

No matter how you felt about getting into this war, our kids are there now. They're in the middle of harm's way, right now. As many thousands of families, friends and loved ones can tell you—they've been over there a long time.

I'm a member of the Armed Services Committee. I voted against going to war with Iraq without exhausting all our diplomatic efforts. But here we are. We didn't do that.

I've been to Iraq. I've sat through scores of hearings on Iraq. I've spoken to the Secretary of Defense. I've spoken with our military commanders. Like everyone here tonight, I've lost sleep over it. I've given it a lot of thought. I know my colleagues have too. I know that.

Let's calm down for a second. Let's look at the choice before us tonight.

On one hand, House Republican DUNCAN HUNTER is asking us to withdraw our troops immediately without protection or support. On the other hand, the White House is asking us just to keep our troops on the same course.

I can't choose either of these options in good conscience. Honestly, I don't see how any of us can.

To put it simply, we have more options than "all or nothing" here tonight.

We should be looking for the "better course" not the "same course."

There is no military solution to Iraq. We've got to look to diplomacy and joint civilian-military efforts. This war has demonstrated the need for trained civilian professionals who can provide continuity and hand-in-glove partnerships with Iraqi citizens.

Everywhere I've gone and everyone I've talked to has cited the need for this.

It was obvious early on that the future of Iraq depends on Iraqis. And yet, the administration is only now beginning to place an emphasis on training Iraq's own security forces.

James Fallows of the Atlantic Monthly wrote recently, "an orderly exit from Iraq depends on the development of a viable Iraqi security force. But the Iraqis aren't even close. The Bush administration doesn't take the problem seriously—and it never has."

We have other options besides this draconian resolution. It's too bad we're not able to have hearings on those. It's too bad we're not able to consider these other options tonight.

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, I rise today in strong support of the men and women who are so bravely serving our country in Iraq and around the world.

Our best and bravest continue to perform selflessly and admirably. We owe them our deepest respect and appreciation.

We also have an obligation to provide them, and the American people, with a clear set of objectives, a comprehensive strategy to achieve these objectives, and a roadmap to return home once these objectives are achieved. But, the Bush Administration has not done this.

My colleagues, people all across the country, Republicans and Democrats, want to know why our intelligence was wrong. They want to know why our troops don't have the necessary body armor. They want to know what our objectives are and what progress has been made in achieving them. And, they want to know what concrete steps must be taken to achieve troop withdrawals.

Yet, the Administration's only response to these legitimate questions is to criticize those that ask them as unpatriotic and provide the empty rhetoric of "stay the course". This is irresponsible, morally reprehensible and shameful—to our troops, to the American people, and to our democracy. It demoralizes our mission and is a direct challenge to the freedom and liberty that so many of our troops have fought and died for.

It is Congress's fundamental responsibility to investigate whether faulty intelligence led us to war; to provide our troops with the necessary training, equipment, and supplies; and to ensure that our nation has a clearly defined strategy to achieve success in Iraq and provide for the return of our troops.

Mr. Speaker, it is time that Congress fulfills our obligations. Our troops have shown time and time again that when presented with a challenge, they will achieve it. They have done their part; it is time we do our part.

Mr. HOLT. Mr. Speaker, I rise today in opposition to the sham piece of legislation before us. It is not designed to express the will of the House on Iraq. It is a political stunt intended to avoid a deeply serious, much-needed debate on the most pressing issue facing our country today.

Yesterday, the gentleman from Pennsylvania, Mr. MURTHA, introduced a resolution calling for the redeployment of American forces from Iraq. The resolution would require us to maintain a sizeable quick reaction force in the region, and to reinvigorate our diplomatic efforts to bring about peace and security for the Iraqi people by truly internationalizing our efforts there.

The gentleman from Pennsylvania, Mr. MURTHA, has correctly observed that at present, our policy in Iraq "is a flawed policy wrapped in illusion," and that we cannot continue on this present course, because to do so is to court disaster. Based on visits to Iraq, discussion with military leaders there and in Washington, he said that the continued presence of our troops does not advance our security nor that of Iraq. He also said that the American people are way out in front of the Congress on this issue. In all of these things, he spoke the truth.

But in the eyes of the majority and the Bush White House, the gentleman's resolution is, in the words of White House spokesman Scott McClellan "a surrender to the terrorists." They have accused him—as they have others who dare to question their failed policy in Iraq—of being unpatriotic. Sadly, this is a tactic we have seen before. But it is deeply corrosive and it must stop. Every American has the right to question their leaders, period.

There is a reason the majority and the President don't want to be questioned about Iraq. There are several reasons, in fact. This war was started based on faulty and misrepresented intelligence. It has been prosecuted without the number of troops or the amount of equipment that was known to be necessary before it started. And today, it continues without broad international cooperation or an exit strategy. Answering questions about any and all of these is admittedly difficult. But hiding from the answers is not only cowardly, it is irresponsible. I too have visited our troops in Iraq, and they are best served if we face the truth—with the humility that come from recognizing their valor, dedication, and sacrifice.

As the gentleman from Pennsylvania has said, things are not going as advertised in Iraq, and the American people know it. Three years of mistakes and even falsehoods—about the threat Saddam posed, about the ease of total victory, about how Iraqi oil would pay for reconstruction, about the cost to America's military and budget, among others—have finally caught up with this Administration and the Congressional leadership. The gentleman from Pennsylvania offers a plan for getting us out of Iraq strategically, methodically, and successfully. It outlines a way forward for our country to deal with the number one moral and political issue confronting our nation today. We should be debating his proposal, not mocking it.

Meeting the challenge that faces us in Iraq requires courage and honesty. The actions of the majority show neither today. I am sorely disappointed that they have chosen to act so irresponsibly.

Mr. MCDERMOTT. Mr. Speaker, there has never been a time like this in America's history.

Never before has a full-scale assault been launched on Americans who offer a different point of view about the policies of an administration, especially when it concerns a war on foreign soil.

Almost 3 years ago, I went to Iraq as part of a humanitarian delegation. When I said in response to a media question that the President would mislead America into war, the White House immediately launched a relentless attack on me. They spared no political or public relations weapon, surrogate or ploy, in their attempt to silence me.

Republicans, at the direction of the White House, launched a full-scale assault on me, because they feared what might happen if the American people actually had an opportunity to consider an alternative point of view. If they could shout me down, they could silence anyone's question about the evidence before waging war.

In the last 24 hours, a similar campaign has been launched against Representative JOHN MURTHA of Pennsylvania. Here is an esteemed Member of Congress, a decorated combat veteran, a conservative known for his strong stand on defense, and the Republicans and their cronies launch an offensive that, itself, is offensive.

Representative JOHN MURTHA stood up yesterday and spoke on behalf of the American people. He called for the deployment of U.S. soldiers out of Iraq, beginning immediately. He called for a diplomatic solution. And Republicans and their surrogates have called him every foul and offensive name imaginable.

The conduct of the Republican Party and its surrogates is despicable, but it is out in the open for the first time. Now, the American people understand the lengths to which the Republican Party will go to silence dissent in America. Now, the American people know that there is a war being fought in America over the war in Iraq.

The American people are demanding an end to the presence of U.S. soldiers in Iraq because the American people know there is no such thing as a military victory in an urban, guerilla warfare. There is only occupation, and the American people want no part of that flawed and futile mission.

The American people overwhelming want a solution for Iraq that is negotiated by diplomats from the Arab world, not dictated by a President from the western world.

Representative JOHN MURTHA has set forth a plan that resonates with the American people, and that's what frightens the White House. Therefore, the attacks will not stop unless and until Republicans can silence dissent in America.

There is a plan now for winning the peace in Iraq. It may have been submitted by a Member of Congress, but it is the voice and will of the American people. The American people get it: You are not strong on defense, by strong arming a defenseless—and senseless—war.

I support the Murtha plan to win the peace in Iraq.

Mr. UDALL of New Mexico. Mr. Speaker, for over 2 years, the Bush administration has failed to offer the American people a truthful and meaningful dialogue on the war in Iraq. We have lost thousands of troops and we have spent billions of dollars, and yet the President refuses to offer a credible strategy for success. The President has misled the public and he refuses to acknowledge the truth of the reality in Iraq.

Hundreds of Members of Congress and millions of Americans have voiced very serious and very real concerns with the decisions being made by the White House. Although I voted against the war, once the President took us to war, I have supported the men and women in uniform who are serving our Nation. However, I continue to believe that unless we have a clear strategy, we will continue to see the loss of American lives in Iraq with no end in sight.

Unfortunately, today, instead of having a legitimate debate about strategy and consequences, the majority has chosen to waste the time of this body and the American people by bringing forth a blatantly political resolution that is difficult to take seriously. My colleague from Pennsylvania, a Vietnam veteran decorated with two Purple Hearts and a Member of the House for three decades, Mr. MURTHA, yesterday offered a well thought out, principled resolution calling for the redeployment of the forces in Iraq at the "earliest practicable date." In addition, despite what some in the majority have characterized during today's debate as cutting and running, Mr. MURTHA's resolution calls for a continued military presence in the region through the deployment of a quick-reaction force and an over-the-horizon presence of U.S. Marines. Also, the resolution states that the U.S. shall continue to pursue security and stability in Iraq through diplomatic means.

It is important to note that the word "immediate" does not appear anywhere in Mr. MURTHA's resolution. Yet we find ourselves today debating a resolution introduced by the chair of the House Armed Services Committee that calls for the "immediate withdrawal" of American troops. The fact that this was introduced by the House Armed Services Committee and the fact that he along with colleagues in the majority will be voting against his own resolution demonstrates not only the lack of clear ideas from their side of the aisle but also a lack of willingness to have a true debate.

Today, the majority once again shunned their responsibility in having an open debate on the war in Iraq, and instead they and the President continue to attack those who disagree with them by questioning their patriotism. Rather than engaging in an open dialogue to debate the issue, the majority chose to engage in personal destruction and politicized the issue by voicing empty rhetoric. They chose to question the patriotism of those who have served in uniform and who have honorably served their country. And they chose to continue to hide from the American public the facts of this war.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, on November 17, 2005, my distinguished colleague from Pennsylvania, Mr. MURTHA, the ranking Democrat on the Defense Appropriations Subcommittee—a 27 year Marine and a veteran of 3 tours in Vietnam—announced that he was introducing a resolution that was meant to stimulate a thoughtful and profound debate on how we salvage a failed policy in Iraq.

Recently, a Texas soldier became the 2,000th member of the U.S. armed forces to die in Iraq since the conflict there began in March 2003. Like any milestone, the death of that soldier is an occasion to look back and see what lessons can be learned from our country's bitter sacrifice in Iraq over the past 2½ years. One such lesson, underlined anew by the continuing deaths of Americans and Iraqis, is the need to limit our country's commitment to Iraq.

Instead of creating a significant dialogue on this issue, Republican leadership has chosen to divide this House by generating phony, cynical, political, outrageously tricky and sneaky maneuvers like this.

Mr. Speaker, too often, so many of my colleagues are reluctant to challenge this Administration's policies in Iraq for fear that anything other than staying the course will somehow appear weak. But the President's course is misguided, and it is doing grave damage to our extraordinarily professional and globally admired all-volunteer United States Army. To stand by while this damage is done is not patriotic. It is not supportive. It is not tough on terrorism, or strong on national security.

Because I am proud of our men and women in uniform, and because I am committed to working with all of my colleagues to make this country more secure, I am convinced that we must change our course and I commend Mr. MURTHA for standing up for what is right.

Ms. WOOLSEY. Mr. Speaker, what the Republicans have done today is nothing more than a cheap political trick . . . a clever but appallingly undemocratic way for the Republican majority to trash an honorable American—and decorated war veteran—simply because he disagrees with them on the war in Iraq.

Yet, no one should be surprised. My 5-year old grandson could have written this tired script: whenever a Democrat criticizes a Republican policy, they attack your character and question your patriotism.

And while we're on the subject, let's just ask: what is more patriotic than opposing an unjust war? What is more patriotic than trying to save the lives of America's soldiers? What is more patriotic than questioning the Bush Administration's failed Iraq policy?

The American people deserve better than this. They deserve a thorough and substantive debate on the war and a debate on the Murtha resolution . . . not a bill that can't be amended and has been brought to the House floor for purely political reasons.

Mr. Speaker, a group of Democrats has written a discharge petition to bring the Homeward Bound legislation, H. J. Res. 55, to the House floor.

The discharge petition will allow 17 hours of debate on this vitally important issue. And, in sharp contrast to the bill the Republicans introduced today, it would be brought up under an open rule that allows amendments to be introduced to the bill.

The fact that the other party refuses to have this debate—and the insults that have been hurled at Mr. MURTHA over the last 24 hours—are an affront to our very democracy. I urge my colleagues on the other side to repudiate these appalling tactics and hold a real debate on this issue.

Mr. FRELINGHUYSEN. Mr. Speaker, I support the rule and oppose the underlying resolution.

Calling for an immediate withdrawal, or even a detailed planned phased withdrawal, from Iraq is a recipe for disaster, a dangerous defense policy, the wrong message for our soldiers and Marines who are truly doing the 'work of freedom.'

Frankly, I am concerned that such talk will only embolden the terrorists and demoralize our warfighters—those who put their lives on the line, literally every day.

Domestic politics should not trump our promises to the people of Iraq and Afghanistan that we would be loyal to their aspirations for freedom—that we would see them through the difficult steps of constituting a new government, laying the groundwork for free elections.

Our only 'exit strategy' from Iraq should be victory. Anything less than that virtually guarantees the next battleground may be closer to home!"

Mr. Speaker, we have to choose where we want to fight the global war on terrorism—in Iraq and Afghanistan or on Main Street in America.

And we must never forget that it is our brave young warfighters—men and women of the Army, Marines, Navy and Air Force—who are taking the fight to the terrorists overseas!

They are all volunteers—doing the unheralded work of rebuilding shattered nations.

If not for their service, Saddam Hussein would still be in power with all his trappings—the secret police, the torture chambers, the mass graveyards. God bless these young people.

If not for their service, Iraq would be a nation engulfed in civil war or in the hands of fanatical terrorists.

The targets of these terrorists are more often than not other Muslims—worshippers at Friday prayers inside their mosque slaughtered by suicide bombers—today—and moderate Muslims who reject their extremist views and work to provide for their families, run businesses or serve in the government. Indeed, the terrorists' victims include thousands of Muslims in Iraq—many killed simply because they've chosen to be free.

Mr. Speaker, with our support, the Iraqis have made great progress. They established an interim government. They elected members of a constitutional conference. They've drafted a constitution and conducted a referendum to endorse that constitution. And in 3 weeks, they will hold a full-fledged parliamentary election.

None of this would have been possible without the contribution of our young warfighters.

Of course, at times like these, we are reminded that freedom is not free. America has paid a heavy price.

Many of us visit soldiers at Walter Reed Army Medical Center and the Bethesda Naval Medical Center on a regular basis. Many of us have attended painful funerals and comforted grieving families. Time and again, those families of wounded soldiers speak proudly of their loved ones' service in Iraq—their humanitarian efforts to protect the innocent, rebuild schools and hospitals, repair the infrastructure of a civil society.

Let's support our troops—and their families. And let's applaud their service and heroism.

I urge adoption of this rule and the underlying resolution.

Mr. ALLEN. Mr. Speaker, the Republican leadership today demonstrates that they have no sense of decency left. No question before Congress requires a more measured, thoughtful discussion than matters of war and peace. Our national security and the lives of our soldiers, sailors, airmen and marines depend on our ability to fulfill our constitutional responsibilities with dignity and respect.

That measured, thoughtful discussion will not occur today, because the Republican leadership does not want it to occur. They want a quick vote, with limited debate, on a same-day resolution that they hope will divide Democrats. They have taken Representative JACK MURTHA's proposal, rewritten to make it irresponsible, and brought it to the floor for a vote.

Almost everything we were told by the advocates of invading Iraq before the war has turned out to be false. This administration and its congressional allies hyped the threat and manipulated American intelligence about Iraq's nuclear program and its alleged connection to al Qaeda.

Today, there is only one question about our occupation of Iraq. It weighs on the minds of almost all Americans, especially those with loved ones in the military. That question is, simply, when and under what conditions will we withdraw our troops and bring them home?

Opinions differ. After 2½ years, over 2,000 deaths and 15,000 wounded, millions of Americans and many Members of Congress believe it is time for us to start the process of withdrawal from Iraq. Some believe in a date certain for beginning or completing the withdrawal. Some believe our withdrawal should be tied to achievement of certain benchmarks of progress. President Bush appears to believe that only total "victory over the terrorists," whatever that is, would justify withdrawal.

The historic task of this Congress in foreign policy is to participate in a constructive debate that will inform the decisions of the administration and others.

The Republican leadership has dishonored the people's House by foregoing debate on alternatives, not just debate but hearings, in favor of bringing one resolution to the floor in the hope of dividing critics of the administration's "stay the course" war strategy.

I voted against giving President Bush the authority to invade Iraq without building a broad international coalition and obtaining explicit U.N. authority. I did not believe he would do anything, given the authority from Congress, but rush to war. And that is what he did.

No Member of Congress is more respected or more knowledgeable about the American military than JACK MURTHA of Pennsylvania. His statement yesterday calling for withdrawal of our troops from Iraq, including his conviction that we cannot accomplish more militarily, deserves thoughtful consideration. He will not get that today.

Instead, JACK MURTHA, decorated Marine, distinguished Member of Congress, has been vilified by the Speaker of this House, who wrongly accused him of adopting "a policy of cut and run" and preferring that "the United States surrender to the terrorists." The White House spokesman accused Mr. MURTHA of endorsing "Michael Moore and the extreme liberal wing of the Democratic Party."

I doubt that JACK MURTHA knows Michael Moore, and no one here that I know ever called him a liberal. We call him Mr. MURTHA because he is one tough Marine.

If I were the author of his resolution, I would have written it somewhat differently. I would have called for the withdrawal of American forces to begin next year and be concluded except for a very small training force of advisors in 2007. We cannot allow Iraq to become a failed state where al Qaeda forces can be trained with impunity. Therefore, some rapid reaction force in the region, as JACK MURTHA suggested, should be available.

But on the big picture, JACK MURTHA is right. Our troops have become not only the targets of the insurgents, but the inspiration for the insurgency. Political success for the Iraqi government and people is still possible, but it will have to be won largely by political means. The Administration is, as he said, pursuing "a flawed policy wrapped in illusion."

The Republican Leadership has rigged this debate to serve their own political interests. I believe that the Murtha resolution calling for withdrawal is the right policy going forward, though we should continue to debate timing and benchmarks. A vote against the Murtha resolution, if it were offered, could be interpreted as support for the Administration's flawed and failed "stay the course" policy.

JACK MURTHA is on the right track. The President is not. Our national security and the lives and well-being of our troops depend on changing course, not doing the same old thing in Iraq.

If the Murtha Resolution had been brought to the floor today, I would have voted in favor of it.

Ms. BERKLEY. Mr. Speaker, I voted to give President Bush the authority to go into Iraq. I'm not on the left; I'm not on the right. I'm on the side of our country and I'm on the side of our troops. I can't imagine why the Republicans have brought this Bush-Hunter resolution to the floor. How does this help our troops serving in Iraq? How does this help make our Nation safer?

For the past two years, the Republicans have taken any criticism of this war and labeled it as unpatriotic and as an attack on our troops. Criticizing the way the war has been prosecuted—criticizing the way it has been bungled—is not unpatriotic. It is the ultimate act of patriotism.

JOHN MURTHA is a 37-year veteran of the Marine Corps. He served in Vietnam. He was awarded the bronze star. He received two purple hearts. Now Mr. MURTHA has provoked an important debate—one we should be having in this body. Mr. MURTHA has the right to have these ideas discussed. Our troops have the right to have these ideas discussed. The American public has the right to have these ideas discussed.

We send young men and women to war. We are responsible for them. We must be diligent in our oversight. That's our duty.

What we are doing here tonight is a waste of time and does a tremendous disservice to our troops. Talk about patriotism—this is not patriotism. This is a cheap political stunt and an affront to those serving our Nation so far from home.

The President wants to stay the course. What does that mean? 700 attacks a week against our troops; no winning strategy; no plan; no end in sight.

Let us not embarrass ourselves any further, and vote against the Hunter resolution.

Ms. LEE. Mr. Speaker, I am disgusted by the course of events today. As the daughter of a veteran of two wars I am offended and outraged by this personal assault on decorated war veteran Congressman JOHN MURTHA.

Mr. Speaker, the Republican majority has lost any sense of decorum or decency. Their abuse of power is obscene. There will be a reckoning though. Because the American people want accountability, not more Republican cover-ups. The American people want honesty, not more misleading and manipulation. They want to end this unnecessary and senseless war, not a policy of 'stay the course' that has no goals, no benchmarks, no plans, and no end.

The Republican majority's effort in distorting and politicizing the resolution offered by a decorated war veteran is nothing short of despicable. The reality is that these are desperate actions by a desperate majority and a desperate administration. This last minute effort isn't about a debate on the issues the Murtha resolution raises. It isn't about how intelligence was misused by the administration. But it should be. It isn't about how we are going to bring our troops home. But it should be. This resolution is just about politics.

I support the Murtha resolution and this is not the Murtha resolution. Reject this cynical and disgraceful stunt from a party devoid of ideas on ending the war in Iraq and how to safely bring our troops home. I urge my colleagues to vote "no" on the rule and "no" on the resolution.

Mr. POMEROY. Mr. Speaker, today's House debate on Iraq was sharply partisan and not what our soldiers deserve. Our future course in Iraq must be determined thoughtfully and strategically. The partisan shouting match that broke out was unnecessarily launched by House leaders who rushed to the floor a flawed resolution which was more of a political stunt than a serious reflection of views in the Congress.

Our brave soldiers have put their lives on the line in serving in Iraq. Each of them deserves so much more from Congress by way of effective leadership than the shrill squabbling that broke out on the House floor today. We need to come together on an exit strategy for our soldiers based upon the transition of security to the Iraqis themselves in order to give the new democratic government of the people of Iraq a fair chance of success.

It is my hope the partisan screamers holding forth on the House floor today would lower their voices, travel to the area, learn as much as possible and then participate constructively in the difficult decisions we face on Iraq.

Ms. MATSUI. Mr. Speaker, the U.S. House of Representatives is sinking to a new low today. What is happening on the floor is not intended to be an open and honest debate on our policy in Iraq. It is about the politics of personal destruction—a swift-boat attack by Congressional Republicans on a 37-year veteran of the Marine Corps for giving his honest assessment about the situation in Iraq.

Republicans will try to claim—falsely—that this is about an idea, not a person—but everyone here in this room—whether or not they will admit it—knows the truth of what is going on today. This is about changing the subject and dodging responsibility. House Republicans are exposed and embarrassed by the Senate's recent vote to demand benchmarks from the White House. The President refuses to level with the American people on Iraq, or present his ideas, and apparently House Republicans are of the same mind. They would rather tear someone down.

Our troops—putting their lives on the line—deserve better from this country. Today is clearly not about these brave men and women. It is about political attacks.

JACK MURTHA is one of the most respected members of the U.S. Congress on U.S. military policy—an expertise he has built from his first-hand knowledge of military and defense issues. He is a 37-year veteran of the Marine Corps, who retired at the rank of colonel in 1990. He is one of the most respected members of the U.S. Congress on the U.S. military, on a bipartisan basis. To question JACK MURTHA'S commitment—his patriotism to this nation—or our troops is ludicrous. No one has been as devoted as JACK to our men and women in the military—he's made weekly visits to Walter Reed, visits to Iraq and has poured over the Defense Department's own assessments of the situation on the ground in Iraq.

I will vote against the GOP's characterization of Congressman MURTHA'S opinions on Iraq, because I cannot support personal, political attacks and I believe that we should have a free and open debate on this issue.

Mr. STARK. Mr. Speaker, I rise in strong opposition to this Republican stunt and their efforts to embarrass a decorated Vietnam War Veteran.

Yesterday, Congressman JOHN MURTHA, a Democrat with impeccable military credentials and an honored military record, suggested that U.S. troops leave Iraq at the earliest practicable date. Today, I cosponsored that resolution. His knowledgeable and respected voice joins the loud and clear pleas of the Out of Iraq Caucus—of which I am a proud member. His voice joins former generals, intelligence officers, Presidents, and mothers and fathers across America who know that we are mired in a war that cannot be won and to truly honor our troops, we need to bring them home.

Unfortunately, tonight the Republican leadership refused to bring Mr. Murtha's resolution to a vote. I can only presume because Mr. Murtha's resolution made too much sense. Instead, the Republican leadership is offering a sham-resolution in an attempt to embarrass and insult a member of Congress who has served his country nobly in uniform—something most of our colleagues on the other side of the aisle know nothing about.

Perhaps the Republican Leadership's time would be better spent in an effort to finish the business of this country instead of wasting hours attempting to besmirch the record of a decorated Vietnam War Veteran and demagogue an issue that demands honest consideration.

Mr. THOMPSON of California. Mr. Speaker, I served in a war during which too many national leaders played too much politics. Tonight is a disgraceful period in the history of our great country and this House of Representatives.

To wage a political war against one of the greatest military champions Congress has known is no less than unpatriotic. Advocates of this measure are cheapening the job our brave men and women serving in Iraq are doing; the men and women putting their lives on the line to serve our country.

Mr. Speaker, those who dreamed up this strategy are derelict in their duties, absent without leave from their duty station; and people I wouldn't want to share a foxhole with.

Ms. MOORE of Wisconsin. Mr. Speaker, H. Res. 571 completely dishonors our troops by politicizing an issue that deserves careful deliberation. The GOP leadership of this body has brought this counterfeit legislation to the floor not to benefit our brave men and women in uniform, but to score cheap political points.

I fully support legitimate initiatives which present a thoughtful strategy for withdrawing our troops from Iraq in a manner that secures their safety and Iraq's future. I am a cosponsor of two resolutions which would support this urgent objective. Yet this phony bill chooses politics over policy at the expense of real debate on a critical national issue.

Over 2,000 troops have been killed and over 15,500 have been seriously wounded. Reports indicate that at least 30,000 Iraqi civilians have lost their lives due to this conflict. It is a sad day for this country when, in response to this crucial issue, the best the GOP leadership can do is resort to backhanded political stunts.

Mr. BLUMENAUER. Mr. Speaker, three years ago, I argued against the Bush Administration's proposal to attack Iraq for the very reasons we have seen emerge from this troubled region. We were prepared to defeat Saddam Hussein's military but the administration and congressional leaders were never prepared to win the peace.

Not only was the premise for the war flawed, but the administration has made the wrong military, political, and diplomatic choices at every turn. The members of our armed services make up the finest fighting force in the world and they have done their duty with great distinction and honor, yet the administration has failed them as well.

I take no satisfaction in my worst fears having been proven correct. The administration's spectacular failures in executing this war have set back our efforts against terrorism and left America with no good options in Iraq. But, as our military is being not just frayed but damaged and Iraq faces increasingly difficult prospects for democracy and stability, staying the course is simply not an option.

Until now, I have resisted advocating for an accelerated pullout because of my fear of the downward spiral that could occur in the aftermath. Yet this is a question that must be faced sooner rather than later, and it's hard to imagine a policy that would be more destabilizing than the administration's current mismanagement of the war effort and continued estrangement from reality.

There is no longer any basis for the hope that a sustained American military occupation will stabilize Iraq. Instead, we continue to lose credibility and influence in the region and with our allies, as well as strengthen the hands of those extremists who wish to do us harm. Even many of those who initially supported military action have come to admit that the administration's strategy has failed and that a large United States military presence inhibits the development of a stable and democratic Iraq. Iraqis in key positions are arguing for at least some withdrawal of US. forces. Most telling is a recent poll of Iraqis themselves, commissioned by the British Ministry of Defense, which showed that 82 percent of Iraqis were "strongly opposed" to the presence of foreign troops and less than 1 percent believe the their presence is helping to improve security.

Iraq's future depends on creating a secure space for politics and the rule of law to replace violence. This is a process at which only Iraqis themselves can succeed, with America and the international community playing a supporting role. Elections scheduled for December provide the perfect opportunity to begin the withdrawal of American troops, a refocused U.S. effort, and transfer of responsibility to Iraqis.

American forces should be redeployed out of Iraq in two phases. First, let's bring the 46,000 National Guard and Reserve forces home immediately. These elements in our total force have been most overburdened by ever-increasing deployments and are most needed here in the United States.

Continued U.S. aid and military support must be tied to performance objectives for the Iraqi government and military. On that basis, the rest of the American forces should be withdrawn over the next one to two years, based on a detailed plan for the sector by sector transfer of security responsibility. The majority of these troops should be brought home. Others should be redeployed to Afghanistan to create a larger security footprint and help prevent the reemergence of the Taliban. A small rapid-reaction force should be left in Kuwait that can protect against any destabilizing coups.

The administration must reengage diplomatically by seeking a new United Nations resolution that supports international efforts to stabilize Iraq and by beginning a regional security dialogue with Iraq's neighbors. We should also work with the Arab League to facilitate a renewed effort towards a political solution within Iraq by engaging with nationalist faction leaders who might be a force for stability in that country if U.S. troops were withdrawn.

We must also change the nature of our economic assistance. By shifting reconstruction aid to Iraq away from large projects undertaken by foreign contractors towards small, locally oriented projects run by Iraqis, we create jobs, give Iraqis a greater investment in their success, and minimize corruption and price-gouging.

President Bush's model of "go it alone, do it cheap, and put it on a credit card" has not only led to grave instability in Iraq, it is crippling our ability to deal with the more serious strategic threats, from Iran and North Korea to a terrorist movement that we have inadvertently strengthened. We must now do our best to salvage what we still can of American credibility, military readiness, democratic ideals, and Iraqi stability through a change in strategy and the beginning of a responsible phase-down of American troops and the orderly transfer of authority to Iraqis.

Mr. OWENS. Mr. Speaker, the definition of "immediate termination of United States forces in Iraq" must mean the following as set forth by Representative JOHN MURTHA:

"My plan calls:

—To immediately redeploy U.S. troops consistent with the safety of U.S. forces.

—To create a quick reaction force in the region.

—To create over-the-horizon presence of Marines.

—To diplomatically pursue security and stability in Iraq."

You may call this a position, a program, or an exit strategy but this is the Murtha message which set in motion the current proceedings on the floor of the House of Representatives. This is the declaration heard from Representative MURTHA by the American people and around the world. By all standards of decency and by popular decree the Republican leadership is mandated to respect the precedent setting language of this most detailed of all proposals for new and creative action in Iraq.

For this reason I urge all of my colleagues to vote "yes" on the resolution before us. "That the deployment of United States forces in Iraq be terminated immediately."

Mr. ETHERIDGE. Mr. Speaker, I rise in opposition to this resolution and in the strongest possible opposition to the Republican smear campaign against my friend and colleague, Congressman JACK MURTHA.

JACK MURTHA is a patriot. He has served this country in wartime and peacetime and has earned an unparalleled record as a champion for our troops and their families.

JACK MURTHA is a retired Marine Colonel with more than thirty years of distinguished military service. He earned two Purple Hearts and a Bronze Star for action under enemy fire in Vietnam. He served as a USMC drill instructor at Parris Island, South Carolina boot camp. And as a foremost Congressional expert on defense matters, he has spent more than three decades helping to build a military force that is second to none in the entire world. I have been proud to serve in Congress with JACK MURTHA for nearly ten years, and I had the honor of hosting him in my Congressional District and of joining him in visiting wounded veterans of the Iraq war at Walter Reed Army Medical Hospital.

Yet despite his standing and stature, Congressman MURTHA has been viciously attacked by the Republican partisans for having the temerity to raise important questions about this Administration's policies regarding Iraq. Yesterday, the Republican Speaker DENNIS HASTERT, who never served in the military, called JACK MURTHA a coward. Other Republicans in Congress and the White House have called JACK MURTHA a traitor and accused him of giving aid and comfort to the enemy.

Mr. Speaker, the Republican attack machine has gone too far. Regardless of one's view of the Administration's Iraq policies, Members of this Congress deserve to offer their viewpoints without having their patriotism questioned. Indeed, the American people deserve the benefit of vigorous debate about a war that has cost us more than 2,000 soldiers killed, thousands more maimed and several hundred billion dollars of public treasure expended.

The Hunter Resolution is a cheap political trick. It is not a serious attempt at crafting public policy since Mr. HUNTER has said he intends to vote against his own resolution. Rather than engage in this petty and deceitful charade, the American people deserve a Congress that conducts the people's business in a professional manner to address the challenges facing our country here at home and around the world.

I will vote against the Hunter Resolution.

Mr. KIND. Mr. Speaker, I would like to take this opportunity to express my deep dismay over the resolution being brought before the House tonight. The leadership of this House has responded to criticism of the war in Iraq by forcing a meaningless vote in order to shame the man who offered that critique, my good friend JACK MURTHA.

JACK is a patriotic American of the highest order, contrary to the way our colleagues on the other side of the aisle may try to portray him. He has dedicated his life to the service of his Nation, defending it for 37 years as a marine and striving to make it a better place through his 31 years as a Member of this institution. During that time, he has earned two purple hearts, a bronze star, and the Vietnamese Cross of Gallantry and become one of the most respected leaders on military and Veterans issues from either party.

Rather than listening to the wise words of a man who knows better than almost any of us what our soldiers need in a time of war, many of my colleagues have taken to questioning his motives and even his character, and now House leadership has twisted his words and offered this resolution as a vehicle to humiliate this proud, honorable, and decent man. They are holding this House hostage and answering his principled and heart-felt proposal with a mean-spirited and empty resolution that is only one sentence, was not considered or debated, and was offered under the most egregious terms.

I will not be participating in this charade tonight; if I were, I certainly would vote against this resolution. It is not meant to spark a legitimate debate over the Iraq war. It is a personal attack rather than a policy statement. I find it reprehensible to subject this great and humble man to such indignity.

While I do not necessarily agree that immediate withdrawal from Iraq is the best course, I respect the conclusion reached by Mr. MURTHA through his soul-searching. Despite any disagreements any of us may have on policy, we should not come together tonight to single him out as the object of ridicule. I will not be a part of it, and I would hope that my colleagues would not either. I urge them to vote "no" on this shameful resolution.

Mr. SCHIFF. Mr. Speaker, yesterday my colleague from Pennsylvania, a man whom I deeply respect and admire for his lifetime of service and sacrifice to the Nation, made a serious statement about the prosecution of the war effort by the President. His speech yesterday morning and the resolution that he introduced were heartfelt expressions that he no longer believes that we can stay the course in Iraq. Mr. MURTHA believes that the continued presence of American troops in Iraq has retarded Iraqi efforts to unify the country and that Iraqis will not take the necessary steps to restore security as long as American troops remain in the country in large numbers.

But instead of addressing the serious deficiencies in the Administration's military strategy, the majority offers this counterfeit resolution that precludes any debate on how we can improve our chance of success in the war effort.

Although there are differences within our caucus as to what our course of action in Iraq should be, we are united in our belief that the present course being followed by the administration is not working, and we must find a new course.

But how have the Vice-President and the Republican Majority in this House treated the sincere misgivings of a man who has shed blood for his country and been a staunch supporter of our men and women in the military? They have launched a vicious smear attack on Mr. MURTHA's patriotism. Indeed they have gone so far as assert that anyone who questions the wisdom of any aspect of their handling of the war is unpatriotic, and willing to give aid and comfort to the enemy. Unfortunately, the administration's inability to communicate a clear strategy for success in Iraq has caused a great many Americans to question the Nation's prosecution of the war—including some of the most devoted, most patriotic and most courageous of Americans. People like former Senator Max Cleland, and now JACK MURTHA.

But I believe that Senator CHUCK HAGEL has it right—the willingness to question, to prod and to probe our government is what produces the best policy and leads to the best outcomes, in war as well as in peace. The courage to question a powerful but imperfect government is much more the essence of patriotism than a coerced silence.

The administration's prosecution of the war effort has suffered from deficient planning that took the maxim of preparing for the worst and hoping for the best and turned it on its head. It failed to consider how the Sunni minority would react to being stripped of its privileged status, even as they underestimated the consequences of decades of totalitarian rule and the atomization of Iraqi society under Saddam Hussein.

Many of my colleagues and I have repeatedly called upon the President to do what should have been done a long time ago by laying out a strategy and vision for success in Iraq that will not condemn the Iraqi people to anarchy or turn Iraq into a haven for jihadis. We have called for proper oversight of the war effort by Congress to make certain that our troops in Iraq are properly equipped and that we are doing everything in our power to ensure their safety and success.

This House, this Congress and this Nation stand for the proposition that reasoned debate can produce wise policies that will best "provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." Mr. Speaker, this resolution should be withdrawn.

Ms. DELAURO. Mr. Speaker, I rise in strong opposition to this politically-motivated resolution. I believe this resolution does a disservice to the courage my colleague from Pennsylvania has shown in seeking to open a dialogue on one of the most important issues facing our country today—how we can be successful in Iraq while putting in place a process that begins to bring our troops home.

And let there be no mistaking my colleague's motivations. Congressman MURTHA is a highly decorated Marine veteran and a Vietnam War hero. His love for and loyalty to the brave men and women who wear our Nation's uniform is sincere. It is profound.

I agree with his characterization of the war in Iraq—specifically how errors by this administration and negligent Congressional oversight have compromised our mission there and put our troops in harm's way.

And I agree that next year must be a time of transition in Iraq, allowing Iraqis to take control of their country. America cannot support another year of "staying the course" with no end in sight, as the president continues to propose.

The time has come for the Bush administration to implement a new strategy for Iraq—one that both safely brings our troops home and brings stability and security to the country and throughout the region. To get there, we must consider the various proposals for success in the Congress.

Mr. Speaker, that is a discussion we in this body have waited far too long to have. Now is not a time for the partisanship this majority has shown in bringing this political resolution to the floor. The American people expect better from their representatives in Congress—particularly on a matter such importance. They deserve better.

Mr. MEEHAN. Mr. Speaker, earlier today, in the other body, the junior member from Massachusetts delivered compelling remarks about Congressman MURTHA. I believe that it would be to the benefit of all of my colleagues to hear Senator KERRY's comments.

Yesterday, Jack Murtha, a respected congressman on military matters, and former Marine Drill Sergeant and decorated Vietnam veteran, spoke out on our policy in Iraq. He didn't come to that moment lightly. He spoke his mind and spoke his heart out of love for his country and support for our troops. I am not going to stand for a swift boat attack strategy against Jack Murtha.

It disgusts me that a bunch of guys who have never put on the uniform of their country venomously turn their guns on a marine who served his country heroically in Vietnam and has been serving heroically in Congress ever since.

No matter what J.D. Hayworth says, there is no sterner stuff than the backbone and courage that defines Jack Murtha's character and conscience.

Dennis Hastert—the Speaker of the House who never served—called Jack Murtha a coward and accused him of wanting to cut and run. Well let me tell you, Jack Murtha wasn't a coward when he put himself in harm's way for his country in Vietnam and earned two purple hearts—he was a patriot then, and he is a patriot today. Jack Murtha didn't cut and run when his courage in combat earned him a Bronze Star, and his voice should be heard, not silenced by those who still today cut and run from the truth.

Just a day after Dick Cheney, who had 5 deferments from Vietnam, accused Democrats of being unpatriotic—the White House accused Jack Murtha of surrendering. Jack Murtha served 37 years in the Marine Corps. He doesn't know how to surrender—not to enemy combatants, and not to politicians in Washington who say speaking his conscience is unpatriotic.

Robert Kennedy once said, "The sharpest criticism often goes hand in hand with the deepest idealism and love of country." Chuck Hagel showed he hasn't forgotten that when he said, 'The Bush administration must understand that each American has a right to question our policies in Iraq and should not be demonized for disagreeing with them.' But too many in the Republican Party forgot that long ago. They forgot that asking tough questions isn't pessimism; it's patriotism.

We've seen the politics of fear and smear too many times. Whenever challenged, Republican leaders engage in the politics of personal destruction rather than debate the issues. It doesn't matter who you are. When they did it to John McCain, we saw it doesn't matter what political party you're in. When they did it to Max Cleland, we saw it doesn't matter if your service put you in a wheelchair. And when they did it to Jack Murtha yesterday, perhaps the most respected voice on military matters in all of Congress, we saw that this administration will go to any lengths to crush any dissent.

Once again, they're engaged in the lowest form of smear and fear politics because they're afraid of actually debating a senior congressman who has advised presidents of both parties on how to best defend our country. They're afraid to debate a decorated veteran who lives and breathes the concerns of our troops, not the empty slogans of an Administration that sent our brave troops to war without body armor. They're terrified of actually leveling with the American people about the way they misled America into war, and admitting they have no clear plan to finish the job and get our troops home.

Mr. CALVERT. Mr. Speaker, the resolution under consideration poses a clear and concise policy question. Either you support the mission our troops are carrying out in Iraq or you are against it.

I voted to authorize the use of force back on October 10, 2002 and today I want to reaffirm, on the record, my support for this important mission. Furthermore, I want to let all of our troops know, especially those who train and operate at the four military bases in my congressional district, that I will continue to support those strategies that will lead us to victory and stand opposed to any cut-and-run strategy.

In his book, The Hinge of Fate, Winston Churchill said, "I like commanders on land and sea and in the air to feel that between them and all forms of public criticism the Government stands like a strong bulkhead. They ought to have a fair chance, and more than one chance."

I think that we ought to let those words sink in. They ought to have a fair chance, and more than one chance.

No one ever said war was easy and any historian can tell you that anything of significant value has never come easy. The brave men and women serving in Iraq are writing the latest chapter in the history of freedom.

We should look forward, continue to support our troops, and provide them with the tools and the strategy to triumph—completing their mission is the most important thing to them. It should be our goal as well.

Mr. Speaker, let's show our support for this mission and embrace a victory strategy, not just an exit strategy.

Mr. UDALL of Colorado. Mr. Speaker, I rise in opposition to this resolution. I have no doubt that the majority of the House will oppose it, so it will be voted down.

And by voting down this resolution, we are responding to the Republican leadership's desire to have us say what we're against.

But that's the easy part. The hard part—the part that should be under discussion—is to say exactly what we are for, what policy we think our country should follow regarding our military involvement in Iraq.

The Republicans don't want to have that discussion. They would rather put forward a politicized, petty, irresponsible resolution that is intended to score political points. Like the Bush Administration, they are adopting the tactics of a political campaign, and like the Administration, their greatest success will only be to further divide Americans. How does this honor our men and women in uniform who are even now risking their lives in Iraq?

It's clear that the Republican leadership is concerned that Representative JACK MURTHA's call for the rapid redeployment of American forces and reducing our military presence in Iraq is already carrying significant weight in Congress. Why else would the Republicans seek to trivialize and play politics with this proposal from a man who is not only a decorated veteran, but one of the most respected voices in our country on military and national security policy?

Like Mr. MURTHA, I believe the Bush administration has largely failed in Iraq because the civilian direction of the war has not matched the skill and sacrifice of our soldiers. Going to war the way we did was a strategic mistake, and the aftermath has been a failure because of the president's refusal to plan and refusal to listen.

I voted against the resolution authorizing the president to rush to war in the first place. I did so because I had concerns about the president's refusal to consider more aggressive inspections of WMD before going to war, his inability to secure international support, his obvious failure to develop a plan for securing peace after ousting Saddam, and his reckless disregard of experienced military advice.

Although I was an outspoken opponent of going to war in Iraq, I have supported our brave soldiers because it has seemed to me that our national security is now linked, like it or not, to a credible plan for stabilizing Iraq and preventing a catastrophic civil war in the region.

I do not think supporting our troops is a partisan matter. In fact, I know everyone on both sides of the aisle does support them. So, it is disappointing—but, unfortunately, not surprising—that some have alleged otherwise.

And, some have suggested the resolution we are voting on today is a Democratic resolution, even though it was introduced by the gentleman from California, the Chairman of the House Armed Services Committee, who of course is a Republican.

The resolution we are voting on today isn't JACK MURTHA's resolution—it is a cheap ripoff of a well-intended effort on the part of a respected veteran and long-serving Member. JACK MURTHA's resolution calls for the immediate termination of the deployment of our forces, but it also says that the redeployment of forces should happen at the earliest practicable date, not right away. JACK MURTHA's resolution includes important safeguards such as a quick-reaction U.S. force and a presence of U.S. Marines outside of Iraq who could respond as necessary if events in Iraq were spiral out of control.

I remain concerned about setting an arbitrary date for withdrawal because how we leave is as important as when we leave. That's why I cannot support Mr. MURTHA's resolution and why I certainly cannot vote for this resolution proposed by Mr. HUNTER.

Nevertheless, the fact of today's debate, coupled with the evaporation of public confidence in the president's management of the war, should be a wake-up call to the president to develop a withdrawal strategy that can garner bipartisan support and set an unmistakable path toward exiting Iraq expeditiously and with our interests and security intact.

This country cannot have 535 commanders-in-chief. There can only be one commander-in-chief and we need him to address the country, explain his withdrawal strategy, and to be honest with the American people about the costs and timetable for withdrawal.

We were led into war as a divided nation and today we are even more divided. A successful withdrawal from Iraq can only be helped if Congress and the Bush Administration work to bring unity at home. In a hopeful sign, that kind of unity was on display when the Senate passed with overwhelming bipartisan support a resolution requiring accountability by the president in Iraq, and the House should, at a minimum, do the same.

Mr. ORTIZ. Mr. Speaker, I have great respect for the gentleman from Pennsylvania who speaks with authority about the military matters of the United States.

JACK MURTHA won the American Spirit Honor Medal, received the Bronze Star with Combat "V", two Purple Hearts, the Vietnamese Cross of Gallantry, and the Navy Distinguished Service Medal.

The issues he raised yesterday are profound issues for each and every American. We honor the fallen soldiers by making an honest assessment of our national security needs. We honor our great democracy by having the national conversation about the war in Iraq—but we dishonor democracy by mischaracterizing what JACK MURTHA said—and putting forward a resolution that does not reflect what he asks . . . and stifles real debate on this important issue.

Nobody here really believes the United States should—tomorrow—withdraw all troops from Iraq. But many of us—indeed many Americans—are unhappy with the direction of the war and believe we could have done it better from the beginning.

This is a serious resolution for us to consider; it should not be a political ploy for the leadership to mischaracterize. This is a serious debate that the Congress is not inclined to have—as evidenced by the late scheduling of a mischaracterized bill.

We should be holding hearings about this and we should not be debating any of this on a Friday night when people don't watch the news, we should do it next week and give it 50 hours of debate. What is more important than a debate about our national defense and the security of our troops?

It is instructive to remember that we sent our troops to battle in Iraq ill prepared for what they would encounter. We did not send them with the tools—or in the numbers—they needed to win the war. We sent them with helicopters and rifles that didn't function properly, we sent them without the body armor they needed, we sent them in humvees without the armor they needed. They were not greeted as liberators—more faulty intelligence—they were greeted with improvised explosive devises and IED attacks have only grown more sophisticated and more frequent on our troops.

Here's where we are right now: when you make a wrong turn and discover that, do you stay on that road because you don't want to admit you are wrong? Or do you find an exit, get off and find your way? By staying in Iraq after our invasion based on faulty intelligence—we are doing irreparable damage to our international friends: Israel, Jordan, Lebanon, Pakistan, Kuwait, and the list goes on.

We need to do it right or leave as JACK MURTHA suggests. 1. redeploy U.S. troops consistent with the safety of the U.S. forces; 2. create a quick reaction force in the region; 3. create an over-the-horizon presence of Marines in the region; and 4. to diplomatically pursue security and stability in Iraq.

I will vote "no" for the fabricated resolution before the House tonight but I urge the House to follow the advice—the actual advice—of JACK MURTHA.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I support JACK MURTHA but I do not support this fraudulent Republican Resolution.

In my district back in 2000, tens of thousands of ballots were thrown out, spit out by faulty machines.

The Republicans stole the election back in 2000 and now we are at war.

It's time for the Republicans to talk the talk and walk the walk.

If they want war, give them a gun and make them go fight.

Those in the White House who have deferred 5 times and others over there who were called to duty yet never showed up . . . how dare they call Mr. MURTHA a coward!

JOHN MURTHA has been the most ardent supporter of our troops on the ground in Congress.

In his 37 years in the Marines, JOHN MURTHA won two Purple Hearts, a Bronze Star with Combat "V", and the Vietnamese Cross of Gallantry. He was awarded the Navy Distinguished Service Medal by the Marine Corps Commandant when he retired from the Marines.

JOHN MURTHA earned his bona fides to comment on what the troops are going through when he volunteered for duty in Vietnam.

And yes, Mr. Speaker, I can't speak for Congressman MURTHA but I will tell you straight out that I AM calling the President, and the others in the White House who have intentionally misled the Americans into this war liars.

They knew from the outset that there weren't any Weapons of Mass Destruction over there.

They knew from the outset that there was no connection between Al Qaeda and Saddam Hussein.

But yet, Mr. Speaker, we went in there anyway.

And now over 2,000 of our brave soldiers have lost their lives; over 30,000 have suffered permanent injuries and their lives, or the lives of their loved ones will never be the same.

This war is a sham, it was a sham from the get go, and it is a sham today.

Now, I support the troops but I do not support the leaders of this Nation who led them into battle without enough equipment, and without any exit plan whatsoever.

Mr. THOMPSON of California. Mr. Speaker, I served in a war during which too many national leaders played too much politics.

Tonight is a disgraceful period in the history of our great country and this House of Representatives.

To wage a political war against one of the greatest military champions Congress has known is no less than unpatriotic.

Representative JOHN MURTHA (D-PA), the leading Democrat in the House on military affairs, has proposed a plan of action for Iraq and I commend my colleague for his courageous leadership. The measure that has been brought to the floor tonight is not Representative MURTHA's plan.

Mr. Speaker, it has been this leadership and honesty with the American people that has been lacking in the Presidents position on the war in Iraq. "Stay the course" is not a strategy for success, It is little more than hollow rhetoric that offers no real vision.

We can and should begin to redeploy our troops as soon as possible after the Iraqi people ratify their Constitution in July 2006. In the months leading up to the Iraqi election in July, we need to make it clear to the Iraqi people that we do not intend to occupy their country or maintain permanent military bases there. And it must be made clear to the world that the United States has no intention of controlling Iraq's oil production and oil wealth.

We must find a rational and reasonable way out of this quagmire. We owe it to the men and women serving us in combat, to their families and to all the American people who are paying both the human and financial costs of this war.

Advocates of the measure we will vote on tonight are cheapening the job our brave men and women serving in Iraq are doing; the men and women putting their lives on the line to serve our country.

Mr. Speaker, those who dreamed up this strategy are derelict in their duties, absent without leave from their duty station; and people I would not want to share a foxhole with.

The SPEAKER pro tempore. Pursuant to House Resolution 572, the resolution is considered read and the previous question is ordered.

The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. HUNTER. Mr. Speaker. I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device. and there were—ayes 3. noes 403. answered "present" 6, not voting 22, as follows:

[Roll No. 608]

AYES—3

McKinney
Serrano
Wexler

NOES—403

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Becerra
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver

Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Harman
Harris
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Ney
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

ANSWERED "PRESENT"—6

Capuano
Clay
Hinchey
McDermott
Nadler
Owens

NOT VOTING—22

Beauprez
Berman
Boswell
Boyd
Camp
Cunningham
Davis (AL)
Flake
Fossella
Gallegly
Hall
Jindal
Kind
LaHood
Miller, Gary
Moran (KS)
Northup
Paul
Peterson (PA)
Shadegg
Towns
Young (AK)

□ 2333

Mr. BOEHLERT and Mr. LINDER changed their vote from "aye" to "no."

So the resolution was not agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. BERMAN. Mr. Speaker, due to a death in the family, I was unable to vote on H. Res. 571. Had I been present, I would have voted "no."

Mrs. NORTHUP. Mr. Speaker, unfortunately, I was unable to be present for the vote on final passage of H. Res. 571, the resolution that calls for an immediate withdrawal of our troops from Iraq. I strongly oppose this resolution and its underlying sentiment. Had I been present I would have voted "nay" on H. Res. 571.

PREDISASTER MITIGATION PROGRAM REAUTHORIZATION ACT OF 2005

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure be discharged from further consideration of the bill (H.R. 4324) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the predisaster mitigation program, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. DANIEL E. LUNGREN of California). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4324

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Predisaster Mitigation Program Reauthorization Act of 2005".

SEC. 2. PREDISASTER HAZARD MITIGATION.

Section 203(m) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(m)) is amended by striking "December 31, 2005" and inserting "September 30, 2008".

SEC. 3. STUDY REGARDING COST REDUCTION.

Section 209 of the Disaster Mitigation Act of 2000 (42 U.S.C. 5121 note; 114 Stat. 1571) is amended by striking "3 years after the date of the enactment of this Act" and inserting "September 30, 2007".

Mr. OBERSTAR. Mr. Speaker, first I would like to commend my colleagues on the Transportation and Infrastructure Committee, Chairman YOUNG, Subcommittee Chairman SHUSTER and Subcommittee Democratic Ranking Member NORTON, for all of their work on this important bill. H.R. 4324, Predisaster Mitigation Act Reauthorization Act of 2005, provides funding for a competitive grant program to assist States and local governments in implementing cost-effective hazard mitigation activities that complement a comprehensive mitigation program.

The Predisaster Mitigation Grant Program (PDM) will provide funds to states, and local governments and communities for hazard mitigation planning and the implementation of mitigation projects prior to a disaster event. Funding these plans and projects reduces overall risks to the population and structures, while also reducing reliance on funding from actual disaster declarations. This program funds activities like, the seismic strengthening of buildings and infrastructure, the construction of levees and the building of "safe rooms" in houses and other structures to protect against high winds. It is important to note that this program complements another Robert T. Stafford Disaster Relief and Emergency Assistance Act post mitigation program—the Hazard Mitigation Grant Program (HMPG) which provides fund to reduce the risk of future damage, hardship, loss or suffering in any area affected by a major disaster.

Over the last twenty-five years, this country has had over one thousand presidential disaster declarations in the United States and the Insular Territories. These disasters have cost our nation billions of dollars and taken an untold number of lives. In the aftermath of Hurricane Katrina, Rita and Wilma, we have all become acutely aware of the devastation natural disaster can bring. We know that these natural disasters will continue to occur and bring damage and destruction but we also know that mitigation programs like the Predisaster Mitigation Program will help save lives and property.

According to the Multihazard Mitigation Council of the National Institute of Building Sciences which conducted an independent study on the costs benefits of mitigation for the Federal Emergency Management Agency (FEMA)—mitigation saves lives and tax dollars. For every $1 spent from the United States Treasury for mitigation, we will save $3.65 for taxpayers when disaster strikes. Mitigation reduces property damage, reduces business interruption, reduces environmental damage and most importantly, it reduces societal losses, including causalities and homelessness. Moreover, the benefits of FEMA hazard mitigation grants significantly exceed their costs—by a 4 to 1 margin. In addition to providing broad-based benefits to society, FEMA hazard mitigation grants more than pay for themselves. Mr. Speaker, it is unmistakably clear, mitigation is essential to reducing the loss of lives and property in future natural disasters.

In October 2000, Congress passed the Disaster Mitigation Act of 2000 (DMA), which reauthorized the Stafford Act and created several new programs. One of those new programs was a Predisaster Mitigation Program that tasked FEMA with awarding grants to states on a competitive basis to implement predisaster mitigation plans. Again, in the wake of Hurricane Katrina as the Gulf Region begins the long and difficult process of rebuilding we can truly appreciate the importance of predisaster mitigation planning. Today, this bill extends the authorization of this program for another three years and directs the Congressional Budget Office (CBO) to conduct a study on the program's effectiveness.

Mr. Speaker, I believe this is a good bill that will save both lives, property and taxpayer funds. I urge my colleagues to join me in supporting the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RESIGNATION AS CLERK OF HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 18, 2005.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I am writing to tender my resignation as Clerk effective upon the appointment of my successor November 18, 2005.

It has been an honor to serve this Institution, its people and the Nation for more than 20 years. I leave knowing the incredible ability of the people who serve here and their commitment to the people they represent.

I will especially depart with a deep sense of admiration and respect for the individuals working in and with the Office of the Clerk. I wish to thank them for their efforts over the last seven years during my tenure as Clerk of the House.

With best wishes, I am
Sincerely,
JEFF TRANDAHL.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

APPOINTMENT AS CLERK OF HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. Pursuant to section 208 of the Legislative Reorganization Act of 1946 (2 U.S.C. 75a–1), and the order of the House of January 4, 2005, the Chair announces the Speaker's appointment as Clerk of the House of Representatives Mrs. Karen L. Haas of Maryland.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 18, 2005.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Under Clause 2(g) of Rule II of the Rules of the U.S. House of Representatives, I herewith designate Mr. Gerasimos C. Vans, Deputy Clerk, to sign any and all papers and do all other acts for me under the name of the Clerk of the House which he would be authorized to do by virtue of this designation, except such as are provided by statute, in case of my temporary absence or disability.

If Mr. Vans should not be able to act in my behalf for any reason, then Ms. Marjorie C. Kelaher, Assistant to the Clerk, should similarly perform such duties under the same conditions as are authorized by this designation.

These designations shall remain in effect for the 109th Congress or until modified by me.

With best wishes, I am,
Sincerely,
KAREN L. HAAS,
Clerk of the House.

APPOINTMENT OF HON. TOM DAVIS AND HON. FRANK R. WOLF TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH DECEMBER 6, 2005

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 18, 2005.

I hereby appoint the Honorable TOM DAVIS and the Honorable FRANK R. WOLF to act as Speaker pro tempore to sign enrolled bills and joint resolutions through December 6, 2005.

J. DENNIS HASTERT
Speaker of the House of Representatives

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

COMMUNICATION FROM CHIEF OF STAFF OF HON. WILLIAM J. JEFFERSON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Nicole Venable, Chief of Staff of the Honorable WILLIAM J. JEFFERSON, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
November 18, 2005.

Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena for documents issued by the U.S. District Court for the Eastern District of Virginia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the precedents and privileges of the House.

Sincerely,
NICOLE VENABLE,
Chief of Staff.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, DECEMBER 7, 2005

Mrs. BIGGERT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, December 7, 2005.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

TRIBUTE TO JEFF TRANDAHL

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, obviously with the very exciting day that we have had, to the Clerk, my 1-hour Special Order changed to a 5-minute Special Order, now to a 1-minute.

I just want to say thank you for the work you have done. The 32nd Clerk of the House, a native of Spearfish, South Dakota, again over 20 years of service.

We had a great reception last night where your loyal supporters and friends and folks that have worked for you were there to say thanks for a tremendous effort. You give great credit to the professional staff and working in what has to be a very challenging environment, dealing with politicians and our whims and our foibles.

☐ 2340

We want to thank him for that. He has brought great credit to that in a long line of Clerks who served honorably, and we just wish for his successor great success and blessings as she takes on this great challenge in this new role.

BACKGROUND

32nd Clerk of the House.

Native of Spearfish, South Dakota.

Twenty years of House service.

Aide to: James Abdor (R–SD) in House and Senate; Virginia Smith (R–NE); Pat Roberts (R–KS); Committees on Appropriations and House Administration.

Assistant to the Clerk, Acting Chief Administrative Officer; Deputy Clerk; appointed Clerk December 1998 and elected Clerk 106th through 109th Congresses.

Graduate of University of Maryland.

Begins appointment as Executive Director of National Fish and Wildlife Foundation on November 21, 2005.

HIGHLIGHTS AS CLERK

Guided major House information technology initiatives to including introduction of XML technology to standardize creation and exchange of legislative information.

Oversaw creation and management of first permanent and professional House curatorial and archival services.

Oversaw flourishing of House Page Program with construction of new Page Residence Hall, and enhanced academic status and national recognition of the House Page School.

Instrumental in creation of House Office of Emergency Preparedness and leader in establishing and improving continuity of operations planning for the House.

Implemented program to expand House portraiture collection of historical House figures, including the first woman, the first African-American, and the first Hispanic-American elected to Congress.

Implemented the first electronic filing program for the House.

Mr. HASTERT. Mr. Speaker, I rise to express my appreciation to Jeff Trandahl, the departing Clerk of the House. We are going to miss Jeff who has given over 20 years of faithful service to the United States Congress.

After rising through the ranks in Member and committee offices, in 1994 Jeff became a principle assistant to the transition team of the new Republican majority, helping to set up the first new majority in almost five decades. Jeff served as an assistant to the Clerk and then as the Acting Chief Administrative Officer of the House. In December 1998, I selected Jeff as my first officer appointment and the 32nd Clerk of the House. Jeff was subsequently elected by the House to four consecutive 2-year terms. He served on four occasions as the presiding officer for the opening of the House, overseeing the seating of Members and the election of the Speaker.

As the chief legislative official of the House, Jeff has been responsible for the daily legislative operations of the House from the day's Journal to our voting system. He has led the House Page Program, which under Jeff's leadership was recognized as a top educational institution, and he has managed the House's historical, curatorial, and archival needs.

Jeff has also been very instrumental in the development of the Capitol Visitor Center project, especially the future exhibit space. Jeff has provided valuable leadership to the House Fine Arts Board, the Capitol Preservation Commission, and the National Archives Advisory Committee on the Records of Congress.

Jeff's tenure as Clerk has coincided with extraordinary events, including 9/11 and anthrax. Thanks to Jeff and the other Officers of the House, the House was prepared with contingency plans. Jeff was also instrumental in making the ceremonial session in New York City to mark the 1 year anniversary of 9/11 a tremendously moving and historical event.

On both sides of the Capitol building and on both sides of the aisle, Jeff is known for his fairness, his dedication, and his hard work. As I have said before, Republican and Democratic Members of Congress alike have enormous respect for Jeff's vast institutional knowledge, his utter professionalism, and his ability to get things done—traits which have made him a very effective and successful Clerk.

I join my colleagues in wishing Jeff all the best.

Mr. Speaker, on behalf of the Members and staff of the U.S. House of Representatives, I express our sincere gratitude for Jeff's long and faithful service.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. DANIEL E. LUNGREN of California). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TROOPS IN IRAQ AND DIRE CONSEQUENCES

Mr. FRANKS of Arizona. Mr. Speaker, I ask unanimous consent to take the Special Order time of the gentleman from Indiana (Mr. BURTON).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, it has been a meaningful and historic night. But it still deeply concerns me that there are Members of this body that have been constantly misinforming the public about pre-war intelligence on Iraq and demanding timetables for troop withdrawal. They seem to be wholly unaware of the dire consequences of even talking about pulling our troops out, let alone demanding it.

Our brave men and women in uniform have always fought desperately to preserve those unalienable rights of life, liberty, and the pursuit of happiness endowed by the Creator Himself. And that is exactly what they are doing now in Iraq, and we should all be deeply grateful for that.

Mr. Speaker, one of the things that I am so desperately worried about is whether the people in this body and in this Republic truly understand what we are facing, not only as a Nation, but as Western Civilization.

The question we must ask ourselves is not whether we can win this war. We must win this war. The question now is what will happen if we do not.

Mr. Speaker, I am so concerned that this Nation does not yet understand that we are at war with an ideology, an ideology that threatens the existence of the Free World. This war did not begin on 9/11. This war began many years ago when certain Muslim extremists embraced a divergent Islamist dogma that dictates that all infidels must die.

Our Nation was first attacked during its very early beginnings in the late 1700s by the Barbary terrorists of the day. More recently, we were attacked in 1979 in Iran. Our embassy and our marine barracks were attacked in Beirut in 1983. The first World Trade Center attack was in 1993, Mr. Speaker; and we still did not wake up to what was happening at the time. Our military complexes and soldiers have been targeted throughout the world. The Khobar Towers in Saudi Arabia in 1996. Our embassies were blown up in Kenya and Tanzania in 1998. We witnessed the attack on the USS *Cole* in 2000. Mr. Speaker, 1 year later on September 11, terrorists murdered nearly 3,000 American civilians on our own soil, and I wonder tonight have we forgotten that.

Since then our soldiers and our contractors have been kidnapped and executed, their bodies mutilated and dragged through the streets.

And we are not alone, Mr. Speaker. This has taken place throughout the world. In Serbia and Bosnia, soldiers, POWs, and civilians were beheaded by mujahideen. In Beslan, Russia, 186 children and 158 teachers and parents were slaughtered in a terrorist assault against a grade school. And just weeks ago, Mr. Speaker, in Indonesia, three young girls on their way to school were attacked and beheaded by Muslim extremists. Their names, Mr. Speaker, their names were Theresia, Ida, and Alfrita.

Churches are being attacked. Pastors have been kidnapped, tortured, and beheaded. And it seems there is not a day that goes by without a suicide or a car bomb attack in Iraq.

We have witnessed the horrific bombings in Spain, London, Indonesia, Jordan, and Israel. Rioters have completely disrupted hundreds of cities in France.

We simply cannot deny that we are fighting a war against enemies with an evil ideology that is bent on the destruction of the Western World. They are committed to killing us, Mr. Speaker, and any others that hold in their mind to be infidels.

Mr. Speaker, we truly are at war, and to undermine the sacrifice and blood-bought advancement of our valiant American soldiers who are at this very moment fighting terrorists in Iraq and across the world is unconscionable.

A nation divided against itself simply cannot stand, Mr. Speaker. And those of us in this body, along with all Americans, must unite against this evil. We must win the war in Iraq. We must give our troops unequivocal support and everything else in our power to help them finish this job. Our troops have never failed us, and we must not fail them.

Mr. Speaker, if freedom is to survive, to allow Islamist terrorists to declare war and victory in Iraq is not an option. We must win and we cannot leave before the job is done. Because if we leave too soon, Mr. Speaker, we will not be able to go on with our daily lives as we once did. Because the world has truly changed. And those without conscience are relentlessly seeking to destroy us, and we must not let them ever have even the slightest hope of victory. Not ever, Mr. Speaker.

DIPLOMATICALLY PURSUING STABILITY AND SECURITY IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House. the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, I come to the well tonight after a long day of debate on whether or not we should redeploy our troops from Iraq.

A careful reading of the gentleman from Pennsylvania's resolution, had we debated it. would have pointed out that the fourth point that he raised was that we have to diplomatically pursue security and stability in Iraq. It is that issue I want to talk about because the question is always raised. If we leave, will it not get worse? Will it not just explode into civil war? We have already got that. And the question must be answered as we talk about deployment from out of the country.

At the same time, we have to decide to call on the Arab League or the Egyptians. to call together all the members of the community of Iraq: the Sunnis, the Shiias, the Kurds, the Turkomens, the Assyrians. All of them need to come together in a conference to resolve this. We have the idea that we can go with a Western idea of a constitution and that because it works here, we can just insert it into an Arab culture that has never worked under those circumstances.

☐ 2350

What we need to do is recognize how Arabs have resolved problems for hundreds, thousands of years, if you will. It is called reaching an atwa.

If two villages, and this story was told to me by an iman, a high ranking Iraqi. he said many years ago two villages had a brother and sister and they married across these two towns. One went to one village, the other went to the other village. In one village the wife was fertile and quickly had three children. In the other, the wife was barren and had no children. The village made fun of her. They ridiculed her. They said she was a terrible woman, and the social pressure was so great that she killed herself by throwing herself into the village well.

Now under Arabic custom, that village that lost this woman has a right to go and extract blood within 24 hours. As those two villages came together for this bloodletting that was going to happen, they called and got them all to sit down and they decided how they were going to resolve this situation.

The decision was made that the village that had had the young woman die in it would give $20.000 to the other village and that there would be no contact between those villages for 20 years. They reached an atwa, A-T-W-A.

What that is in the Arabic culture is an arrangement. not a peace treaty. In the West we think of peace treaties where I agree with you and you agree with me, and we sign a bunch of pieces of paper. In the Arab culture where there is honor, people say I will stay here for 20 years and you will stay there.

The gentleman who told me the story said I was there 20 years later when the money was brought back from the first village back to its original place. He said within 2 years. there were marriages between the young people from the two villages. Even though they were 6 kilometers apart, for 20 years there had been no contact.

Now. Arabs have been resolving these kinds of things for thousands of years in the desert. There is a way for the Sunnis and the Shiias and the Kurds and the Turkomens to come together, but it cannot be driven by the United States. We cannot say you come over here and come to this conference that we are going to have in some hotel somewhere. It has to be called by the Arab League.

This same thing could have prevented the gulf war back in 1991. When Saddam Hussein went into Kuwait, the Arab League said before the Americans attack, let us settle this among the Arab community. This is a fight among us. Saddam Hussein thought he had fought in Iran because he was defending Kuwait and the Saudis, and he thought that they owed him something. He said give me some money, and they said no. And so he said all right, then I am going to move in and take Kuwait.

It could have been resolved if we had the patience to let this happen and the mentality in the White House that can allow Iraq to develop its own peaceful society. We have removed Saddam Hussein. We are all glad. but we now must let the Arabs resolve the situation in a way that makes sense to them.

REMEMBERING ILLINOIS REPRESENTATIVE JOHN ERLENBORN

The SPEAKER pro tempore (Mr. DANIEL E. LUNGREN of California). Under a previous order of the House, the gentlewoman from Illinois (Mrs. BIGGERT) is recognized for 5 minutes.

Mrs. BIGGERT. Mr. Speaker, I rise today to remember a beloved former Congressman from Illinois who passed away October 30. Representative John Erlenborn. John was a member of this body for nearly 20 years. Throughout his distinguished service in Congress. he became an expert on labor and pension issues and helped shape our Nation during a formative time in our history.

Born and raised in suburban Chicago. Mr. Erlenborn enlisted in the U.S. Navy as a 17-year-old during World War II. He studied at the University of Notre Dame, Indiana University, the University of Illinois, and Loyola University in Chicago from which he later received his law degree.

John went on to practice law at a firm he founded before he began his life in public service as an assistant state's attorney for Illinois' DuPage County. This inspired John to run for elected office. He went on to serve for 8 years in the Illinois General Assembly before coming to Congress in 1965.

John earned a spot as the Republican ranking member of the House Education and Labor Committee where he became know as Mr. ERISA after avidly working to pass the Employee Retirement Income Security Act, which created corporate pension plan standards that continue to protect American workers today.

When John retired from Congress in 1985, he did not leave behind his compassion and motivation to help those less fortunate than himself. Instead of fully enjoying retirement, John continued to give back and was appointed to serve on the board of directors and selected to serve as president of the Legal Services Corporation Board, committing himself to help those who needed legal services, but could not afford it. He also served as adjunct faculty member of the Georgetown University Law Center.

John represented what is now my congressional district, the 13th district of Illinois. He was committed to helping those in need and represented his constituents with honor and integrity.

Mr. Speaker, I am grateful for the service John Erlenborn gave for the State of Illinois and our Nation for so many years.

On behalf of this body, I extend my deepest sympathies to the entire Erlenborn family during this difficult time. John Erlenborn lived a rich life. He never stopped giving to others even after his tenure in Congress, a model for all of us. He will be deeply missed.

STANDING TOGETHER FOR A SOLUTION TO BRING OUR TROOPS HOME

Ms. JACKSON-LEE of Texas. Mr. Speaker. I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized until midnight.

Ms. JACKSON-LEE of Texas. Mr. Speaker. this was a day when many of us had wished that we could have taken a very serious step toward redeploying our troops and bringing them home. I believe it is very important to speak to the American people for this brief moment by telling them of a story of a young woman I saw in a hospital in Germany who had just been shipped from Iraq. She was burned from head to toe. She laid in a hospital bed; and, yes, as a soldier, she was valiant and courageous, and her only concern was for her mother.

I use that example because we have heard it on the floor tonight, how our soldiers want to go back into battle and how our soldiers want us to have the resolve to stay the course.

But, Mr. Speaker, it is our responsibility as Members of Congress and policymakers whenever we send our soldiers into battle, we must send them for the right reasons.

We heard tonight that the American intelligence did not prove there were weapons of mass destruction, in fact, there were none; that the troops are in fact fodder for the insurgents, and health care is no longer promised to our soldiers coming home; that we are now sending troops that are at the C–4 level, the lowest state of readiness; 50,000 may suffer from battle fatigue. It is important that we stand together for a solution to bring our troops home.

I voted "no" against the Hunter resolution because it was not a serious debate. It was not a serious statement to our soldiers, and I want them to know that I am willing to stay the course, but I want them to come home, and I want them to come home now with a plan. And a plan has been offered by Mr. MURTHA in H.J. Res. 73, a plan that suggests that the troops should be in a small number in the region, but our troops in large numbers should come home from Iraq. We must turn the government of Iraq over to Iraq.

This is the debate we should have:

H.J. RES.

To Redeploy U.S. Forces from Iraq.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 17, 2005

Mr. Murtha introduced the following joint resolution, which was referred to the Committee on ________________

Whereas Congress and the American People have not been shown clear, measurable progress toward establishment of stable and improving security in Iraq or of a stable and improving economy in Iraq, both of which are essential to "promote the emergence of a democratic government";

Whereas additional stabilization in Iraq by U.S. military forces cannot be achieved without the deployment of hundreds of thousands of additional U.S. troops, which in turn cannot be achieved without a military draft;

Whereas more than $277 billion has been appropriated by the United States Congress to prosecute U.S. military action in Iraq and Afghanistan;

Whereas, as of the drafting of this resolution, 2,079 U.S. troops have been killed in Operation Iraqi Freedom;

Whereas U.S. forces have become the target of the insurgency;

Whereas, according to recent polls, over 80 percent of the Iraqi people want the U.S. forces out of Iraq;

Whereas polls also indicate that 45 percent of the Iraqi people feel that the attacks on U.S. forces are justified;

Whereas, due to the foregoing, Congress finds it evident that continuing U.S. military action in Iraq is not in the best interests of the United States of America, the people of Iraq, or the Persian Gulf Region, which were cited in Public Law 107–243 as justification for undertaking such action;

Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

That:

SECTION 1. The deployment of United States forces in Iraq, by direction of Congress, is hereby terminated and the forces involved are to be redeployed at the earliest practicable date.

SEC. 2. A quick-reaction U.S. force and an over-the-horizon presence of U.S. Marines shall be deployed in the region.

SEC. 3. The United States of America shall pursue security and stability in Iraq through diplomacy.

ABLE DANGER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, I include material regarding Able Danger for the RECORD:

HOUSE OF REPRESENTATIVES,
Washington, DC, November 9, 2005.

Hon. DONALD RUMSFELD,
Secretary, Department of Defense, The Pentagon, Washington, DC.

DEAR SECRETARY RUMSFELD: We the undersigned are formally requesting that you allow former participants in the intelligence program known as Able Danger to testify in an open hearing before the United States Congress. Until this point, congressional efforts to investigate Able Danger have been obstructed by Department of Defense insistence that certain individuals with knowledge of Able Danger be prevented from freely and frankly testifying in an open hearing. We realize that you do not question Congress's authority to maintain effective oversight of executive branch agencies, including your department. It is our understanding that your objection instead derives from concern that classified information could be improperly exposed in an open hearing. We of course would never support any activity that might compromise sensitive information involving national security. However, we firmly believe that testimony from the appropriate individuals in an open hearing on Able Danger would not only fail to jeopardize national security, but would in fact enhance it over the long term. This is due to our abiding belief that America can only better prepare itself against future attacks if it understands the full scope of its past failures to do so.

On September 21, the Senate Committee on the Judiciary conducted a hearing on Able Danger which Bill Dugan, Acting Assistant to the Secretary of Defense for Intelligence Oversight, certified did not reveal any classified information. Congressman Curt Weldon's testimony at that hearing was largely based on the information that has been given to him by Able Danger participants barred from open testimony by DOD. Their testimony would therefore closely mirror that of Congressman Weldon, who did not reveal classified information. Therefore we are at a loss as to how the testimony of Able Danger participants would jeopardize classified information. Much of what they would present has already been revealed. Further refusal to allow Able Danger participants to testify in an open congressional hearing can only lead us to conclude that the Department of Defense is uncomfortable with the prospect of Members of Congress questioning these individuals about the circumstances surrounding Able Danger. This would suggest not a concern for national security, but rather an attempt to prevent potentially embarrassing facts from coming to light. Such a consideration would of course be an unacceptable justification for the refusal of a congressional request.

Sincerely,
CURT WELDON.
JOHN P. MURTHA.

WHY DID THE 9/11 COMMISSION IGNORE 'ABLE DANGER'?

(By Louis Freeh)

It was interesting to hear from the 9/11 Commission again on Tuesday. This self-perpetuating and privately funded group of lobbyists and lawyers has recently opined on hurricanes, nuclear weapons, the Baltimore Harbor Tunnel and even the New York subway system. Now it offers yet another "report card" on the progress of the FBI and CIA in the war against terrorism, along with its "back-seat" take and some further unsolicited narrative about how things ought to be on the "front lines."

Yet this is also a good time for the country to make some assessments of the 9/11 Commission itself. Recent revelation from the military intelligence operation code-named "Able Danger" have cast light on a missed opportunity that could have potentially prevented 9/11. Specifically, Able Danger concluded in February 2000 that military experts had identified Mohamed Atta by name (and maybe by photograph) as an al Qaeda agent operating in the U.S. Subsequently, military officers assigned to Able Danger were prevented from sharing this critical information with FBI agents, even though appointments had been made to do so. Why?

There are other questions that need answers. Was Able Danger intelligence provided to the 9/11 Commission prior to the finalization of its report, and, if so, why was it not explored? In sum, what did the 9/11 commissioners and their staff know about Able Danger and when did they know it?

The Able Danger intelligence, if confirmed, is undoubtedly the most relevant fact of the entire post 9/11 inquiry. Even the most junior investigator would immediately know that the name and photo ID of Atta in 2000 is precisely the kind of tactical intelligence the FBI has many times employed to prevent attacks and arrest terrorists. Yet the 9/11 Commission inexplicably concluded that it "was not historically significant." This astounding conclusion—in combination with the failure to investigate Able Danger and incorporate it into its findings—raises serious challenges to the commission's credibility and, if the facts prove out, might just render the commission historically insignificant itself.

The facts relating to Able Danger finally started to be reported in mid-August. U.S. Army Col. Anthony Shaffer, a veteran intelligence officer, publicly revealed that the Able Danger team had identified Atta and three other 9/11 hijackers by mid-2000 but were prevented by military lawyers from giving this information to the FBI. One week later, Navy Capt. Scott J. Phillpott, a U.S. Naval Academy graduate who managed the program for the Pentagon's Special Operations Command, confirmed "Atta was identified by Able Danger by January-February of 2000."

On Aug. 18, 2005, the Pentagon initially stated that "a probe" had found nothing to back up Col. Shaffer's claims. Two weeks later, however, Defense Department officials acknowledged that its "inquiry" had found "three more people who recall seeing an intelligence briefing slide that identified the ringleader of the 9/11 attacks a year before the hijackings and terrorist strikes." These same officials also stated that "documents and electronic files created by . . . Able Danger were destroyed under standing orders that limit the military's use of intelligence gathered about people in the United States." Then, in September 2005, the Pentagon doubled back and blocked several military officers from testifying at an open Congressional hearing about the Able Danger program.

Two members of Congress, Curt Weldon and Dan Burton, have also publicly stated that shortly after 9/11 attacks they provided then-Deputy National Security Adviser Stephen Hadley with a "chart" containing preattack information collected by Able danger about al Qaeda. a spokesperson for the White House has confirmed that Mr. Hadley "recalled seeing such a chart in that time period but . . . did not recall whether he saw it during a meeting . . . and that a search of National Security Council files had failed to produce such a chart."

Thomas Kean, the chairman of the 9/11 Commission, reacted to Able Danger with the standard Washington PR approach. He lashed out at the Bush administration and demanded that the Pentagon conduct an "investigation" to evaluate the "credibility" of Col. Shaffer and Capt. Phillpott—rather than demand a substantive investigation into what failed in the first place. This from a former New Jersey governor who, along with other commissioners, routinely appeared in public espousing his own conclusions about 9/11 long before the commission's inquiry was completed and long before all the facts were in! This while dismissing out of hand the major conflicts of interest on the commission itself about obstructions to information-sharing within the intelligence community.

Nevertheless, the final 9/11 commission report, released on July 22, 2004, concluded that "American intelligence agencies were unaware of Mr. Atta until the day of the attacks." This now looks to be embarrassingly wrong. Yet amazingly, commission leaders acknowledged on Aug. 12 that their staff in fact met with a Navy officer 10 days before releasing the report, who "asserted that a highly classified intelligence operation, Able Danger, had identified Mohammed Atta to be a member of an al Qaeda cell located in Brooklyn." (Capt. Phillpott says he briefed them in July 2004.) The commission's statement goes on to say that the staff determined that "the officer's account was not sufficiently reliable to warrant revision of the report or further investigation," and that the intelligence operation "did not turn out to be historically significant," despite substantial corroboration from other seasoned intelligence officers.

This dismissive and apparently unsupported conclusion would have us believe that a key piece of evidence was summarily rejected in less than 10 days without serious investigation. The commission, at the very least, should have interviewed the 80 members of Able Danger, as the Pentagon did, five of whom say they saw "the chart." But this would have required admitting that the late-breaking news was inconveniently raised. So it was grossly neglected and branded as significant. Such a half-baked conclusion, drawn in only 10 days without any real investigation, simply ignores what looks like substantial direct evidence to the contrary coming from our own trained military intelligence officers.

No wonder the 9/11 families were outraged by these revelations and called for a "new" commission to investigate. "I'm angry that my son's death could have been prevented," seethed Diane Horning, whose son Matthew was killed at the World Trade Center. On Aug. 17, 2005, a coalition of family members known as the September 11 Advocates rightly blasted 9/11 Commission leaders Mr. Kean and Lee Hamilton for pooh-poohing Able Danger's findings as not "historically significant." Advocate Mindy Kleinberg aptly notes, "They [the 9/11 Commission] somehow made a determination that this was not important enough. To me, that says somebody there is not using good judgment. And if I'm questioning the judgment of this one case, what other things might they have missed?" This is a stinging indictment of the commission by the 9/11 families.

The chairman of the Senate Judiciary Committee, Arlen Specter, has led the way in cleaning up the 9/11 Commission's unfinished business. Amid a very full plate of responsibilities, he conducted a hearing after noting that Col. Shaffer and Capt. Phillpott "appear to have credibility." Himself and former prosecutor, Mr. Specter noted: "If M? Atta and other 9/11 terrorists were identified before the attacks, it would be a very serious breach not to have that information passed along . . . we ought to get to the bottom of it." Indeed we should. The 9/11 Commission gets an "I" grade incomplete—for its dereliction regarding Able Danger. The Joint Intelligence Committee should reconvene and, in addition to Able Danger team members, we should have the 9/11 commissioners appear as witnesses so the families can hear their explanation why this doesn't matter.

Sent: Friday, November 11, 2005 9:21 AM
To: curtpa07
Subject: USS COLE

Our son Kenneth was the 1st killed on the USS Cole when it was attacked. Every since President Bush came into office I've been trying to get a meeting with him and the 17 families and the White House will not even acknowledge. I've been saying things like you are now saying ever since the attacked happened and NO one in government will talk to us. The FBI has lied to us on several facts and my own Congressmen will do anything for me except a meeting with the President. President Clinton did nothing to go after those that attacked the Cole and if he had of they would have uncovered numerous signs out there about what was going to happen on 9/11. We sure would like to talk to you.

JOHN CLODFELTER.

Sent: Friday, November 11, 2005 9:21 PM
To: curtpa07
Subject: Able Danger—9/11 Family Member

DEAR CONGRESSMAN WELDON: I write again to thank you for all you are doing to uncover the "Able Danger" story. I lost my brother Pete on 9/11, and over the last 4 years I have done what I could to educate myself on the "how's, why's and who's" of 9/11. I attended the Commission hearings both in Washington, D.C. and New York City, and to be frank . . . I thought the Commission was a farce. They may have reached recommendations that may prove worthy, but the agenda of some was all too obvious. I have felt from the beginning that certain Commissioners sat on the wrong side of the table, so to speak. Now that you have uncovered Able Danger, I want them all to sit as witnesses before Congress. Just who knew what and who decided these most important findings to be "historically insignificant," are questions that must be answered.

The loss of Pete on 9/11 is something I deal with every moment, of every day. Now that we are 2 weeks from what would've been his 47th birthday (one he shared with my sister, Kathy), a week away from Thanksgiving, 5 weeks from his favorite day of the year—Christmas . . . well, the heartache of his murder is felt a bit deeper.

On a personal note, Pete's death on 9/11 was one tragedy from that day, but it is not the only one. What his murder has done to our family is quite another. There is no way to explain how those terrorists ruined more than one life that day and there is no way to express my anger at how life for us will never again be the same. We struggle to find joy, we find it difficult to accomplish what once were ordinary tasks . . . but we do, and thanks to our faith. I also believe we do because of public servants like you. Decent elected officials who actually serve the public instead of themselves. You have my family's backing and full support and we pray to GOD that more and more elected officials join you in your fight to expose Able Danger and in your fight to keep our Nation safe and secure, so no other family has to endure what we did on 9/11, and what we continue to endure since because of the acts of hate filled cowards.

Thank you again Congressman Weldon and God bless! Please keep up the good fight on Able Danger!

You remain in our thought & prayers, as does our President and our Brave Troops!

Sincerely,
A proud American,
JOHN P. OWENS,
Loving brother of Peter J. Owens, Jr.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BERMAN (at the request of Ms. PELOSI) for today on account of a death in the family.

Mr. GARY G. MILLER of California (at the request of Mr. BLUNT) for today after 4:00 p.m. on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCDERMOTT) to revise and extend their remarks and include extraneous material:)

Mr. MEEHAN, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. MEEK of Florida, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

(The following Members (at the request of Mrs. BIGGERT) to revise and extend their remarks and include extraneous material:)

Mr. FRANKS of Arizona, for 5 minutes, today.

Mrs. BIGGERT, for 5 minutes, today.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

Mr. FORTENBERRY, for 5 minutes, today.

Mr. PEARCE, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1418. An act to enhance the adoption of a nationwide interoperable health information technology system and to improve the quality and reduce the costs of health care in the United States; to the Committee on Energy and Commerce.

S. 1785. An act to amend chapter 13 of title 17, United States Code (relating to the vessel hull design protection), to clarify the distinction between a hull and a deck, to provide factors for the determination of the protectability of a revised design, to provide guidance for assessments of substantial similarity, and for other purposes; to the Committee on the Judiciary.

S. 1961. An act to extend and expand the Child Safety Pilot Program; to the Committee on the Judiciary.

S. 1989. An act to designate the facility of the United States Postal Service located at 57 Rolfe Square in Cranston, Rhode Island, shall be known and designated as the "Holly A. Charette Post Office"; to the Committee on Government Reform.

ENROLLED BILL AND A JOINT RESOLUTION SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill and a Joint Resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4326. An act to authorize the Secretary of the Navy to enter into a contract for the nuclear refueling and complex overhaul of the U.S.S. Carl Vinson (CVN-70).

H.J. Res. 72. Joint resolution making further continuing appropriations for the fiscal year 2006, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on November 18, 2005, he presented to the President of the United States, for his approval, the following bills.

H.J. Res. 72. Making further continuing appropriations for the fiscal year 2006, and for other purposes.

H.R. 2419. Energy and Water Development Appropriations Act, 2006

H.R. 2490. To designate the facility of the United States Postal Service located at 442 West Hamilton Street, Allentown, Pennsylvania, as the "Mayor Joseph S. Daddona Memorial Post Office".

H.R. 2862. Departments of Commerce and Justice, Science, and Related Agencies Appropriations Act, 2006

H.R. 3339. To designate the facility of the United States Postal Service located at 2061 South Park Avenue in Buffalo, New York, as the "James T. Molloy Post Office Building".

H.R. 4326. To authorize the Secretary of the Navy to enter into a contract for the nuclear refueling and complex overhaul of the U.S.S. Carl Vinson (CVN-70).

ADJOURNMENT

Mr. WELDON of Pennsylvania. Mr. Speaker, pursuant to House Concurrent Resolution 307, 109th Congress, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to House Concurrent Resolution 307, 109th Congress, the House stands adjourned until 2 p.m. on Tuesday, December 6, 2005.

Thereupon (at midnight), pursuant to House Concurrent Resolution 307, the House adjourned until Tuesday, December 6, 2005, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5296. A letter from the Secretary, Commission of Fine Arts, transmitting in response to OMB Memorandum 06-01, a report stating that the Commission has not conducting any competitive sourcing efforts in FY 2004, FY 2005, and are not conducting any competitions in FY 2006; to the Committee on Government Reform.

5297. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Department's final rule — Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Specifications and Management Measures; Inseason Adjustments [Docket No. 040830250-5062-03; I.D. 093005A] received October 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5298. A letter from the Deputy Asistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Specifications and Management Measures; Inseason Adjustments; Correction [Docket No. 051014263-5263-01; I.D. 093005A] (RIN: 0648-AU00) received November 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5299. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 100605B] received October 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5300. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackeral in the Western Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 100605C] received October 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5301. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 100705B] received October 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5302. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 100705A] received October 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5303. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Closure of the Regular B Days-at-Sea Pilot Program [Docket No. 040804229-4300-02; I.D. 100305A] received November 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5304. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Framework Adjustment 17 [Docket No. 050520137-5220-02; I.D. 050905F] (RIN: 0648-AT10) received November 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5305. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Annual Specifications [Docket No. 050819225-5257; I.D. 080505A] (RIN: 0648-AS59) received November 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5306. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 101705A] received November 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5307. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic

Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 101405B] received November 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5308. A letter from the President and Chief Executive Officer, American Trucking Association, transmitting recommendations for an appointment to the National Surface Transportation Policy and Revenue Study Commission; to the Committee on Transportation and Infrastructure.

5309. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Above Head of Passes, Mile Marker 134.7 to Mile Marker 135.4, extending the entire width of the Laplace Anchorage, LA [COTP New Orleans-05-016] (RIN: 1625-AA00) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5310. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Port Valdez and Valdez Narrows, Valdez, AK [COTP Prince William Sound 05-012] (RIN: 1625-AA87) received November 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5311. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Knapps Narrows, Maryland [CGD05-05-124] (RIN: 1625-AA09) received November 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5312. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Spa Creek, Annapolis, MD [CGD05-05-104] (RIN: 1625-AA08) received November 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5313. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Willoughby Bay, Norfolk, VA [CGD05-05-098] (RIN: 1625-AA08) received November 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5314. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; Strait Thunder Performance, Port Angeles, WA [CGD13-05-009] (RIN: 1625-AA08) received November 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5315. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Event; John H. Kerr Reservoir, Clarksville, VA [CGD05-05-107] (RIN: 1625-AA08) received November 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5316. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Choptank River, Cambridge, MD [CGD05-05-105] (RIN: 1625-AA08) received November 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5317. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Jet Routes J-8, J-18, J-19, J-58, J-76, J-104 and J-244; and VOR Federal Airways V-60, V-190, V-263 and V-611; Las Vegas, NM [Docket No. FAA-2005-22421; Airspace Docket No. 05-ASW-1] (RIN: 2120-AA66) received October 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5318. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Dodge City Regional Airport, KS [Docket No. FAA-2005-21874; Airspace Docket No. 05-ACE-28] received October 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5319. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class D and Class E Airspace; Topeka, Forbes Field, KS [Docket No. FAA-2005-21703; Airspace Docket No. 05-ACE-19] received October 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5320. A letter from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting the Department's report regarding its efforts in the area of transportation security for the calendar year 2004, pursuant to 49 U.S.C. 44938(a) and (b); to the Committee on Homeland Security.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TOM DAVIS of Virginia: Committee on Government Reform. Investigation Into Rafael Palmeiro's March 17, 2005 Testimony at the Committee on Government Reform's Hearing: "Restoring Faith in America's Pastime: Evaluating Major League Baseball's Efforts to Eradicate Steroid Use" (Rept. 109–310). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. S. 229. An act to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project, and for other purposes (Rept. 109-311). Referred to the Committee of the Whole House on the State of the Union.

Mr. GINGREY: Committee on Rules. House Resolution 572. Resolution providing for consideration of the resolution (H. Res. 571) expressing the sense of the House of Representatives that the deployment of United States forces in Iraq be terminated immediately and providing for consideration of the concurrent resolution (H. Con. Res. 308) directing the Clerk of the House of Representatives to make a technical correction in the enrollment of H.R. 3058 (Rept. 109-312). Referred to the House Calendar.

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 3128. A bill to affirm that Federal employees are protected from discrimination on the basis of sexual orientation and to repudiate any assertion to the contrary (Rept. 109–313). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 1631. A bill to provide for the financing of high-speed rail infrastructure, and other purposes (Rept. 109–314 Pt. 1). Ordered to be printed.

Mr. HYDE: Committee on International Relations. H.R. 972. A bill to authorize appropriations for fiscal years 2006 and 2007 for the Trafficking Victims Protection Act of 2000, and for other purposes: with an amendment (Rept. 109–317 Pt. 1). Ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Armed Services and Energy and Commerce discharged from further consideration of H.R. 972.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 2829. A bill to reauthorize the Office of National Drug Control Policy Act, with an amendment (Rept. 109-315, Pt. I). Referred to the Committee on Education and the Workforce for a period ending not later than December 17, 2005, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(e), rule X. Ordered to be printed.

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 3699. A bill to provide for the sale, acquisition, conveyance, and exchange of certain real property in the District of Columbia to facilitate the utilization, development, and redevelopment of such property, and for other purposes, with an amendment (Rept. 109-316, Pt. 1). Referred to the Committee on Energy and Commerce for a period ending not later than December 17, 2005, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(f) rule X: and to the Committee on Transportation and Infrastructure for a period ending not later than December 17, 2005, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(r) rule X. Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 921. Referral to the Committee on Education and the Workforce extended for a period ending not later than December 17, 2005.

H.R. 972. Referral to the Committee on the Judiciary extended for a period ending not later than December 8, 2005.

H.R. 1631. Referral to the Committee on Ways and Means extended for a period ending not later than December 17, 2005.

H.R. 2829. Referral to the Committees on the Judiciary, Energy and Commerce, and the Permanent Select Committee on Intelligence for a period ending not later than December 17, 2005.

H.R. 2830. Referral to the Committee on Ways and Means extended for a period ending not later than December 6, 2005.

H.R. 3699. Referral to the Committee on Resources extended for a period ending not later than December 17, 2005.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HINCHEY:

H.R. 4387. A bill to amend the Internal Revenue Code of 1986 to provide a credit to individuals for charitable contributions of services; to the Committee on Ways and Means.

By Mr. THOMAS:

H.R. 4388. A bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; to the Committee on Ways and Means.

By Mr. MILLER of North Carolina (for himself and Mr. Conyers):

H.R. 4389. A bill to amend the Federal Election Campaign Act of 1971 to exempt news stories, commentaries, and editorials distributed through the Internet from treatment as expenditures or electioneering communications under such Act, and for other purposes; to the Committee on House Administration.

By Mr. LANGEVIN (for himself, Mr. Shays, Mrs. McCarthy, Ms. Corrine Brown of Florida, Mr. Van Hollen, Ms. DeLauro, Mr. Kennedy of Rhode Island, Mr. Case, Mr. Wexler, Mr. Moran of Virginia, Mr. Lewis of Georgia, Ms. Schakowsky, Ms. Norton, and Ms. Woolsey):

H.R. 4390. A bill to ensure greater accountability by licensed firearms dealers; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska (for himself, Mr. Shuster, Mr. Baker, Mr. Boustany, Mr. Jindal, Mr. Jefferson, Mr. Melancon, and Mr. Pickering):

H.R. 4391. A bill to authorize the President to provide disaster assistance for the repair, restoration, reconstruction, or replacement of a privately-owned power transmission facility damaged or destroyed by Hurricane Katrina or Hurricane Rita; to the Committee on Transportation and Infrastructure.

By Mr. ALLEN:

H.R. 4392. A bill to provide for the importation of pharmaceutical products under a compulsory license as provided for under the World Trade Organization; to the Committee on Ways and Means.

By Mr. BRADY of Texas:

H.R. 4393. A bill to amend the Internal Revenue Code of 1986 to clarify the application of section 584(h) of such Code; to the Committee on Ways and Means.

By Mr. CASTLE (for himself, Mr. Schwarz of Michigan, Mr. Blumenauer, and Mr. Costa):

H.R. 4394. A bill to alter the composition and terms of the Board of Directors of Amtrak, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CONYERS:

H.R. 4395. A bill to amend titles XVIII and XIX of the Social Security Act to provide for an improved voluntary Medicare prescription drug benefit, to provide greater access to affordable pharmaceuticals, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CROWLEY (for himself and Mr. Gene Green of Texas):

H.R. 4396. A bill to establish the National Vaccine Authority within the Department of Health and Human Services; to the Committee on Energy and Commerce.

By Mr. CROWLEY (for himself, Mr. Berman, Mr. Baca, and Mr. McNulty):

H.R. 4397. A bill to ensure that the two top officials of the Federal Emergency Management Agency have extensive background in emergency or disaster relief; to the Committee on Transportation and Infrastructure.

By Mr. DAVIS of Alabama (for himself, Mr. Butterfield, and Mr. Bishop of Georgia):

H.R. 4398. A bill to provide relief for African-American farmers filing claims in the cases of Pigford v. Veneman and Brewington v. Veneman; to the Committee on the Judiciary, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FITZPATRICK of Pennsylvania (for himself and Mr. Brady of Pennsylvania):

H.R. 4399. A bill to amend title XVIII of the Social Security Act to extend the annual enrollment periods of the Medicare prescription drug benefit program and under the Medicare Advantage Program, and to suspend Medicare prescription drug late enrollment penalties for two years after the initial enrollment period; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANKS of Arizona (for himself, Mr. Aderholt, Mr. Akin, Mr. Barrett of South Carolina, Mr. Bartlett of Maryland, Mr. Beauprez, Mr. Bishop of Utah, Mr. Blunt, Mr. Boehner, Mr. Calvert, Mr. Cantor, Mr. Chabot, Mr. Chocola, Mr. Cole of Oklahoma, Mrs. Jo Ann Davis of Virginia, Mr. Doolittle, Mr. Ehlers, Mr. Feeney, Mr. Ferguson, Ms. Foxx, Mr. Garrett of New Jersey, Mr. Gerlach, Mr. Goode, Mr. Green of Wisconsin, Mr. Gutknecht, Mr. Hayworth, Mr. Hensarling, Mr. Hoekstra, Mr. Hostettler, Mr. Istook, Mr. Jindal, Mr. Jones of North Carolina, Mr. King of Iowa, Mr. Kingston, Mr. Kline, Mr. Kolbe, Mr. Lewis of Kentucky, Mr. Marchant, Mr. McHenry, Mr. Miller of Florida, Mr. Murphy, Mrs. Musgrave, Mrs. Myrick, Mr. Neugebauer, Mr. Paul, Mr. Pence, Mr. Pitts, Mr. Putnam, Mr. Radanovich, Mr. Renzi, Ms. Ros-Lehtinen, Mr. Ryun of Kansas, Mr. Shadegg, Mr. Smith of New Jersey, Mr. Souder, Mr. Sullivan, Mr. Tiahrt, Mr. Tiberi, Mr. Wamp, Mr. Weldon of Florida, and Mr. Wilson of South Carolina):

H.R. 4400. A bill to amend the Internal Revenue Code of 1986 to provide for a credit which is dependent on enactment of State qualified scholarship tax credits and which is allowed against the Federal income tax for charitable contributions to education investment organizations that provide assistance for elementary and secondary education; to the Committee on Ways and Means.

By Mr. GIBBONS:

H.R. 4401. A bill to provide for the conveyance of certain public lands in and around historic mining townsites in Nevada, and for other purposes; to the Committee on Resources.

By Mr. HINCHEY (for himself and Mr. Sanders):

H.R. 4402. A bill to establish the Hudson-Fulton-Champlain 400th Commemoration Commission, and for other purposes; to the Committee on Government Reform.

By Mr. HULSHOF (for himself and Mr. Tanner):

H.R. 4403. A bill to amend title XVIII of the Social Security Act to clarify Congressional intent regarding the counting of residents in a nonhospital setting under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JEFFERSON:

H.R. 4404. A bill to amend the Internal Revenue Code of 1986 to allow a credit against tax for qualified equity investments in companies affected by Hurricane Katrina; to the Committee on Ways and Means.

By Ms. KAPTUR (for herself, Mr. Costello, Mr. DeFazio, Mr. Duncan, Mr. Everett, Mr. Gordon, Mr. Grijalva, Mr. Hunter, Mr. Jones of North Carolina, Mr. Smith of New Jersey, Mr. Taylor of Mississippi, and Mr. Fattah):

H.R. 4405. A bill to require that, in cases in which the annual trade deficit between the United States and another country is $10,000,000,000 or more for 3 consecutive years, the President take the necessary steps to create a more balanced trading relationship with that country; to the Committee on Ways and Means.

By Mr. KENNEDY of Minnesota:

H.R. 4406. A bill to amend title XVIII of the Social Security Act to establish a criminal penalty for defrauding individuals in connection with enrollment under a prescription drug plan or under the Medicare Advantage Program; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KILDEE:

H.R. 4407. A bill to prohibit the entry into any bilateral or regional trade agreement, and to prohibit negotiations to enter into any such agreement, for a period of 2 years; to the Committee on Ways and Means.

By Mr. KING of New York (for himself, Mr. Paul, Mr. LaTourette, Mr. Wilson of South Carolina, Mr. Duncan, Mr. King of Iowa, Mr. Taylor of Mississippi, Mr. Barrett of South Carolina, Mrs. Emerson, Mr. LaHood, and Ms. Ginny Brown-Waite of Florida):

H.R. 4408. A bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KINGSTON (for himself, Mr. Engel, Mr. Saxton, Mr. Bishop of New York, Mr. Gilchrest, Mr. Inglis of South Carolina, Mr. Price of Georgia, Mr. Bishop of Georgia, Mr. Burton of Indiana, Mr. Pence, Mr. Barrow, Mrs. Johnson of Connecticut, Mr. Terry, Mr. Tancredo, Mr. Bachus, Mr. Pitts, Mr. Burgess, Mr. Westmoreland, Mr. Linder, Mr. Chabot, Mr. Conaway, Mr. Wilson of South Carolina, Mrs. Kelly, Mr. Deal of Georgia, Mr. Renzi, and Mr. Ehlers):

H.R. 4409. A bill to promote the national security and stability of the United States economy by reducing the dependence of the United States on foreign oil through the use of alternative fuels and new vehicle technologies, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Science, Ways and Means, Transportation and Infrastructure, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSON of Connecticut (for himself, Ms. DeLauro, Mrs. McCarthy, Mr. Doyle, Mr. Stupak, Mr. Wu, Mr. Doggett, Mr. McDermott, Mr. Jefferson, Mr. Becerra, Mr. Capuano, and Mr. Ryan of Ohio):

H.R. 4410. A bill to amend part D of title XVIII of the Social Security Act to extend the initial enrollment period for Medicare prescription drug benefits through May 15, 2008, to waive penalties for late enrollment before June 1, 2008, and to provide other additional beneficiary protections; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEACH (for himself, Mr. Pence, Mr. Bachus, Mr. Osborne, Mr. Pitts, Mr. Boehlert, Mr. Gillmor, Mr. Gilchrest, Mr. Rogers of Michigan, Mr. Bass, Mr. Fortenberry, Mr. Ehlers, Mr. Kirk, Mr. Ramstad, Mr. Dent, Mr. Walsh, Mr. McCaul of Texas, Mr. Latham, and Mr. Akin):

H.R. 4411. A bill to prevent the use of certain payment instruments, credit cards, and fund transfers for unlawful Internet gambling, and for other purposes; to the Committee on Financial Services.

By Mr. McHENRY (for himself, Mr. Jindal, Mr. Issa, Mr. Doolittle, Mr. Kline, Mr. Westmoreland, Mr. Brady of Texas, Mr. Wamp, Mr. Bartlett of Maryland, Mr. Rohrabacher, Mr. McCaul of Texas, Mr. Feeney, Mr. Shadegg, Mrs. Myrick, Mr. Gingrey, and Mr. Gutknecht):

H.R. 4412. A bill to require the Secretary of Homeland Security to consolidate existing U.S. Citizenship and Immigration Services databases into a comprehensive database that allows real-time access to data, in order to improve customer service and enhance national security and public safety, and for other purposes; to the Committee on the Judiciary.

By Mr. MEEK of Florida (for himself and Mr. Ryan of Ohio):

H.R. 4413. A bill to amend the Truth in Lending Act to provide for enhanced disclosure under an open end credit plan; to the Committee on Financial Services.

By Mr. MEEK of Florida (for himself and Mr. Ryan of Ohio):

H.R. 4414. A bill to amend the Electronic Fund Transfer Act to require notice to the consumer before any fee may be imposed by a financial institution in connection with any transaction for any overdraft protection service provided with respect to such transaction, and for other purposes; to the Committee on Financial Services.

By Mr. MEEK of Florida (for himself and Mr. Ryan of Ohio):

H.R. 4415. A bill to establish a fair order of posting checks and deposits to prevent unjust enrichment of financial institutions from fees that accrue only by virtue of the order used by the institution for posting checks and deposits, and for other purposes; to the Committee on Financial Services.

By Ms. MILLENDER-McDONALD:

H.R. 4416. A bill to reauthorize permanently the use of penalty and franked mail in efforts relating to the location and recovery of missing children; to the Committee on Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MOLLOHAN:

H.R. 4417. A bill to provide for the reinstatement of a license for a certain Federal Energy Regulatory project; to the Committee on Energy and Commerce.

By Mr. PEARCE:

H.R. 4418. A bill to direct the Secretary of the Interior to establish a rural water supply program in the Reclamation States to provide a clean, safe, affordable, and reliable water supply to rural residents; to the Committee on Resources.

By Mr. PORTER (for himself, Mr. Shadegg, Mr. Hayworth, Mr. Renzi, Mr. Flake, Ms. Berkley, Mr. Gibbons, and Mr. Franks of Arizona):

H.R. 4419. A bill to repeal the perimeter rule for Ronald Reagan Washington National Airport, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SANDERS (for himself and Mr. Kucinich):

H.R. 4420. A bill to repeal tax subsidies enacted by the Energy Policy Act of 2005 for oil and gas, to repeal certain other oil and gas subsidies in the Internal Revenue Code of 1986, and to use the proceeds to carry out the Low-Income Home Energy Assistance Act of 1981 and to provide weatherization assistance; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Education and the Workforce, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAW (for himself and Mr. Ramstad):

H.R. 4421. A bill to amend the Internal Revenue Code of 1986 to provide for S corporation reform, and for other purposes; to the Committee on Ways and Means.

By Mr. SHAYS (for himself, Mr. Lantos, and Ms. Eshoo):

H.R. 4422. A bill to enhance homeland security by preventing unauthorized access to explosive materials stored by State or local agencies; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey:

H.R. 4423. A bill to encourage and facilitate the consolidation of security, human rights, democracy, and economic freedom in Ethiopia; to the Committee on International Relations.

By Mr. STUPAK (for himself, Mr. Ramstad, Mrs. McCarthy, Mr. Kennedy of Rhode Island, Mr. Bishop of Georgia, Mr. Pallone, and Mrs. Maloney):

H.R. 4424. A bill to amend title 5, United States Code, to make family members of public safety officers killed in the line of duty eligible for coverage under the Federal employees health benefits program, and for other purposes; to the Committee on Government Reform.

By Mr. SULLIVAN (for himself, Mr. Terry, Mr. Franks of Arizona, and Mr. Hayworth):

H.R. 4425. A bill to amend the Telemarketing and Consumer Fraud and Abuse Prevention Act to apply to charities only if the solicitation of such charities involves fraud or deception; to the Committee on Energy and Commerce.

By Mr. THOMPSON of Mississippi:

H.R. 4426. A bill to designate the United States Courthouse to be constructed in Jackson, Mississippi, as the "R. Jess Brown United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. THOMPSON of Mississippi (for himself, Mr. Alexander, Mr. Jefferson, Mr. Poe, Ms. Jackson-Lee of Texas, and Mr. Taylor of Mississippi):

H.R. 4427. A bill to direct the Secretary of Homeland Security to establish a database of small businesses for purposes of consultation by Federal agencies prior to awarding contracts relating to declared emergencies; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIBERI:

H.R. 4428. A bill to clarify the status of retirement benefits provided by the Young Women's Christian Association Retirement Fund under the benefit accrual standards of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIERNEY (for himself and Mr. Ramstad):

H.R. 4429. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to drug safety, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WELDON of Florida:

H.R. 4430. A bill to amend the Internal Revenue Code of 1986 to provide that qualified homeowner downpayment assistance is a charitable purpose; to the Committee on Ways and Means.

By Mr. WICKER (for himself and Mr. Pickering):

H.R. 4431. A bill to authorize financial assistance under the community development block grant program for disaster relief and recovery for communities affected by Hurricane Katrina or Hurricane Rita; to the Committee on Financial Services.

By Mr. WELDON:

H. Con. Res. 307. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate; considered and agreed to.

By Mr. LEWIS of California:

H. Con. Res. 308. Concurrent resolution directing the Clerk of the House of Representatives to make a technical correction in the enrollment of H.R. 3058; to the Committee on Appropriations, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BEAN (for herself, Mr. Skelton, Mr. Evans, Mr. Murtha, Mr. Simmons, Mr. Lynch, Mr. Hinchey, Mrs. McCarthy, Mr. McGovern, Mr. Van Hollen, Mr. McDermott, Mr. Brady of Pennsylvania, Mr. Snyder, Mrs. Davis of California, Mr. Reyes, Mr. Etheridge, Mr. Butterfield, Mrs. Maloney, Mr. Scott of Georgia, Mr. Boswell, Mr. Schwarz of Michigan, Mr. Miller of North Carolina, Mrs. Capps, Mr. Lantos, Mr. Waxman, Mr. Rahall, Mr. Taylor of Mississippi, Mr. Tanner, Mrs. Tauscher, Mr. Edwards, Mr. Hoyer, Mr. Israel, Ms. Harman, Mr. Davis of Tennessee, Mr. Shimkus, Mr. Holden, Ms. Wasserman Schultz, Mr. Crowley, Mr. Higgins, Ms. Woolsey, Mr. Burton of Indiana, Mr. Lipinski, Mr. Cooper, Mr. Cuellar, Mr. Brown of Ohio, Mr. Emanuel, Mr. Sherman, Mr. Weldon of Pennsylvania, Mrs. Christensen, Mr. Rothman, Mr. Doyle, Mr. Pallone, Ms. Herseth, Ms. Schwartz of Pennsylvania, Mr. Kind, Mr. Boyd, Mr. Conyers, Mr. Feeney, Mr. Schiff, Ms. Linda T. Sánchez of California, Mr. Matheson, Mr. Costello, Mr. Markey, Mr. Cleaver, and Mr. Barrow):

H. Con. Res. 309. Concurrent resolution commending Armed Forces medical personnel for their outstanding care of combat casualties; to the Committee on Armed Services.

By Mr. FORD:

H. Con. Res. 310. Concurrent resolution expressing the sense of the Congress with respect to unilateral altering, by the European Union, of the standards for imports of certain wood products; to the Committee on International Relations.

By Mr. HUNTER:

H. Res. 571. A resolution expressing the sense of the House of Representatives that the deployment of United States forces in Iraq be terminated immediately; to the Committee on International Relations; considered and failed of adoption.

By Mr. ALLEN (for himself, Mr. Snyder, and Mr. Spratt):

H. Res. 573. A resolution congratulating Mohamed ElBaradei and the United Nations International Atomic Energy Agency on winning the Nobel Peace Prize; to the Committee on International Relations.

By Mr. BECERRA (for himself and Ms. Millender-McDonald):

H. Res. 574. A resolution congratulating the Los Angeles Galaxy on their victory in the 2005 Major League Soccer championship; to the Committee on Government Reform.

By Mr. CANTOR (for himself, Mr. Menendez, Ms. Ros-Lehtinen, Ms. Berkley, Mr. McCaul of Texas, and Mr. Wexler):

H. Res. 575. A resolution providing that Hamas and other terrorist organizations should not participate in elections held by the Palestinian Authority, and for other purposes; to the Committee on International Relations.

By Mrs. DAVIS of California (for herself, Mr. Filner, Mr. Davis of Illinois, Mr. Honda, Mr. Farr, Mr. Sherman, Mr. Castle, Mr. Manzullo, Mr. Waxman, Mr. Reyes, Mr. Cooper, Mr. Calvert, Mr. Berman, and Mr. Ruppersberger):

H. Res. 576. A resolution celebrating Advancement Via Individual Determination's 25 years of success; to the Committee on Education and the Workforce.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. Reynolds, and Ms. Hart):

H. Res. 577. A resolution expressing the sense of the House of Representatives regarding the conditions for the United States to become a signatory to any multilateral agreement on trade resulting from the World Trade Organization's Doha Development Agenda Round; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey (for himself, Mr. Cardin, Mrs. Northup, Mr. Pitts, Mr. Pence, Mr. Costello, Mr. Burton of Indiana, Mrs. Jo Ann Davis of Virginia, Mr. Tiahrt, Mr. Bradley of New Hampshire, and Mr. Frank of Massachusetts):

H. Res. 578. A resolution concerning the Government of Romania's ban on intercountry adoptions and the welfare of orphaned or abandoned children in Romania; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

203. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to a Resolution urging the Massachusetts Congressional Delegation to create a postage-free mail program for items sent to Armed Forces Distribution Centers; to the Committee on Government Reform.

204. Also, a memorial of the House of Representatives of the Commonwealth of Puerto Rico, relative to a Resolution requesting a formal and encompassing investigation on the performance of the Federal Bureau of Investigations and its personnel, as well as of other officers of the Government of the Commonwealth of Puerto Rico, if any, in the preperation, execution and conclusion of the operation which culminated with the death of Filiberto Ojeda-Rios, a fugitive since September 1990, and self-proclaimed leader of the group denominated Ejercito Popular Boricua, better known as "Los Macheteros"; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. ADERHOLT introduced a bill (H.R. 4432) for relief of the estate of Henry Clay Blizzard; which was referred to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. Renzi.

H.R. 282: Mr. Thompson of Mississippi.

H.R. 284: Mr. Michaud.

H.R. 305: Mr. Simmons.

H.R. 388: Mr. Evans and Mr. Sabo.

H.R. 500: Mr. Wolf.

H.R. 515: Mr. Conyers.

H.R. 517: Mr. Dicks.

H.R. 550: Mr. Taylor of Mississippi, Mr. Andrews, and Mr. Evans.

H.R. 551: Ms. Zoe Lofgren of California and Ms. Moore of Wisconsin.

H.R. 556: Ms. DeGette.

H.R. 601: Mr. Meeks of New York.

H.R. 602: Mrs. Biggert.

H.R. 690: Ms. McKinney and Mr. Ford.

H.R. 698: Mr. Cunningham, Mr. Renzi, Mr. Jenkins, Mr. Hefley, Mr. Burgess, Mr. Pitts, Mr. McKeon, and Mr. Whitfield.

H.R. 703: Mr. Miller of Florida.

H.R. 769: Mr. Neal of Massachusetts.

H.R. 772: Mr. Bradley of New Hampshire.

H.R. 783: Mr. Sabo, Ms. Granger, and Mr. Walden of Oregon.

H.R. 808: Mr. Menendez, Mr. Case, and Mr. Chandler.

H.R. 874: Mr. Oxley.

H.R. 896: Mr. Ruppersberger.

H.R. 898: Mr. Price of Georgia, Mr. Rogers of Michigan, Ms. Baldwin, Ms. Slaughter, and Mr. Andrews.

H.R. 964: Mr. Wynn, Mr. Udall of New Mexico, Mr. McNulty, and Mr. Ryun of Kansas.

H.R. 968: Mr. Walden of Oregon.

H.R. 994: Mr. Hostettler, Mrs. Davis of California, Mr. Brown of Ohio, Mr. Ackerman, and Mr. Price of Georgia.

H.R. 997: Mr. Payne.

H.R. 1019: Mr. Grijalva.

H.R. 1053: Mr. Pitts, Mr. Smith of New Jersey, Mr. Dent, and Mr. Lincoln Diaz-Balart of Florida.

H.R. 1131: Mr. Neal of Massachusetts.

H.R. 1182: Mr. Serrano.

H.R. 1241: Mr. Goode.

H.R. 1243: Mr. Crenshaw, Mr. Camp, and Mr. Taylor of North Carolina.

H.R. 1246: Ms. Woolsey.

H.R. 1259: Mr. Hunter, Mr. Engel, and Mr. Gene Green of Texas.

H.R. 1264: Ms. DeLauro and Mr. Simmons.

H.R. 1372: Ms. Baldwin, Mr. Blumenauer, Mr. Cummings, and Mr. Kildee.

H.R. 1398: Mr. Case, Mr. Filner, Mr. Ross, and Mr. Sabo.

H.R. 1426: Mr. Markey.

H.R. 1445: Mr. Manzullo.

H.R. 1506: Mrs. Johnson of Connecticut and Mr. Murphy.

H.R. 1554: Mr. Shaw.

H.R. 1595: Mr. McGovern.

H.R. 1668: Mr. Pascrell, Mrs. Jones of Ohio, Mr. Lewis of Georgia, and Mr. Honda.

H.R. 1689: Mr. Murphy.

H.R. 1707: Mr. Terry, Mr. Clay, Mr. Kirk, and Mr. Van Hollen.

H.R. 1898: Mr. Coble and Mrs. Kelly.

H.R. 2014: Mr. Stupak.

H.R. 2043: Mr. Kirk and Ms. DeGette.

H.R. 2052: Mr. Holt.

H.R. 2090: Mr. Lynch and Mr. Evans.

H.R. 2251: Mr. Pence and Mr. Calvert.

H.R. 2356: Mr. Langevin and Mr. Hefley.

H.R. 2421: Mr. Payne, Mr. McGovern, Mr. Menendez, Mr. Tierney, Mr. Miller of North Carolina, Mr. McHugh, Mr. Hinchey, Mr. Shays, and Mr. LaHood.

H.R. 2562: Mr. Berman.

H.R. 2637: Mr. McGovern.

H.R. 2642: Mr. Frank of Massachusetts.

H.R. 2679: Mr. Wilson of South Carolina, Mr. Kline, Mr. McCaul of Texas, Mr. Deal of Georgia, Mr. Franks of Arizona, and Mr. Beauprez.

H.R. 2717: Mr. PALLONE, Ms. HOOLEY, Mrs. MALONEY, Mr. GUTIERREZ, Mr. HONDA, and Mrs. LOWEY.

H.R. 2786: Ms. HARRIS.

H.R. 2823: Ms. JACKSON-LEE of Texas.

H.R. 2861: Mr. ABERCROMBIE and Mr. WYNN.

H.R. 2943: Ms. BORDALLO.

H.R. 2946: Mr. KILDEE.

H.R. 2989: Mr. MCKEON.

H.R. 3006: Mrs. MCCARTHY, Ms. WASSERMAN SCHULTZ, and Ms. MATSUI.

H.R. 3011: Mr. RYAN of Wisconsin.

H.R. 3127: Mr. GILLMOR and Mr. EVANS.

H.R. 3187: Mr. LANGEVIN.

H.R. 3195: Mr. CARDIN.

H.R. 3307: Mr. SHAW.

H.R. 3373: Mr. LAHOOD and Mr. HEFLEY.

H.R. 3430: Mr. DAVIS of Kentucky.

H.R. 3463: Mr. BEAUPREZ and Mr. SIMPSON.

H.R. 3476: Mr. CUMMINGS and Mr. TIERNEY.

H.R. 3478: Mr. MILLER of North Carolina.

H.R. 3579: Mr. BAKER.

H.R. 3617: Mr. HEFLEY.

H.R. 3621: Mr. GARRETT of New Jersey.

H.R. 3641: Mr. WAXMAN, Mr. TOWNS, Ms. SCHAKOWSKY, Ms. NORTON, Mr. MEEKS of New York, Mr. REYES, Mr. OWENS, Mr. LEWIS of Georgia, Mr. KILDEE, Mr. ORTIZ, Mr. CLAY, Mr. MCGOVERN, Mr. MEEK of Florida, Mr. CROWLEY, Mr. CARDIN, Mr. GONZALEZ, Mr. CONYERS, Mr. HONDA, Mr. GRIJALVA, Mr. GENE GREEN of Texas, Ms. JACKSON-LEE of Texas, Mr. LANTOS, Mr. MCDERMOTT, and Mr. RANGEL.

H.R. 3642: Mr. CUMMINGS, Mr. CONYERS, and Ms. CARSON.

H.R. 3657: Mr. GORDON, Mr. ABERCROMBIE, Mr. INSLEE, and Mr. PASTOR.

H.R. 3680: Mr. MCHUGH.

H.R. 3714: Mr. PICKERING.

H.R. 3734: Mr. ROTHMAN.

H.R. 3752: Mr. BROWN of Ohio.

H.R. 3778: Mr. CASE and Mr. GEORGE MILLER of California.

H.R. 3852: Mr. DAVIS of Tennessee and Mr. GRIJALVA.

H.R. 3858: Mr. SMITH of New Jersey.

H.R. 3861: Mr. OBEY, Mr. FORD, Ms. DELAURO, Mr. SABO, Mr. BECERRA, Mrs. MALONEY, Ms. KILPATRICK of Michigan, Mr. ROSS, Ms. ZOE LOFGREN of California, and Mr. EVANS.

H.R. 3883: Mr. PICKERING, Mr. JENKINS, and Mr. MARSHALL.

H.R. 3949: Mrs. JONES of Ohio and Mr. CLEAVER.

H.R. 4010: Mr. EVANS.

H.R. 4011: Mr. GRIJALVA, Mr. BRADY of Pennsylvania, Ms. BALDWIN, and Mr. PAYNE.

H.R. 4029: Ms. MCKINNEY.

H.R. 4033: Mr. SHAW.

H.R. 4052: Mr. HIGGINS.

H.R. 4062: Mr. EVANS and Mr. CAPUANO.

H.R. 4063: Mr. UDALL of New Mexico.

H.R. 4071: Mr. RADANOVICH.

H.R. 4073: Ms. LEE, Ms. BERKLEY, Mr. PAYNE, Mrs. JONES of Ohio, and Mr. GENE GREEN of Texas.

H.R. 4078: Mr. GILLMOR, Mr. HALL, Mrs. CUBIN, Mr. BILIRAKIS, Mr. MCHUGH, and Mr. WAMP.

H.R. 4083: Mrs. SCHMIDT.

H.R. 4090: Ms. SCHAKOWSKY.

H.R. 4096: Mrs. JO ANN DAVIS of Virginia.

H.R. 4098: Mr. LOBIONDO, Mr. MATHESON, and Mr. LUCAS.

H.R. 4129: Mr. SMITH of Texas and Mr. KUHL of New York.

H.R. 4147: Mr. FOLEY and Mr. HONDA.

H.R. 4156: Mr. MENENDEZ, Mr. SCHIFF, Mr. SCOTT of Georgia, Mr. DEFAZIO, Mr. ABERCROMBIE, Mr. EVANS, Mr. BROWN of Ohio, Mr. OBERSTAR, Mrs. NAPOLITANO, Mr. MCGOVERN, Mr. STUPAK, Mr. UDALL of Colorado, Ms. DEGETTE, and Mr. BISHOP of New York.

H.R. 4157: Mr. MCHUGH.

H.R. 4167: Mr. COLE of Oklahoma, Ms. BEAN, Ms. ROS-LEHTINEN, Mr. PETRI, Ms. FOXX, Mr. JINDAL, Mr. AKIN, and Mr. MCCAUL of Texas.

H.R. 4186: Mr. KILDEE.

H.R. 4190: Ms. LINDA T. SÁNCHEZ of California, Mr. MICHAUD, Mr. GRIJALVA, Ms. WOOLSEY, Mr. LANTOS, Mr. ENGEL, and Mr. STARK.

H.R. 4194: Mr. VAN HOLLEN.

H.R. 4197: Mr. BRADY of Pennsylvania, Mr. FALEOMAVAEGA, Mr. KUCINICH, Mr. CROWLEY, Mr. FRANK of Massachusetts, Mr. RUPPERSBERGER, Mr. GRIJALVA, Ms. WASSERMAN SCHULTZ, Mr. HONDA, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. MILLER of North Carolina, and Ms. SCHAKOWSKY.

H.R. 4200: Mr. CAMP, Mr. MARCHANT, Mr. CARDOZA, Mr. JENKINS, and Mr. FORBES.

H.R. 4201: Mr. EVANS.

H.R. 4212: Ms. HERSETH and Mr. PAYNE.

H.R. 4222: Ms. WOOLSEY and Mr. FILNER.

H.R. 4223: Ms. MILLENDER-MCDONALD, Mr. MORAN of Virginia, and Mr. RUPPERSBERGER.

H.R. 4225: Mr. POE, Ms. MCKINNEY, and Mrs. MALONEY.

H.R. 4229: Mr. DOGGETT and Mr. ALLEN.

H.R. 4232: Mr. GRIJALVA.

H.R. 4259: Mr. SANDERS and Mr. MILLER of Florida.

H.R. 4263: Mr. LANGEVIN.

H.R. 4268: Mr. NORWOOD, Mr. CULBERSON, and Mrs. JOHNSON of Connecticut.

H.R. 4272: Ms. LEE.

H.R. 4282: Mrs. JO ANN DAVIS of Virginia, Mr. OTTER, Mr. TANCREDO, and Mr. ROHRABACHER.

H.R. 4286: Mr. WEXLER.

H.R. 4298: Mr. CONYERS.

H.R. 4300: Mr. EVANS.

H.R. 4312: Mr. SMITH of Texas, Mr. LINDER, Mr. SOUDER, Mr. GIBBONS, Mr. SIMMONS, Mr. ROGERS of Alabama, Mr. PEARCE, Ms. HARRIS, Mr. REICHERT, Mr. MCCAUL of Texas, Mr. DENT, Ms. GINNY BROWN-WAITE of Florida, Mr. MCHUGH, Mr. ROYCE, and Mrs. MYRICK.

H.R. 4313: Mr. COBLE, Mr. WAMP, Mrs. CUBIN, Mr. JONES of North Carolina, Mrs. MILLER of Michigan, Mrs. SCHMIDT, Mr. ALEXANDER, Mr. GINGREY, Mrs. BLACKBURN, Mr. BURTON of Indiana, Mr. RYUN of Kansas, and Mr. BURGESS.

H.R. 4315: Mr. BOSWELL and Mr. WELDON of Pennsylvania.

H.R. 4318: Mr. PEARCE, Mr. JEFFERSON, Mr. BISHOP of Utah, Mr. DUNCAN, Mrs. EMERSON, Mrs. CUBIN, Mr. FLAKE, Mr. WICKER, Mr. MANZULLO, Mr. YOUNG of Alaska, Mr. FALEOMAVAEGA, Mr. GIBBONS, Mr. WAMP, Mr. BROWN of South Carolina, Mr. TAYLOR of North Carolina, Mr. MICA, Mr. DOOLITTLE, Mr. OSBORNE, Mr. THOMAS, and Mr. REGULA.

H.R. 4321: Mr. JONES of North Carolina.

H.R. 4330: Mr. ROGERS of Alabama.

H.R. 4331: Mr. CHANDLER, Mr. DAVIS of Illinois, and Mr. HASTINGS of Washington.

H.R. 4346: Mr. BURTON of Indiana, Ms. CARSON, Mr. HOSTETTLER, Mr. PENCE, Mr. VISCLOSKY, and Mr. SODREL.

H.R. 4349: Mr. KILDEE and Mr. MCGOVERN.

H.R. 4351: Mr. CLAY.

H.R. 4357: Mr. SCHWARZ of Michigan, Mr. RAMSTAD, Mr. WICKER, Mr. SOUDER, and Mr. WILSON of South Carolina.

H.R. 4365: Mr. HEFLEY and Mr. MACK.

H.R. 4378: Ms. DELAURO and Mr. LARSON of Connecticut.

H.J. Res. 70: Mr. BISHOP of New York.

H.J. Res. 73: Mr. HOLT, Mr. MCNULTY, Mr. CAPUANO, Mr. DOYLE, Mr. MORAN of Virginia, Ms. ZOE LOFGREN of California, Mr. RANGEL, Ms. LEE, Ms. SOLIS, Mr. WEINER, Mr. MCGOVERN, Ms. JACKSON-LEE of Texas, and Mr. BECERRA.

H. Con. Res. 42: Mr. GOODE.

H. Con. Res. 210: Mr. FITZPATRICK of Pennsylvania, Mr. PUTNAM, and Mr. HOLDEN.

H. Con. Res. 231: Mr. CUMMINGS.

H. Con. Res. 278: Mr. BARROW, Mr. GRIJALVA, and Mr. WAXMAN.

H. Con. Res. 280: Mr. BERMAN and Mr. LINCOLN DIAZ-BALART of Florida.

H. Con. Res. 291: Mr. GRIJALVA.

H. Con. Res. 294: Ms. WATSON, Mr. WELLER, Mrs. DRAKE, Mr. PITTS, Ms. LINDA T. SÁNCHEZ of California, Mr. EVANS, and Mr. LINCOLN DIAZ-BALART of Florida.

H. Con. Res. 296: Mr. LANTOS, Mr. BURTON of Indiana, Mr. CHABOT, Mr. GERLACH, Mr. PITTS, Mrs. NAPOLITANO, Mr. ENGEL, Mr. CROWLEY, Mr. WEXLER, Mr. OBERSTAR, Mrs. MALONEY, Mr. MEEKS of New York, Mrs. MCCARTHY, Mr. LYNCH, Mr. GRIJALVA, Mr. SANDERS, Mr. STRICKLAND, Mr. HONDA, Mr. WEINER, Mr. MICHAUD, Mr. FRANK of Massachusetts, Mr. EVANS, Mr. PALLONE, Ms. MOORE of Wisconsin, Mr. SNYDER, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KILPATRICK of Michigan, Mr. MORAN of Virginia, Mr. MARKEY, Mr. MCGOVERN, Ms. WASSERMAN SCHULTZ, Mr. STARK, Mr. CARDOZA, Ms. BORDALLO, Mr. OWENS, and Mr. TANCREDO.

H. Con. Res. 298: Mr. PALLONE, Mr. LYNCH, Mr. MOORE of Kansas, and Mr. KILDEE.

H. Con. Res. 301: Mr. MCHENRY, Mr. PRICE of Georgia, Mr. PAUL, Mr. FRANKS of Arizona, Mr. SHADEGG, Mr. MARCHANT, Mr. BISHOP of Utah, Mr. WESTMORELAND, Mr. FLAKE, Mr. HOSTETTLER, Mr. SODREL, Mr. ROHRABACHER, Mr. WELDON of Florida, Mr. GUTKNECHT, Mr. GOODE, Mr. KINGSTON, Mr. TANCREDO, Ms. FOXX, Mr. PENCE, Mr. DOOLITTLE, Mr. AKIN, Mr. CULBERSON, Mr. HENSARLING, Mr. SESSIONS, Mr. HALL, Mr. SAM JOHNSON of Texas, Mr. BONILLA, Mr. CARTER, Mr. MCCAUL of Texas, Mr. GOHMERT, and Mr. GARRETT of New Jersey.

H. Con. Res. 302: Mrs. DRAKE, Mr. SOUDER, and Mr. MILLER of Florida.

H. Res. 196: Mr. CAPUANO, Ms. MOORE of Wisconsin, Mr. FILNER, Mr. KILDEE, Mr. RUSH, Mr. MARKEY, Mr. TOWNS, Mr. MOORE of Kansas, Mr. FALEOMAVAEGA, Mr. SNYDER, Mr. LANTOS, Mr. GUTIERREZ, Mr. MEEK of Florida, Ms. WOOLSEY, Mr. PALLONE, Mr. SMITH of New Jersey, Mr. BERMAN, and Mr. VAN HOLLEN.

H. Res. 200: Mr. REYES.

H. Res. 222: Mr. KILDEE.

H. Res. 223: Mr. HOYER and Mr. MCDERMOTT.

H. Res. 487: Mr. CUMMINGS and Mr. EVANS.

H. Res. 510: Mr. WELDON of Pennsylvania, Mr. FRANK of Massachusetts, Mr. DAVIS of Alabama, and Mr. MEEHAN.

H. Res. 512: Mr. KUCINICH.

H. Res. 517: Mrs. MALONEY, and Mr. WEINER.

H. Res. 526: Ms. BALDWIN.

H. Res. 550: Ms. HARRIS, Mr. WEXLER, and Mr. WU.

H. Res. 561: Ms. SCHAKOWSKY, Ms. BEAN, Mr. LEWIS of Georgia, and Mr. RAHALL.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

77. The SPEAKER presented a petition of the Municipal Legislature of Moca, Puerto Rico, relative to Resolution No. 54 expressing opposition to the elimination of the Community Development Block Grant Program; to the Committee on Financial Services.

78. Also, a petition of the City of Naperville, Illinois, relative to Resolution

No. 05-28 expressing support for the continuation and full funding of the Community Development Block Grant Program; to the Committee on Financial Services.

79. Also, a petition of the Houghton County Board of Commissioners, Michigan, relative to a Resolution recommending and supporting the re-authorization of the Community Services Block Grant for FY 2006 and beyond, and that funding for (CSBG) be continued at its current level; to the Committee on Financial Services.

80. Also, a petition of the City of Shaker Heights, Ohio, relative to Resolution No. 05-49 opposing cutting the Community Development Block Grant Program and other programs as proposed by the Congress of the United States and declaring an emergency; to the Committee on Financial Services.

81. Also, a petition of the City of Rock Falls, Illinois, relative to Resolution 2005-470 requesting rejection by the Congress of United States of limits upon municipal telecommunications franchising authority; to the Committee on Energy and Commerce.

82. Also, a petition of the Village of Carpentersville, Illinois, relative to Resolution No. R05-94 expressing support of the continued administration of the Community Development Block Grant Program through the Department of Housing and Urban Development at current or increased levels of funding; to the Committee on Financial Services.

83. Also, a petition of the City Council of Santa Cruz, California, relative to Resolution No. NS-27,006 endorsing broad election reform and supporting the restoration of voter confidence; to the Committee on House Administration.

84. Also, a petition of the California State Lands Commission, relative to a Resolution requesting the Congress of the United States to continue the California Oil and Gas Leasing Moratorium; to the Committee on Resources.

85. Also, a petition of the Junior Order United American Mechanics, Tennessee, relative to Resolution No. 5 expressing opposition to a few states that allow same sex marriage; to the Committee on the Judiciary.

86. Also, a petition of the Junior Order United American Mechanics, Tennessee, relative to Resolution No. 4 expressing support of every American's right to say the Pledge of Allegiance to our Flag; to the Committee on the Judiciary.

87. Also, a petition of the Junior Order United American Mechanics, Tennessee, relative to Resolution No. 3 expressing support and appreciation to these brave men and women of the armed forces of the United States of America, who are representing our country, both at home and abroad; to the Committee on Armed Services.

88. Also, a petition of the North Lauderdale Commission, Florida, relative to Resolution No. 2005-05-4882 expressing support for amendments to the Florida Constitution requiring the periodic review and approval of all sales tax exemptions and exclusions in the state of Florida; to the Committee on the Judiciary.

89. Also, a petition of City of Gretna, Louisiana, relative to Resolution No. 2005-093 urging the Congress of the United States to revisit the recent legislation passed by both United States House and Senate and include a forgiveness clause in that legislation that allows Louisiana communities to qualify for low interest loans; to the Committee on Transportation and Infrastructure.

DISCHARGE PETITIONS

Under clause 2, rule XV the following discharge petition was filed:

Petition 3, November 16, 2005, by Mr. EDWARDS, on House Resolution 271, was signed by the following Members: Chet Edwards, Nick J. Rahall II, John W. Olver, Dale E. Kildee, Brian Higgins, Albert Russell Wynn, Michael H. Michaud, Jim McDermott, Kendrick B. Meek, Diane E. Watson, C.A. Dutch Ruppersberger, Eddie Bernice Johnson, Julia Carson, Carolyn McCarthy, Dennis Moore, Maurice D. Hinchey, Steny H. Hoyer, David R. Obey, Bernard Sanders, Betty McCollum, Bart Stupak, Jerry F. Costello, Daniel Lipinski, Lois Capps, Sanford D. Bishop, Jr., Patrick J. Kennedy, Ben Chandler, Russ Carnahan, John S. Tanner, Alcee L. Hastings, Robert Menendez, Joe Baca, Shelley Berkley, Ted Strickland, Lynn C. Woolsey, Tom Udall, Solomon P. Ortiz, Edolphus Towns, John F. Tierney, Stephanie Tubbs Jones, Lloyd Doggett, Charles B. Rangel, Stephen F. Lynch, Zoe Lofgren, Chris Van Hollen, Sheila Jackson-Lee, Al Green, Timothy H. Bishop, Corrine Brown, James P. Moran, Carolyn B. Maloney, Mike McIntyre, John Barrow, Mike Ross, William D. Delahunt, Ed Pastor, Donald M. Payne, Jerrold Nadler, Michael E. Capuano, Lane Evans, G.K. Butterfield, Doris O. Matsui, Rush D. Holt, Major R. Owens, Collin C. Peterson, Bob Etheridge, Adam B. Schiff, Nydia M. Velázquez, Henry A. Waxman, James L. Oberstar, Steven R. Rothman, Jim Costa, Emanuel Cleaver, Sherrod Brown, Ellen O. Tauscher, Jim Cooper, Rosa L. DeLauro, Bob Filner, Xavier Becerra, Mike Thompson, Diana DeGette, Benjamin L. Cardin, Michael R. McNulty, Gary L. Ackerman, Stephanie Herseth, Artur Davis, Frank Pallone, Jr., James P. McGovern, Debbie Wasserman Schultz, Robert C. Scott, James R. Langevin, Ruben Hinojosa, David Scott, Gregory W. Meeks, Cynthia McKinney, Susan A. Davis, David E. Price, Dan Boren, Danny K. Davis, Raul M. Grijalva, Charles A. Gonzalez, Sander M. Levin, Tom Lantos, Grace F. Napolitano, Janice D. Schakowsky, Gene Green, Jim Davis, Melvin L. Watt, Rick Larsen, Barney Frank, Nancy Pelosi, Peter A. DeFazio, Juanita Millender-McDonald, Brad Miller, Mark Udall, Joseph Crowley, Lucille Roybal-Allard, Henry Cuellar, Linda T. Sánchez, Silvestre Reyes, Darlene Hooley, Ed Case, John T. Salazar, Brad Sherman, Thomas H. Allen, Jane Harman, Louise McIntosh Slaughter, John M. Spratt, Jr., Eliot L. Engel, Bennie G. Thompson, Robert E. Andrews, Nita M. Lowey.

EXTENSIONS OF REMARKS

INTRODUCING THE SOUTHERN NEVADA READINESS CENTER ACT

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. PORTER. Mr. Speaker, I rise today along with my colleagues, Representative JIM GIBBONS and Representative SHELLEY BERKLEY, to introduce the Southern Nevada Readiness Center Act.

The purpose ofthe Southern Nevada Readiness Center Act is to convey 35–50 acres of land from the McCarran Airport Cooperative Management Area Boundary to the Nevada National Guard for the purpose of building the Nevada National Guard Readiness Center. This Readiness Center will serve Henderson and southwest Las Vegas, and will allow the Nevada National Guard to have better access to the facilities and equipment they need for training.

The National Guard is our Nation's first line of defense in an ever-changing world. As the Guard's role expands, it is important that they are given the facilities and equipment they need to protect both Nevada and America at large. This Readiness Center will help Nevada's National Guard to achieve this goal, and I look forward to working with Congress to pass this bill into law.

PERSONAL EXPLANATION

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. KOLBE. Mr. Speaker, on November 16, I missed the vote H. Con. Res. 268, expressing the sense of the Congress regarding oversight of the Internet Corporation for Assigned Names and Numbers (#594). I intended to vote "aye."

CONGRATULATING DR. ULYSSES S. CURRY

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. COSTA. Mr. Speaker, I rise today to congratulate Dr. Ulysses S. Curry of Fresno, as the honored recipient of the Community Health Champion Award from West Fresno Health Care Coalition.

Dr. Curry has dedicated over 30 years of continuous medical service to Fresno and continues to devote his time to the community. Ever a generous doctor, Ulysses has donated much of his time to assist in the progression of the medical community in the Central Valley.

Upon graduation from Central High School in Omaha, Nebraska, Dr. Curry immediately attended the University of Kansas in 1939. Ulysses went on to Howard University to pursue his Master's Degree, followed by Meharry Medical College in Nashville, Tennessee from which he attained his medical degree. He did his internship at Saint Agnes Hospital in Raleigh, North Carolina immediately following medical school.

It was a residency program that originally brought Dr. Curry to California. After completing his residency in pediatrics at Fresno County General Hospital in Fresno, Dr. Curry moved to Denver, Colorado to finish his residency in internal medicine at Denver Veterans Administrative Hospital. Dr. Ulysses Curry permanently returned to Fresno and opened his General/Family Practice at which he continues to practice medicine.

Dr. Curry is affiliated with many hospitals in the Central Valley, such as Fresno Community Hospital, Clovis Community Hospital and Sierra Community. Ulysses also has memberships with many professional medical associations. He is an active member of Fresno-Madera Medical Society, John Hale Medical Forum, California Medical Association as well as a lifetime membership to the California Academy of Family Physicians and the American Academy of Family Physicians.

It is obvious from his extensive career that Dr. Ulysses S. Curry is worthy of such recognition from the West Fresno Health Care Coalition. It is with great pleasure that I stand today and congratulate Dr. Curry for all of his achievements.

HONORING RICHARD H. SHAPIRO

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. NEY. Mr. Speaker, I rise today to honor Richard H. Shapiro, Executive Director of the Congressional Management Foundation, CMF. Since 1988, Rick has tirelessly provided important and needed services in support of the institution of Congress. As Executive Director, Rick has become a leading expert on improving operations in the U.S. Congress. He has utilized that expertise in support of individual Member offices, in the training of literally thousands of Congressional staff, in providing research and best-practices information to House Administration, Committee and Member offices, and in writing landmark books and studies on Congressional management.

Mr. Speaker, Rick's involvement with Congress began in 1978, when he was a staff investigator at the former U.S. Senate Permanent Subcommittee on Investigations. While investigating Department of Defense procurement practices, Rick came to understand the importance of Congressional oversight. Effective oversight requires effective management, and as Rick came to understand this relationship, he came to appreciate the importance of good management in Congress.

Following graduate school, Rick returned to Congress as the Staff Director of the former House Post Office and Civil Service Subcommittee on Investigations, and subsequently as Staff Director at the House Small Business Subcommittee on Regulation and Business Opportunities. In those positions, he managed congressional staff and workload, laying the groundwork for his move to the Congressional Management Foundation as Deputy Executive Director in 1988. One year later, he became its Executive Director.

Rick is a management consultant with unparalleled expertise in how to provide management and leadership assistance in the unique environment of Congress. He conducts organizational assessments for individual offices, committee offices, leadership organizations and ultimately for Congress itself. He prepares and conducts surveys in support of change processes for congressional organizations; facilitates strategic planning sessions and develops written organization plans; facilitates group problem solving for House and Senate offices; and provides individual assessment and coaching to senior managers and Members of Congress. During his tenure at CMF, Rick has delivered dozens of training programs to address the needs of legislative and support staff. He has authored and supervised the production of several books and reports, including the biannual House and Senate Staff Salary Surveys, Frontline Management, a guide for state office staff, and Setting Course, A Congressional Management Guide, which most new members of Congress find an absolutely indispensable tool as they face the daunting task of setting up their offices after being elected. Most recently, Rick and CMF have gotten deeply involved in information technology related issues, such as website design and managing internet communication.

Mr. Speaker, CMF is not a large institution, nor is it a well-endowed one. It is, in fact, a small group of dedicated people whose sole goal is to help Congress become a more productive and effective institution through good management practices. There is a great deal of work to be done toward that end, and the staff at CMF, led by Rick, works very hard at reaching that goal. Under Rick's leadership, the range and quality of services CMF provides has grown significantly, and the institution of Congress has benefited greatly from this growth.

Mr. Speaker, for 16 years, Rick has worked tirelessly with staff on both sides of the aisle to improve the management of Congress. I believe that his contribution to the functioning

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

of this body has been extraordinarily valuable, and my purpose in rising today is to express my appreciation for his years of good work.

Mr. Speaker, it is a great honor for me to recognize one of the most important contributors to the effective management of Congress, Mr. Richard H. Shapiro.

CONGRATULATING POLICE CHIEF JERRY DYER

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. COSTA. Mr. Speaker, I rise today to congratulate Police Chief Jerry Dyer of Fresno, California for receiving the 2005 Excellence In Public Service Award. The Fresno Bee, The Fresno Business Council and the Maddy Institute at California State University, Fresno, sponsor this prestigious award.

A dedicated advocate of justice, Jerry Dyer has devoted his entire professional career to safeguarding his community. The honor of receiving recognition for public service is long overdue and well deserved.

Mr. Dyer received his Bachelor's Degree in Criminology from California State University, Fresno and his Master's Degree in Management from California Polytechnic University at Pomona. He is a graduate of the California Command College, where his peers chose him as the Most Inspirational Student.

Chief Dyer has served with the Fresno Police Department for 26 years. His hard work and dedication to public safety did not go unrecognized and on August 1, 2001 he was named Chief of Police. During his tenure as Police Chief, the Fresno community has experienced three consecutive years of a decrease in crime, which resulted in a 33-year-low in crime for the year 2004.

Traffic safety has also been made a top priority of the Fresno Police Department since the appointment of Mr. Dyer as the Chief of Police; guided by the wisdom of Chief Dyer, the Fresno Police Department has received national and state recognition for its traffic safety efforts, which include the prestigious California Highway Patrol Commissioner's Award. The department has also received many other honors, such as first place in the International Association of Chiefs of Police "Law Enforcement Chief's Challenge" and "Impaired Driving Enforcement Award," as well as three consecutive first place awards in the "California Law Enforcement Chiefs Challenge."

Chief Jerry Dyer has worked tirelessly to make the Fresno Police Department one of the state's outstanding law enforcement organizations. He has initiated rigorous processes to have the Department nationally accredited through the Commission on Accreditation for Law Enforcement Agencies. In 2005 the Fresno Police Department was awarded accreditation status; less than 4 percent of law enforcement agencies in the United States have achieved this honor.

Chief Jerry Dyer personifies a hero in every aspect of the term. His sacrifices and belief in justice are admirable. The community of Fresno is honored to have a loyal, honest, and trustworthy leader of our police force and we applaud his dedication to providing a safe environment for our community.

CONGRATULATING THE CONCORD HIGH SCHOOL MARCHING MINUTEMEN ON THEIR SECOND IN THREE YEARS CLASS B STATE BAND CHAMPIONSHIP

HON. CHRIS CHOCOLA

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. CHOCOLA. Mr. Speaker, I usually am not one to experience deja vu, but today I find myself in a familiar situation.

Two years ago, I rose to congratulate the Concord Marching Minutemen on their 2003 Class B Indiana State School Music Association Championship.

Today, I rise again to congratulate them on winning their second ISSMA championship in the past three years. On October 22, 2005, these young men and women won the 2005 Class B state marching band championship, edging out nine other competitors.

This is the band's third championship, and in 2002 and 2004, they were state runner-up.

The "All Aboard," train-themed program included "Tempered Steel" by composer Charles Young, and classic jazz hits "Take the 'A' Train" and "Happy Go Lucky Local" from Duke Ellington and Billy Strayhorn.

I'd like to congratulate drum majors Ashley Hardy, Jeremy Parker, and Laura Pauwels for leading their band to victory.

The 2005 Class B champs include: Flutes: Kelly Aaron, Kelsey Beabout, Kylie Bontrager, Jessica Cuzzocrea, Stephanie Czarnecki, Kari Dehart, Ashlee Field, Addie Hall, Anita Kaoma, Amanda King, Courtney Laughman, Jaymi Lechlitner, Krista Mevis, Erica Moskowitz, Colleen Nissley, Luke Overton, Caitlin Parker, Audrie Pressler, Rachel Pressler, Joseph Reed, Julie Richards, Elizabeth Robbins, Maria Rodriguez, Megan Rump, Allison Smart, Megan Vail, Brittany Victor, Kim Yoder; Piccolos: Cassie Rhude, Libby Watson; Clarinets: Audrey Acosta, Marisa Amos, Katy Bail, Dani Baugher, Maria Bernal, Lacey Conwell, Adilene Corona, Rachel Davis, Julie Elmore, Conor Gavin, Megan Gunn, Jenni Hillyer, Kylie Kern, Kayla Killian, Amber King, Tim Koscielny, Meredith Loucks, Catie Lynch, Nici Lynch, Holly Meyers, Jessica Miller, Krysta Miller, Molly Miller, Halie Murray, Jessica Partin, Brittany Price, Stephanie Quick, Jordan Reyes, Alison Roberts, Brooklyn Rogers, Nicole Smith, Tony Templeton, Chelsey VanAcker, Brooke Victor, Kayla Yoder, Sean Zimmerle; Bass Clarinets: Iris Bock, Craig Bone, Logan Bourdon, Mandy Himes, Jon Rhoades, Ana Rodriguez, Brian Zimmerle, Nathan Nelson; Alto Saxophone: Brent Boehner, Paige Conwell, Deb Elliott, Lizzie Fish, Ben Gooding, Lon Hambrice, Manuel Herrera-Inchima, Becca Hinson, Dustin Knight, Mike Koscielny, Alex Lung, Krystal McKenzie, Brandon Miller, Brandon Pollock, Matt Schmucker, Jared Schooley, Courtney Wallis, Chad Wegrecki; Tenor Saxophone: Tyler Bourdon, Andrew Fischer, Shane Collins, Keith Doyle, Rachelle Fox, Courtney Hemminger, Abigail Miller, Kayleigh Shurtz; Trumpets: Blake Baker, Donielle Bibby, Peter Bone, Mark Brown, David Campbell, Andrew Christophel, Benjamin Clark, Ryan Detwiler, Rayna Dimitroff, Colin Doherty, Jarod Eastham, Daniel Fischer, Tanner Free, Veronica Hill, Amanda Himes, Phil Jones, Bradley Kime, Matt Kinsman, Crystal Martinez, Kenny Mashala, Carl McAfoos, Jason Miller, DJ Mumaw, Kelly Schaffer, Laurie Schalliol, Jim Schoeffler, Steve Trout, Renee Wagner, Ryan Weaver; Flugelhorns: Thomas Davidhizar, Andrew Davis, Caine Espinoza, Mike Lakner, Julie McCarty, Andrew Smole; Mellophones: Kylie Eckmyre, Melanie Gingerich, Genni Housman, Stephen Kauffman, Kathy Lambright, Samantha Nagy; Trombones: Robyn Bortner, Mike Campbell, Sean Emmons, Chad Hoien, Matt Izak, Brandy Jackson, Steven Karanja, Jordan King, Kevin Lipp, Veronica Meade, Torey Miller, Jordan Parker, Brandon Schenk, Dustin Simmons, Tyler Stevens, Andrew Stout, Eric Wilsey, Teneen Zimmer; Baritones: Justin Alwine, Kris Baker, Chris Dean, Bryan Eichorst, Andy Ha, John Kauffman, Matt Lanouette, Robert Stout; Tubas: Travis Cox, Chris Crawford, Chris Holcomb, Suzanne Holcomb, Matthew Miller, Jeremy Rowe, Morgen Smith; Percussion: Cory Allison, Darlene Bennett, Matthew Bennett, Jen Bollero, Bryce Canen, Sarah-Jane Cikara, Amy Clark, Emma Cooper, Dylan Dufour, Giovanni Echeverria, Michael Johnson, April Mascola, Dustin McLain, Justin Miracle, Kelsey Prieshoff, Bryant Quist, Sarah Runswick, Allie Sawyer, Matt Schnaars, Andrew Stevens, Kurt Tahara, Amber VanderReyden, Blake Varab, Mark Wyrick; Bass: Ben Jarvis; Sound Tech: Dawn Supper; Color Guard: Elise Arvidson, Marlene Arvidson, Tiffany Baker, Karen Berndt, Veronica Boggs, Heather Dean, Mikala Ellsworth, Ashley Elsasser, Laken Fordyce, DeAnna Jackson, Danielle Johnson, Leanne Johnson, Brittany Kauffman, Yolo Lopez-Perez, Alyssa Lung, Anne Lypka, Emily Mathieu, Jessica Meade, Alisa Peffley, Julie Reusser, Evanna Rodriguez, Brittany Rushing, Jessica Scott, Rachel Sirinek, Madeline Valle, Kristen Weaver, Megan Whitacre, Chellie Zou, Sara Zou.

The people behind the performers also deserve a note of congratulations. They include Director of Music Gay Burton, Assistant Band Directors Scott Spradling, Bryan Golden, April Oppenheim, and Steve Peterson, Dance & Color Guard instructor Colleen Molnar, Sound Technician Scott Preheim, and Percussion Specialist Derek Felix. Your hard work leading up to and throughout the season, planning the program, scheduling practices, and leading the band at competitions have been rewarded through their accomplishment. Shirley Dyer also deserves a note of thanks for helping make things run smoothly.

Mr. Speaker, as the parent of two teenagers myself, I would be remiss if I didn't also acknowledge the parents that help the band run efficiently. Your dedication to your children shows through on the field of competition in their award-winning performance.

Again, on behalf of very proud parents and the citizens of the Second Congressional District, I would like to congratulate the Concord

Marching Minutemen on their Class B State championship.

CONGRATULATING HARRY ARMSTRONG

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. COSTA. Mr. Speaker, I rise today to congratulate Clovis City Council member Harry Armstrong of Clovis, California for receiving the Rose Ann Vuich Ethical Leadership Award. The Fresno Bee, The Fresno Business Council and The Maddy Institute at California State University, Fresno sponsor this prestigious award.

Harry Armstrong was born in Merced, California. Upon graduation from Merced Union High School he joined the American Armed Forces and fought in the Korean War. He is married to Jeanine and has three children: Tom, an attorney; Jim a businessman; and, Megan, a teacher.

The basic characteristics to be considered as a candidate for the Rose Ann Vuich Ethical Leadership Award are integrity, strength of character, exemplary ethical behavior, ability to build consensus, serving the public interest and vision for enhancing the community. Mr. Armstrong embodies every one of these characteristics and has set a standard by which all future public servants should use as a guide in their own service to the community.

Harry Armstrong is noted as standing firm against forces that would sweep aside the freedoms and ethics of our democratic form of government. Never did he blink or stray from his standards and beliefs in the process of public involvement in honest government. He has shown his strength of character in steadily standing by his morals and values.

A member of the Clovis City Council since 1970, Harry is the longest serving council member in the State of California. He was elected Mayor of Clovis on four occasions. Mr. Armstrong's leadership is not limited, however, to the Clovis City Council. He has also served on numerous boards and committees, President of the League of California Cities, Chair of the Fresno County Transportation Authority and the Clovis Planning Commission.

Mr. Armstrong's ability to stand up for what is right and encourage others to do the same is what has given him the continued, never straying, support of the community. His history of involvement and knowledge has created an environment for others to listen and learn.

The leadership and commitment Mr. Armstrong has shown for the community has never wavered, nor his honor in service. He personifies a man of principle and integrity. I am honored to express the gratitude the community has for Harry Armstrong and stand to show our appreciation.

FREEDOM FOR RICARDO RAMOS PEREIRA

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Ricardo Ramos Pereira, a political prisoner in totalitarian Cuba.

Mr. Ramos Pereira is a member of the November 30 Democratic party and a member of the pro-democracy opposition in totalitarian Cuba. Unfortunately, those who believe that freedom, liberty, and the right to worship are the birthright of all men and women are targeted by the tyrant's machinery of repression.

According to an article for the Information Bridge Cuba Miami (IBCM), Mr. Ramos Pereira was arrested on January 25, 2002 for participating in a mass offered on behalf of all the political prisoners in Cuba. IBCM also reports that on February 28, 2002, Mr. Ramos Pereira was arrested for simply participating in a civic activity at the Catholic Church of the Passionists. More than 2 years later, in a sham trial, he was sentenced to 5 years in the totalitarian gulag.

Let me be very clear, Mr. Ramos Pereira is currently languishing in the depraved conditions of the totalitarian gulag for his belief in freedom. The U.S. State Department describes the conditions in the gulag as, "harsh and life threatening." The State Department also reports that police and prison officials beat, neglect, isolate, and deny medical treatment to detainees and prisoners. It is a crime of the highest order that people are imprisoned in these nightmarish conditions simply for their belief in democracy and freedom of religion.

Mr. Ramos Pereira is one of the many heroes of the peaceful Cuban democratic movement who are locked in the dungeons of the dictatorship for their beliefs. They are symbols of freedom and democracy who will always be remembered when freedom reigns again in Cuba. President Bush addressed those brave men and women who spread the light of freedom in the darkest corners of the world when he said, in his second inaugural address, "Democratic reformers facing repression, prison, or exile can know: America sees you for who you are: the future leaders of your free country."

Mr. Speaker, it is a profound embarrassment for mankind that the world stands by in silence and acquiescence while political prisoners are systematically tortured in totalitarian gulags. My Colleagues, we must demand the immediate and unconditional release of Ricardo Ramos Pereira and every political prisoner in totalitarian Cuba.

A TRIBUTE TO SGT. 1ST CLASS JAMES "JIM" S. OCHSNER

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. McINTYRE. Mr. Speaker, I rise today to pay tribute to Sgt. 1st Class James "Jim" S. Ochsner of Hope Mills, North Carolina, for serving his country valiantly with the 2nd Battalion, 3rd Special Forces Group (Airborne) at Fort Bragg, NC in Operation Enduring Freedom. On November 15, 2005, Sgt. 1st Class Ochsner sacrificed his life when an improvised explosive device was detonated while traveling near Lawara, Afghanistan. He was courageously serving his fourth tour of duty in Afghanistan, and our prayers and heartfelt thanks go to his family in this time of grief.

At an early age, Jim had a desire to serve in the military. His father was a Green Beret who served two tours of duty in Vietnam. Jim was proud of his father's service and commitment and strived to be just like him. In 1987, he enlisted in the U.S. Army as an artilleryman and served three years in Bamberg Germany with the 2nd Battalion 14th Field Artillery. Jim later served in the 82nd Airborne and completed a tour in South Korea before serving as a Special Forces Soldier. In 2004, he graduated from the Special Forces Operations and Intelligence Course and served as an intelligence specialist with the 2nd Battalion, 3rd Special Forces Group.

Jim is a highly decorated soldier, receiving the Bronze Star Medal with oak leaf cluster, the Army Commendation Medal for valor, the Army Commendation Medal for service, the Army Achievement Medal, the Good Conduct Medal and the National Defense Service Medal. In addition, he received the Afghanistan Campaign Medal, the Global War on Terrorism Medal, the Korean Defense Service Medal, the NCO Professional Development Ribbon, the Army Service Ribbon, the Overseas Service Ribbon, the Kuwait Liberation Medal (Saudi Arabia), the Kuwait Liberation Medal (Kuwait), the Combat Infantryman Badge, the Expert Infantryman Badge, the Parachutist Badge, the Air Assault Badge, the Driver and Mechanic Badges, and the Special Forces Tab.

Jim loved his family, and he is survived by his wife Ann, son Nicholas, and daughter Megan, who heard from him often during his deployments. He is also survived by his parents, Robert and Sandra, of Beach Park, Illinois, and his brother MSG Robert Ochsner II.

As a member of the U.S. Army, Jim dedicated his career to defending the values this nation holds dear. By risking his life to ensure the safety of others, John made the ultimate sacrifice. His valiant actions and steadfast service remind us of the gratitude we feel toward him and all the other servicemen and women who have lost their lives serving as guardians of this great country. John was indeed a man of courage and integrity.

Mr. Speaker, may the memory of Sgt. 1st Class James "Jim" Ochsner live on in our hearts, and may God's strength and peace be with his family.

CONGRATULATING MR. VERNON CONRAD

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. COSTA. Mr. Speaker, I rise today to congratulate Mr. Vernon Conrad of Reedley, California as the honored recipient of the Greater Fresno Area Chamber of Commerce "Agriculturist of the Year" award.

The Greater Fresno Area Chamber of Commerce awards an individual who exemplifies leadership and integrity in the Central Valley's agricultural business community every year at their awards luncheon. This year the organization could not have chosen an individual who is more deserving of this prestigious honor.

Mr. Conrad is a fourth generation Californian and his family has deep roots in east Valley agriculture; dating back to the late 1800s. He is a lifelong resident of Fresno County as a Reedley community member where he grows grapes and tree fruits. It is from this background that Vernon emerged as a respected agriculturist in the community. His leadership with the Fresno County Farm Bureau and Fresno County Board of Supervisors sets the bar high for those who follow in his foot steps.

Mr. Conrad served two terms as Fresno County Farm Bureau President and during his time with the Farm Bureau Mr. Conrad worked tirelessly to promote the Valley's agriculture agenda on a national level. He traveled to Washington, DC twice to testify before Congress on some of the Farm Bureau's major issues, such as concerns over water and acreage.

His concerted efforts on policy and advocacy eventually led Mr. Conrad down another path of activism as a Fresno County Supervisor. As a three term board member, Vernon, tackled various county dilemmas with renewed energy each time a new problem emerged. He focused on improving the efficiency of Fresno County operations, dealt with funding challenges and land use and zoning issues.

As if overcoming obstacles faced by the county and the farming community wasn't enough, Vernon also found time to serve on various committees and associations to work actively with agriculture groups. He was a board member of the Alta Irrigation District, Kings River Conservation District, Regional Water Quality Control Board and the Kings River Water Association. Through his work with these organizations, Mr. Conrad earned a seat representing California on the American Farm Bureau Federation's Natural Resources and Water Committee, on which he served as chair for five years.

Vernon Conrad's extensive efforts as an advocate of agriculture and the community have earned him the respect and admiration of his colleagues. It is with great pleasure that I stand today and congratulate Mr. Conrad for all of his achievements, and thank him for his commitment to our Valley.

A TRIBUTE TO PASTOR KENNY FOREMAN

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Ms. ZOE LOFGREN of California. Mr. Speaker, today I rise to recognize the achievements and life of Pastor Kenny Foreman. I've had the privilege of knowing Pastor Foreman for many years, and can personally attest to his lasting legacy of achievement through selfless ministry. His is the epitome of a life dedicated to serving others.

Pastor Foreman has been in ministry for over 50 years and has served as pastor of the Cathedral of Faith in San Jose, California for 35 years. Originally from Crowley, Louisiana, he has built the Church from just a few members to 10,000, offering over 70 vital ministries to meet the needs of the community.

Born the youngest of three children to Hansel and Mabel Foreman in Crowley, Louisiana, he was on the road ministering full-time as an evangelist by age 17. Pastor Foreman married Shirley Lowry in 1957, who has been his partner in commitment to ministry. Later, they would be joined by their two sons, Ken and Kurt, who are also part of the Cathedral of Faith team.

In 1965 he came to San Jose as the Pastor of The Friendly Bible Church, and soon after produced a weekly half-hour television program entitled, "Kenny Foreman Presents Abundant Living," which was syndicated nationally. Today, Kenny Foreman is the only local minister and programmer who has remained on the air for 35 years. Throughout these years he has never received any income for his television ministry; all financial support received is funneled back into the operations of the ministry.

It soon became evident from the growth that the church would have to build. Thus, the Cathedral of Faith, a sanctuary that would seat nearly 3,000 people and its accompanying support structures, was conceived in Pastor Foreman's spirit. Eventually, the Grand Opening of the Cathedral of Faith was celebrated on March 15, 1981.

Pastor Foreman and Cathedral of Faith have an absolutely amazing record of community involvement. The work of the church has exploded into over 70 active Ministries including Reaching Out, a food assistance program which operates from a 16,000 foot distribution complex serving 50,000 families annually, and providing food for 200,000 people; California Youth Outreach, originally founded as Breakout Prison Outreach in 1982 in order to meet the needs of young men and women that had fallen prey to gangs and drugs, it also serves on the Mayor's gang task force; and Chaplaincy Ministry a program consisting of over 200 trained Chaplains who visit rest homes and convalescent hospitals each week.

Pastor Foreman's lifelong commitment to service has been honored by many organizations, and I am delighted to offer my heartfelt congratulations and gratitude to Pastor Kenny Foreman on his 40th Ministry Anniversary at the Cathedral of Faith in San Jose, California and to call Kenny Forman and Shirley friends.

HONORING CAPTAIN MICHAEL NOBLE

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. MARCHANT. Mr. Speaker, today I would like to take the opportunity to honor Captain Michael Noble. Born into a military family in Dallas, Texas in 1977, Mike Noble has experienced much in his short lifetime. His father, MG William Noble (USA, retired) and mother, Imogene, are no strangers to serving their country. William was a founding member of the 101st Airborne and served the division throughout World War II.

Mike graduated from St. Mark's High School in 1997, and then went on to the University of Texas. He entered the Army ROTC program and graduated with honors in 1998. Upon receiving his commission he went into Military Intelligence School and, subsequently, the Army Language Institute. After completing jump school, Mike followed in his father's footsteps and was assigned to the 902nd MI group of the 101st Airborne, a special honor.

Mike served with the NATO and U.N. peace-keeping forces in Kosovo. On September 11, 2001, Mike was working with NATO Command in Brussels. When he received news of the terrorist attacks in New York and Washington, D.C., he was immediately flown back to the United States, going to work at the Pentagon while it was actually still on fire. He would not leave the building for 17 days.

Most recently Mike was active in Afghanistan and involved with the liberation of Iraq. He was severely wounded on April 13, 2003 and medically retired from the military. I am proud to employ this two-time Purple Heart recipient as the military and veterans affairs liaison in my Irving office. His dedication to his country is commendable; Mike Noble is a true American hero and an inspiration to us all.

IN MEMORY OF MR. PAUL C. WHITE

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. COSTA. Mr. Speaker, I rise today to honor the memory of Mr. Paul C. White of Fresno, California. He is survived by his beloved wife of 38 years Sheila White, their six children: Paul II, Crystal, LaShelly, JePahl, Brandon, and Bryson, and his five grandchildren; Paul III, Asia, Kennedy, Darion, and Jaylin.

As a past Assistant Executive Director for the Fresno County Economic Opportunities Commission, Paul is remembered by all who knew him for his commendable service to the community, his love for his family and his commitment to advance and strengthen the health care and social issues that impact impoverished people so often overlooked. Paul was unwilling to look the other way, and it is for his unrelenting efforts that we celebrate his life.

Mr. White learned from personal experience what certain sacrifices economically disadvantaged people are forced to make. He was born in Oklahoma City in 1947 as one of six children, raised by their mother in a house without running water or electricity. Paul's mother passed on when he was 11 and his grandparents raised all six children in Fresno.

Not to be overcome by tragedy, Paul graduated from Edison High School in 1962 as a star basketball player and school leader. He immediately began his college career at Fresno City College, where he received his Associate in Arts degree in 1968. Dedicated to being better equipped in life, Paul furthered his education at California State University, Fresno where he received his Bachelor of Arts in Public Administration and his Masters in Public Administration.

Paul always made sure everyone around him appreciated the many wonders life had to offer. In January of 1983, Paul had complete kidney failure. In 1986 his then 14-year-old daughter LaShelly had complete kidney failure as well. That same year, both Paul and LaShelly received a kidney transplant from the same donor. To think of the generosity of strangers during their time of loss, was very humbling to the family. Paul and his loved ones endured incredible health hardships, which allowed for his appreciation of life to grow and be passed on to the many lives he touched. Paul's family triumphed over dialysis as well as kidney transplants making their ties even stronger with each other.

Mr. White has served the Fresno community for over 30 years. His record of community service is quite long and includes membership in many different organizations. He was a member of the United Network for Organ Sharing, Minority Affairs Committee, California Donor Transplant Network, California Department of Health Services and Leadership Committee for the Black Infant Health Project. Paul was on the Board of Directors for West Fresno Health Care Coalition, Inc, the Marjaree Mason Center and the Boy Scouts of America.

His contributions have not gone unnoticed; some of his most notable awards include the Fresno Metro Ministry Award for "Living Out the Values of Justice in our Community," State of California Lieutenant Governor Cruz M. Bustamante, "Commendation," California State Senate and Assembly "Certificate of Recognition," California Transplant Donor Network "Excellence Award," and United Black Men of Fresno "President's Award" and "Certificate of Appreciation."

It goes without saying that Mr. Paul White was a positive influence in this community. His commitment to help those in need will forever live on in the lives of the people he so graciously touched.

CONGRESSIONAL TRIBUTE TO SERGEANT DENNIS KOZIKOWSKI

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to an outstanding member of the Menominee County Sheriff's Department, Sergeant Dennis Kozikowski. This year, Sgt. Kozikowski retired as the Road Patrol Sergeant for the Menominee County Sheriff's Department. During his retirement, he plans to continue another passion of his—working to promote veteran rights. Sgt. Kozikowski's 30 years as a law enforcement officer and his leadership for veteran causes stands as a shining example to us all.

Born to John and Lillian Kozikowski in Menominee, Michigan, Sgt. Kozikowski graduated from Menominee High School in 1965. He immediately joined the Army and requested to serve in the Vietnam War. After completing his basic training at Fort Leonard Wood in Missouri, Sgt. Kozikowski spent time serving at posts in Alabama and California before receiving his orders to serve in Vietnam.

Sgt. Kozikowski's 15-month tour in Vietnam impacted him in a way that changed his life. Sgt. Kozikowski earned the Army Commendation Medal, two Air Medals with "V" Devices for Valor Under Fire, Air Medals with 19 Oak Leaf Clusters because of 2000 aerial combat hours, Medal of Good Conduct, and medals awarded by the Republic of Vietnam including the Vietnam Cross of Gallantry with a Bronze Star, the Vietnam National Defense Ribbon and Vietnam Campaign Medal. Even as a decorated soldier, Sgt. Kozikowski recalls struggling to adjust upon his return. Although this transition served as a challenging time in his life, he credits this ability to eventually adjust back to civilian life as an experience that enabled him reach out to other veterans.

Sgt. Kozikowski found his calling in 1975 under the direction of colleague and mentor Sheriff Dean R. Burns. Sheriff Burns urged Dennis Kozikowski to consider law enforcement as a career based on his expert military training and courage under fire. Sgt. Kozikowski joined the Menominee County Sheriffs Department where he would spend the next 30 years in skilled positions such as the Marine Patrol, a Department Diver, Snow Patrol, and with Marine Safety. Sgt. Kozikowski received many letters of commendation for critical incidents he handled while a member of the Sheriffs Department.

When asked to talk about his brave deeds during his service with the Sheriffs Department, Sgt. Kozikowski humbly recalls a story of a Vietnam Veteran who had become frustrated with his inability to adjust to civilian life. The man went into a local bar and began shooting. Although the patrons inside were not injured, emergency response units concluded that force would be necessary to remove the armed man. Sgt. Kozikowski bravely entered the building, disarmed the man and took him into custody peacefully.

Sgt. Kozikowski said that he was successful in communicating with the frustrated veteran because he could relate to him. Sgt. Kozikowski not only used that common factor to help talk him out of the threatening incident, but after the fact he helped the veteran file a disability claim to receive veterans benefits. Noting the challenges veterans face upon return from Vietnam, Sgt. Kozikowski understood that he had a knack for reaching out to veterans to help them understand that resources were available to assist their needs. From that one incident, Sgt. Kozikowski began a decade of advocacy on behalf of veterans on a variety of issues. As a member of the Veterans of Foreign Wars (VFW) Post 1887 and a lifetime member of the Disabled American Veterans (DAV) Chapter 25 serving as the Legislative Chair, Sgt. Kozikowski works to promote veteran rights for better benefits.

This year, Sgt. Kozikowski was forced to retire early due to a spinal injury that has made his challenging work in law enforcement nearly impossible. A testament to his dedication to public service, he will tell you that this day came far too soon as he is sure he could serve for another 30 years easily. However, Sgt. Kozikowski looks forward to spending additional time with his two sons, John and Joe, who have followed valiantly in their father's footsteps; John as a member of the 82nd Airborne during Desert Storm; and Joe as a Carney-Nadeau Volunteer Fire Department and a member of the Menominee County Rescue Squad. Sgt. Kozikowski also looks forward to spending time with his two granddaughters, Kaitlin and Hanna, as well as a new grandchild on the way!

Although Sgt. Kozikowski's career with the Menominee County Sheriffs Department has ended, he will continue to serve the public as a true advocate for veteran rights. In fact, he is currently lobbying Congress to support legislation to provide mandatory funding for veterans health care. He has also been encouraging the members of veterans' organizations to write letters to Congress urging their support.

On a personal note, Mr. Speaker, as a former Michigan State Police Trooper myself, I have had the pleasure of knowing Sgt. Kozikowski over the years. As a resident of Menominee County, I have always trusted his dedicated service to the people of our community. I am also comforted to know that such a powerful advocate is working to strengthen veteran's legislation for our men and women of past and present wars.

Mr. Speaker, I ask the House of Representatives to join me in thanking Sergeant Dennis Kozikowski for his 30 years of service to the people of the State of Michigan and in wishing him well in his retirement endeavors. His commitment to community and to justice has been a model of public service. Dennis will be missed by the members of the Menominee County Sheriff's Department and the people he so competently and bravely served.

CONGRATULATING DR. NOEL SMITH

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. COSTA. Mr. Speaker, I rise today to congratulate Dr. Noel Smith of Fresno, California as the honored recipient of the Community Health Champion Award from West Fresno Health Care Coalition.

Dr. Noel Smith has been an outstanding contributor in the Fresno community for the past 50 years and found a place in the hearts of all who know him.

Noel was born in La Brea, Trinidad in the West Indies. He attended Howard University in Washington, DC, where he received both his Bachelor's and Medical Degree. He was a Magna Cum Laude graduate and a member of the Honor Society.

His professional desire to reside in the State of California and his ambition to train in a public hospital led him to Fresno in 1951 where he interned at Fresno's University Medical Center.

After Dr. Noel Smith completed his internship, he completed his residency at the University Medical Center in Obstetrics-gynecology. Although he joined the private sector in 1958, Noel never stopped giving back to his community. He has been an active member on various committees such as the Supervisors Minority Adoption Committee, Model Cities Board Committee and Mayors Bi-Racial Committee.

Dr. Noel Smith has received many honors for his extraordinary public service to the community of Fresno. The 1990 Health Award from the NAACP Fresno Board, Portraits of Success Award from KSEE channel 24, the United Black Men Apple Award and the Education from the Black Men United are just a few of the honors he has received

Dr. Smith understands the power of education; for this reason he and his wife have made considerable educational contributions to the community. They founded the Children-A-Go-Go at Carver Middle School in Fresno, "Young Men and Young Women of Tomorrow" at Bethune Elementary School of Fresno and made various presentations at local High Schools on "Developmental Education."

We could go on and on about the remarkable contributions that Dr. Noel Smith has made to his grateful community. He is loved by family and friends, appreciated by his patients and admired by his colleagues. It is with great pleasure that I stand today and congratulate Dr. Noel Smith for all of his achievements.

COLLABORATIVE AGREEMENT BETWEEN THE NATIONAL PARK SERVICE AND SPRINGFIELD TECHNICAL COMMUNITY COLLEGE

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. NEAL of Massachusetts. Mr. Speaker, I am introducing legislation today authorizing the National Park Service to enter into a cooperative agreement with the Commonwealth of Massachusetts on behalf of Springfield Technical Community College. Over 30 years ago, in 1974, my predecessor, Congressman Edward Boland, and Senator EDWARD KENNEDY were successful in creating the Springfield Armory National Historic Site. This legislation set in motion three decades of cooperation between the National Park Service, which manages the Armory Museum, and Springfield Technical Community College. The Park Service and the college are neighbors that together occupy the National Historic Site.

Let me tell you a little bit about this site. The Springfield Armory was the first national armory in the United States. In fact, the armory was founded in 1777, when the site was selected as the location for laboratory specializing in the development, production and storage of guns and powder during the American Revolution.

Following the American Revolutionary War, in 1794, Congress officially established the Springfield Armory. George Washington visited the site, which was also the site of Shay's Rebellion. Physically, the Armory abuts Springfield's historic State Street, the city's main east-west thoroughfare, which was Ben Franklin's famed mail route. For much of the 19th century, the Springfield Armory developed, manufactured and supplied most of the small arms used by the United States armed services. The Springfield Armory National Historic Site has a rich heritage that is an integral part of our nation's history.

In 1968, the Armory was deactivated as a military installation and in 1974, Congress established the National Historic Site. The National Park Service has operated the Armory Museum on these grounds, and it houses the most outstanding and historically significant arms collection in the country.

The future and fate of both the Armory Museum and Springfield Technical Community College are inextricably linked. Many of the historic buildings on the site are actually located on the college's property, not on National Park Service land, although a visitor to the campus would not be able to tell where NPS property ends and college property begins. This land outside the portion of the site administered by NPS is known as the "Preservation Control Area." These college-owned buildings are subject to strict architectural and preservation rules. Many of these historic buildings owned by the college must be preserved and maintained pursuant to standards defined by the Secretary of the Interior. But these historic buildings are in a state of great disrepair and the college cannot easily move to maintain and preserve them absent the full participation of the Park Service. Not only does this deterioration of the facilities hurt the college, but also undermines the attractiveness of the National Park Service area, including the Armory Museum.

My legislation seeks to recognize and update the partnership that has existed over these many years between the Park Service and the college by authorizing the Park Service to enter into a cooperative agreement with the Commonwealth. It allows for the National Park Service to provide financial assistance to the College for the purpose of maintaining, preserving, renovating and rehabilitating the many historic structures within the Springfield Armory National Historic Site. The Park Service frequently enters into such cooperative agreements where the object of the agreement is of direct benefit to the Park Service and its mission, or for other public purposes. If these great historic buildings on the site can be renovated with the assistance of the Park Service, it will bring forward a more vibrant and attractive Historic Site and Museum. The Park Service and the college will be able to partner on many joint educational ventures that utilize these revitalized historic facilities.

The Springfield Armory National Historic Site is a treasure to the city of Springfield, the Commonwealth of Massachusetts and to the Nation. The site is in desperate need of renovation, and enactment of this legislation is the first step towards ensuring the preservation of a site, which has played so vital a role in America's history.

INTRODUCING WE THE PEOPLE

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. PAUL. Mr. Speaker, I rise to introduce the We the People Act. The We the People Act forbids Federal courts, including the Supreme Court, from adjudicating cases concerning State laws and polices relating to religious liberties or "privacy," including cases involving sexual practices, sexual orientation or reproduction. The We the People Act also protects the traditional definition of marriage from judicial activism by ensuring the Supreme Court cannot abuse the equal protection clause to redefine marriage. In order to hold Federal judges accountable for abusing their powers, the act also provides that a judge who violates the act's limitations on judicial power shall either be impeached by Congress or removed by the President, according to rules established by the Congress.

The United States Constitution gives Congress the authority to establish and limit the jurisdiction of the lower Federal courts and limit the jurisdiction of the Supreme Court. The Founders intended Congress to use this authority to correct abuses of power by the federal judiciary.

Some may claim that an activist judiciary that strikes down State laws at will expands individual liberty. Proponents of this claim overlook the fact that the best guarantor of true liberty is decentralized political institutions, while the greatest threat to liberty is concentrated power. This is why the Constitution carefully limits the power of the Federal Government over the States.

In recent years, we have seen numerous abuses of power by Federal courts. Federal judges regularly strike down State and local laws on subjects such as religious liberty, sexual orientation, family relations, education, and abortion. This government by Federal judiciary causes a virtual nullification of the Tenth Amendment's limitations on Federal power. Furthermore, when Federal judges impose their preferred polices on State and local governments, instead of respecting the polices adopted by those elected by, and thus accountable to, the people, republican government is threatened. Article IV, section 40 of the Untied States Constitution guarantees each State a republican form of government Thus, Congress must act when the executive or judicial branch threatens the republican governments of the individual States. Therefore, Congress has a responsibility to stop Federal judges from running roughshod over State and local laws. The Founders would certainly have supported congressional action to reign in Federal judges who tell citizens where they can and can't place manger scenes at Christmas.

Mr. Speaker, even some supporters of liberalized abortion laws have admitted that the Supreme Court's Roe v. Wade decision, which overturned the abortion laws of all 50 States. is flawed. The Supreme Court's Establishment Clause jurisdiction has also drawn criticism from across the political spectrum. Perhaps more importantly, attempts to resolve, by judicial fiat, important issues like abortion and the expression of religious belief in the public square increase social strife and conflict. The only way to resolve controversial social issues like abortion and school prayer is to restore respect for the right of State and local governments to adopt polices that reflect the beliefs of the citizens of those jurisdictions. I would remind my colleagues and the Federal judiciary that, under our Constitutional system, there is no reason why the people of New York and the people of Texas should have the same polices regarding issues such as marriage and school prayer.

Unless Congress acts, a State's authority to define and regulate marriage may be the next victim of activist judges. After all, such a decision would simply take the Supreme Court's decision in the Lawrence case, which overturned all State sodomy laws, to its logical conclusion. Congress must launch a preemptive strike against any further Federal usurpation of the States' authority to regulate marriage by removing issues concerning the definition of marriage from the jurisdiction of Federal courts.

Although marriage is licensed and otherwise regulated by the States, government did not create the institution of marriage. Government regulation of marriage is based on State recognition of the practices and customs formulated by private individuals interacting in civil institutions, such as churches and synagogues. Having Federal officials, whether judges, bureaucrats, or congressmen, impose a new definition of marriage on the people is an act of social engineering profoundly hostile to liberty.

It is long past time that Congress exercises its authority to protect the republican government of the States from out-of-control Federal judges. Therefore, I urge my colleagues to cosponsor the We the People Act.

CONGRATULATING DR. EDWARD R. MOSLEY

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 17, 2005

Mr. COSTA. Mr. Speaker, I rise today to congratulate Dr. Edward R. Mosley of Fresno, as the honored recipient of the Community Health Champion Award from West Fresno Health Care Coalition.

The life of Dr. Edward Mosley has been extraordinary in every aspect. He has broken barriers, opened doors and won the hearts of all who know him.

Dr. Mosley was born in Chicago, Illinois in 1924. He grew up in a time where his skin color was the determining factor for his career goals. However, Edward continued on in his quest to reform the outlook of many African Americans in the Nation. He is truly a revolutionary in this regard and has not slowed down since.

Education has been a primary focus of Dr. Mosley since the age of 4 when he begged his grandmother to teach his how to read. He began school at age 6 and immediately excelled in all subjects. He became the "talk of the town" because of his intelligence. His school quickly adapted to their new star student by providing him with an advanced education. Edward graduated from high school at the age of 17 and was forced to take a year off before attending college. However, never deterred, he resumed his academic career and attended the University of Illinois. Ever the steadfast student, he worked to put himself through college and graduated to attend Mehary Medical School. He completed his medical internship at Harlem Hospital in New York and his residency at Tuskegee Veterans Hospital in Alabama. Dr. Mosley also spent two years in the United States Army where he was in charge of a prisoner of war camp in Korea.

It was the desire to live in California that initially brought Edward to Fresno. He established a medical office in the private sector and eventually collaborated with other doctors in the community to create the Westview Convalescent Hospital in Fresno. In recognition of Edward's accomplishments, he was the first African American elected official in Fresno when he was elected to serve on the State Community College Board of Trustees. Edward also served on many other boards in the community in efforts to advance the San Joaquin Valley.

Dr. Mosley has an impressive resumé that details his extensive professional career; however, it has been his outstanding devotion to community service and contributions to the medical community of Fresno for which he is being honored now. He has received many honors and recognitions, including being a Delegate to the Presidential Electoral College appointed by Governor Reagan in 1972, and being named honorary Mayor of Fresno for Contributions to the Community.

It is a tremendous honor to stand today and publicly recognize Dr. Edward Mosley for all of his contributions to the community. It is a privilege to extend congratulations to Dr. Mosley on behalf of the 20th District of California.

STATEMENT ON THE LOSS OF LANCE CORPORAL NICKOLAS D. SCHIAVONI

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. LANGEVIN. Mr. Speaker, it is with profound sorrow that I rise to recognize the death of LCpl Nickolas D. Schiavoni—a brave Marine who served with dignity and honor in Iraq. I join his family and the people of Rhode Island in mourning this great loss.

On Tuesday, November 15, Lance Corporal Schiavoni was killed by a suicide bomber near Karmah, Iraq, while conducting combat operations with his unit. He served with the 2nd Battalion, Second Marine Regiment, 2nd Marine Division, II Marine Expeditionary Force, out of Camp Lejeune, North Carolina. Lance Corporal Schiavoni, age 26, was raised in Haverhill, Massachusetts; his mother, Stephany Kern, resides in Westerly, Rhode Island. This was Lance Corporal Schiavoni's second tour of duty in Iraq. He joined the Marines after meeting his wife, Gina Howe Schiavoni, who now lives with their two children, Marissa, 5, and Alex, 3, in North Carolina.

Lance Corporal Schiavoni's service as a Marine demonstrates his commitment to our nation's freedom. He was awarded a Purple Heart during his first tour of duty and died supporting a fellow member of his unit in an investigation of a suspicious vehicle. The humility, dedication and courage that helped him to flourish in the service are also visible in his life at home—those who knew him well highlight the deep reverence he held for his wife and family.

His loss causes us to reflect on the bravery demonstrated by our men and women in uniform as they carry out their obligations in the face of danger. When their nation called them to duty to preserve freedom, liberty and the security of their neighbors, they answered without hesitation. We remember those who have fallen not only as soldiers, sailors, airmen and marines, but also as patriots who made the ultimate sacrifice for their country. May we keep their loved ones in our thoughts and prayers as they struggle to endure this difficult period and mourn the heroes America has lost.

We will continue to hope for the safe and speedy return of all of our troops serving throughout the world.

IN RECOGNITION OF THE H.E. DOUGLAS, SR. MEMORIAL NEW SHOES FOR LITTLE FEET FOUNDATION

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. BURGESS. Mr. Speaker, I rise today to honor Dale Douglas and New Shoes for Little Feet Foundation. The New Shoes for Little Feet Foundation collects and distributes new shoes to needy children within the community of The Colony, Texas.

The H.E. Douglas, Sr. Memorial New Shoes for Little Feet Foundation was founded by Dale Douglas and his wife. The idea for the foundation stemmed from the experience of Douglas' father, H.E. Douglas, Sr., who was a poor fieldworker who did not own a new pair of shoes until he was sixteen years old.

Nine years ago, Dale and his wife decided to turn their annual Christmas party into a catalyst for community service by asking their guests to bring a new pair of shoes to give to needy children within the community. The effort continued to grow with each subsequent year and has challenged an entire community.

The New Shoes for Little Feet Foundation works with area schools to collect the correct shoe sizes of needy students so that they can be matched with the right pair of shoes. The foundation has also partnered with The Colony Police Department to increase its outreach. Last year, the organization collected and distributed 377 new pairs of shoes to area schoolchildren.

It is with great honor that I stand here today to recognize the H.E. Douglas, Sr. Memorial New Shoes for Little Feet Foundation. It is the dedication that is personified by this organization that makes us certain that the future is bright for our nation and for our communities.

THE FRED F. HOLMES AWARD

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. McGOVERN. Mr. Speaker, the Fred F. Holmes award was established by the Veterans' Council of North Attleboro, Massachusetts, to recognize individuals who have had a positive effect on the lives of local veterans. On November 11, 2005, Veterans Day, it was my great pleasure to attend a ceremony honoring this year's recipient of the Holmes award, Mr. Joseph K. "Joey Irish" Clougherty.

Mr. Clougherty was born in Brookline, Massachusetts, in 1948. His family settled in South Boston, where he graduated from high school in 1966.

Mr. Clougherty enlisted in the United States Army in May 1967, and arrived in Vietnam later that November. Mr. Clougherty spent a year in Vietnam as part of the 5th Light Equipment Maintenance Company Long Binh and Headquarters Co. 185th Heavy Equipment Maintenance Battalion. After extending his stay in Vietnam for a total of twenty months, Mr. Clougherty returned to make his home in Dorchester, Massachusetts.

Mr. Clougherty spent ten years of service in the City of Boston Department of Public Works and Fire Department before eventually settling down in North Attleboro. Since 1995, Joe has served as the North Attleboro Assistant Veterans Agent, solving problems for the entire veteran community and their families.

Those who know Joe know he is a man of great compassion and loyalty, with an endless capacity for assisting those in need. This dedication is exemplified by the tremendous counseling and supportive services he has provided to the over 2,200 veterans of North Attleboro over the past decade.

The citizens of North Attleboro, and especially its veterans, are fortunate to have a person like Joe Clougherty in their midst. I know all my colleagues will join me in offering Mr. Clougherty our deep gratitude and heartfelt congratulations as this year's recipient of the Fred F. Holmes award.

HONORING THE LIFE AND LEGACY OF PASTOR ADRIAN ROGERS

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mrs. BLACKBURN. Mr. Speaker, the Lord knew what he was doing when he sent us Adrian Rogers. And we're so very thankful for that gift.

Dr. Rogers lived a life of service. He lived a life of grace. And we cannot help but be inspired by his accomplishments. For 32 years he preached a message of love, hope, and salvation. His inspirational leadership was on display each Sunday as anyone of the 30,000 Bellevue Baptist Church members can tell you.

Dr. Rogers not only reached out into his community, he reached out across America and this world to spread God's message. His years at Bellevue spreading the Word to millions through his Love Worth Finding ministry and his leadership of the Southern Baptist Convention will be remembered in the lives he changed and the example he set.

He was a great, great shepherd and a humble servant.

Regardless of the titles and leadership positions, we all know that Pastor Rogers was most proud to be a loving husband, father, and grandfather. On this day our prayers are with his family whom he loved so much. We thank the Rogers family for sharing him with us for all these years.

We will miss Pastor Rogers but we are grateful for his life. I rise today to mark the passing and recognize the service of a beloved Tennessean.

IN RECOGNITION OF THE COLONY, TX, FOR HOSTING THE WALL THAT HEALS EXHIBIT

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. BURGESS. Mr. Speaker, I rise today to recognize The Colony, TX, for hosting the moving exhibit The Wall That Heals, honoring the 58,349 fallen soldiers of the Vietnam War who paid the ultimate price in service to our country. The exhibition features a half-scale replica of the Vietnam Veterans Memorial in Washington, DC.

"Bringing The Wall Home" to communities throughout our country allows the souls enshrined on the memorial to exist, once more, among family and friends in the peace and comfort of familiar surroundings. The traveling exhibit, known as The Wall That Heals, allows the many thousands of veterans who have been unable to cope with the prospect of "facing The Wall" to find the strength and courage to do so within their own communities, thus allowing the healing process to begin.

The Wall That Heals also features a Traveling Museum and Information Center providing a comprehensive educational component to enrich and complete visitors' experiences. The museum chronicles the Vietnam War era and the unique healing power of the Vietnam Veterans Memorial, while the information center serves as a venue for people to learn about friends and loved ones lost in the war.

It is with great honor that I stand here today to recognize The Colony for hosting The Wall That Heals. I am proud to represent a city dedicated to promoting education about the impact of the Vietnam War.

HONORING THE LIFE OF JOHN LEE

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. McGOVERN. Mr. Speaker, I rise today to note with sadness the passing of John Lee of Attleboro, MA. Mr. Lee died on October 22 at the age of 85.

John Lee was an academic and athletic star at Attleboro High School and later at Providence College. After serving his country in World War II as a captain in the Army Air Corps, he returned home to establish a successful, 53-year law practice. A towering pillar of his community, John Lee served as Attleboro city solicitor, legal counsel to the towns of Plainville and West Bridgewater and the Norton, Foxboro and Seekonk School Departments. He also served as a member of the Attleboro School Committee.

As Plainville Selectwoman Andrea Soucy recently said, Mr. Lee was not only a brilliant lawyer, but also a person of the highest character. "He had tremendous integrity. He had the highest of ethics. He was very, very special," Ms. Soucy said.

In addition to his beloved wife Muriel, Mr. Lee is survived by 7 of his children and 16 grandchildren. Mr. Lee could always be seen at his grandchildren's games and activities.

John Lee represented the very best of citizenship, honor and integrity. I know that all of my colleagues in the House join me in sending our condolences to Muriel, the entire Lee family and all of those who knew and loved him.

HONORING THE 278TH REGIMENTAL COMBAT TEAM OF THE TENNESSEE NATIONAL GUARD

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mrs. BLACKBURN. Mr. Speaker, few words sound as good as "welcome home."

This is especially true for our men and women in uniform returning from the Middle East where they've been battling terrorism.

In Tennessee we're celebrating the return of our State's 278th Regimental Combat Team. We couldn't be prouder of them, and we want them to know how grateful we are.

Their service and dedication should inspire us all. They placed others above themselves. They fought not to conquer but to free. They fought to put right a terrible evil in this world. They fought so that others might know hope and freedom.

And they fought so that future generations of Americans would not have to live with the terror that we know all too well.

Their deeds placed them among the elite few in American history—in world history.

As Tennesseans, we know the separation has been rough and the days have seemed longer with them so far from us.

Their return has answered our prayers and we're so glad to have them back where they belong.

We are proud of the brave and noble thing they have done for us, and for our country. And we can't thank them enough. We will never forget those 10 among them who aren't returning, those 10 who made the ultimate sacrifice. They will live on in the freedom they've helped preserve. Their families and friends are in our thoughts and prayers.

From a grateful, grateful Nation we salute them, and we salute their families.

God Bless America and our 278th.

NORTH AMERICAN POLLINATOR PROTECTION CAMPAIGN

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. BLUMENAUER. Mr. Speaker, I would like to thank certain organizations and individuals for their outstanding work on the important, but often overlooked, issue of pollinators. As you know, pollinators are vital to food and medicine production, and their irreplaceable ecosystem services and declining populations merit attention and protection.

I am happy to say that significant progress is being made. On October 21, the North American Pollinator Protection Campaign, NAPPC, signed a joint memorandum of understanding with the U.S. Fish and Wildlife Service. The agreement proposes protecting pollinators on the nearly 100 million acres of habitat over which the Fish and Wildlife Service has jurisdiction. These lands, combined with another 200 million acres protected by the U.S. Forest Service, attest to the growing momentum behind this issue.

The successes of these organizations are impressive and encouraging, as is the dedication of certain individuals. On October 20, four such individuals were awarded the First Annual NAPPC Pollinator Advocate Award.

Don Pedro Cahun Uh, of Mexico, was recognized for his outstanding efforts to preserve not only traditional Mayan culture, but also the declining populations of the Yucatan Peninsula's native stingless bees.

Dale Bosworth, chief of the USDA Forest Service, pioneered pollinator awareness among U.S. Government agencies and paved the way for the protection of native plants and their pollinators on almost 200 million acres of land.

Bruce Knight, chief of the USDA Natural Resource Conservation Service, exhibited exemplary leadership in the creation of a highly successful pollinator habitat program.

Ron Krystynak, of the Canadian Embassy, was recognized for taking a lead role in North American pollinator conservation, and for his holistic approach to sustainable agriculture and ecology.

These individuals represent a variety of perspectives and a singularly effective leadership on this issue. Their achievements will carry us closer to the goal of sustainable ecosystems and communities.

RESOLUTION RECOGNIZING THE 25TH ANNIVERSARY OF AVID

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mrs. DAVIS of California. Mr. Speaker, I rise today to recognize a tremendous and extremely valuable asset to public education in the United States.

I am referring to the Advancement Via Individual Determination or AVID program that began in my hometown of San Diego 25 years ago.

Since then, it has helped hundreds of thousands of underachieving students across the United States learn the study habits and the skills needed for college. It has also helped thousands of students excel in the core subjects of reading, math, and the sciences.

Mary Catherine Swanson, a school teacher at San Diego's Clairemont High, created AVID in 1980 because she wanted to find a way to help students with mediocre academic records.

What has happened since then is nothing short of amazing.

AVID has grown from one classroom to 2,200 middle and high schools in 36 states.

The program emphasizes individual achievement while teaching new study habits. In addition, AVID encourages goal setting and works to lift self-expectations and self-esteem in students.

Nearly 260,000 students have benefited tremendously from these ground-breaking teaching methods.

Amazingly, over 95 percent of those who complete the AVID program attend college and nearly all of these students return for their sophomore year.

It is difficult to choose from the thousands of success stories produced by AVID. I am inspired each time I hear one of these stories.

Please allow me to share just a few of these stories with you today.

Some of you may remember Joanna Hayes for winning Gold in the women's 100-meter hurdles during the 2004 Summer Olympics in Greece.

Joanna's teachers remember her for her drive and determination to achieve in her classes.

Earlier in high school, however, Joanna faced a problem. She was a promising student athlete and knew she could likely land an athletic scholarship at a number of schools around the nation.

Unfortunately, her grades were low and she did not possess the academic credentials to attend her dream school, UCLA.

Joanna's high school guidance counselor told her about the AVID program and how it had helped a number of students greatly improve their grades.

She signed up and her grades began to improve dramatically.

She attended UCLA and became a world-class athlete attributing a great deal of her success to AVID.

I was also moved by the story of Truong-Son Vinh who arrived in the United States when he was 9 years old.

He fled Saigon just before it fell into the hands of the North Vietnamese in 1975. Tragically, his father was killed during the war.

Truong-Son Vinh's family ended up in San Diego where he found the AVID program.

With the help of AVID, he maintained an "A" average and excelled in math and the sciences throughout high school.

He applied the skills and study habits he learned through AVID and earned degrees in mechanical engineering and applied math from the University of California at San Diego and a master's degree from Cal. Tech.

This was just the beginning for Truong-Son Vinh.

After college, he went to work for NASA and contributed to the Space Shuttle program during the 1980s.

He later returned to school and earned a Ph.D and an MBA.

Mr. Speaker, it is stories like Joanna Hayes and Truong-Son Vinh's that have inspired me to introduce a resolution recognizing AVID and honoring the program on its 25th anniversary.

I am pleased to have the opportunity to introduce this resolution with my friend and colleague from Delaware, Congressman CASTLE.

Because of AVID, thousands of students have had the opportunity to achieve in our public schools and have had the opportunity to go on to college.

Again, this program has far exceeded anyone's expectations.

I thank Mary Catherine Swanson for having a vision and working hard to implement this vision beginning with one classroom at Clairemont High.

In addition, please allow me to thank the administrators of the AVID program for their hard work promoting the program on a national level.

Also, the work the teachers and tutors do in the AVID program is nothing short of amazing. Because of their dedication, AVID has turned the lives around of thousands of our young people.

Finally, I would just like to take a moment to recognize the students who had the courage to take on the rigorous academic track required by AVID and who had the desire to one day go to college.

I introduce this resolution today to honor AVID and all it has accomplished.

If we are to eliminate the achievement gap in the United States, I believe we need to build upon the programs that have already decreased the size of the gap successfully.

AVID is clearly one of these programs.

We will also need to turn to AVID and other proven programs already showing success in assisting our kids make gains in the areas that our nation is lagging far behind. I refer specifically to math and the sciences.

If we are to be competitive in the world economy, we need programs such as AVID to help our children excel in math, the sciences, and other key programs.

IN HONOR AND TRIBUTE OF JOAN DIDION

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Joan Didion, established author, wife and mother. Her current novel, The Year of Magical Thinking, traces her journey through one year after her husband's sudden death and her daughter's grave illness.

Joan Didion was born in Sacramento, California and graduated from the University of California at Berkeley. Didion is the author of five novels and eight books of non-fiction. Her distinguished works and publications were collected into Slouching Towards Bethlehem released in 1968 and The White Album in 1979. These books established Didion's name as an author and observer of American politics and culture with deepening personal reflections mixed with analysis.

Didion married John Gregory Dunne, also an established writer, in 1964 and together they had a daughter, Quintana. The family lived in California until moving to New York City in 1988. In 2003, their family was shocked to learn that Quintana had a fatal illness. Months after learning their daughter's bad news, John suddenly died.

They had just returned home from visiting their daughter in the hospital. Joan later learned her husband died of a massive coronary attack. Unable to bear with the grief that settled in, Joan began writing what turned into her latest book, The Year of Magical Thinking. This book chronicles her feelings and memories after John's death and the sickness of her daughter. Sadly, even after a brief recovery, Quintana died months after Joan finished the book.

Mr. Speaker and Colleagues, please join me in recognizing Joan Didion on her accomplishments as a writer and her courage as a grieving wife and mother. Her unwavering strength during difficult times should be an inspiration to all of us.

HAPPY 101ST BIRTHDAY TO MAGGIE KATIE BROWN KIDD

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. SCOTT of Georgia. Mr. Speaker, I rise today to fulfill an annual obligation to wish a happy birthday to Ms. Maggie Katie Brown Kidd. This year, it is my distinct pleasure to wish Ms. Kidd a happy 101st birthday. Although her birth date is December 8th, she will be celebrating with her family on November 25, 2005.

Ms. Kidd has led a long life of devoted service, always lending a helping hand to any of her relatives or neighbors. She carries on the tradition of her beloved husband "Doc" who earned that nickname precisely for such a reputation. So in addition to celebrating her birthday, we are celebrating another year of her contributions to our community. To mark this occasion and her contributions I am awarding her a "Certificate of Special Congressional Recognition."

Mr. Speaker, I ask my colleagues to join me, Maggie's children, her grandchildren and her great-grandchildren in wishing her a happy 101st birthday.

RECOGNIZING THE CONTRIBUTIONS OF EVE NEWMAN

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to recognize Mrs. Eve Newman for her contributions and dedicated service to the Commonwealth of Virginia.

I first met Mrs. Newman when I was a teenager working alongside her daughter, Lee, as a volunteer for the Republican National Committee. Her impressive, professional nature inspired the young volunteers she was overseeing at the time. Mrs. Newman and her husband, the late Eugene L. Newman, were longtime residents of Fairfax County and unselfishly served their community over the years. Mrs. Newman and her daughter now reside in Strasburg, Virginia, where she remains active in her community.

Over her lifetime, Mrs. Newman has held several distinguished positions and has received countless awards for her service. Mrs. Newman served as the general registrar for Fairfax County for eight years, was president of the Voter Registrars Association of Virginia, president of the Republican Women's Club and Board member of the State Board of Republican Women. With each organization, she dedicated herself fully to each cause and came up with innovative ideas to improve the organization. While serving on the State Board of Republican Women, she organized a scrap booking contest that was an instant success for a number of years. While serving as the registrar for Fairfax County, she created a tabulation system utilizing age brackets as an election prediction tool.

Her love and dedication to the Republican Party is matched by her love for the arts. She studied at the Art Institute in Philadelphia, and has she served on the Board of Directors of the Wayside Theatre located in the Shenandoah Valley. Mrs. Newman was not a board member that simply warmed a seat; she served as an active participant who contributed immensely to the theatre. Her assistance was merited in 2002 when she was awarded the theatre's highest honor, the Leo M. Bernstein Award. Mrs. Newman is also an accomplished artist; her most notable artistic contribution can be seen on each official document of the Virginia Federation of Republican Women, as she is the designer of the official seal.

On Saturday, November 20th, many from around the Commonwealth will gather with Eve at a luncheon in her honor. Mr. Speaker, in closing, I call upon my colleagues to join me in recognizing her accomplishments and applauding her for all that she has done.

TO RECOGNIZE THE 40TH ANNIVERSARY OF THE ECONOMIC OPPORTUNITY COMMISSION OF SAN LUIS OBISPO COUNTY

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. THOMAS. Mr. Speaker, I rise today to recognize the 40th anniversary of the founding of the Economic Opportunity Commission of San Luis Obispo County (EOC), which will be celebrated on December 9th. I would like to congratulate the board members, staff and volunteers of the EOC for all they have accomplished and wish them well as they continue to serve the residents of San Luis Obispo and nine other counties in California.

The EOC is a private, nonprofit public benefit community action agency (CAA) that was designated by the San Luis Obispo County Board of Supervisors as the CAA for the County in December 1965. The EOC strives to address and alleviate poverty in San Luis Obispo County, in part through community-based programs designed to help individuals and families develop the skills needed to enhance their stability and economic independence. In addition, the EOC also uses strong community partnerships with churches, county government, and other service providers to assist the local community.

I appreciate the assistance the EOC provides to the residents of San Luis Obispo County. Its Board of Commissioners, employees, and volunteers are to be commended for their efforts, which have helped thousands of people over the past 40 years. Accordingly, I ask my colleagues to join me in congratulating the EOC as they celebrate their 40th anniversary.

REGARDING WASHINGTON STATE PROFESSOR OF THE YEAR BRUCE PALMQUIST

HON. DOC HASTINGS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. HASTINGS of Washington. Mr. Speaker, I wish to pay tribute to 2005 Washington State Professor of the Year—Mr. Bruce Palmquist.

The U.S. Professors of the Year awards, sponsored by the Council for Advancement and Support of Education, recognize college and university professors for their excellence in undergraduate teaching and mentoring.

For over a decade, Mr. Palmquist has taught science to students at Central Washington University using innovative teaching strategies to actively engage his students in learning. He has taught his students to embrace the University's motto "by teaching, we learn." This teaching approach has motivated students to achieve a higher standard.

Mr. Palmquist recognizes the importance of access to higher education. He worked to establish a teacher education program at a community college one hundred miles from Central

Washington University, so that students could more easily access higher education. Mr. Palmquist's dedication to the program and students is apparent as he travels over 200 miles per week to advise enrolled and potential students, promote the program, and help students with course work.

In a society where teachers do not always receive the appreciation they deserve, I am pleased to honor and commend Mr. Palmquist for his dedication to students in Central Washington. Mr. Palmquist is a teacher who is willing to work hard for his students, and expects his students to work hard for him in return.

To Mr. Palmquist and the professors across America that are educating tomorrow's leaders, thank you.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. JOHNSON of Illinois. Mr. Speaker, on rollcall No. 597, I was inadverently detained. Had I been present, I would have voted "yea."

AZERBAIJAN ELECTIONS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Ms. ROS-LEHTINEN. Mr. Speaker, I appreciate the opportunity to share a few thoughts with my colleagues on recent the elections in Azerbaijan.

While the recent November 6th parliamentary elections in Azerbaijan failed to meet U.S. and international standards for a free and fair process, there were some notable improvements over the previous elections.

According to the State Department, the Government of Azerbaijan: allowed large numbers of candidates to register; provided candidates with greater access to the media; allowed exit polls and extensive monitoring by domestic and foreign observers; improved voter lists; and took other actions contributing to a more orderly and transparent vote.

However, there were widespread reports of major irregularities and fraud—including concerning vote tabulation, as well as intimidation of voters and observers—that may have disenfranchised voters in many districts.

In response, Azerbaijani leader Aliyev has, thus far, reportedly: ordered the Justice Minister to fully investigate the election results; dismissed two governors and other officials for election fraud; annulled the outcome of the elections in a fourth voting district; and is probing the results from 20 of the country's voting constituencies for possible violations.

Just this week, it was reported that Aliyev dismissed Vagif Ragimov, the governor of Zagatala, a region in western Azerbaijan near the border with Georgia, for alleged interference in ballot counting. Two days earlier, after a three-hour discussion, the Central Election Commission (CEC) reportedly canceled results in the #110 Zagatala constituency in response to reported violations in a majority of the polling stations.

Ragimov was reportedly the third governor to be dismissed for attempted vote tampering.

These are positive steps but further corrective actions must be taken. For example, investigations should not be limited exclusively to election day problems but must address reports of post-election crackdowns and suppression of dissent.

I therefore urge Mr. Aliyev to continue to work closely with the United States, the rest of the international community, and all segments of Azerbaijani society to undertake the necessary reforms to provide for a future in which free, fair and transparent elections are regularly held in a fully democratic Azerbaijan.

A REPORT PREPARED BY EUGENE B. KOGAN

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Ms. WATSON. Mr. Speaker, I want to bring to the attention of my colleagues a report prepared by Eugene B. Kogan on the role of Congress in the implementation of U.S. foreign policy. Mr. Kogan is the John Kenneth Galbraith Fellow at the Americans for Democratic Action (ADA). The report is entitled The War Congress: Shouldering the Responsibilities of A U.S. Global Role.

Mr. Kogan's report is particularly timely in the aftermath of September 11, 2001, and the U.S. intervention in Iraq. The report focuses on the role of Congress in these two seminal events and its abdication of effective oversight over the Bush administration's foreign policy decisions.

Mr. Kogan states in the report: "The lack of congressional oversight over the Bush Administration's foreign policy can compromise the ability of the United States to build a more secure world. Accountability is eroded in wartime, and the war on terrorism is not any different, except that it will shape America's world role for the next half a century or more. In this critical period of U.S. history, it is important for Congress to exercise its Constitutional responsibility by holding the Executive Branch accountable for its foreign policy decisions."

Congress plays a vital role in the formulation of our Nation's foreign policy. I commend Mr. Kogan's report to my colleagues as they consider the future congressional role in the war on terrorism and U.S. intervention in Iraq.

TRIBUTE TO ALBERT SPADA

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. HINCHEY. Mr. Speaker, I rise today to honor my good friend and constituent Albert Spada for his distinguished professional career and impressive record of community service. Al retired earlier this year as Ulster County Clerk, a position he has held since 1967. I would like to recognize and thank him for his outstanding leadership in Ulster County both as an elected official and an active and dedicated member of the community.

Al was elected to the office of Ulster County Clerk at the age of 34, the youngest county clerk in New York at the time. Prior to his election, Al served as Deputy Clerk for Ulster County and legislative aide to New York State Assemblyman Kenneth Wilson and New York State Senator E. Ogden Bush. Prior to that, Al served in the United States Air Force during the Korean Conflict as a Staff Sergeant. After serving as chief of the Air Force supply depot in Japan, he received an honorable discharge from military service.

For more than 35 years, Al served the people of Ulster County with distinction and honor. His responsiveness and accessibility to county residents defined his tenure in office. Al established himself as the preeminent advocate for Ulster County residents on matters pertaining to the functions of his office and other county government business. Over the nearly 4 decades that he was in office, Al's personal efforts have positively affected the lives of countless Ulster County residents. All of these attributes contributed to Al being the longest serving County Clerk in Ulster County since George Clinton held the position in the late 18th century.

Al has received numerous honors over the years including the Lifetime Achievement Award from the New York State Association of County Clerks and the Man of the Year Award from the local chapter of the Veterans of Foreign Wars. Al has been a member of the New York Association of County Clerks since 1966 and has served on the boards of Benedictine and Kingston Hospitals, the New York State Advisory Board of Public Works and the Kingston Housing Authority, where he currently sits as chairman. He has served on the Heritage Advisory Committee, the New York State Sports Authority and the Ulster County United Way. Most notably perhaps, Al has been a lifetime member of the Glasco Volunteer Fire Department.

In addition to the many accomplishments and accolades that Al has received over the years, he is widely regarded as a friend to many people throughout the community. His loyalty and generosity, as well as his extraordinary sense of humor, have endeared him to countless Ulster County residents and while his presence in the county building will be greatly missed, we will all take comfort in knowing that he will remain an active member of our community.

Mr. Speaker, I am delighted to congratulate my friend Albert Spada and his family on the occasion of his retirement after so many years of dedicated service to the residents of Ulster County. I offer him my warmest personal wishes for a healthy and happy retirement along with my deep appreciation for his friendship and his longstanding commitment to public service.

A TRIBUTE TO THE BERKSHIRE JUVENILE COURT

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. OLVER. Mr. Speaker, I wish to recognize and honor the Berkshire Division of the Juvenile Court Department of the Trial Court of the Commonwealth of Massachusetts, on this, National Adoption Day, for their dedication to the hundreds of children in foster care in Berkshire County, Massachusetts, and for their promotion of adoption, which allows over 30 children per year to enter into loving and nurturing families.

Today, in Pittsfield, Massachusetts, sixteen adoptions will be performed in honor of National Adoption Day and in recognition of November as Adoption Awareness Month throughout the United States.

I want to thank the Berkshire Juvenile Court, under the guidance of the Honorable First Justice Paul E. Perachi, for their dedication and commitment to the children and families of Berkshire County, Massachusetts.

RECOGNIZING THE OUTSTANDING EFFORTS OF BALTIMORE FIRE CAPTAIN KENNETH HYDE, SR.

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. RUPPERSBERGER. Mr. Speaker, I rise before you today to recognize the outstanding efforts of one heroic individual who has greatly impacted the safety of the Baltimore community. He stands by 24 hours a day, 7 days a week in case of emergency. Whether he's disturbed from his slumber or called away from a family dinner, Baltimore Fire Captain and Riviera Beach Fire Chief Kenneth Hyde, Sr. readily awaits his next call to action.

Mr. Hyde holds two very demanding positions as he is the Baltimore City Fire Captain and the head of the Riviera Beach Volunteer Fire Company. That means he rarely enjoys a day of rest. However, he never complains, and neither do his crews. He has participated in the rescue of passengers of the water taxi, Lady D which overturned last year in Baltimore's Inner Harbor. He has assisted with the recent Hurricane Katrina cleanup, as well as countless other disasters.

While he primarily focuses on local mishaps, his interest lies in terrorism preparedness. He develops strategies for possible attacks, and devotes many of his weekends to either attending or conducting training sessions.

Mr. Hyde comes from a long line of firemen; his father, both grandfathers, brother, and now son, are all firemen. In addition, his wife is a dispatcher for the Baltimore City Fire Department, and his sister is in charge of the cadet program for the Riviera Beach Fire Department. It's obvious the Hyde family is dedicated to the safety of the citizens of Maryland.

Mr. Speaker, I ask that you rise with me today to applaud the incredible efforts of Mr. Kenneth Hyde in his unselfish commitment to protecting the people of the United States.

VETERANS DAY COMMEMORATION AT DODONA MANOR

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. WOLF. Mr. Speaker, I was honored to participate in Veterans Day observances held at the George C. Marshall International Center at Dodona Manor in Leesburg, Virginia.

The commemoration was organized by U.S. Army retired Colonel Gerhard L. Jacobson and featured U.S. Army retired Lieutenant General Frank A. Camm as the keynote speaker. I would like to share for our colleagues the stirring remarks by General Camm.

VETERANS DAY SPEECH

NOVEMBER 11, 2005

Thank you, Jake . . . Mr. Price, fellow veterans and American citizens . . . as a descendant of the Rector family on nearby Goose Creek, I am proud to join you here at Dodona Manor, the home of one of our greatest veterans, General George Marshall, in paying tribute to the service of America's veterans.

This is the day we remember our debt to those who've worn the uniform of the United States. This is the day we thank and honor ALL who have, served honorably in the military—in wartime or peacetime. We honor them for their patriotism, their love of country, and their willingness to serve and sacrifice for the common good. And we thank them for their service, expressing our appreciation of their contributions to national security, and recognizing that all who served have sacrificed and done their duty. Today, all veterans can be certain that the Nation they served and the people they defended are grateful.

It is appropriate, indeed, to observe Veterans Day here at Dodona Manor, the home of General Marshall, who was born just 125 miles from here on New Year's Eve 125 years ago. . . Having lived next door to General Marshall in Washington in 1938, having seen him speak at West Point, and having served in the Army's War Plans Division that he had headed 20 years before, I've been inspired by numerous accounts of this man whom President Roosevelt considered to be the Pershing of World War II and whom President Truman said was the greatest military man the Nation ever produced.

General Marshall's 50 years of public service epitomize the selfless service so distinctive of our veterans. . . After serving General Pershing in and after World War I, General Marshall commanded troops in China, revamped officer training at Fort Benning, became Army Chief of Staff and exemplified selfless service in his gracious acceptance of President Roosevelt's keeping him in Washington during World War II instead of acceding to his desire to command troops in Europe. . . He gave selfless service again when heading toward well-deserved retirement in 1945. . . He had just entered Dodona Manor when a telephone call came from President Truman asking him to forego his first vacation in years and devote many months as a special presidential envoy to China . . . He extended his selfless service again and again when he became Truman's Secretary of State from 1947 to 49 creating the Marshall Plan, . . . and when he shortly thereafter accepted President Truman's request to take over the American Red Cross. . . After the Korean War began in 1950, President Truman interrupted General Marshall's vacation at a Michigan fishing camp to call him back to further selfless service in Washington as Secretary of Defense. . . Meanwhile, Senator Joe McCarthy was castigating George Marshall for treason, calling him a man (quote) "guilty of an immense conspiracy" and making (quote) "common cause with Stalin"—General Marshall refused to respond, saying, (quote) "If I have to explain at this point that I am not a traitor to the United States, I hardly think it's worth it.". . . Shortly after retiring again to Dodona Manor in 1951, he agreed to chair the American Battle Monuments Commission. And in 1953, upon becoming the first professional soldier to receive the Nobel Peace Prize, he typically credited it to others, telling reporters it was a tribute (quote) "to the American people." . . . Indeed, all of us veterans are proud to count General Marshall as one of us!

Our veterans have borne the cost of America's wars and stood watch over America's peace. Among the 42 million veterans of American wars, over 600 thousand died in battle and over 2 million were wounded. Today some 20 million living Americans wear the proud title of veteran. They include a few dozen survivors of World War I, over 3 million of World War II, 3 million of the Korean War, 8 million of the Vietnam War, and 2 million of the Wars in Iraq and Afghanistan.

Fortunate to have a number of veterans with us here today, I want to acknowledge them, . . . so I ask all veterans present to please stand for us to recognize you? . . . (APPLAUSE). . . Thank you. . . Like Henry the Fifth in Shakespeare, we vets have a special bond with those with whom we've served. . . Trapped and outnumbered by the French army, Henry spoke to his men before the battle. His address is a classic in military legend: "For he today that sheds his blood with me shall be my brother" . . . And laying into slackers who'd avoided serving, he declared, "and gentlemen in england now abed . . . shall think themselves accursed they were not here.". . .

Today, our soldiers, sailors, marines and airmen serve in 120 countries throughout the world during our ongoing conflicts in Afghanistan and Iraq. And the legacy of our veterans continues to inspire each of them to answer the call of duty. As we join in thanking our veterans for their service, let's applaud them not only for their past service, but the example they set for our current and future military. . . After the Korean War, our veterans returned home to a country indifferent to their service. . . After Vietnam, our military faced scorn from some circles. . . Indifference and scorn have no place in our heroes' homecoming. . . Instead, let's show our gratitude by welcoming all of our heroes when they return to the cities and towns they have so bravely defended.

Now with the Global War on Terrorism, we cannot take our past peace and prosperity for granted. Our veterans know that freedom isn't free and that eternal vigilance is the price we must pay for our liberty. We must resolve to keep faith with our veterans as this nation fights and wins the Global War on Terrorism.

We must resolve to thank and support all our veterans for their outstanding and selfless service to our nation and to thank them not only today, Veterans Day, but every day.

Remember our veterans and the price they paid physically, financially, and emotionally to keep this nation safe. . . And remember our troops, America's future veterans, sons and daughters, who have selflessly made the decision to defend our count and all it stands for.

Additionally, let's remember that veterans' families and military families have also paid the price for freedom. Though we may not be able to adequately thank our veterans, our soldiers, and their families, . . . we must always support them.

With your support, our soldiers, America's future veterans, will continue to honor their sacred duty of protecting our nation, our fellow citizens, and the freedoms we hold so dear.

Remember the Biblical questions: "Whom shall I send? and Who will go for us?". . . And whoever answers with the Biblical reply of "Here am I. Send me" . . . will return a veteran. Let us honor that veteran and resolve on this Veterans Day to remember that he or she goes for us and deserves our support and respect.

TRIBUTE TO CHILD ADVOCACY CENTER AWARDEES

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. KILDEE. Mr. Speaker, I am pleased to stand before you today on behalf of one of my district's premier human service organizations, the Child Advocacy Center of Genesee County. On Thursday, November 10, the Center will hold its inaugural Awards Dinner, where they will acknowledge several individuals who have shown tremendous courage, kindness, and selflessness through acts of goodwill toward our young people.

Polly Sheppard will have the distinction of being awarded the first Volunteer of the Year Award.

The honor of the Mental Health Therapist of the Year Award will be presented to Penny Lantz.

The cooperation between the CAC and the Michigan Department of Human Services will be shown, as Linda Crouch and Director Denise Chambers will receive DHS Worker of the Year awards.

The CAC will recognize its friends in law enforcement, as Detective Matt Bade of the Burton Police Department, and Detective Diana Mills of the Mt. Morris Police Department will be honored as Police Officers of the Year. John Greene and Marcie Mabry will be honored as Prosecutors of the Year.

The Sponsor of the Year Award will be presented to the Ruth Mott Foundation.

Additionally, Dr. Edwin Gullekson will be honored as the CAC 2005 Physician of the Year.

Mr. Speaker, I applaud these wonderful men and women for all they have done for others. Through their actions, they ensure that our children are able to enjoy healthy, productive, and safe lives, and I ask my colleagues in the 109th Congress to please join me in recognizing their heroic efforts.

HONORING CUB SCOUT PACK 88 OF THE BSA'S DES PLAINES VALLEY COUNCIL AND THEIR 60 YEARS OF SERVICE

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. LIPINSKI. Mr. Speaker, I rise today in honor of Cub Scout Pack 88 of the Boy Scouts of America's Des Plaines Valley Council on their 60th anniversary.

In 1930, the Boy Scouts of America created a new opportunity called Cub Scouting for boys younger than Boy Scout age. A year-round, home-centered program used by chartered organizations, Cub Scouting emphasizes involvement between boys and their parents, adult leaders, and friends. In the multidimensional plan of the Boy Scouts of America, Cub Scouting is where it all begins.

For the past 60 years, Cub Scout Pack 88 has been a cornerstone of service in the Des Plaines Valley communities. They have combined fun with educational activities and lifelong values. Parents and sons of Pack 88 spend quality time together going places, doing projects, talking, and reading. Pack 88 also provides a healthy, safe environment in which boys learn important values and develop self-confidence.

For these reasons, it is my honor to recognize Cub Scout Pack 88 on their 60th anniversary. I look forward to many more years of their continued service to our community and our youth.

HONORING ERIE COMMUNITY COLLEGE DIRECTOR OF ATHLETICS, RALPH J. GALANTI, JR.

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. HIGGINS. Mr. Speaker, it is with great pleasure and gratitude that I stand here today to recognize Ralph J. Galanti, Jr., Erie Community College Director of Athletics who is retiring after 36 years of service to ECC.

Born and raised in the City of Lackawanna, over the last three and one-half decades Ralph "Chico" Galanti has completely transformed ECC's athletic program, putting ECC on the map in the college sports world.

As coach of the ECC hockey team, Galanti led the team to appearances at eight NJCAA national championships, winning five regional titles.

In his role as Athletic Director, Galanti was instrumental in brining football to ECC and had a hands on role in the development of ECC's Burt Flickinger Athletic Center, a facility awarded for its design, which not only serves the college but the entire community, hosting national athletic events.

Galanti's ongoing efforts increased enrollment at the school where he pushed students to balance athletics and academics.

For his accomplishments, Chico has been inducted into the Greater Buffalo Hall of Fame and the National Junior College Athletic Association Hockey Coaches Hall of Fame.

The Ralph and Grace Galanti Memorial Scholarship fund honor's Ralph's parents, and continues his legacy of commitment, by assisting the student athletes in our community.

Mr. Speaker, it is with great pleasure I recognize Ralph Galanti, Jr., a man whose devotion to Erie Community College has shaped the lives of thousands of ECC students and left a positive mark on the entire Western New York community. On behalf of the residents of New York's 27th Congressional District I would like to wish Chico health and happiness in his retirement by using his signature farewell, "be happy."

HONORING THE LIFE OF LIEUTENANT COLONEL THOMAS A. WREN

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to honor the life of Lieutenant Colonel Thomas A. Wren and to recognize his service to our Nation.

Lt. Col. Wren graduated from George Mason University and received a commission in the Army Reserve through the Reserve Officer Training Corps. He joined the 80th Division Army Reserve unit in 1984 and held positions in Virginia, Delaware, Maryland and Pennsylvania. He was called to active duty four times since 2000, serving in Bosnia, Afghanistan and Iraq. While not on active duty, Lt. Col. Wren worked as a project manager at Sytel working on projects at USAID, USDA, Army Research Laboratory as well as the State Department. His numerous decorations include two Bronze Stars.

His most recent assignment was assisting with the training of the Iraqi military. Tragically, Lt. Col. Wren was killed in an accident on November 5, 2005 in Tallil, Iraq, in support of Operation Iraqi Freedom.

Words cannot express the gratitude we feel to those who have made the ultimate sacrifice for our country. This is a debt that can never be repaid. I know words are not much comfort for the family of Lt. Col. Wren, who are no doubt suffering in the wake of the loss of this intelligent and dedicated man. I hope they will take some solace in knowing that we will never forget Lt. Col. Wren's sacrifice or the sacrifices made by other patriots like him in defense of our Nation.

Mr. Speaker, I call upon my colleagues to remember in our minds and in our hearts the bravery and sacrifice of Lt. Col. Thomas A. Wren, as well as that of all the men and women of the armed services who honorably protect the American people.

COERCED STERILIZATIONS IN THE CZECH REPUBLIC AND SLOVAKIA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. SMITH of New Jersey. Mr. Speaker, last week, the district court in the Czech town of Ostrava reached a very important decision. The court concluded that, in 2001 after the birth of her second child, a local Romani woman was sterilized without informed consent. In fact, since last year, the Czech Ombudsman has been examining dozens of similar cases. Although he has not yet issued any public findings, it is expected that the Ombudsman will confirm that many other Romani women experienced similar violations of their rights, as documented by several Czech human rights groups and the European Roma Rights Center.

Sadly, the issue of sterilizations without informed consent is not new in this region. As early as 1977, the dissident group Charter 77 reported on systematic efforts to target Romani women in Czechoslovakia for coerced sterilization. While the vast majority of sterilizations in the Czech Republic and Slovakia since 1989 were performed with informed consent, the Ostrava case demonstrates that the practice of performing sterilizations without informed consent did not completely end with the fall of the communist regime.

That precedent-setting court decision sheds light on a number of legal points in one specific case. At the same time, there are many larger questions still at issue, including whether racism against Roma contributed to the abuse. Frankly, given the large percentage of Roma among the victims of sterilization without informed consent compared with the small percentage of the Czech population that Roma constitute, it is hard for me to believe that race did not play some role. There are, of course, other possible factors to consider: what role did a poor quality of medical care or training play in these cases of medical malpractice? Did a lack of respect for an individual's liberty—a hold-over mentality from the totalitarian period—also contribute to the abuse?

I welcome the Ostrava court's decision and commend the plaintiff in that case, Helena Ferencikova, for her courage in bringing it forward. I have also been heartened by the apparent seriousness of the Ombudsman's investigation into this difficult and sensitive matter.

Unfortunately, similar issues in neighboring Slovakia continue to be met with government denials and stonewalling.

In 2003, the Slovak Government concluded a year-long investigation into allegations that some Romani women were sterilized without informed consent, even after the fall of communism. That investigation was deeply flawed. At one point, for example, a spokesperson for the Minister for Human Rights threatened that anyone bringing forward allegations of sterilization without informed consent would go to jail, one way or another. This is not the way to foster confidence in an investigation or to encourage victims to speak out.

Significantly, the Czech investigation and the Slovak investigation both revolved around the same 1992 Czechoslovak law on sterilizations, put in place before the two countries split apart. Czech authorities have understood that law as requiring that sterilizations had to be requested by the person who was going to be sterilized, that there had to be evidence of consent by that person, and that consent had to be meaningfully informed. Being "informed" means, for example, that the expectant mother must be told why the procedure is necessary. If someone was given false information about the procedure, which was the case in many instances, then she was not meaningfully "informed."

When interpreting the same law, however, Slovak authorities maintained that consent did not have to be "informed." Accordingly, Slovak investigators examined numerous cases where there was no informed consent but still concluded there was no violation of the 1992 law because, according to their twisted logic, consent didn't have to be informed!

In reality, the Slovak Government seemed to organize its investigation into the sterilization cases in a way that was designed to cover up the magnitude of the problem. The Slovak Government's investigation revealed seven cases of Romani minors who were sterilized in violation of the then-existing Slovak law. In reality, the Slovak Government's interpretation of the concept of "consent" could not be reconciled with modern health norms and had to be changed to explicitly require that consent is informed. (The new law went into effect at the beginning of this year.) In reality, numerous international officials have repeatedly expressed concern over the sterilization practices in the Slovak Republic and the inadequacy of the Slovak Government's response to them, including in the April 2005 report on the situation of Roma issued by the Council of Europe's Human Rights Commissioner.

In light of all this, it is extremely frustrating to read that Slovak officials have, in recent months, made misleading statements about this important issue. Apparently one official has even declared that "illegal sterilizations of Romani women never happened in Slovakia."

Mr. Speaker, when the institutions of justice are perceived to follow one set of rules for the majority and another for minorities, this is a recipe for social unrest—as we know from our own painful history.

I understand that it is always a difficult exercise for any government to admit its own wrongdoing or the wrongdoings of the majority society—we know this, too. But Romani mistrust of government institutions will only deepen if the Slovak Government persists in denying the wrongs perpetrated against their community.

CONGRATULATING THE VENICE HIGH SCHOOL LADIES' VOLLEYBALL TEAM

HON. KATHERINE HARRIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Ms. HARRIS. Mr. Speaker, I rise today to congratulate the Venice High School Lady Indians volleyball team, on their recent victory in the 2006 Class 5A state volleyball championship.

The team's 26–7 regular season record and championship victory certainly deserve applause; however, the manner in which they achieved their goal truly makes them champions.

Under the leadership of Coach Brian Wheatley, this band of sisters turned a potentially disappointing season into a modern-day Cinderella story. Runners-up in 2004, the team began the season with only two returning starters, offering little hope for anything more than a "rebuilding" season. However, a little hope and a lot of grit and determination was all this team needed.

They saw in each other the desire to succeed, the willingness to sacrifice and the wisdom to work as a team; with perseverance and commitment to each other, they refused to give up.

In the end, the season was a learning experience. And it was an experience in which the entire community shared. The Lady Indians deserve their championship, and they deserve our thanks for a season of inspiration.

The members of the 2005 Venice High School Varsity volleyball team are: Leah Bodi, Marla Cooke, Dana Dumas, Natalie Gaudreau, Ashley Graf, Nickie Halbert, Julie Howlett, Casie Richards, Casey Taylor, Michaela Trimble, and Danielle Witte.

To this collection of Cinderellas, I offer my congratulations.

RECOGNITION OF TESSA VELLEK

HON. KENNY C. HULSHOF

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. HULSHOF. Mr. Speaker, I rise today in recognition of a very special young woman. Tessa Vellek, who hails from my hometown of Columbia, MO, is only eleven years old, but has already accomplished a lifetime of charitable work. Tessa has created a highly successful charitable organization operated by children, known as Euphoria, because, as she stated, "I wanted an organization where kids could decide how they wanted to help other people. I wanted the community to see that we aren't just followers, but a group of motivated youth seeking to make Columbia a better place." Among their many volunteering activities, Tessa and her friends have collected books for schools, shelters and hospitals, gathered food for the homeless and entertained seniors living in retirement communities.

Tessa was recently recognized for her efforts. Every year, Nestlé honors outstanding young women and men for philanthropic activities in their local community. Out of 158 applicants, Nestlé selects 24 young people for their Very Best in Youth award. This year, Nestlé picked Tessa as one of the nation's Very Best in Youth. I could not be prouder of this young woman. Not only has she dedicated significant amounts of her free time to helping out those who are less fortunate, Tessa has also amassed an impressive academic record, including earning straight A's, receiving prestigious academic achievements and winning an award in the National PTA Reflections Essay Contest. I have no doubt she will be highly successful in whatever career she pursues, although a budding passion for literature and creative writing could lead her to become a novelist. These volunteering experiences will surely provide Tessa excellent material to draw from in her writing.

After seeing the devastation of Hurricane Katrina, Tessa organized a Ride/Walk fundraising event in Columbia to help those in the Gulf Coast affected by the hurricane. Nestlé generously agreed to match whatever funds were raised. Out of the $210,000 raised nationwide, Tessa and her Ride/Walk event netted $71,000. The combined $420,000 has been donated to the American Red Cross Hurricane Katrina Relief Fund, which has been invaluable to aiding the plight of storm victims. I am always amazed at the generosity, benevolence and leadership of to day's youth. With people like Tessa and the other Nestlé youth recipients, I strongly believe the future of our nation is in good hands.

I hope my colleagues share in my admiration of Tessa's good works and encourage all Americans to follow this fine young woman's lead and get involved with chritable works in communities and neighborhoods across our great land.

TRIBUTE TO DENNIS B. UNDERWOOD

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. GARY G. MILLER of California. Mr. Speaker, I rise today to pay tribute to the life and memory of Dennis B. Underwood, an esteemed Western water expert and chief executive officer and general manager of the Metropolitan Water District of Southern California. Mr. Underwood passed away November 2 at his home in Alta Loma, California.

In commemorating the life of Dennis Underwood, I would like to highlight some of the notable contributions of his career as a humble public servant of this great nation. With a career that spanned nearly four decades, Mr. Underwood took part in water resource development and management at both the state and federal levels. Perhaps his biggest contribution to California's water supply was during his role as the Metropolitan Water District's vice president of Colorado River resources, which he was instrumental in the development of a plan that would bring the state's water use in compliance within its legal apportionment of usage from the Colorado River. Additionally, Mr. Underwood played a central role in negotiating one of the nation's largest habitat conservation programs covering 27 species along approximately 450 miles of the lower Colorado River. During his brief tenure as CEO and general manager of the Metropolitan Water District, Mr. Underwood launched initiatives that sought to further enhance relationships with public agencies as well as seeking new partners to preserve California's water future.

Dennis Underwood's desire to serve his country expanded beyond public service as he honorably served in the military during the Vietnam War as a captain with the U.S. Army Corps of Engineers. Mr. Underwood won the admiration of his colleagues through his respectful interaction and clear sense of leadership; qualities which he carried with him later in life.

Mr. Speaker, please join me in honoring the life of Dennis B. Underwood and recognizing the lasting contributions and accomplishments that highlighted his career in water resource development and management.

TRIBUTE FOR THE AMERICAN AND INTERNATIONAL SOCIETIES FOR YAD VASHEM

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise to express my support and admiration for the American and International Societies for Yad Vashem, which will convene for their Annual Tribute Dinner on November 20th in New York. The American and International Societies for Yad Vashem are the development arms of Yad Vashem, the Holocaust Martyrs' and Heroes' Remembrance Authority in Jerusalem, Israel.

The American and International Societies for Yad Vashem provide a great service to the United States and the entire world. Through Yad Vashem's collection of testimonies from Holocaust survivors and families to the database of victims' names, they work to restore the dignity of those who perished and suffered at the hands of the Nazis. Through continuous documentation, Yad Vashem honors the lives and accomplishments of Holocaust survivors. Additionally, they develop educational programs to ensure that future generations never forget the lessons of the Holocaust.

This past year, thanks to the help of development efforts by the American and International Societies for Yad Vashem, the museum celebrated the grand opening of the new Holocaust History Museum at Yad Vashem. This phenomenal museum uses technology and symbolism to convey the story of European Jewry during the Holocaust.

This year's Annual Tribute Dinner will honor two outstanding couples who have impacted the lives of countless individuals across generations, Mindy and Ira Mitzner of Houston, Texas, and Marilyn and Barry Rubenstein of Brookville, New York. Through their tireless efforts, these couples have made remembering the Holocaust a sacred legacy. Their lives reflect the understanding that our society must heal and remember in order to prevent this catastrophe from repeating itself.

I applaud the American and International Societies for Yad Vashem for their vital work in honoring the memory and legacy of Holocaust victims and survivors.

LEGISLATION TO ABOLISH AVIATION BARRIERS

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. PORTER. Mr. Speaker, today I am proud to have introduced the "Abolishing Aviation Barriers Act of 2005".

Currently there are two laws governing commercial aviation in the U.S. based on miles of flight restrictions. One governs the use of New York's LaGuardia Airport (LGA) and the other governs usage of Washington, D.C.'s Reagan National Airport (DCA). Restrictions exist at LaGuardia on the departure or arrival of non-stop flights to or from airports that are farther then 1,500 miles from LGA. Reagan National has a similar restriction for non-stop flights to or from airports 1,250 miles from DCA. These restrictions are commonly referred to as "perimeter rules."

The original purpose of these perimeter rules was to restrict LGA and DCA airports to business travelers flying to and from East Coast and Midwest cities and to promote traffic to other, newer airports by diverting long haul flights to Newark and Kennedy airports in the New York area and Dulles airport in the Washington, D.C. area. However, over the years, the federal government has made many changes and granted numerous exceptions to the perimeter rule at DCA because the air traveling public is eager for travel options.

Today, there are nonstop flights between Washington Reagan National and Denver, Las Vegas, Los Angeles, Phoenix, Salt Lake City and Seattle. LGA's rule was enacted by the Port Authority of New York and New Jersey with an exception already contained therein—for flights between Denver and LGA. It was justified on the basis of ground congestion, i.e. automobiles. The old road network that gave rise to this excuse has long since been replaced with the help of federal money.

In fact, a 1999 study by the Transportation Research Board stated that perimeter rules "no longer serve their original purpose and have produced too many adverse side effects, including barriers to competition . . . The rules arbitrarily prevent some airlines from extending their networks to these airports; they discourage competition among the airports in the region and among the airlines that use these airports; and they are subject to chronic attempts by special interest groups to obtain exemptions."

That same year, the Government Accountability Office (GAO) stated that the "practical effect" of the perimeter rule "has been to limit entry" of other carriers. The GAO found that airfares at LaGuardia and Washington National are approximately 50 percent higher on average than fares at similar airports unconstrained by the perimeter rule.

Mr. Speaker, I have introduced this legislation to promote more consumer choice and lower airfares for not only my own constituents, but for all of our air travelers.

IN HONOR OF HICKORY FIRST ASSEMBLY OF GOD'S DEDICATION TO SERVICE

HON. PATRICK T. McHENRY

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. McHENRY. Mr. Speaker, in recognition of their new building dedication on November 20, 2005, I commend Hickory First Assembly of God for their committed service to communities locally and globally for almost 50 years. The first small group of faithful believers set the standard for selfless service that church members today still honor and follow.

Pastor Brian Campbell, the devoted pastoral staff, and a team of church members have worked together to plan a new space with additional seating in the sanctuary and more room for fellowship in the foyer, offices and nurseries. The expansions are part of Hickory First Assembly's efforts to continue the mission of Acts 1:8, which says "But you will receive power when the Holy Spirit comes on you; and you will be my witnesses in Jerusalem, and in all Judea and Samaria, and to the ends of the earth."

Locally, the church reaches out to those in need by organizing teams to serve in the community. Nationally, church teams ministered in the Gulf Coast region after Hurricane Katrina; And internationally members actively participate in foreign missions through financial giving and traveling with groups to different countries in need.

As Christians, we are called to do great things for God. Living in a free nation, we have the privilege to practice our faith and make a difference in the lives of others. Truly a gateway church, Hickory First Assembly demonstrates a positive influence on the community by consistently communicating and living out biblical values.

COMMEMORATING THE 50TH ANNIVERSARY OF THE SOROPTIMIST WOMEN OF GARLAND

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. HENSARLING. Mr. Speaker, today, I would like to help celebrate the 50th anniversary of the Soroptimist Women of Garland. Soroptimist International was founded in 1921 as an international organization of business and young professionals who work to improve the lives of fellow women and girls. In 1954, the Soroptimist Club of Garland was chartered with Mrs. Lillie Alma Bradfield serving as the first president.

Today the Soroptimist Women of Garland are dedicated to providing service opportunities to women focusing their service endeavors on the local community. They support community projects ranging from renovating domestic violence shelters and providing mammograms for low-income women, to sponsoring self-esteem workshops for teenage girls. In addition, the Soroptimist Women of Garland raise funds to support charities such as Meals on Wheels and scholarships for students from the Garland Independent School District.

The Soroptimist Women of Garland are truly helping make our community and our country a better place to live. As the Congressional representative for this outstanding service organization, it is my pleasure to honor them as they celebrate their 50th anniversary.

HONORING RETIRING ERIE COUNTY LEGISLATOR JEANNE Z. CHASE

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. HIGGINS. Mr. Speaker, I rise to honor the public service of Erie County Legislator Jeanne Z. Chase, who has served the residents of the Erie County Legislature's 12th Legislative district, which currently includes the towns of Boston, Brant, Eden, Evans, Hamburg, and North Collins, since her initial appointment in 1997, and who will leave the Legislature at the conclusion of her current term at the end of this year.

Jeanne Chase has been, above all else, someone dedicated to the sound and effective representation of her constituents, all of whom are also residents of the 27th Congressional district. It is her commitment to her constituents and to her community at large that has always impressed me about Jeanne Chase, and it is why I am delighted to honor her service to Erie County today.

Jeanne Chase is a lifelong resident of the Town of Evans. A graduate of Immaculata Academy, and SUNY Fredonia, Jeanne worked in the private sector for many years before seeking appointment to the 12th district seat upon the resignation of then-Legislator Bert Villarini in 1997. Jeanne defeated a well-known and well-funded challenger in her first election in 1997 and won re-election to her seat in three succeeding elections.

Jeanne Chase is a longtime member of the Legislature's Public Safety committee, and has always placed the safety of her constituents as a top priority. As Chair of the Legislature's Public Safety committee from 2002 to 2003, Erie County moved forward with the construction of the state-of-the-art Public Safety Campus, which, when completed, will become the communications center and focal point for all police, fire and emergency services in our region. A longtime supporter of crime victims' rights, Jeanne has supported initiatives that increase protection for crime victims throughout New York State, and worked to establish a Domestic Violence Satellite Office in the Southtowns. Jeanne has seen many public accomplishments but cites as her greatest accomplishments her family. Husband Rob and daughter Chelsea are proud of Jeanne's service to her constituents, and we are as well.

Jeanne Chase has chosen not to leave public service. She is applying her experience in the field of real estate to her service as Town Assessor in the Town of Evans. I am proud and grateful, Mr. Speaker, to call to the House's attention the dedicated public service of Erie County Legislator Jeanne Chase, and I am certain that the whole House would join me in offering to Jeanne and to her entire family wishes of good luck and Godspeed in the months and years to come.

TRIBUTE TO THE CHURCH OF THE EPIPHANY 100TH ANNIVERSARY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. PAYNE. Mr. Speaker, I ask my colleagues here in the House of Representatives to join me as I rise to acknowledge the Church of the Epiphany which will launch a year-long celebration of events and activities celebrating 100 years as a parish in Orange, New Jersey on Sunday, November 20, 2005.

The Church of the Epiphany represents the faith and fortitude of New Jersey's African-American Episcopalians living in the Oranges. It began as a Sunday school for "colored" children in November 1905. Miss Ruth Marsh of Grace Church, located on Main Street in Orange, founded the Sunday school program and taught its 7 students. Through the efforts of Grace church's sexton, Mr. Thomas Johnson, the Sunday school developed into the Epiphany Mission with a small congregation led by the rectors of Grace Church. By 1908, Lay Reader George Marshall Plaskett, an African American student in the General Theological Seminary held the services under the direction of the Grace Church Rector. Father Plaskett went on to lead Epiphany as its rector for 50 years after his ordination and entrance into the priesthood. Under his leadership, Epiphany thrived as an active and integral part of the community providing spiritual education and guidance, and community service.

In 1909 Epiphany's congregation purchased a lot on the corner of South Center and Pierson Streets in Orange and the first service in the new building was held on January 29, 1911. In 1916 the Epiphany Mission sought financial independence from Grace Episcopal Church and in 1930 Epiphany was admitted to the Diocese after an ecclesiastical separation from Grace Church. While located on Pierson Street, the church served as the congregation's spiritual home under the leadership of five rectors; The Rev. John H. Edwards, The Rev. Leonard Harris, The Rev. James E. Williams, The Rev. A. Warren Bridgeman. Since 1987, the Reverend Canon Gervais A.M. Clarke, Ph.D. has served as Epiphany's sixth Rector at its present location on Main Street, Orange.

On December 14, 1986, following the dissolution of Grace Church by the Diocese of Newark, Epiphany moved to the old Grace Church building at 105 Main Street. In an effort to honor and retain Epiphany's history and create a new home that would provide a place for worship, fellowship, education and outreach, the congregation incorporated a marble altar, pipe organ, and other furnishings from Epiphany's original properties into the renovated church. With pride, Epiphany celebrated its first service on Main Street in January 1987.

Mr. Speaker, I know my colleagues agree that the Church of the Epiphany has every right to be proud of the lasting contributions that it has made to the residents of Orange. Overcoming obstacles caused by segregation and demographic change, and addressing the needs of its neighbors are the legacy of Epiphany's forefathers and mothers. I rise today to honor Epiphanites, who for 100 years have steadfastly and faithfully created a community of worship and service in Orange.

RECOGNITION OF THE CENTRAL HIGH SCHOOL VOLLEYBALL TEAM

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. SHIMKUS. Mr. Speaker, I rise today to pay tribute to an outstanding group of young women from Southern Illinois. The Central High School volleyball team from Breese, Illinois, won the 2005 Class A State championship on November 12, after going through the State finals without losing a single game. The Cougars finished the season with 33 wins and 9 losses.

Mr. Speaker, I want to congratulate Head Coach Jim Cook and assistant coach Kelly Potthast on a truly outstanding season. Most of all, I want to recognize the members of the 2005 State champion Breese Central Cougars volleyball team: Britni Holtmann, Melanie Gartside, Bethany Becker, Sarah Barth, Megan Winkeler, Cassy Becker, Lindsay Holtmann, Amanda Backes, Lauren Endres, Kelsi Scheer, Kelsey Straeter, Lauren Budde, Cassandra Deiters, Brittany Schrage, Kassi Buehne.

These young women did an exceptional job of representing themselves, their school and their community, and I wish them best of luck in all of their future endeavors.

HONORING DAVID KRAMER

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Ms. LEE. Mr. Speaker, I rise today to honor the extraordinary life and achievements of David P. Kramer of Oakland, California.

Serving the working people of California for 34 years, David Kramer has been known throughout his career for his dedication to civil rights as well as his unwavering commitment to the labor movement. Today our community comes together to celebrate his career and achievements on the occasion of his retirement from SEIU Local 535 in Berkeley, California.

David Kramer was born in Pittsburgh, Pennsylvania in 1941. After graduating from Scott High School in North Braddock, Pennsylvania in 1959, he attended the Carnegie Institute of Technology, now known as Carnegie Mellon University. Following his studies there, he was hired by the Ford Motor Company, where he worked toward honing the skills he had acquired in school. However, in 1964 he quit his job and immersed himself in the burgeoning civil rights movement that was gaining strength throughout the United States.

As part of the Congress of Racial Equality (CORE), David was involved in countless picketing and protest efforts that were aimed at achieving integration and equal employment. He was part of a crew of 60 involved in testing and enforcing the Civil Rights Act of 1964 through the integration of public facilities and voter registration procedures in Monroe, West Monroe, New Rhodes, and Baton Rouge, among other places in Louisiana. When he returned to Detroit in the spring of 1965, he became the first community organizer to work for the West Central Organization, which rallied members of the African American and rural Appalachian communities, together with neighborhood churches, union halls, block clubs, and social organizations. This coalition organized around issues such as school and police community relations, tenant rights, and urban renewal.

In 1967, David enrolled in the University of Michigan Graduate School of Social Work, where he graduated with a Masters of Social Work degree in Community Organizing in 1968. As part of his studies, he served in the Wayne County Office of Equal Opportunity and Detroit People Against Racism (PAR), an organization of which he eventually served as the executive director. During this time he also became deeply involved in the anti-Vietnam War movement, participating in demonstrations across the country, including at the Democratic Convention in 1968.

In 1969 he worked as a "lumper" on the night shift in a warehouse in Detroit, where he began to get more involved with the labor movement as a member of Teamsters Local 299 and from which he still holds his honorable withdraw card. In 1971, David was appointed as a field representative of SEIU Local 535. His was first assigned to represent the Santa Clara County social workers and to organize county eligibility workers for Local 535, and was instrumental in securing representation rights for the workers. From 1971 to 1976, David worked with the Santa Clara County, Sacramento County, Stanislaus County, Berkeley, St. Vincent's School, Irwin Memorial Blood Bank, Sunny Hills, and Alameda County chapters of SEIU, and was elected to the Executive Committee of the Central Labor Council of Alameda in 1975. In the following year, David underwent an intense and unforgettable experience in which a 49-day strike involving 5,000 members took place, the longest county-wide strike in California history. In October 1976, he became the Executive Director of SEIU Local 616, where he served until May of 1980. He ultimately resigned from 616 in order to pursue a career as a self-employed carpenter.

In 1982, David returned to the labor movement and joined the Alameda County Tri-Local agency shop campaign to serve as an organizer, and in 1983 he once again became an organizer for Local 535, albeit for only a short period of time. During this time, he aided in the largest union security election in the history of the labor movement to date, involving more than 80,000 State workers and four bargaining units, of which 3 were won.

When David permanently returned to Local 535, he succeeded in organizing the North Bay Regional Center. He also made negotiations for the first contract for the Clinica de la Raza, and served the San Francisco chapter of Local 535 for 2 years. In November 1988, he became the northern regional director of Local 535, where he supervised 14 field staffs in 535's Sacramento, Oakland, Santa Clara, and Fresno offices. David Kramer was eventually named Executive Director of Local 535 in the fall of 1996. Less than a year later in June of 1997, he was elected to serve on the SEIU's International Executive Board, a position he will continue to hold until February 2006.

David also serves our community on the Oakland Board of Port Commissioners, a post to which he was nominated by former Oakland Mayor Elihu Harris. He has been reappointed three times since, making his record fourth appointment a first in the history of the Port of Oakland, and making David the Port's longest serving commissioner.

Today David Kramer's family, friends and colleagues come together to celebrate the impact of his life and work not only on the innumerable lives, particularly the lives of working people, he has touched here in Alameda County, but the lasting effects his dedication and leadership have had and will continue to have on our community. On behalf of the 9th Congressional District of California, I salute and thank David Kramer for his invaluable contributions to the people of Alameda County, the 9th Congressional District, the State of California and our entire country.

HONORING EBBY HALLIDAY ACERS

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. HENSARLING. Mr. Speaker, I rise today to recognize the exceptional leadership and outstanding achievements of Ebby Halliday Acers, founder of Ebby Halliday Realtors. I would like to congratulate her on 60 years of extraordinary service to the North Texas community and to the real estate industry at large.

Ebby Halliday Realtors was recently honored as one of the "50 Best Companies to Work For" in Texas, as named by Texas Monthly, the Texas Association of Business and the Society for Human Resource Management.

Founded in 1945, Ebby Halliday Realtors began as a single office operation that now consists of 28 branches and serves 12,000 square miles in North Texas. Today, Ebby Halliday Realtors is the 20th largest independent residential real estate company in the nation and the single largest in Texas. In 2004, their 1,500 sales associates and staff assisted more than 18,000 families in finding new homes.

Ebby Halliday has also remained an active and important member of our community. Her civic and professional endeavors have earned her the highest recognition and awards. I am proud to honor Ebby Halliday and her valuable contributions to the real estate industry and her community in the United States House of Representatives.

RECOGNIZING MAYOR MICHAEL MILLER

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Ms. SOLIS. Mr. Speaker, I rise today to recognize Mr. Michael Miller of West Covina, California. Mr. Miller was first elected to serve the citizens of West Covina in March of 2001 and is completing his service as Mayor to the city this December.

Mr. Miller has a long history of service to his community. Mr. Miller worked for the City of Garden Grove for 8 years and continued his service for the City of West Covina serving in the planning and development of the community. His distinguished service of 24 years in the City of West Covina's Office of Planning, Public and Environmental Services was followed by an elected position to West Covina City Council for 4 years marked by merit. Mr. Miller also owns a small consulting business which addresses environmental and municipal issues affecting cities, individuals and small businesses.

Mr. Miller's service extends beyond his duties as an elected official and city staff member. He serves as Director and Board Member of the California Waste Association; Director and Board Member of Southern California Waste Management Forum; and member of the Southern California Council for Environment and Economic Development. Mr. Miller is a member of the Lyons Club, serving as President from 1977–1978; member of the Citrus Valley Health Foundation 2100 Club, serving as President from 1999–2000; Director and Board Member of the West Covina Historical Society; House Supervisor for the Heritage House Restoration; Committee Member of the West Covina Chamber of Commerce Economic Development and Government Affairs; Committee Member of the YWCA Women of Achievement; and Committee Member of the West Covina Rose Parade Float.

For his many contributions, Mr. Miller has been named West Covina Citizen of the Year (1998), West Covina Volunteer of the Year, Recreational Services (1999) and CovinaWest Covina Coordinating Council Volunteer of the Year (1999).

In addition to his service to the community, Mr. Miller has been a devoted and loving husband to his wife Rosella of 37 years and father to his two children Melissa and Kevin. It is with pleasure that I recognize Mr. Michael Miller for his significant contributions and noteworthy dedication and service to his community.

TRIBUTE TO GAIL JOYCE BEAGLE

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. GONZALEZ. Mr. Speaker, my distinguished colleagues; it is a special honor that I pay tribute today to a great American and civil rights activist since the 1950's, Gail Joyce Beagle, who celebrates her 70th birthday on November 25th.

Gail, who I have known and counted as a friend for at least 46 years, had a long and distinguished career in appointive public service, but since her retirement, continues to work for the public good in a variety of capacities.

Born in Beaumont, Texas on November 25, 1935, she was reared at Nederland on land her maternal grandfather, Martin Block, had earlier farmed for many years. Upon graduation from high school, she entered Texas Woman's University at Denton where she graduated with a bachelor's degree in journalism in 1958. At TWU she held various positions, including Day Editor, on the campus newspaper, the Daily Lass-O. Her academic standing in journalism resulted in her selection for membership in the honorary fraternity for women in journalism called Theta Sigma Phi (now called Association of Women in Communications). (At the turn of the last century women were not allowed in the then all-male journalism societies so it was necessary to establish a separate journalism fraternity for women—with its beginnings at the University of Washington at Seattle.)

When Gail's journalism professors in 1957 told her she could not editorialize in the campus newspaper as to why TWU accepted young women as students from all over the world, but no black women were at the State institution of higher learning, she, in turn, posed this question in an editorial in the Methodist Student Movement's newsletter as to why there were no black women at TWU. During that time she was president of the Methodist college group for both TWU and North Texas State University.

As the result of this effort, the TWU president and a few of his advisory committee faculty members were not happy with her, but she weathered the storm, and continued her integration effort. While working in 1959 for my father, the late Henry B. Gonzalez, then a State senator, who represented San Antonio at Austin, she got a nice telegram from a TWU history professor, congratulating her and telling her that TWU was to accept its first black female students in the fall of 1959.

During the summer of 1957, she was a Texas Daily Newspaper Association intern on the San Antonio Light newspaper, but after college graduation, she did not immediately return to San Antonio, but landed her first job in Austin in late summer 1958. Earlier that summer, working out of her parents' home, she had a brief stint as Jefferson County volunteer campaign manager for my father's unsuccessful bid to be Governor of Texas.

In the Fall of 1961, she returned to San Antonio as a permanent resident and campaigned in my father's bid to be the first Hispanic from Texas to be elected to Congress where he served in the House for 37 years, and for the most part of those years, Gail served him and the 20th Congressional District of Texas as the Chief of Staff and Press Secretary in Washington, returning home to San Antonio from time to time. Among many achievements for the people, as well as for my father, she was instrumental in his decision to be the first Member of Congress, south of the Mason Dixon line, to hire the first black congressional staff member. The staff member was the late Cora Faye Clayton, a graduate of Our Lady of the Lake University in San Antonio, who served for 30 years, first in Washington and then in San Antonio, with honor and distinction. Additional milestones for Gail included completion of a Master of Arts degree in Legislative Affairs (MALA) from George Washington University.

Earlier in Austin, Gail had served on the State Executive Committee of the Young Democrats of Texas and was involved in many civil rights demonstrations in 1959–61, including several at a University of Texas campus area movie house which would not sell tickets to blacks, even if they were students at UT. Further, the restaurants there would not serve blacks unless they had a UT student ID card. Gail says a State senator one time got out of his car, walked down the line observing the young demonstrators at the movie house, and then harassed them, as he walked away denouncing them, under his breath, as a "bunch of communists." When Gail came to Washington with my father in late 1961, she, as well as other women, was denied membership in several organizations, including the Texas Breakfast Club, a Washington discussion group. It took years for those barriers for women to come down!

Currently, Gail is president of the Henry B. Gonzalez Foundation for Inspiring Public Service which seeks to establish, at the downtown campus of the University of Texas at San Antonio, a center, named for my father, for Public Service, Integrity and Courage. She is also the Democratic chair for my precinct, and is active in many social, religious, and public service endeavors. For a few months she was the interim director of the Guadalupe Community Center that serves a poor neighborhood in my district.

Gail, your record of service and achievements could fill a book. I congratulate you and wish you a happy and healthy 70th birthday, with many more to come!

PERSONAL EXPLANATION

HON. JEFF FORTENBERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. FORTENBERRY. Mr. Speaker, on Thursday, November 17, 2005, I was unavoidably detained due to a death in my family and thus missed rollcall vote No. 600. Had I been present, I would have voted "aye."

HONORING THE CEDAR CREEK ROTARY CLUB

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. HENSARLING. Mr. Speaker, today, I would like to help celebrate two significant anniversaries of Rotary International. This year, Rotary International celebrated its 100th anniversary. From its humble roots in Chicago, Illinois, Rotary has grown into a worldwide organization of business and professional leaders who provide humanitarian service, encourage high ethical standards in all vocations, and help build goodwill and peace in the world. Since 1943, Rotary International has distributed more than $1.1 billion to combat Polio, promote cultural exchanges and encourage community service.

I also want to recognize the Cedar Creek Rotary Club for their 19 years of service to Henderson County. Throughout its history, the Cedar Creek Rotary Club has achieved great success in carrying out the mission of Rotary International.

The Cedar Creek Rotary Club has raised money to provide scholarships for local youth, exchange programs, and faculty and student luncheons. Their support in the community can be seen through their involvement in local organizations. They helped start the Genesis Center for abused women. In addition, they strongly support organizations, such as the Rainbow Room, Toys for Tots, local school programs and the YMCA.

Through these initiatives, the Cedar Creek Rotary Club exemplifies the values of service and charity that lie at the heart of American society. As the Congressional representative of the members of this outstanding organization, it is my distinct pleasure to honor them today in the United States House of Representatives.

HONORING RETIRING ERIE COUNTY LEGISLATOR TIMOTHY WROBLEWSKI

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. HIGGINS. Mr. Speaker, today I rise to honor a friend and fellow public official whose service has I been exemplary and whose commitment to the residents and taxpayers of the towns of West Seneca and Cheektowaga, and the residents of the county of Erie at large, has been commendable. Today, I wish to honor the service of retiring Erie County Legislator Timothy Wroblewski.

Tim Wroblewski began his career as an elected official as a member of the West Seneca Town Board. During that service, Tim worked with local officials to make West Seneca's government among the most efficient and effective local governments in New York State—forging relationships across party lines and working cooperatively with civic, government and community leaders to make West Seneca government the envy of local governments statewide.

With an open-seat election for the ninth legislative district seat available in 2004, Tim Wroblewski entered the race for the County Legislature and took office in January 2004. Since his election to the legislature, Tim served as a strong voice on behalf of Erie County's taxpayers. Tim's commitment to his constituency was admirable, and I have always valued his friendship, both on a personal as well as a professional level.

The residents of the towns of West Seneca and South Cheektowaga are better for the service provided to them by Tim Wroblewski, and I want to thank you, Mr. Speaker, for this opportunity to recognize the accomplishments of a responsible and effective public official.

TRIBUTE TO MS. JORDAN ROWAN

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. PAYNE. Mr. Speaker, I am proud to rise today to congratulate an extraordinary employee of mine who is unfortunately leaving our office this Thursday, November 17, 2005. Ms. Jordan Rowan will be leaving our office to join her future husband, Mr. Coleman Fannin, in Dayton, OH, as well as to pursue other professional opportunities.

Jordan joined my office in fall 2003 as an intern and through her hard work, she advanced to legislative assistant. Among her many areas, she handled environmental issues for me. We share a great love for the environment and for its preservation. Therefore, she has been an indispensable asset to me as the Congress has debated many critical environmental bills this year.

Over the 2 years that she has worked for me, she also has gained the necessary skill of deciphering my cryptic questions with even vaguer clues. Any time I needed her to find an obscure factoid, I could readily rely upon her.

She has a big empathetic heart that, many times, has helped to ground myself and others in my office when a larger perspective was greatly needed. In fact, when most other brides choose to register for wedding gifts to supplement their new lives, she wanted to help others by registering with Heifer International, an organization that provides livestock to families in developing countries. Like Heifer International, she believes in giving but giving with the purpose of empowering others to better themselves economically and socially.

Mr. Speaker, I invite my colleagues here in the U.S. House of Representatives to join me in congratulating Ms. Jordan Rowan as she moves on to the next important stage of her life. While exemplifying professionalism and integrity, Jordan has not only brightened my office but also has assisted me legislatively on many important issues. I am proud to have had her work in my office and wish her never-ending success in her future endeavors.

TRIBUTE TO DETECTIVE MIKE METZLER

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. SHIMKUS. Mr. Speaker, I rise today to honor Detective Mike Metzler of Alton, IL. Detective Metzler, a 10-year veteran of the Alton Police Department, was recently awarded the Pastor Paul-Gerhard Braune Award for his work on the department's Crisis Intervention Team, CIT. This State-level award is from the National Alliance on Mental Illness of Illinois.

CIT officers, like Detective Metzler, respond to situations concerning people in a crisis. Detective Metzler has used his training at a CIT office to prevent individuals from committing suicide and has also helped to bring calm to other dangerous situations.

Aside from his work as a CIT officer, he also serves as the Alton public school police-school liaison. As well, he travels to other States to train officers about crisis intervention.

I am pleased to thank Detective Metzler for his outstanding work. I congratulate him on his award.

HONORING SUEY GEE

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Ms. LEE. Mr. Speaker, I rise today to honor the extraordinary life and achievements of World War II veteran Suey W. Gee of Oakland, CA. This weekend Mr. Gee celebrates his 79th birthday, his 80th birthday according to the Chinese lunar calendar. On this special occasion his friends and family will gather to honor him for the immeasurable contributions he has made not only to their lives, but also to our country.

Suey W. Gee was born in Canton, China on November 19, 1926. As a youth, he emigrated to the United States with his father to find work and help support his family back in China. In March 1945, at the age of 19, he enlisted into the U.S. Army to aid his newly adopted country during World War II. He served in the 128th infantry and trained as an anti-aircraft gunner. His unit was ultimately deployed to Hiroshima, Nakasaki and Okinawa following the atomic bombings that destroyed those cities, where he served as part of the occupation army and helped to facilitate the disarmament of Japan.

Mr. Gee was honorably discharged from military service on November 22, 1946. Though Mr. Gee was awarded the World War II Victory Medal, the Asiatic-Pacific Campaign Medal and the Army of Occupation Medal under President Franklin D. Roosevelt, due to the metal shortage during the war era, in addition to the fact that he moved around frequently in search of work, he did not receive his medals at that time.

In 1948, Mr. Gee traveled back to China where he married Sue King Gee, and they subsequently returned to the U.S. together. Mr. Gee became a proud citizen of the United States of America on September 18, 1957, and Mrs. Gee became a citizen soon after.

Like many immigrant families who come to America, Mr. and Mrs. Gee faced many obstacles, overcoming poverty, hardship and discrimination as they persevered toward achieving their dreams. They worked in the food service, cannery and sewing industry for over 55 years, remaining steadfastly committed to providing greater opportunities for their children than what they had themselves. Married for over 58 years, Mr. and Mrs. Gee have three daughters and one son, all of whom are currently living or working in the city of Oakland as active and productive members of our community.

Mr. Gee is retired now and spends his time keeping up with local and national politics. At almost 80 years old, he still votes regularly and remains civically engaged in the country that he served in the U.S. Army more than 60 years ago.

On this very special occasion, Mr. Gee's friends and family will come together not only to celebrate his birthday, but to present him with his hard-earned and well-deserved military service medals over six decades after his honorable discharge. On behalf of California's Ninth Congressional District, I would like to take this opportunity to salute and thank Mr. Suey W. Gee for his brave service to our country, and for his invaluable contributions to our community.

RECOGNIZING MR. BENJAMIN S. WONG

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Ms. SOLIS. Mr. Speaker, I rise today to recognize Mr. Benjamin S. Wong of West Covina, California. Mr. Wong was first elected to serve the citizens of West Covina in April 1992 and served as mayor from 1997–1998. He is currently the mayor pro tempore and is completing his service to the city as an elected official this December.

Ms. Wong has a long history of service to the community with membership to various organizations and boards. He is a member of the West Covina Lyons (1981–1994); Board of Directors and former President of the Chamber of Commerce; the Queen of the Valley Foundation; the Queen of the Valley Men's Club; the Intercommunity Medical Center Men's Club, member of the 2100 Club; and First Federal Savings and Loan of San Gabriel Valley Board of Directors, 1991–present.

Mr. Wong's service to the residents of West Covina includes a broad spectrum of boards and municipal organizations, all of which address issues of commerce, urban development and revitalization. This service includes the Redevelopment Agency Relocation Appeals Board; Citizens Committee on Public Services and Facilities; Police Commander Interview Board; San Gabriel Valley Commerce and Cities Consortium Board Member, 1992–present; vice president from 1993–1994; and Foothill Transit Executive Board Member, 1994–present.

In addition to his service to the community, Mr. Wong is a devoted and loving husband to his wife Deborah of 26 years and father to his three children: Courtney, Justin and Adam. It is with pleasure that I recognize Mr. Benjamin S. Wong for his significant contributions and noteworthy dedication and service to his community.

FINALIST FOR THE 2005 NURSING EXCELLENCE AWARDS

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. GONZALEZ. Mr. Speaker, I rise today to commend Charles Reed, RN, BSN, CNRN, Patient Care Coordinator for the University Health System in San Antonio. Every year, thousands of nurses across the country are nominated for the 2005 Nursing Excellence Awards. The RNs are nominated by their colleagues, peers, and managers and selected by a panel of nurse leaders. The Nursing Excellence Awards exemplify the best that professional nursing has to offer. They bring initiative, ingenuity, and inspiration to their workplaces and communities, setting the standards for accomplishment in communities, setting the standards for accomplishment in nursing. In addition, the Nursing Excellence Awards recognize extraordinary nurses who represent the countless other dedicated nurses who play a crucial role in the nation's health care system. Mr. Reed's outstanding performance earned him a finalist position in this year's competition.

Mr. Reed rose through the ranks from student nurse to patient care coordinator in the health system and now has duties ranging from meeting staffing needs and coaching, counseling, and mentoring nurses to managing patient care. He ensures clinical practice is kept to the highest standard, frequently by working one-one with nurses, and he often meets with families of ICU patients, once staying over an additional 4 hours to be sure a family's concerns were addressed.

I commend Mr. Reed for all the hard work and dedication he gives to his patients at University Health System and I wish him the best of luck next year.

HONORING THE WHITE ROCK ROTARY CLUB

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. HENSARLING. Mr. Speaker, today, I would like to help celebrate two significant anniversaries of Rotary International. This year, Rotary International celebrated its 100th anniversary. From its humble roots in Chicago, Illinois, Rotary has grown into a worldwide organization of business and professional leaders who provide humanitarian service, encourage high ethical standards in all vocations, and help build goodwill and peace in the world. Since 1943, Rotary International has distributed more than $1.1 billion to combat Polio, promote cultural exchanges and encourage community service.

I also want to recognize the White Rock Rotary Club for their 45 years of service to the community. Throughout its history, the White Rock Rotary Club has achieved great success in carrying out the mission of Rotary International.

The White Rock Rotary Club has raised money to support charities and programs, such as Journey of Hope. The White Rock Rotary Club has also been very involved in a local community project building a picnic pavilion in conjunction with two other local rotary clubs in honor of Rotary International's 100th Anniversary. In addition, they support community endeavors such as tutoring programs and nursing home visits for senior without family members.

Through these initiatives, the White Rock Rotary Club exemplifies the values of service and charity that lie at the heart of American society. As the Congressional representative of the members of this outstanding organization, it is my distinct pleasure to honor them today in the United States House of Representatives.

HONORING RETIRING ERIE COUNTY LEGISLATOR ELISE M. CUSACK

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. HIGGINS. Mr. Speaker, today I rise to honor the 4 years of elective service by retiring Erie County Legislator Elise M. Cusack.

Legislator Cusack was elected in 2001, replacing a man who was then the Legislature's longest-serving member, William A. Pauly. Legislator Cusack's district includes the towns of Amherst and Tonawanda, but includes a small portion of the town of Cheektowaga, which is located within the 27th Congressional District.

Elise Cusack has been an energetic representative of her constituents, maintaining a full service district office and garnering a reputation for effective constituent service. Although Legislator Cusack and I sit on different sides of the political aisle, I have always respected her intellect and her demonstrated commitment to her constituents.

Beginning on January 1, 2006, Elise Cusack will be able to don her other governmental hat—that of a member of the Board of Trustees of the New York Power Authority—on a full time basis. As someone with a keen interest in the actions of that public authority, I look forward to many anticipated future opportunities to interact with Legislator Cusack in a professional capacity.

In closing, I appreciate this opportunity, Mr. Speaker, to rise and honor the service of Legislator Elise Cusack and I want to offer to her, her husband and children my very best wishes of good luck and Godspeed in all of her future endeavors.

TRIBUTE TO BRENDAN DENIS O'CONNOR ON THE OCCASION OF HIS 50TH BIRTHDAY

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. McGOVERN. Mr. Speaker, as Congress prepares to recess today for the Thanksgiving holiday, I wish to take a moment to congratulate my friend Brendan O'Connor on the recent occasion of his 50th birthday, November 3, and to express my gratitude for his extraordinary contributions to the greater Worcester, Massachusetts community. In a place rich with kind people and colorful characters, Brendan stands apart but certainly not alone. His quick wit, brilliant sense of humor and boundless compassion have endeared him to countless admirers both near and far. This was never more evident than at the spectacular 50th birthday celebration his wonderful wife Claire and devoted sons Rory and Eamon hosted for him at Worcester's historic Tuckerman Hall on Saturday, October 22, 2005. My wife Lisa and I were honored to attend that unforgettable evening with scores of Brendan's family and closest friends. The night was made truly special by the presence of Brendan's father, Sean, who traveled from the family's native Limerick City, Ireland; and all four of his siblings—his brothers, John, Kevin and Declan, and his sister, Carmel. And while Brendan's dear departed mother Joan (Horgan) O'Connor was not able to be there in person, her spirit was felt in the festive atmosphere that continued well into the night. All in all, the birthday party was an incredible tribute to Brendan but it does not reveal the full measure of the man.

Mr. Speaker, in addition to being a great human being, Brendan O'Connor is a also a very successful entrepreneur. As proprietors of the renowned O'Connor's Restaurant and Bar in Worcester, Brendan and Claire have graciously welcomed thousands upon thousands of hungry and thirsty patrons to their establishment. Every customer that comes through their doors is treated to excellent cuisine accompanied by the sterling service and warm hospitality the Irish have made famous. In fact, O'Connor's has grown to become much more than just a popular dining destination. It has become an institution deeply embedded in the fabric of the Worcester community. This is due in large part to Brendan's remarkable gift for making everyone he encounters feel special and at home.

However, it is important to note that Brendan does not reserve his gifts and talents for his patrons alone. He has generously given his time and energy to numerous civic and charitable causes. As a long-time board member and past-president of the Emerald Club of Worcester County, Brendan has raised enormous financial support for the clients of the Mercy Centre through the promotion of Irish cultural events. His tireless efforts on behalf of the Emerald Club and the Ancient Order of Hibernians earned him the well-deserved honor of having been previously selected as the Grand Marshal of Worcester's annual Saint Patrick's Day Parade. Brendan has also shared his talents with the Worcester area youth as a volunteer soccer coach for many years. His unbridled passion and skillful teaching of the sport have produced numerous championship teams at various competitive levels. More importantly, he has been a positive guiding force in the lives of an untold number of young people.

In closing, Mr. Speaker, I would like to simply say that Brendan O'Connor is among the most beloved figures in my hometown of Worcester, Massachusetts. His charm is exceeded only by his devotion to his family and fellow man. I look forward to celebrating many more happy occasions with he and his wife Claire and congratulate him again on this important milestone in his life.

COMMENDING THE FEDERATION OF FAMILIES FOR CHILDREN'S MENTAL HEALTH

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Ms. BORDALLO. Mr. Speaker, I rise today to recognize and congratulate the Federation of Families for Children's Mental Health (FFCMH) upon the occasion of their 17th Annual Conference. Their conference will be held this weekend in Washington, D.C., and will be hosted by I Famagu'on-ta, the chapter and delegation from Guam.

The Federation is a national family-run network of community-based organizations dedicated to improving mental health services for children through advocacy, training, family support, and engagement in the public policy process. I commend the Federation for their support, service and commitment to children with mental health needs and their families throughout the United States.

In January of 2002, Guam advocates for families reached out to the Federation for assistance as resources and support for children with mental needs and their families in our community were largely unavailable on island. The association with Guam was born of the efforts initiated by Mary-Therese Edgerle, who at that time was a concerned parent on Guam. Through her vision and dedication, a family organization for parents whose children experience serious emotional disturbances or S.E.D. was established in the territory.

Through its former executive director, Barbara Huff, the Federation lent extraordinary assistance and key backing to Guam advocates in the early efforts to organize on behalf of children with mental health needs. Barbara personally saw to it that the Federation grew to include membership and organization in Guam. As a result of the collaboration between Guam advocates and Federation leaders, Guam's families began to learn and understand their rights and the many possibilities and programs that could be developed to help their children affected by S.E.D.

Sandra Spencer, the current Federation executive director, has been equally supportive of Guam. Under her direction and guidance, Guam has been blessed with ongoing leadership training through Lisa Conlan, the technical assistance partnership and peer mentor. The various board, individualized evaluation plan, crises, and family partners train-the-trainer programs, as well as their technical support, have provided invaluable expertise and assistance to the families and most especially, the children of Guam. The Federation staff members have given of their time willingly and unselfishly, as have other Federation Chapters, to provide Guam with much needed support, resources and information. In particular, I would like to recognize Sue Smith from the Parent Support Network in Georgia for her steadfast dedication and assistance to the Guam Chapter.

With the benefit of a $180,000 statewide Family Network Grant award in October 2002, the Guam Chapter successfully identified and strengthened local families through early program development stages. This work has resulted in a $9.5 million grant. The Child Mental Health Initiative Cooperative Agreement with the Substance Abuse and Mental Health Services Administration was entitled Project I Famagu'on-ta or "Our Children," in support of children and youth on Guam affected by S.E.D. As a result of Federation training, Guam Identifies Families Terrific Strengths, Inc., or G.I.F.T.S. was awarded tax-exempt status as a 501(c)(3) non-profit charitable organization in October 2005.

The development and passing of legislation in Guam has further helped to shape and create a nationally recognized system of care on Guam. This legislation has also helped form G.I.F.T.S. as a new Federation chapter. It is this territorial chapter that is hosting the registration of the Federation of Families National Conference this weekend. The establishment of G.I.F.T.S. marks the beginning stage of an association providing much needed services to children and families on Guam.

I commend and congratulate the Federation of Families for Children's Mental Health for their unselfish devotion, commitment and support provided to those affected by S.E.D. I further express my sincere and heartfelt gratitude for their outstanding work in making a difference in the lives of the families and children of Guam and in other communities throughout the nation. Through the efforts of the Federation our nation has the ability to foster healthy emotional development for our children in need. I wish the Federation a successful and productive conference. Dankulo na Si Yu'os Ma'ase and thank you.

HONORING THE ROWLETT ROTARY CLUB

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. HENSARLING. Mr. Speaker, today I would like to help celebrate two significant anniversaries of Rotary International. This year, Rotary International celebrated its 100th anniversary. From its humble roots in Chicago, Illinois, Rotary has grown into a worldwide organization of business and professional leaders who provide humanitarian service, encourage high ethical standards in all vocations, and help build goodwill and peace in the world. Since 1943, Rotary International has distributed more than $1.1 billion to combat Polio, promote cultural exchanges and encourage community service.

I also want to recognize the Rowlett Rotary Club for their 20 years of service to the community. Throughout its history, the Rowlett Rotary Club has achieved great success in carrying out the mission of Rotary International.

The Rowlett Rotary Club has raised money to provide scholarships for local youth. They have been involved in local community projects, such as a community sleeping bag collection to provide over 100 sleeping bags for the homeless. They also work with neighborhood organizations like Jonathan's Place, a home for children who are victims of drug and alcohol abuse. In addition, they support charities such as Equest, New Beginning's Center, and Rowlett Needy Children's Fund.

Through these initiatives, the Rowlett Rotary Club exemplifies the values of service and charity that lie at the heart of American society. As the Congressional representative of the members of this outstanding organization, it is my distinct pleasure to honor them today in the United States House of Representatives.

HONORING RETIRING ERIE COUNTY LEGISLATOR STEVEN P. McCARVILLE

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. HIGGINS. Mr. Speaker, today I rise to honor the service of a public official with more than fourteen years of continuous service as a elected official. I rise to honor the distinguished service of my friend, Erie County Legislator Steve McCarville.

Steve McCarville is a lifelong resident of the town of Orchard Park, and began his public service as a member of the Orchard Park Village Board in 1991. Serving as Village Trustee from 1991 to 1997, Steve was part of a village team, including then-fellow trustee and current New York State Supreme Court Justice John Curran, that oversaw a transformation in the village of Orchard Park into what we see today—a vibrant, bustling village environment in one of Erie County's most successful suburban towns.

In 1997, Steve won election to the Orchard Park Town Board, a position he held until his appointment to a vacant 13th District seat in the Erie County Legislature. In 2001, Steve was appointed to serve the balance of a two year term and was later elected in his own right to represent the 13th district, which encompasses the towns of Aurora, Colden, Collins, Concord, and Orchard Park.

In the Legislature, Steve's work has been marked by a strong deliver of constituent services. In addition, he has secured funding for vital county road repairs in his district, opened the first Satellite Office in the town of Boston, and has worked to revitalize the Emery Park Inn.

Steve McCarville and I have an interesting past, in that he was my first opponent for a seat in the New York State Assembly in 1998. Although it was a tough and hardfought contest, it speaks well of Steve's character and integrity that we were able to resume our friendship at the end of that contest. Politics is politics, Mr. Speaker, but I am pleased to know that in the area of serving the public and the people who elected us to our respective offices, Steve McCarville and I were able to work cooperatively and effectively. We checked our politics at the door, and the public was better served for it.

Steve has at all times, expressed a sincere and steadfast intention to effectively represent the residents and taxpayers of Erie County in general and of his district in particular. He has served well, Mr. Speaker, and I am honored and privileged to call the House's attention to that service here today, and am grateful to have this opportunity to honor him.

CELEBRATING THE BIRTH OF DECCAN WEST VENKAT MANIAM

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. WILSON of South Carolina. Mr. Speaker, today I am happy to congratulate Suresh and Jey Maniam of Arlington, Virginia, on the birth of their new baby boy. Deccan West Venkat Maniam was born on November 4, 2005 at 8:02 a.m., weighing 6 pounds, 13 ounces and measuring 19 inches long. Deccan has been born into a loving home, where he will be raised by parents who are devoted to his well-being and bright future. His birth is a blessing.

HONORING THE MESQUITE ROTARY CLUB

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. HENSARLING. Today, I would like to help celebrate two significant anniversaries of Rotary International. This year, Rotary International celebrated its 100th anniversary. From its humble roots in Chicago, Illinois, Rotary has grown into a worldwide organization of business and professional leaders who provide humanitarian service, encourage high ethical standards in all vocations, and help build goodwill and peace in the world. Since 1943, Rotary International has distributed more than $1.1 billion to combat Polio, promote cultural exchanges and encourage community service.

I also want to recognize the Mesquite Rotary Club for their 46 years of service to the community. Throughout its history, the Mesquite Rotary Club has achieved great success in carrying out the mission of Rotary International.

The Mesquite Rotary Club has raised money to provide scholarships for local youth and worked with Rotary International to help eradicate polio. They have assisted the Mission East Dallas Charity Clinic as well as donating to a program that distributes wheelchairs all over the world. In addition, they have been very involved in local community projects, such as the Centennial Project, Annual Bike Ride and improving a new playground and making it accessible for children with special needs.

Through these initiatives, the Mesquite Rotary Club exemplifies the values of service and charity that lie at the heart of American society. As the Congressional representative of the members of this outstanding organization, it is my distinct pleasure to honor them today on the floor of the United States House of Representatives.

HONORING RETIRING LACKAWANNA COUNCILMAN RICARDO ESTRADA

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. HIGGINS. Mr. Speaker, today I rise to honor retiring Lackawanna City Councilman Ricardo Estrada, who will on December 31, 2005, complete 8 years of service as a member of the Lackawanna City Council.

Ricky Estrada is a leader of significance in the city of Lackawanna and in his beloved first ward that he has served so well. Consistently re-elected by his constituents, Ricky Estrada has been a strong voice for an economically challenged community, and it is his leadership that will allow for the resurgence of Lackawanna's first ward in the years to come.

It would be hard for me, Mr. Speaker, to imagine a group of elected leaders who support our vision for the reform of the transportation infrastructure of Buffalo and Lackawanna's waterfront areas than the elected leaders of the city of Lackawanna. Leaders like Ricky Estrada have long recognized the need to offer greater public access to our region's waterfront, and his support and that of his colleagues has been outstanding and meaningful, and effective for the people he represents.

While my friend Councilman Estrada will be succeeded on the Lackawanna City Council by an effective community leader, it is unquestioned that his retirement will be a loss for the city council in general and for the city as a whole. It is my fervent hope that Ricky Estrada will remain an active member of our community, so that we may continue to work together toward the betterment of our region.

Thank you, Mr. Speaker, for this opportunity to honor Councilman Estrada, and his faithful service to the residents and taxpayers of the city of Lackawanna.

WITNESS FOR JUSTICE: UNITED CHURCH OF CHRIST

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. RANGEL. Mr. Speaker, I rise to enter into the RECORD "Witness for Justice #223" entitled The Sons and Daughters . . . published on July 18, 2005, by the United Church of Christ of Cleveland, Ohio. The article eloquently written by Bernice Powell Jackson, the Executive Minister of this Church on 700 Prospect Avenue in Cleveland, addresses an issue that should be in the hearts and on the lips of every minister, rabbi and imam when he or she stands before a congregation.

The subject of The Sons and Daughters article was the difficulty the U.S. Army was having recruiting enough men and women to meet recruiting goals. At the time Minister Jackson wrote this article the Army was experiencing sufficient difficulty that they were raising the promise of higher sign-up bonuses, dropping standards and, as could be found, as she put it, circling "vulnerable young men and women like hawks flying over little chicks."

Minister Jackson did not question the patriotism of the young people failing to sign up with recruiters. She speculated the young people had gotten wiser. Perhaps she thought these men and women were looking at certain realities about the pre-emptive war they would fight if they enlisted. At the time of this article these young people had experienced 2 years "of watching a war which has so far resulted in nearly 1800 deaths and ten times that many injuries." Perhaps they were thinking how much life they had before them at the age of 18, 19, 20 or 21. Maybe they knew someone who had been burned beyond recognition or had lost both of his or her legs and faced a life time of disability at the age of 21.

Or, Minister Jackson thought, perhaps these young people had begun to detect the varying rationales and purposes stated by the Bush administration for why the United States was fighting in Iraq. The purpose of the War, according to the President, was to save our country from "immenent danger" from weapons of mass destruction that might come in the form of a "mushroom cloud." But 2 years on, there were no weapons of mass destruction and no immenent danger; so different reasons for the war were being substituted for the war in Iraq. We were fighting in Iraq to stop the terrorists. However, many were saying the American presence in Iraq was creating terrorists.

Of course, Minister Jackson speculated that these young people might not want to sign up for a war when the statements of the Secretary of Defense, Donald Rumsfeld, could not be relied upon for any certainty about when they would come home. Secretary Rumsfeld's statements about how long the United States would be in Iraq changed almost daily. Secretary Rumsfeld could not articulate a coherent plan for the war and neither could the President of the United States.

Young people, Minister Jackson speculated, might be frightened by the tactics used by recruiters to pressure young, vulnerable youths whose personnel information, including their names, social security numbers, race, ethnic background and telephone numbers the Defense Department received because one of the provisions of the No Child Left Behind Act was being shared by the Defense Department with a sharing with a private contractor who sold goods and products to young men about the age of those being recruited.

The tactics of the Pentagon are enabled by the No Child Left Behind Act as currently written. Minister Jackson pointed out that parents have to opt out of the program to get the military to leave their child off the potential recruitment list. Some in Congress have tried to change this law so that the parents would have to opt in so their child would be on the recruitment list. Those attempts failed because they were voted down by the Republican hawks in Congress. Minister Jackson noted in a column by Bob Herbert of the New York Times the statement: "There are always plenty of hawks in America. But the hawks want their wars fought with other people's children."

Minister Jackson wrote "our young people are in danger." She advised all of us to write our President, Secretaries of Defense and Education, our Congressperson and Senators and let them know about these recruiters and these lists.

This statement by Minister Jackson goes to the heart of what is wrong with this war. The entire burden is shared by a tiny percentage of citizens of this country. Not one tax cut has been repealed and absent a draft only those who are poor, underemployed or with no hope of a job or college are enlisting. The people of this country do not see the flag draped coffins at Dover Air Force Base. They do not see the young soldiers who have lost their sight and their limbs or who are in comas from head wounds or burned beyond recognition. They do not give up a job to sit by the bedside of a son who does not recognize them or at the bedside of a daughter who has lost her legs at the age of 24. They do not attend the funerals of a 20 year old or an 18 year old who is dead just out of high school.

For most people in this country there is no war. There were complaints of how veterans were treated when they returned from Vietnam. Think of how veterans returning from Iraq must feel when they realize no one in their country felt any impact of a war in which they lost so much.

HONORING EDUCATION SUPPORT PROFESSIONALS

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. DEFAZIO. Mr. Speaker, this week is American Education Week and I would like to take this opportunity to recognize and honor all the men and women across the country who serve as Education Support Professional, ESP, in our Nation's public schools. Education Support Professionals are essential school employees who interact daily with students, staff and parents.

Public School drivers are essential school employees who interact with students, teachers, parents and the community every day. Bus drivers are the first and final link in the daily chain of events for every student in a school district.

Standards of performance for bus drivers in a given day will include but not be limited to: checking all safety and communications equipment on the bus at the beginning and end of each day, protect children from unsanitary conditions, returning lost and found student personal property, manage emergency situations, handle and stabilize student behavior which may put them and other students or staff at risk.

Take a moment to appreciate and recognize this fine group of Americans who are dedicated, loyal and committed to our future and the educational enhancement of all public school students.

HONORING THE GARLAND ROTARY CLUB

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. HENSARLING. Mr. Speaker, today, I would like to help celebrate two significant anniversaries of Rotary International. This year, Rotary International celebrated its 100th anniversary. From its humble roots in Chicago, IL, Rotary has grown into a worldwide organization of business and professional leaders who provide humanitarian service, encourage high ethical standards in all vocations, and help build goodwill and peace in the world. Since 1943, Rotary International has distributed more than $1.1 billion to combat polio, promote cultural exchanges and encourage community service.

I also want to recognize the Garland Rotary Club for their 78 years of service to Dallas County. Throughout its history, the Garland Rotary Club has achieved great success in carrying out the mission of Rotary International.

The Garland Rotary Club has been a strong supporter of the Garland Independent School District, GISD. Their annual Christmas and the Spring Casino Parties benefit underprivileged children and support student scholarships. This year, they have provided over $3,000 for GSID college scholarships. The Garland Rotary Club also supports local charities such as the New Beginnings Center, Achievement Center of Texas, and the Garland Habitat for Humanity.

Through these initiatives, the Garland Rotary Club exemplifies the values of service and charity that lie at the heart of American society. As the Congressional representative of the members of this outstanding organization, it is my distinct pleasure to honor them today in the U.S. House of Representatives.

LEGISLATION TO PROMOTE AN ADEQUATE STOCKPILE OF ANTI-AVIAN FLU DRUGS

HON. THOMAS H. ALLEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. ALLEN. Mr. Speaker, today I am introducing legislation to ensure that the United States has a sufficient supply of drugs to combat avian flu in the event of a pandemic. My bill authorizes the importation of generic medicines when the U.S. patent holder cannot make enough medicine to meet domestic public health needs, and removes a trade policy barrier to such imports.

The prospect of an avian flu pandemic has gripped health officials around the world. Part of the response would involve treating victims with drugs to lessen the spread of the flu virus. The World Health Organization has urged all nations to stockpile reserves of antiviral flu drugs, and the Infectious Diseases Society of America has recommended that the United States stockpile enough drugs to treat 25 to 40 percent of the population.

The drug believed to be most effective against the flu is Tamiflu. The exclusive right in the United States to manufacture Tamiflu is owned by Roche, a pharmaceutical manufacturer based in Switzerland.

As Health and Human Services Secretary Michael Leavitt testified before the Energy and Commerce Committee on November 8, Roche has insufficient manufacturing capacity in the U.S. to meet the stockpile needs. At its maximum production, Roche could only produce 13 million treatment courses by the end of this year, far short of the 75 million we need to treat 25 percent of the population.

If Roche does not voluntarily license other companies to produce Tamiflu, the U.S. government has the authority to issue compulsory licenses to gain access to other sources of production of the drug. India, Taiwan, China, Thailand, Malaysia, Vietnam, the Phillipines, South Korea and Argentina are among the countries considering plans to manufacture versions of Tamiflu to prepare for a possible flu pandemic.

However, Americans facing a pandemic today could not get anti-flu drugs from those countries, because in 2003 the U.S. Trade Representative agreed to make the U.S. ineligible to import drugs produced abroad under compulsory licenses.

World Trade Organization rules allow for countries with "insufficient" manufacturing capacity in the pharmaceutical sector to import pharmaceutical products produced under a compulsory license in other countries in order to meet public health needs. This authority is contained in paragraph 6 of the 2001 "Doha Declaration" on Trade Related Aspects of Intellectual Property Rights (TRIPS) and public health. The August 30, 2003, decision of the WTO TRIPS Council spelled out implementation of this authority.

At the urging of U.S. negotiators, the August 30 decision created an "opt out" list, whereby countries could voluntarily agree not to use the import authority. The U.S. is on the "opt out" list. Therefore, we find ourselves in a situation where the United States government voluntarily restricted its access to critical drugs to fight a pandemic. That makes no sense.

The solution is simple. We can "opt in" to the system. That is what my bill does. It directs the U.S. Trade Representative to notify the WTO that the U.S. declares itself an "opt in" country and thus eligible to import drugs made under compulsory licenses in order to meet public health needs. It also affirms that the President has the authority to import such drugs in such cases, as long as the drugs are approved by the Food and Drug Administration.

Americans should have the comfort of knowing that if the public needs a particular drug to stop an avian flu pandemic, the U.S. government will have access to all available production sources for the drug. My bill would make sure that our government can do what it takes to combat an avian flu pandemic or other health emergency.

CONGRATULATIONS TO CHAIRMAN DAVE HOBSON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. KUCINICH. Mr. Speaker, I rise to congratulate Chairman DAVE HOBSON (R–OH) for his bold, principled stance to eliminate federal funding for the bunker buster bomb. It was a major victory for the United States and the world.

This achievement means the United States will send the message of responsibility to other nations who are considering building nuclear weapons. The United States can continue to advocate for the Non-Proliferation Treaty, whereby the United States and other nuclear powers pledged to disarm in return for other nations not seeking nuclear weapons. Because nuclear bunker-busters would be seen as tactical nuclear weapons, the development of these weapons would make it more difficult to encourage Russia to dispose of its arsenal of over 4,000 tactical nuclear weapons. Chairman HOBSON has given the United States more clout to pressure Russia to eliminate its tactical nuclear weapons.

Again, I commend Chairman HOBSON for his defense of our Nation.

[From the Columbus Dispatch, November 13, 2005

HOBSON WILL KEEP BUSTING NUCLEAR WEAPON

(By Jonathan Riskind)

The battle of the bunker buster, round two, goes to Rep. David L. Hobson.

But the Springfield Republican isn't so sure the Bush administration, especially Defense Secretary Donald H. Rumsfeld and others in the defense community, has given up on building a nuclear-tipped missile able to penetrate underground bunkers.

This is a saga last visited in this space a year ago. Then, too, Hobson, as chariman of the House Appropriation Committee's energy and water subcommittee, successfully fought the administration's push to build a specialized tactical nuclear weapon.

Pursuing new nuclear weapons when the United States is pushing nonproliferation around the world is wrong headed and dangerous, Hobson believes. And he's been told by scientists and candid members of the military that a nuclear bunker buster is likely to kill many innocent people and inflict such harm on the environment that no president would "OK" its use.

So Hobson refused to include $4 million Rumsfeld wanted in the 2006 energy bill for bunker-buster research.

Hobson's counterpart in the Senate is Pete Domenici of New Mexico, who chairs the Senate Appropriation Committee's energy subcommittee. Domenici favors going ahead with the research, but he told the Albuquerque Tribune that the administration has abandoned its plans for a nuclear bunker buster. He said that, however, after Hobson won the fight; the final 2006 House-Senate agreement on a $30.5 billion energy and water bill being sent to the White House reflects Hobson's views.

So while it's "over in my bill for this year," Hobson said, his attention is focused on whether the Defense Department will try to include bunker-buster money in the still-pending 2006 defense-spending bill.

"I have to watch in the defense bill to try and make sure they don't go around me," said Hobson, who is a senior member of the defense-spending subcommittee.

This is one example of how public policy is enmeshed in the fabric of the annual spending bills. Hobson's measure, for instance, tackles the post-Katrina issue of improving the efficiency with which the Army Corps of Engineers spends the money Congress doles out to it, though part of the solution is making sure lawmakers don't tie the corps' hands with a plethora of pet projects. One tack seen in the energy and water spending bills is to limit the ability of the corps to take money intended for one project and spend it on another, only to later come back and request yet more money for the first project. Hobson also hopes the bill will force the corps to do more long-term planning and to do a better job moving projects along.

He cites a dam on the Ohio River between Illinois and Kentucky that was authorized by Congress in 1988 at an estimated cost of $775 million over about eight years. Completion is now scheduled for 2015, at a revised estimated cost of $1.4 billion.

"We're trying to bring some business management to the way the corps conducts business," Hobson said.

But the most far-reaching policy platform in Hobson's bill amounts to a nuclear nonproliferation stand that bucks the notoriously stubborn Rumsfeld.

"We had a meeting and he made his views known and I made my views known," Hobson said. "He said there will be another day. I don't think they've given up."

But Hobson vowed to defuse the bunker-buster proposals for as long as he's a committee chairman. He has three more years to head the energy subcommittee before chairman term limits set in, and intends to run for re-election to a ninth term next year and serve all three of those years.

"They aren't changing my mind," Hobson said. "It is bad foreign policy to build a new type of nuclear weapon at the same time you are telling everyone else in the world, don't you do it."

INTELLIGENCE FAILURE AND MANIPULATION

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. HOLT. Mr. Speaker, today I and my Democratic colleagues on the House Permanent Select Committee on Intelligence publicly discussed a critical item of unfinished business for this House—specifically, the need for the committee to undertake a detailed examination of the Iraq weapons of mass destruction (WMD) intelligence failure.

We need to undertake this inquiry because this is not the last time that we will need intelligence that's based on good methods, critical thinking—in fact, skeptical thinking that really looks at the uncertainties in the intelligence.

We have to learn to get this right. There will be other times when we need it.

Now, the President has said that those who are raising questions about the war in Iraq and how we got there are trying to rewrite history. Actually, that's not true. History is not being rewritten. History cannot be written because no one has allowed the facts to be assembled.

That is what we are talking about here. We have tried, but we have been blocked repeatedly in our attempts to do so.

This matter is of critical importance. And it is, of course, ironic that at a time when we are fighting a war in the name of democracy and the freedoms, including freedom of speech and freedom of inquiry, that here we are stymied in our freedom of inquiry.

And it is freedom of inquiry not for political points or our personal curiosity. It is so that we can, for the future, have an intelligence system that is based on critical thinking, skeptical thinking and good methods. That is the point.

Let me just say that the line that we hear is, "There is not much that needs to be investigated, there is not much need for oversight, because you knew all this all along. And furthermore, it is unpatriotic."

It is unimportant, and yet if you ask for it, you are unpatriotic. I say to my friends on the other side of the aisle, you can't have it both ways.

I wish I could say that the refusal to investigate the Iraq intelligence failure is an isolated case. It is not.

For over 2 years, I've pressed this House to investigate how it was that the name and cover status of a serving CIA Clandestine Services officer made its way from the CIA to the White House political office and thence to the press.

Eight separate times in eight separate votes, the leadership of this Congress shut down any effort to get the information about the release of the identity of an intelligence employee. Conducting oversight of this matter is something that is central to our responsibility to look after the wellbeing and effectiveness of those people that we ask to take risks for us around the world.

Yet in eight separate votes, it was shut down.

Mr. Speaker, it's time—indeed well past time—for this Congress to do its job and conduct oversight of these and other intelligence matters. We cannot protect our Nation from future threats if we do not learn the full lessons of conflicts past, and this is especially critical in the realm of intelligence. I urge my colleagues on the other side of the aisle to join us in this effort.

HONORING THE GARLAND LAKESIDE ROTARY CLUB

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. HENSARLING. Mr. Speaker, today I would like to help celebrate two significant anniversaries of Rotary International. This year, Rotary International celebrated its 100th anniversary. From its humble roots in Chicago, Illinois, Rotary has grown into a worldwide organization of business and professional leaders who provide humanitarian service, encourage high ethical standards in all vocations, and help build goodwill and peace in the world. Since 1943, Rotary International has distributed more than $1.1 billion to combat Polio, promote cultural exchanges and encourage community service.

I also want to recognize the Garland Lakeside Rotary Club for their 30 years of service to Dallas County. Throughout its history, the Garland Lakeside Rotary Club has achieved great success in carrying out the mission of Rotary International.

The Garland Lakeside Rotary Club is in the process of raising funds and building a medical clinic called the Friendship House. In the past they have supported local charities, including the Salvation Army and the YMCA. Each year they work with Garland Independent School District to provide underprivileged children with Christmas gifts.

Through these initiatives, the Garland Lakeside Rotary Club exemplifies the values of service and charity that lie at the heart of American society. As the Congressional representative of the members of this outstanding organization, it is my distinct pleasure to honor them today on the floor of the United States House of Representatives.

TRIBUTE TO SPECIALIST MARK THOMPSON

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. WHITFIELD. Mr. Speaker, I rise today to highlight one of my extraordinary constituents who is currently serving in Iraq. Specialist Mark Thompson from Tompkinsville, Kentucky recently wrote to me to express his thoughts on the situation in Iraq and I was truly moved by his articulate letter. I would like to share his letter with the House and I urge all of my colleagues to read Mark's letter and poem. I could not be any more proud of Specialist Thompson and his service to our country.

OCTOBER 17, 2005.

Congressman ED WHITFIELD,
Washington, DC.

DEAR CONGRESSMAN WHITFIELD: I hope this letter finds you well. Politics seems heated as usual in the States and many new challenges are facing you and our country's other leaders. However, I am sure you are taking it all as it comes and continuing to try and find the most appropriate direction as issues arise.

I am currently serving in the Army at Camp Habbaniyah, Iraq. A huge change from my position as hospital administrator in Tompkinsville as you can imagine. But it has been a good experience to actually be here in this very troubled part of the World and be a part of this, first hand.

We are in the "Sunni Triangle" as this area has been described with a name. Ramadi and Fallujah are within 10 to 15 miles of our base with us roughly in the middle. Both are noted hotbeds for insurgent activity as is this entire area of Northwest Iraq. We are experiencing much of the same that you see on TV back home.

I am sure one of those huge issues you are grappling with is what to support in regards to Operation Iraqi Freedom. I ask you to consider we are still making progress and this is a worthy cause at this point. We do far more good on a daily basis than is ever portrayed back home. Just Saturday (Day of the Voting) our troops helped a very sick 4 month old child get medical care in Baghdad. Also, we are actively training Iraqi troops to ultimately replace us and takeover complete operations of Camp Habbaniyah. Yes, there is much to be discouraged by on a regular basis but the momentum and atmosphere as a whole continues moving forward. The worst thing we can do is leave too soon and risk losing it all to civil war. At the same time we must let the Iraqi Army continue to take over responsibility for areas as soon as possible and the new government as well.

I see it like welfare. If we take on the responsibility for people too long they can literally fail to progress and be hampered by growing too dependent. We see that very real, negative potential as we work with soldiers and civilians.

The hard part is how much and when to pull back our support. I know that is something you are being challenged to help determine. Please, listen to sound military leaders as you sort that out. Please do not allow it to be a "public opinion" or "politically correct" decision. We stand to lose so much more from a bad decision. The Iraqi people stand to lose the most.

Finally, the vast majority of the people here are very worthy of what we are trying to help them achieve. It is the few that continue to make it so hard. I have attached a simple poem that I was inspired to write not long after coming here. I still believe that our primary intentions should be this simple and straight forward.

My best wishes to you as always.
Sincerely,

SPC. MARK THOMPSON.

THAT IS WHY WE CAME

As we crossed the Iraqi Border,
our lives never to be the same.
That's when it all seemed clearer,
why we left our families and came.

The harsh land layout before us,
with things we have yet to see.
But kids waving on roadsides,
unlocked hope inside for me.

Not much do they have and own,
but gestures that tell their soul,
Too young yet to know true hate,
faith, hope and love are still in control.

Who knows where freedom will take them,
and will elders allow it to last?
Can they hold onto it with passion,
and never repeat the past?

It is the children we came for,
their love should govern this land.
Who knows where their dreams can take us,
if not poisoned with History's Brand.

I pray tonight for a new World,
where all kids are safe from harm.
That these children can play like mine,
in a neighborhood, friendly and warm.

They are the reason we came,
their hope from faith we must let soar.
With love let's finish the task,
and for them leave open the door.

HONORING BAYLOR UNIVERSITY MEDICAL CENTER

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. HENSARLING. Mr. Speaker, today, I would like to help celebrate the 20th anniversary of the establishment of the first adult liver transplant program serving Tarrant County and Baylor University Medical Center at Dallas. In 1985, Baylor University Medical Center recruited Dr. Goran B. Klintmalm, a highly skilled surgeon to begin the new adult liver transplant program and to enhance each facility's medical and surgical capabilities.

Baylor University Medical Center has transplanted more than 4,500 organs in patients around the world. The program has been replicated at Baylor All Saints Medical Center in Fort Worth, allowing Baylor Health Care Systems to expand their services to Tarrant County.

I would like to honor Baylor University Medical Center, along with the doctors, nurses and hospital administration that make extraordinary organ transplants possible. Their dedication to the medical profession and their commitment to saving lives is to be commended.

SPECIAL TRIBUTE TO KENNETH "BLUE" BALCOMB—A FIERCE DEFENDER OF WATER RIGHTS IN COLORADO

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. SALAZAR. Mr. Speaker, I rise today to express my condolences to the Balcomb family of Glenwood Springs, Colorado who recently experienced a tragic loss with the death of Kenneth "Blue" Balcomb. He passed away on November 17th.

Recently, I had the opportunity to get to know Ken. He was a brilliant, devoted and talented person. Because of his genius, water on the Western Slope of Colorado will be protected for generations. Mr. Balcomb died Thursday and will be missed by all who had the pleasure of knowing and working with him.

Ken Balcomb was General Counsel for the Colorado River Water Conservation District from the early 1960s until 1981 when the District hired in-house counsel. Under Mr. Balcomb's advice and leadership, the River District successfully fought back aggressive water filings by Front Range cities and irrigation districts thirsting for West Slope water. It also fought federal intrusion into Colorado's state-run water rights system, ensuring that the federal government adjudicate its water rights like everyone else through Colorado's water courts. On this point, Mr. Balcomb represented the River District on three occasions before the U.S. Supreme Court, leaving victorious each time.

I grew to know Ken over the last year and he never hesitated to offer his experience, knowledge and assistance to myself and others.

Ken was certainly an inspiration to me and to everyone who had the opportunity to meet him, and I am grateful for the short amount of time I was able to spend with him. I know my life and the lives of those he knew and loved were enriched by his presence, and he will surely be missed.

I agree with the Colorado River Water Conservation District—Western Colorado lost a true friend and leader with the passing of Kenneth Balcomb.

IN HONOR OF REVEREND DR. ROLAND H. CROWDER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Reverend Dr. Roland H. Crowder, upon the joyous celebration of his 40th Anniversary as Pastor of Second Calvary Missionary Baptist Church in Cleveland, Ohio.

Reverend Crowder was born in Cleveland in 1926, into meager beginnings, yet the promise of faith and family would raise his life into the light of leadership, accomplishment and service to others. Just an infant, Reverend Crowder was adopted by Emma and Reverend Edward Griggs. Tragedy struck shortly thereafter when his young mother died and his father became very ill after suffering a stroke. Young Roland was up for adoption again, yet his neighbors across the street, Mr. and Mrs. Will Crowder, opened their hearts and home to him and became his new parents. The family moved to Birmingham, where Reverend Crowder's parents taught him lifelong values that centered on integrity, hard work, family, faith and service to others.

In 1950, following his honorable service in the United States Navy, Reverend Crowder heeded the call to the ministry. After his father passed away, he and his mother returned to Cleveland in 1965, where he began his ministry at the Second Calvary Missionary Baptist Church. Fortified with an undergraduate degree, graduate degree from Malone College and a doctoral degree in theology from the Ashland Theological Seminary, and most significantly, equipped with valuable life experience, Reverend Crowder set the foundation for his life long journey of restoring faith and hope within the hearts of people here in Cleveland and around the world. Reverend Crowder and his late wife, Doris G. Crowder, were married for forty-five years. Together they raised five children: Roland Jr., Lydia, Rosalind, Hiram and the late Phillip. Today, Reverend Crowder and his wife, Sister Ida B. Cook Crowder, continue to serve in faithful ministry and community outreach to the congregation of Second Calvary Missionary Baptist Church.

Mr. Speaker and Colleagues, please join me in honor and recognition of Reverend Doctor Roland Hayes Crowder, whose compassionate leadership and guidance has been reflected throughout the Second Calvary Missionary Baptist Church of Cleveland, Ohio, for forty years. His commitment, kindness and caring for people in need of emotional and spiritual restoration continues to lift the spirits of countless individuals, and will forever bring faith, hope and light throughout our entire community and far beyond.

COMMEMORATING THE 50TH ANNIVERSARY OF THE DALLAS COUNTY COUNCIL OF REPUBLICAN WOMEN

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. HENSARLING. Mr. Speaker, today I would like to commemorate the 50th anniversary of the Dallas County Council of Republican Women's Clubs. Fifty years ago, 17 Republican Women's groups joined to form an alliance, based on the guiding principle of the National Federation of Republican Women, "to foster and encourage loyalty to the Republican Party and the ideals for which it stands."

For the past fifty years, the Dallas County Council of Republican Women have worked together to support Republican Women's groups in the area as they promote the principles of the Grand Old Party and help elect Republican leaders from the Courthouse to the White House. The Dallas County Council of Republican Women continue to serve Republican Women's Clubs through meetings, a council newsletter, and training seminars.

Today, I would like to honor the Dallas County Council of Republican Women and their leaders, including: Pat Jordan (1955), Eleanor Owens (1956), Tilla Lindsey (1956), Mary Jester (1957), Dorothy Cameron (1959), Bobbie Biggert (1960), Glenna McCord (1960, 1961, 1962), Babs Johnson (1963, 1964), Linda Holloway (1965), Ann Good (1965), Alice Hale (1966), Jonita Hilton, (1967), Ann Nicholson (1968, 1969), Peeps Moffett (1970), Jan Bryant (1970), Iris Snell (1971, 1972), Dottie Beckham (1972, 1973, 1974), Barbara Staff (1975), Ruth Potter (1976, 1977), Ginny Bauman (1978), Shirley Dickinson (1979, 1980), Jean Rheudasil (1981, 1982), Marianna Ziegler (1983, 1984), Jan Patterson (1985, 1986), Edith Schuler (1987), Lynne Tweedell (1989), Alma Box (1991, 1992), Betty Doke (1993, 1994), Sandy Melton Stephens (1995, 1996), Sue Hutchins (1997, 1998), Rosella Hutchinson (1999, 2000), Taffy Goldsmith (2001, 2002), Valerie E. Ertz (2003, 2004), Deborah Brown (2005). These strong Republican women embody the energy, vision and values of our party.

TEN YEARS AFTER DAYTON

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. SMITH of New Jersey. Mr. Speaker, ten years ago this month a genocidal conflict was brought to an end in the Balkans. By initialing a "General Framework for Peace" at Wright-Patterson Air Force Base near Dayton, Ohio, on November 21, 1995, Bosnia and Herzegovina emerged from almost four years of that conflict wondering whether it could survive as an independent unitary state and recover from the utter destruction not only of its towns and cities but of its own, multi-ethnic society.

Time dulls our recollection of what the carnage in Bosnia was really about, so I believe it important to recall the nature of this, the most horrific phase of Yugoslavia's violent and bloody demise. Active on the Helsinki Commission which I co-chair today, I took part in many sobering hearings which documented the atrocities and discussed policy responses.

The Bosnian conflict was, in large part, characterized not by opposing military forces but by groups of thugs, armed and orchestrated by the Milosevic regime in Serbia, wreaking havoc on innocent civilians. Tens of thousands were raped or tortured in detention centers and camps established across the country. While figures may vary substantially, the death toll is commonly estimated at about 200,000, while two million people—half the country's population—were displaced. We can well remember the photos of emaciated detainees at Omarska, the live coverage of the shelling and siege of Sarajevo, and the recently released video footage of the execution of captured young men near Srebrenica.

While the decreasing advantages enjoyed by the Serb militants by late 1995 made a settlement possible, the Dayton Agreement did, in fact, help to bring this nightmare to an end. At the same time, we cannot ignore the fact that its compromises reflect a failure by the international community, including the United States, to intervene much earlier in the conflict in response to clear violations of international principles and what many, including myself, consider a genocide.

The international community repeatedly failed to take decisive action, including the credible threat of the use of force, to compel the brazen Serb militants to stop their aggression. Instead, time was spent deploying peacekeeping forces under United Nations auspices when there was no peace to keep. UNPROFOR's presence thwarted more effective responses, such as lifting the arms embargo which denied the sovereign country of Bosnia and Herzegovina its right, as a member of the United Nations, to defend itself. As town after town, including some declared to be "safe-havens" by the United Nations, fell to the forces of ethnic cleansing, the international community acquiesced to a reality, codified by Dayton, of a country divided into two political entities characterized by an ethnic bias unworthy of 21st century democracy. One entity is a Bosnian Federation forged by the United States in 194 between Bosnia's Muslims or Bosniaks, and Croats. The other entity, Republika Srpska, is dominated by Serbs and represents what the militants among them started the conflict to create.

The compromises accepted at Dayton, influenced by years of international inaction, also have made subsequent implementation difficult, and extremely expensive in terms of personnel, equipment and funds. Many persons indicted for war crimes, crimes against humanity and genocide evaded justice for years, some to wreak havoc later in Kosovo and elsewhere, and some like Ratko Mladic and Radovan Karadzic, remain at large. With the economy destroyed and both organized crime and official corruption rampant, the people of Bosnia and Herzegovina became passive and dependent on the international community for their very survival.

Perhaps the greatest flaw in the Dayton Agreement was its heavy reliance on Slobodan Milosevic himself to follow its terms, which he did only under considerable pressure. Betting on the man most responsible for igniting the conflict meant undercutting the development of democratic forces in Serbia which are necessary for the long-term stability of southeastern Europe. Many of us worked hard to correct this flaw in the immediate post-Dayton years, and continue to encourage democratic forces in Serbia to reckon fully with the Milosevic legacy.

Fortunately, along with the eventual ouster of Slobodan Milosevic in Serbia, we have seen more vigorous and positive action to move ahead in Bosnia and Herzegovina during the past five years. More of the displaced have returned to their original homes than was thought possible when Dayton was negotiated. It hasn't been easy for many who return as members of a minority population, but determination has helped them to prevail. More and more individuals indicted by the International Criminal Tribunal for the former Yugoslavia, including Milosevic, have been transferred to The Hague, and, at a recent Helsinki Commission briefing, we learned that Bosnia's own War Crimes Chamber has been established and is ready to conduct sensitive trials in accordance with the rule of law. Srebrenica is being acknowledged as the crime that it was. Defense and police reform are underway, helping to pave the way for Bosnia's further Euro-Atlantic and European integration. The region around Brcko, so brutally contested during the conflict that not even Dayton could determine its status, now provides a model of multiethnic cooperation and economic recovery for the rest of the country. There are now discussions of constitutional reforms which, if adopted, will hopefully make the country of Bosnia and Herzegovina a sum of its citizens and not a balance of its ethnicities.

If the Dayton Agreement succeeded in anything, Mr. Speaker, it was because its detailed provisions and improved implementation have provided the people of Bosnia and Herzegovina with both the parameters of a state and enough time to bring their country back from the abyss. I have increasing confidence that they will succeed in moving from what was admittedly a "General Framework for Peace" to a solid basis for unity, freedom, prosperity and integration.

In the meantime, the international community has much it still needs to learn and develop. The conflict in Bosnia and Herzegovina gave new purpose to NATO and enabled it to begin operating out of area. Fifty years after the Holocaust, those who commit war crimes, crimes against humanity and genocide no longer operate with complete impunity. Still, the international community—whether the United States and its allies, regional bodies or the United Nations—remains slow in responding to human suffering, or in recognizing the implications massive human rights violations can have on international security. It too readily accepts the reality of innocent people being attacked, brutalized and killed. Look at the response during the assault on Srebrenica and then at the response to Darfur today; the similarities are strong.

I therefore hope, Mr. Speaker, that Dayton's tenth anniversary is commemorated in a way that includes not only encouragement for Bosnia and Herzegovina to move beyond the agreement's limiting provisions, but encouragement for all policymakers to learn from the lessons of inaction in the face of evil.

CIVIL RIGHTS AND THE RULE OF LAW

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. CUMMINGS. Mr. Speaker, when our new Attorney General, Alberto Gonzales, pledged earlier this year that enforcement of our civil rights laws would be one of his priorities, we all wished him well in fulfilling that commitment.

When leaders here in Washington—Democrats and Republicans alike—have expressed support for extension of the 1965 Voting Rights Act, our hopes for a better and more just society have been encouraged.

When this Nation rose as one and bowed our heads in respect for the life of Ms. Rosa Parks, the "Mother of Civil Rights in America," we also were re-dedicating ourselves to the ideals of equality, opportunity and civility that are the foundation of American society.

I remind the House of these promising, nonpartisan expressions of our Nation's shared values, Mr. Speaker, for a very important reason.

Last Sunday, the Washington Post published a news article that outlined some deeply disturbing assertions about the operation of the Department of Justice's Civil Rights Division.

The article entitled Civil Rights Focus Shift Roils Staff at Justice, written by Mr. Dan Eggen, reported that nearly 20 percent of the Civil Rights Division's non-political attorneys resigned or retired during fiscal year 2005.

We also learned that significant disagreements exist between career civil rights attorneys within the Department and administration appointees about the priority that should be given to the enforcement of our civil rights laws.

These policy disagreements—at the core of many resignations—have included the Department's decisions to approve redistricting plans in Mississippi and Texas, as well as the controversial decision to approve a new Georgia statute that would require voters to present government-issued photo identification cards at the polls.

In October, Judge Harold Murphy of the U.S. District Court for the Northern District of Georgia granted an injunction last month to lawyers for Common Cause of Georgia, the ACLU, the NAACP and other groups who have challenged the Georgia photo identification statute under the 1965 Voting Rights Act.

Judge Murphy ruled that the petitioners have shown a substantial likelihood that they will ultimately prevail in establishing that it "unduly burdens the right to vote" and "constitutes a poll tax." Recently, a three-judge appellate panel, made up of one Democratic and two Republican appointees, confirmed this reasoning by upholding the lower court's injunction.

Why, we must ask, does the policy leadership of our Department of Justice not agree?

Consider, also, this revealing fact. The Department of Justice's own statistics confirm that prosecutions for the racial and gender discrimination crimes traditionally handled by the Civil Rights Division have declined by 40 percent over the past 5 years.

The Department has vigorously disputed both the significance of the policy disagreements within its Civil Rights Division and the exodus of so many career attorneys.

However, the facts indicate that Attorney General Gonzales faces some very real obstacles to his promise about renewed civil rights priority.

Mr. Speaker, we know from history that the legitimacy of any government rests upon the fairness of its laws and willingness to vigorously uphold the rule of law.

We cannot overlook patterns of systematic neglect within the agency entrusted to enforce our laws.

These failures threaten our most fundamental legal guarantees.

That is why we must not be hesitant to seek the answers to the hard questions, the questions that the people we represent are asking.

Why have civil rights cases declined so precipitously in recent years?

Why have career attorneys in the Civil Rights Division been reassigned to other duties?

Why are so many career lawyers leaving the Department of Justice?

What must Congress do to better support America's chief law enforcement officer in fulfilling his commitment to make enforcement of our civil rights laws a priority?

Mr. Speaker, let the discord within the Department of Justice serve as a bellwether to all Americans who believe in the principles of civil rights.

A renewed vigor and more certain direction are desperately needed in the enforcement of civil rights.

We must remain vigilant. We must move forward with a sense of urgency.

If America is to serve as the beacon of democracy for the rest of the world, it is the imperative that we enforce justice, equality and the rule of law within our own country.

HONORING PROFESSOR LAWRENCE F. ROBERGE

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to congratulate Professor Lawrence F. Roberge for being awarded the 2005 U.S. Professor of the Year for the State of Connecticut by the Carnegie Foundation for the Advancement of Teaching and the Council for Advancement and Support of Education, CASE.

Professor Roberge earned this award for his work as the associate professor and chair of the Science Department at Goodwin College located in East Hartford, CT in my district. As a dedicated educator for nearly 20 years, Professor Roberge has taught a variety of college science and technology courses. Professor Roberge's expertise and skills aided him in also designing and teaching online educational courses.

During his tenure as chair of the Science Department at Goodwin College, Professor Roberge developed multi-media and computer-based teaching tools to aid in the development and training of the Science Department teaching staff. In addition, Professor Roberge was responsible for designing the science curriculum and labs for the nursing program. Professor Roberge was an inspiration in the classroom while he taught courses in chemistry, anatomy and physiology, and microbiology.

The Council for Advancement and Support of Education and the Carnegie Foundation for the Advancement of Teaching award four university and college professors as national winners and also recognize a State Professor of the Year in 40 States, the District of Columbia and Guam. These professors are recognized for their outstanding commitment to teaching undergraduate students and their influence on fellow colleagues.

Mr. Speaker, I ask that my colleagues join me today in congratulating Professor Lawrence F. Roberge for receiving this prestigious award. As a former educator, I am honored to recognize Professor Roberge for his exceptional commitment and service to teaching undergraduate students in the State of Connecticut.

GJERGJ KASTRIOTI "SKENDERBEG"

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. ROHRABACHER. Mr. Speaker, I wish to place in today's CONGRESSIONAL RECORD this excellent speech by Congressman Joseph J. DioGuardi on Gjergj Kastrioti "Skenderbeg."

GJERGJ KASTRIOTI "SKENDERBEG"

(By Joseph J. DioGuardi)

From 1443, when he returned in triumph to the White Castle in Kruja to his deathbed at Lezha in 1468, Skenderbeg left an unforgettable legacy of great heroism in the defense of freedom. Gjergj Kastrioti lived and died for what he firmly believed were the sacred values of faith, virtue, honor, freedom, courage, and love of country. These universal values are clearly displayed in his correspondence and speeches, along with his deep philosophy of life and his incredible deeds. Who was Gjergj Kastrioti? Why is he an important historical figure? What can Albanians today learn from his life and deeds? Why is he not better known around the world?

Kastrioti was the son of an Albanian prince, Gjon Kastrioti, who ruled the Albanian lands in the Balkan Peninsula at the end of the 14th century and the beginning of the fifteenth century. Gjon had kept the invading Ottoman Turks at bay for more than twenty years when he was forced into a deceptive peace treaty in 1422 with Sultan Murad II to secure the rear of the Turkish army in Southeast Europe and spare the lives of his people from the wrath of the Ottoman Empire. To guarantee the arrangement, the Sultan took Gjon's youngest son, Gjergj, hostage to Adrianople, the European capital of the Ottoman Empire. Here, Gjergj was sent to the Ottoman military academy where he excelled in all ways and adopted the Moslem alias "Iskender Bey," or Lord Alexander after Alexander the Great. Skenderbeg's excellent academic and military record caught the eye of the Sultan, who gave him the rank of general even before reaching twenty years of age. Skenderbeg's military successes against the enemies of the Ottoman Empire became legendary, as were the decorations and gifts bestowed on him after each incredible triumph.

An important turning point in Skenderbeg's life came when, in 1443, he received the sad news from Kruja of his father's death. Gjon had defied and frustrated the Ottomans for more than fifty years and the Sultan grew suspicious of Skenderbeg's potential to take his father's place in trying to perpetuate a free Albania even after Greece, Bulgaria, Romania, and Serbia had been conquered. Skenderbeg sensed the danger to him and to his father's people and decided to seize the moment in November 1443, when he was sent on a military excursion to defeat the Hungarians led by another great freedom fighter (and thorn in the side of the Sultan), Janos Hunyadi. Rather than do the Sultan's dirty work at Nish (in Serbia today), he fooled his fellow Ottoman commanders and fled the battlefield to Kruja with three hundred of his loyal Albanian horsemen. Two weeks after triumphantly entering Albania at Dibra, he stormed the White Castle at Kruja on November 28, 1443 and deposed the Ottoman governor there. The next twenty-five years would see some of the greatest military feats against the ever powerful and growing Ottoman Empire. It was only after Skenderbeg's death in 1468 that the Ottomans were able to get a foothold in Albania. Without their great leader, the struggle against the Ottomans faltered, leading to a complete occupation of Albanian lands in 1488. This lasted 425 years until Ismail Qemali raised Skenderbeg's double-headed eagle banner at Vlora on November 28, 1912.

It is one thing for Albanians today to praise and honor Gjergj Kastrioti. But let's now take some time to hear about this saintly knight, his incredible military genius, and our Albanian national hero from those who knew him well. Having now read a great deal about Skenderbeg, it became evident that a Roman Catholic priest from Shkodra, Marin Barletius, wrote the most comprehensive and vivid account of Skenderbeg's life and deeds. His twelve-volume work included Kastrioti's letters, speeches, and his philosophy of life, religion, and nation. Since Barletius was a contemporary of Skenderbeg, he had access to firsthand information from the battlefields, the archives in Rome, and many other personal firsthand accounts from witnesses of Kastrioti's phenomenal accomplishments, character, and charisma. The scholarly work of Barletius, originally written in Latin, was translated widely, including French and English, which allowed many to know about the legendary feats of Skenderbeg.

The nineteenth-century American poet Henry Wadsworth Longfellow had been mesmerized reading about the incredible life and deeds of Gjergj Kastrioti. His epic poem "Scanderbeg" gave a vivid account of Kastrioti triumphant in Kruja on November 28, 1443:

. . . Anon from the castle walls
The crescent banner falls,

And the crowd beholds instead,
Like a portent in the sky.
Iskander's banner fly,
The Black Eagle with double head.
And shouts ascend on high
. . ." Long live Scanderbeg.

Skenderbeg's genius has been likened by many military experts to Alexander the Great. Major General James Wolfe, commander of the English army at the siege of Quebec, Canada, wrote to Lord Sydney that "Scanderbeg exceeds all the officers, ancient and modern, in the conduct of a defensive army. I met him in Turkish history but nowhere else."

Historian Edmond Gibbon in his Decline and Fall of the Roman Empire said: "In the list of heroes, John Hunyadi and Scanderbeg are commonly associated and entitled to our notice since their occupation of arms delayed the ruin of the Greek (Byzantine) Empire. . . . The Albanian prince may justly be praised as a firm and able champion of his national independence. The enthusiasm of chivalry and religion has ranked him with the names of Alexander the Great and Pyrrhus. . . ."

Even the Elizabethan poet Edmund Spenser held that Scanderbeg was "matchable to the greatest of the great" in his preface to an English translation of Barletius, which concluded by saying:

To one whom later age has brought to light,
Matchable to the greatest of the great:
Great both in name and great in power and might,
And meriting a mere triumphant feat.
The scourge of Turks, and plague of infidels,
Thy acts, O' Scanderbeg, this volume tells.

Finally, among the many, many accounts of one Albanian hero, we turn to the notable nineteenth-century English literary figure Lord Byron who fell in love with everything he saw in Albania. Like Kastrioti, Byron had a deep love of freedom and national independence. In his poem "Child Harold's Pilgrimage," he wrote:

Land of Albania, where Islander rose,
Theme of the young, and beacon of the wise,
And he, his namesake, whose oft-baffled foes
Shrunk from his deeds of chivalrous emprize.
Land of Albania, let me bend my eyes
On thee, though rugged nurse of savage men!
Where is the foe that ever saw their back?

. . .

In short, Gjergj Kastrioti was an exceptional military genius, a man of great faith and courage, a philosopher and one who cherished personal freedom and national independence. He was the subject of many books, poems, and even an opera by Vivaldi! His imposing figure, sword in hand, atop his majestic stallion, graces the capitals of Italy, Austria, and Hungary today. And, on the 600th anniversary of his birth, a Congressional Resolution introduced in the U.S. House of Representatives, the most democratic forum in the world, recounts his many deeds and his importance as an historic figure not just for Albanians and the Balkans, but Western Europe, which he saved from Ottoman domination.

What Albanians can learn today from Skenderbeg's life and deeds is limitless. As a man of great faith, he placed himself at God's mercy on many occasions where he was facing overwhelming odds. On one such occasion, after defeating the Hungarian army at Varna in 1445, Sultan Murad sent a threatening letter to Skenderbeg, who now stood between the Ottoman Empire and a Europe in disarray. True to his nature as a great leader and man of God with a steadfast vision of freedom for his people and all of Europe, he boldly responded to the Sultan:

"Cease your angry threats and tell us not of the Hungarian (mis)fortune. Every man has his own resolution . . . and so will we with patience endure such fortune as it shall please God to appoint us. Meanwhile, for direction of our affairs, we will not request counsel of our enemies, nor peace from you, but victory by the help of God!"

Albanian leaders today, especially in Kosova seeking complete independence from Serbia, would do well to emulate the resolute way in which Skenderbeg pursued his vision of freedom for his people. He made no room for compromise with his enemies and showed fierce determination to prevail even in the face of such a formidable adversary as the Ottoman Empire. He did this relying not only on his skill as a great national leader and military tactician, but on his belief in God's providence as well. We can all learn from Skenderbeg's great example in pursuing the Albanian national cause today.

Skenderbeg again showed his great faith in God and deep loyalty to friends after his great friend and patron Alphonse, King of Naples and Sicily, died in 1460. Italy was plunged into bloodshed and rebellion, and Ferdinand I, Alphonse's son and successor, came under attack from the French once again. Feeling a deep moral obligation to repay his steadfast friends and allies on the other side of the Adriatic, Skenderbeg himself led an elite cavalry of 2,000 men there in the summer of 1461 and soon turned the tide against the French and their Italian collaborators in the bloody battle of Apulia. In reading the accounts of Skenderbeg's exhortation to his soldiers before the battle of Apulia, one is reminded of George Washington exhorting his troops at Valley Forge:

"This now is our case, my good soldiers. . . . We are now across the sea far from our own homes and from our own country. . . . We are amongst strangers, altogether without hope of ever returning again to our own (home) . . . if we do not win a notable victory over our enemies. But have courage, my men: Let us consider that this is God's will . . . that we should maintain . . . the seat of the Church. And never doubt that He will send us even from heaven an easy and speedy victory.. . and then shall we return to our own country victors, joyous and triumphant."

One might ask, after hearing of the greatness of Skenderbeg, why he is not as well known today as before. I believe that the history of Gjergj Kastrioti is inextricably tied to that of the Albanian people. The Albanian nation was submerged under the Ottoman Empire for 425 years. When it emerged in 1912, it was unfairly divided so that only half of the seven million Albanians who live in the Balkans today live in the State of Albania, with the other half living on her borders in five other jurisdictions. The State of Yugoslavia was created after World War I on the backs of the Albanian people and on their land. Then Communism again submerged the Albanian people—this time throwing them into a political and economic "black hole," stretching from Belgrade to Tirana, for almost fifty years after World War II. It is a wonder that the Albanian people kept their language, their history, and their hope alive throughout the last six hundred years of occupation and resistance. It is a wonder that, amid all the national stress and personal sacrifice, that Gjergj Kastrioti has not been forgotten altogether. But he has not been forgotten, and it is a tribute to his greatness and to the besa of the Albanian people that, against all odds, Albanians are standing free today, in Albania and Kosova, and that the sons and daughters of Skenderbeg continue to adore him as their national hero and liberator, and are building even more memorials to his past and present glory and significance—even, with a U.S. Congressional Resolution (H. Res. 522), in the capital of the only superpower in the world today, Washington, DC.

AUTHOR'S POSTSCRIPT

The battle of Apulia in the southern part of the Italian Peninsula, near Naples, is of special significance to me and my family. In 1461, after Skenderbeg and his elite cavalry helped save the Kingdom of Naples from French domination, the future security of the Kingdom was assured when Gjergj Kastrioti decided to leave two thousand horsemen there, while he returned to Albania to continue to defend the Albanian people from Ottoman Turkish domination. As an inducement for Skenderbeg to agree to what must have been a difficult decision for him, the King of Naples awarded the Albanian soldiers an area about forty miles east of Naples, including a high mountaintop village called Greci. Greci had been formed by Greek farmers and merchants in 535 AD and had since declined after most Greeks abandoned the area that they had controlled in the first millennium. Albanians changed the name of the village to "Katundi," which is the name used today by the Albanian residents, even though the Italians still call it Greci. My father, Joseph, Sr. immigrated to America from Katundi in 1929 at the age of fifteen. His family is descended from one of Skenderbeg's two thousand soldiers, and this is a great reminder that the seeds of Skenderbeg are still spreading across the oceans of the world today.

IN MEMORY OF ADMIRAL BARRY K. ATKINS, U.S. NAVY (RET.)

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. CANTOR. Mr. Speaker, I rise today to honor the late Admiral Barry K. Atkins of Richmond, Virginia, who passed away on Tuesday, November 15, 2005. Admiral Atkins spent a lifetime in service to his country and should be honored today.

In 1932 Admiral Atkins graduated from the U.S. Naval Academy and began his distinguished career as a Naval officer. During World War II, Admiral Atkins took over command of the USS *Melvin*, a Navy destroyer. Admiral Atkins and his men were stationed in the Pacific and participated in the Battle of Leyte Gulf in the Philippines. In one engagement, the Battle of Surigao Strait, the USS *Melvin* fired a torpedo that hit the Japanese battleship *Fuso*, splitting it in half and eventually sinking it. According to historical reports, the USS *Melvin* was the only destroyer to sink a battleship in World War II. For his heroism and leadership aboard the USS *Melvin*, Admiral Atkins was awarded the Navy Cross. In 1959, Admiral Atkins retired after 27 years of faithful service to the U.S. Navy.

Admiral Atkins' bravery during the Battle of Leyte Gulf helped change the course of our Nation's history and I am truly grateful for his leadership and unwavering courage aboard the USS *Melvin*. I hope that you will join me in honoring the life and service of Admiral Barry K. Atkins and offering our most sincere condolences to his family and friends.

IN HONOR OF KEITH SHAFFER

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. FARR. Mr. Speaker, I rise today to honor the life and legacy of Keith Shaffer, an influential and much beloved member of the community in the Santa Cruz area. Mr. Shaffer lived a life of dedicated and generous service to his community. He is survived by his wife Elinor Shaffer; his two sons, William and Richard Shaffer; daughter-in-law Alana Shaffer; and his two grandsons.

Mr. Shaffer was born in the San Joaquin Valley town of Atwater, on October 15, 1915. After serving as a naval aviator during World War II, he eventually moved to the Santa Cruz area in 1950, where he took over his brother's floral business. While Mr. Shaffer was a successful businessman, he also found time to give back to the community, by serving on numerous school boards, the Dominican Hospital Advisory Board, the Rotary Club of Santa Cruz, the Santa Cruz Chamber of Commerce, and the California Automobile Association. Mr. Shaffer was a shining example of dedication and devotion to citizens of the community.

In 1937, Keith Shaffer married his childhood sweetheart Elinor George. Along with his wife Elinor, and his two sons, William and Richard, the other love of Mr. Shaffer's life was his orchids. Mr. Shaffer was well known within the floral community for his creation of several hybrid orchids, most notably his "Capitola Moonlight," which was recognized by the Royal Horticulture Society with its highest honor, and perhaps his favorite, the "Elinor Shaffer."

Mr. Speaker, the service of local members of the community are an asset to this Nation, and I am deeply grateful for the contributions of Mr. Shaffer. The passing of Mr. Shaffer is a painful loss for the community. It is clear that Keith Shaffer has made a lasting impact on the community, and I join the Santa Cruz area in honoring the memory of Mr. Shaffer.

IN RECOGNITION OF NEW YORK CITY COUNCIL SPEAKER GIFFORD MILLER

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mrs. MALONEY. Mr. Speaker, I rise to pay tribute to Gifford Miller, Speaker of the New York City Council. Speaker Miller led the Council through four contentious years, winning on issues that are important to New Yorkers. He has been an exceptional City Council Speaker who has truly made New York City a better place to live. As a colleague, an ally and a friend, he has been one of the best public servants around.

Speaker Miller began his political career in my office. He rose quickly from an entry level position in my Washington office to running my New York district office. From the beginning his talents were obvious. He was hardworking and dedicated, drafting legislation to fund the development of pocket parks in urban areas and other matters. Recognizing his abilities, I soon promoted him to run my district office.

As Chief of Staff in my New York office, he established himself as a knowledgeable, committed leader in the community. Most of all, Speaker Miller clearly loves New York City, and wants to make this the best possible place to live. Thus, when he ran for City Council in a special election, he had enormous credibility and was able to defeat a well-known opponent.

I will never forget that election. Called for the dead of winter, petitioning took place on chilly street corners in dreadful weather. I joined Miller and his volunteers in standing out in freezing temperatures. People were impressed by his energy, drive and cheerfulness, even in appalling conditions. They saw clearly that he was going to work hard for his constituents, and he always has.

Miller quickly established himself as a smart and aggressive legislator, who was able to stand up for his district. He passed laws to reduce noise, increase voter participation and protect the environment.

On January 9, 2002, Miller was unanimously elected by his colleagues to the post of City Council Speaker. For the last 4 years, Miller has led the New York City Council, overseeing the passage of all new laws and the city's $47 billion budget. As part of the budget agreement for FY2005, Miller fought for and won $50 million in tax cuts for more than 700,000 workers through the passage of New York City's first Earned Income Tax Credit.

Under his leadership, the Council has passed more legislation than any previous council, including bills to extend a living wage to 50,000 workers, protect children from lead paint poisoning, provide training and education to people moving from welfare to work, require every city hospital to offer emergency contraception to sexual assault victims, provide more school nurses to more city students and establish tax credits to encourage greater energy saving and cleaner air.

Throughout his term as Speaker, Miller was forced to battle the mayor and Governor to preserve New York's priorities. He was remarkably successful. Miller led the Council in overturning mayoral vetoes 21 times, more times than any previous Council. These mayoral overrides enabled much-needed legislation to become law, including measures to provide rape victims with emergency contraception, expand access to birth control, provide training for people moving from welfare to work, prevent homeowners from being unreasonably fined and protect our air and water. As a result of his efforts in budget fights, hundreds of millions of dollars have been restored to the City budget for health care, child care, college scholarships, libraries, senior citizens and HIV/AIDS prevention. In 2002, Miller's Education First campaign helped prevent hundreds of millions in proposed cuts to New York City's public schools.

Gifford Miller is an extraordinarily talented and hard-working public servant. Although term limits are bringing an end to his Speakership, I am hopeful that he will remain active in public life. New York city needs him.

Mr. Speaker, I request that my colleagues join me in paying tribute to Speaker Gifford Miller, a remarkable public servant and community leader.

STATEMENT IN HONOR OF CURTIS McCLAIN

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Ms. PELOSI. Mr. Speaker, I rise today to honor Curtis McClain, a champion of the trade union movement and trailblazer for racial equality, who passed away November 6 after a long battle with cancer. Friends and colleagues will gather on December 3 to pay tribute to his lifetime of service to the working men and women of America.

Born of humble means in Akron, Ohio, World War II provided Curtis passage to a new life. After his discharge he relocated to San Francisco to find work. He found it in ILWU Warehouse Local 6 working at Schmidt Lithography. He said, "I went into the paper seasoning department where work was sweaty, hot and dusty. Although it was the last place I wanted to work, I needed the job so I stayed for 14 years."

Curtis became frustrated by post-war discrimination against African-Americans in the labor movement. Being passed over repeatedly for promotion due to race inspired Curtis to form a group of African-Americans in Local 6 called the Frontiersmen. Their encouragement and that of International and other local officers drew Curtis into leadership positions. In 1960, Curtis became in the first African-American to be elected Business Agent for Local 6.

By 1969, Curtis was an important labor leader in San Francisco and was elected Local President, followed 2 years later by a position on the International Executive Committee of the ILWU. In 1977, he broke another racial barrier when he was elected ILWU Secretary-Treasurer, the position he held until retirement in 1990.

Curtis served with ILWU International President Jimmy Herman. Together they fought for a democratic and diverse trade union and guided their membership through turbulent times.

Longtime Local 6 leader LeRoy King, who helped found the Trailblazers with Curtis, remembers: "He was a natural leader. He helped lead the efforts to break the color line, not only in the ILWU, but in other unions and in the community. He was an outstanding negotiator and union officer. And he took care of business for the members."

Curtis was a tireless advocate of working people. He helped form the alliance between the Teamsters and the ILWU that created the Northern California Warehouse Council, whose influence stretched to the Oregon border. Curtis was also instrumental in the civil rights movement, opening up employment opportunities to people of color in San Francisco's auto and burgeoning hotel and tourism industries.

Curtis McClain also led in movements for social justice, peace, and disarmament. Mayor Jack Shelly appointed him to the San Francisco Human Rights Commission, and Mayor George Moscone appointed him to the San Francisco Fire Commission where he served for 12 years.

Curtis McClain reminded us what can be accomplished with determination and belief in the person working right beside you. His hard work for social justice and workers' rights broke barriers and deepened the ties of our wonderfully diverse community. Our thoughts are with his family and friends as they gather to remember him, and we thank them for sharing Curtis with us.

TRIBUTE TO LUTHER C. WALLACE

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Luther C. Wallace of Marin County, California, a community leader who passed away from a brain tumor on November 10, 2005. Luther was a visionary whose approach to inclusivity and human rights taught us all a lesson.

Born in Bakersfield in 1941, Luther grew up in Oxnard where, at a young age, he learned the importance of empowerment from his family. As a preteen, he stuffed envelopes for the NAACP, church functions, and local politicians. In 1968, after serving in Viet Nam, he worked as a community organizer with the Ventura County Community Action Agency while using his GI bill allotment to complete a degree in Psychology from California State University, Northridge. He later earned a Masters in Public Administration just prior to his first brain surgery.

Luther went on to manage an energy conservation program for the State of California and service agencies in Ventura, Santa Cruz, Marin, and Santa Clara counties. Under his leadership, the Human Rights Resource Center, Inc. in San Rafael provided services—including training manuals, Cultural Awareness Training, and public policy recommendations—to every State as well as to 9 foreign countries.

Luther's influence, often centered in the African American community, was also widespread through his commitment and involvement in the California Rainbow Coalition (co-founder), The California Democratic Party Executive Board, the Marin Black/Jewish Dialogue (co-founder), the Marin City Project, the Marin Council of Agencies, the Marin County Adult Criminal Justice Commission, the Center for Southeast Asian Refugee Resettlement, the African American Coalition of Marin, and many other groups.

His special interests were people, music, reading, learning new things, all sports, and working with his family in his herb and vegetable garden. With a voice as smooth as silk, his love of music (his "unforgiving mistress") called to him no matter where he was. On international junkets with the UN and the Jewish Community Federation, the band somehow knew to invite him on stage to sing. Shortly before his death, Luther achieved his greatest dream with the publication of his book of short stories titled, "Our Color Our Kind: A Male Bedside Reader." At the time of his death, he was at work on an original screenplay and new short stories.

He is survived by his wife of 39 years, Mary Christine [Tina] (Mattice) Wallace; son James Matthew Wallace, Santa Cruz, CA; daughter Cassandra Jane Wallace-James, Thousand Oaks, CA; grandchildren Tanesha Cherie, Tony LaBarron, Jr., and Luther Demetrius, IV Wallace-James; his special "sister" Donella Dennis, Los Angeles, CA; and a host of cousins, nieces and nephews.

Mr. Speaker, Luther Wallace inspired so many with his passion for human rights and justice. His dedication and leadership enriched and informed the African American community and all of us in Marin County who will benefit from his legacy.

TRIBUTE TO TONY BENNETT

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise today to honor an Icon of American Culture and one of our country's finest citizens, Tony Bennett. Much has already been said and written about the life and work of Tony Bennett, but I am honored to have the opportunity to say a few words about my friend here.

Tony has been a part of the experience of being an American for the last six decades. His arrival as a force in our culture was announced nearly seventy years ago at the opening of the Triborough Bridge in New York City. At 10 years old, the son of an Italian immigrant and grocery store operator, Anthony Dominick Benedetto was invited to sing at a ceremony to open the bridge by another famous son of Italy, New York's iconic Mayor Fiorello La Guardia. At the time, our country was in the midst of a staggering Great Depression, President Roosevelt had begun the "New Deal," and that bridge was a concrete symbol that New York City, that America, and that Americans, would persevere. The Bridge stood as the accomplishment of our American ingenuity, our hard work, and our craftsmanship. Looking back, with those values in mind, it is altogether fitting that Tony Bennett was there.

The ingenuity of his voice and his style have transcended generations of American music fans. Tony once quipped that he was spoiled because he, "never had to sing songs [he] didn't like." But it is generations of Americans who have been spoiled by a sound that, no matter where or when it is heard, is always fresh, always new, and uniquely American.

As Tony approaches his 80th birthday, he has sold more than 50 million records, he has won the praise of musicians across the spectrum, and been acknowledged by his industry for his lifetime of achievement. Yet, he continues to work, bringing enjoyment to thousands of fans each year, and winning new ones each day.

His accomplishments are not limited to just music. He is also an accomplished painter in his own right. He is a tireless advocate for Juvenile Diabetes research, and the American Cancer Society—each year he donates one of his paintings for the ACS holiday card. He has been a friend of Presidents and Heads of State, singing at the Inaugural festivities for President John F. Kennedy in 1961 and President Bill Clinton in 1993.

Tony has never been afraid to point out injustice and advocate for equality. He marched with the Reverend Dr. Martin Luther King, Jr. in Selma, Alabama, and was an activist throughout the Civil Rights Movement. Coretta Scott King, bestowing the Martin Luther King Center Award for Excellence upon Mr. Bennett in 2001, said, "Tony is not only one of America's premier performing artists, but he was a deeply-committed friend and supporter of my husband and the Civil Rights Movement, and he has continued to support the efforts of the King Center to fulfill Martin's dream."

The list of accomplishments for Tony is innumerable, he has embodied the American spirit and he has lived the American dream. I could not be more pleased that the Kennedy Center for the Performing Arts has chosen to honor Tony Bennett with its highest honors on December 4th, 2005. Tony is truly a credit to his Italian heritage, and to the contributions of millions of immigrant families who have made this country great.

His story is that of what is possible in America, what is great about America, and his life is the embodiment of what it means to be an American. In short, Tony Bennett is a national treasure, and it is with great pride that I speak today as his friend to say thank you for his contribution to our Democracy.

IMPORTANCE OF IMPACT AID

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. COSTELLO. Mr. Speaker, as a co-chair of the Congressional Impact Aid Coalition, I rise today in strong support of the Impact Aid program.

Impact Aid provides important resources to replace lost tax dollars to school districts that include a military base, Indian land, or any type of Federal presence or activity to assist with the basic educational needs of its students. These funds improve the quality of life for our military personnel by ensuring their children receive a quality education wherever they are stationed.

Due to budget constraints, the Impact Aid program faces unique challenges. While most education programs contend with an increase in the cost per pupil each year, Impact Aid faces the additional challenge of an increasing number of military dependents within the program—projected to dramatically increase over the next 10 years—causing the cost of fully funding Impact Aid to escalate sharply.

For example, as a result of the BRAC recommendations, over the next 4 to 5 years, the Department of Defense estimates that an additional 32,000 dependent children of military families will enter stateside public schools due to overseas base closures and realignments. Without additional funding, this tremendous increase will cause a significant change to the level of assistance to the current and future school districts serving our military children and to the services and resources the districts will be able to offer our children.

Mr. Speaker, I would like to ask my colleagues to pay attention to the critical situation our military children are facing and the further deterioration of their educational resources and services if we do not act soon. In a time of war, it is absolutely essential that we provide the necessary resources to ensure our military dependents' educational funding will be maintained.

TRIBUTE TO WILLIAM E. LIGHTFOOT

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. JOHNSON of Illinois. Mr. Speaker, I come to the house floor today to pay tribute to William E. Lightfoot, PFC, of Lexington, IL, as well as the 13 other Navy and Marine Corps airmen of Flight 19. On December 5, 1945, a five-plane squadron took off from Ft. Lauderdale Naval Air Station in Florida. This would be the last time anyone would see these brave men, as all five planes mysteriously vanished while flying over the Bermuda triangle. A Mariner rescue plane, comprised of 14 crew members, was sent to look for survivors but they also vanished without a trace. In all, 27 men died in this unexplainable tragedy.

To this day, no wreckage from any of the six planes has been found and no explanations have been realized. However, today, the House of Representatives approved H. Res. 500 to honor these men and recognize the 60th anniversary of the disappearance. Unfortunately, when this vote was called today, I was unable to cast my vote. Had I been able, I would have voted "yes." I was a proud co-sponsor of this resolution and strongly support honoring these brave men. My heartfelt sympathy and admiration go out to Private William E. Lightfoot and his surviving family members.

PERSONAL EXPLANATION

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. NADLER. Mr. Speaker, due to official business, I missed a vote on November 17, 2005. I ask that the RECORD reflect that had I been able to, I would have voted "yea" on H. Res. 500 (rollcall vote No. 597) recognizing the 60th anniversary of the disappearance of the five naval Avenger torpedo bombers of Flight 19 and the naval Mariner rescue sent to search for Flight 19.

PERSONAL EXPLANATION

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. CARNAHAN. Mr. Speaker, due to technical problems, my vote in favor of H.J. Res. 72 on Thursday, November 17 (rollcall No. 599) was not recorded. I was, in fact, present for this vote and did vote in favor of the resolution.

DEFICIT REDUCTION ACT OF 2005

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. NADLER. Mr. Speaker, I rise in strong opposition to this horrible legislation. In all my years in Congress, this is easily one of the ugliest bills I have ever seen. I can't think of a more glaring example of pandering to the rich on the backs of the poor. It's no wonder the Republican leadership needed all the extra time to bring it to the floor.

The cuts in this legislation will result in the reduction, if not elimination, of services to those who need it most, and those who are able to fight for them least. I hope that those in the faith-based community are watching closely: this is the true face of "compassionate conservatism." This from the party which claims to have cornered the market on morality.

It is hard to identify what is most egregious about this bill—there is such a litany of problems here. Is it the cuts in food stamps that will leave hundreds of thousands hungry? Is it that Medicaid funding has been decimated, adding to the rolls of the millions without adequate health insurance? Is it the hits that student loan programs take, leaving our Nation's youth with still more financial burdens? Is it the insidious weakening of environmental provisions, inserted under cover of darkness? The list goes on and on.

And despite the rhetoric from the other side, this bill will do nothing to reduce the staggering deficits we've been seeing. That is because, under the Republican fiscal policies, deficits are built into the system. As a result of the tax cuts for the wealthy that the Republicans forced down this country's throat several years ago, there is simply not enough revenue coming into the treasury to eliminate the shortfall. Indeed, unless Republicans are planning to gut just about all discretionary spending, there is simply no way to plug the hole. It's basic arithmetic.

No, what's going on here is that my Republican friends have created a monster. Their tax cuts have starved our government of its resources, and have brought us from record surpluses to record deficits. But will budget reconciliation reduce the deficit and begin to fix the problem, as they claim? No. This bill actually increases the deficit. This bill is about making room for still more tax cuts. In fact, the bill allows for up to $106 billion in new tax cuts during FY 06, not just the $75 billion specified in the bill. $50 billion in spending cuts, and $106 billion fewer dollars in the treasury, leads to an increase in the deficit to $56 billion!

And the $106 billion in tax cuts will not benefit the families of the troops fighting in Iraq, nor those who suffered in the gulf coast. No, these cuts are targeted to benefit corporations and the wealthy.

Three hundred thousand low-income Americans will lose food stamp assistance; 17 million Americans, half of them children, will see increased costs in Medicaid; the average student will suffer an almost $6,000 increase in his or her college costs because of $14.3 billion in cuts to student loan programs. So we give tax cuts to those who don't even need them, and the back of our hand to those who need assistance. This is a disgraceful bill. It is socially unjust, and it will aggravate, not help cure, our Nation's fiscal crisis. In the strongest possible terms, I urge a no vote on this bill.

TRIBUTE TO KALAMAZOO PUBLIC SCHOOLS

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. UPTON. Mr. Speaker, I rise today to pay tribute and to honor Kalamazoo Public Schools' recently announced scholarship program: The Kalamazoo Promise. In a single word this program is tremendous. It is difficult to comprehend, but through the extreme generosity of an anonymous donor, or group of donors, every student enrolled in Kalamazoo Public Schools will now have the opportunity of receiving scholarship funding to attend one of Michigan's many superb public colleges.

The Kalamazoo Promise will cover 100 percent of tuition and mandatory fees for graduates who have been enrolled in KPS since kindergarten and whose parents live in the school district. A partial scholarship of between 65 and 95 percent will be given to students who enter after kindergarten and before 10th grade.

This is such terrific news for the folks of the Kalamazoo community. This remarkable scholarship program will promote a better educated work force, a friendly place to do business, and an unprecedented boom to business and economic development.

A college education is the dream of our youngsters, and this great program will turn dreams into reality for literally thousands of students. With the ever rising costs of higher education, the Kalamazoo Promise sets a new incentive for our students to work hard and earn good grades so that they can attend a college of their choice.

I would especially like to thank the donors whose generosity will not only bring the dream of a college education to the future of our students, but will also continue to make Kalamazoo a great place to live. I would like to also congratulate KPS Superintendent Janice Brown on this wonderful gift.

HONORING DR. W.A. HAYDEN SCHILLING, 2005 PROFESSOR OF THE YEAR

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. REGULA. Mr. Speaker, today I rise to congratulate Dr. W.A. Hayden Schilling, a professor from the College of Wooster, who was selected as a national winner of the U.S. Professors of the Year award. As a former educator, I know how important education is to the success of our future.

This is the only national award that recognizes college and university professors for excellence in undergraduate teaching and mentoring. I am pleased to say that Dr. Schilling was one of four national winners to receive this honor.

After receiving his bachelors degree in history from Southern Methodist University, Dr. Schilling earned both his masters and Ph.D. in history from Vanderbilt University. I should also point out that he is a Fulbright Scholar.

Dr. Schilling is a model educator who has spent his career dedicated to the success of our Nation's students. In fact, he was chosen over 300 other candidates for the Professor of the Year award. Wooster President R. Stanton Hales summed up Dr. Schilling's achievements when he said, "Besides being a superb lecturer and professor, Dr. Schilling gives generously of his personal time for students. There's no way you can try to calculate the hours that he does this. I have seen no one more passionate about student success in all my 27 years in higher education."

Helping the youth in the community excel has always been a passion of Dr. Schilling. He founded, directed and taught in the Wooster-Youngstown Early Intervention program which brings students together to improve their proficiency in math, science and language skills. His program has been a tremendous success, as many of the participants have successfully enrolled in college and it now serves as a model for several area colleges.

Lou Gerstner, former chairman of IBM said, "If we don't step up to the challenge of finding the best teachers, we'll undermine everything else we are trying to do to improve our schools. That's a conscious decision that would threaten our economic strength, political fabric, and stability as a nation. It's exactly that clear cut." Dr. Schilling is an example of the type of teachers that Mr. Gerstner speaks of and this award serves as a testament to Dr. Schilling's outstanding career in education.

I appreciate all that Dr. Schilling has done to improve the lives of students and extend my congratulations to him as a 2005 U.S. Professor of the Year.

IN MEMORY OF JAMES BRANYAN

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 18, 2005

Mr. ROSS. Mr. Speaker, I rise today to honor the life and legacy of James Branyan, a pillar of the Camden, Arkansas community for nearly a half century. Mr. Branyan died on November 3, 2005 at the age of 72 in Camden.

James Branyan was born in Glendale, Arkansas on January 15, 1933. A 1950 Glendale High School graduate, Mr. Branyan played basketball for Henderson State University. Following graduation, he moved to Camden in 1956 to manage the Black and White Store. Throughout his impressive career, Mr. Branyan went on to own the Credit Shop, the Downtown Antique Mall, the Starr Fashion Shop, Banks Jewelry, A & H Ready to Wear, Stephens Department Store, Packard's Office Supply, Data Service Center Computer Service, KJWH Radio Station, Robertson Feed Store, Walker and Associates Advertising and Public Relations, and the Good Times Travel Agency.

Mr. Branyan had a deep love for the place he called home; he truly believed Camden was "paradise." Mr. Branyan's commitment went far beyond the business community; he was passionate about giving back through community service. Mr. Branyan served as President of the PTA, President of the Ouachita County Red Cross, Chairman of the United Fund Drive, Chairman of the Camden Water Commission, Vice-President of the Chamber of Commerce, and this is simply the tip of Mr. Branyan's exhaustive list of involvement which kept him involved in every aspect of the Camden community.

Perhaps Mr. Branyan will be most remembered for his decade of service to the Arkansas Highway Commission from 1973–1983, a prestigious commission which he chaired from 1981–1983.

In 1962, Mr. Branyan was named Camden's Young Man of the Year, an award bestowed upon young men for their dedication to community service, and today that award is named in his honor. In 1971, he was named Camden's Man of the Year and in 1991 Arkansas's Retail Merchant of the Year. Mr. Branyan was also an active member of Maul Road Church of Christ, where he served as an elder, Bible school teacher and song leader.

Mr. Branyan was a tremendous businessman and led a life dedicated to the betterment of his "paradise." Camden has lost a true friend and economic ambassador. I am honored to have known him and counted him as a friend. Mr. Branyan will be deeply missed, but his spirit and legacy will live on for generations to come throughout the Camden community. My heartfelt condolences go out to his wife, Shirley; their daughters, Cherel Chilton and Rhonda Stuart; and their grandchildren, Lance and James.

HOUSE OF REPRESENTATIVES—*Tuesday, December 6, 2005*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. BOOZMAN).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The Speaker pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 6, 2005.

I hereby appoint the Honorable JOHN BOOZMAN to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord our God, as the 109th Congress meets during these December days, be present to each of the Members of the House of Representatives.

Move within them and among them to grant great resolve, powerful direction, and a deep sense of accomplishment.

May their communal decisions and the laws enacted assure justice for Your people and lead this Nation with the whole world in the ways of peace.

For You, O Lord, will in the end be the ultimate judge of motivations and know the total effect of all our actions both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Colorado (Mr. UDALL) come forward and lead the House in the Pledge of Allegiance.

Mr. UDALL of Colorado led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The Speaker pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
November 22, 2005.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 22, 2005, at 1:47 pm:

That the Senate passed without amendment H. Con. Res. 308.

That the Senate agreed to Conference Report H.R. 3058.

That the Senate passed with an amendment H.R. 1815.

That the Senate passed S. 1042.

That the Senate passed S. 1043.

That the Senate passed S. 1044.

That the Senate passed S. 1045.

With best wishes, I am

Sincerely,

KAREN L. HAAS,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill on Friday, November 18, 2005:

H.R. 4133, to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program;

And Speaker pro tempore WOLF signed the following enrolled bills on Monday, November 28, 2005:

H.R. 680, to direct the Secretary of the Interior to convey certain land held in trust for the Paiute Indian tribe of Utah to the City of Richfield, Utah, and for other purposes;

H.R. 2062, to designate the facility of the United States Postal Service located at 57 West Street in Newville, Pennsylvania, as the "Randall D. Shughart Post Office Building";

H.R. 2183, to designate the facility of the United States Postal Service located at 567 Tompkins Avenue in Staten Island, New York, as the "Vincent Palladino Post Office";

H.R. 2528, making appropriations for military quality of life functions of the Department of Defense, Military Construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, and for other purposes;

H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes;

H.R. 3853, to designate the facility of the United States Postal Service located at 208 South Main Street in Parkdale, Arkansas, as the Willie Vaughn Post Office;

H.R. 4145, to direct the Joint Committee on the Library to obtain a statue of Rosa Parks and to place the statue in the United States Capitol in National Statuary Hall, and for other purposes.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The Speaker pro tempore laid before the House the following resignation from the House of Representatives:

WASHINGTON, DC,
December 1, 2005.

Hon. J. DENNIS HASTERT,
Speaker of the House,
Washington, DC.

DEAR MR. SPEAKER: It is with a heavy heart that I submit to you my resignation as a Member of the United States House of Representatives, effective close of business on Thursday, December 1, 2005. I am forwarding to you a copy of my letter of resignation to Governor Schwarzenegger.

I am resigning from the House of Representatives because I have discredited my high office and the party that I love. Not only have I compromised the trust of my constituents, I have misled my family, friends, and colleagues, staff and even myself. Mr. Speaker, I have the utmost respect for you and our colleagues and I am deeply sorry that I have shamed our great institution in this way.

Please accept my resignation as one of the many steps I now take to atone for my crimes.

Sincerely,

RANDY "DUKE" CUNNINGHAM,
U.S. Representative.

WASHINGTON, DC
December 1, 2005.

Governor Arnold Schwarzenegger,
Office of the Governor, Sacramento, CA

DEAR GOVERNOR SCHWARZENEGGER: It is with a heavy heart that I submit to you my resignation as a Member of the United States House of Representatives, effective close of business on Thursday, December 1, 2005.

I am resigning from the House of Representatives because I have discredited my high office and the party that I love. Not only have I compromised the trust of my constituents, I have misled my family, friends, colleagues, staff and even myself. I am deeply sorry that I have shamed the Congress in this way.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Please accept my resignation as one of the many steps I now take to atone for my crimes.

Sincerely,

RANDY "DUKE" CUNNINGHAM,
U.S. Representative.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the resignation of the gentleman from California, the whole number of the House is 433.

COMMUNICATION FROM CHIEF OF STAFF OF HON. TOM DAVIS OF VIRGINIA, MEMBER OF CONGRESS

The Speaker pro tempore laid before the House the following communication from David Thomas, Chief of Staff of the Honorable TOM DAVIS of Virginia, Member of Congress:

WASHINGTON, DC,
November 28, 2005.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives that I have been served with a subpoena for documents, issued by the Superior Court of the District of Columbia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

DAVID THOMAS,
Chief of Staff.

ECONOMIC GROWTH

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, yesterday I had the honor and privilege to host President George W. Bush in North Carolina's Fifth Congressional District. The President spoke about our country's impressive economic growth at the John Deere-Hitachi manufacturing plant in Kernersville.

We all have a lot to be grateful to our President for. Under his leadership, our economy is flourishing and getting stronger. In a report issued last week by the Bureau of Labor Statistics, our economy created 250,000 new jobs during the month of November. Over 4.4 million jobs have been created since May 2003.

Unemployment is down to 5 percent, which is lower than the average of the 1970s, 1980s, and 1990s. This is due to the hard work of the American people, lower taxes, legal reform, and less government interference into the lives of entrepreneurs and small business owners.

I am proud of President Bush's leadership and agenda for a strong economy. I will continue to work with him and the rest of my colleagues in the Congress to make tax relief permanent and exercise spending restraint.

UNWAVERING RESOLVE FOR FREEDOM

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, when the American Revolution arrived, Thomas Paine published these words in "The Crisis." In 1776 he talked about the Americans who go to war, the causes for which they fight, the conditions under which they wage war. He exhorted the soldiers and all Americans with these words: "These are the times that try men's souls: the summer soldier, the sunshine patriot will, in this crisis, shrink from the service of this country. But he that stands it now deserves the love and thanks of man and woman. Tyranny, like hell, is not easily conquered; yet we have this consolation with us, that the harder the conflict the more glorious the triumph. What we obtain too cheap, we esteem too lightly. Heaven knows how to set a proper price on its goods; and it would be strange indeed if so celestial an article as freedom should not be highly rated."

So to America, we must have this unwavering resolve to finish the task before us. And to our troops, stand firm. Stand tall. Stand for freedom. Because we over here support you over there. And come home victorious for freedom when it's over over there. That's just the way it is.

ECONOMIC NUMBERS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the third-quarter economic numbers released last week are worth noting. When you consider the total devastation inflicted on our gulf coast region, combined with the temporary spike in petroleum prices, the fact that our economy remains robust is a strong testament to our free-market policies and commitment to reducing the tax burden on all Americans.

The overall growth of the economy, measured in total gross domestic product, was even better than expected, growing at a rate of 4.3 percent, the 10th consecutive quarter of GDP growth above 3 percent. Heading into the Christmas shopping season, the consumer confidence index rose to 98.9 in November, up 14 points from the previous month.

In November alone, we added 215,000 jobs to our Nation's payrolls, a total of more than 4.4 million new jobs added since May. These numbers, along with the other positive indicators, should provide strong incentive to us this week as we take up legislation to extend expiring tax cuts.

PROGRESS IN IRAQ

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of South Carolina. Mr. Speaker, since the defeat of Saddam Hussein in Iraq, we have seen political, security, and economic progress in a country that has suffered under tyranny for decades. In January, 8.5 million Iraqis voted in Iraq's first democratically elected government.

In October, the constitutional referendum, the turnout neared nearly 10 million; and since April 2003, Iraq has registered more than 30,000 new businesses.

Mr. Speaker, no war is without challenges, and the war on terror is no different. But to cut and run, as many of our colleagues are suggesting, would not only encourage our enemies; it will disillusion the Iraqi people, our allies, and the brave men and women in uniform risking their lives for this country every day.

The security of our Nation should be bigger than inside-the-Beltway partisan politics. We need to learn from the mistake of the past, stop talking about exit strategies, and keep talking about freedom, democracy, and victory.

DEMOCRATIC STRATEGY FOR IRAQ

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise today to address the Democrats' plan for Iraq. Last week, following the Thanksgiving holiday, I spent a considerable amount of my time with constituents listening to their concerns and discussing a whole array of issues from gas prices, to the new prescription drug benefit, to the war in Iraq.

However, Mr. Speaker, some on the other side of the aisle used their time parading on comedy shows decrying the current operation in Iraq and scoring big laughs at the expense of our troops. I believe this further undermines the argument of those who would claim that an immediate withdrawal from Iraq is a noble course of action.

During her big debut on "Comedy Central," the minority leader bragged that "60 percent of the House Democrats voted against the war to begin with," and compared to other Democrats, were "way ahead of the issue."

I imagine that statement probably does not sit well with our troops in the field. And, Mr. Speaker, for the other 40 percent of my Democratic colleagues who might also take exception to this statement, I recommend that they discuss their concern with the minority leader.

IRAQI PROGRESS

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, during August of 2003, I was with a bipartisan CODEL in Iraq. We were in one of Saddam Hussein's old bunkers and had a briefing from members of the Coalition Provisional Authority. United States State Department, General Sanchez, was there. They outlined their plan for reconstituting the Government of Iraq and civil society in Iraq.

This plan involved selecting Iraqi citizens to form an interim constitution leading to the institution of a provisional government, which would then set the stage for selecting representatives to the Transitional National Assembly, who would write the final Iraqi constitution which, after ratification, would culminate with the election of the new Iraqi government. All but the last step have now been accomplished, basically adhering to the time line set up by the administration, the only deviation being a somewhat condensing of the timeline at the request of cleric al-Sistani.

There is no question that there are those in the country of Iraq who feel they would be better served by continued chaos in the region. This is not the position of most of the people who live in the country of Iraq. The insurgency, the terrorists, hold no tactical advantage. They hold no territory. This is a fight that they know they cannot win on tactical grounds.

The only way for us to lose this fight is to lose our political will at home. Our soldiers have done everything which we have asked. Congress should not desert them now.

□ 1415

PRESIDENT SETS TONE ON WAR IN IRAQ

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, some say the U.S. will not win in Iraq, but in the American political debate, we can do better than that.

Last week at the Naval Academy in Annapolis, the President of the United States did just that. President Bush delivered a forceful and effective defense of our strategy and the stakes facing our Nation in Iraq.

Along with thousands of other midshipmen, I had the privilege of joining the President that day, and I have to tell you, from inside the arena, it appeared that the President was both at ease and determined. He pounded the facts about enemy, their aims and our progress in Iraq into the American debate.

From the outset, the President set the tone defining the first war of the 21st Century with the declaration that the enemy must be defeated. He cited their war against humanity, while he released a recently declassified national strategy for victory, which Americans can read at WhiteHouse.gov.

For me, the central message came when the President said, "We will stay as long as necessary to complete the mission." This clarion call and the continued determination of the American people was timely and meaningful, and an important challenge to a Nation that believes in freedom and has always demonstrated throughout our history that when the mission is just and the mission is clear, Americans complete the mission.

SECURE BORDERS NOW

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of Georgia. Mr. Speaker, while home over the past 2 weeks, constituents kept asking me, when are we going to do something about illegal immigration? When are we going to take this problem seriously?

Congress should act now, and one thing is critically clear: Our borders must be secure. Before we do anything else, we must stop the flow of illegal immigrants, and this must be done now.

A hard deadline is important, a date after which we will tolerate no violation of the border, and that is exactly what H.R. 3693 does. It ought not be too much to ask to bring accountability to the prevention of illegal immigration.

For that is what it is all about, is it not? Accountability. Those who break our immigration laws should be held accountable. Those who hire illegal aliens should be held accountable. Those who turn the other way and claim there is no problem should be held accountable.

Mr. Speaker, we have a large and a growing crisis in our country. It is our responsibility to act on behalf of our constituents and our Nation. Simply put, if our borders are not secure, then our Nation is not secure. The time to act is now.

SUPPORTING HOPE FOR VISION

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today in support of Hope for Vision, a dynamic new organization dedicated to raising awareness of retinal degenerative and other blinding diseases, to providing information to help those coping with vision loss and to developing the tools required to support funding for research.

The organization was founded by my dear friends and constituents, the Lidski family. The premise of Hope for Vision is that the American people can help speed the pace of development of treatments so that those losing sight will see again.

Each of the tens of millions of afflicted individuals in our great country has a community of friends and families and colleagues. Hope for Vision seeks to reach those communities and to enlist their support for their mission of vision.

I urge my colleagues to join me in spreading the uplifting mission of Hope for Vision until sight is a reality for all.

PROGRESS IN IRAQ

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, while President Bush clearly outlined his strategy for victory in Iraq last week, soldiers of the Second Iraqi Army Brigade were finishing their first day of independently conducting military activities in Hillah, Iraq. After undergoing extensive training and testing by coalition forces, these soldiers have proven that they are capable of protecting and securing their country.

Each day, Iraqis are playing a larger role in ensuring that democracy and freedom prevail in their Nation. On December 15, over 225,000 Iraqi soldiers will be responsible for conducting security operations during Iraq's nationwide election.

The constant progress in Iraq could not be possible without the tremendous dedication of the men and women who wear the uniform of the United States military. Our troops understand the necessity of victory in the war on terrorism to protect American families.

In conclusion, God bless our troops and we will never forget September 11.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BOOZMAN). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

GATEWAY COMMUNITIES COOPERATION ACT

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 585) to require Federal land managers to support, and to communicate, coordinate, and cooperate with, designated gateway communities, to improve the ability of gateway communities to participate in Federal land management planning conducted by the Forest Service and agencies of the Department of the Interior, and to respond to the impacts of the public use of the Federal lands administered by these agencies, and for other purposes, as amended.

The Clerk read as follows:

H.R. 585

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gateway Communities Cooperation Act".

SEC. 2. IMPROVED RELATIONSHIP BETWEEN FEDERAL LAND MANAGERS AND GATEWAY COMMUNITIES TO SUPPORT COMPATIBLE LAND MANAGEMENT OF BOTH FEDERAL AND ADJACENT LANDS.

(a) Findings.—Congress finds the following:

(1) Many communities that abut or are near Federal lands, including units of the National Park System, units of the National Wildlife Refuge System, units of the National Forest System, and lands administered by the Bureau of Land Management, are vitally impacted by the management and public use of these Federal lands.

(2) Some of these communities, commonly known as gateway communities, fulfill an integral part in the mission of the Federal lands by providing necessary services, such as schools, roads, search and rescue, emergency service, medical support, logistical support, living quarters, and drinking water and sanitary systems for visitors to the Federal lands and employees of Federal land management agencies.

(3) Provision of these vital services by gateway communities is an essential ingredient for a meaningful and enjoyable experience by visitors to the Federal lands because Federal land management agencies are unable to provide, or are prevented from providing, these services.

(4) Many gateway communities serve as an entry point for persons who visit the Federal lands and are ideal for establishment of visitor services, including lodging, food service, fuel, auto repairs, emergency services, and visitor information.

(5) Development in some gateway communities may impact the management and protection of these Federal lands.

(6) The planning and management decisions of Federal land managers can have unintended consequences for gateway communities and the Federal lands when the decisions are not adequately communicated to, or coordinated with, the elected officials and residents of gateway communities.

(7) Experts in land management planning are available to Federal land managers, but persons with technical planning skills are often not readily available to gateway communities, particularly small gateway communities.

(8) Gateway communities are often affected by the policies and actions of several Federal land management agencies and the communities and the agencies would benefit from greater interagency coordination of those policies and actions.

(9) Persuading gateway communities to make decisions and undertake actions in their communities that would also be in the best interest of the Federal lands is most likely to occur when such decisionmaking and actions are built upon a foundation of cooperation and coordination.

(b) Purpose.—The purpose of this section is to require Federal land managers to communicate, coordinate, and cooperate with gateway communities in order to—

(1) improve the relationships among Federal land managers, elected officials, and residents of gateway communities;

(2) enhance the facilities and services in gateway communities available to visitors to Federal lands when compatible with the management of these lands, including the availability of historical and cultural resources; and

(3) result in better local land use planning in gateway communities and decisions by the relevant Secretary.

(c) Definitions.—For the purpose of this section, the following definitions apply:

(1) Gateway community.—The term "gateway community" means a county, city, town, village, or other subdivision of a State, a federally recognized Indian tribe, or Alaska Native village, that—

(A) is incorporated or recognized in a county or regional land use plan or within tribal jurisdictional boundaries; and

(B) the relevant Secretary (or the head of the tourism office for the State) determines is significantly affected economically, socially, or environmentally by planning and management decisions regarding Federal lands administered by the relevant Secretary.

(2) Relevant secretary.—The term "relevant Secretary" means the Secretary of the Interior or the Secretary of Agriculture, as appropriate.

(d) Participation in Federal Planning and Land Use.—

(1) Participation in planning.—At the earliest possible time, the relevant Secretary shall solicit the involvement of elected and appointed officials of governments of gateway communities in the development of land use plans, programs, land use regulations, land use decisions, transportation plans, general management plans, and any other plans, decisions, projects, or policies for Federal lands under the jurisdiction of these Federal agencies that are likely to have a significant impact on these gateway communities.

(2) Information provided.—To facilitate such involvement, the relevant Secretary shall provide the appropriate officials, at the earliest possible time but not later than the scoping process, with the following:

(A) A summary, in nontechnical language, of the assumptions, purposes, goals, and objectives of the plan, decision, project, or policy.

(B) A description of any anticipated significant impact of the plan, decision, project, or policy on gateway communities.

(C) Information regarding the technical assistance and training available to the gateway community.

(3) Training sessions.—At the request of a gateway community, the relevant Secretary shall offer training sessions for elected and appointed officials of gateway communities at which such officials can obtain a better understanding of—

(A) the agency planning processes; and

(B) the methods by which they can participate most meaningfully in the development of the agency plans, decisions, and policies referred to in paragraph (1).

(4) Technical assistance.—At the request of a gateway community, the relevant Secretary shall make available personnel, on a temporary basis, to assist gateway communities in development of mutually compatible land use or management plans.

(5) Coordination of land use.—The relevant Secretary may enter into cooperative agreements with gateway communities to coordinate the management of—

(A) the land use inventory, planning, and management activities for the Federal lands administered by the relevant Secretary; and

(B) the land use planning and management activities of other Federal agencies, agencies of the State in which the Federal lands are located, and local and tribal governments in the vicinity of the Federal lands.

(6) Interagency cooperation and coordination.—To the extent practicable, when the plans and activities of 2 or more Federal agencies are anticipated to have a significant impact on a gateway community, the Federal agencies involved shall consolidate and coordinate their plans and planning processes to facilitate the participation of affected gateway communities in the planning processes.

(7) Treatment as cooperating agencies.—To the earliest extent practicable, but not later than the scoping process, when a proposed action is determined to require an environmental impact statement, the relevant Secretary shall allow any affected gateway communities the opportunity to be recognized as cooperating agencies under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 3. SUNSET.

The authority of the Secretary to carry out any provisions of this title shall terminate 10 years after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. Radanovich) and the gentleman from Colorado (Mr. Udall) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. RADANOVICH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RADANOVICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 585, the Gateway Communities Cooperation Act, introduced by me and amended by the Resources Committee, would facilitate better communication between and among the Secretaries of the Interior and Agriculture and those designated communities located adjacent to our Federal lands, which are commonly known as gateway communities.

These gateway communities are impacted by decisions made by managers of our public lands. The people in these communities fulfill an integral part in the mission of Federal lands by providing necessary services, such as schools, roads, search and rescue, emergency and medical support, drinking water and sanitary systems.

H.R. 585, as amended, would improve the relationship among Federal land managers, elected officials and residents of gateway communities, as well as enhance facilities and service available to visitors of our Federal lands. Additionally, the measure will improve the coordination of land use planning and decisions made by Federal land managers.

As the representative of Yosemite National Park here in Congress, I know how important coordination and communication is between Federal managers and the people living in the communities surrounding our national parks, forests and other Federal lands. This bill helps achieve a better relationship between these parties.

I urge adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of Colorado. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, through four Congresses now, we have worked with outside groups and the agencies to address the flaws in this legislation as it was originally introduced. As in the previous Congress, we do not intend to impose this legislation.

However, the majority is amending H.R. 585 to remove authorize station for funding to assist these local gateway communities. It is unfortunate that as we are making available new information and technical assistance, we are not providing these communities the funding they will need to take advantage of these new opportunities.

As I have said, Mr. Speaker, we do not oppose H.R. 585.

Mr. Speaker, I yield back the balance of my time.

Mr. RADANOVICH. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 585, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AUTHORIZING FEASIBILITY STUDY WITH RESPECT TO MOKELUMNE RIVER

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3812) to authorize the Secretary of the Interior to prepare a feasibility study with respect to the Mokelumne River, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3812

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF MOKELUMNE RIVER REGIONAL WATER STORAGE AND CONJUNCTIVE USE PROJECT STUDY.

Pursuant to the Reclamation Act of 1902 (32 Stat. 388) and Acts amendatory thereof and supplemental thereto, not later than 2 years after the date of the enactment of this Act, the Secretary of the Interior (hereafter in this Act referred to as the "Secretary"), through the Bureau of Reclamation, and in consultation and cooperation with the Mokelumne River Water and Power Authority, shall complete and submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate copies of a study to determine the feasibility of constructing a project to provide additional water supply and improve water management reliability through the development of new water storage and conjunctive use programs.

SEC. 2. USE OF REPORTS AND OTHER INFORMATION.

In developing the study under section 1, the Secretary shall use, as appropriate, reports and any other relevant information supplied by the Mokelumne River Water and Power Authority, the East Bay Municipal Utility District, and other Mokelumne River Forum stakeholders.

SEC. 3. COST SHARES.

(a) FEDERAL SHARE.—The Federal share of the costs of the study conducted under this Act shall not exceed 50 percent of the total cost of the study.

(b) IN-KIND CONTRIBUTIONS.—The Secretary shall accept, as appropriate, such in-kind contributions of goods or services from the Mokelumne River Water and Power Authority as the Secretary determines will contribute to the conduct and completion of the study conducted under this Act. Goods and services accepted under this section shall be counted as part of the non-Federal cost share for the study.

SEC. 4. WATER RIGHTS.

Nothing in this Act shall be construed to invalidate, preempt, or create any exception to State water law, State water rights, or Federal or State permitted activities or agreements.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary $3,300,000 for the Federal cost share of the study conducted under this Act.

SEC. 6. SUNSET.

The authority of the Secretary to carry out any provisions of this Act shall terminate 10 years after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentleman from Colorado (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. RADANOVICH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RADANOVICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3812, introduced by the distinguished chairman of the Resources Committee, the gentleman from California (Mr. POMBO), authorizes a Federal feasibility study on creating more water storage.

Rapid population growth and salt intrusion into the underlying aquifer have prompted officials in San Joaquin County, California, to seek a more dependable and reliable water supply for the region. The study in this legislation will examine ways to capture flood flows from an area river in order to develop 65,000 acre feet of potential water supplies.

This water storage study will thoroughly examine all the issues surrounding the development of this new water resource, and expressly protects State water law and current permits and agreements. Above all, this legislation serves as the first step towards the development of much-needed water supplies.

I urge my colleagues to support this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of Colorado. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill would authorize the Secretary of the Interior to work with local interests to study possible projects to stabilize groundwater levels in San Joaquin County, California.

I appreciate the efforts made by Chairman POMBO, the author of this bill, to accommodate the concerns of neighboring water users. Specifically, language in Section 2 of H.R. 3812 was carried forward from the 108th Congress to allow the participation of the East Bay Municipal Utility District and other stakeholders as this project moves forward.

Mr. Speaker, we have no objection to passage of this legislation.

Mr. POMBO. Mr. Speaker, I rise in favor of H.R. 3812, a bill authored because in San Joaquin County, California, water supplies are being depleted. The region suffers from highly significant groundwater overdraft and saline intrusion, affecting agricultural, residential and commercial water users. This bill provides a much needed solution to a growing problem. H.R. 3812 authorizes $3.3 million in Federal funding to complete studies that will examine additional surface water supplies, and improve water supply reliability and environmental protection for the Bay-Delta Region. Led by the Bureau of Reclamation, the project's multi-year evaluation would involve the participation and cooperation of a wide range of regional stakeholders and would provide information important to statewide water resource and environmental protection efforts. Areas aided by this bill include Stockton, Lodi, Lockeford, Clements, Waterloo, Farmington, Linden, Wallace, Camp Seco and Valley Springs. A clean, safe water supply is essential to sustain our growing communities. Mr. Speaker, I urge my colleagues to support this important legislation.

Mr. UDALL of Colorado. Mr. Speaker, I yield back the balance of my time.

Mr. RADANOVICH. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 3812, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SOUTHERN OREGON BUREAU OF RECLAMATION REPAYMENT ACT OF 2005

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4195) to authorize early repayment of obligations to the Bureau of Reclamation within Rogue River Valley Irrigation District or within Medford Irrigation District.

The Clerk read as follows:

H.R. 4195

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Southern Oregon Bureau of Reclamation Repayment Act of 2005".

SEC. 2. EARLY REPAYMENT.

Notwithstanding the provisions of section 213 of the Reclamation Reform Act of 1982 (43 U.S.C. 390mm), any landowner within Rogue River Valley Irrigation District or within Medford Irrigation District, in Oregon, may repay, at any time, the construction costs of the project facilities allocated to that landowner's lands within the district in question. Upon discharge, in full, of the obligation for repayment of the construction costs allocated to all lands the landowner owns in the district in question, those lands shall not be subject to the ownership and full-cost pricing limitations of the Act of June 17, 1902 (43 U.S.C. 371 et seq.), and Acts supplemental to and amendatory of that Act, including the Reclamation Reform Act of 1982 (43 U.S.C. 390aa et seq.).

SEC. 3. LIMITATION.

Nothing herein modifies contractual rights that may exist between Rogue River Valley Irrigation District and Medford Irrigation District and the United States under their respective Reclamation contracts, or amends or reopens those contracts; nor does it modify any rights, obligations or relationships that may exist between the districts and their landowners as may be provided or governed by Oregon State law.

SEC. 4. CERTIFICATION.

Upon the request of a landowner who has repaid, in full, the construction costs of the project facilities allocated to that landowner's lands owned within the district, the Secretary of the Interior shall provide the certification provided for in subsection (b)(1) of section 213 of the Reclamation Reform Act of 1982 (43 U.S.C. 390mm(b)(1)).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentleman from Colorado (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. RADANOVICH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RADANOVICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4195, sponsored by our colleague from Oregon (Mr. WALDEN) allows for the early capital repayment costs of a Federal water project.

Under current law, two of the three irrigation districts receiving water from the Federal Rogue River project cannot repay the capital costs that they owe to the Federal Government. This bill gives the Bureau of Reclamation the ability to accept prepayment from these two water districts. This legislation benefits the American taxpayer because it allows early revenue to flow to the U.S. Treasury and helps the local landholders by reducing their debt and onerous paperwork requirements.

I urge my colleagues to support this commonsense bill.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of Colorado. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4195 will allow any landowner within the Rogue River Valley Irrigation District or the Medford Irrigation District to repay at any time the construction costs of the Federal Bureau of Reclamation project, from which the landholder receives irrigation water.

□ 1430

By prepaying their share of the remaining repayment obligation, landowners will be exempted from the acreage limitation and reporting requirements of reclamation law.

We on this side of the aisle have no objection to enactment of H.R. 4195.

Mr. Speaker, I yield back the balance of my time.

Mr. RADANOVICH. Mr. Speaker, I have no speakers, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 4195.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

BEAVER COUNTY, UTAH REAL PROPERTY CONVEYANCE

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 52) to direct the Secretary of the Interior to convey a parcel of real property to Beaver County, Utah.

The Clerk read as follows:

S. 52

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE TO BEAVER COUNTY, UTAH.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall, without consideration and subject to valid existing rights, convey to Beaver County, Utah (referred to in this Act as the "County"), all right, title, and interest of the United States in and to the approximately 200 acres depicted as "Minersville State Park" on the map entitled "S. 2285, Minersville State Park" and dated April 30, 2004, for use for public recreation.

(b) RECONVEYANCE BY BEAVER COUNTY.—

(1) IN GENERAL.—Notwithstanding subsection (a), Beaver County may sell, for not less than fair market value, a portion of the property conveyed to the County under this section, if the proceeds of such sale are used by the County solely for maintenance of public recreation facilities located on the remainder of the property conveyed to the County under this section.

(2) LIMITATION.—If the County does not comply with the requirements of paragraph (1) in the conveyance of the property under that paragraph—

(A) the County shall pay to the United States the proceeds of the conveyance; and

(B) the Secretary of the Interior may require that all property conveyed under subsection (a) (other than the property sold by the County under paragraph (1)) revert to the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentleman from Colorado (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. RADANOVICH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RADANOVICH. Mr. Speaker. I yield myself as much time as I may consume.

Mr. Speaker. S. 52. introduced by Senator HATCH, would convey the Minersville State Park to Beaver County. Utah. Representative CHRIS CANNON introduced the companion legislation in the House of Representatives, which has been approved by the Resources Committee.

Minersville State Park is currently owned by the Bureau of Land Management, but leased by the State of Utah for recreation. However, due to budgetary constraints and the park's loss of revenue. the State can no longer afford to manage the park. Considering its importance to the local community. Beaver County indicated its desire to own the park and. with title to the park, would have the flexibility to manage it in an economically feasible manner.

The State of Utah, the Bureau of Land Management, and Beaver County all strongly support this bill: and I urge passage of this noncontroversial measure.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of Colorado. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker. normally, a proposal to turn over parkland free of charge would raise serious concerns, particularly when the proposal would also allow the new owner to sell off some of the land.

However, in this instance, we are convinced that Beaver County must have a revenue stream if they are to continue operating this local park. This is compromise legislation that will allow the county to sell some acreage in order to maintain the remainder as public open space.

Mr. Speaker, we do not oppose Senate bill 52.

Mr. CANNON. Mr. Speaker, today I rise in support of S. 52, the Senate companion bill to an identical bill I introduced earlier this year. This legislation is important to my constituents, it would allow Beaver County, Utah to obtain and maintain the former Minersville State Park without restrictions.

This legislation would permit county officials to sell a small portion of this land to offset funding needed to operate and maintain the park.

In 1963, the BLM first granted a patent to Beaver County, Utah for the lands that are now part of Minersville State Park, and in 1964, title was transferred to the State of Utah Division of Parks and Recreation.

However, under the Recreation and Public Purposes Act, Utah did not have authority to transfer title. Over the years, the State of Utah has made significant improvements to the Park, including building restrooms, campgrounds, a boat launch ramp, an entrance station, a pavilion and a maintenance building.

Under S. 52, Beaver County would be authorized to sell, at fair market value, portions of the property solely for maintenance and development of the recreational site.

Allowing the county this authority is vital to provide for adequate park maintenance. Currently, the park estimates that it is losing approximately $90,000 annually.

This legislation gives Beaver County the necessary flexibility to generate revenue for continued use, without which Utah will be forced to close the park.

Minersville State Park is a beautiful recreational site and extremely important to the residents, my constituents, in the surrounding area. Passage of this bill will prevent the park from closing by enabling the county to maintain and operate the park.

S. 52 is important legislation to both Beaver County and to my state of Utah. This legislation passed the Senate unanimously both in the 108th Congress and in late July of this year.

I urge passage of this legislation, it will benefit Utahns and all those who wish to visit this park.

Mr. UDALL of Colorado. Mr. Speaker, I yield back the balance of my time.

Mr. RADANOVICH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the Senate bill, S. 52.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

VALLES CALDERA PRESERVATION ACT OF 2005

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 212) to amend the Valles Caldera Preservation Act to improve the preservation of the Valles Caldera, and for other purposes.

The Clerk read as follows:

S. 212

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Valles Caldera Preservation Act of 2005".

SEC. 2. AMENDMENTS TO THE VALLES CALDERA PRESERVATION ACT.

(a) ACQUISITION OF OUTSTANDING MINERAL INTERESTS.—Section 104(e) of the Valles Caldera Preservation Act (16 U.S.C. 698v–2(e)) is amended—

(1) by striking "The acquisition" and inserting the following:

"(1) IN GENERAL.—The acquisition";

(2) by striking "The Secretary" and inserting the following:

"(2) ACQUISITION.—The Secretary";

(3) by striking "on a willing seller basis";

(4) by striking "Any such" and inserting the following:

"(3) ADMINISTRATION.—Any such"; and

(5) by adding at the end the following:

"(4) AVAILABLE FUNDS.—Any such interests shall be acquired with available funds.

"(5) DECLARATION OF TAKING.—

"(A) IN GENERAL.—If negotiations to acquire the interests are unsuccessful by the date that is 60 days after the date of enactment of this paragraph, the Secretary shall acquire the interests pursuant to section 3114 of title 40. United States Code.

"(B) SOURCE OF FUNDS.—Any difference between the sum of money estimated to be just compensation by the Secretary and the amount awarded shall be paid from the permanent judgment appropriation under section 1304 of title 31, United States Code.".

(b) OBLIGATIONS AND EXPENDITURES.—Section 106(e) of the Valles Caldera Preservation Act (16 U.S.C. 698v–4(e)) is amended by adding at the end the following:

"(4) OBLIGATIONS AND EXPENDITURES.—Subject to the laws applicable to Government corporations, the Trust shall determine—

"(A) the character of, and the necessity for, any obligations and expenditures of the Trust; and

"(B) the manner in which obligations and expenditures shall be incurred, allowed, and paid.".

(c) SOLICITATION OF DONATIONS.—Section 106(g) of the Valles Caldera Preservation Act (16 U.S.C. 698v–4(g)) is amended by striking "The Trust may solicit" and inserting "The members of the Board of Trustees, the executive director, and 1 additional employee of the Trust in an executive position designated by the Board of Trustees or the executive director may solicit".

(d) USE OF PROCEEDS.—Section 106(h)(1) of the Valles Caldera Preservation Act (16 U.S.C. 698v–4(h)(1)) is amended by striking "subsection (g)" and inserting "subsection (g), from claims, judgments, or settlements arising from activities occurring on the Baca Ranch or the Preserve after October 27, 1999,".

SEC. 3. BOARD OF TRUSTEES.

Section 107(e) of the Valles Caldera Preservation Act (U.S.C. 698v–5(e)) is amended—

(1) in paragraph (2), by striking "Trustees" and inserting "Except as provided in paragraph (3), trustees"; and

(2) in paragraph (3)—

(A) by striking "Trustees" and inserting the following:

"(A) SELECTION.—Trustees"; and

(B) by adding at the end the following:

"(B) COMPENSATION.—On request of the chair, the chair may be compensated at a rate determined by the Board of Trustees, but not to exceed the daily equivalent of the annual rate of pay for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) in which the chair is engaged in the performance of duties of the Board of Trustees.

"(C) MAXIMUM RATE OF PAY.—The total amount of compensation paid to the chair for a fiscal year under subparagraph (B) shall not exceed 25 percent of the annual rate of pay for level IV of the Executive Schedule under section 5315 of title 5, United States Code.".

SEC. 4. RESOURCE MANAGEMENT.

(a) PROPERTY DISPOSAL LIMITATIONS.—Section 108(c)(3) of the Valles Caldera Preservation Act (16 U.S.C. 698v–6(c)(3)) is amended—

(1) in the first sentence, by striking "The Trust may not dispose" and inserting the following:

"(A) IN GENERAL.—The Trust may not dispose";

(2) in the second sentence, by striking "The Trust" and inserting the following:

"(B) MAXIMUM DURATION.—The Trust";

(3) in the last sentence, by striking "Any such" and inserting the following:

"(C) TERMINATION.—The"; and

(4) by adding at the end the following:

"(D) EXCLUSIONS.—For the purposes of this paragraph, the disposal of real property does not include the sale or other disposal of forage, forest products, or marketable renewable resources.".

(b) LAW ENFORCEMENT AND FIRE MANAGEMENT.—Section 108(g) of the Valles Caldera Preservation Act (16 U.S.C. 698v–6(g)) is amended—

(1) in the first sentence, by striking "The Secretary" and inserting the following:

"(1) LAW ENFORCEMENT.—

"(A) IN GENERAL.—The Secretary";

(2) in the second sentence, by striking "The Trust" and inserting the following:

"(B) FEDERAL AGENCY.—The Trust"; and

(3) by striking "At the request of the Trust" and all that follows through the end of the paragraph and inserting the following:

"(2) FIRE MANAGEMENT.—

"(A) NON-REIMBURSABLE SERVICES.—

"(i) DEVELOPMENT OF PLAN.—The Secretary shall, in consultation with the Trust, develop a plan to carry out fire preparedness, suppression, and emergency rehabilitation services on the Preserve.

"(ii) CONSISTENCY WITH MANAGEMENT PROGRAM.—The plan shall be consistent with the management program developed pursuant to subsection (d).

"(iii) COOPERATIVE AGREEMENT.—To the extent generally authorized at other units of the National Forest System, the Secretary shall provide the services to be carried out pursuant to the plan under a cooperative agreement entered into between the Secretary and the Trust.

"(B) REIMBURSABLE SERVICES.—To the extent generally authorized at other units of the National Forest System, the Secretary may provide presuppression and non-emergency rehabilitation and restoration services for the Trust at any time on a reimbursable basis.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentleman from Colorado (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. RADANOVICH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RADANOVICH. Mr. Speaker, I yield myself as much time as I may consume.

S. 212 was introduced by Senators DOMENICI and BINGAMAN to improve the management of the Valles Caldera National Preserve. In 2000, Congress passed the Valles Caldera Preservation Act, which acquired the Baca Ranch and directed the Secretary of Agriculture to manage it as a preserve.

While mostly successful, there have been some challenges to implementing the law. As a result, S. 212 was introduced to address these challenges and clarify the original intent of the act. Furthermore, it will ensure that the act is fully implemented in a cost-efficient manner.

I support this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of Colorado. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my good friend from California has already explained the purpose of Senate bill 212, which is a Senate-passed measure dealing with a conservation unit located in the district of the gentleman from New Mexico (Mr. UDALL), my colleague and cousin.

The Valles Caldera National Preserve, formerly known as the Baca Ranch, was authorized by Congress in 2000 to preserve certain natural, cultural, and recreational resources through a unique management arrangement. Since its establishment, the preserve has undergone some growing pains, which the provisions of S. 212 are intended to help address.

I want to commend the gentleman from New Mexico (Mr. UDALL) for his work and active support in helping to see that the Valles Caldera National Preserve achieves the purposes for which it was established.

Mr. Speaker, we support Senate bill 212 and urge adoption of the legislation by the House today.

Mr. Speaker, I yield so much time as he may consume to the gentleman from the great State of New Mexico (Mr. UDALL), my cousin.

Mr. UDALL of New Mexico. Mr. Speaker, I appreciate the gentleman from Colorado yielding.

I rise today in support of the Valles Caldera Preservation Act of 2005. The original Valles Caldera Preservation Act was enacted in the 106th Congress and was signed into law on July 25, 2000.

This act directed the Forest Service to acquire the private Baca Ranch in northern New Mexico, which comprises nearly 95,000 acres. The United States acquired the entire surface estate and an undivided 87½ percent of the mineral estate. Third parties currently hold the outstanding 12½ percent of the mineral interest.

The original act directed the Forest Service to negotiate with the outstanding mineral interest owners for the acquisition of their interests. Unfortunately, there is a sizeable difference in what the Forest Service and the mineral rights owners believe to be the fair market value of the outstanding mineral interests; and for the past 5 years, there has been no significant effort to resolve the problem.

I believe that Senate bill 212, sponsored by Senators DOMENICI and BINGAMAN, and passed by the other Chamber on July 26, 2005, provides a reasonable method for resolving the differences in a timely fashion through a condemnation process. The outstanding mineral interest owners have advised each of us that they are in full support of the Senate bill.

The Senate bill, in addition to addressing the outstanding mineral interests, also addresses several issues that have been raised with respect to the administration of the trust. It is my belief that the bill appropriately provides for concerns of the Valles Caldera trust and the administration of the Baca Ranch in furthering the purposes for which these lands were acquired 4 years ago.

I urge my colleagues to support Senate bill 212, the Valles Caldera Preservation Act of 2005.

Mr. UDALL of Colorado. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

Mr. RADANOVICH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the Senate bill, S. 212.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

INDIAN PUEBLO LAND ACT AMENDMENTS

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 279) to amend the Act of June 7, 1924, to provide for the exercise of criminal jurisdiction.

The Clerk read as follows:

S. 279

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INDIAN PUEBLO LAND ACT AMENDMENTS.

The Act of June 7, 1924 (43 Stat. 636, chapter 331), is amended by adding at the end the following:

"SEC. 20. CRIMINAL JURISDICTION.

"(a) IN GENERAL.—Except as otherwise provided by Congress, jurisdiction over offenses committed anywhere within the exterior boundaries of any grant from a prior sovereign, as confirmed by Congress or the Court of Private Land Claims to a Pueblo Indian tribe of New Mexico, shall be as provided in this section.

"(b) JURISDICTION OF THE PUEBLO.—The Pueblo has jurisdiction, as an act of the Pueblos' inherent power as an Indian tribe, over any offense committed by a member of the Pueblo or an Indian as defined in title 25, sections 1301(2) and 1301(4), or by any other Indian-owned entity.

"(c) JURISDICTION OF THE UNITED STATES.—The United States has jurisdiction over any offense described in chapter 53 of title 18, United States Code, committed by or against an Indian as defined in title 25, sections 1301(2) and 1301(4) or any Indian-owned entity, or that involves any Indian property or interest.

"(d) JURISDICTION OF THE STATE OF NEW MEXICO.—The State of New Mexico shall have jurisdiction over any offense committed by a person who is not a member of a Pueblo or an Indian as defined in title 25, sections 1301(2) and 1301(4), which offense is not subject to the jurisdiction of the United States.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentleman from Colorado (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. RADANOVICH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RADANOVICH. I yield myself as much time as I may consume.

Mr. Speaker, S. 279, a bill sponsored by Senator DOMENICI, clarifies the uncertainty and potential law enforcement jurisdiction problems on all 19 Indian Pueblo reservations in the State of New Mexico.

From 1913 to 2001, the United States Government prosecuted crimes committed by or against the New Mexico Pueblo Indians within the exterior boundaries of their reservation lands in the State of New Mexico. However, in 2001, a Federal judge, relying on a case about tribal jurisdiction in the State of Alaska, ruled that felonies committed by Indians on private lands within the boundaries of New Mexico Pueblos are not subject to Federal jurisdiction. The U.S. Attorney for New Mexico did not appeal the decision and, therefore, has failed to prosecute any felonies by or against Indians on these lands.

At the same time that the Federal Government was declining to prosecute any felonies on Indian Pueblo lands, a New Mexico State court ruled that the State of New Mexico lacked jurisdiction to prosecute felonies committed by an Indian defendant against a non-Indian on private lands within the Pueblos. As a result, there is currently a large void in criminal jurisdiction at the Federal, State, and tribal levels.

S. 279 corrects this void of jurisdiction by clarifying that, one, the United States will have jurisdiction over crimes defined under the Major Crimes Act committed by or against any Indian; two, the State of New Mexico will have jurisdiction clarified as to nonmember Indians or non-Indians for all non-Major Crimes Act offenses; and, three, the New Mexico Pueblo governments will have jurisdiction over their individual members or other Indians for other offenses.

S. 279 enjoys bipartisan support and has the support of the entire New Mexico delegation. I look forward to passing this necessary legislation and urge its timely enactment in this session.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of Colorado. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation and to pay particular tribute to our colleague from New Mexico (Mr. UDALL). Mr. UDALL introduced a companion bill as H.R. 600, and he has been a true champion for passage of this important legislation. He has worked tirelessly to impress upon us the urgency and the timeliness of these provisions.

Once enacted, as my good friend from California pointed out, this language will clarify the boundaries of criminal jurisdiction among the State, county, and tribal governments for lands on and near the New Mexico Pueblos.

As a result of some recent court decisions in New Mexico, certain Indian lands have gone without any government protection from criminal acts. As the former Attorney General of New Mexico, Mr. UDALL understands fully that this put Native Americans in his district in a very perilous position.

I congratulate the gentleman from New Mexico for his tenacity in getting this issue to the forefront and commend him on the humility he showed in insisting the Senate bill be moved, rather than his own, in order to more quickly enact the legislation. Knowing him as I do, I am not surprised that he put doing the right thing for the Pueblos of New Mexico far ahead of scoring political points.

I strongly support this bill and urge all of our colleagues to support passage of Senate bill 279.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in support of Senate bill 279, legislation that amends the Indian Pueblo Land Act of June 7, 1924, to provide for the exercise of criminal jurisdiction within the exterior boundaries of Pueblo lands. Earlier this session, I introduced a companion to this bill on behalf of myself and cosponsors HEATHER WILSON and STEVAN PEARCE.

This legislation addresses confusion over criminal jurisdiction on Pueblo lands in New Mexico that arose out of the holding in United States v. Jose Gutierrez, an unreported decision of a Federal district court judge in the district of New Mexico that overturned prior precedent regarding the jurisdictional status of the lands within the exterior boundaries of Pueblo grants.

The Gutierrez decision created uncertainty and the potential for a void in criminal jurisdiction on Pueblo lands. Some call these prosecution-free zones. Because of the risk to public safety and law enforcement arising out of this uncertainty, it is important that we clarify the scope of criminal jurisdiction on Pueblo lands.

Nothing in this legislative clarification is intended to diminish the scope of Pueblo civil jurisdiction within the exterior boundaries of Pueblo grants, which is defined by Federal and tribal laws and court decisions.

□ 1445

This legislation also does not, in any way, diminish the exterior boundaries of these grants. The All-Indian Pueblo Council of the 19 Pueblo Governors has agreed to the language included in this legislation. The governors recognize the urgency of this matter and have come to Congress asking that we do everything in our power to avoid the unfathomable situation of creating places in New Mexico where someone could literally get away with murder. We here in Congress must also recognize the urgency of this situation and take action to address it.

By closing the criminal jurisdictional loophole, we have opened the doors to justice for victims and their families. The Pueblo members and victims who fought for this legislation have demonstrated an unrelenting dedication to change the system for the better, and in doing so, they have ensured that others will never face the same scary situation.

I want to thank all the New Mexicans who fought for this legislation. I also sincerely appreciate the work of my colleagues Representatives HEATHER WILSON and STEVAN PEARCE in the House and Senators DOMENICI and BINGAMAN.

Mr. UDALL of Colorado. Mr. Speaker, I have no additional requests for time, and I yield back the balance of my time.

Mr. RADANOVICH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the Senate bill, S. 279.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

PITKIN COUNTY LAND EXCHANGE ACT OF 2005

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1129) to authorize the exchange of certain land in the State of Colorado, as amended.

The Clerk read as follows:

H.R. 1129

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pitkin County Land Exchange Act of 2005".

SEC. 2. PURPOSE.

The purpose of this Act is to authorize, direct, expedite, and facilitate the exchange of land between the United States, Pitkin County, Colorado, and the Aspen Valley Land Trust.

SEC. 3. DEFINITIONS.

In this Act:

(1) ASPEN VALLEY LAND TRUST.—

(A) IN GENERAL.—The term "Aspen Valley Land Trust" means the Aspen Valley Land Trust, a nonprofit organization as described in section 501(c)(3) of the Internal Revenue Code of 1986.

(B) INCLUSIONS.—The term "Aspen Valley Land Trust" includes any successor, heir, or assign of the Aspen Valley Land Trust.

(2) COUNTY.—The term "County" means Pitkin County, a political subdivision of the State of Colorado.

(3) FEDERAL LAND.—The term "Federal land" means the land directed for exchange between the United States Forest Service, the Bureau of Land Management, and Pitkin County under this Act that is comprised of the following parcels:

(A) The approximately 5.5 acres of National Forest System land located in the County, as generally depicted on the map entitled "Ryan Land Exchange-Wildwood Parcel Conveyance to Pitkin County" and dated August 2004.

(B) The 12 parcels of National Forest System land located in the County totaling approximately 5.92 acres, as generally depicted on the map entitled "Ryan Land Exchange-Smuggler Mountain Patent Remnants Conveyance to Pitkin County" and dated August 2004.

(C) The approximately 40 acres of Bureau of Land Management land located in the County, as generally depicted on the map entitled "Ryan Land Exchange-Crystal River Parcel Conveyance to Pitkin County" and dated August 2004.

(4) NON-FEDERAL LAND.—The term "non-Federal land" means the land directed for exchange between Pitkin County and the United States Forest Service under this Act that is comprised of the following parcels:

(A) The approximately 35 acres of non-Federal land in the County, as generally depicted on the map entitled "Ryan Land Exchange-Ryan Property Conveyance to Forest Service" and dated August 2004.

(B) The approximately 18.2 acres of non-Federal land located on Smuggler Mountain in the County, as generally depicted on the map entitled "Ryan Land Exchange-Smuggler Mountain-Grand Turk and Pontiac Claims Conveyance to Forest Service".

(5) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

SEC. 4. LAND EXCHANGE.

(a) IN GENERAL.—If the County offers to convey to the United States title to the non-Federal land that is acceptable to the Secretary, the Secretary and the Secretary of the Interior shall—

(1) accept the offer; and

(2) on receipt of acceptable title to the non-Federal land, simultaneously convey to the County, or at the request of the County, to the Aspen Valley Land Trust, all right, title, and interest of the United States in and to the Federal land, subject to all valid existing rights and encumbrances.

(b) TIMING.—

(1) IN GENERAL.—Except as provided in paragraph (2), it is the intent of Congress that the land exchange directed by this Act shall be completed not later than 1 year after the date of enactment of this Act.

(2) EXCEPTION.—The Secretary, the Secretary of the Interior, and the County may agree to extend the deadline specified in paragraph (1).

SEC. 5. EXCHANGE TERMS AND CONDITIONS.

(a) EQUAL VALUE EXCHANGE.—The value of the Federal land and non-Federal land directed to be exchanged under this Act—

(1) shall be equal; or

(2) shall be made equal in accordance with subsection (c).

(b) APPRAISALS.—

(1) IN GENERAL.—The value of the Federal land and non-Federal land shall be determined by the Secretary through appraisals conducted in accordance with—

(A) the Uniform Appraisal Standards for Federal Land Acquisitions;

(B) the Uniform Standards of Professional Appraisal Practice; and

(C) Forest Service appraisal instructions.

(2) VALUE OF CERTAIN FEDERAL LAND.—In conducting the appraisal of the parcel of Federal land described in section 3(3)(C), the appraiser shall not consider the easement required for that parcel under subsection (d)(1) for purposes of determining the value of that parcel.

(c) EQUALIZATION OF VALUES.—

(1) SURPLUS OF NON-FEDERAL LAND.—If the final appraised value of the non-Federal land exceeds the final appraised value of the Federal land, the County shall donate to the United States the excess value of the non-Federal land, which shall be considered to be a donation for all purposes of law.

(2) SURPLUS OF FEDERAL LAND.—

(A) IN GENERAL.—If the final appraised value of the Federal land exceeds the final appraised value of the non-Federal land, the value of the Federal land and non-Federal land may be equalized by the County—

(i) making a cash equalization payment to the Secretary;

(ii) conveying to the Secretary certain land located in the County, comprising approximately 160 acres, as generally depicted on the map entitled "Sellar Park Parcel" and dated August 2004; or

(iii) using a combination of the methods described in clauses (i) and (ii), as the Secretary and the County determine to be appropriate.

(B) DISPOSITION AND USE OF PROCEEDS.—

(i) DISPOSITION OF PROCEEDS.—Any cash equalization payment received by the Secretary under subparagraph (A)(i) shall be deposited in the fund established by Public Law 90-171 (commonly known as the "Sisk Act") (16 U.S.C. 484a).

(ii) USE OF PROCEEDS.—Amounts deposited under clause (i) shall be available to the Secretary, without further appropriation, for the acquisition of land or interests in lands in Colorado for addition to the National Forest System.

(d) CONDITIONS ON CERTAIN CONVEYANCES.—

(1) CONDITIONS ON CONVEYANCE OF CRYSTAL RIVER PARCEL.—

(A) IN GENERAL.—The Secretary of the Interior shall not convey to the County the parcel of land described in section 3(3)(C) until the County grants to the Aspen Valley Land Trust, the Roaring Fork Conservancy, or any other entity acceptable to the Secretary of the Interior and the County, a permanent conservation easement to the parcel, the terms of which—

(i)(I) provide public access to the parcel; and

(II) require that the parcel shall be used only for recreational, fish and wildlife conservation, and open space purposes; and

(ii) are acceptable to the Secretary of the Interior.

(B) REVERSION.—In the deed of conveyance that conveys the parcel of land described in section 3(3)(C) to the County, the Secretary of the Interior shall provide that title to the parcel shall, at the discretion of the Secretary of the Interior, revert to the United States at no cost to the United States if—

(i) the parcel is used for a purpose other than that described in subparagraph (A)(i)(II); or

(ii) the County or the entity holding the conservation easement elect to discontinue administering the parcel.

(2) CONDITIONS ON CONVEYANCE OF WILDWOOD PARCEL.—In the deed of conveyance of the parcel described in section 3(3)(A) to the County, or at the request of the County, to the Aspen Valley Land Trust, the Secretary shall, as determined appropriate by the Secretary in consultation with the County, reserve to the United States a permanent easement to the parcel for the location, construction and public use of the East of Aspen Trail.

SEC. 6. MISCELLANEOUS PROVISIONS.

(a) INCORPORATION, MANAGEMENT, AND STATUS OF ACQUIRED LAND.—

(1) IN GENERAL.—Land acquired by the Secretary under this Act shall become part of the White River National Forest.

(2) MANAGEMENT.—On acquisition, land acquired by the Secretary under this Act shall be administered in accordance with the laws (including rules and regulations) generally applicable to the National Forest System.

(3) LAND AND WATER CONSERVATION FUND.—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9), the boundaries of the White River National Forest shall be deemed to be the boundaries of the White River National Forest as of January 1, 1965.

(b) REVOCATION OF ORDERS AND WITHDRAWAL.—

(1) REVOCATION OF ORDERS.—Any public orders withdrawing any of the Federal land from appropriation or disposal under the public land laws are revoked to the extent necessary to permit disposal of the Federal land.

(2) WITHDRAWAL OF FEDERAL LAND.—On the date of enactment of this Act, if not already withdrawn or segregated from entry and appropriation under the public land laws (including the mining and mineral leasing laws) and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.), the Federal land is withdrawn, subject to valid existing rights, until the date of the conveyance of the Federal land to the County.

(3) WITHDRAWAL OF NON-FEDERAL LAND.—On acquisition of the non-Federal land by the Secretary, the non-Federal land is permanently withdrawn from all forms of appropriation and disposition under the public land laws (including the mining and mineral leasing laws) and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.).

(c) BOUNDARY ADJUSTMENTS.—The Secretary with jurisdiction over the land and the County may agree to—

(1) minor adjustments to the boundaries of the Federal land and non-Federal land parcels; and

(2) modifications or deletions of parcels and mining claim remnants of Federal land or non-Federal land to be exchanged on Smuggler Mountain.

(d) MAP.—If there is a discrepancy between a map, acreage estimate, and legal or other description of the land to be exchanged under this Act, the map shall prevail unless the Secretary with jurisdiction over the land and the County agree otherwise.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentleman from Colorado (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. RADANOVICH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RADANOVICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1129, introduced by the gentleman from Colorado (Mr. UDALL), would authorize a small land exchange in Pitkin County, Colorado, between the Bureau of Land Management, the U.S. Forest Service, and Pitkin County. The bill would transfer 35 acres, once a part of the Ryan Ranch, in White River National Forest, to the Forest Service. This property is nearly surrounded by public land and valued by the communities as open space. In exchange, the county would acquire 5.5 acres known as the Wildwood parcel from the Forest Service and a total of 45.92 acres from the Bureau of Land Management consisting of mining claims and land along the Crystal River. The BLM parcels abut county land, and the Crystal River land will be subject to permanent conservation easement for public access.

The exchange is strongly supported by local officials and would help consolidate public and private ownership of Pitkin County.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of Colorado. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I obviously rise in support of this bill which I introduced, and which is cosponsored by my colleague from Colorado (Mr. SALAZAR). I want to thank Chairman POMBO and Ranking Member RAHALL, as well as Subcommittee Chairman WALDEN and Ranking Member TOM UDALL for making it possible for this bill to be on the floor today.

The bill provides for completion of the land exchange that involves Pitkin County, Colorado, on the one hand and two Federal agencies, the Forest Service and the BLM, on the other.

Under the exchange, the County will transfer two parcels to the Forest Service, a 5-acre tract known as the Ryan property, near the ghost town of Ashcroft; and in addition, about 18.2 acres on Smuggler Mountain near Aspen, Colorado. These acquisitions will complete the Ashcroft Preservation Project, which was initiated by the Forest Service in 1980 to consolidate its National Forest land ownership in and around the historic ghost town of Ashcroft.

They will also help the Forest Service better manage its lands on Smuggler Mountain, a heavily used recreational area directly above the City of Aspen.

In return, the Federal Government will transfer to the County; first, a 5.5 acre tract south of Aspen known as the Wildwood parcel, which the county in turn will transfer to private ownership after reserving a permanent public easement for a trail.

Second, nearly 6 acres, spread over 12 scattered locations on Smuggler Mountain that abut or are near lands owned by the county.

And, finally, a 40-acre tract of BLM land along the Crystal River, which will be subject to a permanent conservation easement limiting future use to recreational, fish and wildlife, and open-space purposes.

The bill, Mr. Speaker, requires standard appraisals of all properties involved. It provides that if the lands going to the county are worth less than what the county is giving to the Federal Government, the county will waive additional payment. On the other hand, if the lands provided by the county are worth less than those the county is to receive, the county will either pay cash to equalize or convey an additional tract of about 160 acres in the Sellers' Meadow area near Hagerman Pass to make up the difference.

A similar measure, Senate bill 100, has been introduced by Colorado's Senators. I think the bill is fair and balanced, and I am not aware of any controversy connected with it. I urge its passage.

Finally, Mr. Speaker, it is clear that the leadership and energy of my colleague from the west slope of Colorado (Mr. SALAZAR), who represents this beautiful part of our State, are a key part of why this bill is in front us today, and I want to commend him for his involvement and ask the other body to take this up with dispatch.

Mr. SALAZAR. Mr. Speaker, H.R. 1129, the "Pitkin County Land Exchange Act", is a good bill that will bring an end to a longstanding land exchange issue.

The proposed exchange will transfer to Pitkin County a key scenic parcel along the Crystal River.

This key parcel is one of the scenic gems of the Roaring Fork Valley and deserves to be protected in its natural state.

Pitkin County, Colorado is an area of intense development and this exchange will help ensure their popular open space preservation efforts can continue.

Not only does this bill have the support of the Pitkin County Commissioners, but also many other community groups.

This land exchange is also in the best interest of the public to help ensure some of the most beautiful pristine areas stay undeveloped.

This is a good bill and I ask my colleagues to support this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. RADANOVICH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 1129, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

YOSEMITE NATIONAL PARK PAYMENT AUTHORIZATION

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 136) to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist certain local school districts in the State of California in providing educational services for students attending schools located within Yosemite National Park, to authorize the Secretary of the Interior to adjust the boundaries of the Golden Gate National Recreation Area, to adjust the boundaries of Redwood National Park, and for other purposes.

The Clerk read as follows:

S. 136

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Table of contents.

TITLE I—YOSEMITE NATIONAL PARK AUTHORIZED PAYMENTS

Sec. 102. Payments for educational services.
Sec. 103. Authorization for park facilities to be located outside the boundaries of Yosemite National Park.

TITLE II—RANCHO CORRAL DE TIERRA GOLDEN GATE NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT

Sec. 201. Short title.
Sec. 202. Golden Gate National Recreation Area, California.

TITLE III—REDWOOD NATIONAL PARK BOUNDARY ADJUSTMENT

Sec. 301. Short title.
Sec. 302. Redwood National Park boundary adjustment.

TITLE I—YOSEMITE NATIONAL PARK AUTHORIZED PAYMENTS

SEC. 101. PAYMENTS FOR EDUCATIONAL SERVICES.

(a) IN GENERAL.—(1) For fiscal years 2006 through 2009, the Secretary of the Interior may provide funds to the Bass Lake Joint Union Elementary School District and the Mariposa Unified School District in the State of California for educational services to students—

(A) who are dependents of persons engaged in the administration, operation, and maintenance of Yosemite National Park; or

(B) who live within or near the park upon real property owned by the United States.

(2) The Secretary's authority to make payments under this section shall terminate if the State of California or local education agencies do not continue to provide funding to the schools referred to in subsection (a) at per student levels that are no less than the amount provided in fiscal year 2005.

(b) LIMITATION ON USE OF FUNDS.—Payments made under this section shall only be used to pay public employees for educational services provided in accordance with subsection (a). Payments may not be used for construction, construction contracts, or major capital improvements.

(c) LIMITATION ON AMOUNT OF FUNDS.—Payments made under this section shall not exceed the lesser of—

(1) $400,000 in any fiscal year; or

(2) the amount necessary to provide students described in subsection (a) with educational services that are normally provided and generally available to students who attend public schools elsewhere in the State of California.

(d) SOURCE OF PAYMENTS.—(1) Except as otherwise provided in this subsection, the Secretary may use funds available to the National Park Service from appropriations, donations, or fees.

(2) Funds from the following sources shall not be used to make payments under this section:

(A) Any law authorizing the collection or expenditure of entrance or use fees at units of the National Park System, including—

(i) the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 et seq.); and

(ii) the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801 et seq.).

(B) Any unexpended receipts collected through—

(i) the recreational fee demonstration program established under section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (16 U.S.C. 4601–6a note; Public Law 104–134); or

(ii) the national park passport program established under section 602 of the National Parks Omnibus Management Act of 1998 (16 U.S.C. 5992).

(C) Emergency appropriations for flood recovery at Yosemite National Park.

(3)(A) The Secretary may use an authorized funding source to make payments under this section only if the funding available to Yosemite National Park from such source (after subtracting any payments to the school districts authorized under this section) is greater than or equal to the amount made available to the park for the prior fiscal year, or in fiscal year 2005, whichever is greater.

(B) It is the sense of Congress that any payments made under this section should not result in a reduction of funds to Yosemite National Park from any specific funding source, and that with respect to appropriated funds, funding levels should reflect annual increases in the park's operating base funds that are generally made to units of the National Park System.

SEC. 102. AUTHORIZATION FOR PARK FACILITIES TO BE LOCATED OUTSIDE THE BOUNDARIES OF YOSEMITE NATIONAL PARK.

(a) FUNDING AUTHORITY FOR TRANSPORTATION SYSTEMS AND EXTERNAL FACILITIES.—Section 814(c) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 346e) is amended—

(1) in the heading by inserting "**AND YOSEMITE NATIONAL PARK**" after "**ZION NATIONAL PARK**";

(2) in the first sentence—

(A) by inserting "and Yosemite National Park" after "Zion National Park"; and

(B) by inserting "for transportation systems or" after "appropriated funds"; and

(3) in the second sentence by striking "facilities" and inserting "systems or facilities".

(b) CLARIFYING AMENDMENT FOR TRANSPORTATION FEE AUTHORITY.—Section 501 of the National Parks Omnibus Management Act of 1998 (16 U.S.C. 5981) is amended in the first sentence by striking "service contract" and inserting "service contract, cooperative agreement, or other contractual arrangement".

TITLE II—RANCHO CORRAL DE TIERRA GOLDEN GATE NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT

SEC. 201. SHORT TITLE.

This title may be cited as the "Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment Act".

SEC. 202. GOLDEN GATE NATIONAL RECREATION AREA, CALIFORNIA.

Section 2(a) of Public Law 92–589 (16 U.S.C. 460bb–1(a)) is amended—

(1) by striking "The recreation area shall comprise" and inserting the following:

"(1) INITIAL LANDS.—The recreation area shall comprise"; and

(2) by striking "The following additional lands are also" and all that follows through the period at the end of the subsection and inserting the following new paragraphs:

"(2) ADDITIONAL LANDS.—In addition to the lands described in paragraph (1), the recreation area shall include the following:

"(A) The parcels numbered by the Assessor of Marin County, California, 119–040–04, 119–040–05, 119–040–18, 166–202–03, 166–010–06, 166–010–07, 166–010–24, 166–010–25, 119–240–19, 166–010–10, 166–010–22, 119–240–03, 119–240–51, 119–240–52, 119–240–54, 166–010–12, 166–010–13, and 119–235–10.

"(B) Lands and waters in San Mateo County generally depicted on the map entitled 'Sweeney Ridge Addition, Golden Gate National Recreation Area', numbered NRA GG–80,000–A, and dated May 1980.

"(C) Lands acquired under the Golden Gate National Recreation Area Addition Act of 1992 (16 U.S.C. 460bb–1 note; Public Law 102–299).

"(D) Lands generally depicted on the map entitled 'Additions to Golden Gate National Recreation Area', numbered NPS–80–076, and dated July 2000/PWR–PLRPC.

"(E) Lands generally depicted on the map entitled 'Rancho Corral de Tierra Additions to the Golden Gate National Recreation Area', numbered NPS–80,079E, and dated March 2004.

"(3) ACQUISITION LIMITATION.—The Secretary may acquire land described in paragraph (2)(E) only from a willing seller.".

TITLE III—REDWOOD NATIONAL PARK BOUNDARY ADJUSTMENT

SEC. 301. SHORT TITLE.

This title may be cited as the "Redwood National Park Boundary Adjustment Act of 2005".

SEC. 302. REDWOOD NATIONAL PARK BOUNDARY ADJUSTMENT.

Section 2(a) of the Act of Public Law 90–545 (16 U.S.C. 79b(a)) is amended—

(1) in the first sentence, by striking "(a) The area" and all that follows through the period at the end and inserting the following: "(a)(1) The Redwood National Park consists of the land generally depicted on the map entitled 'Redwood National Park, Revised Boundary', numbered 167/60502, and dated February, 2003.";

(2) by inserting after paragraph (1) (as designated by paragraph (1)) the following:

"(2) The map referred to in paragraph (1) shall be—

"(A) on file and available for public inspection in the appropriate offices of the National Park Service; and

"(B) provided by the Secretary of the Interior to the appropriate officers of Del Norte and Humboldt Counties, California."; and

(3) in the second sentence—

(A) by striking "The Secretary" and inserting the following:

"(3) The Secretary;"and

(B) by striking "one hundred and six thousand acres" and inserting "133,000 acres".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentleman from Colorado (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. RADANOVICH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RADANOVICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 136, introduced by Senator DIANNE FEINSTEIN of California, would authorize the Secretary of the Interior to adjust the southern boundary of the Golden Gate National Recreation Area and adjust the boundary of the Redwood National State Park to include new lands acquired by the State of California. In addition, S. 136 contains a provision providing supplemental funding and other services necessary to assist three schools in my congressional district located within Yosemite National Park.

These three schools serve the children of Yosemite National Park, the Park Service, and concession employees, and the schools are located a significant distance from other public schools in Mariposa and Madera counties. Because the schools are small, and California bases its State funding on the number of students, the schools do not receive sufficient State funds to operate.

S. 136 addresses this problem by giving the Yosemite National Park superintendent the authority to use a portion of its existing budget to help provide funds for the education of these children whose parents work in the Park. As the author of the House version of this language, I know firsthand that it will mean a great deal to the lives of the families in Yosemite National Park.

Also with respect to S. 136, I would like to extend my appreciation to Senator DIANNE FEINSTEIN for her commitment and assistance in helping pass this bill in the Senate, and I do urge adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of Colorado. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my good friend, the gentleman from California, has already explained the purpose of Senate bill 136, which passed the Senate on July 26, 2005, and includes two measures that were sponsored in the House by my Democratic colleagues from California, Congressman TOM LANTOS and Congressman MIKE THOMPSON.

The boundary adjustment at the Golden Gate National Recreation Area has involved considerable time and effort. I want to commend my colleague from California (Mr. LANTOS) for his leadership and persistence in making this important boundary addition a reality, and also note the help and support Leader PELOSI and the other members of the Bay Area delegation.

Likewise, I would commend my colleague from California (Mr. THOMPSON) for his efforts on behalf of that portion of the legislation involving Redwood National Park. Mr. Speaker, we support Senate bill 136 and urge adoption of the legislation by the House today.

Mr. Speaker, it is my great privilege to yield such time as he may consume to the distinguished gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Speaker, first I want to thank my distinguished colleague and good friend from Colorado for yielding and for his extraordinary work on all environmental and similar issues.

I rise in strong support of S. 136 and its provisions for the Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment Act. Our bill adds approximately 4,700 acres to the Golden Gate National Recreation Area, and it also has provisions for the Redwood National Park and Yosemite National Park.

Mr. Speaker, I first introduced the GGNRA bill in the 107th Congress with the support of my friends, Senators FEINSTEIN and BOXER, and the entire Bay Area Congressional delegation.

One of the Nation's most visited national parks, GGNRA, includes well-known places like Alcatraz, the Marin Headlands, Fort Funston, Fort Mason, the Muir Woods National Monument, the Fort Point National Historic Site, and, of course, the Presidio of San Francisco.

Our Rancho Corral de Tierra addition includes one of the largest undeveloped parcels of the San Mateo County coast south of the City of San Francisco. It is spectacularly beautiful territory.

Our permanent protection will preserve unique coastal habitats of threatened, rare, and endangered plant and animal species. It will curb future disruptive development along the Pacific coast. It will provide important scenic and recreational opportunities for millions of our residents and visitors from all across the globe.

The Rancho Corral de Tierra parcel, with its relatively untouched upper elevations, preserves habitat for several threatened and endangered plant and animal species. It contains four important coastal watersheds that provide riparian corridors for steel head trout, coho salmon, and other aquatic species.

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The owner of Rancho Corral de Tierra is the Peninsula Open Space Trust, or POST, a remarkable organization which paid $29.75 million to save the site from development. POST is a land conservancy trust with a remarkable track record of protecting open space in the Bay Area. POST will help preserve the area by donating from public and private contributions a substantial amount of the Federal acquisition costs of Rancho Corral de Tierra.

Our bill also authorizes the National Park Service to include over 500 acres of land in the Devil's Slide section of our coastal highway, the scenic highway that winds along the entire California coast.

It will include approximately 300 acres of the Martini Creek-Devil's Slide Bypass right-of-way originally purchased by Caltrans to build a highway across Montara Mountain. When San Mateo County voters overwhelming decided to build the Devil's Slide Tunnel rather than the bypass in 1996, the right-of-way became obsolete. This property contains approximately 300 acres that Caltrans will now be able to donate to the National Park Service.

Preserving our unique natural areas for our children, and in my case our grandchildren, is one of the highest priorities that I have as a Member of Congress. I would like to thank all those who have helped bring this important legislation to the House for consideration today: my dear friend and distinguished colleague, Senator FEINSTEIN, has been and continues to be an unfailing advocate and leader for protecting valuable land in our State. She has been a tremendous partner for me to work with on this matter. The Bay Area congressional delegation has been united and unwavering in their support, including the Democratic leader, Ms. PELOSI, Senator BOXER, and my colleagues Ms. ESHOO, Mr. HONDA, Ms. ZOE LOFGREN, Mr. STARK, Mrs. TAUSCHER, Ms. LEE, Mr. GEORGE MILLER, Ms. WOOLSEY, and Mr. THOMPSON.

I would also like to thank the Committee on Resources for their long efforts on this legislation, including Chairman POMBO and the ranking member, Mr. RAHALL. On the National Parks Subcommittee, the former chairman, Mr. RADANOVICH, and the current chairman, Mr. PEARCE, and the ranking member, Mrs. CHRISTENSEN, have been enormously helpful.

I would like to extend a special thank you to Audrey Rust, president of the Peninsula Open Space Trust, a prominent leader on preservation issues in the Bay Area and across the Nation. Without her leadership and her accomplishments, we certainly would not be in a position to be here today to protect this property.

I also want to thank the many government officials who have actively participated in support of this work including the San Mateo County Board of Supervisors, the California Department of Transportation, the National Park Service and Brian O'Neill General Superintendent at the Golden Gate National Recreation Area.

Many members of the professional staff have also dedicated their expertise to bringing us here today and I to want acknowledge and thank Rick Healey and Rob Howarth of the House Resources Committee, David Brooks of the Senate Energy and Natural Resources Committee, Nicole Brownlee and John Watts of Mrs. Feinstein's staff, Chris Walker of my staff, Daphne Muehle of the Peninsula Open Space Trust, and Chris Powell of the National Park Service.

And most importantly, in conclusion, I want to thank my friends and neighbors of the Bay Area, particularly those in the 12th Congressional District, who envision a future that includes the protection of the park for generations yet unborn. Without their enlightened support for preservation, we would be unable to accomplish this incredible success that we have achieved here today.

Ms. ESHOO. Mr. Speaker, I rise in support of S. 136, the Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment Act, which will add approximately 4,700 acres to the Golden Gate National Recreation Area, also known as the GGNRA.

There has been a long journey in the effort to secure the passage of this bill. I was proud to cosponsor the legislation when Congressman LANTOS first introduced it in May of 2001 and testified in the Senate Subcommittee on National Parks in support of the bill 5 long years ago.

The bill sets aside precious environmental spaces for the benefit of the broader community. It has undergone changes over the years to safeguard local agriculture in San Mateo County, and as a result, there is broad local support for this legislation.

These efforts don't just happen, it takes people of vision at the local level to recognize the need, to develop a response, and rally support. We have the best, Audrey Rust, the President of the Peninsula Open Space Trust, POST.

Ms. Rust has demonstrated great determination and flexibility in the many years of working on this bill, and she and POST deserve our thanks, recognition, and gratitude.

Acquiring this land is an environmental victory because it is habitat for several rare, threatened, endangered species. Future generations will respect and enjoy the fruits of our efforts and that's why I urge all my colleagues to vote for this critical legislation.

I salute Representative LANTOS for his work and thank Senator FEINSTEIN and Representative RADANOVICH for their efforts to see this legislation through.

Mr. UDALL of Colorado. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. RADANOVICH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the Senate bill, S. 136.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

RECOGNIZING 50TH ANNIVERSARY OF THE MONTGOMERY BUS BOYCOTT

Ms. FOXX. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 273) recognizing the 50th anniversary of the Montgomery bus boycott.

The Clerk read as follows:

H. CON. RES. 273

Whereas on December 1, 1955, Rosa Parks, an African American seamstress in Montgomery, Alabama, was arrested for refusing to obey a busdriver's order to give up her seat on a city bus for a White passenger boarding the bus, as required by city ordinance;

Whereas outrage over the arrest of Rosa Parks initiated a meeting that weekend between the Reverend Ralph Abernathy, the Reverend Martin Luther King, Jr., Jo Ann Robinson, who was the head of the Women's Political Council, and E.D. Nixon, who was the Montgomery official for the National Association for the Advancement of Colored People, also known as the NAACP;

Whereas this meeting resulted in the announcement of a large-scale boycott against Montgomery city buslines;

Whereas ministers voiced the communal outrage over Rosa Parks's arrest during Sunday services, unifying the African American community in Montgomery as the ministers conveyed the message of the boycott;

Whereas members of the community continued to spread the news of the boycott by disseminating leaflets encouraging participation in the boycott;

Whereas through nonviolent means and the support of ministers and African American and White citizens alike, the Montgomery bus boycott and the beginning of the civil rights movement gained national attention;

Whereas Rosa Parks became and remains an icon of pride and dignity, establishing a standard that has continued through the civil rights movement;

Whereas Martin Luther King, Jr., became the president of the Montgomery Improvement Association, also known as the MIA, and helped organize the boycott with other civil rights leaders, such as Ralph Abernathy; and

Whereas the Montgomery bus boycott ended after the United States Supreme Court, on November 13, 1956, upheld a Federal district court ruling declaring segregation on buses unconstitutional: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes and honors the 50th anniversary of the Montgomery bus boycott; and

(2) recognizes the historical significance of the Montgomery bus boycott to the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from North Carolina (Ms. FOXX) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from North Carolina.

GENERAL LEAVE

Ms. FOXX. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Con. Res. 273, introduced by the distinguished gentleman from Alabama (Mr. ROGERS). This bill would recognize the 50th anniversary of the Montgomery bus boycott.

On December 1, 1955, a young woman named Rosa Parks took a small act of defiance and sparked a massive response that changed our society forever. The history bears retelling: Montgomery, Alabama enforced a policy of racial segregation on its public transit system, black passengers in the back, whites in the front. When the front of the bus reached full capacity, the driver could instruct African American passengers to yield their seats to white riders.

On that fateful day, Rosa Parks refused to yield. She was physically and emotionally drained of the decades of intimidation, harassment, and discrimination of Alabama's African American population.

From that moment on, encouraged by Rev. Martin Luther King, Jr., a city-wide boycott of the public transit system erupted. The boycott was extremely effective, drastically reducing ridership on the transit system. Instead of riding buses, boycotters walked, rode bicycles, or joined car pools to get to work and to other destinations. Across the Nation, African American churches raised money to buy new shoes to replace the tattered footwear of boycotters helping to fuel the fight against Jim Crow laws.

Finally, the United States Supreme Court ruled that Alabama's racial segregation laws for public transit were unconstitutional, a clear victory for the boycotters. This led to a new city ordinance that allowed African American bus passengers to sit anywhere they pleased on any bus in the city.

Rev. Martin Luther King capped off the news with a speech to encourage acceptance of the decision. The boycott resulted in the U.S. civil rights movement receiving one of its first accomplishments and gave Martin Luther King the national attention that would make him one of the prime civil rights leaders in our history.

I urge all Members to come together and recognize this momentous event in our Nation's history by adopting H. Con. Res. 273.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the Committee on Government Reform, I am pleased to join with my colleague in consideration of H. Con. Res. 273, which recognizes the 50th anniversary of the Montgomery bus boycott. This measure, sponsored by the gentleman from Alabama (Mr. ROGERS), has the support and cosponsorship of 73 Members of Congress.

Rosa Parks is a great American and hero of the civil rights movement in this country. Rosa Parks symbolizes the triumph of civility over aggression, as was represented in her act of civil disobedience on December 1, 1955.

On that day, Mrs. Rosa Parks and other African American bus riders sat in the fifth row of a bus in Montgomery, Alabama. According to the law in Montgomery, blacks had to sit in the back of the bus if a white person wanted a seat in the front. The three people Rosa Parks was with complied with the request of the bus driver, but she refused. Mrs. Parks knew full well that this act could lead to arrest or even worse had she drawn the ire of white bus patrons. Armed with this knowledge she took a stand that would prove to inspire the African American community to rally behind her example and begin a movement that would change the course of history in our country.

This simple act of refusing to give her seat in the front of the bus to a white patron, an act that led to her arrest and incarceration, was the spark that ignited a movement. Word of her act of defiance spread through the African American community in Alabama like wildfire. Civil rights leaders like the Reverend Martin Luther King, Jr., the Reverend Ralph Abernathy, and Ann Robinson, president of the Women's Political Council, and members of the NAACP convened to discuss the significance of this act of civil disobedience. They quickly decided to boycott the buses in Montgomery, Alabama.

The boycott that followed was ultimately successful when in November

1956 the United States Supreme Court upheld a Federal court ruling that stated that segregation on buses is unconstitutional. More important than desegregating the buses in Montgomery, the boycott signified the beginning of the civil rights movement in the United States.

Years later, civil rights leaders would invoke the memory of the bus boycott as the critical event that galvanized the movement. The bus boycott, and the action of Mrs. Rosa Parks, was the critical event that galvanized that movement, inspired countless future acts of civil disobedience and peaceful protest against racial injustice.

I would like to recognize the actions, as all of us do, of Mrs. Rosa Parks, who passed away on Monday, October 24, 2005, and celebrate the 50th anniversary of the Montgomery bus boycott. I urge my colleagues to join in recognition of this amazing moment in the history of all America and of all Americans.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Alabama (Mr. ROGERS).

Mr. ROGERS of Alabama. Mr. Speaker, it is with great honor that I rise today in support of H. Con. Res. 273.

As we all know, it was 50 years ago last week that the Montgomery bus boycott had its humble beginnings in Montgomery, Alabama.

On that first day of December 1955, a quiet seamstress named Rosa Parks refused to give up her seat on the city bus. In doing so, she broke the law. But that did not stop Rosa Parks from doing what she knew was right that day. She remained in her seat even as police came to arrest her.

Her quiet protest, which was nothing short of a challenge to the status quo, led to the event which started the Montgomery bus boycott.

Mr. Speaker, I am deeply honored by the House's attention to these events today, and I am pleased to have another chance to honor one of Alabama's great civil rights leader, a woman whose recent passing has caused us all to mourn.

But this resolution also helps honor those who, along with Rosa Parks, helped make the Montgomery bus boycott a success. Leaders like Dr. Martin Luther King, Jr., for example, ultimately helped provide the leadership necessary for the boycott to continue.

Countless other Alabamians, as well as Americans from across the country, also came to help with this effort; and they continued with their protest until the Supreme Court ultimately ruled in their favor in 1956.

Mr. Speaker, we all have much to learn from the events of 1955 and 1956. I was in Montgomery last week and toured the parsonage where Dr. King helped coordinate many of the boycott's initiatives. It is my hope that this resolution will help pay tribute to those events. It is also my hope that this resolution will honor all those who participated in the boycott and provide our Nation another opportunity to learn from its past.

I appreciate the strong support for this resolution here in the House and thank my colleagues from Alabama in particular for their support. Rosa Parks may not be with us today to witness this resolution, but I am comforted in knowing her legacy and that all of those who helped make the boycott a success will live on for generations to come.

Mr. Speaker, I respectfully ask the House's continued support for this resolution.

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Mr. DAVIS of Illinois. Mr. Speaker, I certainly commend the gentleman from Alabama (Mr. ROGERS) for his introduction of this resolution. And it is my pleasure now to yield such time as he might consume to the other distinguished gentleman from Alabama (Mr. DAVIS).

Mr. DAVIS of Alabama. Mr. Speaker, let me thank the gentleman from Illinois (Mr. DAVIS) for yielding. Let me thank my colleague from the State of Alabama (Mr. ROGERS) for introducing this resolution and for his comments on the floor today. And let me thank the leadership for bringing the resolution to the floor in such a timely and expeditious fashion.

We have just finished a month-long commemorative period around Rosa Parks. Mr. Speaker, we started with the events after her death and we, in effect, culminate, at least the Congress's part of this culmination today with this resolution. And between last week, the President signed a resolution that will allow Rosa Parks to take her rightful place in Statuary Hall. And as we end this commemorative period, I simply want to make a couple of observations about what it is that we honor. The first is that we honor a community today.

The countless anonymous number of African Americans who lived in Montgomery in 1955 included my mother and grandmother, included numerous other people who made their statement to history, and it is a statement that has lasted and will last for all time by the very act of perseverance.

My grandmother used to always tell the story that the hardest time of the boycott was in the summer, because in Montgomery it never gets very cold, but it can get very hot. And in the summer, a lot of black people in 1955 did not have a lot of money and they could not afford air conditioning in the car. They could not afford to fix the air conditioning, so the carpools could be very uncomfortable.

Another thing that made the summer uncomfortable was that the boys were out of school, so the little boys who wanted to stand on the side of the road and jeer the boycotters and the blacks of that community, they had nothing else to do during June and July and August. So she always said the summer was the worst time.

But what made that community so special is that it persevered, and that community chose dignity over comfort. The comfortable thing would have been to end the boycott after making a symbolic statement. The comfortable thing would have been to end the boycott because of the strain of carrying it forward. The dignified thing was to keep going and to keep asserting their rights. So we honor their community today.

And we do one other thing that is worth noting. We recognize that this history is not simply a story of black people of one race triumphing in this country as a story of us triumphing together, because in 1955, a white person in Montgomery, Alabama was not free either because a white person in Montgomery, Alabama had to build a code of conduct around not what was in his or her heart, but around what was written in the city ordinance. A white person in the south was not free in 1955 because he or she was bound by the color code of prejudice and the legal code of segregation.

Well, all of a sudden, after this assertion of dignity, white people became free too, to have a mindset, to have a sentiment that was not simply based on prejudice. So here we stand 50 years later with an appropriately uncontroversial resolution, with southern Democrats and southern Republicans standing together to offer it.

But the final thing that I say today, Mr. Speaker, is as we end this commemorative period and we put the statute in the hall and we pass the resolutions and we close this year down, we close the 50th anniversary down, it is not enough to honor this legacy by passing resolutions. And as we move into the second half of the 109th Congress, may we honor it by being true to this spirit. May we honor it by being true to the notion that there are no marginalized people in this country. If we marginalize and leave behind people, we somehow sacrifice all of our dignity. May we honor Rosa Parks by remembering that all of us have a place. If we are to have a country that is true, there is an agenda and there is a space for every one of God's children. If we can honor that, then Rosa Parks will have left a legacy that will endure for the ages and one that will lift the spirits and the imaginations of all kind of people all over this globe.

Ms. FOXX. Mr. Speaker, I have no other speakers at the moment and I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman from Alabama (Mr. DAVIS) for his very eloquent characterization of the meaning of this resolution and the meaning of the life of Rosa Parks.

I yield such time as she might consume to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Speaker, I want to congratulate the gentleman from Alabama (Mr. ROGERS) for introducing H. Con. Res. 273 which recognizes the 50th anniversary of the Montgomery bus boycott.

The 1955 Montgomery bus boycott lasted for 381 days. It was a defining moment in our Nation's history. The heroic and nonviolent actions of many people, and in particular, those of Rosa Parks, who was arrested on December 1, 1955, for refusing to give up her seat to a white man led ultimately to a historic U.S. Supreme Court ruling that outlawed segregated public transportation.

The catalyst for the success of Montgomery bus boycott is the fact that some 40,000 Black citizens of Montgomery decided not to ride the bus. Their nonviolent boycott ultimately drained the city financially. Perhaps for the first time in history, black residents of Alabama had used their economic power to gain social success.

Social justice and economic equality are two sides of the same coin. 50 years after the Montgomery bus boycott, our Nation has made great strides in social justice and in increasing economic opportunities for all Americans. But much remains to be done.

Fifty years later, the unemployment rate for African Americans is almost double that for the whole of America. Fifty years later, almost 1 in 4 African Americans live in poverty. Fifty years later, America's African American children are twice as likely as white children to die before their first birthday. And 50 years later, poverty in America still holds a tight grip on too many of our Nation's citizens.

As this body honors and recalls a truly historic event in our Nation, let us also not forget that much still remains to be done to ultimately fulfill the legacy and the dreams of those thousands of Americans who participated in the Montgomery bus boycott.

Mr. SHAYS. Mr. Speaker, I rise in support of H. Con. Res. 273, which recognizes and honors the 50th anniversary of the Montgomery, Alabama, bus boycott and the historical significance of the boycott to the United States.

On December 1, 1955, Rosa Parks, a seamstress and wife, boarded a Montgomery bus to begin her usual journey home. Nothing was particularly different about this day, except that she wanted to sit after a long day's work. When ordered by the white bus driver to give up her seat to a white passenger, she simply refused, and her action led to a boycott of the city's bus system. This event was the straw that broke the back of segregation in the South.

This was a stunning moment in time, not just a step along the way. It ultimately resulted in two of our nation's landmark pieces of legislation, the Civil Rights Act and the Voting Rights Act.

The bus boycott was a memorable example of how Dr. Martin Luther King's tradition of nonviolent protests have brought about important policy changes in our world.

In our nation's ongoing struggle for civil rights, this boycott was a watershed event, and it is appropriate to be honoring it here today on the House floor.

Mr. HOLT. Mr. Speaker, I rise today to commemorate the 50th anniversary of the Montgomery bus boycott. The boycott was a pivotal moment that turned the tide in this Nation's history, and it was initiated by the simplest of actions, undertaken by the most unimposing of individuals—the late Rosa Parks, whose death on October 24 we continue to mourn.

In the United States, we are born and raised to believe in individual freedom and equality. We read of it in our founding documents, we live and breathe it, we are surrounded by it and immersed in it. Confronted, then, by the denial of individual freedom and equality, Ms. Parks put the nation to a test of its principles, without knowing that her simple act of defiance would reverberate around the world. What followed, as we all know, was nothing short of the transformation of the nation.

And so I rise today to again honor Rosa Parks, and to commemorate the Montgomery bus boycott, but also to acknowledge—I am saddened to say—that we seem to have a very long way to go yet in the United States to ensure racial and ethnic equality. We must honor those who struggled in the Montgomery bus boycott, those who worked for the passage of the Civil Rights Act, and the passage of the Voting Rights Act, by ensuring today that all America are entitled to vote, are not intimidated to vote, and that there votes are accurately counted.

Mr. Speaker, I commend Rosa Parks, and Martin Luther King, Jr., and all those who launched the Montgomery bus boycott, resulting in the end of segregation on buses and commencing the transformation of the Nation. I call on my colleagues to continue the unending struggle to make the United States the shining example of freedom, democracy and equality for all that the founding fathers intended it to be and the civil rights movement brought into fruition.

Mr. LEWIS of Georgia. Mr. Speaker, December 1, 1955, became a history-making day, when a brave and courageous Rosa Parks committed one simple act. By sitting down and refusing to give up her seat on a city bus, Rosa Parks ignited a non-violent revolution in America. By sitting down she inspired many of us to stand up and become participants in the modern-day Civil Rights Movement. America is a better country, and we are a better people today, just 50 years later.

The action of the brave and courageous African Americans of Montgomery, under the leadership of Martin Luther King Jr., ushered in a period of great hope and great expectation in America. During the past 50 years, we have seen unbelievable changes. We have seen the end of segregation in public transportation and in places of public accommodation. And the signs that said WHITE and COLORED have come tumbling down. In 50 years, we have witnessed the passage of the Civil Rights Act of 1957, the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Fair Housing Act of 1968.

It is my hope that as we pause and take note of what happened in Montgomery 50 years ago, another generation will be inspired to take a stand. I hope another generation will be inspired to speak up and to speak out for what is fair, for what is right and for what is just in this nation and the world.

Mr. DAVIS of Illinois. Mr. Speaker, I have no further requests for time and urge passage of this resolution. I yield back the balance of my time.

Ms. FOXX. Mr. Speaker, I urge all members to support the adoption of H. Con. Res. 273. I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentlewoman from North Carolina (Ms. FOXX) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 273.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

NAVAL VESSELS TRANSFER ACT OF 2005

Mr. LEACH. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1886) to authorize the transfer of naval vessels to certain foreign recipients.

The Clerk read as follows:

S. 1886

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Naval Vessels Transfer Act of 2005".

SEC. 2. TRANSFERS BY GRANT.

The President is authorized to transfer vessels to foreign recipients on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), as follows:

(1) GREECE.—To the Government of Greece, the OSPREY class minehunter coastal ship PELICAN (MHC-53).

(2) EGYPT.—To the Government of Egypt, the OSPREY class minehunter coastal ships CARDINAL (MHC-60) and RAVEN (MHC-61).

(3) PAKISTAN.—To the Government of Pakistan, the SPRUANCE class destroyer ship FLETCHER (DD-992).

(4) TURKEY.—To the Government of Turkey, the SPRUANCE class destroyer ship CUSHING (DD-985).

SEC. 3. TRANSFERS BY SALE.

The President is authorized to transfer vessels to foreign recipients on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761), as follows:

(1) INDIA.—To the Government of India, the AUSTIN class amphibious transport dock ship TRENTON (LPD-14).

(2) GREECE.—To the Government of Greece, the OSPREY class minehunter coastal ship HERON (MHC-52).

(3) TURKEY.—To the Government of Turkey, the SPRUANCE class destroyer ship O'BANNON (DD-987).

SEC. 4. GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.

The value of a vessel transferred to another country on a grant basis pursuant to authority provided by section 2 shall not be counted against the aggregate value of excess defense articles transferred to countries in any fiscal year under section 516 of the Foreign Assistance Act of 1961.

SEC. 5. COSTS OF CERTAIN TRANSFERS.

Notwithstanding section 516(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)(1)), any expense incurred by the United States in connection with a transfer authorized under section 2 shall be charged to the recipient.

SEC. 6. REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.

To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed before the vessel joins the naval forces of that country be performed at a shipyard located in the United States, including a United States Navy shipyard.

SEC. 7. EXPIRATION OF AUTHORITY.

The authority to transfer a vessel under this section shall expire at the end of the 2-year period beginning on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa.

GENERAL LEAVE

Mr. LEACH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1886.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 1886, the Naval Vessels Transfer Act of 2005, which the Senate passed by unanimous consent on October 18, 2005. S. 1886 would authorize the transfers of eight decommissioned United States Naval vessels to other countries. Two ships would be transferred by grant to Egypt and one each to Greece, Pakistan and Turkey. Three would be transferred by sale, one to India, one to Greece and one to Turkey.

The bill's provisions are nearly identical to those contained in section 751 of H.R. 2601, the Foreign Relations Authorization Act for fiscal years 2006 and 2007, which would also authorize transfer of eight vessels to the same countries and on the same terms. H.R. 2601 passed the House on July 20 by recorded vote of 351 to 78.

The Senate has not yet completed floor consideration in this session of a Foreign Relations Authorization Act. It passed a stand-alone bill, S. 1886, authorizing the transfer of these eight vessels. Since timely action was necessary to ensure the smooth operation and effective use of the decommissioned ship assets of the United States Navy, this limited purpose bill is before us. I hope my colleagues will join me in supporting the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I rise in support of this legislation. Mr. Speaker, the legislation before us accomplishes a simple and straightforward task. It gives the Navy the authority to transfer excess U.S. Naval vessels to India, Greece, Turkey, Pakistan and Egypt.

With these transfers our military will have greater interoperability with the armed forces of these nations, all of which are either key allies of the United States or are located in strategically important regions of the world.

It is my strong hope that these transfers will encourage these countries to expand their cooperation with the United States in our mutual struggle against terrorism in all its virulent and demented forms.

I would also note that our legislation has already been approved by the House as part of the Foreign Relations Authorization Act which has, unfortunately, languished in the other body.

Mr. Speaker, I urge all of my colleagues to support this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. LEACH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and pass the Senate bill, S. 1886.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT AMENDMENT

Mr. LEACH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3269) to amend the International Organizations Immunities Act to provide for the applicability of that Act to the Bank for International Settlements.

The Clerk read as follows:

H.R. 3269

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF THE BANK FOR INTERNATIONAL SETTLEMENTS UNDER THE INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT.

The International Organizations Immunities Act (22 U.S.C. 288 et seq.) is amended by adding at the end the following new section:

"SEC. 17. The provisions of this title may be extended to the Bank for International Settlements in the same manner, to the same extent, and subject to the same conditions, as they may be extended to a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa.

GENERAL LEAVE

Mr. LEACH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3269.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume, and rise in support of this bill which would designate the Bank For International Settlements, otherwise known as the BIS, as an international organization under the International Organizations Immunity Act, otherwise known as IOIA, thus allowing the President to extend appropriate immunities to the BIS.

I should note at the outset that this legislation was requested by the Board of Governors of the Federal Reserve System and it is also strongly supported by the Department of State and the Department of the Treasury.

As Members may be aware, the BIS is an international organization that functions as a bank for central banks and is owned exclusively by central banks. Following consultation with the Executive Branch and Congressional leadership, the Federal Reserve formally joined the BIS Board of Directors in 1994.

□ 1530

The Federal Reserve currently holds two seats on the BIS board and participates actively in the important work of the BIS to promote international financial stability.

Because the BIS is indirectly owned by more than one foreign government, the immunities granted by the Foreign Sovereign Immunities Act are not available to the BIS absent legislative action by the Congress under the framework provided by the IOIA for international organizations. I concur with the Federal Reserve as well as the Departments of State and Treasury in concluding that providing appropriate immunities to the BIS has significant merit at this time.

The BIS plays a critical role in financing large volumes of U.S. dollar transactions in the United States daily for its central bank customers. It has also been integral to international efforts to promote global financial stability in the face of emerging market financial crises, such as those that hallmarked much of the last decade. Without extending immunities to the BIS, these transactions could be disrupted by mischievous lawsuits. This may create disincentives to conduct international transactions in dollars.

Moreover, an extension of immunity to the BIS in accordance with the provisions of the IOIA would provide protection of its assets held in the United States equivalent to the protection currently enjoyed by the European Central Bank and other international financial institutions, such as the International Monetary Fund and the World Bank.

Indeed, Congress addressed a parallel situation in 2002 when it passed legislation allowing for the President to extend immunities under the IOIA to the European Central Bank.

As I noted previously, the Federal Reserve and the Departments of State and Treasury strongly support this legislative initiative to designate the BIS as an international organization under the IOIA. I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3269. At the outset, I want to congratulate my good friend from Iowa (Mr. LEACH) for introducing this thoughtful legislation.

The Bank of International Settlements is the world's oldest international financial institution and plays a little-known, but key, role as the central bank to central banks. It also provides technical assistance to central banks of developing countries.

Although the U.S. Federal Reserve has two members on the board, because of recent restructuring, the bank is now owned by those central banks that have deposits in it and therefore technically does not satisfy the requirements of the International Organizations Immunities Act, which extends immunity to organizations in which the United States is a member.

Our legislation applies these immunities to the bank, helping it to maintain its important role and providing an incentive to keep these reserves in the United States.

Mr. Speaker, I yield back the balance of my time.

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman for his thoughtful comments, and I would only add that the BIS plays a critical role in attempting to combat money laundering and to block the transfer of terrorist financing. It is a critical institution, although little known to the public; but it clearly deserves the immunities that are established for other international organizations and other foreign governments.

I urge adoption of this piece of legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and pass the bill, H.R. 3269.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

TORTURE VICTIMS RELIEF REAUTHORIZATION ACT OF 2005

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2017) to amend the Torture Victims Relief Act of 1998 to authorize appropriations to provide assistance for domestic and foreign programs and centers for the treatment of victims of torture, and for other purposes.

The Clerk read as follows:

H.R. 2017

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Torture Victims Relief Reauthorization Act of 2005".

SEC. 2. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to ensure that, in its support abroad for programs and centers for the treatment of victims of torture, particular incentives and support should be given to establishing and supporting such programs and centers in emerging democracies, in post-conflict environments, and, with a view to providing services to refugees and internally displaced persons, in areas as close to ongoing conflict as safely as possible; and

(2) to ensure that, in its support for domestic programs and centers for the treatment of victims of torture, particular attention should be given to regions with significant immigrant or refugee populations.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR DOMESTIC TREATMENT CENTERS FOR VICTIMS OF TORTURE.

Section 5(b)(1) of the Torture Victims Relief Act of 1998 (22 U.S.C. 2152 note) is amended to read as follows:

"(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for the Department of Health and Human Services for fiscal years 2006 and 2007, there are authorized to be appropriated to carry out subsection (a) $25,000,000 for each of the fiscal years 2006 and 2007.".

SEC. 4. AUTHORIZATION OF APPROPRIATIONS FOR FOREIGN TREATMENT CENTERS FOR VICTIMS OF TORTURE.

Section 4(b)(1) of the Torture Victims Relief Act of 1998 (22 U.S.C. 2152 note) is amended to read as follows:

"(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for fiscal years 2006 and 2007 pursuant to chapter 1 of part I of the Foreign Assistance Act of 1961, there are authorized to be appropriated to the President to carry out section 130 of such Act $12,000,000 for fiscal year 2006 and $13,000,000 for fiscal year 2007.".

SEC. 5. AUTHORIZATION OF APPROPRIATIONS FOR THE UNITED STATES CONTRIBUTION TO THE UNITED NATIONS VOLUNTARY FUND FOR VICTIMS OF TORTURE.

Of the amounts authorized to be appropriated for fiscal years 2006 and 2007 pursuant to chapter 3 of part I of the Foreign Assistance Act of 1961, there are authorized to be appropriated to the President for a voluntary contribution to the United Nations Voluntary Fund for Victims of Torture $7,000,000 for fiscal year 2006 and $8,000,000 for fiscal year 2007.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, nationwide there are an estimated 400,000 torture survivors, most of whom came to the United States as refugees. Worldwide, it is impossible to count the numbers. As witnesses have repeatedly testified before our committee and before the Congress, the paralyzing scars from the physical and psychological wounds of torture can remain for years. Torture impacts not only the individual victim but their families and society as well.

Yesterday, the first witnesses testified in the trial of Saddam Hussein. Demonstrating heroic courage, they described torture on a scale that is almost beyond belief and which is simply too grisly to be repeated here. Although these events described happened many years ago, their testimony painfully illustrates the lasting impact torture has on those who survive it, their families and communities. There can be no doubt that Hussein's systematic torture was intended not only to punish specific victims but to coerce an entire population into silence and into subservience. As we try to bring democracy to Iraq and to other parts around the globe, we must try to heal the victims of torture that was used to prevent democracy from taking hold in the past.

In 1998, Mr. Speaker, Congress took a historic step towards repairing the broken lives of torture victims with the passage of the Torture Victims Relief Act of 1998. I sponsored that legislation, and I was joined by my good friend and colleague (Mr. LANTOS), who has also been a hero in this battle to help torture victims. We also sponsored the Torture Victims Relief Reauthorization Act of 1999 and the Torture Victims Relief Reauthorization Act of 2003. As important as these congressional measures have been, there continues to be an enormous need for us to reach out to the victims of torture who oftentimes have no other recourse for their suffering. Therefore, I strongly urge my colleagues to join us today in supporting H.R. 2017, the Torture Victims Relief Reauthorization Act of 2005.

The domestic aspect of this legislation, Mr. Speaker, is designed to ensure that particular attention is given to torture victims in regions with significant immigrant and refugee populations. The measure authorizes $25 million for fiscal year 2006 and $25 million for fiscal year 2007 to the Department of Health and Human Services to assist domestic treatment centers. This maintains the current $25 million authorization funding level for fiscal year 2005 for such centers.

Currently, 27 programs in 16 States are assisted by the Department of Health and Human Services' Office of Refugee Resettlement. In addition to direct assistance, many of these centers are also engaged in training mainstream organizations and personnel in the specialized treatment of torture victims.

The number of survivors seeking treatment at U.S. centers funded through the Torture Victims Relief and Reauthorization acts has steadily increased throughout the years. The client base at just 14 such centers increased from 935 in 1999 to 1,550 in 2000 to 2,579 in 2001. A subsequent survey showed that during 2002, 23 Torture Victim Relief Act-funded centers treated over 3,600 clients. With the additional funding, it is estimated the U.S. centers would have the capacity and the capability to serve an additional 2,800 survivors per year.

Mr. Speaker, H.R. 2017 also authorizes $12 million in 2006 and $13 million in 2007 for foreign treatment centers and programs administered through USAID's Victims of Torture fund. This authorization would maintain the current fiscal year 2005 authorization for 2006 and increase it by $1 million for fiscal year 2007.

The bill gives particular emphasis to supporting centers and programs abroad in emerging democracies and postconflict environments. Nongovernmental organizations that receive this funding provide direct services to survivors, their families, and their communities. They also strengthen institutions on the ground and the indigenous capacity of these institutions to deliver services to survivors. In addition to providing treatment, many of these programs advocate for the elimination of torture itself in these countries.

Lastly, the measure maintains current authorization levels of $7 million for fiscal year 2006 for the U.N. Voluntary Fund for the Victims of Torture. It would increase this funding to $8 million in fiscal year 2007. In 2001, in just that one year alone, the U.N. fund assisted some 77,000 victims of torture. This type of humanitarian assistance provided by organizations which receive grants from the fund consists mainly of psychological, medical, social, legal, and economic assistance.

Again, I urge my colleagues to support this legislation.

Mr. Speaker, I attach for printing in the CONGRESSIONAL RECORD an exchange of letters between Chairman HYDE and Chairman BARTON on the bill H.R. 2017 "The Torture Victims Relief Reauthorization Act of 2005."

HOUSE OF REPRESENTATIVES, COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC, November 29, 2005.

Hon. JOE BARTON,
Chairman, Committee on Energy and Commerce, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: On June 30, 2005, the Committee on International Relations authorized me to seek consideration of H.R. 2017, the "Torture Victims Relief Reauthorization Act of 2005," under suspension of the rules. As you are aware, H.R. 2017 was additionally referred to your Committee. The bill contains language which falls within the Rule X jurisdiction of your Committee. Your Committee's subject matter jurisdiction relates to the authorization for domestic treatment centers for victims of torture.

I write to ask that the Committee on Energy and Commerce waive its opportunity to mark up provisions referred to it. Timely action by the Energy and Commerce Committee would allow this Committee to proceed expeditiously to the House floor. By waiving the opportunity to mark up the bill, I understand that your Committee does not waive any future jurisdictional claim over this or similar measures. In addition, in the event of a conference with the Senate on this matter, I will recommend that your Committee have the right to seek the appointment of conferees.

A copy of this letter and your reply will be placed in the Congressional Record when the bill is considered on the floor.

Sincerely,

HENRY J. HYDE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, December 1, 2005.

Hon. HENRY J. HYDE,
Chairman, Committee on International Relations, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN HYDE: Thank you for your November 29, 2005 letter concerning H.R. 2017, the Torture Victims Relief Reauthorization Act of 2005. As you know, the Committee on Energy and Commerce was named as an additional Committee of jurisdiction upon the bill's introduction.

I recognize your desire to bring this legislation before the House in an expeditious manner. Accordingly, I will not exercise my Committee's right to a full referral on the bill. By agreeing to waive its consideration of the bill, however, the Committee on Energy and Commerce does not waive its jurisdiction over H.R. 2017. In addition, the Committee on Energy and Commerce reserves its right to seek conferees on any provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this legislation. I thank you for your commitment to support any request by the Committee on Energy and Commerce for conferees on H.R. 2017 or similar legislation.

Thank you for your attention to these matters, and I look forward to working with you as this legislation moves forward.

Sincerely,

JOE BARTON,
Chairman.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong and enthusiastic support for this legislation.

As the principal Democratic cosponsor of the Torture Victims Relief Reauthorization Act of 2005, I would like to thank my good friend and distinguished colleague from New Jersey (Mr. SMITH) for his longstanding leadership on human rights in general and on issues relating to the despicable practice of torture in particular. No one, Mr. Speaker, in this body has done as much to fight for victims of torture as has my friend from New Jersey (Mr. SMITH).

The Torture Victims Relief Act is an important expression of our outstanding commitment to combat the effects of the most despicable of all human rights violations, the increasing use of torture around the world.

Of course, exact figures are difficult to come by, but well over 100 countries worldwide still engage in torture as we meet here today. For that reason, Mr. Speaker, I strongly support the McCain amendment, which was overwhelmingly adopted by the other body. The McCain amendment prohibits any torture or any cruel, inhuman, or degrading treatment by the United States of detainees wherever they are held; and its adoption into law will send a strong signal that the United States will not tolerate this despicable practice.

Mr. Speaker, over 400,000 survivors of overseas torture reside in the United States. Some 100 million may exist worldwide. More than 250 treatment centers operate globally with the sole purpose of providing crucial services to torture survivors.

In the United States, the Center for Victims of Torture in Minnesota was the first of its kind in our country and the third torture victims center in the world.

The ramifications of torture practices are beyond the realm of comprehension. Torture leaves no victim unscarred. It shapes the remainder of his life. While physical wounds may ultimately heal, torture survivors need ongoing psychosocial services and therapy to cope with the post-traumatic stress that afflicts them daily. Recovering from torture is a long-term process. It can take years before torture survivors can once again feel emotionally stable and comfortable in society.

Mr. Speaker, I am deeply troubled by the worsening financial situation facing many well-established centers in the United States. Many of these centers had just developed enough expertise and capacity to make a real impact in the treatment of survivors only to learn that their Federal funds were eliminated or reduced significantly.

□ 1545

In my own congressional district, the 12th District of California, Federal funds to several torture survivor centers were cut severely, despite the fact that they established themselves as outstanding institutions in the field.

This development happened despite the fact that the San Francisco area is one of the main ports of entry for survivors of torture, particularly from Asia.

I am therefore delighted that the findings section of the legislation before us makes it clear that particular attention must be given to regions such as Northern California with significant immigrant and refugee populations.

The legislation before the House will have a positive impact on the provision of assistance to the victims of torture. Mr. Speaker, I fully support this bill.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, I thank the gentleman from California (Mr. LANTOS) for yielding me time.

Mr. Speaker, I wish to thank the gentleman from New Jersey (Mr. SMITH), who has been like a consistent drum beat on these issues of humanity and preservation of life throughout this world. I want to again thank him for championing another cause that will help, unfortunately thousands, at least in this country, of individuals when we know that there are millions throughout the world. But at least here in this country, this act, if we are able to reauthorize it, will continue to help many people who are trying to get themselves back on their feet.

To the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS), we want to say thank you for constantly being the light of the vigil and certainly the voices for many people who otherwise would not have that opportunity to have their life restored.

Mr. Speaker, we know that torture exists. We know that despicable acts continue throughout the world, and we know that there are people who actually survive some of the most heinous types of crimes that can be committed on any adults and children. And when that happens and some of those people are able to somehow make it to the land that we call the "land of the freedom," it is sometimes very difficult for us to find them if they do not speak out.

And many of those folks will not speak out because the last thing they want to do is let anyone know that they, in fact, were tortured, or let the people that tortured them know that they are still alive. But these folks deserve some assistance.

It is not only fitting that we try to reauthorize this act, which will provide some assistance to some of the centers here in the United States but also abroad that are providing some noble work to those who need it, but they are doing this in a way that coordinates services that otherwise would have to be used by some of these victims of torture who are here in this country.

As the gentleman from California (Mr. LANTOS) said, there are some 400,000 people in this country today who are the victims and survivors of torture. In the county of Los Angeles alone, there are over 10,000 people that we can document that are the survivors of torture.

If it were not for the coordination that these treatment centers provide in terms of health care, psychological services and the like, many of these would continue on in a cycle that I unfortunately think would be a cycle of dead-end roads, where they would not know where to go, principally because many come from other parts of the world, and also because they would not know how to navigate throughout this country.

Mr. Speaker, I urge my colleagues to support H.R. 2017.

Mr. LANTOS. Mr. Speaker, we have no additional requests for time and yield back the balance of our time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I want to thank my good friends and colleagues for their very kind remarks. This is bipartisan legislation. We worked very closely with the gentleman from California (Mr. LANTOS) to come up with what I think is a bill that will make a significant difference to help those who have suffered the cruelty of despotic regimes all over the world.

I just returned from a trip to Vietnam. I was in Hanoi, Hue, and finished the trip in Ho Chi Minh City; and during the course of more than 24 comprehensive meetings with religious and political people, many of whom are under house arrest, or pagoda arrest, including that of Thich Quand Do, the venerable leader of the Unified Buddhist Church of Vietnam, Father Li, Father Loy and many others, in each and every one of those circumstances, the more the conversation went on, the more you saw, while they suffered much in prison, especially for Father Li and others, they were subjected to torture and other inhumane treatment.

Their faith helps them get through it. But for most beyond a facade of coping, the mental pain is overwhelming. They and so many others like them all over the world need what this kind of legislation can provide in the foreign treatment centers as well as our domestic centers. We have learned much about post-traumatic stress disorder. We have learned much of it through our work in this country through the VA and the fine work that the psychologists have done and the psychiatrists in mitigating the pain of our GIs who served in Vietnam and in other conflicts.

But for other people who have suffered so cruelly, being put into coffin-like boxes for days and weeks on end, leaves scars. Father Calciu, I will never forget, a great leader in Romania who spent years in Communist prisons, used to be put in these small boxes where he would suffer beyond words. It was his faith that got him through it, but he carries those scars.

There are people like Armanda Valadaries who wrote a book that should be read by everyone as a primer as to what the Castro regime does to its people, "Against All Hope." Valadaries talks about the torture that he and so many others in Cuba have suffered. And he is one of the brave ones who endured and overcame. But so many others retreat and slide into despair, clinical depression, and then sometimes even to suicide.

Mr. Speaker, I urge my colleagues to support this. In like manner, I urge the appropriators to ensure that we meet the authorized levels. Torture victims are the walking wounded and they are on our streets. As both the gentleman from California (Mr. LANTOS) and I said, 400,000 is the estimation of torture survivors living in the United States.

Many of them came here as asylum seekers. Thank God they got the asylum status. Many others survive throughout the world and need the kind of services this legislation can provide.

Mr. Speaker, I yield back the balance of my time.

Mr. CARDIN. Mr. Speaker, today I rise in support of H.R. 2017, the Torture Victims Relief Reauthorization Act of 2005, to reauthorize and increase funding for the treatment of torture victims. As the ranking member of the Helsinki Commission I was pleased to be an original co-sponsor of this legislation, which was introduced by Chairman CHRIS SMITH.

The international community must aggressively address the issue of torture. The U.S. Government estimates that about 400,000 survivors of torture live in the United States, oftentimes after escaping persecution abroad for their political or religious beliefs.

This bill would help provide funding for 27 treatment centers in the United States and almost 200 treatment centers in other countries through the U.S. Agency for International Development, USAID. The bill authorizes $90 million for fiscal years 2006 and 2007 for the Department of Health and Human Services, USAID, and the United Nations Voluntary Fund for Victims of Torture.

In my congressional district in Maryland, the Advocates for Survivors of Torture and Trauma, ASTT, organization is one of the 27 nationwide treatment centers that is supported by this legislation. The Baltimore-based group was formed in 1994, and consists of physicians, psychologists, social workers, and human rights advocates who assist in supporting the victims of torture from all over the world. The center treats patients from Maryland, Washington DC, Pennsylvania and Delaware. Over the past 5 years this group has seen its client base increase from 25 patients to 181 patients. The vast majority of their patients are from Africa, although they also serve clients from Asia, Europe, Latin America and the Middle East. These individuals have been subjected to a horrifying range of physical and psychological torture. ASTT provides crucial psychological assessment and counseling to victims, works with other organizations to provide legal assistance to asylum seekers, and seeks to educate physicians and health care workers on how to identify and distinguish torture victims from other victims of violence. I congratulate and commend ASTT on their efforts.

Torture victims require specialized treatment and counseling, and therefore it is critical that today we reauthorize the Torture Victims Relief Act of 1998, TVRA, in order to meet the growing demand for treatment services provided by U.S. centers. U.S. centers have witnessed a significant increase in patients since the TVRA was enacted: from 935 in 1999 to 3,664 in 2002.

The reauthorization of this legislation would ensure that victims continue to receive the treatment that they so desperately need and that centers will be able to expand their existing programs to treat more survivors. I urge my colleagues to support this legislation.

Mr. SABO. Mr. Speaker, I rise today to acknowledge the important work that is being done to aid victims of torture, and to reemphasize my support for the reauthorization of the Torture Victims Relief Act, TVRA.

The enacted fiscal year 2006 Foreign Operations Appropriations Act provides $6.583 million for the United Nations Voluntary Fund for Victims of Torture and fully funds foreign treatment centers through the United States Agency for International Development. Both the House and Senate versions of the Labor HHS Appropriations bill provide $9.915 million for domestic torture treatment centers. We must continue to support a strong congressional commitment for programs under the Torture Victims Relief Act.

Minneapolis, MN is home to the United States first comprehensive torture treatment center, the Center for Victims of Torture, CVT. When CVT opened in 1985 they were the first center in the United States and only the third in the entire world.

Freedom from torture is a universal and fundamental human right. Yet torture continues to take place in more than 120 countries worldwide. It is estimated that one-third of the world's 12 million refugees are victims of torture. Politicians, journalists, teachers, students, religious leaders, trade union and human rights activists are all targets. The aim of torture is not to kill the victim, but to break down the victim's personality. Crippled, traumatized, and humiliated, the victims are returned to their communities as a warning to others.

There are more than 500,000 torture survivors in the United States alone—refugees and asylum seekers who have fled repressive regimes. In recent years, there has been a dramatic increase in the number of victims of torture seeking help at U.S. rehabilitation centers. In the U.S. there are 34 rehabilitation centers and programs joined together under the National Consortium of Torture Treatment Programs, which was started by the Center for Victims of Torture in Minnesota.

I have seen victims made whole after they received care at CVT. Restoring a torture survivor to full health has a lasting benefit for the entire community. Former clients of CVT are now public school teachers, small business owners, nurses, doctors and more. I commend CVT for their tireless work on behalf of torture victims in the U.S. and worldwide, and encourage my colleagues to support the reauthorization of the Torture Victims Relief Act.

Mr. FARR. Mr. Speaker, I applaud the passage of the Torture Victims Relief Reauthorization Act (H.R. 2017) and appreciate Representative SMITH's leadership on this important issue. This bill, if enacted into law and fully funded, will provide much needed assistance to victims of torture, both within the U.S. and internationally.

But I am deeply disheartened that the good intentions of H.R. 2017 will be undercut by the Administration's refusal to unequivocally reject the use of torture not only for the military but also for the intelligence community. I do not naively believe that al-Qaeda or other Foreign Terrorist Organizations have any respect for the U.N. Convention Against Torture. But, the United States immediately loses the moral battle against terrorists when U.S. policy makes acceptations for torture, and disregards due process and the rule of law. Most importantly, ambiguity about U.S. policy on torture puts into jeopardy the lives of captured U.S. citizens, both military and civilian.

It is time for the House of Representatives to embrace Senator MCCAIN's anti-torture language and move on.

Mrs. MALONEY. Mr. Speaker, I rise today in support of H.R. 2017, "The Torture Victims Relief Reauthorization Act of 2005."

Torture can have devastating physical and psychological consequences for its victims. It is a worldwide health and human rights concem. The need for assistance for torture victims living in the United States is enormous. It is estimated that more than half a million survivors of torture, who fled persecution in their native countries, now live in the United States. Survivors of torture arriving in this country include students, academicians, religious leaders and political activists.

Programs funded through the Torture Victims Relief Act help torture victims heal and rebuild their lives. Because of this legislation, more than 30 organizations in more than 20 States are caring for refugees and asylum seekers who have been brutally tortured and traumatized in their countries of origin. Torture treatment programs funded by the Torture Victims Relief Act provide critical medical care, mental health care, and social services.

I am proud that one of the leading centers in the United States, the Bellevue/NYU Program for Survivors of Torture, is located in my district. This program is jointly sponsored by Bellevue Hospital, the nation's oldest public hospital, and New York University School of Medicine, a leader in medical education and research. Since the Bellevue/NYU Program for Survivors of Torture began in 1995, more than 1,800 men, women, and children (more than 600 in the last year alone) from more than 70 countries have received vital care. The Bellevue/NYU Program has established an international reputation for excellence in its clinical, educational and research activities.

One patient cared for through the Bellevue/NYU Program for Survivors of Torture is Samten. He is a gifted painter and was a leading artist in Tibet. After being arrested and imprisoned for writing poetry critical of the government, he was brutally beaten. During an interrogation session, he was told that he "was causing nothing but trouble with his hands" which were then forced into a coal oven. The severe bums caused significant scarring and disfigurement of his hands. He could barely hold a paintbrush and when he did, he had terrifying flashbacks of his abuse. Nightmares interrupted what little sleep he got.

At the time of referral to the Bellevue/NYU Program he did not have a regular place to stay. Through the Bellevue/NYU Program, he received primary medical care including pain management, treatment for exposure to tuberculosis as well as referral to hand specialists and subsequent hand surgery. Social service staff assisted him in finding housing and a pro bono attorney to represent him in his asylum case. He also attended a support group for Tibetan survivors which helped him to restore important social connections. Following surgery, he had marked improvement in the use of his hands. Recently, he was granted asylum, and he is again drawing and able to support himself.

The Bellevue/NYU Program and other treatment centers try to help torture survivors by restoring their dignity and their sense of trust. The centers also help them heal physically and psychologically, and assist them in getting on with their lives. Patients who have received care from the Bellevue/NYU Program and other torture treatment centers are now working, going to school, and again leading productive lives.

It is urgent that we continue to support torture treatment centers, both domestically and internationally, through the Torture Victims Relief Act.

Mrs. DAVIS of California. Mr. Speaker, as the House stands poised to consider and pass H.R. 2017, the Torture Victims Relief Reauthorization Act of 2005 (TVRA), I want to express my strong support for this legislation. I am proud to be a cosponsor of H.R. 2017. I want to take this opportunity to recognize the efforts of Survivors of Torture, International (SURVIVORS) in my district of San Diego, California. SURVIVORS is an independent, nonprofit organization dedicated to caring for survivors of politically-motivated torture and their families who live in San Diego County.

San Diego is home to the busiest land border crossing in the world. According to conservative estimates based on International Red Cross Red Crescent Societies' extrapolations of the percentage of torture survivors among refugees from countries where the use of systematic torture is documented, approximately 11,000 torture survivors are living in San Diego County today. They are from countries where the use of systematic torture is documented, including countries in Africa, Southeast Asia, the Middle East, and Latin America.

Since 1997, SURVIVORS has helped more than 500 torture survivors from more than 40 countries to recover from their traumas through a holistic program including medical, dental, psychiatric, psychological, legal and social services. SURVIVORS empowers torture survivors to reclaim the strength and vitality that were stolen from them by brutal dictators and governments. The specialized care SURVIVORS provides these vulnerable individuals helps them to become self-sufficient and healthy members of their families and of our community. SURVIVORS currently serves approximately 200 survivors of torture and their families in San Diego County.

Mr. Speaker, SURVIVORS works with refugees, asylees, asylum seekers, and immigrants who are survivors of torture. By working with this large population in San Diego County, SURVIVORS is strengthening the nation: many of its clients move to other communities in the United States after receiving the care and services necessary to successfully build a new life here. As SURVIVORS continues to work in the community, it receives an increasing number of referrals and requests for services each year. There is also a need to continue making services even more comprehensive.

The professional background of SURVIVORS' clients include: business, religious, government, and farm leaders; university students and educators; journalists; physicians and nurses. They are talented, trained, productive people who feel destroyed. Torturers today are able to create conditions which effectively break down the victim's personality, identity, and his/her ability to live a full life later. At SURVIVORS and groups like it across the nation, these individuals find help to begin reclaiming their lives.

The significant majority of SURVIVORS clients in San Diego suffer from Post-Traumatic Stress Disorder, Major Depressive Disorder, or both. The worst consequences of torture are psychological "sequelae." These are normal yet disabling reactions for ordinary people who have endured the extreme trauma of torture.

People are referred to programs like SURVIVORS through a variety of sources, including: religious and community-based social service organizations, refugee resettlement organizations, immigration attorneys, public health care providers, schools, individuals in the community, and other torture survivors.

Mr. Speaker, the TVRA provides funds for torture treatment centers in the U.S. through the Office of Refugee Resettlement (ORR). Currently, 27 programs in 17 States receive assistance through ORR. The treatment provided by these programs enables survivors of torture to recover their lives and become productive members of their communities. Many of these centers also train mainstream organizations and personnel. This increases the ability of health care providers, schools and other institutions to provide for the special needs of torture victims and contribute to the prevention of torture.

Since 2000, SURVIVORS has received the bulk of its funding from TVRA through ORR; and almost two-thirds of SURVIVORS' current financial support is funded through an ORR grant. TVRA provides funds for foreign treatment centers through the U.S. Agency for International Development (USAID). In some cases, direct investment by the U.S. in torture rehabilitation centers provides important political support and protection, especially when the local embassy, Members of Congress and other American leaders visit these centers. SURVIVORS also receives funding to provide technical assistance and build the capacity of NGOs in Mexico that provide services to survivors of torture.

Mr. Speaker, TVRA also authorizes a contribution to the United Nations Voluntary Fund for Victims of Torture (UNVFVT). Funding from the U.N. helps many centers feel more secure in the dangerous work of aiding torture survivors that a regime has identified as its enemies. The UNVFVT supports nearly 200 treatment programs spanning 70 countries, including nearly all U.S. centers. This funding is also vital to groups like SURVIVORS for direct programs.

In conclusion Mr. Speaker, the TVRA is a vital piece of legislation which funds essential services for survivors of torture throughout the 53rd District of California and San Diego County, and enhances the standing and reputation by exporting America's values in the form of support for foreign treatment centers. I strongly urge my colleagues to join me in supporting this bill that is so important to so many.

Mr. RAMSTAD. Mr. Speaker, I am pleased to rise in strong support of H.R. 2017, the Torture Victims Relief Authorization Act.

I am especially proud that the first Center for Victims of Torture in the United States is located in Minnesota. Minnesota's Center for Victims of Torture is certainly one of the premier centers for torture survivors in the entire world.

Minnesota is home to about 30,000 victims of torture, and there are some 500,000 victims of torture in our country. Even though people are becoming increasingly aware of the issue of torture, support and treatment for the victims have often been lacking.

That's where the center, with its excellent leadership, comes in. We in Minnesota have learned much, and now we want to bring that leadership, and the path-breaking work of the center, to the rest of the country.

Mr. Speaker, this important legislation provides support for Minnesota's Center for Victims of Torture and will enable our world-renowned Center to continue providing rehabilitation and other critical services to victims of torture.

All Minnesotans can be proud of our Center for Victims of Torture, which helps victims of torture recover from their horrific pain, suffering and scars.

Mr. Speaker, the issues of torture and human rights have finally penetrated the global consciousness, and I urge my colleagues to support passage of this important legislation.

Mr. TERRY. Mr. Speaker, I rise in strong support of H.R. 2017, the Torture Victims Relief Reauthorization Act of 2005.

Congress originally approved the Torture Victims Relief Act in 1998 to provide medical, psychological and social services for survivors of torture in the United States. These survivors are primarily refugees from war-torn nations such as Bosnia, Iraq, the Sudan, Rwanda, Liberia, Afghanistan and others. Since the TVRA became law, over three dozen centers have been established nationwide to help survivors of torture regain the ability to care for themselves and their families, and positively contribute to our society. Most programs are at-capacity and must refer "waiting list" survivors to less-specialized clinics until treatment becomes available.

Reauthorization is critical to the estimated 400,000 torture survivors residing in the United States. The city of Lincoln, Nebraska, is home to the second highest refugee population in the Nation, and a corresponding treatment center that effectively transforms the lives of torture survivors to benefit the entire community. H.R. 2017 will help ensure such critical treatment centers remain available for torture survivors nationwide by reauthorizing the TVRA. The demand for treatment is so high that federal funding had to be cut to some existing centers last year in order to open new centers. Reauthorizing the TVRA will help provide critical support to all existing centers working to restore the lives and health of many refugees.

H.R. 2017 will authorize $25 million in fiscal years 2006 and 2007 to fund domestic treatment centers, $25 million over 2 years for the United States Agency for International Development, USAID, Victims of Torture Fund, and $15 million over two years for the United Nations' Voluntary Fund for the Victims of Torture, which supports almost all U.S. centers. The House Energy and Commerce Committee, on which I serve, unanimously reported this legislation during the last Congress.

Here are some facts underlining the importance of this legislation:

The Office of Refugee Resettlement of the U.S. Department of Health and Human Services currently funds 27 treatment centers in 16 States, while other similar programs are funded in State health departments. Many centers do not have enough resources to meet existing demand from torture survivors in their communities.

Not surprisingly, few programs engage in outreach to refugee communities since they would not have the capacity to absorb the increased client load that such outreach might generate. Consequently, many torture victims are not receiving the rehabilitation treatment they need.

There has been no increase in funding levels since fiscal year 2001. At the same time, the number of survivors seeking treatment at U.S. centers has steadily increased. The client base at 14 centers increased from 935 in 1999, to 1,550 in 2000, and to 2,579 in 2001. In 2002, a subsequent survey showed that 23 federally-funded centers had treated 3,664 clients that year.

Despite the high need and demand for torture survivor services, the Office of Refugee Resettlement was forced to reduce funding to existing programs last year in order to open additional needed centers. One program had to close its doors, while others laid off employees or reduced the number of torture victims that can receive treatment.

The network of treatment centers in the United States still needs to be expanded, especially in areas with significant refugee and immigrant communities. For example, there are no treatment centers in Miami, New Orleans, Cleveland or Seattle.

Current funding does not provide for evaluation and research to strengthen the effectiveness of treatment programs for victims. In order to reach a greater number of torture survivors in the United States, training on the identification and treatment of victims of torture should be provided to general health care providers and hospitals.

Torture victims are often targeted for persecution by repressive regimes because of their independent political, religious or labor activities. Even after a dictatorial regime has fallen, the impact of torture can be felt for years: Dissidents are broken and potential leaders are lost; their families and communities are still frightened and disengaged from public life; there is a profound lack of trust in public institutions, police, and courts; political apathy is a lesson learned and lived out every day. But with medical, psychological and social services, torture survivors can again become contributing members of their communities, and lead lives of hope and success.

H.R. 2017 is critical for torture victims and their families, and I urge all of my colleagues to strongly support it.

Ms. SCHAKOWSKY. Mr. Speaker, I rise in strong support of the Torture Victims Relief Reauthorization Act (H.R. 2017). The Torture Victims Relief Act (TVRA) has provided critical support to thousands of survivors of torture since it was first authorized in 1999. The sad fact is that torture is still used by governments around the world and the need for the bill is as pronounced as ever. With revelations of the U.S.'s own use of torture making waves around the world, we can ill afford to take a step back in the field of torture treatment.

The United States must renew its commitment against the use of torture. And it must support efforts to ease the pain and suffering of those living in parts of the world where there are no other resources—not to mention political motivation—to help survivors of torture.

Currently, 27 programs in 17 states including Illinois receive assistance for torture treatment in the U.S. Treatment provided by these programs enables survivors of torture to recover their lives and become productive members of their communities. Many of these centers, including the center in Illinois, also train mainstream professionals. This increases the ability of health care providers, attorneys, leaders of faith, and others, to provide for the special needs of torture victims and contribute to the. prevention of torture.

The TVRA is at work in my district, supporting the work of the Marjorie Kovler Center of Heartland Alliance. The Center provides medical, mental health and social services to more than 300 torture survivors every year. While these services are provided for people across the state and into Indiana and Wisconsin, the Center receives more referrals from my Congressional district than any other. These individuals make their way to our community at great personal cost. They come seeking safety, only to be confronted with the difficulties of adjusting to life in the United States. They each carry a heavy burden from the trauma they have suffered, and many would not become the productive members of the community that they want to be if it not for the services supported by the TVRA.

In addition to the people in my district that the Center serves, I am proud to say that dozens of my constituents volunteer and work at the Marjorie Kovler Center. I have had the opportunity to meet many of them at events in the district over the past several years and am aware of their skill and commitment. The fact is that volunteer and in-kind donations worth more than $400,000 annually leverage funds from the TVRA spent in my district. This amounts to a one-to-one match of Federal funds provided by my community.

For these reasons, Mr. Speaker, I wholeheartedly support the Torture Victim Relief Reauthorization Act, and I urge my colleagues to support funding for torture treatment centers.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 2017.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

URGING MEMBER STATES OF THE UNITED NATIONS TO STOP SUPPORTING RESOLUTIONS THAT UNFAIRLY CASTIGATE ISRAEL

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 438) urging member states of the United Nations to stop supporting resolutions that unfairly castigate Israel and to promote within the United Nations General Assembly more balanced and constructive approaches to resolving conflict in the Middle East, as amended.

The Clerk read as follows:

H. RES. 438

Whereas the 60th session of the General Assembly of the United Nations is currently underway in New York City;

Whereas the State of Israel is a critical strategic ally of the United States in the Middle East and the only true democracy in the region;

Whereas 60 years ago the United Nations was founded, in part, to prevent another Holocaust from ever happening again;

Whereas three years after its founding, the United Nations passed General Assembly Resolution 181, which provided for the partition of Mandatory Palestine and the establishment on its territory of an independent Jewish state, which became the State of Israel;

Whereas in recent years, the General Assembly of the United Nations has engaged in a pattern of approving resolutions that unfairly criticize and condemn Israel;

Whereas during the 59th session of the General Assembly of the United Nations, the General Assembly adopted 21 resolutions criticizing Israel;

Whereas despite the myriad of challenges facing the world community, the General Assembly of the United Nations has devoted a vastly disproportionate amount of time and resources to castigating Israel;

Whereas for the past 30 years, the United Nations has funded three entities that support anti-Israel propaganda, including the Division for Palestinian Rights, the Committee on the Exercise of the Inalienable Rights of the Palestinian People, and the Special Committee to Investigate Israeli Human Rights Practices Affecting the Palestinian People and Other Arabs of the Occupied Territories;

Whereas the double standard against the State of Israel that is perpetrated at the United Nations is pervasive: of ten emergency special sessions called by the General Assembly of the United Nations, six have been about Israel, and since 1997, at the annual meetings of the United Nations Commission on Human Rights in Geneva, only Israel has had its own agenda item (Item 8) dealing with its alleged human rights violations, whereas all other countries are dealt with in a separate agenda item (Item 9); and

Whereas as a founding member of the United Nations, the United States has a special responsibility to promote fair and equitable treatment of all member states of the United Nations: Now, therefore be it

Resolved, That the House of Representatives urges member states of the United Nations to—

(1) stop supporting resolutions that unfairly castigate Israel; and

(2) promote within the United Nations system a more balanced and constructive approach to resolving conflict in the Middle East.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Resolution 438, which I am proud to cosponsor.

Mr. Speaker, I want to begin by thanking the gentleman from New Jersey (Mr. ROTHMAN) and the gentleman from Illinois (Mr. KIRK) for their initiative in drafting this measure.

Let me also thank the chairman and the ranking member of the Committee on International Relations and the House leadership for moving this resolution to the floor so rapidly.

Mr. Speaker, as the current session of the General Assembly of the United Nations winds toward a close, there are still important decisions to be made. Will the United Nations reform itself along the lines suggested by the United States, indeed, by this House? Many of these reforms are supported widely among the member states of the U.N. and even in some parts of its bureaucracy. Or will it continue along its way, wasting money and political capital on what lawyers might call "larks and detours"?

Among the most wasteful of the activities of the U.N. is its incessant use of funds and time on Israel-bashing resolutions and institutions. While these were never good ideas, and have been opposed by all American administrations, any excuse for supporting them has simply disappeared with the changes in the situation on the ground in the Middle East.

The resolution carefully catalogs the abysmal record of the United Nations' one-sided criticism of Israel over the decades. I will not repeat the details that are covered in the resolution; but it is enough to say, enough is enough. It is time to bring this unacceptable behavior to an end.

The United Nation has legitimate work to do. It should not sully its hands further with this one-sided agenda which serves no useful purpose, but only prevents it from doing good where it might be able to do so.

Mr. Speaker, I ask the administration which has been working on these issues energetically to increase its efforts to correct this situation, including through the elimination of Palestinian offices and commissions that serve to fuel the anti-Israel bias and the resolutions that they always consider.

I included such a mandate in the U.N. Reform Act, the Henry Hyde bill, and I look forward to working with the administration toward this goal.

When our current permanent representative to the United Nations, Ambassador John Bolton, was Assistant Secretary of State for organizational affairs during the administration of the first President Bush, he executed a masterful strategy aimed at the repeal of the infamous Zionism is Racism resolution of the General Assembly.

Mr. Speaker, I have every confidence that given his energy and the backing of the Department, he will have success in carrying out the agenda outlined in this resolution before us.

Mr. Speaker, I ask my colleagues to render their strong support for this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I strongly support this resolution. The primary pathology that infects the United Nations General Assembly is its continuing obsession with singling out and castigating the democratic nation of Israel by the passing of a series of outrageous resolutions.

Mr. Speaker, I applaud my good friend and colleague from New Jersey (Mr. ROTHMAN) for offering this measure which encourages the U.N. to confront this pathology.

Mr. Speaker, the U.N.'s obsessive focus on Israel is not just an obstacle to the promotion of peace between Israel and the Palestinian people. The massive amount of time and resources spent on this issue by the General Assembly and the so-called U.N. Human Rights Commission crowds out the consideration of truly critical problems such as the ongoing genocide in Darfur, the AIDS crisis in Africa, Mugabe's murderous campaign against his own citizens in Zimbabwe, and scores of other real issues.

The climate created by the repeated passage of anti-Israeli measures at the U.N. also emboldens the most hate-filled, ignorant, and pathological members of the international community such as Iranian President Mahmoud Ahmadinejad, who recently declared that Israel should be wiped off the map.

The U.N.'s repeated official condemnation of Israel's efforts to provide basic security for its citizens also emboldens further violence and terrorism against innocent Israelis.

□ 1600

Just yesterday, five innocent Israeli civilians were killed by suicide bombers. Since Israel's population is 1/60th of ours, this would have amounted to mass murder had it occurred in the United States.

Mr. Speaker, several recent developments have provided the U.N. with an opportunity to move past its shameful legacy of bias and hatred for Israel. After decades of exclusion from positions of leadership at the U.N., Israel has gained a more normal status at the organization, culminating in the recent historic election of Israeli Ambassador Gillerman as vice president of the General Assembly.

Mr. Speaker, the U.N. currently has two bold and principled leaders who have committed themselves to confronting the U.N.'s lingering anti-Semitism. Secretary General Kofi Annan has made numerous statements on this issue and convened an historic commemorative session on the 60 anniversary of the liberation of the Nazi death camps earlier this year.

The new president of the General Assembly, Sweden's former distinguished ambassador here in Washington, my dear friend Jan Eliasson, pressed the General Assembly to adopt a U.N. date to memorialize the suffering of the Jewish people in the Holocaust as the first official act of the 60th session.

Mr. Speaker, the current U.N. reform effort also presents the organization with an opportunity to eliminate the three entities that support anti-Israel propaganda: The Division For Palestinian Rights, the Committee on the Exercise of the Inalienable Rights of the Palestinian People, and the Special Committee to Investigate Israeli Human Rights Practices Affecting the Palestinian People and Other Arabs of the Occupied Territories. That is quite a title for an organization, which is useless.

Mr. Speaker, I earnestly hope that the U.N. will take advantage of this moment and will begin to reverse its pattern of outrageous attacks on Israel. I urge all of my colleagues to support H. Res. 438.

Mr. Speaker, I yield 6 minutes to my good friend and distinguished colleague from New Jersey (Mr. ROTHMAN), the sponsor of the resolution.

Mr. ROTHMAN. Mr. Speaker, I thank the gentleman from California (Mr. LANTOS) for his leadership on all these issues and for yielding me time. I would also like to thank the gentlewoman from Florida (Ms. ROS-LEHTINEN) for all of her support for reforms at the U.N., as well as support for the State of Israel, what is right, and my dear friend and colleague on the House Appropriations Committee, the gentleman from Illinois (Mr. KIRK), who has worked with me on a number of issues relating to reforms at the U.N. and various other issues that we hold very near and dear to our hearts.

Mr. Speaker, what if I were to ask you the following question? Maybe would you possibly guess what is the answer. As you know, the United Nations has about 190 countries in it, 190 countries in the United Nations. What if I told you that over the last 30 years, about on average one-third of each of the resolutions each year at the United Nations for the last 30 years, about one-third of the resolutions relate to criticizing one country, every year, one-third of the resolutions of the General Assembly of the U.N.

You would say, wow, one country gets one-third of the resolutions at the U.N.? What country deserves the attention, the energy, the money, the hot air of the U.N. and the condemnation of that world body? Well, you would say, maybe had to do with the slaughter in the Sudan, the genocide in Rwanda or Cambodia or Bosnia, or the actions of Saddam Hussein's Iraq. Maybe those nations. Well, we are only talking about one, so it cannot be all of them. Would one of those be the one that for 30 years has gotten one-third of the resolutions condemning a country?

What if I told you that the country that for the last 30 years was condemned with 30 percent of the resolutions at the U.N., the only country, was the State of Israel, the only democracy in the Middle East? They get one-third of the resolutions of the U.N. addressed to it, the State of Israel, condemning it.

You would say, wow, what did Israel do to deserve that? Is it because Israel is a democracy and the world does not like democracies? The U.N. is against democracies, so they attack the only democracy in the Middle East? Or maybe you are more cynical and you say, ah hah, the Arab world does not like the State of Israel, so since the Arab world has all the oil, maybe that is why the U.N. devotes one-third of its resolutions every year to criticizing Israel, because they have no oil and the Arabs do not like Israel. Or maybe it is because Israel is America's best friend in the Middle East, its most reliable and trusted ally in the Middle East, and maybe that is why the U.N. does not like Israel. Or maybe you might say maybe it is because Israel is the only Jewish state in the world. Maybe that is why the U.N., of the 190 nations, singles out Israel for one-third of its resolutions a year, every year, for the last 30 years.

The 5 million Jews in Israel deserve castigation and condemnation, out of the 6 billion people on the planet, and we pay American taxpayer dollars to finance the U.N. to do that? It is absurd. It is immoral. It is shameful.

Yet just last week, the United Nations again passed six more resolutions condemning the State of Israel. And if it is on target for each of the last 30 years, this year the United Nations will expend one-third of its resolutions criticizing one nation in the world, the tiny state, the only democracy in the Middle East, the only Jewish state in the world, the State of Israel.

Something is terribly wrong, Mr. Speaker, and this resolution that the gentleman from Illinois (Mr. KIRK) and I have put together, with the help and support of the leadership of both parties, on the IR Committee and in the House, simply says to the United Nations that they should stop supporting these resolutions, wasting their money attacking America's best friend, the only Jewish state in the world, and instead use their energy, if they want to focus on the Middle East, how about the slaughter going on in all the dictatorships in the Arab world?

Why does the U.N. not spend its money more constructively if they want to be a legitimate help in resolving issues in the Middle East? Maybe they want to introduce some pro-democracy movements in all of the Arab dictatorships in the Middle East, or maybe they want to introduce some resolutions about the torture in Arab nations around the world, or the genocide going on in every continent of the world.

But I must tell you this: The American taxpayers are sick and tired, as are the Members of this House of Representatives, of the United Nations wasting our taxpayer money to attack our best friend for no reason with double standards. It is shameful, it is fraudulent, it is slanderous. There is no way to describe their lies being offered up as truths. And we are paying for it as a member nation of the U.N.? That is wrong.

The U.N. must stop its double standard against the State of Israel, wasting one-third of its resolutions for the whole year attacking Israel, or they are going to have to deal with the consequences.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Speaker, I thank the gentlewoman from Florida for bringing this resolution forward, and especially a man that we all follow his leadership for the dignity of human rights and the individual, the gentleman from California (Mr. LANTOS).

Mr. Speaker, we founded the United Nations 50 years ago with the promise of "never again." The Nazi Holocaust had just claimed 6 million Jewish lives, and we pledged to the civilized world that we would never again allow such a brutal genocide. Two years later, we fulfilled the first step in that promise by passing a plan for Palestine, granting the Jewish people a homeland of their own in a world that had sought their destruction.

How 50 years can change things. Today, the very institution which recognized and helped create the Jewish state works almost daily to make it a pariah in the world. The U.N. General Assembly has evolved into a relentlessly anti-Israel body, scapegoating the preeminent democracy in the Middle East for the bulk of the world's problems.

When Jews are murdered in shopping malls in Netanya or in pizza parlors in Jerusalem, the General Assembly is silent. When Jews stand up against terrorism and defend themselves, that is when the General Assembly erupts into condemnation.

There is now a chilling double standard at the United Nations that roots itself in the very ideology we defeated in Europe 50 years ago. It is rooted in a new 21st century anti-Semitism that targets the political manifestation of the Jewish people.

Mr. Speaker, the people of Israel once again face a threat of genocide and annihilation, they call it the existential threat, from the President of Iran who outlined his vision of a world without a State of Israel and highlighted his pursuit of nuclear power until that vision is realized.

The United Nations cannot sit by and allow that to happen. Now is the time to fulfill our promise, never again. We need to wake up now and see the United Nations for what it is, not what it was. What it is now, in part, is a corrupt and anti-Semitism organization. What it should become is a reformed body that fulfills the promise Mrs. Roosevelt set for it as a dream and a force for peace in the world.

Mr. Speaker, I want to thank my friend from New Jersey for his leadership on this issue, and also thank the gentlewoman from Florida and the gentleman from California for bringing this key resolution to the floor.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, I certainly thank the gentlewoman for yielding me time.

Mr. Speaker, the United Nations has supported a series of three resolutions which praise Palestinian actions while condemning Israeli self-defense. Rather than promoting democracy in the Middle East, the U.N. continually strikes at Israel, even though it is the only true democracy in that region.

Without any consideration of Palestinian aggression, the U.N. has relentlessly gone on the offensive against the Israeli government, despite themselves having established the State of Israel after the Second World War. It is truly shameful that some 30 percent of the U.N.'s total legislative business is anti-Israel, when so many of the U.N.'s member nations have abhorrent human rights records that go unaddressed and unspoken of.

Mr. Speaker, I have a simple request for the United Nations: Please do your job. Stop wasting our time with your anti-Israel political agenda and start doing something useful, might I suggest, like really investigating the Oil-For-Food scandal and holding the responsible parties accountable.

Most importantly, take a fair and balanced approach towards solving the problems that are plaguing the Middle East. If we are honestly trying to bring peace to the Middle East, we must help the Palestinians establish their own independent state, while at the same time showing them they must live in peaceful coexistence with Israel.

Mr. Speaker, the President of Iran recently said that Israel needs to be wiped off the face of the map, yet no one at the U.N. made more than a passing reference to these outrageous comments. The United Nations must realize that all member states deserve respect, and that these kinds of hateful, anti-Semitic remarks offend fair-minded people throughout the entire world.

□ 1615

Mr. Speaker, it is no secret that many Americans question our membership in the United Nations. Many resent that our dues are being spent on a political agenda that undermines our American ideals; and when such ridiculous actions are taken, no wonder questions arise about our involvement and our membership.

I urge our colleagues to support H. Res. 438 and ask that the United Nations as well take a balanced approach to the problems facing the Middle East.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Speaker, I thank the gentlewoman for the time.

Mr. Speaker, I rise today in strong support of H. Res. 438 today to once again demonstrate my strong resolute support for the State of Israel and all of our support for Israel, and its beleaguered people as well. When we think about it, it is really unfortunate that Congress has to get together and even make such a statement, but I believe that the circumstances and world politics necessitate that we do so.

In addition to being one of the United States' closest allies, Israel is also the only truly fully functioning democracy in the Middle East. Yet, ever since 1948, when the world officially established the State of Israel and recognized its right to exist in the Middle East, the United Nations has shown an extraordinary bias against it.

It is my hope that it would be clear to all the freedom-loving peoples in the world and all the peaceful nations throughout the world that such a sentiment is unwarranted. Israel has done no more than to promote religious and economic freedom and democratic principles to each of its citizens, and it has done so while enduring literally decades upon decades of violent attacks from many of its neighbors.

The U.N.'s bias has only served, however, to embolden Israel's enemies and to promote an anti-Israel attitude. That body's record of lagging in promotion of Israeli ambassadors to leadership positions while turning basically a blind eye when condemnation of actions against Israel were warranted is just one of the reasons why the U.S. Congress cannot sit idly by and do nothing.

As a cosponsor of H. Res. 438, I strongly encourage all of my colleagues to join in support of this resolution and also the next resolution, H. Res. 535, which honors the life and work of slain Israeli Prime Minister Yitzhak Rabin. Together, these resolutions demonstrate the contrast of peace and democracy versus the hatred and bias that has surrounded Israel and the United Nations' treatment of it over the years.

I am hopeful that our united stand today will persuade the U.N., which has a history of inefficiency and corruption, to change its approach and its dealings with these issues.

I thank the gentlewoman for this opportunity.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New York (Mr. ENGEL), a distinguished member of the International Relations Committee.

Mr. ENGEL. Mr. Speaker, I thank my friend, the distinguished gentleman from California, for the time.

I rise in strong support of H. Res. 438, which urges the U.N. member states to cease unfairly castigating Israel and adopt a balanced approach to the Israeli-Palestinian conflict. I would also like to commend the gentleman from New Jersey (Mr. ROTHMAN) and the gentleman from Illinois (Mr. KIRK) for their diligent effort on this issue, as well as the gentleman from California (Mr. LANTOS) and the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Mr. Speaker, this resolution concerns one simple issue: equality of all U.N. member states. It is shameful, absolutely shameful, that Israel, a state established by U.N. consensus in the ashes of the Holocaust, has been unjustly maligned for decades. More than 30 years since the infamous Zionism of Racism resolution, an established precedent of Israel-bashing still thrives at the United Nations.

Within the context of U.N. reform, eradicating the various mechanisms of bias is crucial to its success. Examples include the plethora of resolutions condemning Israel while the world's worst human rights abusers escape attention or are even appointed to key U.N. panels.

I am particularly concerned with the three annual U.N. resolutions which reauthorize the so-called Division on Palestinian Rights, the Committee on the Inalienable Rights of the Palestinian People, and the Special Committee to Investigate so-called Israeli Human Rights Abuses. These bodies serve no other purpose than to bash Israel and endorse the cause of one side in the long-standing conflict. Such discriminatory treatment of Israel discredits the entire United Nations organization and should be immediately eliminated.

Mr. Speaker, I recently returned from meetings in the European Union. I and the gentleman from New York (Mr. ACKERMAN) and other colleagues urged European Union officials to switch their vote in the U.N. General Assembly from "abstention" to "no" on those resolutions which fund anti-Israel entities. I say to our friends in the European Union, an abstention is the equivalent of voting "yes" and continuing the bias against Israel. By voting "no," the EU can join the United States in dissolving these inherently discriminatory panels, transfer the funds to a real humanitarian purpose, and move unequivocally to the realm of honest broker. If the EU states were to vote "no," funding would stop because there would not be the necessary two-thirds to perpetuate the funding.

Mr. Speaker, the Israeli-Palestinian conflict will not be solved by constantly berating one side, Israel. By tolerating such action, the organization responsible for maintaining world peace is actually exacerbating the conflict by discriminating against a member state.

I strongly urge my colleagues to support H. Res. 438.

Mr. CARDIN. Mr. Speaker I rise in support and as a co-sponsor of H. Res. 438, which urges member states of the United Nations to stop supporting resolutions that unfairly castigate Israel and to promote within the United Nations General Assembly more balanced and constructive approaches to resolving conflict in the Middle East.

Israel is a critical strategic ally of the United States and is the only true democracy in the Middle East. The United States and Israel are built on a common set of core democratic principles and operate under the rule of law. The United States and Israel must continue to work closely together to eliminate terrorism and foster the spread of democracy and economic prosperity throughout the Middle East.

The state of Israel, founded shortly after the Holocaust, serves as a safe haven and strong voice for Jews around the world.

The Charter of the United Nations—adopted after the end of World War II—states that the U.N. was founded to "maintain international peace and security" and "develop friendly relations among nations." The Charter also states that "[this] Organization is based on the principle of the sovereign equality of all its Members."

Unfortunately, Mr. Speaker, the United Nations has utterly failed to live up to the principles and obligations of its charter when it comes to its treatment of Israel. The United Nations has a long history of singling out Israel for unfair, biased, and one-sided criticism and treatment. Let me mention just a few examples. Israel is the only country that has three special committees set up to support propaganda against it. Israel is the only country that has had its own agenda item dealing with its alleged human rights violations in annual meetings of the United Nations Commission on Human Rights in Geneva, in contrast to all other countries which are combined into a separate agenda item. Israel is the only member nation of the United Nations that has consistently been denied full admission to its regional grouping, which violates the U.N. Charter guarantee of "sovereign equality" and denies Israel the right to fully participate in all U.N. functions.

Out of the ten emergency special sessions called by the United Nations General Assembly, six have related to Israel. During last year's session of the U.N. General Assembly, the body adopted a total of 71 resolutions by roll call vote, 21 of which (roughly 30 percent) criticized Israel. These resolutions are biased and one-sided, and I am disappointed that the U.N. has not focused its efforts on condemning and bringing an end to Palestinian terrorist attacks launched against Israel.

Finally, I want to cite the recent bipartisan task force report issued in June 2005 entitled "American Interests and U.N. Reform: Report of the Task Force on the United Nations." The report, authored by former House Speaker Newt Gingrich and former Senate Majority Leader George Mitchell, found that "systematic hostility" against Israel is "routinely expressed, organized, and funded" within the U.N. system, which treats Israel as a "second-class citizen."

Mr. Speaker, the United Nations has a critical role to play in the 21st century in its role as peacekeeper, election monitor, and humanitarian relief provider. The U.N. has also made great strides in promoting the rule of law and democracy. Unfortunately, the U.N. to date has not played a constructive role in resolving conflict in the Middle East, and the U.N. allowed itself to be hijacked by those with a political agenda. I have also written to U.N. Secretary General Kofi Annan and expressed my concerns about anti-Semitic statements made by U.N. officers, and have urged him to follow the lead of the Helsinki Commission and the Organization for Security and Cooperation in Europe (OSCE) in combating anti-Semitism. I hope today's resolution will cause the U.N. and its member states to reevaluate their attitudes toward Israel and to reflect on how they can use the U.N. to make a constructive and meaningful contribution to international peace and security.

I urge my colleagues to support this resolution.

Mr. MENENDEZ. Mr. Speaker, I would like to thank my fellow colleague from New Jersey, Congressman ROTHMAN, for sponsoring this important resolution which addresses the unfair treatment of Israel in the United Nations.

Too frequently we witness the destructive effects of anti-Semitism, hatred and intolerance on innocent people around the world. Just this past weekend, a suicide bomber killed 5 people and wounded at least 66 others at a shopping mall in Netanya, Israel.

Year after year, anti-Israel sentiments have manifested themselves in U.N. resolutions that unfairly condemn and castigate the State of Israel. That is why I am a proud cosponsor of this resolution that criticizes the blatant anti-Israel tone within the United Nations and calls on the U.N. to encourage a more balanced approach to the Middle East conflict.

At a time when anti-Semitism is on the rise around the world, the United Nations should be taking a strong stance in support of tolerance. Instead, it is funding entities that support anti-Israel propaganda; it has dedicated over half of its emergency special sessions to Israel; and it continues to single out Israel for human rights violations in both the annual meetings of the U.N. Commission on Human Rights and in thirty percent of the resolutions voted on by the U.N. General Assembly each year.

Let me be clear—there have been some improvements, such as the election of Israel's Ambassador to the vice presidency of the 60th General Assembly. And yet Israel still remains the only member nation that has been denied admission to its regional grouping.

In 1948, the United Nations established the State of Israel as a homeland and refuge for Jewish people around the world. It is shameful that 57 years later, anti-Semitism has not gone away but is on the rise.

The United Nations Charter calls for its members to practice tolerance and live together in peace as good neighbors. Yet the U.N.'s unbalanced approach toward the situation in the Middle East in general, and toward Israel in particular, risks undermining this foundation.

The United Nations should be a bastion of equal rights, equal voices, equal treatment and, when necessary, equal condemnation. If it cannot be an impartial judge of circumstances, the U.N. risks losing its credibility in the Middle East and undermining any future peace process.

I join my colleagues in supporting this bill to call on the United Nations to stop unfairly castigating Israel, and to support fair and equal treatment of all member nations.

Mr. GENE GREEN of Texas. Mr. Speaker, this resolution offers support for our closest ally, Israel, and calls upon member states of the United Nations to stop supporting resolutions that unfairly criticize Israel.

Israel is the only member-state in the UN that is prevented from belonging to the regional grouping which it geographically belongs in and is, therefore, prevented from participating in much of the ordinary work of the UN. Israel cannot vote for or be elected to many of the UN's central organizations. Just as troubling as being denied full membership, however, is the disproportionate number of resolutions passed in the UN that unfairly criticize Israel.

Anti-Israel resolutions are often adopted in agencies, and on issues which have no relevance to the work or mandate of these organizations. Additionally, the Commission on Human Rights routinely adopts a grossly disproportionate number of resolutions concerning Israel. Of all condemnations of this agency, 26 percent refer to Israel alone, while states such as Syria and Libya are rarely criticized.

Another egregious example of bias against Israel is the fact that the UN has repeatedly held Emergency Special Sessions of the General Assembly on Israeli construction in Jerusalem. The Emergency Special Session was originally conceived in 1950 for emergencies like the Korean War, however in the last two decades, these special meetings have only been held regarding Israel. Emergency Special Sessions were not convened over the genocide in Rwanda, ethnic cleansing in the former Yugoslavia, or with regard to the other major world conflicts.

Since joining the United Nations on May 11, 1949, Israel has been singled out time and again for disproportionate criticism, underrepresented on important committees, denied full membership in regional groupings and constantly attacked by a bloc of Arab states and their supporters.

Mr. Speaker, I urge my colleagues to join me in voting in favor of this resolution to once again reaffirm our support for Israel, and to urge members of the UN to stop supporting resolutions that unfairly criticize Israel and prevent Israel from fully participating in the UN.

Mr. LANTOS. Mr. Speaker, we have no additional requests for time, and we yield back the balance of our time.

Ms. ROS-LEHTINEN. Mr. Speaker, I also have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ADERHOLT). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 438, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

HONORING THE LIFE, LEGACY, AND EXAMPLE OF ISRAELI PRIME MINISTER YITZHAK RABIN ON THE 10TH ANNIVERSARY OF HIS DEATH

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 535) honoring the life, legacy, and example of Israeli Prime Minister Yitzhak Rabin on the tenth anniversary of his death.

The Clerk read as follows:

H. RES. 535

Whereas Yitzhak Rabin was born March 1, 1922, in Jerusalem;

Whereas Yitzhak Rabin volunteered for the Palmach, the elite unit of the Haganah (predecessor of the Israeli Defense Forces), and served for 27 years, including during the 1948 War of Independence, the 1956 Suez War, and as Chief of Staff in the June 1967 Six Day War;

Whereas in 1975, Prime Minister Yitzhak Rabin signed the interim agreement with Egypt (Sinai II) which laid the groundwork for the 1979 Camp David Peace Treaty between Israel and Egypt;

Whereas Yitzhak Rabin served as Ambassador to the United States from 1968–1973, Minister of Defense from 1984 1990, and Prime Minister from 1974–1977 and from 1992 until his assassination in 1995;

Whereas on September 13, 1993, in Washington, D.C., Yitzhak Rabin signed the Declaration of Principles framework agreement between Israel and the Palestinians;

Whereas upon the signing of the Declaration of Principles, Yitzhak Rabin said to the Palestinian people: "We say to you today in a loud and clear voice: Enough of blood and tears. Enough! We harbor no hatred toward you. We have no desire for revenge. We, like you, are people who want to build a home, plant a tree, love, live side by side with you—in dignity, empathy, as human beings, as free men.";

Whereas Yitzhak Rabin received the 1994 Nobel Prize for Peace for his vision and bravery as a peacemaker, saying at the time: "There is only one radical means of sanctifying human lives. Not armored plating, or tanks, or planes, or concrete fortifications. The one radical solution is peace.";

Whereas on October 26, 1994, Yitzhak Rabin and King Hussein of Jordan signed a peace treaty between Israel and Jordan;

Whereas on November 4, 1995, Yitzhak Rabin was brutally assassinated after attending a peace rally in Tel Aviv where his last words were: "I have always believed that the majority of the people want peace, are prepared to take risks for peace . . . Peace is what the Jewish People aspire to."; and

Whereas Yitzhak Rabin dedicated his life to the cause of peace and security for the state of Israel by defending his nation against all threats, including terrorism and undertaking courageous risks in the pursuit of peace: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the historic role of Yitzhak Rabin for his distinguished service to the Israeli people and extends its deepest sympathy and condolences to the family of Yitzhak Rabin and the people of Israel on the tenth anniversary of his death;

(2) recognizes and reiterates its continued support for the close ties and special relationship between the United States and Israel;

(3) expresses its admiration for Yitzhak Rabin's legacy and reaffirms its commitment to the process of building a just and lasting peace between Israel and its neighbors;

(4) condemns any and all acts of terrorism; and

(5) reaffirms unequivocally the sacred principle that democratic leaders and governments must be changed only by the democratically-expressed will of the people.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H. Res. 535, honoring the life, the legacy and the example of Israeli Prime Minister Yitzhak Rabin.

I commend the gentleman from New York (Mr. ENGEL) for introducing this resolution. I would also like to thank the leadership, along with Chairman HYDE and Ranking Member LANTOS of the House International Relations Committee for helping to bring this important resolution to the floor today.

Mr. Speaker, on November 4, 1995, Prime Minister Rabin was tragically assassinated at a peace rally in Kings of Israel Square in Tel Aviv, Israel.

Moments before his death, Rabin said the following to tens of thousands of Israelis: "Peace entails difficulties, even pain. Israel knows no path devoid of pain. But the path of peace is preferable to the path of war."

Prime Minister Rabin symbolized the complexities of Israeli society. He fought in the war of independence, which established the State of Israel in 1948, and spent much of his professional life in the battlefield defending the State of Israel militarily.

However, his contributions to the greater battle for Israel's security through a negotiated solution is what the people of Israel, the Palestinians and, indeed, the rest of the world remember most 10 years after he uttered his last words of hope and peace in 1995.

Under Prime Minister Rabin's leadership, Israel signed a Declaration of Principles Framework Agreement with the Palestinians in 1993 and a peace treaty with Jordan a year later.

In 1994, Rabin received the Nobel Peace Prize, saying the following about making peace with the Palestinians at the time: "Mistakes could topple the whole structure and bring disaster down upon us despite the toll of murderous terrorism, despite fanatic and scheming enemies. We will pursue the course of peace with determination and fortitude. We will not let up. We will not give in. Peace will triumph over all our enemies, because the alternative is grim for us all."

Prime Minister Rabin paid the ultimate price for peace; and after his death, his beloved wife, Leah Rabin, carried on her husband's message. After Mrs. Rabin's passing from lung cancer, her daughter Dalia Rabin is leading her father's mission for hope and peace. This resolution is also a testament to their hard work and commitment to the ideals of their father and husband, Yitzhak Rabin.

Thanks to the generosity of so many people, Mr. Rabin's legacy will permanently be commemorated in the State of Israel through the opening of the Yitzhak Rabin Center for Israel Studies.

Mr. Speaker, I strongly support the passage of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of this resolution.

Mr. Speaker, the resolution before the House today honors the memory of one of the 20th century's most remarkable leaders.

It has now been more than a decade since Yitzhak Rabin was laid to rest. Just 3 weeks ago, it was my great honor to represent the Congress at the official remembrance ceremony for Prime Minister Rabin at his grave on Mount Herzl in Jerusalem. It was a deeply emotional event and a spellbinding experience.

Rabin was eulogized by many, but none spoke more eloquently and with more feeling than former President Bill Clinton and our current Secretary of State, Dr. Condoleezza Rice.

As is the custom in Israel, I placed rocks on the graves of both Yitzhak Rabin and his wife, Leah, who were friends of mine and my wife, Annette, as well.

I was privileged to attend the opening of the Yitzhak Rabin Center for Israeli Studies housed in Tel Aviv in a building designed by the incredibly talented architect Moshe Safdie. Through exhibits, seminars and scholarship, it will serve as an appropriate and permanent memorial to the late, great Prime Minister.

Many of us in this Chamber remember where we were and what we were doing and the devastation we felt on November 4, 1995, as if the tragedy had happened just moments ago. I was reading a book about Abraham Lincoln, the first American President to be assassinated. I remember telling my wife that despite all their difficulties, troubles and turmoil, the Israelis at least escaped seeing their leaders assassinated; and an hour later, the television reported that Rabin had just been shot to death.

□ 1630

Rabin's life was more majestic than the moment of his murder was horrible, powerful as the memory of that moment is. His life was rich with legendary achievements and, as befits the first native-born Israeli to lead his Nation, his life was also rich with symbolism:

He played a key role in Israel's War of Independence, and he was critical, of course, to Israel's historic success in the Six-Day War. As Ambassador to the United States, he helped lay the groundwork of U.S. support for Israel in the Yom Kippur War. His honest, piercing insights and sometimes gruff style seemed to epitomize a Nation renowned both for brilliance and directness.

In his last years, at times he publicly reflected on the meaning of peace and war and life and death. And, when he did so, he surprised many of us by revealing in a gravelly voice and in incongruously defined tones, a soul seemingly forged by the psalmists and the profits.

His story has been told and retold many times and is familiar to most of us. As a youth, he turned down a British mandate scholarship that would have allowed him to study hydraulic engineering at Berkeley, my alma mater, and perhaps pursue a life of more conventional success. Instead, he anchored his life to serving his people and his homeland. He became a warrior, a strategist, a politician, a diplomat, a statesman, and a peacemaker. He became a general, a chief of staff, an ambassador, a defense minister, and a prime minister.

My wife, Annette, and I were privileged to know him in all of his various roles. We knew him and his wife Leah well, and we loved them dearly. Rabin was already a giant of Israeli history when he initiated the period of intense peacemaking that began with the Oslo agreement. For all his many legendary accomplishments, it is that period that dominates our memory of him, in part because it contrasted so sharply with the military glories of his past and because he was cruelly and tragically forced to exit the scene before he found out if his labors for peace would bear fruit.

President Clinton has said that there undoubtedly would have been peace had Rabin lived. I am not so sure. But we will never know for certain. It is more than possible that Rabin's best efforts would have been thwarted by the devious and malevolent Arafat, just as the best efforts of Rabin's successors were.

But I do know this, Mr. Speaker. Rabin would have signed a final peace agreement only if he were absolutely convinced that it would enhance the security of the democratic State of Israel. The one final peace agreement he did sign, the treaty with Jordan, is today the sturdiest of all Israel's various agreements with Arab States, and Yitzhak was a peacemaker with a spine of steel.

To me, one aspect of Rabin's life stands out above all others. He was a leader. Shimon Peres said it well of Prime Minister Rabin at his funeral, calling him "a rare leader, capable of uprooting mountains and blazing trails, of designating a goal and achieving it."

Many qualities contributed to his supreme leadership skills, not least his thorough identification with his people, their aspirations, their anguish, and their sorrows. But his extra dimension, what made him a special leader, a giant among giants, was his remarkable intellect and his capacity for intellectual growth. As he aged, his mind seemed to grow ever more keen and supple. When he signed the agreement with Arafat in 1993, he explained it in part by saying that the Iraqi missiles that rained down on Tel Aviv convinced him that territory alone would not bring security, and that the intifada of 1987 had convinced him that Israel could never forever rule angry and hostile people.

When he embraced peace, Rabin implicitly created an operational paradigm for a two-state solution, subsequently adopted by our own government, a paradigm that remains at the heart of all realistic visions of peace today, a paradigm that has been embraced and elaborated upon by some of his fiercest critics.

Above all, Rabin believed passionately in democracy and its values. In his final speech, at the peace rally in Tel Aviv, and President Clinton and Condoleezza Rice and several of us, several tens of thousands of us attended a similar rally at the same place 3 weeks ago, his final speech indicated that he was aware of foreboding intelligence reports because he warned, and I quote, "violence undermines the very foundations of democracy. Controversies may arise in democracy, but the decision must be reached through Democratic elections." Moments later, he became a martyr to a gunshot.

Today, 10 years after the tragedy, we look at Rabin even with the clear-headedness that was his own hallmark, and we recognize him as one of the towering figures of our lifetime. We miss him, but we are guided by his multiple legacy of courage and wisdom and belief in the unflagging importance of U.S.-Israeli friendship and his intertwined commitment to security and peace.

It is very appropriate that our body honor the memory of one of our great late friends, Mr. Speaker. I strongly support this legislation, and I urge all of my colleagues to do so.

Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of H. Res. 535, which honors Yitzhak Rabin on the 10th anniversary of his assassination. I am honored to be the sponsor of this resolution, and I would like to thank my colleagues on the International Relations Committee for their assistance and support of this resolution.

Mr. Speaker, as was mentioned by my colleagues, November 4th marked the 10th anniversary of the brutal assassination of Yitzhak Rabin, a warrior turned peacemaker. In a recent national poll, Israelis ranked Rabin's assassination as the third most formative event in the Nation's history, after the 1967 and 1973 wars. Rabin's impact in life was tremendous and his loss to the world is incalculable.

I remember attending his funeral in Israel with many Members of this body and the other body as well, and many leaders, international leaders, and leaders of other nations. Who can forget the moving eulogy by then President Bill Clinton, who, among other things, said about Mr. Rabin, "shalom chaver," which means "goodbye friend."

Mr. Speaker, my legislation highlights the legacy of the man. The Hebrew word for the anniversary of a death is Yizkor, which simply means remember. While mourning his loss, we must also celebrate his life.

Yitzhak Rabin dedicated his life to the cause of peace and security for the State of Israel by defending his nation against all threats, including terrorism, and undertaking courageous risks in the pursuit of peace. By adopting this resolution, Congress will honor the life, legacy, and example of former Israeli Prime Minister Yitzhak Rabin.

This resolution expresses our admiration for Mr. Rabin's legacy and recognizes his historic service to the Israeli people, while extending our deepest sympathy and condolences to his family and the people of Israel. It also reiterates our continued support for the close ties and special relationship between the United States and Israel and the building of a just and lasting peace between Israel and all of its neighbors.

We also condemn any and all acts of terrorism, including one that happened just the other day in Netanya, and reaffirm unequivocally the sacred principle that democratic leaders and governments must be changed only by the democratically expressed will of the people.

Rabin was the first Sabra, a native-born Israeli, to become prime minister. He was born in Jerusalem and later volunteered for the Palmach, the elite unit of the Haganah, the predecessor of the Israeli Defense Forces. He served for 27 years, including during the 1948 War of Independence, the 1956 Suez War, and as Chief of Staff in the June 1967 Six-Day War. In 1975, Prime Minister Rabin signed the Interim Agreement with Egypt, which lay the groundwork for the 1979 Camp David Peace Treaty between Israel and Egypt. He also served as ambassador here in Washington, ambassador to the U.S., from 1968 to 1973, Minister of Defense from 1984 to 1990, and Prime Minister from 1974 to 1977 and from 1992 until his assassination in 1995.

On September 13, 1993, in Washington, D.C., Yitzhak Rabin signed the Declaration of Principles framework agreement between Israel and the Palestinians. I remember it well. I attended with my wife, who was then 7 months pregnant, and it had to be 95 degrees in Washington, but we sat on the White House lawn and watched the historic ceremony because we wanted to be a part of it. Upon signing, Rabin said to the Palestinian people, "We say to you today in a loud and clear voice, enough of blood and tears. Enough. We harbor no hatred toward you. We have no desire for revenge. We, like you, are people who want to build a home, plant a tree, love, live side-by-side with you, in dignity, empathy, as humans beings, as free men."

He received the 1994 Nobel Prize For Peace for his vision and bravery as a peacemaker. The following year, as was pointed out, Rabin and King Hussein of Jordan signed a peace treaty between their countries, and we know about the tragic assassination. And as was stated before, his last words were, "I have always believed that the majority of the people want peace, are prepared to take risks for peace, peace is what the Jewish people aspire to."

Mr. Speaker, 10 years ago, Israel and the world lost a leader of vision and strength. Former Prime Minister Rabin epitomized the essence of the State of Israel, fierce in his defense of his homeland, but always willing to go the extra mile for peace. As we remember him on the tenth anniversary of his death, let us express the hope that Israel and its neighbors will someday experience this peace that he worked so hard to achieve. I urge my colleagues to support House Resolution 535.

Mr. LANTOS. Mr. Speaker, I want to commend my friend from New York for drafting this most important resolution.

Mr. Speaker, I have no additional requests for time, and I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I also commend my good friend from New York (Mr. ENGEL) for this resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of this proposed legislation, "Honoring the life, legacy, and example of Israeli Prime Minister Yitzhak Rabin on the tenth anniversary of his death."

Perhaps no man in Israel's short history as a state has been more influential on the country as Yitzhak Rabin. The story of Rabin's life mirrors the conflicting nature of his county, fiercely wielding the sword of war when necessary in one hand, while extending the olive branch of peace in the other. Few will be considered to have been more dedicated to the peace and security of his country than was Yitzhak Rabin.

As a young man, Rabin's character was hardened by war. He joined the army at 18 years old, before it was named the Israeli Defense Force, before the state of Israel existed. He would serve in the military for 27 years, fighting in the 1948 War of Independence, 1956 Suez War, and, after rising to the rank of Chief of Staff, commanded the Israeli Defense Force in the Six Day War of 1964. Shortly after leading his troops to a stunning, decisive victory in that historical war, Rabin retired from the military to become a diplomat and politician, perhaps suggesting that peace was more effectively sought through diplomacy than through war.

Rabin, who spent a majority of his life as an instrument of war, shifted gears and dedicated the rest of his life to the peace process. Among his major accomplishments were, as Prime Minister, orchestrating the signing of the interim peace agreement between Israel and Egypt, which laid the groundwork for the 1979 Camp David Peace Treaty between the two countries. Fifteen years later, in his second term of service as Prime Minister, he would sign a peace treaty between Israel and Jordan. It is remarkable in retrospect that Rabin, who as a young man fought several wars against Egypt and Jordan, would be such an outspoken and instrumental figure in working towards peace with Israel's Arab neighbors.

Yitzhak Rabin's life was prematurely taken from him on November 4, 1995, when he was murdered at a peace rally in King David Square. Many today suggest that if Rabin had never been murdered, his vision of peace for the Middle East may have come to fruition. Despite his great military career, Yitzhak Rabin is remembered as a champion of peace.

I urge my colleagues to honor the distinguished life and legacy of Yitzhak Rabin by voting for this legislation. A decade has passed since Yitzhak Rabin was murdered; I pray another decade need not pass before his lifelong goal of peace in the Middle East is realized.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in support of this resolution honoring the life and legacy of Israeli Prime Minister Yitzhak Rabin.

It has been 10 years, November 4, 1995, since Yitzhak Rabin was assassinated by a gunman in central Tel Aviv after attending a rally, however, Mr. Rabin's service to the Israeli people and work to promote peace with Israel's neighbors is still present today.

At the age of 19 Mr. Rabin joined the Israeli Army where he served for 27 years, culminating his military career as I.D.F. Chief of Staff. After retiring from I.D.F. service on January 1, 1968, he was appointed Israeli Ambassador to the United States.

Mr. Rabin returned to Jerusalem in early 1973, and became active in the Israel Labor Party. In the December 1973 elections, he was elected to the Knesset, and when Golda Meir formed her government in April 1974, he was appointed Minister of Labor. This government resigned shortly afterwards, and on June 2, 1974, the Knesset voted confidence in a new government headed by Yitzhak Rabin. As Prime Minister, Mr. Rabin placed a special emphasis on improving the economy, solving social problems, and strengthening the I.D.F.

Following the Labor Party's defeat in the May 1977 elections, Mr. Rabin served as a member of Knesset in the opposition, until the formation of the National Unity Government in September 1984. He then served as Minister of Defense in the National Unity Government from September 1984 to March 1990.

From March 15, 1990, to June 23, 1992, Mr. Rabin served again in the Knesset in the opposition. Before the 1992 elections, the Israel Labor Party held its first nationwide primaries. Mr. Rabin was elected chairman of the party in February 1992, and in the June 1992 national elections he was elected Prime Minister.

On September 13, 1993, Mr. Rabin and PLO Chairman Yasser Arafat signed the Declaration of Principles in Washington, DC, outlining the proposed interim self-government arrangements. The "GazaJericho First" agreement, signed in Cairo on May 4, 1994, addressed the implementation of the first stage of the Declaration of Principles. Following the progress in the negotiations with the Palestinians, Mr. Rabin received the 1994 Nobel Peace Prize for his work.

I had the opportunity to meet Prime Minister Rabin and value his memory. Mr. Rabin was an extraordinary man, and not enough can be said about his commitment to the Israeli people, his country, and regional peace. Mr. Speaker, I strongly urge my colleagues to join me in supporting H. Res. 535 to honor the legacy and life work of Mr. Rabin.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in strong support of H.R. 538. On the 10-year anniversary of his death, I believe that it is important to think back and honor the life of Yitzhak Rabin, for he was a great figure in the pursuit of worldwide peace and stability in the Middle East. During his two terms as Prime Minister of Israel, Rabin attempted to work and negotiate with then Palestinian Liberation Organization leader Yassar Arafat to bring about a solution to the Israeli-Palestinian Conflict.

Rabin's service to the nation of Israel began with his work in the Israeli Defense Forces. Rabin rose to the position of Chief of Staff, and under his command, Israel was able to successfully defend itself against its neighboring states during the Six-Day War. Following his retirement from the IDF, in 1968 Rabin was chosen to serve as ambassador to the United States. In 1973 he was elected to the Knesset. Only one year later, Rabin was chosen to be the leader of the labor party, eventually being elected Prime Minister of Israel. During the early 1990s, in Rabin's second run as Prime Minister, he made it a priority to solve the Palestinian conflict. His tireless efforts on that behalf led to the Oslo Accord. For his efforts Rabin was awarded the Noble Peace Prize.

As we all know, Prime Minister Rabin was murdered in Tel Aviv by a citizen who did not support his efforts towards achieving peace. I had the opportunity, along with President Clinton and several other Members of Congress, to attend his funeral in Israel. It was one of the most deeply moving ceremonies to which I have ever been.

We remember Yitzhak Rabin today as a great man who worked his whole life to protect and strengthen the free state that is Israel. His memory inspires us to continue the progress for global peace. It is crucial that his memory and influence is not forgotten a decade after his tragic assassination.

Mr. SHAYS. Mr. Speaker, I rise in support of H. Res. 535, and appreciate this opportunity to honor the life, legacy, and example of Israeli Prime Minister Yitzhak Rabin on the tenth anniversary of his death.

My first trip to Israel was to attend Mr. Rabin's funeral. During my most recent trip to Israel I joined with thousands of Israelis and other international guests in a moving tribute to his distinguished life.

Yitzhak Rabin said that, "politicians are elected by adults to represent the children." In my eyes, Rabin was a man that politicians could look up to for his tremendous valor and courage. During the peace rally in Tel Aviv where he was brutally assassinated his last words were: "I have always believed that the majority of the people want peace, are prepared to take risks for peace. Peace is what the Jewish People aspire to."

Mr. Rabin served in war and was a man of peace. His death was a tremendous loss for Israel and the whole world. I urge all my colleagues to support this resolution honoring his life and legacy.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in strong support of H. Res. 535, honoring the life, legacy, and example of Israeli Prime Minister Yitzhak Rabin on the tenth anniversary of his death. Mr. Rabin dedicated himself to peace and worked to ensure a lasting peace between the Israelis and Palestinians. Today we honor his legacy and, by doing so, commit ourselves once again to building a lasting peace in this still volatile region.

Mr. Rabin led a distinguished life dedicated to his people. He served in the Israeli army, as Ambassador to the United States, as the Minister of Defense, and as the Prime Minister. As Prime Minister, Rabin was instrumental in the signing of an interim agreement with Egypt in 1979 and the Declaration of Principles framework agreement between the Israelis and Palestinians in 1993.

For his efforts, Mr. Rabin was awarded the Nobel Peace Prize in 1994. At that time he stated, "there is only one radical means of sanctifying human lives. Not armored plating, or tanks, or planes, or concrete fortifications. The one radical solution is peace."

Mrs. DAVIS of California. Mr. Speaker, I stand in support of House Resolution 535, which honors the life of former Israeli Prime Minister Yitzak Rabin on the tenth anniversary of his assassination. I would like to join the world community in celebrating his life and legacy. Yitzak Rabin will forever be known as a man of peace who provided many, Arabs and Jews alike, with the promise of change in a region engulfed in violence. His life gives us hope for the progress of the peace process in the Middle East. The anniversary of his death reaffirms the special relationship between the United States and Israel and serves as a reminder that negotiations can be successful and peace between Arabs and Jews can be attained. I hope current leaders in the region honor Rabin and use this opportunity to breathe new life into the peace process.

Mr. LEWIS of Georgia. Mr. Speaker, today I rise in honor of a warrior for peace. Yitzhak Rabin, a former solider, the former chief of staff of the Israeli Defense Force, put down his gun and decided that sacrifice was necessary to achieve peace.

After fighting Israel's enemies his whole life, Yitzhak Rabin chose to talk to his enemies at the negotiating table. He chose to try and end a conflict that pre-dated the birth of the state of Israel by agreeing to exchange valuable land for the end of all bloodshed.

Yitzhak Rabin knew that war was not the answer. He knew that war does not bring along peace. In his 1994 Nobel Prize acceptance speech he said, "There is only one radical means of sanctifying human lives. Not armored plating, or tanks, or planes, or concrete fortifications. The one radical solution is peace."

Mr. Speaker, today I rise to mark the legacy of a leader who not only spoke about peace, but gave his life in the pursuit of peace. His life was taken away from him because he tried to end the bloodshed of his people. Yitzhak Rabin was a leader for peace and today we remember him for that legacy.

Mr. EMANUEL. Mr. Speaker, I rise today in strong support of H. Res. 535, a resolution honoring the memory of former Israeli Prime Minister Yitzhak Rabin on the tenth anniversary of his assassination.

Prime Minister Rabin served the people of Israel for two terms as Prime Minister, as well as previous roles as Ambassador to the United States, Minister of Defense and Member of the Knesset. Among his many accomplishments, it is his role as a visionary peacemaker which has ensured him a place of honor in history.

Mr. Rabin began his career during Israel's War for Independence as a member of the Jewish Defense Forces. For the next 19 years, he held various positions in the Israeli Defense Forces, ending his tenure there as chief of staff. In this role, he was able to strengthen Israel's ties with the United States, fostering the special relationship which continues to benefit these two nations.

Mr. Rabin also had a distinguished five-year tenure as Israeli ambassador to the United States. At the height of the Cold War, he encouraged Israel to stand strongly on the side of the United States. The relationship between the two countries blossomed in this period as Israel established itself as a trustworthy ally in the Middle East.

During his tenure as Prime Minister, Mr. Rabin made remarkable progress in the Middle East peace movement. Teaming with former rival Shimon Peres, Mr. Rabin entered peace negotiations with then-Palestine Liberation Organization leader Yasser Arafat in 1993 in Oslo, Norway. Prime Minister Rabin, Mr. Peres and Mr. Arafat all received the Nobel Peace Prize for their efforts.

As a member of the Clinton Administration, I had the pleasure of witnessing the signing of these historical accords on the White House lawn. Meeting Prime Minister Rabin was an honor I will never forget, and his example continues to inspire me to this day.

Prime Minister Rabin was revered by the Israeli citizens for his unwavering commitment to the peace process. Tragically, the life of this man of peace was cut short by an extremist gunman on November 4, 1995. I would like to express my condolences to the family of Prime Minister Rabin on the tenth anniversary of his death.

Mr. Speaker, I thank the gentleman from New York for introducing this important resolution, and I urge my colleages to honor the memory of Prime Minister Yitzhak Rabin.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ADERHOLT). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 535.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

MOURNING LOSS OF LIFE CAUSED BY FLOODS AND MUDSLIDES IN OCTOBER 2005 IN CENTRAL AMERICA AND MEXICO

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 280) mourning the horrific loss of life caused by the floods and mudslides that occurred in October 2005 in Central America and Mexico and expressing the sense of Congress that the United States should do everything possible to assist the affected people and communities, as amended.

The Clerk read as follows:

H. CON. RES. 280

Whereas on October 4, 2005, Hurricane Stan made landfall on Mexico's Gulf coast, bringing sustained winds of 80 miles per hour before weakening to a tropical storm and generating separate storms across southern Mexico and Central America;

Whereas Hurricane Wilma, a category four hurricane, made landfall in Cozumel, Mexico on October 22, 2005, and stalled over the Yucatan Peninsula bringing over 60 inches of rain to some parts of the Peninsula and causing severe flooding, over 75,000 evacuations, damaging between 30–40 percent of the houses in Cancun, and causing severe damage to the area's vital tourism industry;

Whereas Hurricane Beta made landfall on October 30, 2005, near Karabal and Sandy Bay, Nicaragua, as a category two hurricane, displacing thousands of people, damaging critical communications and transportation infrastructure, and bringing destructive winds and rains to these and approximately 50 other communities;

Whereas the heavy rainfall associated with these storms caused widespread and severe flooding that has affected millions of people across Central America, including the people of Costa Rica, El Salvador, and Guatemala, and the people of Mexico;

Whereas, as of October 12, 2005, the flooding had killed an estimated 2,000 people across Central America and Mexico, according to government estimates which are expected to be revised upwards;

Whereas rains have produced more than 900 landslides, burying entire villages and causing numerous deaths in Guatemala, with official government estimates confirming 654 deaths, 577 people missing, and more than 120,000 people affected across 621 communities in the provinces of Escuintla, Guatemala, Quetzaltenango, Chiquimula, San Marcos, Chimaltenango, El Quiché, and Baja Verapa;

Whereas many of the affected areas are especially vulnerable to natural disasters and lack access to basic healthcare, sanitation, and medical services;

Whereas the flooding and landslides have damaged housing and public infrastructure in 251 of the 331 municipalities in Guatemala and sustained rains across much of the country have hampered ongoing relief efforts;

Whereas two simultaneous emergencies in El Salvador—the severe flooding caused by Tropical Storm Stan and the eruption of the Santa Ana volcano on October 1, 2005—have affected half of the country and forced the evacuation of more than 69,000 people to local shelters;

Whereas Tropical Storm Stan caused massive flooding in the Mexican States of Veracruz, Chiapas, Oaxaca, Tabasco, Puebla, Hidalgo, and Guerrero and forced the evacuation of approximately 370,000 people from nearly 3,000 communities to local shelters, according to the Government of Mexico;

Whereas extensive rainfall in the Costa Rican provinces of Alajuela, Cartago, Guanacaste, Heredia, Puntarenas, and San Jose in the Pacific and Central Valley caused severe flooding and landslides, forcing more than 1,000 people in 459 communities to evacuate to local shelters, damaged 550 houses, 117 bridges, and 11 educational buildings, and more than 281 roads have been blocked or damaged by mudslides;

Whereas many families in these affected areas are homeless and in desperate need of reconstruction help;

Whereas the United States Agency for International Development's Office of Foreign Disaster Assistance (USAID/OFDA) initially provided $150,000 to USAID Guatemala for the local purchase and distribution of emergency relief supplies, as well as for helicopter support, including fuel and rental of local helicopters and an additional $1,200,000 to USAID/Guatemala for emergency grants to nongovernmental organization partners for emergency health, water and sanitation, and shelter activities;

Whereas USAID/OFDA committed $200,000 to support the Pan American Health Organization's (PAHO) emergency health and water and sanitation activities as part of the United Nations joint appeal;

Whereas USAID/OFDA is working closely with the Governments of Costa Rica, El Salvador, Guatemala, and Mexico to coordinate transportation and distribution of relief commodities to affected communities and for the local purchase and distribution of emergency relief supplies, water, and food;

Whereas on October 8, 2005, the United States Southern Command (USSOUTHCOM) deployed a 58-person team to Guatemala City to assist with ongoing disaster relief efforts in southwestern Guatemala and sent nine United States Army helicopters to conduct search and rescue missions and provide for the transportation of emergency relief supplies, including food, medical supplies, and communications equipment, to affected areas, as well as flying in host nation firefighters, emergency aid workers, and doctors; and

Whereas the United States initially has provided $100,000 to the Mexican Red Cross for the local purchase and distribution of emergency relief supplies to aid victims of Hurricane Wilma, and a USAID/OFDA team is working with USAID/Mexico, local disaster officials, and other organizations to assess impacts, aid requirements, and deliver further emergency assistance: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) Congress—

(A) mourns the horrific loss of life caused by the floods and mudslides that occurred in October 2005 in Central America and Mexico;

(B) expresses its deep condolences to the families of the many victims;

(C) commits to provide the necessary resources and to stand by the people of Costa Rica, El Salvador, Guatemala, and Mexico in the relief, recovery, and rebuilding efforts;

(D) applauds the prompt humanitarian response to this natural disaster by the United States Agency for International Development, the United States Armed Forces, and other departments and agencies of the United States Government, the United Nations and other international organizations, and nongovernmental organizations;

(E) recognizes the growing support by international donors for relief efforts;

(F) affirms its commitment to additional United States support for relief and long-term reconstruction efforts in areas affected by the flooding;

(G) urges continued attention by donors and relief agencies to the needs of vulnerable populations in the stricken countries, particularly those left homeless by this disaster and whose welfare and economic livelihoods have been disrupted;

(H) urges assistance which targets immediate and long-term infrastructure needs, with a special emphasis on improvements that aim to increase emergency preparedness and withstand future natural disaster events; and

(I) encourages the Administration and other international donors to provide immediate and long-term assistance for the reconstruction of affected infrastructure that is a requisite for the economic and social development of the devastated communities; and

(2) it is the sense of Congress that it should be the policy of the United States—

(A) to promote economic growth and improved living standards, reduce poverty, and promote democracy and the rule of law in the countries of Central America;

(B) in concert with multilateral humanitarian organizations, the Organization of American States and the Inter-American Development Bank, to actively support the reconstruction of affected communities in places to be determined by respective governments in collaboration with representatives of such communities;

(C) to expedite humanitarian relief and reconstruction efforts in order to mitigate the immediate and long-term threats to public health, economic development, and security in Central America;

(D) to provide technical assistance to Central American governments in order to strengthen the capacity of first responders and governmental institutions at the national, provincial, and local levels in the area of disaster management coordination and preparedness, including information and communications systems to help with the response to natural disasters; and

(E) to encourage the governments of these countries to improve disaster mitigation techniques and compliance among all key sectors of their societies.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

☐ 1645

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the concurrent resolution under consideration.

The SPEAKER pro tempore (Mr. ADERHOLT). Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, devastating storms affected most of the Western Hemisphere this hurricane season, and many people throughout the region will spend the next few months and years rebuilding their lives and their communities. Many people in the U.S., as well as our neighbors in Central America, are in this situation in the aftermath of hurricanes Katrina, Rita, Stan, Wilma, and Beta.

These hurricanes and other tropical storms that barreled through the Caribbean, along Mexico's gulf coast, and along parts of Central America and up to our shores, brought heavy winds and destructive rainfall. The torrential downpours caused widespread flooding and severe mudslides, killing an estimated 2,000 people and affecting millions of others across Central America, including the people of Costa Rica, El Salvador, Guatemala, Nicaragua, and Mexico. Some of these areas sustained severe damage to residential and commercial infrastructure and crippled destruction of transportation as well as food crops.

In some of the hardest hit areas, schools, homes, roads, hospitals, and other buildings were simply washed away. Some villages in Guatemala were swept away by mudslides and have been turned instead into mass graves. Our prayers are with these communities.

House Con. Res. 280 was introduced last month to urge expedited humanitarian relief, as well as stronger efforts to provide technical assistance to Central American governments in order to strengthen the capacity of first responders and governmental institutions at the national, provincial, and local levels. Furthermore, this legislation urges assistance which targets immediate and long-term infrastructure needs, with a special emphasis on improvements that aim to increase emergency preparedness and withstand future natural disasters.

I urge my colleagues to support House Con. Res. 280.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this important resolution. The human suffering and economic devastation caused by natural disasters in 2005 seem to know no bounds. The year began with the aftermath of the horrendous tsunami in Southeast Asia, only to be followed by a brutal hurricane season which included hurricanes Katrina and Rita.

While we in the United States have rightly come to associate these hurricanes with the apocalyptic destruction that they inflicted on our Gulf Coast States, Hurricane Katrina and Hurricane Rita also tore through much of Mexico, Costa Rica, El Salvador, Guatemala, and Nicaragua. Some of the worse loss of life as a result of these storms occurred in Guatemala, where more than a thousand men, women and children were killed and where more than 120,000 people had the normalcy of their lives shredded to bits by the avalanches of mud and debris.

The hurricanes brought similar havoc in Mexico and Central American countries. In Mexico, some 400 people in southern states like Oaxaca were forced to evacuate to shelters and up to 40 percent of the homes in popular tourist destinations like Cancun were severely damaged.

Mr. Speaker, as we continue to contribute to the rebuilding and recovery efforts in Mexico and in affected Central American countries, we must ensure that our joint efforts to reconstruct homes, health facilities, schools and other buildings increase the likelihood that these structures will withstand similar natural disasters which are sure to come in the future.

Working with volunteers from two organizations based in my congressional district, I believe twin strategies are necessary to help guarantee that these structures are safe and strong. A friend and neighbor of mine, David Rivard, created an organization called Codes and Safety for the Americas, CASA, while his wife created an organization called Airline Ambassadors International. David and Nancy Rivard are extraordinary and exemplary citizens, giving of their own time, energy, effort, and resources to help our neighbors in this hemisphere.

Mr. Speaker, we must ensure that reconstruction which is financed by the United States taxpayer is less likely to succumb to hurricane-force winds or be built in mudslide-prone areas. Building projects funded by USAID must be models of quality construction. We also must cultivate a culture of code compliance in developing countries through exchanges of building professionals, educational seminars, and other expertise-sharing programs.

I look forward to working with the administration and these two organizations in making the strategies a reality in our rebuilding efforts around the globe. In the meantime, today's resolution achieves the objective of building safe and sturdy dwellings by supporting the adoption and implementation of disaster-mitigation techniques by the governments and construction sectors of countries which are prone to natural disasters. I urge all my colleagues to support this resolution.

Mr. MENENDEZ. Mr. Speaker, I would like to thank my colleague and Chairman of the Subcommittee on the Western Hemisphere, Congressman BURTON, for sponsoring this important legislation mourning the loss of life resulting from hurricanes and flooding in Central America.

We are discussing this resolution as the record fourteenth hurricane of the season, Hurricane Epsilon, still rages. Although Hurricane Epsilon has moved out to the Atlantic where it poses no threat to land, we were not so lucky with Hurricane Beta. This hurricane slammed into Nicaragua in late October and caused a great deal of damage, flooding and forced evacuations in both Nicaragua and neighboring Honduras. And Hurricane Wilma left its imprint not only on Mexico but on our own state of Florida, just one week before Hurricane Beta hit.

This has been a difficult and trying hurricane season throughout our hemisphere. And it has been made even more difficult by the fact that many Central American countries are still trying to rebuild after hurricanes from previous years, such as 1998's devastating Hurricane Mitch.

So I strongly support this resolution, which expresses our heartfelt condolences and deepest sympathies to the victims of flooding and mudslides caused by the various hurricanes. It also pledges our support to the countries of Central America that have been hit hardest by multiple hurricanes this year, and our help in rebuilding their infrastructure and economies.

And let's be clear—the region will need not only our help, but the help of the entire international community. Guatemala, El Salvador, Mexico, Nicaragua, Haiti, Cuba and Costa Rica were all hit by damaging winds and drenching rains this hurricane season, causing widespread destruction and flooding.

The magnitude of this devastation is staggering. In Guatemala alone, the official death toll is just over 670, although other sources estimate that more than 2,000 people may have perished and that hundreds are missing. Across the region, tens of thousands of families have been affected by these natural disasters. Thousands of Central American families have lost everything. They are in need of food, clean water, clothes and shelter.

Just as Mexico and the countries of Central America contributed to us during our time of need after Hurricane Katrina, we should now contribute to them.

So I am pleased that the US government, particularly through USAID and the US Armed Forces, has responded quickly with both initial monetary and technical aid during this crisis. While I encourage these efforts, we must be sure to provide relief and long-term reconstruction assistance to the affected communities.

Many of us on the Subcommittee were already concerned about poverty and inequality in Central America and about proposed cuts to core development funding for Central America. I was pleased by the strong bipartisan support the Subcommittee showed when almost every Subcommittee Member joined me in sending a letter in late October to the conferees on the Foreign Operations bill urging them to restore this funding.

While we continue the long-term fight to reduce poverty and inequality in Central America, we must also offer our condolences to the victims of this most recent natural disaster.

And I know that many of the victims' families live here in the United States. So I would also like to acknowledge the actions of the US Latino communities in DC, New Jersey, and around the country, who quickly mobilized to send money and aid to help the survivors. Our diversity is our greatest strength and connects us to almost every country in the world. When tragedy strikes anywhere in the world, it also is directly felt in the homes of US citizens who still have family and friends in their countries of origin.

Personally, I am deeply saddened by the devastation and loss of life caused by massive flooding, landslides, and hurricanes in Guatemala and throughout Central America. I would like to express my deepest sympathies and condolences to the victims and their families and friends, both in Central America and here at home.

I urge my colleagues to support this resolution.

Mr. LANTOS. Mr. Speaker, I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 280, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING THE 50TH ANNIVERSARY OF THE HUNGARIAN REVOLUTION

Mr. GALLEGLY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 479) recognizing the 50th Anniversary of the Hungarian Revolution that began on October 23, 1956 and reaffirming the friendship between the people and governments of the United States and Hungary, as amended.

The Clerk read as follows:

H. RES. 479

Whereas on October 23, 1956, university students marching through the streets of Budapest were joined by workers and others until their numbers reached some 100,000 Hungarian citizens protesting against the communist government of Hungary and its domination by the Soviet Union, whereupon the Hungarian Security Police opened fire on the crowd and killed hundreds;

Whereas the Hungarian government under Prime Minister Imre Nagy released political prisoners, including major church leaders, took steps to establish a multi-party democracy, called for the withdrawal of all Soviet troops from Hungary, announced Hungary's withdrawal from the Warsaw Pact, and requested United Nations assistance in establishing Hungarian neutrality;

Whereas the Soviet Union launched a massive military counteroffensive against the revolt on November 4, 1956, sending tens of thousands of additional troops from the Soviet Union and launched air strikes, artillery bombardments and coordinated tank-infantry actions involving some 6,000 tanks which, remarkably, the outnumbered and under-equipped Hungarian Army and Hungarian workers resisted for several days;

Whereas Prime Minister Imre Nagy was seized by Soviet security forces despite assurances of safe passage for him to leave the Yugoslav Embassy in Budapest where he sought asylum, and he was taken to Romania and was subsequently tried and executed;

Whereas an estimated one thousand two hundred Hungarians were tried and executed by the post-1956 Hungarian government;

Whereas an estimated 200,000 Hungarians fled their country in the aftermath of the Soviet suppression of the Hungarian uprising, and over 47,000 of these people eventually were able to settle in the United States, where they have contributed to the cultural diversity and the economic strength of this country;

Whereas the uprising of the Hungarian people in 1956 dramatically confirmed the widespread contempt in which the Hungarians held the Soviet Union and the underlying weakness of the communist system imposed by Soviet authorities in Central and Eastern Europe, as well as the strength of popular support for democratic principles and the right of the Hungarian people to determine their own national destiny;

Whereas on October 23, 1989, the Republic of Hungary proclaimed its independence, and in 1990 the Hungarian Parliament officially designated October 23 as a Hungarian national holiday, indicating that the legacy of the 1956 Revolution continues to inspire Hungarians to this day;

Whereas the people of Hungary are beginning a year-long celebration to mark the 50th anniversary of the Hungarian Revolution of 1956;

Whereas on March 12, 1999, the Government of Hungary, reflecting the will of the Hungarian people, formally acceded to the North Atlantic Treaty and became a member of NATO and on May 1, 2004, Hungary became a full member of the European Union; and

Whereas Hungary and the United States continue to expand their friendship and cooperation in all realms: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the people of Hungary as they mark the 50th anniversary of the 1956 Hungarian Revolution which set the stage for the ultimate collapse of communism in 1989 throughout Central and Eastern Europe, including Hungary, and two years later in the Soviet Union itself;

(2) expresses condolences to the people of Hungary for those who lost their lives fighting for the cause of Hungarian freedom and independence in 1956, as well as for those individuals executed by the Soviet and Hungarian communist authorities in the five years following the Revolution, including Prime Minister Imre Nagy;

(3) welcomes the changes that have taken place in Hungary since 1989, believing that Hungary's integration into NATO and the European Union, together with similar developments in the neighboring countries, will ensure peace, stability, and understanding among the great peoples of the Carpathian Basin; and

(4) reaffirms the friendship and cooperative relations between the governments of Hungary and the United States and between the Hungarian and American people.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. GALLEGLY) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. GALLEGLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GALLEGLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a resolution introduced by the gentleman from California (Mr. LANTOS), the ranking member on the Committee on International Relations, and recognizes the 50th anniversary of the Hungarian Revolution that began on October 23, 1956. It is estimated that 3,000 to 4,000 Hungarian freedom fighters and 700 Soviet troops were killed during the uprising and tens of thousands more were injured. The resolution also reaffirms the friendship between the people and governments of the United States and Hungary.

I am a cosponsor and strongly support H. Res. 479. The 1956 uprising by the Hungarian people was one of the most significant challenges to Soviet domination of Central and Eastern Europe during the Cold War. The crackdown by Soviet forces led to more than 200,000 Hungarians fleeing their country as refugees.

The brutality of the Soviet military action weakened both the standing and moral authority of the Soviet Union and Communist Party that were active in Western Europe. The 1956 Hungarian uprising was a pivotal event in the Cold War which eventually led to the downfall of the Soviet Union and the worldwide communist movement.

I urge passage of the resolution and commend Mr. LANTOS for bringing attention to this very important and historical event.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Resolution 479. The 1956 Hungarian uprising against Soviet occupation and domination was the defining event for Hungary in the 20th century. It continues to be a critical element of the Hungarian people's identity and the defining moment in the world's perception of Hungary well into the 21st century.

The 1956 Hungarian Revolution was also a decisive event for the Soviet Union, for the United States, and for the entire world during the Cold War.

Beginning this fall and continuing through November of 2006, the Hungarian people in Hungary and wherever they live around the globe are proudly celebrating the 50th anniversary of their 1956 fight for freedom, democracy, and independence.

Mr. Speaker, the Hungarian struggle for freedom and recognition as an independent nation among the nations of the world has been long and difficult. In 1848, the Hungarian people united in the fight to assert their independence from the Hapsburg Empire, only to have their liberty denied by Russian troops which came to the aid of Austria. Although Hungary was given a measure of autonomy in the Austro-Hungarian monarchy, it was not until the end of World War I that it became a fully independent state, though with considerably reduced territory.

After independence, Hungary suffered increasingly authoritarian governments, fell into the Nazi Germany sphere of influence, was eventually occupied by Nazi Germany military forces, and at the end of World War II was occupied by the Soviet Army, when it began nearly a half century of Soviet communist domination.

One of the brightest moments in the Hungarian struggle for freedom and independence came in October 1956 when university students, workers, and Hungarians of all walks of life rallied against the Soviet occupation of their country.

☐ 1700

The local allies of the Soviets fought against the popular uprising, but Soviet troops initially withdrew from Budapest. The reform government of Prime Minister Imre Nagy took steps to establish a multiparty democracy, called for the removal of all Soviet troops, announced Hungary's withdrawal from the Warsaw Pact and requested United Nations aid in establishing Hungarian neutrality.

The Kremlin saw the events in Hungary as a fatal danger to communist dominance of Central Europe and their international status. Soviet troops were ordered into Budapest. Massive aerial and artillery bombardments and 6,000 Soviet tanks were launched against the city. Struggling against overwhelming odds, the Hungarian workers and students continued the fight, but in the end, they were overcome by the crushing Soviet force.

The black and white television and newsreel pictures of the fight for Budapest seen by the American people and the entire world were one of the most powerful and enduring images of the entire Cold War. In many ways, the Hungarian Revolution of 1956 defined the Cold War.

The uprising of the Hungarian people dramatically confirmed the widespread contempt in which the Soviet Union was held even by its supposed allies. The uprising exposed the underlying weakness of the Communist system imposed by the Soviet Union, and it was a spectacular demonstration of the strength of support for democracy and the right of peoples to determine their own national destiny.

The revolution of 1956, Mr. Speaker, remains a defining element of the identity of the Hungarian people. In the late 1980s, as the Soviet noose around Hungary and the other Soviet-dominated countries of Central Europe began to loosen, the Hungarian people again returned to the events of 1956 to express their love for freedom and their desire for independence.

In 1989, the official rehabilitation and public reburial of Prime Minister Imre Nagy who was tried and executed by the Soviets for his role in 1956 was a key marker of the reassertion of Hungarian independence. At the same time, the rehabilitation of other individuals who played a role in 1956 and the public celebration of the uprising itself were important in affirming Hungarian sovereignty.

One of the most important symbolic Hungarian actions during this time was the government decision to formally designate October 23 the date on which the Hungarian uprising began, as a national holiday of the Republic of Hungary.

It is significant, Mr. Speaker, that one of the key events bringing down the Berlin Wall and bringing an end to the Soviet Union and its dominance of Central Europe was the Hungarian decision in August of 1989 to open the Hungarian border with Austria to East German citizens.

East Germans who could not pass through the Berlin Wall could travel through Hungary and after August 1989 could go to Austria and then to West Germany. More than any other event, this bold Hungarian initiative led to the collapse of the East German communist regime and the opening of the Berlin Wall.

Mr. Speaker, as Hungarians in Hungary and around the world mark the half century since the 1956 Hungarian Revolution, it is so appropriate that we in the United States Congress, on behalf of the American people, join in affirming the significance of that event, and that we express the condolences of the American people to those who lost their lives and their futures in their fight for freedom and liberty.

The changes that have transformed Hungary and its people in the last 15 years, the entry of Hungary into NATO, its accession to the European Union, its embrace of a free, open and democratic society are possible because of what happened a half a century ago.

Mr. Speaker, I urge all of my colleagues to support this resolution which affirms our friendship and cooperation with the Hungarian government and the Hungarian people.

Mr. Speaker, I reserve the balance of my time.

Mr. GALLEGLY. Mr. Speaker, I would just like to conclude by again commending my good friend from California (Mr. LANTOS) for his leadership and his passion on this resolution, and join with him in urging our colleagues to support the resolution.

Mr. Speaker, I have no further speakers and would yield back the balance of my time.

The SPEAKER pro tempore (Mr. ADERHOLT). The question is on the motion offered by the gentleman from California (Mr. GALLEGLY) that the House suspend the rules and agree to the resolution, H. Res. 479, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 6 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CULBERSON) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 438, by the yeas and nays;

H. Res. 535, by the yeas and nays;

H. Res. 479, by the yeas and nays.

The first and third electronic votes will be conducted as 15-minute votes. The second vote in this series will be a 5-minute vote.

URGING MEMBER STATES OF THE UNITED NATIONS TO STOP SUPPORTING RESOLUTIONS THAT UNFAIRLY CASTIGATE ISRAEL

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 438.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 438, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 400, nays 1, not voting 31, as follows:

[Roll No. 609]

YEAS—400

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar

Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—31

Blackburn
Brown, Corrine
Brown-Waite, Ginny
Capps
Carson
Clay
Cramer
Cubin
Davis (FL)
Diaz-Balart, M.
Doolittle
Ford
Frank (MA)
Green (WI)
Gutierrez
Hinchey
Jones (OH)
Kaptur
Larsen (WA)
McKinney
Moran (VA)
Murtha
Olver
Reyes
Schwartz (PA)
Simmons
Sweeney
Taylor (NC)
Tierney
Weiner
Wexler

☐ 1856

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read: "Resolution urging member states of the United Nations to stop supporting resolutions that unfairly castigate Israel and to promote within the United Nations a more balanced and constructive approach to resolving conflict in the Middle East.".

A motion to reconsider was laid on the table.

Stated for:

Mrs. BLACKBURN. Mr. Speaker, I was unavoidably detained by traffic. Had I been present for the vote on H. Res. 438, I would have voted "yea."

ELECTION OF CLERK OF THE HOUSE

Ms. PRYCE of Ohio. Mr. Speaker, I offer a privileged resolution (H. Res. 580) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 580

Resolved, That Karen L. Haas of the State of Maryland, be, and is hereby, chosen Clerk of the House of Representatives.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. Would the Clerk-designate please take the well.

The Clerk-designate presented herself at the bar of the House and took the oath of office as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Congratulations.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Without objection, 5-minute voting will continue.

There was no objection.

HONORING THE LIFE, LEGACY, AND EXAMPLE OF ISRAELI PRIME MINISTER YITZHAK RABIN ON THE 10TH ANNIVERSARY OF HIS DEATH

The SPEAKER. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 535.

The Clerk read the title of the resolution.

The SPEAKER. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 535, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 399, nays 0, not voting 33, as follows:

[Roll No. 610]

YEAS—399

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Capito
Capuano
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson

Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—33

Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Cantor
Capps
Carson
Clay
Cramer
Cubin
Davis (FL)
Diaz-Balart, M.
Doolittle
Ford
Frank (MA)
Green (WI)
Gutierrez
Hinchey
Jones (OH)
Kaptur
Larsen (WA)
Moran (VA)
Murtha
Olver
Oxley
Reyes
Schwartz (PA)
Simmons
Sweeney
Taylor (NC)
Tierney
Wasserman Schultz
Weiner
Wexler

□ 1908

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING THE 50TH ANNIVERSARY OF THE HUNGARIAN REVOLUTION

The SPEAKER pro tempore (Mr. CULBERSON). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 479, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GALLEGLY) that the House suspend the rules and agree to the resolution, H. Res. 479, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 395, nays 0, not voting 37, as follows:

[Roll No. 611]

YEAS—395

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Capito
Capuano
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—37

Boehner
Boyd
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Cantor
Capps
Carson
Clay
Cramer
Cubin
Davis (FL)
Diaz-Balart, M.
Doolittle
Ford
Frank (MA)
Gilchrest
Green (WI)
Gutierrez
Hinchey
Jones (OH)
Kaptur
Larsen (WA)
Meek (FL)
Moran (VA)
Murtha
Olver
Oxley
Reyes
Schwartz (PA)
Simmons
Sweeney
Taylor (NC)
Tierney
Wasserman Schultz
Weiner
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CULBERSON) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1921

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. JONES of Ohio. Mr. Speaker, I missed votes on Tuesday, December 6, 2005 due to official business in my district. Had I been present, the RECORD would reflect that I would have voted:

H. Res. 438—Urging member states of the United Nations to stop supporting resolutions that unfairly castigate Israel and to promote within the United Nations General Assembly more balanced and constructive approaches to resolving conflict in the Middle East, "yea."

H. Res. 535—Honoring the life, legacy, and example of Israeli Prime Minister Yitzhak Rabin on the tenth anniversary of his death "yea."

H. Res. 479 as amended—Recognizing the 50th Anniversary of the Hungarian Revolution that began on October 23, 1956 and reaffirming the friendship between the people and governments of the United States and Hungary "yea."

PERSONAL EXPLANATION

Mrs. CAPPS. Mr. Speaker, I was not able to be present for the following rollcall votes and would like the RECORD to reflect that I would have voted as follows:

Rollcall No. 609—"yea."
Rollcall No. 610—"yea."
Rollcall No. 611—"yea."

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this chamber today. I would like the RECORD to show that, had I been present, I would have voted "yea" on rollcall votes 609, 610 and 611.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4340, UNITED STATES-BAHRAIN FREE TRADE AGREEMENT IMPLEMENTATION ACT

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 109-328) on the resolution (H. Res. 583) providing for consideration of the bill (H.R. 4340) to implement the United States-Bahrain Free Trade Agreement, which was referred to the House Calendar and ordered to be printed.

NOTIFICATION TO THE SENATE

Mr. HASTINGS of Washington. Mr. Speaker, I offer a privileged resolution (H. Res. 581) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 581

Resolved, That the Senate be informed that Karen L. Haas, a citizen of the State of Maryland, has been elected Clerk of the House of Representatives of the One Hundred Ninth Congress.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO INFORM THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF THE CLERK OF THE HOUSE OF REPRESENTATIVES

Mr. HASTINGS of Washington. Mr. Speaker, I offer a privileged resolution (H. Res. 582) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 582

Resolved, That the Clerk be instructed to inform the President of the United States that the House of Representatives has elected Karen L. Haas, a citizen of the State of Maryland, Clerk of the House of Representatives of the One Hundred Ninth Congress.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4312

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 4312.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

DISCUSSION OF SITUATION IN IRAQ

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am very proud to associate myself with the reasonable presentation and offering of the gentleman from Pennsylvania (Mr. MURTHA), who has allowed this Nation to debate a very important issue of redeploying our troops.

Mr. Speaker, as I join him in his excellent leadership, I would offer to my colleagues the thought of engaging American diplomacy and providing an international coalition to provide the support and security for Iraq, to convene a summit of Arab nations to ensure that our Arab allies are involved in the security of Iraq, to stop the redeployment of American troops for multiple tours of duty, to have the allocation of resources and attention to cover the 15,000 injured soldiers and proceed for their medical and educational services, and to establish a special memorial for those who have come home from Iraq and those who have lost their lives on the frontlines of Iraq, and then to provide this Nation with a comprehensive exit strategy to redeploy our troops.

Mr. Speaker, yesterday I stood with disabled veterans in Houston. They join me in this request. I look forward to this debate.

☐ 1930

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. CULBERSON). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

GUN VIOLENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

Mrs. MCCARTHY. Mr. Speaker, tomorrow is December 7. Many people remember it as Pearl Harbor Day. I remember it as the day that I lost my husband and my son was hurt. The members of our community will always remember the Long Island Massacre. It is at that point in my life that I decided to devote it to try to reduce gun violence in this country.

On November 29, we lost Dillon Stewart to gun violence. Dillon Stewart was a New York City police officer and a constituent of mine. He was killed in the line of duty by a convicted criminal with a stolen gun that had been used in another crime earlier this year. This gun was stolen from Florida, a State with much weaker gun laws than New York. While Congress no longer allows the ATF to disclose data gathered when tracing weapons used in crimes, older data reveals most guns used in crimes in New York come from out of State dealers. I agree with my Republican mayor of New York when he says we need to pass tougher Federal gun laws.

But while more and more police officers are killed by gun violence, Congress seems intent on making their jobs more difficult. For a variety of reasons, our Nation's police departments are understaffed and overworked. For example, New York City is losing 1,000 police officers per year. The State of Ohio has the same amount of State troopers that it did in 1970. Oregon has let go 20 percent of its State troopers. Part of the problem is that State and local government budget cuts have caused many departments to lay off police officers. And many police officers are also reservists in our armed services. Since September 11, 2001, over 4,000 police officers have been called to service in Iraq and Afghanistan. And to make matters worse, the COPS program that has helped put well over 100,000 police officers on the street is cut nearly every year.

Our police officers are working longer hours with more responsibility, but what have we in Congress done? Congress has let the assault weapons ban expire, allowing street gangs and other criminals to legally buy cheaper and more lethal weapons. Congress has given the gun industry unprecedented immunity from liability lawsuits. Congress will not allow the Centers for Disease Control to reveal how much gun violence costs our health care system every single year. Congress will not even ban the sale of guns to individuals on terrorist watch lists. And we have done nothing to fix the hole in the national instant background check system that allows many convicted felons to buy guns with no questions asked. In half of our States, less than 60 percent of felons are entered into NICS databases. This has resulted in thousands of convicted felons being able to walk into a gun store and make a purchase. Many honest gun sellers may be selling guns to murderers, rapists or even terrorists with no way of knowing. The system put in place to protect us is failing and police officers are being forced to work even harder.

I have introduced legislation, the NICS Improvement and Enforcement Act, to stop felons from buying guns. The NICS database is only as good as the information that the States provide, so my bill would require that States enter all disqualifying information into the NICS system. And since so many of our States are experiencing budget problems, my bill would give grants to States to ensure they comply. This legislation would prevent gun violence without infringing on second amendment rights. This bill passed the House in 2002 via voice vote, but time ran out in the 107th Congress before the other body could consider the matter. But the bill had the support of several

Members of Congress who are well known for their support of gun rights.

Mr. Speaker, our police officers are already overburdened. With a simple voice vote, we can help them out by making sure felons aren't able to buy guns. We owe it to Dillon Stewart and the rest of the brave men and women who have lost their lives protecting their communities.

Let's bring up H.R. 1415 and pass it as quickly as possible. This bill will save lives and relieve the already heavy burden placed on our police officers. I urge my colleagues on the other side of the aisle to listen to their fellow Republican, Mayor Bloomberg, and start passing commonsense gun legislation. We can do a better job. We are fighting wars around the world. We are also fighting wars here in our own country. Every single day someone dies of gun violence. We can do a better job. We can make sure that the criminals have a harder time getting the weapons that are on our streets. We must have uniform Federal laws to protect our citizens.

LANCE CORPORAL ROBERT "ROBBIE" MARTINEZ, TEXAS MARINE

The SPEAKER pro tempore (Mr. MARCHANT). Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, the great General Douglas MacArthur of World War II once commented, "I have just returned from visiting the Marines at the front, and there is not a finer fighting organization in the world." Lance Corporal Robert "Robbie" Alexander Martinez was a member of this fine fighting organization. He was killed December 1 while fighting and serving our Nation in Iraq. He was a member of the Second Battalion, Seventh Marine Regiment, First Marine Division, based at Marine Corps Air Ground and Combat Center at Twentynine Palms, California.

Mr. Speaker, to date, there have been 185 Texans killed since the war began in March 2003. Lance Corporal Martinez was just 20 years of age. He was on his second Iraqi tour. He had already spent 7 months on the Syrian border in 2004. He went to Iraq and into Fallujah this past June. He and nine other Marines were killed last Thursday when a roadside bomb exploded next to them in the deadliest attack against American troops in Iraq in 4 months. Martinez was scheduled to come home this past Monday but at the last minute his tour was extended for a month and a half.

Just a week ago, Robbie Martinez had just called his mother and asked her to buy a diamond because he was coming home. He had planned to propose to his "love at first sight" girlfriend, Taylor Wilkenson, as soon as he got back.

Robbie Martinez graduated from Cleveland High School in Cleveland, Texas, in 2003. While in high school, he was known as the peacemaker. By the time he started his senior year, he had already signed up for the Marines. He pre-enlisted at the age of 17 so he could be activated as soon as he graduated from high school. Martinez was a baseball pitcher at Cleveland High and dreamed of getting his degree in education and becoming a baseball coach. He put his dreams on hold to join the elite fighting forces of the United States Marine Corps. He left for basic training 2 days after he graduated from high school.

Lance Corporal Martinez's stepfather, Jeremy Hunt, called Robbie his "diamond in the rough" and one of the greatest things that had ever come into his life. He said Robbie loved being in the Corps and was proud of it. He was proud of being a Marine. He knew he was there for a reason and he was resolving the situation in Iraq and looking forward to coming home. He had requested lots of candy in his care packages from Texas. This candy was not for him because he would hand it out to the Iraqi children that he would see.

He is remembered for his infectious smile and someone who loved spending time with his family and friends, barbecuing and making people smile. Robbie's mother, Kelly Hunt, said that her 14-year-old son Mikie wants to join the military, just like his brother.

President Ronald Reagan once said, "Some people live an entire lifetime and wonder if they have ever made a difference in the world, but the Marines don't have that problem." Lance Corporal Martinez was working to make a difference in the world when he gave his life. His bravery, his dedication, his patriotism will not be forgotten by his friends, his family and freedom-loving peoples throughout the world.

Lance Corporal Martinez died for this country, the Iraqi people and for that word freedom. His Nation made the call and he responded without hesitation with his unwavering courage and his commitment. He served his country with honor and distinction. He wanted to be in the Marines since he was 12 years of age.

Mr. Speaker, as we extend our prayers and our condolences to his parents, his relatives, his friends and his fellow students at Cleveland High School in Texas, we take time to reflect on this American hero's devotion to country and to the people of Iraq. He is a heroic representative of the State of Texas and an honorable defender of liberty and freedom.

Country music singer Brad Cotter wrote the following in his tribute to American soldiers and it is fitting right now:

"Thank God for Americans in uniform. Those who fight to keep our freedom every day. Thank God for Americans in uniform. Those who fight to keep us safe along our way."

Semper Fi, Lance Corporal Martinez. Semper Fi.

THE FEDERAL BUDGET AND COLLEGE TUITION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, at 2 a.m. before Congress adjourned a couple of weeks ago, we passed something called the reconciliation bill, theoretically the first attempt to begin to deal with the flood of red ink that is drowning our Nation. But these were kind of mean-spirited cuts that hit at those who really can't afford to give too much in order to protect the very wealthy.

Here is how it worked. The biggest single category of cuts in that bill was $14.3 billion out of student loans. On the Republican side, they said, We didn't cut student loans. All we did was increase the cost of student loans. Well, it is the same impact on the students. They are going to double the origination fee on the student loans, they are going to charge students a fee to fix the rate, and they are going to give them a really high fixed interest rate instead of the rather reasonable rate that is available now. It is estimated for the average Oregonian going to a public school who borrows the maximum amount for 4 years, they will incur another $5,800 in loan costs.

I went out to see what the students in Oregon thought about this and how they were doing. I was inspired. I went to the University of Oregon and Oregon State both, met with student government leaders and regular students who are getting financial aid. The stories were inspiring, what these young people are doing to try and better themselves. There was one couple, they had both been displaced workers. They have a child. They went through Lane Community College to get associate's degrees because it was cheaper and they borrowed $40,000 to do it. They are now at the U of O. They estimate they will graduate with over $100,000 in debt. There was the young woman who is holding three jobs, three jobs, and 14 credit hours. She said, Congressman, I'm going to have to reduce my credit hours. You know what that means. It's going to take me longer to finish school, which means I'm going to have to borrow more money.

They said, when you were young and you went to school, and I think a lot of the Republicans have not thought about this maybe, you could take a summer job and save enough money to pay tuition at a public school. That was true. They said, If we get a summer job and save really well, we get just about enough money to buy our books. You can work full-time year round at a minimum wage job in Oregon where the minimum wage is considerably higher than the Federal minimum wage and still not have enough money to eat and pay your tuition, let alone your housing costs.

This is a dire situation. The response of the Republicans is that these are the people who should sacrifice. These are the people who can afford to pay more to help rein in the reckless, wanton spending and debt being piled up on that side of the aisle. What is the trade-off the Republicans want? They are going to take the $14.3 billion that these students will have to pay in additional costs, many of them will probably have to give up on getting a higher education and just go to work in a dead-end job, and they are going to give it to the richest among us. It is going to continue the tax cuts for people who are lucky enough to clip coupons off of stocks, dividends. The trade-off is almost exact.

So students will pay more for their loans, kids who are trying to get ahead, start a life, start a family, do better, become productive citizens, have a good living and pay taxes so that the richest among us will not have to pay taxes on their investments. But under their bizarre theory of trickle-down economics, somehow those students and everybody else is going to benefit by the fact that the richest among us, those who live off dividends on stocks, will pay a lower rate of taxes. What a bizarre view of the world from that side of the aisle. What a mean-spirited cut.

☐ 1945

I wonder how many people from that side of the aisle went and talked to students about this during the break. They probably went to the country club and chortled with the rich people over champagne after Thanksgiving dinner, but they did not go out and talk to the students who they are sticking it to nor the seniors who they are sticking it to in this bill or the hungry primary and secondary school kids whose school lunch programs they are cutting. Those are the people who have to sacrifice so the richest among us can have their tax cuts continue.

Last year, according to the Internal Revenue Service, 99 percent of the people in America saw their incomes decline in real dollars. One percent saw an increase, those over $300,000; and they did not even do really that well. It is only 4 percent for between $300,000 and 1.3 million, but the people over 1.3 million, the people that these students are going to pay for their tax cuts, they saw a 10 percent increase in their income.

There is something wrong here when we have young people working hard, trying to get ahead, and we are saying you are going to pay for the rich folks' free ride.

OP-ED: IRAQ

The SPEAKER pro tempore (Mr. MARCHANT). Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

Mr. BURGESS. Mr. Speaker, certainly the last 2 weeks we have seen a great deal written and spoken about the conflict in the country of Iraq. The middle of this month we will see the third popular election held in the country of Iraq this year.

Stay the course or pull out now, these seem to be the two recurrent themes debated in this House and on the editorial pages across the country.

Our military action was really never popular with the press here at home, and it has been portrayed in the most negative possible fashion for the past 2½ years. The result, predictably, is declining popular support for military activity in Iraq in this country and the very real possibility that the United States will lose its political will to complete the mission in Iraq. This would be truly tragic as we are so tantalizingly close to success in this effort.

I was not a Member of Congress when the vote was taken to provide the President the necessary authority for military action in Iraq. I do believe it was the right decision, and I believe I would have voted affirmatively had I been here. I do not recall ever believing that it would be easy, but I do recall believing that it was justified and necessary.

When the House and the Senate considered and approved the resolution authorizing the President to use military force to bring Saddam Hussein in compliance with the United Nations resolutions, several strong reasons were made for the foundation of this decision: weapons of mass destruction, to be sure; a gathering threat; violation of the no-fly zone; targeting our aircraft; endangering our pilots; violations of U.N. sanctions; violations of the terms of surrender from the first Gulf War in 1991; failure to account for Kuwaitis taken prisoner in the first Gulf War; failure to make restitution to the country of Kuwait; mass murder; mass graves; and the only world leader to have ever used weapons of mass destruction in an offensive fashion.

These were the details of the resolution supported by a bipartisan majority of Members of Congress. The policy of the United States as laid out by law in 1998, passed by the Congress, signed by the President was to effect regime change in the country of Iraq. In 2002, by approving this resolution, the Congress and President Bush were finally enforcing this long-standing U.S. foreign policy goal in an environment radically changed by September 11, 2001, and the gathering threat that Iraq and other rogue nations represent to the safety and the security of the American people.

The failure to find warehouses stockpiling weapons of mass destruction has now somehow morphed into allegations that the President misled the American public.

Opponents of this war argue that President Bush and other leaders misled the American people through dishonorable misrepresentations of the Iraqi intelligence; but those allegations are, in fact, themselves lies, refuted and discredited; and this type of representation has only emboldened our enemies to target the United States personnel overseas. Debating how the war has been executed is a debate that we should be having in this country, but attempting to change the facts in the lead-up to the war is disingenuous and has more pernicious ramifications than temporary political advantage.

I have been to Iraq four times in the past 2 years. It is my impression that one day the big story will be that the press missed the big story in Iraq. What you see in the country of Iraq and what is reported by the press in this country are two completely different worlds.

Every time I have been there, I have been struck by how much progress has been made by American troops. Each time I have traveled to Iraq, I have been moved by the dedication of our military and their commitment to the completion of this mission.

My first visit to the Baghdad airport in August of 2003 left me thinking that the place looked like the city dump. During visits in January and August of this year, the airport was a clean environment, with obvious evidence of commercial aviation having resumed.

This is a picture of the Baghdad power plant in August of 2003. This is a rusted, burned up generator that Saddam Hussein had charged his engineers with keeping running under pain of death.

Contrast that to August of this year, 2005. This is a generator in the city of Kirkuk called the "mother of all generators." This generator was taken across the desert at great risk to our Marines and has been installed in the city of Kirkuk. It is now providing about 12 percent of Iraq's generating power, truly an amazing success story by our Marines. I do not recall having read about it in the press back home here.

Another picture, flying over the town of Kirkuk, and I was taking pictures randomly out the window of our Black Hawk helicopter and did not notice until later, there are two small figures here. One is waving at the helicopter; and if you look very closely and I have done this, she is waving with all five fingers but, very importantly, next to her is a small male child, probably her brother. Think of this, Mr. Speaker, in the city of Kirkuk, prior to our taking out Saddam Hussein, this sister could not mention the fact she had a brother. In fact, her family probably has a crawl space in the wall of this house where the boy could be hidden when Saddam's conscriptionists came through town.

It truly is an amazing transformation in that country. We are very close to having the third and final election for this year. We are close to having sufficient Iraqi forces trained and equipped to participate in their own security operations. Our soldiers are very close to having completed their mission. Congress should not desert them now.

CONGRESSIONAL ACTIONS ON IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, the good news, I suppose, is that nearly 3 years into the Iraq war, the Bush administration has seen fit to share with the American people their war plan.

The bad news is that there is no "there" there. The "national strategy for victory" shared with the American people last week is barely worth the paper it is printed on.

It is essentially the same old warmed-over rhetoric that we have become accustomed to and frustrated with: the enemy is bad; we are good; we will never back down; we will achieve total victory.

To the extent that this strategy for victory contains specifics, they are completely divorced from reality.

In last week's speech, the President mentioned that Haifa Street, formerly called Purple Heart Boulevard because of all of the U.S. attacks incurred there, is now safely under the control of Iraq's security forces, but taking control of Haifa Street in Baghdad does not make Iraqi forces self-sustaining. Taking the battle to the enemy, as the President likes to put it, has not thwarted terrorism but, instead, made Iraq a hotbed of terrorism.

The President insists that fighting the terrorists "over there" means that we are not fighting them at home. I doubt the people who call London, Madrid, or Bali their home would agree with that assessment. Who is to say that next time it will not be Chicago, Las Vegas, or San Francisco? There is no evidence that we are any more secure at home because of the war in Iraq.

Iraqi democracy is anything but a certainty. We are undermining our own stated goal of advancing freedom when we torture prisoners and when we spend millions of dollars to spread propaganda in the Iraqi press.

When the White House's statements are not divorced from reality, they contradict everything they once said about the war. Like this one, from the supposed "victory strategy" document: "It is not realistic to expect a fully functioning democracy, able to defeat its enemies and peacefully reconcile generational grievances, to be in place less than 3 years after Saddam was finally removed from power."

Now they tell us. So much for "Mission Accomplished." We have sure come a long way from the confident assertion that we would be greeted by grateful Iraqis throwing flowers at our feet, that we would be in and out in a flash, that all we had to do was depose Saddam and democracy would instantly take hold.

The President's speech last week demonstrates his inability to recognize the intensity of people's anxiety about this war. Americans are not looking for the administration to do the same thing but just do it a little bit better and to put it in a glossy booklet.

They want to see a fundamental shift in direction, like the plan outlined in a letter I wrote to the President, which was cosigned by 61 other House Members: one, engage in greater multilateral cooperation with our allies; two, pursue diplomatic, nonmilitary initiatives; three, prepare for a robust postconflict reconciliation process; and, four, and most importantly of all, bring our troops home.

I wish this administration would step out of its bubble. They should break away from the yes men and listen to the American people who do not understand the cause for which more than 2,100 and countless thousands of Iraqis have died.

It is not just the American people that the administration is ignoring. It is the Iraqis also. Kurdish, Shiite, and Sunni leaders agree on practically nothing except that there needs to be a clear timetable for our troops to leave Iraq.

The President wants to have it both ways on Iraq. He will not change his underlying approach, an open-ended military commitment that will last as long as he deems it appropriate, but he can read the polls. So he wants to be perceived as doing something new and something different in order to rescue his administration from political oblivion; but, Mr. Speaker, repackaging a Twinkie does not improve its nutritional value, and the same goes for the Bush Iraq policy.

REBUILDING CASINOS IN THE GULF COAST REGION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. FORTENBERRY) is recognized for 5 minutes.

Mr. FORTENBERRY. Mr. Speaker, I rise to express my strong opposition to the inclusion of any tax breaks to rebuild the gulf coast gambling industry in the tax package, which may reach the House floor in the near future. I believe that it is an extraordinarily controversial and improper measure to support the casino industry with tax incentives paid by other Americans. I would like to commend the distinguished gentleman from Virginia (Mr. WOLF) for his active role in bringing attention to this important issue.

I certainly understand the need to provide general economic incentives for businesses to rebuild in the gulf region, which was so heavily devastated by the hurricanes earlier this year. I support efforts to encourage economic development and restore infrastructure in the area. However, I cannot support allowing casinos to access Federal tax breaks while at the same time we are proposing to achieve savings from a host of other governmental programs.

If Americans were given a choice, I believe that they would prefer not to use limited resources to support the casinos. Prudent use of hard-earned taxpayer money demands that we stay focused on concerns such as the defense of our Nation, education of our children, health care for veterans, and subsistence for the poor.

My constituents are aware of the proposal to potentially provide assistance to gambling interests and have let me know of their opposition to such an effort. Nebraskans, and Americans generally, are generous people, willing to help others in need. Congress, however, has a responsibility not to abuse this generosity by providing tax breaks to wealthy gambling operations which have already signaled their intention to rebuild in the gulf region. In fact, even without the tax breaks, the gambling industry has announced its plan to come back "bigger and better" in the area.

Government is an instrument of societal order, establishing priorities for how we choose to live. For instance, we have worked to reduce the marriage penalty in the tax code. We provide tax incentives to save for retirement. We provide tax benefits for health care, and there is certainly a precedent for targeting incentives toward certain businesses while restricting the use of tax breaks for others.

☐ 2000

In fact, it would be unusual, I contend, if the government did not restrict these tax breaks and exclude casinos.

As a Gulf Opportunity Zone package was under consideration, Alberto Lopez, Director of Strategic Communication For Harrah Entertainment, Incorporated, was recently quoted in The Washington Post as saying, "We are actually scratching our heads. We can't ever remember an instance of being offered a tax credit. Ever."

In another telling comment in the same Washington Post article, a gambling company official, who wished to remain anonymous, stated "Anything that the Federal Government can provide, obviously we'll take advantage of it." Unfortunately, these gambling conglomerates would be taking advantage not only of tax breaks but the generosity of American taxpayers as well.

Why should all Americans be forced to prioritize casinos in the Tax Code? How can Congress consider providing such incentives to the multi-billion dollar gambling industry when there are so many unmet needs in this Nation? Why should these incentives be considered when the gambling industry already plans to rebuild the casinos? To what extent were these casinos covered by insurance? These are a few of the questions that must be addressed before tax legislation reaches the House floor.

Mr. Speaker, I strongly urge my colleagues to join me in expressing opposition to the inclusion of any tax breaks for gambling interests. Do not let the casino interests hit the jackpot through the Tax Code.

THE LOW-INCOME ENERGY ASSISTANCE PROGRAM

The SPEAKER pro tempore (Mr. MARCHANT). Under a previous order of the House, the gentleman from Maryland (Mr. WYNN) is recognized for 5 minutes.

Mr. WYNN. Mr. Speaker, humorist Frank McKinney Hubbard once said, "Don't knock the weather. If it didn't change once in a while, nine out of ten people wouldn't start a conversation."

Unfortunately, extreme weather is nothing to laugh about. Tonight, I would like to talk about the underfunding of the Low-Income Energy Assistance Program, known as LIHEAP, and how we have failed to protect our Nation's citizens against harsh winter and blistering summer elements. Lyndon Johnson once talked about building a "Great Society." But we cannot have a "Great Society" if we only provide tax breaks for the wealthy while ignoring the suffering of the poor in America.

LIHEAP was enacted to assist low-income citizens who pay a high proportion of their household income to meet their immediate home energy needs. Low-income households spend 14 percent of their annual income on energy expenditures, compared to non-low-income households, that only spend 3.5 percent. In fact, two-thirds of the families that utilize LIHEAP assistance have annual incomes of $8,000, forcing them to choose between heating their homes and putting food on the table.

From 1995 to 2004, the average number of cold-related deaths was 27 annually. Meanwhile, my colleagues from the south note that during the same time period, the average number of deaths from heat was 237 annually. The point is that LIHEAP should be available to offset high energy costs in both winter and summer.

The hardships of high energy bills this winter can be visibly seen on the face of an elderly grandmother shivering in the cold of her living room or having to cut back on medicine to keep the heat on. Savings are used up, credits ratings are destroyed, and children are increasingly vulnerable to sickness and ill health. This is not the policy of a great society.

The National Energy Assistance Directors' Association's most recent survey on the impact of rising energy costs on poor families illustrates this troubling reality: 32 percent sacrificed medical care; 24 percent failed to make a rental or mortgage payment; 20 percent went without food for at least a day; and 44 percent said they skipped paying or paid less than their full home energy bill in the past year.

Since 2003, the price of heat to heat one's home has risen tremendously as the price of natural gas has risen by 45 percent and heating oil has risen by 50 percent. As a result, those who use natural gas to heat their home could see their average heating costs spike from $750 to $1,100 this year. For those who use home heating oil, like me, last year's expenditure of $1,200 could jump to as high as $1,600 this year.

My colleagues on the other side of the aisle contend that Congress has increased funding for this critical program in recent years. They point to the $2 billion in the fiscal year 2005 and the $5 billion authorized this year in the energy bill. However, there are three problems with this argument, or as I like to call it "the triple whammy."

First, we have to understand the $5 authorized in the energy bill was cut to $3 billion in the House's pre-Thanksgiving budget reconciliation bill. Second, the $3 billion figure will be further cut to around $2 billion by the appropriators, because that is the figure they are pushing for to effectively flat line the funding for LIHEAP. Third, take a look at this graph. You can clearly see that even when appropriations increased for LIHEAP, the purchasing power, and that is what is critical for these funds, actually decreased for LIHEAP recipients. Inflation in heating oil and natural gas prices actually decreased purchasing power by 42 percent since the program's inception in 1982.

Ironically, during this time of inadequate LIHEAP funding, oil companies are boasting record profits, some as large as 255 percent. This situation is so bad that some of our Senate colleagues recently wrote a letter to the nine big oil companies and asked them to donate a part of their profits to help low-income people cover these increased energy costs.

Only one response was received, from Citgo, a state-owned Venezuelan company controlled by Hugo Chavez, President of Venezuela. Chavez took this public relations opportunity to promote his socialist world view as counterpoint to the United States capitalist world view.

Specifically, he is using profits from Venezuelan-based Citgo to make friends in the United States and attempting to illustrate the failures of American democracy. Citgo has provided discounted heating oil this winter to low-income residents in Massachusetts. Twelve million gallons of heavily discounted heating oil was donated to low-income communities across the State of Massachusetts, helping consumers save between 60 and 80 cents per gallon. This is a total savings of $10 million to $14 million which will occur this winter.

While I am certainly appreciative of this gesture, by having to accept Venezuela's charity, we are playing into Chavez's hands. We cannot effectively promote democracy and free markets around the world if our policies here at home reflect a callous disregard for our poorer citizens.

Close to home in my State of Maryland, we will need about $84 million in Federal fuel assistance, that is more than twice the amount originally anticipated to help low-income residents heat their homes this winter. The Maryland Energy Assistance Program says it will need $51 million more to cover rising energy costs.

In conclusion, I call upon my Republican colleagues to forego or at least delay the additional tax cuts for the warm and the wealthy. Instead, I hope my colleagues on the right side of the aisle will fully fund the $5 billion promise in the energy bill for low income energy assistance.

IRAQ SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, it is perhaps difficult for some to comprehend the extent of our successes in Iraq because they are focused on isolated incidents rather than looking at the totality of our efforts. So to fully grasp how far Iraq has come, it is necessary to take stock of these successes.

My stepson, Doug Lehtinen, and his fiance, Lindsay Nelson, are serving in Iraq right now. They are marine officers flying F–18s along the Syrian border. They know that the security component of our efforts in Iraq is the cornerstone for our mission for victory.

Iraqis are playing an ever-increasing role for providing for their own security. The Iraqi army and police forces are growing larger and are better trained and they are more effective than ever. The Iraqi army and security forces grew from just one operational battalion in July 2004 to more than 120 today. Many critics note that only one battalion is rated at what the U.S. Army categorizes as a level one, fully independent degree of operability. However, over 40 are at level two, which are capable of fighting, with some support, usually just logistics or artillery support from our coalition forces.

All of these units are patrolling their own areas of operations, and the cities of Najaf and Mosul are now patrolled exclusively by Iraqi security forces, as are large portions of the city of Baghdad. And there are also roughly 80 battalions, both police and military, identified as category three and are currently fighting alongside our U.S. and coalition forces.

As a result, the United States military recently transferred more than two dozen U.S. established bases to Iraqi control. In addition, there are now currently 25,000 Iraqi special police officers who can conduct combat and commando operations as well as routine policing duties. Also, there are 75,000 Iraqi police officers trained and equipped.

And looking to the future, Mr. Speaker, the current plans include establishing 10 Iraqi army infantry divisions. That is 160,000 soldiers, 135,000 regular police officers, 9,000 border police, in addition to the current force of 18,000, and 3,000 additional highway patrol officers in addition to the current level of 3,000, by the year 2007.

Today, thousands of young Iraqis are volunteering, volunteering for service, and they are training to become soldiers and police officers at several facilities throughout the country of Iraq. As a result, over 225,000 Iraqi soldiers and police officers will be available to provide security for Iraq's nationwide election in just under 2 weeks. Yes, the third successful election which will take place in just a few days.

Today, Iraqi security forces are strong enough to garrison and control cleared areas, as recently illustrated in the leading role taken by the Iraqis in the successful September 2005 offensive in Tal Afar. Both U.S. and Iraqi forces have enjoyed additional successes in eliminating insurgent strongholds in Fallujah, in Mosul, in Najaf, in Samara, and in many other smaller towns along the Syrian border.

The increasing effectiveness of the Iraqi security forces has inspired optimism among the Iraqi people, and this is reflected in the growing number of intelligence tips from Iraqi civilians. According to reports in March 2005, Iraqi and coalition forces received 483 intelligence tips from Iraqi citizens. This figure rose to 3,300 in August and to more than 4,700 in September. This has translated into further public confidence in the security situation in Iraq.

Simultaneously, the increasing effectiveness of the Iraqi security forces has caused fear and derision within our enemies' ranks. Significant success securing the Syrian border, previously a sieve for Iraqi and foreign insurgents, has made it tougher for Syrian-based insurgents to orchestrate or support attacks in Iraq. As a result, homicide bombings by Islamic jihadists has reportedly been down 30 percent since the October constitutional referendum.

So the military and the security components of the strategy are laid out in the national strategy for victory in Iraq, as stated by the President, and it is due to the commitment of fighting men and women like my stepson, Doug, and his fiance, but also thanks to the brave men and women of the Iraqi security forces who continue to fight for their emerging democracy.

Mr. Speaker, I ask my colleagues to look at the situation in Iraq, look at the threat posed by Iraq under the regime of Saddam Hussein, then look at Iraq today. There is no question that we are succeeding.

U.S. DETAINEE POLICY IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MEEHAN) is recognized for 5 minutes.

Mr. MEEHAN. Well, Mr. Speaker, if so many of these Iraqis are ready to come up and to provide the security, the police work in the country, then surely there should be no problem with putting American forces into the background instead of having them up front.

The reality is that we have missed a lot of opportunities in Iraq because of a failed policy. Our own State Department polls say that 80 percent of Iraqis view the United States as an unpopular occupier. That is right, an occupier. Forty-five percent of Iraqi citizens think it is morally okay to attack American troops. So if, in fact, Iraqis are ready to keep security in their own country, surely now is the time to let them do that.

We should have had, as General Shinseki said, more security forces in from the beginning. He said a few hundred thousand troops. And if we had had them there, maybe we could have won the hearts and minds of the Iraqi people from the beginning when Saddam Hussein fell. But the Pentagon and the civilian leadership thought General Shinseki did not know what he was talking about and they put him out to pasture. But the truth is, he knew what he was talking about.

There have been other mistakes made. In April of last year, the shocking photographic evidence of prisoner abuse at Abu Ghraib became public. In an instant, America's new image in the war on terror was published around the world with photos of Iraqi prisoners being subjected to cruel, unusual, and degrading treatment.

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A report by Major General Antonio Taguba found "numerous incidents of sadistic, blatant, and wanton criminal abuses," constituting "systematic and illegal abuse of detainees" at Abu Ghraib. And, unfortunately, Abu Ghraib is only the most publicized case of torture in Iraq.

Regrettably, it has become clear that torture of detainees in United States custody is not limited to Abu Ghraib or even Iraq. Since Abu Ghraib, there have been increasing reports of torture. Most recently, The Washington Post broke a story of secret CIA detention centers around the globe where prisoners were being sent for questioning.

Under the leadership of President Bush and Vice President CHENEY, the United States has given up the moral high ground that we used to occupy as an international leader.

Last month, President Bush defended U.S. interrogation practices, proclaiming, "We do not torture." However, he has refused to back up these words. Instead, he and his administration have vehemently opposed a provision that would specifically prohibit the use of torture as official U.S. protocol.

They supported legislation that would strip the right of detainees being held by the United States to the writ of habeas corpus, an 800-year-old legal procedure grounded in the Magna Carta. Instead of denouncing torture is never acceptable, the administration seems to continually be looking for exceptions to the rule.

In the now-infamous "torture memo," along with other documents, the Justice Department sought to carve out an increasingly narrow definition of detention. Instead of firing administration officials, like Alberto Gonzales, who referred to the Geneva Convention as "quaint" and "obsolete," we have a President who promoted him to the chief law enforcement officer of the United States of America, Attorney General.

By accepting this behavior, the Bush administration has not only hurt America's credibility around the world; but it has put our soldiers at risk.

I have joined forces with a number of my colleagues to try to change this course. However, the leadership in this body has kept us from being heard. We have tried to obtain documents related to Federal investigations of detainee abuse in Iraq, Afghanistan, Guantanamo; but our efforts have been shut down by the majority in this body.

Mr. Speaker, 173 Members of this body have signed onto the Waxman legislation to establish an independent commission to investigate these abuses; but nearly 6 months after being introduced, this bill languishes in committee without even a hearing from the majority.

President Bush and the majority did not want the independent 9/11 Commission. They have also opposed independent commissions to investigate the Federal response to Hurricane Katrina. But just like the revelations that came from the 9/11 Commission, an independent investigation into our detainee policy would help us all in the end.

It is time to investigate these abuses. It is never too late to regain our credibility around the world. I call on my colleagues to stand up against torture by standing firm to the belief that the United States has held for generations, that no individual in U.S. custody be subject to cruel, inhumane or degrading treatment or punishment, any time, any place, anywhere.

CONGRESSIONAL RESPONSIBILITIES

The SPEAKER pro tempore (Mr. MARCHANT). Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

Mr. GOHMERT. Mr. Speaker, there are two things I want to address tonight, both terribly disappointing to me as a freshman Member of Congress.

As a former judge who sent hundreds or thousands of people to prison for felony crimes. I have heard and seen all kinds of stories. But the one that played out last week makes me both heartsick and very angry. A valiant Vietnam veteran, a man of courage and daring, a Navy pilot, a defender of this country, an ace, a true military leader by example, pled guilty, basically, to accepting bribes to push defense contracts to contractors who may not have been entitled to them.

For those of us who have served in the military, we know what it is to requisition supplies, equipment or services and get quality in response. On the other hand, we also know what it is to receive supplies, equipment or services and wonder who in the world got their bank account padded or their back scratched to allow such substandard material to be sent.

Now to hear that our fellow congressman, Randy "Duke" Cunningham, was such a Member of Congress on the take makes me both very sad and very angry.

Mr. Cunningham has made true acts and comments of contrition and humility; but my goodness, how much damage has been done. Not only will he be sentenced to satisfy the requirements of justice, retribution and deterrence, his family and friends will suffer. That is what happens when crimes are committed.

Let us also not lose sight of the fact that the contractors who paid bribes should be barred from ever contracting with the government again. I do not know who it is, and it does not matter to me who they are or with whom they are friends, they should be barred.

But one other thing that has caused me great bewilderment in the last month to 6 weeks or so is the rhetoric against our efforts in Iraq and how it has reached a crescendo and fanatical pitch. In what may well have been the cradle of mankind, the people of Iraq are on the threshold of democratically electing their first permanent leaders under their new Constitution. As a democratic self-governing people, we should as a Nation be uniting in support and encouraging the people of Iraq in their own efforts at self-government.

Some, like our colleague and war hero, Mr. MURTHA, have been expressing concerns of this type about the war for over 2 years. Others have now jumped on the bandwagon, and still others have raised their pitch dramatically. This historic election is 9 days off. It is true that if the election goes well, it not only is a great victory for freedom, democracy and against terrorism, but it will probably help President Bush. It is also clear, and many realize, if the election goes badly, it will probably exacerbate and lower President Bush's popularity still further. But could Members not wait 9 days, wait until after December 15, to make your points about withdrawal or how we are losing and we cannot win.

Obviously, if the people of Iraq think we are about to withdraw before that permanent ink wears off their finger when they vote, they may hesitate to vote or not vote. Heightened rhetoric against our historic assistance in Iraq serves to undermine the election and may assist in its failure. I implore Members, regarding Iraq, please let us put partisan politics aside for the next 9 days until after the election.

Sure, it would make you happy to see President Bush's numbers fall lower; but at the cost of democracy and stability in the Middle East and of our own safety, the price is too high. You can go back to your Bush bashing in 9 days, but how about being statesmen and stateswomen until after the Iraqi election. Show that there is one noble thing you can put above partisan politics for the next 9 days.

We are doing a great good over there. I have seen. Senator LIEBERMAN has seen it. Mr. SHAYS has seen it. We have witnessed it. At this time of year, we can note tragedy as I have tonight, but let us also rejoice in this great thing that may well come to pass next week if you will stop trying to poison it before it happens.

100 DAYS OF EMPTY PROMISES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. TAYLOR) is recognized for 5 minutes.

Mr. TAYLOR of Mississippi. Mr. Speaker, today marks the 100th day since Hurricane Katrina came ashore in south Mississippi. Since that time, we have had a mixture of incredible support from the people of this Nation; but also, quite frankly, there have been a lot of promises made by the President of the United States that have yet to be fulfilled.

In 100 days since the storm, numerous regrets by me, Senator LOTT, Mr. PICKERING and others to try to help those people who found themselves in the horrible situation of having a home that never flooded, or a piece of land that had never flooded since the Europeans settled in Mississippi in 1699, who thought they were properly covered by having wind insurance, who thought they had taken adequate precautions to secure their home in the event of a storm, who found that their homes had flooded.

And now for 100 days, I, Senator LOTT, Mr. PICKERING and others have asked to try to do something to help those people. After all, every aid package the President talks about talks about tax breaks for the fat cats. Well, the fat cats are going to do just fine after the storm. They always do. They have got the money; they know how to invest it; they know how to make more money. They do not need tax breaks. The people who need help in south Mississippi are the average-Joe homeowners: the kid who coaches the Little League team, the guy or lady who sings in the choir, who find themselves now at the end of 90 days that their mortgage is due, they have lost their job, their house has been either destroyed or horribly damaged and they are looking for help from their Nation.

This is an extremely patriotic part of the country, and an extremely high percentage of those people have served in the Armed Forces or are presently serving, and all they are asking from you, Mr. President, is a little bit of consideration.

After 100 days, we had taken care of the people of New York after 9/11. After 100 days, we had taken care of the people of San Francisco. Tonight in south Mississippi, people will crawl into two and three-man tents because 12,000 families are still waiting for a FEMA trailer.

The company you gave the contract to, Bechtel Incorporated, has donated tens of thousands of dollars to your campaign and to the Republican majority. You are obviously friends. I think you can pick up the phone to the Bechtel family and ask them to finish the job.

After 100 days, only two-thirds of the people who have asked for a trailer since their home has been destroyed have received one. I did not promise those folks a trailer. You did, Mr. President. After 100 days, it has turned cold. A shower with a garden hose in August feels pretty good; a shower with a garden hose when it is 33 degrees outside is a pretty crummy experience.

The contracts for debris removal were let on a per-cubic-yard basis. Therefore, the people who did that had an incentive to work quickly because the more they did the more they got paid. The contracts to deliver FEMA trailers was paid by the month. If you pay anyone to do something by the hour as opposed to the job, it is human nature they are going to do it slower. The people of south Mississippi have waited long.

Mr. Speaker, it is time to call your friends at Bechtel and tell them to finish the job. Folks had to live in a pup tent for Thanksgiving and their patience has worn thin.

Mr. Speaker, Mr. President, I remember when the promise was made that you could cut taxes, increase spending, and pay down the debt. I thought that was a bunch of malarkey at the time, and it has turned out to be $2.4 trillion wrong.

But to come to south Mississippi and to promise the people in south Mississippi that you are going to get them a trailer, and not fulfill that promise or drag your feet on that promise, that is something people see every day. It is something I see every time I go home, and that is every weekend.

Mr. President, it is time for you and the people at Bechtel to do the job: to deliver the trailers that are sitting in places like Hope, Arkansas, where there are thousands of trailers sitting on the runway. Or Purvis, Mississippi, where there are over 1,200 trailers sitting on the ground, or the staging area in De Lisle or the staging area in Hancock County. They are not doing anyone any good sitting in the staging areas.

If you have to void the contract with Bechtel, by all means do so. If the Bechtel family has any respect for their good family name, I am asking them as a Member of Congress representing south Mississippi to replace the management you have in south Mississippi and get the job done because the people of south Mississippi and the people of this Nation who are paying for this deserve better.

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BLUE DOG COALITION

The SPEAKER pro tempore (Mr. MARCHANT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Arkansas (Mr. ROSS) is recognized for 60 minutes as the designee of the minority leader.

Mr. ROSS. Mr. Speaker, for the next 60 minutes, me, along with other Members of the fiscally conservative Blue Dog Coalition, will come to the floor of the United States House of Representatives to talk about the debt, the deficit, the budget, the cuts in spending as well as tax cuts that will be proposed on the floor of this House this week.

Mr. Speaker, let me begin by explaining what the Blue Dog Coalition is all about. It is a group of 37 conservative moderate Democrats. Democrats that are concerned about this country's future, because of today's reckless spending. 37 conservative to moderate Democrats that are concerned about what today's reckless spending means for tomorrow's generation, our children and our grandchildren and their future.

For those who come to our Nation's Capitol, as you walk the halls of the House office buildings, the Cannon House Office Building, the Longworth House Office Building, the Rayburn House Office Building, it is easy to identify an office that houses one of the 37 conservative Democrats that belong to the Blue Dog Coalition, because by the door to each of our offices you will find a sign like this right here, the Blue Dog Coalition reminding every taxpayer in this land of the national debt. Today, the U.S. national debt is $8.121 trillion and some change. And if you break that down to every man, woman and child, including those who are born today, every citizen of this country would have to pull out their checkbook and write a check to the tune of $27,000 and some change to pay off this national debt.

There are those in this administration and within this Republican Congress that say debts do not matter. We all know that is not true. We all know that the larger the debt, the more demand there will be for money and the higher interest rates will go. We are already starting to see it happen. We all know during the last 4½ years that one of the things that kept us out of a recession, just barely, was low interest rates that allowed people to refinance their homes and have some extra cash to buy things and encouraged people to become and be able to afford to become first-time homeowners; and it allowed others to either add on to their house or to sell their house and buy a new one. Those low interest rates are rapidly disappearing as we see interest rates continuing to go up and up and up.

It is hard to believe now, but from 1998 through 2001, this Nation had a balanced budget. This Nation did not deficit spend from 1998 through 2001. And now this President, this administration, this Republican Congress has given us, American citizens, the largest budget deficit ever, ever in our Nation's history. For what? For a fifth year in a row.

Put it another way. The total national debt from 1789 to the year 2000 was $5.67 trillion. But by 2010, the total national debt will have increased to $10.88 trillion. Tonight, it stands at $8.121 trillion. That is $8.121 trillion and some change. This is a doubling of the 211-year debt in just 10 years, in just the past decade. Interest payments on this debt are one of the fastest growing parts of the Federal budget, and the debt tax, I did not say death tax, the debt tax, a phrase coined by the Blue Dog Coalition, is one tax that cannot be repealed.

And let me tell you what I mean by that. Every day in this land, our Nation is spending a half a billion dollars. That is right. $500 million every single day simply paying interest on the national debt. How much is that? We could build 100 brand new elementary schools every single day in America just with the interest we are paying on the national debt. It is what we call the debt tax, D-E-B-T, and it is one tax that cannot go away. It is one tax that will prevent us from being able to meet the priorities of this Nation when it comes to education and health care and the economy and so many other important areas until we get our fiscal house in order and pay down this debt and stop this deficit spending.

Deficits do matter. Deficits reduce economic growth. They burden our children and grandchildren with liabilities. They increase our reliance on foreign lenders who now own 40 percent of our debt. That is right. Foreign lenders now own 40 percent of our debt.

Let me put it another way. This President, this administration, this Republican Congress, in the last 4½ years has borrowed more money to run the United States of America than the previous 42 presidents of the United States combined.

Now, let us think about that. This President, this Republican Congress has borrowed more money from foreign governments, foreign lenders and foreign central banks to operate our government than the previous 42 presidents combined.

Congressman JOHN TANNER, a founder of the Blue Dog Coalition from Tennessee, said it best when he said if China decides to invade Taiwan, we, the United States will have to go borrow even more money from China to defend Taiwan. What has happened to this country? What has happened to the fiscal responsibility that leaders of this country should share? It is a duty and an obligation that we keep, or at this point, put back, restore fiscal discipline to our Nation's government, and that is what the Blue Dog Coalition is all about.

The United States is becoming increasingly dependent on foreign lenders. Foreign lenders currently hold a total of $2 trillion of our public debt. You see here, we owe $8.121 trillion. That is how much money, more money we have spent than we have taken in as a government. That is how much money we have borrowed. In fact, we are borrowing to the tune of about $907 million a day, we are sending about $188 million every day to Iraq, $33 million every day to Afghanistan. And the list goes on and on. Two trillion of our public debt has come from foreign lenders or 45 percent of our total debt.

Some people may wonder where the other 6 trillion is coming from. The majority of it is coming from money that the politicians in Washington are borrowing from the Social Security trust fund with no provision on how or whether that money ever gets paid back.

Now, when I go to my banker to get a loan, he wants to know how I am going to pay it back, when I am going to pay it back and where the money is going to come from to pay him back. And yet, our government continues to borrow money from Social Security with no idea on how or when that money is going to be paid back or where it is going to come from to be paid back. No wonder this Republican leadership and this Republican Congress refused, refused to give me a vote or to give me a hearing on my bill that basically told the politicians in Washington to keep their hands off of the Social Security trust fund.

I mentioned that we were going to have a number of Blue Dogs join us this evening. 37 Members in the Blue Dog Coalition. We are conservative to moderate Democrats and we come from all across this Nation. And at this time, it gives me great honor to be able to introduce a real leader in the Blue Dog Coalition, someone that understands fiscal responsibility, someone that came from a state legislature where he helped balance a state budget, and that is the gentleman from Georgia, DAVID SCOTT.

Mr. SCOTT of Georgia. Thank you so much my distinguished colleague, Congressman Ross, from the great State of Arkansas. You continue to do an extraordinary job of leadership in this Congress and the people of Arkansas, I am sure, are very, very proud of you.

It is indeed a pleasure to join you once again as we talk about the number one issue facing the future of our great Nation. Alexander Hamilton said it best, who was the father of our financial system, when he said, woe to those who borrow more than they have.

Our Founding Fathers would not be proud of this country today when we say that 90 percent of every penny that we are spending to run this country today is coming from foreign countries. That is a very dangerous position for this country to be in. And I am here to tell you especially that China and India are eating our lunch. Not only are we borrowing money to run our government on it, but through our warped trade policies, we are exporting thousands and thousands of manufacturing jobs from Arkansas, from Georgia, from this country over to India, over to China and these other countries. So it is important that we wake up America. I believe that is our mission as Blue Dogs, to wake up this country to understand what the number one issue is facing us.

And the gentleman mentioned my time in Georgia where I served in the Georgia legislature for nearly 30 years, 10 of those as chairman of the Senate Rules Committee. And we kept the State of Georgia in sound fiscal shape because we made it the law that we will not spend more than we have. And that is what we have got to do in this Congress of the United States to get our financial house back in order. For 5 years, the Blue Dog caucus has been warning, we have been pleading, we have been begging, we have been talking about the dangers of blowing the Federal surplus that was left by the last administration. Say what you want to say about Bill Clinton and the Clinton administration. But they left this country in fine shape, with hundreds of billions of dollars in surplus.

In September, the Blue Dogs formally asked President Bush if he would be kind enough to hold a bipartisan summit on budget deficits and Federal spending. That offer was rejected. Instead, President Bush and the Republicans want to cut money from our veterans. Yes, our veterans. Cut money from our veterans. Cut money from our farmers, cut money out of seniors programs, out of children's programs and cut the very programs designed to help those who need the help the most right now, and those are our victims of Katrina and Rita and Wilma, and then to give $70 billion in tax cuts to the wealthy among us, who really do not need it. We cannot afford to give it to them now. And I have had wealthy people even come up to me and say, we do not need this money now. The victims of Katrina need the money. The farmers need the money whose farms have been flooded. Senior citizens need the money. We do not have health care. Our young people need the money to go to school instead of cutting our education budget. And now we are concerned about our national credit. Now we are discussing the budget deficit. But we did not discuss the dangers of overspending until Hurricane Katrina hit. Then we correctly responded. And now what are we being asked to do? We are being asked to cut the very programs that it would help, people like the ones displaced by the hurricanes. America deserves better than this. Americans deserve much better than this, and they are expecting this House of Representatives to give better, and we can do better. And the first order of business is to certainly reject these painful cuts that are untimely. A time when our Nation is in great need and great pain is not the time to cut these vital Social Service programs.

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And certainly it is not the time to give tax cuts to the wealthy. Not now. And I am one who supports tax cuts. I supported the first round of tax cuts. But I am at the head of the list today, as most of us should be. This Nation is suffering too much, too greatly for us to give tax cuts to those who really do not need it at this time.

I believe that the Federal budget process is a series of smoke and mirrors designed to deflect from the real financial disaster facing America. There is no provision in the current rules that enforces a balanced budget, and we Blue Dogs have been preaching that for years, pay-as-you-go. And there is nothing there that allows Congress to defy the budget rules at will. America and many people are wondering when we are going to run this government with the care and the sincerity, with the interest of taking care and being good stewards of their tax dollars, run it like a family business. We ask America to do the same thing, families and businesses. Our Federal Government should be at the top of the list.

And let me just point this out, Mr. Speaker: in today's headlines all across this country, it says a report, the USA left open to attack, shocking gaps cited by the 9/11 Commission. The final report from the 9/11 Commission that came out today gives us failing grades, and they warn us that terrorists will strike again and they will cause catastrophic destruction. And what do the Republicans do? They want to give tax breaks to the wealthy by cutting and failing to fund the basic program that the 9/11 Commission said we need to do, and that is to provide the radio-spectrum communications devices so that our firefighters and our first responders can at least coordinate and communicate with one another during the crisis. A failing grade.

Our precious Americans deserve better. We cannot afford the tax cuts for the wealthy now. Perhaps later. America is hurting now. America is in pain now. We need help now.

The victims of the gulf region were just up here today testifying before the Government Reform Committee, their hearts breaking, tears in their eyes. Our American citizens are suffering. We failed them down in New Orleans. Many are homeless. And we are failing them today by cutting the very programs that we have designed to give to them. America deserves better.

This budget reconciliation bill reminds me of the poorly run business that lays off employees in order to stay in the black. That same company in turn gives big bonuses to the corporate officers. Our American Nation is in terrible financial shape of the deficit and now because of the Republicans wanting to add to that deficit $70 billion in tax cuts for the wealthy. The American people are watching this debate; and they need to know what programs will be cut, what we are talking about in this reconciliation.

I want to talk first about the budget cuts. We need to remind the American people how irresponsible we are at this precious time. Nearly $12 billion will be cut in Medicaid; yet nearly 45 million Americans, in spite of that, do not even have health insurance. The cost of college is increasing faster than inflation; however, more than $14 billion will be cut from student loan programs. And the Department of Agriculture is reporting that an additional 2 million Americans are now going hungry; yet over $800 million will be cut in the food stamp program. That is immoral, and we cannot stand for it.

Other programs will be cut, including nearly $5 billion for child support programs. Agriculture programs will be cut at a time when high energy prices are crushing the family farmer. Veterans cut by $2 billion, child nutrition by $2 billion at a time when children are going hungry.

The Federal budget should be an honest blueprint for our spending priorities of the government. However, this budget process is not honest, and I am going to tell my colleagues something. The American people are sick and tired of this dishonesty coming out of Washington. We might as well say what it is. And they are expecting their congressmen and -women to stand up and represent them with honor, with dignity. This budget process is, indeed, not honest because we are passing on our obligations, our responsibilities, our challenges, and this debt to our children, our grandchildren while cutting programs that benefit the poorest among us. We need not accept a Federal budget that singles out hard-working middle-class American families; those who have served our Nation, right now making our veterans have to choose between whether they have their veterans retirement pay or whether they take disability. That is wrong. They should have both. They should not have to make those decisions. Society's most vulnerable citizens, Americans deserve an honest budget that reflects their priorities and that honors their hard work, and that is what we must do.

Finally, let me say this: I think that great writer Sir Edmund Burke put it best when he said that the only necessity for the triumph of evil, for the triumph of wrong, is for good men and women to do nothing. And that is why we Blue Dogs are standing in this Congress tonight. We are standing up and we are doing something. We are demanding that this Congress treat the American people better, and the first step is to reject these budget cuts and to reject this tax reconciliation package.

Mr. ROSS. Mr. Speaker, reclaiming my time. I want to thank the gentleman from Georgia (Mr. SCOTT), a fellow member of the 37-member strong fiscally conservative Blue Dog Coalition, for joining me here on the floor this evening, as we will do every Tuesday night, to talk about the Nation's debt and deficit and what it means not only for today's generation but for our children and grandchildren and for future generations.

And, again, Mr. Speaker, I remind the Members that outside the office of every Blue Dog Member of Congress, every fiscally conservative Democrat in the Congress, there are 37 of us. We are 37 strong. And as one walks the Halls of Congress, it is easy to spot a Blue Dog Member because beside their front door next to that welcome mat is a poster that will demonstrate and remind the taxpayers of this Nation of a number that unfortunately changes and goes up every day.

Today, the U.S. national debt, when we went to work this morning, was $8.121 trillion-and-some-change. Again, for every man, woman, and child that is a citizen of this country, for us to get this Nation out of debt tonight, they would have to write a check for $27,000. Our Nation is spending a half billion dollars every single day in this country simply paying interest on the national debt. Give me 3 days' interest on the national debt, and I can finish I-49 through the western side of Arkansas. Give me 4 days' interest on the national debt, and I can finish I-69 across southeast Arkansas. These are priorities that will continue to go unmet until we get our Nation's fiscal house in order. And that is why we are here, to try to bring about some accountability within our government.

We are not here to point fingers or to criticize this Republican Congress for the fact that they have given us the largest budget deficit for the last 4½ years ever in our Nation's history. Again, we had a balanced budget from 1998 through 2001. This Republican administration, this Republican Congress has given us the largest budget deficit ever in our Nation's history for 5 years in a row. As Blue Dog Democrats, we are sick and tired of all the partisan bickering that goes on in our Nation's capital. It should not matter if it is a Democratic idea or a Republican idea. It ought to be about is it a commonsense idea and does it make sense for those who send us here to be their voice and to represent them.

So this discussion, this debate here on the House floor is not about pointing fingers. It is about accountability. It is about accountability to the American citizens. It is about accountability to the taxpayers. And this Congress is not being accountable when it has driven up the largest deficit ever in our Nation's history for the 5th year in a row and given us the largest debt ever in our Nation's history.

I am pleased to yield to not only a fellow member of the Blue Dog Coalition but a real leader in the Blue Dog Coalition, one of the co-chairs of the Blue Dog Coalition, and that is the gentleman from California (Mr. CARDOZA).

Mr. CARDOZA. Mr. Speaker, I thank Mr. ROSS for yielding to me. I have to say the citizens of the gentleman's district in Arkansas are certainly ably represented.

It is interesting that before, as he was talking here earlier and mentioned that we are spending in excess of a half billion dollars a day just on interest on the national debt. I was thinking I do not know how much his State budget is per year, but my State budget in California is around $100 billion a year. And if we were to take his State's budget and Mr. SCOTT's State budget and add them all together with my State's budget, I would bet that we would still be below the annual number of what we pay in interest alone. So if we think about all of the work that our local governments do in our States and we take three States, Georgia, Arkansas, and California, that is a huge, vast sum of money that we are paying just in interest on the national debt.

Mr. ROSS. Mr. Speaker, the gentleman from California makes an excellent point. In Arkansas I was in the State senate there for 10 years. It has grown since then. I have been here 5 years now. But the Arkansas State budget is somewhere around $5 billion a year, is what the Arkansas State government budget is. That means that just the amount of money we are spending as a Nation on interest on the national debt in 10 days equals the budget for the State of Arkansas for a year; and I think it really drives on the point of how much a half billion dollars is. Our Nation, again, is borrowing $500 million every 24 hours simply to service the debt, simply to pay interest on the debt; and that is $500 million that cannot go for better schools, better education, better health care, increasing teacher pay. These programs are going unmet, and they will continue to go unmet until we get our fiscal house in order.

As I was mentioning earlier, as Blue Dogs we are tired of all the partisan bickering that goes on in our Nation's capital, and we are not here to condemn the Republican leadership, the majority, this Republican administration for failing the American people by giving us the largest deficit ever in our Nation's history without also offering up the solution. And as Blue Dog members, the Blue Dog Coalition has a 12-point plan for budget reform, 12 points. We will be discussing some of them tonight. We will be discussing them every Tuesday night. Twelve points that we believe have to be implemented by this Congress before we can have meaningful and truthful budget reform.

So we are not here as conservative Democrats to simply say Republicans are bad. We are here to offer up two things: we are here to demand accountability, to put our fiscal house back in order, restore some common sense to our Nation's government; and we are also here to offer a plan. We have a plan of action, and we are calling on this Republican Congress and this Republican President to embrace our 12 points for budget reform. Let us come together and let us fix this problem for the American people before this number, this $8.121 trillion debt, gets any bigger.

□ 2100

Mr. ROSS. I yield to the gentleman from California (Mr. CARDOZA).

Mr. CARDOZA. As you were taking about that, it reminded me that there was another fellow from your district by the name of President Clinton who had inherited this same kind of problem once before. In his 8 years in office he took an annual debt and made it into an annual surplus.

And he did that through sound financial practices. I recall that they eliminated a vast number of programs and commissions and wasteful spending in government. I believe Mr. Clinton assigned that task to the Vice President.

In fact, we took, as Democrats, a deficit budget and made it into a surplus budget in the 1990s. In just 5 years, we have gone in a different direction. I believe it is putting our Nation in serious jeopardy. I just thought it was appropriate that I acknowledge that there has been two fiscally conservative leaders from your area, both you and Mr. Clinton.

Mr. ROSS. Well, it is the most fascinating thing for me. Ever since I was a small child growing up in Emmett and Hope and Prescott, Arkansas, my dad was a public school educator and a principal and a superintendent. And, well, that is a profession kind of like preachers and coaches: we moved around some, but we never got too far from home.

You know, growing up as a small child in rural south Arkansas, I always heard it was the Democrats who spent the money. And yet it was a Democrat named Bill Clinton who gave us the first balanced budget for the first time in 40 years. Of all things, a Democrat from Hope, Arkansas, my home town, where I graduated high school in 1979.

And so I think it is important that the American people recognize that this Republican-led Congress, you know it is the first time in 50 years they have controlled everything, the White House, the House, the Senate. And what are they giving us? They are giving us the largest budget deficit ever in our Nation's history for 4½ years.

It is time to restore some common sense and fiscal discipline to our Nation's government and stop this reckless spending. Again, today, the U.S. National debt is $8.121 trillion.

Mr. CARDOZA. Mr. Speaker, as the gentleman was talking, I recall when I was an intern in this body for Congressman Martin Frost from Texas, 26, 27 years ago. I sat here and listened to the Republicans rail against the Democrats saying that they were fiscally irresponsible.

And yet since that time, their deficits, when they have been in control, the White House and now in control of everything, have just exploded. I wish they would go back and read those and listen to those old tapes. I am sure C-SPAN still has them back in the old archives, and remember what they said when they were in the minority.

I yield to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. I just wanted to go back to a point that both of you made, because I think it is important for the American people, those who are watching us, to know the role of leadership that Democrats have played throughout the history of this country, going all the way back, and you go to the great world war and Franklin Delano Roosevelt. You come all of the way up through all of the Presidents that we have served. We have been very strong and very responsible in areas of defense, in areas of the budget, bringing it in on time.

This is just a recent phenomenon with this administration. So I do not want the American people to feel like we are jumping on the Republicans here. The truth is there. When Democrats left office running this government there was an extraordinarily large surplus. Nobody argues with that. We are in an extraordinary deficit now, and dangerously so. And I think what we are seeing here tonight as Blue Dogs, as Democrats, is this: that whether you are Republican, whether you are a Democrat, the whole point of it is, I think we all will agree, that our country deserves better.

The American people deserve better than what this is, and all we are doing as Democrats, and as our Blue Dog Coalition, is proving our heritage, proving our purpose, our mission, our goal, is to bring about a balanced budget. We are the group in this Congress that has been at the leadership of this issue. It is time to lead. We have been leading. We think we are getting the ear of the American people.

Once we get the ear of the American people to help put pressure on this Congress, which unfortunately or fortunately, depending upon what party you belong to, is run by Republicans. And I think Republican and Democrats can work together. And there are many on the other side of the aisle who want to bring this deficit down.

Mr. ROSS. Mr. Speaker, the gentleman from Georgia (Mr. SCOTT) makes an excellent point, that is, that this is not about politics. It is not about who is a Democrat or who is a Republican. It is about accountability. It is about a group of us that want to restore accountability to our Nation's government and want to restore some common sense and fiscal discipline to our Nation's government.

And, quite frankly, this debate is about priorities. It is about values. On November 18, at 1 o'clock in the morning, this Congress passed, on a 217 to 215 vote, barely passed, something that they deceptively titled the Deficit Reduction Act. It cut spending $50 billion to prepare for another $70 billion in tax cuts.

Only in Washington can you increase the national debt $20 billion and call it a Deficit Reduction Act. Do not take my word for it; it is H.R. 4241. Look it up.

So this budget reconciliation package, this so-called Deficit Reduction Act, it cut Medicaid, the health insurance plan for the poor, the disabled, the elderly. Half the children in Arkansas are on Medicaid. Eight out of every 10 seniors in the nursing homes are on Medicaid. One out of every five people in my home State are on Medicaid. You know, that is my America.

People count on Medicaid. A lot of people think, oh, that is for poor people that are on welfare; it will never affect me. Well, let me tell you something. If you got a quarter of a million dollars in the bank the day you retire, and where I come from most people do not, and if you go in the nursing home the day you retire, not 5, 10 or 20 years later, in less than 8 years, folks, you are on Medicaid. And yet this Congress voted to cut Medicaid $11.4 billion on November 18.

$14.3 billion in Federal student aid programs. Our future generation. The largest cut to the Federal student aid program ever. $3.7 billion in cuts to farm programs, including cuts to commodity programs, conservation programs, renewable energy programs, and rural development and nearly $700 million in cuts to food stamps.

For what? There are some in this Chamber who wanted you to believe that it was to help pay for the war in Iraq. Not so. There was some in this Chamber who wanted you to believe it was to help offset the cost of the hurricanes, Katrina, Rita, Wilma. Not so. It was to help offset $70 billion in tax cuts that mostly benefit those who earn over $400,000 a year.

Only in Washington. Only in Washington can you call something the Deficit Reduction Act that increases the national debt by $20 billion, $50 billion in cuts to the poor, the disabled and the elderly, to pay for another $70 billion in tax cuts for those earning over $400,000 a year.

You want to talk about values; you want to talk about morals. Growing up at Midway United Methodist Church just outside of Hope, Arkansas, and listening to the preachers every Sunday, and listening to my parents, great role models for me as public school educators, I can tell you that that does not represent my morals, and it certainly does not represent my values, the kind of conservative small-town values that I was raised on and still believe in.

Mr. Speaker, with that I yield to the gentleman from Tennessee (Mr. COOPER), another one of the co-chairs of the Blue Dog Coalition, a real leader in this Congress, someone who has been around for quite some time, a real leader in the Blue Dog Coalition, a co-chairman of the 37-Member-strong fiscally conservative Blue Dog Coalition.

Mr. COOPER. Mr. Speaker, I thank my friend, the gentleman from Arkansas (Mr. ROSS) and, I appreciate your leadership in this Special Order and in so many activities in our Congress.

I want to point out a couple of things, and perhaps you have touched on them already, because from what I have heard of your remarks, I am proud to associate myself with them. You are doing a great job of helping inform the American people about what is really going on with their country.

A couple of things about the Blue Dog chart. Every Blue Dog has a chart just like that outside of their office. It is a little bit scary, because most people who come into our offices do not realize the debt is that big.

But the deficit is about to bust the debt limit cap. Just a few billion dollars from now, our Nation is going to have to ask formal permission to raise the debt ceiling of the United States. Just a few billion dollars from now, we will lose our ability to borrow any more money unless an act of Congress changes that.

And yet the leadership in this Congress is not telling the American people about that. They are going to hide that information until next February, next March, even though, as that chart shows, the debt is already 8.121 trillion.

By the time it gets to 8.170 trillion, we will lose our ability to borrow any more money as a Nation. Our credit card will be maxed out. That is a moment of tragedy for our country because the actual debt burden for working families, if you look at the unfunded obligations of our country, it is not the $27,000, for every American. For a working family, it is $350,000 of debt burden that is already on their shoulders.

So I like to refer folks to a report that came out, it is available on the Internet, it is from the Heritage Foundation. That is not a Democratic group. It is a strong Republican group. But it is one of the scariest reports to ever be issued. It came out on November 30. It is by Brian Riedl. It details how under the Republican budget we can look forward to $800 billion annual deficits, permanent structural deficits that will never go away.

So I just wanted to help folks who may not appreciate Blue Dogs, who may appreciate Republicans more, that they need to read from the Republican think tank about what the Republicans are doing to our country's finances. This is an issue that should concern all Americans, whether Democrat or Republican.

I am proud of the role that the Blue Dogs are playing in trying to reduce this fiscal insanity, to try to get our Nation back on the right path again. I thank my colleagues, particularly the gentleman from Arkansas (Mr. ROSS).

Mr. ROSS. Mr. Speaker, I thank the gentleman from Tennessee (Mr. COOPER) and would invite him to stick around as we continue this debate about restoring fiscal responsibility to our Nation's government. I think it is important to note not only that we have an $8.121 trillion debt this evening, not only important to note that we are spending $500 million of American citizens' tax money every day simply paying interest on the national debt, or the fact that we are borrowing about $907 million a day.

I think it is also important to contrast and make the American people aware that these $50 billion in cuts came from Medicaid, came from student loans, came from farm programs, came from food stamps to fund tax cuts for those earning over $400,000 a year.

In fact, this week, this week, we are going to vote on legislation that would provide the majority of tax relief to the most fortunate. That is on the heels of November 18 at 1 a.m. when we voted, they voted, the Republican leadership voted, on a 217-to-215 vote, that I might add not one Democrat voted for, to cut Medicaid and student loans and farm programs and food stamps. They voted to do those cuts to do what? To pay this week for a tax cut, $70 billion in tax cuts.

The reduced tax rates on capital gains and dividends, something most of the folks in my district do not have to worry about, they wish they did, the reduced tax rates on capital gains and dividends will cost over $20 billion, or 36 percent, of the bill's total, nearly 50 percent. I talk about how these tax cuts will benefit those earning over $400,000 a year.

Nearly 50 percent of the benefit of these rate reductions will be received by those with annual incomes of over $1 million. We are not talking about people who have $1 million in the bank. We are talking about annual incomes of over $1 million. That is where 50 percent of the $70 billion will go; and the majority, the rest of it will go to those earning $400,000 a year.

Look, as Members of the fiscally conservative Blue Dog Coalition, we are conservative Democrats. A lot of us support tax cuts when we can afford them. I was a Democrat that voted for tax cuts. It was before 9/11. It was before Iraq. It was before Afghanistan. We really had a surplus. We really were giving people some of their money back.

□ 2115

Since then, I have opposed these tax cuts for a simple reason. I will give them this. It might make for good politics, but it makes for bad fiscal policy and it is the wrong way to treat our children and our grandchildren because now with every tax cut, that mostly benefits those earning over $400,000 a year, how are we paying for it? Not by cutting spending. That is one of the 12 points in the Blue Dog plan. If you are going to cut taxes, cut spending. That is what we do at the Ross home in Prescott, Arkansas, around the kitchen table. If we want to buy something, we have got to make sure we have got the money in the checkbook to pay for it. If we want something really bad that costs more than we can handle that month, we have to cut something else. As a State Senator for 10 years, Arkansas like 49 States in this Nation, I had to help balance the budget. And we did it. There is no reason why this Nation cannot have a balanced budget.

We are not against tax cuts. We are against borrowing the money from China and Japan and the Caribbean banking center and OPEC nations to pay for tax cuts. Yet this week another $70 billion will be borrowed, mostly from foreign lenders, foreign central banks, foreign investors, to pay for tax cuts to the tune of $70 billion that mostly benefits those earning over $400,000 a year, at a time when we have a record debt of $8.121 trillion that continues to increase every hour.

I yield to the gentleman from California.

Mr. CARDOZA. I want to thank the gentleman from Arkansas for a great explanation of what the problem is. But as part of that, I also want to highlight the fact that the Republicans criticized the Blue Dogs for not supporting what they call the Deficit Reduction Act. I want to tell you just one reason why, just one out of many, but I believe the most immoral cut that was advocated by the Republican side of this Chamber, and, as you said, not one Democrat voted for that bill, was the $600 million cut to foster care programs. You cannot tell me that out of a $2.2 trillion budget, you cannot find someplace else to cut. But $600 million from orphaned and abused children who are put in foster homes, that to me is just unconscionable. And so what they are asking us to do is not a reconciliation but a changing of priorities. I do not believe that cuts to orphaned and abused children are American priorities. I certainly don't believe they are American family values. That is not what we learned in church. That is not what I learned in church.

Mr. ROSS. And, I might add, you know a thing or two about that.

Mr. CARDOZA. Well, I do, Mr. ROSS. In fact, I have two children that were adopted out of foster care. My wife and I are blessed to have two children from foster care. I just cannot believe that we cannot find a different place to cut. I know after dealing with the foster care system that there are a lot of things that do not work in that system, but it is not that there is too much money in the system, because having seen it up close, there is not too much money in the foster care system. We don't have enough resources. We can save kids from going into a life of crime or being victimized in other ways that cost society much greater amounts. Incarcerating one prisoner is over $40,000 a year. If we lose a young person because of the way they are treated in foster care and being abused a second time after they have been abused either in their home or abandoned or neglected like my children were, if we lose them in the system, it will cost society much more in the long run.

I have a word that I want to call this. I believe we should call this Scrooge-onomics, because I believe it is just the wrong priorities. The other side in my priority has adopted Scrooge-onomics. Just like in the movie and in the book written by Charles Dickens, I just hope that my colleagues on the other side don't wake up with a nightmare of the ghost of Christmas past when they sleep in their nice warm homes, in their nice warm beds on Christmas day, that they have totally forgotten about those children who don't have the same kind of advantages that they have in life. I would ask them to abandon Scrooge-onomics and adopt a vision for America that is much more compassionate, conservative but compassionate, truly compassionate, and adopt a vision that we can all be proud of instead of abusing our foster children a second time.

Mr. ROSS. We discussed $11.4 billion in cuts to health care for the poor, the disabled, the elderly. Eight out of 10 seniors in nursing homes in Arkansas, my home State. $14.3 billion in cuts to student loans, at a time when I know how many parents feel now, because I have got a child that will soon be going off to college. My wife and I are very blessed. We are very fortunate that we will be okay. We both went to college, we got a good education, we work hard and we will make sure our children get an education. But we are thinking about it and we are concerned about it. I now understand how so many parents across this country lay in bed at night and can't sleep worried about the cost of their child's education, at a time when $14.3 billion has been cut from Federal student loans. $3.7 billion from our farm families at a time of record diesel prices and we just went through a drought. $700 million in cuts to food stamps. It is like this Republican Congress thinks that people are going to wake up tomorrow and not be poor or sick anymore. My wife and I own a small town family pharmacy. I see a lot of people come through our doors that are sick. Never once have I met one that loved being sick. We meet a lot of poor people that come through the doors of our pharmacy in my hometown of Prescott, Arkansas, 3,400 people, where everybody knows everyone. We know a lot of poor people. We see them come through our door. Never once has someone said, I'm proud to be poor. Yet these cuts make it appear as though people in this country are going to wake up tomorrow and not be poor or sick anymore. And now you are telling me on top of these, there is cuts in that bill, the Deficit Reduction Act, that actually adds $20 billion in new debt that cuts our orphans in foster care?

Mr. CARDOZA. That is right, Mr. Ross. Not only does it cut those two populations but it is done to pay for tax cuts, to pay for additional tax cuts.

Mr. ROSS. This week's tax cuts. $70 billion this week, mostly to benefit those earning over $400,000 a year, half of it to benefit those earning in income over $1 million a year.

Mr. CARDOZA. I don't think you can call it anything but Scrooge-onomics.

Mr. ROSS. Scrooge-onomics.

With that, I will recognize the gentleman from Tennessee (Mr. COOPER).

Mr. COOPER. You have made very powerful statements here tonight. One point that needs to be addressed a little bit more is the fact that we are going to be borrowing even more money from foreigners and the gentleman touched on that, particularly the Chinese. They are lending us more and more money, but I didn't know if you had pointed out so far here tonight as our colleague, JOHN TANNER, has shown in the past that President George W. Bush has already borrowed more money from foreigners in the last 5 years than every previous President in American history combined. That is an incredible statement because that is every President from George Washington through Bill Clinton. They borrowed about $1 trillion in total from foreigners. But already under President George W. Bush we have borrowed over $1 trillion just from foreigners. So the gentleman's very powerful points about cuts to American citizens, cuts that are really going to damage their lives, at the same time we are cutting them, we are going to be paying more interest money to foreign lenders, to foreign bankers.

And talk about wrong priorities. Hurting home folks so we can benefit rich foreigners? That is completely out of hand. But that is what happens when we not only have giant deficits but we have to borrow so much money from foreigners.

Mr. ROSS. $2 trillion of our debt today is being held by foreign lenders, foreign governments, foreign central banks. Compare this to only $23 billion in foreign holdings in 1993. The top 10, it is kind of like David Letterman later tonight and his top 10 list. The United States of America, we owe Japan $687.3 billion. We borrow money from them to pay for tax cuts for the wealthy people here in this Nation. China, we owe them $252.2 billion. I know I have got that southern drawl and so I want to make sure everybody understands that I say billion, not million. $252.2 billion. United Kingdom, $182.4 billion. Caribbean banking centers. I had never heard of such. Caribbean banking centers, $102.9 billion. Korea, $61.7 billion. OPEC, and we wonder why gasoline is so high, we have borrowed $54.6 billion from OPEC. Taiwan, $71.8 billion. They are counting on us to defend them if China invades them and we are borrowing money from Taiwan. The gentleman from Tennessee (Mr. TANNER), a founder of the Blue Dogs, again he put it best when he said, if China decides to invade Taiwan, we'll have to borrow even more money from China to defend Taiwan. Germany, $63.5 billion. Switzerland, $37.5 billion. And Hong Kong, $48.1 billion.

Again, this President, this administration, this Republican Congress, has borrowed more money from foreign lenders in the past 4½ years than the previous 42 Presidents combined. It is time for accountability. It is time to restore fiscal discipline to our Nation's government.

I hope the gentleman from Georgia agrees.

Mr. SCOTT of Georgia. I definitely do agree. Just to bring your point home and the gentleman from Tennessee's point home about what we are doing and the money we are borrowing from foreign governments, just think about this as you tie that to homeland security. We are spending more in our interest and the fee and the costs that we are paying these countries, in addition to the billions of dollars for each country you have mentioned, there is an interest on top of that that they are charging us to borrow the money. It is more than what we spend on our own homeland security. You talk about the height of irresponsibility.

But I do want to make sure that the American people understand the hypocrisy that is at stake here with what my friends on the Republican side are asking us to do which we must not do. We must not trade these budget cuts for foster care programs and for those of the needy to give the wealthy these tax cuts. Not now. Later when we can afford it, let us do so. But certainly not now. Just think. I am not sure that my friends on the other side of the aisle understand nor the President really understands how our country, most of the majority of the working families, the people in this country that are the backbone of this country, let us just even take our soldiers and our National

Guardsmen, our soldiers who are defending us so brilliantly, doing an extraordinary job in Iraq and Afghanistan, many are on their second and third tours. Our military might is being strained. We are not nearly paying our soldiers enough. They are coming from the middle class and they are coming from people like my district. I talk to them every day as I stand here as a Georgian, no State in this Nation has paid the sacrifice in the number of soldiers who have lost their lives in this combat in Iraq as in the State of Georgia. While at the same time in my State of Georgia, we are faced with the loss of manufacturing jobs. We have just had news of the General Motors plant closing. There is a possibility, strong possibility, before the week is out, we may have news that the Ford Motor plant is closing. Delta Airlines, stretched with its pension, begging and asking this House of Representatives for help to help with their pension so they do not go under. That is where we need help. Katrina victims, nearly 30,000 in my State, many in your State of Arkansas who need help. And you mean to tell me at a time like this when our country is in such great pain, in such need, not only are we going to cut their programs but we are going to take that money and give it to billionaires and millionaires.

Mr. ROSS. I want to thank the gentleman from Georgia. This is exactly why the 37-member-strong fiscally conservative Blue Dog Coalition will take to the floor every Tuesday night to discuss with the Members the debt, the deficit, and to hold this administration and this Republican Congress accountable and also offer up our 12 point reform plan for curing our Nation's addiction to deficit spending.

Point number one, require a balanced budget. We will be talking more about that and the other 11 points next Tuesday night as members of the fiscally conservative Blue Dog Coalition, a group of 37 conservative to moderate Democrats, take to the floor to hold this administration and this Congress accountable for these record deficits and to offer up a solution, including requiring a balanced budget.

□ 2130

The Blue Dog Coalition, the poster here, today the U.S. national debt, this morning, when we started this hour, it was $8.121 trillion. In the past 60 minutes, while we have been standing here discussing the crisis at hand in America, the national debt has risen another $41 million. Another $41 million in debt has accumulated in this Nation since we began this discussion here on the floor of the U.S. House 60 minutes ago. That is eight more elementary schools that cannot be built tonight in America simply because that money is going to pay interest on the national debt.

This discussion will continue with my colleague and other members of the fiscally conservative Blue Dog Coalition next Tuesday night, and I want to thank you for coming and joining me in this debate about accountability and common sense and fiscal responsibility.

HONORING PETER E. HAAS, SR.

The SPEAKER pro tempore (Mr. MARCHANT). Under a previous order of the House, the gentlewoman from California (Ms. PELOSI) is recognized for 5 minutes.

Ms. PELOSI. Mr. Speaker, I thank the distinguished gentleman from Texas for allowing me to speak out of turn. I appreciate it very much.

Mr. Speaker, it is with great sadness that I rise to pay tribute to a great friend and great American, Peter E. Haas, Senior, for a lifetime of leadership. Peter Haas, who, with his brother Walter, led the renowned blue jean empire Levi Strauss, died at the age of 86 on December 3 in San Francisco. His extraordinary life will forever serve to enrich the lives of all of us living in the San Francisco Bay Area. Known for his integrity, honesty and modesty, Mr. Haas was distinguished in the business world for his unyielding commitment to corporate ethics and for championing blue collar workers.

Mr. Haas was born in San Francisco in 1918 to Elise Stern Haas and Walter A. Haas, Senior, the third generation of his family to lead the family business. Mr. Haas' great granduncle, Levi Strauss, created blue jeans as working pants for gold miners in the 1850s.

Mr. Haas graduated from UC Berkeley in 1940 with a bachelor's degree in economics and from Harvard Business School in 1943. In 1945, he joined his brother Walter at Levi Strauss, commencing a 60-year career. In 1953, Time magazine named the two brothers Leaders of Tomorrow. Peter Haas focused on the company's operations and finance, while his brother Walter focused on marketing and advertising. Peter Haas served as president of the company from 1970 to 1981 and chief executive officer from 1976 to 1981. In 1981, Financial World magazine named Mr. Haas Chief Executive Officer of the Year. Under their leadership, the Haas brothers' leadership, the company experienced massive growth and expansion. As the baby boomers hit their teenage years, they capitalized on the growing popularity of blue jeans.

With the first Levi Strauss manufacturing plants in southern States, Mr. Haas took a stand against segregation, refusing to allow separate working areas for black and white workers and demanding equal treatment for all employees. His ethics did not hinder the company's success. In 1945, Levi Strauss consisted of three small factories in the San Francisco Bay Area and $2 million in denim sales. By the time Mr. Haas left his position as board chairman in the late 1980s, sales had reached $3.1 billion in 50 countries.

Mr. Haas used his business sense and financial success for public service, working with numerous foundations and service organizations, including the San Francisco Foundation, the Jewish Community Federation, and the United Way. Through the Miriam and Peter Haas Fund, he contributed millions of dollars to the arts, public policy programs, and health and human services. The Haases gave millions to provide high-quality, early childhood development programs to low-income families.

Peter Haas served as a UC Berkeley Foundation trustee for 12 years and was the university's most avid donor and fund-raiser. He and Walter built the Haas School of Business in honor of their father, Walter Haas, Senior. In 1996, Peter Haas received the Berkeley Medal, the school's top honor, and was named Alumnus of the Year. Mr. Haas never missed a home football game or basketball game. He was preparing to attend a UC Berkeley game Saturday when he fell ill.

San Francisco is forever indebted to Peter for his immeasurable contributions. It is with great personal sadness that I offer my deepest sympathy to his wife, Mimi; his sons, Peter and Michael; his daughter, Margaret; his stepsons, Ari and Daniel Lurie; his four grandchildren, Jennifer Haas-Dehejia, Daniel, Bradley, and Nicholas; and one great-grandchild, Maya Cady Haas-Dehejia. I hope that it is a comfort to Peter's family that so many people mourn their loss and are praying for them at this sad time.

THE ECONOMY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Texas (Mr. CONAWAY) is recognized for 60 minutes as the designee of the majority leader.

Mr. CONAWAY. Mr. Speaker, it is great to be here tonight to host this hour, and I am looking forward to having a colloquy with some of my friends from our party to discuss the economy, which I think in this era of where we are right now does not get bragged on enough; and so we are going to spend the next hour bragging on the economy.

Before I do that, though, I would like to talk a little bit about what my friends on the other side have been talking about.

When I was campaigning for this first time, the Chair and I are in our first term in this House. I talked about trying to make some friends on the other side of the aisle, trying to build a group of folks we could deal with across the aisle in a bipartisan manner. I committed to myself to try to avoid inflammatory rhetoric, overreaching hyperbole, all the kinds of things that sometimes get us and our colleagues in a lot of trouble when we come to these microphones and speak.

Having listened for the last few minutes to the folks on the other side, I would like to, with as much respect as I can, challenge some of the things that we have heard here tonight.

I am a CPA. I spent 30-plus years in business helping write financial statements and do tax returns and all the kinds of things that a CPA does. With respect to financial statements, it was always the goal of the financial statement to fairly present the financial results of a particular enterprise, whether it is a small business or a large business. The goal was the same, get all the information out, allow the investor, the banker and the owner to make fair and well-informed decisions.

One of the things we do here each night is to try to do that same thing. We try to get information out to each other, to the American people, so that they can make good decisions; and then, hopefully, we can make good decisions as well.

Sometimes it is not what is said that is as important as what is left unsaid, and I would like to point out a few things tonight that were left unsaid while my colleagues talked about the debt of the Nation and how we got in this particular position.

One of the things that you heard over and over is that we are experiencing the largest deficits ever, and that is an accurate statement. But it also ought to be put in context with a couple of other “largest ever,” and that is, that we are now in the largest economy, the largest U.S. economy, ever. The American economy, U.S. economy, has never been bigger than it is today. That is not an excuse for the deficit, but it helps to put it into context.

We also have more people working in America today than ever. More people employed, more people self-employed, more people at jobs every single day to try to feed their families, provide for themselves, and make their communities a better place to live. That is a point that ought to be said in the same sentence or same several sentences when we talk about the deficit.

We have got more people owning homes today than have ever owned homes in America, and that is a major statement because with respect to probably on an absolute basis from the family standpoint, homeownership is the single largest asset, single largest borrowing that most all families will ever do. There is obviously some exceptions to that; but by and large, most folks will see their biggest debt is their home and biggest asset will be the equity in that home. Overall, good news with which to examine the deficits.

Now, coming at my role here in Congress with a background in finance, background in accounting, you go at budgets or correcting budget deficits, there is really only two things to do. You either raise revenues or you cut expenses, and what got left unsaid tonight over and over and over as my colleagues on the other side talked about the spending that the Republicans have championed over the last 5 years in our attempt to try to reduce that was where would the Democrats not spend money.

We heard a lot of things about what they did not like about the $50 billion that we passed a couple of weeks ago in rates of reduction in the growth of spending in mandatory programs, mandatory programs being two-thirds out of our annual budget. They did not like any of those. They would argue that every single one of those cuts was into programs that were totally efficient and totally without an opportunity to reduce spending in those areas, and they were not really cuts as I have mentioned. They were simply reductions in the rate of growth.

What got left unsaid was where would the Democrats, our Blue Dog colleagues, actually cut, which program. Let us be precise. It is real easy for my colleagues and me to stand up here and say we are against excess spending, we are against the runaway spending, we are against all those kinds of things. But talk is cheap in west Texas, where the Chair and I hang out. Where are the specific programs that they think are subject to being cut? We did not hear any of that.

Maybe over the next several weeks, as they said, they are going to come down here again next Tuesday night and talk about what their plans are, and maybe then they will lay out for us are they going to cut defense. I do not think so. Are they going to cut homeland security? We did not hear that tonight. In fact, what we did hear is that they are going to increase spending in those areas. Are they going to cut mandatory spending? It did not sound like it. It sounded like they would prefer to increase spending in all of these areas.

That leaves the nondefense, nonhomeland security discretionary budget, which is about $400 billion, a lot of money; but if we have got a $300 billion deficit and we only have $400 billion that they would be willing to kind of work on in terms of providing us with spending cut direction, that runs everything else by the way. So I do not realistically think you can cut out of the $400 billion that is in discretionary spending that you can cut enough to eliminate $300 billion in deficits.

The other side of the equation, though, is revenue. What I did hear tonight is that my colleagues are in favor of tax increases, period. Someone once said that trying to work your way out of a deficit with tax increases is like standing in a bucket and trying to lift yourself up with the handles. Those do not work.

What we have seen over the last 3 years, 4 years now, the new tax rates, the new tax code that we have in place for America, a tax code and a tax scheme that is pro-growth, pro-job creation, is a recovery from a pretty tough time. Let me just go quickly through a couple of numbers that will help you set in context, and then I would like to allow a couple of my colleagues time to visit with us about that.

In 1999, the Federal Government's total tax receipts, and this was in the years of surpluses as they have mentioned, was $1.827 trillion; and then in 2000, it was just a little over $2 trillion in tax receipts. Then we had a couple of things happen that seem to get lost often when we are in these Chambers and we are talking about projections that were done back in 1999 and 2000, about the ongoing surpluses as far as you could see into the future.

We had a little thing called September 11, 9/11, horrible attack on this country that had a devastating impact on our economy. We also had the bust of the dot-com era, the stock market bust. We had corporate accounting frauds with which I am very familiar. A lot of things went bad. We were already, unbeknownst to most, already in a recession and heading into recession.

In 2001, it went down to $1.99 trillion. In 2002, it went down to $1.853 trillion. In 2003, it went down to $1.782 trillion. That is when the 2001 tax cuts and the 2003 tax cuts began to take effect and tax revenue recovered the next year to $1.88 trillion. In 2004, the year we just finished, it was $2.153 trillion.

That is the way we should raise taxes, is to grow this economy and to have more people working than have ever worked before. All of those good things increase receipts for the Federal Government, and that is the way you do it.

□ 2145

You do not do it by raising rates and taking more money away from people that have earned it.

I noticed tonight they mentioned tax increases on earned income. Tax increases on money that people have earned. I spent a long time trying to earn money, and I know how hard it is to come by. I spent a long time trying to advise clients what to do with their money and how to comply with the Tax Code, and I understand how difficult that is when those tax laws go up.

So we have got some things left unsaid from our folks on the other side, and perhaps next week they will come back with a specific plan and specific programs that they would propose that we reduce spending in, and then I suspect that will get the attention of an awful lot of folks on our side of the aisle and we can then go about trying to craft some sort of a bipartisan bill that we can work with.

Because I hang out with some folks that would really like to reduce the Federal Government's spending. I think we should be about doing that, and I think if the other side comes to us next week with some specific program cuts they would champion, maybe we can do that.

I want to ask my colleague, the gentleman from Georgia (Mr. PRICE), also a freshman with me tonight, and he has agreed to come and speak with us on the economy and share his thoughts with us, so I yield to the gentleman from Georgia.

Mr. PRICE of Georgia. Mr. Speaker, I thank Congressman CONAWAY for organizing this hour and giving us an opportunity to present what we will call "correct the record." How does that sound? I served, as you know and others, four terms in the State Senate in Georgia, and in three of those terms I was in the minority. At that time, we used to kind of call the majority party on the carpet and we would make certain that people knew exactly what they were doing. We got to where we were giving away what we were calling a stuck pig award. And we called it a stuck pig award because when you put the truth out on the table, some folks sometimes squeal.

That is kind of what I heard tonight from the Blue Dogs. They were very eloquent in their presentation, but what I heard was squealing. That is what I heard. I heard squealing.

They talked about the Deficit Reduction Act and why they thought it was done and why they felt it was to cover tax cuts. And we are going to talk about that a little tonight, and I appreciate the gentleman's bringing that up and putting that on the table. But I think it is important for people to appreciate and understand that across the Nation the reason that we took that step 2 weeks ago with the Deficit Reduction Act was not to cover for tax cuts, which, as I said, we will mention and talk about very specifically, because we are very proud of the tax decrease package we have that we will be putting on the table, but the reason we did the Deficit Reduction Act was to decrease the size of government. It was to cut waste and fraud and abuse and it was to fulfill the promise that we make, and I know some folks on the other side of the aisle make to their constituents, and that is that it is a principled position of decreasing the size of government, making the government smaller and spending less money.

That is why we passed that bill. That is why we put it on the table. We would love to have had some support from the other side of the aisle from some folks who say so often that they do believe that the government spends too much. We gave them a chance to put that vote up, and you heard them tonight themselves say, and they said so proudly, listen to this, not one Democrat voted for that. Well, now, that is real leadership. You put a spending cut, a savings bill on the table and not a single Democrat supports it.

Now, Congressman CONAWAY mentioned the increased tax revenue, and I think it is important to say that when you decrease taxes, what happens. What happens when you decrease taxes? The other side would have you believe that revenue plummets, that revenue to the Federal Government plummets. Well, if you look at the facts, the facts are that when you decrease taxes, what happens is that you increase revenue, as the gentleman said.

This chart is from the CBO and it shows clearly, as my colleague mentioned, in 2003, tax revenue to the Federal Government, $1.78 trillion. That is when the most recent tax decreases, tax cuts, took effect at that point. In 2004, $1.88 trillion. In 2005, $2.14 trillion.

Mr. CONAWAY. If the gentleman will yield for one second, let us correct our language. Because what we are talking about voting on this week are extensions of the current Tax Code. These are not tax cuts. They are only cuts when the Federal Government has got some claim to this money.

So what we are talking about doing on Thursday or Friday of this week is to extend the current pro-growth, pro-job creation tax scheme we have in place. So let us not talk about it in terms of cuts in the future, let us make sure my colleague and I use the right phrases.

Mr. PRICE of Georgia. I appreciate that so much, because that is exactly right. Anybody that is opposed to extending these tax decreases is in favor of, in fact, a tax increase.

And what could we expect from continuing the tax decrease? Well, I would expect, just as I know my colleague would, that the revenues to the Federal Government will increase, more than enough, I am certain, to continue the appropriate programs that we should at the Federal level, and, in fact, what we ought to be able to anticipate is the opportunity to further continue those tax decreases.

Now, I have some other examples of what happens when you decrease taxes that I would like to share with my colleagues. Remember, 2003 is when the tax decrease went into effect, and this chart here shows the amount of growth by each quarter, the amount of growth by each quarter before the tax cuts took effect and after tax cuts took effect.

What you will see very clearly, this is as vivid as it gets, before the tax cuts took effect, you had kind of variable growth. We had the difficulty, as the gentleman mentioned, of the challenge of 9/11, the extreme hardship that we faced at that point and the difficulty of recovering from that. The tax cuts were put in place and they took effect at the beginning of 2003, and since then, since then we have had 10 straight quarters of plus 3 percent or more growth in GDP. In fact, every one of those quarters is greater than every one of the quarters before when the tax cuts were not in place.

That is the kind of remarkable growth that occurs when you put more money in people's pockets. It increases the amount of economic activity throughout our country.

This is the remarkable chart that demonstrates again what happens with tax cuts, with tax decreases. This chart demonstrates the change in employment. These are the jobs across our Nation. Again, this line in the middle is when the tax cuts took effect. Before that you see from January 2001 through the beginning quarter of 2003, before the tax relief occurred, you see decreased job growth.

Again, 9/11 took an incredible toll, but decreased job growth. What happens when the tax cuts takes effect? You have increased job growth, with 4.4 million jobs created since the tax cuts took effect. Every single quarter you have job growth. Sometimes less, oftentimes a lot more. This past month, we had 215,000 new jobs created across our Nation.

So what happens when you cut taxes? You increase revenue to the government, you increase the economic productivity and growth in this Nation, and you increase jobs. That is what happens when you cut taxes.

Would my colleague agree with that?

Mr. CONAWAY. I agree with that completely, and the evidence is in the statistics that we have and that the gentleman is presenting tonight and that my other colleague from Texas will, I suspect, share with us as well.

Mr. PRICE of Georgia. Let me just share a few more charts with my colleagues, because I think these charts just speak loudly. They say a picture is worth a thousand words, and these charts can say it so much better than I can.

This shows again the jobs as it relates to the unemployment rate since the tax cuts took effect. So again, we have jobs that we see in this line down below here, the green line as it heads up; unemployment rate in the red line, and time across the bottom. So the tax cuts take effect right here. Job growth is relatively low. Continued upward increase in the amount of jobs. And in terms of the rate of unemployment, topped off in early 2003, and since then, has been steadily declining.

In fact, we are now at an unemployment rate in this Nation of 5 percent, which many economists will tell you is full employment; that people are changing jobs or moving or from between one position or another, that 5 percent unemployment is virtually full employment.

The unemployment rate right now is less than, less than the average unemployment rate for the 1970s, for the

1980s. and everybody remembers the boom time in the 1990s, for the entire decade of the 1990s. Less than the average rate right now for those decades. So I think that demonstrates clearly exactly what happens when you decrease taxes.

And the wonder and the beauty of our economy is that it responds so consistently and so clearly and really so quickly.

Let me share one more chart, because I think that oftentimes, we have the other side talking about the spiraling deficit and how the tax decreases add to that deficit. Well, in fact, what has happened over the past number of months and years is that the deficit in fact has decreased. With a decrease in taxes, the deficit has decreased. And over the past 18 months, what we have seen is a 30 percent decrease in the deficit. In fact, this year, a $138 billion decrease in the deficit.

So I want to thank my colleague once again for providing this time, but I think it is important that the American people appreciate that the responsibility that we believe we have in Congress is to make certain that individuals have more money in their pocket, are able to determine greater their destiny, to decrease the size of government, and that all of those things play into increasing the ability of the market to increase jobs and increase the productivity of our private sector and economic development.

Mr. CONAWAY. Mr. Speaker, I want to thank my colleague from Georgia for coming out tonight and sharing these facts with us. I want to quote my good colleague from Texas, everybody is entitled to their own opinion, but none of us are entitled to our own set of facts. And the more we speak to the facts and the less we talk about the make-believe, I think the better off we all are.

This is clear and convincing evidence that the tax system, while flawed in many ways, is working, and that to tinker with that at this point in time is muddle-headed and hopefully something we will keep from happening. So I want to thank my colleague for coming out and joining us.

And I now want to recognize my good friend and colleague from Texas, Congressman HENSARLING, who has been at this for four or five times as long as I have been, and who is a constant champion of reining in Federal spending.

We sometimes equate Federal spending with the Federal Government's growth, and I think that is an accurate portrayal, and Congressman HENSARLING is a leader among many of us here on the Republican side, and in the Congress overall, and a voice calling for a smaller Federal Government and also smaller Federal spending to accomplish that.

So I now yield to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, I thank my good colleague and fellow Texan for yielding to me this evening. I appreciate his leadership on the issue of helping promote economic growth and helping promote jobs in our economy. I also want to thank my colleague, the gentleman from Georgia, for his illuminating presentation and, indeed, a picture is worth a thousand words, so we benefited by many, many words tonight through those pictures.

There are a number of facts that the American people need to know, Mr. Speaker, and I hope that we can help illuminate those this evening. As we enter the Christmas season, people are looking for some good news and, Mr. Speaker, there is a lot of good news out there. There is good news because of the economic policies that have been enacted by this Republican Congress at the instigation of President Bush.

Since we passed tax relief, as the gentlemen have pointed out, 4.4 million new jobs, jobs with a future, have been created in this economy. That is 4.4 million new jobs. Mr. Speaker, that is wonderful news at this Christmas season. Now, before we passed the tax relief, this economy was struggling. It was struggling after 9/11, it was struggling after the wake of all the corporate scandals, and it was struggling in the wake of the bust in the high-tech bubble.

But what this President knew, and what this Republican Congress knew, is that if you would only allow the American people to keep more of what they earned, put more capital into small business, allow families to keep more of what they earn as they go about their daily lives, that people would go and they would expand their businesses.

□ 2200

They would become entrepreneurs, and they would start new businesses. And then the greatest housing program, nutritional program, and educational program in the history of mankind would be created, and that is a job in the free enterprise system.

Thanks to the tax relief policies of this Republican Congress, that is what has been done. Now we are going to have this incredibly important vote, I believe, at the end of this week where the Democrats are trying to increase taxes yet again on the American people. What is odd about the procedures that we have, and my colleague from Texas knows this, but when a Member of Congress does something to enact spending, spending is forever; but somehow tax relief is only temporary. We have to vote to keep it alive. Spending goes on forever and ever and ever, but we have to keep tax relief alive.

This is not about any further tax cut; this is about preventing tax increases on the American people. That is what this is about. Already the Democrats want to take all of the tax relief that has been enacted in past years away. Somehow they want to bring back the death tax so Americans will have to visit the undertaker and the IRS on the same day. They want to bring back the marriage penalty so that when two people fall in love, they are going to have to pay Uncle Sam extra money if they want to get married. They would double the child tax credit.

I can tell you as a father of two young children, it is not easy. And yet the Democrats want to take that child tax credit and cut it in half. They want to take away the accelerated depreciation for small business and they want to tax investments, the capital of capitalism, that makes all of these jobs possible.

Mr. Speaker, I have held a number of jobs in my life. I used to clean out chicken houses on a poultry farm. I used to tote luggage at a Holiday Inn in College Station, Texas, and I used to bus tables. And although I am somewhat loathe to admit it, I actually practiced law at one time.

Mr. CONAWAY. Mr. Speaker, if the gentleman would yield, was the chicken coop cleaning better or worse than the practice of law?

Mr. HENSARLING. That is an excellent question. I will say this, though. It has proven to be excellent practice for this particular avocation of Congress since there are a number of messes that have been left here as well that need cleaning up.

But the point I was going to make is that of all of the jobs I have held, no poor person ever hired me. It was somebody who rolled up their sleeves, risked their capital, and went out and created a business. So Democrats keep on telling us how much they love jobs, they just seem to hate everybody that creates them because they want to go out and tax and tax and tax and tax. That is no Christmas gift for the American people.

Let me tell you, Mr. Speaker, what is going to happen later this week, if we allow the Democrats to impose their tax increases yet again on the American people, let me tell you what could happen to the 4.4 million jobs that have been created because of tax relief. Let me tell you about just a few in my congressional district.

Not long ago, I went to visit a small business in my congressional district called Jacksonville Industries located in Jacksonville, Texas. They are an aluminum and zinc die cast business. They employ about 20 people. Prior to passing tax relief, due to competitive pressures, they were on the verge of having to lay off two of their workers, two of 20. That is 10 percent of their workforce.

Because of what we call "accelerated depreciation," they were able to go out and buy this new piece of equipment. It is large. It is noisy. I could not tell you what it does, but it makes them more competitive. And because it makes them more competitive, they went out and hired three new workers. They did not lay off two. They hired three. They hired Roger. They hired Jess. They hired Victor.

The Democrats now, though, they want to go and increase the taxes on Jacksonville Industries. They want to take away the paychecks from Roger and Jess and Victor and replace them with welfare checks. Mr. Speaker, they call that compassion.

I will tell you about Hugh Dublin and East Texas Right of Way and Tennessee Colony over in Anderson County in my district in east Texas.

This company specializes in the purchase of leasing and leasing of right-of-way for property for many different purposes. Previously, it had two full-time employees, a very small business. But once we passed tax relief, this business took off. The economy soared. As you have seen earlier this evening, we are having over 4 percent economic growth. Their business soared, and so East Texas Right of Way went out and hired two other people who are unemployed, Dan and David. Those are two new workers who now have good jobs.

Yet the Democrats this week are trying to increase taxes on Hugh Dublin and East Texas Right of Way. They want to take away Dan and David's paychecks and replace them with welfare checks. And, Mr. Speaker, they call that compassion.

Let me give you one more example. Eddie Alexander of Triple S Electric in Henderson County, Texas, once again in my congressional district, has a small business that specializes in residential and commercial electrical contracting. Up until we passed the tax relief, his business consisted of himself with one part-time helper. But since the passage of tax relief and the economic boom that has brought on, he has hired two new individuals. He hired Jarad. Jarad was unemployed. He hired John. John was unemployed. Now they are both full-time employees. They started at minimum wage, and they have worked hard. They are now making above minimum wage, and they have both been able to go out and provide homes for their families, something that earlier they could not do.

Yet the Democrats this week are trying to raise taxes on Eddie Alexander and Triple S Electric. They want to take away Jarad and John's paychecks and replace them with welfare checks.

Mr. Speaker, they call that compassion. I do not see the compassion in that. I see compassion in keeping the tax relief alive. I see compassion in preventing tax increases on small businesses and preventing tax increases on American families. That is where I see the compassion.

Let me tell you about some more compassion that I see in the economic policies of this President and this Republican Congress. We are seeing the highest rate of homeownership in the entire history of the United States of America under this administration and this Republican Congress. The highest rate of homeownership. Part and parcel of the American Dream is to go out and have your own home and put that roof over the heads of your own family. That is the American Dream. Under this administration, this Republican Congress, our policies, our tax relief policies that the Democrats are trying to take away, so many people have been able to buy new homes because of the tax relief. Yet the Democrats would take that all away with their tax increases. The compassion is seeing that we have the highest rate of homeownership in the entire history of the United States of America.

Mr. Speaker, as you have heard earlier this evening, this Nation still has a big deficit challenge. But you know what, since we have passed tax relief, the deficit has come down. I wish it were because we were spending less. Many of us fight the battles up here to try to protect the family budget from the Federal budget. But what it is, we have cut tax rates and guess what, we have more tax revenues. And do not believe me, it is not my opinion, go to the United States Treasury. Look at the report. It is there in black and white. Already individual income tax receipts are up 14.6 percent over last year since we passed tax relief. Business income tax, corporate income taxes are up a whopping 47 percent. More revenues, more tax revenues are bringing down the deficit.

Now, for some people that may not make a lot of sense, but it is happening. We have the proof. Mr. Speaker, we have seen it in history. Under President Reagan when we cut marginal tax rates, guess what? Not only did the economy grow but so did tax revenues. Tax revenues grew by about 25 percent.

The same is true under the Kennedy administration. They cut tax rates, and real economic growth was promoted at about a 5 percent rate, and it increased revenues to the Federal Government by about 33 percent.

You can go back to what some people consider fairly ancient history, the Coolidge administration. Guess what? They cut tax rates and they got more tax revenue, an increase of 61 percent. Why? Again, if you will allow the American people, if you will allow small businesses, if you allow American families to keep more of what they earn, they will go out. They will start that new barbecue stand over on the corner. They will start a new transmission shop over there, and they will grow a new automobile dealership on that street corner. It is free enterprise. We have 200 years of history to show us that is where jobs of the future are created. That is where the great nutritional program is, the great health care program, the great educational program.

But to support that free enterprise system, we have to prevent the Democrat tax increase that they are trying to impose upon the American people. I want to thank my colleague from Texas in leading this Special Order this evening and making sure that the American people know that due to the economic policies of this Republican Congress and this Republican President, there is a lot of good news today, 4.4 million new jobs. But that is in peril. It is in peril if we do not prevent the Democrat tax increase that we know is coming and coming soon.

But when the American people know what is at stake, when they know that the Democrats want to increase taxes and take away jobs, the American people are not going to buy into that; and we will keep this economy growing and the American people will truly have a great Christmas and a great holiday season.

Mr. CONAWAY. Mr. Speaker, I thank the gentleman from Texas for coming out tonight and sharing his background and his experience in this area. He is one of those loud, clear voices on behalf of limited Federal Government, limited Federal expenditures; and I am proud that he has come out tonight to help us with this.

Let me flush out what he was talking about in terms of increased Federal receipts. Back in January of this year, the CBO estimated that fiscal year 2005's tax receipts, Federal receipts, would be about $2.045 trillion. CBO is an organization that gets paid to try to estimate these things. They generally do a really good job. When we finished out the year, I was looking at the same Treasury report that my colleague made reference to awhile ago, and for fiscal year 2005 which ended September 30, 2005, receipts were $2.153 trillion, over $100 billion more in Federal tax receipts than we had estimated just 9 months previously.

So the numbers we have been talking about tonight, the $50 billion in tax cuts, the $56 billion and the impact extending the current tax law will have on tax revenues, pale against over 108 to $109 billion of increased Federal revenues that has come about as a result of the pro-growth, pro-job creation tax policy that was put in collectively in 2001 to 2003.

In addition to that good news, at the end of last week, the GDP growth for the third quarter of calendar year 2005 was 4.3 percent. That is a good growth rate on any economy, a developing economy or whatever it is. But let us make sure that we understand this is on the single largest economy in the world. It grew 4.3 percent in the third quarter, and that is staggering growth under any conclusion.

☐ 2215

The unemployment rate was mentioned earlier as being as low as 5 percent. That is full unemployment in reckoning of many economists and is certainly lower than the averages of unemployment of the previous 3 decades. The decade of the 1970s, which you remember, we had a big depression then, and as a result of a run-up in oil and gas prices. We had lower than in the 1980s, when those of us in the oil business experienced a significant downturn in 1986 and later, and then lower than the boom years of the 1990s when the unemployment rate was as low as anybody thought it would ever be. The current unemployment rate is actually lower than that. Statistics are full of all kind of odd and important indexes that statisticians and economists use to try to make projections as to where the economy is going. One of those that you do not hear a lot about is the consumer confidence index, and that is supposed to be a measure of how consumers feel about themselves, are they going to go spend money, do they feel comfortable with their job and those kinds of things. It jumped from an 85.2 percent rating in October to a 98.9 percent rating in November, a 1-month jump of over 13 points in consumer confidence. What that tells us is that retailers for the Christmas season ought to do very well.

One of my colleagues today said go try to find a parking spot in the mall these days, and for all of the doom and gloom that is out there in the media, it is not being reflected in Americans going to the malls and working on Christmas gifts and charity gifts for other folks that do not have it.

So the consumer confidence is up. Another statistic that gets talked about a little bit is that sales of new homes jumped 13 percent in October, the largest 1 month percentage gain in 12 years, and new single-family homes also climbed to an all-time record high of 1.42 million units, more people, again, as we have said several times tonight, more people owning a home in America than have ever owned a home.

Now 1 month does not make a trend. But continuing to talk about Federal tax receipts and revenues, the first month of fiscal year 2006 was the month of October of 2005. And during that first month, Federal tax receipts were about $149 billion, and a year ago, the equivalent month in October of fiscal 2005, which was October of 2004, Federal tax receipts was $137 billion, so a $12 billion gain in just 1 month against previous years' months.

Now you have got to be careful. That may or may not be a trend. But it is hard to say it is bad news, that the tax receipts for October of this year are greater than tax receipts for October of last year. I think that is good news. I would also like to point out a couple of tax provisions that are included in the extension that we will do later on this week that are important, and one of those would continue the tax deduction for state and local sales taxes for States that do not have a State income tax. States like yours and mine, Mr. Speaker, and my former colleague. Texas does not have a State income tax.

And so this provision would allow Texans to deduct, rather than the State income taxes, to deduct State and local taxes, which are used to fund many of the exact same programs that States who have income taxes use those taxes to provide goods and services to their citizens.

Another deduction that is extended is the above-the-line deduction for higher education expenses. Now, trying not to bore everyone with tax returnese or speak, above-the-line deductions means that you get to detect that without having to itemize your deductions.

So higher education expenses, the deduction for that is continued, as well as an important expenditure for many teachers who find the school budgets do not provide some of the extras, and maybe even sometimes some of the essentials that a teacher needs in providing a good classroom experience for her students, teachers get to deduct their out-of-pocket expenses above the line, which means they don't have to itemize deductions to get to deduct those personal expenses that the teacher may pay.

One that I came across tonight, or an example of one I came across tonight is the tax incentive to revitalize the District of Columbia. Included in the Code of the past two tax cuts has been a $5,000 tax credit for anyone, any new first time home purchaser here in the District of Columbia. Well, one of the folks on my staff, who as you know, staff are legendarily overworked and way underpaid. One of the folks on my staff 2 years ago took advantage of this provision and bought his first home and has begun to build equity in that home over the past 2 years and would not have been able to do that were this tax provision not in place. When you sell a home, you have bought it from somebody who previously owned it, hopefully, and in all likelihood, that person is going to go invest that money in another home, so it is important that we have first-time buyers to work into the market, work into the housing market, because as we stated earlier, for many families, the ownership of a home is the single largest asset that they have in their portfolio. And this gentleman now has a home that he is paying a mortgage on, of course, but is building equity in that home, building equity in his personal wealth, and he is going to be better off as a result of having done that.

Let me talk about something that we probably should have talked about right off the bat, and that is the Federal Government does not grow this economy. A lot of times, the Federal Government gets a lot more credit for good economic news than it deserves, and in all likelihood, sometimes a lot more of the blame for bad economies than it deserves. But the truth of the matter is a growing economy that we have right now is not created by a Federal Government. It was created by hundreds of thousands of hard working Americans, employees who go to work every day and work for their employer to try to provide a good or a service that that employer can sell and make money on.

Self-employed individuals who have gone out there and taken the business risk of leaving that paycheck, leaving the security of a check every 2 weeks to try to make it on their own. Those are the folks who are building this growing economy, who are adding people to their payrolls, who are hiring new people or setting up additional businesses to take advantage of opportunities that we are having in this growing economy. So we cannot overstate the value of the hard working American in growing this economy. But we do have some risks a lot of times of overstating the impact the Federal Government has. In my view, the role of the Federal Government is to get out of the way of these hard-working Americans and let them continue to grow this economy, pay their fair share of taxes, of course, but let us not do things that puts the government in the way of creating jobs, gets in the way of furthering homeownership, gets in the way of growing this economy and providing new opportunities for men and women in this country.

I participated in, back in the early 1990s, in a needs assessment for Midland, Texas. This was an attempt to survey on a statistically valid basis throughout Midland County, what were the needs of people within Midland, what were the needs of your family, what were the needs in your neighborhood, what were the needs within the overall community. And we got all of this information together and began to sort them into like items and pared the list down to 10 so that we had, in fact, 10 top needs that the people in Midland, Texas, told us they were having in their homes, their families, their neighborhoods and the community. And as you look down that list, nine of those needs would have been positively impacted by a family that had a job.

It has been my experience that jobs cure an awful lot of ills within every community. When families are working, the family itself is better off. Communities are better off. The strains on the social network, that is the United Way, that is all those social charities that we have in place to create that safety net that is so vital in every single one of our communities, is less strained when more people have jobs. It is also better supported when more people have jobs.

So it is important that we give credit where credit is due with respect to this growing economy. The gentleman from Texas (Mr. HENSARLING) mentioned one of his, or three actually of his constituents that are good examples of why these pro growth/pro job creation tax policies are in effect now and that we ought to continue them in effect.

I want to talk about Calvin Fryar. Calvin is a good friend of mine from Brownwood, Texas. He and his partners own a company that distributes gasoline. They also have convenience stores. They hire people to work. And he told me the other day at dinner that, because we were talking about extension of these current tax cuts. He said that the one that was the most important to him as a small business owner was the section 179 deduction. Section 179 provides for the immediate write-off of certain equipment that is purchased by businesses and put into use each year. And I think it is about $100,000. Calvin told me that when that came into effect, I think it was 2003, that it helped him make a decision to invest additional money into the businesses that he was trying to create. And not only did he invest the amount of money that qualified him to immediately deduct that amount, he also invested a lot of money on top of that, and in doing so, created jobs, and not only did he create jobs for the people who built whatever it is he bought, but he also created additional jobs for his company because he was expanding his opportunities within the gasoline distribution area as well as convenience stores.

So he was adding jobs to his business as a result of that one specific Tax Code that is expiring, and under the tax law that we will pass, hopefully pass on Thursday, will be continued.

Another one of those that is very important, and my colleagues earlier in the previous hour mentioned it, and that is the tax rate on capital gains and dividends. If you were to listen to the colleagues on the other side, it is as if the Federal Government has some innate claim to some portion of your capital gains, some portion of your dividends, and I would argue that that is not logical. Where is it stated anywhere that the Federal Government has a claim on selling property that you have held, selling property that you have invested in, selling a business that you built from scratch? Why is it that the Federal Government has a claim to a certain amount of that?

And right now, under the current tax law, the Federal Government has a claim on 15 percent of that capital gain, or 15 percent of those dividends. That may or may not be correct. It is the law of the land, but certainly, increasing that number, you would have to answer the question is, all right, why does the Federal Government have a claim on or does it own in some way the capital gain that I get when I sell stocks and bonds or when I sell a business? Why is it that the other side believes that a higher tax rate on capital gains is somehow some right of the Federal Government? That is not. If we were to let those current tax provisions expire, capital gains would get thrown back up to the previously high percentage rates.

Everything is going to get thrown back in with ordinary income, the taxable income rates and we will be right back into a circumstance where we are raising taxes the wrong way, raising taxes by raising rates, as opposed to raising taxes by having an economy that is growing at a staggering rate providing new jobs to workers in this country.

So I would argue against that as we close out this hour. If you look at the reporting, we are talking about the economy tonight, and if you look at reporting of economic news, it is, I guess, an attempt to be balanced. Balance is rarely neutral though. You will hear somebody talk about, well, you know, this economic statistic is looking up and looking better; but if that path continues, it will drive us into higher interest rates, or if we have got increased job growth or jobs going to be created at too fast a rate, then that is going to drive up inflation.

So it is rare that you ever have good economic news simply presented as good economic news. And maybe we will never get to a point where that happens. Hopefully, on the nights that we get to come in here and talk about the economy, get to brag on the economy actually, we will be able to help set the record straight. As I mentioned earlier, my good colleague, Mr. HENSARLING, has said often that we are all entitled to our own opinion but we are only entitled to one set of facts; not our own set of facts just the set of facts as are out there.

Hopefully we can be responsible for what we say in front of these microphones, be held accountable for what we say. The other side made a lot tonight about accountability and all those kinds of things. I would argue that that same accountability ought to go to things that are said from behind these microphones.

If I have said something that is incorrect, if I have made an insinuation or made some sort of a comment that was intended to mislead, that I am called to account for that. And I would hope the other side would ascribe to that same kind of philosophy, that the folks in the Chamber tonight who are listening to this debate, or listening to these arguments, not really debate since we are not going back and forth, but listening to the three of us put out information that we believe is important for the American people to hear and to understand—and to understand how we are coming to the conclusions that we are coming too, that we be held to a very high standard of what we say and that we are able to back up each and everything that we do say with facts that are verifiable.

So Mr. Speaker, I want to thank you tonight for being able to lead this hour, and I want to thank my colleague from Texas, Mr. HENSARLING, for his role in our talk tonight and I want to also thank my freshman colleague from Georgia, Mr. PRICE, for his helping me out tonight as well. So the message I would leave with the American people is this, that we have got a growing economy, we have got an economy that is well grounded and is going to sustain this growth; but that what we do not need to do is to increase taxes, tax rates on that economy, but that we continue the pro growth/pro job creation tax rates that have been in effect since 2001 and 2003.

□ 2230

THE SECOND CHANCE ACT

The SPEAKER pro tempore (Mr. MARCHANT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Illinois (Mr. DAVIS) is recognized for half the time until midnight, approximately 45 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, of course I come to the floor to talk about a subject that we do not talk nearly enough about. And I really did not intend to talk about tax policy or taxes, but after listening to the last hour, and especially some portions of it, I just could not resist, as I listened to some of the commentary. As a matter of fact, it reminded me of the young fellow who went to Sunday school and rushed home because he was so excited and told his mother, "Mom, you should have been with me at Sunday school. We just had a great lesson. You really would have enjoyed it.

She said, "Well, what was so exciting about it?

He said, "Well, in Sunday school, they told us all about this great general named Moses and how he led his army out of Egypt with the Egyptians in hot pursuit. And when they got down to the Red Sea," he said, "Moses dispatched his engineers and had them build a pontoon bridge and all of his soldiers went across. And then when the Egyptians got on the bridge, he dispatched his demolition experts, and they dynamited the bridge, and all of the Egyptians fell into the water and drowned. Johnny's mother said, "Now, Johnny, are you sure that is what they told you?"

He said, "Well, no, ma'am. But I figured you would believe this more than you would what they did tell us."

And listening to what some of my colleagues have been saying this evening, I figure that the American people have got to believe something other than that. I mean, I have been truly amazed about how they can put money in the pockets of those at the very top, nothing in the pockets of those at the bottom, and say that they are going to get the economy moving. It would seem to me if they did it the opposite way, if they put something in the pockets of those at the bottom, they have no choice except to spend it. Every dime that they would get would go right back into the economy, and it would circulate, and the guy at the grocery store would get some of it. The person in the barber shop would get some of it. The person selling Pampers would get some of it.

Well, at any rate, it would circulate, and the economy would then be nourished and could grow and develop and not be one sided. But I really did not come to talk about that. So let me move on.

I really came to talk about the reentry of the large number of individuals who are incarcerated in our country. As a matter of fact, the United States of America has become the most incarcerated nation on the face of the earth. Right now as we speak, even tonight, there are 2 million people in our Nation's prisons and jails. Two million. More people proportionately than we would find in prison in China or in Russia or any other countries that we often talk about their human rights violations. And it is a problem that we have got to get a handle on because many of these individuals come home every year.

Right now, we expect about 650,000 to come home from jails and prison, and when they come home, they need to be reintegrated. But, unfortunately, when many of them come home, they cannot find a job. They cannot find a place to stay. There are laws that prohibit them from working.

In my State, for example, there are 57 job titles by law that an individual who has a felony conviction could not hold. As a matter of fact, a person could not even get a license to cut hair without some intervention or a person could not be a mail technician unless they got a waiver or some special consideration. So prisoner reentry has become a big issue but not big enough.

Many of us have been trying to work on it, and we have a bill that we have put together that we think will go a long way. And, of course, it is no panacea. It is a small way of addressing the problem.

I was delighted when the President gave his State of the Union address 2 years ago and suggested that we had to do something for these individuals coming home, and out of that conversation, in many instances, efforts have occurred, and ultimately we have the Second Chance Act on the drawing board, on the table, waiting to be acted upon that would simply provide some resources to assist these individuals. It would also provide some coordination so that we can have the Justice Department, the Education Department, the Labor Department, all working jointly at the same time, to develop coherent strategies so that as individuals return, there is enough of an effort to keep them from going back.

Statistics suggest that when an individual comes out of prison, unless there is some help for them, unless there is some intervention, 67 percent of them will have done what we call reoffend within a 3-year period of time and more than half of them will be reincarcerated, meaning the recidivism rate, in and out, in and out, money being spent, where, if we could somehow or another try to help them to become self-sufficient rather than spending $25,000 or $30,000 a year taking care of them, they could help take care of other members of society and they could pay some of those taxes that my colleagues have been talking about. But if they are not working and if they are incarcerated with no hope, they are not going to pay any of those taxes. So I am looking forward to the time when we will pass the Second Chance Act.

I am so pleased to be joined by two of my colleagues, both who have demonstrated a tremendous amount of commitment, a great deal of energy, effort, and courage to find real solutions to the problems that plague our society. I know that the gentlewoman from Ohio (Mrs. JONES), a former prosecutor, a judge who has seen corrections, who has seen sentencing, who has seen people come before the court, probably had to sentence some of them to correctional facilities, but also who knows that it is our responsibility to help them as they return.

Mr. Speaker, I yield to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I thank the gentleman for yielding to me.

I want to thank the gentleman from Illinois (Mr. DAVIS) for his leadership on these issues. He has been hosting sessions across this country with regard to issues that impact ex-offenders and the African American male population in our country and in some of the territories.

Reentry is an issue of common sense and of public safety. I am not on the floor just as a Member of Congress. As my colleague said, I have served as a general jurisdiction judge handling criminal felony cases, even death penalty cases, and also as the elected prosecutor in Cuyahoga County, Ohio. I have been working on community reentry issues or prisoner reentry issues in Cleveland for 25 years. I served on the board of the Community Reentry Program in the city of Cleveland. While county prosecutor, I implemented a Pretrial Diversion Program, as well as the Municipal Drug Court in the city of Cleveland.

And people said, Why as a judge or a prosecutor are you working on these issues?

We must collectively, law enforcement, judges, prosecutors, correctional officials, address this issue. Otherwise, we will continue to spend tax dollars incarcerating and continuing to incarcerate individuals. We need to contemplate that while they are incarcerated that they have an opportunity to train, that they have an opportunity to be educated.

I know a lot of people think that going to prison is like being in a hotel. I guarantee it is not like being in a hotel, even though we used to call our county jail the "McFall Hilton." McFall was our sheriff. It is nothing, as many contemplate. And while they are there, we need to work on issues to give them skills once they hit the streets.

The programs that I spoke about implementing, the Pretrial Diversion Program, the Municipal Drug Court, and some of the community reentry programs, are still in existence. We need to contemplate that prisoner reentry is not a Democratic issue, it is not a Republican issue. It is a common-sense issue. The facts are clear that meaningful reentry programs significantly diminish the chances that ex-offenders will return to prison. They save taxpayer dollars and increase public safety. So why not invest in enhancing reentry programs in order to end the cycle of recidivism? That is exactly what the Second Chance Act does.

Before I discuss the legislation, and I am going to leave that to some of my colleagues as well, I just want to give a few statistics. In 2002, 2 million people were incarcerated in all of the Federal and State prisons. Each year, nearly 650,000 return to communities nationwide. Two-thirds of them are expected to be re-arrested. The State of Ohio has one of the largest populations of ex-offenders reentering the community, with about 24,000 ex-offenders returning to their respective communities annually. Of those ex-offenders, about 6,000 will return to Cuyahoga County, my county, and almost 5,000 will reenter in the city of Cleveland, which is the largest jurisdiction in my congressional district.

Statewide, about 40 percent of ex-offenders will return to prison. In Cuyahoga County, about 41 percent. Such high recidivism rates translate into thousands of new crimes each year and wasted taxpayer dollars which can be averted through improved reentry programs.

H.R. 1704, the Second Chance Act of 2005, allocates $110 million toward a variety of reentry programs. One of the main components is the funding of demonstration projects that will provide ex-offenders with a coordinated continuum of housing, education, health, employment, and mentoring service. This broad array of services will provide stability and make the transition of ex-offenders easier, and in turn, reduce recidivism.

One of the things that we have found over the years in our community reentry programs is a lack of housing for ex-offenders. An ex-offender comes home to a family and the family says, "I cannot take you in. You need to be somewhere else." An ex-offender comes home and does not have access to drug treatment programs and maybe no access to mental health programs. We found that statistically, inmates in many of the prisons not only have a drug problem, they have a mental health problem. And when they hit the streets, they often self-medicate because they are not involved in any psychiatric program that provides them the necessary drugs to able to help them work through their issues. This is the first of a kind piece of legislation that is critical to the success of ex-offenders but is also critical to the success of our communities. We need to focus on these issues and begin to break down the barriers.

□ 2245

It is important because there are groups that are committed to reentry on the ground, for example, the Community Reentry Program in my city. But also in our State prison system, our director, Reggie Wilkinson, has been very active in creating a program called the Choice Act.

In that he has been able to implement services and programs beginning in the penal institution so that as they come out to the street they are already prepared. I am so pleased to have been a part of many of these programs, and I am so pleased that our legislation has had a hearing before the Judiciary Committee.

Many times you introduce legislation, the legislation goes to committee and it never gets a hearing, does not get voted out of committee; and then it kind of lingers and dies in committee. We were pleased that we have had that Judiciary Committee hearing and pleased to have the opportunity now to try and get it voted out and brought to the floor of the House so all of our colleagues can talk about the issue.

The other beauty of this program is that we have bipartisan support. There are Democrats and Republicans on this bill. The trade representative, Mr. Portman, was very active in that process. I can go on and on and on talking about this issue and my experiences with the program.

But what I will say is I am so pleased. I feel like it is like my silver anniversary in community reentry issues that I am involved in. It is great that I am getting to present an opportunity to talk about a program that is so important to me.

And with that, because our time is limited, I am going to yield to my colleague, the gentleman from Illinois (Mr. DAVIS), and say to him again thank you so much for your leadership, thank you so much for your concern.

I know that the people involved in this country, not only the offenders but their families who are always looking at this, they say, I sent my son to get a job, and when he went to get the job, if he told them that he had a felony record he would never get the job, or if he does not tell them, then they learn he has a record, he loses the job.

There are men and women out here who need to be put to work and take care of their families.

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentlewoman from Ohio (Mrs. JONES). You are absolutely right. I get letters every day that I can never read. I mean, we try and respond to all of our mail. I have got a cardboard box of letters that we have not been able to get to of individuals and their families simply expressing a hope that this legislation is going to be passed, that there is going to be some possibility that they would have an opportunity to reclaim their lives and become again meaningful members of society.

And we certainly thank the gentlewoman for the role that she has played. I am optimistic, because I think we are going to see this legislation passed. Right now we have got about 85 sponsors in the House. When it was introduced in the Senate, there were 10 cosponsors in the Senate, or 10 sponsors, which is a good indication that it has great support and that is continuing to rise.

One of the reasons I think we have been able to have a hearing in the Judiciary Committee is because there is support among members of the Judiciary Committee for the legislation. And one of the members of that committee who has been very instrumental in not only moving this legislation, but instrumental in protecting the rights of American citizens, perhaps like none other, and using his office, we all like to call him our constitutional scholar, that is one who understands the Constitution and what it was that its framers were trying to protect and provide, and so we are indeed delighted that the gentleman from Virginia (Mr. SCOTT) is here with us this evening.

Mr. SCOTT of Virginia. Mr. Speaker, I want to thank the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from Ohio (Mrs. JONES) for working together tonight on this Special Order. I especially want to thank the gentleman from Illinois (Mr. DAVIS) for his hard work in dealing with prisoners and their problems.

Obviously, we are in a democracy where in most States prisoners cannot vote, so there is nothing in it for you. However, there is something in it for the prisoners. But also there is something in it when you help those prisoners get out and do well. There is also something in it for everybody else, because if they get out and do well rather than get out, and with the present trend, two-thirds are going right back to prison.

The public, the law-abiding public benefits from your work, because they are less likely to be victimized by another crime. They also as taxpayers are less likely to have to pay for the $20,000, $30,000, or $40,000 a year incarceration for the two-thirds of the prisoners that go back.

So the gentleman's work not only helps the prisoners, but also help the law-abiding citizens in terms of their public safety and helps the taxpayers in terms of not having to pay for the incarceration.

Your legislation is bipartisan legislation. It is not a panacea for everything that needs to be done, but it certainly makes a significant step in the right direction in ensuring those who leave our Federal and State prisons have the assistance they need to avoid returning.

As you mentioned, there are close to 700,000 people who will leave the prisons, the jails and prisons of the United States next year. Most will be ill prepared to succeed in earning a living and leading a law-abiding life, and the resources to help them are very limited. Your bill will help them.

Now, we know that the chances of success for the prisoners are extremely small. Two-thirds come back to prison within 3 years. We know, as the gentlewoman from Ohio (Mrs. JONES) has pointed out, that it is hard to get a job if you have got a felony record. Obviously, the fact that you have that gap in your resume does not help.

The fact that you have to say that you are a convicted felon does not help you get a job. Most prisoners have limited education, they have limited resources, they have limited job skills, they are disqualified from many Federal programs by virtue of a drug offense.

And there are benefits that they are not entitled to. We also have a situation where they have limited or no family support, no community support. So it is not surprising that two-thirds of all prisoners released are rearrested for new crimes within 3 years of their release.

Although the national crime rate has fallen significantly over the last few years, we are seeing more and more people sent to prison for longer and longer times, and the problem is going to continue to grow before it gets better. We are still passing new bills with longer prison sentences and establishing mandatory minimum sentences and other kinds of sentences that make sure that the time served is even longer and longer and more and more people are sent to prison.

We have seen some of these schemes, like the mandatory minimums studied. And the studies have concluded that minimum mandatory sentences are distorted in the effort to establish an orderly, fair, and appropriate sentencing scheme. These programs discriminate against minorities, violate common sense, and in the end waste the taxpayers' money.

Now, all of this focus on the draconian sentences has led us to the point, as you pointed out, over 2.2 million people are locked up in our Federal prisons and State jails, a five-fold increase in just the last 20 years. The prison population on the Federal level has increased over seven-fold in the last 20 years.

For example, in 1984 the daily lockup count in prisons and jails was just over 400,000. 400,000. 25,000 in the Federal prisons. Today 2 million prisoners are in State and local prisons. Almost 200,000 in Federal prisons. 400,000 20 years ago, over 2 million today.

According to many studies, most of that is through the new sentencing schemes like mandatory minimums. As a result of the focus on incarceration, the United States leads the world in incarceration, by far. We are in first place: 726 inmates per 100,000 population. 726.

Second place Russia, 532. We are at 726. 532. Most are in the hundreds. England, 142 per 100,000. Australia, 117. Canada, 116. Germany, 91. France, 95 per 100,000. The United States, 700-and-some per 100,000. When you go into the inner cities, it is not 700-and-some; it is 3,000 per 100,000. Five thousand in the inner cities. 116 in Canada, 5,000 in our inner cities.

No matter how tough we get in sentencing, the fact is that 95 percent of inmates will be released at some point. The question is whether they are going to reenter society in a context that better prepares them to lead law-abiding lives or whether two-thirds will return to prison within 3 years, as the present trend is.

If we are going to continue to send more people to prison with longer and longer sentences and spend that kind of money, we ought to spend the little bit of money in this bill to reduce the chances when they are released that they will be likely to come back to prison.

That is why the Second Chance Act is so important. And I applaud the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from Ohio (Mrs. JONES) and former Representative Portman. This is a bipartisan bill supported by over 90 cosponsors, including me and virtually all of the criminal justice advocates and organizations in the country, including law enforcement who work with or are familiar with the situation encountered by those leaving our prisons.

The only criticism I have heard of this legislation is that it perhaps might not go far enough to fully address all of the problems of those facing problems reentering society from prisons.

Now, I agree with that criticism, because it does not do everything that needs to be done, but it is an important first step. And so I am a cosponsor of not only this bill but one that is being developed by the gentleman from Michigan (Mr. CONYERS) that was introduced last Congress and will be refiled this Congress, the Reentry Enhancement Act.

That bill addresses many of the programs and issues touched by this bill and goes even further by actually implementing many of the programs on a national level.

Now, I have seen the value of these programs. The Virginia CARES Program, Community Action Reentry System, Virginia CARES Program, has been studied, and they have just little meager resources.

But those who get the benefits of that program, we have seen a 25 percent reduction in recidivism compared to like prisoners who do not get a benefit from the program. Twenty-five percent reduction. When you calculate that out in terms of those that do not come back into prison and what we would have to pay for their incarceration, we save more money than we spend.

And we not only help the prisoners lead a productive life, save more money than we spend and also spare that 25 percent of victims who would have been victimized, victims of crime, they do not have to be victims of crime because we made that cost-effective expenditure of money helping the prisoners, but also helping the taxpayer and helping public safety.

As a society, we often breathe a sigh of relief when a long sentence is issued for a crime as if that is the end of our responsibilities. But with the numbers of prisoners and the amount of money we spend with those long sentences and the fact that when they finish that long sentence, they are going to turn around and go right back, we need to do more.

We need to make sure that we do the financially and morally responsible thing. We cannot allow ourselves the luxury of sounding tough on crime, tough on crime policies with no attention to what happens next.

To continue in the direction we are going is unfair to the taxpayer, unfair to those prisoners, and unfair to the unsuspecting people that will be victims of crime because we did not spend the money that we needed to spend.

Mr. Speaker, I appreciate the work of my colleagues in developing and promoting this legislation. I look forward to continuing to work with them and other members of the bipartisan coalition to enact this measure so that we cannot only help the prisoners but help the taxpayers and help public safety.

Mr. Speaker, I yield to the gentleman from Illinois.

□ 2300

Mr. DAVIS of Illinois. I thank the gentleman from Virginia. I know that you are on Judiciary and there are people in our country whenever you start talking about doing something that relates to corrections or trying to assist individuals who have been convicted of crimes, people accuse or charge you with being soft on crime. How do you respond to people who suggest that this kind of legislation, this kind of activity, this kind of effort is being soft on crime?

Mr. SCOTT of Virginia. I ask them to decide right up front what choice they are going to make on crime policy. Are you trying to reduce crime or are you trying to play politics? We know what helps us get elected. We know how to play politics. We also know how to reduce crime. Once you have made that choice, the rest of crime policy is easy. If you are playing politics, you don't have to worry about the effects of the policy, you just have to make sure that you have got a good vote-getting slogan. You can be wasting the taxpayers' money. You can be even increasing crime. Some of these slogans like codifying "If you do the adult crime, you do the adult time." That slogan has been studied up and down and the conclusion of every study is that the crime rate will go up if you codify that slogan. The crime rate will go up. You help yourself get elected, the crime rate goes up. Like I said, make your choice. If you are interested in reducing crime, some of these policies are stupid. If you are interested in getting elected, some of those slogans are very helpful. When you get into helping prisoners, let's decide not whether you are interested in the prisoner or not, just whether you are interested in reducing crime. If your goal is to reduce crime, this is one of the most cost-effective expenditures you can make, a lot better than lengthening the sentence. Ninety-five percent will get out of prison at one point or another. You have got 600,000 people, almost 700,000 people coming back into the community, two-thirds of whom will end up going back to prison if we don't do anything. If you want to take that 650,000, almost 700,000 people, spend a little bit of money and you can reduce the crime rate amongst that group, if you can reduce the crime rate, you will not only reduce crime, you will also save the taxpayer a lot of money and spare the potential victims of crime that victimization.

If you ignore what you have done for humanity in helping the prisoners, just ignore that, just look at what you are doing for the taxpayer and the law-abiding citizen, this is the right thing to do. You also help prisoners lead a more productive life. But that is frankly, from a public policy position, a secondary aspect. We are trying to reduce crime. We are trying to save money. This saves money and reduces crime so that the law-abiding citizen doesn't have to worry as much about being a victim of crime. You do that by helping the prisoner lead a productive life. That is what your bill does. It is cost effective and reduces crime.

Mrs. JONES of Ohio. I was about to jump out of my seat in order to respond to being soft on crime. Again as a former prosecutor and judge, I have served on a number of commissions with other law enforcement people. In fact, one of the great community reentry programs is actually part of our Ohio Department of Corrections under the leadership of our director. But in the community reentry program that is run by Lutheran Metropolitan Ministries, our motto is that people are more likely to act their way into a new way of thinking than think their way into a new way of acting. One of the things that we want to do is to give them an opportunity to act into a new way of thinking and to have new policies and new opportunities to do some things. The duty of many of these reentry programs is that if we do not do something, we bring offenders back into the community without mental health opportunities, without drug treatment programs, without opportunities for employment.

One of the things that is really impacted by a community reentry program and the opportunity for jobs is child support. There are many offenders who are unable to pay child support because they are not working anywhere and we are paying the cost of supporting their children. Through giving them meaningful employment, we will be able to have them pay some of the cost of the children that they have fathered or mothered. But as importantly as we all talk about the importance of family, the importance of having a mother or father in your life, in many of these programs we are able to bring these ex-offenders back to understanding the need to be a good mother or a good father in order to create better families, and having stronger families in communities creates better communities. Having taxpaying, working citizens in our communities provides a stronger tax base. There are all kinds of reasons that we need to be in support of community reentry.

Mr. DAVIS of Illinois. I thank the gentlewoman so much. I think we are fortunate that many publications are taking the right spin on this. I was just looking at a group of them: The Baltimore Sun, the Houston Chronicle, Newport Daily News, Journal and Courier, Detroit News, Baltimore Sun, Tulsa World, Daily Oklahoman, Baltimore Sun again, American National Catholic Weekly, the Washington Times, the Charlotte Observer.

Mrs. JONES of Ohio. The Cleveland Plain Dealer.

Mr. DAVIS of Illinois. The New York Times, the Cleveland Plain Dealer, the Chicago Tribune, the Chicago Sun Times, the Jewish World Review, the Boston Globe, the Daily Oklahoman, the San Diego Union Tribune, the Philadelphia Inquirer, the Miami Herald, the Lancaster News, San Francisco Chronicle, the Virginian-Pilot. All of these have written positive editorials, stories, or entertained letters to the editor. One that struck me that I picked up really came from Oklahoma. It talks about a person.

"Facing five 20-year sentences at the age of 35, Debbie Green's life seemed pretty much over. An abusive husband led her to a heavy meth habit and that, in turn, to dealing the drug and landing repeatedly in Oklahoma's prisons. But in 2001, 7 years into her third prison term, she convinced the parole board to give her another chance. They did, and so far their bet is paying off: Debbie has worked 4 years now at a fencing company in Tulsa, staying clean, supporting herself, and paying taxes. She credits her success to counseling programs on the inside, strong support from her church and community since her release and her own gritty determination to beat the odds."

I think that programs like this one is an indication that there are indeed places that people can go. And so the Second Chance Act not only provides for the coordination but it also provides some resources. It provides some money, block grants to States that can be used to establish programs such as the one that Debbie benefited from in Oklahoma. We had hoped that we were going to get this out this year. Obviously that is not going to happen because of Katrina and all kinds of other things that have crept or jumped into the legislative process, but next year.

Mr. SCOTT of Virginia. The gentleman talked about spending the money. We are spending the money. Six hundred thousand people get out every year. Two-thirds of them come back. That is 400,000 going back. At just $20,000 a year, that is $8 billion we are spending because we don't reduce recidivism. It is actually probably more like $10 billion to $16 billion by the time you invest 20, 30, $40,000 a piece, but at a minimum $8 billion, if we spent a portion of that, if we could significantly reduce recidivism by turning lives around like the life you mentioned instead of having to pay for incarceration, we are now on the receiving end of the tax money that she is paying. Every program we have seen, and this is no different, of those reentry programs when you provide education, you reduce recidivism, save more money than you spend, drug treatment, transitional services, significantly reducing recidivism because of the expense of incarceration, 20, 30, $40,000 a year, you don't have to reduce recidivism very much to save the taxpayer some money. We are spending the money now and we ought to be spending it better. We ought to be smart on crime rather than rhetorical on crime.

□ 2310

If we were smarter on crime, we would spend some of this $8 billion that we are going to spend next year because we did not make the investments last year. We need to make the investments in these people to reduce recidivism and save money, and if we do that, it would save more money than we spend if we pass this bill.

Mr. DAVIS of Illinois. Mr. Speaker, we have still got a couple of minutes left.

Mrs. JONES of Ohio. Mr. Speaker, I just want to add that also the Second Chance Act will provide demonstration grants, but it also will create a national offender re-entry resource center for States and local governments and service providers, faith-based, to be able to elect and disseminate best practices and provide training and support around re-entry.

It will create a Federal task force that will identify programs and resources, identify better ways to collaborate, develop Interagency initiatives.

Finally, it will create, in addition to the grants to nonprofit organizations, offender re-entry research to authorize the National Institute of Justice and the Bureau of Justice Statistics to conduct research around re-entry.

We know there are programs working out there that are being run by churches, that are being run by other organizations, and we need to collect some of that data in order to implement some of the programs.

Again, I thank the gentleman for his leadership.

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank my colleagues, and I often say to people that it is not really just about the ex-offender, and it is not just to help those individuals.

If I am walking down the street and there is a person who needs $15 to get a bit of crack and I am carrying a briefcase and he thinks that I am an insurance salesman rather than an elected official or politician and that there might be something in there other than notes, if he attacks me, then of course I am at risk. I may end up in the hospital with a $200,000 hospital bill, $300,000, $500,000.

All of the misery, poverty, all of the things that are associated with crime, many of those can really be reshaped, refocused and changed with a sensible re-entry policy, and so I want to thank both of my colleagues for coming and sharing.

WHAT THE FUTURE HOLDS

The SPEAKER pro tempore (Mr. MARCHANT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Iowa (Mr. KING) is recognized until midnight.

Mr. KING of Iowa. Mr. Speaker, I appreciate the opportunity to address my colleagues and the people in this country.

There are some important issues before us, as there always are in this Congress, and sometimes I have a little difficulty sorting between which of those issues it is that I would like to speak to my colleagues about, Mr. Speaker.

Tonight, I would like to address the subject matter of the future of this country, the future of the Middle East, the future of this global conflict, this assault on Western civilization that comes from radical, militant, Islamic extremists, the will of the United States of America, Mr. Speaker, to stand up and defend the cause that our Forefathers have fought so hard for and to preserve not just our freedoms which are essential and worth the struggle and worth the sacrifice, but our very safety and lives are at risk, Mr. Speaker.

We need to understand this war that we are in. We need to understand our enemy, and as I listened to the debate here on the floor a couple of weeks ago on a Friday when we debated the resolution to immediately pull out of Iraq, it occurred to me that there were a lot of people actually on the floor of this chamber, Mr. Speaker, that I thought did not have a long-term view for the future of the United States of America or the free world for that matter.

I want to raise a point, and I want to then continue to illustrate that point. I have brought in a picture and a poster to help with that point.

This is not the number one villain in all of Iraq or all of this war against radical, militant extremists, but this is Muqtada Al-Sadr, who is actually a Shiite leader, an individual we have heard quite a lot about. He got into the military business and brought his militia to bear against U.S. and coalition military forces and Iraqi military forces and with mixed results I think we can say at best.

I made a number of trips over to Iraq, and what we do is we go into Kuwait and then usually leave very early in the morning to go into Iraq in the morning. In the evening, I was sitting there, and I had turned on my television set in the hotel in Kuwait and turned it to Al Jazeera TV because watching Al Jazeera TV tells me a lot about what people are seeing in the Middle East and across the Arab world.

As I watched that television, it was Arabic audio, but it had English I call them subtitles. On that date, which was June 11, 2004, this particular CODEL, I watched the television and saw Muqtada Al-Sadr come on there, and I heard him say in Arabic, with the English subtitles underneath, just what you see here, Mr. Speaker. He said, "If we keep attacking Americans, they will leave Iraq, the same way that they left Vietnam, the same way that they left Lebanon, the same way that they left Mogadishu."

Now, what does that mean? It means that the word has been spread throughout al Qaeda world that Americans do not come and stay till it is over, that they will pull out, and that we are not committed to this cause. He would like to convince his followers and those he would recruit to be his followers that Americans are prepared at any moment to pull out of Iraq.

That is far from the case, Mr. Speaker, and this is the cause where we must stay, and we must carry this message across this world to our coalition partners, to our soldiers that are over there, those soldiers that have just not too long ago celebrated a Thanksgiving in foreign soil again, and again to our allies but especially to our enemies.

This language, this statement, that Americans do not stick to it, is a thread that goes through many of the writings and the statements of al Qaeda leaders. I believe I can find that in a Google search in words phrased a little bit differently but the same meaning, out of Osama bin Laden, out of Zawahiri, out of Zarqawi, and that coupled with Muqtada Al-Sadr.

That message has been sent. It keeps getting sent. It is echoed out off Al Jazeera. That means whoever is watching Al Jazeera hears this message. Many of them believe this message that America is not going to stay until the job is done.

We had a debate on this floor, Mr. Speaker, and that vote took place in the fall of 2002. It authorized the President to use force to enforce the United Nations resolutions, all for a good cause. That is how a free Nation should do this. We should have a free debate, and it ought to be an open debate. The people in this country should engage in this debate and carry their message to their Members of Congress and let that echo in these chambers, Mr. Speaker, and it did in that debate.

The resolution after the vote went up, and it was a solid majority to give the President the authority to enforce those U.N. resolutions and to use force, if necessary, to bring Saddam Hussein in line. In fact, it is the policy and was the policy of this Congress to establish a regime change in Iraq. We had our debate. When debate is over and there is a majority vote that prevails, then the people in this chamber need to abide by that decision.

If we pass a law in here, we do not go out and say, okay, I am going to ignore that law and undermine that law. We live by that decision. It is a majority decision. There is nothing more important than when you have men and women in uniform, put their lives on the line, and you do so by a majority vote and you endorse it, you do not want to see people undermining that effort. Undermining that effort indexes directly with this statement by Muqtada Al-Sadr.

Mr. Speaker, I will pick that up in a moment and carry some more details of this, but I want to take the privilege of yielding to the gentleman from New Hampshire (Mr. KING), my friend, the first of the Caucus States, the first in the Nation primaries.

Mr. BRADLEY of New Hampshire. Mr. Speaker, I thank the gentleman very much for yielding.

I would like to thank you for your leadership and your willingness to talk about what is a very important issue for the future of our country and for the future of the Middle East.

Like you, I have traveled to Iraq on two occasions, and I have seen both the problems that our troops are confronting there, but I have also seen the progress. I think it is important when we talk about Iraq that we have a balanced perspective and we look at both those problems and the progress.

☐ 2320

There is no question that today was a very difficult day for the Iraqi security forces, as the suicide bomber killed over 40 police recruits, and the U.S. Marines that were killed on Friday by an improvised explosive device. We see those problems every night on our TV, but what we do not see is the progress that is being made.

There was a show on one of the major cable networks on Saturday night, and I would urge anybody that wants to see a very balanced picture of what is going on in Iraq and much of the progress being made to try to watch that show. It spoke of the sacrifice that our troops are making and their commitment of courage, of valor, of sacrifice, of willingness to defend the values of our country, the democratic values and the ability for myself and my colleague tonight to be able to debate this issue, to be able to debate it with our colleagues on the other side of the aisle.

And we should have a debate in this country about the policy of it. But what is also important to remember is that we must support our troops and to support their mission that is so critically important. Much of the debate we have had in this country, Mr. Speaker, revolves around the strategy of how we bring our troops home and bringing our troops home to a job well done. There are two critically important elements I want to talk about tonight, because that strategy is in place, and if it is going to work, we need to follow through on it.

Number one is the continued movement toward democracy in Iraq. On December 15, there will be the third major election. We saw the election in January, where nearly 8 million Iraqis went and defied the terrorist threat of reprisals and killings and murder to vote, to elect an interim parliament. And then more recently, we saw, again, millions of Iraqis go to the polls and ratify a constitution. There was a good political debate in both of these instances, but the constitution was ratified and an interim parliament was chosen. Hopefully, on December 15, a permanent parliament is going to be chosen.

When that happens, that move to democracy, the Iraqi people, much as we have for over 200 years been able to make these kinds of decisions, they will have given birth to an Iraqi democracy. Yes, it will be different from ours in many fundamental ways, but it will be a government that they have created and it will be a government that will lead them through the religious, the tribal, and the ethnic differences that are so much a part of their culture that need to be resolved and have to be resolved through a democratic process.

Now, our troops, those men and women who we see every day on TV and we hear about from e-mails at home, from letters coming back, they are doing a fantastic job of moving the country toward that democracy. As I said, there are problems, there is no question about that, but there is major progress going on. Hopefully, on December 15, we will see another watershed that will lead to the political solutions that will enable the Iraqi people to finally put behind them the murderous legacy of Saddam Hussein, the violence, the many human rights abuses, the barbaric nature of his regime. Hopefully, this move to democracy will enable that to happen.

Equally important, and a very necessary part of the strategy for being able to bring our men and women home is the continued growth of the Iraqi security forces. The first time I was in Iraq was November of 2003 and we went to Baghdad and we went to Tikrit, and to Kirkuk. Kirkuk is what I want to talk about for a moment, because it is an ethically mixed city in the northern part of the Sunni triangle, and certainly an area where there have been some problems over the years.

In November of 2003, we met one of the first groups of Iraqi-trained police officers that were actually in the very beginning stages of starting to provide the security so necessary for their country, and they were one of the first batch of recruits that had gone through the training process and were in uniform, and were going to confront the threats of terrorism in their country. They indicated to us in the clearest possible language that they knew that they would be the subject of attacks. And as they said to us, they were willing to shed their blood, as they have done so many times, to help rebuild their country. That was November 2003.

In April of this year, April of 2005, I had the opportunity to go back to Iraq a second time. At that point in time, there were 150,000 Iraqi security forces, army, border guard, police, and a work in progress, obviously. We had the opportunity to meet with several Iraqi women leaders who told us of the improving characteristics of the Iraqi security forces in April.

There have been many news reports about the difficulty of training the Iraqi security forces, but to hear it from actual Iraqi women leaders, a couple members of parliament, an ambassador, ministers in the interim government that the Iraqi people were beginning to trust and work with the Iraqi security forces, was very compelling to us.

We also heard the same information from General Patreas, who was responsible for the training, the arming and equipping of the Iraqi security forces. What he told us is that they were starting to be able to develop a command and control structure. They were beginning to be able to operate independently without being embedded with American forces, having American forces as backup, and that process was continuing. It is clearly a work in progress. Today, there are over 210,000 Iraqi security forces, and the process is not done.

The point I am making is that starting in November of 2003, when I first was there, to April of 2005, and then today, those Iraqi security forces are making tremendous progress. Yes, it is not perfect. There are continuing issues that have to be dealt with, but the progress is measurable and quantifiable and is receiving the trust and the support of the Iraqi people, real people that we talked to, people who had had their lives threatened, who had had their lives disordered by the regime of Saddam Hussein.

As you know, there are 18 different provinces in Iraq. Fourteen of them in the north and in the south, primarily, are largely stable. Yes, continuing with some problems, but generally stable. The problem areas are that Sunni triangle around Baghdad to Tikrit, Fallujah, and Kirkuk, and those are the problem areas that both the emergence of the Iraqi security forces as well as the move toward democracy, as that grows in Iraq and thrives and the Iraqi people are buying in to the changes, the positive changes, it will enable them to put behind them the legacy of Saddam Hussein as well as some of these tribal ethnic and religious problems.

This is the critical element that Americans need to know is in place and is making progress; that the Iraqi people and our forces are making that progress every day. Is it dangerous? Is it difficult? Absolutely. And our troops there at great sacrifice. Over 2,000 of them have indeed paid the ultimate sacrifice to make this happen, but they continue to be extremely dedicated to their mission.

I had the opportunity to address a group of marine reservists who were being activated on Saturday before they ship off to training and then to Iraq, and their commitment to making this happen was certainly very present for all of us that were there, their family members and their leaders. And I salute this Bravo Company from my home State of New Hampshire and the men and women from our country who have given so much to provide not only for our security, but to improve the situation in Iraq.

We have further to go, there is no question about that, but every day I believe we are continuing to make progress. It is difficult progress, there is no question about that, but December 15 will be a watershed. The Iraqi people and the Iraqi security forces will continue to improve. Those two elements are what will allow our men and women to come home having achieved success in Iraq, with a job well done, as we will all say to them as Americans supporting their mission.

Mr. Speaker, I thank the gentleman for offering me the opportunity to speak here tonight.

□ 2330

Mr. KING of Iowa. Mr. Speaker, it is a privilege to team up with Mr. BRADLEY and help direct our Presidential candidates on to South Carolina, too, in about another 3 years. I appreciate you turning this tone over to the tone of the progress that has been made in Iraq. We do not hear about that very often, and Mr. BRADLEY brings to mind some issues I would like to add to that tally.

Two elections already this year in Iraq, one in January that elected the interim Iraqi Government and the one in October which was for the referendum that ratified the Constitution. We have heard the Iraqis cannot hold elections. There will not be enough safety, they will not be legitimate. And all of those criticisms got rolled out.

In fact, I would take us back to the first election after the liberation of Iraq that I know of, and Mr. BRADLEY mentioned General Petrais who commanded the 101st Airborne that went in there in March 2003, and he liberated the region of Mosul and approximately three of the provinces up in that area. That was March.

I was in the region of Mosul in the fall, and I met with the governor of Mosul and the vice governor of Mosul, and one or two other officials of that region. How can you have a governor and vice governor of Mosul? They were not appointed by General Petrais. It was interesting, the governor sat at the head of the table next to the vice governor. and General Petrais sat at the side of table, and he was giving deference to the elected leaders. The governor and the vice governor, and I do not know how many other officers were elected in May of 2003, but there were free and fair and open elections in Mosul. The governor was a Sunni and the vice governor was a Kurd. You could tell by the way that they worked and cooperated and laughed and did those things that they worked together comfortably. At the time in Mosul, it seemed like it was very much back to normal.

I point out that the first successful election was in May 2003, and since that time there have been a number of elections in Iraq. The milestones established early in this process, at that point it was liberation first and it was martial law to stabilize the security in the country, get a handle on the looting but put the military law in place, and then shortly after that we established the CPA, the Coalition Provisional Authority. That was headed by Paul Bremer, who ran that region then, as Coalition Provisional Authority had, for quite a long time. But there was another milestone that was set on the calendar and that was the following June.

Not recalling the specific date, but before that date by 2 days we handed over the control of Iraq to a civilian government before the targeted deadline to do so. We established the dates for elections and set the milestones to elect an interim parliament, and the voice of the people would then write and draft the Constitution, present the Constitution to the people of Iraq, and then the people of Iraq would have the opportunity to vote and ratify the Constitution. Each one of those milestones was met or exceeded by the Iraqi people at the direction and cooperation of the coalition forces.

Now, you may think that is not such a difficult task, you simply open up the polling booths and hold an election. In order to have a legitimate election, you need to have voter registration. You want people to have an opportunity to vote and only vote once. It has to be safe to travel to the polls, and you have to maintain the confidentiality of their vote and the integrity of the tally of the ballots and the reporting process.

An election has no value in a free country if the people who are being represented by those elected in the election, if the people do not have confidence in the process. But they had confidence in Mosul in May 2003. They had confidence in the process in January of this year when they elected their interim government. It was not as safe in January as it was later, but there were 108 different places attacked by the terrorists when they elected their interim parliament, but still the turnout for that election was greater than the turnout for the Presidential election for the President of the United States.

We saw millions of Iraqis proudly waving their purple fingers in the air, proud that they voted. In fact, the fear factor was supposed to set in and cause people to stay home and not vote, but instead they voted. They voted with a proud and a free and a patriotic and, in fact, a defiant attitude, waving their purple fingers in the air and saying they directed their national destiny when they waved their fingers.

But 108 of those polling booths were attacked by terrorists on that day. That did not deter the Iraqis. They went on without interruption. No one has challenged the legitimacy of the election. It was a legitimate election. That was January. On October 15 when the Constitution that was drafted by that interim parliament, and it was hard fought and there were many tough decisions to be made, and to reconcile the differences between the regions in the country, the resources in the country and the differences between the religious factions that were there and the tribal factions that were there was a very difficult thing.

How do you divide up the resources of a country so all of the people benefit from those resources when you have that proprietary notion that because the oil is underneath the soil in one region, it should not be shared with people of another region that does not have oil underneath their soil?

They came to an agreement on that, and the known and developed reserves are distributed equally around the country with exceptions to put extra resources in those regions where they have been at a greater disadvantage, and it is going to take greater resources to get them up to speed. But, essentially, the language in the Constitution calls for taking existing resources and providing kind of a parity so the Iraqis can benefit almost equally.

But that Constitution that was so hard fought, the one that down to the last minute they were changing some language in it so they had the best chance of getting it ratified in the referendum, on October 15 of this year they ratified their Constitution.

Now, one might say, so Iraq has gone through these milestones and the milestones of liberation in March and April of 2003, and the milestone of martial law converting into the Coalition Provisional Authority under Paul Bremer, and then handing it over to the Civilian Provisional Authority, and then having the elections that elected the Iraqi interim parliament and then having the referendum that ratified the Constitution on October 15, one might say what is all of that about.

Well, all of them together were required sequentially to get to the point where they are today: poised to have an election of a new parliament in Iraq, a new parliament that will be established upon the Constitution that the people have ratified in their referendum last October 15. The new parliament that will be seated shortly after those elections of December 15 will be a parliament that truly represents a sovereign nation of Iraq.

When they seat themselves at the United Nations and the representative that is appointed to represent Iraq in the United Nations, they will be the most legitimate government represented in the United Nations of the Arab world that is there because they will be the ones that are elected by a free people. The voice of the representative from Iraq will actually be the voice of the people of Iraq.

That is a misconception that many of the people in the United States of America have about the United Nations themselves, the idea that the United Nations is a voice of the world, that it is a free and democratic global forum where we can resolve all of our differences, when in fact many of the countries represented are not free countries. They do not allow their people to have freedom of speech, press, and religion. They do not allow their people to step forward and voice their opinions. In fact, some of those countries will cut their tongues off for doing that, but they have a voice for their dictator sitting at the table of the United Nations.

This will be an Arab country, Iraq, which has a free and duly elected government that sends a representative to the United Nations that will be more representative of the people of that country than any other Arab country represented in the U.N.

□ 2340

And so this is a huge milestone coming up December 15. But for a lot of other reasons too. Now the Iraqi people can start to direct their national destiny. This really is the milestone that allows that to happen. And I have traveled over to Iraq three times. The last trip in was in August, and I asked to go down into Basra where I believe we were the first congressional delegation to visit the coalition forces down in that region. General Dutton commands the forces there. He is a British general. And I stood in one place with soldiers in the coalition forces that represented Romania and The Netherlands and Denmark and Australia and Great Britain and Poland. I am sure I am missing one or two others. Put them in a group and took their picture because they really did represent the coalition forces.

And down in that region, there the largest oil reserves are down in that region around Basra and we reviewed that and then went up to Kirkuk, as the gentleman from New Hampshire had mentioned, that he had been up there earlier during this conflict. And there, I saw places where oil seeped to the top of the ground. There was so much oil that I could drill a well and hit oil on it because I would hit the oil before I started to drill. But there needs to be a lot of oil that is developed in Iraq in the south around Basra and in the north up around Kirkuk and those distribution lines and refineries and the export systems have got to be set up so that they can get some cash flowing back into that country. This milestone of a truly sovereign Nation with a duly elected parliament that will select, that will elect themselves a prime minister so that they can move and act and build on the future of the country is an essential milestone. And it has taken blood and treasure to get to this point, and it will take blood and treasure for a while beyond this point. And it has been a price that has been painful to pay, but it is also a price that has freed 25 million people and it has the opportunity for Iraq to become the lone star nation that inspires the entire Arab world, inspires them to freedom and that freedom that becomes contagious like it did in eastern Europe after the Berlin Wall came down in 1989, November 9.

Freedom echoed across eastern Europe and almost bloodlessly and in almost the blink of a historical eye, Mr. Speaker. And I do not expect that kind a change to take place in the Middle East that fast, but we are seeing those yearnings for freedom and yearnings for democracy. We have seen Libya give up their weapons of mass destruction and openly show that they are were further along on their process of developing nuclear than one had ever imagined. Our intelligence did not get that one right either. And intelligence, by the way, is never perfect, and I do not mean to be critical of our intelligence. It is the inspiration that Iraq was becoming a free nation, that American and coalition presence in that region comprised a threat that might have deposed Qadaffi, I think was his motive to turn his nuclear cards over face up and drop and eliminate any weapons of mass destruction.

We have seen Lebanon for the first time since 1979 throw off the yoke of Syrian occupation and move towards freedom. And we have watched some things change in Saudi Arabia and in Egypt. So it is happening, Mr. Speaker. There is progress that it is being made and the inspiration that is there, the inspiration of a free Iraq is an important inspiration.

But 108 of those polling booths were attacked in January of 2005. And the following October, the security situation in Iraq had improved so much that that number became 19 polling booths attacked as opposed to 108 just the previous January, 10 months before.

So that is an indicator, I think, Mr. Speaker, of the progress that has been made in Iraq. There are a number of other indicators and some of them are, we need the cooperation for intelligence of the Iraqi people. And so what are we getting for tips? Where are they coming from? We are finding about 50 percent of the improvised explosive devices, about 50 percent. Almost all of those IEDs are being found because of tips from the Iraqi people. The tips that we were getting in March, 483 in the month of March of 2005. In April, 1,591, it has grown five times better, a little greater than that, just from March to April. That is the sign that they have more confidence, that they can take the risk, that their country needs them to weigh in and put their neck on the line to give tips that will protect the lives of American and coalition forces. So March, 483, April of 2005, 1,591. May of 2005 up to 1,740 tips in that month, in June 2,519, in July 3,303 tips, and in August, 3,341. This trend is a fantastic trend line that shows that the Iraqi people see the future and they are committing themselves to helping save and protect the lives of the American soldiers. This goes on.

There is more and more good news. And Mr. BRADLEY talked about 210,000 Iraqis in uniform that are trained or in training to defend their own country. And that is what needs to happen. Of that 210,000, there are quite a lot of battalions that are really combat ready. We keep hearing that there is only one battalion that has no American advisors in it and that can operate in a combat situation, Mr. Speaker, without having U.S. support.

Well, I do not know that we want to be in that situation where we do not have any U.S. involvement in combat battalions in Iraq. There is too much at stake there. And we have handed over 20 bases that were coalition American controlled that now it is all Iraqis that control those 20 bases. And at least a third of the battalions that are there are ready for combat. And a lot of them are engaged in combat. And they are going in with American forces. And so the question of whether they are totally 100 percent independent, it is just a moot point. And the question of what is our exit strategy, when are we going to leave, you know, when the previous President sent our troops into Kosovo, he told America they would be out in a year. I never hear that from the other side of the aisle, Mr. Speaker, as to this is the longest year.

I think this year is over 3,000 days long, and we are still waiting to get the troops out of Kosovo. Well, no one raises that issue because the situation is stabilized there. And American casualties are not zero, but they are very, very low. And I support our efforts there to provide peace in that region. But look around the world, Mr. Speaker. We have troops in nearly every place that they have been engaged over the last 60 to more years, and those troops remain in Germany. They remain in Korea. We have other troops in other locations around the world because we need them there strategically.

And so, you know, when are we going to get out of Iraq? Why would we want to leave? Why would it be our goal to go there and pull the troops out, especially if it risked the goal of the mission entirely? And I heard Mr. BRADLEY address the importance of supporting our troops and their mission. And I want to emphasize that, Mr. Speaker, that you cannot send a soldier off to war, ask him to defend your freedom, put his life on the line for you, and then say, I support you, soldier, I am with you, but I do not like your mission. You cannot ask somebody to put their life on the line and tell them you support them but you oppose their mission.

And that is what I am hearing over here. That is what I am hearing from the liberal news media. That is what this fellow right here, Muqtada al-Sadr hears. It is what Osama bin Laden hears, it is what Zawahiri hears, and it is what Zarkawi hears. They hear I am with you, troops. I think you ought to be home but I do not support your mission, and if something happens to you, then you know, you were a casualty of a failed and flawed mission. Not true. This is, I believe, one of the most noble things that the United States of America has ever done.

Many, many times we have sent our soldiers off into foreign lands and here in this city, Mr. Speaker, if one would go down to the Korean Memorial and there in the sidewalk, etched in that stone in the sidewalk is a message at the Korean War Memorial that says, our country honors the men and women who answered the call to defend a country they never knew and a people they never met. A very profound statement etched in the sidewalk there at the Korean Memorial. It definitely reflects the sacrifice of the Korean war. It reflects, I believe, Mr. Speaker, the character of the American people, the American soldier and marine. The history of this country has always been to reach out and promote our freedom.

I think about a speech that I heard here in Washington, D.C. a couple of years ago about this time of year. It was given by President Arroyo of the Philippines, and as she delivered that speech, it was in a hotel downtown and I was not before a Congressional delegation. I may have been the only Member of Congress that was there. But I point this out because she was not speaking to Congress. She was speaking to a gathering of people that showed up for a dinner in a downtown hotel in Washington, D.C. and we went out of respect and her message was that she said, thank you America.

thank you America for sending the Marines to the Philippines to liberate us and free us in 1898.

Thank you for sending over your interests that taught us your way of life, free enterprise and the freedoms that you have and the constitutional structure that you have. Thank you for sending the missionaries to the Philippines where we learned Christianity, and thank you for sending 10,000 teachers to the Philippines.

□ 2350

She had a Filipino name for those teachers, and one day I will learn that name.

Thank you for sending 10,000 teachers who taught us the English language, who taught us the American culture, who educated us, and today we have over 1.6 million Filipinos that travel elsewhere in the world that can get a job anywhere because the universal language of business is English and they make good money, and they send that money back to the Philippines in significant dollars. She is grateful. She made that message to the United States of America 103 years at least, probably 105 years, since the time that the Marine Corps landed on the shores of the Philippines in 1898.

That is a profound message, and I believe the gratitude that I heard from President Arroyo will come from the mouths of the Prime Minister of Iraq 100 years from now. It will come here to the United States, and Iraq will have established this image, this vision, of a free Arab country; and I believe that the rest of the Arab countries will see the prosperity that comes and they will adopt that same kind of freedom hopefully through a peaceful change rather than a violent change. But I expect the people of Iraq will express their gratitude to our descendants 100 years from now.

So a loss of 2,000 American lives in Iraq, painful, every one, a personal loss to every family, a real profound sacrifice on the part of every soldier and Marine. We have lost over 200 of them also in Afghanistan. I have heard nothing from the other side of the aisle about why it is right to be in Afghanistan and wrong to be in Iraq. It is just on their part wrong to be in Iraq, and it seems to be that the number of casualties is the measuring stick.

So I would submit that it is time now for the people on the left side of the aisle to give us a number of how many casualties they are willing to sustain in Afghanistan before they say we ought to get out of there too. This is not a cause that is measured simply in direct relationship with casualties. It is far more important. It is far more timeless. It is far more profound. It is something that the echoes of this will flow throughout history.

Beyond 100 years from now, the world will be a different place because of the nobility of the American soldiers and Marine Corps. And the voices of Muqtada Al-Sadr and Zarqawi and Zawahiri and bin Laden, those voices that are saying things like, if we keep attacking Americans, they will leave Iraq-Afghanistan, name your country, the same way they left Vietnam, the same way they left Lebanon, the same way they left Mogadishu. Those voices must be silenced. They must be silenced in this place at this time.

I picked up a quote from the chairman of the Democratic National Committee, Mr. Howard Dean, and I listened to him campaign in Iowa for 1½ years as he sought the Presidency and I heard some of these things then too. But in typical fashion he said, "The idea that we are going to win the war in Iraq is an idea which is just plain wrong." He said that to more than 150,000 Americans who are there in Iraq and the numbers of coalition forces that are there.

And they hear that and he compares it to Vietnam. Even Zarqawi describes the difference between Vietnam and Iraq. He said there are no mountains to hide in in Iraq. There are no forests to hide in in Iraq. This is in a letter that he wrote, I think, a year ago last April. And he lamented that they cannot stay in Iraq very long because they do not have places to hide. And he said that the only place that they can hide and operate out of would be houses, the homes of the Iraqi people that would be willing to take them in and let them run their operations out of there, and that the Iraqis that would be willing to let them do that are "rarer than red sulfur."

Now, I have been to a lot of places in that country, and I looked all over for red sulfur and I did not see any, and I asked some of those pilots that flew helicopters if they have seen any red sulfur, and they said no. No one I know has been able to identify that; so I am going to tell you that is pretty rare. I do not think there are very many Iraqis that are willing to let Zarqawi operate. In fact, there are a lot less of Zarqawi's allies. We do not hear these numbers, Mr. Speaker.

We see the American casualties, the coalition casualties, and we see the Iraqi civilian casualties; but the numbers come down to how many of the enemy are being taken off the streets out of the operation, how many per day, per week, per month? And per month I can tell the Members, Mr. Speaker, that number, and the number was last brought to me in August of this year, I will say very close to 3,000 of our enemy are taken off the streets both in those killed and those captured, 3,000.

The Iraqi people are losing about 600 a month. We are losing about 73 a month on average. A painful loss for all of us, but the enemy is losing more by far than we are, Mr. Speaker. And it is wrong on the part of Howard Dean. We are a long ways away from losing this war. Where he says that we are going to lose it is just plain wrong, that is just undermining the President, that is undermining our foreign policy, and it is undermining our military. And he identified it with Vietnam. I laid out the difference.

He suggests that we redeploy our troops to Afghanistan because that is where we are welcome. Now, when in history has it been important to deploy troops to a place where the troops are welcome? It is nice to have them there for security reasons, but a strategic redeployment of troops because that is a place where they are welcome? And he suggests we ought to pull our troops all out of Iraq and take them to a friendly Middle Eastern country where they can have a strategic redeployment and they can be someplace where there is support for our troops there, Mr. Speaker.

Another point that was made on this floor by the gentleman that was the purpose of our debate, he, Mr. Dean, both say that 80 percent of Iraqis want us to leave. Mr. Speaker, it is not 80 percent of the Iraqis that want us to leave. I do not know where that number comes from. I asked that question over and over again. We have had surveys over there that come a little bit different, but it depends on how they ask the question. Now, if we would ask the Iraqis someday sometime when they get full control of their country and they have safety and security and their freedom is established and the economy is flowing and they are not worried about enemies from without and enemies from within, they would like to have the last American soldier pull out of Iraq, maybe 80 percent would say yes, I think that would be a good idea.

I think the responsible people in Iraq do not look forward to the day that American troops pull out anytime soon because they know that their future and their freedom is contingent upon American and coalition troops being there to guarantee it for now, as the 2,010 Iraqi numbers grow and increase and their training increases and their commitment increases, and, in fact, their courage has been increasing substantially too, and they do have the courage to fight for their country. I am hearing that from our generals over there now too.

But I asked the question of the Iraqi people, if there is a referendum today, the same referendum that was on the floor of this House of Representatives, Mr. Speaker, that only found three Members of this 435-Member body that would vote to move our troops out immediately, if that referendum were laid out before the Iraqi people, the Iraqis that I talked to say that 90 to 95 percent would say stay, please stay, we are so grateful for our freedom. When we come home, we expect our family to be there instead of wondering if Saddam has taken and spirited them away.

I met with a Kurdish young lady who is here now on a scholarship, that has been here several months. She said up in that region around Kirkuk, every household that has boys has a crawl space for the boys to hide in when Saddam's henchmen came to conscript them into the military. She grew up with brothers and could not admit to the neighborhood that she had brothers because they would be conscripted into the military. The list goes on and on.

The testimony that is taking place now in the trial of Saddam and his fellow henchmen that are there are bringing out atrocity after atrocity, Mr. Speaker. We will hear more about these atrocities as this trial unfolds. And when this trial is over and a new one begins and the history of Saddam's regime is written into the court records of those courageous jurists that put their lives on the line to provide a fair trial for a person whom I believe is a murdering tyrant, they need to be honored. They need to be respected. They need to put that in the history, and the American people need to watch it, Mr. Speaker. We need to all understand this, and we need to understand that when we speak up and we speak out and when we undermine our American troops, meanwhile posturing that we support them but not their mission, what happens is people like Muqtada Al-Sadr say on Aljazeera TV, "If we keep attacking Americans, they will leave Iraq the same way they left Vietnam, the same way they left Lebanon, the same way they left Mogadishu."

Never again, Mr. Speaker. This is where that stops. This is where the bright line in history gets drawn. This is where the legacy of the freedom that emanates from America is established in the Middle East and where the lone star of Iraq inspires the rest of the Arab world and eliminates the habitat that breeds terror.

Mr. Speaker, I appreciate the opportunity to address the Members in the Chamber this evening.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LARSEN of Washington (at the request of Ms. PELOSI) for today on account of official business in the district.

Mr. REYES (at the request of Ms. PELOSI) for today.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mrs. McCARTHY, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. MEEHAN, for 5 minutes, today.

(The following Members (at the request of Mr. BURGESS) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, today and December 7 and 8.

Mr. BURGESS, for 5 minutes, today and December 7 and 8.

Mr. BURTON of Indiana, for 5 minutes, today and December 7 and 8.

Mr. FORTENBERRY, for 5 minutes, today.

Mr. PAUL, for 5 minutes, December 7 and 8.

Mr. JONES of North Carolina, for 5 minutes, December 7.

Ms. ROS-LEHTINEN, for 5 minutes, today and December 7.

Mr. OSBORNE, for 5 minutes, today and December 7.

Mr. FRANKS of Arizona, for 5 minutes, December 7.

Mr. CHABOT, for 5 minutes, December 7.

Mr. GOHMERT, for 5 minutes, today and December 7 and 8.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. TAYLOR of Mississippi, for 5 minutes, today.

Ms. PELOSI, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 584. An act to require the Secretary of the Interior to allow the continued occupancy and use of certain land and improvements within Rocky Mountain National Park, to the Committee on Resources.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4133. An act to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program.

Mrs. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker pro tempore, Mr. WOLF:

H.R. 680. An act to direct the Secretary of Interior to convey certain land held in trust for the Paiute Indian Tribe of Utah to the City of Richfield, Utah, and for other purposes.

H.R. 2062. An act to designate the facility of the United States Postal Service located at 57 West Street in Newville, Pennsylvania as the "Randall D. Shughart Post Office Building."

H.R. 2183. An act to designate the facility of the United States Postal Service located at 567 Tompkins Avenue in Staten Island, New York, as the "Vincent Palladino Post Office."

H.R. 2528. An act making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

H.R. 3058. An act making appropriations for the Department of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

H.R. 3853. An act to designate the facility of the United States Postal Service located at 208 South Main Street in Parkdale, Arkansas, as the "Willie Vaughn Post Office."

H.R. 4145. An act to direct the Joint Committee on the Library to obtain a statue of Rosa Parks and to place the statue in the United States Capitol in National Statuary Hall, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House reports that on November 21, 2005, she presented to the President of the United States, for his approval, the following bill.

H.R. 4133. National Flood Insurance Program Further Enhanced Borrowing Authority Act of 2005

Karen L. Haas, Clerk of the House also reports that on November 28, 2005, she presented to the President of the United States, for his approval, the following bills.

H.R. 126. To amend Public Law 89-366 to allow for an adjustment in the number of free roaming horses permitted in Cape Lookout National Seashore.

H.R. 539. Caribbean National Forest Act of 2005.

H.R. 584. Department of the Interior Volunteer Recruitment Act of 2005.

H.R. 606. Angel Island Immigration Station Restoration and Preservation Act.

H.R. 680. To direct the Secretary of Interior to convey certain land held in trust for the Paiute Indian Tribe of Utah to the City of Richfield, Utah, and for other purposes.

H.R. 1101. To revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California.

H.R. 1972. Franklin National Battlefield Study Act.

H.R. 1973. Water for the Poor Act of 2005.

H.R. 2062. To designate the facility of the United States Postal Service located at 57 West Street in Newville, Pennsylvania, as the "Randall D. Shughart Post Office Building".

H.R. 2183. To designate the facility of the United States Postal Service located at 567 Tompkins Avenue in Staten Island, New

York, as the "Vincent Palladino Post Office".

H.R. 2528. Military Quality of Life and Veterans Affairs Appropriations Act, 2006.

H.R. 3058. Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006.

H.R. 3853. To designate the facility of the United States Postal Service located at 208 South Main Street in Parkdale, Arkansas, as the Willie Vaughn Post Office.

H.R. 4145. To direct the Joint Committee on the Library to obtain a statue of Rosa Parks and to place the statue in the United States Capitol in National Statuary Hall, and for other purposes.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at midnight), the House adjourned until tomorrow, Wednesday, December 7, 2005, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5321. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Syria that was declared in Executive Order 13338 of May 11, 2004; to the Committee on International Relations.

5322. A letter from the Secretary, Department of the Treasury, transmitting as required by Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the Development Fund for Iraq that was declared in Executive Order 13303 of May 22, 2003, pursuant to 50 U.S.C. 1703(c); to the Committee on International Relations.

5323. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

5324. A letter from the Deputy Director, Defense Secretary Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06-15, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Kuwait for defense articles and services; to the Committee on International Relations.

5325. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06-14, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Finland for defense articles and services; to the Committee on International Relations.

5326. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 06-13, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to India for defense articles and services; to the Committee on International Relations.

5327. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997; to the Committee on International Relations.

5328. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and equipment to the Government of Kazakhstan (Transmittal No. DDTC 033-05); to the Committee on International Relations.

5329. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of Korea (Transmittal No. DDTC 042-05); to the Committee on International Relations.

5330. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of Singapore (Transmittal No. DDTC 051-05); to the Committee on International Relations.

5331. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and equipment to the Government of Mexico (Transmittal No. DDTC 050-05); to the Committee on International Relations.

5332. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of the United Kingdom (Transmittal No. DDTC 032-05); to the Committee on International Relations.

5333. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and equipment to the Government of Korea (Transmittal No. DDTC 044-05); to the Committee on International Relations.

5334. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of Japan (Transmittal No. DDTC 049-05); to the Committee on International Relations.

5335. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of defense equipment from the Government of the United Kingdom (Transmittal No. DDTC 036-05); to the Committee on International Relations.

5336. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of defense equipment from the Government of Sweden and the Government of the United Kingdom (Transmittal No. DDTC 006-05); to the Committee on International Relations.

5337. A letter from the Under Secretary for Political Affairs, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107-243), the Authorization for the Use of Force Against Iraq Resolution (Pub. L. 102-1), and in order to keep the Congress fully informed, a report prepared by the Department of State for the June 15, 2005 — August 15, 2005 reporting period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Actof 1998 (Pub. L. 105-338); to the Committee on International Relations.

5338. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the fourth annual report on the Benjamin A. Gilman International Scholarship Program; to the Committee on International Relations.

5339. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and equipment to the Government of Austria, the Government of Canada, the Government of France, the Government of Switzerland and the Government of the United Kingdom (Transmittal No. DDTC 037-05); to the Committee on International Relations.

5340. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and equipment to the Government of Taiwan (Transmittal No. DDTC 040-05); to the Committee on International Relations.

5341. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and equipment to the Government of France and the Government of Austria (Transmittal No. DDTC 046-05); to the Committee on International Relations.

5342. A letter from the Chairman and Vice Chairman, U.S.-China Commission, transmitting the Commission's third annual report, pursuant to Pub. L. 106-398, as amended by Division P of Pub. L. 108-7; to the Committee on International Relations.

5343. A letter from the Special Assistant to the President and Director, Office of Administration, Executive Office of the President, transmitting the White House personnel report for the fiscal year 2005, pursuant to 3 U.S.C. 113; to the Committee on Government Reform.

5344. A letter from the President, African Development Foundation, transmitting a letter fulfilling the annual requirements contained in the Inspector General Act of 1978, as amended, pursuant to 5 U.S.C. app.

(Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5345. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the semiannual report on the activities of the Office of Inspector General for the six-month period ending September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5346. A letter from the Chairman, Consumer Product Safety Commission, transmitting the Commission's FY 2005 Performance and Accountability Report; to the Committee on Government Reform.

5347. A letter from the Employee Benefits Program Manager, Department of the Navy, transmitting the annual report for 2005 of the Retirement Plan for Civilian Employees of the United States Marine Corps Personal and Family Readiness Division, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform.

5348. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

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5364. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

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5366. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5367. A letter from the White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5368. A letter from the White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5369. A letter from the White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

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5371. A letter from the White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5372. A letter from the Secretary, Department of Education, transmitting the Department's Fiscal Year 2005 Performance and Accountability Report; to the Committee on Government Reform.

5373. A letter from the Secretary, Department of Housing and Urban Development, transmitting the Department's FY 2005 Report on Performance and Accountability; to the Committee on Government Reform.

5374. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting the Department's FY 2005 Performance and Accountability Report; to the Committee on Government Reform.

5375. A letter from the Secretary, Department of Labor, transmitting the FY 2005 Annual Report on Performance and Accountability; to the Committee on Government Reform.

5376. A letter from the Secretary, Department of Transportation, transmitting the Department's FY 2005 Performance and Accountability Report; to the Committee on Government Reform.

5377. A letter from the Secretary, Department of Transportation, transmitting the Department's Management Report on Management Decisions and Final Actions on Office of Inspector General Audit Recommendations for the period ending March 31, 2005, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

5378. A letter from the Secretary, Department of Transportation, transmitting the Departments' Report on Management Decisions and Final Actions on Office of Inspector General Audit Recommendations for the period ending September 30, 2004, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

5379. A letter from the Secretary, Department of Veterans Affairs, transmitting the Department's Annual Performance and Accountability Report for FY 2005; to the Committee on Government Reform.

5380. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's Fiscal Year 2005 Performance and Accountability Report; to the Committee on Government Reform.

5381. A letter from the Deputy Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Commission's FY 2005 Performance and Accountability Report; to the Committee on Government Reform.

5382. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2005 through September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

5383. A letter from the Chairman, Farm Credit System Insurance Corporation, transmitting the FY 2005 report pursuant to the Federal Managers' Financial Integrity Act and the Inspector General Act Amendments of 1978, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

5384. A letter from the Chairman, Federal Communications Commission, transmitting the Commission's Fiscal Year 2005 Performance and Accountability Report required under the Accountability for Tax Dollars Act of 2002; to the Committee on Government Reform.

5385. A letter from the Director, Congressional Affairs, Federal Election Commission, transmitting a copy of the Commission's Performance and Accountability Report for FY 2005; to the Committee on Government Reform.

5386. A letter from the Chairman, International Trade Commission, transmitting a copy of the Commission's Performance and Accountability Report for FY 2005; to the Committee on Government Reform.

5387. A letter from the Chairman, International Trade Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2005 through September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

5388. A letter from the Director of Administration, National Labor Relations Board, transmitting the Board's Performance and Accountability Report for FY 2005; to the Committee on Government Reform.

5389. A letter from the Chairman, National Mediation Board, transmitting the FY 2005 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

5390. A letter from the Director, National Science Foundation, transmitting the Foundation's Performance and Accountability Report for FY 2005; to the Committee on Government Reform.

5391. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the FY 2005 Performance and Accountability Report, prepared in accordance with the Reports Consolidation Act of 2000 and the Government Performance and Results Act of 1993; to the Committee on Government Reform.

5392. A letter from the Inspector General, Nuclear Regulatory Commission, transmitting the Commission's Fiscal Year 2005 Performance Report, in accordance with the Government Performance and Results Act of 1993; to the Committee on Government Reform.

5393. A letter from the Chairman, Occupational Safety and Health Review Commission, transmitting the 2005 annual report on the Agency's compliance with the Inspector General Act and the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

5394. A letter from the Chairman, Occupational Safety and Health Review Commission, transmitting the FY 2005 Annual Program Accountability Report, required by the Government Performance and Results Act; to the Committee on Government Reform.

5395. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled, "Audit of Advisory Neighborhood Commission 1A for Fiscal Years 2003 Through 2005, as of March 31, 2005"; to the Committee on Government Reform.

5396. A letter from the Executive Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's Performance and Accountability Report for fiscal year 2005, as required under OMB Circular No. A-11, section 230-3; to the Committee on Government Reform.

5397. A letter from the Board Members, Railroad Retirement Board, transmitting a copy of the Board's Performance and Accountability Report for Fiscal Year 2005, including the Office of Inspector General's Auditor's Report, Report on Internal Control, and Report on Compliance with Laws and Regulations; to the Committee on Government Reform.

5398. A letter from the Chairman, Securities and Exchange Commission, transmitting the Commission's Performance and Accountability Report for fiscal year 2005; to the Committee on Government Reform.

5399. A letter from the Executive Secretary and Chief of Staff, U.S. Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5400. A letter from the Chairman, U.S. Postal Service, transmitting the semiannual report on activities of the Inspector General for the period ending September 30, 2005 and the Management Response for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

5401. A letter from the Director, U.S. Trade and Development Agency, transmitting the Agency's Performance and Accountability Report including audited financial statements for fiscal year 2005; to the Committee on Government Reform.

5402. A letter from the Staff Director, United States Commission on Civil Rights, transmitting the FY 2004 annual report under the Federal Managers' Financial Integrity Act (FMFIA), pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

5403. A letter from the Executive Director, Election Assistance Commission, transmitting the Commission's report entitled, "The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office 2003-2004"; to the Committee on House Administration.

5404. A letter from the Assistant Attorney General, Department of Justice, transmitting the 2004 annual report on the activities and operations of the Public Integrity Section, Criminal Division, pursuant to 28 U.S.C. 529; to the Committee on the Judiciary.

5405. A letter from the Secretary, Department of Health and Human Services, transmitting a report on the status of petitions for designating classes of employees as members of the Special Exposure Cohort under the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEIOCPA), pursuant to Public Law 108-375; to the Committee on the Judiciary.

5406. A letter from the Assistant Attorney General, Department of Justice, transmitting a draft legislative proposal to improve restitution for victims of crime by amending the Mandatory Victims' Restitution Act (MVRA); to the Committee on the Judiciary.

5407. A letter from the Assistant Secretary for Civil Works, Department of the Army, transmitting the Department's recommended authoriztion of the Napa River Salt Marsh Restoration Project, California for the purposes of ecosystem restoration and recreation; to the Committee on Transportation and Infrastructure.

5408. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; San Diego Bay, Mission Bay and Their Approaches, California [CGD11-05-002] (RIN: 1625-AA11) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5409. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Cape Fear River, Eagle Island, North Carolina State Port Authority Terminal, Wilmington, NC [CGD05-05-123] (RIN: 1625-AA87) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5410. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Escort Vessels for Certain Tankers [CGD 91-202] (RIN: 1625-AA05) (Formerly RIN: 2115-AE10); Escort Vessels for Certain Tankers — Crash Stop Criteria [USCG-2003-14734] (RIN: 1625-AA65) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5411. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Sturgeon Bay Ship Canal; Sturgeon Bay, WI [CGD09-05-080] (RIN: 1625-AA09) received November 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5412. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Fox River, Green Bay, WI and DePere, WI [CGD09-05-081] (RIN: 1625-AA09) received November 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5413. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Hackensack River, NJ [CGD01-05-061] (RIN: 1625-AA09) received November 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5414. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Dorchester Bay, MA [CGD01-05-020] (RIN: 1625-AA09) received November 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5415. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Passaic River, NJ [CGD01-05-029] (RIN: 1625-AA09) received November 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5416. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Bering Sea, Aleutian Islands, Unalaska Island, AK [COTP Western Alaska-04-003] (RIN: 1625-AA00) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5417. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulation; Tampa Bay, FL [COTP St. Petersburg 05-120] (RIN: 1625-AA00) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5418. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Elizabeth River, Eastern Branch, VA [CGD05-05-049] (RIN: 1625-AA09) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5419. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Tennessee River, Chattanooga, TN [CGD08-05-041] (RIN: 1625-AA09) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5420. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Saugus River, MA [CGD01-05-074] (RIN: 1625-AA09) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5421. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Elizabeth River, Eastern Branch, Virginia [CGD05-05-129] (RIN: 1625-AA09) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5422. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Berwick Bay, Morgan

City, LA [CGD08-05-052] received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5423. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Upper Mississippi River, Ft. Madison, Burlington, and Dubuque, IA, and Rock Island Arsenal, IL [USCG-2005-22853] (RIN: 1625-AA09) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5424. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Newton Creek, Dutch Kills, English Kills, and their tributaries, NY [CGD01-050-98] received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5425. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Taunton, MA [CGD01-05-097] received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5426. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Jamaica Bay and Connecting Waterways, NY [CGD01-05-099] received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5427. A letter from the Program Analyst, FAA, Department of Tranportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CT7-5, -7, an -9 Series Turboprop Engines [Docket No. FAA-2005-20944; Directorate Identifier 2003-NE-64-AD; Amendment 39-14247; AD 2005-18-01] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5428. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gippsland Aeronautics Pty. Ltd. Model GA8 Airplanes [Docket No. FAA-2005-22639; Directorate Identifier 2005-CE-48-AD; Amendment 39-14346; AD 2005-22-02] (RIN: 2120-AA64) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5429. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 Series Airplanes [Docket No. FAA-2005-21086; Directorate Identifier 2004-NM-217-AD; Amendment 39-14344; AD 2005-21-06] (RIN: 2120-AA64) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5430. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG (Formerly Rolls-Royce Deutschland GmbH, formerly BMW Rolls-Royce) Models BR700-710A1-10 and BR700-710A2-20 Turbofan Engines [Docket No. 2000-NE-48-AD; Amendment 39-14343; AD 2005-21-05] (RIN: 2120-AA64) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5431. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200, -200PF, and -300 Series Airplanes [Docket No. FAA-2005-20473; Directorate Identifier 2004-NM-156-AD; Amendment 39-14351; AD 2005-22-07] received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5432. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A320-111, -211, -212, and -231 Airplanes [Docket No. FAA-2005-22170; Directorate Identifier 2005-NM-073-AD; Amendment 39-14349; AD 2005-22-05] (RIN: 2120-AA64) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5433. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sikorsky Aircraft Corporation Model S-76A, B, and C Helicopters [Docket No. FAA-2005-22757; Directorate Identifier 2005-SW-32-AD; Amendment 39-14345; AD 2005-22-01] (RIN: 2120-AA64) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5434. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-12 and PC-12/45 Airplanes [Docket No. FAA-2005-22018; Directorate Identifier 2005-CE-41-AD; Amendment 39-14348; AD 2005-22-04] (RIN: 2120-AA64) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5435. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Corporation (formerly Allison Engine Company) 501-D22A, 501-D22C, and 501-D22G Turboprop Engines [Docket No. FAA-2005-20742; Directorate Identifier 2005-NE-03-AD; Amendment 39-14347; AD 2005-22-03] (RIN: 2120-AA64) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5436. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747SR, and 747SP Series Airplanes [Docket No. FAA-2005-20692; Directorate Identifier 2004-NM-229-AD; Amendment 39-14350; AD 2005-22-06] (RIN: 2120-AA64) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5437. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135BJ, -135ER, -135KE, -135KL, -135LR, -145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes [Docket No. FAA-2004-18564; Directorate Identifier 2004-NM-16-AD; Amendment 39-14352; AD 2005-22-08] (RIN: 2120-AA64) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5438. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Deutschland Ltd. & Co KG (Formerly Rolls-Royce Deutschland GmbH, formerly BMW Rolls-Royce) Models BR700-710A1-10 and BR700-710A2-20 Turbofan Engines [Docket No. 2000-NE-48-AD; Amendment 39-14343; AD 2005-21-05] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5439. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747SR, and 747SP Series Airplanes [Docket No. FAA-2005-20692; Directorate Identifier 2004-NM-229-AD; Amendment 39-14350; AD 2005-22-06] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5440. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135BJ, -135ER, -135KE, -135KL, -135LR, -145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes [Docket No. FAA-2004-18564; Directorate Identifier 2004-NM-16-AD; Amendment 39-14352; AD 2005-22-08] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5441. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Model 206A, A-1, B, B-1, L, L-1, L-3, L-4 Helicopters [Docket No. FAA-2005-21680; Directorate Identifier 2004-SW-48-AD; Amendment 39-14341; AD 2005-21-03] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5442. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Reservation System for Unscheduled Arrivals at Chicago's O'Hare International Airport [Docket No. FAA-2005-19411; SFAR No. 105] (RIN: 2120-AI47) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5443. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Model 206A, A-1,B, B-1, L, L-1, L-3, L-4 Helicopters [Docket No. FAA-2005-21680; Directorate Identifier 2004-SW-48-AD; Amendment 39-14341; AD 2005-21-03] (RIN: 2120-AA64) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5444. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; MD Helicopters, Inc. Model 369D, 369E, 369F, 369FF, 500N, and 600N Helicopters [Docket No. 2004-SW-13-AD; Amendment 39-14340; AD 2005-21-02] (RIN: 2120-AA64) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5445. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Model 47D1, 47G, 47G-2, 47G-2A, 47G-2A-

1, 47G-3, 47G-3B, 47G-3B-1, 47G-3B-2, 47G-3B-2A, 47G-4, 47G-4A, 47G-5, 47G-5A, and Coastal Helicopters, Inc. Model OH-13H (Tomcat Mark 5A, 6B, 6C) Helicopters [Docket No. FAA-2005-21725; Directorate Identifier 2004-SW-45-AD; Amendment 39-14342; AD 2005-21-04] (RIN: 2120-AA64) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5446. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CT7-5, -7, and -9 Series Turboprop Engines [Docket No. FAA-2005-20944; Directorate Identifier 2003-NE-64-AD Amendment 39-14247; AD 2005-18-01] (RIN: 2120-AA64) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5447. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Aerospatiale Model ATR42 and ATR72 Airplanes [Docket No. FAA-2005-22795; Directorate Identifier 2005-NM-193-AD; Amendment 39-14353; AD 2005-22-09] (RIN: 2120-AA64) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5448. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; MD Helicopters, Inc. Model 369D, 369E, 369F, 369FF, 500N, and 600N Helicopters [Docket No. 2004-SW-13-AD; Amendment 39-14340; AD 2005-21-02] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5449. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Implementing the Maintenance Provisions of Bilateral Agreements [Docket No. FAA-2004-17683; Amendment No. 43-40] (RIN: 2120-AI19) received August 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5450. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Model 47D1, 47G, 47G-2, 47G-2A, 47G-2A-1, 47G-3, 47G-3B, 47G-3B-1, 47G-3B-2, 47G-3B-2A, 47G-4, 47G-4A, 47G-5, 47G-5A and Coastal Helicopters, Inc. Model OH-13H (Tomcat Mark 5A, 6B, 6C) Helicopters [Docket No. FAA-2005-21725; Directorate Identifier 2004-SW-45-AD; Amendment 39-14342; AD 2005-21-04] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5451. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Aerospatiale Model ATR42 and ATR72 Airplanes [Docket No. FAA-2005-22795; Directorate Identifier 2005-NM-193-AD; Amendment 39-14353; AD 2005-22-09] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5452. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Corporation (formerly Allison Engine Company) 501-D22A, 501-D22C, and 501-D22G Turboprop Engines [Docket No. FAA-2005-20742; Directorate Identifier 2005-NE-03-AD; Amendment 39-14347; AD 2005-22-03] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5453. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Deering, AK [Docket No. FAA-2005-21449; Airspace Docket No. 05-AAL-15] received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5454. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Legal Description of Class D Airspace; Rapid City, SD; Modification of Legal Description of Class D Airspace; Rapid City Ellsworth, AFB, SD [Docket No. FAA-2005-22514; Airspace Docket No. 05-AGL-07] received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5455. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Madison, IN [Docket No. FAA-2005-21255; Airspace Docket No. 05-AGL-03] received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5456. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Akron, OH [Docket No. FAA-2005-21257; Airspace Docket No. 05-AGL-05] received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5457. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-600 and A300 B4-600R Series Airplanes; and A300 F4-605R and A300 C4-605R Variant F Airplanes [Docket No. FAA-2005-22110; Directorate Identifier 2004-NM-205-AD; Amendment 39-14366; AD 2005-23-08] (RIN: 2120-AA64) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5458. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Learjet Model 23, 24, 24A, 24B, 24B-A, 24D, 24D-A, 24E, 24F, 25, 25A, 25B, 25C, 25D, and 25F Airplanes Modified by Supplemental Type Certificate SA1731SW, SA1669SW, or SA1670SW [Docket No. FAA-2005-20947; Directorate Identifier 2004-NM-245-AD; Amendment 39-14364; AD 2005-23-06] (RIN: 2120-AA64) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5459. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB 2000 Airplanes [Docket No. FAA-2005-22255; Directorate Identifier 2005-NM-106-AD; Amendment 39-14362; AD 2005-23-04] (RIN: 2120-AA64) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5460. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319-100, A320-200, and A321-100 and -200 Series Airplanes [Docket No. FAA-2004-19863; Directorate Identifier 2003-NM-29-AD; Amendment 39-14363; AD 2005-23-05] (RIN: 2120-AA64) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5461. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200 and A330-300 Series Airplanes; and Model A340-200 and A340-300 Series Airplanes [Docket No. FAA-2005-22881; Directorate Identifier 2005-NM-202-AD; Amendment 39-14368; AD 2005-23-10] (RIN: 2120-AA64) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5462. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319-100 Series Airplanes, Model A320-111 Airplanes, Model A320-200 Series Airplanes, and Model A321-100 Series Airplanes [Docket No. FAA-2005-22120; Directorate Identifier 2004-NM-92-AD; Amendment 39-14360; AD 2005-23-02] (RIN: 2120-AA64) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5463. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Learjet Model 23, 24, 24A, 24B, 24B-A, 24C, 24D, 24D-A, 24E, 24F, 24F-A, 25, 25A, 25B, 25C, 25D, and 25F Airplanes [Docket No. FAA-2005-22169; Directorate Identifier 2005-NM-094-AD; Amendment 39-14361; AD 2005-23-03] (RIN: 2120-AA64) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5464. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 Airplanes , and Model EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes [Docket No. FAA-2005-22147; Directorate Identifier 2005-NM-114-AD; Amendment 39-14371; AD 2005-23-13] (RIN: 2120-AA64) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5465. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2005-22867; Directorate Identifier 2005-NM-209-AD; Amendment 39-14359; AD 2005-23-01] (RIN: 2120-AA64) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5466. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 Airplanes [Docket No. FAA-2005-22910; Directorate Identifier 2005-NM-208-AD; Amendment 39-14372; AD 2005-23-14] (RIN: 2120-AA64) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5467. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 Series Airplanes [Docket No. FAA-2005-21714; Directorate Identifier 2005-NM-065-AD; Amendment 39-14374; AD 2005-23-16] (RIN: 2120-AA64) received

November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5468. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737 Airplanes [Docket No. FAA-2004-19539; Directorate Identifier 2004-NM-06-AD; Amendment 39-14375; AD 2005-23-17] (RIN: 2120-AA64) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5469. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F27 Mark 050 Airplanes [Docket No. FAA-2005-22972; Directorate Identifier 2003-NM-265-AD; Amendment 39-14376; AD 2005-23-18] (RIN: 2120-AA64) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5470. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; British Aerospace Model BAC 1-11 200 and 400 Series Airplanes [Docket No. FAA-2005-22427; Directorate Identifier 2004-NM-263-AD; Amendment 39-14373; AD 2005-23-15] (RIN: 2120-AA64) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5471. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF6-80E1 Series Turbofan Engines [Docket No. FAA-2005-22701; Directorate Identifier 2005-NE-37-AD; Amendment 39-14356; AD 2005-22-12] (RIN: 2120-AA64) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5472. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Mitsubishi Model YS-11 Airplanes, and Model YS-11A-200, YS-11A-300, YS-11A-500, and YS-11A-600 Series Airplanes [Docket No. 98-NM-300-AD; Amendment 39-14355; AD 2005-22-11] (RIN: 2120-AA64) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5473. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A320-111 Airplanes, and Model A320-200 Series Airplanes [Docket No. 2002-NM-298-AD; Amendment 39-14354; AD 2005-22-10] (RIN: 2120-AA64) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5474. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727 Airplanes [Docket No. FAA-2005-21975; Directorate Identifier 2005-NM-122-AD; Amendment 39-14365; AD 2005-23-07] (RIN: 2120-AA64) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5475. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell Flight Management System (FMS) One Million Word (1M or 700K) Data Bases (9104 Cycle or Earlier), as Installed in, but Not Limited to, McDonnell Douglas Model MD-11 and MD-11F Airplanes, Boeing Model 747-400 Series Airplanes, and Boeing Model 757 and 767 Airplanes [Docket No. FAA-2005-22585; Directorate Identifier 2005-NM-041-AD; Amendment 39-14328; AD 2005-20-31] (RIN: 2120-AA64) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5476. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CT7-5, -7, and -9 Series Turboprop Engines [Docket No. FAA-2005-20944; Directorate Identifier 2003-NE-64-AD; Amendment 39-14247; AD 2005-18-01] (RIN: 2120-AA64) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5477. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Witney JT8D-200 Series Turbofan Engines [Docket No. 96-ANE-35-AD; Amendment 39-14339; AD 2005-21-01] (RIN: 2120-AA64) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5478. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; GROB-WERKE Model G120A Airplanes [Docket No. FAA-2005-21998; Directorate Identifier 2005-CE-40-AD; Amendment 39-14358; AD 2005-22-14] (RIN: 2120-AA64) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5479. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E3 Airspace, Riverside March Field, CA [Docket No. FAA 2005-21523; Airspace Docket No. 05-AWP-07] received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5480. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment and Revision of Area Navigation (RNAV) Routes; Western United States [Docket No. FAA-2005-20322; Airspace Docket No. 05-ANM-1] (RIN: 2120-AA66) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5481. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment and Revision of Area Navigation (RNAV) Routes; Western United States [Docket No. FAA-2005-20322; Airspace Docket No. 05-ANM-1] (RIN: 2120-AA66) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5482. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Colored Federal Airways; AK [Docket No. FAA-2002-13994; Airspace Docket No. 02-AAL-10] (RIN: 2120-AA66) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5483. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspce; Dodge City Regional Airport, KS [Docket No. FAA-2005-21874; Airspace Docket No. 05-ACE-28] received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5484. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class D and Class E Airspace; Topeka, Forbes Field, KS [Docket No. FAA-2005-21703; Airspace Docket No. 05-ACE-19] received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5485. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class D and Class E Airspace; Salina Municipal Airport, KS; Correction [Docket No. FAA-2005-21873; Airspace Docket No. 05-ACE-27] received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5486. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Eagle, CO [Docket FAA 2005-21078; Airspace Docket 05-ANM-07] received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5487. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Cheyenne, WY [Docket FAA-2003-16329; Airspace Docket No. 02-ANM-01] received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5488. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Yakutat, AK [Docket No. FAA-2005-21529; Airspace Docket No. 05-AAL-19] received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5489. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Change of Controlling Agency for Restricted Areas; HI [Docket No. FAA-2005-22600; Airspace Docket No. 05-AWP-11] (RIN: 2120-AA66) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5490. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of VOR Federal Airway V-343; MT [Docket No. FAA-2005-22047; Airspace Docket No. 05-ANM-10] (RIN: 2120-AA66) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5491. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A320-111, -211, -212, and -231 Airplanes [Docket No. FAA-2005-22170; Directorate Identifier 2005-NM-073-AD; Amendment 39-14349; AD 2005-22-05] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5492. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-12 and PC-12/45 Airplanes [Docket No. FAA-2005-22018; Directorate Identifier 2005-CE-41-AD; Amendment 39-14348; AD 2005-22-04] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the

Committee on Transportation and Infrastructure.

5493. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200, -200PF, and -300 Series Airplanes [Docket No. FAA-2005-20473; Directorate Identifier 2004-NM-156-AD; Amendment 39-14351; AD 2005-22-07] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5494. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 Series Airplanes [Docket No. FAA-2005-21086; Directorate Identifier 2004-NM-217-AD; Amendment 39-14344; AD 2005-21-06] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5495. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gippsland Aeronautics Pty. Ltd. Model GA8 Airplanes [Docket No. FAA-2005-22639; Directorate Identifier 2005-CE-48-AD; Amendment 39-14346; AD 2005-22-02] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5496. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Area Navigation Instrument Flight Rules Terminal Transition Routes (RITTR); Jacksonville, FL [Docket No. FAA-2005-21694; Airspace Docket No. 04-ASO-16] (RIN: 2120-AA66) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5497. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30462; Amdt. No. 3138] received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5498. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30463; Amdt. No. 3139] received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5499. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Cortland, NY; Ithaca, NY; Elmira, NY; Endicott, NY; Sayre, PA [Docket No. FAA-2005-22494; Airspace Docket No. 05-AEA-22] received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5500. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Binghamton, NY [Docket No. FAA-2005-22100; Airspace Docket No. 05-AEA-16] received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5501. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Area Navigation Instrument Flight Rules Terminal Transition Routes (RITTR); Cincinnati, OH [Docket No. FAA-2005-20699; Airspace Docket No. 04-ASO-19] (RIN: 2120-AA66) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5502. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Deering, AK [Docket No. FAA-2005-21449; Airspace Docket No. 05-AAL-15] received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5503. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Legal Description of Class D Airspace; Rapid City, SD; Modification of Legal Description of Class D Airspace; Rapid City Ellsworth AFB, SD [Docket No. FAA-2005-22514; Airspace Docket No. 05-AGL-07] received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5504. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Akron, OH [Docket No. FAA-2005-21257; Airspace Docket No. 05-AGL-05] received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5505. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Madison, IN [Docket No. FAA-2005-21255; Airspace Docket No. 05-AGL-03] received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5506. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulations: Connecticut River, CT [CGD01-05-100] received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5507. A letter from the Office of the U.S. Trade Representative, transmitting in accordance with Section 645(a) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, a report of the amount of acquisitions made from entities that manufacture articles, materials, or supplies outside the United States; to the Committee on Ways and Means.

5508. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Assets for Independence Demonstration Program: Status at the Conclusion of the Fifth Year," pursuant to Public Law 105-285, section 414(d)(1); to the Committee on Ways and Means.

5509. A letter from the Acting Assistant Secretary for Border and Transportation Security, Department of Homeland Security, transmitting the Department's Annual Report of the Task Force on the Prohibition of Importation of Products of Forced or Prison Labor from the People's Republic of China, pursuant to 22 U.S.C. 6961 et seq.; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMAS: Committee on Ways and Means. H.R. 2830. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to reform the pension funding rules, and for other purposes; with an amendment (Rept. 109–232 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMAS: Committee on Ways and Means. H.R. 4340. A bill to implement the United States—Bahrain Free Trade Agreement (Rept. 109–318). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 452. A bill to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of designating the Soldiers' Memorial Military Museum located in St. Louis, Missouri, as a unit of the National Park System (Rept. 109–319). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 1183. A bill to require the Secretary of the Interior to provide public access to Navassa National Wildlife Refuge and Desecheo National Wildlife Refuge (Rept. 109–320). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 1190. A bill to direct the Secretary of the Interior to conduct a feasibility study to design and construct a four reservoir intertie system for the purposes of improving the water storage opportunities, water supply reliability, and water yield of San Vicente, El Capitan, Murray, and Loveland Reservoirs in San Diego County, California in consultation and cooperation with the City of San Diego and the Sweetwater Authority, and for other purposes; with an amendment (Rept. 109–321). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4192. A bill to authorize the Secretary of the Interior to designate the President William Jefferson Clinton Birthplace Home in Hope, Arkansas, as a National Historic Site and unit of the National Park System, and for other purposes (Rept. 109–322). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4195. A bill to authorize early repayment of obligations to the Bureau of Reclamation within Rogue River Valley Irrigation District or within Medford Irrigation District (Rept. 109–323). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4292. A bill to amend Public Law 107–153 to further encourage the negotiated settlement of tribal claims (Rept. 109–324). Referred to the Committee of the Whole on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 3818. A bill to authorize the Secretary of Agriculture to enter into partnership agreements with entities and local communities to encourage greater cooperation in the administration of Forest Service activities on and near National Forest System lands, and for other purposes; with an amendment (Rept. 109–325 Pt. 1). Ordered to be printed.

Mr. OXLEY: Committee on Financial Services. H.R. 3909. A bill to provide emergency authority for the Federal Deposit Insurance Corporation and the National Credit Union Administration, in accordance with guidance issued by the Board of Governors of the Federal Reserve System, to guarantee checks cashed by insured depository institutions and insured credit unions for the benefit of noncustomers who are victims of certain 2005 hurricanes, and for other purposes; with an amendment (Rept. 109–326). Referred to the Committee of the Whole House on the State of the Union.

Mr. OXLEY: Committee on Financial Services. H.R. 4314. A bill to extend the applicability of the Terrorism Risk Insurance Act of 2002; with an amendment (Rept. 109–327). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 583. Resolution providing for consideration of the bill (H.R. 1340) to implement the United States-Bahrain Free Trade Agreement (Rept. 109–328). Referred to the House Calendar.

Mr. KING of New York: Committee on Homeland Security. H.R. 4312. A bill to establish operational control over the international land and maritime borders of the United States, and for other purposes; with an amendment (Rept. 109–329 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committees on the Judiciary and Armed Services discharged from further consideration. H.R. 4312 committed to the Whole House on the State of the Union and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ROGERS of Alabama (for himself and Mr. McCaul of Texas):

H.R. 4433. A bill to direct the Secretary of Homeland Security to conduct outreach to and consult with members of the private sector with respect to the Secure Border Initiative and for the purposes of strengthening security along the international and maritime borders of the United States; to the Committee on Homeland Security.

By Mr. GORDON (for himself, Ms. Pelosi, Mr. Honda, Mr. Emanuel, Mr. Inslee, Mr. Lipinski, Ms. Zoe Lofgren of California, Mr. Baird, Mr. Costello, Mr. Menendez, Mr. George Miller of California, Mr. Price of North Carolina, Mr. Miller of North Carolina, Mr. Tierney, Mr. Costa, Mr. Davis of Tennessee, Mr. Carnahan, Mr. Moore of Kansas, Ms. Eshoo, Mr. Smith of Washington, and Mr. Udall of Colorado):

H.R. 4434. A bill to authorize science scholarships for educating mathematics and science teachers, and for other purposes; to the Committee on Science.

By Mr. GORDON (for himself, Ms. Pelosi, Mr. Honda, Mr. Emanuel, Mr. Inslee, Mr. Lipinski, Ms. Zoe Lofgren of California, Mr. Baird, Mr. Menendez, Mr. George Miller of California, Mr. Price of North Carolina, Mr. Miller of North Carolina, Mr. Tierney, Mr. Costa, Mr. Carnahan, Ms. Eshoo, Mr. Smith of Washington, and Mr. Udall of Colorado):

H.R. 4435. A bill to provide for the establishment of the Advanced Research Projects Agency-Energy; to the Committee on Science.

By Mr. SMITH of New Jersey:

H.R. 4436. A bill to provide certain authorities for the Department of State, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER (for himself, Mr. King of New York, Mr. Smith of Texas, Ms. Foxx, Mr. Daniel E. Lungren of California, Mr. Issa, and Mr. Gary G. Miller of California):

H.R. 4437. A bill to amend the Immigration and Nationality Act to strengthen enforcement of the immigration laws, to enhance border security, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHUSTER (for himself, Ms. Norton, Mr. Young of Alaska, Mr. Oberstar, Mr. Jindal, Mr. Menendez, Mr. Fortuño, Mr. Cummings, Mr. Baker, Mr. Pascrell, Mr. Boustany, Ms. Corrine Brown of Florida, Mr. Bachus, Ms. Millender-McDonald, Mr. Dent, Mr. Melancon, Mr. Pickering, Mr. Honda, Mr. Poe, Mr. Holden, and Ms. Eddie Bernice Johnson of Texas):

H.R. 4438. A bill to establish special rules with respect to certain disaster assistance provided for Hurricane Katrina and Hurricane Rita; to the Committee on Transportation and Infrastructure.

By Mr. DANIEL E. LUNGREN of California (for himself, Mr. Rogers of Alabama, Mr. McCaul of Texas, Mr. Reichert, and Ms. Harris):

H.R. 4439. A bill to establish an Airport Screening Organization in the Transportation Security Administration, and for other purposes; to the Committee on Homeland Security.

By Mr. McCRERY (for himself, Mr. Jefferson, Mr. Shaw, Mr. Brady of Texas, Mr. Jindal, Mr. Baker, and Mr. English of Pennsylvania):

H.R. 4440. A bill to amend the Internal Revenue Code of 1986 to provide tax benefits for the Gulf Opportunity Zone and certain areas affected by Hurricanes Rita and Wilma, and for other purposes; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 4441. A bill to amend the Internal Revenue Code of 1986 to allow a credit against tax for certain expenses related to the use of recycled materials in qualified highway or surface freight transfer facilities; to the Committee on Ways and Means.

By Mr. BAKER:

H.R. 4442. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reestablish the hazard mitigation program cap at 15 percent of major disaster assistance, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ISRAEL:

H.R. 4443. A bill to amend the Internal Revenue Code of 1986 to extend the deduction for qualified tuition and related expenses; to the Committee on Ways and Means.

By Mr. JINDAL:

H.R. 4444. A bill to authorize farmers in the State of Louisiana to operate certain commercial motor vehicles anywhere in the State without a commercial drivers license until January 1, 2006; to the Committee on Transportation and Infrastructure.

By Mr. JINDAL:

H.R. 4445. A bill to provide an exclusion from gross income for income earned in 2005 from sources within the Hurricanes Katrina and Rita core disaster area; to the Committee on Ways and Means.

By Mr. LAHOOD (for himself, Mr. Ney, and Mr. Lewis of California):

H.R. 4446. A bill to establish a uniform appointment process and term of service for the Architect of the Capitol, the Comptroller General, and the Librarian of Congress, to prohibit the annual amount of payment of compensation to such officers to exceed the annual salary of a Member of Congress, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE (for himself and Mr. Waxman):

H.R. 4447. A bill to amend title XIX of the Social Security Act to provide for fair treatment of services furnished to Indians under the Medicaid Program, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PALLONE:

H.R. 4448. A bill to amend the Immigration and Nationality Act to permit the admission to the United States of nonimmigrant students and visitors who are the spouses and children of United States permanent resident aliens, and for other purposes; to the Committee on the Judiciary.

By Mr. PALLONE:

H.R. 4449. A bill to amend the Internal Revenue Code of 1986 to impose a temporary windfall profit tax on crude oil, to allow a credit against tax for qualified fuel-efficient vehicles placed in service during the taxable year, to establish the Energy Assistance Trust Fund, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SESSIONS:

H.R. 4450. A bill to require hospitals and ambulatory surgical centers to disclose charge-related information and to provide price protection for treatments not covered by insurance as conditions for receiving protection from charge-related legal actions; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOWNS:

H.R. 4451. A bill to amend the Internal Revenue Code of 1986 to make residents of Puerto Rico eligible for the refundable portion of the child tax credit; to the Committee on Ways and Means.

By Mrs. JO ANN DAVIS of Virginia (for herself, Mr. Bartlett of Maryland, Mr. Goode, and Mr. Jones of North Carolina):

H. Res. 579. A resolution expressing the sense of the House of Representatives that the symbols and traditions of Christmas should be protected; to the Committee on Government Reform.

By Mr. BOSWELL:

H. Res. 584. A resolution providing for consideration of the bill (H.R. 752) to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the Medicare Program; to the Committee on Rules.

By Ms. HERSETH:

H. Res. 585. A resolution providing for consideration of the bill (H.R. 3861) to amend title XVIII of the Social Security Act to provide extended and additional protection to Medicare beneficiaries who enroll for the Medicare prescription drug benefit during 2006; to the Committee on Rules.

By Mr. LANGEVIN (for himself, Mr. Ramstad, and Mr. Owens):

H. Res. 586. A resolution commemorating the life, achievements, and contributions of Alan Reich; to the Committee on Government Reform.

By Mr. SODREL (for himself, Mr. Pence, Mr. Burton of Indiana, Mr. Souder, Mr. Hostettler, and Ms. Carson):

H. Res. 587. A resolution congratulating Tony Stewart on winning the 2005 NASCAR Nextel Cup Championship; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Mr. Brown of Ohio.

H.R. 19: Mr. Jones of North Carolina and Mr. McCotter.

H.R. 65: Mr. McCotter.

H.R. 111: Mr. Alexander.

H.R. 176: Mr. Stark.

H.R. 226: Ms. Matsui and Ms. Jackson-Lee of Texas.

H.R. 284: Mr. Fattah and Mr. Gordon.

H.R. 303: Mr. Crowley and Mrs. Johnson of Connecticut.

H.R. 333: Ms. Berkley.

H.R. 363: Mr. Frank of Massachusetts.

H.R. 501: Mr. Payne.

H.R. 517: Mr. Bishop of Georgia.

H.R. 552: Mr. Bachus and Mr. Sullivan.

H.R. 558: Mr. Moore of Kansas, Mr. Higgins, Mr. George Miller of California, Mr. Meehan, Mr. Conyers, Mr. Tierney, and Mr. Udall of Colorado.

H.R. 583: Mr. Andrews, Mr. Moran of Kansas, and Ms. Solis.

H.R. 676: Mr. McNulty.

H.R. 690: Mr. Moore of Kansas.

H.R. 752: Mr. Al Green of Texas, Mrs. Napolitano, Mr. George Miller of California, and Ms. Kilpatrick of Michigan.

H.R. 759: Ms. Watson.

H.R. 769: Mrs. McCarthy, Mr. Menendez, Mr. Kucinich, and Mrs. Miller of Michigan.

H.R. 780: Mr. Gordon.

H.R. 819: Mr. Becerra.

H.R. 884: Mr. Serrano, Mr. Lewis of Georgia, and Mr. LaTourette.

H.R. 896: Mr. Tanner, Mr. Conyers, Mr. Cleaver, Mr. Duncan, and Mr. Menendez.

H.R. 916: Ms. Loretta Sanchez of California, Ms. Watson, Mr. Moran of Virginia, Mr. Smith of Washington, Mr. Thompson of Mississippi, Mr. Brady of Pennsylvania, Mr. Rogers of Kentucky, and Mr. Stupak.

H.R. 920: Mr. Everett.

H.R. 925: Mr. McKeon, Mr. Gerlach, Mr. Duncan, Mr. Mica, Mr. Akin, Mrs. Miller of Michigan, Mrs. Emerson, and Mr. Burton of Indiana.

H.R. 972: Mr. Reyes, Mr. Peterson of Minnesota, Mr. Langevin, Mr. Rahall, Mr. Miller of North Carolina, Ms. Granger, Mr. Turner, and Mr. Porter.

H.R. 997: Mr. King of New York.

H.R. 998: Mr. Smith of Texas and Mr. Pombo.

H.R. 1053: Mr. McNulty, Mr. Andrews, Mr. Shuster, Mr. Crowley, and Mr. English of Pennsylvania.

H.R. 1059: Mrs. Napolitano.

H.R. 1100: Mr. Boren.

H.R. 1156: Mr. McCotter.

H.R. 1159: Mr. Tancredo.

H.R. 1259: Mr. Weiner, Mr. Menendez, Mr. Cuellar, and Ms. Solis.

H.R. 1287: Mr. Hastert.

H.R. 1315: Mr. Renzi.

H.R. 1356: Ms. Velázquez.

H.R. 1357: Mr. Fortenberry.

H.R. 1414: Mr. Andrews.

H.R. 1426: Mr. Mollohan and Mr. Rahall.

H.R. 1498: Mr. Conyers.

H.R. 1518: Mr. Fattah and Mr. Larson of Connecticut.

H.R. 1554: Mr. Payne.

H.R. 1578: Mr. Lantos, Mr. Meek of Florida, Mr. Murphy, Mr. Mica, Mr. Calvert, Mr. Sessions, Mr. Bass, Mr. Ryan of Wisconsin, Mr. Jefferson, Mr. Cummings, Mr. Schiff, Mr. Ehlers, and Mr. Ferguson.

H.R. 1591: Mr. Petri.

H.R. 1602: Mr. Fitzpatrick of Pennsylvania.

H.R. 1615: Mr. Neal of Massachusetts.

H.R. 1671: Mr. Bonner and Ms. Slaughter.

H.R. 1709: Ms. Loretta Sanchez of California and Ms. Roybal-Allard.

H.R. 1898: Mr. King of New York.

H.R. 1946: Mr. Leach.

H.R. 2011: Mr. Etheridge.

H.R. 2037: Mr. Franks of Arizona.

H.R. 2059: Mr. Michaud.

H.R. 2071: Mr. Engel.

H.R. 2076: Mr. Paul.

H.R. 2106: Mrs. Maloney.

H.R. 2131: Mr. Sanders.

H.R. 2134: Mr. Miller of North Carolina.

H.R. 2257: Mr. Strickland.

H.R. 2317: Mr. Carnahan and Mr. Olver.

H.R. 2429: Mr. Filner.

H.R. 2519: Mr. Frank of Massachusetts.

H.R. 2533: Mrs. Johnson of Connecticut.

H.R. 2669: Mr. Grijalva, Mr. Hastings of Florida, Mr. Hinchey, Mr. Honda, and Ms. Watson.

H.R. 2679: Mr. Pence.

H.R. 2694: Mr. Stark.

H.R. 2719: Mr. Rangel and Mr. Lynch.

H.R. 2793: Mr. King of Iowa and Ms. Slaughter.

H.R. 2803: Mr. King of Iowa.

H.R. 2835: Mr. Lewis of Georgia.

H.R. 2872: Mr. Hostettler, Mr. Bachus, Mr. Ryun of Kansas, Mr. Murphy, Mr. Price of Georgia, Mr. Gerlach, Mr. Ferguson, Mr. Thompson of Mississippi, Mr. Pickering, Mr. Kildee, Mr. Cannon, Mr. Foley, Mr. Bishop of Utah, Mr. Gene Green of Texas, Mr. Shuster, Mr. Towns, Mr. Garrett of New Jersey, Mr. Murtha, Mr. Israel, and Ms. Hooley.

H.R. 2892: Mr. Holt, Mr. Tierney, and Mr. Kuhl of New York.

H.R. 2939: Mr. Filner.

H.R. 2961: Ms. Herseth.

H.R. 2962: Mr. Rothman and Mr. Andrews.

H.R. 2963: Mr. Obey.

H.R. 2990: Mr. McHenry.

H.R. 3017: Mr. Goodlatte.

H.R. 3042: Mr. Honda, Mr. Nadler, Mr. George Miller of California, and Ms. Slaughter.

H.R. 3044: Mr. Gonzalez.

H.R. 3127: Mr. Israel, Mr. Pascrell, Mr. McGovern, Mrs. Musgrave, Mr. Hinchey, Mr. Stark, Mrs. Davis of California, Mr. Langevin, and Mr. Platts.

H.R. 3145: Mrs. Jones of Ohio, Mr. Michaud, and Mr. Gutierrez.

H.R. 3146: Mr. Gohmert.

H.R. 3157: Mr. Stupak.

H.R. 3174: Ms. McKinney.

H.R. 3195: Ms. Kilpatrick of Michigan, Mr. Gonzalez, and Mr. Strickland.

H.R. 3263: Mrs. McCarthy.

H.R. 3267: Mr. Moran of Virginia, Mr. Pallone, and Mr. Fattah.

H.R. 3313: Mr. George Miller of California, Ms. Herseth, Mr. Evans, and Mr. Conyers.

H.R. 3323: Mr. McNulty and Mr. Ramstad.

H.R. 3326: Ms. Carson and Mr. Fattah.

H.R. 3334: Mr. Ryan of Ohio, Mr. Watt, Mr. Filner, Mr. Berman, Mr. Ackerman, Mr. Cantor, and Ms. Lee.

H.R. 3360: Mr. Pomeroy.

H.R. 3361: Mr. Payne, Mr. Crenshaw, Mr. Costa, Mr. Pombo, Mr. Rothman, Mr. Filner, Mr. Udall of Colorado, Mr. Schiff, Mr. Gerlach, and Ms. Kaptur.

H.R. 3373: Mr. Linder, Mr. Payne, Ms. Corrine Brown of Florida, and Mr. Cleaver.

H.R. 3409: Mr. Weldon of Florida.

H.R. 3476: Mr. Neal of Massachusetts and Mr. Case.

H.R. 3561: Mr. Nadler and Mr. Frank of Massachusetts.

H.R. 3563: Ms. Moore of Wisconsin.

H.R. 3579: Mr. Stearns and Mr. Cummings.

H.R. 3612: Mr. Kildee.

H.R. 3630: Mr. Graves.

H.R. 3640: Mr. Fattah, Mr. Scott of Georgia, Mr. Wexler, Mr. Towns, Ms. Matsui, Mr. Conyers, and Ms. McCollum of Minnesota.

H.R. 3641: Ms. Carson, Mr. McNulty, Ms. Wasserman Schultz, Mr. Fortuño, Mr. Brady of Pennsylvania, Mr. Hinojosa, Mr. Pallone, Mr. Burgess, Mr. Fattah, Mr. Thompson of Mississippi, Ms. Roybal-Allard, Ms. Bordallo, Mrs. Capps, Mr. Van Hollen, Ms. Corrine Brown of Florida, Mr. Cummings, Mrs. Christensen, Ms. Kilpatrick of Michigan, Ms. Solis, Mr. Berman, Ms. McCollum of Minnesota, and Ms. Eddie Bernice Johnson of Texas.

H.R. 3642: Mr. Fattah, Mr. Wexler, and Mr. Brady of Pennsylvania.

H.R. 3690: Mr. Cardin.

H.R. 3709: Mr. Conaway, Mr. Cole of Oklahoma, Ms. Woolsey, and Mr. Davis of Kentucky.

H.R. 3731: Ms. Zoe Lofgren of California.

H.R. 3757: Mrs. Drake.

H.R. 3758: Mr. Payne.

H.R. 3762: Mr. Lynch, Mr. McNulty, Mrs. Davis of California, and Mr. Langevin.

H.R. 3774: Mr. Ruppersberger and Mr. Waxman.

H.R. 3779: Ms. DeLauro, Mr. Grijalva, and Mr. Conyers.

H.R. 3835: Mr. Pallone.

H.R. 3837: Ms. Carson.

H.R. 3858: Mr. Markey, Mrs. Maloney, Mr. Ruppersberger, and Mr. Neal of Massachusetts.

H.R. 3861: Ms. Schwartz of Pennsylvania.

H.R. 3876: Mr. Olver, Mr. McIntyre, and Mr. Platts.

H.R. 3883: Mr. Cramer, Mrs. Myrick, and Mr. Brown of South Carolina.

H.R. 3933: Mr. Gerlach.

H.R. 3949: Ms. Harris.

H.R. 3954: Mr. McNulty.

H.R. 3957: Mr. Rogers of Kentucky, Mr. Frank of Massachusetts, and Mr. Emanuel.

H.R. 3984: Mr. Boozman.

H.R. 3985: Mr. ENGEL, Mr. FORD, Mr. LANGEVIN, Mr. KUCINICH, Mr. BAIRD, Ms. LINDA T. SÁNCHEZ of California, Mr. ACKERMAN, Mr. McGOVERN, Ms. LEE, Mr. LEVIN, Mr. BROWN of Ohio, Mr. CROWLEY, Mr. PAYNE, Mr. GONZALEZ, Mr. McNULTY, and Mr. MICHAUD.

H.R. 4005: Mr. BLUMENAUER.

H.R. 4025: Mr. DEFAZIO, Mr. TAYLOR of Mississippi, Mr. GORDON, Mr. BOREN, Mr. RAHALL, and Mr. RANGEL.

H.R. 4032: Mr. GORDON.

H.R. 4033: Mr. MOLLOHAN.

H.R. 4042: Mr. SHIMKUS and Mr. WICKER.

H.R. 4047: Ms. GINNY BROWN-WAITE of Florida.

H.R. 4049: Mrs. CAPPS.

H.R. 4066: Mr. GONZALEZ.

H.R. 4096: Mrs. BIGGERT.

H.R. 4106: Mr. RUPPERSBERGER.

H.R. 4120: Mr. McCAUL of Texas.

H.R. 4129: Mr. BAKER.

H.R. 4157: Mr. McCOTTER.

H.R. 4196: Mr. EVANS.

H.R. 4212: Mr. FATTAH, Mr. McNULTY, and Mr. HONDA.

H.R. 4217: Mr. CHOCOLA, Mr. TOWNS, Mr. KUHL of New York, Mr. SCHWARZ of Michigan, and Mr. HOSTETTLER.

H.R. 4222: Mr. ANDREWS.

H.R. 4223: Mr. RANGEL and Mr. CLAY.

H.R. 4235: Mrs. MUSGRAVE.

H.R. 4246: Mr. HALL, Mr. BARTON of Texas, Mr. CUELLAR, and Mr. AL GREEN of Texas.

H.R. 4258: Mr. EVANS.

H.R. 4259: Mr. FORTUÑO and Mr. FOLEY.

H.R. 4268: Ms. HERSETH, Mr. SHIMKUS, and Mr. SHUSTER.

H.R. 4272: Ms. BERKLEY.

H.R. 4282: Mr. CANNON.

H.R. 4295: Mr. OTTER.

H.R. 4298: Mr. WOLF.

H.R. 4312: Mr. GORDON, Mr. SHUSTER, and Mr. ISTOOK.

H.R. 4314: Mr. KING of New York.

H.R. 4330: Mr. EVERETT, Mr. KELLER, Ms. JACKSON-LEE of Texas, and Mr. THOMPSON of Mississippi.

H.R. 4338: Mr. FILNER.

H.R. 4347: Ms. JACKSON-LEE of Texas, Mr. LEWIS of Georgia, Mr. GRIJALVA, Mr. TOWNS, Ms. SCHAKOWSKY, Mrs. CHRISTENSEN, Ms. SOLIS, Ms. MILLENDER-McDONALD, Mr. McGOVERN, Mr. EVANS, Mr. OWENS, and Mr. RANGEL.

H.R. 4349: Mr. RANGEL.

H.R. 4351: Mr. ENGEL, Mr. McDERMOTT, Mr. BAIRD, Mr. GEORGE MILLER of California, Ms. MATSUI, Mr. BROWN of Ohio, Mr. FRANK of Massachusetts, and Mr. OBERSTAR.

H.R. 4353: Mr. FORTUÑO.

H.R. 4357: Mr. INSLEE, Mr. CASE, and Mr. BURTON of Indiana.

H.R. 4358: Ms. HERSETH and Mr. WEXLER.

H.R. 4366: Ms. ROS-LEHTINEN.

H.R. 4373: Mr. FORTUÑO.

H.R. 4374: Mr. NADLER, Mr. FRANK of Massachusetts, Mr. GEORGE MILLER of California, and Mr. FORTUÑO.

H.R. 4381: Mr. BURTON of Indiana.

H.R. 4394: Mr. WELDON of Pennsylvania.

H.R. 4398: Mr. BACA, Mr. THOMPSON of Mississippi, and Mr. SCOTT of Georgia.

H.R. 4410: Mr. WEINER.

H.J. Res. 55: Ms. CORRINE BROWN of Florida and Ms. VELÁZQUEZ.

H. Con. Res. 42: Mr. FORTUÑO, Mr. BROWN of Ohio, and Mr. KIND.

H. Con. Res. 172: Mr. GUTIERREZ, Mr. REICHERT, and Ms. VELÁZQUEZ.

H. Con. Res. 173: Ms. DELAURO.

H. Con. Res. 197: Mr. DOGGETT, Mr. McNULTY, Mr. WAXMAN, and Mr. UDALL of Colorado.

H. Con. Res. 207: Mr. TAYLOR of Mississippi, Mr. EVANS, and Mr. PETERSON of Minnesota.

H. Con. Res. 222: Mr. HOLT.

H. Con. Res. 278: Mr. RUPPERSBERGER and Mr. LEACH.

H. Con. Res. 289: Mr. McGOVERN and Mr. FORD.

H. Con. Res. 302: Mr. KUHL of New York, Mr. PENCE, Mr. WILSON of South Carolina, Mr. BISHOP of Utah, Mr. FORD, Mr. NORWOOD, Mr. HALL, Mr. WAMP, Mr. ADERHOLT, and Mr. BISHOP of Georgia.

H. Con. Res. 304: Mr. SIMMONS.

H. Res. 97: Mr. INGLIS of South Carolina, Mr. ROGERS of Michigan, Mr. McINTYRE, and Mr. WICKER.

H. Res. 196: Mr. FARR, Mr. HIGGINS, Mr. MEEHAN, Ms. ZOE LOFGREN of California, Mr. CUELLAR, Mr. NADLER, Mr. CUMMINGS, Mr. TAYLOR of Mississippi, Mr. BERRY, Ms. SOLIS, Mr. DAVIS of Illinois, Mr. JEFFERSON, Mr. PAYNE, Mrs. CAPPS, Mr. WAXMAN, Mr. ISRAEL, Ms. HERSETH, and Mr. ETHERIDGE.

H. Res. 223: Mr. ROTHMAN.

H. Res. 367: Mr. ROTHMAN.

H. Res. 456: Mr. STARK and Mr. CONYERS.

H. Res. 471: Mr. LYNCH.

H. Res. 489: Ms. WOOLSEY, Mr. WYNN, Mr. DINGELL, Mr. HONDA, Mrs. LOWEY, Mr. GERLACH, Mr. HASTINGS of Florida, Mr. SHAW, Ms. McKINNEY, Mr. EVANS, Mr. MARKEY, Mr. PRICE of North Carolina, and Mr. ANDREWS.

H. Res. 499: Mr. ISSA and Mr. BILIRAKIS.

H. Res. 507: Mr. WAMP.

H. Res. 517: Mr. SMITH of New Jersey, Mr. EVANS, Mr. ISRAEL, Mr. OWENS, Mr. ENGEL, Mr. LOBIONDO, Mr. SAXTON, Mr. GARRETT of New Jersey, Mr. PAYNE, Mr. CROWLEY, Ms. VELÁZQUEZ, Mr. DOYLE, Mr. HOLDEN, Mr. KIND, Mr. ANDREWS, Mrs. KELLY, Mr. MICHAUD, Mr. LANGEVIN, Mr. ETHERIDGE, Mr. TAYLOR of Mississippi, Ms. DELAURO, and Mr. RYAN of Ohio.

H. Res. 526: Mrs. DAVIS of California, Mr. FILNER, Mr. HOLT, and Mr. LATOURETTE.

H. Res. 535: Mr. HOLT.

H. Res. 561: Mr. MEEKS of New York, Ms. SLAUGHTER, Ms. McKINNEY, Ms. BERKLEY, and Mr. FEENEY.

H. Res. 574: Ms. HARMAN, Ms. WATSON, Mr. BACA, Mr. EVANS, and Mr. DICKS.

H. Res. 575: Mr. CROWLEY, Mr. KING of Iowa, Mr. MURPHY, Mr. DAVIS of Tennessee, Mr. HERGER, Mr. CARDOZA, Mr. DAVIS of Kentucky, Mr. BROWN of South Carolina, Mr. WEINER, Mr. BONNER, Mr. POMBO, Mr. LANTOS, Mr. GREEN of Wisconsin, Mr. ANDREWS, Mrs. NAPOLITANO, Ms. BEAN, Mr. SCOTT of Georgia, Mr. SHAYS, Mr. WILSON of South Carolina, Mr. GRAVES, Ms. HARRIS, Mr. FERGUSON, Ms. ZOE LOFGREN of California, Mr. DENT, Mr. CHABOT, Ms. WASSERMAN SCHULTZ, Mr. CANNON, Ms. MATSUI, Mrs. MILLER of Michigan, Mrs. MALONEY, Mr. PALLONE, Mr. McHENRY, Mr. SHIMKUS, Mr. NUSSLE, Mr. RADANOVICH, Mr. WELLER, Mr. PENCE, Mr. McCOTTER, Mr. BURTON of Indiana, Mr. GERLACH, Mr. WAXMAN, Mr. BERMAN, Mr. ADERHOLT, Mr. KIRK, Mr. DAVIS of Alabama, Mr. VAN HOLLEN, Mrs. McCARTHY, Mr. KNOLLENBERG, Mr. KENNEDY of Minnesota, Mr. LATHAM, Mr. STEARNS, Mr. BARROW, Mr. CARNAHAN, Mr. REYNOLDS, and Mr. SHAW.

H. Res. 578: Mr. MOORE of Kansas.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4312: Ms. LORETTA SANCHEZ OF CALIFORNIA.

EXTENSIONS OF REMARKS

CONGRATULATING COURTNEY RAFES

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. BURGESS. Mr. Speaker, I rise today to congratulate Courtney Rafes of Justin, TX, on her commitment, contribution and success in this year's Intel International Science and Engineering Fair in Phoenix. Courtney is the youngest daughter of Richard and Tommye Rafes of Denton, TX. Dr. Richard Rafes is the senor vice president for administrative affairs for the University of North Texas. Tommye Rafes is a science teacher at Gene Pike Middle School in Justin, TX.

As part of a science project, Ms. Rafes devised a railroad warning system that uses ultrasonic sound to detect broken rails and to warn two trains before a collision. Working over a period of several weeks, Ms. Rafes collected data from eight experiments and more than 2,000 tests run on a model train track system constructed in her living room.

She was selected for the Intel International Science and Engineering Fair in Phoenix after earning a top honor with her railway project at a regional competition at the University of North Texas in Denton. At the national competition, Ms. Rafes earned a $20,000 scholarship from the Department of Homeland Security for her project and was offered an internship with an engineer for the department. Her project has been featured on the Today Show, CNN, ABC and the Discovery Channel.

I extend my sincere congratulations to Ms. Courtney Rafes for her research and for receiving this commendable award. Her commitment to science and to helping others serves as an inspiration to all.

THANKING CATHERINE (CATHY) BRICKMAN FOR HER SERVICE TO THE HOUSE

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. NEY. Mr. Speaker, on the occasion of her retirement on January 16, 2006, we rise to thank Ms. Cathy Brickman for 25 years of distinguished service to the United States House of Representatives. Cathy has served this great institution as a valuable employee of House Information Resources, in the Office of the Chief Administrative Officer.

Cathy began her tenure with the United States House of Representatives in November of 1980 as an applications analyst in the House Information Systems group. Cathy's potential and drive were recognized early in her career, resulting in her steady progression to positions of increasing responsibility. During the first 15 years of her career she developed the requirements for the House's first Correspondence Management System and led the development of the House's first local area network. She was also detailed to the Speaker's Special Task Force on the Development of Parliamentary Institutions in Eastern and Central Europe. On this detail she worked in country in the Parliaments of 11 Eastern, Central European and Baltic countries and Russia to implement information technology systems.

Her last 10 years were spent as team leader, Network Configuration Management for House Information Resources and she continued to be a key member of many important information technology projects in the House. During this time she supervised a team of 17 network communications specialists responsible for configuration and support of the House's large, enterprise data communications network consisting of 20,000 network devices. She was the Contracting Officer's representative for all of the House's Wide Area Network—Internet—communications services and in this capacity she authored multi-year, multi-million dollar contracts. Cathy also managed the expansion of the House's Flagship Frame Relay service and started the implementation of Gigabit Ethernet replacement for the legacy ATM campus data network.

Cathy's leadership while serving the United States House of Representatives has been superior. During the October 2001 anthrax incident, as House Members and staff were forced off-site, Cathy was a key contributor to the efforts to ensure alternate site data networks were rapidly set up. Her standard of excellence, dedication to passionate customer service, organizational skills, professionalism and ability to get the job done earned Cathy the Distinguished Service Award, the Chief Administrative Officer's highest honor, in September 2003. Cathy is admired by the people she led and appreciated by those she served.

On behalf of the entire House community, we extend congratulations to Cathy for many years of dedication and outstanding contributions to the United States House of Representatives. We wish Cathy many wonderful years in fulfilling her retirement dreams.

RECOGNITION OF THE SACRED HEART-GRIFFIN CYCLONES FOOTBALL TEAM

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. SHIMKUS. Mr. Speaker, I rise today to pay tribute to an outstanding group of young men from central Illinois. The Sacred Heart-Griffin Cyclones football team from Springfield, IL, last week won the championship game of the Illinois High School Association Class 5A football playoffs, defeating Rock Island Alleman 28–21. The win was the first State championship in SHG's history. The Cyclones went 14–0 this season, and won the Central State Eight conference championship, along with the State title.

My congratulations go out to Head Coach Ken Leonard and his coaching staff on this magnificent achievement. Most of all, I want to congratulate all the members of the 2005 Sacred Heart-Griffin Cyclones football team, who represented their school, their community and all of Central Illinois so well. I congratulate them on their achievement, and wish them all the best in their future endeavors.

HONORING THE PRIDE OF ACADIANA MARCHING BAND

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. BOUSTANY. Mr. Speaker, I rise today to recognize a great achievement of the Pride of Acadiana Marching Band from the University of Louisiana at Lafayette in the Seventh District of Louisiana.

The Pride of Acadiana Marching Band participated in the 79th Annual Macy's Thanksgiving Day Parade in New York City on November 24, 2005. One of only ten bands selected, the Acadiana Marching Band was the first Louisiana band to be invited to perform in the parade. The band followed the Big Apple Float, which featured the New Orleans' Krewe of Orpheus along with NYPD officers and FDNY rescue workers in a musical salute to New Orleans.

Playing several Cajun tunes, the Pride of Acadiana Marching Band excited the crowds with songs including "Big Chief," "Moneymaker," and "Winter Wonderful." For the NBC exclusive area, the band performed a combination of "When the Saints Go Marching In," "On the Sunny Side of the Street," and "South Rampart Street Parade." "Sleigh Ride" was the holiday tune performed while exiting the NBC area.

In addition to their participation in the Macy's Thanksgiving Day Parade, the ULL Marching Band performed on the USS *Intrepid*, an aircraft carrier museum.

Today I want to recognize and congratulate the Pride of Acadiana Marching Band and Director Brian Taylor from the University of Louisiana at Lafayette, for their achievement and thank them for representing Louisiana at such an extraordinary event.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

CONGRATULATING DANIEL FUNDERBURK

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. BURGESS. Mr. Speaker, I rise today to congratulate Mr. Daniel Funderburk of Ft. Worth, Texas for being selected as a finalist in the fourth annual TCU Texas Youth Entrepreneur of the Year Award.

The TCU Texas Youth Entrepreneur of the Year Award recognizes high-school entrepreneurs for their successes in business. To be eligible, a high school student must run a business for at least a year. These students are the best of the applicants who applied and their talent, leadership, time management and commitment are remarkable. Finalists are eligible for a series of scholarships valued up to $20,000.

One of those finalists was Daniel Funderburk, a senior at Grace Preparatory Academy. Mr. Funderburk started X-Press Cuts Lawn Service with his brother in the summer of 2002 at the age of 15. The business grew over the years from mowing local neighborhood lawns to expanding into new neighborhoods to eventually adding a commercial customer. Mr. Funderburk's focus has always been on doing quality work and being reliable. His target market has been those who are not able to take care of their own lawn, either by old age and disabilities, lack of proper equipment, or simply not enough time. In most cases this means he serves the elderly and occasional business person. He plans to continue to grow his business through targeted advertising. So far in 2005 X-Press Cuts Lawn Service has earned $15,000 in revenue.

I extend my sincere congratulations to Mr. Daniel Funderburk for his efforts and for his success in business at such a young age. His dedication and commitment to helping others serve as an inspiration to all.

THANKING MRS. SHERRI SAVERCOOL FOR HER SERVICE TO THE HOUSE

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. NEY. Mr. Speaker, on the occasion of her retirement in October 2005, we rise to thank Mrs. Sherri Savercool for 25 years of outstanding service to the U.S. House of Representatives.

Sherri began her career at the House working as an Administrative Specialist and shortly afterwards she was promoted to a Technical Support Specialist. For the past 25 years Sherri has served this great institution as a valuable employee of House Information Resources (HIR) within the Office of the Chief Administrative Officer.

During her career Sherri held many positions of increasing responsibility, requiring her to learn new and evolving computer technologies. She worked in the Customer Services Group providing technical customer support and training to Members of Congress and their staffs.

In the early 1980s when the House began using personal computers, Sherri was there helping both Member and Committee offices with the integration of their office automation requirements and procedures. She continuously expanded her technical expertise to help House staff in their use of personal computers and a wide range of desktop software. Over time she began supporting more complex hardware and software technology projects as well as managing the Office Management Demonstration and Training Center. There she was responsible for the day-to-day operation of the Center that provided equipment demonstrations and consulting services for all House staff. Sherri participated in past Congressional transitions for many years, playing an important role ensuring that Members made a seamless transition.

Since 1995, Sherri has been a valuable member of HIR's Client Services Group where she has provided direct technical support and training to all House Staff. Sherri has been very customer oriented, displaying great passion for her work and maintaining excellent relationships with her customers. As a result of this dedication, each of her customers received the best available and most cost-effective office automation services and training.

On behalf of the entire House community, we extend congratulations to Sherri for her many years of dedication and outstanding contributions to the U.S. House of Representatives. We wish Sherri many wonderful years in fulfilling her retirement dreams.

RECOGNITION OF THE NEWTON EAGLES FOOTBALL TEAM

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. SHIMKUS. Mr. Speaker, I rise today to pay tribute to an outstanding group of young men from southeastern Illinois. The Newton Eagles football team last week reached the championship game of the Illinois High School Association Class 4A football playoffs for the first time in school history. The Eagles went 12–2 this season, outscoring opponents by a total of 438–191, and winning the Apollo Conference.

My congratulations go out to Head Coach Bob Horst and his coaching staff on this magnificent achievement. Most of all, I want to congratulate all the members of the 2005 Newton Eagles football team, who represented their school, their community and all of southeastern Illinois so well. I congratulate them on their achievement, and wish them all the best in their future endeavors.

TRIBUTE TO NORTHERN CAMBRIA HIGH SCHOOL GIRLS VOLLEYBALL TEAM

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. SHUSTER. Mr. Speaker, I rise today to congratulate the Northern Cambria High School Girls Volleyball team on their PIAA Class A volleyball State championship.

The Colts have demonstrated that strong dedication and teamwork will produce unexpected results. After narrowly missing the championship last year, the girls united behind their strong coach, Mike Hogan, and handily defeated their opponents in the State competition. Posting an undefeated season, the Colts also captured the Heritage Conference and District VI championships.

This is Northern Cambria Girls Volleyball first State championship title in the school's history, which is a great testimony to the unique character of this team. They fought through obstacles and their unwillingness to quit led to their success. The teamwork and the leadership skills the team developed will enrich their lives and serve them well beyond their high school years. I congratulate the Northern Cambria Colts on their State championship and I look forward to hearing of their continued success in next year's season.

Led by head coach Mike Hogan and assistant coach Jennifer Dumm, the 27 members of this championship team include Seniors Ashley Hogan (co-captain), Jaci Jones (co-captain), Sara Hoover, Jess Valeria, Jen Hassen, Shayna Butterworth, Christie Rocco; Juniors Becky Butterworth, Julie Paronish, Lexy Pawlowski, Jenny Eagler, Jacque Link, Carrie Shevock, Lisa McCombie, Tajia Stephens, Megan Long; Sophomores Briana Butterworth, Britteny Daisley, Stephanie Paronish, Courtney Zernick, Brittany Sedlock, Nikole Sherry, and Jennifer Valeria; and Freshmen Cassandra Kollar, Becky Petrisko, Samantha Rodgers, and Deanna Maurer. Congratulations one and all.

CONGRATULATING VIRGINIA McNEILL

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. BURGESS. Mr. Speaker, I rise today to congratulate Virginia McNeill for receiving her bachelors in applied arts and sciences from the University of North Texas.

Ms. McNeill has owned McNeill's Furniture and Appliance in downtown Denton since 1962. She began pursuing a degree in business in 1951 but left college a year later with only 40 credit hours completed to help with the family business. After a brief return to school for a semester in 1984, Ms. McNeill made the decision to return to the University of North Texas in 2002 and not to quit until she had her college degree.

Ms. McNeill's determination and dedication has been an inspiration to her professors and fellow students alike. Fifty-five years after she began working towards her degree, Ms. McNeill will graduate on December 17, 2005, at the age of 77.

It is with great honor I stand here today to recognize Ms. Virginia McNeill for her commitment to fulfilling her lifelong dream.

THANKING MR. BILL FOULOIS FOR HIS SERVICE TO THE HOUSE

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. NEY. Mr. Speaker, on the occasion of his retirement in December 2005, we rise to thank Mr. Bill Foulois for 6 years of outstanding service to the U.S. House of Representatives. His service to the House culminates a career of more than 37 years of service to our country.

Over the past 6 years, Bill has made significant contributions to the improvement of the operations of the office of the Chief Administrative Officer, CAO. When Bill came to work for the House in October 1999, he immediately began working on the reorganization of the former Office of Media and Support Services, MSS, into what is today House Support Services, HSS. Bill's leadership eliminated the duplication of activities between the individual offices of MSS and changed the culture from an inward-focused organization that waited for the customer to come to them to an outward-focused organization that attempts to anticipate the customer's need. Bill's work with the reorganization of HSS was the first step in the direction of the major cultural change that is taking place within the CAO organization. Therefore, it was only logical that Bill be asked to lead the effort in developing the implementation plan for the CAO Customer Solutions Delivery Model. For the past 6 months, Bill has led the team that is developing this new CAO-wide model of customer service that will expand upon, and improve, the underlying tenet of the HSS reorganization: providing outstanding service to the U.S. House of Representatives.

On behalf of the entire House community, we extend congratulations to Bill for his many years of dedication and outstanding contributions to the U.S. House of Representatives. We wish Bill many wonderful years in fulfilling his retirement dreams.

TRIBUTE TO MARY WELLS, L.C.S.W.

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. SAXTON. Mr. Speaker, I rise today to pay tribute to my good friend, Mary Wells, President and CEO of Family Service of Burlington County as she retires after 35 years of faithful service to the citizens of this great county.

Mary earned her Bachelor of Arts degree from Drew University in 1964, and her Masters in Social Work at the Rutgers School of Social Work in 1967. She became a Licensed Clinical Social Worker in 1994.

Mrs. Wells was the first chair of the New Jersey Department of Human Services Children's Coordinating Committee, and chaired the New Jersey State Human Services Advisory Council and Executive Committee. She was a 2004 Gubernatorial appointee to the New Jersey Advisory Commission on the Status of Women, a Trustee for Virtua Health, and a Director of the Farmers and Mechanics Bank.

She has been recognized by the Alliance for the Mentally Ill as their Administrator Recognition Award recipient, as New Jersey Social Worker of the Year, has received the Humanitarian Award from the New Jersey Region of the National Conference of Christians and Jews, and the Martin Luther King Award for her work in the field of public service and human relations, among other awards too numerous to mention.

My staff and I have worked closely with her through the years for the betterment of the community, and her knowledge and compassion will be sorely missed.

I wish her a retirement filled with health, happiness and dreams come true.

TRIBUTE TO SERGEANT LUIS REYES

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. TANCREDO. Mr. Speaker, I rise today to pay tribute to Sergeant Luis Reyes of Aurora, Colorado.

Sergeant Reyes died November 18, 2005 after succumbing to injuries he sustained near Ali Al Salem, Kuwait carrying out his duties in support of Operation Iraqi Freedom.

Sergeant Reyes was a member of the 947th Engineer Company, Army National Guard, Durango, Colorado and a graduate of Montbello High School in Denver.

He was just 26 years old.

According to media reports, Sergeant Reyes and other Colorado members of the Guard were carrying out a mission to help repair, improve and reconstruct damaged and inadequate infrastructure in iraq.

Reyes was known to his friends and colleagues as dedicated to his work, his family and the mission. He was described as someone who would often, "go above and beyond" the call of duty.

He is survived by his wife, two children, father, mother and a brother.

Mr. Speaker, all Americans owe Sergeant Reyes and his family a great debt of gratitude for his service to our Nation. My deepest sympathies go out to his friends and family.

He will be missed by all who knew and loved him.

IN MEMORY OF TOMMY KINCAID

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. BURGESS. Mr. Speaker, I rise today to honor Tommy Kincaid, Mayor of Sanger, Texas for nearly 10 years. Mr. Kincaid was a natural leader who loved his community and always kept its best interests at heart.

Mayor Kincaid was born June 18, 1936, in Vernon, Texas, to Carl Thomas and Lesta Hill Kincaid. He graduated from Sanger High School in 1954 and married Betty Burns on June 30, 1956, in Sanger. Mr. Kincaid worked as a postal clerk for the U.S. Postal Service in Sanger before retiring in 2001.

During the 1970s, Mr. Kincaid served on the Sanger school board. From 1983 to 1991, he served on the town's Planning and Zoning Commission and on the City Council from 1991 until his death.

Mr. Kincaid is survived by his wife, Betty; their two children, Roger Kincaid and Tammy Armstrong; and seven grandchildren.

I had the good fortune to meet Mayor Kincaid on several occasions. He introduced me at my Sanger Town Hall back in July of 2003, and he joined me on a tour of the Wal-Mart Distribution Center in Sanger.

He was a dedicated public servant and a generous individual. It was my honor to have known and worked with Mayor Tommy Kincaid. I extend my deepest sympathies to his family and friends. He will be deeply missed and his service to his community will always be greatly appreciated.

THANKING WILLIAM NORTON FOR HIS SERVICE TO THE HOUSE

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. NEY. Mr. Speaker, on the occasion of his retirement in December 2005, we rise to thank Mr. William Norton for over 27 years of outstanding service to the United States government, most recently here in the U.S. House of Representatives.

Bill began his legislative career as a Senate intern while attending Georgetown University. Following his graduation in 1973, he served as a Legislative Assistant to Senator Bill Brock of Tennessee, before attending law school at the College of William and Mary in Virginia.

During and after law school, Bill worked in the Congressional offices of Representatives Paul Trible of Virginia, John Rousselot of California, and Jim Jeffries of Kansas, in positions ranging from caseworker to Legislative Counsel.

In 1983 Bill began a series of increasingly responsible positions as an appointee in the administrations of Presidents Ronald Reagan and George H.W. Bush. He served in the General Services Administration, the President's Commission on Executive Exchange, the Office of Personnel Management, and concluded his tenure as Deputy Assistant Secretary of the Air Force for Force Management and Personnel during a period that included the Persian Gulf War. There he received the Air Force Meritorious Civilian Service Award, the second highest medal for which Air Force civilians are eligible.

Bill returned to service here at the House in 1995 within the Office of the Chief Administrative Officer, being sworn into office on the first day of that organization's existence. He played a key role in establishing the new Office of Procurement and Purchasing where he served in a management capacity, including a year as Acting Associate Administrator. The House has seen major changes in its acquisitions process in the ensuing years including actions such as the privatization of House Postal Operations and the conversion of its purchasing system from a paper based one to an electronic one. With Bill's help, we have been able to build a procurement system that is fair, open, competitive, auditable, and which has resulted in millions of dollars in savings to the taxpayers.

On behalf of the entire House community, we extend congratulations to Bill for his many years of dedication and outstanding contributions to the U.S. Government, and in particular to the House of Representatives. His wit, his counsel, and his expertise in the procurement policies and procedures of the House will be missed by his colleagues. We wish him many wonderful years in fulfilling his retirement dreams.

TRIBUTE TO CRESTVIEW HIGH SCHOOL MARCHING BAND

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize the Crestview High School Marching Band in Crestview, Florida for their remarkable performance in the 79th annual Macy's Thanksgiving Day Parade.

The Big Red Machine, directed by David Cadle, was chosen as one of six high school bands to perform in the renowned parade. As everyone knows, Macy's saves the best for last with Santa Claus arriving in Herald Square. This holds true for marching bands as Crestview was honored to celebrate Santa's yearly anticipated arrival in to Herald Square, while millions of Americans were at home watching with excitement.

The band's dedication and hard work was apparent throughout the show. Awakening the holiday spirit in each and every one of us, they welcomed in the holiday season with warmth and joy as they performed a colorful rendition of "We Wish You a Merry Christmas." Watching their smiling faces as they marched into the Square reminded me of how proud I am to represent the people of Northwest Florida.

Mr. Speaker, it is with great pride that I recognize and congratulate the Crestview High School Marching Band for their outstanding performance in the Macy's Thanksgiving Day Parade.

TRIBUTE TO LOIS BROCKMAN WELLINGTON

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. SCHIFF. Mr. Speaker, I rise to celebrate the life and accomplishments of Lois Brockman Wellington, an amazing public servant, leader, caregiver, and friend.

Lois was an exceptionally dedicated health provider, both for her family members and for the community she cared about so dearly. She became a champion of home care providers and long term care for seniors, and dedicated herself to the well-being of the aging.

As a representative of Los Angeles County in the California Senior Legislature, Lois successfully pursued legislation on behalf of both youth and the aged. She also represented U.S. Senator BARBARA BOXER as a Silver Senator to the National Silver Haired Congress. This organization holds annual meetings to discuss senior concerns and has been particularly active on social security and prescription drug policies. Lois was also President of the Congress of California Seniors. In this role, she advocated positions on numerous propositions and provided Californians with an important perspective on policy issues. She also fought for better regulation of long term care insurance policies.

I know what a dedicated advocate Lois was for senior issues because she was not only a community treasure; she was also a dear friend. She was a constant—and vocal—reminder of the importance of Medicare as a lifeline for seniors, and of Medicaid as a social safety net. She tirelessly advocated for other programs such as the Older Americans Act and one of its signature programs, Meals on Wheels. Lois was a true inspiration to me—she was active even through her golden years—and her memory will be a lasting one both to our community and to me and my family.

Lois received much well-deserved recognition for her work. In 1999, she was named Woman of the Year in the 43rd Assembly District and was appointed to the Commission on Aging by then Speaker Antonio Villaraigosa. This important commission is a principal advocate to the state on behalf of older individuals. To Lois, one of the most exciting distinctions she received occurred in 1997, when as a representative to a national senior organization, she was chosen to introduce then-President Bill Clinton. Lois also traveled widely in her role as President of the International Senior Citizens Association, attending conferences in Guadalajara, Manila, Toronto, and Dublin.

She is survived by a devoted family, including her husband of over 68 years, Frederick E. "Ted" Wellington, daughter Barbara Dunbar Erman, son Rick Wellington, grandsons Larry and Mike Erman and Edward and Peter Wellington, and great grandchildren Sean Erman and Hailey Wellington.

Lois was passionate and knowledgeable about her work, extremely energetic and an inexhaustible, wonderful, beautiful, gentle spirit. Our community is better for having known Lois, and I want to express my heartfelt condolences to her family and friends. She will be deeply, deeply missed.

HONORING THE LIFE OF REVEREND LEANDER WILKES

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mrs. CAPPS. Mr. Speaker, today I rise to honor the life of Reverend Leander Wilkes, who passed away on November 24, 2005.

Leander Wilkes, the youngest of eight children, was born on September 20, 1924 in Pine Bluff, Arkansas to Jackson and Lillie Wilkes. After receiving his education in Arkansas and Ohio, he took a position with the government. In 1942 he met and later wed, Thelma Benson. To this union, five children were born, Deidre Gail, Lucy Naomi, Leonard Bruce, Jamaal Keith, and Leo Benson. He was ordained a Minister in Oakland, California in 1952. Subsequently, he was called to Ventura, California where he served as Pastor at Olivet Baptist Church for ten years. He moved to Second Baptist Church of Santa Barbara, California in 1969 and remained here for 35 years. Reverend Wilkes retired in July of 2004 and became the Pastor Emeritus of Second Baptist Church.

Reverend Wilkes was a lecturer in the Department of Black Studies at the University of California, Santa Barbara. He enjoyed reading and researching Egyptology along with other ancient religions and philosophies. Reverend Wilkes was also an avid traveler, and fan of western television shows and movies. An excellent cook, he enjoyed preparing his specialties, gumbo and barbecue, at family gatherings. Reverend Wilkes was an active leader in our community who touched the lives of countless people. Family and friends will remember him for his integrity, wisdom and compassion.

I have known Reverend Wilkes for many years and remember fondly when he accompanied my late husband, Congressman Walter Capps, to Washington, DC in 1997, where he led the House of Representatives in prayer. Reverend Wilkes was a dedicated husband, father, and servant to his church community and the Santa Barbara community as a whole. His longtime service to residents of the Central Coast deserves to be recognized and celebrated. I feel privileged to have known Reverend Leander Wilkes.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. GALLEGLY. Mr. Speaker, I was unable to vote on H. Res. 571 on November 18, 2005 (Rollcall No. 608). Had I been present, I would have voted "nay."

INTRODUCTION OF H.R. 4434, "10,000 TEACHERS, 10 MILLION MINDS" SCIENCE AND MATH SCHOLARSHIP ACT AND H.R. 4435, ADVANCED RESEARCH PROJECTS AGENCY—ENERGY ACT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. GORDON. Mr. Speaker, today I am introducing two pieces of legislation: H.R. 4434, the "10,000 Teachers, 10 Million Minds" Science and Math Scholarship Act and H.R. 4435, the Advanced Research Projects Agency-Energy, ARPA–E, Act. These two bills authorize a set of recommendations from a committee of the National Academy of Sciences chaired by Mr. Norman Augustine. The recommendations of the committee's report, Rising Above the Gathering Storm: Energizing and Employing America for a Brighter Economic Future, reflect the consensus forged among nationally-recognized industry, academic and government experts.

The Augustine Committee's highest priority is to improve K–12 math and science education by enhancing the skills and qualifications of math and science teachers. The "10,000 Teachers, 10 Million Minds" Act establishes a National Science Foundation, NSF, program to award scholarships to science, math, and engineering students if they obtain their teaching certification and commit to becoming math and science teachers upon completing their degrees. The bill also authorizes NSF to establish a master's degree program for in-service science and math teachers and establish training programs for preparing science and math teachers to teach Advanced Placement, AP, and International Baccalaureate, IB, courses in science and math. In addition, legislation also authorizes summer teacher training institutes at NSF and the Department of Energy.

The Augustine Committee stressed the need to "sustain and strengthen the nation's traditional commitment to the long-term basic research that has the potential to be transformational to maintain the flow of new ideas that fuel the economy, provide security, and enhance the quality of life." One specific action recommended by the Augustine Committee is to create in the Department of Energy, DOE, an organization like the Defense Advanced Research Projects Agency, DARPA, at the Department of Defense. My second piece of legislation, the Advanced Research Projects Agency-Energy, ARPA–E, Act implements this key recommendation. It establishes within the DOE a new agency modeled after DoD's successful DARPA program. By supporting high-risk, potentially high-payoff research, ARPA–E will turn cutting-edge science and engineering into technologies for energy and environmental application with the goal of reducing the Nation's reliance of foreign energy sources by 20 percent during the next 10 years.

These two bills are a response to a serious challenge to our Nation's future economic prosperity. From the Augustine report, "This Nation must prepare with great urgency to preserve its strategic and economic security. Because other Nation's have, and probably will continue to have, the competitive advantage of a low-wage structure, the United States must compete by optimizing its knowledge-based resources, particularly in science and technology, and by sustaining the most fertile environment for new and revitalized industries and the well-paying jobs they bring. We have already seen that capital, factories, and laboratories readily move wherever they are thought to have the greatest return." I fully acknowledge that these two bills together would require a sizable amount of funds to implement fully. Given the stakes, I believe we must find a way to make this investment in our Nation's future. The authorization levels are based upon the National Academy of Sciences estimates of the funding levels required to implement the recommendations in its report.

The Augustine Report correctly identifies the challenges we face as a nation and has developed a series of specific recommendations to address these challenges. Today's Washington Post, includes the op-ed Learning to Lose? Our Education System Isn't Ready for a World of Competition by Mr. Norman Augustine which highlights the urgency of taking immediate actions and the consequences if we don't. I have included Mr. Augustine's op-ed in this statement.

My intent in introducing these two bills is to issue a call for action by the Congress and the administration. The conclusions and recommendations in this report are not new. The problem is that neither the administration nor Congress has made any real efforts to act. I hope the introduction of these two bills will begin a substantive discussion on the commitment and resources required to ensure our Nation's future economic competitiveness and that our children have access to well-paid, challenging jobs.

I am committed to working with the private-sector, Members of Congress and the administration in turning this legislation into funded programs.

[From the Washington Post, Dec. 6, 2005]

LEARNING TO LOSE? OUR EDUCATION SYSTEM ISN'T READY FOR A WORLD OF COMPETITION

(By Norman R. Augustine)

In the five decades since I began working in the aerospace industry, I have never seen American business and academic leaders as concerned about this nation's future prosperity as they are today.

On the surface, these concerns may seem unwarranted. Two million jobs were created in the United States in the past year. Citizens of other nations continue to invest their savings in this country at a remarkable rate. Our nation still has the strongest scientific and technological enterprise—and the best research universities—in the world.

But deeper trends in this country and abroad are signs of a gathering storm. After the Cold War, nearly 3 billion potential new capitalists entered the job market. A substantial portion of our workforce now finds itself in direct competition for jobs with highly motivated and often well-educated people from around the world. Workers in virtually every economic sector now face competitors who live just a mouse click away in Ireland, Finland, India, China, Australia and dozens of other nations.

Soon the only jobs that will not be open to worldwide competition are those that require near physical contact between the parties to a transaction. Visitors to an office not far from the White House are greeted by a receptionist on a flat-screen display that controls access to the building and arranges contacts; she is in Pakistan. U.S. companies each morning receive software that was written in India overnight in time to be tested in the United States and returned to India for further refinement that same evening. Drawings for American architectural firms are produced in Brazil. Call-center employees in India are being taught to speak with a Midwestern accent.

This movement of U.S. jobs to other countries has few natural limits. Manufacturing jobs were the first to go, but jobs developing software and conducting various design activities soon followed. Administrative and support jobs are starting to move overseas, and even "high-end" jobs such as professional services, research and management are threatened.

Other nations will continue to have the advantage of lower wages, so the United States must compete on the basis of its strengths. Throughout the 20th century, one of these strengths was our knowledge-based resources—particularly science and technology. But the scientific and technological foundations of our economic leadership are eroding at a time when many other nations are building their innovative capacity.

This nation's trade balance in high-technology goods swung from a positive flow of $33 billion in 1990 to a negative flow of $24 billion in 2003. Two years from now, for the first time ever, the most capable high-energy particle accelerator in the world will be outside the United States. Low-wage employers in this country, such as McDonald's and Wal-Mart, create many more jobs than do high-wage employers. In 2001 U.S. industry spent more on tort litigation and related costs than on research and development.

Today, high-technology firms have to be on the leading edge of scientific and technological progress to survive. Intel Corp. Chairman Craig Barrett has said that 90 percent of the products his company delivers on the final day of each year did not exist on the first day of the same year. To succeed in that kind of marketplace, U.S. firms need employees who are flexible, knowledgeable, and scientifically and mathematically literate.

But the U.S. educational system is failing in precisely those areas that underpin our competitiveness: science, engineering and mathematics. In a recent international test involving mathematical understanding, U.S. students finished 27th among the participating nations. In China and Japan, 59 percent and 66 percent, respectively, of undergraduates receive their degrees in science and engineering, compared with 32 percent in the United States.

I've recently had an opportunity to review these trends as chairman of a 20-member committee created by the National Academy of Sciences, the National Academy of Engineering and the Institute of Medicine. Congress asked the committee to examine the threats to America's future prosperity. The panel was a diverse group that included university presidents, Nobel laureates, heads of companies and former government officials. We agreed unanimously that the United States faces a serious and intensifying economic challenge from abroad—and that we appear to be on a losing path.

Our committee emphasized that the United States needs to focus on fundamentals. We recommended the recruitment of 10,000 new science and math teachers each year through the awarding of competitive scholarships. The skills of a quarter-million current teachers should be improved through enhanced training and education. We recommended establishing 25,000 competitive science, mathematics, engineering and technology undergraduate scholarships and 5,000 graduate fellowships.

To boost scientific and technological innovation, we recommended that the U.S. government increase research funding by 10 percent annually over the next several years, with primary attention devoted to the physical sciences, engineering, mathematics and information sciences. We urged the federal government to create an Advanced Research Projects Agency—Energy (ARPA-E), modeled after the Defense Advanced Research Projects Agency, which would support out-of-the-box, transformative research aimed at ending our crippling dependence on foreign sources of energy. We asked the government to provide permanent tax incentives for U.S.-based innovation.

The United States wants other nations to do well economically. Broadly based prosperity can make the world more stable and safer for all. What worries business leaders is that the United States could easily fall behind as the rest of the world prospers.

WORLD DAY FOR PREVENTION OF CHILD ABUSE

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. SHERMAN. Mr. Speaker, I would like to take a moment to recognize the International Child Abuse Network. This wonderful organization works worldwide to break the cycle of violence that leads abused children to grow up to become abusers.

The International Child Abuse Network, also known as Yes ICAN, is a leading global provider of information and resources to deal with child abuse. Yes ICAN believes that child abuse would cease to exist if everyone had the capability to receive accurate, up-to-date information about abuse. Yes ICAN provides assistance and support to survivors who are too afraid or wounded to utilize traditional community resources. Through online forums, victims can heal together in a confidential, mutually supportive atmosphere.

In an effort to bring more awareness to the effects of child abuse on societies around the world, every November 19th Yes ICAN recognizes the World Day for Prevention of Child Abuse. This year's event featured a showcase of art and poetry submissions from schoolchildren. Participants and their teachers were honored during a reception at the Canoga Park Youth Arts Center in my district in California.

The International Child Abuse Network is making positive strides in the fight against child abuse. Their work to create a better future for all children is to be commended. I am proud to congratulate the International Child Abuse Network and thank them for their valuable contributions.

CONGRATULATING MR. DAVID L. BRANT

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to congratulate a dedicated law enforcement official at the Naval Criminal Investigative Service, David L. Brant, who is retiring after 28 years of service with NCIS.

Mr. Brant graduated with a master's degree in criminology from Indiana State University in 1975. He began his law enforcement career as a police officer with the Dade County Metropolitan Public Safety Department in Miami, Florida. In 1977, he accepted an offer from the Naval Investigative Service and began his service as a Special Agent assigned to NISRA Norfolk, VA on January 31, 1977. During his 4 years in the Norfolk area, Director Brant served in 4 different NIS offices and also completed an assignment as Special Agent Afloat aboard the USS *Independence*.

Following his assignment as a Special Agent Afloat, Director Brant transferred to the Philippines to become the Special Operations Squad Leader from 1981–1983. He then was assigned to the Headquarters Training Division as the Executive Assistant to the Director, and then was the Special Agent in Charge at NISRA Mayport. He returned to the Philippines in 1989 to serve as the Deputy Regional Director for the NCIS Southeast Asia Region. In 1991 he returned to NCIS Headquarters and holding various positions until he was appointed to the Senior Executive Service and was selected as the Assistant Director for Counterintelligence. Mr. Brant served in that capacity until he succeeded Roy D. Nedrow as Director in May 1997.

Mr. Brant has been widely recognized within the Department of the Navy, the Department of Defense, and the Federal law enforcement community for his innovative and transformational approaches to enhancing law enforcement and counterintelligence capabilities. He led NCIS in developing and implementing operational strategies, established the Counterterrorism Directorate, and built the Multiple Threat Alert Center (MTAC) to specifically enhance NCIS's ability to counter threats facing the Navy and Marine Corps.

During his career, Mr. Brant has been recognized as an outstanding leader by multiple organizations. His awards include the Department of Defense Presidential Rank Award and the Department of the Navy Distinguished Service Award. Additionally, in 2004 he was awarded the Hispanic American Police Command Officers Association (HAPCOA) Aguila Award for Law Enforcement and Criminal Justice and the Outstanding Advocate for Women in Federal Law Enforcement Award from the Women in Federal Law Enforcement (WIFLE).

Mr. Speaker, in closing, I would like to congratulate Mr. David L. Brant for his service to our country. I call upon my colleagues to join me in applauding his past accomplishments and wishing him and his wife, Merri Jo, and children Emily and Andrew, the best of luck in all future endeavors.

RIDING ROUGHSHOD OVER RIGHTS IN BELARUS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. SMITH of New Jersey. Mr. Speaker, as co-chairman of the Helsinki Commission and the sponsor of the Belarus Democracy Act, I remain deeply concerned about the violations of human rights occurring every day in Lukashenka's Belarus.

During a recent news conference, the autocratic Belarusian leader expressed confidence in his victory in the presidential election scheduled for next year, rhetorically asking why should he be rigging this election. Given his intensified assault on civil society, his dismal human rights record, and penchant for rigged elections, Mr. Lukashenka's statements ring hollow. Yet, Lukashenka's actions against democratic forces, non-governmental organizations and the independent media belie his stated confidence regarding electoral victory.

Last week, the lower chamber of Lukashenka's pocket parliament passed a law endorsing tougher new penalties for activities "directed against people and public security," a proposal submitted to the parliament only days before passage. These changes to the Criminal Code increase penalties for participation in organizations that were liquidated or warned to stop their pro-democratic activities, or for the training and other preparations for unauthorized demonstrations or other civic actions.

Mr. Speaker, to cite just one of the draconian provisions, the Code now gives authorities the leeway to jail an individual for up to 2 years for "providing a foreign country, a foreign or international organization with patently false information about the political, economic, social, military, and international situation of the Republic of Belarus." Putting aside the matter of such a provision violating free speech norms, if the past is any guide, it is clear who would be the arbiter of what constitutes "false information." There can be no doubt that the law aims to stifle the democratic opposition, and the head of the KGB (yes, in Belarus it is still called the KGB) himself recently admitted that the reasons for the law is to discourage street protests during the upcoming presidential race.

This law, while particularly blatant, is part and parcel of other actions designed to strengthen the regime's control and deny the Belarusian people any alternative voices as the presidential election campaign unfolds. Last month, a new law further controlling political parties came into force. A recent Council of Ministers decree clamps down on organizations that conduct public opinion polls. A Lukashenka decree further discriminates against independent trade unions, stipulating that only trade unions belonging to the progovernmental federation are granted the right to premises at no cost. Yet another decree considerably limits students' opportunities to travel abroad.

Meanwhile, opposition activists are routinely beaten up or detained. Just last week, for instance, Ales Kalita was detained and at the hands of the police suffered a dislocated arm for merely distributing the independent newspaper "Narodna Volya". Viktor Syritsya, a lecturer at Baranavichi College was fired for organizing a meeting of students with presidential opposition candidate Alexander Milinkevich. Belarusian State Economic University in Minsk expelled fourth-year student Tatsyana Khoma because she took a brief trip to France, where she was elected to the executive committee of the Brussels-based National Unions of Students in Europe (ESIB), an umbrella organization of 44 national student unions from 34 countries. The police beat activist Mikita Sasim. They detained youth activists Yauhen Afnagel and others. Other repressive actions include frequent arrests of activists of democratic youth movements such as ZUBR, a ban on worship by some religious congregations and other repressive actions against selected religious minorities, and continued harassment of members of the Union of Poles in Belarus.

Moreover, there is an emerging pattern of the regime putting obstacles in the way of Mr. Milinkevich. Recently, a public meeting he held in Borbuisk was disrupted by the authorities, with participants being told by the authorities to go home and threatened with tax inspections. During a press conference, the electricity in the room was cut off, as well as a "hot-line" phone with town residents.

Especially egregious has been the regime's intensification of the war against the already repressed and struggling independent media. Newspaper closures, suspensions, threats, and exorbitant and absurd libel fines, pressures on advertisers and other forms of harassment have become routine. Outright police confiscations of independent newspapers are also not uncommon. A seemingly more subtle tactic, implemented just a few weeks ago, involved the decision by Belarus' monopoly state postal service to stop delivery to subscribers of a dozen private periodicals. Meanwhile, the suspicious murder in 2004 of journalist Veronika Charkasova has not been resolved. Authorities have refused to open a criminal investigation into journalist Vasil Hrodnikau's death. Lukashenka himself recently admitted to Russian journalists that his regime applies very serious pressure on the media, somewhat incongruously adding that "this does not mean I am crushing them."

Mr. Speaker, what I have cited is by no means an exhaustive list of abuses perpetrated by the Lukashenka regime, merely a sampling of the types of repressive actions employed on a daily basis by Europe's last dictator. As Helsinki Commission Co-Chair, I will continue to monitor closely and speak out forcefully regarding these and other violations of Belarus' freely undertaken OSCE commitments. I urge the Bush Administration to step up efforts to break the Lukashenka regime's near monopoly over the country's information space and provide timely assistance to pro-democracy forces in Belarus.

It is clear that Mr. Lukashenka and his minions are laying the groundwork for yet another un-free and unfair election—similar to the 2001 presidential elections and the 2000 and 2004 parliamentary elections—that will fall far short of OSCE standards. Lukashenka is once again showing that, despite his confident rhetoric, he fears his own people and profoundly fails to respect their dignity as citizens and as human beings.

CONGRATULATIONS TO THE DEPARTMENT OF VETERANS AFFAIRS FOR SAVING ITS MEMBERS FROM DANGEROUS DRUGS VIOXX AND CELEBREX

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. STARK. Mr. Speaker, the Department of Veterans Affairs buys drugs for about half the market price, saving the American taxpayer billions of dollars. It does this by insisting on the best price offered to other customers, by negotiating for further discounts, and by moving market share through the use of a formulary or preferred drug list.

The formulary is an excellent one that provides Veterans with the drugs they need that are safe and effective.

This formulary is under attack by 'think tanks' that may receive a lot of money from drug companies. PhRMA wants to convince the American public that, like the children of Lake Woebegon, all drugs are above average and should be readily available to be marketed to all Americans at whatever price the companies want to charge. The fact is, most drugs—about 80 to 85 percent in recent years—are me-too drugs: copies of stuff already on the market that bring little or nothing new to the fight against diseases. There is no need to cover all these drugs on a formulary. Rather, by using a formulary to list only the safest, most effective drugs, a buyer can obtain huge discounts from the companies. An exceptions and appeals process can ensure that in those rare cases where a non-formulary drug is needed, it will be available.

Listing all new drugs on a formulary can also be dangerous, because many drugs are approved after only six months or so of testing on a few thousand people or less. As doctor and Senator FRIST has said, there should be a 2-year moratorium on the mass advertising of new drugs, because we really don't know how safe they are. Vioxx and Celebrex are classic examples of drugs that added little new but have unacceptable risks.

The VA formulary never listed Vioxx and Celebrex. Good for them. Vioxx alone has been estimated to have caused up to 40,000 unnecessary deaths and another 100,000 heart attacks or strokes.

But the Manhattan Institute has just published a paper by a Frank R. Lichtenberg who says he is a Professor at Columbia University's School of Business. The thesis of the paper is that because the VA does not immediately cover every drug, like Vioxx and Celebrex, veterans are starting to die earlier. The Professor includes in his paper one of the most hilarious, or saddest examples of sophistry I've ever seen. He plots on a graph the life expectancy at birth of all males, and shows it rising from 72 years in 1991 to 74.5 years in 2002. He also plots veterans' life expectancy, which rises from about 77.6 years to 80.5 years by 2004. But then he does something that, if he were a student, would earn an "F". He superimposes the two life expectancy lines in different colors on the same chart but uses different vertical lines to represent the two different populations. The Veterans' axis on the left starts at 77.0 years and rises to 81.5 years. The life expectancy at birth of all males axis on the right side of the chart starts at 70.5 and rises to 75.0. By doing this, he makes it appear to the quick scanner or casual reader (i.e., most of us), that Veterans are dying sooner than the rest of American males. Instead, Veterans are living 6 years longer.

The Professor deserves an "F"—and so does the drug industry for trying to libel the VA drug system.

We need a system like the VA's for Medicare. It would save us hundreds of billions of dollars in the years to come—and save us from the Vioxx's of the future.

NATIONAL BIBLE WEEK STATEMENT

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. AKIN. Mr. Speaker, it was my great pleasure to serve this year as the Congressional Co-chair for the House of Representatives for National Bible Week, November 20 though November 27, 2005.

The Bible was foundational to development of our country. The English Puritans came to the New World to follow the Bible according to the convictions of their own consciences. Of the 56 signers of the Declaration of Independence, 24 had what today would be considered Bible college or seminary educations. Only a few years later, in 1782, Congress itself authorized the printing of the Bible.

The Bible has found its way into everything from casual conversation—expressions like "by the sweat of your brow" and ""the salt of the earth" and myriad others all come from Scripture—to the landscape of America. From Corinth, Maine to Bethel, Alaska, the Bible has marked our national map.

More than any map, however, the Bible has marked who we are as a people. Earlier generations of Americans almost inhaled the words of Scripture as they inhaled the air. To read the inaugural addresses of our Presidents, from George Washington to George W. Bush, is to read repeated allusions to or quotations of biblical texts.

The Bible speaks to the uniqueness of man—that we are all made in the image and likeness of God. It speaks of the greatness of God—that He is the object of true worship, the fount of all blessings and the Redeemer, Lawgiver, Friend, Savior and Judge.

Historically, we have been a people of the Book. We lose our allegiance to and our reliance on the Bible to our grave peril.

The Bible can be hard to understand. Yet as the theologian R.C. Sproul has written, "We fail in our duty to study God's Word not so much because it is difficult to understand, not so much because it is dull and boring, but because it is work."

And it is worthwhile work. There can be nothing nobler than seeking not only to know the Bible's teachings but to know the Bible's God.

It was President Lincoln who said, "I believe the Bible is the best gift God has ever given to man. All the good from the Savior of the world is communicated to us through this book." Or, as Jesus Himself remarked, "Search the Scriptures . . . for they testify of Me."

Today, Mr. Speaker, I echo Abraham Lincoln's comments and urge my colleagues and all Americans to reacquaint themselves with the Bible. As literature, it is unmatched. As philosophy, it is unparalleled. And as truth, it will make you free.

I commend the National Bible Association for its outstanding work to bring the Bible to the attention of all Americans of every faith and creed. And I am humbled by the opportunity to serve in such a way as to draw attention to this most precious of books.

TRIBUTE TO JOHN B. GABUSI

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. GRIJALVA. Mr. Speaker, I rise today to pay tribute to John B. Gabusi, an Arizona native known nationally and internationally, who retired September 30 as Vice Chancellor of Pima Community College.

Mr. Gabusi was an accomplished administrator who brought excitement, enthusiasm and excellence to his endeavors and his relationships. He possesses a superior intellect, is extremely well informed, and has an amazing ability to analyze information quickly and accurately. He is a compassionate human being with a particular affection for the less fortunate. He extends his help quietly, hoping only that others will overcome obstacles and achieve success.

Mr. Gabusi joined Pima College in 1991. He established the economic development office, then moved on to create a government relations program. From there, he undertook a myriad of successful activities for the College. Among his other remarkable achievements was a marketing campaign that increased the school's enrollment by 30 percent over a five-year period and a counseling-mentor program that increased the number of area high school graduates who enrolled at Pima by more than 60 percent over a three-year period.

Mr. Gabusi grew up in the mining town of Clifton. He earned a bachelor's degree from the University of Arizona in 1964, and was studying for a Ph.D. in political science when, in 1966, he and classmate Earl deBerge created a Tucson polling firm known as Survey Research Associates. He departed the partnership in 1968 to join the staff of U.S. Representative Morris K. Udall, whose congressional district then encompassed the entire State outside of Phoenix and Maricopa County. His friend deBerge continued the firm, which now is based in Phoenix and known as the Behavior Research Center Inc.

He spent 23 years away from Arizona, most of the time in Washington, DC.

Mr. Gabusi walked the halls of Congress as a Udall aide, and served as Udall's principal staffer for the Postal Reorganization Act of 1971, the first step toward today's independent postal system. Mr. Gabusi managed four of Udall's congressional campaigns and directed the congressman's attempted bid for the 1976 Democratic Presidential nomination.

President Jimmy Carter reached out for his help in 1977, appointing Mr. Gabusi as Assistant Director for Management and Budget of the Community Services Administration. He oversaw a $2 billion annual budget at an agency with 1,800 employees between Washington and 10 regional offices.

Two years later, President Carter chose Mr. Gabusi for another major position: Assistant Secretary for Management in the fledgling Department of Education. Among other things, he managed the inter-agency task force that designed and implemented all of the required systems to create the Cabinet-level department.

Both jobs required Senate confirmation and Mr. Gabusi was one of a handful of appointees to undergo that process on two occasions.

With the 1981 change in administrations, Mr. Gabusi departed government service for private enterprise. He spent 2 years as General Manager of Rural Ventures Inc., the economic development arm of Control Data Corporation of Minneapolis.

He returned to Washington in 1983, and spent the next 8 years as an economic development consultant on a national and international basis.

His emphasis was on providing technical assistance to foreign ministries, and special contracts, primarily from the U.S. Agency for International Development, sent him to El Salvador, Costa Rica, Nicaragua and Panama. He also consulted with the governments of Egypt and Poland, and played a major role in establishing Poland's first retail banking system.

Back home, Mr. Gabusi provided economic development and government expertise to small businesses, Indian tribal councils, small cities and towns and one federal agency, the Economic Development Administration.

Mr. Gabusi has been struggling with renal cell cancer for nearly 3 years and it was with regret that he retired from Pima College. He was a positive and progressive force at the college and in every other venture he undertook.

HONORING DAVID MITCHELL ON HIS CAMPAIGN TO BE ELECTED TO THE CHAUTAUQUA COUNTY LEGISLATIVE DISTRICT 8

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to honor David Mitchell, a resident of Chautauqua County for his quest to become the elected representative to the eighth legislative district in Chautauqua County Legislature. Although Mr. Mitchell was not able to realize his dream he has been able to make an impact on other's lives in a different way.

The campaign trail is a difficult path to take. Any person with a dream may enter but only a few are able to reach the end. Mr. Mitchell traveled that path with his head held high and a smile on his face the entire way. I have no doubt that his kind demeanor left a lasting impression on the voters of district 8.

David Mitchell is a former Jamestown police officer that was wounded while on duty. Through his courage and determination to rise above his injuries David has made a tremendous recovery. It is inspiring to see a man with such conviction to better his community run for public office.

Chautauqua County is blessed to have such strong candidates with a desire to make this county the wonderful place that we all know it can be. Mr. Mitchell is one of those people and that is why, Mr. Speaker, I rise to honor him today.

HONORING DAVE SMITH, NEWARK'S RECENTLY RE-ELECTED MAYOR

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. STARK. Mr. Speaker, I rise today to honor Newark, CA's Mayor Dave Smith. His recent re-election makes him the second longest serving mayor in the country as he embarks on his 28th consecutive year of service.

Mayor Smith began his career in public service as the Fremont chapter president of the Jaycees, a fraternal business group. He then ran for, and was elected to, the Newark city council in 1976. Two years later he was elected Mayor, where he has remained ever since.

During his tenure, Newark has become a model for the country to follow. It has a $35 million surplus, a low crime rate, beautiful parks and well-maintained streets. Newark city council meetings are efficient and exemplify Mayor Smith's ability to build consensus among the city's leadership.

He has steered Newark through the dot-com boom and bust, avoiding the common pitfalls that plague many other cities. His plans for managed growth have allowed Newark to thrive. Also, he is a respected governmental figure—not an easy trick for a Republican representing a city that is registered 55 percent Democratic.

Smith's nickname, Mr. Newark, is well deserved. With an easy style prone to practical jokes and trombone solos, he has become an accomplished politician, a beloved public servant and a committed member of his community.

Mr. Speaker, I rise to honor Dave Smith's dedicated commitment to the city he serves. His ability to lead Newark, one of the jewels of the East Bay, is unquestionable and I for one hope he continues to serve for another 28 years.

RECOGNITION OF PRESIDENT MARGARET A. McKENNA'S 20 YEARS OF LEADERSHIP AT LESLEY UNIVERSITY

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. CAPUANO. Mr. Speaker, I rise today to recognize Dr. Margaret A. McKenna, president of Lesley University since December 4, 1985.

Dr. McKenna became president of Lesley College 20 years ago and her leadership has created Lesley University, with a School of Education, a Graduate School of Arts and Sciences, an Art Institute and the School of Integrative and Experiential Studies. Over these two decades, Lesley University's enrollment, endowment and programmatic reach have each expanded dramatically. While these achievements would be laudable on their own for any university president, they are only a portion of the success Dr. McKenna has fostered at Lesley University.

Dr. McKenna has placed a very strong emphasis on educating our educators. Under her stewardship, Lesley has grown to be the Commonwealth of Massachusett's largest producer of new teachers. Lesley has also become one of the largest providers of graduate professional education to classroom teachers in the Nation. The faculty and students have become an important resource to local public school districts. This is due, in no small part, to her commitment to pioneering on-line and distance learning. With President McKenna's imprimatur, Lesley University has placed many resources and much energy toward providing quality education for teachers specializing in the hard sciences.

President McKenna has also used her position as the head of a leading university to call attention to important causes. One need only glance at her published work to know she sees education as an opportunity to build a citizen, not just a student. Clearly, from her perspective, there is no civics topic that is not enmeshed with higher education.

In closing, I salute President Margaret McKenna for 20 years of outstanding leadership and vision.

STATEMENT HONORING SFC RICHARD SCHILD

HON. STEPHANIE HERSETH

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Ms. HERSETH. Mr. Speaker, I am saddened to report the passing of SFC Richard Schild. He was killed while serving in Operation Iraqi Freedom.

The lives of countless people were enormously enhanced by Richard's goodwill and service. He inspired all those who knew him. Our Nation is a far better place because of his life. All Americans owe Richard, and the other soldiers who have made the ultimate sacrifice in defense of freedom, a tremendous debt of gratitude for their service.

Every Member of the House of Representatives has taken a solemn oath to defend the constitution against all enemies, foreign and domestic. While we certainly understand the gravity of the issues facing this legislative body, Richard lived that commitment to our country. Today, we remember and honor his noble service to the United States and the ultimate sacrifice he has paid with his life to defend our freedoms and foster liberty for others.

Mr. Speaker, I express my sympathies to the family and friends of SFC Richard Schild. I believe the best way to honor him is to emulate his commitment to our country. I know he will always be missed, but his service to our Nation will never be forgotten.

HONORING NANCY PETRUCCELLO ON HER CAMPAIGN TO BE ELECTED TO THE CHAUTAUQUA COUNTY LEGISLATIVE DISTRICT 10

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to honor Nancy Petruccello, a resident of Chautauqua County, for her quest to become the elected representative to the 10th legislative district in the Chautauqua County Legislature. Although Ms. Petruccello was not able to realize her dream, she has been able to make an impact on others' lives in a different way.

The campaign trail is a difficult path to take. Any person with a dream may enter but only a few are able to reach the end. Ms. Petruccello traveled that path with her head held high and a smile on her face the entire way. I have no doubt that her kind demeanor left a lasting impression on the voters of district 10.

Nancy Petruccello has served as a voting machine custodian for many of the Jamestown voting machines. Even though she was running her own campaign this year, Nancy still found the time to serve as the custodian.

Nancy Petruccello is an amazing woman who ran a tremendous campaign. Many do not realize this, but Ms. Petruccello ran her campaign while dealing with the trials of having a brain tumor. She clearly loves her county and wanted to do what is best for it at any cost.

Chautauqua County is blessed to have such strong candidates with a desire to make this county the wonderful place that we all know it can be. Ms. Petruccelo is one of those people and that is why, Mr. Speaker, I rise to honor her today.

HONORING AL HUEZO, CITY MANAGER OF NEWARK, CA

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. STARK. Mr. Speaker, I rise today to pay tribute to the city of Newark, CA's extraordinary city manager, Alberto "Al" T. Huezo. After a long and illustrious career, he will retire on December 30, 2005.

He was hired by the city on July I, 1974 and promoted to the position of city manager on July 1, 1996. For the last 9 years, City Manager Huezo has guided Newark in an exemplary fashion. He defines his position as city manager as "the chief executive officer of an organization that provides municipal services." He emphasizes the word services and describes his role also as "an ambassador for the organization, someone who actively markets and promotes that organization to people on the outside, potential customers and certainly customers within." During his tenure as city manager he never lost his focus on service.

When asked how he would like to be remembered, Mr. Huezo responded "as a man who didn't take himself too seriously, someone who did his job with passion and gusto." Among his legacies to the city is the development of Newark's Silliman Center, a modern multi-purpose community center, and maintaining city services through difficult fiscal issues and challenges. He points to the proudest moment of his career, as city manager, as being part of a team that dealt effectively with the nationally publicized Eddie "Gwen" Araujo homicide in Newark. This tragedy put the city under a microscope and communities acted with dignity and as a tightly knit group to face the challenge together.

Referring to his legacy, Mr. Huezo points to the people that he has promoted or brought into the city's organization and the key people in place to lead Newark forward.

I join the city of Newark and its residents in wishing Al Huezo all the best upon his well deserved retirement. He has been a trusted public servant and we shall miss his warm personality and the genuine, consistent caring he expressed when carrying out his duties to make Newark a model city. Thank you, Al Huezo, for making a positive difference with your commitment to excellence.

RECOGNIZING THE CONTRIBUTIONS OF MARY M. LASSEN

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. CAPUANO. Mr. Speaker, I rise in tribute to Mary M. Lassen, who has served more than a decade as president and CEO of the Women's Union in Boston. Mary Lassen has been an extraordinary force for social justice and effective reform. The Women's Educational and Industrial Union, established in 1877, supported suffrage, legal rights, and wider opportunities for women. Mary Lassen built upon those historic triumphs and led the union into a new century, working with and on behalf of poor and immigrant women. Under her leadership, the union has provided job training for women moving from welfare to work, supportive housing for survivors of domestic abuse, and compelling advocacy for family economic self-sufficiency.

Mary Lassen graduated summa cum laude from Radcliffe College, determined to secure liberty, justice, and opportunity for all persons. Her struggle against poverty and injustice has been both intellectual and pragmatic. She believes in rigorous analysis and sustained collaboration. After working as a community organizer, she became executive director of the Committee for Boston Public Housing. In that office, she introduced early childhood, antiviolence and community building programs in several of Boston's public housing developments, and then, characteristically, she took time to reflect. In a sabbatical year, as a fellow of the Mary I. Bunting Institute at Radcliffe College, she produced a study of "Community-Based Family Support in Public Housing." During a public policy fellowship sponsored by the Japan Society, she explored women's employment and workforce development in East Asia. She has inspired the union's important research on Family Self-Sufficiency and helped forge the Massachusetts Family Economic Self-Sufficiency Project, MassFESS, a statewide coalition of organizations, to measure the real costs of living, working and paying taxes without subsidies and to frame policy in terms of these real costs.

Under her leadership, the Women's Union opened Horizons II, increasing by 30 percent the number of supportive transitional housing units for battered and homeless women and their children in the city of Boston. This year, the Women's Union celebrated the opening of a newly designed, state-of-the art, woman-focused technology training center. The title of their report expresses their goal: Achieving Success in the New Economy.

Several of the most daring, inspiring, and influential women in the history of our country have been associated with the Women's Union, sometimes as supporters, sometimes as clients: Louisa May Alcott, Julia Ward Howe, Helen Keller, and Amelia Earhart. Mary Lassen deserves a place among them.

HONORING FRED YEZZI ON HIS CAMPAIGN TO BE ELECTED TO THE CHAUTAUQUA COUNTY LEGISLATIVE DISTRICT 11

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to honor Fred Yezzi, a resident of Chautauqua County for his quest to become the elected representative to the 11th legislative district in the Chautauqua County Legislature. Although Mr. Yezzi was not able to realize his dream, he has been able to make an impact on other's lives in a different way.

The campaign trail is a difficult path to take. Any person with a dream may enter but only a few are able to reach the end. Mr. Yezzi traveled that path with his head held high and a smile on his face the entire way. I have no doubt that his kind demeanor left a lasting impression on the voters of district 11.

Mr. Yezzi has tried his hand in county politics a couple of times. That is a respectable trait to have. Determination to do good things for your county is one thing that Chautauqua County residents strive for.

Chautauqua County is blessed to have such strong candidates with a desire to make this county the wonderful place that we all know it can be. Mr. Yezzi is one of those people and that is why, Mr. Speaker, I rise to honor him today.

STATEMENT HONORING SSG DANIEL CUKA

HON. STEPHANIE HERSETH

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Ms. HERSETH. Mr. Speaker, I am saddened to report the passing of SSG Daniel Cuka. He was killed while serving in Operation Iraqi Freedom.

The lives of countless people were enormously enhanced by Daniel's goodwill and service. He inspired all those who knew him. Our Nation is a far better place because of his life. All Americans owe Daniel, and the other soldiers who have made the ultimate sacrifice in defense of freedom, a tremendous debt of gratitude for their service.

Every Member of the House of Representatives has taken a solemn oath to defend the Constitution against all enemies, foreign and domestic. While we certainly understand the gravity of the issues facing this legislative body, Daniel lived that commitment to our country. Today, we remember and honor his noble service to the United States and the ultimate sacrifice he has paid with his life to defend our freedoms and foster liberty for others.

Mr. Speaker, I express my sympathies to the family and friends of SSG Daniel Cuka. I believe the best way to honor him is to emulate his commitment to our country. I know he will always be missed, but his service to our Nation will never be forgotten.

ACKNOWLEDGING THE SERVICE OF MR. JIM DION

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. McDERMOTT. Mr. Speaker, at the complicated intersection of housing, poverty and community development issues, one man has shined as a guiding light. Mr. Jim Dion, assistant executive director for Housing Operations at the King County Housing Authority, has devoted his life to ensuring that our low-income neighbors—be they families, victims of domestic violence, seniors or people with disabilities—live in high quality affordable housing. After three decades of distinguished public service in King County, WA, Mr. Dion is about to retire. He is a living testament to the power that a single individual possesses to help provide quality affordable housing opportunities, build communities, encourage self-sufficiency and protect the dignity of people with limited resources, while safeguarding the public trust.

The child of a minister father and a social worker mother, Mr. Dion undoubtedly acquired a keen sense of public service from an early age. Perhaps that explains his rise through the ranks from a property manager overseeing 700 units of family and elderly public housing in 1974 to a senior executive currently administering more than 4,300 units of housing as well as rental subsidies for 8,200 additional households.

During his career, Mr. Dion expanded the housing safety net in King County through a number of additional Federal and local programs and by partnering with nonprofit organizations to provide on-site services to residents.

Mr. Dion also worked diligently to promote acceptance of low-income housing in several high-cost suburban cities such as Bellevue, Redmond, and Kirkland, areas of the county with excellent job bases. Mr. Dion's involvement in this initiative, along with the well-managed, well-maintained housing he oversaw, paved the way for favorable community response to low-income housing in affluent areas and continues to ensure that living in these cities is a viable option for struggling families.

While administering housing for more than 12,500 households is a staggering enough accomplishment in itself, Mr. Dion did so as a model of efficiency and effectiveness. Since HUD has had an evaluation process in effect, Mr. Dion led his staff to achieve HUD's highest ratings for both KCHA's section 8 and public housing programs, reflecting his hard work and his commitment to the families and individuals he served.

Awards from industry housing organizations for KCHA programs and properties under Mr. Dion's jurisdiction have been practically commonplace.

Mr. Dion also tackled issues beyond the scope of "bricks and sticks." With his strong belief in the ability of people to overcome difficult circumstances with appropriate support, Mr. Dion is credited for laying the foundation of what is now the Resident Services Department at the housing authority.

Mr. Dion's commitment to public service did not stop with King County. For most of his 30-year career, he has also been an active member of the National Association of Housing & Redevelopment Officials, serving on its Housing Committee and its Board of Governors at the national level, as well as in various positions of leadership at the regional and chapter levels. His unparalleled grasp of the regulatory process made him a truly respected voice on Capitol Hill.

Home is where we raise our children. Home is where we hope to age in the company of our friends and family. Home is where vulnerable individuals and families can maintain their dignity and gain a foothold in self-sufficiency. Through Mr. Dion's thoughtful, compassionate leadership, thousands of people have improved the quality of their lives because they had a good, safe home.

As the sun sets on his career, it is only fitting that we acknowledge the 30 extraordinary years of Mr. Dion's dedicated public service. My sincere congratulations to Mr. Dion, whose calm, reasoned approach to ensuring quality housing and services for our most vulnerable residents has forever instilled in his colleagues at the King County Housing Authority and in

Washington's congressional delegation the importance of providing the best possible support to families and individuals in need. He leaves a legacy of hard work, compassion and high standards that serves as an example to us all.

HONORING MICHAEL EAKER ON HIS CAMPAIGN TO BE ELECTED TO THE CHAUTAUQUA COUNTY LEGISLATIVE DISTRICT 7

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to honor Michael Eaker, a resident of Chautauqua County for his quest to become the elected representative to the seventh legislative district in the Chautauqua County legislature. Although Mr. Eaker was not able to realize his dream he has been able to make an impact on other's lives in a different way.

The campaign trail is a difficult path to take. Any person with a dream may enter but only a few are able to reach the end. Mr. Eaker traveled that path with his head held high and a smile on his face the entire way. I have no doubt that his kind demeanor left a lasting impression on the voters of district 7.

Chautauqua County is blessed to have such strong candidates with a desire to make this county the wonderful place that we all know it can be. Mr. Eaker is one of those people and that is why, Mr. Speaker, I rise to honor him today.

SUPPORTING OUR TROOPS

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. LARSON of Connecticut. Mr. Speaker, I wanted to submit for the RECORD the following commentary written by Keith Burris which appeared in the Journal Inquirer on November 21, 2005. It is one of the most thoughtful and accurate commentaries on the plan for action in Iraq proposed by the gentleman from Pennsylvania (Mr. MURTHA). I agree wholeheartedly with his conclusion, "JOHN MURTHA is trying to save lives now. He is right. And courageous. And the loyal friend of those who fight."

SUPPORTING OUR TROOPS

(By Keith C. Burris)

Everyone knows that public support for the president's war in Iraq has eroded. We know it not only because we read the newspapers and their reports about the polls but because so many of us are a part of that erosion.

After 9/11, most of us were capable of a knee-jerk reaction. Most Americans felt, "We have been attacked: we cannot just sit back and wait for the next attack." Most Americans supported attacking Afghanistan, because, to the extent that there was a Terrorist Central, that was it.

Invading Iraq was a tougher sell.

But Americans were inclined to trust their government, even though the memory of the Vietnam War was fresh in our minds.

That was a war in which thousands of young soldiers fought bravely and some 50,000 died. They were told, and we were told, that they fought for freedom; to contain communism; and, to paraphrase what was then being taught senior officers at the Army War College: If we fought the bad guys over there, we might not have to fight them over here.

Today, the young men and women fighting in Iraq are told the exact same things, and the nation is today told the exact same things, except that the word terrorism may be substituted for communism.

Our leaders went into Vietnam with good, even noble intentions: To "help those people" and to give them what we have—freedom and democracy. But our leaders didn't know enough about the history or the culture of the region. They didn't have a clear political or military objective. They didn't have adequate military power to subdue the country. So they got bogged down in a civil war in which they could not be sure about their allies and they sent our soldiers to fight a guerrilla war in which tactics were as unfocused as strategy and mission.

And then they began to lie.

The newest Nixon tapes show that the president actually instructed his aides and the military to lie. Our government broadened the war—into Cambodia. It told us it didn't. It got caught in the lie. And then the Nixon administration told the Congress and the public our troops were out when they were not. It's easy, explained the commander-in-chief to his deputies—we say one thing and do another.

Indeed, the entire war was based on what is now called "false intelligence." President Lyndon Johnson told the Senate that an American ship had been fired on in the Tonkin Gulf.

It hadn't been.

The final stage was flag waving: President Johnson, President Nixon, and their allies and aides said that people who suggested we had to correct this massive, tragic mistake—negotiate a political end and get the troops out—were demoralizing our troops and aiding and abetting the enemy.

In other words, they were treasonous.

Don't criticize the war effort while there are men in the field, we were told.

But if the war was not criticized, and a correction of course was not made while the war was going on, and the president would not or could not exert sufficient military effort to win the war, how would the war ever end?

It could only end as it did. By sputtering out. But with ultimate Viet Cong victory and hasty American retreat by the U.S. troops that remained.

Meanwhile, between the time the nation realized it had made a mistake, roughly 1968, and 1975, many thousands died. Many fine foot soldiers. Many naval men patrolling waters they would give up, take back, and ultimately give up again. Many Marines. Many, many Vietnamese civilians.

And all for what?

None of it stopped the triumph of communism or the subsequent triumph of capitalism in Vietnam.

We got it wrong.

But, worse, once we realized we got it wrong, we "stayed the course," and then our leaders told us lies.

The biggest lie was: The way to show devotion to the troops is to support a war without a goal: without adequate military strategy or resources; without a chance of victory. If you love the boys, don't question the war.

In reality, that attitude killed a lot of boys who should not have died.

The biggest lie was that patriotism is blind acceptance and sacrifice of our country's young.

But something stopped Abraham before he slew his son Isaac. Maybe it was the voice of God. Or maybe it was the voice of questioning and of reason.

II

After Vietnam, one of that war's brave soldiers, a man named Colin Powell, came up with a formula for what he said we really owed our troops.

It wasn't flag waving or blind loyalty to those in charge of the state.

No, he said we owe our soldiers:

—A clear reason for fighting.

—A plan to win.

—And overwhelming force, so that they can be sure they will win and will not be sent out to fight and die as sitting ducks and human sacrifices.

We knew that Powell not only understood war, but understood the Vietnam War. And that is why many of us trusted him when he told us we had to go to war with Iraq.

But it turned out he was wrong.

The CIA was wrong.

The Department of Defense was wrong.

The Senate was wrong.

Most of the country was wrong.

We had a reason for war:

Saddam Hussein was a brutal tyrant.

If he had nuclear or deadly chemical weapons, he would use them. We were told he did.

Take him out first.

Fight them on their ground and not ours.

Help those people. Bring them freedom.

Contain terror.

But Saddam didn't have those weapons.

And once again, our leaders did not know enough about the history of a region they sought to reform.

And we don't know who our allies are in Iraq, if any.

And we didn't do it Powell's way.

We didn't send extra troops; we sent too few.

Our soldiers are sitting ducks.

And our best young people are fighting and dying for a war that will not end; a war without a purpose or a strategy or even defensive tactics; a war we now know was based on wrong information and false premises.

Some of us thought, once, that we could not be fooled again. After Vietnam, we would make the policymakers present a preponderance of evidence for war, and a real plan to win.

But 9/11 happened and we bought into the false premises, and we trusted Colin Powell.

So now what?

We have been through the cover-ups and finger pointing about cooked intelligence. And now the president and his men have started to call the war critics traitors.

You cannot oppose the war, they say, and support our troops.

It is incredible that they should feel entitled to this shameless emotional blackmail. For what kind of love is it that sends the young to die for no good reason, and with inadequate equipment? (Some of our military still lack adequate weapons and supplies, and 20 percent of their families have no health insurance.)

Logically, the true act of fidelity to the troops would be to either (a) give them a chance to win or (b) get them out of there ASAP.

This is what Rep. John Murtha of Pennsylvania has been saying for a year. And when he said so, in the past, he would usually add that the nation would probably not support massive force, since there are not another 150,000 soldiers to be had. Military victory would require occupation of the country, and therefore a draft, and, incidentally, colonial occupation for the better part of a decade. (Military victory and more troops is still the option Sen. John McCain prefers, though he does not mention the word "draft.")

The other day, Murtha, the first Vietnam vet elected to Congress (31 years ago) and the military's best friend on Capitol Hill, could take it no more. Not long after one of his visits to maimed soldiers at Walter Reed Army Medical Center, he called a press conference, which he almost never does. His message: Get our troops out as quickly as it may be done.

He has actually introduced a piece of legislation. It says:

—Redeploy the U.S. troops in Iraq to the periphery of the country immediately.

—Create a quick reaction force in the region.

—Create an "over the horizon" presence of Marines.

—Use diplomatic channels to pursue security and stability.

—Turn Iraq over to the Iraqis.

Murtha said he thinks it will take about six months. He said there is no military objective left for our military to achieve. They have done all they can.

Second, he said he is now convinced that the presence of our troops actually makes the nation less stable. They are the targets of the terror and unrest. They are the cause of continuing war, not the solution. Our troops function as foment. They are only killing time for Iraqi and U.S. politicians, and being killed.

Murtha rocked the capital and reignited opposition to the war.

III

John Murtha also has two Purple Hearts.

"Are they going to call him a traitor?" asked a friend.

Well, yes.

The speaker of the House immediately accused Murtha of delivering "the highest insult to the troops."

The Republican floor leader said Murtha was "undermining the troops."

A congressman from Texas said Murtha wanted to "take the cowardly way out."

About a week ago, the president started this mantra: Trying to end the war gives comfort to the enemy, he said.

Criticizing war policy demoralizes the troops.

Then the vice president said it.

Then the president repeated it. Twice.

And all Republicans have since spoken with one voice: If you don't want your son or daughter to die for a war Bush and Cheney have no idea how to win, you are a disloyal American.

Sadly, even Connecticut's own 2nd District Congressman, Rob Simmons, joined in. He attacked war critics on Veterans Day, just as the president did, and said that antiwar politics "undermines their (veterans) cause and degrades their heroic service and sacrifice."

No, it doesn't. It values their heroism enough to try to save their lives.

Lack of mission demoralizes them.

Lack of reinforcements undermines them.

A war without purpose or chance of ultimate victory is what degrades their sacrifice.

Simmons even joined in bashing John Murtha.

But Murtha probably knows more generals, officers, and grunts personally than anyone in Congress. He insists that they should not be asked to die, or suffer lifelong maiming, in vain.

Murtha's retort to the suggestion that he is undermining the fighting men and women he has devoted his life to?: "This is not a war of words. This is a real war, and people are getting hurt."

Rep. Simmons went on to speak of the lack of support for Vietnam veterans during Vietnam and the mistreatment many suffered when they came home—they were not honored as they should have been and some were taunted and blamed for the war of their president.

True.

But that abuse was as nothing compared to fighting in that war after our government had given it up.

And most Americans, even then, could tell the difference between brave soldiers and a bad policy.

This country loves its fighting men and women in Iraq. The people have backed them all the way. The government criminally—has not.

During Vietnam there were plenty of us who wanted to end the war but honored and admired those willing to fight and die for their country. Some of us had family there and were intensely proud of their bravery and sacrifice. We could also see the futility of the war and the cynicism of the war makers. It is possible to do both. Most Americans get that. Rob Simmons should too.

A few weeks ago, I was in Washington when the big national protest of the war was going on. The city was full of "peaceniks." I met one of them on a subway. He was a man in his middle to late 70s who had been wounded in Korea, the forgotten war—my Dad's war. This man wore a T-shirt that said "Veterans for peace." And this is what he told me we owe our troops: "Certainty. We have to be sure it is worth it. We have to know what we are doing. Or don't go. If we screw it up, we have to fix it."

That doesn't sound unpatriotic to me.

When this war was about to start, Rep. Simmons was not for it. He said that from the intelligence he had seen, Saddam was not a lethal and imminent threat. He said we needed to clean up Afghanistan. He said the war on terror would be mostly an intelligence war, not one of bombs and tanks. He said it would be a long and complicated war and we needed to make friends, not enemies, in the developing world.

He changed his mind.

But he was right the first time.

And I wish he had spoken out and broken with his president then.

That would have had an impact.

When military men stand up to an unjust war, it makes a difference.

Sen. Richard Russell, the lead military expert in Congress during Vietnam, told President Johnson to get out in 1966!

But LBJ was afraid to lose a war, and Russell kept silent. Imagine if he had spoken out.

That is why Murtha is an American hero. He fought bravely in the Vietnam War and he is trying to end the Iraq War.

His speaking out may save American lives.

Rob Simmons is also a good man—a brave, decorated vet, and a fine public servant.

But the odious tactic of questioning the loyalty and patriotism of people who want to end the war is beneath him.

And you know what else?

The people in power who kept the Vietnam War going for at least seven years after they knew the war was lost, and kept sending good boys to die knowing it was lost, and called the people who tried to end the war unpatriotic, they are the ones whose names stand disgraced in history.

And the doves who saw that the war was hopeless—the people the president called "weak" and "soft" and "Nervous Nellies"—they were right. Far from being treasonous, they were patriots. Far from being demoralizers, they were trying to save soldiers' lives.

John Murtha is trying to save lives now.

He is right.

And courageous.

And the loyal friend of those who fight.

TRIBUTE TO DARRELL TALBERT

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. CALVERT. Mr. Speaker, I rise today to recognize and honor Darrell Talbert for the leadership and dedication he has displayed while serving as mayor of the city of Corona, California. On November 29, 2005, Darrell's term as mayor came to a close and I want to thank him for his commitment and service.

Darrell has called Corona home for as long as he can remember and he continues to demonstrate the extraordinary qualities we expect in our community leaders. Shortly after graduation from California State University, San Bernardino in 1989, Darrell co-founded Odyssey Group, Inc. and Odyssey Publications, Inc. The Odyssey Companies quickly became industry leaders in the autograph and memorabilia business.

Just 5 years out of college and ready to take a more active role within the community, Darrell was elected to the Corona City Council in 1994. During his time on the city council, the city of Corona as well as the surrounding region has experienced significant growth. While this growth is surely a positive sign, it undoubtedly presents our local leaders with a number of challenges. In order to maintain the high quality of life residents come to expect, the Corona City Council has taken a number of steps to provide residents with the necessary infrastructure and services.

The city of Corona has had a balanced budget in each of the years Darrell has served on the city council, and they have done so without implementing new taxes. Under his leadership and due to carefully managed fiscal budgeting, the city has added over 100 acres of new parks, implemented the Downtown Revitalization Project and successfully attracted new retails stores, businesses and nationally recognized restaurants to serve the citizens of Corona and the surrounding communities.

I know I speak on behalf of our entire community in expressing my appreciation for Darrell's tireless efforts on behalf of our city. I also want to thank his wife Kimberly and daughter Haley for supporting Darrell and at times sacrificing their time with him to allow him to perform his civic duties.

HONORING MARK SACKETT ON HIS CAMPAIGN TO BE ELECTED TO THE CHAUTAUQUA COUNTY LEGISLATIVE DISTRICT 4

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to honor Mark Sackett, a resident of Chautauqua County for his quest to become the elected representative to the forth legislative district in the Chautauqua County Legislature. Although Mr. Sackett was not able to realize his dream he has been able to make an impact on other's lives in a different way.

The campaign trail is a difficult path to take. Any person with a dream may enter but only a few are able to reach the end. Mr. Sackett traveled that path with his head held high and a smile on his face the entire way. I have no doubt that his kind demeanor left a lasting impression on the voters of district 4.

Mr. Sackett is a former legislator where he served the people of district 4 for many years. Mark is also a very creative man who never stops thinking of ways to assist a friend. Many people of Sheridan, New York may remember the large gavel that he constructed.

Chautauqua County is blessed to have such strong candidates with a desire to make this county the wonderful place that we all know it can be. Mr. Sackett is one of those people and that is why, Mr. Speaker, I rise to honor him today.

CHEMICAL ADDICTION AND THE SPREAD OF HIV/AIDS

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. RAMSTAD. Mr. Speaker, I rise today to recognize last week's World AIDS Day and draw attention to the troubling relationship between chemical dependency and the spread of HIV/AIDS.

In addition to the implicit dangers associated with intravenous drug use, use of illicit drugs and/or alcohol abuse can lead to poor decisions and unsafe sexual behavior that can result in HIV infection.

America's youth, our most precious resource, are at especially high risk since adolescents face increased vulnerability to chemical addiction. Studies show that 50 percent of the individuals addicted to illicit drugs begin using drugs when they are between 15 and 18 years old.

That's why the National Institute on Drug Abuse (NIDA) views drug abuse prevention and treatment as essential to stopping the spread of HIV infection, especially for America's young people.

And while NIDA is an excellent resource that provides some of the top research in the area of chemical addiction, it is equally invested in educating the public about this public health problem. That's why, in conjunction with World AIDS Day, NIDA is initiating a new public awareness campaign about the dangerous relationship between addiction and the spread of HIV/AIDS.

As co-chair of the Addiction, Treatment and Recovery Caucus, I want to congratulate NIDA and the National Institutes of Health (NIH) for developing this life-saving campaign and commend these fine organizations for the tremendous research they are doing. This educational campaign and impeccable research will help us to better understand and prevent the devastating connection between chemical addiction and the spread of HIV/AIDS.

TRIBUTE TO REVEREND MASANORI SHOBO OHATA

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise to acknowledge and honor the Reverend Masanori Shobo Ohata as he formally retires from the Buddhist Churches of America and from the San Jose Buddhist Church Betsuin.

Reverend Ohata has served as a member of the Board of Trustees for the Institute of Buddhist Studies since 1982. The Institute of Buddhist Studies is the graduate school and seminary of the Buddhist Churches of America. It is the first nonwestern religious seminary to be affiliated with the Graduate Theological Union, an interfaith consortium of seminaries dedicated to study and dialogue in a religious and cultural pluralism.

Reverend Ohata has also served as a member of the Board of Trustees for Buddhist Churches of America (BCA) Endowment Foundation since 1998. He was involved with the inception of the Endowment Foundation in 1983. The Foundation has provided over 11 million dollars of direct benefit to vital programs of the BCA which include ministerial welfare, education and administrative support.

Reverend Ohata has also served as a Sanyo (advisor) to the Bishop of the Buddhist Churches of America and has advised five consecutive Bishops beginning with Bishop Shinsho Hanayama, whose term ended in 1968, through Bishops Tsuji, Yamaoka, Watanabe and Ogui.

Reverend Ohata's contributions to the community are clearly demonstrated in his compassion and understanding. An immigrant himself, Reverend Ohata is a strong believer in the unifying powers of diversity, faith, tolerance and understanding. He has shared this strength through roles within the community.

The San Jose Buddhist Church Betsuin sits in the heart of my district and opens its doors to people of every ethnicity, faith, nationality, culture and creed in the spirit of sharing and community. Yearly Obon festivals bring hundreds of people into the halls of the Buddhist church for good food and increased understanding among San Jose's extremely diverse communities of neighbors and friends.

Although Reverend Ohata is formally retiring, I am certain that his legacy will continue throughout the sidewalks of San Jose's Japantown and within the vibrant and diverse communities he has touched.

HONORING RICHARD NEWTON ON HIS CAMPAIGN TO BE ELECTED TO THE CHAUTAUQUA COUNTY LEGISLATIVE DISTRICT 1

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to honor Richard Newton, a resident of Chautauqua County for his quest to become the elected representative to the first legislative district in the Chautauqua County Legislature. Although Mr. Newton was not able to realize his dream he has been able to make an impact on other's lives in a different way.

The campaign trail is a difficult path to take. Any person with a dream may enter but only a few are able to reach the end. Mr. Newton traveled that path with his head held high and a smile on his face the entire way. I have no doubt that his kind demeanor left a lasting impression on the voters of district 1.

Chautauqua County is blessed to have such strong candidates with a desire to make this county the wonderful place that we all know it can be. Mr. Newton is one of those people and that is why, Mr. Speaker, I rise to honor him today.

HONORING CAPTAIN JOEL E. CAHILL

HON. JEFF FORTENBERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. FORTENBERRY. Mr. Speaker, Captain Joel Cahill died last month from injuries he sustained while serving in Iraq. The personnel carrier in which he was traveling hit a roadside bomb, killing him instantly. He was 34 years old. He leaves behind his two daughters, Faith and Briana, and his wife, Mary.

Joel was the son of Larry and Barbara Cahill. He graduated from Papillion-La Vista High School in 1989 and enrolled in the Army a year later. His first act was to register for Special Forces training. With his strong intellect and fierce dedication, Joel Cahill became a decorated member of the U.S. Army Rangers. Joel also went on to continue his education at the University of Nebraska at Omaha, majoring in general studies. He served in Iraq with the 1st Battalion, 15th Infantry from Fort Benning, Georgia.

During his service, Captain Cahill became a skillful soldier. He was awarded the Bronze Star, Purple Heart, and Soldier's Medal, which he received for saving the life of a fellow soldier. During a training exercise with live grenades, Joel's quick action delivered a colleague from harm.

This act of bravery demonstrated how he lived his life; by putting others before himself. Joel Cahill had a strong sense of purpose. When asked about his recent assignment, he responded, with heartfelt emotion in his voice, "I strongly believe that this is what I need to do to keep my girls safe in the future."

Captain Cahill took pride in protecting America. His brother, Randy, described Joel as a compassionate individual with a good sense of humor, who conveyed a sense of sincere gratitude towards the troops with whom he served.

Captain Cahill's death is particularly hard. The father of young children, the husband of a young wife, his loss carries an unyielding sting. As we pay tribute to him, our hope is the sting may be softened, if for a moment, by the remembrance of a heroic soldier who sacrificed himself in service to his country. Captain Cahill lived and died an American patriot.

Captain Cahill now rests in Arlington National Cemetery; a fitting tribute for a dedicated soldier. He is a true hero. We shall forever be grateful.

IN RECOGNITION OF JENNIFER ROSS AND HER SERVICE IN THE PEACE CORPS

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mrs. TAUSCHER. Mr. Speaker, I rise today to honor my constituent Jennifer Ross, who has recently returned from two years of service in the Peace Corps.

Ms. Ross has followed in the footsteps of over 182,000 Americans who have served in 138 countries around the world since the Peace Corps' inception in 1961. Every year, thousands of selfless volunteers share their time and talents by serving as teachers, business advisors, information technology consultants, health and HIV/AIDS educators, and youth and agriculture workers.

Ms. Ross spent her time in the Peace Corps teaching students in Cotiujeni, Moldova, about health education and life skills, such as the development of self esteem and the value of friendship. In order to promote these lessons she used baseball as a teambuilding effort and as a means of creating a positive environment for her students.

Seeing the success of baseball in fostering sportsmanship and self confidence in her students, Jennifer worked to obtain a $65,700 grant from the Baseball for Tomorrow Fund. Using this grant, she set up a summer baseball camp in Moldova.

Although Ms. Ross's service in the Peace Corps has ended, she has made a lasting impression on lives of the children she worked with in Moldova. I am proud of Ms. Ross and all of my constituents who are serving and have served in the Peace Corps and I offer them my deepest gratitude.

HONORING RETIRING CONCORD TOWN COUNCILMAN JOHN ALLAN

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. HIGGINS. Mr. Speaker, today I rise to honor John Allan, whose service as a member of the Concord Town Board will come to an end on December 31, 2005.

Councilman Allan is a man dedicated to effective public service for the resident of the town of Concord. Few public officials love their hometown the way John Allan does, and his public acts have always had the intention of making life in the town of Concord better for those fortunate enough to live there.

While John's most recent run for public office has proven unsuccessful, it is a virtual certainty that he will remain active in local civic affairs. That is a good thing, for the town of Concord is better for the active public service of individuals like John Allan.

I want to thank you, Mr. Speaker, for offering me this opportunity to honor the public service of retiring Concord Councilman John Allan, and I hope that you will join me in offering to Mr. Allan the House's best wishes of good luck and Godspeed in all of his future endeavors.

TRIBUTE TO MR. RICHARD E. TOMKO

HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. HOLDEN. Mr. Speaker, I rise today to honor Mr. Richard E. Tomko of St. Clair, Pennsylvania for his many years of selfless and heartfelt service to the residents of St. Clair Borough and the many contributions he has made to Schuylkill County and the Commonwealth of Pennsylvania.

Mr. Tomko began his public life as committeeman for the West Precinct in St. Clair at the age of 21. Soon after, in 1970, he became the chairman of the St. Clair Republican Party, a position he holds to this day. At the age of 23, Mr. Tomko was elected to the St. Clair Borough Council and served 8 years, including 5 years as council president. In 1980, Mr. Tomko resigned from the council to become borough secretary until he was appointed to the Police Civil Service Commission where he served for 3 years.

In 1985, Richard Tomko was elected mayor of St. Clair. Mayor Tomko was re-elected four times, serving 20 years in the position. A high school government teacher, neighbor, and friend, Mr. Tomko continues to be a vital member of the community, also serving on my Military Academy Recommendation Board.

Mr. Speaker, it is a privilege to be able to recognize a man who has dedicated his entire life to the borough of St. Clair, helping hundreds of people in my district, including myself. I ask you and my other distinguished colleagues to join me in congratulating Mr. Richard E. Tomko on his many years of devoted public service and thank him for the many contributions he has made toward the well being of the citizens of St. Clair, Schuylkill County, and the Commonwealth of Pennsylvania.

HONORING SCOTT TUCKER OF PETALUMA, CALIFORNIA

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Ms. WOOLSEY. Mr. Speaker, we rise today to honor Scott Tucker, of Petaluma, California. On January 1, 2006, Scott will officially retire after 13 years as the San Francisco District Manager, and 38 years with the United States Postal Service. He is the longest serving postal service executive at any major metropolitan area in consecutive years.

Mr. Tucker's career with the U.S. Postal Service began in 1968 in Hanford, California as a letter carrier. He held a succession of managerial positions in postal operations, until in September 1992, he was appointed to his current position as the San Francisco District Manager.

As the District Manager, Scott is responsible on a daily basis for the delivery of approximately 10 million pieces of mail to 3 million customers throughout northwest California that ranges from Sunnyvale in the south to the Oregon border in the north. He supervises a workforce of 10,400 mail carriers, mail handlers, mail clerks, postmasters, and operations managers. In the North Bay we have grown to approximately 3,000 employees spread throughout 205 postal facilities under Scott's leadership.

The San Francisco postal district has for nine consecutive quarters, under Scott's leadership, received the "Order of Yellow Jersey" award for excellence in customer satisfaction and commitment to professionalism. The district has been repeatedly recognized by IBM's Business Consulting Services Unit, as one of the best on-time mail services for any metropolitan area in the Nation.

In the past 13 years, Scott has helped increase awareness of multi-cultural groups within the district. Under his leadership, numerous diversity leadership advisory councils were established including the Women's Council, African American Council, Asian American/Pacific Island Council, and the Hispanic Council. The Bay Area Federal Executive Board recognized his efforts and presented him with a diversity leadership achievement award.

Mr. Speaker, it is with great pleasure that we honor Scott Tucker today for the years he has dedicated to consistently improving upon how we all receive our mail. The San Francisco District of the U.S. Postal Service employees and customers will greatly miss him. He has left some very big shoes to fill.

HONORING RETIRED ELECTED OFFICIALS FROM THE TOWN OF BRANT, NY

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. HIGGINS. Mr. Speaker, today I rise to honor three dedicated public servants whose service to the town of Brant has been effective and honorable. I wish today to honor retiring Town Supervisor Samuel J. Chiavetta and retiring Council Members Eugene Czyz and Marting Rosiek.

Although one of the smallest towns in Erie County and among the smallest in the 27th Congressional District, the town of Brant is in many ways a very natural bridge between the two counties that make up the 27th District—Erie County in the north and Chautauqua County in the south. Though a tiny rural farming community, the town of Brant is an important part of our region, and I am pleased to honor its retiring elected leaders today.

Supervisor Chiavetta, Councilman Czyz and Councilman Rosiek served as a effective public officials during a time of change, both in Brant as well as throughout western New York. Their service was to the taxpayers who elected them to public office, and their dedication to their town and to their community is steadfast. I am honored to have been able to call them colleagues in government.

Mr. Speaker, I again want to thank you for this opportunity to honor these three fine public servants, and I want to wish to them and to their many friends, family members and public supporters all the best of good luck and Godspeed in their future endeavors.

SALUTING RADIO ONE

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to salute Radio One, the nation's largest Black-operated electronic media company. Radio One is also the country's seventh largest radio broadcasting company, and has had 25 great years of broadcasting excellence both nationally and in Dallas. This radio station has stood the test of time and has proudly served the community as a source of entertainment, election coverage, local news, and national events. Over the years, Radio One has undergone many technological and managerial changes and has become a pioneer in electronic broadcasting by combining innovative technology with reliable service.

Radio One is the leading radio broadcasting company targeting African-Americans. Founded in 1980, the company owns and operates 69 radio stations in 22 markets. Of these stations, 39 (29 FM and 10 AM) are in 14 of the top 20 African-American markets. I am proud to say that KBFB–FM as well as KSOC–FM operate in Dallas, Texas.

Radio One's Chairperson and co-founder, Catherine L. Hughes, and her son, Alfred C. Liggins, III, acting as the Chief Executive Officer and President, together have more than 50 years of operating experience in the radio broadcasting industry. Ms. Hughes, Mr. Liggins, and their outstanding management team have successfully implemented a strategy of acquiring and turning around underperforming radio stations. Their strategy for their radio broadcasting business is to continue to expand within our existing markets and into new markets that have a significant African-American presence.

Mr. Speaker, I commend Radio One in their efforts to radio broadcasting primarily targeting African-Americans. Their work continues to have significant growth potential in the African-American market and the radio industry in general.

Over the past 25 years, Radio One, KBFB–FM and KSOC–FM in Dallas have been a part of every major event that has occurred in Dallas and in the Nation. I am certain that they will maintain their high standards and strong foundation as it crosses the threshold into the 21st century. Dedication, philanthropy, foresight, and innovation have kept Radio One and its affiliates successful for 25 years and those same traits will carry it successfully into the future.

On behalf of the thousands of Greater Dallas Metroplex residents who have benefited from Radio One's broadcasting effort, I thank the station, its management, and its employees for their extraordinary contributions. I congratulate Ms. Cathy Hughes in advance as Radio One will be recognized at the Kennedy Center in Washington, DC in the summer of 2006. I trust that their contributions to the community will continue to lead the way for many more years.

HONORING THE LIFE OF JERRY TIPPENS

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. WU. Mr. Speaker, I rise today to honor the life and legacy of Jerry Tippens, a pillar of my Congressional District and Oregon for the past 40 years. Jerry died on November 28, 2005 at the age of 74.

Jerry came to Oregon in the early 1960s to work as a journalist for The Oregon Journal, covering among other things the Oregon state legislature. He soon joined their editorial board and quickly became its editorial page editor. When the Journal merged with the Oregonian in 1982, Jerry continued to serve by joining the Oregonian's editorial board where he worked until his retirement in 1991.

It was upon his retirement, that Jerry's work and service truly began. He joined the board of the Oregon Food Bank, and through his chairmanship, grew this agency into becoming the second-largest food bank in the nation. He was passionate about helping those who were hungry and in need. Jerry ultimately became the voice for those who had no voice of their own.

I am honored to have known Jerry, and while he will be deeply missed, I am comforted with the knowledge that Jerry's spirit of community service and hard work will continue in Oregon. I am fortunate to have his daughter, Julie Tippens, serving as my Chief of Staff, and I extend my heartfelt condolences to Julie, her brother Hal, their mother, Helen, and Jerry's sister, Katherine Wiper.

In conclusion, I would like to submit for the record an editorial from The Oregonian that highlights the work and legacy of Jerry Tippens.

[From the Oregonian, Nov. 30, 2005]

JERRY TIPPENS

THE EDITORIAL WRITER AND ANTI-HUNGER ACTIVIST LEFT A MARK DEEPER THAN ANYTHING ON PAPER

Jerry Tippens, who died Monday in Eugene, was a substantial figure in the life of Oregon. As an editorial writer at The Oregonian and The Oregon Journal, and the last editorial page editor of the Journal, he was a powerful voice for rural Oregon and for the state's hungry, and a bottomless resource on Oregon in the second half of the 20th century.

After his retirement from The Oregonian, as a board member and board chairman of the Oregon Food Bank, Tippens played an important role in building it into the second-largest food bank in the nation, with a new state-of-the-art facility. Beyond any institutional identity, he was a constant and influential voice in Salem and around the state on behalf of Oregon's poor and hungry, and for parts of the state that don't always appear in the media.

But on the editorial board, he was a colleague, gentle and persistent, firm on the things he believed in—people and planning and Cleveland's prospects in the American League—and tolerant of the things he didn't.

In many ways, Tippens was an example of what editorial writers claim to be. To the news of each day, he brought a wide range of personal experience, from growing up on a Dakota ranch, serving in Korea and covering three sessions of the Oregon Legislature so closely that the legislators on the Ways and Means Committee voted him an honorary member. He also brought an always deepening knowledge of Oregon, looking at each day's issues and understanding not only what the problem was but how it got that way.

And most importantly, Tippens always had the ability to look at an issue—or a politician's speech—and see through it to the people affected.

When he retired from the editorial board and applied his insight and skills to the dramatic growth of the Oregon Food Bank—and a considerable improvement in the lives of thousands of Oregonians—we were proud.

But not exactly surprised.

HONORING PETER GUISE ON HIS CAMPAIGN TO BE ELECTED TO THE CHAUTAUQUA COUNTY LEGISLATIVE DISTRICT 12

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to honor Peter Guise, a resident of Chautauqua County for his quest to become the elected representative to the twelfth legislative district in the Chautauqua County Legislature. Although Mr. Guise was not able to realize his dream he has been able to make an impact on other's lives in a different way.

The campaign trail is a difficult path to take. Any person with a dream may enter but only a few are able to reach the end. Mr. Guise traveled that path with his head held high and a smile on his face the entire way, I have no doubt that his kind demeanor left a lasting impression on the voters of district 12.

Mr. Guise has tried his hand in county politics a couple of times. That is a respectable trait to have. Determination to do good things for your county is one thing that Chautauqua County residents strive for.

Chautauqua County is blessed to have such strong candidates with a desire to make this county the wonderful place that we all know it can be. Mr. Guise is one of those people and that is why, Mr. Speaker, I rise to honor him today.

PAYING TRIBUTE TO JOHN H. ADAMS

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. HINCHEY. Mr. Speaker, I rise today to honor John H. Adams, a longtime resident of the Hudson River Valley in New York State, whose tremendous vision and distinguished career in environmental protection have left a significant and lasting legacy for our entire nation. I am very pleased to recognize and pay tribute to Mr. Adams as he celebrates his retirement from the position of president of the Natural Resources Defense Council (NRDC) after more than thirty-five years of dedicated leadership of the organization.

John Adams co-founded NRDC in 1970 as an organization of public interest lawyers focused on the development and enforcement of emerging environmental laws. As its Executive Director from 1970–1998, Mr. Adams built an effective and influential non-profit organization of lawyers and scientists, which is today supported by a national membership of more than one million people. As president of NRDC since October 1998, Mr. Adams has advised policy makers and members of industry on the growing importance of protecting and conserving our nation's natural resources for future generations.

Mr. Adams grew up on a farm in the Catskills of New York State. He earned a B.A. in History from Michigan State University in 1959, followed by a law degree from Duke University in 1962. Mr. Adams returned to New York after graduating from law school and, several years later, worked as the Assistant United States Attorney for the Southern District of New York, during which time he met and worked with a number of people who inspired him to enter public interest law.

With the unflinching and invaluable support of his wife Patricia, Mr. Adams established NRDC and became the organization's first employee. Shortly thereafter, Mr. Adams and NRDC's lawyers took on their first environmental case: preventing the construction of the Storm King Mountain pumped storage facility. This historic environmental battle, which eventually succeeded in protecting one of the most recognizable natural features in the Hudson Valley, has been viewed by many as the birth of the modern environmental movement, establishing important legal precedents and inspiring similar citizen efforts throughout the country.

Mr. Adams joined the adjunct faculty of New York University's School of Law in 1972 where he taught Clinical Environmental Law for 26 years. A year later, Mr. Adams reconstituted the defunct Open Space Institute (OSI), a conservancy devoted to the protection of open space, and has served as Chairman of the Board since this time, during which OSI has purchased or protected thousands of acres of land in the Hudson Valley, the Adirondacks, and the Catskills. One of the organization's most notable successes was its pivotal role in purchasing Sterling Forest, an area now consisting of more than 20,000 protected acres between New York and New Jersey, made possible through an historic partnership between the federal government, two states and numerous private organizations.

Mr. Adams serves on the boards of the League of Conservation Voters, Woods Hole Research Center, Center for American Progress and Duke University's Nicholas School of the Environment and Earth Sciences. In 1999, he completed his membership on the President's Council on Sustainable Development and his participation in Environmental Protection Agency's Common Sense Initiative. Mr. Adams has received many notable honors and environmental awards including: One World One Child Lifetime Achievement Award (2005); NRDC's Forces For Nature Award (2005); the Wilderness Society's Robert Marshall Award (2005); the Natural Resources Council of America's Award of Honor (2001); the Green Cross Millennium Award for Individual Environmental Leadership (2000); the Judge Lumbard Cup for public service from the United States Attorney's Southern District of New York; the National Conservation Achievement Award from the National Wildlife Federation (1999); and the Francis K. Hutchinson Conservation Award from the Garden Club of America (1990). In 1998, Mr. Adams was named one of the National Audubon's 100 Champions of Conservation. In 1997, he received the Environmental Careers Organization's 25th Anniversary Award. In 1991, he received Duke University's Distinguished Alumni Award, and in 1992, Duke University Law School's Charles J. Murphy Award. Mr. Adams was also the recipient of an honorary Doctor of Laws from Duke University and Knox College and an honorary doctorate from Cedar Crest College.

Mr. Speaker, I am delighted to congratulate and honor John Adams on the occasion of his retirement as president of NRDC after his many years of hard work and committed service on behalf of the Hudson River Valley and our entire nation. I offer my deep appreciation and thanks for the outstanding leadership that John has provided over his impressive career in protecting this country's natural resources, fighting for the health of our communities and forging a more rationale and sustainable future. Though he is retiring as NRDC's president, I am grateful that he will remain involved in as the organization's founding director so that the environmental movement can continue to benefit from his wisdom and experience. I would like to take this opportunity to offer my very best wishes for the future to John, Patricia and their family as they celebrate this important milestone.

HONORING THE POTEET HIGH SCHOOL MARCHING BAND

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. HENSARLING. Mr. Speaker, today I would like to honor the Poteet High School Pirate Marching Band for their recent victory at the University Interscholastic League State AAAA Marching Band Championship. On November 8, 2005, the Pirates competed against more than 20 other bands from across the State of Texas and won their second State Championship since 1997.

I would like to recognize the students and directors of the Poteet Pirates Marching Band, especially director Scott Coulson. Scott Coulson has been a strong role model and exceptional leader for the Poteet Pirates Marching Band.

As the Congressional representative of the students, parents, and teachers involved with the Poteet High School Marching Band, it is my pleasure to recognize their tremendous victory. This is an accomplishment that these young men and women will remember for years to come.

TRIBUTE TO TONY BENNETT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. RANGEL. Mr. Speaker, I take great pleasure in rising before you today to recognize one of the world's greatest and most admired entertainers—Tony Bennett who was honored by the Kennedy Center on December 4, 2005.

World-renowned as an "individual of unequaled excellence," Tony Bennett has remained for over 5 decades, one of our leading male singers of traditional pop songs who has entertained all age groups with his magnificent voice and dynamic performances. Indeed, he is an American icon whose talents are timeless and who continues to be an inspiration to all generations.

It is said of Tony Bennett that he is a superb performer, a true legend of American music, and a national treasure. While all that may be true, Tony is all those things and so much more.

In addition to entertaining audiences through song, Tony Bennett is also an accomplished painter and author, as well as a devoted philanthropist. Throughout his career, he has participated in many humanitarian causes and concerns. He has raised funds for the American Cancer Society, the Juvenile Diabetes Foundation, and the Hospice of Baltimore. He has worked with the Center for Handgun Control and has supported environmental issues through such organizations as Save the Rainforest and the Project for Walden Woods.

His charity concerts have also benefited many causes, namely the preservation of the Apollo Theater in my Congressional District of Harlem in New York City.

What many people may not know is that Tony Bennett served as a foot soldier in World War II, and was an active participant in the liberation of a concentration camp. In 1965, he participated in the March on Selma with the Reverend Dr. Martin Luther King, Jr. and refused to perform in South Africa during the era of apartheid.

Tony Bennett is a lifelong New Yorker born in the Astoria section of Queens. He attended the High School of Industrial Arts in Manhattan where he continued nurturing his two passions—singing and painting.

Tony's extraordinary and enduring career, took off shortly after Bob Hope discovered Bennett in a New York nightclub in 1949. That discovery has resulted in scores of albums, ten Grammy awards, a Lifetime Achievement Award, and induction into the Black Entertainment in Sports Hall of Fame.

Mr. Speaker, I thank you for this opportunity to pay tribute to Tony Bennett, an extraordinary entertainer, a true humanitarian, and a champion for all people. Legions of fans of all ages and musical tastes applaud his genius, and we can be assured that the legacy of Tony Bennett will live forever.

HONORING JANIE WALENTA

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. HENSARLING. Mr. Speaker, I rise today to recognize the leadership and achievements of Janie Walenta, former president of the Westlake Republican Women.

Mrs. Walenta has served the Republican Party as a Precinct Chair and election judge. In addition, she has been actively involved with the Dallas Republican Career Women, the Bayview Century Club, and the Westlake Republican Women's Club. Through her service she continues to strengthen the Republican Party through candidate recruitment, training and election activities as well as advocating the GOP's common sense conservative philosophy of faith, family, free enterprise, and freedom.

Janie Walenta is a graduate of the University of Texas and the University of Dallas, and is currently employed a senior consultant with O'Neal Communications Management.

Today, I would like to recognize Janie Walenta's service and help making our community and our country a better place to live and to honor her as a strong Republican woman embodying the energy, vision and values of our party.

PRESTON ROBERT TISCH: GREAT CIVIC LEADER AND PHILANTHROPIST HAS DIED

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. RANGEL. Mr. Speaker, I rise today to introduce into the record the obituary of Preston Robert Tisch written by Douglas Martin which appeared in The New York Times Wednesday, November 16, 2005. Mr. Tisch died at his home in Manhattan yesterday. He will be greatly missed by the people of New York City.

New Yorkers called Mr. Tisch "Bob." Bob Tisch was generous to New York City. He made his fortune in New York in real estate and other enterprises, but he shared his money, his impressive business talents and generous spirit by with thousands of people who would never meet him personally. Many New Yorkers, young and old were touched by his civic leadership and continue to be touched by his generosity even though he is gone from us physically.

In May 2005, Mr. Tisch was interviewed by Joan Baum, Ph.D. for the online edition of Education Update magazine. Dr. Baum extolled Bob Tisch "extraordinary life of public service and philanthropy" mentioning his service as Postmaster general of the United States, his service in the '90s, at the request of then Mayor David Dinkins, as New York City's Ambassador to Washington, chairing NYC Public Private Initiatives, a partnership program to fund community programs, sitting on the board as a founding member of Citymeals-on-wheels, and as a driving force behind the new Giants Stadium.

Ms. Baum pointed out, that Bob Tisch cited among his proudest achievements "programs that have benefited public schools, particularly among them "Take the Field." This program is one that Bob Tisch founded in 2000 and has already restored 41 of 43 athletic fields for New York public schools. By May 2005, Bob Tisch's efforts had raised $135 million in private and public funds for Take the Field. His goal was to rebuild athletic facilities in order to promote health, academic performance and pride.

In his interview, Bob Tisch acknowledged that Take The Field was as much about investment in youth and communities as it was about sports. When the schools' updated facilities are not being used by the schools they are used by the communities in which they are located. Ms. Baum wrote about her interview in May 2005: "Bob Tisch chuckles when he recalls how the owners of the two-story homes surrounding Forest Hills High School went out of their way to assure him they were going to 'watch over their field.' Other communities with new athletic facilities also watch over their fields.

Bob Tisch's interest in education is present in the Tisch School of the Arts at New York University and the Preston Robert Tisch Center for Hospitality, Tourism and Sports at NYU, which has recently added a Master's program.

I believe what was so special about Bob Tisch was the passion and love he brought to each of his projects. His ideas were brilliant, his projects successful and his profits in business high. But his distinguishing characteristics that were the true foundation of all his successes were his passion and his compassion.

Bob Tisch was one of-a-kind. I will miss him. New York City will miss him. What is wonderful to know is the students of New York City will continue to benefit from his ideas and his passion for education for a long, long time. Because of this I am positive his spirit is still with us and his soul is with God.

[From the New York Times, Nov. 16, 2005]

PRESTON ROBERT TISCH, OWNER OF LOEWS HOTELS AND GIANTS, DIES

(By Douglas Martin)

Preston Robert Tisch, who with his older brother built a multibillion-dollar business empire and who himself was postmaster general, half-owner of the New York Giants football team and leader of many of the city's top business groups, died yesterday at his home in Manhattan. He was 79 and also had a home in Harrison, N.Y.

The cause was a brain tumor, said Jeffrey Stewart, spokesman for the family.

Wellington Mara, the co-owner of the Giants with Mr. Tisch, died on Oct. 25.

Mr. Tisch was sometimes called "the other Tisch" to differentiate him from his older brother, Laurence, who was known as a no-nonsense financial strategist, partly from being the fiercely cost-conscious chairman of CBS from 1986 to 1995. He died in 2003.

But it was more often Preston Robert Tisch, universally known as Bob, who seized the public view, first as a persuasive marketer for hotels and other companies owned by the Loews Corporation. As operations chief, his attention to detail once included personally hiring all bellmen for Loews hotels. He saw them as his best salesmen.

Mr. Tisch freely gave his talents to New York City. He served as Mayor David N. Dinkins "ambassador" to Washington; was chairman of host committees for the 1976 and 1980 Democratic National Conventions; and led the way in building a new convention center on Manhattan's West Side.

His last campaign, Take the Field, to revitalize the ragged athletic fields of the city's public high schools, raised $140 million in donations. He said he could have written a check himself, but wanted a broad base of continuing support.

Mr. Tisch's enthusiasm for convening the city's movers and shakers began during the city's fiscal crisis in the 1970's with breakfasts at his Park Avenue hotel, the Regency. Major players in that municipal drama—the labor leader Victor Gotbaum, the real estate mogul Lewis Rudin and the investment banker Felix G. Rohatyn—were the first regulars.

"Stop over for breakfast, and you'll meet a lot of people," Mr. Tisch was famous for saying.

Many credit Mr. Tisch with coining the term "power breakfast," and the Regency continued to attract the likes of Beverly Sills, Henry Kissinger and Mr. Dinkins who said in an interview, "When you think of Bob Tisch, you smile."

In recent months, Mr. Tisch continued attending power breakfasts, as well as meetings at Giants Stadium and sports events there and elsewhere.

Among the city organizations he headed were the New York City Convention and Visitors Bureau, the New York City Partnership and the New York City Chamber of Commerce and Industry. When he joined with Mr. Rudin and other executives to form the Association for a Better New York in 1971, he and other soon-to-be billionaires posed delightedly with brooms.

His speaking schedule was so full that when President Ronald Reagan named him postmaster general in 1986, friends wondered if the job might really be "toastmaster general."

Larry and Bob Tisch were known for their generosity, not least their gifts to New York

University where the medical center and arts school both bear the family name. So does a gallery at the Metropolitan Museum of Art and the children's zoo in Central Park, not to mention namesake institutions at the University of Michigan, Tufts University and elsewhere.

The Tisch brothers add up to a quintessential Big Apple success story, beginning with playing stickball on the streets of Brooklyn and building to a financial conglomerate with annual sales of more than $15.2 billion and assets of $73.7 billion.

Their holding company, the Loews Corporation, ranks 127th on the Fortune 500, and has subsidiaries engaged in various kinds of insurance, the production and sale of cigarettes and watches, and the operation of hotels and oil and gas drilling rigs.

Preston Robert Tisch was born in the Bensonhurst section of Brooklyn on April 29, 1926, to parents who came from Russia. His father, Abraham Solomon, known as Al, owned a garment-manufacturing business and bought two summer camps in New Jersey, Laurel and Lincoln, which his wife, the former Sayde Brenner, helped him operate. As teenagers, Larry and Bob worked at the camps.

"My parents were middle class and like everybody else in Brooklyn at the time, they worked hard and tried to move up the scale," Mr. Tisch said in an interview with Newsday in 1991.

The family moved every three years to get three months of free rent, a common practice even among the middle class. This meant Mr. Tisch attended DeWitt Clinton High School in the Bronx for one year and Erasmus Hall High School in Brooklyn for three.

Mr. Tisch joined the Army after briefly attending Bucknell, and enrolled at the University of Michigan after his discharge in 1944, earning a bachelor's degree in economics.

His wife, the former Joan Hyman, recalled him selling keychains for a dime, or two for 15 cents, in front of the university's football stadium. They married in 1948.

Besides his wife of 57 years, he is survived by two sons, Steven and Jonathan; and a daughter, Laurie.

In 1946, Larry, then a student at Harvard Law School, saw an advertisement for a sleepy resort in Lakewood, N.J., called Laurel-in-the-Pines, and persuaded his parents to put up $125,000 to buy it. A family friend threw in another $50,000 and took a one-fourth interest.

The Tisches refurnished the hotel, added amenities like a swimming pool and dreamed up promotional schemes that included importing three reindeer from Finland to pull sleighs in the snow. By the time Mr. Tisch joined the business in 1948, the hotel was prospering.

The family began investing profits in small hotel operations in Atlantic City, almost literally playing Monopoly on the boardwalk. They then took positions in Manhattan hotels. They typically found unprofitable properties, made improvements and raised rates.

The brothers, personally and in business, could not have been closer. Their families socialized together, they went to temple together, played tennis together and even commuted to work together. In business, Larry made deals. Bob ran companies.

Bill Rudin, comparing the Tisches to his father Lewis and uncle Jack, the New York real estate magnates, said in an interview "They both sketched out a role that each of them wanted to play, and each ran with the ball."

In 1956, the brothers were ready to build their own hotel, the Americana at Bal Harbour, Fla. They did not borrow a cent to build the $17 million hotel. It did $12 million in business the first year, in large part because of Mr. Tisch's success in getting convention business.

With $65 million from their thriving hotels, the brothers started buying into the Loews Corporation. An antitrust decree had separated the company's theaters from its filmmaking unit, and the brothers recognized that many of the theaters occupied prime real estate. By January 1961, they gained total control of Loews.

They knocked down the old Loews Lexington theater and used the site to build the 800-room Summit, the first hotel built in Manhattan in 30 years. They built the Americana, which at 50 stories was the world's tallest hotel upon completion in 1962. Other hotels followed, and Loews became a leading chain.

The Tisches decided to recast the company as a conglomerate. In 1968, they acquired Lorillard, then the nation's fifth-largest cigarette company. In 1974, they bought the *CNA Financial Corporation*, a nearly bankrupt Chicago-based insurance company. Within a few years, it had assets of $16.5 billion and an A+ credit rating. In 1979, they purchased the troubled Bulova Watch and turned a profit.

By 1980, Loews had revenue of $4.5 billion and earnings of $206 million, and all its segments were doing well.

Luck mixed nicely with strategy. When the brothers sold the Traymore Hotel in Atlantic City in 1956, they retained a parcel of its land. They were able to take advantage of the casino boom that began in 1978

In the early 1980's, the Tisches bought five supertankers for $25 million when the oil market was depressed. The deal had no risk because even if oil prices did not rise, the scrap value of each tanker was $5 million.

Mr. Tisch was postmaster general for almost two years, beginning in 1986. He used his marketing skill to come up with the idea of selling stamps by phone, and stressing sales of commemorative stamps, which are financially advantageous for the Postal Service because collectors seldom use them as postage.

Mr. Tisch, whose net worth was $3.9 billion in 2003, according to Forbes, relished such hands-on personal involvement. Not only did he help found Meals-on-Wheels and serve as its president for 20 years, he many times personally delivered meals to elderly patrons.

His habit of working Sundays prevented him from seeing a professional football game until 1961, but he made up for it. After buying the Giants in 1991, he loved to attend practices and confer with coaches.

Mr. Tisch improved the Giants' business by sharpening marketing strategies, and, just as he had raised hotel rates, increasing ticket prices. He remarked that for all his business success and his oversight of the world's largest civilian work force at the Postal Service—and even his considerable civic and philanthropic contributions—he found people most admired his ownership of the Giants. That made sense to him.

"I want to be part of the fraternity and live out my life as a Giants owner," he said in 1991, shortly after acquiring a share of the team.

IN HONOR OF ANGEL GURRIA'S SELECTION AS THE NEXT SECRETARY-GENERAL OF THE OECD

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. SESSIONS. Mr. Speaker, I rise today to honor the Organization for Economic Co-operation and Development (OECD) selecting Jose Angel Gurria Trevino as their next Secretary-General. Angel Gurria has been a good personal friend of mine for several years, and I am certain that his impressive leadership skills will be a tremendous asset to the OECD.

Previously, Gurria served as Mexico's Minister of Foreign Affairs from 1994 to 1998 and Minister of Finance and Public Credit from 1998 to 2000. During his time in these two posts, Gurria has worked diligently with me and many of my Congressional colleagues in promoting a better relationship with our neighbor to the South. In 1999, he was named Finance Minister of the Year by Euromoney Magazine. The following year, he was chosen Finance Minister of the World's Dream Cabinet by World Link, the magazine edited by the World Economic Forum. We are fortunate that all of the OECD member countries will now be able to benefit from Gurria's brilliance. He has done great work for his native Mexico and his economic abilities can now serve the thirty nations of the OECD.

I thank the current outgoing Secretary-General, Donald J. Johnston, for his ten years of service to the OECD. Gurria inherits a good legacy created under Johnston, and I am confident that he will be able to lead the organization to even greater accomplishments.

I wish Gurria all the best for a successful start to his term leading the OECD. I congratulate him, his wife Dr. Lulu Quintana, and their three children on Gurria's honorable appointment.

HONORING THE DALLAS ROTARY CLUB

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. HENSARLING. Mr. Speaker, today, I would like to help celebrate two significant anniversaries of Rotary International. This year, Rotary International celebrates its 100th anniversary. From its humble roots in Chicago, Illinois, Rotary has grown into a worldwide organization of business and professional leaders who provide humanitarian service, encourage high ethical standards in all vocations, and help build goodwill and peace in the world. Since 1943, Rotary International has distributed more than $1.1 billion to combat Polio, promote cultural exchanges and encourage community service.

I also want to recognize the Dallas Rotary Club for their 95 years of service to Dallas County. Throughout its history, the Dallas Rotary Club has achieved great success in carrying out the mission of Rotary International.

The Dallas Rotary Club has raised money for community programs and events, from the local bike rodeo and youth summer camps, to teacher award programs and as far away as supporting our troops fighting in Iraq and being housed in San Antonio. In addition, they strongly support organizations, such as the Children's Medical Center and Scottish Rite Hospital.

Through these initiatives, the Dallas Rotary Club exemplifies the values of service and charity that lie at the heart of American society. As one of the Congressional representatives of the members of this outstanding organization, it is my distinct pleasure to honor them today in the United States House of Representatives.

IN MEMORY OF MAURICE S. PAPRIN: NEW YORK REAL ESTATE DEVELOPER AND ADVOCATE, EDUCATOR AND PROMOTER OF SOCIAL WELFARE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. RANGEL. Mr. Speaker, I rise today to recognize the passing of a dear friend and prominent citizen of New York City, Mr. Maurice S. Paprin. Mr. Paprin was not only a successful real estate developer in New York City as president of Douglass Urban Corporation and other companies, but also a tireless advocate for affordable housing and comprehensive social dialogue. He personified the definition of "Renaissance man," having an affinity and talent for many fields, succeeding in all he touched.

Mr. Paprin graduated from the City College of New York in 1939 and obtained a Master's degree in history from the University of Wisconsin. A lifelong champion of public education, under his leadership, the City College of New York bought a building from the B. Altman department store, transforming it into the current Graduate Center for the City University of New York. He also dedicated time to teaching history at New York University.

Mr. Paprin entered the real estate field in the 1950s, ascending to president of the Douglass Urban Corporation before starting his own real estate development firm, Paprin Realty Organization. A true pioneer in the field of affordable housing, Mr. Paprin oversaw the construction of countless apartment buildings in Harlem, part of my district, including the Schomburg Plaza in 1974, which partnered public and private interests to provide housing for low and moderate income families.

While Mr. Paprin left his fingerprints across the New York City real estate landscape, his efforts in the arena of political action and advocacy are also a significant part of his legacy, equaling his business prowess. A paragon of the American ideal that one person can make a difference, he founded and led a number of advocacy groups in New York City. As president of the Associated Builders and Owners of Greater New York, Mr. Paprin pushed for more affordable rental housing, housing subsidies and competent tax policy. In order to foster debate and positive political action, he also founded the Foundation for Social Change, the Fund for New Priorities in America and the Business Labor and Community Coalition of New York. These groups exist solely to explore new ideas about good governance and the role of government in society.

Aside from his overwhelming professional and social achievements, Mr. Paprin loved as he lived—with unmatched zeal and abandon. He is survived by his wife, Jacqueline, three sons, Seth, Yale and Frederick, a daughter, Judith, a sister, Eugenia Gunier, two stepsons, Steven Stuchin and Miles M. Stuchin, and 12 grandchildren. He was preceded in death by his first wife, Rita.

Maurice Paprin lived an amazing life, leaving behind a legacy of positive contributions to society and business. He was a New York City icon, a titan among titans. His forward thinking and influence will be sorely missed, both within New York City and elsewhere. It is my privilege to honor him for his accomplishments and for his example of how to be a true American patriot.

A SPECIAL TRIBUTE TO FRED AND KATHY FABRIZIO IN RECOGNITION OF THEIR LIFETIME OF COMMUNITY SUPPORT AND COMPASSION

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. GILLMOR. Mr. Speaker, today I pay tribute to the life of Fred and Kathy Fabrizio. Fred and Kathy remained friends of mine until their passing and their legacy is the community in which we live.

The life of Fred and Kathy Fabrizio begins and ends with Tiffin, Ohio. Fred was a member of Paul Hoernemann's football squad and a graduate of Heidelberg College where he excelled as a student and a leader. In 1999, Fred was honored with an induction into Heidelberg's Athletic Hall of Fame. The co-founder of PT Services, Inc., Fred remained an active part of the physical therapy profession until his retirement. Kathy was known through the community for her compassion and care of those in need. Her work as a nurse at Mercy Hospital provided Kathy with the perfect avenue by which to help us all.

The legacy of Fred and Kathy Fabrizio is one of charity and compassion. Mentors in the community, Fred and Kathy supported the St. Mary's Church, Calvert High School and established the Carmella Fabrizio Trust Fund to provide scholarships to parochial students. In addition, Fred's membership on the Heidelberg College Board of Trustees ensured our memory of him as a steadfast advocate and guardian of his alma mater.

Mr. Speaker, the Fifth District of Ohio is not a densely populated area. Instead, we are composed of many small communities complete with the character and needs of a closely connected people. Our survival depends on the kindness of residents like Fred and Kathy Fabrizio. Traveling throughout Tiffin, you will find many people who have been touched by the kindness of the Fabrizios.

Fred and Kathy's big hearts left many marks on our community and their generosity extended across all barriers and provided the love our community needed. While Fred and Kathy were taken from us too soon, their legacy lives on in the hearts and minds of all the residents of Tiffin, Ohio.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to Fred and Kathy Fabrizio. On behalf of the people of the Fifth District of Ohio, I am honored to recognize their efforts to better the community. Their impact on us will far outlast everyone of us and we wish the family of Fred and Kathy our prayers and thanks.

COMMEMORATING THE 50TH ANNIVERSARY OF THE DALLAS COUNTY COUNCIL OF REPUBLICAN WOMEN

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. HENSARLING. Mr. Speaker, today, I would like to commemorate the 50th anniversary of the Dallas County Council of Republican Women. Fifty years ago, 17 Republican Women's groups joined to form an alliance, based on the guiding principle of the National Federation of Republican Women, "to foster and encourage loyalty to the Republican Party and the ideals for which it stands."

For the past 50 years, the Dallas County Council of Republican Women have worked together to support Republican Women's groups in the area as they promote the principles of the Grand Old Party and help elect Republican leaders from the Courthouse to the White House. The Dallas County Council of Republican Women continues to serve Republican Women's Clubs through meetings, a council newsletter and website, and training seminars.

Today, I would like to honor the Dallas County Council of Republican Women and their leaders, including: Pat Jordan (1955), Eleanor Owens (1956), Tilla Lindsey (1956), Mary Jester (1957, 1958), Dorothy Cameron (1959), Bobbie Biggert (1960), Glenna McCord (1960, 1961, 1962), Babs Johnson (1963, 1964), Linda Holloway (1965), Ann Good (1965), Alice Hale (1966), Jonita Hilton, (1967), Anne Nicholson (1968, 1969), Peeps Moffett (1970), Jan Bryant (1970), Iris Snell (1971, 1972), Dottie Beckham (1972, 1973, 1974), Barbara Staff (1975), Ruth Potter (1976, 1977), Ginny Bauman (1978), Shirley Dickinson (1979, 1980), Jean Rheudasil (1981, 1982), Marianna Ziegler (1983, 1984), Jan Patterson (1985, 1986), Edith Schuler (1987, 1988), Lynne Tweedell (1989, 1990), Alma Box (1991, 1992), Betty Doke (1993, 1994), Sandy Melton Stephens (1995, 1996), Sue Hutchins (1997, 1998), Rosella Hutchison (1999, 2000), Taffy Goldsmith (2001, 2002), Valerie E. Ertz (2003, 2004); Deborah Brown (2005). These strong Republican women embody the energy, vision and values of our party.

BONO: A PERSONAL TRIBUTE

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. LEACH. Mr. Speaker, at a time the world is crying out for leadership and too frequently finds it lacking in political life, I would like to take a moment to comment on an individual who has never been elected to any post but is leading in ways beyond those who have. He is a musician. His name is Bono.

In the history of celebrity, no one has used his stature for greater social effect than this Irish songwriter and performer.

While the nightly news centers on problems of terrorism and other hate-inspired acts, Bono has recognized that the greatest public challenge of our time is disease control, and the greatest social issue is the division in the world between the haves and the have-nots. He has worked without ideological blinders with Republicans and Democrats in power in America; with liberals and conservatives in Europe; and with religious groups around the world to raise public consciousness and enhance public commitments to stem the onslaught of HIV/AIDS and reduce indebtedness of the poorest countries in the world.

Based on the movements that he has singularly helped lead, Bono is the first celebrity that merits serious consideration for the Nobel Peace Prize.

At a personal level, Bono has assiduously eschewed the pomp of overdressing and honed an "everyman" appearance which masks a razor-sharp IQ. As a songwriter, he is a poet with lyrics and as an advocate of political causes, he utilizes a profound observance capacity to articulate issues in ways which energize and uplift. He is a star because he does not act like one and a supernova advocate because his vision is so compelling.

To understand Bono, one must look to aspects of his background, including in particular, a love for a sport that I also played for many years: rugby.

Bono was a hooker. A hooker plants himself in the middle of the first row of a scrum, a position analogous in American football to a center. Hookers are generally the shorter, broad-shouldered leaders of the pack. They are the first to charge into a scrum. They balance themselves on the shoulders of their front row teammates called "props" and bend in a gymnastic-like contortion attempting nimble-footedly to kick the ball backwards with their heels as their teammates push forward so that their side can control the subsequent movement of the ball. Hookers in rugby are the center of team effort and generally end each game with the most noticeable badges of the struggle: welts and bruises on foreheads and chins.

As a celebrity, Bono is the obverse of spoiled Hollywood prettiness. He is the member of the cast who succeeds because of unyielding determination, yet interacts with others as if he fully understands their plight and has received himself significant licks in life.

I once took my daughter to a U2 concert in Washington and was impressed with the way Bono used an oblong walkway jutting out from the main stage to engage the audience. Repeatedly, he would sprint from one side to the other and then stop and bellow a vibrant melody with no evidence that he had exerted himself physically. His physical condition appeared closer to that of a world-class athlete than night club crooner.

My wife and I have had the good fortune to welcome Bono to our home in Iowa City and, in turn, to visit him in his studio in Dublin. We were struck by his genuineness, by the collegial banter of his band and by the sophistication and discipline with which they produce music. Bono has enormous artistic talent, but his success is rooted in a work ethic. Practice and refinement hallmark his efforts.

Bono speaks to a new generation of youth because he understands that their yearnings and dreams include a common concern for the human condition and a desire to tap the idealistic side of human nature.

It is Bono's idealism and capacity to communicate that define his leadership. When Bono sings, people join in; when he speaks, he inspires people to care.

The world is obligated to take note of this hooker with an international conscience.

IN RECOGNITION OF TARYN FRITZ WALPOLE'S YEARS OF SERVICE TO THE STATE OF TEXAS

HON. HENRY BONILLA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. BONILLA. Mr. Speaker, I rise to recognize the service of an outstanding individual, Taryn Fritz Walpole. Mrs. Fritz Walpole has served the people of Texas for 7 years and the people of the 23rd District for 5 years making sure that her fellow Texans remained fully informed on congressional actions.

Mrs. Fritz Walpole's talents were recognized shortly after her graduation from Southern Methodist University. Her preparation there as a dual journalism/political science major anticipated her future career and helped lead to Senator KAY BAILEY HUTCHISON making her a Deputy Press Secretary in 1998. Her successes and contributions to Senator HUTCHISON's efforts led me to ask Mrs. Fritz Walpole to join my staff. During her 5 years in my office Mrs. Fritz Walpole has set a standard for work that will be hard to replicate. Her accomplishments were recognized with promotions and she currently serves as both my Communications Director and Senior Advisor.

Taryn's gifts were apparent at a very early age. As a crusading reporter at Ravenswood Elementary School Taryn founded the school's first newspaper, the Ravenswood Raven in Burke, Virginia. Never one to rest on her laurels, Taryn was soon at it again, founding the Spicewood Times, at Spicewood Elementary School in Austin, Texas. Therefore, her current achievements should be a surprise to no one.

My colleagues, in the days ahead the State of Texas will be losing the services of Mrs. Fritz Walpole as she embarks on a higher calling. She will be serving the entire nation as Senior Advisor to the Commissioner of the Federal Food and Drug Administration. Texas' loss is America's gain and our nation will be well served by the professionalism of Taryn Fritz Walpole as she ensure that all Americans are adequately informed on FDA actions.

THE DAYTON AGREEMENT'S TENTH ANNIVERSARY

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. CARDIN. Mr. Speaker, the tenth anniversary of the Dayton "General Framework Agreement for Peace in Bosnia and Herzegovina" is being commemorated here in Washington, in Dayton, Ohio, and in various European capitals.

Despite its shortcomings, the Dayton Agreement has, in fact, formed the basis for maintaining peace in Bosnia and Herzegovina and building a country devastated by a horrible conflict that included atrocities on a scale not seen in Europe since World War II. The very fact that discussions now center on moving beyond the confinement of Dayton's provisions through constitutional reform is a confirmation of the agreement's success. This success, as is widely known, did not come easily but required constant pressure from the international community.

One area of particular concern to me has been the necessity, recognized in Dayton, to cooperate fully with the International Criminal Tribunal for the former Yugoslavia, located in The Hague and commonly known as ICTY, in order to punish those responsible for war crimes, crimes against humanity and genocide. Officials in Republika Srpska, one of the two political entities into which Dayton divided Bosnia and Herzegovina, have been particularly recalcitrant in this regard, and most persons captured in this entity have been through the efforts of NATO-led peacekeeping units. Officials in Serbia have also resisted cooperating with The Hague in transferring indictees and providing access to evidence and witnesses.

Fortunately, a combination of outside pressure—including conditionality on assistance and on Euro-Atlantic and European integration—and increasing revelations of the true nature of the Milosevic regime and its activities have led to considerable improvements in the last year. Many more individuals have now been taken into custody. Both in Bosnia and in Serbia, it is increasingly recognized that cooperation with international tribunal will not go away as a demand of the international community. Some go a step further and note that the same criminal circles which harbor persons indicted for war crimes, crimes against humanity and genocide also undermine democratic institutions and thwart economic recovery. Some, but too few, also see it as a moral necessity to recognize the horrors that were committed in name of the nation.

I applaud the efforts of those brave persons representing non-governmental organizations who have helped to document the atrocities which have taken place and increased public awareness of what really happened. I am also pleased to know that, ten years after Dayton, a War Crimes Chamber in the Courts of Bosnia and Herzegovina has been established and, with continued assistance, will relieve ICTY's work load and continue its work as necessary. Together, prosecuting war crimes will provide justice to the victims, strengthen the rule of law in the region, and hopefully serve to deter future war criminals from committing crimes against humanity.

There would be added enthusiasm for commemorating Dayton, however, if it were coupled with the arrest and transfer of Ratko Mladic and Radovan Karadzic, who have been indicted by ICTY particularly for their responsibility regarding the genocide at Srebrenica in July 1995. The House commemorated the anniversary of that horrific event in which almost 8,000 individuals, mostly men and boys, were massacred in the days following an assault on the undeclared "safe haven." Other at-large indictees also must be arrested and transferred.

I therefore use this time, the commemoration of the Dayton Agreement signed ten years ago, to call upon those authorities in Serbia and in the Republika Srpska entity of Bosnia and Herzegovina to do the right thing, apprehend the remaining indicted persons, transfer them, and erase this as an outstanding issue not only in our bilateral relations but as an obstacle to integration. In the meantime, Mr. Speaker, I call upon my colleagues to continue to support efforts that require consideration of ICTY cooperation as a determinant of U.S. policy.

HONORING WORLD AIDS DAY

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. ENGEL. Mr. Speaker, last week, on December 1, communities across the world joined to commemorate the 18th annual World AIDS Day.

World AIDS Day gives us a chance to evaluate what needs to be done to make substantial progress combating HIV/AIDS, both at home and abroad. Globally, 25 million people have already lost their lives to this disease, with another 40 million people currently living with HIV/AIDS. HIV/AIDS is the leading cause of death (age 15–59) and threatens the political, social and economic stability of nations worldwide.

We must answer the call to action to fight the AIDS pandemic on the global, national and local levels. Globally, we must continue to fund programs that not only directly address the prevention and treatment of HIV/AIDS, but also those programs that promote the overall health, economic and social prosperity of developing nations.

On the national level, we can start by reauthorizing the Ryan White CARE Act. This landmark program, which provides federal support to metropolitan areas and states to provide lifesaving health care and support services for individuals and families living with HIV/AIDS, expired on September 30, 2005. I strongly urge the Chairman of the Energy and Commerce Committee to commence with hearings on the reauthorization of the Ryan White CARE Act when Congress reconvenes in the new year.

In my state of New York, significant time and money has been invested into HIV/AIDS care. No state spends more than New York to care for its residents with HIV/AIDS—over $3 billion last year. Sadly, New York's efforts still are not enough to sufficiently address the need. New York City comprises three percent of the nation's population, but more than 16 percent of the nation's AIDS cases.

Mr. Speaker, we must do better by CARE Act funding. This program has been virtually flat funded for years, and its AIDS Drug Assistance Programs (ADAP) only received a ten million dollar increase in this year's House Labor-HHS bill. Many very low-income people continue to be shut-out from ADAP programs due to states' varying income eligibility levels, which can range from 125 percent to 500 percent of the Federal Poverty Level. Without early, aggressive treatment people living with HIV/AIDS can experience rapid and often irreversible disease progression. Additionally, if care is interrupted drug resistance can develop, which compromises their ability to properly control their health.

The President's Principles for Ryan White CARE Act Authorization, released this past summer, include some troubling provisions which could have devastating results for communities' ability to provide consistent, appropriate care for persons living with HIV/AIDs. The proposed Severity of Need for Core Services Index will change funding formulas to take into account the availability of other resources, like state and local funding streams. This is bad public policy as it punishes states that have taken responsibility for their local HIV care and creates a powerful disincentive for other states to prioritize funding for HIV funding in future years, if they think the federal government will just cover the gap. No state spends more than New York does to care for its residents with HIV and AIDS—over $3 billion last year. New York has always viewed this funding as a partnership between the state, cities and federal government and should not lose out on future federal funding for being at the forefront of providing progressive services and treatment.

Secondly the President's proposal for a minimum of 75 percent of Ryan White CARE Act funding to be spent on core medical services should be seriously revisited. While there is no question that appropriate funding should be directed towards medical care, localities that benefit from comprehensive state funding for medical care, might better serve patients with using the funding for transportation to medical visits, emergency housing assistance for homeless patients, and other key services. This hard number fails to reflect the different resources that cities like New York utilize to care for their patients, and the changing needs of the HIV/AIDs patient population.

New York City has always had a special respect for the opportunities the Ryan White CARE Act affords the city in serving the needs of our HIV/AIDs population. As of December 31, 2003, there were 142,085 cumulative AIDS cases in NYC, and 88,479 City residents diagnosed as Persons Living With HIV/AIDs. Although Ryan White CARE Act is widely considered the payer of last resort for people with HIV/AIDs, it fills much of the void in providing treatment and support services for those who either are uninsured or underinsured, without the necessary resources to access desperately needed care.

Mr. Speaker, it is shameful that Congress recently passed legislation with billions of dollars in cuts to Medicaid, all in the name of reform. Real reform would be to permit early treatment for those living with HIV in the Medicaid program. Under current Medicaid rules, most HIV positive people must meet both an income standard and be disabled—by AIDS—before they can receive access to Medicaid provided care and treatment that could have prevented them from becoming ill so quickly. This policy runs counter to current Federal HIV treatment guidelines which call for early access to medical care and treatment including the use of combination antiretroviral therapy. Medical costs for those with advanced AIDS are significantly higher than costs for caring for HIV positive people, and this is a burden on the States' Medicaid budgets.

I offered an amendment in the Energy and Commerce Committee markup for Medicaid reform to give States the OPTION of amending their Medicaid eligibility requirements to included uninsured, pre-disabled low-income people living with HIV. ETHA, which has been introduced by Leader Pelosi in prior Congresses and Senator Smith and Senator Clinton in the Senate, is modeled after the successful Breast and Cervical Cancer Prevention and Treatment Act, BCCA, that allows states to provide early access to Medicaid to women with cancer. Forty-nine States have implemented the BCCA, designed to preserve health and prevent unnecessary and high-cost medical interventions. As with the BCCA, ETHA includes an enhanced Federal match rate of 65 percent to 83 percent to encourage States to participate in offering the services.

Although my amendment failed, a demonstration project for ETHA, was successfully offered by Senator CLINTON and Senator SMITH in the Senate consideration of the reconciliation bill. Mr. Speaker, I strongly encourage the preservation of this important policy in the formal reconciliation bill.

World AIDS Day is an opportunity to examine what progress we have made and to seriously consider what we must do to address this overwhelming problem. Working together, we can address both prevention and early treatment options, attacking HIV/AIDS head on.

HONORING THE SOUTHEAST DALLAS ROTARY CLUB

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. HENSARLING. Mr. Speaker, today I would like to help celebrate two significant anniversaries of Rotary International. This year, Rotary International celebrates its 100th anniversary. From its humble roots in Chicago, Illinois, Rotary has grown into a worldwide organization of business and professional leaders who provide humanitarian service, encourage high ethical standards in all vocations, and help build goodwill and peace in the world. Since 1943, Rotary International has distributed more than $1.1 billion to combat polio, promote cultural exchanges and encourage community service.

I also want to recognize the Southeast Dallas Rotary Club for their 19 years of service to Dallas County. Throughout its history, the Southeast Dallas Rotary Club has achieved great success in carrying out the mission of Rotary International.

The Southeast Dallas Rotary Club has raised money for Dallas Independent School District (DISD) and supported programs to buy school supplies for students. In addition they have been involved in local projects, such as constructing neighborhood parks and helping individuals in need with home improvements.

Through these initiatives, the Southeast Dallas Rotary Club exemplifies the values of service and charity that lie at the heart of American society. As the Congressional representative of the members of this outstanding organization, it is my distinct pleasure to honor them today in the United States House of Representatives.

BIO OF CHARLES ADAMS

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Mr. LEWIS of Georgia. Mr. Speaker, Charles R. Adams retired from his position of National Employee Development Center Director for the U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS) in Fort Worth, Texas on November 3, 2005.

Adams learned the importance of self-development at an early age while growing up on his family farm in Logansport, Louisiana. His parents, the late Mr. T.C. Adams and Elneva Adams, gave him and his ten siblings firsthand experience in working the land, and he still carries those experiences with him today.

After leaving Logansport, Adams graduated from Southern University at Baton Rouge with a Bachelor of Science in Agronomy. He received his Master's Degree in Public Administration from Harvard University in Cambridge, Massachusetts in 1983 and has Ph.D. studies in Urban and Public Affairs at the University of Texas in Arlington.

His impressive career with USDA spans some 38 years, having held some of the top positions in his Agency, including Regional Conservationist for the NRCS Southeast Region, based in Atlanta, Georgia, from 1997–2004, Director of the National Employee Development Center, based in Fort Worth, Texas, from 1993–97, South National Technical Center Associate Director, also based in Fort Worth, from 1992–93, and Water Quality Coordinator at the center from 1990–92.

Before that Adams served as NRCS's State Conservationist for Arizona, based in Phoenix, from 1988–90, after having been the State Conservationist for Nevada, based in Reno, from 1986–88. He was the Deputy State Conservationist in New Mexico, based in Albuquerque, from 1985–86, after having been the Assistant State Conservationist for Operations at that location from 1984–85.

Adams worked as an area conservationist in Rio Rancho, N.M., from 1983–84, after working as an area conservationist in Flagstaff, Ariz., from 1981–82. From 1978–81 he served as a district conservationist in Edinburg, Texas, following service from 1976–78 as a district conservationist in Eastland, Texas. He was a soil conservationist for the Agency in Abilene, Texas from 1973–76. He began his full-time career with the agency as a soil scientist in Athens, Texas in 1969.

During his tenure with USDA, Charles founded some of the Agency's most innovative approaches to outreach, including the Student Trainees in Agriculture Related Sciences (STARS) program, an initiative to introduce under-served high school students in the Southeast to agriculture, as well as NRCS's American Indian Program Delivery Initiative, an annual conference linking USDA officials with American Indian leaders to promote tribal participation in USDA programs and services.

While working for NRCS Charles Adams has received a number of awards and recognitions. Within the last few years alone he received several USDA Honor Awards, including the Secretary's Award for his leadership of the Southeast Region American Indian Initiative Workgroup and the Sustainable Coffee Production Team, and his work in the Agency's Streamlining and Cost-saving Initiative. He received special recognition through a national volunteer award for his long-standing dedication to the NRCS Earth Team Volunteer Program and was the recipient of the Chief's Workforce Diversity Award which praised his encouragement and promotion of professional development among his employees. In addition, his extensive outreach efforts to minorities and women earned him a nomination for the Agency's highest Civil Rights Award in 2003.

Adams is married to the former Prenella Williamson of Port Gibson, Mississippi. In his spare time, he enjoys raising horses on his ranch in Shreveport, Louisiana, restoring his collection of antique cars, and fishing with his young grandsons.

RECOGNIZING MR. KIM KEE YEE FOR DISTINGUISHED SERVICE TO THE UNITED STATES GOVERNMENT

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 6, 2005

Ms. BORDALLO. Mr. Speaker, I rise today to recognize Mr. Kim Kee Yee for a career of dedicated service to the United States Government spanning sixty years. Mr. Yee will be honored today in Tiyan, Guam with a Federal Career Service Ceremony.

Mr. Yee was born on February 18, 1928, in the then U.S. Territory of Hawaii to Kon Fook and Kui Len Lau, who immigrated to Hawaii from China. While attending Waipahu High School, Mr. Yee witnessed the attack on Pearl Harbor. Upon graduation from high school in 1945, he enlisted in the United States Army where he officially began his service to the United States of America. While in the Army, Mr. Yee successfully completed fifty "jumps" as a paratrooper in the famed 82nd Airborne Division. Mr. Yee was honorably discharged from the Army in 1946. Shortly afterward he came to Guam and accepted a position as an electronic technician with the Civil Aeronautics Administration.

In 1950, after passage of the Organic Act of Guam, Mr. Yee began his career with the Federal Aviation Administration's (FAA) Guam Office. Since then, Mr. Yee has served with distinction. Mr. Yee was given a career appointment by the FAA in 1957. Of special note is that, as an FAA employee on Guam, Mr. Yee worked in support of U.S. Armed Forces during the Korean War, the Vietnam War, and the Persian Gulf War of 1991.

Currently, Mr. Yee serves as an Airway Transportation Systems Specialist. Mr. Yee has received numerous awards in recognition of his excellent service. Mr. Yee is a seven-time recipient of the FAA's Performance Award. In addition, he has also received the Special Act/Service Award on four separate occasions. Mr. Yee has furthermore received a Letter of Commendation for Reliability of Guam Radar Services.

Today, I join with the FAA and the people of Guam in honoring Mr. Kim Kee Yee for his years of distinguished service. His career serves as an inspiring example of commitment to the United States Government.

Mr. Yee married Ms. Anita Benevente Santos from the village of Sinajana, Guam on December 1, 1956. Their marriage has blessed them with five children and eleven grandchildren. I congratulate Mr. Yee and his family upon his reaching sixty notable years of distinguished service to the United States Government.

HOUSE OF REPRESENTATIVES—*Wednesday, December 7, 2005*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord of history and ever-present Master of destiny, Your providential care of Your people and eternal wisdom guide each Member of this Chamber in his or her personal responsibility as a leader in governing this Nation.

Yet You have brought together at this moment in history this diverse assembly as representative of Your free people to address with courage and deliberation the joys and the sorrows of the American people.

By Your gracious will, empower them to protect and defend the good times claimed by the American dream, and help them to deal with the shock, the terror, and the revelation that sudden attack and surprises cause Your people.

Lord, if Your people do not learn from the past, You will allow us to repeat some mistakes because You always lead us to lasting truth, now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Colorado (Mr. HEFLEY) come forward and lead the House in the Pledge of Allegiance.

I would like to remind the House that today is December 7, a day, as announced from this podium, that would live in infamy, because this country was not ready at that time to protect and defend its borders and defend its people.

I hope we have learned from the lessons of the past.

Mr. HEFLEY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

REMEMBERING PEARL HARBOR

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, around breakfast time on a stunning Sunday sunrise, Luke Trahin, a 22-year-old sailor from Texas, noticed large formations of aircraft darkening the glistening sky. He kept watching it until suddenly bombs from the Japanese invaders started dropping on Pearl Harbor Naval Base. It was December 7, 1941.

After the smoke cleared that morning of madness, the American battleships, the ships of the line were destroyed. 188 planes were destroyed. 2,471 Americans, servicemen and civilians were killed by this unwarranted terror from the skies.

Luke and his buddies in Hawaii quickly got organized and for 2 days, waited for the Japanese landing, but it did not occur. Luke Trahin stayed in the Navy a total of 6 years until World War II was won by his greatest generation.

He is now 86 years of age and he lives in southeast Texas. He still wears his Navy blues and medals on Memorial Day, Veterans Day, and, of course, the 4th of July. He is a proud Pearl Harbor survivor.

To my friend, Luke Trahin, and all those who served the cause of freedom, and the 400,000 Americans who died in World War II, December 7, as FDR said, is a day that will and has lived in infamy. That's just the way it is.

AMERICA'S PRESENCE IN IRAQ

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Speaker, the President has been touring the country giving speeches to justify his Iraq war policy to a series of controlled audiences. But as the American public nevertheless lends an eager ear, it hears a muddled message.

Today it is the economy. But the fact is that in Iraq, the unemployment rate is over 50 percent. Oil, water, electricity is worse than pre-war levels.

Mr. Speaker, the gentleman from Pennsylvania (Mr. MURTHA) has offered an alternative vision, immediate redeployment as soon as practicable, but with a military force over the horizon. The fact is, Mr. Speaker, that our bottom line needs to be, what policy is going to enable our once inexhaustible military to regain its strength and to make this country, in fact, more secure?

And the reality is that our unjustified invasion and occupation of Iraq has, in fact, destabilized that country and has weakened our military and caused our country to be far less safe from terrorism.

FREEDOM IS NOT FREE

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, we heeded the call to action during World War II as the greatest generation battled oppression and led the effort to help Europe rebuild. Today, we are faced with a similar mission in Iraq, one that will help focus momentum in the region toward the causes of freedom and democracy.

Our men and women serving in Iraq are part of another great generation of patriots committed to a mission that became clear on September 11, 2001, another day that will live in infamy in our Nation's history.

Freedom is not free, but it is always worth fighting for. As John F. Kennedy once stated, the cost of freedom is always high, but Americans have always paid it. And one path we shall never choose is the path of surrender or submission.

We have the mission for victory in Iraq. Let us honor that pledge.

GENOCIDE IN DARFUR

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, I appreciate the words of our Speaker, the gentleman from Illinois (Mr. HASTERT) this morning when he talked about a day that would live in infamy, referencing December 7.

I appreciate that we have an opportunity now to do something to make sure that this is not a day that lives in infamy, because today another tragic chapter is being written in Darfur in the horrifying history of genocide, which people on both sides of the aisle have condemned.

Indeed, the violence appears to be getting worse and 500 people a day are dying. Somehow, the money for the United States for the peacekeepers for the African Union has disappeared from the Foreign Operation Conference Committee. This would be a tragedy, if we did not meet our obligation to provide at least 7,700 peacekeepers for an area the size of Texas.

Every man and woman on the Hill today should do something to make sure that the Defense appropriation

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☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

bill is not finally approved without meeting America's obligation to stop this genocide.

RECOGNIZING REAGAN ELEMENTARY SCHOOL

(Mr. CONAWAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONAWAY. Mr. Speaker, I rise today in order to recognize El Magnet at Reagan Elementary School in Odessa, Texas, for their commitment to excellence in education.

On September 13, the Intel Corporation and Scholastic named El Magnet at Reagan a 2005 School of Distinction for demonstrating exceptional commitment to achieving innovation in education. They were selected from over 3,300 other participating schools from across this Nation for programs such as Crossing Borders which partners their Spanish classes with technology integration, and also allows students to serve as teachers.

El Magnet was also held up as an exemplary model for success here in Washington, D.C. in October 2005 at a gala for distinguished recipients, and was awarded $10,000 in cash in a grant to continue their scholastic progress.

Not only do all of Reagan students pass the rigorous Texas Assessment for Knowledge and Skills Test, but the number of students scoring in the 90th percentile ranks Reagan in the top five schools in Texas every year.

The reputation of El Magnet Reagan extends beyond the Permian Basis in the State of Texas, and again on September 19, 2005, Reagan was named a 2005 No Child Left Behind Blue Ribbon School by the Department of Education.

I congratulate the students and teachers, administrators and families of El Magnet at Reagan Elementary School. I wish them the best in the future, thank them for their hard work, and their dedication that have made these prestigious awards possible.

9/11 COMMISSION REPORT CARD

(Mr. ISRAEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ISRAEL. Mr. Speaker, on Monday, the distinguished members of the 9/11 Commission released a scathing report card on the lack of progress the administration has made in implementing their 41 recommendations for improving the security of our Nation.

The grades handed down would disturb any parent. On nearly half of the recommendations, our government received a D, an F, or an incomplete grade for failing to take the steps necessary to ensure that we never face another tragedy like September 11.

It is unacceptable that while people across the world can talk with each other effortlessly, now over 4 years after the 9/11 terrorist attacks, our Nation's first responders are still, still without the interoperable radios they need to communicate in crisis.

It is unacceptable that after we carefully screened passengers who fly on aircraft in this Nation, we seat them on planes loaded with cargo that is rarely ever screened.

Mr. Speaker, these and other loopholes must be closed immediately. The administration has failed the American people on these loopholes. We must work together to bring up these dangerous grades.

WAR IN IRAQ

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, we are saluting our veterans from World War II today. Last week, I had the opportunity to spend time with members of the 278th Regimental Combat Team of the Tennessee National Guard, and the 115th Field Artillery Regiment from the Tennessee Army National Guard.

Tennessee was welcoming them home after a year of service in Iraq and around the world. They have done great work. We are proud of them. And I believe their sacrifice is what does keep this Nation free.

Mr. Speaker, it was with sadness and a little bit of disbelief that I heard yesterday of Democratic Party leader Howard Dean's comments that we cannot win in Iraq, and that we are in the same situation as Vietnam.

The pessimism and historical ignorance contained in those statements is simply staggering, Mr. Speaker. I do not know if this is simply wishful thinking by a Democratic leader looking for an angle to slam the White House, or whether Mr. Dean actually believes it. Both options are frightening. I have been in Iraq. I have seen the progress. It is undeniable. It is good for America. It is good for the freedom-loving people in this world. Thank you to the men and women in uniform for their sacrifice.

CORRUPTION IN CONGRESS

(Ms. DELAURO asked and was given permission to address the House for 1 minute.)

Ms. DELAURO. Mr. Speaker, it is astonishing how badly this administration and the Republican Congress has veered off course. Bribery. Perjury. Allegations of insider trading and money laundering. The majority leaders in both Chambers of the Congress, one under indictment, the other being investigated by the SEC.

The American people understand full well the consequences of this culture of corruption. They saw it in New Orleans. The administration's incompetence was more devastating than the storm itself. They see a President all too willing to cover up waste and profiteering here and abroad where, again, incompetence has contributed to the loss of American lives, more than 2,000 and climbing.

More than 15,000 wounded, many of whom would go back and fight again for their country if only they could. We have defense contractors bribing Members of this institution. No wonder we are so ill-prepared for another terrorist attack.

This week, the chairman of the September 11 Commission gave this government's response, since that terrible day, five Fs and 12 Ds. The facts more than speak for themselves. Democrats believe that the time has come to restore the values of responsibility and integrity to our way that our government does business.

Mr. Speaker, it starts with putting the needs of families before special interests of the lobbyists. It starts here in this building, and it starts with new leadership.

□ 1015

LISTEN TO THE GOOD NEWS

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, a reporter from a major news organization in the United States who is now stationed in Iraq made the statement the other day that if he wrote a single story that was positive about what was going on in Iraq, he would have to fight with his editor to get it published.

Is it any wonder that we have such a negative attitude in America about the war and the way it is going?

I think it is time for a little reality. During the last week of November, 526 insurgents were detained or killed and 104 weapons caches were discovered during 355 combined operations. And in those operations, 30 percent of them were conducted independently by Iraqi security forces. As of November 16, 2005, a total of 211,700 Iraqi security forces have been trained and equipped. The number includes 99,500 Ministry of Defense forces and 112,200 Ministry of Interior forces. Thirty Iraqi Army battalions have assumed primary control of their own areas; and on and on it goes, Mr. Speaker.

There is a lot of good news out of Iraq, and we ought to begin to listen to it.

YACHTS FOR THE RICH, DEBT FOR THE POOR

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, despite a flood, a sea of red ink, tomorrow Republicans propose to cut taxes. Cut taxes for whom? The wealthy. They want to float the yachts of the wealthy on a sea of red ink.

One of the cuts is for people who get a chip dividend on their stocks and is paid for by dramatically increasing the costs of student loans.

I have met with students at Oregon State and the University of Oregon during the break. These kids are working hard trying to realize the American Dream. Some of them are holding down three jobs and borrowing as much as they can, and the Republicans say they have to pay more for those loans so that rich people can pay a rate of taxes on dividends less than someone who works for $25,000 a year.

That is an outrageous position for the majority party.

AMERICAN-MADE UNIFORMS NEEDED

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, last week The Washington Post reported that our U.S. Border Patrol agents are wearing uniforms manufactured in Mexico. One agent said, "It is embarrassing to be protecting the U.S.-Mexico border and be wearing a uniform made in Mexico."

There are plenty of companies all over this country that could make these uniforms, yet some brilliant bureaucrat has decided to give jobs to Mexicans rather than to Americans. I have nothing whatsoever against Mexico, but the first obligation of the U.S. Congress should be to our own people.

Not only is this a jobs issue, but there are security implications as well. Having these uniforms made in another country makes it more likely that these uniforms could end up on a black market and be sold to drug traffickers, illegals wanting to cross the border, or even worse, terrorists trying to come here.

I hope all Federal officials will start trying to give as much business as possible to American companies and workers instead of giving even more jobs to those in other countries.

REPUBLICAN BILLS DO NOT HELP AVERAGE AMERICANS

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, I listened to my Republican colleague who just spoke, and he talked about how the first job of this Congress is to protect the jobs of the American people. I do not see that happening here.

We are back now for a 2-week period here in the House and what do I hear is on the agenda? First of all, tomorrow is the Tax Reconciliation Act. This is the tax cut, if you will, for special interests, for wealthy people paid for with the budget cuts that we adopted, the Republican leadership adopted 2 weeks ago, cuts in student loans, cuts in Medicaid, cuts in housing, cuts in programs that help the average American. And they are doing that in order to pay for a tax cut they are going to vote on this week by the Republican leadership that would essentially help only the very wealthy and the special interests, the corporations.

What else is on the agenda today? The Bahrain Free Trade Agreement Implementation Act, another free trade agreement that is going to mean loss of American jobs, outsourcing of American jobs to other countries.

How many more of these are we going to have? How many more times am I going to come down to the floor and have the Republican leadership post bills that do not help the average American?

WORKING WITH INDIA FOR OUR FUTURE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, Congress will soon consider implementing legislation to support civil nuclear cooperation between India and the United States. I strongly support this initiative, which is a critical component of the U.S.-India Joint Statement of July 18 reached during the historic visit of Prime Minister Manmohan Singh to Washington this past summer.

The civil nuclear agreement is a major step forward for the United States and global nonproliferation policies. In the U.S.-India Statement of July 18: "President Bush conveyed his appreciation to the Prime Minister of India's strong commitment to preventing WMD proliferation and stated that as a responsible state with advanced nuclear technology, India should acquire the same benefits and advantages of other such states."

After my meetings in New Delhi last week, I am convinced that our strategic partnership with India will help ensure our own future security and prosperity working together for victory in the war on terrorism.

In conclusion, God bless our troops, and we will never forget September 11, our generation's December 7.

FIX MEDICARE PRESCRIPTION DRUG PLAN

(Mr. BISHOP of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BISHOP of New York. Mr. Speaker, over the past 2 weeks, I hosted five town hall meetings in my district. They were attended by hundreds of seniors who wanted to learn more about the Medicare drug benefit. I found that for as much interest as seniors demonstrated, it is readily apparent there is an equal amount of confusion, frustration, cynicism, and in some cases even anger.

Seniors do not understand why there is such little time to sign up for the benefit or why they will be locked into a plan when the plan does not have to commit to them. But we should not be surprised by a benefit whose design was the result of ideology trumping practicality.

It is obvious that an enormous portion of the benefit needs fixing and that it will take a tremendous effort to make seniors have access to the affordable lifesaving drugs that they deserve.

Step one should be extending the May 15 sign-up deadline. Step two should be dropping the penalty for late sign-up. Mr. Speaker, I strongly encourage my colleagues to support such measures.

MEDICARE PRESCRIPTION DRUG PLAN SAVES SENIORS MONEY

(Mrs. JOHNSON of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JOHNSON of Connecticut. Mr. Speaker, Connecticut seniors are signing up for the new Medicare prescription drug benefit, and many are saving hundreds and thousands of dollars.

The CHOICES bus visited the senior citizens center in Plainville, Connecticut, and Thomas and Margaret Bernatchy spoke with a trained counselor. Mrs. Bernatchy takes many drugs, and it costs the couple $7,000 a year. After discussing their needs with the trained counselor, Mr. Bernatchy signed himself and his wife up, and they will save $5,000 a year.

Mrs. Anita Willequer who also lives in Plainville was attending exercise classes at the senior center and decided to pop in on the Medicare CHOICES counseling session. She spends only $55 a month on drugs, but she will save $500 a year. "This is a tremendous savings," she said. "I was glad I asked about it. I hope it helps a lot of people."

With each passing day, more and more seniors are talking with Medicare-trained advisors, getting their questions answered, signing up for savings. Help your seniors sign up for savings.

TAX RELIEF RECONCILIATION PACKAGE

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, as the Congress begins to finalize this year's legislative agenda and draw this session to a close, I am very pleased to see this House continue to do the people's work right up to the end. I am especially pleased this House will soon vote to allow the American people to keep their money and not raise taxes. Clearly, the opponents of maintaining the tax status quo do not trust the taxpayers with their own money.

Mr. Speaker, let us review some statistics. The economy grew by 4.3 percent in the previous quarter, the 10th consecutive quarter in which the economy grew by more than 3 percent. Consumer confidence rose by 14 percent in the previous 3 months, and we have a 5 percent unemployment rate which is lower than the average unemployment rate for the past three decades. And to top it off, since May of 2003, 4.4 million jobs have been created.

Mr. Speaker, the results are in, and the American taxpayer has passed with flying colors. So let us keep this growth growing. Let us show that we trust the true engine of this economy, the American people.

Mr. Speaker, I urge all of my colleagues to do the right thing and support the tax relief reconciliation package.

THERE IS A VICTORY PLAN

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, President Bush gave an important speech last week in which he clearly outlined a plan for victory in Iraq, organized around three tracks:

Political: isolate the terrorists, engage those outside the process and build stable, pluralistic national institutions that can represent all Iraqis.

Security: clear areas of enemy control, hold those areas with Iraqi forces, and build capacity of local institutions to deliver services and advance the rule of law.

Economic: restore neglected infrastructure, reform stifling Saddam-era regulations, and build government capacity and human capital to reach full economic potential.

Already we have seen progress in each of those areas, yet Democrats continue to argue that President Bush still has not laid out a plan. It is as if they cannot see the forest for the trees. They are so intent on not seeing a plan that when one is placed in front of them, they simply will not acknowledge it.

Mr. Speaker, Democrats need to realize that disagreeing with the plan does not mean there is not one.

EXTEND TAX RELIEF FOR AMERICANS

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of Georgia. Mr. Speaker, did you see the great economic news? Last month, November, 215,000 new jobs were created. Just another sign that the positive, productive policies of tax relief are working.

In the past 2½ years, 4.4 million new jobs, an unemployment rate of 5 percent, lower than the average for the 70s, the 80s and the 90s.

Look at the economic growth that has occurred over the last 10 quarters, more than 3 percent growth each quarter, 10 straight quarters. Mr. Speaker, this is very good news.

The American people expect us to do the responsible hard work that respects their hard work. I call on all Members of Congress to put aside politics and vote in favor of the extension of tax relief for all Americans and not to raise taxes at this pivotal time.

GALVANIZING A NATION

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, it was a Sunday morning on December 7, 1941, and the planes came down and Pearl Harbor entered the history of infamy in the United States of America. Days later, President Franklin Delano Roosevelt would use that term from this very podium in describing the holocaust of that day. But from the tragedy of Pearl Harbor came a galvanized Nation that rose as one man to confront imperial Japan and Nazi and Fascist Europe.

I was here on another morning such as that, another clear day when the planes came down and the holocaust of September 11, as December 7, galvanized a Nation. Let us learn from the Greatest Generation that saw the horror of our enemies at Pearl Harbor. Let us allow September 11 to galvanize our resolve in the war on terror. Complete the mission as our President has challenged our Nation to do.

NATIONAL CHRISTMAS TREE

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, last week an 80-foot spruce tree was delivered to the West Lawn of the U.S. Capitol building. Originally billed as the Capitol Holiday Tree, this beautiful spruce has been officially changed back to its historical name, the Capitol Christmas Tree, by the Speaker of the House, in time for the lighting ceremony to be held this Thursday. Predictably, the Speaker's move was unwelcome to the adherents of political correctness who constantly demand "mainstream policy" from our leaders.

So what is the mainstream on this issue, Mr. Speaker? A poll conducted last week provides some revealing numbers. Eighty-one percent of those polled expressed opposition to religion being excluded from public life. Eighty-three percent think nativity scenes should be allowed on public property. Ninety-three percent think the phrase "In God We Trust" should remain on our currency.

We would do well to keep these numbers in mind the next time the left wing attempts to arbitrarily define the mainstream for everyone. And I applaud the Speaker for taking a commonsense stand in calling our Capitol Christmas Tree what it is.

☐ 1030

PROGRESS IN IRAQ

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, yesterday when Democrat leader Howard Dean said that the war in Iraq is unwinnable and Senate Democrat Presidential candidate JOHN KERRY said that American soldiers in the dark of the night are terrorizing Iraqi women and children, I scratch my head in absolute disgust and disappointment. The party of Scoop Jackson has apparently been now completely hijacked by Cindy Sheehan and Michael Moore.

I went to Iraq last week, and I wish that Mr. Dean and Mr. KERRY would go to Iraq and talk directly to our soldiers. Here is what I found, and incidentally, I went with a bipartisan group, three Democrats, three Republicans. We found troop morale high, a great deal of enthusiasm for the mission. No equipment shortages. From tissue to toilet paper, our troops are well equipped. We found that they were very engaged in the mission and that the Iraqi security forces each day were getting more and more of the territory under their control.

We found enthusiasm for the December 15 election, 228 different political parties already offering candidates. A lot of progress is being made. Everything is completely different than the pessimism and the continuous criticism and the Vietnam-era radicalism expressed by Mr. KERRY and Mr. Dean. I would invite those two to go over there and see for themselves before they send such discouraging signals to our troops in action.

PROVIDING FOR CONSIDERATION OF H.R. 4340, UNITED STATES-BAHRAIN FREE TRADE AGREEMENT IMPLEMENTATION ACT

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 583 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 583

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 4340) to implement the United States-Bahrain Free Trade Agreement. The bill shall be considered as read. The bill shall be debatable for two hours equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. Pursuant to section 151 of the Trade Act of 1974, the previous question shall be considered as ordered on the bill to final passage without intervening motion.

SEC. 2. During consideration of H.R. 4340 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker in consonance with section 151 of the Trade Act of 1974.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my good friend the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 583 is a closed rule providing for 2 hours of debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means.

The rule waives all points of order against consideration of the bill. It also provides that pursuant to section 151(f)(2) of the Trade Act of 1974, the previous question shall be considered as ordered on the bill to final passage without intervening motion.

Lastly, section 2 of the resolution provides that during consideration of the bill, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker in consonance with section 151 of the Trade Act of 1974.

Mr. Speaker, House Resolution 583 provides for the consideration of H.R. 4340, a bill to implement the United States-Bahrain Free Trade Agreement, in accordance with trade measures negotiated under the Trade Promotion Authority.

Former United States Trade Representative Robert Zoellick signed the United States-Bahrain Free Trade Agreement on September 14, 2004. Under the agreement, all bilateral trade and consumer and industrial goods will be duty free, and 98 percent of U.S. agricultural exports will be duty free. Tariffs on the remaining products, such as alcohol and tobacco, will be reduced to zero within 10 years.

It is important to highlight that labor obligations are included at the core of this agreement, and they meet objectives set out by Congress. In addition, Bahrain has introduced labor reform laws to make its laws fully consistent with the International Labor Organization.

The United States must recognize the fact that 96 percent of the world's population resides outside of our country. That 96 percent represents a marketplace for U.S. goods and services that we cannot reach without proper trade agreements.

My home State of Washington is one of the most trade-dependent States in the Nation, and our economy depends on free and fair trade. From high-tech to agriculture, and from manufacturing industries to other businesses, Washington State and our Nation is in a position to benefit from having more trading partners.

Mr. Speaker, the United States-Bahrain Free Trade Agreement Implementation Act would be the fourth trade agreement reached between the United States and a Middle Eastern country and is an integral part in creating a Middle East free trade area.

This agreement is important in bringing stability to the Middle East region and sending a strong signal to countries in that region about the benefits of closer economic and political ties with the United States. Approving this agreement is another step in the right direction toward integrating fair trade policies and economic reforms with our national security interest in supporting a more stable and prosperous Middle East.

Both House Resolution 583 and H.R. 4340 were reported by their respective committees by a voice vote. Accordingly, I urge my colleagues to support House Resolution 583 and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I thank my friend from Washington State (Mr. HASTINGS) for the time, and I yield myself such time as I may consume.

Sometimes these rules cause confusion when there are two Mr. HASTINGS managing the rule. So in advance, Mr. Speaker, I am sure that my good friend and I want to make sure that there is no confusion.

Mr. Speaker, my good friend and colleague has already pointed out the closed rule we are working on today is mandated by the fact that we are dealing with a trade agreement. So I take no issue with the type of rule, on this specific occasion.

However, as I said to Chairman DREIER last night, along with closed rules, trade agreements by our rules are supposed to come to the House floor with 20 hours of debate. I do recognize the limiting aspect with reference to the rule, and this trade agreement is permitted 2 hours.

Chairman DREIER pointed out, rightly I believe, that this U.S.-Bahrain trade agreement is one of the most noncontroversial agreements of this kind to come before Congress in a long time, and as I said, that may be so, but it is also not the point that I wish to carry.

We have had several more controversial trade deals come before the House in recent years where we were also given 2 hours of debate time. More recently, we saw that in two trade agreements. Trade deals should come to the floor under the 20 hours of debate that the law prescribes. If only 5 hours or 5 minutes is what is necessary to pass the bill, so be it, but I see a bad precedent being set. I ask my friends in the majority to let the House work its will, not so much on this bill, but certainly any other in the future that comes before us.

As to this specific trade agreement, as I have already said, it comes to the floor with the support from the administration and both parties in Congress. While I seriously doubt that free trade with the tiny island nation of Bahrain is going to be the rising tide that lifts our flagging economy, after all, trade with Bahrain accounts for only .03 percent of our total trade activity, I also will not try to stand in the way.

It should be noted, however, that despite its small size, Bahrain runs a trade surplus with the United States, joining most other countries in the world. So, what this agreement does is give us one more country the opportunity to sell more of its goods and services here, even more cheaply than it already does. Maybe one day soon, Mr. Speaker, we will find a country that the United States will run a surplus with, instead of the other way around. One can only hope.

I do have one other very serious concern with Bahrain, Mr. Speaker. Until recently, Bahrain continued to enforce the primary aspect of the Arab League boycott against Israel, which bars imports of Israeli-origin goods.

Simply put, the United States should not trade, and certainly not enter into free trade agreements with, nations that discriminate against America's closest and most trusted Middle East ally.

The kingdom of Bahrain now says they will relent. The kingdom now says that it "recognizes the need to dismantle the primary boycott of Israel and is beginning to achieve that goal."

Let us be crystal clear, Mr. Speaker. This change of heart is purely economic, and it happened just in the last month. I suspect that it has nothing to do with the fact that an economic embargo based on religion is wrong and an affront to basic human rights.

The fact that the country's parliament has rejected, in the last 6 weeks, the lifting of the embargo, and the kingdom has made it clear that it is not normalizing relations with Israel only further proves my point.

Whatever the reason, I am thrilled that Bahrain will work to end the long-standing ostracism of Israel by its neighbors. It is past time.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I would just advise my friend, I appreciate his opening remarks and respect the work that he does in international affairs, but I have no requests for time and I am prepared to yield back if the gentleman is.

Mr. HASTINGS of Florida. Mr. Speaker, I thank my friend from Washington, and I yield back the balance of our time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1045

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

HONORING PILOTS OF COMMERCIAL AIR CARRIERS WHO VOLUNTEER TO PARTICIPATE IN FEDERAL FLIGHT DECK OFFICER PROGRAM

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 196) honoring the pilots of United States commercial air carriers who volunteer to participate in the Federal flight deck officer program.

The Clerk read as follows:

H. CON. RES. 196

Whereas after the tragic attacks of September 11, 2001, Congress enacted legislation authorizing volunteer pilots of United States commercial air carriers who participate in the Federal flight deck officer program to use lethal force to defend the flight deck of an aircraft against acts of terrorism;

Whereas a volunteer pilot in the Federal flight deck officer program must undergo rigorous psychological screening and a background investigation, as well as complete an intense training curriculum;

Whereas volunteer pilots in the Federal flight deck officer program provide a significant deterrent against potential acts of violence or terrorism in United States airspace, are an essential layer of security for the Nation's flying public, and are a key factor in restoring confidence in the Nation's air transportation system;

Whereas volunteer pilots in the Federal flight deck officer program devote personal time and finances to maintain a high standard of proficiency in the use of firearms and techniques for addressing emergencies in flight; and

Whereas volunteer pilots in the Federal flight deck officer program, at great personal risk and with no compensation or recognition, are dedicated to the protection of the flight deck, thereby providing an additional layer of protection to the aircraft, passengers, and cargo from acts of terrorism, such as the possible use of the aircraft as a weapon of mass destruction against people on the ground: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes that volunteer pilots in the Federal flight deck officer program are the consummate quiet professionals and embody what is best in our national character;

(2) applauds volunteer pilots in the Federal flight deck officer program for taking a stand against those who would seek to harm the United States through acts of terrorism in the air; and

(3) expresses appreciation to volunteer pilots in the Federal flight deck officer program on behalf of all citizens of the United States for the ongoing contribution of these pilots to the security of the Nation and its air transportation system.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentleman from Illinois (Mr. COSTELLO) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico.

GENERAL LEAVE

Mr. PEARCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H. Con. Res. 196.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. PEARCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 196 recognizes and applauds the volunteer pilots in the Federal Flight Deck Officer program. It is an opportunity to show our appreciation for those brave pilots who are committed to protecting Americans against another act of terrorism not only at huge personal risk but with no compensation or recognition.

I appreciate Chairman MICA's leadership in establishing and supporting this program. I am proud to represent the district where the Federal flight deck officer training occurs. Chairman MICA visited this program with me last year. These are superb assets at Artesia, New Mexico, which include two 727s all lined up and allow real simulated training for the Federal flight deck officers. I also toured the facility with Department of Homeland Security Secretary Chertoff just in the last month.

We should speak for a grateful Nation for the selfless contribution these pilots make to providing a critical layer of protection to the aircraft, passengers, and cargo from acts of terrorism.

Mr. Speaker, I ask unanimous consent that the gentleman from Florida (Mr. MICA) control the remainder of my time and that he be allowed to yield time to other Members in consideration of this resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. MICA. Mr. Speaker, I reserve the balance of my time.

Mr. COSTELLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank Chairman MICA for introducing this resolution honoring the pilots who participate in this Federal Flight Deck Officer program. As the ranking member of the Aviation Subcommittee and a cosponsor of this resolution, I believe these volunteer pilots deserve to be honored and recognized for their continued and dedicated service.

Ten months after the tragic September 11 attacks, I and over 300 Members of this body voted to authorize volunteer commercial pilots to carry handguns. At the time, arming pilots was a controversial idea, yet the House resolved to take any measure necessary to prevent terrorism and terrorists from ever taking over an airline again.

After almost 3½ years, we now have thousands of armed and trained pilots serving our country as Federal flight deck officers. Federal flight deck officers are a powerful deterrent to hijackers and are a vital last line of defense in the skies.

Federal flight deck officer candidates must submit to rigorous psychological screening and a background investigation, as well as completing an intense training program before they are deputized. These pilots volunteer their services and do not get paid for their initial training, which includes travel, lodging, and daily expenses.

Further, they must devote personal time and finances to maintaining their firearm proficiency and anti-terrorism skills. They do it because they are patriots. These men and women represent what is best in our national character since the founding of this country. They are citizens willing to stand up and help provide for a common defense. We should honor them.

I applaud the gentleman from Florida, the chairman of the subcommittee, for introducing this legislation; and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. MICA. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New York (Mr. KUHL) and also the vice chair of the Aviation Subcommittee.

Mr. KUHL of New York. Mr. Speaker, I rise today in strong support of the gentleman from Florida's legislation, H. Con. Res. 196. This bill recognizes airline pilots who have courageously volunteered to participate in the Federal Flight Deck Officer program.

Following the tragic events of 9/11 in my home State of New York, the Federal Flight Deck Officer program was created by Congress as a part of the Homeland Security Act to select, train, equip, and supervise volunteer pilots to defend the flight decks of passenger aircraft against acts of criminal violence and air piracy.

These volunteers have dedicated their time and money to the extensive flight deck officer program. They are selected for training only after meeting very strict qualification standards. The training is specific to protecting the flight deck. Upon completion, the pilots are deputized as Federal officers. They have jurisdiction specific to the flight deck and contribute to aviation security throughout the U.S. on a daily basis.

Federal flight deck officers provide a critical, and I repeat, critical layer of defense for the safe operation of aircraft traffic. In recent polls conducted by the Airline Pilots Association, the public overwhelmingly supports the arming of pilots on commercial and cargo flights. These men and women deserve much praise for their willingness to provide the flying public with secure skies.

I thank each of these heroes for their tremendous courage and dedication, as they are protecting our country and preventing terrorists from threatening Americans' ability to carry out and carry on their daily lives.

Mr. Speaker, once again, I strongly support this bill, and I urge its immediate passage to honor those who are willing to protect our citizens with their own lives.

Mr. COSTELLO. Mr. Speaker, I continue to reserve the balance of my time.

Mr. MICA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in strong support of H. Con. Res. 196, which I introduced to honor our commercial airline pilots, those individuals who volunteer for what is termed the Federal Flight Deck Officer program.

Before I speak to the resolution, I just want to take a few minutes to thank the chairman of the Select Committee on Homeland Security, Mr. KING, and also the ranking member of that committee, Mr. THOMPSON, also Mr. LUNGREN and others, for their support in facilitating the consideration of this resolution before the House today.

I also want to thank Mr. PEARCE. He said in his opening remarks in support of the resolution that he also represents the area in New Mexico where they have put the facility to train our pilots, and I did have an opportunity to visit that facility with Mr. PEARCE, and I will talk about that in just a minute.

I introduced this legislation, as I said, in a resolution to honor thousands of passenger and cargo airline pilots who on flights every day have volunteered their own time, expenses, and their welfare to complete what turned out to be a very rigorous Federal Flight Deck Officer program. In Congress, when we first thought about this, we thought about something more simple, just strapping an arm on, like they did during the 1960s when we had problems with hijacking of aircraft, and the guns were issued by the airlines. But this is a much more rigorous program. In fact, it is a week long and involves very intensive use of equipment, as Mr. PEARCE described, and comprehensive training.

What was interesting, when we started this, I was not a big fan of this approach; but I had thousands of pilots and their families and others, pilots in particular, who saw the gaps in our aviation security system after September 11 who came to us and said we need to do something to be able to defend our aircraft. So they stepped forward. They initiated this legislation.

After the tragic attacks of September 11, Congress did authorize legislation. We started out, I remember, with Mr. OBERSTAR, Mr. DEFAZIO, and Mr. YOUNG with a small demo project that was just going to include a few pilots. We brought it to the floor and the overwhelming sentiment was to open this to all pilots, which we did; and we later included even cargo pilots to be able to defend their aircraft and their passengers against acts of terrorism.

So I am pleased that we have a history of not only the pilots being heroes and participating in the program but also initiating the program. And these courageous pilots are providing a significant deterrent against potential acts of violence against our skies.

We saw the damage to our economy. The debate on the floor the week before the September 11 attacks was what we were going to do with the $120 billion Federal surplus, and we saw how terrorists can in fact affect our economy. But pilots stepped forward to help restore confidence in the security of our Nation's aviation system, and pilots are the people we are here to recognize with this resolution.

These volunteer pilots devote personal time and finances to maintain a high standard of proficiency. If you think it is easy for them to participate, well, government never makes anything easy. We envisioned a small program, but we ended up with them moving out to Artesia, New Mexico; and it was probably a wise decision because we had some infrastructure and facilities.

Now, a pilot goes at his or her own expense to Artesia. I went out there, and I took three flights. I remember flying, I think from Washington to Denver, from Denver to Albuquerque, and from Albuquerque to Roswell. Then Mr. PEARCE got me in his car and drove me an hour to the south. I do not think you can put a Federal program any further or more remotely away. And God bless Mr. PEARCE, who has one of these huge districts that transcends a great deal of New Mexico. But at the far end of that district is where we train these pilots.

I was absolutely stunned at the thousands of pilots, both men and women, who have taken time and expense to go through this comprehensive training. Do you know that this year we will have more pilots trained and armed to defend their cockpit and also the passengers than we have Federal air marshals. Now, all that is a classified number, but I am telling you it is in the thousands. So terrorists and others who want to do harm, we have a line of defense that is unparalleled.

This week, I saw the grades from the 9/11 Commission about aviation security. I want to tell you that the pilots who participate in this program deserve an A-plus, the pilots, men and women across this Nation, who have stepped up to this challenge.

So this is a very sophisticated and successful program, and we are here to recognize those volunteers, again, who at their own time and expense have made this one of the best lines of defense for aviation security and security for our Nation and the traveling public.

Mr. Speaker, I reserve the balance of my time.

Mr. COSTELLO. Mr. Speaker, I urge my colleagues to support this resolution, and I yield back the balance of my time.

Mr. MICA. Mr. Speaker, in closing, I simply want to say thank you to each and every one of the pilots, men and women, who have stepped forward to take a stand to defend the United States and to ensure that our traveling public is safe and that further harm does not come to aviation.

One of the reasons we have changed the rules with TSA in screening passengers is because we have a system like this in place, and they have just announced that this week.

☐ 1100

Mr. Speaker, I would say it is almost impossible to take over an aircraft the way the 9/11 terrorists did. We have armed pilots through this program. We have air marshals and secure cockpit doors. And then we have the traveling public who would never allow that to happen knowing what we know. So now we are changing the focus and these pilots through their efforts and this program have allowed us to look at additional risk such as explosive devices and other threats that we face. We know we are secure again through the efforts of the countless pilots we are honoring who have participated in our Federal Flight Deck Officer program.

So again, on behalf of Chairman YOUNG, who chairs our full committee and Mr. LUNGREN, Mr. KING and Mr. COSTELLO, and my other colleagues, I am pleased to present this resolution to adequately recognize those who have come forward and have helped make this a more secure Nation through the aviation industry.

Mr. OBERSTAR. Mr. Speaker, I have not been a supporter of the Federal Flight Deck Officer program because I believe it creates safety problems which outweigh any security benefits. Without any disrespect for the individuals participating in the program, I rise to remind my colleagues that there is still a lot of work left to do to improve aviation security.

On Monday, the 9/11 Commission released its Final Report on Commission Recommendations. The Commission gave aviation security low to failing grades ranging from "C" to "F".

Three priority issues we must work expeditiously to address in the coming months include: suicide bombers at the checkpoint, checked baggage screening and screener staffing.

SUICIDE BOMBERS

Probably the greatest threat facing aviation is the threat of a suicide bomber getting past airport checkpoint security. We know that we have vulnerabilities at passenger checkpoints, and we need to give our screeners the tools to get the job done.

Earlier this year Department of Homeland Security Inspector General (DHS IG) released a report indicating that our airport screening system still needs improvement. Regarding the causes of poor screener performance, the DHS IG stated "that significant improvement in performance may not be possible without greater use of technology."

While we have made some progress in recent months deploying checkpoint explosive detection machines like trace portals, the 9/11 Commission report gives checkpoint explosive detection a grade of "C". We can and must do better.

CHECKED BAGGAGE SECURITY

As to checked baggage screening, it is important to install in-line screening systems at large airports given both the increased security such systems provide as well as the cost benefits. In-line EDS systems promote greater security because they are not exposed to the public; screeners are able to focus on screening bags rather than moving them; and fewer people are congregated around machines in the public area.

In addition to these benefits, in-line baggage screening systems have a much higher throughput than stand-alone systems. If we install in-line systems, more bags will be screened by explosive detection systems instead of less reliable, alternative methods.

TSA and airport operators rely on commitments in letters of intent (LOIs) for Federal assistance as their principal method for funding the modification of airport facilities to incorporate in-line baggage screening systems. To date, TSA has issued only 8 LOIs to cover the costs of installing systems at 9 airports.

Earlier this year GAO reported that TSA has estimated that in-line baggage screening systems at the 9 airports that received LOI funding could save the Federal government $1.3 billion over 7 years. TSA further estimated that it could recover its initial investment of in-line systems at these airports in just over 1 year.

Moreover, TSA officials stated without in-line EDS technology, 27 airports will not comply with the congressional mandate to screen all checked baggage using EDS or ETD.

Yet despite the security benefits and savings that we would clearly gain from installing in-line EDS systems, this Congress has failed to provide sufficient funding to install in-line EDS at more than a few airports. We must fund the installation of in-line EDS systems.

SCREENER STAFFING

TSA's main mission is security. But the agency also has the responsibility to move passengers efficiently, so long as security is not compromised. In both of these missions, TSA has been handicapped by the ill-advised cap of 45,000 full time screeners imposed by the House Appropriations Committee over three years ago, and which is continued in the FY06 DHS Appropriations Act (P.L. 109–90). This cap was imposed without any basis for determining that 45,000 was the right number, and is both arbitrary and counterintuitive. Moreover, this cap does not provide TSA with flexibility that it needs to schedule screeners for training and other skill improvement activities, while continuing to adequately staff security checkpoints.

To add insult to injury, the FY06 Appropriations provides only $2.4 billion for Federal passenger and baggage screeners, which I am told is tantamount to 43,000 full time equivalent screeners—a decrease of 2,000 screeners below the cap! Passenger enplanements in 2006 are expected to reach upwards of 750 million. Surely this anticipated increase in passenger traffic justifies fully funding TSA up to the 45,000 cap!

I urge my colleagues to support these needed improvements in aviation security.

Mr. MICA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 196.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. MICA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

FEDERAL WATER POLLUTION CONTROL ACT AMENDMENT

Mr. DUNCAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1721) to amend the Federal Water Pollution Control Act to reauthorize programs to improve the quality of coastal recreation waters, and for other purposes.

The Clerk read as follows:

H.R. 1721

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COASTAL RECREATION WATER QUALITY MONITORING AND NOTIFICATION.

Section 406(i) of the Federal Water Pollution Control Act (33 U.S.C. 1346(i)) is amended by striking "2005" and inserting "2011".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 8 of the Beaches Environmental Assessment and Coastal Health Act of 2000 (114 Stat. 877) is amended by striking "2005" and inserting "2011".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from New York (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 1721 to extend the authorization of appropriations for Clean Water Act programs aimed at improving the quality and safety of our Nation's recreational coastal waters. Beaches are a very important part of American life. Each year, over 180 million people visit coastal waters for recreational purposes.

This activity supports over 28 million jobs and leads to investments of over $50 billion each year in goods and services nationally. Public confidence in the quality of our Nation's waters is important not only to each citizen who swims, but also to the tourism and recreation industries that rely on safe and swimmable coastal waters.

To improve the public's confidence in the quality of our Nation's coastal waters and to protect public health and safety, Congress passed the Beaches Environmental Assessment and Coastal Health Act of 2000, commonly called the BEACH Act, in the 106th Congress.

Under the BEACH Act, the EPA has been developing new water quality criteria to protect human health from disease-causing pathogens, and States are updating their water quality standards for recreational coastal waters to incorporate these more protective critical.

The EPA also has been making grants to States to help them implement programs to monitor beach water quality and to notify the public if water quality standards are not being met.

H.R. 1721 reauthorizes the current level of funding for these programs. This includes $30 million annually through fiscal year 2011 for the EPA to make grants to help them implement their coastal waters monitoring and public notification programs.

H.R. 1721 will help protect public health and safety and continue to improve the quality of our Nation's recreational coastal waters that are so very important to the economies of our coastal communities.

I certainly want to congratulate our colleague, Mr. BISHOP, on sponsoring this bill, and I urge all Members to support this very worthwhile legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of New York. Mr. Speaker, I rise in strong support of H.R. 1721, and I yield myself such time as I may consume.

First I would like to begin by thanking Chairman YOUNG and Ranking Member OBERSTAR for their support, their leadership and their hard work in moving this important and bipartisan legislation through the Transportation and Infrastructure Committee and on to the House floor today.

In addition, I am deeply grateful for the support and contributions of the gentleman from Tennessee (Mr. DUNCAN), the chairman of the Water Resources Subcommittee, and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), the subcommittee's ranking member, for their steadfast support and commitment to America's coastal environment.

Mr. Speaker, as the distinguished subcommittee chairman has just explained, H.R. 1721 reauthorizes grants under the Beaches Environmental Assessment and Coastal Health Act of 2000 known as the BEACH Act through fiscal year 2011. The record shows that the BEACH Act has been a proven success for 35 coastal States and U.S. territories. It goes a long way toward maintaining pristine coastline, and is a critical component of preserving our Nation's environment and sustaining the tourist economies of our States.

As someone whose district on eastern Long Island is almost completely surrounded by beaches, I know that American families expect and deserve clean water for their enjoyment, and in some cases, their businesses, such as tourism and the fishing industries. Indeed, beach-going Americans deserve pristine waterways to enjoy with their families, and we need to protect these areas for future generations.

By fully funding the water quality monitoring and notifications grants established under the BEACH Act of 2000, we can assure the American public that preserving healthy shores is a priority of our environmental agenda.

Over the past 5 years States have made great progress in creating monitoring plans and putting them to good use. The most recent EPA data on beach closings and advisories indicates that only 4 percent of beach days were lost in 2004 due to closures triggered by bacteria monitoring. This is a significant improvement from past years.

In addition, the number of beaches we monitor has more than tripled from about 1,000 in 1997 to more than 3,500 in 2004.

One of the strongest economic forces along America's coast is tourism. Obviously, vacationers, visitors and beachgoers who enjoy the sea certainly do not want to visit beaches that are closed. I am confident, therefore, that this program will continue to be supported by both sides of the aisle and in both Chambers.

I look forwarding to working with the Senate to advance this bill in order to ensure the BEACH Act's reauthorization without delaying or interrupting the important coastal preservation programs it funds.

Mr. Speaker, this legislation is good for the environment, is sound public policy, and continues a critically important program necessary to preserve one of our most precious and beloved natural resources.

Mr. Speaker, I would like to thank the gentleman from Tennessee (Mr. DUNCAN) for his support and for the fine work of the Transportation and Infrastructure Committee.

Mr. Speaker, I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of New York. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Mr. Speaker, I rise today in strong support of H.R. 1721, legislation to reauthorize the BEACH Act. I thank Mr. BISHOP for his vital leadership on this important measure. I also want to thank Chairman YOUNG, Mr. DUNCAN, and Ranking Member OBERSTAR for their efforts to bring the BEACH Act to the floor today.

Mr. Speaker, America's beaches are our national treasures. They are an important part of our heritage. They are environmental assets and economic assets. We want to keep them that way, and that is exactly what this measure will do.

This vital legislation provides State and local governments with grant money to monitor pathogen levels off their shores, and to notify the public when those pathogens levels are above acceptable levels. Pathogens, we all know, can cause illness when people are exposed to them through swimming or consuming fish from contaminated water.

It is absolutely essential that we continue to fund these programs so that States and localities have the resources that they need to protect recreational users from dangerous levels of bacteria, viruses or parasites off their shores. When people go to the beach, including the 981 square miles of coastal waters in New York, it should be pleasant and it should be safe. That is why this bill is so vitally important. I urge my colleagues to support the reauthorization of the BEACH Act to ensure that we protect Americans from potentially toxic coastal water.

Mr. BISHOP of New York. Mr. Speaker, I yield back the balance of my time.

Mr. DUNCAN. Mr. Speaker, I will simply close by saying that this is a very strong bill for the environment. It is a bill that is important to thousands of cities, towns and small communities along the coast of this country. Not every bill that claims to be for the environment is really a good bill because some of them drive up prices and destroy jobs and hurt the poor and lower income and working people, but this is a pro-environment bill that helps sustain and even creates jobs. I do not know of any negatives with this bill. I think it is something that all of our colleagues can support. I urge its passage.

Mr. OBERSTAR. Mr. Speaker, I am pleased to support H.R. 1721, a vital measure to reauthorize appropriations for coastal recreation water quality monitoring and notification grants through 2011. Originally passed in the BEACH bill in 2000, this program was added to the Clean Water Act to require states with coastal areas, including those in the Great Lakes region, to adopt minimum standards for water quality, test recreational beach waters, and notify the public when test levels prove unsafe.

In 1999, before the BEACH bill became law, only eleven states tested their waters and reported to the public when there was a presence of bacteria and viruses. Human contact with such waters, especially in the elderly and very young, can result in gastrointestinal disorders, respiratory diseases, and ear, nose, or throat infections. These bacteria and viruses are typically the result of polluted stormwater and runoff, overburdened sewage treatment facilities, and malfunctioning septic systems. Ignorance was not bliss, ignorance was a serious health hazard. While we must certainly do more to eliminate these pollution sources, until they are eliminated, we must test recreational waters and adequately inform those who might be at risk from them.

Poor health conditions from contaminated waters adversely affect those who live by coastal waters and those who travel to the shore. According to the latest reports from the

Travel Industry Association of America, 109.5 million travelers visit the beach per year. Over 36 percent of those tourists stayed for a week or longer, and 41 percent of the travelers were children—those who could most be adversely affected by contaminated waters.

Mr. Speaker, I applaud the efforts of our Committee colleague, Mr. BISHOP, in proposing this important legislation. As the representative of the northern part of the Long Island Sound, the gentleman is well aware of the importance of clean beaches and public notification of potential health exceedances for residents and visitors to the Sound. I commend the gentleman's hard work in reauthorizing funding for this program.

I support this reauthorization and I urge my colleagues to let "a day at the beach" continue to be a pseudonym for recreational relaxation and enjoyment, not a risk of pollution and ill health.

Mr. PALLONE. Mr. Speaker, as one of the original authors of the BEACH Act 5 years ago, I rise in support of H.R. 1721 and thank my friend from New York, Mr. BISHOP, for working to move this legislation forward.

The BEACH Act of 2000 took major steps towards improving water quality testing and monitoring at beaches across the country, which is critical to protecting the health of beachgoers. The act had three provisions: requiring states to adopt current EPA water quality criteria to protect beachgoers from getting sick; requiring the EPA to update these water quality criteria, developed in 1986, with new science and technologies to provide better, faster water testing; and providing grants to states to implement coastal water monitoring programs.

The bill before us extends the authorization for appropriations under this third provision, which expired at the end of this fiscal year, until 2011. This is an important step because every coastal State now has a beach water monitoring program that relies on Federal grant funding. However, we need to realize that there are still outstanding issues in the implementation of the other portions of the BEACH Act that merit congressional involvement.

In particular, EPA was to have completed new water quality criteria by October of this year to make sure that all Americans can feel safe swimming at the beach without worrying that they will get sick. My office has spoken extensively with EPA about this, however, and it seems that this will likely not be completed until 2011. EPA is spending nearly a decade studying water testing methods, waiting to collect data on freshwater beaches before even beginning to test marine beaches.

This delay, likely due at least in part to insufficient funding from the administration and this Congress, has prevented EPA from helping communities implement rapid water testing methods that could shorten the time for beginning and ending beach closures from 2 days to merely a few hours. Such an improvement would provide much greater protection to beachgoers and help shore economies by avoiding unnecessary closures.

I intend to work with my colleagues here and with EPA to improve the implementation of the original BEACH Act and keep our coastal waters as clean as possible. In the meantime, I am pleased to see the House extend the grants program through this bill.

Mr. DUNCAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BISHOP of Utah). The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and pass the bill, H.R. 1721.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

FEDERAL WATER POLLUTION CONTROL ACT AMENDMENT

Mr. DUNCAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3963) to amend the Federal Water Pollution Control Act to extend the authorization of appropriations for Long Island Sound.

The Clerk read as follows:

H.R. 3963

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LONG ISLAND SOUND AUTHORIZATION OF APPROPRIATIONS.

Section 119(f) of the Federal Water Pollution Control Act (33 U.S.C. 1269(f)) is amended by striking "2005" each place it appears and inserting "2010".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from New York (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 3963 to extend the authorization of appropriations for the Long Island Sound program under the Clean Water Act.

More than 8 million people live within the Long Island Sound watershed. The sound generates more than $5 billion annually for the regional economy from boating, swimming, and commercial and sport fishing, plus other activities. The Long Island Sound, like many estuaries around the Nation, supports multiple uses and demands and provides habitat for a multitude of fish and wildlife species.

Yet despite its value, the sound is experiencing stress from increasing population growth and development. Storm water and agricultural runoff, wastewater discharges with high nutrient levels, industrial pollution, and commercial and recreational waste all have led to water quality issues arising in the sound. The Long Island Sound is one of the estuaries in the EPA's national estuary program. A long-term estuary management plan has been developed and approved for the sound. The Long Island Sound program was created in part to help carry out the goals of the sound's estuary management plan.

H.R. 3963 reauthorizes the current level of funding for the Long Island Sound program to continue implementing the sound's estuary management plan. This includes $40 million annually through fiscal year 2010 for the EPA to make grants to State and local parties for projects and studies aimed at improving water quality in the sound. H.R. 3963 will help the local States and the EPA to restore and protect Long Island Sound, which is so important to the economy of this very important region of our country.

I want to especially congratulate the gentleman from Connecticut (Mr. SIMMONS) for sponsoring and pushing this bill to the floor here today. I urge all Members to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in full support of H.R. 3963, bipartisan legislation offered by the gentleman from Connecticut (Mr. SIMMONS). This bill is important to all of us who rely on the sound as an economic engine for our communities and as a clean source of water and food for our families.

It is important to recognize nationally designated estuaries such as Long Island Sound, not only for the economic growth they generate, but also their important role in the global environment. Estuaries provide feeding and nursing grounds for diverse plant life, wild birds and fish, along with other animals.

In addition, countless families and businesses in my district and indeed throughout the northeast rely on Long Island Sound for their livelihood, enjoyment and peace of mind. The sound plays an integral role in not only the 8 million people who live in the immediate vicinity, but also the tens of millions who visit the area each year.

In fact, this dynamic body of water produces $5.5 billion in revenue for State and local economies in the tourism, fishing and boating industries in the northeast each year.

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I am proud to have participated in developing this legislation, and today's consideration ensures that we will be renewing our commitment to preserving Long Island Sound for future generations of Americans.

On a more personal note, Mr. Speaker, I would encourage each of my colleagues to visit the sound and experience its grandeur. Again, I appreciate my colleague from Connecticut's leadership and hard work on this legislation, and I urge support of this important bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield such time as he may consume to the primary sponsor of this legislation, the gentleman from Connecticut (Mr. SIMMONS).

Mr. SIMMONS. Mr. Speaker, I rise today in strong support of this legislation, H.R. 3963, to reauthorize appropriations for the Long Island Sound Restoration Act set to expire at the end of this year. I want to thank Chairman DUNCAN for his very distinguished work in carrying this forward, as well as the chairman of the full committee, Chairman YOUNG. And in particular, I would like to thank my co-chair of the Long Island Sound Caucus, the gentleman from New York (Mr. ISRAEL), who has worked with me in a bipartisan fashion, and also the gentleman from, I believe, the First District of New York (Mr. BISHOP), who actually assisted during the mark-up of this legislation when I had to be away. This is a classic case of Members of this body working across party lines, working across State lines for the common good; and I thank them for that support.

As we have heard, Long Island Sound is a unique estuary in our country with both economic and ecological importance to the region and to the whole Nation. The sound generates between 5 and $6 billion of revenue on an annual basis and is cherished by the 28 million people who live within 50 miles of it. Think about that: 28 million people, 28 million American citizens live within 50 miles of Long Island Sound. That is 10 percent of the Nation's population, and they can benefit from this wonderful resource.

The Long Island Sound today is challenged by nitrogen loading that leads to hypoxia or low dissolved oxygen. The best way to defeat this problem is to remove significant levels of nitrogen from wastewater through complicated and expensive upgrades to sewage treatment plants. Connecticut, New York, and the Environmental Protection Agency have committed to reducing this nitrogen loading to the sound by 50 percent by 2014. But this cannot be done without this legislation and without the funds that this legislation carries. That is why this legislation is so critically important.

Mr. Speaker, I submit for printing in the RECORD the following three letters as an example of the support that we have back home for this legislation:

EXECUTIVE CHAMBERS,
STATE CAPITOL,
Hartford, CT, October 25, 2005.

Hon. DON YOUNG,
Rayburn House Office Building,
Washington, DC.

DEAR CHAIRMAN YOUNG: I am writing to urge your vigorous support for H.R. 3963, a bill to extend the authorization of appropriations from the Long Island Sound Restoration Act of 2000 ("LISRA") (Title IV of Public Law 106-457). As detailed in the attached fact sheet, the approximately 9.7 million dollars in LISRA funds awarded to Connecticut have benefited over 16 distressed communities in Connecticut. The distressed communities have utilized the funds to plan for and design upgrades at their sewage treatment plants to remove nitrogen, the most significant threat to water quality in Long Island Sound.

Long Island Sound (LIS or Sound) is a complex and unique estuary, and Connecticut's most precious environmental resource. The Sound has a 16,000 square mile watershed that is home to approximately 10 percent of the population of the United States. LIS contributes more that $6 billion to the regional economy, through activities such as boating, commercial and sport fishing, swimming, and beach going. The ports of Bridgeport, New Haven and New London handle national and international freight.

The Sound is facing a number of serious challenges due to the developed nature of its watershed, including excessive nitrogen loading that causes hypoxia or low dissolved oxygen. Connecticut, New York and the Environmental Protection Agency have committed to reducing nitrogen loading to the Sound by 58.5% by 2014 to address the hypoxia. Such reduction can best be accomplished by upgrading sewage treatment plants to remove nitrogen, a process that requires a substantial investment in planning, design and construction.

A federal appropriation under LISRA will leverage Connecticut's state based initiatives to control nitrogen. To date, Connecticut has invested over $150 million from our state Clean Water Fund to upgrade sewage treatment plants to remove nitrogen. We estimate that demand for funds to control nitrogen in the next two fiscal years will be over $200 million, with that amount increasing in future fiscal years.

In summary, the Long Island Sound Restoration Act provides a critical federal contribution to projects designed to restore the health of Long Island Sound. Further, the funds are used by Connecticut to assist our distressed communities in doing their part to restore Long Island Sound, an estuary of national significance. Thank you in advance for your support.

Sincerely,

M. JODI RELL,
Governor.

AUDUBON CONNECTICUT,
Southbury, CT, October 26, 2005.

Hon. ROBERT R. SIMMONS,
Cannon House Office Building,
Washington, DC.

DEAR MR. SIMMONS: I am writing you in strong support of House Bill 3963, the re-authorization of the Long Island Sound Restoration Act. This legislation has been vital to the success of efforts to restore water quality in the Sound, an Estuary of National Significance. We thank you for your sponsorship of this important legislation.

The Long Island Sound Restoration Act (the Act) is making a tangible difference in the health of the Sound. With the help of funding provided through the Act, nitrogen loading in Long Island Sound has been reduced by 25%. This is a great start, but still far from meeting the goal of reducing the total enriched nitrogen load to the Sound from point and nonpoint sources within the Connecticut and New York portions of the watershed by 58.5% by 2014, as agreed to by the EPA and the Governors of Connecticut and New York in the 2003 Long Island Sound Agreement.

Re-authorization of the Long Island Sound Restoration Act is critical to continued water quality improvement In the Sound. The States of Connecticut and New York cannot do it alone.

The Sound is a national, as well as regional resource. Approximately, 10% of the U.S. population lives within 50 miles of the Sound, making it a key recreational area for the region. The Sound provides an oasis of essential wildlife habitat in a densely-populated area of the country. The Sound is also an economic engine, pumping an estimated $5.5 billion per year into the regional economy. Restoring clean water to the Sound is imperative.

Audubon Connecticut, a part of the National Audubon Society with more than 10,000 members statewide, works to protect birds, other wildlife and their habitat using science, conservation, education and advocacy. Audubon Connecticut is a member of the Long Island Sound Study's Citizen's Advisory Committee and Stewardship Work Group. Together with Audubon New York and Audubon's National Policy Office in D.C., we have launched a joint Long Island Sound Campaign that focuses on improving water quality and habitat, two key areas that will have the most benefit for people and wildlife. We also participate in the Clean Water Jobs Coalition, an alliance of business, labor and environmental organizations that advocates water quality improvements in the Sound.

Sincerely,

ALEXANDRA BRESLIN,
Director of Governmental Affairs.

SAVE THE SOUND,
Norwalk, CT, October 26, 2005.

Hon. ROBERT R. SIMMONS,
Cannon House Office Building,
Washington, DC.

DEAR MR. SIMMONS: The purpose of this letter is to express our strong support of House Bill 3963, the re-authorization of the Long Island Sound Restoration Act. Thank you for sponsoring this important legislation which has been critical to the success of efforts to restore water quality in the Sound, an Estuary of National Significance.

The Long Island Sound Restoration Act (the Act) has had a real and quantifiable impact on the health of the Sound. With the help of funding provided through the Act, nitrogen loading in Long Island Sound has been reduced by 25%. While this represents real progress, we have a long way to go to meet the goal of reducing the total enriched nitrogen load to the Sound from point and nonpoint sources within the Connecticut and New York portions of the watershed by 58.5% by 2014, as agreed to by the EPA and the Governors of Connecticut and New York in the 2003 Long Island Sound Agreement.

Re-authorization of the Long Island Sound Restoration Act is essential to achieving continued water quality improvement in the Sound. The States of Connecticut and New York cannot do it alone.

As you know, Long Island Sound is a significant natural resource, both regionally and on a national level. Approximately 10% of the U.S. population lives within 50 miles of the Sound, making it the signature recreational area for the region. The Sound provides a variety of essential wildlife habitats in a densely populated area of the country. The Sound is also valuable as an economic asset, generating an estimated $5.5 billion of revenue for the regional economy each year. Restoring clean water to the Sound is imperative to sustaining these critical values.

Save the Sound, a program of Connecticut Fund for the Environment, is dedicated to the protection, restoration and appreciation of Long Island. We are a member of the Long Island Sound Study's Citizen's Advisory Committee and Long Island Sound Stewardship Work Group. We are actively engaged in habitat restoration projects around the Sound and we manage shoreline cleanups in Connecticut, partnering with citizens, agencies and other organizations to achieve results.

Sincerely,

ROBIN KRIESBERG,
Director, Environmental Projects.

Mr. BISHOP of New York. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. ISRAEL), the cochair of the Long Island Sound Caucus.

Mr. ISRAEL. Mr. Speaker, I rise today in very strong support of the reauthorization of the Long Island Sound Restoration Act. I want to begin by thanking Chairman YOUNG and Ranking Member OBERSTAR for their efforts to bring this legislation to the floor today. I want to in particular thank my cochair of the Long Island Sound Taskforce, Mr. SIMMONS, and Mr. BISHOP for their leadership on this important legislation and their ongoing efforts to put politics aside and advance the cause of environmental and economic preservation of the Long Island Sound.

This is, as the gentleman from Connecticut said, a classic example that there is no Republican or Democratic way to protect a body of water. This is something that we need to develop consensus on and this bill does just that. This bill is bipartisan, and it is bicoastal at the same time. I am hoping that when we come back next year we can continue that spirit of bipartisanship and advance the Long Island Sound stewardship program which Mr. BISHOP, Mr. SIMMONS, and I have been working on; and I am confident that the same sense of consensus will prevail.

As we have heard, Mr. Speaker, the Long Island Sound is one of America's great natural wonders. It sustains the diversity of birds, wildlife, marine organisms and serves as a recreational magnet and economic generator to the tens of millions of American who live within 50 miles of its shores. The Long Island Sound is an important part of America's heritage. Nathan Hale slipped across the Long Island Sound, arrived in Huntingtown. It played a critical part in the American Revolution. It is important to our economy. It is important to our national identity. It is important to our environment.

For thousands of years, the sound has been a productive and a central resource for the human inhabitants occupying its shores. Three New York counties, 24 Connecticut towns border the sound. That puts pressure on this environmental asset in terms of surface run off from some of the most densely populated areas in the country. Over 100 sewage treatment plants discharge a combined one billion gallons of waste into the sound each day.

Thankfully, in 2000 the Long Island Sound Restoration Act authorized the Federal Government to spend $40 million annually over 5 years to clean the sound. Now we need to continue that important effort.

There is still a lot of work to be done. We have made some progress, but not enough. Nitrogen levels have decreased since 2000, but the sound continues to suffer from significant nitrogen pollution, and high nitrogen levels in the sound lead to decreased levels of dissolved oxygen in the water, a condition called hypoxia, which kills marine life and destroys the delicate ecosystem of the sound.

This reauthorization gives us an opportunity to continue the important work of respecting and preserving the Long Island Sound, not only as a critical environmental asset for the United States of America but also as an important economic generator.

Once again I want to thank the gentleman from New York (Mr. BISHOP), the gentleman from Connecticut (Mr. SIMMONS), my cochair of the Long Island Sound; the ranking member and chairman for bringing us to this point today and urge support for this bill.

Mr. BISHOP of New York. Mr. Speaker, I will close simply by urging my colleagues to support this very worthwhile and very important piece of legislation. Again I want to thank the gentleman from Connecticut (Mr. SIMMONS) and the gentleman from New York (Mr. ISRAEL) for their great work on this important bill.

Mr. Speaker, I yield back the balance of my time.

Mr. DUNCAN. Mr. Speaker, I will close simply by saying, as has been pointed out, 8 million people live directly within the Long Island Watershed, 28 million people within 50 miles, and millions more visit those areas each year. This is a bill that is very important for the environment and very important for the economy. Both of these bills amend the Federal Water Pollution Control Act, and both the BEACH Act and the Long Island Sound legislation are good bills that all Members on both sides can be very proud of.

Mr. OBERSTAR. Mr. Speaker, I am pleased to support H.R. 3963, a bill to extend the authorization of appropriations for the Long Island Sound Program until 2010. A healthy Sound is critical to the communities surrounding the urban watershed as well as to the wildlife within it. I offer my congratulations to my colleagues on the Committee on Transportation and Infrastructure, Mr. BISHOP and Mr. SIMMONS, for working so diligently on this imperative bill.

Long Island Sound stretches 110 miles, from New York City to southern New England. One in ten Americans lives within an hour's drive of the sound, which provides over $5 billion for the local economy. Over 120 species of finfish currently inhabit its waters, supplying a diverse population for sport fishing and the seafood industry. The sound supports its neighboring industries with not only products for sale but also an important means of transportation. It provides aquatic recreation activities, sightseeing, and beautiful views for homes along its shores. Indeed, the sound is the foundation of livelihood for many.

However, many pressures from residential, industrial, and agricultural activities have caused the natural conditions of this region to be altered. Economic advances in the watershed have changed land surfaces, reduced open spaces, and restricted access to the sound, while increasing several types of pollution in the waters.

These harmful effects are not a hopeless ending to the Sound. In the early 1900s, the sound's population of terrapins was near the point of extinction due to overfarming to feed the nation's appetite for turtle soup. During Prohibition, however, sherry—a key ingredient in turtle soup—was forbidden to be sold. The farming for the terrapins waned and the population was able to rebound to its natural state, even after sherry became legal once more.

Similar progress to restore and protect the populations and quality of the sound are still necessary, this time in a more direct manner. The Long Island Program contributes this support that is so direly needed.

I support this bill and urge my colleagues to take swift action for its passage.

Mr. SHAYS. Mr. Speaker, I rise in support of H.R. 3963, which would reauthorize appropriations through fiscal year 2010 for the Office of Management Conference of the Long Island Sound Study and for grants to implement the Long Island Sound Comprehensive Conservation and Management Plan.

Protecting and preserving the environment is one of the most important jobs I have as a Member of Congress. We simply will not have a world to live in if we continue our neglectful ways.

Long Island Sound, which contributes more than $5 billion annually to the regional economy, is one of the most populated and visited areas of our country. In fact, approximately 10 percent of the American population lives within the Long Island Sound watershed.

It is a source of livelihood, nourishment and recreation for many in Connecticut and elsewhere, and it is critical that we treat it well.

In the interest of preserving open space, increasing access to the sound, and protecting and managing important habitats, the reauthorization of this funding is needed to identify and protect coastal areas along this precious estuary with significant biological, scientific or recreational value.

I am pleased this legislation is being considered so we ensure funding for this critical habitat will continue to be preserved and urge passage of the legislation.

Ms. DELAURO. Mr. Speaker, I rise today in support of H.R. 3963, to reauthorize the Long Island Sound Restoration Act through 2010.

The Long Island Sound is a 16,000 square foot estuary that is home to 10 percent of the Nation's population. The Sound provides $6 billion to the Connecticut and New York economies through recreational activities, commercial boating and fishing, and trade. The New Haven, Bridgeport, and New London ports bring national and international trade to our region, and this valuable economic and environmental resource must be protected. Reauthorizing LISRA will enable us to do that.

One of the greatest threats to the Long Island Sound is excessive nitrogen loading that causes hypoxia or low dissolved oxygen in the water that reduces the amount of healthy habitat necessary to support fish and shellfish. This is a problem that can be combated by upgrading sewage treatment plants to remove nitrogen from waste water, and Connecticut, New York, and the Environmental Protection Agency have committed to reducing nitrogen levels in the Sound by over 50 percent by 2014. This strong commitment, however, costs money, and cannot be accomplished without the reauthorization of LISRA.

Through 2004, Connecticut received $7.8 million in federal funding to assist in nitrogen cleanup, and it expects to receive an additional $1.9 million for 2005. Connecticut has invested over $150 million of its own money to upgrade sewage treatment plants, and will continue to do so with the help of LISRA. Six communities in my district—Ansonia, Derby, Naugatuck, New Haven, Waterbury, and West Haven—have benefited from LISRA funding, but they cannot complete these much needed upgrades without federal help.

Mr. Speaker, the Long Island Sound is a unique body of water—one of our most precious natural resources—and it must be protected. I urge the passage of this bill.

Mr. ACKERMAN. Mr. Speaker, I am proud to represent an area that borders the Long Island Sound. The Sound is one of our Nation's natural treasures, providing important environmental, recreational, and commercial benefits to its surrounding regions. Not only is the Sound the natural habitat for one of the most diverse ecosystems in the Northeast, but it also provides enjoyment for the millions of residents and vacationers who swim and boat in the Sound every year. Moreover, commerce relating to the Long Island Sound generates more than $5 billion in the regional economy each year.

Preservation of the Long Island Sound is not a parochial issue, but a national one. The Sound is a charter member in the National Estuaries Program, and has been designated as one of only 28 estuaries of national significance. Unfortunately, the effects of having more than 8 million people living within its watershed have caught up with the Sound, as untreated sewage and other types of pollution have harmed the water quality and caused a dramatic drop in the Sound's fish and wildlife populations.

With the passage of the Long Island Sound Restoration Act in 2000, which authorized $200 million for cleaning up the Long Island Sound over the past 5 years, we have seen improvements in the quality of the water in the Sound. However, our work is not complete. We must continue to build on this progress and provide more assistance in cleaning up the Sound. I am confident that the funds authorized in this bill will have a significant impact on the ongoing efforts to improve the quality of the Long Island Sound. We must do everything possible to ensure the continued funding of these efforts, and this legislation is the appropriate means for achieving the desired end.

Mr. DUNCAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and pass the bill, H.R. 3963.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ETHICS IN GOVERNMENT ACT OF 1978 AMENDMENT

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4311) to amend section 105(b)(3) of the Ethics in Government Act of 1978.

The Clerk read as follows:

H.R. 4311

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking subparagraph (E).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4311 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to urge my colleagues to support H.R. 4311, which would reauthorize a crucial judicial security measure. Under the Ethics in Government Act, judges and other high-level judicial branch officials must file annual disclosure reports. In the 105th Congress, we enacted the Identity Theft and Assumption Deterrence Act of 1998, which allows the Judicial Conference to redact statutorily required information in a financial disclosure report where the release of that information could endanger the filer or his or her family. This provision was extended for 4 years in the 107th Congress and is due to expire on December 31 of this year.

H.R. 4311 would permanently extend this important component of Federal judicial security. This legislation was recently passed on the House floor on November 9 by a vote of 375-45 as a provision of H.R. 1751; but since the other body has not taken up that bill, I have introduced this freestanding measure.

Judges today face a number of threats from convicted criminals seeking revenge against those who have presided over their trial to defendants seeking to influence a judge during a trial. In some cases, Federal judges and their families have been subject to more than just threats, as has been demonstrated by the murder of Judge Joan Lefkow's husband and elderly mother in their own home by a former plaintiff in Chicago earlier this year.

Since the authority was enacted in 1998 and renewed in 2001, Federal judges have been able to request the temporary redaction of some or all of the information on their disclosure forms. The Marshals Service must agree that the information on their disclosure forms could be used to harm the judge or his or her family in order for it to be redacted.

Disclosure information might seem to some to be an unlikely source of useful information to someone looking to harm a judge. That is a flawed assumption. For example, the fact that a judge's daughter has received a scholarship from a particular college must be reported on that judge's disclosure form. This information can then be used to identify the location of the judge's daughter.

Under this existing authority, judges are still required to make semi-annual disclosures and are only allowed to redact information during the time in which a threat exists. Once the threat ends, the information is once again made public. The GAO undertook an audit of this authority in 2004 and found minimal issues.

As a strong proponent of government openness and oversight, I recognize the impact of redaction authority. However, I also recognize that judges should not be forced to put their lives on the line or those of their families simply by doing their jobs. This fair and impartial administration of justice requires freedom from fear and intimidation. This legislation helps protect judges and their families from fear of reprisal.

I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I rise in support of H.R. 4311. This bill protects judges against certain security threats. The September 11 tragedy and events thereafter have only heightened the security concerns that make this legislation necessary.

H.R. 4311 permanently extends the ability of judges to request redaction of their financial disclosure reports. The current redaction authority sunsets at the end of this year. Thus it is imperative that we act quickly to get this bill to the Senate where we hope it will pass before the end of the year so that the legislation can be enacted.

The redaction authority for judges is appropriately limited and thus should not raise concerns about undue restrictions on public access to financial disclosure reports. A judge's report may only be redacted if the Judicial Conference and the U.S. Marshals Service both find that revealing the personal and sensitive information could endanger that particular judge. Furthermore, the report can only be redacted to the extent necessary to protect the judge and only for so long as a danger exists.

The redaction authority has not been abused to date. Of over 2,000 judges filing reports in 2000, only 6 percent had their reports redacted in any way. Typically, the information redacted is limited to such things as a spouse's place of work, location of a judge's second home and things of that nature. It is obvious how a person of ill will could misuse that information to harm a judge or the judge's family.

This law is tightly drawn, and it requires the Judicial Conference, in concert with the Department of Justice, to file an annual report detailing the number and circumstances of all of the redactions. This statutory reporting requirement enables Congress to monitor for any abuse of the redaction authority, so I would urge my colleagues to vote "yes" on this legislation.

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Mr. Speaker, I yield 5 minutes to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman for yielding me this time.

This is a critically important piece of legislation that everyone in the House should support without reservation. H.R. 4311, which amends the 1978 Ethics in Government Act, will make permanent an expiring provision which protects the safety of our Nation's judges as well as the integrity of our judicial system.

And I know that everyone here remembers, as Mr. SENSENBRENNER just reminded us, the horrifying murders of a Chicago judge's family members this past summer. These crimes were committed by an individual, who was angered by a ruling on his case. He went to the judge's home to confront her and, while there, shot her husband and mother in cold blood.

The bill we have before us will allow judges who have been threatened to withhold certain personal information from public record, information, such as their home address, that has been used in the past for the most tragic of ends.

And I want to emphasize that I strongly support the bill and I commend the chairman of the Judiciary Committee for bringing it to the floor today. No one here wishes to avoid our responsibility to protect those men and women who form the bedrock of our legal system, nor do any of us desire to in any way detract from the significance of this bill.

However, Mr. Speaker, I believe that this bill does not go far enough. My conscience compels me to pause here and remind my friends on the other side of the aisle that we are discussing a reform to the Ethics in Government Act, which should be extended to really talk about ethics in government, a vitally important piece of legislation which, when it was passed, confirmed the national commitment to the creation and preservation of the government as good and as ethical as the people it serves.

I, therefore, cannot let this moment pass without speaking of what has become a standing source of shame for this body and for this Nation: the collapse of ethical conduct within our House. Mr. Speaker, I have no choice but to speak of the topic here and now because this is the last time the House will address the subject of ethics this year.

Ethics reform has not made the Republican leadership's December agenda, just like it has not made the cut all year long. But the ethical conduct of Members of this body is on the minds of those in whose interest we claim to act, the American people. They are demanding that action be taken, and it is on their behalf that I speak now.

The bill we will hopefully approve today is an example of the kind of legislation we should be passing here. It puts the well-being of the American people first. But the majority ushered in the year by putting itself first, gutting the ethical standards imposed on Members of this body so that they could more easily take advantage of the people's trust and get away with it.

With a little time and distance, it is now painfully obvious why the leadership went to such great lengths to roll back the ethics rules of the conference and of this House. A prolonged and impassioned public outcry forced the majority to abandon this blatant assault on ethics several months later, but the battle was far from over.

Even though the Republicans were shamed into retreat on the ethical assault, we have not had a working Ethics Committee in this House all year and we still do not today. As Members may recall, the majority initially attempted to eliminate its power, and when it could not do that, it fired the qualified investigative staff and tried to deliberately politicize the committee, and we have not had a working ethics process since. Only recently have we been able to forge an agreement which could restart the ethics process next year. And for both his principled stand in defense of the rules of the body and for his patience and commitment to restoring the ethics process, I commend the ranking member of the committee.

But the real question still lingers: What was the majority hiding? Despite their best efforts, the truth has come forth, and every day brings a new revelation which demonstrates the extent to which power has been abused and corruption scandals have mounted. Indictments and resignations have dominated the headlines. And Member after Member of this body has been shown they have committed their votes not in the public interest, but to special interests, those who seek the benefit of the few at the expense of the many.

Critical decisions at Federal agencies are being unethically manipulated by White House political operatives, and the results of these decisions are having a direct impact on the people of this Nation.

Make no mistake about it. This White House and this leadership have placed America up for sale to the highest bidder, and it is the American people paying the price while corrupt politicians and special interests reap the profits.

Citizens of this Nation have watched it all, stunned, disillusioned, and increasingly angry. The majority leader of the House repeatedly admonished on ethical violations and is now indicted for money laundering. A Member resigned in shame and pled guilty to bribery. New investigations by the Justice Department threatening to embroil many more of our colleagues in the growing stench of corruption surrounding Republican lobbyist Jack Abramoff.

And as the public trust is battered and broken and potential ethics investigations pile up, the Ethics Committee chairman, who fired an experienced staff and supported changing the rules, has announced he will not conduct additional investigations into serious allegations of corruption because we do not have the money. Apparently, we cannot afford an ethics process in this government, only more tax cuts.

From this majority leadership, there has been no leadership. And the startling truth is it has been almost 12 months since we have had a functioning ethics process in the House. We still have no working Ethics Committee. We have no ethics reform. And after 12 months, we have scandal and deception and only silence, and that has become a national shame.

The time for accountability is now. The time for real reform is now. And the time for change is certainly now. And surely, Mr. Speaker, America can do better than this.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 4 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in support of this bill to make permanent an expiring provision in the current law that ensures protection for judges and for their families when they are threatened and they may be in danger. This is a much-needed revision of the 1978 Ethics in Government Act. But, in addition, this House would do well to pass a 2005 Ethics in Government Act of its own.

Indeed, we have seen in recent months how broken the ethics process in this body is. Had the majority shown as much initiative in fixing that process as it has in bringing this bill to the floor, perhaps we would not have seen Members of that majority indicted or pleading guilty to charges of bribery, money laundering, and tax evasion. As it stands, the Washington Post says investigators are now looking into the actions of at least a half dozen Members of Congress, senior congressional staff, one former Deputy Secretary of the Interior, and several lobbyists.

In the wake of the tragic murder of a Chicago judge last summer, the underlying legislation we consider takes steps to protect that judiciary. But in the wake of countless scandals that continue to bring shame to this institution and the majority, Democrats believe that the time has come to protect the integrity of the judicial process as well.

Mr. Speaker, just as we must protect the hardworking judicial officials in our country, so must we protect the American people, whom this breakdown in the ethics process impacts the most. As the leadership of this House spends more time in courthouses than in the people's House doing the people's business, they are the ones that we are putting at risk when we fail to protect our homeland, as the September 11 Commission chairman found just this week.

I support this legislation. But the time has come to put the needs of people before the special interests of the lobbyists.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. Mr. Speaker, I rise in support of this bill. I think it is a fantastic bill. I congratulate the chairman and ranking member for putting this bill forward. It has been wisely thought out and well written, and I look forward to voting in its favor. However, it is not the only ethics issue that we have.

I am not one who has ever in any situation said to anybody that anyone should be considered guilty until proven so; however, the process that we have here has not been working, and we all know it. And as one Member, while we are doing something on ethics, I thought it was important to mention that this House should also be moving forward on our own ethics investigations.

For 1 year we have had an Ethics Committee that really has not done much. It has been stalled. It has been delayed. It has been sidetracked. I am not going to presume what the results of any of the investigations would be. I think that would be wrong and inappropriate. Nonetheless, as one Member, I am embarrassed for this country that we have failed to do our job and our duty to look into the ethics issues of our own Members when allegations are brought forth.

This bill is a good bill. This bill is something that we should be doing. But it is not enough if we really want to deal with the ethics issues that are facing the American people today.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a very important bill. It deals with the protection of judges, and I would hope that the Members of the House would pass the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I deeply appreciate all of the comments from my friends on the other side of the aisle about what a great bill this is. I thank them for that. It is a great bill.

But what we have seen here with this great bill and this necessary bill being brought up in order to protect judges and their families and court personnel is another example of why this House has sunk into partisan politics. Partisan politics should have nothing to do with whether or not we give the judicial conference the authority to redact personal information necessary to protect the safety of judges and their families. But nonetheless, we have heard from three Members on the other side of the aisle in basically making a partisan attack.

Mr. Speaker, there is a time for partisan politics and there is a time to deal with the people's business. This bill deals with the people's business. I appreciate the support from the folks on the other side of the aisle, but, Mr. Speaker, this was not the vehicle to launch a partisan attack, and I am sorry that they chose to do so.

I urge support of the bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BISHOP of Utah). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 4311.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SECURING AIRCRAFT COCKPITS AGAINST LASERS ACT OF 2005

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1400) to amend title 18, United States Code, to provide penalties for aiming laser pointers at airplanes, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1400

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Securing Aircraft Cockpits Against Lasers Act of 2005".

SEC. 2. PROHIBITION AGAINST AIMING A LASER POINTER AT AN AIRCRAFT.

(a) OFFENSE.—Chapter 2 of title 18, United States Code, is amended by adding at the end the following:

"§ 39. Aiming a laser pointer at an aircraft

"(a) Whoever knowingly aims the beam of a laser pointer at an aircraft in the special aircraft jurisdiction of the United States, or at the flight path of such an aircraft, shall be fined under this title or imprisoned not more than 5 years, or both.

"(b) As used in this section, the term 'laser pointer' means any device designed or used to amplify electromagnetic radiation by stimulated emission that emits a beam designed to be used by the operator as a pointer or highlighter to indicate, mark, or identify a specific position, place, item, or object.".

(b) AMENDMENT TO TABLE OF SECTIONS.—The table of sections at the beginning of chapter 2 of title 18, United States Code, is amended by adding at the end the following new item:

"39. Aiming a laser pointer at an aircraft.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1400 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 1400, the Securing Aircraft Cockpits Against Lasers Act of 2005.

Over the past several years, there have been an increasing number of alarming reports to the Federal Aviation Administration concerning the aiming of lasers into airplane cockpits. Since 1990 the FAA reports there have been well over 400 incidents and more than 100 in the past year alone. It was not that long ago that there was a frenzy of media coverage surrounding these types of events. While the media coverage may have subsided, the threat has not.

Laser pointers, while readily obtainable and relatively inexpensive, are not toys. In 1997, the Food and Drug Administration issued a warning to parents and school officials concerning handheld laser pointers. The FDA warning stated that "the light energy that laser pointers can aim into the eye can be more damaging than staring directly at the sun." Federal law requires a warning on laser pointers about this potential hazard to the eyes, and that is 21 Code of Federal Regulations 1040.

FAA research has shown that laser illuminations can temporarily disorient or disable a pilot, particularly during critical stages of flights such as landings and takeoffs. Direct laser exposure to the eye can even cause temporary blindness. In some cases these laser illuminations can cause permanent damage. In fact, just last year, a laser aimed into a Delta Airlines flight over Salt Lake City injured the eye of one of the plane's pilots. This type of interference, whether it is intentional effort to sabotage a plane or just a misguided prank, should not be tolerated because of the potential for catastrophe.

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H.R. 1400 is a straightforward, commonsense measure aimed at deterring and prosecuting those who would willfully committ a senseless act of potential sabotage.

The bill would impose criminal penalties upon any individual who knowingly aims a laser pointer at an aircraft within the special aircraft jurisdiction of the United States.

These criminal penalties include fines of up to $250,000, and imprisonment of up to 5 years. The bill before us today includes an amendment proposed in mark-up offered by gentlewoman from Texas (Ms. JACKSON-LEE).

During committee consideration of the bill, the gentlewoman suggested that the bill include a definition for the term "laser pointer." That definition has been added to the bill, and I thank the gentlewoman for her important contribution.

Finally, I would like to thank the gentleman from Florida (Mr. KELLER), the author and lead proponent of H.R. 1400, for his leadership on this issue. I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am a cosponsor of H.R. 1400, and I urge my colleagues to support it. The rash of incidents involving hand-held lasers have fueled a growing concern within the aviation industry. In fact, since November of November of 2004, airline pilots have reported over 100 incidents of lasers being aimed into their cockpits.

The potential harmful effects of such lasers is quite serious. The FAA research has shown that even some low-level lasers can temporarily disable and disorient a pilot during critical stages of flight. Needless to say, the results could be devastating.

Although I have some concern that when the bill is applied, it will likely involve some stupid or misguided young person fooling around with a laser beam, we all realize that the conduct the bill prohibits can be very dangerous, whether done by a fool or by a terrorist. So it must be strongly discouraged.

Since the bill does not have mandatory minimum sentencing, the Sentencing Commission and the courts can apply the appropriate punishment for violators based on specific facts and circumstances of the case.

After this bill is passed, as a further precautionary step, perhaps the appropriate committee of jurisdiction could also consider requiring manufactures of laser products to issue strong notices and warnings on lasers and packaging alerting them to the provisions of this law so that all will be on notice.

But for now I think this bill is an appropriate step for Congress to address this potentially disastrous problem. Mr. Speaker, I support the bill and urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. KELLER).

Mr. KELLER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, aiming a laser beam into the cockpit of an airplane is a clear and present danger to the safety of all of those on board the aircraft. It is only a matter of time before one of these laser beam pranksters ends up killing over 200 people in a commercial airline crash.

These easily available pen-sized laser pointers, like the one I purchased here at the office supply here in the House of Representatives for $12, have enough power to cause vision problems in pilots from a distance of up to 2 miles.

This legislation is simple, straightforward and common sense. It makes it illegal to knowingly aim a laser pointer at an aircraft. Those who intentionally engage in such misconduct shall be fined or imprisoned not more than 5 years, or both, in the discretion of the judge.

Significantly, 100 percent of the Democrats and Republicans on the Judiciary Committee voted in favor of this legislation and it enjoys wide bipartisan support.

Mr. Speaker, I am honored that the gentleman from Virginia (Mr. SCOTT) and the gentleman from North Carolina (Mr. COBLE), the ranking member and chairman respectively of the Crime Subcommittee, are the cosponsors of this legislation.

A recent rash of incidents involving lasers aimed at aircraft cockpits have raised concerns by pilots and law enforcement officials over the potential threat to aviation safety and security. The problem is more widespread than one might initially think.

According to the Congressional Research Service and the Federal Aviation Administration, there have been over 400 incidents reported since 1990 where pilots have been disoriented or temporarily blinded by laser exposure.

So far none of the 400 incidents involving flight crew exposures to lasers have been linked to terrorism. Rather, it is often a case of pranksters making stupid choices to put pilots and their passengers at risk of dying.

Let me give you just one real-life example of what it is like to be in an aircraft cockpit hit by a laser beam. In September of this year, I spoke with Lieutenant Barry Smith from my hometown of Orlando, Florida, who was actually in the cockpit of a helicopter that was hit by a laser beam.

Lieutenant Smith is with the Seminole County Sheriff's Office. He and his partner were in a police helicopter searching for burglary suspects at night in a suburb of Orlando when a red laser beam hit their aircraft twice. Lieutenant Smith said the Plexiglass windshield of the helicopter spread out the light to be the size of about a basketball. It shocked them.

They were flying near a large tower with a red light, and they mistakenly thought that they had flown too close to the tower. They were disoriented and they immediately jerked the helicopter back. When they realized that they were not actually near the tower, Lieutenant Smith began to worry that the light could have come from a laser sight on a rifle. He wondered if they were about to be shot out of the sky. He told me, "It scared the heck out of us."

In reality, it was just a 31-year-old man with a small pen-sized laser light standing in his backyard. Unfortunately, there are over 400 other stories just like this one where laser beam pranksters nearly caused fatal aviation crashes.

Surprisingly there are currently no Federal statutes on the books making it illegal to shine a laser beam into an aircraft cockpit unless one attempts to use the PATRIOT Act to claim that the action was a terrorist attack or other attack of violence, intentional, against a mass transportation system.

On February 17, 2006, a Federal judge in Newark, New Jersey, will sentence a New Jersey man who pled guilty last month to shining a hand-held laser at two aircrafts back in December of 2004. The defense attorneys for the defendant, Mr. David Banach, argued that the PATRIOT Act was supposed to be used against terrorists.

The Federal prosecutors acknowledged that Mr. Banach is not a terrorist, but they said they had no other choice but to use the PATRIOT Act since no other Federal law applied.

Clearly, this legislation before us is needed to clarify the law and make it crystal clear that we will not tolerate either pranksters or terrorists who jeopardize the safety of pilots and passengers by aiming laser beams into the cockpits of aircrafts.

Mr. Speaker, I urge my colleagues to vote yes on H.R. 1400.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I just wanted to thank the gentleman from Florida and the gentleman from Wisconsin for bringing this bill forward. It makes it clear that endangering pilots and passengers with laser beams is illegal.

Whatever the law may be, this will make it absolutely clear. I would hope that the House will pass the bill so that the pilots and passengers can be protected.

Mr. Speaker, I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of the legislation before us, H.R. 1400, the Securing Aircraft Cockpits Against Lasers Act of 2005. I thank the distinguished chairman from Wisconsin, Mr. SENSENBRENNER for his thoughtful inclusion of a definition of the term "laser pointer" at my suggestion. This bipartisan gesture is very important to the crafting of comprehensive and conscientious criminal measures.

I kept my strict constitutionalist hat on and remained mindful to the fact that legislation should be as narrowly tailored as possible—especially with respect to exacting criminal penalties.

I understand that since 1990, there have been more than 400 incidents proscribed in this bill and more than 100 since November 2004. Furthermore, I understand the relative threat that the act proscribed in this bill poses for pilots—FAA research has shown that laser illuminations can temporarily disorient or disable a pilot during critical stages of flight such as landing or take-off, and in some cases, may cause permanent damage. This legislation could provide the legislative fix. I thank the chairman for his effort to address my concern with potential vagueness in its provisions.

Mr. Speaker, for the above reasons, I do support this legislation.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BISHOP of Utah). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 1400, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

RECOGNIZING ANNIVERSARY OF RATIFICATION OF 13TH AMENDMENT

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 196) recognizing the anniversary of the ratification of the 13th Amendment and encouraging the American people to educate and instill pride and purpose into their communities and to observe the anniversary annually with appropriate programs and activities.

The Clerk read as follows:

H. RES. 196

Whereas on December 6, 1865, the 13th Amendment to the Constitution was ratified, proclaiming that "neither slavery nor involuntary servitude . . . shall exist within the United States";

Whereas the ratification of the 13th Amendment began a civil rights movement which would radically change African American existence in the United States;

Whereas the 13th Amendment represented a victory for African Americans across the United States, who had been denied the rights of full citizens;

Whereas the 13th Amendment is a symbol of the Federal Government's commitment to fulfill its promise of equality, liberty, and the American dream for all Americans because it liberated African Americans from the yoke of slavery and launched a new age activism advocating equal rights for all minorities;

Whereas December 6, 2005, marks the 140th anniversary of the ratification of the 13th Amendment;

Whereas the observation of the 140th anniversary would put into effect section 2 of the Amendment, by reaffirming Congress' "power to enforce this article by appropriate legislation"; and

Whereas the 13th Amendment Foundation supports the establishment of a national day of recognition commemorating the anniversary of the ratification of the 13th Amendment to renew a national commitment to eradicate racial and ethnic inequalities: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 140th anniversary of the ratification of the 13th Amendment to the Constitution;

(2) encourages the American people to educate and instill pride and purpose into their communities about the history of liberation and the civil rights movement in the United States; and

(3) encourages the American people to observe the anniversary of the ratification of the 13th Amendment each year by honoring its significance in United States history with appropriate programs and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from California (Ms. LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on House Resolution 196 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of House Resolution 196, a resolution recognizing the anniversary of the ratification of the 13th amendment and encouraging the American people to educate and instill pride and purpose into their communities and to observe the anniversary annually with appropriate programs and activities.

In his Emancipation Proclamation of 1862, President Lincoln declared that, "All persons held as slaves within any State or designated part of a State, the people whereof shall then be in rebellion against the United States, shall be then, thence forward and forever free."

However, it took the ratification of the 13th amendment on December 6, 1865 to put an end officially to our Nation's tragic history and to extend to all citizens the promises and guarantees upon which this country was founded.

The first of three amendments known as the Civil War amendments, the 13th amendment liberated African Americans, enabling them and all Americans to experience the full meaning of citizenship and equal treatment under the law, including participation in the most fundamental aspects of our Democratic system of Government without regard to race or previous condition of servitude.

It is against this backdrop that the modern civil rights moment was born, and in this spirit that the Committee on the Judiciary, under my direction, is now examining certain provisions of the Voting Rights Act that are set to expire in 2007.

The 140th anniversary of the 13th amendment is an important mark in our history, and should serve as a reminder to all of our Nation's past. Most importantly, this anniversary provides an opportunity to reaffirm our collective commitment to continue striving toward a color-blind society.

I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. LEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first I want to thank the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Judiciary Committee, for his leadership, for his support in recognizing this important date in our Nation's history, and also for ensuring that this resolution comes to the floor in a bipartisanship way, and for your support and for really reminding the entire country now of this important date.

Let me also take a moment to thank the gentleman from Michigan (Mr. CONYERS), our minority leader, who worked very hard with the gentleman from Wisconsin to bring this resolution today.

The gentleman continues to lead Congress in the civil rights tradition that actually began 140 years ago. From renewing the Voting Rights Act of 1965, to protecting the victims of Hurricane Katrina, he is a tireless advocate for civil rights and civil liberties for all Americans.

Let me also take a moment to thank our staff on both sides for their diligence and very competent work in bringing this resolution, especially Kanya Bennett, Penny Applebaum, David Lockman and Jamila Thompson of my staff, who have worked together for over a year now on this very, very important effort.

Let me also express my appreciation to the 13th Amendment Foundation, located actually in my district. They have worked diligently to honor and to recognize this momentous occasion. And as the gentleman from Wisconsin said, it is very important that our young people, especially, are reminded of the importance of this 13th amendment and read and understand why what happened 140 years ago is very, very important to today in 2005.

I hope that everyone will support this effort to honor the 140th anniversary of the ratification of the 13th amendment.

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On December 6, 1865, slavery ended and the deep roots of the modern civil rights movement were planted. The 13th amendment was a response to the Dred Scott decision of 1856, a ruling that actually declared that Congress lacked the power to prohibit slavery in our country. If the Dred Scott ruling were still in effect today, Mr. Speaker, I would not be standing here, quite frankly, as a Member of Congress, nor would the 43 great Congressional Black Caucus Members.

As someone of African descent, whether free or enslaved, I would be considered only three-fifths of a person. I would never qualify as a citizen of this country. As the descendant of people who survived the Middle Passage, who survived the cruelty of slavery, who survived reconstruction, who survived Jim Crow, I know that my life, like the lives of millions of African Americans, our lives have been inextricably linked to the 13th amendment.

As we return from celebrating the 50th anniversary of the Montgomery Bus Boycott which launched the modern civil rights movements, we really are obliged to remember this 140-year history.

In the 1860s, Representative James Ashley of Ohio, Representative James Wilson of Iowa, and Senator Charles Sumner of Massachusetts, all Republicans, led the congressional fight to abolish slavery.

This debate is a very important debate. And again, let me just talk about the vote. It was a vote of 119-56 right here on this floor. Our predecessors voted to add the following words to our Constitution:

"Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

"Section 2. Congress shall have the power to enforce this article by appropriate legislation."

Although the abolition of slavery did not necessarily mean equality for all Americans, the process actually began. According to historical accounts, on the day of the House vote on January 31, 1865, the gallery, which had just been opened, mind you, to African Americans, the gallery erupted into cheers and Representatives on the House floor were visibly moved, crying and hugging each other. Twelve months later, the requisite three-fourths of the States in the Union ratified the 13th amendment and more than 100 years later another eight States followed suit.

Although not necessary, President Lincoln signed the 13th amendment to show a united front to abolish slavery in the United States. A treacherous and divisive burden was finally removed and our Nation was allowed to unite and truly begin to commit to the pursuit of life, liberty, and happiness for all. In fact, the 13th amendment was the foundation for future equal rights and legislative actions, like the 14th amendment, which ensured Federal and State rights to all individuals; the 15th amendment, which granted African American men the right to vote; and the 19th amendment, which expanded suffrage to all women, also the Civil Rights Act and the Voting Rights Act.

Protecting civil and human rights is not something that really should be taken lightly, quite frankly. It requires constant vigilance and review. As we honor this great act of our predecessors, we pay tribute to the visionaries who sacrificed and fought for our civil rights and liberty.

In 140 years, our country has fought and continues to fight to be a united country seeking liberty and justice for all. But it has been a long, hard journey; and countless individuals dedicated and continue to dedicate their entire lives towards this end. We must all pay tribute to the abolitionist movement leaders like Frederick Douglass, Sojourner Truth, Harriet Tubman, William Lloyd Garrison, Nat Turner, and John Brown.

And we have all reaped the benefits of the bravery and sacrifices of civil rights trail blazers like Dred Scott, Homer Plessy, Linda Brown, Ruby Bridges, Rosa Parks, and Dr. Martin Luther King, Jr.

There are many more individuals whose names will never ever be mentioned in the history books; but they worked hard, they fought, they sacrificed for the freedom that we all appreciate today. Collectively, we must pay homage to their legacy.

It is important that we not only honor this great day in history but make sure that our children and our grandchildren understand its importance, not just to African Americans, but to all Americans and to the world.

This year, with all overwhelming bipartisan support, Congress passed resolutions that recognized the hemispheric survivors of the transatlantic slave trade and great historical trailblazers like the great Honorable Shirley Chisholm and Judge Constance Baker Motley.

These resolutions actually show how far we have come since the 19th century, but we also have a long, long way to go. One hundred forty years after slavery was abolished, African Americans and other minorities continue to experience social and economic injustices, as the recent Hurricane Katrina disaster magnified.

Within our own borders and throughout the world, human trafficking is rampant. It is a modern version, quite frankly, of slavery; and it must be abolished. And, of course, we witness every day discrimination against those who have no voice. Our work in Congress should be straightforward. It is our duty to reaffirm this tradition of justice, equality, and liberty for all.

We have an obligation to ensure that everyone has equal access to health care, education, liveable wages, housing, and of course economic opportunities. Clearly, we still have much work to do. We have much work to do to ensure that discrimination is eliminated, and I mean totally eliminated, and that all people are considered equal in the eyes of our laws.

The movement that began with the ratification of the 13th amendment must continue. This has not ended. We owe it not only to those who suffered and who sacrificed in the past, but more importantly we owe it to future generations. The 13th amendment liberated African Americans from the yoke of slavery. It liberated America, and we must not forget that.

I urge all of my colleagues to support this resolution. I want to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) again for ensuring this resolution is bipartisan.

Mr. CONYERS. Mr. Speaker, 140 years ago, this Nation established the foundation with which it could advance freedom and equality for all of its people.

On December 6, 1865, the required 27 of the then 36 states ratified the 13th amendment of the United States Constitution. The 13th amendment states that "neither slavery nor involuntary servitude . . . shall exist within the United States."

This profound declaration completed the abolition of slavery which had begun with President Abraham Lincoln's Emancipation Proclamation of 1863. The 13th Amendment marked the official end of the institution of slavery and signified a turning point in America.

The 13th amendment is the very bedrock on which all of our civil rights laws and protections stand. The 13th amendment led to the 14th amendment of 1868 which provides equal protection under the law to all citizens and clarified that African Americans are citizens. Today, the 13th amendment has led to the Voting Rights Act of 1965—a protection that we are now in the process of re-authorizing.

As we commemorate the 140th anniversary of the 13th amendment, we must appreciate the principles that the 13th amendment has advanced—these principles of freedom and equality. However, on this anniversary, this nation must pledge to eradicate from society those ills that hinder us from continuing the legacy of the 13th amendment.

Today, 1 in 9 African Americans cannot find a job; 1 in 5 African Americans is uninsured; and 1 in 4 African Americans lives in poverty. These statistics are simply unacceptable.

Let us mark the 140th anniversary of the 13th amendment with a commitment to eliminate these social and economic inequalities.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise here today to express my support for H.R. 196 that recognize the 140th anniversary of the thirteenth Amendment, which abolished slavery in the United States.

I applaud my colleague from Oakland, California, for her hard work on this resolution because of the efforts that have been made to ensure that the Thirteenth Amendment is respected in practice. There were many examples of seemingly deliberate attempts to bypass the 13th Amendment regarding slavery. For example, in Texas in 1867, African-Americans constituted about one third of the convicts in state penitentiaries. However, about 90 percent of those inmates were leased out for cheap railroad labor.

Apprenticeship laws also were embraced with increasing vigor throughout the South. In some States, such as Maryland and North Carolina, courts ordered African American children to be bound for labor to white "employers" without the permission or knowledge of the children's parents. Records compiled by the Freedmen's Bureau in those States indicate a virtual deluge of requests for assistance in obtaining the freedom of children enslaved through "lawful" State-court action. Of course, the State-court actions in these cases were inconsistent with Federal law, and the resulting involuntary servitude of these children was a violation of the Thirteenth Amendment. As founder and Co-Chair of the Congressional Children's Caucus, I assert that it is critical for the future of our children that we preserve the spirit of this Constitutional Amendment, for history has shown that children have been vulnerable in the past.

As members of Congress, we must ensure that this milestone in American history is recognized and celebrated. I am pleased to stand with my colleagues by being an original cosponsor of this legislation.

Ms. LEE. Mr. Speaker, I would like to add for the record the support of the gentleman from Louisiana, Mr. MELANCON, the gentleman from Illinois, Mr. JACKSON, and the gentleman from New York, Mr. BISHOP of H. Res. 196.

I submit the opening statements from the Congressional Globe 1865 House debate on floor consideration of S.J. Res. 16, the proposition to amend the Constitution of the United States by abolishing slavery.

And I also include the House vote on final passage of what would become the 13th Amendment to our Constitution.

ABOLITION OF SLAVERY

The SPEAKER stated the question in order to be the consideration of the motion to reconsider the vote by which the House, on the 14th of last June, rejected Senate joint resolution No. 16, submitting to the Legislatures of the several States a proposition to amend the Constitution of the United States; and that the gentleman from Ohio [Mr. ASHLEY] was entitled to the floor.

Mr. ASHLEY. I yield to the gentleman from Pennsylvania [Mr. MCALLISTER] to have read a brief statement.

Mr. McALLISTER sent to the Clerk's desk and had read the following: "When this subject was before this House on a former occasion I voted against the measure. I have been in favor of exhausting all means of conciliation to restore the Union as our fathers made it. I am for the whole Union, and utterly opposed to secession or dissolution in any shape. The result of all the peace missions, and especially that of Mr. Blair has satisfied me that nothing short of the recognition of their independence will satisfy the southern confederacy. It must therefore be destroyed; and in voting for the present measure I cast my vote against the cornerstone of the southern confederacy, and declare eternal war against the enemies of my country."

[Applause from the Republican side of the House.]

Mr. ASHLEY. I now yield to the gentleman from Pennsylvania, [Mr. COFFROTH].

Mr. COFFROTH. Mr. Speaker, I speak not today for or against slavery. I am content that this much-agitated question shall be adjudicated at the proper time by the people. It is my purpose to state in all candor the reasons which prompt me to give the vote I shall soon record.

The amending of our Constitution is fraught with so much importance to the American people that before it is accomplished the amendments proposed should be scrutinized with the strictest criticism. No frivolous, vague, or uncertain experiment should be for a moment tolerated. The life and existence of this nation is centered in the observance and faithful execution of the powers conferred by the Constitution upon the servants of the people.

The joint resolution before us proposes: "That the following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three fourths of said Legislatures, shall be valid, to all intents and purposes, as a part of the said Constitution, namely:

"ART. XIII. SEC. 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SEC. 2. Congress shall have power to enforce this article by appropriate legislation."

The first inquiry is, has Congress this power? I turn to the Constitution, and find article fifth provides—"The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress."

It is not claimed that Congress itself can engraft this amendment into the Constitution without being ratified by three fourths of the States. Then, sir, under the Constitution, Congress has no power beyond discriminating what shall or ought to be submitted to the people. The members of this House assume no responsibility, they enact no amendment, but as faithful Representatives they submit to the people, the source from whence their power comes, the proposed amendment. "Governments are instituted among men, deriving their just power from the consent of the governed." All political power is invested in the people. At their will constitutions can be remodeled and laws repealed.

The amending of our Constitution is no new experiment. Already at three different times amendments have been submitted to the Legislatures, and by them adopted. The first amendment was ratified in 1791, the second in 1798, and the third in 1804. It never was intended by the wise men who adopted the Constitution that it should remain unchanged. The growth of the nation, its progress and its advancement, will, as time passes, demand new articles and additional provisions. The people are the guardians of the Constitution, and I am not convinced that any danger is to be anticipated, as presented in the following illustrations of the gentleman from Ohio, [Mr. PENDLETON,] put with such admirable compactness and scholastic force:

1. "I assert that there is another limitation, stronger even than the letter of the Constitution, and that is to be found in its intent and spirit and its foundation idea. I put the question which has been put before in this debate, can three fourths of the States constitutionally change this Government, and make it an autocracy? It is not prohibited by the Constitution."

2. "Can three fourths of the States make an amendment to the Constitution of the

United States which shall prohibit the State of Ohio from having two Houses in its Legislative Assembly? It is not prohibited in the Constitution."

3. "Sir, can three fourths of the States provide an amendment to the Constitution by which one fourth should bear all the taxes of this Government? It is not prohibited."

4. "Can three fourths of the States, by an amendment to the Constitution, subvert the State governments of one fourth and divide their territory among the rest? It is not forbidden."

5. "Can three fourths of the States so amend the Constitution of the States as to make the northern States of this Union slaveholding States?"

I do not think there is any power in the Constitution which would permit three fourths of the States to change the form of government. The Constitution provides for a republican form of government, and to establish an autocracy would not be amending the Constitution, but utterly destroying it, and establishing upon its ruins a new form of government of self-derived power.

I would not give one of the new copper two-cent piece for the insertion into the Constitution of explicit prohibitions against every other supposition brought forward by the gentleman from Ohio, [Mr. PENDLETON:]

"Long before three fourths of the States can become so debauched and demoralized that they would practice such monstrous injustice, they must have lost the sense of honor that would be bound by a compact, and the fear of God that would keep an oath. When these virtues have died out, no matter what safeguards a written constitution might contain, they would be of no more value than so much waste paper. There are certain things which can never be attempted so long as there is public virtue enough not to evade, explain away, or openly violate the Constitution. It is for this reason so little limitation was put upon the amending power.

"The actual limitations on that power operated against natural equity, and hence the necessity for their insertion. One of them restrained Congress from putting an end to the slave trade prior to 1808, and the practical effect of the other is to give New England, which has a smaller population than New York and only a fraction more than Pennsylvania, twelve Senators, while New York and Pennsylvania have each only two. The Constitution presumes that the majority of the people in three fourths of the States cannot be corrupted: or that, if they should: they would not afterward respect paper restraints on their passions. A constitution is no stronger than the sense of the moral obligation of the parties bound by it. It is futile to take men's engagements against crimes more heinous than breaking an engagement. You might as well swear a man not to commit highway robbery. If he has conscience enough to respect an oath, it would be needless, and if he has not, an idle precaution."

Again, it is argued that this amendment is unconstitutional; that the Congress of the United States has no legal authority to propose this amendment, not have the States in ratifying it the constitutional power to destroy or interfere with the right of property. Learned gentlemen of this House differ on this subject. The Constitution itself provides the remedy by which all these differences of opinion can be legally adjudicated. Section two of article three provides:

"The judicial power shall extend to all cases in law and equity arising under this Constitution."

In my opinion, if any person is injured by this amendment, he has a judicial remedy before the highest court of the country.

If the States of the South desire to retain slavery, they can do so by refusing to ratify this amendment. There are thirty-five States. In order to adopt this amendment twenty-seven States must ratify it. Eleven States have seceded from the Union. This is more than is required to defeat the amendment. Certainly no one will pretend to argue that this amendment can be adopted without being submitted to the eleven seceded States. If it was, these States would not be considered a part of the Union. In fact it would be, to all intent and purpose, recognizing them as independent States, and not being under the control of the Federal Constitution.

If this view is taken, then this amendment can do no harm to the people of the States in the Union. In June last, my objection to this amendment was that it was taking away the property of the people of the States that remained true to the Union; that the Constitution was made the means to oppress rather than protect the people. Since that time Missouri and Maryland have abolished slavery by their own action, and the Governor of Kentucky in his message recommends to the Legislature of that State gradual emancipation. The same objection which was then urged against this amendment cannot now be urged.

It is argued that new State governments will be formed in the seceding States under the control of military governors, and this amendment ratified by them. Whether this amendment would be binding upon the people of the seceded States thus ratified will depend entirely upon the results of this war. If after a long struggle, and each of the contending armies or Powers will conclude to adopt the wise and humane policy of a peaceful solution of the difficulties now existing, all of the acts of the State governments formed by military power will be invalid, and the old organization of these States recognized. In this event the ratifications by the new-made State governments will not be worth the paper upon which they are written. If the South achieve her independence, then this amendment will only apply to that which does not exist. If the people of the South are subjugated and their State lines obliterated, and they are ever admitted into this Union under new constitutions, each and every one of the constitutions will have to come free from slavery before the State will be admitted.

The South would not remain in the Union under the Constitution as it now is; they demanded stronger guarantees for their institution of slavery. Can any intelligent person believe that after fighting as they have for nearly four years they will accept that which they rejected before the war? If they will not come back under the Constitution, why not abolish slavery; strike from our statute-books every enactment which protects it; make our Constitution and our laws free from the subject of slavery? And then, when this unfortunate, inhuman, barbarous, and bloody war has been prolonged until every heart shall turn sick with its carnage and the reports of its wrongs and outrages, and the people demand a cessation of hostilities until it be ascertained if glorious peace cannot be accomplished by compromise and concession, there will be no obstacles in the Constitution to defeat the accomplishing of a much desired result. We will be free to give new guarantees or new amendments to protect the rights and property of every person who shelters himself under the American Constitution.

Again, I have voted for every peace resolution offered in this House. My heart yearns for peace. The gentleman on the other side of this Chamber refused to appoint peace commissioners, but they tell us this amendment will do more to secure peace than any resolution proposed in this House. Although they would not try the remedy we presented, I am willing to try the one they present; and if by my vote this amendment is submitted to the States, and it brings this war to a close, I will ever rejoice at the vote I have given; but if I am mistaken, I will remember it is not the first time.

Mr. Speaker, I desire above all things that the Democratic party be again placed in power. The condition of the country needs the wise counsel of the Democracy. The peace and prosperity of this once powerful and happy nation require it to be placed under Democratic rule. The history of the past demonstrates this. The question of slavery has been a fruitful theme for the opponents of the Democracy. It has breathed into existence fanaticism, and feeds it with such meat as to make it ponderous in growth. It must soon be strangled or the nation is lost. I propose to do this by removing from the political arena that which has given it life and strength. As soon as this is done fanaticism "Writhes with pain, And dies among its worshipers."

Then the rays of truth will be unshaded, and once more our people rejoice in the salvation of their country, and of the reinstating in power that party which made this country great, and which has done so much to secure to man civil and religious liberty.

Many of the honorable gentlemen of this House with whom I am politically associated may condemn me for my action today. I assure them I do that only which my conscience sanctions and my sense of duty to my country demands. I have been a Democrat all the days of my life. I learned my Democracy from that being who gave me birth: it was pure: it came from one who never told me an untruth. All my political life has been spent in defending and supporting the measures which I thought were for the good of the party and the country. My energy, my means, and my time were all given for the success of the Democratic cause. I am no Democrat by mere profession, but I have always been a working one. If by my action today I dig my political grave, I will descend into it without a murmur, knowing that I am justified in my action by a conscientious belief I am doing what will ultimately prove to be a service to my country, and knowing there is one dear, devoted, and loved being in this wide world who will not bring tears of bitterness to that grave, but will strew it with beautiful flowers, for it returns me to that domestic circle from whence I have been taken for the greater part of the last two years.

Knowing my duty, I intend to perform it, relying upon the intelligence and honesty of the people I represent to do me justice. If this action shall be condemned by my people, I will go back with pleasure to the enjoyment of private life, free from the exciting political arena; but no power on earth will prevent me from quietly depositing my ballot in behalf of the candidates of the Democratic Party. I hope I will be granted the pleasure of reading the eloquent speeches made by my Democratic associates, and admire their rise and onward march to distinction. This boon I pray you not to take from me.

If, on the other hand, the course of the Democrats who will vote for amendment will meet the approbation of the people, and we are greeted with the plaudit of "Well done, good and faithful servants," it will be the desire of our hearts to open our arms for your reception and shelter you as the hen shelters her brood, satisfied you were honest in your belief but mistaken in your opinions.

The previous question was seconded, and the main question ordered: which was on the passage of the joint resolution.

Mr. DAWSON called for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and it was decided in the affirmative—yeas 119, nays 56, not voting 8; as follows:

YEAS—Messrs. Alley, Allison, Ames, Anderson, Arnold, Ashley, Bally, Augustus C. Baldwin, John D. Baldwin, Baxter, Berman, Blaine, Blair, Blow, Boutwell, Boyd, Brandegee, Broomall, William G. Brown, Ambrose W. Clark, Freeman Clarke, Cobb, Coffroth, Cole, Colfax, Creawell, Henry Winter Davis, Thomas T. Davis, Dawes, Deming, Dixon, Donnelly, Driggs, Dumont, Eckley, Elliot, English, Farnsworth, Frank, Ganson, Garfield, Gooch, Grinnell, Griswold, Hale, Herrick, Illgby-Hooper, Hochkiss, Asahel W. Hubbard, John H. Hubbard, Hulburd, Hutchins, Ingersoll, Jenckes, Julian, Kasson, Kelley, Francis W. Kellogg, Orlando Kellogg, King, Knox, Littlejohn, Loan, Longyear, Marvin, McAllister, McBride, McClurg, McIndoe, Samuel F. Miller, Moorhead, Merrill, Daniel Morris, Amos Myers, Leonard Myers, Nelson, Norton, Odell, Charles O'Neill, Orth, Patterson, Perham, Pike, Poneroy, Price, Radford, William H. Randall, Alexander H. Rice, John H. Rice, Edward H. Rollins, James S. Rollins, Schenck, Scofield, Shannon, Sloan, Smith, Smithers, Spalding, Starr, John B. Steele, Stevens, Thayer, Thomas, Tracy, Upson, Van Volkenburgh, Elihu B. Washburn, William B. Washburn, Webster, Whaley, Wheeler, Williams, Wilder, Wilson, Windom, Woodbridge, Worthington, and Yeaman—119.

NAYS—Messrs. James C. Allen, William J. Allen, Ancona, Bliss, Brooks, James S. Brown, Chanler, Clay, Cox, Cravens, Dawson, Dentson, Eden, Edgerton, Eldridge, Finck, Grider, Hall, Harding, Harrington, Benjamin G. Harris, Charles M. Harris, Holman, Phillip Johnson, William Johnson, Kalbtlesch, Kerman, Knapp, Law, Long, Mallory, William H. Miller, James R. Morris, Morrison, Noble, John O'Neill, Pendleton, Perry, Pruyn, Samuel J. Randall, Robinson, Ross, Scott, William G. Steele, Stiles, Strouse, Stuart, Sweat, Townsend, Wadsworth, Ward, Chilton A. White, Joseph W. White, Winfield, Benjamin Wood, and Fernando Wood—30.

NOT VOTING—Messrs. Lazear, LeBlond, Marcy, McDowell, McKinney, Middleton, Rogers, and Voorhees—8.

Mr. Speaker, first I want to thank the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Judiciary Committee, for his leadership, for his support in recognizing this important date in our Nation's history, and also for ensuring that this resolution comes to the floor in a bipartisanship way, and for your support and for really reminding the entire country now of this important date.

Let me also take a moment to thank the gentleman from Michigan (Mr. CONYERS), our minority leader, who worked very hard with the gentleman from Wisconsin to bring this resolution today.

The gentleman continues to lead Congress in the civil rights tradition that actually began 140 years ago. From renewing the Voting Rights Act of 1965, to protecting the victims of Hurricane Katrina, he is a tireless advocate for civil rights and civil liberties for all Americans.

Let me also take a moment to thank our staff on both sides for their diligence and very competent work in bringing this resolution, especially Kanya Bennett, Perry Applebaum, David Lachmann of the House Judiciary Committee and Jamila Thompson of my staff, who have worked together for over a year now on this very, very important effort.

Let me also express my appreciation to the 13th Amendment Foundation, located actually in my district. They have worked diligently to honor and to recognize this momentous occasion. And as the gentleman from Wisconsin said, it is very important that our young people, especially, are reminded of the importance of this 13th amendment and read and understand why what happened 140 years ago is very, very important to today in 2005.

I hope that everyone will support this effort to honor the 140th anniversary of the ratification of the 13th amendment.

On December 6, 1865, slavery ended and the deep roots of the modem civil rights movement were planted. The 13th amendment was a response to the Dred Scott decision of 1856, a ruling that actually declared that Congress lacked the power to prohibit slavery in our country. If the Dred Scott ruling were still in effect today, Mr. Speaker, I would not be standing here, quite frankly, as a Member of Congress, nor would the 43 great Congressional Black Caucus Members.

As someone of African descent, whether free or enslaved, I would be considered only three-fifths of a person. I would never qualify as a citizen of this country. As the descendant of people who survived the Middle Passage, who survived the cruelty of slavery, who survived reconstruction, who survived Jim Crow, I know that my life, like the lives of millions of African Americans, our lives have been inextricably linked to the 13th amendment.

As we return from celebrating the 50th anniversary of the Montgomery Bus Boycott which launched the modern civil rights movements, we really are obliged to remember this 140–year history.

In the 1860s, Representative James Ashley of Ohio, Representative James Wilson of Iowa, and Senator Charles Sumner of Massachusetts, all Republicans, led the congressional fight to abolish slavery.

This debate is a very important debate. And again, let me just talk about the vote. It was a vote of 119–56 right here on this floor. Our predecessors voted to add the following words to our Constitution:

> Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.
>
> Section 2. Congress shall have the power to enforce this article by appropriate legislation.

Although the abolition of slavery did not necessarily mean equality for all Americans, the process actually began. According to historical accounts, on the day of the House vote on January 31, 1865, the gallery, which had just been opened, mind you, to African Americans, the gallery erupted into cheers and Representatives on the House floor were visibly moved, crying and hugging each other. Twelve months later, the requisite three-fourths of the States in the Union ratified the 13th amendment and more than 100 years later another 8 States followed suit.

Although not necessary, President Lincoln signed the 13th amendment to show a united front to abolish slavery in the United States. A treacherous and divisive burden was finally removed and our Nation was allowed to unite and truly begin to commit to the pursuit of life, liberty, and happiness for all. In fact, the 13th amendment was the foundation for future equal rights and legislative actions, like the 14th amendment, which ensured Federal and State rights to all individuals; the 15th amendment, which granted African American men the right to vote; and the 19th amendment, which expanded suffrage to all women, also the Civil Rights Act and the Voting Rights Act.

Protecting civil and human rights is not something that really should be taken lightly, quite frankly. It requires constant vigilance and review. As we honor this great act of our predecessors, we pay tribute to the visionaries who sacrificed and fought for our civil rights and liberty.

In 140 years, our country has fought and continues to fight to be a united country seeking liberty and justice for all. But it has been a long, hard journey; and countless individuals dedicated and continue to dedicate their entire lives towards this end. We must all pay tribute to the abolitionist movement leaders like Frederick Douglass, Sojourner Truth, Harriet Tubman, William Lloyd Garrison, Nat Turner, and John Brown.

And we have all reaped the benefits of the bravery and sacrifices of civil rights trail blazers like Dred Scott, Homer Plessy, Linda Brown, Ruby Bridges, Rosa Parks, and Dr. Martin Luther King, Jr.

There are many more individuals whose names will never ever be mentioned in the history books; but they worked hard, they fought, they sacrificed for the freedom that we all appreciate today. Collectively, we must pay homage to their legacy.

It is important that we not only honor this great day in history but make sure that our children and our grandchildren understand its importance, not just to African Americans, but to all Americans and to the world.

This year, with all overwhelming bipartisan support, Congress passed resolutions that recognized the hemispheric survivors of the transatlantic slave trade and great historical trailblazers like the great Honorable Shirley Chisholm and Judge Constance Baker Motley.

These resolutions actually show how far we have come since the 19th century, but we also have a long, long way to go. One hundred forty years after slavery was abolished, African Americans and other minorities continue to experience social and economic injustices, as the recent Hurricane Katrina disaster magnified.

Within our own borders and throughout the world, human trafficking is rampant. It is a modern version, quite frankly, of slavery; and it must be abolished. And, of course, we witness every day discrimination against those who have no voice. Our work in Congress should be straightforward. It is our duty to reaffirm this tradition of justice, equality, and liberty for all.

We have an obligation to ensure that everyone has equal access to health care, education, livable wages, housing, and of course economic opportunities. Clearly, we still have much work to do. We have much work to do to ensure that discrimination is eliminated, and I mean totally eliminated, and that all people are considered equal in the eyes of our laws.

The movement that began with the ratification of the 13th amendment must continue. This has not ended. We owe it not only to those who suffered and who sacrificed in the past, but more importantly we owe it to future generations. The 13th amendment liberated African Americans from the yoke of slavery. It liberated America, and we must not forget that.

I urge all of my colleagues to support this resolution. I want to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) again for ensuring this resolution is bipartisan.

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise today in strong support of H. Res. 196, to recognize the ratification of the 13th Amendment to the United States Constitution, providing the final blow to eradicate the system of slavery in this great nation.

The history of slavery in North America traces back to the early-1500s. Through various European colonies, continuing through the early years of the United States, around 6 million Africans were forcibly removed from their home and brought to North America to work as slaves. The years, however, wrought on and the conscience of this Nation came to realize the profundity of inequality that this system perpetuated. Not only were people born and raised in this country forced to work as indentured servants, but even their status as human beings was reduced to that of three-fifths of a person. This system could not continue.

Brave abolitionists working tirelessly to bring about the downfall of this inherently unjust system, many of them sacrificing their lives and their own freedoms, the tensions surrounding this issue provided one of the major breaking points for the American Civil War. With the advent of a nation turned upon itself, President Abraham Lincoln issued the Emancipation Proclamation in 1863, freeing all slaves within the Confederate States. Two years later, the 13th Amendment to the United States Constitution was proposed on the House floor and was met with cheers in support resounding from the House Gallery. Less than one year later, on December 6, 1863, Georgia's state legislature became the 27th State to pass the measure, meeting the requirement for ratification. On that day, the 13th Amendment was passed, slavery had been abolished, and our great Nation could finally put this dark period of history in our past.

Over the next five years, the remaining Civil War Amendments would be passed, including the 14th Amendment, which granted equal protection under the law, and the 15th Amendment, which granted voting rights regardless of race. Although slavery itself had been abolished, these historic achievements would set the foundation for a long struggle towards abolishing discrimination and injustice.

The 13th Amendment set a firm base for the modern-day civil rights movement, many aspects of which continue on with us today. The legacy of those who ended slavery and started us on the path to equality for all people must continue to inspire us to reach for greater tolerance, greater understanding, and greater compassion for our fellow human beings.

Mr. LEE. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and agree to the resolution, H. Res. 196.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

TERRORISM RISK INSURANCE REVISION ACT OF 2005

Mr. OXLEY. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 467) to extend the applicability of the Terrorism Risk Insurance Act of 2002, as amended.

The Clerk read as follows:

S. 467

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Terrorism Risk Insurance Revision Act of 2005".

SEC. 2. EXTENSION OF PROGRAM AND PROGRAM CHANGES.

(a) IN GENERAL.—Title I of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended—

(1) by striking sections 101 through 107 and inserting the following new sections:

"SEC. 101. CONGRESSIONAL FINDINGS AND PURPOSE.

"(a) FINDINGS.—The Congress finds that—

"(1) the ability of businesses and individuals to obtain property, casualty, group life, and NBCR insurance at reasonable and predictable prices, in order to spread the risk of both routine and catastrophic loss, is critical to economic growth, urban development, and the construction and maintenance of public and private housing, as well as to the promotion of United States exports and foreign trade in an increasingly interconnected world;

"(2) property, casualty, and life insurance firms are important financial institutions, the products of which allow mutualization of risk and the efficient use of financial resources and enhance the ability of the economy to maintain stability, while responding to a variety of economic, political, environmental, and other risks with a minimum of disruption;

"(3) the ability of the insurance industry to cover the unprecedented financial risks presented by potential acts of terrorism in the United States can be a major factor in the recovery from terrorist attacks, while maintaining the stability of the economy;

"(4) widespread financial market uncertainties have arisen following the terrorist attacks of September 11, 2001, including the absence of information from which financial institutions can make statistically valid estimates of the probability and cost of future terrorist events, and therefore the size, funding, and allocation of the risk of loss caused by such acts of terrorism;

"(5) a decision by property, casualty, group life, and NBCR insurers to deal with such uncertainties, either by terminating property, casualty, group life, or NBCR coverage for losses arising from terrorist events, or by radically escalating premium coverage to compensate for risks of loss that are not readily predictable, could seriously hamper ongoing and planned construction, property acquisition, and other business projects, generate a dramatic increase in rents, and otherwise suppress economic activity; and

"(6) the United States Government should provide temporary financial compensation to insured parties, contributing to the stabilization of the United States economy in a time of national crisis, while the financial services industry develops the systems, mechanisms, products, and programs necessary to create a viable financial services market for private terrorism risk insurance.

"(b) PURPOSE.—The purpose of this title is to establish a temporary Federal program that provides for a transparent system of shared public and private compensation for insured losses resulting from acts of terrorism, in order to—

"(1) protect consumers by addressing market disruptions and ensure the continued widespread availability and affordability of property, casualty, group life, and NBCR insurance for terrorism risk; and

"(2) allow for a transitional period for the private markets to stabilize, resume pricing of such insurance, and build capacity to absorb any future losses, while preserving State insurance regulation and consumer protections.

"SEC. 102. DEFINITIONS.

"In this title, the following definitions shall apply:

"(1) ACT OF TERRORISM.—

"(A) CERTIFICATION.—The term 'act of terrorism' means any act that is certified by the Secretary, in concurrence with the Secretary of State, and the Attorney General of the United States—

"(i) to be an act of terrorism;

"(ii) to be a violent act or an act that is dangerous to—

"(I) human life;

"(II) property; or

"(III) infrastructure;

"(iii) to have resulted in damage within the United States, or outside of the United States in the case of—

"(I) an air carrier or vessel described in paragraph (5)(B); or

"(II) the premises of a United States mission; and

"(iv) to have been committed by an individual or individuals as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.

"(B) LIMITATION.—No act shall be certified by the Secretary as an act of terrorism if the act is committed as part of the course of a war declared by the Congress, except that this clause shall not apply with respect to any coverage for workers' compensation or group life insurance.

"(C) DETERMINATIONS FINAL.—Any certification of, or determination not to certify, an act as an act of terrorism under this paragraph shall be final.

“(D) NONDELEGATION.—The Secretary may not delegate or designate to any other officer, employee, or person, any determination under this paragraph of whether, during the effective period of the Program, an act of terrorism has occurred.

“(2) AFFILIATE.—The term ‘affiliate’ means, with respect to an insurer, any insurer that owns, is owned by, or is under common ownership with another insurer.

“(3) CASUALTY INSURANCE.—The term ‘casualty insurance’ means—

“(A) insurance, including excess insurance and surety insurance, against legal liability for losses caused by the death, injury, or disability of any person or for damage to property, with provision for medical, hospital and surgical benefits to the injured persons; and

“(B) for the purposes of this Act, does not include any type of commercial automobile or workers' compensation insurance.

“(4) COVERED LINE OF INSURANCE.—The term ‘covered line of insurance’ means—

“(A) commercial property insurance, commercial casualty insurance, workers' compensation insurance and group life insurance; and

“(B) does not include—

“(i) Federal crop insurance issued or reinsured under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), or any other type of crop or livestock insurance that is privately issued or reinsured;

“(ii) private mortgage insurance (as that term is defined in section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901)) or title insurance;

“(iii) financial guaranty insurance issued by monoline financial guaranty insurance corporations;

“(iv) insurance for medical malpractice;

“(v) health or life insurance, except group life insurance;

“(vi) flood insurance provided under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.);

“(vii) reinsurance or retrocessional reinsurance; or

“(viii) commercial automobile insurance.

“(5) DIRECT EARNED PREMIUM.—The term ‘direct earned premium’ means a direct earned premium for commercial property, commercial casualty, workers' compensation, or group life insurance issued by any insurer for insurance against losses occurring at the locations described in subparagraphs (A) and (B) of paragraph (10).

“(6) EXEMPT COMMERCIAL PURCHASER.—The term ‘exempt commercial purchaser’ means any person purchasing commercial insurance that meets the following requirements:

“(A) The person employs or retains a qualified risk manager to negotiate insurance coverage.

“(B) The person pays annual aggregate nationwide insurance premiums in excess of $100,000 for covered lines of insurance.

“(C) The person meets at least one of the following criteria:

“(i) The person possesses a net worth in excess of $10,000,000.

“(ii) The person generates annual revenues in excess of $10,000,000.

“(iii) The person employs more than 100 full-time or full-time equivalent employees per individual insured or is a member of affiliated group employing more than 250 employees in the aggregate.

“(iv) The person is a not-for-profit organization or public entity generating annual budgeted expenditures of at least $25,000,000.

“(v) The person is a municipality with a population in excess of 40,000 persons.

“(7) EXEMPT COMMERCIAL PURCHASER CERTIFICATION.—The term ‘exempt commercial purchaser certification’ means a written certification that the insurer offering a policy to an exempt commercial purchaser has obtained, at least within the previous 12 months, a certification signed by the qualified risk manager, the chief executive officer, or the chief financial officer of the exempt commercial purchaser, certifying with respect to the insurance to which the requirements of section 103(c)(1) apply to that insurer that—

“(A) the purchaser has an employee that meets the definition of a qualified risk manager under this section;

“(B) the purchaser meets the definition of an exempt commercial purchaser in accordance with this section;

“(C) the purchaser is aware that the policy being considered for purchase contains forms and rates that are not subject to State regulatory review or approval;

“(D) the purchaser has or has retained the necessary expertise to negotiate its own policy language and rates; and

“(E) the purchaser agrees to the use of exempted rates and forms by its insurer or insurers.

“(8) GROUP LIFE INSURANCE.—The term ‘group life insurance’ means an insurance contract that provides term life insurance coverage, accidental death coverage, or a combination thereof, for a number of individuals under a single contract, on the basis of a group selection of risks, but does not include ‘Corporate Owned Life Insurance’ or ‘Business Owned Life Insurance,’ each as defined under the Internal Revenue Code of 1986, or any similar product.

“(9) HOME STATE.—The term ‘home State’ means as follows:

“(A) In the case of a policy written for commercial risks that are primarily located in a State, such term means such State.

“(B) If subparagraph (A) does not apply, such term means the State where the commercial policyholder has its principal place of business (such as where the policyholder's headquarters are located, as determined by the predominant physical location in the United States of the officers and senior management of the policyholder).

“(10) INSURED LOSS.—The term ‘insured loss’ means any loss resulting from an act of terrorism (including an act of war, in the case of workers' compensation and group life insurance) that is covered by primary or excess property, casualty, workers' compensation, or group life insurance issued by an insurer if such loss—

“(A) occurs within the United States; or

“(B) occurs to an air carrier (as defined in section 40102 of title 49, United States Code), to a United States flag vessel (or a vessel based principally in the United States, on which United States income tax is paid and whose insurance coverage is subject to regulation in the United States), regardless of where the loss occurs, or at the premises of any United States mission.

“(11) INSURER.—The term ‘insurer’ means any entity, including any affiliate thereof—

“(A) that is—

“(i) licensed or admitted to engage in the business of providing primary or excess insurance in any State;

“(ii) not licensed or admitted as described in clause (i), if it is an eligible surplus line carrier listed on the Quarterly Listing of Alien Insurers of the NAIC, or any successor thereto;

“(iii) approved for the purpose of offering a covered line of insurance by a Federal agency in connection with maritime, energy, or aviation activity;

“(iv) a State residual market insurance entity or State workers' compensation fund; or

“(v) any other entity described in section 103(f), to the extent provided in the rules of the Secretary issued under section 103(f);

“(B) that receives direct earned premiums for any type of covered line of insurance coverage, other than in the case of entities described in subsections (d) and (f) of section 103; and

“(C) that meets any other criteria that the Secretary may reasonably prescribe.

“(12) INSURER DEDUCTIBLE.—The term ‘insurer deductible’ means—

“(A) for the Transition Period, the value of an insurer's direct earned premiums over the calendar year immediately preceding the date of enactment of this Act, multiplied by 1 percent;

“(B) for Program Year 1, the value of an insurer's direct earned premiums over the calendar year immediately preceding Program Year 1, multiplied by 7 percent;

“(C) for Program Year 2, the value of an insurer's direct earned premiums over the calendar year immediately preceding Program Year 2, multiplied by 10 percent;

“(D) for Program Year 3, the value of an insurer's direct earned premiums over the calendar year immediately preceding Program Year 3, multiplied by 15 percent;

“(E) for Program Year 4—

“(i) except as provided in clause (ii), the value of an insurer's direct earned premium for a covered line of insurance over the calendar year immediately preceding Program Year 4, multiplied by—

“(I) for workers' compensation insurance, 16 percent;

“(II) for group life insurance, 21.5 percent;

“(III) for property insurance, 20 percent; and

“(IV) for casualty insurance, 25 percent; and

“(ii) with respect to NBCR terrorism coverage, the value of an insurer's direct earned premium for a covered line of insurance over the calendar year immediately preceding Program Year 4, multiplied by the following percentages which shall be treated as subdeductibles that apply in lieu of the deductibles set forth in clause (i) for NBCR terrorism losses—

“(I) for workers' compensation insurance, 7.5 percent;

“(II) for group life insurance, 7.5 percent;

“(III) for property insurance, 7.5 percent; and

“(IV) for casualty insurance, 7.5 percent; and

“(iii) if, for any covered line of insurance, an insurer incurs insured losses caused by NBCR terrorism, such NBCR insured losses shall be applied against both the deductible set forth in clause (i) and the NBCR terrorism deductible set forth in clause (ii) for that covered line of insurance;

“(F) for any Additional Program Years—

“(i) except as provided in clause (ii), the value of an insurer's direct earned premium for a covered line of insurance over the calendar year immediately preceding that year, multiplied by the insurer deductible for each covered line of insurance for the preceding calendar year plus an additional percentage, as follows—

“(I) for workers' compensation insurance, 2.0 percent;

“(II) for group life insurance, 2.5 percent;

“(III) for property insurance, 2.5 percent; and

“(IV) for casualty insurance, 5.0 percent; and “(ii) with respect to NBCR terrorism coverage, the value of an insurer’s direct earned premium for a covered line of insurance over the calendar year immediately preceding that year, multiplied by the NBCR terrorism deductible for the preceding year for that covered line of insurance plus the following additional percentages, all of which shall be treated as subdeductibles that apply in lieu of the deductibles listed in clause (i) for NBCR terrorism insured losses—

“(I) for workers’ compensation insurance, 0.75 percent;

“(II) for group life insurance, 0.75 percent;

“(III) for property insurance, 0.75 percent; and

“(IV) for casualty insurance, 0.75 percent; and

“(iii) if, for any covered line of insurance, an insurer incurs insured losses caused by NBCR terrorism, such NBCR insured losses shall be applied against both the deductible set forth in clause (i) and the NBCR terrorism deductible set forth in clause (ii) for that covered line of insurance;

“(G) notwithstanding subparagraphs (A) through (F), for the Transition Period and any other Program Year or other calendar year, if an insurer has not had a full year of operations during the calendar year immediately preceding such Period or year, such portion of the direct earned premiums of the insurer as the Secretary determines appropriate, subject to appropriate methodologies established by the Secretary for measuring such direct earned premiums; and

“(H) if, in any calendar year, aggregate industry insured losses exceed $1,000,000,000, the insurer deductibles for the next calendar year shall be reduced by 0.1 percent for each $1,000,000,000 in insured losses that have occurred during the preceding calendar year, except that no insurer deductible shall be reduced below 5 percent.

“(13) NAIC.—The term ‘NAIC’ means the National Association of Insurance Commissioners.

“(14) OWNERSHIP.—An insurer ‘owns’ another insurer if the insurer, directly or indirectly or acting through one or more other persons, owns 25 percent or more of any class of voting securities of the other insurer.

“(15) NBCR TERRORISM.—The term ‘NBCR terrorism’ means an act of terrorism involving nuclear, biological, chemical, or radioactive reactions, releases, or contaminations, to the extent any insured losses are caused by any such reactions, releases, or contaminations.

“(16) PERSON.—The term ‘person’ means any individual, business or nonprofit entity (including those organized in the form of a partnership, limited liability company, corporation, or association), trust or estate, or a State or political subdivision of a State or other governmental unit.

“(17) PROGRAM.—The term ‘Program’ means the Terrorism Insurance Program established by this title.

“(18) PROGRAM YEARS.—

“(A) TRANSITION PERIOD.—The term ‘Transition Period’ means the period beginning on the date of enactment of this Act and ending on December 31, 2002.

“(B) PROGRAM YEAR 1.—The term ‘Program Year 1’ means the period beginning on January 1, 2003 and ending on December 31, 2003.

“(C) PROGRAM YEAR 2.—The term ‘Program Year 2’ means the period beginning on January 1, 2004 and ending on December 31, 2004.

“(D) PROGRAM YEAR 3.—The term ‘Program Year 3’ means the period beginning on January 1, 2005 and ending on December 31, 2005.

“(E) PROGRAM YEAR 4.—The term ‘Program Year 4’ means the period beginning on January 1, 2006 and ending on December 31, 2006.

“(F) ADDITIONAL PROGRAM YEARS.—The term ‘Additional Program Year’ means any additional one-year period after Program Year 4 during which the Program is in effect, which period shall begin on January 1 and end on December 31 of the same calendar year.

“(19) PROPERTY INSURANCE.—The term ‘property insurance’ means—

“(A) except as provided in subparagraph (B), insurance on real or personal property of every kind, including excess insurance, against loss or damage from any and all hazard or cause and against loss consequential upon such loss or damage, including business interruption insurance, other than non-contractual legal liability for such loss or damage; and

“(B) does not include any type of commercial automobile or workers’ compensation insurance.

“(20) QUALIFIED RISK MANAGER.—The term ‘qualified risk manager’ means any person who meets all of the following criteria:

“(A) The person is an employee of, or third party consultant retained by, the commercial policyholder.

“(B) The person provides skilled services in loss prevention, loss reduction, or risk and insurance coverage analysis, and purchase of insurance.

“(C) The person possesses at least 2 of the following credentials:

“(i) An advanced degree in risk management issued by an accredited college or university.

“(ii) At least 5 years of experience in one or more of the following areas of commercial property insurance or commercial casualty insurance:

“(I) Risk financing.

“(II) Claims administration.

“(III) Loss prevention.

“(IV) Risk and insurance coverage analysis.

“(iii) Any one of the following designations:

“(I) A designation as a Chartered Property and Casualty Underwriter (in this clause referred to as ‘CPCU’) issued by the American Institute for CPCU/Insurance Institute of America.

“(II) A designation as an Associate in Risk Management (ARM) issued by the American Institute for CPCU/Insurance Institute of America.

“(III) A designation as a Certified Risk Manager (CRM) issued by the National Alliance for Insurance Education & Research.

“(IV) A designation as RIMS Fellow (RF) issued by the Global Risk Management Institute.

“(V) Any other designation, certification, or license determined by the insurance regulatory agency for a State to demonstrate minimum competency in risk management.

“(21) SECRETARY.—The term ‘Secretary’ means the Secretary of the Treasury.

“(22) STATE.—The term ‘State’ means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, each of the United States Virgin Islands, and any territory or possession of the United States.

“(23) UNITED STATES.—The term ‘United States’ means the several States, and includes the territorial sea and the continental shelf of the United States, as those terms are defined in the Violent Crime Control and Law Enforcement Act of 1994 (18 U.S.C. 2280, 2281).

“(24) WORKERS’ COMPENSATION.—The term ‘workers’ compensation’ means insurance against loss from liability imposed by law upon employers to compensate employees and their dependents for injury sustained by the employees arising out of and in the course of the employment, irrespective of negligence or of the fault of either party.

“(25) RULE OF CONSTRUCTION FOR DATES.—With respect to any reference to a date in this title, such day shall be construed—

“(A) to begin at 12:01 a.m. on that date; and

“(B) to end at midnight on that date.

“SEC. 103. TERRORISM INSURANCE PROGRAM.

“(a) ESTABLISHMENT OF PROGRAM.—

“(1) IN GENERAL.—There is established in the Department of the Treasury the Terrorism Insurance Program.

“(2) AUTHORITY OF THE SECRETARY.—Notwithstanding any other provision of State or Federal law, the Secretary shall administer the Program, and shall pay the Federal share of compensation for insured losses in accordance with subsection (e).

“(3) MANDATORY PARTICIPATION.—Each entity that meets the definition of an insurer under this title shall participate in the Program.

“(b) CONDITIONS FOR FEDERAL PAYMENTS.—No payment may be made by the Secretary under this section with respect to an insured loss that is covered by an insurer, unless—

“(1) the person that suffers the insured loss, or a person acting on behalf of that person, files a claim with the insurer;

“(2) the insurer provides clear and conspicuous disclosure to the policyholder of the premium charged for insured losses covered by the program and the Federal share of compensation for insured losses under the Program—

“(A) in the case of any policy that is issued before the date of enactment of this Act, not later than 90 days after that date of enactment;

“(B) in the case of any policy that is issued within 90 days of the date of enactment of this Act, at the time of offer, purchase, and renewal of the policy; and

“(C) in the case of any policy that is issued more than 90 days after the date of enactment of this Act, on a separate line item in the policy, at the time of offer, purchase, and renewal of the policy;

“(3) the insurer processes the claim for the insured loss in accordance with appropriate business practices, and any reasonable procedures that the Secretary may prescribe; and

“(4) the insurer submits to the Secretary, in accordance with such reasonable procedures as the Secretary may establish—

“(A) a claim for payment of the Federal share of compensation for insured losses under the Program;

“(B) written certification—

“(i) of the underlying claim; and

“(ii) of all payments made for insured losses; and

“(C) certification of its compliance with the provisions of this subsection.

“(c) MANDATORY AVAILABILITY.—Each entity that meets the definition of an insurer under section 102—

“(1) shall make available, in all of its covered lines of insurance policies, coverage for insured losses that does not differ materially from the terms, amounts, and other coverage limitations applicable to losses arising from events other than acts of terrorism;

“(2) shall make available, in any of its covered lines of insurance policies that exclude coverage for losses resulting from NBCR terrorism, coverage for losses resulting from NBCR terrorism that may differ materially from the terms, amounts, and other coverage limitations applicable to losses arising from events other than NBCR terrorism; and

“(3) shall make available, in any life insurance policy, coverage that does not preclude future lawful foreign travel by the person insured, and shall not charge a premium for such coverage that is excessive and not based on a good faith actuarial analysis.

“(d) State Residual Market Insurance Entities.—

“(1) In general.—The Secretary shall issue regulations, as soon as practicable after the date of enactment of this Act, that apply the provisions of this title to State residual market insurance entities, State workers' compensation funds, and State workers' compensation reinsurance pools.

“(2) Treatment of certain entities.—For purposes of the regulations issued pursuant to paragraph (1)—

“(A) a State residual market insurance entity that does not share its profits and losses with private sector insurers shall be treated as a separate insurer; and

“(B) a State residual market insurance entity that shares its profits and losses with private sector insurers shall not be treated as a separate insurer, and shall report to each private sector insurance participant its share of the insured losses of the entity, which shall be included in each private sector insurer's insured losses.

“(3) Treatment of participation in certain entities.—Any insurer that participates in sharing profits and losses of a State residual market insurance entity shall include in its calculations of premiums any premiums distributed to the insurer by the State residual market insurance entity.

“(e) Insured Loss Shared Compensation.—

“(1) Federal share.—

“(A) In general.—Subject to subparagraphs (B) and (C), the Federal share of compensation under the Program to be paid by the Secretary for insured losses of an insurer during each Program Year shall be equal to that portion of the amount of such insured losses for each covered line of insurance that exceeds the applicable insurer deductible required to be paid during such Program Year, multiplied by a percentage based on aggregate industry insured losses for a Program Year, which shall be as follows:

“(i) 80 percent of the aggregate industry insured losses of less than $10,000,000,000;

“(ii) 85 percent of the aggregate industry insured losses between $10,000,000,000 and $20,000,000,000;

“(iii) 90 percent of the aggregate industry insured losses between $20,000,000,000 and $40,000,000,000; and

“(iv) 95 percent of the aggregate industry insured losses above industry losses above $40,000,000,000:

and shall be prorated by insurer based on each insurer's percentage of the aggregate industry insured losses for that Program Year.

“(B) Program trigger.—No compensation shall be paid by the Secretary under subsection (a) unless the aggregate industry insured losses exceed—

“(i) $50,000,000, with respect to insured losses occurring in Program Year 4;

“(ii) $100,000,000, with respect to insured losses occurring in the Additional Program Year beginning on January 1, 2007;

“(iii) with respect to each Additional Program Year thereafter that coverage is provided under the Program, the amount that is equal to the sum of (I) the dollar amount applicable under this subparagraph for the Program Year preceding such Additional Program Year, and (II) $50,000,000;

except that the applicable Program Trigger amount shall be reduced by $10,000,000 for each $1,000,000,000 in insured losses occurring in any preceding year, provided that the Program Trigger shall not be reduced below $50,000,000 for any year.

“(C) Prohibition on duplicative compensation.—The Federal share of compensation for insured losses under the Program shall be reduced by the amount of compensation provided by the Federal Government to any person under any other Federal program for those insured losses.

“(2) TRIA capital reserve funds.—

“(A) Establishment.—Any insurer may establish a TRIA Capital Reserve Fund (in this section referred to as a ‘CRF’) in which it may hold funds in a fiduciary capacity on behalf of the Secretary.

“(B) Funding.—An insurer may fund a CRF by making an election, in advance, to treat some or all of the premiums it has disclosed pursuant to section 103(b)(2) as TRIA program fee charges imposed by the Secretary. Any such premiums for which such an election has been made must be maintained in segregated accounts in a fiduciary capacity on behalf of the Secretary. Such funds may be invested in any otherwise legally permissible manner but all interest, dividends, and capital accumulations also shall be retained in such segregated accounts on behalf of the Secretary.

“(C) Use.—Funds from a CRF shall be collected and used by the Secretary to offset, in whole or in part, the Federal share of compensation provided to all insurers under the Program as provided for in paragraph (1), except that an insurer may first use the funds in a CRF of that insurer to satisfy any one or more of the following:

“(i) The applicable insurer deductibles for the insurer.

“(ii) The portion of the insurer's losses that exceed the insurer deductible but are not compensated by the Federal share pursuant to paragraph (1).

“(iii) The insurer's obligations to pay for insured losses if the program trigger established in paragraph (1)(B) is not satisfied.

“(iv) Any risk sharing obligations the insurer may have under any agreements made pursuant to or in accordance with paragraph (3).

“(D) Termination.—

“(i) Termination of program.—Upon termination of the Program under section 108(a), and subject to the Secretary's continuing authority under section 108(b) to adjust claims in satisfaction of the Federal share of compensation under the Program as provided in paragraph (1) of this subsection, 10 percent of each insurer's CRF funds shall be remitted to the Secretary and the remainder shall be remitted to the insurer. The Secretary shall determine the manner in which the remittance of such income to the insurer shall be made.

“(ii) Elimination of federal share of compensation.—If the Program remains in effect but the Federal share of compensation for insured losses under the Program is eliminated from the Program, the CRF funds shall be retained and used for the purposes set forth in subparagraph (C) of this paragraph. At such time as an insurer's liability for insured losses under the Program terminates, as a consequence of the insurer's termination of its business or otherwise, the insurer shall remit any remaining CRF funds to the Secretary.

“(3) Risk-sharing mechanisms.—

“(A) Finding; rule of construction.—Congress finds that it is desirable to encourage the growth of nongovernmental, private market reinsurance capacity for protection against losses arising from acts of terrorism. Therefore, nothing in this title shall prohibit insurers from developing risk-sharing mechanisms (including mutual reinsurance facilities and agreements) to voluntarily reinsure terrorism losses between and among themselves that are not subject to reimbursement under this section 103.

“(B) Establishment of advisory committee.—The Secretary shall appoint an Advisory Committee to—

“(i) encourage the creation and development of such mechanisms;

“(ii) assist the Secretary and be available to administer such mechanisms; and

“(iii) develop articles of incorporation, bylaws, and a plan of operation for any long-term reinsurance facility authorized or created in the future.

“(C) Membership.—The Advisory Committee shall be composed of nine members who are directors, officers, or other employees of insurers that are participating or that desire to participate in such mechanisms, and who are representative of the affected sectors of the insurance industry. In making these appointments, the Secretary shall solicit major trade associations of the insurance industry to nominate lists of qualified individuals representative of the commercial property insurance, commercial casualty insurance, group life insurance, and reinsurance industries.

“(4) Cap on annual liability.—

“(A) In general.—Notwithstanding paragraph (1) or any other provision of Federal or State law, if the aggregate insured losses exceed $100,000,000,000 during any Program Year (until such time as the Congress may act otherwise with respect to such losses)—

“(i) the Secretary shall not make any payment under this title for any portion of the amount of such losses that exceeds $100,000,000,000; and

“(ii) no insurer that has met its insurer deductible shall be liable for the payment of any portion of that amount that exceeds $100,000,000,000.

“(B) Insurer share.—For purposes of subparagraph (A), the Secretary shall determine the pro rata share of insured losses to be paid by each insurer that incurs insured losses under the Program.

“(5) Notice to congress.—The Secretary shall notify the Congress if estimated or actual aggregate insured losses exceed $100,000,000,000 during during any Program Year and the Congress shall determine the procedures for and the source of any payments for such excess insured losses.

“(6) Final netting.—The Secretary shall have sole discretion to determine the time at which claims relating to any insured loss or act of terrorism shall become final.

“(7) Determinations final.—Any determination of the Secretary under this subsection shall be final, unless expressly provided otherwise.

“(8) Full recoupment of federal share.—The Secretary shall collect, for repayment of the Federal financial assistance provided in connection with all acts of terrorism (or acts of war, in the case of workers' compensation and group life insurance), terrorism loss risk-spreading premiums in an amount equal to the total amount paid by the Secretary in accordance with this section.

"(9) POLICY SURCHARGE FOR TERRORISM LOSS RISK-SPREADING PREMIUMS.—

"(A) POLICYHOLDER PREMIUM.—Any amount established by the Secretary as a terrorism loss risk-spreading premium shall—

"(i) be imposed as a policyholder premium surcharge on all covered lines of insurance policies in force after the date of such establishment;

"(ii) begin with such period of coverage during the year as the Secretary determines appropriate; and

"(iii) be based on a percentage of the premium amount charged for covered lines of insurance coverage under the policy.

"(B) COLLECTION.—The Secretary shall provide for insurers to collect terrorism loss risk-spreading premiums and remit such amounts collected to the Secretary.

"(C) PERCENTAGE LIMITATION.—A terrorism loss risk-spreading premium may not exceed, on an annual basis, the amount equal to 3 percent of the premium charged for covered lines of insurance coverage under the policy.

"(D) ADJUSTMENT FOR URBAN AND SMALLER COMMERCIAL AND RURAL AREAS AND DIFFERENT LINES OF INSURANCE.—

"(i) ADJUSTMENTS.—In determining the method and manner of imposing terrorism loss risk-spreading premiums, including the amount of such premiums, the Secretary shall take into consideration—

"(I) the economic impact on commercial centers of urban areas, including the effect on commercial rents and commercial insurance premiums, particularly rents and premiums charged to small businesses, and the availability of lease space and commercial insurance within urban areas;

"(II) the risk factors related to rural areas and smaller commercial centers, including the potential exposure to loss and the likely magnitude of such loss, as well as any resulting cross-subsidization that might result; and

"(III) the various exposures to terrorism risk for different lines of insurance.

"(ii) RECOUPMENT OF ADJUSTMENTS.—Any recoupment amounts not collected by the Secretary because of adjustments under this subparagraph shall be recouped through additional terrorism loss risk-spreading premiums.

"(E) TIMING OF PREMIUMS.—The Secretary may adjust the timing of terrorism loss risk-spreading premiums to provide for equivalent application of the provisions of this title to policies that are not based on a calendar year, or to apply such provisions on a daily, monthly, or quarterly basis, as appropriate.

"(F) REPLENISHMENT OF TRIA CAPITAL RESERVE FUNDS.—After any funds expended directly from the United States Treasury are fully repaid, the balance of the amounts collected under this paragraph shall be used to fully replenish all insurer CRFs used by the Secretary in accordance with the provisions of paragraph (2)(C) that were not used by the insurer to satisfy its obligations in accordance with clauses (i) through (iv) of paragraph (2)(C).

"(f) CAPTIVE INSURERS AND OTHER SELF-INSURANCE ARRANGEMENTS.—The Secretary may, in consultation with the NAIC or the appropriate State regulatory authority, apply the provisions of this title, as appropriate, to other classes or types of captive insurers and other self-insurance arrangements by municipalities and other entities (such as workers' compensation self-insurance programs and State workers' compensation reinsurance pools), but only if such application is determined before the occurrence of an act of terrorism in which such an entity incurs an insured loss and all of the provisions of this title are applied comparably to such entities.

"(g) REINSURANCE TO COVER EXPOSURE.—

"(1) OBTAINING COVERAGE.—This title may not be construed to limit or prevent insurers from obtaining reinsurance coverage for insurer deductibles or insured losses retained by insurers pursuant to this section, nor shall the obtaining of such coverage affect the calculation of such deductibles or retentions.

"(2) LIMITATION ON FINANCIAL ASSISTANCE.—The amount of financial assistance provided pursuant to this section, including amounts from a CRF used pursuant to subsection (e)(2)(C), shall not be reduced by reinsurance paid or payable to an insurer from other sources, except that recoveries from such other sources, taken together with financial assistance for the Transition Period or a Program Year provided pursuant to this section, may not exceed the aggregate amount of the insurer's insured losses for such period. If such recoveries and financial assistance for the Transition Period or a Program Year exceed such aggregate amount of insured losses for that period and there is no agreement between the insurer and any reinsurer to the contrary, an amount in excess of such aggregate insured losses shall be returned to the Secretary.

"(h) PERSONAL LINES STUDY.—

"(1) IN GENERAL.—The Comptroller General of the United States, after consultation with the NAIC, representatives of the insurance industry, including a cross-section of insurers, independent insurance agents and brokers, policyholders, and other experts in the insurance field, shall conduct a study concerning the exposure of personal lines (including homeowners insurance) to terrorism risk, the coverage currently available, and potential policy responses.

"(2) REPORT.—Not later than September 1, 2006, the Comptroller General shall submit a report to the Congress on the results of the study conducted under subparagraph (1), together with specific policy recommendations.

"(i) STUDY OF RISKS STEMMING FROM NUCLEAR, BIOLOGICAL, CHEMICAL AND RADIOACTIVE EVENTS.—

"(1) IN GENERAL.—The Comptroller General of the United States, after consultation with the NAIC, representatives of the insurance industry, including a cross-section of insurers, independent insurance agents and brokers, and policyholders, and other experts in the insurance field, shall conduct a study to determine the extent to which risks associated with nuclear, biological, chemical, or radioactive events are measuable and insurable at the Federal or private sector level, or both.

"(2) REPORT.—Not later than September 1, 2006, the Comptroller General shall submit a report to the Congress on the results of the study conducted under paragraph (1), together with specific policy recommendations.

"(j) STUDY OF NEED FOR FEDERAL NATURAL DISASTER CATASTROPHE PROGRAM.—

"(1) IN GENERAL.—The Comptroller General of the United States, after consultation with the NAIC, representatives of the insurance industry, including a cross-section of insurers, independent insurance agents and brokers, and policyholders, and other experts in the insurance field, shall conduct a study concerning the need for a Federal program that provides for a system of shared public and private compensation for insured losses resulting from natural disaster.

"(2) ISSUES.—The study under this section shall include an analysis of whether, and in what manner, such a Federal program should incorporate any or all of the following concepts: tax-free capital reserves; voluntary mutual reinsurance pools; a distinction between sophisticated and non-sophisticated commercial purchasers for the purposes of exemption from regulation; or Federal support for the purchase of reinsurance by State disaster insurance programs.

"(3) REPORT.—Not later than September 1, 2006, the Comptroller General shall submit a report to the Congress on the results of the study conducted under this subsection together with specific policy recommendations.

"SEC. 104. GENERAL AUTHORITY AND ADMINISTRATION OF CLAIMS.

"(a) GENERAL AUTHORITY.—The Secretary shall have the powers and authorities necessary to carry out the program, including authority—

"(1) to investigate and audit all claims under the Program; and

"(2) to prescribe regulations and procedures to effectively administer and implement the Program, and to ensure that all insurers and self-insured entities that participate in the Program are treated comparably under the Program.

"(b) INTERIM RULES AND PROCEDURES.—The Secretary may issue interim final rules or procedures specifying the manner in which—

"(1) insurers may file and certify claims under the Program;

"(2) the Federal share of compensation for insured losses will be paid under the Program, including payments based on estimates of or actual insured losses;

"(3) the Secretary may, at any time, seek repayment from or reimburse any insurer, based on estimates of insured losses under the Program, to effectuate the insured loss sharing provisions in section 103; and

"(4) the Secretary will determine any final netting of payments under the Program, including payments owed to the Federal Government from any insurer and any Federal share of compensation for insured losses owed to any insurer, to effectuate the insured loss sharing provisions in section 103.

"(c) CONSULTATION.—The Secretary shall consult with the NAIC, as the Secretary determines appropriate, concerning the Program.

"(d) CONTRACTS FOR SERVICES.—The Secretary may employ persons or contract for services as may be necessary to implement the Program.

"(e) CIVIL PENALTIES.—

"(1) IN GENERAL.—The Secretary may assess a civil monetary penalty in an amount not exceeding the amount under paragraph (2) against any insurer that the Secretary determines, on the record after opportunity for a hearing——

"(A) has failed to charge, collect, or remit terrorism loss risk-spreading premiums under section 103(e) in accordance with the requirements of, or regulations issued under, this title;

"(B) has intentionally provided to the Secretary erroneous information regarding premium or loss amounts;

"(C) submits to the Secretary fraudulent claims under the Program for insured losses;

"(D) has failed to provide the disclosures required under subsection (f); or

"(E) has otherwise failed to comply with the provisions of, or the regulations issued under, this title.

"(2) AMOUNT.—The amount under this paragraph is the greater of $1,000,000 and, in the case of any failure to pay, charge, collect, or remit amounts in accordance with this title or the regulations issued under this title, such amount in dispute.

“(3) Recovery of amount in dispute.—A penalty under this subsection for any failure to pay, charge, collect, or remit amounts in accordance with this title or the regulations under this title shall be in addition to any such amounts recovered by the Secretary.

“(f) Submission of Premium Information.—

“(1) In general.—The Secretary shall annually compile information on the terrorism risk insurance premium rates of insurers for the preceding year.

“(2) Access to information.—To the extent that such information is not otherwise available to the Secretary, the Secretary may require each insurer to submit to the NAIC terrorism risk insurance premium rates, as necessary to carry out paragraph (1), and the NAIC shall make such information available to the Secretary.

“(3) Availability to congress.—The Secretary shall make information compiled under this subsection available to the Congress, upon request.

“(g) Funding.—

“(1) Federal payments.—There are hereby appropriated, out of funds in the Treasury not otherwise appropriated, such sums as may be necessary to pay the Federal share of compensation for insured losses under the Program to the extent such Federal share exceeds funds collected by the Secretary pursuant to section 103(e)(2).

“(2) Administrative expenses.—There are hereby appropriated, out of funds in the Treasury not otherwise appropriated, such sums as may be necessary to pay reasonable costs of administering the Program.

“SEC. 105. ESTABLISHMENT OF COMMISSION ON TERRORISM RISK INSURANCE.

“(a) In General.—There is hereby established the Commission on Terrorism Risk Insurance (in this section referred to as the ‘Commission’).

“(b) Membership.—

“(1) The Commission shall consist of 11 members, as follows:

“(A) The Secretary of the Treasury or his designee.

“(B) One State insurance commissioner designated by the members of the NAIC.

“(C) Nine members appointed by the President, who shall be—

“(i) a representative of group life insurers;

“(ii) a representative of property and casualty insurers with direct written premium of $1,000,000,000 or less;

“(iii) a representative of property and casualty insurers with direct written premium of more than $1,000,000,000;

“(iv) a representative of multiline insurers;

“(v) a representative of independent insurance agents;

“(vi) a representative of insurance brokers;

“(vii) a policyholder representative;

“(viii) a representative of the survivors of the victims of the attacks of September 11, 2001; and

“(ix) a representative of the reinsurance industry.

“(2) Secretary.—The Program Director of the Terrorism Risk Insurance Act shall serve as Secretary of the Commission. The Secretary of the Commission shall determine the manner in which the Commission shall operate, including funding and staffing.

“(c) Duties.—

“(1) In general.—The Commission shall identify and make recommendations regarding—

“(A) possible actions to encourage, facilitate, and sustain provision by the private insurance industry in the United States of affordable coverage for losses due to an act or acts of terrorism;

“(B) possible actions or mechanisms to sustain or supplement the ability of the insurance industry in the United States to cover losses resulting from acts of terrorism in the event that—

“(i) such losses jeopardize the capital and surplus of the insurance industry in the United States as a whole; or

“(ii) other consequences from such acts occur, as determined by the Commission, that may significantly affect the ability of the insurance industry in the United States to independently cover such losses; and

“(C) significantly reducing the expected Federal role over time in any continuing Federal terrorism risk insurance program.

“(2) Evaluations.—In identifying and making the recommendations required under paragraph (1), the Commission shall specifically evaluate the utility and viability of TRIA Capital Reserve Funds made available under section 103(e)(2), any risk sharing mechanism created or made available under section 103(e)(3), a Federally created or mandated reinsurance facility, empowering such a facility to issue pre-event financing bonds, post-event financing bonds, assessments, single or multiple pooling arrangements, and other risk sharing arrangements to accomplish, in whole or in part, the specified objectives, taking into consideration the studies and reports to the Congress pursuant to subsections (h) and (i) of section 103.

“(3) Report.—Not later than December 31, 2006, the Commission shall submit a report to Congress evaluating and making recommendations regarding whether there is a need for a Federal terrorism risk insurance program and, if so, shall make a specific, detailed recommendation for the replacement of the Program, including specific, detailed recommendations for the creation of a terrorism reinsurance facility or facilities or single or multiple pooling arrangements, or both.

“(d) Effect on Existing Program.—For purposes of section 108(a), the Secretary shall make a determination not later than January 31, 2007, of whether the Commission has satisfied its obligations under subsection (c)(3).

“SEC. 106. PRESERVATION PROVISIONS.

“(a) State Law.—Nothing in this title shall affect the jurisdiction or regulatory authority of the insurance commissioner (or any agency or office performing like functions) of any State over any insurer or other person—

“(1) except as specifically provided in this title; and

“(2) except that—

“(A) the definition of the term ‘act of terrorism’ in section 102 shall be the exclusive definition of that term for purposes of compensation for insured losses under this title, and shall preempt any provision of State law that is inconsistent with that definition, to the extent that such provision of law would otherwise apply to any type of insurance covered by this title; and

“(B) during the period beginning on the date of enactment of this Act and for so long as the Program is in effect, as provided in section 108, including authority in subsection 108(b), books and records of any insurer that are relevant to the Program shall be provided, or caused to be provided, to the Secretary, upon request by the Secretary, notwithstanding any provision of the laws of any State prohibiting or limiting such access; and

“(3) except that with respect to coverage required to be made available under section 103(c)—

“(A) no laws or regulations of a State imposing a diligent search requirement for the placement of a surplus lines policy shall apply in connection with the purchase of such insurance by an exempt commercial purchaser; and

“(B) no laws or regulations of a State, except of the home State, imposing a diligent search requirement for the placement of a surplus lines policy shall apply with respect to the placement of a multi-State surplus lines commercial insurance policy, provided the contract of insurance insures risks in the home State.

“(b) Streamlined Rate and Form Filing.—The Congress intends that, by December 31, 2007, all States, with respect to submission of a commercial property insurance policy or commercial casualty insurance policy that includes coverage for acts of terrorism—

“(1) implement and fully utilize the System for Electronic Rate and Form Filing (in this section referred to as ‘SERFF’), developed by the NAIC, without deviation to provide a single point for electronic filing of property insurance and casualty insurance forms for review;

“(2) update SERFF to provide a single coordinated checklist for inputting the required information used by various States for filing reviews and designating to which States the information will be submitted;

“(3) allow the option of filing of self-certified commercial property insurance and commercial casualty insurance forms through a substantially nationwide coordinated electronic filing system that—

“(A) includes a review checklist with uniform nomenclature clearly establishing what is required under the laws of such State for a compliant filing of such forms;

“(B) uses a single input system and transmittal document that allows the filer to submit such form for review without required format deviations to any combination of the States participating in the system;

“(C) does not require prior approval for such self-certified form filing;

“(D) keeps such filings confidential until they are implemented, deemed implemented, or disapproved; and

“(E) only allows disapproval of such filings in writing based on specific standards that are published in statute, rule, or regulation.

“(c) Streamlined Surplus Lines Placement.—The Congress intends that, by December 31, 2007, all States streamline their surplus lines diligent search rules with respect to the placement of surplus lines policies in any covered line of insurance that includes coverage for acts of terrorism by providing for—

“(1) automatic export for exempt commercial purchasers, under which a surplus lines broker seeking to obtain, provide, or place insurance in a State for an insured that qualifies as an exempt commercial purchaser may procure surplus lines insurance from or place surplus lines insurance with any nonadmitted insurer without making a diligent search to determine whether the full amount or type of insurance sought by the exempt commercial purchaser can be obtained from admitted insurers in such State.

“(2) home State regulation of diligent search requirements, that provides that, except as provided in paragraph (1), only the home State may impose a diligent search requirement for the placement of a multi-

State surplus lines commercial insurance policy, provided the contract of insurance insures risks in the Home State.

"(d) EXISTING REINSURANCE AGREEMENTS.—Nothing in this title shall be construed to alter, amend, or expand the terms of coverage under any reinsurance agreement in effect on the date of enactment of this Act. The terms and conditions of such an agreement shall be determined by the language of that agreement."; and

(2) in section 108—

(A) by striking subsection (a) and inserting the following new subsection:

"(a) TERMINATION OF PROGRAM.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Program shall terminate on December 31, 2008.

"(2) FAILURE OF COMMISSION TO SUBMIT REPORT.—If the Secretary determines pursuant to section 105(d) that the Commission on Terrorism Risk Insurance established under section 105 has not satisfied its obligations under section 105(c)(3), the Program shall terminate on December 31, 2007."; and

(B) in subsection (c)(1), by striking "paragraph (4), (5), (6), (7), or (8) of".

(b) APPLICABILITY.—The amendments made by subsection (a) shall take effect and apply beginning on January 1, 2006.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. OXLEY) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 467.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. OXLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in the aftermath of the brutal terrorist attacks on our Nation on September 11, 2001, America's economic and financial security was put at risk. Thousands of innocent people were victimized and our insurance industry was brought to its knees.

Insurers could not predict when or where or how damaging the next attack would be. As a result, the insurance markets pulled back and businesses were unable to obtain terrorism insurance at any price. Business development plans stalled and our economy was put at risk.

President Bush immediately called on Congress to pass legislation that would prevent severe economic disruptions caused by a lack of available terrorism insurance. The Financial Services Committee worked closely with the administration and the Senate to draft the Terrorism Risk Insurance Act of 2002, or TRIA. TRIA provided a temporary Federal backstop to protect against future catastrophic terrorist attacks. This program, by any measure, has been a resounding success.

On June 30, 2005, the Treasury Department submitted a report to Congress on the effectiveness of the TRIA program, the availability and affordability of terrorism insurance for various policyholders, and the likely capacity of the property and causality insurance industry to offer insurance for terrorism risk after TRIA expires on December 31 of this year. According to the report, the removal of TRIA would result in "less terrorism insurance written by insurers, higher prices, and lower policyholder take-up."

The administration stated that it wanted to reform the TRIA program and foster the development of a private market for terrorism insurance.

The legislation before us today would temporarily extend the terrorism risk backstop for policyholders, but would also add a number of critical reforms. Perhaps most importantly, this bill is the only proposal providing significant taxpayer protections.

Unlike the current TRIA program which sets a limit on the amount of Federal assistance taxpayers may recoup, this legislation may have full 100 percent taxpayer payback. Every dollar the Federal Government pays out gets repaid over time. This bill also significantly increases industry co-shares, providing further taxpayer relief in the short run.

The bill raises the program trigger from $5 million to $50 million in the first year of the extension and then to $100 million for the second year. It also eliminates commercial automobile insurance from the terrorism insurance program, for a reduction of over $30 billion dollars in covered line premiums. The bill raises the deductibles on all lines of insurance from the current level of 15 percent to an average of over 20 percent, the biggest increase among all of the proposals.

The legislation encourages insurers to make coverage available for nuclear, biological, chemical and radioactive risk attacks, which are currently excluded from most insurance policies. Without these provisions, policyholders will continue to be unprotected for the most catastrophic of events.

Any Federal terrorism insurance program must be temporary. Because terrorism risk will not go away, one of our major goals must be to decrease the role of the Federal Government over time and provide real, lasting market reforms that will increase industry responsibility for terrorism insurance.

It is important that industry have more "skin in the game" to ease the transition to the private market for terrorism insurance. In addition to a raised trigger and deductibles, this bill is the only legislation that requires that development of a long-term solution shifting the backstop to the private sector and phasing out the Federal role.

A public-private entity is created and is required to issue specific proposals within a short period of time, and the bill sets up various risk-pooling mechanisms and dedicated terrorism capital accounts to immediately begin the transition. Without these provisions, we will be back here in 12 months arguing over another extension with no improved reforms.

This legislation is identical to the bill that passed our Financial Services Committee overwhelmingly by a vote of 64-3, with the exception of striking certain provisions that are within the jurisdiction of the Judiciary Committee by agreement, a slight change in the definition of exempt commercial purchasers, and other technical and conforming changes.

I applaud my friend and colleague, the gentleman from Louisiana (Mr. BAKER), chairman of the Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises, for introducing this legislation.

I would also like to thank the gentlewoman from New York (Mrs. KELLY), the gentleman from Texas (Mr. SESSIONS), the gentlewoman from Ohio (Ms. Price), the gentleman from Kentucky (Mr. DAVIS), the gentleman from New York (Mr. FOSSELLA), the gentleman from Arizona (Mr. RENZI), the gentleman from New Jersey (Mr. FERGUSON), the ranking member from Massachusetts (Mr. FRANK), the gentleman from Pennsylvania (Mr. KANJORSKI), and the gentleman from Massachusetts (Mr. CAPUANO) for their leadership and commitment to this important matter.

I urge my colleagues to vote in favor of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, the ranking member of the subcommittee, the gentleman from Pennsylvania (Mr. KANJORSKI), is on his way over. He has taken the lead for us on this bill.

I would just ask at this point unanimous consent for me to turn over to him the management of our time when he arrives.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FRANK of Massachusetts. Mr. Speaker, this is a bill to which my response is, "Better late than never." I wish we would have done this earlier. We have known for some time the deadline was coming. I appreciate the efforts of the chairman of the committee to get the attention of the House to this bill. We passed it in committee some time ago before the break. It frankly could have come to the floor before that.

I say that because I am pleased with this bill in general. I think it is useful that we are producing it. And there are differences between this bill and the one passed by the Senate, and we do need some time to work them out.

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None of them is of enormous difficulty, it seems to me, they all have a similar capacity, but it would have been better if we had done this earlier.

Having said that, I want to stress what is so important about this bill to me, and it is it establishes or maintains the principle that we will try to minimize the extent to which terrorists influence decisions that we make here in America. I do not regard this as a favor to the insurance companies. Frankly, terrorism insurance would, I believe, not exist if it were not for this bill or, if it did exist, it would be at very high premiums. The insurance industry would have the option either of walking away from offering this or of charging high premiums. I do not think the insurance industry would be greatly disadvantaged.

The losers, if we do not reenact terrorism risk insurance, are people who want to build and particularly in those cities that are seen as potential targets of terrorism. We have been told by people who want to do large commercial buildings, very important to the big cities of this country, to the areas that would be the targets of terrorism, that they would not be able to get loans that are necessary obviously to build if they are not fully insured. Lenders are telling us, yes, we cannot now lend large amounts of money, tens, hundreds of millions of dollars to a building that might be at risk from terrorism and be uninsured against that risk.

I think we ought to have a responsible insurance system so that where we can minimize risk we can give people an incentive to be responsible in dealing with them. I do not think it is good public policy to say to people who want to build in New York or Chicago or Los Angeles or here in Washington, DC, There are terrorists out there and they want to blow things up and you will bear that financial responsibility; that is up to you. That is unfair to the cities, and it gives the terrorists leverage over our economy.

So this is a bill which, in my mind, is not for benefit of the insurers but for the insured, and it is for the benefit of the insured so that we can go forward with the development of our economy.

Indeed, there is one issue here regarding the World Trade Center that we have not yet fully resolved, and I appreciate the chairman showing some interest in this. We were asked, both of us, by Members from the New York area about some provisions to deal with the possibility that the World Trade Center reconstruction will take too long. Frankly, those in charge in New York did not come to us until very late in the process, and it was not possible to accommodate something of that complexity now. I hope we do not rule it out for the future, but if they had come to us earlier, we might have been able to deal with it somewhat differently, but that illustrates the point.

This is a bill to make sure that economic activity in our biggest cities can go on uninterrupted, and the alternative is to let the terrorists put a terrorist tax on building large buildings in our big cities, and we should not allow that.

Let me just say, finally, I want to acknowledge, and my friend from Pennsylvania is here and will be taking this over, but this has been a cooperative effort with the chairman of the committee, the gentleman from New York (Mr. ISRAEL), the gentleman from New York (Mr. CROWLEY). The gentleman from Massachusetts (Mr. CAPUANO) has done a lot.

Last point. Some of the consumer groups have raised what I think are misguided objections here. I do not see that this, in any way, impinges on the consumers negatively, but thanks to the gentlewoman from Florida, who will be speaking later, it has a very important proconsumer piece, and I appreciate the chairman's agreeing to add it, that protects Americans from arbitrary treatment if they are traveling to certain parts of the world.

So I am very supportive of this, and I would now turn over the management of the time to the gentleman from Pennsylvania.

Mr. OXLEY. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from New York (Mrs. KELLY), the chairman of the Oversight Subcommittee.

Mrs. KELLY. Mr. Speaker, I rise today in strong support of H.R. 4314, the Terrorism Risk Insurance Revision Act of 2005. This is important legislation. It builds on the success of the Terrorism Risk Insurance Act we passed after 9/11.

In New York, the terrorist attacks of September 11 caused many insurers to eliminate coverage in the area. At a time when the economy was suffering, business leaders who wanted to rebuild were stopped by a lack of insurance coverage. Some of my own constituents had this problem.

The passage of TRIA in 2002 allowed job growth and construction to resume in New York and nationwide.

The Treasury Department reported this year that TRIA has lowered premiums and increased coverage for cities across the country that face the risk of terror.

The bill before us today recognizes the successes of TRIA and changes the program to even make it better. It recognizes that after the London bombings, there can be no real distinction between domestic and international acts of terror.

It provides coverage for group life plans from attacks that could target a single employer or an industry. Perhaps most importantly, this bill creates a commission to examine the long-term provision of terrorism insurance in this country.

Making terror insurance available after the expiration of this bill, particularly at the World Trade Center and any other locations that have been victims of terror and face special challenges in obtaining insurance, will be a vital responsibility of this commission.

The bill does not exist to benefit insurers. It benefits the taxpayers. The House bill will protect taxpayers from losses from terrorist attack, while ensuring that taxpayers can insure their homes and property against terror.

Failure to pass this bill will be an open invitation for economic attacks against this country and against our citizens.

I urge the Members of this House to support this bill, and I urge an immediate conference with the Senate so that we can act before the current program expires.

Mr. KANJORSKI. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Mr. Speaker, I thank the gentleman for the time.

Mr. Speaker, I want to thank Chairman OXLEY and Ranking Member FRANK for their hard work in getting this important legislation to the floor. This is an example of the kind of bipartisan cooperation that we have in the Financial Services Committee.

Mr. Speaker, just over a year and a half ago, the committee held its first hearing in the 108th Congress on the extension of terrorism risk insurance. At that time, I announced I would be working with the gentleman from Massachusetts (Mr. CAPUANO) on a TRIA reauthorization bill, and at the same time, I said that, in my view, this was the most important issue facing our committee. It was then; it still is now.

After 9/11, the businesses in my district and throughout the New York metropolitan area saw firsthand the result of a lack of availability of terrorism insurance. New development was held up. Existing businesses were left to choose between unmanageable risk and astronomical insurance premiums. Certain high profile industries and buildings faced both at once. The passage of TRIA changed that by stabilizing the insurance market and allowing all businesses an affordable option for terrorism coverage.

Unfortunately, we are now staring at the sunset of that program, and although strides have been made, the private sector is not yet able to independently price and make available terrorism insurance.

Passage of this bipartisan bill is a critical step toward ensuring the continued stability of our national economy, and of particular importance to me is the inclusion of group life. As I have said often in the past, if we are going to provide a Federal backstop for the insurance of buildings, for bricks and mortars and steel and glass, we should also provide for the people who are residing and working within those buildings.

We have 2 weeks left in this session, and a great many differences between the two bills that need to be worked out. I am positive that we will come to an agreement that will enable us to keep this program available uninterrupted.

Mr. Speaker, I would like to conclude by making one final point. An attack on this country is not an attack on a building. It is not an attack on the insurance industry. It is not an attack on a bunch of companies. It is an attack on our country, and the Federal Government has an obligation to help defend against the economic consequences of that attack, which is what TRIA's extension does.

Mr. OXLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Speaker, I rise to thank the chairman for bringing this bill forward and to express to him, as he understands, the extreme importance of this, and I rise to support the underlying bill.

Mr. Speaker, as the gentleman knows, in committee there was an amendment that was added regarding the lawful international travel and the life insurance coverage, and I expressed concern about that amendment at that time and the language that was included in that amendment, which I believe not to be consistent with either current law or insurance practice.

Although we have been working to correct that language, we have not yet gotten to an agreement on that, and I would simply ask the chairman for his commitment that we have the opportunity to correct that language in conference prior to reporting this bill back to the House.

Mr. OXLEY. If the gentleman would yield, the gentleman has my assurances. I know we had some discussions in the committee, in the markup. Going forward, we have not been able to close that circle yet, but I see the gentlewoman from Florida there nodding, and the gentleman has my assurances, as do all the other members of the committee, that we will address that issue. I think there were some drafting issues and the like that we will certainly take care of before the conference is concluded.

Mr. PRICE of Georgia. Mr. Speaker, I thank the chairman, and I look forward to working on this positively and productively and look forward to this bill coming back.

Mr. OXLEY. I thank the gentleman for his support.

Mr. KANJORSKI. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise in support of the Terrorism Risk Insurance Revision Act.

The terrorist attacks on the World Trade Center and the Pentagon altered how we each assess risk. This adjustment was especially apparent in the insurance industry.

Terrorism insurance is critical to protecting jobs and promoting America's economic security. Unfortunately, the supply of terrorism reinsurance after the September 11 attacks significantly decreased.

Eventually, we approved the Terrorism Risk Insurance Act to address this problem. At recent hearings, we have learned that this law has worked to increase the availability of terrorism risk insurance, lowered the cost of such insurance, contributed significantly to stabilizing the overall insurance marketplace, and advanced delayed economic development projects.

We also wisely designed this program as a temporary backstop to get our Nation through a period of economic uncertainty until the private sector could develop the models to price for terrorism reinsurance. Unlike hurricanes and fires, acts of terrorism in the American experience currently remain inherently unpredictable in frequency and scale. As a result, the private sector has not yet returned to the terrorism reinsurance marketplace.

Many studies support this finding. The Government Accountability Office, for example, has determined that the industry has made little progress to date in providing terrorism insurance without government involvement. A report by the Rand Corporation also found that TRIA is needed, but because of its gaps, it is not robust enough to protect against evolving threats like those posed by nuclear, biological, chemical and radioactive events.

Many have, therefore, called upon us to modify and extend the life of the terrorism risk insurance program in order to prevent short-term market disruptions and better protect the economy. The consensus bill before us today wisely extends the program up to 3 years and adopts other prudent reforms.

I am especially pleased that the bill includes group life insurance as a covered line. The original TRIA omitted such coverage. This bill fixes that oversight. We need, after all, to insure the people inside the buildings, not just the buildings themselves.

In closing, Mr. Speaker, this is not a Democratic issue or a Republican issue. It is an American issue, a business issue and an economic security issue.

With less than 4 weeks remaining before the current program expires, we need to expeditiously pass this important economic stabilization legislation and move forward with a conference. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. OXLEY. Mr. Speaker, I am pleased to yield whatever time he may consume to the gentleman from Louisiana (Mr. BAKER), the chairman of the subcommittee.

Mr. BAKER. Mr. Speaker, I thank the chairman for yielding.

I rise today in strong support of this measure which represents the work product of the Committee on Financial Services not for a matter of hours but, frankly, a matter of years.

The committee first authorized a terrorism reinsurance program some years ago, initially after the events of 9/11. That program has now exceeded its lifespan and is due to expire at the end of this year.

The consequences of letting the program expire are consequential. The inability to underwrite an indeterminate risk is of great consequence to particularly our real estate and development community, but to all business enterprises which are vulnerable to and concerned with the potential of a terrorism event.

The collective impact of this program will not be felt by taxpayers until and unless there is a terrorist attack. It is something that some appear to not understand. We are not creating a job bureaucracy. We are not spending tens of millions of taxpayer dollars. We are only saying that in the event another unexpected terrible calamity that struck New York some years ago should ever reoccur, that there be in place a governmental mechanism to help us through the crisis.

Some are concerned that this represents a way in which to funnel hundreds of millions of dollars to private interests of taxpayer money without recourse.

The principal reason why the House approach is the only approach that we should adopt is the requirement for the industry, once solvent, once stable, once economic conditions have returned to normality, that there would be repayment of the credit extended by the United States taxpayer. This is not a giveaway. This is a bridge loan in the time of national crisis.

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I cannot conceive of how this Congress could go home and walk away from this responsibility to act for a preventive measure. It only gives our economic system the assurance that there will be continuity; that there will be the ability for our economic systems to function should we be called upon to respond to an event of enormous proportions that all of us hope will never occur.

We also are sensitive to the scale of the insurance industry. There are very large companies who can withstand enormous losses and pay them off quite well. There are regional and smaller providers who provide an essential service in our economy that would be disastrously impacted if the provisions contained in the House measure are not adopted.

I cannot speak highly enough about the long-suffering work of our chairman, Chairman OXLEY, and the kind assistance offered by the ranking member, Mr. FRANK, in really making this a bipartisan recommendation to meet what is an identified and obvious need in the most responsible manner possible.

Let me say it again, because it is so important. If, and only if, the provisions of this act are necessary will it be brought into life. At such time any assistance offered to any private entity who is a for-profit entity and taxpayer resources are expended, there will be a requirement to repay the taxpayers of this country when the solvency of that enterprise is clear and established. Emergency purposes for emergency needs in a time of crisis.

I commend both Members for their leadership and hard work on this measure.

Mr. KANJORSKI. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. Mr. Speaker, I rise to congratulate the chairman of the committee and the subcommittee and the ranking members of the committee and subcommittee. This is a classic example of perfect legislation because no one involved with it is happy, but we are all satisfied. We are satisfied on a bill that will not get any one of us a single vote or win us a single friend at home.

This bill is being done for the simple reason it must be done for the security and stability of the American economy. And the fact that we are getting it done, I think, is an amazing statement of progress. All congratulations are due to the people who sat around the table, worked out some deep philosophical differences of opinion, and did it in a way that lived up to the chairman's commitment, his public commitment a few months ago that some people questioned, though I never did, that this bill would be done before we went home.

Again, I just stand to congratulate him and to thank him and the other people involved with this bill for getting it done in a manner that should make us all proud.

Mr. OXLEY. Mr. Speaker, I am pleased now to yield 2 minutes to the gentleman from New York (Mr. REYNOLDS).

Mr. REYNOLDS. Mr. Speaker, I thank the gentleman from Ohio for yielding me this time and allowing me to speak on this legislation. I think that first we should salute the hard work of Chairman OXLEY and Ranking Member FRANK, as well as the hard work of Subcommittee Chairman RICHARD BAKER, who just so eloquently explained why this legislation is so important not only to New York in the aftermath of 9/11 but to every city in the country that finds themselves in the plight of terrorism and the reinsurance markets.

This is an opportunity for us to continue where the free market will not be able to indemnify building owners as we look at this across the country. I think that the authors of this legislation, as the House passes this later today, give us a real opportunity to move forward with a 2-year opportunity to help the marketplace, the building owners who are affected by the need for coverage of this exposure, while also recognizing that the free marketplace is not able to absorb this without the governmental mechanism that has been outlined as the intent of the bill.

So I wholeheartedly support it. It is something that will affect the buildings and the marketplace throughout the country, and certainly my State is one where it is vitally needed in order to have coverage for the markets.

Mr. KANJORSKI. Mr. Speaker, I yield 2 minutes to the charming gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I am privileged to serve on the Financial Services Committee under the leadership of Chairman OXLEY and Ranking Member FRANK, because this bill is yet another example of what we can accomplish when both sides of the aisle work together. And this is not the first time that that has occurred, and I am sure it will not be the last when it comes to the results that come out of this committee.

As outgoing Federal Reserve Chairman Alan Greenspan once said, "Free markets presume peaceful societies." The infinite risks associated with terrorism have demonstrated their potential to destabilize our markets, so I rise to express my full support for the version of TRIA before the House today.

I want to thank Chairman OXLEY, Ranking Member FRANK, Representative BAKER, and Representative KANJORSKI for their stalwart leadership on this issue. I also want to thank all members and staff from the Financial Services Committee who have worked so hard to bring this to the floor.

The House version of the bill includes critical reforms that will help protect the American economy in the event of another terrorist attack. It includes important group life provisions, streamlines insurance filings, and gives consumers more options and protections. I am proud that this legislation has gleaned broad-based bipartisan support, and I encourage all my colleagues to support the House version of the bill today and in conference.

Mr. Speaker, I look forward to working with the chairman and the ranking member and any other interested parties on the language related to the life insurance fairness-for-travelers issue.

Mr. OXLEY. Mr. Speaker, I reserve the balance of my time.

Mr. KANJORSKI. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, part of our war against terror is putting our economic house in order, and this bill is essential to achieving that goal. Businesses and real estate and development tell me in New York City now that it is absolutely impossible to get insurance until this bill passes.

After 9/11, of all the aid that my colleagues gave which helped New York, in my opinion the absolute most important act was passing TRIA, the Terrorism Risk Insurance Act. We were not able to build anything or to move forward in any way until the insurance package was in place. So this bill today is tremendously important.

There are many important features in it. I would like to particularly point out that the House bill adds group life insurance, since it is not only property that is at risk in a terrorist attack but also human lives.

Secondly, the bill creates a commission of private sector experts to come forward with long-term private sector solutions. It gives the private sector the responsibility to develop a private sector solution for Congress to consider.

It also has a third year as a transition for a long-term solution that the commission will hopefully come forward with. Without the benefits and the flexibility provided in the House bill, I am afraid that in 2 years we will be at the same place we are now, having no new outside government thinking and no ability to implement new ideas or accommodate marketplace developments.

I urge my colleagues to support this; and I congratulate the leadership of Congress, the leadership of the committee, Mr. OXLEY, who did a fantastic job on this. I regret that he will not be running for reelection again. He has been a tremendous leader along with Ranking Member FRANK.

I hope that the features that are in the House bill will be preserved in the committee report.

Mr. OXLEY. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Chairman, I know that the amendment that we put into the bill that was authored by the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) that prevents restrictions from being put on lawful foreign travel and prohibits excessive rates on foreign travel was not the subject of a hearing in our committee. I would like to explore the possibility of working with the chairman on possibly having a hearing about that to see the extent of what actually is occurring with regard to restrictions on travel to different countries.

I would be interested in the chairman's response to that. While I fully support travel to Israel, I do not know how many other countries this might be affecting.

Mr. OXLEY. Mr. Speaker, I thank the gentlewoman for her inquiry, and clearly the committee on the point that she mentioned did not have hearings on the amendment offered, but I think it may be ripe for further exploration by the committee because the gentlewoman raises some interesting issues regarding foreign travel, particularly as it relates to life insurance policies.

I thank the gentlewoman for her interest and expertise.

Mr. KANJORSKI. Mr. Speaker, this has been a difficult time, because so many of us over the last year have desired to move this legislation along. But I would be remiss if I did not take this occasion to perhaps illuminate an example for this entire Congress as represented by the financial services industry.

I would have to say, without doing an in-depth study, that the Financial Services Committee of the House of Representatives has proven that even in the 109th Congress we can have bipartisan activity of an extraordinary amount, and that to a large extent is due to the incredibly good leadership of our gentleman friend, the chairman from Ohio, and the ranking member, the gentleman from Massachusetts (Mr. FRANK). I also would be remiss if I did not suggest a strong and hard effort by our friend, the subcommittee chairman, Mr. BAKER of Louisiana.

Perhaps the full House could take note that in pressing times of need for legislation that can be contentious and has philosophical differences of great order, both sides of the aisle on this piece of legislation, and so many more in this session of Congress, have come together to perform the people's work; and I think the congratulations to a large extent for that effort go to the gentleman from Ohio, the chairman, Mr. OXLEY.

With those remarks, Mr. Speaker, and urging all my colleagues in the House to vote "yes" on this legislation, I yield back the balance of my time.

Mr. OXLEY. Mr. Speaker, just in conclusion, I thank the gentleman from Pennsylvania for his kind words, and all the members on the committee who worked so hard on this, particularly Mr. KANJORSKI and Mr. FRANK on that side, and many, many others.

Mr. Speaker, when we had the hearing on this legislation with the Treasury Secretary after the Treasury report came out, I made the comment it would be irresponsible on the part of this Congress if we did not address the issue of terrorism risk insurance. It was far too important to ignore; it had too many implications for our economy going forward.

And Mr. FRANK was right when he said this is not about the insurers. It is about the insured, the people out there creating jobs and making our economy work. And it is also a recognition that an act of terrorism is almost impossible to try to get actuarial information on to be able to set rates. It is virtually impossible. Anybody that knows anything about insurance knows that it is virtually impossible to work that in to any kind of an insurance scheme in which they would charge premiums. So that is why we needed this bottom-up, and that is why we need to continue this bottom-up.

And the idea is to transition during that period to a market-based solution, creating the incentive for insurance companies to create a pool, not unlike what the Brits have, the pool-rate concept, so you have this pool that could guard against losses. It is something that hopefully over the next year, as we finish this Congress, we can set the stage for that transition that will enable our economy to continue to grow and provide a robust insurance protection for those activities at the same time.

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This is, in my estimate, as the gentleman from Pennsylvania pointed out, the legislative process at its best and I am very proud of the committee and the job that we have done. I ask for support of the legislation.

Mr. PAUL. Mr. Speaker, 4 years ago, when the Congress considered the bill creating the terrorism insurance program, I urged my colleagues to reject it. One of the reasons I opposed the bill was my concern that, contrary to the claims of the bill's supporters, terrorism insurance would not be allowed to sunset after 3 years. As I said then:

> The drafters of H.R. 3210 claim that this creates a "temporary" government program. However, Mr. Speaker, what happens in 3 years if industry lobbyists come to Capitol Hill to explain that there is still a need for this program because of the continuing threat of terrorist attacks. Does anyone seriously believe that Congress will refuse to reauthorize this "temporary" insurance program or provide some other form of taxpayer help to the insurance industry? I would like to remind my colleagues that the Federal budget is full of expenditures for long-lasting programs that were originally intended to be "temporary."

I am disappointed to be proven correct. I am also skeptical that, having renewed the program once, Congress will ever allow it to expire, regardless of the recommendations made by the commission created by this bill.

As Congress considers extending this program, I renew my opposition to it for substantially the same reasons I stated 4 years ago. However, I do have a suggestion on how to improve the program. Since one claimed problem with allowing the private market to provide terrorism insurance is the difficulty of quantifying the risk of an attack, the taxpayers' liability under the terrorism reinsurance program should be reduced for an attack occurring when the country is under orange or red alert. After all, because the point of the alert system is to let Americans know when there is an increased likelihood of an attack it is reasonable to expect insurance companies to demand that their clients take extra precautionary measures during periods of high alert. Reducing taxpayer subsidies will provide an incentive to ensure private parties take every possible precaution to minimize the potential damage from possible terrorists attack.

While this bill does contain some provisions making it more favorable to taxpayers than the original program, my fundamental objections to the program remain the same as 4 years ago. Therefore, I am attaching my statement regarding H.R. 3210, which created the terrorist insurance program in the 107th Congress:

Mr. Speaker, no one doubts that the government has a role to play in compensating American citizens who are victimized by terrorist attacks. However, Congress should not lose sight of fundamental economic and constitutional principles when considering how best to provide the victims of terrorist attacks just compensation. I am afraid that H.R. 3210, the Terrorism Risk Protection Act, violates several of those principles and therefore passage of this bill is not in the best interests of the American people.

Under H.R. 3210, taxpayers are responsible for paying 90 percent of the costs of a terrorist incident when the total cost of that incident exceeds a certain threshold. While insurance companies technically are responsible under the bill for paying back monies received from the Treasury, the administrator of this program may defer repayment of the majority of the subsidy in order to "avoid the likely insolvency of the commercial insurer," or avoid "unreasonable economic disruption and market instability." This language may cause administrators to defer indefinitely the repayment of the loans, thus causing taxpayers to permanently bear the loss. This scenario is especially likely when one considers that "avoid . . . likely insolvency, unreasonable economic disruption, and market instability" are highly subjective standards, and that any administrator who attempts to enforce a strict repayment schedule likely will come under heavy political pressure to be more "flexible" in collecting debts owed to the taxpayers.

The drafters of H.R. 3210 claim that this creates a "temporary" government program. However, Mr. Speaker, what happens in 3 years if industry lobbyists come to Capitol Hill to explain that there is still a need for this program because of the continuing threat of terrorist attacks. Does anyone seriously believe that Congress will refuse to reauthorize this "temporary" insurance program or provide some other form of taxpayer help to the insurance industry? I would like to remind my colleagues that the Federal budget is full of expenditures for long-lasting programs that were originally intended to be "temporary."

H.R. 3210 compounds the danger to taxpayers because of what economists call the "moral hazard" problem. A moral hazard is created when individuals have the costs incurred from a risky action subsidized by a third party. In such a case individuals may engage in unnecessary risks or fail to take steps to minimize their risks. After all, if a third party will bear the costs of negative consequences of risky behavior, why should individuals invest their resources in avoiding or minimizing risk?

While no one can plan for terrorist attacks, individuals and businesses can take steps to enhance security. For example, I think we would all agree that industrial plants in the United States enjoy reasonably good security. They are protected not by the local police, but by owners putting up barbed wire fences, hiring guards with guns, and requiring identification cards to enter. One reason private firms put these security measures in place is because insurance companies provide them with incentives, in the form of lower premiums, to adopt security measures. H.R. 3210 contains no incentives for this private activity. The bill does not even recognize the important role insurance plays in providing incentives to minimize risks. By removing an incentive for private parties to avoid or at least mitigate the damage from a future terrorist attack, the government inadvertently increases the damage that will be inflicted by future attacks.

Instead of forcing taxpayers to subsidize the costs of terrorism insurance, Congress should consider creating a tax credit or deduction for premiums paid for terrorism insurance, as well as a deduction for claims and other costs borne by the insurance industry connected with offering terrorism insurance. A tax credit approach reduces government's control over the insurance market. Furthermore, since a tax credit approach encourages people to devote more of their own resources to terrorism insurance, the moral hazard problems associated with federally funded insurance is avoided.

The version of H.R. 3210 passed by the Financial Services committee took a good first step in this direction by repealing the tax penalty which prevents insurance companies from properly reserving funds for human-created catastrophes. I am disappointed that this sensible provision was removed from the final bill. Instead, H.R. 3210 instructs the Treasury Department to study the benefits of allowing insurers to establish tax-free reserves to cover losses from terrorist events. The perceived need to study the wisdom of cutting taxes while expanding the federal government without hesitation demonstrates much that is wrong with Washington.

In conclusion, Mr. Speaker, H.R. 3210 may reduce the risk to insurance companies from future losses, but it increases the costs incurred by American taxpayer. More significantly, by ignoring the moral hazard problem this bill may have the unintended consequence of increasing the losses suffered in any future terrorist attacks. Therefore, passage of this bill is not in the long-term interests of the American people.

Mr. SHAYS. Mr. Speaker, I am grateful for the hard work that took place to bring the Terrorism Risk Insurance Revision Act to the floor and urge my colleagues to support its passage today.

Extending TRIA is important for so many facets of our economy; and revising the Act by requiring insurers to take on greater responsibility in the event of a catastrophic attack is a prudent measure for the taxpayers.

As a strong believer in free markets, I am fully aware and sympathetic to concerns that TRIA exposes the government and taxpayers to a risk that should be fully assumed by the marketplace. TRIA was never intended to be a permanent program, and we are wise to include in this legislation provisions directing the Treasury Department to work on the creation of risk sharing mechanisms and requiring a full payback to the Treasury in the event that TRIA is triggered.

I also strongly support the creation of a commission to study how best to reduce the Federal Government's role and increase the private sector's capacity to underwrite terrorism risk. It is crucial we maintain this provision in the final version of this legislation.

While this legislation takes several important steps to place greater responsibilities on insurance companies, in my judgment it is appropriate and wise for us to expand the program to include group life insurance. Quite simply, those who provide group life insurance face the same challenges as property and casualty and other insurers that were covered under the original TRIA Act. Failure to include group life has placed these insurers in a precarious position of choosing to remain in the marketplace without reinsurance or exiting from the market.

Although TRIA has not yet been triggered, it is important we both extend and improve it for the future. Again, I appreciate the Chairman's hard work and urge my colleagues to support passage.

Mr. KIND. Mr. Speaker, I rise in strong support of S. 467, the Terrorism Risk Insurance Extension Act of 2005, TRIA. The brutal attacks of September 11, 2001, shook the Nation, caused enormous grief, and strengthened the country's resolve. Congress pledged to do all we could to help the victims' families and to write policy that would help in the aftermath if such an attack ever occurs again.

One tangible way Congress can help is to make sure that businesses can afford terrorism insurance; to do this, we must reauthorize TRIA. Before the terrorist attacks of 9/11, most insurers offered terrorism insurance. Between 9/11 and the signing of TRIA in 2002, it was estimated that more than $15 billion in real estate transactions had been canceled or put on hold because owners and investors could not obtain the insurance protection they needed. TRIA, a public/private partnership, protects consumers, keeps an engine of our society going, and respects state regulation of insurance.

As cochair of the New Democrat Coalition, I have long believed that TRIA has worked well for individuals, businesses large and small, and our country. I am proud that the NDC has been a leader on this issue, and I am pleased that Speaker HASTERT has responded to the letter our coalition sent to him earlier this year, urging him to bring TRIA to the Floor. TRIA is scheduled to expire at the end of this month, but Mr. Speaker, threat of terror has not expired.

I plan on supporting this bill, and I encourage my colleagues to do the same.

Mr. OXLEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Ohio (Mr. OXLEY) that the House suspend the rules and pass the Senate bill, S. 467, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. KANJORSKI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

STEALTH TAX RELIEF ACT OF 2005

Mr. REYNOLDS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4096) to amend the Internal Revenue Code of 1986 to extend to 2006 the alternative minimum tax relief available in 2005 and to index such relief for inflation.

The Clerk read as follows:

H.R. 4096

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stealth Tax Relief Act of 2005".

SEC. 2. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF TO 2006.

(a) IN GENERAL.—Subparagraphs (A) and (B) of section 55(d)(1) of the Internal Revenue Code of 1986 are each amended by striking "and 2005" and inserting ", 2005, and 2006".

(b) INFLATION ADJUSTMENT.—Subsection (d) of section 55 of such Code is amended by inserting after paragraph (3) the following new paragraph:

"(4) INFLATION ADJUSTMENT.—

"(A) IN GENERAL.—In the case of any taxable year beginning in calendar year 2006, the $58,000 amount contained in paragraph (1)(A) and the $40,250 amount contained in paragraph (1)(B) shall each be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting '2004' for '1992' in subparagraph (B) thereof.

"(B) ROUNDING.—Any increase determined under subparagraph (A) which is not a multiple of $50 shall be rounded to the next lowest multiple of $50.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. REYNOLDS) and the gentleman from New York (Mr. RANGEL) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. REYNOLDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it has been called the "stealth tax," a "ticking time bomb for the middle class," and even the "Darth Vader of the Tax Code." It is the individual alternative minimum tax, the AMT, and it has middle class America squarely in its sights.

Today, as we consider the Stealth Tax Relief Act of 2005 on the floor of the House, this body has a chance to stand with America's middle class by preventing an enormous, unnecessary tax increase from sneaking up on millions of unsuspecting taxpayers next year.

As many of my colleagues know, the AMT was originally enacted in 1969 to prevent a small percentage of taxpayers with very high incomes from paying little or no Federal income tax. However, because this stealth tax was never adjusted for inflation, it is now sneaking up on more and more middle class taxpayers each year as they climb the income ladder. Let me repeat: The AMT was never intended to hit the middle class, but now it is threatening millions of our middle class constituents.

That threat is what prompted the President's Tax Reform Commission to recommit repealing the AMT entirely when it issued its report last month. And, certainly, any serious discussion of long-term tax reform and simplification must include a long, hard look at the AMT.

Mr. Speaker, but middle-class taxpayers cannot afford to wait for the enactment of a permanent AMT relief. As many in this Chamber will recall, the temporary AMT relief that Congress has repeatedly enacted over the last several years is, once again, set to expire at the end of this month, only weeks away. Unless Congress extends this AMT relief, the stealth tax will claim many more middle-class victims.

For perspective, here are some numbers so our viewers at home can follow along with the charts. According to the Joint Committee on Taxation, if Congress fails to act, the number of middle class AMT victims will rise from 3.6 million in 2005 to over 19 million in 2006. In other words, if we fail to act, some 15.4 million more taxpayers will get hit with this stealth tax next year. And according to the U.S. Treasury Department, these taxpayers will pay $2,736 more in taxes just because of individual AMT.

The numbers from my home State of New York tell a similar story. According to the Manhattan Institute For Policy Research if we do nothing, the number of AMT taxpayers in New York will balloon from 379,000 in 2005 to 1.6 million in 2006. That is unacceptable for the middle-class taxpayers I represent in western New York. It is unacceptable for taxpayers nationwide.

Mr. Speaker, the bill before us today will simply extend for 1 additional year the individual AMT relief that we most recently enacted just a year ago. Specifically, this legislation will ensure that the higher AMT exemptions amounts to $58,000 for joint filers and surviving spouses, and $40,250 for singles, that are applicable to tax year 2005, are extended to 2006 as well. This legislation also includes a modest inflation adjustment, which will ensure that the value of this much-needed tax relief is not eaten away by inflation.

If Congress fails to act on this legislation, these exemption amounts are scheduled to revert back to the 2000 levels next year, 45,000 for joint filers and 33,750 for singles, resulting in a massive tax increase on the middle class.

I would note that the other body recently voted to provide a very similar AMT relief as part of its Tax Relief Act of 2005. I would hope that with a strong bipartisan vote here today, we will be able to work out with our colleagues on the other side of the Capitol to keep the stealth tax from being a middle-class nightmare.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair and not to guests in the gallery or to individuals who may be watching through the television.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

I agree with my friend and the gentleman from New York that the alternative minimum tax was not created to put this undue burden on middle class income people. But I would like to suggest to him as a member of the awesome and powerful Committee on Ways and Means, and former member of the Committee on Rules, that suspension of the rules were not meant for bills like this.

I think it takes a little bit of arrogance to put hundreds of billions of dollars of tax cuts on the suspension calendar, which does not give us an opportunity to see whether we can bring the relief that these taxpayers deserve in a more equitable way. It just seems to me that we had an opportunity to take care of this tax that for many, many years has been threatening the full fiscal load on taxpayers that it was not intended for, but somehow the leadership did not put this in the tax reconciliation bill. It did not include it with their bill to reduce corporate gains tax or the capital gains tax or the corporate dividends tax.

Why would Republicans do something like this? Well, maybe it is because they do not really think the Senate is going to take it up. Maybe this is just a fig leaf for not having the courage to say that this thing is going to cost a trillion dollars if it is going to be permanently removed, and as of now, it is going to cost $33 billion.

I think the American people ought to know that this is either going to cut deeper into the social programs that the very poor have had taken away from them, or it is going to increase the deficit by an additional $33 billion. In any event, I am more than confident that my able colleague from the State of New York and a part of the leadership of the majority party will make it abundantly clear to us that when we all vote for this, that not only have we got some guarantee that it is going to pass the Senate, but we will not cut any further into the $35 billion that is in the real tax bill that came to the floor.

So, Mr. Speaker, it is my impression that we are just going through this for political reasons. The Senate is not going to take it up. The deficit will be increased by $30 billion, but I would encourage my colleagues on both sides of the aisle to support this bill because it certainly has more merit. We never intended for these people to get caught in this, but somehow capital gains and corporate dividends have a higher priority and so this suspension bill will turn slowly in the wind, but I do not know how much support we expect to get from the President or from the majority leadership on this. But we shall see what we shall see.

Mr. Speaker, I reserve the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

I stand looking across the way at the ranking member, and not only is he the senior member on the Committee on Ways and Means, but also the senior Member of Congress from my State. I listen carefully when he speaks.

He does not want to see the AMT tax come onto the middle class. He does not really like the process. He is not really sure whether tax cuts are a good idea or not, but hopes that Members will support the legislation.

When we look at some of my brief experience here on both the Rules Committee and now on Ways and Means, I just want to remind the gentleman that as I introduced this legislation with cosponsors, I am pleased to know that we are actually taking up this legislation ahead of the other tax legislation that has been before the Ways and Means Committee on this floor which I hope will be tomorrow or the next day, and I also look back to see that this extension, which has been done in previous years, is not a new issue for Members in the House.

Everyone is familiar with the problem. It is essentially the same bill that passed overwhelmingly on May 5, 2004, with a vote of 333–89, unanimous on our side of the aisle, and 109 voted for it on the Democratic side of the aisle, and 89 against. I hoped there was not huge controversy with having the AMT legislation before us, and made sure there was ample time for debate on the floor by both sides of the aisle before we consider passage of the AMT.

The one thing I have learned in my time here, I cannot predict what the other body will do, but I hope they will do the right thing, and that would be to pass this legislation so the stealth tax does not become a middle-class tax, adding more people to the burden of having to pay this.

Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. ENGLISH) who is a distinguished member of the Committee on Ways and Means.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I am pleased to join my colleague from New York in strong support of the Stealth Tax Relief Act, a bill which ensures that the tax cuts that have allowed middle-class families to keep more of their income over the past 4 years will not be undermined by the so-called alternative minimum tax.

I am co-chairman of the Zero AMT Caucus. Our objective is to eventually repeal this tax. But for the moment, we are strongly supporting this bill.

The evidence is overwhelming that the Republican tax cuts have helped families cope with economic uncertainties and played a significant role in stimulating the economic growth that has been in place since the 2003 tax cuts, growth that continues today as we saw in this past quarter when GDP grew at a healthy 4.3 percent rate.

Yet over this prospect, the AMT, which the other side when they could, never adjusted for inflation, hangs like a sword of Damocles, threatening to wipe out tax relief and incentives for growth currently in the Tax Code. If we do not move with this legislation, the AMT will suddenly fall on 11 million taxpayers, hitting them with an average tax increase of $1,520. If we do not act, married couples will see their AMT exemption snap back from $58,000 to $45,000, while single individuals will see their AMT exemption drop from $40,250 to $33,750. I use these figures to make clear to everyone, these are not wealthy people. These are middle-class Americans who would be slapped with a very steep tax increase that they would not know about until tax day when they learned that the tax exemptions that they thought they could take, the same tax exemptions we intended them to take, would no longer apply.

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This legislation comes at a critical time. As we begin to examine options for fundamental tax reform that will promote economic growth long term in our country, we need to extend AMT relief for this coming year and ensure that the middle class is not facing a tax increase. This will buy us time to truly reform the AMT and I hope eventually to repeal this perverse and complicated tax provision. I hope the other side will set aside their sterile arguments about distributional effects and eschew populace poses. We have already seen some rhetoric on the floor about fig leaves and tax cuts. This is not a tax cut. This legislation provides an avoidance of a tax increase, a tax increase that the other side could have fixed when they were in the majority and never did. We need to step up to the plate and make sure that this mistake does not happen, that this tax increase does not fall on the American people at this very critical time.

Mr. RANGEL. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. LEVIN), a very distinguished member of the Ways and Means Committee.

Mr. LEVIN. This is a stealth approach, this so-called Stealth Tax Relief Act, to a real problem. The two gentlemen who have spoken had a choice in the committee. You had a choice. You had a choice between helping out with a tax cut a few years from now with more than 50 percent going to 1 percent of the population, or voting to help those 15½ million Americans who would otherwise have a tax increase. You voted for the 1 percent.

You had a choice in committee between helping out some years from now people making a million dollars a year, or helping next year millions of families making 75,000 to $100,000. You chose the millionaires. So now you are coming here and saying, well, we must do something. You had a chance to do that in committee. You did the wrong thing then, and now you are trying to cover your tracks. You do not pay for it. There is little chance the Senate will act, and so essentially this is an effort to cover your tracks.

But let me just suggest, you can try to hide from what you did in committee and what is in the reconciliation tax bill, but you cannot run on it next year. So now you are trying to put up something that gives you cover for next year's election.

Look, when you say we could have done something in the majority, I think we have been in the minority now for 11 years. Where have you been?

No, instead, you have adopted tax policies that, by and large, surely in the provision in the tax bill, the reconciliation bill, help the very wealthy instead of helping the families, millions who will be caught up by the increased coverage of the alternative minimum tax. And I do not have to go through with this. You have described these families. But essentially it is crocodile tears for them instead of real action. You made your choice.

Tomorrow, you are going to have a chance to make the choice again when we put up a substitute, or if you do not allow that, a motion to recommit. So essentially what you are going to do is to vote "yes" today; and when we bring up the substitute or the motion to recommit, you are going to vote "no." So "yes" today and "no" tomorrow. That is not even a fig leaf. That is total inconsistency.

We proposed in the committee, we proposed dealing with the minimum tax now. You passed a bill that said no, you want to give the majority of tax relief that was not paid for, the 20 billion, to people making over a million dollars a year. That is undeniable.

My suggestion is that you, instead of passing the reconciliation bill that helps the millionaires and ignores the millions of families making 75,000 bucks or more a year who will be affected by the minimum tax, that you go back and do it the right way and not hope that somehow this stealth bill will cover your tracks.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill that we have before us today will simply extend for one additional year the individual AMT relief that we most recently enacted just a year ago. Specifically, this legislation will ensure that higher AMT exemptions, now, hear these figures: they are not millionaires. They are not even people making over $100,000 a year. These are exemption amounts, $58,000 for joint filers and surviving spouses and $40,250 for singles that are applicable to the tax year 2005 and extended now to 2006 if we have the good fortune of passing it here today.

When I look at the aspect of this legislation, it is simply a stealth tax, raiding and invading middle-class America. This will have an opportunity to thwart that so that some 16.5 million Americans do not find themselves having to pay the stealth tax.

Mr. Speaker, I yield 2½ minutes to the gentleman from Florida (Mr. FOLEY), who is also a distinguished member of the Committee on Ways and Means.

Mr. FOLEY. Mr. Speaker, let me thank the gentleman from New York (Mr. REYNOLDS) for bringing this timely and important issue to the floor. I also want to give credit to the gentleman from Massachusetts (Mr. NEAL), who has been a long champion of trying to correct this inequity. We have been working in a bipartisan fashion to find a solution to this problem. We have heard repeatedly about tax cuts for the rich. During one of our hearings, I happened to ask the panel, what is considered middle class in your community? To his credit, the gentleman from Ohio (Mr. KUCINICH) said, well, it depends on where you live. And that was a very true answer, because if you live in a high-cost community like Manhattan, or Chicago or Los Angeles, or West Palm Beach, your middle class may be a lot different than somebody from rural America.

What the gentleman from New York (Mr. REYNOLDS) attempts to do, though, is deal with the people that really, truly are working on the margins. The AMT will actually hit married couples. It will reduce from $58,000 for married couples to $45,000. They would be impacted by the AMT.

The gentleman from New York (Mr. RANGEL) clearly stated, and I credit him for this comment. We never expected these people to get caught up in this thing, the AMT. For single individuals, we drop from $40,000 to $33,750: $33,750 is the starting salary for a first-year teacher in the Palm Beach County school system. Actually, they are probably at about $37,000. So a person recently graduating from college coming to work to teach our children will more than likely fall victim to the AMT if we do not extend it for another year as we continue to work this solution and situation.

There are two parallel tax systems under current law: the regular income tax and the AMT. The intention, I believe, when it was offered by the other side, was to capture the wealthy who take advantage of tax opportunities, whether they are deductions or what have you. This clarifies and allows hard-working Americans to escape this stealth tax. And I compliment the gentleman from Massachusetts (Mr. NEAL) and others who on our committee have tried to find a solution to this vexing problem.

It is about the average hard-working Americans who are getting caught in this trap, and simply extending it a year gives us a chance to thoughtfully and carefully consider options to alleviate this stealth tax. I want to again thank the gentleman from New York (Mr. REYNOLDS) who has worked tirelessly to bring this to the floor.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

I want to congratulate the gentleman from Massachusetts (Mr. NEAL) and the gentleman from Florida (Mr. FOLEY) for the fine work they have done for these people who got caught in this political fiscal trap. What the gentleman from New York, however, my colleague, does not know is that he is not answering the questions that we are asking. It is not that we do not support this bill. It is why did it not get the same protection as the capital gains bill or the same protection as the corporate dividends bill? Why do you have this bill turning slowly on the wind on the suspension calendar when you could have sent it to the Senate with protection?

Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. NEAL), the person that was described by the gentleman from Florida (Mr. FOLEY) as his partner in a bipartisan way, a very distinguished member of the committee.

Mr. NEAL of Massachusetts. Mr. Speaker, let me thank the gentleman from New York (Mr. RANGEL) for allocating the time.

The gentleman from New York (Mr. REYNOLDS) made some comments at the outset talking about in his time on the Ways and Means Committee he has seen the committee try to address the issue of alternative minimum tax. But what is really interesting is he has only been there a short period of time. For some of us who have been there for a long time, this is the annual request we make of the majority.

Now, I want to thank the gentleman from Florida (Mr. FOLEY) for his good and sincere words. But there is a reality here, as we look at alternative minimum tax, and the reality is this: during the last 5 years, we have had time to repeal the estate tax. We have had time to not only address the dividend issue and capital gains, but in the next few days, we are going to take up the issue of extending them for another 5 years.

Now, Congress has had time during these 5 years to do all of this. We have cut taxes for the wealthiest among us, millionaires who have received annual breaks totaling well over hundreds of thousands of dollars. But then when it comes time to address alternative minimum tax, we do it in what is known as the Stealth Tax Relief Act. And you know what, Mr. Speaker? That is the right term, the Stealth Tax Relief Act, because stealth is what this issue is all about. There is no reality addressed to what Congress is going to do in the next hour or so when it passes this bill. Is there anybody here in the Congress who is not in favor of this? I am not aware of anybody. We are all going to vote for this, and then reality is going to settle in.

And the reality is that this really does not mean very much. And, in fact, the gentleman from Florida (Mr. FOLEY) and the gentleman from New York (Mr. REYNOLDS) and the gentleman from New York (Mr. RANGEL) and I are going to be back here next year, and we are going to be having this conversation. And the majority is going to say something like, well, the minority had years to do something about this. Who has been in charge of this institution for more than a decade? The problem is this does not square, the alternative minimum tax because it gives tax relief to middle-income Americans, it does not square with the overarching agenda here, and that is to take care of the strongest among us. That is to take care of people who really are minimally touched by alternative minimum tax.

They address this issue, as they do year after year, with a Band-Aid, with a Band-Aid. This issue, alternative minimum tax, requires major surgery. In fact, if they do not do something about it shortly, it is going to require a surgical air strike. That is how serious it has become. And my friends on the other side will say to me when we leave this Chamber, great job. You did a great job of calling attention to this issue. And then I am going to say to them, well, when are we going to do something about it? And they will say to me, next year.

Mr. REYNOLDS. Mr. Speaker, I certainly respect the gentleman from Massachusetts (Mr. NEAL) and his contribution to both the Ways and Means Committee and this important legislation for a final fix, which I advocated that we do a final fix. Unfortunately, as I stand here today, with only weeks away, I have legislation to extend into next year the opportunity of having the AMT not move into taking almost 20 million Americans of middle-class tax. And I also will be interested in listening to the views of my colleague, Mr. NEAL, on the floor of the Ways and Means Committee, and other aspects on his thoughts of the Mack-Breaux solution, if that is in fact a solution that he supports or would recommend to our body to look at in the future.

□ 1315

Mr. NEAL of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. REYNOLDS. I yield to the gentleman from Massachusetts.

Mr. NEAL of Massachusetts. Mr. Speaker, if the gentleman will recall, in committee I offered a substitute fully paid for and the majority rejected it on a party-line vote.

Mr. REYNOLDS. I believe that solution that you had also contained tax increases that Members felt that they did not want to incur at this time.

Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. BEAUPREZ), another distinguished member of the Ways and Means Committee.

Mr. BEAUPREZ. Mr. Speaker, I thank the gentleman from New York (Mr. REYNOLDS) for yielding me this time and especially for bringing this legislation to the floor.

I am sure that people who are watching this debate from home are absolutely perplexed as to why an idea that has received pledges of support from both sides of the aisle has deteriorated into such a partisan conflict, and I expect folks back home are, again, perplexed by that. I think we have had at least two Members from the other side that were here when this alternative minimum tax was given birth, and it touched very few people and I think with a very clear intent, to strike at people that were somehow considered wealthy and somehow considered to be taking advantage, perhaps by some definition egregious advantage, of the allowances of the Tax Code.

Let me tell you what I have found in my State not necessarily from the rich and the famous but from the very middle class and average, from farmers and ranchers, people in their garages and their machine shops, people that are running small businesses all over the State, laborers all over my State.

along with the death tax, the one that comes up most frequently is the alternative minimum tax. What has not been said here today, and I again acknowledge the gentleman from New York who eloquently and accurately described how egregious this tax is and how it is invading every single worker, it seems like, in America, that if they already have not been hit, they fear that they soon will be, the cost of compliance with this tax.

By some estimates, it costs 15 percent additional surtax over and above the tax people send in just to figure out what they owe us. With the alternative minimum tax, we tell people they have got to figure everything twice just to figure out how much, always the highest amount, they owe the Federal Government. There is another estimate out there that says it is almost a $1 trillion cost of compliance with Federal regulation.

I urge the adoption of this legislation, and I thank the gentleman for bringing it to the floor.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in yielding me this time.

I am listening to my friend from Colorado saying that people back home may be confused when they listen to this debate. Well, I would suggest that they do not have to be confused at all. Listening to this debate and looking at the proposal that has been offered by the friends we have on the other side of the aisle reveals their true intentions and their true interest when it comes to tax justice in this country.

The alternative minimum tax is the major tax reform issue of this decade, not 20 years ago, not 30 years ago, but this decade, when because of the interaction of the proposals that you have brought forward and the relentless pace of inflation, it has drug millions of Americans into a tax that was never, never, never intended to apply to them. But what we have seen, the Republican majority chooses instead to focus their time, their energy, and tax resources on other issues. The inheritance tax, which affects a few thousand families a year, you have lavished attention and mortgaged our future in terms of the dollars that it would mean.

And what do you have to say about the alternative minimum tax? Well, every year you kick the can down the road, do it on the cheap, on the sly; not allowing, as my colleague, the distinguished ranking member of the Ways and Means Committee, had offered, for it to be brought forward, have a full debate, allow a clash of priorities and intentions.

I am convinced that the majority of people in Congress believe the rhetoric that you are saying about the pernicious nature of this tax that taxes people because they have families, because they take advantage of some of the tax preferences, because they pay their property and income tax. If we had a free and honest debate and a chance to offer meaningful alternatives, we would scale it down, if not repeal it.

But, unfortunately, our friends do not believe in their own rhetoric. They have other priorities. If they believed it, this would be the centerpiece; but instead they are extending taxes that do not even expire for years and benefit only a few.

I am sad to say that what we are doing here is going through the motions. We are going through the motions even if somehow the Senate buys into this for a 1-year extension. We are keeping people in limbo. We are skewing our fiscal and tax policies. And we are subjecting hard-working middle-class families who were never intended to be subjected to the minimum tax. They are going to suffer. I think it is shameful.

I will vote for the extension because that is the best the Republican leadership is willing to do. But it is a sad day for this House, and it is a sad day for American families.

Mr. REYNOLDS. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. HERGER), senior member of the Ways and Means Committee.

Mr. HERGER. Mr. Speaker, without today's legislation, the number of Americans ensnared by the alternative minimum tax is estimated to grow from 3 million now to an astounding 21 million in 2006. The problem is so great that the Treasury Department has estimated that by 2013 an AMT repeal would be more expensive than a repeal of the entire income tax.

In my own Northern California congressional district, in one particular area, nearly 3,000 constituents face a significantly higher tax burden because of this onerous tax.

In February of 1986, a levee broke on the Yuba River, causing a flood that submerged the community, resulting in millions of dollars in damage. Now, after nearly 20 years, the courts have found the State liable for damages to these victims in the amount of $428 million. Unfortunately, because individual claims have to add back attorney fees as AMT taxable income, the flood victims may end up paying some form of tax on 100 percent of their award even though this is money they never saw. This is double taxation, and it is unfair.

I urge my colleagues to vote for the Reynolds extension before us.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

I just want to point out, since we all are singing the same song as to how these taxpayers were pushed by inflation into this difficult situation, the question that we are raising on the floor, to make it abundantly clear, is what are the Republicans' priorities for relief? We had an opportunity to have $70 billion to give relief. This problem has been gnawing at all of us to do the right and equitable thing. It was not included in the Republican reconciliation bill. In fact, it was rejected when offered in the full committee by the Democrats.

So I can see the awkward political position that you find yourselves; and you know from the bottom of my heart, I sympathize with your political dilemma, not only in this area but in many other areas. But the question still remains, by putting it under the suspension calendar and sending it over to the other body, it does not have the same protection as the bill that you really want to make certain is there, and that is capital gains tax cuts and corporate dividends tax cuts.

So all we are trying to say as the minority party is that we thought there was a better way to do it to protect these people, not to put it on the suspension calendar, which limits the debate, which restricts the Democrats in trying to improve upon it, but to put it on a road that could be a road to nowhere. There are no protections on this bill when it reaches the other body. And we really, truly believe that this is serious enough, and having this cloud over hardworking voters, you should have given it a priority rather than just to put it on the suspension calendar without the legislative process protection that you have given to other issues.

Mr. Speaker, I reserve the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Florida (Mr. SHAW), a member of the Committee on Ways and Means.

Mr. SHAW. Mr. Speaker, I rise in strong support of this bill and ask not only that we pass this bill by a large majority, which I believe we will, but also that we commit ourselves to doing away with the entire realm of the alternative minimum tax. I think of all the tax reform that is necessary for this body to focus on next year, the removal of the alternative minimum tax, the "stealth tax," as has been quite correctly labeled here today, should be done away with. Even if we have to start folding the impact into the rates, we need to get rid of the alternative minimum tax.

But I want to comment for a moment on the rhetoric we are hearing from the other side. They are scolding us. They are complaining, when this bill is a bill that they are going to support. Has this House come to that, that they cannot even agree with us when they agree with us?

Come on, lighten up. Let's get together and work on things that we agree on.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, certainly we agree on the substance of the bill. But you do not have to blindfold the American people to say that you did not give it the same protection as you have given other tax priorities.

Let's face it, the $56 billion tax cut bill that you are going to bring up later, we know how you pay for that. You pay for it by going after the most vulnerable people that we have in the United States by cutting these social services. The rest of it goes into the deficit. So why will somebody not have the courage to say where are we going to get the $33 billion for this? I am certain that Americans are prepared to make the sacrifice because, after all, this was an unintentional event by Republicans and Democrats, unintentional by liberals and conservatives. So we all agree with that.

All I am saying to the distinguished member of the committee from Florida is that you know when we send this, it could be on the road to nowhere, not paid for. And unless you intend to ask the Senate to cut further in social services, it means that you have agreed on the concept, but you did not give it the same priority or the same legislative protection.

And you say you would like to see it abolished forever. Well, I guess with your lack of respect for the deficit, another $1 trillion, we can do that. So bring it on. Include it with the war cause, which is $6 billion a month. I mean, if there is no respect for anything, if we cannot work together as Republicans and Democrats and try to consider what our priorities are, but to come up in the middle of the night and say do I have a gimmick for you, we will put it on the suspension calendar, nobody is going to vote against it and whatever happens in the Senate happens, that is not the way we are supposed to legislate. Democrats and Republicans are supposed to work together and try to work out their differences before we send things over to the other body.

There is not one Member on the other side of the aisle that can say that there is any way they are going to do both, their priority bill in terms of capital gains cuts, their cuts in corporate dividends, and this bill too, and fix it and put it into reconciliation.

We did not put it into reconciliation. Why do you think that they are going to take your priority bill?

Mr. SHAW. Mr. Speaker, will the gentleman yield?

Mr. RANGEL. I yield to the gentleman from Florida.

Mr. SHAW. Mr. Speaker, I would like to just tell the gentleman he is misinterpreting my remarks. I did not say just throw it into the deficit, because he knows and I know that doing away with the alternative minimum tax is a big revenue hit on the Federal Government and we are going to have to find a way to pay for that. We would have done this a long time ago if it was not such a huge figure.

All I am doing is trying to reach out to you, who agree that the alternative minimum tax should be done away with permanently, and say let us work together and figure out a way to do it and do something. We used to do things in a bipartisan way. Why can we not do it again?

□ 1330

Mr. RANGEL. How many names do you want as to why we don't do it again? I can tell you why we don't. We on this side would welcome the opportunity. I don't think that the general public and the voters like to see us fighting each other.

But there has not been one issue that the Republicans would allow us to work with them on. And further to that, even when you have your conferences, you know and I know Democrats are excluded from it. So if you and I were trying to work together, I am certain that we could.

But you and I don't call the shots around here, Mr. SHAW, and that is unfortunate.

Mr. REYNOLDS. Mr. Speaker, I yield 30 seconds to the gentlewoman from New York (Mrs. KELLY), who is a senior member of the Financial Services Committee, and no one has spent more time in battling this terrible stealth tax than SUE KELLY.

Mrs. KELLY. Mr. Speaker, I rise as a cosponsor of this legislation. It protects millions of middle class working families. In New York alone, if the middle class exemptions are not extended for 2006, the new taxpayers forced to pay the alternative minimum tax will more than quadruple to 1.6 million next year.

The AMT is an atrocious burden for middle class families. We have got to send a message home that we are here to protect Americans. We must support this legislation against the stealth tax.

Mr. Speaker, I rise as a cosponsor of this legislation to urge my colleagues to protect the millions of middle-class working families who stand to be penalized by the Alternative Minimum Tax if Congress does not act this year.

The AMT (has been allowed to grow out of control) and if we don't pass this bill before the end of the year when middle-class exemption amounts will expire, it will attack middle-class families for whom the AMT was never intended.

In New York alone, if middle-class exemptions are not extended for 2006, the new taxpayers forced to pay the alternative minimum tax will more than quadruple to 1.6 million next year.

Make no mistake about it, these are middle-class taxpayers—some earning less than $50,000—who are working to pay their bills and take care of themselves and their children.

Now, they are faced with the possibility of having to pay thousands of dollars in additional Federal taxes to Washington. Mr. Speaker, this is unacceptable.

The AMT has become an atrocious burden for middle-class families. We must send a message home that we are here to protect Americans from the unfair and unintended consequences of the Alternative Minimum Tax.

Let's do the right thing for the middle class and pass the Stealth Tax Relief Act today, and I thank my friend, the gentleman from New York, Mr. REYNOLDS, for his leadership on this issue.

Mr. REYNOLDS. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, the year 1969 saw examples of the best and worst of what the Federal Government can do. On one hand, the Department of Defense reachers invented the Internet, which has opened up a world of knowledge to anyone with access to a computer.

On the other hand, in 1969, Congress controlled by the other side of the aisle, created the original version of the AMT. But while the Internet has continually evolved, the AMT structure has not.

It has now become a stealth tax, sneaking up on unsuspecting middle class taxpayers. Mr. Speaker, many of us here today on both sides of the aisle would likely support AMT relief that goes far beyond what is included in this bill.

But the legislation before us today is a crucial first step. I urge my colleagues to come together on a strong bipartisan basis to protect the middle class against stealth tax increases from the AMT.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise today in support of the Stealth Tax Relief Act. The AMT is not just a stealth tax, it is a sneaky tax. It is a parallel tax system where normal rules of income and deductions don't apply—you lose most of your deductions and your children become a liability!

The bill we are debating today, the Stealth Tax Relief Act, will keep the AMT from hitting millions of additional middle class Americans. However, we are just holding back the tide of the AMT that in 2008 will swamp the tax system and actually collect more money than the underlying income tax system.

We need to repeal the AMT. But until we can repeal it, we must hold harmless those Americans whose taxes are being raised in the next year.

But even before we repeal the AMT we need to be sure that those Americans who have pre-paid future tax liability under AMT be able to use the pre-paid tax credits that they have accumulated. Unfortunately, there are thousands of Americans who have pre-paid future tax liability through the AMT but have never been able to use their credits. These credits amount to an interest free loan to the Federal government.

Some Americans have been floating an interest free loan to the government for years and years. This is just plain wrong. To add insult to injury, many of these Americans have had to take out second mortgages on their homes and are paying interest on those loans to give the government an interest free loan! Some families raided their retirement plans or their children's education savings in order to give the government an interest free loan.

I have a bill, the AMT Credit Fairness Act that would correct this inequity and would allow Americans to use their pre-paid tax credits. Unfortunately, the AMT Credit Fairness Act is not part of the Stealth Tax Relief Act that we will pass today but I will continue to work for its enactment.

Mr. LINDER. Mr. Speaker, I am a co-sponsor of this legislation and I rise in strong support of H.R. 4096, the Stealth Tax Relief Act. A couple of years ago, I got a call from my daughter who asked, "What is the AMT and why is it sneaking up on people like me?"

As a proponent of tax reform, I hear phrases like that every day describing the AMT as part of "a tax code so out of control that now it is sneaking up on the middle class and threatening it with an unintended stealth tax." And while that phrase might indicate that the code is an animate entity, it is also a fact that "the AMT, since its enactment in 1969, has been significantly modified in 1971, in 1976, in 1977, in 1978, in 1982, in 1986, in 1990, in 1993, and in 2001."

These facts send a clear reminder that we have created a complex, convoluted monster of a tax code that is constantly being amended with special provisions targeted to treat Americans differently. The intentional harm that the current code is causing in terms of lost economic growth is bad enough. Now it appears we have to worry about the unintentional harm the code inflicts as well.

The AMT is a case study of our chaotic code—it forces Americans to perform two tax calculations, using two completely different set of rules, and it's so difficult to understand that most taxpayers have to hire someone to figure it out. And the reason we have the AMT is because the code is used to promote various goals through preferential tax treatment. Because people were taking advantage of those incentives, and reducing their income taxes, the AMT was created to make sure wealthy people didn't reduce their income taxes too much. Now, it threatens the entire middle class.

Mr. Speaker, I support every effort to improve this tax system and I strongly support Mr. Reynolds' bill to extend AMT relief for millions of U.S. taxpayers for an additional year. But the AMT is just a symptom of a twisted tax code that is now so broken that it routinely results in these kinds of unintended tax consequences and undermines hardworking American workers every day.

Mr. HERGER. Mr. Speaker, because of time constraints during Floor debate, I was unable to present my full remarks in support of H.R. 4096, the Stealth Tax Relief Act of 2005. I would like to request that the following comments be published in the Congressional Record for Wednesday, December 7, so my remarks in support of H.R. 4096 are reflected in the Record in their entirety:

Mr. Speaker, without today's legislation, the number of Americans ensnared by the Alternative Minimum Tax is estimated to grow to an astounding 21 million in 2006.

The problem is so great that the Treasury Department estimates that by 2013, an AMT repeal would be more expensive than a repeal of the income tax.

In my own northern California congressional district, in one particular area, nearly 3,000 constituents face a significantly higher tax burden because of this onerous tax.

In February of 1986, a levee broke on the Yuba River causing a flood that submerged the community, resulting in millions of dollars in damages.

Now, after nearly 20 years of legal battles, a court has found the state liable and ordered it to pay damages to flood victims in the amount of $428 million.

Unfortunately, because individual claimants have to add back attorney fees as AMT taxable income, the flood victims may end up paying some form of tax on 100 percent of their award, even though this is money they never saw.

This is double taxation, and it is unfair. The attorneys have already paid income tax on the amount they earned through representation.

Mr. Speaker, it is unfair that these flood victims—who have waited so long to be justly compensated—now should be subject to the AMT.

The AMT is sorely in need of fundamental reform. It's time once and for all to do away with this middle class tax trap. I urge my colleagues to vote for the Reynolds extension before us.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in support of the Stealth Tax Relief Act, H.R. 4096, a temporary fix to a much larger, more overhanging problem, the Alternative Minimum Tax (AMT). Originally intended to ensure wealthy taxpayers paid their fair share, the AMT has become a tax on the middle-class. Without adjustments for inflation like the federal income tax, the AMT targets a growing number of people each year. Taxpayers in states with high property taxes and high local and state income taxes, in states like my home state of Connecticut, are most hard-hit by the AMT. In fact, Connecticut faces the third highest AMT tax liability in the nation.

H.R. 4096 will pass the House today and again, the House will evade its responsibility to find a real solution to the AMT attack on the middle-class for another year. The Majority seems to find plenty of time to cut social programs, increase the deficit, and afford estate, capital gains, and dividends tax cuts to the wealthiest among us, while consistently dragging their feet to fix a tax that targets 17 million working middle-class families. According to the Treasury Department, the Joint Committee on Taxation, and the Congressional Budget Office, the tax cuts of 2001 and 2003 have, in fact, tripled the size of the AMT problem.

The American public deserves better. Last month, I supported a Democratic proposal in the House Ways and Means Committee that would have totally eliminated the AMT for all families with incomes under $200,000. Unfortunately, this measure was rejected along party lines. I am also a cosponsor of H.R. 2950, the Individual Tax Simplification Act that would among other things, repeal the AMT. However, to date, the bill has received no attention by the House Ways and Means Committee. And now today, I am disappointed that the Majority brought the underlying bill to the floor under the suspension calendar, a procedure which blocked the opportunity to offer an amendment to fully repeal the AMT.

Americans need real solutions to address these problems, not band-aids and bumper sticker slogans. In the absence of a real and viable solution, I will support this temporary extension. In the meantime, I encourage my colleagues in the House to stop discounting this crisis and work together to pass real reforms to the AMT.

Mr. REYNOLDS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. Gilchrest). The question is on the motion offered by the gentleman from New York (Mr. Reynolds) that the House suspend the rules and pass the bill, H.R. 4096.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. REYNOLDS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on three motions to suspend the rules previously postponed.

Votes will be taken in the following order:

S. 467, by the yeas and nays;

H.R. 4096, by the yeas and nays;

H. Con. Res. 196, by the yeas and nays.

Proceedings on H.R. 1400 will resume on Thursday.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

TERRORISM RISK INSURANCE EXTENSION ACT OF 2005

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 467, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. Oxley) that the House suspend the rules and pass the Senate bill, S. 467, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 371, nays 49, not voting 12, as follows:

[Roll No. 612]

YEAS—371

Abercrombie
Ackerman
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Ford
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—49

Aderholt
Akin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Blackburn
Bonilla
Brady (TX)
Burgess
Carter
Chabot
Costello
Culberson
Davis, Jo Ann
DeLay
Doolittle
Duncan
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Gohmert
Granger
Gutknecht
Hensarling
Johnson, Sam
Jones (NC)
Kolbe
Mack
Miller (FL)
Myrick
Otter
Paul
Peterson (MN)
Petri
Pitts
Poe
Putnam
Rohrabacher
Royce
Ryan (WI)
Sensenbrenner
Shadegg
Tancredo
Taylor (MS)
Thornberry
Weldon (FL)
Westmoreland

NOT VOTING—12

Andrews
Boehner
Brown-Waite, Ginny
Clay
Davis (FL)
Gerlach
Murtha
Pence
Reyes
Sweeney
Watt
Wexler

☐ 1402

Ms. GRANGER, Messrs. BONILLA, THORNBERRY, WELDON of Florida, ADERHOLT, TAYLOR of Mississippi, BRADY of Texas and PUTNAM changed their vote from "yea" to "nay."

Mr. WAMP changed his vote from "nay" to "yea."

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

STEALTH TAX RELIEF ACT OF 2005

The SPEAKER pro tempore (Mr. GILCHREST). The pending business is the question of suspending the rules and passing the bill, H.R. 4096.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. REYNOLDS) that the House suspend the rules and pass the bill, H.R. 4096, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 4, not voting 14, as follows:

[Roll No. 613]

YEAS—414

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern

McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—4

Costello
Peterson (MN)
Sabo
Scott (VA)

NOT VOTING—14

Andrews
Brown-Waite, Ginny
Clay
Davis (FL)
Gerlach
Honda
Pelosi
Pence
Reyes
Scott (GA)
Sweeney
Waters
Watt
Wexler

☐ 1411

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCING THE PASSING OF FORMER REPRESENTATIVE CARROLL CAMPBELL

(Mr. SPRATT asked and was given permission to address the House for 1 minute.)

Mr. SPRATT. Mr. Speaker, it is my sad responsibility as dean of the South Carolina delegation to advise the House, and especially those who served here in the 1980s, that Carroll Campbell, who served here from 1978 to 1986, died yesterday.

He served here for a period of nearly 10 years, went on to two successful terms as Governor of South Carolina, and died at the age of 65 after a long battle with Alzheimer's.

Those who served with him remember him as a very, very able friend, a wonderful Member of this institution, and someone of whom, as South Carolinians especially, we are all proud.

I know that everyone who knew him especially will want to send their prayers and best regards to his wife Iris and their two sons.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

HONORING PILOTS OF COMMERCIAL AIR CARRIERS WHO VOLUNTEER TO PARTICIPATE IN FEDERAL FLIGHT DECK OFFICER PROGRAM

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 196.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 196, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 2, not voting 17, as follows:

[Roll No. 614]

YEAS—413

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Tancredo

Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Walden (OR)
Wamp
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—2

Stark
Wu

NOT VOTING—17

Andrews
Brown-Waite, Ginny
Capito
Clay
Cole (OK)
Davis (FL)
Gerlach
Johnson, Sam
McCarthy
Pelosi
Pence
Reyes
Sweeney
Taylor (MS)
Walsh
Watt
Wexler

□ 1423

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. McCARTHY. Mr. Speaker, I was not recorded on rollcall No. 614 on H. Con. Res. 196, honoring the pilots of United States commercial air carriers who volunteer to participate in the Federal flight deck officer program. I would like the RECORD to reflect that I would have voted "yea."

Mr. COLE of Oklahoma. Mr. Speaker, I was unavoidably absent for rollcall vote No. 614, on suspending the rules to agree to H. Con. Res. 196. Had I been present, I would have voted "yea."

BINDING ARBITRATION FOR GILA RIVER INDIAN COMMUNITY RESERVATION CONTRACTS

Mr. HAYWORTH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 327) to allow binding arbitration clauses to be included in all contracts affecting land within the Gila River Indian Community Reservation.

The Clerk read as follows:

H.R. 327

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BINDING ARBITRATION FOR GILA RIVER INDIAN COMMUNITY RESERVATION CONTRACTS.

(a) AMENDMENTS.—Subsection (f) of the first section of the Act of August 9, 1955 (25 U.S.C. 415(f)), is amended—

(1) in the first sentence—

(A) by striking "Any lease" and all that follows through "affecting land" and inserting "Any contract, including a lease, affecting land"; and

(B) by striking "such lease or contract" and inserting "such contract"; and

(2) in the second sentence, by striking "Such leases or contracts entered into pursuant to such Acts" and inserting "Such contracts".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in Public Law 107–159 (116 Stat. 122).

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to the rule, the gentleman from Arizona (Mr. HAYWORTH) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. HAYWORTH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. HAYWORTH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 327 was introduced by Representative GRIJALVA, my colleague from Arizona; and I join him as an original cosponsor.

This bill is to allow binding arbitration clauses to be included in all contracts, including leases affecting lands within the Gila River Indian Community in the State of Arizona. Without such binding arbitration clauses, many investors would not be interested in doing business with the tribe because there would be no means of enforcing contracts.

Unfortunately, an amendment to a related provision of law has made it unclear whether the tribe may put the binding arbitration clauses into all of its contracts and leases. This bill clarifies that the tribe may include binding arbitration clauses in all contracts for business developments on its reservation.

It is a simple, but much-needed, bill with bipartisan support. I am glad to see my good friend on the other side of the aisle here.

Mr. Speaker, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first let me thank my colleague from Arizona and the delegation from Arizona for their support of this bill, a very critical adjustment, as my friend from Arizona just said.

Mr. Speaker, I rise in strong support of H.R. 327, and I urge its passage today. I am very pleased we are considering this bill in the House, and I would like to thank Chairman POMBO and Ranking Member RAHALL for making this bill a priority. As I stated earlier, my appreciation goes to the entire Arizona delegation for their support. I greatly appreciate that the Resources Committee leadership recognizes the importance of encouraging the self-reliance of the Native people in their district so they can move closer to full economic development for their areas.

Mr. RAHALL. Mr. Speaker, I rise in strong support of this legislation and to congratulate our colleague from Arizona, RAÚL GRIJALVA. Mr. GRIJALVA has worked tirelessly over the last several months to bring this bill before us. Once enacted, this legislation will enhance and assist the Gila River Indian Community in Arizona with all new business ventures.

Mr. GRIJALVA's provision would authorize the Gila River Indian Community to enter into contracts with outside businesses and agree to binding arbitration if a problem arises from the contract work. This will remove a hurdle to economic development for the Gila River Community.

One serious problem which runs throughout Indian country is a hesitancy by non-Indian businesses to enter into large, long-term contracts with Indian tribes out of concern for the competency of tribal courts. The ability of the tribe to agree, at the start, to binding arbitration has been shown to ease concerns of non-Indian businesses. An additional component needed is to strengthen tribal courts, which is yet another issue Mr. GRIJALVA has been working on for Indian tribes.

I pay tribute to Congressman GRIJALVA for his tenacity in getting this bill moved through the House and urge all of our colleagues to support passage of H.R. 327.

Mr. GRIJALVA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HAYWORTH. Mr. Speaker, again I thank my colleague from Arizona; and, likewise, I have no additional requests for time, and I yield back the balance of my time and urge passage of H.R. 327.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. HAYWORTH) that the House suspend the rules and pass the bill, H.R. 327.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

TAX REVISION ACT OF 2005

Mr. McCRERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4388) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4388

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the "Tax Revision Act of 2005".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title, etc.

Sec. 2. Election to include combat pay as earned income for purposes of earned income credit.
Sec. 3. Cover over of tax on distilled spirits.
Sec. 4. Authority for undercover operations.
Sec. 5. Disclosures of certain tax return information.
Sec. 6. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.
Sec. 7. Technical corrections to regional value-content methods for rules of origin under Public Law 109-53.

SEC. 2. ELECTION TO INCLUDE COMBAT PAY AS EARNED INCOME FOR PURPOSES OF EARNED INCOME CREDIT.

(a) IN GENERAL.—Subclause (II) of section 32(c)(2)(B)(vi) is amended by striking "January 1, 2006" and inserting "January 1, 2007".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2005.

SEC. 3. COVER OVER OF TAX ON DISTILLED SPIRITS.

(a) IN GENERAL.—Paragraph (1) of section 7652(f) (relating to limitation on cover over of tax on distilled spirits) is amended by striking "January 1, 2006" and inserting "January 1, 2007".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to articles brought into the United States after December 31, 2005.

SEC. 4. AUTHORITY FOR UNDERCOVER OPERATIONS.

Paragraph (6) of section 7608(c) (relating to application of section) is amended by striking "January 1, 2006" both places is appears and inserting "January 1, 2007".

SEC. 5. DISCLOSURES OF CERTAIN TAX RETURN INFORMATION.

(a) DISCLOSURES TO FACILITATE COMBINED EMPLOYMENT TAX REPORTING.—

(1) IN GENERAL.—Subparagraph (B) of section 6103(d)(5) (relating to termination) is amended by striking "December 31, 2005" and inserting "December 31, 2006".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to disclosures after December 31, 2005.

(b) DISCLOSURES RELATING TO TERRORIST ACTIVITIES.—

(1) IN GENERAL.—Clause (iv) of section 6103(i)(3)(C) and subparagraph (E) of section 6103(i)(7) are each amended by striking "December 31, 2005" and inserting "December 31, 2006".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to disclosures after December 31, 2005.

(c) DISCLOSURES RELATING TO STUDENT LOANS.—

(1) IN GENERAL.—Subparagraph (D) of section 6103(l)(13) (relating to termination) is amended by striking "December 31, 2005" and inserting "December 31, 2006".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to requests made after December 31, 2005.

SEC. 6. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) IN GENERAL.—Subsection (d) of section 199 (relating to definitions and special rules) is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following new paragraph:

"(7) TREATMENT OF ACTIVITIES IN PUERTO RICO.—

"(A) IN GENERAL.—In the case of any taxpayer with gross receipts for any taxable year from sources within the Commonwealth of Puerto Rico, if all of such receipts are taxable under section 1 or 11 for such taxable year, then for purposes of determining the domestic production gross receipts of such taxpayer for such taxable year under subsection (c)(4), the term 'United States' shall include the Commonwealth of Puerto Rico.

"(B) TERMINATION.—Subparagraph (A) shall not apply to any taxable year beginning after December 31, 2006.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2005.

SEC. 7. TECHNICAL CORRECTIONS TO REGIONAL VALUE-CONTENT METHODS FOR RULES OF ORIGIN UNDER PUBLIC LAW 109–53.

Section 203(c) of the Dominican Republic-Central America–United States Free Trade Agreement Implementation Act (Public Law 109–53; 19 U.S.C. 4033(c)) is amended as follows:

(1) In paragraph (2)(A), by striking all that follows "the following build-down method:" and inserting the following:

$$``\mathrm{RVC} = \frac{\mathrm{AV}-\mathrm{VNM}}{\mathrm{AV}}\ 100''.$$

(2) In paragraph (3)(A), by striking all that follows "the following build-up method:" and inserting the following:

$$``\mathrm{RVC} = \frac{\mathrm{VOM}}{\mathrm{AV}}\ 100''.$$

(3) In paragraph (4)(A), by striking all that follows "the following net cost method:" and inserting the following:

$$``\mathrm{RVC} = \frac{\mathrm{NC}-\mathrm{VNM}}{\mathrm{NC}}\ 100''.$$

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. MCCRERY) and the gentleman from New York (Mr. RANGEL) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. MCCRERY. Mr. Speaker, I yield myself such time as I may consume.

The bill before us at this time is a bill that takes several expiring provisions of the Tax Code that were not eligible for inclusion in the tax reconciliation bill because of the rules of reconciliation and packages them in this legislation that we hope to pass out of the House today.

Briefly, Mr. Speaker, those provisions include treating combat pay as earned income under the Earned Income Credit. Currently, combat pay can be used to figure the earned income credit of our soldiers in combat. The special rule that allows that would expire this year. This provision in the bill would extend that special rule by 1 year.

Also, an extension of the transfer of the rum excise taxes to the Virgin Islands and Puerto Rico is included in this bill.

Also, Mr. Speaker, there is a provision in current law that expires at the end of this year which gives the IRS the authority to use income generated by an undercover operation to pay ongoing expenses on that operation.

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Again, that authority would be extended by 1 year in this bill. Also there is authority in the bill for the IRS to disclose certain tax information to other Federal and State authorities.

Finally, Mr. Speaker, a provision in this bill would allow Puerto Rico and businesses in Puerto Rico to claim the manufacturing deduction that was part of legislation previously passed by this House. That summarizes the provisions of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I fully support this bill. I hope that the gentleman from Louisiana would understand how those of us on the committee would have a lot of concern about so many of these tax issues coming up under the suspension calendar. This is so since the ones that we agree on and are concerned about are subject to unanimous consent in the Senate. Therefore, it does not have the same type of protections it would if it was included in the reconciliation bill. I say that not from a partisan viewpoint, but from a respect and appreciation of the work that is done by Republicans and Democrats on the Committee on Ways and Means.

Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. SPRATT), the ranking member of the Budget Committee.

Mr. SPRATT. Mr. Speaker, we have three tax cut bills before us today, a large one coming up tomorrow, and here is the problem with doing business that way, especially under suspension.

When you break these tax cuts into so many small places, virtually fragments, we quickly lose the audit trail and do not appreciate in the aggregate how much they add up to. So let me try to reconstruct that audit trail on the back of this envelope right here and show you exactly what the summation of today and tomorrow will mean for the bottom line, i.e. the deficit.

If we take the transportation bill which we passed this year, is $1.1 billion over 10 years, about a billion dollars over 5 years.

The Energy Policy Act is about $6.9 billion in revenues lost over 5 years.

The Katrina Tax Relief of 2005 has a $6.1 billion price tag. That is its revenue impact.

The big bill tomorrow will be the Tax Extension Reconciliation Act, $56 billion in the House, $80 billion over 10 years.

We have just done the Stealth Tax Relief Act extending for 1 year the AMT at its existing level of application. The cost of that for 1 year over 5 years is $31 billion.

Then we have the Tax Revision Act of 2005 with small cuts in it which have not been scored, but it has a cost.

Finally, we have the Gulf Opportunity Zone Act of 2005. The revenue effect of it over 5 years is $7 billion.

Add all of those together, and the cost, the revenue impact, comes to nearly $100 billion which, goes straight to the bottom line and adds to the deficit.

And the reconciliation spending bill that you passed only offsets half of that amount.

That is not all. As we demonstrate today, the AMT will have to be fixed. It will be fixed this year, patched, patched next year, and patched into the future until we finally do something about its application to middle income families for whom it was never intended. If we do basically in future years what we have done today, the cost is going to be at least $30–40 billion a year.

If you assume in the next 4 years after 2006, we will also have fixes to the AMT, the cost of these tax bills we are doing today, and it is going to be close to $200 billion. All of it goes to the bottom line and adds to the budget deficit, and all of it supports what we have been saying that until you deal with this aspect of the budget deficit, the revenue side of the equation as well as the spending side, until you reinstate the pay-go rule and offset these costly provisions in the aggregate, you are going to have a huge deficit.

We would have offered, given the chance, on offset. And we will offer offsets tomorrow, given the chance, in the bill presented. We will offer a substitute that will offset the revenue impact on the bottom line. If we had that opportunity on the House floor and in committee, we would have done it again and we could have avoided the revenue impact and at least protected the deficit from being made any worse. It is a shame we will not have that opportunity.

Mr. McCRERY. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. SHAW), the chairman of the Trade Subcommittee of the Committee on Ways and Means.

Mr. SHAW. Mr. Speaker, I rise in strong support of this particular provision. As House Members know, moneys received that are paid during combat is not subject to taxation. That means then it is not used in the calculation of the earned income tax credit. Clearly our soldiers, our men and women in the combat zone, deserve that particular treatment so they can claim the earned income tax credit.

This simply allows it and it extends that provision for an additional year. This is another provision we should look at and see when we should look at a permanent fix, that the earned income tax credit would certainly apply to combat pay.

The question has been as to whether or not this should have been in reconciliation. Well, it is an outlay; and, therefore, it would be prohibited as far as the reconciliation bill. The so-called Byrd rule when this bill gets over into the Senate, would knock it out of reconciliation, so this is the proper way to bring it to the floor. I urge all Members to support the bill, as I am sure they will.

Mr. McCRERY. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. HAYWORTH), a respected member of the Committee on Ways and Means.

Mr. HAYWORTH. Mr. Speaker, I rise in strong support of this legislation and welcome the bipartisan support we will see for its passage. I especially applaud the efforts of the gentlewoman from North Carolina (Ms. FOXX) for dealing with the key provision of treating combat pay as earned income under the earned income credit. It has been stated before on the floor but it deserves amplification again, especially in the wake of this House voting 403–3 in strong support of our men and women in uniform in the combat zone in Iraq.

Under current law, combat pay is ignored for the purpose of calculating the combat credit. Ignoring combat pay can reduce the EIC in some cases, but a special rule gives military personnel the option to include combat pay in their earned income calculation. This would extend the special rule by 1 year.

The criticism to the extent we have heard today is not based totally on partisan posturing. No, the criticism is inherent at times in dealing in an institution that is a deliberative body. Sometimes the clock catches up with us. We would note not in terms of criticism but in terms of fact that our friends across the Capitol in the other body do not return this week, indeed do not return until Wednesday of next week, so the work tends to accumulate. But we do have this venue of suspension to move legislation upon which we agree.

To the criticisms offered by my friend from South Carolina dealing with what this costs, I would simply point out that in the broader context of tax reductions, what we have seen by reducing the overall tax bite, what we see in so many ways with broader tax policy is that actually revenues to the Federal Government increase. It is not something that is especially partisan. President Kennedy offered it in the 1960s; President Reagan in the 1980s; President Bush and this majority in Congress now early in the 21st century, so actually to invigorate our economy, we reduce tax rates, and although some may quibble about some provisions, in general, a reduction in tax rates actually fuels the engines of economic prosperity. That is our intent.

People of goodwill may differ on that, but I expect we will see broad bipartisan agreement with this modest package of what is called in the trade extenders, and especially dealing with combat pay.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

I would like to say to my friend from Arizona that while we do not have any problem with the substance of the bill, it is just unfair to talk about the timetable of the other body. We have a responsibility to deliberate and to legislate and to do what we think are in the best interests of the people of the United States of America. We should not be guided by the lack of time the people on the other side have.

As a matter of fact, by sending this piece of legislation over there, albeit that it is not paid for, they only need unanimous consent. Any Member of the Senate can stand up and just object to this and then the good work is just wiped out. What I am suggesting is that when we do try to work in a bipartisan way, this should always be included in a House bill that is protected by the House Members and not left to arbitrary decisions by people on the other side.

Mr. Speaker, in closing, the gentleman from Louisiana (Mr. McCRERY) is a hardworking member of the Committee on Ways and Means, and while we may have differences on legislation and policy, that we all have to protect the integrity of that committee. That is the only committee outlined in the Constitution to provide the ways and means to run this great republic, and I just do not like to see the Rules Committee making decisions on what has fiscal implications not only for the Congress and the Members here, but for the entire country. I do not have any objections to this, and I encourage Members on both sides of the aisle to support this suspension.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in support of H.R. 4388, legislation which amends the Internal Revenue code of 1986 to extend certain expiring provisions.

I want to express my profound gratitude to the chairman of the Ways and Means Committee, BILL THOMAS, for including in the bill a provision to extend the cover-over of the additional $1.50 of the taxes on distilled spirits produced in the Virgin Islands and Puerto Rico for another year. While the amount of the revenue generated by this tax is minuscule in relation to the overall Federal budget, it is critically important to my constituents because the government of the Virgin Islands utilizes this funding as security for the bonds that are used to provide for improvements to our public infrastructure.

I am eternally grateful, as well, to my good friend, the ranking member of the committee, CHARLIE RANGEL, for his steadfast support.

Mr. Speaker, my constituents and I look forward to the day, which we hope will not be too long in coming, when we will be able to see the return of the full tax and that it be made permanent, as was originally the case, so that we won't have to annually vie for its extension.

I urge my colleagues to support the passage of H.R. 4388 and I yield back the balance of my time.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in support of H.R. 4388, the Tax

Revision Act. Among other things, H.R. 4388 includes an extension of a critical tax provision that our troops and their families rely on to make ends meet when deployed in Iraq and Afghanistan.

The Working Families Tax Relief Act (PL–108–311), which we passed last year, included language which ensured that military families are not unfairly prevented from receiving the Earned Income Tax Credit (EITC) because the combat pay they rely on to make ends meet is tax free.

Ordinarily only those with taxable earned income are eligible for the EITC. However the only source of income for many military families is the tax free combat pay of a spouse deployed in Iraq or Afghanistan. As a result, before we passed last year's legislation, many low-income military families were unable to claim the EITC based on the tax free status of their family members' combat pay.

The last thing our troops in Iraq and Afghanistan need to worry about is their families' taxes. The extension of the EITC combat pay provision will ensure that the families of our brave men and women in uniform are not unfairly and inadvertently punished when their loved ones are deployed abroad.

The tax treatment of combat pay for EITC purposes is not controversial. However, it was not included in the larger reconciliation bill on apparently technical grounds that the refund portion of the EITC is a budget outlay and therefore cannot be included in the bill. The substitute that Democrats offered in Committee contained a provision, rejected by majority, that was designed to continue full EITC benefits to our military families and which did not run afoul of the budget rules.

I worry that this bill is for show and merely meant to help make some on the other side of the aisle feel better about the tax cut bill they will support tomorrow which helps the wealthy and ignores working and military families. I hope that my concerns are unfounded and that this important legislation is made into law.

Mr. WELLER. Mr. Speaker, today I rise in strong support of H.R. 4388—Tax Revision Act of 2005.

This bill has many important components that assist the America in being competitive in a global economy, but I specifically want to talk about the provisions in this legislation that concern the Commonwealth of Puerto Rico and all the hard work that one of our colleagues, LUIS FORTUÑO has done on this bill

H.R. 4388 extends the benefits of the manufacturing deduction enacted with the American Jobs Creation Act of 2004 to manufacturing operations conducted in Puerto Rico.

This is an issue of the utmost importance to the U.S. citizens of Puerto Rico, and being such, was a top legislative priority for Mr. FORTUÑO.

Under current law, U.S. corporations that operate in Puerto Rico are subject to full U.S. tax on the income from those operations in the same manner as income from operations in the mainland.

Thus, a U.S. corporation's income from manufacturing activities in Puerto Rico is subject to immediate tax in the United States, as well as being subject to tax in Puerto Rico. This difference in tax treatment under current law means that the tax burden of operating in Puerto Rico is significantly higher than in the United States.

This means, Mr. Speaker, that you pay a higher tax of 35 percent on income on a product manufactured in Puerto Rico versus a lower tax of 32 percent on that same product manufactured in the States.

The higher tax burden creates a clear disincentive for U.S. companies to manufacture in Puerto Rico. It distorts manufacturing location choices, putting Puerto Rico at a disadvantage relative to the mainland in terms of attracting and retaining investment.

This bill eliminates the disadvantage for manufacturing in Puerto Rico created under current law. It provides U.S. companies with comparable tax treatment for their manufacturing activities in Puerto Rico and their manufacturing activities conducted in the States.

Last year, we enacted the American Jobs Creation Act to enhance the ability of U.S. companies to compete in the global marketplace.

At the time, we stated that "a reduced tax burden on domestic manufacturers will improve the cash flow of domestic manufacturers and make investments in domestic manufacturing facilities more attractive. Such investment will assist in the creation and preservation of U.S. manufacturing jobs."

I agree with this wholeheartedly. Extending equal treatment to manufacturing conducted in Puerto Rico will further enhance the ability of U.S. companies to compete in the global marketplace. It will assist in the creation and preservation of the local manufacturing jobs that are so vitally important to the Puerto Rican economy.

This bill does not provide special benefit to Puerto Rico or to companies operating in Puerto Rico. It simply levels the playing field by treating manufacturing in Puerto Rico the same as manufacturing in the mainland, leaving companies free to choose where to locate based on business considerations.

Mr. Speaker, once again, let me thank Mr. FORTUÑO for his hard work on this issue. I urge my colleagues to support this bill.

Mr. RANGEL. Mr. Speaker, I yield back the balance of my time.

Mr. McCRERY. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Louisiana (Mr. McCRERY) that the House suspend the rules and pass the bill, H.R. 4388, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. McCRERY. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. McCRERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

GULF OPPORTUNITY ZONE ACT OF 2005

Mr. McCRERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4440) to amend the Internal Revenue Code of 1986 to provide tax benefits for the Gulf Opportunity Zone and certain areas affected by Hurricanes Rita and Wilma, and for other purposes.

The Clerk read as follows:

H.R. 4440

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the "Gulf Opportunity Zone Act of 2005".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; etc.

TITLE I—ESTABLISHMENT OF GULF OPPORTUNITY ZONE

Sec. 101. Tax benefits for Gulf Opportunity Zone.

Sec. 102. Federal guarantee of certain State bonds.

TITLE II—TAX BENEFITS RELATED TO HURRICANES RITA AND WILMA

Sec. 201. Extension of certain emergency tax relief for Hurricane Katrina to Hurricanes Rita and Wilma.

TITLE III—OTHER PROVISIONS

Sec. 301. Secretarial authority to extend period during which traveling expenses are treated as incurred away from home in case of major disaster.

Sec. 302. Gulf Coast Recovery Bonds.

TITLE I—ESTABLISHMENT OF GULF OPPORTUNITY ZONE

SEC. 101. TAX BENEFITS FOR GULF OPPORTUNITY ZONE.

(a) IN GENERAL.—Subchapter Y of chapter 1 is amended by adding at the end the following new part:

"PART II—TAX BENEFITS FOR GULF OPPORTUNITY ZONE

"Sec. 1400M. Definitions.

"Sec. 1400N. Tax benefits for Gulf Opportunity Zone.

"SEC. 1400M. DEFINITIONS.

"For purposes of this part—

"(1) GULF OPPORTUNITY ZONE.—The terms 'Gulf Opportunity Zone' and 'GO Zone' mean that portion of the Hurricane Katrina disaster area determined by the President to warrant individual or individual and public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina.

“(2) HURRICANE KATRINA DISASTER AREA.—The term ‘Hurricane Katrina disaster area’ means an area with respect to which a major disaster has been declared by the President before September 14, 2005, under section 401 of such Act by reason of Hurricane Katrina.

“(3) RITA GO ZONE.—The term ‘Rita GO Zone’ means that portion of the Hurricane Rita disaster area determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act by reason of Hurricane Rita.

“(4) HURRICANE RITA DISASTER AREA.—The term ‘Hurricane Rita disaster area’ means an area with respect to which a major disaster has been declared by the President, before October 6, 2005, under section 401 of such Act by reason of Hurricane Rita.

“(5) WILMA GO ZONE.—The term ‘Wilma GO Zone’ means that portion of the Hurricane Wilma disaster area determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act by reason of Hurricane Wilma.

“(6) HURRICANE WILMA DISASTER AREA.—The term ‘Hurricane Wilma disaster area’ means an area with respect to which a major disaster has been declared by the President, before November 14, 2005, under section 401 of such Act by reason of Hurricane Wilma.

“SEC. 1400N. TAX BENEFITS FOR GULF OPPORTUNITY ZONE.

“(a) TAX-EXEMPT BOND FINANCING.—

“(1) IN GENERAL.—For purposes of this title—

“(A) any qualified Gulf Opportunity Zone Bond described in paragraph (2)(A)(i) shall be treated as an exempt facility bond, and

“(B) any qualified Gulf Opportunity Zone Bond described in paragraph (2)(A)(ii) shall be treated as a qualified mortgage bond.

“(2) QUALIFIED GULF OPPORTUNITY ZONE BOND.—For purposes of this subsection, the term ‘qualified Gulf Opportunity Zone Bond’ means any bond issued as part of an issue if—

“(A)(i) 95 percent or more of the net proceeds (as defined in section 150(a)(3)) of such issue are to be used for qualified project costs, or

“(ii) such issue meets the requirements of a qualified mortgage issue, except as otherwise provided in this subsection,

“(B) such bond is issued by the State of Alabama, Louisiana, or Mississippi, or any political subdivision thereof,

“(C) such bond is designated for purposes of this section by—

“(i) in the case of a bond which is required under State law to be approved by the bond commission of such State, such bond commission, and

“(ii) in the case of any other bond, the Governor of such State, and

“(D) such bond is issued after the date of the enactment of this section and before January 1, 2011.

“(3) LIMITATIONS ON BONDS.—

“(A) AGGREGATE AMOUNT DESIGNATED.—The maximum aggregate face amount of bonds which may be designated under this subsection with respect to any State shall not exceed the product of $2,500 multiplied by the portion of the State population which is in the Gulf Opportunity Zone (as determined on the basis of the most recent census estimate of resident population released by the Bureau of Census before August 28, 2005).

“(B) MOVABLE PROPERTY.—No bonds shall be issued which are to be used for movable fixtures and equipment.

“(4) QUALIFIED PROJECT COSTS.—For purposes of this subsection, the term ‘qualified project costs’ means the cost of acquisition, construction, reconstruction, and renovation of—

“(A) nonresidential real property and qualified residential rental property (as defined in section 142(d)) located in the Gulf Opportunity Zone, and

“(B) public utility property (as defined in section 168(i)(10)) located in the Gulf Opportunity Zone.

“(5) SPECIAL RULES.—In applying this title to any qualified Gulf Opportunity Zone Bond, the following modifications shall apply:

“(A) Section 142(d)(1) (defining qualified residential rental project) shall be applied—

“(i) by substituting ‘60 percent’ for ‘50 percent’ in subparagraph (A) thereof, and

“(ii) by substituting ‘70 percent’ for ‘60 percent’ in subparagraph (B) thereof.

“(B) Section 143 (relating to mortgage revenue bonds: qualified mortgage bond and qualified veterans’ mortgage bond) shall be applied—

“(i) by treating only residences in the Gulf Opportunity Zone as owner-occupied residences,

“(ii) by treating any residence in the Gulf Opportunity Zone as a targeted area residence, and

“(iii) by substituting ‘$150,000’ for ‘$15,000’ in subsection (k)(4) thereof.

“(C) Except as provided in section 143, repayments of principal on financing provided by the issue of which such bond is a part may not be used to provide financing.

“(D) Section 146 (relating to volume cap) shall not apply.

“(E) Section 147(d)(2) (relating to acquisition of existing property not permitted) shall be applied by substituting ‘50 percent’ for ‘15 percent’ each place it appears.

“(F) Section 148(f)(4)(C) (relating to exception from rebate for certain proceeds to be used to finance construction expenditures) shall apply to the available construction proceeds of bonds which are part of an issue described in paragraph (2)(A)(i).

“(G) Section 57(a)(5) (relating to tax-exempt interest) shall not apply.

“(6) SEPARATE ISSUE TREATMENT OF PORTIONS OF AN ISSUE.—This subsection shall not apply to the portion of an issue which (if issued as a separate issue) would be treated as a qualified bond or as a bond that is not a private activity bond (determined without regard to paragraph (1)), if the issuer elects to so treat such portion.

“(b) ADVANCE REFUNDINGS OF CERTAIN TAX-EXEMPT BONDS.—

“(1) IN GENERAL.—With respect to a bond described in paragraph (3) which is not a qualified 501(c)(3) bond, one additional advance refunding after the date of the enactment of this section and before January 1, 2011, shall be allowed under the applicable rules of section 149(d) if—

“(A) the Governor of the State designates the advance refunding bond for purposes of this subsection, and

“(B) the requirements of paragraph (5) are met.

“(2) CERTAIN PRIVATE ACTIVITY BONDS.—With respect to a bond described in paragraph (3) which is an exempt facility bond described in paragraph (1) or (2) of section 142(a), one advance refunding after the date of the enactment of this section and before January 1, 2011, shall be allowed under the applicable rules of section 149(d) (notwithstanding paragraph (2) thereof) if the requirements of subparagraphs (A) and (B) of paragraph (1) are met.

“(3) BONDS DESCRIBED.—A bond is described in this paragraph if such bond was outstanding on August 28, 2005, and is issued by the State of Alabama, Louisiana, or Mississippi, or a political subdivision thereof.

“(4) AGGREGATE LIMIT.—The maximum aggregate face amount of bonds which may be designated under this subsection by the Governor of a State shall not exceed—

“(A) $4,500,000,000 in the case of the State of Louisiana,

“(B) $2,250,000,000 in the case of the State of Mississippi, and

“(C) $1,125,000,000 in the case of the State of Alabama.

“(5) ADDITIONAL REQUIREMENTS.—The requirements of this paragraph are met with respect to any advance refunding of a bond described in paragraph (3) if—

“(A) no advance refundings of such bond would be allowed under this title on or after August 28, 2005,

“(B) the advance refunding bond is the only other outstanding bond with respect to the refunded bond, and

“(C) the requirements of section 148 are met with respect to all bonds issued under this subsection.

“(c) LOW-INCOME HOUSING CREDIT.—

“(1) ADDITIONAL HOUSING CREDIT DOLLAR AMOUNT.—

“(A) IN GENERAL.—For purposes of section 42, in the case of calendar years 2006, 2007, and 2008, the State housing credit ceiling of each State, any portion of which is located in the Gulf Opportunity Zone, shall be increased by the lesser of—

“(i) the aggregate housing credit dollar amount allocated by the State housing credit agency of such State to buildings located in the Gulf Opportunity Zone for such calendar year, or

“(ii) the Gulf Opportunity housing amount for such State for such calendar year.

“(B) GULF OPPORTUNITY HOUSING AMOUNT.—For purposes of subparagraph (A), the term ‘Gulf Opportunity housing amount’ means, for any calendar year, the amount equal to the product of $18.00 multiplied by the portion of the State population which is in the Gulf Opportunity Zone (as determined on the basis of the most recent census estimate of resident population released by the Bureau of Census before August 28, 2005).

“(C) ALLOCATIONS TREATED AS MADE FIRST FROM ADDITIONAL ALLOCATION AMOUNT FOR PURPOSES OF DETERMINING CARRYOVER.—For purposes of determining the unused State housing credit ceiling under section 42(h)(3)(C) for any calendar year, any increase in the State housing credit ceiling under subparagraph (A) shall be treated as an amount described in clause (ii) of such section.

“(2) DIFFICULT DEVELOPMENT AREA.—

“(A) IN GENERAL.—For purposes of section 42, in the case of property placed in service during 2006, 2007, or 2008, the Gulf Opportunity Zone—

“(i) shall be treated as a difficult development area designated under subclause (I) of section 42(d)(5)(C)(iii), and

“(ii) shall not be taken into account for purposes of applying the limitation under subclause (II) of such section.

“(B) APPLICATION.—Subparagraph (A) shall apply only to—

“(i) housing credit dollar amounts allocated during the period beginning on January 1, 2006, and ending on December 31, 2008, and

“(ii) buildings placed in service during such period to the extent that paragraph (1) of section 42(h) does not apply to any building by reason of paragraph (4) thereof, but only with respect to bonds issued after December 31, 2005.

"(3) Special rule for applying income tests.—In the case of property placed in service—

"(A) during 2006, 2007, or 2008,

"(B) in the Gulf Opportunity Zone, and

"(C) in a nonmetropolitan area (as defined in section 42(d)(5)(C)(iv)(IV)),

section 42 shall be applied by substituting 'national nonmetropolitan median gross income (determined under rules similar to the rules of section 142(d)(2)(B))' for 'area median gross income' in subparagraphs (A) and (B) of section 42(g)(1).

"(4) Definitions.—Any term used in this subsection which is also used in section 42 shall have the same meaning as when used in such section.

"(d) Special Allowance for Certain Property Acquired on or After August 28, 2005.—

"(1) Additional allowance.—In the case of any qualified Gulf Opportunity Zone property—

"(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 50 percent of the adjusted basis of such property, and

"(B) the adjusted basis of the qualified Gulf Opportunity Zone property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

"(2) Qualified gulf opportunity zone property.— For purposes of this subsection—

"(A) In general.—The term 'qualified Gulf Opportunity Zone property' means property—

"(i)(I) which is described in section 168(k)(2)(A)(i), or

"(II) which is nonresidential real property or residential rental property,

"(ii) substantially all of the use of which is in the Gulf Opportunity Zone and is in the active conduct of a trade or business by the taxpayer in such Zone,

"(iii) the original use of which in the Gulf Opportunity Zone commences with the taxpayer on or after August 28, 2005,

"(iv) which is acquired by the taxpayer by purchase (as defined in section 179(d)) on or after August 28, 2005, but only if no written binding contract for the acquisition was in effect before August 28, 2005, and

"(v) which is placed in service by the taxpayer on or before December 31, 2007 (December 31, 2008, in the case of nonresidential real property and residential rental property).

"(B) Exceptions.—

"(i) Alternative depreciation property.—Such term shall not include any property described in section 168(k)(2)(D)(i).

"(ii) Tax-exempt bond-financed property.—Such term shall not include any property any portion of which is financed with the proceeds of any obligation the interest on which is exempt from tax under section 103.

"(iii) Qualified revitalization buildings.—Such term shall not include any qualified revitalization building with respect to which the taxpayer has elected the application of paragraph (1) or (2) of section 1400I(a).

"(iv) Election out.—If a taxpayer makes an election under this clause with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

"(3) Special rules.—For purposes of this subsection, rules similar to the rules of subparagraph (E) of section 168(k)(2) shall apply, except that such subparagraph shall be applied—

"(A) by substituting 'August 27, 2005' for 'September 10, 2001' each place it appears therein,

"(B) by substituting 'January 1, 2008' for 'January 1, 2005' in clause (i) thereof, and

"(C) by substituting 'qualified Gulf Opportunity Zone property' for 'qualified property' in clause (iv) thereof.

"(4) Allowance against alternative minimum tax.—For purposes of this subsection, rules similar to the rules of section 168(k)(2)(G) shall apply.

"(5) Recapture.—For purposes of this subsection, rules similar to the rules under section 179(d)(10) shall apply with respect to any qualified Gulf Opportunity Zone property which ceases to be qualified Gulf Opportunity Zone property.

"(e) Increase in Expensing Under Section 179.—

"(1) In general.—For purposes of section 179—

"(A) the dollar amount in effect under section 179(b)(1) for the taxable year shall be increased by the lesser of—

"(i) $100,000, or

"(ii) the cost of qualified section 179 Gulf Opportunity Zone property placed in service during the taxable year, and

"(B) the the dollar amount in effect under section 179(b)(2) for the taxable year shall be increased by the lesser of—

"(i) $600,000, or

"(ii) the cost of qualified section 179 Gulf Opportunity Zone property placed in service during the taxable year.

"(2) Qualified section 179 gulf opportunity zone property.—For purposes of this subsection, the term 'qualified section 179 Gulf Opportunity Zone property' means section 179 property (as defined in section 179(d)) which is qualified Gulf Opportunity Zone property (as defined in subsection (d)(2)).

"(3) Coordination with empowerment zones and renewal communities.—For purposes of sections 1397A and 1400J, qualified section 179 Gulf Opportunity Zone property shall not be treated as qualified zone property or qualified renewal property, unless the taxpayer elects not to take such qualified section 179 Gulf Opportunity Zone property into account for purposes of this subsection.

"(4) Recapture.—For purposes of this subsection, rules similar to the rules under section 179(d)(10) shall apply with respect to any qualified section 179 Gulf Opportunity Zone property which ceases to be qualified section 179 Gulf Opportunity Zone property.

"(f) Expensing for Certain Demolition and Clean-Up Costs.—

"(1) In general.—A taxpayer may elect to treat 50 percent of any qualified Gulf Opportunity Zone clean-up cost as an expense which is not chargeable to capital account. Any cost so treated shall be allowed as a deduction for the taxable year in which such cost is paid or incurred.

"(2) Qualified gulf opportunity zone clean-up cost.—For purposes of this subsection, the term 'qualified Gulf Opportunity Zone clean-up cost' means any amount paid or incurred during the period beginning on August 28, 2005, and ending on December 31, 2007, for the removal of debris from, or the demolition of structures on, real property which is located in the Gulf Opportunity Zone and which is—

"(A) held by the taxpayer for use in a trade or business or for the production of income, or

"(B) property described in section 1221(a)(1) in the hands of the taxpayer.

For purposes of the preceding sentence, amounts paid or incurred shall be taken into account only to the extent that such amount would (but for paragraph (1)) be chargeable to capital account.

"(g) Extension of Expensing for Environmental Remediation Costs.—With respect to any qualified environmental remediation expenditure (as defined in section 198(b)) paid or incurred on or after August 28, 2005, in connection with a qualified contaminated site located in the Gulf Opportunity Zone, section 198 (relating to expensing of environmental remediation costs) shall be applied—

"(1) in the case of expenditures paid or incurred on or after August 28, 2005, and before January 1, 2008, by substituting 'December 31, 2007' for the date contained in section 198(h), and

"(2) except as provided in section 198(d)(2), by treating petroleum products (as defined in section 4612(a)(3)) as a hazardous substance.

"(h) Increase in Rehabilitation Credit.—In the case of qualified rehabilitation expenditures (as defined in section 47(c)) paid or incurred during the period beginning on August 28, 2005, and ending on December 31, 2008, with respect to any qualified rehabilitated building or certified historic structure (as defined in section 47(c)) located in the Gulf Opportunity Zone, subsection (a) of section 47 (relating to rehabilitation credit) shall be applied—

"(1) by substituting '13 percent' for '10 percent' in paragraph (1) thereof, and

"(2) by substituting '26 percent' for '20 percent' in paragraph (2) thereof.

"(i) Special Rules for Small Timber Producers.—

"(1) Increased expensing for qualified timber property.—In the case of qualified timber property any portion of which is located in the Gulf Opportunity Zone or in that portion of the Rita GO Zone which is not part of the Gulf Opportunity Zone, the limitation under subparagraph (B) of section 194(b)(1) shall be increased by the lesser of—

"(A) the limitation which would (but for this subsection) apply under such subparagraph, or

"(B) the amount of reforestation expenditures (as defined in section 194(c)(3)) paid or incurred by the taxpayer with respect to such qualified timber property during the specified portion of the taxable year.

"(2) 5 year NOL carryback of certain timber losses.—For purposes of determining farming loss under section 172(i), income and deductions which are allocable to the specified portion of the taxable year and which are attributable to qualified timber property any portion of which is located in the Gulf Opportunity Zone or in that portion of the Rita GO Zone which is not part of the Gulf Opportunity Zone shall be treated as attributable to farming businesses.

"(3) Rules not applicable to large timber producers.—

"(A) Expensing.—Paragraph (1) shall not apply to any taxpayer if such taxpayer holds more than 500 acres of qualified timber property at any time during the taxable year.

"(B) NOL carryback.—Paragraph (2) shall not apply with respect to any qualified timber property unless—

"(i) such property was held by the taxpayer—

"(I) on August 28, 2005, in the case of qualified timber property any portion of which is located in the Gulf Opportunity Zone, or

‘‘(II) on September 23, 2005, in the case of qualified timber property (other than property described in subclause (I)) any portion of which is located in that portion of the Rita GO Zone which is not part of the Gulf Opportunity Zone, and

‘‘(ii) such taxpayer held not more than 500 acres of qualified timber property on such date.

‘‘(C) AGGREGATION RULE.—For purposes of subparagraphs (A) and (B), related persons shall be treated as one taxpayer. For purposes of the preceding sentence, the following shall be treated as related persons—

‘‘(i) 2 or more persons if the relationship between such persons would result in a disallowance of losses under section 267 or 707(b), and

‘‘(ii) 2 or more persons which are members of the same controlled group (within the meaning of section 194(b)(2)(A)) of corporations.

For purposes of clause (i), section 267 shall be applied without regard to subsection (b)(1) thereof.

‘‘(4) DEFINITIONS.—For purposes of this subsection—

‘‘(A) SPECIFIED PORTION.—The term ‘specified portion’ means—

‘‘(i) in the case of qualified timber property any portion of which is located in the Gulf Opportunity Zone, that portion of the taxable year which is on or after August 28, 2005, and before January 1, 2007, and

‘‘(ii) in the case of qualified timber property (other than property described in clause (i)) any portion of which is located in the Rita GO Zone, that portion of the taxable year which is on or after September 23, 2005, and before January 1, 2007.

‘‘(B) QUALIFIED TIMBER PROPERTY.—The term ‘qualified timber property’ has the meaning given such term in section 194(c)(1).

‘‘(j) SPECIAL RULE FOR GULF OPPORTUNITY ZONE PUBLIC UTILITY CASUALTY LOSSES.—

‘‘(1) IN GENERAL.—The amount described in section 172(f)(1)(A) for any taxable year shall be increased by the Gulf Opportunity Zone public utility casualty loss for such taxable year.

‘‘(2) GULF OPPORTUNITY ZONE PUBLIC UTILITY CASUALTY LOSS.—For purposes of this subsection, the term ‘Gulf Opportunity Zone public utility casualty loss’ means any casualty loss of public utility property (as defined in section 168(i)(10)) located in the Gulf Opportunity Zone if—

‘‘(A) such loss is allowed as a deduction under section 165 for the taxable year,

‘‘(B) such loss is by reason of Hurricane Katrina, and

‘‘(C) the taxpayer elects the application of this subsection with respect to such loss.

‘‘(3) REDUCTION FOR GAINS FROM INVOLUNTARY CONVERSION.—The amount of Gulf Opportunity Zone public utility casualty loss which would (but for this paragraph) be taken into account under paragraph (1) for any taxable year shall be reduced by the amount of any gain recognized by the taxpayer for such year from the involuntary conversion by reason of Hurricane Katrina of public utility property (as so defined) located in the Gulf Opportunity Zone.

‘‘(4) COORDINATION WITH GENERAL DISASTER LOSS RULES.—Section 165(i) shall not apply to any Gulf Opportunity Zone public utility casualty loss to the extent such loss is taken into account under paragraph (1).

‘‘(5) ELECTION.—Any election under paragraph (2)(C) shall be made in such manner as may be prescribed by the Secretary and shall be made by the due date (including extensions of time) for filing the taxpayer's return for the taxable year of the loss. Such election, once made for any taxable year, shall be irrevocable for such taxable year.

‘‘(k) SPECIAL NOL CARRYBACK OF COST RECOVERY DEDUCTIONS FOR QUALIFIED GO ZONE PROPERTY.—

‘‘(1) IN GENERAL.—For purposes of section 172, the GO Zone cost recovery loss for any taxable year ending on or after August 28, 2005, and before January 1, 2009, shall be a net operating loss carryback to each of the 5 taxable years preceding the taxable year of the loss.

‘‘(2) GO ZONE COST RECOVERY LOSS.—For purposes of this subsection, the term ‘GO Zone cost recovery loss’ means, with respect to any taxable year, the lesser of—

‘‘(A) the aggregate amount of the deductions allowed under sections 167 and 168 with respect to qualified Gulf Opportunity Zone property (as defined in subsection (d)(2), but without regard to subparagraph (B)(iv) thereof) which is placed in service during such taxable year, or

‘‘(B) the excess of—

‘‘(i) the net operating loss for such taxable year, over

‘‘(ii) the specified liability loss for such taxable year to which a 10-year carryback applies under section 172(b)(1)(C).

‘‘(3) COORDINATION WITH ORDERING RULE.—For purposes of applying section 172(b)(2), a GO Zone cost recovery loss to which paragraph (1) applies shall be treated in a manner similar to the manner in which a specified liability loss is treated.

‘‘(4) ELECTION OUT.—A rule similar to the rule of section 172(j) shall apply for purposes of this subsection.

‘‘(l) CREDIT TO HOLDERS OF GULF TAX CREDIT BONDS.—

‘‘(1) ALLOWANCE OF CREDIT.—If a taxpayer holds a Gulf tax credit bond on one or more credit allowance dates of the bond occurring during any taxable year, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credits determined under paragraph (2) with respect to such dates.

‘‘(2) AMOUNT OF CREDIT.—

‘‘(A) IN GENERAL.—The amount of the credit determined under this paragraph with respect to any credit allowance date for a Gulf tax credit bond is 25 percent of the annual credit determined with respect to such bond.

‘‘(B) ANNUAL CREDIT.—The annual credit determined with respect to any Gulf tax credit bond is the product of—

‘‘(i) the credit rate determined by the Secretary under subparagraph (C) for the day on which such bond was sold, multiplied by

‘‘(ii) the outstanding face amount of the bond.

‘‘(C) DETERMINATION.—For purposes of subparagraph (B), with respect to any Gulf tax credit bond, the Secretary shall determine daily or cause to be determined daily a credit rate which shall apply to the first day on which there is a binding, written contract for the sale or exchange of the bond. The credit rate for any day is the credit rate which the Secretary or the Secretary's designee estimates will permit the issuance of Gulf tax credit bonds with a specified maturity or redemption date without discount and without interest cost to the issuer.

‘‘(D) CREDIT ALLOWANCE DATE.—For purposes of this subsection, the term ‘credit allowance date’ means March 15, June 15, September 15, and December 15. Such term also includes the last day on which the bond is outstanding.

‘‘(E) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this paragraph with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed or matures.

‘‘(3) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under paragraph (1) for any taxable year shall not exceed the excess of—

‘‘(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

‘‘(B) the sum of the credits allowable under part IV of subchapter A (other than subpart C and this subsection).

‘‘(4) GULF TAX CREDIT BOND.—For purposes of this subsection—

‘‘(A) IN GENERAL.—The term ‘Gulf tax credit bond’ means any bond issued as part of an issue if—

‘‘(i) the bond is issued by the State of Alabama, Louisiana, or Mississippi,

‘‘(ii) 95 percent or more of the proceeds of such issue are to be used to—

‘‘(I) pay principal, interest, or premiums on qualified bonds issued by such State or any political subdivision of such State, or

‘‘(II) make a loan to any political subdivision of such State to pay principal, interest, or premiums on qualified bonds issued by such political subdivision,

‘‘(iii) the Governor of such State designates such bond for purposes of this subsection,

‘‘(iv) the bond is a general obligation of such State and is in registered form (within the meaning of section 149(a)),

‘‘(v) the maturity of such bond does not exceed 2 years, and

‘‘(vi) the bond is issued after December 31, 2005, and before January 1, 2007.

‘‘(B) STATE MATCHING REQUIREMENT.—A bond shall not be treated as a Gulf tax credit bond unless—

‘‘(i) the issuer of such bond pledges as of the date of the issuance of the issue an amount equal to the face amount of such bond to be used for payments described in subclause (I) of subparagraph (A)(ii), or loans described in subclause (II) of such subparagraph, as the case may be, with respect to the issue of which such bond is a part, and

‘‘(ii) any such payment or loan is made in equal amounts from the proceeds of such issue and from the amount pledged under clause (i).

The requirement of clause (ii) shall be treated as met with respect to any such payment or loan made during the 1-year period beginning on the date of the issuance (or any successor 1-year period) if such requirement is met when applied with respect to the aggregate amount of such payments and loans made during such period.

‘‘(C) AGGREGATE LIMIT ON BOND DESIGNATIONS.—The maximum aggregate face amount of bonds which may be designated under this subsection by the Governor of a State shall not exceed—

‘‘(i) $200,000,000 in the case of the State of Louisiana,

‘‘(ii) $100,000,000 in the case of the State of Mississippi, and

‘‘(iii) $50,000,000 in the case of the State of Alabama.

‘‘(D) SPECIAL RULES RELATING TO ARBITRAGE.—A bond which is part of an issue shall not be treated as a Gulf tax credit bond unless, with respect to the issue of which the bond is a part, the issuer satisfies the arbitrage requirements of section 148 with respect to proceeds of the issue and any loans made with such proceeds.

"(5) QUALIFIED BOND.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified bond' means any obligation of a State or political subdivision thereof which was outstanding on August 28, 2005.

"(B) EXCEPTION FOR PRIVATE ACTIVITY BONDS.—Such term shall not include any private activity bond.

"(C) EXCEPTION FOR ADVANCE REFUNDINGS.—Such term shall not include any bond with respect to which there is any outstanding refunded or refunding bond during the period in which a Gulf tax credit bond is outstanding with respect to such bond.

"(6) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this subsection (determined without regard to paragraph (3)) and the amount so included shall be treated as interest income.

"(7) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

"(A) BOND.—The term 'bond' includes any obligation.

"(B) PARTNERSHIP; S CORPORATION; AND OTHER PASS-THRU ENTITIES.—

"(i) IN GENERAL.—Under regulations prescribed by the Secretary, in the case of a partnership, trust, S corporation, or other pass-thru entity, rules similar to the rules of section 41(g) shall apply with respect to the credit allowable under paragraph (1).

"(ii) NO BASIS ADJUSTMENT.—In the case of a bond held by a partnership or an S corporation, rules similar to the rules under section 1397E(i) shall apply.

"(C) BONDS HELD BY REGULATED INVESTMENT COMPANIES.—If any Gulf tax credit bond is held by a regulated investment company, the credit determined under paragraph (1) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

"(D) REPORTING.—Issuers of Gulf tax credit bonds shall submit reports similar to the reports required under section 149(e).

"(E) CREDIT TREATED AS NONREFUNDABLE BONDHOLDER CREDIT.—For purposes of this title, the credit allowed by this subsection shall be treated as a credit allowable under subpart H of part IV of subchapter A of this chapter.

"(m) TAX BENEFITS NOT AVAILABLE WITH RESPECT TO FACILITIES FOR GAMBLING, ETC.—

"(1) TAX-EXEMPT BOND FINANCING.—Subsection (a) shall not apply to any bond issued as part of an issue if any portion of the proceeds of such issue is to be used to provide any property described in section 144(c)(6)(B).

"(2) ADVANCE REFUNDING BONDS.—Subsection (b) shall not apply to any advance refunding of a bond which is issued as part of an issue if any portion of the proceeds of such issue (or any prior issue) was (or is to be) used to provide any property described in section 144(c)(6)(B).

"(3) LOW-INCOME HOUSING CREDIT.—For purposes of subsection (c), property shall not be treated as located or placed in service in the Gulf Opportunity Zone if such property is described in section 144(c)(6)(B).

"(4) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY; SECTION 179 EXPENSING; CARRYBACK OF COST RECOVERY DEDUCTIONS.—For purposes of subsections (d), (e), and (k), the term 'qualified Gulf Opportunity Zone property' shall not include any property described in section 144(c)(6)(B).

"(5) DEMOLITION AND CLEAN-UP COSTS; REMEDIATION; REHABILITATION EXPENSES.—Subsections (f), (g), and (h) shall not apply with respect to any amount paid or incurred with respect to any property described in section 144(c)(6)(B).

"(6) TIMBER PRODUCERS.—For purposes of subsection (i), qualified timber property shall not include any property described in section 144(c)(6)(B).

"(7) PUBLIC UTILITY CASUALTY LOSSES.—For purposes of subsection (j), public utility property shall not include any property described in section 144(c)(6)(B).

"(8) GULF TAX CREDIT BONDS.—Subsection (l) shall not apply to any bond issued as part of an issue if any portion of the proceeds of such issue is to be used to provide any property described in section 144(c)(6)(B).".

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 54(c) is amended by inserting ", section 1400N(l)," after "subpart C".

(2) Subparagraph (A) of section 6049(d)(8) is amended—

(A) by inserting "or 1400N(l)(6)" after "section 54(g)", and

(B) by inserting "or 1400N(l)(2)(D), as the case may be" after "section 54(b)(4)".

(3) So much of subchapter Y of chapter 1 as precedes section 1400L is amended to read as follows:

"Subchapter Y—Short-term Regional Benefits

"PART I—TAX BENEFITS FOR NEW YORK LIBERTY ZONE

"PART II—TAX BENEFITS FOR GULF OPPORTUNITY ZONE

"PART I—TAX BENEFITS FOR NEW YORK LIBERTY ZONE

"Sec. 1400L. Tax benefits for New York Liberty Zone.".

(4) The item relating to subchapter Y in the table of subchapters for chapter 1 is amended to read as follows:

"SUBCHAPTER Y—SHORT-TERM REGIONAL BENEFITS".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years ending on or after August 28, 2005.

(2) CARRYBACKS.—Subsections (i)(2), (j), and (k) of section 1400N of the Internal Revenue Code of 1986 (as added by this section) shall apply to losses arising in such taxable years.

SEC. 102. FEDERAL GUARANTEE OF CERTAIN STATE BONDS.

(a) STATE BONDS DESCRIBED.—

(1) IN GENERAL.—This section shall apply to a bond issued as part of an issue if—

(A) the issue of which such bond is part is an issue of the State of Alabama, Louisiana, or Mississippi,

(B) the bond is a general obligation of the issuing State and is in registered form,

(C) the proceeds of the bond are distributed to one or more political subdivisions of the issuing State,

(D) the maturity of such bond does not exceed 5 years,

(E) the bond is issued after the date of the enactment of this Act and before January 1, 2008, and

(F) the bond is designated by the Secretary of the Treasury for purposes of this section.

(2) FACILITIES FOR GAMBLING, ETC.—The Secretary of the Treasury may not designate any bond for purposes of this section if such bond is issued as part of an issue any portion of the proceeds of which is to be used to provide any property described in section 144(c)(6)(B).

(b) APPLICATION.—

(1) IN GENERAL.—The Secretary of the Treasury may only designate a bond for purposes of this section pursuant to an application submitted to the Secretary by the State which demonstrates the need for such designation on the basis of the criteria specified in paragraph (2).

(2) CRITERIA.—For purposes of paragraph (1), the criteria specified in this paragraph are—

(A) the loss of revenue base of one or more political subdivisions of the State by reason of Hurricane Katrina,

(B) the need for resources to fund infrastructure within, or operating expenses of, any such political subdivision,

(C) the lack of access of such political subdivision to capital, and

(D) any other criteria as may be determined by the Secretary.

(3) GUIDANCE FOR SUBMISSION AND CONSIDERATION OF APPLICATIONS.—The Secretary of the Treasury shall prescribe regulations or other guidance which provide for the time and manner for the submission and consideration of applications under this subsection.

(c) FEDERAL GUARANTEE.—A bond described in subsection (a) is guaranteed by the United States in an amount equal to 50 percent of the outstanding principal with respect to such bond.

(d) AGGREGATE LIMIT ON BOND DESIGNATIONS.—The maximum aggregate face amount of bonds which may be issued under this section shall not exceed $3,000,000,000.

TITLE II—TAX BENEFITS RELATED TO HURRICANES RITA AND WILMA

SEC. 201. EXTENSION OF CERTAIN EMERGENCY TAX RELIEF FOR HURRICANE KATRINA TO HURRICANES RITA AND WILMA.

(a) IN GENERAL.—Part II of subchapter Y of chapter 1 (as added by this Act) is amended by adding at the end the following new sections:

"SEC. 1400O. SPECIAL RULES FOR USE OF RETIREMENT FUNDS.

"(a) TAX-FAVORED WITHDRAWALS FROM RETIREMENT PLANS.—

"(1) IN GENERAL.—Section 72(t) shall not apply to any qualified hurricane distribution.

"(2) AGGREGATE DOLLAR LIMITATION.—

"(A) IN GENERAL.—For purposes of this subsection, the aggregate amount of distributions received by an individual which may be treated as qualified hurricane distributions for any taxable year shall not exceed the excess (if any) of—

"(i) $100,000, over

"(ii) the aggregate amounts treated as qualified hurricane distributions received by such individual for all prior taxable years.

"(B) TREATMENT OF PLAN DISTRIBUTIONS.—If a distribution to an individual would (without regard to subparagraph (A)) be a qualified hurricane distribution, a plan shall not be treated as violating any requirement of this title merely because the plan treats such distribution as a qualified hurricane distribution, unless the aggregate amount of such distributions from all plans maintained by the employer (and any member of any controlled group which includes the employer) to such individual exceeds $100,000.

"(C) CONTROLLED GROUP.—For purposes of subparagraph (B), the term 'controlled group' means any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414.

"(3) AMOUNT DISTRIBUTED MAY BE REPAID.—

"(A) IN GENERAL.—Any individual who receives a qualified hurricane distribution may, at any time during the 3-year period beginning on the day after the date on which such distribution was received, make one or more contributions in an aggregate amount not to exceed the amount of such distribution to an eligible retirement plan of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16), as the case may be.

"(B) TREATMENT OF REPAYMENTS OF DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.—For purposes of this title, if a contribution is made pursuant to subparagraph (A) with respect to a qualified hurricane distribution from an eligible retirement plan other than an individual retirement plan, then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received the qualified hurricane distribution in an eligible rollover distribution (as defined in section 402(c)(4)) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

"(C) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM IRAS.—For purposes of this title, if a contribution is made pursuant to subparagraph (A) with respect to a qualified hurricane distribution from an individual retirement plan (as defined by section 7701(a)(37)), then, to the extent of the amount of the contribution, the qualified hurricane distribution shall be treated as a distribution described in section 408(d)(3) and as having been transferred to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

"(4) DEFINITIONS.—For purposes of this subsection—

"(A) QUALIFIED HURRICANE DISTRIBUTION.—Except as provided in paragraph (2), the term 'qualified hurricane distribution' means—

"(i) any distribution from an eligible retirement plan made on or after August 25, 2005, and before January 1, 2007, to an individual whose principal place of abode on August 28, 2005, is located in the Hurricane Katrina disaster area and who has sustained an economic loss by reason of Hurricane Katrina,

"(ii) any distribution (which is not described in clause (i)) from an eligible retirement plan made on or after September 23, 2005, and before January 1, 2007, to an individual whose principal place of abode on September 23, 2005, is located in the Hurricane Rita disaster area and who has sustained an economic loss by reason of Hurricane Rita, and

"(iii) any distribution (which is not described in clause (i) or (ii)) from an eligible retirement plan made on or after October 23, 2005, and before January 1, 2007, to an individual whose principal place of abode on October 23, 2005, is located in the Hurricane Wilma disaster area and who has sustained an economic loss by reason of Hurricane Wilma.

"(B) ELIGIBLE RETIREMENT PLAN.—The term 'eligible retirement plan' shall have the meaning given such term by section 402(c)(8)(B).

"(5) INCOME INCLUSION SPREAD OVER 3-YEAR PERIOD.—

"(A) IN GENERAL.—In the case of any qualified hurricane distribution, unless the taxpayer elects not to have this paragraph apply for any taxable year, any amount required to be included in gross income for such taxable year shall be so included ratably over the 3-taxable year period beginning with such taxable year.

"(B) SPECIAL RULE.—For purposes of subparagraph (A), rules similar to the rules of subparagraph (E) of section 408A(d)(3) shall apply.

"(6) SPECIAL RULES.—

"(A) EXEMPTION OF DISTRIBUTIONS FROM TRUSTEE TO TRUSTEE TRANSFER AND WITHHOLDING RULES.—For purposes of sections 401(a)(31), 402(f), and 3405, qualified hurricane distributions shall not be treated as eligible rollover distributions.

"(B) QUALIFIED HURRICANE DISTRIBUTIONS TREATED AS MEETING PLAN DISTRIBUTION REQUIREMENTS.—For purposes this title, a qualified hurricane distribution shall be treated as meeting the requirements of sections 401(k)(2)(B)(i), 403(b)(7)(A)(ii), 403(b)(11), and 457(d)(1)(A).

"(b) RECONTRIBUTIONS OF WITHDRAWALS FOR HOME PURCHASES.—

"(1) RECONTRIBUTIONS.—

"(A) IN GENERAL.—Any individual who received a qualified distribution may, during the applicable period, make one or more contributions in an aggregate amount not to exceed the amount of such qualified distribution to an eligible retirement plan (as defined in section 402(c)(8)(B)) of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), or 408(d)(3), as the case may be.

"(B) TREATMENT OF REPAYMENTS.—Rules similar to the rules of subparagraphs (B) and (C) of subsection (a)(3) shall apply for purposes of this subsection.

"(2) QUALIFIED DISTRIBUTION.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified distribution' means any qualified Katrina distribution, any qualified Rita distribution, and any qualified Wilma distribution.

"(B) QUALIFIED KATRINA DISTRIBUTION.—The term 'qualified Katrina distribution' means any distribution—

"(i) described in section 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(ii) (but only to the extent such distribution relates to financial hardship), 403(b)(11)(B), or 72(t)(2)(F),

"(ii) received after February 28, 2005, and before August 29, 2005, and

"(iii) which was to be used to purchase or construct a principal residence in the Hurricane Katrina disaster area, but which was not so purchased or constructed on account of Hurricane Katrina.

"(C) QUALIFIED RITA DISTRIBUTION.—The term 'qualified Rita distribution' means any distribution (other than a qualified Katrina distribution)—

"(i) described in section 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(ii) (but only to the extent such distribution relates to financial hardship), 403(b)(11)(B), or 72(t)(2)(F),

"(ii) received after February 28, 2005, and before September 24, 2005, and

"(iii) which was to be used to purchase or construct a principal residence in the Hurricane Rita disaster area, but which was not so purchased or constructed on account of Hurricane Rita.

"(D) QUALIFIED WILMA DISTRIBUTION.—The term 'qualified Wilma distribution' means any distribution (other than a qualified Katrina distribution or a qualified Rita distribution)—

"(i) described in section 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(ii) (but only to the extent such distribution relates to financial hardship), 403(b)(11)(B), or 72(t)(2)(F),

"(ii) received after February 28, 2005, and before October 24, 2005, and

"(iii) which was to be used to purchase or construct a principal residence in the Hurricane Wilma disaster area, but which was not so purchased or constructed on account of Hurricane Wilma.

"(3) APPLICABLE PERIOD.—For purposes of this subsection, the term 'applicable period' means—

"(A) with respect to any qualified Katrina distribution, the period beginning on August 25, 2005, and ending on February 28, 2006,

"(B) with respect to any qualified Rita distribution, the period beginning on September 23, 2005, and ending on February 28, 2006, and

"(C) with respect to any qualified Wilma distribution, the period beginning on October 23, 2005, and ending on February 28, 2006.

"(c) LOANS FROM QUALIFIED PLANS.—

"(1) INCREASE IN LIMIT ON LOANS NOT TREATED AS DISTRIBUTIONS.—In the case of any loan from a qualified employer plan (as defined under section 72(p)(4)) to a qualified individual made during the applicable period—

"(A) clause (i) of section 72(p)(2)(A) shall be applied by substituting '$100,000' for '$50,000', and

"(B) clause (ii) of such section shall be applied by substituting 'the present value of the nonforfeitable accrued benefit of the employee under the plan' for 'one-half of the present value of the nonforfeitable accrued benefit of the employee under the plan'.

"(2) DELAY OF REPAYMENT.—In the case of a qualified individual with an outstanding loan on or after the qualified beginning date from a qualified employer plan (as defined in section 72(p)(4))—

"(A) if the due date pursuant to subparagraph (B) or (C) of section 72(p)(2) for any repayment with respect to such loan occurs during the period beginning on the qualified beginning date and ending on December 31, 2006, such due date shall be delayed for 1 year,

"(B) any subsequent repayments with respect to any such loan shall be appropriately adjusted to reflect the delay in the due date under paragraph (1) and any interest accruing during such delay, and

"(C) in determining the 5-year period and the term of a loan under subparagraph (B) or (C) of section 72(p)(2), the period described in subparagraph (A) shall be disregarded.

"(3) QUALIFIED INDIVIDUAL.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified individual' means any qualified Hurricane Katrina individual, any qualified Hurricane Rita individual, and any qualified Hurricane Wilma individual.

"(B) QUALIFIED HURRICANE KATRINA INDIVIDUAL.—The term 'qualified Hurricane Katrina individual' means an individual whose principal place of abode on August 28, 2005, is located in the Hurricane Katrina disaster area and who has sustained an economic loss by reason of Hurricane Katrina.

"(C) QUALIFIED HURRICANE RITA INDIVIDUAL.—The term 'qualified Hurricane Rita individual' means an individual (other than a qualified Hurricane Katrina individual) whose principal place of abode on September 23, 2005, is located in the Hurricane Rita disaster area and who has sustained an economic loss by reason of Hurricane Rita.

"(D) QUALIFIED HURRICANE WILMA INDIVIDUAL.—The term 'qualified Hurricane Wilma individual' means an individual (other than a qualified Hurricane Katrina individual or a qualified Hurricane Rita individual) whose principal place of abode on October 23, 2005, is located in the Hurricane Wilma disaster area and who has sustained an economic loss by reason of Hurricane Wilma.

“(4) APPLICABLE PERIOD; QUALIFIED BEGINNING DATE.—For purposes of this subsection—

“(A) HURRICANE KATRINA.—In the case of any qualified Hurricane Katrina individual—

“(i) the applicable period is the period beginning on September 24, 2005, and ending on December 31, 2006, and

“(ii) the qualified beginning date is August 25, 2005.

“(B) HURRICANE RITA.—In the case of any qualified Hurricane Rita individual—

“(i) the applicable period is the period beginning on the date of the enactment of this subsection and ending on December 31, 2006, and

“(ii) the qualified beginning date is September 23, 2005.

“(C) HURRICANE WILMA.—In the case of any qualified Hurricane Wilma individual—

“(i) the applicable period is the period beginning on the date of the enactment of this subparagraph and ending on December 31, 2006, and

“(ii) the qualified beginning date is October 23, 2005.

“(d) PROVISIONS RELATING TO PLAN AMENDMENTS.—

“(1) IN GENERAL.—If this subsection applies to any amendment to any plan or annuity contract, such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in paragraph (2)(B)(i).

“(2) AMENDMENTS TO WHICH SUBSECTION APPLIES.—

“(A) IN GENERAL.—This subsection shall apply to any amendment to any plan or annuity contract which is made—

“(i) pursuant to any provision of this section, or pursuant to any regulation issued by the Secretary or the Secretary of Labor under any provision of this section, and

“(ii) on or before the last day of the first plan year beginning on or after January 1, 2007, or such later date as the Secretary may prescribe.

In the case of a governmental plan (as defined in section 414(d)), clause (ii) shall be applied by substituting the date which is 2 years after the date otherwise applied under clause (ii).

“(B) CONDITIONS.—This subsection shall not apply to any amendment unless—

“(i) during the period—

“(I) beginning on the date that this section or the regulation described in subparagraph (A)(i) takes effect (or in the case of a plan or contract amendment not required by this section or such regulation, the effective date specified by the plan), and

“(II) ending on the date described in subparagraph (A)(ii) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect; and

“(ii) such plan or contract amendment applies retroactively for such period.

“SEC. 1400P. EMPLOYMENT RELIEF.

“(a) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY HURRICANE KATRINA.—

“(1) IN GENERAL.—For purposes of section 38, in the case of an eligible employer, the Hurricane Katrina employee retention credit for any taxable year is an amount equal to 40 percent of the qualified wages with respect to each eligible employee of such employer for such taxable year. For purposes of the preceding sentence, the amount of qualified wages which may be taken into account with respect to any individual shall not exceed $6,000.

“(2) DEFINITIONS.—For purposes of this subsection—

“(A) ELIGIBLE EMPLOYER.—The term ‘eligible employer’ means any employer—

“(i) which conducted an active trade or business on August 28, 2005, in the GO Zone, and

“(ii) with respect to whom the trade or business described in clause (i) is inoperable on any day after August 28, 2005, and before January 1, 2006, as a result of damage sustained by reason of Hurricane Katrina.

“(B) ELIGIBLE EMPLOYEE.—The term ‘eligible employee’ means with respect to an eligible employer an employee whose principal place of employment on August 28, 2005, with such eligible employer was in the GO Zone.

“(C) QUALIFIED WAGES.—The term ‘qualified wages’ means wages (as defined in section 51(c)(1), but without regard to section 3306(b)(2)(B)) paid or incurred by an eligible employer with respect to an eligible employee on any day after August 28, 2005, and before January 1, 2006, which occurs during the period—

“(i) beginning on the date on which the trade or business described in subparagraph (A) first became inoperable at the principal place of employment of the employee immediately before Hurricane Katrina, and

“(ii) ending on the date on which such trade or business has resumed significant operations at such principal place of employment.

Such term shall include wages paid without regard to whether the employee performs no services, performs services at a different place of employment than such principal place of employment, or performs services at such principal place of employment before significant operations have resumed.

“(3) CREDIT NOT ALLOWED FOR LARGE BUSINESSES.—The term ‘eligible employer’ shall not include any trade or business for any taxable year if such trade or business employed an average of more than 200 employees on business days during the taxable year.

“(4) CERTAIN RULES TO APPLY.—For purposes of this subsection, rules similar to the rules of sections 51(i)(1), 52, and 280C(a) shall apply.

“(5) EMPLOYEE NOT TAKEN INTO ACCOUNT MORE THAN ONCE.—An employee shall not be treated as an eligible employee for purposes of this subsection for any period with respect to any employer if such employer is allowed a credit under section 51 with respect to such employee for such period.

“(b) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY HURRICANE RITA.—

“(1) IN GENERAL.—For purposes of section 38, in the case of an eligible employer, the Hurricane Rita employee retention credit for any taxable year is an amount equal to 40 percent of the qualified wages with respect to each eligible employee of such employer for such taxable year. For purposes of the preceding sentence, the amount of qualified wages which may be taken into account with respect to any individual shall not exceed $6,000.

“(2) DEFINITIONS.—For purposes of this subsection—

“(A) ELIGIBLE EMPLOYER.—The term ‘eligible employer’ means any employer—

“(i) which conducted an active trade or business on September 23, 2005, in the Rita GO Zone, and

“(ii) with respect to whom the trade or business described in clause (i) is inoperable on any day after September 23, 2005, and before January 1, 2006, as a result of damage sustained by reason of Hurricane Rita.

“(B) ELIGIBLE EMPLOYEE.—The term ‘eligible employee’ means with respect to an eligible employer an employee whose principal place of employment on September 23, 2005, with such eligible employer was in the Rita GO Zone.

“(C) QUALIFIED WAGES.—The term ‘qualified wages’ means wages (as defined in section 51(c)(1), but without regard to section 3306(b)(2)(B)) paid or incurred by an eligible employer with respect to an eligible employee on any day after September 23, 2005, and before January 1, 2006, which occurs during the period—

“(i) beginning on the date on which the trade or business described in subparagraph (A) first became inoperable at the principal place of employment of the employee immediately before Hurricane Rita, and

“(ii) ending on the date on which such trade or business has resumed significant operations at such principal place of employment.

Such term shall include wages paid without regard to whether the employee performs no services, performs services at a different place of employment than such principal place of employment, or performs services at such principal place of employment before significant operations have resumed.

“(3) CREDIT NOT ALLOWED FOR LARGE BUSINESSES.—The term ‘eligible employer’ shall not include any trade or business for any taxable year if such trade or business employed an average of more than 200 employees on business days during the taxable year.

“(4) CERTAIN RULES TO APPLY.—For purposes of this subsection, rules similar to the rules of sections 51(i)(1), 52, and 280C(a) shall apply.

“(5) EMPLOYEE NOT TAKEN INTO ACCOUNT MORE THAN ONCE.—An employee shall not be treated as an eligible employee for purposes of this subsection for any period with respect to any employer if such employer is allowed a credit under subsection (a) or section 51 with respect to such employee for such period.

“(c) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY HURRICANE WILMA.—

“(1) IN GENERAL.—For purposes of section 38, in the case of an eligible employer, the Hurricane Wilma employee retention credit for any taxable year is an amount equal to 40 percent of the qualified wages with respect to each eligible employee of such employer for such taxable year. For purposes of the preceding sentence, the amount of qualified wages which may be taken into account with respect to any individual shall not exceed $6,000.

“(2) DEFINITIONS.—For purposes of this subsection—

“(A) ELIGIBLE EMPLOYER.—The term ‘eligible employer’ means any employer—

“(i) which conducted an active trade or business on October 23, 2005, in the Wilma GO Zone, and

“(ii) with respect to whom the trade or business described in clause (i) is inoperable on any day after October 23, 2005, and before January 1, 2006, as a result of damage sustained by reason of Hurricane Wilma.

“(B) ELIGIBLE EMPLOYEE.—The term ‘eligible employee’ means with respect to an eligible employer an employee whose principal place of employment on October 23, 2005, with such eligible employer was in the Wilma GO Zone.

“(C) QUALIFIED WAGES.—The term ‘qualified wages’ means wages (as defined in section 51(c)(1), but without regard to section 3306(b)(2)(B)) paid or incurred by an eligible employer with respect to an eligible employee on any day after October 23, 2005, and before January 1, 2006, which occurs during the period—

"(i) beginning on the date on which the trade or business described in subparagraph (A) first became inoperable at the principal place of employment of the employee immediately before Hurricane Wilma, and

"(ii) ending on the date on which such trade or business has resumed significant operations at such principal place of employment.

Such term shall include wages paid without regard to whether the employee performs no services, performs services at a different place of employment than such principal place of employment, or performs services at such principal place of employment before significant operations have resumed.

"(3) Credit not allowed for large businesses.—The term 'eligible employer' shall not include any trade or business for any taxable year if such trade or business employed an average of more than 200 employees on business days during the taxable year.

"(4) Certain rules to apply.—For purposes of this subsection, rules similar to the rules of sections 51(i)(1), 52, and 280C(a) shall apply.

"(5) Employee not taken into account more than once.—An employee shall not be treated as an eligible employee for purposes of this subsection for any period with respect to any employer if such employer is allowed a credit under subsection (a) or (b) or section 51 with respect to such employee for such period.

"SEC. 1400Q. ADDITIONAL TAX RELIEF PROVISIONS.

"(a) Temporary Suspension of Limitations on Charitable Contributions.—

"(1) In general.—Except as otherwise provided in paragraph (2), section 170(b) shall not apply to qualified contributions and such contributions shall not be taken into account for purposes of applying subsections (b) and (d) of section 170 to other contributions.

"(2) Treatment of excess contributions.—For purposes of section 170—

"(A) Individuals.—In the case of an individual—

"(i) Limitation.—Any qualified contribution shall be allowed only to the extent that the aggregate of such contributions does not exceed the excess of the taxpayer's contribution base (as defined in subparagraph (F) of section 170(b)(1)) over the amount of all other charitable contributions allowed under section 170(b)(1).

"(ii) Carryover.—If the aggregate amount of qualified contributions made in the contribution year (within the meaning of section 170(d)(1)) exceeds the limitation of clause (i), such excess shall be added to the excess described in the portion of subparagraph (A) of such section which precedes clause (i) thereof for purposes of applying such section.

"(B) Corporations.—In the case of a corporation—

"(i) Limitation.—Any qualified contribution shall be allowed only to the extent that the aggregate of such contributions does not exceed the excess of the taxpayer's taxable income (as determined under paragraph (2) of section 170(b)) over the amount of all other charitable contributions allowed under such paragraph.

"(ii) Carryover.—Rules similar to the rules of subparagraph (A)(ii) shall apply for purposes of this subparagraph.

"(3) Exception to overall limitation on itemized deductions.—So much of any deduction allowed under section 170 as does not exceed the qualified contributions paid during the taxable year shall not be treated as an itemized deduction for purposes of section 68.

"(4) Qualified contributions.—

"(A) In general.—For purposes of this subsection, the term 'qualified contribution' means any charitable contribution (as defined in section 170(c)) if—

"(i) such contribution is paid during the period beginning on August 28, 2005, and ending on December 31, 2005, in cash to an organization described in section 170(b)(1)(A) (other than an organization described in section 509(a)(3)),

"(ii) in the case of a contribution paid by a corporation, such contribution is for relief efforts related to Hurricane Katrina, Hurricane Rita, or Hurricane Wilma, and

"(iii) the taxpayer has elected the application of this subsection with respect to such contribution.

"(B) Exception.—Such term shall not include a contribution if the contribution is for establishment of a new, or maintenance in an existing, segregated fund or account with respect to which the donor (or any person appointed or designated by such donor) has, or reasonably expects to have, advisory privileges with respect to distributions or investments by reason of the donor's status as a donor.

"(C) Application of election to partnerships and S corporations.—In the case of a partnership or S corporation, the election under subparagraph (A)(iii) shall be made separately by each partner or shareholder.

"(b) Suspension of Certain Limitations on Personal Casualty Losses.—Paragraphs (1) and (2)(A) of section 165(h) shall not apply to losses described in section 165(c)(3)—

"(1) which arise in the Hurricane Katrina disaster area on or after August 25, 2005, and which are attributable to Hurricane Katrina,

"(2) which arise in the Hurricane Rita disaster area on or after September 23, 2005, and which are attributable to Hurricane Rita, or

"(3) which arise in the Hurricane Wilma disaster area on or after October 23, 2005, and which are attributable to Hurricane Wilma.

In the case of any other losses, section 165(h)(2)(A) shall be applied without regard to the losses referred to in the preceding sentence.

"(c) Required Exercise of Authority Under Section 7508A.—In the case of any taxpayer determined by the Secretary to be affected by the Presidentially declared disaster relating to Hurricane Katrina, Hurricane Rita, or Hurricane Wilma, any relief provided by the Secretary under section 7508A shall be for a period ending not earlier than February 28, 2006.

"(d) Special Rule for Determining Earned Income.—

"(1) In general.—In the case of a qualified individual, if the earned income of the taxpayer for the taxable year which includes the applicable date is less than the earned income of the taxpayer for the preceding taxable year, the credits allowed under sections 24(d) and 32 may, at the election of the taxpayer, be determined by substituting—

"(A) such earned income for the preceding taxable year, for

"(B) such earned income for the taxable year which includes the applicable date.

"(2) Qualified individual.—For purposes of this subsection—

"(A) In general.—The term 'qualified individual' means any qualified Hurricane Katrina individual, any qualified Hurricane Rita individual, and any qualified Hurricane Wilma individual.

"(B) Qualified Hurricane Katrina individual.—The term 'qualified Hurricane Katrina individual' means any individual whose principal place of abode on August 25, 2005, was located—

"(i) in the GO Zone, or

"(ii) in the Hurricane Katrina disaster area (but outside the GO Zone) and such individual was displaced from such principal place of abode by reason of Hurricane Katrina.

"(C) Qualified Hurricane Rita individual.—The term 'qualified Hurricane Rita individual' means any individual (other than a qualified Hurricane Katrina individual) whose principal place of abode on September 23, 2005, was located—

"(i) in the Rita GO Zone, or

"(ii) in the Hurricane Rita disaster area (but outside the Rita GO Zone) and such individual was displaced from such principal place of abode by reason of Hurricane Rita.

"(D) Qualified Hurricane Wilma individual.—The term 'qualified Hurricane Wilma individual' means any individual whose principal place of abode on October 23, 2005, was located—

"(i) in the Wilma GO Zone, or

"(ii) in the Hurricane Wilma disaster area (but outside the Wilma GO Zone) and such individual was displaced from such principal place of abode by reason of Hurricane Wilma.

"(3) Applicable date.—For purposes of this subsection, the term 'applicable date' means—

"(A) in the case of a qualified Hurricane Katrina individual, August 25, 2005,

"(B) in the case of a qualified Hurricane Rita individual, September 23, 2005, and

"(C) in the case of a qualified Hurricane Wilma individual, October 23, 2005.

"(4) Earned income.—For purposes of this subsection, the term 'earned income' has the meaning given such term under section 32(c).

"(5) Special rules.—

"(A) Application to joint returns.—For purposes of paragraph (1), in the case of a joint return for a taxable year which includes the applicable date—

"(i) such paragraph shall apply if either spouse is a qualified individual, and

"(ii) the earned income of the taxpayer for the preceding taxable year shall be the sum of the earned income of each spouse for such preceding taxable year.

"(B) Uniform application of election.—Any election made under paragraph (1) shall apply with respect to both section 24(d) and section 32.

"(C) Errors treated as mathematical error.—For purposes of section 6213, an incorrect use on a return of earned income pursuant to paragraph (1) shall be treated as a mathematical or clerical error.

"(D) No effect on determination of gross income, etc.—Except as otherwise provided in this subsection, this title shall be applied without regard to any substitution under paragraph (1).

"(e) Secretarial Authority to Make Adjustments Regarding Taxpayer and Dependency Status.—With respect to taxable years beginning in 2005 or 2006, the Secretary may make such adjustments in the application of the internal revenue laws as may be necessary to ensure that taxpayers do not lose any deduction or credit or experience a change of filing status by reason of temporary relocations by reason of Hurricane Katrina, Hurricane Rita, or Hurricane Wilma. Any adjustments made under the preceding sentence shall ensure that an individual is not taken into account by more than one taxpayer with respect to the same tax benefit.".

(b) Conforming Amendments.—

(1) Subsection (b) of section 38 is amended by striking "and" at the end of paragraph (25), by striking the period at the end of paragraph (26) and inserting a comma, and by adding at the end the following new paragraphs:

"(27) the Hurricane Katrina employee retention credit determined under section 1400P(a),

"(28) the Hurricane Rita employee retention credit determined under section 1400P(b), and

"(29) the Hurricane Wilma employee retention credit determined under section 1400P(c).".

(2) The table of sections for part II of subchapter Y of chapter 1 is amended by adding at the end the following new items:

"Sec. 1400O. Special rules for use of retirement funds.
"Sec. 1400P. Employment relief.
"Sec. 1400Q. Additional tax relief provisions.".

(3) The heading for such part is amended by striking "**GULF OPPORTUNITY ZONE**" and inserting "**HURRICANE RELIEF**".

(4) The following provisions of the Katrina Emergency Tax Relief Act of 2005 are hereby repealed:

(A) Title I.

(B) Sections 202, 301, 402, 403(b), 406, and 407.

TITLE III—OTHER PROVISIONS

SEC. 301. SECRETARIAL AUTHORITY TO EXTEND PERIOD DURING WHICH TRAVELING EXPENSES ARE TREATED AS INCURRED AWAY FROM HOME IN CASE OF MAJOR DISASTER.

(a) IN GENERAL.—Section 162 (relating to trade or business expenses) is amended by redesignating subsection (q) as subsection (r) and by inserting after subsection (p) the following new subsection:

"(q) LIMITATION ON TRAVELING EXPENSES.—

"(1) IN GENERAL.—For purposes of subsection (a)(2), the taxpayer shall not be treated as being temporarily away from home during any period of employment if such period exceeds 1 year.

"(2) AUTHORITY TO EXTEND IN CASE OF MAJOR DISASTER.—In the case of a taxpayer who is away from home in pursuit of a trade or business by reason of a disaster which the President has declared to be a major disaster under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the Secretary may extend the 1-year period referred to in paragraph (1) for a period not exceeding 1 additional year.

"(3) EXCEPTION FOR CERTAIN FEDERAL EMPLOYEES DESIGNATED BY THE ATTORNEY GENERAL.—Paragraph (1) shall not apply to any Federal employee during any period for which such employee is certified by the Attorney General (or the designee thereof) as traveling on behalf of the United States in temporary duty status to investigate or prosecute, or provide support services for the investigation or prosecution of, a Federal crime.".

(b) CONFORMING AMENDMENT.—Subsection (a) of section 162 is amended by striking the last two sentences.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act.

SEC. 302. GULF COAST RECOVERY BONDS.

It is the sense of the Congress that the Secretary of the Treasury, or the Secretary's delegate, should designate one or more series of bonds or certificates (or any portion thereof) issued under section 3105 of title 31, United States Code, as "Gulf Coast Recovery Bonds" in response to Hurricanes Katrina, Rita, and Wilma.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. McCRERY) and the gentleman from Louisiana (Mr. JEFFERSON) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. McCRERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Gulf Opportunity Zone Act of 2005 is a reflection of the commitment that President Bush made shortly after Hurricane Katrina hit the shores of the Gulf of Mexico. He talked about creating an opportunity zone similar to the zone that we created in New York City after the attacks of September 11, 2001.

The bill before us today, in fact, contains many of the provisions that were contained in the Relief Act that created the opportunity zone in New York City, and there are a few additional provisions regarding housing, low income housing, the rehabilitation tax credit, and things like that.

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The business incentives, the business tax incentives that are designed to bring investment into the devastated areas of the gulf are, in fact, almost exactly the same as those offered in Manhattan following 9/11.

Mr. Speaker, this bill is extremely critical for a timely redevelopment of the devastated areas along our gulf coast, Alabama, Mississippi, Louisiana, particularly. This bill also provides some relief for victims of hurricanes Rita and Wilma in southeast Texas and in south Florida.

Mr. Speaker, I cannot overemphasize the importance of putting into law as quickly as possible incentives to give businesses, individuals, people with capital to invest, the urge to go to these devastated areas and invest that capital, take a risk, create the jobs necessary to build back a critical mass of economic activity in these devastated areas. If we do not do that, Mr. Speaker, and do it very soon, we are going to have more and more businesses making decisions every day not to go back into these devastated areas and not to invest their capital back in those areas. Why should they, if there are hurdles to overcome that are not present in, say, Dallas or Houston or Atlanta, other places where they can take that capital and invest it and not have the hassles, the obstacles, that are present in these devastated areas.

That was the whole point of providing tax incentives to businesses in New York City following 9/11. It is the point of this bill, to give people an extra reason, a little extra incentive to put that capital in these devastated areas to rebuild those areas.

Mr. Speaker, I am certainly thankful for the cooperation of the gentleman from Louisiana (Mr. JEFFERSON) on the Ways and Means Committee, also the ranking member of the Ways and Means Committee, the chairman of the Ways and Means Committee, and the staff on both sides of the aisle for their cooperation in putting together a rational, reasonable approach to encouraging investment back in these areas.

Mr. Speaker, I reserve the balance of my time.

Mr. JEFFERSON. Mr. Speaker, I yield myself such time as I may consume.

First, I would like to thank the gentleman from Louisiana (Mr. McCRERY) for joining me in introducing this important piece of legislation. I also want to thank the chairman of the committee, Mr. THOMAS, and our ranking member, Mr. RANGEL, for their efforts in bringing this bill to the floor. I also would be remiss if I failed to thank both the Republican and Democratic staff of the committee for their extraordinary bipartisan effort to put this tax relief package together.

And I want to do something which is a little bit out of order, and that is to thank someone who is not properly a Member of this body, our mayor of New Orleans, Ray Nagin, who is here with us today. He has, as much as anyone, pushed this House and this Senate and our Congress and our President to make sure that our region is not forgotten; and I want to thank him for his presence here in the Chamber.

Mr. Speaker, the Gulf Opportunity Zone Act of 2005 provides much needed aid and comfort to the victims of hurricanes Katrina, Rita, and Wilma across the gulf coast and provides a much-needed shot in the arm to the many thousands of businesses that have been shuttered, suffered serious damage, or have seen their customer bases erode significantly or disappear in the wake of horrible storms.

The economy of the gulf coast and particularly that of my home State of Louisiana has been severely compromised by the ravages of two terrible storms. One of our Nation's largest and most economically important cities, the city of New Orleans, was evacuated and commercially shuttered for most of the fall. Even today, as New Orleans slowly regains her footing, most of her citizens remain in a hurricane-forced exile as the city's businesses struggle to rebuild and to make a fresh start with a significantly diminished customer base, extraordinary costs of repair and reconstruction, and a distressed infrastructure.

Mr. Speaker, the cities, parishes across the gulf coast, and counties across the gulf coast are struggling to recover from a deluge that laid them low. My constituents and those of my gulf coast colleagues, however, are a resilient people. They have confronted natural disasters before, and they have emerged triumphant and stronger still.

I have every confidence that the same is true today. With the right tools in their tool box, New Orleanians and our neighbors in Louisiana, Mississippi, Alabama, and Florida will rebuild and recover and a brighter future will emerge.

Today, Mr. Speaker, with the passage of this important piece of legislation, we provide the entrepreneurs of the gulf coast a sturdy set of tools with which to jump-start our recovery. We also address an unprecedented housing crisis with unprecedented resources to rebuild and rehouse the thousands whose homes are damaged or destroyed by these vicious storms.

We also are keenly aware of the financial crisis that the States, our cities, our parishes are confronting. In order to ease those burdens, this bill also provides several important tools to give our hometowns access to the capital they need to survive in the short term and thrive over the long run: $500 million in tax credit bonds to meet debt service needs, $3 billion in partially guaranteed general obligation bonds, and $7.75 billion in private activity bond authority. I am confident that by properly leveraging these tools, the States, our cities, parishes, school boards and others will emerge from the hurricane stronger than before they struck.

Mr. Speaker, with the passage of this act, businesses in New Orleans and surrounding parishes will enjoy tremendous tax advantages for the next few years that should give them the boost they need to survive and a little leg up to get ahead over the longer term: expanded section 179 expensing for small businesses; bonus depreciation; expenses for demolition and clean-up costs, including brownfields clean-up; an enhanced rehabilitation tax credits; and increased net operating loss carryback among others.

By affording these tools to be combined with effective economic planning, the House today greatly enhances the opportunity for a great, but shattered, community to rebuild, not just to recover, but to become more survivable, more sustainable, more equitable, and more prosperous over some time, but all at once.

Mr. Speaker, the efforts of my colleagues in providing the relief we need in the gulf coast have been unparalleled to any I have witnessed during my tenure in Congress. For that I am extraordinarily grateful. However, we still have a long way to go before we achieve the full recovery that I know we all want. I look forward to working with each of you in the coming weeks and months as we rise to the challenge of ensuring that, like the Phoenix of myth and fable, New Orleans rises from the devastation of Hurricane Katrina as a bright shining model of American ingenuity and opportunity.

Mr. Speaker, I reserve the balance of my time.

Mr. McCRERY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida (Mr. SHAW), chairman of the Trade Subcommittee of the Ways and Means Committee.

Mr. SHAW. Mr. Speaker, Florida did not receive the devastation that the gulf coast did with Katrina. Katrina's track came across Florida, got into the gulf, and actually affected my district on its way through Florida, but in a very slight manner. When it got into the warm waters of the Gulf of Mexico, it grew into a category 5 storm and just wreaked devastation on the New Orleans southern Mississippi area.

I support this bill and all it does. But then this was followed by two other storms, Rita and Wilma. Wilma, of course, came across Florida, and in Broward County delivered the most powerful winds that we have seen in over 40 years. And Palm Beach County, as well as Dade County. And coming across the State the way it did from the gulf to the Atlantic made it most unusual as far as the power that it gained, or retained, coming across the Florida Everglades.

We have been damaged in Florida as well. But of course our devastation and our problems are overshadowed by the tragedy of Katrina in Louisiana and Mississippi.

This bill is a reasonable bill. It sets forth incentives and some relief in the Tax Code because of the devastation delivered by these three storms. I urge the Members to support this bill and expedite its passage as quickly as possible.

Mr. JEFFERSON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Mrs. JONES), a distinguished member of the Ways and Means Committee.

Mrs. JONES of Ohio. Mr. Speaker, I would like to thank the gentlemen from Louisiana for yielding me this time, and I would like to congratulate them on their leadership on these issues.

I rise in strong support of the legislation today. As we learned in yesterday's congressional hearings, the victims of Hurricane Katrina, that is, the residents of the gulf region, are in need of help now. I rise in support and I am glad to see that this legislation, as was contemplated previously, incorporates some of the provisions of the legislation I introduced earlier in the year called the Katrina Assistance Tax Relief Incentive for Necessities Act. And it incorporated the Housing opportunity credits, the temporary housing tax credit, a homebuyer tax credit, doubling the low-income housing tax credit to assist Katrina victims.

The place I want to weigh in at this moment however is on the importance, and I say this again, the importance of assuring that the people of these gulf regions have an opportunity to enjoy some of the work that is provided businesses by these tax credits. What I am worried about is that there are people coming from all over the country who do not live in these areas who are not having the opportunity to get a job. There are people spread in 44 States across this country who are from Louisiana, who are from Mississippi, who are from Alabama; and they want to come back and work. And there are businesses right there in those communities who want to have an opportunity to rebuild their communities, and it is not happening.

I use this opportunity to say to the world, to say to my colleagues who are allocating resources for the rebuilding of the Katrina area, of the Katrina relief area, that we need to assure that the people of the area have an opportunity to rebuild their houses, have an opportunity to get jobs and put their lives back on track.

Again, I thank my colleagues for sponsoring this legislation. I am glad to join with you as a member of the Ways and Means Committee in support.

Mr. McCRERY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BRADY), a distinguished member of the Ways and Means Committee.

Mr. BRADY of Texas. Mr. Speaker, I want to thank Chairman McCRERY and Mr. JEFFERSON for their leadership on this bill. I am proud to be from Texas, a State that when victims fled the wrath of Hurricane Katrina we had communities and churches and homes that opened their arms to take them in. Later, in Hurricane Rita, those same communities were devastated as well. And I just want to tell Chairman McCRERY that the relief that we are providing today in this bill is critically important to the families of east and southeast Texas.

We, like you, need this relief today. What this will do is help families cope financially, encourage companies to keep workers on their payrolls during these tough economic times, and help rebuild the important Texas timber industry which suffered devastating losses. In some communities today, almost half of the homes still do not have even the temporary blue tarp to keep the rain out. We need families to be able to dip into their savings without penalty, fully deduct all of the personal property losses. And for the working poor, we want to make sure that their child and earned income tax credits are not impacted by Hurricane Rita.

This also permits unlimited cash donations by companies, which is very important to the communities, and provides up to $2,400 per worker for small businesses to keep employees on the payroll through the end of the year. And then finally, to address our devastating timber and economic losses, we help small property owners reforest their crop, and we help them spread their losses across the past 5 years. This is important relief to Texas. We are proud to join with the other Gulf Coast States in moving this forward and the sooner we get this on the President's desk, the better.

Mr. JEFFERSON. Mr. Speaker, I yield 3 minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, the goal of passing today's legislation is to help businesses in the gulf coast region reopen their doors and get people back to work. However, this legislation excludes perhaps the most important industry in the region that employs over 50,000 people in Mississippi and Louisiana and pays over $800 million in State and local tax revenue, that is, the gaming industry. The gaming industry has made substantial contribution to the regional economy of the gulf coast and will invest billions of dollars as it rebuilds, making it an essential part of restoring employment, economic growth, and tax revenue to the area.

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I am dismayed that the biased view of one congressman has resulted in this bill excluding a group of employers that provide good jobs and tax revenue to the hurricane-ravaged region. I am astounded that one Member who has a long-held contempt for the gaming industry can insert language in this legislation, which is supposed to be helping the victims of Katrina, that will prevent thousands of our fellow citizens from going back to work, going back to their homes, reuniting with their families, and begin to live a normal life again. I am angry that we are carving out an exception for one business in this legislation, a legitimate business, a well-regulated business, a business whose companies are traded on the New York Stock Exchange, a business that employs thousands of people in the region and generates millions of dollars in tax revenue. This makes no sense. And I am outraged, if I may say so, Mr. Speaker, that the Republican leadership has caved in and agreed to this provision because it is rumored that this congressman threatened to withhold his support from tomorrow's tax reconciliation vote unless his provision was put in the Katrina vote, contrary to what it will do to our fellow citizens.

Trading thousands of jobs for our fellow citizens for a vote is an affront to those people who need these gaming jobs to get back on their feet again. Shame on this body for allowing the gaming industry or any industry to be discriminated against in this legislation.

The gaming companies remain committed to the communities and the people in the hurricane-affected region. I hope Congress will come to our senses in conference and ensure that every business is treated fairly and given the opportunity to recover from Hurricane Katrina.

This Christmas, while we, Members of Congress, are sitting by our fireplaces in our comfortable homes, surrounded by our families, let us think about the thousands of victims of the Katrina hurricane who are homeless, who are jobless, away from their families this year and maybe next Christmas too, because this single congressman dislikes one business in this country and is putting his personal feelings above the well-being of our fellow citizens. This is a shame. It is an embarrassment, and we ought to rethink this and give tax breaks. If we are giving to one business, we should be giving to all and not be discriminating because of a personal dislike by one Member of this body.

Mr. McCRERY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Nevada (Mr. PORTER).

Mr. PORTER. Mr. Speaker, I too share the pain of those families that were impacted by the terrible storms in the Gulf Coast, having been there within 24 hours after the devastating storm, seeing it firsthand and helping those families. But I stand today to talk about the equitability of this particular proposal.

There is a number of industries that have been impacted from all walks of life, but there are close to 50,000 families that are being impacted by a carve-out in this legislation, 50,000 hardworking moms and dads trying to take care of their kids.

I believe in equitable treatment, and the gaming industry that has been carved is not asking for special treatment. They are asking to be treated like every other business. And as a Member of this body, I believe firmly that States do have rights, and I believe that local communities have rights, and they have made decisions to allow these businesses to prosper as they are a big part of their economy.

As my colleague from Nevada said, close to $800 million a year into their economy and close to 50,000 jobs. Again, I stand here asking for equitable treatment for a tax-paying business that is approved by State and Federal laws, and they too should be treated equally. I am extremely disappointed, and I believe when we start a carve-out process, it is a slippery slope for this Congress to be telling local governments and State governments who should be receiving these tax credits.

Mr. JEFFERSON. Mr. Speaker, I yield 3 minutes to the gentlewoman from Houston, Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, allow me to likewise lend and associate myself with the remarks of the leadership of the two gentlemen from Louisiana, both in terms of the legislation written, but also the inclusiveness of this legislation.

I am one that has seen the aftermath of the Katrina tragedy and certainly my constituents who experienced the suffering of Hurricane Rita and those of us who have encountered the devastation of Hurricane Wilma. The relevance of the United States as a Federal Government is to be the safety net and the umbrella for the American people. We know that there were many failures as it relates to Hurricane Katrina, and we are making our way steadily to determine the facts of where we failed in helping those people and helping those keep and secure their property, and also to answer the questions for those families who lost loved ones. This legislation, however, is a step forward and it provides incentives to small businesses and businesses in the region. It is inclusive and includes the hurricanes of Wilma and Rita. Rita impacted the State of Texas, and Hurricane Katrina impacted the State of Texas as we have welcomed into areas of Houston those survivors and evacuees who came from the other regions that were hit directly by Hurricane Katrina. This provides entrepreneurs with tools, and entrepreneurs with tools creates jobs. We know that small businesses and medium-size businesses are the backbone of America.

So I thank Mr. JEFFERSON for the housing assistance. I thank him for the access to capital. It makes a difference. It allows our local authorities and State authorities to get back on their feet.

But I must add my concern having been to States like Louisiana and Mississippi, where I have seen the healthy gaming industry that is not filled with corruption because it has been regulated very well by States and oversight by the Federal Government, where it gives $800 million to the infrastructure of various States, and yet this particular bill excludes the rebuilding or the help in the rebuilding of those particular institutions.

Mr. Speaker, they provide jobs to thousands upon thousands of people in Mississippi and Louisiana. It is imperative that we reconsider this aspect of the bill, and I am hoping that we will have an opportunity for a freestanding incentive bill to help all the businesses come back in the region.

Might I also offer and hope that my colleagues would consider a concept that I have raised called the Urban Village Tax Credit, and that is to give relief to many of those who opened their homes. Oh, yes, some may say they were their relatives, but many were not. There were many in my constituency who had 10, 20, 30, 40, 50 people in their homes, churches and other institutions, religious institutions, who took people in not because they wanted a tax incentive but because it was right, because they cared. So I would hope that my colleagues consider the Urban Village Tax Credit, which gives some tax credit relief to those who can document that they took families in during this tragic time. We are all one family and one America.

This is a great tax bill, and I would hope my colleagues would vote on it and consider the Urban Village Tax Credit.

Mr. McCRERY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Speaker, I rise today in support of H.R. 4440, the redevelopment tax package. I want to thank Chairman THOMAS, Chairman MCCRERY, and the Republican leadership for addressing the concerns of a lot of Members. There were 65 Members who signed the initial letter and 30 some that have signed the second letter on this issue.

We all want to help the people of the Gulf Coast, and every fair-minded American want to give hurricane-ravaged areas the Federal assistance they need to rebuild bridges, roads, hospitals, water and sewer.

While the Katrina tax package recently passed by the other body would allow benefits to rebuild massage parlors, liquor stores, and casinos because it does not contain a specific prohibition against it, this bill follows legislative history and regular order in where Federal dollars go to rebuild critical infrastructure like hospitals, homes, and communities.

The House bill, I again stress, following precedent in redevelopment assistance legislation going back more than 20 years, expressly prohibits tax incentives from going to industries that I referred. Congress has a long history of limiting certain types of businesses from receiving redevelopment tax benefits. The bill before us today continues that precedent of not allowing our constituents' hard-earned tax dollars in these times of record deficits to subsidize the rebuilding of a massage parlor, a liquor store, or a casino.

Just as Congress has historically done, we need to target our limited Federal resources to the areas that need it. It would be my expectation that when the measure comes out of conference, it will retain the provisions that ensure that tax incentives to rebuild the Gulf region are used wisely and effectively.

It would be very difficult, almost impossible, to go to a town meeting sometime and say that I have supported or anyone has or the Congress supported giving tax breaks to rebuild whether it be a gambling casino or a massage parlor or a liquor store, and what we are doing today follows the law that we have done in the past.

I thank the gentleman for yielding me this time.

Mr. JEFFERSON. Mr. Speaker, I yield myself such time as I may consume.

I would like to make brief remarks to again thank all who have worked on this bill, particularly Mr. THOMAS, Mr. MCCRERY, and Mr. RANGEL for their work and support. It is going to mean a lot to our region, a lot to my city and my district. And a great part of what we have to do, of course, is to give business the tools it needs to partner with our government to get businesses stood up, to get people back into jobs, to get housing back into our communities so that we can restore our depopulated city and other depopulated parts of parishes around Louisiana and throughout counties in Mississippi and Alabama, and this bill is going to go a long way toward helping us do that.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. McCRERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, many of the provisions in this bill, in fact, most of the provisions in this bill, are simply tools that the Federal Government will give to individuals and businesses in the devastated areas to help themselves. The bonding provisions, for example, that Mr. JEFFERSON spoke of, all of those are simply tools to allow the people in these devastated areas to help pick themselves up and restart their communities. The refinancing provision, for example, allowing States to basically refinance existing bonded obligations, that is a way that we are going to allow States to help themselves.

So, Mr. Speaker, I hope that this House will today take the first step to getting this necessary help to these devastated areas and then, before we leave here for the Christmas holidays, pass a final version that we can send to the President for his signature. It is critical.

Mr. SHAYS. Mr. Speaker, I rise in support of H.R. 4440, the Gulf Opportunity Zone Act, which provides tax incentives for businesses to invest in and rebuild the Gulf Coast communities ravaged by hurricanes.

I am pleased these federal resources will not be used to support the gambling facilities, liquor stores and massage parlors. I don't believe the federal government should help interests that have dubious value to these communities.

I believe gambling is inherently dishonest and am opposed to it in any form. During my 14 years in the state legislature I voted against every gambling bill. Gambling financially cripples those who can least afford it—the poor—through the cruel and misleading lure of "winning it big."

With the budget deficits growing to historic levels, we need to make sure tax dollars are being used in the wisest possible manner to rebuild the region's businesses and housing.

Fair-minded Americans support tax incentives to spur business reinvestment along the hurricane-ravaged Gulf coast to help victims there rebuild their lives.

Tax breaks for the gaming industry simply do not make sense.

I urge my colleagues to support this resolution.

Mr. GIBBONS. Mr. Speaker, I rise today in support of those communities in the gulf coast region who have been devastated by the recent hurricanes.

However, while well-intentioned, I find today's legislation to spur economic development in the gulf coast region to be significantly flawed in that it specifically excluded a key industry in the area.

Never before in any previous disaster relief legislation, has Congress picked winners and losers. We should not start today.

Businesses on the gulf coast have invested billions of dollars in infrastructure that Hurricane Katrina reduced to rubble in a matter of hours. The gaming industry employs tens of thousands of people in the gulf coast region.

It should be treated equally in legislation seeking to assist the rebuilding of businesses destroyed by Hurricane Katrina. The gaming businesses are legal, well-regulated, and publicly traded companies that should not be discriminated against in Federal economic assistance legislation.

Many people in this region lost everything; their homes, their jobs, personal belongings, and the schools their kids attended. It is regrettable that some in Congress are willing to put the hardship of one displaced individual—who may work for a refinery or a grocery store—over another individual's who happens to work in the gaming industry.

This was a terrible disaster and loss for everyone, and Congress today is ignoring that simple fact.

I will not support the Gulf Opportunity Zone legislation today, because I am extremely disturbed with the dangerous precedent this sets.

I will work with our delegation and the conference committee to ensure that the final bill includes equal treatment for the gaming industry—just like any other business in the gulf coast region.

Mr. McCRERY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Louisiana (Mr. MCCRERY) that the House suspend the rules and pass the bill, H.R. 4440.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. McCRERY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. McCRERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 4440.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

UNITED STATES-BAHRAIN FREE TRADE AGREEMENT IMPLEMENTATION ACT

Mr. SHAW. Mr. Speaker, pursuant to House Resolution 583, I call up the bill (H.R. 4340) to implement the United States-Bahrain Free Trade Agreement, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4340

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "United States-Bahrain Free Trade Agreement Implementation Act".

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Definitions.

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

Sec. 101. Approval and entry into force of the Agreement.
Sec. 102. Relationship of the agreement to United States and State law.
Sec. 103. Implementing actions in anticipation of entry into force and initial regulations.
Sec. 104. Consultation and layover provisions for, and effective date of, proclaimed actions.
Sec. 105. Administration of dispute settlement proceedings.
Sec. 106. Effective dates; effect of termination.

TITLE II—CUSTOMS PROVISIONS

Sec. 201. Tariff modifications.
Sec. 202. Rules of origin.
Sec. 203. Customs user fees.
Sec. 204. Enforcement relating to trade in textile and apparel goods.
Sec. 205. Regulations.

TITLE III—RELIEF FROM IMPORTS

Sec. 301. Definitions.

Subtitle A—Relief From Imports Benefiting From the Agreement

Sec. 311. Commencing of action for relief.
Sec. 312. Commission action on petition.
Sec. 313. Provision of relief.
Sec. 314. Termination of relief authority.
Sec. 315. Compensation authority.
Sec. 316. Confidential business information.

Subtitle B—Textile and Apparel Safeguard Measures

Sec. 321. Commencement of action for relief.
Sec. 322. Determination and provision of relief.
Sec. 323. Period of relief.
Sec. 324. Articles exempt from relief.
Sec. 325. Rate after termination of import relief.
Sec. 326. Termination of relief authority.
Sec. 327. Compensation authority.
Sec. 328. Confidential business information.

TITLE IV—PROCUREMENT

Sec. 401. Eligible products.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to approve and implement the Free Trade Agreement between the United States and Bahrain entered into under the authority of section 2103(b) of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3803(b));

(2) to strengthen and develop economic relations between the United States and Bahrain for their mutual benefit;

(3) to establish free trade between the 2 nations through the reduction and elimination of barriers to trade in goods and services; and

(4) to lay the foundation for further cooperation to expand and enhance the benefits of such Agreement.

SEC. 3. DEFINITIONS.

In this Act:

(1) Agreement.—The term "Agreement" means the United States-Bahrain Free Trade Agreement approved by Congress under section 101(a)(1).

(2) HTS.—The term "HTS" means the Harmonized Tariff Schedule of the United States.

(3) Textile or apparel good.—The term "textile or apparel good" means a good listed in the Annex to the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

SEC. 101. APPROVAL AND ENTRY INTO FORCE OF THE AGREEMENT.

(a) Approval of Agreement and Statement of Administrative Action.—Pursuant to section 2105 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3805) and section 151 of the Trade Act of 1974 (19 U.S.C. 2191), Congress approves—

(1) the United States-Bahrain Free Trade Agreement entered into on September 14, 2004, with Bahrain and submitted to Congress on November 16, 2005; and

(2) the statement of administrative action proposed to implement the Agreement that was submitted to Congress on November 16, 2005.

(b) Conditions for Entry Into Force of the Agreement.—At such time as the President determines that Bahrain has taken measures necessary to bring it into compliance with those provisions of the Agreement that are to take effect on the date on which the Agreement enters into force, the President is authorized to exchange notes with the Government of Bahrain providing for the entry into force, on or after January 1, 2006, of the Agreement with respect to the United States.

SEC. 102. RELATIONSHIP OF THE AGREEMENT TO UNITED STATES AND STATE LAW.

(a) Relationship of Agreement to United States Law.—

(1) United states law to prevail in conflict.—No provision of the Agreement, nor the application of any such provision to any person or circumstance, which is inconsistent with any law of the United States shall have effect.

(2) Construction.—Nothing in this Act shall be construed—

(A) to amend or modify any law of the United States; or

(B) to limit any authority conferred under any law of the United States,

unless specifically provided for in this Act.

(b) Relationship of Agreement to State Law.—

(1) Legal challenge.—No State law, or the application thereof, may be declared invalid as to any person or circumstance on the ground that the provision or application is inconsistent with the Agreement, except in an action brought by the United States for the purpose of declaring such law or application invalid.

(2) Definition of state law.—For purposes of this subsection, the term "State law" includes—

(A) any law of a political subdivision of a State; and

(B) any State law regulating or taxing the business of insurance.

(c) Effect of Agreement With Respect to Private Remedies.—No person other than the United States—

(1) shall have any cause of action or defense under the Agreement or by virtue of congressional approval thereof; or

(2) may challenge, in any action brought under any provision of law, any action or inaction by any department, agency, or other instrumentality of the United States, any State, or any political subdivision of a State, on the ground that such action or inaction is inconsistent with the Agreement.

SEC. 103. IMPLEMENTING ACTIONS IN ANTICIPATION OF ENTRY INTO FORCE AND INITIAL REGULATIONS.

(a) Implementing Actions.—

(1) Proclamation authority.—After the date of the enactment of this Act—

(A) the President may proclaim such actions, and

(B) other appropriate officers of the United States Government may issue such regulations,

as may be necessary to ensure that any provision of this Act, or amendment made by this Act, that takes effect on the date on which the Agreement enters into force is appropriately implemented on such date, but no such proclamation or regulation may have an effective date earlier than the date on which the Agreement enters into force.

(2) Effective date of certain proclaimed actions.—Any action proclaimed by the President under the authority of this Act that is not subject to the consultation and layover provisions under section 104 may not take effect before the 15th day after the date on which the text of the proclamation is published in the Federal Register.

(3) Waiver of 15-day restriction.—The 15-day restriction in paragraph (2) on the taking effect of proclaimed actions is waived to the extent that the application of such restriction would prevent the taking effect on the date on which the Agreement enters into force of any action proclaimed under this section.

(b) Initial Regulations.—Initial regulations necessary or appropriate to carry out the actions required by or authorized under this Act or proposed in the statement of administrative action submitted under section 101(a)(2) to implement the Agreement shall, to the maximum extent feasible, be issued within 1 year after the date on which the Agreement enters into force. In the case of any implementing action that takes effect on a date after the date on which the Agreement enters into force, initial regulations to carry out that action shall, to the maximum extent feasible, be issued within 1 year after such effective date.

SEC. 104. CONSULTATION AND LAYOVER PROVISIONS FOR, AND EFFECTIVE DATE OF, PROCLAIMED ACTIONS.

If a provision of this Act provides that the implementation of an action by the President by proclamation is subject to the consultation and layover requirements of this section, such action may be proclaimed only if—

(1) the President has obtained advice regarding the proposed action from—

(A) the appropriate advisory committees established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155); and

(B) the United States International Trade Commission;

(2) the President has submitted to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that sets forth—

(A) the action proposed to be proclaimed and the reasons therefor; and

(B) the advice obtained under paragraph (1);

(3) a period of 60 calendar days, beginning on the first day on which the requirements set forth in paragraphs (1) and (2) have been met has expired; and

(4) the President has consulted with the Committees referred to in paragraph (2) regarding the proposed action during the period referred to in paragraph (3).

SEC. 105. ADMINISTRATION OF DISPUTE SETTLEMENT PROCEEDINGS.

(a) ESTABLISHMENT OR DESIGNATION OF OFFICE.—The President is authorized to establish or designate within the Department of Commerce an office that shall be responsible for providing administrative assistance to panels established under chapter 19 of the Agreement. The office may not be considered to be an agency for purposes of section 552 of title 5, United States Code.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year after fiscal year 2005 to the Department of Commerce such sums as may be necessary for the establishment and operations of the office established or designated under subsection (a) and for the payment of the United States share of the expenses of panels established under chapter 19 of the Agreement.

SEC. 106. EFFECTIVE DATES; EFFECT OF TERMINATION.

(a) EFFECTIVE DATES.—Except as provided in subsection (b), the provisions of this Act and the amendments made by this Act take effect on the date on which the Agreement enters into force.

(b) EXCEPTIONS.—Sections 1 through 3 and this title take effect on the date of the enactment of this Act.

(c) TERMINATION OF THE AGREEMENT.—On the date on which the Agreement terminates, the provisions of this Act (other than this subsection) and the amendments made by this Act shall cease to be effective.

TITLE II—CUSTOMS PROVISIONS

SEC. 201. TARIFF MODIFICATIONS.

(a) TARIFF MODIFICATIONS PROVIDED FOR IN THE AGREEMENT.—

(1) PROCLAMATION AUTHORITY.—The President may proclaim—

(A) such modifications or continuation of any duty,

(B) such continuation of duty-free or excise treatment, or

(C) such additional duties,

as the President determines to be necessary or appropriate to carry out or apply articles 2.3, 2.5, 2.6, 3.2.8, and 3.2.9, and Annex 2–B of the Agreement.

(2) EFFECT ON BAHRAINI GSP STATUS.—Notwithstanding section 502(a)(1) of the Trade Act of 1974 (19 U.S.C. 2462(a)(1)), the President shall, on the date on which the Agreement enters into force, terminate the designation of Bahrain as a beneficiary developing country for purposes of title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.).

(b) OTHER TARIFF MODIFICATIONS.—Subject to the consultation and layover provisions of section 104, the President may proclaim—

(1) such modifications or continuation of any duty,

(2) such modifications as the United States may agree to with Bahrain regarding the staging of any duty treatment set forth in Annex 2–B of the Agreement,

(3) such continuation of duty-free or excise treatment, or

(4) such additional duties,

as the President determines to be necessary or appropriate to maintain the general level of reciprocal and mutually advantageous concessions with respect to Bahrain provided for by the Agreement.

(c) CONVERSION TO AD VALOREM RATES.—For purposes of subsections (a) and (b), with respect to any good for which the base rate in the Tariff Schedule of the United States to Annex 2–B of the Agreement is a specific or compound rate of duty, the President may substitute for the base rate an ad valorem rate that the President determines to be equivalent to the base rate.

SEC. 202. RULES OF ORIGIN.

(a) APPLICATION AND INTERPRETATION.—In this section:

(1) TARIFF CLASSIFICATION.—The basis for any tariff classification is the HTS.

(2) REFERENCE TO HTS.—Whenever in this section there is a reference to a heading or subheading, such reference shall be a reference to a heading or subheading of the HTS.

(b) ORIGINATING GOODS.—

(1) IN GENERAL.—For purposes of this Act and for purposes of implementing the preferential tariff treatment provided for under the Agreement, a good is an originating good if—

(A) the good is imported directly—

(i) from the territory of Bahrain into the territory of the United States; or

(ii) from the territory of the United States into the territory of Bahrain; and

(B)(i) the good is a good wholly the growth, product, or manufacture of Bahrain or the United States, or both;

(ii) the good (other than a good to which clause (iii) applies) is a new or different article of commerce that has been grown, produced, or manufactured in Bahrain or the United States, or both, and meets the requirements of paragraph (2); or

(iii)(I) the good is a good covered by Annex 3–A or 4–A of the Agreement;

(II)(aa) each of the nonoriginating materials used in the production of the good undergoes an applicable change in tariff classification specified in such Annex as a result of production occurring entirely in the territory of Bahrain or the United States, or both; or

(bb) the good otherwise satisfies the requirements specified in such Annex; and

(III) the good satisfies all other applicable requirements of this section.

(2) REQUIREMENTS.—A good described in paragraph (1)(B)(ii) is an originating good only if the sum of—

(A) the value of each material produced in the territory of Bahrain or the United States, or both, and

(B) the direct costs of processing operations performed in the territory of Bahrain or the United States, or both,

is not less than 35 percent of the appraised value of the good at the time the good is entered into the territory of the United States.

(c) CUMULATION.—

(1) ORIGINATING GOOD OR MATERIAL INCORPORATED INTO GOODS OF OTHER COUNTRY.—An originating good, or a material produced in the territory of Bahrain or the United States, or both, that is incorporated into a good in the territory of the other country shall be considered to originate in the territory of the other country.

(2) MULTIPLE PRODUCERS.—A good that is grown, produced, or manufactured in the territory of Bahrain or the United States, or both, by 1 or more producers, is an originating good if the good satisfies the requirements of subsection (b) and all other applicable requirements of this section.

(d) VALUE OF MATERIALS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the value of a material produced in the territory of Bahrain or the United States, or both, includes the following:

(A) The price actually paid or payable for the material by the producer of the good.

(B) The freight, insurance, packing, and all other costs incurred in transporting the material to the producer's plant, if such costs are not included in the price referred to in subparagraph (A).

(C) The cost of waste or spoilage resulting from the use of the material in the growth, production, or manufacture of the good, less the value of recoverable scrap.

(D) Taxes or customs duties imposed on the material by Bahrain or the United States, or both, if the taxes or customs duties are not remitted upon exportation from the territory of Bahrain or the United States, as the case may be.

(2) EXCEPTION.—If the relationship between the producer of a good and the seller of a material influenced the price actually paid or payable for the material, or if there is no price actually paid or payable by the producer for the material, the value of the material produced in the territory of Bahrain or the United States, or both, includes the following:

(A) All expenses incurred in the growth, production, or manufacture of the material, including general expenses.

(B) A reasonable amount for profit.

(C) Freight, insurance, packing, and all other costs incurred in transporting the material to the producer's plant.

(e) PACKAGING AND PACKING MATERIALS AND CONTAINERS FOR RETAIL SALE AND FOR SHIPMENT.—Packaging and packing materials and containers for retail sale and shipment shall be disregarded in determining whether a good qualifies as an originating good, except to the extent that the value of such packaging and packing materials and containers has been included in meeting the requirements set forth in subsection (b)(2).

(f) INDIRECT MATERIALS.—Indirect materials shall be disregarded in determining whether a good qualifies as an originating good, except that the cost of such indirect materials may be included in meeting the requirements set forth in subsection (b)(2).

(g) TRANSIT AND TRANSSHIPMENT.—A good shall not be considered to meet the requirement of subsection (b)(1)(A) if, after exportation from the territory of Bahrain or the United States, the good undergoes production, manufacturing, or any other operation outside the territory of Bahrain or the United States, other than unloading, reloading, or any other operation necessary to preserve the good in good condition or to transport the good to the territory of Bahrain or the United States.

(h) TEXTILE AND APPAREL GOODS.—

(1) DE MINIMIS AMOUNTS OF NONORIGINATING MATERIALS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a textile or apparel good that is not an originating good because certain fibers or yarns used in the production of the component of the good that determines the tariff classification of the good do not undergo an applicable change in tariff classification set out in Annex 3–A of the Agreement shall be considered to be an originating good if the total weight of all such fibers or yarns in that component is not more than 7 percent of the total weight of that component.

(B) CERTAIN TEXTILE OR APPAREL GOODS.—A textile or apparel good containing elastomeric yarns in the component of the good that determines the tariff classification of the good shall be considered to be an originating good only if such yarns are wholly formed in the territory of Bahrain or the United States.

(C) YARN, FABRIC, OR GROUP OF FIBERS.—For purposes of this paragraph, in the case of a textile or apparel good that is a yarn, fabric, or group of fibers, the term "component of the good that determines the tariff classification of the good" means all of the fibers in the yarn, fabric, or group of fibers.

(2) GOODS PUT UP IN SETS FOR RETAIL SALE.—Notwithstanding the rules set forth in Annex 3–A of the Agreement, textile or apparel goods classifiable as goods put up in sets for retail sale as provided for in General Rule of Interpretation 3 of the HTS shall not be considered to be originating goods unless each of the goods in the set is an originating good or the total value of the nonoriginating goods in the set does not exceed 10 percent of the value of the set determined for purposes of assessing customs duties.

(i) DEFINITIONS.—In this section:

(1) DIRECT COSTS OF PROCESSING OPERATIONS.—

(A) IN GENERAL.—The term "direct costs of processing operations", with respect to a good, includes, to the extent they are includable in the appraised value of the good when imported into Bahrain or the United States, as the case may be, the following:

(i) All actual labor costs involved in the growth, production, or manufacture of the good, including fringe benefits, on-the-job training, and the cost of engineering, supervisory, quality control, and similar personnel.

(ii) Tools, dies, molds, and other indirect materials, and depreciation on machinery and equipment that are allocable to the good.

(iii) Research, development, design, engineering, and blueprint costs, to the extent that they are allocable to the good.

(iv) Costs of inspecting and testing the good.

(v) Costs of packaging the good for export to the territory of the other country.

(B) EXCEPTIONS.—The term "direct costs of processing operations" does not include costs that are not directly attributable to a good or are not costs of growth, production, or manufacture of the good, such as—

(i) profit; and

(ii) general expenses of doing business that are either not allocable to the good or are not related to the growth, production, or manufacture of the good, such as administrative salaries, casualty and liability insurance, advertising, and sales staff salaries, commissions, or expenses.

(2) GOOD.—The term "good" means any merchandise, product, article, or material.

(3) GOOD WHOLLY THE GROWTH, PRODUCT, OR MANUFACTURE OF BAHRAIN OR THE UNITED STATES, OR BOTH.—The term "good wholly the growth, product, or manufacture of Bahrain or the United States, or both" means—

(A) a mineral good extracted in the territory of Bahrain or the United States, or both;

(B) a vegetable good, as such a good is provided for in the HTS, harvested in the territory of Bahrain or the United States, or both;

(C) a live animal born and raised in the territory of Bahrain or the United States, or both;

(D) a good obtained from live animals raised in the territory of Bahrain or the United States, or both;

(E) a good obtained from hunting, trapping, or fishing in the territory of Bahrain or the United States, or both;

(F) a good (fish, shellfish, and other marine life) taken from the sea by vessels registered or recorded with Bahrain or the United States and flying the flag of that country;

(G) a good produced from goods referred to in subparagraph (F) on board factory ships registered or recorded with Bahrain or the United States and flying the flag of that country;

(H) a good taken by Bahrain or the United States or a person of Bahrain or the United States from the seabed or beneath the seabed outside territorial waters, if Bahrain or the United States, as the case may be, has rights to exploit such seabed;

(I) a good taken from outer space, if such good is obtained by Bahrain or the United States or a person of Bahrain or the United States and not processed in the territory of a country other than Bahrain or the United States;

(J) waste and scrap derived from—

(i) production or manufacture in the territory of Bahrain or the United States, or both; or

(ii) used goods collected in the territory of Bahrain or the United States, or both, if such goods are fit only for the recovery of raw materials;

(K) a recovered good derived in the territory of Bahrain or the United States from used goods and utilized in the territory of that country in the production of remanufactured goods; and

(L) a good produced in the territory of Bahrain or the United States, or both, exclusively—

(i) from goods referred to in subparagraphs (A) through (J), or

(ii) from the derivatives of goods referred to in clause (i),

at any stage of production.

(4) INDIRECT MATERIAL.—The term "indirect material" means a good used in the growth, production, manufacture, testing, or inspection of a good but not physically incorporated into the good, or a good used in the maintenance of buildings or the operation of equipment associated with the growth, production, or manufacture of a good, including—

(A) fuel and energy;

(B) tools, dies, and molds;

(C) spare parts and materials used in the maintenance of equipment and buildings;

(D) lubricants, greases, compounding materials, and other materials used in the growth, production, or manufacture of a good or used to operate equipment and buildings;

(E) gloves, glasses, footwear, clothing, safety equipment, and supplies;

(F) equipment, devices, and supplies used for testing or inspecting the good;

(G) catalysts and solvents; and

(H) any other goods that are not incorporated into the good but the use of which in the growth, production, or manufacture of the good can reasonably be demonstrated to be a part of that growth, production, or manufacture.

(5) MATERIAL.—The term "material" means a good, including a part or ingredient, that is used in the growth, production, or manufacture of another good that is a new or different article of commerce that has been grown, produced, or manufactured in Bahrain or the United States, or both.

(6) MATERIAL PRODUCED IN THE TERRITORY OF BAHRAIN OR THE UNITED STATES, OR BOTH.—The term "material produced in the territory of Bahrain or the United States, or both" means a good that is either wholly the growth, product, or manufacture of Bahrain or the United States, or both, or a new or different article of commerce that has been grown, produced, or manufactured in the territory of Bahrain or the United States, or both.

(7) NEW OR DIFFERENT ARTICLE OF COMMERCE.—

(A) IN GENERAL.—The term "new or different article of commerce" means, except as provided in subparagraph (B), a good that—

(i) has been substantially transformed from a good or material that is not wholly the growth, product, or manufacture of Bahrain or the United States, or both; and

(ii) has a new name, character, or use distinct from the good or material from which it was transformed.

(B) EXCEPTION.—A good shall not be considered a new or different article of commerce by virtue of having undergone simple combining or packaging operations, or mere dilution with water or another substance that does not materially alter the characteristics of the good.

(8) RECOVERED GOODS.—The term "recovered goods" means materials in the form of individual parts that result from—

(A) the complete disassembly of used goods into individual parts; and

(B) the cleaning, inspecting, testing, or other processing of those parts that is necessary for improvement to sound working condition.

(9) REMANUFACTURED GOOD.—The term "remanufactured good" means an industrial good that is assembled in the territory of Bahrain or the United States and that—

(A) is entirely or partially comprised of recovered goods;

(B) has a similar life expectancy to, and meets similar performance standards as, a like good that is new; and

(C) enjoys a factory warranty similar to that of a like good that is new.

(10) SIMPLE COMBINING OR PACKAGING OPERATIONS.—The term "simple combining or packaging operations" means operations such as adding batteries to devices, fitting together a small number of components by bolting, gluing, or soldering, and repacking or packaging components together.

(11) SUBSTANTIALLY TRANSFORMED.—The term "substantially transformed" means, with respect to a good or material, changed as the result of a manufacturing or processing operation so that—

(A)(i) the good or material is converted from a good that has multiple uses into a good or material that has limited uses;

(ii) the physical properties of the good or material are changed to a significant extent; or

(iii) the operation undergone by the good or material is complex by reason of the number of different processes and materials involved and the time and level of skill required to perform those processes; and

(B) the good or material loses its separate identity in the manufacturing or processing operation.

(j) PRESIDENTIAL PROCLAMATION AUTHORITY.—

(1) IN GENERAL.—The President is authorized to proclaim, as part of the HTS—

(A) the provisions set forth in Annex 3-A and Annex 4–A of the Agreement; and

(B) any additional subordinate category that is necessary to carry out this title, consistent with the Agreement.

(2) MODIFICATIONS.—

(A) IN GENERAL.—Subject to the consultation and layover provisions of section 104, the President may proclaim modifications to the provisions proclaimed under the authority of paragraph (1)(A), other than provisions of chapters 50 through 63 of the HTS (as included in Annex 3-A of the Agreement).

(B) ADDITIONAL PROCLAMATIONS.—Notwithstanding subparagraph (A), and subject to the consultation and layover provisions of section 104, the President may proclaim—

(i) modifications to the provisions proclaimed under the authority of paragraph (1)(A) as are necessary to implement an agreement with Bahrain pursuant to article 3.2.5 of the Agreement; and

(ii) before the end of the 1-year period beginning on the date of the enactment of this Act, modifications to correct any typographical, clerical, or other nonsubstantive technical error regarding the provisions of chapters 50 through 63 of the HTS (as included in Annex 3–A of the Agreement).

SEC. 203. CUSTOMS USER FEES.

Section 13031(b) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)) is amended—

(1) in each of paragraphs (13) and (15), by moving the text 2 ems to the left; and

(2) by adding after paragraph (15) the following:

"(16) No fee may be charged under subsection (a) (9) or (10) with respect to goods that qualify as originating goods under section 202 of the United States-Bahrain Free Trade Agreement Implementation Act. Any service for which an exemption from such fee is provided by reason of this paragraph may not be funded with money contained in the Customs User Fee Account.".

SEC. 204. ENFORCEMENT RELATING TO TRADE IN TEXTILE AND APPAREL GOODS.

(a) ACTION DURING VERIFICATION.—

(1) IN GENERAL.—If the Secretary of the Treasury requests the Government of Bahrain to conduct a verification pursuant to article 3.3 of the Agreement for purposes of making a determination under paragraph (2), the President may direct the Secretary to take appropriate action described in subsection (b) while the verification is being conducted.

(2) DETERMINATION.—A determination under this paragraph is a determination—

(A) that an exporter or producer in Bahrain is complying with applicable customs laws, regulations, procedures, requirements, or practices affecting trade in textile or apparel goods; or

(B) that a claim that a textile or apparel good exported or produced by such exporter or producer—

(i) qualifies as an originating good under section 202; or

(ii) is a good of Bahrain, is accurate.

(b) APPROPRIATE ACTION DESCRIBED.—Appropriate action under subsection (a)(1) includes—

(1) suspension of liquidation of the entry of any textile or apparel good exported or produced by the person that is the subject of a verification referred to in subsection (a)(1) regarding compliance described in subsection (a)(2)(A), in a case in which the request for verification was based on a reasonable suspicion of unlawful activity related to such good; and

(2) suspension of liquidation of the entry of a textile or apparel good for which a claim has been made that is the subject of a verification referred to in subsection (a)(1) regarding a claim described in subsection (a)(2)(B).

(c) ACTION WHEN INFORMATION IS INSUFFICIENT.—If the Secretary of the Treasury determines that the information obtained within 12 months after making a request for a verification under subsection (a)(1) is insufficient to make a determination under subsection (a)(2), the President may direct the Secretary to take appropriate action described in subsection (d) until such time as the Secretary receives information sufficient to make a determination under subsection (a)(2) or until such earlier date as the President may direct.

(d) APPROPRIATE ACTION DESCRIBED.—Appropriate action referred to in subsection (c) includes—

(1) publication of the name and address of the person that is the subject of the verification;

(2) denial of preferential tariff treatment under the Agreement to—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification referred to in subsection (a)(1) regarding compliance described in subsection (a)(2)(A); or

(B) a textile or apparel good for which a claim has been made that is the subject of a verification referred to in subsection (a)(1) regarding a claim described in subsection (a)(2)(B); and

(3) denial of entry into the United States of—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification referred to in subsection (a)(1) regarding compliance described in subsection (a)(2)(A); or

(B) a textile or apparel good for which a claim has been made that is the subject of a verification referred to in subsection (a)(1) regarding a claim described in subsection (a)(2)(B).

SEC. 205. REGULATIONS.

The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out—

(1) subsections (a) through (i) of section 202;

(2) the amendment made by section 203(2); and

(3) proclamations issued under section 202(j).

TITLE III—RELIEF FROM IMPORTS

SEC. 301. DEFINITIONS.

In this title:

(1) BAHRAINI ARTICLE.—The term "Bahraini article" means an article that—

(A) qualifies as an originating good under section 202(b); or

(B) receives preferential tariff treatment under paragraphs 8 through 11 of article 3.2 of the Agreement.

(2) BAHRAINI TEXTILE OR APPAREL ARTICLE.—The term "Bahraini textile or apparel article" means an article that—

(A) is listed in the Annex to the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)); and

(B) is a Bahraini article.

(3) COMMISSION.—The term "Commission" means the United States International Trade Commission.

Subtitle A—Relief From Imports Benefiting From the Agreement

SEC. 311. COMMENCING OF ACTION FOR RELIEF.

(a) FILING OF PETITION.—A petition requesting action under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the Commission by an entity, including a trade association, firm, certified or recognized union, or group of workers, that is representative of an industry. The Commission shall transmit a copy of any petition filed under this subsection to the United States Trade Representative.

(b) INVESTIGATION AND DETERMINATION.—Upon the filing of a petition under subsection (a), the Commission, unless subsection (d) applies, shall promptly initiate an investigation to determine whether, as a result of the reduction or elimination of a duty provided for under the Agreement, a Bahraini article is being imported into the United States in such increased quantities, in absolute terms or relative to domestic production, and under such conditions that imports of the Bahraini article constitute a substantial cause of serious injury or threat thereof to the domestic industry producing an article that is like, or directly competitive with, the imported article.

(c) APPLICABLE PROVISIONS.—The following provisions of section 202 of the Trade Act of 1974 (19 U.S.C. 2252) apply with respect to any investigation initiated under subsection (b):

(1) Paragraphs (1)(B) and (3) of subsection (b).

(2) Subsection (c).

(3) Subsection (i).

(d) ARTICLES EXEMPT FROM INVESTIGATION.—No investigation may be initiated under this section with respect to any Bahraini article if, after the date on which the Agreement enters into force with respect to the United States, import relief has been provided with respect to that Bahraini article under this subtitle.

SEC. 312. COMMISSION ACTION ON PETITION.

(a) DETERMINATION.—Not later than 120 days after the date on which an investigation is initiated under section 311(b) with respect to a petition, the Commission shall make the determination required under that section.

(b) APPLICABLE PROVISIONS.—For purposes of this subtitle, the provisions of paragraphs (1), (2), and (3) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d) (1), (2), and (3)) shall be applied with respect to determinations and findings made under this section as if such determinations and findings were made under section 202 of the Trade Act of 1974 (19 U.S.C. 2252).

(c) ADDITIONAL FINDING AND RECOMMENDATION IF DETERMINATION AFFIRMATIVE.—

(1) IN GENERAL.—If the determination made by the Commission under subsection (a) with respect to imports of an article is affirmative, or if the President may consider a determination of the Commission to be an affirmative determination as provided for under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1)), the Commission shall find, and recommend to the President in the report required under subsection (d), the amount of import relief that is necessary to remedy or prevent the injury found by the Commission in the determination and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition.

(2) LIMITATION ON RELIEF.—The import relief recommended by the Commission under this subsection shall be limited to that described in section 313(c).

(3) VOTING; SEPARATE VIEWS.—Only those members of the Commission who voted in the affirmative under subsection (a) are eligible to vote on the proposed action to remedy or prevent the injury found by the Commission. Members of the Commission who

did not vote in the affirmative may submit, in the report required under subsection (d), separate views regarding what action, if any, should be taken to remedy or prevent the injury.

(d) Report to President.—Not later than the date that is 30 days after the date on which a determination is made under subsection (a) with respect to an investigation, the Commission shall submit to the President a report that includes—

(1) the determination made under subsection (a) and an explanation of the basis for the determination;

(2) if the determination under subsection (a) is affirmative, any findings and recommendations for import relief made under subsection (c) and an explanation of the basis for each recommendation; and

(3) any dissenting or separate views by members of the Commission regarding the determination and recommendation referred to in paragraphs (1) and (2).

(e) Public Notice.—Upon submitting a report to the President under subsection (d), the Commission shall promptly make public such report (with the exception of information which the Commission determines to be confidential) and shall cause a summary thereof to be published in the Federal Register.

SEC. 313. PROVISION OF RELIEF.

(a) In General.—Not later than the date that is 30 days after the date on which the President receives the report of the Commission in which the Commission's determination under section 312(a) is affirmative, or which contains a determination under section 312(a) that the President considers to be affirmative under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1)), the President, subject to subsection (b), shall provide relief from imports of the article that is the subject of such determination to the extent that the President determines necessary to remedy or prevent the injury found by the Commission and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition.

(b) Exception.—The President is not required to provide import relief under this section if the President determines that the provision of the import relief will not provide greater economic and social benefits than costs.

(c) Nature of Relief.—

(1) In general.—The import relief that the President is authorized to provide under this section with respect to imports of an article is as follows:

(A) The suspension of any further reduction provided for under Annex 2-B of the Agreement in the duty imposed on such article.

(B) An increase in the rate of duty imposed on such article to a level that does not exceed the lesser of—

(i) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(ii) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

(2) Progressive liberalization.—If the period for which import relief is provided under this section is greater than 1 year, the President shall provide for the progressive liberalization of such relief at regular intervals during the period in which the relief is in effect.

(d) Period of Relief.—

(1) In general.—Subject to paragraph (2), any import relief that the President provides under this section may not, in the aggregate, be in effect for more than 3 years.

(2) Extension.—

(A) In general.—If the initial period for any import relief provided under this section is less than 3 years, the President, after receiving a determination from the Commission under subparagraph (B) that is affirmative, or which the President considers to be affirmative under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1)), may extend the effective period of any import relief provided under this section, subject to the limitation under paragraph (1), if the President determines that—

(i) the import relief continues to be necessary to remedy or prevent serious injury and to facilitate adjustment by the domestic industry to import competition; and

(ii) there is evidence that the industry is making a positive adjustment to import competition.

(B) Action by commission.—

(i) Investigation.—Upon a petition on behalf of the industry concerned that is filed with the Commission not earlier than the date which is 9 months, and not later than the date which is 6 months, before the date any action taken under subsection (a) is to terminate, the Commission shall conduct an investigation to determine whether action under this section continues to be necessary to remedy or prevent serious injury and to facilitate adjustment by the domestic industry to import competition and whether there is evidence that the industry is making a positive adjustment to import competition.

(ii) Notice and hearing.—The Commission shall publish notice of the commencement of any proceeding under this subparagraph in the Federal Register and shall, within a reasonable time thereafter, hold a public hearing at which the Commission shall afford interested parties and consumers an opportunity to be present, to present evidence, and to respond to the presentations of other parties and consumers, and otherwise to be heard.

(iii) Report.—The Commission shall transmit to the President a report on its investigation and determination under this subparagraph not later than 60 days before the action under subsection (a) is to terminate, unless the President specifies a different date.

(e) Rate After Termination of Import Relief.—When import relief under this section is terminated with respect to an article, the rate of duty on that article shall be the rate that would have been in effect, but for the provision of such relief, on the date on which the relief terminates.

(f) Articles Exempt From Relief.—No import relief may be provided under this section on any article that has been subject to import relief under this subtitle after the date on which the Agreement enters into force.

SEC. 314. TERMINATION OF RELIEF AUTHORITY.

(a) General Rule.—Subject to subsection (b), no import relief may be provided under this subtitle after the date that is 10 years after the date on which the Agreement enters into force.

(b) Presidential Determination.—Import relief may be provided under this subtitle in the case of a Bahraini article after the date on which such relief would, but for this subsection, terminate under subsection (a), if the President determines that Bahrain has consented to such relief.

SEC. 315. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under section 313 shall be treated as action taken under chapter 1 of title II of such Act (19 U.S.C. 2251 et seq.).

SEC. 316. CONFIDENTIAL BUSINESS INFORMATION.

Section 202(a)(8) of the Trade Act of 1974 (19 U.S.C. 2252(a)(8)) is amended in the first sentence—

(1) by striking "and"; and

(2) by inserting before the period at the end ", and title III of the United States-Bahrain Free Trade Agreement Implementation Act".

Subtitle B—Textile and Apparel Safeguard Measures

SEC. 321. COMMENCEMENT OF ACTION FOR RELIEF.

(a) In General.—A request under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the President by an interested party. Upon the filing of a request, the President shall review the request to determine, from information presented in the request, whether to commence consideration of the request.

(b) Publication of Request.—If the President determines that the request under subsection (a) provides the information necessary for the request to be considered, the President shall cause to be published in the Federal Register a notice of commencement of consideration of the request, and notice seeking public comments regarding the request. The notice shall include a summary of the request and the dates by which comments and rebuttals must be received.

SEC. 322. DETERMINATION AND PROVISION OF RELIEF.

(a) Determination.—

(1) In general.—If a positive determination is made under section 321(b), the President shall determine whether, as a result of the reduction or elimination of a duty under the Agreement, a Bahraini textile or apparel article is being imported into the United States in such increased quantities, in absolute terms or relative to the domestic market for that article, and under such conditions as to cause serious damage, or actual threat thereof, to a domestic industry producing an article that is like, or directly competitive with, the imported article.

(2) Serious damage.—In making a determination under paragraph (1), the President—

(A) shall examine the effect of increased imports on the domestic industry, as reflected in changes in such relevant economic factors as output, productivity, utilization of capacity, inventories, market share, exports, wages, employment, domestic prices, profits, and investment, none of which is necessarily decisive; and

(B) shall not consider changes in technology or consumer preference as factors supporting a determination of serious damage or actual threat thereof.

(b) Provision of Relief.—

(1) In general.—If a determination under subsection (a) is affirmative, the President may provide relief from imports of the article that is the subject of such determination, as described in paragraph (2), to the extent that the President determines necessary to remedy or prevent the serious damage and to facilitate adjustment by the domestic industry to import competition.

(2) Nature of relief.—The relief that the President is authorized to provide under this subsection with respect to imports of an article is an increase in the rate of duty imposed on the article to a level that does not exceed the lesser of—

(A) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(B) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

SEC. 323. PERIOD OF RELIEF.

(a) In General.—Subject to subsection (b), any import relief that the President provides under subsection (b) of section 322 may not, in the aggregate, be in effect for more than 3 years.

(b) Extension.—If the initial period for any import relief provided under section 322 is less than 3 years, the President may extend the effective period of any import relief provided under that section, subject to the limitation set forth in subsection (a), if the President determines that—

(1) the import relief continues to be necessary to remedy or prevent serious damage and to facilitate adjustment by the domestic industry to import competition; and

(2) there is evidence that the industry is making a positive adjustment to import competition.

SEC. 324. ARTICLES EXEMPT FROM RELIEF.

The President may not provide import relief under this subtitle with respect to any article if—

(1) the article has been subject to import relief under this subtitle after the date on which the Agreement enters into force; or

(2) the article is subject to import relief under chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.).

SEC. 325. RATE AFTER TERMINATION OF IMPORT RELIEF.

When import relief under this subtitle is terminated with respect to an article, the rate of duty on that article shall be the rate that would have been in effect, but for the provision of such relief, on the date on which the relief terminates.

SEC. 326. TERMINATION OF RELIEF AUTHORITY.

No import relief may be provided under this subtitle with respect to any article after the date that is 10 years after the date on which duties on the article are eliminated pursuant to the Agreement.

SEC. 327. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under this subtitle shall be treated as action taken under chapter 1 of title II of such Act.

SEC. 328. CONFIDENTIAL BUSINESS INFORMATION.

The President may not release information that is submitted in a proceeding under this subtitle and that the President considers to be confidential business information unless the party submitting the confidential business information had notice, at the time of submission, that such information would be released, or such party subsequently consents to the release of the information. To the extent a party submits confidential business information to the President in a proceeding under this subtitle, the party shall also submit a nonconfidential version of the information, in which the confidential business information is summarized or, if necessary, deleted.

TITLE IV—PROCUREMENT

SEC. 401. ELIGIBLE PRODUCTS.

Section 308(4)(A) of the Trade Agreements Act of 1979 (19 U.S.C. 2518(4)(A)) is amended—

(1) by striking "or" at the end of clause (iii);

(2) by striking the period at the end of clause (iv) and inserting "; or"; and

(3) by adding at the end the following new clause:

"(v) a party to a free trade agreement that entered into force with respect to the United States after December 31, 2005, and before July 2, 2006, a product or service of that country or instrumentality which is covered under the free trade agreement for procurement by the United States.".

The SPEAKER pro tempore. Pursuant to House Resolution 583, the gentleman from Florida (Mr. SHAW) and the gentleman from New York (Mr. RANGEL) each will control 1 hour.

The Chair recognizes the gentleman from Florida.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House considers the United States-Bahrain Free Trade Agreement Implementation Act. I am pleased my friend and ranking member of the Trade Subcommittee (Mr. CARDIN), as well as Mr. RANGEL, has joined me in supporting this agreement. It is tremendously important that our trade agenda remain on track and that we seek bipartisan support in accomplishing this goal.

The administration has publicly stated its commitment to the Middle East free trade area by the year 2013.

□ 1515

This agreement takes a key step in moving towards this goal. Political and economic progress continue to take shape in the Middle East. And by approving this agreement, the United States shows its support for our ally, Bahrain, and for the ideal of promoting open markets with leading reforms.

The Office of the United States Trade Representative has negotiated an agreement that, in my view, will serve as a model for the region. Upon implementation, all bilateral trade and consumer and industrial products will become duty free. All agricultural products are covered by the agreement. It will allow for immediate duty-free access for United States agricultural exports in 98 percent of the agricultural categories with a few remaining categories phased out over the next 10 years

In addition, the commitments to this agreement relating to services are the strongest in any United States free trade agreement to date. Finally, I want to recognize the actions taken by Bahrain to eliminate all aspects of the Arab League boycott of the State of Israel.

Bahrain took the commendable step of writing to Ambassador Portman to reiterate its commitment on this issue. Bahrain has ended the secondary and tertiary aspects of the boycott, dismantled all aspects of the primary boycott, and is fully committed to complying with World Trade Organization requirements.

In addition to these actions by Bahrain, I am also pleased with the commitment that the U.S. Trade Representative made to me during the committee's consideration of this agreement to report annually on the status of the Arab League boycott and efforts to dismantle it in Bahrain and all other countries where it has been applied.

Mr. Speaker, I submit for printing in the RECORD a letter from Bahrain's finance minister to Ambassador Portman relating to this issue.

KINGDOM OF BAHRAIN, MINISTRY OF
FINANCE, MINISTER'S OFFICE,

September 5, 2005.

Hon. ROBERT PORTMAN,
U.S. Trade Representative,
Washington, DC.

DEAR AMBASSADOR PORTMAN: Please accept my congratulations on your recent appointment to serve as the U.S. Trade Representatives. I look forward to meeting with you soon to discuss our mutual interest in strengthening trade relations between the Kingdom of Bahrain and the United States.

It has come to my attention that questions have arisen regarding any secondary and tertiary boycotts related to Israel.

Following a decision of the Arab League in 1963 and prior to Bahrain's independence, the Bahrain government issued Law No. 5 of 1963 (Finance) which established the Boycott of Israel Office.

In 1994, the Kingdom of Bahrain eliminated all aspects of secondary and tertiary boycotts which extended to businesses which had relations with Israeli companies and businesses. Attached please find a copy of the memorandum recently sent to all Bahrain Ministries reminding them that the secondary and tertiary boycotts are null and void.

In the hope of advancing peace and regional cooperation, the Kingdom of Bahrain recognizes the need to dismantle the primary Boycott of Israel and is beginning efforts to achieve that goal.

As founding members of the World Trade Organization (WTO), the Kingdom of Bahrain is fully committed to complying with WTO requirements. Bahrain has no restrictions whatsoever on American companies trading with Bahrain or doing business in Bahrain, regardless of its ownership or relations with Israeli companies.

Finally, it is Bahrain's sincerest hope that our Free Trade Agreement with the United States will enhance efforts to achieve a real and lasting peace in the Middle East.

Yours sincerely.

AHMED BIN MOHAMMED AL KHALIFA,
Minister of Finance.

Mr. Speaker, the United States needs allies in the Middle East. Bahrain has stepped up to the plate in so many ways. Let me state them. As the home of our United States Navy's 5th Fleet, as a key ally in the war on terror, and by promoting an open and transparent market that will benefit our overall bilateral relationship.

Open and free trade with Bahrain will prove beneficial, both in the short run, and especially over time. We will witness a Nation leading a region of the world towards openness with the United States and doing it through trade.

Through these ties, I firmly believe that this agreement will advance the development of Democratic principles throughout that region.

Mr. Speaker, I thank my Ways and Means colleagues for moving this agreement to the floor for today's consideration. I especially want to recognize the efforts of the gentleman from Wisconsin (Mr. RYAN) and the gentleman from New York (Mr. MEEKS) for their commitment to seeing a United States-Bahrain free trade agreement come to fruition.

As co-chairs of the U.S.-Bahrain Congressional Caucus, they educated and provided key information to Members and staff in anticipation of this floor vote. I want to thank them publicly for their efforts.

Mr. Speaker, the agreement before us today is right for America for economic and strategic reasons. We must ensure that we support our allies in the Middle East. By opening markets, we empower people to reap the benefits of economic freedom.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think working out the details in this bill is a classic example as to how we can be bipartisan when we really try. There is no question that foreign policy and trade should not be a Republican or Democratic issue.

And the gentleman from Maryland (Mr. CARDIN) made up his mind that we were going to stick to it to make certain that some of our concerns about the basic protection of workers was going to be included in the bill. And while the language is not specifically in the bill, in talking with the representatives from the Bahrain government, especially the ambassador that showed us a sincere desire to make certain that he accommodated not Republicans or Democrats, but his respect for this body, we were able to persuade most of the Members on our side that this was something worth doing, not only because of economic reasons, but because of the courageous acts that were taken in the Middle East by this very small country.

Mr. Speaker, I yield 30 minutes to the distinguished gentlemen from California (Mr. STARK) and request unanimous consent that he be allowed to manage the time.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RANGEL. Mr. Speaker, I yield the balance of my time to the distinguished gentleman from Maryland (Mr. CARDIN) and request unanimous consent that he be allowed to yield time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RANGEL. Mr. Speaker, in closing, though, I would also like to point out that the gentleman from Wisconsin (Mr. RYAN), a junior Member of the committee, spent considerable time working with us and working with us through the United States Trade Representative in order to make certain that we reached this conclusion, and I will be supporting this piece of legislation.

Mr. STARK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the first thing is, here we go again. If we are rewarding an ally for helping us in Iraq, where I understand there are no Bahranian troops, but we have got a Navy base. Well, if we are paying off for a Navy base, how about Cuba? Why do we not throw these guys in? I think we have got a big base in Cuba where we are torturing prisoners, so why not toss them in if that is the reason for going into this free trade agreement.

The problem with the Bahrain Free Trade Agreement is the same ones that we have had with Australia, Morocco, CAFTA. And the administration keeps sending the same flawed arguments and agreements.

I have supported trade. But it has got to be fair before it can be free. And unfortunately, this administration does not see it that way. Like our recent free trade agreements, it fails to promote basic labor rights, environmental standards, and is a payback or a sell out to PhRMA for letting the pharmaceutical industry write into these agreements wording that extends their patents and extends the time before generic medicines are available.

Now, it may be that Bahrain is somewhat richer than other nations and can wait longer, but it is a bad policy. You are going to hear today about Bahrain's labor rights. That is great. But it does not hold them responsible for maintaining those improvements. It is sort of enforce your own laws, and Bahrain could change those laws tomorrow.

The same hollow standards apply to environmental protections. They could be changed. My 10-year-old son wishes that he could have enforce his own bed time. But that is not the way it works, Mr. Speaker. Until the core international labor organizations standards and strong environmental protections are included in the text of the agreement, we should all vote against these free trade agreements.

If you trust the administration to tell you the truth, maybe you could vote for it then. But I think recent experience in the war, in torture, and other instances have shown us that those assertions are subject to question by reasonable people.

So this agreement, like many other bills, helps Big Pharma. It does not do much for labor. It does nothing to assure us that we will have environmental safety in Bahrain should they, God help us, ever run out of oil. And it seems to me that we are giving away a lot of our American rights. And I urge any of you just to remember the disagreement we had many years ago over China.

And many of us said, the minute you give permanent most favored nation to China, you will never again be able to negotiate with them. Look at the footage when our delegation was in China and the hands that went in front of the cameras as China prohibits free and open press coverage of what goes on there.

Until we are ready to get fair exchange for these free trade agreements, we are selling our American heritage. I urge a no vote on the Bahrain Free Trade Agreement.

Mr. Speaker, I reserve the balance of my time.

Mr. SHAW. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. RYAN) who I referred to in my opening remarks, a member of the Ways and Means Committee.

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the chairman for yielding, and for his hard work on this. Also I want to start off, Mr. Speaker, by thanking the Democrats on the committee for working so hard and diligently with us.

This is a bipartisan bill. This is a bipartisan trade agreement. We will see votes from a lot of Democrats and a lot of Republicans when this comes to a vote. Why is that? Mr. Speaker, I think this is a very important step in the right direction for our country. This is a very important precedent-making event. What we are accomplishing here is the first trade agreement in this region since the 9/11 Commission published their findings, since we launched the Middle East Free Trade Area Initiative, since 9/11.

Now, let us just say it is controversial what our country is doing in Iraq. I think it is safe to say that. That is a part of our war on terror, has controversy. Well, what are we trying to accomplish there? We believe that freedom and democracy are the best ultimate tools in the war on terrorism. We believe that our children and grandchildren will be more safe and secure here in America and around the world, if other people are free, if other people have the ability to determine their own destiny and their own futures.

What does this have to do with that? A trade agreement with the United States with these countries, with Bahrain, in particular, helps secure that future. By seeing the leadership of Bahrain, the first country in the Gulf to do this, gravitating and taking the leadership, for rule of law, transparency in its legislature, changing its government to a constitutional monarchy, having a directly representative parliament, giving women the right to vote, given women elected positions in government, giving woman elected positions in the ministry, in the cabinet level, having the rule of law, having transparency, all of those things are the necessary and key foundations and building blocks to freedom and democracy.

That is ultimately how we win against the war on terrorism. This is the way we do it on a bipartisan basis. This is the opportunity for Republicans and Democrats to go forward with one voice, one face, one message as Americans going overseas, going forward confidently to win the war on terror and help encourage the spread of freedom and democracy. That is why this is an important trade agreement.

Is Bahrain significant from an economic value? It is a small country relative to other economic trade partners. Is this trade agreement in and of itself a good deal for us? Absolutely. Zero tariffs on manufactured goods. Zero tariffs on our agricultural goods. Fair trade rules. This agreement improves labor standards.

The Bahrainees have already shown leadership in their region in this area. In 2000, they passed a very sweeping labor reform law. They have since committed to passing even more sweeping labor reform laws. So we are already seeing tremendous progress being made. This is a country, Mr. Speaker, that has really shown leadership in this region against the grain, against pressure from their neighbors across the causeway in Saudi Arabia and elsewhere in the Gulf.

This is a country that has been our friend and ally for over 100 years, that has hosted our 5th Fleet naval base from which we do all of our naval operations in the Iraqi theatre, in the Afghani theatre, come from Bahrain, from our 5th Fleet.

This is a country that has stood with the United States through thick and then in helping us stop money laundering for terrorists, in helping us with our military, in standing with us for democracy in the Middle East. It is an important ally. It is an ally that has done a lot, that has shown leadership, that has risked a lot to stand with us for democracy and freedom, that is gravitating towards these kinds of reforms.

The vision that this trade agreement represents, Mr. Speaker, is a vision of spreading trade, free markets, capitalism and democracy and freedom throughout the greater Middle East. This is the road map to the future of the Middle East.

And that is why it is so important. This is a bipartisan movement. That is why I just want to say one more time how thankful I am to the ranking member of the Ways and Means Committee, the gentleman from New York (Mr. RANGEL) for working very hard to meet this agreement, and the gentleman from Maryland (Mr. CARDIN) as well, for working hard to meet this agreement so that we can stand here today as Republicans and Democrats in favor of this very important trade agreement.

□ 1530

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise today in support of the U.S.-Bahrain Free Trade Agreement. This agreement reflects a bipartisan effort to make a deal that is worthy of broad support both in terms of the process used and the substance of the agreement.

I want to thank the gentleman from Florida (Mr. SHAW) for his help in this agreement. I want to thank the gentleman from Wisconsin (Mr. RYAN) for his persistence in keeping us focused on getting this agreement completed this year. I want to thank the gentleman from New York (Mr. RANGEL) for his help with the USTR and with the administration in pointing out the importance of making some additional changes. I thank the gentleman from Michigan (Mr. LEVIN) for his contributions in regards to this bill.

As you know, Mr. Speaker, Congress uses an expedited process when it considers trade agreements. As a result, Congress gives up a lot of its prerogatives, and it is absolutely critical that in giving up these prerogatives that the administration consult and work very closely with the Members of Congress on both sides of the aisle in negotiating, entering into, and submitting to Congress the implementing legislation.

Well, in regards to the U.S.-Bahrainian agreement, much of the work was done prior to the beginning of this year; and, quite frankly, there was not as close a relationship with Congress as I wanted to see. There were things that were not complete then when the agreement itself had been finished. But thanks to Ambassador Portman, thanks to the help from the majority side, we were able to continue consultation with Congress on both sides of the aisle prior to the submission of the implementing legislation.

As a result, we now have an agreement that incorporates the important provisions that deal with worker rights as well as dealing with the issue of the boycott against Israel; and I want to compliment the process and the manner in which we have been able to complete this agreement.

On substance, the U.S.-Bahrain Free Trade Agreement is a good agreement for several reasons. First, the agreement provides substantial market access for U.S. service providers, immediate duty-free treatment for all currently traded consumer and industrial products, and duty-free treatment of nearly all U.S. agricultural exports.

This is a good model for other agreements in the region and around the world.

Second, Bahrain has taken truly historic steps by disavowing all aspects of the Arab League boycott against Israel. Not only the primary, but the secondary and tertiary boycotts. This should be the template that we use in all negotiations and free trade agreements in that region. That is exactly what the United States should be demanding.

The third reason why this is a good agreement is that Bahrain has adopted major reforms in its labor code and is committed to making further reforms. In 2002 Bahrain enacted legislation that for the first time gave workers in Bahrain the right to belong to trade unions and to strike.

Last month in an exchange of letters with the United States Government, the government of Bahrain made several additional commitments that would ensure its laws are in full compliance with basic international standards.

Mr. Speaker, let me just point out that the process we use is that we identified certain weaknesses in the operation of the Bahrainian reform laws as it related to workers' rights. Bahrain now is committed by letter and interpretation to comply fully with the ILO standards in four of those areas. There are two additional areas that really require consultation with the union because they only have a single union, and under ILO standards they need to have multiple unions and need legislation to be enacted.

Bahrain had filed earlier this week two of those laws to make it clear that it is not only going to be the manner in which the government enforces the laws, but the underlying laws themselves will be in compliance with ILO standards. We also are permitted under this agreement to use the agreement in the event that we believe that they have not carried out their commitment. So this does reflect what we should be doing on workers' rights.

We can consider a matter arising under the FTA labor chapter if in fact Bahrain does not carry out its commitments as spelled out in the exchange of letters. This will allow the United States to initiate formal consultation with Bahrain on these commitments on the procedures outlined in article 15.6 of the agreement.

Finally, the USTR is committed to report periodically to Congress on Bahrain's fulfillment of its labor commitments. The USTR is further prepared to invoke article 15.6 procedures if Bahrain fails to carry out any of these commitments.

Mr. Speaker, I would note that the Bahrainian actions stand in contrast to some of the CAFTA countries that actually weakened or proposed weakening their laws after the CAFTA agreement was signed. Unlike the CAFTA countries, Bahrain is a country that is heading in the right direction with regards to labor reforms.

For all of these reasons and for the reasons that have been outlined by my colleagues. I would urge my colleagues to support this agreement. It opens up a market in a very important part of the world. It offers us a template for moving forward in the Middle East by using economics to bring peace and prosperity to that region, which is clearly in the interest of the United States.

Mr. Speaker, I reserve the balance of my time.

Mr. STARK. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. BROWN), a colleague nominated for the Nobel Prize in literature for his best selling book "The Myth of Free Trade," also an author who understands that the King of Bahrain was not elected. I do not care what kind of a democracy it is, kings do not get elected. And if my good friend from Wisconsin had suggested that we could take our troops out of Iraq immediately and substitute this cockamamie free trade agreement, I would join with him in that, but I am not sure that that is what he thought.

Mr. BROWN of Ohio. Mr. Speaker, I thank my friend from California (Mr. STARK) for his leadership on the Ways and Means Committee on trade issues and especially on health care issues.

I today rise to announce that I will reluctantly vote against the Bahrain Free Trade Agreement. Unfortunately, despite the tough battle in this institution over the Central American Free Trade agreement, very little has changed. It is too bad because this agreement could have been a step forward, but it is the same rubber-stamp trade template this administration refuses to alter. People praise U.S. Trade Representative Portman for being a nice guy, which he is. They praise him for his good manners and intelligence and straightforwardness, all of which he deserves. He comes to the Hill and talks to Democrats occasionally and says he wants to work with us.

But then when you look at the text of the Bahrain Trade Agreement, labor and environmental provisions are again given short shrift. Meanwhile, intellectual property protections, financial protections are as strong as ever. We continue to protect corporate interests without protecting workers. We continue to protect drug company interests without protecting the environment. We continue to protect financial institutions without protecting food safety laws.

When I first ran for Congress in 1992, our country had a trade deficit of $38 billion. A dozen years later, last year in 2004, our trade deficit was $618 billion. In this year, by the end of the year, it will probably exceed $700 billion. From $38 billion to $618 billion to $700-plus billion in less than a decade and a half. The deficit with China alone will approach $200 billion this year.

Many of our trading partners succeed because they use forced labor, child labor, sweatshop labor. They do not have the environmental protections and health regulations we enjoy in the United States. Other countries like China and Japan manipulate currency to their advantage. They do not play fair. The United States again loses.

I would like to caution my colleagues, just because USTR is giving us major face time on Capitol Hill does not mean they are actually listening to what we are saying. The overwhelming majority of Members of this Congress support strong labor and environmental standards for trade agreement. We know that because they were in the core text of the Jordan Trade Agreement which passed by a voice vote. I was sitting on the House floor at the time. No one, no one voiced opposition to the Jordan Free Trade Agreement which included those core labor and environmental standards.

But today the template is always the same. The Bush administration changes nothing. Every trade agreement, every trade agreement we voted on since Jordan has been a step back and there is no indication that the administration even cares about that. So do not be fooled by smiling faces and hollow pledges. Until the text of these agreements contain the same protections for labor and the environment, the same protections for labor and the environment as these agreements always include for multi-national corporations and the drug industry, the pharmaceutical industry, we should stand against them.

We all remember in July, in the middle of the night, we remember passing the Central American Free Trade Agreement. Same old story. The debate took place late. The votes were cast in the middle of the night. The roll call was kept open for over an hour. Republican Members had their arms twisted. Some, perhaps, were bribed. Perhaps, we do not really know that. Some may have been bribed. Some were certainly offered little goodies or at least given threats if they did not change their vote. We know all that. To pass CAFTA they had to do that in the middle of the night.

It passed by two votes. If one Member had not switched a vote, it would have been tied. It would have been defeated.

We heard the same promises on CAFTA as we hear today. More jobs, better everything for the developing world.

After hearing all of that for CAFTA, let me just quote from the Boston Globe. The headline was: "CAFTA Blamed For Layoffs At Edenton Textile Plant." Edenton, North Carolina. More than 200 employees will lose their jobs at an Edenton manufacturing plant when the company moves most of its operations to Central America in the coming year. Edenton Town Manager Anne-Marie Knighton said the decision by the Moore Company is the result of the recently adopted Central American Free Trade Agreement.

It did not take long for CAFTA to begin to cost us jobs. We hear the same promises in Bahrain as we heard on CAFTA, the same promises on CAFTA that we heard about China, the same promises on China as we heard about NAFTA.

If the administration continues on its current course, we can count on a few things for certain. Our trade deficit will skyrocket and more U.S. jobs will be outsourced.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from California (Mr. STARK) mentioned that we were trying to reward our friends in some way. And we hear from the gentleman who just left the well about CAFTA and going back and rehashing CAFTA, talking about votes in the middle of the night.

I would like to pose this question: What is wrong with trying to reward our friends? That is who we want to promote business with is our friends. There is nothing in the world wrong with that and we should do that.

I would also like to point out when he was talking about votes in the middle of the night, it is now 3:40 Eastern Standard Time, the sun is shining brightly, and it is a beautiful day.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN) who is the chairman of the Subcommittee on the Middle East and Asia.

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman for his leadership on all the free trade agreements and his leadership on so many difficult issues.

I rise in strong support of the U.S.-Bahrain Free Trade Agreement. This FTA represents an important step toward a more prosperous and economically vibrant Middle East. The broad scope of this agreement and its consideration for environment and labor standards, as well as provisions that address other foreign policy concerns, makes the U.S.-Bahrain agreement an important model for future FTAs.

This agreement encompasses more than just economics. It also reflects a broader commitment to an ally that hosts the fifth fleet of the U.S. Navy and has assisted us here in the United States in our pursuit of al Qaeda and other Islamic extremist organizations.

Additionally, it highlights and rewards Bahrain's reform efforts thus far, as illustrated by the elections held in 2002 in which women fully participated and by Bahrain's consistent rating by the Heritage Foundation as the freest economy in the Middle East.

Bahrain's recent decision to pull out of the Arab League boycott of Israel also represents the government's rejection of intolerance and anti-Semitism and its commitment to fully integrate into the world economy.

To affirm this commitment and establish a positive precedent for the future of FTAs with countries in the region, rejection of the Arab League boycott of Israel is incorporated as a provision of the U.S.-Bahrain FTA. While significant strides have been made by Bahrain, I hope this agreement serves as a catalyst for further reforms, because they are needed to address the remaining concerns over its human rights records, starting with the reopening of the Bahrain Center For Human Rights.

□ 1545

Mr. Speaker, according to the 9/11 Commission report, economic reforms will be vital in transforming the Middle East into a region which rejects despotism and terrorism and, instead, embraces freedom and democracy. This FTA strikes at the heart of that.

Mr. CARDIN. Mr. Speaker, I am pleased to yield 7 minutes to my colleague from Michigan (Mr. LEVIN) who has been one of the leading members of the Ways and Means Committee and the Trade Subcommittee on insisting that trade agreements include protection for workers' rights.

Mr. LEVIN. Mr. Speaker, I thank the gentleman from Maryland (Mr. CARDIN) for the time.

Workers rights matter to the rules of competition negotiated in trade agreements.

In order to make globalization work, and I emphasize this, its benefits must flow broadly among the majority of the population, not flow to the top and merely trickle down to the rest.

To spread the benefits of globalization, workers must have internationally recognized core labor rights: prohibitions on child labor, forced labor and discrimination, and importantly, the right of workers to associate and bargain collectively so they can advance their economic interests.

This is not a pro-versus-anti-trade view. It is a view of how to expand trade in a way to spread its benefits among the population, stimulate, where it does not exist, a strong middle class necessary for a Nation's stability and, yes, the development of its democracy, provide U.S. workers with a more level playing field, and create markets of consumers with the income of other countries to buy our products.

Each trade agreement presents its own challenges and opportunities. Unfortunately, the Bush administration has insisted on using a misguided, cookie-cutter approach as to the basic standard on worker rights, saying to our trading partners simply "enforce your own laws."

Where internationally recognized standards of workers rights were well-established in law, in practice, in a Nation's history so that there was unlikely a retreat, many of us voted yes: Chile, Singapore, Morocco. But we always warned that "enforce your own laws" as a standard was fundamentally an inappropriate approach and would be subject to misuse and abuse if adopted in the future under very different circumstances. That was vividly true in CAFTA, regarding the rights and position of workers. There were major gaps in the laws, in actual practices and in the socioeconomic dynamic of those Nations. So we, in the Democratic party, overwhelmingly voted no.

We insisted that an unbalanced framework for expanded globalization would in Central America lead to further poverty, further insecurity and hinder democratic development.

When the administration began to negotiate an FTA with Bahrain, it was clear that there existed issues unrelated to economic globalization which, if negotiated effectively, would militate in favor of approval of an FTA.

Those included the end of the boycott of Israel and its impact on the movement towards security and potential peace in the Middle East and American diplomatic relations with a Nation moving faster than many others in the Middle East towards democratic processes.

Also, Bahrain had taken the first steps a few years before to reform their labor code toward providing workers with their basic international rights. While the code was more advanced, it is true, than in many Middle East Nations, it still fell short in several important respects.

So, in view of all these circumstances, as the gentleman from Maryland (Mr. CARDIN) has mentioned, a number of us chose to work with and press the Bahrainian government to bring their laws up to basic international standards.

That started an intensive process where the negotiating parties did work in good faith and where the Ways and Means Committee at a hearing agreed, across party lines, that promises were not enough but that there must be concrete action on major gaps in labor laws.

The Bahrainian government has now introduced concrete legislation, as Mr. CARDIN has announced, to fill these gaps in their labor code. They will apply to both citizens and to the foreign workers who are there in large numbers.

Bahrain is a small nation, 667,000-plus people with over 235,000 non-nationals, with a per capita income far higher than is true in other nations, where the majority of citizens in those nations live in poverty, and with a constitutional monarchy whose written support of these labor reforms provide confidence that the formally introduced reforms will become law.

When all of these particular circumstances are taken into account, those of us on the Democratic side of the Ways and Means Committee who have actively worked on this matter decided to support the Bahrain FTA.

Our experience here, and I emphasize that, does not diminish but only reinforces our insistence that as we face far different circumstances, when achieving a positive result from expanded globalization confronts very different dynamics, and that is true in negotiations with Latin American countries and others, our Nation must do for the rights of workers what it does for all other provisions of trade agreements. It must negotiate to place these international standards squarely in the body of the trade agreement with enforcement.

Only then can we be confident that globalization will help workers in other nations uplift themselves, create a vital middle class in those nations so important to those nations, move towards international competition so that trade, as now increasingly being verbalized by President Bush, is both free and fair.

Only then can we be confident that competition with our workers from other countries will not be based on who can most suppress the rights of other workers and that for our own businesses, in this day and age, as mentioned, of our massive trade imbalances, there will be increasing numbers of middle income residents in other nations to buy our goods and services.

Under those circumstances, I support this agreement, conditions very plainly spelled out here. I hope this administration will take notice.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would remind all Members that it is a violation of the rules to use cell phones on the floor.

Mr. STARK. Mr. Speaker, I am happy to yield 5 minutes to my friend from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I thank the gentleman for yielding, and along with millions of American workers in the AFL–CIO, I rise in very strong opposition to this flawed agreement.

Mr. Speaker, here we go again. Once more, the proponents of unfettered free trade are telling us about all of the good jobs that will be created if we pass this agreement and how great this agreement will be for the economy, and once again, they will be wrong.

Let me be as clear as I can be. Our unfettered free trade policies, NAFTA, PNTR with China, and the other trade deals have been a demonstrable and absolute disaster for the average American worker. It is incomprehensible to me that failure after failure after failure takes place, and then people come to the floor of the House and they say let us do it again.

Mr. Speaker, in 2004, we had a trade deficit of $617 billion, and by the end of this year, that trade deficit is expected to top $700 billion. Industry after industry has been decimated in this country by unfettered free trade, and we have lost millions of good paying manufacturing jobs to China, to Mexico and to other low-wage countries. In fact, after losing millions of good paying, blue collar jobs, we are now on the cusp of hemorrhaging millions more of white collar information technology jobs.

When will you stop bringing these agreements forward? When there are virtually no decent jobs left in America? Well, you are doing a good job in that effort.

In the last 5 years alone, we have lost almost 3 million manufacturing jobs, more than 17 percent of all jobs in that sector. Is trade the only reason that we are losing those jobs? No. Is it a major reason? Of course it is.

Why do we have these trade agreements? The answer is obvious. Corporate America comes in here and they say we do not want to pay working people a living wage, we do not want to respect environmental standards, we do not want to provide health care to our workers; so give us the opportunity to move to China, to other low-wage countries; please pass these trade agreements. Congress says, yes, boss, that is what we are going to do, and this is, in fact, what has happened.

Today, at 14.3 million, we now have the fewest manufacturing jobs in this country since the 1950s, and these manufacturing jobs are the jobs that pay workers a living wage with good benefits. What is going on in our economy today and what is destroying the middle class is that we are losing good paying jobs in manufacturing and information technology, and we are replacing those jobs with low paying service industry jobs that provide low wages and minimal benefits.

We have gone from a General Motors economy, good wages, good benefits, producing real products, to a Wal-Mart economy of low wages, minimal benefits and vehement anti-unionism.

Let me say very clearly, that if we do not turn this trend around, including totally rethinking our trade policies, our kids, for the first time in the modern history of the United States of America, will have a lower standard of living than we do.

Mr. Speaker, in America today, the middle class is shrinking, poverty is increasing, and the gap between the rich and the poor is growing wide. Over the past 5 years, more than 5 million Americans entered the poverty ranks. Over 6 million Americans have lost their health insurance. Income for the average American fell by over $1,600, and childhood poverty increased by over 12 percent. In 2003, the last study done by the IRS showed that 99 percent of Americans had an income which did not keep pace with inflation.

Mr. Speaker, we have got to stop the race to the bottom. We have got to reform and rethink our trade policies. Let us vote this proposal down.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

In quick response to the gentleman from Vermont, our economy is growing jobs at the rate of about 200,000 a month. Productivity is higher than it has ever been. Our economy is the fastest growing economy at 4.3 percent per year. The economy is strong in the United States. Unemployment figures are down below 5 percent.

□ 1600

It is lower than it was in any of the previous decades. Our economy is strong and it is growing, and it is growing because of the type of legislation that we are passing. We cannot be protectionists and retain the strong economy that we have in a world that is going free trade.

You may not like free trade, but the world is going free trade. And if we are going to compete in the global economy, we need to move towards free trade, and we need to be careful in negotiating these agreements one after the other.

Mr. Speaker, I now happily yield such time as he may consume to the gentleman from California (Mr. DREIER), the chairman of the Rules Committee.

Mr. DREIER. Mr. Speaker, I rise in strong support of this agreement, and I want to begin by extending my congratulations to the distinguished chairman of the Trade Subcommittee for his fine work on this effort and to thank him along with my friend from Wisconsin and my friend from Texas, both of whom are here on the floor and who worked closely with us, with our working group, to promote the issue of trade.

My friend from Florida is absolutely right, if we do not shape the global economy, we will be shaped by it. The world is moving dramatically towards breaking down barriers, understanding that the free flow of goods and services and products and ideas is absolutely essential, and I believe that we must do everything that we possibly can to expand that.

Now, Mr. Speaker, we have put into place over the past several years, under Democrats and Republicans as Presidents, a wide range of trade agreements. We have, since we put Trade Promotion Authority back into place, been able to see the expansion of the North American Free Trade Agreement.

And by the way, if you look at the trade relationship between Mexico and the United States today, there is a third of $1 trillion in cross-border trade between Mexico and the United States. The middle-class population in Mexico is larger than the entire Canadian population. And so focusing on these issues is very important if we are going to deal with questions like the one we are going to address next week, illegal immigration, to try to enhance the economies of these developing nations. We want people who are struggling to get on to the first rung of the economic ladder, and that is what these trade agreements are about when it comes to their relationship.

Now, let us look at what these trade agreements mean to U.S. workers. As my friend from Florida just said, last month 215,000 new jobs were created. If we look at the last few years, at the last 4 years, we have seen 4.5 million new jobs created. In fact, Mr. Speaker, I will say that there are more people working in the United States of America today than we have ever seen working.

Mr. SANDERS. Mr. Speaker, will the gentleman yield?

Mr. DREIER. Although we have limited time here, I will happily yield to the gentleman from Vermont.

Mr. SANDERS. I thank my friend for yielding. You talked about job creation. What kind of wages are these jobs paying people?

Mr. DREIER. Reclaiming my time, I will respond to that question.

Mr. SANDERS. I wish to amplify.

Mr. DREIER. The gentleman posed the question, and I am happy to respond to that question, and then I will continue with my statement.

On average, jobs that are focused on exports into new markets, which is exactly what these agreements are all about, exactly what these agreements are all about, on average, these jobs focused on exports pay about 17 percent higher wage rates than those that are focused on jobs that are merely designed for domestic consumption here.

Mr. SANDERS. You did not answer the question. You talked about new jobs being created. You said exported jobs pay better. That is true, but most of the jobs being created are service industry low-wage jobs.

Mr. DREIER. If I could reclaim my time, let me just say that it is fascinating to listen to my friends on the other side of the aisle who, when we were in the midst of our debate just a few minutes ago on the alternative minimum tax, they were very strong proponents of making sure we bring about reform so that people who are in that wage rate that goes all the way up to $342,000 a year get relief under the AMT.

So I believe that if you look at the jobs that have been created, if you look at the wage rates that we have right now in the United States, if you look at the standard of living in the United States of America juxtaposed to other countries in the world, it is very clear that the United States of America is the single greatest Nation on the face of the Earth, and it is in large part due to the fact that we have over the last several years put together a wide range of trade agreements. And I would argue that building on the Central American

Free Trade Agreement, this Bahrain trade agreement, which is what we are talking about at this moment, I believe is very, very critical to continuing that kind of growth.

Now, let us look at the issue of the global war on terror. My friend from Wisconsin raised that. Now, one of the things that is essential as we seek our opportunity to try and turn the corner on the threat of terrorism, we need to focus on economic growth throughout the Middle East. A former Defense Department official said to me when we were talking about the aftermath of September 11, 2001, that if we had seen a percentage point or two more growth in Afghanistan and Pakistan, we might have been able to diminish the threat of September 11. Why? Because there is a sense that somehow those involved in international terrorism are simply doing this in the name of Allah.

All one needs to do is look at what Mohammed Atta and his cronies were doing before perpetuating the most heinous act on our soil on September 11 of 2001. It is not as if they were worshipping Allah. I recall their being in south Florida and Las Vegas, Nevada, leading up to that; meaning the focus on economic opportunity is something that we need to realize can help diminish that kind of terrorist threat there. And that is a very important part of what this agreement is about. Now, I have to say that realizing that the rule of law, the expansion of parliamentary elections, all of those kinds of things which can help diminish that kind of threat are critical, and that is a very important part of this agreement.

So as I listen to my friends on the other side of the aisle, and I am happy to say this agreement is enjoying strong bipartisan support, but as I listen to those on the other side of the aisle who are opposed to this agreement, it is very unfortunate that so many of them do not recognize the tremendous growth that my friend from Florida, the chairman of the Trade Subcommittee, just went through: the 4.3 percent GDP growth, a 5 percent unemployment rate, 215,000 jobs created last month alone in the aftermath of Hurricane Katrina, and all of the other challenges that we faced, that these have come about in large part due to the trade agreements that we have put into place. And why? Because we are opening up new markets around the world. And I thank my friend very much.

Mr. SHAW. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Florida.

Mr. SHAW. Mr. Speaker, I want to add another provision there, that over the last 3 years, hourly wages have increased in the United States by 8 percent. So a lot of this stuff we have heard is absolutely false.

Mr. DREIER. Mr. Speaker, I thank my friend for that contribution, showing, as I said, that the standard of living in the United States of America is strong.

And the President has put it very well: we are never going to be satisfied until every American who wants a job has a job. We must continue to do everything possible to ensure that that happens, and that again is what this agreement is about.

Ninety-four percent of the world's consumers are outside of our borders, Mr. Speaker. So I believe we must do everything we can to pry open those markets, because the world has access to the U.S. consumer market, and that is a good thing; but what we need to do is gain more and more access to their markets.

So this is a win-win all the way down the line. This is a continuation of what we have seen of the DRCAFTA agreement, the NAFTA agreement, and others that are creating great opportunity for U.S. workers and consumers alike.

And I want to say in conclusion that I am very, very grateful that through this agreement we are getting us back to this notion of bipartisanship, because it is not a Republican or Democratic issue. Trade is an issue that should see the support of Republicans and Democrats. We are happy to provide the lead, but every Democrat who wants to jump on board in support of the cause of free trade is more than welcome, and I am happy the Democrats are understanding the critical importance of this effort.

Mr. CARDIN. Mr. Speaker, let me just remind my colleagues that we are talking about a free trade agreement with Bahrain, a country whose size is about the same as the city of Austin, Texas, and of course a very important country within the Middle East.

Mr. Speaker, I am now pleased to yield 2 minutes to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Speaker, I rise today in strong support of the Bahrain Free Trade Agreement. This agreement is good for the United States, and it is good for Bahrain. It has real trade benefits. But beyond that, it will strengthen relations with one of our most steadfast friends in the Middle East. Progress made on labor and economic reforms can stand as a model for future trade agreements with the Middle East.

The Ways and Means Committee's bipartisan approval of the U.S.-Bahrain Free Trade Agreement is symbolic of the cooperative and supportive relationship that exists between the two countries. This agreement will bring benefits to both countries, strengthen economic ties, and promote social, political, and economic opportunities. The Bahrainis have taken difficult, but important, progressive steps that will elevate standards in Bahrain and help promote stability in the Middle East.

Bahrain has been a steadfast American ally through World War II, the gulf war, and the war on terrorism. Bahrain has implemented multiple substantive reforms over the past few years, including the adoption of a new constitution to transform the country from a hereditary emirate to a constitutional monarchy, the creation of a bicameral legislature, and granting suffrage to all citizens over 18 years of age. In addition, Bahrain has made significant improvements to its labor laws and has dismantled its Arab League boycott of Israel.

My friends, globalization is here. And as Tom Friedman indicated, yes, indeed, the world is flat. We have made sure that we are more interdependent upon one another; and it is good to be interdependent, because with that interdependence, we as a Nation begin to depend on others in this world. The world is much smaller than it was just 40 years ago. As we become dependent upon one another, raising the standards of living all over this world, we then indeed ensure a safer United States of America and a more harmonized world.

I say let us vote for this. It is good for America, it is good for Bahrain, and it is good for the Middle East.

Mr. STARK. Mr. Speaker, I reserve the balance of my time.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, again we have an opportunity to stand up for American families. Again, we have an opportunity to stand up for free trade and pass the U.S.-Bahrain Free Trade Agreement.

This is a simple matter. Free trade delivers a greater choice of goods and services to American consumers at lower prices. That means families can buy more using less of their paychecks. More trade means more competition, and competition has always helped the consumer. We have over 200 years of history to prove that.

In fact, Mr. Speaker, over the past few years, prices have dropped for a wide array of goods and services which are produced around the world, such as video equipment and toys. Yet we pay a lot more for products that do not effectively compete with foreign companies, for example, prescription drugs and cable television. Again, competition works. Trade works.

But beyond all of the obvious economic benefits of free trade, we must recognize that fundamentally this is an issue of personal freedom. Nations do not trade with nations; people trade with people. With the exception of national security considerations, every American should have the right to determine the origin of the goods and services they want to purchase. Is this not the land of the free? Have countless generations not fought and sacrificed to secure the blessings of liberty for all Americans?

Maybe we in Congress have the power, but do we have the right to tell Americans that we will not allow them to buy cheaper products because those products may come from other nations? I think not, Mr. Speaker.

Mr. Speaker, this particular trade agreement not only stands for freedom; it stands for friendship. The nation of Bahrain is a friend of the United States and an important ally in the global war on terror. For over 200 years, America has benefited from trade and competition. I urge my colleagues to once again reject protectionism and, instead, stand for prosperity, stand for freedom, and stand with me in voting for this trade agreement.

Mr. CARDIN. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me share with you the real facts of this trade bill; and let me thank Mr. CARDIN, Mr. LEVIN, and Mr. RANGEL for really doing the heavy lifting which has created an opportunity for real debate on a good trade bill.

There are concerns that my colleagues have raised about this trade bill, but I think there are provisions and there are reasons for us to give an open and free flowing discussion to a vital partner that we have had for many, many years.

□ 1615

It is important to note that Bahrain is predominantly a manufacturing country. Its products include oil products and aluminum products, and we know for sure it has lessened its involvement in textiles. But what most Members do not know is that 80 percent of the investment of this country has been invested in the United States. That raises my interest. It is invested in real estate, in banking and other opportunities.

I like trade bills that create jobs and I want to thank my friends in the labor movement who have raised concerns about child employment, about provisions that should be protecting unions and protecting workers. I am concerned about the fact that most of these provisions are in the side letters. It is unfortunate when the Republican administration sat down to negotiate with Bahrain, they did not sit down and create the intelligent and forward-thinking provisions that are in the letters created by the Democratic Ways and Means members.

But these letters, I am told, will have the same sort of authority as provisions in the trade bill, and if they are violated, there will be opportunities for consultation in order to ensure that these provisions are made.

I will be looking forward to receiving additional information that will prohibit child labor, but I think the crux of this trade bill, with the observation that it is certainly timely, to ensure that we do think about labor issues and we fight for the labor issues. I do not stand here to create this divide that my good friend on the other side of the aisle who said you, who are against trade bills. No, we are not against trade bills. But we are against trade bills that singly ignore the rights of workers.

If the Democrats were in control, as we had the opportunity in the Permanent Normal Trade Relations with China, although that is not the best example, but I remember the hard work and the heavy lifting of Democrats to create a better trade bill. That is the problem we have. That these bills are negotiated and they are, if you will, negotiated without a concern for workers.

In this instance I think the Democrats have worked very hard to make this a fair bill for a partner of the United States, who has been a strong partner and a democratic partner. I ask as Members consider this legislation to look at the improvements that have been made and the side bar letters that have created the right kind of negotiated document to help the people who would be benefited in Bahrain, and also help investment here in the United States. We would like to create jobs.

Mr. SHAW. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, we have heard throughout this debate a lot of reference to the trade deficit. I think it is important to look at that. When you look at our Nation's trade deficit, we enjoy a very large surplus in services, and our trade deficit comes from a trade deficit in manufactured goods.

Mr. Speaker, according to the latest statistics, 94 percent of our trade deficit comes from countries we do not have a free trade agreement with. A free trade agreement like this agreement helps us get fair trade rule so we can trade honestly with each other; and, yes, get an advantage so we can create more jobs, send more exports, and have better paying jobs here at home. I will just repeat that statistic one more time: 94 percent of our manufactured good trade deficit comes from countries we do not have a trade agreement with.

But it is more than that. Trade combines people. What is important about this agreement is beyond the economic value which is very substantial. It is about the human value.

You see, Mr. Speaker, we have good relations between our governments. Our 5th Fleet is located in Bahrain. We have great relations between our diplomats and the Bahrainees, between our President and the emir.

What this agreement proposes to do is put American people in contact with Bahrainee people, put Americans in contact with Muslims, put Americans in contact with Arabs in the gulf so we can better understand each other. Trade is about individuals combining to join in mutually beneficial behavior and activity and business arrangements, to help their families and help create jobs and grow their economies.

But more than that, trade will help our people better understand the people we do not understand as well. We need a better understanding of people in the Arab world. We need a better understanding of Muslims. This is important because of the climate we face in the world. That is why it is important that we pass this agreement so that the American people can join and bond in friendship with the Bahrainee people in the gulf coast in the Middle East so we can have a better understanding of each other. As we understand each other better, we can better secure peace and security for our children.

Mr. CARDIN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, let me thank all of my colleagues who participated in this debate. Let me, once again, remind those who are following this debate that we are talking about a free trade agreement with Bahrain, a country which is about the same size as the city of Austin, whose total trade with the United States is measured in terms of a couple hundred million dollars. It is a country with a high standard of living for that region whose economy produces $19,000 plus per capita of GDP, which is about 4 times higher than we had in dealing with the CAFTA countries. It is also a country that imports labor and helps actually the economy of the region because of its economic opportunities.

I mention that so we can put this agreement in context. Many of my colleagues who have spoken of concern have talked about concern on economic policies related to trade here in the United States, and I join them on many occasions, particularly as they are referring to problems that we are having with trading partners. But that is not the issue that we have before us today.

The issue we have before us today is an agreement with a single country, Bahrain. One issue that we need to be concerned about is whether this agreement will not only advance the traditional barriers to trade by eliminating them, such as tariffs and some of the nontariff barriers, but how does it deal with issues that are becoming more important, such as workers' rights.

On the traditional barriers of tariff and nontariff issues, I have not heard any debate against this agreement. This agreement, in fact, removes barriers so that U.S. companies and U.S. manufacturers and U.S. farmers will have greater access to the market of Bahrain.

In regards to workers' rights, I agree with my colleagues that have spoken of concern about trade agreements. I think it is time that we graduate international labor standards to core provisions within the trade agreements, and that we have enforcement within the trade agreements.

But I think in judging Bahrain, we need to use the standard that we have used, and that is, does this Nation measure up to international labor standards. The answer to that question is yes. They have passed major reform in 2002. They have acknowledged the difficulties with those laws that need to be changed. They have issued interpretations to comply with ILO standards and have introduced laws that will correct the additional standards, and they have agreed to allow us to use the trade agreement to make sure that in fact these new laws are not only passed, but in fact, Bahrain is living up to ILO standards.

That to me is good faith with an ally, and one in which we can move forward and should move forward. So I think Bahrain has passed the test on an agreement that we should support, but at times there is more than just the economic issues that affect our country that we should be looking at whether we move forward with bilateral regional trade agreements.

In Bahrain's case, I think the evidence is overwhelming. We need to expand opportunities in the Middle East. The best chance for peace in the Middle East is if we can open up the economic opportunities of that region, and Bahrain offers us a country that has stepped forward and offered leadership. In repealing the boycott against Israel and saying that it wants to have open trade in the region, they will now be the fourth nation in that region that we will have a free trade agreement with. We have Jordan, Israel and Morocco. So this represents an opportunity to advance U.S. interest in stabilizing a region of the world that has been of major interest to the United States.

So for all these reasons, this agreement with a very small country that will have minimum impact on the economic activities of this country, I think it will be positive, but it will be minimum because of the size of the country, but represents progress as to how we should evaluate trading relations with other partners. Are they willing to remove barriers? Are they willing to respect international labor rights? Are they willing to be a good neighbor in the region to advance peace and stability? In each of these instances, Bahrain passes this test, and I urge my colleagues to support this agreement.

Mr. Speaker, I yield back the balance of my time.

Mr. STARK. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I would like to associate myself with some of the remarks of my distinguished friend from Maryland. He is right. Bahrain is a flea on the elephant when it comes to the difference that it will make in economic impact to the United States.

But if we really wanted to help in the Middle East, maybe we would have sold parts for C–130s to Iran and saved 100 people from dying because of our embargo on selling aircraft parts to a country that could not maintain safe aircraft because the United States refused to deal with them.

Maybe we ought to question whether this vote is really whether you trust the administration, an administration that many people think lied to us about getting us into war in Iraq in the first place. Many people think the administration is lying to us about torturing, and here we are talking about what is supposedly a democracy. Is this any more of a democracy than Saudi Arabia? It has a king. It votes, maybe.

I think that the real issue is if we do not get it in writing, if we do not have enforceable rules, can we trust the administration or will the administration continue to sell out to the pharmaceutical industry, which will harm the people of Bahrain, in repayment for campaign contributions?

These are the kinds of things that are at issue here. Do you trust this administration? Do you trust them to help anybody but the very rich? Do you trust them to keep their word about what they are doing? And if you do not, as many of us do not, you will voice that protest and vote against this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. SHAW. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I would also like to associate myself with the remarks of the gentleman from Maryland. I think he spoke quite eloquently about the importance of this agreement to the region.

When the history of the Middle East is written, I think the historians will view this trade bill as an important stepping stone towards the development and imposition of democracies and stability in that part of the world, which is very much in our best interest.

Bahrain has been a great ally through many, many years of troubling times, and times when it was not necessarily easy to be friends with the United States if you are in the Middle East and if you are an Arab country. But they have stood with us. Our Naval base there is quite important. I think it is important that we try to do everything we can to do business with our friends. They have proven to be a great friend of the United States.

We have visited with the ambassador from Bahrain who is a delightful man who is a great salesman for his country. I believe that this is a significant vote. This is not just a flea on an elephant, as Mr. STARK stated. This is an important ally in which we are going to have a free trade agreement. I would urge all Members to vote yes on this most important issue, because I think a message must be sent out loud and strong that we are supporting free trade when we have a good agreement drawn. This has been drawn and approved in a bipartisan way. This is good for the United States. It is not only good for Bahrain, but it is good for the United States.

I would also like to thank Mr. CARDIN, Mr. RANGEL and other Members from the other side of the aisle, as well as Mr. RYAN and Chairman THOMAS, and all of those who have worked hard to bring this along, and of course staff on both sides of the aisle. Congress cannot operate without staff, and I would like to thank them for what they have done in putting this agreement together.

Mr. Speaker, I yield back the balance of my time.

Mr. KILDEE. Mr. Speaker, I rise in opposition to H.R. 4340, the Bahrain Trade Agreement. Although our trade with Bahrain is limited, this agreement is a symptom of what is wrong with our Nation's trade policies.

I firmly believe that we should have a thorough review of the impact of these free trade agreements so that we can create a national trade policy that protects the American manufacturing industries. We need an American trade policy that encourages the export of American manufactured goods, not our American manufacturing jobs.

Mr. Speaker, that is why I have introduced H.R. 4407, a bill to impose a 2-year moratorium on negotiating or conclusion of any additional free trade agreements. As our trade deficit continues to set new records, we should call a 'timeout' on this headlong rush into these free trade agreements. Our current domestic trade policy encourages the closing down of American factories and moving them overseas, usually to a country where wages are low and environmental standards are lower. This race to the bottom has real consequences, and it's time to stop negotiating bad trade deals that make American jobs our leading export.

For years, the American people have been promised that bilateral and regional trade agreements would throw open the doors of international markets eager for American goods. However, in the 10 years following passage of the North American Free Trade Agreement (NAFTA), which I opposed, millions of American jobs have been lost, threatening entire industries that were once bedrocks of this country. And China and Japan continue to manipulate their currencies without any significant pressure from our government, tilting an already uneven playing field further away from America.

Nearly three million manufacturing jobs have been lost since the Bush Administration took office in 2001. In 2004, the United States had a record $162 billion deficit on goods trade with China and a $617 billion trade deficit on goods and services worldwide. Eliminating tariffs and allowing companies to exploit foreign labor has destroyed entire American industries and has resulted in the highest American trade deficit ever, placing America at a huge economic disadvantage.

Mr Speaker, our current trade policies have failed the American worker and the average American family. We cannot continue to the hemorrhaging of our manufacturing jobs and expect our economy to be strong.

Mr. Speaker, I urge my colleagues to vote no on this free trade agreement with Bahrain, and any free trade agreements in the future, until we can create an American trade policy that is in the best interests of the American people.

Mr. HOYER. Mr. Speaker, the House of Representatives is today considering a proposed free trade agreement between the United States and Bahrain. I support this agreement, and will vote in favor of the required implementing legislation. I also anticipate this agreement will enjoy strong bipartisan support in Congress.

In general, I have advocated free trade and open markets because I believe that American businesses and workers can compete and win in the global economy. Furthermore, I believe that increasing global interdependence presents our Nation with an opportunity to promote democratic reform, the rule of law and respect for basic human rights.

The agreement provides that all bilateral trade in consumer and industrial products will become duty-free immediately, as will 98 percent of U.S. agricultural exports, with the remaining tariffs phased out over 10 years. Textiles and apparel trade will also become duty free immediately for products that contain American or Bahraini yarn.

Key U.S. service sectors that will benefit under the agreement include audiovisual, express delivery, telecommunications, computer and related services, distribution, healthcare, services incidental to mining, construction, architecture and engineering. Furthermore, on the issue of intellectual property rights, the Agreement requires each government to criminalize end-user piracy, providing strong deterrence against piracy and counterfeiting.

Beyond the economic benefits that will accrue to the United States, this agreement is an important opportunity to bring increased development, prosperity and stability to a key ally and strategic partner in the region. Not only has Bahrain supported and participated in Operations Enduring Freedom and Iraqi Freedom, as well as the first Persian Gulf war in 1991, the country has also served as the host to U.S. Naval forces in the Middle East for more than 50 years. This free trade agreement will further strengthen the already close U.S.-Bahrain relationship.

I have and will continue to support free trade agreements that strike the balance of expanding markets for American companies, while also providing a level playing field for American workers and improved living and working conditions for foreign workers by guaranteeing fair wages and basic workplace protections abroad. I am confident that these goals will be met with respect to Bahrain, in part thanks to a number of labor reforms that have been recently implemented by the government.

I will consider future trade agreements one at a time, taking into consideration the specific labor and environmental conditions that exist in the countries we seek to trade with, as well as the provisions included in the agreements to protect workers—both here and in the other countries—and environmental concerns. I will determine my position as those agreements are finalized.

Mr. CROWLEY, Mr. Speaker, I rise today in strong support of the United States Bahrain Free Trade Agreement.

As the cochair of the Caucus on Bahrain with my good friend from Wisconsin, Mr. RYAN, we have worked closely to make today reality.

Bahrain has been a close friend of the United States for over 100 years and this agreement is taking us to a new level in our friendship.

This friendship is built on trust and respect for each other, so much so that the U.S. Navy's Fifth Fleet operates in Bahrain, a friendly and secure environment for the fleet that watches over a dangerous region.

Bahrain continues to lead all gulf nations in political and economic reforms.

They have taken the bold step by rescinding its economic boycott of Israel. This lays the foundation for an economic relationship with Israel that will help develop both Bahrain and the entire gulf region.

Bahrain conducted its first national legislative elections in over 25 years, electing 40 members to the Representatives Council.

Women were not only allowed to vote, they also became the first women in the gulf to run as candidates in national elections.

Bahrain is making the necessary changes by amending all provisions of its labor laws that so they are fully compliant with the International Labor Organization (ILO).

I would like to commend Ambassador Naser Al Belooshi for the fine work he has done to iron out some of the labor issues that had held this agreement up.

The Ambassador working with the Finance Minister showed great poise and determination to meet the labor requirements that Democrats pushed for before we would support this agreement.

The strong labor provisions that Bahrain has agreed to will help U.S. business thrive in Bahrain

This agreement provides market access for U.S. industrial, agricultural, and consumer products.

The agreement will greatly benefit the services sector and provide U.S. companies with the highest degree of access to service markets of any U.S. FTA to date.

Financial service companies will have the right to establish subsidiaries, branches, and joint ventures in Bahrain. Health and life insurance companies will have market access once this agreement is enacted.

This agreement is the first step in the political and economic reforms for the Middle East and I strongly believe the U.S. should continue to work with moderate Arab nations such as Bahrain to help balance out some of the more extreme elements in today's Middle East.

Mr. Speaker, I support this agreement and urge all of my colleagues to vote for this bill.

Mr. OXLEY, Mr. Speaker, I rise in support of the free trade agreement between the United States and Bahrain, a country which is and seeks to increase its stature as the leading financial center for the Middle East. As chairman of the Financial Services Committee, I want to focus on the benefits to American financial services and economic interests from this agreement.

Mr. Speaker, as you know, the United States runs a large and growing trade surplus in the services sector. It was $55.9 billion in 2002 and $96.1 billion in 2003. As the most innovative and competitive country in the world, the United States has a strategic interest in fostering greater opportunities for our financial firms, consultants, accountants, and other high-end service professionals to export their services and products worldwide.

This is not a zero-sum game. The knowledge transfer from increased American exports of financial and other related services will help people in other countries develop more efficient and economically valuable capabilities, fostering economic growth abroad as well as an increased customer base for American goods and services. The multiplier effect associated with increased access to capital for foreign firms is also significant. To the extent that capital formation abroad also encourages growth of stock and bond markets, free trade in financial services can provide good working experience for how decisions can be taken through transparent decision-making processes which are the hallmarks of democracy.

This free trade agreement with the leading financial center in the Middle East will substantially open financial services markets in the region for American firms. At a time when high oil prices are generating large pools of capital in the Middle East, we have a strategic interest in making it easier for American financial firms to provide their intermediation services in the region. We also have a strategic Interest in making it easier for Middle East investors to become more integrated into the global economy.

Bahrain is also a valued ally in our fight against terrorist financing. It has demonstrated a strong commitment to cooperate with the U.S. on these issues. Bahrain's anti-money laundering law, passed in 2001, makes money laundering an extraditable offense. It has a "know-your-customer" standard and requires all financial institution employees to take a course annually on how to implement this law. In addition, Bahrain hosts the newly created Middle East and North Africa Financial Action Task Force, which is the key multilateral group that creates standards throughout the region to fight terrorist financing and money laundering.

Mr. KIND. Mr. Speaker, I rise today in support of the United States-Bahrain Free Trade Agreement Implementation Act. Passage of this FTA will help strengthen our relationship with Bahrain, building a more secure and productive future for our countries and citizens.

As a cochair of the New Democrat Coalition, I have long believed that when instituted correctly and fairly, trade agreements open up foreign markets to U.S. goods, create new opportunities for companies and their employees, and lift the standard of living for people in the country with whom we are trading. As our nation leads the world into the 21st century, we should not shy away from opportunities to guide and expand global trade.

U.S. goods exported to Bahrain totaled $302 million in 2004, constituting .03 percent of total U.S. merchandise trade in 2004. Of that total, Wisconsin exported over $4 million in goods last year to Bahrain, with the majority of the exports in machinery and manufacturing. I am pleased that The U.S.-Bahrain FTA will provide substantial market access for U.S. services providers, including financial services. One hundred percent of bilateral trade in consumer and industrial products will become duty-free immediately, and 98 percent of U.S. agricultural product exports to Bahrain would be immediately duty free, with 10-year phaseouts for the remaining items such as alcohol and tobacco.

Moreover, securing a FTA with Bahrain is a positive foreign policy and national security step for the United States. Bahrain has been a strong and stable state in the Persian Gulf region and a friend to the United States. The U.S. Navy's 5th Fleet is based in Bahrain, and the United States has recognized the importance of our relationship with this country by establishing a joint U.S.-Bahrain Defense Cooperation Agreement and designing Bahrain as a "Major Non-NATO ally." This FTA strengthens relations with one of our proven strategic allies in an unstable region.

Further, it is critically important that trade agreements are balanced and fair for workers and companies. I am pleased, therefore, that Bahrain has agreed to take the additional steps necessary to comply with basic international labor standards that are integral to ensuring that the benefits of globalization are broadly shared among the people. Bahrain has committed in writing and with a clear and immediate timetable to amend all provisions of its labor laws that are not consistent with basic International Labor Organization (ILO) standards. In addition, the United States Trade Representative has committed to report periodically to Congress on Bahrain's fulfillment of its agreement and is prepared to invoke Article 15.6 procedures if Bahrain fails to carry out these commitments.

Again, Mr. Speaker, I am happy to support this FTA with Bahrain today. It is in our best interest to engage Bahrain and complete this bilateral free trade agreement. I urge my colleagues to support H.R. 4340.

Ms. MATSUI. Mr. Speaker, I rise in support of the rule and the underlying bill, the U.S.-Bahrain free trade agreement implementation act.

Through cooperation—Democrats working alongside Republicans on the Ways and Means Committee, who then coordinated with the administration—we have before us a strong trade package that will open markets, advance free trade and cement America's ties to a strategically important ally in the Middle East.

And with the changes that are coming to Bahrain's labor laws, this agreement will ensure that the fundamental rights of workers are protected. It is my hope that in the future, these worker protections will be incorporated into the core of trade agreements, rather than through side agreements. This is a standard to which the United States should hold all its trading partners.

Though the magnitude of this particular trade pact is relatively small, the global trading system is at a critical juncture. The United States' leadership on trade is being tested—here in Congress and in Geneva.

For that reason, I am pleased that today we have both parties working together to advance free and fair trade.

I hope that this agreement receives broad support and that July's contentious and mean-spirited CAFTA debate is the low point, only to be seen in the rearview mirror. Because in the long term, the only way for America to continue to lead the world forward on trade is for us to work across the aisle here in the House.

I urge my colleagues to allow today's debate to serve as a first step toward reviving the bipartisan consensus on trade policy that has served this Congress so well in the past.

Mr. WAXMAN. Mr. Speaker, it is with some hesitation that I rise in support of the U.S.-Bahrain Free Trade Agreement or FTA.

As the home to the 5th Fleet of the U.S. Navy, Bahrain is a key Gulf ally. I believe this agreement will reinforce that bond with stronger economic ties. The Bahrain FTA also presents an opportunity to build upon trade agreements with Morocco, Jordan, Israel and the Palestinian Authority and provides an incentive for economic integration throughout the region.

Another reason I support the agreement is that the Bahrain government has formally abolished all laws related to the Arab League's boycott of Israel. This is an important precedent for the upcoming FTA negotiations with the UAE, Oman, Egypt, and other Middle East nations. While I am disappointed that the Saudi Arabian government refused to take the same action in the process of its accession to the World Trade Organization, I am hopeful that future trade agreements will be an effective mechanism to make this unfair and illegal discrimination a relic of the past.

In addition, Bahrain has taken significant steps to adopt laws that reflect the five core standards of the International Labor Organization and the USTR has agreed to periodically review Bahraini compliance with these laws. There was an exchange of letters to clarify that the U.S. can seek enforcement of Bahrain's labor laws under the Labor Chapter of the FTA. Labor laws should be enforceable in every FTA. While the issue should have been dealt with inside of the agreement, rather than in a side letter, the Bahrain FTA highlights the missed opportunities on labor protections in our trade agreements with Chile, Singapore and Central America.

The reason I hesitate is that the Bahrain FTA also has a series of pharmaceutical protections to delay the approval and availability of generic medicines. Provisions such as these, which have been included in the intellectual property chapter of a number of recent agreements, are a serious mistake. They fail to take into account the needs of poor countries where the absence of generic competition can mean the difference between life and death. They undermine the Doha Declaration, which was adopted to make it easier for countries to respond in the event of a public health crisis. They do not reflect the careful balance in U.S. law between the protection of innovation and access to affordable medicine.

I voted against the Central America and Morocco FTAs precisely because I felt strongly that the adoption of these measures by such poor countries would significantly reduce access to medicine. The difference here is that Bahrain is a relatively wealthy nation with a strong public health structure. Health care in Bahrain is delivered through a system of public hospitals and clinics that are available for free to Bahraini citizens and accessible to foreign residents for a nominal fee. While the FTA's pharmaceutical rules are ill-conceived and will create additional burden and expense for the Bahrain government, the changes should not diminish access to care.

It is hard to fathom, therefore, that the same provisions are being negotiated right now for an FTA with four Andean nations. Bahrain has a population under 1 million people and a low incidence of infectious diseases. In contrast, Colombia, Ecuador, Peru and Bolivia have a combined population of nearly 100 million and more than 200,000 patients suffering from HIV/AIDS. Health care coverage in these countries is available to few and many live in extreme poverty. The contrast is stark. Yet, the USTR is adamantly pursuing a "one size fits all" approach that would require the Andean nations to adopt the same pharmaceutical protections adopted in Bahrain.

The pharmaceutical industry has spoken openly about its efforts to raise drug prices and profit margins around the world. Drug companies are aggressively trying to use trade agreements to force policy changes they could not otherwise achieve. It is time for the USTR to stop callously helping them put profits ahead of public health. The damage in Bahrain may be limited, but the consequences elsewhere may be severe.

Ms. ZOE LOFGREN of California. Mr. Speaker, continuing my support for an overwhelming majority of free trade agreements, I cast my vote in favor the U.S.-Bahrain Free Trade Agreement (FTA). In the past I have expressed serious concerns over copyright provisions contained in some free trade agreements negotiated by the Bush Administration that arguably constrain the ability of the United States to modernize our laws to reflect the realities of technology. I have been repeatedly reassured that notwithstanding these copyright provisions, the United States would still be able to modernize our copyright laws. I am also pleased that in other areas of the U.S.-Bahrain FTA, the President finally followed Democratic recommendations to ensure the adoption and enforcement of internationally-recognized basic standards for the people of Bahrain.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in support of H.R. 4340, the United States-Bahrain Free Trade Agreement Implementation Act. This agreement is an example of the success that bi-partisan engagement on trade issues can generate, and this agreement should be a model, a starting point, for how we can achieve success in the future.

During consideration of this agreement in the Ways and Means Committee, Democrats expressed their concern about the treatment and application of international labor standards in the agreement. Since that time, both the Administration and Bahrain have worked at our urging to include Bahrain's commitments to begin applying international labor standards immediately in their county as well as their timetable to bring all of their laws into ILO compliance as conditional and enforceable elements of the agreement. In other words, as we argued during the CAFTA debate, workers rights should enjoy the same level of protection we place on goods and intellectual property rights, a balance that was sorrowfully left out of the CAFTA agreement. In addition to this, the Bahraini government has demonstrated its world leadership by recently becoming one of the first Arab League nations to remove its boycott on Israeli goods and services.

These steps are encouraging, and indicate that countries are willing to accept minimum standards if the United States insists they be part of free trade agreements: The agreement shows that working together bipartisanly on trade issues will produce agreements that address the standards we feel every trade agreement America signs onto should meet: the broad fulfillment of America's economic interests, the opening of fair markets for America's goods and services and the reversal of America's ever-growing trade deficit.

Mr. KIRK. Mr. Speaker, today I support H.R. 4340, The U.S.-Bahrain Free Trade Agreement. Bahrain is an important political, economic and military ally, and in the years since 9/11, has been a valued partner in the War on Terror. The U.S.-Bahrain Free Trade Agreement will strengthen this key relationship and bolster the important reforms currently taking place in Bahrain.

Bahrain deserves special recognition for its military cooperation with the United States military. Since 1995, Bahrain has been home to the U.S. Navy's 5th Fleet. From this location, the 5th Fleet's area of responsibility encompasses 7.5 million square miles and includes the Arabian Gulf, Red Sea, Gulf of Oman and parts of the Indian Ocean. As a Commander in the Navy Reserve, I fully appreciate the value of Bahrain's willingness to host our fleet in this strategic region.

The U.S.-Bahrain Free Trade Agreement is also significant because it rewards Bahrain for its rapprochement towards Israel. Last month, Bahraini Foreign Minister Sheikh Muhammad bin Mubarak confirmed that his country decided to lift its boycott of Israeli products. In the face of the Arab League's efforts to intensify the boycott, Bahrain has taken a bold and symbolic step towards peace in the Middle East.

Bahrain has shown that it is committed to reform, and we are equally committed to joining with them with open markets. I proudly support this bill that expands trade bilaterally and moves closer to the vision of a peaceful, democratic, and freely trading Middle East.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 4340, the "United States-Bahrain Free Trade Agreement Implementation Act." In spite of my support, I do have some concerns. For example, as in all other U.S. Free Trade Agreements (FTA's) the text of the U.S.-Bahrain Free Trade Agreement requires only that the two countries enforce their own labor laws. It is my understanding that in 2002, Bahrain completed a major revision to its own labor laws to comply with internationally-recognized standards and to ensure that working people in its country share fully in the benefits of globalization. However, six provisions of Bahrain's law, as currently written, raise concerns with regard to basic international labor standards. These six provisions have been identified by the U.S. Department of State and the International Labor Organization (ILO).

These concerns force me to believe that the workers' rights provisions in the Bahrain FTA are somewhat weak. In contrast to the U.S.-Jordan FTA, the Bahrain agreement contains only one enforceable provision on workers' rights which is an obligation to enforce domestic labor laws.

While the labor chapter also contains a commitment to uphold the ILO core workers' rights and not to weaken labor laws, these provisions are explicitly excluded from coverage under the dispute settlement chapter, rendering them essentially useless from a practical standpoint. To put it bluntly, under this agreement, a country could ban unions, set the minimum age for employment at ten years old, and reinstate slave labor. While I believe this will not happen, the fact that it could raises concerns.

Before closing, let me note that I appreciate the efforts made to negotiate a commitment from the Bahraini government to bring its labor laws up to ILO standards in the near future, and I hope that this agreement is honored. I must also note that a commitment to improve labor laws in the future is not an adequate substitute for having decent labor laws in place, especially when the labor provisions in the agreement raises concerns. To this end, I am pleased to note that I have been promised a letter from the Bahrain government expressing the fact that child labor will not be an issue and that such labor will not be used as a result of this agreement. Unfortunately, if the promise is not honored, there is no recourse that can take in the context of the FTA itself, other than to engage in consultations. While I overall support free trade agreements, I strongly believe that we need to make sure that we are not setting ourselves up for a pit fall.

Mrs. TAUSCHER. Mr. Speaker, as Chair of the New Democrat Coalition, I rise today on behalf of the New Dem Co-Chairs, RON KIND, ARTUR DAVIS, and ADAM SMITH, to voice support of the United States-Bahrain Free Trade Agreement Implementation Act.

Passage of this free trade agreement will help strengthen the United States' relationship with Bahrain and build a more secure and productive future for our countries and citizens.

We believe when instituted correctly and fairly, trade agreements open up foreign markets to U.S. goods, create new opportunities for companies and their employees, and lift the standard of living for the people in the countries with whom we are trading.

As our Nation leads the world into the 21st century, we should not shy away from opportunities to guide and expand global trade.

U.S. goods exported to Bahrain totaled $302 million in 2004, constituting .03 percent of total U.S. merchandise trade in 2004.

The U.S.-Bahrain FTA will provide substantial market access for U.S. services providers, including financial services.

One hundred percent of bilateral trade in consumer and industrial products will become duty-free immediately, and 98 percent of U.S. agricultural product exports to Bahrain would be immediately duty free.

Moreover, as Democrats who are strong on defense, we believe that securing an FTA with Bahrain is a positive foreign policy and national security step for the United States.

Bahrain has been a strong and stable state in the Persian Gulf region and a friend to the United States.

The U.S. Navy's 5th Fleet is based in Bahrain, and the United States has recognized the importance of our relationship with this country by establishing a joint U.S.-Bahrain Defense Cooperation Agreement and designing Bahrain as a "Major Non-NATO ally."

This FTA strengthens relations with one of our proven strategic allies in an unstable region.

Furthermore, Mr. Speaker, it is critically important that trade agreements are balanced and fair for workers.

We are pleased that Bahrain has agreed to take the additional steps necessary to comply with basic international labor standards that are integral to ensuring that the benefits of globalization are broadly shared among all people.

Bahrain has committed in writing and with a clear and immediate timetable to amend all provisions of its labor laws that are not consistent with basic International Labor Organization (ILO) standards.

The government will repeal its current laws that forbid the formation of more than one trade union within a single enterprise; allow foreign workers who have not been paid their wages to only change employers after wages have not been paid for more than 3 months; do not provide for the reinstatement of workers fired because of anti-union discrimination; and require that in order to conduct a legal strike, three-quarters of the union must approve and the union must give the employer and Ministry of Labor two weeks notice.

The Bahraini government will also reiterate its commitment to ensuring that penalties for anti-union discrimination are adequate to deter this activity and that workers are paid in a timely manner.

Bahrain remains committed to progress on these issues and recognizes the need to ensure its laws are consistent with international standards.

These changes are a major step forward in securing safe and fair working environments for all workers in Bahrain.

Mr. Speaker, my colleagues and I are happy to support this FTA today. It is in our best interest to engage Bahrain and complete this bilateral free trade agreement. We urge all Members to support H.R. 4340.

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of H.R. 4340, the United States-Bahrain Free Trade Agreement Implementation Act. Overall I believe the agreement contains numerous important benefits for the people of both the United States and Bahrain.

The agreement would allow 100 percent of American-made industrial and consumer goods and virtually all agricultural products to enter Bahrain duty free. The agreement would also expand access for the United States to many of the financial and service sectors in Bahrain along with strengthening intellectual property protections. This improved commercial relationship between our countries will benefit many sectors of the American economy, including agriculture, banking and securities, and high technology.

I have supported a number of trade agreements to expand access to foreign markets for exports as part of a long-term strategy to strengthen the American economy. While expanding markets for American businesses and farmers is critical, I believe it needs to be done responsibly, accounting for the treatment and protection of workers and the environment. This agreement makes efforts to do so.

Regarding the agreement's labor provisions, I am concerned that Bahrain is not in complete compliance with International Labor Organization, (ILO), core labor standards. But it is my understanding that Bahrain has committed in an exchange of letters—which will be included with the trade agreement—to modify domestic laws to comply with key labor standards. I commend the Kingdom of Bahrain for its commitment to modify its domestic laws, and I urge the Administration and the United States Trade Representative, (USTR), to monitor progress in this regard.

In the future, I think the administration and the USTR would be well served by including labor provisions, such as those included in the United States-Jordan Free Trade Agreement, in the body of future trade agreements and by making them subject to sanctions via dispute resolution procedures. The dispute resolution procedures fall short in the case of the Bahrain FTA. It is important that the United States takes step to ensure our trading partners provide workers with basic labor rights. By including such requirements we dedicate ourselves to this goal.

While this agreement is largely about the liberalized exchange of goods and services, it is also about building a stronger relationship with a strategic country in the Middle East.

Opening up commerce between the U.S. and Bahrain can help us gain Bahrain's support for initiatives in other areas, such as resolving the Arab-Israeli conflict and restoring security to Iraq. In that connection, it is important to note that Bahrain is not observing the Arab League boycott of Israel. I welcome the U.S.-Bahrain Free Trade Agreement and urge its support.

□ 1630

The SPEAKER pro tempore (Mr. BONILLA). All time for debate has expired.

Pursuant to House Resolution 583, the bill is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SHAW. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. SHAW. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of the bill just under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

MOTION TO GO TO CONFERENCE ON H.R. 3010, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

Mr. REGULA. Mr. Speaker, pursuant to clause 1 of rule XXII and by direction of the Committee on Appropriations, I move to take from the Speaker's table the bill (H.R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, with the Senate amendment thereto, disagree to the Senate amendment, and agree to the further conference asked by the Senate.

The Clerk read the title of the bill.

The motion was agreed to.

MOTION TO INSTRUCT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. Obey moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 3010, be instructed to insist that the conference agreement include $4.183 billion for the Low-Income Home Energy Assistance Program (LIHEAP), an increase of $2.176 billion over the House bill and $2 billion over the Senate bill, to help the elderly and the poor cope with rising energy prices, and that the additional cost be offset through reductions in tax cuts for households with incomes above $1,000,000. The additional amounts above the House-passed level should be appropriated to the LIHEAP contingency fund, and in allocating the funds among States the Secretary should be directed to give due regard to estimated increases in the heating and cooling costs for low-income households during fiscal year 2006 as compared to the previous year.

POINT OF ORDER

Mr. REGULA. Mr. Speaker, I make a point of order against the motion because it violates clause 9 of rule XXII by proposing to direct the conferees to exceed the scope of matters committed to conference.

I ask for a ruling from the Chair.

The SPEAKER pro tempore (Mr. BASS). Does any Member wish to be heard on the point of order?

Mr. OBEY. Yes, I do, Mr. Speaker.

Mr. Speaker, 2 weeks ago the Labor, Health appropriation bill was defeated on this floor largely because it contained inadequate investments in education and health. Today, the bill is back, and what this motion would do is to say to the majority that if they do not want to recognize the need for additional education and health funding, that they at least recognize that an emergency situation exists with respect to the rapidly rising home heating costs with natural gas, for instance, expected to be 50 percent higher than it was last year and with only 15 percent of persons in the country who are eligible getting help from LIHEAP as it is.

I would simply ask the majority to withdraw the point of order in order to allow us to simply proceed to at least debate and vote on the question of rearranging priorities so that we can add $2 billion to the Low Income Heating Assistance Program and fully pay for that by cutting back the scheduled tax cut for persons who make over $1 million to $131,000. I think that is quite ample for them. I would urge the gentleman from Ohio to withdraw his point of order.

The SPEAKER pro tempore. The Chair is prepared to rule on the point of order.

The Chair finds that the proposed instructions dwell their operative focus on matters not within the scope of differences committed to the conference by the two Houses.

On these premises, the Chair holds that the motion is not in order.

The point of order is sustained.

MOTION TO INSTRUCT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a second motion to instruct conferees.

The Clerk read as follows:

Mr. Obey moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 3010, be instructed to insist that the conference agreement include $4.183 billion for the Low-Income Home Energy Assistance Program (LIHEAP), including $2 billion in emergency funding, thereby bringing the total for LIHEAP to $2.176 billion over the House bill and $2 billion over the Senate bill, to help the elderly and the poor cope with rising energy prices. The emergency funds should be appropriated to the LIHEAP contingency fund, and in allocating the funds among States the Secretary should be directed to give due regard to the estimated increases in the heating and cooling costs for low-income households during fiscal year 2006 as compared to the previous year.

POINT OF ORDER

Mr. REGULA. Mr. Speaker, I make a point of order against the motion because it violates clause 9 of rule XXII by proposing to direct the conferees to exceed the scope of matters committed to conference.

I ask for a ruling from the Chair.

The SPEAKER pro tempore. Does any Member wish to be heard on the point of order?

Mr. OBEY. Yes, I do, Mr. Speaker.

Mr. Speaker, the last motion sought to increase funding for the Low Income

Heating Assistance Program by $2 billion and fully pay for that with an offset on the revenue side of the ledger. The gentleman from Ohio did raise a point of order against that. We would have preferred to fully fund the amendment, but given the fact that the majority has chosen to exercise its rights under the rules of the House to raise a point of order, this is the only remaining avenue that we have to try to increase funding for Low Income Heating Assistance, recognizing that there is indeed an emergency; and we would simply ask that the amount of money for Low Income Heating Assistance be increased by $2 billion and recognized as emergency funding under the Budget Act so that we can proceed to deal with the very real problem that persons in this country will have heating their homes with higher energy prices. If we are not allowed to do that, then there is no way that we are going to be able to provide substantial help to them.

The SPEAKER pro tempore. The Chair is prepared to rule on the point of order.

As in the previous motion, the proposed instructions exceed the scope of conference.

The point of order is sustained.

Mr. OBEY. Mr. Speaker, because we have no other way to bring this to the House, I most reluctantly appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is: Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. REGULA

Mr. REGULA. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on tabling the appeal of the Chair will be followed by 5-minute votes on passage of H.R. 4340; and motions to suspend the rules and pass H.R. 4388 and H.R. 4440.

The vote was taken by electronic device, and there were—yeas 226, nays 196, not voting 10, as follows:

[Roll No. 615]

YEAS—226

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—196

Abercrombie
Ackerman
Allen
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wu
Wynn

NOT VOTING—10

Andrews
Brown-Waite, Ginny
Clay
Davis (FL)
Hastings (WA)
Nadler
Napolitano
Pelosi
Pence
Wexler

□ 1709

Ms. HARMAN, Mrs. MALONEY and Messrs. ETHERIDGE, EMANUEL, BLUMENAUER, DINGELL, LARSON of Connecticut and LANGEVIN changed their vote from "yea" to "nay."

Ms. HART, Ms. HARRIS and Mr. HEFLEY changed their vote from "nay" to "yea."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mrs. NAPOLITANO. Mr. Speaker, on rollcall No. 615, had I been present, I would have voted "nay."

UNITED STATES-BAHRAIN FREE TRADE AGREEMENT IMPLEMENTATION ACT

The SPEAKER pro tempore (Mr. BASS). The pending business is the vote on passage of H.R. 4340 on which the yeas and nays are ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. SHAW) that the House suspend the rules and pass the bill, H.R. 4340, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 327, nays 95, not voting 10, as follows:

[Roll No. 616]

YEAS—327

Ackerman
Aderholt
Akin
Alexander
Allen
Bachus
Baird
Baker
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harman
Harris
Hart
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinojosa
Hobson
Hoekstra
Honda
Hooley
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (OH)
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCotter
McCrery
McDermott
McHenry
McHugh
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pearce
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Salazar
Sanchez, Loretta
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—95

Abercrombie
Baca
Baldwin
Barrett (SC)
Berry
Bishop (UT)
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capuano
Carnahan
Carson
Clyburn
Coble
Conyers
Costello
Davis (IL)
Davis, Jo Ann
DeFazio
DeLauro
Doyle
Evans
Everett
Fattah
Filner
Goode
Green, Al
Green, Gene
Grijalva
Gutierrez
Hastings (FL)
Hayes
Higgins
Hinchey
Holden
Holt
Hostettler
Inglis (SC)
Jackson (IL)
Johnson, E. B.
Jones (NC)
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kucinich
Lantos
Lee
Lipinski
Lynch
Markey
McCollum (MN)
McGovern
McIntyre
McKinney
Menendez
Michaud
Millender-McDonald
Miller (NC)
Mollohan
Murtha
Napolitano
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Rahall
Rogers (AL)
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Scott (VA)
Serrano
Slaughter
Solis
Spratt
Stark
Strickland
Stupak
Taylor (MS)
Taylor (NC)
Thompson (MS)
Tierney
Visclosky
Waters
Watt
Woolsey

NOT VOTING—10

Andrews
Brown-Waite, Ginny
Clay
Davis (FL)
Hastings (WA)
Nadler
Pelosi
Pence
Royce
Wexler

□ 1720

Ms. CORRINE BROWN of Florida changed her vote from "yea" to "nay."

Mr. McDERMOTT changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

TAX REVISION ACT OF 2005

The SPEAKER pro tempore (Mr. BASS). The pending business is the question of suspending the rules and passing the bill, H.R. 4388, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. McCRERY) that the House suspend the rules and pass the bill, H.R. 4388, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 423, nays 0, not voting 9, as follows:

[Roll No. 617]

YEAS—423

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy

Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—9

Andrews
Brown-Waite, Ginny
Clay
Davis (FL)
Hastings (WA)
Nadler
Pelosi
Pence
Wexler

☐ 1728

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GULF OPPORTUNITY ZONE ACT OF 2005

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4440.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. McCRERY) that the House suspend the rules and pass the bill, H.R. 4440, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 4, not voting 13, as follows:

[Roll No. 618]

YEAS—415

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—4

Berkley
Gibbons
LoBiondo
Porter

NOT VOTING—13

Andrews
Brown-Waite, Ginny
Clay
Davis (FL)
Gutierrez
Hastings (WA)
Johnson, E. B.
Nadler
Pelosi
Pence
Scott (VA)
Slaughter
Wexler

☐ 1745

Mrs. JO ANN DAVIS of Virginia changed her vote from "nay" to "yea."

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ANDREWS. Mr. Speaker, I regret that I missed seven votes on December 7, 2005. Had I been present I would have voted "yes" on S. 467 (Terrorism Risk Insurance Extension Act of 2005); "yes" on H.R. 4096 (Stealth Tax Relief Act of 2005); "yes" on H. Con. Res. 196 (Honoring the pilots of United States commercial air carriers who volunteer to participate in the Federal flight deck officer program); "no" on the Motion to Table the Appeal of the Ruling of the Chair regarding H.R. 3010; "no" on H.R. 4340 (United States-Bahrain Free Trade Agreement Implementation Act); "yes" on H.R. 4388 (Tax Revision Act of 2005); and "yes" on H.R. 4440 (Gulf Opportunity Zone Act of 2005).

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, due to a technical error my vote was not recorded for rollcall 618. I should have been recorded as voting "yes." H.R. 4440, on Motion to Suspend the Rules and Pass, rollcall No. 618, "yes."

APPOINTMENT OF CONFEREES ON S. 467, TERRORISM RISK INSURANCE EXTENSION ACT OF 2005

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to the Senate bill (S. 467) to extend the applicability of the Terrorism Risk Insurance Act of 2002, and request a conference with the Senate thereon.

The SPEAKER pro tempore (Mr. MCCAUL of Texas). Is there objection to the request of the gentleman from Ohio? The Chair hears none and, without objection, appoints the following conferees:

From the Committee on Financial Services, for consideration of the Senate bill and the House amendment, and modifications committed to conference: Mr. OXLEY, Mr. BAKER, Ms. PRYCE of Ohio, Mrs. KELLY, Messrs. KANJORSKI, CAPUANO, and CROWLEY.

Provided that Mr. ISRAEL is appointed in lieu of Mr. CAPUANO for consideration of sections 4, 5, and 7 of the Senate bill, and sections 103 and 105 of the House amendment, and modifications committed to conference.

From the Committee on the Judiciary, for consideration of sections 2 and 6 of the Senate bill, and modifications committed to conference: Messrs. SENSENBRENNER, GOODLATTE, and CONYERS.

For consideration of the Senate bill and the House amendment, and modifications committed to conference: Mr. SESSIONS.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 3010, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

Messrs. REGULA, ISTOOK, WICKER, Mrs. NORTHUP, Ms. GRANGER, Messrs. PETERSON of Pennsylvania, SHERWOOD, WELDON of Florida, WALSH, LEWIS of California, OBEY, HOYER, Mrs. LOWEY, Ms. DELAURO, Mr. JACKSON of Illinois, Mr. KENNEDY of Rhode Island, and Ms. ROYBAL-ALLARD.

There was no objection.

COMMUNICATION FROM DISTRICT REPRESENTATIVE OF HON. GARY G. MILLER OF CALIFORNIA, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Pat Fabio, District Representative of the Honorable GARY G. MILLER of California, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, December 5, 2005.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil subpoena, issued by the Superior Court of Orange County, California, for testimony.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

PAT FABIO,
District Representative.

PERSONAL EXPLANATION

Mr. GERLACH. Mr. Speaker, due to a long-scheduled meeting with the Secretary of Veterans Affairs this afternoon regarding the future of the Southeastern Pennsylvania Veterans Cemetery, I was unable to be present on the floor during rollcall votes 612, 613, and 614. Had I been present, I would have voted "yea" on rollcall No. 612, "yea" on rollcall No. 613, and "yea" on rollcall No. 614.

REDISTRICTING IN THE STATE OF TEXAS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, over the last 48 hours a number of us had the displeasure of reading in The Washington Post an article detailing the antics of the process of redistricting in the State of Texas. Many of us who were engaged in that process a good year or two years ago remember sitting down and presenting a very fair case to the Justice Department lawyers that the plan that was offered by Texas Republicans would undermine the Voting Rights Act and be discriminatory.

Lo and behold, though we presented a very fair case, and the Justice Department lawyers agreed with us and wrote accordingly, what came out of the Justice Department was completely different. I cannot imagine any greater abuse of power than what happened in the Texas redistricting plan, where the lawyers for the Justice Department, civil servants who did their work and indicated that the plan would violate the Voting Rights Act of 1965, were not allowed to prevail.

I would ask the Attorney General present now to investigate what occurred with respect to the Texas redistricting plan. We all know politics are in play, but they should not be in play in the works of our various executive agencies to provide the truth to the American people.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

JUSTICE FOR MURDER VICTIMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, Kenneth Lee Boyd committed a violent and vicious crime on the evening of March 4, 1988, in North Carolina. On that night, Boyd armed himself with a .357 Magnum pistol and committed cold-blooded murder against members of his very own family.

On that evening, Boyd picked up his children from his father-in-law's home and told the boys they were going for pizza. But that was a lie. With the pistol sitting in the seat of the car between Boyd and his children, he went back to his father-in-law's home, a place where his estranged wife was staying.

His 13-year-old son, Christopher, sensing something was up, tried to hide that pistol. And when Boyd pulled up to his father-in-law's driveway, Christopher, frightened, jumped from the car and ran to warn his grandparents and his mother.

Boyd then approached the house and began his shocking shooting spree. He first shot and killed his father-in-law, Thomas Curry, through the door. He then found his estranged wife in the doorway of her bedroom. He shot her several times and then went outside and reloaded his murder weapon, came back and shot her some more. In the end, it was decided Julie Boyd was shot a total of eight times.

Boyd went back outside, shot some more, and this time at his brother-in-law, Craig Curry, who was moving Boyd's children and a nephew to a wooded area to safety. The bullet missed Craig, who was trying to hide in the woods.

Boyd then returned to the home, called 911, informed the operator he had just killed his wife and father-in-law and told them to come get him. When the police arrived, he surrendered.

Last week, finally, Kenneth Boyd became the 1,000th execution to take place in the United States since the Supreme Court allowed the death penalty to resume in 1976. Last week, Kenneth Boyd was finally punished for his sins and crimes that he committed over 17 years ago.

Last week, when justice was served, the weak-kneed do-gooders and media had a heyday. Headlines surfaced and everyone focused on the number 1,000. Boyd was portrayed as a martyr. If the media was so gung ho keeping score, why did very few of them also report the number 558,000?

Mr. Speaker, this higher number is the total number of murder victims since the ruling in 1976. That is 558,000 people murdered by killers here in the United States. And who is carrying the torch for their cause? We continuously hear about the murderers, but we hear very little about the victims of crime.

Mr. Speaker, as a former judge and prosecutor, I have witnessed firsthand how victims are being treated in the justice system. Being a victim is a terrifying and unforgettable nightmare; then to become a victim at the hands of the criminal justice system is shameful, especially in a system that claims to have justice for all. The first duty of government must be to protect its citizens and victims, and victims should never be ignored to the benefit of criminals.

A Federal judge in Houston is now playing his role in overlooking the victims of crime as well. In June 1994, Charles Raby was sentenced to death for the 1992 slaying of 72-year-old Edna Franklin. Her throat was slit twice, her ribs were broken, and her body was stabbed numerous times with a knife. Charles Raby is currently on death row waiting to be executed, but he has filed another lawsuit challenging the constitutionality of lethal injection on the grounds it is cruel and unusual punishment.

U.S. District Judge Lynn Hughes recently denied a motion by the State Attorney General to dismiss Raby's ridiculous claim, and now he will be given access to State documents and employees to try to prove this worthless claim. This man brutally killed a 72-year-old woman with a knife and Judge Hughes is concerned his execution may be painful. Where was this Federal judge when Edna Franklin was brutally executed? This ought not to be.

Mr. Speaker, victims deserve to be treated better than this. We as a culture must not stand by and do nothing while those 558,000 were murdered and others hurt in our country. We must support victims of crime, and we must make sure the criminals who commit crimes against them pay for those acts of violence.

There are too many victims who cannot stand up for their own rights, and so it is up to us as concerned citizens, justice officials, public policymakers, and Members of this Congress to stand up for the rights of every homicide victim in this Nation to honor their memories through action. By continuing our commitment to helping the families and friends of murdered victims, and promoting a crime policy that ensures a place at the table of justice for them, we honor those lives that were stolen by senseless violence.

The theme of the 2005 National Crime Victims Week put it best: Justice is not served until crime victims are. That is just the way it is.

MEDICARE PRESCRIPTION DRUG BENEFIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, on December 8, 2003, President Bush signed the Medicare drug benefit act into law. At the signing, the President hailed the law as the greatest advance in health care coverage for America's seniors since the founding of Medicare. Here we are 2 years later, less than a month before the program begins, and so far the benefit as it relates to the consumer, i.e. the senior citizens, the 42 million senior citizens across this country, is an absolute failure.

It has failed because my colleagues on the other side who wrote this bill refuse to adhere to the number one rule of any business, which is that the customer comes first. And that customer in this case is senior citizens.

This bill was never designed with senior citizens in mind. It was designed with the pharmaceutical industry and the private insurers in mind, who are making on average $130 billion to $132 billion over the next 10 years in more profits than they would have made had this bill not been in place.

Senior citizens all over this country, regardless of district, regardless of region, regardless of income, regardless of education are all saying the same thing, that the bill is too complex. Part D, as it relates to prescription drugs, is way too complex. This is a case where simplicity trumped choice. We have given them so much choice, it is so complicated that nobody can figure out how to get the "benefit" of the prescription drug.

In fact, the drug manufacturers will see an extra $130 billion in profits over the next 10 years. Private insurers, we actually have an HMO slush fund where private insurers are rewarded with up to $130 billion in additional profits over the next 10 years because of overpayments.

□ 1800

So it is not just bad for our senior citizens, but because we are paying more, it is bad for our taxpayers. We could be doing better.

There are also three other provisions in this bill that left the basic principles of the private sector out.

First, competition. We should have allowed the reimportation of pharmaceutical products from Canada and Europe. That competition of pricing that goes on in Canada, France, Germany, England, Ireland, with what happens here in the United States, we would have had prices that are 50 percent cheaper. That is good for our senior citizens and good for our taxpayers who are being asked to pay for a pharmaceutical bill that is $800 billion over 10 years, not the $400 billion as advertised.

Second, the legislation designed by the Republicans specifically prohibits the Federal Government from negotiating lower prices. Just like Sam's Club does, just like Target does, just like any business that negotiations with their services, they get the best price because of competition, this legislation left the number one principle of private sector, negotiate for the best price.

So what has happened? According to the Government Reform Committee, they found that the new Medicaid drug benefit has done nothing to hold prices down. In fact, today, Medicare prices are 61 percent higher than the average price in Canada for the same medication, and 84 percent higher than the federally-negotiated prices that we do under the Veterans Administration. There is no price system, no competition in this bill as it relates to reimportation and as it relates to negotiation of price.

Third, it puts more barriers in place to getting generics into the market to compete against name-brand drugs. If we followed those three principles: Reimportation to allow competition and choice; negotiation between the government and the prescription drug companies just like the VA does, just like Sam's Club does, just like Target does, just like any company that negotiates with its sources and suppliers to get the best price; and third, allow generics into the market quicker, the taxpayers would have saved money and we would have delivered a better product to our senior citizens, and we would have had price control.

Right now, the only beneficiary out of this are the pharmaceutical companies and the insurance companies. The senior citizens and the taxpayers are being left behind. This bill never had the number one person in mind, the customer, the taxpayer and the senior citizen in mind, when drafting this bill.

It also failed at having a discount card. So few seniors signed up because there was no discount. In the greatest expansion of Medicare in terms of an entitlement, we were originally told this bill was going to cost $400 billion. It is going to cost $800 billion, and it is mounting and there has been nothing done to control the prices.

Once the errors were discovered, CMS directed seniors to Medicare's Web site, even though over 75 percent of the seniors have never used the Internet. There are serious and widespread problems, according to the Government Accountability Office.

Mr. Speaker, the Medicare prescription drug benefit is a failure because it was never designed with a customer in mind.

PANDEMIC PREPAREDNESS

The SPEAKER pro tempore (Mr. McCAUL of Texas). Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

Mr. BURGESS. Mr. Speaker, I hope the gentleman from Illinois will be helping his seniors sign up for this program. It is a good program, and my constituents in Texas are benefiting from it.

But I came tonight to talk a little bit about the President's pandemic plan from a legislator's perspective. The past is prologue. We saw in 2003 the beginnings of an outbreak of an illness called SARS. SARS ended up killing 800 people which is a significant number of deaths, but nowhere near as high as it could have been.

Did we defeat SARS with an antiviral, no. Did we defeat SARS with a vaccine, no. In fact, we did not get a vaccine for SARS even though the CDC and the NIH very quickly came up with the genetic sequencing for the DNA on the SARS virus. But SARS was beaten the old-fashioned way, by carefully epidemiology sleuthing and quarantine.

I had a radio host ask me the other day, he thought SARS was perhaps a sham. He kind of dismissed the idea, but the reality is that this disease was contained by those old-fashioned methods, and in fact, it never materialized to the threat we thought it would be. In fact, ask the good people in the tourism business in Toronto if they felt that SARS affected them in that area.

But as we move on to the discussion of avian flu, I am a Republican. I believe in limited government. So do we need a big government solution to the pandemic profile that we may be presented? Well, I have also believed in empowering the individual and believe there is a degree of inertia in big government that hampers the ability to respond to a rapidly evolving crisis. Look at what happened down at the gulf coast with the hurricanes.

But there is a role for government in this situation because the potential for human death and destruction is so vast. It is going to involve the public sector, the private sector, and academia, and all of those areas will need to be on their best game in order to defeat this virus.

What can Congress do and what should Congress do and specifically, what should the House of Representatives do? Well, we hold hearings and we do that pretty well. We have held several hearings in Energy and Commerce about the problem of the pandemic flu. They have educated Members.

Congress can certainly travel. We do that well. In fact, several Members have traveled to other areas in Asia. I know Secretary Leavitt from HHS traveled to Southeast Asia to see what is happening with the virus in birds in that part of the world, and I know several Members who are planning travel in the future. That is a good thing.

We can communicate and talk to the press and talk to the media and talk to each other. We can educate each other and make certain that we are all individually educated about this threat and that we communicate with our State departments of health and our local health departments. This has the potential for being such a big issue that 1 to 2 million Americans dying is so significant that it requires a commitment. It requires reform. It requires change, and I would like to add that it requires a promise.

Under commitment, we have got to commit the money for research and development on vaccines and technologies. We have to streamline the regulatory process at the FDA. The FDA is very close to approving a vaccine for the current bird flu. But the reality is if the virus becomes active in humans, it will change. It will do that through mutation, and this virus may not be effective against the vaccine that is being developed.

So if the virus mutates, there has got to be a way to quickly get that approval through the FDA for the new vaccine.

The distribution network. We are still seeing areas of the country that cannot get the current flu vaccine to distribute to their citizens, so the distributive network for this vaccine is going to have to be significantly improved.

Most importantly, these manufacturing facilities are going to have to be sited within the United States. With all due respect to the former speaker, and wanting to get drugs from Canada and other areas, can we count on the good people in Belgium to give us the vaccine if we need it when their citizens need it as well? This vaccine will have to be manufactured within our shores.

We have to improve the science on producing vaccines. We saw what happened last year with the egg-based vaccine for the flu vaccine: A bacterial contamination ruined a large batch and it was unavailable. We are going to have to progress to the cell-based system. It is time for vaccine manufacturing to come out of the 1950s and get into the 21st century. Our commitment of research and development money will help that happen, and when that happens, the time required to develop the vaccine and get it available to people will vastly improve.

Under the reform criteria, medical liability reform. The medical justice system has to be fair. We are going to need to provide some limits on liability for not just the vaccine itself, but adjuvants that might be added to the vaccine, preservatives that might be added to the vaccine. And what if the outbreak is so severe and the vaccine is in short supply, and it is required to dilute the vaccine. We need some degree of liability production, but at the same time, to ensure indemnification of those first responders who we are going to require to be on the front lines if this pandemic really picks up speed.

We need to change. There is going to have to be some degree of antitrust reform, and this Congress may have been called upon to do that. Some companies have been proactive in discussing what can be done to ramp up productions of vaccines or antivirals, such as Tamiflu.

And finally, a promise. The concept of guaranteed purchase or product or advanced purchase. We need to look to the future. We need to find a universal vaccine.

Mr. Speaker, The Los Angeles Times, on November 14, 2005, wrote, "Instead of being bamboozled by the flu virus' showy costume changes, scientists would pick dowdy, less prominent parts of the virus, the housekeeping features that do not change year to year and are common to all strains. Presenting these pieces to the human immune system would prompt the vaccinated person to recognize and fight off any influenza virus."

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4297, TAX RELIEF EXTENSION RECONCILIATION ACT OF 2005

Mr. PUTNAM, from the Committee on Rules, submitted a privileged report (Rept. No. 109–330) on the resolution (H. Res. 588) providing for consideration of the bill (H.R. 4297) to provide for reconciliation pursuant to section 201(b) of the concurrent resolution on the budget for fiscal year 2006, which was referred to the House Calendar and ordered to be printed.

CHENEY'S SCORCHED EARTH POLITICS

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Oregon (Mr. DEFAZIO).

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, the White House is fast approaching a new low when it comes to smearing those of us who oppose the disastrous Iraq war. Before the Thanksgiving recess, Vice President DICK CHENEY declared that suggesting the administration deceived the Nation to justify the Iraq invasion, and I quote him, "is one of the most dishonest and reprehensible charges ever aired in this city."

Well, first of all, being called "dishonest" by DICK CHENEY is kind of like being told by Imelda Marcos that you have a shoe fetish. I thought it was ironic that the Vice President made these remarks at an event sponsored by a group called the Frontiers of Freedom. Asking hard questions and demanding answers from your government is one of the very foundations of freedom, but DICK CHENEY seems to consider it borderline treason.

Well, shame on him and shame on him for implying that criticism of this war amounts to criticism of the brave men and women in uniform who are on the front lines. The fact is there was exaggeration, manipulation, and down right deception in the run-up to the war. There is report after report of the Bush administration ignoring or downplaying serious misgivings in the intelligence community about the weapons of mass destruction case.

It has been well confirmed that the Vice President himself visited CIA headquarters to lean on analysts and to make sure that they were reaching "right" conclusions.

Then there are the Downing Street memos, which claim the intelligence was being fixed around the policy. The Vice President claims that it is a few opportunists who are raising questions about trumped-up intelligence.

Well, guess what, Mr. Vice President, for more than half of the American people, there is a belief that the administration deliberately misled us into war. As the New Republic points out, that is not a few opportunists, more like a few million American citizens. Actually, more than 150 million who do not believe the President and his team told the truth.

What you are seeing is a desperate White House losing its ability to shape public opinion and consequently twisting the truth beyond recognition. This push-back is a clear sign that the wheels are coming off. By roughly a 2 to 1 margin, Americans have lost confidence in the Bush Iraq policy. A majority thinks we need to reduce our troop levels. Before Thanksgiving, 79 Senators voted for an amendment that indicates an interest in moving forward towards full Iraqi sovereignty in the year 2006, and demands more accountability from the administration on the conduct of the war.

And recently, my good friend and esteemed colleague from Pennsylvania, Mr. JACK MURTHA, a Marine Corps veteran with strong defense credentials, came out for bringing our troops out of Iraq.

☐ 1815

But instead of engaging in an honest dialogue with him, the first reaction from the other side of the aisle was to resort to fearmongering and character assassination. Representative MURTHA was subjected to the most vile and devious accusations. He was compared to a prominent al Qaeda terrorist. He was said to be emboldening our enemies. It was implied that he was a coward. And then the majority resorted to a gimmick, a cheap stunt distorting Mr. MURTHA's words in an attempt to gain political advantage. I wish that those on the other side of the aisle were half as honorable as they are clever. The American people deserve better. Our troops deserve better than this. They deserve a thorough, substantive, honest debate on the war, not a bill that could not be amended, not a bill brought to the House floor for no other reason than partisan gamesmanship.

Mr. Speaker, a group of Democrats has written a discharge petition to bring the Iraq debate to the House floor, to bring it through legislation around a piece of legislation called Homeward Bound, H.J. Res. 55, to bring it to the House floor so that we can have the debate we need. This discharge petition will allow 17 hours of debate on the Nation's Iraq policy. And unlike the sham bill presented by the majority in response to Representative MURTHA's call to the end of war, it would be brought up under an open rule, a rule that allows amendments to be introduced. I urge my colleagues to sign the discharge petition, allow for a real debate.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 7, 2005.

The Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from Ms. Caren Daniels-Meade, Chief, Elections Division, State of California, indicating that, according to the unofficial returns of the Special Election held December 6, 2005, the Honorable John Campbell was elected Representative in Congress for the Forty-eighth Congressional District, State of California.

With best wishes, I am
Sincerely,
KAREN L. HASS,
Clerk.

SECRETARY OF STATE,
STATE OF CALIFORNIA,
Sacramento, CA, December 6, 2005.

The Hon. KAREN L. HAAS,
Clerk, House of Representatives,
Washington, DC.

DEAR MS. HAAS: This is to advise you that the unofficial results of the Special Election held on Tuesday, December 6, 2005, for Representative in Congress from the Forty-eighth Congressional District of California, show that John Campbell received 41,450 or 44.7 percent of the total number of votes cast for that office.

It would appear from these unofficial results that John Campbell was clearly elected as Representative in Congress from the Forty-eighth Congressional District of California.

To the best of our knowledge and belief at this time, there is no contest to this election.

As soon as the official results are certified to this office representing votes cast in all 268 precincts established for this election, an official Certificate of Election will be prepared for transmittal as required by law.

Sincerely,
CAREN DANIELS-MEADE,
Chief, Elections Division.

SWEARING IN OF THE HONORABLE JOHN CAMPBELL, OF CALIFORNIA. AS A MEMBER OF THE HOUSE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that the gentleman from California, Mr. JOHN CAMPBELL, be permitted to take the oath of office today. His certificate of election has not arrived, but there is no contest, and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER. Will the Representative-elect please take the well.

Mr. CAMPBELL of California appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Congratulations, you are now a Member of the 109th Congress.

WELCOMING THE HONORABLE JOHN CAMPBELL TO THE HOUSE OF REPRESENTATIVES

(Mr. DREIER asked and was given permission to address the House for 1 minute.)

Mr. DREIER. Mr. Speaker, when our former colleague, Mr. Cox, was nominated by the President to become the chairman of the Securities and Exchange Commission, it obviously created an opening in one of the most beautiful congressional districts in the entire country in Southern California; and we are very pleased that our new colleague who has just been sworn in, JOHN CAMPBELL, was elected.

JOHN CAMPBELL has an extraordinary history in California. As I look around the Chamber. Mr. Speaker, at our colleagues, very few of them actually have roots in California. The fact of the matter is JOHN CAMPBELL has roots that extend deeper than, frankly, anyone that I know. Our State is a little more than 150 years old; and yet in 1860, the year that Abraham Lincoln was elected President of the United States, JOHN CAMPBELL's great grandfather was elected to the California State legislature. So 145 years later, we have JOHN CAMPBELL now coming to serve in the United States House of Representatives, to me the greatest deliberative body known to man.

Mr. Speaker, on behalf of all of our colleagues from California, from both sides of the aisle, it is a great privilege and honor for me to congratulate and to welcome our new colleague, Mr. JOHN CAMPBELL.

EXPRESSIONS OF GRATITUDE

(Mr. CAMPBELL of California asked and was given permission to address the House for 1 minute.)

Mr. CAMPBELL of California. Mr. Speaker, thank you all. Thank you, Congressman DREIER.

I wish, Mr. Speaker, to thank my family first for their support and their coming here today. I wish to thank the people of Orange County for the confidence that they have placed in me to have this very honored position. And I look so forward to working with all of you on the many issues that we have coming ahead of us.

I feel so the history as I stand here, what this building, what this room means and what it has held and what it has done. I only hope that I can do honor to those who have served before us here, and that I will help with all of you to do justice to those whose futures we serve.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(d) of rule XX, the Chair announces to the House that in light of the administration of the oath to the gentleman from California, Mr. JOHN CAMPBELL, the whole number of the House is 434.

THE BLAME GAME

Mr. PAUL. Mr. Speaker, I ask unanimous consent to claim my 5 minutes at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, our country faces major problems. No longer can they remain hidden from the American people. Most Americans are aware the Federal budget is in dismal shape. Whether it is Social Security, Medicare, Medicaid, or even the private pension system, most Americans realize we are in debt over our heads.

The welfare state is unmanageable and severely overextended. In spite of hopes that supposed reforms would restore sound financing and provide for all the needs of the people, it is becoming more apparent every day that the entire system of entitlements is in a precarious state and may well collapse. It does not take a genius to realize that increasing the national debt by over $600 billion per year is not sustainable. Raising taxes to make up the shortfall is unacceptable, while continuing to print the money needed will only accelerate the erosion of the value of the dollar.

Our foreign policy is no less of a threat to us. Our worldwide military presence and our obsession with remaking the entire Middle East frightens a lot of people both here and abroad. Our role as world policeman and nation-builder places undue burdens on the American taxpayer. Our enormous overseas military expenditures, literally hundreds of billions of dollars, are a huge drain on the American economy.

All wars invite abuses of civil liberties at home, and the vague declaration of war against terrorism is worse than most in this regard. As our liberties here at home are diminished by the PATRIOT Act and the national ID card legislation, we succumb to the temptation of all empires to neglect habeas corpus, employ torture tactics and use secret imprisonments. These domestic and foreign policy trends reflect a morally bankrupt philosophy, devoid of any concern for liberty and the rule of law.

The American people are becoming more aware of the serious crisis this country faces. Their deep concern is reflected in the current mood in Congress. The recent debate over Iraq shows the parties are now looking for someone to blame for the mess we are in. It is a high stakes political game. The fact that a majority of both parties and their leadership endorsed the war and accept the same approach toward Iran and Syria does nothing to tone down the accusatory nature of the current blame game.

The argument in Washington is over tactics, quality of intelligence, war management and diplomacy, except for a few who admit their tragic mistakes were made and now sincerely want to establish a new course for Iraq. Thank goodness for those who are willing to reassess and admit to these mistakes. Those of us who have opposed the war all along welcome them to the cause of peace.

If we hope to pursue a more sensible foreign policy, it is imperative that Congress face up to its explicit constitutional responsibility to declare war. It is easy to condemn the management of a war one endorsed, while deferring the final decision about whether to deploy the troops to the President. When Congress accepts and assumes its awesome responsibility to declare war as directed by the Constitution, fewer wars will be fought.

Sadly, the acrimonious blame game is motivated by the leadership of both parties for the purpose of gaining, or retaining, political power. It does not approach a true debate over the wisdom or lack thereof of foreign military interventionism and preemptive war.

Polls indicate ordinary Americans are becoming uneasy with our prolonged war in Iraq, which has no end in sight. The fact that no one can define victory precisely, and most Americans see us staying in Iraq for years to come, contributes to the erosion of support for this war. Currently, 63 percent of Americans disapprove of the handling of the war, and 52 percent say it is time to come home. Forty-two percent say we need a foreign policy of minding our own business. This is very encouraging.

The percentages are even higher for the Iraqis. Eighty-two percent want us to leave, while 67 percent claim they are less secure with our troops there. Ironically, our involvement has produced an unusual agreement among the Kurds, Shiites and Sunnis, the three factions at odds with each other. At the recent 22-Member Arab League meeting in Cairo, the three groups agreed on one issue: they all want foreign troops to leave. And at the end of the meeting an explicit communique was released: "We demand the withdrawal of foreign forces in accordance with a timetable and the establishment of a national and immediate program for rebuilding the armed forces that will allow them to guard Iraq's borders and get control of national security."

Since the administration is so enamored of democracy, why not have a national referendum in Iraq to see if the people want us to leave?

After we left Lebanon in the 1980s, the Arab League was instrumental in brokering an end to that country's 15-year civil war. Its chances of helping to stop the fighting in Iraq are far better than depending on the U.N., NATO, or the United States. This is a regional dispute that we stirred up but cannot settle. The Arab League needs to assume a lot more responsibility for the mess that our invasion has caused. We need to get out of the way and let them solve their own problems.

Remember, once we left Lebanon suicide terrorism stopped and peace finally came. The same could happen in Iraq.

Everyone is talking about the downside of us leaving, and the civil war that might erupt. Possibly so, but no one knows with certainty what will happen. There was no downside when we left Vietnam. But one thing for sure, after a painful decade of killing in the 1960s, the killing stopped and no more Americans died once we left. We now trade with Vietnam and enjoy friendly relations with them. This was achieved through peaceful means, not military force. The real question is how many more Americans must be sacrificed for a policy that is not working? Are we going to fight until we go broke and the American people are impoverished? Common sense tells us it's time to reassess the politics of military intervention and not just look for someone to blame for falling once again into the trap of a military quagmire.

The blame game is a political event, designed to avoid the serious philosophic debate over our foreign policy of interventionism. The mistakes made by both parties in dragging us into an unwise war are obvious, but the effort to blame one group over the other confuses the real issue. Obviously Congress failed to meet its constitutional obligation regarding war. Debate over prewar intelligence elicits charges of errors, lies, and complicity. It is now argued that those who are critical of the outcome in Iraq are just as much at fault, since they too accepted flawed intelligence when deciding to support the war. This charge is leveled at previous administrations, foreign governments, Members of Congress, and the United Nations—all who made the same mistake of blindly accepting the prewar intelligence. Complicity, errors of judgment, and malice are hardly an excuse for such a serious commitment as a pre-emptive war against a non-existent enemy.

Both sides accepted the evidence supposedly justifying the war, evidence that was not credible. No weapons of mass destruction were found. Iraq had no military capabilities. Al Qaeda and Saddam Hussein were not allies (remember, we were allies of both Saddam Hussein and Osama bin Laden), and Saddam Hussein posed no threat whatsoever to the United States or his neighbors.

We hear constantly that we must continue the fight in Iraq, and possibly in Iran and Syria, because, "It's better to fight the terrorists over there than here." Merely repeating this justification, if it is based on a major analytical error, cannot make it so. All evidence shows that our presence in Iraq, Saudi Arabia, and other Muslim countries benefits Al Qaeda in its recruiting efforts, especially in its search for suicide terrorists. This one fact prompts a rare agreement among all religious and secular Muslim factions; namely, that the U.S. should leave all Arab lands. Denying this will not keep terrorists from attacking us, it will do the opposite.

The fighting and terrorist attacks are happening overseas because of a publicly stated Al Qaeda policy that they will go for soft targets—our allies whose citizens object to the war like Spain and Italy. They will attack Americans who are more exposed in Iraq. It is a serious error to conclude that "fighting them over there" keeps them from fighting us "over here," or that we're winning the war against terrorism. As long as our occupation continues, and American forces continue killing Muslims, the incentive to attack us will grow. It shouldn't be hard to understand that the responsibility for violence in Iraq—even violence between Iraqis—is blamed on our occupation. It is more accurate to say, "the longer we fight them over there the longer we will be threatened over here."

The final rhetorical refuge for those who defend the war, not yet refuted, is the dismissive statement that "the world is better off without Saddam Hussein." It implies no one can question anything we have done because of this fact. Instead of an automatic concession it should be legitimate, though politically incorrect, to challenge this disarming assumption. No one has to like or defend Saddam Hussein to point out we won't know whether the world is better off until someone has taken Saddam Hussein's place.

This argument was never used to justify removing murderous dictators with much more notoriety than Saddam Hussein, such as our ally Stalin; Pol Pot, whom we helped get into power; or Mao Tse Tung. Certainly the Soviets, with their bloody history and thousands of nuclear weapons aimed at us, were many times over a greater threat to us than Saddam Hussein ever was. If containment worked with the Soviets and the Chinese, why is it assumed without question that deposing Saddam Hussein is obviously and without question a better approach for us than containment?

The "we're all better off without Saddam Hussein" cliche doesn't address the question of whether the 2,100 troops killed or the 20,000 wounded and sick troops are better off. We refuse to acknowledge the hatred generated by the deaths of tens of thousands of Iraqi citizens who are written off as collateral damage. Are the Middle East and Israel better off with the turmoil our occupation has generated? Hardly! Honesty would have us conclude that conditions in the Middle East are worse since the war started: The killing never stops, and the cost is more than we can bear—both in lives and limbs lost and dollars spent.

In spite of the potential problems that may or may not come with our withdrawal, the greater mistake was going in the first place. We need to think more about how to avoid these military encounters, rather than dwelling on the complications that result when we meddle in the affairs of others with no moral or legal authority to do so. We need less blame game and more reflection about the root cause of our aggressive foreign policy.

By limiting the debate to technical points over intelligence, strategy, the number of troops, and how to get out of the mess, we ignore our continued policy of sanctions, threats, and intimidation of Iraq's neighbors, Iran and Syria. Even as Congress pretends to argue about how or when we might come home, leaders from both parties continue to support the policy of spreading the war by precipitating a crisis with these two countries.

The likelihood of agreeing about who deliberately or innocently misled Congress, the media, and the American people is virtually nil. Maybe historians at a later date will sort out the whole mess. The debate over tactics and diplomacy will go on, but that only serves to distract from the important issue of policy. Few today in Congress are interested in changing from our current accepted policy of intervention to one of strategic independence: No nation building, no policing the world, no dangerous alliances.

But the results of our latest military incursion into a foreign country should not be ignored. Those who dwell on pragmatic matters should pay close attention to the results so far.

Since March 2003 we have seen:

Death and destruction; 2,100 Americans killed and nearly 20,000 sick or wounded, plus tens of thousands of Iraqis caught in the crossfire;

A Shiite theocracy has been planted;

A civil war has erupted;

Iran's arch nemesis, Saddam Hussein, has been removed;

Osama bin Laden's arch nemesis, Saddam Hussein, has been removed;

Al Qaeda now operates freely in Iraq, enjoying a fertile training field not previously available to them;

Suicide terrorism, spurred on by our occupation, has significantly increased;

Our military industrial complex thrives in Iraq without competitive bids;

True national defense and the voluntary army have been undermined;

Personal liberty at home is under attack; assaults on free speech and privacy, national ID cards, the Patriot Act,

National Security letters, and challenges to habeas corpus all have been promoted;

Values have changed, with more Americans supporting torture and secret prisons;

Domestic strife, as recently reflected in arguments over the war on the House floor, is on the upswing;

Pre-emptive war has been codified and accepted as legitimate and necessary, a bleak policy for our future;

The Middle East is far more unstable, and oil supplies are less secure, not more;

Historic relics of civilization protected for thousands of years have been lost in a flash while oil wells were secured;

U.S. credibility in the world has been severely damaged; and

The national debt has increased enormously, and our dependence on China has increased significantly as our Federal Government borrows more and more money.

How many more years will it take for civilized people to realize that war has no economic or political value for the people who fight and pay for it? Wars are always started by governments, and individual soldiers on each side are conditioned to take up arms and travel great distances to shoot and kill individuals that never meant them harm. Both sides drive their people into an hysterical frenzy to overcome their natural instinct to live and let live. False patriotism is used to embarrass the good-hearted into succumbing to the wishes of the financial and other special interests who agitate for war.

War reflects the weakness of a civilization that refuses to offer peace as an alternative.

This does not mean we should isolate ourselves from the world. On the contrary, we need more rather than less interaction with our world neighbors. We should encourage travel, foreign commerce, friendship, and exchange of ideas—this would far surpass our misplaced effort to make the world like us through armed force. And this can be achieved without increasing the power of the state or accepting the notion that some world government is needed to enforce the rules of exchange. Governments should just get out of the way and let individuals make their own decisions about how they want to relate to the world.

Defending the country against aggression is a very limited and proper function of government. Our military involvement in the world over the past 60 years has not met this test, and we're paying the price for it.

A policy that endorses peace over war, trade over sanctions, courtesy over arrogance, and liberty over coercion is in the tradition of the American Constitution and American idealism. It deserves consideration.

PRESCRIPTION DRUG FLEXIBILITY ACT FOR SENIORS

Mr. LARSON of Connecticut. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. LARSON) is recognized for 5 minutes.

Mr. LARSON of Connecticut. Mr. Speaker, I rise this evening in strong support of the Prescription Drug Flexibility Act for seniors. You know, we ask an awful lot of our senior citizens, so many of whom, as Tom Brokaw has eloquently penned, are a part of the greatest generation ever.

After traveling home this past Thanksgiving for the break and having an opportunity to conduct hearings throughout my district and speak to seniors directly, they did not realize that what we have asked of them in signing up for the so-called prescription drug plan under Medicare part D, that they are now required to be accountants, attorneys and actuaries in order to be able to fill out this form. It is a travesty that for so many of our seniors they find this not only confusing and complicated, but very difficult as well, and are unsure as to whether or not they are going to receive any specific relief.

□ 1830

That is why I have introduced legislation that I believe is both pragmatic and provides the opportunity for seniors to seek relief from the burdensome task that faces them.

Specifically, this legislation would accomplish three things. First and foremost it would extend for 2 years the time period in which seniors have to sign up. I think it is incredible to think that we could get 42 million people to sign up for a program in 6 months where in the State of Connecticut they have 44 choices in options to choose from. In many States it is as many as 60, 65 choices that people have to pursue in order to make sure they are making the right decision. And, of course, if they have not signed up in time or they are given misinformation, they receive a penalty for that starting at 1 percent a month and accumulating forward. Just out of simple fairness to the people we are sworn to serve, we ought to make sure that we are extending the time period, and this legislation calls for a 2-year extension.

The legislation further goes on to look at a provision that is commonly referred to as the "lock-in provision." What that means for those that are struggling with this part D is that while the HMOs and insurance companies can opt out of their formularies or of their coverage, you are locked in for at least a period of a year. Well, common sense and fairness would say that if a company is covering you and say you are on Lipitor and then they opt out of that coverage, you ought to have the same right without penalty to opt out and get the kind of coverage that you need and desire.

The third thing that this bill does is also recognize that in the State of Connecticut, more than 44 choices, unfortunately there will be some companies that give misinformation and, again, maybe intentionally, maybe not, but the only people who will pay a penalty in this circumstance are the elderly. We think it is only fair that if they give out misinformation, if they tell people that they have a credible plan and they do not, that they ought to be subject to a fine.

In fact, the troubling thing about this whole piece of legislation, which I was proud to vote against, is that there are no fines for the HMOs or the insurance companies or the people that mislead the elderly. The only fine that this legislation seeks is to fine the elderly if they do not sign up for a program. So this legislation seeks a $10,000 fine per incidence for those who provide misinformation to the elderly.

Now, it is instructive, of course, as to how we got there. This vote, as many know, was passed on this House floor at 5:30 in the morning by one vote. The travesty of this legislation is that on page 59 of this 700-page document, it specifically excludes the Secretary of Health and Human Services from negotiating directly with the pharmaceutical companies. Now, that, by the way, is exactly what the VA Commissioner does on behalf of our veterans. In the State of Connecticut, our veterans pay a $7 co-pay. When we look at our senior citizens and when we look at this bill and when we think of the cost that has been incurred without the creation of any new bureaucracy but simply by having the Secretary of Health and Human Services negotiate directly with pharmaceutical companies, not even having to travel outside to Canada and becoming refugees within their own health care system. Americans ought to be entitled to get the same kind of deep discounts that we provide our veterans.

That, in fact, is exactly what other nations of the world see fit to do for each one of their citizens, which is why, as Mr. EMANUEL pointed out earlier, in the United States we are paying on average 60 percent more for prescription drugs than our neighbors in Canada and Mexico and, in fact, in all the industrialized nations of the world. Why? Because they negotiate directly. And the pharmaceutical industry is not losing any money abroad. So I think it is morally incumbent upon this Congress to take up that legislation that will correct that process.

But what passed that fateful day is law; so we must advise our seniors to proceed cautiously and hopefully providing them a window in time where they can make the correct decision. There will be, as some of the advertisements say that are paid for with Medicare and Social Security dollars, an opportunity for some to benefit: and I encourage them to do so.

URGING CONGRESS TO DEFEND THE CONSTITUTIONAL RIGHT OF MILITARY CHAPLAINS

The SPEAKER pro tempore (Mr. McCAUL of Texas). Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, as I am on the floor tonight, I think about the great history of this country and the fact that this Nation was founded by people of faith: and yet in this great Nation today, our chaplains in the military are being told if they should be of the Christian faith that they cannot outside of their church pray in the name of Jesus Christ.

Mr. Speaker, to me this is very alarming when we have a President, President Bush, who is a man of faith, who went to China and criticized the Chinese, or at least encouraged the Chinese, to allow the Chinese to have more religious freedom.

This never seemed to be a problem until about 1998. For whatever reason, those in the leadership of the chaplain corps of the military decided that they needed to encourage those of faith, particularly the Christian faith, not to pray in the name of Jesus Christ outside of the church.

Mr. Speaker, I want to say I would be on the floor tonight if this were happening to the Jewish chaplains, to the Muslims chaplains in the military. I would be on the floor defending their first amendment right because that is exactly why our men and women in uniform are in Iraq and Afghanistan, to defend freedom: and yet within this country we are having our chaplains being denied their freedom to pray in the name of their faith.

Mr. Speaker, 72 of us have written a letter to the President of the United States, three Senators have joined us, and we have asked the President to please use his executive authority as Commander in Chief to say that as long as I am Commander in Chief that I will guarantee that the chaplains in this great military will have their first amendment rights protected, whether they be Muslim, Jewish, or Christian. Mr. Speaker, I include this letter for the RECORD.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 25, 2005.

President GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are disappointed and gravely concerned to learn that the Christian military chaplains are under direct attack and that their right to pray according to their faith is in jeopardy. As you may know, the Air Force leadership recently released proposed guidelines that will restrict how Air Force chaplains can pray, and if approved, those guidelines may well be implemented throughout the entire DoD. We believe that the Air Force's suppression of religious freedom is a pervasive problem throughout our nation's Armed Forces, and it has come to our attention that in all branches of the military it is becoming increasingly difficult for Christian chaplains to use the name of Jesus when praying. There are currently no laws or regulations that prohibit chaplains from praying according to their respective denominations or different faiths, and we are deeply concerned that chaplains are now being instructed on what to say when they pray.

Throughout our nation's history, chaplains not only have remained an integral part of our military, but they also have always prayed according to their faith tradition: and Christian chaplains have always been able to pray using the name of Jesus. We believe that if Christian chaplains are chosen to pray before a professional setting, then they—as with the chaplain of any other faith—have a constitutional right to adhere to the religious expressions of their faith. Praying in the name of Jesus is a fundamental part of Christian belief and to suppress this form of expression would be a violation of religious freedom.

The current demand in the guidelines for so-called "no-sectarian" prayers is merely a euphemism declaring that prayers will be acceptable only so long as they censor Christian beliefs. Current surveys in the military indicate that upwards of 80 percent of soldiers identify themselves as Christians, and such censorship of Christian beliefs is a disservice not only to Christian chaplains, but also to the hundreds of thousands of Christian soldiers in the military who look to their chaplains for comfort, inspiration, and support, just as our military soldiers of other faiths look to the chaplains of their faith.

While some military members may find certain prayers to be offensive and wrongly claim that they are not non-pluralistic, we believe these restrictions raise constitutional issues involving the Establishment, Free Exercise and Free Speech Clauses of the First Amendment (There are numerous other offensive provisions throughout the proposed guidelines, including the onerous provision that chaplains can only speak of their faith with officers—the "peer to peer" provision). Officially inhibiting or defining what chaplains can and cannot say in effect establishes an official religion and burdens our military's chaplains' right of free speech.

We are requesting that you, as Commander and Chief, protect by Executive Order the constitutional right of military chaplains to pray according to their faith.

With deep concern,

Walter B. Jones, Sam Johnson, Joseph Pitts, John Hostettler, Trent Franks, Joel Hefley, Scott Garrett, Robert Aderholt, Virginia Foxx, Dave Weldon, J. Gresham Barrett,Randy Neugebauer, Jo Ann Davis, Michael Bilirakis, Frank R. Wolf, John Culberson, Henry Brown, Melissa Hart, Steve Chabot, Louie Gohmert.

Jeb Hensarling, Virgil H. Goode, Jr., Rob Bishop, Darrell Issa, Spencer Bachus, Michael E. Sodrel, Ron Lewis, Steve King, W. Todd Akin, Robin Hayes, Donald Manzullo, Marilyn Musgrave, Mark Souder, Mike McIntyre, K. Michael Conaway, Jim Ryun, Charles W. "Chip" Pickering, J. Randy Forbes, Todd Tiahrt, Ron Paul.

Katherine Harris, Tom Price, Sue Myrick, Bob Beauprez, Roger Wicker, Howard P. "Buck" McKeon, Jeff Miller, Gil Gutknecht, Rodney Alexander, John Sullivan, Joe Wilson, John R. Carter, Mike Rogers, Bob Inglis, Luis Fortuño, Bobby Jindal, Michael Turner, Michael McCaul, Wally Herger, C. L. "Butch" Otter, Michael C. Burgess, Dan Burton, Phil Gingrey.

Mr. Speaker, a couple of other points and then I will start closing.

For 4 years I have heard from chaplains around this Nation in letter, meeting with them in person, by telephone, and they have told me just how concerned and disappointed they are that they do not have the freedom. Let me at this time read a letter from a marine major written to me in May of this year, getting ready to go to Iraq. He is in Iraq tonight, and I hope and pray that all of our men and women in uniform are safe.

He said: "Dear Congressman Jones, I am a member of the military, and there is something that I think you should know.

"Before my last change of command, my chaplain came to me and asked if I minded if he mentioned Jesus in his prayer given at the start of the ceremony. I was surprised by the question since the prayer was for me and my family and we are Christian and we specifically desired he do so. He alluded to the fact that he and other chaplains have been asked not to mention Jesus Christ. This startles and frightens me that one's faith is being infringed upon even within our own military. I strongly believe in religious freedom, and I hope you understand my grave concerns about forces that would try to limit it.

"I hope you can find support to stop this intolerance that is creeping into all walks of life. Sincerely."

This, again, is a marine major who is in Iraq fighting for freedom for the Iraqis and for those in Afghanistan.

Mr. Speaker, the last letter I want to make reference to is from a chaplain in the United States Army, and he wrote: "Thank you for your interest in ending the religious persecution that exists in our military today. I am a chaplain in the United States Army, and I can tell you in all honesty that religious persecution is taking place in the Army on a daily basis. The persecution centers on Christian chaplains praying in the name of our Lord Jesus Christ. Additionally, I have personally been subject to heavy-handed intimidation by a senior chaplain."

Mr. Speaker, there is story after story after story that I could share with the Members on the floor tonight, but because of time, I can only give those two situations. But this is a grave situation that we in Congress, like the young man tonight from California that was sworn in, Mr. CAMPBELL, hold up our hand to protect the constitutional rights of the people of this great Nation. Please, Mr. Speaker, as I close, I ask that we in this Congress defend the first amendment right of all of our chaplains.

And I close by asking God to please bless our men and women in uniform and God continue to bless America.

CONGRATULATING THE UNIVERSITY OF PORTLAND'S WOMEN'S SOCCER TEAM FOR WINNING THE NATIONAL CHAMPIONSHIP

Mr. BLUMENAUER. Mr. Speaker, I ask unanimous consent to take the Special Order time of the gentleman from Maryland (Mr. WYNN).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, we have had a great deal of give and take on the floor this evening, important issues that we have discussed throughout the day. But I am pleased this evening to rise to recognize the outstanding accomplishments of the women's soccer team for the University of Portland, which this last weekend won their second national championship in the last 3 years. The Lady Pilots finished the season undefeated. They set a single-season attendance record, or rather their rabid fans did, over 40,000, the first time this has ever happened.

Mr. Speaker, it is a very solid program that was built by the late Clive Charles, the legendary soccer coach, a solid foundation that has made a tremendous difference for women's soccer in our State of Oregon and around the country.

It is my pleasure to extend congratulations to President Bill Beauchamp, Coach Garrett Smith, and the players: the 2005 College Cup MVP for the offense, Christine Sinclair; the defensive MVP, Cori Alexander; and College Cup all tournament team members, Stephanie Lopez, Angie Woznuk, Megan

Rapinoe. and Lindsey Huie. They are truly a work of art to watch, the camaraderie. the spirit. the drive and determination of this team. It has performed at an outstanding level for over a dozen years now.

Somewhere in heaven I know the late Clive Charles is smiling. and in Portland the entire community is cheering.

POLITICAL PROGRESS IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House. the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker. 65 years ago today our Nation was attacked by enemies of freedom. and we heeded the call to action. The Greatest Generation battled tyranny and then led the effort to help Europe rebuild.

On September 11. 2001. another day that will live in infamy in our Nation's history, our mission once again became clear. On that day 4 years ago, Islamic fanatics killed 3.000 souls, but would have delighted in killing 10 or 100 times that number. Our shores and subsequently those of our allies were attacked.

Collectively, we resolved to root out and eliminate the scourge of evil responsible for these threats. And as a global leader, refusing to be victimized and surrender to those who seek our destruction. the United States assumed the responsibility, as it has done many times before, to protect not just our homeland but, in the words of Woodrow Wilson. to make the world safe for democracy.

And so it is that for freedom's sake we must fulfill our mission in Iraq.

I am proud that my stepson, Douglas Lehtinen. and his fiancee, Lindsay Nelson, are serving as marine officers in Iraq. flying F–18s. The men and women in their squadron are proud of their mission of victory in Iraq.

Vice President DICK CHENEY summed things up quite appropriately on Tuesday of this week when he addressed our troops in Fort Drum. New York. He said, "Were we to leave. Iraq would return to the rule of tyrants and become a massive source of instability in the Middle East."

☐ 1845

Our mission is not easy. But our efforts and the noble sacrifice of our fine troops are yielding results. The naysayers and the fatalistic, those who question the ability of our U.S. forces to succeed refuse to acknowledge the political and psychological transformation that is taking place in Iraq, and the long-term positive impact that our efforts in Iraq will have in helping to curtail the spread of Islamic extremist and jihadist activities.

Today, Saddam Hussein is on trial for his crimes against humanity. And most of the villainous heirs to his legacy have been neutralized. Together with our Iraqi allies, we are prevailing against a brutal insurgency and assisting the people of Iraq in their efforts to create a truly representative free market Arab democracy in a region polluted with despotic regimes.

Tangible examples of success include, in January, the people of Iraq held their first free democratic election for the transitional national assembly. The turnout for this election was astonishing. Roughly 8.5 million Iraqis risked their lives to participate.

This was followed by the drafting of a new constitution. The debate on the various provisions in the Constitution was a perfect example of how the Iraqi people are exercising those fundamental freedoms protected from a Democratic society.

Today. the Iraqi people prepare for elections next week that will continue Iraq's transformation from a brutal totalitarian state to a free and Democratic Nation. But it is not just our observations that tell the story of the progress that we are making and the need to forge ahead.

Iraqis themselves are expressing optimism as shown by a survey last month by the International Republican Institute. This survey indicated that 56 percent of Iraqis thought that things would be better in 6 months. Just the other day. The Washington Post quoted an Egyptian democracy advocate who was an early opponent of the war in Iraq, admitting that any way you look at it, toppling Saddam Hussein has unfrozen the Middle East he said, just as Napoleon's 1798 expedition did. Elections in Iraq forced the theocrats and the autocrats to put democracy on the agenda, he said.

Not least significantly. Mr. Speaker, Iraq's quest for liberty has had an interesting ripple effect throughout the region. For example the Syrians have been significantly pushed back in Lebanon, and Assad's tyrannical regime has been impressively weakened.

To those who claim that we need to pack up and depart. mission incomplete, who demand the need for benchmarks and the transfer of authority, I say open your eyes. For 2 years, we have been doing just that. Setting benchmarks and meeting them.

Benchmarks relating to the transfer of authority. Benchmarks for Iraqis to take helm of leadership positions. for elections to choose a national assembly. Benchmarks to select a constitution. My colleagues. let us recall the words of former President Ronald Reagan, who said, the ultimate determinant in the struggle now going on for the world will be but a test of wills and ideals, a trial of spiritual resolve for the values we hold. the beliefs we cherish, and the ideals to which we are dedicated. With freedom on our side. we cannot fail.

PROGRESS IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Mr. OSBORNE. Mr. Speaker. Iraq's final general election will be held a week from tomorrow, December 15. Iraqis have paid a great price to get to this point. 30 years under Saddam Hussein. the last 2½ years. thousands of Iraqi have died in a conflict.

The United States has paid a great price. Over 2.000 of our finest soldiers have been killed. many more have been wounded, billions of dollars have been spent. some have said this is a quagmire, some have compared it to Vietnam. And yet, I think it is appropriate to mention at this time that progress has been made.

Now I will mention several areas in which considerable progress has been made. First of all. in the area of education. 774 schools have been built or renovated since the conflict began. We see an 80 percent increase in attendance in schools in Iraq. Most of these increases are due to young women who have never attended school previously.

We have had 36.000 teachers trained in Iraq since the conflict began. In the area of health care. 17 hospitals either have been built or are currently under construction. 142 health clinics are under construction today or have been completed. And 3.2 million children under the age of 5 have been vaccinated. This is roughly 97 to 98 percent of that population.

As far as the economy is concerned. we see many small business starting to spring up. Cell phones. satellite dishes, newspapers, television stations are apparent at every turn. And there are 1 million more automobiles today in Iraq than prior to the conflict. So the economy is not perfect. but it is getting better.

As far as the government. we have mentioned many times that the constitution, of course, has been written out, approved October 15 by more than 70 percent of the people. The Sunnis voted in large numbers. And now the election is December 15.

As far as the plan to get out of Iraq. the exit strategy, we often hear that there is no plan. The plan has been very clear from almost day one to train and equip 270.000 Iraqis. To date we are at 211.000 Iraqis trained and equipped. There are many areas of Iraq that are totally under Iraqi control with no U.S. forces present or even as back-ups.

This is something that oft times is not reported. So this is a critical time. We often hear people say. well. the Iraqis want us to leave. I think that is true. They would like to see us out of there. But if you ask them. they will tell you, not yet. Not at this point. Not at this turning point.

So I think that we have all of this discussion now going on about our pulling out. And this discussion to the effect that we are losing, that we cannot win. These comments go world-wide, and they are made by policy makers, often here in Washington. And they certainly carry weight in the Middle East. And I would like to make an observation from the world of athletics, something I know a little bit about. There are some principles of competition that I think apply, not just to athletics, but to military conflict as well.

And I would say, first of all, number 1, never tell your team that you cannot win. You would not tell them that before the game, you would not tell them at half time, you would not tell them in the fourth quarter that they cannot win and that they are not winning, because there is such a thing as self-fulfilling prophecy.

This is something that no coach would do, nobody who is responsible would do this to people that you care about, to people that you want to win, it is something that simply would not be done. And the soldiers that we talked to, I have been to Iraq three times. I talked to them. They do not believe they we are losing. They think that we can win. They think this is very winnable. They see accomplishment.

And the reason that we have so many soldiers reenlisting to go back over there for a second and third tour is because they see the accomplishment. They would not do this if they thought they were losing. A second principle is never give encouragement and reason for optimism to an opponent.

This is something you would never do in an athletic contest. So as the game goes along, and as you enter the fourth quarter, what you do is you carry yourself as though you are winning. You do not show fatigue. You do not show injury. And so you do not give encouragement. You do not allow people to believe that somehow they are going to wear you down. And so this is something that I think is critical that we carry that understanding.

And so if we pull out prematurely, much as a Captain from Nebraska told me when I was in the Middle East, he said this. Number 1, if we pull out early, those killed and wounded will have sacrificed in vain. That is very true. What do we tell their families? How do you go and address a mother or father who have lost a solider, when we have really quit?

Secondly, large numbers of Iraqis will die and we will have broken a promise. We told them we would not pull out. This is a promise we made. And then thirdly, we will certainly encourage terrorism everywhere. Anytime terrorists feel that they are winning, or that their methods are effective, all you do is encourage more terrorism worldwide, and the United States will become a bigger target.

So as I have talked to many Iraqi women, and I am the co-chair of the Iraqi Women's Caucus, what they will tell you consistently is this, we now have hope. We now see a future. Iraqis truly believe that things are getting better. They think that things will be better 6 months, a year from now. And I hope that the American people will have the same feeling, the same confidence, the same optimism, because this is something that we cannot afford to lose.

IN HONOR OF LANCE CORPORAL ROGER WAYNE DEEDS

Mr. GUTKNECHT. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Arizona (Mr. FRANKS.)

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, I rise today to honor Lance Corporal Roger Wayne Deeds, who served in the Second Marine Division from Camp Lejeune, North Carolina.

Corporal Deeds died November 16 while searching for insurgents in the town of Ubaydi, Iraq. He was killed by small arms fire as he returned to the scene of combat to rescue a fellow Marine. Corporal Deeds spent his favorite years in Truman, Minnesota, where his mother, Joyce, still lives.

Roger Deeds leaves behind a 16-month-old son and a 7-week-old daughter that he never met. He lived in Goldsboro, North Carolina with his wife, Sarah. Mr. Speaker, it is with great sadness that I honor the memory and the service of this brave American. It is fitting to offer tribute on a day already set aside for remembrance.

The anniversary of the attack on Pearl Harbor that took place on December 7, 1941. Much like the brave soldiers who fell that day, Corporal Deeds made the ultimate sacrifice in the defense of freedom.

Mr. Speaker, the attack on Pearl Harbor thrust our Nation into a terrible world war. Today we find ourselves in the midst of war once again, a very different kind of war. 64 years ago, in the aftermath of the attack on Pearl Harbor, President Roosevelt in this very Chamber addressed the country.

His closing thought is as appropriate now as it was then. He said, "With confidence in our Armed Forces, with the unbounding determination of our people, we will gain the inevitable triumph, so help us God."

We owe Corporal Deeds a debt of gratitude we can never repay. He chose to set aside the safety and comfort of a life spent at home in order to defend freedom for people who will never know his name.

He now takes his place in that long line that Douglas MacArthur said has never failed us. I thank the Deeds family for giving their loved one to this service. I hope it brings some comfort to know that the thoughts and prayers of thousands of Minnesotans are with them.

May God have mercy on his soul. May He continue to bless America and all who defend her.

□ 1900

CONGRATULATING CINCINNATI CHAMPION HIGH SCHOOL SPORTS TEAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. CHABOT) is recognized for 5 minutes.

MR. CHABOT. Mr. Speaker, I am fortunate to represent a district which includes many outstanding high schools and an even larger number of gifted high school athletes who have brought countless State championships home to my congressional district in a number of sports. Just this fall, Cincinnati witnessed two women's high school volleyball teams, Seton and Roger Bacon, capture the Division I and Division II crowns respectively.

In the Division I final, Seton overcame what looked to be insurmountable odds in its game against defending State champion Toledo St. Ursula. Just last year, the Saints were defeated in the State semi-finals by Toledo St. Ursula, and this year's final looked as if it were headed toward a similar outcome, with Seton dropping the first two sets of a five-set match to a formidable foe.

However, Seton battled back by rallying to win the next two sets. Overall, the match featured 53 tied scores, and in the end Seton avenged last year's loss with a 15–12 victory in set five to give head coach Kerry Butkovich her first State title. The win capped off an outstanding 24–5 record and also marked Seton's sixth volleyball title in program history and its first since 1996.

I have got a couple of newspapers here. This is the Price Hill Press, and they have a photograph here, and the caption reads below the photograph: "Seton High School Volleyball Team Accepts the State Division I Trophy from Ohio High School Athletic Association Assistant Commissioner Deborah Moore." And from left are the students who were the athletes here: Annie Lucas, Gina Coffaro, Becky Hendrian, Emily Kelly, Lindsey Svec, Chelsea Graham accepting the trophy, Megan Henderson, Megan Griffin, Chelsea Graman, Libby Walter, and Emily Sullivan.

Now, not to be outdone by its Girls Greater Cincinnati League rival, the Roger Bacon Lady Spartans captured their second straight State Division II volleyball championship later that same day. Roger Bacon dominated its opponents throughout the entire season, finishing a remarkable 29-0. In the finals, the team from St. Bernard stymied Walsh Jesuit, winning four sets. A testament to the Lady Spartans' domination was the fact that they lost only eight sets the entire year.

Led by significant contributions from each of its five seniors, Roger Bacon has become a mainstay in the State finals recording its third State title for head coach Caryl Schawe, while making its fifth State appearance in the last 7 years. And the second from the Hilltop Press are the girls on that particular team, and the caption reads: "The 2005 State Division II Volleyball Champions From Roger Bacon. Front row from left, Courtney Hausfeld, Vicki Auer, Carrie Prickel, assistant coach Andrea Schwartz, middle row manager Annie Kathman, Julie Brunsman, Kelsey Rose, Katie Veatch, Jamie Frey; top row assistant coach Jodi Kirch, Ali Wilson, Katie Westerfeld, Heather Hausfeld, Lauren Newron, and head coach Caryl Schawe."

Now, the women were not the only ones representing the city of Cincinnati with State championship trophies in the month of November. The boys' cross-country team at my alma mater, La Salle High School, literally went the distance to capture Ohio Division I cross-country team title at the State meet in Columbus. Having been voted the unanimous number one ranking in the final Associated Press coaches' poll, the Big Red Express did not disappoint. The team bested its second place performance from last year by posting the lowest overall score in the State boys' Division I meet since 2001, this time defeating runner-up North Canton by an incredible 66-point margin.

The victory was a first for La Salle's cross-country team, which had four second place State finishes since 2000, and is a testament to the continued hard work and dedication of head coach Frank Russo who garnered his first State title in 23 years of coaching. That is the third one from the Hilltop Press over here. The caption in that one read: "The La Salle Boys Cross-Country Team Placed First in the State Meet on Saturday. Front row from left are Dominic Lanzillotta, Tim Mink, Kyle Hoffman, and Jeff Ehler. Back from left are assistant coach Dean Fulmer, David Mette, Mitchell Heusmann, Corey Spriggs, Jake Nusekabel, Kyle Lang, Greg Bader, Ricky Lutt, Andrew St. George, head coach Frank Russo, and assistant coach Joe Muenchen."

Continuing the longstanding tradition of excellence, each of these three schools has come to symbolize these student athletes have learned invaluable lessons of commitment, teamwork, and perseverance that will serve each of them well as they prepare for their future.

Cincinnati has much to be proud of, thanks to these outstanding young men and women; and it is an honor for me to congratulate them on the floor of the House of Representatives. Congratulations Seton; congratulations Roger Bacon; and congratulations to my alma mater, La Salle.

STRENGTHENING THE ECONOMY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Georgia (Mr. PRICE) is recognized for 60 minutes as the designee of the majority leader.

Mr. PRICE of Georgia. Mr. Speaker, I want to thank the leadership for allowing me to spend some time this evening talking about an issue that is of utmost importance to the American people. I am constantly amazed at news reports at home, when I go home and I watch television news and I read the newspaper and see what is being portrayed as usual for the American public.

If you just followed those stories, you would not believe that there was anything that was good or positive going on in our Nation. You would not believe that the economy, for example, was doing very, very well. So one of the things that I try to do, and I know others try to do as well, is to try to assist and bring about some truth in reporting. So tonight what we would like to do is spend a little time talking about the economy, for the American people know better than what they see on the nightly news and what they read in the newspapers.

In fact, so many of the folks that I talk to at home are really tired of the gloom and doom that gets reported on the news and frankly gets stated over and over and over here in Congress by some Members. They are tired of Congressmen and -women who put politics and partisanship over good policy, and I hear so often back home that folks say, Why can't you just get something done on behalf of the American people?

Well, a lot of good things are getting done, and we are going to spend a little time tonight talking about our economy and some things that Congress is doing and has done to assist the American people, to help American families, to help American children, to help American communities. It is important that we do that, because there is good news to tell. So what we would like to do is spend a little time tonight and review so many of the positive things that have been done to create really an economy that is on the move. I would like to begin by just sharing a number of different charts that demonstrate clearly that the economy is growing.

This is a chart here that I think really crystallizes so many of the good stories that we have to tell. This chart begins in the first quarter of 2001; and along this axis here is the annual change in GDP, or gross domestic product, that is, how well is the economy doing. As you see for the first number of quarters of 2001 and 2002, it is kind of going along, kind of bumping up and down, and then there is a remarkable change that occurs in early 2003. From then on, from the second quarter of 2003 on, what we see is a gross domestic product growth in every quarter, 10 quarters in a row of a growth of greater than 3 percent and oftentimes greater than 4 percent. In fact, the most recent quarter grew at a rate of 4.3 percent.

The individual who wants to know how to continue that kind of growth and who is excited about policies that encourage growth would say, Well, what happened? What happened at that point to bring that kind of growth about? As most people know, what happened was that the tax cuts, the tax relief that Congress enacted on behalf of the hard-working American taxpayers went into effect, and that has resulted in this incredible, incredible growth in the economy that continues, that continues unabated. And what Congress has an opportunity to do this week is to continue and extend that tax relief, hopefully, to be able to continue the lines that we have seen grow in the economy.

This is another chart that demonstrates the kind of response that the American economy has to that kind of activity. This talks about the creation of new jobs in our country. In fact, since the spring of 2003, there have been 4.46 million new jobs that have come about, and this chart shows the percent increase each month from early 2002 through the current time. You see, again, there is that remarkable change that occurs in the early part and mid-part of 2003, where the growth in the number of jobs is remarkable. Again, the inquiring individual would want to know, Well, what changed there? What made it so that we did not have negative growth in jobs, we had positive growth in jobs? As everybody well knows now, that change was the tax relief, the tax relief that Congress enacted that took place in early 2003.

Just to put those numbers all together, this chart, which is a little busy, shows two very clearly distinct lines. One is the green line down here that is the number of jobs that increase in our Nation each month; the red line is the level of unemployment. And as you see, at the beginning of 2003, the unemployment rate was taken up here somewhere around 6 percent and the number of jobs began to increase at this point when the tax relief package went into effect. We see that continued increase; and in fact right now the unemployment rate is down at 5 percent, which is lower than the average for the decades of the 1970s and the 1980s and the 1990s.

Some economists will tell you that 5 percent unemployment rate is full employment, because you have got a number of folks who are between jobs or are working to find other places of employment that is their design. So 5 percent is basically full employment. The number of new jobs that was created last month, 215,000 new jobs. So there is good news to tell.

I have been joined tonight by many of my colleagues, and many of them will share some of the same kinds of good-news stories with you. First, I would like to yield the time to Congresswoman BLACKBURN from Tennessee. She has been such an incredible leader in this Congress in the area of tax relief and in making certain that we enact the kinds of policies here that result in smaller government, lower taxes, and more opportunity for Americans. With that, let me yield to Congresswoman BLACKBURN.

Mrs. BLACKBURN. I thank the gentleman from Georgia, and I thank you for your leadership on this issue. One of the things that we are so fortunate to have in this body is such a wide variety of experience from our Members that bring that experience to bear here as we look at how we grow the economy, how we exercise economic opportunity, how we make certain that free enterprise stays free. Just as the gentleman from Georgia has mentioned, it is no secret, everybody knows that this economy, this wonderful U.S. economy, truly is our Nation's, our world's economic engine. It is the envy of all of the world. It is, I guess, something that is really a little bit uniquely American. There is something about us. We strive to do things a little bit better. Maybe it is that Yankee ingenuity. Maybe it is that we are out here with that good old common-sense knowhow, but we are always trying to do things faster, better, more efficiently, more effectively; and one of the things we certainly want to do is to build a strong economy so that our children know that they are going to have hope and opportunity and the ability to dream big dreams and create a really exciting life for themselves and for their families. I guess that is just kind of the American way of doing things. We try to improve it. Give us something, and we are going to build a better mousetrap. Then we are going to figure out how to get that mousetrap into the marketplace.

In today's economy, we look at it and we say, How do we get that into a global marketplace? We know in order to do that it means you have to stay competitive. We know that as you look at policies, creating the right environment so that job growth can take place, so that economic growth can take place, that when we see that right environment created, then free enterprise and the private sector take over and they do what they do well. The gentleman has shown us the charts which tell this story. You go back and you look at 2003 and look at when those tax reforms were implemented, and what we saw was an economy that took off.

What we are seeing is consistent economic growth every single month. We are reaping the benefits from that. We see that our GDP growth continues to be very consistent. It was 4.1 percent last quarter. There are some really wonderful benefits that come from this. As the gentleman mentioned, 4,460,000 new jobs. Those are new jobs. Many of those jobs are jobs that are basically in new sectors, technology sectors, sectors of the economy that will lead to an economic renaissance and lead to an economic renaissance in this country.

□ 1915

It works out to be 194,000 jobs a month that we have been creating over the past several months, and I find it so interesting that the unemployment rate is near all-time lows. When we look at the charts on that, we see that as these tax reforms have been put in place, and I applaud the Senate, I applaud the administration, and I certainly applaud the leadership in this House for pushing forward these tax reforms in 2003, and as we see those going into place and we see the GDP growth and we see the jobs creation and we watch the unemployment level fall to near historic lows, there is also another benefit from this.

Our colleagues who are joining us here on the floor this evening certainly are watching this one with us, and it is that we are seeing the deficit reduced through two ways. We have talked so many times on this floor about there being two ways that we work through reducing the deficit and reducing the size of government and right-sizing the Federal Government, and that is, we reduce spending and continue to work to root out waste, fraud and abuse, focusing on that spending column, but at the same time, we put the focus on economic growth. That is where our focus rightfully should be.

This is an aggressive economy, and it is, therefore, a reason, and tomorrow this House is going to move forward and take some excellent steps to pass a bill that is going to continue these tax reforms.

At this time, I am going to yield back to the gentleman from Georgia so that he can yield to another of our colleagues, and we can continue with our discussion this evening on the benefits that lie ahead by extending these tax reforms and continuing to work toward having a Federal income tax system that is flatter, that is fairer, that is simpler and having one that is going to work to energize our economy. I will yield back at this point for further discussion.

Mr. PRICE of Georgia. Mr. Speaker, I thank the gentlewoman from Tennessee and thank her for her leadership in so many areas, but especially in the area of focusing on right-sizing government, making certain that savings are appropriate for the American people and tax policies appropriate for the American people.

You have been such a leader, and I know that you were planning on leading this hour this evening but you had another engagement. I look forward to sticking around for the vast majority of this hour, but at this point, I am going to yield back to the Chair so that the Chair may allow you to control the hour that you had planned on earlier and I look forward to working with you.

THE ECONOMY

The SPEAKER pro tempore (Mr. MCCAUL). Under the Speaker's announced policy of January 4, 2005, the balance of the majority leader's hour is re-allocated to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, at this time, I would like to yield to the gentlewoman from North Carolina for a couple of minutes. She is going to talk with us about her time on the road this week with the President as the President visited in her area in North Carolina, and she had the opportunity to not only talk tax reforms with the President, but to listen to her constituents in North Carolina and to hear what was on their mind as they enjoyed that visit and as they had prepared for that visit. At this time, I yield to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Speaker, I thank the gentlewoman from Tennessee (Mrs. BLACKBURN) for yielding.

I want to reiterate what our colleague from Georgia has said. We are grateful to you for the leadership you have provided in these Special Orders in trying to get the truth out about the issues. Our colleagues on the other side of the aisle seem to think that by saying things that are not true, they can make them true. I am glad that we have an opportunity to correct the record.

Mr. Speaker, this past Monday, I had the great honor and privilege to host President George W. Bush in North Carolina's 5th Congressional District. The President came to discuss our country's impressive economic growth at the John Deere-Hitachi manufacturing plant in Kernersville.

It is an honor to have many flourishing companies like Deere-Hitachi in the 5th District. I am proud of this facility for being a model of how U.S.

manufacturing companies can compete successfully in the global economy. Employment at Deere-Hitachi recently doubled in size to over 750 direct employees. These are all good, high-skilled, well-paid jobs.

A portion of Deere-Hitachi's growth has been fueled by the localization of models that were formerly produced in Asia to Kernersville, North Carolina. This has had a tremendously positive impact on our local economy.

Thus, I am sure you can imagine how disturbed I was to hear that the political hacks over at the Democratic National Committee tried to twist the President's visit to this highly successful plant into something negative. The DNC chairman even had the audacity to ask, "Where are North Carolina's manufacturing jobs?" Shame on the Democratic National Committee for insulting North Carolina's thousands of highly skilled manufacturing workers who are driving our national economy.

The DNC's remarks were a slap in the face to many hardworking men and women who work for successful North Carolina manufacturing companies, manufacturers like Dell, Sara Lee, American Emergency Vehicles, Vaughn-Bassett Furniture, Reynolds American, Weyerhauser, and so many more that I cannot begin to name them all. We are making great strides and putting people to work, and all the Democrats want to do is attack us.

American workers are the best in the world. If we give our workers a level playing field and get the Federal Government off their back by cutting taxes and regulations, then the American worker can compete with and outperform anyone anywhere.

As you know, our country has had to endure some trying times during the past 5 years, many of which were beyond our control. We have gone through a recession that began in the previous administration, the terrorist attacks of September 11, 2001, many terrible natural disasters and more. However, we have persevered and we are prospering.

You have heard many facts already presented by my colleague from Georgia, and you will hear many more, but the fact that we made it through these crises and have a booming economy is a real testament to the strength and diversity of the U.S. economy. And it is a testament to the hard work and ingenuity of the American worker.

We all have a lot to be grateful to our President for. Under his watch, our economy is flourishing and getting stronger by the day. In a report issued last week by the Bureau of Labor Statistics, our economy created 215,000 new jobs during the month of November. Over 4.4 million jobs have been created since May 2003, as has already been stated.

This latest jobs report is yet another indicator that our economy is thriving. More Americans are working than ever before in the Nation's history. Unemployment is down to 5 percent, which is lower than the average of the 1970s, 1980s, and 1990s. This is due to the hard work of the American people and sound Republican policies such as lower taxes, legal reform and less government influence in the lives of our Nation's entrepreneurs and small business owners.

These Republican policies are working. We are cutting taxes and letting people keep their hard-earned money, which they can invest back into our economy if they choose. Individual families know best how to spend their hard-earned money, not the Federal Government.

In addition to our Nation's job growth, our U.S. economy is showing other signs of expansion. The U.S. gross domestic product growth of 4.3 percent is at its fastest pace since 2004. The GDP growth in the third quarter is one full point above the 3.3 percent rate.

Further, our country is at the lowest rate of core inflation in more than 2 years. The increase in the rate of inflation was lower than initial expectations with the price index of consumer spending rising 4.2 percent, compared with initial estimates of 3.7 percent.

In addition, the sales of new single family homes should be the largest 1 month gain in 12 years. Sales of new single family homes increased by 13 percent in October and pushed sales to an all-time high of 1.2 million units.

Again, I am proud of President Bush's leadership and agenda for a strong economy. My colleagues and I have a duty to keep this economic momentum going by making tax relief permanent and working against the Democratic leadership's efforts to raise taxes. Look for the Democrats to continue their tired political attacks on the Republicans' effective economic policies, but do not hold your breath for them to come up with good ideas. Their only alternative is to tax, tax, and tax some more.

As we work to pass the Tax Relief Extension Reconciliation Act of 2005, I hope our Democratic colleagues will join us in supporting this commonsense bill. The future of America's economic prosperity is at stake.

I look forward to working with President Bush and the rest of my colleagues in Congress to make tax relief permanent, exercise spending restraint and cut the Federal deficit in half by 2009.

Again, I want to thank the gentlewoman from Tennessee (Mrs. BLACKBURN) for her leadership in letting us present the facts to the American people, not the stories that are being told by our Democratic colleagues.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentlewoman from North Carolina and I thank her for taking the time this week to look at how workers continue educating themselves and preparing and participating in a changing economy, a changing job market.

I mentioned the diversity of experience that comes to this body and what goes into looking at these policies and how we remain competitive, what we need to do to be competitive and the decisions we make, how tax and government budgeting and spending affects the budget. The gentlewoman from North Carolina spent her time in education. Ms. FOXX came to us after working at post-secondary education and looking for avenues to best encourage individuals to become lifelong learners, to continue improving and honing those skills so that they were productive in the job market, and I thank her for her leadership.

I thank her for the time spent with the President and with the North Carolinians this weekend as they were able to showcase their facility and showcase what they are doing to be a leader in being competitive in a global economy.

At this time, I would like to recognize the gentleman from Texas (Mr. HENSARLING) who has worked tirelessly not only on budgeting and not only on looking at how we budget, but looking at what happens with tax policy and the ramifications that that has throughout our economy, both for our large businesses, our small businesses and for our families. We appreciate the leadership that he has brought to the budgeting issue, looking at both sides of that ledger, your inflows and your outflows.

Mr. Speaker, I yield to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, I certainly thank the gentlewoman for yielding and certainly appreciate her leadership in this body on helping promote policies that promote economic growth in jobs and being a true leader in trying to help reform government programs that too often take away from family programs because they are wasteful, they are duplicative, they are inefficient, there is no accountability. She is one of the true leaders in Congress on these issues.

Mr. Speaker, there is a lot of good news that Americans have tonight. Clearly, this Nation faces a number of challenges and we know about them, and families are still struggling to meet high energy costs. Yet this Republican Congress has been bold in enacting new energy legislation to help address that.

Families still have challenges in the high cost of health care, but this Republican Congress is doing things to help bring down the costs, particularly for small businesses and to make it easier to see a doctor in America as opposed to sue a doctor in America.

But although we still face a number of challenges, as we have just have come away from our great Thanksgiving holiday, we need to remember the things that we need to give thanks for and all the good things that are happening in America.

One of the things that I do not think a sufficient number of Americans appreciate is just how great this economy is today. It is absolutely amazing, Mr. Speaker, that this economy, not this government, not this government but the economy, men and women all over the Nation, rolling up their sleeves and risking capital, have gone out and created over 4 million new jobs since President Bush's economic growth program was enacted by this Republican Congress.

□ 1930

That is over 4 million new taxpaying jobs, jobs with a future, jobs that allow the American families to create their housing program, their nutritional program, their health care program, and their educational program. That is incredibly good news.

We have now had 2½, 2½ years where the economy has grown at over 3 percent a quarter. That is just unparalleled historic economic growth that is helping elevate and enrich the lives of millions and millions of Americans and allowing them to take care of their families and for them to realize their American Dream.

Now, another aspect that too many people do not realize, because some people, particularly the Democrats, tell us that tax relief is a bad thing for the American people, that tax relief somehow hurts the deficit, well, we know that the deficit is too high. But guess what? The deficit has been falling. And why? I wish it were because spending was decreasing here. We are fighting those battles. But tonight we are here to talk about the values of tax relief and how important it is that we prevent a Democrat tax increase. And if we do not act this week, we will have yet another huge Democrat tax increase on the American people.

The American people do not realize, or perhaps not enough of them realize, that in Washington, DC, spending is forever and tax relief is temporary. Unless we enact legislation this week, there will be an automatic tax increase on the American people. And besides what that is going to do to the American family, it will hurt the deficit. Tax relief has proven to be part of the deficit solution, not part of the deficit problem.

Mr. PRICE of Georgia. If the gentleman will yield for just a moment, I appreciate the gentleman's insight and expertise because it really crystallizes so importantly the correct way to view tax relief and deficits.

This is a chart I know the gentleman is familiar with, and it shows the current deficit that we have and it shows a decreasing deficit, in fact, a significantly decreasing deficit, with the deficit declining $138 billion. That is $138 billion in the last 18 months, and that is at the same time that we have seen tax relief.

I wonder if the gentleman would mind commenting about that and how it is that tax relief can result in deficit reduction.

Mr. HENSARLING. Well, I thank the gentleman from Georgia for his insight, and I certainly appreciate his bringing the chart because it dramatically illustrates this phenomena: that if you will simply allow the American people to keep more of what they earn, allow small businesses to keep more of what they earn, they will roll up their sleeves and expand. They are going to go out and create a new transmission repair shop on one street corner or a new barbecue stand on another corner. Somebody will have the capital to finally go out and maybe create the new generation of some revolutionary new software.

But you cannot have the benefits of capitalism without capital. And the Democrats on this side of the aisle, they want to take away the people's capital. They want to feed this wasteful Washington bureaucracy. They want to grow the Federal budget. We want to grow the family budget. And when we do, jobs are created. And guess what? People go to work and they pay more taxes.

As the gentleman knows, it is not just us creating figures out of thin air. It is not just somebody's opinion. It is fact. I hold in my hand here the latest report from the U.S. Treasury. This is the Treasury report. What does it tell us? It tells us that from last year individual income taxes, after we decreased the rates, we decreased the rates, guess what? Individual income tax revenues rose almost 15 percent. Corporate income taxes. Corporate income taxes. We cut their rates, and guess what? They paid more taxes. There was almost 47 percent more tax revenue from corporate income taxes once we cut the rates.

Again, you cannot have capitalism without capital. So what we need to do is we have to work this week to prevent that automatic Democrat tax increase. Increasing taxes, sending more money to Washington, that is going to ultimately fuel our deficit. And the American people inherently know that when it comes to the fiscal challenges that we face, it is not because the American people are undertaxed; it is because Washington spends too much.

Mrs. BLACKBURN. If the gentleman will yield, I want us to talk a little more about the deficit dropping, because that is one of the true benefits that we do see from this.

And individuals who are at home and watching and listening to this conversation that we are having tonight, they can go to the Treasury Department Web site, they can go to the Congressional Budget Office and they can pull up these figures so that they can see these are solid figures. These are not our numbers. This is not political spin. These are figures and facts. This is what has been reported.

We know that Federal tax revenues increased in fiscal year 2005 by $274 billion. We know that that is the reason this deficit is $138 billion lower than it had been estimated to be. Now, this is the reason that we are seeing such a change in what the deficit is. This is the reason we are seeing growth.

The gentleman mentioned the policies, the robust economy and what are some of the benefits that come from this. What happens with small business when there is more money left at the end of the month and they can get in there and say, you know, we want to do some things. Business investment. Reinvestment in the business that you own. That is up over 10 percent. It is up over 10 percent. That is men and women that believe in what they are doing.

Mr. PRICE of Georgia. If the gentlewoman will yield.

Mrs. BLACKBURN. I will gladly yield, yes.

Mr. PRICE of Georgia. Mr. Speaker, I appreciate the gentlewoman's pointing out the increase in tax revenue and the gentleman from Texas pointing that out, because it is lost on some folks.

It was not lost on President Kennedy, by the way, nor was it lost on President Reagan, who understood clearly that if you decrease tax rates for individuals and corporations, what happens is that the economy becomes vibrant. It becomes enthusiastic in its zeal. And what happens is that you increase tax revenue.

This is a chart that shows the tax revenue, total tax revenue for the Nation in 2003 of $1.78 trillion. And, remember, that is when the tax relief, the tax cuts went into effect. As the gentlewoman and the gentleman from Texas so clearly stated, now we have tax revenue of $2.14 trillion in 2005. And that is a done deal. That is fiscal year 2005. That year is over. That year is over.

So what we see is a decrease in tax rates for individuals and corporations and an increase in tax revenue. And as has been so clearly stated, if we allow, if Congress allows the Democrat tax increase that they are planning on this week, if we allow that to occur, then what we will see is a decrease in revenue and a decrease in the vibrancy of the economy.

Mrs. BLACKBURN. If the gentleman will yield, let us talk about some of these provisions that are in the bill that is going to be before us. Because we do not want the Democrat tax increase to take place, and that is why the leadership in this House is working to be certain that we pass our Tax Relief Extension Reconciliation Act. And if individuals are going to go on and look at this, it is House Resolution 4297. I think they would like to see some of the provisions that are in here.

The gentleman from Texas and I have worked long and hard on one provision which is in here, which is continued deductibility of State and local sales taxes from your Federal income tax filing. In my State of Tennessee that is something that is mighty important, because we are one of those great States that does not have a State income tax. We have fought hard in Tennessee to be sure that we stay income-tax free, and we are.

We want to continue this deduction. It is a deduction that we worked hard last year to get restored, and we thank another gentleman from Texas, Mr. BRADY, for his incredible leadership on this issue, and we thank the leadership of the House for working so closely with us on it. But that sales tax deductibility is something we encourage everyone in this body, everyone who is in a State that does not have a State income tax to support this legislation tomorrow because it is so important to the individuals in our States. It is estimated that in Tennessee this is worth about $1 billion a year to the State of Tennessee.

Mr. PRICE of Georgia. If the gentlewoman will yield, I want to get this straight, because I think it is incredibly important for the American people to understand what is going to happen this week in the House.

As I heard the gentlewoman say, if an individual in this Chamber votes "no" on H.R. 4297, that means that they want to see the American people not be able to deduct sales tax, State and local sales tax?

Mrs. BLACKBURN. If the gentleman will yield, yes, for those of us in non-income tax States that means that you are voting to take that deduction away from them.

Another one that you would be voting to take away is the above-the-line deduction for out-of-pocket teacher-classroom expenses. Extending that deduction for our Nation's teachers is included in this bill.

I have so many of my friends that I went through college with who are teachers, and many of them have been teaching for about 30 years now. This is something that is important to them, because they spend a lot of their out-of-pocket money buying little things, buying little things that are going to enrich the classroom day.

The above-the-line deduction for higher education expenses, as I was saying earlier, the research and development tax credit, now that is something that is so important to our companies in this country. When you talk about the BioShield projects, biotech developments in agricultural products, in pharmaceuticals, when you talk about technology and the needs that we have there for our Nation's first responders, for our military, all of that comes in research and development.

When you talk about looking at what businesses are investing in as they are working, our small business manufacturers, whose output is up for the first time in a couple of decades, they are investing in this research and development to build a better mousetrap.

Mr. Speaker, I yield to the gentleman from Texas for comment on this.

Mr. HENSARLING. Well, this is an excellent line of debate that the gentlewoman is developing here. And again it is very important that the American people know this week we do not have a bill on the floor to provide tax relief for the American people. We have a bill on the floor to prevent a Democrat tax increase. There will be an automatic tax increase on the American people if we do not pass this legislation, and one of the things that we will lose is the ability of small businesses to expense what we call depreciable assets up to $100,000.

Now, before I became a Member of Congress, I was a small businessman. I have gone out there, I have rolled up my sleeves, and I have risked capital. I have signed the front of a paycheck. I helped start a business that had a dozen employees, and it was not easy. It was not easy. We could not have started that business without capital. Yet the Democrats want to take away our ability to form capital and create small businesses, which is the job engine of America. That is where all the new jobs come from, is small business.

Now, what is going to happen if we lose this? Let me give one example, one story from my congressional district. I am very proud to have the ability to represent the Fifth Congressional District of Texas. It starts in east Dallas and goes through great communities like Mesquite. It takes in rural east Texas, which is a wonderful place to live and raise a family, but sometimes a tough place to make a living.

I went to visit a business, small business called Jacksonville Industries, in my congressional district, located in Jacksonville, TX. They are a zinc and die cast business, and I do not totally understand what they do; but they had 20 employees when I went to visit them. Well, due to competitive pressures, prior to being able to benefit from our tax relief economic growth program, they were on the verge of having to lay off two people. Now, that is 10 percent of their workforce. They were going to have to lay off 2 of 20 workers.

Thanks to this provision, small business expensing that we passed way back, they were able to go out and buy a new piece of machinery. Now, I do not recall what it is called or precisely what its function was, but I know what it did. It made them more competitive. And instead of laying off two workers, they hired three new workers. And that is one small business in one rural part of Texas, but that is happening all over the Nation.

□ 1945

We are allowing families and small businesses to keep more of what they earn, and yet the Democrats want to take that away from them. They want to take that capital back.

We were talking earlier about how do you cut tax rates and increase tax revenue. Think about this one example in Jacksonville Industries. They were getting ready to lay off two workers, and they end up hiring three because they are more efficient and keep more of what they earn and buy new equipment and machinery. That is five people that could have been on unemployment and food stamps and welfare, five people taking from the Federal Treasury because they had dire needs. But instead of five people taking from the Treasury, it is five people paying into the industry.

That is how it happens. That is how you cut tax rates and increase revenues. That is five Americans who are putting a roof over their family's head and start putting money in the college fund. That is the difference that this has made. And yet the Democrats want, at Christmastime, if you can believe that, want to present the American people with a big, fat tax increase.

Mrs. BLACKBURN. Mr. Speaker, the gentleman is exactly right because that is what it would be. At this time of year, coming in and voting a tax increase, voting a tax increase on our Nation's small businesses, voting a tax increase on our Nation's families. To us, that is unacceptable. We know that the rate of economic growth in this Nation, the jobs growth, has shown that the tax reforms that have been passed work and they yield results.

Another provision that is included in this bill is the welfare-to-work tax credit. As the gentleman from Texas was saying, individuals who may not have had a job are able to get a job because of the growth we are seeing in the small business sector. And the welfare-to-work tax credit for those businesses that are hiring individuals who have received public assistance for an extended period of time, that would go away. So then it becomes a tax increase on those businesses if they are no longer able to avail themselves of that.

The 15-year depreciation period for restaurants and for leasehold improvements for that industry, that is included in this bill. I know in so many of my towns in the 7th Congressional District in Tennessee, this is very important to these small businesses. They depend on this. They need this.

Mr. Speaker, I yield to the gentleman from Georgia.

Mr. PRICE of Georgia. Mr. Speaker, I appreciate the gentlewoman pointing out some of the specific provisions of H.R. 4297 that we will be dealing with tomorrow.

I served in the Georgia State legislature, and we worked for years to try to get tax deductibility for teachers for their out-of-pocket expenses. I do not know a single teacher that does not spend some of their own money to kind of fill the hole, to provide some of those items in the classroom, especially in the elementary grades, that make so much more valuable the education that our children receive.

As I understand it, a no vote on H.R. 4297 means you do not want to allow for those deductions, you want to increase taxes on teachers if you vote against this bill? Is that accurate?

Mrs. BLACKBURN. The gentleman is accurate on that. Individuals that vote no on this tomorrow would be voting to increase that on our Nation's teachers. They would be voting no on State sales tax deductibility. They would be voting against that, for all of our constituents in Tennessee and Texas and Washington State and Wyoming and other States across the Nation that enjoy that sales tax deductibility.

Another one they would be voting no on is the savers' tax credit for low-income workers who contribute to retirement savings accounts. We talk about doing things that will assist those who are working and need a hand up and need a little bit of help. Focusing on that savers' tax credit, that is something we want to do and we want to see that continue.

The gentleman from Georgia is exactly right, that is something that is included in this bill, the provisions for our Nation's teachers.

Mr. PRICE of Georgia. Mr. Speaker, there are a couple of other items that are included, and one that I want to highlight is the 2-year extension on the reduced tax rates on capital gains and dividends. It is so incredibly important for Americans to understand and appreciate that if a Member of Congress votes no on this provision, it means that they do not want to extend that tax rate decrease on capital gains and dividends, which is so incredibly important and vital for small businesses, as the gentleman from Texas talked about so eloquently.

Mr. HENSARLING. Mr. Speaker, that is a very important point. I know when this debate takes place tomorrow, and we have heard about so many of the great tax relief provisions which have been passed for American families and small business, and how they are going to be taken away tomorrow if we do not defeat this Democrat tax increase, but the capital gains and dividends, we know the rhetoric. The class warfare rhetoric of our friends on the other side of the aisle, we know it is coming. Yet I sit here and I think they claim they love jobs, they just seem to hate the people who create them. Capital gains and dividends is all about investment. Again, you cannot have the benefits of capitalism and job creation without that capital in the first place.

Since I was quite young, I have held a number of jobs in my life. My first job, I come from an agricultural family. We raised poultry. Frankly, my first job in life was cleaning out chicken houses. It was a job I did not want to hold for later on. Later I bussed tables at the Holiday Inn in College Station, Texas. I used to be a desk clerk at the Ramada Inn. I used to load windows at a window factory in Bryan, Texas. I am trying to live it down, but I actually practiced law once. I was an officer in two different corporations.

The point I am making is of all of the jobs I have had, I have always tried to work hard and tried to learn something and tried to improve myself and move up that ladder. And guess what, in all of the jobs I have had, no poor person ever hired me. No poor person ever hired me. It was somebody who had managed to amass some capital, and he or she went out and risked that capital in a business enterprise that succeeded and because of that I got a job. I received a paycheck.

Again, you cannot love jobs and hate the people who create them. By trying to increase the taxes on capital gains and dividends, you are attacking investors, you are attacking job creators and you are taking away jobs from American families, and that is wrong and that is another reason we must defeat this Democrat tax increase tomorrow.

Mrs. BLACKBURN. Mr. Speaker, there are over 91 million Americans who own shares of stock in companies in this country, 91 million Americans who have invested in that capital creation process, invested in these companies. When we talk about capital gains and dividends, sometimes we think as you are saying, well, that is just somebody else. That does not apply to me. But for individuals that have 401(k)s and retirement plans, yes it does. What we are seeing is that 51 percent of our tax-paying senior citizens are claiming dividend income, and 47 percent of total dividend income earned in America is by senior citizens.

Mr. HENSARLING. Mr. Speaker, over half of Americans are invested in the stock market. They do have some form of dividend or capital gains and it is really their nest egg. Those are the 401(k) plans to help them in their retirement years. That is money that is put away for education for their children, and yet our Democrat colleagues on the other side of the aisle want to tax away that dream. They want to tax away that nest egg by passing a huge tax increase tomorrow. That is over half of Americans in just this one provision. Just this one provision would see a huge tax increase right before Christmas if we do not defeat this Democrat tax increase tomorrow.

Mrs. BLACKBURN. Mr. Speaker, the gentleman is precisely right on that. Again, the bill tomorrow is H.R. 4297. It is the Tax Relief Extension Reconciliation Act, and it is called the tax relief extension because these are reliefs that were passed in 2003. As we have continued to talk through the evening, these are the provisions that have really created this robust economy that we are seeing, 4.1 percent GDP growth just this last quarter. I think it is so important that we keep our focus there. This is a booming economy. This is a growing economy. We are seeing regularly that there is jobs creation that is taking place in our communities.

I love it when I am out in my community, and I know the gentleman from Texas has the same experience, and you are driving down the street and all of a sudden you see an entire group of new stores that are going in. Generally they are small businesses. You walk inside and there is an excitement and energy there that is just indescribable. There is so much of that happening in this Nation's small businesses.

As people have seen their rate of taxation reduced, they have had a little bit more income left with those businesses that they can go back in and reinvest in those businesses, or gather that capital together to start that business or start that small manufacturing plant. That is why we see the business reinvestment dollars up 10 percent. That is why we see jobs creation taking place, why we are seeing over 4 million jobs, 4.46 million jobs created since we started down this path of reforming taxes, reducing those taxes and freeing up free enterprise.

Mr. HENSARLING. Mr. Speaker, I appreciate again the gentlewoman yielding, and I appreciate her point that is so important that tax relief has driven job creation. You take away the tax relief, as our Democrat colleagues are trying to do, and you end up taking away the jobs.

Let me again return to my congressional district. As I said earlier this evening, how proud I am that I have the honor of representing the Fifth Congressional District in Texas. There is a small business there named Hugh Dublin, who has a company called East Texas Right of Way. He has been in business for 8 years. He works hard. His company specializes in the leasing and purchasing of right of ways for different corporate clients. Before we passed tax relief, his company had two full-time employees. That is a small business. But thanks to tax relief, his business expanded and he went out and hired two more. He hired a gentleman by the name of Dan and another gentleman by the name of David. They were unemployed. But thanks to the tax relief package, they got jobs in a business that was growing.

But yet this week, the Democrats want to increase taxes on Hugh Dublin and East Texas Right of Way. They want to take away the paychecks of Dan and David and replace them with welfare checks, and they call that compassion.

Let me tell you another example. There is a gentleman in my congressional district named Eddie Alexander. He has a small business called Triple S Electric. It is an electrical contracting business for residential and commercial. For the past 3½ years, he worked alone and he had one part-time helper. But thanks to the boom in the economy brought about by tax relief, and we have not even talked about the fact that we have the highest rate of homeownership in the history of America and each and every one of those homes needs electricity, since the economic growth package with tax relief was passed, he went out and hired two full-time employees. He hired a gentleman by the name of Jarad, who was unemployed and he hired a gentleman by the name of John, who was also unemployed in Henderson County, Texas. Now all of a sudden, the Democrats want to raise taxes on Eddie Alexander and Triple S Electric.

□ 2000

Mrs. BLACKBURN. A couple of other provisions. Talking about your district and the way this bill tomorrow will affect your district, in this bill, H.R. 4297 tomorrow, there will be a technical correction in there that affects this Nation's songwriters, which of course, so many of them live in my district, and I do believe that they are definitely some of the most creative people and such an important part of our creative community.

But for years, when a songwriter wants to sell their catalog, which is their life's work, it is like selling that small business that Eddie has and that so many of our constituents have, then they have been taxed at ordinary income tax and had to pay self-employment. This is their retirement. This is their nest egg they have pulled together. And a correction that we will make tomorrow will affect so many of those songwriters that are in Memphis and Nashville and down in Austin and in those areas because it will allow those catalogs to be sold and those individuals to pay a capital gains tax like other small business owners, there again, leaving more money and more of that nest egg for them as they retire and as they are seniors, and allowing them to look at how they do things better, how they grow those small businesses. I yield to the gentleman from Texas.

Mr. HENSARLING. And it is just so important that everybody realize this connection between preserving tax relief, preventing a tax increase and preserving our jobs. Again, over 4 million new jobs created in this economy since we passed tax relief. Why would we want to go back? Why would we want to take that tax relief away and pass a huge tax increase, because that affects real people all across America.

Let me give you another example. I talked earlier about the fact that we are enjoying the highest rate of homeownership in the history of the United States of America. I mean, home ownership, part and parcel of the American Dream. Well, somebody has to go out and help renovate those homes and build new homes. And one of those gentleman is in my congressional district back in Texas, a gentleman by the name of Gil Travers of Travers and Company. He is a home builder. Prior to us passing the economic growth legislation with the tax relief, he had just a handful of workers; but once we passed the tax relief, he had to hire extra workers. He hired a lady named Jan, who was unemployed, to help him clean up some of his job sites. She got so busy that she had to hire two people who were unemployed to help her clean up the job site, a gentleman by the name of Calvin and another lady by the name of Christy, all because of tax relief.

And yet this week the Democrats want to raise taxes on Travers and Company Home Builders. They want to jeopardize the pay checks of Jan and Calvin and Christy and replace them with welfare checks, and they call that compassion.

Mrs. BLACKBURN. Talking about our homes and construction and home sales. In October, home sales reached 7.1 units in October. And the thing that is so interesting is that is just off the historic high of home sales which was in June of this year when there were 7.3 units that were built or were sold. So whether it is new homes being built, whether it is existing homes, the home sales, how amazing that we are seeing home sales reaching such high numbers in both the new construction and the existing home sales category. And I yield back to the gentleman from Texas.

Mr. HENSARLING. Well, again, it illustrates just how valuable the tax relief has been to our economy. We have spoken this evening at length about over 4 million new jobs. Four million new jobs in the future that have been created. Four million new paychecks. That is what compassion is all about. Compassion is not measured by the number of welfare checks that are printed in Washington. It is measured by the number of paychecks that are printed all over the United States of America.

Our GDP growth, 2½ years straight where each and every quarter of economic growth has been over 3 percent. We have consumer spending that is advancing, advanced 4.2 percent during the third quarter. Retail sales are up. Real disposable income for our working families is up since we passed the tax relief package in our economic growth legislation. And manufacturing, which has faced many, many challenges in recent years, manufacturing production is continuing to expand. We have increases in productivity, and the list goes on and on and on. And all of this is threatened if we permit the Democrats to offer their Christmas gift to the American people, a huge tax increase; and that is why it is so vital, so vital tomorrow that we do not allow that to happen.

Mrs. BLACKBURN. I thank the gentleman from Texas, and I thank him so much for being here to talk with us tonight about why this is important legislation and why it is important that we stop a tax increase on the American people. And we have talked about so many of these issues tonight.

Mr. Speaker, this economy is booming. Inflation is low. Unemployment is near historic lows. We saw that 4.1 percent growth with the quarter that ended in September of 2005. And I think it is important to realize that this just did not happen. It did not just happen. And I know that my constituents certainly remember the recession the President confronted when he took office, and they remember the impact that September 11 had on our economy. We did not bury our heads in the sand when that happened. We rolled up our sleeves. We got to work. We passed tax reforms and tax relief, and tomorrow is our opportunity to extend that.

Mr. Speaker, I encourage all Members of this body to join us in supporting H.R. 4297 tomorrow.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. DENT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, it is an honor to come before the House. We would like to thank not only Democratic leader Ms. PELOSI but the entire Democratic leadership, Mr. HOYER, Mr. MENENDEZ and Mr. CLYBURN, our vice chair of the Democratic Caucus.

Mr. Speaker, as you know, the 30-something Working Group comes to the floor to share not only with Members but also with the American people about what is happening good here in the Capitol and also what is happening bad here in the Capitol, and hopefully through a bipartisan effort we can move towards positive change here in the Capitol.

Mr. Speaker, it saddens me to report the fact that this Congress, need it be whatever poll you look at, the American people by 33 percent think that we are doing a good job. Thirty-three percent of the American people feel that this Congress is doing a good job. I would tell you that if it was a grade system. Mr. Speaker. I would assume that. and Members. I would assume that that would be a failing grade.

I have two children that attend school. And if their grades were based on a 33 percent performance, I do not think that they would be moving to the next grade. And I think it is important, Members of Congress, Mr. Speaker, as we start to look at our responsibilities to the American people, not just to our constituents in our districts, but to the American people, because by them sending us to Congress they federalized us to come up here and run this country in the way that it should be.

Mr. Speaker, I also want to remind the Members that this is the people's House. It is not my House. It is not Mr. RYAN's House. It is not Ms. WASSERMAN SCHULTZ's House. Mr. Speaker. all due respect. it is not your House. It is the people's House.

In the Senate, I must add. and we must let all of the Members. we must remind them in the Senate someone can be appointed to the Senate. Of course they have elections. But in a time. let us just say. Mr. Speaker, like in New Jersey. the Governor of New Jersey. the new Governor of New Jersey has the opportunity. who was a U.S. Senator, to appoint someone to be the new U.S. Senator from the State of New Jersey.

But in the House. with a seat being vacated, let us just say someone from New Jersey is appointed to be the Senator. He cannot appoint someone here to the House of Representatives. He would have to set a special election for that seat to be filled constitutionally. So this is the people's House. And so when we start talking about the people of the United States of America, we are closer to them than any other. I think, than any other branch of government.

I would like to say that on the heels of President Bush's speech today on Iraq's economy. I could not help. and Mr. RYAN and I just returned from Iraq. We visited three cities in Iraq and we went to the infamous Green Zone and Baghdad visiting our troops. Many of them were members of the Army. soldiers. Some, Mr. Speaker. on their third deployment to Iraq.

I could not help but pay attention. and I got a copy of the President's speech and he released a 35-page. 32 pages if you look at glossy cover and all, 35 pages of his strategy for victory there in Iraq.

But he talked about the economy today in Iraq. But I cannot help but say. Mr. Speaker, and to the Members. that it would have been good if the President could have talked about our U.S. economy. I think the reason why he did not talk about the U.S. economy is the fact that we have record deficits, some 3.5 trillion over the next 10 years' deficits. That is not the Kendrick Meek report. That is not the Tim Ryan report. That is not the Congresswoman Debbie Wasserman Schultz report. That is reality.

We are record-breaking as it relates to borrowing money. Members. from foreign countries. This President, along with this Republican majority here in the House and in the Senate. has achieved $4.5 trillion in borrowing money from foreign nations, more than 42 Presidents before him. They were only able to, among all of those Presidents, I mean all of them. I am talking about since we became a country. $4.1 trillion that have been achieved. And I want to correct myself. I am sorry. I have so many numbers here. Mr. Speaker. I want to correct myself. I am glad Mr. RYAN brought this over. $1.05 trillion by this President. I said four and I will correct myself right now because in the 30-Something Working Group, Mr. Speaker, we believe in third-party validators and sharing with the American people and the Members the truth about what is happening here in the Capitol. So maybe 4.05 might have sounded a little better. but we believe in making sure that we give good information. 1.05 trillion, this president, the last 4 years. 2001 to 2005; and he is not done yet. 1.01 trillion, 42 Presidents in the history of this country, Republican. Democrat, and in their lifetime for some of them very early on were members of the Whig Party. From 1776 to 2000, 224 years. Mr. Speaker. And this is from the U.S. Department of Treasury. This is not from the National Democratic Party or anything like that. We just want to make sure, Mr. RYAN, that we have our third-party validators here.

Maybe the President, Mr. RYAN, could have talked about the fact that health care costs increased over 60 percent for small businesses over the last 5 years. Major companies are cutting jobs. and not only their pension plan that they promised, but they are following our lead here under this Republican majority, Mr. RYAN, by the fact that we are not only increasing copayments and the wait for our veterans once they leave the military. they are following our lead. Companies like GM, Delphi. Merck. Verizon and now Ford are now "reprioritizing." That means cutting jobs. That means cutting back on promises that they promised their employees from the beginning.

The average family right now in the United States as relates to natural gas are paying three times more than they paid in 2001. The President could have talked about that. but he did not. He wanted to talk about Iraq because he needs to explain himself. Republican majority. they need to explain themselves.

Sixty percent of Americans. Mr. Speaker, if we like it or not, do not believe that our leadership as relates to leading our effort in Iraq has a sound plan in getting us out of there. So we are going to talk about some of these things tonight. We are going to also talk about. Mr. Speaker. this ongoing culture of corruption and cronyism and incompetence. This is not the Kendrick Meek report. This is just today's papers. This is just today that is outlining a culture of corruption and cronyism and incompetence. So when historians look back on the 109th Congress and the contributions that we made, they are also going to look at the void in leadership and leading this country in the way that they should lead.

We used to give speeches here on the floor, Mr. RYAN, and you know full well about putting burden on future generations.

☐ 2015

Well, I can tell the Members right now, Mr. Speaker, and this is not me speaking. They can check with any of the Federal agencies that do the reports or the auditor generals that put out reports on an annual basis. We are putting this generation in the present in jeopardy.

So I am so glad that we have the opportunity tonight to come to the floor, and I am so glad that the gentleman from Ohio (Mr. RYAN) is here, and I am glad that we have a level of consistency for the American people to come to the floor and share this information.

Mr. Speaker, I yield to the gentleman from Ohio.

Mr. RYAN of Ohio. Mr. Speaker, I thank the gentleman for yielding to me.

And I think he is absolutely right. That is the most startling statistic that he has shown us with the money that we have borrowed from foreign interests because we come to the floor nightly, sometimes for a couple hours a night, to talk about the future of the country. And there is no more important part, no more important aspect, of the country than our fiscal stability. And right now we have a Republican Congress, House and Senate, and the President, who are borrowing money consistently from foreign interests, and to have one President do in 4 years what 42 Presidents could not do in 224 years is absolutely outrageous. And for anyone to stand up and somehow defend this fiscal policy that we have is an outrage. and it offends me, to be quite honest, because not only are we borrowing money which we have to pay interest on, we ran a $500 billion deficit, or close to $500 billion. We are not factoring in the war or anything else. We are spending $1.5 billion a week in Iraq. which is a lot of money. and we are close to over $200 billion already there. But to have this money and spend it is one thing, but to not have the money and have to borrow it primarily from the Chinese, the Saudi Arabians. the Japanese, to borrow that money to plug our holes here in the

United States puts this country at risk, and it weakens our country.

And we do not come here because we do not have anything better to do tonight. We come here because we take a constitutional oath and we swear our allegiance to the Constitution of the United States.

Mr. MEEK of Florida. Article I.

Mr. RYAN of Ohio. Article I, section 1 of the Constitution creates this House. The first part of the United States Constitution creates this House. So we have an obligation for oversight. We have an obligation to balance the budget, and we have an obligation to protect the future of the United States of America. What more basic fundamental part of our jobs is there other than making sure this country is fiscally stable? And to go out and borrow over $1 trillion, I mean I think it is—this is very important for us to make this point again. In 224 years, 42 Presidents borrowed over $1 trillion from foreign holdings, from foreign interests. Over $1 trillion in 224 years. This President and this Republican-led Congress has borrowed over $1 trillion in 4 years from foreign interests. That weakens our country.

Mr. MEEK of Florida. Mr. Speaker, reclaiming my time, can the gentleman say that again because I just want to make sure that the American people and not only the American people, but the Members who represent them on both sides of the aisle understand what is going on.

This is unprecedented. This is not something that happened 4 or 5 years ago. This is not something that happened 20 years ago. This is not something that happened 40 years ago. This is not something that happened 200 years ago. This is something that is happening now to this country, the first time in the history of the Republic. So when folks say, well, we have to do this, that we have a war going on and we gave unprecedented tax cuts to millionaires and we had 9/11, you know something? Forty-two Presidents had World War I, World War II, had Vietnam, Korea, the Great Depression. I mean, they had a number of issues thrown in the face of this country that we had to deal with. And now under this Republican majority, under the President we have in office now, we are breaking records. We are not breaking records as it relates to our economy and growth. We are breaking records as it relates to putting this country further in debt and borrowing from foreign countries.

Mr. RYAN of Ohio. And, Mr. Speaker, if the gentleman will continue to yield, people say what does the 30-Something Group have to do with all of this, what does our group have to do with all of this? Listen, this is the future of our country. There is no greater issue for the 30-somethings or the 20-somethings or those kids in school right now or those college students right now. There is no greater issue because the money, we do not just borrow it from the Chinese. We have got to pay interest on it, and our national debt right now is $8 trillion. So who is going to pay this and who is going to pay the interest on it? And I think it is $300 billion a year we are paying just in interest on the debt that we have. $300 billion. So just imagine if we could get to a position where we were in the late 1990s.

Mr. DELAHUNT. Mr. Speaker, will the gentleman yield?

Mr. MEEK of Florida. I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. Mr. Speaker, I think that is a very important statistic to discuss during the course of our conversation this evening. The interest payments that the American taxpayers are required to make every single year amount to some $300 billion on the debt that has been accumulated because of the policies of this White House, this Republican House of Representatives, and this Republican Senate.

Mr. RYAN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. MEEK of Florida. I yield to the gentleman from Ohio.

Mr. RYAN of Ohio. Mr. Speaker, the Republican majority tomorrow is going to extend or reinstitute tax cuts for the wealthiest people in the country.

Mr. DELAHUNT. And how are they going to pay for them?

Mr. RYAN of Ohio. Up to $70 billion, they are going to go to the Chinese, to the Saudi Arabians, Mr. Speaker, to the Japanese governments.

Mr. DELAHUNT. To the Koreans.

Mr. RYAN of Ohio. To the Koreans, and they are going to borrow the money. There is no one, Mr. Speaker, that could possibly hear this argument, no Member of Congress that could possibly hear this argument and not think to themselves why would we cut taxes by $70 billion for the wealthiest people in the country and have to borrow the money from the Chinese to pay for it?

Mr. DELAHUNT. Mr. Speaker, if the gentleman will continue to yield, I think it should be rephrased. Why should we borrow more money from foreign governments and from foreigners who invest in this country to pay wealthy Americans money? This is not a tax cut. This is a welfare program financed by nonAmericans, to a substantial degree, to provide more disposable income to the most affluent among us. I dare say this sacrifices our national security.

We hear many in this Chamber, particularly on the Republican side, express concern about China. We are in the position now where we need China to fuel our economy. We need many of those Middle Eastern nations who are not democratic to fuel our economy. As Mr. RYAN and Mr. MEEK pointed out, in excess of $1 trillion has been borrowed from foreigners to pay for tax cuts for the most wealthy of Americans.

This makes no sense, Mr. Speaker. It makes no sense from a national security perspective. If we have concerns about China and China's being a potential adversary, why do we continue to borrow money from the Chinese communist regime? Why, Mr. Speaker? It is a question I would like to have somebody answer.

Mr. RYAN of Ohio. Mr. Speaker, I am not sure, quite frankly, if there is a good answer. I mean, what could possibly be the good answer? And the rhetoric that we get from our friends on the other side is that the tax cuts are stimulating the economy. The tax cuts are creating jobs. And this is laughable. Where? Where? In the Delphi Corporation? Ford just announced they are cutting 30,000 jobs. General Motors? Who is creating the jobs? And I heard our friend on the other side say a little bit earlier he had a company in Texas that went from two jobs to four jobs.

I mean, that is laughable. Ford cuts 30,000, and the argument coming from the other side is there is one company in Texas, Mr. Speaker, that went from two jobs to four jobs. Now, that is economic growth.

Mr. MEEK of Florida. Mr. Speaker, reclaiming my time, here in the 30-Something Group, we believe in third-party validators. We believe in making sure we share with the American people and also with the Members of this House, Mr. Speaker, because sometimes there are a lot of things that are said. Some folks come to the floor and try to make sure that they provide information that somebody might have told them or they may say "they said," but we are actually giving good information, third-party validators. Some are U.S. Government agencies. Some are groups with great credibility.

I can tell Members right now and every American knows because they just pick up a newspaper or turn on the news, Mr. RYAN mentioned just a few companies, but GM, Delphi, Merck, Verizon, and now Ford just to name a few, Mr. Speaker. So when we start talking about the tax cuts, we can go down memory lane to just a month ago. There is so much happening to the American people versus for the American people that we do not have enough time to share it all. We just do not have enough time to share it all.

I mean, we would have to take 10 hours on this floor daily just to report to the Members of the House what is going on in this House. We could not look at another Congress and say, well, that happened in the 101st Congress or that happened in the 93rd Congress or that happened in the 3rd Congress. No. We are setting a new chapter in the record book as it relates to not governing in the way that we should. And I do not want to say "we," Mr. Speaker, because it is the Republican majority, and I just want to make sure Members understand. Folks talk about what the Democrats are doing? What we are doing? Somebody said something about what the Democrats are going to raise. We cannot even bring our proposal to the floor. Do my colleagues know why? They say Democrats are lazy, that they do not want to put anything together. Guess what. We have a number of plans to put this country back in order and make sure that we clean out this deficit spending that the majority is doing, and they will not allow us in the Rules Committee to come to the floor and put our proposals on this floor and let us do it on an up-or-down vote. What they are doing is they are borrowing from this generation and future generations.

Just a few weeks ago, what was it, 14-something billion dollars they took from students, they took from parents that are trying to educate their children? We are getting our clock cleaned by China that. I must add, we are borrowing money from to give billionaires and millionaires tax cuts. We are borrowing money from them. They have more engineers. As a Member of Congress that represents a father or mother that wants to see their daughter become an engineer, forget about it. Unless they are a millionaire or a billionaire, that is the only way she is going to get to college so that she can be able to make this country strong. We are weakening this country and giving subsidies to companies that go overseas, Mr. Speaker, to have a better deal than they are going to have here on U.S. soil, to have better opportunities for our young people.

No Child Left Behind, Mr. Speaker, was a piece of legislation that we all thought at the beginning that could be a bipartisan work product that we can fund to help our future generations and present generation so we can compete against other countries. No. What we are doing now is we are making it easier for U.S. companies to go overseas, send our jobs overseas, and have GM, Delphi, Merck, Verizon, and now Ford lay off workers here. This is not the Kendrick Meek report, Mr. Speaker. This is reality. This is not Walt Disney World. This is the U.S. House of Representatives.

□ 2030

It starts here. We are the People's House. The Republican majority has allowed this to happen. Now, if someone is a Republican or an Independent, or, you know, Libertarian, Green Party, and says I am not a Democrat, I do not subscribe to that, you must subscribe to it, because it is dealing with your household. This is not just Democratic households that the Republican majority cut $4 billion plus out of student loans and student aid. That is going to increase, increase the cost to send your child to college.

So I would say, gentlemen, for the Members that are in their offices right now, for the Members that are paying attention to us on the floor right now, they have to put in their newsletter to their constituents that you need to look at that college fund that you are setting aside for your child, because, guess what? You need to increase it. Because we just made life harder for you.

Why do we make life harder for you? We made life harder because we had to make sure that the oil companies had their subsidies while they are making record breaking profits. We had to make sure that the millionaires and billionaires get their tax cut.

It is not just our report. Just pick up the paper. Just take a look at what is going on in this Congress right now. It is not that. It is not the fact that, oh, well, we had to cut the student loan and student opportunities, we had to cut Medicaid and we had to instruct the Veterans Affairs Committee to cut out of their budget millions for veterans to make their lives longer, to make those health care clinics for veterans, have them have fewer hours.

Gentlemen, in some areas of this great country of ours, there are clinics that are only open for 1 day a week for the veterans. One day. So now we have instructed, or the Republican majority has instructed, because we all voted against it, to then cut over $600 million. So that means that maybe they will be open for half a day, Mr. Speaker.

And the President today wants to talk about the economy in Iraq. Wants to talking about what we have done with Iraqi contractors. Please. Why do not we talk about what we have done in U.S. cities?

Mr. DELAHUNT. If the gentleman will yield for a moment. You know, how about building some roads here in the United States? How about rehabilitating schools and constructing new schools with taxpayer dollars generated at the Federal level.

Rather than doing that for the United States here, what about our fellow citizens who were ravaged and are expressing frustration ever every single day in the national media in the aftermath of Katrina, and Rita, and other natural disasters, who are living in cars. What about doing something here, Mr. President, for Americans, rather than assuming the cost of nation building in Iraq?

Mr. RYAN of Ohio. I think the President needs to recognize, and I am not saying this facetiously, he is not the President of Iraq. He is the President of the United States of America. And I do not say that to be flippant. I say that because this President's sole focus throughout his first term and into the second term has been Iraq.

And to give a speech today as Ford announces that they are cutting 30,000 jobs in the United States of America, as Delphi is in bankruptcy, as General Motors is having great difficulty competing, he is giving a speech on the Iraqi economy. It is like we are having a bad dream. I mean, come on. At some point, should not someone around the President or somebody in this Congress tug him on the shirt sleeve and say, hey, Mr. President, we need you. We need your help. This country needs a domestic economic policy.

Borrowing money from the Chinese to subsidize tax cuts for the top 1 percent is not a domestic agenda

Mr. DELAHUNT. At a minimum, the American people deserve a debate. They deserve a debate. They deserve a debate about the implications, not just in terms of our national security, but the implications for the economic future particularly of your generation, by virtue of the costs that are being borne by American taxpayers, let alone my sons and daughters and your generation with their blood in Iraq.

I mean, from what we can infer, since the American taxpayer is bearing almost the entire burden of nation building in Iraq, let us have a debate about the concept of nation building as a key critical ingredient in the foreign policy espoused by this White House and embraced by this Republican Congress.

Because that, I would suggest, Mr. Speaker, is a marked transformation in traditional Republican principles. We have heard, even in the course of the campaign in 2000 and from previous Presidential campaigns, a denigration of nation building in terms of our foreign policy. And yet, what we have done is we have embarked upon a nation building exercise as part of our foreign policy, as part of our international relations. It is being borne by the American taxpayer.

Mr. RYAN of Ohio. The problem with this whole situation, this whole scenario, is that as we are spending $1.5 billion a week in Iraq, and we are borrowing money from the Chinese, over $1 trillion in the last 4 years, not investing in the United States, not investing in education, not investing in research and development, not fixing our health care issue, we are weakening ourselves as a country.

Now we all as Americans want to say we want to be good to other countries. We want to be helpful to other countries. But if you are not strong at home, what good really are you to the rest of the world? We need a strong America, because if America is not strong, you are going to see a communist China rear its ugly head.

And talk about having a debate about an issue. It was in today's paper and on the news last night and today. Osama bin Laden. There is a name we have not heard for a while. Osama bin Laden is still alive leading the jihad.

Why are we not having the discussion about where is Osama bin Laden? This is the man who coordinated and organized the attack against the United

States on 9/11. And we are having this huge debate about Iraq and what we should do and when we should leave and how it should go. What about Osama bin Laden?

Mr. DELAHUNT. Let me ask you this. Was al-Qaeda in Iraq prior to the invasion of Iraq?

Mr. RYAN of Ohio. No.

Mr. MEEK of Florida. This working group that we have plays a very important role in making sure that the Members know that we in the minority party here in this House know exactly what they are doing and what they are not doing.

And I can tell you that it is just so powerful, and it serves, to our benefit politically if the country did not have to suffer. You know, as an American I must say, gentlemen, that politically we could just say, well, let us go home. Let us not come to the floor, Mr. Speaker, and share with the Members about what they are not doing and what we should do. Come to the floor and share our proposals from the Democratic side that will fall on deaf ears on the other side, because they do not want to hear our ideas, gentlemen, they just want to criticize what we are trying to do to save this country of ours.

The gentleman from Ohio (Mr. RYAN) mentioned earlier that all they are doing is weakening the country. Now, the facts are, like it or not, Members, on the Republican majority side, like it or not, the bottom line is is that the 9/11 Commission put out a report card. And the Republican majority gets a big fat F because we have been, and as ranking member of oversight on the Homeland Security Committee, we have worked time after time again and put forward proposal after proposal to make sure that U.S. cities are prepared for a terrorist attack.

Interoperability. Mr. Speaker, I want to break that down for the Members. That is making sure that first responders can talk to one another, which we learned from 9/11, that firefighters could not talk to police officers, police officers could not talk to firefighters, they could not talk to the port authority, they could not talk to others as it relates to helping Americans get out of those buildings. And guess what? Lives were lost. Lives were lost.

Mr. DELAHUNT. From September 11 of 2001 to today, has anything changed in terms of our preparedness for a major terrorist attack such as we experienced in New York and here in Washington? Has anything changed according to the 9/11 report of any consequence, of anything substantial whatsoever?

Mr. MEEK of Florida. Well, do not ask me. I mean, look at what the 9/11 bipartisan commission said. I was watching Tim Russert, one of the respected reporters here in Washington, DC, at NBC. And he had the chairman, who is a Republican, past Republican governor, and the vice chairman that was a Member of this House, respected Democrat, on both sides of the aisle they respect him.

And they both said that the administration, present administration, Mr. Speaker, and the Republican majority, gets a big fat F. They did not want to grade. Well, let me just put it this way. They did not want to grade it, but they said that it is low. Okay. And I think it is important that we understand that interoperability that was a big issue that first responders asked for, they could have saved not only first responder lives, but American lives if they could have talked to one another, because they could not, because they did not have the ability.

Okay. You would assume that we would run out and get that done. No. We did not get it done. The Republican majority did not get it done. It was not prioritized. Yes, the money went there, but guess what? There is a bunch of politics that is going on as it relates to the money and the execution of making sure that U.S. cities have what they need.

Now, Americans again, another example, looked at what happened in Katrina. The Coast Guard could not talk to the police officers. The police officer could not talk to the military. The military could not talk to fire departments that came down to help. Fire departments could not talk to game and fish that were on boats trying to rescue people.

Why? Because the interoperability is not there. We mandate highway dollars. I used to be a State trooper in the State of Florida. I can tell you right now, sometimes we used to be told, you need to write those seatbelt tickets. Why? Because the Colonel of the Florida Highway Patrol says so? No. Because if we do not write seatbelt tickets and we write speeding tickets to folks not wearing their seatbelts, we will lose our Federal money.

You think that if this Congress did that as it relates to making sure that we have interoperability that would save lives if a terrorist attack was to happen? Now it is not a secret. Wherever Americans are living now, Mr. Speaker, first responders could not talk to one another, because the dollars have not been prioritized as it relates to making sure that it happens on behalf of U.S. cities.

I want to make one other point, a couple of points if I may, and I will be quick. Failure to secure the materials for weapons of mass destruction in the national priority. We still do not have HAZMAT uniforms for many of our first responders that are out there.

Failure to improve air cargo inspection as a priority.

□ 2045

We want to shake down people at the magnetometers when they walk through the TSA. Meanwhile, we have containers being placed on these commercial airlines that are unchecked.

Failed to implement an airline passenger prescreening program based on consolidated terrorist watch lists. Still, you have the administration, you have the majority that has failed to do that. We have proposals to do that. I am on Homeland Security. Take it from me, it is on a partisan vote and it goes down if it is heard at all, especially not on this floor.

Failed to review and make changes in the congressional intelligence oversight process. I am going to tell you right now, there are some things that we should have great oversight over but, I hate to report, there are things that we don't even have an opportunity to have a hearing on. I just want to make sure the Members of the House understand, the majority rules here. They set the agenda. They say when something is going to happen. I mean the Republican majority. They set the agenda. They make sure that we have these hearings and they denied hearings as relates to this.

For Republicans to say, well, the Democrats are stopping us from doing certain things, we cannot stop them right now, Mr. Speaker, the Republican majority. That is something that the American people have to do. I can tell you right now, it is not political rhetoric. This is reality. I want to be proven wrong. But this is the report card. The 9/11 Commission has said it and we have been on this floor time after time asking for a Hurricane Katrina independent commission. The State of the Union that is coming up, I don't represent anyone in New Orleans or in the gulf States, but I asked a person that is a victim, an evacuee of that storm, to take my gallery pass for the State of the Union. I want her to be here, to look at the President and this Republican majority and all of us when he marches in here on the floor and talks about how great things are. Meanwhile back at the ranch in New Orleans and in the gulf coast, some areas don't even have power. And they are asking Louisiana and they are asking Mississippi to carry the weight on the cost of recovery. Meanwhile, we have people walking on this floor with a straight face coming here talking about we need tax cuts to help the economy and my constituents need a tax cut, because of the millionaires and billionaires that are getting it.

I want to thank my colleagues for allowing me to get these points out because it is important that we share this information.

Mr. DELAHUNT. They are excellent points. I think your idea about taking your one ticket and allowing a victim of Katrina and the natural disasters that befell our gulf States, invite them to come and sit in this gallery is an excellent concept. We as a group ought to consider asking our colleagues on both sides of the aisle to allow these seats to be filled by American citizens who have had their lives disrupted and their futures placed in doubt and listen to this President tell them that things are good in America and that their government is helping them. Maybe that might prompt some action, Mr. Speaker. Because just recently, 2 nights ago, there was on one of the networks a story about Americans living in cars waiting to go into trailers. How long do we expect our fellow citizens to endure that kind of an existence? We can feel sorry for those all over the globe that experience poverty, that experience tragedy in their lives, but our first obligation is to our own citizens.

When we speak of nation-building, Mr. Speaker, let's start building America again. That is where we should begin. In terms of your points regarding our lack of preparedness for a terrorist attack, let's be very candid. Those levees that were breached in Louisiana, they were breached because of natural forces, forces of nature. They very well could have been breached by a terrorist attack. And what did we see? We saw a lack of preparation, Mr. Speaker, that offended every American and really, I would suggest, shook the rest of the world because they saw an America that they did not realize existed, an America that was ill-prepared to take care of its own people.

Mr. RYAN of Ohio. I think that the key point to this whole thing with the Katrina scenario is that the President ran on he was going to make the country stronger, that he could protect us better than his opponent, which is fine. Katrina happened. It was not a surprise attack. It was not a surprise that Katrina hit the gulf coast. This hurricane was on the Weather Channel for 5 days. And we say, were we really ready? Unfortunately, as Mr. Hamilton and Governor Kean said, that there will probably be another terrorist attack in the United States. We don't want that to happen, of course, but we are not going to have 5 days to prepare for a terrorist attack in the United States. You are not going to be able to turn on the Weather Channel and they are going to say, a terrorist attack is coming for New York City and you have 5 days to prepare for it. That is the number-one responsibility that we have. Article 1, section 1 creates this body and we have an obligation to protect this country. We are not going to have forewarning. We are not going to be tipped off by the Weather Channel. And if we cannot do it with 5 days' preparation, it frightens me at what stage we are at right now and the job we are not doing because we are so focused on all these other things.

I would be happy to yield to my friend who just strutted in from wherever she was.

Ms. WASSERMAN SCHULTZ. I can tell you I just strutted in from helping my first graders with their homework. Just so you know, I have my priorities straight.

I spent a couple of minutes listening to your exchange and cannot help but chime in here and express my deep concern which I know my good friend from Florida (Mr. MEEK) shares as well. We had our Governor and FEMA represent our delegation in advance of Wilma. You have got Katrina and we all are very familiar with the lack of preparation clearly and the aftermath of Katrina and the disaster literally of the aftermath of Katrina but then you fast-forward a couple of months to Wilma when we had 2 months that FEMA could have learned from some of those mistakes and dealt with the preparedness issues that they were really poor on and the aftermath response issues that they received incredibly poor marks on. You would think that they would have fixed it. But in our case, our Governor and FEMA represented to us that we were the model State. I say this not to be too specific about any one State's preparation, but FEMA and the Florida government represented that our State was the most prepared.

We can tell you that if our State and their response to Wilma is the pride and joy, is the model for preparation in disaster response, then we should all be deeply concerned about the other 49 States and their preparedness and potential response for a natural or a manmade disaster like a terrorist attack.

Mr. RYAN of Ohio. I think this goes right to the point that our friends on the other side, as much as we like some of them, are unable to govern. They just don't know how to do it. There is just total incompetence, from the economy, from the poverty levels, the macroeconomic situation, balancing the budget, lack of fiscal restraint, fiscal recklessness in borrowing $1 trillion from foreign interests over the past 4 years. They just are unable to govern the country. They have had their chance. They have controlled the House and the Senate and the White House, one party, they have had a chance to implement their agenda, and nothing seems to be going right.

Ms. WASSERMAN SCHULTZ. You are absolutely right. On top of that, because we are about third-party validators and it is not all about just what we say, you have Governor Kean and Mr. Hamilton who the other day gave them a list of Fs on almost every major aspect of preparedness and what we should be doing in terms of response to a potential terrorist act. It is just one more example of their lack of caring, of their lack of competence, of the cronyism, of the corruption. Find a C word and this Republican leadership and the administration absolutely fit the bill.

Mr. MEEK of Florida. Can the gentlewoman please elaborate on the C words?

Ms. WASSERMAN SCHULTZ. We have got the first C word which is corruption. It seems like every day we have yet another example, a tragic example, it wrenched my heart to hear that we had a colleague of ours, the former gentleman from California, who pled guilty to bribery, so we have got corruption. We have ethics charges, some which are just accusations, some which have been validated, up and down the ranks of many of our Republican colleagues. That is one C word. Then you shift from corruption to cronyism. There is rampant cronyism throughout this administration. You have only Michael Brown, Brownie, to use as an example. When the President would put in place someone whose claim to fame in terms of his qualifications for being the lead expert on disaster preparedness and response was being the president of the Arabian Horse Association as opposed to having a deeply long resume in emergency preparedness, that just smacks of cronyism. What was his real quality in terms of being hired for that job? He was James Allbaugh's roommate. That was the real qualification when he got that job. You have Mr. Savavian, who was the procurement director in the White House who now has been fired because he was accused of wrongdoing.

Mr. MEEK of Florida. He had the opportunity to resign and then the next day he was indicted. Go ahead.

Ms. WASSERMAN SCHULTZ. Thank you just for the filling in of the facts. The list goes on in terms of the cronyism that is rampant through this administration. So you have corruption. You have cronyism. Then you have, as the gentleman from Ohio just described, the total lack of competence. Example after example. The proposal on Social Security. The way they handled Katrina. The way they handled Wilma. The deficit. We have an $8 trillion deficit.

Mr. RYAN of Ohio. Iraq.

Ms. WASSERMAN SCHULTZ. Iraq. You have an $8 trillion deficit now. We have got corruption, cronyism, competence.

Mr. MEEK of Florida. It is a culture.

Ms. WASSERMAN SCHULTZ. It is a culture.

Mr. RYAN of Ohio. This is not a onetime event.

Mr. MEEK of Florida. I must say that never before in the history of this country has there been leadership, all of these issues of cronyism and corruption, never before at these levels in the history of this country. It is not the Kendrick Meek report, the Debbie Wasserman Schultz report, or the Tim Ryan, the Bill Delahunt report.

Mr. RYAN of Ohio. This country deserves better than that. That is the point that we are trying to make. We do not have to settle for a dictator like some people do in some countries. We are allowed to have high expectations for our leaders in the country.

Mr. DELAHUNT. I want to acknowledge the presence of a good colleague and a good friend and clearly a solid Republican, STEVE KING from Iowa. Let me pose a question to him. The gentleman from Iowa is down here on a regular basis and is an ardent advocate of his point of view. I know we are running out of time.

Mr. MEEK of Florida. I hope he yields to us for the time we are yielding to him because we only have about 6 minutes left.

Mr. DELAHUNT. I think we are coming back for another hour, so we will get him on the other side here.

I will just make this statement and ask for his comment. We have been at war for almost 3 years. It will be 3 years this March. We have not had a single oversight hearing on Iraq in the committees that I serve on, including the House International Relations Committee. Not one.

□ 2100

There are so many questions that the American people have. There are so many questions that we all have, and yet, I would submit that we are not exercising our constitutional mandate to serve as a check and balance on the executive branch. I mean, we do have these allegations of an order of magnitude of corruption that is ongoing in Iraq today.

Let me just quote you from the Washington Times, not a liberal journal. I think you will grant me that.

Mr. KING of Iowa. Mr. Speaker, if the gentleman would yield, I will.

Mr. DELAHUNT. This is a quote from October 28, a column by Bill Gertz and Rowan Scarborough, again, people that would not agree with me or my colleagues on this side of the aisle. Here is what they said: Defense officials tell us the scandal involves massive corruption in Iraq related to the United States and international funds meant for reconstruction efforts and the failure of the administration to control these funds.

I am ranking member on a subcommittee that has requested for months an oversight hearing just simply on these allegations, and I am met with silence. Let me tell you that is wrong. It is a disservice to the American people. It is a disservice to the institution, not a single hearing in 3 years.

Mr. KING of Iowa. Mr. Speaker, if the gentleman would yield, I thank my friend and the gentleman from Massachusetts and colleague on the Judiciary Committee.

I have been to Iraq for the express purposes of oversight of those construction projects, about $12.5 billion administered by the Army and the balance of that $18.5 billion by other entities, the sea bees. Yes, I actually faced a number of questions from the people in Iraq. I did not get to the bottom of that. I do not know that they are in a position to actually have oversight on this in that fashion, but your point that you have made is one that is somewhat new and fresh to me. I have done due diligence, I think, to an extent to see where that money's been spent there. I would very much like to sit down with you and have this conversation so that we could bore into this.

Mr. DELAHUNT. Mr. Speaker, but the American people have a right of transparency and watching and hearing from these people. You make that effort and I understand that you do and you ask questions, but we need to do this in the light of day. There is pervasive corruption ongoing in the rebuilding of Iraq. It is offensive, and this comes from conservative columnists as well as our own military personnel and from multiple, different sources. Yet, the leadership in this House is denying the American people the right to hear.

Ms. WASSERMAN SCHULTZ. Just a few examples of what you are talking about, we are talking about the role of the White House in promoting misleading intelligence when it came to how we got into the war and the Iraq's weapons of mass destruction or lack thereof. We are talking about the responsibility of senior administration officials for the abuses at Abu Ghraib. We are talking about the role of the Vice President's office and the award of Halliburton contracts, no information on that, no accountability. The role of the White House in withholding the Medicare cost estimates from Congress. The identity of the energy industry campaign contributors that met with the Vice President's energy task force.

We could keep going about the corruption, the lack of information, the lack of competence, and in fact, when we come back at our next opportunity in our next hour, we will continue to go on about that.

Mr. RYAN of Ohio. How about the gentleman, I cannot remember his name, a couple of weeks ago came up who had $87 million worth of contracts in Iraq he was in charge of and he was stealing money, hundred of thousands of dollars. In the 1990s he was convicted of fraud, but yet, this administration hired him again. That is incompetence. That is cronyism. That is an inability to execute the proper role of government.

Mr. MEEK of Florida. Mr. Speaker, we just got back from Iraq. We are not even a week out of Iraq. We visited three Iraqi cities, and it was my second trip. I can tell you this, that when you hear uniformed personnel say, well, you know, some of the money, I mean it is like you know people take some of the money for themselves; it is something that happens here in Iraq. This is an accepted kind of thing. This is the U.S. taxpayers' money, and we are just saying, oh, well, you know, that is the way things happen over here.

Let me tell you, when the auditor general really starts to report what is happening with the money we are giving, that is being taken away from U.S. cities and the U.S. taxpayer, meanwhile the majority says, oh, let us govern, we will make sure that we are fiscal and we are responsible, well, when we come back in the next hour I want to talk about being responsible. I think it is important we do that. We will be back in an hour.

I just want you to give the Web site out before we close.

Mr. RYAN of Ohio. 30somethingdems@mail.house.gov.

Mr. MEEK of Florida. Mr. Speaker, I would like to thank Mr. DELAHUNT, Mr. RYAN, Ms. WASSERMAN SCHULTZ and to thank the Democratic leadership for allowing us to have the hour. We would also like to say it is pleasure and honor to address the House of Representatives.

IRAQ

The SPEAKER pro tempore (Mr. MCCAUL). Under the Speaker's announced policy of January 4, 2005, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate the opportunity to address this Chamber and appreciate the opportunity for some dialogue with my colleagues from the other side of the aisle and particularly Uncle Bill from Massachusetts whom I did yield to the last time when he asked me, and so we have a little engagement going.

I think it is constructive dialogue that we have. I know we disagree often. We are looking for the best thing for this country all together, Mr. Speaker, and disagree with the method of how we get there, and sometimes we disagree with our definition and analysis of how we approach these things.

So to begin my hour, Mr. Speaker, I would like to address some of the concerns that were raised in this previous hour, many of which I did not hear in great detail, some of which the philosophy I heard ad infinitum here one or 2 hours a night after our session every week for the last months.

One of the issues that came up, Mr. Speaker, was the issue of weapons of mass destruction, and yes, I have been to Iraq. I have been there three times. The last time there was I came back the latter part of August, and I make it a point to go to the places where some of the other Members of Congress have not gone. I make it a point to find soldiers there, generally I ask for Iowans, anybody here from Iowa. We sit down and talk, and I meet with people all the way up the line to the top brass and also to the U.S. ambassador, representatives of the Iraqi government. I have tracked this through the history of the liberation of Iraq and on through to this point that we are today.

It saddens me a great deal, Mr. Speaker, to hear some of the leaders of the party on the other side and a very small number of people on my side of the aisle who have lost their faith, lost their faith in their own judgment, Mr. Speaker. In fact, we had this debate here in this Congress in the fall of 2002, and this Congress voted by a solid majority to endorse the President's authority to use force to enforce the resolution of the United Nations in Iraq. Those resolutions had to be enforced, Mr. Speaker, and without that, there would have been no teeth whatsoever to the United Nations.

Our President did that. We knew that was going to be the case. We knew when the debate took place in this Chamber that there was going to be a majority decision. I would like to think when we meet here to have these debates, Mr. Speaker, that we stick with the decision of the majority. That is the will of this body. When the will of this body is reflected and the will of the Senate is reflected and that resolution makes its way to the White House, where statutory legislation the President signs it, if it is a resolution the President takes account of the judgment of the House of Representatives and the judgment of the Senate. The judgment of the House and the judgment of the Senate was to endorse the President, the commander-in-chief, and grant him the endorsement of Congress to use authority to enforce the United Nations resolutions, particularly 1441. The President did that.

There is a long argument as to why he did not have an alternative, and our troops went into Afghanistan. Our troops went into Iraq and liberated 50 million people, and they are grateful today, extraordinarily grateful today, to have that opportunity to be free.

If anyone doubts that, look back in your mind's eye to last January when the Iraqis went to the polls to elect their interim parliament. Eight to 8.5 million of the Iraqis went to the polls to vote, and they voted and they dipped their finger in the purple ink. They proudly and they, in fact, defiantly marched out of there with their purple fingers in the air. When they were threatened with their very lives for going to the polls to vote in that January, there were 108 attacks on the polling booths in Iraq by some suicide bombers, all terrorists, trying to intimidate the entire country from voicing their voice of freedom, their voice of directing their national destiny through their elected leaders. Yet, they went to the polls and defied all of those threats and, in fact, upset the predictions from the other side of the aisle, Mr. Speaker.

So the people that did not have faith that there could be legitimate elections in Iraq saw them happen, and those people that were so invested in failure, that they could not abide admitting that there was a success, began to explain it away.

Well, we had kind of an election, kind of a legitimacy came out of the mouth of JOHN KERRY. So how much more legitimate can you get when people defy a threat of death to go for their first time and vote for the first time in their lives, and legitimately, their argument can be made the first time in all history on that piece of real estate. They had that courage to take advantage of that opportunity, and they voted in greater numbers in percentage-wise than Americans did in the presidential election.

Yet, we had people over here that said, well, it is a kind of legitimacy; it really is not a real election; we really do not know how many people that did not participate that would have if somehow or another they believed in the process, had more courage or been less threats on their lives. Yet, they voted in greater numbers than Americans did, and they call it kind of a legitimacy. That was January.

October 15, by then this new parliament has written a new Constitution, another milestone, a milestone that set on the calendar a sequence of events that need to take place in order to take Iraqis who lived under tyranny, of murderous torture and tyranny, once that is taken, the resources of the country, and focused it on building palaces for themselves and glorifying their own leadership of Saddam Hussein, at the very expense of the people, a country that spent less than 50 cents per person per year on health care, did not let the girls go to school, that did not allow freedom of speech or press or religion, a country where you could not own a satellite dish or there were not free newspapers or there was not a television station that did not project the very opinion of Saddam Hussein himself, that, today, on a very short period of time of liberation, which really took place in the latter part of March of 2003, now nearly every home, everybody in Iraq has access to satellite TV, which is access to the world.

I flew over up in Kurdistan up at Kirkuk, and I looked at the difference. I was over Mosul in October of 2003 and looked down. Two out of three homes had a satellite dish. I flew over the suburbs of Kirkuk up in Kurdistan, and I saw homes there. At each one of the neighboring homes were typical, about two stories, flat roof, many of them had three satellite dishes on one roof. All of those dishes would have been illegal just 3 years ago, Mr. Speaker, along with the mobile phones that are there, the cell phones that now are replete all across Iraq.

There is something like, and I get conflicting numbers, somewhere between 100 and 170 new newspapers, some of them printing the real truth where none of them printed the real truth when it was under Saddam's regime. New radio stations that have grown to significant numbers out there, and television stations, the media has gotten out to the people, and some of it is the truth. It is not all the truth. We all know it is not all the truth in this country.

One thing we have is the check and balance on our mainstream media, who has a certain desire to destroy our effort over there is the bloggers and the Internet. They do tend to get the truth out, and they are a check and balance. In a free country, you will get that check and balance, but people on that side of the aisle do not have that faith in this new freedom that 25 million people began to realize and appreciate in Iraq, that began the latter part of March of 2003, that freedom the Afghanis have known for a little while before that.

Afghanis that had not gone to the polls ever in that place on the globe now have, and they have freedom, and certainly there are uncertainties. Yes, they have enemies. A Nation that has really not known anything but war is not going to be at peace just overnight, and Iraq's had it share of strife. There will be more ahead of us.

We have lost 200 Americans in Afghanistan, and we have lost more than 2,000 Americans in Iraq, and their sacrifice is great value. It has great meaning and it is profound, and their conviction and their demonstration of courage and their leadership and their sacrifice will echo throughout the ages, Mr. Speaker.

□ 2115

It is going to echo a long ways into the future in a way that never would have happened if we had receded from this challenge: if we had listened to the people on the other side of the aisle that wrung their hands and thought we should not have gone to Afghanistan but could not figure out how to say we should not, and so only one Member voted against going into Afghanistan, and that is all.

But we sit there, having lost more than 200 Americans in Afghanistan, and do not hear a peep out of this side. What is the distinction between Afghanistan and Iraq? The difference is between 1,800 American lives. All sacred in my mind. All precious American patriots in my mind. All deserving their legacy for which they paid the ultimate price. All of them deserve our very best, Mr. Speaker. All of them deserve for us to keep the faith, to keep the honor, to keep the pledge, and to keep the commitments that were made in this Chamber in the fall of 2002 when a significant majority voted to endorse giving the President the authority to use force if necessary, and when this

Chamber established a policy of regime change in Iraq.

Now we are hearing it from the other side, over and over and over again relentlessly. And what is it about? I will submit this: it is about politics. It is about such a hunger and such a lust for power it would tear down the very destiny of the United States and put our American troops at risk because they want to be in the majority. They want the Presidency and they want the majority in the Senate and they want to change the face of America and send us down another direction that is against the will of the American people.

But why? Why would someone put our troops at risk for political lust? I do not understand that, Mr. Speaker. I look back in history and I wonder when, when has there ever been a precedent where the well-being of America, when disagreements that we have had in this country did not stop at our shores; when we did not have political campaigns that focused on our economy, on our domestic life and the future of America, but joined together to support our military operations overseas when at time of war.

How many of the people over here are saying wrong war, wrong place, wrong time? Howard Dean says a war that cannot be won. JOHN KERRY said wrong war, wrong place, wrong time. TEDDY KENNEDY said it is a scheme cooked up in Texas. Do they not think that our enemies listen to them? Do they think that our enemies know what we know about them, that they really are not the spokesmen for the foreign policy of the United States of America?

They are the naysayers, the critics, and the gadflies. The majority of the American people understand this. We voted in this Chamber when, and I will say the Murtha amendment or the Murtha resolution came up on the floor of this Congress, and that resolution said we should pull out of Iraq immediately. That was the recommendation that was made across the aisle, or at least by the news media. It was not verbatim to the resolution drafted by the individual. We debated that in this Chamber for 3 hours; and when the 3 hours were over and we debated the rule and we debated the resolution, at the end of that 3 hours, Mr. Speaker, the vote went up and three Members of the United States House of Representatives voted to immediately pull out of Iraq. Everyone else, Mr. Speaker, voted to stay the course, voted to support our troops, voted to defend their mission and ratified the authority and the direction that has been given to our military by their Commander in Chief, our President of the United States, George W. Bush.

Those are the facts. Yet night after night after blessed night the team comes down here and relentlessly assaults the integrity of the administration, rearranges the facts of history, and seeks to dupe the American people, believing that somehow or another if they can erode the confidence of the American people, they will not have any alternative but to accept these people as their leaders. It is a frustrating thing to watch. But it would be even more extraordinarily frustrating if I did not have so much confidence in the American people and in their judgment.

History has shown that in times of difficulty and in times of strife the American people have risen up together and that their judgment is sound. They believe in the principles, the Constitution and individual rights, and in freedom; and they know that freedom is not free. They know intuitively that if we are going to support our troops we must support their mission. We cannot separate the two.

We cannot say to a soldier or a marine who puts on that helmet and puts on that uniform and salutes that flag and then goes out and puts their life on the line, that we are for you, but we are against your mission. We can never ask someone to put their life on the line if we do not support their mission.

And we have asked them to do that. And duty and honor and country says that they do that, and they do that proudly. But when we look them in the eye, we know it is a dedication. They take their share of the risk. And when the grim reaper visits some of those homes, it is a sad time. And I draw my strength from those families and their belief in this country and in our freedoms and in our patriotism. It is stronger than the belief that we find in the average American household because they understand.

One of the reasons they understand, I think, is because they have also imparted those values to their sons and daughters who have gone forth to protect our freedom. When that call has come for them, they have stepped up, and we owe them. We owe them 100 percent full support. We owe them all we can that is due them if we are to respect their memory. We have to give our level best as they fight to preserve these freedoms.

Yes, we fight that out on the floor of the House of Representatives, Mr. Speaker; and we fight it out in the debates that take place in the coffee shops, in the workplace, in our churches and schools, and in our homes across this country. But I want the young people to understand that there are certain fundamental truths that we have to stick with; and one of them is that if we are going to support the troops, we must support their mission. We cannot have it both ways.

We cannot have our cake and eat it too. We cannot undermine their mission and say that we support them. And when we argue that somehow or another there could have been a better plan, and we Monday morning quarterback and look back over 3 years and say, gee, knowing what I know now, this is what the President should have done then. It does not help the cause.

When my colleague from Massachusetts seeks to discuss these issues in open hearings, I will not deny his right to ask for that. In fact, I will not deny a congressional right to have those kinds of open hearings. But I will say that it is not constructive for us to have these discussions out in the open. It is constructive for us to have these discussions behind closed doors, to reach a consensus and determine if we need to look further into any of these issues.

Mr. Speaker, we have seen $200 billion get poured into a country for military support and reconstruction efforts, and by the way, the reconstruction efforts were the smallest part of all of that. As I mentioned to Mr. DELAHUNT, I have been there to review the construction that took place in Iraq, $12.5 billion done by the Army and the balance of that, $18.5 billion, that was done by other entities there, including the Seabees and others, subcontractors that were put together.

I looked at the roads and the sewers. I looked at some of the bridges and the streets and the water lines. I have looked at the generating plants. I went up to Kirkuk to see the mother of all generating plants, 725 tons of generator and turbine, two pieces bolted together which came across 1,057 kilometers of open desert and came on a caravan with other components of that mother of all generators which was over a mile long.

That generator, Mr. Speaker, had to arrive at that location out in the countryside near Kirkuk, Iraq, without a bullet wound in it. Because a bullet wound into the windings on that generator would have incapacitated it. But it arrived there safe and sound. They took a big crane and set it into place, the generator. They took the same big crane and set the turbine in place and then bolted them together. Several hundred Iraqi workers began to scurry around and put the pieces together of this mother of all generating plants.

Now, we are told that this is far too dangerous a place for people to invest capital, for them to develop anything or put any commitment into energy. But in that area, for all those months that they constructed that huge generating plant, and after coming across 1,057 kilometers of desert, and after they had to rebuild and reconstruct eight bridges to get the strength there to cross those bridges with that caravan, throughout all of that, there was one little attack by insurgents, and that was fairly feeble, which resulted in one wounded person from a little bit of shrapnel.

There was not a wall built around this generating plant. There is not a trench. There are not terraces pushed up with soldiers behind them all. There are not tanks dug in. They do not have Blackhawks hovering over this generating plant 24 hours a day. It is not sitting there rimmed with armed guards. Sure, it has a little security, but it is not ringed with armed guards. It is out in the countryside near Kirkuk, up in an area where the Kurds live.

And throughout all of that, there sits that generating plant, the mother of all generators, pumping electricity into Kirkuk, pumping it into the surrounding communities. That can be a model of the energy that is unleashed into that part of the country. And I might add that if this were a highly dangerous area, an area that you could not control the security in it, then would there be a 12-inch natural gas pipeline that runs on the surface of the ground down to that generating plant that runs the turbine that turns the generator? Would that not be a highly sabotagable natural gas line? And would they not take that up every night, if they could?

The reason for all that is that those folks up there are not interested in that. And 14 of the 18 provinces in Iraq are not interested in that kind of violence. They have a sense of security. They are building for the future. The children play in the streets. The families plan for their future. They go off on vacation. They go up to the lake and go swimming, like you and I do. Many places in Iraq have a normal, normal life. People on this side of the aisle would not want you to know that.

Many do not want Americans to know that during Saddam's regime he was killing his own people at an average rate, Mr. Speaker, of 182 a day. Now, this was a tough day in Iraq, Mr. Speaker, but I cannot remember the last day in Iraq that there were 182 people that died at the hands of violence. Every day that goes by there are another 182 Iraqis that are alive that would not be otherwise if Saddam were in power.

He is on trial today, and in a few hours they will gavel in in a courtroom in Baghdad, and he will be back under trial again. They are putting together a record, Mr. Speaker, a record of the atrocities that were committed under the regime of Saddam Hussein.

I have met some of the people that were victims of those crimes. The other night I sat down in a coffee shop for 3 hours and talked with a young lady from Kurdistan. She had grown up there in that region, within an hour of Kirkuk. She has a friend, a friend that survived Saddam's gassing of Halabja where 5,000 Kurds were killed: men, women, and children, the most innocents of civilians.

We have all seen the pictures of civilians lying there dead, gassed to death, a mother holding her child and families lying there dead. One of this young lady's friends is an individual that escaped from that gas, that gassing death at Halabja and lived to tell the story.

As she told me the story of that friend, I asked her if she believed that Saddam Hussein had no weapons of mass destruction. Ladies and gentlemen from the other side of the aisle, I challenge you to try to convince that young lady of that. No weapons of mass destruction, when 5,000 of your neighbors are dead, when one of your friends has escaped the gas? How would you convince someone who had lived through that that it did not exist, because we did not find huge warehouses of gas, huge warehouses of chemical weapons, huge warehouses of biological weapons? Because we did not find a nuclear bomb affixed to the tip of a missile that had the capability of going to Tel Aviv? Would that have been enough? Or Washington, D.C.? Would that have been enough not to have detonated?

I submit, Mr. Speaker, that the people on this side of the aisle have so much political capital invested in failure that they cannot abide victory. In fact, I challenge the people that will come out here on this floor in another 40-or-so minutes to define victory for me. Define victory for the American people.

☐ 2130

Let us hear what is the upside of this. I hear a relentless drumbeat of pessimism night after night after night. The pessimism is so deep and so dark, I could not wake up in the morning and face myself if I thought the world were really like that. What is victory, Under 30 Group? How would you define victory? And I will submit that they will never, Mr. Speaker, define victory because the investment in defeat is so great and the fear of victory is so great that they know as soon as they define victory, they will not be able to raise the bar again and again. They will not be able to redefine victory again and again and again. They will not be able to challenge the wisdom of this administration and continually give us a pessimistic viewpoint that causes so many people in this country to lose faith on where this Nation is going.

I will define victory. Victory was defined by this administration, in fact, more than 2 years ago. It was defined shortly after the Iraqis were liberated in March and early April of 2003. Our President laid these principles out clearly. It was already defined in advance, and now I can back up and I can tell you the sequence of events.

You liberate the Iraqi people, do so militarily. Our troops did that in a miraculous way. Even though detractors said you do not have enough troops to do that, Colin Powell had over half a million, you are going to do it with less than half, how can you hope to do so when you are going up against one of the largest armored militaries in the world? How can you go across the desert with your own armor in a fashion that has never been done before? How can you attack a city and liberate that city that is larger than any city that has ever been invaded and occupied by a foreign power in all of the history of the world. It will be another Stalingrad, they said. But before we got to the Baghdad, about 3 days in we got hit with a 4-day sandstorm and then there we were all bogged down in this quagmire.

It was said the Iraqis are the only people that can see in the sand, and here our troops were hiding. The argument is will be slaughtered by the Iraqis because they are desert fighters, and our troops do not know about that environment.

Mr. Speaker, it turned out to be entirely different. The world found out that our airplanes could see through that sand and they could identify the Iraqi armored columns. The Iraqis had their heads in the sand and they were waiting that storm out. And a lot of them did not live to see the end of that storm because we had the ability to see through the sand and we hit their armored columns, and we knocked much of that out during those days. And when the sand stopped blowing, our armored columns started up again and they headed up to Baghdad.

Mr. Speaker, it was the longest and fastest advance across the desert in history. They arrived in Baghdad almost in a sequential column between our Army and our Marine Corps from two different directions. On a Thursday they went in and drove around through Baghdad with a tank and a couple of armored personnel carriers and looked up at the hotels and buildings. Essentially they met no resistance to speak of. They came out of Baghdad and said we really have liberated the city, and they had. It is the largest city in the history of the world to be invaded and occupied and liberated by a foreign power. It is an astonishing accomplishment.

Was there an effort then to go forward from that martial law period of time and establish a civilian government in Iraq, you bet. In Mosul, the liberation took place in March, and in May, they elected a governor and a vice governor from Mosul. They sat down and again to craft how to govern that region.

I met with those people in October 2003. They were doing business as usual. It was already usual in Mosul. So we went from liberation to martial law to the civilian government. We went to the Coalition Provisional Authority under Paul Bremer. Under that we had regional elections in some regions. We put the people that lived there in power. That was another great milestone.

Under the CPA, we had local governments that were functioning well. We needed to get the head of this government put back on again, and that was Paul Bremer's job to do that. He knew that we needed to hand over that authority to a Civilian Provisional Authority in Iraq. That happened in June. The date was set, but unlike most of the milestones for any other effort in history, the Iraqis and the American military did not just meet that deadline. Generally they get delayed, delayed, delayed, but they beat the deadline by 48 hours and took over control of Iraq with an interim civilian government from Paul Bremer and the CPA. Another milestone reached, Mr. Speaker.

And that milestone went on. As the interim Iraqi government began to put the pieces in place so they could begin to get some connections between Baghdad and the rest of the country, and it was their job to prepare for an election. That election took place in January. That elected the interim government, and their number one job was to craft a constitution. Between January of this year and October 15 of this year, they crafted a constitution. It was a tough task. A lot faster than we crafted our Constitution here in the United States of America. This Constitution that I carry by my heart every day I have a jacket on for a pocket for it, it was a struggle to get our Constitution established. We had a Constitutional Convention.

We had an effort for ratification. Essentially it happened in 1789. We had a Declaration of Independence on July 4, 1776, so 13 years and several months later, we had a constitution ratified by the people. We have not been in Iraq anywhere near 13 years, and I do not expect the effort is going to take anywhere near that long.

It was a struggle to establish this constitutional republic that we have in the United States of America, and it is a struggle to establish a free government in a region of the world that has not had one before. But the Iraqi people stepped up and reached each milestone and crafted a constitution. Now 108 polling places were attacked by terrorists in January in the election that elected the interim government, the interim parliament that crafted the constitution.

By October 15, 2005, the election that ratified the constitution that was drafted by that interim parliament, there were 19 attacks on polling places as opposed to the 108 that took place in January. That is a measure of progress, Mr. Speaker.

We look throughout Iraq and we measure progress after progress. But now we are sitting here with a ratified constitution and our interim parliament and an election coming up December 15. Of all of the milestones that have been laid out in this sequence that I have talked about, liberation, local elections, establishment of the Coalition Provisional Authority, an election to elect the interim parliament whose job it was to run the country, a constitution, you add all those things all up, and this election on December 15 is more important than the others by far because this election puts in place a parliament in Iraq that truly represents the people. It will be the voice of the people and it is a certified voice of the people. It will be, among the Arab world, the most legitimate voice of any Arab people in the world.

I would submit there is only one place where an Arab can go for a fair trial outside of Iraq, and that might be Israel. We are watching a fair trial take place in Iraq today, and that will be the second place in the Arab world where a person can go to get a fair trial. When this election takes place on December 15, 2005, several days from now, it will put in place a parliament that is elected by the people of the sovereign nation of Iraq. They will select a prime minister, and they will then be more legitimate than any other Arab nation that sits at the United Nations.

And the sovereignty that comes from that and the consent of the people that empowers their representatives in almost the same fashion as we consent as people to empower representatives here, will give this government the authority to move quickly and decisively down the paths of progress.

I am hearing naysayers. I am hearing detractors. Why? Why when we are roughly a week from time we are going to have a certifiable, sovereign nation of Iraq that has the ability to sit down and negotiate oil development contracts with some of the most effective oil companies in the world, to come into this country that is rich with resources, so rich with resources that oil seeps to the top of the ground, and I have seen it, Mr. Speaker.

So rich with resources that more oil wells need to be punched in and more pipelines need to be laid and refineries built, and the export of the wealth of Iraq will pour the capital back into that country, and we will see that economy start to grow and multiply and flourish. Why do we hear these negative comments and detractors? Do they not know that our soldiers over there want and need their support? That the people that watch al-Jazeera TV see these voices as quasi American leaders. They see these as people that are directing the policy of the United States of America. They do not understand that the Commander-in-Chief is not listening to this every night. Thankfully he is not listening to this every night, and I hope he is not.

The Commander-in-Chief has to lead us down a path without regard to public opinion. He will take into account our judgment, but the destiny of this country is more important. If the mainstream media and the relentless drumbeat on the floor of the House takes the confidence of the American people down so low that they have lost their will, it is the job of the President of the United States to step up and take the debate to the American people and do the fireside chats in this modern technological world, lift our spirits up and give us the facts. I am here to help him do that.

He has given us some of these fireside chats and speeches. He understands, as I understand, that our freedom, our freedom depends upon our soldiers, yes, but it also depends upon our will. There is something that is a universal truth throughout all of history and that is a war is never over until the loser realizes they have lost. That is a fact, Mr. Speaker. War is never over until the loser realizes they have lost.

If you are down in the dumps and you are losing your soldiers and troops and you are losing your ability to combat a battle, losing your munitions, losing the funding network, you are really down and out, there would be some people in this country that think that I am talking about the American or coalition forces, and I am talking about Zarqawi's people. They are down and out. They can barely put together enough munitions to conduct any kind of opposition. They do not have a lot of logistical support. They are hiding in caves and cowering in mud huts in places throughout Iraq, and they are going out one or two every day dying for their cause, dying for a lost cause.

Mr. Speaker, I will submit that the people on the other side, the al Qaeda people, the Zarqawi people, they have it pretty tough where they are right now. A lot of them are dead. Perhaps 75 percent of their leadership is dead. We decapitated the number 3 man in Afghanistan within the last week.

They have been writing letters back and forth from Zarqawi to Bin Laden. We know they are short of resources. One of them asked, could you kindly send me $100,000. Zarqawi wrote a letter a while back that said in this country we do not have any place to hide. This is not Vietnam. They do not have any mountains. They do not have any forests to hide in. The only place they can hide is in the homes of the Iraqis, and Iraqi homes that are willing to hide al Qaeda terrorists, he said, are as rare as red sulfur.

Red sulfur does not mean a lot to us here. I submit it is quite rare. Red sulfur fits in the category of maybe as rare as hen's teeth or chicken lips or frog hair. It is a rare commodity. He draws the distinctions between Vietnam and Iraq: No mountains to hide in, no forests to hide in, and the homes they have to cower in where Iraqis are willing to house them are as rare as red sulfur, rare as chicken's teeth, rare as chicken lips, rare as frog's hair.

So they feel that taste of defeat. When they are about ready to give up, we can take the tone of that letter some months ago, and have to think they are very close to the end.

Then we hear the voice from the other side that says we cannot win. Howard Dean. This war cannot be won. The esteemed gentleman, the ranking member of the Armed Services Committee. This war cannot be won.

In the same debate he said, Our military has accomplished their mission, bring them home.

Was not their mission to win? And how do you define your exit strategy? Victory, Mr. Speaker. That is how we define the exit strategy, victory. There is no other exit strategy. In fact, I would submit why would you want to leave.

□ 2145

I certainly want the Iraqis to take over the defense of their own country, and that is our administration's policy, and it is one that I support. There are over 210,000 Iraqis in uniform that are trained, and you will hear again from this side of the aisle, Mr. Speaker, that there is only one battalion that is combat ready. One battalion. Maybe there was a time there was only one battalion, that there was not one American in that was truly combat ready that had the logistical support that they could go out and engage in combat without cooperation, coordination with American troops and American know-how and American logistics and American ingenuity and ability. Maybe one.

Mr. Speaker, I would submit to you that 30 to 40 percent of the Iraqis that are in uniform, trained, equipped, ready for combat, having the courage to defend their country, 30 to 40 percent are engaged and ready to engage; and some of them have some American advisers there, and these people on this side of the aisle argue that disqualifies them from defending their country. I wonder what the mothers and the fathers and the wives think when they have an Iraqi soldier that is killed in the line of duty and they are told by the floor of the United States Congress that they were not really qualified for combat, they really were not ready to defend their country.

Mr. Speaker, these people are ready. They have the courage. And many of them are ready for combat. Many have been in combat. Most of them go in combat with American soldiers, and it is a good thing for us to have. I would not want to say there are 210,000 Iraqi troops with uniforms and equipment and training and they are all ready to go into combat right now and all we have to do is just turn them all loose, Mr. Speaker, and they can all go into combat and at the same time, same day, same night American troops come back to their home bases, to their wives, their husbands, their sons and daughters and their parents. I wish they could, Mr. Speaker, but that would not be prudent. It would not be wise and it would not be good policy.

It would not be good policy not to have an American involvement there to go through a transition, a transitional period, Mr. Speaker, that provides for a gradual transfer of power so that the Iraqis that are willing and eager to defend their country are handed over those reins of responsibility in a fashion that ensures success. So maybe sometime ago there was only one battalion that did not have any American involvement. About that same time that you heard the remarks about one battalion, one Iraqi battalion that did not have any American involvement, at that time we really did not have any American bases either that were under the control of the Iraqis.

But since that time, we have 20 bases that have been handed over to the Iraqis to manage, 20 military bases. Have you heard that from the other side of the aisle? Have you heard that the Iraqis have taken over the control of 20 bases? Because we have confidence that they can provide the security and the logistics out of those places and dispatch their troops, take care of the communications, food and housing and training, all the munitions and equipment, the logistics that take place there and provide the security in the region.

Twenty bases the Iraqis have today that they did not have when the allegation was made that there was only one battalion that was combat ready. So you get a real twisted view here, because we have people that get out of bed every morning and they scour the television, they scour the newspapers, and they scour the Internet trying to find the most negative that they can so they can bring this down, hustle down here and trot out onto the floor of the House of Representatives, Mr. Speaker, and begin to inform the American people of the most pessimistic view point, not always substantiated, by the way, but the most pessimistic view point possible because they want to dispirit the American troops.

Well, that is some of the effect, only our people are so courageous and they do not listen to you all that much. But they are sure, in a word, encouraging our enemies. Osama bin Laden, Zarqawi, Zawahiri, Muqtada Al-Sadr, all of those people. They believe that the Americans are going to lose their will; and if we lose our will, so will the rest of the coalition forces. Last night I put a poster up here on the floor that showed a picture of Muqtada Al-Sadr, big old blow up of his bearded face, and the quote beneath his face that I heard come out of al-Jazeera TV in Kuwait City. The quote was, he said it in Arabic, I watched the English subtitles, if we keep attacking Americans they will leave Iraq the same way they left Vietnam, the same way they left Lebanon, the same way they left Mogadishu.

Now, if you are an enemy, and you are dispirited like Zarqawi was dispirited when he wrote the red sulfur letter, and you hear that quote out of one of their leaders, by the way that same quote has come out of, in similar language has come out of the mouths of all four of those leaders that I have talked about, Muqtada Al-Sadr, the non-al Qaeda, the Shiite leader who is actually I will call him a revolutionary in some fashion. But Zarqawi, Zawahiri, bin Laden, Muqtada Al-Sadr, all of them have made statements that you will find out there on the Internet that says the Americans have left in the past. They have pulled out of places like Vietnam, Lebanon, Mogadishu. They will pull out of Iraq. Just persevere, blow yourself up one more time, get your 72 virgins, turn yourself into smithereens, take a few people with you if you can and you will be adding to this cause somehow and some of the rest of us will figure out how we can come in here and create this civil war that will split this nation into three different section.

What is the future for Iraq if we let that happen? Think about it for a minute. What is the alternative? What is this idea that was presented by the chairman of the Democrat National Committee that we ought to evict ourselves from Iraq and pull ourselves out of there and go someplace where we are wanted. Did you ever know there was a need for an army or you were really wanted? Anybody ever invite you all in there and say, gee, we like you folks. Why do you not come in here and stay because we like the way you spend your money downtown. Actually, there is a place in Germany like that. They are glad to have us. But that is not a reason to send an army there. An army goes a place generally where you are not wanted to free the people that are under the tyranny of those who do not want you there.

But Mr. Dean has advocated that we pull our troops out of Iraq and go to another Middle Eastern country where we are more wanted, and then we can fight Zarqawi from there. Boy, you know, Zarqawi, I wonder if he is writing those press releases for Mr. Dean. That is what I would want if I were Zarqawi. I would be trying to convince Americans, get your troops out of here. Why do you not go someplace where you are wanted, and then Zarqawi would be free to turn Fallujah into an armed camp, to turn Ramadi into an armed camp, to turn Tikrit into an armed camp, to turn all of the Sunni Triangle into an armed camp and pull in money from around the rest of the Arab world and bring in and arm all the troops and recruit more al Qaeda and turn it into a training camp, and, yes, develop more weapons of mass destruction, both gas, biological to get the money.

We are watching what is happening over in Iran. Nuclear. Add that all together, take the advice of the chairman of the Democrat National Committee and pull our troops out of Iraq, go to an Arab country where we are more wanted so we can fight Zarqawi from there, Mr. Speaker? That does sound like something that has been put out by Zarqawi himself. And it would be the very worst scenario that we can imagine. We are there now. Zarqawi is at least under our thumb. We have him surrounded. We do not know exactly where he is, but we have him surrounded. So we have to stay there; we have to finish this job. And every time we squeeze them down a little more, a little more, it gets harder and harder, and Zarqawi gets ready to write a letter and to sound a little more desperate each time when he puts out a plea for help that goes to Osama bin Laden, who essentially has not had much of a voice in what is going on in this effort for a good long time, Mr. Speaker.

Pull out of Iraq. Go to a place where we are more wanted in the Middle East to fight Zarqawi from there. Think what happens if we ever pull out of Iraq. If we pull out of there, and it is not clear to history that we have a victory, if we pull out on our own free will, if we redefine victory ourselves, history will define it anyway. History will define victory as the effort that prevailed. And we have said here is what we want: we want the Iraqi people to be in charge of their own country; we want them to have free elections; we want them to elect a parliament, which they will do December 15.

We want them then from that parliament to elect a prime minister, set up a civilian government, a government that represents the people of the state of Iraq, a sovereign state, a sovereign nation. They will go sit at the United Nations, and they will have more credibility there than any other Arab nation, Mr. Speaker. That is our definition of victory, and it is going to take a while for the violence to disappear in Iraq. And the reason for that is, Mr. Speaker, that as I said earlier, a war is never over until the loser understands that they have lost. If we stand on the floor of the House of Representatives and tell our enemies that here is how you win, if we tell them we cannot win, but they have, some of them are going to believe us. I do not believe it. Some of the American people believe it. I do not believe it.

I believe that Iraq is going to be a certified sovereign free nation on the date of December 15, and maybe it will take a little while to count the votes, and maybe it will take a little while to elect a prime minister, and maybe it will take a little while to gavel in that first parliament, and it will take a little while for them to get all the kinks out of their new government. And it will take a little while to get the enemy, the insurgents, purged out of that society.

But as they see this inevitable march, this inevitable march towards freedom, the enemy will begin to understand that they have lost. When they understand that they have lost, then we will have victory because the rest of the principles are there. We have followed the sequence of liberation, Coalition Provisional Authority, interim Iraqi civilian government control, an elected interim parliament, draft the Constitution, put it on the ballot October 15, get a great turn out, ratify that Constitution, and now set an election for December 15. We are now a free people. Free people go to the polls again, and I predict they will go to the polls again in greater numbers than the percentage of the American people do, because people that have never had freedom cherish it even more.

That will be the definition for victory, Mr. Speaker, when we see a free people that are controlling their own destiny and going to the polls and directing their own leaders. They have got their Constitution. It is ratified. They have a tremendous amount of natural resources, and some day very soon after December 15 they can sign a contract with one or a dozen companies that have the technology and the skills and the capital to develop that massive amount of oil that they have. It is theirs. It has been our principle that it has been their oil from the very beginning. Our Commander in Chief said that to the world. And, in fact, if you go read the Iraqi Constitution there are two references in there as to the possession of their oil, and it is their oil.

And it is there for the Iraqi people, and the Constitution defines that it will be distributed proportionally in a fair fashion and equally across the country so that there is equal development of Iraq from that wealth. And soon, within 6 months I will predict we will start to see the oil export from Iraq. Right now, the only thing that is really exporting from Iraq with any kind of profits are dates, and it is about half the date crop that it used to be. That can be improved too.

But when the oil starts to flow out, it is their oil, the profit is theirs, the capital comes in. And when you have capital that comes in, you know what you have. You have capitalism. And capitalism really is the solution to this. We have the military who are doing their job. And behind the military solution is the political solution which is taking place on December 15 in this election. And when that free parliament is established and they elect a prime minister, the next step is hand over some of this development to some people that will risk some of their capital to develop those oil fields so that capitalism can sweep into that country, sweep into that country and so the linkage of military solution, the political solution and the free enterprise capital solution all come to pass, all in their sequence, Mr. Speaker.

When that happens, then we do have a definition for victory in Iraq. And we cannot expect miracles, and it is hard and it is bloody and it is costly. But they can become, and in fact I believe they are, the Lode Star for the Arab people. This inspiration that gets established, when people are cynics in the world think that because of what ethnicity you are, what tribe you belong to, what country you come from, what religion you might be, you cannot handle freedom, well, I agree with the President. Freedom beats and yearns in the heart of every person and all people yearn to be free.

Now we have not gone to war and fought and handed them their freedom. They fought alongside us and some of that freedom they have earned, and they needed to earn it because it is precious and it has more value if it is them earning that freedom instead of us. But I believe this has been a very noble thing that we have done, Mr. Speaker; and I look around the world and I think throughout history, when has this country ever gone to war against another free people? I will say never. Never once in the history of the world has the United States ever gone to war, a clash of arms, against another free people, because we resolve our differences in open debate here on the floor of the House of Representatives and the Senate and across this country.

And one of those things also that beats in the heart of all of us is we have a certain capacity for change in all of us.

□ 2200

That change is within us. It is natural, and it is human, and it is described pretty much in the book "The Case for Democracy" by Natan Sharansky. He spent a fair part of his life in the gulag up in the Soviet Union, and he watched how there they struggled for their very lives and very survival. And the effort that came from them just to stay alive every day consumed almost everything that they did, and he thought that was the world that a lot of people lived in too, but that was a narrow thing that he was in at the time.

When he was liberated from the gulag, he went to Israel, and he became a free person in a free society that had a democracy and open dialogue, and he went to the Knesset, and he watched that debate that was taking place there, and he saw that same energy go into the debate in the Knesset, sometimes arguing and debating and struggling over things that he saw as minutia because he had spent a lot of his years on survival, and the same effort on survival was being burned up and consumed on minutia in a free country.

And he concluded, and I think rightfully, that we all have within us this energy for change, this desire for change, and we will use that energy for a constructive change whether we do so in open debate and dialogue like we do in this country, like they do in Israel, or whether we use that same energy and desire, when we do not have this freedom of speech, to take it out on our neighbor, take it out on our enemy, and do so in a violent fashion and often in the form of terrorism. That is the habitat that breeds terror, the habitat that is anathema to freedom.

So some years ago, shortly after September 11, we had a guest lecturer there at Buena Vista University, Storm Lake, Iowa. Benazir Bhutto, former Prime Minister of Pakistan. She gave a wonderful lecture, and it was fascinating. And afterwards we sat down and had a little one-on-one conversation, and I asked her a couple of questions, and one of them was what percentage of the Muslim world are inclined to be supportive of al Qaeda. How great in numbers are our enemy?

She did not hesitate. In fact, her answer was so spontaneous that I concluded that she had answered that question before, and she said, Not very many, perhaps 10 percent.

Well, not very many, perhaps 10 percent of 1.2 or 1.3 billion people is a whole lot of enemies, in my opinion. That is 120 to 130 million scattered throughout the world. We cannot attack all of them, and we cannot turn our military effort on all of them. We have to find another solution.

So I asked her then how do we get to this point where we can ever define victory? What is victory going to be? How will we ever craft a victory given this global enemy we have that is committed to our death, people who believe that their path to salvation is in killing us?

She said, You have to give them freedom. You have to give them democracy. You have to give them an opportunity for their future, and they will turn their minds, their hands, their hearts from hatred and killing towards their families, their neighborhoods, their communities, their mosques.

That is the difference, and that is the climate that we need to create. That is that climate that is there in Afghanistan, and that is that climate that we are in the process of creating in Iraq. That is how Afghanistan and Iraq can link together and be the inspiration that shows the world that freedom can echo across the Arab world the same way it did across Eastern Europe when the Wall went down on November 9, 1989. And that is some insight.

Mr. DELAHUNT. Mr. Speaker, will the gentleman yield?

Mr. KING of Iowa. I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. Mr. Speaker, I appreciate the gentleman's embrace and affection for freedom. We all aspire to that.

I think I might have misheard, but I guess what I am asking for, is the gentleman making the statement tonight that the invasion of Iraq, the reason that we invaded that country was to liberate that country, or did we have another rationale when we debated here in this Chamber about whether to invade Iraq?

Mr. KING of Iowa. Mr. Speaker, reclaiming my time, there were a number of motives, and I will concede there were other motives; but in the 60 seconds that I have left, I am not going to be able to address all of that.

I will just say that, yes, liberation was part of that; and, in fact, I believe it is the broader vision, this vision that has been brought to this global effort by our President. I think he is a leading thinker on this in the world. Not a receptive adviser, but I think he is a leading thinker. And that is why I raise this issue. It is bigger and broader than weapons of mass destruction. It is bigger than many of the things that are discussed here on the floor of this House, and I bring this message here so that we can see the benefits of the sacrifice and the reason to carry on and the price if we fail to do so.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. DENT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Ohio (Mr. RYAN) is recognized for 60 minutes.

Mr. RYAN of Ohio. Mr. Speaker, as we come back on the 30-something Special Order, I yield to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, let me pick up where we left off. And where we left off, obviously, was my very brief conversation with my friend from Iowa (Mr. KING), because I can never remember a debate on the floor of this House or in any committee of this House where the rationale that was put forth by the proponents of the resolution authorizing the President to invade Iraq was to liberate the Iraqi people.

And clearly the headlines, we all remember the phrases such as mushroom cloud, links to al Qaeda, the potential for an imminent attack on the United States. The gentleman indicates that it was one of those reasons.

What I find interesting, Mr. Speaker, is why was Iraq selected. Because as I look over the map, if it was a combination of reasons, why did we not invade Iran where we had hard evidence relative to weapons of mass destruction, where we knew that they possessed the capability, where there clearly was a denial of freedom? Why did we select Iraq?

And, Mr. Speaker, if we were so concerned about democracy, if the White House had this unstated vision and goal, why did they put a coalition of the willing together that embraced some of the most tyrannical regimes on the face of the Earth? Why did we embrace Islam Karimov in Uzbekistan whose human rights record was the equal of the human rights record of Saddam Hussein? Why did Islam Karimov come to the White House and have a photo opportunity with President Bush? Why did we embrace Turkmenbashi, another thug, Mr. Speaker, the President of Turkmenistan, who has created a cult of personality that is bizarre, who changed the names of the months of January and June? January he named after himself; and June, demonstrating his filial love for his mother, named after his mother?

Mr. Speaker, with all due respect, if democracy was the motive behind the invasion of Iraq, I fail to see the evidence, because we associated ourselves with those who deny freedom every day to their own people. They were part of the coalition of the willing. What message does that send to the world that we select despots and thugs and tyrants, some are good because they happen to serve our instant interests, our interests of the moment, but some are the worst human violators on the globe?

And with all respect to our traditional allies, Egypt and Saudi Arabia, if the President wants to bring democracy to the dark corners of the world, he does not have to go that far. He does not have to take our young men and women and put them in harm's way. When I hear that it was democracy and liberation that motivated this invasion, I cannot accept that. The evidence does not bear that out, and it was the burden of proof on the administration. They never met the test. Their rationale and their excuse were the weapons of mass destruction.

No one on this side is a pessimist, I can assure you. But it is time we leveled with the American people. It is time that we spoke the truth. It is time that we injected realism into this discourse, into this conversation that we are obliged to have with the American people.

As far as the troops are concerned, they know, Mr. Speaker, that the minority party is with them, and they know that because we have fought for their benefits when they come back from this war that we sent them to.

Mr. MEEK of Florida. Mr. Speaker, will the gentleman yield?

Mr. RYAN of Ohio. I yield to the gentleman from Florida.

Mr. MEEK of Florida. Mr. Speaker, let me just say what Mr. DELAHUNT is saying makes so much sense, but I can tell him the reason why we have reams and reams of paper about how government is not working now is the fact that we are governing under a culture of corruption, cronyism, and incompetence. One cannot operate a business under a culture of corruption, cronyism, and incompetence. They can just not do it. They cannot do it. It is impossible to achieve. And it is wrong. So when we have historic levels of corruption, incompetence, and cronyism, it is just hard for us to govern in that way.

People are wondering why am I picking up my newspaper not only seeing indictments but seeing plea agreements by the very people that are elected to come up here to govern on behalf of the American people. So why is it even shocking, Mr. Speaker, to some Members why we have so much corruption in the Federal system? And we come in here as though let me grab a cup of coffee or a latte like it is another day at the office. It is not another day at the office. It is not another day here in Congress. We are concerned, but maybe the majority could also get a little concerned about what is going on.

Let me just mention something because Mr. DELAHUNT just hit a couple of points, and I just want to mention something because here in the 30-Something Working Group, as my colleagues know and others, and I am so glad that Mr. RYAN claimed this hour, the bottom line is this: we have a White House where members of the White House have been indicted or previous members who resigned the day before they were indicted and serious national security breaches in the White House.

□ 2215

Mr. Speaker, this is not hearsay, this is fact. We have Federal investigators now, they are not talking about someone who took a trip somewhere on the Government's credit card. They are not talking about that, you know, someone went to lunch with someone and, you know, the bill was $3,000 and they had eight lobsters. They are not talking about that. They are talking about outing CIA agents. They are talking about information being leaked out that is jeopardizing national security.

They are also talking about issues as it relates to, you know, the influence of the private sector and corruption and not possible cronyism, but cronyism and incompetence. That is what is going on here now. And even here in the Congress, unprecedented investigations, inquires not by the Congress, but by other agencies that are policing us.

So when people start saying, well, why is all of this happening? It is happening because we are not, well, the Congress, the majority, is not governing the way that they should govern and policing themselves. I think it is important as we look at this culture of corruption and cronyism and incompetence that we put it in the right perspective.

We know that a lot of this is allegations. We will just say allegations. I want to make sure that we say that, but I want to also make sure that Members know exactly what is going on. This is not regular business in the Congress. The 109th Congress, historians will reflect, and in the present, will say, this has never happened before in the history of the Republic.

So when folks start talking about, well, you know, I do not know what you are talking about. I am going to tell you another thing. They are coming to the floor, the majority tomorrow, to pass tax cuts on behalf of billionaires and millionaires.

Meanwhile, just before we left here, they cut student loans. Cut Medicaid, cut child support enforcement. Somebody please tell me this is a misprint. But it is not. And going after deadbeat dads. So I wonder how the state attorneys and sheriffs are going to feel about that?

They cut many programs that we need in this country. Meanwhile back at the ranch, we are going to turn our back on what is going on in Iraq and what is going on here in Washington, D.C. as though it is not a big deal.

So I think the gentleman from Massachusetts (Mr. DELAHUNT) is in order when he talks about some of the decisions that are being made.

And one of any colleagues on this side said just because the Republican leadership says it is true does not mean that it is true. We were here on this floor late one night in the 108th Congress, and even in this Congress, but in the 108th Congress on the prescription drug bill. And the gentleman from Ohio (Mr. RYAN) does it so well, I want you to talk about what they said and what the reality was.

Just because they say it does not mean that it is true. The President says complete victory. What is complete victory? What is complete victory? Is it until the last insurgent says I am no longer going to be one?

Mr. RYAN of Ohio. We have a quote over here. Victory means exit strategy, said Governor George Bush during Kosovo. Exit strategy. And here we are a couple of years into the war with no exit strategy. And if you ask for an exit strategy, you are helping out the other side.

Well, wait a minute. We are spending $1.5 billion a week. We have lost well over 2,000 lives, thousands and thousands of soldiers have been injured. Do we not have a right in the Congress of the United States, the House of Representatives, to at least ask when are we leaving? Is it 4 months? Is it 6 months? Can we at least have a discussion on why we should not talk about it, or is it just my way or the highway? I mean, we have an obligation here to do that.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, you know, there has been a whole lot of twisted-up debate on time tables and whether we are insisting on a time table and withdrawal, and whether the withdrawal is immediate or 6 months.

When we talk about the drawn-down of troops, and the fact that we need to make sure that it is the Iraqi people that are ultimately responsible for running their own country, we are referring to the President's objectives that he said that he wants to see.

And the other day I heard the President talking about that we will withdraw and begin to withdraw troops from Iraq when we have objectives that are reached.

Well, what the heck does that mean? Does it mean that when 50 percent of the Iraqi battalions are fully independent? Does it mean 75 percent? Where are the benchmarks? I mean, it is fine to say that we need to have objectives about this. We should not leave or withdraw troops until we meet objectives.

But what are those objectives? I need something concrete to be able to go home and tell my constituents. I mean, we have got 2,013 American lives that have been lost, and 50 percent of those kids have been kids under the age of 22. There is some serious accountability that needs to be brought to bear here.

And, you know, vague references to objectives that should be met by the President is not what I call accountability, not when you have $223 billion being spent on this war.

Mr. RYAN of Ohio. I look at this like your homework when you are in school, and your teacher gives you some homework. The homework is due next Thursday. You have got to have X, Y and Z done. And, you know what, if it is due on Thursday, most kids will do it on Wednesday. Right? That is just human nature. And I am thinking that maybe we need to tell the Iraqis, your homework needs to be done by May. Okay? And it better be done.

If you do not tell them the homework needs to be done by May, then they are not going to do it. So if it is indefinite, there is no end in sight, that is not what the American people want.

Mr. PALLONE. Mr. Speaker, I feel a little bit funny talking about this, because I listened to the gentleman from Iowa (Mr. KING) who is now in the Speaker's chair. I guess he cannot respond because he is in the Speaker's chair.

So I will try not to be too critical. But when I listened to him talk about the war earlier this evening, our Republican colleague, I just think there is a lot of confusion on the Republican side about what the goal is.

And I think what the gentleman from Ohio (Mr. RYAN) said and my colleague from Massachusetts (Mr. DELAHUNT), they are getting to it.

When I listened to the gentleman from Iowa (Mr. KING), it was almost as if on the one hand the enemy was Saddam Hussein, but then on the other hand, the enemy seemed to be the whole of Iraq and all of the Iraqi people.

Now my understanding of this war, I mean, I did not support it, did not vote for it. But my understanding, when the President articulated it, was that we had this dictator, Saddam Hussein, who was basically keeping his people down. He was a dictator. He was not expressing their will.

And once we got in there and got rid of him, that the people were going to welcome us with open arms and feel liberated. Yet I saw a poll yesterday that was done by a British outfit, that said that something like 70 or 80 percent of the people of Iraq thought that we should not be there anymore. 40-something percent thought it was fair to physically attack American troops because they were occupying Iraq.

And so, you know, my feeling is when you get to the point where most of the Iraqi people who we were there to liberate feel that we do not belong there, or even to the point where even the majority are willing to take shots at us because they think that we should get out, then I think we have lost sight of what our purpose is.

And my big contention is that we need to get out in order to achieve victory, because if victory means an Iraq with stability, and where the insurgents do not hold sway, that is not going to happen because we are viewed as an occupying power. That is not going to happen until we leave.

So an exit strategy is important. It seems to me if you want to achieve a victory in the sense that you want to have a stable, Democratic Iraq, I do not see how you have that as long as we are there and the insurgents keep using us as the theme for them to continue to oppose our presence.

But I want to get back also to this whole culture of cronyism, and the other thing that the gentleman from Florida (Mr. MEEK) mentioned. I think that the problem that the Republican leadership has is partially ideological, but also partially corruption in the sense that, you know, if you look at what they do, a lot of it is because they are sort of captured by their own ideology.

Victory means that we have to stay indefinitely until every Iraqi likes us. You know, on the other hand, the reality is that more and more of the people do not want us there. So they got into this idea of what victory means or what success means, and they just do not want to break from it. They are not looking at what is happening practically.

I see the same thing happening here on domestic issues. In other words, you know, tomorrow we are going to vote on this tax cut, which primarily goes to the wealthy and to the corporate interests. Right? The theory behind the tax cut, the ideology is that, you know, if you give everybody a tax cut, that is going to spur the economy.

The reality is the economy is not doing that well. The people are complaining all of the time to me about the loss of jobs overseas. They do not have pension. They do not have health care, good jobs, good benefits.

Mr. RYAN of Ohio. They have been saying this for 5 years about this tax policy. They have.

Mr. PALLONE. On the one hand they are stuck in their own ideology which is that the tax cuts for the wealthy and the big corporations are going to grow the economy, but on the other hand they are also stuck in this ideology in what they are trying to do legislatively, because they know that this helps their political cronies.

They are trying to help the big special interests. They are trying to help the corporations. They are trying to help wealthy people at the expense of the average guy. They make cuts in programs that help the average person like student loans, like Medicaid and housing and all of the other things that my colleague from Florida mentioned.

They do not care about the average person, not only because their ideology says that that is not what they should be doing, because they should be cutting taxes, but also because helping the average person does not put any money into their campaign coffers. They are not looking for a $5 donation from the guy next door. They are looking for the big donation in their campaign coffers from the big corporate interests.

That is what this is all about. So they mask what they do by saying that somehow it is the right thing to do. It is not practically speaking. It does not work. We are getting further into debt. The economy is not improving. The Iraq war is getting worse. We are spending more money in Iraq. We have no money for domestic programs.

They justify it by saying, well, this is the conservative or Republican way to do things. But it just does not work. It does not work for the average person. It does not work for America and our goals as a country. And at the same time, they do it because it helps them politically because they get more campaign money from the pharmaceuticals, from the defense contractors, from the Halliburtons, from the Bechtels, from all of these groups.

So the American people have to understand that this is not working. It has got to be changed. And the only answer is essentially when the election comes next year, you got to throw these guys out. You got to bring back a Democratic majority that is going to work for the average person, that is going to have an exit strategy for Iraq, that is going to be worried about the debt so we do not go further into debt.

As my colleague says, you know, we can certainly work with the Republicans. We are not saying that we cannot. But this Republican leadership is hell bent on helping the wealthy, helping the corporate interests at the expense of the little guy. And we just see it more and more every day. And tomorrow is a perfect example of it with this.

We pass this budget that cuts all of those domestic programs and help the average man. And we are using those budget cuts to fund tax cuts for corporate interests. I yield.

Ms. WASSERMAN SCHULTZ. Your reference to what their philosophy is with pursuing this tax reconciliation, this tax cut package tomorrow as not being a conservative philosophy.

I will commend to you our colleague, the gentleman from California (Mr. CARDOZO's) comments, who is one of the leaders of the Blue Dogs. In his special order last night, with the gentleman from Arkansas (Mr. ROSS), it is the politics of Scroogeonomics, because as we approach the holiday season, what they are doing and what they are engaging in, the Republican leadership is engaging in, Scroogeonomics.

We can only hope that tonight, as many of our Republican colleagues' heads hit their pillow, we can only hope that they are visited tonight by the ghost of Christmas past, because that is how we are going to ensure, it is probably the only way that we will ensure it, through a visit of the ghost of Christmas past, that they are shown what the essential ramifications are if they actually move forward and pass this proposal, the cuts to child support, enforcement, the cuts to food stamps, the horrendous cuts in financial aid that they just handed down a couple of weeks ago in the budget reconciliation, Budget Cut Act.

Now tomorrow they want to give tax cuts to people who are in the top two-tenths of 1 percent of the wealthiest Americans.

□ 2230

We are not making this up. This is factual. That is who the vast majority of these tax cuts will go to. What is unbelievable in this Scrooge-onomics proposal of theirs is that they actually have the audacity to call the budget reconciliation act the Budget Deficit Reduction Act when you have got $50 billion in budget cuts in that and then tomorrow they are going to adopt, hopefully they won't, hopefully we will have enough of our colleagues visited by the ghost of Christmas past and they will have their consciences tweaked and they will vote "no" tomorrow, but then tomorrow we could potentially adopt $70 billion in tax cuts. I just helped my first graders with their math homework, but even they could figure out that that adds $20 billion to the deficit. $20 billion in which we already have $27,000 for every man, woman, child and newborn baby in this country. That is how much each of us owes.

Mr. PALLONE. The thing that is amazing, I know you were sort of hinting at the holiday analogy there. I cannot help, this is the 2 weeks between Thanksgiving and Christmas, or Hanukkah, too. I cannot help thinking of the analogy. I try not to necessarily throw religion into the debate.

Ms. WASSERMAN SCHULTZ. I was referring to the holidays.

Mr. PALLONE. But think about the sort of Christmas analogy. We all talk about religion, and certainly Christianity, I am a Christian, preaches about how you are supposed to help the poor and help the downtrodden, and here we are in the holiday season cutting programs to the poorest people, the victims of Katrina, their health care under Medicaid, their housing, their ability to get food stamps or food programs. Then I also think about the manger in the story of Jesus and his birth, there is the idea that the family went around and they couldn't find a place that would take them, they couldn't find housing and so they ended up staying in the manger because there was no place else to go. That is how I feel. You read about these housing cuts and I feel like this is like Mary and Joseph and Jesus walking around, they can't find a place to sleep and they have to end up on the street. What happened to this whole idea of Christian values or religious values? It is like thrown out the window at the very time when most people are thinking about it.

Ms. WASSERMAN SCHULTZ. When you are talking about your faith, my faith, I am a member of the Jewish faith, our faith talks about the spirit of Tikkun Olam and giving back to our community and thinking of those who are less fortunate. We are referring to the party that claims to corner the market on faith-based values. If you look at every aspect of their agenda, there is not a component of their agenda that has anything to do with what our faith traditions teach us or with values or with making sure that the least of us and the least among us are assisted. We are supposed to be their voice. If you had listened to the religious leaders who have come to this Capitol and talked about how abominable they think this proposal is, both the budget reconciliation bill and the tax cut package tomorrow is, then you would know that they do not have the moral high ground in this debate whatsoever.

Mr. MEEK of Florida. The gentlewoman is 110 percent right. I would say, and I will even give credit to some of our colleagues on the Republican side, the few within the conference, that agree with making sure that we carry ourselves in a responsible way. In the hour before, we were going to talk a little bit about responsibility and you are talking about responsibility. You are talking about a social and leadership responsibility that we have in the People's House, or what is supposed to be the People's House.

The gentleman from Massachusetts talked about decisions that have been made here in the past and now in the present. When you have a bad idea in many cases, when you start off by saying, like, for instance, a leader can say, I was wrong, or I wasn't quite on point and I'm willing to work with others to make sure that we reach the goals that we set out to do in the first place. What is happening now, Mr. Speaker, the Republican majority and the White House, it is like we don't even want to meet with you. We have conference committees where we have members on this side, ranking members that are saying, I didn't even know that the conference committee was meeting because they are not even notified. That is what is going on. This is not fiction. It is fact.

I just want to point out just a few things real quick. Third-party validator on the action that is supposed to take place tomorrow. I just want to make sure that the Members get this. Economic Policy Institute, www.epi.org. They can get in their office and pull this up. It is the report that is noted, "The Bottom That Wasn't." The economy has little to show for $860 billion in tax cuts, mainly to the billionaires and millionaires.

It goes further back and I want people to pay very close attention to page 12. I just want to make sure that the Members pay attention to page 12 and I think they can read it for themselves. They can pull this up on the Web. You want to talk about responsibility? One of the most respected Members of this House, Mr. JACK MURTHA, stood up and said that things are not as they say they are in Iraq.

Our troops, and we just returned back from Iraq, are doing everything that they can do. We met with the 1st Cav. We went to Camp Victory. We went on to Mosul and a couple of other cities within Iraq. We heard time and time again, yes, we are here but we are here on our third and second deployment. Let me just put on my Armed Services hat here for one second. For us to look at a redeployment strategy, and Mr. MURTHA is right. He has the President running around here giving four and five speeches every week on trying to justify why we should be there and how we should be there. One leader in the Senate, the Democratic leader, Mr. Speaker, in the Senate said, we need to take the training wheels off the Iraqi government and let them know that our military has delivered. Our military has allowed them to be able to have elections come the 15th of December. But no one is talking about the fact which we learned sitting down not only with our military leaders in Iraq but also sitting down with the Iraqi leaders to find out that this parliament that is going to be elected, this governing council that is going to be elected in Iraq, including a prime minister, will not be seated until March of 2006. So folks talk about, oh, December 15 is going to be a wonderful day. They are not going to even get seated, have their power, until March. I guess the Potomac two-step will kick in again. First it was when we get the security forces to the point, and we have to watch the math here when you start talking about this. How many people do we have trained? You hear one number. That number was combat troops, not police combat units. Okay, you have to talk about the interior ministry that has a whole other police force. Only one brigade or two brigades and we have handed this area over. The bottom line and what Mr. MURTHA is saying, for us to be able to allow other countries to become a part of this effort that we set out on, we have to allow them to be a part of it. We are saying we have it.

Tony Blair, the number-one ally, Mr. Speaker, in this war in Iraq, has already said to his country that we're out next year. Period. Done. Not any of this, it's dependent on the training of the troops or it's dependent on how well the parliament and the new government that is in place, it's all dependent on this, that and the other. He said, We're out next year. Period. Our troops are coming home. That is the message to the Iraqi government that they have to get their act together. It would be okay if it was an international effort in putting money into Iraq, but what the President is saying, he goes down to New Orleans and gives a speech a week after the storm that we will rebuild New Orleans. Meanwhile, Time, Newsweek, you name it, every major periodical, be it daily or weekly, special reports have said that it is not happening.

We are telling Louisiana, hey, you have got to come up with $300 billion to make it happen. They don't have any money right now. The bottom line is that just because they say it does not mean it is true. Mr. MURTHA, third-party validator, had a press conference today and eight letters that he gave to the press and to the American people. The thing that makes Mr. MURTHA so credible in this argument, ladies and gentlemen, is the fact, Mr. Speaker, that he is the ranking member and was the member of defense appropriations and he knows where the bodies are. He knows the Potomac two-step when he sees it. It is not about the fact that everyone likes him in this Congress. We all love Mr. MURTHA. But the bottom line is that he can deliver the message. The real issue instead of the administration and the majority running around here trying to discredit a decorated Marine, trying to discredit someone that has stood with the military foot and toe, someone that wrote letters, the first letter about Kevlar and making sure that our troops have what they needed when they didn't have it and discredit him, they should be trying to sit down with him and others and talk about a bipartisan plan that we can allow other countries to come in under a NATO force and that is what is going to happen after we say, okay, this is our strategy, we want to let the Iraqi people know our military is the number-one military on the face of the earth. You give them direction as it relates to what we want to do policywise, they will do it. They will train. They will make sure the people are in place. But as long as we sit there and say, We're not going to stop until complete victory and we don't know what complete victory is, you have to be precise. It is not even leadership when someone is vague and we are spending billions of dollars in Iraq. I think it is important when we start talking about folks carrying out the responsibility they have to carry out.

Whichever way you look at it, there are Republicans that are saying, Yeah, we need to figure out a redeployment plan, but no one wants to talk about redeployment as it relates to getting our troops out of harm's way. Meanwhile back at the ranch here in this country, we have mothers and we have fathers and we have those that are seeing their loved ones, especially if they are soldiers in the Army, that are being deployed for 12 to 16 months. Think about that, in your third deployment. I left for 5 days and it was like I was gone for a year from my family. Think about the person that leaves and you don't see them for 12 months, 16 months, and every day. I cannot even explain to you of some of the phone calls. I cannot even start explaining to you some of the phone calls that I receive from mothers and from daughters and from husbands saying, I cringe every time the news report comes over the television, three more U.S. troops, 10 more U.S. Marines. And we are still here saying, We're here until we carry out complete victory. You have got to talk about responsibility.

Mr. PALLONE. Just real quickly, you started off saying about how we just don't get the true facts from the Bush administration. It is so true. You listen to the President and you would think that the war was going well and everything is getting better. But we had the 10 Marines that were killed this week. The number of casualties now, we figure by the end of this year, is going to be the highest year ever. The number of casualties keeps rising. The President made a statement the other day about how the economy is getting better. We have lost more jobs in the 5 or 6 years that he has been in office than any President since, I guess, Herbert Hoover. And I don't know who he is talking to, but when you go back to New Jersey and you talk to people, the jobs keep getting lost, the factories keep closing down, the jobs that are replacing them are not as good as the previous ones. That is a big problem is that this administration simply does not present the facts and they just make up stories about what is really happening in Iraq and in America. I appreciate your comments. I just wanted to add that.

Ms. WASSERMAN SCHULTZ. When Mr. MURTHA, who has taken each of us, no matter what generation of Member we are, has taken each of us under his wing, I know I have had an opportunity to learn from him and be mentored by him and I am not on Armed Services or Homeland Security or any of the committees of reference but yet he is still willing to sit down. What was the response on the other side of the aisle to Mr. MURTHA's jump-starting this dialogue and doing what essentially the Nation has been begging for and that is to make sure that this body has a dialogue and has a debate and a discussion? To question Mr. MURTHA's patriotism. That was their reaction. It wasn't, Gee, how can we sit down and hash out our differences. It wasn't, Well, we don't agree with you on redeployment. No matter how you feel about to what degree or how quickly we should withdraw the troops, there is no question that Mr. MURTHA is a man with 37 years of experience in the Marines and 30 years in this body, having been the chair of the defense appropriations committee on which he is now the ranking member. That is what they do.

□ 2245

They undermine and undercut and insidiously insult the patriotism of an unbelievable American like JACK MURTHA, and it is outrageous. He deserves better and the country deserves better than where they have taken this debate.

Mr. DELAHUNT. Mr. Speaker, if I can, what we have here, the issue has been discussed in the news in many venues across the country, about whether the pre-war intelligence was hyped, distorted, and whether the American people were misled by the White House, by the Secretary of Defense, by the Vice President.

Let me put that aside for a moment and suggest that this rosy scenario, this euphoric, unrealistic picture that is now being painted about the realities that exist currently in Iraq is also distorted, is also misleading.

As the gentleman from New Jersey (Mr. PALLONE) indicated earlier, the empirical data, the surveys that are being conducted in Iraq have a totally different conclusion and paint a picture of a reality that has to be disturbing to all of us. Just bear with me for just a moment.

This was a poll that was done by the British Ministry of Defense. It was conducted back in October of this year. It reveals the following: 45 percent of Iraqis believe attacks against British and American troops are justified, rising to 65 percent in some provinces. Eighty-two percent, Mr. Speaker, of the Iraqi people are strongly opposed to the presence of coalition troops.

Mr. Speaker, according to this poll, less than 1 percent of the population believe coalition forces are responsible for any improvement in security.

According to this British Ministry of Defense poll, 67 percent of Iraqis feel less secure because of the occupation, and 72 percent do not have confidence in the multinational force.

This is not a question or an issue of pessimism being put forth by Democratic Members of Congress. What this demonstrates, I would submit, is the reality of Iraq today, and that is why we disagree because what we are suggesting is what we hear from the White House, what we hear from some of our colleagues in the majority party, is unrealistic. It is false.

We are not suggesting that any one of our colleagues is lying, but the facts do not support their conclusions. We all wish it was true, but Mr. Speaker, it is not true and let us accept the truth. Let us insist on honesty.

Mr. MEEK of Florida. Mr. Speaker, can I just break it down one more time?

Mr. DELAHUNT. Please.

Mr. MEEK of Florida. It is a culture of corruption and cronyism and incompetence. It is just that simple. It is just that simple. Mr. Speaker, we can outline this thing as much as possible. I mean, we can go into tomorrow morning if the rules would allow it, but it is just a culture. You cannot operate a business, you cannot operate an educational institution, and you definitely cannot operate a government under a culture of corruption, cronyism and incompetence.

Mr. RYAN of Ohio. You have people getting indicted left and right. You have contractors and administrators in the government stealing money. I will give you one story that is both full of corruption and cronyism.

An administrator in the U.S. Government who is in Iraq, who is in charge of $87 million in contracts, gets caught taking kickbacks of a couple hundred thousand dollars. That is corruption. In the 1990s he was convicted of fraud, and they put him in anyway because he was the friend of the proper person he needed to be friends with. That is cronyism, and the whole process of not being able to administer the public dollars in an efficient and effective fashion is incompetence.

The American taxpayers work very hard and they send the money down to us, and they trust us to spend that money in a way that will benefit the government and the safety and security of the United States. To put $87 million in the hands of a crook is not only incompetent, but it is wrong and it highlights their inability to govern.

They control the House and the Senate and the White House. They have been in charge for years of all three branches. They have had the opportunity to implement their Republican agenda on taxes, on poverty, on college tuition, on foreign policy, on everything. It has been a miserable failure across the board.

Quite frankly, I think it is an insult to the American people because we do not live under a dictatorship. We live in a democracy, a representative government. America has always been great, as Leader PELOSI was saying today to the 30 Something Group this morning, because we have these high expectations of what the government should do and what the government should be. I am tired of this body taking advantage of the busyness of the American people.

Why is it that just because they can get away with it they do it? That is not right because America cannot lead the world if it is not strong here at home, and these constant tax cuts for the wealthy and cutting billions of dollars out of college tuition, Mr. Speaker, how are we supposed to invest in the country?

Mr. DELAHUNT. When you talk about corruption, I have a question for the administration, and it will go unanswered. I dare say the fact that it will go unanswered is a demonstration that our own democracy is not functioning as it should and that we are putting our democratic institutions, particularly this institution, at risk of erosion, because we are not allowed to ask questions that the American people want answers to.

Let me give you one question. Ahmed Chalabi is the deputy prime minister of this interim government. He is an individual who was convicted in a Jordanian court for embezzlement of some $100 million. He became a darling, if you will, of the neo-conservative movement in this country. It is alleged that he provided false intelligence that served those that were advocating the invasion in Iraq.

Later, it was reported in the news that Mr. Chalabi was under investigation by the Federal Bureau of Investigation; that there was in Iraq a search of his personal residence because he was suspected of providing intelligence that put American military personnel at risk to Iran; that he was a double agent for the Iranian government. Yet several weeks ago, he is meeting with the Vice President in this country and is going around here in Washington.

Please, will someone tell us what happened? Was there any validity to those allegations?

Mr. MEEK of Florida. Well, he could not go to the Jordanian embassy when he was here in Washington because if he went to the Jordanian embassy they would have arrested him on the spot. The embassy is Jordanian ground, just like our embassy is in Jordan, because they have a warrant for his arrest. But better yet, we are doing business with, again, a culture of corruption, cronyism and incompetence, period.

One thing I also wanted to say, we are talking about a redeployment, i.e., how we are going to have an exit strategy. There are people that are running in a December 15 election that will be seated in March, and guess what is some of the platform. We want our own independence. There was actually a call for the U.S. to give their exit strategy. They are ready to go.

So we are saying that we are there on behalf of democracy. Now they have a form of democracy. They are going to have it in March, and we are still saying they are not ready. Now we are in judgment of them saying they are not ready, but we are saying we want them to have a democracy. Just imagine if someone was to come over here to help us and say, well, we are not going to leave until we think you are ready to govern your own country.

It goes against the very logic and principles even in our own Constitution saying that we want to help democratize other areas, and then when it comes down to it, U.S. cities are suffering and the money that we are spending over there. When their government is seated and one of the actions of business there was we want to govern our own country, we can take care of our own problems, better yet, we are going to tell them, no, we cannot, and once again, Mr. MURTHA is talking about redeploying our troops to Kuwait and some other area in case there is a threat as it relates to terrorism of the U.S., of the United States of America, the flag that we all salute, Mr. Speaker. Then our troops will go in and make sure.

But if there is some sort of war or conflict between different factions within Iraq, that is an Iraqi issue. When did that become our responsibility? We are not the Congress of the world, and the President is not the commander-in-chief of the world. There was not a ballot box over in Iraq outside with absentee ballots of our troops sending their votes in.

So I think it is important, as we look at how we are going to deal with the gulf States, how are we going to deal with health care, how are we going to make sure that small businesses are able to provide on behalf of their employees, how are we going make sure that U.S. companies are going to be able to stand for their pensions that folks signed up for, worked 15 years to find out when the golden 20 or 25 happens that it is not going to be there for them?

□ 2300

How are we going to continue to break our promise to veterans when we told them what we would do when they retire or they become veterans of health care? We are breaking our promises.

So to talk about the Iraqis and complete victory, I want to have complete victory as it relates to veterans; I want to have a complete victory as it relates to providing health care, Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. You are absolutely right. Unless you believe that the contracting and the culture of corruption and cronyism and incompetence is reserved for contracting only in the Iraq gulf coast region.

We have a third-party validator, in the New York Times today, where in the gulf coast here we have Rosemary Barbour, the wife of the nephew of Haley Barbour, Mississippi's Governor and former Republican National Committee chairman, who now has apparently received $6.4 million in contracts by her company, and 10 separate contracts from FEMA or the General Services Administration without any bid. A no-bid contract.

Mr. MEEK of Florida. Now, wait, wait, wait, Ms. WASSERMAN SCHULTZ. Can you please say that one more time? I am sorry, Mr. Speaker.

Mr. DELAHUNT. Repeat that. That is unbelievable.

Ms. WASSERMAN SCHULTZ. The wife of the nephew of Haley Barbour, Mississippi Republican Governor, former RNC chairman, she has received $6.4 million in contracts for things like laundry service and showers and delivering tents. Not emergency needs 3 months after Katrina hit that would seem to require no-bid contracts, but 10 separate contracts from FEMA and the General Services Administration, no-bid contracts, of $100,000 or more.

Now, if that is not cronyism.

Mr. MEEK of Florida. Culture.

Ms. WASSERMAN SCHULTZ. And a culture of corruption.

Mr. RYAN of Ohio. And incompetence.

Ms. WASSERMAN SCHULTZ. That we have been talking about, then I do not know what that is.

Did that contract have to be no bid? What made the wife of the nephew of the Governor, who is a former RNC chairman, who just also happens to have been a Republican Party activist, what made her the most qualified? Coincidentally? Coincidentally? Oh, gee, she just happens to be related to the Governor of Mississippi, who is the former RNC chairman and who happened to get a no-bid contract, 10 no-bid contracts for services that I would not deem emergency, that needed to not take the time we would like to require in terms of accountability for reviewing contracts and making sure it goes to the responsible bidder, the person who is going to provide that service in the most economical way.

I know we are coming in on our last few minutes.

Mr. RYAN of Ohio. We have a few minutes, but the majority treats government like it is their own personal sandbox.

Ms. WASSERMAN SCHULTZ. Yes, like it is their piggy bank.

Mr. RYAN of Ohio. Exactly. And they can do whatever they want to do, take care of their friends, and do it using the taxpayers' dollars.

Ms. WASSERMAN SCHULTZ. And, Mr. RYAN, if we could point to some of these things and they could justifiably say these are anomalies, these are outlandish things that only happen on occasion, but, look: pages and pages. Look how thick this notebook is. I am not making this up.

Mr. MEEK of Florida. Ms. WASSERMAN SCHULTZ, you have local contractors. You have local contractors that are saying they are not getting work. They are saying they are not getting work.

Ms. WASSERMAN SCHULTZ. They do not have the connections. That is why they are not getting the work.

Mr. MEEK of Florida. They are not getting the work.

Mr. RYAN of Ohio. And the workers are not getting the prevailing wage.

Mr. MEEK of Florida. But, meanwhile, say it again before we close. Just read what you read about the contracts, just in case some Member went and picked up some coffee or something.

Ms. WASSERMAN SCHULTZ. The wife of the nephew of the Republican Governor of Mississippi, former RNC chairman, $6.4 million in contracts, 10 separate contracts from FEMA and the GSA that were no-bid, for services like providing laundry equipment, delivering tents, and maintaining showers for relief workers.

Mr. RYAN of Ohio. Wait a minute. I think you guys are being a little hard on the Governor here, because his press secretary says that "the Governor had no knowledge whatsoever of Rosemary's receiving that contract."

Mr. MEEK of Florida. Mr. RYAN, just stop.

Mr. RYAN of Ohio. No, I think you are being a little hard on him. His press secretary, KENDRICK, said he did not know anything about it. Are you saying you do not believe him?

Mr. MEEK of Florida. Just because he says it, does not mean it is true.

Mr. RYAN of Ohio. You are saying you do not believe him.

Ms. WASSERMAN SCHULTZ. No, we are saying there is a continuation of the culture of cronyism and corruption, and it is time to give government back to the people. And that is what we want to do next year, give government back to the people; make sure government can be responsive to the people's needs and provide for the needs of the people who need the most help.

Mr. RYAN of Ohio. And time and time again you have the act itself, everybody knows what is happening, and then you have the press secretary come out, just like the White House press secretary said Scooter Libby did not know anything. Karl Rove did not know anything. No one knew anything, but the facts say something completely different, Mr. MEEK.

And it is a shame that this culture of corruption, cronyism, and incompetence is so pervasive throughout the United States Congress and our government.

Mr. MEEK of Florida. Before you give the Web site out, Mr. RYAN, I want to say that for every time we have pointed out a culture of corruption and cronyism and incompetence, they are still at work doing it.

Ms. WASSERMAN SCHULTZ. We can do better.

Mr. MEEK of Florida. That is the sad part.

Mr. DELAHUNT. We can do it together.

Mr. RYAN of Ohio. Together America can do better and a stronger America begins right here at home.

30somethingdems@mail.house.gov.

Thirty, the number, somethingdems@mail.house.gov.

Thank you, Mr. DELAHUNT, Mr. PALLONE, Mr. MEEK, and Ms. WASSERMAN SCHULTZ.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. GINNY BROWN-WAITE of Florida (at the request of Mr. BLUNT) for the week of December 6 on account of medical reasons.

Mr. HASTINGS of Washington (at the request of Mr. BLUNT) for today after 3:00 p.m. and the balance of the week on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. EMANUEL, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. LARSON of Connecticut, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

(The following Members (at the request of Mr. GUTKNECHT) to revise and extend their remarks and include extraneous material:)

Mr. GUTKNECHT, for 5 minutes, today and December 8.

Mr. PAUL, for 5 minutes, December 14.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 52. An act to direct the Secretary of the Interior to convey a parcel of real property to Beaver County, Utah.

S. 136. An act to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist certain local school districts in the State of California in providing educational services for students attending schools located within Yosemite National Park, to authorize the Secretary of the Interior to adjust the boundaries of the Golden Gate National Recreation Area, to adjust the boundaries of Redwood National Park, and for other purposes.

S. 212. An act to amend the Valles Caldera Preservation Act to improve the preservation of the Valles Caldera, and for other purposes.

S. 279. An act to amend the Act of June 7, 1924, to provide for the exercise of criminal jurisdiction.

S. 1886. An act to authorize the transfer of naval vessels to certain foreign recipients.

ADJOURNMENT

Mr. RYAN of Ohio. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 6 minutes p.m.), the House adjourned until tomorrow, Thursday, December 8, 2005, at 10 a.m.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> "I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the

House of Representatives by the following Member of the 109th Congress, pursuant to the provisions of 2 U.S.C. 25:

JOHN CAMPBELL, California, Forty-eighth.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5510. A letter from the Regulatory Specialist, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Department of the Treasury, transmitting the Department's final rule — One-Year Post-Employment Restrictions for Senior Examiners [Docket No. 05-19] (RIN: 1557-AC94) received November 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5511. A letter from the Regulatory Specialist, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Department of the Treasury, transmitting the Department's final rule — Assessment of Fees [Docket No. 05-20] (RIN: 1557-AC96) received November 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5512. A letter from the Regulatory Specialist, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Department of the Treasury, transmitting the Department's final rule — Fair Credit Reporting Medical Information Regulations [Docket No. 05-18] (RIN: 1557-AC85) received November 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5513. A letter from the Legal Information Assistant, Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule — One-Year Post-Employment Restrictions for Senior Examiners [No. 2005-48] (RIN: 1550-AB99) received November 17, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5514. A letter from the Secretary, Department of Energy, transmitting the Department's report entitled, "Report to Congress on Energy Savings Performance Contracts," as required by section 1090 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005; to the Committee on Energy and Commerce.

5515. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule — Medical Devices; Immunology and Microbiology Devices; Classification of Cystic Fibrosis Transmembrane Conductance Regulator Gene Mutation Detection System [Docket No. 2005P-0397] received November 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5516. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule — Public Information Regulations [Docket No. 2004N-0214] Recceived August 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5517. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Prevailing Rate Systems; Redefinition of the Adams-Denver, CO, Nonappropriated Fund Wage Area (RIN: 3206-AK91) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5518. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Prevailing Rate Systems; Change in the Survey Cycle for the Harrision, Mississippi, Nonappropriated Fund Federal Wage System Wage Area (RIN: 3206-AK96) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5519. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Solicitation of Federal Civilian and Uniformed Service Personnel for Contributions to Private Voluntary Organizations — Sanctions Compliance Certification (RIN: 3206-AK71) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5520. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Department of Defense Human Resources Management and Labor Relations Systems (RIN: 3206-AK76) (RIN: 0790-AH82) received November 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5521. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the 2004 annual report of the National Center for Preservation Technology and Training (National Center), pursuant to 16 U.S.C. 470 et seq.; to the Committee on Resources.

5522. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmosperhic Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer [Docket No. 041110317-4364-02; I.D. 053105F] received November 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5523. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmosperhic Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Surfclam and Ocean Quahog Fisheries; Suspension of Minimum Atlantic Surfclam Size Limit for Fishing Year 2006 [Docket No. 031015257-3308-02; I.D. 101705B] received November 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5524. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmosperhic Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Comprehensive Amendment to the Fishery Management Plans of the U.S. Caribbean [Docket No. 050729208-5267-02; I.D. 060805B] (RIN: 0648-AP51) received November 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5525. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmosperhic Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Spiny Dogfish; Open Access; Routine Management Measure; Closure Authority [Docket No. 050302053-5120-03; I.D. 042605G] (RIN: 0648-AT38) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5526. A letter from the Acting Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmosperhic Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fishery of the Northeastern United States; Extension of Emergency Fishery Closure Due to the Presence of the Toxin That Causes Paralytic Shellfish Poisoning [Docket No. 050613158-5237-02; I.D. 090105A] (RIN: 0648-AT48) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5527. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmosperhic Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Closure of the Eastern U.S./Canada Area and the Eastern.U.S./Canada Haddock Special Access Program Pilot Program [Docket No. 040804229-4300-02; I.D. 081705H] received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5528. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmosperhic Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery [Docket No. 051028281-5281-01; I.D. 101705C] (RIN: 0648-AT99) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5529. A letter from the National President, American Gold Star Mothers, Incorporated, transmitting the organization's report and financial audit for the years ending June 30, 2005 and 2004, pursuant to 36 U.S.C. 1101(63) and 1103; to the Committee on the Judiciary.

5530. A letter from the Assistant Secretary for Civil Works, Department of the Army, transmitting the Department's review and recommendation on the Louisiana Coastal Area (LCA), Louisiana, Ecosystem Restoration Program Report (the LCA study report) produced by the Army Corps of Engineers in December 2004; to the Committee on Transportation and Infrastructure.

5531. A letter from the Assistant Secretary for Management and Chief Financial Officer, Department of the Treasury, transmitting in accordance with Section 645(a) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, a report of the amount of acquisitions made by the Department from entities that manufacture articles, materials, or supplies outside the United States in Fiscal Year 2004; to the Committee on Transportation and Infrastructure.

5532. A letter from the Administrator, AMS, Department of Agriculture, transmitting the Department's final rule — Milk in the Arizona-Las Vegas Marketing Area; Order Amending the Order [Docket No. AO-271-A37; DA-03-04-A] received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5533. A letter from the Assistant Secretary of Employment Training, Department of Labor, transmitting the Department's final rule — State Accomplishment of Performance Goals for Trade Adjustment Assistance (TAA) and North America Free Trade Agreement Transitional Adjustment Assistance (NAFTA-TAA) Participants — received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5534. A letter from the Acting Chief, Publications and Regulations, Internal Revenue

Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2005-77) received November 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5535. A letter from the Supervisor, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Administrative, Procedural, and Miscellaneous (Rev. Proc. 2005-72) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5536. A letter from the Supervisor, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Administrative, Procedural, and Miscellaneous (Rev. Proc. 2005-73) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5537. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Last-in, First-out Inventories (Rev. Rul. 2005-73) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5538. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Section 7872 — Treatment of Loans with Below-Market Interest Rates (Rev. Rul. 2005-75) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5539. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Section 1274A — Special Rules for Certain Transactions Where Stated Principal Amount Does Not Exceed $2,800,000.00 (Rev. Rul. 2005-76) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5540. A letter from the United States Trade Representative, transmitting the reports of the Advisory Committee for Trade Policy and Negotiations, and the policy, technical, and industry trade advisory committees chartered under those Acts, on the U.S.-Oman Free Trade Agreement, pursuant to 19 U.S.C. 2155(e)(1); to the Committee on Ways and Means.

5541. A letter from the Acting Deputy Secretary, Department of Defense, transmitting the semiannual report of the Inspector General for the period April 1, 2005 through September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Intelligence (Permanent Select).

5542. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Exclusion of Vendor Purchases Made Under the Competitive Acquisition Program (CAP) for Outpatient Drugs and Biologicals Under Part B for the Purpose of Calculating the Average Sales Price (ASP) [CMS-1325-IFC3] (RIN: 0938-AN58) received November 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

5543. A letter from the Secretary, Department of the Interior, transmitting in compliance with the requirements of Subtitle F, section 3182 of the National Defense Authorization Act for Fiscal Year 2002 (Pub. L. 107-107), a report on regarding the future of Rocky Flats National Wildlife Refuge; jointly to the Committees on Resources and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PUTNAM: Committee on Rules. House Resolution 588. Resolution providing for consideration of the bill (H.R. 4297) to provide for reconciliation pursuant to section 201(b) of the concurrent resolution on the budget for fiscal year 2006 (Rept. 109–330). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CROWLEY (for himself, Mr. Markey, Mr. McDermott, and Mr. Pallone):

H.R. 4452. A bill to prohibit the Assistant Secretary of Homeland Security (Transportation Security Administration) from removing any item from the current list of items prohibited from being carried aboard a passenger aircraft; to the Committee on Homeland Security.

By Ms. FOXX (for herself, Mr. Hensarling, Mr. Lucas, Mr. Flake, Mr. Tancredo, Mrs. Musgrave, Mr. Kingston, Mr. Pitts, Mr. Garrett of New Jersey, Mrs. Blackburn, Mr. Wamp, Mr. Burton of Indiana, Mr. Akin, Mr. Cantor, Ms. Woolsey, Mr. Neugebauer, Mrs. Cubin, and Mr. Sam Johnson of Texas):

H.R. 4453. A bill to require reimbursement by the Federal Emergency Management Agency of any amounts borrowed for purposes of the National Flood Insurance Program, and for other purposes; to the Committee on Financial Services.

By Mr. GRAVES:

H.R. 4454. A bill to amend the Internal Revenue Code of 1986 to provide for the amendment of a claim for abatement, remission, or refund of tax imposed on distilled spirits returned to the bonded premises of a distilled spirits plant; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 4455. A bill to clarify the status of retirement benefits provided by the Young Women's Christian Association Retirement Fund under the benefit accrual standards of the Employee Retirement Income Security Act of 1974; to the Committee on Education and the Workforce.

By Mr. BERRY (for himself, Mr. Ross, Mr. Snyder, and Mr. Boozman):

H.R. 4456. A bill to designate the facility of the United States Postal Service located at 2404 Race Street in Jonesboro, Arkansas, as the "Hattie Caraway Station"; to the Committee on Government Reform.

By Mr. TOM DAVIS of Virginia (for himself and Mr. Moran of Virginia):

H.R. 4457. A bill to identify certain roads in the vicinity of Fort Belvoir, Virginia, as defense access roads for purposes of the Defense Access Road Program; to the Committee on Armed Services.

By Mr. EMANUEL:

H.R. 4458. A bill to amend the Internal Revenue Code of 1986 to increase the credit for certain alternative motor vehicles assembled in the United States and to increase the credit for research related to alternative motor vehicle technology; to the Committee on Ways and Means.

By Mr. FORD:

H.R. 4459. A bill to provide tuition assistance to undergraduate students in exchange for the performance of National service; to the Committee on Education and the Workforce.

By Mr. FOSSELLA:

H.R. 4460. A bill to establish a demonstration incentive program within the Department of Education to promote installation of fire alarm detection systems, or other fire prevention technologies, in qualified student housing, dormitories, and other university buildings, and for other purposes; to the Committee on Education and the Workforce.

By Mr. GIBBONS:

H.R. 4461. A bill to make a technical correction relating to the land conveyance authorized by Public Law 108-67; to the Committee on Resources.

By Mr. GINGREY:

H.R. 4462. A bill to amend the National Voter Registration Act of 1993 to require an individual to provide proof that the individual is a citizen of the United States as a condition of registering to vote in elections for Federal office, and for other purposes; to the Committee on House Administration.

By Mr. HOLT (for himself, Mr. Lewis of Georgia, Mr. Owens, Mr. Hastings of Florida, Ms. Kilpatrick of Michigan, Mr. Grijalva, Mr. Brady of Pennsylvania, Mr. DeFazio, Mr. Kennedy of Rhode Island, Ms. Moore of Wisconsin, Mr. Brown of Ohio, Ms. Lee, Ms. Woolsey, Mr. Nadler, Mr. Snyder, Mr. Michaud, Mr. McGovern, Ms. Schakowsky, Ms. Jackson-Lee of Texas, Mr. Scott of Virginia, Ms. Carson, and Mr. Lantos):

H.R. 4463. A bill to prohibit deceptive practices in Federal elections; to the Committee on the Judiciary.

By Mr. LAHOOD (for himself and Mr. Rangel):

H.R. 4464. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for property owners who remove lead-based paint hazards; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself, Mr. Shays, Mrs. Maloney, Mr. Crowley, Ms. McCollum of Minnesota, Mr. Van Hollen, Mr. Holt, Mr. McGovern, Mrs. McCarthy, Ms. Moore of Wisconsin, Mr. Grijalva, Mr. Lewis of Georgia, Mr. Moran of Virginia, Mr. Larsen of Washington, Ms. Solis, Mr. Sherman, Mr. Nadler, Mr. George Miller of California, Mr. McDermott, Ms. Lee, Ms. Kilpatrick of Michigan, Mr. Clay, Mr. Sanders, Mr. Levin, Ms. Woolsey, Mr. Stark, Mr. Kucinich, Mr. Engel, Mr. Ackerman, Mr. Owens, Mr. Berman, Mr. McNulty, Mr. Lantos, and Mrs. Capps):

H.R. 4465. A bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961; to the Committee on International Relations.

By Mr. RUSH:

H.R. 4466. A bill to amend the Communications Act of 1934 to require the Federal Communications Commission to prescribe rules regulating inmate telephone service rates; to the Committee on Energy and Commerce.

By Mr. SENSENBRENNER (for himself and Mr. Conyers):

H.R. 4467. A bill to authorize salary adjustments for Justices and judges of the United

States for fiscal year 2006; to the Committee on the Judiciary.

By Mr. SMITH of Washington:

H.R. 4468. A bill to improve certain compensation, health care, and education benefits for individuals who serve in a reserve component of the uniformed services, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on Government Reform, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SOLIS:

H.R. 4469. A bill to amend the Public Health Service Act to provide grants to promote positive health behaviors in women; to the Committee on Energy and Commerce.

By Ms. WOOLSEY (for herself and Mr. KUHL of New York):

H.R. 4470. A bill to amend the Elementary and Secondary Education Act of 1965 to extend the deadline by which State educational agencies and local educational agencies are required to ensure that an educator is highly qualified in order to account for the educator's applicable period of military service; to the Committee on Education and the Workforce.

By Mr. RAMSTAD (for himself and Ms. ESHOO):

H. Con. Res. 311. Concurrent resolution urging Japan to honor its commitments under the 1986 Market-Oriented Sector-Selective (MOSS) Agreement on Medical Equipment and Pharmaceuticals, and for other purposes; to the Committee on Ways and Means.

By Mr. MCCOTTER (for himself and Mr. PETERSON of Minnesota):

H. Res. 589. A resolution creating a select committee to oversee and, where necessary, investigate and maximize the necessarily significant appropriations expended to win the War on Terror, especially within the operational theaters of Afghanistan and Iraq; to the Committee on Rules.

By Mr. TURNER:

H. Res. 590. A resolution recognizing the 10th anniversary of the Dayton Peace Accords; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

205. The SPEAKER presented a memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to House Resolution No. 460 memorializing the Congress of the United States to allow subsequent consolidated loans; to the Committee on Education and the Workforce.

206. Also, a memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to House Resolution No. 43 memorializing the Congress of the United States to amend the Social Security Act to provide for long-term caregiver benefits; to the Committee on Energy and Commerce.

207. Also, a memorial of the Legislature of the State of Texas, relative to Senate Concurrent Resolution 27 encouraging the Congress of the United States to eliminate caps on funded Medicare resident training positions and related limits on costs per resident used to determine Medicare graduate medical education reimbursement payments and to reexamine the direct and indirect graduate medical education reimbursement rates for graduate medical education in Texas; jointly to the Committees on Energy and Commerce and Ways and Means.

208. Also, a memorial of the General Assembly of the Commonwealth of Pennsylvania, relative to House Resolution No. 454 urging the Congress of the United States to create a task force to develop solutions to rapidly increasing health care costs; jointly to the Committees on Ways and Means, Education and the Workforce, and Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 195: Ms. GRANGER.
H.R. 226: Mr. WELDON of Pennsylvania.
H.R. 297: Mr. WYNN.
H.R. 305: Mr. HINCHEY.
H.R. 333: Mr. CAPUANO.
H.R. 341: Mr. BOOZMAN.
H.R. 389: Mr. BONILLA and Mr. REICHERT.
H.R. 424: Mr. ABERCROMBIE.
H.R. 515: Ms. BORDALLO.
H.R. 586: Mr. BONILLA and Mr. PETERSON of Minnesota.
H.R. 698: Mr. SHUSTER, Mr. MURPHY, and Mr. BRADLEY of New Hampshire.
H.R. 699: Mr. EMANUEL, Mr. PICKERING, and Mrs. CUBIN.
H.R. 820: Mr. GORDON.
H.R. 839: Mr. JEFFERSON.
H.R. 916: Mr. KING of New York, Mr. BECERRA, and Mr. OSBORNE.
H.R. 921: Mr. THOMPSON of Mississippi.
H.R. 934: Mr. FITZPATRICK of Pennsylvania.
H.R. 949: Mr. DAVIS of Illinois and Ms. VELÁZQUEZ.
H.R. 960: Mr. MORAN of Virginia, Mr. STUPAK, and Mrs. MCCARTHY.
H.R. 972: Mrs. TAUSCHER and Mr. ORTIZ.
H.R. 995: Mr. GONZALEZ.
H.R. 999: Mrs. MCCARTHY.
H.R. 1002: Mr. HINOJOSA, Mr. SWEENEY, and Mr. CUELLAR.
H.R. 1053: Mr. WEXLER, Mr. PETERSON of Pennsylvania, and Mr. LANGEVIN.
H.R. 1120: Mr. HOYER, Mr. CHANDLER, and Mr. ALLEN.
H.R. 1125: Mr. FATTAH and Mr. SIMMONS.
H.R. 1227: Mr. WHITFIELD, Mr. PEARCE, and Mr. INGLIS of South Carolina.
H.R. 1249: Mr. SANDERS.
H.R. 1259: Mr. HINCHEY.
H.R. 1298: Mr. NADLER, Mr. RUSH, and Mr. FATTAH.
H.R. 1322: Mr. MICHAUD, Mr. LANGEVIN, Mr. CAPUANO, and Mr. BROWN of Ohio.
H.R. 1345: Mr. FITZPATRICK of Pennsylvania.
H.R. 1413: Mr. RANGEL, Mr. GONZALEZ, and Ms. MCKINNEY.
H.R. 1426: Mr. SHAYS.
H.R. 1431: Mr. KIRK, Ms. VELÁZQUEZ, and Mrs. JOHNSON of Connecticut.
H.R. 1438: Mr. BARRETT of South Carolina.
H.R. 1443: Mr. RAHALL.
H.R. 1518: Mr. SHAW.
H.R. 1588: Mr. ALLEN and Mr. SANDERS.
H.R. 1616: Mr. RENZI.
H.R. 1649: Mr. BRADY of Pennsylvania.
H.R. 1668: Mr. HIGGINS.
H.R. 1806: Ms. KILPATRICK of Michigan.
H.R. 1951: Mr. FRANK of Massachusetts, Mr. PITTS, Mr. GIBBONS, Mr. KLINE, and Mr. HOLDEN.
H.R. 2012: Mrs. NAPOLITANO.
H.R. 2090: Mr. FATTAH, Mr. MCNULTY, and Mr. SANDERS.
H.R. 2177: Mr. ALLEN, Mr. WOLF, Mr. SANDERS, and Mrs. NORTHUP.
H.R. 2193: Mr. MILLER of North Carolina.
H.R. 2230: Mr. WEXLER.
H.R. 2231: Mr. BROWN of Ohio, Mr. STRICKLAND, Mr. MCINTYRE, and Mr. BACA.
H.R. 2325: Mr. SCHIFF.
H.R. 2359: Mr. EVANS and Ms. MCKINNEY.
H.R. 2370: Ms. HARMAN.
H.R. 2378: Mr. THOMPSON of Mississippi.
H.R. 2637: Mr. KING of New York.
H.R. 2669: Mr. HOLT and Mr. INSLEE.
H.R. 2716: Mr. SHAYS.
H.R. 2717: Mr. CUELLAR and Ms. WATERS.
H.R. 2746: Mr. BERMAN and Mr. KUCINICH.
H.R. 2811: Mr. CASTLE.
H.R. 2861: Mr. CASTLE, Mr. HONDA, Mr. MCNULTY, Mr. BRADY of Pennsylvania, and Mrs. JO ANN DAVIS of Virginia.
H.R. 2892: Mr. LARSON of Connecticut.
H.R. 2943: Mr. SCHIFF, Ms. BALDWIN, and Mr. SHIMKUS.
H.R. 2989: Mr. TOM DAVIS of Virginia.
H.R. 3022: Mr. RAHALL.
H.R. 3063: Mr. MORAN of Kansas.
H.R. 3072: Mr. LEWIS of Georgia and Mr. JACKSON of Illinois.
H.R. 3145: Mr. GORDON and Mr. EVANS.
H.R. 3321: Mr. KENNEDY of Rhode Island.
H.R. 3369: Mr. SABO.
H.R. 3506: Mr. BISHOP of Georgia.
H.R. 3553: Mr. INGLIS of South Carolina.
H.R. 3563: Ms. WATSON.
H.R. 3579: Mr. BROWN of Ohio.
H.R. 3644: Mr. REICHERT and Mr. LOBIONDO.
H.R. 3760: Mr. MEEHAN.
H.R. 3838: Mr. JACKSON of Illinois and Mr. SMITH of Washington.
H.R. 3883: Mr. MCHENRY, Ms. HOOLEY, Mr. PUTNAM, and Mr. WESTMORELAND.
H.R. 3907: Mr. WILSON of South Carolina.
H.R. 3908: Mr. LAHOOD.
H.R. 3925: Mr. NADLER.
H.R. 3931: Ms. WATSON and Ms. DELAURO.
H.R. 3948: Mr. CONYERS.
H.R. 4019: Mr. ENGLISH of Pennsylvania, Mr. SESSIONS, and Mr. KELLER.
H.R. 4047: Mr. PLATTS.
H.R. 4062: Ms. WOOLSEY, Mr. LARSON of Connecticut, and Ms. LINDA T. SÁNCHEZ of California.
H.R. 4063: Mr. SMITH of Washington, Mr. CARNAHAN, Mr. DENT, and Mr. JEFFERSON.
H.R. 4093: Mr. MCCOTTER and Mr. MCHENRY.
H.R. 4096: Mr. SMITH of Texas.
H.R. 4098: Mr. FATTAH, Mr. BISHOP of New York, Mr. SMITH of Texas, Ms. NORTON, and Mr. DICKS.
H.R. 4186: Mr. STUPAK and Mr. RANGEL.
H.R. 4217: Mr. PAUL.
H.R. 4229: Mr. MCNULTY, Ms. LEE, and Mr. NADLER.
H.R. 4231: Mr. KLINE, Mr. PETERSON of Minnesota, and Mr. RAMSTAD.
H.R. 4239: Mr. RYAN of Wisconsin.
H.R. 4246: Mr. PAUL.
H.R. 4254: Mr. OWENS.
H.R. 4278: Mr. CAPUANO.
H.R. 4315: Mr. KLINE.
H.R. 4325: Mr. GOODLATTE.
H.R. 4343: Mr. DINGELL, Mr. MARKEY, Mrs. LOWEY, Mr. WATT, Mr. MEEK of Florida, Mr. MEEHAN, Mr. COSTELLO, Mr. LIPINSKI, Mr. WYNN, Ms. KILPATRICK of Michigan, Ms. WATSON, Mr. MEEKS of New York, Mr. WEINER, Ms. WOOLSEY, Mr. WU, Mr. HOYER, Mr. AL GREEN of Texas, Ms. WATERS, Mr. OLVER, Ms. SCHAKOWSKY, Mr. WAXMAN, Mr. ABERCROMBIE, Ms. BALDWIN, Mr. NADLER, Mr. CARDOZA, Mr. COSTA, Mr. CUELLAR, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. HINOJOSA, Mr. ORTIZ, Mr. PASTOR, Mr. SALAZAR, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SERRANO, Ms. SOLIS, Mr. BISHOP of Georgia, Ms. CARSON,

Mr. CLAY, Mr. CLYBURN, Mr. CUMMINGS, Ms. CORRINE BROWN of Florida, Mr. FATTAH, Mr. JACKSON of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Ms. MCKINNEY, Ms. MILLENDER-MCDONALD, Ms. MOORE of Wisconsin, Mr. OWENS, Mr. RANGEL, Mr. SCOTT of Georgia, Mr. THOMPSON of Mississippi, Ms. LEE, Mr. SCOTT of Virginia, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. LEWIS of Georgia, Mrs. CHRISTENSEN, Mr. JEFFERSON, Mr. HASTINGS of Florida, Ms. JACKSON-LEE of Texas, Mr. EMANUEL, Mr. TOWNS, Ms. BERKLEY, Mr. FORD, Mr. BUTTERFIELD, Mr. HOLDEN, Ms. KAPTUR, Ms. BEAN, Ms. HERSETH, Mr. SHAYS, Mr. CHABOT, Mr. BARTON of Texas, Mr. ENGLISH of Pennsylvania, Mr. TOM DAVIS of Virginia, Mr. LATOURETTE, Mrs. EMERSON, Mr. WHITFIELD, Mr. FERGUSON, Mr. BILIRAKIS, Mr. BURGESS, Mr. HALL, Mr. DEAL of Georgia, Mr. LAHOOD, Mr. BRADLEY of New Hampshire, Mr. TIAHRT, Mr. OSBORNE, Mr. GALLEGLY, Mr. BRADY of Texas, Mr. BLUNT, Mr. BOEHLERT, Mr. KUHL of New York, Mr. SHIMKUS, Mr. KOLBE, Mr. HOEKSTRA, Mrs. CAPITO, Mr. CASTLE, Mr. KIRK, Ms. ROS-LEHTINEN, Mr. BASS, Ms. GRANGER, Mr. GILCHREST, Ms. PRYCE of Ohio, Mr. HULSHOF, Mr. COBLE, Mr. WALSH, Mr. HAYES, Mr. HOBSON, Mr. PLATTS, Mr. WOLF, Mr. SAXTON, Mr. WELDON of Pennsylvania, Mr. WALDEN of Oregon, Mr. TIBERI, Mr. TURNER, Mrs. MILLER of Michigan, Mr. OXLEY, Mrs. KELLY, Mr. STEARNS, Mr. CANNON, Mr. GERLACH, Mr. HUNTER, Mr. SOUDER, Mrs. JOHNSON of Connecticut, Mr. MCCRERY, Mr. EHLERS, Mrs. WILSON of New Mexico, Mr. REGULA, Mr. DENT, Mr. LEWIS of California, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. MARIO DIAZ-BALART of Florida.

H.R. 4350: Mr. HIGGINS and Mr. OWENS.

H.R. 4352: Ms. HARRIS.

H.R. 4361: Mr. ACKERMAN, Mr. PETERSON of Minnesota, and Mr. RANGEL.

H.R. 4372: Mr. MENENDEZ.

H.R. 4388: Mr. SHAW.

H.R. 4408: Mr. WICKER and Mr. EVERETT.

H.R. 4410: Mr. MEEHAN.

H.R. 4433: Mr. PEARCE.

H.R. 4437: Mr. FORBES, Mr. BURTON of Indiana, Mr. DREIER, Mr. STEARNS, Mr. COLE of Oklahoma, Mr. CULBERSON, Mr. BACHUS, Mrs. SCHMIDT, Mr. RAMSTAD, Mr. THORNBERRY, Mr. MCCAUL of Texas and Mr. ISTOOK.

H.R. 4440: Mr. MELANCON and Mr. FOLEY.

H. J. Res. 70: Mr. WATT, Mr. EVANS, and Ms. SCHAKOWSKY.

H. J. Res. 73: Mr. FRANK of Massachusetts, Mr. WEXLER, Mr. NADLER, Mr. STARK, Ms. CORRINE BROWN of Florida, Mr. PAYNE, Mr. FATTAH, Mr. FARR, Mr. BRADY of Pennsylvania, Mrs. MALONEY, Ms. WOOLSEY, Ms. WATERS, Mr. BLUMENAUER, Mr. CONYERS, Ms. ESHOO, Ms. NORTON, Ms. CARSON, Mr. CUMMINGS, Mr. MCDERMOTT, Mr. MARKEY, Mr. GRIJALVA, Mr. ABERCROMBIE, Mr. MEEKS of New York, Mr. ROTHMAN, Ms. SCHAKOWSKY, Mrs. JONES of Ohio, Mr. LARSON of Connecticut, Mr. MEEHAN, Ms. MCCOLLUM of Minnesota, and Mrs. CAPPS.

H. Con. Res. 174: Mr. HONDA, Mr. PRICE of North Carolina, Mr. BOOZMAN, and Mr. NADLER.

H. Con. Res. 234: Ms. BALDWIN and Mr. DAVIS of Alabama.

H. Con. Res. 296: Ms. ROS-LEHTINEN, Ms. MCCOLLUM of Minnesota, Mr. LEACH, Mr. MCCOTTER, Mr. PAYNE, Mr. HIGGINS, Mrs. KELLY, Mr. WAXMAN, Ms. NORTON, Mr. FARR, Mr. WOLF, Mr. MCDERMOTT, Ms. JACKSON-LEE of Texas, Mr. HINCHEY, Ms. HARMAN, Mr. GUTIERREZ, Mr. ABERCROMBIE, Mr. DOYLE, Ms. SOLIS, Mr. UDALL of Colorado, Mr. DOGGETT, Mr. KUCINICH, and Ms. LINDA T. SÁNCHEZ of California.

H. Con. Res. 297: Mr. DOGGETT and Ms. WOOLSEY.

H. Con. Res. 309: Ms. BORDALLO, Mr. SERRANO, Mr. KILDEE, and Mr. GONZALEZ.

H. Res. 123: Mr. STRICKLAND.

H. Res. 179: Mr. DELAHUNT.

H. Res. 196: Ms. WASSERMAN SCHULTZ, Mrs. TAUSCHER, Mr. DICKS, Mr. HINCHEY, Mr. ACKERMAN, Mrs. JONES of Ohio, Mr. WYNN, and Mr. SCHIFF.

H. Res. 246: Mr. CUMMINGS.

H. Res. 323: Mr. STARK, Mr. STUPAK, and Mr. CALVERT.

H. Res. 471: Mr. WYNN.

H. Res. 498: Mr. BOOZMAN, Mrs. KELLY, and Mr. MCNULTY.

H. Res. 526: Mr. SANDERS.

H. Res. 556: Mr. CARNAHAN.

H. Res. 566: Ms. HERSETH, Mr. DELAHUNT, Mr. MCINTYRE, Mr. COSTA, Mr. BAIRD, Ms. HARMAN, Mr. POMBO, Mr. MCGOVERN, Ms. BORDALLO, Mr. CLEAVER, Mr. GEORGE MILLER of California, Mr. DEFAZIO, Mr. BOSWELL, Mr. LYNCH, Mr. PETERSON of Minnesota, and Mr. TERRY.

H. Res. 579: Mr. NORWOOD, Mr. BURTON of Indiana, Mr. HOSTETTLER, Mr. WILSON of South Carolina, and Mr. BOOZMAN.

PETITIONS, ETC.

Under clause 3 of rule XII,

90. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 497 requesting the Congress of the United States pass S.1086 and H.R.2423, "A Bill To Improve The National Program To Register And Monitor Individuals Who Committ Crimes Against Children or Sex Offenses"; which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

HONORING RETIRING CONCORD TOWN JUSTICE MARY HUBERT

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2005

Mr. HIGGINS. Mr. Speaker, today I rise to honor a woman whose tireless service as Concord Town Justice has made her court the envy of town courts throughout Erie County. I want to honor the service of Judge Mary Hubert.

A native of Buffalo, Judge Hubert has served on the bench as Town Justice in the Town of Concord for many years. She is well known throughout the legal community as a fair-minded and efficient judge.

The Hubert family has served their adopted hometown very well. Judge Hubert's husband, Raymond, is a longtime member of the Concord Town Board, and their combined service has augured well for local residents; they are better for having had the privilege of Judge Hubert's service.

As Judge Hubert now goes into retirement as an active judge, I want to thank you, Mr. Speaker, for allowing me an opportunity to honor her service to the residents of the town of Concord in this manner. My thanks go out to Judge Hubert for her fine service, and my best wishes go out to her, Ray and to their entire family for good luck and Godspeed in the months and years to come.

IN HONOR AND RECOGNITION OF DR. FRANK WILLIAM REIS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in tribute and recognition of Dr. Frank William Reis, upon his retirement that reflects 35 years of exemplary service as an educator and leader within the public school and college arena.

Dr. Reis honorably served our country as a Vietnam war veteran. Following his service, he enrolled in college and earned a bachelor's degree in education, MBA and ME degrees, and a Ph.D. in Educational Policy and Leadership. Equipped with an unwavering commitment to raising the lives of children through the power of education, Dr. Reis brought his enthusiasm and concern for his students into the inner city classrooms of Rhode Island. In 1974, Dr. Reis was named the Rhode Island Teacher of the Year—a rare occurrence at that time for an inner city schoolteacher.

For the past 16 years, Dr. Reis served in critical positions at Cuyahoga Community College, most recently as executive vice president for Administration and chief operating office. His leadership and expertise served to elevate operations throughout the areas of human resources, training and development, public affairs, staff advancement, public safety, information technology, telecommunications and government affairs. Additionally, Dr. Reis instituted the "Jennings Scholar" program that recognizes outstanding public school teachers, K–12, throughout Greater Cleveland. Beyond his abiding dedication to his professional vocation, Dr. Ries has volunteered countless hours as a member and leader within numerous civic organizations, including the Community Organization for Drug Abuse Control, Kidscope, Recovery Resources and the Governor's Regional Economic Advisory.

Mr. Speaker and colleagues, please join me in honor and recognition of Dr. Frank William Reis, whose retirement reflects 35 years of educational excellence and accomplishment. Dr. Reis's steadfast devotion as an educator and leader in education has empowered and inspired countless students, young and old. We wish Dr. Reis and his family an abundance of peace, health and happiness as he journeys onward from here.

IN MEMORY OF VICE ADMIRAL ARTHUR K. CEBROWSKI

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2005

Mr. SKELTON. Mr. Speaker, it is with deep sadness that I inform the House of the death of Vice Admiral Arthur K. Cebrowski, USN, Ret.

Admiral Cebrowski was born in Passaic, NJ. He graduated from Villanova University in 1964. He received a master's degree in Computer Systems Management from the Naval Post Graduate School and attended the Naval War College.

In 1964, he entered the Navy through the Reserve Officers, Training Corps. He was a naval aviator and commanded Fighter Squadron 41 and Air Wing 8. He commanded the assault ship USS *Guam*, the aircraft carrier USS *Midway* and the USS *America* Battle Group. He had combat experience in Vietnam and Desert Storm. His joint assignments included service as the director, Command, Control, Communications and Computers, J–6, Joint Staff. He also had served in the Office of the Chief of Naval Operations as director of space, information warfare, and command and control. Admiral Cebrowski retired from the Navy on October 1, 2001, after serving as the president of the Naval War College in Newport, RI. On November 26, 2001, Admiral Cebrowski was appointed to the position of director, Office of Force Transformation.

Mr. Speaker, Admiral Cebrowski was a valuable leader in the U.S. Navy and our country. I know the Members of the House will join me in extending heartfelt condolences to his family.

RECOGNITION OF NIDA'S PSA CAMPAIGN CONNECTING DRUG ABUSE WITH RISK OF HIV/AIDS

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2005

Mr. DAVIS of Illinois. Mr. Speaker, on this our first day in session following World AIDS day, I rise to recognize a public awareness campaign released by the National Institute on Drug Abuse that brings critical attention to the dangerous link between drug abuse and HIV/AIDS.

This campaign seeks to inform our youth how drug abuse can impair judgment and cause risky sexual behaviors that increase the danger of contracting or transmitting HIV.

The connection between drug abuse and HIV/AIDS isn't limited to the risks of injecting drugs and being infected by contaminated needles. It is much bigger than that. Drug or alcohol intoxication changes behavior—inhibitions disappear and the ability to make good decisions is impaired.

Only 1 in 50 high school students report having ever injected an illegal drug. However, young Americans use alcohol and other drugs at high rates. According to NIDA, between 2000 and 2003 about 10 young people (age 13–24) were diagnosed with HIV/AIDS each day.

Today an estimated 1 million people in the United States are living with HIV/AIDS, and, approximately 4 out of 10 U.S. AIDS deaths are related to drug abuse.

My advisory committees on AIDS/HIV and Drugs and Substance Abuse confirm the toll that this dual epidemic has taken. Drug abuse and HIV/AIDS affect our children, our families, and our communities not only in the 7th District of Illinois but also across this nation.

I commend NIDA's efforts in advancing research and public awareness to better understand the pivotal role drug abuse (in all its forms) can play in the spread of HIV/AIDS.

We need to continue to educate our constituents about the risks of drug abuse and HIV infection. We need to provide adequate and accessible treatment for those with drug problems and HIV/AIDS. We need to support what NIDA has established that drug abuse treatment is HIV prevention. Because by limiting and protecting against the risky behaviors associated with drug abuse, we can decrease the likelihood of spreading or contracting HIV/AIDS.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

TRIBUTE TO BRONSON METHODIST HOSPITAL

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2005

Mr. UPTON. Mr. Speaker, I rise today to recognize and congratulate Bronson Methodist Hospital in Kalamazoo, Michigan for providing outstanding health care to the residents of Southwestern Michigan. Bronson was recently honored with the 2005 Malcolm Baldrige National Quality Award, which is our Nation's highest Presidential honor to commend quality and organizational performance excellence.

The six recipients of the Malcolm Baldrige Award were selected from a highly competitive field of 64 nation-wide applicants, which were rigorously evaluated by an independent board of examiners.

This prestigious award will come as no surprise to the folks of Southwestern Michigan who have for years relied upon the hard work and treatment provided by Bronson Methodist Hospital. There is nothing more important to us than our health and the health of our family members. I would like to thank Bronson Methodist Hospital for the continued quality service they provide our community and congratulate them once again for being recognized nationally for their hard work and dedication. We are truly fortunate to have such an exemplary hospital working for us in our corner of Southwest Michigan.

HONORING RETIRING CONCORD TOWN COUNCILMAN JOHN ALLAN

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2005

Mr. HIGGINS. Mr. Speaker, today I rise to honor John Allan, whose service as a member of the Concord Town Board will come to an end on December 31, 2005.

Councilman Allan is a man dedicated to effective public service for the residents of the Town of Concord. Few public officials love their hometown the way John Allan does, and his public acts have always had the intention of making life in the town of Concord better for those fortunate enough to live there.

While John's most recent run for public office has proven unsuccessful, it is a virtual certainty that he will remain active in local civic affairs. That is a good thing, for the town of Concord is better for the active public service of individuals like John Allan.

I want to thank you, Mr. Speaker, for offering me this opportunity to honor the public service of retiring Concord Councilman John Allan, and I hope that you will join me in offering to Mr. Allan the House's best wishes of good luck and Godspeed in all of his future endeavors.

U.S. MARINE LANCE CORPORAL DAVID A. MENDEZ RUIZ

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of United States Marine Corporal David A. Mendez Ruiz of Cleveland, Ohio, who bravely, honorably and selflessly heeded the call to duty and made the ultimate sacrifice on behalf of our country.

Family, friends and service to others framed Corporal Ruiz's young life. He gained personal strength and faith from those who knew him best and loved him most, especially his father and mother, Maximiliano and Miriam; sisters and brothers, Sandra, Byron, Laura, Mynor, Zucely, Edgar and Nydia; grandmother, Elvia Ruiz; and his fifteen nieces and nephews.

Corporal Ruiz was born in Guatemala City, Guatemala, on May 26, 1985. In 1991, at the age of six, Corporal Ruiz and his family immigrated to the United States and settled in Cleveland, Ohio. He quickly assimilated to American culture; his easygoing nature and generous heart easily drew others to him. One month after graduating from Greater Cleveland Christian High School in May 2003, Corporal Ruiz enlisted in the United States Marine Corps, where he served with dedication and honor. In February 2004, he left for first tour of duty in Iraq. Corporal Ruiz left for his second tour of duty on July 4, 2005.

Mr. Speaker and Colleagues, please join me in honor and remembrance of Lance Corporal David A. Mendez Ruiz. I extend my deepest condolences to his parents, brothers and sisters, grandmother, extended family members and many friends. Integrity, kindness, unwavering service to others and endless heart defined his young life and his spirit will live forever in the hearts and memories of everyone who knew and loved him best—his family and friends. Corporal Ruiz's courageous life and legacy of service will be forever honored and remembered by the Cleveland community and by our entire nation.

IN MEMORY OF DAVID HENSON

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2005

Mr. SKELTON. Mr. Speaker, it is with sadness that I inform the House of the death of Dr. David Henson of Jefferson City, Missouri.

Dr. Henson grew up in Orlando, Florida. He attended Florida A&M University where he received a B.S. degree in Biology in 1961. In 1968, he earned a M.Sc.Ed. degree in Chemistry from Tuskegee University. In 1972, Dr. Henson received his Ph.D. degree in Biochemistry from the University of Iowa.

For more than two decades Dr. Henson made significant contributions to the field of higher education. Most notably, he was the Acting Chairperson, Department of Biochemistry, Assistant Dean of Student Affairs, and Associate Professor of Biochemistry at Howard University College of Medicine; Dean of Student Affairs, Associate Dean of Yale College, Lecturer in Molecular Biophysics and Biochemistry and Fellow in Timothy Dwight College at Yale University; Provost and Professor of Chemistry at the Broward Campus of Florida Atlantic University and Associate Vice Chancellor for Academic Services/Student Support Services at the University of Colorado at Boulder. Dr. Henson also served as President and Professor of Chemistry at Alabama A&M University in Huntsville, Alabama, and as Vice President of Student Services at Purdue University in West Lafayette, Indiana. On July 2, 1997, Dr. Henson became the seventeenth President of Lincoln University, Jefferson City, Missouri. Under his leadership Lincoln University experienced unprecedented growth and renewal.

Dr. Henson also was involved in the Jefferson City community. He served on the Board of Directors for the Jefferson City Chamber of Commerce, was a member of the Jefferson City Leadership Forum and the Rotary Club of Jefferson City.

Dr. Henson was a member of Sigma XI Honorary Society, Beta Kappa Chi Scientific Honorary Society, Alpha Phi Alpha Fraternity, Inc., and an Honorary Member of Kappa Kappa Psi Band Organization. Dr. Henson received the "African Americans Who Make a Difference Award", the Howard University College of Medicine Student Council's Award for "Excellence in Teaching", the George Washington Carver Research Foundation Student Award, and an American Council on Education Fellowship.

Mr. Speaker, Dr. Henson was a valuable leader in his community and was respected by everyone who knew him. He will be missed by all. I know the members of the House will join me in extending heartfelt condolences to his family.

HONORING STUDENTS AT LAKE SHORE MIDDLE SCHOOL

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2005

Mr. HIGGINS. Mr. Speaker, on Wednesday, November 30, I was invited to address a gathering of students and faculty at the Lake Shore Middle School, located in the town of Evans in the 27th Congressional District. In addition to having the honor of speaking to a group of very attentive and inquisitive middle school students, I was honored with a presentation of writings in a "memory folder" that I want to talk about here today.

Students in the eighth grade government class of Mr. Keith Dash, a Lake Shore teacher—and former Buffalo State College graduate school classmate of mine—asked his students to write about freedom, and about what they think about when they think of freedom and life in America. A collection of these writings was bound and presented to me at this gathering, and I wanted to take this opportunity, Mr. Speaker, to enter these writings into the CONGRESSIONAL RECORD.

The students contributing to this project are: Joshua Allen, Kelly Carlson, Cody Catalano, Katherine Dinkuhn, Rebecca Swatsworth, Kim Vona, Kalie Weinheimer, and Jessica Westley. I am honored to have received the writings that these students have labored on for so long, and am delighted to enter each student's contribution into the RECORD, as follows:

The most important element in social studies is the U.S. government. I mean we have all these freedoms; write anything, say anything, do anything. We get a fair trial no mater what the odds are. I am trying to say there isn't any place in the world as good as the USA. In the world it is chaos. I mean wars, fights, and riots. I mean we basically are the translators of many languages like English. We are strong and I don't want it to crash.—Joshua Allen

GOVERNMENT

(By Kelly Carlson)

The United States' Constitution is the foundation of our country, what we've built our lives around. To me the most important part of it is the first Amendment in the Bill of Rights. To have freedom of speech, freedom of the press, the very concept that we, the people of America can voice our opinions, is comforting. I value this amendment because, in most countries you're not allowed opinions, let alone to share those opinions with people around you. To me, what I believe in is more important to me than a lot of things.

The most important right that the Constitution gave me is the right to bear arms. My father and I are both hunters. It is important that the animal population is controlled so deer don't get hit by cars and animals don't have to fight each other for food. It is also a good source of food because we eat all the meat of our kill. The right to bear arms is definitely the most important right to me.—Cody Catalano

THE AMERICAN LIFE

(By Katherine Dinkuhn)

We see the obvious differences between,
Us and the citizens of other countries.
Some are industrialized,
While others are third world.

We say what we want to in Maine,
We publish in California.
And worship in Pennsylvania,
In Texas we gather

We buy a gun in Nevada
We drive through Ohio
And vote in New York

Marriage and voting
It's all the same
In the U.S. we can do it all

The constitution states our rights
It says what we can do
It protects us all
And lets us have a view

Voting is the most important to me in Democracy because it lets me have a say in the government. It also allows me to say my opinion and how I feel about my future. For example the person I feel appropriate to run for government, I would vote for. Voting may be an option but I feel that its everyones job but even better its everyones duty.—Rebecca Swatsworth

I think the most important thing in our government is our laws. This is the most important because they keep order within our community and make it a safer place to live.—Kim Vona

When I think of government, I think of the three branches, the constitution and lots of laws. To me, the most important part of the government is laws. The laws I lead my life by, the laws I follow and the laws I can look up to when I need to be pointed in the right direction. They show me right and wrong, good and bad. They let me understand our society today. They explain things like how we became a free country or how slaves became free. But most important, they hold up our society. So, when I think of our government, I think of laws.—Kalie Weinheimer

There are many important ideas in the Constitution of the United States of America. But there is a very important one that means a lot to me. I think the most important thing in the Constitution is the 15th Amendment. This amendment states that all citizens are given equal rights. This is very important to me because I think regardless of race and color all people should be equal—as the Constitution states. Just because people have a different race they should not be treated different. The Constitution protects this right. The Constitution is the guideline to the government of the United States of America. All people should put others' race and color aside. All people are created equal and should be treated equal as well. Living in America would not be as wonderful without that right. Because of this great Constitution many people came to America and this should always be a part of the United States way of life.—Jessica Westley

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TRIBUTE TO THE HONORABLE JOHN J. SINDE, PRESIDENT, VILLAGE OF WESTCHESTER

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2005

Mr. DAVIS of Illinois. Mr. Speaker, I rise to pay tribute to The Honorable John J. Sinde who passed away on November 22, 2005. Mayor Sinde was born on November 13, 1925 and continued a lifetime of work until his retirement in May of 2005. John J. Sinde attended Our Lady of Sorrows Grammar School and St. Phillips High School in Chicago. He enlisted in the U.S. Navy for 3½ years and served in the Pacific Theatre. He was honorably discharged in August 1945.

On September 11, 1954, he was married to Ms. Marilyn Honeyman and they adopted three children, John Anthony when he was seven weeks old, Kimberly Marie when she was six months old and James Michael when he was seven days old.

Mr. Sinde went to work for material service in 1949 and remained until 1983. He began his political career in 1973, by getting elected to the Westchester Park District Board where he served for 7 years. In 1981, he was elected village president or mayor of Westchester, where he served until his retirement in 2005. John J. Sinde served as President of the village of Westchester for over 24 years. He was the true embodiment of civic involvement and public service. Not only did he serve as village president but he was also president of the Westchester Park District, Westchester Baseball League, president of the Mary Jane Kennedy PTA, president of Westchester Band Parents, chairman of the North Central Council of Mayors for 10 years, manager of the Pee Wees for 21 years, umpire for Westchester Girls Softball, 8 years active as a crossing guard until his last illness.

Proudest accomplishments: Village Swimming Pool, New Post Office, New Village Hall Westbrook Corporate Center, new 2,000,000 gallon water tower Children's Memorial Hospital, first lighted baseball diamond. A man who truly loved and was committed to his family and to his community.

The Honorable John J. Sinde, president, village of Westchester. A true servant of the people, may he rest in peace.

TRIBUTE TO DR. WILLIAM C. RICHARDSON

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2005

Mr. UPTON. Mr. Speaker, I rise today to pay tribute to Dr. William C. Richardson, who for the past ten years has shown great leadership and vision as the President and CEO of the W.K. Kellogg Foundation. Throughout his lustrous career, Bill has tirelessly worked for the betterment of his community and has significantly impacted countless individuals both professionally and personally. Although he will be retiring at the end of this year, the dedication and mission to promote and improve philanthropy that Bill has set forth will no-doubt continue long into the future.

Dr. Richardson has been exceedingly active within the public, private, and non-profit sectors of society. He has served as president of the Johns Hopkins University, executive vice president and provost of Pennsylvania State University, and dean of the graduate school and vice provost for research of the University of Washington.

In addition to his great work with the W.K. Kellogg Foundation and our institutions of higher education, Bill is a trustee of the Council of Michigan Foundations, a former chair and board member of the Council on Foundations, and a fellow of the American Academy of Arts and Sciences and the American Public Health Association.

Dr. Richardson has received numerous honors throughout his distinguished career, and I am pleased to call him a friend. I have known Bill for a long time and have often looked towards his leadership for guidance. The great work that Bill and the Foundation have accomplished over the past 10 years has stretched throughout our country and world. The impact that Bill has had on countless communities throughout his career is truly awe inspiring. The folks of southwest Michigan are fortunate to call Bill a neighbor. On behalf of the Sixth District, I wish Bill and his family all the best in retirement—we are all better off because of his service.

TRIBUTE TO WIBC–AM INDIANAPOLIS

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2005

Mr. PENCE. Mr. Speaker, each year at the National Association of Broadcasters Annual Marconi Awards dinner, the evening ends with the awarding of the Legendary Station of the Year. The fraternity of radio stations that can call themselves "legendary" is an exclusive club. And this year, WIBC–AM Indianapolis joins that group.

For 67 years WIBC has been the 50,000-watt News and Talk of Indiana. The WIBC News Team is the largest in the state, offering 24-hour Local News. It has won a record number of AP and Sigma Delta Chi awards and has received the Murrow Award for three consecutive years. Further, WIBC has been named a Marconi recipient for Station of the Year for the second straight year.

The National Weather Service called WIBC's weather coverage "life-saving."

WIBC is the flagship station of the Indiana Pacers and home of the Indianapolis 500 for 51 years.

In the community, WIBC is known for its charitable acts, having raised almost $1 million for the Salvation Army and collected thousands of teddy bears for police to give to traumatized kids.

WIBC's Race for Riley with John Andretti has raised over $500,000 for the Children's Hospital and the station runs thousands of PSAs each year for many more deserving organizations.

WIBC is home to news and personalities that reflect the lifestyle of mid-America. It is the most popular news/talk station in Indiana.

Mr. Speaker, when you talk radio legends, one voice is clear. WIBC.

HONORING MARK SACKETT ON HIS CAMPAIGN TO BE ELECTED TO THE CHAUTAUQUA COUNTY LEGISLATIVE DISTRICT 4

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to honor Mark Sackett, a resident of Chautauqua County for his quest to become the elected representative to the fourth legislative district in the Chautauqua County Legislature. Although Mr. Sackett was not able to realize his dream he has been able to make an impact on other's lives in a different way.

The campaign trail is a difficult path to take. Any person with a dream may enter but only a few are able to reach the end. Mr. Sackett traveled that path with his head held high and a smile on his face the entire way. I have no doubt that his kind demeanor left a lasting impression on the voters of district 4.

Mr. Sackett is a former legislator where he served the people of district 4 for many years. Mark is also a very creative man who never stops thinking of ways to assist a friend. Many people of Sheridan, New York may remember the large gavel that he constructed.

Chautauqua County is blessed to have such strong candidates with a desire to make this county the wonderful place that we all know it can be. Mr. Sackett is one of those people and that is why, Mr. Speaker, I rise to honor him today.

IN HONOR AND REMEMBRANCE OF BARBARA JACOBS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Barbara Jacobs, whose joyous life was framed by family, community, culture and giving to others. Her passing marks a great loss for her family and friends, and also for the people of Cleveland, whom she served with the highest level of commitment, compassion and concern.

Mrs. Jacobs shared her enthusiasm for community service with her late husband, David Jacobs, former owner of the Cleveland Indians. The welfare of her family and her community defined her life. Together, Mr. and Mrs. Jacobs raised three children: Marie, David Jr. and John. They instilled within them the significance of giving to others and helping those in need.

Mrs. Jacobs continued to carry the torch of philanthropy that she shared with her husband. Her unwavering support focused on uplifting the lives of others. Her generous donations will ensure that students have musical opportunities at the Indiana University School of Music; her spirit of giving will allow poor families and individuals to receive free medical treatment at MetroHealth Medical Center; and her focus on healing will continue to provide support and funding for the Ohio Cancer Research Center.

Mr. Speaker and Colleagues, please join me in honor and remembrance of Barbara Jacobs. Her boundless spirit of giving and joy for living will continue to have a profound impact upon the lives of countless families and individuals, from Cleveland, Ohio to the University of Indiana. I extend my deepest condolences to her children, Marie, David Jr. and John; to her five grandchildren and great-granddaughter; to her dear friend and companion, Albert Werner; and to her many extended family members and friends. Mrs. Jacobs' kindness, energy and compassion will live on within every life she touched and she will never be forgotten.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2005

Ms. CARSON. Mr. Speaker, due to a weather related travel delay, I was unable to record my vote for rollcall suspension votes 609 through 611. Had I been present I would have voted "yes."

HONORING RICHARD NEWTON ON HIS CAMPAIGN TO BE ELECTED TO THE CHAUTAUQUA COUNTY LEGISLATIVE DISTRICT 1

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to honor Richard Newton, a resident of Chautauqua County for his quest to become the elected representative to the first legislative district in the Chautauqua County Legislature. Although Mr. Newton was not able to realize his dream he has been able to make an impact on other's lives in a different way.

The campaign trail is a difficult path to take. Any person with a dream may enter but only a few are able to reach the end. Mr. Newton traveled that path with his head held high and a smile on his face the entire way. I have no doubt that his kind demeanor left a lasting impression on the voters of district 1.

Chautauqua County is blessed to have such strong candidates with a desire to make this county the wonderful place that we all know it can be. Mr. Newton is one of those people and that is why, Mr. Speaker, I rise to honor him today.

A PRINCIPLED REPUBLICAN'S CONTINUED SUPPORT FOR FAIRNESS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2005

Mr. FRANK of Massachusetts. Mr. Speaker, when I was a Member of the Massachusetts Legislature in 1973, I introduced legislation to protect gay and lesbian people against discrimination. To the surprise of many—myself included—one of the strongest champions of that bill turned out to be a Republican State Senator from a socially conservative part of Massachusetts, Robert A. Hall. As he describes in the attached article, he had not thought much about this before, but when he listened with an open mind to the issues involved, he became a supporter. When he found that he was in fact the only one willing to be the floor manager for the bill on the floor of the Massachusetts Senate, he took that on, in the face of a great deal of political wisdom that said he was making a mistake. As he noted, he went on to a very successful further career.

Bob Hall's article in the Madison, Capital Times continues his work in defending fairness. His arguments on the marriage issue seem to me irrefutable, and they come with great credibility given his background and his current set of views. Since it is apparently the intention of the Republican leadership once again to bring a Constitutional amendment before the House that would prevent States from making their own decisions with regard to same-sex marriage, I think it is very relevant that Mr. Hall's persuasive argument be printed here.

[From the Capital Times, Dec. 1, 2005]

ANTI-GAY BILL WON'T HELP YOUR MARRIAGE

(By Robert A. Hall)

I'm opposed to a constitutional amendment prohibiting gay marriage, now being considered by the Wisconsin Legislature.

Oh, I know, I'm an unlikely champion of gay rights. I'm a Marine Vietnam vet who has deep regrets about that war—mostly I regret that we didn't kill twice as many of those totalitarian murderers. I hope we do better in Iraq.

I believe the "out-now crowd" are racists who think the Iraqis are too inferior to deserve democracy. Or they don't care, as long as America is defeated and George Bush embarrassed.

I worked hard to defeat John Kerry last November, and will do so again, if he runs.

And I'm a death penalty advocate who thinks we should run it like a barbershop—two chairs, no waiting.

As a member of the Massachusetts Senate, I regularly voted against increasing the state budget more than any other senator.

And don't get me started on guns. I'm not for mandatory concealed carry, but I do think fondly of how polite folks were in the days when gentlemen wore swords.

Living in Madison, I feel a certain kinship with the Israeli ambassador to Baghdad. While I think of myself as a centrist Republican with a libertarian bent, to the average Progressive Dane voter, I'm a fascist pig.

So how did I become a supporter of gay rights?

In 1973, Massachusetts State Rep. Barney Frank had filed bills prohibiting employment and housing discrimination on the basis of sexual orientation.

The bills came before a committee on which I served. There were a lot of jokes and nudging going on—this was the early '70s. Appearing to testify was a bright and charming woman, Elaine Nobel, who would later serve as a state representative herself. Elaine convinced me that supporting Barney's bills was the right thing to do. I told the chairman, Sen. Allen McKinnon, to record me in favor of them.

The bills received a favorable report—but no one in the committee's Democratic majority was willing to carry (be floor manager) for them. So, my back up, I volunteered.

The Republican floor leader had a minor stroke when he learned I was carrying gay rights bills. He had only seven Republicans out of 40 senators. I was 27, single and holding a seat I'd won by nine votes out of 60,000 cast. The common wisdom was that I was a one-term wonder who caught the incumbent senator vulnerable but couldn't be re-elected.

I suspect that I may have been the first legislator in the country to speak for gay rights on the floor of a state legislature. McKinnon spoke for the bills after me. On the roll call, only six senators voted in favor—McKinnon, four other Democrats and myself. And the bills were dead that year.

But I won the next election by 10,000 votes, carrying every city and town in my working-class Democratic district. More legislators decided that supporting anti-discrimination was a safe thing to do. Today, it's the law in Massachusetts—which strangely doesn't seem to have collapsed because of it or because of the gay marriage decision there last year.

Trust me, no true heterosexual wakes up and thinks, hey, I'm really angry with my partner. I think I'll try dating someone from my own gender from now on.

So who is destroying traditional marriage in America?

How about men—and increasingly women—abusing their spouses? How about the heterosexual trend toward infidelity, led by the example of our highest elected leaders? How about men fathering and then abandoning children to poverty and state support? How about a large number of straight people deciding serial marriage and divorce is a cool lifestyle?

Doing something about those trends would really protect marriage.

IN HONOR OF RICHARD WALTER

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2005

Mr. BLUNT. Mr. Speaker, I rise today to honor Richard Walter on his retirement from more than 36 years of dedicated service to the State of Missouri. Richard Walter distinguished himself in Missouri by his commitment to improving the lives of citizens in this great State.

On December 31, 2005, Richard will retire as District Engineer for MoDOT's District 7. The leadership he provided during his time with the department was crucial to the success of several projects currently moving forward in the 7th Congressional District. Just a few of the projects Richard spent his time advocating include the completion of MO 249, commonly known as the Range Line By-Pass, building four lanes of U.S. Highway 71 south from Joplin to the Missouri-Arkansas border, and completing four lanes of MO Highway 13 north of Springfield to Kansas City. These major projects are vitally important to the economic growth and quality of life in southwest Missouri. The citizens of southwest Missouri owe a great deal of gratitude to Richard for his efforts to advance these projects.

I congratulate Richard on his accomplishments during his tenure with the Missouri Department of Transportation and wish him the best in his retirement.

HONORING THE LIFE OF PATRICIA A. KANE

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2005

Mr. HIGGINS. Mr. Speaker, it is with a tremendous amount of sadness that I report to the House on the passing of a gentle woman whose strength of character served her community and the Democratic party in my hometown of South Buffalo, NY, with tremendous honor and distinction. More importantly, she was a woman of valor—a wife, mother, and grandmother of extraordinary stature, and someone who will be missed for generations to come.

Born Patricia Ann Doyle, Pat Kane was, simply put, a legendary figure in Democratic politics for decades. Pat and her husband, Donald F. Kane—another legendary figure and mentor to many of my contemporaries—were part of a large extended family that, along with leaders like former county and State Chairman Joe Crangle and families like the Crottys, Dillons, Keanes, Mahoneys, Whalens and many others, ruled South Buffalo politics from the 1960's to well into the 1990's.

Former House Speaker Thomas P. "Tip" O'Neill is often quoted as saying that "politics ain't beanbag," and that statement goes double for the rough and tumble world of South Buffalo politics. Pat Kane was a strong leader, who was no shrinking violet; she was an integral player in many important races over the years, and her absence will be felt for many years to come. Through her gentle example and moral leadership, she made so many of us so much better than we otherwise would have been. She had the guts to say what was on her mind and the integrity to get away with it.

On a more personal level, Pat Kane's graciousness and generosity extended beyond her family to a wide yet close circle of neighbors, classmates, friends and the friends of her six children, of which I was honored to be included. Having attended school with her son, Patrick Timothy, I will always hold the warmest of kind feelings and blessing of happy memories having been a guest in the Kane home many times. Once given, Pat Kane's hospitality and her genuine interest in you could never be forgotten. I am also proud to note that Pat Kane's eldest daughter, Bonnie Kane Lockwood, is a member of my district staff. Bonnie and I have worked together since my initial election to the Buffalo Common Council in 1987, and I am fortunate to have her working with me, because Bonnie possesses both the intellect and the political acumen one would expect from Don and Pat Kane's daughter, and my constituents and I are blessed to have her service on a daily basis.

Pat Kane loved her family, loved her community, and loved the Democratic party, and her influence is seen in the many young women who have become active in local politics over the past several years. I am a better person for having known Pat Kane, and our community is better for her tireless service to it.

Mr. Speaker, on Saturday, November 26, a cold and snowy morning in South Buffalo, Pat Kane left St. Teresa's Catholic Church on Seneca Street toward her final resting place.

Before doing so, her daughter Bonnie delivered a stirring eulogy that was extraordinary in both its content and its delivery. With the House's consent, I want to close my remarks with Bonnie's words from the Mass of Christian Burial celebrating the life of Patricia Ann Kane.

EULOGY OF PATRICIA A. DOYLE KANE

(By Veronica Bonnie Kane Lockwood)

On behalf of our Dad, Don Kane—and the entire Kane Klan—I want to thank Fr. Paul Seil for celebrating the new life of Patricia Ann Kane this morning and for being with us as that new life began. Our cousin, Fr. Paul has been with us so many times before—weddings, christenings—but his finest moment may have been in Room 8—ICD—8th Floor Mercy Hospital Monday, Nov. 21 at 3 p.m., when, surrounded by her loving family—Fr. Paul stepped to my Mother's side and helped her cross over and help us to accept the cross of missing her—knowing she is with us always.

We also know she is with God and—by now; my guess is God has received his first hand-delivered letter from Mrs. Kane. While I cannot imagine the exact contents of the letter—I am confident a couple of dollars were enclosed.

Thank you to all the Clergy here who celebrate my Mother's life—my Mother was a part of your lives too. And, of course, we thank the Sisters of Mercy for being such an important part of my Mother's life—"Pat Kane lived Mercy, taught Mercy and was Mercy"—and we thank the St. Thomas Aquinas Rosary and Altar Society for providing the honor guard this morning.

Thank you Fr. Mitka for welcoming her and all the Kane's back to St. Teresa's—St. Teresa's was My Dad's parish for more than 70 years—A Navaho boy—he bought a four-bedroom house all the way across the street on Pawnee Parkway before they were married—and St. Teresa's became Mom's parish too! As with so many things in our parent's lives and loves together—Mom made it her own—she is rightly remembered for her leadership and involvement in so much of St. Teresa's history—Msgr. Toomey's Golden Jubilee, the first St. Teresa's Restoration campaign—with Fr. Berg—another success as we can see.

Mom and Dad organized the hot dog concession for the Annual Comeback Run and I know people came back—for Mom's brownies—which she would offer with every hot dog sold! She was a lecturer for many years—so standing here—where she stood many times before—feels very right.

Our family thanks all of you here today. We know you share our loss—one of my great friends said "thanks for sharing your Mom with me." There was no choice—My Mother's life was and her legacy will be about sharing. Her devotion to countless classmates and neighbors, her friends and the friends of her children was imbedded into her very being—it was not what she did—it was who she was!

She gave of herself—listening, organizing, collecting for a worthy cause, her talents—singing Danny Boy—always a favorite, fashion show commentating, the wearing of the hats, the baking of the brownies, the donating of the dollars—(in fact, we realize our true inheritance is all the good she did—because her money went to so many of you here today—a dollar here, five dollars there—that really adds up, you know).

She gave her heart—when she had her heart attack in 1994—her grandson, James—just a little guy then—said—Gram's heart hurts—because she loves too much—and now, all of our hearts hurt because we loved her so much.

And we have to hurt—but we also must give thanks! If that fact escaped any of our attention—it was Thanksgiving Day when the Buffalo News printed her beautiful picture and life story.

We give thanks for Patricia Doyle born almost 76 years ago to Mike and Gert Doyle of South Park Avenue. At 14, her world would be forever changed by the death of her father—she would have go to work at Cecil's dress shop every day after class at her beloved Mt. Mercy Academy to help make ends meet—and dreams of college and a teaching career were ended.

Her life was not to be an easy one—but she made it easy for all of us. She was not a teacher by trade—but our greatest teacher by example—she became a legal secretary where many a Judge and co-worker told us—they worked for Mrs. Kane. She would always say the greatest gift you can give your child is to teach them empathy—understanding the feeling of others—and oh, how she understood.

We give thanks for Patricia Doyle whose goodness and beauty caught the eye and heart of a young man named Donald F. Kane—56 years ago—husband and wife for 52 years—wonderful parents and best friends whose mutual respect for each other made them even more successful as individuals. We strive to be better husbands and wives, better parents and friends—better at whatever we do in the workplace—because of their example.

We give thanks for the best Mother and Mother-in-Law, making us each feel special as individuals but showing us nothing is more important than family. Mom to six, Mother-in-Law to five, Grandma Kano to 14, Sis to two brothers whom she loved so much, a Sister-in-Law who became a good friend and confidant, a Cousin who became an older sister, Aunt Pat to many and 'Chubby Cheeks' to some.

Our Mother always said, "Make a Difference in this World." And we give thanks for the difference she made in all of our lives.

We give thanks to a woman ahead of her time who was always a lady—a politically savvy partner with my Dad—a politically active person on her own—she knew who she was and what she stood for, stayed loyal when it would have been easier to bend, a truth teller—even when we on the receiving end did not always ask for it or want to hear it when it was given—She never had a driver's license—but how she drove us all to be better than we otherwise would have been—A special friend said—"she had the guts to say whatever was on her mind and the integrity to get away with it."

We give thanks for her words—left to us to read, remember, treasure and share. Before there was E-Mail there was "Mom-mail!" Can you imagine the discipline (which I do not have) it took to put paper in the typewriter—with not an insert or delete button in sight—and type out her thoughts to you perfectly—perhaps include an article she clipped or currency for a special treat—what was better than knowing you got a letter from Mom, Grandma Kano, Aunt Pat or Mrs. Kane.

Let me restate that—not all letters brought good news—some brought "constructive criticism," some brought fashion tips including Dr. Scholl's footpads for all of us before a family wedding.

Words were my Mother's actions and her strength. Her own experiences were an endless well of hope and faith, a simple, powerful reminder that you were not alone!

We give thanks for my Mother's love of holidays—and how she helped us get through our first Thanksgiving without her physically present—yet her presence filled the day. We were at my house—watching football, taking the kids to St. Tommy's gym, making fun of me being in the kitchen—and after dinner—Gramps called us together and—told the Grandkids how Grandma Kano talked about what she wanted to do for them for Christmas this year. And of course what she talked about doing—she did—and so—

Gramps called each of them by name and gave them an envelope from Grandma. Tears and thanks were followed by lots of stories and reading from a few of her letters—it is only right to leave you with the words of Patricia Kane—I will read the words but it is her voice I know that you will hear.

"Keep doing what you think is right and realize that not everyone will agree with you. Put a smile on your face—even in the darkest of days, you found Mom with a smile throughout her whole life. Smiles make everyone feel good—yourself and the one to whom the smile is given. God Bless You—keep your head high and your mind ever working and your spirit with God. He will help you every step of the way—I am proof positive of that statement—I love you today and always."

Thank You Mom—We love you today and always!

PERSONAL EXPLANATION

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2005

Mr. GREEN of Wisconsin. Mr. Speaker, I was absent from Washington on Tuesday, December 6, 2005. As a result, I was not recorded for rollcall votes No. 609, No. 610 and No. 611. Had I been present, I would have voted "aye" on rollcall No. 609, No. 610 and No. 611.

IN MEMORY OF GURDEV SINGH SANDHU

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2005

Mr. TOWNS. Mr. Speaker, I was recently informed of the passing of Gurdev Singh Sandhu at the young age of 62. I would like to extend my sympathies to his family and friends. He is survived by his wife Jaswant Kaur Sandhu, whom he married in 1974, his daughters Samreet and Ramneek, his son Sanmeet, his son-in-law Jason Pavlak, and his grandson London Singh Pavlak.

Gurdev Singh Sandhu was a very passionate supporter of Sikh freedom. He came to this country at age 18 and attended Wayne State University. He worked at many careers, including working as an engineer at Motown Records, working at DEA, employment as an engineer at General Dynamics, and a Quality Manager at Thyssen-Krupp Budd Company. He even had a couple of businesses of his own. He was very involved with his children, helping with homework, coaching Little League Baseball, teaching them to ride a bike, and so many other activities. He designed the house where he and his wife lived.

In his last few years, Gurdev Singh Sandhu had learned to play golf, worked in his garden, was active at a local gym, and worked in his yard and on various home-improvement projects. He had recently built a deck and designed his new garage.

Gurdev Singh Sandhu was a strong supporter of the cause of Sikh freedom and the Sikh homeland, Khalistan. He had hoped to live to see Khalistan free. Hopefully, even though he won't be around to see it, this dream will be achieved in very short order.

Again, Mr. Speaker, I would like to extend my condolences to Mr. Sandhu's family and friends and I know that the Members of this House join me in that. May God bless him.

IN TRIBUTE TO MRS. EDITH A. GRAY, DISTINGUISHED CONECUH COUNTY EDUCATOR

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2005

Mr. EVERETT. Mr. Speaker, I rise today to pay tribute to the long service of a distinguished Conecuh County citizen who has contributed to the education of many in Southeast Alabama. Mrs. Edith A. Gray, who turned 95 this year, is truly an inspiration of community service.

A native of Galveston, Texas, Mrs. Gray received her educational training in 1940 at Tuskegee Institute. Already teaching even before she obtained her B.S. degree, Mrs. Gray dedicated over four decades of her life to educating others at Conecuh County Training School.

Gray went on to develop one of the largest and most successful home economics programs in the State of Alabama. She founded the New Homemakers of America (NHA) organization in Conecuh County and the Mother-Daughter-Father-Son organization as a means of bringing families together.

Her insightful programs brought together families to teach them in their own homes a variety of skills from sewing, cooking, decorating, child care, and preserving homegrown foods.

I am pleased to note that due to Mrs. Edith A. Gray's exemplary service she will be honored on December 12 with the office ribbon cutting of the Edith A. Gray Library and Technology Center at Reid State Technical College in Evergreen, Alabama. She is certainly worth of this honor and I extend my personal congratulations to her and her family.

NICS AND MENTALLY ILL

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2005

Mrs. McCARTHY. Mr. Speaker, for months, I have been discussing how Congress can improve the National Instant Criminal Background Check System (NICS) by passing H.R. 1415, the NICS Improvement Act. People who now are barred by current law from possessing a firearm can purchase guns because NICS data is incomplete. The attached article provides more information on why the 109th Congress must pass H.R. 1415.

I want to comment on patient privacy or the stigma of mental illness. The bill contains language directing the Attorney General to work with Federal, State, and local law enforcement and the mental health community to establish protocols for protecting the privacy of information sharing.

My bill does not change current law. The 1968 gun act already bars guns to people "adjudicated as mentally defective or those committed to mental institutions." That is how the law now reads. H.R. 1415 does not change the law.

It is important to remember how the NICS process works. If a NICS search determines that a prospective buyer is barred from getting a gun, then NICS tells the gun dealer that the sale must be "Denied." NICS does not tell the dealer why the purchase is denied. The stigma, if any exists, is that a prospective gun purchaser is denied the gun. Why he was denied does not come into the NICS process.

[From the Hartford Courant, Nov. 27, 2005]

GAPS IN RECORDS ALLOW MENTALLY ILL TO BUY GUNS

(By Mark Sherman)

WASHINGTON.—In Alabama, a man with a history of mental illness killed two police officers with a rifle he bought on Christmas Eve.

In suburban, New York, a schizophrenic walked into a church during Mass and shot to death a priest and a parishioner.

In Texas, a woman taking anti-psychotic medication used a shotgun to kill herself.

Not one of these names was in a database that licensed gun dealers must check before making sales—even though federal law prohibits the mentally ill from purchasing guns.

Most states have privacy laws barring such information from being shared with law enforcement. Legislation pending in Congress that has bipartisan support seeks to get more of the disqualifying records in the database.

In addition to mandating the sharing of mental health records, the legislation would require that states improve their computerized record-keeping for felony records and domestic violence restraining orders and convictions, which also are supposed to bar people from purchasing guns.

Similar measures, opposed by some advocates for the mentally ill and gun-rights groups, did not pass Congress in 2002 and 2004.

The FBI, which maintains the National Instant Criminal Background Check System, has not taken a position on the bill, but the bureau is blunt about what adding names to its database would do.

"The availability of this information will save lives," the FBI said in a recent report.

More than 53 million background checks for gun sales have been conducted since 1998, when the NICS replaced a five-day waiting period. More than 850,000 sales have been denied, the FBI reported; in most of those cases, the applicant had a criminal record.

Legislation sponsored by Rep. Carolyn McCarthy, D-N.Y., says millions of records are either missing or incomplete. "The computer is only as good as the information you put in it," McCarthy said.

In the Alabama case, police say Farron Barksdale ambushed the officers as they arrived at the home of his mother in Athens, Ala., on Jan. 2, 2004. Barksdale had been committed involuntarily to mental hospitals on at least two occasions, authorities said.

Facing the death penalty, he has pleaded not guilty and not guilty by reason of mental disease and defect.

The shootings led Alabama lawmakers to share with the FBI the names of people who have been committed involuntarily to mental institutions. But just 20 other states provide NICS at least some names of people with serious mental illness, a disqualifier for gun purchases under federal law since 1968.

Shyla Stewart had been hospitalized five times in Texas, twice by court order. Yet Stewart was able to buy the shotgun that she later used to kill herself at a WalMart in 2003 because Texas considers mental health records confidential.

The same is true in New York, where Peter Troy was twice admitted to mental hospitals but bought a .22-caliber rifle that he used in the shootings inside a Long Island church in March 2002. Troy is serving consecutive life terms for the killings.

As a result of the church shootings, McCarthy and Sen. Charles Schumer, D-N.Y., introduced legislation that year to close the gaps in the background check system. The bill would have required the states to give the FBI their records and provided $250 million in grants to cover their costs.

The bill passed the House without opposition but stalled in the Senate. In 2004, the measure again had the support of lawmakers who support gun rights, but it did not pass Congress.

McCarthy, whose husband was among six people shot to death on a Long Island Rail Road train in 1993, has introduced it again this year, but it has not yet been taken up by a House Judiciary subcommittee.

Sen. Larry Craig, R-Idaho, a National Rifle Association board member, was a sponsor of the bill in the last Congress and continues to support it, spokesman Dan Whiting said. The NRA supports the concept, but it has not taken a position on McCarthy's legislation, spokesman Andrew Arulanandam said.

Michael Faenza, president and Chief executive of the National Mental Health Association, said forcing states to share information on the mentally ill would violate patient privacy and contribute to the stigma they face.

It's just not fair. On the one hand, we want there to be very limited access to guns," Faenza said. "But here you're singling out people because of a medical condition and denying them rights held by everyone else."

The states that provide some or all mental health records are Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Hawaii, Iowa, Kentucky, Louisiana, Michigan, New Jersey, New Hampshire, New Mexico, North Carolina, Utah, Vermont, Virginia, Washington, and Wyoming.

HONORING RETIRING CONCORD TOWN SUPERVISOR MARK STEFFAN

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2005

Mr. HIGGINS. Mr. Speaker, today I rise to honor a man whose years of service, both as a councilman, and for the last 4 years as Supervisor of the town of Concord, have served his town admirably. Today, I want to honor retiring Concord Town Supervisor Mark Steffan.

Mark Steffan is someone who loved his town with every fiber of his being. A successful businessman, Mark was elected to the Concord Town Board and his recent service as Supervisor has come at a time when more people in Erie County and western New York look to the town of Concord and its incorporated village of Springville as an outstanding place to live, work and raise a family. It is that way because of the dedicated service of public officials like Mark Steffan.

Mark Steffan and his family are moving on with a planned move out of western New York. I want to take this opportunity, Mr. Speaker, to commend Mark Steffan for his service to the residents and the taxpayers of the Town of Concord, and remind him that local residents are better for the service he provided to town government.

CONGRATULATING MR. PETER A. TAMILIN

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2005

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to congratulate Mr. Peter A. Tamilin on his achievements in public service by serving the United States Army for over 33 years.

Mr. Tamilin began his civil service career as an engineer-in-training in the U.S. Army Corps of Engineers in 1972. He held positions of progressive responsibility as a civil engineer in the Walter Reed Area Office, the Baltimore District and the Europe District, and began serving at Headquarters, U.S. Army Corps of Engineers in 1990. In 2002, Mr. Tamilin moved to his current position as the assistant for construction in the Office of the Deputy Assistant Secretary of the Army Installations and Housing, Assistant Secretary of the Army, Installations and Environment. As assistant for construction, he has been an invaluable asset in the development and issuance of installation policy with focus on Military Construction which included facilities for the Active and Reserve Components and Army Family Housing.

His efforts, recognized within the Army Family Housing, Office of the Secretary of Defense, and Congress, have focused specifically on the Secretariat policy and oversight for the Army's Transformation to the Army Modular Force, Integrated Global Presence and Basing Strategy, and supplemental request to support the global war on terrorism and responses to natural disasters. Throughout his career, he has provided outstanding leadership, advice, and sound professional judgment to his colleagues. He is an exemplary civil servant and will be missed by the United States Army.

Mr. Speaker, in closing, I would like to congratulate Peter Tamilin for his service to our country. I call upon my colleagues to join me in applauding his past accomplishments and wishing him the best of luck in all future endeavors.

PERSONAL EXPLANATION

HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2005

Mr. BROWN of Ohio. Mr. Speaker, on Tuesday, December 6, 2005, I was unable to cast votes on two measures on the suspension calendar. I ask that my absence be excused, and that the CONGRESSIONAL RECORD show that had I been present, I would have voted "yea" on H. Res. 535, honoring the legacy of Yitzhak Rabin, and "yea" on H. Res. 479, commemorating the 50th anniversary of the 1956 Hungarian Revolution.

LET'S GET SERIOUS ABOUT SUPPORTING OUR TROOPS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2005

Mr. CONYERS. Mr. Speaker, today's actions are a shameful disservice both to our soldiers in Iraq and to Americans here at home. Republicans are denying the Nation an open debate on the war in Iraq. On tonight's agenda, the Republicans not only have replaced Mr. MURTHA's resolution on Iraq with H.R. 571, a perversion of the Murtha Resolution that Representative HUNTER introduced, and which in no way conveys the sentiment of Representative MURTHA's proposal. They also have had the temerity to characterize it as a "Democratic proposal."

Representative MURTHA's Resolution states that, "The deployment of U.S. forces in Iraq, by direction of Congress, is hereby terminated and the forces are to be redeployed at the earliest practicable date." It also provides for deploying a contingency capability outside of Iraq, and requires America to pursue security and stability in Iraq through diplomacy. The Republican legislation contains none of this language.

I am a member of the "Out of Iraq Caucus" because I believe we should bring our troops home from Iraq as soon as practicably possible, as does Representative MURTHA. The citizens of this country deserve to have a true floor debate on why this is right and on how best to do it. Then their Representatives owe them an up or down vote on this issue. Mr. MURTHA's speech should open serious hearings on the issue, followed by extensive debate on our policy in Iraq.

Mr. Speaker, to paraphrase FDR: Tonight it's clear that the only thing the Bush White House has to fear is public debate itself.

It is the height of hypocrisy for the Republican leadership to schedule a sudden, straitjacketed mini-debate and vote on their version of Mr. MURTHA's resolution. To understand this hypocrisy its necessary to put their deceit in context.

The House Majority Leadership has consistently refused to allow the House to debate H.J. Res. 55, an earlier bill offered by 63 House members in a bipartisan fashion. It would require the President to set forth a plan for withdrawal from Iraq and to begin to implement it next fall. The Republican Leadership has stonewalled efforts to have this bill considered in committee and brought to the Floor for consideration. They have forced us to employ the parliamentary last resort of filing a discharge petition, in order to force the Leadership to let us debate H.J. Res. 55. The issue before the House at this point is not even the merits of that resolution. Instead, it is preservation of the basic democratic process and the ability of the public to hear debate on the most pressing issue facing this country.

Now, in a 180 degree reversal, the Leadership suddenly wants an abbreviated debate on our policy for ending President Bush's disaster in Iraq. Why this bizarre turn-around, Mr. Speaker? The answer is simple. Mr. MURTHA, the Ranking Member of the Defense Appropriations Subcommittee yesterday struck fear in the Leadership and the White House with his statement of plain truths. Because of his stature in this body, the gentlemen from Pennsylvania, with that single speech, shredded the White House's defense of its flawed policies.

Until now, the President and Vice President have relied on questioning the patriotism of their critics on Iraq. They have hidden behind the claim that—any critics of their war do not support our troops and do not respect our troops' sacrifices. They have repeated that outrageous mantra over and over, most disgracefully in President Bush's remarks on Veterans Day.

Those false claims to discredit critics were demolished in one stroke by Mr. MURTHA's statement. The White House knows full well:

that there is no more patriotic Member of this House,

that there is no Member who loves our troops more,

that there is no Member who has supported our troops more, and

that there is no Member who has served in our military more bravely than Mr. MURTHA.

The White House political spinners also realize that the American people are disgusted when attacks on a patriot like Mr. MURTHA are made by elected officials in the White House who sought to evade military service in time of war. So now they resort to this sleazy tactic. They pretend to have the Nation consider the issues raised by Mr. MURTHA's candid analysis, but in reality they seek to sweep those powerful remarks under the rug.

Then they will pretend that the Congress has seriously considered the tragic issues of life and death and claim that this steamrollered vote reflects the fully-informed, considered opinion of our constituents. That's nonsense.

This is a disgrace to the House, and more important, it's a disgrace to all that our men and women in Iraq are fighting and dying for. The American people and our soldiers deserve better than this cheap trick. To those across the aisle who want to prevent the American people from learning the awful truths about Iraq and who seek to stifle real national debate, there is only one thing to say: "Shame on you."

Mr. HUNTER's charade should be defeated.

S. 136; TITLE III—REDWOOD NATIONAL PARK BOUNDARY ADJUSTMENT ACT OF 2005

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2005

Mr. THOMPSON of California. Mr. Speaker, I want to thank Senator FEINSTEIN and Chairman POMBO for their support of my legislation to adjust the boundary of Redwood National Park to include the State of California's recent Mill Creek acquisition. This legislation is included as Title III in S. 136—The Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment Act.

In 1994, the National Park Service and the California Department of Parks and Recreation established an historic framework for cooperative management of the four redwood parks included in the boundary of Redwood National Park. Now officially known as Redwood National and State Parks (RNSP), this partnership is viewed as a nation-wide model of interagncy cooperative management effort. Prior to the cooperative agreement, there were inefficiencies, duplication of effort, management and operational conflicts and confusion for the visitor. Now the park appears to the visitor and the traveling public as a seamless park unit. A Redwood National and State Park general management plan was adopted in 2000 that guides the future management and protection of these parks. The proposed boundary revision will enable the two park systems to extend the unique RNSP partnership to the Mill Creek acquisition.

The Mill Creek acquisition is contiguous to the existing boundary of RNSP. It is bordered to the west by Del Norte Redwoods State Park, to the north by Jedediah Smith State Park and to the east, by Six Rivers National Forest, Smith River Recreation Area. My legislation adjusts the RNSP boundary to include the State acquisition of the Mill Creek and Rock Creek watersheds.

The California Department of Parks and Recreation acquired the approximately 25,000 acres of redwood forest in Del Norte County in 2002. The addition of this land protected two important watersheds that link the Pacific Coast with the inland mountains. The Mill Creek and Rock Creek watersheds are important coho salmon rearing tributaries to the Smith River, California's largest remaining undammed river. Protecting and restoring habitat for coho salmon in these areas will help increase salmon populations along the Northern California and Southern Oregon Coasts. It will ultimately help reduce regulatory burdens on all stakeholders in the watershed. Stimson Lumber Company, who logged the area since the mid-1800s and had gradually phased out its timber operations on this property, initiated the sale of the land.

The property was purchased by Save-the-Redwoods-League and the State of California for $60 million. The purchase price was funded by a variety of state sources, including $42.5 million from Proposition 12, Proposition 13, Salmon Habitat Funding (SB271) and the Governor's Land Conservation Matching Grants. Save-the-Redwoods League provided $15 million and the U.S. Fish and Wildlife Service provided an additional $2.5 million.

As a result of negotiations between the State, Save-the-Redwoods-League, Stimson Lumber and Del Norte County, a mitigation payment was established to off-set the loss of local property tax revenue. Del Norte County received a one-time $5 million payment. The county has preserved the principal and hope one day to be able to invest the interest to grow the fund.

This legislation is supported by the State of California, the National Park Service, the County of Del Norte, Save-the-Redwoods-League and many of my constituents. Passing it today will strengthen the management of these lands and benefit visitors who come from across the country and around the world to see the redwoods and it will help protect important coho habitat.

Again, thank you for your support of this bill which will help both the National Park Service and the California Department of Parks and Recreation work more efficiently and cost effectively. I urge your "aye" vote.

TSUNAMI READINESS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2005

Mr. WOLF. Mr. Speaker, today I shared the letter below from Admiral Lautenbacher, administrator of the National Oceanic and Atmospheric Administration (NOAA), to all U.S. coastal governors as well as the governors of U.S. territories.

During a recent radio broadcast, I heard a NOAA official state that it was not a question of if a tsunami would hit the United States, but when. The letter below from Admiral Lautenbacher confirms this statement.

It is my hope that our coastal states will contact the NOAA National Weather Service state liaison to receive more information about NOAA's TsunamiReady program.

It was only one year ago that the deadly tsunami struck Indonesia. We must not forget this tragedy and should remember how important it is to be prepared in the event of a natural disaster.

DEPARTMENT OF COMMERCE,
Washington, DC, November 22, 2005.

Hon. FRANK WOLF,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE WOLF: Thank you for your recent inquiry regarding the National Oceanic and Atmospheric Administration's (NOAA) tsunami education and community preparedness programs.

All coastal communities in the United States are at some risk. It is a matter of when, not if, a tsunami will strike. The anniversary of the devastating Indonesian tsunami of December 26, 2004, can serve as an opportunity to educate residents of the United States about our vulnerability to tsunamis, and help them minimize personal risk.

Many lives can be saved during a tsunami if the community and local emergency managers are educated and prepared. NOAA has a ready-to-implement program available to coastal communities called TsunamiReady. The TsunamiReady program helps ensure a community is prepared--from understanding what is a tsunami, to ensuring a warning notification system is in place, and establishing evacuation routes and response actions in case of a tsunami warning.

One key to a successful warning program is public notification. TsunamiReady uses NOAA Weather Radio All Hazards (NWR) as one method to alert individuals when a warning is issued. NOAA Weather Radio continuously broadcasts National Weather Service forecasts, warnings, and other crucial weather information. NOAA Weather Radios can be programmed to receive information specific to a certain area, and sounds an alarm to alert users to dangerous situations, including tsunamis.

For further information, please contact Kim Campbell (Kimberly.Campbell@noaa.gov), NOAA's National Weather Service Performance and Awareness Branch Chief, at (301) 713-0462 extension 118, or the appropriate State Liaison office from the enclosed list.

We appreciate your ongoing interest in NOAA.

Sincerely,
CONRAD C. LAUTENBACHER, Jr.,
Vice Admiral, U.S. Navy (Ret.), Under Secretary of Commerce for Oceans and Atmosphere.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NATIONAL WEATHER SERVICE STATE LIAISON OFFICES

Alaska: Anchorage, Robert Hopkins, Tel. 907-266-5117; Juneau, Tom Ainsworth, Tel. 907-790-6804.

Alabama: Birmingham, Jim Stefkovich, Tel. 205-664-7829.

California: Sacramento, Elizabeth A. Morse, Tel. 916-979-3041.

Connecticut: Boston, MA, Robert M. Thompson, Tel. 508-823-1900.

Delaware: Philadelphia, PA, Gary Szatkowski, Tel. 609-261-6600.

Florida: Tallahassee, Paul Duval, Tel. 850-942-8833.

Georgia: Atlanta, Lans Rothfusz, Tel. 770-486-1133.

Hawaii: Honolulu, James Weyman, Tel. 808-973-5270.

Louisiana: New Orleans/Baton Rouge, Paul S. Trotter, Tel. 985-649-0357.

Maine: Portland, Albert W. Wheeler, Tel. 207-688-3216.

Maryland: Baltimore/Washington, James Lee, Tel. 703-260-0107.

Massachusetts: Boston, Robert M. Thompson, Tel. 508-823-1900.

Mississippi: Jackson, Alan Gerard, Tel. 601-936-2189.

New Hampshire: Portland, ME, Albert W. Wheeler, Tel. 207-688-3216.

New Jersey: Philadelphia, PA, Gary Szatkowski, Tel. 609-261-6600.

New York: Albany, Eugene Auciello, Tel. 518-435-9580.

North Carolina: Raleigh/Durham, Darin Figurskey, Tel. 919-515-8209.

Oregon: Portland, Steve Todd, Tel. 503-261-9247.

Rhode Island: Boston, MA, Robert M. Thompson, Tel. 508-823-1900.

South Carolina: Charleston, Mike Emlaw, Tel. 843-744-3207.

Texas: Austin/San Antonio, Joe Arelano, Tel. 830-629-0130.

Virginia: Wakefield, Anthony Siebers, Tel. 757-899-4200.

Washington: Seattle/Tacoma, Christopher D. Hill, Tel. 206-526-6095.

Puerto Rico: San Juan, Israel Matos, Tel. 787-253-4586.

Guam: Guam, Genevieve Miller, Tel. 671-472-0944.

IN RECOGNITION OF MR. HAROLD "SANDY" SANDELMAN

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2005

Mr. KNOLLENBERG. Mr. Speaker, I rise today to congratulate Mr. Harold "Sandy" Sandelman, a resident of Laguna Woods, California, for turning 100 years old on November 26, 2005.

Mr. Sandelman, a son of a Russian immigrant, was born in Sault Saint Marie, Michigan, on November 26, 1905. In 1912, his family moved to Detroit, Michigan where Mr.

Sandelman attended high school and became known for his ability to sing, dance, and play the banjo. In fact, the students named Mr. Sandelman "Banjo Buddy" because of his passion for playing the instrument.

Following high school, Mr. Sandelman attended Wayne State University for one year. After a year of college, Mr. Sandelman returned to Detroit and worked for Metro Goldwin Mayer selling motion pictures to various theatres in southern Michigan. Mr. Sandelman also worked in the advertising business for several years before becoming a salesman of building materials until he retired at the age of 75.

Mr. Sandelman has also enjoyed a long life of playing golf from age fifteen into his early nineties. His drive, energy and enthusiasm should encourage us all to live life to the fullest.

Mr. Sandelman is the father of Mrs. Carole Lynn Jones who is married to Mr. Robert R. Jones, who resides in Bloomfield Hills, Michigan, a part of Michigan's Ninth Congressional District, which I represent.

Mr. Speaker, once again, I would like to wish Mr. Sandelman a happy 100th birthday.

BRIGADIER GENERAL ERNIE TALBERT

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2005

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Brigadier General Ernie Talbert. This amazing man was also the first African American promoted to the rank of general in the 350-year history of the Delaware National Guard. I chose to wait until today to recognize General Talbert's first because today is also another great first—it is Delaware Day, which signifies the birth of our Nation. At his promotion ceremony on December 4, 2005, he was described by Major General Frank Vavala, as "having a career of firsts . . . a pacesetter, a role model and a champion of change." I find Ernie Talbert to be all of those things and much more. He is a distinguished leader, an insightful and honest man, and a true patriot. Recognizing General Talbert on Delaware Day, which signifies the birth of our Nation, seemed a much deserved honor.

A native of Wilmington, Delaware, General Talbert's military career began in 1973 as a United States Air Force pilot flying C–141s out of Charleston, South Carolina. His 26 years of distinguished service with the Delaware National Guard began in January 1979, and today he is a command pilot with 6,500 flying hours. General Talbert's career with the Delaware Air Guard has been noteworthy in the wide variety of positions he has held including Squadron Commander; Operations Group Commander; Wing Commander and Chief of Staff for the Delaware Air Guard.

General Talbert's impact is certainly not limited to the Delaware National Guard. He is actively involved in many professional and community organizations including the John Porter Chapter of the Tuskegee Airmen; the Delaware Aviation Hall of Fame; the Brig. General Spruance Chapter of the Air Force Association; and the Central Baptist Church.

I congratulate Ernie Talbert for his years of extraordinary service and countless contributions to the Delaware National Guard and the community. General Talbert is an exemplary citizen, and on behalf of all Delawareans I would like to thank him and his family for the many sacrifices they have made during the past 26 years. His recent promotion to the rank of brigadier general is appropriate recognition for a remarkable career.

HONORING THE LIFE OF MAYOR JOHN J. SINDE OF WESTCHESTER, IL

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2005

Mr. LIPINSKI. Mr. Speaker, I rise today to honor the life of Mayor John J. Sinde of Westchester, IL.

Mayor Sinde passed away in the village he loved so dearly on November 17, 2005. After serving 24 years as mayor, Sinde retired from public life due to health issues.

Mayor Sinde was born in Chicago in 1925 and served in the U.S. Navy during World War II. He married his wife Marilyn in 1954 and moved to Westchester in 1963. Ten years later he began his public service on the Park Board and was elected as Village President in 1981.

During his tenure as Mayor, Sinde oversaw the construction of Westchester's administrative building, post office, Westbrook Towers and the Westchester Park District swimming pool which was renamed for him in June.

Mayor Sinde also helped the village of Westchester to receive its own ZIP code, 60154. This act helped to lower insurance rates by allowing insurers to look at the village apart from neighboring communities. Additionally, he assisted in the development of the southwest part of Westchester, including the shopping center at 31st Street and Wolf Road, the subdivisions along Wolf Road, and Westbrook Towers.

It is my honor to recognize and pay tribute to the life of Mayor John J. Sinde who always had the best interests of the village of Westchester at heart.

TRIBUTE TO BOEING BREAKING THE WORLD RECORD FOR LONGEST NON-STOP FLIGHT

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2005

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to highlight a remarkable aviation achievement--a new world record for the longest nonstop distance flown by a commercial aircraft.

On October 9, 2005, a Boeing 777–200LR Worldliner touched down at London Heathrow Airport after completing a non-stop flight from Hong Kong, breaking its own world record set just 16 years earlier.

The Boeing 777–200LR, Boeing's newest aircraft, took the long way around, leaving Hong Kong and flying over the Northern Pacific ocean, crossing North America and then over the Atlantic Ocean to complete its record setting 11,664 mile flight, beating out the previous record by 1,164 miles,

The lead pilot for this remarkable flight was Captain Suzanna Darcy-Hennemann, who in the tradition of aviation pioneers like Amelia Earhart, is inspiring the next generation of young women pilots,

Mr. Speaker, this achievement is a milestone in the history of aviation. We have come a long way since Charles Lindbergh's first solo trans-Atlantic flight in 1927, which set the first world record.

I rise today to congratulate Boeing and its record setting crew, and to express on behalf of my constituents in Orange County, many of whom are Boeing employees themselves, my sincere appreciation of all that Boeing has done in service of American aviation.

PERSONAL EXPLANATION

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2005

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, during an absence yesterday, I regrettably missed rollcall votes 609–611. Had I been present, I would have voted in the following manner: Rollcall No. 609: "yea"; rollcall No. 610: "yea"; rollcall No. 611: "yea."

HONORING THE ACCOMPLISHMENTS OF DR. JAMES A. BOYD

HON. ROGER F. WICKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2005

Mr. WICKER. Mr. Speaker, I rise today to pay tribute to Dr. James A. Boyd of Columbus, Mississippi, on the occasion of his 40th anniversary as pastor at Zion Gate Missionary Baptist Church. I want to join with the congregation, his family, and friends in offering congratulations on this special recognition.

Dr. Boyd's dynamic presence in the pulpit and his leadership abilities have given him the opportunity to travel far and wide in service to God and country. He entered the ministry in 1965 when he became pastor of Zion Gate and El Bethel Missionary Baptist Churches in Columbus. He also taught English in the Columbus School System before choosing to become the fulltime pastor at Zion Gate in 1970.

Over the past four decades, Dr. Boyd has played leadership roles in countless organizations and served as evangelist for revivals, seminars, and conferences all across the nation. He is currently serving as president of the Northeast Mississippi Baptist State Convention, Inc., and is a board member of the National Baptist Convention USA, Inc. He is

Trustee/Chairman of the Ministerial Institute and College, Homiletic instructor at the college, and lecturer for the Mt. Olivet District Association.

Dr. Boyd is a native of Oktibbeha County, Mississippi, and graduated from Oktibbeha Training School before earning a bachelor's degree from Stillman College in 1964. He also attended Iowa State University and Mississippi State University. He received a doctorate of ministry at San Francisco Theological Seminary in San Anselmo, California. He also received a doctorate of divinity from Mary Holmes College in West Point, Mississippi, in 2002.

Dr. Boyd is married to the former Kathrene Peterson, and they have two daughters and three grandsons.

I ask my colleagues to join me in congratulating Dr. James Boyd for his lifetime of service to God and country.

TRIBUTE TO PHIL RUBENSTEIN

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2005

Mr. SAXTON. Mr. Speaker, I rise today to honor the life of my good friend, Phil Rubenstein.

Throughout his career, Phil selflessly and passionately worked on behalf of the senior citizens in Ocean County, New Jersey, located in my congressional district. For 30 years, his federal career included work with both the Veterans and Social Security Administrations, and once he "retired", he began his second 30-year career—Director of the county's Office of Senior Services.

While leading this office, Phil strove to make seniors' lives better both through new innovations and by improving existing services. For example, he established a transportation system to assist elderly and disabled residents with rides to their radiation, chemotherapy and dialysis treatments—a system that won federal support. This is just one example of the many efforts Phil put forth on behalf of Ocean County seniors.

Phil's hard work and passion for helping seniors earned him numerous federal, state, county and community service awards, and a local medical center even dedicated its education center to him.

During my time in Congress, Phil and I worked closely on a number of issues. Over the years, it became evident just how much he cared about the seniors of Ocean County, and this commitment never ceased to amaze me.

On November 25, 2005, Phil passed away at the age of 89. He led a full and purpose-driven life, and I can say with confidence on behalf of all of the seniors in Ocean County and myself that he will be missed.

CONGRATULATING REVEREND OTIS SNEED, JR., UPON HIS CONSECRATION TO THE SACRED OFFICE OF BISHOP ACCORDING TO THE APOSTOLIC SUCCESSION

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2005

Mr. LEWIS of Georgia. Mr. Speaker, it gives me great pleasure to recognize Reverend Otis Sneed, Jr., Pastor of God's Church International Fellowship in Atlanta upon his recent consecration to the sacred office of Bishop according to the Apostolic Succession. I offer him my sincere congratulations and thanks for his continued commitment to transforming inner city communities.

Through his strong faith and Christian principles Bishop Sneed has bridged the racial, economic, social, educational and generational gaps in our community. He has served the metro Atlanta community with integrity and honesty. His service to my district has been invaluable and I wish him continued success in all his future endeavors. I ask that the Consecration documents be placed in the CONGRESSIONAL RECORD.

THE INTERNATIONAL FELLOWSHIP OF REFORMED EPISCOPAL CHURCHES

MANDATE OF CONSECRATION

Be it known to all that the Holy Synod of the International Fellowship of Reformed Episcopal Churches has approved the consecration of The Reverend Odis Sneed, Jr. of God's Church International Fellowship with jurisdiction over the State of Georgia and its environs.

Let it be recorded that the very Reverend Duane Ganther of Los Angeles, California is the presenter of this candidate. Said consecration is scheduled to take place at The Elim International Fellowship, The Protestant Cathedral in Brooklyn, New York on Saturday, October the fifteenth at 10:00 am in the year of our Lord, two thousand and five.

Given under our seals at the Archdiocesan office 20 Madison Street, Brooklyn, New York, on Wednesday, September twenty-first, two thousand and five in the year of our Lord.

WILBERT STERLING McKINLEY,
Patriarch.
TREVOR DOMINIC BENTLEY,
Exarch.

CERTIFICATE OF CONSECRATION

IN THE NAME OF GOD, AMEN.

Be it known to all present that we by divine right Patriarch of the International Fellowship of Reformed Episcopal Churches did on this the fifteenth day of October in the year of Our Lord two thousand and five ordain and consecrate our well beloved in Christ,

THE REVEREND ODIS SNEED, JR.

TO THE OFFICE OF BISHOP

Of the one true Holy Catholic and Apostolic Church and appoint him Bishop of Georgia with his see in Atlanta.

Of whose spiritual advancement, love of the Lord Jesus Christ, educational qualifications and knowledge of Holy Scriptures we are well acquainted,

Given under our seal and signature

In this our thirty-third year of Episcopacy

MOST REVEREND WILBERT S. McKINLEY,
Consecrator.
MOST REVEREND TREVOR D. BENTLEY,
Co-consecrator.
MOST REVEREND MICHAEL RENE LUNSFORD.

INCARDINATION

INTO

THE INTERNATIONAL FELLOWSHIP OF REFORMED EPISCOPAL CHURCHES

OF

GOD'S CHURCH INTERNATIONAL FELLOWSHIP

INSTRUMENT OF INTERCOMMUNION

IN THE NAME OF THE MOST HOLY AND INDIVISIBLE TRINITY.

ARTICLE I

The International Fellowship of Reformed Episcopal Churches, recognize with gratitude that they are living in a far reaching community of belief of the transmitted Catholic faith as defined in the Holy Scripture and the ecumenical creeds of Nicea and Constantinople. They rejoice in their joint recognition of the divine Revelation and their transmission in the Catholic evidence of Holy Scripture, and in the Apostolic tradition of the Church of all ages of which both are an integral part.

ARTICLE II

The Reformed Episcopal Churches recognize the ecclesiastical office as it is vested in and derived from the Apostolic Succession and personified in the Bishops of the Church as the legal successor of the Apostles.

ARTICLE III

The Reformed Episcopal Churches recognize that the Grace of God is received through prayer and the faithful keeping of the ordinances of Holy Scripture.

ARTICLE IV

The Reformed Episcopal Churches hold the conviction that the Church in all her nuances cannot be subservient to God's intention in the world if she is torn asunder and divided by strife, discord and confusion to the detriment of herself or her mentor. we not only form a part of a unique people, a royal priesthood but the one body of Christ whose mission is to be an anticipating and active sign of the final union of all things, when God in Christ will be all in all.

ARTICLE V

To be shown trustworthy that the Church receives all her life from and through Jesus Christ and the Holy Scriptures. The various Christian denominations must help and correct each other in spite of all differences inherent to mankind and cooperate in all matters which relate to the mission and welfare of the Church, known as "The One Holy Apostolic Church" (Una Sancta et Apostolica Ecclesia), the spiritual home of all who confess Jesus Christ as their Lord, Redeemer and Saviour.

ARTICLE VI

Realizing that the above Churches live in and form a common Catholic faith. The International Fellowship of Reformed Episcopal Churches and God's Church International Church take the view of declare publicly that nothing exists between the above Churches which hinders a full communion in Sacris, so that while continuing individually autonomous and independent, a definite form of agreement of the above Churches is possible. This means in fact:

a. Mutual recognition of the validity of their administrations without any restrictions.

b. Mutual admission to Word and Ordinances.

c. Mutual aid to clergy and members of both Churches as able, if need should arise.

d. Cooperation and consultation in the field of general polity and ecclesiastical affairs.

e. Affiliated prelates must attend the Biannual Synodical Convention at a time and place as indicated by the Secretary General of the Synod.

f. Affiliated prelates must submit semi-annual reports to the Archepiscopal offices at 20 Madison Street, Brooklyn, New York.

ARTICLE VII

The Churches acknowledge and bow to the infallibility of Holy Sciptures and thereby are bound by its dictates. Be it clearly stated that no one will be ordained or elevated to the Office of Bishop according to the Apostolic Succession without the consent of the Archbishops, Patriarch, Primate, Metropolitan, and President, meeting in a duly constituted consultative Synod.

Given under our hands and seals:

duly authorized by the Universal Canons as exist in Holy Scripture

WILBERT S. MCKINLEY,
Patriarch.
TREVOR D. BENTLEY,
Exarch.

TRIBUTE TO MAYOR RICHARD C. SNYDER

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2005

Mr. COSTA. Mr. Speaker, I rise today to honor the memory of former Mayor Mr. Richard C. Snyder of Sanger, California. He is survived by his two children Richard A. Snyder, daughter Jerry Ann Latham, four grandchildren, six great grandchildren, and his childhood sweetheart and wife of 59 years, Pearl Snyder.

Mr. Snyder was a well respected man who always put his family and friends first. The residents of Sanger continue to appreciate the work he has done to better their community and lives.

Born on May 6, 1922, Mr. Snyder was destined to live a happy and full life. He graduated from Sierra High School and spent four years of his life serving his country in the United States Air Force. Upon returning from service, Richard married his childhood sweetheart, Pearl on June 12, 1946.

Richard was a man of principle. He served the residents of Sanger, California as a council member, mayor pro tempore, and mayor for a combined total of twenty years.

In addition, Mr. Snyder volunteered as the Assistant Fire Chief for the Sanger Fire Department for 18 years. His kind nature and concern for others led the citizens of Sanger to honor him with the City of Sanger Citation of Appreciation Award on March 3, 1964.

The Sanger Eagles, Veterans of Foreign Affairs, and AmVets are just some of the many organizations of which Richard was a member. A highly decorated veteran, he was the recipient of the Soldier Medal of Valor, Good Conduct Medal, and Distinguished Unit Badge.

Mr. Snyder enjoyed fishing, hunting, swimming, but most of all he loved to spend time with his beautiful wife, two children, four grand children, and six great grandchildren. There was nothing more important to Mr. Snyder than the happiness of his family and the contentment of his friends.

It is without doubt that the memory of Richard C. Snyder will live on and flourish for all of the generosity that he bestowed and the loyalty he preserved.

CELEBRATING THE BIRTH OF ELIZABETH ANNE GANS

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2005

Mr. WILSON of South Carolina. Mr. Speaker, today I am happy to congratulate Laura and Dan Gans of Alexandria, VA, on the birth of their new baby girl. Elizabeth Anne Gans was born on November 11, 2005 at 3:35 p.m., weighing 7 pounds, 3 ounces and measuring 19.5 inches long. Elizabeth has been born into a loving home, where she will be raised by parents who are devoted to her well-being and bright future. Her birth is a blessing.

TRIBUTE TO MR. HECTOR MACLEAN

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2005

Mr. McINTYRE. Mr. Speaker, I rise today to pay tribute to one of North Carolina's finest gentlemen, Mr. Hector MacLean of Lumberton, NC. Hector's voice and vision have had a profound impact on the citizens of Lumberton and Robeson County. His dedication to and determination for economic development has provided many opportunities for our community to plan, prosper, and prepare for the future. Furthermore, his belief in God and strong emphasis on community service have improved the community and made it a better place for all.

As the former Mayor of Lumberton and a State Senator, Hector played a large role in bringing economic development and positive change to Lumberton and Robeson County. Among other things, he persuaded the Governor to build Interstate-95 within the confines of Lumberton, thereby connecting the area with the rest of the country. His efforts paid off and because of his commitment, Lumberton and Robeson County have continued to thrive.

At the pinnacle of his career, Hector served as the president of the Southern National Bank in Lumberton. He also supported the county and Lumberton community as the chairman of the Robeson County Bicentennial Commission for the celebration held in 1986–1987. In addition, Hector has been honored as an elder emeritus of the First Presbyterian Church in Lumberton.

Samuel Logan Bringle, the legendary leader in the Salvation Army, once said, "The final estimate of a man will show that history cares not one iota about the title he has carried or the rank he has borne, but only about the quality of his deeds and the character of his heart." These words truly reflect the character of Hector MacLean, who is known by persons of all races, ages, and religions for both his kind deeds and his loving, unselfish heart.

When I think of Hector's commitment to the public good, the words "spirit, sacrifice, and service" also come to mind. Hector is the embodiment of a positive spirit—a spirit that inspires others to achieve. The sacrifices he has made to achieve success for southeastern North Carolina has made it a better place to live and work. His spirit and his sacrifices truly demonstrate his long-time career in service, and for this, he will always be recognized and remembered.

Mr. Speaker, Hector MacLean has been an integral part of the positive economic development of Lumberton and Robeson County. On behalf of the citizens of southeastern North Carolina, I thank him for his years of service. May God's strength, peace and joy be with him always.

TRIBUTE TO MR. KEN DYAR

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2005

Mr. COSTA. Mr. Speaker, I rise today to congratulate Mr. Ken Dyar of Delano, California for receiving the California Teacher of the Year award from the State of California. California State Superintendent of Public Instruction selects 5 Teachers of the Year to honor outstanding teachers.

With his innovated teaching skills and passion to incorporate physical fitness into the lives of his eighth grade students, Ken Dyar is deserving of this honor.

Mr. Dyar was born on May 27, 1965 in Delano, California. Son of Don and Shirley Dyar, Mr. Dyar attended Cecil Avenue Middle School and graduated at the top of his class from Delano High School. He went on to earn a degree from California Polytechnic State University, San Luis Obispo.

Mr. Dyar served as a freshman basketball coach at Selma High School, a fourth grade teacher at Terrace Elementary School and a junior varsity boys basketball coach at Delano High School before discovering his true passion for teaching physical education to junior high students. Currently, Mr. Dyar is the Physical Education teacher at his alma mater Cecil Avenue Middle School in Delano, California.

Mr. Dyar is a member of several education organizations including the National Education Association, California Teacher's Association, Delano Union School Teacher's Association, and the American Alliance for Health, Physical Education, Recreation, and Dance.

The honors and awards that Mr. Dyar has received are numerous. He was named Kern County Educator of the Year, was listed in Who's Who Among American Teachers, was voted Most Motivating Teacher by Cecil Avenue Middle School students.

During this critical period in our nation's history, it is essential to have qualified and dedicated educators to help our youth steer this country in the direction of righteousness and honor. Mr. Dyar exemplifies such an educator and I stand to applaud his efforts. The California Teacher of the Year award is well deserved.

MOURNING GOVERNOR CARROLL A. CAMPBELL, JR.

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2005

Mr. WILSON of South Carolina. Mr. Speaker, with the death of my friend Governor Carroll Campbell, South Carolina lost a true hero today.

Governor Campbell led an extraordinary life, demonstrated by his commitment to his family and his community. As a devoted family man, he was always attentive to his wife, Iris, and his sons, Carroll and Mike. While working in Washington and Greenville, he was widely respected as a business leader who valued integrity and honesty.

Most South Carolinians will remember Governor Campbell for his dedication to improving their lives. Throughout his service in the State Legislature, U.S. Congress, and Governor's office, he was a true statesman. As a member of the State Senate, I was fortunate to witness his passion for restructuring the government and ensuring greater access for citizens. His vision helped create economic development, and helped bring BMW to Greer and Michelin to Lexington.

As a political leader, he effectively changed the face of politics in our country by establishing a Republican majority in South Carolina. On the national level, he was a key ally of Ronald Reagan, George H.W. Bush, and George W. Bush.

The Wilson family extends its deepest sympathy to the Campbell family.

TRIBUTE TO MR. GEORGE GRUGETT

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2005

Mrs. EMERSON. Mr. Speaker, I rise today to honor the service of Mr. George Grugett, who has served the Mississippi Valley region and our Nation for 25 years as executive vice president of the Mississippi Valley Flood Control Association. Up and down the river, residents and landowners have been lucky for the expertise and tireless advocacy of Mr. Grugett. His work on their behalf has made the region safer for them and their families, as well as preserved vital river transportation.

The Mississippi River is a strange, and sometimes difficult, neighbor to us in southern Missouri. We are struck by her beauty in times of calm and heartbroken by her unstoppable power in times of flood. Living along the Mississippi River presents unique challenges, which Mr. Grugett has made his life's work to meet.

The infrastructure needs of flood protection are staggering. Levees, pumping stations, locks and dams, berms, floodwalls and river management are all critical components of preserving our relationship with the Mississippi River. Managing the plans, construction and upkeep of these facilities demands a rare, dedicated individual. For 25 years, Mr. Grugett has been that person.

Born and raised in west Tennessee, Mr. George Grugett is no stranger to the service of his country. He is a veteran of World War II, during which he served with the 12th Air Force in Europe. He was educated in civil engineering at the University of Alabama and the University of Mississippi and spent 35 years with the U.S. Army Corps of Engineers before joining the Mississippi Valley Flood Control Association.

Mr. Grugett has received the Meritorious Civilian Service Award and earned a Lifetime Achievement Award from the American Rivers Museum. He has been a faithful guardian of our delicate relationship with the Mississippi River in southern Missouri. I thank him for his great service to the residents of Missouri's Eighth Congressional District and to the people of our Nation.

TRIBUTE TO MR. WILLIAM T. POWERS

HON. MARY BONO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2005

Mrs. BONO. Mr. Speaker, I would like to recognize and applaud the dedication and tireless service of my dear friend and constituent, Mr. William T. Powers. I ask all of my colleagues to join with me today in saluting this outstanding American.

Mr. Powers has had a long and distinguished career within the banking community. Following 21 years of employment with the Bank of America, Mr. Powers relocated to the desert. He soon saw the realization of his professional goal when, in 1993, he joined the First Community Bank of the Desert (now Pacific Western Bank) as President and Chief Executive Officer. The notable achievements of Mr. Powers' professional career are a reflection of his seemingly boundless capacity for hard work and service.

I would like to give special recognition and thanks to Mr. Powers for the tremendous community service that he has, and continues to render the citizens of the desert. I have personally seen the positive impact of his many efforts on the community in which I live. Mr. Powers has served as the President of many organizations throughout the years including; the American Cancer Society, United Way of the Desert, College of the Desert Foundation, Palm Desert Chamber of Commerce, Indian Wells Desert Symphony. He has also served as the Director or President and Tournament Chairman of the Bob Hope Chrysler Classic since 1998.

Mr. Powers has been joined in his efforts by his lovely wife, Anita, who is also a beloved community figure. The Powers' have been partners in so many efforts that have greatly enhanced the desert community. Together they have raised two children and are the proud grandparents of four.

Mr. Powers stated that the best way he knows how to give back to the community is through excellent service and that that philosophy has permeated his personal and professional life. I join with my community this week in commending and thanking Mr. Powers for his great community service as the Boy Scouts of America honor him as the Distinguished Citizen of the Year. I encourage my colleagues to join me in recognizing and celebrating the many contributions of Mr. William T. Powers.

IN RECOGNITION OF MARSHA PETTY—ARKANSAS'S 2005–2006 TEACHER OF THE YEAR

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2005

Mr. ROSS. Mr. Speaker, it is with tremendous pride that I rise today to recognize Arkansas's 2005–2006 Teacher of the Year, Marsha Petty of Texarkana, Arkansas.

A cum laude graduate from Ouachita Baptist University in Arkadelphia, Marsha has been teaching for 29 years and is an 11th grade chemistry teacher at Arkansas High School in Texarkana. There are few jobs more important, more rewarding, and more difficult than that of a teacher.

I have always held a public school education in the highest regard. As parents, educators, and public officials, we have an obligation, a moral duty, to ensure that students, from pre-school to high school and beyond receive the highest quality education possible. By properly educating our students and providing them with the tools they need in order to become successful adults, they will thrive in today's fast-paced and technological world.

The most important component to our children's education is our teachers. Today more than ever, our educators face new obstacles and challenges. As the son of public school educators, I have a deep respect and gratitude for all educators and their personal commitment to our children.

America is deeply indebted to top-notch educators, such as Marsha Petty, for their continued excellence in the classroom and commitment to our students. Today's teachers shape the very foundation of America's future. It is an honor to extend my heartfelt congratulations to Marsha as the 2005–2006 Arkansas Teacher of the Year.

CELEBRATING THE LIFE OF DR. TJ OWENS

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2005

Mr. HONDA. Mr. Speaker, today I rise with my colleague, Ms. ZOE LOFGREN of California, to honor the life of Dr. TJ Owens of Gilroy, California who recently passed away. I rise to honor a life dedicated to family and the community. His hard work and compassion for those often overlooked helped to illuminate a path of social awareness and service for others to follow. TJ was the person who made a difference in countless lives, giving them hope and showing them that they could achieve their dreams.

The second of nine children, TJ Owens was born on February 4, 1937, in Shreveport, Louisiana to General and Maxine Owens. When TJ was seven, his father moved the family to Barstow, California. Although his parents did not finish high school, they instilled in TJ the importance of hard work, perseverance and education. Growing up, TJ excelled in academics, student government, marching band and five varsity sports. He received a football scholarship to the University of Idaho but transferred to Fresno State after spending two cold years in Idaho. While at Fresno State, TJ was an outstanding football player, an undefeated boxer, and a member of Alpha Phi Alpha Fraternity. TJ received his bachelor's degree in 1960, making him the first African-American from Barstow to graduate from college. He subsequently earned a Masters degree in Counseling from Santa Clara University and a Doctorate in College Administration from the University of San Francisco.

In 1960, TJ married his college sweetheart, Carol Curtis. The couple had three beloved daughters, Annette, Alisa, and Audrey. They settled in Barstow, where TJ began teaching and coaching at his former high school.

He also launched his social and community activism as President of the Barstow NAACP.

The family moved to San Jose in 1968, where TJ worked as a Counselor at San Jose City College. He was a mentor and friend to his colleagues and students, creating a lasting legacy for the student body. TJ served as an advisor to the Black Student Union at San Jose City College, and organized the Black Studies Program. He was one of the founding members of EOPS (Extended Opportunity Programs and Services), a program that provides college support services for low-income and educationally disadvantaged students. In 1969, TJ also co-founded the San Jose Chapter of the NAACP and served as president of the organization.

TJ married Brenda Jordan in 1984 and became a father to her two children, Milah and Navarro. As a loving parent, TJ instilled his children with the same dedicated work ethic and perseverance that brought him success: All five of his children earned college degrees. He loved his children very much and was so very proud of them, treasuring his time with them.

In 1991, TJ became Vice President of Student Services at Gavilan College. He was elected President of the Gilroy School Board in 2000 and served on the Santa Clara County Grand Jury. He was involved in more than ten organizations, serving as a leader and community role model in all. I first met TJ when I served as a Member of the Board of Trustees of the San Jose/Evergreen Community College District. I know first hand about his leadership and his passion for those in need. Countless young people achieved educational success because of his efforts. TJ was an active member of 100 Black Men of Silicon Valley where he received a Lifetime Achievement Award in 2001.

TJ died on October 17, 2005, surrounded by his family and friends. He is survived by his wife, Brenda Jordan-Owens, his children, Annette, Alisa, Audrey, Navarro, and Milah, and his two grandchildren, Samuel and Tyler.

TJ's death leaves a huge hole in our community. As a pioneer of civil rights, social awareness and community activism, TJ was a friend, mentor and local hero. We are grateful for all that he gave to help so many in our community, inspiring us all with his dedication and showing us how one person can truly make a difference.

CONGRATULATING THE MICHICAN CITY MARQUETTE HIGH SCHOOL BLAZERS ON THEIR BACK-TO-BACK CLASS 1A STATE GIRLS VOLLEYBALL CHAMPIONSHIPS

HON. CHRIS CHOCOLA

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2005

Mr. CHOCOLA. Mr. Speaker, when we think of sports dynasties, we often think of the Chicago Bulls, the New York Yankees, or the New England Patriots. But in my District, in Michigan City, Indiana, we think of Marquette High School and the girls volleyball team.

Over the past 7 years, they have won five Indiana High School Athletic Association Class A State Girls Volleyball Championships. From 1999 to 2001, they won back-to-back-to-back titles. This year makes another series of back-to-back titles, having also won the State crown in 2004. And the 2 years they were not State champs, they were State runner-up.

Needless to say, the past 7 years at Marquette High School have been amazing for the girls volleyball team.

Amazing, too, for third-year coach Troy Campbell. His 34-win season was capped off with his team not only winning the title match, but it also earned him his 100th career coaching victory at Marquette.

This year's championship squad includes seniors Sarah Denny, Kalan Sebert, Danielle Barnett, Colleen Trainor, and Michelle Fletcher, juniors Rachel Konrady, Kara Kmiecik, and Tiffany Cerrillos, sophomores Emily Komasinski, Katie Krueger, Alison Griffin, Ashley Pinkney, Mary Catherine Mengel, and Kim Ziarko, and freshmen Danielle Easton, Jenna Fumo, Janie Welsh, and Marissa Disbrow.

Assistant coaches Larry Sheagley and Kylee Osborne also deserve a note of congratulations.

Congratulations to all of you, and to the seniors, best of luck on your future endeavors. You have proven you have what it takes to be a champion.

HONORING LIEUTENANT COLONEL JAMES J. FINKLE, U.S. AIR FORCE (RETIRED)

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2005

Mr. BISHOP of New York. Mr. Speaker, I rise to honor and recognize a great American patriot, retired Lt. Col. James J. Finkle, for his distinguished accomplishments in both the U.S. Air Force and in civilian public service.

James joined the U.S. Air Force in 1968, 4 years before attending the University of Maine, from which he graduated in 1976. Shortly thereafter, he was assigned to the Maine Air National Guard and appointed the first town manager of Veazie, Maine.

James stayed in Maine until 1980, when he was hired by the Suffolk County Legislature's Office of Budget Review. Returning to Long Island, where James was born, did not interrupt his commitment to military service. He transferred to the 106th air rescue wing of New York's Air National Guard located at Gabreski Air Force Base on eastern Long Island.

Within the civilian community, James served as the federal aid coordinator for the Nassau-Suffolk Regional Planning Board. He was promoted by the board to serve as the first administrator of the Suffolk County Pine Barrens Commission, and participated in the evacuation study of the Shoreham Nuclear Power Plant.

Subsequently, James was selected as the director of planning for the Town of Huntington, managing a staff of 15 and guiding the economic development of this suburban community. After working for the Research Foundation of SUNY Stony Brook in 1990, James joined Shoreland Distributors as vice president for administration where he helped direct the company's rapid growth as it became the largest distributor of boat trailers in the nation.

His National Guard service provided a natural transition to his civilian duties, which included recovery in the aftermath of TWA Flight 800. He helped write a definitive account of that experience in Deadly Departure: The True Story of Flight 800 and contributed to the New York Times bestseller, "The Perfect Storm: A True Story of Men Against the Sea" about the 106th air rescue wing.

James returned to active duty to serve in Operation Allied Force, which responded to the crisis in Kosovo in 1999. He also served in media affairs through the aftermath of the September 11th attacks and participated in the planning stages of the Operation Iraqi Freedom in 2002.

On behalf of New York's first congressional district and indeed a grateful nation, I thank Lt. Col. James Finkle for his service, congratulate him for a distinguished career, and wish him good health, continued success and a happy retirement with his wife Louise and their children, Amanda and Eugene.

REGARDING SUPPORT OF SUBSIDIZED GUARDIANSHIP

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2005

Mr. KENNEDY of Rhode Island. Mr. Speaker, I would like to take the opportunity to express my enthusiastic support of subsidized guardianship. I understand that many times grandparents or other relatives become the primary caregivers to children who are not able to live with their parents. This can become a significant financial challenge and we must offer these families more resources. In my home state of Rhode Island, 4,176 grandparents were financially responsible for meeting their grandchild's basic needs in 2003. Subsidized guardianship programs, which are increasingly used by states around the country—including Rhode Island—allow children living safely with relatives to exit formal foster care and achieve legal permanence. That is why I am proud to be a cosponsor of H.R. 3380, The Guardianship Assistance Promotion and Kinship Support Act, which would allow the use of federal funding to support subsidized guardianship programs.

Today I offer my formal acknowledgement and deepest appreciation for the ongoing service of these caregivers to our country and our nation's most valuable asset, our children.

HONORING THE CLASS ACT GROUP OF MILITARY RETIREES

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2005

Mr. VAN HOLLEN. Mr. Speaker, today is the 64th anniversary of the bombing of Pearl Harbor, the infamous day in 1941 that led us into World War II. It is appropriate that I rise today to honor the military retirees' grassroots organization known as the Class Act Group. After nearly ten years of citizen advocacy, urging Congress to fully restore their promised military health care benefits, this noble group of warriors has decided to call it a day and close its offices.

CAG's roots date back to July 16, 1996, when attorney George E. Day filed a law suit in Federal Court in Pensacola, Florida on behalf of retired Air Force Colonels William O. Schism and Robert Reinlie. The suit alleged breach of contract with military retirees over the age of 65 years by the failure of the U.S. to provide the military medical care it had promised.

But George Day is not just any lawyer. Col. George "Bud" Day (Retired) is a veteran of more than 30 years service in the Armed Forces of the United States. He joined the Marine Corps in 1942 and served 30 months in the South Pacific as a noncommissioned officer. He received an appointment as a Second Lieutenant in the National Guard in 1950. He was called to active duty in the Air Force in 1951. He served two tours in the Far East as a fighter-bomber pilot during the Korean War.

In April 1967, Colonel Day was assigned to the 31st Tac Fighter Wing at Tuy Hoa Air Base, Republic of Vietnam. Shot down over North Vietnam on August 26, 1967, he spent 67 months as a Prisoner of War. Colonel Day was the only POW to escape from prison in North Vietnam and then to be recaptured by the Viet Cong in the South. He is also credited with living through the first "no chute" bailout from a burning jet fighter in England in 1955.

Colonel Day holds every significant combat award. He is the nation's most highly decorated officer since General Douglass MacArthur. He holds nearly seventy military decorations and awards of which more than fifty are for combat. Most notable are the Medal of Honor, the Air Force Cross, the Distinguished Service Medal, the Silver Star, the Legion of Merit, the Distinguished Flying Cross, the Air Medal with nine Oak Leaf Clusters, the Bronze Star for Valor with two Oak Leaf Clusters, the Bronze Star, the Purple Heart with three Clusters and the POW ribbon. He wears twelve Campaign Battle Stars.

So, Mr. Speaker, Col. Day's long, distinguished record shows that he was a fighter in the field defending his comrades and country and, I can attest, he has been just as determined a fighter in the courtroom, too. He recruited his own army of grassroots soldiers who, in town meetings and over the Internet, gathered together to exercise their constitutional freedoms to fight for their rights, just as Thomas Jefferson, John Adams, Benjamin Franklin and all the Founding Fathers imagined they would.

The CAG suit filed in 1996 was based on the fact that agents of the Federal Government—including military recruiters, active duty members of the uniformed services, and other government officials—routinely promised that the government would provide lifetime health care to military retirees and their dependents if they served a career of at least 20 years in uniformed service.

The promise of lifetime care was made and fulfilled for generations, but until 1956 Congress had never passed a statute that specified what level of care would be provided. On December 7, 1956 a new law took effect with a provision that provided for health care at military facilities on a "space available" basis. This new law had the practical effect of defining and limiting the Federal Government's commitment to military retiree health care, by conditioning such care on space availability.

In other words, after 1956, health care that had been promised and routinely delivered for years was no longer assured. As military bases began to close and downsize, the availability of health care became more and more limited. Subsequent laws completely removed Medicare-eligible military retirees from the military health care system.

The 1956 law "changed the rules in the middle of the game" for military retirees who entered the service prior to December 7, 1956. When they agreed to enter the service, they had promises—a verbal contract—of lifetime health care that routinely were fulfilled. When they left the service 20 or more years later, they lived under a new set of rules. In short, the health care rug was pulled out from under them.

On November 18, 2002, a Federal Appeals Court ruled that only Congress can authorize the level of health care the government will provide to military retirees; therefore, promises made by military recruiters or government officials were not binding. On June 2, 2003, the Supreme Court declined to consider Col. Day's appeal of the ruling, putting an end to the law suit.

Although the Appeals Court did not rule in favor of the plaintiffs, the language of the Court ruling was very clear that the plaintiffs had won a moral victory:

> Accordingly, we must affirm the district court's judgment and can do no more than hope Congress will make good on the promises recruiters made in good faith to plaintiffs and others of the World War II and Korean War era—from 1941 to 1956, when Congress enacted its first health care insurance act for military members, excluding older retirees. . . .
>
> We cannot readily imagine more sympathetic plaintiffs than the retired officers of the World War II and Korean War era involved in this case. They served their country for at least 20 years with the understanding that when they retired they and their dependents would receive full free health care for life. The promise of such health care was made in good faith and relied upon. Again, however, because no authority existed to make such promises in the first place, and because Congress has never ratified or acquiesced to this promise, we have no alternative but to uphold the judgment against the retirees' breach-of-contract claim. . . .
>
> Perhaps Congress will consider using its legal power to address the moral claims raised by Schism and Reinlie on their own behalf, and indirectly for other affected retirees.

Mr. Speaker, CAG and the nationwide grassroots group did in fact win a substantial legislative victory. In 2000, Congress responded to an intense national grassroots campaign waged by military retirees by enacting Tricare for Life (TFL), which provides health care to Medicare-eligible military retirees (generally age 65 or older). TFL did not go all the way to fulfill the government's promise of lifetime health care for our Nation's warriors, but it was a substantial step forward in that effort.

The military retirees grassroots group also actively encouraged Congress to address the unfulfilled health care needs of many younger military retirees who find they are not well served by the military health care system known as Tricare Standard, a plan for retirees who do not live near military bases that could otherwise provide their promised military health care.

Mr. Speaker, the men and women at the core of the Class Act Group have grown old serving their country. They were heroes in World War II, Korea and Vietnam. And they were heroes in the courtroom and in the halls of government fighting for their rights.

They have fought the good fight, but as good soldiers they know when it is time to regroup. Even with the advent of TFL these grassroots warriors kept fighting for full restoration of their promised health care. But they know that budget battles in Congress have gotten tougher, that new generations of wounded veterans coming home from Iraq and Afghanistan are fighting for even basic health care, let alone health care in their distant golden years.

And there are other battles that need to be fought by these old warriors. Floyd Sears, one of the hardiest fighters on the grassroots battlefront, the leader of the Internet campaign for the restoration of military retiree health care, saw his home in Biloxi, Mississippi, destroyed by hurricane Katrina. He is living in an RV powered by a generator as he oversees the rebuilding of his house. Jim Whittington, Floyd's best friend and comrade, lost electricity in his Laurel, Mississippi, home for almost a month. He is rebuilding his Internet business. Col. Day is over 80 years old now and is ready to move on and support our new generation of veterans.

Yes, Mr. Speaker, the grassroots warriors have fought the good fight. As the Class Act Group closes its doors, we should honor them and thank them for all they have done for our country. They will always be heroes to me.

IN RECOGNITION OF THE BROWN COUNTY HOME BUILDERS ASSOCIATION'S 50TH ANNIVERSARY

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2005

Mr. GREEN of Wisconsin. Mr. Speaker, it is my privilege to recognize before this House the Brown County Home Builders Association as they celebrate their 50th anniversary.

As we all know, home ownership in this country has had quite a run over the last few years, with more Americans than ever before settling into their very own homes. Last year alone, 1.18 million families purchased single-family homes—a new record. This has had a direct impact on our economy at all levels, boosting revenues, attracting new business, and spurring community revitalization.

The Brown County Home Builders have made the dream of homeownership a reality for thousands of families in northeastern Wisconsin. For the last 50 years they have helped create safe and affordable housing opportunities for Brown County residents, raising the quality of life in communities throughout my district. Despite its humble beginnings, this great organization has grown from a mere 18 members to over 1,100, and it shows no signs of slowing down.

Mr. Speaker, it is my honor to recognize the Brown County Home Builders Association on this wonderful occasion. Fifty years is an outstanding accomplishment, and on behalf of the citizens of Wisconsin's Eighth Congressional District, I say congratulations.

TRIBUTE TO MR. JOSEPH STACHON

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2005

Mr. LIPINSKI. Mr. Speaker, it is my privilege, as a U.S. Representative, to acknowledge my constituent, Mr. Joseph Stachon, on his retirement from the Chicago Police Department, after serving a loyal career of 30 years with the force.

Not only a dutiful police officer, Joe Stachon has been a loving husband to his wife Barbara, and a loving father to his three children, Joseph, Julie and Jon, and most recently a new title of grandfather—one he will cherish the most, I am sure.

Joseph Stachon has lived his adult life dedicated to protecting his Nation, his city and his fellow veterans proudly. Joe served in the United States Army from 1968 to 1969 in the turbulent Vietnam war and earned the distinguished Bronze Star and Purple Heart medals for his courage and valor. After the war, he then started at the Chicago Police Department, working 12 years in the 12th, 2nd and 14th districts of Chicago. It was that experience and endless training that earned Joe his last 18 years with the forensic division of the Chicago Police Department.

His contribution to his fellow man doesn't stop there. Joe joined Johnson-Phelps VFW Post No. 5220 in Oak Lawn and, when asked, served five times as their post commander. His dedication to his fellow veterans continued as he served as the Third District commander and was a member of the VFW's State of Illinois Ways and Means Committee.

It is fitting this evening that Joseph Stachon be remembered as a loyal brother in the Chicago Police Department, a compassionate comrade to his fellow veterans and last but not least, a devoted husband and father to his wife and family. Joe, you have continually shared your time with many, have accomplished your life's achievements; it is time now to sit back and enjoy these memories with your family.

It gives me great pleasure to acknowledge the lifetime achievements of Mr. Joseph Stachon. I ask that my colleagues join with me in honoring this fine individual on his great service to our Nation and his community and wish Joseph great things as he celebrates the commencement of a new chapter in his life.

THE TERRORISM RISK INSURANCE ACT

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2005

Mr. GUTIERREZ. Mr. Speaker, I am very pleased that we are finally considering this crucial Terrorism Risk Insurance Act (TRIA) extension, which will provide necessary stability for our Nation's economy in a post 9/11 world. I have strongly supported this legislation from the outset, and I congratulate Chairman OXLEY and Ranking Member FRANK for their hard work to bring it to the floor. I urge my colleagues to vote in favor of this important bill.

A stable, secure insurance market is vital to the health of our national economy. More than 4 years ago, the stability of the insurance industry, and all of our Nation's policyholders, were put in jeopardy when insurers and reinsurers lost more than $30 billion as a result of the 9/11 attacks. After these substantial losses, insurers were unable to make terrorism insurance available, which left many of our Nation's businesses vulnerable to unacceptable risk.

In response, Congress overwhelmingly passed TRIA to provide a temporary, limited Federal backstop in the event of another catastrophic terrorist attack. While we still expect the insurance industry to eventually develop methods for making terrorism insurance available without government support, the market has not yet stabilized to the point where this is possible. Extension of TRIA, which is necessary to prevent the chill of development in our cities, has wide, bipartisan support, and should be enacted promptly.

IN HONOR OF JOHN CASTELLANO, AN AMERICAN SOLDIER

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 7, 2005

Mr. ROHRABACHER. Mr. Speaker, I rise today to speak on behalf of a valiant American soldier who, through no fault of his own, never became an American citizen. 1st Sgt. John Castellano of New York State and California was worthy of becoming an American citizen. I would like to tell you his story.

John Castellano was a native of Sorrento, Italy. He joined the United States Army in 1911. He served with the U.S. armed forces for more than 25 years with honor and distinction. For example, Sgt. Castellano served admirably in World War I and the Pacific Theater of Operations. For his valiant service, he was awarded numerous medals and ribbons, including the "West Indies Campaign" ribbon, the VFW medal, and an award for bravely rescuing a man from drowning on July 21, 1921.

Sgt. Castellano believed that he was a naturalized U.S. citizen by dint of his service to the United States. Unfortunately, through circumstances unknown to us today, he was required but failed to fill out the necessary documents to become a U.S. citizen. As a result, he did not become the American citizen that he always believed he would become. Today, we have members of the Armed Services who assist foreign members of our armed forces to become U.S. citizens. According to recent newspaper articles, foreign soldiers serving with coalition forces in Iraq can become U.S. citizens in less than six months. And it is right to honor those who fight and risk their lives for this great country. Unfortunately, no one was able to assist Sgt. John Castellano, an Italian immigrant, to become a naturalized U.S. citizen so many years ago.

His family lives in my district. Members of the Castellano family learned of this tragedy only in recent years although John Castellano died in 1937. Since they learned of these circumstances, the family has been trying for several years to obtain posthumous citizenship for John. Unfortunately, the law does not allow John to become a U.S. citizen at this late date. Therefore, I am honoring Sergeant Castellano's service to the United States, and want to state for the CONGRESSIONAL RECORD that his service and heartfelt love for this country is commendable and makes him worthy of citizenship.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, December 8, 2005 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

DECEMBER 12

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine the Transportation Security Administration's new security procedures and changes to the prohibited items list.

SD–562

DECEMBER 13

9:30 a.m.

Armed Services

To hold closed hearings to examine the nomination of Dorrance Smith, of Virginia, to be an Assistant Secretary of Defense.

SR–222

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the nominations of Deborah Taylor Tate, of Tennessee, and Michael Joseph Copps, of Virginia, each to be a Member of the Federal Communications Commission.

SD–106

DECEMBER 14

9 a.m.

Environment and Public Works

To hold hearings to examine the Environmental Protection Agency's spill prevention control and countermeasure program.

SD–406

11 a.m.

Finance

To hold hearings to examine the nominations of Antonio Fratto, of Pennsylvania, to be Assistant Secretary of the Treasury for Public Affairs, David M. Spooner, of Virginia, to be Assistant Secretary of Commerce for Import Administration, Vincent J. Ventimiglia, Jr., of Maryland, to be Assistant Secretary of Health and Human Services for Legislation, Richard T. Crowder, of Virginia, to be Chief Agricultural Negotiator, Office of the United States Trade Representative, with the rank of Ambassador, and Jeffrey Robert Brown, of Illinois, to be a Member of Social Security Advisory Board.

SD–215

DECEMBER 15

10 a.m.

Commerce, Science, and Transportation

Business meeting to consider pending calendar business.

SD–106

HOUSE OF REPRESENTATIVES—*Thursday, December 8, 2005*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. LAHOOD).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 8, 2005.

I hereby appoint the Honorable RAY LAHOOD to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God of prophets and saints, ever attentive to Your people, hear the prayers of this Nation and bless the United States of America, all its citizens, all those who work in the three branches of government and all who serve in the military.

Upon the dome which augments this building, Lord, there stands in classical feminine style a bronze Statue of Freedom. She is dressed in flowing drapery symbolic of the outpouring of plenitude which You have showered upon this land. Her headdress of eagle feathers pays tribute to our Native roots and crowned by stars bearing witness to the flag and the heavens.

She is Your creation, a beacon of hope and symbol to all who search in their souls for the lasting freedom You offer all Your beloved children. May we hear again today Your clear and assuring message saying to the heart of this Nation, "I alone am the Lord" and "The Lord is with you." Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Washington (Mr. BAIRD) come forward and lead the House in the Pledge of Allegiance.

Mr. BAIRD led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 one-minute speeches on each side.

AMERICA'S SUCCESSFUL ECONOMY

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, the latest economic numbers show that the Republicans' pro-growth economic policies are working. In November, the U.S. Consumer Confidence Index rose almost 15 points from the previous month, which bodes well as we enter the holiday shopping season.

The White House has projected that the economy would record a growth rate of 3.5 percent for 2005. In addition, the number of Americans filing first-time job claims fell to a new 7-month low, and the unemployment rate is holding steady at 5 percent.

Finally, nearly 4.5 million jobs have been added in the last 2½ years. This encouraging economic news demonstrates that the Republican plan of low taxes and restrained Federal spending is a winning combination.

Last month, we passed the Deficit Reduction Act, which is a plan to help reform government and yield savings for American taxpayers. Democrats, on the other hand, continue to push their tax-and-spend policies, a plan which is neither good for the family checkbook nor the American economy.

Republicans will continue to push for pro-growth policies to ensure that all Americans can realize the American Dream.

PRESIDENT BUSH'S SPEECHES ARE OUT OF ORDER

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. Yesterday, the President gave his progress in Iraq speech. However, in Najaf, security is not being provided by the U.S.-trained Iraqi troops, but by the militia of radical Shiite Muslim Muqtada Al-Sadr.

In Mosul, the President said 50 percent of the people voted. But 56 percent of those who voted, voted against the constitution that the Bush administration was promoting.

On May 1 of 2003, the President stood on the deck of an aircraft carrier and gave his "mission accomplished" speech. Last week he gave his "secret plan for victory" speech. Yesterday, he gave his "making progress" speech.

I think I know the problem here. Whoever has been writing the President's speeches owes him an apology. They badly mixed up the sequence over the last few years. First, he was to give his "plan for victory" speech, then he was to give his "making progress" speech, then he was to give his "mission accomplished" speech.

I have here a copy of his "get out of Iraq" speech.

CONGRATULATING ST. XAVIER HIGH SCHOOL

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, today I have the honor of congratulating Cincinnati's St. Xavier High School, one of Ohio's most athletically successful and academically accomplished institutions on its first Ohio High School Division I State football championship.

St. X defeated powerful Massillon Washington 24–17 in the final game, Massillon having previously won 22 State football championships. My wife, Donna, and I had the good fortune to attend many of St. X's games this year and last year since our son, Randy, is in the band.

St. X was great. They went 15–0 this year. USA Today in their national poll ranked them number nine in the whole country. I think they should have been number one.

Even more impressive, this is St. X's 36th State title in all sports, the most of any high school in the State. I am proud to say that this is the fourth consecutive year that Ohio's Division I football champs are from my congressional district. St. X joins Colerain and Elder high schools in making that possible.

Congratulations to Coach Steve Specht, his staff, the players, parents, alumni, fans, and of course the band. You were amazing. Go Bombers.

SUCCESS OF CLARK COUNTY'S INTER-SERVICE WALK AND KNOCK FOOD DRIVE

(Mr. BAIRD asked and was given permission to address the House for 1 minute.)

Mr. BAIRD. Mr. Speaker, on Saturday December 3, I was proud to join

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

more than 4,350 volunteers to conduct the largest single-day food drive in the State of Washington.

Throughout Clark County, Washington, members of social service clubs and volunteers from all walks of the life gathered at 31 staging areas to canvass the entire county. I was pleased to join a young group of Brownies as we went door to door.

By 4 p.m. we had collected more than 114 tons of food at an approximate value of $365,000. Collections will now continue through December 9, bringing the total to an expected 130 tons. In the 21-year history, Clark County Walk and Knock has collected more than 4.9 million pounds of food valued at $6 million.

Walk and Knock is 100 percent volunteer, and 100 percent of any money donated by the public is used for the exclusive use of purchasing additional food. Organizers included members of the local Lions, Kiwanis, Rotary, Optimist and Sertoma clubs, as well as members of the Clark County Amateur Radio Club and the Boy Scouts and Girl Scouts of America.

Local businesses donated valuable resources, and together we produced an incredible success. I am proud of the commitment of southwest Washington's citizens, and urge my colleagues to support their local food banks.

The organizers of Walk and Knock are members of local Lions, Kiwanis, Rotary, Optimist, and Sertoma clubs, members of the Clark County Amateur Radio Club, and the Boy Scouts and Girl Scouts of America. Additional donated services were provided by Longshoremen Union Local 4, The Columbian newspaper, and Burgerville USA. Supportive funding was provided by Riverview Community Bank, all of the Clark County Les Schwab Tire Centers, Fred Meyer, Weyerhaeuser, US Bank, Columbia Credit Union, and British Pretroleum.

AMERICA NEEDS PENSION REFORM NOW

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, traditional pension plans, once the legacy of a lifetime of work, are crumbling. And with time running short on our legislative year, action by Congress is necessary to protect the retirement of hardworking Americans.

Large and small businesses need changes to current law in order to have greater flexibility to help their employees plan for their financial security. Recently, Verizon Communications, a large, vibrant company, froze its pension plan for 50,000 employees. These defined benefit plans have not adapted to the times.

They have used the same formula since their inception, number of years worked multiplied by a certain amount of money. This formula does not account for a changing marketplace and does not result in the most benefit for workers.

Today, a retirement plan must be as dynamic as our society. Flexibility for employers and employees is imperative, and the Pension Protection Act is a step in the right direction; and Congress should pass it this year.

I urge my colleagues, Republicans and Democrats, to step up and help provide this needed reform now. Americans expect us to solve difficult problems, and pension protection is one that requires and deserves our attention.

THE CRISIS IN DARFUR

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, it is not often that we get everybody here in Congress to agree. But we do agree that Darfur's continuing nightmare is genocide. We have labeled it as such. We have all condemned it. The problem is we are not acting to stop it.

The foreign ops appropriations inexplicably dropped $50 million in conference that would have gone to support peacekeepers from the African Union. We often use this opportunity here today to talk to the American people.

Well, today I am talking to the 8,000 men and women on Capitol Hill who make things happen in Congress. Do not go home unless you ask what your office, your committee, your boss, your Member of Congress is going to do to stop the murder, the rape, the destruction and the violence.

At the very least, work to restore the $50 million in the defense appropriations so that 7,700 African Union peace keepers can be on the job. 7,700 people for an area the size of Texas does not sound like too much. It is the least we can do as we enter the holiday season.

HOWARD DEAN'S COMMENTS ON IRAQ

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, Democratic Party chairman Howard Dean has taken his party's irresponsible rhetoric about our involvement in Iraq to a new low. In an interview earlier this week Mr. Dean said, "The idea that we are going to win the war in Iraq is an idea which is just plain wrong."

Dean's take on Iraq makes even less sense than his scream in Iowa. What does Mr. Dean think it does for the morale of our troops on the ground in Iraq when they hear the leader of one of their Nation's two major political parties say that he does not believe that they can get the job done.

Mr. Dean may not believe that our troops are up to the task in Iraq, but I and the overwhelming majority of my colleagues do. It is important our troops understand that. Our troops have freed 26 million Iraqis from the grip of a brutal and murderous dictator, set the stage for democratic elections in a country where this was once thought impossible.

Make no mistake, if the war against terrorism is lost, it will not be lost by our magnificent troops on the battlefield. It will be lost right here at home by politicians who lose their resolve.

AMERICA'S ECONOMY IS IN TROUBLE

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute.)

Ms. SCHAKOWSKY. Mr. Speaker, the President would have us believe that all is well with our economy. But the American people know better. Despite finally receiving some good economic news, middle-class families in this country continue to fall behind as incomes remain flat or drop.

Gas prices fluctuate, health care costs soar, and home heating costs skyrocket. Americans this week are paying nearly 70 cents more per gallon on gas now than in the first year that President Bush came to office.

According to the National Energy Assistance Directors Association, the average family using heating oil or natural gas will pay nearly three times the amount families paid the first winter President Bush was in office.

For the past 5 years, health care costs have increased by nearly 60 percent, driving up the number of uninsured by 6 million since the beginning of the Bush administration. Under President Bush, college tuition has gone up about 40 percent, even taking inflation into account.

Meanwhile, real household income fell for the fourth year in a row in 2004. Together, America can do better than an economy in which middle-class families are seeing falling incomes in the face of rising prices. The American people know it and so should the President.

BORDER SECURITY AND PASSPORTS

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, the 9/11 Commission report concluded: "Americans should not be exempt from carrying passports when they enter the United States, nor should Canadians or Mexicans. The 9/11 experience shows that terrorists study and exploit America's vulnerabilities."

Exempting anyone from carrying a passport when crossing into the United

States is blatantly ignoring the commission's suggestions and is posing yet another serious vulnerability in our country's border security.

Neither Mexican nor Canadian visitors are required to show a passport to enter the United States, despite the fact that they rank number one and number four respectively as the largest sources of illegal immigration in the United States. Small wonder the governments of those nations oppose passports to enter America.

We need to do what is best for the United States, not what is best for Canada or Mexico. The 9/11 Commission stated that the United States is still at risk by not requiring passports to enter this country. Our border is seriously vulnerable. What is it going to take for us to figure this out?

Congress must make serious changes in our immigration policy before we lose the sovereignty of this Nation and become a Nation illegally colonized by other nations. That's just the way it is.

AMERICA'S WEAK ECONOMY

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, data released this Monday on productivity and wages show why the American people do not believe President Bush when he says our economic prospects are as bright as they have been for a long time.

Yes, productivity is strong, and the economy is growing. But the benefits of that growth are showing up in the bottom lines of companies, not in the paychecks of the American worker.

While productivity grew at a 4.7 percent annual rate in the third quarter, workers' pay, including their benefits, shrank at a 1.4 percent rate. Americans are working harder and harder and producing more and more, but they are getting paid less. This is not a bright economy.

☐ 1015

ANOTHER IRAQI MILESTONE

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, I wanted to thank the Latvian government for extending their troop commitment to Iraq for another year. Last January, 8.5 million Iraqis voted. Last October, more than 10 million voted. In both of these elections, the Iraqi people refused to be cowed by terrorist threats.

A week from today, Iraqis will, once again, defy terrorists and go to the polls a third time this year. They will choose their first 4-year parliament since Saddam Hussein was removed from power.

More than 300 parties and coalitions are registered for this election, and even those who opposed the October constitutional referendum have organized for this vote.

In his speech last week, President Bush mentioned Marine Corporal Jeffrey Starr who died fighting in Iraq. In a letter found after his death he wrote, "I don't regret going, everybody dies, but few get to do it for something as important as freedom. It may seem confusing why we are in Iraq, it's not for me. I'm here helping these people, so they can live the way we live."

Mr. Speaker, it is because of soldiers like Corporal Starr that Iraqis will one day live like we live, under freedom and democracy.

SWEET TRADE

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, well, just in time for the holidays, the Republicans have prepared a bevy of treats known as tax cuts favoring those who earn over $300,000 a year. One of the most delectable is a 60 percent tax cut in the tax on stock dividends for millionaires. It costs $13 billion in revenue foregone, unfortunately. But with new found concern about the deficit, the Republicans are going to pay for that tax cut for the millionaires by raising fees and interest rates on students who are struggling to get an education.

What a sweet trade. More tax cuts for billionaires as they trickle down on the students who are struggling to live the American dream.

AMERICAN ECONOMY FLOURISHES

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, workers throughout our country have over 4.25 million reasons to agree that the American economy continues to improve under Republican leadership.

Since President Bush signed the Jobs and Growth Act of 2003, the news about the economy has been overwhelmingly positive. 4.5 million new jobs have been created. The unemployment rate is lower than the average of the past three decades. The economy grew at 4.3 percent over the past 10 quarters. Tax receipts increased by $274 billion in just one year after the tax cuts, the largest increase ever due to economic growth.

As the Republican Congress continues to pass legislation that will decrease the tax burden upon American workers and eliminate excessive government regulations, our economy will continue to flourish. We will work hard to ensure that the American people, not the Federal Government, have control over their hard-earned money.

In conclusion, God bless our troops, we will never forget September 11, and the lifetime of service of the late Governor Carroll Campbell.

ECONOMY NOTHING TO BRAG ABOUT

(Mrs. MCCARTHY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MCCARTHY. Mr. Speaker, when I am here in Washington I hear the administration and the House majority brag about how great our economy is, but when I go home to Long Island, I hear a different story.

My constituents know the state of our economy is nothing to brag about. Prices at the pump are still alarmingly high. Home heating costs are skyrocketing. Corporations have stopped paying into their employees' pension plans. Taxes on student loans have increased. Despite rising health care costs, Medicaid faces deep and painful cuts; and American companies are closing plants and cutting jobs. In fact, almost 3 million manufacturing jobs have been lost since the administration took office.

The American people deserve better than lip service. The American people need an administration in Congress that will put their concerns first. We have seen over the last couple of years certainly the middle income families, which is the great portion of this great country, suffering. It is time that we look at them, help them and do a better job. America can do better.

DON DEGARMO

(Mr. GARRETT of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARRETT of New Jersey. Mr. Speaker, I rise today to recognize the outstanding achievements of Don DeGarmo, a senior at Newton High School. Mr. DeGarmo has received the General Spaatz Award. That is the Civil Air Patrol's highest cadet honor. In only 4 years, he has demonstrated excellence in leadership, character, fitness, and aerospace education.

On average only two cadets in 1,000 ever receive this reward; and in over 40 years, only about 1,500 cadets have ever received it. I am confident that Mr. DeGarmo will continue to fulfill the Civil Air Patrol's mission, which is to serve America by performing Homeland Security and humanitarian missions for our communities, States, and Nation.

Upon graduation, Mr. DeGarmo plans to enter the U.S. Air Force and continue his commitment to protecting our values and our freedoms. We owe a great deal of debt to young men such as he who will protect and preserve the United States of America. At his young age, he is already becoming a role model for future generations, and I come here today to commend him for his exceptional career.

CORRUPTION

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, as the Republican leadership spends more time in the courthouse than the People's House doing the people's business, defending itself from charges of bribery, tax evasion and money laundering, the President is traveling the country telling the American people how incredible this economy is.

Yet, survey after survey shows the American people do not agree with him. This despite the fact that the economy grew 4.2 percent last year. It is the best statistical performance since 1999. Why? Well, in part because very little of this growth is impacting them. 5.4 million more Americans live in poverty than they did before President Bush came into office. Six million more Americans are without health insurance, and the average income fell for the fifth year in a row last year.

The administration's stock explanation for this is always the same, "September 11. We are at war."

Well, being at war has not stopped corporate profits from soaring more than 50 percent since 2001. And when you have Members of Congress pleading guilty to having accepted bribes from defense contractors, ongoing investigations into lawmakers' agreeing to perform official acts in return for lavish golf trips, expensive dinners and campaign contributions, it is easy to understand why corporations are doing so well.

Mr. Speaker, it is time to put the needs of families before the special interests of lobbyists.

TAX RELIEF FOR AMERICANS TODAY

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, you know, you can choose to be negative. You can choose to be positive. And with this economy and this great Nation there is a lot to be positive about. Everybody is writing about it. Even the good old Washington Post talking about we are going to move to cut taxes another $94.5 billion. That is one of the things that makes this economy work. It is why we are seeing record economic growth. Over 4 million jobs created. And today this body is going to take action on H.R. 4297, which already extends tax relief for millions of American families.

There is a provision, sales tax deductibility for States. Sales tax deductibility for individuals who, when they go to file their Federal income tax every April, they can deduct the sales tax they pay every year from that Federal income tax filing. This affects over 60 million individuals, hardworking Americans. We are going to give them tax relief today.

I encourage all Members of this body to support H.R. 4297.

POLITICAL CRONIES IGNORE THE LAW TO INCREASE REPUBLICAN POWER IN WASHINGTON

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, the Bush administration is scaling new heights in political cronyism. Not long ago, America cringed watching on TV as a presidential buddy could only manage to create a disaster, not respond to one in the Gulf Coast. But now we are finding out that political cronies ignored the voting rights of African Americans and Hispanic Americans in Texas.

The Washington Post uncovered a 73-page report that says that the Texas redistricting plan illegally diluted black and Hispanic voting in two of the State's congressional districts. The report received the unanimous support of eight Justice Department career employees, but the Republican political cronies ignored it.

One Justice Department attorney told the Post it was "highly unusual" for political appointees to overrule the unanimous findings such as this. But this is business as usual for the President's political appointees. Just ask the people of Louisiana, Mississippi, and now Texas.

It is time for the Republican cronies to go and let the people's votes count.

A TIME FOR EVERYTHING

(Mr. SODREL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SODREL. Mr. Speaker, I rise today to respond to the critics of our Iraqi policy. No one questions their right to criticize our commitment to the Iraqi people or the rate of progress being made. It is not their right I question but rather their responsibility. For every liberty there is a responsibility, and for every freedom a duty.

I just returned from Iraq. Much progress is being made towards a stable Iraq and a democratically-elected government. It is to me irresponsible to enter into the current debate on the very eve of the Iraqi election, the most important election in the history of that country.

Our words should be words of encouragement. Our words should lend support to this important election. Words do have meaning and ideas have consequences. At this critical time, our words should support the Iraqi people, our soldiers and the process.

In Ecclesiastes it is written, "There is a time for everything." The critics are using the wrong words to express the wrong idea at the wrong time.

RISING HOME HEATING COSTS

(Mr. EMANUEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMANUEL. Mr. Speaker, right now it is 25 degrees near Washington, DC. It is 22 degrees in my home in Chicago. It is 3 degrees in Denver and a chilly 19 degrees in Dallas. As the song goes, "Baby, it's cold outside."

But for millions of Americans this cold snap is just the beginning of a long cold winter. Why? Because while the mercury drops outside, inside home heating bills are getting a little too hot to handle. In fact, on Tuesday the Energy Department reported that the average homeowner's home heating bill will increase by nearly 26 percent, the largest increase in 5 years. Those who heat their homes with natural gas, nearly half of all Americans, can expect their home heating bills to increase by 38 percent; but taxpayers and seniors cannot expect any help from this Congress.

In fact, the Republican Congress is cutting, cutting home heating assistance to our elderly; and the energy bill we passed this summer will do nothing to lower the cost of energy or gas at the pump, in fact, despite having handed out $14.5 billion to the energy companies in taxpayer subsidies.

Mr. Speaker, these are the wrong priorities. You cannot hand out money to energy companies while cutting assistance to seniors. It is time to return the people's House to the American people. It is time for a change.

TAX RELIEF EXTENSION RECONCILIATION ACT OF 2005

Mr. PUTNAM. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 588 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 588

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 4297) to provide for reconciliation pursuant to section 201(b) of the concurrent resolution on the budget for fiscal year 2006. The bill shall be considered as read. The amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Rangel of New York or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

☐ 1030

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Florida (Mr. PUTNAM) is recognized for 1 hour.

Mr. PUTNAM. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from Rochester, New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, in April Congress passed a responsible budget that called for spending restraint, reduction of the deficit; and by slowing the unsustainable and automatic growth of mandatory spending programs and extending tax relief to families and small businesses, we have successfully accomplished the first two. Now, this rule will provide for consideration of our final commitment to American taxpayers, extending numerous important tax relief provisions.

In 2001, 2003 and 2004, Congress enacted responsible tax relief to help create new jobs, grow America's economy, and put more money in the hands of workers, families, small businesses, farms, and ranches. Following this tax relief, unemployment dropped a full percentage point to 5 percent, and we have experienced 10 uninterrupted quarters of real growth in our economy, above 3 percent, the longest stretch since the 1980s. As was proven by the tax cuts during the Kennedy and Reagan administrations, Federal revenues actually increase after taxes are lowered.

Our expanding economy is led by consumer spending, job growth, and business investment. This is a result of allowing workers to keep more of their hard-earned money, decreasing the tax burden on small businesses so they can expand and hire more workers, and providing incentives for families to save and invest.

Unless we take action today, many of the important tax provisions that have helped our economy grow strong will expire. Without passage of this legislation, workers, families, and small businesses will have less of their paycheck to take home each week.

Mr. Speaker, H.R. 4297, the Tax Relief Extension Reconciliation Act, not the most eloquent of names but an important one, will continue to build on the economic progress we have already made.

A key part of the American Jobs Creation Act of 2004 was a return to fairness for those who live, work, and raise families in States with no State income tax. The State and local sales tax deduction is particularly important to those in my home State of Florida and nine other States because it gives every taxpayer the opportunity to deduct State sales tax from his Federal tax bill, something that other higher-tax States have enjoyed for some time. This provision is set to expire in 3 weeks. While I will continue to work to make the State and local sales tax deduction permanent, this bill extends the provision for an additional year, which is an important step forward for fairness.

The bill also extends several tax incentives to enhance the affordability of higher education, including tax-deferred education savings accounts and tax credits for post-secondary education. It allows all taxpayers to deduct up to $4,000 of higher education expenses, which will help more students go to college.

For teachers, the tax bill extends an important above-the-line deduction to help them contain the costs of out-of-pocket classroom expenses such as books, supplies, and computer equipment. We all know that our hard-working educators are covering for some of our neediest students, and this bill lets them keep the tax deductibility of their generosity.

In an effort to encourage savings and stable retirement security, this tax bill allows lower-income families that contribute to individual retirement accounts and pension plans to continue receiving a Federal match in the form of an income tax credit for the first $2,000 of annual contributions. This encourages families to save and plan for their own retirement. While we were unable as a body to settle on a Social Security reform plan, surely we can all agree that encouraging low-income families to save for retirement and giving them the tools to do so is a sound economic policy.

Our bill freezes the rate on capital gains and dividends and prevents an increase of the tax burden on 24 million families. It is imperative that we extend this tax relief so our economy will continue on its upward track.

New data released at the start of December show that our economy continues to strengthen and grow. The Labor Department reported that employers added 215,000 jobs in November, after adding 44,000 in October and 17,000 in September in the wake of devastating hurricanes.

The jobless rate remains unchanged at 5 percent. The economy grew at an annual rate of 4.3 percent in the third quarter, much stronger than expected.

Forecasters' outlooks for coming months are upbeat as well. November's increase in payroll, the largest since July, was broad-based. Construction employment rose by 37,000. Employment in professional and technical services rose by 22,000. Health care employment rose by 20,000 jobs. Manufacturers added 11,000 jobs last month following an increase of 15,000 in October.

The most recent Commerce Department report shows overall consumer spending increased at a 4.2 percent annual rate, exceeding expectations. Purchases of nondurable goods surged 3.6 percent, exceeding expectations. Housing spending came in at 8.4 percent. Business investment spending rose at 8.8 percent, exceeding expectations.

Obviously, the current tax policy of this Congress has encouraged economic growth, and to raise taxes now would close the door of opportunity that is open for so many today.

Mr. Speaker, this rule provides for consideration of a substitute bill. While we often hear Democrats decry tax relief, they have decided to offer a substitute that extends many of the same tax provisions as this underlying bill does, but let us look at who they left out.

The Democratic substitute does not extend an income tax credit for low-income families who contribute to individual retirement accounts, IRAs, and pension plans. This hurts low-income families who are struggling to save for retirement, people who are doing the right things to prepare for their future rather than solely depending on the government to do it for them.

The Democratic substitute does not extend enhanced small business depreciation expensing, so it increases taxes on small businesses, the very engines of innovation and growth and employment in this country.

The Democratic substitute does not include an extension of the reduced rates on capital gains and dividends. Without this extension, 24 million families will see a tax increase, including 7 million seniors who have benefited an average of $1,200 annually from that change. At a time when concern is growing about foreign investment in the United States, the Democratic substitute throws up barriers to Americans investing in America.

The Democratic substitute does include a tax increase on families and small businesses to pay for the bill. Many of these individuals are small businesses who do much of the hiring and buying in this economy.

The Democratic substitute bill leaves behind small businesses, omits low-income savers, and hurts families and seniors. At a time when home heating bills are rising and local property taxes are growing, why would the Democratic substitute take even more from the wallets and purses and piggy banks of the American taxpayer?

Mr. Speaker, the Republican tax reforms of 2001, 2003 and 2004 have created jobs, strengthened our economy, and increased Federal revenues in the process. They quantifiably aided in shortening and curtailing the severity of the recession of 2000 and 2001. They buoyed the economy through major terrorist attacks, devastating natural disasters, and a global war on terrorism. Now is not the time to increase taxes on the American people. Failure to pass this bill would result in higher taxes on seniors, savers, small businesses, and farmers. We must continue the policies that grow our economy and keep our tax bills from rising.

I urge my colleagues to support this resolution and the underlying bill, the Tax Relief Extension Reconciliation Act.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just 2 weeks ago, the majority forced a budget vote by two votes to cut $50 billion from education, from health care, from foster care, child support, and a host of other vital programs. They claimed that they were simply eliminating waste and promoting fiscal responsibility and, most importantly, curbing our national debt.

But today, they want us to agree to a tax cut for $56 billion. If we take away the $50 billion in the budget tax cuts, but we add $56 billion in tax giveaways, we end up with more debt, not less. In fact, we end up adding $6 billion to the largest deficit in our country's history, the one created by this Republican Congress.

Now, if reducing the deficit is not a priority, what has made the majority's agenda? How we control the purse strings in our hands reveals who we work for. Of the proposed $56 billion in cuts, 50 percent, that is, $28 billion, will go to the superrich, those among us who need it the least. This bill is for them, the men and women among us who earn more than $1 million a year, a mere fraction of 1 percent of Americans.

At the same time, the middle class will continue to be squeezed, while workers who make $40,000 or less, in other words, those who need help the most, will receive 1 percent of today's cuts.

That is what this is about. Does the Republican Party really think the American people do not see what is going on here?

What this bill shows us today is that Republicans care about entrenching privilege, the work of a corrupt and inefficient government, all while talking about tough choices and cutting government waste; but their rhetoric does not add up.

If they were serious about making government work better, they would fulfill their responsibility to conduct proper congressional oversight and ensure that the money we do spend is spent efficiently.

They would look for the $9 billion misplaced during Iraq reconstruction, and we have tried time and time again to have amendments approved that would do just that. Now, the loss of $9 billion in Iraq is what I call government waste, but there is not a court in this country which could find Republicans guilty of enforcing accountability in government. There would not be the evidence to convict them. Instead, they cut social services for the needy and send the savings to the rich.

Have tax cuts for the rich become the sole agenda of the majority party? Sadly, in the face of numerous challenges from both abroad and home, this increasingly seems to be the case.

Their solution to rehabilitating the lives of those devastated by natural disasters? Cut taxes for the rich. Their solution to curbing an out-of-control national debt? Cut taxes for the rich.

My friends on the other side of the aisle talk about the agenda of reform, but they have controlled the Congress for over 10 years, and now they are the status quo. As much as they may want to say they are the solution, we know that they have become the problem.

If they were committed to solutions, they would not funnel money to the rich while they leave the working middle class to fend for themselves, all while cutting education and health care programs and adding billions to the massive debt that is crushing this Nation. Let me point out that the 400,000 persons who lost their food stamps in the budget cuts and over 300,000 children who lost their breakfast programs, that money is being used today to finance these tax cuts.

The pursuit of such an agenda violates the trust our constituents have invested in their elected representatives, and it is an abdication of the most fundamental responsibilities of this Congress.

America can be better than this. We can do better than selling out the vast majority of our citizens so that Congress can give another tax cut to a tiny minority. We can do better than increasing our staggering national debt and calling it fiscal responsibility.

This leadership has forgotten what made America great. It has forgotten what made the 20th century the American century, which was investment in the middle class, investment in society, investment in education, investment in opportunity, investment in the future, not investment in the rich.

It is time for a new direction. Together, America can do better than what this leadership is proposing here today.

I urge my colleagues to defeat this bill and defeat this rule.

Mr. Speaker, I reserve the balance of my time.

Mr. PUTNAM. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I would like to thank my friend and colleague on the Rules Committee for allowing me this opportunity to speak on behalf of this rule and the underlying bill, H.R. 4297, the Tax Relief Extension Reconciliation Act.

Today, each and every Member of this House is taking a test before the American people. This test has one question, and simply enough, it is even multiple choice. The question is: Who do you trust more to spend your hard-earned money? Is it, A, the Federal Government and its bloated bureaucracy; or is it, B, the American people? Well, Mr. Speaker, the correct answer, obviously, is, B, the American people.

□ 1045

However, those who vote against this rule and vote against this tax relief bill are choosing to trust the Federal Government and its bloated bureaucracy over the people who pay the taxes and are the engine of a job-creating economy.

Now, Mr. Speaker, the opponents of this tax relief will try to obscure and confuse this debate by mischaracterizing this House's previous vote on budget reform and reduction with claims of, and I have already heard it, robbing the poor to pay the rich. Well, Mr. Speaker, these claims are simply untrue.

In fact, today's reconciliation package includes extensions of tax incentives that provide work for many low-income Americans, such as the Welfare to Work Tax Credit and the Work Opportunity Tax Credit that encourages businesses to hire and pay people and families on public assistance, high-risk youths, qualified veterans, and people who receive food stamps.

So a vote against this tax relief package is tantamount to a vote for an economy under which it is acceptable and even preferred to give the poorest individuals only one option, government dependency, a dependency that empowers bureaucrats and politicians over people and places political power before economic liberty and opportunity.

Mr. Speaker, I would also like to add that since this tax relief package includes mostly extensions of current tax cuts and credits, a vote against this bill is a vote simply to raise taxes. No ifs, ands, or buts, those who vote against this bill are voting in front of the American people to raise taxes.

The opponents of this bill would raise taxes on middle-income Americans, rich Americans, poor Americans, investors, savers, entrepreneurs, small business owners, universities, veterans, and even people who are trying to clean up the environment. All of these people will receive a tax increase if this bill is not passed and signed into law.

So, Mr. Speaker, each and every Member of this House has an opportunity today to go on record and tell the American people where they stand on raising taxes and whether they trust the American people with their own money.

In conclusion, I would like to encourage my colleagues to support this rule and the underlying tax relief extension package for the sake of economic growth and for the sake of the American taxpayer.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. It is extraordinary. If you assert something that is not true, it is true on the floor of the House. There is no truth test here. Cut taxes for the rich, it will stimulate the economy. Put the little people to work who will pay taxes for their job cutting the lawns or washing their yachts. That is the argument we are hearing from that side of the aisle. Trickle down economics works, they tell us.

Unfortunately, that is not what most Americans find with their real incomes stalled out over the last 5 years. No, trickle down economics does one simple thing: It rewards the benefactors of the Republican Party.

Let us just look at one of the elements of the "not raising taxes today." It would be let the tax cuts in dividends on stocks. Now, I go to my town meetings and I say, everybody who has dividend paying stocks, raise your hand. And I have a lot of people coming to my town meetings, but usually it is one, maybe two. And I think that is pretty much the same across America. But the millionaires and, yeah, the billionaires, they have a lot of dividend paying stocks. In fact, their tax cuts average $127,000, while the average family averaged $800.

Now, that is not even talking about the dividend tax. Let us talk about the dividend tax. This bill will extend the cut in dividend taxes. Now, the American Enterprise Institute, no liberal bastion there, they just issued a report and it says the dividend tax break has not generated more business investment or jobs or productive economic activity but it has enhanced investor wealth. That is what this is about. This bill is to enhance investor wealth.

Now, they have a newfound concern about the sea of red ink they have created, the 60 percent increase in our debt in the last 5 years. So a couple of weeks ago we jammed through a bill at 2 a.m. in the morning that cut things like student financial aid, Medicaid, health care to poor people, dumping that burden on the States: foster care, long-term care, the school lunch program. Those little kids are just eating too much. They are chowing down. They are going to help the obesity problem on this side of the aisle by starving kids.

Now, what are we buying with those cuts? Well, the student loan cuts, they say, oh, we are not cutting student loans, we are just charging them more for the loans. Right, you are not cutting student loans, you are just increasing their debt burden. You are not cutting the loans, you are just jacking up the interest rate, charging them twice as much to take out a loan, and charging them a special new fee to get a very high fixed interest rate, something they can get now for free at a lower rate.

But they are not whacking the students too hard, only $14 billion. And what do we get for that $14 billion? An extension of the dividend tax cut. That is great. So now the wealthy will be able to buy more yachts to float on the sea of red ink that the Republicans have created. They will be able to hire more help around the mansion. That is trickle down economics.

They talk about how great the economy is doing. Here is a few facts. Unemployment rate, yes, it is recently down, but it is up eight-tenths of a percent over when the Republican administration took charge. There is 1.6 million more unemployed workers than when George Bush took office. There is the slowest private sector job growth of any administration since Herbert Hoover. He is doing better than Herbert Hoover. That is great. The largest projected surpluses turned into the largest projected deficits, with $4.2 trillion more debt in 2008.

Now, that is the grand success of trickle down. And they come out here and assert baldly that giving tax cuts to rich people will not only stimulate the economy, put people to work, but that it will reduce the deficit. Sure. You really believe that? I do not think so. The American people do not believe it.

What you are doing here is giving very generous tax cuts to the people who give you very generous campaign contributions.

Mr. PUTNAM. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Rules Committee.

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule, and I thank and congratulate my great friend from Florida, such a hardworking member of the Rules Committee, and I thank all those involved in this effort, which I hope at the end of the day will be bipartisan. Because we all know that of that proverbial saying that everyone is entitled to their own opinion but not their own facts.

As I listened to the pathetic, and that is really the only way you can describe it, the pathetic old class warfare, us versus them argument, cleaning yachts and mowing lawns and all this stuff. The facts are 56.9 million American families, 56.9 million American families, nearly 60 percent of American families are members of the investor class. The investor class, people who have some kind of investment. And, Mr. Speaker, 30 percent, 30 percent of the members of the investor class earn less than $50,000 a year. Now, those are the ultra rich we continue to hear about who might benefit from job creations.

I will tell you that if you look at the arguments that were made, and I listened to my good friend from Rochester, Ms. SLAUGHTER, in her opening statement in which she talked about investing in all these important things, of course we all want to invest in the future. But she said, do not invest in the rich. Well, the fact of the matter is we are encouraging investment with this because we want to do everything we possibly can to make sure that those people who are out there creating jobs have the incentive to do that.

And we also need to look at long-term planning. People can stand up and malign the dividend cuts and the capital gains cuts, but I actually believe we should have no tax on capital gains at all. It is a double tax and, frankly, it discourages growth.

I will never forget a few years ago visiting New Zealand, which is certainly a left of center government. The prime minister there, Prime Minister Clark, well, let us just say she is not what you would call center right. But I met with a number of people in New Zealand, and I raised with them the prospect of establishing a capital gains. They have zero capital gains there. They said that they did a study in New Zealand and found that the mere establishment of a capital gains tax would be devastating to the economy of New Zealand. And all we are saying is we should allow people for another couple of years to plan at a 15 percent capital gains rate.

Mr. Speaker, we know, as we look at the arguments that were provided in 2001, 2002, 2003, that our wonderful colleagues on the other side of the aisle regularly said the following things: Number one, if you put into place these tax cuts, the economy is going to head straight into the tank.

And I listened to my friend from Oregon go through the Herbert Hoover argument, and I thought we had sort of beaten that one back in the 2004 campaign when in the last 3 years we have seen the creation of 4½ million jobs under the payroll survey guideline and 5 million jobs under the household survey guideline. I thought we had pretty much beaten that argument back, but obviously, they are continuing to try and dredge this up.

They said that if we put into place this tax cut that the economy would go into the tank and the deficit would go sky high. We know the exact opposite has been the case. We, in fact, have had a reduction of $94 billion in the deficit simply because of economic growth, simply because of the enhanced flow of revenues to come into the Federal Treasury.

Now, obviously, we are not going to see probably the best improvement in the deficit number next year because of Hurricane Katrina and other costs that we have faced, and we are doing everything we can, so many of us, to try to rein in mandatory spending with the reconciliation process we have gone through, and to try to do what we can on both discretionary as well as mandatory, as I said. But the fact of the matter is, Mr. Speaker, the single most important thing that we can do to deal with the challenges of investing in all those things that Ms. SLAUGHTER mentioned, is to make sure that the economy continues to grow.

I can think of nothing, nothing worse for the potential future growth of our economy than to not pass this measure. So if you believe in bringing unemployment down even further, if you believe in seeing the already record level of minority home ownership go even higher, if you believe in enhanced productivity and incentives for that, it is absolutely essential that this rule and this legislation be passed.

So I commend it to my colleagues. The tired old arguments of the past are not carrying any weight at all with the American people, I am happy to say. They get it. They understand it. So that is why we should have Democrats join with Republicans in doing the right thing here.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank the gentlewoman from New York for yielding me this time.

Mr. Speaker, once again, I rise in disbelief about what the House is about to do today. It is my belief that we are moving down the wrong road.

Before we left for Thanksgiving, the Republican leadership twisted arms to pass a bill slashing funding for vital programs that benefit the neediest Americans. Some might say that the bill was callous. I say that the bill was immoral. Today, it is still immoral, uncaring, and without compassion.

But now, to add insult to injury, we have returned to Washington so that the Republican majority can line the pockets of those at the very top. That is right, they cut vital programs and services that benefit hardworking, low- and middle-income Americans, and with the money saved they are giving more tax cuts to the wealthiest of the wealthy. And in the process of robbing working families to give to the rich, we are ballooning the debt, saddling our children and grandchildren with the bill.

Everybody loses under this bill. Everybody. That is except the top one-fifth of 1 percent. Some might call them the super rich; apparently the majority calls them donors.

It is unbelievable. It is unbelievable that we are doing this during this season. The holy season. It is unreal. This season, of all seasons, you would think they would not have the audacity, the gall to pass such a disgraceful and shameful piece of legislation. Oh, but they do.

Where is our compassion? All of the great religions of the world speak to the issue of taking care of basic human needs. During this season, the question must be asked: What would the great teacher do? What would Jesus do?

We are saying we are people of faith, and yet during this most holy season we do this? Have we lost our way? How long, but oh, how long will we continue to take care of those at the very top and not those in the middle and those at the very bottom? How long, but oh, how long?

This bill is not fair. It is not right. It is not just. As a Nation and as a people, as a Congress, we can do better. Mr. Speaker, I appeal to my colleagues to reject this shameful bill.

□ 1100

Mr. PUTNAM. Mr. Speaker, I yield 1½ minutes to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I rise in strong support of this very modest tax relief proposal and the rule that brings it to the floor, and especially in support of the deduction for State and local sales taxes which is so very important to my home State of Tennessee and many millions of people throughout this Nation.

Every day we read stories about how wasteful the Federal Government is, and certainly it has been proven over and over again how the least efficient, most wasteful way to spend money is to turn it over to the Federal Government. Every dollar we can keep in the private sector helps to create jobs and lower prices. And who benefits the most from job creation and lower prices: the poor and the lower-income and the working people. The wealthy are always going to be all right, but this is a bill that helps the poor and the lower-income and the working people more than anybody else.

It contains breaks for the rich like tax deductions for teacher classroom expenses, expenses that classroom teachers pay out of their own pockets. It contains another deduction for the rich for deducting tuition expenses. That is certainly a deduction for the wealthy; and, of course, I am saying that sarcastically.

It contains expensing for brownfield environmental cleanups, something that is very good for the environment. It contains breaks for our veterans and those who have been and are in combat at this time. It contains increases for small businesses, and certainly that is something that is very, very important to millions of people throughout this country.

Mr. Speaker, this is a very modest proposal. I think it is about a 2 percent tax break. I urge passage of this bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentlewoman for yielding me this time.

What the majority is seeking to accomplish here is another transfer of wealth from the great mass of Americans to a privileged few. This bill would raise taxes on 17 million American middle-class families by as much as $640. Millionaires get tax cuts as much as $32,000. People who bet on the market are going to see their taxes cut or reduced, while workers are not going to see that kind of relief because this bill is about a transfer of wealth upwards, a transfer of wealth from the poor and the middle class to the wealthy. More than half of the American taxpayers will get less than $30 out of this so-called tax cut; yet that is what this administration's strategy has been all about.

There has been no trickle-down benefits from their previous tax cuts of over a trillion dollars. Americans' savings have disappeared, credit cards are maxed out, home equity is exhausted, foreclosures have increased, pension funds are disappearing, health care benefits for many have been cut or eliminated. There are 45 million Americans without health insurance. The wealth in this country is being transferred upward, and as wealth accelerates upward, the quality of our democracy is deteriorating. This bill continues that trend with spending cuts suffered by college students, suffered by senior citizens and children and family farmers.

My colleague Congressman LEWIS asked what would Jesus do. We know his teachings. He said whatever you do for the least of the brethren, you do for the Lord. This bill does not do for the least. It does for those who have the most. There is a transfer of wealth to the great mass of Americans to a few as a matter of policy here. It is tax cuts, it is the war, it is all of the spending that is accomplished by our majority brothers and sisters goes to help those who are wealthy become wealthier. That is not how you can maintain a democracy.

The tax system is central to making sure that we stay a democracy, and yet what we see here is the beginning of a plutocracy by continuing the acceleration of wealth upwards. We need to take stock and assessment of what these tax policies are doing to undermine people in this country, of what these tax policies are doing to make it impossible for a middle class to survive, of what these tax policies are ignoring in terms of trying to protect America's manufacturers. There are auto workers and steel workers who are looking for a way for businesses, their industries, to survive; and instead we are worrying about accelerating the wealth upward.

We need to take stock of this. This is not only a fiscal question. It is a moral question, and the arc of our moral fiber here is going to be determined on whether or not we can stand up to this challenge about accelerating the wealth upwards.

Mr. PUTNAM. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, unless we enact H.R. 4297, Americans will receive a most unwelcomed Christmas gift from the Democrats: a huge automatic tax increase. This will cost families billions of their dollars and jeopardize millions of their jobs. We cannot sit idly by and let the Democrats do this.

Tax relief has already created more than 4.4 million new jobs; but if you raise taxes, you start taking these jobs away.

Mr. Speaker, let me tell you about a few of the jobs from my east Texas district that could be lost if the Democrats succeed in their tax increase plan today. Let me tell you about Hugh Dublin who owns East Texas Right of Way in Tennessee Colony, Texas. He specializes in the land-leasing business. Due to tax relief, his company has grown from two full-time employees to four full-time employees and four part-timers. His two new full-time employees are named Dan and David. They were unemployed, but now they are able to start new careers in a growing business.

The Democrats want to raise taxes on Hugh Dublin and his small business. They want to jeopardize Dan's and David's paychecks and replace them with welfare checks, and they call that compassion.

Eddie Alexander owns Triple S Electric in Henderson County, Texas. They are an electrical contracting business. For the first 3½ years he was in business, it was just him and one part-time helper. Since the passage of the President's economic growth plan, he has been able to hire two more additional employees named Jarad and John, both of whom were out of work but both of whom now provide homes for their families.

The Democrats now want to raise taxes on Eddie Alexander and his small business. They want to jeopardize Jarad's and John's paychecks and replace them with welfare checks; and this they call compassion.

Gill Travers owns Travers & Company. They are a home building company in Athens, Texas. Thanks to the housing boom created by President Bush's tax relief plan, Travers & Company has had to hire three new workers. Jan, who was previously unemployed, was hired to help clean up the job sites. Business is so good she had to turn around and hire Calvin and Christy. They were unemployed, too. The Democrats now want to raise taxes on Gill Travers and his small business. They want to jeopardize Jan, Calvin, and Christy's paychecks and replace them with welfare checks; and this they call compassion.

Mr. Speaker, tax relief has created over 4.4 million new tax-paying jobs of the future; 4.4 million hard-working Americans can now provide for their families this Christmas. More than just providing food and shelter, these jobs are providing newfound hope and opportunity. The Democrats would take all of this away.

We cannot go back. We must prevent this massive Democrat tax increase. We must support jobs and support the rule for H.R. 4297.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, since I first came to Congress, I made it a priority to restore sales tax deductibility for my constituents in Washington State. Last year, working with a bipartisan coalition lead by Mr. KEVIN BRADY and myself, we did successfully do that. This deduction saved Washington State taxpayers over $500 million last year alone.

Unfortunately, the sales tax deduction will expire at the end of this year, and we must extend that deduction. Accordingly, I applaud both the Democrats and the Republicans for including in their packages a 1-year extension. Frankly, I would like to have made it a permanent extension.

Nevertheless, I am concerned at a time of war in the aftermath of this country's most devastating natural disaster how we can in good conscience support a tax bill that will add at least $20 billion to our national debt to provide a tax break that goes predominantly to the wealthy, and by that I mean the capital gains and dividend tax cut.

Earlier, the distinguished chairman of the Rules Committee said the American people get it. I have to say, I just had five town halls in my district; the American people do get it. They get that this bill, the Republican majority bill, is passing on enormous deficits to our children. Debt to our children, that is what we are doing.

The Democratic substitute, by comparison, is revenue neutral. It extends the tax breaks that benefit small individual taxpayers and small businesses, and it extends sales tax deductibility without increasing the deficit. What is more, the Democratic substitute protects taxpayers against the AMT hit as people's income brings them into the AMT category.

If my friends on the other side of the aisle want to say if we do not extend the dividend and capital gains tax cut, we have an automatic tax increase, why not say the same about the AMT fix? You have not chosen to put the AMT fix in your bill. Does that not constitute an automatic tax increase? I believe it does. The Democrats have prevented that.

The difference is this: when Republicans talk about choices, the choices they are talking about is whether the most wealthy people in this country will choose to take their earnings, or winnings, from capital gains or dividends. The poor people in this country have to choose between heating their houses and providing food for their children.

Mr. PUTNAM. Mr. Speaker, I yield myself such time as I may consume.

I would remind the gentleman that AMT relief is not in our package because it passed yesterday in the House by a vote of 414-4. That is why it is not in this package, because it passed yesterday.

We all talk about what we do here in Washington as it relates to the economy. The bottom line is that the economy is doing quite well because Americans are out there working hard every day. A lot of them are getting up before the sun comes up and not getting home until the sun goes down, bringing in food and fiber from our fields, manufacturing the devices that we take for granted each and every day in our manufacturing facilities, and working hard in an expanding and robust services economy, going into classrooms, going into hospitals, building houses that are part of the American Dream for more and more Americans. In fact, a record number of Americans now have achieved that piece of the American Dream through homeownership.

So it is ordinary Americans doing every day what they do best that is allowing this economy to move forward, and our role in that is to create the climate that allows them to maximize that opportunity, to put in place policies that keep inflation in check, keep interest rates low, and reduce the tax burden in their lives.

Today, more corporations pay dividends than at any other time. In fact, there has been a 69 percent increase in S&P 500 companies that pay dividends. It is not only wealthy people that are benefiting from dividend taxes being cut and the corresponding increase in companies paying dividends. In fact, it typically is your retirees who are owning those stocks that they have invested in their whole lives that are paying the dividends to supplement their retirement income.

Prior to us changing that policy, the number of companies paying dividends over the last several years had actually gone down by 45 percent; and since the change in the tax that lowered the dividend tax, it went up almost 70 percent. That is a clear indication that what we did here in that small policy changed behavior in the business world to the benefit of all Americans: poor Americans, seniors, middle class, professionals, people who make six figures, people who make five figures. Everybody benefited from that. In fact, disproportionately, seniors benefited from that.

Everybody benefits from the fact that unemployment is now at 5 percent. That is indisputable. Would we like to see it go lower? Of course. Would we like to put policies in place that do that? Of course. Does raising taxes on the American people help lower the unemployment rate? I do not think so. Perhaps some on the other side of the aisle would disagree.

More Americans own stock today than ever before. This is not a class-warfare argument: 91 million individuals own stock in America. This bill puts in place a policy that encourages more Americans to invest in America. That, I believe, is sound economic policy.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. BAIRD) to explain AMT.

Mr. BAIRD. Mr. Speaker, I am well aware of the issues with AMT. The issue with me is this: you have not paid for it; the Democrats have. What you are not talking about is you are passing deficit on to our kids. You are passing debt on to our kids.

I visited with high schools and had town halls last weekend, and people said they are desperately concerned about the size of the Nation's deficit and the size of the Nation's debt. The Democratic package is paid for; the Republican package is not. The Democratic package does support small businesses and low-income folks and supports the middle class. The Republican package, the bulk of the economic benefits from these tax cuts go to the people who need it least at a time when we are fighting a war and trying to recover from a disaster. I think that is a mistake.

We support tax cuts, but we would target them to the people who most need it; and you target them to the people who most want it, but least need it. That is the fundamental difference, and I think the American people see that difference.

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Mr. PUTNAM. Addressing the gentleman's concerns, yesterday 414 Members of the House voted for AMT relief. I am unclear which piece of that the gentleman is referring to that the Democrats had that paid for that as it relates to that. And the gentleman, in reference to his concern about the deficit, which is legitimate and shared by all of us about the growth of the deficit, failed to point out that the deficit has gone down over $100 billion in the last year. The size of the U.S. deficit dropped $100 billion based on the strength of the economy.

And finally, to the gentleman's point, he illustrated and spoke very clearly and directly about the Democratic intentions with regard to tax policy. They want to pick and choose the winners in American society, and we want everyone, everyone on equal footing to have the opportunity to achieve their piece of the American dream. We do not propose to pick winners and losers in economic policy and tax policy. We say everybody has got a shot at making the most of their opportunities in this country. Everybody has got a shot at paying less in taxes on capital gains. Everybody has got a shot at paying less in taxes on dividends that are paid by companies that support all Americans. Everybody has got an opportunity to go to college through the tax incentives that are in there for higher education opportunities. Everybody has got an opportunity to achieve home ownership through economic policies that keep interest rates low and inflation in check. That is the difference, an opportunity for each and every individual, according to their own merits and their own hard work, and their own character and their own ability to get out there every day to do it. And the other side's proposal to pick and choose the winners in our society.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I rise in strong opposition to this $56 billion tax break, mostly for millionaires in our country. Forty-five percent of this tax break goes to the ultra rich in our country, the top 1 percent average getting $32,000 apiece in tax breaks out of this bill. So how do they get the money? Well, last month, the Republicans lectured us on the need to have fiscal discipline. They had to cut Medicaid for the poorest seniors and kids. They had to cut student loans for children across our country. They had to cut the food stamp program for kids. But guess what? The amount of money that they were cutting on food stamps and Medicaid and health care services and student loans is exactly equal to the amount of money they are giving in tax breaks to millionaires. In other words, every dollar that is cut out of the Medicaid program is going to be put over here into tax breaks for millionaires. $50 billion. $50 billion cut in Medicaid and student loans. $50 billion in tax cuts for the rich. For health care programs, as they cut the health care programs, it goes over here today on a tax cut for millionaires.

When they cut student loans the money comes from kids and it is going over here to millionaires. And by the way, they are $6 billion short, so they are just going to increase the deficit. Why? So they can give more tax breaks over here to millionaires. More tax breaks for millionaires. Cut poor people, cut children, cut Medicaid benefits, cut the money that we are going to be giving to seniors, to keep them in nursing homes with Alzheimer's and with Parkinson's disease, just keep cutting it. Give more tax breaks to the millionaires. Something is going to have to be cut.

They cut the poorest. They cut the most vulnerable. They cut the youngest. And where does the money go? The money goes to millionaires. That is what this whole thing is about. It is one big scam. You know, there is an old joke. The priest goes up into the pulpit on Sunday and he says, on Wednesday, Father O'Brien will lecture on the evils of gambling in the church hall. On Thursday in the church hall, bingo.

Last month the Republicans lectured us on the need for them to cut poor people to do something about the deficit. Today, bingo. Tax cuts for the millionaires. Every millionaire is a winner in America under the Republicans' plan. But the money is all coming from the poorest people in our country and it is going over into the hands of those who need it least. Vote no on this Republican atrocity in our country at a time when the poor need it the most and the rich need it the least.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings or other audible conversation is in violation of the rules of the House.

Mr. PUTNAM. Mr. Speaker, I yield myself such time as I may consume.

Recognizing that volume does not always make up for sound policy, I would just pose the question as to why the Democratic substitute leaves out many of the people that the gentleman purported to speak for. The Democratic substitute does not include the savers credit for low income families, those low income families who are contributing to IRAs and pension plans, scrimping and saving every day, every week, every month to put aside money to prepare for their own retirement, to prepare for their own retirement security so that they are not solely dependent on the government. Their substitute is silent on that point.

Why are they silent on the point of assistance for small businesses, allowing them to increase section 179 expensing so that they can get that new piece of equipment, add the new line, which means more employees, more growth, more purchasing and a better economic ripple effect in the community? Why do you leave out small businesses along with your low income savers?

Why do you leave out the part that impacts domestic manufacturers who finance sales of large equipment to foreign customers?

We hear an awful lot of concern about outsourcing. Here you have American-based companies doing everything they can to trade in an increasingly complex globalized economy, and you leave them out of your substitute.

Why do you leave out the parts that deal with capital gains and dividends? Why is it only about the wealthy and not about every one of those 91 million Americans who own stock, who are trying to invest in America, who understand that markets offer them an opportunity to grow and create opportunities that they may not have had otherwise?

Why are all of those 91 million Americans who participate in our capital market so bad? Why are they such awful people that they ought to be singled out and excluded from the tax policy that you have created?

Why do you leave out the tax credits for cleaning up brownfield sites? That is something that I have always thought was the cornerstone of the Democratic Party, cleaning up our environment. It is certainly something that we are proud of our record on with Teddy Roosevelt and our conservation effort. We believe that you can use the Tax Code to encourage businesses to go into areas that formerly were environmentally damaged sites and clean them up and create jobs and opportunity in otherwise blighted areas. This is an issue that impacts disproportionately urban areas. Why would we leave them out? The Democratic substitute is silent on these points.

It is important that we move forward together with sound economic policies that encourage people to invest and save and be a part of this ever complicated globalized economy, not pick and choose the winners and single out individual cases of success to be punished, which is what their bill seeks to do.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I have one remaining speaker. May I inquire if my colleague is about ready to close?

Mr. PUTNAM. I have one remaining speaker as well.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, much of the rhetoric coming from the majority in defense of this sinful package is pure fiction. So let us discuss it in those terms. You know, Charles Dickens has written perhaps one of the most famous pieces of fiction discussed at this time of year, the holiday season, A Christmas Carol. The lesson of Christmas Carol, Scrooge, this miserly man, very, very well fixed financially that chose not to give to others. And we know that in the course of this beautiful story the ghosts of Christmas past help him reflect upon the paucity of his life, and in the end he has a new spirit of community, helping others, including the Cratchett family, with the crippled son, Tiny Tim.

Well, I think that what the majority wants to do is rewrite the Christmas Carol. It is probably going to be titled "A Christmas Carol II, Revenge of the Scrooge." And in this Christmas Carol, Scrooge, sitting in his mansion, contemplating his wealth, wants more. And rather than be challenged as to the paucity of his inclination, we have a Republican majority, bought and paid for, that is all too eager to placate the most selfish whim of Mr. Scrooge.

And so, as the story unfolds, there is more and more for Scrooge, and taking, from the very beginning, a low base, less and less for Mr. Cratchett who loses his job when it is outsourced overseas, tries to find something at minimum wage which has not been raised since 1997, and Tiny Tim, Tiny Tim is left out all together.

Let us ask ourselves some basic questions about this. After passing a $31 billion tax reduction yesterday out of this House, do we really want to add an additional $56 billion without having it paid for?

Look at this. This shows that we are north of $8 trillion in accumulated debt, that the average share is $27,000 of debt per American.

You know, another Christmas story talks about naughty children getting a lump of coal in their stocking. Well, this majority gives every child $27,000 of debt, debt that will fall on their shoulders when the baby boomers retire with this debt woefully unpaid.

The second question, do we need it? You know about half of this package today, for all the talk about how desperately it is needed, does not take effect until 2009 and 2010. Existing Tax Code makes the very provision that they are talking about in 2006, in 2007 and in 2008. It is there for the next 3 years. They are talking about driving us deeper in debt today, cutting programs that help people today so that we can deal with something that happens in 2009 and 2010.

Next question. Is it fair? Well, in looking at who gets what under this bill, you know, most of the people in this country, 55 percent, earn less than $40,000. They will come out on average $7. $7 per under this dividend and tax cut provision. One out of 500, one out of 500 taxpayers, the most affluent of the 500, one out of 500 get nearly half of this bill. And they will average, per taxpayer, more than $30,000 back. So in this Christmas season, we are hammering on programs that help those who need help.

We are passing a tax package that gives nothing, virtually, to most under this capital gains dividend tax cut provision, and we are absolutely loading it up for the wealthiest few in this country. This is Christmas Carol II. This is Revenge of the Scrooge. This is totally bad policy, and it must be stopped.

I urge a no vote on this rule.

Mr. PUTNAM. Mr. Speaker, I yield 3 minutes to the distinguished chairman of the Ways and Means Committee, the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Well, I guess we are going to be telling Christmas stories. Rather than fiction, I would rather deal with fact. Yesterday 414 Members of the House voted to assist a group who, on average, are far richer than those who receive dividends and cap gains. There were four no votes. All four of them were on the Democratic side of the aisle. And I respect those people for casting what I believe was a sincere vote. But out of the 188 Democrats who voted aye, I just have to point out that my friend who just finished speaking, who is on the Ways and Means Committee, protesting the amount in this vote, voted aye. Some of the other folks, just let me run down the list alphabetically, which tends to touch on LOWEY, LYNCH, MALONEY, MARKEY, you heard him, MARSHALL, MATHESON, MATSUI, MCCARTHY, MCCOLLUM, MCDERMOTT, all of them voted to assist those individuals in this society that are far richer, on average, than many of those seniors who, investing prudently over the years, receive dividends and capital gains on their investment in deferred consumption that they need, in their senior years.

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So as we listen to the rhetoric and the term "millionaire" is repeated over and over again by my friends on the other side of the aisle, it begins to be a question of whose millionaire are they talking about. If one is a millionaire in Massachusetts, it seems, we want to protect them. If one is a millionaire in New York, we want to protect them.

At some point the rhetoric, the fiction, has to be compared to the truth. The truth is 188 Democrats, every Democrat member of the Ways and Means Committee, voted to assist people yesterday that are far richer on average than the individuals who receive dividends and cap gains. That is not a Christmas story. That is the truth.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, the gentleman picked a heck of a time to lose his voice here now.

Mr. THOMAS. Mr. Speaker, will the gentleman yield?

I thought the gentlewoman from New York indicated she had one final speaker, and that final speaker spoke. Mr. POMEROY.

Mr. RANGEL. I am terribly sorry. I will take it up then when we have the opportunity.

Mr. THOMAS. I was asking the gentlewoman from New York.

Ms. SLAUGHTER. As it happens, I have extra time, and I yielded to Mr. RANGEL to respond to your comments.

Mr. THOMAS. Notwithstanding the equal time, Mr. Speaker, if the gentlewoman says it is a final speaker, we normally honor that.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from New York is recognized for 3 minutes.

Mr. RANGEL. Mr. Speaker, I do not want to get technical about this. I just want to set the record straight, and that is that we all agree that the alternative minimum tax is an unfair tax on people because it was not planned by the Ways and Means Committee and by the Congress. So, of course, we thought yesterday and we think today that these people, who through inflation were thrown into this category, should be protected. And that is why we were so disappointed that the Republicans, by party line, rejected the Democrats when we were doing the bill in the committee from not being included in the reconciliation bill.

Now, we all know that the bill that we passed yesterday on the suspension calendar is not protected like this $56 billion is protected today. As a matter of fact, people should know that it may appear to be a technicality, but the only way that this alternative minimum release bill that we passed yesterday in the suspension calendar is that not one of the 100 Senators over there objects. We need the consent of every Senator to provide the AMT bill with protection. That is not so. If the Republicans were so concerned about these people who got caught into this trap in getting the alternative minimum tax treatment, it would be placed in the reconciliation bill.

So I do not think you ought to bring up things when the facts are against you. It is true that you have decided that those people who want relief on capital gains taxes and corporate dividends, even though they do not get hit until 2009, that you are prepared to have the people who get by the AMT this year or next year, rather, in their tax burden to get hit at the expense of those people that are much richer and much smaller in number.

So I really think that in this holiday season, we are doing enough damage without distorting the truth. You have had your priorities in terms of protecting the AMT people or protecting the group that is going to be allegedly protected today, even though they do not need any, not today, not next year, and not the year after.

So those are the facts, and I thank the gentlewoman from New York for affording us the opportunity to at least, in this holiday season, whether we like the bill or not, let truth prevail.

Ms. SLAUGHTER. Mr. Speaker, I yield myself the balance of my time.

I would like to urge a "no" vote on the rule, a "no" vote on the bill, and say to every Member of the House of Representatives if they want the AMT fix protected, the only way in the world they can do it today is to vote for the Democrat substitute.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PUTNAM. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the debate here has been consumed by the discussion of capital gains and dividends, and that is a big part of this and that is appropriate.

But the AMT relief component, which has been the source of much recent debate, we dealt with yesterday. We dealt with it on a vote of 414-4, overwhelming, bipartisan, on the suspension calendar, which I will remind Members under the rule, requires a two-thirds vote to pass. It is out of here. The AMT relief bill moved through here in an expeditious manner on a bipartisan basis.

What this bill does is provide continued assistance for those people who are saving to go to college. Middle- and low-income students, this is their shot at going to college. Assistance for those who are saving for retirement, seniors, low income, saving through an IRA and a pension plan for retirement. Ten States that do not have a State income tax that want the same tax treatment that high-tax States have, this expires in 3 weeks unless we pass the bill. Just one of several important components in this tax relief package.

It is vitally important that we pass this and not allow taxes to go up 3 weeks from now on those 10 States, not allow teachers to lose their deductibility on classroom supplies, not allow low-income seniors and savers to be punished under the Democratic plan.

Mr. Speaker, I urge the Members to support the rule and support the underlying bill.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. THOMAS. Mr. Speaker, pursuant to House Resolution 588, I call up the bill (H.R. 4297) to provide for reconciliation pursuant to section 201(b) of the concurrent resolution on the budget for fiscal year 2006, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 588, the bill is considered read and the amendment in the nature of a substitute printed in the bill is adopted.

The text of the amendment in the nature of a substitute is as follows:

H.R. 4297

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the "Tax Relief Extension Reconciliation Act of 2005".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title, etc.

TITLE I—EXTENSIONS OF CERTAIN PROVISIONS THROUGH 2006

Sec. 101. Allowance of nonrefundable personal credits against regular and minimum tax liability.
Sec. 102. Tax incentives for business activities on Indian reservations.
Sec. 103. Work opportunity credit.
Sec. 104. Welfare-to-work credit.
Sec. 105. Deduction for corporate donations of computer technology and equipment.
Sec. 106. Availability of medical savings accounts.
Sec. 107. 15-year cost recovery for leasehold improvements.
Sec. 108. 15-year cost recovery for restaurant improvements.
Sec. 109. Taxable income limit on percentage depletion for oil and natural gas produced from marginal properties.
Sec. 110. District of Columbia Enterprise Zone.
Sec. 111. Possession tax credit with respect to American Samoa.
Sec. 112. Parity in the application of certain limits to mental health benefits.
Sec. 113. Research credit.
Sec. 114. Qualified Zone Academy Bonds.
Sec. 115. Certain expenses of elementary and secondary school teachers.
Sec. 116. Qualified tuition and related expenses.
Sec. 117. State and local general sales taxes.

TITLE II—EXTENSIONS OF CERTAIN PROVISIONS FOR 2 ADDITIONAL YEARS AND OTHER MODIFICATIONS

Sec. 201. Expensing of environmental remediation costs.
Sec. 202. Controlled foreign corporations.
Sec. 203. Capital gains and dividends rates.
Sec. 204. Saver's credit.
Sec. 205. Increased expensing for small business.

TITLE III—OTHER PROVISIONS

Sec. 301. Clarification of taxation of certain settlement funds.

Sec. 302. Modification of active business definition under section 355.
Sec. 303. Veterans' mortgage bonds.
Sec. 304. Capital gains treatment for certain self-created musical works.
Sec. 305. Vessel tonnage limit.
Sec. 306. Modification of special arbitrage rule for certain funds.

TITLE I—EXTENSIONS OF CERTAIN PROVISIONS THROUGH 2006

SEC. 101. ALLOWANCE OF NONREFUNDABLE PERSONAL CREDITS AGAINST REGULAR AND MINIMUM TAX LIABILITY.

(a) IN GENERAL.—Paragraph (2) of section 26(a) (relating to special rule for taxable years 2000 through 2005) is amended—

(1) in the text by striking "or 2005" and inserting "2005, or 2006", and

(2) in the heading by striking "2005" and inserting "2006".

(b) CONFORMING PROVISIONS.—

(1) Subsection (i) of section 904 (relating to coordination with nonrefundable personal credits) is amended by striking "or 2005" and inserting "2005, or 2006".

(2) The amendments made by sections 201(b), 202(f), and 618(b) of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to taxable years beginning during 2006.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 102. TAX INCENTIVES FOR BUSINESS ACTIVITIES ON INDIAN RESERVATIONS.

(a) INDIAN EMPLOYMENT TAX CREDIT.—

(1) IN GENERAL.—Subsection (f) of section 45A (relating to termination) is amended by striking "December 31, 2005" and inserting "December 31, 2006".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to taxable years beginning after December 31, 2005.

(b) ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON INDIAN RESERVATIONS.—

(1) IN GENERAL.—Paragraph (8) of section 168(j) (relating to termination) is amended by striking "December 31, 2005" and inserting "December 31, 2006".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to property placed in service after December 31, 2005.

SEC. 103. WORK OPPORTUNITY CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 51(c)(4) (relating to termination) is amended by striking "December 31, 2005" and inserting "December 31, 2006".

(b) INCREASE IN AGE LIMIT FOR FOOD STAMP RECIPIENTS.—Clause (i) of section 51(d)(8)(A) (relating to qualified food stamp recipient) is amended by striking "25" and inserting "35".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who begin work for the employer after December 31, 2005.

SEC. 104. WELFARE-TO-WORK CREDIT.

(a) IN GENERAL.—Subsection (f) of section 51A (relating to termination) is amended by striking "December 31, 2005" and inserting "December 31, 2006".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals who begin work for the employer after December 31, 2005.

SEC. 105. DEDUCTION FOR CORPORATE DONATIONS OF COMPUTER TECHNOLOGY AND EQUIPMENT.

(a) IN GENERAL.—Subparagraph (G) of section 170(e)(6) (relating to termination) is amended by striking "December 31, 2005" and inserting "December 31, 2006".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to contributions made in taxable years beginning after December 31, 2005.

SEC. 106. AVAILABILITY OF MEDICAL SAVINGS ACCOUNTS.

(a) IN GENERAL.—Paragraphs (2) and (3)(B) of section 220(i) (defining cut-off year) are each amended by striking "2005" each place it appears in the text and headings and inserting "2006".

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 220(j) is amended—

(A) in the text by striking "or 2004" each place it appears and inserting "2004, or 2005", and

(B) in the heading by striking "OR 2004" and inserting "2004, OR 2005".

(2) Subparagraph (A) of section 220(j)(4) is amended by striking "and 2004" and inserting "2004, and 2005".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(d) TIME FOR FILING REPORTS, ETC.—

(1) The report required by section 220(j)(4) of the Internal Revenue Code of 1986 to be made on August 1, 2005, shall be treated as timely if made before the close of the 90-day period beginning on the date of the enactment of this Act.

(2) The determination and publication required by section 220(j)(5) of such Code with respect to calendar year 2005 shall be treated as timely if made before the close of the 120-day period beginning on the date of the enactment of this Act. If the determination under the preceding sentence is that 2005 is a cut-off year under section 220(i) of such Code, the cut-off date under such section 220(i) shall be the last day of such 120-day period.

SEC. 107. 15-YEAR COST RECOVERY FOR LEASEHOLD IMPROVEMENTS.

(a) IN GENERAL.—Clause (iv) of section 168(e)(3)(E) (relating to 15-year property) is amended by striking "January 1, 2006" and inserting "January 1, 2007".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to property placed in service after December 31, 2005.

SEC. 108. 15-YEAR COST RECOVERY FOR RESTAURANT IMPROVEMENTS.

(a) IN GENERAL.—Clause (v) of section 168(e)(3)(E) (relating to 15-year property) is amended by striking "January 1, 2006" and inserting "January 1, 2007".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to property placed in service after December 31, 2005.

SEC. 109. TAXABLE INCOME LIMIT ON PERCENTAGE DEPLETION FOR OIL AND NATURAL GAS PRODUCED FROM MARGINAL PROPERTIES.

(a) IN GENERAL.—Subparagraph (H) of section 613A(c)(6) (relating to oil and natural gas produced from marginal properties) is amended by striking "January 1, 2006" and inserting "January 1, 2007".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2005.

SEC. 110. DISTRICT OF COLUMBIA ENTERPRISE ZONE.

(a) PERIOD FOR WHICH DESIGNATION APPLICABLE.—Subsection (f) of section 1400 (relating to time for which designation applicable) is amended by striking "December 31, 2005" both places it appears and inserting "December 31, 2006".

(b) TAX-EXEMPT ECONOMIC DEVELOPMENT BONDS.—Subsection (b) of section 1400A (relating to period of applicability) is amended by striking "December 31, 2005" and inserting "December 31, 2006".

(c) ZERO PERCENT CAPITAL GAINS RATE.—

(1) IN GENERAL.—Subsection (b) of section 1400B (relating to DC Zone Asset) is amended by striking "January 1, 2006" each place it appears and inserting "January 1, 2007".

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (2) of section 1400B(e) (relating to gain before 1998 and after 2010 not qualified) is amended—

(i) by striking "December 31, 2010" and inserting "December 31, 2011", and

(ii) by striking "2010" in the heading and inserting "2011".

(B) Paragraph (2) of section 1400B(g) (relating to sales and exchanges of interests in partnerships and S corporations which are DC Zone businesses) is amended by striking "December 31, 2010" and inserting "December 31, 2011".

(C) Subsection (d) of section 1400F (relating to certain rules to apply) is amended by striking "December 31, 2010" and inserting "December 31, 2011".

(d) FIRST-TIME HOMEBUYER CREDIT FOR DISTRICT OF COLUMBIA.—Subsection (i) of section 1400C (relating to application of section) is amended by striking "January 1, 2006" and inserting "January 1, 2007".

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on January 1, 2006.

(2) TAX-EXEMPT ECONOMIC DEVELOPMENT BONDS.—The amendment made by subsection (b) shall apply to obligations issued after the date of the enactment of this Act.

SEC. 111. POSSESSION TAX CREDIT WITH RESPECT TO AMERICAN SAMOA.

(a) IN GENERAL.—Subparagraph (A) of section 936(j)(8) (relating to special rules for certain possessions) is amended by inserting before the period at the end the following: "(before January 1, 2007, in the case of American Samoa)".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2005.

SEC. 112. PARITY IN THE APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS.

(a) IN GENERAL.—Paragraph (3) of section 9812(f) (relating to application of section) is amended by striking "December 31, 2005" and inserting "December 31, 2006".

(b) EFFECTIVE DATES.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 113. RESEARCH CREDIT.

(a) EXTENSION.—

(1) IN GENERAL.—Subparagraph (B) of section 41(h)(1) (relating to termination) is amended by striking "December 31, 2005" and inserting "December 31, 2006".

(2) CONFORMING AMENDMENT.—Subparagraph (D) of section 45C(b)(1) (relating to special rule) is amended by striking "December 31, 2005" and inserting "December 31, 2006".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts paid or incurred after December 31, 2005.

(b) INCREASE IN RATES OF ALTERNATIVE INCREMENTAL CREDIT.—

(1) IN GENERAL.—Subparagraph (A) of section 41(c)(4) (relating to election of alternative incremental credit) is amended—

(A) by striking "2.65 percent" and inserting "3 percent",

(B) by striking "3.2 percent" and inserting "4 percent", and

(C) by striking "3.75 percent" and inserting "5 percent".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years ending after the date of the enactment of this Act.

(c) ALTERNATIVE SIMPLIFIED CREDIT FOR QUALIFIED RESEARCH EXPENSES.—

(1) IN GENERAL.—Subsection (c) of section 41 (relating to base amount) is amended by redesignating paragraphs (5) and (6) as paragraphs (6)

and (7), respectively, and by inserting after paragraph (4) the following new paragraph:

"(5) ELECTION OF ALTERNATIVE SIMPLIFIED CREDIT.—

"(A) IN GENERAL.—At the election of the taxpayer, the credit determined under subsection (a)(1) shall be equal to 12 percent of so much of the qualified research expenses for the taxable year as exceeds 50 percent of the average qualified research expenses for the 3 taxable years preceding the taxable year for which the credit is being determined.

"(B) SPECIAL RULE IN CASE OF NO QUALIFIED RESEARCH EXPENSES IN ANY OF 3 PRECEDING TAXABLE YEARS.—

"(i) TAXPAYERS TO WHICH SUBPARAGRAPH APPLIES.—The credit under this paragraph shall be determined under this subparagraph if the taxpayer has no qualified research expenses in any one of the 3 taxable years preceding the taxable year for which the credit is being determined.

"(ii) CREDIT RATE.—The credit determined under this subparagraph shall be equal to 6 percent of the qualified research expenses for the taxable year.

"(C) ELECTION.—An election under this paragraph shall apply to the taxable year for which made and all succeeding taxable years unless revoked with the consent of the Secretary. An election under this paragraph may not be made for any taxable year to which an election under paragraph (4) applies.".

(2) COORDINATION WITH ELECTION OF ALTERNATIVE INCREMENTAL CREDIT.—

(A) IN GENERAL.—Section 41(c)(4)(B) (relating to election) is amended by adding at the end the following: "An election under this paragraph may not be made for any taxable year to which an election under paragraph (5) applies.".

(B) TRANSITION RULE.—In the case of an election under section 41(c)(4) of the Internal Revenue Code of 1986 which applies to the taxable year which includes the date of the enactment of this Act, such election shall be treated as revoked with the consent of the Secretary of the Treasury if the taxpayer makes an election under section 41(c)(5) of such Code (as added by subsection (a)) for such year.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 114. QUALIFIED ZONE ACADEMY BONDS.

(a) IN GENERAL.—Paragraph (1) of section 1397E(e) (relating to national limit) is amended by striking "and 2005" and inserting "2005, and 2006".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to obligations issued after December 31, 2005.

SEC. 115. CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) (relating to certain expenses of elementary and secondary school teachers) is amended by striking "or 2005" and inserting "2005, or 2006".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to expenses paid or incurred in taxable years beginning after December 31, 2005.

SEC. 116. QUALIFIED TUITION AND RELATED EXPENSES.

(a) IN GENERAL.—Subsection (e) of section 222 (relating to termination) is amended by striking "December 31, 2005" and inserting "December 31, 2006".

(b) LIMITATIONS.—Paragraph (2) of section 222(b) (relating to applicable dollar limit) is amended by striking subparagraphs (A) and (B), by redesignating subparagraph (C) as subparagraph (B), and by inserting before subparagraph (B) (as so redesignated) the following:

"(A) 2006.—In the case of a taxable year beginning in 2006, the applicable dollar amount shall be equal to—

"(i) in the case of a taxpayer whose adjusted gross income for the taxable year does not exceed $65,000 ($130,000 in the case of a joint return), $4,000,

"(ii) in the case of a taxpayer not described in clause (i) whose adjusted gross income for the taxable year does not exceed $80,000 ($160,000 in the case of a joint return), $2,000, and

"(iii) in the case of any other taxpayer, zero.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made in taxable years beginning after December 31, 2005.

SEC. 117. STATE AND LOCAL GENERAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) (relating to application of paragraph) is amended by striking "January 1, 2006" and inserting "January 1, 2007".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2005.

TITLE II—EXTENSIONS OF CERTAIN PROVISIONS FOR 2 ADDITIONAL YEARS AND OTHER MODIFICATIONS

SEC. 201. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) EXTENSION OF TERMINATION DATE.—Subsection (h) of section 198 (relating to termination) is amended by striking "December 31, 2005" and inserting "December 31, 2007".

(b) PETROLEUM PRODUCTS TREATED AS HAZARDOUS SUBSTANCE.—Paragraph (1) of section 198(d) (relating to hazardous substance) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following new subparagraph:

"(C) any petroleum product (as defined in section 4612(a)(3)).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures paid or incurred after December 31, 2005.

SEC. 202. CONTROLLED FOREIGN CORPORATIONS.

(a) SUBPART F EXCEPTION FOR ACTIVE FINANCING.—

(1) EXEMPT INSURANCE INCOME.—Paragraph (10) of section 953(e) (relating to application) is amended—

(A) by striking "January 1, 2007" and inserting "January 1, 2009", and

(B) by striking "December 31, 2006" and inserting "December 31, 2008".

(2) EXCEPTION TO TREATMENT AS FOREIGN PERSONAL HOLDING COMPANY INCOME.—Paragraph (9) of section 954(h) (relating to application) is amended by striking "January 1, 2007" and inserting "January 1, 2009".

(b) LOOK-THROUGH TREATMENT OF PAYMENTS BETWEEN RELATED CONTROLLED FOREIGN CORPORATIONS UNDER THE FOREIGN PERSONAL HOLDING COMPANY RULES.—Subsection (c) of section 951 (relating to foreign personal holding company income) is amended by adding at the end the following new paragraph:

"(6) LOOK-THRU RULE FOR RELATED CONTROLLED FOREIGN CORPORATIONS.—

"(A) IN GENERAL.—For purposes of this subsection, dividends, interest, rents, and royalties received or accrued from a controlled foreign corporation which is a related person shall not be treated as foreign personal holding company income to the extent attributable or properly allocable (determined under rules similar to the rules of subparagraphs (C) and (D) of section 904(d)(3)) to income of the related person which is not subpart F income. For purposes of this subparagraph, interest shall include factoring income which is treated as income equivalent to interest for purposes of paragraph (1)(E). The Secretary shall prescribe such regulations as may be appropriate to prevent the abuse of the purposes of this paragraph.

"(B) APPLICATION.—Subparagraph (A) shall apply to taxable years of foreign corporations beginning after December 31, 2005, and before January 1, 2009, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.".

SEC. 203. CAPITAL GAINS AND DIVIDENDS RATES.

Section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 is amended by striking "December 31, 2008" and inserting "December 31, 2010".

SEC. 204. SAVER'S CREDIT.

Subsection (h) of section 25B (relating to elective deferrals and IRA contributions by certain individuals) is amended by striking "December 31, 2006" and inserting "December 31, 2008".

SEC. 205. INCREASED EXPENSING FOR SMALL BUSINESS.

Subsections (b)(1), (b)(2), (b)(5), (c)(2), and (d)(1)(A)(ii) of section 179(b) (relating to election to expense certain depreciable business assets) are each amended by striking "2008" and inserting "2010".

TITLE III—OTHER PROVISIONS

SEC. 301. CLARIFICATION OF TAXATION OF CERTAIN SETTLEMENT FUNDS.

(a) IN GENERAL.—Subsection (g) of section 468B (relating to clarification of taxation of certain funds) is amended to read as follows:

"(g) CLARIFICATION OF TAXATION OF CERTAIN FUNDS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), nothing in any provision of law shall be construed as providing that an escrow account, settlement fund, or similar fund is not subject to current income tax. The Secretary shall prescribe regulations providing for the taxation of any such account or fund whether as a grantor trust or otherwise.

"(2) EXEMPTION FROM TAX FOR CERTAIN SETTLEMENT FUNDS.—An escrow account, settlement fund, or similar fund shall be treated as beneficially owned by the United States and shall be exempt from taxation under this subtitle if—

"(A) it is established pursuant to a consent decree entered by a judge of a United States District Court,

"(B) it is created for the receipt of settlement payments as directed by a government entity for the sole purpose of resolving or satisfying one or more claims asserting liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980,

"(C) the authority and control over the expenditure of funds therein (including the expenditure of contributions thereto and any net earnings thereon) is with such government entity, and

"(D) upon termination, any remaining funds will be disbursed to such government entity for use in accordance with applicable law.

For purposes of this paragraph, the term 'government entity' means the United States, any State or political subdivision thereof, the District of Columbia, any possession of the United States, and any agency or instrumentality of any of the foregoing.

"(3) TERMINATION.—Paragraph (2) shall not apply to accounts and funds established after December 31, 2010.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to accounts and funds established after the date of the enactment of this Act.

SEC. 302. MODIFICATION OF ACTIVE BUSINESS DEFINITION UNDER SECTION 355.

Subsection (b) of section 355 (defining active conduct of a trade or business) is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULE RELATING TO ACTIVE BUSINESS REQUIREMENT.—

"(A) IN GENERAL.—In the case of any distribution made after the date of the enactment of this paragraph and before December 31, 2010, a corporation shall be treated as meeting the requirement of paragraph (2)(A) if and only if such corporation is engaged in the active conduct of a trade or business.

"(B) AFFILIATED GROUP RULE.—For purposes of subparagraph (A), all members of such corporation's separate affiliated group shall be treated as one corporation. For purposes of the preceding sentence, a corporation's separate affiliated group is the affiliated group which would be determined under section 1504(a) if such corporation were the common parent and section 1504(b) did not apply.

"(C) TRANSITION RULE.—Subparagraph (A) shall not apply to any distribution pursuant to a transaction which is—

"(i) made pursuant to an agreement which was binding on the date of the enactment of this paragraph and at all times thereafter,

"(ii) described in a ruling request submitted to the Internal Revenue Service on or before such date, or

"(iii) described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission.

The preceding sentence shall not apply if the distributing corporation elects not to have such sentence apply to distributions of such corporation. Any such election, once made, shall be irrevocable.

"(D) SPECIAL RULE FOR CERTAIN PRE-ENACTMENT DISTRIBUTIONS.—For purposes of determining the continued qualification under paragraph (2)(A) of distributions made before the date of the enactment of this paragraph as a result of an acquisition, disposition, or other restructuring after such date and before December 31, 2010, such distribution shall be treated as made after the date of the enactment of this paragraph for purposes of applying subparagraphs (A) through (C) of this paragraph.".

SEC. 303. VETERANS' MORTGAGE BONDS.

(a) ALL VETERANS ELIGIBLE FOR STATE HOME LOAN PROGRAMS FUNDED BY QUALIFIED VETERANS' MORTGAGE BONDS.—

(1) IN GENERAL.—Paragraph (4) of section 143(l) (defining qualified veteran) is amended—

(A) by striking "at some time before January 1, 1977" in subparagraph (A), and

(B) by striking subparagraph (B) and inserting the following:

"(B) who applied for the financing before the date 25 years after the last date on which such veteran left active service.".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to financing provided after the date of the enactment of this Act.

(b) REVISION OF STATE VETERANS LIMIT.—

(1) IN GENERAL.—Subparagraph (B) of section 143(l)(3) (relating to volume limitation) is amended to read as follows:

"(B) STATE VETERANS LIMIT.—

"(i) IN GENERAL.—A State veterans limit for any calendar year is the amount equal to—

"(I) $53,750,000 for the State of Texas,

"(II) $66,250,000 for the State of California,

"(III) $25,000,000 for the State of Oregon,

"(IV) $25,000,000 for the State of Wisconsin, and

"(V) $25,000,000 for the State of Alaska.

"(ii) PHASEIN.—In the case of calendar years beginning before 2010, clause (i) shall be applied by substituting for each of the dollar amounts therein by the applicable percentage. For purposes of the preceding sentence, the applicable percentage shall be determined in accordance with the following table:

"Calendar Year:	***Applicable percentage is:***
2006	*20 percent*
2007	*40 percent*
2008	*60 percent*
2009	*80 percent.*

"(iii) TERMINATION.—The State veterans limit for any calendar year after 2010 is zero.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to bonds issued after December 31, 2005.

SEC. 304. CAPITAL GAINS TREATMENT FOR CERTAIN SELF-CREATED MUSICAL WORKS.

(a) IN GENERAL.—Subsection (b) of section 1221 (relating to capital asset defined) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

"(3) SALE OR EXCHANGE OF SELF-CREATED MUSICAL WORKS.—At the election of the taxpayer, paragraphs (1) and (3) of subsection (a) shall not apply with respect to any sale or exchange before January 1, 2011, of musical compositions or copyrights in musical works by a taxpayer described in subsection (a)(3).".

(b) LIMITATION ON CHARITABLE CONTRIBUTIONS.—Subparagraph (A) of section 170(e)(1) is amended by inserting "(determined without regard to section 1221(b)(3))" after "long-term capital gain".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales and exchanges in taxable years beginning after the date of the enactment of this Act.

SEC. 305. VESSEL TONNAGE LIMIT.

(a) IN GENERAL.—Paragraph (4) of section 1355(a) (relating to qualifying vessel) is amended by inserting "(6,000, in the case of taxable years beginning after December 31, 2005, and ending before January 1, 2011)" after "10,000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2005.

SEC. 306. MODIFICATION OF SPECIAL ARBITRAGE RULE FOR CERTAIN FUNDS.

In the case of bonds issued after the date of the enactment of this Act and before August 31, 2009—

(1) the requirement of paragraph (1) of section 648 of the Deficit Reduction Act of 1984 (98 Stat. 941) shall be treated as met with respect to the securities or obligations referred to in such section if such securities or obligations are held in a fund the annual distributions from which cannot exceed 7 percent of the average fair market value of the assets held in such fund except to the extent distributions are necessary to pay debt service on the bond issue, and

(2) paragraph (3) of such section shall be applied by substituting "distributions from" for "the investment earnings of" both places it appears.

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the further amendment printed in House Report 109–330, if offered by the gentleman from New York (Mr. RANGEL) or his designee, which shall be considered read, and shall be debatable for 1 hour, equally divided and controlled by the proponent and an opponent.

The gentleman from California (Mr. THOMAS) and the gentleman from New York (Mr. RANGEL) each will control 30 minutes of debate on the bill.

The Chair recognizes the gentleman from California.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a bill that does not deserve the kind of rhetoric that is being delivered so far, at least that which I have heard on the rule. This bill consists of extending current tax provisions. It virtually breaks no new ground. It merely retains those structures supported in committee, for example, in a bipartisan way, to allow people to continue to utilize current tax privileges.

I have a hard time when I listen to the rhetoric associated with the description of this bill when one of the provisions, for example, is the authority to issue qualified zone academy bonds for school modernization, equipment in high-poverty areas. I cannot believe my colleagues on the other side of the line are opposed to that. Above-the-line deduction for higher education expenses, in opposing this bill, I guess they are opposed to that. Continue the deduction for State and local sales taxes due to expire, I guess they are opposed to that.

I could go through and point out a number of items. For example, the work opportunity tax credits for hiring individuals who face barriers to employment, in addition to the extension. The age limit for eligible food stamp recipients is increased from 25 to 35. Maybe they are opposed to that.

I guess when we go through and examine these various provisions, if those are items that are reserved for the rich, the millionaires and the privileged, I guess I just do not understand it.

But they are required to attack any bill that allows Americans to hang on to their own hard-earned money. That is just kind of fundamental, I guess.

My concern is if they are going to produce the kind of rhetoric they are producing on a piece of tax legislation which simply extends current law, what are they going to do when we have to rethink the way in which we tax people today to make sure that we do not destroy the economic engine in this country that produces the quality of life-style for each and every American?

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I welcome the opportunity to join with the Republicans to send this holiday message to millions of Americans that will be affected by this bill, especially to the fraction of 1 percent that would be the beneficiaries of a substantial reduction in capital gains and corporate dividends. It is true, while this only represents 20 to 25 percent of the bill, it should be made abundantly clear that these benefits would not be effective until sometime in 2009 and 2010.

Now, I am here on the floor to try to get people to understand that this tax cut for the rich is really to grow the economy, and I want to make it clear to those people who have lost their jobs and not counted among the unemployed, those that are looking at automobile plants closing and airlines going bankrupt, that basically the economy is good, and it is good because the President told us so. And if they do not think that we are moving forward fast enough, then they ought to really listen to the President as he shares with us the great economic recovery that has happened in Iraq, and if they are just a little patient, things will get better here in the United States.

Now, we all know that whenever we give this type of tax cut that there is going to be a tremendous revenue loss, and in the last few days, that revenue loss has been something like $100 billion. But fear not, because we are not charging all of this to the deficit. It is true that as the deficit increases more than history ever expected under this administration, that soon 40 percent of the tax revenues that we get will be going just to pay the interest on this outstanding debt, and that is why our Republican friends believe that we just cannot expand the deficit, that we have to cut spending.

Now, they have looked all over to the to decide where to do the cutting. And in this holiday season, I just want to join them in letting people know where these cuts are going to take place. But I do not want people to worry about it because the President says that the economy is booming and the Republicans here say that the tax cuts for the rich is for economic growth. So how can one be against that formula?

First of all, if one is a mother trying to raise her children and she got support from the local and State government to go after the father, or whatever the case may be, to get that money to take care of her and her family, not to worry, that this is going to be cut and she will not be able to get the money because under this bill, whether people know it or not, it is for economic growth.

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Say you are considering using food stamps for your Christmas meal. You find out that the food stamps are going to be cut. Not to worry, because soon there will be economic growth.

Maybe you are just a student trying to get a student loan, and you really think that you should get some help from your government because, after all, we want you to be productive and make a contribution to society. Not to worry, these tax cuts are for economic growth.

What I do not understand, with all of the opportunity that we have had to take care of economic growth, why do we wait until this time of the season and target the least among us in order to do the budget cuts?

It is not as though we do not have $2 or $3 billion in terms of expenses in Iraq, which if you did not know lately, you should know that victory is in sight and we are winning that too. So we do not want you to lose confidence in all of government. If you find out that this bill rewards the richest of the people in the United States whose income is not going to be adversely affected, or their tax is adversely affected for 3 or 4 years, but we have to do something to target the poor today, then you have to have some trust in the Republicans, because they say we have got to have victory in war, we have got to grow the economy, and this is the best thing that ever happened to you.

Now, the Democrats are not just saying vote "no." We will have an opportunity for Members to vote "yes." And unlike the Republicans, we thought enough of the alternative minimum tax to include it in reconciliation. What does that mean? It means it is protected when it gets over to the other side, so we did not have to depend on 100 Senators sitting down and not objecting. It is in our bill. All of the good things that can come out of a bill, we have included, including relief for those people that have State taxes.

And so, my friends in this holiday season, you may find it very difficult if you are unemployed, if you are concerned about the economy, or the cuts that we have, including Medicaid, which is only a $10 billion cut, but you must trust the majority and the Republicans in this House, because they, like the President of the United States, say the economy is booming. We are going to have victory in the Middle East, and this is going to make it easier for you, if not today, if not tomorrow, then sometime in the future.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, perhaps the gentleman from New York (Mr. RANGEL) is not aware that the Senate has included the alternative minimum tax in their reconciliation tax package. They have already voted on it. So there is no need to provide any assurance from the House side, because the Senate has already included it. But, again, that is reality.

The economy is not good because the President told us so. Leading economic indicators tell us so: the unemployment numbers, the productivity numbers. The real problem with my friends on the other side of the aisle is that if reality does not coincide with their rhetoric, they choose rhetoric rather than reality.

Mr. Speaker, I yield 2½ minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise today in support of the Tax Relief Extension Act. Let me make absolutely clear what this bill does. The bill will prevent automatic tax increases on millions of Americans and their families.

Unless Congress acts, individuals will pay higher taxes on their savings; businesses will lose valuable incentives to provide research in the United States; small businesses will lose the ability to expense new equipment, essential to the support of new employees.

These are all benefits taxpayers have today, and our bill simply preserves them. The bill does not increase taxes. The bill does not reduce taxes. The bill merely preserves the current tax policy that has driven 4.3 percent growth and is creating millions of new jobs.

According to the IRS in my home State of Connecticut, there are 550,000 taxpayers who receive dividend income; 153,000 of those have incomes below $30,000 a year. Right now they pay 5 percent taxes on dividend incomes. In 2008 low-income taxpayers will pay zero taxes on dividend income. If we fail to act, however, they will pay taxes as high as 25 percent.

A widow living on $30,000 a year could see her tax bill increase by $1,200 a year. That would be wrong. This bill needs to be passed. It deserves to be passed. It also needs to be passed and deserves to be passed because it extends and enhances the R&D tax credit. At a time when other nations are providing or have provided permanent and richer incentives for research, we need to recognize the job-producing benefits of this tax credit.

Mr. Speaker, we remain a world leader in patents and discoveries, but other nations are closing in. Advances in technology and innovation are what drive growth and ultimately create higher standards of living for all of us.

We need to ask ourselves, do we want the next major scientific breakthrough to happen in Germany or China? Do we want other countries to be the leaders in the patents for the next generation of technology?

Finally, I would be remiss if I failed to mention incentives for small business expensing. Small business is the engine of our economy. Our bill allows small businesses to immediately expense up to $100,000 of equipment. When we first adopted this provision, we saw investment in equipment skyrocket, go right straight up. Lowering the cost of capital encourages small businesses to invest in machines, trucks, and other equipment and hire new people. With 25 million small businesses accounting for two of three new jobs created, expensing supports these small businesses.

Mr. Speaker, I urge passage of this legislation.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to say briefly, if the chairman of the Ways and Means Committee is saying that the alternative minimum tax is in the other body's bill, then he must be saying that the tax cuts that we are talking about today are not in the other body's bill.

So it is 3-card Molly. The House Republicans passed both of them, one on the Suspension Calendar that is not protected here, but is protected in the other body; and this bill which provides for relief for the taxes for corporate dividends and capital gains, which is protected in our bill, but is not in their bill.

And so what we are doing is shooting dice to see which one will prevail.

Mr. Speaker, I yield 3½ minutes to the gentleman from Washington (Mr. McDermott).

Mr. McDERMOTT. Mr. Speaker, I got up this morning and here is the Washington Post's eminent columnist, David Broder. He begins his story: "If the House of Representatives were a person, it would be blushing these days. Unfortunately, the House is beyond embarrassment."

Now, I used this before, but I wanted to bring it out here again because I think we need to demonstrate to people what is going on. We have Christmastime, and we have socks. We have poor people's socks and rich people's socks. And the rich people need $100 billion in tax cuts.

The Republicans, for whatever reason, have decided that it is $100 billion yesterday and today, $100 billion. Now where do you get the money for that? Well you have to cut somebody to get it. You have got to cut something, or else you are going to drive up the deficit.

So the first thing you do is take child care away from 300,000 children. And you put that in the sock, the stocking of the rich. And then you have Social Security, SSI benefits for the disabled and the elderly. And you take $700 million away from them and put it into the rich folks' stocking.

And then you come to child support enforcement. We do not want children who are in divorced families to get money from those deadbeat dads. That is not what the Republicans say. They say, let us save $21 billion. We will take it away from the children in divorces and put it in the rich people's stocking.

And Medicaid. Oh, well, they do not need health care. Why, there is $10 billion we can take away from poor people's health care and put it in the rich people's stocking.

And then there is student loans, $14 billion from college students. We are going to load it on them. That is the middle class. That is the lower-class people who are trying to get through on loans. We take their loans and we say, no, no, no, no, the rich people need it.

And then we have one of the best ones of all: food stamps. Let us take food stamps away from 300,000 people; 300,000 people getting food stamps. Oh, these are the rich. Oh, but we have to cut them. We have to take this away from them.

You cannot have food stamps, poor people or ordinary people: we got to give a tax break to the rich people. And then finally we have foster children. Way down here in the bottom of the sock. We have $600 million taken away from the program that we took those children out of another family and took responsibility for. We have taken these children away from a family we have accepted responsibility for in this foster care payment, and we cut it and we give it to the rich folks.

Now, you kind of wonder what might be left down here for the poor people. Well, look at that. A lump of coal. The poor people better save that lump of coal, because there is nothing in here for their heating bills, the LIHEAP program has not been expanded, and all they are going to have to heat their house is the lump of coal that the Republicans put in the poor people's sock.

Merry Christmas. I certainly hope you enjoy all the festivities. This is a bad bill. Vote "no."

Mr. THOMAS. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. Ryan) to explain to the gentleman from Washington that it is not a zero sum game that is what has made the American standard of living.

Mr. RYAN of Wisconsin. Mr. Speaker, I appreciate the gentleman yielding me time.

I also appreciate the fact that the gentleman from Washington is willing to acknowledge Christmas here on the House floor. That is a nice step in the right direction.

Mr. Speaker, let us look at the facts. To hear the other side, you would think we were taking a chain saw to the budget. What we are proposing in the budget is that we increase entitlement spending 6.3 percent instead of 6.4 percent, saving $50 billion out of a $14 trillion budget, by rooting out waste, fraud and abuse by reforming government.

But let us talk about these tax cuts. You would think when we cut taxes in 2003 we would have lost revenues. Right? That is the intuitive thing to say. Wrong. That is not what happened. Since the enactment of the 2003 tax cuts, job losses went away. The unemployment rate was 6.1 percent when we cut taxes. The unemployment rate is 5 percent.

Since we cut taxes, we have averaged a job creation every month of 148,000 jobs. Just last month alone we added 215,000 jobs to the economy. What happened before we cut taxes? Before we cut taxes, the 2 years before the tax cut, our economy grew at an average of 1.1 percent. How fast is the economy growing since the tax cuts? 4.1 percent. How fast did the economy grow last quarter? 4.3 percent.

Now, Mr. Speaker, what has happened since we cut taxes is we have reversed the job loss, we have reversed the decline in jobs, and we have added 4.4 million jobs to the American economy since the 2003 tax cuts.

What happened to revenues? Revenues increased. Yes, that is right. At these lower tax rates, at these lower taxes, we increased revenues to the Federal Government. Last year revenues went up 14 percent. Just this year individual income tax receipts are up 14 percent. Corporate income tax receipts are up 47 percent.

What happened to the deficit, Mr. Speaker? The deficit projection in 2004 was $521 billion. What is the deficit now? The deficit projection now is $319 billion. We dropped the deficit 23 percent last year. We dropped the deficit 25 percent last year. The deficit is down because tax revenues are up.

Do not defeat this bill and raise taxes. Let's stop tax increases.

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Mr. RANGEL. Mr. Speaker, I would like to ask the gentleman just one question on my time.

These very important tax cuts or extension of tax cuts you are talking about, could you share with me as simply as possible as to when they expire, what year?

Mr. RYAN of Wisconsin. Each of these tax cuts expire between this year and the next 2 years. It depends on the tax cut you are talking about.

Mr. RANGEL. The tax cut that we are talking about is the $20 billion in capital gains and corporate dividends. Does that not expire in 2009?

Don't get rattled.

Mr. RYAN of Wisconsin. Not at all.

Mr. RANGEL. It is just a simple question. Because there seems to be some degree of urgency in this and unless it is a projected gift, then these things don't expire this year or next year.

Mr. RYAN of Wisconsin. If the gentleman will allow me to respond to his question.

Mr. RANGEL. Please.

Mr. RYAN of Wisconsin. Why is it important that we continue the tax relief progress that would expire in 2008 on dividends and capital gains? Because those are job creators.

Mr. RANGEL. I think the gentleman has answered the question. There is no urgency in this. You just want to give a projected Christmas gift to the very wealthy. So I need some help on this. If I can't get answers from you, I will get someone that can give answers.

Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. Neal) to answer some of these important questions, a distinguished and acknowledged expert in this on the Ways and Means Committee.

Mr. NEAL of Massachusetts. Mr. Speaker, I just heard the gentleman from Wisconsin talk about job creation. He singled out one month. 22 million jobs created during the Clinton years. 22 million. Economic growth has been paltry and everybody knows it. In addition to which he talked about the deficit—with a straight face. They have rolled up the national deficit. $2.2 trillion we are in the hole. On their time this has happened.

Let me say this and I think it is very important to point out, Mr. Speaker, the Republican majority now says, as they did yesterday with a straight face, incidentally, well, the Democrats did not do anything about the alternative minimum tax when they were in the majority. In 1994, and I hope that anybody who is listening to this will write this number down, when the Republicans took control of the House of Representatives there were approximately 200,000 people paying AMT, 200,000 people. Next year 19.3 million people are kicked into AMT.

I would like to think, as the gentleman from New York has indicated, that I have had some consistency on the issue of alternative minimum tax, not only in the committee, but here on the House floor. We did a big nothing yesterday about AMT and everybody knows it. 19.3 million people next year are kicked into AMT. But the House of Representatives had time to repeal the estate tax and now to address the dividend and capital gains tax, but they really never have time to do anything about AMT. And the reason they do not have time to do anything about AMT is pretty simple. it goes to middle income Americans to bear that burden.

So if we do not have time here to do something for the wealthy, we really do not have time to do anything. We are rich and we are not going to take it anymore. We watch these numbers as they are presented to us. The Republican party, at one time, stood for anti-Communism and balanced budgets. Well, Communism is gone and the deficits have really soared, all from a party that preaches fiscal discipline. They have rolled those deficits up for one reason, after, by the way, robbing the Social Security trust fund to pay for tax cuts for the wealthiest. In this institution we hear, well, the Social Security trust fund is going broke. It is going broke because they took $2 trillion out of it in tax cuts during the next 10 years. There is no pressure to do what we have to do today. They are contributing to the national deficit, contributing to the debt, all under the guise of paying for tax cuts for the wealthiest among us.

Lastly, I defy anybody here to not acknowledge this static. The dividend relief bill that we are entertaining here overwhelmingly 53 percent of that benefit goes to people who made more than $1 million last year. That is where we find ourselves now.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume to ask a rhetorical question.

If the gentleman from Massachusetts (Mr. NEAL) voted yes on this alternative minimum tax bill yesterday he either was protecting the very rich in Massachusetts.

Mr. NEAL of Massachusetts. Will the gentleman yield?

Mr. THOMAS. No, it is a rhetorical question.

Mr. NEAL of Massachusetts. I am happy to participate.

Mr. THOMAS. Whose time is it, Mr. Speaker?

The SPEAKER pro tempore (Mr. GINGREY). The gentleman from California (Mr. THOMAS) has the time.

Mr. THOMAS. Either he was voting to protect the incomes of the very rich in Massachusetts or he exercised a futile procedure.

There were four Members of his party who voted no. He had an opportunity, if he believed it was not real to vote no. He voted yes. The problem is they always want it both ways.

Mr. Speaker, I yield 2½ minutes to the gentlewoman from Pennsylvania (Ms. HART), a member of the committee.

Ms. HART. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, I rise in support of H.R. 4297 because this legislation will ensure that our economy will continue to expand. That is right, expand.

If you would listen to those on the other side of the aisle, you would think that we are in a shrinking economy. However, since the capital gains and dividend taxes were reduced in 2003, we have seen ten straight quarters of what is it? Growth.

Now, what does growth mean? It means more jobs. It means more opportunity. I spoke recently with an entrepreneur group back home, women who started businesses in their homes. Most of them have children and did not want to be out of the house all the time, very small businesses. And you know what they said to me their top priority is? Make sure you extend the capital gains cuts. Make sure you make sure you pass legislation that will prevent a tax increase.

That is what we are doing today. Preventing a tax increase on these entrepreneurs who, one by one, are creating new jobs in our economy. The national economy has produced impressive growth. Our pro-growth policy will continue only if we do not increase taxes. In the 10 quarters prior to the passage of this legislation, we averaged just 1.2 percent of growth, never exceeded 2.9. In the 10 quarters since, we have averaged 3.3 percent of growth and have averaged over 4 percent. Now, I think 4 percent growth is better than 1 percent growth. And if we do not continue this tax situation and increase taxes, we will see our growth go away.

What does this mean, this business investment that happens because of the capital gains reduction, the dividends reduction? It means new jobs. In a district like mine where we need new jobs, and I know some Members on the other side of the aisle apparently have more jobs than they need, we need jobs. This climate is the climate we need for growth. We have seen, in fact, unemployment go from 6.1 percent down over 1 point to 5 percent.

Despite challenges that this country has faced over the last couple of years, including terrorist attacks and natural disasters, we have still seen an increase of job creation.

Now, if anybody at the end of August and the beginning of September expected that we would see 215,000 jobs created in the United States in the last month, I do not think you are telling me the truth. But the good climate that was created by those cuts made it happen.

We need to continue good policy. We need to realize what good policy is. Good policy is allowing the people to invest their money, create jobs, create a strong economy and create job growth. I urge my colleagues to continue this situation and not allow a tax increase on the American public.

Mr. THOMAS. Mr. Speaker, I yield the remainder of my time to the gentleman from Michigan, the chairman of the Select Revenue Subcommittee, and ask unanimous consent that Mr. CAMP control the remainder of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RANGEL. Mr. Speaker, I yield 30 seconds to the gentleman from Massachusetts (Mr. NEAL) to give a rhetorical response to the chairman's question.

Mr. NEAL of Massachusetts. Mr. Speaker, I thank the gentleman from New York (Mr. RANGEL) for yielding me time.

The chairman did raise a rhetorical question. Let me give a rhetorical answer.

We are all so desperate here after these 10 years of Republican rule to do something about AMT we are prepared to vote for any procedure that comes before this institution just to hopefully move it along.

Remember, when the Republicans took control, 200,000 people were paying AMT. Next year 19.3 million people will be paying alternative minimum tax.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from North Dakota (Mr. POMEROY), a distinguished member of the Ways and Means Committee.

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding.

The preceding speaker on the Republican side said we have got to pass this, we have got to continue the pro-growth policies. She was talking specifically as she referenced capital gains and dividends. Well, the fact is the very tax cuts that she is talking about remain in place. They are in existing law for 2006, for 2007, for 2008. Doing nothing keeps the very provisions she was hyperventilating about just a moment ago.

But what is the matter then? If we got them and we got them through 2008, why not kick them out through 2009 and 2010? This is the reason. This is the national debt. This fall it went north of $8 trillion.

I brought this chart to illustrate what a huge burden we are racking up for our children. This averages out to $27,000 of debt per person. And in this environment, the majority in bringing this bill to the floor today after yesterday's vote will be passing $87 billion in additional tax cuts that are not paid for.

Alan Greenspan has got some words of caution on this. He was quoted in November saying, We should not be cutting taxes by borrowing. Well, when they do not pay for their tax cuts, they are basically borrowing, leaving the debt to our children to offset the funding of these tax cuts, just what Greenspan warns against.

Earlier in the month of December, just last week, he says, An expected deficit casts an ever larger shadow over the growth of living standards. In the end, the consequences for the U.S. economy could be severe.

The dirty little secret in this budget reconciliation plan is that it increases borrowing authority for this country nearly $1 trillion, from 750 to $780 billion of additional debt they will be authorizing to fund the tax cuts that they want to commence.

As they talk about growth, don't believe it. They would not have to increase the borrowing limit to this country if this all worked. They are adding to the debt to pass tax cuts disproportionately for the wealthiest.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. CHOCOLA), a distinguished member of the Ways and Means Committee.

Mr. CHOCOLA. Mr. Speaker, imagine if we could bring a piece of legislation to the floor of this House that would, over the next 30-month period of time, result in benefits that every American could share in. Things like increasing business investments by 25 percent, growing the value of the stock market by over $4 trillion. Creating 4.4 million new jobs. Reducing the unemployment from 6.3 to 5 percent. Having quarterly GDP grow at an average of 4.1 percent. Increase tax receipts by $274 billion over a 12-month period of time, a 15 percent increase, the largest in 25 years. And decrease the deficit over that same 12-month period of time by over $100 billion.

Mr. Speaker, it would be hard to imagine that we would not all support that, but I guess it is not hard to imagine, given the conversation here today, but that is exactly what this body did when we passed tax relief in 2003. And today we are simply extending these pro-growth tax policies that have led to this historic economic growth.

I think, Mr. Speaker, we all understand the benefit of hindsight and history is full of valuable lessons. I encourage my colleagues to use the benefits of hindsight and the facts of history to support this tax relief extension today and the policies that led undeniably to opportunities of growth and prosperity for every single American. Because not to do so, Mr. Speaker, is the thing that would be truly hard to imagine.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT), a distinguished member of the Ways and Means Committee.

Mr. DOGGETT. Mr. Speaker, when this administration took over the White House, the United States enjoyed a multi-billion dollar budget surplus. But a Republican-controlled Congress proved unable to stay the course. Instead, our public surplus has been surrendered—surrendered to special interests and their corrupt coterie of cronies.

Every time Big Oil or Halliburton or some other corporation that shifts its jobs and its profits offshore comes up here and asks for another tax break, this Congress waves the white flag of surrender. The commitment to any fiscal discipline is in full retreat. Now we have huge deficits as far as the eye can see.

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At a time of war, Republicans demand no sacrifice from those at the top, no sacrifice from multinational corporations; and they demand that those at the bottom sacrifice their all.

Under this bill, the few individuals making over $1 million per year are rewarded, on the average, with over $50,000 in tax breaks. So those at the top, they can add another fancy foreign car to their fleet. But for the many who are earning up to $40,000 a year, that is over half of the people of the United States, they get an average of $30, maybe enough for a full tank of gas.

Once again, America sees that a true Republican Christmas is one where only the silk stockings get stuffed. And when the bill for this lavish Christmas give-away comes due, who is going to pay? Our children will pick up the tab in the form of endless national debt and with cuts to child care, cuts to assistance to abused and neglected children, cuts to child support enforcement, and cuts to student financial assistance.

The tax-writing body in this Chamber has truly become the "Committee on Greedy Ways and Shifty Means." And this will be remembered as the "Cut-and-Run" Congress, cutting taxes greatly for the few, while running trillion-dollar deficits for the rest of us.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. ENGLISH), a distinguished member of the Ways and Means Committee.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, today we have the opportunity to pass a bill that I believe will provide a powerful tonic for continued economic growth as a precedent for social justice.

Since 2003, when much of the current tax policies were enacted, our GDP has seen its fastest growth in 20 years, averaging a robust 4.4 percent growth per quarter. This growth, Mr. Speaker, is attributable in part to reduced rates on capital gains and dividends.

I would like to highlight who in the real world is receiving these reduced rates and, therefore, whose taxes we will be raising if we fail to extend these existing policies.

Mr. Speaker, 54 percent of those families receiving dividend income had incomes of less than $75,000, and they received an average of $1,400 in dividends. Today, families with incomes under $100,000 have more than $20 billion in dividend income. In 2005, an estimated 10.3 million families in the 10 and 15 percent tax brackets will save on their taxes because of the existing tax policies.

So the rhetoric that this tax relief only benefits the wealthy is vacant, ideological posturing.

To let these rates expire would simply be a tax increase on the productive sector of the American economy. Not only would the lapse of the reduced rates impose a tax increase; it would particularly discourage equity ownership among working families, among whom we have seen a 91 percent increase in stock ownership.

To turn back the clock on our tax policies that have benefited American workers and encourage more American workers to own a stake in their future is simply the wrong thing to do.

Mr. Speaker, those who oppose this legislation are asking for a perverse tax increase on the seed corn of our economy and are suggesting that we impose a drag on economic growth at a time when we need it the most. We cannot afford not to pass this legislation today if we are serious about growing our economy.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. THOMPSON), a distinguished member of the Ways and Means Committee.

Mr. THOMPSON of California. I thank the gentleman for yielding.

Mr. Speaker, just 2 weeks ago, the majority came down to the floor and cut $50 billion from services for middle-class workers, students, hungry children, farmers, and single moms. Today, they are back with part two, pushing almost $60 billion in tax breaks for Americans who need help the least. Sadly, they are trying to peddle this as deficit reduction.

Mr. Speaker, you cannot spend $10 billion more than you cut and call it deficit reduction. Our constituents know that these numbers do not add up, and they also know that these priorities do not add up.

This bill grows the deficit, and it turns a blind eye to the tax increase the middle class will face in just another 23 days. That is when the relief for the alternative minimum tax, or the AMT, expires. If AMT expires, 16 million new families will start paying this tax next year. That is a tax increase.

This is an issue that hits home for my constituents. California is hit harder by AMT than any other State in the country. Almost a quarter of the revenues that come from the Treasury from AMT come directly from California. If AMT relief is not extended, that number will increase.

This legislation extends tax cuts that are not even close to expiring, cuts that are on the books for another 3 years. It changes more than 25 different tax provisions; but somehow, our friends in the majority could not find room for AMT relief: 16 million new families impacted, 23 days until expiration, zero regard for the middle class.

I urge my colleagues to vote against this irresponsible legislation and support the Rangel substitute. The substitute extends immediately-expiring tax provisions, and it protects our middle-class families from AMT.

Mr. CAMP of Michigan. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. SHAW), a distinguished member of the Ways and Means Committee and chairman of the Trade Subcommittee.

Mr. SHAW. Mr. Speaker, I thank the gentleman from Michigan for yielding me this time.

I have been listening to the debate here on the floor. I have yet to hear anybody from the other side say that the reduction in capital gains does not stimulate the economy or say that any of these items are bad for the economy.

All we have heard from the other side is class warfare, who is getting what. Well, I can tell you who is getting what, and we can go down this thing.

My folks in Florida want to be able to deduct State and local sales taxes. What is wrong with that? People in New York, they can deduct their income tax. So why can Floridians not deduct their sales tax and other States?

Research and experiment tax credit, who can be against that? It keeps us sharp and competitive in the world market.

Above-the-line deduction for higher education expenses. Are we against allowing people to deduct their education expenses?

How about an above-the-line deduction for out-of-pocket teacher classroom expenses, are you against that?

All we are hearing about is, well, why are you doing it for capital gains and how this is going to affect the top people, the people right at the top of the income level. I would like to point out who is going to benefit from the reduced rate on dividends.

Nearly 60 percent of the Americans receiving capital gains or dividend income have incomes of less than $100,000; and believe me, that is not millionaires, and you can even take it down to $50,000 and find one in five will benefit from the capital gains deduction because of incomes under $50,000. Those are not millionaires, but let us get down to talk about why we are doing it now.

If we were to allow the capital gains rate to expire and jump back up and increase, what we are simply doing is pushing back the increase so they do not increase. This is very important, and it is important for capital formation. It is important for planning your life and future and what you are going to be able to do; and also, I think that it is just good sense. It is good for our economy. Our economy has grown under this structure, and let us let the economy continue to grow.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

I am so glad to hear my friend from Florida talk about the economic growth that we can expect by making certain that the capital gains tax cut and the corporate dividend tax cut do not expire. What bewilders most people is that this does not expire until 2008. Nobody would be adversely affected until 2009, and unless the gentleman does not believe he will be in the majority in the next few years, I do not see why he would have to say that people who are out of work, who are looking for work, who have lost their pension should believe that this tax cut that will continue to 2009 is going to help them.

But maybe the gentleman from Mississippi, who understands that not many of his constituents are going to understand this, might clarify some of the problems we have.

Mr. Speaker, it is my pleasure to yield 3 minutes to the gentleman from Mississippi (Mr. TAYLOR), who really knows what economic growth should be.

Mr. TAYLOR of Mississippi. Mr. Speaker, I thank the gentleman for yielding me time.

Last night, about 12,000 Mississippians went to bed in somebody else's house or in their carport or in their car or in their tent. They are waiting on a FEMA trailer. I did not promise them a FEMA trailer. The President of the United States did. He has not fulfilled that promise yet. It is over 102 days past the storm.

As we speak, there are tens of thousands of Mississippians, average Joes, who are about to lose their house. See, they lived outside the flood plain. They had wind insurance, and a storm of magnitude that has not occurred in 300 years either destroyed or flooded their homes.

Now they have no home. They have a mortgage to pay, and their insurance company, which contributes heavily to the folks over there, says you are not getting a dime because that was water and not wind, but they will use any excuse they can.

I have introduced legislation to try to help those folks, and it is expensive. It is going to cost about $5 billion to help those folks hang on to their homes and hang on to their mortgage; and in 102 days we have not had a hearing or a vote on it. But if you are a member of the political contributor class, the guys who write the big checks to the RNC, guys who write a big check to a Congressman here, Senator there, we have got a vote on your tax cut that does not even expire for 3 years.

You want to know what this House's priorities are? It is not with the average Joes. It is with the political contributor class. You call them what you want. You can call them rich, but we all know it comes down to who writes the checks.

By the way, the guy on Coleman Avenue whose house washed away, he does not write big checks. So maybe that is why you do not listen to him. It has been 102 days, and you have done nothing. There is no talk of doing anything.

There are 12,000 Mississippians waiting on a FEMA trailer. So what do you bring to the floor? Is it hurricane relief? Is it something to help the average Joes? It is a tax break for the wealthiest 1 percent of America who, by the way, write the big checks to the political parties. Tell me your priorities are not screwed up, because I am going to tell you they are.

Mr. CAMP of Michigan. Mr. Speaker, I yield myself such time as I may consume.

I just want to point out to the Members that yesterday the House passed the Gulf Opportunities Zone Act 415-4 which dealt with many items to help gulf coast area residents who had been hurt by the hurricane, incentives to help rebuild housing, investment to provide depreciation and expensing for small businesses, bonding authority so that tax-exempt bond authority could help rebuild devastated infrastructure in the hurricane zone.

So this House has acted to help hurricane victims.

Mr. Speaker, I yield 2½ minutes to the gentleman from Arizona (Mr. HAYWORTH), a distinguished member of the Ways and Means Committee.

Mr. HAYWORTH. Mr. Speaker, I rise in strong support of the legislation precisely because of the challenges outlined by my friend from Mississippi.

As my friend from Michigan just pointed out, yesterday this House took steps to reignite the engines of economic opportunity, to deal with job creation and getting help to the people of the gulf coast. I would assure this House, Mr. Speaker, this is not some sort of abstraction.

As my friend from Mississippi knows, Brother Rex Yancey, the pastor of First Baptist Church in Pascagoula, is my wife's uncle. This is not some sort of statistic or abstraction. Just as Brother Rex and everyone in Mississippi and on the gulf coast are facing challenges, we need to work together to make sure the climate of economic opportunity exists for all.

Just as heartfelt as his concern is for his constituents, Mr. Speaker, I must correct the record. It does this House no service to come to this well, no matter the challenges confronted, and try to claim either class warfare or crass political opportunism in a quid pro quo. It is beneath the dignity of every Member of this House to suggest that somehow this has to do with contributions.

As my friend from Mississippi knows, the most philanthropic State in the Union where people step up to help neighbors in need, that example does not fall on deaf ears. I will say economic opportunity is important, not only for Wall Street, not only for Main Street but for your street, Mr. Speaker, for every street because we understand economic opportunity is not exclusive.

There may be some who believe that this modern economy is some sort of caste system. There may be some who always want to fill in the blank as follows: tax breaks for the blank, tax breaks for the rich. That is their story and they are sticking to it. No hope, no opportunity when the facts are otherwise.

We have had solid economic growth. Revenues to the government have actually increased.

□ 1230

And not only has there been some $69 billion in immediate hurricane relief given by this Congress and this government to the storm victims, but the promise of future help and economic prosperity as the people of the gulf coast get back on their feet.

Stand up for growth and opportunity. Pass this legislation.

Mr. RANGEL. Mr. Speaker, I had an old law professor, and he once told me, if you don't have the facts going for you, raise your voice. I never understood it, but I do now.

Mr. Speaker, I yield 30 seconds to the gentleman from Mississippi (Mr. TAYLOR) to share with us what economic growth means to him under this bill.

Mr. TAYLOR of Mississippi. Mr. Speaker, I want to remind the gentleman that when your house is washed away, your job is washed away. You are not looking for a tax break. You are looking for your fellow Americans to help you out while your kids are serving in the Mississippi National Guard over in Iraq.

You have not done that for 102 days.

Mr. RANGEL. Mr. Speaker, I yield 2½ minutes to the gentleman from Illinois (Mr. EMANUEL), a distinguished Member of the Ways and Means Committee.

Mr. EMANUEL. Mr. Speaker, I rise today in strong opposition to this Republican plan for the wealthiest Americans.

President Kennedy once said, "To govern is to choose." So let us look at the choices. This tax cut falls on the heels of a deficit reduction plan passed before Thanksgiving that cut children's health care, child care assistance, college aid, child support, and will actually increase the deficit by $20 billion. That is what they refer to as new math in America.

What kind of Congress calls this fiscal responsibility? A Republican Congress, but of course.

With all the problems facing middle-class Americans, soaring energy costs, coupled on top of skyrocketing health care costs, educational expenses, and flat incomes 5 years in a row, what is the solution offered by this Republican Congress? Cut capital gains and dividend taxes for millionaires.

It is time for a change in new priorities rather than that same old tired failed policies that got America to where it is today.

This budget cuts $9.5 billion, adversely affecting $6 million children's health care. It cuts 40,000 children from nutritional assistance. It cuts child care assistance leaving 330,000 children without child care assistance. It cuts $14.5 billion from student aid and college assistance. It cuts child support collections $4.5 billion.

This budget gives a whole new meaning to women and children first. And what do they do in return? Fifty-three percent of the benefits of this tax cut on dividends and capital gains goes to people earning $1 million or more, and 62 percent of the benefits go to those earning $500,000 or more.

What kind of Congress would throw children over the side to pay for more tax cuts for the wealthiest Americans? A Republican Congress, but of course.

These are the wrong priorities for America. We can do better. It is time for a change and for a new direction.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. BEAUPREZ), a distinguished member of the Ways and Means Committee.

Mr. BEAUPREZ. Mr. Speaker, this has been an interesting debate, as it always seems like it is these days in this House. In 2003, I actually thought we did some very good things with the tax cuts we implemented, and I thought we did them for families back home in all of our districts. So on August 2, 2005, I joined with a colleague of mine from Colorado, Congresswoman MUSGRAVE, a member of the Small Business Committee, and we explored the effect of at least one of those tax cuts that we are talking about extending today, section 17, which increases the allowable expensing limits from $25,000 on depreciable assets to $100,000.

Now, I think Linda Jones, the owner of Area Rentals back in Westminster, Colorado, will be delighted to understand that she is a member of a special interest and must surely be rich, by definition, because she got a tax break. What she did with that was, in 2003, she used $57,000 of the allowable expensing limits to purchase some additional equipment that she rents in her store. And because she saved a little over $7,300 in tax expense, and that came the same year she got a 30 percent increase in her employees' health care costs, she was able to maintain coverage for health care for her employees. The very next year she used an additional $64,000 of the expensing allowance to purchase even more equipment to expand her store, keep jobs, and, in fact, increase jobs.

Ron Lautzenheiser must be among the rich and the special interests, too, except he runs a big old tire center back in Fort Collins. When he did his calculations, wanting to expand, the increase in expensing limits contained in section 179 allowed him to figure out how to do that. He added two new stores and went from one big old tire center employing but a handful of people to now employing 50 people in three stores.

This is commonsense legislation for the real people back home, and I urge its adoption.

Mr. RANGEL. Mr. Speaker, I reserve the balance of my time, having only one speaker remaining, until the other side reaches that point.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HERGER), a distinguished member of the Ways and Means Committee and chairman of the Human Resources Subcommittee.

Mr. HERGER. Mr. Speaker, today's legislation contains a number of important tax relief provisions, including an expanded research and development credit to keep American innovation competitive; and one supported by my friend from Wisconsin, Paul Ryan, which would adjust the qualified veterans mortgage bond program and expand access to affordable home loans for California veterans who served after 1977.

In addition, the bill before us includes a measure that I have long supported to facilitate greater small business growth. Small businesses are the backbone of our economy, representing over half of all jobs and economic output. The section 17 extension in this bill will enable small businesses to write off new capital investment up to

$100,000 per year, spurring further economic growth and helping to generate new jobs.

In 2003 alone, 4.6 million small businesses used $44.1 billion of section 179 expensing. According to the National Federation of Independent Businesses' November report, 61 percent of small business owners reported capital outlays over the past 6 months, including new equipment and vehicle purchases, furniture purchases, existing facility expansion, and improvement in new facility construction.

Small business expensing works and it helps drive job creation in areas like my own northern California Congressional District. Unfortunately, the current expensing limits are set to return to significantly lower levels if we do not extend this provision.

Mr. Speaker, I would like to thank Chairman THOMAS and the members of the committee for their support of small businesses, and I urge my colleagues to vote for the legislation before us today.

Mr. RANGEL. Mr. Speaker, I continue to reserve the balance of my time.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. WELLER), a distinguished member of the Ways and Means Committee.

Mr. WELLER. Mr. Speaker, I thank the gentleman for yielding me this time, and for his leadership on this issue as well as many others.

It is good to be in the House doing something that is pretty basic. I support this legislation. I would note that if you vote "no," you are actually voting to increase taxes because this is legislation simply extending current law that expires in the coming year.

I also want to point out a provision that is very, very important in districts like mine, in areas like the Chicago suburban area, because it is legislation that addresses the need to revitalize old urban areas, to recycle, and to use old abandoned industrial sites. That is the brownfields provision.

I have worked over a number of years with Chairman THOMAS and others, and we have worked in a bipartisan way, to find ways to encourage reinvestment in old abandoned industrial sites. You will find, in many cases, that these old industrial sites have environmental contamination, and because of that investors would much rather go out and buy a cornfield, a greenfield site, and create an industrial park, which consumes five to six times as much land, creates urban sprawl, and also costs the taxpayers more because you have to replace the water and the sewer and the infrastructure and the roads.

Well, in the coming year, the environmental cleanup provision for brownfields, that tax incentive, expires. So we extend that. But we also do something more, which I think is very, very important. And, really, the recent occurrence of Katrina highlights it, because we have often heard about the petroleum contamination in the New Orleans area and the need for cleanup. Well, if you think of your own communities and the south suburbs of Chicago and rural areas that I represent, we can always think of that gas station on a corner that has been closed for 20 years and which sat abandoned, with no one buying it.

And if you ask the local real estate people or the local economic development people why, they say, well, they had some petroleum contamination there. If somebody buys it, they have to pick up the cost. It does not qualify for the LUST program. So the investor who purchases that old abandoned gas station has to pick up the cost.

With this legislation, we expand the brownfields tax incentive to include petroleum. So whether it is oil factories, gas stations, transportation hubs, or rail yards, we give that opportunity to recycle, renew, and revitalize.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SAM JOHNSON), a distinguished member of the Ways and Means Committee.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I am pleased to rise today in support of this bill and the resilient American economy. This act will build on our legacy of tax relief that is fueling our economy, and will extend some very important tax provisions that will keep America's economy moving forward.

Freedom and free enterprise go hand-in-hand. And keeping tax rates low so people have more of their hard-earned money in their pockets is the right way to go.

Texans want, need, and deserve to have their sales tax deduction extended. It is vitally important for Texas. In Texas, we like to say "no new taxes." We finance our spending through a sales tax. In 2004, we made sales taxes deductible from Federal taxes again, but that deduction expires in just a few weeks. My constituents want to keep the sales tax deduction. This bill will allow any American to choose to deduct either State sales tax or their State income tax through 2006. That is a great idea.

Next, this bill extends the popular research and experiment tax credit. Luckily, we fine-tuned it to make it work even better. Many companies in our districts will be able to use this new alternative simplified credit. They will be able to add good research and create new jobs because of it. This extension and expansion of the credit are great for American jobs and our economy.

Finally, we must extend the tax rate reduction on capital gains and dividends. This pro-growth policy helped spark the economy that we are seeing today. People and companies need to have some certainty for making decisions about long-term capital gains and dividend policy. Forcing folks to work with short-sighted tax policy just does not make sense. We have to change that if we want to see our economy stay the course.

Mr. Speaker, I am proud to support this bill and urge my colleagues to support it.

Mr. CAMP. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. TURNER).

Mr. TURNER. Mr. Speaker, I support H.R. 4297, the Tax Relief Extension Reconciliation Act, which provides extensions for incentives for brownfields remediation, a vital tool for national economic growth and for our Nation's cities. I want to echo the comments of my colleague, JERRY WELLER, and applaud his efforts for supporting the remediation of brownfields.

Brownfields are found in every State and in every Congressional District. Estimates range from 500,000 to 1 million brownfields sites across the Nation, covering roughly 400,000 acres.

Private investment is essential for urban growth. The expensing extension is a tool businesses can use to invest in urban redevelopment. In fact, it is estimated that brownfields redevelopment could generate as much as $1.2 billion annually in new tax revenue for American cities.

□ 1245

Brownfields are a major concern to America's cities, and we must provide as many incentives as necessary to clean up these contaminated sites, bring businesses back into our cities, and continue strong economic growth. This extension is an important first step toward redeveloping our Nation's brownfields, but much work is yet to be done. I urge my colleagues to support this important issue and vote in favor of H.R. 4297.

Mr. RANGEL. Mr. Speaker, I yield for a unanimous consent request to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Speaker, I include my remarks on deliberations on this bill.

Mr. Speaker, as a matter of public record, I wish to thank the Honorable WILLIAM THOMAS, Chairman of the House Committee on Ways and Means, for his unwavering support in saving the jobs of more than 5,000 tuna cannery workers and the economy of American Samoa for future generations. Chairman THOMAS is a true friend of our people. He stood with us during the Andean Trade debate and he is standing with us again on an extension of 936 tax credits for American Samoa until such time as a more long-term solution can be put in place once the GAO and Joint Committee on Taxation complete their reports regarding the impact of Federal tax policy in the insular possessions.

I also thank the Honorable CHARLES RANGEL, Ranking Member of the House Committee on Ways and Means. Congressman

RANGEL is also a friend of American Samoa and has championed our cause on each and every trade agreement that has come before the U.S. Congress. He also supports our extension of 936 tax credits for an additional year.

At a time when our Nation is faced with paying for the war in Iraq and helping the victims of Hurricane Katrina, I know the inclusion of American Samoa in H.R. 4297 was no easy task. I also know it was no easy task for my Democratic friends to allow this amendment to be included when on principle there is disagreement about tax cuts and government spending.

While I appreciate the concerns we share and respect the fundamental differences between us, the possession tax credit offered by section 936 of the Internal Revenue Code of 1986 has encouraged two U.S. tuna canneries which employ more than 5,150 people or 74 percent of the workforce to remain and invest in American Samoa. More than 80% of American Samoa's private sector economy is dependent either directly or indirectly on these canneries and a decrease in production or departure of one or both of the two canneries in American Samoa could devastate the local economy resulting in massive layoffs and insurmountable financial difficulties.

For this reason, I again thank the Chairman and Ranking Member and my Republican and Democratic friends for working with me to include an extension of 936 tax credits for American Samoa in H.R. 4297. Only 27 provisions were included and most tax credits were only extended for a year due to budgetary concerns and, in the case of the possession tax credit, pending reports which will guide the Committee next year.

Again, given how serious this issue is for American Samoa, I urge support of H.R. 4297 and I thank the Chairman for supporting my request to include language in the conference report to provide for the development of a comprehensive long-term policy for American Samoa once the GAO and the Joint Committee on Taxation complete their reports.

Mr. RANGEL. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we have now come to the conclusion of this debate, and I want my colleagues to know that if you are looking for some of the things that are worthwhile that are in the majority's bill, we have an opportunity in the substitute to take care of it. But if you really believe this is the time for America to give a $20 billion tax cut to these people who will not be affected until 2009, why would they want to give this incentive to less than 5 percent, 1 percent of the richest people that we have in our country, and do it in this Christmas season?

So you have an alternative. You can take care of the wealthy in years ahead, since this does not expire this year, or you can do what they have not done and that is to take care of those people who find themselves subjected to an alternative minimum tax only because the majority has not seen fit to give them relief in a decade. And so as this number has increased, instead of taking care of them in the bill that is before us, they have decided to just send a message over there to tell the Senate if you would like, by unanimous consent, and if no one objects, then you can take care of the AMT problem.

We do not do this as Democrats. We take care of it up front. We take care of the military, we take care of those people from Hurricane Katrina, and we take care of the job credits that are important. We take care of those things that are important in our substitute.

In this holiday season, we really do not believe that you ought to take $10 billion out of health care for the poorest people in this country. We do not believe that you should, in order to pay for this bill, that you should cut food stamps. We do not believe that students that have been getting help from this great government of ours should be adversely affected to pay for this tax cut.

So we ask you to really consider in this holiday season these families that have kids in foster care, these families that are having their benefits not being received because we are letting them down. You just weigh this and ask, is there any equity involved in this? If you want to give these tax cuts, why do you not wait until the thing expires? Perhaps we will have a new Congress. Perhaps there will be new equity. Perhaps it can be discussed. Perhaps the committee members, Democrats and Republicans, would come together and find out not what is just good for the wealthy, but what is good for the strength of this great Nation of ours.

One of the greatest threats to our national security is poverty. One of the greatest threats to our national security is the inability to get an education. The people who died in Hurricane Katrina did not die because of their color. The hurricane was color blind. But they died because they were poor. Why can we not invest and make certain that all Americans, black and white, Republicans and Democrats, can this holiday season say Congress did the right thing and not the political thing?

Mr. CAMP. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the bill before us today extends important tax relief for families and small businesses all across this country. Much of the relief in this bill is already in current law and will expire next month. If we do not pass this bill, Americans will be hit with tax increases.

The tax relief in this bill goes directly to the issues of poverty and education that the gentleman from New York mentioned. This bill will allow America's teachers to receive tax deductions on out-of-pocket classroom expenses. Students will be able to use tax incentives to enhance the affordability of higher education. Employers will be eligible for incentives for hiring low-income Americans transitioning from welfare to work, getting on that first rung of the economic ladder, and States and local governments will continue to be able to qualify for tax credit bonds to help repair schools, purchase school equipment and train teachers in economically distressed areas.

These are just a handful of the important tax benefits this bill will provide to low- and middle-income Americans and small business owners.

This bill is also a big win for our Nation's economy; and without a strong economy, we will not see families achieve the kind of economic independence they need to realize the American Dream. This bill reauthorizes and strengthens the research and development tax credit amendment which passed the committee with a unanimous vote. It is a valuable tool in promoting U.S. businesses to innovate.

When I hear about distressed manufacturers in Michigan, one of the main issues they are competing on is to innovate and find the newest technology to remain competitive in a global economy. Michigan's economy, my home State, is closely tied to the ability of Michigan companies to make a sustained commitment to long-term, high-cost research. The manufacturing sector in the United States is the highest user of the research and development tax credit. Michigan, for example, is one of the top 10 States in reported research and development activity with more than 1,300 companies performing research and development in that State.

This bill is a positive piece of legislation across the board. It helps small and low-income businesses and working families, as well as helps our manufacturers to rebound, and also our high-tech community to stay competitive in a global economy. I urge my colleagues to support this legislation and vote "yes" on the bill.

Mr. LARSON of Connecticut. Mr. Speaker, I rise in support of the Democratic alternative to H.R. 4297, Tax Relief Extension Reconciliation Act that would provide real tax relief to working families and help the economy grow.

The underlying bill is more of the same—more fiscally irresponsible policy. The President's policy of "stay the course" is not working; it's not working in our foreign policy, domestic policy, budget policy or tax policy. More of the same is just not working and now is the time for a new direction.

Unlike the reckless tax bill on the floor, the Democratic alternative would help more Americans help themselves and ensure that as a country, we move forward together. Among other things, the Democratic measure would exempt every family making less that $200,000 from the Alternative Minimum Tax (AMT). The Democratic measure would also provide $42 billion in targeted tax cuts including, deductions for state and local retail sales taxes, deductions for college tuitions expenses, a research and development tax credit, a small business expensing tax credit, and a larger earned income tax credit for the families of those serving in Iraq. Most importantly, the Democratic alternative would be fully offset instead of pushing the country further into debt like the Republican bill.

The truth is that more than one-half of all taxpayers would get less than $30 in tax relief from this bill, while those who make over a million dollars a year would get an average tax break of $32,000. Supporters of the capital gains and dividends tax cuts have tried to characterize them as offering benefits that are more broad-based than AMT relief. However, in reality, households with incomes between $100,000 and $500,000 would receive 87% of the benefit of AMT relief, compared to 62% of the benefit for capital gains and dividends tax cuts.

Where are the priorities of this House? What message are we sending to the American people? It's time for a new direction because more of the same failed policies aren't working. Americans deserve better. I urge my colleagues to join me in rejecting the underlying bill and supporting the Democratic alternative that would provide real tax relief and strengthen our country.

Mr. STARK. Mr. Speaker, I rise today in strong opposition to H.R. 4297, yet another tax break for the richest among us at the expense of those who have the least.

The Republicans want to cut taxes by $94.5 billion. How do they pay for these cuts? Before Thanksgiving they voted to cut $50 billion from programs that help the poorest Americans. The conclusion is obvious: They are paying for the tax cuts for wealthy Americans by cutting programs for working Americans.

Under the tax break package presented today, a family of four surviving on $30,000 a year will get an average of $50 extra in their tax return next April. Meanwhile, a millionaire will gain an extra $51,000.

Lets just see what kind of lifestyle enhancement these tax cuts can buy:

The $30,000 working family of four can use the extra $4.16 they receive each month to buy any one of the following: 1.75 gallons of gas; a half-pound of cheese; one gallon of orange juice; two loaves of white bread; three grapefruits; or for those indebted to the NRA, 6 bullets for a .44 Magnum.

People making over $1 million get a tax break of $4,250 a month, that they could use to purchase one of the following: leases on four BMW 750i sedans; 17 iPod nano's; a 50 inch flat screen plasma TV; a five karat diamond tennis bracelet; or a 10-day European cruise. Or, if they wanted to, they could pay the monthly health insurance premiums for four families.

If the Republicans want to cut taxes, they should pay for it. We could save billions by pulling our troops out of Iraq. That could pay for Katrina relief and stop cuts to important programs for working families. Instead of handing out holiday tax breaks to rich Republican campaign donors, we should be rolling back Bush's tax breaks for millionaires to better fund important programs like Medicaid and student loans.

Also, Republicans need to drop the "fiscal conservative" moniker. These tax breaks combined with last month's cuts on programs for those in need will rack up $44 billion in new debt. The fiscal disciplines of the Republican party apparently means we drive our nation into debt and send the bill to our children and grandchildren.

The numbers don't lie. The Republican priority is tax breaks for the rich, nothing more. They will cut programs for the poor and increase the deficit by billions of dollars to get their way. I urge all my colleagues to stop this insane fiscal policy by voting "no" on this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, we have before us a very important piece of legislation, H.R. 4297, the Tax Reconciliation Act. It is very important to understand this piece of legislation within the big picture the Republicans are painting here. Just last month, the Republicans passed a bill called "The Deficit Reduction Act." This was a spending cut bill that slashed funding to many vital programs my constituents depend on, including to Medicaid, student loans, food stamps, and child support programs. The Republicans lectured us on the need to make sacrifices to control the national debt. By passing the spending cut bill, the Republicans actually asked the poor, the downtrodden, the disabled and the young to sacrifice on behalf of the rest of the country.

Now we are faced with the Tax Reconciliation Act, which will actually add $86 billion dollars to the deficit over the next 5 years. This proposed tax cut will not help the poor and middle class, either. An estimated forty percent of the tax cuts will go to families with incomes of $1 million or more, and 84 percent of the major tax cuts in this bill will go to the richest 20 percent of families.

In fact, under this bill, over 17 million middle class Americans will face a tax increase next year from the Alternative Minimum Tax (the AMT)! An important aspect of this bill is the House's failure to adequately address the AMT. The Alternative Minimum Tax was enacted over 35 years ago to ensure that the richest Americans would pay their fair share of income tax. Unfortunately, when the AMT was enacted, Congress neglected to index the tax rates to inflation. The AMT has now begun to add an extra burden to middle class taxpayers at an alarming rate. The senate bill provides $30 billion for AMT relief to the middle class, while the House Republican leadership could only find $2.8 billion for this cause.

Republicans couldn't find the money to adequately pay for AMT relief for the middle class. They can't find any money for tax relief for those affected by hurricane Katrina in the Gulf Coast. Last month, the Republicans couldn't find the money to spare the elderly from Medicaid cuts, to spare the students from loan increases, or spare our children from child care cuts. They couldn't find the money because they are choosing to extend the dividend and capital gains tax cuts for the richest in our country.

This is not how we take care of our own in Texas, and this is not how we do things in the United States. The Republicans are launching an unabashed attack on the American way by ignoring the neediest in our country to give tax cuts to the richest.

Mr. Speaker, the decision to vote up or down on this legislation isn't a blurry line involving political ideology; it isn't a debate of Republican vs. Democratic philosophy. The priorities in this bill are misguided. Congress should not be providing additional tax breaks for the rich less than a month after huge spending cuts aimed at the most vulnerable. Congress should not be providing tax cuts for the rich in a time of war! In the end, this tax bill will either exacerbate our already large federal deficits, or will force even deeper cuts in critically important domestic programs. I am strongly opposed to this legislation, and I implore my colleagues on both sides of the aisle to vote against these unreasonable cuts and instead consider the revenue neutral Democratic alternative.

Mr. BACA. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

Mr. Speaker, this bill is easy to describe—tax cuts for millionaires and tax increases for the middle class. This bill misses the biggest tax cut priority of this Congress—the alternative minimum tax, or AMT.

The AMT was designed to prevent the wealthy from avoiding Federal taxes by taking too many exemptions, but it was never adjusted for inflation. Therefore, many middle-class American families are being affected and penalized.

Yet, instead of solving the problem of the AMT and helping middle class families, this bill only focuses on helping the rich get richer by extending capital gains and dividend tax cuts that don't expire until 2009!

This tax cut means that taxpayers with incomes below $40,000—the majority of taxpayers—will get about one percent of those cuts, an average of $3 a year. Those with incomes above $1 million—one in 500 households will get 53 percent of the cuts, an average of $38,000 per year.

Mr. Speaker, even by this Republican Congress' standards, this tax cut legislation is insulting. And because this bill will add $1.9 trillion to the deficit it is doubly so.

That is why I support the Democratic alternative that would instead fix the AMT for couples making less than $200,000 per year, reducing middle class taxes instead of increasing them. Further, the Democratic alternative would be fully paid for by slightly reducing recent tax cuts for those making more than $1 million per year. America needs fiscal discipline like we had during the Clinton years. The $5.6 trillion surplus projection from 2001 is now a $3.5 trillion deficit—a swing of $9.1 trillion!

Tax cuts to millionaires have dropped revenues from 20.9 percent of the GDP in 2000 to just 16.3 percent, while spending has increased 1.4 percent.

Mr. Speaker, the Blue Dog Coalition has the message right—we need to restore fiscal discipline. Defeating this bill would be a good first step.

Ms. MATSUI. Mr. Speaker, as we begin debate on additional tax cuts—H.R. 4297—we must consider them in the larger context of the challenges this nation is facing and the impact these tax cuts will have, on our ability to face these challenges as well as future challenges. Our decisions must always prioritize protecting the future of this nation for our children and their children.

Over the Thanksgiving recess, I participated in a program in my district that sought to increase early literacy by incorporating reading into doctors' visits. During my visit, I read to these children—who are about my granddaughter Anna's age—about "Clifford the Big Red Dog."

It is truly a wonderful program, and as I recall the joy and animation on each child's face with every turn of the page, I am reminded just how important the decisions we make today are . . . because we are merely stewards of this nation for them—and we must act as such. Are we being wise stewards in choosing to pass another tax cut—on top of the nearly $2 trillion in cuts we have already passed?

Congress has already transformed a $5.6 trillion surplus into a more than $3 trillion debt.

Yet, we are still financing the war in Iraq and the reconstruction from the war in Afghanistan. Regardless of your view on our nation's military policy over the past five years—we must pay for the wars and their subsequent cleanup, yet to date they have been financed by deficit spending. And we have only just begun the rebuilding efforts in New Orleans, Gulfport and other Gulf Coast cities struck by Hurricane Katrina.

Which brings us back to the legislation we are considering today. There are many positive provisions in this bill. They would create an even better future for our children and grandchildren, like my granddaughter Anna—particularly the provision to strengthen and extend the research and development tax credit. I am a strong supporter of this investment.

Unfortunately, the centerpiece of this bill—the dividends and capital gains tax cut extensions—is unnecessary at this time. Not only do these cuts not expire until 2008, they primarily help the same individuals who have already benefited lavishly from the previous rounds of tax cuts.

So we are at war, we are in debt and yet again we are cutting taxes without fully paying for it. The path we are beginning to turn down, as begun by this budget package, may ultimately include tax cuts that will far outstrip the some $50 billion worth of unwise spending cuts. Just the tax cuts in this bill will add at least $6 billion to the deficit and it seems more may be added outside this reconciliation process.

Sadly, it seems the only Americans asked to sacrifice are the brave men and women in uniform fighting in the Middle East and our children and grandchildren, like my Anna, who will bear the burden of our massive debt. This defies historical precedent and common sense.

We do, however, have an opportunity to make a decision that will return us to the path of fiscal responsibility. Ranking member RANGEL has offered a pragmatic and effective substitute bill and I am glad today's rule will allow a vote on it.

This alternative will extend the tax cuts that expire at the end ofthe year and provide a muchneeded AMT patch. And the Democratic alternative will be paid for by taking back a small portion of the tax cuts that benefit families earning more than $500,000. Simply, we extend only what is necessary and we pay for it—Anna and other future generations deserve no less.

I urge my colleagues to embrace the principle of shared sacrifice and reject this tax reconciliation package in favor of the responsible Democratic substitute.

Mr. VAN HOLLEN. Mr. Speaker, today we are presented with Act II of the Republican majority's ongoing and tragically misguided reconciliation saga.

In Act I, we learned who the majority felt most deserved to bear the brunt of their spending cuts: poor citizens who rely on Medicaid, hungry people who turn to food stamps and families trying to afford college.

Now in Act II we are learning where they propose that money go: for tax breaks, that are targeted primarily to benefit the top 1% of the wealthiest Americans. And what is the net result? An even bigger deficit that will have to be paid for by our children.

Let me be clear: In a properly prioritized budget, I believe there is room for targeted, fiscally responsible tax relief. And that's precisely the kind of tax relief Democrats are offering in our substitute today.

The Democratic alternative extends all of the tax cuts set to expire next year—including such items as the deduction for college tuition expenses, incentives for brownfields cleanup and the 15-year depreciation schedule for certain small business expenses. Moreover, unlike the Republican package, Democrats provide guaranteed alternative minimum tax relief—so that 16 million middle-class taxpayers won't be unfairly ensnared by the AMT. Finally, and importantly, the Democratic substitute is completely paid for—and won't add a dime to the Federal deficit.

By contrast, when considered in its entirety, the Republican reconciliation package will actually increase the deficit—at a time when the nation's debt is already running over $8 trillion. Additionally, when faced with the choice of whether to use the reconciliation process to protect AMT relief for middle-class taxpayers or tax breaks for the wealthiest investors, the Republicans chose to leave AMT relief unprotected while extending tax -breaks on capital gains and dividends that don't even expire until 2008—tax breaks over half of whose benefits flow to those who made over $1 million last year.

Mr. Speaker, during a time of war, in the aftermath of a catastrophic hurricane, with 45 million Americans lacking health insurance and skyrocketing home heating costs projected this winter, this majority is proposing to take from those with the least, give to those with the most—and tell our children they will have to pay for it all later.

Mr. Speaker, we can do better. In fact, I would submit that—in this season above all seasons—we are required to do better.

I urge my colleagues to reject this bill and support the fiscally responsible Democratic substitute.

Mr. UDALL of Colorado. Mr. Speaker, as we debate this bill, we must remember it is only part of a brew based on the Republican leadership's budget recipe.

Just before Thanksgiving, they twisted enough arms to put the first ingredients into the mixing bowl by passing a bill to cut more than $50 billion over five years from Medicaid, student loans, and many other programs of great importance to millions of Americans.

Today, they want to continue by adding some good things—including extensions of well-targeted tax cuts like the research and development tax credit and small business expensing tainted by some unwholesome provisions, especially the premature extension of preferential rates for dividends and capital gains.

The result, just in time for holiday parties, will be a full-bodied one-two punch.

And while some may find it intoxicating, it will have a nasty aftertaste for many, will leave everyone with a bad budgetary headache—because it will actually increase the deficit—and will stick future generations with paying the tab.

So, Mr. Speaker, count me out. I thought the original recipe was wrong. I did not vote for the first part of the mixture. And I will not vote for this bill.

That doesn't mean I am opposed to tax cuts. As I said, there are good things in this bill, and I support them. That's why I voted for the substitute.

The substitute would have exempted every family making less than $200,000 from the alternative minimum tax—something that should be a priority but that is not included in the bill before us. Adoption of the motion to recommit would have had the same effect.

The substitute also included $42 billion in tax cuts over five years targeted to spur economic growth by extending the most pressing tax provisions that are now scheduled to expire this year.

However, unlike this bill, the substitute did not include extension of things that will not expire this year—including the preferential rates for dividends and capital gains—or the changes to international tax rules.

Unfortunately, the Republican leadership was not willing to follow that more reasonable approach, and is insisting on sticking with their own recipe.

But the Senate has passed a quite different tax measure, and differences between that bill and this one will have to be resolved in conference. So, while I cannot support this bill I am hopeful that the conferees will insist on a new and better mixture that will deserve support.

Mr. ETHERIDGE. Mr. Speaker, I rise in strong opposition to this latest wasteful Republican tax bill and in strong support of the Rangel substitute. The Rangel bill is a responsible effort to extend needed tax relief and protect middle class Americans from the Alternative Minimum Tax (AMT), but the underlying legislation is the latest installment of the failed Republican budget policies that have devastated this country's finances and much of our economy.

I strongly believe that Congress must return to the values of balanced budgets to restore growth and opportunity to our Nation's economy. I am tremendously proud that in my first term in the U.S. House, Congress and the White House worked together in a bipartisan manner to balance the budget for the first time in a generation. That responsible budget helped usher in a period of robust, broad-based economic growth and produced record budget surpluses.

Unfortunately, the current White House and Republican Leaders in Congress replaced that budget discipline with record deficits, exploding national debt and unbalanced budgets in perpetuity. This bill represents more of the same. The current Republican tax cuts will cost our budget $81 billion over ten years, while at the same time, Republican Leaders have proposed devastating cuts to the Farm Bill, food stamps, child support enforcement and Medicaid. Furthermore, H.R. 4297, the Tax Reconciliation Bill, raises the taxes of nearly 17 million middle class families in America, by leaving out a provision to extend the higher AMT exemptions that expire in a few weeks.

In contrast, the Rangel substitute would exempt from AMT increases every family with taxable income under $200,000 per year. It includes $42 billion in tax cuts over five years targeted to spur economic growth through the Research and Development tax credit, small business expensing and other initiatives. The Rangel bill maintains budget discipline by paring back the President's tax cuts for those with annual taxable income above $1 Million. Finally, the Rangel bill keeps our word to the families of our soldiers in Iraq and Afghanistan by maintaining their eligibility for the Earned Income Tax Credit.

I urge my colleagues to support the Rangel substitute and vote against H.R. 4297.

Mr. HOLT. Mr. Speaker, today we return for part two of the budget reconciliation bill. Just before Thanksgiving, the Republican majority cut investments in education, American competitiveness, and programs for the needy. Today, they will give a tax cut to the top 1%. It is a reverse-Robin Hood value system. Apparently, the Republican leadership thinks that the middle class is not working hard enough. They believe that the middle class needs to work harder so that the top 1% can take home more money.

Today, Mr. Speaker, we have a moral decision to make. I believe it is immoral to cut $50 billion from Medicaid, food stamps, student loans, child care payment enforcement, and foster care in order to pay for a $56 billion tax cut for capital gains and dividends.

People with income of more then one million dollars—the top two-tenths of one percent of the population would get $32,000 dollars. Most tax filers, those with income below $40,000, would get $7. Those with income above $1 million—not just those worth more than a million, but those who have income and stock market earnings of more then $1 million each year—would receive about half of this $56 billion tax cut. Worse yet, you may have noticed that if we cut taxes by $56 billion and cut spending by $50 billion, we have increased the debt. We have gone from a projected 10-year surplus of $5.6 trillion to a projected deficit of $3.5 trillion. With the deficit projected to rise to $640 billion by 2015, this is no time to pile on even more. This bill will force us to borrow more from China. This is more debt we will force our children and grandchildren to pay interest on. And for what? So the wealthiest 1% can get an even larger tax break.

Mr. Speaker, I believe there are problems with our tax system. I have supported tax cuts in the past and I have worked with Members on both sides of the aisle to achieve them. However, today we are ignoring a tax problem that affects my constituents greatly. Many of my middle class constituents are forced to pay the Alternative Minimum Tax (AMT). This year, 3.5 million taxpayers will owe AMT. Yesterday's AMT tax bill was just a sham, and is likely to go nowhere. With this package, Republicans knowingly and deliberately have removed the AMT correction and thereby will increase the taxes on more than 17 million middle-class working families next year by failing to extend the higher exemptions for the Alternative Minimum Tax (AMT) that expire in several weeks. If we fail to include this in budget reconciliation, it will grow to 19 million taxpayers next year. More than half of all couples with two children and income between $75,000 and $100,000 will have to pay AMT next year. This is wrong and should be addressed.

We could solve this problem today by slightly reducing the recent tax cut for those making more then $1 million a year. Republicans are so determined to extend tax cuts for the wealthy that they are willing to deny relief to the middle class.

Mr. Speaker, these votes ae about our priorities and values. I ask my colleagues to change the priorities of this Congress.

Mr. HIGGINS. Mr. Speaker, I rise to express my opposition to the irresponsible tax reconciliation bill the House passed earlier today. I strongly support tax relief, but I oppose this bill because it does not target tax relief to middle class families, because it is paid for by slashing health care and education programs and because it will needlessly increase our national debt.

Mr. Speaker, this tax bill is the second half of a misguided budget reconciliation package that raids the wallets of my Western New York constituents and gives their money to those making over a million dollars. The first half of the budget reconciliation occurred last month, when the Majority passed a series of devastating spending cuts to health and education programs in order to free up funding for these tax cuts. That means that these tax cuts are paid for by cutting $11 billion from Medicaid at a time when over 45 million Americans are without health insurance. They are paid for by throwing 300,000 people off food stamps when hunger in this country is on the rise. They are paid for by slashing $14 billion from student loan programs when the cost of college tuition is skyrocketing. And they are paid for by cutting child support enforcement and foster care programs.

Mr. Speaker, the tax reconciliation bill is paid for out of the pockets of the middle class, yet working families receive little of its benefits. If this bill were a serious attempt to provide real tax relief to the middle class it would include an extension of the alternative minimum tax (AMT) fix. The AMT fix is set to expire at the end of the year, and without an extension taxes will increase on the 17 million middle class families who will be snared by the AMT. Yet this legislation does not include AMT relief. Instead, the centerpiece of this bill is a reduction of tax rates for capital gains and corporate dividends. Mr. Speaker, taxing investment income at a lower rate than earned income is rewarding wealth, not work. A fairer bill would have reduced taxes on the paychecks of the middle class working families who most need and deserve it.

Mr. Speaker, not only does this reconciliation package slash programs for working families and fail to target tax relief at the middle class, but it does nothing at all to reduce the federal budget deficit or the national debt. In fact, this package increases the deficit because it reduces spending by $50 billion and cuts taxes by $56 billion. In other words, this so-called "deficit reduction" package actually increases the deficit to the tune of $6 billion! Maybe this fiscal approach explains why the Chairman of the President's own Commission on Tax Reform said recently that he was not worried by tax policies that increase the national debt because we can always borrow some more from China. But I refuse to pass this bill and saddle the elementary school children in Jamestown and Buffalo with that debt.

Mr. Speaker, I support tax cuts. I supported the AMT stand-alone bill because the bulk of that relief goes to middle class families, and I will continue to support tax cuts for working Americans. I am not philosophically opposed to tax cuts for upper income Americans. But there is a proper time for everything, and at this juncture—when we are running record budget deficits, when we are funding our troops in Iraq, and when we are incurring huge costs to recover from Hurricane Katrina—at this juncture, we cannot cut taxes to the rich and increase the burden on the middle class. Buffalo won't hear it and neither will I.

Ms. BALDWIN. Mr. Speaker, like many of my colleagues, I spent much of the Thanksgiving recess holding office hours throughout my congressional district to listen to the concerns of my constituents. Understandably, I heard how worried they are about skyrocketing energy prices, our lack of progress in Iraq, rising health care costs, and the recently passed budget cuts that predominately hurt the poor.

One need look no further than the tax bill on the floor today to see why many Americans are frustrated and disappointed with the work of this Congress. Republicans just don't seem to get it. Instead of trying to make progress on the pressing issues facing American families, House Republican's top priority is passing this $56 billion tax bill that primarily benefits wealthy investors. H.R. 4297 is truly shameful as it clearly puts enriching the wealthiest Americans before the biggest concerns of working Americans.

The centerpiece of the Republican's tax bill today is a $20 billion provision that would extend tax rate cuts for investors who receive capital gains or corporate dividends. According to Citizens for Tax Justice, the vast majority of Americans would receive no benefit at all from this tax provision.

Specifically, 78 percent of Americans would get no tax benefit from the capital gains and dividends provision, while an additional 10 percent would get less than $100. In my home State of Wisconsin, the wealthiest 1 percent of taxpayers (those with an average income of more than $1.3 million) would receive 43 percent of the tax benefits, or an average tax cut of $18,523 in 2009 and 2010 combined.

This bill does contain a number of tax measures I strongly support, such as the extension of the important research and development tax credit, the state sales tax deduction, and the college tuition tax credit. These provisions are good for our Nation and working families, but they should not be simply used as "sweeteners" to garner more support for the underlying bill and more tax cuts for investors.

I find it heartless that Republicans would bring this bill to the House floor right after they I passed a Budget Reconciliation bill that makes harmful cuts to health care for children and the elderly, food stamps for needy families, student loans, and child support enforcement. Let us be clear: these $50 billion in budget cuts were made solely to pay for these tax cuts for the wealthiest Americans. How can any Member of this Congress who has an ounce of compassion—justify making college students, the poor, children, and the elderly shoulder the cost of providing more tax cuts for the wealthy? I certainly cannot.

In Wisconsin, 91,000 children lack health insurance, up over 7% in just the last year. American families are struggling with soaring costs for fuel, housing, health care, child care, and college. Yet today, this Congress again turns a deaf ear to those concerns—not to reduce the deficit, not to pay for the war in Iraq, not to help the hurricane and tornado victims of 2005, but simply to satisfy those whose greed has no bounds.

Mr. Speaker, H.R. 4297 is a sad indication of who House Republicans are fighting for in this Congress. It should come as no surprise as we have seen the very wealthiest Americans receive special tax breaks every year since President Bush took office. The question today is whether this House will ever stand up for the many, not just the few, with budget and tax policies focused on need, not greed? I strongly urge my colleagues to vote against this bill.

Mr. LANGEVIN. Mr. Speaker, today I rise in strong support of the Rangel Substitute to H.R. 4297, the Tax Reconciliation Act and in opposition to the underlying bill. Instead of stopping a tax increase for the middle class in 2006, Republicans have chosen to keep taxes low for the wealthiest Americans in 2009. What kind of priorities favor the wealthy in the future over working families today? We can ill afford the continued "tax cut and spend" mentality that has marked the House during the last few years. Without a change in fiscal policy, future generations will be buried under a mountain of debt created by Congress.

The bill before us today has many provisions I support, including the extension of the research and development tax credit, small business expensing, the deduction of higher education expenses, and brownfield sites expensing. In fact, I am a cosponsor of a bill to make the Research and Development Tax Credit permanent, as it keeps American companies competitive and provides a strong incentive for businesses to invest in the future and create jobs. I also support other provisions in this bill that help make college more affordable to millions of students and allow teachers to deduct out-of-pocket expenses.

Unfortunately, the Republicans did not stop there. H.R. 4297 also includes a two year extension of the capital gains and dividend tax cuts, which are not scheduled to expire until 2008. Nearly half of these tax cuts will go directly into the pockets of the 1 in 500 taxpayers who earn more than $1 million per year. The contrast is stark: those who earn less than $40,000 will see an average tax cut of $7, while those earning more than a million will save an average of $32,000 in taxes.

While Republicans claim that the dividend tax cut boosts the economy, the facts are not on their side. The Federal Reserve Board recently released a report declaring that the dividend tax cuts of 2003 have not boosted the stock market. To quote the report, "We fail to find much, if any, imprint of the dividend tax cut news on the value of the aggregate stock market." There you have it: the Nation's top economists have determined that dividend tax reduction does not boost the stock market or increase wealth for shareholders.

Most disingenuous is the fact that just three weeks ago, the House voted to cut Medicaid, student loans, foster care assistance, and food stamps under the guise of deficit reduction. However, today, we are voting for tax cuts that cost more than the money saved from the spending cuts. The Republicans have exposed their real agenda: they are robbing the poor to pay the rich.

This year, we have a projected deficit of more than $300 billion. In addition, we will spend billions more in Iraq and Afghanistan, as well as rebuilding the Gulf Coast in the wake of Hurricanes Katrina, Rita, and Wilma. We simply cannot afford all of these emergency expenses while cutting taxes for the richest Americans.

Thankfully, there is an alternative. The Rangel Substitute includes all the noncontroversial tax extensions I mentioned earlier and also contains three important provisions not found in H.R. 4297. First, the substitute drops the capital gains and dividend tax cuts in order to fix the Alternative Minimum Tax (AMT). The substitute would eliminate AMT liability for individuals who earn less than $100,000 and joint filers with incomes below $200,000, cutting taxes for 16 million families. Without this provision, more than half of all families with two children and incomes between $75,000 and $100,000 will be saddled with the AMT. This tax increase hits the middle class, and the Republicans are content to sit idly and let it happen. The Democratic AMT fix is similar to the Senate-passed tax reconciliation legislation, which would ensure a speedy conference and protect taxpayers before the provision expires at the end of the year.

In addition, the substitute extends the tax-free status of combat pay. While our military personnel are risking their lives abroad to keep us safe, the least we can do is prevent burdening them and their families with a huge tax increase.

Best of all, the substitute is fully offset, and will not add a dime to the national debt. The Rangel substitute will revive the economy, relieve the tax burden on working families, encourage companies to invest in the future, and create jobs. The Republican bill will hand out money to rich people and increase the deficit.

The Rangel Substitute is a common-sense alternative that prevents a tax increase on working families, honors our troops, and does not cost a dime. We need responsible tax policies instead of the reverse Robin Hood approach taken by Republicans. I urge my colleagues to join me in supporting the Rangel Substitute and opposing the underlying bill.

Mr. COSTELLO. Mr. Speaker, I rise day in opposition to H.R. 4297, the Tax Relief Extension Reconciliation Act. I do so because I do not believe we should be cutting taxes for the wealthiest Americans while we are at war and at the same time cutting programs for our most vulnerable populations and adding to the staggering debt load of our children · and grandchildren. This bill is not fiscally responsible, and we neglect the ramifications of the budget priorities of the majority party to the detriment of the country.

Governments on every level—from local to Federal—are running record deficits; the number of uninsured Americans is on the rise; people continue to go without heat, food or shelter as an abnormally cold winter persists; and the cost of health care and education continue to rise. The tax cuts contained in H.R. 4297 overwhelmingly benefit affluent investors in the wake of the House cutting programs for the poor by $50 billion in the name of deficit reduction. We continue to spend over $6 billion per month in Iraq and cut taxes while asking the least well off to pay for it. It's reverse Robin Hood—taking from the poor and giving to the rich—and this is something I cannot and will not support.

We must take stock and look at the reality of our fiscal situation—deficits are rising with no end in sight—while the poor, the sick and the elderly pay the price. I believe tax cuts can be part of a reasonable approach to the Federal budget, but that we have reached a point with our deficit and debt where we must exercise extreme caution in using them. As Robert Bixby of the nonpartisan Concord Coalition was quoted in today's Washington Post, "If they (Republicans) want to cut taxes, fine, but they are going to have to cut spending by at least that much to help the deficit, and clearly they are not willing to do that. They (Republicans) have to start looking reality in the face." The $5.6 trillion surplus that existed in 2000 has been squandered. Future generations will pick up the tab.

The Republican tax cut bill is bad policy and I urge my colleagues to join me in voting no on H.R. 4297.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today in strong opposition to H.R. 4297, the Tax Reconciliation bill. Cutting taxes for the super rich, and ignoring the needs of the poor and middle class, as this bill does, is a dangerous deviation from fiscal and moral responsibility.

As with every American, I too would like to see my taxes cut. Therefore my opposition to this bill does not stem from a deep-seated hostility toward the concept of tax cuts. Rather, my opposition is a plain and simple recognition that these proposed tax cuts are the wrong kind of cuts at precisely the wrong time.

Why are they wrong kind of tax cuts? Because they primarily benefit the super rich with little tax relief to middle class and poor Americans who need tax relief the most.

Why do they come at the wrong time? Because today our Federal Government is unable to meet the most essential needs of the majority of Americans. For example, 45 million Americans are without health insurance, too many American families cannot afford to send their children to college, and our American communities continue to be vulnerable to terrorist attacks here at home due to the underfunding of many essential homeland security programs.

Instead of investing in American families, this bill condones massive cuts to essential health, education, and programs designed to help women and children. And instead of fully funding programs such as those designed to support our emergency first responders in the case of a terrorist attack, we are using that money to pay for tax cuts for the super rich.

Add to this reality a costly war in Iraq, unprecedented spending for hurricane relief in the Gulf, and the escalating budget deficit, and it is very clear that now is the wrong time for these kinds of cut taxes.

Mr. Speaker, the Democrats have a fair and responsible solution. It is fair because, instead of cutting taxes for the super rich, our substitute bill is designed to put hardworking middle-class Americans first in line for tax relief. For example, our substitute bill protects the majority of American families who will negatively be affected by the Alternative Minimum Tax. It is responsible because it avoids further reckless spending by eliminating the extension of capital gains and dividend tax cuts that will add to the enormous deficit that will have to be paid by future generations.

As a grandmother myself, I believe it is morally reprehensible to leave my grandchildren to bear the burden of debt-relief because we spent our money on more tax cuts for the wealthy today.

To set the right course for future generations, we must make it our priority to improve the quality of life for all Americans; not just the lives of the privileged few. This tax-cut bill before us is needless, reckless spending and should be rejected.

Mrs. MALONEY. Mr. Speaker, after five years of setting records for weak job creation, the President is giving us a rosy outlook for our economy. What he fails to mention in his economic pep talks is the elephant sitting in the room—this administration continues to set record debts and deficits, long-term, structural problems that will bog us down for generations to come.

What is our response as a Congress to this fiscal mess? A bill that would cost $81 billion over 10 years. A bill that would pile on to the deficit that is projected to be $3.5 trillion over 10 years. I suppose the thinking is compared to $3.5 trillion, what's another $81 billion? Only in Washington.

What's worse, the middle class—the foundation of our Nation and our economy will be largely ignored by the bill before us. It's bad enough that working Americans have already been left behind in our economic recovery.

But this bill will essentially raise taxes on 17 million American middle-class families by failing to protect them from the Alternative Minimum Tax. Make no mistake, they will not get real protection from yesterday's fig-leaf AMT bill, and they will get nothing from the bill before us today.

We are considering more of the same. More debt, more deficits, more working Americans who are ignored.

I urge my colleagues to vote "no" on this bill and "yes" on the sensible Rangel substitute, which will allow us to really fix the AMT, help the middle class and help working Americans.

Mr. MOORE of Kansas. Mr. Speaker, I rise today to express my opposition to H.R. 4297, the FY05 tax reconciliation bill.

I do not oppose tax cuts, and in a more stable fiscal climate I could support reduced tax rates for capital gains and dividend income. What I do oppose is borrowing money to pay for tax cuts, and particularly for tax cuts that do not expire for another three years.

In 2001, I was one of only 28 House Democrats to vote for President's Bush's 2001 tax cuts that reduced marginal income tax rates. Since 2001, however, our country's fiscal condition has dramatically reversed course. In 2001, the Congressional Budget Office (CBO) predicted that the 10-year budget surplus would be $5.6 trillion. That projected 10-year surplus of $5.6 trillion has deteriorated into a projected $3.9 trillion deficit during the same period. In FY2005, the Federal Government ran a budget deficit of $319 billion, the third largest deficit in our Nation's history.

Further, on February 17, 2004, the national debt of the United States exceeded $7 trillion for the first time in our country's history. On October 21, 2005, the national debt of the United States exceeded $8 trillion for the first time in our country's history. That is an increase of $1 trillion in our national debt over the last 2 years. It took our country 193 years, from 1787 to 1980, to rack up $1 trillion in debt, and just under two years, from 2004–2005, to match that level of borrowing.

An $8 trillion national debt comes down to nearly $27,000 per person in our country, and that is simply unacceptable. The first rule of holes is that when you're in a hole and you don't want to go deeper, stop digging. It is now past time that we stop digging our country deeper and deeper into debt, leaving our children and grandchildren to pay a steep price for the deficits and debt we are adding to today.

Mr. Speaker, H.R. 4297 extends several tax relief measures, including reduced rates for capital gains and dividend income, that I support and would vote for in a balanced, revenue neutral measure. I support: the saver's credit; small business and brownfields expensing relief; the Work Opportunity Tax Credit; the research and experimentation credit; deductions for higher education and classroom expenses; the exclusion for active financing income; and 15-year depreciation rates for restaurant equipment and improvements to leased property. Unfortunately, the Joint Tax Committee estimates that H.R. 4297 will cost $56.1 billion over the next five years, and the CBO estimates that extending the dividend and capital gains tax reductions alone would cost approximately $160 billion from FY2008 to FY2015.

Further, unlike the Senate tax reconciliation bill, the House version of this legislation does not address what is arguably the most significant looming tax concern for middle-class American families, namely the growing number of Americans who are forced to pay the alternative minimum tax (AMT). While reduced rates for capital gains and dividend income will not expire for another three years, AMT relief is scheduled to expire in less than one month, at the end of this year.

If AMT relief is allowed to lapse, the number of taxpayers subject to the AMT will increase from 3 million in 2004 to 21 million in 2006. The Congressional Budget Office estimates that extending AMT relief and indexing it for inflation would reduce federal revenue by $191 billion over the next five years. This is an immediate problem that Congress and the Administration need to work together to fix in a responsible, bipartisan way, before millions of Americans are hit with large, unexpected tax increases.

Mr. Speaker, I will continue to work with my colleagues in both parties to advance commonsense, bipartisan approaches to solving our country's fiscal problems. I urge my colleagues on both sides of the aisle to act as soon as possible, in a fiscally sound way, to prevent serious consequences for current and future generations.

Mrs. DAVIS of California. Mr. Speaker, weeks after passing a spending bill that failed to reflect our national values, we are repeating our mistakes with today's tax cut bill.

We are once again "robbing Peter to pay Paul"—only this time we have picked the worst possible time to do so.

The holiday season is supposed to be a time for giving.

Only this year, it has become a time for giving primarily to the wealthiest 20% of American families.

Upper-income families will not lose much under last month's spending cuts bill.

But they will benefit greatly from today's tax cut package.

Conversely, lower- and middle-income families will suffer great losses under the spending cut bill . . .

. . . yet stand to gain very little from today's tax bill.

That's what I call "Scrooge-onomics."

We continue to dig ourselves deeper and deeper into debt.

The bill before us today comes with a price tag of $56 billion, with no means to offset that cost.

And what do we get in return?

If you are not among the top tier of wealthiest Americans, not much.

Thirty-six percent of the cost of this bill goes towards extending reduced tax rates for capital gains and dividends.

That's $20.6 billion dedicated to tax breaks that aren't even scheduled to expire until 2008.

That's $20.6 billion that could be spent on education, worker training, affordable housing, or improving the quality of life for service members and their families.

It is fiscally irresponsible to spend $56 billion we do not have on those who do not need it.

And it is unwise to further complicate an already complex tax code to do so.

That is why I am supporting the Democratic substitute to this bill.

This substitute still extends vital tax cuts but includes offsets to pay for the cost, taking the burden off American taxpayers.

It extends the Work Opportunity Tax Credit and the deduction of higher-education expenses.

It extends the research and experimentation credit and the expensing of brownfield sites.

It protects millions of California's taxpayers by extending sorely needed alternative minimum tax relief.

And, importantly for my district of San Diego, California, it extends a critical provision allowing military personnel to elect to include combat pay as earned income.

This allowance will expand the pool of armed services personnel eligible to receive the earned income credit, and it will even increase this credit for some military families.

The brave men and women who sacrifice time with their own families to protect ours deserve no less.

Although this bill would be out of place at any time of year, it is unconscionable during the holiday season.

A nation as prosperous as ours should never ignore its weakest citizens for the sake of tax cuts for the wealthy.

I do not believe this bill reflects our priorities as a nation.

I know it does not reflect my own values.

Yet it does represent the true colors of the majority party.

In the spirit of giving, I hope you will join me in opposing a bill that regards only the wealthy as worthy of receiving.

Mr. MEEHAN. Mr. Speaker, I rise today to oppose the Republican tax bill.

As we approach the end of the year, I wonder 'How will this year be remembered?' For the deepening quagmire in Iraq? Will we remember 2005 as a year of hardships? For Katrina, for Rita?

Certainly this has been a year of great economic difficulties for low and middle income families. The poorest residents of the gulf coast were most affected by the devastating hurricanes, and the poorest Americans have shouldered a disproportionate share of the burden in Iraq.

The Republican tax bill is just another example of the disdain the Majority in Congress has for its low and middle income citizens. Recently, this Congress cut Food Stamps, student loans, child support and Medicaid.

Now the Administration is rewarding the rich. In the proposed tax cuts, over 50% of the Capital Gains and Dividends Rate Cut will benefit people who make more than one million dollars. The 55% of American households that make less than $40,000 will get a tax break of only $7 while the households that make more than $1 million will receive an average tax break of $32,000.

I support responsible spending, and balancing the budget, but this tax cut and the budget cuts of last month accomplish neither of these goals. In fact, these bills will actually increase the deficit by $16 billion. And at what benefit? So that some of our wealthiest citizens can save a few extra dollars?

President Bush has gone on the offensive. He is touting an improved economy by pointing to job statistics from this most recent quarter. But the economy is not improving where we need it to. Middle class Americans are worse off than they were 4 years ago. The average two-earner family needs to work more to pay for health care, housing, college, and transportation than they did in 2001.

Middle class families are forced to work more and save less. This means less time to spend with family and less money to put away for retirement.

This is not how I want to remember 2005. I don't want to remember 2005 as a year that the government heaped unnecessary burdens upon American families. Stealing from the poor and middle class and giving to the rich, while increasing the deficit, is hardly responsible. I urge you to vote no on the Republican tax cuts.

Mr. LEACH. Mr. Speaker, reluctantly I rise to oppose a bill which has a number of provisions I support and others which I might have been inclined to back in a different economic and historical context. But this Congress jeopardizes America's fiscal house as it continues to "pay" for a war with tax cuts. This is, after all, the first time in our history—and perhaps the history of the world—in which a government has sent soldiers into combat at the same time it has reduced the public's tax burden. And just as war cannot be paid for with tax cuts, social balance cannot be maintained if the costs of rebuilding one region of the country devastated by hurricanes are coupled with the reduction of support for needy citizens in other areas.

I am an advocate of tax simplification—the replacement of a deduction-centric tax code with a simplified lower rate system. But I have doubts about taking the radical step of eliminating social progressivity with a flat, single-rate tax. The complexity of the current system is the result of a myriad of tax rules, not the fact that rates are slightly staggered. What has been missed in today's debate is that the taxation of dividend income at substantially lower levels than earned income means that the working middle class will be taxed at much steeper rates than upper-income citizens. The approach on the table today will not only eliminate tax progressivity, it will create an inverted tax system, one that is profoundly regressive.

No tax system can stand the test of common sense if a high school principal, electrician, or registered nurse are taxed at a higher rate than a billionaire who receives his income from dividends. Yes, there is an argument that taxing dividend income may, in some cases, represent "double" taxation, but this concern is not as compelling as many assume because the deduction-oriented tax codes allow many large companies to have negligible income tax liabilities. This is why, according to a University of Michigan study, many of America's largest estates have been subjected to surprisingly little, if any, taxation in the accumulating years.

Priorities are askew. When Congress attempts to cover the cost of man-made wars and nature-made hurricanes while expanding tax breaks that disproportionately benefit higher income individuals, it is forced to limit spending on programs for low-income students and our needier citizens to keep the fiscal deficit from skyrocketing.

As long as this war continues, Congress is obligated to keep its eye not only on fiscal responsibility, but social justice. If it does not pay attention to fairness, the kind of internal strife that has broken out in recent weeks in France and the kind of internal division which was evidenced in the wake of Katrina in New Orleans will be magnified at great social cost.

A thriftier government may be a credible goal, but Congress is obligated to pay for whatever commitments it makes. I did not vote for the Iraq war primarily because of policy rather than expense concerns. But there is a cost dimension and the burden of responsibility for funding public commitments falls at this time particularly on those who chose to authorize this war. Failure to accept this responsibility weighs down the public balance sheet and pushes payment of debt obligations to future generations.

Accordingly, I am compelled to register my opposition to the fiscal irresponsibility implicit in this resolution.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise in strong opposition to the irresponsible Republican tax giveaways proposed in H.R. 4297. The Republican bill provides tax cuts for the wealthy few in our society by slashing critical services for vulnerable Americans and adding to our already exploding deficit.

I am appalled that the majority party has slashed food stamps, health care and student loans for vulnerable and middle-income families to pay for tax breaks for the Nation's most fortunate. The top priority—63 percent of the spending—in the Republican tax reconciliation bill is to extend capital gains and dividend tax cuts from 2008 to 2010.

Forty-five percent of the benefits of this provision will go to millionaires. In addition, this bill, even combined with the devastating cuts, will add $81 billion to the deficit over the next 10 years.

The Republican bill focuses on benefits for their wealthiest contributors and fails to address tax changes that are necessary for the middle class. This bill does not include a provision to protect families from tax increases from the alternative minimum tax. I supported the 1-year fix on the AMT that this House passed because this is a critical issue for families in my district. However, this provision should have been included in this reconciliation package and should have been a priority for this Congress.

In total, the Republican reconciliation package includes tax increases of up to $3,640 for middle income families due to the alternative minimum tax, increases of $5,800 per student for their college education, and a loss of access to health care and nutrition for many struggling families. It also adds to a spiraling deficit already projected to reach $640 billion by 2015. At the same time, Republicans will provide an average tax break of $32,000 to the wealthy few. This is an outrage and should be an embarrassment for this Congress.

Mr. Speaker, America can do better. Congress should put forward a budget that is fiscally responsible, prioritizes our families, and does not threaten our children and grandchildren's future by increasing the Federal deficit.

I urge my colleagues to reject this irresponsible, immoral budget plan.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. RANGEL

Mr. RANGEL. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore (Mr. GINGREY). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment in the nature of a substitute printed in House Report 109-330 offered by Mr. RANGEL:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the "Tax Relief Extension Reconciliation Act of 2005".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title, etc.

TITLE I—EXTENSIONS OF CERTAIN PROVISIONS THROUGH 2006

Sec. 101. Allowance of nonrefundable personal credits against regular and minimum tax liability.
Sec. 102. State and local general sales taxes.
Sec. 103. Research credit.
Sec. 104. Qualified tuition and related expenses.
Sec. 105. Certain expenses of elementary and secondary school teachers.
Sec. 106. Qualified Zone Academy Bonds.
Sec. 107. Tax incentives for business activities on Indian reservations.
Sec. 108. Deduction for corporate donations of computer technology and equipment.
Sec. 109. Availability of medical savings accounts.
Sec. 110. 15-year cost recovery for leasehold improvements.
Sec. 111. 15-year cost recovery for restaurant improvements.
Sec. 112. Taxable income limit on percentage depletion for oil and natural gas produced from marginal properties.
Sec. 113. District of Columbia Enterprise Zone.
Sec. 114. Possession tax credit with respect to American Samoa.
Sec. 115. Parity in the application of certain limits to mental health benefits.
Sec. 116. Election to include combat pay under earned income credit.
Sec. 117. Work opportunity credit.
Sec. 118. Welfare-to-work credit.
Sec. 119. Extension of expensing of environmental remediation costs.
Sec. 120. Temporary relief from the alternative minimum tax.

TITLE II—REDUCTION IN BENEFIT OF RATE REDUCTION FOR FAMILIES WITH INCOMES OVER $1,000,000

Sec. 201. Reduction in benefit of rate reduction for families with incomes over $1,000,000.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Modification of active business definition under section 355.
Sec. 302. Veterans' mortgage bonds.
Sec. 303. Capital gains treatment for certain self-created musical works.
Sec. 304. Vessel tonnage limit.
Sec. 305. Clarification of taxation of certain settlement funds.

TITLE I—EXTENSIONS OF CERTAIN PROVISIONS THROUGH 2006

SECTION 101. ALLOWANCE OF NONREFUNDABLE PERSONAL CREDITS AGAINST REGULAR AND MINIMUM TAX LIABILITY.

(a) In General.—Paragraph (2) of section 26(a) (relating to special rule for taxable years 2000 through 2005) is amended—

(1) in the text by striking "or 2005" and inserting "2005, or 2006", and

(2) in the heading by striking "2005" and inserting "2006".

(b) Conforming Provisions.—

(1) Subsection (i) of section 904 (relating to coordination with nonrefundable personal credits) is amended by striking "or 2005" and inserting "2005, or 2006".

(2) The amendments made by sections 201(b), 202(f), and 618(b) of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to taxable years beginning during 2006.

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SEC. 102. STATE AND LOCAL GENERAL SALES TAXES.

(a) In General.—Subparagraph (I) of section 164(b)(5) (relating to application of paragraph) is amended by striking "January 1, 2006" and inserting "January 1, 2007".

(b) Effective Date.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2005.

SEC. 103. RESEARCH CREDIT.

(a) Extension.—

(1) In general.—Subparagraph (B) of section 41(h)(1) (relating to termination) is amended by striking "December 31, 2005" and inserting "December 31, 2006".

(2) Conforming amendment.—Subparagraph (D) of section 45C(b)(1) (relating to special rule) is amended by striking "December 31, 2005" and inserting "December 31, 2006".

(3) Effective date.—The amendments made by this subsection shall apply to amounts paid or incurred after December 31, 2005.

(b) Increase in Rates of Alternative Incremental Credit.—

(1) In general.—Subparagraph (A) of section 41(c)(4) (relating to election of alternative incremental credit) is amended—

(A) by striking "2.65 percent" and inserting "3 percent",

(B) by striking "3.2 percent" and inserting "4 percent", and

(C) by striking "3.75 percent" and inserting "5 percent".

(2) Effective date.—The amendments made by this subsection shall apply to taxable years ending after the date of the enactment of this Act.

(c) Alternative Simplified Credit for Qualified Research Expenses.—

(1) In general.—Subsection (c) of section 41 (relating to base amount) is amended by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and by inserting after paragraph (4) the following new paragraph:

"(5) Election of alternative simplified credit.—

"(A) In general.—At the election of the taxpayer, the credit determined under subsection (a)(1) shall be equal to 12 percent of so much of the qualified research expenses for the taxable year as exceeds 50 percent of the average qualified research expenses for the 3 taxable years preceding the taxable year for which the credit is being determined.

"(B) Special rule in case of no qualified research expenses in any of 3 preceding taxable years.—

"(i) Taxpayers to which subparagraph applies.—The credit under this paragraph shall be determined under this subparagraph if the taxpayer has no qualified research expenses in any one of the 3 taxable years preceding the taxable year for which the credit is being determined.

"(ii) Credit rate.—The credit determined under this subparagraph shall be equal to 6 percent of the qualified research expenses for the taxable year.

"(C) Election.—An election under this paragraph shall apply to the taxable year for which made and all succeeding taxable years unless revoked with the consent of the Secretary. An election under this paragraph may not be made for any taxable year to which an election under paragraph (4) applies.".

(2) Coordination with election of alternative incremental credit.—

(A) In general.—Section 41(c)(4)(B) (relating to election) is amended by adding at the end the following: "An election under this paragraph may not be made for any taxable year to which an election under paragraph (5) applies.".

(B) Transition rule.—In the case of an election under section 41(c)(4) of the Internal Revenue Code of 1986 which applies to the taxable year which includes the date of the enactment of this Act, such election shall be treated as revoked with the consent of the Secretary of the Treasury if the taxpayer makes an election under section 41(c)(5) of such Code (as added by subsection (a)) for such year.

(3) Effective date.—The amendments made by this subsection shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 104. QUALIFIED TUITION AND RELATED EXPENSES.

(a) In General.—Subsection (e) of section 222 (relating to termination) is amended by striking "December 31, 2005" and inserting "December 31, 2006".

(b) Limitations.—Paragraph (2) of section 222(b) (relating to applicable dollar limit) is amended by striking subparagraphs (A) and (B), by redesignating subparagraph (C) as subparagraph (B), and by inserting before subparagraph (B) (as so redesignated) the following:

"(A) 2006.—In the case of a taxable year beginning in 2006, the applicable dollar amount shall be equal to—

"(i) in the case of a taxpayer whose adjusted gross income for the taxable year does not exceed $65,000 ($130,000 in the case of a joint return), $4,000,

"(ii) in the case of a taxpayer not described in clause (i) whose adjusted gross income for the taxable year does not exceed $80,000 ($160,000 in the case of a joint return), $2,000, and

"(iii) in the case of any other taxpayer, zero.".

(c) Effective Date.—The amendments made by this section shall apply to payments made in taxable years beginning after December 31, 2005.

SEC. 105. CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) In General.—Subparagraph (D) of section 62(a)(2) (relating to certain expenses of elementary and secondary school teachers) is amended by striking "or 2005" and inserting "2005, or 2006".

(b) Effective Date.—The amendment made by subsection (a) shall apply to expenses paid or incurred in taxable years beginning after December 31, 2005.

SEC. 106. QUALIFIED ZONE ACADEMY BONDS.

(a) In General.—Paragraph (1) of section 1397E(e) (relating to national limit) is amended by striking "and 2005" and inserting "2005, and 2006".

(b) Effective Date.—The amendment made by subsection (a) shall apply to obligations issued after December 31, 2005.

SEC. 107. TAX INCENTIVES FOR BUSINESS ACTIVITIES ON INDIAN RESERVATIONS.

(a) Indian Employment Tax Credit.—

(1) In general.—Subsection (f) of section 45A (relating to termination) is amended by striking "December 31, 2005" and inserting "December 31, 2006".

(2) Effective date.—The amendment made by paragraph (1) shall apply to taxable years beginning after December 31, 2005.

(b) Accelerated Depreciation for Business Property on Indian Reservations.—

(1) In general.—Paragraph (8) of section 168(j) (relating to termination) is amended by striking "December 31, 2005" and inserting "December 31, 2006".

(2) Effective date.—The amendment made by paragraph (1) shall apply with respect to property placed in service after December 31, 2005.

SEC. 108. DEDUCTION FOR CORPORATE DONATIONS OF COMPUTER TECHNOLOGY AND EQUIPMENT.

(a) In General.—Subparagraph (G) of section 170(e)(6) (relating to termination) is amended by striking "December 31, 2005" and inserting "December 31, 2006".

(b) Effective Date.—The amendment made by subsection (a) shall apply to contributions made in taxable years beginning after December 31, 2005.

SEC. 109. AVAILABILITY OF MEDICAL SAVINGS ACCOUNTS.

(a) In General.—Paragraphs (2) and (3)(B) of section 220(i) (defining cut-off year) are each amended by striking "2005" each place it appears in the text and headings and inserting "2006".

(b) Conforming Amendments.—

(1) Paragraph (2) of section 220(j) is amended—

(A) in the text by striking "or 2004" each place it appears and inserting "2004, or 2005", and

(B) in the heading by striking "OR 2004" and inserting "2004, OR 2005".

(2) Subparagraph (A) of section 220(j)(4) is amended by striking "and 2004" and inserting "2004, and 2005".

(c) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(d) Time for Filing Reports, Etc.—

(1) The report required by section 220(j)(4) of the Internal Revenue Code of 1986 to be made on August 1, 2005, shall be treated as timely if made before the close of the 90-day period beginning on the date of the enactment of this Act.

(2) The determination and publication required by section 220(j)(5) of such Code with respect to calendar year 2005 shall be treated as timely if made before the close of the 120-day period beginning on the date of the enactment of this Act. If the determination under the preceding sentence is that 2005 is a cut-off year under section 220(i) of such Code, the cut-off date under such section 220(i) shall be the last day of such 120-day period.

SEC. 110. 15-YEAR COST RECOVERY FOR LEASEHOLD IMPROVEMENTS.

(a) In General.—Clause (iv) of section 168(e)(3)(E) (relating to 15-year property) is amended by striking "January 1, 2006" and inserting "January 1, 2007".

(b) Effective Date.—The amendment made by subsection (a) shall apply to property placed in service after December 31, 2005.

SEC. 111. 15-YEAR COST RECOVERY FOR RESTAURANT IMPROVEMENTS.

(a) In General.—Clause (v) of section 168(e)(3)(E) (relating to 15-year property) is amended by striking "January 1, 2006" and inserting "January 1, 2007".

(b) Effective Date.—The amendment made by subsection (a) shall apply to property placed in service after December 31, 2005.

SEC. 112. TAXABLE INCOME LIMIT ON PERCENTAGE DEPLETION FOR OIL AND NATURAL GAS PRODUCED FROM MARGINAL PROPERTIES.

(a) In General.—Subparagraph (H) of section 613A(c)(6) (relating to oil and natural gas produced from marginal properties) is amended by striking "January 1, 2006" and inserting "January 1, 2007".

(b) Effective Date.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2005.

SEC. 113. DISTRICT OF COLUMBIA ENTERPRISE ZONE.

(a) Period for Which Designation Applicable.—Subsection (f) of section 1400 (relating to time for which designation applicable) is amended by striking "December 31, 2005" both places it appears and inserting "December 31, 2006".

(b) Tax-Exempt Economic Development Bonds.—Subsection (b) of section 1400A (relating to period of applicability) is amended by striking "December 31, 2005" and inserting "December 31, 2006".

(c) Zero Percent Capital Gains Rate.—

(1) In general.—Subsection (b) of section 1400B (relating to DC Zone Asset) is amended by striking "January 1, 2006" each place it appears and inserting "January 1, 2007".

(2) Conforming amendments.—

(A) Paragraph (2) of section 1400B(e) (relating to gain before 1998 and after 2010 not qualified) is amended—

(i) by striking "December 31, 2010" and inserting "December 31, 2011", and

(ii) by striking "2010" in the heading and inserting "2011".

(B) Paragraph (2) of section 1400B(g) (relating to sales and exchanges of interests in partnerships and S corporations which are DC Zone businesses) is amended by striking "December 31, 2010" and inserting "December 31, 2011".

(C) Subsection (d) of section 1400F (relating to certain rules to apply) is amended by striking "December 31, 2010" and inserting "December 31, 2011".

(d) First-Time Homebuyer Credit for District of Columbia.—Subsection (i) of section 1400C (relating to application of section) is amended by striking "January 1, 2006" and inserting "January 1, 2007".

(e) Effective Dates.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall take effect on January 1, 2006.

(2) Tax-exempt economic development bonds.—The amendment made by subsection (b) shall apply to obligations issued after the date of the enactment of this Act.

SEC. 114. POSSESSION TAX CREDIT WITH RESPECT TO AMERICAN SAMOA.

(a) In General.—Subparagraph (A) of section 936(j)(8) (relating to special rules for certain possessions) is amended by inserting before the period at the end the following: "(before January 1, 2007, in the case of American Samoa)".

(b) Effective Date.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2005.

SEC. 115. PARITY IN THE APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS.

(a) In General.—Paragraph (3) of section 9812(f) (relating to application of section) is amended by striking "December 31, 2005" and inserting "December 31, 2006".

(b) Effective Dates.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 116. ELECTION TO INCLUDE COMBAT PAY UNDER EARNED INCOME CREDIT.

(a) In General.—Subclause (II) of section 32(c)(2)(B)(vi) (defining earned income) is amended by striking "January 1, 2006" and inserting "January 1, 2007".

(b) Special Rule.—The amount of any refund to which an individual is entitled by reason of amendment made by subsection (a) shall not exceed the aggregate liability reflected in the individual's tax account (determined by taking into account the taxable year and all prior taxable years).

(c) Effective Date.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2005.

SEC. 117. WORK OPPORTUNITY CREDIT.

(a) In General.—Subparagraph (B) of section 51(c)(4) (relating to termination) is amended by striking "December 31, 2005" and inserting "December 31, 2006".

(b) Increase in Age Limit for Food Stamp Recipients.—Clause (i) of section 51(d)(8)(A) (relating to qualified food stamp recipient) is amended by striking "25" and inserting "35".

(c) Effective Date.—The amendments made by this section shall apply to individuals who begin work for the employer after December 31, 2005.

SEC. 118. WELFARE-TO-WORK CREDIT.

(a) In General.—Subsection (f) of section 51A (relating to termination) is amended by striking "December 31, 2005" and inserting "December 31, 2006".

(b) Effective Date.—The amendment made by subsection (a) shall apply to individuals who begin work for the employer after December 31, 2005.

SEC. 119. EXTENSION OF EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) In General.—Subsection (h) of section 198 (relating to termination) is amended by striking "December 31, 2005" and inserting "December 31, 2006".

(b) Effective Date.—The amendment made by subsection (a) shall apply to expenditures paid or incurred after December 31, 2005.

SEC. 120. TEMPORARY RELIEF FROM THE ALTERNATIVE MINIMUM TAX.

(a) In General.—Section 55 (relating to alternative minimum tax imposed) is amended by adding at the end the following new subsection:

"(f) Exemption for Individuals for Taxable Years Beginning in 2006.—For any taxable year beginning in 2006, in the case of an individual—

"(1) In general.—The tentative minimum tax of the taxpayer shall be zero if the adjusted gross income of the taxpayer (as determined for purposes of the regular tax) is equal to or less than the threshold amount.

"(2) Phasein of liability above exemption level.—In the case of a taxpayer whose adjusted gross income exceeds the threshold amount but does not exceed $112,500 ($225,000 in the case of a joint return), the tax imposed by subsection (a) shall be the amount which bears the same ratio to such tax (determined without regard to this subsection) as—

"(A) the excess of—

"(i) the adjusted gross income of the taxpayer (as determined for purposes of the regular tax), over

"(ii) the threshold amount, bears to

"(B) $12,500 ($25,000 in the case of a joint return).

"(3) Threshold amount.—For purposes of this paragraph, the term 'threshold amount' means $100,000 ($200,000 in the case of a joint return).

"(4) Estates and trusts.—This subsection shall not apply to any estate or trust.".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2005.

TITLE II—REDUCTION IN BENEFIT OF RATE REDUCTION FOR FAMILIES WITH INCOMES OVER $1,000,000

SEC. 201. REDUCTION IN BENEFIT OF RATE REDUCTION FOR FAMILIES WITH INCOMES OVER $1,000,000.

(a) General Rule.—Section 1 (relating to imposition of tax on individuals) is amended by adding at the end the following new subsection:

"(j) Reduction in Benefit of Rate Reduction for Families With Incomes Over $1,000,000.—

"(1) In general.—If the adjusted gross income of a taxpayer exceeds the threshold amount, the tax imposed by this section (determined without regard to this subsection) shall be increased by an amount equal to 1.45 percent of so much of the adjusted gross income as exceeds the threshold amount.

"(2) Threshold amounts.—For purposes of this subsection, the term 'threshold amount' means—

"(A) $1,000,000 in the case of a joint return, and

"(B) $500,000 in the case of any other return.

"(3) Tax not to apply to estates and trusts.—This subsection shall not apply to an estate or trust.

"(4) Special rule.—For purposes of section 55, the amount of the regular tax shall be determined without regard to this subsection.

"(5) Termination.—This subsection shall not apply to taxable years beginning after December 31, 2010.".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

(c) Section 15 not to Apply.—The amendment made by subsection (a) shall not be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. MODIFICATION OF ACTIVE BUSINESS DEFINITION UNDER SECTION 355.

Subsection (b) of section 355 (defining active conduct of a trade or business) is amended by adding at the end the following new paragraph:

"(3) Special rule relating to active business requirement.—

"(A) In general.—In the case of any distribution made after the date of the enactment of this paragraph and before December 31, 2010, a corporation shall be treated as meeting the requirement of paragraph (2)(A) if and only if such corporation is engaged in the active conduct of a trade or business.

"(B) Affiliated group rule.—For purposes of subparagraph (A), all members of such corporation's separate affiliated group shall be treated as one corporation. For purposes of the preceding sentence, a corporation's separate affiliated group is the affiliated group which would be determined under section 1504(a) if such corporation were the common parent and section 1504(b) did not apply.

"(C) Transition rule.—Subparagraph (A) shall not apply to any distribution pursuant to a transaction which is—

"(i) made pursuant to an agreement which was binding on the date of the enactment of this paragraph and at all times thereafter,

"(ii) described in a ruling request submitted to the Internal Revenue Service on or before such date, or

"(iii) described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission.

The preceding sentence shall not apply if the distributing corporation elects not to have such sentence apply to distributions of such corporation. Any such election, once made, shall be irrevocable.

"(D) Special rule for certain pre-enactment distributions.—For purposes of determining the continued qualification under paragraph (2)(A) of distributions made before the date of the enactment of this paragraph as a result of an acquisition, disposition, or other restructuring after such date and before December 31, 2010, such distribution shall be treated as made after the date of the enactment of this paragraph for purposes of applying subparagraphs (A) through (C) of this paragraph.".

SEC. 302. VETERANS' MORTGAGE BONDS.

(a) All Veterans Eligible for State Home Loan Programs Funded by Qualified Veterans' Mortgage Bonds.—

(1) In general.—Paragraph (4) of section 143(l) (defining qualified veteran) is amended—

(A) by striking "at some time before January 1, 1977" in subparagraph (A), and

(B) by striking subparagraph (B) and inserting the following:

"(B) who applied for the financing before the date 25 years after the last on which such veteran left active service.".

(2) Effective date.—The amendments made by this subsection shall apply to financing provided after the date of the enactment of this Act.

(b) Revision of State Veterans Limit.—

(1) In general.—Subparagraph (B) of section 143(l)(3) (relating to volume limitation) is amended to read as follows:

"(B) State veterans limit.—

"(i) In general.—A State veterans limit for any calendar year is the amount equal to—

"(I) $53,750,000 for the State of Texas,

"(II) $66,250,000 for the State of California,

"(III) $25,000,000 for the State of Oregon,

"(IV) $25,000,000 for the State of Wisconsin, and

"(V) $25,000,000 for the State of Alaska.

"(ii) Phasein.—In the case of calendar years beginning before 2010, clause (i) shall be applied by substituting for each of the dollar amounts therein by the applicable percentage. For purposes of the preceding sentence, the applicable percentage shall be determined in accordance with the following table:

Calendar Year:	**Applicable percentage is:**
2006	20 percent
2007	40 percent
2008	60 percent
2009	80 percent.

"(iii) Termination.—The State veterans limit for any calendar year after 2010 is zero.".

(2) Effective date.—The amendment made by this subsection shall apply to bonds issued after December 31, 2005.

SEC. 303. CAPITAL GAINS TREATMENT FOR CERTAIN SELF-CREATED MUSICAL WORKS.

(a) In General.—Subsection (b) of section 1221 (relating to capital asset defined) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

"(3) Sale or exchange of self-created musical works.—At the election of the taxpayer, paragraphs (1) and (3) of subsection (a) shall not apply with respect to any sale or exchange before January 1, 2011, of musical compositions or copyrights in musical works by a taxpayer described in subsection (a)(3).".

(b) Limitation on Charitable Contributions.—Subparagraph (A) of section 170(e)(1) is amended by inserting "(determined without regard to section 1221(b)(3))" after "long-term capital gain".

(c) Effective Date.—The amendments made by this section shall apply to sales and exchanges in taxable years beginning after the date of the enactment of this Act.

SEC. 304. VESSEL TONNAGE LIMIT.

(a) In General.—Paragraph (4) of section 1355(a) (relating to qualifying vessel) is amended by inserting "(6,000, in the case of taxable years beginning after December 31, 2005, and ending before January 1, 2011)" after "10,000".

(b) Effective Date.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2005.

SEC. 305. CLARIFICATION OF TAXATION OF CERTAIN SETTLEMENT FUNDS.

(a) In General.—Subsection (g) of section 468B (relating to clarification of taxation of certain funds) is amended to read as follows:

"(g) Clarification of Taxation of Certain Funds.—

"(1) In general.—Except as provided in paragraph (2), nothing in any provision of law shall be construed as providing that an escrow account, settlement fund, or similar fund is not subject to current income tax. The Secretary shall prescribe regulations providing for the taxation of any such account or fund whether as a grantor trust or otherwise.

"(2) Exemption from tax for certain settlement funds.—An escrow account, settlement fund, or similar fund shall be treated as beneficially owned by the United States and shall be exempt from taxation under this subtitle if—

"(A) it is established pursuant to a consent decree entered by a judge of a United States District Court,

"(B) it is created for the receipt of settlement payments as directed by a government entity for the sole purpose of resolving or satisfying one or more claims asserting liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980,

"(C) the authority and control over the expenditure of funds therein (including the expenditure of contributions thereto and any net earnings thereon) is with such government entity, and

"(D) upon termination, any remaining funds will be disbursed to such government entity for use in accordance with applicable law.

For purposes of this paragraph, the term 'government entity' means the United States, any State or political subdivision thereof, the District of Columbia, any possession of the United States, and any agency or instrumentality of any of the foregoing.

"(3) Termination.—This subsection shall not apply to accounts and funds established after December 31, 2010.".

(b) Effective Date.—The amendment made by subsection (a) shall apply to accounts and funds established after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to House Resolution 588, the gentleman from New York (Mr. Rangel) and the gentleman from Michigan (Mr. Camp) each will control 30 minutes.

The Chair recognizes the gentleman from New York.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have a Democrat substitute that really is not in sharp conflict with the Republican bill. Many things we tried and include and did suggest in the brief time we had to work on this bill. Basically, what we have done, though, is to pay more attention to the middle class that really are the victims of the alternative minimum tax than we pay attention to the richest of America who do not find their Republican tax cuts being threatened until 2009. Why did we do this? Is it merely a technicality? It is a very important difference.

Yes, we voted on the Suspension Calendar to provide relief for these people, not as much as we do in our substitute; but people have to understand the Suspension Calendar in the House is not protected under the other body's rules. They protected those people that they wanted to protect, those enjoying capital gains and will continue to enjoy capital gains and corporate dividend tax cuts until 2009. Why would they not include right in this bill, that would be protected on the other side, I do not know their political reasons.

But I do know this: what we refuse to do is to give tax cuts that would extend the deficit. We do not do that to generations that follow. Nor do we hit the poor who are sick or the kids that want to go to school or the foster kids or those kids that are dependent on money from their fathers who have abandoned their mothers. We do not do it in this season, nor do we do it anytime, because there is a difference in what we believe in.

I am suggesting this: if Members support the substitute, you are supporting deductions for State and local taxes, real estate taxes, the deduction for college tuition, the research credit they talk about that we agree is so important, the work opportunity tax credit, tax incentives for the District of Columbia and for Indian reservations, 15-year depreciation period for leasehold improvements and restaurant improvements, qualified zone academic bonds, the brownfields cleanups, and several other important, but minor, provisions.

What I am suggesting is that the major decision of those of you who will have to vote is whether or not you want to give $20 billion of tax relief to people who would not need it until 2009 at the expense not only of the deficit but at the expense of the poorest among us; or whether you want to take the good things that we could find in this bill, not increase the deficit and not cut the programs for the poor, and have a Democratic substitute that makes sense to the American people and, hopefully, to the House of Representatives.

Mr. Speaker, I reserve the balance of my time.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would say to my friend from New York that we have dealt with the AMT issue. In our legislation, we did not choose to raise taxes, as the gentleman's substitute does, to the tune of $40 billion. So because of that, the AMT is done outside of the reconciliation process.

When I hear so many on the other side of the aisle talk about high-income earners, I remind Members that many small businesses in the United States file as individuals. So when they have this $40 billion tax increase, that is really on small businesses and the families that those small businesses support. According to the Treasury Department, 80 percent of the people affected by the $40 billion tax increase in their substitute are small and entrepreneurial businesses. That is the engine of job creation in America, and that is why our economy has recovered, because we have helped those small businesses.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. LEVIN), a distinguished member of the Committee on Ways and Means.

Mr. LEVIN. Mr. Speaker, the issue here is priorities and choices. There are some similarities, but the differences are vast. Let us look at the whole picture here, the whole picture.

You have an alternative minimum tax that is going to hit millions of people if we do not act. We have $45 billion in extenders on which there is basic agreement. We have a reduction in the capital gains and dividends tax which continues for the next few years. We have proposed budget cuts. We also have the alleged, by the Republicans, need for fiscal discipline.

So what are their choices, because you cannot really do everything. So here is their choice: extend the dividends and capital gains reduction that continues in any event, extend it to 2009 and 2010 even though over 50 percent goes to people making $1 million a year. That is their first choice.

Their second choice is budget cuts: cuts in student loans, cuts in child support. And I want to say to my colleague from Michigan, administrative money for child support goes to raise money for children, not for bureaucrats. It is 4 to 5 dollars for every dollar we provide in administrative support. Essentially, what the Republicans do is to reduce the amount of money going to kids over the next 10 years by $24 billion.

Their choice also was to leave out the AMT from this bill, but then they bring up a bill yesterday, do not pay for it, and it can be objected to in the Senate and may not happen at all. So their choice is clear: tax relief that goes to people making a million bucks or more and cutting student loans, cutting food support for people who need it, and cutting child support which will mean reductions of $24 billion over the next 10 years. That is what the choices are here.

Mr. Speaker, they do not even maintain fiscal discipline, because if the AMT thing were to happen, it would be unpaid for and would add to the deficit. Our substitute has very different priorities. I urge its adoption.

□ 1300

Mr. CAMP. Mr. Speaker, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. HART), a distinguished Member of the Ways and Means Committee.

Ms. HART. Mr. Speaker, I rise in opposition to the Democrat substitute. This proposal actually does not continue some very important provisions for low income Americans. It does not extend a savers credit which actually allows a match for savings for poorer people by the government. Their substitute does not include an expensing provision for small businesses that allows them to use more of their money instead of sending it to the government so that they can grow their business and create jobs. It does not allow a provision that provides tax benefits to those who clean up brownfield sites to encourage new job creation in some of our older towns. It does not include the most important provision, which is the reduced rate on capital gains and dividends that has created all of these new jobs.

Now, you do not have to be an economist to understand these lines. On the left-hand side, you see all the bars below the line. On the right-hand side, all the bars are above the line. And what do those bars represent? Well, on the first half it is from January 2001 until we passed the capital gains and dividends tax reductions.

Interestingly enough, taxes were high, investment was low. These bars show job losses. All of the bars underneath the line are job losses. We passed the capital gains cut, the dividends cut, what happens? Businesses save more of their money, reinvest, create jobs. All the bars above the line, they show an average job gain, per month, since we passed the capital gains and dividends cuts of 148,700 jobs. That is just an average. As you can see, some months were higher than others, but across the board we created almost 150,000 jobs a month as a result of a provision that the Democrat substitute would cancel.

I urge my colleagues to cancel the Democrat substitute.

Mr. RANGEL. There must be some chart around to show how many people were pushed into poverty during that same period of time and our wages have been reduced, but we have it in the back if any of our Members would like to use it.

Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. CARDIN), a distinguished Member of our Ways and Means Committee.

Mr. CARDIN. Mr. Speaker, let me thank the gentleman from New York for yielding me this time, and thank him for putting together a substitute that makes sense, that is an important bill. Yes, it is important to extend the expiring tax provisions, and the Rangel substitute does that. Research and development, the work opportunity tax credit, all the important tax provisions that will expire, the substitute extends those provisions. That is important.

The Rangel substitute does another thing that is extremely important. It deals with the alternative minimum tax affecting 16 million of our taxpayers of the 19 million that are under the alternative minimum tax. That is very important to get done. And the Rangel substitute deals with that. The Rangel substitute deals with other inequities in the Tax Code, correcting them and getting them done right. But the substitute does one more thing that is very important to be done, and that is it is fiscally responsible. It does not add to the national debt. We have huge deficits, and where do you think we get our money in order to pay the bills? Money is coming, not from foreign investors or U.S. investors, it is coming primarily from foreign-owned banks who are buying our currency not because it is a good investment, they are buying it in order to have a favorable exchange rate with the U.S. dollar so that they can send more products here into the United States.

It is important that we be fiscally responsible, that we do not add to the deficit. The Concord Coalition, a nonpartisan group that is only interested in trying to deal with the national debt, said that tax cuts need at a minimum to be offset, that we should not add to the deficit through the tax bills.

The Rangel substitute pays for these tax reliefs. It is fiscally responsible. It not only provides relief in the Tax Code that we need to provide for the taxpayers of this country, it does not burden this Nation and the future generations. And by the way, it is also good for growth. Our deficit hurts growth in this country. The Rangel substitute is sensitive to the need for us to make sure that we are on the right glide path to create jobs in our economy. Mr. Speaker, this is the right thing to do. We want to provide tax relief, but we should do it in a way that does not burden our children and grandchildren.

I urge my colleagues to support the Rangel substitute.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BRADY), a distinguished Member of the Ways and Means Committee.

Mr. BRADY of Texas. I appreciate my colleague from Michigan, his leadership in helping boost our economy, extend this tax relief. I strongly support the original bill over the substitute. The substitute takes a step backward in how we treat our soldiers and how we treat our families, small businesses that are affected by the alternative minimum tax, compared to legislation that this House passed just yesterday, we treated soldiers better, by providing them immediate cash refunds on their tax treatment. I do not want to step back from that today in the substitute. We help 2½ million more families and small businesses with their alternative minimum tax yesterday, again, almost nearly unanimously.

I do not want to step back from that with this substitute. And the original bill provides three provisions that are really helpful for a lot of families in this country. It extends for 1 year the sales tax deduction, which provides every family in the country a choice to deduct either their state and local income taxes or their State and local sales taxes. What it means is sales taxes, as you know, add up a great deal, add up fast for families. This tax relief just stretches the family paycheck a little farther and prevents hundreds of millions of dollars of tax increases on families that would start right after this Christmas holiday. That would be unfair. The original bill extends this. This also provides help to universities that receive dollars, higher education from the public higher education utility fund that extends a provision that helps provide more higher education dollars for certain universities. And then it also, for 10 states, allows more veterans to get low interest home loans in order when they come back from the war in Iraq and the war on terrorism to get an opportunity to get that first home. That is very important to a state like Texas. I strongly support the underlying bill as very important tax relief for this country.

Mr. RANGEL. Mr. Speaker, I yield 3½ minutes to the gentleman from Tennessee (Mr. TANNER), an outstanding member of this committee who truly understands the problem of the deficit.

Mr. TANNER. Mr. Speaker, I think the American people just want to hear us try to get along and give them the level, be on the level with them, give them straight talk.

What has happened here in the last several years is we have reduced revenues with bills like this and increased spending. Now, you can do that for a little while, and all of us have done it from time to time, I assume, with our credit cards. But you cannot do it forever and every American knows that.

To give you some recent history, in 2002, we had to increase the debt limit of money that we could borrow by $450 billion in this country. In 2003, we had to increase it again by $984 billion. In 2004, again, by $800 billion. And in the budget resolution, it is not in this bill, they propose another $781 billion increase in the limit that we can borrow.

Now, what that means is, since 2001, the Federal debt has grown from 5.6 to $8.1 trillion. This is available on www.publicdebt.treas.gov. Do not take my word for it. Go, please, look it up. In 2004, 16 of 23 Federal agencies could not provide an acceptable audit. That is available at www.gao.gov. Right now, mainland China and Hong Kong have accumulated over $300 billion worth of our debt. That data is available on the Treasury Department's Web site. Again, this is not an argument. This is fact. Go look it up. I said the other day when I was talking, things are so bad with our borrowing out of control that if China attacked Taiwan, we would have to borrow the money from China to defend Taiwan. 16 percent of all the taxes we collect now in this country go to pay interest. And it gets worse by the minute. Interest on the public debt grew more rapidly than any other spending category in the Federal Government last year. In 2005 we paid in checks $184 billion, in checks. If you assume that we continue to do these tax bills without paying for them, the GAO projects that in the year 2040, every dime collected by this government will go to pay interest on past consumption on interest only debt.

Now, what does that mean? Where are we now? This is hard to imagine, but so far, in this fiscal year, we have borrowed $130 billion and spent $39 billion on interest in just the first 2 months of this fiscal year. November's $22 billion payment was the largest ever. Debt interest grew more rapidly in the first 2 months, 38 percent, relative to the same rate last year. The Federal Reserve is raising interest rates and has 12 times. Really, all I am saying is this. We are on an unsustainable financial glide path and every reputable economist will tell you that. We want to work with the Republicans. We want to try to do tax relief when it makes sense and makes more commerce happen and so forth. But we cannot do it because we cannot reach the real problem.

You know what the problem is around here? You let the PAYGO rules lapse in 2002. We do not have meaningful enforceable budget caps. We do not have a balanced budget amendment that has ever been voted on. And what we have is a failure of not only communication but a failure of management of the budget process. And we are getting deeper and deeper in trouble by the minute.

Mr. CAMP. Mr. Speaker, I yield 1 minute to the gentleman from Missouri (Mr. BLUNT), the distinguished majority leader.

Mr. BLUNT. Mr. Speaker, I am in opposition to the substitute because I am for the underlying bill and I am for the things it has done for our economy. One of the great changes that this bill showed in what happens in the Federal Government is a belief that people are better at solving economic problems than government is. When the tax structure that we are voting today to extend was put in place, the determination was made that we were in a difficult economic time, and the way to get out of that difficult economic time was to trust the people, not to come up with some big complicated government program, but to trust the people to let them keep more of their money, to put some minor incentives in the Tax Code to do whatever they wanted to do sooner, rather than later, but no incentive in the Tax Code to do a specific thing.

The incentive was to trust the American people to see what we could do to get the economy growing again and going again, and that is what has happened. But this is no time for that to stop. This is no time to say we should put the brakes on this economy, just because the unemployment rate is lower than the average of the 1970s, 1980s and 1990s. It is still 5 percent. We should want it to be lower than that. Just because income to the Federal Government increased last year at a rate three times the projection, the highest increase in Federal Government ever without a tax increase, how did that happen? It happened because the economy was working. It happened because more people had jobs, that $100 billion that came in in the fiscal year that ended September 30 that we did not anticipate, did not come in by accident. It came in because of a strong and growing economy. What the underlying bill does is say, let us not increase taxes. Let us keep the tax structure that is growing this economy in place. Let us send a signal that that tax structure is in place, at least until 2010, and it makes a difference.

□ 1315

I was listening to the debate earlier, and so much of the debate earlier was about wealthy Americans. Amazingly, those same Americans yesterday were the upper middle class. Overnight somehow the upper middle class became wealthy Americans.

But not just the upper middle class benefits from this. All Americans benefit from this in their own way. In the reduction in the capital gains rate, one out of five people that take advantage and benefit from the capital gains rate has an income below $50,000. Fifty-eight percent of the people that have a benefit from that have an income below $100,000.

The capital gains, I know these people, as other Members do. The janitor at school who has figured out how his renters help him pay for two rental houses, and every time the pipes freeze, he is crawling under that rental house. It has depreciated down to where the value for tax purposes may not be very high, but it is everything that man or woman had been able to accumulate, and that person benefits greatly from this 15 percent rate. Why raise that rate back? Why send a signal that that rate is going to go back?

The dividend tax, six times as many companies are paying dividends to people that own the company today as were paying dividends in just 2003 when we made that change. And the numbers are about the same. For the dividend rates, one out of four people that benefit from that tax make under $50,000. Fifty-nine percent of the people that benefit from that tax make under $100,000. Those are the same people that on this floor yesterday we talked about how important it was they not be negatively affected by the alternative minimum tax. I agree with that. So did everybody but four people on the floor of the House that voted yesterday.

I agree that we ought to continue these tax policies that are working for America. That means we need to reject the substitute, even a substitute from my good friend (Mr. RANGEL), and move to the underlying bill and keep this economy growing.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

I have all the respect for the majority leader, and it is true that he knows some of these people that have gone from upper middle income to become higher-income people, and there are other people in this country that have seen middle-income people slip into the rolls of poverty. So in order to have a more well-balanced bill, we concentrated on the middle class by putting the alternative minimum tax into this bill to make certain that when it gets to the body, it is protected and we do not have to depend on just one of those people over there rejecting it for this higher tax cut, which, of course, does not adversely affect anybody, as the majority leader said, until 2009.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. BECERRA), a hardworking member of the Ways and Means Committee.

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I urge the Members of this body to support the Rangel substitute.

If we recall the words of a famous President this country had, a man of heroic proportions, Harry Truman, he said, "The buck stops here." And, unfortunately, we are forgetting the words of Harry Truman because today it seems like the mantra of the leadership in this House of Representatives is the buck stops with your children or perhaps your grandchildren, because we are in a portion of our Nation's history where we have run up national deficits bigger than we have ever seen in our life. We run up deficits in 1 year that it would have taken 200 years of Presidents to run up in the history of this Nation.

Mr. Speaker, in a time of disasters, Rita, Katrina, on and on; in a time of massive deficits; and in a time of war, it is irresponsible to run up the Nation's debt. It is irresponsible to then give money to run up this debt and give it to the wealthiest Americans in this Nation. Mr. Speaker, it is irresponsible to put debt on top of massive debt when we know at the end of the horizon there is still more debt that will come in the years to come: $27,000 is what each and every man, woman, and child in this country owes as a result of our Nation's debt.

It is irresponsible, Mr. Speaker, to take Social Security surplus money, which the President said back in 2001 he could protect and never touch as he moved forward with these tax cuts. It is irresponsible, Mr. Speaker, to take those Social Security surpluses and then contribute them to the wealthiest Americans. In essence, we are gifting the Social Security surplus moneys contributed by working Americans; we are gifting that to the wealthiest Americans in this country through these tax cuts.

Mr. Speaker, it is irresponsible to move forward with these tax cuts at the same time that we are telling American families, mostly middle class that rely on student loans so they can send their young men and women to college, their young daughters and sons are going to have to pay $5,000 more a year in their student loans so we can take care of the 1 percent wealthiest Americans in this Nation in these bills. It is irresponsible, Mr. Speaker, to move forward in that way.

It is irresponsible then to further say we still need to make more cuts and we need to go into the foster care program and take $600 million out of the foster care program which helps us take a child out of an abusive home and move that child into a safe setting. It is irresponsible to take $5 billion out of a child support system that says to deadbeat dads that we are going to take money from them, we need to enforce that, to take $5 billion, make it into cuts, and therefore make it more impossible for us to get those deadbeat dads to help the mothers who are taking care of their sons and daughters in this country. It is irresponsible.

Mr. Speaker, it is responsible when we have a Democratic substitute, as Mr. RANGEL has, that says we are going to cut taxes, but in a targeted way, for the middle class, in a responsible way by making sure we pay for it so we do not increase the size of the deficit. And that is what should pass, Mr. Speaker.

President Truman was right. The buck stops here. Let us do it today for ourselves. Let us not leave the debt to our children.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. CANTOR), distinguished member of the Ways and Means Committee.

Mr. CANTOR. Mr. Speaker, I rise in opposition to the substitute and in favor of the underlying bill.

I want to talk about some of the allegations that have been brought up in this debate. One is the fact that perhaps by continuing the tax policies or extending the reduction in tax rate, especially in the area of tax dividends and capital gains tax, that somehow we are aggravating the deficit. I think that the evidence is pretty conclusive that we have seen a tremendous stimulus and tremendous growth in revenues because of this tax policy.

If I could quote the Chairman of the Federal Reserve Board, back in June of this year he said: "I do think that there are parts of the existing recent tax changes, especially with respect to eliminating part of the double taxation of dividends, which I think enhances economic growth, enhances the tax base and, therefore, tax revenues, and that it is good economic policy."

The second point that I think is being made in favor of the substitute and opposing the underlying bill is saying that the extension of the reduction in tax rates on cap gains and dividends somehow is a tax cut for the rich. I could not disagree more. And, in fact, our own Joint Committee on Taxation, on the AMT extension's impact, compares the two, the one that we acted on yesterday and the one today. The AMT extension impacts 14 million taxpayers; 62 million taxpayers benefit from reduced rates on cap gains and dividends. And per the most recent IRS data, 96 percent of taxpayers hit by the AMT in 2003 had adjusted gross incomes in excess of $100,000. So it is clear.

Furthermore, the Joint Economic Committee says that 60 percent of those paying capital gains taxes earn less than $50,000 annually; 85 percent earn less than $100,000 annually.

This is about jobs. This is about creating jobs for America's families, and I urge rejection of the substitute and passage of the underlying bill.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio (Mrs. JONES), a distinguished member of the Ways and Means Committee.

Mrs. JONES of Ohio. Mr. Speaker, I would like to compliment my chairman, Mr. CHARLES RANGEL, for his leadership on this issue.

I am glad to be on the Ways and Means Committee and glad to have the opportunity to talk about some of these taxing issues.

It just amazes me that the majority can stand here and have the gall to tell veterans that they are going to treat them better, to tell the people of America that they are better at solving problems than the government and so we are going to give them two cents back to pay for a $100 bill; to have the gall to say that we are not going to create bigger government and then they created the biggest institution ever, the Homeland Security Department; and that has not taken care of poor people across this country, particularly the victims of Katrina and Rita as it goes on.

But can you imagine they will not tell the American people the truth. They will not tell them that last week we reduced programs so that this week we could extend taxes that do not even need to be extended. Can you contemplate that the extension of the capital gains dividends is going to cost us $50.7 billion over the next 10 years.

Now, work with me for a moment. If you work with me, you could understand that with that $50.7 billion, 12,571,089 people could have health care coverage; 959,230 elementary school teachers could be paid; 7,331,106 Head Start places for children who need a head start could go back to school; 32,565,528 children could receive health care; and, more importantly, we could build 6,514 new elementary schools in these United States.

But, instead, we are going to extend taxes beyond this year when we are still at war in Iraq and we are spending billions of dollars a day to give the Iraqi children what we will not even give our children right here at home.

My math works better than that. See, I know one plus one equals two. I understand that it is these United States that is supposed to be taking care of our babies and giving them a chance to go to school and giving them a chance to go to college. And for them to have the gall to say that a janitor sitting on a stool is going to save some money or get some money on capital gains, give me a break.

You know it is not the janitor sitting on the stool; you know it is the man who owns the janitorial company.

Mr. CAMP of Michigan. Mr. Speaker, and the $40 billion in taxes in the Democrat substitute certainly will not give many Americans a break.

Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. REYNOLDS), a distinguished member of the Ways and Means Committee.

Mr. REYNOLDS. Mr. Speaker, I thank the gentleman from Michigan for yielding me this time.

Mr. Speaker, I rise today in strong support of H.R. 4297, the Tax Relief Extension Reconciliation Act of 2005, and in opposition to the Democrat substitute.

Mr. Speaker, the Ways and Means bill before us today addresses a number of important priorities that are broadly supported by Members on both sides of the aisle. These include tax savings for higher education expenses, small business tax relief, tax incentives for research and development by U.S. companies that create good jobs. The bill also includes an extension of the lower rates for capital gains and dividends, an important priority for the ever-growing investor class that will keep our economy strong and our domestic job base growing.

Mr. Speaker, as a lead sponsor of the Stealth Tax Relief Act of 2005, the legislation designed to prevent massive increases in the alternative minimum tax, or AMT, from sneaking up on millions of unsuspecting taxpayers next year, I want to take just a moment to comment on the Democrat substitute. Just 24 hours ago, the House passed my bill by an overwhelming bipartisan vote of 414–4. Together we sent a strong, unmistakable signal to our colleagues across the Capitol that extending the temporary AMT relief that is scheduled to expire in just a matter of weeks is an important priority that must be addressed.

□ 1330

But what does today's Democratic substitute do? Yes, it provides relief from AMT. To pay for it, the Democratic substitute increases taxes on families and on small businesses that create so many jobs in our community.

Mr. Speaker, just yesterday all but four Members of the Democratic Party supported AMT relief in the House for our hardworking middle class without increasing taxes. But today, just 24 hours later, our friends on the other side of the aisle are back singing a familiar tax-raising tune, one that always leaves families with less money in their wallets on April 15, and small businesses with less money on their balance sheets. The Democratic substitute should be defeated.

Mr. Speaker, earlier in this debate, a colleague on the other side of the aisle claimed that the Republican majority has done little to fight the AMT since winning the House in 1994. To the contrary, Our Republican majority has repeatedly provided temporary AMT relief since we took control, an effort which we continued yesterday with the passage of the Stealth Tax Relief Act.

I would further remind my friends on the other side of the aisle that in 1999 the Republican Congress sent a bill to the President's desk that would have repealed the AMT entirely. Unfortunately, no Democrats in the House supported that bill, and President Clinton vetoed it.

Finally, I would remind Members that in 1993, as an era of the Democratic control was coming to an end, one of the last things that our friends on the other side of the aisle did was to provide a retroactive increase for the AMT without indexing the exemption levels.

Mr. Speaker, I urge passage of our bill and defeat of the Democratic substitute.

Mr. RANGEL. Mr. Speaker, I agree with my distinguished friend from New York (Mr. REYNOLDS) that the Republicans did send a signal to protect the alternative minimum tax. We want to do a lot more.

Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. McDERMOTT), who can explain the difference between what you want to do and what we want to do in this substitute.

Mr. McDERMOTT. Mr. Speaker, you say one thing for political cover, and then you do another thing for your friends. That is what we are doing here today.

Just last month the Speaker said, "I will tell you that the most mean-spirited thing we can do is leave our children with a debt they cannot pay." That came from the Speaker. That did not come from our side. That is the authority of the majority in this House.

Well, the words were right. But, you know, the Speaker knows, and I know him well, he went to a college where you know about the Bible. And there is a Bible verse that says, by their deeds ye shall know them. And it is the deeds out here that really make the difference.

Now, the difference between what happened yesterday and what is happening in the gentleman from New York's bill is very simply this. Yesterday you sent a signal. You sent a press release. You sent a message out up into the ether knowing, absolutely knowing, it would not pass, because it is not protected in the Senate. You know that. You know how to run this place.

You can confuse the people, but you cannot confuse anybody who knows what is going on in here. The fact is that the gentleman from New York's proposal is one that puts it in law and protects it so that we can do something about the AMT.

Let me say something about the AMT. I bet you most people listening to this do not know what AMT stands for. It stands for alternative minimum tax. It was put in in 1986 because there were people at the top of the scale who were not paying one single penny of tax.

So it was decided in this body that everybody who benefits from the United States of America should pay some taxes for a civil society. The failure to index that tax has allowed it to creep down to people making $75,000 or $100,000; and suddenly, instead of being a few people at the top, it is now 14 or 20 million, depending on how you want to figure. That was never the intent.

From 1994 to the present, you have allowed it to go from covering 200,000 people to 14-plus million people. You want to use that as an excuse for trying to get rid of the tax structure. And we know that it was intended and you know it was intended to tax everybody in this country.

The repeal that you tried to put through here under Clinton was an attempt to let the top off taxes at all. You simply wanted to give them an internal tax holiday if they could figure out how to manipulate the tax structure. The average janitor does not have a way to manipulate the system.

And that is why the gentleman from New York's (Mr. RANGEL) is the only honest way if you want to protect the middle class. I urge your vote for the alternative minimum tax proposal.

Mr. CAMP. Mr. Speaker, the current rate structure of the AMT was created by the Democrats in 1993 with no Republicans supporting the bill.

I yield 2 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, unless we enact H.R. 4297 and defeat the Democratic substitute, Americans will receive a most unwelcome Christmas gift from the Democrats, a huge automatic tax increase. This will cost families billions of dollars and jeopardize millions of their jobs.

Mr. Speaker, let me tell you just about a few of those jobs that could be lost in my east Texas district if the Democrats have their way in raising taxes. Hugh Dublin owns a small business called East Texas Right of Way in my district. He specializes in the leasing of land.

Due to tax relief, his company has grown from two full-time employees to four full-time employees. His two new employees are called Dan and David. They were unemployed. They were out of work. But due to the expansion of this business, they were able to start new careers.

The Democrats now want to raise taxes on Hugh Dublin and his small business. They want to jeopardize Dan and David's paychecks and replace them with welfare checks, and this they call compassion.

Eddie Alexander owns Triple S Electric in Henderson, Texas, an electrical contracting business. Since the passage of our economic growth program with tax relief, he has been able to hire two more full-time employees, Jared and John, both of whom were out of work, but both now provide homes for their families. The Democrats want to raise taxes on Eddie Alexander and his small business.

They want to jeopardize Jared and John's paychecks and replace them with welfare checks, and this they call compassion.

Gil Travers owns Travers & Company, a home building company in Athens, Texas. Due to the housing boom from tax relief, they have had to hire three new workers, Jan, Calvin and Christy. They were all previously unemployed. They have been hired to help clean up all of the job sites from the new homes.

But the Democrats now want to raise taxes on Gil Travers and his small business. They want to jeopardize Jan's, Calvin's, and Christy's paychecks and replace them with welfare checks, and this they call compassion.

Mr. Speaker, tax relief has credited 4.4 million new tax-paying jobs with a future: 4.4 million hardworking Americans can now provide for their families this Christmas. And more than just providing food and shelter, these jobs are providing new-found hope and opportunity. We cannot go back. We must prevent this Democratic tax increase.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, over the last few days we have seen a flurry of tax cuts on the House floor: three yesterday, another one, a big one, today. And over the last 6 months, four other bills have been enacted that have tax cuts and concessions built into them, for example, the Energy Policy Act.

By breaking all of those tax cuts into small pieces and by burying them in other bills, not tax bills, the audit trail very quickly becomes hard to follow. It is hard to see the forest for the trees. Hard to see in the aggregate how all of these different tax cuts add up.

So let us look at the revenue scorecard over the last 6 months, bearing in mind that every delay of revenues cut is a dollar added to the deficit. First of all, the highway bill: $500 million. The Energy Policy Act: $6.9 billion over 5 years. The Katrina Emergency Tax Relief Act: $6.1 billion over 5 years. The Stealth Tax Relief Act, the 1-year extension, or patch, to the AMT adopted yesterday: $31.2 billion. Today's bill: $56.1 billion. The bill we adopted yesterday, a miscellany of small tax cuts, but it adds up to $153 million. And finally the Gulf Opportunity Zone Tax Act which was passed yesterday: $7.1 billion.

The total amount of all of these tax cuts comes to $108 billion. So if you pass this bill today, the total impact that you will have taken with today's vote and recent votes comes to 108.

But wait, it is not over yet. Because there is a provision in this bill, a provision in our substitute, a provision in yesterday's bill that indicates something has got to be done about the alternative minimum tax. We are going to have to fix the alternative minimum tax. If you fix it for 5 years, not 1, the aggregate effect of this fix, of all of the other tax cuts along with it, comes to $301 billion over 5 years.

That is the sum total that these tax cuts will add to the deficit, $301 billion if you fix the AMT next year and the following years the same way we are fixing it this year. So the net effect on the deficit is $301 billion in all political reality.

So every Member here who is in earnest about the deficit should be on notice. You have a choice: you can vote for the underlying bill and add $301 billion to the deficit over the next 5 years, or you can vote for this bill and provide middle-income tax relief and not add a dime to the deficit.

Here, in effect, is what your choice is. We stand at a crossroads today that

CBO has depicted as follows on this particular chart. You can take this path here with $319 billion, or you can take this path here, and by 2015, we can be nearly out of deficit.

On the other hand, you can take the path that this bill would take, and you will be $640 billion in deficit in 10 years. The Democratic substitute is morally and fiscally far and away the better choice, particularly if you want to balance the budget and eradicate the deficit.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I rise to support the underlying bill and to oppose the substitute. And this is the reason why: my state, Tennessee, has seen more than $250 million in taxpayer savings a year from the sales tax deduction we passed in 2004.

The Tax Relief Extension Act that we are passing today will extend that. There is no excuse not to support this matter of tax fairness for States like mine. It is great for our economy; it is great for Tennessee's Main Streets. And those hundreds of millions of dollars are being pumped back into those local economies.

My State should not be penalized for choosing an alternative tax system. It is a better tax system. We want to keep it. I know many of my friends who are Blue Dogs supported the tax cut, and I hope that they are going to join us today and vote for the majority's bill. Tennesseeans are watching this vote.

Mr. Speaker, I do not know how many different ways we are going to have to talk about this economy and the fact that it is booming, jobs creation, home sales up, productivity soaring; but some never let facts get in the way of their political agenda.

If you read the New York Times, the Washington Post, or listen to many of my colleagues, you believe that our economy is dismal and we have not created a single solitary new job. One important thing the Federal Reserve noted: since we passed these tax relief measures in 2003, American households have increased their nest eggs, their retirement security, their savings by $10.5 trillion, $10.5 trillion net worth development by American households.

Finally, Mr. Speaker, this bill before us today, this bill has a provision that helps our Nation's songwriters. As chairman of the Congressional Songwriters Caucus, we worked to correct an inequity in the Tax Code that penalizes them when they sell their life's work. The bill solves that.

I thank my friend from Kentucky (Mr. LEWIS) and Chairman THOMAS for their work on this issue.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER).

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Mr. HOYER. Mr. Speaker, here we are just 2 weeks after House Republicans claimed that they were restoring fiscal discipline to the federal budget considering a tax bill that will make our deficits worse and drive our Nation even further into debt.

In 5 short years, the Republican party's failed economic policies have instigated $1.57 trillion in budget deficits and added $3 trillion to the national debt. By the way, during the last 4 years of the Clinton administration, we added not a nickel to the national debt and all 4 years we had a surplus.

Even Alan Greenspan, the chairman of the Federal Reserve, is sounding the alarm. He recently said, "We should not be cutting taxes by borrowing." That is what we are doing. But with this bill Republicans are doing precisely that.

Now the Republican response will be as predictable as it is wrong. They will claim that tax cuts pay for themselves, but at long last can we dispense with this supply-side snake oil. Last month the incoming chairman of the Federal Reserve told the Senate, "I think it's unusual for a tax cut to completely offset the revenue loss."

That is President Bush's appointee to the Federal Reserve. And the Comptroller General of the United States, David Walker, recently stated, "Anybody who says you're going to grow your way out of this problem, (deficits and debt) would probably not pass math."

Even the President's Council of Economic Advisers admitted in 2003, "Although the economy grows in response to tax reductions, it is unlikely to grow so much that lost tax revenue is completely recovered by the higher economic activity."

That is why we have $1.75 trillion in additional deficits in 5 years and $3 trillion of additional debt.

So my Republican friends can stop pretending that the tax cuts in this bill will somehow magically pay for themselves. You are suggesting cuts twice as large as you were prepared to cut in spending. They will not.

Finally, let me say that this tax bill perfectly illustrates the Republican party's misguided priorities. Its centerpiece is the capital gains and dividend cuts from 2008 to 2010. Who do you think benefits from that? Certainly not those making less than $50,000 a year. They will receive 3 percent of the capital gains tax cut. The fact is 80 percent of the capital gains tax cuts go to those with incomes more than $200,000; and more than 50 percent goes to those with incomes over $1 million.

Meanwhile, this majority has refused to address the alternative minimum tax within this bill, thereby exposing nearly one-third of taxpayers making between $75,000 and $100,000 to higher taxes next year.

I urge my colleagues: Vote for fairness.

Vote for fiscal sanity.

Vote for the Democratic alternative.

Mr. CAMP. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. HULSHOF), a distinguished member of the Ways and Means Committee.

Mr. HULSHOF. Mr. Speaker, I thank the gentleman for yielding me time.

Mark Twain is probably the most famous constituent from my district and I think it was his quote that said, "There are lies, there are damn lies, and there are statistics."

I would say probably folks that are back in my district are home from school today because we had snow. Maybe people are taking a break from Christmas shopping and tuning into the debate, and I suspect folks are a little perplexed and a little confused. I do not know what the middle class is in Los Angeles or Cleveland or New York City or Baltimore or Seattle; but I think that at least in my congressional district, if a family is making about $50,000 a year, they probably think themselves to be middle class.

The Democratic substitute for that sector of folks making $50,000 or less, the Democratic substitute helps less than 200,000 taxpayers. Less than 200,000 taxpayers are helped by the Democratic substitute that are trying to sit around the kitchen table and pay their bills, wondering how they are going to pay for Christmas presents for their kids.

If we extend the capital gains and dividend tax rate, almost 8 million American taxpayers making $50,000 or less, the underlying bill, nearly 8 million taxpayers will be benefited, and I think the choice is clear.

Now, let me say to my friend, and he is my friend from Maryland, he talked about failed economic policies. Well, over the last 2 years, since capital gains and dividends reductions were put into law, we have averaged a 4 percent growth to our GDP. 4,400,000 jobs have been added to our economy. Homeownership is up at an all-time high. Government revenues have increased 10 percent a year since the reduction in the cost of capital.

The gentleman from Maryland talks about priorities. Earlier we heard from the chairman of the Democratic Congressional Campaign Committee, and in his usual acerbic way, brought up the specter of politics. The chairman of the DCCC talked about politics with his usual acerbic, and yet what I find interesting as we get close to the conclusion of this debate, there has been a very concerted effort by my friend from Maryland to reach out to the business community in an effort to make some political gains in the 2006 election.

After the CAFTA vote, when only 11 of our colleagues on the other side voted for increasing our opportunities for trade. There has been somewhat of a, reported at least, concerted effort to reach out to the business community.

This will be an interesting vote because we have with the Democratic substitute a tax increase of $40 billion on businesses. And the underlying bill which, in fact, continues to reduce the cost of capital, so are we going to deny enhanced expensing for farmers and manufacturers? Are we going to tell those laborers and manufacturing companies not to purchase, not to invest, not to expand their plants. That is the choice. And for those again that at least talk to the business community, I think the choice is clear. Reject the substitute and vote for the underlying bill.

Mr. RANGEL. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, because the Republican tax bill raises the deficit $3 trillion and because of the valuable aspect of the substitute deductions for State and local retail taxes and other provisions for working Americans, I rise in support of the substitute and oppose the underlying bill.

Mr. Speaker, we have before us a very important piece of legislation, H.R. 4297, the Tax Reconciliation Act. It is very important to understand this piece of legislation within the big picture the republicans are painting here. Just last month, the Republicans passed a bill called "The Deficit Reduction Act." This was a spending cut bill that slashed funding to many vital programs my constituents depend on, including to Medicaid, student loans, food stamps, and child support programs. The Republicans lectured us on the need to make sacrifices to control the national debt. By passing the spending cut bill, the Republicans actually asked the poor, the downtrodden, the disabled and the young to sacrifice on behalf of the rest of the country.

Now we are faced with the Tax Reconciliation Act, which will actually add $86 billion dollars to the deficit over the next 5 years. This proposed tax cut will not help the poor and middle class, either. An estimated 40 percent of the tax cuts will go to families with incomes of $1 million or more, and 84 percent of the major tax cuts in this bill will go to the richest 20 percent of families.

In fact, under this bill, over 17 million middle class Americans will face a tax increase next year from the Alternative Minimum Tax (the AMT)! An important aspect of this bill is the House's failure to adequately address the AMT. The Alternative Minimum Tax was enacted over 35 years ago enacted to ensure that the richest Americans would pay their fair share of income tax. Unfortunately, when the AMT was enacted, Congress neglected to index the tax rates to inflation. The AMT has now begun to add extra burden to middle class taxpayers at an alarming rate. The senate bill provides $30 billion for AMT relief to the middle class, while the House republican leadership could only find $2.8 billion for this cause.

Republicans couldn't find the money to adequately pay for AMT relief for the middle class. They can't find any money for tax relief for those affected by hurricane Katrina in the gulf coast. Last month, Republicans couldn't find the money to spare the elderly from Medicaid cuts, to spare the students from loan increases, or spare our children from child care cuts. They couldn't find the money because they are choosing to extend the dividend and capital gains tax cuts for the richest in our country. They also choose to pass the burden of paying for these tax cuts on to our children in the form of a huge deficit.

This is not how we take care of our own in Texas, and this is not how we do things in the United States. The Republicans are launching an unabashed attack on the American way by ignoring the neediest in our country to give tax cuts to the richest.

The Democrats have instead offered an amendment in the form of the substitute that is much more fiscally responsible and equitable. The Democratic Substitute extends for one year all temporary tax provisions that expire at the end of this year, similar to the majority's bill. The major difference, however is that the Democratic substitute addresses the problem of the AMT by eliminating all liabilities for middle class individuals. This will reduce the number of individuals that pay the AMT next year by 16 million people, to just over 3 million people. This provision would cost about $45 billion dollars, but would be fully offset by rolling back a portion of the tax cuts that would otherwise go to those with annual incomes of over $1 million for joint returns and $500,000 for other returns. The Democratic substitute, unlike the Republican option, is a fiscally responsible bill that goes to help those who really need it instead of the very rich.

Mr. Speaker, the decision to vote up or down on this legislation isn't a blurry line involving political ideology; it isn't a debate of Republican vs. Democratic philosophy. The priorities in the republican bill are misguided. Congress should not be providing additional tax breaks for the rich less than a month after huge spending cuts aimed at the most vulnerable. In the end, this tax bill will either exacerbate our already large Federal deficits, or will force even deeper cuts in critically important domestic programs. I am strongly opposed to this legislation, and I implore my colleagues on both sides of the aisle to vote against these unreasonable cuts and instead consider the revenue neutral Democratic alternative.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. FOSSELLA).

Mr. FOSSELLA. Mr. Speaker, I thank the gentleman for yielding me time. I rise to support the underlying bill and to oppose the Democratic substitute.

The numbers three, four, and five come to mind. Three is basically a reflection of what our inflation rate is at; four for the percentage of which our economy is growing on an annual basis; and five for unemployment rate that exists in this country with historic lows.

One way we can ensure that that number five comes even lower and that number four goes even higher is to support the underlying legislation. Why? Because it is proven to work. When you reduce the taxes and the penalties on the accumulation of capital, what we see is an economy that grows. So whether you are a small business owner in Staten Island or a small business owner in San Francisco, you are able to put more people to work and we watch our economy grow and grow and grow.

My concern with the Democratic substitute is multi-fold. One is if you are sitting at home, for example, and you are waiting for your retirement, and in several years when your nest egg is about a half a million dollars, which is not that much money anymore for some folks I know living across the country, if the Democratic substitute prevails, you are looking at basically sending another check for $25,000 to the Federal Government. That is if you support the substitute.

In addition, if you happen to be receiving dividends, and I know many people across the country in so-called investor class receive dividends on a regular basis, if the Democratic substitute prevails, you will be paying upwards of 20 percent more in taxes to the Federal Government. Not to mention the fact that the AMT, which penalizes upwards of 80 percent of the people I know who filed in Staten Island and Brooklyn, are getting punished by the AMT, the Democratic substitute does not adequately address what the House passed yesterday.

In conclusion, if we are for a pro-growth economy, if we are for bringing the unemployment rate down even further, if we are watching for our economy to grow even greater, if we are basically placing our faith in the American people and the entrepreneurs and the small business owners across country, let us not punish them with higher capital gains rates and dividend rates.

Mr. RANGEL. Mr. Speaker, I reserve the balance of my time.

Mr. CAMP. Mr. Speaker, I yield 4 minutes to the gentleman from Louisiana (Mr. MCCRERY), distinguished member of the Ways and Means Committee.

Mr. MCCRERY. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, it is a curious application of tax benefits that have been left out of the minority substitute. Let me just go over a few of those because I think you will agree with me that it is curious which ones are left out.

The savers credit for low income families. My friends on the other side of the aisle continually stand up for low income families and to their credit, why on earth would they leave out a strong incentive for low income families to save? They do. They leave out the savers credit. And that goes only to lower income families in this country. Generally, those on the other side of the aisle harp about the—I will not say evils, but the excess profits, some of the bad things that big business does in this country, and yet they leave out the tax benefit for small businesses in this country, something known as section 179, expensing to help small businesspeople cope with the costs of keeping their businesses up to date, modernizing their businesses so that they can compete, so they can compete in the market place, sometimes with those big bad businesses. They leave that out.

Tax benefits for cleaning up brownfield sites. Brownfield sites are dirty sites, polluted sites where business has gone away. There is pollution there. They are usually the champions of the environment, cleaning up the environment. But they leave out that tax benefit to encourage cleaning up these dirty polluted sites. Very curious.

Now, certainly there are a couple that they leave out that I can understand. They leave out an extension of the active finance section of subpart F. That is a lot of big words. What that means is this particular tax provisional allows companies in this country who conduct financial operations to compete on a level playing field with their competitors overseas. That is what this does that they leave out of their bill. It allows American companies to compete effectively with companies overseas. They leave that out. But then they, as I said, they do not particularly like big business.

The one that gave them the most glee, of course, by leaving it out was capital gains and dividends. You have heard all the rhetoric, and I am sure you are confused about who benefits from these. The Joint Tax Committee, the committee that is vested with crunching the numbers in this Congress, has produced these statistics: For the capital gains tax, one in five Americans who claims capital gains on his tax return has income below $50,000. Fifty-eight percent of those who claim capital gains on their tax return have incomes below $100,000. Somewhat different from the statistics you have heard from the other side.

Dividends are even better. One in four, 25 percent of Americans who have dividend income have incomes below $50,000; 59 percent have incomes below $100,000.

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Nearly 60 percent of Americans who claim either capital gains or dividend income have incomes of $100,000 or less. That is basically middle class.

Another thing that the minority sometimes likes to do, I think, is tax. They like taxes, and they want to increase taxes; and when they can double tax, boy, that is a real joy. That is what dividends do. That income has already been taxed once at the corporate level. They want to tax it again at the individual level as high a rate as possible.

So those are the things they leave out of this bill, Mr. Speaker; and I hope we will reject the substitute.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BRADY), a distinguished member of the Ways and Means Committee.

Mr. BRADY of Texas. Mr. Speaker, it is, I think, a terrible mistake to leave out tax relief for dividends. These are the usually small amounts of money that go to people, many seniors, who have invested in a company; and these are the dividends that help ease their retirement.

Back a few years ago, we saw a number of Wall Street companies go under, the Enrons, the WorldComs, all those dot-com technology companies. They had big stock prices. They had great pieces of paper saying they were wonderful companies, but the fact of the matter is they were built on thin air. What we did under this legislation is we said to the companies, prove that you have a solid profit-and-loss statement, you have real assets, show us the money; pay it out in dividends, we will lower the cost, lower the taxes on those dividends.

Since we created this tax legislation, now Fortune 500 companies, one out of four that did not provide dividends in the past, are now providing real money to real people who have invested in them. In other words, we have changed the culture from what is good this quarter and what is good for my stock price to what is the best long term, real growth, solid businesses in America. We have changed the culture of Wall Street because of this dividend tax relief.

It is very important we not go back to the bad old days of high stock prices but built on thin air. We need businesses that are in it for the long term, that pay cash to real people, that when my mom or your mom or some other senior invests they know they are going to get a chance for a solid dividend that they can actually keep because they invested. This dividend relief, Mr. Speaker, is vitally important.

I oppose the Democrat substitute. I support keeping in dividend relief, both for our seniors and our investors, and to keep Wall Street honest.

Mr. CAMP. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. SHAW), a distinguished member of the Ways and Means Committee, chairman of the Trade Subcommittee.

Mr. SHAW. Mr. Speaker, I thank the gentleman for yielding me this time.

Very briefly, since the tax rate on capital gains and dividends was reduced in May of 2003, the economy has grown at an average rate of 4.1 percent; 4.4 million new jobs have been created; government tax receipts have increased 10 percent annually.

Now we are coming to a situation in 2008 where the capital gains rate is going to go up to 20 percent; dividends go back to ordinary income.

What effect is this going to have on the economy to all of the sudden have that increase that we are looking at? The question has been, and I think it has been raised, as to what is the hurry, why do it. We want them to be able to have a tax rate that people can count on, one that people can look into the future as far as they could. I would like to extend it even further than that, but under reconciliation we are limited to the budget window.

I think this is a good bill. I ask all the Members to reject the substitute and support the base bill.

Mr. RANGEL. Mr. Speaker, it is my distinct honor to yield the remaining time to the gentlewoman from California (Ms. PELOSI) to close on our side, who represents the minority at this historic time.

Ms. PELOSI. Mr. Speaker, I thank the distinguished gentleman from New York, our ranking member on the Ways and Means Committee, for yielding me the time. I thank you and our colleagues on the committee on the Democratic side for the excellent work you did in putting forth the Democratic alternative today. You have made an excellent case for your substitute and indictment against what the Republicans are doing.

Let us talk about what is happening here today. A few weeks ago, right before Thanksgiving, there was a bill on the floor which was the Republican budget bill. So bad was this bill in terms of it not representing the values of our country that the religious community gathered in the rotunda of the Capitol of the United States, and they prayed that this Congress would make the right decisions and reject the Republican budget proposal.

They asked some questions about why we would be giving tax cuts to the wealthiest people in our country while taking food out of the mouths of America's children. They said they were going to draw a moral line in the sand because a budget should be a statement of our national values, and what we care about in our country should be reflected in that budget.

Today, we are talking about a tax bill which is hand-in-glove part of the reconciliation that the Republicans are putting forth. So embarrassed were they by their own budget and so embarrassed were they by this tax bill that they had to have 3 weeks come between the two of them so that the American people would separate the cause and effect of what they were doing with their budget bill that was poor in its values, poor in its priorities and increasing our deficit because of this tax bill today.

Yesterday, they engaged in another sham, which was to pretend that they were giving alternative minimum tax relief for middle-class families in America. If they cared about middle-class families in America, they would have put that in this bill today which has the full protection as it goes over to the Senate. They know that that bill they passed yesterday has no weight in the Senate. It does not have the protection of the parliamentary process on the Senate side, and the same applies to what they did to try to give the illusion that they were helping our men and women in combat so that they would qualify for the low-income tax credit. If they cared about them, they would have them in the bill today.

This budget, as I said, should be a statement of our national values: and while we talk about that, let us talk about what those values are.

America has always cherished the value of opportunity, and one place where that is possible for more Americans is in the issue of education. Taking these two bills together, we are giving tax cuts to the wealthiest people in America while we are putting a burden on our young people by saying that they will pay $5,800 more in their student loans so that we can give tax cuts to people making over $1 million a year. That is not a statement of our national values. That takes from our children their opportunity when we should be expanding it.

Fairness. Fairness has always been a cherished American value. Fairness. We see that during the last 5 years, these 5 years of the Bush administration, 7 million more people in our country go to sleep hungry, without adequate food, because they cannot afford to buy food. Seven million more people, an increase of 12 percent, and what does this combination of reconciliation in order to give tax cuts to people making over $1 million a year, that cuts food stamps and takes many tens of thousand of children off the school lunch program do? As the religious community said, how can we as a country give tax cuts to the wealthiest and take food out of the mouths of our children? That is not about fairness. Fairness is an American value.

Community. America has always been about community. Alexis de Tocqueville said it about the origins of our country, and community means safe neighborhoods, the safety of our people, homeland security and the rest. We are not putting adequate resources to COPS on the Beat or anything else in order for us to give these tax cuts at the high end. That is not about community. That is totally unfair, and it is diminishing opportunity.

Let us take the value of responsibility, personal responsibility, fiscal responsibility, which should be the order of the day in this conversation here. The combination of their tax bill and their budget bill in reconciliation, which I do not blame them for separating by 3 weeks because it is a total embarrassment with that, they are increasing the deficit. They are increasing the deficit by $20 billion in order to give tax cuts to the wealthiest Americans. They are putting the burden of debt on America's children, individual debt with their student loans and fiscal debt in terms of our national debt and what our kids will be burdened with.

It is just totally irresponsible and at the same time increases the deficit. Democrats support pay-as-you-go. No deficit spending. If something is important to you, figure out how to pay for it, but do not make my children and grandchildren have to pay for it or anybody's children and grandchildren have to pay for it.

Every opportunity I get I want to sing the praises of the Clinton administration. Coming out of that administration we were on a trajectory of 5.6 trillion with a TR. dollars in surplus. In the years of the Bush administration, that has been almost fully reversed, over $4 trillion in deficit, a swing of around $10 trillion, an incredible burden on the future, a tax on our children's future.

And this is the party of fiscal responsibility? Republicans have completely abdicated that. The Democrats are the party of fiscal responsibility. We showed we can do it then. We can do it again. We should not today be catering to this appetite for deficits that the Republicans cannot seem to get over. It is just absolutely immoral, immoral for us to heap those deficits on our children.

I want to commend my colleagues on the Democratic side for what they have done and put into their proposal. The House Democrats are committed to an America that works for everyone, not just the privileged few.

Our Democratic substitute reflects the values of community by shielding the middle-class Americans from the alternative minimum tax in a bill that really counts, not in some suspension of yesterday that has no weight in the conference with the Senate; and it provides tax relief, the Democratic alternative does, for our soldiers in combat in the bill. That really matters as well.

The Democratic substitute demonstrates fairness by not adding to the deficit; and it creates opportunities, spurring economic growth, generating jobs and supporting our small businesses.

Our Democratic members on the committee have eloquently made an indictment against this budget which is immoral because of the $70 billion in tax cuts, mostly for America's wealthiest. The Republican budget decimates the very initiatives that middle-class Americans rely upon to get ahead. The poor suffer, the rich benefit, the middle class is paying the bill.

The number of people without health insurance has increased 4 years in a row. People are hungry, a 12 percent increase. The number of people who do not have health insurance has grown. They are cutting $45 billion in Medicaid, a health insurance program that is mostly for America's poor children, many of them Katrina survivors.

Alexis de Tocqueville talked about community in America. He wrote back to the French: "America is great because America is good. If America ever ceases to be good," he concluded, "America will cease to be great."

This is a moment that no one in this body wants to hasten. We all want America to be great and America to be good. Together, we can do better by returning to our fundamental values to maintain America's goodness by rejecting this immoral tax bill.

Mr. CAMP. Mr. Speaker, I yield myself 2 minutes.

Actually, in a few minutes we will have a vote on two tax bills, and we have heard a lot of debate this afternoon about the two approaches the bill takes, and I certainly appreciate my friends on the other side for recognizing the need for tax relief.

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In fact, in many important ways these bills are very similar. Twenty-two provisions in our underlying bill were taken by my friends on the other side and put into their bill. I guess imitation is the sincerest form of flattery.

For example, the income tax deduction for State and local taxes; the research and development tax credit, so important to our high-tech and manufacturing sectors of our economy; the above-the-line deduction for higher education expenses; and the bonds for school modernization equipment and teacher training; as well as the enhanced charitable deduction for computer donations to schools. These are provisions that we have that are the same.

What the Democrat substitute does not include is the extension of a saver's credit for low-income families; the expensing for small businesses so small entrepreneurs can grow their companies, buy the equipment, increase their businesses and hire more people; cleaning up brownfields sites so we can continue economic development in so many small towns and communities in our Nation; as well as helping our domestic manufacturers finance those large equipment sales overseas so we can export more.

Also capital gains and dividends. We have heard a great deal about that this afternoon. That tax provision, that benefit, has helped 24 million American families in this country. Twenty-five percent of those families have incomes under $50,000 a year. Are those the rich we hear talked about so much on the other side? Fifty-seven percent, almost 60 percent of the families have incomes under $100,000 a year. Are those the very rich our friends on the other side are so worried about us assisting?

What is irresponsible is the part of the Democrat substitute which raises taxes. Forty billion dollars in tax increases. And 80 percent of those taxes, that tax burden, would fall on small entrepreneurial businesses. I urge a vote against the substitute and in favor of the underlying bill.

Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. THOMAS), the distinguished chairman of the Ways and Means Committee.

Mr. THOMAS. Mr. Speaker, actually, I do not need 12 minutes, I only need 10 seconds. This bill is a——

Mr. RANGEL. Parliamentary inquiry.

The SPEAKER pro tempore (Mr. BASS). Does the gentleman from California yield for a parliamentary inquiry?

Mr. THOMAS. No.

Mr. RANGEL. Does the gentleman from California? A parliamentary inquiry is no longer the Speaker's responsibility?

Mr. THOMAS. Mr. Speaker, who has the time?

The SPEAKER pro tempore. The gentleman from California is recognized.

Mr. RANGEL. Well, I just wanted to know how many closing speakers they had.

The SPEAKER pro tempore. The gentleman from California has the time.

Mr. THOMAS. Mr. Speaker, it is obvious the gentleman from New York wants to make sure you do not hear this.

As I said, you do not need 12 minutes to say this: If you vote "yes" for the Democrat substitute, you are increasing taxes over 5 years by $40 billion.

That is the single largest tax increase since they were in the majority in 1993.

Mr. CAMP. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 588, the previous question is ordered on the bill, as amended, and on the amendment by the gentleman from New York (Mr. RANGEL).

The question is on the amendment offered by the gentleman from New York (Mr. RANGEL).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. RANGEL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 192, nays 239, not voting 2, as follows:

[Roll No. 619]

YEAS—192

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NAYS—239

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Costello
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—2

Brown-Waite, Ginny
Hastings (WA)

□ 1442

Messrs. SAXTON, SOUDER, MURPHY, RYUN of Kansas, GILLMOR, OBERSTAR, VISCLOSKY and Mrs. NORTHUP changed their vote from "yea" to "nay."

Messrs. OLVER, JEFFERSON, HOLDEN, and RAHALL changed their vote from "nay" to "yea."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. BASS). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. RANGEL

Mr. RANGEL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill in its present form?

Mr. RANGEL. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Rangel moves to recommit the bill H.R. 4297 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendments:

Strike section 203 (relating to capital gains and dividends rates) and redesignate succeeding sections accordingly, and strike the item in the table of contents relating to section 203 and redesignate the items relating to succeeding sections accordingly.

Insert after section 117 the following new section (and amend the table of contents accordingly):

SEC. 118. TEMPORARY RELIEF FROM THE ALTERNATIVE MINIMUM TAX.

(a) In General.—Section 55 (relating to alternative minimum tax imposed) is amended by adding at the end the following new subsection:

"(f) Exemption for Individuals for Taxable Years Beginning in 2006.—For any taxable year beginning in 2006, in the case of an individual—

"(1) In general.—The tentative minimum tax of the taxpayer shall be zero if the adjusted gross income of the taxpayer (as determined for purposes of the regular tax) is equal to or less than the threshold amount.

"(2) Phasein of liability above exemption level.—In the case of a taxpayer whose adjusted gross income exceeds the threshold amount but does not exceed $112,500 ($225,000 in the case of a joint return), the tax imposed by subsection (a) shall be the amount which bears the same ratio to such tax (determined without regard to this subsection) as—

"(A) the excess of—

"(i) the adjusted gross income of the taxpayer (as determined for purposes of the regular tax), over

"(ii) the threshold amount, bears to

"(B) $12,500 ($25,000 in the case of a joint return).

"(3) Threshold amount.—For purposes of this paragraph, the term 'threshold amount' means $100,000 ($200,000 in the case of a joint return).

"(4) Estates and trusts.—This subsection shall not apply to any estate or trust.".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2005.

Mr. RANGEL (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. Rangel) is recognized for 5 minutes and a Member in opposition to the motion to recommit will be recognized for 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. RANGEL. Mr. Speaker, I yield 2½ minutes to the gentleman from Massachusetts (Mr. Neal).

Mr. NEAL of Massachusetts. Mr. Speaker, I want to thank the gentleman from New York (Mr. Rangel) for offering this motion to recommit today.

The Rangel motion to recommit is about two things: truth in budgeting and truth in borrowing.

☐ 1445

In almost 14 years now on the Ways and Means Committee, we have spoken of addressing the alternative minimum tax issue. There has been a lot of talk and not a lot of action. And you are going to hear in a couple of seconds, well, yesterday, we took up the Alternative Minimum Tax. What we did yesterday was a procedural maneuver that allowed everybody to cover themselves, but will have very little reality as it addresses alternative minimum tax.

The gentleman from New York's motion to recommit goes right to the heart of the matter. You can, in a few minutes, cast a vote on really doing something about alternative minimum tax.

Now, the next thing we are going to hear today is this: The Democrats were in charge for 40 years and did not address the alternative minimum tax issue. In 1994, a couple of 100,000 people paid alternative minimum tax in America. On January 1, that number kicks up, next year, to 19 million people who will begin to pay alternative minimum tax. Mr. Rangel's proposal addresses this issue, and we pay for it, as I indicated at the outset of my remarks, honestly. The dividends and capital gains proposal does not even expire until the year 2008. And yet, we are doing that instead of doing alternative minimum tax.

Now, this Congress had time, in the last 5 years, to repeal a series of taxes on the American people, all, by the way, for upper income groups. We certainly had plenty of time to repeal the estate tax. We had time to address dividends and capital gains. But we did not have time to address alternative minimum tax other than with Band-Aid approaches. Today, you have a chance to do something. Mr. Rangel's proposal lacks complexity. You can, in the next couple of minutes, choose between fixing AMT or extending dividends and capital gains cuts for the wealthiest among us. And by the way, when we hear the other side say that these cuts to middle income people for dividends and capital gains, the dividend proposal that they have ought to be understood in this light. More than 50 percent, I believe, 53 or 54 percent of their dividend proposal, goes to people who made more than $1 million last year. Alternative minimum tax is a middle class issue across this country and we can do something about it.

Embrace Mr. Rangel's proposal. Give him a positive vote on AMT. But most importantly, give those 19.3 million Americans next year some much needed relief in alternative minimum tax.

Mr. RANGEL. Well, Mr. Speaker, you can take away our right to go to conference, our right to amend bills, but one thing you cannot take away is our right to vote. We have a game called 3 Card Molly in New York. You never know which one is under the shell. So they have an opportunity to say that they want to help the wealthiest Americans, but they like to give a whole lot of talk to those people who, through no fault of their own, except the ineptness and the inability of the Republicans to correct it, they got caught in the alternative minimum tax. Now, they will scream out that they took care of it on the suspension bill. Well, you do not have to be a parliamentarian to know when you send something to that other side and put it on the suspension calendar, you had better send a prayer over with it because any one guy can stand up and say I object.

But when you cover it because you believe in it and put it in the reconciliation bill, it means that is what you really want to do. At the end of the day, when we vote, all we are saying is, we ask the conferees, whenever they might meet, that they are instructed by this House to take care of those who really deserve the tax privilege the most. Take care of those who were not really thrown into this thing because of increased income, but were thrown into the alternative minimum tax that was not supposed to capture them, but they got there because of inflation.

In 3 Card Molly, you do not know what is going to happen. But we will know at the end of this vote something that John Lewis knows that they said in the civil rights movement, and that is, which side are you on? What a great opportunity. Take away everything you want. Take away our votes, our opportunity to express ourselves, give us rules that you like to give us. But, on this vote, at the end of the day, people might ask how did you treat the alternative minimum tax? Some people might say, well, it did come up in the House. It was not important enough to put in the reconciliation bill and it was not important enough to allow a lot of debate. We put it on the suspension calendar because it was not paid for and we did not think it would be controversial. And so, with all of the debate, what is going to happen when you get back home is did you protect those that were most vulnerable. Forget about the poor. Forget about the rich that you are giving the incentives to. Just ask, on this one thing, no matter what happens in conference, where was the alternative minimum tax protected? It is protected in our motion to recommit.

Mr. THOMAS. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore (Mr. Bass). The gentleman is recognized for 5 minutes.

Mr. THOMAS. Mr. Speaker, I do not need to mention yesterday or the 414 who voted to fix this problem. I would tell my friend from New York that you only need 60 votes outside of a reconciliation to pass this. But I do want to mention 1985. The Tax Reform Act of 1985, under their watch, said this: "Other regular tax itemized deductions such as those for State and local taxes paid and for certain investment expenses, are not allowed for minimum tax purposes." I assume they did that knowingly. They were the ones who did it.

In 1993, they passed the largest tax increase on the American people and had a chance to adjust it again then. I will say that we have made progress today. This is an appropriate motion to recommit. It does not kill the bill. The gentleman from Massachusetts said this is about upper income groups. In fact, there was an editorial recently that said it is between the rich and the very rich. But I do want to mark the landmark comment of the gentleman from Massachusetts who said this was about middle income people. And on page 2 of the motion to recommit, "For purposes of this paragraph, the term 'threshold amount' means $100,000 and $200,000 in the case of a joint return." So $200,000 is now middle income. I believe that is correct. They are the ones who have always said those are the very rich. Now, the other thing you need to understand, it is this business of how many people are going to fall under the alternative minimum tax. Do you know why?

The reason, in 1994 that there were so few people who fell under the alternative minimum tax is because the regular tax was so high. What has happened in 2001, 2002, 2003 and 2004 we have driven down the rates. And because we have lower taxes, there are more people who fall under the alternative minimum tax. Do we need to address it? Of course. But the vote today is far more fundamental than that. This vote, if you vote yes, gives money to rich people to spend on consumption. Surely, you know that pure consumption does not move the economy very much. What they want to do is deny people the opportunity to invest and to save to supply fuel to the engine of the economy so we can continue with the lowest unemployment rate and the highest productivity rate than we have seen in years. This vote is very simple. A yes vote, consumption, not much bang for the buck. A no vote, investment and savings and a lot of bang for the buck. Vote no on reconciliation, yes on the bill. If we have limited dollars to spend, spend them for the highest and best purpose.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. RANGEL. Mr. Speaker, on that. I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes, if ordered, on passage of the bill and on suspending the rules and passing H.R. 1400 debated yesterday.

The vote was taken by electronic device, and there were—yeas 193, nays 235, not voting 5, as follows:

[Roll No. 620]

YEAS—193

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Marshall
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—235

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—5

Boozman
Brown-Waite, Ginny
Hastings (WA)
Markey
Smith (NJ)

☐ 1513

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. BASS). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. STARK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 234, nays 197, not voting 3, as follows:

[Roll No. 621]

YEAS—234

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono

Boozman
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—197

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—3

Brown-Waite, Ginny
Franks (AZ)
Hastings (WA)

☐ 1523

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FRANKS of Arizona. Mr. Speaker, on rollcall No. 621 (final passage H.R. 4297), had I been present, I would have voted "aye".

VACATING ORDERING OF YEAS AND NAYS ON H.R. 1400, SECURING AIRCRAFT COCKPITS AGAINST LASERS ACT OF 2005

Mr. PUTNAM. Mr. Speaker, I ask unanimous consent that the House vacate the ordering of the yeas and nays on the motion to suspend the rules and pass H.R. 1400 to the end that the Chair may put the question on the motion de novo.

The SPEAKER pro tempore (Mr. BASS). Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 1400, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PRIVILEGES OF THE HOUSE

Ms. PELOSI. Mr. Speaker, pursuant to rule IX, I rise in regard to a question of the privileges of the House, and I offer a privileged resolution.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 591

Whereas the recurring practice of improperly holding votes open for the sole purpose of overturning the will of the majority, including bullying and threatening Members to vote against their conscience, has occurred eight times since 2003, and three times in the 109th Congress alone;

Whereas on November 22, 2003, the Republican Leadership held open the vote on H.R. 1, the Prescription Drug Conference Report, for nearly three hours, the longest period of time in the history of electronic voting in the U.S. House of Representatives;

Whereas the normal period of time for a recorded vote is 15 minutes, and the Speaker of the House has reiterated that policy on Opening Day of each Congress by saying, "The Chair announced, and then strictly enforced, a policy of closing electronic votes as soon as possible after the guaranteed period of 15 minutes";

Whereas the sole purpose of holding the Prescription Drug vote open was to undermine the will of the House, and reverse the position that a majority of the House of Representatives had taken during the entire vote;

Whereas it was widely reported in the press that former Representative Nick Smith (R–MI) was bribed on the House floor, and the incident was described in Robert Novak's column in the Chicago Sun-Times, November 27, 2003: "Nick Smith was told business interests would give his son $100,000 in return for his father's vote. When he still declined, fellow Republican House members told him they would make sure Brad Smith never came to Congress. After (Rep.) Nick Smith voted no and the bill passed, (Rep.) Duke Cunningham of California and other Republicans taunted him that his son was dead meat";

Whereas the cost of the Prescription Drug bill was a critical factor in determining the votes of many Members of Congress and Richard S. Foster, the chief actuary for the Centers of Medicare and Medicaid Services, conducted numerous estimates indicating the cost to be much higher, including a June 11, 2003 analysis of a similar plan in the Senate which would have cost $551 billion over ten years and Members were not made aware of this;

Whereas the Congressional Budget Office (CBO) estimated the cost of the Republican Prescription Drug bill to be $395 billion over ten years and, yet just two months after the vote in Congress, Joshua Bolten, Director of the Office of Management and Budget, disclosed that the Administration's estimate of the cost was actually $534 billion;

Whereas Representative Bill Thomas, the Chairman of the Ways and Means Committee and a key negotiator on the bill, told HHS Secretary Thompson on February 10, 2004 in a hearing before the Ways and Means Committee, "I know some people were surprised that your (HHS) number was higher. I personally was not . . .'' (Hearing Transcript, February 10, 2004);

Whereas, Representative Nancy Johnson, the Chairman of the Ways and Means Health Subcommittee and a key negotiator on the bill, said she knew of the higher estimates and stated, "Absolutely, we knew about these numbers." (The New York Times, March 18, 2004);

Whereas the Republican Leadership and the Committees of jurisdiction chose to ignore the warnings of higher cost estimates and intentionally misled Members of the House for the sole purpose of winning passage of an extremely controversial bill;

Whereas in a clear conflict of interest the Chairman of the Energy and Commerce Committee, former Representative Billy Tauzin (R-LA), was actively engaged in a job search with the pharmaceutical industry at the same time that he was a key negotiator on major provisions in the bill, and after its passage, he subsequently left Congress to take a highly paid executive position with the head of the pharmaceutical lobby, and is reportedly making many times his congressional salary;

Whereas the Republican Leadership's submissiveness to the influence of corporate interests, and their illegitimate efforts to overturn the will of the House to pass flawed legislation like the Prescription Drug bill, which was written to meet the needs of drug companies, call into question the legitimacy of the laws they enact and the agenda they pursue;

Whereas the culture of corruption has so permeated the Republican Leadership that they will violate their own rules and the customs and decorum of the House to win votes on the floor of the House of Representatives; therefore, be it

Resolved, That the House denounces the culture of corruption exhibited by the Republican Leadership, denounces the ongoing resort to illegitimate actions taken to pass legislation like the Prescription Drug bill under false pretenses, rejects the practice of improperly holding votes open beyond a reasonable period of time for the sole purpose of circumventing the will of the House, and directs the Speaker to take such steps as necessary to prevent any further abuse.

PARLIAMENTARY INQUIRY

Mr. BURTON of Indiana (during the reading). Mr. Speaker, I would like to raise a point of order. I know that we are talking about a previous Member, but is it in order for them to impugn the integrity of the House or of a previous Member by making statements like that in a resolution of this type?

The SPEAKER pro tempore. It is in order first for the Clerk to read the resolution.

The Clerk will proceed.

The Clerk continued to read the resolution.

☐ 1530

The SPEAKER pro tempore (Mr. BASS). The resolution presents a question of the privileges of the House.

MOTION TO TABLE OFFERED BY MR. PUTNAM

Mr. PUTNAM. Mr. Speaker, I move to table the resolution.

The SPEAKER pro tempore. The question is on the motion that the resolution be laid on the table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. PELOSI. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 219, noes 188, not voting 27, as follows:

[Roll No. 622]

AYES—219

Abercrombie
Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—188

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Boren
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Edwards
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McGovern
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Wu
Wynn

NOT VOTING—27

Blumenauer
Boyd
Brown-Waite, Ginny
Buyer
Chocola
Coble
DeFazio
Doyle
Etheridge
Everett
Green, Gene
Hastings (WA)
Hayes
Holden
Hyde
Jones (NC)
Kind
McDermott
McNulty
Menendez
Pascrell
Paul
Peterson (PA)
Sullivan
Walden (OR)
Waters
Woolsey

☐ 1548

Ms. CORRINE BROWN of Florida changed her vote from "aye" to "no."

Mr. SOUDER changed his vote from "no" to "aye."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PUTNAM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4297.

The SPEAKER pro tempore (Mr. MCHENRY). Is there objection to the request of the gentleman from Florida?

There was no objection.

AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 4437, BORDER PROTECTION, ANTITERRORISM, AND ILLEGAL IMMIGRATION CONTROL ACT OF 2005

(Mr. PUTNAM asked and was given permission to address the House for 1 minute.)

Mr. PUTNAM. Mr. Speaker, the Rules Committee may meet next week to grant a rule which could limit the amendment process for floor consideration of H.R. 4437, the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Rules Committee in room H-312 of the Capitol by 7 p.m. on Tuesday, December 13, 2005. Members should draft their amendments to the bill as reported by the Judiciary Committee on December 8, 2005, which is expected to be filed with the House next week. Members are also advised that the text should be available for their review on the Web sites of the Judiciary and Rules Committees by Friday, December 9.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4099

Mr. BISHOP of Georgia. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 4099.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3875

Mr. WEXLER. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3875.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I yield to the gentleman from Missouri (Mr. BLUNT), the acting majority leader, for the purpose of inquiring about the schedule for the week to come.

Mr. BLUNT. I thank the gentleman for yielding.

Mr. Speaker, the House will convene on Tuesday at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of those bills will be sent to Members' offices by the end of the week. Any votes called on these measures will be rolled until 6:30 p.m.

For Wednesday and the balance of the week, the House will consider additional legislation under suspension of the rules, as well as H.R. 4437, the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005, under a rule. We also anticipate the House will consider additional conference reports, including the USA PATRIOT Act; the Labor, Health and Human Services and Department of Defense appropriations bills; and possibly the deficit reduction and tax relief packages.

Mr. HOYER. I thank the gentleman for that information.

As you know, a lot of work remains to be done which is supposed to be, as I understand it, may be, I suppose, our last week. Many hope it will be our last week, at least for the month, including the completion of the conference report, as you have said, on Labor-Health and DOD appropriation, the DOD authorization, TRIA, PATRIOT Act.

So for Members' planning purposes, can you tell me when you expect to finish work for the year?

Mr. BLUNT. Once we return on Tuesday, the Members should expect the House to be in session and voting every day until we adjourn. That could happen as early as next Thursday, but certainly by next Saturday or possibly Sunday, and we would not anticipate returning until we return after the first of the year.

Mr. HOYER. I thank the gentleman for that information.

If we do not pass, for whatever reasons, the DOD appropriation bill and the Labor-Health appropriation bill, presumably we will need a CR. Could the leader tell me how long you would anticipate that CR being?

Mr. BLUNT. We have not contemplated that because we do expect to pass both of those bills next week before we leave. I think we are absolutely committed to do that and expect to see both of those on the floor individually, and we will then have brought all of our appropriations work to the floor individually, though certainly one of those bills, probably the Department of Defense bill, will include whatever additional appropriations have to be handled before we leave this year. But we would expect to handle those under regular order and would only contemplate a CR if that became the absolute only resort left to us. I would not anticipate that.

Mr. HOYER. I thank the gentleman for that information.

Focusing on the DOD bills, the authorization and the appropriation bill, technically, as I understand it, we have not gone to conference on either one of those at this point in time. One of the reasons is, I presume, that there will be a motion to instruct on the McCain amendment on one of those bills. Can the gentleman tell me when we might have a motion to go to conference? I know you have talked about them coming on the floor as conference reports, but in light of the fact we have not gone to conference yet, could the gentleman inform me as to when we might have a motion to go to conference?

I yield to my friend.

Mr. BLUNT. I thank my friend for yielding and would say that we expect those motions early in the week. I thought even today we might get one of those motions today as the work is done to try to work through some of the things that appear to be problems in the conference that need to be worked out, and I would expect to see that happen early in the week in both instances.

Mr. HOYER. Reclaiming my time, this is not a question, but let me tell you the difficult position this puts us in, which I hope we ought to really preclude in the future in fairness.

The purpose of a motion to instruct conferees is obviously to convey to them the opinion of the House as it relates to the product of the conference. Clearly, if that motion is not made until essentially after the conference work is done, the motion essentially is of little, if any, value. I understand the problem that the majority has been dealing with and the differences between the administration and at least the Senate. But it does place us in a position where essentially whatever the House might want to do on a motion to instruct would be essentially a meaningless act.

That is certainly not, I think, the intent of the rule for a motion to instruct, nor is it the spirit, I think, of the rule. The gentleman does not have to comment on it. If he wanted to make a comment on it, I would be glad to hear it; but I think you understand our consternation for those of us who particularly feel very strongly on the importance and the appropriateness of the McCain amendment as passed by the Senate being in the final bill. Again, the gentleman does not have to comment on that. If he would like to, I will certainly yield.

Mr. BLUNT. I would only say that I understand the point. I also understand, as the gentleman does, in this particular case, the White House was highly involved in the discussion in the Senate; and it does seem to me that this is an issue of unusual sensitivity and important to try to work through as much as we could before we put our conferees in place, but I clearly understand the position that the whip has on that and appreciate it.

Mr. HOYER. I thank the gentleman.

On the budget reconciliation conference, when do you expect that to hit the floor?

Mr. BLUNT. We are hopeful that both of these reconciliation conferences can proceed. Both the tax conference and the deficit reduction conference are very complicated. It is our hope we can work through these, get these in place and work through them next week; but there is a tremendous amount of work that needs to be done because of the differences in the bills. We are hopeful that we go to conference next week on one or both of those issues, and then could even get one or both of them back to the floor to vote on the conference product next week, if that is at all possible.

Mr. HOYER. I understand that knowing a specific day on which that could be done would be practically impossible. I appreciate the gentleman's observation.

On the border security and immigration bill, which you note will be on the calendar next week, can you tell us whether or not we can anticipate that being on, presumably, either Wednesday or Thursday? We are coming back Tuesday night. You indicated it is possible we could get out Thursday. So I presume that bill, which is ready for the floor, will be on either Wednesday or Thursday. Can you tell us specifically when you might anticipate that bill being on the floor?

Mr. BLUNT. As I said, we intend to have that bill on the floor next week. I think it is probably more likely to be on Thursday, but that decision will be a lot easier to make once we get a greater sense of how all of the work next week will present itself. Certainly we hope to have these two appropriations measures on the floor; and as we have discussed before in the last few minutes, the importance of getting them done next week. The PATRIOT Act also will be on the floor next week, we anticipate.

□ 1600

And depending on how that work becomes available to us will determine the scheduling of the border security provisions. I do not think it is likely that that will be on the floor on Wednesday, but it is not impossible. I think it is more likely that that bill will be on the floor on Thursday, or maybe even later if other measures present themselves quicker than we think.

Mr. HOYER. Thank you. Reclaiming my time, as I understand it, the border security and immigration, one comes out of Homeland Security and one comes out of Judiciary. Mr. Leader, do you anticipate that they will be joined for purposes of consideration on the floor, or is it your anticipation that we will consider each one of them individually? I yield to my friend.

Mr. BLUNT. I thank the gentleman for yielding. Those bills were combined into one bill in the Judiciary Committee markup today, so I would expect to see that as one bill. And amendments could be submitted to the Rules Committee on that bill and the Rules Committee, I am sure, will allow some amendments on the floor as well.

Mr. HOYER. I thank the gentleman.

Something that is not on the notice, but there has been significant discussion of and great interest in on our side as well as your side, is the pension bill. I notice it is not on the announcement, but do you anticipate that that might be on the calendar; or has that been decided to go over? I yield to my friend.

Mr. BLUNT. I thank my friend for yielding. This is an important topic for us to deal with. Pension security is incredibly important to Americans and their future.

We believe we have a good bill from the Ways and Means Committee and the Education and Workforce Committee that has been put together. But I also understand that because both bodies have to be involved, it is highly unlikely that whatever we do would find its way to the President's desk this year.

At the same time, circumstances might allow us to move that bill next week. But I would not put that on the list of things that we are almost certain to do, but certainly it is on the list of things we are looking at to see if there is a way we can go ahead and advance a House position so that our friends on the other side of the Capitol can move on this issue as well, and early next year, we could come to conclusion on an issue that is so critically important to so many Americans and their families.

Mr. HOYER. I thank the gentleman. As he observes and I have observed, there is great interest. We know this is an important piece of legislation. Both sides and I think all interest groups want to address his issue as soon as we can. Hopefully, we can work together to effect a piece of legislation that can enjoy bipartisan support, can pass, and go into effect to assist so many millions of Americans who are concerned about the security that they have in their pensions. I know that is your desire, our desire, and hopefully we can proceed on that.

Mr. Leader, Mr. TAYLOR from Mississippi is on the floor and Mr. MELANCON from Louisiana was also on the floor. Both of them had inquired of me, appropriately, the status of the Katrina relief legislation. We are very interested in that being brought to the floor next week. It is my understanding that it probably will be, but it might be brought to the floor attached to another bill.

That is a critical piece of legislation. I think all of us want to make sure that we have the resources necessary and some of the legislative authorizations and law necessary to facilitate rehabilitation of the gulf area. Can you tell me when that might come to the floor and on what vehicle it might come to the floor, either as a freestanding bill or attached to another?

I yield to my friend.

Mr. BLUNT. I thank my friend for yielding, and I would like to remind my friend, as I am sure I do not need to, but the tax portion of this, also significant in terms of redeveloping the gulf coast, we did pass that bill this week as a stand-alone measure, so that no matter what happens this year in reconciliation we have an opportunity to move forward with Katrina tax relief.

We also need to move forward with other kinds of relief. As you mentioned, Mr. TAYLOR and Mr. MELANCON and other Members, our Members from Mississippi, Louisiana, east Texas, and Alabama have all been very interested in moving forward on relief for the families that are affected. I believe there is a broad understanding that we need to do this before the end of the year.

I do think, Mr. Whip, it is likely that that relief package will be part of one of these last two appropriation measures to move across the floor. I believe that works best for ensuring that this happens on both sides of the Capitol, both this body and the other body. And I would expect to see that Katrina relief package, with significant elements of items that the gentleman mentioned and others are interested in, will be in either the Department of Defense appropriations bill, as part of that debate, discussion, and vote, or in the Labor-HHS vote at another time in the week.

Mr. HOYER. I thank the gentleman for those remarks. Clearly, that is critical not only, as I said, to the people that you mentioned from the areas affected, but to all of us who want to ensure assistance gets to the people there. And while the tax provisions may well be important, they are longer-term impacts, and in some respects shorter-term impacts, that we would otherwise provide.

Lastly, Mr. Leader, if I can, can you perhaps give us a preview of the schedule for next year? It is our understanding on this side that the probability is we will not be returning until the 31st of January. Has that been decided? Can you confirm that and maybe give us a brief preview of what our schedule next month and the months thereafter in the year to come might be?

I yield to my friend.

Mr. BLUNT. I thank the gentleman for yielding, and before I go to that, I would like to say, and I would hope he would share my view of this, that while the Katrina supplemental is important and needs to be done before the end of the year, that also anything in the tax structure that encourages rebuilding, making a decision to get your business back in the affected area rather than stay somewhere else you may have moved to is also important.

I would not want our colleagues on the other side of the building to think that somehow the tax portion of this can wait until next year. They both need to be done this year, and we are going to work hard to see that both of those things get done this year.

We have worked this year well beyond our schedule to work in Washington. Members had every reason to believe before the August work period that they would be home now and would have been home for several weeks talking about what we have done and what we hope to do. But when we do go home at the end of the next working series of days we will be working, we would anticipate that the Members would not come back until the 31st of January, and the first votes for the second session would occur on and after that date.

Mr. HOYER. I thank the gentleman for that information.

ADJOURNMENT TO MONDAY, DECEMBER 12, 2005 AND HOUR OF MEETING ON TUESDAY, DECEMBER 13, 2005

Mr. BLUNT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next, and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, December 13, 2005, for morning hour debate.

The SPEAKER pro tempore (Mr. MCHENRY). Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BLUNT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

TRIBUTE TO CARROLL CAMPBELL, FORMER MEMBER OF CONGRESS

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I rise in brief comment about a former Member of this House who passed away this week, Carroll Campbell. As one who came to this House with Carroll Campbell in January of 1979, I would say that if you were to draw a blueprint for an outstanding Member of Congress, you could do no better than to look to Carroll Campbell. Carroll Campbell served tremendously as the governor of his home State of South Carolina, but before that, served with great honor and distinction in this House.

Mr. Speaker, I can say that he was a man of great integrity. He was one that you admired in every aspect. I can recall him being the first Member from my side of the aisle south of the Mason-Dixon line who came out in support of the extension of the Voting Rights Act. He provided leadership in so many areas, whether tax policy, national defense or otherwise.

Carroll Campbell was a champion. Carroll Campbell left us far too soon, and we send our words, our good wishes, and our hopes with his wife and his children. This House is a greater place because of the service rendered to this House by Carroll Campbell.

IRAQ: COMMITMENT TO THE CAUSE

(Ms. HARRIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HARRIS. Mr. Speaker, I rise this evening to voice my support for our mission in Iraq and the global war on terror.

We stand at a critical juncture in the history of Iraq and in our own history. Do we ignore the steady progress toward democracy in Iraq? Do we hand victory to the terrorist insurgency on the eve of the historic December 15 elections? Or do we remain committed to the cause of freedom at home and abroad?

Our Nation already knows of the price of victory and how great it is, but the cost of failure would be far greater.

As Democratic National Committee Chair Howard Dean was engaging in the politics of partisans and the demagoguery of doubters, I was visiting with our amputees in the Walter Reed Medical Hospital. These brave men and women know why we are fighting and why we must continue to fight. They know better than any of us why their brothers in arms have died fighting. Their sacrifices have been made in the name of freedom and in the pursuit of victory.

Not only is victory in Iraq possible, but it is within reach. Faced with long painful recoveries, these soldiers focus on the positive and what can be done and what will be done. We owe them the same.

It is not the time for retreat. It is the time for our Nation's civilian leadership to stand with them. Their sacrifice obligates us to demonstrate the same level of commitment and dedication to this cause of freedom. And each day as a Nation, we are more indebted to these extraordinary men and women with whom I visited.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO SERGEANT BILL MEEUWSEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, the three words from the official seal of the United States Army states: "This we'll defend." Sergeant Bill Meeuwsen was a member of the Army and he died carrying out this motto, defending the United States of America.

Mr. Speaker, I rise today to pay tribute to Sergeant Bill Meeuwsen. He was truly a remarkable person. Bill was born in Mount Vernon, Washington, on February 10, 1981, and when he was 10 years old, he and his family found their way to southeast Texas and moved to Kingwood, Texas. He attended Kingwood High School, one of the finest high schools in this country, and he graduated in 1999.

He went on to Texas A&M University, and he and some of his friends enlisted in the United States Army as a result of the attacks of September 11, 2001. His father Mike said "Bill strongly believed that we all share a responsibility to serve on behalf of God and country, to protect freedoms we all cherish so deeply." It was that sense of patriotism that led him to enter the United States Army.

Bill was initially deployed with the renowned Band of Brothers to Camp Giant, near the Korean demilitarized zone in March of 2003. A year later, he was assigned to the 2nd Battalion 502nd Infantry Regiment, 2nd Brigade Combat Team of the 101st Airborne Division of Fort Campbell, Kentucky. It was there he married his wife, Lauren Lynn, on August 18, this year, 2005. She was the daughter of a Colonel who was also serving in Iraq.

Bill was then deployed to Iraq just 3 months later, in October of 2005. Two months after that, on the day before Thanksgiving this year, Sergeant Bill Meeuwsen was one of two soldiers killed in action when his unit came under direct fire near Baghdad. He was the 186th Texan killed in Iraq since the war began. One out of every ten people serving in the United States military today is from the State of Texas.

Mr. Speaker, Bill is remembered as a person who loved his friends and family. He enjoyed playing basketball with his buddies, and he had compassion for animals. When he was growing up, he used to hide animals in his home. His friends and family will never forget his friendly and ever-present smile.

□ 1615

He had a great sense of humor and a way of making anyone around him feel comfortable. His father, Mike, spoke of his sense of adventure and interest in exploring other countries and cultures, which he was doing by fulfilling his Army experience.

While in Iraq, Bill spoke with his wife, Lauren, and parents, Mike and Thresa frequently. In one of his most recent conversations, he was upbeat and excited about his unit's recent success in the field in Iraq. He felt strongly they were accomplishing their mission and goal, making a difference in Iraq for those people. A week before he died, he sent home this photograph of him taking a break in Iraq enjoying tea in the Iraqi custom.

Mr. Speaker, here is a photograph of Bill shortly before he was killed in active duty in Iraq. It shows this big man, this big son of America, taking a break while on duty in Iraq for his country and for the people of Iraq.

During another conversation with his mother Thresa, she was crying when she spoke with her son because Bill's platoon had recently suffered four casualties, and she was worried how he was handling this. But Bill was very clear in his response to his mother. He told his mother, "Mom, you do not need to cry for the soldiers who were killed. They are all in heaven. They were good men. They died doing what they wanted to do. Cry for their families." Wise words from one of America's sons.

His clear and matter-of-fact responses have been a tremendous source of comfort to his wife and to his parents since his death.

While Bill was stationed in Korea before he went to Iraq, he met a man named Ahn. Ahn was a sergeant in the South Korean Army. He and Bill made quick friends. They made an odd pair since Ahn was relatively short and Bill was 6 foot 4 inches tall. On numerous weekends the two of them would catch the train to Seoul, South Korea, where they explored the city, and Ahn helped Bill learn the customs of the Korean people. Bill even got to go to Ahn's parents' home.

After he learned of Bill's passage, Ahn sent a heartfelt letter in broken English to the Meeuwsen family in Texas. It reads in part: "There is an old Korean saying that 'too nice and good person tends to be taken by God earlier than usual.' I strongly sure that Holy Father have special plan to brighten the heaven with Mr. Meeuwsen."

Mr. Speaker, I am sure that heaven is already brighter with Bill up there, and I would like to extend my prayers and our condolences to his parents, Mike and Thresa, to his relatives, his friends, the community of Kingwood, Texas, his wife, Laura Lynn. Sergeant Meeuwsen touched so many lives in his 24 years. He was a freedom fighter, he was an Aggie, a son of proud parents, a member of the band of brothers, an American warrior, and an inspiration to all patriots. His patriotism and heroism and his life will not be forgotten. He paid for freedom with his life. He paid for our safety with his blood, and he paid for our future years with his youth.

When I talked to Sergeant Meeuwsen's father, Mike, about what his son believed in and his reasons for his personal involvement in Iraq, he said this: "I am here for God, country, and freedom."

Mr. Speaker, that says it all.

God bless Bill and God bless our troops and God bless America. That is just the way it is.

TAX CUTS BENEFIT THE PROSPEROUS

The SPEAKER pro tempore (Mr. McHENRY). Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, in the face of our $8.1 trillion debt, the House recently passed a budget reconciliation bill. This so-called Deficit Reduction Act cut spending by $53 billion by cutting programs like health care for the sick, education benefits for students, child support help for parents, and food stamps for hungry families. Even as supporters of the budget reconciliation bill applauded their own new-found frugality, they knew the savings would never be realized because today the House passed a tax reconciliation bill, erasing the 3-week-old savings of $53 billion with $70 billion in new tax cuts. And most egregiously, the lion's share of these tax cuts benefit the most prosperous among us.

At a time when one in seven Americans have no health insurance, the budget bill cut $11 billion for Medicaid, the most basic part of America's safety net. It further empowered health care providers to turn away patients who are unable to pay. This was not only uncaring but fiscally unwise. It will cost our Nation more certainly in the long run when significant health problems are left untreated.

Mr. Speaker, with a Federal debt now of $8 trillion, every American owes $27,000. Americans understand that the inability of the administration and Congress to balance the budget will have a disastrous effect on future generations. Imagine leaving our kids with an unpaid $27,000 credit card bill and more interest on the way.

But holding back medical treatment for chronically ill children is not the way to restore fiscal discipline. Neither is making cuts to education that will close the doors of opportunity to a generation of students. The budget bill cut student loan programs by more than $14 billion. With new fees and higher interest rates, educational opportunities will be lost, and all of the stimulus to the economy that would have been generated by all those new engineers and scientists will be lost with them.

Does our Nation truly benefit economically or otherwise by pushing so many deeper into poverty, or by closing the doors to higher education? In the wake of Hurricane Katrina and all that it revealed about the persistence of poverty in America, can we really have a more secure future with a less effective safety net?

I am proud to be a member of the Blue Dog Coalition, a group of moderate and conservative Democrats concerned about fiscal responsibilities. I join my Blue Dog colleagues in seeking ways to reduce the debt; but we were compelled to oppose this bill because it was a sham, a debt increase that made the poor poorer, the rich richer, and the country's future even more precarious. Any reasonable look at the numbers will easily reveal the truth: these bills result in an increase to the national debt.

As a Nation, we have gone from an $86 billion surplus under President Clinton in 2000 to a record $412 billion deficit last year. Our fiscal house is more than out of order; it is spiraling out of control.

What we need right now is a balanced budget strategy and one that honors the values of the American people, that rewards work not wealth, that requires the sacrifice of all Americans for the common good and not the sacrifice alone of the poor, the young, or the infirm.

UPHOLDING TRADE REMEDY LAWS IN HONG KONG

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Texas (Mr. BURGESS).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ENGLISH) is recognized for 5 minutes.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, we are on the eve of the World Trade Organization's ministerial meeting in Hong Kong, and it is critical that the U.S. maintain its upper hand in pursuing its goals of a successful

Doha Round and also exercising leadership in the global trading system.

I recently led a bipartisan group of my colleagues to Brazil to participate in a study trip to help strengthen the bilateral relationship between our two countries. During our time there, we met with top Brazilian negotiators to discuss key trade issues that we expect will be addressed next week in Hong Kong.

At our meetings, my colleagues and I drove one critical message, and that is our government's unwavering commitment to the utilization and protection of our trade remedy laws.

There is no doubt the U.S. employers rely on these laws which serve as a fundamental line of defense, an opportunity to police our markets against unfair trade and to preserve domestic industries that otherwise would be at risk. There is no question that it is the responsibility of Congress and the administration to ensure that our firms have the proper tools to fight illegally traded goods and services.

While we are committed to opening our markets, and have done so historically, reducing trade-distorting subsidies and eliminating non-tariff barriers to trade, we are not willing to give up appropriate tools that we have to police our market for illegally traded imports.

To reinforce this, I introduced a resolution, H. Res. 577, calling on U.S. negotiators to stand firm in the face of international pressure and uphold our trade remedy laws during the WTO's Doha Development Agenda Round. Many in the Doha Round, particularly the so-called friends of antidumping negotiations, have targeted U.S. antidumping and countervailing duty measures as distortions to trade. They claim they are antifree trade, and yet the fact remains that our participation in a free trading system is contingent on our ability to have access to these remedies.

These laws, as I said, are the last line of defense, and eliminating or weakening them is not a solution to making sure that they work appropriately. Nor is, in this political climate in Congress, weakening or watering down the ability of the U.S. to utilize its appropriate trade remedy laws in any way a viable position.

The time has come for Congress to draw a line in the sand and take a much tougher stance with our trading partners to ensure that they fully abide by the rules-based global trading system.

We will not stand by and let other countries try to use negotiations to undermine the intent of our domestic trade remedy laws. America will no longer tolerate unfair trading practices at the expense of our workers. Our trade laws have a fundamental purpose and are used only when others break the rules. Congress will not allow this last line of defense to be compromised in any way, and our negotiators need to recognize that.

My resolution will make very clear what our position is and in the process fend off any attempts to derail our trade laws and put the House on record opposing any multilateral agreement that will weaken these important U.S. trade protections. Senators CRAIG and ROCKEFELLER have introduced a similar resolution which was included in the Senate's tax reconciliation bill, adopted overwhelmingly by the U.S. Senate. This week our Chamber voted on our own tax reconciliation measure. We are making one step closer to having this resolution become law.

I urge my colleagues to lend their support to our resolution and join me in working to ensure that the Craig-Rockefeller initiative is included in Congress' tax reconciliation package as we move to a final package. And as we move closer to the trade talks in Hong Kong, which we hope will be successful, we must carefully monitor the progress of the Doha Round and specifically the rules negotiations to ensure that we do not resign ourselves to agreements that would in any other way impede American producers from policing the domestic market.

This is a fundamental issue for a country that recognizes that our future is in engaging in the international trading system, but also that we need to be prepared to reflect back and at least provide the fundamental guarantee to American companies and American workers that the rules will be followed.

PEAK OIL

Mr. UDALL of New Mexico. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Illinois (Mr. EMANUEL).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. UDALL) is recognized for 5 minutes.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to stress how important it is for the United States to take a bold new approach to our energy supplies. Our economy and way of life depend on cheap oil. In many ways, cheap oil is responsible for our prosperity. Since oil provides about 40 percent of the world's energy, a peak in global oil production will be a great turning point in human history. Oil and natural gas literally transport, heat, and feed our country. Therefore, we must summon the political will to act immediately, diversify our energy supplies, and mitigate the negative changes that will undoubtedly accompany the world peak in oil and natural gas production.

Peak oil is a fact, not a theory. Oil production has now peaked in 33 of the world's largest 48 oil-producing nations.

□ 1630

A recent Energy and Air Quality Subcommittee hearing showed that a growing number of energy experts agree that a peak in world oil production is either imminent or likely to occur by 2015. The United States demand for oil continues to increase by about 2 percent per annum. As global demand has increased faster than production, the once substantial cushion between world oil production and demand has decreased. This phenomenon has increased the price of oil. Consequently, huge amounts of American money, up to $25 million per hour, go abroad to pay for foreign oil. Middle eastern countries, flush in oil dollars, help fuel the terrorism we are fighting. Some say market forces will solve the peak oil problem. They argue that as we approach or pass the peak of production, oil prices will increase and alternatives will become more competitive.

However, no alternative currently available will make it more competitive. However, there is no alternative available anywhere near ready to replace oil in the volumes we use it today. What is more, even today's oil prices do not accurately reflect the full social costs of oil consumption. Currently, Federal and State taxes add up to about $0.40 per gallon of gasoline. A World Resources Institute analysis found that fuel related costs not covered by drivers are at least twice that much. Oil prices do not include the full cost attributed to road maintenance, the financial risk of global warming or threats to national security from importing oil. Without these externalities in the market, significant private investment in alternative technologies will not occur.

Over the past hundred years, fueled by cheap oil, the United States has led a revolution in the way the world operates. Replacing this resource in a relatively short time is an incredible challenge, an imperative to the survival of our way of life. The United States has faced such challenges in the past. In response to great challenges and inevitable threats, we pooled our resources and ingenuity to build an atomic bomb in just a few years and put a man on the moon in a decade. We can and must do this again. We must commit to a bold new initiative.

To eliminate our dependence on foreign oil and develop a new economy based on renewable, non polluting energy, we need a massive, long-term investment in research for both basic and applied science. We must produce effective policies that create a new generation of scientists devoted to changing the way we produce energy. Additionally, we must commit to decreasing our demand for oil. We can start by increasing efficiency. Transportation in the United States accounts for 16.5 percent of the world's oil consumption. Transporting goods and people by rail is at least five times as efficient as automobiles. We must revive and reinvest in our passenger and freight rail system. Looking at our automobile fleet, modest increases in fuel efficiency, using existing technology will decrease our oil usage by about 1 billion barrels per year. However, the turnover rate for the automobile fleet is 10 to 15 years, therefore, we must start immediately.

The buildings in which we work and live are terribly inefficient. We could easily reduce their energy consumption by one-half. We must immediately weatherize and make more energy-efficient tens of millions of buildings. Our bold new initiative must instill these ideas into the American consciousness. The sooner we start, the smaller our sacrifices will be.

THE WAR IN IRAQ

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent to assume the time of the gentleman from Indiana (Mr. BURTON).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, in August of 2002, 2 months before Congress voted for the war in Iraq, Dick Armey, then our Republican majority leader, gave a speech in Des Moines, Iowa. He said, "I don't believe America will justifiably make an unprovoked attack on another nation. It would not be consistent with what we have been as a Nation."

The very popular conservative columnist, Charley Reese wrote, before the war, that it was "ludicrous" to believe Iraq was any kind of threat to us. Mr. Reese added, "This is a prescription for the decline and fall of the American Empire. Overextension, urged by a bunch of rabid intellectuals who wouldn't know one end of a gun from another has doomed many an empire. Just let the United States try to occupy the Middle East," Mr. Reese said, "which will be the practical result of a war against Iraq, and Americans will be bled dry by the costs both in blood and treasure."

The conservative columnist, Paul Craig Roberts, Assistant Secretary of the Treasury under President Reagan wrote, before the war, that a "U.S. invasion of Iraq is the beginning of World War IV." He considered the Cold War as World War III.

Mr. Roberts added that going to war in Iraq "will not solve the Israeli-American conflict with militant Islam. On the contrary, it will widen it."

Jack Kemp wrote before the war, "What is the evidence that should cause us to fear Iraq more than Pakistan or Iran. Do we reserve the right to launch a preemptive war exclusively for ourselves or might other nations such as India, Pakistan or China be justified in taking similar action on the basis of fears of other nations?"

Mr. Kemp said, based on the evidence that he had seen, there was not "a compelling case for the invasion and occupation of Iraq."

James Webb, Secretary of the Navy, under President Reagan, wrote a column for The Washington Post, before the war, saying if we invaded, we would have to occupy Iraq for 30 to 50 years and that American soldiers would "quickly become 50,000 terrorist targets."

He added, "These concerns and others like them are the reasons that many with long experience in U.S. national security issues remain unconvinced by the arguments for a unilateral invasion of Iraq. Unilateral wars designed to bring about regime change and a long-term occupation should be undertaken only when a nation's existence is clearly at stake."

Many other conservative columnists, such as Doug Bandow, Pat Buchanan, Joseph Sobran, Steven Chapman, the late Sam Francis, and many others, wrote columns opposing this war before it started.

Later, William F. Buckley said if he had known in 2002 what he knew then, in 2004, he would have opposed the war.

Lewis Lapham, writing in Harper's Magazine, before the war, said, "the Iraqi Army, never formidable, is less dangerous now than when it was routed in the 4 days of the Gulf War, Iraqi Air Force of no consequence, the civilian economy too impoverished."

U.S. News and World Report in October of 2002, before the war, carried a lengthy article entitled "Why War, Why Now?" and said, "Many question the rush to attack."

Fortune Magazine, long before the war, carried an article entitled "Iraq, We Win. What then?" The article said a "military victory could turn into a strategic defeat" and that an American occupation would be "prolonged and expensive," and "could turn U.S. troops into sitting ducks for Islamic terrorists."

When they found out I was against the war, the White House had me and five other members down for a briefing by then National Security Advisor Condoleezza Rice, George Tenet and John McLaughlin, the two top people in the CIA.

I asked how much Saddam Hussein's military budget was in comparison to ours. I was told a little over 2/10 of 1 percent.

I asked if you could get by the traditional conservative positions of being against huge deficit spending and making the U.S. the policeman of the world and placing almost all of the burden of enforcing U.N. resolutions on our people, was there any evidence at all of an eminent threat?

Mr. Tenet said no, there was not. And he later confirmed this in a speech at Georgetown University the day after he resigned.

According to Bob Woodward's book on the war, the President received a briefing from these same CIA officials on December 21, 2½ months after the Congressional vote and responded with words to the effect, "Is that the best you've got. That will never convince Joe Public."

Quoting Charley Reese, the conservative columnist again, the war in Iraq was "against a country that was not attacking us, did not have the means to attack us, and had never expressed any intention of attacking us, and for whatever real reason we attacked Iraq, it was not to save America from any danger, imminent or otherwise."

Many conservative leaders and columnists were against this war from the beginning because it went against almost every traditional conservative position and there was nothing conservative about this war.

The traditional conservative position was stated many years ago by Senator Robert Taft who said, "No foreign policy can be justified except a policy devoted to the protection of the American people, with war only as the last resort and only to preserve that liberty."

OUR ECONOMIC PROSPECTS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY. Mr. Speaker, data released Monday on productivity and wages show why the American people do not believe President Bush when he says our economic prospects are bright and improving.

Yes, productivity is strong, and the economy is growing. But the benefits of that growth are showing up in the bottom lines of companies, not in the paychecks of American workers.

While productivity grew at a 4.7 percent annual rate in the third quarter, workers' pay, including benefits, shrank at a 1.4 percent rate. Let me repeat that important point. Workers' pay shrank by 1.4 percent.

Americans are working harder and producing more, but they are getting paid less.

President Bush is seizing on some recent favorable economic indicators to claim that the Nation's economic outlook is brighter than we have seen recently. I certainly wish that that were true for most Americans. The typical American family has a very different view because they know that they are still being left behind in the current economic recovery.

When I listen to the President recite the numbers he thinks show Americans are doing better, I am reminded of his speech in the Rose Garden several days after Katrina struck the Gulf Coast, when he recited the numbers of trucks, pounds of rice and the National Guardsmen he had ordered to New Orleans. Meanwhile, anyone with a TV set would see that Americans were still desperately struggling to survive with absolutely no Federal help.

The President seems equally out of touch on the economy. Ask your constituents how they are doing. Ask them if they have a secure job with benefits. Ask them if they are confident that they will have a job until they are ready to retire. Ask them if they think their children will have a job when they graduate from college.

In fact, a closer look at the numbers show that the administration has run a strong economy into the ground. Here are the facts. Under the Bush presidency, the economy has experienced the most protracted job slump in the postwar era. That is the worst record of any president since Hoover and the Great Depression.

The unemployment rate is nearly 1 percentage point higher than it was when President Bush took office. That is a 25 percent increase from where it was in the Clinton administration.

Over 1.6 million more people are unemployed. Twice as many people are long-term unemployed. Most people are actually earning less. The typical worker's earnings have barely kept up with inflation under President Bush, and real wages have been declining recently.

Under President Bush, real median household income is down $1,700, and 5.4 million more Americans live in poverty. That is the greatest decline in real household income and the second largest increase in the poverty rate of the last nine administrations. The most vulnerable among us are being hit the hardest. Under President Bush, real median family income has fallen for each fifth of the income distribution, but the largest decline has been in the poorest fifth of the distribution.

Because of the reckless economic policies of this administration, large projected budget surpluses have been turned into large actual deficits and the Federal debt is ballooning, rather than shrinking as it was at the end of the Clinton administration.

And here we see the numbers in blue of the surpluses during the Clinton years. Yet when the Bush Administration came to power, that surplus disappeared and we have had ever increasing deficits reaching the highest deficit recorded in our history of over $412 billion. It has come down to $319 billion, but it is still a structural problem.

We also have the largest trade deficit in the history of this country, of over $670 billion.

□ 1645

As Federal Reserve Chairman Greenspan and many other economists repeatedly noted, our exploding deficits and debt are long-term structural problems that are rapidly getting worse. Only last week he repeated that warning: "In the end, the consequences for the U.S. economy of doing nothing could be severe," and our allies have called our deficits "unsustainable" even as we continue to increase the amount of U.S. debt held by China and other Asian nations.

As Chairman Greenspan also warned recently, "at some point, foreign investors will balk at further financing" the growing U.S. deficit.

Thanks to the economic policies of this Administration, our national debt now stands at $8.3 trillion. That translates into over $27 thousand of debt for every man, woman and child in the country.

What is this Administration doing about this crisis?

They have increased the debt ceiling three times.

They have pushed for deficit-raising tax cuts for the very wealthiest while refusing to give tax relief to the middle class.

This Administration is continuing to set records for debts and deficits while turning its back on working Americans.

WE ARE WINNING THE WAR AND WINNING THE PEACE IN IRAQ

Mr. PENCE. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Texas (Mr. PAUL).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

Mr. PENCE. Mr. Speaker, despite what many Americans may see on cable television networks over the last several months, as I learned again today in a meeting with the President of the United States; the Secretary of Defense; with General Casey, the four-star general in charge of Operation Iraqi Freedom, through a satellite link, Mr. Speaker, we are winning the war in Iraq. And 7 days from today in the midst of an ongoing victory for the freedom of tens of millions of Iraqi people, we will once again see the people of Iraq use the freedom won by the American soldier in forming their own government and adopting parliamentary elections.

The ongoing victory in Iraq was described by the President at a speech just 1 week ago at the Naval Academy in Annapolis, Maryland; and like the meeting that I attended at the White House today, I had the privilege of joining the President for that address, and there he described his strategy for victory.

And let me say that while there have been sometimes loud and cacophonous debates on this floor about the need for a plan or the lack of a plan, what is available today, Mr. Speaker, at whitehouse.gov for all Americans to examine is a recently declassified version of what has always been the plan. It is, in effect, a three-track approach that involves political, military, and economic initiatives to achieve a free and stable and democratic Iraq, and we are winning in this cause.

With less than 7 days to go before the Iraqi people will engage in parliamentary elections, I am delighted to report to the Members and any looking on that the American people, the people in Indiana that I serve, will be proud to hear what I have heard, to see what I have seen in my three different trips to Operation Iraqi Freedom, and they too would conclude inexorably that we are winning the war in Iraq.

On the military front, as General Casey described today, over 200,000 Iraqis have been trained and equipped, both military and police personnel. For the national elections that took place earlier this year, there were 80,000 fewer Iraqis in uniform. Today there is one full Iraqi division, four Iraqi brigades, four Iraqi battalions that are leading the fight in places like Najaf, Karbala, the dangerous road to the airport in Baghdad, in Tikrit. In one city after another, these Iraqi military personnel are on the point. They are leading the fight, along with 160,000 American military personnel.

And the Iraqi people themselves are becoming more involved in advancing their own security and stability. Here is an interesting fact, Mr. Speaker, that I just learned today: in March of this year, there were essentially 400 tips by Iraqis of insurgent activities, tips made to U.S. and coalition forces. In the month of November, we logged more than 4,700 tips from regular and ordinary Iraqis. The people of Iraq are partnering in their own security and in their own freedom, and that 10-fold increase of that partnership speaks for itself.

On the economic front, we have seen 30,000 new businesses. And GNP per capita in the last year has more than doubled in Iraq for ordinary Iraqis. It is an extraordinary record of success.

Politically, we have around the corner parliamentary elections; and as we speak, Mr. Speaker, there are 327 political entities, or as we might call them, parties or organizations, and 7,000 candidates that will be answering the call of millions of Iraqis who will put themselves, as 8.5 million Iraqis did in January of this year, in harm's way to exercise their own freedom.

It is my fondest hope, Mr. Speaker, that when the President of the United States comes into this well on January 31 of 2006 that maybe in this Chamber, in a seat in this Chamber, might be a legislative leader, or two, of the newly elected Iraqi Parliament.

I have been to Operation Iraqi Freedom three times. I have sat even today with our military commanders and the President of the United States. As we go into this weekend, let the word go forth from here: we are winning the war and winning the peace in Iraq.

30-SOMETHING WORKING GROUP: TAX CUTS AND THE BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Ohio (Mr. RYAN) is recognized for 60 minutes as the designee of the minority leader.

Mr. RYAN of Ohio. Mr. Speaker, I appreciate the opportunity to be on the House floor here tonight with my good friend from Florida (Mr. MEEK) to continue our discussion that we have been having with the American people and with Members of Congress from all over the country the past few months and even few years.

Today, Mr. Speaker, the Republican-led Congress has once again taken a step in a direction that I think moved it and this Congress away from mainstream America.

Today, the majority has passed another wealthy-focused tax cut in which $60 billion, up to $80 billion, over the next 10 years will be spent subsidizing the wealth of the people in this country who make millions and billions of dollars, an average tax break of $32,000 to wealthy millionaires who have already received more than $103,000 in tax cuts. More than half the taxpayers making less than $100,000 a year will receive less than $30 back from this tax cut. This is a tax cut that has clearly been focused on the wealthy Americans.

And coincidentally enough, a couple of weeks ago, our friends, our good friends on the Republican side, have said that they passed a budget deficit reduction package which made cuts of $50 billion; and then they passed a tax cut which took away $80 billion, which is a negative $30 billion deficit in the hole. Only in Washington is that deficit reduction.

And before we get going here, I want to just share and read into the RECORD, if my friend does not mind, a letter that was sent, and I know I received one of these and a statement on behalf of several religious organizations. Bishop Frank Griswold of the Episcopal, Anglican, Church USA, together with leaders of four other mainline denominations, has called on the United States Congress to defeat the 2006 Federal budget once and for all because it betrays the poor.

And I just want to say to Bishop Griswold and the Anglican Church in the United States of America and the other denominations that are there, Dr. Kirkpatrick of the Presbyterian Church; Reverend Thomas, general minister and president of the United Church of Christ; Mr. James Winkler, general secretary, Board of Church and Society for the United Methodist Church, thank you for speaking out against this.

Because in this day and age, morality and values have been such a strong topic of conversation in the United States, I want to commend these folks for stepping out front and saying that this budget and tax cuts for the rich while we are cutting food stamps; free and reduced lunch; child support enforcement payments; money for college, Pell grants; cutting those programs and then giving tax cuts to the wealthiest people in the country is something that goes in direct contradiction to what they are trying to teach.

And if I could just take a minute or two to read some of these comments into the RECORD, if my friend does not mind:

The church leaders declare: "At each stage of the complicated legislative process, we have viewed the budget through the lens of faith and our values and found it wanting. Now we ask that it be defeated once and for all.'

"Despite the exposure of poverty in the U.S. revealed in the aftermath of Hurricanes Katrina and Rita, the statement says, 'Congress continues to make decisions which benefit the rich but are paid for by the poor and most vulnerable in our land.'

"The leaders criticized the budget's potential compromises which would cut funding for food stamps, heating subsidies, Medicaid, and child support enforcement.

"They will seek to find compromise where there should be no compromise, that is, with the lives and future of the poor of this country.'

"They asked that Congress reflect during the season of Advent, reject the budget and join with the President to craft a budget that will reflect 'our Nation's historic concern for justice and the least among us.'"

This is not TIM RYAN. This is not KENDRICK MEEK. This is not the 30-something Working Group. This is a group of bishops and church leaders all over the country who have stepped out front and stated that cutting taxes for the wealthiest people in our country and doing it on the backs of the poorest among us is not consistent with the values that they teach in their churches every week.

Here is Cal Thomas. Cal Thomas is one of the most conservative columnists. I do not even know if he is a Republican, but he is a conservative columnist with the Washington Times. When we are finding all this money to balance our budget, Cal Thomas says: "Here's a suggestion: Don't start with the poor. Start with the rich."

We passed an energy bill several months ago out of this Chamber that had $16 billion in subsidies for the energy companies and the oil companies, the most profitable industries today. This Congress took your tax money that you send to Washington and gave it to the oil companies to basically subsidize and increase their profits. There is something wrong with that.

And the 30-Something Working Group is here and we will have charts later, talking about some of our ideas that we have and some of the ideas that Leader PELOSI has and the Democratic Party has and what direction we want to move this country in. And we believe that what is going on here is not only contrary to what we believe in, but also contrary to what the American people believe in. We should now be making investments in education. I mean, why would we give millionaires a tax cut and not have enough money to actually heat homes in the wealthiest country in the entire world?

And I know my friend from Florida wants to get in here and talk a little bit. But just today, this just happened, we were cutting taxes to the tune of $80 billion over the next 10 years. At the same time a few weeks ago, we were cutting food stamps and increasing the cost of college tuition.

Mr. Speaker, I yield to the gentleman from Florida (Mr. MEEK).

Mr. MEEK of Florida. Mr. Speaker, I am so glad that Mr. RYAN set the pace here and he laid the foundation for continuing our discussion as it relates to responsibility. I can tell the Members the ideas that we had here on this floor as it relates to sensible tax policy that will not drive us further into debt.

What happened today on the floor, not because of our votes, but because of the majority vote, the Republican majority, they took this country further into debt.

☐ 1700

They made it so we are going to have to change our board here, because we are going to be borrowing more money from foreign countries, Mr. Speaker, because of the deficit.

I will say this again. President Bush, with the Republican majority, I guarantee you he could not do it by himself without the Republican majority here in this House, has borrowed a record-breaking, mind-boggling $1.05 trillion in the last 4 years, more than 42 Presidents prior to the President taking office.

42 Presidents, Republican and Democrat. Some of the gentlemen here on this board were once members of the Whig Party. But I can tell you they were only able to achieve borrowing from foreign nations $1.01 trillion over

224 years. This is the same majority and the same President that says that we know exactly what we are doing as it relates to putting this country on the right track.

Well, I can tell you, Members of the Congress, that I am very, very concerned. We used to have a discussion about future generations and putting the burden on their back. We are putting the burden on this generation's back. It is going to cost more for kids to go to school. It is going to cost more for parents to send their children to school. It is going to cost more for those young Americans that would like to educate themselves to be able to save enough money to be able to go to college, because we cut it by $14.3 billion.

So I think it is important that we take all of this into account. But what I would also like to say, Mr. Speaker, in my opening comments, I cannot help but commend our Democratic leader for her privileged resolution here today, outlining a culture of corruption and cronyism and incompetence in Washington, D.C.

I think it is important that we say that out loud so that individuals understand that we must not only police ourselves in how we conduct business, but what we are doing when we have investigations, unprecedented here in this Congress and investigations over in the White House, dealing with national security breaches. It is important that we make sure that the American people know exactly what is going on and that we take appropriate action in a bipartisan way.

Right now we are not taking any action. There is discussion about action. And I just want to commend the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) and the Speaker about having ethics training here in the House. I just wanted to say that. That is something. That is something. That is better than what we had yesterday.

Ms. WASSERMAN SCHULTZ. Do you need any ethics training? You and I served in the Florida house of representatives together, in the Florida senate together, now we serve in the United States Congress. You know, the ethics training I got began in kindergarten when my mom and dad taught me right from wrong.

I have had ethics training my entire life. It is not understandable to me why we would need and why there are some Members in this body that appear to need it.

Mr. MEEK of Florida. Well, let me just say this, and I say this is something that I have read in the paper today, and I am pretty sure some sort of memo is going to come out on it: when you are in a culture of corruption and cronyism and incompetence, you have to start, I guess, somewhere.

Apparently, Federal prosecutors and other investigating bodies here in this Capital City have taken steps to try to help those of us here in Washington, D.C. that need help as it relates to that kind of training. But let me just make this point. Do we need ethics training? I think we need to be reminded of that, because as I said last night, Mr. Speaker, 33 percent of Americans feel that we are doing the right thing here in Washington, D.C.

I saw a poll today that said 28 percent of Americans agree with what we are doing.

Ms. WASSERMAN SCHULTZ. I want to ask you another question. Do you need ethics training to tell you that you should not take bribes? Do you need ethics training that tells you that you should not circumvent State law and provide fund-raising assistance and direct contributions to candidates for State office?

Mr. MEEK of Florida. I just want to say that it is alleged activity.

Ms. WASSERMAN SCHULTZ. I was just asking a question.

Mr. MEEK of Florida. It is important. Anytime anyone can get information between right and wrong, I think it is good. I think it is good. I think it is good that we have this discussion. But we need action.

The gentleman from Massachusetts (Mr. DELAHUNT) had a colloquy with a Member on the other side talking about the war in Iraq and the kind of action that we have to take as it relates to the corruption and cronyism and incompetence in contracting.

He said that it was important, and he yielded to this distinguished Member of this House. And he said, yes, we should have a discussion on it. Mr. DELAHUNT reclaimed his time and said, no, we should not have discussion on it, we should have action on it, because that is what the American people want.

And I think it is important that we get to the bottom of it. I think it is important. We have to. We must get to the bottom of it. It is important that we start taking steps in a bipartisan way.

Now, I am going to tell you that the Democratic leader brought up a privileged resolution today that basically talked about the spirit of the rules of the House being violated, talked about the fact that we had issues here of former Members that served in this Congress and the previous Congress, in the 108th Congress, that were a part of not only questionable, illegal activities.

Mr. RYAN of Ohio. Allegedly.

Mr. MEEK of Florida. No. Some have left and have pled. Forget about a trial. They have said, oh, I am guilty. So that is not an issue. Some of it is alleged, ongoing now; but some of it is actually proven. So that means that we have a lot of work to do in a bipartisan way. And I am going to be honest.

Like it or not, Mr. Speaker, I am glad that this Speaker took some steps as it relates to talking about the issue that we do have a problem and we need to do something about it. Is it almost like many people that are struggling with substance abuse, they have to first say they have a problem for them to even get on the road of recovery.

I talked last night about the fact that how can you operate a government in a fiscal way, in a responsible way, in a way that Democrats, Republicans, independents and other party members would like for their government to function in this democracy; how can you do it under a culture of corruption, cronyism and incompetence. You just cannot do it.

This is not the 30-something Working Group report, this is not your report, it is not my report. It is what the American people know, and that is what people are reporting about, and we have all of these investigations going on.

Mr. RYAN of Ohio. Let us break this down. If people are saying that Members are doing things or former Members, I want to correct myself, former Members were doing things that would cost the government money or would spend money that otherwise would not be spent, that is a problem.

And I think we have to look no further than the Medicare prescription drug bill that came out of this Congress. We were told the night at 3 in the morning, when we were voting, that this bill was going to cost $400 billion. We find out later that the actual cost of the bill is $700 billion, $300 billion more; and there is nothing in the bill to reduce the cost of prescription drugs.

The Democrats, I know you remember this, the Democrats wanted to put a provision in the bill that would have allowed the Secretary of Health and Human Services to negotiate down the drug prices on behalf of the Medicare recipients, so the Secretary of HHS would go to Merck and Pfizer and some of these other big drug companies and say, you know, if you want the Medicare prescription drug contract, we need to sit down and talk price.

And not only did our friends on the Republican side not put that provision in, put the Democratic provision in there, they actual explicitly put in the bill that the Secretary of Health and Human Services is not allowed to negotiate down the drug prices.

The Democrats also with what we thought was a $400 billion Medicare prescription drug bill that ended up being, months and months later the truth came out, over a $700 billion bill, we also wanted to allow, the Democratic Caucus wanted to put in a provision that would allow for reimportation from Canada and some of the other G–7 countries to drive down the costs of prescription drugs here in the United States, to basically free-trade pharmaceuticals with countries who have the proper health and safety standards like we have here in the United States of America. That was not allowed in the bill. Mr. Speaker.

So two basic provisions that would have saved the taxpayer billions of dollars were not put in because it would have maybe hurt the profits of the drug companies. And the drug companies raised millions and millions and millions of dollars for our friends on the Republican side. Now the average American is left to put two and two together.

Mr. MEEK of Florida. I ask the gentleman from Ohio (Mr. RYAN), who would be happy tonight, based on the passage of the bill that passed today? Who would be happy?

Mr. RYAN of Ohio. There are a lot of people who make more than a million dollars a year or a few hundred thousand dollars a year that are going to be very happy with what we did here today.

Mr. MEEK of Florida. You mean what the majority did?

Mr. RYAN of Ohio. What the Republican Party did today was make a lot of rich people very happy. That is the answer.

Mr. MEEK of Florida. I would also add corporations that have influence and power. What is it, K Street?

Mr. RYAN of Ohio. Shakedown Street.

Mr. MEEK of Florida. I thought so.

Mr. RYAN of Ohio. I got this chart here. This is the end result. This blue is the Clinton-era budget deficits that by 1997 started turning into surpluses; and by the time President Clinton left, $128 billion surplus. And that was all based on the 1993 vote that was passed, the budget in 1993 without one Republican vote.

Now, these are just the facts. I am not making this up. This is not a partisan statement; it is just the facts.

Mr. MEEK of Florida. I want to go further. It is from the Congressional Budget Office. I mean, I just want to make sure that is clear.

Mr. RYAN of Ohio. This is the Congressional Budget Office. $128 billion surplus in 2001 due to the fiscal policies, the fiscal restraint, the fiscal discipline that the Democratic Party had at that point.

But check out when Mr. Bush and the Republican House and the Republican Senate started getting in charge here, we have a $323 billion budget deficit going into 2006, and we are borrowing the money from foreign interests.

We are borrowing the money to pay for these deficits from the Chinese, the Japanese, and the Saudi Arabians to plug this deficit hole. And we are trying, Democrats are trying, to say, why would you give $80 billion in tax cuts to the wealthiest people in the country when we are already running a $323 billion deficit in 2006, we already have borrowed $1 trillion from foreign interests in the last 4 years, more than any President has borrowed from foreign interests in the past 224 years?

Mr. MEEK of Florida. $1.05 trillion.

Mr. RYAN of Ohio. 1.05 trillion we have borrowed from foreign interests in the last 4 years.

Mr. MEEK of Florida. When you say foreign interests, who are they?

Mr. RYAN of Ohio. The Chinese Government. The Japanese Government. The House of Saud in Saudi Arabia. I mean, we are borrowing money from China. I do not even want to get into the whole manufacturing and the rise of China and the competition that we have right now.

Mr. MEEK of Florida. And the U.S. workers are training people to replace them.

Mr. RYAN of Ohio. It is a real issue. So we are borrowing money from a country that we are in direct competition with. They are taking billions and billions of dollars of investment that is coming from the United States and going into China, whether it is Delphi that has filed bankruptcy, General Motors which has significant investment in China now. Ford just announced that they are going to cut 30,000 jobs in 10 plants in the United States. And we are borrowing money from the country that they are making the investment in?

Now, China is not in a bad position right now. Check it out. I mean, they are getting investments from Delphi, General Motors, General Electric and Ford and a lot of the automakers; and at the same time they are loaning us money that we are paying them interest on.

Mr. MEEK of Florida. A piece of the American pie.

Mr. RYAN of Ohio. A big piece of the American pie. And I think we were talking the other day, it is over $300 billion a year this country pays just in interest payments on the debt.

The average American, the average Member of Congress is not paying attention to our $8 trillion debt that we have. That means $27,000 per American citizen. So if a baby is born today, I had a nephew that was born a couple of months ago, 9 weeks ago tomorrow. That young man, Nicholas John Ryan, owes $27,000 to his government, and this young man is 9 weeks old.

The gentleman from Florida (Mr. MEEK) and the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), the gentleman from Massachusetts (Mr. DELAHUNT), they each owe $27,000 to the United States Government because of the reckless spending that we have. So, you know, we have really got to get our house in order. We need to balance the budget.

Ladies and gentlemen, Members of Congress, my friends from Florida, you just cannot do it by giving away $80 billion to the wealthiest people in the country in the form of a tax cut.

□ 1715

We also have two wars going on.

Mr. MEEK of Florida. That is what I was going to say. I think it is important we talk about this all the time. We work on this as a working group. I think it is important that the American people understand that we have a war going on, we have a war going on, that we still have people that are delusional as it relates to our commitment, our financial commitments, Mr. Speaker, to what we have to do. And I think it is important that people understand, Mr. Speaker, that if we are going to talk about the strategy in Iraq and Afghanistan, it is important that we have a serious discussion on how we are going to be fiscally responsible in making sure that we do not have more and more and more money being spent in an irresponsible way and giving it away.

Mr. RYAN of Ohio. Mr. Speaker, I yield back my time to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) as I have to step off the floor for a moment.

The SPEAKER pro tempore (Mr. POE). The gentleman yields back his time.

Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for the remainder of the minority leader's hour.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, just to piggyback on what the gentleman from Florida (Mr. MEEK) was saying, when we are talking about the costs and the impact of the decisions that the Republican leadership is making in this country, let me just highlight for a few minutes exactly what this tax cut package that passed off this floor today is really going to mean for Americans.

We have given yet another round of tax breaks to our wealthiest Americans. Now, when you hear the term "wealthiest Americans," there is a lot of different ways that people might think of that. What we are talking about when we are referring to the wealthiest Americans is the top two-tenths of 1 percent of the wealthiest Americans in this country, people who are making more than a million dollars a year.

The Republican bill that we have passed off this floor today will raise taxes on more than 17 million middle class families by as much as $3,640, while millionaires would get tax cuts of as much as $32,000. These tax breaks for the wealthy few will be paid for directly through the spending cuts that we passed a couple of weeks ago in the Budget Reconciliation Act that we just adopted.

We are talking about budget cuts that impact people who need child support enforcement. We are talking about food stamps that provide school lunch funding for thousands and thousands of children across this country, both school lunch and school breakfast funding. We are talking about cuts in financial aid. We are talking about cuts to programs for senior citizens, for children, for rural families.

The Republican leadership here, Mr. Speaker, has pushed a tax bill and adopted a tax bill on this floor that will increase the deficit by $81 billion. $81 billion because when I do the math, and I spend quite a bit of time doing first grade math with my first graders at home, I see this as pretty simple math. If you have $50 billion in budget cuts and you try to call the Budget Reconciliation Act, the Budget Deficit Reduction Act, which is an obvious misnomer when you hear what I am going to describe next: and then 2 weeks later you pass a tax cut package that adds $70 billion in tax cuts, well, the difference is another $20 billion on the deficit.

I mean, that is just unbelievable that the Republican leadership here would have the nerve to call this bill from 2 weeks ago a Budget Deficit Reduction Act. And to add insult to injury, the kind of money that we are talking about, the kind of fiscal impact that we are talking about, really boils down to a direct impact on individual Americans. Every newborn that is born as I am speaking owes $27,000 that adds up to the $8 trillion deficit that we have in this country.

We have difference in terms of our views on what is considered fiscal responsibility. Obviously, there are differences of opinion when it comes to the approach that Democrats and Republicans take. But layered on top of those differences is the culture of corruption and cronyism that exists in this country and in this Congress and in this administration. Just over the last several months we have had details of that. I mean, we have layer upon layer of cronyism, of corruption and of incompetence. To me it smacks of incompetence when you continue to pass tax cuts and budget cuts and balloon the deficit bigger and bigger and bigger. I mean, we are not going in the right direction here. There should not be any delusions that we have reduced the deficit in any action we have taken in the last several weeks.

Then you add that to the fact that we had a nightmarish, disastrous response to Hurricane Katrina. The aftermath of Hurricane Katrina was clearly the result of indifference. There was an opportunity in the previous fiscal year before Katrina hit the Gulf Coast region to put the money and keep the money in the budget, to fund the levees in New Orleans and the administration took it out. They took that funding out. So where it was possible to stave off the disaster that struck New Orleans, instead the administration put tax breaks for the wealthy as a higher priority.

Let us move on to, we have covered incompetence briefly, now we can talk about cronyism. The cronyism that exists in this administration is just absolutely rampant. It runs deep. It is not occasional. It is not an anomaly. You have example after example.

Let us take Michael Brown, for example, who was formerly the director of FEMA. Not only was he absolutely unqualified for the job and had little to no emergency preparedness or disaster response training or professional experience before taking the job at FEMA and being offered the job at FEMA, what his specific qualifications were prior to becoming FEMA director was to be head of the Arabian, excuse me. Let us give credit where credit is due. He was head of a national organization. The National Arabian Horse Association.

I am not sure what type of emergencies or disasters occur with Arabian horses, but there does not seem to be much of a nexus between that type of experience and the type of experience that you need to run the largest disaster response and preparedness organization in the country.

An organization where the director is expected after a disaster to have the command of every agency at his fingertips, to be able to direct each of those agencies in a particular direction to respond as quickly as possible. Yet, not even that was possible after Katrina because, unfortunately, FEMA has been brought under the Department of Homeland Security and is no longer an independent agency directly responsible to the President with an independent secretary.

Now we have so many layers of bureaucracy in the Department of Homeland Security that by the time the FEMA director's request gets all the way up the food chain, many lives have been harmed, a lot more damage has occurred. And if there is any organization that needs to be lean and clean and responsive in this government, it is FEMA. And we have, unfortunately, hamstrung FEMA and FEMA's director to such a degree that we have seen the results after Katrina to that disaster and the disaster response.

We saw the nightmare traffic jams when the folks in Texas and the western part of the gulf coast tried to get out of their homes and community on the roads to get away from Rita potentially. And then in my home State, when Wilma hit 2 months after Katrina, one would think that after Katrina hit that maybe a couple of lessons would have been learned and we would not be repeating the same mistakes. Yet, even today we still have victims of Wilma in South Florida who are without housing, who are not even in temporary housing, who are still in shelters. That is the type of person we put in charge of an agency that has that much responsibility.

Let us look at Julie Myers as we continue on with the subject of cronyism. Julie Myers was nominated to be Assistant Secretary of the United States Immigration and Customs Enforcement Agency. The responsibilities in that job were that she would have been in charge of the second largest investigative agency in the Federal Government with over 20,000 employees, including 6,000 investigators and an annual budget of more than $4 billion.

The U.S. Immigration and Customs Enforcement, ICE, is comprised of five divisions that form a 21st century law enforcement agency. It is an agency that my office at home contacts every day to help people with their immigration problems.

Her resume includes that she is currently a special assistant handling personnel issues for President Bush. She was, of course, recently married to the chief of staff to Michael Chertoff, Secretary Chertoff of the Department of Homeland Security. She is the niece of General Richard Myers, the Chairman of the Joint Chiefs of Staff. I am not sure what qualifications she has for a job of that size and scope. Her only previous experience was that of being a special assistant handling personnel issues. I do not really see the nexus or the connection from that job to the job that she was nominated for as the head of an immigration division.

Right now, basically, even Republican Senator VOINOVICH told Ms. Myers at her nomination hearing that he would really like to have Secretary Chertoff spend some time with the committee, telling them personally why he felt Ms. Myers was qualified for the job because he said, based on your resume, I do not think you are.

Let us move on to David Safavian, if we are going to continue the examples of the culture of corruption and cronyism here. Let us continue in the cronyism theme. David Safavian was the administrator of the Office of Federal Procurement Policy in OMB. His responsibilities included being in charge of a $300 billion budget and ensuring fair competition for Federal contracts. His job also included setting the procurement policies for the Office of Management and Budget, including funding for Hurricane Katrina efforts.

Let us detail some of his experience. He is currently out on bail after being arrested and charged with obstructing the criminal investigation into indicted Republican lobbyist Jack Abramoff. He is also married to Jennifer Safavian, who is also a person who has numerous ties and connections to Republican leadership. That also includes lobbying partnerships with the likes of Grover Norquist and Jack Abramoff.

I could go on, Mr. Speaker, but that is just a smattering of examples of people who were appointed or recruited or nominated for major positions within the administration with not so major qualifications.

Now, let us talk about the culture of corruption that has existed. I can tell you that as a freshman Member of this body, and as someone who served in the Florida legislature for 12 years, I can tell you that I am not naive. We are obviously a representative body and there are going to be instances of ethical lapses. We are all human and that does occur, especially in a representative body the size of this one. But when you get to the size and scope and proportion of ethical lapses and of corrupt activity or at least people who have been accused of that corrupt activity, it becomes deeply, deeply troubling.

We have a former Member, only recently former as of last week, who admitted guilt to bribery. I mean, this is a person who was a ranking member on an appropriations subcommittee in this body, and someone who absolutely violated the trust of his constituents and the trust of the American people.

I know we have other Members in this Chamber, in this body, who have been accused of ethical wrongdoing, and there have been quite a few of those who have been accused of ethical wrongdoing in the administration as well.

The bottom line, Mr. Speaker, is that America deserves better. We can work together and give America a better government, a government that stands up for those who cannot stand up for themselves. A government who understands that we are not all of the problem and we can be part of the solution to the problems in America and to the problems in people's individual lives.

□ 1730

That is unfortunately not what it appears are the priorities that are shared by the Republican leadership in this institution or in the administration.

We have got to move this country in a new direction, Mr. Speaker. We have an agenda on the Democratic side that would do just that. I want to spend a few minutes talking about that agenda.

This is the 30-something Working Group, and in the 30-something Working Group, one of the things that we try to do is help our generation understand. What happens with our generation is that often they feel less in touch with the inner workings of government. They do not really see, for example, how Social Security reform could potentially alter their future. The 30-something Working Group comes to this floor each night and tries to help demystify a lot of the government programs that maybe our generation does not feel the impact of directly.

I want to talk about Democratic leader NANCY PELOSI's innovation agenda, which is the innovation agenda of the Democratic Party and the Democratic Caucus. She rolled that out just last week, and it is an agenda that appeals and speaks directly to our generation.

We have a challenge today in this country that in years past countries around the world would follow the United States in terms of our innovation and our future technological advances. One has only to look back to when I was 3 years old in 1969 and we put the first man on the Moon. That was something at the time that no one thought possible. I heard my parents and I heard Leader PELOSI talk about it just the other morning where it was so foreign a concept, something completely unfathomable to my parents' generation, not something that they ever thought possible; and yet when President Kennedy talked about it, I think it was accomplished in 9 years.

America was previously a country that the rest of the world looked to as innovators; and now because of the direction that this Republican leadership and the Republican administration have taken us in, the anvil of Washington has stagnated our ability to be innovators.

What we have done is we took a process and went outside of Washington. We went to the technological centers across the country and sat with CEOs and the leaders of technological companies across the country and asked them what they think. Let me just give you a few examples of the type of leadership and the differences and the changes that have occurred.

America now ranks 16th in the world in broadband penetration. That is the difference between when I was a child in 1969 and where we are today. America ranks 16th in broadband penetration, broadband subscribers per 100 inhabitants on January 1, 2005. You look at the countries, we are not at the top. Korea is at the top. Hong Kong and China are at the top. Iceland is doing better than we are in terms of broadband penetration. What happened to America leading the way on innovation? We are 16th in penetration.

We have an agenda that would change that. We have an agenda that would put broadband access in every household in 5 years. That is a goal that we absolutely should strive for. We have got to make sure that our generation raises their kids, that we raise our kids to be first, to have the attitude that it is America first. That is how it was when we were kids when President Kennedy was in office, and that is how it should be again.

Mr. RYAN of Ohio. Mr. Speaker, it was interesting talking to Leader PELOSI the other day, and some of her conversations that she had were about she and our leadership team actually went out and engaged the technology community and sought their recommendations. They were saying we need to do this in the next 2 years. Our friends on the other side do not have a plan at all. We have a plan to do it in the next 5 years, and many people in the high-tech community are saying we need it done in the next year or two years.

This is something that we cannot wait on, and I think the difference here is that we are showing very specific proposals here, very specific goals that need to be achieved in order for America to push forward in the 21st century. It does not happen with the same old rhetoric of the supply side voodoo economics. It is just not working.

Last night, you know how you get on your computer and you just start floating around, and God knows where you end up. We got out of here late, and I could not fall asleep. So I got on my computer and I was floating around, and I got into some space stuff from the space program. Then I made my way to the space speech that President Kennedy gave in Houston in the early 1960s; and I tell you what, they have the audio version which is very cool. If any American wants to think about where we should be and the kind of leadership that they deserve from us, they just need to read that speech or listen to that speech. That was about just taking things to the next level.

Ms. WASSERMAN SCHULTZ. We should put it on our Web site.

Mr. RYAN of Ohio. We should put it on our Web site, and I think we will have to do that.

It was about here is the vision, here is why and here is why it is our call at this moment in history; and I think when you talk about something like broadband, you talk about alternative energy sources, you talk about research and development, whether it is into the human mind or the human genome or whatever it may be. It is about setting these lofty goals for our country, not to go shopping, which is the great call from this administration.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, the other place that we are lagging behind is global education standards. I was shocked to learn that the difference in the number of students who graduate with an engineering degree from nation to nation is staggering.

Here is another place, sadly, where we are no longer first. China is first. They are first by miles. They graduated 600,000 students with an engineering degree this year; 350,000 with engineering degree in India; and 70,000 in the United States.

Mr. RYAN of Ohio. A lot of ours are foreign born who will return to probably one of those two countries.

Ms. WASSERMAN SCHULTZ. There is no question, and I can tell you that if you even examine further the details of those numbers, what is even sadder is how few women and young women are graduating with those kinds of degrees. We need to make sure that we grow our scientists of the future and that we encourage our kids who are going through the universities, actually really we have to start in elementary school, to encourage them to pursue science and math pathways so that ultimately they get involved in the science fairs and enter their projects in the science fairs and work their way through so that they know they want to go to a university and get an engineering degree.

We have a plan that will take us in that direction. We have a plan that will add 100,000 new scientists, mathematicians and engineers to America's workforce in the next 4 years, and we can do that using our ability to provide scholarships and other financial assistance and work with the private sector to create opportunities for students who go to college to achieve that goal; but that is something that government has to initiate. That is not something that can completely be incubated in the private sector and occur on its own. Those things do not occur in a vacuum.

Mr. RYAN of Ohio. Think of the ripple effect. Throughout our society, from wages to new inventions, new patents, the whole 9 yards, the ripple effect throughout the community.

We have a business incubator in one of our towns, in Youngstown that is, whether it is computers or science or whatever, creating jobs in our urban centers; and you begin to put together a program where you have research, you have engineering graduates, you have business incubators, you have the arts.

One of the things that I want to add to that, when I was in China, I went for 2 weeks in August. The two things that the Chinese were saying that American engineers have that those 600,000 do not have, they really do not have the skills that we have. We are more creative and we work in teams better, and they were saying that they just cannot teach the Chinese how to do these things, no matter how hard they try. One party system, Communist system, everything is very narrow. You always look to the hierarchy. It is just very narrow thinking.

It occurred to me that the very two things, in addition to not creating enough engineers, but the very two things that give us our competitive advantage around the globe are the first two things that we usually cut in our schools, the arts programs and the team programs, the pay-to-play, where kids get boxed out. It is basketball season now for high schools, 12 varsity kids, 12 junior varsity kids and a freshman team, and that is it. No one else gets to play. We need to have an agenda that promotes teamwork, the arts, these things that create our advantage.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, the things that make kids grow up into whole people. What happens now is because we are inadequately funding education, our classrooms in most of the major urban population centers and now even in some places that would not be considered so urban, the classrooms are so crowded they are bursting at the seams. They are having to use the art rooms and the band room and the music rooms for classroom space.

So as a result, electives are so reduced or the funding is cut for them. So you are graduating kids who know how to take tests. They are test takers, and those are not the kind of skills that small businesses are looking for when they are sitting across the desk after a kid has graduated from high school or even college. I can tell you, because I taught at the college level for several years both at the university and community college level, you would not believe the writing skills or lack of writing skills that someone whose whole educational career has been structured towards taking tests, what those writing skills look like.

We are not graduating whole, well-balanced kids who have critical thinking skills and the creativity that those kinds of classes and elective courses help to shape them into adults that will be able to work in groups and dream big dreams and make us the innovators and that have been the tradition of innovation that Americans have always led the way on. It is just not that way anymore, and we have got to get back in that direction.

Mr. RYAN of Ohio. We are in the process, I think everyone would agree, of creating a new economy. No one really knows what direction it is going to go in; but we know some of the fundamentals, like broadband, are a very important part of that. So why not make it accessible to everybody, just like we did with roads? That was a huge subsidy for the auto industry for years. I mean, where is the auto industry, where are the car manufacturers without roads? Where are the great railroad companies without the railroad lines?

These are the kinds of things that I think we need to do. Water lines, sewer lines were the key in the industrial age; and in the high-tech Information Age, that is the road and the bridge.

Ms. WASSERMAN SCHULTZ. That is it right there, and you cannot do those things when you are hampered every day by having to answer questions from reporters and from your constituents on your ethical lapses and on the corruption accusations and on cronyism. We all know that those things are distracting. When you have to concentrate all of your energy and effort and attention on corruption and cronyism and your incompetence, how are you going to be able to focus on innovation? How are you going to be able to focus on the future?

Mr. RYAN of Ohio. I think that has been the focus of our friends on the other side. They have been so focused on taking care of their friends in particular industries that we have gotten away from the mission here, which is to strengthen the United States of America in a $323 billion budget deficit that the Congressional Budget Office, a nonpartisan organization, is saying we are going to have. That is less money that we are able to invest in the country, and a stronger America begins right here at home.

Ms. WASSERMAN SCHULTZ. Absolutely. We are not addressing the high cost of gasoline. We have a plan that would make us energy independent within 10 years. We have got to make sure we start innovating in that direction. We have got to make sure we stop relying solely on foreign oil. We have investments that we can make in research and development so that we can expand our ability to generate alternative energy sources. We have to help small businesses. We have to make sure that small business can thrive. They cannot thrive with upwards of 15 percent increases in their health insurance costs every year. We have got to make sure we have access to health care in this country.

That is the direction the Democrats would take this country and break the gridlock that we seem to be mired in, in which every single day there is another accusation of corruption. Every single day there is another example of a person who was selected or nominated or chosen for a job in the administration who is wholly unqualified for the breadth and scope of experience that that person would need to do that job effectively. What happens? They make horrible mistakes, and that is the next day's headlines, not the headlines that we had in 1969 that America was first to land a man on the Moon.

□ 1745

Ms. WASSERMAN SCHULTZ. We have a limited amount of time, I think we have about 5 minutes left, Mr. RYAN, but I am really excited about this innovation agenda. I just wish that we were able to bring the other side of the aisle to the table.

One of the things that has been frustrating to me as a freshman, and I have only been here 11 months now, but I came from a legislature that had its share of partisanship. But we had partisanship on 10 or 12 issues, maybe. You would have 10 or 12 issues that the two parties and the leaders of the two parties would duke it out to the end. Both sides would go to their respective corners and you knew on those issues we would not find common ground and that was that.

But on other issues, and I am talking about other issues related to health insurance and property insurance and tax relief, and not little itty bitty issues, not the small stuff but some really big things, that if everybody on both sides of the aisle, all the interested parties are willing to sit down at the table and use another C word. Because we are really big on C words, I want a good C word, not cronyism, not corruption, not a lack of competence. I want compromise. That is the C word I would like to see used here. In my 11 months here, I have not seen a whole lot of interest in compromise. It is my-way-or-the-highway type of politics here, and that is really sad.

Mr. RYAN of Ohio. And the agenda the gentlewoman has been articulating over the past 20 minutes or so I think separates us from even how our party used to be. Everybody has their crosses to bear, and I think we had been labeled many times as just a tax-and-spend party who never came up, at least in the last few years, with any really great ideas.

Most of the Democrats over here voted yesterday for the alternative minimum tax, to make sure that average people will get a tax cut and they will not be burdened. So I think we are moving away from that. And I would say most of us have voted for middle class tax relief on a variety of occasions. But what we are saying here is that this is the broadband and the engineering. And our approach to this thing, research and development, tax credits, our approach to this is a new approach that neither party has had, but we have it now.

The Democratic party is offering a new approach to this. And it is, in many ways, having broadband penetration for every single student and for every household in the next 5 years is an anti-poverty program. It is a jobs-creation program. These kids who live in poverty, we need to help them with heating oil and we do need to make sure these kids have the proper diet and the proper nutrition and all that. That is stuff that still needs to happen. But if that kid is caught in the digital divide, caught at the wrong end of the digital divide, that kid will never have an opportunity to hook up to any kind of economic growth that we may have because of this.

That is why it is so important to get it everywhere. And what we are saying is we want that kid, who is somewhere in rural America or somewhere in some inner city, to have access to this. Because with a quality education, access to the technology and the proper community support, that kid will become a wealth creator. They will be creating wealth and paying taxes, instead of asking can I get qualified for the earned income tax credit, am I going to be on Medicaid, or what do I need?

We want to propel people. And America needs to be a country of opportunity again, Debbie. It needs to be a country where people can say, I can be anything I want, I can do whatever I want because the proper infrastructure was in place when I was a kid to help propel me into a bright future.

Ms. WASSERMAN-SCHULTZ. So as we close out, Mr. Speaker, and I think Mr. RYAN is going to put the board up that shows our 30-Something Web site, I have one wish. I have a wish for the holiday season; that we shift from the C words, the negative C words that have been prevalent in the headlines and in this Chamber, that we move away from the cronyism, from the corruption, from the lack of competence. And my wish for the holiday season and the new year is that we adopt a more positive C word; come together and find some common ground and some compromise.

That seems to have been elusive, elusive mostly because it does not appear the Republican leadership has had any interest in finding common ground and compromise. So that is my wish for the holiday season.

We want to thank the Democratic leader for the time spending some time on the floor discussing our views, and I yield to my colleague to give out the Web site.

Mr. RYAN of Ohio. Yes, this is the 30 Something Working Group. Send us an e-mail at 30somethingdems@mail.house.gov. Thirty, the number, somethingdems@mail.house.gov.

CONFERENCE REPORT ON H.R. 3199, USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005

Mr. SENSENBRENNER (during the special order of Mr. KING of Iowa) submitted the following conference report and statement on the bill (H.R. 3199) to extend and modify authorities needed to combat terrorism, and for other purposes:

CONFERENCE REPORT (H. REPT. 109–333)

The committee of conference on the disagreeing vote of the two Houses on the amendment of the Senate to the bill (H.R. 3199), to extend and modify authorities needed to combat terrorism, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "USA PATRIOT Improvement and Reauthorization Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT

Sec. 101. References to, and modification of short title for, USA PATRIOT Act.
Sec. 102. USA PATRIOT Act sunset provisions.
Sec. 103. Extension of sunset relating to individual terrorists as agents of foreign powers.
Sec. 104. Section 2332b and the material support sections of title 18, United States Code.
Sec. 105. Duration of FISA surveillance of non-United States persons under section 207 of the USA PATRIOT Act.
Sec. 106. Access to certain business records under section 215 of the USA PATRIOT Act.
Sec. 106A. Audit on access to certain business records for foreign intelligence purposes.
Sec. 107. Enhanced oversight of good-faith emergency disclosures under section 212 of the USA PATRIOT Act.
Sec. 108. Multipoint electronic surveillance under section 206 of the USA PATRIOT Act.
Sec. 109. Enhanced congressional oversight.
Sec. 110. Attacks against railroad carriers and mass transportation systems.
Sec. 111. Forfeiture.
Sec. 112. Section 2332b(g)(5)(B) amendments relating to the definition of Federal crime of terrorism.
Sec. 113. Amendments to section 2516(1) of title 18, United States Code.
Sec. 114. Delayed notice search warrants.
Sec. 115. Judicial review of national security letters.
Sec. 116. Confidentiality of national security letters.
Sec. 117. Violations of nondisclosure provisions of national security letters.
Sec. 118. Reports on national security letters.
Sec. 119. Audit of use of national security letters.
Sec. 120. Definition for forfeiture provisions under section 806 of the USA PATRIOT Act.
Sec. 121. Penal provisions regarding trafficking in contraband cigarettes or smokeless tobacco.
Sec. 122. Prohibition of narco-terrorism.
Sec. 123. Interfering with the operation of an aircraft.
Sec. 124. Sense of Congress relating to lawful political activity.
Sec. 125. Removal of civil liability barriers that discourage the donation of fire equipment to volunteer fire companies.
Sec. 126. Report on data-mining activities.
Sec. 127. Sense of Congress.
Sec. 128. USA PATRIOT Act section 214; authority for disclosure of additional information in connection with orders for pen register and trap and trace authority under FISA.

TITLE II—TERRORIST DEATH PENALTY ENHANCEMENT

Sec. 201. Short title.

Subtitle A—Terrorist penalties enhancement Act

Sec. 211. Death penalty procedures for certain air piracy cases occurring before enactment of the Federal Death Penalty Act of 1994.
Sec. 212. Postrelease supervision of terrorists.

Subtitle B—Federal Death Penalty Procedures

Sec. 221. Elimination of procedures applicable only to certain Controlled Substances Act cases.
Sec. 222. Counsel for financially unable defendants.

TITLE III—REDUCING CRIME AND TERRORISM AT AMERICA'S SEAPORTS

Sec. 301. Short title.
Sec. 302. Entry by false pretenses to any seaport.

Sec. 303. Criminal sanctions for failure to heave to, obstruction of boarding, or providing false information.
Sec. 304. Criminal sanctions for violence against maritime navigation, placement of destructive devices.
Sec. 305. Transportation of dangerous materials and terrorists.
Sec. 306. Destruction of, or interference with, vessels or maritime facilities.
Sec. 307. Theft of interstate or foreign shipments or vessels.
Sec. 308. Stowaways on vessels or aircraft.
Sec. 309. Bribery affecting port security.
Sec. 310. Penalties for smuggling goods into the United States.
Sec. 311. Smuggling goods from the United States.

TITLE IV—COMBATING TERRORISM FINANCING

Sec. 401. Short title.
Sec. 402. Increased penalties for terrorism financing.
Sec. 403. Terrorism-related specified activities for money laundering.
Sec. 404. Assets of persons committing terrorist acts against foreign countries or international organizations.
Sec. 405. Money laundering through hawalas.
Sec. 406. Technical and conforming amendments relating to the USA PATRIOT Act.
Sec. 407. Cross reference correction.
Sec. 408. Amendment to amendatory language.
Sec. 409. Designation of additional money laundering predicate.
Sec. 410. Uniform procedures for criminal forfeiture.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Residence of United States attorneys and assistant United States attorneys.
Sec. 502. Interim appointment of United States Attorneys.
Sec. 503. Secretary of Homeland Security in Presidential line of succession.
Sec. 504. Bureau of Alcohol, Tobacco and Firearms to the Department of Justice.
Sec. 505. Qualifications of United States Marshals.
Sec. 506. Department of Justice intelligence matters.
Sec. 507. Review by Attorney General.

TITLE VI—SECRET SERVICE

Sec. 601. Short title.
Sec. 602. Interference with national special security events.
Sec. 603. False credentials to national special security events.
Sec. 604. Forensic and investigative support of missing and exploited children cases.
Sec. 605. The Uniformed Division, United States Secret Service.
Sec. 606. Savings provisions.
Sec. 607. Maintenance as distinct entity.
Sec. 608. Exemptions from the Federal Advisory Committee Act.

TITLE VII—COMBAT METHAMPHETAMINE EPIDEMIC ACT OF 2005

Sec. 701. Short title.

Subtitle A—Domestic regulation of precursor chemicals

Sec. 711. Scheduled listed chemical products; restrictions on sales quantity, behind-the-counter access, and other safeguards.
Sec. 712. Regulated transactions.
Sec. 713. Authority to establish production quotas.
Sec. 714. Penalties; authority for manufacturing; quota.
Sec. 715. Restrictions on importation; authority to permit imports for medical, scientific, or other legitimate purposes.
Sec. 716. Notice of importation or exportation; approval of sale or transfer by importer or exporter.
Sec. 717. Enforcement of restrictions on importation and of requirement of notice of transfer.
Sec. 718. Coordination with United States Trade Representative.

Subtitle B—International regulation of precursor chemicals

Sec. 721. Information on foreign chain of distribution; import restrictions regarding failure of distributors to cooperate.
Sec. 722. Requirements relating to the largest exporting and importing countries of certain precursor chemicals.
Sec. 723. Prevention of smuggling of methamphetamine into the United States from Mexico.

Subtitle C—Enhanced criminal penalties for methamphetamine production and trafficking

Sec. 731. Smuggling methamphetamine or methamphetamine precursor chemicals into the United States while using facilitated entry programs.
Sec. 732. Manufacturing controlled substances on Federal property.
Sec. 733. Increased punishment for methamphetamine kingpins.
Sec. 734. New child-protection criminal enhancement.
Sec. 735. Amendments to certain sentencing court reporting requirements.
Sec. 736. Semiannual reports to Congress.

Subtitle D—Enhanced environmental regulation of methamphetamine byproducts

Sec. 741. Biennial report to Congress on agency designations of by-products of methamphetamine laboratories as hazardous materials.
Sec. 742. Methamphetamine production report.
Sec. 743. Cleanup costs.

Subtitle E—Additional programs and activities

Sec. 751. Improvements to Department of Justice drug court grant program.
Sec. 752. Drug courts funding.
Sec. 753. Feasibility study on Federal drug courts.
Sec. 754. Grants to hot spot areas to reduce availability of methamphetamine.
Sec. 755. Grants for programs for drug-endangered children.
Sec. 756. Authority to award competitive grants to address methamphetamine use by pregnant and parenting women offenders.

TITLE I—USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT

SEC. 101. REFERENCES TO, AND MODIFICATION OF SHORT TITLE FOR, USA PATRIOT ACT.

(a) REFERENCES TO USA PATRIOT ACT.—A reference in this Act to the USA PATRIOT Act shall be deemed a reference to the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act) of 2001.

(b) MODIFICATION OF SHORT TITLE OF USA PATRIOT ACT.—Section 1(a) of the USA PATRIOT Act is amended to read as follows:

"(a) SHORT TITLE.—This Act may be cited as the 'Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001' or the 'USA PATRIOT Act'.".

SEC. 102. USA PATRIOT ACT SUNSET PROVISIONS.

(a) IN GENERAL.—Section 224 of the USA PATRIOT Act is repealed.

(b) SECTIONS 206 AND 215 SUNSET.—

(1) IN GENERAL.—Effective December 31, 2009, the Foreign Intelligence Surveillance Act of 1978 is amended so that sections 501, 502, and 105(c)(2) read as they read on October 25, 2001.

(2) EXCEPTION.—With respect to any particular foreign intelligence investigation that began before the date on which the provisions referred to in paragraph (1) cease to have effect, or with respect to any particular offense or potential offense that began or occurred before the date on which such provisions cease to have effect, such provisions shall continue in effect.

SEC. 103. EXTENSION OF SUNSET RELATING TO INDIVIDUAL TERRORISTS AS AGENTS OF FOREIGN POWERS.

Section 6001(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3742) is amended to read as follows:

"(b) SUNSET.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by subsection (a) shall cease to have effect on December 31, 2009.

"(2) EXCEPTION.—With respect to any particular foreign intelligence investigation that began before the date on which the provisions referred to in paragraph (1) cease to have effect, or with respect to any particular offense or potential offense that began or occurred before the date on which the provisions cease to have effect, such provisions shall continue in effect.".

SEC. 104. SECTION 2332b AND THE MATERIAL SUPPORT SECTIONS OF TITLE 18, UNITED STATES CODE.

Section 6603 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3762) is amended by striking subsection (g).

SEC. 105. DURATION OF FISA SURVEILLANCE OF NON-UNITED STATES PERSONS UNDER SECTION 207 OF THE USA PATRIOT ACT.

(a) ELECTRONIC SURVEILLANCE.—Section 105(e) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C 1805(e)) is amended—

(1) in paragraph (1)(B), by striking ", as defined in section 101(b)(1)(A)" and inserting "who is not a United States person"; and

(2) in subsection (2)(B), by striking "as defined in section 101(b)(1)(A)" and inserting "who is not a United States person".

(b) PHYSICAL SEARCH.—Section 304(d) of such Act (50 U.S.C. 1824(d)) is amended—

(1) in paragraph (1)(B), by striking "as defined in section 101(b)(1)(A)" and inserting "who is not a United States person"; and

(2) in paragraph (2), by striking "as defined in section 101(b)(1)(A)" and inserting "who is not a United States person".

(c) PEN REGISTERS, TRAP AND TRACE DEVICES.—Section 402(e) of such Act (50 U.S.C. 1842(e)) is amended—

(1) by striking "(e) An" and inserting "(e)(1) Except as provided in paragraph (2), an"; and

(2) by adding at the end the following new paragraph:

"(2) In the case of an application under subsection (c) where the applicant has certified that the information likely to be obtained is foreign intelligence information not concerning a United States person, an order, or an extension of an order, under this section may be for a period not to exceed one year.".

SEC. 106. ACCESS TO CERTAIN BUSINESS RECORDS UNDER SECTION 215 OF THE USA PATRIOT ACT.

(a) DIRECTOR APPROVAL FOR CERTAIN APPLICATIONS.—Subsection (a) of section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(a)) is amended—

(1) in paragraph (1), by striking "The Director" and inserting "Subject to paragraph (3), the Director"; and

(2) by adding at the end the following:

"(3) In the case of an application for an order requiring the production of library circulation records, library patron lists, book sales records, book customer lists, firearms sales records, tax return records, educational records, or medical records containing information that would identify a person, the Director of the Federal Bureau of Investigation may delegate the authority to make such application to either the Deputy Director of the Federal Bureau of Investigation or the Executive Assistant Director for National Security (or any successor position). The Deputy Director or the Executive Assistant Director may not further delegate such authority.".

(b) Factual Basis for Requested Order.—Subsection (b)(2) of such section is amended to read as follows:

"(2) shall include—

"(A) a statement of facts showing that there are reasonable grounds to believe that the tangible things sought are relevant to an authorized investigation (other than a threat assessment) conducted in accordance with subsection (a)(2) to obtain foreign intelligence information not concerning a United States person or to protect against international terrorism or clandestine intelligence activities, such things being presumptively relevant to an authorized investigation if the applicant shows in the statement of the facts that they pertain to—

"(i) a foreign power or an agent of a foreign power;

"(ii) the activities of a suspected agent of a foreign power who is the subject of such authorized investigation; or

"(iii) an individual in contact with, or known to, a suspected agent of a foreign power who is the subject of such authorized investigation; and

"(B) an enumeration of the minimization procedures adopted by the Attorney General under subsection (g) that are applicable to the retention and dissemination by the Federal Bureau of Investigation of any tangible things to be made available to the Federal Bureau of Investigation based on the order requested in such application.".

(c) Clarification of Judicial Discretion.—Subsection (c)(1) of such section is amended to read as follows:

"(c)(1) Upon an application made pursuant to this section, if the judge finds that the application meets the requirements of subsections (a) and (b), the judge shall enter an ex parte order as requested, or as modified, approving the release of tangible things. Such order shall direct that minimization procedures adopted pursuant to subsection (g) be followed.".

(d) Additional Protections.—Subsection (c)(2) of such section is amended to read as follows:

"(2) An order under this subsection—

"(A) shall describe the tangible things that are ordered to be produced with sufficient particularity to permit them to be fairly identified;

"(B) shall include the date on which the tangible things must be provided, which shall allow a reasonable period of time within which the tangible things can be assembled and made available;

"(C) shall provide clear and conspicuous notice of the principles and procedures described in subsection (d);

"(D) may only require the production of a tangible thing if such thing can be obtained with a subpoena duces tecum issued by a court of the United States in aid of a grand jury investigation or with any other order issued by a court of the United States directing the production of records or tangible things; and

"(E) shall not disclose that such order is issued for purposes of an investigation described in subsection (a).".

(e) Prohibition on Disclosure.—Subsection (d) of such section is amended to read as follows:

"(d)(1) No person shall disclose to any other person that the Federal Bureau of Investigation has sought or obtained tangible things pursuant to an order under this section, other than to—

"(A) those persons to whom disclosure is necessary to comply with such order;

"(B) an attorney to obtain legal advice or assistance with respect to the production of things in response to the order; or

"(C) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

"(2)(A) A person to whom disclosure is made pursuant to paragraph (1) shall be subject to the nondisclosure requirements applicable to a person to whom an order is directed under this section in the same manner as such person.

"(B) Any person who discloses to a person described in subparagraphs (A), (B), or (C) of paragraph (1) that the Federal Bureau of Investigation has sought or obtained tangible things pursuant to an order under this section shall notify such person of the nondisclosure requirements of this subsection.

"(C) At the request of the Director of the Federal Bureau of Investigation or the designee of the Director, any person making or intending to make a disclosure under this section shall identify to the Director or such designee the person to whom such disclosure will be made or to whom such disclosure was made prior to the request, but in no circumstance shall a person be required to inform the Director or such designee that the person intends to consult an attorney to obtain legal advice or legal assistance.".

(f) Judicial Review.—

(1) Petition review pool.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended by adding at the end the following new subsection:

"(e)(1) Three judges designated under subsection (a) who reside within 20 miles of the District of Columbia, or, if all of such judges are unavailable, other judges of the court established under subsection (a) as may be designated by the presiding judge of such court, shall comprise a petition review pool which shall have jurisdiction to review petitions filed pursuant to section 501(f)(1).

"(2) Not later than 60 days after the date of the enactment of the USA PATRIOT Improvement and Reauthorization Act of 2005, the court established under subsection (a) shall adopt and, consistent with the protection of national security, publish procedures for the review of petitions filed pursuant to section 501(f)(1) by the panel established under paragraph (1). Such procedures shall provide that review of a petition shall be conducted in camera and shall also provide for the designation of an acting presiding judge.".

(2) Proceedings.—Section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is further amended by adding at the end the following new subsection:

"(f)(1) A person receiving an order to produce any tangible thing under this section may challenge the legality of that order by filing a petition with the pool established by section 103(e)(1). The presiding judge shall immediately assign the petition to one of the judges serving in such pool. Not later than 72 hours after the assignment of such petition, the assigned judge shall conduct an initial review of the petition. If the assigned judge determines that the petition is frivolous, the assigned judge shall immediately deny the petition and affirm the order. If the assigned judge determines the petition is not frivolous, the assigned judge shall promptly consider the petition in accordance with the procedures established pursuant to section 103(e)(2). The judge considering the petition may modify or set aside the order only if the judge finds that the order does not meet the requirements of this section or is otherwise unlawful. If the judge does not modify or set aside the order, the judge shall immediately affirm the order and order the recipient to comply therewith. The assigned judge shall promptly provide a written statement for the record of the reasons for any determination under this paragraph.

"(2) A petition for review of a decision to affirm, modify, or set aside an order by the United States or any person receiving such order shall be to the court of review established under section 103(b), which shall have jurisdiction to consider such petitions. The court of review shall provide for the record a written statement of the reasons for its decision and, on petition of the United States or any person receiving such order for writ of certiorari, the record shall be transmitted under seal to the Supreme Court, which shall have jurisdiction to review such decision.

"(3) Judicial proceedings under this subsection shall be concluded as expeditiously as possible. The record of proceedings, including petitions filed, orders granted, and statements of reasons for decision, shall be maintained under security measures established by the Chief Justice of the United States in consultation with the Attorney General and the Director of National Intelligence.

"(4) All petitions under this subsection shall be filed under seal. In any proceedings under this subsection, the court shall, upon request of the government, review ex parte and in camera any government submission, or portions thereof, which may include classified information.".

(g) Minimization Procedures and Use of Information.—Section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is further amended by adding at the end the following new subsections:

"(g) Minimization Procedures.—

"(1) In general.—Not later than 180 days after the date of the enactment of the USA PATRIOT Improvement and Reauthorization Act of 2005, the Attorney General shall adopt specific minimization procedures governing the retention and dissemination by the Federal Bureau of Investigation of any tangible things, or information therein, received by the Federal Bureau of Investigation in response to an order under this title.

"(2) Defined.—In this section, the term 'minimization procedures' means—

"(A) specific procedures that are reasonably designed in light of the purpose and technique of an order for the production of tangible things, to minimize the retention, and prohibit the dissemination, of nonpublicly available information concerning unconsenting United States persons consistent with the need of the United States to obtain, produce, and disseminate foreign intelligence information;

"(B) procedures that require that nonpublicly available information, which is not foreign intelligence information, as defined in section 101(e)(1), shall not be disseminated in a manner that identifies any United States person, without such person's consent, unless such person's identity is necessary to understand foreign intelligence information or assess its importance; and

"(C) notwithstanding subparagraphs (A) and (B), procedures that allow for the retention and dissemination of information that is evidence of a crime which has been, is being, or is about to be committed and that is to be retained or disseminated for law enforcement purposes.

"(h) Use of Information.—Information acquired from tangible things received by the Federal Bureau of Investigation in response to an order under this title concerning any United

States person may be used and disclosed by Federal officers and employees without the consent of the United States person only in accordance with the minimization procedures adopted pursuant to subsection (g). No otherwise privileged information acquired from tangible things received by the Federal Bureau of Investigation in accordance with the provisions of this title shall lose its privileged character. No information acquired from tangible things received by the Federal Bureau of Investigation in response to an order under this title may be used or disclosed by Federal officers or employees except for lawful purposes.''.

(h) ENHANCED OVERSIGHT.—Section 502 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1862) is amended—

(1) in subsection (a)—

(A) by striking ''semiannual basis'' and inserting ''annual basis''; and

(B) by inserting ''and the Committee on the Judiciary'' after ''and the Select Committee on Intelligence'';

(2) in subsection (b)—

(A) by striking ''On a semiannual basis'' and all that follows through ''the preceding 6-month period'' and inserting ''In April of each year, the Attorney General shall submit to the House and Senate Committees on the Judiciary and the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence a report setting forth with respect to the preceding calendar year'';

(B) in paragraph (1), by striking ''and'' at the end;

(C) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following new paragraph:

''(3) the number of such orders either granted, modified, or denied for the production of each of the following:

''(A) Library circulation records, library patron lists, book sales records, or book customer lists.

''(B) Firearms sales records.

''(C) Tax return records.

''(D) Educational records.

''(E) Medical records containing information that would identify a person.''; and

(3) by adding at the end the following new subsection:

''(c)(1) In April of each year, the Attorney General shall submit to Congress a report setting forth with respect to the preceding year—

''(A) the total number of applications made for orders approving requests for the production of tangible things under section 501; and

''(B) the total number of such orders either granted, modified, or denied.

''(2) Each report under this subsection shall be submitted in unclassified form.''.

SECTION 106A. AUDIT ON ACCESS TO CERTAIN BUSINESS RECORDS FOR FOREIGN INTELLIGENCE PURPOSES.

(a) AUDIT.—The Inspector General of the Department of Justice shall perform a comprehensive audit of the effectiveness and use, including any improper or illegal use, of the investigative authority provided to the Federal Bureau of Investigation under title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.).

(b) REQUIREMENTS.—The audit required under subsection (a) shall include—

(1) an examination of each instance in which the Attorney General, any other officer, employee, or agent of the Department of Justice, the Director of the Federal Bureau of Investigation, or a designee of the Director, submitted an application to the Foreign Intelligence Surveillance Court (as such term is defined in section 301(3) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1821(3))) for an order under section 501 of such Act during the calendar years of 2002 through 2006, including—

(A) whether the Federal Bureau of Investigation requested that the Department of Justice submit an application and the request was not submitted to the court (including an examination of the basis for not submitting the application);

(B) whether the court granted, modified, or denied the application (including an examination of the basis for any modification or denial);

(2) the justification for the failure of the Attorney General to issue implementing procedures governing requests for the production of tangible things under such section in a timely fashion, including whether such delay harmed national security;

(3) whether bureaucratic or procedural impediments to the use of such requests for production prevent the Federal Bureau of Investigation from taking full advantage of the authorities provided under section 501 of such Act;

(4) any noteworthy facts or circumstances relating to orders under such section, including any improper or illegal use of the authority provided under such section; and

(5) an examination of the effectiveness of such section as an investigative tool, including—

(A) the categories of records obtained and the importance of the information acquired to the intelligence activities of the Federal Bureau of Investigation or any other Department or agency of the Federal Government;

(B) the manner in which such information is collected, retained, analyzed, and disseminated by the Federal Bureau of Investigation, including any direct access to such information (such as access to ''raw data'') provided to any other Department, agency, or instrumentality of Federal, State, local, or tribal governments or any private sector entity;

(C) with respect to calendar year 2006, an examination of the minimization procedures adopted by the Attorney General under section 501(g) of such Act and whether such minimization procedures protect the constitutional rights of United States persons;

(D) whether, and how often, the Federal Bureau of Investigation utilized information acquired pursuant to an order under section 501 of such Act to produce an analytical intelligence product for distribution within the Federal Bureau of Investigation, to the intelligence community (as such term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))), or to other Federal, State, local, or tribal government Departments, agencies, or instrumentalities; and

(E) whether, and how often, the Federal Bureau of Investigation provided such information to law enforcement authorities for use in criminal proceedings.

(c) SUBMISSION DATES.—

(1) PRIOR YEARS.—Not later than one year after the date of the enactment of this Act, or upon completion of the audit under this section for calendar years 2002, 2003, and 2004, whichever is earlier, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under this section for calendar years 2002, 2003, and 2004.

(2) CALENDAR YEARS 2005 AND 2006.—Not later than December 31, 2007, or upon completion of the audit under this section for calendar years 2005 and 2006, whichever is earlier, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under this section for calendar years 2005 and 2006.

(d) PRIOR NOTICE TO ATTORNEY GENERAL AND DIRECTOR OF NATIONAL INTELLIGENCE; COMMENTS.—

(1) NOTICE.—Not less than 30 days before the submission of a report under subsections (c)(1) or (c)(2), the Inspector General of the Department of Justice shall provide such report to the Attorney General and the Director of National Intelligence.

(2) COMMENTS.—The Attorney General or the Director of National Intelligence may provide comments to be included in the reports submitted under subsections (c)(1) and (c)(2) as the Attorney General or the Director of National Intelligence may consider necessary.

(e) UNCLASSIFIED FORM.—The reports submitted under subsection (c)(1) and (c)(2) and any comments included under subsection (d)(2) shall be in unclassified form, but may include a classified annex.

SEC. 107. ENHANCED OVERSIGHT OF GOOD-FAITH EMERGENCY DISCLOSURES UNDER SECTION 212 OF THE USA PATRIOT ACT.

(a) ENHANCED OVERSIGHT.—Section 2702 of title 18, United States Code, is amended by adding at the end the following:

''(d) REPORTING OF EMERGENCY DISCLOSURES.—On an annual basis, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report containing—

''(1) the number of accounts from which the Department of Justice has received voluntary disclosures under subsection (b)(8); and

''(2) a summary of the basis for disclosure in those instances where—

''(A) voluntary disclosures under subsection (b)(8) were made to the Department of Justice; and

''(B) the investigation pertaining to those disclosures was closed without the filing of criminal charges.''.

(b) TECHNICAL AMENDMENTS TO CONFORM COMMUNICATIONS AND CUSTOMER RECORDS EXCEPTIONS.—

(1) VOLUNTARY DISCLOSURES.—Section 2702 of title 18, United States Code, is amended—

(A) in subsection (b)(8), by striking ''Federal, State, or local''; and

(B) by striking paragraph (4) of subsection (c) and inserting the following:

''(4) to a governmental entity, if the provider, in good faith, believes that an emergency involving danger of death or serious physical injury to any person requires disclosure without delay of information relating to the emergency;''.

(2) DEFINITIONS.—Section 2711 of title 18, United States Code, is amended—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(4) the term 'governmental entity' means a department or agency of the United States or any State or political subdivision thereof.''.

(c) ADDITIONAL EXCEPTION.—Section 2702(a) of title 18, United States Code, is amended by inserting ''or (c)'' after ''Except as provided in subsection (b)''.

SEC. 108. MULTIPOINT ELECTRONIC SURVEILLANCE UNDER SECTION 206 OF THE USA PATRIOT ACT.

(a) INCLUSION OF SPECIFIC FACTS IN APPLICATION.—

(1) APPLICATION.—Section 104(a)(3) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804(a)(3)) is amended by inserting ''specific'' after ''description of the''.

(2) ORDER.—Subsection (c) of section 105 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)) is amended—

(A) in paragraph (1)(A) by striking “target of the electronic surveillance” and inserting “specific target of the electronic surveillance identified or described in the application pursuant to section 104(a)(3)”; and

(B) in paragraph (2)(B), by striking “where the Court finds” and inserting “where the Court finds, based upon specific facts provided in the application,”.

(b) ADDITIONAL DIRECTIONS.—Such subsection is further amended—

(1) by striking “An order approving” and all that follows through “specify” and inserting “(1) SPECIFICATIONS.—An order approving an electronic surveillance under this section shall specify”;

(2) in paragraph (1)(F), by striking “; and” and inserting a period;

(3) in paragraph (2), by striking “direct” and inserting “DIRECTIONS.—An order approving an electronic surveillance under this section shall direct”; and

(4) by adding at the end the following new paragraph:

“(3) SPECIAL DIRECTIONS FOR CERTAIN ORDERS.—An order approving an electronic surveillance under this section in circumstances where the nature and location of each of the facilities or places at which the surveillance will be directed is unknown shall direct the applicant to provide notice to the court within ten days after the date on which surveillance begins to be directed at any new facility or place, unless the court finds good cause to justify a longer period of up to 60 days, of—

“(A) the nature and location of each new facility or place at which the electronic surveillance is directed;

“(B) the facts and circumstances relied upon by the applicant to justify the applicant's belief that each new facility or place at which the electronic surveillance is directed is or was being used, or is about to be used, by the target of the surveillance;

“(C) a statement of any proposed minimization procedures that differ from those contained in the original application or order, that may be necessitated by a change in the facility or place at which the electronic surveillance is directed; and

“(D) the total number of electronic surveillances that have been or are being conducted under the authority of the order.”.

(c) ENHANCED OVERSIGHT.—

(1) REPORT TO CONGRESS.—Section 108(a)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1808(a)(1)) is amended by inserting “, and the Committee on the Judiciary of the Senate,” after “Senate Select Committee on Intelligence”.

(2) MODIFICATION OF SEMIANNUAL REPORT REQUIREMENT ON ACTIVITIES UNDER FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.—Paragraph (2) of section 108(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1808(a)) is amended to read as follows:

“(2) Each report under the first sentence of paragraph (1) shall include a description of—

“(A) the total number of applications made for orders and extensions of orders approving electronic surveillance under this title where the nature and location of each facility or place at which the electronic surveillance will be directed is unknown;

“(B) each criminal case in which information acquired under this Act has been authorized for use at trial during the period covered by such report; and

“(C) the total number of emergency employments of electronic surveillance under section 105(f) and the total number of subsequent orders approving or denying such electronic surveillance.”.

SEC. 109. ENHANCED CONGRESSIONAL OVERSIGHT.

(a) EMERGENCY PHYSICAL SEARCHES.—Section 306 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1826) is amended—

(1) in the first sentence, by inserting “, and the Committee on the Judiciary of the Senate,” after “the Senate”;

(2) in the second sentence, by striking “and the Committees on the Judiciary of the House of Representatives and the Senate” and inserting “and the Committee on the Judiciary of the House of Representatives”;

(3) in paragraph (2), by striking “and” at the end;

(4) in paragraph (3), by striking the period at the end and inserting “; and”; and

(5) by adding at the end the following:

“(4) the total number of emergency physical searches authorized by the Attorney General under section 304(e) and the total number of subsequent orders approving or denying such physical searches.”.

(b) EMERGENCY PEN REGISTERS AND TRAP AND TRACE DEVICES.—Section 406(b) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1846(b)) is amended—

(1) in paragraph (1), by striking “and” at the end;

(2) in paragraph (2), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(3) the total number of pen registers and trap and trace devices whose installation and use was authorized by the Attorney General on an emergency basis under section 403, and the total number of subsequent orders approving or denying the installation and use of such pen registers and trap and trace devices.”.

(c) ADDITIONAL REPORT.—At the beginning and midpoint of each fiscal year, the Secretary of Homeland Security shall submit to the Committees on the Judiciary of the House of Representatives and the Senate, a written report providing a description of internal affairs operations at U.S. Citizenship and Immigration Services, including the general state of such operations and a detailed description of investigations that are being conducted (or that were conducted during the previous six months) and the resources devoted to such investigations. The first such report shall be submitted not later than April 1, 2006.

(d) RULES AND PROCEDURES FOR FISA COURTS.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended by adding at the end the following:

“(f)(1) The courts established pursuant to subsections (a) and (b) may establish such rules and procedures, and take such actions, as are reasonably necessary to administer their responsibilities under this Act.

“(2) The rules and procedures established under paragraph (1), and any modifications of such rules and procedures, shall be recorded, and shall be transmitted to the following:

“(A) All of the judges on the court established pursuant to subsection (a).

“(B) All of the judges on the court of review established pursuant to subsection (b).

“(C) The Chief Justice of the United States.

“(D) The Committee on the Judiciary of the Senate.

“(E) The Select Committee on Intelligence of the Senate.

“(F) The Committee on the Judiciary of the House of Representatives.

“(G) The Permanent Select Committee on Intelligence of the House of Representatives.

“(3) The transmissions required by paragraph (2) shall be submitted in unclassified form, but may include a classified annex.”.

SEC. 110. ATTACKS AGAINST RAILROAD CARRIERS AND MASS TRANSPORTATION SYSTEMS.

(a) IN GENERAL.—Chapter 97 of title 18, United States Code, is amended by striking sections 1992 through 1993 and inserting the following:

“§ 1992. Terrorist attacks and other violence against railroad carriers and against mass transportation systems on land, on water, or through the air

“(a) GENERAL PROHIBITIONS.—Whoever, in a circumstance described in subsection (c), knowingly and without lawful authority or permission—

“(1) wrecks, derails, sets fire to, or disables railroad on-track equipment or a mass transportation vehicle;

“(2) places any biological agent or toxin, destructive substance, or destructive device in, upon, or near railroad on-track equipment or a mass transportation vehicle with intent to endanger the safety of any person, or with a reckless disregard for the safety of human life;

“(3) places or releases a hazardous material or a biological agent or toxin on or near any property described in subparagraph (A) or (B) of paragraph (4), with intent to endanger the safety of any person, or with reckless disregard for the safety of human life;

“(4) sets fire to, undermines, makes unworkable, unusable, or hazardous to work on or use, or places any biological agent or toxin, destructive substance, or destructive device in, upon, or near any—

“(A) tunnel, bridge, viaduct, trestle, track, electromagnetic guideway, signal, station, depot, warehouse, terminal, or any other way, structure, property, or appurtenance used in the operation of, or in support of the operation of, a railroad carrier, and with intent to, or knowing or having reason to know, such activity would likely, derail, disable, or wreck railroad on-track equipment; or

“(B) garage, terminal, structure, track, electromagnetic guideway, supply, or facility used in the operation of, or in support of the operation of, a mass transportation vehicle, and with intent to, or knowing or having reason to know, such activity would likely, derail, disable, or wreck a mass transportation vehicle used, operated, or employed by a mass transportation provider;

“(5) removes an appurtenance from, damages, or otherwise impairs the operation of a railroad signal system or mass transportation signal or dispatching system, including a train control system, centralized dispatching system, or highway-railroad grade crossing warning signal;

“(6) with intent to endanger the safety of any person, or with a reckless disregard for the safety of human life, interferes with, disables, or incapacitates any dispatcher, driver, captain, locomotive engineer, railroad conductor, or other person while the person is employed in dispatching, operating, controlling, or maintaining railroad on-track equipment or a mass transportation vehicle;

“(7) commits an act, including the use of a dangerous weapon, with the intent to cause death or serious bodily injury to any person who is on property described in subparagraph (A) or (B) of paragraph (4);

“(8) surveils, photographs, videotapes, diagrams, or otherwise collects information with the intent to plan or assist in planning any of the acts described in the paragraphs (1) through (6);

“(9) conveys false information, knowing the information to be false, concerning an attempt or alleged attempt to engage in a violation of this subsection; or

“(10) attempts, threatens, or conspires to engage in any violation of any of paragraphs (1) through (9).

shall be fined under this title or imprisoned not more than 20 years, or both, and if the offense results in the death of any person, shall be imprisoned for any term of years or for life, or subject to death, except in the case of a violation of paragraphs (8), (9), or (10).

"(b) AGGRAVATED OFFENSE.—Whoever commits an offense under subsection (a) of this section in a circumstance in which—

"(1) the railroad on-track equipment or mass transportation vehicle was carrying a passenger or employee at the time of the offense,

"(2) the railroad on-track equipment or mass transportation vehicle was carrying high-level radioactive waste or spent nuclear fuel at the time of the offense, or

"(3) the offense was committed with the intent to endanger the safety of any person, or with a reckless disregard for the safety of any person, and the railroad on-track equipment or mass transportation vehicle was carrying a hazardous material at the time of the offense that—

"(A) was required to be placarded under subpart F of part 172 of title 49, Code of Federal Regulations, and

"(B) is identified as class number 3, 4, 5, 6.1, or 8 and packing group I or packing group II, or class number 1, 2, or 7 under the hazardous materials table of section 172.101 of title 49, Code of Federal Regulations,

shall be fined under this title or imprisoned for any term of years or life, or both, and if the offense resulted in the death of any person, the person may be sentenced to death.

"(c) CIRCUMSTANCES REQUIRED FOR OFFENSE.—A circumstance referred to in subsection (a) is any of the following:

"(1) Any of the conduct required for the offense is, or, in the case of an attempt, threat, or conspiracy to engage in conduct, the conduct required for the completed offense would be, engaged in, on, against, or affecting a mass transportation provider, or a railroad carrier engaged in interstate or foreign commerce.

"(2) Any person travels or communicates across a State line in order to commit the offense, or transports materials across a State line in aid of the commission of the offense.

"(d) DEFINITIONS.—In this section—

"(1) the term 'biological agent' has the meaning given to that term in section 178(1);

"(2) the term 'dangerous weapon' means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, including a pocket knife with a blade of less than 2½ inches in length and a box cutter;

"(3) the term 'destructive device' has the meaning given to that term in section 921(a)(4);

"(4) the term 'destructive substance' means an explosive substance, flammable material, infernal machine, or other chemical, mechanical, or radioactive device or material, or matter of a combustible, contaminative, corrosive, or explosive nature, except that the term 'radioactive device' does not include any radioactive device or material used solely for medical, industrial, research, or other peaceful purposes;

"(5) the term 'hazardous material' has the meaning given to that term in chapter 51 of title 49;

"(6) the term 'high-level radioactive waste' has the meaning given to that term in section 2(12) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(12));

"(7) the term 'mass transportation' has the meaning given to that term in section 5302(a)(7) of title 49, except that the term includes school bus, charter, and sightseeing transportation and passenger vessel as that term is defined in section 2101(22) of title 46, United States Code;

"(8) the term 'on-track equipment' means a carriage or other contrivance that runs on rails or electromagnetic guideways;

"(9) the term 'railroad on-track equipment' means a train, locomotive, tender, motor unit, freight or passenger car, or other on-track equipment used, operated, or employed by a railroad carrier;

"(10) the term 'railroad' has the meaning given to that term in chapter 201 of title 49;

"(11) the term 'railroad carrier' has the meaning given to that term in chapter 201 of title 49;

"(12) the term 'serious bodily injury' has the meaning given to that term in section 1365;

"(13) the term 'spent nuclear fuel' has the meaning given to that term in section 2(23) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(23));

"(14) the term 'State' has the meaning given to that term in section 2266;

"(15) the term 'toxin' has the meaning given to that term in section 178(2); and

"(16) the term 'vehicle' means any carriage or other contrivance used, or capable of being used, as a means of transportation on land, on water, or through the air.".

(b) CONFORMING AMENDMENTS.—

(1) The table of sections at the beginning of chapter 97 of title 18, United States Code, is amended—

*(A) by striking "**RAILROADS**" in the chapter heading and inserting "**RAILROAD CARRIERS AND MASS TRANSPORTATION SYSTEMS ON LAND, ON WATER, OR THROUGH THE AIR**";*

(B) by striking the items relating to sections 1992 and 1993; and

(C) by inserting after the item relating to section 1991 the following:

"1992. Terrorist attacks and other violence against railroad carriers and against mass transportation systems on land, on water, or through the air.".

(2) The table of chapters at the beginning of part I of title 18, United States Code, is amended by striking the item relating to chapter 97 and inserting the following:

***"97. Railroad carriers and mass transportation systems on land, on water, or through the air** ....*

(3) Title 18, United States Code, is amended—

(A) in section 2332b(g)(5)(B)(i), by striking "1992 (relating to wrecking trains), 1993 (relating to terrorist attacks and other acts of violence against mass transportation systems)," and inserting "1992 (relating to terrorist attacks and other acts of violence against railroad carriers and against mass transportation systems on land, on water, or through the air),";

(B) in section 2339A, by striking "1993,"; and

(C) in section 2516(1)(c) by striking "1992 (relating to wrecking trains),".

SEC. 111. FORFEITURE.

Section 981(a)(1)(B)(i) of title 18, United States Code, is amended by inserting "trafficking in nuclear, chemical, biological, or radiological weapons technology or material, or" after "involves".

SEC. 112. SECTION 2332b(g)(5)(B) AMENDMENTS RELATING TO THE DEFINITION OF FEDERAL CRIME OF TERRORISM.

(a) ADDITIONAL OFFENSES.—Section 2332b(g)(5)(B) of title 18, United States Code, is amended—

(1) in clause (i), by inserting ", 2339D (relating to military-type training from a foreign terrorist organization)" before ", or 2340A";

(2) in clause (ii), by striking "or" after the semicolon;

(3) in clause (iii), by striking the period and inserting "; or"

(4) by inserting after clause (iii) the following:

"(iv) section 1010A of the Controlled Substances Import and Export Act (relating to narco-terrorism).".

(b) CLERICAL CORRECTION.—Section 2332b(g)(5)(B) of title 18, United States Code, is amended by inserting ")" after "2339C (relating to financing of terrorism".

SEC. 113. AMENDMENTS TO SECTION 2516(1) OF TITLE 18, UNITED STATES CODE.

(a) PARAGRAPH (a) AMENDMENT.—Section 2516(1)(a) of title 18, United States Code, is amended by inserting "chapter 10 (relating to biological weapons)" after "under the following chapters of this title:".

(b) PARAGRAPH (c) AMENDMENT.—Section 2516(1)(c) of title 18, United States Code, is amended—

(1) by inserting "section 37 (relating to violence at international airports), section 43 (relating to animal enterprise terrorism)," after "the following sections of this title:";

(2) by inserting "section 832 (relating to nuclear and weapons of mass destruction threats), section 842 (relating to explosive materials), section 930 (relating to possession of weapons in Federal facilities)," after "section 751 (relating to escape),";

(3) by inserting "section 1114 (relating to officers and employees of the United States), section 1116 (relating to protection of foreign officials)," after "section 1014 (relating to loans and credit applications generally; renewals and discounts),";

(4) by inserting "section 1992 (relating to terrorist attacks against mass transportation)," after "section 1344 (relating to bank fraud),";

(5) by inserting "section 2340A (relating to torture)," after "section 2321 (relating to trafficking in certain motor vehicles or motor vehicle parts),";

(6) by inserting "section 81 (arson within special maritime and territorial jurisdiction)," before "section 201 (bribery of public officials and witnesses)"; and

(7) by inserting "section 956 (conspiracy to harm persons or property overseas)," after "section 175c (relating to variola virus)".

(c) PARAGRAPH (g) AMENDMENT.—Section 2516(1)(g) of title 18, United States Code, is amended by inserting before the semicolon ", or section 5324 of title 31, United States Code (relating to structuring transactions to evade reporting requirement prohibited)" .

(d) PARAGRAPH (j) AMENDMENT.—Section 2516(1)(j) of title 18, United States Code, is amended—

(1) by striking "or" before "section 46502 (relating to aircraft piracy)" and inserting a comma after "section 60123(b) (relating to the destruction of a natural gas pipeline"; and

(2) by inserting ", the second sentence of section 46504 (relating to assault on a flight crew with dangerous weapon), or section 46505(b)(3) or (c) (relating to explosive or incendiary devices, or endangerment of human life, by means of weapons on aircraft)" before of "title 49".

(e) PARAGRAPH (p) AMENDMENT.—Section 2516(1)(p) of title 18, United States Code, is amended by inserting ", section 1028A (relating to aggravated identity theft)" after "other documents".

(f) PARAGRAPH (q) AMENDMENT.—Section 2516(1)(q) of title 18, United States Code, is amended—

(1) by inserting "2339" after "2232h";

(2) by striking "or" before "2339C"; and

(3) by inserting ", or 2339D" after "2339C".

(g) AMENDMENT OF PREDICATE CRIMES FOR AUTHORIZATION FOR INTERCEPTION OF WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS.—Section 2516(1) of title 18, United State Code, is amended—

(1) in subparagraph (q), by striking "or" after the semicolon;

(2) by redesignating subparagraph (r) as subparagraph (s); and

(3) by adding after subparagraph (q) the following:

"(r) any criminal violation of section 1 (relating to illegal restraints of trade or commerce), 2 (relating to illegal monopolizing of trade or commerce), or 3 (relating to illegal restraints of trade or commerce in territories or the District of Columbia) of the Sherman Act (15 U.S.C. 1, 2, 3); or".

SEC. 114. DELAYED NOTICE SEARCH WARRANTS.

(a) LIMITATION ON REASONABLE PERIOD FOR DELAY.—Section 3103a of title 18, United States Code, is amended—

(1) by striking subsection (b)(3) and inserting the following:

"(3) the warrant provides for the giving of such notice within a reasonable period not to exceed 30 days after the date of its execution, or on a later date certain if the facts of the case justify a longer period of delay.".

(2) by adding at the end the following:

"(c) EXTENSIONS OF DELAY.—Any period of delay authorized by this section may be extended by the court for good cause shown, subject to the condition that extensions should only be granted upon an updated showing of the need for further delay and that each additional delay should be limited to periods of 90 days or less, unless the facts of the case justify a longer period of delay.".

(b) LIMITATION ON AUTHORITY TO DELAY NOTICE .—Section 3103a(b)(1) of title 18, United States Code, is amended by inserting ", except if the adverse results consist only of unduly delaying a trial" after "2705".

(c) ENHANCED OVERSIGHT.—Section 3103a of title 18, United States Code, is further amended by adding at the end the following:

"(d) REPORTS.—

"(1) REPORT BY JUDGE.—Not later than 30 days after the expiration of a warrant authorizing delayed notice (including any extension thereof) entered under this section, or the denial of such warrant (or request for extension), the issuing or denying judge shall report to the Administrative Office of the United States Courts—

"(A) the fact that a warrant was applied for;

"(B) the fact that the warrant or any extension thereof was granted as applied for, was modified, or was denied;

"(C) the period of delay in the giving of notice authorized by the warrant, and the number and duration of any extensions; and

"(D) the offense specified in the warrant or application.

"(2) REPORT BY ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.—Beginning with the fiscal year ending September 30, 2007, the Director of the Administrative Office of the United States Courts shall transmit to Congress annually a full and complete report summarizing the data required to be filed with the Administrative Office by paragraph (1), including the number of applications for warrants and extensions of warrants authorizing delayed notice, and the number of such warrants and extensions granted or denied during the preceding fiscal year.

"(3) REGULATIONS.—The Director of the Administrative Office of the United States Courts, in consultation with the Attorney General, is authorized to issue binding regulations dealing with the content and form of the reports required to be filed under paragraph (1).".

SEC. 115. JUDICIAL REVIEW OF NATIONAL SECURITY LETTERS.

Chapter 223 of title 18, United States Code, is amended—

(1) by inserting at the end of the table of sections the following new item:

"3511. Judicial review of requests for information.";

and

(3) by inserting after section 3510 the following:

"§3511. Judicial review of requests for information

"(a) The recipient of a request for records, a report, or other information under section 2709(b) of this title, section 626(a) or (b) or 627(a) of the Fair Credit Reporting Act, section 1114(a)(5)(A) of the Right to Financial Privacy Act, or section 802(a) of the National Security Act of 1947 may, in the United States district court for the district in which that person or entity does business or resides, petition for an order modifying or setting aside the request. The court may modify or set aside the request if compliance would be unreasonable, oppressive, or otherwise unlawful.

"(b)(1) The recipient of a request for records, a report, or other information under section 2709(b) of this title, section 626(a) or (b) or 627(a) of the Fair Credit Reporting Act, section 1114(a)(5)(A) of the Right to Financial Privacy Act, or section 802(a) of the National Security Act of 1947, may petition any court described in subsection (a) for an order modifying or setting aside a nondisclosure requirement imposed in connection with such a request.

"(2) If the petition is filed within one year of the request for records, a report, or other information under section 2709(b) of this title, section 626(a) or (b) or 627(a) of the Fair Credit Reporting Act, section 1114(a)(5)(A) of the Right to Financial Privacy Act, or section 802(a) of the National Security Act of 1947, the court may modify or set aside such a nondisclosure requirement if it finds that there is no reason to believe that disclosure may endanger the national security of the United States, interfere with a criminal, counterterrorism, or counterintelligence investigation, interfere with diplomatic relations, or endanger the life or physical safety of any person. If, at the time of the petition, the Attorney General, Deputy Attorney General, an Assistant Attorney General, or the Director of the Federal Bureau of Investigation, or in the case of a request by a department, agency, or instrumentality of the Federal Government other than the Department of Justice, the head or deputy head of such department, agency, or instrumentality, certifies that disclosure may endanger the national security of the United States or interfere with diplomatic relations, such certification shall be treated as conclusive unless the court finds that the certification was made in bad faith.

"(3) If the petition is filed one year or more after the request for records, a report, or other information under section 2709(b) of this title, section 626(a) or (b) or 627(a) of the Fair Credit Reporting Act, section 1114 (a)(5)(A) of the Right to Financial Privacy Act, or section 802(a) of the National Security Act of 1947, the Attorney General, Deputy Attorney General, an Assistant Attorney General, or the Director of the Federal Bureau of Investigation, or his designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director, or in the case of a request by a department, agency, or instrumentality of the Federal Government other than the Federal Bureau of Investigation, the head or deputy head of such department, agency, or instrumentality, within ninety days of the filing of the petition, shall either terminate the nondisclosure requirement or re-certify that disclosure may result in a danger to the national security of the United States, interference with a criminal, counterterrorism, or counterintelligence investigation, interference with diplomatic relations, or danger to the life or physical safety of any person. In the event of re-certification, the court may modify or set aside such a nondisclosure requirement if it finds that there is no reason to believe that disclosure may endanger the national security of the United States, interfere with a criminal, counterterrorism, or counterintelligence investigation, interfere with diplomatic relations, or endanger the life or physical safety of any person. If the recertification that disclosure may endanger the national security of the United States or interfere with diplomatic relations is made by the Attorney General, Deputy Attorney General, an Assistant Attorney General, or the Director of the Federal Bureau of Investigation, such certification shall be treated as conclusive unless the court finds that the recertification was made in bad faith. If the court denies a petition for an order modifying or setting aside a nondisclosure requirement under this paragraph, the recipient shall be precluded for a period of one year from filing another petition to modify or set aside such nondisclosure requirement.

"(c) In the case of a failure to comply with a request for records, a report, or other information made to any person or entity under section 2709(b) of this title, section 626(a) or (b) or 627(a) of the Fair Credit Reporting Act, section 1114(a)(5)(A) of the Right to Financial Privacy Act, or section 802(a) of the National Security Act of 1947, the Attorney General may invoke the aid of any district court of the United States within the jurisdiction in which the investigation is carried on or the person or entity resides, carries on business, or may be found, to compel compliance with the request. The court may issue an order requiring the person or entity to comply with the request. Any failure to obey the order of the court may be punished by the court as contempt thereof. Any process under this section may be served in any judicial district in which the person or entity may be found.

"(d) In all proceedings under this section, subject to any right to an open hearing in a contempt proceeding, the court must close any hearing to the extent necessary to prevent an unauthorized disclosure of a request for records, a report, or other information made to any person or entity under section 2709(b) of this title, section 626(a) or (b) or 627(a) of the Fair Credit Reporting Act, section 1114(a)(5)(A) of the Right to Financial Privacy Act, or section 802(a) of the National Security Act of 1947. Petitions, filings, records, orders, and subpoenas must also be kept under seal to the extent and as long as necessary to prevent the unauthorized disclosure of a request for records, a report, or other information made to any person or entity under section 2709(b) of this title, section 626(a) or (b) or 627(a) of the Fair Credit Reporting Act, section 1114(a)(5)(A) of the Right to Financial Privacy Act, or section 802(a) of the National Security Act of 1947.

"(e) In all proceedings under this section, the court shall, upon request of the government, review ex parte and in camera any government submission or portions thereof, which may include classified information.".

SEC. 116. CONFIDENTIALITY OF NATIONAL SECURITY LETTERS.

(a) Section 2709(c) of title 13, United States Code, is amended to read:

"(c) PROHIBITION OF CERTAIN DISCLOSURE.—

"(1) If the Director of the Federal Bureau of Investigation, or his designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director, certifies that otherwise there may result a danger to the national security of the United States, interference with a criminal, counterterrorism, or counterintelligence investigation, interference with diplomatic relations, or danger to the life or physical safety of any person, no wire or electronic communications service provider, or officer, employee, or agent thereof, shall disclose to any person (other than those to whom such disclosure is necessary to comply with the request or an attorney to obtain legal advice or legal assistance with respect to the request) that the Federal Bureau of Investigation has sought or obtained access to information or records under this section.

"(2) The request shall notify the person or entity to whom the request is directed of the nondisclosure requirement under paragraph (1).

"(3) Any recipient disclosing to those persons necessary to comply with the request or to an attorney to obtain legal advice or legal assistance with respect to the request shall inform such person of any applicable nondisclosure requirement. Any person who receives a disclosure under this subsection shall be subject to the same prohibitions on disclosure under paragraph (1).

"(4) At the request of the Director of the Federal Bureau of Investigation or the designee of the Director, any person making or intending to make a disclosure under this section shall identify to the Director or such designee the person to whom such disclosure will be made or to whom such disclosure was made prior to the request, but in no circumstance shall a person be required to inform the Director or such designee that the person intends to consult an attorney to obtain legal advice or legal assistance.".

(b) Section 626(d) of the Fair Credit Reporting Act (15 U.S.C. 1681u(d)) is amended to read:

"(d) CONFIDENTIALITY.—

"(1) If the Director of the Federal Bureau of Investigation, or his designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director, certifies that otherwise there may result a danger to the national security of the United States, interference with a criminal, counterterrorism, or counterintelligence investigation, interference with diplomatic relations, or danger to the life or physical safety of any person, no consumer reporting agency or officer, employee, or agent of a consumer reporting agency shall disclose to any person (other than those to whom such disclosure is necessary to comply with the request or an attorney to obtain legal advice or legal assistance with respect to the request) that the Federal Bureau of Investigation has sought or obtained the identity of financial institutions or a consumer report respecting any consumer under subsection (a), (b), or (c), and no consumer reporting agency or officer, employee, or agent of a consumer reporting agency shall include in any consumer report any information that would indicate that the Federal Bureau of Investigation has sought or obtained such information on a consumer report.

"(2) The request shall notify the person or entity to whom the request is directed of the nondisclosure requirement under paragraph (1).

"(3) Any recipient disclosing to those persons necessary to comply with the request or to an attorney to obtain legal advice or legal assistance with respect to the request shall inform such persons of any applicable nondisclosure requirement. Any person who receives a disclosure under this subsection shall be subject to the same prohibitions on disclosure under paragraph (1).

"(4) At the request of the Director of the Federal Bureau of Investigation or the designee of the Director, any person making or intending to make a disclosure under this section shall identify to the Director or such designee the person to whom such disclosure will be made or to whom such disclosure was made prior to the request, but in no circumstance shall a person be required to inform the Director or such designee that the person intends to consult an attorney to obtain legal advice or legal assistance.".

(c) Section 626(c) of the Fair Credit Reporting Act (15 U.S.C. 1681v(c)) is amended to read:

"(c) CONFIDENTIALITY.—

"(1) If the head of a government agency authorized to conduct investigations of intelligence or counterintelligence activities or analysis related to international terrorism, or his designee, certifies that otherwise there may result a danger to the national security of the United States, interference with a criminal, counterterrorism, or counterintelligence investigation, interference with diplomatic relations, or danger to the life or physical safety of any person, no consumer reporting agency or officer, employee, or agent of such consumer reporting agency, shall disclose to any person (other than those to whom such disclosure is necessary to comply with the request or an attorney to obtain legal advice or legal assistance with respect to the request), or specify in any consumer report, that a government agency has sought or obtained access to information under subsection (a).

"(2) The request shall notify the person or entity to whom the request is directed of the nondisclosure requirement under paragraph (1).

"(3) Any recipient disclosing to those persons necessary to comply with the request or to any attorney to obtain legal advice or legal assistance with respect to the request shall inform such persons of any applicable nondisclosure requirement. Any person who receives a disclosure under this subsection shall be subject to the same prohibitions on disclosure under paragraph (1).

"(4) At the request of the authorized Government agency, any person making or intending to make a disclosure under this section shall identify to the requesting official of the authorized Government agency the person to whom such disclosure will be made or to whom such disclosure was made prior to the request, but in no circumstance shall a person be required to inform such requesting official that the person intends to consult an attorney to obtain legal advice or legal assistance.".

(d) Section 1114(a)(3) of the Right to Financial Privacy Act (12 U.S.C. 3414(a)(3)) is amended to read as follows:

"(3)(A) If the Government authority described in paragraph (1) or the Secret Service, as the case may be, certifies that otherwise there may result a danger to the national security of the United States, interference with a criminal, counterterrorism, or counterintelligence investigation, interference with diplomatic relations, or danger to the life or physical safety of any person, no financial institution, or officer, employee, or agent of such institution, shall disclose to any person (other than those to whom such disclosure is necessary to comply with the request or an attorney to obtain legal advice or legal assistance with respect to the request) that the Government authority or the Secret Service has sought or obtained access to a customer's financial records.

"(B) The request shall notify the person or entity to whom the request is directed of the nondisclosure requirement under subparagraph (A).

"(C) Any recipient disclosing to those persons necessary to comply with the request or to an attorney to obtain legal advice or legal assistance with respect to the request shall inform such persons of any applicable nondisclosure requirement. Any person who receives a disclosure under this subsection shall be subject to the same prohibitions on disclosure under subparagraph (A).

"(D) At the request of the authorized Government agency or the Secret Service, any person making or intending to make a disclosure under this section shall identify to the requesting official of the authorized Government agency or the Secret Service the person to whom such disclosure will be made or to whom such disclosure was made prior to the request, but in no circumstance shall a person be required to inform such requesting official that the person intends to consult an attorney to obtain legal advice or legal assistance.".

(e) Section 1114(a)(5)(D) of the Right to Financial Privacy Act (12 U.S.C. 3414(a)(5)(D)) is amended to read:

"(D) PROHIBITION OF CERTAIN DISCLOSURE.—

"(i) If the Director of the Federal Bureau of Investigation, or his designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director, certifies that otherwise there may result a danger to the national security of the United States, interference with a criminal, counterterrorism, or counterintelligence investigation, interference with diplomatic relations, or danger to the life or physical safety of any person, no financial institution, or officer, employee, or agent of such institution, shall disclose to any person (other than those to whom such disclosure is necessary to comply with the request or an attorney to obtain legal advice or legal assistance with respect to the request) that the Federal Bureau of Investigation has sought or obtained access to a customer's or entity's financial records under subparagraph (A).

"(ii) The request shall notify the person or entity to whom the request is directed of the nondisclosure requirement under clause (i).

"(iii) Any recipient disclosing to those persons necessary to comply with the request or to an attorney to obtain legal advice or legal assistance with respect to the request shall inform such persons of any applicable nondisclosure requirement. Any person who receives a disclosure under this subsection shall be subject to the same prohibitions on disclosure under clause (i).

"(iv) At the request of the Director of the Federal Bureau of Investigation or the designee of the Director, any person making or intending to make a disclosure under this section shall identify to the Director or such designee the person to whom such disclosure will be made or to whom such disclosure was made prior to the request, but in no circumstance shall a person be required to inform the Director or such designee that the person intends to consult an attorney to obtain legal advice or legal assistance.".

(f) Section 802(b) of the National Security Act of 1947 (50 U.S.C. 436(b)) is amended to read as follows:

"(b) PROHIBITION OF CERTAIN DISCLOSURE.—

"(1) If an authorized investigative agency described in subsection (a) certifies that otherwise there may result a danger to the national security of the United States, interference with a criminal, counterterrorism, or counterintelligence investigation, interference with diplomatic relations, or danger to the life or physical safety of any person, no governmental or private entity, or officer, employee, or agent of such entity, may disclose to any person (other than those to whom such disclosure is necessary to comply with the request or an attorney to obtain legal advice or legal assistance with respect to the request) that such entity has received or satisfied a request made by an authorized investigative agency under this section.

"(2) The request shall notify the person or entity to whom the request is directed of the nondisclosure requirement under paragraph (1).

"(3) Any recipient disclosing to those persons necessary to comply with the request or to an attorney to obtain legal advice or legal assistance with respect to the request shall inform such persons of any applicable nondisclosure requirement. Any person who receives a disclosure under this subsection shall be subject to the same prohibitions on disclosure under paragraph (1).

"(4) At the request of the authorized investigative agency, any person making or intending to make a disclosure under this section shall identify to the requesting official of the authorized investigative agency the person to whom such disclosure will be made or to whom such *disclosure was made prior to the request, but in no circumstance shall a person be required to inform such official that the person intends to consult an attorney to obtain legal advice or legal assistance.".*

SEC. 117. VIOLATIONS OF NONDISCLOSURE PROVISIONS OF NATIONAL SECURITY LETTERS.

Section 1510 of title 18, United States Code, is amended by adding at the end the following:

"(e) Whoever, having been notified of the applicable disclosure prohibitions or confidentiality requirements of section 2709(c)(1) of this title, section 626(d)(1) or 627(c)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681u(d)(1) or 1681v(c)(1)), section 1114(a)(3)(A) or 1114(a)(5)(D)(i) of the Right to Financial Privacy Act (12 U.S.C. 3414(a)(3)(A) or 3414(a)(5)(D)(i)), or section 802(b)(1) of the National Security Act of 1947 (50 U.S.C. 436(b)(1)), knowingly and with the intent to obstruct an investigation or judicial proceeding violates such prohibitions or requirements applicable by law to such person shall be imprisoned for not more than five years, fined under this title, or both.".

SEC. 118. REPORTS ON NATIONAL SECURITY LETTERS.

(a) Existing Reports.—Any report made to a committee of Congress regarding national security letters under section 2709(c)(1) of title 18, United States Code, sections 626(d) or 627(c) of the Fair Credit Reporting Act (15 U.S.C. 1681u(d) or 1681v(c)), section 1114(a)(3) or 1114(a)(5)(D) of the Right to Financial Privacy Act (12 U.S.C. 3414(a)(3) or 3414(a)(5)(D)), or section 802(b) of the National Security Act of 1947 (50 U.S.C. 436(b)) shall also be made to the Committees on the Judiciary of the House of Representatives and the Senate.

(b) Enhanced Oversight of Fair Credit Reporting Act Counterterrorism National Security Letter.—Section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681(v)) is amended by inserting at the end the following new subsection:

"(f) Reports to Congress.—(1) On a semiannual basis, the Attorney General shall fully inform the Committee on the Judiciary, the Committee on Financial Services, and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary, the Committee on Banking, Housing, and Urban Affairs, and the Select Committee on Intelligence of the Senate concerning all requests made pursuant to subsection (a).

"(2) In the case of the semiannual reports required to be submitted under paragraph (1) to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, the submittal dates for such reports shall be as provided in section 507 of the National Security Act of 1947 (50 U.S.C. 415b).".

(c) Report on Requests for National Security Letters.—

(1) In General.—In April of each year, the Attorney General shall submit to Congress an aggregate report setting forth with respect to the preceding year the total number of requests made by the Department of Justice for information concerning different United States persons under—

(A) section 2709 of title 18, United States Code (to access certain communication service provider records), excluding the number of requests for subscriber information;

(B) section 1114 of the Right to Financial Privacy Act (12 U.S.C. 3414) (to obtain financial institution customer records);

(C) section 802 of the National Security Act of 1947 (50 U.S.C. 436) (to obtain financial information, records, and consumer reports);

(D) section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) (to obtain certain financial information and consumer reports); and

(E) section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) (to obtain credit agency consumer records for counterterrorism investigations).

(2) Unclassified Form.—The report under this section shall be submitted in unclassified form.

(d) National Security Letter Defined.—In this section, the term "national security letter" means a request for information under one of the following provisions of law:

(1) Section 2709(a) of title 18, United States Code (to access certain communication service provider records).

(2) Section 1114(a)(5)(A) of the Right to Financial Privacy Act (12 U.S.C. 3414(a)(5)(A)) (to obtain financial institution customer records).

(3) Section 802 of the National Security Act of 1947 (50 U.S.C. 436) (to obtain financial information, records, and consumer reports).

(4) Section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) (to obtain certain financial information and consumer reports).

(5) Section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) (to obtain credit agency consumer records for counterterrorism investigations).

SEC. 119. AUDIT OF USE OF NATIONAL SECURITY LETTERS.

(a) Audit.—The Inspector General of the Department of Justice shall perform an audit of the effectiveness and use, including any improper or illegal use, of national security letters issued by the Department of Justice.

(b) Requirements.—The audit required under subsection (a) shall include—

(1) an examination of the use of national security letters by the Department of Justice during calendar years 2003 through 2006;

(2) a description of any noteworthy facts or circumstances relating to such use, including any improper or illegal use of such authority; and

(3) an examination of the effectiveness of national security letters as an investigative tool, including—

(A) the importance of the information acquired by the Department of Justice to the intelligence activities of the Department of Justice or to any other department or agency of the Federal Government;

(B) the manner in which such information is collected, retained, analyzed, and disseminated by the Department of Justice, including any direct access to such information (such as access to "raw data") provided to any other department, agency, or instrumentality of Federal, State, local, or tribal governments or any private sector entity;

(C) whether, and how often, the Department of Justice utilized such information to produce an analytical intelligence product for distribution within the Department of Justice, to the intelligence community (as such term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))), or to other Federal, State, local, or tribal government departments, agencies, or instrumentalities;

(D) whether, and how often, the Department of Justice provided such information to law enforcement authorities for use in criminal proceedings;

(E) with respect to national security letters issued following the date of the enactment of this Act, an examination of the number of occasions in which the Department of Justice, or an officer or employee of the Department of Justice, issued a national security letter without the certification necessary to require the recipient of such letter to comply with the nondisclosure and confidentiality requirements potentially applicable under law; and

(F) the types of electronic communications and transactional information obtained through requests for information under section 2709 of title 18, United States Code, including the types of dialing, routing, addressing, or signaling information obtained, and the procedures the Department of Justice uses if content information is obtained through the use of such authority.

(c) Submission Dates.—

(1) Prior Years.—Not later than one year after the date of the enactment of this Act, or upon completion of the audit under this section for calendar years 2003 and 2004, whichever is earlier, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under this subsection for calendar years 2003 and 2004.

(2) Calendar Years 2005 and 2006.—Not later than December 31, 2007, or upon completion of the audit under this subsection for calendar years 2005 and 2006, whichever is earlier, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under this subsection for calendar years 2005 and 2006.

(d) Prior Notice to Attorney General and Director of National Intelligence; Comments.—

(1) Notice.—Not less than 30 days before the submission of a report under subsections (c)(1) or (c)(2), the Inspector General of the Department of Justice shall provide such report to the Attorney General and the Director of National Intelligence.

(2) Comments.—The Attorney General or the Director of National Intelligence may provide comments to be included in the reports submitted under subsections (c)(1) or (c)(2) as the Attorney General or the Director of National Intelligence may consider necessary.

(e) Unclassified Form.—The reports submitted under subsections (c)(1) or (c)(2) and any comments included under subsection (d)(2) shall be in unclassified form, but may include a classified annex.

(f) Minimization Procedures Feasibility.—Not later than February 1, 2007, or upon completion of review of the report submitted under subsection (c)(1), whichever is earlier, the Attorney General and the Director of National Intelligence shall jointly submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report on the feasibility of applying minimization procedures in the context of national security letters to ensure the protection of the constitutional rights of United States persons.

(g) National Security Letter Defined.—In this section, the term "national security letter" means a request for information under one of the following provisions of law:

(1) Section 2709(a) of title 18, United States Code (to access certain communication service provider records).

(2) Section 1114(a)(5)(A) of the Right to Financial Privacy Act (12 U.S.C. 3414(a)(5)(A)) (to obtain financial institution customer records).

(3) Section 802 of the National Security Act of 1947 (50 U.S.C. 436) (to obtain financial information, records, and consumer reports).

(4) Section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) (to obtain certain financial information and consumer reports).

(5) Section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) (to obtain credit agency

consumer records for counterterrorism investigations).

SEC. 120. DEFINITION FOR FORFEITURE PROVISIONS UNDER SECTION 806 OF THE USA PATRIOT ACT.

Section 981(a)(1)(G) of title 18, United States Code, is amended—

(1) in clause (i), by striking "act of international or domestic terrorism (as defined in section 2331)" and inserting "any Federal crime of terrorism (as defined in section 2332b(g)(5))";

(2) in clause (ii), by striking "an act of international or domestic terrorism (as defined in section 2331)" with "any Federal crime of terrorism (as defined in section 2332b(g)(5)"; and

(3) in clause (iii), by striking "act of international or domestic terrorism (as defined in section 2331)" and inserting "Federal crime of terrorism (as defined in section 2332b(g)(5))".

SEC. 121. PENAL PROVISIONS REGARDING TRAFFICKING IN CONTRABAND CIGARETTES OR SMOKELESS TOBACCO.

(a) Threshold Quantity for Treatment as Contraband Cigarettes.—(1) Section 2341(2) of title 18, United States Code, is amended by striking "60,000 cigarettes" and inserting "10,000 cigarettes".

(2) Section 2342(b) of that title is amended by striking "60,000" and inserting "10,900".

(3) Section 2343 of that title is amended—

(A) in subsection (a), by striking "60,000" and inserting "10,000"; and

(B) in subsection (b), by striking "60,000" and inserting "10,000".

(b) Contraband Smokeless Tobacco.—(1) Section 2341 of that title is amended—

(A) in paragraph (4), by striking "and" at the end;

(B) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

"(6) the term 'smokeless tobacco' means any finely cut, ground, powdered, or leaf tobacco that is intended to be placed in the oral or nasal cavity or otherwise consumed without being combusted;

"(7) the term 'contraband smokeless tobacco' means a quantity in excess of 500 single-unit consumer-sized cans or packages of smokeless tobacco, or their equivalent, that are in the possession of any person other than—

"(A) a person holding a permit issued pursuant to chapter 52 of the Internal Revenue Code of 1986 as manufacturer of tobacco products or as an export warehouse proprietor, a person operating a customs bonded warehouse pursuant to section 311 or 555 of the Tariff Act of 1930 (19 U.S.C. 1311, 1555), or an agent of such person;

"(B) a common carrier transporting such smokeless tobacco under a proper bill of lading or freight bill which states the quantity, source, and designation of such smokeless tobacco;

"(C) a person who—

"(i) is licensed or otherwise authorized by the State where such smokeless tobacco is found to engage in the business of selling or distributing tobacco products; and

"(ii) has complied with the accounting, tax, and payment requirements relating to such license or authorization with respect to such smokeless tobacco; or

"(D) an officer, employee, or agent of the United States or a State, or any department, agency, or instrumentality of the United States or a State (including any political subdivision of a State), having possession of such smokeless tobacco in connection with the performance of official duties;".

(2) Section 2342(a) of that title is amended by inserting "or contraband smokeless tobacco" after "contraband cigarettes".

(3) Section 2343(a) of that title is amended by inserting ", or any quantity of smokeless tobacco in excess of 500 single-unit consumer-sized cans or packages," before "in a single transaction".

(4) Section 2344(c) of that title is amended by inserting "or contraband smokeless tobacco" after "contraband cigarettes".

(5) Section 2345 of that title is amended by inserting "or smokeless tobacco" after "cigarettes" each place it appears.

(6) Section 2341 of that title is further amended in paragraph (2), as amended by subsection (a)(1) of this section, in the matter preceding subparagraph (A), by striking "State cigarette taxes in the State where such cigarettes are found, if the State" and inserting "State or local cigarette taxes in the State or locality where such cigarettes are found, if the State or local government".

(c) Recordkeeping, Reporting, and Inspection.—Section 2343 of that title, as amended by this section, is further amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "only—" and inserting "such information as the Attorney General considers appropriate for purposes of enforcement of this chapter, including—"; and

(B) in the flush matter following paragraph (3), by striking the second sentence;

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following new subsection (b):

"(b) Any person, except for a tribal government, who engages in a delivery sale, and who ships, sells, or distributes any quantity in excess of 10,000 cigarettes, or any quantity in excess of 500 single-unit consumer-sized cans or packages of smokeless tobacco, or their equivalent, within a single month, shall submit to the Attorney General, pursuant to rules or regulations prescribed by the Attorney General, a report that sets forth the following:

"(1) The person's beginning and ending inventory of cigarettes and cans or packages of smokeless tobacco (in total) for such month.

"(2) The total quantity of cigarettes and cans or packages of smokeless tobacco that the person received within such month from each other person (itemized by name and address).

"(3) The total quantity of cigarettes and cans or packages of smokeless tobacco that the person distributed within such month to each person (itemized by name and address) other than a retail purchaser."; and

(4) by adding at the end the following new subsections:

"(d) Any report required to be submitted under this chapter to the Attorney General shall also be submitted to the Secretary of the Treasury and to the attorneys general and the tax administrators of the States from where the shipments, deliveries, or distributions both originated and concluded.

"(e) In this section, the term 'delivery sale' means any sale of cigarettes or smokeless tobacco in interstate commerce to a consumer if—

"(1) the consumer submits the order for such sale by means of a telephone or other method of voice transmission, the mails, or the Internet or other online service, or by any other means where the consumer is not in the same physical location as the seller when the purchase or offer of sale is made; or

"(2) the cigarettes or smokeless tobacco are delivered by use of the mails, common carrier, private delivery service, or any other means where the consumer is not in the same physical location as the seller when the consumer obtains physical possession of the cigarettes or smokeless tobacco.

"(f) In this section, the term 'interstate commerce' means commerce between a State and any place outside the State, or commerce between points in the same State but through any place outside the State.".

(d) Disposal or Use of Forfeited Cigarettes and Smokeless Tobacco.—Section 2344(c) of that title, as amended by this section, is further amended by striking "seizure and forfeiture," and all that follows and inserting " "seizure and forfeiture. The provisions of chapter 46 of title 18 relating to civil forfeitures shall extend to any seizure or civil forfeiture under this section. Any cigarettes or smokeless tobacco so seized and forfeited shall be either—

"(1) destroyed and not resold; or

"(2) used for undercover investigative operations for the detection and prosecution of crimes, and then destroyed and not resold.".

(e) Effect on State and Local Law.—Section 2345 of that title is amended—

(1) in subsection (a), by striking "a State to enact and enforce" and inserting "a State or local government to enact and enforce its own"; and

(2) in subsection (b), by striking "of States, through interstate compact or otherwise, to provide for the administration of State" and inserting "of State or local governments, through interstate compact or otherwise, to provide for the administration of State or local".

(f) Enforcement.—Section 2346 of that title is amended—

(1) by inserting "(a)" before "The Attorney General"; and

(2) by adding at the end the following new subsection:

"(b)(1) A State, through its attorney general, a local government, through its chief law enforcement officer (or a designee thereof), or any person who holds a permit under chapter 52 of the Internal Revenue Code of 1986, may bring an action in the United States district courts to prevent and restrain violations of this chapter by any person (or by any person controlling such person), except that any person who holds a permit under chapter 52 of the Internal Revenue Code of 1986 may not bring such an action against a State or local government. No civil action may be commenced under this paragraph against an Indian tribe or an Indian in Indian country (as defined in section 1151).

"(2) A State, through its attorney general, or a local government, through its chief law enforcement officer (or a designee thereof), may in a civil action under paragraph (1) also obtain any other appropriate relief for violations of this chapter from any person (or by any person controlling such person), including civil penalties, money damages, and injunctive or other equitable relief. Nothing in this chapter shall be deemed to abrogate or constitute a waiver of any sovereign immunity of a State or local government, or an Indian tribe against any unconsented lawsuit under this chapter, or otherwise to restrict, expand, or modify any sovereign immunity of a State or local government, or an Indian tribe.

"(3) The remedies under paragraphs (1) and (2) are in addition to any other remedies under Federal, State, local, or other law.

"(4) Nothing in this chapter shall be construed to expand, restrict, or otherwise modify any right of an authorized State official to proceed in State court, or take other enforcement actions, on the basis of an alleged violation of State or other law.

"(5) Nothing in this chapter shall be construed to expand, restrict, or otherwise modify any right of an authorized local government official to proceed in State court, or take other enforcement actions, on the basis of an alleged violation of local or other law.".

(g) Conforming and Clerical Amendments.—(1) The section heading for section 2343 of that title is amended to read as follows:

"§2343. Recordkeeping, reporting, and inspection".

(2) The section heading for section 2345 of such title is amended to read as follows:

"§2345. Effect on State and local law".

(3) The table of sections at the beginning of chapter 114 of that title is amended—

(A) by striking the item relating to section 2343 and inserting the following new item:

"2343. Recordkeeping, reporting, and inspection.";

and

(B) by striking the item relating to section 2345 and insert the following new item:

"2345. Effect on State and local law.".

(4)(A) The heading for chapter 114 of that title is amended to read as follows:

"CHAPTER 114—TRAFFICKING IN CONTRABAND CIGARETTES AND SMOKELESS TOBACCO".

(B) The table of chapters at the beginning of part 1 of that title is amended by striking the item relating to section 114 and inserting the following new item:

"114. Trafficking in contraband cigarettes and smokeless tobacco .... 2341.".

SEC. 122. PROHIBITION OF NARCO-TERRORISM.

Part A of the Controlled Substance Import and Export Act (21 U.S.C. 951 et seq.) is amended by inserting after section 1010 the following:

"FOREIGN TERRORIST ORGANIZATIONS, TERRORIST PERSONS AND GROUPS

"Prohibited Acts

"Sec. 1010A. (a) Whoever engages in conduct that would be punishable under section 841(a) of this title if committed within the jurisdiction of the United States, or attempts or conspires to do so, knowing or intending to provide, directly or indirectly, anything or pecuniary value to any person or organization that has engaged or engages in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act) or terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989), shall be sentenced to a term of imprisonment of not less than twice the minimum punishment under section 841(b)(1), and not more than life, a fine in accordance with the provisions of title 18, United States Code, or both. Notwithstanding section 3583 of title 18, United States Code, any sentence imposed under this subsection shall include a term of supervised release of at least 5 years in addition to such term of imprisonment.

"Jurisdiction

"(b) There is jurisdiction over an offense under this section if—

"(1) the prohibited drug activity or the terrorist offense is in violation of the criminal laws of the United States;

"(2) the offense, the prohibited drug activity, or the terrorist offense occurs in or affects interstate or foreign commerce;

"(3) an offender provides anything of pecuniary value for a terrorist offense that causes or is designed to cause death or serious bodily injury to a national of the United States while that national is outside the United States, or substantial damage to the property of a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions) while that property is outside of the United States;

"(4) the offense or the prohibited drug activity occurs in whole or in part outside of the United States (including on the high seas), and a perpetrator of the offense or the prohibited drug activity is a national of the United States or a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions); or

"(5) after the conduct required for the offense occurs an offender is brought into or found in the United States, even if the conduct required for the offense occurs outside the United States.

"Proof Requirements

"(c) To violate subsection (a), a person must have knowledge that the person or organization has engaged or engages in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act) or terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989).

"Definition

"(d) As used in this section, the term 'anything of pecuniary value' has the meaning given the term in section 1958(b)(1) of title 18, United States Code.".

SEC. 123. INTERFERING WITH THE OPERATION OF AN AIRCRAFT.

Section 32 of title 18, United States Code, is amended—

(1) in subsection (a), by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8) respectively;

(2) by inserting after paragraph (4) of subsection (a), the following:

"(5) interferes with or disables, with intent to endanger the safety of any person or with a reckless disregard for the safety of human life, anyone engaged in the authorized operation of such aircraft or any air navigation facility aiding in the navigation of any such aircraft;";

(3) in subsection (a)(8), by striking "paragraphs (1) through (6)" and inserting "paragraphs (1) through (7)"; and

(4) in subsection (c), by striking "paragraphs (1) through (5)" and inserting "paragraphs (1) through (6)".

SEC. 124. SENSE OF CONGRESS RELATING TO LAWFUL POLITICAL ACTIVITY.

It is the sense of Congress that government should not investigate an American citizen solely on the basis of the citizen's membership in a non-violent political organization or the fact that the citizen was engaging in other lawful political activity.

SEC. 125. REMOVAL OF CIVIL LIABILITY BARRIERS THAT DISCOURAGE THE DONATION OF FIRE EQUIPMENT TO VOLUNTEER FIRE COMPANIES.

(a) Liability Protection.—A person who donates qualified fire control or rescue equipment to a volunteer fire company shall not be liable for civil damages under any State or Federal law for personal injuries, property damage or loss, or death caused by the equipment after the donation.

(b) Exceptions.—Subsection (a) does not apply to a person if—

(1) the person's act or omission causing the injury, damage, loss, or death constitutes gross negligence or intentional misconduct; or

(2) the person is the manufacturer of the qualified fire control or rescue equipment.

(3) the person or agency modified or altered the equipment after it had been recertified by an authorized technician as meeting the manufacturer's specifications.

(c) Preemption.—This section preempts the laws of any State to the extent that such laws are inconsistent with this section, except that notwithstanding subsection (b) this section shall not preempt any State law that provides additional protection from liability for a person who donates fire control or fire rescue equipment to a volunteer fire company.

(d) Definitions.—In this section:

(1) Person.—The term "person" includes any governmental or other entity.

(2) Fire control or rescue equipment.—The term "fire control or fire rescue equipment" includes any fire vehicle, fire fighting tool, communications equipment, protective gear, fire hose, or breathing apparatus.

(3) Qualified fire control or rescue equipment.—The term "qualified fire control or rescue equipment" means fire control or fire rescue equipment that has been recertified by an authorized technician as meeting the manufacturer's specifications.

(4) State.—The term "State" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, any other territory or possession of the United States, and any political subdivision of any such State, territory, or possession.

(5) Volunteer fire company.—The term "volunteer fire company" means an association of individuals who provide fire protection and other emergency services, where at least 30 percent of the individuals receive little or no compensation compared with an entry level full-time paid individual in that association or in the nearest such association with an entry level full-time paid individual.

(6) Authorized technician.—The term "authorized technician" means a technician who has been certified by the manufacturer of fire control or fire rescue equipment to inspect such equipment. The technician need not be employed by the State or local agency administering the distribution of the fire control or fire rescue equipment.

(e) Effective Date.—This section applies only to liability for injury, damage, loss, or death caused by equipment that, for purposes of subsection (a), is donated on or after the date that is 30 days after the date of the enactment of this section.

SEC. 126. REPORT ON DATA-MINING ACTIVITIES.

(a) Report.—Not later than one year after the date of the enactment of this Act, the Attorney General shall submit to Congress a report on any initiative of the Department of Justice that uses or is intended to develop pattern-based data-mining technology, including, for each such initiative, the following information:

(1) A thorough description of the pattern-based data-mining technology consistent with the protection of existing patents, proprietary business processes, trade secrets, and intelligence sources and methods.

(2) A thorough discussion of the plans for the use of such technology and the target dates for the deployment of the pattern-based data-mining technology.

(3) An assessment of the likely efficacy of the pattern-based data-mining technology quality assurance controls to be used in providing accurate and valuable information consistent with the stated plans for the use of the technology.

(4) An assessment of the likely impact of the implementation of the pattern-based data-mining technology on privacy and civil liberties.

(5) A list and analysis of the laws and regulations applicable to the Department of Justice that govern the application of the pattern-based data-mining technology to the information to be collected, reviewed, gathered, and analyzed with the pattern-based data-mining technology.

(6) A thorough discussion of the policies, procedures, and guidelines of the Department of Justice that are to be developed and applied in the use of such technology for pattern-based data-mining in order to—

(A) protect the privacy and due process rights of individuals; and

(B) ensure that only accurate information is collected and used or account for the possibility of inaccuracy in that information and guard against harmful consequences of potential inaccuracies.

(7) Any necessary classified information in an annex that shall be available consistent with

national security to the Committee on the Judiciary of both the Senate and the House of Representatives.

(b) DEFINITIONS.—In this section:

(1) DATA-MINING.—The term "data-mining" means a query or search or other analysis of one or more electronic databases, where—

(A) at least one of the databases was obtained from or remains under the control of a non-Federal entity, or the information was acquired initially by another department or agency of the Federal Government for purposes other than intelligence or law enforcement;

(B) the search does not use personal identifiers of a specific individual or does not utilize inputs that appear on their face to identify or be associated with a specified individual to acquire information; and

(C) a department or agency of the Federal Government is conducting the query or search or other analysis to find a pattern indicating terrorist or other criminal activity.

(2) DATABASE.—The term "database" does not include telephone directories, information publicly available via the Internet or available by any other means to any member of the public, any databases maintained, operated, or controlled by a State, local, or tribal government (such as a State motor vehicle database), or databases of judicial and administrative opinions.

SEC. 127. SENSE OF CONGRESS.

It is the sense of Congress that under section 981 of title 18, United States Code, victims of terrorists attacks should have access to the assets forfeited.

SEC. 128. USA PATRIOT ACT SECTION 214; AUTHORITY FOR DISCLOSURE OF ADDITIONAL INFORMATION IN CONNECTION WITH ORDERS FOR PEN REGISTER AND TRAP AND TRACE AUTHORITY UNDER FISA.

(a) RECORDS.—Section 402(d)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842(d)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (ii), by adding "and" at the end; and

(B) in clause (iii), by striking the period at the end and inserting a semicolon; and

(2) in subparagraph (B)(iii), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(C) shall direct that, upon the request of the applicant, the provider of a wire or electronic communication service shall disclose to the Federal officer using the pen register or trap and trace device covered by the order—

"(i) in the case of the customer or subscriber using the service covered by the order (for the period specified by the order)—

"(I) the name of the customer or subscriber;

"(II) the address of the customer or subscriber;

"(III) the telephone or instrument number, or other subscriber number or identifier, of the customer or subscriber, including any temporarily assigned network address or associated routing or transmission information;

"(IV) the length of the provision of service by such provider to the customer or subscriber and the types of services utilized by the customer or subscriber;

"(V) in the case of a provider of local or long distance telephone service, any local or long distance telephone records of the customer or subscriber;

"(VI) if applicable, any records reflecting period of usage (or sessions) by the customer or subscriber; and

"(VII) any mechanisms and sources of payment for such service, including the number of any credit card or bank account utilized for payment for such service; and

"(ii) if available, with respect to any customer or subscriber of incoming or outgoing communications to or from the service covered by the order—

"(I) the name of such customer or subscriber;

"(II) the address of such customer or subscriber;

"(III) the telephone or instrument number, or other subscriber number or identifier, of such customer or subscriber, including any temporarily assigned network address or associated routing or transmission information; and

"(IV) the length of the provision of service by such provider to such customer or subscriber and the types of services utilized by such customer or subscriber.".

(b) ENHANCED OVERSIGHT.—Section 406(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1846(a)) is amended by inserting ", and the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate," after "of the Senate".

TITLE II—TERRORIST DEATH PENALTY ENHANCEMENT

SEC. 201. SHORT TITLE.

This title may be cited as the "Terrorist Death Penalty Enhancement Act of 2005".

Subtitle A—Terrorist Penalties Enhancement Act

SEC. 211. DEATH PENALTY PROCEDURES FOR CERTAIN AIR PIRACY CASES OCCURRING BEFORE ENACTMENT OF THE FEDERAL DEATH PENALTY ACT OF 1994.

(a) IN GENERAL.—Section 60003 of the Violent Crime Control and Law Enforcement Act of 1994, (Public Law 103–322), is amended, as of the time of its enactment, by adding at the end the following:

"(c) DEATH PENALTY PROCEDURES FOR CERTAIN PREVIOUS AIRCRAFT PIRACY VIOLATIONS.—An individual convicted of violating section 46502 of title 49, United States Code, or its predecessor, may be sentenced to death in accordance with the procedures established in chapter 228 of title 18, United States Code, if for any offense committed before the enactment of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), but after the enactment of the Antihijacking Act of 1974 (Public Law 93–366), it is determined by the finder of fact, before consideration of the factors set forth in sections 3591(a)(2) and 3592(a) and (c) of title 18, United States Code, that one or more of the factors set forth in former section 46503(c)(2) of title 49, United States Code, or its predecessor, has been proven by the Government to exist, beyond a reasonable doubt, and that none of the factors set forth in former section 46503(c)(1) of title 49, United States Code, or its predecessor, has been proven by the defendant to exist, by a preponderance of the information. The meaning of the term 'especially heinous, cruel, or depraved', as used in the factor set forth in former section 46503(c)(2)(B)(iv) of title 49, United States Code, or its predecessor, shall be narrowed by adding the limiting language 'in that it involved torture or serious physical abuse to the victim', and shall be construed as when that term is used in section 3592(c)(6) of title 18, United States Code.".

(b) SEVERABILITY CLAUSE.—If any provision of section 60003(b)(2) of the Violent Crime and Law Enforcement Act of 1994 (Public Law 103–322), or the application thereof to any person or any circumstance is held invalid, the remainder of such section and the application of such section to other persons or circumstances shall not be affected thereby.

SEC. 212. POSTRELEASE SUPERVISION OF TERRORISTS.

Section 3583(j) of title 18, United States Code, is amended in subsection (j), by striking ", the commission" and all that follows through "person,".

Subtitle B—Federal Death Penalty Procedures

SEC. 221. ELIMINATION OF PROCEDURES APPLICABLE ONLY TO CERTAIN CONTROLLED SUBSTANCES ACT CASES.

Section 408 of the Controlled Substances Act (21 U.S.C. 848) is amended—

(1) in subsection (e)(2), by striking "(1)(b)" and inserting (1)(B);

(2) by striking subsection (g) and all that follows through subsection (p);

(3) by striking subsection (r); and

(4) in subsection (q), by striking paragraphs (1) through (3).

SEC. 222. COUNSEL FOR FINANCIALLY UNABLE DEFENDANTS.

(a) IN GENERAL.—Chapter 228 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 3599. Counsel for financially unable defendants

"(a)(1) Notwithstanding any other provision of law to the contrary, in every criminal action in which a defendant is charged with a crime which may be punishable by death, a defendant who is or becomes financially unable to obtain adequate representation or investigative, expert, or other reasonably necessary services at any time either—

"(A) before judgment; or

"(B) after the entry of a judgment imposing a sentence of death but before the execution of that judgment;

shall be entitled to the appointment of one or more attorneys and the furnishing of such other services in accordance with subsections (b) through (f).

"(2) In any post conviction proceeding under section 2254 or 2255 of title 28, United States Code, seeking to vacate or set aside a death sentence, any defendant who is or becomes financially unable to obtain adequate representation or investigative, expert, or other reasonably necessary services shall be entitled to the appointment of one or more attorneys and the furnishing of such other services in accordance with subsections (b) through (f).

"(b) If the appointment is made before judgment, at least one attorney so appointed must have been admitted to practice in the court in which the prosecution is to be tried for not less than five years, and must have had not less than three years experience in the actual trial of felony prosecutions in that court.

"(c) If the appointment is made after judgment, at least one attorney so appointed must have been admitted to practice in the court of appeals for not less than five years, and must have had not less than three years experience in the handling of appeals in that court in felony cases.

"(d) With respect to subsections (b) and (c), the court, for good cause, may appoint another attorney whose background, knowledge, or experience would otherwise enable him or her to properly represent the defendant, with due consideration to the seriousness of the possible penalty and to the unique and complex nature of the litigation.

"(e) Unless replaced by similarly qualified counsel upon the attorney's own motion or upon motion of the defendant, each attorney so appointed shall represent the defendant throughout every subsequent stage of available judicial proceedings, including pretrial proceedings, trial, sentencing, motions for new trial, appeals, applications for writ of certiorari to the Supreme Court of the United States, and all available post-conviction process, together with applications for stays of execution and other appropriate motions and procedures, and shall also represent the defendant in such competency proceedings and proceedings for executive or other clemency as may be available to the defendant.

"(f) Upon a finding that investigative, expert, or other services are reasonably necessary for the representation of the defendant, whether in connection with issues relating to guilt or the sentence, the court may authorize the defendant's attorneys to obtain such services on behalf of the defendant and, if so authorized, shall order the payment of fees and expenses therefor under subsection (g). No ex parte proceeding, communication, or request may be considered pursuant to this section unless a proper showing is made concerning the need for confidentiality. Any such proceeding, communication, or request shall be transcribed and made a part of the record available for appellate review.

"(g)(1) Compensation shall be paid to attorneys appointed under this subsection at a rate of not more than $125 per hour for in-court and out-of-court time. The Judicial Conference is authorized to raise the maximum for hourly payment specified in the paragraph up to the aggregate of the overall average percentages of the adjustments in the rates of pay for the General Schedule made pursuant to section 5305 of title 5 on or after such date. After the rates are raised under the preceding sentence, such hourly range may be raised at intervals of not less than one year, up to the aggregate of the overall average percentages of such adjustments made since the last raise under this paragraph.

"(2) Fees and expenses paid for investigative, expert, and other reasonably necessary services authorized under subsection (f) shall not exceed $7,500 in any case, unless payment in excess of that limit is certified by the court, or by the United States magistrate judge, if the services were rendered in connection with the case disposed of entirely before such magistrate judge, as necessary to provide fair compensation for services of an unusual character or duration, and the amount of the excess payment is approved by the chief judge of the circuit. The chief judge of the circuit may delegate such approval authority to an active circuit judge.

"(3) The amounts paid under this paragraph for services in any case shall be disclosed to the public, after the disposition of the petition.".

(b) CONFORMING AMENDMENT.—The table of sections of the bill is amended by inserting after the item relating to section 3598 the following new item:

"3599. Counsel for financially unable defendants.".

(c) REPEAL.—Subsection (q) of section 408 of the Controlled Substances Act is amended by striking paragraphs (4) through (10).

TITLE III—REDUCING CRIME AND TERRORISM AT AMERICA'S SEAPORTS

SEC. 301. SHORT TITLE.

This title may be cited as the "Reducing Crime and Terrorism at America's Seaports Act of 2005".

SEC. 302. ENTRY BY FALSE PRETENSES TO ANY SEAPORT.

(a) IN GENERAL.—Section 1036 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "or" at the end;

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

"(3) any secure or restricted area of any seaport, designated as secure in an approved security plan, as required under section 70103 of title 46, United States Code, and the rules and regulations promulgated under that section; or";

(2) in subsection (b)(1), by striking "5 years" and inserting "10 years";

(3) in subsection (c)(1), by inserting ", captain of the seaport," after "airport authority"; and

(4) by striking the section heading and inserting the following:

"§1036. Entry by false pretenses to any real property, vessel, or aircraft of the United States or secure area of any airport or seaport".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 47 of title 18 is amended by striking the matter relating to section 1036 and inserting the following:

"1036. Entry by false pretenses to any real property, vessel, or aircraft of the United States or secure area of any airport or seaport.".

(c) DEFINITION OF SEAPORT.—Chapter 1 of title 18, United States Code, is amended by adding at the end the following:

"§26. Definition of seaport

"As used in this title, the term 'seaport' means all piers, wharves, docks, and similar structures, adjacent to any waters subject to the jurisdiction of the United States, to which a vessel may be secured, including areas of land, water, or land and water under and in immediate proximity to such structures, buildings on or contiguous to such structures, and the equipment and materials on such structures or in such buildings.".

(d) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 1 of title 18 is amended by inserting after the matter relating to section 25 the following:

"26. Definition of seaport.".

SEC. 303. CRIMINAL SANCTIONS FOR FAILURE TO HEAVE TO, OBSTRUCTION OF BOARDING, OR PROVIDING FALSE INFORMATION.

(a) OFFENSE.—Chapter 109 of title 18, United States Code, is amended by adding at the end the following:

"§2237. Criminal sanctions for failure to heave to, obstruction of boarding, or providing false information

"(a)(1) It shall be unlawful for the master, operator, or person in charge of a vessel of the United States, or a vessel subject to the jurisdiction of the United States, to knowingly fail to obey an order by an authorized Federal law enforcement officer to heave to that vessel.

"(2) It shall be unlawful for any person on board a vessel of the United States, or a vessel subject to the jurisdiction of the United States, to—

"(A) forcibly resist, oppose, prevent, impede, intimidate, or interfere with a boarding or other law enforcement action authorized by any Federal law or to resist a lawful arrest; or

"(B) provide materially false information to a Federal law enforcement officer during a boarding of a vessel regarding the vessel's destination, origin, ownership, registration, nationality, cargo, or crew.

"(b) Any person who intentionally violates this section shall be fined under this title or imprisoned for not more than 5 years, or both.

"(c) This section does not limit the authority of a customs officer under section 581 of the Tariff Act of 1930 (19 U.S.C. 1581), or any other provision of law enforced or administered by the Secretary of the Treasury or the Secretary of Homeland Security, or the authority of any Federal law enforcement officer under any law of the United States, to order a vessel to stop or heave to.

"(d) A foreign nation may consent or waive objection to the enforcement of United States law by the United States under this section by radio, telephone, or similar oral or electronic means. Consent or waiver may be proven by certification of the Secretary of State or the designee of the Secretary of State.

"(e) In this section—

"(1) the term 'Federal law enforcement officer' has the meaning given the term in section 115(c);

"(2) the term 'heave to' means to cause a vessel to slow, come to a stop, or adjust its course or speed to account for the weather conditions and sea state to facilitate a law enforcement boarding;

"(3) the term 'vessel subject to the jurisdiction of the United States' has the meaning given the term in section 2 of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903); and

"(4) the term 'vessel of the United States' has the meaning given the term in section 2 of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903).".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 109, title 18, United States Code, is amended by inserting after the item for section 2236 the following:

"2237. Criminal sanctions for failure to heave to, obstruction of boarding, or providing false information.".

SEC. 304. CRIMINAL SANCTIONS FOR VIOLENCE AGAINST MARITIME NAVIGATION, PLACEMENT OF DESTRUCTIVE DEVICES.

(a) PLACEMENT OF DESTRUCTIVE DEVICES.—Chapter 111 of title 18, United States Code, as amended by subsection (a), is further amended by adding at the end the following:

"§2282A. Devices or dangerous substances in waters of the United States likely to destroy or damage ships or to interfere with maritime commerce

"(a) A person who knowingly places, or causes to be placed, in navigable waters of the United States, by any means, a device or dangerous substance which is likely to destroy or cause damage to a vessel or its cargo, cause interference with the safe navigation of vessels, or interference with maritime commerce (such as by damaging or destroying marine terminals, facilities, or any other marine structure or entity used in maritime commerce) with the intent of causing such destruction or damage, interference with the safe navigation of vessels, or interference with maritime commerce shall be fined under this title or imprisoned for any term of years, or for life; or both.

"(b) A person who causes the death of any person by engaging in conduct prohibited under subsection (a) may be punished by death.

"(c) Nothing in this section shall be construed to apply to otherwise lawfully authorized and conducted activities of the United States Government.

"(d) In this section:

"(1) The term 'dangerous substance' means any solid, liquid, or gaseous material that has the capacity to cause damage to a vessel or its cargo, or cause interference with the safe navigation of a vessel.

"(2) The term 'device' means any object that, because of its physical, mechanical, structural, or chemical properties, has the capacity to cause damage to a vessel or its cargo, or cause interference with the safe navigation of a vessel.".

(2) CONFORMING AMENDMENT.—The table of sections for chapter 111 of title 18, United States Code, as amended by subsection (b), is further amended by adding after the item related to section 2282 the following:

"2282A. Devices or dangerous substances in waters of the United States likely to destroy or damage ships or to interfere with maritime commerce.".

(b) VIOLENCE AGAINST MARITIME NAVIGATION.—

(1) IN GENERAL.—Chapter 111 of title 18, United States Code as amended by subsections (a) and (c), is further amended by adding at the end the following:

"§2282B. Violence against aids to maritime navigation

"Whoever intentionally destroys, seriously damages, alters, moves, or tampers with any aid

to maritime navigation maintained by the Saint Lawrence Seaway Development Corporation under the authority of section 4 of the Act of May 13, 1954 (33 U.S.C. 984), by the Coast Guard pursuant to section 81 of title 14, United States Code, or lawfully maintained under authority granted by the Coast Guard pursuant to section 83 of title 14, United States Code, if such act endangers or is likely to endanger the safe navigation of a ship, shall be fined under this title or imprisoned for not more than 20 years, or both.''.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 111 of title 18, United States Code, as amended by subsections (b) and (d) is further amended by adding after the item related to section 2282A the following:

''2282B. Violence against aids to maritime navigation.''.

SEC. 305. TRANSPORTATION OF DANGEROUS MATERIALS AND TERRORISTS.

(a) TRANSPORTATION OF DANGEROUS MATERIALS AND TERRORISTS.—Chapter 111 of title 18, as amended by section 305, is further amended by adding at the end the following:

''§ 2283. Transportation of explosive, biological, chemical, or radioactive or nuclear materials

''(a) IN GENERAL.—Whoever knowingly transports aboard any vessel within the United States and on waters subject to the jurisdiction of the United States or any vessel outside the United States and on the high seas or having United States nationality an explosive or incendiary device, biological agent, chemical weapon, or radioactive or nuclear material, knowing that any such item is intended to be used to commit an offense listed under section 2332b(g)(5)(B), shall be fined under this title or imprisoned for any term of years or for life, or both.

''(b) CAUSING DEATH.—Any person who causes the death of a person by engaging in conduct prohibited by subsection (a) may be punished by death.

''(c) DEFINITIONS.—In this section:

''(1) BIOLOGICAL AGENT.—The term 'biological agent' means any biological agent, toxin, or vector (as those terms are defined in section 178).

''(2) BY-PRODUCT MATERIAL.—The term 'by-product material' has the meaning given that term in section 11(e) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)).

''(3) CHEMICAL WEAPON.—The term 'chemical weapon' has the meaning given that term in section 229F(1).

''(4) EXPLOSIVE OR INCENDIARY DEVICE.—The term 'explosive or incendiary device' has the meaning given the term in section 232(5) and includes explosive materials, as that term is defined in section 841(c) and explosive as defined in section 844(j).

''(5) NUCLEAR MATERIAL.—The term 'nuclear material' has the meaning given that term in section 831(f)(1).

''(6) RADIOACTIVE MATERIAL.—The term 'radioactive material' means—

''(A) source material and special nuclear material, but does not include natural or depleted uranium;

''(B) nuclear by-product material;

''(C) material made radioactive by bombardment in an accelerator; or

''(D) all refined isotopes of radium.

''(8) SOURCE MATERIAL.—The term 'source material' has the meaning given that term in section 11(z) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(z)).

''(9) SPECIAL NUCLEAR MATERIAL.—The term 'special nuclear material' has the meaning given that term in section 11(aa) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(aa)).

''§ 2284. Transportation of terrorists

''(a) IN GENERAL.—Whoever knowingly and intentionally transports any terrorist aboard any vessel within the United States and on waters subject to the jurisdiction of the United States or any vessel outside the United States and on the high seas or having United States nationality, knowing that the transported person is a terrorist, shall be fined under this title or imprisoned for any term of years or for life, or both.

''(b) DEFINED TERM.—In this section, the term 'terrorist' means any person who intends to commit, or is avoiding apprehension after having committed, an offense listed under section 2332b(g)(5)(B).''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 111 of title 18, United States Code, as amended by section 305, is further amended by adding at the end the following:

''2283. Transportation of explosive, chemical, biological, or radioactive or nuclear materials.

''2284. Transportation of terrorists.''.

SEC. 306. DESTRUCTION OF, OR INTERFERENCE WITH, VESSELS OR MARITIME FACILITIES.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 111 the following:

''CHAPTER 111A—DESTRUCTION OF, OR INTERFERENCE WITH, VESSELS OR MARITIME FACILITIES

''Sec.
''2290. Jurisdiction and scope.
''2291. Destruction of vessel or maritime facility.
''2292. Imparting or conveying false information.

''§ 2290. Jurisdiction and scope

''(a) JURISDICTION.—There is jurisdiction, including extraterritorial jurisdiction, over an offense under this chapter if the prohibited activity takes place—

''(1) within the United States and within waters subject to the jurisdiction of the United States; or

''(2) outside United States and—

''(A) an offender or a victim is a national of the United States (as that term is defined under section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

''(B) the activity involves a vessel in which a national of the United States was on board; or

''(C) the activity involves a vessel of the United States (as that term is defined under section 2 of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903).

''(b) SCOPE.—Nothing in this chapter shall apply to otherwise lawful activities carried out by or at the direction of the United States Government.

''§ 2291. Destruction of vessel or maritime facility

''(a) OFFENSE.—Whoever knowingly—

''(1) sets fire to, damages, destroys, disables, or wrecks any vessel;

''(2) places or causes to be placed a destructive device, as defined in section 921(a)(4), destructive substance, as defined in section 31(a)(3), or an explosive, as defined in section 844(j) in, upon, or near, or otherwise makes or causes to be made unworkable or unusable or hazardous to work or use, any vessel, or any part or other materials used or intended to be used in connection with the operation of a vessel;

''(3) sets fire to, damages, destroys, or disables or places a destructive device or substance in, upon, or near, any maritime facility, including any aid to navigation, lock, canal, or vessel traffic service facility or equipment;

''(4) interferes by force or violence with the operation of any maritime facility, including any aid to navigation, lock, canal, or vessel traffic service facility or equipment, if such action is likely to endanger the safety of any vessel in navigation;

''(5) sets fire to, damages, destroys, or disables or places a destructive device or substance in, upon, or near, any appliance, structure, property, machine, or apparatus, or any facility or other material used, or intended to be used, in connection with the operation, maintenance, loading, unloading, or storage of any vessel or any passenger or cargo carried or intended to be carried on any vessel;

''(6) performs an act of violence against or incapacitates any individual on any vessel, if such act of violence or incapacitation is likely to endanger the safety of the vessel or those on board;

''(7) performs an act of violence against a person that causes or is likely to cause serious bodily injury, as defined in section 1365(h)(3), in, upon, or near, any appliance, structure, property, machine, or apparatus, or any facility or other material used, or intended to be used, in connection with the operation, maintenance, loading, unloading, or storage of any vessel or any passenger or cargo carried or intended to be carried on any vessel;

''(8) communicates information, knowing the information to be false and under circumstances in which such information may reasonably be believed, thereby endangering the safety of any vessel in navigation; or

''(9) attempts or conspires to do anything prohibited under paragraphs (1) through (8),

shall be fined under this title or imprisoned not more than 20 years, or both.

''(b) LIMITATION.—Subsection (a) shall not apply to any person that is engaging in otherwise lawful activity, such as normal repair and salvage activities, and the transportation of hazardous materials regulated and allowed to be transported under chapter 51 of title 49.

''(c) PENALTY.—Whoever is fined or imprisoned under subsection (a) as a result of an act involving a vessel that, at the time of the violation, carried high-level radioactive waste (as that term is defined in section 2(12) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(12)) or spent nuclear fuel (as that term is defined in section 2(23) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(23)), shall be fined under this title, imprisoned for a term up to life, or both.

''(d) PENALTY WHEN DEATH RESULTS.—Whoever is convicted of any crime prohibited by subsection (a) and intended to cause death by the prohibited conduct, if the conduct resulted in the death of any person, shall be subject also to the death penalty or to a term of imprisonment for a period up to life.

''(e) THREATS.—Whoever knowingly and intentionally imparts or conveys any threat to do an act which would violate this chapter, with an apparent determination and will to carry the threat into execution, shall be fined under this title or imprisoned not more than 5 years, or both, and is liable for all costs incurred as a result of such threat.

''§ 2292. Imparting or conveying false information

''(a) IN GENERAL.—Whoever imparts or conveys or causes to be imparted or conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act that would be a crime prohibited by this chapter or by chapter 111 of this title, shall be subject to a civil penalty of not more than $5,000, which shall be recoverable in a civil action brought in the name of the United States.

''(b) MALICIOUS CONDUCT.—Whoever knowingly, intentionally, maliciously, or with reckless disregard for the safety of human life, imparts or conveys or causes to be imparted or conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt to do any act which would be a

crime prohibited by this chapter or by chapter 111 of this title, shall be fined under this title or imprisoned not more than 5 years.

"(c) JURISDICTION.—

"(1) IN GENERAL.—Except as provided under paragraph (2), section 2290(a) shall not apply to any offense under this section.

"(2) JURISDICTION.—Jurisdiction over an offense under this section shall be determined in accordance with the provisions applicable to the crime prohibited by this chapter, or by chapter 111 of this title, to which the imparted or conveyed false information relates, as applicable.

"§2293. Bar to prosecution

"(a) IN GENERAL.—It is a bar to prosecution under this chapter if—

"(1) the conduct in question occurred within the United States in relation to a labor dispute, and such conduct is prohibited as a felony under the law of the State in which it was committed; or

"(2) such conduct is prohibited as a misdemeanor, and not as a felony, under the law of the State in which it was committed.

"(b) DEFINITIONS.—In this section:

"(1) LABOR DISPUTE.—The term 'labor dispute' has the same meaning given that term in section 13(c) of the Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes (29 U.S.C. 113(c), commonly known as the Norris-LaGuardia Act).

"(2) STATE.—The term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

(b) CONFORMING AMENDMENT.—The table of chapters at the beginning of title 18, United States Code, is amended by inserting after the item for chapter 111 the following:

"111A. Destruction of, or interference with, vessels or maritime facilities 2290".

SEC. 307. THEFT OF INTERSTATE OR FOREIGN SHIPMENTS OR VESSELS.

(a) THEFT OF INTERSTATE OR FOREIGN SHIPMENTS.—Section 659 of title 18, United States Code, is amended—

(1) in the first undesignated paragraph—

(A) by inserting "trailer," after "motortruck,";

(B) by inserting "air cargo container," after "aircraft,"; and

(C) by inserting ", or from any intermodal container, trailer, container freight station, warehouse, or freight consolidation facility," after "air navigation facility";

(2) in the fifth undesignated paragraph, by striking "in each case" and all that follows through "or both" the second place it appears and inserting "be fined under this title or imprisoned not more than 10 years, or both, but if the amount or value of such money, baggage, goods, or chattels is less than $1,000, shall be fined under this title or imprisoned for not more than 3 years, or both"; and

(3) by inserting after the first sentence in the eighth undesignated paragraph the following: "For purposes of this section, goods and chattel shall be construed to be moving as an interstate or foreign shipment at all points between the point of origin and the final destination (as evidenced by the waybill or other shipping document of the shipment), regardless of any temporary stop while awaiting transshipment or otherwise.".

(b) STOLEN VESSELS.—

(1) IN GENERAL.—Section 2311 of title 18, United States Code, is amended by adding at the end the following, as a new undesignated paragraph: "'Vessel' means any watercraft or other contrivance used or designed for transportation or navigation on, under, or immediately above, water.".

(2) TRANSPORTATION AND SALE OF STOLEN VESSELS.—

(A) TRANSPORTATION.—Section 2312 of title 18, United States Code, is amended by striking "motor vehicle or aircraft" and inserting "motor vehicle, vessel, or aircraft".

(B) SALE.—Section 2313(a) of title 18, United States Code, is amended by striking "motor vehicle or aircraft" and inserting "motor vehicle, vessel, or aircraft".

(c) REVIEW OF SENTENCING GUIDELINES.—Pursuant to section 994 of title 28, United States Code, the United States Sentencing Commission shall review the Federal Sentencing Guidelines to determine whether sentencing enhancement is appropriate for any offense under section 659 or 2311 of title 18, United States Code, as amended by this title.

(d) ANNUAL REPORT OF LAW ENFORCEMENT ACTIVITIES.—The Attorney General shall annually submit to Congress a report, which shall include an evaluation of law enforcement activities relating to the investigation and prosecution of offenses under section 659 of title 18, United States Code, as amended by this title.

(e) REPORTING OF CARGO THEFT.—The Attorney General shall take the steps necessary to ensure that reports of cargo theft collected by Federal, State, and local officials are reflected as a separate category in the Uniform Crime Reporting System, or any successor system, by no later than December 31, 2006.

SEC. 308. STOWAWAYS ON VESSELS OR AIRCRAFT.

Section 2199 of title 18, United States Code, is amended by striking "Shall be fined under this title or imprisoned not more than one year, or both." and inserting the following:

"(1) shall be fined under this title, imprisoned not more than 5 years, or both;

"(2) if the person commits an act proscribed by this section, with the intent to commit serious bodily injury, and serious bodily injury occurs (as defined under section 1365, including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242) to any person other than a participant as a result of a violation of this section, shall be fined under this title or imprisoned not more than 20 years, or both; and

"(3) if an individual commits an act proscribed by this section, with the intent to cause death, and if the death of any person other than a participant occurs as a result of a violation of this section, shall be fined under this title, imprisoned for any number of years or for life, or both.".

SEC. 309. BRIBERY AFFECTING PORT SECURITY.

(a) IN GENERAL.—Chapter 11 of title 18, United States Code, is amended by adding at the end the following:

"§226. Bribery affecting port security

"(a) IN GENERAL.—Whoever knowingly—

"(1) directly or indirectly, corruptly gives, offers, or promises anything of value to any public or private person, with intent to commit international terrorism or domestic terrorism (as those terms are defined under section 2331), to—

"(A) influence any action or any person to commit or aid in committing, or collude in, or allow, any fraud, or make opportunity for the commission of any fraud affecting any secure or restricted area or seaport; or

"(B) induce any official or person to do or omit to do any act in violation of the lawful duty of such official or person that affects any secure or restricted area or seaport; or

"(2) directly or indirectly, corruptly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally or for any other person or entity in return for—

"(A) being influenced in the performance of any official act affecting any secure or restricted area or seaport; and

"(B) knowing that such influence will be used to commit, or plan to commit, international or domestic terrorism,

shall be fined under this title or imprisoned not more than 15 years, or both.

"(b) DEFINITION.—In this section, the term 'secure or restricted area' means an area of a vessel or facility designated as secure in an approved security plan, as required under section 70103 of title 46, United States Code, and the rules and regulations promulgated under that section.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 11 of title 18, United States Code, is amended by adding at the end the following:

"226. Bribery affecting port security.".

SEC. 310. PENALTIES FOR SMUGGLING GOODS INTO THE UNITED STATES.

The third undesignated paragraph of section 545 of title 18, United States Code, is amended by striking "5 years" and inserting "20 years".

SEC. 311. SMUGGLING GOODS FROM THE UNITED STATES.

(a) IN GENERAL.—Chapter 27 of title 18, United States Code, is amended by adding at the end the following:

"§554. Smuggling goods from the United States

"(a) IN GENERAL.—Whoever fraudulently or knowingly exports or sends from the United States, or attempts to export or send from the United States, any merchandise, article, or object contrary to any law or regulation of the United States, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of such merchandise, article or object, prior to exportation, knowing the same to be intended for exportation contrary to any law or regulation of the United States, shall be fined under this title, imprisoned not more than 10 years, or both.

"(b) DEFINITION.—In this section, the term 'United States' has the meaning given that term in section 545.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 27 of title 18, United States Code, is amended by adding at the end the following:

"554. Smuggling goods from the United States.".

(c) SPECIFIED UNLAWFUL ACTIVITY.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting "section 554 (relating to smuggling goods from the United States)," before "section 641 (relating to public money, property, or records),".

(d) TARIFF ACT OF 1990.—Section 596 of the Tariff Act of 1930 (19 U.S.C. 1595a) is amended by adding at the end the following:

"(d) Merchandise exported or sent from the United States or attempted to be exported or sent from the United States contrary to law, or the proceeds or value thereof, and property used to facilitate the exporting or sending of such merchandise, the attempted exporting or sending of such merchandise, or the receipt, purchase, transportation, concealment, or sale of such merchandise prior to exportation shall be seized and forfeited to the United States.".

(e) REMOVING GOODS FROM CUSTOMS CUSTODY.—Section 549 of title 18, United States Code, is amended in the 5th paragraph by striking "two years" and inserting "10 years".

TITLE IV—COMBATING TERRORISM FINANCING

SEC. 401. SHORT TITLE.

This title may be cited as the "Combating Terrorism Financing Act of 2005".

SEC. 402. INCREASED PENALTIES FOR TERRORISM FINANCING.

Section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) is amended—

(1) in subsection (a), by deleting "$10,000" and inserting "$50,000".

(2) in subsection (b), by deleting "ten years" and inserting "twenty years".

SEC. 403. TERRORISM-RELATED SPECIFIED ACTIVITIES FOR MONEY LAUNDERING.

(a) AMENDMENTS TO RICO.—Section 1961(1) of title 18, United States Code, is amended in subparagraph (B), by inserting "section 1960 (relating to illegal money transmitters)," before "sections 2251".

(b) AMENDMENT TO SECTION 1956(c)(7).—Section 1956(c)(7)(D) of title 18, United States Code, is amended by striking "or any felony violation of the Foreign Corrupt Practices Act" and inserting "any felony violation of the Foreign Corrupt Practices Act".

(c) CONFORMING AMENDMENTS TO SECTIONS 1956(e) AND 1957(e).—

(1) Section 1956(e) of title 18, United States Code, is amended to read as follows:

"(e) Violations of this section may be investigated by such components of the Department of Justice as the Attorney General may direct, and by such components of the Department of the Treasury as the Secretary of the Treasury may direct, as appropriate, and, with respect to offenses over which the Department of Homeland Security has jurisdiction, by such components of the Department of Homeland Security as the Secretary of Homeland Security may direct, and, with respect to offenses over which the United States Postal Service has jurisdiction, by the Postal Service. Such authority of the Secretary of the Treasury, the Secretary of Homeland Security, and the Postal Service shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury, the Secretary of Homeland Security, the Postal Service, and the Attorney General. Violations of this section involving offenses described in paragraph (c)(7)(E) may be investigated by such components of the Department of Justice as the Attorney General may direct, and the National Enforcement Investigations Center of the Environmental Protection Agency.".

(2) Section 1957(e) of title 18, United States Code, is amended to read as follows:

"(e) Violations of this section may be investigated by such components of the Department of Justice as the Attorney General may direct, and by such components of the Department of the Treasury as the Secretary of the Treasury may direct, as appropriate, and, with respect to offenses over which the Department of Homeland Security has jurisdiction, by such components of the Department of Homeland Security as the Secretary of Homeland Security may direct, and, with respect to offenses over which the United States Postal Service has jurisdiction, by the Postal Service. Such authority of the Secretary of the Treasury, the Secretary of Homeland Security, and the Postal Service shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury, the Secretary of Homeland Security, the Postal Service, and the Attorney General.".

SEC. 404. ASSETS OF PERSONS COMMITTING TERRORIST ACTS AGAINST FOREIGN COUNTRIES OR INTERNATIONAL ORGANIZATIONS.

Section 981(a)(1)(G) of title 18, United States Code, is amended—

(1) by striking "or" at the end of clause (ii);

(2) by striking the period at the end of clause (iii) and inserting "; or"; and

(3) by inserting the following after clause (iii):

"(iv) of any individual, entity, or organization engaged in planning or perpetrating any act of international terrorism (as defined in section 2331) against any international organization (as defined in section 209 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4309(b)) or against any foreign Government. Where the property sought for forfeiture is located beyond the territorial boundaries of the United States, an act in furtherance of such planning or perpetration must have occurred within the jurisdiction of the United States.".

SEC. 405. MONEY LAUNDERING THROUGH HAWALAS.

Section 1956(a)(1) of title 18, United States Code, is amended by adding at the end the following: "For purposes of this paragraph, a financial transaction shall be considered to be one involving the proceeds of specified unlawful activity if it is part of a set of parallel or dependent transactions, any one of which involves the proceeds of specified unlawful activity, and all of which are part of a single plan or arrangement.".

SEC. 406. TECHNICAL AND CONFORMING AMENDMENTS RELATING TO THE USA PATRIOT ACT.

(a) TECHNICAL CORRECTIONS.—

(1) Section 322 of Public Law 107–56 is amended by striking "title 18" and inserting "title 28".

(2) Section 1956(b)(3) and (4) of title 18, United States Code, are amended by striking "described in paragraph (2)" each time it appears; and

(3) Section 981(k) of title 18, United States Code, is amended by striking "foreign bank" each time it appears and inserting "foreign financial institution (as defined in section 984(c)(2)(A) of this title)".

(b) CODIFICATION OF SECTION 316 OF THE USA PATRIOT ACT.—

(1) Chapter 46 of title 18, United States Code, is amended—

(A) in the chapter analysis, by inserting at the end the following:

"987. Anti-terrorist forfeiture protection."

; and

(B) by inserting at the end the following:

"§ 987. Anti-terrorist forfeiture protection

"(a) RIGHT TO CONTEST .—An owner of property that is confiscated under any provision of law relating to the confiscation of assets of suspected international terrorists, may contest that confiscation by filing a claim in the manner set forth in the Federal Rules of Civil Procedure (Supplemental Rules for Certain Admiralty and Maritime Claims), and asserting as an affirmative defense that—

"(1) the property is not subject to confiscation under such provision of law; or

"(2) the innocent owner provisions of section 983(d) of title 18, United States Code, apply to the case.

"(b) EVIDENCE.—In considering a claim filed under this section, a court may admit evidence that is otherwise inadmissible under the Federal Rules of Evidence, if the court determines that the evidence is reliable, and that compliance with the Federal Rules of Evidence may jeopardize the national security interests of the United States.

"(c) CLARIFICATIONS.—

"(1) PROTECTION OF RIGHTS.—The exclusion of certain provisions of Federal law from the definition of the term 'civil forfeiture statute' in section 983(i) of title 18, United States Code, shall not be construed to deny an owner of property the right to contest the confiscation of assets of suspected international terrorists under—

"(A) subsection (a) of this section;

"(B) the Constitution; or

"(C) subchapter II of chapter 5 of title 5, United States Code (commonly known as the 'Administrative Procedure Act').

"(2) SAVINGS CLAUSE.—Nothing in this section shall limit or otherwise affect any other remedies that may be available to an owner of property under section 983 of title 18, United States Code, or any other provision of law.".

(2) Subsections (a), (b), and (c) of section 316 of Public Law 107–56 are repealed.

(c) CONFORMING AMENDMENTS CONCERNING CONSPIRACIES.—

(1) Section 33(a) of title 18, United States Code is amended by inserting "or conspires" before "to do any of the aforesaid acts".

(2) Section 1366(a) of title 18, United States Code, is amended—

(A) by striking "attempts" each time it appears and inserting "attempts or conspires"; and

(B) by inserting ", or if the object of the conspiracy had been achieved," after "the attempted offense had been completed".

SEC. 407. CROSS REFERENCE CORRECTION.

Section 5318(n)(4)(A) of title 31, United States Code, is amended by striking "National Intelligence Reform Act of 2004" and inserting "Intelligence Reform and Terrorism Prevention Act of 2004".

SEC. 408. AMENDMENT TO AMENDATORY LANGUAGE.

Section 6604 of the Intelligence Reform and Terrorism Prevention Act of 2004 is amended (effective on the date of the enactment of that Act)—

(1) by striking "Section 2339c(c)(2)" and inserting "Section 2339C(c)(2)"; and

(2) by striking "Section 2339c(e)" and inserting "Section 2339C(e)".

SEC. 409. DESIGNATION OF ADDITIONAL MONEY LAUNDERING PREDICATE.

Section 1956(c)(7)(D) of title 18, United States Code, is amended—

(1) by inserting ", section 2339C (relating to financing of terrorism), or section 2339D (relating to receiving military-type training from a foreign terrorist organization)" after "section 2339A or 2339B (relating to providing material support to terrorists)"; and

(2) by striking "or" before "section 2339A or 2339B".

SEC. 410. UNIFORM PROCEDURES FOR CRIMINAL FORFEITURE.

Section 2461(c) of title 28, United States Code, is amended to read as follows:

"(c) If a person is charged in a criminal case with a violation of an Act of Congress for which the civil or criminal forfeiture of property is authorized, the Government may include notice of the forfeiture in the indictment or information pursuant to the Federal Rules of Criminal Procedure. If the defendant is convicted of the offense giving rise to the forfeiture, the court shall order the forfeiture of the property as part of the sentence in the criminal case pursuant to to the Federal Rules of Criminal Procedure and section 3554 of title 18, United States Code. The procedures in section 413 of the Controlled Substances Act (21 U.S.C. 853) apply to all stages of a criminal forfeiture proceeding, except that subsection (d) of such section applies only in cases in which the defendant is convicted of a violation of such Act."".

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. RESIDENCE OF UNITED STATES ATTORNEYS AND ASSISTANT UNITED STATES ATTORNEYS.

(a) IN GENERAL.—Subsection (a) of section 545 of title 28, United States Code, is amended by adding at the end the following new sentence: "Pursuant to an order from the Attorney General or his designee, a United States attorney or an assistant United States attorney may be assigned dual or additional responsibilities that exempt such officer from the residency requirement in this subsection for a specific period as established by the order and subject to renewal.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of February 1, 2005.

SEC. 502. INTERIM APPOINTMENT OF UNITED STATES ATTORNEYS.

Section 546 of title 28, United States Code, is amended by striking subsections (c) and (d) and inserting the following new subsection:

"(c) A person appointed as United States attorney under this section may serve until the *qualification of a United States Attorney for such district appointed by the President under section 541 of this title. ".*

SEC. 503. SECRETARY OF HOMELAND SECURITY IN PRESIDENTIAL LINE OF SUCCESSION.

Section 19(d)(1) of title 3, United States Code, is amended by inserting ", Secretary of Homeland Security" after "Secretary of Veterans Affairs".

SEC. 504. BUREAU OF ALCOHOL, TOBACCO AND FIREARMS TO THE DEPARTMENT OF JUSTICE.

The second sentence of section 1111(a)(2) of the Homeland Security Act of 2002 (6 U.S.C. 531(a)(2)) is amended by striking "Attorney General" the first place it appears and inserting "President, by and with the advice and consent of the Senate".

SEC. 505. QUALIFICATIONS OF UNITED STATES MARSHALS.

Section 561 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(i) Each marshal appointed under this section should have—

"(1) a minimum of 4 years of command-level law enforcement management duties, including personnel, budget, and accountable property issues, in a police department, sheriff's office or Federal law enforcement agency;

"(2) experience in coordinating with other law enforcement agencies, particularly at the State and local level;

"(3) college-level academic experience; and

"(4) experience in or with county, State, and Federal court systems or experience with protection of court personnel, jurors, and witnesses.".

SECTION 506. DEPARTMENT OF JUSTICE INTELLIGENCE MATTERS.

(a) ASSISTANT ATTORNEY GENERAL FOR NATIONAL SECURITY.—

(1) IN GENERAL.—Chapter 31 of title 28, United States Code, is amended by inserting after section 507 the following new section:

"§ 507A. Assistant Attorney General for National Security

"(a) Of the Assistant Attorneys General appointed under section 506, one shall serve, upon the designation of the President, as the Assistant Attorney General for National Security.

"(b) The Assistant Attorney General for National Security shall—

"(1) serve as the head of the National Security Division of the Department of Justice under section 509A of this title;

"(2) serve as primary liaison to the Director of National Intelligence for the Department of Justice; and

"(3) perform such other duties as the Attorney General may prescribe.".

(2) ADDITIONAL ASSISTANT ATTORNEY GENERAL.—Section 506 of title 28, United States Code, is amended by striking "ten" and inserting "11".

(3) EXECUTIVE SCHEDULE MATTERS.—Section 5315 of title 5, United States Code, is amended by striking the matter relating to Assistant Attorneys General and inserting the following:

" Assistant Attorneys General (11).".

(4) CONSULTATION OF DIRECTOR OF NATIONAL INTELLIGENCE IN APPOINTMENT.—Section 106(c)(2) of the National Security Act of 1947 (50 U.S.C. 403-6(c)(2)) is amended by adding at the end the following new subparagraph:

"(C) The Assistant Attorney General designated as the Assistant Attorney General for National Security under section 507A of title 28, United States Code.".

(5) AUTHORITY TO ACT FOR ATTORNEY GENERAL UNDER FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.—Section 101(g) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(g)) is amended by striking "or the Deputy Attorney General" and inserting ", the Deputy Attorney General, or, upon the designation of the Attorney General, the Assistant Attorney General designated as the Assistant Attorney General for National Security under section 507A of title 28, United States Code".

(6) AUTHORIZATION FOR INTERCEPTION OF COMMUNICATIONS.—Section 2516(1) of title 18, United States Code, is amended by inserting "or National Security Division" after "the Criminal Division".

(7) AUTHORITY TO ACT FOR ATTORNEY GENERAL IN MATTERS INVOLVING WITNESS RELOCATION OR PROTECTION.—Section 3521(d)(3) of title 18, United States Code, is amended by striking "to the Assistant Attorney General in charge of the Criminal Division of the Department of Justice" and inserting "to any Assistant Attorney General in charge of the Criminal Division or National Security Division of the Department of Justice".

(8) PROSECUTION OF CASES INVOLVING CLASSIFIED INFORMATION.—Section 9A(a) of the Classified Information Procedures Act (18 U.S.C. App.) is amended by inserting "or the Assistant Attorney General for National Security, as appropriate," after "Assistant Attorney General for the Criminal Division".

(9) INTELLIGENCE AND NATIONAL SECURITY ASPECTS OF ESPIONAGE PROSECUTION.—Section 341(b) of the Intelligence Authorization Act for Fiscal Year 2004 (28 U.S.C. 519 note) is amended by striking "acting through the Office of Intelligence Policy and Review of the Department of Justice" and inserting "acting through the Assistant Attorney General for National Security".

(10) CERTIFICATIONS FOR CERTAIN UNDERCOVER FOREIGN INTELLIGENCE AND COUNTERINTELLIGENCE INVESTIGATIVE OPERATIONS.—Section 102(b)(1) of Public Law 102–395 (28 U.S.C. 533 note) is amended by striking "Counsel for Intelligence Policy" and inserting "Assistant Attorney General for National Security".

(11) INCLUSION IN FEDERAL LAW ENFORCEMENT COMMUNITY FOR EMERGENCY FEDERAL LAW ENFORCEMENTS ASSISTANCE PURPOSES.—Section 609N(2) of the Justice Assistance Act of 1984 (42 U.S.C. 10502(2)) is amended—

(A) by redesignating subparagraphs (L) and (M) as subparagraphs (M) and (N), respectively; and

(B) by inserting after subparagraph (K) the following new subparagraph (L):

"(L) the National Security Division of the Department of Justice,".

(b) NATIONAL SECURITY DIVISION OF DEPARTMENT OF JUSTICE.—

(1) IN GENERAL.—Chapter 31 of title 28, United States Code, is further amended by inserting after section 509 the following new section:

"§ 509A. National Security Division

"(a) There is a National Security Division of the Department of Justice.

"(b) The National Security Division shall consist of the elements of the Department of Justice (other than the Federal Bureau of Investigation) engaged primarily in support of the intelligence and intelligence-related activities of the United States Government, including the following:

"(1) The Assistant Attorney General designated as the Assistant Attorney General for National Security under section 507A of this title.

"(2) The Office of Intelligence Policy and Review (or any successor organization).

"(3) The counterterrorism section (or any successor organization).

"(4) The counterespionage section (or any successor organization).

"(5) Any other element, component, or office designated by the Attorney General.".

(2) PROHIBITION ON POLITICAL ACTIVITY.—Section 7323(b)(3) of title 5, United States Code, is amended by inserting "or National Security Division" after "Criminal Division".

(c) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 31 of title 28, United States Code, is amended—

(1) by inserting after the item relating to section 507 the following new item:

"507A. Assistant Attorney General for National Security.";

and

(2) by inserting after the item relating to section 509 the following new item:

"509A. National Security Division.".

(d) PROCEDURES FOR CONFIRMATION OF THE ASSISTANT ATTORNEY GENERAL FOR NATIONAL SECURITY.—(1) Section 17 of Senate Resolution 400 (94th Congress) is amended—

(A) in subsection (a), by striking "(a) The" and inserting "(a)(1) Except as otherwise provided in subsection (b), the";

(B) in subsection (b), by striking "(b)" and inserting "(2)"; and

(C) by inserting after subsection (a) the following new subsection:

"(b)(1) With respect to the confirmation of the Assistant Attorney General for National Security, or any successor position, the nomination of any individual by the President to serve in such position shall be referred to the Committee on the Judiciary and, if and when reported, to the select Committee for not to exceed 20 calendar days, except that in cases when the 20-day period expires while the Senate is in recess, the select Committee shall have 5 additional calendar days after the Senate reconvenes to report the nomination.

"(2) If, upon the expiration of the period described in paragraph (1), the select Committee has not reported the nomination, such nomination shall be automatically discharged from the select Committee and placed on the Executive Calendar.".

(2) Paragraph (1) is enacted—

(A) as an exercise of the rulemaking power of the Senate; and

(B) with full recognition of the constitutional right of the Senate to change the rules of the Senate at any time and to the same extent as in the case of any other rule of the Senate.

SEC. 507. REVIEW BY ATTORNEY GENERAL.

(a) APPLICABILITY.—Section 2261 of title 28, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) COUNSEL.—This chapter is applicable if—

"(1) the Attorney General of the United States certifies that a State has established a mechanism for providing counsel in postconviction proceedings as provided in section 2265; and

"(2) counsel was appointed pursuant to that mechanism, petitioner validly waived counsel, petitioner retained counsel, or petitioner was found not to be indigent.".

(b) SCOPE OF PRIOR REPRESENTATION.—Section 2261(d) of title 28, United States Code is amended by striking "or on direct appeal".

(c) CERTIFICATION AND JUDICIAL REVIEW.—

(1) IN GENERAL.—Chapter 154 of title 28, United States Code, is amended by striking section 2265 and inserting the following:

"§ 2265. Certification and judicial review

"(a) CERTIFICATION.—

"(1) IN GENERAL.—If requested by an appropriate State official, the Attorney General of the United States shall determine—

"(A) whether the State has established a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in State postconviction proceedings brought by indigent prisoners who have been sentenced to death;

"(B) the date on which the mechanism described in subparagraph (A) was established; and

"(C) whether the State provides standards of competency for the appointment of counsel in proceedings described in subparagraph (A).

"(2) EFFECTIVE DATE.—The date the mechanism described in paragraph (1)(A) was established shall be the effective date of the certification under this subsection.

"(3) ONLY EXPRESS REQUIREMENTS.—There are no requirements for certification or for application of this chapter other than those expressly stated in this chapter.

"(b) REGULATIONS.—The Attorney General shall promulgate regulations to implement the certification procedure under subsection (a).

"(c) REVIEW OF CERTIFICATION.—

"(1) IN GENERAL.—The determination by the Attorney General regarding whether to certify a State under this section is subject to review exclusively as provided under chapter 158 of this title.

"(2) VENUE.—The Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction over matters under paragraph (1), subject to review by the Supreme Court under section 2350 of this title.

"(3) STANDARD OF REVIEW.—The determination by the Attorney General regarding whether to certify a State under this section shall be subject to de novo review.".

(2) CLERICAL AMENDMENT.—The table of sections for chapter 154 of title 28, United States Code, is amended by striking the item related to section 2265 and inserting the following:

"2265. Certification and judicial review.".

(d) APPLICATION TO PENDING CASES.—

(1) IN GENERAL.—This section and the amendments made by this section shall apply to cases pending on or after the date of enactment of this Act.

(2) TIME LIMITS.—In a case pending on the date of enactment of this Act, if the amendments made by this section establish a time limit for taking certain action, the period of which began on the date of an event that occurred prior to the date of enactment of this Act, the period of such time limit shall instead begin on the date of enactment of this Act.

(e) TIME LIMITS.—Section 2266(b)(1)(A) of title 28, United States Code, is amended by striking "180 days after the date on which the application is filed" and inserting "450 days after the date on which the application is filed, or 60 days after the date on which the case is submitted for decision, whichever is earlier".

(f) STAY OF STATE COURT PROCEEDINGS.—Section 2251 of title 28, United States Code, is amended—

(1) in the first undesignated paragraph, by striking "A justice" and inserting the following:

"(a) IN GENERAL.—

"(1) PENDING MATTERS.—A justice";

(2) in the second undesignated paragraph, by striking "After the" and inserting the following:

"(b) NO FURTHER PROCEEDINGS.—After the"; and

(3) in subsection (a), as so designated by paragraph (1), by adding at the end the following:

"(2) MATTER NOT PENDING.—For purposes of this section, a habeas corpus proceeding is not pending until the application is filed.

"(3) APPLICATION FOR APPOINTMENT OF COUNSEL.—If a State prisoner sentenced to death applies for appointment of counsel pursuant to section 3599(a)(2) of title 18 in a court that would have jurisdiction to entertain a habeas corpus application regarding that sentence, that court may stay execution of the sentence of death, but such stay shall terminate not later than 90 days after counsel is appointed or the application for appointment of counsel is withdrawn or denied.".

TITLE VI—SECRET SERVICE

SEC. 601. SHORT TITLE.

This title may be cited as the "Secret Service Authorization and Technical Modification Act of 2005".

SEC. 602. INTERFERENCE WITH NATIONAL SPECIAL SECURITY EVENTS.

(a) IN GENERAL.—Section 1752 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by amending paragraph (1) to read as follows:

"(1) willfully and knowingly to enter or remain in any posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service is or will be temporarily visiting;";

(B) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(C) by inserting after paragraph (1) the following new paragraph:

"(2) willfully and knowingly to enter or remain in any posted, cordoned off, or otherwise restricted area of a building or grounds so restricted in conjunction with an event designated as a special event of national significance;";

(D) in paragraph (3), as redesignated by subparagraph (B)—

(i) by inserting "willfully, knowingly, and" before "with intent to impede or disrupt";

(ii) by striking "designated" and inserting "described"; and

(iii) by inserting "or (2)" after "paragraph (1)";

(E) in paragraph (4), as redesignated by subparagraph (B)—

(i) by striking "designated or enumerated" and inserting "described"; and

(ii) by inserting "or (2)" after "paragraph (1)"; and

(F) in paragraph (5), as redesignated by subparagraph (B)—

.(i) by striking "designated or enumerated" and inserting "described"; and

(ii) by inserting "or (2)" after "paragraph (1)";

(2) by amending subsection (b) to read as follows:

"(b) Violation of this section, and attempts or conspiracies to commit such violations, shall be punishable by—

"(1) a fine under this title or imprisonment for not more than 10 years, or both, if—

"(A) the person, during and in relation to the offense, uses or carries a deadly or dangerous weapon or firearm; or

"(B) the offense results in significant bodily injury as defined by section 2118(e)(3); and

"(2) a fine under this title or imprisonment for not more than one year, or both, in any other case."; and

(3) by striking subsection (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(b) CLERICAL AMENDMENT.—(1) The heading of such section is amended to read as follows:

"§ 1752. Restricted building or grounds".

(2) The item relating to such section in the table of sections at the beginning of chapter 84 of such title is amended to read as follows:

"1752. Restricted building or grounds.".

SEC. 603. FALSE CREDENTIALS TO NATIONAL SPECIAL SECURITY EVENTS.

Section 1028 of title 18, United States Code, is amended—

(1) in subsection (a)(6), by inserting "or a sponsoring entity of an event designated as a special event of national significance" after "States";

(2) in subsection (c)(1), by inserting "or a sponsoring entity of an event designated as a special event of national significance" after "States";

(3) in subsection (d)(3), by inserting "a sponsoring entity of an event designated as a special event of national significance," after "political subdivision of a State,"; and

(4) in each of subsections (d)(4)(B) and (d)(6)(B), by inserting "a sponsoring entity of an event designated by the President as a special event of national significance," after "political subdivision of a State,".

SEC. 604. FORENSIC AND INVESTIGATIVE SUPPORT OF MISSING AND EXPLOITED CHILDREN CASES.

Section 3056(f) of title 18, United States Code, is amended by striking "officers and agents of the Secret Service are" and inserting "the Secret Service is".

SEC. 605. THE UNIFORMED DIVISION, UNITED STATES SECRET SERVICE.

(a) IN GENERAL.—Chapter 203 of title 18, United States Code, is amended by inserting after section 3056 the following:

"§ 3056A. Powers, authorities, and duties of United States Secret Service Uniformed Division

"(a) There is hereby created and established a permanent police force, to be known as the 'United States Secret Service Uniformed Division'. Subject to the supervision of the Secretary of Homeland Security, the United States Secret Service Uniformed Division shall perform such duties as the Director, United States Secret Service, may prescribe in connection with the protection of the following:

"(1) The White House in the District of Columbia.

"(2) Any building in which Presidential offices are located.

"(3) The Treasury Building and grounds.

"(4) The President, the Vice President (or other officer next in the order of succession to the Office of President), the President-elect, the Vice President-elect, and their immediate families.

"(5) Foreign diplomatic missions located in the metropolitan area of the District of Columbia.

"(6) The temporary official residence of the Vice President and grounds in the District of Columbia.

"(7) Foreign diplomatic missions located in metropolitan areas (other than the District of Columbia) in the United States where there are located twenty or more such missions headed by full-time officers, except that such protection shall be provided only—

"(A) on the basis of extraordinary protective need;

"(B) upon request of an affected metropolitan area; and

"(C) when the extraordinary protective need arises at or in association with a visit to—

"(i) a permanent mission to, or an observer mission invited to participate in the work of, an international organization of which the United States is a member; or

"(ii) an international organization of which the United States is a member;

except that such protection may also be provided for motorcades and at other places associated with any such visit and may be extended at places of temporary domicile in connection with any such visit.

"(8) Foreign consular and diplomatic missions located in such areas in the United States, its territories and possessions, as the President, on a case-by-case basis, may direct.

"(9) Visits of foreign government officials to metropolitan areas (other than the District of Columbia) where there are located twenty or more consular or diplomatic missions staffed by accredited personnel, including protection for motorcades and at other places associated with

such visits when such officials are in the United States to conduct official business with the United States Government.

"(10) Former Presidents and their spouses, as provided in section 3056(a)(3) of title 18.

"(11) An event designated under section 3056(e) of title 18 as a special event of national significance.

"(12) Major Presidential and Vice Presidential candidates and, within 120 days of the general Presidential election, the spouses of such candidates, as provided in section 3056(a)(7) of title 18.

"(13) Visiting heads of foreign states or foreign governments.

"(b)(1) Under the direction of the Director of the Secret Service, members of the United States Secret Service Uniformed Division are authorized to—

"(A) carry firearms;

"(B) make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony; and

"(C) perform such other functions and duties as are authorized by law.

"(2) Members of the United States Secret Service Uniformed Division shall possess privileges and powers similar to those of the members of the Metropolitan Police of the District of Columbia.

"(c) Members of the United States Secret Service Uniformed Division shall be furnished with uniforms and other necessary equipment.

"(d) In carrying out the functions pursuant to paragraphs (7) and (9) of subsection (a), the Secretary of Homeland Security may utilize, with their consent, on a reimbursable basis, the services, personnel, equipment, and facilities of State and local governments, and is authorized to reimburse such State and local governments for the utilization of such services, personnel, equipment, and facilities. The Secretary of Homeland Security may carry out the functions pursuant to paragraphs (7) and (9) of subsection (a) by contract. The authority of this subsection may be transferred by the President to the Secretary of State. In carrying out any duty under paragraphs (7) and (9) of subsection (a), the Secretary of State is authorized to utilize any authority available to the Secretary under title II of the State Department Basic Authorities Act of 1956.".

(b) AMENDMENT TO TABLE OF SECTIONS.—The table of sections at the beginning of chapter 203 of title 18, United States Code, is amended by inserting after the item relating to section 3056 the following new item:

3056A. Powers, authorities, and duties of United States Secret Service Uniformed Division.

(c) CONFORMING REPEAL TO EFFECTUATE TRANSFER.—Chapter 3 of title 3, United States Code, is repealed.

(d) CONFORMING AMENDMENTS TO LAWS AFFECTING DISTRICT OF COLUMBIA.—(1) Section 1537(d) of title 31, United States Code, is amended—

(A) by striking "and the Executive Protective Service" and inserting "and the Secret Service Uniformed Division"; and

(B) by striking "their protective duties" and all that follows and inserting "their protective duties under sections 3056 and 3056A of title 18."

(2) Section 204(e) of the State Department Basic Authorities Act (sec. 6—1304(e), D.C. Official Code) is amended by striking "section 202 of title 3, United States Code, or section 3056" and inserting "sections 3056 or 3056A".

(3) Section 214(a) of the State Department Basic Authorities Act (sec. 6—1313(a), D.C. Official Code) is amended by striking "sections 202(8) and 208 of title 3" and inserting "section 3056A(a)(7) and (d) of title 18".

(e) ADDITIONAL CONFORMING AMENDMENTS.—

(1) Title 12, United States Code, section 3414, "Special procedures", is amended by striking "3 U.S.C. 202" in subsection (a)(1)(B) and inserting "18 U.S.C. 3056A".

(2) The State Department Basic Authorities Act of 1956 is amended—

(A) in the first sentence of section 37(c) (22 U.S.C. 2709(c)), by striking "section 202 of title 3, United States Code, or section 3056 of title 18, United States Code" and inserting "section 3056 or 3056A of title 18, United States Code";

(B) in section 204(e) (22 U.S.C. 4304(e)), by striking "section 202 of title 3, United States Code, or section 3056 of title 18, United States Code" and inserting "section 3056 or 3056A of title 18, United States Code"; and

(C) in section 214(a) (22 U.S.C. 4314(a)), by striking "sections 202(7) and 208 of title 3, United States Code" and inserting "subsections (a)(7) and (d) of section 3056A of title 18, United States Code".

(3) Section 8D(a)(1)(F) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "section 202 of title 3" and inserting "section 3056A of title 18".

(4) Section 8I(a)(1)(E) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "section 202 of title 3" and inserting "section 3056A of title 18".

SEC. 606. SAVINGS PROVISIONS.

(a) This title does not affect the retirement benefits of current employees or annuitants that existed on the day before the effective date of this Act.

(b) This title does not affect any Executive Order transferring to the Secretary of State the authority of section 208 of title 3 (now section 3056A(d) of title 18) in effect on the day before the effective date of this Act.

SEC. 607. MAINTENANCE AS DISTINCT ENTITY.

Section 3056 of title 18 is amended by adding the following at the end of the section:

"(g) The United States Secret Service shall be maintained as a distinct entity within the Department of Homeland Security and shall not be merged with any other Department function. No personnel and operational elements of the United States Secret Service shall report to an individual other than the Director of the United States Secret Service, who shall report directly to the Secretary of Homeland Security without being required to report through any other official of the Department.".

SEC. 608. EXEMPTIONS FROM THE FEDERAL ADVISORY COMMITTEE ACT.

(a) ADVISORY COMMITTEE REGARDING PROTECTION OF MAJOR PRESIDENTIAL AND VICE PRESIDENTIAL CANDIDATES.—Section 3056(a)(7) of title 18, United States Code, is amended by inserting "The Committee shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App. 2)." after "other members of the Committee.".

(b) ELECTRONIC CRIMES TASK FORCES.—Section 105 of Public Law 107–56 (18 U.S.C. 3056 note) is amended by inserting "The electronic crimes task forces shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App. 2)." after "financial payment systems.".

TITLE VII—COMBAT METHAMPHETAMINE EPIDEMIC ACT OF 2005

SEC. 701. SHORT TITLE.

This title may be cited as the "Combat Methamphetamine Epidemic Act of 2005".

Subtitle A—Domestic Regulation of Precursor Chemicals

SEC. 711. SCHEDULED LISTED CHEMICAL PRODUCTS; RESTRICTIONS ON SALES QUANTITY, BEHIND-THE-COUNTER ACCESS, AND OTHER SAFEGUARDS.

(a) SCHEDULED LISTED CHEMICAL PRODUCTS.—

(1) IN GENERAL.—Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(A) by redesignating paragraph (46) as paragraph (49); and

(B) by inserting after paragraph (44) the following paragraphs:

"(45)(A) The term 'scheduled listed chemical product' means, subject to subparagraph (B), a product that—

"(i) contains ephedrine, pseudoephedrine, or phenylpropanolamine; and

"(ii) may be marketed or distributed lawfully in the United States under the Federal, Food, Drug, and Cosmetic Act as a nonprescription drug.

Each reference in clause (i) to ephedrine, pseudoephedrine, or phenylpropanolamine includes each of the salts, optical isomers, and salts of optical isomers of such chemical.

"(B) Such term does not include a product described in subparagraph (A) if the product contains a chemical specified in such subparagraph that the Attorney General has under section 201(a) added to any of the schedules under section 202(c). In the absence of such scheduling by the Attorney General, a chemical specified in such subparagraph may not be considered to be a controlled substance.

"(46) The term 'regulated seller' means a retail distributor (including a pharmacy or a mobile retail vendor), except that such term does not include an employee or agent of such distributor.

"(47) The term 'mobile retail vendor' means a person or entity that makes sales at retail from a stand that is intended to be temporary, or is capable of being moved from one location to another, whether the stand is located within or on the premises of a fixed facility (such as a kiosk at a shopping center or an airport) or whether the stand is located on unimproved real estate (such as a lot or field leased for retail purposes).

"(48) The term 'at retail', with respect to the sale or purchase of a scheduled listed chemical product, means a sale or purchase for personal use, respectively.".

(2) CONFORMING AMENDMENTS.—The Controlled Substances Act (21 U.S.C. 801 et seq.) is amended—

(A) in section 102, in paragraph (49) (as redesignated by paragraph (1)(A) of this subsection)—

(i) in subparagraph (A), by striking "pseudoephedrine or" and inserting "ephedrine, pseudoephedrine, or"; and

(ii) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B); and

(B) in section 310(b)(3)(D)(ii), by striking "102(46)" and inserting "102(49)".

(b) RESTRICTIONS ON SALES QUANTITY; BEHIND-THE-COUNTER ACCESS; LOGBOOK REQUIREMENT; TRAINING OF SALES PERSONNEL; PRIVACY PROTECTIONS.—

(1) IN GENERAL.—Section 310 of the Controlled Substances Act (21 U.S.C. 830) is amended by adding at the end the following subsections:

"(d) SCHEDULED LISTED CHEMICALS; RESTRICTIONS ON SALES QUANTITY; REQUIREMENTS REGARDING NONLIQUID FORMS.—With respect to ephedrine base, pseudoephedrine base, or phenylpropanolamine base in a scheduled listed chemical product—

"(1) the quantity of such base sold at retail in such a product by a regulated seller, or a distributor required to submit reports by subsection (b)(3) may not, for any purchaser, exceed a daily amount of 3.6 grams, without regard to the number of transactions; and

"(2) such a seller or distributor may not sell such a product in nonliquid form (including gel caps) at retail unless the product is packaged in blister packs, each blister containing not more than 2 dosage units, or where the use of blister

packs is technically infeasible, the product is packaged in unit dose packets or pouches.

"(e) Scheduled Listed Chemicals; Behind-the-Counter Access; Logbook Requirement; Training of Sales Personnel; Privacy Protections.—

"(1) Requirements regarding retail transactions.—

"(A) In general.—Each regulated seller shall ensure that, subject to subparagraph (F), sales by such seller of a scheduled listed chemical product at retail are made in accordance with the following:

"(i) In offering the product for sale, the seller places the product such that customers do not have direct access to the product before the sale is made (in this paragraph referred to as 'behind-the-counter' placement). For purposes of this paragraph, a behind-the-counter placement of a product includes circumstances in which the product is stored in a locked cabinet that is located in an area of the facility involved to which customers do have direct access.

"(ii) The seller delivers the product directly into the custody of the purchaser.

"(iii) The seller maintains, in accordance with criteria issued by the Attorney General, a written or electronic list of such sales that identifies the products by name, the quantity sold, the names and addresses of purchasers, and the dates and times of the sales (which list is referred to in this subsection as the 'logbook'), except that such requirement does not apply to any purchase by an individual of a single sales package if that package contains not more than 60 milligrams of pseudoephedrine.

"(iv) In the case of a sale to which the requirement of clause (iii) applies, the seller does not sell such a product unless—

"(I) the prospective purchaser—

"(aa) presents an identification card that provides a photograph and is issued by a State or the Federal Government, or a document that, with respect to identification, is considered acceptable for purposes of sections 274a.2(b)(1)(v)(A) and 274a.2(b)(1)(v)(B) of title 8, Code of Federal Regulations (as in effect on or after the date of the enactment of the Combat Methamphetamine Epidemic Act of 2005); and

"(bb) signs the logbook and enters in the logbook his or her name, address, and the date and time of the sale; and

"(II) the seller—

"(aa) determines that the name entered in the logbook corresponds to the name provided on such identification and that the date and time entered are correct; and

"(bb) enters in the logbook the name of the product and the quantity sold.

"(v) The logbook includes, in accordance with criteria of the Attorney General, a notice to purchasers that entering false statements or misrepresentations in the logbook may subject the purchasers to criminal penalties under section 1001 of title 18, United States Code, which notice specifies the maximum fine and term of imprisonment under such section.

"(vi) The seller maintains each entry in the logbook for not fewer than two years after the date on which the entry is made.

"(vii) In the case of individuals who are responsible for delivering such products into the custody of purchasers or who deal directly with purchasers by obtaining payments for the products, the seller has submitted to the Attorney General a self-certification that all such individuals have, in accordance with criteria under subparagraph (B)(ii), undergone training provided by the seller to ensure that the individuals understand the requirements that apply under this subsection and subsection (d).

"(viii) The seller maintains a copy of such certification and records demonstrating that individuals referred to in clause (vii) have undergone the training.

"(ix) If the seller is a mobile retail vendor:

"(I) The seller complies with clause (i) by placing the product in a locked cabinet.

"(II) The seller does not sell more than 7.5 grams of ephedrine base, pseudoephedrine base, or phenylpropanolamine base in such products per customer during a 30-day period.

"(B) Additional provisions regarding certifications and training.—

"(i) In general.—A regulated seller may not sell any scheduled listed chemical product at retail unless the seller has submitted to the Attorney General the self-certification referred to in subparagraph (A)(vii). The certification is not effective for purposes of the preceding sentence unless, in addition to provisions regarding the training of individuals referred to in such subparagraph, the certification includes a statement that the seller understands each of the requirements that apply under this paragraph and under subsection (d) and agrees to comply with the requirements.

"(ii) Issuance of criteria; self-certification.—The Attorney General shall by regulation establish criteria for certifications under this paragraph. The criteria shall—

"(I) provide that the certifications are self-certifications provided through the program under clause (iii);

"(II) provide that a separate certification is required for each place of business at which a regulated seller sells scheduled listed chemical products at retail; and

"(III) include criteria for training under subparagraph (A)(vii).

"(iii) Program for regulated sellers.—The Attorney General shall establish a program regarding such certifications and training in accordance with the following:

"(I) The program shall be carried out through an Internet site of the Department of Justice and such other means as the Attorney General determines to be appropriate.

"(II) The program shall inform regulated sellers that section 1001 of title 18, United States Code, applies to such certifications.

"(III) The program shall make available to such sellers an explanation of the criteria under clause (ii).

"(IV) The program shall be designed to permit the submission of the certifications through such Internet site.

"(V) The program shall be designed to automatically provide the explanation referred to in subclause (III), and an acknowledgement that the Department has received a certification, without requiring direct interactions of regulated sellers with staff of the Department (other than the provision of technical assistance, as appropriate).

"(iv) Availability of certification to State and local officials.—Promptly after receiving a certification under subparagraph (A)(vii), the Attorney General shall make available a copy of the certification to the appropriate State and local officials.

"(C) Privacy protections.—In order to protect the privacy of individuals who purchase scheduled listed chemical products, the Attorney General shall by regulation establish restrictions on disclosure of information in logbooks under subparagraph (A)(iii). Such regulations shall—

"(i) provide for the disclosure of the information as appropriate to the Attorney General and to State and local law enforcement agencies; and

"(ii) prohibit accessing, using, or sharing information in the logbooks for any purpose other than to ensure compliance with this title or to facilitate a product recall to protect public health and safety.

"(D) False statements or misrepresentations by purchasers.—For purposes of section 1001 of title 18, United States Code, entering information in the logbook under subparagraph (A)(iii) shall be considered a matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States.

"(E) Good faith protection.—A regulated seller who in good faith releases information in a logbook under subparagraph (A)(iii) to Federal, State, or local law enforcement authorities is immune from civil liability for such release unless the release constitutes gross negligence or intentional, wanton, or willful misconduct.

"(F) Inapplicability of requirements to certain sales.—Subparagraph (A) does not apply to the sale at retail of a scheduled listed chemical product if a report on the sales transaction is required to be submitted to the Attorney General under subsection (b)(3).

"(G) Certain measures regarding theft and diversion.—A regulated seller may take reasonable measures to guard against employing individuals who may present a risk with respect to the theft and diversion of scheduled listed chemical products, which may include, notwithstanding State law, asking applicants for employment whether they have been convicted of any crime involving or related to such products or controlled substances.".

(2) Effective dates.—With respect to subsections (d) and (e)(1) of section 310 of the Controlled Substances Act, as added by paragraph (1) of this subsection:

(A) Such subsection (d) applies on and after the expiration of the 30-day period beginning on the date of the enactment of this Act.

(B) Such subsection (e)(1) applies on and after September 30, 2006.

(c) Mail-Order Reporting.—

(1) In general.—Section 310(e) of the Controlled Substances Act, as added by subsection (b)(1) of this section, is amended by adding at the end the following:

"(2) Mail-order reporting; verification of identity of purchaser; 30-day restriction on quantities for individual purchasers.—Each regulated person who makes a sale at retail of a scheduled listed chemical product and is required under subsection (b)(3) to submit a report of the sales transaction to the Attorney General is subject to the following:

"(A) The person shall, prior to shipping the product, confirm the identity of the purchaser in accordance with procedures established by the Attorney General. The Attorney General shall by regulation establish such procedures.

"(B) The person may not sell more than 7.5 grams of ephedrine base, pseudoephedrine base, or phenylpropanolamine base in such products per customer during a 30-day period.".

(2) Inapplicability of reporting exemption for retail distributors.—Section 310(b)(3)(D)(ii) of the Controlled Substances Act (21 U.S.C. 830(b)(3)(D)(ii)) is amended by inserting before the period the following: ", except that this clause does not apply to sales of scheduled listed chemical products at retail".

(3) Effective date.—The amendments made by paragraphs (1) and (2) apply on and after the expiration of the 30-day period beginning on the date of the enactment of this Act.

(d) Exemptions for Certain Products.—Section 310(e) of the Controlled Substances Act, as added and amended by subsections (b) and (c) of this section, respectively, is amended by adding at the end the following paragraph:

"(3) Exemptions for certain products.—Upon the application of a manufacturer of a scheduled listed chemical product, the Attorney General may by regulation provide that the product is exempt from the provisions of subsection (d) and paragraphs (1) and (2) of this subsection if the Attorney General determines that the product cannot be used in the illicit manufacture of methamphetamine.".

(e) Restrictions on Quantity Purchased During 30-Day Period.—

(1) In general.—Section 404(a) of the Controlled Substances Act (21 U.S.C. 844(a)) is amended by inserting after the second sentence the following: "It shall be unlawful for any person to knowingly or intentionally purchase at retail during a 30 day period more than 9 grams of ephedrine base, pseudoephedrine base, or phenylpropanolamine base in a scheduled listed chemical product, except that, of such 9 grams, not more than 7.5 grams may be imported by means of shipping through any private or commercial carrier or the Postal Service.".

(2) Effective date.—The amendment made by paragraph (1) applies on and after the expiration of the 30-day period beginning on the date of the enactment of this Act.

(f) Enforcement of Requirements for Retail Sales.—

(1) Civil and criminal penalties.—

(A) In general.—Section 402(a) of the Controlled Substances Act (21 U.S.C. 842(a)) is amended—

(i) in paragraph (10), by striking "or" after the semicolon;

(ii) in paragraph (11), by striking the period at the end and inserting a semicolon; and

(iii) by inserting after paragraph (11) the following paragraphs:

"(12) who is a regulated seller, or a distributor required to submit reports under subsection (b)(3) of section 310—

"(A) to sell at retail a scheduled listed chemical product in violation of paragraph (1) of subsection (d) of such section, knowing at the time of the transaction involved (independent of consulting the logbook under subsection (e)(1)(A)(iii) of such section) that the transaction is a violation; or

"(B) to knowingly or recklessly sell at retail such a product in violation of paragraph (2) of such subsection (d);

"(13) who is a regulated seller to knowingly or recklessly sell at retail a scheduled listed chemical product in violation of subsection (e) of such section; or

"(14) who is a regulated seller or an employee or agent of such seller to disclose, in violation of regulations under subparagraph (C) of section 310(e)(1), information in logbooks under subparagraph (A)(iii) of such section, or to refuse to provide such a logbook to Federal, State, or local law enforcement authorities.".

(B) Conforming amendment.—Section 401(f)(1) of the Controlled Substances Act (21 U.S.C. 841(f)(1)) is amended by inserting after "shall" the following: ", except to the extent that paragraph (12), (13), or (14) of section 402(a) applies,".

(2) Authority to prohibit sales by violators.—Section 402(c) of the Controlled Substances Act (21 U.S.C. 842(c)) is amended by adding at the end the following paragraph:

"(4)(A) If a regulated seller, or a distributor required to submit reports under section 310(b)(3), violates paragraph (12) of subsection (a) of this section, or if a regulated seller violates paragraph (13) of such subsection, the Attorney General may by order prohibit such seller or distributor (as the case may be) from selling any scheduled listed chemical product. Any sale of such a product in violation of such an order is subject to the same penalties as apply under paragraph (2).

"(B) An order under subparagraph (A) may be imposed only through the same procedures as apply under section 304(c) for an order to show cause.".

(g) Preservation of State Authority to Regulate Scheduled Listed Chemicals.—This section and the amendments made by this section may not be construed as having any legal effect on section 708 of the Controlled Substances Act as applied to the regulation of scheduled listed chemicals (as defined in section 102(45) of such Act).

SEC. 712. REGULATED TRANSACTIONS.

(a) Conforming Amendments Regarding Scheduled Listed Chemicals.—The Controlled Substances Act (21 U.S.C. 801 et seq.) is amended—

(1) in section 102—

(A) in paragraph (39)(A)—

(i) by amending clause (iv) to read as follows:

"(iv) any transaction in a listed chemical that is contained in a drug that may be marketed or distributed lawfully in the United States under the Federal Food, Drug, and Cosmetic Act, subject to clause (v), unless—

"(I) the Attorney General has determined under section 204 that the drug or group of drugs is being diverted to obtain the listed chemical for use in the illicit production of a controlled substance; and

"(II) the quantity of the listed chemical contained in the drug included in the transaction or multiple transactions equals or exceeds the threshold established for that chemical by the Attorney General;";

(ii) by redesignating clause (v) as clause (vi); and

(iii) by inserting after clause (iv) the following clause:

"(v) any transaction in a scheduled listed chemical product that is a sale at retail by a regulated seller or a distributor required to submit reports under section 310(b)(3); or"; and

(B) by striking the paragraph (45) that relates to the term "ordinary over-the-counter pseudoephedrine or phenylpropanolamine product";

(2) in section 204, by striking subsection (e); and

(3) in section 303(h), in the second sentence, by striking "section 102(39)(A)(iv)" and inserting "clause (iv) or (v) of section 102(39)(A)".

(b) Public Law 104–237.—Section 401 of the Comprehensive Methamphetamine Control Act of 1996 (21 U.S.C. 802 note) (Public Law 104–237) is amended by striking subsections (d), (e), and (f).

SEC. 713. AUTHORITY TO ESTABLISH PRODUCTION QUOTAS.

Section 306 of the Controlled Substances Act (21 U.S.C. 826) is amended—

(1) in subsection (a), by inserting "and for ephedrine, pseudoephedrine, and phenylpropanolamine" after "for each basic class of controlled substance in schedules I and II";

(2) in subsection (b), by inserting "or for ephedrine, pseudoephedrine, or phenylpropanolamine" after "for each basic class of controlled substance in schedule I or II";

(3) in subsection (c), in the first sentence, by inserting "and for ephedrine, pseudoephedrine, and phenylpropanolamine" after "for the basic classes of controlled substances in schedules I and II";

(4) in subsection (d), by inserting "or ephedrine, pseudoephedrine, or phenylpropanolamine" after "that basic class of controlled substance";

(5) in subsection (e), by inserting "or for ephedrine, pseudoephedrine, or phenylpropanolamine" after "for a basic class of controlled substance in schedule I or II";

(6) in subsection (f)—

(A) by inserting "or ephedrine, pseudoephedrine, or phenylpropanolamine" after "controlled substances in schedules I and II";

(B) by inserting "or of ephedrine, pseudoephedrine, or phenylpropanolamine" after "the manufacture of a controlled substance"; and

(C) by inserting "or chemicals" after "such incidentally produced substances"; and

(7) by adding at the end the following subsection:

"(g) Each reference in this section to ephedrine, pseudoephedrine, or phenylpropanolamine includes each of the salts, optical isomers, and salts of optical isomers of such chemical.".

SEC. 714. PENALTIES; AUTHORITY FOR MANUFACTURING; QUOTA.

Section 402(b) of the Controlled Substances Act (21 U.S.C. 842(b)) is amended by inserting after "manufacture a controlled substance in schedule I or II" the following: ", or ephedrine, pseudoephedrine, or phenylpropanolamine or any of the salts, optical isomers, or salts of optical isomers of such chemical,"

SEC. 715. RESTRICTIONS ON IMPORTATION; AUTHORITY TO PERMIT IMPORTS FOR MEDICAL, SCIENTIFIC, OR OTHER LEGITIMATE PURPOSES.

Section 1002 of the Controlled Substances Import and Export Act (21 U.S.C. 952) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting "or ephedrine, pseudoephedrine, or phenylpropanolamine," after "schedule III, IV, or V of title II,"; and

(B) in paragraph (1), by inserting ", and of ephedrine, pseudoephedrine, and phenylpropanolamine," after "coca leaves"; and

(2) by adding at the end the following subsections:

"(d)(1) With respect to a registrant under section 1008 who is authorized under subsection (a)(1) to import ephedrine, pseudoephedrine, or phenylpropanolamine, at any time during the year the registrant may apply for an increase in the amount of such chemical that the registrant is authorized to import, and the Attorney General may approve the application if the Attorney General determines that the approval is necessary to provide for medical, scientific, or other legitimate purposes regarding the chemical.

"(2) With respect to the application under paragraph (1):

"(A) Not later than 60 days after receiving the application, the Attorney General shall approve or deny the application.

"(B) In approving the application, the Attorney General shall specify the period of time for which the approval is in effect, or shall provide that the approval is effective until the registrant involved is notified in writing by the Attorney General that the approval is terminated.

"(C) If the Attorney General does not approve or deny the application before the expiration of the 60-day period under subparagraph (A), the application is deemed to be approved, and such approval remains in effect until the Attorney General notifies the registrant in writing that the approval is terminated.

"(e) Each reference in this section to ephedrine, pseudoephedrine, or phenylpropanolamine includes each of the salts, optical isomers, and salts of optical isomers of such chemical."

SEC. 716. NOTICE OF IMPORTATION OR EXPORTATION; APPROVAL OF SALE OR TRANSFER BY IMPORTER OR EXPORTER.

(a) In General.—Section 1018 of the Controlled Substances Import and Export Act (21 U.S.C. 971) is amended—

(1) in subsection (b)(1), in the first sentence, by striking "or to an importation by a regular importer" and inserting "or to a transaction that is an importation by a regular importer";

(2) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(3) by inserting after subsection (c) the following subsection:

"(d)(1)(A) Information provided in a notice under subsection (a) or (b) shall include the name of the person to whom the importer or exporter involved intends to transfer the listed chemical involved, and the quantity of such chemical to be transferred.

"(B) In the case of a notice under subsection (b) submitted by a regular importer, if the transferee identified in the notice is not a regular customer, such importer may not transfer the listed chemical until after the expiration of the 15-day period beginning on the date on which the notice is submitted to the Attorney General.

"(C) After a notice under subsection (a) or (b) is submitted to the Attorney General, if circumstances change and the importer or exporter will not be transferring the listed chemical to the transferee identified in the notice, or will be transferring a greater quantity of the chemical than specified in the notice, the importer or exporter shall update the notice to identify the most recent prospective transferee or the most recent quantity or both (as the case may be) and may not transfer the listed chemical until after the expiration of the 15-day period beginning on the date on which the update is submitted to the Attorney General, except that such 15-day restriction does not apply if the prospective transferee identified in the update is a regular customer. The preceding sentence applies with respect to changing circumstances regarding a transferee or quantity identified in an update to the same extent and in the same manner as such sentence applies with respect to changing circumstances regarding a transferee or quantity identified in the original notice under subsection (a) or (b).

"(D) In the case of a transfer of a listed chemical that is subject to a 15-day restriction under subparagraph (B) or (C), the transferee involved shall, upon the expiration of the 15-day period, be considered to qualify as a regular customer, unless the Attorney General otherwise notifies the importer or exporter involved in writing.

"(2) With respect to a transfer of a listed chemical with which a notice or update referred to in paragraph (1) is concerned:

"(A) The Attorney General, in accordance with the same procedures as apply under subsection (c)(2)—

"(i) may order the suspension of the transfer of the listed chemical by the importer or exporter involved, except for a transfer to a regular customer, on the ground that the chemical may be diverted to the clandestine manufacture of a controlled substance (without regard to the form of the chemical that may be diverted, including the diversion of a finished drug product to be manufactured from bulk chemicals to be transferred), subject to the Attorney General ordering such suspension before the expiration of the 15-day period referred to in paragraph (1) with respect to the importation or exportation (in any case in which such a period applies); and

"(ii) may, for purposes of clause (i) and paragraph (1), disqualify a regular customer on such ground.

"(B) From and after the time when the Attorney General provides written notice of the order under subparagraph (A) (including a statement of the legal and factual basis for the order) to the importer or exporter, the importer or exporter may not carry out the transfer.

"(3) For purposes of this subsection:

"(A) The terms 'importer' and 'exporter' mean a regulated person who imports or exports a listed chemical, respectively.

"(B) The term 'transfer', with respect to a listed chemical, includes the sale of the chemical.

"(C) The term 'transferee' means a person to whom an importer or exporter transfers a listed chemical."; and

(4) by adding at the end the following subsection:

"(g) Within 30 days after a transaction covered by this section is completed, the importer or exporter shall send the Attorney General a return declaration containing particulars of the transaction, including the date, quantity, chemical, container, name of transferees, and such other information as the Attorney General may specify in regulations. For importers, a single return declaration may include the particulars of both the importation and distribution. If the importer has not distributed all chemicals imported by the end of the initial 30-day period, the importer shall file supplemental return declarations no later than 30 days from the date of any further distribution, until the distribution or other disposition of all chemicals imported pursuant to the import notification or any update are accounted for.".

(b) CONFORMING AMENDMENTS.—

(1) CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.—The Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.) is amended—

(A) in section 1010(d)(5), by striking "section 1018(e)(2) or (3)" and inserting "paragraph (2) or (3) of section 1018(f)"; and

(B) in section 1018(c)(1), in the first sentence, by inserting before the period the following: "(without regard to the form of the chemical that may be diverted, including the diversion of a finished drug product to be manufactured from bulk chemicals to be transferred)".

(2) CONTROLLED SUBSTANCES ACT.—Section 310(b)(3)(D)(v) of the Controlled Substances Act (21 U.S.C. 830(b)(3)(D)(v)) is amended by striking "section 1018(e)(2)" and inserting "section 1018(f)(2)".

SEC. 717. ENFORCEMENT OF RESTRICTIONS ON IMPORTATION AND OF REQUIREMENT OF NOTICE OF TRANSFER.

Section 1010(d)(6) of the Controlled Substances Import and Export Act (21 U.S.C. 960(d)(6)) is amended to read as follows:

"(6) imports a listed chemical in violation of section 1002, imports or exports such a chemical in violation of section 1007 or 1018, or transfers such a chemical in violation of section 1018(d); or".

SEC. 718. COORDINATION WITH UNITED STATES TRADE REPRESENTATIVE.

In implementing sections 713 through 717 and section 721 of this title, the Attorney General shall consult with the United States Trade Representative to ensure implementation complies with all applicable international treaties and obligations of the United States.

Subtitle B—International Regulation of Precursor Chemicals

SEC. 721. INFORMATION ON FOREIGN CHAIN OF DISTRIBUTION; IMPORT RESTRICTIONS REGARDING FAILURE OF DISTRIBUTORS TO COOPERATE.

Section 1018 of the Controlled Substances Import and Export Act (21 U.S.C. 971), as amended by section 716(a)(4) of this title, is further amended by adding at the end the following subsection:

"(h)(1) With respect to a regulated person importing ephedrine, pseudoephedrine, or phenylpropanolamine (referred to in this section as an 'importer'), a notice of importation under subsection (a) or (b) shall include all information known to the importer on the chain of distribution of such chemical from the manufacturer to the importer.

"(2) For the purpose of preventing or responding to the diversion of ephedrine, pseudoephedrine, or phenylpropanolamine for use in the illicit production of methamphetamine, the Attorney General may, in the case of any person who is a manufacturer or distributor of such chemical in the chain of distribution referred to in paragraph (1) (which person is referred to in this subsection as a 'foreign-chain distributor'), request that such distributor provide to the Attorney General information known to the distributor on the distribution of the chemical, including sales.

"(3) If the Attorney General determines that a foreign-chain distributor is refusing to cooperate with the Attorney General in obtaining the information referred to in paragraph (2), the Attorney General may, in accordance with procedures that apply under subsection (c), issue an order prohibiting the importation of ephedrine, pseudoephedrine, or phenylpropanolamine in any case in which such distributor is part of the chain of distribution for such chemical. Not later than 60 days prior to issuing the order, the Attorney General shall publish in the Federal Register a notice of intent to issue the order. During such 60-day period, imports of the chemical with respect to such distributor may not be restricted under this paragraph.".

SEC. 722. REQUIREMENTS RELATING TO THE LARGEST EXPORTING AND IMPORTING COUNTRIES OF CERTAIN PRECURSOR CHEMICALS.

(a) REPORTING REQUIREMENTS.—Section 489(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)) is amended by adding at the end the following new paragraph:

"(8)(A) A separate section that contains the following:

"(i) An identification of the five countries that exported the largest amount of pseudoephedrine, ephedrine, and phenylpropanolamine (including the salts, optical isomers, or salts of optical isomers of such chemicals, and also including any products or substances containing such chemicals) during the preceding calendar year.

"(ii) An identification of the five countries that imported the largest amount of the chemicals described in clause (i) during the preceding calendar year and have the highest rate of diversion of such chemicals for use in the illicit production of methamphetamine (either in that country or in another country).

"(iii) An economic analysis of the total worldwide production of the chemicals described in clause (i) as compared to the legitimate demand for such chemicals worldwide.

"(B) The identification of countries that imported the largest amount of chemicals under subparagraph (A)(ii) shall be based on the following:

"(i) An economic analysis that estimates the legitimate demand for such chemicals in such countries as compared to the actual or estimated amount of such chemicals that is imported into such countries.

"(ii) The best available data and other information regarding the production of methamphetamine in such countries and the diversion of such chemicals for use in the production of methamphetamine.".

(b) ANNUAL CERTIFICATION PROCEDURES.—Section 490(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j(a)) is amended—

(1) in paragraph (1), by striking "major illicit drug producing country or major drug-transit country" and inserting "major illicit drug producing country, major drug-transit country, or country identified pursuant to clause (i) or (ii) of section 489(a)(8)(A) of this Act"; and

(2) in paragraph (2), by inserting after "(as determined under subsection (h))" the following: "or country identified pursuant to clause (i) or (ii) of section 489(a)(8)(A) of this Act".

(c) CONFORMING AMENDMENT.—Section 706 of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2291j-1) is amended in paragraph (5) by adding at the end the following:

"(C) Nothing in this section shall affect the requirements of section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j) with respect to countries identified pursuant to section clause (i) or (ii) of 489(a)(8)(A) of the Foreign Assistance Act of 1961.".

(d) PLAN TO ADDRESS DIVERSION OF PRECURSOR CHEMICALS.—In the case of each country identified pursuant to clause (i) or (ii) of section 489(a)(8)(A) of the Foreign Assistance

Act of 1961 (as added by subsection (a)) with respect to which the President has not transmitted to Congress a certification under section 490(b) of such Act (22 U.S.C. 2291j(b)), the Secretary of State, in consultation with the Attorney General, shall, not later than 180 days after the date on which the President transmits the report required by section 489(a) of such Act (22 U.S.C. 2291h(a)), submit to Congress a comprehensive plan to address the diversion of the chemicals described in section 489(a)(8)(A)(i) of such Act to the illicit production of methamphetamine in such country or in another country, including the establishment, expansion, and enhancement of regulatory, law enforcement, and other investigative efforts to prevent such diversion.

(e) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of State to carry out this section $1,000,000 for each of the fiscal years 2006 and 2007.

SEC. 723. PREVENTION OF SMUGGLING OF METHAMPHETAMINE INTO THE UNITED STATES FROM MEXICO.

(a) In General.—The Secretary of State, acting through the Assistant Secretary of the Bureau for International Narcotics and Law Enforcement Affairs, shall take such actions as are necessary to prevent the smuggling of methamphetamine into the United States from Mexico.

(b) Specific Actions.—In carrying out subsection (a), the Secretary shall—

(1) improve bilateral efforts at the United States-Mexico border to prevent the smuggling of methamphetamine into the United States from Mexico;

(2) seek to work with Mexican law enforcement authorities to improve the ability of such authorities to combat the production and trafficking of methamphetamine, including by providing equipment and technical assistance, as appropriate; and

(3) encourage the Government of Mexico to take immediate action to reduce the diversion of pseudoephedrine by drug trafficking organizations for the production and trafficking of methamphetamine.

(c) Report.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to the appropriate congressional committees a report on the implementation of this section for the prior year.

(d) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary to carry out this section $4,000,000 for each of the fiscal years 2006 and 2007.

Subtitle C—Enhanced Criminal Penalties for Methamphetamine Production and Trafficking

SEC. 731. SMUGGLING METHAMPHETAMINE OR METHAMPHETAMINE PRECURSOR CHEMICALS INTO THE UNITED STATES WHILE USING FACILITATED ENTRY PROGRAMS.

(a) Enhanced Prison Sentence.—The sentence of imprisonment imposed on a person convicted of an offense under the Controlled Substances Act (21 U.S.C. 801 et seq.) or the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), involving methamphetamine or any listed chemical that is defined in section 102(33) of the Controlled Substances Act (21 U.S.C. 802(33), shall, if the offense is committed under the circumstance described in subsection (b), be increased by a consecutive term of imprisonment of not more than 15 years.

(b) Circumstances.—For purposes of subsection (a), the circumstance described in this subsection is that the offense described in subsection (a) was committed by a person who—

(1) was enrolled in, or who was acting on behalf of any person or entity enrolled in, any dedicated commuter lane, alternative or accelerated inspection system, or other facilitated entry program administered or approved by the Federal Government for use in entering the United States; and

(2) committed the offense while entering the United States, using such lane, system, or program.

(c) Permanent Ineligibility.—Any person whose term of imprisonment is increased under subsection (a) shall be permanently and irrevocably barred from being eligible for or using any lane, system, or program described in subsection (b)(1).

SEC. 732. MANUFACTURING CONTROLLED SUBSTANCES ON FEDERAL PROPERTY.

Subsection (b) of section 401 of the Controlled Substances Act (21 U.S.C. 841(b)) is amended in paragraph (5) by inserting "or manufacturing" after "cultivating".

SEC. 733. INCREASED PUNISHMENT FOR METHAMPHETAMINE KINGPINS.

Section 408 of the Controlled Substances Act (21 U.S.C. 848) is amended by adding at the end the following:

"(s) Special Provision for Methamphetamine.—For the purposes of subsection (b), in the case of continuing criminal enterprise involving methamphetamine or its salts, isomers, or salts of isomers, paragraph (2)(A) shall be applied by substituting '200' for '300', and paragraph (2)(B) shall be applied by substituting '$5,000,000' for '$10 million dollars'. ".

SEC. 734. NEW CHILD-PROTECTION CRIMINAL ENHANCEMENT.

(a) In General.—The Controlled Substances Act is amended by inserting after section 419 (21 U.S.C. 860) the following:

"CONSECUTIVE SENTENCE FOR MANUFACTURING OR DISTRIBUTING, OR POSSESSING WITH INTENT TO MANUFACTURE OR DISTRIBUTE, METHAMPHETAMINE ON PREMISES WHERE CHILDREN ARE PRESENT OR RESIDE

"Sec. 419a. Whoever violates section 401(a)(1) by manufacturing or distributing, or possessing with intent to manufacture or distribute, methamphetamine or its salts, isomers or salts of isomers on premises in which an individual who is under the age of 18 years is present or resides, shall, in addition to any other sentence imposed, be imprisoned for a period of any term of years but not more than 20 years, subject to a fine, or both. ".

(b) Clerical Amendment.—The table of contents of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by inserting after the item relating to section 419 the following new item:

"Sec. 419a. Consecutive sentence for manufacturing or distributing, or possessing with intent to manufacture or distribute, methamphetamine on premises where children are present or reside.".

SEC. 735. AMENDMENTS TO CERTAIN SENTENCING COURT REPORTING REQUIREMENTS.

Section 994(w) of title 28, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting ", in a format approved and required by the Commission," after "submits to the Commission";

(B) in subparagraph (B)—

(i) by inserting "written" before "statement of reasons"; and

(ii) by inserting "and which shall be stated on the written statement of reasons form issued by the Judicial Conference and approved by the United States Sentencing Commission" after "applicable guideline range"; and

(C) by adding at the end the following:

"The information referred to in subparagraphs (A) through (F) shall be submitted by the sentencing court in a format approved and required by the Commission."; and

(2) in paragraph (4), by striking "may assemble or maintain in electronic form that include any" and inserting "itself may assemble or maintain in electronic form as a result of the".

SEC. 736. SEMIANNUAL REPORTS TO CONGRESS.

(a) In General.—The Attorney General shall, on a semiannual basis, submit to the congressional committees and organizations specified in subsection (b) reports that—

(1) describe the allocation of the resources of the Drug Enforcement Administration and the Federal Bureau of Investigation for the investigation and prosecution of alleged violations of the Controlled Substances Act involving methamphetamine; and

(2) the measures being taken to give priority in the allocation of such resources to such violations involving—

(A) persons alleged to have imported into the United States substantial quantities of methamphetamine or scheduled listed chemicals (as defined pursuant to the amendment made by section 711(a)(1));

(B) persons alleged to have manufactured methamphetamine; and

(C) circumstances in which the violations have endangered children.

(b) Congressional Committees.—The congressional committees and organizations referred to in subsection (a) are—

(1) in the House of Representatives, the Committee on the Judiciary, the Committee on Energy and Commerce, and the Committee on Government Reform; and

(2) in the Senate, the Committee on the Judiciary, the Committee on Commerce, Science, and Transportation, and the Caucus on International Narcotics Control.

Subtitle D—Enhanced Environmental Regulation of Methamphetamine Byproducts

SEC. 741. BIENNIAL REPORT TO CONGRESS ON AGENCY DESIGNATIONS OF BY-PRODUCTS OF METHAMPHETAMINE LABORATORIES AS HAZARDOUS MATERIALS.

Section 5103 of title 49, Unites States Code, is amended by adding at the end the following:

"(d) Biennial Report.—The Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Senate Committee on Commerce, Science, and Transportation a biennial report providing information on whether the Secretary has designated as hazardous materials for purposes of chapter 51 of such title all by-products of the methamphetamine-production process that are known by the Secretary to pose an unreasonable risk to health and safety or property when transported in commerce in a particular amount and form.".

SEC. 742. METHAMPHETAMINE PRODUCTION REPORT.

Section 3001 of the Solid Waste Disposal Act (42 U.S.C. 6921) is amended at the end by adding the following:

"(j) Methamphetamine Production.—Not later than every 24 months, the Administrator shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a report setting forth information collected by the Administrator from law enforcement agencies, States, and other relevant stakeholders that identifies the byproducts of the methamphetamine production process and whether the Administrator considers each of the byproducts to be a hazardous waste pursuant to this section and relevant regulations.".

SEC. 743. CLEANUP COSTS.

(a) In General.—Section 413(q) of the Controlled Substances Act (21 U.S.C. 853(q)) is amended—

(1) in the matter preceding paragraph (1), by inserting ", the possession, or the possession with intent to distribute, " after "manufacture"; and

(2) in paragraph (2), by inserting ", or on premises or in property that the defendant owns, resides, or does business in" after "by the defendant".

(b) SAVINGS CLAUSE.—Nothing in this section shall be interpreted or construed to amend, alter, or otherwise affect the obligations, liabilities and other responsibilities of any person under any Federal or State environmental laws.

Subtitle E—Additional Programs and Activities

SEC. 751. IMPROVEMENTS TO DEPARTMENT OF JUSTICE DRUG COURT GRANT PROGRAM.

Section 2951 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797u) is amended by adding at the end the following new subsection:

"(c) MANDATORY DRUG TESTING AND MANDATORY SANCTIONS.—

"(1) MANDATORY TESTING.—Grant amounts under this part may be used for a drug court only if the drug court has mandatory periodic testing as described in subsection (a)(3)(A). The Attorney General shall, by prescribing guidelines or regulations, specify standards for the timing and manner of complying with such requirements. The standards—

"(A) shall ensure that—

"(i) each participant is tested for every controlled substance that the participant has been known to abuse, and for any other controlled substance the Attorney General or the court may require; and

"(ii) the testing is accurate and practicable; and

"(B) may require approval of the drug testing regime to ensure that adequate testing occurs.

"(2) MANDATORY SANCTIONS.—The Attorney General shall, by prescribing guidelines or regulations, specify that grant amounts under this part may be used for a drug court only if the drug court imposes graduated sanctions that increase punitive measures, therapeutic measures, or both whenever a participant fails a drug test. Such sanctions and measures may include, but are not limited to, one or more of the following:

"(A) Incarceration.

"(B) Detoxification treatment.

"(C) Residential treatment.

"(D) Increased time in program.

"(E) Termination from the program.

"(F) Increased drug screening requirements.

"(G) Increased court appearances.

"(H) Increased counseling.

"(I) Increased supervision.

"(J) Electronic monitoring.

"(K) In-home restriction.

"(L) Community service.

"(M) Family counseling.

"(N) Anger management classes.".

SEC. 752. DRUG COURTS FUNDING.

Section 1001(25)(A) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 2591(25)(A)) is amended by adding at the end the following:

"(v) $70,000,000 for fiscal year 2006.".

SEC. 753. FEASIBILITY STUDY ON FEDERAL DRUG COURTS.

The Attorney General shall, conduct a feasibility study on the desirability of a drug court program for Federal offenders who are addicted to controlled substances. The Attorney General lower-level, non-violate report the results of that study to Congress not later than June 30, 2006.

SEC. 754. GRANTS TO HOT SPOT AREAS TO REDUCE AVAILABILITY OF METHAMPHETAMINE.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following:

"PART II—CONFRONTING USE OF METHAMPHETAMINE

"SEC. 2996. AUTHORITY TO MAKE GRANTS TO ADDRESS PUBLIC SAFETY AND METHAMPHETAMINE MANUFACTURING, SALE, AND USE IN HOT SPOTS.

"(a) PURPOSE AND PROGRAM AUTHORITY.—

"(1) PURPOSE.—It is the purpose of this part to assist States—

"(A) to carry out programs to address the manufacture, sale, and use of methamphetamine drugs; and

"(B) to improve the ability of State and local government institutions of to carry out such programs.

"(2) GRANT AUTHORIZATION.—The Attorney General, through the Bureau of Justice Assistance in the Office of Justice Programs may make grants to States to address the manufacture, sale, and use of methamphetamine to enhance public safety.

"(3) GRANT PROJECTS TO ADDRESS METHAMPHETAMINE MANUFACTURE SALE AND USE.—Grants made under subsection (a) may be used for programs, projects, and other activities to—

"(A) investigate, arrest and prosecute individuals violating laws related to the use, manufacture, or sale of methamphetamine;

"(B) reimburse the Drug Enforcement Administration for expenses related to the clean up of methamphetamine clandestine labs;

"(C) support State and local health department and environmental agency services deployed to address methamphetamine; and

"(D) procure equipment, technology, or support systems, or pay for resources, if the applicant for such a grant demonstrates to the satisfaction of the Attorney General that expenditures for such purposes would result in the reduction in the use, sale, and manufacture of methamphetamine.

"SEC. 2997. FUNDING.

"There are authorized to be appropriated to carry out this part $99,000,000 for each fiscal year 2006, 2007, 2008, 2009, and 2010.".

SEC. 755. GRANTS FOR PROGRAMS FOR DRUG-ENDANGERED CHILDREN.

(a) IN GENERAL.—The Attorney General shall make grants to States for the purpose of carrying out programs to provide comprehensive services to aid children who are living in a home in which methamphetamine or other controlled substances are unlawfully manufactured, distributed, dispensed, or used.

(b) CERTAIN REQUIREMENTS.—The Attorney General shall ensure that the services carried out with grants under subsection (a) include the following:

(1) Coordination among law enforcement agencies, prosecutors, child protective services, social services, health care services, and any other services determined to be appropriate by the Attorney General to provide assistance regarding the problems of children described in subsection (a).

(2) Transition of children from toxic or drug-endangering environments to appropriate residential environments.

(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $20,000,000 for each of the fiscal years 2006 and 2007. Amounts appropriated under the preceding sentence shall remain available until expended.

SEC. 756. AUTHORITY TO AWARD COMPETITIVE GRANTS TO ADDRESS METHAMPHETAMINE USE BY PREGNANT AND PARENTING WOMEN OFFENDERS.

(a) PURPOSE AND PROGRAM AUTHORITY.—

(1) GRANT AUTHORIZATION.—The Attorney General may award competitive grants to address the use of methamphetamine among pregnant and parenting women offenders to promote public safety, public health, family permanence and well being.

(2) PURPOSES AND PROGRAM AUTHORITY.—Grants awarded under this section shall be used to facilitate or enhance and collaboration between the criminal justice, child welfare, and State substance abuse systems in order to carry out programs to address the use of methamphetamine drugs by pregnant and parenting women offenders.

(b) DEFINITIONS.—In this section, the following definitions shall apply:

(1) CHILD WELFARE AGENCY.—The term "child welfare agency" means the State agency responsible for child and/or family services and welfare.

(2) CRIMINAL JUSTICE AGENCY.—The term "criminal justice agency" means an agency of the State or local government or its contracted agency that is responsible for detection, arrest, enforcement, prosecution, defense, adjudication, incarceration, probation, or parole relating to the violation of the criminal laws of that State or local government.

(c) APPLICATIONS.—

(1) IN GENERAL.—No grant may be awarded under this section unless an application has been submitted to, and approved by, the Attorney General.

(2) APPLICATION.—An application for a grant under this section shall be submitted in such form, and contain such information, as the Attorney General, may prescribe by regulation or guidelines.

(3) ELIGIBLE ENTITIES.—The Attorney General shall make grants to States, territories, and Indian Tribes. Applicants must demonstrate extensive collaboration with the State criminal justice agency and child welfare agency in the planning and implementation of the program.

(4) CONTENTS.—In accordance with the regulations or guidelines established by the Attorney General in consultation with the Secretary of Health and Human Services, each application for a grant under this section shall contain a plan to expand the State's services for pregnant and parenting women offenders who are pregnant women and/or women with dependent children for the use of methamphetamine or methamphetamine and other drugs and include the following in the plan:

(A) A description of how the applicant will work jointly with the State criminal justice and child welfare agencies needs associated with the use of methamphetamine or methamphetamine and other drugs by pregnant and parenting women offenders to promote family stability and permanence.

(B) A description of the nature and the extent of the problem of methamphetamine use by pregnant and parenting women offenders.

(C) A certification that the State has involved counties and other units of local government, when appropriate, in the development, expansion, modification, operation or improvement of proposed programs to address the use, manufacture, or sale of methamphetamine.

(D) A certification that funds received under this section will be used to supplement, not supplant, other Federal, State, and local funds.

(E) A description of clinically appropriate practices and procedures to—

(i) screen and assess pregnant and parenting women offenders for addiction to methamphetamine and other drugs;

(ii) when clinically appropriate for both the women and children, provide family treatment for pregnant and parenting women offenders, with clinically appropriate services in the same location to promote family permanence and self sufficiency; and

(iii) provide for a process to enhance or ensure the abilities of the child welfare agency, criminal justice agency and State substance agency to work together to re-unite families when appropriate in the case where family treatment is not provided.

(d) PERIOD OF GRANT.—The grant shall be a three-year grant. Successful applicants may reapply for only one additional three-year funding cycle and the Attorney General may approve such applications.

(e) PERFORMANCE ACCOUNTABILITY; REPORTS AND EVALUATIONS.—

(1) REPORTS.—Successful applicants shall submit to the Attorney General a report on the activities carried out under the grant at the end of each fiscal year.

(2) EVALUATIONS.—Not later than 12 months at the end of the 3 year funding cycle under this section, the Attorney General shall submit a report to the appropriate committees of jurisdiction that summarizes the results of the evaluations conducted by recipients and recommendations for further legislative action.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

And the Senate agree to the same.

From the Committee on the Judiciary, for consideration of the House bill (except section 132) and the Senate amendment, and modifications committed to conference:

F. JAMES SENSENBRENNER, Jr.,
HOWARD COBLE,
LAMAR SMITH,
ELTON GALLEGLY,
STEVE CHABOT,
WILLIAM L. JENKINS,
DANIEL LUNGREN,

From the Permanent Select Committee on Intelligence, for consideration secs. 102, 103, 106, 107, 109, and 132 of the House bill, and secs. 2, 3, 6, 7, 9, and 10 of the Senate amendment, and modifications committed to conference:

PETE HOEKSTRA,
HEATHER WILSON,

From the Committee on Energy and Commerce, for consideration secs. 124 and 231 of the House bill, and modifications committed to conference:

CHARLIE NORWOOD,
JOHN SHADEGG,

From the Committee on Financial Services, for consideration sec. 117 of the House bill, and modifications committed to conference:

MICHAEL G. OXLEY,
SPENCER BACHUS,

From the Committee on Homeland Security, for consideration secs. 127–129 of the House bill, and modifications committed to conference:

PETER T. KING,
CURT WELDON,
Managers on the Part of the House.

ARLEN SPECTER,
ORRIN HATCH,
JON KYL,
MIKE DEWINE,
JEFF SESSIONS,
PAT ROBERTS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3199), to extend and modify authorities needed to combat terrorism, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

Section 1. Short title. Table of contents

The House receded to the Senate on the short title of the Act. The short title is the "USA PATRIOT Improvement and Reauthorization Act of 2005."

TITLE I—USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT

Section 101. References to, and modification of short title for, USA PATRIOT Act

Section 101 of the conference report is identical to section 101 of the House bill and similar to section 9(d) of the Senate amendment. Section 101 states that references contained within the conference report to the USA PATRIOT Act shall be deemed a reference to Public Law No. 107–56, the "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act) of 2001."

Section 102. USA PATRIOT Act sunset provisions

Section 102 of the conference report adopts a 4-year sunset on sections 206 and 215 of the USA PATRIOT Act, and makes permanent the other provisions, all of which were set to expire on December 31, 2005. Sections 206 and 215 relate to Foreign Intelligence Court orders for multipoint, or "roving," wiretaps and for business records requested under the Foreign Intelligence Surveillance Act (FISA).

Section 103. Extension of sunset relating to individual terrorists as agents of foreign powers

Section 103 of the conference report extends the sunset of section 6001(b) of the Intelligence Reform and Terrorism Prevention Act (IRTPA) by 4 years so the provision is set to expire on December 31, 2009. Section 6001(b) applied the USA PATRIOT Act sunset to the new definition of "Agent of a Foreign Power" under section 6001 of IRTPA. Section 6001 states that an "Agent of a foreign power" for any person other than a United States person, includes a person who "engages in international terrorism or activities in preparation thereof." This definition reaches "lone wolf" terrorists engaged in international terrorism.

Section 104. Section 2332b and the material support sections of Title 18, United States Code

Section 104 of the conference report is identical to section 104 of the House bill and substantively similar to section 9(c) of the Senate amendment. This section makes section 6603 of the IRTPA permanent by repealing the sunset contained in section 6603(g) of the IRTPA. This sunset would have allowed a criminal offense, and not a law enforcement tool, to expire. Furthermore, this sunset effectively made the underlying provision unconstitutional. Section 6603 of the IRTPA amended the law to address court concerns on the constitutionality of the prohibition of providing material support to terrorists.

Section 105. Duration of FISA surveillance of non-United States persons under section 207 of the USA PATRIOT Act

Section 105 of the conference report is substantively similar to section 106 of the House bill and section 3 of the Senate amendment. This section further extends the maximum duration of orders for electronic surveillance and physical searches targeted against all agents of foreign powers who are not U.S. persons. Initial orders authorizing searches and electronic surveillance will be for periods of up to 120 days and renewal orders will extend for periods of up to one year. Section 105 also extends the maximum duration for both the initial and renewal orders for pen register trap and trace surveillance to a period of one year in cases where the government certified that the information likely to be obtained is foreign intelligence information not concerning a U.S. person.

Section 106. Access to certain business records under section 215 of the USA PATRIOT Act

Section 106 of the conference report is a compromise between section 107 of the House bill and section 7 of the Senate amendment. This section of the conference report amends section 215 of the USA PATRIOT Act to clarify that the tangible things sought by a section 215 FISA order ("215 order") must be "relevant" to an authorized preliminary or full investigation to obtain foreign intelligence information not concerning a U.S. person or to protect against international terrorism or clandestine intelligence activities. The provision also requires a statement of facts to be included in the application that shows there are reasonable grounds to believe the tangible things sought are relevant, and, if such facts show reasonable grounds to believe that certain specified connections to a foreign power or an agent of a foreign power are present, the tangible things sought are presumptively relevant. Congress does not intend to prevent the FBI from obtaining tangible items that it currently can obtain under section 215.

The provision also clarifies that a recipient of a FISA section 215 production order may challenge that order, and may disclose receipt to a lawyer, other persons necessary to comply with the order, and additional persons approved by the FBI. This provision allows the FBI to request the recipient to identify the individuals to whom disclosure has been or will be made. The provision also makes clear that a judge should approve an application only "if the judge finds that the [applicable] requirements [of the section] have been met." The provision also expressly provides for a judicial review process that authorizes a specified pool of FISA court judges to review a 215 order that has been challenged. The provision requires high-level approval, and specific congressional reporting, of requests for certain sensitive categories of records, such as library, bookstore, tax return, firearms sales, educational, and medical records. The provision requires promulgation and application of minimization procedures governing the retention and dissemination by the FBI of any tangible thing obtained under this section and requires restrictions on the use of information obtained with an order under this section.

In addition, section 106 directs the Attorney General to draft minimization procedures that apply to information obtained under a FISA "business records" order. In the application for the order, the applicant must enumerate the minimization procedures applicable to the retention and dissemination of the tangible things sought by the FBI in the application. Such enumerated procedures should meet the requirements set forth in the definition of minimization procedures found in new subsection (g) of section 501. If the court finds that the enumerated procedures fail to meet the requirements of subsection (g), the Conferees expect that the court will direct that other procedures adopted by the Attorney General be applied to the information sought, consistent with the authority of the court specified in section 501(c)(1), as amended.

Under subsection (g)(1), as amended, the Attorney General is required to adopt minimization procedures within 180 days of the enactment of this Act. Until the Attorney General complies, the Conferees expect that the requirements of subsections (b)(2)(B), (c)(1), and (h) that relate to the adoption of minimization procedures will be viewed as ineffective and, thus, not prevent the use of section 501 to acquire tangible things.

Sec. 106A. Audit on access to certain business records for foreign intelligence purposes

Section 106A of the conference report is a new provision. This section requires that the Department of Justice Inspector General conduct an audit on the effectiveness and use of section 215 and submit an unclassified report of the audit to the House and Senate Committees on the Judiciary and Intelligence.

Section 107. Enhanced oversight of good-faith emergency disclosures under section 212 of the USA PATRIOT Act

Section 107 of the conference report is virtually identical to section 4 of the Senate amendment, but includes some technical corrections to title 18 of the United States Code. Section 108 of the House bill is substantively similar. Section 107 of the conference report amends 18 U.S.C. §2702, as amended by section 212 of the USA PATRIOT Act. Section 212 allows Internet service providers to disclose voluntarily the contents of electronic communications, as well as subscriber information, in emergencies involving immediate danger of death or serious physical injury. To address concerns that this authority, in certain circumstances, is not subject to adequate congressional, judicial, or public oversight (particularly in situations where the authority is used but criminal charges do not result) the conference report requires the Attorney General to report annually to the Judiciary Committees of the House and Senate and to set forth the number of accounts subject to section 212 disclosures. The report also must summarize the basis for disclosure in certain circumstances. The Conferees believe this will strengthen oversight on the use of this authority without undermining important law enforcement prerogatives and without alerting perpetrators, while simultaneously preserving the vitality of this life-saving authority.

Section 108. Multipoint electronic surveillance under section 206 of the USA PATRIOT Act

Section 108 of the conference report is a compromise between section 109 of the House bill and section 2 of the Senate amendment. Section 206 of the USA PATRIOT Act enabled the use of multipoint, or "roving," wiretaps in FISA investigations. The conference report clarifies that the FISA court must find that the possibility of the target thwarting surveillance is based on specific facts in the application. This is reflected in language contained in section 109(a) of the House bill and for which the Senate amendment did not have a comparable provision. In language derived from section 2(a) of the Senate amendment and for which the House bill had no comparable provision, the conference report also requires that the order describe the specific target in detail when authorizing a roving wiretap for a target whose identity is not known. The conference report requires that in the event the government begins directing surveillance at a new facility or place where the nature and location of each of the facilities or places was unknown at the time the surveillance order was issued, the government must notify the issuing FISA court on an ongoing basis for all multipoint surveillance authority, which addresses concerns of some that the open-ended authorization to surveil new locations could be abused. The conference report provisions provide further protections by including an extra layer of judicial review and to ensure that intelligence investigators will not abuse the multipoint authority. This approach is superior in the FISA context (where surveillance is often long-running and subject to extensive and sophisticated counter-surveillance measures) to a proximity test or ascertainment requirement, both of which could potentially endanger an investigation or field agents conducting the investigation.

Section 109. Enhanced congressional oversight

Section 109 of the conference report is similar to section 10 of the Senate amendment, but with an additional new provision. Section 109 of the conference report is identical to section 10 of the Senate amendment and requires: (1) the FISA court to publish its rules; and (2) reporting to the House and Senate Judiciary Committees of the use of the emergency employments of electronic surveillance, physical searches, and pen register and trap and trace devices. Section 109(c) of the conference report also requires that the Secretary of the Department of Homeland Security submit a written report providing a description of internal affairs operations at U.S. Citizenship & Immigration Services to the Judiciary Committees of the House and the Senate.

Section 110. Attacks against railroad carriers and mass transportation systems

The conference report is substantively similar to sections 110, 115, and 304 of the House bill. There are no equivalent provisions in the Senate amendment, but section 110 of the conference report is substantively similar to S. 629, the "Railroad Carriers and Mass Transportation Act of 2005," which was reported favorably by the Senate Judiciary Committee. Section 110 of the conference report amends 18 U.S.C. §1993, which was created by the USA PATRIOT Act to protect against terrorist attacks and other acts of violence against mass transportation systems. However, current law does not cover the planning for such attacks. The conference report closes this loophole to make it a crime to "surveil, photograph, videotape, diagram, or to otherwise collect information with the intent to plan or assist in planning any of the acts described" in paragraphs (1)-(5) of section 1993(a). It also harmonizes section 1993 with 18 U.S.C. §1992 (which criminalizes the "wrecking of trains"), in order to eliminate the inconsistency between the intent standard in the mass transportation statute and the intent standard in the wrecking trains statute. It also strengthens the protection of mass transportation and railroad systems by: expanding the types of railroad property and equipment that are explicitly protected by Federal law; updating the definition of "dangerous weapons" to cover box cutters and other previously unrecognized weapons; and expanding the types of prohibited attacks to include causing the release of a hazardous material, a biological agent, or toxin near the property of a railroad carrier or mass transportation system. The conference report restricts the death penalty against inchoate offenses, but retains the death penalty for aggravated offenses. The section also expands coverage of the criminal offense to include passenger vessels (as defined in 46 U.S.C. §2101(22)).

Section 111. Forfeiture

Section 111 of the conference report is identical to section 111 of the House bill. There is no comparable section in the Senate amendment. The USA PATRIOT Act amended 18 U.S.C. §981 to expressly provide that any property used to commit or facilitate the commission of, derived from, or otherwise involved in a Federal crime of terrorism (as defined in 18 U.S.C. §2331) is subject to civil forfeiture provisions. Prior to the USA PATRIOT Act, only the "proceeds" of a crime of terrorism were subject to civil forfeiture provisions. This section extends forfeiture to include property used in or derived from "trafficking in nuclear, chemical, biological, or radiological weapons technology or material."

Section 112. Section 2332b(g)(5)(B) amendments relating to the definition of Federal crime of terrorism

Section 112 of the conference report is substantively similar to section 112 of the House bill but includes an additional offense. There is no comparable provision in the Senate amendment. This section amends the current definition of "Federal crime of terrorism," to include new predicate offenses. It also includes a clerical correction to 18 U.S.C. §2332b(g)(S)(B).

Section 113. Amendments to section 2516(1) of Title 18, United States Code

Section 113 of the conference report is substantively similar to sections 113 and 122 of the House bill, but includes additions. 18 U.S.C. §§2510-2522 require the government, unless otherwise permitted, to obtain an order of a court before conducting electronic surveillance. The government is permitted to seek such orders only in connection with the investigation of the criminal offenses enumerated in 18 U.S.C. §2516. The USA PATRIOT Act added new wiretap offenses related to terrorism. Section 113 adds new "wiretap predicates" under 18 U.S.C. §2516, which relate to crimes of terrorism. Those predicates include 18 U.S.C. §§37 (violence at international airports); 43 (animal enterprise terrorism); 81 (arson within special maritime and territorial jurisdiction); 175b (biological agents); 832 (nuclear and weapons of mass destruction threats); 842 (explosive materials); 930 (possession of weapons in Federal facilities); 956 (conspiracy to harm persons or property overseas); 1028A (aggravated identity theft); 1114 (killing Federal employees); 1116 (killing certain foreign officials); 1993 (attacks of mass transit); 2340A (torture); 2339 (harboring terrorists); 2339D (terrorist military training); and 5324 (structuring transactions to evade reporting requirements). In addition to these sections, new predicates are added under 49 U.S.C. §§46504 (assault on a flight crew member with a dangerous weapon); and 46505(b)(3) or (c) (certain weapons offenses aboard an aircraft).

Section 114. Delayed notice search warrants

Section 114 of the conference report is a compromise between sections 114 and 121 of the House bill and section 5 of the Senate amendment. Contrary to reports; the USA PATRIOT Act did not create delayed notice search warrants, but rather codified existing case law governing delayed notices for search warrants. Delayed notice simply means that a court has expressly authorized investigators to delay temporarily notifying a subject that a search warrant has been executed (*i.e.*, a court-ordered search has occurred). The search warrant itself is the same regardless of when the subject receives notice. Thus, before a search warrant is issued, whether notice is or is not delayed, a Federal judge must find that there is probable cause to believe that a crime has been or is about to be committed and that evidence of that crime or the fruits or instrumentalities of that crime will be found at the location to be searched. As the Department of Justice explained in an August 29, 2005 letter (p. A-5), "Delayed notice search warrants have been available for decades and were in use long before the USA PATRIOT Act was enacted. Section 213 of the USA PATRIOT Act merely created a nationally uniform process and standard for obtaining them."

Section 213 codified the established standard of reasonableness for delayed notice search warrants, which previously had been the cause for some to express concern about this indefinite term. Both the House bill in section 114, and the Senate amendment in section 5, placed a maximum specified limit on the length of time in which a judge could authorize law enforcement to delay notice to the subject that a search has been conducted. The House provision provided that the court maintains the discretion to delay notice for up to 180 days with extensions of up to 90 days. The Senate amendment limited the delay to "not later than 7 days after the date of its execution, or on a later date certain if the facts of the case justify a longer period of delay, with extensions of up to 90 days unless the facts justify longer." The conference report reflects a compromise between the House and Senate provisions to define a reasonable delay as up to 30 days for an initial request, or on a later date certain if the facts justify, and extensions of up to 90 days unless the facts justify longer.

Section 115. Judicial review of national security letters

Section 115 of the conference report is substantively similar to section 116 of the House bill and section 8 of the Senate amendment. This section makes explicit that the recipient of a national security letter (NSL) may consult with an attorney and challenge the NSL in court. This section of the conference report amends NSL authority under 18 U.S.C. §2709, 15 U.S.C. §1681u, 15 U.S.C. §1861v, 12 U.S.C. §3414, and 50 U.S.C. §436, in a similar manner to the House bill. The Senate amendment only modified 18 U.S.C. §2709. The conference report: provides that the recipient of an NSL may petition for an order modifying or setting aside the request in the U.S. district court for the district in which that person or entity does business or resides; allows the government to move for judicial enforcement of the NSL in the event of non-compliance by recipients; and allows the court to impose sanctions for contempt of court if a recipient fails to comply with a court order to enforce an NSL.

Section 116. Confidentiality of national security letters

Section 116 of the conference report is substantively similar to section 117 of the House bill and section 8 of the Senate amendment. This section provides that upon certification by an individual authorized to issue an NSL, should the disclosure endanger any individual or national security, or interfere with diplomatic relations or a criminal or intelligence investigation, then the disclosure of the NSL is prohibited. This section allows for the disclosure to those necessary to comply with an NSL or obtain legal advice or assistance with respect to an NSL. If the recipient makes this further disclosure as authorized by law, the recipient must then notify the person or persons of all applicable nondisclosure requirements. At the request of the Director of National Intelligence, the conference report includes language that allows the Director of the Federal Bureau of Investigation, or the designee of the Director, to request from any person making or intending to make a disclosure to comply with or to receive legal advice or legal assistance, to identify to whom such disclosure will be made. The language does not allow the FBI Director or designee of the Director to request the recipient of an NSL disclose the name of an attorney to whom such disclosure will be made. The provision, however, does allow the FBI Director or designee of the Director to make such a request for the name of an attorney to whom disclosure has already been made. The conference report clarifies that a recipient of an NSL may challenge any nondisclosure requirement in court. If a petition is filed within 1 year of issuance of an NSL, the court may modify or set aside such a nondisclosure requirement if it finds that there is no reason to believe that disclosure may harm national security; interfere with criminal, counterintelligence, or counterterrorism investigations; interfere with diplomatic relations; or endanger the life or physical safety of a person. If, upon filing the petition, a high-ranking official recertifies that disclosure may endanger national security or interfere with diplomatic relations, the court must treat the re-certification as conclusive unless there is a showing of bad faith. If a petition is filed after a year, a specific official, within 90 days of the filing of the petition, shall either terminate the nondisclosure requirement or re-certify that nondisclosure may: result in danger to the national security of the U.S.; interfere with a criminal, counterterrorism, or counterintelligence investigation; interfere with diplomatic relations; or endanger the life or physical safety of any person. In the event of re-certification, the court again may modify or set aside such a nondisclosure requirement only upon a finding of bad faith. The petitioner is barred from seeking review of the nondisclosure requirement for one year if the petition was denied, but can continue to petition every year. This provision recognizes that the Executive branch is both constitutionally and practically better suited to make national security and diplomatic relations judgments than the judiciary.

Section 117. Violations of nondisclosure provisions of national security letters

This section of the conference report is similar to section 118 of the House bill. There is no comparable provision in the Senate amendment. This section provides for a felony charge against an individual who was notified of an applicable nondisclosure requirement and nonetheless knowingly and with intent to obstruct an investigation or judicial proceeding, violates that nondisclosure order. The criminal penalties under 18 U.S.C. §1510 include up to five years imprisonment, a fine, or both. Current law contains no penalties for such violations.

Section 118. Reports on national security letters

Section 118 of the conference report is similar to section 119 of the House bill, with some additional reporting requirements that are similar to provisions contained in the Senate amendment. This section requires reporting to the House and Senate Judiciary Committees on all NSLs, similar to reporting that the Intelligence Committees receive. This section also requires that the Attorney General submit to Congress the annual aggregate number of requests made concerning different U.S. persons. Such reporting will permit the public to see some of the same data Congress sees in conducting its oversight responsibilities of the DOJ. Due to the manner in which this data is currently collected, Congress understands that current reporting may somewhat overstate the number of different U.S. persons about whom requests for information are made, because NSLs seeking information on a particular person may be served at different times and from different FBI field offices. In order to report a number to Congress that is as meaningful as possible, Congress anticipates that the DOJ will undertake reasonable efforts to modify its data collection. Congress, however, does not anticipate that the DOJ will undertake costly or bureaucratically difficult steps to prepare this report.

Section 119. Enhanced oversight of national security letters

Section 119 is a new section that requires the Inspector General of DOJ to conduct an audit of the effectiveness and the use of the NSL authority. The report will detail the specific functions and particular characteristics of the NSLs issued and comment on the necessity of this law enforcement tool. This report will be submitted to the House and Senate Committees on the Judiciary and Intelligence one year after the enactment of the conference report.

Section 120. Definition for forfeiture provisions under section 806 of the USA PATRIOT Act

Section 120 of the conference report is substantively similar to section 120 of the House bill. There is no comparable provision in the Senate amendment. This provision replaces the reference to the broad definition under 18 U.S.C. §2331 with the definition of a Federal crime of terrorism for asset forfeiture under 18 U.S.C. §981(a)(1)(G).

Section 121. Penal provisions regarding trafficking in contraband cigarettes or smokeless tobacco

Section 121 of the conference report is substantively similar to section 123 of the House bill. There is no comparable provision in the Senate amendment. This section of the conference report amends the Contraband Cigarette Trafficking Act ("CCTA," 18 U.S.C. §§2341 et seq.), which makes it unlawful for any person knowingly to ship, possess, sell, distribute or purchase contraband cigarettes. This section amends the CCTA by: (1) extending its provisions to cover contraband smokeless tobacco; (2) reducing the number of cigarettes that trigger application of the CCTA from 60,000 to 10,000; (3) imposing reporting requirements on persons, except for tribal governments, who engage in delivery sales of more than 10,000 cigarettes or 500 single-unit cans or packages of smokeless tobacco in a single month; (4) requiring the destruction of cigarettes and smokeless tobacco seized and forfeited under the CCTA; and (5) authorizing State and local governments, and certain persons who hold Federal tobacco permits, to bring causes of action against violators of the CCTA. It also amends section 2344(c), the contraband cigarette forfeiture provisions, by adding "contraband smokeless tobacco" to items subject to forfeiture and by removing the reference to the Internal Revenue Code, which became outdated after the enactment of the Civil Asset Forfeiture Reform Act of 2000.

Section 122. Prohibition of narco-terrorism

Section 122 of the conference report is substantively similar to section 124 of the House bill. There is no comparable provision in the Senate amendment. This section adds new section 1010A to Part A of the Controlled Substance Import and Export Act, (21 U.S.C. §§951 et seq.), making it a Federal crime to engage in drug trafficking to benefit terrorists. The conference report changes the mandatory minimum penalty from the 20 years provided in the House bill to simply twice the minimum under 21 U.S.C. §841(b). Finally, the conference report modifies the proof requirements of the House-passed bill to clarify that a person must have knowledge that the person or organization has engaged or engages in terrorist activity or terrorism.

Section 123. Interfering with the operation of an aircraft

Section 123 of the conference report is substantively similar to section 125 of the House bill. There is no comparable provision in the Senate amendment. This section amends 18 U.S.C. §32, which prohibits the destruction of aircraft or aircraft facilities, to address the increasing number of reports to the Federal Aviation Administration of the intentional aiming of lasers into airplane cockpits. The amendment makes it illegal to interfere with or disable a pilot or air navigation facility operator with the intent to endanger the safety of any person or with reckless disregard for the safety of human life.

Section 124. Sense of Congress relating to lawful political activity

Section 124 of the conference report is substantively similar to section 126 of the House bill. There is no comparable provision in the Senate amendment. This sense of the Congress articulates that no American citizen should be the target of a criminal investigation solely as a result of that person's lawful political activity or membership in a nonviolent political organization. During the many congressional hearings held on the PATRIOT Act, both in open and classified settings, there has been absolutely no evidence adduced that the Department of Justice or the FBI has used the powers conferred by law to investigate anyone based on his or her participation in the political process.

Section 125. Removal of civil liability barriers that discourage the donation of fire equipment to volunteer fire companies

Section 125 of the conference report is substantively similar to section 131 of the House bill. There is no comparable provision in the Senate amendment. This section establishes immunity from civil liability (other than for gross negligence or intentional misconduct) for anyone other than a fire equipment manufacturer who donates fire equipment to volunteer fire companies.

Section 126. Report on data-mining activities

Section 126 of the conference report is similar to section 132 of the House bill. There is no comparable provision in the Senate amendment. This section instructs the Attorney General to report to Congress on Department of Justice use or development of pattern-based data-mining technology.

Section 127. Sense of Congress

Section 127 of the conference report is substantively similar to section 133 of the House bill. There is no comparable provision in the Senate amendment. This section is a sense of the Congress that the victims of terrorist attacks should have access to the assets of terrorists.

Section 128. PATRIOT section 214; authority for disclosure of additional information in connection with orders for pen register and trap and trace authority under FISA

Section 128 of the conference report is substantively identical to section 6 of the Senate amendment. There is no comparable provision in the House bill. This section requires: (1) an ex-parte order for a pen register or trap and trace device for foreign intelligence purposes to direct the provider, upon the applicant's request, to disclose specified information to the Federal officer using the device; and (2) the Attorney General to fully inform the House and Senate Judiciary Committees regarding the use of such devices.

TITLE II—TERRORIST DEATH PENALTY ENHANCEMENT

Section 201. Short title

The short title is the "Terrorist Death Penalty Enhancement Act of 2005." Section 201 of the conference report is identical to section 201 of the House bill. There is no comparable provision in the Senate amendment.

SUBTITLE A—TERRORIST PENALTIES ENHANCEMENT ACT

Section 211. Death penalty procedures for certain air piracy cases occurring before enactment of the Federal Death Penalty Act of 1994

This section is the same as section 213 of the House bill, except for the addition of a severability clause. There is no comparable provision in the Senate amendment. Section 211 of the conference report provides procedures for death penalty prosecutions for air piracy crimes occurring before the 1994 Federal Death Penalty Act, provided that the government establishes the existence of one or more factors under former 49 U.S.C. §46503(c)(2), or its predecessor, and that the defendant has not established by a preponderance of the evidence the existence of any of the factors set forth in former 49 U.S.C. §46503(c)(1), or its predecessor. This section makes the 1994 procedures applicable to post-1974, and pre-1994 air piracy murder cases.

Section 211 of the conference report would permit the imposition of the death penalty upon an individual convicted of air piracy offenses resulting in death where those offenses occurred after enactment of the Antihijacking Act of 1974 but before the enactment of the Federal Death Penalty Act of 1994. This provision would cover a small, but important category of defendants, including those responsible for the December 1984 hijacking of Kuwait Airways flight 221 and the murder of two American United States Agency for International Development employees, William Stanford and Charles Hegna; the June 1985 hijacking of TWA flight 847 and the murder of Navy diver Robert Stethem; the November 1985 hijacking of Egyptair flight 648 and the murder of American servicewoman Scarlett Rogenkamp as well as 56 other passengers; and the September 1986 hijacking of Pan Am flight 73 and the murder of American citizens Rajesh Kumar and Surendra Patel, as well as at least 19 other passengers and crew.

Section 211 is important to reaffirm the intent of Congress to have available the ultimate penalty to use against aircraft hijackers whose criminal actions result in death. In 1974, Congress enacted the Antihijacking Act, making the crime of air piracy the one and only crime under Federal law for which Congress passed comprehensive procedures, in response to *Furman* v. *Georgia*, 408 U.S. 238 (1972), to ensure that the death penalty could be constitutionally enforced. Over the years after the passage of the Antihijacking Act of 1974, the crime of air piracy was repeatedly cited by Members of Congress and the Executive Branch as an example of a crime for which Congress had enacted the necessary constitutional provisions to enforce the death penalty. In 1994, in an effort to make the death penalty widely available for numerous Federal offenses, and to enact uniform procedures to apply to all Federal capital offenses, Congress passed the Federal Death Penalty Act of 1994 ("FDPA"), explicitly including air piracy procedures among the list of crimes to which it applied, at the same time repealing the former death penalty procedures of the Antihijacking Act of 1974.

The problem with this legal development is that there is a perceived gap in legislative intent to maintain the option of a death penalty for those who committed air piracy resulting in death before enactment of the FDPA. On September 29, 2001, the United States obtained custody of Zaid Hassan Abd Latif Safarini, the operational leader of the deadly attempted hijacking of Pan Am flight 73, a crime which occurred on September 5, 1986, in Karachi, Pakistan, and which resulted in the death of at least 20 people, including two United States citizens, and the injury of more than 100 others. Safarini personally executed the first United States citizen and after a 16-hour stand-off, he and his fellow hijackers opened fire on approximately 380 passengers and crew on board Pan Am 73, attempting to kill all of them with grenades and assault rifles. Safarini and his co-defendants had been indicted by a grand jury in the District of Columbia in 1991, and after his capture in 2001, the prosecutors filed papers stating the government's intention to seek the death penalty against Safarini. The district court, however, ruled that the government could not seek the death penalty in this case or, by implication, in any other air piracy case from the pre-FDPA period, essentially because Congress had not made clear which procedures should apply to such a prosecution. In its ruling, the court noted that, at the time it passed the FDPA in 1994, Congress did not state any intention as to whether the new capital sentencing procedures should be applied to air piracy offenses occurring before enactment of the FDPA. A further complication exists, in that there are two provisions of the Antihijacking Act of 1974 that, if taken away from pre-FDPA air piracy defendants, could pose ex post facto concerns in light of *Ring* v. *Arizona*, 536 U.S. 584 (2002). Safarini has since pled guilty to the charged offenses and was sentenced, pursuant to a plea agreement, to three life terms plus twenty-five years imprisonment.

Section 211 addresses the issues identified by the district court in the Safarini case by explicitly stating that Congress intends for the provisions of the FDPA to apply to this category of defendants, while also explicitly preserving for such defendants the two provisions of the Antihijacking Act to which they are arguably constitutionally entitled, concerning the statutory aggravating and mitigating circumstances set forth in the Antihijacking Act.

This provision is particularly important for several other reasons. In the absence of a death penalty that could be implemented for pre-FDPA hijacking offenses resulting in death that also occurred before the effective date of the Sentencing Guidelines on November 1, 1987, the maximum penalty available would be life imprisonment. Under the pre-Sentencing Guidelines structure, even prisoners sentenced to life imprisonment were eligible for a parole hearing after serving only ten years. While there is a split in the Circuit Courts of Appeals as to whether a sentencing judge can impose a sentence that could avert the 10-year parole hearing requirement, the current position of the Bureau of Prisons is that a prisoner is eligible for a parole hearing after serving ten years of a life sentence. Even if parole is denied on that first occasion, such prisoners are entitled to have regularly scheduled parole hearings every two years thereafter. Moreover, in addition to parole eligibility after ten years, the old sentencing and parole laws incorporated a presumption that even persons sentenced to life imprisonment would be released after no more than 30 years.

In the context of the individuals responsible for the hijacking incidents described above, most of the perpetrators were no older than in their twenties when they committed their crimes. The imposition of a pre-Guidelines sentence of life imprisonment for these defendants means that many, if not all of them, could be expected to be released from prison well within their lifetime. Given the gravity of these offenses, coupled with the longstanding Congressional intent to have a death penalty available for the offense of air piracy resulting in death, such a result would be at odds with the clear directive of Congress.

Section 211 includes a severability clause that would establish that if any provision of the Act or the application thereof to any person or circumstance is held invalid by a court of law, the remainder of Section 211 and the application of such provision to other persons or circumstances shall not be affected by that declaration of invalidity. The inclusion of this severability clause means that the unaffected portions of the law would remain operable.

Section 212. Postrelease supervision of terrorists

This section is substantively similar to section 215 of the House bill. There is no comparable provision in the Senate amendment. Section 212 of the conference report expands the scope of the individuals covered by the post-release supervision provisions for terrorists.

SUBTITLE B—FEDERAL DEATH PENALTY PROCEDURES

Section 221. Elimination of procedures applicable only to certain Controlled Substances Act cases

This section retains a portion of section 231 of the House bill. There is no comparable provision in the Senate amendment. The conference report eliminates duplicative death procedures under title 21 of the United States Code, and consolidates procedures governing all Federal death penalty prosecutions in existing title 18 of the United States Code, thereby eliminating confusing requirements that trial courts provide two separate sets of jury instructions in certain Federal death penalty prosecutions.

Section 222. Counsel for financially unable defendants

Section 222 of the conference report is a new provision. This section transfers existing statutes from the death penalty procedures contained in title 21 of the United States Code to the death penalty procedures in title 18 of the United States Code. This section requires that any death-penalty eligible defendant who is or becomes financially unable to obtain adequate representation or investigative, expert, or other reasonably necessary services will be entitled to the appointment of one or more attorneys and the furnishing of such other services.

TITLE III—REDUCING CRIME AND TERRORISM AT AMERICA'S SEAPORTS

Section 301. Short title

This section designates the short title as the "Reducing Crime and Terrorism at America's Seaports Act of 2005." Section 301 of the conference report is identical to section 301 of the House bill. There is no comparable provision in the Senate amendment, but this section is similar to S. 378, the "Reducing Crime and Terrorism at America's Seaports Act of 2005," which was reported favorably by the Senate Committee on the Judiciary on April 21, 2005.

Section 302. Entry by false pretenses to any seaport

Section 302 of the conference report is substantively similar to section 302 of the House bill and the parallel section in S. 378. There is no comparable provision in the Senate amendment. According to the Report of the Interagency Commission on Crime and Security at U.S. Seaports (hereinafter "Interagency Commission Report"), "[c]ontrol of access to the seaport or sensitive areas within the seaport is often lacking." Such unauthorized access is especially problematic, because inappropriate controls may result in the theft of cargo and, more dangerously, undetected admission of terrorists. In addition to establishing appropriate physical, procedural, and personnel security for seaports, it is important that U.S. criminal law adequately reflect the seriousness of the offense. This section clarifies that 18 U.S.C. §1036 (fraudulent access to transport facilities) includes seaports and waterfronts within its scope, and increases the penalties for violating these provisions from a maximum of 5 years to 10 years.

Section 303. Criminal sanctions for failure to heave to, obstruction of boarding, or providing false information

Section 303 of the conference report is substantively similar to section 303 of the House bill and the parallel section in S. 378. A core function of the United States Coast Guard is law enforcement at sea, especially in the aftermath of the tragic events of September 11, 2001. While the Coast Guard has authority to use whatever force is reasonably necessary to require a vessel to stop or be boarded, "refusal to stop," by itself, is not currently a crime. This section amends title 18 of the United States Code to make it a crime: (1) for a vessel operator knowingly to fail to slow or stop a ship once ordered to do so by a Federal law enforcement officer; (2) for any person on board a vessel to impede boarding or other law enforcement action authorized by Federal law; or (3) for any person on board a vessel to provide false information to a Federal law enforcement officer. Any violation of this section will be punishable by a fine and/or imprisonment for a maximum term of 5 years.

Section 304. Criminal sanctions for violence against maritime navigation, placement of destructive devices

Section 304 of the conference report is substantively similar to section 305 of the House bill, and excludes the malicious dumping provisions contained in S. 378. The Coast Guard maintains over 50,000 navigational aids on more than 25,000 miles of waterways. These aids, which are relied upon by all commercial, military, and recreational mariners, are essential for safe navigation and, therefore, are inviting targets for terrorists. To deter any such intentional interference, this section amends 18 U.S.C. §2280(a) (violence against maritime navigation) to make it a crime to intentionally damage or tamper with any maritime navigational aid maintained by the Coast Guard or under its authority, if such act endangers the safe navigation of a ship. In addition, this section amends title 18 of the United States Code to make it a crime to knowingly place in waters any device that is likely to damage a vessel or its cargo, interfere with a vessel's safe navigation, or interfere with maritime commerce. Any violation of this provision will be punishable by a fine and/or a maximum term of imprisonment for life, and if death results, an offense could be punishable by a sentence of death.

Section 305. Transportation of dangerous materials and terrorists

Section 305 of the conference report is substantively similar to section 306 of the House bill and the parallel provision in S. 378, but adopts the intent requirements as specified in S. 378. The section makes it a crime to knowingly and intentionally transport aboard any vessel an explosive, biological agent, chemical weapon, or radioactive or nuclear materials, knowing that the item is intended to be used to commit a terrorist act. Any violation of this provision will be punishable by a fine and a maximum prison term of life and, if death results, the offense could be punished by a sentence of death.

Section 306. Destruction of, or interference with, vessels or maritime facilities

Section 306 of the conference report is substantively similar to section 307 of the House bill and the parallel provision in S. 378. This section makes it a crime to: (1) damage or destroy a vessel or its parts, a maritime facility, or any apparatus used to store, load or unload cargo and passengers; (2) perform an act of violence against or incapacitate any individual on a vessel, or at or near a facility; or (3) knowingly communicate false information that endangers the safety of a vessel. Any violation of this section (including attempts and conspiracies) will be punished by a fine and/or imprisonment for a maximum of 20 years; if death results, the offense could be punished by a sentence of death. If an individual threatens to carry out the above-described offense, and has the apparent will and determination to carry out the threat, that threat is punishable by a fine and/or imprisonment for a maximum of 5 years. The offender also will be liable for all costs incurred as a result of the threat. This section also subjects any individual who knowingly conveys false information about the offenses described above (or other named offenses) to a civil penalty up to $5,000. In addition, knowingly conveying false information concerning an attempted violation of this section or of chapter 11 of title 18 will be punishable by a maximum of 5 years imprisonment. This section harmonizes the somewhat outdated maritime provisions with the existing criminal sanctions for destruction or interference with an aircraft or aircraft facilities in 18 U.S.C. §§32, 34, and 35.

Section 307. Theft of interstate or foreign shipments or vessels

This section is similar to section 308 of the House bill and the parallel provision in S. 378, except the conference report does not maintain the increased criminal penalties that were included in the House bill. The Interagency Commission Report found that certain existing statutes, regulations, and sentencing guidelines do not provide sufficient sanctions to deter criminal or civil violations related to a range of offenses, including theft of interstate or foreign shipments. In an effort to close statutory gaps and increase the criminal penalty, this section expands the scope of section 18 U.S.C. §659 (theft of interstate or foreign shipments) to include theft of goods from additional transportation facilities or instruments, including trailers, cargo containers, and warehouses. In addition, the section increases the penalties for theft of goods from a maximum of 10 years to a maximum of 15 years imprisonment, and for amounts less than $1000, the punishment will be increased from a maximum of 1 year to a maximum of 3 years imprisonment. The section clarifies that, under 18 U.S.C. §659, the determination of whether goods are "moving as an interstate or foreign shipment" is made by considering the entire cargo route, regardless of any temporary stop between the point of origin and final destination. Finally, the section requires an annual report of law enforcement activities relating to cargo theft and requires collection and reporting by the FBI of cargo theft crimes.

Section 308. Stowaways on vessels or aircraft

Section 308 of the conference report is similar to section 310 of the House bill. It is similar to the parallel provision in S. 378, though the conference report includes a death penalty that was not part of the Senate amendment. The section increases the maximum penalty for a violation of 18 U.S.C. §2199 (stowaways on vessels or aircraft) from 1 year to 5 years imprisonment. If the act is committed with the intent to commit serious bodily injury and serious bodily injury occurs, it will be punishable by a fine and a maximum of 20 years imprisonment. If death results, it will be punishable by death or life imprisonment.

Section 309. Bribery affecting port security

This section is substantively similar to section 311 of the House bill and the parallel provision of S. 378. Section 309 of the conference report makes it a crime to knowingly, and with the intent to commit international or domestic terrorism, bribe a public official to affect port security; or to receive a bribe in return for being influenced in public duties affecting port security, knowing that such influence will be used to commit, or plan to commit, an act of terrorism. A violation of this section is punishable by a maximum term of 15 years imprisonment.

Section 310. Penalties for smuggling goods into the United States

Section 310 of the conference report is substantively identical to section 312 of the House bill. There is no comparable provision in the Senate amendment. This section increases the penalty for violations of 18 U.S.C. §545 (smuggling) from imprisonment for not more than 5 years to imprisonment for not more than 20 years.

Section 311. Smuggling goods from the United States

Section 311 of the conference report is substantively identical to section 313 of the House bill. There is no comparable provision in the Senate amendment. This section creates a new criminal offense for illegally smuggling goods from the United States and establishes a maximum penalty of 10 years imprisonment.

TITLE IV—COMBATING TERRORISM FINANCING

Section 401. Short title

The short title is "Combating Terrorism Financing Act of 2005." Section 401 of the conference report is identical to section 401 of the House bill. There is no comparable provision in the Senate amendment.

Section 402. Increased penalties for terrorism financing

Section 402 of the conference report is substantively similar to section 402 of the House bill. There is no comparable provision in the Senate amendment. Currently, penalties for violating the International Emergency Economic Powers Act (IEEPA) are not commensurate with terrorist financing violations. This section amends section 206 of IEEPA (50 U.S.C. §1705) to increase the civil penalty from $10,000 to $50,000 per violation and to increase the criminal penalty from 10 years imprisonment to 20 years imprisonment with the maximum criminal fine remaining the same.

Section 403. Terrorism-related specified activities for money laundering

Section 403 of the conference report is substantively similar to section 403 of the House bill. There is no comparable provision in the Senate amendment. Under current law, a number of activities that terrorist financiers undertake are not predicates for purposes of the Federal money laundering statute, 18 U.S.C. §1956. Key among those activities is operating an illegal money transmitting business, including "hawala" networks, which terrorists and their sympathizers often use to transfer funds to terrorist organizations abroad. This section adds three terrorism-related provisions to the list of specified unlawful activities that serve as predicates for the money laundering statute. Subsection(a) adds as a RICO predicate the offense in 18 U.S.C. §1960 (relating to illegal money transmitting businesses), which has the effect of making this offense a money laundering predicate through the cross-reference in 18 U.S.C. §1956(c)(7)(A). Subsection(b) directly adds as money laundering predicates the new terrorist-financing offense in 18 U.S.C. §2339C.

Sec. 404. Assets of persons committing terrorist acts against foreign countries or international organizations

Section 404 of the conference report is substantively similar to section 404 of the House bill. There is no comparable provision in the Senate amendment. The USA PATRIOT Act enacted a new forfeiture provision codified at 18 U.S.C. §981(a)(1)(G) pertaining to the assets of any person planning or perpetrating an act of terrorism against the United States. Section 404 of the conference report adds a parallel provision pertaining to the assets of any person planning or perpetrating an act of terrorism against a foreign state or international organization. Where the property sought for forfeiture is located outside the United States, an act in furtherance of planning or perpetrating the terrorist act must have occurred within the jurisdiction of the United States.

Sec. 405. Money laundering through hawalas

Section 405 of the conference report is substantively similar to section 405 of the House bill. There is no comparable provision in the Senate amendment. This section outlaws any "dependent transactions" relating to a money laundering transaction. Terrorist financing and money laundering can be mutually exclusive, but many times they go hand-in-hand. As reported in the National Money Laundering Strategy (NMLS), "both depend on the lack of transparency and vigilance in the financial system. Money laundering requires the existence of an underlying crime, while terrorist financing does not. Methods for raising funds to support terrorist activities may be legal or illegal. Also, the objective of money laundering investigations is prosecution and forfeiture. Terrorist financing investigations share these objectives; however, the ultimate goal is to identify, disrupt, and cut off the flow of funds to terrorists, whether or not the investigation results in prosecutions."

Many steps have been taken by Congress, law enforcement, and the private sector to address the issue of terrorist financing. The USA PATRIOT Act codified money laundering statutes and provided authority improving the flow of financial information regarding terrorist financing. The Bank Secrecy Act has been amended to require financial institutions to report suspicious activities. Enforcement and enhanced regulations make it more difficult for terrorist organizations to compromise U.S. financial institutions. However, these terrorists continue to seek the path of least resistance, utilizing alternative financing systems and foreign banking systems that lack sufficient standards and regulations.

Alternative remittance systems are utilized by terrorists to move and launder large amounts of money around the globe quickly and secretly. These remittance systems, also referred to as "hawala" networks, are used throughout the world, including the Middle East, Europe, North America and South Asia. These systems are desirable to criminals and non-criminals alike because of the anonymity, low cost, efficiency, and access to underdeveloped regions. The United States has taken steps to combat the "hawala" networks by requiring all money transmitters, informal or formal, to register as money services businesses.

Under current Federal law, a financial transaction constitutes a money laundering offense only if the funds involved in the transaction represent the proceeds of some criminal offense. See 18 U.S.C. §1956(a)(1) ("represents the proceeds of some form of unlawful activity"); and 18 U.S.C. §1957(f)(2) ("property constituting, or derived from, proceeds obtained from a criminal offense"). There is some uncertainty, however, as to whether the "proceeds element" is satisfied with regard to each transaction in a money laundering scheme that involves two or more transactions conducted in parallel, only one of which directly makes use of the proceeds from unlawful activity. For example, consider the following transaction: A sends drug proceeds to B, who deposits the money in Bank Account 1. Simultaneously or subsequently, B takes an equal amount of money from Bank Account 2 and sends it to A, or to a person designated by A. The first transaction from A to B clearly satisfies the proceeds element of the money laundering statute, but there is some question as to whether the second transaction—the one that involves only funds withdrawn from Bank Account 2 does so as well. The question has become increasingly important because such parallel transactions are the technique used to launder money through the Black Market Peso Exchange and "hawala" network. Section 405 of the conference report is intended to remove all uncertainty on this point by providing that all constituent parts of a set of parallel or dependent transactions involve criminal proceeds if one such transaction does so. The conference report modifies the hawala provision to require that it be part of plan or arrangement.

Sec 406. Technical and conforming amendments relating to the USA PATRIOT Act

Section 406 of the conference report is substantively similar to section 406 of the House bill. There is no comparable provision in the Senate amendment. This section makes a number of corrections relating to provisions of the USA PATRIOT Act, mostly affecting money laundering or asset forfeiture. While essentially technical in nature, these corrections are critical because typographical and other errors in the USA PATRIOT Act provisions are preventing prosecutors from fully utilizing that Act's tools. For example, certain new forfeiture authorities enacted by that Act refer to a nonexistent statute, 31 U.S.C. §5333, where 31 U.S.C. §5331 is intended.

Subsection (a) makes technical corrections to a number of provisions in the USA PATRIOT Act. Subsection (b) codifies section 316(a)-(c) of that Act as 18 U.S.C. §987. Subsection (c) adds explicit language covering conspiracies to carry out two offenses likely to be committed by terrorists (18 U.S.C. §§33(a) and 1366), thereby conforming these provisions to various crimes modified by section 811 of the USA PATRIOT Act, which added conspiracy language to other terrorism offense.

Section 407. Cross reference correction

Section 407 of the conference report is substantively identical to section 408 of the House bill. There is no comparable provision in the Senate amendment. This section corrects a cross-reference, replacing the "National Intelligence Reform Act of 2004" with the correct title, the "Intelligence Reform and Terrorism Prevention Act of 2004."

Section 408. Amendment to amendatory language

Section 408 of the conference report is substantively identical to section 409 of the House bill. There is no comparable provision in the Senate amendment. This section amends an incorrect citation.

Section 409. Designation of additional money laundering predicate

Section 409 of the conference report is substantively identical to section 410 of the House bill. There is no comparable provision in the Senate amendment. This section adds 18 U.S.C. §2339D (relating to receiving military-type training from a foreign terrorist organization) as a money laundering predicate.

TITLE V—MISCELLANEOUS

Section 501. Residence of United States Attorneys and Assistant United States Attorneys

Section 501 is a new section and addresses an unintentional effect of the residency requirement for United States Attorneys and Assistant United States Attorneys. Section 501 of the conference report provides that the Attorney General can order that residency requirements be waived when a United States Attorney or Assistant United States Attorney is assigned dual or additional responsibilities. This provision will enable activities such as participation by United States Attorneys in legal activities in Iraq.

Section 502. Interim appointment of United States Attorneys

Section 502 is a new section and addresses an inconsistency in the appointment process of United States Attorneys.

Section 503. Secretary of Homeland Security in Presidential line of succession

Section 503 of the conference report is a new section and fills a gap in the Presidential line of succession by including the Secretary of Homeland Security.

Section 504. Bureau of Alcohol, Tobacco, and Firearms to the Department of Justice

Section 504 of the conference report is a new section. This provision modifies the appointment procedure for the Director of the Bureau of Alcohol, Tobacco, and Firearms by providing that the President, with the advice and consent of the Senate, shall appoint the Director.

Section 505. Qualifications of United States Marshals

Section 505 of the conference report is a new section. This section clarifies the qualifications individuals should have before joining the United States Marshals.

Section 506. Department of Justice intelligence matters

Section 506 is a new section that establishes a National Security Division (NSD) within the DOJ, headed by an Assistant Attorney General for National Security (AAGNS). This section is consistent with a recommendation by the WMD Commission that the "Department of Justice's primary national security elements—the Office of Intelligence Policy and Review, and the Counterterrorism and Counterespionage sections—should be placed under a new Assistant Attorney General for National Security." A version of this section was included in S. 1803, the "Intelligence Reauthorization bill for fiscal year 2006," which was reported favorably by the Senate Select Committee on Intelligence on September 29, 2005.

Section 507. Review by Attorney General

Section 507 is a new section. It modifies the process by which States can opt in to the expedited habeas procedures for capital cases under chapter 154 of title 28 of the United States Code by shifting responsibility to the Attorney General for certifying when a State has qualified. This section also allows for *de novo* review in the U.S. Court of Appeals for the District of Columbia Circuit of the Attorney General's certification. It relaxes the time constraints imposed on judges for deciding habeas cases under chapter 154. This section also clarifies when a habeas proceeding is 'pending' for purposes of 28 U.S.C. 2251, which controls the circumstances under which a federal court hearing a habeas petition may stay a State court action. Overruling *McFarland* v. *Scott*, 512 U.S. 849 (1994), this section provides that a habeas proceeding is not 'pending' until the habeas application itself is filed. For prisoners who have applied for counsel pursuant to 18 U.S.C. 3599(a)(2), there is a limited exception allowing the court to stay execution of a death sentence until after the attorney has been appointed or the application withdrawn or denied.

TITLE VI—SECRET SERVICE

Section 601. Short title

The short title is "Secret Service Authorization and Technical Modification Act of 2005." Section 601 of the conference report is new.

Section 602. Interference with national special security events

Section 602 of the conference report is a new section. 18 U.S.C. §1752 authorizes the Secret Service to charge individuals who breach established security perimeters or engage in other disruptive or potentially dangerous conduct at National Special Security Events (NSSEs) if a Secret Service protectee is attending the designated event. Section 602 of the conference report expands 18 U.S.C. §1752 to criminalize such security breaches at NSSEs that occur when the Secret Service protectee is not in attendance. Additionally, it doubles the statutory penalties (from 6 months to 1 year) for violations of §1752, to make the penalty consistent with the prescribed penalty under 18 U.S.C. §3056(d) (interference with Secret Service law enforcement personnel generally). The conference report makes punishable by up to 10 years the thwarting of security procedures by individuals in possession of dangerous or deadly weapons.

Section 603. False credentials to national special security events

Section 603 of the conference report is a new section. This section amends 18 U.S.C. §1028 to make it a Federal crime to knowingly produce, possess, or transfer a false identification document that could be used to gain unlawful and unauthorized access to any restricted area of a building or grounds in conjunction with a NSSE. Such actions were a problem during the 2002 Winter Olympics, and the conference report will allow for Federal prosecution against such criminal violations at future NSSEs.

Section 604. Forensic and investigative support of missing and exploited children cases

Section 604 of the conference report is a new section. On April 30, 2003, President Bush signed into law the Child Abduction Prevention Act (Pub. Law No. 108-21), which authorizes the Secret Service to provide, upon request, forensic and investigative assistance to the National Center for Missing and Exploited Children or local law enforcement agencies. The current statute states that "officers and agents" of the Secret Service may provide this assistance. Section 604 of the conference report clarifies that forensic and other civilian personnel, such as fingerprint specialists, polygraph examiners, and handwriting analysts, are authorized to provide such assistance.

Section 605. The uniformed division, United States Secret Service

Section 605 of the conference report is a new section. This section places all authorities of the Uniformed Division, which are currently authorized under title 3, in a newly created 18 U.S.C. §3056A, following the core authorizing statute of the Secret Service (18 U.S.C. §3056), thereby organizing the Uniformed Division under title 18 of the United States Code with other Federal law enforcement agencies.

Section 606. Savings provisions

Section 606 of the conference report is a new section. This section makes clear that the transfer of the Uniformed Division from title 3 of the United States Code to title 18 of the United States Code shall have no impact on the retirement benefits of current employees or annuitants and others necessary to reimburse State and local government organizations for support provided in connection with a visit of a foreign government official.

Section 607. Maintenance as distinct entity

Section 607 of the conference report is a new section. This section provides a clear operational and organizational framework for the Secret Service that maintains the Secret Service as a distinct component of the Department of Homeland Security while providing the Service with necessary operational latitude. It allows for the Director of the Secret Service to report directly to the Secretary of the Department of Homeland Security. Finally, the conference report provides that the assets, agents, officers, and other personnel of the Secret Service shall remain at all times under the command and control of the Director.

Section 608. Exemptions from the Federal Advisory Committee Act

Section 608 of the conference report is a new section. This section exempts the functions of the Secret Service's Electronic

Crime Task Forces and the candidate protection committee from the Federal Advisory Committee Act (5 U.S.C. App. 2), which imposes a series of requirements on committees established or utilized by Federal agencies to provide advice or recommendations to any agency or Federal officer. Committees that wholly consist of full-time officers or employees of the Federal Government are not covered by the Act. If the advisory committee is subject to the Act, it must, among other requirements, open its meetings to the public, publish notice of meetings in the Federal Register, and make its minutes available to the public. There are current exemptions from these requirements, such as committees established by the CIA and the Federal Reserve. This amendment eliminates any doubt and confirms that the Act does not apply to the Electronic Crime Task Forces or the candidate protection committee.

TITLE VII—COMBAT METHAMPHETAMINE EPIDEMIC ACT OF 2005

Section 701. Short title

The short title is the "Combat Methamphetamine Epidemic Act of 2005." Section 701 of the conference report is a new section.

SUBTITLE A—DOMESTIC REGULATION OF PRECURSOR CHEMICALS

Section 711. Scheduled listed chemical products; restrictions on sale quantity, behind-the counter access, and other safeguards

This section of the conference report is new. Section 711 reclassifies pseudoephedrine, phenylpropanolamine, and ephedrine as Schedule Listed Chemicals: reduces the Federal pertransaction sales limit for SLCs from 9 grams to 3.6 grams (the amount recently proposed by the Administration); requires behind-the-counter storage or locked cabinet storage of SLCs: requires that regulated sellers (retail distributors and pharmacies) maintain a written log of purchases: restricts monthly sales to no more than 9.0 grams per purchaser; imposes similar requirements on Internet sellers and mobile retail vendors; and requires each regulated seller to submit a certification that it is in compliance with these requirements, that its employees have been trained as to these requirements, and that records relating to such training are maintained at the retailers location. Such certifications are to be made available by the Attorney General to State and local law enforcement.

Section 712. Regulated transactions

This section of the conference report is new and repeals the Federal "blister pack" exemption, and clarifies the law to include derivatives of each of these chemicals. It makes conforming amendments to the current law, to accommodate the new sales restrictions, and makes another technical correction to make it clear that these sales limitations apply to drug combinations containing derivatives of pseudoephedrine, ephedrine, or phenylpropanolamine.

Section 713. Authority to establish production quotas

This section of the conference report is new and extends the Attorney General's existing authority to set production quotas for certain controlled substances (see 21 U.S.C. §826) to pseudoephedrine, ephedrine, and phenylpropanolamine. Currently, domestic production of these chemicals is not very high, as most of our country's supply is imported. With the adoption of the import quotas in section 715 of this Act (see below), however, the Attorney General would require corresponding authority within the U.S. if domestic production were to increase. Current law (as amended) would allow manufacturers to apply for increases in their production quotas (see 21 U.S.C. §826(e)).

Section 714. Penalties; authority for manufacturing; quota

This section of the conference report is new and expands the existing penalty for illegal production beyond established quotas (see 21 U.S.C. §842(b)) to take into account the Attorney General's new authority to set quotas for methamphetamine precursors.

Section 715. Restrictions on importation; authority to permit imports for medical, scientific, or other legitimate purposes

Section 715 of the conference report is a new provision and extends the Attorney General's existing authority to set import quotas for controlled substances (see 21 U.S.C. §952) to pseudoephedrine, ephedrine, and phenylpropanolamine. This section allows registered importers to apply for temporary or permanent increases in a quota to meet legitimate needs. The. Attorney General is required to act on all such applications within 60 days.

Section 716. Notice of importation or exportation; approval of sale or transfer by importer or exporter

Section 716 of the conference report is new and closes a loophole in the current regulatory system for imports and exports of precursor chemicals for methamphetamine and other synthetic drugs. Under current law, a company that wants to import or export pseudoephedrine or another precursor chemical must either: (1) Notify the Department of Justice 15 days in advance of the import or export; or (2) be a company that has previously imported or exported a precursor and is proposing to sell the chemicals to a customer with whom the company has previously dealt. (See 21 U.S.C. §971(a), (b).)

A problem can arise, however, when the sale that the importer or exporter originally planned falls through. When this happens, the importer or exporter must quickly find a new buyer for the chemicals on what is called the "spot market"—a wholesale market. Sellers are often under pressure to find a buyer in a short amount of time, meaning that they may be tempted to entertain bids from companies without a strong record of preventing diversion. More importantly, the Department of Justice has no opportunity to review such transactions in advance and suspend them if there is a danger of diversion to illegal drug production.

This section extends the current reporting requirements—as well as the current exemption for regular importers and customers—to post-import or export transactions. If an importer or exporter were required to file an initial advance notice with the Department of Justice 15 days before the shipment of chemicals, and the originally planned sale fell through, the importer or exporter would be required to file a second advance notice with DOJ identifying the new proposed purchaser. DOJ would then have 15 days to review the new transaction and decide whether it presents enough of a risk of diversion to warrant suspension. As is the case under existing law, a suspension can be appealed through an administrative process. (See 21 U.S.C. §971(c)(2)

If, however, the new proposed purchaser qualifies as a "regular" customer under existing law, the importer or exporter would not be required to file a second advance notice. (Note that under current law, DOJ does receive a record of these transactions after the fact, see 21 U.S.C. §971(b)(I)).

Section 717. Enforcement of restrictions on importation and of requirement of notice of transfer

This section of the conference report is new and makes a conforming amendment to current law to extend existing penalties for illegal imports or exports to the new regulatory requirements added by sections 715 and 716 of the conference report.

Section 718. Coordination with United States Trade Representative

This section of the conference report is new and requires coordination by the Attorney General with the United States Trade Representative.

SUBTITLE B—INTERNATIONAL REGULATION OF PRECURSOR CHEMICALS

Section 721. Information of foreign chain of distribution; import restrictions regarding failure of distributors to cooperate

This section of the conference report is new and further amends the reporting requirements for importers of meth precursor chemicals, by requiring them to file with Federal regulators the detailed information about the chain of distribution of imported chemicals (from the manufacturer to the shores of the U.S.). This provision will assist U.S. law enforcement agencies to better track where meth precursors come from, and how they get to the U.S. At present, very little information exists about the international "chain of distribution" for these chemicals, hindering effective controls.

Section 722. Requirements relating to the largest exporting and importing countries of certain precursor chemicals

This section of the conference report is new, and was originally introduced by Rep. Mark Kennedy in the House and was adopted by the House as part of the State Department reauthorization legislation for FE 2006-07 (H.R. 2601). It mandates a separate section of the current State Department report on major drug producing and transit countries (see 22 U.S.C. 2291h), identifying the five largest exporters of major methamphetamine precursor chemicals, and the five largest importers that also have the highest rate of methamphetamine production or diversion of these chemicals to the production of methamphetamine. If any of those countries was not fully cooperating with U.S. law enforcement in implementing their responsibilities under international drug control treaties, there would be consequences for their eligibility for U.S. aid, similar to those faced by the major drug trafficking nations under current law.

The conference report adds a provision clarifying the original intent of this amendment, to apply the "fully cooperates" standard (and not the lesser standard under another, separate provision of law). The provision also includes an authorization of one million dollars for implementation.

The House recently passed an amendment to the State Department's appropriations bill for FY '06, adding $5 million for the State Department to implement anti-methamphetamine measures; this $1 million could be derived from that amount.

Section 723. Prevention of smuggling of methamphetamine into the united states from mexico

This section of the conference report is new and requires the State Department's Bureau for International Narcotics and Law Enforcement Affairs (INL) to provide assistance to Mexico to prevent the production of methamphetamine in that country, and to encourage Mexico to stop the illegal diversion of methamphetamine precursor chemicals. The conference report authorizes the use of $4 million of the $5 million recently approved by the House for these purposes. (The remaining funds would be available to help the State Department implement Sec. 722, as described above.)

SUBTITLE C—ENHANCED CRIMINAL PENALTIES FOR METHAMPHETAMINE PRODUCTION AND TRACKING

Section 731. Smuggling methamphetamine or methamphetamine precursor chemicals into the United States while using facilitated entry programs

This section of the conference report is new. Even as more methamphetamine is being smuggled across the border, increased legitimate international traffic has forced the bureau of Customs and Border Protection (CBP) to rely on facilitated entry programs—so-called "fastpass" systems like SENTRI (for passenger traffic on the Southwest border), FAST (for commercial truck traffic), and NEXUS (for passenger traffic on the Northern border). These systems allow pre-screened individuals to use dedicated lanes at border crossings, subject only to occasional searches to test compliance with customs and immigration laws. This section of the conference report creates an added deterrent for anyone who misuses a facilitated entry program to smuggle methamphetamine or its precursor chemicals. An additional penalty of up to 15 years. imprisonment is added to the punishment for the base offense. If convicted, an individual would also be permanently barred from using a fastpass system.

Section 732. Manufacturing controlled substances on federal property

This section of the conference report is new. This section clarifies that current penalties for cultivating illegal drugs on Federal property also apply to manufacturing synthetic drugs (such as methamphetamine). Methamphetamine "cooks" frequently move their operations to parks, national forests, and other public lands, causing serious environmental damage. This criminal penalty can help deter such destructive conduct.

Section 733. Increased punishment for methamphetamine kingpins

This provision of the conference report is new, and allows for easier application of the enhanced penalties of the "continuing criminal enterprise" section of the Controlled Substances Act (21 U.S.C. §848). That section (commonly referred to as the "kingpin" statute) imposes life imprisonment on a leader of a drug trafficking organization convicted of trafficking in very large quantities of a drug, and receiving very large profits from that activity. This new provision reduces the threshold amount of methamphetamine (from 300 to 200 times the threshold for base violations) and profits from methamphetamine (from $10 million to $5 million), while still applying the life imprisonment penalty only to. true "kingpins"—the ringleaders of methamphetamine trafficking organizations.

Section 734. New child-protection criminal enhancement

This provision of the conference report, which is new, punishes an offender who manufactures methamphetamine at a location where a child resides or is present, and imposes a consecutive. sentence of up to an additional 20 years imprisonment.

Section 735. Amendments to certain sentencing court reporting requirements

This provision of the conference report is new and authorizes the United States Sentencing Commission to establish a form to be used by United States District Judges when imposing criminal sentences in order to facilitate data gathering and reporting by the Sentencing Commission.

Section 736. Semiannual reports to congress

This provision, which is new to the conference report, requires the Attorney General to report to Congress on investigations and prosecutions relating to methamphetamine production.

SUBTITLE D—ENHANCED ENVIRONMENTAL REGULATION OF METHAMPHETAMINE BYPRODUCTS

Section 741. Biennial report to congress on agency designations of by-products on methamphetamine laboratories as hazardous materials

This provision of the conference report is new, and requires the Department of Transportation to report to Congress every two years whether then-existing statutes and regulations cover methamphetamine by-products as hazardous materials.

Section 742. Methamphetamine production report

This provision of the conference report is new, and requires the Environmental Protection Agency (EPA) to report to Congress every two years on whether then-existing statutes and regulations cover methamphetamine by-products as hazardous materials.

Section 743. cleanup costs

This provision of the conference report is new, and clarifies existing law imposing the obligation of restitution for environmental cleanup costs on persons involved in meth production and trafficking. The recent decision of the Eighth Circuit Court of Appeals in *United States* v. *Lachowski* (405 F3d 696, 8th Cir. 2005) has undermined the ability of the Federal government to seek cleanup costs. from methamphetamine traffickers who are convicted only of methamphetamine possession—even when the methamphetamine lab in question was on the defendant's own property. This provision would ensure that any person convicted of a methamphetamine-related offense can be held liable for clean-up costs for methamphetamine production that took place on the defendant's own property, or in his or her place of business or residence.

SUBTITLE E—ADDITIONAL PROGRAMS AND ACTIVITIES

Section 751. Improvements to Department of Justice Drug Courts program

This section of the conference report is new, and revises the Drug Court program statute to clarify the requirement for periodic testing, graduated sanctions when an offender tests positive, and a list of potential sanctions when a positive test occurs.

Section 752. Drug Courts funding

This provision of the conference report is new and authorizes appropriations for drug courts.

Section 753. Feasibility study on Federal Drug Courts

This provision of the conference report, which is new, directs the Attorney General to conduct a study on the feasibility of Federal drug courts.

Section 754. Grants to hot spot areas to reduce availability of methamphetamine

This section, which is new to the conference report, authorizes $99 million for fiscal years 2006 to 2010 for grants to State and local law enforcement agencies to assist in the investigation of methamphetamine traffickers and to reimburse the DEA for assistance in cleaning up methamphetamine laboratories.

Section 755. Grants for programs for drug-endangered children

This section of the conference report, which is new, authorizes grants to States to assist in treatment of children who have been endangered by living at a residence where methamphetamine has been manufactured or distributed.

Section 756. Authority to award competitive grants to address methamphetamine use by pregnant and parenting women offenders

Section 756 is a new provision and authorizes the Attorney General to award grants to address the use of methamphetamine among pregnant and parenting women offenders to promote public safety, public health, family permanence and well being.

From the Committee on the Judiciary, for consideration of the House bill (except section 132) and the Senate amendment, and modifications committed to conference:

F. JAMES SENSENBRENNER, Jr.,
HOWARD COBLE,
LAMAR SMITH,
ELTON GALLEGLY,
STEVE CHABOT,
WILLIAM L. JENKINS,
DANIEL LUNGREN,

From the Permanent Select Committee on Intelligence, for consideration of secs. 102, 103, 106, 107, 109, and 132 of the House bill, and secs. 2, 3, 6, 7, 9, and 10 of the Senate amendment, and modifications committed to conference:

PETE HOEKSTRA,
HEATHER WILSON,

From the Committee on Energy and Commerce, for consideration of secs. 124 and 231 of the House bill, and modifications committed to conference:

CHARLIE NORWOOD,
JOHN SHADEGG,

From the Committee on Financial Services, for consideration of sec. 117 of the House bill, and modifications committed to conference:

MICHAEL G. OXLEY,
SPENCER BACHUS,

From the Committee on Homeland Security, for consideration of secs. 127–129 of the House bill, and modifications committed to conference:

PETER T. KING,
CURT WELDON,
Managers on the Part of the House.

ARLEN SPECTER,
ORRIN HATCH,
JON KYL,
MIKE DEWINE,
JEFF SESSIONS,
PAT ROBERTS,
Managers on the Part of the Senate.

IMPORTANT ISSUES TO THE COUNTRY

The SPEAKER pro tempore (Mr. POE). Under the Speaker's announced policy of January 4, 2005, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the majority leader.

Mr. KING of Iowa. Mr. Speaker, I appreciate the privilege to be recognized on the floor of the United States Congress, and have this opportunity to address you on the issues that I think are important to this great country, this great country that all of us on the floor of this Chamber, all 435 of us, love so much and so desperately try to do our best to represent.

Just a reflection upon the conclusion of the remarks made by the folks ahead of me in the previous hour and seeking to go to the new C words of cooperation and coming together. It is quite incongruous for me to try to understand how that would be when 1 or 2 hours a night there can be a relentless drumbeat challenging the motives, the integrity, the character and the intelligence, the planning and the convictions of the entire team over here on the Republican side of the aisle.

In fact, I said Republican here, and that is the first time that word has been said on this floor in over an hour that did not sound like a word that was based on some type of profane term.

This has gone on day after day, hour after hour, week after week, again relentlessly trying to undermine the hard work being done by the people here in the trenches, doing the work out on the floor, in committee, and behind the scenes.

There is an awful lot that goes on behind every one of those office doors in Congress. Many, many things are happening behind those doors; the staff that multiplies the efforts of the Member, the grapevine that is out here feeding this information; the network; the information-gathering process, the analysis of that; the input that comes from our constituents, and the trips back home of many of us every weekend to get our feet on the ground and look our constituents in the eye and listen to them to hear what they have to say.

I am one of those people that I am pledged to listen. I am pledged to hear what they have for input. But I am also pledged to owe my constituents my best judgment. My best judgment includes, if I happen to disagree with them, but I will absolutely lay out the case as to why and hear their rebuttal. So far we have had a pretty good working relationship over the years that I have had the privilege to serve here, Mr. Speaker.

Yet this undermining of our national effort that goes on continually is not conducive to coming together. It is not conducive to cooperation. It is not conducive to comity. It is not conducive to any type of cooperation that I can think of. It draws a bright line and drives a wedge between the two parties. We should try to find things we can agree on.

I heard the gentlewoman from Florida say there were only a handful of things when she was in the State legislature in Florida that she disagreed with, and that the two parties disagreed with, and the rest of that they came together and found common ground. Well, I am wondering if that was the case.

I have served in the State legislature myself, Mr. Speaker, and I did not find that every one on the other side of the aisle sat their alarm in the morning, got up and read the newspaper to figure out what they could do to attack the other side. I did not see the State legislators focus their energies from the first sunup in the morning to try to identify what they could do to undermine the other side. They actually came to work to try to find how they could come together. They tried to find common ground and how to move their State forward. That is the way it was in Iowa, and I suspect that is how it was in Florida, at least I have not heard otherwise.

That is not the way it has become in this United States Congress. In fact, in the time I have been here, this is as partisan as I have ever seen it. There is as much partisan disagreement as I have ever seen.

An example might be our trade agreements, and the Central American Free Trade Agreement would be one. There was a time when we negotiated trade agreements and they were bipartisan agreements. There was a good sized group of Members from the Democratic side of the aisle that would support a free trade agreement. They believed in free enterprise. They believed in world trade. They knew if we traded with other countries, that whenever you make a deal with anyone, whenever it comes to free enterprise, if you trade a dollar with one entity or two or more entities, everybody involved in that circle all has to have profit. It is good for all of us, and that is why we agree to those trade agreements. But it has become a sharp, bright-line partisan issue.

Many, many more things have become partisan here in the last couple of years that, to my recollection, were not. And so to argue for cooperation is one thing, but the actions and the words over the months of this relentless effort here down on the floor have done the exact opposite. They have driven a wedge between us, Mr. Speaker. So that means we have to try to move this Nation forward sometimes without the help of the people on the other side of the aisle, and then it turns into a partisan debate. It also forces us to do the best we can with the votes we have to move this Nation forward.

So a free trade agreement is one thing. This Nation has a large economy and we can recover from a few mistakes and the few difficulties that come with partisan opposition to some of those things that were, before this, bipartisan.

But when it comes to a time of war, when it comes to a time that our United States military is deployed overseas and their lives are on the line 24/7, and have been ever since March of 2003; at a time when the destiny of the world hangs in the balance; at a time when the presence of the United States in the Middle East itself has brought Lebanon towards freedom, and caused Qaddafi in Libya to turn over all his hold cards, to play his cards face up on weapons of mass destruction, including nuclear, which had developed far ahead of where we thought it was, but Qaddafi contacted us and said I want to drop this. I do not want to play this game any more.

Our presence in the Middle East meant too much. The threat was so great, he figured we would find out about his weapons and go eliminate his weapons, so he decided he would simply cease to develop them and eliminate the foundations he had built for those weapons of mass destruction. That came because the United States has a positive image in the world, in spite of the message that comes from this other side of the aisle.

I have stood here on this floor, Mr. Speaker, for the third time, this is the third hour I have initiated to come down here and talk about the President's agenda, the Commander in Chief's agenda, the mission of our troops and the destiny of the entire world that is part of this plan that has been laid out by President Bush. I laid this out last night, Mr. Speaker, and I spent some time doing it in not necessarily a concise fashion, but a thorough fashion. And anybody that was listening should have understood.

I walked off this floor, perhaps after 10 o'clock last night, and another hour of this relentless criticism flowed down here again, and they picked up the same old drumsticks and began beating the same old drum with the same old song: WMD, WMD, WMD. Weapons of mass destruction. Everything that goes on is illegitimate because, according to them, it has been proven that there were no weapons of mass destruction in Iraq.

Now, you would think that anybody that arrived in this Congress and went through the crucible and testing process and was elected to owe their best judgment to their constituents, as I do, would know one of the most simple principles of rational logic, and you do not have to be a Rhodes Scholar or a Harvard lawyer to know this, but many are and still do not know this; that you cannot prove a negative. Yet they continually say it has been proven that there were no weapons of mass destruction.

I would say tell that to the people up there in the region of Kirkuk and the area that is Kurdistan. Tell that to the swamp Arabs in the south; those that have lost perhaps 75 percent or more of their population because of the attacks of Saddam Hussein.

Try and carry on this argument as the trial of Saddam Hussein goes on and this 140 or so people that he allegedly murdered in the one small city because of the assassination attempt on him. When that becomes the larger, there will be 180,000 or more deaths attributed to Saddam Hussein and the people who took orders from Saddam Hussein.

In fact, as I was in Baghdad in the month of August, I met with the judges that are trying Saddam Hussein today, and we talked about the upcoming trial. They could not be specific about it, in order to protect the integrity of the system, but I did understand and learn in that room that the charges of killing 180,000 people that are charged against the person whom we know, or are familiar with his moniker as Chemical Ali, that he protested and said, that is not true, I did not kill more than 100,000 people. It was not 180,000 people. So how do you kill 180,000, or even 100,000 people, which is apparently the confession of Chemical Ali, how do you do that without weapons of mass destruction?

How do you convince someone who lost their family in a gas attack in Halabja that Saddam Hussein did not have any weapons of mass destruction? I met a young lady that was raised up there near Kirkuk, in an area I will call Kurkistan, about an hour from Kirkuk. She has a friend who survived that gas attack in Halabja. He was able to get on a tractor and maybe went upwind and got away from it somehow and survived. A random act, I am sure, that kept him alive, and he probably wonders why he survived and not his family. His family was all wiped out in this.

I would submit that you could take that individual or any other survivors that are there, and if they could come down on this floor and listen to this, I think they would plug their ears. They would plug their ears because they would not know how to react to this relentless drumbeat of "there were no weapons of mass destruction."

Well, what caused all those deaths? Why is Saddam Hussein on trial? Why are there 180,000 people that have died and that are part of these court records and which will be part of this prosecution as it unfolds?

□ 1800

Why does Chemical Ali say "I did not kill any more than 100,000. I was not so bad." That is his defense?

There are more deaths than that. There are hundreds of thousands of deaths, and some of the Members of Congress have been to the mass graves. I have not seen those mass graves. I have been to Iraq a number of times, but I have not seen the graves. But I have seen the pictures, seen the film, and I have read the reports and I have talked to the people that have been there. I cannot be convinced that anyone can kill that many people without weapons of mass destruction. Hitler could not. Neither could Saddam Hussein.

So this drumbeat of no WMD, no WMD. Well, the King law of physics is everything has to be somewhere. And since we do not know where it is, it has to still be somewhere. If you find something you lost, it is always in the last place you looked. So perhaps we just have not looked in the last place yet. Perhaps it is buried in Iraq. Perhaps it has gone to Syria.

We know before the Desert Storm operations in 1991, Saddam Hussein took his fighter jets and flew those to Iran. I remember the flight pattern that showed those jets going up and landing. I have never gotten a report that they ever came back. It may be that the ayatollahs in Iran kept them and maybe thought this is a nice way for us to get even for the war we had in the 1980s. He has a modus operandi of spiriting things out of the country when conflict is imminent.

So if he would fly the MiGs out of Iraq into Iran, why would people not presume that he would haul weapons of mass destruction out of Iraq into perhaps Syria, or why would they think that he would not bury those weapons of mass destruction when, in fact, we discovered a fully operational MiG–29 buried in the desert, not because of any intelligence report, not because of some detector, not because David Kay was over there scouring that countryside for weapons. No, we found that fully operational MiG–29 because the wind blew the sand off the tail fin. They buried it in the desert.

So he has an MO of bearing weapons and spiriting them out of the country when times get tough. Why would we presume that he did not do one or the other or both? We know everything has to be someplace. You cannot prove a negative. No one can honestly say with a rational mind that there were no weapons of mass destruction, because we know he used them at least 11 times. There are survivors from those attacks. The only way a rational person could contend there were not weapons of mass destruction would be to believe that Saddam Hussein used his last canister of gas on the Kurds and simply depleted his inventory and he decided not to rebuild it, but he decided to keep a system in place so he could reestablish that inventory any time he chose.

He kept the system in place for both chemical and biological weapons. We know that. That is all in the David Kay record and the Duelfer Report. It is the same report that came to this Congress that is being quoted by the other people that says it proved that they had no weapons of mass destruction. There was no proof that there were no weapons of mass destruction. What there was not was a great big warehouse full of weapons of mass destruction. In fact, we found some canisters of nerve gas and we found munitions designed for gas, small quantities, not great warehouses. Out of the million tons of munitions that we found in Iraq, some of them were weapons of mass destruction components. Not in large volume. If there had been, we would have stacked them all up in the middle of a warehouse and brought in the inspectors, and maybe there would be a different story on this part.

But I would contend if that were the case, if there had been warehouses of weapons of mass destruction there, then these people who are continually pulling down our national spirit every night with this massive, relentless pounding of pessimism, and they need to get away from the "p" words over there and get to the optimistic words, they would have moved the bar. They would have raised the bar and said maybe there were weapons of mass destruction, but. And I do not know their argument. I cannot think like they do; and I am grateful I cannot. But they would have raised the bar.

Mr. Speaker, I submit this: if we ever get them now to set the standard on how to define a victory in Afghanistan and Iraq, if we could compel them to set a standard, then you would see that it would be such a high bar that they would know it could never be achieved. They would always find a way to define themselves away from that high bar because they will never admit that the President of the United States made a decision that could result in something that would be a fantastic result, a noble thing for this country to do, and an ultimate result that freed 50 million people and has every prospect of freeing hundreds of millions more throughout the Arab world, which is the only formula for ever getting to a victory on this war on terror.

No, they say we are in this war on terror and they will keep attacking us until we get out of the Middle East. We were not in the Middle East when we were attacked on September 11.

A couple other principles, Mr. Speaker. Since there was not a warehouse full of weapons of mass destruction that we have yet identified, and they make the allegation that they did not exist and do not seem to be quite up to that 8th grade level of "you cannot prove a negative," since that seems to be the standard, what is wrong with liberating 50 million people, 25 million in Afghanistan and 25 million in Iraq? That is a noble thing. Is that not something that the United States has done throughout history?

Do they not know that the Civil War was fought to save the Union? Do they not know that Abraham Lincoln's effort was to keep this Union intact? Do we not call it the war to free the slaves? Did we not liberate every black American, and it took a while to get it right, and we are still working on getting some of those pieces right. Do we call it the war to free the Union? No we call it the war to free the slaves. That was the result of the war. It was a noble thing.

I will pick up some of these other issues, Mr. Speaker, and I would like to go back to that; but I see my colleagues here on the floor, and I wonder if maybe the gentleman from Texas (Mr. POE) is prepared to speak.

Mr. POE. Mr. Speaker, I want to make a few comments regarding our situation in Iraq.

You and numerous other Members of this body have been to Iraq to see firsthand exactly the situation, see the finest military that has ever existed from any country; and I met with those young men and women and all branches of the service, and to a person they were proud not only to be Americans but they were proud to serve in Iraq to free the Iraqi people from the tyranny that they have had for years, numerous years.

I think it is important that we remember our own history and how it is necessary to be eternally vigilant because of the issue and concept of liberty. Our own American Revolution took at least 7 years before this country became a free and independent Nation. Back then there were the naysayers and the quitters and the cut-and-run folks who wanted to give up and surrender and not fight for that liberty.

It is good our history reflects those people were not listened to by the vast majority of those people who lived in the colonies and gained freedom and an independent Nation as well.

In many wars since then, the same was true. Including back during World War II that we mentioned yesterday on this House floor that all started with another terrorist attack against this country, and the war was not going well for the United States at the beginning of World War II. Both the Japanese and the Germans had the upper hand. It is good that our history does not reflect that that greatest generation got tired of the war, quit and left that engagement but finished the job, finished the job for freedom as well.

The country has a plan. I think the plan is very simple. We are going to win the war, finish the job, and bring our troops home as soon as liberty is established in that democracy, that democracy that many people said would never exist, that does exist.

I was proud to be one of two Members of this body on January 30, 2005, when Iraq started that democracy with that parliament that occurred. People voted that day, and of course there are those who said they will never vote; they do not understand democracy. They will never come out and vote. And yet they did, even though there were over 50 Iraqis murdered because they chose to vote. Over 400 were wounded because they chose to vote, and they did it anyway because freedom is that important.

But it all occurred because we are there. Our troops are there. Our young men and women are there doing what they can to have democracy in this part of the world that many years ago did not even understand the concept of it.

I appreciate the opportunity to make these comments. The last 2 days I have stood on this House floor and mentioned two people in my district, one a marine and one a soldier, who gave their lives for this country in Iraq, gave their lives for the Iraqi people, and gave their lives for freedom. Both of them and their families have reiterated to me personally how they believed in what they were doing because they were doing the right thing.

I appreciate the chance to make these comments. It is important that the American people focus, finish the job, win the war, and bring the troops home as soon as we can, but not until freedom is established.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Texas. I was not aware that you were actually on the ground in Iraq during the elections in January. What was it like to be in-country at that time?

Mr. POE. We started out in Fallujah that day. I was there with Mr. SHAYS. When the sun came up, we were wondering whether people would come to the polls. The whole nation was shut down to vehicular traffic. The only vehicles on the roads were Iraqi security forces and our military. Nobody else could be driving, so everybody had to walk to the polls that day, sometimes up to 2 hours.

After the sun came up, people started going to the polls. They walked. Not only did they walk, they took their families and their in-laws. They stood in line to vote. They voted. It was a very simple process. To mark the ballot, they put their finger in that ink that stayed on their finger for about 5 days. It was a mark. It was a sign not just that they voted, but it was a sign to the terrorists that if we see anybody with those purple fingers we are going to do harm to you. Yet the Iraqis when they finished voting, many of them, especially women who had never had the right to vote in their history, walked defiantly down the street holding up their hand and finger to show the world, especially the terrorists, that they were not going to be intimidated because freedom is that important.

So we traveled all over the country that day. Late that night we visited with the interim president of Iraq. And he said to us about midnight in a very somber, emotional way, but serious, that this day in Iraq would never have taken place if it were not for the American youth who were there. He was serious. He and the Iraqi people are grateful for this concept of freedom.

That is what the United States does. We did that in World War II. We set up those democracies in Germany and Japan. People said that would never happen because of those totalitarian countries; yet those countries are democracies today. They are world powers, and they are our allies.

Who is to say that in a few years the same thing may not happen in Afghanistan and Iraq. I would not trade anything for being there on election day.

Mr. KING of Iowa. Mr. Speaker, I appreciate that narrative. I wanted to be there that day. I was not able to set the trip up to make it work; but I recognize, as you clearly did and Mr. SHAYS clearly did, that was the best place in the world to be on that day.

Mr. POE. No question about it. It was a very moving experience.

Mr. KING of Iowa. I remember watching the pictures as they unfolded on television and the Iraqis coming out of their polling booths with their purple fingers in the air, proud that they had made a mark for freedom and defiant about the threat to their lives that was supposed to keep them away from the polls.

As I recall that day, 50 people were murdered, 108 polling places were attacked. And I believe on the October 15 elections, we were down to about 19 polling places were attacked. I do not know how many casualties there were. It is far safer for the ratification of the Constitution on October 15 than it was in January when you were there.

On top of that, you did not go to Baghdad or on up to Kirkuk or down to Basr or some place where it might have been more stable. You went to Fallujah. What a place to be to see that happen. I know that is a memory you will never forget.

□ 1815

I appreciate the gentleman's contribution down here night after night, the things the gentleman stood for, the things I stand for, and I sometimes wonder, if I have to check my conscience, I will go down to Texas and check with you.

I have a number of thoughts to roll out here. But I think before I go on into those thoughts, I have an opportunity. I see the gentleman from Arizona (Mr. FRANKS) here, my good friend, another individual that if I need to check my conscience, I know where to go down to Arizona and check with that. But also the gentleman's vision and his commitment to this country and this Constitution, he is a fine colleague that sits with me on the Constitution Subcommittee of Judiciary, where we stand up for those foundational values together.

Mr. Speaker, I would be pleased to yield such time as he may consume to the gentleman from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. I thank the gentleman from Iowa (Mr. KING). I have to say that probably there is no way to explain what a precious honor it is in my life to be able to stand on this floor with people like Mr. POE, and Mr. KING and the gentleman that stands on the Speaker podium tonight. Mr. MCHENRY. These are people that I believe are Valley Forge Americans, and we are all very fortunate in this country to see them in this place.

Mr. Speaker, our brave men and women in uniform have always fought desperately to preserve those unalienable rights of life, liberty and the pursuit of happiness that is endowed by the Creator himself. And that is exactly what they are doing right now in Iraq, and we should all be deeply grateful for that, Mr. Speaker.

One of the things that I am desperately worried about is whether the people in this body and in this republic itself truly understand what we are facing, not only as a Nation, but as a western civilization. The question we must ask ourselves is not whether we can win this war, we must win this war. The question now is what will happen if we do not.

Mr. Speaker, I am so concerned that this Nation does not really understand that we are at war with an ideology, an ideology that threatens the existence of the free world. This war did not begin on 9/11. This war began many years ago when certain Muslim extremists embraced a divergent Islamist dogma that dictates that all infidels must die. Our Nation was first attacked during its very beginnings in the late 1700s by the Barbary terrorists of the day. And more recently, we were attacked in 1979 in Iran. Our embassy and our marine barracks were attacked in Beirut in 1983. The first World Trade Center attack was in 1993, Mr. Speaker, and we still did not wake up to what was happening. Our military complexes and soldiers have been targeted throughout the world. The Khobar Towers in Saudi Arabia in 1996. Our embassies were blown up in Tanzania and Kenya in 1998. We witnessed the attack on the USS *Cole* in 2000.

And Mr. Speaker, just 1 year later, on September 11, terrorists murdered 3,000 American civilians on our own soil. And I wonder, have we actually forgotten that? Since then our soldiers and contractors have been kidnapped and executed, their bodies mutilated and dragged through the streets. And we are not alone, Mr. Speaker. This is taking place throughout the world. In Serbia and Bosnia, soldiers, POWs and civilians were beheaded by Mujahadin. In Beslan, Russia, 186 children and 158 teachers and parents were slaughtered in a terrorist attack against a grade school. And just a few weeks ago, Mr. Speaker, in Indonesia, three young girls on their way to school were attacked and beheaded by Muslim extremists. Their names were Theresa, Ida and Alfreda. Churches are being attacked. Pastors have been kidnapped, tortured and beheaded, and it seems there is not a day that goes by without some suicide bomber or some car bomb attack in Iraq. And we have witnessed the horrific bombings in Spain and London and Indonesia and Jordan and Israel. And just today, Mr. Speaker, in Bangladesh. We simply cannot deny that we are fighting a war against enemies with an evil ideology that is bent on the destruction of the western world. They are committed to killing us and any others they hold to be infidels. Mr. Speaker, we truly are at war, and to undermine the sacrifice and blood-bought advancements of our valiant American soldiers who are, at this very moment, fighting terrorists in Iraq is unconscionable, Mr. Speaker.

A Nation divided against itself cannot stand. Those of us in this body, along with all Americans, must unite against this evil. We must win this war in Iraq. We must give our troops our unequivocal support, and we must give them everything else in our power to finish this job. Our troops have never failed us, and Mr. Speaker, we, in this body must not fail them. If freedom is to survive, to allow Islamist terrorists to declare victory in Iraq is not an option. We must win and we cannot win if we leave before this job is done, because if we leave too soon, Mr. Speaker, we will not be able to just go on about our daily lives as we once did because the world truly has changed, and those without conscience are relentlessly seeking to destroy us. And we must not let them have even the slightest hope of victory, not ever, Mr. Speaker. God bless America.

Mr. KING of Iowa. I appreciate the gentleman's contribution to this debate. And you have really, you set the tone, I think, that I am going to need to have to carry out the balance of this time that we have here.

I think too about parts of history and how far back we go and how our military set such a tradition for so many years. And as I stepped away from this microphone the last time, I had taken us to this point, I think I made the point that it cannot be stated that there were no weapons of mass destruction and be rational about it, because you cannot prove a negative. And we know that they existed.

So setting that argument aside, I will just say when it comes out, it is bogus, they will pound on it until they get embarrassed and embarrass themselves. So we will hear it more. We will hear it every night down here. But one of the things that I can move along to, maybe expand this discussion a little bit is to go back then to that point that I was making earlier, that point about why we went to war in the civil war and what the objective of that war was.

Now, the objective was to save the union. And anything that you read about Lincoln in his earlier debates and his efforts and his decisions that he made along that process, it was a super human effort all targeted to save the union. And part of freeing the slaves, yes, it was something that was in his heart.

He conceded that Dred Scott was actually a constitutional decision, but we needed to amend the constitution to eliminate slavery. Lincoln had so much respect for the constitution that he made that point. But he had so much respect for the binding nature of our Constitution that it was an irrevocable agreement between the States, that he was willing to stay at war and the cost in that civil war was over 600,000 American lives, over 600,000 American lives at a time when our population was perhaps a third of what it is today or less.

So that was the greatest loss of humanity ever in a conflict in this country, and yet, he stuck to the central purpose, save the union, save the union, save the union. In 1863, the subject came up on whether to sign the Emancipation Proclamation. A great and powerful leader and one of the most profound stories of leadership that I have ever read throughout history comes back to the question, as he sat down with his cabinet, and there was the Emancipation Proclamation to free the slaves, and he asked his cabinet, gentlemen, what say you? And they started on his left and it went around the table at the cabinet table and the first member of his cabinet said Mr. President, I advise you do not sign it, and here are the reasons why.

And the second and the third and the fourth and so on until it got around to the last member of the cabinet. And each member of the cabinet said, Mr. President, do not sign the Emancipation Proclamation. Some of the reasons were we are at this to save the union. Some other, well do not confuse the issue. Some of them were political reasons of the time that I do not have a feel for today. But as President Lincoln, in his singular motivation to save that union, listened to their recommendation, do not sign the Emancipation Proclamation, he said, well, gentlemen, the ayes have it. And he stepped forward with great courage and leadership and he signed the Emancipation Proclamation. He did not really free anybody south of the Mason Dixon line because we did not have jurisdiction down there at the time. We were at war with the South.

It didn't really free anybody north of the Mason Dixon line because the people north of the line were free. But what it did is it set up an image and a goal and a dream and it mobilized some people that had been mobilizes for a long time to abolish slavery, and it became historically, looking back on that, now we are taught we fought the civil war to free the slaves. So how can it be that here we are today, when a civil war began to save the union, it ended to save the union, but history interpreted it to mean that it was about the freedom of slavery, which I absolutely think it was worth the price. How can we sit here today and say we did not find mass quantities, great warehouses full of weapons of mass destruction, therefore all the rest of this is illegitimate. When did the United States decide that we did not free people? When did we decide that liberation of humanity was not a worthy cause? When did we decide that going to war, if it had multiple reasons, if one of those reasons did not meet your standard over here on the other side of the aisle, then all the rest of it is illegitimate.

There were plenty of reasons and whole constellations of reasons to go into Iraq and, in fact, there really was not a choice. If you sit down and analyze the circumstances at the time, there really was not a choice. Saddam Hussein did not give President Bush a choice. And I think, well, I do not know what Saddam was actually thinking. But if we went to the war to save the union in the Civil War and it became to free the slaves, and by the way, in about 1898, when the USS Maine was sunk in Havana Harbor, it is still at the bottom of that harbor, by the way, and the mast and the anchor are out here at Arlington Cemetery. But the Maine is at the bottom of the harbor.

And we went to war against the Spaniards because, and history can reanalyze this, we believed that we were attacked by the Spaniards and the ship was scuttled in a hostile act and that triggered the Spanish American War. Sure, there was tensions that brought that about and you can argue about the details. Some will say that the USS Maine really was not sunk by a hostile attack. Some will say it was an explosion in the magazine that sunk it to the bottom of Havana harbor. Some will say it was a pretext for war. We went to war just the same and defeated the Spanish in the Spanish American War that began in 1898. And I will tell you that one of the things we did as a result of that war, we went to the Philippines. Now, was that consistent with the reason for the war in the first place?

Was there something about sinking the Maine down there in Havana Harbor that would cause us to send the Marines to the Philippines? Well, you can argue that either way too, but I can tell you that I listened to a speech by President Arroyo of the Philippines a couple of 3 years ago here in Washington, D.C. at a hotel. She said thank you America. Thank you for sending the Marine Corps to the Philippines in 1898. Thank you for liberating us. Thank you for bringing us freedom. Thank you for teaching us your free enterprise, your way of life, your rule of law. Thank you for sending the missionaries over here that made us a Christian Nation. Thank you for sending 10,000 teachers to the Philippines so that we would learn your way of life and the American values and we could learn English. And English is the national language of business and commerce. And today, 1.6 million Filipinos go throughout the world. They can get a job about wherever they want to because they have the language skills that are universal. They send their money back to the Philippines. A result of a detonation of an explosion in the hull of the USS Maine in Havana Harbor in 1898 where it sits at the bottom of that harbor yet today. The result are free people in the Philippines. When did the United States give up on liberating a people? When did we give up on our culture and our way of life and projecting that way of life throughout the world? When did we give up on our legacy of western civilization? Whose idea is that, to cut and run because what?

The reasons that you think maybe were what justified it do not quite uphold the way you would analyze that today. What kind of idea is that? What were the circumstances when we were attacked by Pearl Harbor? And by the way, September 11, 2001, I remember where I was. I was on the road on my way up to a county fair. My wife called me on the phone and said turn on the radio, there has been a plane that crashed into one of the Twin Towers. I turned on the radio and a few minutes later a second plane crashed into the Twin Towers. And the individual that was riding with me was a World War II veteran and the first words out of his mouth were Pearl Harbor. I will never forget that tone in his voice. The second plane into the Twin Towers made it clear it was not an aerial accident. It was a planned, stealth attack against civilians in the United States of America, the worst attack ever on our soil, and it was not against a military installation. It was against civilians. Pearl Harbor. Pearl Harbor happened December 7, 1941. It was the anniversary just a couple of days ago, Mr. Speaker.

□ 1830

We went to war. We declared unconditional war against our enemies, and a few days later, Hitler declared war on us from Europe. Now we were involved in a two-front war. What was the objective of our declaring war on the Japanese in the first place? Unconditional war, that it would be total and unconditional surrender of the Japanese. Then we found ourselves in Europe, fighting a two-front war, which the Germans had found was not very successful, but for the United States it has been. We put troops on the east, we put troops in the west and in the South Pacific. And we were successful on both fronts of that war. Was there a clamor in this country at the time to say we were attacked at Pearl Harbor; what are we doing fighting Germans? What was the idea of that?

And, by the way, all the people that were liberated around this globe as a result of the Second World War are all beneficiaries. Look at the Japanese today, their culture, their economy, their prosperity. The size of their economy compared with the rest of the countries' in the world is fantastic considering the population and the limitations that they have geographically living on that island. They are well off today as a country, and a big part of that has been the result of the reconstruction afterwards and the liberation that came to them. They were living under an imperialistic Japan.

So this idea that the American people do not liberate anyone, that freedom is not a goal of a war is just simply false throughout history.

And there are other examples throughout history, and I am wondering if the gentleman from Arizona might have one to add to that. I noticed the look in his eye.

I am happy to yield to the gentleman from Arizona.

Mr. FRANKS of Arizona. Mr. Speaker, I thank the gentleman from Iowa (Mr. KING) for yielding to me.

I have to say to the gentleman I am just sitting here cheering him on because I think he is dead on target here.

Always throughout history, our history, we have held to the notion in our Declaration of Independence that all men are created equal, that there is something intrinsically valuable about people and, therefore, their freedom was worth protecting and defending. And I think that when he has pointed out that we faced this battle between freedom and despotism for a long time, it is such a foundational issue.

And I am not sure that we all understand how the war has changed a little bit. The basic foundation is the same, but the war has changed a little bit with terrorism. When we were fighting in World War II, when the war was over, we had the Cold War, and in a sense we based our safety upon the sanity of our enemy. We had this thing called "mutually assured destruction." We had an enemy that cared about their own people, that did not want them to perish. So there was a peace in a sense because there was a concern about innocent human beings.

The kind of war that we face now is a war with terrorists who do not seem to have any sort of concern for innocent human life, and that makes them very dangerous. When they stand there and cut someone's head off, screaming before the world, I think that we need to understand we are up against a mindset that is either going to grow within the world or it is going to be crushed out of the world because if we let that thing get away from us, it could literally change everything.

And I think that is why it comes back down to this thing called Iraq. I am not sure that we all understand that in the mindset of the terrorists that Iraq is sort of the frontline. It is a symbolic battle. And if we somehow fail in Iraq, we, I believe, will activate this ideology within the terrorist world that will cause them to be able to recruit more and essentially begin to germinate throughout the planet. And I am not sure that the country, or really the world, understands just how serious a challenge that we really face.

And so I think that the gentleman is right on to point out that there has always been this battle for freedom throughout history, and if we stop now, as our Forefathers fought for freedom for us so that we can stand on this floor in freedom, if we do not build our step in the stairway of freedom for our future generations, then we really fail the cause that we have called to action tonight and always on this floor.

And, again, I just think that the President has understood that. I think he understands that in order to fight terrorism that we have to be on the offensive, that we cannot let this ideology that if a knife that cuts someone's head off could become a nuclear weapon, how much it would change our concept of freedom forever. And we have to win in Iraq. We have to see that beachhead of freedom established in the Middle East. It could germinate and see the whole of humanity turn in a better direction if we continue to do our job here.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman for his comments.

He did bring up another war that I did not include in this when he mentioned the Cold War. The Cold War went on for perhaps 45 years, beginning shortly after World War II and ending, I am going to say, November 9, 1989, when the wall went down in Berlin. And it took about 2, 2½ years for freedom to echo all the way across Eastern Europe. But the liberation that took place at the culmination at the Cold War, and it was a glorious victory. We say a bloodless victory, and I have stood on this floor and called it a bloodless victory. But it was not without price. The mutually assured destruction, the millions of men and women that needed to be mobilized, the capital that had to be poured into the research and development to be ahead of the Soviet Union it came to the arms race, and not just the price in treasure but the price in blood as well.

There is a price in blood as a price to be ready, Mr. Speaker, and we do not often talk about it. I asked the Pentagon to put some numbers together for me so I had a sense of that. I wanted to know how many of our soldiers in uniform die in the line of duty not at the cause of combat but perhaps at the cause of an accident, a training accident, for example, an on-duty accident, an in uniform on-duty accident. And I had them look back through a whole number of years, and I put that together and I boiled it down into a figure that I could at least commit to memory so that I could put it into proportion and talk about it in a way that made sense.

The number that they gave me worked out to be an average of 505 American lives lost every year during peaceable activities in uniform, deaths as a price to be ready to go into combat. Five hundred and five Americans a year. Now, that is the average that takes place during the 1990s up until the year 2001. The average prior to that, during the Cold War, I do not know that number, and their records were not very available. But I would suspect it would be greater, not less because we have more safety, not less, and we had more people in uniform, not less. But I took that number and just said 500 a year, and as the gentleman from Arizona (Mr. FRANKS) was talking, I multiplied it across the 45 years of the Cold War. And the number I came up with was 22,500 American lives. That gives us a sense of the magnitude of the price of winning the Cold War, not to add the treasure. That is the blood. That is the sacrifice. There is a price to be ready.

There is another whole price out here that is paid for our freedom that is never acknowledged by the pessimists on the other side of the aisle, and that is that price to be ready. And it is measured in this victory in the Cold War, 22,500 lives perhaps. A quick scratch here on the paper is all that supports that statement and some good information to support it. But with that number of lives, hundreds of millions of people were liberated in the aftermath of the Cold War. When the Iron Curtain descended down across Europe and those people lived for 45 years behind the Iron Curtain in a kind of a world where we were in full technicolor and they were living in black and white, it gives us a sense of how bad it was where they did not have free enterprise, did not have opportunity, did not have freedom. And today they do.

And, by the way, the most recent people who have achieved freedom are the ones that cherish it the most. They are the ones that are the most eager to be part of our coalition forces in Iraq to defend the freedom of the Iraqi people.

So this price for freedom has been great, but the value has been astonishing. The pessimism on the other side of the aisle has been stupendous. And I have brought some posters along to talk about what happens when we send a pessimistic message from this Congress; from the leaders of this country; from the people who are viewed, at least on the other side of the ocean, as the quasi-leaders of the United States of America. And I will start with Muqtada al-Sadr.

This individual here, Mr. Speaker, decided to put his own militia together, Sadr City, Baghdad, in a region south of Baghdad. And his militia attacked coalition troops. American troops. His militia did not fair very well, and it took some really severe, and he has decided a few times that he kind of likes getting involved in politics as opposed to being a general of a militia because it is far less hazardous to be in politics there in Iraq. But I was sitting in Kuwait City on one of my trips over there at night, waiting to go into Iraq early the next morning. I turned the television on to al-Jazeera TV. I always, when I am in a foreign country, want to know what is going on; so I turn on the local channel.

Al-Jazeera is the local channel for the Arab world. And there in Arabic out of his mouth came, with English subtitles, what I will never forget. And this is the date that I was sitting in that hotel room, June 11, 2004, al-Jazeera: "If we keep attacking Americans, they will leave Iraq the same way they left Vietnam, the same way they left Lebanon, the same way they left Mogadishu."

Where does Muqtada al-Sadr get an idea like that? What encourages him to continue the insurgency and the attacks on Americans and the recruitment of his people and his militia? What encourages him to raise the money and build the bombs and do the things that they have done? And this is not the worst enemy we have over there, by the way. He is not the biggest demon that we have. But it was just the circumstance that I heard this from the television screen while I was in Kuwait. Where does he get his motivation? Why does he think this is true?

Well, there is the legacy of Vietnam. And these people over here every night that are dragging down our administration and undermining our military are the political descendants of the ones that dragged down our devotion to our military and our support for them during the Vietnam era. In the aftermath of Vietnam when Congress voted to shut off all funding for all military efforts in all of South Vietnam and ground every airplane that was flying air cover over the South Vietnamese, and a few months later, we saw the North Vietnamese army sweep through there, and we were lifting people off the U.S. Embassy in Saigon.

Why? Not because the South Vietnamese would not fight any longer but because the will and the commitment to support them disappeared over here, and the rug was jerked out from underneath not just our military but underneath the military of South Vietnam. And in the aftermath, they say they saved lives. We know 3 million people died in that part of the world in the aftermath of not keeping our commitment with the South Vietnamese military.

That message resounds today and echoes throughout the Middle East.

echoes throughout al Qaeda. "The Americans will leave Iraq the same way they left Vietnam, Lebanon, Mogadishu." Is that hard to figure out, then? They watch American TV too. I imagine they turn on C–SPAN and watch this every night and cheer and pop their popcorn and they have a good time seeing that their argument is being supported on the floor of this Congress every night for 1 or 2 hours. They build more bombs, not less, Mr. Speaker. That puts American soldiers' lives at risk. Bombs cost American soldiers lives. That is on the conscience of the people that are leading this country in that wrong direction.

Now, on the chance that one might think that this is a coincidence that Muqtada al-Sadr just picked up this Vietnam idea on his own, maybe he read a comic book somewhere or watched C–SPAN or watched the Congress here and our Special Orders. Here is a statement made by Zawahiri, Osama bin Laden's second in command. He is al Qaeda. He is a more dangerous enemy than Muqtada al-Sadr. In February of 2004, in a letter to al Qaeda, he wrote: "The collapse of American power in Vietnam," they ran and left. It sent a message, did it not, to Zawahiri? We know it sent a message to Osama bin Laden. It sent a message to Muqtada al-Sadr. It sent a message also to other leaders of al Qaeda. It gave them hope. It gave them spirit. It caused them to have more energy, more courage, more will, more resourcefulness to attack coalition troops and to attack Americans. Is that a hard thing to figure out?

If that is a hard thing to figure out, Mr. Speaker, then I need to make this point very, very clear. In all of those wars that Mr. FRANKS and I talked about throughout this course of history, in the Civil War, in the Spanish-American War, in the Second World War, and the Cold War and other wars in between, what are the conditions by which a war is over? Not because somebody over here passes a resolution and says we are going to pick a date on when we are going to be deployed out, the cut-and-run date. We cannot set a date for the end of a war if the war is not finished. Wars are over when the losing party realizes and understands that they have lost. That is how a war gets over. You have got to convince the enemy that they cannot win, and you do that through violence.

Yes, all history knows that. But when it is a relentless pounding from the other side of the aisle and the quasi-leaders of the United States of America and they stand up here and say the war cannot be won, people like Zawahiri, Muqtada al-Sadr, Saddam Hussein, Osama bin Laden, do they not hear that message? Is it not something that encourages them? Do they not think that the will of the American people is being broken because they hear that relentless message every single day coming out of this Congress, coming out through the media? In fact, I would suspect that Saddam Hussein probably has a higher opinion of the United States of America than some of our mainstream media do, listening to some of them out there.

□ 1845

The pessimistic message that gets pounded out of here, that gets run through the mainstream media, that is supported by some people from the other body, that is supported by other leaders, quasi-leaders in this country, gets through to people like Zawahari, Zarqawi, Muqtada Al-Sadr, Osama bin Laden. If you doubt that, Mr. Speaker, if any one doubts that, I have another poster for you.

There he is. The face and the voice of the Democratic Party, the leader of the left. One of the inspirational voices that mobilizes the other party for pessimism, negativism, and attacks. This individual whom we know pretty well, Howard Dean, DNC chairman, spent a lot of time in my home State of Iowa, about a year and a half in there.

He was there most of the time going through the counties and the cities. I will grant him, he worked very hard running for President. And this is the picture that I think has been made famous by that mainstream news media that finally did turn on one of their own. I do not think he quite deserved the hit that he took over that.

But that frustration from the scream, his failure to win the caucuses in Iowa and his failure to win the nomination on through that process did not really come from the scream. The scream was a result of, but the people who met him in the coffee shops and the living rooms understood the real man here, the man here that says, "The idea that we are going to win is just plain wrong."

Do you not think these other people I put up here see this man as a leader of the United States of America, the voice of the Democratic Party, the almost-majority in the House of Representatives? Of course they do. And they hear this message: the idea that we are going to win is just plain wrong.

Now, if you had seen your troops decimated like al Qaeda has, if you had watched 3,000 of them disappear from your ability to utilize them in combat, in battle, 3,000 every month, those that are either killed or captured, and you do not see that in the mainstream news media, that is a number that does not come out here anywhere that I can find. But I can tell you that that is the number that has been the average over the last several months, 3,000 of the enemy off the streets, killed and captured.

So that has got to be dispiriting to them. We are losing casualties. It hurts us. It breaks the confidence of the people on the other side of the aisle. What would our confidence be if it were 3,000 of ours lost every month instead of the numbers that we are facing today?

So what happens? This man stands up and says the idea that we are going to win is just plain wrong. Well, if you are all beaten down after your 3,000th casualty for the month, and if you are looking for some optimism, here is the place to go. There are plenty of voices over here that bring this optimism for the other side.

They keep mentioning the Vietnam War. That is the only war that the liberals ever won; they just won it for the wrong side, Mr. Speaker, and are trying to win another one. They have got so much invested in failure in Iraq, they could not abide by that.

So I would ask this other side of the aisle, define victory. I will define it. We have had this sequence of it that took place. We listened to the gentleman from Texas (Mr. POE) talk about being in Iraq during the elections, the first free elections in January, with the purple fingers in air, 8½ million Iraqis voted.

We went through sequence of liberations, martial law, a Coalition Provisional Authority under Paul Bremer and handed over to a civilian government until such time as they could set up the elections, which they did in January, and they elected then a provisional parliament, an interim temporary parliament whose job it was to write the Constitution. On October 15 then they ratified their Constitution.

And 10 days later we had leaders of this country that were speaking against the effort and undermining their freedom. And now here we are just a few days from a real election in Iraq that finally culminates this whole process and gives them a legitimate sovereignty in Iraq, one that will select a prime minister, gives them the ability now to take this massive amount of oil wealth that they have, market some oil contracts for development so that they can start to get this cashflow coming back into Iraq, lift that country up.

They are just dilapidated and depreciated from 35 years of neglect. We have given them a little shot in the arm, $18.5 billion. The number was wrong over here, by the way, last night. It was not 87 billion that went in there to rebuild Iraq. It was 18.5. The balance was for the military. But 18.5 billion of that, 12½ the Army invested, and the balance of that was scattered through some other entities. That was like the down payment on your house that gets them started.

They will be certified December 15. There is hope. There is freedom. We must stick it out.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. MCHENRY). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes.

Mr. MEEK of Florida. Mr. Speaker, it is an honor to appear before the House again this evening. My colleague on the other side and I, we are here almost every night.

I just wanted to say the new government. of course the election will take place December 15. They will not be seated until March. I know that sometimes we are having to close and say things and we are under the clock. They are going to be seated in March. Then we are going to have to wait to see how they feel about us, the United States of America, not having a plan as it relates to being able to draw down our troops, allow a NATO force to go in. I just left there the week before. I met with General Dewey talking about the NATO force that is going to come in after hopefully we start to draw down our troops.

So we have to allow that process to take place. But I do appreciate some of information you shared tonight with Members of the House. Thank you for your service here.

Mr. Speaker, I cannot help but tell you that the 30-Something Working Group, we continue to work hard, not only working hard on behalf of the people that we represent in our given districts throughout the country, but also representing the entire population of the United States of America.

As you know, and I have mentioned night after night, this is truly the people's House. You cannot be appointed to the U.S. House of Representatives; you have to run. If someone resigns or leaves the House for some reason, a special election is set by the Governor.

If a Senator were to leave, as we see right now, the Senator of New Jersey was elected Governor of that State, he has to make the decision on who he wants to fill that seat. That will be by appointment. That individual will serve until that next election until that term is out.

But not in the House. So that is the reason why we are like on the frontlines of providing the American people with the kind of leadership that they deserve. Now, I want to talk a little bit about leadership and responsibility. I also want to compare, in a way, because, Mr. Speaker, I hope and I wish and my prayer is that there can be a paradigm shift here in the House of Representatives, a paradigm shift in a way that we can all work together in a bipartisan way on a number of issues.

I think the issues that we are facing now, there is a health care crisis in this country, could be addressed in a bipartisan way. I think some of the issues that some Members of the House brought up as it relates to Social Security, we are definitely concerned about some of the issues that are facing Social Security.

But the majority side tried to ram it down the throats of the American people to privatize Social Security versus fixing Social Security in a way that it will be here for generations beyond the 50 years that it is already set to provide the services at today's levels to the recipients of Social Security, need it be disability or retirement or survivor benefits.

In a bipartisan way, we can move in that direction. That is what the American people want. As it relates to making sure that we can keep U.S. jobs on U.S. soil, we can do that in a bipartisan way. And I must say bipartisan, because when the Democrats were in the majority, we did do things in a bipartisan way. Right now we are under an environment, we are as partisan as we can be, not because we have the control to make ourselves partisan, it is the fact that we cannot have input in making sure here in this House on the Democratic side, we are not allowed to have the kind of input, because the majority believes so shall it be written, so shall it be done.

Just watch what we do. If you question us, we will insult you, or we would say, oh, well, you do not quite know what is going on. Oh, you just want to derail our plan. Why do we not have a unified plan for America? And that is what Americans are calling for.

I want to talk a little bit about the budget, talk about the responsibility that we must have as we start moving forward. We want this country to strengthen, not only in security, but also in unity, and make sure that we protect the environment, and make sure that we protect the homeland as it relates to homeland security, to make sure for the very individuals that are getting sand in their teeth now, be it Operation Enduring Freedom in Afghanistan or Iraq, we have to make sure that we run this country in a way that it should be run, so that not only this generation but future generations can celebrate not only personal finance but also making sure that they are safe.

The Republicans passed the $54 billion cuts in the budget. I must say that it is quite crippling, Mr. Speaker. The Republican majority will add to the deficit some $8 trillion under what the majority calls, Mr. Speaker, a deficit reduction. We passed a budget of $52 billion today. We took action today to increase the budget by $8 trillion. That is according to the Department of Treasury.

It is important to also let every American know that this number is inching up. In the 108th Congress, it was lower. The beginning of this Congress, it was even lower. But now it is higher: $6,983.89 cents every American owes as it relates to the debt. You would have some believe or have Americans believe and some Members believe here in this Congress that we are doing the right thing by the American people by putting them further into debt.

It is almost like the high-interest credit card that you receive in the mail. I get them all the time. I mean, they mail credit cards to me. Sign right here. No problem. Interest free for the first 3 months. But in the fine print, I must say in this Congress on the majority side there is a lot of fine print. There is a $75 annual fee that will be tacked onto the credit card even before you use it. Just by you signing it and mailing it back in, that is $75.

And then the interest rate goes up, if you read the fine print, if you are late on one payment. It goes up to a 24 percent interest rate, because you signed that contract.

Well, the American people went into the ballot box on a given Tuesday in a given community to vote for representation, not for individuals to exploit the fact that they are here to represent them and turn their head when proposals are put forth that can help save the American taxpayer money in the short and long run.

And so we are going to talk a little bit tonight about what we call here in Washington, D.C., the Potomac two-step. We are going to talk about what some people call in parts of the country "hoodwink."

So we want to make sure that people understand what is going on here with third-party validators, not just fiction, not just what they say, or not just what some unidentified Member said on the floor. We are going to make sure that the Members know exactly what is going on, how it is going on, and when it is going on. It is going on right now.

I always say, Mr. Speaker, when the historians look at the 109th Congress, they are going to be looking at fiscal irresponsibility. They are going to say, how did this happen? How did we try to nation-build in Iraq when we had leaders, be it the executive branch or Members here in the Congress, say we are not in the business of nation-building? Now we are in the business of nation-building.

We are in the business of nation-building in a foreign land. We do not want anyone else to be a part of it. We do not want folks to come in and be a part of what we have to do to be able to allow the Iraqi Government to move in a direction so they can be self-sufficient. We must take the training wheels off the Iraqi Government.

Being a Member of the Armed Services Committee, I must add, Mr. Speaker, it is important that we give them some direction as it relates to security forces and as it relates to the responsibility of their very own government. And whatever internal conflicts that may go on on that given plan, if we may see it from the leadership, not just talking about we are going to have complete victory without really looking at how you are going to bring about complete victory, but if we are going to continue to stay and spend the taxpayers' money when U.S. cities are hurting, and when the American people are hurting, then we really have to look at our checks and balances.

□ 1900

That is the only thing I can share with the Members. All we can do is what we present here in the Congress. We play under the rules of the majority side. But I believe the American people, they do have a voice in this.

Now, I would feel a little uncomfortable talking about that, Mr. Speaker, if I did not see poll after poll that the American people disagree with what the administration is saying, with what the White House is saying, with what the majority of Republicans are saying. So I can see if I was all by myself in saying, folks do not necessarily feel that. I do not know what the Democrats are talking about. I do not know what the 30-something Working Group folks are talking about in Congress. No, we are talking about what the American people are talking about, and we are here to give them voice.

Going back to this budget, $12 billion in Medicaid cuts over the next 5 years; $12 billion in Medicaid cuts over the next 5 years; $47.7 billion in Medicaid over 10 years. The Democratic budget that we wanted to bring to the floor, we were not even allowed to bring to the floor under the rules. We did have it in the committee, made no cuts to Medicaid.

I think it is important that people realize what is happening. I am going to share these cuts and then we will talk about today's action. You have the Republican raid on student loan aid or student aid to help young people make it to college. $14.3 billion cuts in students aid programs. $14.3 billion. I am just going to let that sink in. $14.3 billion. And I think that is important for people to understand. $7.8 billion in new charges on student loans that students and parents borrow. That is $7.8 billion, everyday Americans, Democrats, Republicans, heartland, east coast, west coast, Northeast, Southeast, Northwest, east Texas. We are not discriminating where you are from.

The bottom line is that you will pay more in charges for student loans that you borrow to educate your children and educate yourselves. And the Democratic budget as it relates to student aid, zero cuts, zero. I am going to let that sink in. Zero. A typical student, an individual that graduates, is $17,500 in debt. Over the last 5 years, tuition has gone up 57 percent at public colleges and universities. Tuition has gone up 32 percent at private colleges and universities. Forty-one percent of college graduates have an average of $3,071 in credit card debt, and financial barriers already prevent 4.4 million high school graduates from attending college.

Now, that is today's statistics. By the time this budget passes, we will find ourselves in deep trouble right here again on this chart, Mr. Speaker. I want to make sure that the Members see this because these are the facts. It is not fiction. This is not something that was drawn up in the backroom and said, oh, we will just say that, we will just say that they did this. This is actually what happened in the budget that passed this House, the Republican budget.

Once again, a typical student graduates with $17,500 in debt. Over the last 5 years, tuition has gone up 57 percent in public colleges and universities. Tuition has gone up 32 percent in private colleges and universities. Forty-one percent of college grads average $3,071 in credit card debt, and financial barriers already prevent 4.4 million high school graduates from attending college.

Now, Mr. Speaker, what the Republican Congress has done to the American people they have done with the $14.3 billion in cuts in students aid programs, and then to turn around $7.8 billion in new charges, that means that this statistic is going to go up from 44 to possibly over 50 percent. You want to talk about responsibility and who is on your side and who is not?

We also have to look at the fact of what happened in this Republican budget that affects rural America. I got a lot of cousins in the area called Montezuma, Georgia, and they are farmers. And they farm and they really look to their government for assistance because we have given other countries subsidies so that they compete against our farmers. A billion dollars in cuts, a billion dollars in cuts in farm programs in the Republican budget, rural development research and energy programs, cuts, $1.1 billion. Conservation programs cut by $760 million; $844 million reduction in the food stamp program.

Also, when you look at rural America, I have to add in the over-$650 million that they instructed the Republican majority budget, instructed the Committee on Veterans' Affairs to cut out of their budget over the next 5 years. And so I think it is important that people understand in rural America, veterans, farmers, people that are living in the heartland.

I was in Kentucky a couple of years ago. Folks that are out there trying to make themselves whole, educate their children, you are getting a double whammy. Number one, we will take the very programs that assist you in the little way the U.S. Department of Agriculture is able to assist you. But when this Republican majority gets finished with you, if you happen to be a farmer, you are going to have big problems because we are around here cutting the budget to do what? What we did today: to give millionaires tax breaks. That is the way this thing circles back around.

So let us just tell the whole story here. Let us just not flick and pick and say we will talk about this because that sounds good. Rural America, if you are a veteran, we have veterans clinics, not hospitals, clinics that are in rural America where they are only open one day a week now. When this Republican majority is finished with you, I do not know when it is going to be, once every 2 weeks, once a month. I mean, they are going to have to go in there and dust things off because they will not be able to operate it.

I am going to get this next chart here as it relates to what the Republican budget cuts, how it affects children. I just want to take about 4 more minutes here because I think it is important. And I want the gentleman to get the chart that talks about the $87,000 gift we gave to billionaires. I mean, what the Republican majority gave to billionaires today, and talk about what the hardworking Americans, what they have got, they got peanuts when people got folding dollars to put in their pocket. You cannot put $87,000 in your pocket. You just cannot do that. But what the everyday American got, they will be lucky if they can even squeeze a dinner out of it.

So let me talk a little bit more about this. The budget as it affects children, $4.9 billion in cuts from the child support enforcement programs, that is going to what, allow States attorneys and allow other agencies to go after deadbeat parents that walk out on their children and do not pay child support. We cut $4.9 billion, not million, not $4,900; 4.9, almost $5 billion from child support enforcement.

Now, I did not get one letter from a sheriff that said we want that to happen. I did not get one letter from a State's attorney that says we really appreciate the fact that you cut $4.9 billion from child support; it is going to make our job harder. As a result, parents will receive $7.1 billion less in child support over the next 5 years. I am going to say that again because that is one of those things that must sink in with the American people, Democrat, Republican, Independent, Green Party, whatever you are, nonvoter, just everyday hardworking American.

As a result of the Republican budget that passed this floor with Republican votes, not one Democrat vote for that budget that they passed, parents will receive $7.1 billion less in child support over the next 5 years and $21.3 billion less over the next 10 years; $577 million cut from child care. I am going to let that sink in.

AARP, the very organization that represents seniors in this country, was opposed to this budget in the Medicaid cuts. Here is the letter right here. This is not on my stationery. It is on AARP stationery. Editorial after editorial talked about the fact that Americans that are trying to struggle and they are trying to make it. I heard a lot of talk today about, well, you know, if the Democrats have their way, you will not even be able to buy gifts for your children. Oh, please. That is weaker than watered down tea or lemonade. I do not know if the Members ever had lemonade that is watered down. It does not taste good. As a matter of fact, it does not even look good. It looks like water.

I think it is important that the American people understand the bottom line is that people that make over half a million dollars are happy today. Corporations that have special interest contacts with the majority side and with the administration are happy today because once again they were able to bring about riches for them while the American people get crumbs. Watered down tea. Watered down lemonade.

As it relates to prescription drugs, still seniors will have an opportunity to do great things for them. We still have seniors. Guess what they were getting? Watered down and cut-in-half drugs that they cannot even afford the full dose. I just would like to ask the gentleman if he would break down. I mean, I talked about these cuts because these cuts. I was told by the majority side that they were to set the stage to decrease the budget, not increase the budget. Oh, we have to make sure that we no longer deficit spend. And today we turn around, or the majority turns around, and do exactly that.

Mr. RYAN of Ohio. The reason I think it is important that we are down here right now at 7:15 on a Thursday night when most Members have gone home is because we are talking about the future of our country. This is to run the deficit up another $30 billion in order to give tax cuts primarily to those millionaires. 45 percent of tax cuts that we passed today will go to millionaires. Forty-five percent.

Now 45 percent of taxpayers are not millionaires, but they are going to get 45. So it is totally disproportionate to the average income in the United States of America. Here is what we have been doing before today as far as the tax cuts go. And if you have made $141,000 and up, you have got on average $87,000 back. $87,000 back. And today the average millionaire is going to get $32,000 more back. And that is so you are talking about a millionaire getting well over $100,000, $130,000 because this is the average: $130,000 back in tax cuts.

You are talking about borrowing money from the Chinese Government, from the Japanese Government, from the Saudi Arabians in order to pay for this. We do not have money. We are not running a surplus right now.

Mr. MEEK of Florida. There is a war. There is a war going on.

Mr. RYAN of Ohio. This President has been the first President in the history of our country to cut taxes for the wealthiest Americans in a time of war. Where is the shared sacrifice? I mean, average people are struggling. I have a district that has thousands of Delphi workers, General Motors workers. We are hearing now that Ford is going to cut 30,000 jobs and close 10 plants in North America. These are the challenges that people in middle America are facing, and the time and energy of this body is spent figuring out a way to reduce the tax burden.

So I tell you what, if you make over a million dollars and you are out in America today, today has been a great day for you. This Congress has treated you pretty well. You are going to have a good holiday season probably for the next couple of years because of what has been happening.

☐ 1915

Our obligation here is to represent the public. Our obligation here, when we swear to the Constitution, is to do what is best for the entire country and to do this in a couple of different ways.

We are running a $323 billion deficit projected for 2006, $323 billion that we are going to have to borrow in order to close the hole in the Nation's budget. We are borrowing that money from the Chinese, the Japanese, the Saudi Arabians and other countries.

At the same time, because we are running those huge deficits, we are also giving tax cuts to the wealthiest people in the country. So, if you make over $140,000, you are going to get on average $87,000, plus what we did today. So you are talking about closer to $100,000. If you make between $34,000 and $54,000, that is what you get, $840. I think we said today that the average person who makes under $100,000, half of those people will get $30 back. So, if you make $100,000 a year, on average, half of those people will get $30 back today. That is not much of a middle class tax cut as far as I am concerned.

We are moving in the wrong direction. At the same time that we are borrowing money from the Chinese, running these huge deficits, cutting taxes for the wealthiest people in our country, at the same time we are doing that, we are also cutting programs here in the United States, the food stamp program, the college tuition program. The Pell grant program is being cut. The child support enforcement program which will help fund local county commissioners and local county organizations to go out and get deadbeat dads who are not paying their child support, that is what we are cutting.

It just does not make any sense, and I think the American people, when they start hearing this stuff, they intuitively know something wrong is happening. But I think when they hear the facts of what is going on in their government right now, this culture of corruption that is here is starting to make its way back into their households.

Let me make one final comment point. At the same time we are doing all this, the legislation that we are passing out of here is benefiting the interest groups that donate a lot of money to our friends on the other side, to the Republican majority, and this body, this Congress and this White House has been used as a sand box, as a trough to where the cronies, the Michael Browns who are running FEMA and the seven or eight top people at FEMA, this administrator who was over in Iraq who had $87 million to administer in the war and took a couple of hundred thousand in kickbacks, who was convicted of fraud in the 1990s, they hired him anyway because he was a crony of one of the administration officials. This is completely incompetence and an inability to govern, and these tax cuts are out of control, and they are happening at the expense of average people.

Again, today has been great day for the millionaires in the United States.

Mr. MEEK of Florida. Mr. Speaker, I hate to break in when you have a stream of thoughts that are there, but I wanted to just share just one moment, and I think it is important for us to realize, when you start talking about what is happening and how we got to where we are, Mr. Speaker, once again my famous chart we know we have to put more on to it.

Mr. RYAN of Ohio. There is more than that.

Mr. MEEK of Florida. We have to put more into this and we have to do more with this. Matter of fact, I want to make sure that staff get this on. It is factual. Matter of fact, it is from the department of the U.S. Treasury so this is not fiction. This is third party validators. I am going to possibly get this on my Web site if it is not already on there, on my House Web site, to make sure the American people understand what is happening to them.

$1.05 trillion this President has borrowed along with this Republican Congress here in this House and over in the Senate. Forty-two Presidents before this President, $1.01 trillion, 224 years, 1776 to 2000. I am going to say that again, year 1776 to the year 2000, $1.01 trillion borrowed from foreign Nations. From this government, one President, one Republican majority, $1.05 trillion.

Oh, we know exactly what we are doing on the majority side. They say, oh, yes, the Democrats, they do not have any thoughts on balancing the budget and making our country more sound financially; we have all the great ideas. Well, guess what, the great ideas have countries like China, Saudi Arabia, Japan, just to name a few, their hand in our cookie jar. They have a piece of the American pie right now, not because they took it. It is because the Republican majority gave it to them on a silver platter.

The Republican majority is saying we can go to war, we can Nation build in a foreign land, we can also give tax cuts to billionaires and millionaires and give the American people peanuts in a tax cut. The first time in the history of this country, there is a lot of record-breaking things that are going on here, and it is not all good. $1.05 trillion, Mr. Speaker, in money that foreign Nations that we borrowed from foreign Nations. That is making history in the wrong way.

I do not see anyone coming to the floor on the majority side saying guess what we have done, $1.05 trillion, we have borrowed more than 42 Presidents before this President and before this Republican House, we have done that. We have done it. We have accomplished that. No one is cheerleading about that. No one is willing to talk about that. So, if we want to level with the American people, let us tell them the truth. Go on to the U.S. Treasury Web site.

Mr. RYAN of Ohio. Some people say what does that have to do with the 30 Somethings, are we not supposed to talk about the interests of college education and child tax credits and that stuff? No. The future of our country is being placed in another country's hands, which gives up control of our own destiny because we are going to have to make payments.

It is just like when you go to a bank. You borrow money, you have to pay interest on that money, and we are borrowing it from the Chinese. We are going to have to pay interest on it, and the Chinese are taking that interest. They have a lot of State-owned companies that they are going to pump our money back into. It is bad enough that General Motors and Delphi and a lot of these other corporations are investing money into China. Now they are getting it from the American taxpayer, and the Chinese Government will invest that money into their economy, whether it is in the auto industry or some other industry. They will have that money invested into their economy, long term.

This is a dangerous proposition to not balance your budget in the United States of America, and we are Democrats. We believe in a balanced budget. We believe in fiscal discipline. This long-term recklessness coming from the Republican party and Republican leadership is putting our country in danger, not just danger, grave danger.

Mr. MEEK of Florida. Mr. Speaker, let me just say this. I will not say it is the Republican party because I know some Republicans that are upset about what this Republican majority has done to the deficit. You know why we can speak with meaning and with backing on the Democratic side? Because we have actually balanced the budget and took it into surplus when we were in control of this House, Mr. Speaker. That is not fiction. That is fact.

So for folks that run around here and talk about what could be, what we will have if we do this and are using these words, going out and taking polls and saying how can we John Wayne this thing with the one liner, let me tell you something. The reality is here in America we are weakening a country, not a foreign country, weaken a country, not the special interests that come down here and from Shakedown Street like Mr. RYAN said, weaken a country. We are the ones carrying the voting cards. We are the stewards of this government. We are the Americans that were chosen out of many to come to this House and represent the people of the United States, not represent special interests, not represent the billionaires that are saying keep the tax cuts going while I watch a war on CNN and MSNBC and WorldNews Tonight as entertainment, saying, oh, wow, another bomb. That is not what they sent us up here for. They sent us up here to lead. We have to make the tough decisions, and I want to say this.

It is important that we take our job seriously, in a serious way, and when we come to this floor this is not political rhetoric. I have gone to Iraq twice, not because someone asked me to go. It was because I wanted to go. I met with our troops. I have talked to our troops, our soldiers, Marines. I have talked to the commanders. We are both on Armed Services. We have heard it since the war started what they have been telling us, what the President has been telling us, what the Iraqis have been telling us.

Now it is time to lead. It is time to lead in the way of making sure we make right decisions, not only on what happens in Iraq, but what happens here in the United States of America, period.

So I think it is important. Folks can have as many press conferences as they want to have. We need to have action in giving the American people the direction that they are asking for. One poll says 28 percent, another poll says 33 percent approval rating because they want more leadership out of us. They want better and more sound ideas out of us.

Mr. Speaker, they want a bipartisan approach to the issues that are facing Americans today, and they do not see it. That is the reason why they are frustrated, and they are frustrated because they understand what the Republican majority is doing, not allowing Democrats to be able to put amendments on legislation, not allowing Democrats to offer their budget here on this floor, not allowing Democrats to play a vital role in making sure that this country is on equal footing with other countries.

So when folks want to talk about being partisan, that is a party game. That is a political game. That is not an American game. What I am saying is that the real issue here is the fact that, yes, we come to the floor and point out the fact that we are working in a culture of corruption and cronyism and incompetence. You know something, if somebody gets upset about that, anybody gets upset about that, that is a personal problem because it is going on.

This is not the Kendrick Meek/Tim Ryan Report. It is not the 30 Something Report. This is reality. You pick up the paper. You watch the news. We have got investigations going on over in the White House. We have got investigations going on here in the Congress, and at an unprecedented rate, national security breaches. This is by the majority that says trust us, we are the folks that you can trust. So I think it is important that we point that out.

Pointing that out, does that mean now we can cannot play in this democracy with the ideas that we have, ideas to be able to help this country become even stronger? That is in the job. We come to Congress to strengthen the country, not to weaken a country financially, and so I think it is important that we realize that.

We said last night you cannot run a business, you cannot go to talk to shareholders and say, listen, do not worry about it. We know that the business, it is like with Enron, the company. It is not like they can go to their shareholders and admit, well, you know, we know that we have a culture of corruption and cronyism and incompetence and we know that even when it has been pointed out, it still continues here in the corporate headquarters, but do not worry, everything's going to be okay. We know we are borrowing money and we are running deficits, but if we just stay the course, we will end up coming out some kind of way. That CEO will be fired on the spot.

Mr. RYAN of Ohio. Mr. Speaker, we know when the shareholders ask the leaders of the corporation, we want to see the books, we want to see what is going on, the leaders of the corporation or the business cannot say no, no, no, you are not allowed to see that.

Mr. MEEK of Florida. If they ask to see the books and they ask to take part and are trying to help with the problem, trying to get out of the hole that you are in a financial way and they are called, well, you must be a mole from another company; no, you are not really with us, name calling, attacks. That will not happen because the bottom line is that they will not allow it.

□ 1930

So here in the Congress, we have to make sure as it relates to this culture of corruption and cronyism and incompetence that we should not allow it to happen.

That is the reason why the hour before, I mean some folks say, why would you give the Speaker credit? I give the Speaker credit by saying there should be some ethics courses here in this House. That is a start, okay? If we have a problem, first we have to say we have a problem and then we can be on the road to recovery.

But if we deny that we have a problem, if we look at the front page of the paper and say, oh, I just do not want to read it today because it is talking about what is happening in the workplace, well, that may be okay if you are in a private company somewhere and you do not have stockholders and it is your money, that is your deal; but when you have the American people and you are using their money and you are making decisions on behalf of a country and you are not willing to look at the issues that are facing us right now as relates to governance, then you are making your problem the American people's problem and the taxpayers' problem.

Mr. RYAN of Ohio. And to take the analogy even further with the business, how can you just keep going on borrowing, borrowing, borrowing, borrowing, borrowing? That is all we are doing right now. This is the national debt today, $8.120 trillion. That is a lot of money, $8 trillion.

Mr. MEEK of Florida. Right.

Mr. RYAN of Ohio. And each person at home owes $27,000.

We have a notice today that we are going to finish up next week and we are all going to go home for the holidays, Christmas and Hanukah. I cannot wait to get to our Christmas Eve party. We have a Christmas Eve party every year. My mom is Italian, and my Uncle Joe Guerra, who lives in Florida now, is in charge of the sauce. He is going to be making the sauce, and he is going to ask me, what did you do last year in Congress? And I am going to say, well, Uncle Joe, you owe $27,000 to the national debt, and the country has borrowed $8 trillion, and that is what we all owe. And as I stated a couple of hours ago when we were here, Nicholas John Ryan, born 3 weeks ago to my brother and his wire Carrie, he owes $27,000, just like that.

Now that is no way to run a country. And when the Democrats are talking about balancing the budget and we talk about making some tough decisions and maybe having to go ask a millionaire to maybe pay their fair share in order to reduce the debt and to reduce the annual deficits that we are running, we cannot find anyone with any courage on the other side. But when they have the opportunity to cut Medicaid, to cut the free and reduced lunches, to cut the budget for child support enforcement agencies in our local communities, who go out and try to get money from deadbeat dads, that is where they want to get the money from.

Now, we are not saying that government does not need reform, that we do not need to streamline it. But does it not start with a lot of these contractors in Iraq? We are spending a $1.5 billion a week in Iraq, Mr. Speaker. A week. We are building dams in Iraq, roads in Iraq, schools in Iraq, training people in Iraq, training health care workers in Iraq and teachers in Iraq, and the outfit on the other side is cutting free and reduced lunches in the United States of America. They do not have the courage to go and ask a millionaire to maybe give up just a few thousand dollars of his tax cut, Mr. Speaker.

This is about leadership. We are at a critical point in the history of the United States of America, Mr. MEEK. We are in a war in Iraq, we are in a war in Afghanistan, and we have huge budget deficits. A $323 billion budget deficit is projected for next year, yet we cut taxes tonight for millionaires up to the tune of $32,000 per, after giving them over $100,000 over the course of the last few years.

Are these good decisions long term for the United States of America? Because, again, we do not have surplus money to give back to millionaires in the form of tax cuts. We are running deficits. And what countries do when they have a deficit is the same thing a family does when they have an annual deficit. You have to borrow the money or you have to get out the credit card. And that is what this country is doing right now. We are putting the future of the United States of America on a credit card.

And we are asking the next generation, the same generation that we are asking to pay double the tuition that they paid 4 or 5 years ago, increasing the fees for student loans, increasing the burden of taxes on the middle class, we are going to also ask that generation to pay the national debt off; and to try to somehow close this gap by borrowing the money from the Chinese and making sure that they pay back our debts that we are borrowing from the Chinese, the Japanese, and the Saudi Arabians at the same time we are spending $1.5 billion and a half a week in Iraq.

Now, one final point. You voted for the defense appropriations bill. So did I.

Mr. MEEK of Florida. That is correct.

Mr. RYAN of Ohio. You voted for probably almost every supplemental for the war in Iraq.

Mr. MEEK of Florida. Yes, sir.

Mr. RYAN of Ohio. And so did I. We are not going to have our troops in a forward area and have them not have what they need.

Mr. MEEK of Florida. That is correct.

Mr. RYAN of Ohio. But to make these cuts on the backs of the middle class and the poor in this country at the same time, at the same exact time, and this is almost funny, this would be funny if it was not so sad, at the same time we are giving millionaires tax cuts.

Now, people at home, Mr. Speaker, who hear this and read about it in the morning newspapers have got to think this place is a mad house, that it is schizophrenic. Two wars, $1.5 billion a week in Iraq, and we are cutting taxes. Tuition doubles, and we are cutting taxes for millionaires. Poverty rate goes up in Cleveland, in the State of Ohio, one of the highest poverty levels in the country. I think it was rated the poorest city in the country. We are cutting taxes for millionaires. Katrina. We have people living in their cars still, over the holiday season.

Mr. MEEK of Florida. Being evicted.

Mr. RYAN of Ohio. Being evicted. I mean, come on, we can do better than this, KENDRICK. And that is what we are saying.

Mr. MEEK of Florida. If the gentleman will yield.

Mr. RYAN of Ohio. I would be happy to yield.

Mr. MEEK of Florida. Mr. RYAN, I think it is important that we realize that the President is talking about the economy in Iraq and is talking about infrastructure, yet ignoring infrastructure here at home; talking about boosting oil production in Iraq while ignoring soaring energy costs here that have, in some cases, risen three times more than what Americans spent last year.

He went down to New Orleans and gave a speech saying that we are going to build New Orleans back and it will be a shining example and it will be a city we can all be proud of because I will make sure, meanwhile the State legislature is trying to figure out how it is going to pay its share of the money that the Federal Government is saying it has to pay. And it literally has no economy right now.

We have children now within this budget that they will not have free and reduced lunches, but meanwhile, the children of Iraq and the people of Iraq have universal health care. We have mayors now trying to figure out how they are going to meet their budgets. They are laying off workers, which equals fewer services for the people that pay taxes in those local cities and governments, because they have to pick up some of the Federal responsibility, where we have cut programs and opportunities for cities like the COPS program and many other programs like it.

There are issues as relates to making sure that we secure our airlines and have a national transportation plan as it pertains to security. We are encouraging people to not drive so much, yet we do not want to provide U.S. cities with what they have asked for. They have asked for interoperability, to make sure if there is a terrorist attack or there is an event that takes place, a natural disaster, that they would have the resources to be able to talk to one another in order to save lives. That still has not happened.

These are all issues, Mr. RYAN, that we on the 30-something side and on the Democratic side have already addressed with legislation that has been filed, filed from Democratic Members of Congress, ranking members on the committees of said jurisdictions to bring about the kinds of change we have talked about.

So when we get into the long and short-term effects of what this Republican Congress is doing under a culture of corruption and cronyism and incompetence, and when I say here in Washington, D.C., that that is an accepted practice, then we wonder why things are the way they are. You do not have to wonder. You know why.

So it is important that we clear some of this stuff up and, hopefully, if we keep hammering at the door, that there will be a bipartisan approach to move this country forward. Mr. RYAN.

Mr. RYAN of Ohio. Well, just to back it up, and we used this earlier, because we like third-party validators. This is from the Economic Policy Institute, www.epi.org, the conclusion of a report they put together regarding a briefing paper. It is called "The Boom That Wasn't." "The economy has little to show for $860 billion in tax cuts." This is from the EPI. I did not do this. "A review of economic performance over the last 4 years indicates that the series of major tax cuts enacted in that time have not strengthened the economy. Almost every broad measure of economic activity, GDP, jobs, personal income, and business investment, among others, has fared worse over the last 4 years than in past cycles." Let me repeat that. "Has fared worse over the last 4 years than in past cycles. Proponents of the series of major tax cuts since 2001 had projected that gauges such as these would reflect improvements after enactment." The Boom That Wasn't. Because we were not cutting them for the middle class, we were cutting them for wealthy people.

And I just want to say that I do not have anything against people who make a lot of money. In fact, God bless you. That is great. But you have an obligation. You benefit from what is happening. And what is happening now in our country, and we have talked about this, I know privately a lot and here a bit, who is investing in the country? We are giving tax cuts to millionaires, yet they are investing their money into China. They are putting it in a bond fund or a mutual fund that is an international fund, or they are investing in the stocks of private companies, publicly-owned companies that are investing into China.

We are cutting taxes, and those people are giving their money over there. Delphi, General Motors, General Electric, all these companies are investing in China. And here is what the Democrats want to do to just kind of talk a little about what you were doing.

Another problem we have is the amount of engineers that some of these other countries are producing. Just this year, engineering degrees in China, 600,000; engineering degrees in India, 350,000; and engineering degrees in the United States, 70,000.

So what the Democrats are proposing is to make an investment into the people, into the technology that is going to get this number where it needs to be. You cannot have a high number here when you have 70 percent of the kids in all of these school districts, inner-city school districts around the country living in poverty. You cannot get that number up when you have kids in rural areas that do not have the skills that they need.

One of the other things we want to do in the Democrat plan. America ranks 16th in broadband penetration. Here is Korea, per 100 inhabitants, 24.9; then China; then Iceland; then the United States of America. And the Democratic caucus here in the House has a proposal, should we get the reins of government next year, that we will have a proposal together to put broadband access in every home in the next 5 years.

□ 1945

You want to create a strong economy; you want to get people all over the country in rural areas and inner cities, in poorer communities to start generating wealth. An automobile plant is not going to set itself in Youngstown, Ohio again. A Delphi facility is not going to locate in Warren, Ohio, and hire 10,000 people any more. If the leadership on the Republican side does not wake up and recognize the country is suffering because of this, then we are going to continue down this long road that is leading us to nowhere.

When we have Iceland that has higher broadband penetration than the United States of America, that is a shame. I was telling Ms. WASSERMAN SCHULTZ I was doing some research for what we were going to do today, and I got into some of the great initiatives of the United States, and I ran across President Kennedy's speech in the early 1960s about going to the Moon. I mean, talk about setting out an agenda and leading.

Where is it?

The Democratic Caucus that is here has proposal after proposal that cannot even make it to the floor for the American people to evaluate. We offer in committees amendments that get voted down on a party-line vote. We are trying to improve this country, and we are being shut down because the Republican majority has to cut taxes for millionaires. We want to improve this.

In 5 years, if the Democrats had control of this Chamber and the Senate and the White House, we would have a proposal that would begin to penetrate communities all over the country with broadband access.

I want to make one final point.

This is a poverty program, this right here, this innovation program that the Democratic Caucus has put together and the majority leader has put together. We want to penetrate these communities, and we want these young kids who if they miss this great technological boom, if they get caught on the wrong end of this digital divide that we have in the country, they are not going to be creating wealth in our communities. They are going to be on Medicaid and on the earned income tax credit and need public assistance.

We want to make investments now into these communities, not for the sake of saying we helped these poor kids out, but because those kids want opportunity. If presented with opportunity, like broadband access, like access to the Internet and the latest technology, these kids will achieve.

But if this kid does not get broadband access in his school and he does not have it at home and then he is asked to go out and compete with the Chinese engineer who makes $10,000 a year, he is not going to be able to do it; she is not going to be able to do it. We have to get on the stick here. We have to wake up and start leading this country.

Mr. MEEK of Florida. Mr. Speaker, this will not only help individuals out of poverty, but this will help educate America.

Mr. RYAN of Ohio. That is right.

Mr. MEEK of Florida. Mr. Speaker, I want Members to be able to go onto the Web site. We are not down here to talk about fiction; we are here to talk about fact and make this country stronger. The Web site is www.housedemocrats.gov. I want my colleagues to go on, look at the Democratic plan. Hopefully, we can move in a bipartisan way to strengthen America.

I think it is important that we share with Members because we like to hear from Members and we like to be challenged by Members and get information from Members on both sides of the aisle, and that is just the way it is.

I think as we come back next week, I think that some of the issues that we should be addressing are issues that are very, very important to the American people and hopefully in the last week before we go on break we can work in a bipartisan way in moving this country forward.

Mr. RYAN of Ohio. Mr. Speaker, the Web site is www.30somethingdems@mail.house.gov, and I want to thank Mr. MEEK for his leadership. He is down here every night, sometimes 2 hours a night, dedicating himself. He has two young kids at home, a beautiful wife that you leave to come down here to promote this message. I know it is difficult sometimes to balance work and family, and I want to say I am really thankful for your leadership on this, and you are really an inspiration to all of us.

Mr. MEEK of Florida. Mr. Speaker, I thank Mr. RYAN and Ms. WASSERMAN SCHULTZ; and with that, it was an honor once again to address the House, and I want to thank the Democratic leadership for the time.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SCHIFF) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Mr. UDALL of New Mexico, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. FRANKS of Arizona, for 5 minutes, today.

Mr. ENGLISH of Pennsylvania, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, December 13 and 14.

Mr. DUNCAN, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. PENCE, for 5 minutes, today.

ADJOURNMENT

Mr. MEEK of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 50 minutes p.m.), under its previous order, the House adjourned until Monday, December 12, 2005, at noon.

OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie, Gary L. Ackerman, Robert B. Aderholt, W. Todd Akin, Rodney Alexander, Thomas H. Allen, Robert E. Andrews, Joe Baca, Spencer Bachus, Brian Baird, Richard H. Baker, Tammy Baldwin, J. Gresham Barrett, John Barrow, Roscoe G. Bartlett, Joe Barton, Charles F. Bass, Melissa L. Bean, Bob Beauprez, Xavier Becerra, Shelley Berkley, Howard L. Berman, Marion Berry, Judy Biggert, Michael Bilirakis, Rob Bishop, Sanford D. Bishop, Jr., Timothy H. Bishop, Marsha Blackburn, Earl Blumenauer, Roy Blunt, Sherwood Boehlert, John A. Boehner, Henry Bonilla, Jo Bonner, Mary Bono, John Boozman, Madeleine Z. Bordallo, Dan Boren, Leonard L. Boswell, Rick Boucher, Charles W. Boustany, Jr., Allen Boyd, Jeb Bradley, Kevin Brady, Robert A. Brady, Corrine Brown, Sherrod Brown, Henry E. Brown, Jr., Ginny Brown-Waite, Michael C. Burgess, Dan Burton, G. K. Butterfield, Steve Buyer, Ken Calvert, Dave Camp, John Campbell, Chris Cannon, Eric Cantor, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Benjamin L. Cardin, Dennis A. Cardoza, Russ Carnahan, Julia Carson, John R. Carter, Ed Case, Michael N. Castle, Steve Chabot, Ben Chandler, Chris Chocola, Donna M. Christensen, Wm. Lacy Clay, Emanuel Cleaver, James E. Clyburn, Howard Coble, Tom Cole, K. Michael Conaway, John Conyers, Jr., Jim Cooper, Jim Costa, Jerry F. Costello, Christopher Cox, Robert E. (Bud) Cramer, Jr., Ander Crenshaw, Joseph Crowley, Barbara Cubin, Henry Cuellar, John Abney Culberson, Elijah E. Cummings, Randy "Duke" Cunningham, Artur Davis, Geoff Davis, Jim Davis, Jo Ann Davis, Lincoln Davis, Tom Davis, Susan A. Davis, Danny K. Davis, Nathan Deal, Peter A. DeFazio, Diana DeGette, William D. Delahunt, Rosa L. DeLauro, Tom DeLay, Charles W. Dent, Lincoln Diaz-Balart, Mario Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, John T. Doolittle, Michael F. Doyle, Thelma D. Drake, David Dreier, John J. Duncan, Jr., Chet Edwards, Vernon J. Ehlers, Rahm Emanuel, Jo Ann Emerson, Eliot L. Engel, Phil English, Anna G. Eshoo, Bob Etheridge, Lane Evans, Terry Everett, Eni F. H. Faleomavaega, Sam Farr, Chaka Fattah, Tom Feeney, Mike Ferguson, Bob Filner, Michael G. Fitzpatrick, Jeff Flake, Mark Foley, J. Randy Forbes, Harold E. Ford, Jr., Jeff Fortenberry, Luis G. Fortuño, Vito Fossella, Virginia Foxx, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Elton Gallegly, Scott Garrett, Jim Gerlach, Jim Gibbons, Wayne T. Gilchrest, Paul E. Gillmor, Phil Gingrey, Louie Gohmert, Charles A. Gonzalez, Virgil H. Goode, Jr., Bob Goodlatte, Bart Gordon, Kay Granger, Sam Graves, Al Green, Gene Green, Mark Green, Raúl M. Grijalva, Luis V. Gutierrez, Gil Gutknecht, Ralph M. Hall, Jane Harman, Katherine Harris, Melissa A. Hart, J. Dennis Hastert, Doc Hastings, Alcee L. Hastings, Robin Hayes, J. D. Hayworth, Joel Hefley, Jeb Hensarling, Wally Herger, Stephanie Herseth, Brian Higgins, Maurice D. Hinchey, Rubén Hinojosa, David L. Hobson, Peter Hoekstra, Tim Holden, Rush D. Holt, Michael M. Honda, Darlene Hooley, John N. Hostettler, Steny H. Hoyer, Kenny C. Hulshof, Duncan Hunter, Henry J. Hyde, Bob Inglis, Jay Inslee, Steve Israel, Darrell E. Issa, Ernest J. Istook, Jr., Jesse L. Jackson, Jr., Sheila Jackson-Lee, William J. Jefferson, William L. Jenkins, Bobby Jindal, Sam Johnson, Eddie Bernice Johnson, Nancy L. Johnson, Timothy V. Johnson, Walter B. Jones, Stephanie Tubbs Jones, Paul E. Kanjorski, Marcy Kaptur, Ric Keller, Sue W. Kelly, Patrick J. Kennedy, Mark R. Kennedy, Dale E. Kildee, Carolyn C. Kilpatrick, Ron Kind, Steve King, Peter T. King, Jack Kingston, Mark Steven Kirk, John Kline, Joe Knollenberg, Jim Kolbe, John R. "Randy" Kuhl, Jr., Ray LaHood, James R. Langevin, Tom Lantos, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, James A. Leach, Barbara Lee, Sander M. Levin, Jerry Lewis, John Lewis, Ron Lewis, John Linder, Daniel Lipinski, Frank A. LoBiondo, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Daniel E. Lungren, Stephen F. Lynch, Connie Mack, Carolyn B. Maloney, Donald A. Manzullo, Kenny Marchant, Edward J. Markey, Jim Marshall, Jim Matheson, Doris O. Matsui, Carolyn McCarthy, Michael T. McCaul, Betty McCollum, Thaddeus G. McCotter, Jim McCrery, James P. McGovern, Patrick T. McHenry, John M. McHugh, Mike McIntyre, Howard P. "Buck" McKeon, Cynthia McKinney, Cathy McMorris, Michael R. McNulty, Martin T. Meehan, Kendrick B. Meek, Gregory W. Meeks, Charlie Melancon, Robert Menendez, John L. Mica, Michael H. Michaud, Juanita Millender-McDonald, Brad Miller, Jeff Miller, Gary G. Miller, Candice S. Miller, Alan B. Mollohan, Dennis Moore, Gwen Moore, Jerry Moran, James P. Moran, Tim Murphy, John P. Murtha, Marilyn N. Musgrave, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, Randy Neugebauer, Robert W. Ney, Anne M. Northup, Eleanor Holmes Norton, Charlie Norwood, Devin Nunes, Jim Nussle, James L. Oberstar, David R. Obey, John W. Olver, Solomon P. Ortiz, Tom Osborne, C. L. "Butch" Otter, Major R. Owens, Michael G. Oxley, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Ron Paul, Donald M. Payne, Stevan Pearce, Nancy Pelosi, Mike Pence, Collin C. Peterson, John E. Peterson, Thomas E. Petri, Charles W. "Chip" Pickering, Joseph R. Pitts, Todd Russell Platts, Ted Poe, Richard W. Pombo, Earl Pomeroy, Jon C. Porter, Rob Portman, Tom Price, David E. Price, Deborah Pryce, Adam H. Putnam, George Radanovich, Nick J. Rahall, II, Jim Ramstad, Charles B. Rangel, Ralph Regula, Dennis R. Rehberg, David G. Reichert, Rick Renzi, Silvestre Reyes, Thomas M. Reynolds, Harold Rogers, Mike Rogers, Mike Rogers, Dana Rohrabacher, Ileana Ros-Lehtinen, Mike Ross, Steven R. Rothman, Lucille Roybal-Allard, Edward R. Royce, C. A. Dutch Ruppersberger, Bobby L. Rush, Paul Ryan, Tim Ryan, Jim Ryun, Martin Olav Sabo, John T. Salazar, Loretta Sanchez, Linda T. Sánchez, Bernard Sanders, Jim Saxton, Janice D. Schakowsky, Adam B. Schiff, Jean Schmidt, Allyson Y. Schwartz, John J. H. "Joe" Schwarz, David Scott, Robert C. Scott, F. James Sensenbrenner, Jr., José E. Serrano, Pete Sessions, John B. Shadegg, E. Clay Shaw, Jr., Christopher Shays, Brad Sherman, Don Sherwood, John Shimkus, Bill Shuster, Rob Simmons, Michael K. Simpson, Ike Skelton, Louise McIntosh Slaughter, Adam Smith, Christopher H. Smith, Lamar S. Smith, Vic Snyder, Michael E. Sodrel, Hilda L. Solis, Mark E. Souder, John M. Spratt, Jr., Cliff Stearns, Ted Strickland, Bart Stupak, John Sullivan, John E. Sweeney, Thomas G. Tancredo, John S. Tanner, Ellen O. Tauscher, Gene Taylor, Charles H. Taylor, Lee Terry, William M. Thomas, Mike Thompson, Bennie G. Thompson, Mac Thornberry, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Edolphus Towns, Michael R. Turner, Mark Udall, Tom Udall, Fred Upton, Chris Van Hollen, Nydia M. Velázquez, Peter J. Visclosky, Greg Walden, James T. Walsh, Zach Wamp, Debbie Wasserman Schultz, Maxine Waters, Diane

E. Watson, Melvin L. Watt, Henry A. Waxman, Anthony D. Weiner, Curt Weldon, Dave Weldon, Jerry Weller, Lynn A. Westmoreland, Robert Wexler, Ed Whitfield, Roger F. Wicker, Heather Wilson, Joe Wilson, Frank R. Wolf, Lynn C. Woolsey, David Wu, Albert Russell Wynn, Don Young, C. W. Bill Young.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5544. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — One-Year Post-Employment Restrictions for Senior Examiners [Docket No. R-1230] received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5545. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Fair Credit Reporting Medical Information Regulations [Regulation V and FF; Docket No. R-1188] received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5546. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Release in the Public Use Database of Certain Mortgage Data and Annual Housing Activities Report (AHAR) Information of the Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corporation (Freddie Mac) [Docket No. FR-4947-F-02] (RIN: 2501-AD09) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5547. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's final rule — Federal Enforcement in Group and Individual Health Insurance Markets [CMS-4091-F] (RIN: 0938-AN35) received November 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5548. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Company, transmitting the Corporation's final rule — Deposit Insurance Coverage; Accounts of Qualified Tuition Savings Programs Under Section 529 of the Internal Revenue Code (RIN: 3064-AC90) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5549. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule — Medical Devices; General and Plastic Surgery Devices; Classification of the Low Energy Ultrasound Wound Cleaner [Docket No. 2005P-0366] received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5550. A letter from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Establishment of New License Exception for the Export of Reexport to U.S. Persons in Libya of Certain Items Controlled for Anti-Terrorism Reasons Only on the Commerce Control List [Docket No. 051028279-5279-01] (RIN: 0694-AD57) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

5551. A letter from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Revision of License Requirements and Licensing Policy, and Increased Availability of License Exceptions for Certain North Atlantic Treaty Organizations (NATO) Member States [Docket No. 051020273-5273-01] (RIN: 0694-AD61) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

5552. A letter from the Federal Liason Officer, Patent and Trademark Office, Department of Commerce, transmitting the Department's final rule — Provisions for Claiming the Benefit of a Provisional Application with a Non-English Specification and Other Miscellaneous Matters [Docket No.: 2005-P-053] received October 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5553. A letter from the Rules Administrator, Bureau of Prisons, Department of Justice, transmitting the Department's final rule — Bureau of Prisons Central Office, Regional Offices, Institutions, and Staff Training Centers; Removal of Addresses From Rules [BOP-1136-I] (RIN: 1120-AB36) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5554. A letter from the Rules Administrator, Bureau of Prisons, Department of Justice, transmitting the Department's final rule — Good Conduct Time: Aliens With Confirmed Orders of Deportation, Exclusion, or Removal [BOP-1112-F] (RIN: 1120-AB12) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5555. A letter from the Rules Administrator, Bureau of Prisons, Department of Justice, transmitting the Department's final rule — Civil Contempt of Court Commitments: Revision To Accommodate Commitments Under the D.C. Code [BOP-1113-F] (RIN: 1120-AB13) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5556. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211 Trent 875, 877, 884, 884B, 892, 892B, and 895 Series Turbofan Engines [Docket No. 2001-NE-17-AD; Amendment 39-14265; AD 2005-01-15R1] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5557. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell Flight Management System (FMS) One Million World (1M or 700k) Data Bases (9104 Cycle or Ea as Installed in, but Not Limited to, McDonnell Douglas Model MD-MD-11F Airplanes, Boeing Model 747-400 Series Airplanes, and Boe Model 757 and 767 Airplanes [Docket No. FAA-2005-22585; Directorate Identifier 2005-NM-041-Amendment 39-14328; AD 2005-20-31] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5558. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney JT8D-200 Series Turbofan Engines [Docket No. 96-ANE-35-AD; Amendment 39-14339; AD 2005-21-01] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5559. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Model 212, 412, and 412EP Helicopters [Docket No. FAA-2005-22634; Directorate Identifier 2005-SW-12-AD; Amendment 39-14335; AD 2005-20-38] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5560. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-14, DC-9-15, and DC-9-15F Airplanes; and McDonnell Douglas Model DC-9-20, DC-9-30, DC-9-40, and DC-9-50 Series Airplanes [Docket No. FAA-2005-21140; Directorate Identifier 2004-NM-274-AD; Amendment 39-14273; AD 2005-19-08] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5561. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Airplanes [Docket No. FAA-2005-20364; Directorate Identifier 2004-NM-186-AD; Amendment 39-14274; AD 2005-1909] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5562. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; British Aerospace Model HS 748 Airplanes [Docket No. FAA-2005-22625; Directorate Identifier 2003-NM-213-AD; Amendment 39-14331; AD 2005-20-34] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5563. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Cessna Aircraft Company Models 401, 401A, 401B, 402, 402A, 402B, 402C, 404, 411, 411A, 414, 414A, 421, 421A, 421B, 421C, 425, and 441 Airplanes [Docket No. FAA-2005-21173; Directorate Identifier 2005-CE-22-AD; Amendment 39-14321; AD 2005-20-25] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5564. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211 Trent 875, 877, 884, 884B, 892, 892B, and 895 Series Turbofan Engines [Docket No. 2001-NE-12-AD; Amendment 39-14319; AD 2005-20-23] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5565. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A340-211, -212, -311, and -312 Airplanes [Docket No. FAA-2005-22614; Directorate Identifier 2005-NM-035-AD; Amendment 39-14324; AD 2005-20-27] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5566. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dowty Aerospace Propellers Type R321/4-82-F/8, R324/4-82-F/9, R333/4-82-F/12, and R334/4-82-F-13 Propeller Assemblies [Docket No. 2001-NE-50-AD; Amendment 39-14306; AD 2005-20-12] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5567. A letter from the Program Anlayst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319-100 Series Airplanes; Model A320-111 Airplanes; Model A321-200 Series Airplanes, and Model A321-100 and -200 Series Airplanes [Docket No. FAA-2005-20874; Directorate Identifier 2004-NM-279-AD; Amendment 39-14311; AD 2005-20-17] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5568. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727 Airplanes [Docket No. FAA-2005-21085; Directorate Identifier 2004-NM-252-AD; Amendment 39-14307; AD 2005-20-13] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5569. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, and -200C Series Aiplanes [Docket No. FAA-2005-21138; Directorate Identifier 2004-NM-131-AD; Amendment 39-14310; AD 2005-20-16] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5570. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-620, A310-304, A310-324, and A310-325 Airplanes [Docket No. FAA-2005-22032; Directorate Identifier 2005-NM-049-AD; Amendment 39-14308; AD 2005-20-14] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5571. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-10-10 and DC-10-10F Airplanes; Model DC-10-15 Airplanes; Model DC-10-30 and DC-10-30F (KC-10A and KDC-10) Airplanes; Model DC-10-40 and DC-10-40F Airplanes; Model MD-10-10F and MD-10-30F Airplanes; and Model MD-11 and MD-11F Aiplanes [Docket No. FAA-2005-21594; Directorate Identifier 2005-NM-067-AD; Amendment 39-14309; AD 2005-20-15] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5572. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No. FAA-2005-21346; Directorate Identifier 2005-NM-031-AD; Amendment 39-14336; AD 2005-20-39] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5573. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200, -200CB, and -200PF Series Airplanes [Docket No. FAA-2005-20726; Directorate Identifier 2004-NM-265-AD; Amendment 39-14337; AD 2005-20-40] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5574. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200 and -300 and A340-200 and -300 Series Airplanes [Docket No. FAA-2005-20221; Directorate Identifier 2004-NM-173-AD; Amendment 39-14329; AD 2005-20-32] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5575. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BURKHART GROB LUFT — UND RAUMFAHRT GmbH & Co KG Modes G103 TWIN ASTIR, G103A TWIN II ACRO, and G103C TWIN III ACRO Sailplanes [Docket No. FAA-2005-20441; Directorate Identifier 2003-CE-35-AD; Amendment 39-14322; AD 2003-19-14 R2] received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5576. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727, 727C, 727-100, and 727-100C Series Airplanes [Docket No. 2003-NM-238-AD; Amendment 39-14330; AD 2005-20-33] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5577. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B BUD, 747-200B, 747-300, 747SP, and 747SR Series Airplanes [Docket No. FAA-2005-20880; Directorate Identifier 2003-NM-229-AD; Amendment 39-14327; AD 2005 20-30] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5578. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A320-111 Airplanes; and Model A320-200, A321-100, and A321-200 Series Airplanes [Docket No. FAA-2005-21862; Directorate Identifier 2005-NM-091-AD; Amendment 39-14333; AD 2005-20-36] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5579. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Aviointeriors S.p.A. (formerly ALVEN), Series 312 Box Mounted Seats [Docket No. FAA-2005-20848; Directorate Identifier 2005-NE-02-AD; Amendment 39-14323; AD 2005-20-26] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5580. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa de Aeronautica S.A. (EMBRAER) Model EMB-135BJ, -135ER, -135KE, -13KL, -135LR, -145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes [Docket No. FAA-2005-20223; Directorate Identifier 2004-NM-193-AD; Amendment 39-14334; AD 2005-20-37] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5581. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200, -200PF, and -300 Series Airplanes, Powered by Pratt & Whitney PW2000 Series Engines [Docket No. FAA-2005-20137; Directorate Identifier 2004-NM-96-AD; Amendment 39-14338; AD 2005-20-41] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5582. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, -200B, -200F, -200C, -100B, -300, -100B SUD, -400, -400D, and -400F Series Airplanes; and Model 747SR Series Airplanes [Docket No. FAA-2005-10917; Directorate Identifier 2004-NM-85-AD; Amendment 39-14312; AD 2005-20-18] (RIN: 2120-AA64) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5583. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program: Hospice Care Amendments [CMS-1022-F] (RIN: 0938-AJ36) received November 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5584. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Section 415 Regulations and Preexisting Plans [Notice 2005-87] received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5585. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Permitted Disparity in Employer-Provided Contributions or Benefits (Rev. Rul. 2005-72) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5586. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2006 Limitations Adjusted As Provided in Section 415(d), etc. [Notice 2005-75] received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5587. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Administrative, Procedural, and Miscellaneous (Rev. Proc. 2005-76) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5588. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Examination of Returns and Claims for Refund, Credit or Abatement; Determination of Correct Tax Liability (Rev. Proc. 2005-75) received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5589. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Retail Industry — Audit Technique Guide (ATG) — received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5590. A letter from the Regulations Coordinator, CMS, Department of Heath and Human Services, transmitting the Department's final rule — Medicare Program; Electronic Submission of Medicare Claims [CMS-0008-F] (RIN: 0938-AM22) received November 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 972. A bill to authorize appropriations for fiscal years 2006 and 2007 for the Trafficking Victims Protection Act of 2000, and for other purposes; with an amendment (Rept. 109–317 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 1090. A bill to designate a Forest Service trail at Waldo Lake in the Williamette National Forest in the State of Oregon as a national recreation trail in honor of Jim Weaver, a former Member of the House of Representatives; with an amendment (Rept. 109–331). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. S. 362. An act to establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, and for other purposes; with an amendment (Rept. 109–332 Pt. 1). Ordered to be printed.

Mr. SENSENBRENNER: Committee of Conference. Conference report on H.R. 3199. A bill to extend and modify authorities needed to combat terrorism, and for other purposes (Rept. 109–333). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CLAY:

H.R. 4471. A bill to amend the Home Ownership and Equity Protection Act of 1994 and other sections of the Truth in Lending Act, so as to enact the "Fair and Responsible Lending Act"; to provide for definitions; to provide for prohibited practices and limitations relating to high-cost home loans; to provide for prohibited practices and limitations relating to home loans; to provide for penalties and remedies and enforcement; to provide for corrections of certain unintentional violations; to provide for coordination with state laws; to provide for related matters; to provide for consumer counseling requirements; to expand housing counseling opportunities; and for other purposes; to the Committee on Financial Services.

By Mr. SENSENBRENNER:

H.R. 4472. A bill to protect children, to secure the safety of judges, prosecutors, law enforcement officers, and their family members, to reduce and prevent gang violence, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODLATTE:

H.R. 4473. A bill to reauthorize and amend the Commodity Exchange Act to promote legal certainty, enhance competition, and reduce systemic risk in markets for futures and over-the-counter derivatives, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARROW (for himself, Ms. Velázquez, Ms. Moore of Wisconsin, Ms. Eddie Bernice Johnson of Texas, Mr. Davis of Alabama, Mr. Clay, Mr. Scott of Georgia, Mrs. Christensen, Mrs. Jones of Ohio, Mr. Owens, Mr. Grijalva, Ms. Bordallo, Mr. Towns, Mr. Wynn, Ms. Kilpatrick of Michigan, Mr. Meeks of New York, Mr. Conyers, Ms. Millender-McDonald, Mr. Case, Mr. Davis of Illinois, Ms. Corrine Brown of Florida, Ms. Jackson-Lee of Texas, Mr. Ford, Mr. Cummings, Mr. Lewis of Georgia, Mr. Al Green of Texas, Mr. Butterfield, Mr. Udall of New Mexico, Ms. Lee, Ms. Bean, Mr. Michaud, Mr. Lipinski, Ms. McKinney, and Ms. Linda T. Sánchez of California):

H.R. 4474. A bill to enhance the section 8(a) program of the Small Business Act; to the Committee on Small Business.

By Ms. JACKSON-LEE of Texas (for herself, Ms. Watson, Mr. Rush, Ms. Lee, Mr. Brady of Pennsylvania, Mr. Hastings of Florida, Ms. Kilpatrick of Michigan, Mr. McDermott, Mr. Conyers, Mr. Serrano, Mrs. Maloney, Mr. Bishop of Georgia, Mr. Pallone, Mr. Brown of Ohio, Mr. Meeks of New York, and Mr. Chabot):

H.R. 4475. A bill to direct the Architect of the Capitol to enter into a contract to revise the statue commemorating women's suffrage located in the rotunda of the United States Capitol to include a likeness of Sojourner Truth; to the Committee on House Administration.

By Ms. DELAURO (for herself, Mrs. Lowey, and Mr. Case):

H.R. 4476. A bill to establish a global network for avian influenza surveillance among wild birds nationally and internationally to combat the growing threat of bird flu, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Resources, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH of Pennsylvania:

H.R. 4477. A bill to authorize Federal judges to carry firearms; to the Committee on the Judiciary.

By Mr. FITZPATRICK of Pennsylvania (for himself and Mrs. Lowey):

H.R. 4478. A bill to amend the Public Health Service Act to extend the program of grants for rape prevention education, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HIGGINS (for himself, Mr. Markey, Mr. Bishop of New York, Ms. DeLauro, Mr. Rush, and Mr. Israel):

H.R. 4479. A bill to repeal provisions of the Energy Policy Act of 2005, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Resources, Science, Energy and Commerce, Education and the Workforce, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TURNER (for himself, Mr. English of Pennsylvania, Mr. Boehner, Mr. Gillmor, Mr. Tiberi, Mr. Shays, Mr. LaTourette, Mr. Hobson, Mr. Ney, Ms. Hart, Mr. Regula, Ms. Pryce of Ohio, Mr. Gerlach, Mr. Kline, Mrs. Jones of Ohio, Mr. Oxley, and Mrs. Johnson of Connecticut):

H.R. 4480. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the remediation of contaminated sites; to the Committee on Ways and Means.

By Mr. HINCHEY (for himself, Mr. Shays, Mr. Engel, Mr. Grijalva, Mr. Holt, Ms. McKinney, Mr. Thompson of Mississippi, Mr. Evans, Mr. Sanders, Mr. Markey, Mr. Payne, Mr. Hastings of Florida, Mr. Levin, Mr. McDermott, Mr. Nadler, Mr. Towns, Mr. Farr, Mr. Rangel, Ms. Schwartz of Pennsylvania, Mr. Owens, Mrs. Maloney, Mrs. Lowey, Ms. Carson, Ms. Woolsey, and Mr. McNulty):

H.R. 4481. A bill to amend the Internal Revenue Code of 1986 to extend the financing for Superfund for purposes of cleanup activities with respect to Hurricanes Katrina and Rita, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. INGLIS of South Carolina:

H.R. 4482. A bill to extend the temporary suspension of duty on certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 4483. A bill to extend the temporary suspension of duty on certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 4484. A bill to extend the temporary suspension of duty on certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 4485. A bill to extend the temporary suspension of duty on certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 4486. A bill to suspend temporarily the duty on certain integrated machines for manufacturing pneumatic tires; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 4487. A bill to extend the temporary suspension of duty on certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 4488. A bill to extend the temporary suspension of duty on certain rolled glass in sheets; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 4489. A bill to extend the temporary suspension of duty on certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. JINDAL:

H.R. 4490. A bill to provide higher education relief to individuals and institutions affected by Hurricanes Katrina and Rita, and for other purposes; to the Committee on Education and the Workforce.

By Mr. LARSON of Connecticut (for himself, Mr. King of New York, Mr. Neal of Massachusetts, Ms. Jackson-Lee of Texas, Mr. Ruppersberger, Mr. Rangel, Mr. Wexler, Mr. Payne, Mr. Schwarz of Michigan, Mr. Terry, Mr. Cleaver, Mr. Shimkus, Mr. Smith of New Jersey, Mr. English of Pennsylvania, and Mr. Gordon):

H.R. 4491. A bill to provide loans and grants for fire sprinkler retrofitting in nursing facilities; to the Committee on Energy and Commerce.

By Mrs. MALONEY (for herself, Ms. Waters, and Mr. Melancon):

H.R. 4492. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the temporary mortgage and rental payments program; to the Committee on Transportation and Infrastructure.

By Mr. OBERSTAR (for himself, Ms. Norton, Mr. Cummings, Ms. Millender-McDonald, Mr. Higgins, Ms. Corrine Brown of Florida, Mr. Costello, Ms. Berkley, Mr. Rahall, Mr. Baird, Mr. Nadler, Ms. Carson, Mr. Capuano, Mr. DeFazio, Mr. Honda, Mr. Larsen of Washington, Mr. Blumenauer, Mr. Salazar, Mr. Holden, Ms. Eddie Bernice Johnson of Texas, Mr. Weiner, Mr. Bishop of New York, Mr. Carnahan, Mr. Filner, Mr. Menendez, Mr. Taylor of Mississippi, Mr. Boswell, Mr. Matheson, Ms. Schwartz of Pennsylvania, Mr. Chandler, Mr. Michaud, and Mr. Davis of Tennessee):

H.R. 4493. A bill to reestablish the Federal Emergency Management Agency as a cabinet-level independent establishment in the executive branch that is responsible for the Nation's preparedness and response to disasters, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PLATTS (for himself and Mr. Matheson):

H.R. 4494. A bill to repeal the provision of law that provides automatic pay adjustments for Members of Congress; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RENZI (for himself, Mr. Simpson, and Mr. Otter):

H.R. 4495. A bill to direct the Administrator of the Environmental Protection Agency to extend by two years the date by which small public water systems must comply with the maximum contaminant level for arsenic in drinking water; to the Committee on Energy and Commerce.

By Mr. SENSENBRENNER (for himself and Mr. Conyers):

H.R. 4496. A bill to amend title 28, United States Code, to provide for certain transportation and subsistence in cases where district courts are holding special sessions as a result of emergency conditions; to the Committee on the Judiciary.

By Mr. SESSIONS (for himself, Mr. Poe, Mr. Sullivan, Mr. Tancredo, and Mr. Hayworth):

H.R. 4497. A bill to establish terms and conditions for delivery bonds in immigration cases, and for other purposes; to the Committee on the Judiciary.

By Mr. STRICKLAND:

H.R. 4498. A bill to amend the Immigration and Nationality Act to authorize a case-by-case waiver of certain naturalization requirements for children of members of the Armed Forces who are adopted outside the United States; to the Committee on the Judiciary.

By Mr. HYDE (for himself and Mr. Lantos):

H. Con. Res. 312. Concurrent resolution urging the Government of the Russian Federation to withdraw or modify proposed legislation that would have the effect of severely restricting the establishment, operations, and activities of domestic and foreign nongovernmental organizations in the Russian Federation; to the Committee on International Relations.

By Mr. PAYNE (for himself, Mr. Smith of New Jersey, Mr. Conyers, Mr. Meeks of New York, Ms. McCollum of Minnesota, Ms. Watson, Mr. Tancredo, and Ms. Lee):

H. Con. Res. 313. Concurrent resolution commending the people of the Republic of Liberia for holding peaceful national elections in 2005 and congratulating President Ellen Johnson-Sirleaf on her victory and becoming the first female president of any African country; to the Committee on International Relations.

By Mr. SHAYS:

H. Con. Res. 314. Concurrent resolution recognizing the artistic excellence and community value of a national service organization for the performing arts and how this community improves diplomacy through global cultural exchange by the celebration of humanity's transcendent power to imagine and create across geographic, political and cultural borders; to the Committee on International Relations.

By Ms. PELOSI:

H. Res. 591. A resolution raising a question of the privileges of the House.

By Mr. LANGEVIN (for himself, Mr. Ramstad, Mr. Owens, Mr. Van Hollen, Mr. Grijalva, and Mr. Lantos):

H. Res. 592. A resolution commemorating the life, achievements, and contributions of Alan Reich; to the Committee on Education and the Workforce.

By Mr. MARKEY:

H. Res. 593. A resolution directing the Secretary of State, the Secretary of Defense, the Secretary of Homeland Security, and the Attorney General, and requesting the President, to provide certain information to the House of Representatives relating to extraordinary rendition of certain foreign persons; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. BAIRD introduced a bill (H.R. 4499) for the relief of Juanita Jimenez; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 87: Mr. Rothman.

H.R. 227: Mr. Sanders.

H.R. 282: Mr. Everett.

H.R. 389: Mr. Platts.

H.R. 445: Mr. Pascrell and Mr. Barrett of South Carolina.

H.R. 515: Mr. Miller of North Carolina.

H.R. 517: Mr. Jenkins, Mr. Osborne, Mr. McCotter, Mr. Cuellar, Mr. Etheridge, Mr. Ford, and Mr. Chandler.

H.R. 551: Mr. McNulty.

H.R. 557: Mr. Radanovich.

H.R. 558: Mr. Gene Green of Texas.

H.R. 602: Ms. Moore of Wisconsin and Ms. Eddie Bernice Johnson of Texas.

H.R. 615: Mr. Bilirakis.

H.R. 752: Ms. Herseth, Mr. Thompson of Mississippi, and Mrs. Maloney.

H.R. 769: Mr. Walsh.

H.R. 772: Mr. Evans.

H.R. 872: Mr. Boyd, Mr. Larsen of Washington, Mr. McDermott, Mr. Smith of Washington, and Mr. Michaud.

H.R. 874: Ms. Harris.

H.R. 884: Ms. Lee.

H.R. 896: Mrs. Kelly.

H.R. 916: Ms. McKinney.

H.R. 930: Ms. Carson.

H.R. 964: Mr. Frank of Massachusetts and Mr. Berry.

H.R. 972: Mr. Stark.

H.R. 997: Mr. Walden of Oregon.

H.R. 1059: Mr. Michaud.

H.R. 1124: Mr. Abercrombie.

H.R. 1131: Mr. Alexander, Mr. Bishop of Georgia, Mr. Thompson of Mississippi, and Mr. Honda.

H.R. 1141: Mr. Baker.

H.R. 1290: Mr. Honda.

H.R. 1306: Mr. Becerra, Mr. Jefferson, and Mr. Pombo.

H.R. 1333: Mr. Michaud, Mr. Smith of Washington, Mr. Thompson of Mississippi, and Ms. Loretta Sanchez of California.

H.R. 1348: Ms. McKinney.

H.R. 1366: Mr. Case.

H.R. 1380: Mr. Dent and Mr. Hinojosa.

H.R. 1402: Mr. LaTourette.

H.R. 1405: Mr. Abercrombie.

H.R. 1424: Mr. Neal of Massachusetts.

H.R. 1426: Mr. Wynn.

H.R. 1456: Mr. Conyers.

H.R. 1594: Ms. Loretta Sanchez of California.

H.R. 1634: Mr. Mack and Mr. Platts.

H.R. 1646: Ms. Jackson-Lee of Texas, Mr. Lantos, and Mr. Case.

H.R. 1665: Mr. Stark.

H.R. 1669: Mr. Boozman.

H.R. 1704: Mr. Rogers of Michigan and Mr. Turner.

H.R. 1951: Ms. Woolsey and Mr. Leach.

H.R. 2134: Mr. Evans and Mr. Kucinich.

H.R. 2206: Mr. Scott of Georgia, Mr. Conaway, Mr. Jenkins, and Mr. Engel.

H.R. 2378: Mr. McHugh.

H.R. 2521: Mr. Higgins.

H.R. 2554: Mr. Thompson of Mississippi, Mr. Butterfield, Mr. Davis of Illinois, Mr. Fattah, Ms. Lee, Ms. Jackson-Lee of Texas, Ms. Eddie Bernice Johnson of Texas, Ms. Kaptur, Mr. McGovern, Ms. Moore of Wisconsin, Mr. Rangel, Mr. Rush, Mr. Towns, Mr. Capuano, Ms. Carson, Mrs. Christensen, Mr. Conyers, Mr. Cummings, Mr. Al Green of Texas, Mr. Lewis of Georgia, Mr. McDermott, Mr. Olver, Mr. Pastor, Mr. Payne, Ms. Solis, and Mr. Stark.

H.R. 2592: Mr. Frank of Massachusetts.

H.R. 2629: Mr. LEACH and Ms. MCKINNEY.

H.R. 2646: Mr. BLUMENAUER.

H.R. 2669: Mr. LANTOS, Ms. KAPTUR, and Mr. LARSON of Connecticut.

H.R. 2695: Mr. DAVIS of Illinois.

H.R. 2872: Mr. WELDON of Pennsylvania, Mr. SHERWOOD, Mr. PEARCE, Mr. LUCAS, Mr. COLE of Oklahoma, Mr. GARY G. MILLER of California, Mr. RANGEL, Ms. MCKINNEY, and Mr. MCGOVERN.

H.R. 2928: Ms. SCHWARTZ of Pennsylvania.

H.R. 2961: Mr. TAYLOR of Mississippi and Mr. HINCHEY.

H.R. 3046: Mr. FATTAH, Mr. SIMMONS, Mr. LEACH, and Mr. PRICE of North Carolina.

H.R. 3072: Ms. JACKSON-LEE of Texas and Mr. THOMPSON of Mississippi.

H.R. 3095: Mr. DEAL of Georgia and Mr. POE.

H.R. 3127: Mr. HIGGINS, Mr. LARSON of Connecticut, and Mr. NEAL of Massachusetts.

H.R. 3142: Mr. GRIJALVA.

H.R. 3248: Mr. ROTHMAN, Mr. BAIRD, and Mr. NADLER.

H.R. 3254: Mr. ROTHMAN.

H.R. 3307: Mr. ORTIZ and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 3319: Mr. ENGLISH of Pennsylvania.

H.R. 3334: Mr. HAYWORTH, Mr. EVANS, Mr. FARR, and Ms. MOORE of Wisconsin.

H.R. 3372: Mr. BERMAN.

H.R. 3373: Ms. GRANGER, Mr. SANDERS, and Mr. KELLER.

H.R. 3406: Ms. MCCOLLUM of Minnesota.

H.R. 3476: Mr. VAN HOLLEN.

H.R. 3616: Mr. CAPUANO, Mr. CUMMINGS, Mr. FITZPATRICK of Pennsylvania, Mr. SCOTT of Georgia, Mr. GILLMOR, Mr. SCHIFF, Mr. NEAL of Massachusetts, Mr. BARROW, Mr. PAYNE, and Mr. CARNAHAN.

H.R. 3628: Mr. MCNULTY.

H.R. 3640: Mr. RANGEL.

H.R. 3641: Mr. SANDERS.

H.R. 3642: Mr. CLEAVER and Mr. RANGEL.

H.R. 3731: Mr. GRIJALVA.

H.R. 3748: Ms. WASSERMAN SCHULTZ.

H.R. 3795: Mr. PAYNE and Mr. MCCOTTER.

H.R. 3861: Mr. BLUMENAUER, Mr. THOMPSON of California, Ms. HARMAN, Mr. CARDOZA, Mr. KIND, and Mr. GENE GREEN of Texas.

H.R. 3883: Mr. BERRY, Mr. CRENSHAW, Mr. CARTER, and Mr. MCINTYRE.

H.R. 3911: Mr. CUELLAR.

H.R. 3954: Mr. DOGGETT and Mr. OBERSTAR.

H.R. 3957: Mr. DAVIS of Illinois and Mr. RAMSTAD.

H.R. 3985: Mr. FRANK of Massachusetts, Mr. UDALL of New Mexico, Mr. BISHOP of New York, Ms. MOORE of Wisconsin, and Ms. WOOLSEY.

H.R. 4019: Mr. FEENEY.

H.R. 4028: Mr. NORWOOD.

H.R. 4033: Mrs. MALONEY.

H.R. 4049: Mrs. BONO, Mr. ISSA, Ms. WOOLSEY, Mr. CALVERT, and Mr. ROHRABACHER.

H.R. 4078: Mr. EVERETT, Mrs. DRAKE, and Mr. SOUDER.

H.R. 4100: Mr. JEFFERSON, Mr. MCCRERY, Mr. ALEXANDER, Mr. BOUSTANY, Mr. MELANCON, and Mr. JINDAL.

H.R. 4123: Mr. RUPPERSBERGER.

H.R. 4139: Mr. HINCHEY, Mr. OWENS, Mr. DAVIS of Illinois, and Mr. TOWNS.

H.R. 4167: Mr. PETERSON of Pennsylvania, Mr. INGLIS of South Carolina, Mr. MILLER of Florida, Mr. GUTKNECHT, Mr. TANCREDO, Mr. SALAZAR, Mr. MACK, Mr. HOBSON, Ms. HARRIS, Mr. KELLER, Mr. SHAYS, Mr. BOOZMAN, Mr. MELANCON, Mr. TAYLOR of Mississippi, Mr. LIPINSKI, Mr. CLAY, and Mrs. JONES of Ohio.

H.R. 4173: Mr. OWENS and Mr. GRIJALVA.

H.R. 4194: Mr. STARK, Mr. DOGGETT, and Mr. NADLER.

H.R. 4196: Mr. GRIJALVA and Mr. MCDERMOTT.

H.R. 4200: Mr. KUHL of New York.

H.R. 4212: Ms. MCKINNEY.

H.R. 4223: Mr. MILLER of North Carolina.

H.R. 4225: Mr. BACA and Ms. SOLIS.

H.R. 4228: Mr. REICHERT.

H.R. 4231: Mr. DAVIS of Illinois.

H.R. 4233: Mr. FILNER, Mr. FATTAH, and Ms. MCKINNEY.

H.R. 4259: Ms. WOOLSEY.

H.R. 4294: Mr. GREEN of Wisconsin.

H.R. 4300: Mr. WAMP.

H.R. 4313: Mr. GORDON, Mrs. MUSGRAVE, Mr. PRICE of Georgia, and Mr. BOOZMAN.

H.R. 4315: Mr. KING of Iowa, Mr. SOUDER, Mr. GINGREY, Mr. LINCOLN DIAZ-BALART of Florida, Mr. LIPINSKI, Mr. SHIMKUS, Mr. PLATTS, Mr. PUTNAM, Mr. CASE, and Mr. FORTENBERRY.

H.R. 4317: Mr. ALEXANDER and Mr. JONES of North Carolina.

H.R. 4321: Mr. MILLER of Florida.

H.R. 4330: Mr. BILIRAKIS.

H.R. 4334: Mr. YOUNG of Florida.

H.R. 4341: Mr. BERRY, Mr. KINGSTON, and Mr. SHERWOOD.

H.R. 4350: Mr. GRIJALVA, Mr. HINCHEY, and Ms. JACKSON-LEE of Texas.

H.R. 4351: Mr. STUPAK and Mr. GRIJALVA.

H.R. 4357: Mr. MCHUGH.

H.R. 4370: Mr. HIGGINS.

H.R. 4372: Mr. THOMPSON of Mississippi and Mr. GRIJALVA.

H.R. 4384: Mr. UDALL of New Mexico.

H.R. 4391: Mr. ALEXANDER.

H.R. 4392: Mr. SANDERS, Mr. BROWN of Ohio, and Mr. GRIJALVA.

H.R. 4411: Mr. SHADEGG, Mr. KENNEDY of Minnesota, Mr. FRANKS of Arizona, Mr. TERRY, and Ms. HOOLEY.

H.R. 4412: Mr. MILLER of Florida.

H.R. 4424: Mr. MCNULTY and Mr. PAYNE.

H.R. 4434: Ms. SCHAKOWSKY, Mr. GRIJALVA, and Ms. JACKSON-LEE of Texas.

H.R. 4435: Ms. SCHAKOWSKY and Mr. GRIJALVA.

H.R. 4437: Mr. PETERSON of Minnesota, Mr. GOODLATTE, Mr. ALEXANDER, and Mr. FEENEY.

H.R. 4447: Mr. MCDERMOTT.

H.R. 4452: Mr. SHAYS, Mr. MCNULTY, Mr. BURTON of Indiana, Ms. WATERS, Mr. DICKS, and Mrs. MALONEY.

H.J. Res. 3: Mr. CARDOZA and Mr. SOUDER.

H.J. Res. 60: Mr. TAYLOR of North Carolina.

H.J. Res. 73: Ms. PELOSI, Ms. KILPATRICK of Michigan, Mr. WU, Mr. DELAHUNT, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. OLVER, Ms. KAPTUR, Mr. PASTOR, Mr. MOLLOHAN, Mr. RAHALL, Mr. RYAN of Ohio, Mr. MICHAUD, Ms. BALDWIN, Mr. JACKSON of Illinois, and Ms. LORETTA SANCHEZ of California.

H. Con. Res. 88: Mr. FRANK of Massachusetts, Mr. CLAY, Mr. GERLACH, and Mr. MCNULTY.

H. Con. Res. 90: Mr. EHLERS.

H. Con. Res. 123: Mr. PAYNE.

H. Con. Res. 158: Mr. STARK.

H. Con. Res. 231: Mr. MICHAUD.

H. Con. Res. 271: Ms. LEE, Mr. VAN HOLLEN, Mr. DAVIS of Alabama, Mr. SERRANO, Mr. NADLER, Mr. BERMAN, Mr. COOPER, Ms. SOLIS, Mr. GRIJALVA, Mr. CUMMINGS, Mr. KUCINICH, Ms. KAPTUR, and Ms. MCKINNEY.

H. Con. Res. 272: Mrs. DRAKE, Mr. PRICE of North Carolina, Mr. CONYERS, and Mr. EVANS.

H. Con. Res. 278: Mr. STARK and Ms. ZOE LOFGREN of California.

H. Con. Res. 282: Mr. OWENS, Mr. CONYERS, and Mr. GRIJALVA.

H. Con. Res. 287: Mr. GEORGE MILLER of California, Mr. MCDERMOTT, and Ms. DELAURO.

H. Con. Res. 302: Mr. SODREL and Mr. RYUN of Kansas.

H. Res. 357: Ms. CORRINE BROWN of Florida.

H. Res. 411: Mr. MCNULTY and Mr. GARY G. MILLER of California.

H. Res. 414: Mr. ANDREWS.

H. Res. 477: Ms. WATSON and Ms. CARSON.

H. Res. 489: Mr. PASTOR.

H. Res. 504: Mr. CONAWAY and Mr. BAKER.

H. Res. 517: Mr. HIGGINS and Mr. WEXLER.

H. Res. 521: Ms. WATSON, Mr. MCGOVERN, and Mr. MENENDEZ.

H. Res. 526: Mr. SMITH of Washington.

H. Res. 529: Mr. BILIRAKIS.

H. Res. 545: Mr. MCCOTTER, Mr. BONNER, Mr. SCHIFF, Ms. HARRIS, Mr. ROHRABACHER, Mr. WICKER, Mr. WOLF, Mr. CROWLEY, Mr. CHABOT, Mr. PENCE, Mr. BACHUS, Mr. TANCREDO, Mr. SMITH of New Jersey, Mrs. JO ANN DAVIS of Virginia, Mr. CARDOZA, Mr. ADERHOLT, Mr. DAVIS of Alabama, and Mr. BURTON of Indiana.

H. Res. 548: Mr. PAYNE, Mr. BERMAN, Mr. ROYCE, and Mr. MENENDEZ.

H. Res. 561: Mr. SIMMONS and Mr. WOLF.

H. Res. 573: Mr. HOLT, Mr. HASTINGS of Florida, Mr. MCDERMOTT, and Ms. JACKSON-LEE of Texas.

H. Res. 574: Ms. ROYBAL-ALLARD, Mr. NORWOOD, Mr. UDALL of Colorado, Mr. BERMAN, Ms. SOLIS, and Mr. HONDA.

H. Res. 575: Mr. HIGGINS, Mr. BOSWELL, Ms. HART, Mr. CHOCOLA, Mrs. KELLY, Mr. ENGEL, Mrs. DRAKE, Mrs. LOWEY, Mr. SOUDER, Mr. FRELINGHUYSEN, Mr. BASS, Mr. LOBIONDO, Mr. TERRY, Mr. CUELLAR, Mr. TIAHRT, Mr. MARCHANT, Mrs. JO ANN DAVIS of Virginia, Mr. STRICKLAND, Mr. RANGEL, Mr. HOLDEN, Mr. CARDIN, Mr. AL GREEN of Texas, Mr. WICKER, Mr. MELANCON, Mr. BONILLA, Mr. COLE of Oklahoma, Mr. SESSIONS, Mr. FOLEY, Mr. DOOLITTLE, Mr. PORTER, Mr. ISRAEL, Mr. BISHOP of Georgia, Mr. SIMMONS, Mr. SAM JOHNSON of Texas, Mr. GENE GREEN of Texas, Mr. FORBES, Mr. KLINE, Mr. BISHOP of New York, Mr. NUNES, Mr. FLAKE, Mr. STUPAK, Mr. ACKERMAN, Mr. SHERWOOD, Mr. BOYD, and Mr. HOLT.

H. Res. 578: Mr. WALSH.

H. Res. 590: Mr. BOEHNER, Mrs. TAUSCHER, Mrs. DAVIS of California, Mr. HOBSON, Mr. BUTTERFIELD, Mr. PALLONE, and Mr. SCHWARZ of Michigan.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3875: Mr. WEXLER.

H.R. 4099: Mr. BISHOP of Georgia.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 4, December 6, 2005, by Ms. SLAUGHTER on House Resolution 460, was signed by the following Members: Louis M. Slaughter, Neil Abercrombie, Alcee L. Hastings, Barbara Lee, Lynn C. Woolsey, Michael R. McNulty, James P. Moran, George Miller, Leonard L. Boswell, Raul M. Grijalva, Danny K. Davis, Steny H. Hoyer, James R. Langevin, Lois Capps, Tammy Baldwin, James P. McGovern, Patrick J. Kennedy, Cynthia McKinney, Hilda L. Solis, Loretta Sanchez, Doris O. Matsui, Carolyn McCarthy, Michael M. Honda, Zoe Lofgren, Stephen F. Lynch, John W. Olver, Jesse L. Jackson, Jr., Kendrick B. Meek, Timothy H.

Bishop, Stephanie Herseth, Marcy Kaptur, John B. Larson, Michael F. Doyle, Joseph Crowley, Sheila Jackson-Lee, Bill Pascrell, Jr., C. A. Dutch Ruppersberger, Nancy Pelosi, Thomas H. Allen, Carolyn B. Maloney, Susan A. Davis, Tom Udall, Charles A. Gonzalez, Rick Larsen, Sanford D. Bishop, Jr., Corrine Brown, Al Green, Gene Green, Sam Farr, Dennis Moore, Tom Lantos, Brian Higgins, Ruben Hinojosa, Earl Blumenauer, Tim Ryan, Charles B. Rangel, Nydia M. Velázquez, Lloyd Doggett, Sander M. Levin, Grace F. Napolitano, John Lewis, Frank Pallone, Jr., Eddie Bernice Johnson, Diane E. Watson, Edolphus Towns, Debbie Wasserman Schultz, Rush D. Holt, Gregory W. Meeks, Dale E. Kildee, Donald M. Payne, Major R. Owens, Chaka Fattah, and Mark Udall.

Petition 5, December 6, 2005, by Mr. WAXMAN on House Resolution 537, was signed by the following Members: Henry A. Waxman, Neil Abercrombie, Alcee L. Hastings, Barbara Lee, Lynn C. Woolsey, Michael R. McNulty, James P. Moran, Leonard L. Boswell, Raul M. Grijalva, Danny K. Davis, Steny H. Hoyer, James R. Langevin, Lois Capps, Tammy Baldwin, James P. McGovern, Patrick J. Kennedy, Cynthia McKinney, Hilda L. Solis, Loretta Sanchez, Doris O. Matsui, Carolyn McCarthy, Zoe Lofgren, Stephen F. Lynch, John W. Olver, Jesse L. Jackson, Jr., Kendrick B. Meek, Timothy H. Bishop, Louise McIntosh Slaughter, Stephanie Herseth, Vic Snyder, Marcy Kaptur, John B. Larson, Michael F. Doyle, Joseph Crowley, Sheila Jackson-Lee, Bill Pascrell, Jr., C. A. Dutch Ruppersberger, Nancy Pelosi, Barney Frank, Carolyn B. Maloney, Thomas H. Allen, Susan A. Davis, Tom Udall, Charles A. Gonzalez, Rick Larsen, Sanford D. Bishop, Jr., Al Green, Corrine Brown, Gene Green, Sam Farr, Tom Lantos, Dennis Moore, Brian Higgins, Earl Blumenauer, Charles B. Rangel, Tim Ryan, Nydia M. Velázquez, Lloyd Doggett, Sander M. Levin, Frank Pallone, Jr., Grace F. Napolitano, John Lewis, Eddie Bernice Johnson, Diane E. Watson, Edolphus Towns, Debbie Wasserman Schultz, Rush D. Holt, Gregory W. Meeks, Dale E. Kildee, Donald M. Payne, Major R. Owens, and Chaka Fattah.

Petition 6, December 6, 2005, by Mr. ABERCROMBIE on House Resolution 537, was signed by the following Member: Neil Abercrombie, Henry A. Waxman, William D. Delahunt, Martin T. Meehan, James P. McGovern, John Conyers, Jr., Alcee L. Hastings, Lynn C. Woolsey, Barbara Lee, Dennis J. Kucinich, Michael R. McNulty, James P. Moran, George Miller, Nancy Pelosi, Leonard L. Boswell, Raul M. Grijalva, Danny K. Davis, Lois Capps, Tammy Baldwin, Patrick J. Kennedy, Cynthia McKinney, Hilda L. Solis, John W. Olver, Jesse L. Jackson, Jr., Kendrick B. Meek, Gwen Moore, Michael F. Doyle, Joseph Crowley, Sheila Jackson-Lee, Barney Frank, Carolyn B. Maloney, Sam Farr, Earl Blumenauer, Tim Ryan, Charles B. Rangel, Lloyd Doggett, Nydia M. Velázquez, Grace F. Napolitano, John Lewis, Diane E. Watson, Edolphus Towns, Gregory W. Meeks, Donald M. Payne, and Major R. Owens.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 1 by Ms. HOOLEY on House Resolution 267: Edolphus Towns.

Petition 3 by Mr. EDWARDS on House Resolution 271: Neil Abercrombie, Tammy Baldwin, Michael M. Honda, Jay Inslee, Jim Marshall, Vic Snyder, Marcy Kaptur, Dennis J. Kucinich, John B. Larson, Michael F. Doyle, Bill Pascrell, Jr., Sam Farr, Earl Blumenauer, John Lewis, and Brian Baird.

EXTENSIONS OF REMARKS

IN HONOR OF JOHN MAURICE MASSETTI

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise to remember and honor John Maurice Massetti, a leader and tireless advocate for working families, who passed away on December 4th. John's devotion to his family, friends and to causes that helped others is an inspiration to so many people in Minnesota. He will be missed by everyone who was fortunate enough to know him.

Throughout his life, John brought integrity and a sense of obligation to his fellow workers, as well as to his community. For 20 of his 38 years working with Northwest Airlines, he proudly served his brothers and sisters at District 143 International Association of Machinists and Aerospace Workers as secretary-treasurer of the union. During negotiations, he always put the needs of working families first. John's honest leadership instilled energy and loyalty that was contagious, helping to develop the next generation of labor leaders. Retirement did not slow him down.

John's desire to help others extended well beyond his union family. He made a strong personal commitment to Guide Dogs of America, helping to raise thousands of dollars to provide free guide dogs and instruction in their use to blind and visually impaired men and women across the country. His success at raising funds at the Annual Guide Dogs of America Golf Tournament and the "Hawgs for Dogs" motorcycle ride are legendary.

Both he and his wife, Mary were also active in delivering Meals on Wheels among other volunteer activities.

I consider myself privileged to call John a friend, and was often witness to his enthusiastic participation in volunteer efforts he believed in. We can all be proud of the life John lived, because his was a life dedicated to working for the good of all people.

My thoughts and prayers are with John's wife, Mary; his son, Michael; his mother, Aida; his stepdaughter, Candice and his many relatives, friends and colleagues who loved him.

Mr. Speaker, please join me in paying tribute to the life of John Massetti.

HONORING DAVID THOMAS ON HIS CAMPAIGN TO BE ELECTED TO THE CHAUTAUQUA COUNTY LEGISLATIVE DISTRICT 16

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to honor David Thomas, a resident of Chautauqua County for his quest to become the elected representative to the sixteenth legislative district in the Chautauqua County Legislature. Although Mr. Thomas was not able to realize his dream, he has been able to make an impact on others' lives in a different way.

The campaign trail is a difficult path to take. Any person with a dream may enter but only a few are able to reach the end. Mr. Thomas traveled that path with his head held high and a smile on his face the entire way. I have no doubt that his kind demeanor left a lasting impression on the voters of district 16.

Chautauqua County is blessed to have such strong candidates with a desire to make this county the wonderful place that we all know it can be. Mr. Thomas is one of those people and that is why, Mr. Speaker, I rise to honor him today.

TRIBUTE TO REVEREND STEPHEN JOHN THURSTON

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to honor the Reverend Stephen John Thurston, a man who has an unprecedented record of service in the Baptist Church.

Mr. Speaker, Reverend Thurston is a third generation preacher and pastor in the historic New Covenant Missionary Baptist Church in Chicago, Illinois. Thurston is also the youngest reverend to be named President of the National Baptist Convention of America, Incorporated.

Reverend Thurston is a graduate of Bishop College in Dallas, Texas were he received a Bachelor of Arts Degree in Religion in 1975. He is also a highly sought after revivalist, and his ministry has affected the lives of people as far away as the Caribbean and Africa.

Two of the numerous honors Reverend Thurston has received are America's Best and Brightest Young Business and Professional Men by Dollars and Sense magazine and Coordinator for Baptist World Alliance in Seoul, Korea.

On November 29th, 2005, Reverend Thurston will be in San Antonio as a guest preacher for the Baptist Ministers Union of San Antonio and Vicinity Communities year end service. San Antonio is honored to host Reverend Thurston and is proud to have him as a guest preacher.

CONFERENCE REPORT ON H.R. 2862, DEPARTMENTS OF COMMERCE AND JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise in support of the conference report on H.R. 2862, the Departments of Commerce and Justice, Science, and Related Agencies Appropriations Act, for Fiscal Year 2006, though I do so with reservations.

This conference report, while providing increased funding from the House-passed legislation, still fails to provide adequate funding levels for state and local law enforcement. However, I am pleased that Congress rejected the Administration's proposal to eliminate funding for the COPS program, which is critical to our local law enforcement agencies that are already underfunded. Funding for local and state law enforcement assistance in this legislation funded at $1,142.7 million, which, although significantly less than was provided in 2001, is an increase from the House-funded level of $1,069.2 million. Along with many of my colleagues, I would have supported further increases in funding for our state and local law enforcement and intend to work to make this a priority in the next Congress. We owe our law enforcement officers the tools they need to protect our communities and our families.

I was also extremely surprised and disappointed that the conferees stripped the amendment offered by Mr. SANDERS that passed in the House overwhelmingly, by a vote of 238–187, during consideration of H.R. 2862. This critical amendment would have barred funds to carry out provisions of the USA PATRIOT Act permitting law enforcement officials to obtain records from booksellers and librarians. This amendment was a reasonable and needed amendment that would have restored the much-needed Congressional oversight to FBI searches.

Congress wisely rejected the Administration's significant cuts to the Legal Services Corporation in this report. The Legal Services Corporation is funded at $330.8 million in this report, a $12.6 million increase over the President's request. Legal Services Corporation makes a significant impact in the lives of many vulnerable citizens, and is often the only reason low-income families have access to our justice system.

In order for the U.S. to remain competitive and in order to ensure a skilled workforce in this global marketplace, we must continue to make critical and strategic investments in science and research. Science, and science education, are crucial elements to our society and our daily lives. I was very pleased with

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the funding for the science agencies, including NASA, and the National Science Foundation. NASA and NSF received increases of $273 million and $180.2 million respectively, both of which represent larger investments than the President's request.

I will support this conference report today, because it reflects an overall increase in investments for our future.

PAYING TRIBUTE TO DOUGLAS COUNTY HIGH SCHOOL VARSITY TEAM

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Mr. TANCREDO. Mr. Speaker, I would also like to applaud the accomplishments of a group of Douglas County, Colorado student-athletes. The Varsity Football team from Douglas County, High School—Emilio Acosta, Bobby Acsell, Mitch Acsell, Ethan Adkins, Weston Anderson, Carrett Angus, Charles Arnold, Will Arnold, Jermoe Atkinson, Joe Barlow, Hunter Bartz, Anthony Bortot, Justin Brown, Chris Cancino, Dillon Carlson, Tanner Clark, Nate Cotanch, Dustin Davis, Luke Diehl, Rob Evans, Michael Facchinello, Joel Fassler, Steve Fendry, Grant Fisher, Kyle Folven, Kyle Galenza, Keiffer Garton, Andy Giepel, Ryan Groat, Nick Hernon, J.T. Herbert, Ben Hitchcock, Kaither Holiway, Tyler Jackson, Nick Kennedy, Drew Kesinger, Logan Klossner, Cole Kranhenbuhl, Chris Lagace, Eric Lawson, Zachary Loudon, Jordan Lyons, Mark McCarron, Tim McGraw, Jordan Manghan, Kris Mansfield, Ryan Misare, Andy Muns, Cody Monroe, Matt Monroe, Andy Nappo, Zach Nye, James O'Hara, Drew O'Malley, CJ Oechle, Taylor Oswald, Dan Oulliber, Curtis Prock, Matt Przylucki, Tucker Reddy, Ian Reither, Cory Reynolds, Spencer Rich, Landon Richey, Marcus Richtel, EJ Rivera, Josh Rodriquez, Jesse Royce, Joshua Ruff, Cody Sanders, Jacke Schwab, Jake Schultz, Aaron Shaffer, Richard Speact, Jeff Stevens, Ryan Swope, Terrence Taylor, Chris Treloar, Kevin Vanzet, Nick Voyles, Dominick Wagner, Chauncey Wahinya, Adam Walsh, Clint Weis, Cameron White, Mike Whitney, Joe Williams, Matt Zoeteway and their coaches, Jeff Ketron, Gene Hill, Buce Misare, Mike Wade, Kevin Folven, Lon Smith, Steve Bantz, RL Boyles, Pat McGrawl, Mike Smith, Jodie White, Brandon Gilbert and Melissa Martinez—won the Colorado State Division 5A Football Championship on December 3, 2005.

After completing the season at 9–1, the Huskies were given the first place seeding in the State playoff bracket. They won the next four games and this outstanding group of athletes earned their first ever State Championship.

The Huskies have trained intensively while maintaining a standard of academic excellence throughout the season. It is my pleasure to honor their championship, and to wish them all the best in their future endeavors.

TRIBUTE TO WILLIAM McGUIRE

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Mr. REYNOLDS. Mr. Speaker, I am honored to rise today to pay tribute to William McGuire, upon his retirement as head of Western New York's Kaleida Health.

Mr. Speaker, when Bill McGuire arrived in Buffalo in 2002, morale among Kaleida's staff was at its nadir. The system had lost $125 million in its first 5 years of existence, physicians were fleeing, and the community was in an uproar over a proposal that would have moved its Women and Children's Hospital.

Just as doctors worked to heal Kaleida's patients, Bill McGuire's seemingly impossible mission was to heal the health system itself. And heal it he did.

As Ted Walsh, Chairman of the Kaleida Board of Directors once remarked, "Bill McGuire arrived at a critical moment in Kaleida's history and brought the organization from fiscal chaos to financial health and stability."

In addition to bringing stability to Kaleida Health, under Bill McGuire's leadership, the nationally-renowned Women and Children's Hospital remains open, providing vital health care services to the Western New York community.

A graduate of the University of Notre Dame and the University of Michigan, Bill McGuire previously served as President and CEO for Catholic Medical Centers of Brooklyn and Queens. He has held similar positions at a number of hospitals across the United States.

Further, Bill McGuire has provided his time and leadership to such organizations as the Greater NY Hospital Association, the Hospital Association of New York State, the Western New York Healthcare Association, the Greater NY Healthcare Association, Buffalo Niagara Partnership, and the Buffalo Niagara Medical Campus.

Mr. Speaker, Bill McGuire once noted that "people working together can make a real difference. They can influence the future, rather than being a victim of it."

Bill McGuire's leadership, commitment and service has influenced our future, the Western New York community is the better for it.

TRIBUTE TO BOULDER-DUSHANBE SISTER CITIES

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to recognize the Boulder-Dushanbe Sister Cities organization and its ongoing work to develop friendship and understanding between the citizens of Boulder, Colorado, and the citizens of Dushanbe, Tajikistan.

In 1987, two cities on opposite sides of the world, in countries on opposite sides of the political spectrum, collaborated to bring their respective traditions, culture, and history to one another in a peaceful manner. During a time of great conflict and tension, the cities of Boulder, Colorado, and Dushanbe, Tajikistan, united as the Sister Cities. Over the next 3 years, dozens of Tajikistani painters, woodcarvers, and ceramicists worked on completing Dushanbe's gift to Boulder, the Boulder Dushanbe Teahouse. The result was a magnificent structure and a wonderful restaurant that offers exquisite cuisine and atmosphere.

Now it is our turn to give back to the people of Dushanbe. Planning is well underway for Boulder's reciprocal gift of a cybercafe, which will be part restaurant, learning center, and Internet connection point.

Most of all it will be our way of connecting to Tajikistan—by sharing our culture, helping Tajiks communicate with the outside world, providing educational resources, and investing in their community. At a time when international understanding between countries and their citizens is more valuable than ever, this project deserves strong support.

Mr. Chairman, I've attached a June 2005 newspaper article from The Daily Camera highlighting progress on the cybercafe project. I think it's important to call attention to this project and the volunteer efforts of the Boulder-Dushanbe Sister Cities organization. On its website, the group writes about the cybercafe that it "hopes that that gathering place, offering computer and Internet access rare in that part of the world, will bring to life the goal of helping people connect through what they have in common rather than what keeps them separate." I share that hope and commend the Boulder-Dushanbe Sister Cities organization for helping this project come to life.

[From the Daily Camera, June 20, 2005]

RESIDENTS WORK TO REPAY DEBT: DUSHANBE CYBERCAFE PROJECT IS EXPECTED TO START IN FALL

(By Ryan Morgan)

Boulder owes the city of Dushanbe a cybercafe to reciprocate for a teahouse from the Tajikistani capital that opened in Boulder in 1998.

Now, after years of work, the Boulder residents organizing the cybercafe effort have received good news from Dushanbe officials: They expect to break ground on the project this fall.

Don Mock, a former Boulder city councilman and co-president of Boulder-Dushanbe Sister Cities, said his group learned late last week that city planners in Dushanbe had approved a new site for the cafe.

"It looks like some of the final hurdles have been cleared," he said.

Much of the delay came after Mock and other committee members realized that the site originally proposed for the cybercafe—one that would have placed it in downtown Dushanbe, next to a large concert hall and the national library—wouldn't work.

It turned out that city planners there wanted every building in that district to be at least five stories tall, far beyond the expected scale and cost of the planned cybercafe. So organizers had to find a new site and alter the building's design.

If all goes well, the cybercafe will sit in Dushanbe's Park of International Friendship, Mock said.

Mock said he thinks the cybercafe will give something of real value to residents of Dushanbe. It will offer books in Tajik and Russian and a "cultural center," he said.

"It's going to be more than a place to check e-mail."

With a final plan in place, the sister cities committee will now start redoubling its fundraising efforts.

"We want to be able to tell these big donors exactly what they'll be getting for their donation," Mock said.

The committee has raised about $400,000 and will need to raise an additional $300,000, he said.

Vern Seieroe, an architect helping to design the building, said he is relieved the process of navigating an often confusing bureaucracy located 7,000 miles away will finally yield dividends.

"You can only imagine the obscurity of what the process is, seeing it and attempting to understand it from this distance," Seieroe said. "We're learning a lot. Our learning curve is almost vertical."

Boulder's colorful Dushanbe Teahouse was also the culmination of several years' work and delays. Tajik craftsmen carved the intricate structure, disassembled it into 14 sections and shipped them to Boulder in 1990. The sections sat in storage for years. In 1998, they were re-assembled and the teahouse finally opened its doors.

THE REPUBLICAN RAID ON STUDENT AID

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise today in support and in solidarity with America's college students and our Nation's higher education institutions. Our competitiveness in the global economy is built on the foundation of a highly educated workforce. My Republican colleagues feel financial aid for higher education is a privilege, not a necessarily for American students.

The Republican strategy to cut and gut Federal financial aid by over $14 billion hurts students, hurts families and threatens America's competitiveness. Harming higher education harms America.

The Republican raid on student aid makes the largest cut in the history of Federal student financial aid, while also increasing the deficit by $20 billion—adding more debt on the backs of hard working Americans and students.

Tim McDonald attends Hamline University in St. Paul, Minnesota. Tim spoke eloquently to me last week against these cuts. Tim said:

> The generation that benefited from highly-subsidized, affordable higher education is now pulling the ladder up with them and forcing us to debt finance not only our own education, but their tax cuts. . . .

I came to Congress to promote hope and opportunity. Vocational schools, technical schools and our colleges and universities provide America's scientists, engineers, entrepreneurs, teachers, nurses, law enforcement officials—our future leaders, with the skills, knowledge and opportunity to keep America strong and prosperous.

Republican priorities cut and gut the vital resources students depend upon to achieve their career goals and contribute to America. Instead of investing in students, instead of investing in America's future, this Republican scam forces students to pay the price for a mismanaged Republican budget.

I ask my Republican colleagues to stand with us and students to protect America's economic future, to not abandon the next generation of American leaders and to defeat the cutting and gutting of hope and opportunity for millions of American students.

HONORING ANTHONY RAFFA ON HIS CAMPAIGN TO BE ELECTED TO THE CHAUTAUQUA COUNTY LEGISLATIVE DISTRICT 14

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to honor Anthony Raffa, a resident of Chautauqua County for his quest to become the elected representative to the fourteenth legislative district in the Chautauqua County Legislature. Although Mr. Raffa was not able to realize his dream he has been able to make an impact on other's lives in a different way.

The campaign trail is a difficult path to take. Any person with a dream may enter but only a few are able to reach the end. Mr. Raffa traveled that path with his head held high and a smile on his face the entire way. I have no doubt that his kind demeanor left a lasting impression on the voters of district 14.

Mr. Raffa has tried his hand in county politics many times. That is a respectable trait to have. Determination to do good things for your county is one thing that Chautauqua County residents strive for. He was a long time legislator and a long time advocate for "good government."

Chautauqua County is blessed to have such strong candidates with a desire to make this county the wonderful place that we all know it can be. Mr. Raffa is one of those people and that is why, Mr. Speaker, I rise to honor him today.

TRIBUTE TO T.J. CONNOLLY

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to honor the seventh anniversary of Connolly and Company, a public relations, advertising and marketing firm in San Antonio which is located in the district I represent, the 28th district of Texas.

Mr. Speaker, in 1998, T.J. Connolly had a vision which he put into practice. He recognized a void in public relations that he thought he could fill with a company specializing in message management.

Connolly and Company was started with one telephone, two computers, a secretary and one client. Seven years later, it's a thriving public relations firm whose dynamic staff services clients in telecommunications, commercial real estate development, health care and law—among many others.

Connolly and Company is an upstanding business in Texas that helps its many clients put their best foot forward. The firm has collected many awards and is regarded as one of the top firms in San Antonio.

Mr. Speaker, I am proud to have had this opportunity to celebrate the anniversary of Connolly and Company.

HONORING IRENE ALEXANDER

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Mr. EMANUEL. Mr. Speaker, I rise to recognize one of Chicago's treasures, Mrs. Irene Alexander.

Today Mrs. Alexander will perform a concert of Chopin and Gershwin pieces for victims of Hurricane Katrina. Following that, she will visit Walter Reed Hospital to perform for wounded soldiers. Her final performance of the day will be for Navy veterans at a concert in Bethesda, Maryland. While this schedule would be too much strain for most, it is the norm for Mrs. Alexander, who is 85 years old.

When she is back home in Chicago, Mrs. Alexander shares her musical gifts at nursing homes throughout the city, performing approximately 150 concerts each year. An accomplished pianist, she has played at Chicago's Orchestra Hall and at venues in Israel and China.

Mrs. Alexander has overcome several personal hardships in order to serve others. As a child, she overcame polio, and as an adult she battled breast cancer. For the past 15 years, she has suffered from macro-degeneration of the eyes, and is legally blind today. Through it all she has continued to perform and serve as a source of inspiration for many.

Mr. Speaker, I am proud to stand in recognition of Chicago's most generous and talented citizens, Mrs. Irene Alexander.

IN RECOGNITION AND REMEMBRANCE OF THE LIFE OF U.S. MARINE CORPS MASTER SERGEANT BRETT ANGUS

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Ms. McCOLLUM of Minnesota. Mr. Speaker, I thank you for the opportunity to recognize and honor the life of U.S. Marine Corps Master Sergeant Brett Evan Angus.

Minnesota and St. Paul have lost another courageous serviceman. U.S. Marine Corps Master Sergeant Brett E. Angus served his Nation, his community and his family with honor in one of the military's most dangerous jobs, as an ordnance disposal expert. Master Sergeant Angus was serving his second tour in Operation Iraqi Freedom when, on November 26, 2005, an improvised explosive device detonated while he was conducting combat operations near Camp Taqaddum, Iraq. He was assigned to Marine Wing Support Squadron-372, Marine Wing Support Group-37, 3rd

Marine Aircraft Wing, I Marine Expeditionary Force, out of Camp Pendleton, California. During Operation Iraqi Freedom, his unit was attached to 2nd Marine Aircraft Wing, II Marine Expeditionary Force (Forward).

Master Sergeant Angus was born in St. Paul, Minnesota. His family history of military service dates back to the Civil War, and he followed his father, uncle and grandfather into military service. He was an outstanding professional soldier who loved being a Marine and earned several awards and medals for his service. He was eligible for retirement this year, but chose to return to Iraq for a second tour of duty. As an ordnance disposal expert, his family was constantly afraid of the danger his job put him in, but knew that his vital work was saving the lives of U.S. Armed Forces and the Iraqi people. His vast knowledge and expertise made him a valuable teacher for his fellow Marines.

I extend my condolences and share in the grief of his family and friends. Master Sergeant Angus' made the ultimate sacrifice while serving our Nation, and we will be forever grateful. The sympathies of all Americans go to his wife, Masami, his father, Russell, and to his family and friends.

Master Sergeant Brett Angus is the 26th service member from Minnesota to die in Iraq since 2003. I honor Brett Angus for his courageous service to this country, and his commitment to protecting our freedom.

TRIBUTE TO THUNDER RIDGE HIGH SCHOOL VARSITY TEAM

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Mr. TANCREDO. Mr. Speaker, I would also like to applaud the accomplishments of a group of Highlands Ranch, Colorado student-athletes. The Varsity Football team from Thunder Ridge High School—Tyler Ames, William Ard, Cody Barday, Jesse Bartholomew, Damjan Bates, Dylan Baumgarten, Brian Behnke,Shay Belfiore, Kyle Black, Sean Brandon, Lucas Braun, James Breidel, Shawn Brevig, John Callahan, Evan Carter, Chris Carpenter, Hunter Caulder, Josh Ceccarelli, Bryce Clark, Robert Clark, Phillip Clukies, Mike Coffey, Chris Collins, Richie Cooper, Evan Crabdree, Carlos Cristaldo, Justin Curnow, Scott Day, Matt England, Ben Faddis, Paden Faulkner, Matt Flood, Brennan Fox, Brendan Gallagher, Desi Gallegos, Cody Gibbs, Caleb Golter, Russ Gorhum, Alex' Guesnier, Corey Hankins, Zach Hansen, Clay Harrison, Chris Hernley, Michael' Hoffman, Cory Hofstetter, Ryan Huber, Matt Hutton, Ryan Jellum, Nick Kochan, Jordan LeMarinel, Brian Lawrence, Bryce Lines, Nick Lind, Benny Lopez, Nate McCarroll, Matt Maichele, Kyle Manhart, Cody Martin, Jordan Meek, Drew Miguel, Eric Moats, Brendan Nelson, Tyler Nelson, Brandon Nelson, Doug Nisenson, Alex Nittoli, Will Palamet, Tim Papik, Shane Pickrell, Brent Pokryfke, Chris Ray, Josh Roach, LeRoy Santos, Steven Savage, Alex Sawyer, Josh Schaner, Patrick Sharshel, Cory Sicard, Ethan Sizer, Ben Smith, Parker Smith, Travis Somma, Tyler Spieker, Andrew Tapp, J.T. , Taylor, Bret Techentien, Zach Tiedgen, Brandon Townsley, James Tucker, Andrew Ulmer, Danny Vail, Tyler VanderVegt, Jeff Watt, Riley Williamson, Derrick Youhas, Eric Zane, Chuck Zimmerman and their coaches, Joe Johnson, Joe White, Ryan Hollingshead, Jon Ackerman, Mick Ward, Marty Moon, Kent Milius, Matt Chapman, Steve Miller, John Reyes, Joe Wegner, Nick Grimm, Craig Kyllonen—won the Colorado State Division 4A Football Championship on December 3, 2005.

After their undefeated season, the Grizzlies gained the second place seeding in the State playoff bracket. They won the next four games and this outstanding group of athletes earned the right to be called State Champions.

The Grizzlies have trained intensively while maintaining a standard of academic excellence throughout the season. It is my pleasure to honor their championship, and to wish them all the best in their future endeavors.

TRIBUTE TO JUDGE RONALD H. TILLS

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Mr. REYNOLDS. Mr. Speaker, it is with great pride that I rise today to honor a respected jurist, a dedicated public servant, a valued mentor and a trusted friend upon the occasion of his retirement from the New York State Court of Claims.

A native of Hamburg, New York, and a veteran of the United States Army Reserves, Judge Ronald H. Tills began a career in public service that spanned five decades when he joined the Zoning Board of Appeals in 1960. An Assistant Town Attorney and Town Justice, Ron Tills was elected to the New York State Assembly in 1968, where he served his community and his State with distinction, becoming Chairman of the Assembly's Select Committee for Revision of Corporation Law.

It was in his capacity as Member of the State Assembly that Judge Ron Tills took a chance on a young college student with little political experience to help run his re-election campaign in 1972. Joining his Assembly staff following that election, my own career in government and public service was launched, and I will be forever grateful for Ron's guidance, counsel and friendship.

Judge Tills' service to his community culminated when he was nominated by Governor George E. Pataki, and confirmed by the New York State Senate, to the New York State Court of Claims in July of 1995, where he has served as a Court of Claim Judge and Acting Supreme Court Justice for the past decade.

Mr. Speaker, Ron Tills involvement in a variety of civic and community organizations, and the awards and recognitions he has received over the years are too numerous to list. Whether it was the Lions Club, Chamber of Commerce, Hamburg Volunteer Fire Company, or so many others, Ron Tills involved himself as he did in each endeavor throughout his life and career, with passion, leadership, and commitment.

One of his great loves is the largest and oldest fraternal organization in the world. As a Mason, Ron Tills has held numerous responsibilities within the Masons and the organizations within it, including Proctor of the Grand Lodge of the State of New York, Potentate of the Ismalia Shrine Temple, Director and President of the Shrine Oasis and Director of the Buffalo Court 22 of Jesters.

In addition to the Masons, gardening and travel, Ron Tills' greatest love of all is the former Elizabeth Clarkson. Ron and Betty were married on May 6, 1960, and are parents of Thomas and Suzanne and grandparents of Dale Jr. and Diane Goodridge, and Timothy and Abigail Tills.

Mr. Speaker, in recognition of and in gratitude for his service, leadership and patriotism, I ask that this Honorable Body join me in honoring Judge Ronald H. Tills upon the occasion of his retirement, and wish him great health and happiness in the days and years ahead.

RECOGNIZING THE SMALL BUSINESS ADMINISTRATION'S COLORADO DISTRICT OFFICE AND THE LEADERSHIP OF DISTRICT DIRECTOR PATRICIA BARELA RIVERA

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise to recognize and congratulate the U.S. Small Business Administration's Colorado District Office, under the leadership of District Director Patricia Barela Rivera, for directing a record $520 million into Colorado's economy through its lending programs during 2005. The SBA approved 2,255 loan guarantees, a 20 percent increase over 2004, which is the highest number of loans ever approved in Colorado. This critical investment will help strengthen Colorado's economy and create jobs.

Many women and minority-owned businesses are the beneficiaries of these SBA loans. Of the total number of loans, 1,010 worth $214.6 million went to women and minority firms, and 188 loans worth $38.7 million went to small businesses owned and operated by veterans. Access to capital is critical in starting and maintaining a business and these loans will ensure that women, minorities and veterans will be part of a robust economy and they will be able to live the American dream.

In addition, I am also pleased at the level of outreach that the Colorado District Office has done in rural Colorado. A large portion of the loans distributed in 2005 went to small businesses in rural areas, which oftentimes are left out during good times and hurt even more when the economy takes a downturn. Every area of the state should be able to share in the success of our economy, and through the tireless efforts of the Colorado District Office staff many rural areas in the State are not being forgotten.

Finally, Mr. Speaker, I want to recognize the steadfast leadership of SBA District Director Patricia Barela Rivera. Patricia understands that small businesses are the backbone of

America's economy. She is one of the most talented public servants in Colorado who is always striving for excellence, always coming to the aid of those individuals in need, and always working to make our State a better place to live, work, and play. The SBA is lucky to have Patricia as its ambassador in Colorado. I salute her for her unswerving dedication and I know she and her staff will continue to make all of us proud.

HONORING RETIRING EVANS TOWN COUNCILMAN TOM CSATI

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to honor the service of a dedicated elected official from the town of Evans who has served with distinction as a member of his Town Board. I am speaking of retiring Evans Town Councilman Tom Csati.

Tom Csati is a strong leader who worked hard to get things done in Evans and Angola. A member of the Town Board for 8 years, Tom Csati is a public servant who always put people first. The town of Evans and its residents are better for the service he provided, and I am proud to honor his service here today.

TRIBUTE HONORING THE 125TH ANNIVERSARY OF THE UNIVERSITY OF THE INCARNATE WORD

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to honor the 125th anniversary of the University of the Incarnate Word, an institution of higher education in San Antonio, Texas that serves students from Texas, as well as throughout the United States and around the world.

Mr. Speaker, the University of the Incarnate Word evolved when three sisters went to San Antonio to help serve people in need of health care and children in need of homes.

After founding several hospitals and two orphanages, the sisters established Incarnate Word School, which began as an elementary and secondary school but has blossomed into a university that has a campus in Mexico City and one in China.

The university's service is based on the belief in God, their love for God, and their desire to serve God's people.

The university is also celebrating the 20th anniversary of Dr. Louis J. Agnese, Jr. as president of the university. He is a great leader and his long service is a testament to the dedication of the school.

Mr. Speaker, thank you for allowing me the privilege of celebrating the 125th anniversary of the University of the Incarnate Word and the 20th anniversary of Dr. Louis J. Agnese, Jr. as president.

HONORING RETIRING ELMA TOWN COUNCILMAN BILL CIROCCO

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to honor the service of a dedicated elected official from the Town of Elma, Bill Cirocco.

Now, Mr. Speaker, I like most of my colleagues represent a large number of different communities. All told, I represent all or part of 19 towns and 2 cities in Erie County, as well as 27 towns and 2 cities in Chautauqua County. But Elma is a very important town in my district it's where my parents live.

It's that closeness that I have to Elma that leads me to commemorate Bill's service to Elma. As a public official, Bill always had the best interests of his constituents—his neighbors—first in his mind. As time went on, and as battles were waged in town about this issue or that, Bill Cirocco always looked at each issue individually and kept the residents and taxpayers first in his mind.

Now, as Bill contemplates retirement from elective office, I want to take this opportunity to thank him for his dedicated service to Elma, and to the people who live, work and raise their families there. Elma is a better place for his service to the town, and I want to thank you, Mr. Speaker, for allowing me this opportunity to honor Bill's service.

TRIBUTE TO JUAN ARECHIGA, SR.

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to honor the life of Juan Arechiga, Sr., a decorated World War II veteran and lifelong resident of Laredo, Texas who passed away Saturday, December 3, 2005.

Mr. Speaker, Mr. Arechiga was a veteran of the U.S. Army and was a member of Company F, 333rd Infantry, serving in the Rhineland and Central Europe. He served bravely from November 25, 1942 to December 9, 1945, when he was honorably discharged.

For his dedication while in the service, he received the American Theater Campaign Ribbon, the EAME Campaign Ribbon with three bronze stars and a Good Conduct Medal.

Mr. Arechiga was an electrician who was one of the founding members of the Laredo Electrical Association which was formed in 1948. As his business expanded, he developed a construction firm that was contracted to build the first Sears and Roebuck buildings in Barcelona, Spain and San Juan, Puerto Rico.

When he returned to Laredo, he became a well-known residential contractor and established his own local construction company. Mr. Arechiga was an important part of Laredo's growth in the late 1970's and we are proud to have had such a respected person as a citizen of Laredo.

ON THE 24TH ANNIVERSARY OF THE PASSING OF DANIEL FAULKNER: HONORING PENNSYLVANIA LAW ENFORCEMENT OFFICERS WHO GAVE THEIR LIVES IN THE LINE OF DUTY

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, on December 9, 1981, Daniel J. Faulkner, a five-year veteran of the Philadelphia Police Department was shot and killed while making a routine traffic stop. Although he was only 25 when he left us, Officer Faulkner achieved many things. He was a loving husband, an active church parishioner, and a respected member of his community.

Since Officer Faulkner's murder, more than 115 brave men and women in uniform have given their lives while serving and protecting the communities of Pennsylvania.

My colleagues, these fallen officers paid the ultimate price for their service to our Nation. They left behind family, friends and colleagues. And we must never forget their contributions to the safety, security and betterment of our neighborhoods.

So today, I rise to pay tribute to and remember the 140 law enforcement officers who died this year in the line-of-duty in our Nation. In particular, I rise in honor of the four fallen law enforcement officers from my home state of Pennsylvania:

York County Sheriff Deputy Edward "Skip" Schroeder;

Easton Police Department Officer Jesse Sollman;

City of Philadelphia Officer Paris Williams; and

Newton Borough Police Department Officer Brian Gregg.

Mr. Speaker, these officers' sense of dedication will forever be remembered by their family, friends, loved ones, and the Nation. And I know that all of my colleagues, and all Americans, join me in honoring their sacrifice in the line of duty.

HONORING OUTGOING BUFFALO CITY COUNCILMAN JEFFREY CONRAD

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Mr. HIGGINS. Mr. Speaker, today I rise to honor Jeffrey Conrad, a great son of South Buffalo, New York, who will complete his service as a member of the Buffalo Common Council on December 31, 2005.

Now, Mr. Speaker, when it comes to the Buffalo Common Council, I know of what I speak. Having served as a member of that body in the same seat as Mr. Conrad from 1988 to 1993, I know and understand the position of district councilmember in the city of Buffalo. In that job, Mr. Speaker, you are never presented with good news; you are only presented with crumbling sidewalks and broken streetlights, with poorly paved roads and neighbors complaining about nearby lots that need mowing.

In short, Mr. Speaker, this job is one of the toughest in local government. Jeff Conrad handled that job with dignity and aplomb, and I am pleased to honor his service here today.

Jeff Conrad is a bright young leader in South Buffalo. While his first run for public office was unsuccessful, Jeff is a solid individual from a great South Buffalo family, and he has a very bright future full of promise in months and years to come.

While Jeff Conrad served only a few short months as a member of the Buffalo Common Council, his commitment to the neighborhoods we live in and the people who inhabit them can never be overstated. Jeff's service to his constituents was effective and honorable, and I look forward to future opportunities to work with him to make our community a better place to live, work and raise a family.

TRIBUTE TO PENN DETROIT DIESEL ALLISON

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate the Penn Detroit Diesel Allison company for the grand opening of their new state-of-the-art facility in Pittsburgh. The new facility will be located in Cranberry Township just outside of Pittsburgh.

Penn Detroit Diesel Allison has provided the latest innovations in diesel engines, transmissions, and replacement parts to their customers for over 50 years. With the opening of their new facility, they will be able to "provide our customers with a superior and professional service experience," said Jerry Tiffan, president of the company. The new facility is equipped with 10 drive-through service bays, and a full diagnostic service center.

I ask my colleagues in the United States House of Representatives to join me in honoring the grand opening of the new Penn Detroit Diesel Allison facility in Pittsburgh. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute such a distinguished company like the Penn Detroit Diesel Allison company.

HONORING THE LATE FRANK FALKOWSKI FOR HIS VALIANT SERVICE TO THE UNITED STATES

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to honor the memory of a great American—a Western New Yorker whose service to this Nation brings honor to his family and to his countrymen alike. Mr. Speaker, today I rise to honor the memory of Frank Falkowski.

Frank Falkowski was born on February 24, 1919 in Depew, New York. He was the eldest child in a family of 11 children. Forced to quit high school to help support his family when his father died unexpectedly, Frank entered the U.S. Army at the age of 22 on February 3, 1941. Stationed in Georgia, Los Angeles, Hawaii, the Philippines and New Guinea, Frank performed a number of important roles during his military service, including service as a Military Policeman and machine gunner. During his spare time in the Army, Frank played Basketball and Football on military teams, but, more importantly, he completed his GED studies. Frank served a total of 42 months overseas during World War II, and while stationed in the Philippines and the Pacific theater, he assisted with the evacuation of women and children to safe havens as the Japanese were advancing. After receiving a letter of appreciation and thanks for his efforts from the mayor of Luzon, Frank was discharged from the U.S. Army on June 22, 1945.

After serving in the military, Frank met his wife, Marion. They were married in 1946 and raised 4 children, Marcia, Linda, Jerry and Janice. Frank worked as a welder for Contractor's Ornamental Steel and also worked part time as a security guard at the once famous Palace Theater in downtown Buffalo. After his retirement, Frank had the opportunity to enjoy his greatest pleasure—time with his friends, family and loved ones.

Frank was an Army veteran of World War II. While much is not known about his military service, it is well known that his service on the field of battle was valiant indeed. As a result of his service, he earned the following awards:

Bronze Star Medal; Good Conduct Medal; American Defense Service Medal; Asiatic-Pacific Campaign Medal; World War II Victory Medal; Combat Infantryman Badge First Award; Philippine Liberation Ribbon with 1 bronze service star, and Honorable Service Lapel Button WWII.

Unfortunately, Frank never lived to actually receive these awards. His daughter, Linda Falkowski Stanek, contacted my congressional office some time ago to inquire as to the status of these awards, in that she, on her mother's behalf and with the assistance of her siblings, wished to create a legacy honoring her late father that could be passed down for generations to come.

Through the hard work of the staff in our Buffalo District Office, and particularly the help of one of our Senior Field Representatives, William J. Greeley, we were able to verify Mr. Falkowski's entitlement to these awards and, on Thursday December 1, 2005, I had the supreme honor of presenting these medals, ribbons and other commendations to Mr. Falkowski's widow and members of his family.

Mr. Speaker, while Frank Falkowski never received his due recognition during his life, I am honored to have been given the opportunity to help give him his deserved recognition today, albeit posthumously. Frank Falkowski was always proud to be an American and was proud of his service to his country, but according to his family, he never spoke much of his experiences in World War II, perhaps owing to the pain those memories brought forth. Frank Falkowski served this Nation proudly and honorably, and his life after the service, where he settled in Western New York, married, worked and raised a family, are a positive example to us all. Fifteen years ago, the Falkowski family prayed that Frank would rest in peace; today, we pray that he knows that his country has, at long last, paid him the full honor to which he so richly deserves.

IN SUPPORT OF ISRAEL AND THE POSSIBILITY OF PEACE

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Mr. BLUMENAUER. Mr. Speaker, I rise in strong support of two important resolutions: H. Res. 438, urging member states of the United Nations to stop supporting resolutions that unfairly castigate Israel and H. Res. 535, honoring the life, legacy and example of Israeli Prime Minister Yitzhak Rabin. At a time when the death of Yasser Arafat and Israel's withdrawal from the Gaza Strip have created the renewed possibility for a safer, more secure, and more peaceful future for Israel, these two resolutions highlight both the challenges and the hope of the current moment.

While Israel has been the victim of unfair United Nations resolutions for much longer than I have been in Congress, the people of Israel should know that the United States will always stand side by side with them in the struggle against hatred and anti-Semitism. We join with them in the fight against terrorism, such as the recent suicide bombing in Netanya which killed 5 Israelis and wounded over 50 others.

At the same time, the memory of Yitzhak Rabin reminds us all of the courage that the Israeli people and their leaders—from David Ben-Gurion to Ariel Sharon—have shown when peace appears possible. I commend the House for making these two important statements and join my colleagues in the hope that Israel will one day live out Prime Minister Rabin's dream, "No more blood—no more tears."

SUPPORT FOR THREE RESOLUTIONS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Mr. FRANK of Massachusetts. Mr. Speaker, under the assumption that the House would have adjourned for the year by Tuesday, December 6, I accepted a very important speaking engagement for that evening in Massachusetts. The event was the installation of a constituent, David Wluka, as President for the year of the Massachusetts Association of Realtors, an important organization with which I have worked closely on the issue of housing, which is one of those that is most important to me in my role on the Committee on Financial Services. My presence at this event had been advertised by the Realtors, and so when suspension votes were scheduled for Tuesday night, I made this one of those rare occasions when I missed votes in order to carry out a responsibility in my district. All three of the votes taken were unanimous, so my absence obviously had no impact on the outcome. But I did want to make sure that my strong support for all three of those resolutions was noted. This is particularly true with H. Res. 438, which urged UN member states to cease their one-sided and unfair condemnations of Israel. The lack of balance in the UN with regard to the Middle East peace process has in fact been an obstacle to the success of that process, by increasing the fears of many in Israel that they will be unfairly treated. As a strong supporter of the ongoing peace process in the Middle East, I believe this resolution was an important one and I hope that the members of the UN will heed it.

Similarly, the resolution honoring the late Israeli Prime Minister Yitzhak Rabin is another important affirmation of the great value we place on the peace process. Those who murdered this great man sought to murder the process of peace, and it is important for us to make it clear that they did not succeed in that latter effort, although they tragically did succeed in killing one of the great leaders of our time. Yitzhak Rabin's courageous efforts for peace, grounded in the heroic efforts he made during his lifetime to advance Israel's security, deserve not simply this commendation, but serious efforts to bring to fruition what he worked so hard to achieve.

Finally, it is entirely appropriate that our colleague, the gentleman from California, Mr. Lantos, lead the House in recognizing the Fiftieth Anniversary of the extraordinarily brave, through tragic, effort by the Hungarian people to win their freedom from the brutal dictatorship imposed on them by the Soviet Union. While this ended badly with the deaths of so many brave people, it was an affirmation that the human drive for freedom cannot easily be snuffed out, and served as an extraordinary example for the later, successful efforts to break the tyrannical Soviet empire.

RECOGNIZING THE 50TH ANNIVERSARY OF THE MONTGOMERY BUS BOYCOTT

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise today in strong support of H. Con. Res. 273, to recognize the courage, perseverance, and demand for justice displayed 50 years ago in the Montgomery bus boycott.

On Thursday, December 1, 1955, Ms. Rosa Parks, who recently passed away at the age of 92 and whom this body has honored, was arrested for refusing to give up her seat to a white passenger on a Montgomery, Alabama, public bus. With fifteen year old Claudette Colvin arrested for the same infraction just a few months earlier in Montgomery, the NAACP and the Women's Political Council finally had the opportunity to shed light on their treatment as second-class citizens.

Following discussions amongst civic and church leaders, including the Reverend Ralph Abernathy, the Reverend Martin Luther King, Jr., Jo Ann Robinson, who was the head of the Women's Political Council, and E.D. Nixon, who was the Montgomery official for the NAACP, the people of Montgomery decided to take a simple action that would end up crippling the city for almost a year. The Montgomery bus boycott, which began on Monday, December 5, 1955, called a nation's attention to a legacy of racism, inexplicable discrimination, and equal treatment under the law.

Bringing Montgomery's segregated bus lines to their knees, boycotters did everything from organize a system of carpools to match black taxi cab rates to those of the city's now-empty buses. The crowded rush hour sidewalks served as a testament to that single act of courage and bravery which inspired the modern civil rights movement and went on to revolutionize our country.

As the months passed on with Montgomery's buses continuing to receive few, if any, passengers, leaders of the bus boycott movement soon became targets of racist bigotry—Rev. Abernathy's and Rev. King's houses were firebombed, and boycotters were physically attacked. Yet their movement continued.

It is this great will and determination that was rewarded, on November 13, 1956, when the United States Supreme Court upheld a Federal district court ruling declaring segregation on buses unconstitutional. These events laid the groundwork for future landmark achievements, such as the passing of the 1964 Civil Rights Act. And fifty years later, we are still inspired and invigorated by the strength and determination of the people of Montgomery.

Mr. Speaker, my constituents and the people of this great nation honor the ideals of justice and equality set forth by the Montgomery bus boycott every time we stand up for what is right. This is the legacy of that event, and the legacy we should continue to honor. As we look to the future, we should be inspired by their example and continue to fight for social justice and equality for all people. Just as the devoted boycotters did, we should all remain committed to erasing the inequities that still exist in our society and around the world. Mr. Speaker, I am proud to support this resolution.

INTRODUCTION OF MORTGAGE AND RENTAL ASSISTANCE REAUTHORIZATION ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Mrs. MALONEY. Mr. Speaker, today Representatives MAXINE WATERS (D–CA), CHARLIE MELANCON (D–LA) and I introduced the Mortgage and Rental Assistance Reauthorization Act to give victims of Hurricane Katrina the same housing aid awarded to New Yorkers in the aftermath of 9/11.

Once fully implemented, the Mortgage and Rental Assistance (MRA) program was one of the most useful FEMA programs following 9/11. This grant program provided direct mortgage or rent payments for individuals still living in their home, but were experiencing difficulties in making payments. When FEMA administered the program in New York, recipients were required to have a loss of income of at least 25 percent to quality. Rent or mortgage payments lasted up to eighteen months. This program was particularly useful for people who lost their job as a result of 9/11 and could not afford to pay their rent or mortgage.

Unfortunately, 9/11 was the last disaster for which this program was available. The Disaster Mitigation Act of 2000 eliminated this program because it was considered too costly and difficult to administer (the enactment date was 18 months and the attacks of 9/11 occurred after this act was signed into law, but before enactment). The Disaster Mitigation Act of 2000 merged temporary housing assistance with grants to individuals and families. This merge now limits the assistance FEMA is allowed to provide victims of disasters.

On December 1, 2005, the three-month mortgage suspension on mortgages for victims of Katrina expired and many individuals are now faced with mortgage bills they are unable to afford. This week the Bush Administration announced a limited loan program to assist victims having difficulty paying their mortgage.

This program was instrumental in stabilizing New York's economy after 9/11, it is beyond me why we are now refusing to get the people of the Gulf Coast the very same aid we got in New York. The offering of loans to pay off loans unfairly straddle Katrina victims with more debt. When Congress debated converting reconstruction aid to Iraq from grants to loans, the Administration threatened a veto. Why should reconstruction of the Gulf Coast be any different?

RECOGNIZING THE ANNIVERSARY OF THE 13TH AMENDMENT TO H. RES. 196

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Mrs. JONES of Ohio. Mr. Speaker, yesterday the House considered the recognition of the anniversary of the 13th amendment, H. Res. 196. On the 31st day of January, 1865, the 13th amendment was proposed to the State legislatures by the 38th Congress and ratified by 27 of the 36 State legislatures on December 6, 1865. January 31, 1865, the day the House passed the proposal, the gallery which had just opened to African-Americans erupted into cheers and Representatives on the House floor were visibly emotional, crying and hugging each other. Slavery had ended and the deep roots of the modern civil rights movement were planted.

Although the abolition of slavery did not mean equality for all Americans, the amendment initiated a civil rights movement that continues to this day.

Through the ratification of this landmark legislation, our government initiated the process to work towards uniting the American people. Their actions also inspired the eventual passage of the 14th amendment, which granted equal protection under the law, the 15th amendment, which gave African-American males the right to vote, and the 19th amendment which granted universal suffrage to all women.

Despite these monumental changes in our Nation's constitution, African-Americans and other minorities continue to experience social and economical injustices. I submit to you Mr. Speaker that we still have a long way to go to rid our Nation of the vestiges of slavery and discrimination. By passing this legislation, we are renewing a national commitment towards eradicating racial and ethnic inequalities.

PERSONAL EXPLANATION

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Mr. NADLER. Mr. Speaker, due to official business, I missed four votes on December 7, 2005. I ask that the RECORD reflect that had I been able to, I would have voted "no" on rollcall vote No. 615, tabling appeal of the ruling of the chair; "no" on rollcall vote No. 616, the United States-Bahrain Free Trade Agreement Implementation Act; "aye" on rollcall vote No. 617, the Tax Revision Act; and "aye" on rollcall vote No. 618, the Gulf Opportunity Zone Act of 2005.

CONGRATULATING THE UNIVERSITY OF NEW MEXICO MEN'S SOCCER TEAM FOR ADVANCING TO THE COLLEGE CUP

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Mrs. WILSON of New Mexico. Mr. Speaker, I rise today to congratulate the University of New Mexico Men's Soccer Team for advancing to the College Cup for the first time in school history. Last Friday, in the fourth round of the NCAA Tournament the second seeded Lobos defeated seventh seeded California Bears 1–0 to advance to the College Cup in Cary, North Carolina.

These Lobo student athletes have proudly represented the UNM in classroom and on the field. Led by Head Coach Jeremy Fishbein the Lobos finished the season with a 15–1–2 finish and a No.1 ranking in the final NSCAA Top–25 and Soccer Times Top–25 poll.

Mr. Speaker, this team is packed with home grown talent. A total of nine players are from New Mexico including seven from my district in Albuquerque. In fact, Mr. Speaker, three Albuquerque Public High School graduates combined for the winning overtime goal against California. Eldorado Eagle Brandon Moss passed down the field to Sandia Matador Ben Ashwil who chipped to La Cueva Bear Jeff Rowland who buried the ball in the net for the winning goal.

I would also like to congratulate UNM seniors Jeff Rowland and Lance Watson for being two of only 54 collegiate soccer players who received invitations to the 2006 Adidas MLS Player Combine, a pre-draft Major League Soccer camp. In addition, Jeff Rowland, a non recruited walk on who maintains over a 3.7 cumulative g.p.a, is a candidate for the Herman Trophy, awarded annually to the top player in college soccer.

Players and fans alike often have strange superstitions to ward off bad luck. For example, Mr. Speaker, former baseball player Wade Boggs would eat only chicken the day of a game. Many Lobo players their fans and family have kicked it up a notch by growing moustaches.

I am eagerly anticipating the Lobos College Cup Semifinals game against Clemson, tomorrow, December 9, 2005, as these Lobo athletes proudly represent the University of New Mexico on the national stage.

Mr. Speaker, In closing, I wish to commend the UNM Men's Soccer Team, UNM Head Coach Jeremy Fishbein, UNM athletic director Rudy Davalos, and all the dedicated Lobo fans for this successful season. Go Lobos.

TRIBUTE TO H. WALKER FEASTER III

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Mr. MORAN of Virginia. Mr. Speaker, I rise today to pay tribute to H. Walker Feaster III, Inspector General of the Federal Communications Commission, who retired on January 3, 2006, after 38 years of Federal service—32 of which were served at the Federal Communications Commission (FCC).

Walker attended Drexel University in Philadelphia, Pennsylvania and graduated with a bachelor's degree in Business Administration in 1966. Walker's distinguished career began with service in the U.S. Navy from August 1966 to August 1971. Walker served as Combat Information Center Officer/Intelligence Officer on a guided missile frigate and was deployed to the Middle East on the flagship for the Commander, Middle East Forces. Walker also served as Staff Assistant to the Deputy Commander for Plans, Naval Telecommunications Command. Walker was discharged from active duty with the rank of Lieutenant and ultimately retired from the U.S. Naval Reserve with the rank of Commander in 1992.

In October 1971, Walker went back to work for the Naval Telecommunications Service as a civilian employee and in January 1974, after a brief career in the private sector, Walker joined the FCC as a Senior Analyst and later Deputy Chief of the Management Systems Division within the Office of Managing Director. During this period, Walker also found time to earn a Master of Science in Government from Southern Illinois University in 1975 and earn a Master of Business Administration from American University in 1977. In 1978, Walker joined the staff ofthe FCC's Private Radio Bureau first as the Assistant Bureau Chief for Management and later as the Associate Bureau Chief for Operations. In 1981, he rejoined the Office of Managing Director as the Deputy Chief of Management Planning and later became the Associate Managing Director for Program Analysis.

Walker was named as the Acting Inspector General of the FCC on November 14, 1994, and, on April 14, 1996, was officially appointed as the Inspector General, the position he held until his retirement. Walker had many accomplishments as the FCC's Inspector General. Directing a staff of 14 professionals, he expanded oversight of Commission operations and improved the objectivity and integrity of audits and investigations. During his tenure, he directed over 167 audits/surveys/special reports of Commission operations and programs making over 600 recommendations or observations and achieving Commission concurrence for over 95 percent of those findings. He also directed over 270 inquiries/investigations of Commission employees and contractors and assisted Federal prosecutors in criminal investigations and prosecutions resulting in plea agreements, criminal fines, civil settlements and restitutions. Walker prepared Semi-Annual Reports to Congress on office activities and testified before House and Senate committees on numerous occasions.

Walker and his wife Susan have two children, Nicole and Nicholas. Susan Smith Feaster is the President of Coastal Partners, Ltd., and CEO and Chairman of the Board for the World Leadership Institute. Susan also formerly served on the staffs of United States Senator Paul Trible, Jr. and Congressman Frank R. Wolf. Nicole, a sixth grader who speaks French fluently, is an outstanding student and athlete. She participates in Tai Kwon Do, basketball and softball. Nicholas, a bright little 3 year old, attends preschool in Georgetown, and is busy learning the alphabet and his numbers in French. The Feaster family enjoys attending sporting events together and vacations to destinations in the United States and abroad.

Mr. Speaker, I proudly ask you to join me in commending the career of H. Walker Feaster III. With Walker's retirement, the FCC loses an enthusiastic, innovative leader and an exemplary Federal employee.

RECOGNITION OF THE SKYHAWKS, NCAA DIVISION II MEN'S SOCCER CHAMPIONS

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Mr. SALAZAR. Mr. Speaker, I want to congratulate the Skyhawks, Fort Lewis College's Men's Soccer team for winning the 2005–2006 NCAA Division II National Championship. Being undefeated, ranked first in the nation, and then winning the National Championship is indeed a dream season for this phenomenal group of athletes.

The Skyhawks 3–1 victory on December 4th capped an undefeated season with Fort Lewis winning 22 matches. In the Final Four Tournament, Team Captain Bryan Eisenbraun was named most valuable defensive player. John Cunliffe was named most valuable offensive player. These two young men and two other Skyhawks—Nick Clark and Cole Sweetser—were also named All-American soccer players.

The Fort Lewis Skyhawks are the pride of the entire community. These men are positive role models for the younger generation, not only for their talent and dedication to the sport, but because of their dedication to volunteering and giving back to the community. For several years, the coaches and team have been actively involved with the Durango Youth Soccer Association, leading soccer camps, coaching clinics, and hosting club soccer tournaments. The Skyhawk men have taken the time to be mentors for Durango youth and have become like family for many people.

The Skyhawks are a shining example of the values important to all Coloradoans—hard work, dedication, leadership, and working with the community. To Fort Lewis College President Brad Bartels, Coach Jeremy Gunn, Assistant Coaches Darren Morgan, Andy McDermid, James Hall and all the members of the Skyhawk's 2005 men's soccer team: Adam Beach, Jonathan Boyer, Nick Clark, Bernardo Costa, John Cunliffe, Tom Donley, John Eckhoff, Bryan Eisenbraun, Fabian Ferrada, Sean Flanagan, Kyle Fredrick, Ben Gatenbein, Kieran Hall, Ryan Kerr, Nick Kirchhof, Taylor Lavoy, Ryan Parsons, Carter Rice, Casey Roberts, Paul Sanchez, Cole Sweetser, Justin Valashinas, Cliff Wilmes, and Kenny Wood—congratulations on your victory and thank you for your service to the community.

INTRODUCING THE FEDERAL EMERGENCY MANAGEMENT AGENCY RESTORATION ACT

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Mr. OBERSTAR. Mr. Speaker, today I, together with Subcommittee Ranking Democratic Member Norton, and 30 other Democratic Members of the Transportation and Infrastructure Committee (the Committee), have introduced the "Federal Emergency Management Agency Restoration Act of 2005". This bill will reestablish the Federal Emergency Management Agency (FEMA) as an independent, cabinet-level agency. It will further strengthen the agency by ensuring that the FEMA Director is chosen from among qualified candidates who have extensive experience in the areas of emergency preparedness, response, recovery, and mitigation for all hazards. This bill will begin the process of restoring FEMA to a level of competence that the American people expect and deserve.

Moving FEMA into the Department of Homeland Security (DHS) was the wrong thing to do. It trapped the agency—an agency that needs to be nimble and be able to marshal resources quickly—in a bureaucratic morass. During its time in DHS, FEMA has been partially dismantled, been bled of necessary resources, been unable to fill key management positions on a permanent basis, been unable to make timely decisions to deal with emergencies, and has been forced to focus on terrorism at the expense of natural disasters. FEMA's response to the natural disaster of Hurricane Katrina was itself a disaster.

Although I am saddened by FEMA's current troubles, I am not surprised. Three years ago, during consideration of H.R. 5005, the Homeland Security Act of 2002, I offered an amendment to keep FEMA independent from the Department of Homeland Security. I, along with many other Democrats, feared that including FEMA in the new Department would undermine its effectiveness by diverting resources away from its traditional mission of preparing for and responding to natural disasters, thereby leaving the federal government unprepared to respond to a disaster like Hurricane Katrina.

Further in testimony before the Select Committee on Homeland Security in July 2002, in response to a question by Select Committee Member Congresswoman DELAURO, I set forth what I believed to be the dangers of moving FEMA to the newly-created Department.

> Congressman DeLauro: Let me ask a question with regard to FEMA. You've recommended keeping FEMA as a separate agency but would coordinate with a DHS in the event of a terrorist attack. How do you think that moving FEMA into the Department of Homeland Security would affect our ability to respond to hurricanes, other natural disasters, and how do you envision the FEMA-DHS coordination being carried out?
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> Congressman Oberstar: FEMA started out as the civil defense agency. . . . And then moved into, as the Cold War wound down, assuming broader responsibilities as our nation's premier disasters assistance and response agency. *To move it into this new Department of Homeland Security without a clearly defined homeland security role is, my judgment, a mistake. We have not seen a delineation of what is homeland security compared to response to floods, hurricanes, blizzards, earthquakes, tornadoes. You know, when your home is underwater up to the eaves are you going to wonder, where is FEMA? Are they on some mission lookingfor terrorists or are they going to be on a mission looking for your lost children and rescuing you from the rooftop of your home?* [emphasis added].

The bill I introduce today will help FEMA get back on track. By establishing FEMA as a cabinet-level independent agency in the executive branch, the bill ensures that FEMA is not trapped in a massive department in which the Director of FEMA must work through levels of bureaucracy before taking appropriate action.

In Committee hearings held in October 2005, emergency management officials from across the Nation testified that they believed FEMA needs to be moved out of DHS in order for it to function effectively. The Transportation and Infrastructure Committee plans additional hearings early next year to discuss the direction of FEMA and how to improve our preparedness and response to major disasters. I hope that Secretary Chertoff, the Secretary of the Department of Homeland Security, will respond favorably to the Committee's request to testify at one of these hearings.

Mr. Speaker, I believe that this bill will begin the process of restoring FEMA as a first-class agency able to prepare for, respond to, and recover from both natural and man-made disasters. On September 6, 2005, when Congress returned from the August recess, Congresswoman NORTON, the Ranking Democratic Member of the Subcommittee on Economic Development, Public Buildings, and Emergency Management, and I introduced H.R. 3659, a bill to move FEMA out of the Department of Homeland Security and reestablish its independence. This bill builds upon H.R. 3659 by strengthening the qualifications for the FEMA Director and establishing the position of Deputy Director, who is to serve as a liaison to the Department of Homeland Security in the event of an act of terrorism, and act for the Director when the Director is absent, unable to serve, or when the position of the Director is vacant. The bill also includes those provisions to provide for the transfer of personnel and appropriations which are necessary to establish a separate, independent agency. A section by section explanation of the bill is set forth below.

I urge Congress to consider this legislation early in the coming year.

SECTION-BY-SECTION OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY RESTORATION ACT

Section 1. Short Title. This section establishes the short title for the Federal Emergency Management Agency Restoration Act.

Section 2. Federal Emergency Management Agency. This section establishes the Federal Emergency Management Agency (FEMA) as a cabinet-level independent agency in the executive branch. The section sets forth that FEMA is responsible for emergency preparedness, response, recovery, and mitigation for all hazards, including major disasters, acts of terrorism, and other emergencies. For purposes of the Act, "emergency preparedness" does not include law enforcement efforts to prevent or deter terrorism, protect critical infrastructure, and conduct intelligence activities.

The section establishes qualifications for the FEMA Director. It states that the Director of FEMA shall be appointed by the President, with the advice and consent of the Senate, from among persons who have extensive experience in emergency preparedness, response, recovery and mitigation for all hazards, including major disasters, acts of terrorism, and other emergencies. The section also prescribes a five-year term of office for the Director.

The section establishes a Deputy Director, appointed from the competitive service, and sets for the criteria for the Deputy Director. The section also sets forth the duties of the Deputy Director and authorizes the Deputy Director to serve as a liaison to the Department of Homeland Security in the event of an act of terrorism, and to act for the Director when the Director is absent, unable to serve, or when the position of the Director is vacant.

Section 3. Transfer of Functions. This section sets forth the functions and personnel to be transferred to an independent FEMA. The section also provides for the transfer of FEMA within 120 days of the date of enactment.

Section 4. Savings Provisions. This section sets forth various technical provisions to establish an independent FEMA with the authorities necessary to function as an independent agency and provides for the transfer of personnel and appropriations.

RECOGNIZE THE PLIGHT OF SHAD VETERANS: IT'S ABOUT TIME!

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Mr. FILNER. Mr. Speaker, I urge support for H.R. 4259, the "Veterans Right to Know Act", recently introduced by my colleague, Congressman MIKE THOMPSON. This bill requires an investigation into chemical and biological weapons tests, especially those carried out from 1962–1974 on our nation's servicemembers.

In this time of war, it is prudent that we redouble our efforts to ensure that the nation is willing and able to protect our troops deployed in Iraq and Afghanistan. To that end, it is imperative that we learn from the past—and one of the great lessons to be learned is that of Project 112 and SHAD.

Project 112 was a Department of Defense program of weapons testing and SHAD (Shipboard Hazard and Defense) was a part of the larger Project 112. SHAD involved a series of tests that were conducted to determine the vulnerability of U.S. warships to attacks with chemical and biological agents. Although service members were not test subjects, they were on board the ships during the tests.

So far, almost 6000 unknowing military personnel have been identified as having been involved in Project 112, exposed to Vx Nerve Gas, Sarin Nerve Gas, E. coli and other toxins and carcinogens. The illnesses occurring at too early ages among many of these veterans seem to be more than a coincidence.

I want to commend our veterans for their diligence in bringing this matter to the forefront. Once again, it is our veterans who had to advocate on their own behalf to get the government to release information about harmful exposures so they could better understand their health issues and illnesses. The Department of Defense denied the tests up until 2002.

We have learned a lot since 2002 when these tests became public knowledge, but there is still much to learn. That is why this bill, H.R. 4259, is so important. We need an independent effort to diligently pursue all avenues to discover every veteran who was affected by this testing and to provide each one with appropriate treatment and benefits. In addition, we need to ensure that steps are taken to prevent and improve the documentation of potentially harmful exposures during the current wars. The lives of our veterans depend on our diligence.

H.R. 4259 is endorsed by the Vietnam Veterans of America, the American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, the Military Order of the Purple Heart, the Military Officers Association of America, the Paralyzed Veterans of America and the Blinded Veterans Association. Won't you join them? Please let Congressman THOMPSON know that you want to co-sponsor H.R. 4259!

TRIBUTE TO CAPTAIN SAMUEL C. FLYNN

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Mr. McINTYRE. Mr. Speaker, I rise today to pay tribute to a true gentleman, wonderful husband and father, and extraordinary leader in our Armed Forces, CAPT Samuel C. Flynn, Jr. Sam passed away after a long illness on December 4, 2005, but his legacy and contributions will live on in the hearts and minds of many for generations to come, and we are forever grateful for his service to our country.

Born and raised in Lake Waccamaw, N.C., Captain Flynn embodied the true spirit of a dedicated and determined leader. He graduated from Hallsboro High School as Valedictorian of the class of 1951, where he earned varsity letters in football, basketball and baseball. In 1955, he graduated from Wake Forest College with a Bachelor of Science degree.

After college, Captain Flynn entered the U.S. Navy and received his Navy Wings of Gold and designation as a Naval Aviator in June 1958. Throughout his 31 years of service, he proudly served as a fighter pilot and Landing Signal Officer, and assumed command of Fighter Squadron 31, Carrier Air Wing TWO, Fighter Wing ONE, and NAS Kingsville, Texas. With Fighter Squadron 31, Captain Flynn embarked on his third Southeast Asia tour, and on June 21, 1972, he and his Radar Intercept Officer downed a MIG–21 over North Vietnam, making the first MIG kill of the war for Fighting 31, SARATOGA, and Attack Carrier Air Wing 3. He flew over 250 combat missions in the F–4 Phantom and logged a total of 1,175 aircraft carrier arrested landings. Not only did Captain Flynn serve his city, state, and nation with distinction, dedication, and determination, he also understood the price of freedom and risked his life so others could rest peacefully each night.

Captain Flynn is a highly decorated sailor, receiving the Silver Star, 5 Distinguished Flying Crosses, and 3 Meritorious Service medals. He also received 22 Strike Flight Air Medals, 2 individual awards of the Air Medal, 3 Commendation Medals (with combat "V"), and numerous other awards and ribbons.

Captain Flynn loved his family and was predeceased by his first wife, Shirley Ownby Flynn, and is survived by his present wife, Melynda McIntyre Flynn; his son, Samuel C. Flynn, III of San Diego, CA; his daughter, Elizabeth Flynn Pforr, her husband Paul and their children Kyle and Alexandria Pforr, of Alexandria, VA; his brother, James "Jimmy" L. Flynn, his wife Nancy, of Wilmington, NC; as well as his brother-in-law, David Ownby and his wife Jean, of Cumberland, VA.

President Dwight D. Eisenhower once said, "If we make ourselves worthy of America's ideals, if we do not forget that our Nation was founded on the premise that all men are creatures of God's making, the world will come to know that it is free men who carry forward the true promise of human progress and dignity." Indeed, Sam Flynn's life was the embodiment of this. He was a man who was known by persons of all races, ages, and religions for both his kind deeds and his loving, unselfish heart.

Mr. Speaker, dedicated service to others combined with dynamic leadership has been the embodiment of Captain Flynn's life. May we all use his wisdom, selflessness, and integrity as a beacon of direction and a source of true enlightenment for many, many years to come. Indeed, may God bless to all of our memories the tremendous life and legacy of Captain Samuel C. Flynn, Jr.

CONGRATULATING MICHELLE CUNNINGHAM

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Mr. BURGESS. Mr. Speaker, I rise today to congratulate Michelle Cunningham for receiving an Outstanding Community Service Award from the 16th Annual University of North Texas Latinos in the 21st Century Conference. Ms. Cunningham was selected as an individual whose contributions foster and enhance education for Hispanic students and promotes community values.

The Latinos in the 21st Century Conference was held on October 14, 2006 at UNT. The theme was "Reaching La Raza: Catering to the Future." The conference promotes higher education among Latinos/Hispanics/Chicanos in the North Texas region and discusses issues relevant to this growing population. The UNT Division of Equity and Diversity who works to develop a supportive environment for a culturally diverse faculty, staff, and student body at the University of North Texas sponsored the conference.

Michelle Cunningham is the Community & International Relations Coordinator for the City of Denton Economic Development. She has been employed with the City for seven years. Factors leading to Ms. Cunningham's selection included her long-term support of educational outreach initiatives sponsored by the UNT Center for Outreach and Community Involvement, her vocal advocacy for educating Denton's underrepresented students, and her mentorship and leadership of Hispanic students and families. The Denton LULAC Council has also recognized her initiatives and she was a nominee for the Dallas region LULAC woman of the year.

I extend my sincere congratulations to Ms. Michelle Cunningham on receiving this award and commend her dedication and desire to help her community.

RECOGNIZING THE ACHIEVEMENT OF ACTON ARCHIE

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Mr. JONES of North Carolina. Mr. Speaker, recently I had the honor to meet an amazing young man from North Carolina, his name is Acton Archie. I wanted the opportunity to not only congratulate Archie, but to tell you about his life.

Too often we hear about the bad choices young people make and the decisions that lead them down a path to nowhere. Fortunately, Acton Archie made the right decisions, despite unimaginable obstacles, which has led him down the right path.

Growing up in Charlotte, Acton moved from one public housing development to another, he moved 12 times in 12 years. His father was murdered when he was just a child and his mother struggled with drug addiction. By 9th grade, Acton rarely attended school; he was surrounded by crime and drugs. He was on the verge of dropping out of school altogether when he was introduced to Communities in School, a program that helps young people successfully learn, stay in school, and prepare for life. Acton credits his grandmother, his strong faith in God and Communities in Schools for literally saving his life.

Acton not only finished high school, he graduated with a 3.8 GPA. He then went on to attend North Carolina State University where he recently graduated with a degree in Business Management. He will soon begin a career as a business analyst with the world's largest privately held software company.

Ten years ago, if someone would have told Acton that he would achieve so much, I doubt he would have believed them, but the wonderful thing is that he has achieved so much. I am certain even greater things are yet to come for this young man.

I would like to congratulate Acton Archie for his achievements, but I also want to congratulate Acton for the tremendous courage he has shown in overcoming barriers in his life. This young man is truly an inspiration to me, and I know he is an even greater inspiration to young kids who feel trapped by their situation in life.

May God Bless Action Archie and all who continue to overcome roadblocks in their lives to achieve what might have been seen at one time as the "Impossible Dream."

Thank you, Acton Archie.

HONORING RICHARD GORDON ON HIS RETIREMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Mr. GORDON. Mr. Speaker, I rise today to honor Rev. Richard Gordon for his 43 years of service to First Baptist Church in Murfreesboro, Tennessee.

Since he became involved with First Baptist in 1962, Rev. Gordon has helped the church grow as Rutherford County has grown. After four decades as pastor of First Baptist, Rev. Gordon is now teaching the children and grandchildren of some of the first people he taught there. But Rev. Gordon will give his last sermon to the congregation on Christmas Day.

Rev. Gordon's compassion extends beyond the church and into the community. He serves on the Murfreesboro Affordable Housing Advisory Board and Rutherford County Guidance Center Board. In addition, he has been involved with many national organizations, such as the NAACP, the United Ministerial Alliance and the National Baptist Congress.

In 1967, I attended one of Rev. Gordon's services for the first time. I know firsthand that his leadership and dedication will be deeply missed by his congregation. I also have a feeling that his service to the community will not end with his retirement. As Rev. Gordon says, "You don't retire from the ministry."

I commend Rev. Gordon for his 43 years with First Baptist Church. And I wish him all the best in his retirement.

FREEDOM FOR ANTONIO AUGUSTO VILLAREAL ACOSTA

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Antonio Augusto Villareal Acosta, a political prisoner in totalitarian Cuba.

Mr. Villareal Acosta is an economist and bookkeeper under a regime that bans truth and facts. As a student of truth, Mr. Villareal Acosta quickly joined the courageous opposition to demand human rights, democracy, and freedom from tyranny. Because he believes in freedom and because he actively and peacefully advocates for liberty, Mr. Villareal Acosta has been targeted by the despotic regime.

In March 2003, as part of the tyrant's heinous island wide crackdown on peaceful, pro-democracy activists, Mr. Villareal Acosta was arrested by the regime. In a sham trial, he was sentenced to 15 years in the totalitarian gulag.

Mr. Villareal Acosta is languishing in the revolting, hellish gulag. However, being confined in these inhuman conditions has not stopped him from continuing to demand freedom and justice for the people of Cuba and his fellow political prisoners. Amnesty International reports that Mr. Villareal Acosta has participated in hunger strikes while imprisoned in Castro's dungeon. He has undertaken these strikes to bring attention to the repulsive squalor of the gulag, the lack of medical attention, and the barbaric punishment cells; all of his actions have been in defiance of the machinery of repression that has unjustly confined him in these repugnant conditions.

Mr. Speaker, it remains categorically unacceptable that men and women who demand freedom from tyranny are locked in the dungeons of tyrannical monsters. Here, under the dome that represents freedom and democracy, we must continue to demand the liberation of all who suffer in the darkness of totalitarianism.

Let me be clear, the willful ignorance of Cuba's suffering under the Castro regime by much of the world's press and most of the international community, amounts to abetting the Castro dictatorship. Let us never forget, and always support, those who are struggling to liberate their people from the grip of tyranny. My Colleagues, we must demand the immediate and unconditional release of Antonio Augusto Villareal Acosta and every prisoner of conscience locked in Castro's totalitarian gulag.

HONORING COACH BARRY ALVAREZ

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Ms. BALDWIN. Mr. Speaker, I rise today to honor the coach of the University of Wisconsin football team who retires this year, Coach Barry Alvarez. In Barry Alvarez's 16 years as coach, the Wisconsin Badgers have gone from a 1–10 record in 1990 to three-time winners of the Rose Bowl and the Big Ten Conference. Coach Alvarez has made the University of Wisconsin into a perennial Big Ten Championship contender. The abilities, both on and off the field, of players led by Coach Alvarez, many of whom have been All-Americans and have gone on to play in the NFL, serve as a testament to the standard of excellence that he established at the University of Wisconsin's football program.

It is with great sadness that I acknowledge Coach Alvarez's retirement from his duties as head coach at the close of this season. However, Barry Alvarez will now be dedicating his full attention to being Athletic Director at the University of Wisconsin. There is no doubt that Coach Alvarez will continue to bring the same determination and commitment he has brought to all of the University of Wisconsin's athletic programs as he continues his role of Athletic Director. It is fitting that in Coach Alvarez's final year as football coach, the team excelled beyond what some had predicted and will take on Auburn in the Capital One Bowl, on January 2, 2006. While at the close of this season he may no longer be Coach of the University of Wisconsin's football team, his legacy of dedication, hard work, and excellence at the University of Wisconsin is far from being complete. Thanks Coach, Job Well Done.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Mrs. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this chamber today. I would like the record to show that, had I been present, I would have voted "yea" on rollcall vote 618.

IN RECOGNITION OF DR. ALICIA ZIZZO

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Mrs. MALONEY. Mr. Speaker, I rise to recognize the extraordinary achievements of an important member of the New York community, Dr. Alicia Zizzo.

Critics have described Dr. Zizzo as one of America's most important classical musicians, both for her skills as a pianist and her research on George Gershwin's body of work, celebrated and forgotten. Her pianistic artistry has brought her international acclaim and has been recognized on four continents.

Dr. Zizzo's musicological scholarship is focused on the research and restoration of the classical piano literature of George Gershwin. She has been able to enhance what was a remarkably small classical piano solo repertoire by working with the Library of Congress, Warner Brothers Publications, the Gershwin estate and other scholars.

Dr. Zizzo succeeded in researching, transcribing and inevitably recreating Gershwin's lost and forgotten classical solo piano manuscripts notated in his own hand. She approaches these manuscripts not with the objective of making yet another arrangement of his melodies as so many musicians have already done, but rather to literally reconstruct from fragments, sketches and partially completed scores that had been long neglected.

Critics have lauded her for the discovery of transitional scores which bring new life to classic Gershwin material. For example, the New York Times, Washington Post and many other widely recognized publications throughout the United States and the world have hailed Dr. Zizzo for her groundbreaking musicological analysis of the original manuscripts of Gershwin's famous Rhapsody in Blue. Dr. Zizzo was able to restore approximately 80 measures, mostly solos, that were deleted during editing—not done by Gershwin himself—for publication.

Dr. Zizzo has also been praised for unearthing material never known to exist. Her landmark, best selling CDs feature lost Gershwin classics like Seven Preludes, Blue Monday, Lullaby, Sleepless Night and other previously unpublished scores. She also created a brand new manuscript edition of Rhapsody in Blue and a piano solo suite on the background orchestral scores of the movie Shall We Dance (1937). Also published is a piano solo transcription of the symphonic work I Got Rhythm Variations.

In 1998, during the Library of Congress's four day celebration of the Gershwin Centennial, Dr. Zizzo was the only concert pianist invited to present a full recital and lecture. Later that year, she was recognized by Hofstra University with an Honorary Doctorate degree for her important contributions to American music.

Mr. Speaker, I request that my distinguished colleagues rise and pay tribute to a great New Yorker, Dr. Alicia Zizzo, for her accomplishments. Her many successes have brought to light music scores by our greatest American composer, George Gershwin, important scores that we may continue to enjoy for generations to come.

HONORING THE LAKE HIGHLANDS HIGH SCHOOL PARENT TEACHERS ASSOCIATION

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Mr. HENSARLING. Mr. Speaker, I would like to honor Lake Highlands High School's Parent Teachers Association (PTA) for achieving the Parent Involvement Schools of Excellence certification from the National Parent Teachers Association in 2005.

Lake Highlands High School (LHHS) is the only school in the Dallas-Fort Worth area to achieve certification from the National PTA and only one of three recipients in the State of Texas. The award is based on excellence in six areas: communication between school and parents, promotion of parenting skills, parent assistance in student learning, recruitment and support of parent volunteers, school decision making and advocacy, and collaborating with the community.

Today, I would like to recognize the LHHS Parent Involvement in Schools Excellence certification committee, including chairwoman, Liz Luthans, Bonnie Blackman, Bob Iden, Sharin Clark, and Jenny Wagner. I would also like to recognize parents Paula Davis, Beth Hanks, Tami Trostel and Lake Highlands Exchange Club representative Jerry Allen who also served on the committee.

As the Congressman for the Fifth Congressional District of Texas, I am very proud to represent Lake Highlands High School. Lake Highlands High School's PTA is truly helping to shape a brighter future for our community and our country. I would like to offer my congratulations on this occasion and best wishes for their continued success.

IN MEMORY OF JAMES CASHMAN, JR.

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Mr. PORTER. Mr. Speaker, I would like to express my condolences to the family and friends of James Cashman, Jr. Anyone living in the Las Vegas valley knows of the contributions that James gave not only to the community, but also to his family and friends. He was a native of Las Vegas and a member of a family traditionally dedicated to the development of Southern Nevada and to service to the people of the area.

Born February 19, 1926, James served as a gunnery instructor in the Army Air Corps during World War II, after which he entered the business of his father. In 1945 he married the former Mary Carmichael, who survives him. He was appointed General Manager of Cashman Cadillac and became co-owner of Cashman GMC Truck in 1958. In 1962 he assumed the Presidency of Cashman Enterprises.

James Cashman, Jr. became a true leader of the community and was very active in community service, including the Junior Chamber of Commerce, the Greater Las Vegas Chamber of Commerce, Nevada Development Foundation, University of Nevada Land Foundation and United Way of Clark County. He was also a member of the Southern Nevada Drug Abuse Council; the Boys & Girls Club of Las Vegas, Executive Board; Boulder Dam Area Council, Boy Scouts of America; the Las Vegas Elks Lodge, and the Las Vegas Rotary Club.

James received many commendations and awards over the years, some of which include being named the Las Vegas Junior Chamber's Outstanding Young Man of 1955. In 1969, he was named chairman of the United Fund Drive. In 1974, Cashman became president of the United Way of Clark County.

I would like to express my sincere sympathy to the family and friends of James Cashman, Jr. As we move forward in our lives, may we never forget his achievements and contributions. He was a wonderful person, a good friend of mine, and someone I always looked up to. This is a great loss for the state and people of Nevada. He will be greatly missed by all of us.

THE MILBANK MEMORIAL FUND CELEBRATES 100 YEARS OF INFORMING POLICY FOR HEALTH CARE AND POPULATION HEALTH

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Mrs. MALONEY. Mr. Speaker, I recognize the achievements of the Milbank Memorial Fund, on the occasion of its centennial celebration. The Milbank Memorial Fund is an outstanding organization which engages in nonpartisan analysis, study, research, and communication on significant issues in health policy, particularly for those people of greatest risk of disease and death. The Fund grew out of Elizabeth Milbank Anderson's philanthropic achievements during the Progressive Era, as she worked to prevent and remedy illnesses linked to poverty. Today, the Fund continues her legacy through an active approach to health care.

Elizabeth Milbank Anderson was committed to disease prevention and public health, recognizing improper sanitary conditions as a major source of disease affecting the poor. She founded the Milbank Public Baths on East 38th Street in New York City in 1904. Anderson made gifts to the National Committee for Mental Hygiene, in Manhattan, and Manhattan's Home Hospital for tuberculosis patients. As a strong supporter of women's education, she was one of the first trustees of Barnard College. She provided the funds for the college's first building, Milbank Hall, and purchased for the college three city blocks that became the Milbank Quadrangle. Acting on the suggestion of her cousin, Anderson created the Milbank Memorial Fund, named for her parents.

In accordance with Anderson's philosophy, the Fund recognizes that the public's health depends not only on conquering infectious diseases but also addressing the underlying causes and problems of these infections, such as housing, nutrition, health care, medical services and poverty. Accordingly, the Fund has been staunchly committed to evaluating and researching the causes of disease, focusing on prophylaxis and prevention in lieu of the more popular health care methods of treatment and suppression. After her death, additional bequests increased the fund's assets to about $10 million, or $110 million in 2005 dollars.

One of the Fund's earliest projects included creating models for agencies which would later become neighborhood health centers. Based on the premise that health must be conducted by the people not on the people, three local demonstration centers were erected. The last center to be established, the Bellevue-Yorkville center, on the East Side of Manhattan, for example, tested the effectiveness of organizing big-city public health services at the district level.

Today, the Milbank Memorial Fund undertakes projects in policy development with decision makers in public, private and nonprofit sectors in the U.S. and around the world. Their projects have addressed issues such as the implications for policy of the Americans for Disabilities Act; the adequacy of retirement income for the baby boom generation; the salience of health for foreign policy; and rapidly growing evidence about the effectiveness of health care intervention. The Fund also conducts policy reviews on topics ranging from Households and Health Services to Opportunities in Prevention Policy.

The Milbank Memorial Fund is also known for its philanthropic commitment. In total, the Fund has spent $465 million (in 2005 dollars) on charitable purposes. One example of the Fund's charitable work includes a Milbank Scholars Program, which provided five-year fellowships for epidemiology training and research to medical school junior clinical faculty, encouraging advancement of the work of young professionals in the field of community medicine.

Although the health care problems our world faces today are daunting, and at times, may seem insurmountable, it is the work of organizations like the Milbank Memorial Fund which help us understand and then properly combat the health care dilemmas which confront us. That the Fund manages to carry out such critical research and education, is a testament to the legacy left by Anderson, and to the present leadership of Samuel Milbank and Daniel Fox.

Mr. Speaker, I rise to request that my colleagues join me in paying tribute to the outstanding contribution made by the Milbank Memorial Fund, during its 100 years. May it continue to serve the community for many years to come.

HONORING PASTOR JEROME BRIMMAGE AND THE FIRST UNITED METHODIST CHURCH

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Mr. HENSARLING. Mr. Speaker, today, I would like to honor Pastor Jerome Brimmage and the congregation of First United Methodist Church of Mineola. In the hours and days before Hurricanes Katrina and Rita, the First United Methodist Church began preparing, so when the time came they were able to offer assistance, shelter, and other words of help to victims of these 2 devastating hurricanes.

Members of the First United Methodist Church stockpiled relief supplies for victims, including over 150 hygiene kits. The church itself opened its doors to house evacuees and volunteers and within hours, residents of Mineola began arriving with towels, sheets, blankets, as well as other items for those in need. More than 40 businesses, churches and civic organizations helped by donating money, food, and clothing. Approximately 450 volunteers also gave their time to make the evacuees' stay as pleasant as possible.

I am proud of the residents of the Fifth District who gave their time and energy to help those in need—from individuals cooking meals in the church kitchen to local health care facilities providing free supplies and services to evacuees.

Today, I am pleased to honor Pastor Jerome Brimmage of the First United Methodist Church, and the entire community of Mineola, Texas, for their part in providing relief to the victims of Hurricanes Katrina and Rita.

A TRIBUTE TO THE SERVICE OF WINDSOR FREEMYER

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Mr. PORTER. Mr. Speaker, I rise today in tribute to Windsor Freemyer, a dear friend and undeniably one of the most talented, dedicated and trustworthy individuals on Capitol Hill. As my Chief of Staff for the past 3 years, Windsor has continually proven her ability to advise with confidence, and critique with kindness.

Windsor began her career on Capitol Hill with Senator Hank Brown from Colorado in 1992, served as a Legislative Assistant for Scott McInnis from Colorado, and joined the Nevada delegation with now Senator, then-Representative, JOHN ENSIGN during his freshman year. Windsor quickly advanced and became Representative CHRIS CANNON's Chief of Staff in 1998. Her final stop before joining my staff in 2002, was a tenure with the Sugar Growers of America.

While Windsor's resume demonstrates her ability to serve various members in many capacities, I would like to briefly mention two of her most significant accomplishments. Windsor was vital in the passage of the Southern Nevada Public Lands Management Act. Through her efforts, the people of Southern Nevada receive the much needed infrastructure and education dollars that are so important to our dynamic community. I would also like to point to her dedicated opposition to the storage of high-level nuclear waste at the Yucca Mountain Waste Repository. She has proven to be a stalwart force in helping persuade others of the inadvisability of this action. For all of her efforts, I and the people of Southern Nevada thank her.

While I am fortunate that Windsor shared her talents and skills with my office, I have been truly blessed in knowing Windsor Freemyer as a person. She and her husband Allen are the parents of two beautiful and intelligent daughters, Lucy and Lilly. Both are lucky to have inherited the unlikely combination of warmth and sincerity that have made Windsor such a vital member of my staff.

Windsor, from the bottom of my heart, I thank you for everything you have done for me, my staff, and the people of Southern Nevada. I wish you all the best in the coming years and am confident that your past successes will only enhance your talents in the future.

Mr. Speaker, Members of Congress search far and wide for the most qualified and talented staff. I was most fortunate to have found the ideal of this in Windsor. I am honored to pay tribute to Windsor Freemyer as she ends her distinguished service on Capitol Hill. Her contributions to my office and this body are immense and her personal friendship has been immeasurable. I ask all my colleagues to join with me in celebrating the career of this consummate professional and extraordinary person.

IN RECOGNITION OF THE UNITED COMMUNITY CIVIC ASSOCIATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Mrs. MALONEY. Mr. Speaker, I rise to acknowledge the achievements of the United Community Civic Association (UCCA) on the occasion of its annual holiday champagne brunch. I ask that my colleagues join me in saluting UCCA's distinguished honorees: Assembly Member Michael N. Gianaris, Council Member Peter F. Vallone, Jr., Gerald J. Walsh, and Dr. Arthur N. Gualtieri.

The United Community Civic Association is one of the Queens community's foremost neighborhood organizations. Deeply committed to the improvement of the Queens community, UCCA has remained vigilant on a variety of issues relevant to Queens residents, including airport pollution and health concerns. Furthermore, UCCA is an important catalyst for community pride and involvement. UCCA hosts a yearly candlelight ceremony honoring the firefighters who lost their lives on September 11 and organizes the annual Flag Day Parade in Queens. These events are moving tributes to the best America has to offer, and are always beautifully done.

UCCA is also known for its tradition of excellent leadership. UCCA's president, Rose Marie Poveromo, has served as a pillar of the Queens community through her leadership and activism. She has contributed to community dialogue on issues of public concern and sustained the spirit of civic participation so important to our Nation's health and well-being.

The recipients of UCCA's "Men of the Year" awards, Assembly Member Michael N. Gianaris and Council Member Peter F. Vallone, Jr., have outstanding records of public service and community activism. Representing the 36th Assembly District in Queens, Assembly Member Gianaris has established himself as an effective and smart legislator, authoring many public safety measures to enhance New York's security after the attacks on New York on September 11, 2001. A lifelong resident of Queens, Assembly Member Gianaris has committed himself to improving the community in which he grew up and has provided the residents of Queens with impeccable leadership.

Council Member Peter F. Vallone, Jr., also has shown exemplary public service to our community. A tireless advocate for public safety issues, Council Member Vallone has led the fight to keep illegal guns off of the streets of New York City. Council Member Vallone has also been a strong advocate for environmental rights, introducing bills to curtail the carbon dioxide emissions from power plants.

Gerald J. Walsh, this year's recipient of the Valerie Fisher Community Service Award, was born and raised in Queens and is a longtime community activist and leader. Currently the Deputy Director of Computer Operations Hardware and Financial Information Services for the City of New York, Mr. Walsh is the President of the Dutch Kills Civic Association and also serves as a member of the 114th Police Precinct.

Dr. Arthur N. Gualtieri, the Deputy Commissioner at The City of New York Department of Health and Mental Hygiene and former Medical Director of the Mount Sinai Hospital of Queens, is being recognized with the Special Award of Recognition. A devoted public servant, Dr. Gualtieri is both a physician and a lawyer and a member of both the Queens County Bar Association and the Queens County Medical Society. As a resident of Astoria, Dr. Gualtieri continues his devotion to the Queens community by serving as a member of the Board of Directors of the Astoria Civic Association, SHAREing & CAREing, and UCCA.

Mr. Speaker, I request that my colleagues join me in paying tribute to the United Community Civic Association and its celebrated honorees: Assembly Member Gianaris, Council Member Vallone, Mr. Walsh, and Dr. Gualtieri.

HONORING SCOTT COULSON AND THE POTEET HIGH SCHOOL MARCHING BAND

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Mr. HENSARLING. Mr. Speaker, today I would like to honor Mr. Scott Coulson and the Poteet High School Pirate Marching Band for their recent victory at the University Interscholastic League State AAAA Marching Band Championship. On November 8, 2005, the Pirates competed against more than 20 other bands from across the State of Texas and won their second State Championship since 1997.

This year mark's Mr. Coulson's 25th year of service to the Mesquite Independent School District and his 18th year on the faculty of Poteet High School. In addition, Mr. Coulson will also soon be inducted into the John Phillip Sousa Foundation Legion of Honor, where he will be recognized as an outstanding high school band director.

A graduate from Mesquite High School, Scott Coulson has been a strong role model and exceptional leader for the Poteet Pirates Marching Band. In 1987, he was named Director of Bands at Poteet High School in Mesquite, and has since then received multiple Interscholastic League Sweepstakes awards, led the band to four Grand Championships at the Plano East Invitational Marching Festival and five state Marching Championships.

As the Congressional representative of the students, parents, and teachers involved with the Poteet High School Marching Band, it is my pleasure to recognize their tremendous victory. This is an accomplishment that Mr. Coulson and these young men and women will remember for years to come.

IN RECOGNITION OF THE HAWAII FILIPINO CENTENNIAL CELEBRATION

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Mr. ABERCROMBIE. Mr. Speaker, I rise today to recognize the great contributions of the Filipino community to Hawaii's diverse and multicultural society, as we commemorate the arrival of the first Filipinos and the community's subsequent achievements in Hawaii.

Since the arrival of the first Filipinos to Hawaii in 1906, the rich culture and proud heritage of the Filipino people have been and continue to be a positive influence upon life in Hawaii. Next year marks the 100th anniversary of their arrival in Hawaii. The Centennial Celebration will reflect the courage, values, pride and dedication of all Filipinos. The Celebration will also raise awareness about the important accomplishments of Filipinos for the past 100 years in the fields of politics, education, business, labor, industry and medicine. It will raise awareness about the challenges and struggles that Filipinos have faced to earn their rightful place in society.

The Centennial Celebration reflects the growing significance of the Filipino community, its growing role in the development of public policy, and its increasing contributions to policy leadership at every level of government—local, state and national.

Mahuhay and best wishes to the Filipino Centennial Commission and everyone in the Filipino community who has joined together to celebrate Hawaii's Filipino Centennial. You have the nation's thanks for your contribution, and you can count on my continued support.

TRIBUTE TO MRS. ROSE BROWN

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Mr. DAVIS of Illinois. Mr. Speaker, I rise to pay tribute to a dynamic, feisty, dedicated, committed and courageous community, civic and religious leader who gave of herself consistently until all of her energy was gone and she had no more to share. Just a few weeks ago, I was pleased to speak at a banquet sponsored by Women for Social Change and of course, Mrs. Brown was in charge as she so often was. The banquet was in a church dining hall and was focused on education. Mrs. Brown was one of those individuals that you always looked forward to seeing and hearing because you always knew that she was either saying or doing something to benefit humanity. I always called Mrs. Brown, Aunt Rose because my friends who informally adopted me into their family called her Aunt Rose and that's how I felt about her.

Aunt Rose, I close my tribute with these words: Roses are Red, Violets are Blue, Sugar is sweet and so are you! May you rest in peace.

CONGRATULATING DR. ROY J. GLAUBER ON RECEIVING THE 2005 NOBEL PRIZE IN PHYSICS

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Mr. CAPUANO. Mr. Speaker, I rise today to honor Dr. Roy J. Glauber, a distinguished professor of physics at Harvard University, who will be awarded the 2005 Nobel Prize in Physics this weekend in Stockholm, Sweden. Dr. Glauber will share the prestigious prize with John L. Hall of the University of Colorado and Theodor W. Hansch of the Institute for Quantum Optics in Munich, Germany. All three will receive the award for their groundbreaking work in optics and the nature of light.

Dr. Glauber will receive the Nobel Prize for his contribution to the quantum theory of optical coherence. His research on the subject was published in 1963 and provided a theoretical description of the behavior of light particles. Dr. Glauber's groundbreaking work laid the foundation for the development of incredibly high precision instruments such as lasers and Global Positioning Systems.

As a teenager growing up in New York, Dr. Glauber became so fascinated by astronomy that he created his own lens for a telescope. His interest in physics and mathematics blossomed during his high school years at the Bronx High School of Science. During his undergraduate years at Harvard, Dr. Glauber also worked on the Manhattan Project, developing the first atomic bomb. He graduated summa cum laude from Harvard in 1946 and went on to earn a Ph.D. at Harvard in 1949. Upon graduation, Dr. Glauber conducted research at the Institute for Advanced Studies at Princeton and at the California Institute of Technology. In 1952, he returned to Harvard where he has taught and researched ever since.

Dr. Glauber is a role model for young people all across this country. I hope that his extraordinary achievements and contributions will serve as an inspiration to students at all levels to pursue the study and career of science. As we honor Dr. Glauber and the other prize winners, it is critical that we also recognize our obligation to provide the next generation of Americans with the scientific and technological education that they need to succeed in today's global economy.

RECOGNITION OF THE HEROIC JOB THAT WAS DONE BY THE U.S. COAST GUARD AT THE TIME OF HURRICANE KATRINA

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Mr. PALLONE. Mr. Speaker, we all witnessed the heroic job that was done by the

U.S. Coast Guard at the time of Hurricane Katrina. It was widely noted in newspapers and on television that while other agencies of the Federal Government fell down on the job, the U.S. Coast Guard upheld the motto that has been its standard of performance since its creation in the 18th Century: Semper Paratus, Always Ready.

What is less well known is that the Coast Guard is unique among the armed services because it has, associated with it, a civilian support organization, the U.S. Coast Guard Auxiliary. Since 1939, these volunteer life-savers have backed up the active duty Coast Guard by relieving the regulars of a number of tasks related to marine safety, search and rescue, and pollution monitoring and control. The 30,000 members of the Coast Guard Auxiliary serve as a force multiplier in these times of threats to our national security and their unpaid service enables the Coast Guard to fulfill its missions in this time of fiscal constraint.

I would like to call special attention to the work of the 14 active members of the U.S. Coast Guard Auxiliary Flotilla 014–05–05 of Edison, New Jersey.

In the past year, these auxiliary members have conducted safety checks on 123 vessels, visited marine dealers and boatyards to distribute safety materials, conducted 3 dozen boating safety courses, and attended boat shows to stress to boat owners and prospective owners the importance of marine safety and the need to take safety courses to prevent accidents on the water. The Auxiliary helps maintain aids to navigation and conducts patrols using their own vessels.

I ask my colleagues to recognize the contribution of Flotilla 014–05–05 of Edison, New Jersey to the mission of the U.S. Coast Guard.

INTRODUCTION OF THE NURSING HOME FIRE SAFETY ACT

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 8, 2005

Mr. LARSON of Connecticut. Mr. Speaker, I am proud today to join the gentleman from New York (Mr. KING) in introducing the Nursing Home Fire Safety Act of 2005.

As millions of Americans visit their friends and family in nursing homes in this holiday season, they want to know that their loved ones are safe from the threat of fire. However, it would disturb many to learn that the Government Accountability Office estimates that 20 to 30 percent of the 17,000 nursing homes across the country still lack a full fire sprinkler system.

Unfortunately, families in my district have seen tragic results of a nursing home fire first hand. In February 2003 sixteen residents of a nursing home in Hartford were killed in one of the worst fires in the city's history. Another nursing home fire in Nashville, Tennessee later that year took the lives of fifteen people. In both cases these buildings were older facilities that had been allowed to operate without an automatic fire sprinkler system.

A July 2004 GAO report found that "the substantial loss of life in the Hartford and Nashville fires could have been reduced or eliminated by the presence of properly functioning automatic sprinkler systems," and that "federal oversight of nursing home compliance with fire safety standards is inadequate." And, according to the National Fire Protection Association (NFPA), there is no record of a multiple death fire in a nursing home equipped with an automatic fire sprinkler system.

It has been almost 2 years since the tragic fires of 2003, yet the federal government has taken only small steps to increase fire safety in nursing homes. To date the only concrete action the Centers for Medicare and Medicaid Services (CMS) has taken to improve fire safety is requiring nursing homes without a sprinkler system to install battery operated smoke detectors. While this is a good first step, the rule has been criticized by fire safety advocates since the smoke detectors do not need to be hard wired to the building's alarm system or 9–1–1.

Experts agree that it's not a matter of "if" there will be another nursing home fire, but when and how bad. It should not take another tragedy to remind us how vulnerable our nursing homes are to fire.

According to the GAO and industry experts, the single biggest obstacle preventing most nursing homes from installing sprinklers is the cost. Already burdened by the increasing cost to care for their residents and shortfalls in the Medicare funding they rely on, they simply cannot afford these systems. In addition, while CMS has it within their authority to increase fire safety standards and mandate the installation of sprinklers, it has repeatedly shied away from doing so because of the cost that would be passed on to nursing homes.

That is why we are introducing this legislation today.

The Nursing Home Fire Safety Act of 2005 would provide low interest loans and need-based grants to nursing homes in the greatest need of assistance in tackling the high cost of installing sprinklers. The loan program would assist nursing homes that cannot afford the up-front cost of retrofitting their facilities, but could afford to pay back a low interest government backed loan. The grant program would target those nursing homes in the greatest need of financial assistance in installing sprinkler systems by requiring the Secretary of Health and Human Services to give priority to facilities that lack the resources to install these systems on their own. In addition, the bill expresses the sense of Congress that every nursing home in America should be equipped with full sprinkler systems within 5 years and that CMS should move quickly to adopt stronger fire safety standards.

Together, these provisions will ensure that nursing homes have access to the financial resources to overcome the cost of providing their residents with the fire safety protection they need.

The Hartford and Nashville fires demonstrated the terrible and unacceptable consequences of allowing cost to stand in the way of fire safety. Congress has ignored this problem for far too long and it is time for us to take action to ensure that our nation's most vulnerable are safe from the threat of fire.

Again, I thank Mr. KING for joining me in this important initiative, and urge our colleagues to join us in helping to make nursing homes in their districts—and around the country—safe from the threat of fire.

HOUSE OF REPRESENTATIVES—*Monday, December 12, 2005*

The House met at noon and was called to order by the Speaker pro tempore (Mr. PRICE of Georgia).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 12, 2005.

I hereby appoint the Honorable TOM PRICE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord our God, You have blessed this part of the world. You have revealed Yourself as Lord in the glory of the nations and in the most honorable of Your people.

As Latino Americans celebrate their fiesta during this holiday season, they invite the peoples of the Americas to join with them in the joys of life and in praising You, Lord, as our Protector and Guide.

In this western hemisphere, You, Lord, have created something new. Our history and our struggles urge us to join together in greater solidarity as brothers and sisters of promise and freedom.

May Your justice truly live in our hearts and in all the institutions of government and service we build so that peace and prosperity may grow among Your people both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from California (Ms. PELOSI) come forward and lead the House in the Pledge of Allegiance.

Ms. PELOSI led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER

The SPEAKER pro tempore laid before the House the following communication from John Hodges, Manager, Office Supply Service, U.S. House of Representatives:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,
Washington, DC, December 7, 2005.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a criminal subpoena, issued by the Superior Court of the District of Columbia, for testimony.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

JOHN HODGES,
Manager, Office Supply Service
U.S. House of Representatives.

UNFINISHED BUSINESS

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, as we enter what may be the last week of this session of Congress, I rise to once again state the need for this Congress not to adjourn until we have addressed some of the pressing needs of the American people. Three of them loom large.

One is as we go into this holiday season, America's families across the country are receiving high bills for their home heating oil. I believe that this Congress should not adjourn until we reverse some of the huge subsidies that this Congress gave to oil companies at a time when they are receiving record and historic profits. These bills will hit home at a time when families can least afford it. Congress should act before we leave.

Secondly, as seniors are bewildered and befuddled by the prescription drug bill that has been foisted upon them by this Congress, I urge Congress not to leave until we extend the time needed for seniors to fully address that bill, also to address in it the prospect of giving the U.S. Government negotiating power for lower prices, and address the reimportation issue as well to lower the cost of prescription drugs for America's seniors. It is clear that this legislation has done nothing to lower the cost of prescription drugs for America's middle-income seniors.

Third, all of America mourned the loss of life in the gulf States. We have seen destruction in that area of biblical magnitude. And here we are over 100 days since Katrina and there are so many emergency needs unmet, housing needs unmet, education needs unmet. I do not believe that it is fair for this Congress to adjourn until we address some of the immediate needs of the victims of Katrina, most particularly the housing needs of the survivors of Katrina.

With that, Mr. Speaker, I urge the Speaker of the House to keep us here in session until we address the issue of home heating oil for America's families, until we address the needs of America's seniors in the prescription drug bill, and until we address the needs of the victims of Katrina.

It is made even more urgent, this staying in session, by the fact that rumor has it that Congress will not be coming back until January 31. That would be six down weeks of no action on the part of this Congress at a time when America's families are feeling severe pain.

Again, I urge this Congress to stay in session until we get our job done for the American people.

ADJOURNMENT

Ms. PELOSI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 8 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, December 13, 2005, at 12:30 p.m., for morning hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5591. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule — Organization and Functions; Releasing Information; Privacy Act Regulations; Farm Credit Administration Board Meetings; and Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Farm Credit Administration (RIN: 3052-AB82) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5592. A letter from the Office of the Secretary, Department of Defense, transmitting the Department's final rule — Munitions Response Site Priorization Protocol — received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5593. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Subcontracting Policies and Procedures [DFARS Case 2003-D025] received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5594. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Update of Clauses for Telecommunications Services [DFARS Case 2003-D053] received Novemebr 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5595. A letter from the Director, Office of Hearings and Appeals, Department of the Interior, transmitting the Department's final rule — Resource Agency Procedures for Conditions and Prescriptions on Hydropower Licenses (RIN: 0596-AC42) (RIN: 1094-AA51) (RIN: 0648-AU01) received November 17, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5596. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Highly Migratory Species Fisheries; Data Collection Requirements for U.S. Commercial and Recreational Charter Fishing Vessels [Docket No. 051027277-5277-01; I.D. 102903C] (RIN: 0648-AT97) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5597. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries [I.D. 102505B] received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5598. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #9 — Adjustment of the Recreational Fishery from Leadbetter Point, Washington to Cape Falcon, Oregon [Docket No. 050426117-5117-01; I.D. 110905D] received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5599. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #11 — Adjustment of the Commercial Salmon Fishery from the Oregon-California Border to Humboldt South Jetty, California [Docket No. 040429134-4135-01; I.D. 110905F] received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5600. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fraser River Sockeye Salmon Fisheries; Inseason Orders [I.D. 110905G] received November 29, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5601. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Organization Designation Authorization Program; Rule — received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5602. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Hazardous Materials Training Requirements [Docket No. FAA-2003-15085; Amendment Nos. 119-10, 121-316, 135-101, 145-24] (RIN: 2120-AG75) received November 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5603. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model ATP Airplanes [Docket No. FAA-2005-22583; Directorate Identifier 2002-NM-303-AD; Amendment 39-14318; AD 2005-20-22] (RIN: 2120-AA64) received October 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5604. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model ATP Airplanes [Docket No. FAA-2005-22586; Directorate Identifier 2002-NM-258-AD; Amendment 39-14315; AD 2005-20-19] (RIN: 2120-AA64) received October 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5605. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-301, -321, -322, -341, and -342 Airplanes; and Model A340-200 and A340-300 Series Airplanes [Docket No. FAA-2005-22587; Directorate Identifier 2003-NM0266-AD; Amendment 39-14316; AD 2005-20-20] (RIN: 2120-AA64) received October 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5606. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Corporation (RRC) (formerly Allison Engine Company, Allison Gas Turbine Division, and Detroit Diesel Allison) Models 250-C28, -C28B, and -C28C Turboshaft Engines [Docket No. FAA-2005-22534; Directorate Identifier 2005-NE-27-AD; Amendment 39-143-5; AD 2005-20-11] (RIN: 2120-AA64) received October 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5607. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F27 Mark 050 Airplanes [Docket No. FAA-2005-22588; Directorate Identifier 2005-NM-096-AD; Amendment 39-14317; AD 2005-20-21] (RIN: 2120-AA64) received October 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5608. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30461; Amdt. No. 3137] received October 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5609. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30460; Amdt. No. 3136] received October 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5610. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-200, -300, -300F Series Airplanes [Docket No. FAA-2005-22584; Directorate Identifier 2005-NM-044-AD; Amendment 39-14313; AD 2004-19-06 R1] (RIN: 2120-AA64) received October 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. H.R. 3124. A bill to authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area; with an amendment (Rept. 109–334). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 3929. A bill to amend the Water Desalination Act of 1996 to authorize the Secretary of the Interior to assist in research and development, environmental and feasibility studies, and preliminary engineering for the Municipal Water District of Orange County, California, Dana Point Desalination Project located at Dana Point, California; with an amendment (Rept. 109–335, Pt. 1). Ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Science discharged from further consideration. H.R. 3929 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII,

Mr. HASTERT (for and Ms. Pelosi): introduced a resolution (H. Res. 594) honoring the 50th anniversary of the Honorable John D. Dingell's service in the House of Representatives; which was referred to the Committee on House Administration.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 1105: Mr. Salazar.
H.R. 2106: Ms. McCollum of Minnesota.
H.R. 4197: Ms. Woolsey.
H.R. 4495: Mr. Doolittle.

H. Con. Res. 302: Mrs. MYRICK and Mr. ROHRABACHER.

H. Res. 85: Mr. WAXMAN.

H. Res. 534: Mr. LEACH, Mr. CHABOT, Mr. POE, Mr. PENCE, Mrs. JO ANN DAVIS of Virginia, and Mr. MCCOTTER.

H. Res. 579: Mr. BROWN of South Carolina and Mrs. MYRICK.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

[Omitted from the Record of Dec. 8, 2005]

The following Member added his name to the following discharge petition:

Petition 2 by Mr. EDWARDS on House Resolution 270: Edolphus Towns.

SENATE—*Monday, December 12, 2005*

The Senate met at 2 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, You reveal Yourself in the glory of the heavens and in the whisper of conscience. Make us aware of Your presence as this day unfolds. Grant that this knowledge of Your involvement in our day will influence our thoughts, words, and deeds. Help us to focus on serving and pleasing You, as You lift us above suspicions and fears. Sustain our lawmakers in their important work. Remind them that to do something well usually requires the patience to not hurry the process. Remove perplexities and give them Your peace. Open their minds to the counsels of Your eternal wisdom. Increase in us all a hunger and thirst for righteousness.

We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today we are returning to session in order to conclude our work for the first session of the 109th Congress. I want to welcome everybody back after a couple of weeks where people have been with constituents and people have been working very hard to bring to conclusion many of the issues that were left unfinished a couple of weeks ago. Real progress has been made over the course of the last 2 weeks. Over the course of this past weekend, a lot of work has been done. As I mentioned prior to Thanksgiving, we will be working today and tomorrow on a number of issues. However, the first rollcall vote will be on Wednesday morning.

Many of our colleagues have asked about the schedule for this week, this weekend, as well as next week. As things unfold and as my discussions with the Democratic leader continue, we will be forthcoming to let people know exactly what we expect. We would like to finish up our work as quickly as possible prior to the Christmas holiday. However, everyone does need to be prepared to stay as long as necessary to finish the work that is before us.

Today, we expect to reach an agreement on several motions to instruct the conferees on the deficit reduction bill that is at the desk. We would have those motions debated tomorrow, on Tuesday, and on Wednesday, with votes to occur or begin to occur Wednesday morning.

We also expect to debate the Bahrain Free Trade Agreement during tomorrow's session under a short time agreement.

The PATRIOT Act conference report will arrive in the Senate sometime this week, and we will proceed to that conference report when it is available.

Chairman WARNER has completed work on the Defense authorization conference report, and that may also be around here midweek.

We also need to complete the appropriations process by taking up and taking action on the final 2 conference reports. This week we need to act on the Labor-HHS appropriations as well as the Defense Appropriations Committee reports.

I mentioned reconciliation. A lot of work has been done over the course of the last several weeks among the various committees. I want to continue to encourage all chairmen to aggressively work with their House counterparts on this important reconciliation bill. Clearly, a lot of work remains, but with the cooperation and patience of all Members, I believe we can get our work done and adjourn in a timely way. It is going to be up to each and every one of us to decide when we will be able to finish our business and adjourn this session. Senators will need to keep their schedules flexible over the course of this week and I believe we can finish everything this week. If not, we would have to continue into next week—or this week and this weekend, and if not, we would have to continue into the early part of next week, but we should be able to complete everything this week. Again, everybody, please keep your schedules flexible.

I do want to thank all Senators in advance for their help as we schedule these final days.

I yield the floor.

FILIBUSTERING

Mr. BYRD. Mr. President, will the distinguished majority leader yield?

Mr. FRIST. I am happy to.

Mr. BYRD. I want to congratulate the majority leader on helping to get these appropriations bills all passed. We discussed this, he and I, several months ago. It was my hope then that the leader would help to get all the bills passed so that we would not have an omnibus bill. He indicated he was going to try to do that, and he has tried and I want to congratulate him. I want to thank him for that.

I think we ought to always pass these appropriations bills. The distinguished Presiding Officer, when he was chairman, got all the bills out of the committee; Senator STEVENS got all the appropriations bills out of the committee. He was the chairman of the committee, I believe, at that point, the Appropriations Committee. I was the ranking member. I complimented him then. I compliment the distinguished majority leader and Senator THAD COCHRAN on getting this done. I compliment him.

While I am complimenting the Senator, I want to ask the Senator a question, and I do it with great respect. I respect the Senator from Tennessee. He is a great physician. And every night I pray to the Great Physician and the Senator from Tennessee is following in the footsteps of that Great Physician.

But I have a question. I saw something which concerned me in the paper this morning, the Washington Post. The Washington Post had the good judgment to place this in a very visible place in the Post. It is a great newspaper. Page A5. Here are the headlines that bothered me:

> Frist Cautions Senators Against Stalling Alito Vote.

And then the subheadline:

> Democrats Don't Plan Filibuster.

The first paragraph says:

> Senate majority leader Bill Frist, Republican, Tennessee, threatened—

That is a bad word, "threatened"—

> yesterday, to strip Democrats of the power to filibuster. . . .

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

I am a Democrat, and it has never been my desire to strip Republicans of their power to filibuster. I was here—I believe the first election I cast a vote in was 1936. I think I was old enough to vote then. I would have been 20 years old in that session of Congress, which met in January 1937.

I believe there were only 16 Republicans in the Senate at that time. The Senate only had 96 Members then. It didn't have 100 but 96 Members. There were only 16 Republicans and there were 4 independents—former and later, et cetera—and there were 76 Democrats. Can you imagine that? Yet there was never any threat on the part of the Democrats in 1936. I think that was the first time I cast a vote, and I was proud of that Democratic Congress. I don't think there was any threat on the part of Republicans to kill the filibuster, to kill the provisions in Senate rule XXII that allowed freedom of speech in the Senate. When I saw this a few months back, we had this wave of insaneness, That swept over the Senate. We were talking about the nuclear option, so-called constitutional option. There is nothing in the Constitution about it. It is an unconstitutional option.

I was sorry to see that my friend, Senator FRIST, this fine Senator from Tennessee, the majority leader of the Senate and a great physician, was threatening—this is what the newspaper said—"threatened yesterday to strip Democrats of the power to filibuster if they blocked the vote on Supreme Court nominee Samuel A. Alito, Jr."

That nominee came in to see me a while back. I had a nice talk with him. I was much impressed by Judge Alito. I haven't made up my mind yet. But I liked what he said when he was in my office, and I might vote for him. I don't know yet.

But I have not heard a Democrat use the word "filibuster" in connection with this nomination. I haven't heard anybody use that word "filibuster." It was news to me that the distinguished majority leader was talking about a threat of stripping Democrats of the power to filibuster if they block the vote on Supreme Court nominee Samuel A. Alito, Jr.

Just one more minute, and then I will yield to the distinguished leader.

This is my 47th year in the Senate. I will finish the 47th year this month. And I never dreamed that during my tenure in the Senate—I didn't know how long the tenure would be at that time—there would be any effort to undermine, or to terminate, or to threaten the freedom of speech in the Senate. That is a freedom that goes back to the Magna Carta in 1215, and then in the reign of Henry IV. He reigned in England during the years 1399 to 1413. And during his tenure he proclaimed that the members of the House of Commons had a perfect right to speak their minds. So there was freedom of speech in the English House of Commons under Henry IV.

Then when the Declaration of Rights came along in 1689, before the Commons would crown the two sovereigns, William and Mary, as King and Queen in England, they exacted from those two individuals a promise that they would honor the rights of Englishmen, the rights of people in the House of Commons, to speak their minds. That was on February 13, 1689. Then on December 16, 1689, they wrote that into the law. That became a statute in the Bill of Rights.

In the United States, our forefathers drew those provisions from the English Bill of Rights into our own Bill of Rights 100 years later, in 1789.

So I am greatly disturbed when any majority leader, a Senator as powerful as the distinguished Senator from Tennessee—as I have been majority leader, I know the power of a majority leader—but I would never. I say this with respect to the distinguished Senator—and when we were in power, the Democrats, as I say, when Republicans only had 16 Members here, the Democrats could easily have killed freedom of speech in the Senate and not allowed the Republicans to filibuster. But there was never any thought of it.

That is not a great idea. It didn't take a fellow to fall off a turnip truck to think of that. There is nothing brilliant about saying if there is a filibuster, all we need is the might and power of the majority to vote the rules are wrong and interpret them differently. And it could be done; no doubt about it. We could do that. But the Democrats never—and no party in history, Republicans or Democrats—threatened to deny freedom of speech to members of the minority. I daresay a lot of Members on that side of the aisle, the Republican side of the aisle, don't like that idea. I don't think they would agree with that because they have a right to filibuster, too. The Republicans do. I respect that right.

I am sorry I read that by the Senator. I will read it once more.

> Senate majority leader Bill Frist, Republican of Tennessee, threatened yesterday to strip Democrats of the power to filibuster if they block the vote on Supreme Court nominee Samuel A. Alito, Jr.

I haven't heard any Democrat talk about that. As a matter of fact, I think we are going to have a vote on him. We will debate it. We certainly have a right to debate. I joined the group of 14 so there wouldn't be filibusters against these judgeships, except in extreme cases when I might join a filibuster, too. But may I say most respectfully to the distinguished leader, I hope we will quit talk about this so-called "nuclear option." That is a threat to the freedom of speech, freedom of speech, freedom of speech, here in the Senate.

I yield to the distinguished Senator, the leader whom I do respect.

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. FRIST. Thank you, Mr. President.

Let me take a look at the article. I haven't read the Washington Post today. But I appreciate my good friend and colleague bringing this to my attention.

The Senator is right. It says, "Frist cautions Senators against stalling Alito vote."

It is pretty accurate. And I guess the Senator's followup statement is that no Democrat is talking about filibuster, and here you have the majority leader of this body saying if there is a filibuster he is going to ask for an up-or-down vote consistent with giving advice and consent. There are lots of ways of giving advice and consent. But I know the distinguished colleague from West Virginia has been focused on lots of things going on.

But let me better inform him about what the other headlines have been saying about what Democrats are thinking and doing—the allegation that no Democrats are thinking about filibuster, citing headlines.

It is a pretty accurate article, actually, as I glance through it.

Associated Press, November 1, 2005.

These are just some other headlines that are out there.

> Republicans Enthusiastic About Alito While Democrats Are Wondering Whether To Filibuster.

That is November 1.

Headline in the Bergen County, New Jersey Record: "Democrats Mull Possible Filibuster," November 21.

Boston Globe, November 4, 2005: "Democrats Won't Rule Out Filibuster."

The Hill, which we all see several times a week, November 1: "Dems Hint At Filibuster."

The Washington Times, November 3: "Senators to Weigh 'Circumstances' for a Filibuster."

And the International Herald Tribune, other headlines: "Democrats Don't Rule Out Filibuster To Block Nominee."

Those are some of the other headlines that at least cause the leader on this side of the aisle to say—not just this majority leader, not just Chris Wallace. He asked the question, if a filibuster is conducted, you can see all around the country—whether it is up in New Jersey, in Boston, MA, or right here on the Hill—there must be some Democrats thinking, at least thinking, contemplating, how we can use a tool we use.

I would argue, and I know there is a difference of opinion, unfairly, against not just one nominee or two or three but four, five, six, seven, eight, nine, 10 times in the last 3 years Presidential nominees who had gone through committee, come to the Senate, filibustered again and again and again—used as a regular tool. That is wrong.

Therefore, I believe in the principle of an up-or-down vote. If someone is nominated by the President and has the highest qualifications according to the American Bar Association, with advice and consent under the Constitution, they have gone through the committee, come from the committee and were recommended to this Senate. I believe in that principle of an up-or-down vote.

Those are the various headlines. The response would be, but those are the headlines and headlines are like these headlines in here, some headline writer writes it. Clearly, Democrats are thinking about it.

What about individuals?

Senator REID himself said Democrats would consider all filibusters and a filibuster to Alito is possible.

From November 1, the Boston Globe:

> Senate Minority Leader Harry Reid pledged that Democrats will consider all options at their disposal if they decide to stop Alito's nomination. Though Reid said Democrats will wait for confirmation hearings before choosing their strategy, he noted that Bush is 'near the bottom of his popularity' in opinion polls and that a filibuster to defeat Alito is possible.

The Democrat leader, talking about a filibuster being possible, so an accusation that this leader is the one initiating discussion about filibuster is wrong.

I continue with Reid spokesman Jim Manley on Alito:

> All procedural options are on the table.

Our colleague, CHARLES SCHUMER, from New York:

> Nothing is on the table, and nothing is off the table.

Senator BARBARA BOXER from California:

> The filibuster's on the table.

These are all quotations, from Republicans enthusiastic about Alito and Democrats wonder whether to filibuster.

The Associated Press, November 1, Senator BOXER:

> The filibuster's on the table.

Senator TOM HARKIN not only believes there will be a filibuster but relishes the prospect—that is not a quotation; this is sort of a point taken from the quotation from an article in the Baltimore Sun November 2.

Senator TOM HARKIN, Iowa, Democrat said:

> I believe Democrats will filibuster this nominee on the basis that he's way too ideologically to the right. We need a moderate on the court, not an avowed rightwinger like him that would upset the balance.

These are from your side of the aisle. I know my distinguished colleague is not aware of these, but that comes to me.

Senator DICK DURBIN to CBC's Jan Crawford Greenberg:

> Are you refusing to rule that filibuster out now? Do you think that's still likely or is it just highly unlikely?

Senator DURBIN responds:

> Let's complete the hearing in January, then make a decision whether we should go forward with the nomination of Judge Alito.

That was November 6.

Senator BIDEN on November 17, from the Congress Daily AM:

> As Democrats stepped up questioning of Samuel Alito's Supreme Court nomination, Sen. Joseph Biden, D-Del., warned the nominee Wednesday he might need Biden's vote on a potential filibuster if the judge is not forthright during hearings . . . I told him you probably don't need my vote to get on the bench, Biden continues, but if you are disingenuous in the hearings, you may need my vote relating to a filibuster.

Senator RUSS FEINGOLD—again, to show it is not just one or two or three or four, said it was perfectly fine to use a filibuster. Those are Senator FEINGOLD's words on ABC's This Week.

> I think it's perfectly fine to use a filibuster if somebody is clearly unacceptable. That is an option we have. It has almost never been used with regard to a Supreme Court justice, so it takes an extreme case, but I was the one Democrat who was unhappy publicly with the sort of deal that was made earlier in the year that kind of let certain judges go through that shouldn't have gone through. The right to filibuster is part of our role in the Senate, and we should reserve the right but use it only very sparingly.

After meeting with Judge Alito, Senator TIM JOHNSON basically refused to rule out supporting a filibuster.

> I will leave all those options on the table.

That is a sampling of what I hear directly from the Senate. As my distinguished colleague from West Virginia knows, all these outside groups complicate matters on both sides. We have the sort of party activist and liberal interest groups. We have the DNC Chairman Howard Dean saying the following, from Reuters, November 13:

> Despite early signals to the contrary, U.S. Senate Democrats must keep open the option of blocking a confirmation vote on U.S. Supreme Court nominee Samuel Alito, Democratic Party leader Howard Dean said on Sunday . . . Dean, asked if Democrats should keep the possibility of a filibuster on the table, said, 'Absolutely. Of course we should.'

My response in large part is there is a lot of talk about filibuster out there. If the filibuster is going to be threatened by Democrats on a man such as Judge Alito who does have that modest temperament, who has been confirmed by this body two times, who has been involved with 2,500 cases before, has written 200 opinions, who my distinguished colleagues have had the chance to meet with, I have had the chance to meet with, has the sort of temperament where he will not be legislating from the bench, he deserves a vote in the Senate. Vote him up, vote him down, if that is the way Members feel, but he deserves a vote in the Senate.

I don't think it will come to a filibuster. I don't want it to come to a filibuster. I haven't even brought the filibuster up except in response to a question on television on one of the Sunday shows, but I did make it clear at the Republican conference that I strongly believe a man of the quality of Sam Alito simply deserves the respect, the dignity of having a vote in this Senate. Everyone can vote the way they want to. Again, it will be overwhelming by the time we finish this process. That will be, I believe, before January 20, at some point.

I don't want to posture on this. This is not a Democratic or Republican issue. This is an American issue. It is an issue that reflects on this Senate because it is our unique responsibility.

I am absolutely confident in large part because of the challenges we have gone through for the last 2½ years in talking about filibuster and having it not used very rarely. We are not talking about filibustering legislation where you can come in and modify and go to conference and have all these procedural tools. We are talking about the dignity of giving up-or-down votes in the Senate. It has been tough.

As the distinguished former majority leader knows, it has been very tough the last 3 years working through this process, where for 214 years, for judicial nominees coming from the executive branch, coming from the President of the United States, coming here is the tool of a filibuster being used routinely, 10 times—10 times—in the last 3 years, where for the 214 years before that, rare, rare, rare, rare.

So I feel we are back on course today. I do not think we will see a filibuster. I do not think people really want a filibuster. I think there is a lot of posturing there. But I will do everything I possibly can. If your side chooses, if the Democrat side chooses to filibuster, chooses to obstruct, chooses to stop this Nation's business, I will use all the tools. If they pull that sheath out, if the other side pulls that sheath out, I will use all the tools I have to simply get an up-or-down vote on the floor of the Senate for the President's judicial nominees.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. FRIST. Yes.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from West Virginia.

Mr. BYRD. I am sorry to hear the distinguished majority leader say what he just said. In the first place, I hear no talk of a filibuster. But who knows? If something should come up that we have not seen heretofore or have not heard heretofore about the nominee, which is entirely possible—not probable. I don't think—if that should happen, I can understand how Senators would say they are not going to give up the right to filibuster in such an event. I do not foresee that. The threat itself is a threat against freedom of speech.

Now, the distinguished Senator from Tennessee is a great physician. But this is the Senate. And the Senator talks about our forefathers. Our forefathers did not deign to stoop to a King or a President. And this Senate is a forum, probably the only forum that is left in this country, where freedom of speech reigns. That is the purpose of this Senate. That is why we have a Senate. I would hope that the distinguished Senator, who is a distinguished physician, would not have it on his escutcheon that he threatened freedom of speech in the Senate and threatened the filibuster.

The filibuster has been around a long time. It has a bad name in some instances, but filibusters have sometimes been the tool by which free men and women in this Senate have exercised their right to oppose something. And I detest this mention of a nuclear option, the constitutional option. There is nothing constitutional about it, nothing. Nothing constitutional about that.

Freedom of speech is underwritten in the Constitution and the Bill of Rights—freedom of speech—and that also includes the Senate. Freedom of speech, we have always had freedom of speech in the Senate. And as I say, any person who fell off a turnip truck could think of the idea: Well, if we have enough numbers, if we just go against the rules and throw reason to the winds, we can stop a filibuster. We can take that away from the Democrats. How terrible that would be.

I hope I will never hear the Senator from Tennessee say this again. He is a Senator, and the right of freedom of speech is his as the majority leader, and he should embrace that right with the intention to die if necessary if anyone sought to take that freedom of speech away from the Senate.

We are here as emissaries of the people who send us here. And the people out there in West Virginia, they cannot speak on this Senate floor. Young people out there in West Virginia or in Tennessee cannot speak on this Senate floor. But their representatives in the Senate—I am one of those—have a right to speak as long as I can stand on my feet. And I will do it.

Now, I am not threatening a filibuster. But I have filibustered in the past. And I would do so again. I will say to the distinguished Senator, I have been in the Senate 47 years. Now, I will guarantee the Senate, if we ever have that—I would suggest the Senator not even use the threat again. I do not mean to be lecturing the Senator of what he can and cannot do. He can do that. He has freedom of speech, as I have. He can threaten anything he wants. He is the majority leader. And he may have the power to carry it off. But he might not have.

Now, I will guarantee you one thing. I say, Mr. Leader, when somebody tries to kill freedom of speech in the Senate, they are going to have the American people to deal with—the American people. That is what our Constitution is all about: freedom of speech, freedom of the press, freedom of religion. And freedom of speech obtains here in the Senate, always has for 218 years.

And I tell you, my friend, here is one Senator who is not going to be threatened and is not going to be persuaded by any threat against freedom of speech. I will die for that right. Our forefathers died for it. Our British forefathers died for it. And they fought for hundreds of years against tyrannical monarchs so that the right of freedom of speech, control of the purse, and such things, would be there in the House of Commons.

I am so sorry. I have been here, I have served under several majority leaders, Republican and Democrat. Not once did any of them ever threaten to kill freedom of speech in the Senate. And I hope the Senator will think twice, three times, before he ever threatens that again. There is not going to be any filibuster against Alito.

Mr. FRIST. Good. Good.

Mr. BYRD. And I am against any filibuster. That is why I joined the 14. We stopped it. I thought we were past that. I hope the Senator will forgive me. I do not mean disrespect to him, but he is talking about freedom of speech. I respect the Senator. But I respect the Senate more, and I respect the Constitution and I respect freedom of speech more. And that is why I was so interested in knowing why the Senator was talking about killing the filibuster and killing freedom of speech and killing a Senate rule. We have ways of changing the rules. If we do not like the rules, there is a way, under the rules, that one can change them. But never has anybody threatened to stop this constitutional right to freedom of speech. I detest it. And I want the Senator to know, if he ever really tries to pull that tool—and he can do so; he is the leader, he has a right, if he wants to do that, but I will tell you one thing. This will not make a Senator's name in history. It will not be etched in stone. Future generations will not rise up to bless a Senator who tries to destroy freedom of speech in the Senate.

I say this with great respect to the Senator. I will tell you, he is a physician. I am not. He can do things I cannot do with a knife. He has saved many lives, I am sure. And I praise him for that. I know he goes out and serves the people. Even as a Senator, he goes out there and uses that fine brain of his in helping people. But for God's sake, this is the Senate. I have been here 47 years. I did not come here to see freedom of speech curtailed in this Senate. And when there is an effort to curtail it, they have ROBERT C. BYRD and a whole group of persons on both sides of the aisle—I would say there are Republicans in here who would not stand for that.

I have said enough. I do not intend to carry this on. But I am glad we had an opportunity to discuss this because I hope the Senator from Tennessee fully understands that is not to be talked about in this Senate. Republicans do not like it either. And there have been fine Republican leaders. Howard Baker, a former Republican leader, was a real statesman. The Panama Canal treaties would not have been approved by this Senate had it not been for Howard Baker. And those Senators—Bob Dole, others, Everett Dirksen—my goodness, they never threatened freedom of speech in the Senate.

Republicans as well as Democrats have seen the wisdom of being able to filibuster if they are trying to protect the people of their State or the people of the country from some violation of their constitutional rights.

I thank the Senator. He has been very respectful toward me. I hope I am just as respectful toward him. If he wants to say anything now, he has the floor.

Mr. FRIST. Mr. President, I thank my distinguished colleague from West Virginia. Citing headlines, I guess to score political points, is useful. But I think the headlines you cite, without citing the headlines I cited—I had eight or nine that basically say Democrats are threatening filibuster, at least to our colleagues or to the American people. I think we have clarified that, where Democrats—and I named six Senators on your side of the aisle who are talking about filibuster. So we cleared that up. I appreciate my distinguished colleague saying that while I was on the floor so we can clear that up, the other side of the aisle having used filibusters in the past, having in an unprecedented way or at least talking about the filibuster out there.

I also appreciate, secondly, the respect my distinguished colleague from West Virginia has on freedom of speech, which I share. You can start with the Alito nomination, which is the real thrust, the real crux of what we are talking about, this outstanding individual, and you could move to talking about the filibuster, which I certainly didn't start talking about but Democrats started talking about. Then you could move to what my response would likely be, and that is saying filibusters—I thought we had been through that. We said unless it is an extraordinary circumstance, filibusters are off the table. Yet you still hear about it. Then you move to, Well, if they do filibuster, Senator FRIST, what are you likely to do? Then you can move off to freedom of speech. I think that was a useful discussion and conversation, but let's come back to what we are talking about.

We ended pretty much saying that my distinguished colleague from West

Virginia doesn't expect a filibuster, that he is not going to participate in a filibuster. I don't expect a filibuster.

With the hearings starting on the 9th, with time on the floor, full hearings—and we have waited until after the Christmas holidays so people can actually be studying papers and all the 3,000 cases and 300 opinions—we are giving plenty of time for the process to work. So we don't expect a filibuster. I think we can hypothetically go across all of these potential happenings and occurrences. But all that does come back to the fact, and it centers on the Alito nomination, there is no reason for a filibuster. I don't believe. I believe my Democratic colleague doesn't believe that.

Clearly, there is no reason at this juncture. A lot of the attacks, which are coming from the political left and the extreme left, are part of sort of a spaghetti strategy of throwing spaghetti against the wall and hoping something will stick and maybe that will precipitate votes against Alito for that reason. I don't think they are going to stick. A lot of the criticism we are hearing about Judge Alito today, or the critiques, you really just didn't hear over his 15 years on the bench or in these 3,500 cases. I think all of the attacks we hear on Alito himself are simply not working. The nomination is right on track. The leadership worked together with the Judiciary Committee in terms of setting a time line that we are right on track to fulfill.

A lot of people are trying to say Alito is extreme, and those attacks simply are not sticking because he is not extreme. He is not an ideologue. He did not prejudge cases that came before him. As I was reading this weekend, I came across one of Alito's former law clerks who said this week—and he happens to be a registered Democrat; he still has the "Kerry For President" bumper sticker on the back of his car—he said: Until I read his 1985 Reagan job application, I could not tell you what his politics were. When we worked on cases, we reached the same result about 95 percent of the time. It was my experience that Judge Alito was and is capable of setting aside any personal biases he may have when he judges.

Mr. BYRD. I believe that.

Mr. FRIST. The final words: He is the consummate professional.

I think all these attacks that are going on, since that really is the issue at hand, we need to put aside all of these partisan attacks, all of these unfair attacks by either extremist groups or Senators, and let's look at his qualifications. Let's go through the hearing process. Let's come to the floor, let's have an orderly debate, and then let's, at the end of all of that, not deny people, not deny our colleagues, the opportunity, the right to be able to vote yes or no after we go through that process.

Mr. BYRD. Will the Senator yield?

Mr. FRIST. I am happy to yield.

Mr. BYRD. I see nothing in the Constitution that requires an up-or-down vote on any nominee. The Constitution just says that the Senate shall have the power, and the Senate uses that power. It is in the Constitution.

Mr. FRIST. And my response would simply be that the Constitution says advice and consent.

Mr. BYRD. Yes.

Mr. FRIST. And I think advice and consent for somebody who has gone through the nomination process, the recommendations, through the Judiciary Committee, hearings, recommended to this floor, I would argue, not written in the Constitution, but under advice and consent, you can't vote with your hands in your pocket. You can't say yes or no.

Mr. BYRD. The Constitution doesn't say that.

Mr. FRIST. I would argue that the dignity of this institution has worked for 214 years. So why deny it? Especially why deny it with a qualified nominee like Alito.

Mr. BYRD. Will the Senator yield?

Mr. FRIST. I would be happy to.

Mr. BYRD. All this business about us working for 214 years, there have been a lot of misquotations of history when people talk like that. I say that a Senator has a right under the Constitution to object for whatever reasons—they may not be plausible reasons—to object to any nominee he wishes. The Constitution says the Senate has the power of advice and consent. So it doesn't say how that consent will be measured. It doesn't say it has to be an up-or-down vote. Nothing in the history, nothing in the Constitution says that. If you can point that out in the Constitution to me, where it says that a nominee shall have the right to an up-or-down vote—can the Senator point that out in the Constitution to me? Can the Senator point that out in the Constitution to me?

Mr. FRIST. Mr. President, if the distinguished Senator from West Virginia would let me answer, I would be happy to.

Mr. BYRD. Yes.

Mr. FRIST. It is not in the Constitution that a Senator specifically has the right for an up-or-down vote. I am saying the dignity of the institution to give advice and consent deserves an up-or-down vote on the floor of the Senate. What the Constitution does say—which is why it is called the constitutional option, not because it is written in the Constitution—is that this body makes its own rules. The constitutional option is basically just that. You take it to this body and you say: Do these Senators deserve an up-or-down vote on the floor of the U.S. Senate? Let's vote on that.

Mr. BYRD. No.

Mr. FRIST. That is what the constitutional option is.

Mr. BYRD. He doesn't have a right to an up-or-down vote. A nominee doesn't have a right to an up-or-down vote.

Mr. FRIST. That is where we disagree.

Mr. BYRD. The Senator can't find that in writing anywhere in the Constitution. I can vote against a nominee just because, any Senator can vote against a nominee just because——

Mr. FRIST. But you get a vote.

Mr. BYRD. The nominee doesn't part his hair on the right or left side. The Senator doesn't have to explain why he votes against. That is his right.

Mr. FRIST. But he voted, and that is the point.

Mr. BYRD. May or may not vote. The Constitution doesn't require that, and the Senator can't find it in the Constitution. He can say all he wants.

Mr. FRIST. Mr. President, it doesn't say in the Constitution that you can vote; it says you can give advice and consent and that the Senate makes the rules as to whether you vote or not. We just disagree. Obviously, this goes back to the whole filibuster argument for judicial nominees. I simply believe in the principle that once someone comes to the floor, they deserve, in order to give advice and consent, an up-or-down vote.

Mr. McCONNELL. Will the majority leader yield?

Mr. FRIST. I am happy to yield.

Mr. BYRD. Will the leader yield to me?

Mr. FRIST. Let me yield to my distinguished colleague, and then I will be happy to yield to the Senator from West Virginia.

Mr. BYRD. I will be glad to take on both Senators in defense of the Constitution.

Mr. McCONNELL. Did the majority leader yield to me?

Mr. FRIST. Yes.

Mr. McCONNELL. Mr. President, I have listened with great interest to the exchange on the television monitor back in my office and thought I might come down and join you both.

Let me suggest that it could be argued that you are both right. What I believe, I say to my good friend from West Virginia, the majority leader is talking about is what is precedent in the Senate. There is a lot of discussion about "stare decisis." Lawyers use that term to refer to respect for the precedent.

Mr. BYRD. Yes, let the decision stand.

Mr. McCONNELL. The precedent in the Senate for 214 years prior to the last Congress was the judges who came to the floor got an up-or-down vote.

Mr. BYRD. I am not sure about that.

Mr. McCONNELL. Is that not the case, I ask the majority leader——

Mr. BYRD. I am not sure about that history.

Mr. McCONNELL. —that when nominees came to the floor who enjoyed majority support in the Senate, they got an up-or-down vote? Has that not been what the leader argues for? And to the substantial credit of our friend from West Virginia, this whole controversy was largely defused last summer, was it not?

Mr. BYRD. Yes.

Mr. McCONNELL. We have not been filibustering judges during this first session of Congress, and we have been giving judges an up-or-down vote as a direct result of the Senate's collective decision to sort of step back from the brink and honor the traditions of the Senate. Has that not been the case, I ask my friend, the majority leader?

Mr. FRIST. Mr. President, that is my understanding. This is exactly where we were about a year ago, after this long period of 214—or 218 years, as my colleague from West Virginia was saying on the side. When we are talking about filibustering—this is important to say for the people watching, not so much for colleagues—it is a very important tool for this body to use, for the minority to use, and it has been used really all the time for legislative issues.

As we design legislation, which can be shaped, manipulated, defeated, and approved, these nominees who come from the executive branch, the President, are different. Ultimately, you cannot cut a person in half. You can operate on them, but you cannot cut them in half. You cannot move them aside. Ultimately, the only way to give that advice and consent—and the way it has been done for those 218 years—is that once they come to the floor, having gone through committee, they get the courtesy, the dignity, consistent with the principles of this body, of an up-or-down vote.

Mr. BYRD. That is not history. That is not even recent history.

Mr. FRIST. And then it changed about 3 years ago, where for all of this period of time, it didn't occur; that is, a nominee who had majority support being denied a vote on the floor of the Senate. Then it happened 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 times, all in a period of about 18 months.

Then progress was made. We kind of put that all back in its cage. It still can be brought out. That is where some of these threatening issues are coming from. We don't think it should be brought out. Let's give the nominee an up-or-down vote after we have had plenty of time to debate and talk about and discuss that process.

That is my understanding of the history. I know we will get a different version here shortly, but that is the lay of the land in the past and where we are today. I want to keep coming back to the Alito nomination. That is ultimately where the decision will be made.

I yield the floor.

Mr. BYRD. I thank the majority leader. I hope my PA system is on here. This country is a great country, but it has never perfected a good PA system. I think this one is working.

May I say to the distinguished Senator, on vote No. 37, 106th Congress, on the nomination of Richard A. Paez to be U.S. circuit judge, vote on cloture on March 8, 2000, the distinguished Senator from Tennessee, Mr. FRIST, voted to filibuster. The question was on a cloture motion to end a filibuster. Cloture was agreed to by three-fifths vote, but the distinguished Senator from Tennessee chose to exercise his right, and he voted against cloture. He voted to filibuster. So the worm turns. The day may come when the Senator may want to filibuster. He will never find me on the side of saying I will cut off your right to talk.

Mr. FRIST. Mr. President, I will not reclaim the floor. But what happened to those judges? Not with my principle as an up-or-down vote, but I ask my distinguished colleague what happened. Ultimately, they got an up-or-down vote on the floor of the Senate. That is all this discussion is about.

Mr. BYRD. Some of them did.

Mr. FRIST. The Senator cited Paez. He got an up-or-down vote on the floor of the Senate. All I am arguing for is an up-or-down vote. It is simple. Vote for or against them, and they win or they lose, and you start over or not.

Mr. BYRD. That has never been the rule here. Senators have a right to talk, to filibuster.

Mr. McCONNELL. Will the majority leader yield?

Mr. FRIST. Yes.

Mr. BYRD. The distinguished Senator from Tennessee, may I say, is wrong when he cites history. History is not on his side. I tell you something else. Not all nominees have had up-or-down votes. A lot of them are bottled up in committees. That is one way of killing them. That is one way of denying them their right, as the Senator says, to an up-or-down vote. They are killed in committees. The Senator is a member of the Republican Party, the Grand Old Party, and I respect that party. I am for a two-party system. But I will tell you, the Senator doesn't come into court with clean hands when he talks about the right of an individual to have an up-or-down vote. The Republicans have killed lots of nominees in committees, not letting them have an up-or-down vote. At least 61 nominees did not get out of committee. Not all nominees have had up-or-down votes.

Mr. FRIST. Mr. President, I yield to my colleague from Kentucky.

Mr. McCONNELL. Mr. President, would the majority leader not agree with the Senator from Kentucky that the Paez and Berzon nominations to which our good friend from West Virginia refers—in both instances, you were not the leader at the time; you were a Member but not the leader. The majority leader and the leader of the other side jointly filed cloture, not for the purpose of defeating the nomination but for the purpose of guaranteeing that the nominees got an up-or-down vote.

There were one or more Senators, I expect, on our side of the aisle who did not want those nominees to get an up-or-down vote. So in that particular instance, Senator Daschle and Senator LOTT used the device of cloture, not to kill the nomination but to advance the nomination, move it to final passage.

I say to my friend, the majority leader, it is largely irrelevant how he may have voted on cloture as a rank-and-file member of the Republican Conference on that particular day. The leader of our party at the time and the other party at the time were honoring the principle to which the leader has been speaking, guaranteeing that those nominees got an up-or-down vote by the only device they could, by filing cloture and moving forward.

So that is entirely consistent with the point my good friend, the majority leader, has been making here on floor, and the end result was that those two nominees—very controversial on this side—ended up getting an up-or-down vote and being confirmed by the Senate, and they are now called Judge Paez and Judge Berzon.

Mr. FRIST. Mr. President, I am going to close by saying I very much appreciate the colloquy, the back and forth we have had over the last hour. These are important issues when you are talking about nominations for the Supreme Court, which will far outlast, once confirmed, many of us in this body, and the importance of this process. I believe what is important for the American people to understand, even in this back and forth now, is we are committed to a fair process and a process that should be dignified; that we need to have civil debate, and we will have that on this particular nomination, which is where the focus is, where I want to rest so we are not talking about what we will do from that side or this side, but focus on the fact that among all the responsibilities that we have, that we are given in the Constitution, this nomination process is one that is important, that should be dignified, especially if we want people to continue putting themselves forward as potential nominees. We should not be in the business of character assassination, and we should not be in the business of not giving people the opportunity to fulfill a process and have it unfairly blocked as we go forward.

I think it is important—again, not as Democrats or Republicans or party or partisan issues—to not allow the debate to get so hot, high, and heated that we interrupt the process. We are about midway through the time Judge Alito has been nominated. I am very pleased by our leadership at the Judiciary level, with Senator LEAHY, Senator

SPECTER, and the committee, in terms of their approach. They have a tremendous working relationship, which is very important as we go through these hearings which will begin on the 9th.

Those hearings will be several days. They will be thorough; they will be exhaustive. It is important to this body to have the information to know how to vote—not whether to vote but how to vote, and questions, I am sure, will arise from the hearings—and that we be able to have both the appropriate amount of time for discussion and then come to the floor and have a full debate, and then approve or disapprove of that nomination.

Again, I appreciate the chance to have this discussion. I know the distinguished Senator from Massachusetts has been waiting an hour to speak. We will continue the dialog. I very much respect the comments of my distinguished colleague from West Virginia. He teaches me all the time. I listen, and he knows I listen as we go through. We disagree on certain principles. I know one is not freedom of speech, or respect for the Constitution, or respect for this institution.

I yield the floor.

Mr. BYRD. Mr. President, the Senator has yielded the floor. Let me say, as the Chair recognizes me, to the distinguished Senator. I say again, I respect him, but I hope he will never leave as part of his legacy the destruction of freedom of speech in the U.S. Senate. And may I say to him once finally, that if he ever tries to exercise that so-called constitutional option, which is an unconstitutional option, he flies in the face of history, he flies in the face of our forefathers, he flies in the face of the Constitution, the right to freedom of speech. If he ever tries that, he is going to see a real filibuster if I am living and able to stand on my feet or sit in my seat.

I respect him as a Senator, but I respect the Senate even more. I respect freedom of speech even more. And if the Senator wants a fight, let him try it. I am 88 years old, but I can still fight, and fight I will for freedom of speech, for the constitutional right of freedom of speech. I haven't been here 47 years to see that freedom of speech whittled away and undermined. I haven't been here that long, I haven't been here 47 years to see that.

I hope the Senator will take what I say as being in the spirit of friendship. But with something so important—and it was here a long time before I came here. It is the Constitution of the United States and freedom of speech, and we are going to have freedom of speech here.

If I elect to filibuster against a nominee, it will be for good reason. I don't intend to join a filibuster. That is why I joined the group of 13, and I made the 14th. I think we avoided a filibuster. I don't expect to filibuster on this.

I tell you one thing. I am tired of hearing this threat thrown in our faces that this so-called nuclear option will be used if we decide we want to filibuster. If there is good reason to filibuster an individual, why, let a Senator filibuster him. There are some of the names around, and I hope the President will not send one of them up, but there are some around on which there will be a filibuster. I compliment the President on avoiding that. We don't need that kind of disruption here. We don't need that kind of divisiveness. We need togetherness. I hope we will have togetherness.

I thank the Senator for his courtesies. I respect him. I respect him, but I tell you, I expect, if the Lord lets me live, to continue to fight for this Constitution and for this institution and for freedom of speech against all comers on either side of the aisle—either side. I would not stand still a minute if a Democratic leader over here threatened to kill freedom of speech in the Senate. I wouldn't stand still for that. No, no, I wouldn't do that, Democrat or Republican.

I thank the Senator. I respect him. When I meet him in the corridors, I will meet him with a smile.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, once again I thank my distinguished colleague from West Virginia for his insightful comments. I do want to keep the focus at this point—I have a feeling he is going to want to say something after I close, but I think it is time to put partisanship aside.

Mr. BYRD. Yes. Amen.

Mr. FRIST. To put threats of filibuster aside before we have even had the hearings. I am not bringing up filibuster.

Mr. BYRD. That is freedom of speech.

Mr. FRIST. I didn't bring it up yesterday. I responded to a question, and then I did cite what six Democratic Senators have said and what eight newspapers have said about what is coming from the other side. But I think it is time to put it aside and to focus on the nomination. Freedom of speech, which is important, which I love, I cherish, that is why I am here, we can debate that. I am not sure what we are debating. We can debate that. I thought we finished that. We talked about filibusters 6 months ago. It is time to focus on this nomination, which is what the American people want us to do.

We are talking about one of the most fundamental responsibilities in this body, and that is looking at an individual—and I would argue a very qualified individual—having a process that is fair, that is dignified, that is respectful and gives people the opportunity to give advice and consent. That is my goal, and that is what I am going to do my best to achieve.

I think that is going to be the last thing I say. But I thank the Senator very much. I appreciate the comments from the distinguished Senator.

Mr. BYRD. Mr. President, may I say to the majority leader, there are those who filibuster sometimes, but they, too, can be dignified. I have seen filibusterers who were dignified. The late Senator Richard Russell and some of my friends on that side of the aisle when I came here filibustered with dignity. Talking about dignity, you can be against something and filibuster and still do it with dignity. I thank the Senator. I thank the Senator.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I know not many of our colleagues are here at this time, but I certainly hope a number of Americans have been listening to a very important history lesson and a real lesson about the rules and some fundamental issues and rights that have been debated over the last hour in the Senate. I think it has been enormously helpful and very informative.

I am a member of the Judiciary Committee. I have attended some 22 of these nominations. I have spent a good deal of time since the Senate went into recess in preparation for these hearings and will continue to do so. But I join with my friend and colleague from West Virginia in saying that I do not know a single member, certainly of the Judiciary Committee, who has said they are going to filibuster this nominee. Nor do I know a single member of this side of the aisle who has stated they were going to go ahead with a filibuster.

A number of our colleagues, including myself, have been asked, Does this mean under any circumstances you will not? The appropriate answer is, as the Senator from West Virginia stated so clearly and compellingly, we are not going to give up any of our rights prior to consideration of a nominee until there has been a completion of the hearings and until we make a balanced and informed judgment.

That is the responsibility we have because the Constitution has stated so. During the debates at the Constitutional Convention, our Founding Fathers considered on four different occasions who would have the right to nominate judges to the Supreme Court.

On three of the four they gave the complete power and authority to the Senate. It was only in the last 10 days of the Constitutional Convention they decided that it would be a shared power: One, the President would nominate and, second, we had a constitutional responsibility to give our judgment whether we believed that nominee was committed to constitutional rights and liberties. That is the responsibility we have, which is an enormously important one.

I do not think anyone could have listened to the debate in the last hour or so and not understood the strong feelings that not only the Senator from West Virginia but all of us have on this particular judgment. I do not think there is a decision outside of the issues of war and peace that is more important than the votes we cast for a nominee to the Supreme Court of the United States.

The debate is closed, but as a member of the committee I do want to correct a few items. We can go back through, but the record is very clear that Republicans have filibustered Democratic nominees. I was here at the time of Judge Fortas. So they have filibustered Democratic nominees in the past and denied them the right of a vote.

As Senator BYRD has pointed out, I have been a member of the Judiciary Committee where President Clinton's nominees were effectively killed by denying them the opportunity to have a hearing. I have been in the Senate when we have had what they call secret holds and that is when Republicans put a hold on a nominee so that we do not even get a chance to consider the nominee.

All of that is history and we should not be bothering about debating it. We can go back and debate whether it is history or it is not, but as a member of the Judiciary Committee and one who has been participating in these various debates and discussions, the record is very clear. It has been exhibited on the floor of the Senate in recent times in the discussions of it.

So I want to join my colleague and friend from West Virginia. The last thing we need now is threats about the process and the procedure. What we need to have is an informed hearing on this nominee. As nice, decent, and fine a nominee as we might have, that in and of itself is not enough to promote this individual to the Supreme Court of the United States. Any nominee has to demonstrate his or her core commitment to constitutional values. Those are the most precious rights and liberties we have. The essence of the terms of the Constitution is to protect the rights and liberties of individuals, as has been pointed out by the Senator from West Virginia, from tyrannical governments, kings and monarchies. This is enormously important. We take our responsibilities extremely seriously.

Reference was made during the consideration of the 1985 memorandum that Judge Alito had written, and I am not going to spend a great deal of time this afternoon going through it, but there are troublesome aspects of statements he made when he was applying for a job in the Justice Department. He has pointed out that it was just applying for a job in the Justice Department. So when he said he was so critical of the Warren Court that made judgments and decisions that guaranteed the rights of counsel in the Gideon v. Wainwright case, also the one-man, one-vote case which has been so fundamental against the background and history of gerrymandering of voters in this country which has excluded the rights of people, on those two important decisions—or the rights of a defendant in Miranda—when these decisions now are bedrock in terms of jurisprudence, we have to ask what was so troublesome to him in 1985 about those particular judgments and decisions?

He says he was just applying for a job. Well, he was 35 years old. Now he is applying for another job. So there are important issues and questions which we have every right to go into. As to the Vanguard case, Judge Alito mentioned he would recuse himself from any decisions on the Vanguard case. Then the case comes for a decision in his court and he does not recuse himself. Then he writes to the Judiciary Committee some time later—after he had been to the Judiciary Committee and gave the Judiciary Committee the assurance he would recuse himself, he decided himself he would no longer recuse himself. Is that not interesting? Who did he notify? Did he notify the Judiciary Committee he changed his mind? Did he notify the circuit court? The White House says the reason he did it was because of a computer glitch.

Then he says to the members of the Judiciary Committee that he did it because it was a pro se case, so it did not make much difference. Yet a pro se case is probably the most important. Those are cases which involve such individuals where they do not involve a whole battery of lawyers or law firms.

When he gives his word to the Senate Judiciary Committee and then changes his mind, is it not worth finding out something about this nominee?

So we are looking forward to this hearing. These hearings are enormously important. As one who has gone through the cases in which he has dissented—a good part of the cases he has been a part of the majority, a good part of the cases have not been published, they are nonpublished cases—I am certainly concerned about certain patterns that indicate a greater proclivity toward the powerful and less interest in protecting the smaller person, the little guy, on many of these cases. I am not prepared to make a judgment or decision on this.

This is an enormously important consideration, and I could not agree more with the Senator from West Virginia. Why do we need to divert focus and attention on the process and the procedure when there is not a single member in the Senate who has said they were going to filibuster? Why attempt to chill debate and discussion? The only effect of this kind of comment is basically to threaten or to chill debate and discussion about a nominee.

The Senator from West Virginia is not going to be intimidated, nor myself, but I do not think that serves the process well. It was entirely appropriate for the Senator from West Virginia to point out these comments that were on the front section of a newspaper, the New York Times, but wherever it was, wherever it was said, it was being said by the majority leader and the message was very clear. I certainly received the message, although I did not accept it. I do not think I would have been as clear and as eloquent as the Senator from West Virginia, but the message was very clear, do not you dare take too much time in consideration of this nominee or I am going to change the rules of the Senate in ways that are going to deny free speech. That is not where we should be in terms of giving fairness to this nominee and to give him the kind of thoughtful hearing which the Judiciary Committee is capable of doing and which it did under Chairman SPECTER during the Roberts hearing.

I think Americans who followed that would feel the nominee was treated with respect and dignity and that members of the Judiciary Committee had opportunities to inquire and also to hear from other outside witnesses. That is the way it should go. I am confident that is the way it will go.

I agree with my friend and colleague from West Virginia, the less talk about the threats about changing the rules of the Senate and particularly by the leadership, the better off we are going to be.

Mr. BYRD. Would the distinguished Senator yield?

Mr. KENNEDY. I would be glad to yield.

Mr. BYRD. Mr. President, first, I apologize to the distinguished Senator for imposing on his patience. He sat back in that chair and he was in the Senate Chamber before I was today. He sat patiently through that long, drawn-out discussion, and I apologize to him for my part in imposing on his time and patience.

Secondly, let me thank him for his clear, lucid, reasonable, and thoughtful comments concerning the subject matter that has been discussed. He has always taken advantage of the opportunity to serve the people of the country, to serve the country, and to serve the Senate. If something seemed right or seemed wrong, he was willing to speak out. I will always admire him for those things. I thank him for what he has said today. I think, again, it reflects great dignity upon the Senator and his thoughtfulness. He is a Senator sui generis, in the fact that he speaks his mind—he is never backward about that. He can do that with me, too. And he has done that with me in the past. I respect him for it.

I thank the Senator for his comments. He certainly has engaged in a discussion today that I think makes a great contribution, not only to this discussion and this subject matter, but he continues as he has for years, so many years during my tenure here, to contribute greatly as a statesman who has been worthy of a seat in the Constitutional Convention or a seat in the first Senate calling that Congress. He could have been in any of those debates at any time in the history of this country.

I respect him for it. He is an outstanding Senator and one upon whose services history will certainly report with great support. I thank him so much. I thank Senator KENNEDY very much.

Mr. KENNEDY. I thank my friend from West Virginia. That is what that previous hour was about, and why it was so important, because it was about preserving this institution. I know I speak for all of us. I think pretty generally across both sides of the aisle, in saying that there is no individual who is more dedicated to the preservation of this institution and the magnificent framework in which our Founding Fathers had conceived of it. It was really that issue that was talked about in that previous hour.

It is important, as all of us go through the process of pressing our own views and our own vision about the future of this country, that we hear the clear and persuasive and knowledgeable voice, the voice of history, that speaks about the institution and its importance to the American people. That is what we just heard with the exchange of the Senator from West Virginia. That is why I was so pleased to have an opportunity to listen. I just wish the other 98 Senators had that opportunity to be so informed as well. I thank the Senator for his kind words.

Mr. BYRD. I thank the Senator again. I feel pretty well today. I have had the flu over the weekend, but I am glad I came to the Senate today.

Mr. KENNEDY. I think you got your message across pretty well.

Mr. BYRD. I thank the Senator and I thank all Senators.

Mr. KENNEDY. I thank Senator BYRD.

Mr. President, I know we are in the morning hour of business; am I correct? I would like to be able to speak continuously. Do we have a time limit? I would like to be able to speak until I conclude.

The PRESIDING OFFICER. There is no limitation.

PENSIONS, RECONCILIATION AND EDUCATION FUNDING

Mr. KENNEDY. Mr. President, as Congress meets for a final session before we adjourn for the holidays, we should be focused on the true meaning of Christmas and the special thoughts that Americans of many faiths have at this time of year regarding their families, their friends and neighbors, and the rest of humanity.

Christmas is a season of great hope—a time of goodwill and special caring for others. That's what we should remember as we celebrate the birth of Christ, and the glad tidings of great joy that came to us that day.

There are those in America who urge the return of the word "Christmas" to this holiday season. I believe that Christmas is more than a word. It is a belief in a power far greater than ourselves. It is a belief in the possibility of lives full of hope and fulfillment. It is a belief that each of us has a sacred obligation to care for one another and to help those in need—to lend a hand to the least of those in our midst.

But I am sad to report, that is not what we are seeing in Congress this week.

As families across America struggle to make ends meet with higher health costs, higher college costs, higher gas prices, higher heating costs, and higher housing costs, Congress is about to make things worse for them.

Millionaires will be given tens of thousands of dollars in new tax breaks, but Medicaid cuts could mean that 22 million poor Americans will face a reduction in help from that lifesaving program and two million others may lose their health care entirely.

Proposed budget cuts would mean that 750,000 poor preschoolers who are eligible for Head Start won't be able to get into the program.

More than a quarter of a million poor Americans could lose their food stamps, and could face hunger. These cuts are proposed just as the Department of Agriculture reports that 38 million Americans face hunger, an increase of 5 million in 5 years.

Hundreds of thousands of children could lose their child support because of Republican proposals to cut enforcement against delinquent fathers.

Three million poor children could be left behind in school. They won't get the quality teachers and after-school help and supplemental services they need to catch up and succeed.

Hundreds of thousands of airline workers—the ones who are helping us get home for the holidays—could see their pensions hanging in the balance, and millions of other Americans could lose their pensions, too.

That is what is at stake in Congress this Christmas. Are these actions consistent with the spirit of this holiday season? Rather than debate whether the word "Christmas" should appear in our stores and on our greeting cards, shouldn't we be living out the hope that came from the first Christmas and do more for our fellow citizens than greater tax breaks for the rich and greater hardship for the poor and struggling middle class?

As Christian leader Reverend Jim Wallis said last week:

> The Bible does not condemn prosperity. It just insists that it be shared.

So I would hope that those in Congress who seek to lavish more tax breaks on the privileged few at the expense of the rest of America will reconsider—not only at Christmas, but throughout the year.

Otherwise, what we face this week is a Republican plan in which billions of dollars will go from programs that assist low income families and senior citizens into the pockets of the already wealthy.

The provisions in the House bill that would cut the tax rate on capital gains and dividend income are particularly unfair, because more than 86 percent of the tax benefits will go to taxpayers with incomes above $100,000 a year. Nearly half the benefits—45 percent—will go to taxpayers with incomes over $1 million a year. The average millionaire will save $32,000 a year from these tax breaks for capital gains and dividends. In stark contrast, families with incomes less than $100,000 would receive an average tax cut of only $29.

This is by no means the only outrageous provision in the Republican plan—just the most costly. There are others. Republicans in the House propose a $5 billion tax break for financial services companies doing business in foreign countries. This provision actually creates a tax incentive for these huge corporations to invest abroad instead of in the United States.

The spirit of Christmas should compel us to take another path. We should start investing in the health and well-being of all families. The average family is being squeezed unmercifully by stagnant wages and ever-increasing costs for the basic necessities of life. The cost of health insurance has risen 59 percent in the last five years. Gasoline is up 74 percent. College tuition is up 46 percent. Housing is up 44 percent. The list goes on and on, up and up—and paychecks are buying less each year.

The economic trends are very disturbing for any who are willing to look at them objectively. The gap between rich and poor has been widening in recent years. Mr. President, 37 million Americans now live in poverty, up 19 percent during the Bush Administration. One in six American children lives in poverty and 14 million children go to bed hungry each night. Long-term unemployment is at historic highs.

The silent slavery of poverty is not so silent anymore. Katrina focused the Nation's attention on the immense hardships that low-income Americans face each day, and presented us with an historic and challenging opportunity to find better ways to lift up the most vulnerable among us.

This is Christmas. Surely, the American people deserve better.

In the Senate, we did our best to respond to the needs of average Americans by helping to expand access to a college education. We cut the fat out of bank profits and put it back where it belongs—helping students afford the cost of college. Our bill included a virtually unprecedented increase in need-based aid—over $8.25 billion over 5 years.

All together, it provides $12 billion in new aid and additional benefits for needy children who have the ability to go to schools and colleges all across this country—bipartisan, unanimous, out of our committee and on the floor of the Senate, all in jeopardy this afternoon. Hopefully, our good chairman, Chairman ENZI, will be able to fight for those provisions. But that is now in jeopardy from those who believe that tax breaks are more important than our children's future. Americans know that education is the great equalizer. When young people work hard, study, play by the rules to be well qualified academically, they should be able to attend college. The cost of public college tuition fees has skyrocketed 46 percent since 2001. That leaves the lowest income students at 4-year public colleges with an average of $5,800 in unmet need.

Too many qualified students, 400,000 each year, do not go to a 4-year college. They can't afford it. They have the academic ability to succeed in those schools and colleges. They will not do that, and they cannot do that because of the finances. Almost 200,000 do not attend even a community college.

This is not acceptable, and we should be able to do better.

In addition, the Republican plan, as we found in the bill funding education and health care, will cut funds for public schools for the first time in a decade, leaving 3 million children behind. It provides no new funds for afterschool programs. It strips funding for technology in our schools.

The bill covers even less of the cost of meeting the educational needs of students with disabilities. Instead of meeting our promise to parents and communities to do more, we are doing less.

Remember when we passed the IDEA program, we said we would establish that the Federal Government would get 40 percent to pay for disabled children and that we expect the States and local communities to pick up the difference. Now we are retreating.

We have attempted, under the leadership of Senator HARKIN, to be able to meet that responsibility. And now we are finding that 18 percent is slipping and going in the wrong direction rather than helping States, local communities and parents, particularly the parents that have disabled children.

It leaves Pell grants frozen in place for the fourth year in a row, even as college costs are soaring. That is in the Republican proposal.

The Republican proposal cuts job training, even as the number of good jobs is shrinking, and fails to provide adequate increases for programs to ensure worker safety.

We have 161,100 unemployed workers in my State of Massachusetts. Yet funds for unemployment insurance offices and to help unemployed workers with job-seeking are being cut.

The proposal cuts job training, even as the number of good jobs is shrinking. We have 73,000 jobs that are going, that are vacant by employers all over our State. But we are missing is the linkage between training these workers so they can get these jobs and so they will be taxpayers contributing to their community and making a difference. We are cutting back on that program.

The House bill cuts the child support enforcement program by $5 billion over 5 years, resulting in a $24 billion reduction in child support collections over the next ten years. The House bill will reduce child support collections in Massachusetts by $140 million over the next five years. This is an enforcement program to make those who have an obligation to children take personal responsibility and help their children grow and learn. The House bill cuts this necessary and successful support program.

There are currently over 13,500 children in Massachusetts waiting for child care. Do you know what? We are cutting back the number of Child care subsidies for low income families. Who knows how many more thousands of people will not work because they cannot provide and look after their children any longer.

Does that particularly make sense with regard to the child and the parent in terms of the family? Clearly, it does not.

Funding for unemployment insurance has been cut by $141 million, and funds for programs to help unemployed workers with job seeking have been cut by $89 million, even in the wake of Hurricane Katrina, with 8 million Americans unemployed.

We know those within the administration would like to pretend Katrina never existed and the devastation that took place in Mississippi and New Orleans never happened. Those people should disappear, deny that those States are part of the United States of America. We are one country. We do have one history. We are one Nation. And now we pretending, evidently, that disaster never took place.

Finally, I want to go into the area of health care. We live in an era of medical miracles. This is the life science century. We have had the mapping of the human genome, the DNA, the sequencing of the gene. These breakthroughs which were unheard of 10, 15, 20, 30 years ago, bringing together the latest new technologies in engineering, with the latest in terms of the possibility of research—and the possibilities are virtually unlimited in our lifetime—to see major breakthroughs for new cures for multiple sclerosis, cancer, diabetes, Parkinson's disease, and Alzheimer's disease.

What do we do after the Congress and Senate doubled the NIH budget? We see the possibilities, but we are basically cutting back on those possibilities and cutting back for giving help and assistance to our fellow citizens.

Finally, I am deeply concerned about what is happening to the millions of our fellow citizens who are looking to retirement and looking to pensions. We know there is effectively a three-legged stool for retirees. If you look at what has happened to their savings, they have been effectively eviscerated, wiped out because of the sudden increased costs that working families have been affected by. If they had been in the 401(k)s, they have had virtual stability and very little growth in recent years.

The last major part is the pensions, and 700 companies have dropped their pension plans, and an estimated $8 billion in future benefits has been lost to American workers in the period of the last 5 years—$8 billion that has been paid in by American workers who sacrifice; who say: No, we will not take more wages to provide for our family now, we want to put something aside for when we require. No, we will not take that extra money so we can have a little vacation. We will put it aside. We need those resources. We will put it aside for another day. No, we will sacrifice in terms of additional time. We will work overtime, and we will contribute into the pensions, $8 billion in the last 5 years—and those numbers are going to continue unless we pass a pension bill.

We can't get in conference with the House of Representatives. Do you want to know why? Because House Leadership is holding a bill effectively hostage in the House of Representatives.

What are you going to tell those airline workers? You talk about abuse of power and abuse of authority. It is absolutely outrageous.

The Senate moved toward a pension bill last month. We passed that with two dissenting votes—not everything that Senator ENZI would have wanted, not everything that I would have wanted, certainly not what a lot of others would have wanted. Our leaders in this, Senators MIKULSKI, TOM HARKIN, JEFF BINGAMAN, and many others, bipartisan in nature, Republican and Democrats alike, got together and passed that legislation under the leadership of Senator ENZI, and we are being effectively stonewalled.

The House could have engaged in a bi-partisan process. But instead they chose to forge ahead with a bill that has no Democratic support and that threatens our manufacturing companies, cutting off benefits for workers whose plants close: leaves older workers without protections when their companies switch to new plans; and leaves workers at the mercy of conflicted investment advice. That is why they are unable to pass legislation this year.

I urge members of the House to take a page from the Senate's book. It is not too late to reach a consensus on a bill that can be passed quickly with Democratic support.

We are talking about the holiday season. We are talking about the Christmas time. Hundreds of thousands of workers, retirees of airline companies, see their retirement on the line.

That includes the retired mechanic, Randy Daly, of Apple Valley, MN, who spent 40 years as a mechanic at Northwest Airlines. At 61, he thought his best years were ahead of him. But now he has learned, if his company's pension plan fails, he stands to lose over 40 percent of his retirement benefits. Most of his fellow retirees fear a similar fate.

Our airline companies are under tremendous financial pressure from terrorism, the recent catastrophes of Hurricane Rita and Hurricane Katrina, and increased jet fuel costs. Some of these companies have filed for bankruptcy. The list goes on, as the Senator from West Virginia knows.

The whole challenge is for many manufacturers, the hundreds of thousands of workers in companies such as Bethlehem Steel, LTV, many of the coal and other companies where workers have paid the price and lost their pensions. We should not be waiting more time for the brink of failure before we act. This legislation helps nearly millions of workers and retirees. We should not at this time turn them down.

In the pension bill we also included the key reforms to respond to the Enron, the WorldComs, and other corporate scandals where employees were forced to invest in company stock at a huge risk and then lost it all while the employers walked away with huge pension security packages.

Finally, we address the women's retirement security with provisions from the Women's Pension Protection Act, which was bipartisan. The Senator from Maine, Senator SNOWE, myself, and many others, recognized the particular challenges women have in terms of the pension issue.

American workers and their families expect Congress to protect their hard-earned pensions. Americans expect Congress to help them send their children to college, not make it more expensive at a time when workers need more and more skills. Americans expect Congress to increase, not cut, education and job training. Americans expect Congress to help secure health care, not cut health care assistance. Americans expect more from us. Americans deserve better, especially at this Christmastime.

Mr. BYRD. Will the Senator yield?

Mr. KENNEDY. I am happy to yield.

Mr. BYRD. Mr. President, I thank the Senator for the speech he made. I am glad I stayed and listened to his speech. It is one of his finest speeches. It is a speech made in the true spirit of Christmas, too. The Senator, once again, stands for the poor, the downtrodden, those who cannot be here to speak for themselves.

I thank the Senator for this speech. He is truly in my book one of the great Senators for all time. We have not always agreed. We have not even liked each other in long ages ago, times past. But that is in the past. I think so highly of this Senator. I am glad I stayed here to hear this speech. It was certainly thoughtful. It was needed at this time. I congratulate the Senator. Tomorrow, I may speak a little bit on the same subject—not as eloquently as he has but certainly along the same line. I hope I can do that.

Mr. KENNEDY. I thank the Senator for his kind words and for his typical graciousness. I am so glad we had an opportunity to have a brief celebration at your recent birthday. It is good to see the Senator up, as always, in fighting trim and fighting form.

I am grateful for the Senator's comments.

Mr. BYRD. I thank the Senator.

The PRESIDING OFFICER. The Senator from Wyoming.

ACCENTING THE POSITIVE

Mr. THOMAS. Mr. President, I have a few issues to discuss in morning business. First, I desire to be more positive than what we have been hearing. It makes one depressed to hear the negative discussions. There are quite a number of positive things happening in this country. Perhaps we ought to talk about them.

We have had the extraordinary growth in gross domestic production, growth in the economy over the last number of months, particularly in the last month, 3.5 percent growth. We have had more jobs than we have had for a very long time. We have more people working than we have had for a very long time. Certainly there are always issues we can talk about. The fact is we are moving forward on these issues. We are doing the things that need to be done. Indeed, we should.

I am sometimes a little distressed that we seem to think the Federal Government is in charge of everything that affects our lives. That probably is not the case. We are also dealing with a great deficit. Yet we want to talk constantly about how we need more money for this and more money for that, more money for all these things. We are in a country where we have several levels of government. There ought to be some division of responsibility. That is our system. We should have somewhat of a limited Federal Government, we are not into every issue. It is disappointing to hear that everything occurring to everyone is a responsibility of the Federal Government.

We also ought to understand when we have some sort of effort to reduce taxes, that helps increase the economy. We have seen more revenues when we have less taxes. The economy grows. There is more investment and we create jobs. Those are good things. Occasionally we ought to talk about that.

I understand a person opposed to the administration wants to talk about the bad stuff. I will primarily talk a little bit more about Iraq and the situation we are in there. It has been an issue for all of us, and tends to be something we are all very much concerned about. However, the discussions lately have changed somewhat. That is a good thing.

Almost no one is suggesting that U.S. troops ought to remain in Iraq forever. We hear all the views, people talking about this point of view, that point of view. But since the beginning, there was the notion that we have a job to do, and as soon as that job is finished we need to get out. That is not a new topic.

I have to admit completing the job can be defined differently by different people. However, the fact is almost everyone at the same time suggests that the troops need to remain in their current numbers until the insurgency is suppressed. Most everyone agrees with that.

In the beginning, some of the folks in the House of Representatives were making the point to get them out of there now, get them out in 6 months, but they have moderated that and are saying, yes, we need to change what we are doing; we need to complete our job. We see more and more people wanting to do that. The administration has been talking for some time, of course, about reducing the number of troops in the process of doing that but not setting a date.

My point is it is interesting, and the media has something to do with this, to try to show the differences, but the fact is there is quite a bit of similarity among the things that people are saying with regard to Iraq.

Few people agree with the idea of increasing the number of troops. There is some talk about that. But that is not generally agreed to. Of course, almost no one agrees the troops ought to be pulled out immediately at a certain time.

My point is there seems to be great differences between the critics and the administration. But when they look at it, everyone is pretty much on the same side. We need to finish our job, reduce our troops there, turn it over to the Iraqis as soon as possible. The time to do that, the way you do that, there is an area for difference, but that is a common argument.

I am trying to say, finger-pointing aside, regarding the debate over whether we should begin to gradually have a withdrawal of troops, there is no debate over that. How you do it, of course, there are different views. There is no disagreement as to bringing the news into the political process. I think it is exciting that this week there will be an election and we will see what kind of bringing there is into that process.

So I guess I am kind of pleased that even though we have differences of view—and that is perfectly legitimate—I am finding there is less difference in the policy between the people who have disagreement than there might have been in the past.

Obviously, the war on terrorism is being fought overseas in Afghanistan and Iraq. Of course, fundamentally, it has changed the environment that has given rise to the Islamic extremism that brought about the attacks, and so on. In a broad sense, that is exactly why we are there. It is one to bring justice back to the perpetrators, but also to change the conditions in the Middle East. I think that basically is beginning to happen: the introduction of a stable democracy and freedom, a democracy that is shaped on the basis of what Iraqis want. We are not imposing on them the same kind of system we have here necessarily; for instance, that there has to be endless discussion on the floor. We are not saying that. There are great steps being made in deliberation there.

I guess it has been a year and a half since I have been in Iraq, but certainly I think some real progress has been made. I felt as if there had been great progress when I was there. And as to the polls, in the preliminary election, ABC News shows that three-fourths of the Iraqi people express confidence in these elections. That is good and 70 percent approve of the new Iraqi constitution. In a country that has never done those kinds of things before, that is an excellent movement.

We are talking about positive things, which does not mean everything is great, of course. But it does mean we are moving forward, and there is an unmistakable shift from tyranny to democracy that is taking place.

As to the Iraqi forces, we all want them to shoulder a greater share of security efforts. In fact, that is happening. Now, I am also one who believes the system we have used, the military system, has to change as the situation changes. It was one kind of a military opportunity to be moving into Iraq to get rid of Saddam, and having troop movements, routine, normal military activities. Now the time has changed.

I was very impressed with the conversation I had with a police officer from Cheyenne, WY, who was there on a contract to help train police who said: That has all changed now. Instead of having platoons and companies moving around, we are having two or three insurgents over here, and we need more of a police kind of a system rather than a larger military system. I think certainly that is true.

And the Iraqis are moving forward. There are now 97 Iraqi army battalions conducting operations. Thirty-three Iraqi army battalions have assumed their own areas of responsibility. This is a good thing. The Iraqi navy is guarding its coastline and protecting offshore oil platforms. The Iraqi air force is moving supplies throughout the country. Iraqi border police are manning 170 border forts and 22 ports of entry.

Certainly, there is a lot to do yet, probably more in the support—the supply support, the management from the background—as there is in being on the front lines as far as the military of the United States is concerned. I hope and think that movement and that change of role is indeed taking place. There are some 68,000 police who are there. So we are making some progress.

Again, some time ago, when I was there, I was real pleased. We would go down the road in a military vehicle and all the little kids would be waving their arms. We went to some schools. We went to some hospitals.

Now we are getting a report that 762 out of 834 schools are back in place. That is a good move—not complete, of course, not perfect. It is also reported that 12 out of 29 hospitals are back in place; 5 out of 12 major airports are functioning. So there is a great deal going on. It is reported that 144 out of 222 water treatment stations are functioning. There is still work to do, but, nevertheless, a substantial amount of work has been done.

So the fact is, of course, the road from tyranny to freedom is not an easy process. It is a process that we have not always experienced in the past. So as we see new challenges, then we have to face them in different ways. Having been in the military, I know sometimes it is difficult to sort of change the methods the military is accustomed and trained to do. But these are different sorts of challenges. I am very proud of the military in doing what they have done.

The al-Qaida terrorist leader has indicated that Iraq is a central battlefield for this war, certainly in terms of terrorism. And our people continue, of course, to do well in spite of the deadly insurgency. That is a tough thing. The insurgency is just people coming out of nowhere with bombs, roadside bombs in cars.

So I guess really what I am trying to say is there is good evidence that things are going well—not as well as you would like, obviously. There are improvements being made. We are moving towards our goal. The goal is to be able to turn this back over to the Iraqis, to return our folks home as soon as possible. Everyone agrees with that: as soon as possible. There is always room for disagreement as to what is necessary, of course, to be able to do that.

But despite the naysayers we hear here, the Iraqis are generally optimistic. A recent ABC News poll showed that 70 percent of Iraqis sampled said life in Iraq was "good." So in addition to that, of course, the actions that are being taken are being felt in Egypt, Libya, Lebanon, Kuwait, and Saudi Arabia. So we are having some sort of an impact in that whole Middle East area, which is, of course, what we had hoped to be able to do.

So these are some of the things that are happening there. I think there is a surprising amount of optimism about the living conditions improving. Time magazine and others did some analysis and showed living conditions were rated positively for 7 out of 10 Iraqis. I presume that is a legitimate sort of sample. At any rate, it certainly sounds so. Average household income has soared some 60 percent in the last 20 months. It is only $263, but nevertheless that is substantially more than they had.

So in any event, we have a challenge yet before us. I think there is increasing recognition that we are there until our job is finished; that our job is to turn it over to the Iraqis; that we ought to indeed move and continue to move towards doing that as soon as we can; that the reduction of our troops, as soon as possible, is the goal of all of us. I think the change in the role certainly is a goal as well. And that, too, is happening.

So I guess the bottom line of what I have read here and what I am saying is that even though, for various reasons, it seems as if there is a great difference, I think you can see, as you hear about the difference in the parties here, and so on, that there is not that kind of a spread. Sure, there is room for discussion. But the fact is, the majority of people here want to stay until the job is done. The majority wants to turn it over to the Iraqis. The majority wants to remove our folks as soon as we can. And that includes the administration and the folks in opposition.

So that is a good sign that we are moving forward. And I hope certainly we can continue to do that, we can continue to support our goal there and, maybe more importantly, support our men and women who are there committed to carrying out this goal and to helping provide freedom around the world and to protect freedom in our country.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PATRIOT ACT

Mr. SPECTER. Mr. President, I have sought recognition to describe the conference report on the PATRIOT Act, which was agreed to by conferees in the House of Representatives and the Senate last Thursday. This is the first time the Senate has been in session since that time, and the first opportunity for me to make a floor statement outlining the provisions of the conference report.

I begin by thanking the distinguished chairman of the House Judiciary Committee, Congressman JAMES SENSENBRENNER, for his cooperation and cordiality in working through many very difficult issues to come to agreement between the House and Senate conferees.

There has been general agreement that reauthorization of the PATRIOT Act is necessary as an important tool in the fight against terrorism. One item which the PATRIOT Act accomplished, which was enacted shortly after 3,000 Americans were killed and many wounded on 9/11, was elimination of the so-called wall, so that evidence gathered under the Foreign Intelligence Surveillance Act could be used in a criminal prosecution. Prior to the enactment of that provision, if there was evidence obtained under the Foreign Intelligence Surveillance Act, which has a slightly lesser standard than probable cause used for a criminal search warrant, it could not be used for a criminal case. There is no disagreement, to my knowledge, with the proposition that this provision is very important and ought to be retained.

Similarly, other provisions of the PATRIOT Act have been conceded to be important: the provisions on obtaining records, the provisions on wiretaps—although subject to some limitations, and I voted against that provision when the bill was up shortly after the 9/11 attacks in 2001—and provisions on delayed notice warrants. And there are many provisions which there has been general agreement ought to be retained.

There have been questions raised, and appropriately so, about the sweep of the PATRIOT Act and whether it could accomplish its designed purposes while providing more protection for civil rights and civil liberties. A good bit of the public debate—most of the public debate—has been focused on those provisions. The conference report makes vast improvements on existing law on items such as obtaining business records, the so-called library record provision; on the delayed notice provisions; and on roving wiretaps. There are limitations now imposed on national security letters, which have been in effect for decades. They were not created by the PATRIOT Act, but the reauthorization of the PATRIOT Act has provided a forum for reconsideration of the way national security letters are used and to provide safeguards for civil liberties.

The principal concern expressed publicly about the PATRIOT Act is the ability of law enforcement to obtain business records—it has been commonly referred to as the "library records provision." There is great concern about obtaining somebody's library records by an agent unilaterally, who makes the certification that the records are sought for an investigation, and the agent on his or her own goes and obtains the records. The conference report is a vast improvement on existing law because the conference report imposes judicial review, not quite up to the standard of probable cause for a search and seizure warrant or probable cause for an arrest warrant but cause shown.

The statute provides that the court may issue an order for records only on "a statement of facts showing that there are reasonable grounds to believe that the tangible things sought are relevant to an authorized investigation to protect against international terrorism."

Having judicial intervention between the assertions of the law enforcement officer and the invasion of privacy to get these records is the common law standard; that is, the American way of protecting civil liberties. So the impartial magistrate is interposed between the police and law enforcement official and the citizen.

The Senate bill provided that relevance would be established only on a showing one of three things:

No. 1, that the records pertain to "a foreign power or an agent of a foreign power; two, the activities of a suspected agent of a foreign power who is the subject of an authorized investigation; or three, an individual in contact with or known to a suspected agent of a foreign power."

The conference report makes an important change to the standard from the Senate bill. This change was made after a closed-door briefing with the Department of Justice was able to show strong reasons to allow the judge to authorize obtaining records where one of those three conditions had not been met, where there was a terrorism investigation underway, and those records were crucial to moving ahead with that terrorism investigation.

I believe, while it would be preferable to have the Senate version, that this provision is reasonable and realistic and is certainly not a substantial basis, not really any basis at all, for rejecting the conference report.

The next most highly publicized concern has been on the so-called national security letter. I repeat, the national security letter was not created by the PATRIOT Act passed shortly after 9/11 but has been an investigative tool for decades. Under current law, there is no explicit right on the part of someone who has been served with a national security letter to do anything about it except to comply. The conclusion has been reached that the recipient may not make a disclosure of that national security letter.

The conference report is a vast improvement. I have used the word "vast" repeatedly because it makes a very extensive improvement by enabling the recipient to go to a lawyer. It explicitly says you can go to your lawyer and you can challenge the national security letter and you can go to court. You can have the national security letter quashed if it is unreasonable, oppressive, or otherwise contrary to law. When you go to court, you can get permission to tell the target of the national security letter about the national security letter, if the judge finds that doing so would not harm national security, interfere with an investigation or diplomatic relations, or risk death or bodily injury to another person.

The judicial review is somewhat limited in that there is a presumption that the certification by high-ranking officials of the Department of Justice or the FBI or the requesting agency will be conclusive on whether the disclosure will be harmful to national security or diplomatic relations.

What was not understood, really misunderstood, during the course of the deliberation in the conference, was that the Senate bill, which was widely heralded as being a remarkably good bill, agreed to by all 18 members of the Judiciary Committee—and it is very unusual to have the Judiciary Committee agree unanimously on anything, let alone on a matter of civil rights, but that was done. Then, when the bill was forwarded to the floor, it went on our so-called unanimous consent calendar, which means it was passed by unanimous consent without any floor debate. It is highly unusual and perhaps unprecedented on a bill of this magnitude to be on the unanimous consent calendar because people all thought it was fine. That requires the absence of an objection. Any one Senator can prevent it going on to the unanimous consent calendar. That means 100 Senators have to in effect have acquiesced.

The provision in the Senate bill was that "in reviewing a nondisclosure requirement, a certification by the government that the disclosure may endanger the national security of the

United States or interfere with diplomatic relations will be treated as conclusive unless the court finds that the certification was made in bad faith."

As I said before, it was misunderstood and not noted by the conferees as to that provision in the Senate bill which drew only praise, not an objection. But there was an objection raised to a provision in the conference report which is more protective of civil liberties than that which was in the Senate report.

The conference report specifies "if at the time of the petition, the Attorney General, the Deputy Attorney General, an Assistant Attorney General, or the Director of the Federal Bureau of Investigation, or in the case of a request by a department agency, or instrumentality of the Federal Government other than the Department of Justice, the head or deputy head of such department, agency, or instrumentality"—here comes the critical language—"certifies that disclosure may endanger the national security of the United States or interfere with diplomatic relations, such certification shall be treated as conclusive unless the court finds that the certification was made in bad faith."

So the conference report is more protective of civil rights than was the Senate bill, which was so widely praised, because in the Senate bill you had to have a certification by the Government, which means any agent of the Government. But in the conference report, it was ratcheted up to require certification by these high-ranking officials, such as the Attorney General or the head of the FBI or the department heads or Assistant Attorneys General, all of whom are subject to Senate confirmation.

I think, had the misconception not prevailed about the presence of that provision in the Senate bill, our conference would have been a lot shorter, and I think it fair to say, not with absolute certainty but fair to say, it would have had more signatures on the conference report.

But in any event, the conference report gives much more by way of protection of civil liberties than is present under existing law.

The third issue which was taken up to enhance the protection of civil liberties is the delayed notice provision, or the so-called "sneak and peek provision." This involves a situation where there would be a warrant to search someone's house or apartment surreptitiously; that is, without giving notice to the individual.

Under existing law, under the PATRIOT Act, the Government must notify the individual within a reasonable period of time. Reasonable has no definitive limit, is vague and indefinite; it is open to very wide interpretation as to what constitutes reasonable. The conference report imposes a maximum time limit of 30 days, which can be extended on cause shown if certain specific criteria were met.

The Senate bill had a 7-day notice requirement. The House bill had a 180-day requirement, and the compromise was 30 days. So most of the provisions of the Senate bill or most of the substance of the Senate bill was agreed to. Now you have a set time limit, unless cause is shown to extend it; again, what I would characterize fairly as a vast improvement. Then there are provisions under the roving wiretap laws. I have always been concerned about the intrusion of privacy under wiretaps. In my days as district attorney, I was the sole district attorney among the 67 Pennsylvania counties to oppose legislation on wiretaps. When the PATRIOT bill came to the Senate shortly after September 11, I was one of the few Senators who voted against the wiretap provision.

Law enforcement has made a case in support of a roving wiretap and the PATRIOT Act conference report protects civil liberties additionally by requiring that there be an identification of the individual, a description, and that there be a showing that the individual will seek to try to evade detection of the wiretap so that on that provision, as well, there is an enhancement of civil liberties.

Perhaps the most contentious issue that was taken up by the conference was the issue of the sunset. The House of Representatives asked for a sunset of 10 years in their bill. The Senate bill has a sunset of 4 years. The House proposed, in a very forceful way, a compromise at 7 years, splitting the difference. The sunset provision is very important because all of the provisions of the PATRIOT Act expire at the end of the sunset unless there is a renewal. This puts law enforcement on notice that there will be oversight by the Judiciary Committees of both Houses, and the Senate Judiciary Committee has been very diligent on oversight and is committed to extensive oversight on this bill however it comes out.

There were very long, detailed, extensive negotiations. I thank the White House. I thank the President, who was personally acquainted with this issue. I had the opportunity to travel with him to Philadelphia earlier today where he made a speech about Iraq. He said to me, it was my expectation if we fulfilled your request for assistance on getting a 4-year sunset, there would be a little more receptivity for the bill. I am paraphrasing what was involved. This issue went to the highest level of the Federal Government. We had tremendous assistance from the White House on the sunset provision. Not only was the President conversant with it, as I have stated, but the Vice President was involved in the negotiations, the Chief of Staff, Andrew Card, whom I talked to on a number of occasions, and others in the White House. This 4-year sunset is a major, major, major improvement for civil liberties interests in that these provisions will be in existence not for 10 years, 7 years, 6, 5, but only for 4 years.

In essence, we have a bill which is not perfect. I don't know that we deal in perfection in the legislative process. The whole art of politics and legislation is the art of accommodation, conciliation, and compromise, which is a worthwhile concept. That is the way we work in a democracy. No one gets their way entirely.

If I had my preference, we would have taken the Senate bill lock, stock, and barrel, and that would have been it. But we have a bicameral legislature and considerations and issues raised by the House of Representatives, I think again, are fairly raised and fairly stated. I explicitly compliment Chairman SENSENBRENNER for his cooperation and his good work on this bill.

That is, believe it or not, a somewhat abbreviated version of this legislation, this complex legislation.

We had a letter from six of our colleagues—Senator CRAIG, Senator SUNUNU, Senator MURKOWSKI, Senator DURBIN, Senator FEINGOLD, Senator SALAZAR—and I ask unanimous consent that a copy of their letter to me and a copy of my letter to them be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, November 17, 2005.

Hon. ARLEN SPECTER,
Chairman, U.S. Senate Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

Hon. PATRICK LEAHY,
Ranking Member, U.S. Senate Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

Hon. PAT ROBERTS,
Chairman, U.S. Senate Select Committee on Intelligence, Hart Senate Office Building, Washington, DC.

Hon. JOHN D. ROCKEFELLER IV,
Ranking Member, U.S. Senate Select Committee on Intelligence, Hart Senate Office Building, Washington, DC.

DEAR CHAIRMAN SPECTER, CHAIRMAN ROBERTS, RANKING MEMBER LEAHY, AND RANKING MEMBER ROCKEFELLER: We write to express our deep concern about the draft Patriot Act reauthorization conference report made available to us early this afternoon. As you know, the Senate version of the bill, passed by unanimous consent in July, was itself a compromise that resulted from intense negotiations by Senators from all sides of the partisan and ideological divides. Unfortunately, the conference committee draft retreats significantly from the bipartisan consensus we reached in the Senate. It does not accomplish what we and many of our colleagues in the Senate believe is necessary—a reauthorization bill that continues to provide law enforcement with the tools to investigate possible terrorist activity while making reasonable changes to the original law to protect innocent people from unnecessary and intrusive government surveillance.

To support this bill, we would need to see significant movement back toward the Senate position in the following areas:

1. SECTION 215

The draft conference report would allow the government to obtain sensitive personal information on a mere showing of relevance. This would allow government fishing expeditions. As business groups like the U.S. Chamber of Commerce have argued, the government should be required to convince a judge that the records they are seeking have some connection to a suspected terrorist or spy.

The draft conference report does not permit the recipient of a Section 215 order to challenge its automatic, permanent gag order. Courts have held that similar restrictions violate the First Amendment. The recipient of a Section 215 order is entitled to meaningful judicial review of the gag order.

2. NATIONAL SECURITY LETTERS

The draft conference report does not provide meaningful judicial review of an NSL's gag order. It requires the court to accept as conclusive the government's assertion that a gag order should not be lifted, unless the court determines the government is acting in bad faith. The recipients of NSLs are entitled to meaningful judicial review of a gag order.

The draft conference report makes it a crime, punishable by up to one year in prison, for individuals to disclose that they have received an NSL, even if they believe their rights have been violated. Violating an NSL gag order should only be a crime if the NSL recipient intends to obstruct justice.

3. SUNSETS

The draft conference report includes seven-year sunsets, which are too long. Congress should have the opportunity to again review the controversial provisions of the Patriot Act before the final year of the next presidential term. Four-year sunsets would ensure accountability and effective oversight.

The draft conference report does not sunset the NSL authority. In light of recent revelations about possible abuses of NSLs, the NSL provision should sunset in no more than four years so that Congress will have an opportunity to review the use of this power.

4. SNEAK AND PEEK WARRANTS

The draft conference report requires the government to notify the target of a "sneak and peek" search no earlier than 30 days after the search, rather than within seven days, as the Senate bill provides and as pre-Patriot Act judicial decisions required. The conference report should include a presumption that notice will be provided within a significantly shorter period in order to better protect Fourth Amendment rights. The availability of additional 90-day extensions means that a shorter initial time frame should not be a hardship on the government.

For the past several years, our bipartisan coalition has been working together to highlight and fix the civil liberties problems posed by the Patriot Act. We introduced the SAFE Act to address those problems, while still maintaining important law enforcement powers needed to combat terrorism. We cannot support a conference report that would eliminate the modest protections for civil liberties that were agreed to unanimously in the Senate.

The conference report, in its current form, is unacceptable. We hope that you, as members of the conference committee, will consider making the changes set forth above. If further changes are not made; we will work to stop this bill from becoming law. Thank you for your consideration.

Sincerely,

LARRY E. CRAIG.
JOHN E. SUNUNU.
LISA MURKOWSKI.
DICK DURBIN.
RUSS FEINGOLD.
KEN SALAZAR.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

Hon. LARRY E. CRAIG.
Hon. JOHN E. SUNUNU.
Hon. LISA MURKOWSKI.
Hon. RICHARD J. DURBIN.
Hon. RUSSELL D. FEINGOLD.
Hon. KEN SALAZAR.

DEAR COLLEAGUES: I am in receipt of your November 17 letter outlining your concerns about the draft Conference Report reauthorizing the USA PATRIOT Act. My purpose in writing is to explain how the final Conference Report addresses the issues you have identified; or, where the issues are not addressed, to explain why I am nonetheless comfortable with the bill. Ultimately, my aim is to demonstrate to you that the bill is one civil libertarians can, and should, embrace.

Addressing each of your concerns in turn:

1. SECTION 215

The draft Conference Report would allow the government to obtain sensitive personal information on a mere showing of relevance. This would allow government fishing expeditions. As business groups like the U.S. Chamber of Commerce have argued, the government should be required to convince a judge that the records they are seeking have some connection to a suspected terrorist or spy.

Although the Conference Report does authorize the FISA court in certain narrow circumstances to issue an order under Section 215 upon a showing of relevance, I respectfully disagree that the result is a provision more open to abuse. In fact, the additional protections we have obtained in the Conference Report make Section 215 unquestionably more protective of civil liberties and privacy rights than current law, and likely even more protective of those rights than the Senate bill.

First, it is important not to overstate the significance of the fact that the FISA court, in extraordinary circumstances only, will allow a 215 order upon a showing of relevance to a terrorism investigation. The relevance standard will apply only in extraordinary circumstances because the Conference Report channels all applications for Section 215 orders into the three categories delineated in the Senate bill. By providing a presumption of relevance when the government can demonstrate a connection to a suspected terrorist or spy, the bill ensures that requests falling outside the three categories will be the exception and not the rule. Indeed, the presumption ensures that law enforcement will face an uphill battle in any effort to obtain a 215 order that does not fall into one of the three categories and thereby provides an incentive for the FBI to use the tool only when it can show a connection to a suspected terrorist or spy. Some flexibility was necessary because the Justice Department was able to demonstrate, in a classified setting, that circumstances arise in which it is necessary to obtain an individual's records in an authorized investigation in which it is not possible to demonstrate that the individual is working on behalf of a foreign power or a known terrorist organization.

In addition, the Conference Report includes a number of safeguards against abuse of Section 215 that neither the Senate bill nor the House bill contained. First, the Conference Report would require a comprehensive audit by the Justice Department's famously independent Inspector General of law enforcement's use of Section 215. The Inspector General's reports will examine the use of Section 215 both before and after reauthorization of the PATRIOT Act. Second, the Conference Report would permit, for the first time, public reporting of the total number of 215 orders sought and granted. A third safeguard against the possibility of fishing expeditions is the Conference Report's provision that Section 215 orders may not be used for the purpose of conducting threat assessments. This requirement ensures that Section 215 will be used only during those authorized investigations that have progressed beyond the initial stages. A fourth new safeguard is that every order under Section 215 will require minimization procedures that sharply curtail the retention and dissemination of information concerning United States citizens. These minimization procedures will prevent the government from stockpiling information on American citizens or from maintaining records on citizens who are only incidental to the investigation.

Finally, it is important to point out that the conferees obtained all of these additional protections without sacrificing the critical improvements over the current Section 215 that made the Senate's PATRIOT bill attractive to so many: (1) the requirement of a statement of facts to accompany an application for an order under Section 215; (2) the express vesting of discretion in the FISA judge to review, and to reject, the FBI's application for a 215 order; (3) the express right of recipients to consult legal counsel and seek judicial review of 215 orders; (4) the requirement of approval by senior FBI officials before the government can seek library records, medical records, educational records, gun records, and other sensitive documents; (5) the enhanced reporting to Congress on the use of Section 215, including specific information concerning requests for the most sensitive documents; (6) the requirement that 215 orders can compel the production only of those tangible things that could be obtained under a grand jury subpoena or other orders issued by federal courts; and (7) the inclusion of a four-year sunset provision to guarantee that Congress will revisit Section 215 at a later time.

The draft Conference Report does not permit the recipient of a Section 215 order to challenge its automatic, permanent gag order. Courts have held that similar restrictions violate the First Amendment. The recipient of a Section 215 order is entitled to meaningful judicial review of the gag order.

After extensive discussion of this issue by the conferees, I was able to conclude that the statutory scheme that the Conference Report establishes would permit adequate judicial review of the nondisclosure requirement.

Primarily, this review occurs because an order under Section 215 cannot issue without advance approval by the FISA court. This review is not only important as a practical matter, in that it guarantees judicial scrutiny of the confidentiality provision in each 215 order; but it could well prove dispositive in any First Amendment challenge. In fact, one federal court that invalidated the nondisclosure requirement of an NSL on First Amendment grounds specifically singled out the absence of explicit judicial review in the present law as the principal reason the regime governing nondisclosure of orders under Section 215 was preferable. *Doe* v. *Ashcroft*, 334 F. Supp. 2d 471, 515 (S.D.N.Y. 2004) ("Furthermore, these provisions are not quite as severe as those contained in the NSL statutes because, with one narrow exception for certain FISA surveillance orders [that is not relevant here], they apply in contexts in which a court authorizes the investigative method in the first place."); *cf Doe* v. *Gonzales*, 386 F. Supp. 2d 66, 80 (D. Conn. 2005) (criticizing the law governing NSLs on First Amendment grounds because it "provides no judicial review of the NSL or the need for its non-disclosure provision").

2. NATIONAL SECURITY LETTERS

The draft Conference Report does not provide meaningful judicial review of an NSL's gag order. It requires the court to accept as conclusive the government's assertion that a gag order should not be lifted, unless the court determines the government is acting in bad faith. The recipients of NSLs are entitled to meaningful judicial review of a gag order.

As an initial matter, the ability to challenge the issuance of an NSL remains the same as that necessary for challenging a grand jury subpoena. A party challenging an NSL may be successful if it is shown that compliance with the NSL would be unreasonable, oppressive, or otherwise in violation of the law. The provision at issue relates only to the question of whether the recipient of the NSL may disclose that fact. In that situation, the deference a court must show to the government is not nearly as broad as stated. Specifically, the court is required to treat a government certification with deference only when the government asserts that removing the nondisclosure requirement would endanger the national security of the United States or interfere with diplomatic relations. Even so, the court is able to invalidate the nondisclosure requirement in the event the government acts in "bad faith." In all other circumstances, the Conference Report makes no provision for any special deference to the government.

Furthermore, it is important to note that substantively identical language was included in the Senate bill, which passed this body by unanimous consent. See S. 1389 §8(b)(2) ("In reviewing a nondisclosure requirement, the certification by the Government that the disclosure may endanger the national security of the United States or interfere with diplomatic relations shall be treated as conclusive unless the court finds that the certification was made in bad faith."); see also H.R. 3199 § 16.

The conference adopted an important additional safeguard ensuring that the presumption will be used only sparingly. Under the Conference Report, the Attorney General, the Deputy Attorney General, an Assistant Attorney General, the Director of the FBI, or an official of similar stature in another agency must personally make the requisite certification in order to obtain the conclusive presumption. This is in contrast to the House bill, which allowed this certification to be made by the Special Agent in Charge of any one of the FBI's 56 field offices, and the Senate bill, which provided for certification by "the Government," generally. In light of this additional safeguard over and above what was in either bill, as well as additional public reporting and Inspector General reports concerning NSLs, my hope is that this provision will not prevent you from supporting the Conference Report.

The draft Conference Report makes it a crime, punishable by up to one year in prison, for individuals to disclose that they have received an NSL, even if they believe their rights have been violated. Violating an NSL gag order should only be a crime if the NSL recipient intends to obstruct justice.

The final Conference Report addresses this concern in full. After intense negotiations involving various Senators and House Members and the Senate and House leadership, the one-year misdemeanor for knowing and disclosure of an NSL was struck from the bill. Consistent with your request, violation of the NSL nondisclosure provision is only a crime if the NSL recipient intends to obstruct justice.

At the same time, I did want to take the opportunity to clarify some facts about the NSL nondisclosure requirement, which will not have the onerous impact on individual rights that is implied. First, in contrast to current law, NSLs will not automatically carry an injunction against disclosure; it is only when the government certifies that disclosure may result in a danger to national security or to the physical safety of an individual, or in interference with an investigation or diplomatic relations, that confidentiality is even on the table. Second, the Conference Report explicitly provides that individuals can disclose the existence of the NSL both to those to whom such disclosure is necessary to comply with the request and, critically, to an attorney "to obtain legal advice or legal assistance with respect to the request." Thus, an individual who believes her rights have been violated will be able to consult counsel to explore her options for redressing any grievance. Third, and also in contrast to current law, the Conference Report includes a detailed mechanism for judicial review of the nondisclosure requirement. The end result is that any individual whose rights may have in fact been violated will have a forum in which to petition for relief.

3. SUNSETS

The draft Conference Report includes seven-year sunsets, which are too long. Congress should have the opportunity to again review the controversial provisions of the Patriot Act before the final year of the next presidential term. Four-year sunsets would ensure accountability and effective oversight.

The final Conference Report addresses this concern in full. After intense negotiations involving various Senators and House Members, the Senate and House leadership, and the Administration, the seven-year sunsets were reduced to four years.

In addition, Section 106A of the Conference Report, which does not have an analogue in either bill and was generated during the conference, provides that the Inspector General of the Department of Justice will conduct two comprehensive audits of the use of Section 215. Together with the sunsets, these provisions go farther than even the Senate bill did in ensuring that the Justice Department is fully accountable for its use of Section 215. The Inspector General is known, justifiably, for his thorough, independent-minded, and hard-hitting reports, so there is every reason to think that these inquiries will be an effective check on the Justice Department. Moreover, the release of each report will be occasion for front-page news stories, Congressional briefings, and public hearings—all of which will generate fresh political will and opportunity to rectify any problematic aspects of Section 215.

The draft Conference Report does not sunset the NSL authority. In light of recent revelations about possible abuses of NSLs, the NSL provision should sunset in no more than four years so that Congress will have an opportunity to review the use of this power.

NSLs have been used since at least the 1970s. No evidence exists suggesting their use has ever been abused, nor until now has anyone requested NSLs be subject to a sunset. Neither the House nor the unanimously passed Senate bill contained a sunset provision for NSLs. Nevertheless, the Conference Report contains new accountability provisions and creates additional opportunities for oversight. As with Section 215, the Conference Report requires audits by the Inspector General of law enforcement's use of NSLs. Section 119 of the Conference Report, which was generated during the conference, requires two such comprehensive audits. These audits should have much the same effect as a sunset.

Despite recent press reports, there is no evidence that NSLs have been abused. Much of the relevant information about NSLs is classified, so any individual news story will understandably omit critical information that is available to lawmakers. Thus, I strongly encourage you or your staff to contact the Intelligence Committee if you are interested in the complete picture concerning the use of NSLs. I think you will be satisfied, as I was, that the media coverage vastly overstates any such "problems."

4. SNEAK AND PEEK WARRANTS

The draft Conference Report requires the government to notify the target of a "sneak and peek" search no earlier than 30 days after the search, rather than within seven days, as the Senate bill provides and as pre-Patriot Act judicial decisions required. The Conference Report should include a presumption that notice will be provided within a significantly shorter period in order to better protect Fourth Amendment rights. The availability of additional 90-day extensions means that a shorter initial time frame should not be a hardship on the government.

As you know, I was able to include in the Senate bill a 7-day limit on the period in which notice can be delayed in delayed-notice search warrants. The House bill, of course, adopted a limit of 180 days, and the House was insistent on not going any lower than 90 days—a period that, it was argued, is consistent with the analogous limit for Title III wiretaps. Moreover, while it is true that the Second Circuit indicated that 7 days was a presumptively reasonable period of delay, the Fourth Circuit countenanced an initial delay of 45 days. Still, my twin objectives in conference were to retain a shortened delay period and to mitigate the significant problem of courts permitting open-ended notification delays.

The Conference Report provides that the maximum period for which notice can initially be delayed is 30 days. Although this period is a few weeks longer than the 7-day time limit from the Senate bill, it is considerably shorter than the 180 days permitted in the House bill and is a significant improvement over the original PATRIOT Act, which included no limits on the period of delay other than what was "reasonable." We were also able to eliminate the possibility of open-ended delays by mandating that notification occur on a date certain. In addition, the Conference Report preserves from the Senate bill both public reporting provisions and the requirement that extensions of the delay period be granted only upon an updated showing of the need for further delay.

Finally, it is important to be mindful of the very limited scope of this issue. Even in the national emergency following September 11, 2001, delayed-notice searches were exceedingly rare. Indeed, the Justice Department has estimated that delayed-notice warrants constituted less than one-fifth of one percent of all search warrants executed by Department components between enactment of the PATRIOT Act and January 31, 2005.

I appreciate the opportunity to explain my views regarding the Conference Report, and I remain grateful for your insights on these important issues. The Conference Report goes far in achieving the aims of the original Senate bill: namely, it permits law enforcement the necessary tools to protect the country against terrorist acts while at the same time safeguarding the civil liberties we all cherish. In particular, what sets the Conference Report apart from even the Senate bill is its detailed reporting requirements to Congress and the public and its interposition of judicial review on some of the more controversial provisions. Requiring both detailed reporting and Inspector General audits will enable the Congress, as well as the public, to guard vigilantly against any possible governmental incursions upon civil liberties.

Very truly yours,

ARLEN SPECTER.

Mr. SPECTER. I ask unanimous consent that a copy of a "Dear Colleague" letter circulated generally to all the Senators dated December 9, 2005, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, December 9, 2005.

DEAR COLLEAGUE: Upon the Senate's return during the week of December 12th, we will be voting on the conference report reauthorizing the USA PATRIOT Act. I write to seek your support and to explain how the provisions of the conference report retain the most important civil liberties and privacy protections from the bill that passed the Senate and include additional safeguards that emerged from the negotiations between the House and Senate conferees. The conference report retains the tools essential to law enforcement in fighting international terrorism while significantly expanding protections for civil liberties from the Act currently in force.

Although the conference report contains many valuable provisions, such as important protections for the nation's seaports and mass transportation systems, as well as new penalties to combat the growing problem with methamphetamine abuse, I would like to focus on several of the more contentious provisions of the PATRIOT Act itself.

SECTION 215: BUSINESS RECORDS

The most controversial provision of the PATRIOT Act has been Section 215, the so-called "library records" provision. The conference report adds several safeguards to prevent abuse of Section 215 that neither the Senate bill nor the House bill contained. First, the conference report requires a comprehensive audit by the Justice Department's independent Inspector General of law enforcement use of Section 215. Second, the conference report will permit, for the first time, public reporting of the total number of 215 orders sought and granted. A third safeguard is the conference report's provision that Section 215 orders may not be used merely for threat assessments. This requirement ensures that Section 215 will be used only during those authorized investigations that have progressed somewhat beyond the initial stages. A fourth new safeguard is that every order under Section 215 will require minimization procedures that curtail the retention and dissemination of information concerning United States citizens.

The conference report also retains key provisions from the Senate bill: (1) the requirement of a statement of facts to accompany an application for an order under Section 215; (2) the express vesting of discretion in the FISA judge to review, and to reject, the FBI's application for a 215 order; (3) the express right of recipients to consult legal counsel and seek judicial review of 215 orders; (4) the requirement of approval by the FBI Director, Deputy Director, or Executive Assistant Director for National Security before the government can seek library records, medical records, or other sensitive documents; (5) the enhanced reporting to Congress on the use of Section 215, including specific information concerning requests for the most sensitive documents; (6) the requirement that 215 orders can compel the production only of those tangible things that could be obtained under a grand jury subpoena or other orders issued by federal courts; and (7) the inclusion of a four-year sunset provision to guarantee that Congress will revisit Section 215 at a later time.

The major difference between the Senate bill and the conference report with respect to Section 215 is that the conference report authorizes the FISA court in certain narrow circumstances to issue a Section 215 order upon a showing of relevance to an already authorized terrorism investigation without a demonstration that the person's records being requested is a known terrorist or acting on behalf of a foreign power. The relevance standard will apply only in extraordinary circumstances because the conference report is set up so as to channel all applications for orders under Section 215 into the three categories the Senate established in its reauthorization bill. By establishing three circumstances to demonstrate relevance when the government shows a connection to a suspected terrorist or spy, the bill ensures that requests falling outside the three categories will be the exception and not the rule. Thus, the Senate bill's three-part test remains a substantial safeguard in the conference report.

Law enforcement will face an uphill battle in any effort to obtain a 215 order that does not fall into one of the three categories and thereby provides an incentive for the FBI to use the tool only when it can show a connection to a suspected terrorist or spy. This provision was deemed necessary because the Department of Justice was able, in a classified setting, to demonstrate that circumstances may exist in which an individual may not be known to a foreign power or be a recognized terrorist but may nevertheless be crucial to an authorized terrorism investigation.

NATIONAL SECURITY LETTERS

The conference report also makes important changes to the laws governing National Security Letters (NSLs), which the FBI has used for several decades to request communications records and financial information from third parties in intelligence and terrorism cases. First and foremost, the conference report makes explicit the right of NSL recipients to ask a court to set aside the requirement to turn over information as well as the requirement to keep the request for information confidential. This is in stark contrast to current law, which affords no such explicit right. Second, in a protection analogous to one provided for Section 215, the conference report requires the Justice Department's Inspector General to audit the FBI's use of NSLs. Finally, the conference report significantly enhances reporting to Congress and requires an annual public report on the FBI's use of NSLs. These reporting requirements enable both Congress, and the public, to ensure that NSLs are not being abused.

SECTION 213: DELAYED-NOTICE WARRANTS

The conference report has retained the important protections from the Senate bill's amendments to Section 213 of the PATRIOT Act, which authorizes warrants allowing the government to wait a number of days after the search before notifying the target. The conference report requires that a target be notified within 30 days of the search, unless the facts of the case justify a later date. Although this period is longer than the 7-day time limit from the Senate bill, it is considerably shorter than the 180 days permitted in the House bill and is a significant improvement over the original PATRIOT Act, which imposes no limits on the period of delay beyond what is "reasonable." And, like the Senate bill, the conference report permits extensions of the delay period only upon an updated showing of the need for further delay. As in the Senate bill, these extensions are limited to 90 days, unless the facts justify a longer delay. Finally, and again like the Senate bill, the conference report requires public reporting of all delayed notice warrants.

SECTION 206: MULTIPOINT WIRETAP ORDERS

Many, including myself, have discussed the need for changes to Section 206 of the PATRIOT Act, which authorizes multipoint or "roving" wiretap orders. I think the conference report successfully meets that need. The ability of the Justice Department to obtain multipoint wiretaps is in part a result of changes in communications technology that have made the use of cell phones ubiquitous. Terrorists have taken advantage of those changes to cover their tracks by using multiple phones.

Borrowing elements from both the House and Senate bills, the conference report limits the use of roving wiretaps to those cases in which the FBI includes in its application a "specific" description of the target and "specific facts in the application" that show the target's actions may thwart surveillance efforts. Further, the conference report adopts the Senate bill's requirement that the FBI notify the court within 10 days of moving its surveillance of a target from one telephone number to another. As an additional safeguard, the conference report requires that the FBI report periodically to Congress on its use of the roving wiretap authority. Finally, like the Senate bill, the conference report includes a four-year sunset for Section 206 so that Congress will revisit this provision in the near future. I believe these important modifications will go far in preventing abuse of this provision.

Much of the criticism has really involved complaints about the current PATRIOT Act without understanding the improvements in the conference report. Numerous hearings have determined that the PATRIOT Act has not been subject to abuse. But in order to promote public confidence, the conference report includes significant changes that will enhance oversight by the Congress, the judiciary and the public at large. The conference report represents a balanced compromise designed to maintain our ability to investigate—and hopefully preempt—terrorist attacks, while ensuring that the rights enshrined in our Constitution are not violated.

Very truly yours,

ARLEN SPECTER.

Mr. SPECTER. The schedule which is currently anticipated is that the House of Representatives will take up this bill and vote on Wednesday and the Senate will take up a motion to proceed to vote on Wednesday. There is talk of a filibuster. Whatever Senators choose to exercise whatever rights they have, we will see, but I thought it would be useful in talking to a number of colleagues today, the request was made to see something in the CONGRESSIONAL RECORD which goes into some detail in hitting the hot spots, but I add to my colleagues who may be listening or staffers of my colleagues who may be listening or who may read this in the CONGRESSIONAL RECORD which will be in print today, my staff and I are ready, willing, and able to elaborate further on the substance of the conference report. This report has been the subject of negotiations between the House and Senate for weeks and has consumed all of last week.

I thank the staffs on both the House and the Senate for extraordinarily diligent work, working around the clock. This was a full-time venture for me, personally, and other Members for the past many days. We have moved ahead because this bill expires on December 31. For those who want to reargue it and relitigate it and reconsider it, it will not get any better. If we go back to conference, were that course to be followed, there are a lot of limitations in the wings that could be added. With only that one provision about the conclusive presumption having been an issue, and it having been in the Senate bill which, again I repeat, we were misinformed about and the vast improvements on the issues we have mentioned, it is a bill that ought to be accepted so we can move on.

We have a very heavy schedule in the Judiciary Committee. When we return in early January before the Senate goes into session, we have the confirmation hearings of Judge Alito for the Supreme Court scheduled on the 9th of January. We then have scheduled as the first item of legislative business asbestos reform when we go back into session on the 23rd. The first item of legislative business will be available on January 24. Then we have the issue of immigration reform, which is very high on the agenda. We have backing up the matter of reporters' privilege or reporters' shield and a long list of items of other confirmation proceedings to take up the time of the Judiciary Committee.

I invite my colleagues' careful consideration, and I repeat the availability of staff and myself personally to answer any questions or make any elaborations.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HUMAN RIGHTS DAY

Mr. COLEMAN. Mr. President, in recognition of Human Rights Day on December 10, I rise to pay tribute to some of the bravest human rights advocates in this hemisphere Cubans who have dared to raise their voices to protest a regime they rightfully see as antidemocratic and harshly repressive.

Cuba is the only country in the Western Hemisphere that has not held democratic elections in recent decades. Fidel Castro has served as dictator for over four decades, and his regime does not permit free speech or free enterprise. What is particularly reprehensible is the treatment Castro doles out to those who desire freedom on the island.

This week, the EU will present its Sakharov Prize for Freedom of Thought to the Ladies in White, the mothers and wives of Cuban political prisoners who hold peaceful demonstrations each Sunday to protest the imprisonment of their husbands and sons, some for more than 20 years, for political reasons. I extend my congratulations to these worthy award recipients and to the Sakharov Prize selection committee for their continuing attention to Cuba.

Three years ago, the same prize was awarded to Oswaldo Payá, organizer of the Varela Project, which seeks a referendum on open elections, freedom of speech, freedom for political prisoners, and free enterprise. Despite the imprisonment of more than 50 organizers and continuous government harassment, the Varela Project continues to gather more signatures. To date, more than 35,000 ordinary Cubans have signed the petition at great personal risk and joined a historic national grassroots movement. Mr. Payá also continues to work with other dissidents to plan for Cuba's transition to democracy. I have met with Mr. Payá and found him to be an extraordinary individual.

All this is happening in a context of increasing demands for freedom by the Cuban people. This year's edition of the report entitled "Steps to Freedom" by the Miami-based Directorio chronicled 1,805 acts of nonviolent civil protest and 1,371 vigils for the freedom of political prisoners throughout Cuba, including one major conference on May 20. This represents a significant increase since the first such report in 1997, which found only 44 acts of civil protest, all of which were limited to Havana only. The increasing courage of the Cuban people to stand up for their human rights is all the more remarkable since it is happening in the midst of continuing arrests and "actos de repudio" organized by the Castro government.

In 2003, I traveled to Cuba with an open mind about U.S. trade and travel policy. During my trip I was touched by the stories I heard of people imprisoned for such "crimes" as opening a library, belonging to an independent trade union, or being members of Doctors Without Borders. Since that trip, I have come to believe that supporting those who are working for freedom is the single most important policy we can espouse toward Cuba.

Democracy in Cuba is not something the United States can or should impose. What we can do is support the efforts of the Cuban people to achieve their God-given right to live in a free society. On this Human Rights Day, I salute the Ladies in White, Mr. Payá, and all the other Cubans working for human rights and freedom in their country.

WORLD AIDS DAY

Mrs. FEINSTEIN. Mr. President, I rise today, on World AIDS Day, to remember the 20 million people who have died as a result of the largest pandemic in human history and with the hope that the 40 million people worldwide who are currently living in the shadow of this devastating illness will not be added to the list of lives lost.

The human immunodeficiency virus, HIV, is a certain and silent killer, decimating entire generations, crippling continents, and orphaning as many children as the populations of Los Angeles, Chicago, and New York City combined.

While scientific advances promise new hope for so many, we are still far from winning the war on this deadly virus much more must be done.

AIDS was first identified in the United States in Los Angeles in 1981.

In that year, as mayor of San Francisco, I allocated $180,000 for the treatment of this disease. By the time I left the mayor's office in 1988, funds allocated for AIDS programs in San Francisco had grown to over $20 million, more than that of the Federal Government. At that time, the crisis had exploded. AIDS cases reported in the United States had ballooned exponentially from 189 in 1981 to a staggering 32,311.

Today, there are over 1 million Americans living with HIV, and the damage this disease continues to inflict across the globe is shocking.

Worldwide, some 40 million people are living with HIV; 95 percent of those 40 million reside in developing nations. Tragically, only 12 percent of those infected are able to access the antiretroviral drugs needed to significantly extend and improve the quality of their lives.

It costs an estimated $300 per person per year to purchase the drugs to treat someone with HIV in the developing world, which is less than one dollar per day. As Americans, it is imperative that we acknowledge the AIDS crisis and its causes both globally and locally but our current efforts are simply not enough.

Sub-Saharan Africa, for example, accounts for only 10 percent of the global population but is home to 60 to 70 percent of the worlds reported cases of HIV. Those infected in the region comprise some 25 million of the 40 million people worldwide stricken with the disease.

In Botswana, a staggering 39 percent of the entire population is HIV positive, and the average life expectancy for a baby born in 2010 will be 27 years a figure not seen since the end of the 19th century.

Although some countries have been remarkably proactive in preventing the spread of the virus, HIV remains rampant in others. In most countries, women are disproportionately affected by HIV, in some African nations outnumbering men by more than a 3 to 1 margin.

Sadly, our plight in America continues as well. New advances in antiretroviral drugs show promise in helping many, but AIDS remains an incurable, fatal disease. Especially disconcerting in this country are the disproportionate numbers of minorities and gay men contracting HIV.

African-American women comprise some 72 percent all women diagnosed with HIV in the United States. While African Americans make up only 12 percent of the American population, they account for about 40 percent of AIDS cases diagnosed since the pandemic began.

Perhaps most disturbing, a recent study revealed that 46 percent of Black gay men tested were HIV positive, and of those tested, two-thirds were unaware of their status.

In my home State of California, 45 percent of Los Angeles nursing homes reported that they would not provide treatment for an HIV-positive patient, and one-third of the city's OBGYNs would refuse to treat a mother with HIV.

As a Senator representing the State with the second-highest cumulative number of persons living with AIDS in the United States, I have taken a proactive approach to securing funding for those who so desperately need help battling this disease by consistently supporting increased funding and reauthorization of the Ryan White CARE Act.

I have been a cosponsor of the Early Treatment for HIV Act since the 107th Congress, legislation that would ensure low-income HIV patients receive access to antiretroviral drugs from Medicaid before their immune systems are crippled by the disease.

Additionally, I have been a cosponsor of the Microbicide Development Act since the 107th Congress, a bill to expand, intensify, and coordinate research and development of microbicides to prevent the transmission of HIV and other sexually transmitted diseases. Today's prevention options such as condoms and mutual monogamy are not feasible for millions of people around the world, especially women. Many women lack the social or economic power to insist their partners use condoms. Microbicides are user-controlled products in the form of gels, creams, or films that kill or inactivate the bacteria and viruses that cause HIV/AIDS and other sexually transmitted diseases and their use empowers women to protect themselves from contracting this disease.

To combat AIDS in the developing world, I cosponsored the Kennedy-Feinstein-Feingold Amendment to Help Fight HIV/AIDS, urging developing countries to use compulsory licensing to greatly increase the amount of safe, generic drugs made available to HIV/AIDS patients.

I also authored an amendment to strike language requiring that one-third of funding from the President's Global HIV/AIDs initiative go to "abstinence until marriage" programs to ensure that our prevention dollars use the comprehensive "ABC" approach, Abstinence, Be Faithful, use Condoms to prevent the spread of HIV.

In the 24 years since AIDS was first diagnosed, America and the world have made tremendous strides in battling HIV. The average life expectancy of someone infected with HIV has risen dramatically since the disease was first identified. Despite our best efforts, the war on AIDS is still not won. Even the most optimistic estimates predict a vaccine may be another 10 years away. As Americans, we must do everything in our power to expedite the defeat of this disease.

I urge my fellow senators and the Bush administration to do everything in their power to find a cure for the AIDS pandemic and adequately fund research and treatment of HIV/AIDS. While our efforts have been great, the toll AIDS has taken on the world has been far greater.

It is my hope that our unwavering dedication to helping the countless victims of HIV/AIDS will continue well beyond World AIDS Day. It should be our goal to band together to work to find the cure for this deadly illness which transcends gender, race, and nationality.

On this day, I encourage people around the world to take time to ponder the vast scope of the AIDS pandemic, and remember those we have lost. But let us not remember them in sorrow but, rather, let their memory inspire our efforts to prevent any further devastation from this virus. Amidst our many domestic and international problems, let us remember that AIDS has cruelly cut short tens of millions of lives, more than that of any warlord, dictator, or natural disaster in human history. This disease has ravaged a continent, orphaned innumerable children, and torn apart entire communities. Millions more will die of AIDS this year, and millions more, including newborn infants, will become infected. Until the day when this virus no longer threatens the lives of millions of innocent people, we all must pledge to keep this fight alive.

It is our responsibility as representatives of the people to take action now to eradicate this deadly disease. Each day we wait is another day when someone's loved one will fall victim to this virus. Silence is approval, and it is our duty to raise our voices for those whose voices have been silenced. It is our duty to further the strides taken since the first case was diagnosed in 1981, so our generation can celebrate the day when the last case is cured. As I have said before, "I was there in the beginning, and I plan to be there in the end.

ADDITIONAL STATEMENTS

HONORING THE COMMUNITY HARVEST FOOD BANK OF NORTHEAST INDIANA

• Mr. BAYH. Mr. President, I rise today to pay tribute to a remarkable organization in my home State, the Community Harvest Food Bank of Northeast Indiana. Each night, nearly 600,000 Hoosiers go to bed hungry, including 190,000 children. The numbers are heartbreaking, particularly during the holiday season, but thanks to the Community Harvest Food Bank of Northeast Indiana, our State is making strides to end this terrible tragedy.

The Community Harvest Food Bank of Northeast Indiana has been a leader in the efforts to eliminate hunger across Indiana. Each year, Community Harvest collects and distributes more than 7 million pounds of donated surplus food through a network of more than 550 social service agencies. Each of these agencies offers invaluable assistance to hungry children, the working poor, and the elderly and helps ensure that every Hoosier has access to a healthy meal. Recently, the organization was named the 2005 Food Bank of the Year by America's Second Harvest—an honor never before awarded to an Indiana food bank. This award recognizes the hard work, dedication, energy, and efficiency of the organization, as well as its inspired leadership under Jane Avery.

With Jane at the helm, Community Harvest has achieved organizational excellence, while continuing to do God's work, making sure that all our neighbors are cared for and fed. One of the lessons I learned from my parents was that life is not about what you take out of it, but what you put back in. Jane lives that sentiment to the fullest every day. Her work has made Indiana a better place to live for all of us.

This year has been particularly hard on many Hoosier families and communities, making the work of Community Harvest especially critical. Businesses across the State have suffered layoffs, and families have lost their homes in recent tornados and storms, all while gas and heating prices have continued to increase. The Community Harvest Food Bank allows families to stretch their budget further, so they don't have to face the impossible decision of choosing between paying bills and putting food on the table. Each week, between 50,000 and 54,000 children and adults in 9 counties in Indiana are able to sit down to a hot meal because of Community Harvest's work.

It is part of the fabric of life in Indiana that we all look out for our neighbors, aiding them through tough times and celebrating in good times. The Community Harvest Food Bank of Northeast Indiana is the kind of organization that keeps the Hoosier tradition of compassion alive and makes me proud to be a Hoosier.

It is my great honor to recognize Jane Avery and the Community Harvest Food Bank of Northeast Indiana for their service to the State of Indiana.•

CONGRATULATING MASON CORINTH ELEMENTARY SCHOOL

• Mr. BUNNING. Mr. President, today I rise to congratulate Mason Corinth Elementary School of Williamstown, KY. Mason Corinth Elementary School is recognized as the recipient of the Fitness for Life Around Grant County, FFLAG, Silver Award for the Worksite Wellness Program.

FFLAG was created in 2002 to raise awareness about physical activity and proper nutrition. In September of 2005, FFLAG expanded their program to focus on worksite wellness by inviting Grant County businesses and organizations to take part in the Workplace Wellness Program. The program focused on budget allocation for worksite wellness programs, employees' personal dedication to fitness, communication about wellness in the workplace, and on environmental changes that can help make our offices, stores, schools, and factories healthier places to work. I am proud to say that Mason Corinth School is one of the worthy recipients of the Silver Award.

Sadly, the State of Kentucky is suffering from a health epidemic. Over two-thirds of adults in our State suffer from obesity. And this epidemic is not only hurting our waistlines, but also our pocketbooks. In 2003, over $1.1 billion was spent by Kentuckians on health problems caused by obesity. That is why programs which promote healthy living, such as FFLAG, are so important for the future of our Commonwealth.

Mason Corinth Elementary School is a shining example of how our Kentucky schools can help Kentuckians lead better, healthier lives.

I congratulate Mason Corinth Elementary School on this achievement. The administrators, teachers, parents, and students of this school are an inspiration to the citizens of Kentucky. I look forward to all that Mason Corinth Elementary School accomplishes in the future.•

CONGRATULATING CRITTENDEN-MOUNT ZION ELEMENTARY SCHOOL

• Mr. BUNNING. Mr. President, today I rise to congratulate Crittenden-Mount Zion Elementary School of Dry Ridge, KY. Crittenden-Mount Zion Elementary School is recognized as the recipient of the Fitness for Life Around Grant County, FFLAG, Silver Award for the Worksite Wellness Program.

FFLAG was created in 2002 to raise awareness about physical activity and proper nutrition. In September of 2005, FFLAG expanded their program to focus on worksite wellness by inviting Grant County businesses and organizations to take part in the Workplace Wellness Program. The program focused on budget allocation for worksite wellness programs, employees' personal dedication to fitness, communication about wellness in the workplace, and on environmental changes that can help make our offices, stores, schools, and factories healthier places to work. I am proud to say that Crittenden-Mount Zion School is one of the worthy recipients of the Silver Award.

Sadly, the State of Kentucky is suffering from a health epidemic. Over two-thirds of adults in our State suffer from obesity. And this epidemic is not only hurting our waistlines, but also our pocketbooks. In 2003, over $1.1 billion was spent by Kentuckians on health problems caused by obesity. That is why programs which promote healthy living, such as FFLAG, are so important for the future of our Commonwealth.

Crittenden-Mount Zion Elementary School is a shining example of how our Kentucky schools can help Kentuckians lead better, healthier lives.

I congratulate Crittenden-Mount Zion Elementary School on this achievement. The administrators, teachers, parents, and students of this school are an inspiration to the citizens of Kentucky. I look forward to all that Crittenden-Mount Zion Elementary School accomplishes in the future.•

CONGRATULATING PERFORMANCE PIPE MANUFACTURING

• Mr. BUNNING. Mr. President, today I rise to congratulate the employees of Performance Pipe Manufacturing of Williamstown, KY. Performance Pipe Manufacturing is recognized as the recipient of the Fitness for Life Around Grant County, FFLAG, Gold Award for the Worksite Wellness Program.

FFLAG was created in 2002 to raise awareness about physical activity and proper nutrition. In September of 2005, FFLAG expanded their program to focus on work site wellness by inviting Grant County businesses and organizations to take part in the Workplace Wellness Program. The program focused on budget allocation for worksite wellness programs, employees' personal dedication to fitness, communication about wellness in the workplace, and on environmental changes that can help make our offices, stores, schools, and factories healthier places to work. I am proud to say that Performance Pipe Manufacturing is one of the worthy recipients of the Gold Award.

Sadly, the State of Kentucky is suffering from a health epidemic. Over two-thirds of adults in our State suffer from obesity. And this epidemic is not only hurting our waistlines, but also our pocketbooks. In 2003, over $1.1 billion was spent by Kentuckians on health problems caused by obesity. That is why programs which promote healthy living, such as FFLAG, are so important for the future of our Commonwealth.

Performance Pipe Manufacturing is a shining example of how our Kentucky businesses can help Kentuckians lead better, healthier lives.

I congratulate Performance Pipe Manufacturing on this achievement. The employees of Performance Pipe Manufacturing are an inspiration to all of Kentucky.•

IN MEMORY OF DR. JOHN V. WEHAUSEN

• Mrs. FEINSTEIN. Mr. President, I rise today to honor a pioneering scientist and mathematician—Dr. John V. Wehausen. Considered one of the world's leading researchers in the field of hydrodynamics, Professor Wehausen passed away on October 6 of this year. I wish to send my sincerest condolences to his family, friends, and colleagues.

A professor emeritus of engineering science at the University of California, Berkeley, Dr. Wehausen left behind a monumental body of work and vast pioneering contributions to a number of academic fields. Some of his work, now decades old, still remains an important resource for scholars and students.

Professor Wehausen was born in Duluth, MN, and grew up in the suburbs of

Chicago. He matriculated at the University of Michigan where he earned B.S. and Ph.D. degrees in mathematics as well as an M.S. in physics.

He left Ann Arbor for Brown University in Rhode Island where he not only began a long and prestigious teaching career, but also met his wife, Mary Katherine Wertime. Ms. Wehausen preceded her husband in death in 2001 after 62 years of marriage.

After Brown, Professor Wehausen spent teaching stints at Columbia University and the University of Missouri before working for the U.S. Navy during World War II in operations analysis and research and development.

In 1956, Professor Wehausen accepted a position at the University of California, Berkeley, where he taught until 1984 and where he remained an active researcher thereafter. Shortly after arriving at UC-Berkeley, Professor Wehausen helped form the Department of Naval Architecture, one of the first programs of its kind in the Nation.

During the decades he spent at UC-Berkeley, Professor Wehausen not only produced volumes of influential scholarship but also garnered a reputation as a faculty member who respected and cared for his students. A respect reciprocated by his many students.

More than a prodigious researcher and instructor, Professor Wehausen held a great love for languages, music, and literature. He gained proficiency in a number of languages and also was an accomplished musician.

Professor Wehausen has left behind a great legacy of scholarship. His many awards testify to his abilities and his determination. Among his many honors were the Davidson Medal from the Society of Naval Architects and Marine Engineers, an honorary doctorate degree from the Joseph Fourier University in France, and the International Lifetime Achievement Award from the American Society of Mechanical Engineers.

His four children all live in my home State of California, and I send them my deepest condolences at the passing of their father. Professor Wehausen made monumental contributions to the fields of math and science, and the influence of his life's work will surely live on for many generations to come.●

RECOGNITION OF NORMAN SCARBOROUGH

● Mr. GRAHAM. Mr. President, today I wish to recognize Mr. Norman Scarborough of Clinton, SC, who has been named the South Carolina Professor of the Year by the Council for Advancement and Support of Education, CASE. The Professor of the Year awards are the only national awards that recognize college and university professors for excellence in undergraduate teaching and mentoring. Professor Scarborough is to be commended for this exceptional honor, and I wish to extend my personal congratulations.

Professor Scarborough is currently a member of the Department of Economics and Business Administration at Presbyterian College in Clinton, where he has served since 1979. He teaches classes on business law, small business management, management information systems, and business statistics. Professor Scarborough has numerous publications having either authored or coauthored 7 books and 6 papers on everything from economic development to the Internet. His professional and scholarly affiliations include Phi Kappa Phi, the American Management Academy, the United States Association of Small Business Entrepreneurship, and the Society for the Advancement of Management. Professor Scarborough also founded the student business club at Presbyterian College.

In the classroom, Professor Scarborough is known for his preparation and enthusiasm. He prides himself on encouraging his students to think critically about his lessons instead of simply memorizing them. Professor Scarborough also emphasizes the practical application of the subjects he teaches, preaching to his students about how his lessons can be used in life.

Professor Scarborough has garnered the personal and professional respect of his students, colleagues, and neighbors. He is well-deserving of recognition for his efforts and work. I commend Professor Scarborough, the South Carolina Professor of the Year, for his award and wish him great success in his future.●

HONORING HUGH SIDEY

● Mr. HAGEL. Mr. President, on November 21, America lost a great journalist and a wonderful human being when Hugh Sidey passed away at the age of 78. Hugh Sidey was a man I admired and read for many, many years. He was an observer of the world and a preeminent chronicler of our times. It was one of the great joys of my life that since coming to the Senate 9 years ago, I had the opportunity, from time to time, to sit-down with Hugh Sidey and get his sense of the world. He understood the intricacies of politics and policy but, more than that, he understood the human dynamic of our business. He understood people.

Hugh Sidey approached the world with a Midwestern sensibility and a simple decency. Raised in a newspaper family in Greenfield, IA, he learned his craft at the Omaha World-Herald among other stops early in his career. At Time Magazine he covered every American President from Dwight Eisenhower to George W. Bush. He understood politics and the presidency because he understood America. In a 1979 Time Magazine Presidency column, Hugh Sidey said this about our political system:

> Politics, when all is said and done, is a business of belief and enthusiasm. Hope energizes, doubt destroys. Hopelessness is not our heritage.

That observation hangs on the wall of my Senate office. In three simple sentences, Hugh Sidey summed up what is good about our country and what American politics can be at its best.

President Gerald Ford paid an eloquent tribute to the life and legacy of Hugh Sidey in a November 26th Washington Post op-ed. Mr. President, I submit President Ford's tribute to this great American for the CONGRESSIONAL RECORD. America will miss Hugh Sidey.

The tribute follows.

[From the Washington Post, Nov. 26, 2005]

THE FRIENDSHIP, AND TOUGHNESS, OF HUGH SIDEY

(By Gerald R. Ford)

It wasn't supposed to be this way. Like most men my age, I have given a thought or two to my funeral. As a former president, I'm almost required to, since the military periodically updates its plans, and each presidential family is solicited for personal touches. Among these is a choice of eulogists. Thus it was, a few months ago, that I called Hugh Sidey.

We'd known each other forever, Hugh coming to Washington just a few years after the voters of Michigan's 5th Congressional District sent me there. Maybe it was our shared Midwestern background, his transparent decency or the tough but fair coverage he accorded me and nine other American presidents; in any event, I had always regarded Hugh as a friend. So I asked him if he would do me the honor of speaking at Washington's National Cathedral when the time came.

I did so in part for symbolic reasons. I like reporters, even if I haven't always liked what some wrote about me. I figure that's a pretty minor price to pay for a free press in a free society. But I also hoped to remind people in our often overheated era that it is possible for a politician and a journalist to enjoy mutual respect, admiration and, yes, friendship, all the while understanding the necessarily adversarial relationship that often exists between those in power and those who report on their activities.

Hugh Sidey died this week at the age of 78. Anyone who read him knew America's presidents. Anyone who knew him knew America. In a very real sense, he never left Greenfield, Iowa, where four generations of Sideys practiced journalism with integrity and the perspective that laughter uniquely supplies. "A sense of humor . . . is needed armor," he once wrote of the presidency. "Joy in one's heart and some laughter on one's lips is a sign that the person down deep has a pretty good grasp on life."

Hugh had a sure grasp of life. An insider who never forgot those on the outside, he was warm and wise about Washington and its rituals. He appreciated Woodrow Wilson's observation that men who arrive in our nation's capital—presidents included—have a tendency to either grow or swell. But he was incapable of cynicism. Hugh scored more than, his share of scoops, but along with the ability to pierce official secrecy went an empathy that enabled him to see the White House and its occupants first and always as very human beings.

Whether reporting of the U-2 crisis, the Missiles of October or the 22nd of November; Vietnam or Watergate; Richard Nixon's opening to China, or Jimmy Carter's high-risk diplomacy at Camp David; Ronald Reagan's years of renewal; the tumult of the '90s followed by the shattering events of Sept. 11—Hugh put readers at the center of events. At the same time, he made it possible for millions who might never visit the White House to experience it, in good and not so good times, through a President's eyes and ears.

Over the years he became something of a Washington institution himself, seemingly as much a part of the presidency as Air Force One or Camp David. Yet he never behaved like an institution, and I suspect he never stopped pinching himself over his extraordinary good fortune.

For his friends, and they are legion, the good fortune was to know and learn from and simply enjoy Hugh's company. Now he is forever part of the old house whose history he brought to life. Hugh not only explained Washington to the rest of America: by being the kind of person, he was, no less than by setting the highest of journalistic standards, Hugh Sidey also embodied the best of America in Washington.•

CONGRATULATING THE MASSACHUSETTS LATINO CHAMBER OF COMMERCE

• Mr. KERRY. Mr. President, I wish to congratulate the Massachusetts Latino Chamber of Commerce, La Cámara de Comercio, on the opening of their new Business Center in Springfield, MA. The Business Center will be the home of a number of Latino-owned businesses as well as providing owners with workshops and trainings for members to gain knowledge in their perspective business area. In addition, the center will establish a computer lab to assist members with business research and planning. The new center will serve as a resource able to provide support, referral, and advocacy services to small business owners. La Cámara de Comercio will establish a computer center to assist members with business research and planning, as well as business language seminars. Latino businesses across the Commonwealth from Springfield to Boston are helping us to better compete in the global market. It is my privilege to congratulate La Cámara de Comercio on this new endeavor.•

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of January 4, 2005, the Secretary of the Senate, on November 21, 2005, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 308. Concurrent resolution directing the Clerk of the House of Representatives to make a technical correction in the enrollment of H.R. 3058.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3058) making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

The message further announced that pursuant to section 208 of the Legislative Reorganization Act of 1946 (2 U.S.C. 75a–1), and the order of the House of January 4, 2005, the Speaker appoints as Clerk of the House of Representatives: Mrs. Karen L. Haas of Maryland.

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

H.R. 4133. An act to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program.

Under the authority of the order of January 4, 2005, the enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS) during the adjournment of the Senate, on November 21, 2005.

The message also announced that pursuant to section 208 of the Legislative Reorganization Act of 1946 (2 U.S.C. 75a–1), and the order of the House of January 4, 2005, the Speaker appoints as Clerk of the House of Representatives Mrs. Karen L. Haas of Maryland.

ENROLLED BILLS SIGNED

Under authority of the order of the Senate of January 4, 2005, the Secretary of the Senate, on November 22, 2005, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

H.R. 680. An act to direct the Secretary of the Interior to convey certain land held in trust for the Paiute Indian Tribe of Utah to the City of Richfield, Utah, and for other purposes.

H.R. 2062. An act to designate the facility of the United States Postal Service located at 57 West Street in Newville, Pennsylvania, as the "Randall D. Shughart Post Office Building".

H.R. 2183. An act to designate the facility of the United States Postal Service located at 567 Tompkins Avenue in Staten Island, New York, as the "Vincent Palladino Post Office".

H.R. 2528. An act making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

H.R. 3853. An act to designate the facility of the United States Postal Service located at 208 South Main Street in Parkdale, Arkansas, as the Willie Vaughn Post Office.

H.R. 4145. An act to direct the Joint Committee on the Library to obtain a statue of Rosa Parks and to place the statue in the United States Capitol in National Statuary Hall, and for other purposes.

Under the authority of the order of January 4, 2005, the enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS) during the adjournment of the Senate, on November 22, 2005.

ENROLLED BILL SIGNED

Under authority of the order of the Senate of January 4, 2005, the Secretary of the Senate, on November 28, 2005, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. WOLF) has signed the following enrolled bill:

H.R. 3058. An act making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

Under the authority of the order of January 4, 2005, the enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS) during the adjournment of the Senate, on November 28, 2005.

Under authority of the order of the Senate of January 4, 2005, the Secretary of the Senate, on December 7, 2005, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has agreed to the following bills, without amendment:

S. 52. An act to direct the Secretary of the Interior to convey a parcel of real property to Beaver County, Utah.

S. 136. An act to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist certain local school districts in the State of California in providing educational services for students attending schools located within Yosemite National Park, to authorize the Secretary of the Interior to adjust the boundaries of the Golden Gate National Recreation Area, to adjust the boundaries of Redwood National Park, and for other purposes.

S. 212. An act to amend the Valles Caldera Preservation Act to improve the preservation of the Valles Caldera, and for other purposes.

S. 279. An act to amend the Act of June 7, 1924, to provide for the exercise of criminal jurisdiction.

S. 1886. An act to authorize the transfer of naval vessels to certain foreign recipients.

ENROLLED BILLS SIGNED

Under authority of the order of the Senate of January 4, 2005, the Secretary of the Senate, on December 8, 2005, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

S. 52. An act to direct the Secretary of the Interior to convey a parcel of real property to Beaver County, Utah.

S. 136. An act to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist certain local school districts in the State of California in providing educational services for students attending schools located within Yosemite National Park, to authorize the Secretary of the Interior to adjust the boundaries of the Golden Gate National Recreation Area, to adjust the boundaries of Redwood National Park, and for other purposes.

S. 212. An act to amend the Valles Caldera Preservation Act to improve the preservation of the Valles Caldera, and for other purposes.

S. 279. An act to amend the Act of June 7, 1924, to provide for the exercise of criminal jurisdiction.

S. 1886. An act to authorize the transfer of naval vessels to certain foreign recipients.

MESSAGE FROM THE HOUSE

At 2:02 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House insist upon its amendment to the bill (S. 1281) to authorize appropriations for the National Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, and for other purposes, for fiscal years 2006, 2007, 2008, 2009, and 2010, and ask a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints the following members as the managers of the conference on the part of the House:

From the Committee on Science, for consideration of the Senate bill and the House amendment, and modifications committed to conference: Mr. BOEHLERT, Mr. CALVERT, Mr. HALL, Mr. SMITH of Texas, Mr. GORDON, Mr. UDALL of Colorado, and Mr. HONDA: Provided, that Ms. JACKSON-LEE of Texas is appointed in lieu of Mr. HONDA for consideration of sections 111 and 615 of the House amendment, and modifications committed to conference.

From the Committee on Government Reform, for consideration of sections 153 and 606 of the Senate bill, and section 703 of the House amendment, and modifications committed to conference: Mr. TOM DAVIS of Virginia, Mr. TURNER, and Mr. WAXMAN.

For consideration of the Senate bill and House amendment, and modifications committed to conference: Mr. DELAY.

The message also announced that the House insist upon its amendment to the bill (S. 467) to extend the applicability of the Terrorism Risk Insurance Act of 2002, and ask a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints the following members as the managers of the conference on the part of the House:

From the Committee on Financial Services, for consideration of the Senate bill and the House amendment, and modifications committed to conference: Mr. OXLEY, Mr. BAKER, Ms. PRYCE of Ohio, Mrs. KELLY, Mr. KANJORSKI, Mr. CAPUANO, and Mr. CROWLEY: Provided, that Mr. ISRAEL is appointed in lieu of Mr. CAPUANO for consideration of sections 4, 5, and 7 of the Senate bill, and sections 103 and 105 of the House amendment, and modifications committed to conference.

From the Committee on the Judiciary, for consideration of sections 2 and 6 of the Senate bill and modifications committed to conference: Mr. SENSENBRENNER, Mr. GOODLATTE, and Mr. CONYERS.

For consideration of the Senate bill and the House amendment, and modifications committed to conference: Mr. SESSIONS.

The message further announced that the House disagree to the amendment of the Senate to the bill (H.R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes, and agree to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following members as the managers of the conference on the part of the House: Mr. REGULA, Mr. ISTOOK, Mr. WICKER, Mrs. NORTHUP, Ms. GRANGER, Mr. PETERSON of Pennsylvania, Mr. SHERWOOD, Mr. WELDON of Florida, Mr. WALSH, Mr. LEWIS of California, Mr. OBEY, Mr. HOYER, Mrs. LOWEY, Ms. DELAURO, Mr. JACKSON of Illinois, Mr. KENNEDY of Rhode Island, and Ms. ROYBAL-ALLARD.

The message also announced that the House agree to the amendments of the Senate to the bill (H.R. 4133) to temporarily increase the borrowing authority of the Federal Emergency Management Agency for carrying out the national flood insurance program.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 327. An act to allow binding arbitration clauses to be included in all contracts affecting land within the Gila River Indian Community Reservation.

H.R. 585. An act to require Federal land managers to support, and to communicate, coordinate, and cooperate with, designated gateway communities, to improve the ability of gateway communities to participate in Federal land management planning conducted by the Forest Service and agencies of the Department of the Interior, and to respond to the impacts of the public use of the Federal lands administered by these agencies, and for other purposes.

H.R. 1129. An act to authorize the exchange of certain land in the State of Colorado.

H.R. 1400. An act to amend title 18, United States Code, to provide penalties for aiming laser pointers at airplanes, and for other purposes.

H.R. 1721. An act to amend the Federal Water Pollution Control Act to reauthorize programs to improve the quality of coastal recreation waters, and for other purposes.

H.R. 2017. An act to amend the Torture Victims Relief Act of 1998 to authorize appropriations to provide assistance for domestic and foreign programs and centers for the treatment of victims of torture, and for other purposes.

H.R. 3269. An act to amend the International Organizations Immunities Act to provide for the applicability of that Act to the Bank for International Settlements.

H.R. 3812. An act to authorize the Secretary of the Interior to prepare a feasibility study with respect to the Mokelumne River, and for other purposes.

H.R. 3963. An act to amend the Federal Water Pollution Control Act to extend the authorization of appropriations for Long Island Sound.

H.R. 4096. An act to amend the Internal Revenue Code of 1986 to extend to 2006 the alternative minimum tax relief available in 2005 and to index such relief for inflation.

H.R. 4195. An act to authorize early repayment of obligations to the Bureau of Reclamation within Rogue River Valley Irrigation District or within Medford Irrigation District.

H.R. 4297. An act to provide for reconciliation pursuant to section 201(b) of the concurrent resolution on the budget for fiscal year 2006.

H.R. 4311. An act to amend section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App.).

H.R. 4324. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the predisaster mitigation program, and for other purposes.

H.R. 4340. An act to implement the United States-Bahrain Free Trade Agreement.

H.R. 4388. An act to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

H.R. 4440. An act to amend the Internal Revenue Code of 1986 to provide tax benefits for the Gulf Opportunity Zone and certain areas affected by Hurricanes Rita and Wilma, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 196. Concurrent resolution honoring the pilots of United States commercial air carriers who volunteer to participate in the Federal flight deck officer program.

H. Con. Res. 273. Concurrent resolution recognizing the 50th anniversary of the Montgomery bus boycott.

H. Con. Res. 280. Concurrent resolution mourning the horrific loss of life caused by the floods and mudslides that occurred in October 2005 in Central America and Mexico and expressing the sense of Congress that the United States should do everything possible to assist the affected people and communities.

The message further announced that the House has agreed to the resolution (H. Res. 581) that Karen L. Haas, a citizen of the State of Maryland, has been elected Clerk of the House of Representatives of the One Hundred Ninth Congress.

The message also announced that pursuant to 10 U.S.C. 9355(a), amended by Public Law 108–375, and the order of the House of January 4, 2005, the Speaker appoints the following Member of the House of Representatives to the Board of Visitors to the United States Air Force Academy: Mr. HEFLEY of Colorado.

Ordered further, that pursuant to 10 U.S.C. 9355(a), amended by Public Law 108–375, and the order of the House of January 4, 2005, the Speaker appoints the following member on the part of the House of Representatives to the Board of Visitors to the United States Air Force Academy: Mr. Hansford T. Johnson of Virginia.

ENROLLED BILLS SIGNED

The following enrolled bills, previously signed by the Speaker of the House, were signed on today, December 12, 2005, by the President pro tempore (Mr. STEVENS):

S. 52. All act to direct the Secretary of the Interior to convey a parcel of real property to Beaver County, Utah.

S. 136. An act to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist certain local school districts in the State of California in providing educational services for students attending schools located within Yosemite National Park, to authorize the Secretary of the Interior to adjust the boundaries of the Golden Gate National Recreation Area, to adjust the boundaries of Redwood National Park, and for other purposes

S. 212. An act to amend the Valles Caldera Preservation Act to improve the preservation of the Valles Caldera, and for other purposes.

S. 279. An act to amend the Act of June 7, 1924, to provide for the exercise of criminal jurisdiction.

S. 1886. An act to authorize the transfer of naval vessels to certain foreign recipients.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 585. An act to require Federal land managers to support, and to communicate, coordinate, and cooperate with, designated gateway communities, to improve the ability of gateway communities to participate in Federal land management planning conducted by the Forest Service and agencies of the Department of the Interior, and to respond to the impacts of the public use of the Federal lands administered by these agencies, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1129. An act to authorize the exchange of certain land in the State of Colorado; to the Committee on Energy and Natural Resources.

H.R. 1721. An act to amend the Federal Water Pollution Control Act to reauthorize programs to improve the quality of coastal recreation waters, and for other purposes; to the Committee on Environment and Public Works.

H.R. 3269. An act to amend the International Organizations Immunities Act to provide for the applicability of that Act to the Bank for International Settlements; to the Committee on Foreign Relations.

H.R. 3812. An act to authorize the Secretary of the Interior to prepare a feasibility study with respect to the Mokelumne River and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4195. An act to authorize early repayment of obligations to the Bureau of Reclamation within Rogue River Valley Irrigation District or within Medford Irrigation District; to the Committee on Energy and Natural Resources.

H.R. 4324. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the predisaster mitigation program, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 196. Concurrent resolution honoring the pilots of United States commercial air carriers who volunteer to participate in the Federal flight deck officer program; to the Committee on Commerce, Science, and Transportation.

H. Con. Res. 273. Concurrent resolution recognizing the 50th anniversary of the Montgomery bus boycott; to the Committee on the Judiciary.

H. Con. Res. 280. Concurrent resolution mourning the horrific loss of life caused by the floods and mudslides that occurred in October 2005 in Central America and Mexico and expressing the sense of Congress that the United States should do everything possible to assist the affected people and communities; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 4340. An act to implement the United States-Bahrain Free Trade Agreement.

H.R. 4297. An act to provide for reconciliation pursuant to section 201(b) of the concurrent resolution on the budget for fiscal year 2006.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 4096. An act to amend the Internal Revenue Code of 1986 to extend to 2006 the alternative minimum tax relief available in 2005 and to index such relief for inflation.

H.R. 4388. An act to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

H.R. 4440. An act to amend the Internal Revenue Code of 1986 to provide tax benefits for the Gulf Opportunity Zone and certain areas affected by Hurricanes Rita and Wilma, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, December 12, 2005, she had presented to the President of the United States the following enrolled bills:

S. 52. An act to direct the Secretary of the Interior to convey a parcel of real property to Beaver County, Utah.

S. 136. An act to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist certain local school districts in the State of California in providing educational services for students attending schools located within Yosemite National Park, to authorize the Secretary of the Interior to adjust the boundaries of the Golden Gate National Recreation Area, to adjust the boundaries of Redwood National Park, and for other purposes.

S. 212. An act to amend the Valles Caldera Preservation Act to improve the preservation of the Valles Caldera, and for other purposes.

S. 279. An act to amend the Act of June 7, 1924, to provide for the exercise of criminal jurisdiction.

S. 1886. An act to authorize the transfer of naval vessels to certain foreign recipients.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4761. A message from the President of the United States, transmitting, pursuant to law, an Executive Order that amends Executive Order 13288 of March 6, 2003, relative to blocking property of additional persons undermining democratic processes or institutions in Zimbabwe; to the Committee on Banking, Housing and Urban Affairs.

EC–4762. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Assessment of Fees" (RIN1557–AC96) received on November 28, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–4763. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "One-Year Post-Employment Restrictions for Senior Examiners" (RIN1557–AC94) received on November 28, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–4764. A communication from the Counsel for Legislation and Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Public Housing Operating Fund Program; Correction to Formula Implementation Date" ((RIN2577–AC51)(FR-4874-C-09)) received on November 28, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–4765. A communication from the Assistant to the Board, Legal Division, Federal Reserve Board of Governors, transmitting, pursuant to law, the report of a rule entitled "One-Year Post-Employment Restrictions for Senior Examiners" (Docket No. R–1230) received on November 28, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–4766. A communication from the Assistant to the Board, Legal Division, Federal Reserve Board, transmitting, pursuant to law, the report of a rule entitled "Amendments to Regulations J and CC to Address Remotely Created Checks" (Docket No. R–1226) received on November 28, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-4767. A communication from the Assistant to the Board, Legal Division, Federal Reserve Board of Governors, transmitting, pursuant to law, the report of a rule entitled "Fair Credit Reporting Medical Information Regulations" (Docket No. R-1188) received on November 28, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-4768. A communication from the Director, Regulations Management, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Patients' Rights" (RIN2900-AL66) received on November 28, 2005; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

Under the authority of the order of the Senate of November 18, 2005, the following reports of committees were submitted on December 8, 2005:

By Mr. INHOFE, from the Committee on Environment and Public Works, without amendment:

S. 158. A bill to establish the Long Island Sound Stewardship Initiative (Rept. No. 109-185).

By Mr. INHOFE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 1400. A bill to amend the Federal Water Pollution Control Act and the Safe Drinking Water Act to improve water and wastewater infrastructure in the United States (Rept. No. 109-186).

By Mr. INHOFE, from the Committee on Environment and Public Works, with amendments:

S. 1496. A bill to direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps (Rept. No. 109-187).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment:

S. 310. A bill to direct the Secretary of the Interior to convey the Newlands Project Headquarters and Maintenance Yard Facility to the Truckee-Carson Irrigation District in the State of Nevada (Rept. No. 109-188).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment:

S. 435. A bill to amend the Wild and Scenic Rivers Act to designate a segment of the Farmington River and Salmon Brook in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes (Rept. No. 109-189).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment:

S. 648. A bill to amend the Reclamation States Emergency Drought Relief Act of 1991 to extend the authority for drought assistance (Rept. No. 109-190).

By Mr. INHOFE, from the Committee on Environment and Public Works, with amendments:

S. 1165. A bill to provide for the expansion of the James Campbell National Wildlife Refuge, Honolulu County, Hawaii (Rept. No. 109-191).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment:

S. 1025. A bill to amend the Act entitled "An Act to provide for the construction of the Cheney division, Wichita Federal reclamation project, Kansas, and for other purposes" to authorize the Equus Beds Division of the Wichita Project (Rept. No. 109-192).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment:

S. 1096. A bill to amend the Wild and Scenic Rivers Act to designate portions of the Musconetcong River in the State of New Jersey as a component of the National Wild and Scenic Rivers System, and for other purposes (Rept. No. 109-193).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with amendments and an amendment to the title:

S. 1310. A bill to authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area (Rept. No. 109-194).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment:

S. 1552. A bill to amend Public Law 97-435 to extend the authorization for the Secretary of the Interior to release certain conditions contained in a patent concerning certain land conveyed by the United States to Eastern Washington University until December 31, 2009 (Rept. No. 109-195).

S. 1578. A bill to reauthorize the Upper Colorado and San Juan River Basin endangered fish recovery implementation programs (Rept. No. 109-196).

S. 1760. A bill to authorize early repayment of obligations to the Bureau of Reclamation within Rogue River Valley Irrigation District or within Medford Irrigation District (Rept. No. 109-197).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1860. A bill to amend the Energy Policy Act of 2005 to improve energy production and reduce energy demand through improved use of reclaimed waters, and for other purposes (Rept. No. 109-198).

By Mr. GRASSLEY, from the Committee on Finance, without amendment:

S. 2027. A bill to implement the United States-Bahrain Free Trade Agreement (Rept. No. 109-199).

By Mr. McCAIN, from the Committee on Indian Affairs, without amendment:

S. 881. A bill to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, and for other purposes (Rept. No. 109-200).

S. 1892. A bill to amend Public Law 107-153 to modify a certain date (Rept. No. 109-201).

By Mr. STEVENS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute and an amendment to the title:

S. 517. A bill to establish a Weather Modification Operations and Research Board, and for other purposes (Rept. No. 109-202).

By Mr. STEVENS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1408. A bill to strengthen data protection and safeguards, require data breach notification, and further prevent identity theft (Rept. No. 109-203).

S. 1753. A bill to establish a unified national hazard alert system, and for other purposes (Rept. No. 109-204).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCAIN, from the Committee on Indian Affairs, with amendments:

S. 731. A bill to recruit and retain more qualified individuals to teach in Tribal Colleges or Universities (Rept. No 109-205).

S. 1003. A bill to amend the Act of December 22, 1974, and for other purposes (Rept. No. 109-206).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. NELSON of Florida:

S. 2080. A bill to amend title XVIII of the Social Security Act to prohibit physicians and other health care practitioners from charging a membership or other incidental fee (or requiring purchase of other items or services) as a prerequisite for the provision of an item or service to a medicare beneficiary; to the Committee on Finance.

By Mr. COLEMAN (for himself, Mr. Dayton, Mr. DeWine, and Mrs. Hutchison):

S. 2081. A bill to improve the safety of all-terrain vehicles in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SUNUNU (for himself, Mr. Leahy, Mr. Craig, Mr. Rockefeller, Ms. Murkowski, Mr. Kennedy, Mr. Levin, Mr. Durbin, Ms. Stabenow, and Mr. Salazar):

S. 2082. A bill to amend the USA PATRIOT Act to extend the sunset of certain provisions of that Act and the lone wolf provision of the Intelligence Reform and Terrorism Prevention Act of 2004 to March 31, 2006; to the Committee on the Judiciary.

By Mrs. CLINTON (for herself and Mr. Schumer):

S. 2083. A bill to prohibit the Assistant Secretary of Homeland Security (Transportation Security Administration) from removing any item from the current list of items prohibited from being carried aboard a passenger aircraft; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST (for himself, Mr. Reid, Mr. Coleman, Mr. Dayton, Mr. Akaka, Mr. Alexander, Mr. Allard, Mr. Allen, Mr. Baucus, Mr. Bayh, Mr. Bennett, Mr. Biden, Mr. Bingaman, Mr. Bond, Mrs. Boxer, Mr. Brownback, Mr. Bunning, Mr. Burns, Mr. Burr, Mr. Byrd, Ms. Cantwell, Mr. Carper, Mr. Chafee, Mr. Chambliss, Mrs. Clinton, Mr. Coburn, Mr. Cochran, Ms. Collins, Mr. Conrad, Mr. Cornyn, Mr. Corzine, Mr. Craig, Mr. Crapo, Mr. DeMint, Mr. DeWine, Mr. Dodd, Mrs. Dole, Mr. Domenici, Mr. Dorgan, Mr. Durbin, Mr. Ensign, Mr. Enzi, Mr. Feingold, Mrs. Feinstein, Mr. Graham, Mr. Grassley, Mr. Gregg, Mr. Hagel, Mr. Harkin, Mr. Hatch, Mrs. Hutchison, Mr. Inhofe, Mr. Inouye, Mr. Isakson, Mr. Jeffords, Mr. Johnson, Mr. Kennedy, Mr. Kerry, Mr. Kohl, Mr. Kyl, Ms.

LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN):

S. Res. 330. A resolution relative to the death of Eugene Joseph McCarthy, former United States Senator for the State of Minnesota; considered and agreed to.

By Mr. NELSON of Florida (for himself and Mr. TALENT):

S. Con. Res. 68. A resolution designating May 20, 2006, as "Negro Leaguers Recognition Day"; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 211

At the request of Mrs. CLINTON, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services, volunteer services, and for other purposes.

S. 333

At the request of Mr. SANTORUM, the names of the Senator from Maine (Ms. SNOWE), the Senator from Idaho (Mr. CRAIG) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 333, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 333, supra.

S. 382

At the request of Mr. REED, his name was added as a cosponsor of S. 382, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

At the request of Mr. ENSIGN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 382, supra.

S. 438

At the request of Mr. ENSIGN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 438, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 548

At the request of Mr. CONRAD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 548, a bill to amend the Food Security Act of 1985 to encourage owners and operators of privately-held farm, ranch, and forest land to voluntarily make their land available for access by the public under programs administered by States and tribal governments.

S. 633

At the request of Mr. JOHNSON, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 738

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. 738, a bill to provide relief for the cotton shirt industry.

S. 863

At the request of Mr. CONRAD, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 863, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centenary of the bestowal of the Nobel Peace Prize on President Theodore Roosevelt, and for other purposes.

S. 877

At the request of Mr. DOMENICI, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 877, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 1086

At the request of Mr. HATCH, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1086, a bill to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

S. 1112

At the request of Mr. GRASSLEY, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

S. 1139

At the request of Mr. SANTORUM, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 1139, a bill to amend the Animal Welfare Act to strengthen the ability of the Secretary of Agriculture to regulate the pet industry.

S. 1196

At the request of Mr. CORZINE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1196, a bill to provide for disclosure of fire safety standards and measures with respect to campus buildings, and for other purposes.

S. 1272

At the request of Mr. NELSON of Nebraska, the names of the Senator from Connecticut (Mr. DODD), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 1272, a bill to amend title 46, United States Code, and title II of the Social Security Act to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 1317

At the request of Mr. HATCH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1317, a bill to provide for the collection and maintenance of cord blood units for the treatment of patients and research, and to amend the Public Health Service Act to authorize the Bone Marrow and Cord Blood Cell Transplantation Program to increase the number of transplants for recipients suitable matched to donors of bone marrow and cord blood.

S. 1353

At the request of Mr. REID, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1353, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1376

At the request of Mr. COCHRAN, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1376, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 1441

At the request of Mr. THOMAS, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1441, a bill to amend the Internal Revenue Code of 1986 to include wireless telecommunications equipment in the definition of qualified technological equipment for purposes of determining the depreciation treatment of such equipment.

S. 1448

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1448, a bill to improve the treatment provided to veterans suffering from post-traumatic stress disorder.

S. 1462

At the request of Mr. BROWNBACK, the name of the Senator from Maine (Ms.

COLLINS) was added as a cosponsor of S. 1462, a bill to promote peace and accountability in Sudan, and for other purposes.

S. 1488

At the request of Mr. VITTER, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1488, a bill to withhold funding from the United Nations if the United Nations abridges the rights provided by the Second Amendment to the Constitution, and for other purposes.

S. 1504

At the request of Mr. ENSIGN, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 1504, a bill to establish a market driven telecommunications marketplace, to eliminate government managed competition of existing communication service, and to provide parity between functionally equivalent services.

S. 1562

At the request of Mr. JOHNSON, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1562, a bill to provide for the merger of the bank and savings association deposit insurance funds, to modernize and improve the safety and fairness of the Federal deposit insurance system, and for other purposes.

S. 1687

At the request of Ms. MIKULSKI, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1687, a bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

S. 1698

At the request of Mr. KERRY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1698, a bill to accelerate efforts to develop vaccines for diseases primarily affecting developing countries and for other purposes.

S. 1779

At the request of Mr. AKAKA, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1779, a bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes.

S. 1881

At the request of Mrs. FEINSTEIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1881, a bill to require the Secretary of the Treasury to mint coins in commemoration of the Old Mint at San Francisco otherwise known as the "Granite Lady", and for other purposes.

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 1881, supra.

S. 1915

At the request of Mr. ENSIGN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1915, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 1930

At the request of Mr. REID, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1930, a bill to expand the research, prevention, and awareness activities of the National Institute of Diabetes and Digestive and Kidney Diseases and the Centers for Disease Control and Prevention with respect to inflammatory bowel disease.

S. 1937

At the request of Mr. NELSON of Florida, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1937, a bill to expand certain preferential trade treatment for Haiti.

S. 1975

At the request of Mr. OBAMA, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Vermont (Mr. LEAHY) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 1975, a bill to prohibit deceptive practices in Federal elections.

S. 1998

At the request of Mr. CONRAD, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1998, a bill to amend title 18, United States Code, to enhance protections relating to the reputation and meaning of the Medal of Honor and other military decorations and awards, and for other purposes.

S. 2010

At the request of Mr. HATCH, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2010, a bill to amend the Social Security Act to enhance the Social Security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. CON. RES. 65

At the request of Mr. OBAMA, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. Con. Res. 65, a concurrent resolution recognizing the benefits and importance of Federally-qualified health centers and their Medicaid prospective payment system.

S. RES. 219

At the request of Mrs. FEINSTEIN, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. Res. 219, a resolution designating March 8, 2006, as "Endangered Species Day", and encouraging the people of the United States to become educated about, and aware of, threats to species, success stories in species recovery, and the opportunity to promote species conservation worldwide.

S. RES. 283

At the request of Mr. ALLEN, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. Res. 283, a resolution recognizing the contributions of Korean Americans to the United States and encouraging the celebration of "Korean American Day".

S. RES. 320

At the request of Mr. ENSIGN, the names of the Senator from Virginia (Mr. ALLEN), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Massachusetts (Mr. KERRY) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. Res. 320, a resolution calling the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide.

AMENDMENT NO. 2579

At the request of Mr. BAYH, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of amendment No. 2579 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 2599

At the request of Mr. CONRAD, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of amendment No. 2599 intended to be proposed to S. 2020, an original bill to provide for reconciliation pursuant to section 202(b) of the concurrent resolution on the budget for fiscal year 2006.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. NELSON of Florida:

S. 2080. A bill to amend title XVIII of the Social Security Act to prohibit physicians and other health care practitioners from charging a membership or other incidental fee (or requiring purchase of other items or services) as a prerequisite for the provision of an item or service to a medicare beneficiary; to the Committee on Finance.

Mr. NELSON of Florida. Mr. President, I rise today to introduce the

Equal Access to Medicare Act of 2005 to combat the growing practice of health care often called "concierge" medicine. As my colleagues may recall I introduced similar legislation in the past two sessions of Congress to deal with the growing problem of doctors shutting down their practices and opening new ones, only accepting those patients willing to pay a membership fee. These fees range from $60 to $15,000 annually. By charging these extraneous and unwarranted dues or requiring patients to purchase non-Medicare covered services, doctors can shrink their practices, maintain a high profit margin, and continue billing Medicare, all on the backs of low and middle-income beneficiaries.

This is a dangerous model that causes significant disparities in the care available to Medicare beneficiaries. A doctor receiving Medicare reimbursement should not be allowed to turn away Medicare beneficiaries who cannot or choose not to pay membership fees or fees for other non-Medicare covered services. My bill simply prevents Medicare from providing payments to doctors who charge their patients membership fees or any other incidental or extraneous fees, or who require the purchase of non-Medicare covered services as a condition for the provision of Medicare covered services.

Since the introduction of this bill in 2001, the practice has been expanding with versions in many States. According to a recent GAO report, the number of physicians practicing concierge medicine has increased by more than 10 times in the past 5 years. As an increasing number of Medicare beneficiaries voice their concerns, it is time for Congress to act. Should this practice proliferate, a doctor shortage for low and middle-income Medicare beneficiaries is likely, exacerbating an already ailing health care marketplace.

I must emphasize that this bill does not interfere with the ability of doctors to limit the size of their practices or to be adequately compensated; it simply applies the same standard private insurance companies apply to their providers—that doctors may not select patients based upon willingness or ability to pay an entrance fee.

I hope my colleagues will join me in helping Medicare keep its promise of accessibility to seniors who have paid a lifetime of "premiums."

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2080

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Equal Access to Medicare Act of 2005".

SEC. 2. PROHIBITION OF INCIDENTAL FEES AND REQUIRED PURCHASE OF NONCOVERED ITEMS OR SERVICES UNDER MEDICARE.

(a) IN GENERAL.—Section 1842 of the Social Security Act (42 U.S.C. 1395u) is amended by adding at the end the following new subsection:

"(u) PROHIBITION OF INCIDENTAL FEES OR REQUIRING PURCHASE OF NONCOVERED ITEMS OR SERVICES.—

"(1) IN GENERAL.—A physician, practitioner (as described in subsection (b)(18)(C)), or other individual may not—

"(A) charge a membership fee or any other incidental fee to a medicare beneficiary (as defined in section 1802(b)(5)(A)); or

"(B) require a medicare beneficiary (as so defined) to purchase a noncovered item or service as a prerequisite for the provision of a covered item or service to the beneficiary under this title.

"(2) CONSTRUCTION.—Nothing in this subsection shall be construed to apply the prohibition under paragraph (1) to a physician, practitioner, or other individual described in such subsection who does not accept any funds under this title.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to membership fees and other charges made, or purchases of items and services required, on or after the date of enactment of this Act.

By Mr. SUNUNU (for himself, Mr. LEAHY, Mr. CRAIG, Mr. ROCKFELLER, Ms. MUKOWSKI, Mr. KENNEDY, Mr. LEVIN, Mr. DURBIN, Ms. STABENOW, and Mr. SALAZAR):

S. 2082. A bill to amend the USA PATRIOT Act to extend the sunset of certain provisions of that Act and the lone wolf provision of the Intelligence Reform and Terrorism Prevention Act of 2004 to March 31, 2006; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, On a September morning 4 years ago nearly 3,000 lives were lost on American soil, and our lives as Americans changed in an instant. In the aftermath of the 9/11 attacks, Congress moved swiftly to pass anti-terrorism legislation. The fires were still smoldering at Ground Zero in New York City when the USA PATRIOT Act became law on October 30, 2001, just 6 weeks after the attacks.

Many of us here in the Senate today worked together in a spirit of bipartisan unity and resolve to craft a bill that we had hoped would make us safer as a nation. Freedom and security are always in tension in our society, and especially so in those somber weeks after the attacks, and we tried our best to strike the right balance.

One of the fruits of that bipartisanship was the PATRIOT Act's sunset provisions. These key provisions set an expiration date of December 31, 2005, on certain government powers that had great potential to affect the civil liberties of the American people. Republican House Majority Leader Dick Armey and I insisted on these sunsets to ensure that Congress would revisit the PATRIOT Act within a few years and consider refinements to protect the rights and liberties of all Americans more effectively, and we prevailed.

Sadly, the Bush administration and the Republican congressional leadership have squandered key opportunities to improve the PATRIOT Act. The House-Senate conference report filed last week by Republican lawmakers falls short of what the American people expect and deserve from us. The bipartisan Senate bill, which the Senate Judiciary Committee and then the Senate adopted unanimously, struck a far better balance.

The reauthorization of the PATRIOT Act must have the confidence of the American people. The Congress should not rush ahead to enact flawed legislation to meet a deadline that is within our power to extend. We owe it to the American people to get this right.

The way forward to a sensible and workable bipartisan bill is clear. Today I am pleased to join with Senator SUNUNU and others to introduce a bill to extend the sunsets on the expiring PATRIOT Act powers until March 31, 2006. Our bill also extends for three months the so-called "lone wolf" FISA surveillance authority, which Congress enacted last year as part the Intelligence Reform and Terrorism Prevention Act.

The deadline that Congress imposed to ensure oversight and accountability should not now become a barrier to achieving bipartisan compromise and the best bill we can forge together. This is a vital debate, and these are vital issues to all Americans. If a brief extension is needed to produce a better bill that will better serve all of our citizens, then by all means, let us give ourselves that time. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2082

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF SUNSET OF CERTAIN PROVISIONS OF THE USA PATRIOT ACT AND THE LONE WOLF PROVISION OF THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

Section 224(a) of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (Public Law 107-56; 115 Stat. 295) is amended by striking "December 31, 2005" and inserting "March 31, 2006".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 330—RELATIVE TO THE DEATH OF EUGENE JOSEPH McCARTHY, FORMER UNITED STATES SENATOR FOR THE STATE OF MINNESOTA

Mr. FRIST (for himself, Mr. REID, Mr. COLEMAN, Mr. DAYTON, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. Lincoln, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 330

Whereas Eugene J. McCarthy devoted many years of his life to teaching in public high schools and other institutions of higher learning in the service of the youth of our Nation;

Whereas Eugene J. McCarthy served in the House of Representatives from 1949 to 1959;

Whereas Eugene J. McCarthy served the people of Minnesota with distinction from 1959 to 1971 in the United States Senate:

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Eugene J. McCarthy, former member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Eugene J. McCarthy.

SENATE CONCURRENT RESOLUTION 68—DESIGNATING MAY 20, 2006, AS "NEGRO LEAGUERS RECOGNITION DAY."

Mr. NELSON of Florida (for himself and Mr. TALENT) submitted the following conconcurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 68

Whereas even though African Americans were excluded from playing in the major leagues of their time with their white counterparts, the desire of many African Americans to play baseball could not be repressed;

Whereas Major League Baseball did not fully integrate its league until July 1959;

Whereas African Americans began organizing their own professional baseball teams in 1885;

Whereas the skills and abilities of Negro League players eventually made Major League Baseball realize the need to integrate the sport;

Whereas six separate baseball leagues, known collectively as the "Negro Baseball Leagues", were organized by African Americans between 1920 and 1960;

Whereas the Negro Baseball Leagues included exceptionally talented players who played the game at its highest level;

Whereas on May 20, 1920, the Negro National League, the first successful Negro League, played its first game;

Whereas Andrew "Rube" Foster, on February 13, 1920, at the Paseo YMCA in Kansas City, Missouri, founded the Negro National League and also managed and played for the Chicago American Giants, and later was inducted into the Baseball Hall of Fame;

Whereas Leroy "Satchel" Paige, who began his long career in the Negro Leagues and did not make his Major League debut until the age of 42, is considered one of the greatest pitchers the game has ever seen, and during his long career thrilled millions of baseball fans with his skill and legendary showboating, and was later inducted into the Baseball Hall of Fame;

Whereas Josh Gibson, who was the greatest slugger of the Negro Leagues, tragically died months before the integration of baseball, and was later inducted into the Baseball Hall of Fame;

Whereas Jackie Robinson, whose career began with the Negro League Kansas City Monarchs, became the first African American to play in the Major Leagues in April 1947, was named Major League Baseball Rookie of the Year in 1947, subsequently led the Brooklyn Dodgers to 6 National League pennants and a World Series championship, and was later inducted into the Baseball Hall of Fame;

Whereas Larry Doby, whose career began with the Negro League Newark Eagles, became the first African American to play in the American League in July 1947, was an All-Star 9 times in Negro League and Major League Baseball, and was later inducted into the Baseball Hall of Fame;

Whereas John Jordan "Buck" O'Neil was a player and manager of the Negro League Kansas City Monarchs, became the first African American coach in the Major Leagues with the Chicago Cubs in 1962, served on the Veterans Committee of the National Baseball Hall of Fame, chairs the Negro Leagues Baseball Museum Board of Directors, and has worked tirelessly to promote the history of the Negro Leagues; and

Whereas by achieving success on the baseball field, African American baseball players helped break down color barriers and integrate African Americans into all aspects of society in the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) designates May 20, 2006, as "Negro Leaguers Recognition Day"; and

(2) recognizes the teams and players of the Negro Baseball Leagues for their achievements, dedication, sacrifices, and contributions to both baseball and our Nation.

Mr. NELSON of Florida. Mr. President, I, along with Senator TALENT, proudly submit a resolution recognizing May 20, 2006 as, "Negro Leaguers Recognition Day."

Since 1885, long before Major League Baseball was integrated in 1947, African Americans were organizing their own professional leagues. These leagues did not succeed because of racial prejudice and lack of adequate financial backing. However, this changed dramatically with the inception of the first successful Negro league. On May 20, 1920, the Negro National League played its first game. Its creation was the result of the efforts of an African American player and manager named Andrew "Rube" Foster. Mr. Foster's success inspired the formation of other leagues.

As a result, on October 3, 1924, the first Negro League World Series game was played between the Kansas City Monarchs of the Negro National League and Hilldale of Philadelphia of the Eastern Colored League. This historic and exhaustive first series lasted ten games, covered a span of almost three weeks, and was played in four different cities. In the end, Kansas City claimed the championship.

But the lasting legacy of the Negro leagues, as the six separate leagues between 1920 and 1960 are collectively known, are the tremendous baseball players they produced. Some of the names we know and some we don't. Among them is Jackie Robinson, the first African American to break the baseball color barrier; Leroy "Satchel" Paige, who was considered one of the greatest pitchers of all time; Josh Gibson, who was a prolific home-run hitter; Larry Doby, the first African American to play in the American League in July 1947; and John Jordan "Buck" O'Neil, who was the first African American coach in the Major Leagues and who is now head of the Negro Leagues Baseball Museum.

It is important that we remember and honor these players. In breaking down the baseball color barrier, these pioneers dealt a blow to hatred and prejudice across America. Today, we can honor them by declaring May 20, 2006 as, "Negro Leaguers Recognition Day."

AUTHORITIES FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Monday, December 12, 2005, at 2:30 p.m. on TSA's New Security Procedures and Changes to the Prohibited Items List.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELATIVE TO THE DEATH OF EUGENE JOSEPH McCARTHY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 330, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 330) relative to the death of Eugene Joseph McCarthy, former U.S. Senator from the State of Minnesota.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 330) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 330

Whereas Eugene J. McCarthy devoted many years of his life to teaching in public high schools and other institutions of higher learning in the service of the youth of our Nation;

Whereas Eugene J. McCarthy served in the House of Representatives from 1949 to 1959;

Whereas Eugene J. McCarthy served the people of Minnesota with distinction from 1959 to 1971 in the United States Senate:

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Eugene J. McCarthy, former member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Eugene J. McCarthy.

COMMEMORATING THE LIFE, ACHIEVEMENTS, AND CONTRIBUTIONS OF ALAN A. REICH

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from and the Senate proceed to the consideration of S. Res. 321.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 321) commemorating the life, achievements, and contributions of Alan A. Reich.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 321) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 321

Whereas Alan Reich devoted his life to civic involvement and efforts to improve the quality of life for individuals with disabilities;

Whereas Alan Reich was born in Pearl River, New York, was a well-respected and beloved member of his family, and served as an inspirational figure in the disability community;

Whereas Alan Reich—

(1) graduated from Dartmouth College in 1952, where he was an all-American track and field athlete;

(2) received a Master's degree in Russian literature from Middlebury College in 1953;

(3) was awarded a diploma in Slavic languages and Eastern European studies from the University of Oxford;

(4) received an M.B.A. from Harvard University in 1959; and

(5) was a brilliant linguist who spoke 5 languages;

Whereas Alan Reich served in the Army from 1953 to 1957 as an infantry officer and Russian language interrogation officer in Germany, and was named as a member of the United States Army Infantry Officer Candidate School Hall of Fame;

Whereas Alan Reich married Gay Forsythe Reich, and shared with her 50 years of marriage and a deep commitment to each other and their three children, James, Jeffery, and Elizabeth;

Whereas from 1960 to 1970, Alan Reich was employed as an executive at Polaroid Corporation when, at age 32, he became a quadriplegic due to a swimming accident, and used a wheelchair as a result of his injury;

Whereas although Alan Reich was told he would not drive or write again, he relearned both skills and returned to work at Polaroid Corporation;

Whereas Alan Reich—

(1) served in the Department of State from 1970 to 1975 as a Deputy Assistant Secretary for Educational and Cultural Affairs;

(2) later served as Director of the Bureau of East-West Trade for the Department of Commerce;

(3) was named the President of the United States Council for the International Year of Disabled Persons in 1978; and

(4) was the first person to address the United Nations General Assembly from a wheelchair when the United Nations opened the International Year of the Disabled in 1981;

Whereas in 1982, Alan Reich transformed the Council for the International Year of Disabled Persons into the National Organization on Disability, an organization that actively seeks on national, State, and local levels full and equal participation for individuals with disabilities in all aspects of life;

Whereas Alan Reich—

(1) founded the Bimillennium Foundation in 1984 to encourage national leaders to set goals aimed at improving the lives of people with disabilities for the year 2000;

(2) served as past Chairman of the People-to-People Committee on Disability; and

(3) worked to advance research in regeneration of the central nervous system as Chairman of the Paralysis Cure Research Foundation and as President of the National Paraplegia Foundation;

Whereas Alan Reich, who used a wheelchair for 43 years, led an effort that raised $1,650,000 to add the statue of Franklin Delano Roosevelt in a wheelchair to the memorial of the former President in Washington, D.C.;

Whereas Alan Reich stated in 2001, "The unveiling is a major national moment, the removal of the shroud of shame that cloaks disability. The statue will become a shrine to people with disabilities, but it will also inspire everyone to overcome obstacles. When you see the memorial that follows the statue, what will be in your mind is that he did all this from a wheelchair.";

Whereas in July 2005, Alan Reich received the George H.W. Bush Medal, an award established to honor outstanding service under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

Whereas Alan Reich is survived by his wife, partner, and best friend, Gay, their 2 sons James and Jeffery, their daughter Elizabeth, and 11 grandchildren; and

Whereas Alan Reich passed away on November 8, 2005, and the contributions he made to his family, his community, and his Nation will not be forgotten: Now, therefore, be it

Resolved, That the Senate—

(1) honors the life, achievements, and contributions of Alan Reich;

(2) extends its deepest sympathies to the family of Alan Reich for their loss of this great and generous man; and

(3) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the family of Alan Reich.

NATIONAL FUND FOR EXCELLENCE IN AMERICAN INDIAN EDUCATION AMENDMENTS ACT OF 2005

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 188, S. 1231.

The PRESIDING OFFICER. The clerk will state the bill by title.

The bill clerk read as follows:

A bill (S. 1231) to amend the Indian Self-Determination and Education Assistance Act to modify provisions relating to the National Fund for Excellence in American Indian Education.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Indian Affairs with an amendment.

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 1231

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[Indian Education Amendments Act of 2005".

[SEC. 2. NATIONAL FUND FOR EXCELLENCE IN AMERICAN INDIAN EDUCATION.

[Section 501 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458bbb) is amended—

[(1) in subsection (g), by striking paragraphs (1) and (2) and inserting the following:

["(1) IN GENERAL.—The officers of the Foundation shall be—

["(A) a chief operating officer, to be appointed in accordance with paragraph (2); and

[“(B) any other officers, to be appointed or elected in accordance with the constitution and bylaws of the Foundation.

[“(2) CHIEF OPERATING OFFICER.—

[“(A) APPOINTMENT.—The Board shall appoint a chief operating officer to the Foundation.

[“(B) REQUIREMENTS.—The chief operating officer of the Foundation shall—

[“(i) demonstrate experience and knowledge in matters relating to—

[“(I) education, in general; and

[“(II) education of Indians, in particular; and

[“(ii) serve at the direction of the Board.”; and

[(2) by adding at the end the following:

[“(o) AUTHORIZATION OF APPROPRIATIONS.—

[“(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2007 through 2009.

[“(2) EFFECT ON OTHER FUNDS.—Funds appropriated under paragraph (1) shall not reduce the amount of funds available for any other program relating to Indian education.”.

[SEC. 3. ADMINISTRATIVE SERVICES AND SUPPORT.

[Section 502 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458bbb–1) is amended—

[(1) in subsection (a), by striking paragraph (2) and inserting the following:

[“(2) may provide funds—

[“(A) to pay the operating costs of the Foundation; and

[“(B) to reimburse travel expenses of a member of the Board under section 501; and”; and

[(2) in subsection (b), by inserting “operating and” before “travel expenses”.]

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Fund for Excellence in American Indian Education Amendments Act of 2005”.

SEC. 2. NATIONAL FUND FOR EXCELLENCE IN AMERICAN INDIAN EDUCATION.

Section 501 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458bbb) is amended—

(1) in subsection (g), by striking paragraphs (1) and (2) and inserting the following:

“(1) IN GENERAL.—The officers of the Foundation shall be—

“(A) a chief operating officer, to be appointed in accordance with paragraph (2); and

“(B) any other officers, to be appointed or elected in accordance with the constitution and bylaws of the Foundation.

“(2) CHIEF OPERATING OFFICER.—

“(A) APPOINTMENT.—The Board shall appoint a chief operating officer to the Foundation.

“(B) REQUIREMENTS.—The chief operating officer of the Foundation shall—

“(i) demonstrate experience and knowledge in matters relating to—

“(I) education, in general; and

“(II) education of Indians, in particular; and

“(ii) serve at the direction of the Board.”;

(2) in subsection (l)(1), by striking “Beginning with” and all that follows through subparagraph (B) and inserting the following: “For each fiscal year following the first fiscal year during which the Foundation is in operation, the administrative costs of the Foundation shall not exceed—

“(A) for the first fiscal year, an amount equal to 20 percent of the sum of—

“(i) the amounts transferred to the Foundation under subsection (m) during the preceding fiscal year; and

“(ii) donations received from private sources during the preceding fiscal year;

“(B) for the second fiscal year, an amount equal to 15 percent of the sum of—

“(i) the amounts transferred to the Foundation under subsection (m) during the preceding fiscal year; and

“(ii) donations received from private sources during the preceding fiscal year; and

“(C) for the third fiscal year, and each fiscal year thereafter, an amount equal to 10 percent of the sum of—

“(i) the amounts transferred to the Foundation under subsection (m) during the preceding fiscal year; and

“(ii) donations received from private sources during the preceding fiscal year.”; and

(3) by adding at the end the following:

“(o) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2007 through 2009.

“(2) EFFECT ON OTHER FUNDS.—Funds appropriated under paragraph (1) shall not reduce the amount of funds available for any other program relating to Indian education.”.

SEC. 3. ADMINISTRATIVE SERVICES AND SUPPORT.

Section 502 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458bbb–1) is amended—

(1) in subsection (a), by striking paragraph (2) and inserting the following:

“(2) may provide funds—

“(A) to pay the operating costs of the Foundation; and

“(B) to reimburse travel expenses of a member of the Board under section 501; and”; and

(2) in subsection (b)—

(A) in the subsection heading, by striking “REIMBURSEMENTT” and inserting “REIMBURSEMENT”; and

(B) by inserting “operating and” before “travel expenses”.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the committee-reported substitute be agreed to; the bill, as amended, be read the third time and passed; the motions to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1231), as amended, was read the third time and passed.

NATIONAL INDIAN GAMING COMMISSION ACCOUNTABILITY ACT OF 2005

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 193, S. 1295.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 1295) to amend the Indian Gaming Regulatory Act to provide for accountability and funding of the National Indian Gaming Commission.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1295) was read the third time and passed, as follows:

S. 1295

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Indian Gaming Commission Accountability Act of 2005”.

SEC. 2. COMMISSION ACCOUNTABILITY AND FUNDING.

(a) POWERS OF THE COMMISSION.—Section 7 of the Indian Gaming Regulatory Act (25 U.S.C. 2706) is amended by adding at the end the following:

“(d) APPLICATION OF GOVERNMENT PERFORMANCE AND RESULTS ACT.—

“(1) IN GENERAL.—In carrying out any action under this Act, the Commission shall be subject to the Government Performance and Results Act of 1993 (Public Law 103–62; 107 Stat. 285).

“(2) PLANS.—In addition to any plan required under the Government Performance and Results Act of 1993 (Public Law 103–62; 107 Stat. 285), the Commission shall submit a plan to provide technical assistance to tribal gaming operations in accordance with that Act.”.

(b) COMMISSION FUNDING.—Section 18(a)(2) of the Indian Gaming Regulatory Act (25 U.S.C. 2717(a)(2)) is amended by striking subparagraph (B) and inserting the following:

“(B) The total amount of all fees imposed during any fiscal year under the schedule established under paragraph (1) shall not exceed 0.080 percent of the gross gaming revenues of all gaming operations subject to regulation under this Act.”.

UNANIMOUS-CONSENT AGREEMENT—H.R. 4340

Mr. McCONNELL. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Democratic leader, the Senate proceed to the immediate consideration of H.R. 4340, the Bahrain Free Trade Agreement. I ask unanimous consent that there be 60 minutes of debate, with 20 minutes under the control of Senator DORGAN and 40 minutes equally divided between the majority and the minority, and that following the use or yielding back of time, the bill be read a third time and the Senate proceed to a vote on passage at a time to be determined by the majority leader in consultation with the Democratic leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2005

Mr. McCONNELL. Mr. President, I ask that the Chair lay before the Senate a House message to accompany S. 1281.

The Chair laid before the Senate a message from the House of Representatives insisting upon its amendment to the bill (S. 1281) entitled "An Act to authorize appropriations for the National Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, and for other purposes, for fiscal years 2006, 2007, 2008, 2009, and 2010", and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate disagree with the House amendment and agree with the request for a conference. I further ask that the Chair be authorized to appoint conferees on the part of the Senate with a ratio of 3 to 2.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Presiding Officer (Mr. SUNUNU) appointed Mr. STEVENS, Mr. LOTT, Mrs. HUTCHISON, Mr. INOUYE, and Mr. NELSON of Florida conferees on the part of the Senate.

MEASURES READ THE FIRST TIME—H.R. 4096, H.R. 4388, and H.R. 4440

Mr. McCONNELL. I understand there are three bills at the desk and I ask for their first reading en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bills by title.

The bill clerk read as follows:

A bill (H.R. 4096) to amend the Internal Revenue Code of 1986 to extend to 2006 the alternative minimum tax relief available in 2005 and to index such relief for inflation.

A bill (H.R. 4388) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

A bill (H.R. 4440) to amend the Internal Revenue Code of 1986 to provide tax benefits for the Gulf Opportunity Zone and certain areas affected by Hurricanes Rita and Wilma, and for other purposes.

Mr. McCONNELL. I ask for second readings and in order to place the bills on the calendar under the provisions of rule XIV, I object to my own request, all en bloc.

The PRESIDING OFFICER. The objection is heard. The measures will be read again on the next legislative day.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 108–109, title VI, section 637, appoints the following individual to serve as a member of the Helping to Enhance the Livelihood of People (HELP) Around the Globe Commission: Jerome F. Climer of Virginia.

ORDERS FOR TUESDAY, DECEMBER 13, 2005

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m. tomorrow, Tuesday, December 13. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. Tomorrow the Senate will debate the Bahrain Free Trade Agreement under the previous order. The Senate will also begin debate on the motions to instruct conferees with respect to the deficit reduction bill. Members are reminded that we will have stacked votes on Wednesday morning and they should plan their schedules accordingly. We have a lot of work to finish this week and we will need the cooperation and patience of all Members to complete our work before Christmas.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. McCONNELL. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the provisions of S. Res. 330 as a further mark of respect to the late Senator McCarthy.

There being no objection, the Senate, at 5:41 p.m., adjourned until Tuesday, December 13, 2005, at 11 a.m.

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, December 12, 2005

Mr. BLUMENAUER. Mr. Speaker, had I been present for the final vote on Thursday, December 8th, 2005, I would have voted as follows:

Rollcall vote No. 622: I would have voted "no" on the motion to table H. Res. 591, Leader PELOSI's Privileged Resolution on the culture of corruption surrounding the Republican's Prescription Drug Bill.

* * *

RECOGNITION OF MS. ANNE LEE AND MR. ALBERT SHIEH FROM ARIZONA

HON. RICK RENZI

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 12, 2005

Mr. RENZI. Mr. Speaker, I am pleased to recognize two of my home State of Arizona's brightest young students, Ms. Anne Lee and Mr. Albert Shieh for their recent achievements at the Nation's premier math, science and technology competition. On Monday, December 5, Ms. Lee and Mr. Shieh were awarded the top prize in the Siemens Westinghouse Competition, where they won the $100,000 first prize in the team category, which they will share equally, for developing new software that more accurately analyzes genetic data that will help give scientists more insight into such inherited diseases as Alzheimer's disease, autism and bipolar disorder. These two students developed this new software while interning at a premiere biomedical research facility in Arizona, the Translational Genomics Research Institute, which is helping young students like Anne and Albert to learn first-hand cutting-edge science and technology.

In addition to the award, the two promising young students were invited to ring the closing bell at the New York Stock Exchange on December 5th. Anne and Albert were also featured in a front-page news story in the Arizona Republic.

All of Arizona joins me in congratulating both Anne and Albert for their remarkable accomplishment. Their success affirms that Arizona will be a leader in training the young scientists who will lead our knowledge-based economy of tomorrow.

Mr. Speaker, I request that the article from the Arizona Republic be included in the RECORD following my remarks.

[From the Arizona Republic]

TGEN WORK WINS VALLEY STUDENTS SCHOLARSHIP CASH

The partnership between TGen and Arizona to make the state a leader in biomedical research paid off Monday. Two Valley students were the first ever from Arizona to win a national Siemens Westinghouse Competition. They shared the mathematics and science team research award in New York and will split the $100,000 scholarship prize.

Anne Lee, 17, a senior at Phoenix Country Day School, and Albert Shieh, 16, a junior at Scottsdale's Chaparral High School, are interns at TGen, formally known as Translational Genomics Research Institute in Phoenix. TGen opened in 2002 as a nonprofit organization with for-profit enterprises and conducts genetic research to try to cure diseases.

The win exemplifies one of the institute's goals of educating Arizona youths in the biosciences and the hope that the students will ultimately return with their knowledge to the Arizona scientific community.

The students improved a TGen computer program that analyzes genetic data to find more information about inherited diseases such as Alzheimer's, autism and bipolar disorder. "I was pretty ecstatic," Shieh said. "I was in shock because I didn't expect to win."

Lee was equally surprised. "They gave us this big check. It was amazing, because all the other projects were really good," Lee said. The TGen internship program is in its second official year.

"Our goal is to make Arizona the best in K-12 bioscience education nationwide," said Dietrich Stephan, director of the neurogenomics division at TGen, "There's a long way to go but this proves we can do it here."

During the summer, Lee and Shieh were a part of the institute's 60 unpaid interns from high school and college. About 10 students continue to work a couple of days a week after school during the school year. It's real life exposure to what it means to be a biomedical researcher, Stephan said.

"The students work side by side with a Ph.D.-level mentor. They're working on real research problems that we have ongoing." TGen is providing Arizona students a venue of excellence that will put them at the top of the field, Stephan said. "They're getting a graduate level education in high school," he said.

Lee's research identified the causes for the neurological disease called Salla disease. This was Lee's second summer as an intern and "she blew the doors off of this," Stephan said. "She figured out the one gene that was broken that causes the disease."

Her work was published in the American Journal of Medical Genetics. "Albert did a similarly impressive job," Stephan said. Shieh was the first author on a paper published in the BMC Genomics journal. He worked on scanning the 3 billion-letter genetic code to find disease-causing mutations.

On Monday, the Arizona teens, along with the top individual winner, Michael Viscardi, 16, of San Diego, got to ring the closing bell at the New York Stock Exchange.

* * *

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, December 13, 2005 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

DECEMBER 14

9 a.m.

Environment and Public Works

To hold hearings to examine the Environmental Protection Agency's spill prevention control and countermeasure program.

SD-406

11 a.m.

Finance

To hold hearings to examine the nominations of Antonio Fratto, of Pennsylvania, to be Assistant Secretary of the Treasury for Public Affairs, David M. Spooner, of Virginia, to be Assistant Secretary of Commerce for Import Administration, Vincent J. Ventimiglia, Jr., of Maryland, to be Assistant Secretary of Health and Human Services for Legislation, Richard T. Crowder, of Virginia, to be Chief Agricultural Negotiator, Office of the United States Trade Representative, with the rank of Ambassador, and Jeffrey Robert Brown, of Illinois, to be a Member of Social Security Advisory Board.

SD-215

DECEMBER 15

Time to be announced

Homeland Security and Governmental Affairs

Business meeting to consider the nominations of George W. Foresman, of Virginia, to be Under Secretary for Preparedness, Department of Homeland Security, and Mary M. Rose, of North Carolina, to be a Member of the Merit Systems Protection Board.

Room to be announced

10 a.m.

Commerce, Science, and Transportation

Business meeting to consider pending calendar business.

SD-106

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Homeland Security and Governmental Affairs
To hold hearings to examine New Orleans levees relating to Hurricane Katrina.
SD-342

2:30 p.m.
Intelligence
Closed business meeting to consider intelligence matters.
SH-219

JANUARY 9

12 noon
Judiciary
To hold hearings to examine the nomination of Samuel A. Alito, Jr., of New Jersey, to be an Associate Justice of the Supreme Court of the United States.
SH-216